

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*  
TUESDAY, NOVEMBER 19, 2019 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Approval of Minutes - Regular Common Council Meeting of November 5, 2019.
- D. Hearings: Public Hearing – 2020 Proposed Budget.
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
  - 1. An Ordinance Adopting the 2020 Annual Budgets for the General, Civic, Celebrations, St. Martins Fair, Donations, Grant, Solid Waste Collection, Sanitary Sewer, Capital Outlay, Equipment Replacement, Street Improvements, Capital Improvement, Debt Service, Development, Utility Development, TID 3, TID 4, TID 5, TID 6, TID 7 and Internal Service Funds and Establishing the Tax Levy and Other Revenue for the City of Franklin and Establishing the Solid Waste Fee.
  - 2. A Resolution Awarding the Sale of \$12,470,000 Taxable General Obligation Corporate Purpose Bonds, Series 2019C.
  - 3. A Resolution Awarding the Sale of \$2,320,000 General Obligation Promissory Notes, Series 2019D.
  - 4. A Resolution Authorizing Certain Officials to Accept a Conservation Easement for and as Part of the Review and Approval of a Special Use Upon Property Located at 11141 West Forest Home Avenue (Star Trucking Real Estate LLC, Applicant).
  - 5. Standards, Findings and Decision of the City of Franklin Common Council Upon the Application of William Bodner, Managing Member of Bodner Property Management, LLC, Applicant, for a Special Exception to Certain Natural Resource Provisions of the City of Franklin Unified Development Ordinance.
  - 6. Review and Consideration of Proposals Received for Quarry Survey Services.
  - 7. von Briesen & Roper, s.c Attorneys Request for Potential Conflict of Interest Informed Consent Waiver with Regard to the Performance of Legal Services for the City Upon Labor Matters, and also for Franklin Mobile, LLC Upon an Application for Approval from the City for a Replacement Bridge at 6361 South 27th Street in the Franklin Estates Mobile Home Park.
  - 8. Pay Plan Structure for Police Department Supervisory Staff.
  - 9. Fire Station Alerting System Update and Authorization to Contract with Starfire Systems for an Installation Specification and Design.
  - 10. Request Common Council Approval to Purchase Motorola APX 8500 Mobile Dual-band Radio and Assorted Equipment Mounts and Brackets for the Fire Department's Recently Purchased Engine 111 Replacement, in the Amount of \$7,793.

## Common Council Meeting Agenda

November 19, 2019

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11. Authorization to Opt Out of a Class Action Settlement Regarding Loestrin and Minastrin Drug Costs to the Self-Insurance Fund.
12. Set a Public Hearing Regarding Proposed Amendments to § 92-9. of the Municipal Code Pertaining to Impact Fees for the Purpose of Exempting Public Schools From Application of Each of the Various Impact Fees, Suspending Automatic Annual Rate Increases for Each of the Various Impact Fee Rates Pending Completion by the Consultant of a Broader Public Facilities Needs Assessment, and Incorporating Necessary Changes to the Wisconsin Statutes § 66.0617 Pertaining to Impact Fee Collections into the Municipal Code.
13. An Ordinance to Amend Ordinance 2018-2345, An Ordinance Adopting the 2019 Annual Budgets for TID 5 to Provide \$3,200,000 of Additional Appropriations for Infrastructure Assistance and a \$4,000,000 Refunding of the 2018A Note Anticipation Note.
14. An Ordinance to Amend Ordinance 2018-2345, an Ordinance Adopting the 2019 Annual Budgets for the Sanitary Sewer Fund to Provide Additional \$15,000 of Appropriations for Software Acquisition.

### H. Bills.

Request for Approval of Vouchers and Payroll.

### I. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of November 19, 2019.

### J. Adjournment.

\*Supporting documentation and details of these agenda items are available at City Hall during normal business hours

[Note Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services For additional information, contact the City Clerk's office at (414) 425-7500 ]

### REMINDERS:

November 21	Plan Commission Meeting	7:00 p.m.
November 28 & 29	City Hall Closed	
December 3	Common Council Meeting	6:30 p.m.
December 5	Plan Commission Meeting	7:00 p.m.
December 17	Common Council Meeting	6:30 p.m.
December 19	Plan Commission Meeting	7:00 p.m.
December 24 & 25	City Hall Closed	

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
NOVEMBER 5, 2019  
MINUTES

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| ROLL CALL  | A. The regular meeting of the Common Council was held on November 5, 2019 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor, Alderman Mike Barber, and Alderman John R. Nelson. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Luberd, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski. |
| CITIZEN COMMENT  | B. Citizen comment period was opened at 6:32 p.m. and closed at 6:44 p.m.  |
| MINUTES<br>OCTOBER 15, 2019  | C. Alderwoman Wilhelm moved to approve the minutes of the regular Common Council meeting of October 15, 2019 as presented at this meeting. Seconded by Alderman Barber. All voted Aye; motion carried.   |
| CONSENT AGENDA   | G.1. Alderman Taylor moved to approve the following consent agenda items:  |
| DISPOSE OF FIRE DEPT.<br>VEHICLE TO AUCTION  | G.1.(a) Approve Fire Department request to dispose of a 2014 Ford Explorer vehicle by sending the vehicle to auction, with proceeds returned to the general fund;  |
| DONATION TO THE FIRE<br>DEPT.  | G.1.(b) Accept \$1,020.25 donation received from the residents of Brenwood Park, to be used toward funding fire prevention activities; and   |
| DONATION TO POLICE<br>DEPT.  | G.1.(c) Accept \$200.00 donation from Rose Spang to the Franklin Police Department to be deposited into the Police Donation Account.   |
|  | Approval of the Consent Agenda items was seconded by Alderman Barber. All voted Aye; motion carried.   |
| CONCEPT REVIEW<br>CHALLENGE TOWER<br>(7005 S. BALLPARK DR.)<br>(ROCK SNOW PARK, LLC,<br>APPLICANT) | G.2. No action was taken on a concept review for a proposed Challenge Tower to be located at The Rock Sports Complex, north of the Umbrella Bar, at approximately 7005 South Ballpark Drive (Rock Snow Park, LLC, Applicant) presented by Rick and Mike Schmitz.   |

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|---|-------|--|
| BALLPARK COMMONS<br>UPDATE  | G.3.  | No action was taken following a project update on Ballpark Commons presented by Ballpark Commons representatives Mike Zimmerman and Greg Marso.  |
| REPLACE/ENHANCE<br>POLICE DEPT. PHONE<br>SYSTEM                                       | G.4.  | Alderman Wilhelm moved to authorize the Director of Administration to execute project documents with SKC Communications and Avaya for an amount not to exceed \$75,000 to replace the Police Department phone system and make the recommended phone system enhancements. Seconded by Alderman Taylor. All voted Aye; motion carried.           |
| REVISED DESCRIPTIONS<br>FOR POLICE OFFICER AND<br>FIREFIGHTER/PARAMEDIC               | G.5.  | Alderman Wilhelm moved to approve the revised job descriptions for Police Patrol Officer and Firefighter/Paramedic. Seconded by Alderman Barber. All voted Aye; motion carried.  |
| ORD. 2019-2396<br>MUN. CODE FIRE<br>PROTECTION CH 133                                 | G.6.  | Alderman Mayer moved to adopt Ordinance No. 2019-2396, AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 133 FIRE PREVENTION, PROTECTION AND CONTROL CODE, OF THE MUNICIPAL CODE OF THE CITY OF FRANKLIN. Seconded by Alderman Taylor. On roll call, all voted Aye; motion carried.  |
| ADDENDUM TO 2019-2022<br>CONTRACT FOR RETAIL<br>FOOD & REC. PROGRAMS<br>FOR THE DATCP | G.7.  | Alderman Taylor moved to authorize proper officials for the City of Franklin to sign the addendum to the 2019-2022 contract to administer the retail food and recreational programs for the Wisconsin Department of Agriculture, Trade and Consumer Protection. Seconded by Alderman Wilhelm. All voted Aye; motion carried.                   |
| 2020 CONSOLIDATED<br>CONTRACT GRANTS FOR<br>SEVERAL PROGRAMS                          | G.8.  | Alderman Wilhelm moved to allow the acceptance of the 2020 Consolidated Contract Grants for the following programs: Childhood Immunizations, Maternal Child Health, Lead, Communicable Disease, Emergency Preparedness and Preventive Health Services. Seconded by Alderman Barber. All voted Aye; motion carried.                             |
| ELECTRIC SERVICE FOR<br>PLEASANT VIEW PARK<br>PAVILION (4901 W.<br>EVERGREEN ST )     | G.9.  | Alderman Wilhelm moved to authorize the signing of We Energies Electric Installation Agreement for the Pleasant View Park Pavilion (4901 W. Evergreen Street) in an amount not to exceed \$7,500 and for staff to prepare any needed changes to address funding from contingency. Seconded by Alderman Dandrea. All voted Aye; motion carried. |
| ORD. 2019-2397<br>AMEND BUDGET  | G.10. | Alderman Wilhelm moved to adopt Ordinance No. 2019-2397, AN ORDINANCE TO AMEND ORDINANCE 2018-2345, AN   |



DEVELOPER GRANT  
FUNDS DELAYED FROM  
2018 FOR TID 3

ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR TID 3 TO APPROPRIATE ADDITIONAL DEVELOPER GRANT FUNDS DELAYED FROM 2018. Seconded by Alderman Barber. On roll call, all voted Aye; motion carried.

RELEASE ESCROW  
DEPOSIT FOR PUBLIC  
IMPROVEMENTS AT 8800  
S. 102ND ST.

- G.11. Alderman Nelson moved to authorize staff to release the escrow deposit for the public improvements at the Wellness Center located at 8800 S. 102nd Street. Seconded by Alderman Dandrea. Alderman Dandrea withdrew his second and Alderman Nelson withdrew his motion.

Alderman Nelson then moved to table the release of the escrow deposit for the public improvements at the Wellness Center located at 8800 S. 102nd Street and refer to staff. Seconded by Alderman Barber. All voted Aye; motion carried.

EDC ANNUAL REPORT

- G.12. Alderman Taylor moved to receive and place on file the Franklin Economic Development Annual Report. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

INFRASTRUCTURE  
DEVELOPMENT FOR  
FRANKLIN CORPORATE  
PARK AND PURCHASE OF  
PUMP STATION  
EQUIPMENT

- G.13. Alderman Taylor moved to direct staff to proceed as if project elements may/may not be escrowed prior to June 21, 2020; and to direct staff to proceed with bidding S. Hickory Lane Utility Corridor Project; and to direct staff to purchase pump station equipment from USEMCO for \$182,816.00. Seconded by Alderman Barber. All voted Aye; motion carried.

W. PUETZ RD. STP GRANT  
APPLICATIONS FOR  
WISDOT 2020-2025 CYCLE

- G.14. Alderman Dandrea moved to place on file the West Puetz Road Surface Transportation Urban Program (STP) Grant Applications for the Wisconsin Department of Transportation (WISDOT) 2020-2025 Program Cycle and wait for the project scorings and rankings. Seconded by Alderman Barber. All voted Aye; motion carried.

EMPLOYEE BENEFIT-  
RELATED INSURANCE  
COVERAGES, CARRIERS

- G.15 Alderman Mayer moved to recommend the following:
1. Sun Life for Stop Loss renewal and for the Life, AD&D, and Long-Term Disability, with increasing the stop loss attachment point from \$70,000 to \$80,000 and adding the aspect of the life insurance that employees can purchase extra coverage at their own cost.
  2. Authorizing VSP Vision Care as an employee-funded, optional vision care benefit with 1 program (VSP Choice) option.
  3. Changing the HDHP benefits by reduction the maximum out-of-pocket from \$6,000/\$12,000 (single/family) to

\$4,500/\$9,000 and reducing the maximum out-of-network from \$12,000/\$24,000 to \$9,000/\$18,000, continuing the employer contribution in 2020 but changing it from \$750/\$1,500 in January to \$750/\$1,500 in January and \$375/\$750 in June, and committing to a 2021 employer contribution of \$375/\$750 in both January and June for new employees or those active employees that enroll in the HDHP in both 2020 and 2021.

4. Continuing with Associated Benefits and Risk Consulting as our broker, provided the increase for 2020 does not exceed 1%.
5. Freezing PPO employee premium share rates at \$160/\$386 (single/family) and HDHP rates at \$96.06/\$232.34 for those that participate in the Health Risk Assessment (HRA), maintaining a 4.5% added employee premium share for those that do not participate in the HRA, and other such related rates as determined by the Director of Finance and Treasurer.
6. Authorizing the Director of Administration to institute and administer a Self-Insurance Fund funded, Sworn Police Officer Mental Health Pilot Program and to modify the employee handbook to incorporate such benefits as he determines is appropriate.
7. Dental premiums for 2020 shall be \$42/single and \$108/family and automatic allowable enrollment into the Sun Life LTD shall not be restricted by the City to current participants.

Seconded by Alderman Barber. All voted Aye; motion carried.

SEPT. 2019 FINANCIAL  
REPORT

- G.16 Alderman Taylor moved to receive and place on file the September 2019 Monthly Financial Report. Seconded by Alderman Barber. All voted Aye; motion carried.

OPT OUT OF FEDERAL  
NEGOTIATION CLASS

- G.17. Alderman Taylor moved to opt out of the Federal Negotiation Class pertaining to National Prescription Opiate Litigation. Seconded by Alderman Barber. All voted Aye; motion carried.

JOHN'S DISPOSAL  
CONTRACT OPTIONS

- G.18. Alderwoman Wilhelm moved to proceed with a contract amendment to provide weekly recycling and automated garbage services with Johns Disposal Services, Inc., subject to receipt, review and approval of the proposed contract by the Common Council. Seconded by Alderman Barber. On roll call, all voted Aye; motion carried.

VOUCHERS AND PAYROLL H.1.

Alderman Barber moved to approve the following:  
City vouchers with an ending date of November 1, 2019 in the amount of \$5,926,490.26; and payroll dated October 25, 2019 in the amount of \$395,574.05 and payments of the various payroll deductions in the amount of \$416,640.62, plus City matching payments; and estimated payroll dated November 8, 2019 in the amount of \$399,000.00 and payments of the various payroll deductions in the amount of \$211,000.00 plus City matching payments; and Property Tax payments with an ending date of October 31, 2019 in the amount of \$4,327.14; and Knight Berry payment in the amount of \$24,904.53; and Ballpark Commons project draws in the amount of \$2,486,342.11; and American Deposit Management investment transfer in the amount of \$1,700,000.00. Seconded by Alderwoman Wilhelm. On roll call, all voted Aye. Motion carried.

LICENSES AND PERMITS I.1.

Alderman Taylor moved to approve the following license recommendations from the License Committee meeting of November 5, 2019:

Grant Class B Beer license in compliance with City Ordinance and approval of inspections to Marcus Cinemas of Wisconsin, LLC, Agent Michael Ridgway, 8910 S 102 St.;

Grant 2019-2020 Operator licenses to Alexandra-Elexis A Frybarger, 10074 W Loomis Rd; Trinity A Hanson, 3842 W Forest Hill Ave; Shantasia L Henderson, 5814 W Coldspring Rd, #109, Greenfield; Katie A McCoy, 6145 S Cory Ave; Cudahy; Lori A Otto, 5967 Oriole Ln, Greendale; Jean M Risacher Cavros, 4620 W Anita Ln.;

Grant People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant for Fleet Reserve Association Branch 14, St. Martins Fair;

Grant People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant for Franklin Civic Celebration 2020 (Operator licenses, Temporary Class B Beer & Wine, Temporary Entertainment & Amusement, Soda & Park Permits); and

Grant People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant to Franklin Park Concerts for Park Permits, Band Shell Fees and Temporary Entertainment & Amusement License for free concerts on 6/28/20, 7/12/20, 7/26/20, 8/09/20, and 8/23/20.

Seconded by Alderman Nelson. All voted Aye; motion carried.

CLOSED SESSION  
TID 6 DEV AGREEMENT,  
STRAUSS INVESTMENTS

- G.19. Alderman Barber moved to enter closed session at 7:53 p.m. pursuant to Wis. Stat. §19.85(1)(e), to deliberate upon the Tax Incremental District No. 6 Mixed-Use Industrial, Commercial, Retail, Single-Family Residential and Open Space Uses Project Development, the Tax Incremental District No. 6 Development Agreement Between the City of Franklin and Loomis and Ryan, Inc., the Acknowledgement of Development Agreement by Strauss Investments, LLC, and the Tax Assessment Agreement (Tax Incremental District No. 6) between the City of Franklin and Strauss Investments, LLC terms and status, the negotiation of provisions and terms and the investing of public funds in relation thereto, for competitive and bargaining reasons, and to reenter open session at the same place therefore to act on such matters therein as it deems appropriate. Seconded by Alderman Dandrea. All voted Aye; motion carried.

The Common Council reentered open session at 8:37 p.m.

CLOSED SESSION  
S/W CORNER OF S. 27TH  
ST. AND W. OAKWOOD  
RD. DEVELOPMENT

- G.20. Alderman Nelson moved to enter closed session at 8:38 p.m. pursuant to Wis. Stat. §19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to potential commercial/industrial/manufacturing development(s) and proposal(s) and the investing of public funds and governmental actions in relation thereto and to effect such development(s), including the terms and provisions of potential development agreement(s) for the development of +/- 73 acres propert(ies) at the Southwest corner of South 27th Street and West Oakwood Road, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Dandrea. All voted Aye; motion carried.

The Common Council reentered open session at 9:26 p.m.

CLOSED SESSION  
TKN: 979-9997-000  
W. ELM ROAD  
DEVELOPMENT

- G.21. Alderman Nelson moved to enter closed session at 9:27 p.m. pursuant to Wis. Stat. §19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to potential development and proposal and the investing of public funds and governmental actions in relation thereto and to effect such development, including the terms and provisions of a potential development agreement for the development of property located on the south side of West Elm Road in approximately 3500 block area where West Elm Road to be extended to the west, consisting of approximately 79.79 acres bearing Tax Key

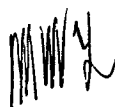
No. 979-9997-000, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Dandrea. All voted Aye; motion carried.

The Common Council reentered open session at 9:49 p.m.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 9:50 p.m. Seconded by Alderman Nelson. All voted Aye; motion carried.

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<b>APPROVAL</b> <i>slw</i> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>11/19/2019</b>
<b>PUBLIC HEARING</b>	<b>Public Hearing – 2020 Proposed Budget</b>	<b>ITEM NUMBER</b> <i>D.</i>
<p>The Common Council scheduled a Public Hearing on the 2020 Proposed Budget for Tuesday, November 19, 2019. The Public Hearing was duly noticed in accordance with the law. Attached is a copy of the notice that comprises the Summary of the 2020 Proposed Budget and reflects the actions as taken by the Committee of the Whole at their meeting of September 30, 2019.</p> <p>The Director of Administration will present an overview of the 2020 Proposed Budget.</p> <p><b>COUNCIL ACTION REQUESTED</b></p> <p>This item is to hold a Public Hearing on the 2020 Proposed Budget.</p>		

City of Franklin, WI  
General Fund Fund 01  
The Common Council of the City of Franklin, Wisconsin, will hold a public hearing on Tuesday, November 19, 2019 at 6:30 pm or as soon thereafter as the matter may be heard, in the Franklin City Hall Common Council Chambers, 9229 West Loomis Road, Franklin, Wisconsin, for the purpose of hearing any citizen or taxpayer on the proposed 2020 City Budget. Summary of the proposed budget is published herewith, and a copy of the complete proposed budget will be available for public inspection at the Office of the City Clerk, Franklin City Hall, Monday-Friday from 8:30 am to 5:00 pm (holidays excepted), at the Franklin Public Library, 9151 W Loomis Rd Franklin, Wisconsin following the date of this notice, and on the City of Franklin website [www.franklinwi.gov](http://www.franklinwi.gov).  
Dated at Franklin, Wisconsin this 23rd day of October, 2019  
Sandra Wesolowski City Clerk

2020 PROPOSED	2018 Activity	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	2019 YTF JUNE	2020 PROPOSED	FAV (-UNF) PRIOR ADOPTED PCT
<b>REVENUES</b>						
REAL ESTATE TAXES	16,887,688	18,130,675	15,736,507	19,005,700	19,005,700	4.8%
REVENUE OTHER TAXES	724,051	695,800	695,800	207,589	685,900	1.4%
TRANSFERS IN	1,011,392	1,109,250	1,139,875	614,125	1,050,000	-5.3%
INTERGOVERNMENTAL	2,317,488	1,736,127	1,736,127	430,743	1,746,400	0.6%
LICENSES & PERMITS	1,166,158	1,041,490	1,041,490	600,589	903,200	13.3%
FINES, FORFEITURES AND PENALTIES	475,840	546,000	546,000	223,243	546,000	0.0%
CHARGES FOR SERVICES	2,405,405	2,056,950	2,056,950	1,172,583	2,527,300	22.9%
INTERGOVERNMENTAL CHARGES	192,542	207,500	207,500	122,013	182,000	12.3%
INTEREST & INV INCOME	241,397	265,000	265,000	352,131	343,580	29.7%
MISCELLANEOUS	244,135	159,650	159,650	120,853	139,250	12.8%
<b>Total Revenues</b>	<b>25,666,096</b>	<b>25,948,442</b>	<b>25,979,067</b>	<b>19,580,376</b>	<b>27,129,330</b>	<b>4.6%</b>
<b>GENERAL GOVERNMENT TOTAL</b>	<b>2,943,282</b>	<b>3,284,168</b>	<b>3,261,916</b>	<b>1,571,740</b>	<b>3,392,982</b>	<b>3.3%</b>
<b>PUBLIC SAFETY TOTAL</b>	<b>17,077,280</b>	<b>17,784,187</b>	<b>17,771,999</b>	<b>8,653,500</b>	<b>18,446,978</b>	<b>3.7%</b>
<b>PUBLIC WORKS TOTAL</b>	<b>3,388,371</b>	<b>3,571,132</b>	<b>3,701,738</b>	<b>1,855,706</b>	<b>4,151,677</b>	<b>16.3%</b>
<b>HEALTH &amp; HUMAN SERVICES TOTAL</b>	<b>670,134</b>	<b>750,797</b>	<b>740,862</b>	<b>283,013</b>	<b>737,635</b>	<b>1.8%</b>
<b>CULTURE &amp; RECREATION TOTAL</b>	<b>240,915</b>	<b>182,702</b>	<b>184,243</b>	<b>80,576</b>	<b>210,448</b>	<b>15.2%</b>
<b>CONSERVATION &amp; DEVELOPMENT TOTAL</b>	<b>512,158</b>	<b>640,776</b>	<b>738,514</b>	<b>304,449</b>	<b>619,400</b>	<b>-3.3%</b>
<b>TRANSFERS OUT TOTAL</b>	<b>84,000</b>	<b>274,000</b>	<b>282,100</b>	<b>8,100</b>	<b>524,000</b>	<b>91.2%</b>
<b>CONTINGENCY</b>	<b>1,200</b>	<b>1,610,680</b>	<b>1,486,360</b>	<b>12,000</b>	<b>1,145,000</b>	<b>-28.9%</b>
<b>TOTAL EXPENDITURES</b>	<b>24,917,340</b>	<b>28,098,442</b>	<b>28,167,732</b>	<b>12,769,084</b>	<b>29,228,120</b>	<b>4.0%</b>
<b>NET REVENUES (EXPENDITURES)</b>	<b>748,756</b>	<b>(2,150,000)</b>	<b>(2,188,665)</b>	<b>6,811,292</b>	<b>(2,098,790)</b>	<b>-2.4%</b>
<b>BEGINNING FUND BALANCE</b>	<b>6,587,465</b>	<b>7,336,221</b>	<b>7,336,221</b>	<b>7,336,221</b>	<b>7,928,519</b>	
<b>ENDING FUND BALANCE</b>	<b>7,336,221</b>	<b>5,186,221</b>	<b>5,147,556</b>	<b>14,147,513</b>	<b>5,829,729</b>	
<b>Total Tax Levy</b>						
General Fund	16,887,688	18,130,675	18,130,675	15,736,507	19,005,700	4.8%
Library Fund	1,303,200	1,312,700	1,312,700	1,312,700	1,340,500	2.1%
Capital Funds	1,515,200	646,000	646,000	646,000	295,700	-54.2%
Debt Service Fund	1,300,000	1,300,000	1,300,000	1,300,000	1,100,000	15.4%
<b>Total Tax Levy</b>	<b>21,006,088</b>	<b>21,389,375</b>	<b>21,389,375</b>	<b>18,995,207</b>	<b>21,741,900</b>	<b>1.6%</b>
<b>Total Revenues all Governmental Funds</b>	<b>39,631,134</b>	<b>39,196,923</b>	<b>39,382,348</b>	<b>29,205,950</b>	<b>42,868,760</b>	
<b>Total Expenditures All Governmental Funds</b>	<b>52,728,124</b>	<b>76,751,624</b>	<b>96,170,071</b>	<b>34,952,929</b>	<b>59,783,300</b>	
<b>Equalized Value</b>	<b>3,888,926,200</b>	<b>4,022,941,400</b>			<b>4,360,269,000</b>	<b>8.4%</b>
<b>Total Tax Incremental District Values</b>	<b>110,854,000</b>	<b>98,874,000</b>			<b>148,270,200</b>	<b>50.0%</b>
<b>Equalized Value TID Out</b>	<b>3,778,072,200</b>	<b>3,924,067,400</b>			<b>4,211,998,800</b>	<b>7.3%</b>
<b>Equalized Tax Rate per \$000 of Value City</b>	<b>5.5657620</b>	<b>5.4508174</b>			<b>5.1618961</b>	<b>-5.3%</b>

City of Franklin, WI  
Debt Service Funds 31 & 51  
The Common Council of the City of Franklin, Wisconsin, will hold a public hearing on Tuesday November 19 2019 at 6:30 pm, or as soon thereafter as the matter may be heard, in the Franklin City Hall Common Council Chambers, 9229 West Loomis Road Franklin, Wisconsin, for the purpose of hearing any citizen or taxpayer on the proposed 2020 City Budget. Summary of the proposed budget is published herewith and a copy of the complete proposed budget will be available for public inspection at the Office of the City Clerk, Franklin City Hall, Monday-Friday from 8:30 am to 5:00 pm (holidays excepted), at the Franklin Public Library, 9151 W Loomis Rd Franklin, Wisconsin following the date of this notice, and on the City of Franklin website [www.franklinwi.gov](http://www.franklinwi.gov).  
Dated at Franklin, Wisconsin, this 23rd day of October, 2019  
Sandra Wesolowski City Clerk

2020 PROPOSED	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	2019 YTF JUNE	2020 PROPOSED	FAV (-UNF) PRIOR ADOPTED PCT.
<b>REVENUES</b>						
REAL ESTATE TAXES	1,300,000	1,300,000	1,300,000	1,300,000	1,100,000	15.4%
INTEREST & INV INCOME	3,958	7,643				
<b>Total Revenues</b>	<b>1,303,958</b>	<b>1,300,000</b>	<b>1,300,000</b>	<b>1,307,643</b>	<b>1,100,000</b>	<b>15.38%</b>
<b>PRINCIPAL</b>	<b>1,330,000</b>	<b>1,405,000</b>	<b>1,405,000</b>	<b>1,405,000</b>	<b>1,387,500</b>	<b>1.2%</b>
<b>INTEREST</b>	<b>148,898</b>	<b>135,188</b>	<b>135,188</b>	<b>75,056</b>	<b>200,272</b>	<b>48.1%</b>
<b>Total Expenditures</b>	<b>1,478,898</b>	<b>1,540,188</b>	<b>1,540,188</b>	<b>1,480,056</b>	<b>1,587,772</b>	<b>3.1%</b>
<b>Excess Revenue (Expenditures)</b>	<b>(174,940)</b>	<b>(240,188)</b>	<b>(240,188)</b>	<b>(172,413)</b>	<b>(487,772)</b>	
<b>Transfers In</b>	<b>392,254</b>	<b>240,188</b>	<b>240,188</b>	<b>323,419</b>	<b>487,772</b>	<b>103.1%</b>
<b>Total Other Financing</b>	<b>392,254</b>	<b>240,188</b>	<b>240,188</b>	<b>323,419</b>	<b>487,772</b>	<b>103.1%</b>
<b>Net Change in Fund Balance</b>	<b>217,314</b>	<b>0</b>	<b>0</b>	<b>151,006</b>	<b>0</b>	
<b>Beginning Fund Balance</b>	<b>51,071</b>	<b>268,385</b>	<b>268,385</b>	<b>268,385</b>	<b>274,966</b>	
<b>Ending Fund Balance</b>	<b>268,385</b>	<b>268,385</b>	<b>268,385</b>	<b>419,391</b>	<b>274,966</b>	
<b>Special Assessments Fund 51</b>						
REVENUE OTHER TAXES	75,993			5,729	65,000	
INTEREST & INV INCOME	14,390			14,207	12,000	
<b>Total Revenues</b>	<b>90,383</b>	<b>0</b>	<b>0</b>	<b>19,936</b>	<b>77,000</b>	
<b>Total Expenditures</b>						
<b>Excess Revenue (Expenditures)</b>	<b>90,383</b>	<b>0</b>	<b>0</b>	<b>19,936</b>	<b>77,000</b>	
<b>Transfers In</b>					<b>(34,090)</b>	
<b>Transfers Out</b>	<b>(60,000)</b>				<b>(600,000)</b>	
<b>Total Other Financing</b>	<b>(60,000)</b>				<b>(634,090)</b>	
<b>Net Change in Fund Balance</b>	<b>30,383</b>			<b>19,936</b>	<b>(557,090)</b>	
<b>Beginning Fund Balance</b>	<b>683,951</b>	<b>714,334</b>	<b>714,334</b>	<b>714,334</b>	<b>804,334</b>	
<b>Ending Fund Balance</b>	<b>714,334</b>	<b>714,334</b>	<b>714,334</b>	<b>734,270</b>	<b>247,244</b>	



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2020 PROPOSED	2018 Activity	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	2019 YTF JUNE	2020 PROPOSED	FAV (-UNF) PRIOR ADOPTED PCT.	
TID3 SUMMARY							
REAL ESTATE TAXES	1,361,191	1,180,900	1,890,900	1,114,683	1,409,000		19.3%
INTERGOVERNMENTAL	464,931	479,831	479,831	6,293	507,500		5.8%
INTEREST & INV COME	35,030	25,000	25,000	75,717	25,000		0.0%
MISCELLANEOUS	5						
Total Revenues	1,881,157	1,685,731	1,685,731	1,196,693	1,941,500		15.17%
GENERAL GOVERNMENT TOTAL	141,511	535,950	635,950	96,878	12,550		-97.7%
CONSERVATION & DEVELOPMENT TOTAL		4,166,665	4,166,665	2,791,990	711,705		-82.9%
CAPITAL OUTLAY	1,002		984,324				
PRINCIPAL	985,000				665,000		
INTEREST	15,158	111,500	111,500	89,620	80,265		-28.0%
DEBT ISSUANCE COSTS				16,201			
Total Expenditures	1,142,511	4,814,115	5,898,439	2,994,689	1,469,520		-69.5%
Excess Revenue (Expenditures)	738,646	(3,128,384)	(4,212,708)	(1,797,996)	471,980		
General Obligation Debt Issued		3,500,000	3,500,000	3,001,886			100.0%
Total Other Financing		3,500,000	3,500,000	3,001,886			100.0%
Net Change in Fund Balance	738,646	371,616	(712,708)	1,293,510	471,980		
Beginning Fund Balance	(85,124)	653,522	653,522	652,522	(127,253)		
Ending Fund Balance	653,522	1,025,138	(59,186)	1,947,032	344,727		
TID 4 SUMMARY							
REAL ESTATE TAXES	1,059,413	1,023,600	1,023,600	1,011,224	1,144,700		11.8%
REVENUE OTHER TAXES	132,872	132,800	132,800	121,759	120,000		-9.8%
INTERGOVERNMENTAL	16,195	19,700	19,700	4,827	48,900		148.2%
INTEREST & INV INCOME	56,083	20,000	20,000	76,147	74,000		270.0%
Total Revenues	1,264,563	1,196,100	1,196,100	1,213,957	1,387,600		16.0%
GENERAL GOVERNMENT TOTAL	12,384	39,850	54,850	9,812	7,550		-81.1%
PUBLIC WORKS TOTAL	79,670		107,224	51,110	23,040		
CONSERVATION & DEVELOPMENT TOTAL			10,000		700		
CAPITAL OUTLAY	487,049	8,000,000	8,714,801		11,000,000		37.5%
INTEREST		188,750	188,750				100.0%
DEBT ISSUANCE COSTS					75,000		
Total Expenditures	579,103	8,228,600	9,075,625	60,922	11,108,290		34.97%
Excess Revenue (Expenditures)	685,460	(7,032,500)	(7,879,525)	1,153,035	(9,718,690)		
General Obligation Debt Issued		5,000,000	5,000,000		6,200,000		24.0%
Total Other Financing		5,000,000	5,000,000		6,200,000		24.0%
Net Change in Fund Balance	685,460	(2,032,500)	(2,879,525)	1,163,035	(3,518,690)		
Beginning Fund Balance	2,405,999	3,091,459	3,091,459	3,091,459	4,229,419		
End Fund Balance	3,091,459	1,058,959	211,934	4,244,494	710,729		
TID 5 SUMMARY							
REAL ESTATE TAXES	30,500	31,500	31,500	30,951	756,000		2300.0%
INTEREST & INV INCOME	198,075	25,000	25,000	76,865	1,000		-96.0%
Total Revenues	228,575	56,900	56,900	107,939	769,900		1253.1%
GENERAL GOVERNMENT TOTAL	32,318	15,700	78,150	31,109	18,100		15.3%
PUBLIC WORKS TOTAL	27,855		4,929	18,150	9,500		
CONSERVATION & DEVELOPMENT TOTAL	34,095	4,015,000	4,061,900	20,740	700		100.0%
CAPITAL OUTLAY	14,399,213		4,000,000	4,585,518			
PRINCIPAL		10,000,000	10,000,000	10,000,000			100.0%
INTEREST	227,520	775,810	775,810	428,008	890,763		14.8%
DEBT ISSUANCE COSTS	203,184	100,000	100,000				100.0%
Total Expenditures	14,924,185	14,906,510	19,020,789	15,063,525	919,063		-93.8%
Excess Revenue (Expenditures)	(14,695,610)	(14,849,610)	(18,963,889)	(14,955,586)	(149,163)		
General Obligation Debt Issued	23,480,000	10,000,000	10,000,000	10,600,102			100.0%
Total Other Financing	23,480,000	10,000,000	10,000,000	10,600,102			100.0%
Net Change Fund Balance	8,784,390	(4,849,610)	(8,963,889)	(4,355,484)	(149,163)		
Beginning Fund Balance	(98,875)	8,685,515	8,685,515	8,685,515	376,133		
Ending Fund Balance	8,685,515	3,835,905	(278,374)	4,330,031	226,970		
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2020 PROPOSED	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	2019 YTF JUNE	2020 PROPOSED	FAV (-UNF) PRIOR ADOPTED PCT.	
TID6 SUMMARY							
REVENUES							
INTEREST & INV INCOME			120,800	12,995	25,000		
MISCELLANEOUS			11,500		7,500		
Total Revenues			132,300	12,995	32,500		
GENERAL GOVERNMENT TOTAL			3,750	2,540	10,650		
PUBLIC WORKS TOTAL			29,800		28,040		
CONSERVATION & DEVELOPMENT TOTAL	13,344		1,156		700		

	2020 PROPOSED	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	2019 YTF JUNE	2020 PROPOSED	FAV (-UNF) PRIOR ADOPTED PCT
CAPITAL OUTLAY				9,000,000		3,000,000	
INTEREST				195,375	2,959	281,590	
DEBT ISSUANCE COSTS					109,100	45,000	
Total Expenditures		13,344		9,230,081	114,589	3,365,980	
Excess Revenue (Expenditures)		(13,344)		(9,097,781)	(101,604)	(3,333,480)	
General Obligation Debt Issued				9,837,382	6,638,320	3,250,000	
Total Other Financing				9,837,382	6,638,320	3,250,000	
Net Change in Fund Balance		(13,344)		739,601	6,536,716	(83,480)	
Beginning Fund Balance			(13,344)	(13,344)	(13,344)	626,563	
Ending Fund Balance		(13,344)	(13,344)	726,257	6,523,372	543,083	
TID7 SUMMARY							
INTEREST & INV INCOME					270,000	270,000	
Total Revenues					270,000	270,000	
GENERAL GOVERNMENT TOTAL				2,800	1,982	13,300	
PUBLIC WORKS TOTAL				2,400			
CONSERVATION & DEVELOPMENT TOTAL					5,900	701	
CAPITAL OUTLAY				2,750,000			
INTEREST				3,208		268,549	
DEBT ISSUANCE COSTS				150,000			
Total Expenditures				2,908,408	7,882	282,550	
Excess Revenue (Expenditures)				(2,908,408)	(7,882)	(12,550)	
General Obligation Debt Issued				240,000			
Total Other Financing				240,000			
Net Change in Fund Balance				(2,668,408)	(7,882)	(12,550)	
Beginning Fund Balance	0			0	0	2,970,100	
Ending Fund Balance				(2,668,408)	(7,882)	2,957,550	
All TID's							
REVENUES							
REAL ESTATE TAXES	2,471,104	2,236,000	2,236,000	2,156,858	3,309,700	48.02%	
REVENUE OTHER TAXES	132,872	132,800	132,800	121,759	120,000	-9.64%	
INTERGOVERNMENTAL	481,126	499,931	499,931	11,243	569,300	13.88%	
INTEREST & INV INCOME	289,188	70,000	190,800	241,724	395,000	464.29%	
MISCELLANEOUS	7		11,500		7,500		
Total Revenues	3,374,297	2,938,731	3,071,031	2,531,584	4,401,500	49.78%	
GENERAL GOVERNMENT TOTAL	186,053	591,500	775,500	142,321	62,150	-89.49%	
PUBLIC WORKS TOTAL	107,525		144,353	69260	60,580		
CONSERVATION & DEVELOPMENT TOTAL	47,439	8,181,665	82,397,212	818,630	714,506	-91.27%	
CAPITAL OUTLAY	14,887,264	8,000,000	25,449,125	4,565,518	14,000,000	75.00%	
PRINCIPAL	985,000	10,000,000	10,000,000	10,000,000	665,000	-93.35%	
INTEREST	242,678	1,076,060	1,274,643	520,587	1,521,167	41.36%	
DEBT ISSUANCE COSTS	203,184	100,000	250,000	125,301	120,000	20.00%	
Total Expenditures	16,659,143	27,949,225	46,133,342	18,241,617	17,143,403	-38.66%	
Excess Revenue (Expenditures)	(13,284,846)	(25,010,494)	(43,062,311)	(15,710,033)	(12,741,903)		
Transfers In				89,620			
General Obligation Debt Issued	23,480,000	18,500,000	28,577,382	20,240,308	9,450,000	-48.92%	
Total Other Financing	23,480,000	18,500,000	28,577,382	20,329,928	9,450,000	-48.92%	
Net Change in Fund Balance	10,195,154	(6,510,494)	(14,484,929)	4,619,895	(3,291,903)		
Beginning Fund Balance	2,221,998	12,417,152	12,417,152	12,417,152	8,074,962		
Ending Fund Balance	12,417,152	5,906,658	(2,067,777)	17,037,047	4,783,059		
City of Franklin, WI							
Capital Funds							
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Sandra Wesolowski City Clerk							
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Utility Development Fund 22							
REVENUE OTHER TAXES	250,217	94,600	94,600	158,149	75,000	-20.7%	
INTEREST & INV INCOME	48,944	27,900	27,900	21,048	18,000	-35.5%	
Total Revenues	299,161	122,500	122,500	179,197	93,000	-24.1%	
Transfers Out		(1,000,000)	(1,000,000)		(1,000,000)		
Total Other Financing		(1,000,000)	(1,000,000)		(1,000,000)		
Net Change in Fund Balance	299,161	(877,500)	(877,500)	179,197	(907,000)		
Beginning Fund Balance	1,413,379	1,712,540	1,712,540	1,212,540	2,030,840		
Ending Fund Balance	1,712,540	835,040	835,040	1,391,737	1,123,840		
Development Fund 27 (Impact Fees)							
Impact Fee Parks	869,037	400,000	400,000	169,737	804,000	101.0%	
Impact Fee Sewer	4,889	35,000	35,000	16,230	48,000	37.1%	
Impact Fee Administrative	20,625	7,500	7,500	3,740	15,000	100.0%	
Impact Fee Water	938,441	425,000	425,000	249,013	679,000	59.8%	
Impact Fee Transportation	55,533	25,000	25,000	18,656	22,000	12.0%	
Impact Fee Fire	136,410	50,000	50,000	30,360	133,500	167.0%	
Impact Fee Law Enforcement	250,076	75,000	75,000	56,167	2077	176.9%	
Impact Fee Library	243,988	75,000	75,000	47,511	224,000	198.7%	
REVENUE OTHER TAXES	2,518,799	1,092,500	1,092,500	591,414	2,133,200	95.3%	
INTEREST & INV INCOME	70,663	60,000	60,000	111,700	120,000	100.0%	
Total Revenues	2,589,462	2,245,000	2,245,000	1,294,528	4,386,400	95.4%	
EXPENDITURES							
GENERAL GOVERNMENT TOTAL	1,388	20,000	35,253	4,848	25,000	25.0%	
CAPITAL OUTLAY							
Total Expenditures	1,388	20,000	35,253	4,848	25,000	25.0%	
Excess Revenue (Expenditures)	2,588,074	2,225,000	2,209,747	1,289,680	4,361,400		
Parks	202,039	384,511	384,511		621,500	61.6%	

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Transportation	43,541	73,250	732,560	18,000	71,923	1.8%
Fire	45,226	43,100	43,100	39,333	42,937	-0.4%
Law Enforcement	130,220	205,000	205,000	133,800	205,082	0.0%
Library	113,267	133,100	133,100	132,286	134,000	0.7%
Water	80,085	500,000	500,000		1,025,000	105.0%
Sewer		500,000	500,000		250,000	-50.0%
Total Transfers Out	(614,378)	(1,838,961)	(1,838,961)	(323,419)	(2,350,442)	-27.8%
Total Other Financing	(614,378)	(1,838,961)	(1,838,961)	(323,419)	(2,350,442)	-27.8%
Net Change in Fund Balance	1,973,696	386,039	370,786	966,261	2,010,958	420.9%
Beginning Fund Balance	4,166,498	6,140,194	6,526,233	6,140,194	6,235,194	
Ending Fund Balance	6,140,194	6,526,233	6,897,019	7,106,455	8,246,152	
Capital Outlay Fund 41						
REAL ESTATE TAXES	450,500	452,800	452,800	452,800	295,700	-34.7%
INTERGOVERNMENTAL	5,120	5,000	5,000	1606	6,000	20.0%
CHARGES FOR SERVICES	147,000	317,000	317,000	201,350	483,900	52.6%
INTEREST & INV INCOME	9,088	6,000	6,000	11,470	7,800	30.0%
MISCELLANEOUS	323					
SALE OF CAPITAL ASSETS	22,548	25,000	25,000	3,039	25,000	0.0%
Total Revenues	634,579	805,800	805,800	670,265	818,400	1.6%
EXPENDITURES						
CONTINGENCY Dept 199					60,000	
CAPITAL OUTLAY	655,573	1,077,945	1,251,989		919,350	14.7%
Total Expenditures	655,573	1,077,945	1,251,989	425,246	979,350	-9.1%
Excess Revenue (Expenditures)	(20,994)	(272,145)	(446,189)	245,019	(160,950)	
Transfers In	101,000	250,000	250,000			100.0%
Transfers Out	(8,000)					
Total Other Financing	93,000	250,000	250,000			100.0%
Net Change in Fund Balance	72,006	(22,145)	(196,189)	245,019	(160,950)	
Beginning Fund Balance	353,039	425,045	425,045	425,045	225,575	
Ending Fund Balance	425,045	402,900	228,856	670,064	64,625	
City of Franklin, WI						
Capital Funds						
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Sandra Wesolowski, City Clerk						
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Equipment Replacement Fund 42						
REAL ESTATE TAXES	350,000	175,000	175,000	175,000		100.0%
CHARGES FOR SERVICES	200,000	376,700	376,700	228,060	677,600	79.9%
INTEREST & INV INCOME	38,372	29,000	29,000	60,400	37,400	29.0%
MISCELLANEOUS				728		
SALE OF CAPITAL ASSETS	59,104	30,000	30,000		56,500	88.3%
Total Revenues	647,476	610,700	610,700	464,188	771,500	26.3%
EXPENDITURES						
CAPITAL OUTLAY	321,597	1,196,670	1,217,101	20,431	850,000	-29.0%
Total Expenditures	321,597	1,196,670	1,217,101	20,431	850,000	-29.0%
Excess Revenue (Expenditures)	325,879	(585,970)	(606,401)	443,757	(78,500)	
Transfers In	8,000					
Total Other Financing	8,000					
Net Change in Fund Balance	333,879	(585,970)	(606,401)	443,757	(78,500)	
Beginning Fund Balance	2,311,815	2,645,694	2,059,724	2,645,694	2,266,694	
Ending Fund Balance	2,645,694	2,059,724	1,453,323	3,089,450	2,188,194	
Capital Improvement Fund 46						
INTERGOVERNMENTAL		1,150,000	1,150,000		450,000	-60.9%
CHARGES FOR SERVICES	284,102	560,000	560,000	350,192	722,000	28.9%
INTEREST & INV INCOME	53,564	20,000	20,000	60,599	25,000	25.0%
MISCELLANEOUS	11,085				50,000	
SALE OF CAPITAL ASSETS	(2)					
Total Revenues	348,749	1,730,000	1,730,000	410,791	1,247,000	-27.9%
EXPENDITURES						
CONTINGENCY Dept 199					175,000	
CAPITAL OUTLAY	921,910	7,973,109	8,817,619	248,850	4,745,000	-40.5%
DEBT ISSUANCE COSTS		75,000	75,000			100.0%
Total Expenditures	921,910	8,048,109	8,892,619	289,260	4,920,000	-38.9%
Excess Revenue (Expenditures)	(573,161)	(6,318,109)	(7,162,619)	121,531	(3,673,000)	
Transfers In	202,039	1,384,511	1,384,511		2,841,500	105.2%
Transfers Out	(101,000)					
General Obligation Debt Issued		2,100,000	2,750,000			100.0%
Total Other Financing	101,039	3,484,511	4,134,511		2,841,500	18.5%
Net Change in Fund Balance	(472,122)	(2,833,598)	(3,028,108)	121,531	(831,500)	
Beginning Fund Balance	3,795,495	3,323,373	3,323,373	3,323,373	1,007,833	
Ending Fund Balance	3,323,373	489,775	295,265	3,444,904	176,333	
Street Improvement Fund 47						
REAL ESTATE TAXES	714,700	18,200	18,200	18,200		100.0%
INTERGOVERNMENTAL	86,748	700,000	700,000	300,000	845,000	20.7%
CHARGES FOR SERVICES	133,000	133,000	133,000	85,530	368,500	177.1%
INTEREST & INV INCOME	11,508	4,000	4,000	8,707	4800	20.0%
MISCELLANEOUS	1					
Total Revenues	945,957	855,200	855,200	412,437	1,218,300	42.5%
EXPENDITURES						
CAPITAL OUTLAY	832,832	975,000	975,000	49,280	1,300,000	33.3%
Total Expenditures	832,832	975,000	975,000	49,280	1,300,000	33.3%
Excess Revenue (Expenditures)	113,125	(119,800)	(119,800)	363,157	(81,700)	

2020 PROPOSED	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	2019 YTF JUNE	2020 PROPOSED	FAV (-UNF) PRIOR ADOPTED PCT
Net Change In Fund Balance	113,125	(119,800)	(119,800)	363,157	(81,700)	
Beginning Fund Balance	286,265	399,390	279,590	399,390	350,590	
Ending Fund Balance	399,390	279,590	159,790	762,547	268,890	

City of Franklin  
Special Revenue Funds  
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Dated at Franklin, Wisconsin this 23rd day of October 2019  
Sandra Wesolowski, City Clerk

2020 PROPOSED	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	2019 YTF JUNE	2020 PROPOSED	FAV (-UNF) PRIOR ADOPTED PCT
<b>LIBRARY FUND 15</b>						
REAL ESTATE TAXES	1,303,200	1,312,700	1,312,700	1,312,700	1,340,500	2.1%
CHARGES FOR SERVICES	68,526	68,000	68,000	671	60,000	11.8%
INTEREST & INV INCOME	16,325	8,500	8,500	18,037	15,000	76.5%
TRANSFERS IN	0	0	8,100	8,100		
Total Revenues	1,388,051	1,389,200	1,397,300	1,339,508	1,415,500	1.9%
Personnel Services	898,385	955,268	955,268	444,397	998,134	4.5%
Non-Personnel Services	353,524	335,828	342,068	175,648	314,485	-6.4%
Capital Expenditures	96,775	91,020	91,020	46,284	154,000	69.2%
CULTURE & RECREATION TOTAL	1,348,684	1,382,116	1,388,356	666,329	1,466,619	6.1%
Non-Personnel Services Dept 512						
CULTURE & RECREATION TOTAL	1,348,684	1,382,116	1,388,356	666,329	1,466,619	6.1%
NET REVENUE (EXPENDITURES)	39,367	7,084	8,944	673,179	(51,119)	
BEGINNING FUND BALANCE	450,287	489,654	489,654	489,654	503,204	
ENDING FUND BALANCE	489,654	496,738	498,598	1,162,833	452,085	
<b>AUXILIARY LIBRARY FUND 16</b>						
CHARGES FOR SERVICES	12,030	9,400	9,400	6,659	10,000	6.4%
INTEREST & INV INCOME	106	100	100	51	100	0.0%
MISCELLANEOUS	60,868	60,500	60,500	29,677	58,400	-3.5%
Total Revenues	73,004	70,000	70,000	36,387	68,500	-2.1%
Non-Personnel Services	46,694	47,520	47,520	22,897	52,100	9.6%
Capital Expenditures	16,470	22,400	22,400	2,172	16,400	-26.8%
CULTURE & RECREATION TOTAL	63,164	69,920	69,920	25,069	68,500	-2.0%
NET REVENUE (EXPENDITURES)	9,840	80	80	11,318		
BEGINNING FUND BALANCE	130,787	140,627	140,627	140,627	147,227	
ENDING FUND BALANCE	140,627	140,707	140,707	151,945	147,227	
<b>TOURISM COMMISSION FUND 17</b>						
REVENUE OTHER TAXES	172,725	226,000	226,000	437		100.0%
INTEREST & INV INCOME	3,591			3,744		
Total Revenues	176,316	226,000	226,000	4,181		100.0%
Non-Personnel Services	12,040	167,500	204,437	35,683		100.0%
CONSERVATION & DEVELOPMENT TOTAL	12,040	167,500	204,437	35,683		100.0%
NET REVENUE (EXPENDITURES)	164,276	58,500	21,563	(31,502)		100.0%
BEGINNING FUND BALANCE	211,793	376,069	376,069	376,069	493,069	
ENDING FUND BALANCE	376,069	434,569	397,632	344,567	493,069	

City of Franklin  
Special Revenue Funds  
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Dated at Franklin, Wisconsin, this 23rd day of October, 2019  
Sandra Wesolowski, City Clerk

2020 PROPOSED	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	2019 YTF JUNE	2020 PROPOSED	FAV (-UNF) PRIOR ADOPTED PCT
<b>SOLID WASTE FUND 19</b>						
INTERGOVERNMENTAL	68,984	69,000	69,000	68,858	69,000	0.0%
CHARGES FOR SERVICES	1,578,713	1,582,200	1,582,200	1,357,785	1,584,200	0.1%
INTEREST & INV INCOME	17,639	9,500	9,500	19,621	20,000	110.5%
MISCELLANEOUS	1,819	1,500				
Total Revenues	1,667,155	1,660,700	1,660,700	1,446,264	1,674,700	0.8%
Personnel Services	14,691	16,931	16,931	6,573	17,638	4.2%
Non-Personnel Services	1,615,396	1,632,570	1,632,570	758,120	1,638,138	0.4%
Public Works Total	1,630,087	1,649,501	1,649,501	764,693	1,656,138	0.4%
NET REVENUE (EXPENDITURES)	37,068	11,199	11,199	681,571	18,562	
BEGINNING FUND BALANCE	393,674	430,742	441,941	430,742	486,767	
ENDING FUND BALANCE	430,742	441,941	453,140	1,112,313	505,329	
<b>FIRE GRANT FUND- 20</b>						
INTERGOVERNMENTAL	30,615	6,000	6,000	(100)	6,000	0.0%
Total Revenues	30,615	6,000	6,000	(100)	6,000	0.0%
Non-Personnel Services	4,065	6,000	6,000	8,442	6,000	0.0%
Capital	22,257					
Public Works Total	26,322	6,000	6,000	8,442	6,000	0.0%
NET REVENUE (EXPENDITURES)	4,293			(8,542)		
BEGINNING FUND BALANCE	18,281	22,574	22,574	22,574	22,574	0.0%
ENDING FUND BALANCE	22,574	22,574	22,574	14,032	22,574	
<b>POLICE GRANT FUND- 21</b>						
INTERGOVERNMENTAL					25,000	
Total Revenues					25,000	
Capital					25,000	
Public Works Total					25,000	
NET REVENUE (EXPENDITURES)						
BEGINNING FUND BALANCE						
ENDING FUND BALANCE						

0

2020 PROPOSED	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	2019 YTF JUNE	2020 PROPOSED	FAV (-UNF) PRIOR ADOPTED PCT.
ENDING FUND BALANCE				0		
City of Franklin Special Revenue Funds The Common Council of the City of Franklin, Wisconsin will hold a public hearing on Tuesday, November 19, 2019 at 6:30 pm, or as soon thereafter as the matter may be heard in the Franklin City Hall Common Council Chambers, 9229 West Loomis Road, Franklin, Wisconsin, for the purpose of hearing any citizen or taxpayer on the proposed 2020 City Budget Summary of the proposed budget is published herewith and a copy of the complete proposed budget will be available for public inspection at the Office of the City Clerk, Franklin City Hall, Monday-Friday from 8:30 am to 5:00 pm (holidays excepted) at the Franklin Public Library 9151 W Loomis Rd Franklin, Wisconsin following the date of this notice and on the City of Franklin website www.franklinwi.gov Dated at Franklin Wisconsin this 23rd day of October, 2019 Sandra Wesolowski, City Clerk						
2020 PROPOSED	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	2019 YTF JUNE	2020 PROPOSED	FAV (-UNF) PRIOR ADOPTED PCT
ST MARTINS FAIR FUND 24						
LICENSES & PERMITS	22,915	26,200	26,200	1,785	27,000	3.05%
MISCELLANEOUS	0	500	500			100.0%
TRANSFERS IN	71,000	11,000	11,000		11,000	0.0%
Total Revenues	93,915	37,700	37,700	1,785	38,000	0.8%
Personnel Services	38,614	35,906	35,906	198	36,716	2.3%
Non-Personnel Services	15,245	14,850	14,850	200	21,150	42.4%
Public Works Total	53,859	50,756	50,756	398	57,866	14.0%
NET REVENUE (EXPENDITURES)	40,056	(13,056)	(13,056)	1,387	(19,866)	
BEGINNING FUND BALANCE	(34,452)	5,604	(7,452)	5,604	(11,496)	
ENDING FUND BALANCE	5,604	(7,452)	(20,508)	6,991	(31,362)	
HEALTH GRANTS FUND 25						
INTERGOVERNMENTAL	198,921	222,450	232,950	51,131	219,250	1.4%
INTEREST & INV INCOME				5,083		
MISCELLANEOUS	14,533	5,000	5,000	12,065	6,580	31.6%
TRANSFERS IN			1,500			
Total Revenues	213,454	227,450	239,450	68,279	225,830	-0.7%
Personnel Services	118,757	155,961	157,461	45,207	128,774	17.4%
Non-Personnel Services	105,907	155,225	155,225	54,171	167,280	7.8%
Capital			10,500	10,016		
Public Works Total	224,664	311,186	323,186	109,394	296,054	-4.9%
NET REVENUE (EXPENDITURES)	(11,210)	(83,736)	(83,736)	(41,115)	(70,224)	
BEGINNING FUND BALANCE	180,825	169,615	169,615	169,615	170,365	
ENDING FUND BALANCE	169,615	85,879	85,879	128,500	100,141	
OTHER GRANTS FUND 26						
INTERGOVERNMENTAL	13,350					
Total Revenues	13,350					
Public Works	7,500					
Health & Human Services	5,850					
Capital Outlay				5,000		
Total Expenditures	13,350			5,000		
NET REVENUE (EXPENDITURES)				(5,000)		
BEGINNING FUND BALANCE	316	316	346	316	316	
ENDING FUND BALANCE	316	316	316	(4,684)	316	
City of Franklin Special Revenue Funds The Common Council of the City of Franklin, Wisconsin, will hold a public hearing on Tuesday, November 19, 2019 at 6:30 pm, or as soon thereafter as the matter may be heard in the Franklin City Hall Common Council Chambers, 9229 West Loomis Road Franklin, Wisconsin, for the purpose of hearing any citizen or taxpayer on the proposed 2020 City Budget Summary of the proposed budget is published herewith and a copy of the complete proposed budget will be available for public inspection at the Office of the City Clerk, Franklin City Hall Monday-Friday from 8:30 am to 5:00 pm (holidays excepted) at the Franklin Public Library, 9151 W Loomis Rd Franklin, Wisconsin following the date of this notice, and on the City of Franklin website www.franklinwi.gov Dated at Franklin Wisconsin this 23rd day of October 2019 Sandra Wesolowski, City Clerk						
2020 PROPOSED	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	2019 YTF JUNE	2020 PROPOSED	FAV (-UNF) PRIOR ADOPTED PCT
DONATIONS FUND 28						
MISCELLANEOUS	41,217	21,000	33,000	18,665	11,000	-47.6%
Total Revenues	41,217	21,000	33,000	18,665	11,000	-47.62%
Public Safety	19,604	53,400	53,400	9,482	68,950	29.1%
Health & Human Services	465					
Capital	20,679	35,000	51,000	13,500		100.0%
Total Expenditures	40,748	88,400	104,400	22,982	68,950	-22.00%
NET REVENUE (EXPENDITURES)	469	(67,400)	(71,400)	(4,317)	(57,950)	
BEGINNING FUND BALANCE	150,130	150,599	83,199	150,599	142,599	
ENDING FUND BALANCE	150,599	83,199	11,799	146,282	84,649	
CIVIC CELEBRATIONS FUND 29						
LICENSES & PERMITS	25			300		
CHARGES FOR SERVICES	83,906	85,000	85,000		85,000	0.0%
MISCELLANEOUS	21,008	21,000	21,000	19,250	21,000	0.0%
TRANSFERS IN	13,000	13,000	13,000		13,000	0.0%
Total Revenues	117,939	119,000	119,000	19,550	119,000	0.0%
Culture & Recreation	113,526	103,691	104,441	35,117	104,528	0.8%
Total Expenditures	113,526	103,691	104,441	35,117	104,528	0.8%
NET REVENUE (EXPENDITURES)	4,413	15,309	14,559	(15,567)	14,472	
BEGINNING FUND BALANCE	65,725	70,138	85,447	70,138	107,188	
ENDING FUND BALANCE	70,138	85,447	100,006	54,571	121,660	
City of Franklin, WI Internal Service Fund The Common Council of the City of Franklin Wisconsin, will hold a public hearing on Tuesday, November 19, 2019 at 6:30 pm, or as soon thereafter as the matter may be heard, in the Franklin City Hall Common Council Chambers, 9229 West Loomis Road Franklin, Wisconsin for the purpose of hearing any citizen or taxpayer on the proposed 2020 City Budget Summary of the proposed budget is published herewith and a copy of the complete proposed budget will be available for public inspection at the Office of the City Clerk, Franklin City Hall Monday-Friday from 8:30 am to 5:00 pm (holidays excepted), at the Franklin Public Library, 9151 W Loomis Rd Franklin Wisconsin following the date of this notice and on the City of Franklin website www.franklinwi.gov Dated at Franklin Wisconsin this 23rd day of October 2019 Sandra Wesolowski, City Clerk						
2020 PROPOSED	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	2019 YTF JUNE	2020 PROPOSED	FAV (-UNF) PRIOR ADOPTED PCT
SELF INSURANCE FUND 75						
Medical Premiums City	2,460,171	2,837,218	2,837,218	1,217,154	2,648,046	-6.7%
Medical Premiums Employee	456,216	642,507	642,507	260,853	538,440	16.2%
Other Revenues	173,869				120,000	

2020 PROPOSED	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	2019 YTF JUNE	2020 PROPOSED	FAV (UNF) PRIOR ADOPTED PCT.
Investment Income	29,183	30,000	30,000	69,653	45,000	50.0%
Total Medical Revenues	3,119,439	3,509,725	3,509,725	1,547,860	3,351,486	-4.5%
Dental Premiums City	108,368	112,550	112,550	56,018	112,000	-0.5%
Dental Premiums Employee	59,164	60,125	60,125	30,372	60,000	-0.2%
Total Dental Premiums	167,532	172,675	172,675	86,390	172,000	-0.4%
Total Revenue	3,286,971	3,682,400	3,682,400	1,634,050	3,523,486	-4.3%
Medical Claims	2,536,505	2,833,650	2,833,650	947,065	2,414,477	14.8%
Medical Claim Fees	142,938	145,850	145,850	91,863	105,677	-27.5%
Stop Loss Premiums	573,463	667,300	667,300	275,614	666,331	-0.1%
Stop Loss Recovery	(128,388)					
Others	84,128	118,250	118,250	4,634	112,478	-4.9%
Contingency					500,000	
Contributions to HSA's		59,250	98,125	94,375	237,000	300.0%
Total Medical Costs	3,208,646	3,824,300	3,863,175	1,413,551	4,035,963	5.5%
Dental Claims Actives	198,414	189,000	189,000	82,771	193,000	2.1%
Dental Claims Retiree	5,939	3,675	3,675	2,259	4,900	33.3%
Total Dental Costs	204,353	192,675	192,675	85,030	197,900	2.7%
Total Medical Costs	3,412,999	4,016,975	4,055,850	1,498,581	4,233,863	
Net Revenues/(Expenditures)	(126,028)	(334,575)	(373,450)	135,469	(710,377)	
Beginning Fund Balance	1,886,194	1,760,166	1,425,591	1,052,141	2,325,066	
Ending Fund Balance	1,760,166	1,425,591	1,052,141	1,187,610	1,614,689	

City of Franklin, WI  
Sanitary Sewer Fund 61  
The Common Council of the City of Franklin, Wisconsin will hold a public hearing on Tuesday November 19, 2019 at 6:30 pm or as soon thereafter as the matter may be heard in the Franklin City Hall Common Council Chambers, 9229 West Loomis Road Franklin Wisconsin for the purpose of hearing any citizen or taxpayer on the proposed 2020 City Budget. Summary of the proposed budget is published herewith and a copy of the complete proposed budget will be available for public inspection at the Office of the City Clerk, Franklin City Hall, Monday-Friday from 8:30 am to 5:00 pm (holidays excepted), at the Franklin Public Library, 9151 W Loomis Rd Franklin, Wisconsin following the date of this notice, and on the City of Franklin website www.franklinwi.gov  
Held at Franklin, Wisconsin this 23rd day of October 2019  
Sandra Wesolowski, City Clerk

2020 PROPOSED	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	2019 YTF JUNE	2020 PROPOSED	FAV (UNF) PRIOR ADOPTED PCT.
Operating Revenue						
Residential	2,017,367	2,044,600	2,044,600	1,031,577	2,099,400	2.7%
Commercial	584,945	557,100	557,100	281,992	588,000	5.5%
Industrial	415,365	460,700	460,700	212,253	429,000	-6.9%
Public Authority	152,553	172,000	172,000	82,992	172,000	0.0%
Penalties/Other	33,707	37,000	37,000	10,535	37,000	0.0%
Multi Family	498,485	505,000	505,000	248,078	511,200	1.2%
Miscellaneous Revenue				5,250	0	
Total Operating Revenue	3,702,422	3,776,400	3,776,400	1,872,677	3,836,600	1.6%
Operating Expenditures						
Salaries and benefits	484,498	522,996	519,746	254,906	538,362	-2.9%
Contractual services	112,213	126,350	146,965	112,061	148,175	17.3%
Supplies	59,703	73,750	73,750	26,726	84,150	14.1%
Other operating costs	50,962	47,550	47,550	9,505	52,300	10.0%
Facility charges	150,161	170,200	170,200	21,897	164,100	3.6%
Sewer service MMSD	2,407,226	2,448,000	2,448,000	1,199,625	2,497,000	-2.0%
Allocated expenses				64,427	0	
Sewer improvements	80,635	211,500	838,169	72,726	204,550	3.3%
Depreciation	123,096	179,900	179,900	90,000	151,600	15.7%
Total operating expenditures	3,468,494	3,780,246	4,424,280	1,861,873	3,840,237	1.6%
Operating Income (Loss)	233,928	(3,846)	(647,880)	10,804	(3,637)	-5.4%
Non-Operating Revenue (Expenditures)						
Miscellaneous income			6,750	1,080	-3,500	
Property sale	22,822				0	
Investment income	504,636	461,500	461,500	251,316	425,800	7.7%
Interest expense	(472,825)	(447,500)	(447,500)	(231,428)	-400,800	10.4%
Capital expenditures					0	
Total non-operating revenue (expenditures)	54,633	14,000	20,750	20,968	21,500	53.6%
Income (Loss) before Capital Contributions	288,561	10,154	(627,130)	31,772	17,863	75.9%
Retained Earnings- Beginning				1,578,345		
Transfer (to) from Invested in Capital Assets	2,828			(24,945)		
Retained Earnings- Ending	291,389	10,154	(627,130)	1,585,172	17,863	
Capital Contributions		5,025,000	5,025,000		1,000,000	
Depreciation CIAC	(2,011,980)	(2,018,100)	(2,018,100)	(1,009,050)	(2,039,000)	
Transfer (to) from Retained Earnings				24,945		
Change in Net Investment in Capital Assets	(2,011,980)	3,006,900	3,006,900	(984,105)	(1,039,000)	
Net Investment in Capital Assets-Beginning	62,069,704	60,057,724		61,590,890		
Net Investment in Capital Assets-Ending	60,057,724	63,064,624	3,006,900	60,606,785	(1,039,000)	
Total net assets	60,349,113	63,074,778	2,379,770	62,191,957	(1,021,137)	

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<p><b>APPROVAL</b></p> <p><i>slw</i> <i>MMW</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>11/19/2019</b></p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>Ordinance Adopting the 2020 Annual Budgets for the General, Civic Celebrations, St. Martin's Fair, Donations, Grant, Solid Waste Collection, Sanitary Sewer, Capital Outlay, Equipment Replacement, Street Improvement, Capital Improvement, Debt Service, Development, Utility Development, TID 3, TID 4, TID 5, TID 6, TID 7, and Internal Service Funds and Establishing the Tax Levy and Other Revenue for the City of Franklin and Establishing the Solid Waste Fee</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.1.</i></p>
<p><b>Background:</b> The Mayor's 2020 Recommended Budget was presented to the Common Council on September 17, 2019. The Committee of the Whole recommended changes to the Mayor's 2020 budget at their meeting of September 30, 2019 and at the Common Council meeting of October 1, 2019. The Public Hearing Notice for the 2020 Proposed Budget was communicated to Franklin residents in the October 23, 2019 issue of the South Now. Additionally, the last City Newsletter, which included a front-page story on the proposed budget, was mailed to properties in the City around October 2, 2019. A Public Hearing is being held on Tuesday, November 19, 2019, to receive feedback from residents. At that Public Hearing, the Director of Administration will present an overview of the proposed budget. The Common Council is scheduled to consider adoption of the City of Franklin 2020 Annual Budget and related property tax levy on November 19, 2019, in accordance with the Public Hearing Notice.</p> <p><b>Discussion on the Attached Ordinance:</b> The ordinance generally follows the same form as approved in 2018 for the 2019 budget. Importantly, the Ordinance includes the following four additional recommended corrections:</p> <ol style="list-style-type: none"> <li>1. Increase Transfer Out of the Utility Development Fund by \$120,000 for the S. 50th Street Water project since the budget already reflects such a Transfer In to the Capital Improvement Fund.</li> <li>2. Increase Transfers Out of the Debt Service/Special Assessment Fund by \$600,000 to balance the transfer into the Capital Improvement Fund for the previously approved change for Marquette Avenue.</li> <li>3. Increase Expenditures in the Sewer Fund by \$3,750 for the Sewer Utility's share of the building name change (Bennett) signage.</li> <li>4. Increase Legal Services Conferences and Schools by \$1,000 and Reduce General Fund Restricted Contingency by \$1,000 to correct a line item that was unintentionally left blank during budget entry.</li> </ol> <p>The necessary changes to the draft of the Ordinance are already reflected in the document, which changes are shown as italicized numbers in brackets. The attached Official Budget Appropriation Units document reflects the inclusion of these corrections. The minutes of the Committee of the Whole and Common Council related to preliminary budget approvals are also attached for your convenience. Staff is working to update and publish the final 2020 budget document in December, so individual replacement pages for your budget binders are not attached.</p>		

Please note that the ordinance also reflects the changes necessary to implement the solid waste and recycling services changes recently authorized by the Common Council increasing Solid Waste Fee Revenues by \$315,149, increasing Solid Waste Recycling expenditures by \$315,149, and setting the Solid Waste Fee at \$134 60

**Comment on Action to be Taken:** If no further action is desired by the Common Council, the motion presented at the end of the Council Action Sheet is satisfactory

If additional modifications are proposed, the Director of Administration suggests they occur in the following format

“Move to adopt Ordinance No. 2019-\_\_\_\_\_, an “Ordinance Adopting the 2020 Annual Budgets for the General, Civic Celebrations, St Martin’s Fair, Donations, Grant, Solid Waste Collection, Sanitary Sewer, Capital Outlay, Equipment Replacement, Street Improvement, Capital Improvement, Debt Service, Development, Utility Development, TID 3, TID 4, TID 5, TID 6, TID 7, and Internal Service Funds and Establishing the Tax Levy and Other Revenue for the City of Franklin and establishing the Solid Waste Fee” with the corrections as presented and with the following adjustments [list the item(s) and amount(s) here], which adjustments shall be incorporated into a final form of the ordinance and the Official Budget Appropriation Units document, as determined by the Director of Administration ”

Note that a similar format was recommended the last couple years which allows the Finance and Administration Directors to roll any adjustments into a final, clean ordinance prior to signatures

### **COUNCIL ACTION REQUESTED**

Motion to adopt Ordinance No 2019-\_\_\_\_\_, “An Ordinance Adopting the 2020 Annual Budgets for the General, Civic Celebrations, St Martin’s Fair, Donations, Grant, Solid Waste Collection, Sanitary Sewer, Capital Outlay, Equipment Replacement, Street Improvement, Capital Improvement, Debt Service, Development, Utility Development, TID 3, TID 4, TID 5, TID 6, TID 7, and Internal Service Funds and Establishing the Tax Levy and Other Revenue for the City of Franklin and Establishing the Solid Waste Fee,” including and accepting the italicized numbers to reflect the requested corrections identified in the Council Action Sheet



STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

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

AN ORDINANCE ADOPTING THE 2020 ANNUAL BUDGETS FOR THE GENERAL, CIVIC CELEBRATIONS, ST MARTIN'S FAIR, DONATIONS, GRANT, SOLID WASTE COLLECTION, SANITARY SEWER, CAPITAL OUTLAY, EQUIPMENT REPLACEMENT, STREET IMPROVEMENT, CAPITAL IMPROVEMENT, DEBT SERVICE, DEVELOPMENT, UTILITY DEVELOPMENT, TID 3, TID 4, TID 5, TID 6, TID 7, AND INTERNAL SERVICE FUNDS AND ESTABLISHING THE TAX LEVY AND OTHER REVENUE FOR THE CITY OF FRANKLIN AND ESTABLISHING THE SOLID WASTE FEE

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WHEREAS, the Committee of the Whole has reviewed and amended, where desired, the 2020 Mayor's Recommended Budgets for the General, Civic Celebrations, St Martin's Fair, Donations, Grant, Solid Waste Collection, Sanitary Sewer, Capital Outlay, Equipment Replacement, Street Improvement, Capital Improvement, Debt Service, Development, Utility Development, TID 3, TID 4, TID 5, TID 6, TID 7 and Internal Service Funds for the City of Franklin; and

WHEREAS, debt incurred and anticipated has 2020 required repayments for TID 3, TID 4, TID 5, TID 6, TID 7, Debt Service and the Sanitary Sewer Funds; and

WHEREAS, the 2020 Proposed Budget recommended by the Committee of the Whole includes property taxes of \$21,741,900 that are levied to support the 2020 Annual Budget with a resulting City tax rate of approximately \$5.303 with the Common Council concurring in the need and with the final rate being the mathematical result of statutory property tax billing process, including, but not limited to, inclusion of the required state adjustment for equalization; and

WHEREAS, for the purposes, in part, of accounting detail, transparency of governmental actions and intent, efficiency of operations, and enhanced record keeping, the 2020 Proposed Budget document and format provides greater detail and categorization of anticipated expenditures than required by Wisconsin Statutes §65.90, which provides that "all proposed appropriations for each department, activity and reserve account" shall be listed in the budget; and, therefore, expenditure appropriation unit amounts are itemized and, entitled "Official Budget Appropriation Units," while the remaining pages of the document provide supplemental information for informational purposes as earlier noted; and

WHEREAS, a Public Notice of the 2020 Proposed Budget appeared in the South Now on October 23, 2019; and

WHEREAS, a Public Hearing was held by the Common Council on November 19, 2019, regarding the 2020 Proposed Budget.

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

Section 1     That the 2020 Expenditure Budgets, summarized herein, for the General Fund as \$29,228,120, for Civic Celebrations Fund as \$104,528, for the St Martin's Fair Fund as \$57,866, for Donations Fund as \$68,950, for Grant Funds as \$327,054, for the Solid Waste Collection Fund as \$1,971,287 , for the Capital Outlay Fund as

\$979,350, for the Equipment Replacement Fund as \$850,000, for the Street Improvement Fund as \$1,300,000, for the Development as \$25,000, for the Debt Service Fund as \$1,587,772, for City purposes totaling \$36,499,927, for Sanitary Sewer Fund Operating Expenditure Budget as \$3,843,987, for the Capital Improvement Fund as \$4,920,000, for TID 3 Fund as \$1,469,520, for TID 4 Fund as \$11,106,290, for TID 5 Fund as \$919,063, for TID 6 Fund as \$3,365,960, for TID 7 Fund as \$282,550 and for Internal Service Fund as \$4,233,863, with expenditure appropriation unit amounts as set forth on the tables entitled "Official Budget Appropriation Units" (which is attached hereto and incorporated herein by reference) and as set forth by department, activity, and reserve account (all as maintained by the City in a multiple-fund accounting structure) are adopted as the annual expenditure budgets for the City of Franklin for fiscal year 2020.

- Section 2     The Sanitary Sewer Fund includes 2020 capital additions of \$3,582,550 [~~\$3,586,300~~] and debt service of \$1,691,786, with revenues of \$3,836,600 and operating expenditures of \$3,843,987.
- Section 3     Debt payments of \$1,587,772 in the Debt Service Fund, \$745,265 in TID 3, \$890,763 in TID 5, \$281,590 in TID 6, \$268,549 in TID 7 and in the Sanitary Sewer fund of \$1,691,786, are adopted as annual required payments for those respective funds for fiscal year 2020.
- Section 4     That the 2020 property taxes used to support the General Fund of \$19,005,700, the Library Fund of \$1,340,500, the Capital Outlay Fund of \$295,700, and the Debt Service Fund of \$1,100,000 for City purposes, totaling \$21,741,900, are levied and adopted as the annual property tax levies for fiscal year 2020 with a resulting City tax rate of approximately \$5.303 per thousand assessed value with the final rate being the mathematical result of statutory property tax billing process, including, but not limited to, inclusion of the required state adjustment for equalization.
- Section 5     That the 2020 Revenue Budgets, other than non-TID property taxes and debt proceeds, for the General Fund of \$8,123,630, for the Civic Celebrations Fund of \$119,000, for the St. Martin's Fair Fund of \$38,000, for the Donations Fund of \$11,000, for the Grant Funds of \$256,830, for the Solid Waste Collection Fund of \$1,989,849, for the Capital Outlay Fund of \$522,700, for the Equipment Replacement Fund of \$771,500, for the Street Improvement Fund of \$1,218,300, for the Capital Improvement Fund of \$1,247,000, for the Development Fund of \$2,253,200, for the Utility Development Fund of \$93,000, for the TID 3 Fund of \$532,500, for the TID 4 Fund of \$242,900, for TID 5 of \$1,000, for the TID 6 of \$32,500, for TID 7 of \$270,000 and for the Internal Service Fund of \$3,523,486 for City purposes, totaling \$21,246,395, are adopted as the annual revenue budgets for other than property taxes for the City of Franklin for fiscal year 2020.
- Section 6     That additional revenue of \$9,450,000 in the form of new debt is required with \$6,200,000 in TID 4, and \$3,250,000,000 in TID 6, less debt issuance costs totaling \$120,000 required to fund expenditures.

- Section 7 That transfers into the Civic Celebrations Fund of \$13,000, the St. Martin's Fair Fund of \$11,000, the Debt Service Fund of \$487,772, the Capital Improvement Fund of \$2,841,500, for a total of \$3,353,272 are adopted as the annual transfers in as contained in the budget for the City of Franklin for fiscal year 2020.
- Section 8 That transfers out of the General Fund total \$524,000, of the Utility Development Fund total \$1,100,000, [*\$1,120,000*] of the Development Fund total \$1,075,442, of the Special Assessment Fund total \$34,090, [*\$634,090*] for a total of \$3,353,532 for fiscal year 2020.
- Section 9 That the 2020 Solid Waste Collection Fund fee is \$134.60 for each property eligible to receive the solid waste collection service.
- Section 10 That the Capital Improvement Fund expenditure appropriation, excluding the Contingency allocation, shall be administered as if adopted on a "per project" basis, and unless otherwise requiring a statutorily-executed budget modification, a modification of the appropriation's administrative allocation between or to projects is subject to authorization by at least a two-thirds majority of the Common Council in the form of a budget modification, which, as an internal administrative process, does not initiate publication requirements.
- Section 11 That the single expenditure appropriation for "Contingency" within the General Fund shall be administered for City purposes as if adopted as distinct appropriations for \$1,335,000 "Restricted" and \$125,000 "Unrestricted" contingency budgets as shown within the "Unclassified, Contingency, and Anticipated Under Spending" budget detail, with "Restricted" contingency appropriations not authorized for direct expenditure and requiring a budget modification approved by two-thirds of the Common Council, interpreted consistent with statutes, moving the appropriation to "Unrestricted" contingency or another valid appropriation unit prior to or in conjunction with any spending authorization.
- Section 12 That the Capital Outlay Fund expenditure appropriation shall be administered as if adopted on the department/division basis, (except the Information Services Department shall also include all planned computer and computer-related expenditures distributed and assigned, in whole or in part and for accounting purposes, to various other departments), and unless otherwise requiring a statutorily executed budget modification, a modification of the appropriation's administrative allocation between departments and changes, valued in excess of \$5,000, in the departmental list of capital items or quantity of items to be purchased are subject to authorization by the Common Council.
- Section 13 That the Grant Funds appropriation units shall be segregated into Health (Health Department) and Other (all other Departments), with each having a single appropriation unit comprising their respective Personnel Services; Other Services, Supplies, etc.; and Capital Outlay expenditures.
- Section 14 That the Finance Department and Director of Administration shall cause to be published and made available a "City of Franklin 2020 Annual Budget" document

that 1) incorporates the proposed budget as presented in the public hearing notice, including any additional changes as provided for herein, 2) incorporates the necessary and corresponding changes to the budget document text and tables as initially set forth in the Mayor's Recommended Budget document, 3) removes supplemental pages from the preliminary document that were incorporated for review, and 4) incorporates the 2020 Annual Budgets of the Library Fund, the Auxiliary Library Fund, the Tourism Commission Fund, and the Water Utility Fund as adopted by their respective boards.

Section 15 The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, or otherwise be legally invalid or fail under the applicable rules of law to take effect and be in force, the remaining terms and provisions shall remain in full force and effect.

Section 16 Appropriations within the General Fund include \$1,000 in Legal Non-personnel cost additions and a \$1,000 reduction of the Restricted Contingency.

Introduced at a special meeting of the Common Council of the City of Franklin this 19th day of November, 2019 by Alderman \_\_\_\_\_.

Passed and adopted at a special meeting of the Common Council of the City of Franklin this 19th day of November, 2019.

APPROVED:

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

ATTEST:

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

AYES\_\_\_\_NOES\_\_\_\_ABSENT\_\_\_\_

City of Franklin, WI  
General Fund - Fund 01

Official Budget Appropriation Units

2020 PROPOSED	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	1 19 Fcst	2020 PROPOSED	Fav (-Unf) Prior Adopted Pct
<b>REVENUES</b>						
REAL ESTATE TAXES	16,887,688	18,130,675	18,130,675	18,125,000	19,005,700	4 8%
REVENUE - OTHER TAXES	724,051	695,800	695,800	702,500	685,900	-1 4%
TRANSFERS - IN	1,011,392	1,109,250	1,139,875	1,139,125	1,050,000	-5 3%
INTERGOVERNMENTAL	2,317,488	1,736,127	1,736,127	1,728,200	1,746,400	0 6%
LICENSES & PERMITS	1,166,158	1,041,490	1,041,490	968,555	903,200	-13 3%
FINES, FORFEITURES AND PENALTIES	475,840	546,000	546,000	500,000	546,000	0 0%
CHARGES FOR SERVICES	2,405,405	2,056,950	2,056,950	2,432,700	2,527,300	22 9%
INTERGOVERNMENTAL CHARGES	192,542	207,500	207,500	184,000	182,000	-12 3%
INTEREST & INV INCOME	241,397	265,000	265,000	508,800	343,580	29 7%
MISCELLANEOUS	244,135	159,650	159,650	153,450	139,250	-12 8%
<b>Total Revenues</b>	<b>25,666,096</b>	<b>25,948,442</b>	<b>25,979,067</b>	<b>26,442,330</b>	<b>27,129,330</b>	<b>4 6%</b>
Totals for dept 0101 - MAYOR	18,488	18,482	18,482	18,480	18,482	0 0%
Totals for dept 0102 - ALDERMEN	47,403	47,409	47,409	47,430	47,409	0 0%
Totals for dept 0121 - MUNICIPAL COURT	181,190	186,933	189,878	189,245	193,490	3 5%
Totals for dept 0141 - CITY CLERK	300,676	319,569	313,868	308,785	353,001	10 5%
Totals for dept 0142 - ELECTIONS	54,840	32,525	32,358	14,900	70,404	116 5%
Totals for dept 0144 - INFORMATION SERVICES	124,968	127,381	129,467	129,360	131,451	3 2%
Totals for dept 0147 - ADMINISTRATION	297,079	311,278	317,208	318,330	411,533	32 2%
Totals for dept 0151 - FINANCE	427,137	464,090	437,740	415,600	419,877	-9 5%
Totals for dept 0181 - MUNICIPAL BUILDINGS	89,772	97,479	103,080	100,030	101,001	3 6%
Totals for dept 0199 - CONTINGENCY		81,228			0	-100 0%
Personnel Costs - General Government	1,541,553	1,686,374	1,589,490	1,542,160	1,746,648	3 6%
Totals for dept 0101 - MAYOR	4,800	6,350	6,350	5,600	7,850	23 6%
Totals for dept 0102 - ALDERMEN	22,449	25,191	25,191	24,550	25,651	1 8%
Totals for dept 0121 - MUNICIPAL COURT	36,057	58,450	58,450	20,750	19,625	-66 4%
Totals for dept 0141 - CITY CLERK	24,783	27,200	27,200	25,800	27,200	0 0%
Totals for dept 0142 - ELECTIONS	10,189	10,100	10,100	8,700	16,500	63 4%
Totals for dept 0144 - INFORMATION SERVICES	327,974	392,468	441,213	431,100	429,878	9 5%
Totals for dept 0147 - ADMINISTRATION	136,032	133,475	138,475	100,550	129,655	-2 9%
Totals for dept 0151 - FINANCE	92,407	122,870	122,992	107,225	115,710	-5 8%
Totals for dept 0152 - AUDITOR	30,255	37,025	37,025	33,400	30,050	-18 8%
Totals for dept 0154 - CITY ASSESSORS	223,081	229,550	229,550	225,400	233,350	1 7%
Totals for dept 0161 - LEGAL SERVICES	302,842	348,650	348,650	316,350	358,000	2 7%
Totals for dept 0181 - MUNICIPAL BUILDINGS	112,225	117,015	117,780	112,250	130,515	11 5%
Totals for dept 0194 - INSURANCE	77,508	86,950	86,950	95,200	95,850	10 2%
Totals for dept 0198 - UNCLASSIFIED EXPENSES	1,127	2,500	22,500	15,500	27,500	1000 0%
Non-Personnel - General Government	1,401,729	1,597,794	1,672,426	1,522,375	1,647,334	3 1%
GENERAL GOVERNMENT TOTAL	2,943,282	3,284,168	3,261,916	3,064,535	3,393,982	3 3%
Totals for dept 0211 - POLICE DEPT	7,496,527	7,703,409	7,544,145	7,649,925	7,970,358	3 5%
Totals for dept 0212 - PD DISPATCH	984,834	1,184,017	1,198,143	1,131,700	1,197,247	1 1%
Dept 213 - GENERAL PUB SAFETY	0	0		0	-	
Totals for dept 0221 - FIRE DEPT	5,936,383	6,009,935	6,033,305	5,845,350	6,286,453	4 6%
Totals for dept 0231 - INSPECTION SERVICES	795,769	860,216	844,837	680,805	768,655	-10 6%
Personnel Costs - Public Safety	15,213,513	15,757,577	15,620,430	15,307,780	16,222,713	3 0%
Totals for dept 0211 - POLICE DEPT	1,082,890	1,197,800	1,217,273	1,182,817	1,226,530	2 4%
Dept 213 - GENERAL PUB SAFETY					-	
Totals for dept 0221 - FIRE DEPT	473,195	505,860	505,860	530,675	566,500	12 0%
Totals for dept 0223 - FIRE PROTECTION	279,840	283,300	283,300	280,000	283,300	0 0%
Totals for dept 0231 - INSPECTION SERVICES	20,242	32,050	137,536	127,630	140,335	337 9%
Totals for dept 0239 - SEALER OF WEIGHTS & MEAS	7,600	7,600	7,600	7,600	7,600	0 0%
Non-Personnel Costs - Public Safety	1,863,767	2,026,610	2,151,569	2,128,722	2,224,265	9 8%
PUBLIC SAFETY TOTAL	17,077,280	17,784,187	17,771,999	17,436,502	18,446,978	3 7%
Totals for dept 0321 - ENGINEERING	480,363	612,306	611,697	583,900	590,261	-3 6%
Totals for dept 0331 - HIGHWAY	1,573,846	1,736,098	1,700,490	1,653,540	1,974,746	13 7%
Personnel Costs - Public Works	2,054,209	2,348,404	2,312,187	2,237,440	2,565,007	9 2%
Totals for dept 0321 - ENGINEERING	428,704	30,860	30,860	419,725	342,820	1010 9%
Totals for dept 0331 - HIGHWAY	613,686	833,318	1,000,141	953,650	890,800	6 9%
Totals for dept 0351 - STREET LIGHTING	286,664	349,500	349,500	313,500	346,000	-1 0%
Totals for dept 0361 - WEED CONTROL	5,108	9,050	9,050	7,000	7,050	-22 1%
Non-Personnel Costs - Public Works	1,334,162	1,222,728	1,389,551	1,693,875	1,586,670	29 8%
PUBLIC WORKS TOTAL	3,388,371	3,571,132	3,701,738	3,931,315	4,151,677	16 3%

City of Franklin, WI  
General Fund - Fund 01

Official Budget Appropriation Units

2020  
PROPOSED

	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	1 19 Fcst	2020 PROPOSED	Fav (-Unf) Prior Adopted Pct
Personnel Costs - dept 0411 - PUBLIC HEALTH	560,113	634,447	624,512	533,400	628,585	-0 9%
Totals for dept 0411 - PUBLIC HEALTH	70,096	73,250	73,250	73,270	65,250	-10 9%
Totals for dept 0431 - ANIMAL CONTROL	39,925	43,100	43,100	41,000	43,800	1 6%
Non-Personnel Costs - Public Health	110,021	116,350	116,350	114,270	109,050	-6 3%
HEALTH & HUMAN SERVICES TOTAL	670,134	750,797	740,862	647,670	737,635	-1 8%
Totals for dept 0529 - ST MARTINS FAIR					0	
Totals for dept 0551 - PARKS	174,301	112,477	112,568	108,665	119,998	6 7%
Personnel Costs - Culture & Recreation	174,301	112,477	112,568	108,665	119,998	6 7%
Totals for dept 0551 - PARKS	47,333	48,225	48,225	43,700	66,450	37 8%
Totals for dept 0521 - RECREATION	19,281	22,000	23,450	23,000	24,000	9 1%
Non-Personnel Costs - Culture & Recreation	66,614	70,225	71,675	66,700	90,450	28 8%
CULTURE & RECREATION TOTAL	240,915	182,702	184,243	175,365	210,448	15 2%
Totals for dept 0621 - PLANNING	324,477	375,395	401,896	333,450	358,680	-4 5%
Totals for dept 0641 - ECONOMIC DEVELOPMENT	86,353	103,431	106,043	109,245	126,770	22 6%
Personnel Costs - Conservation & Development	410,830	478,826	507,939	442,695	485,450	1 4%
Totals for dept 0621 - PLANNING	51,591	74,450	107,200	82,600	74,950	0 7%
Totals for dept 0641 - ECONOMIC DEVELOPMENT	49,737	87,500	123,375	45,350	59,000	-32 6%
Non-Personnel Costs - Conservation & Development	101,328	161,950	230,575	127,950	133,950	-17 3%
CONSERVATION & DEVELOPMENT TOTAL	512,158	640,776	738,514	570,645	619,400	-3 3%
Totals for dept 0521 - RECREATION	13,000	13,000	13,000	13,000	13,000	0 0%
Totals for dept 0529 - ST MARTINS FAIR-USE FUNI	11,000	11,000	11,000	11,000	11,000	0 0%
Totals for dept 0998 - OTHER FINANCING USES/TF	60,000	250,000	258,100	0	500,000	100 0%
TRANSFERS OUT TOTAL	84,000	274,000	282,100	24,000	524,000	91 2%
CONTINGENCY	1,200	1,610,680	1,486,360	0	1,144,000	-29 0%
<b>TOTAL EXPENDITURES</b>	<b>24,917,340</b>	<b>28,098,442</b>	<b>28,167,732</b>	<b>25,850,032</b>	<b>29,228,120</b>	<b>4 0%</b>
<b>NET REVENUES (EXPENDITURES)</b>	<b>748,756</b>	<b>(2,150,000)</b>	<b>(2,188,665)</b>	<b>592,298</b>	<b>(2,098,790)</b>	<b>-2 4%</b>
BEGINNING FUND BALANCE	6,587,465	7,336,221	7,336,221	7,336,221	7,928,519	
ENDING FUND BALANCE	7,336,221	5,186,221	5,147,556	7,928,519	5,829,729	

City of Franklin, WI  
Debt Service Funds 31 & 51

2020  
PROPOSED

Official Budget Appropriation Units

	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	1 19 Fcst	2020 PROPOSED	Fav (-Unf) Prior Adopted Pct
REVENUES						
REAL ESTATE TAXES	1,300,000	1,300,000	1,300,000	1,300,000	1,100,000	-15 4%
INTEREST & INV INCOME	3,958			13,500	-	
<b>Total Revenues</b>	<b>1,303,958</b>	<b>1,300,000</b>	<b>1,300,000</b>	<b>1,313,500</b>	<b>1,100,000</b>	<b>-15.38%</b>
PRINCIPAL	1,330,000	1,405,000	1,405,000	1,405,000	1,387,500	-1 2%
INTEREST	148,898	135,188	135,188	134,938	200,272	48 1%
Total Expenditures	1,478,898	1,540,188	1,540,188	1,539,938	1,587,772	3 1%
<b>Excess Revenue (Expenditures)</b>	<b>(174,940)</b>	<b>(240,188)</b>	<b>(240,188)</b>	<b>(226,438)</b>	<b>(487,772)</b>	
Transfers In	392,254	240,188	240,188	233,019	487,772	103 1%
Total Other Financing	392,254	240,188	240,188	233,019	487,772	103 1%
<b>Net Change in Fund Balance</b>	<b>217,314</b>	<b>0</b>	<b>0</b>	<b>6,581</b>	<b>0</b>	
Beginning Fund Balance	51,071	268,385	268,385	268,385	274,966	
Ending Fund Balance	268,385	268,385	268,385	274,966	274,966	
<b>Special Assessments Fund 51</b>						
REVENUE - OTHER TAXES	75,993			75,000	65,000	
INTEREST & INV INCOME	14,390			15,000	12,000	
<b>Total Revenues</b>	<b>90,383</b>	<b>0</b>	<b>0</b>	<b>90,000</b>	<b>77,000</b>	
Total Expenditures	-	-	-	-	-	
<b>Excess Revenue (Expenditures)</b>	<b>90,383</b>	<b>0</b>	<b>0</b>	<b>90,000</b>	<b>77,000</b>	
Transfers In				-	(34,090)	
Transfers Out	(60,000)				(600,000)	
Total Other Financing	(60,000)	-	-	-	(634,090)	
<b>Net Change in Fund Balance</b>	<b>30,383</b>	<b>-</b>	<b>-</b>	<b>90,000</b>	<b>(557,090)</b>	
Beginning Fund Balance	683,951	714,334	714,334	714,334	804,334	
Ending Fund Balance	714,334	714,334	714,334	804,334	247,244	

City of Franklin, WI  
TID's

Official Budget Appropriation Units

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	2018 ACTIVITY	2019 ORIGINAL	2019 AMENDED	1 19 Fcst	2020 PROPOSED	Fav (-Unf) Prior Adopted
<b>TID3 SUMMARY</b>						
REAL ESTATE TAXES	1 381 191	1 180,900	1 180 900	1 114 700	1 409 000	19.3%
INTERGOVERNMENTAL	464 931	479 831	479 831	479 800	507 500	5.8%
INTEREST & INV INCOME	35 030	25,000	25 000	80 200	25 000	0.0%
MISCELLANEOUS	5				-	
<b>Total Revenues</b>	<b>1 881 157</b>	<b>1 685 731</b>	<b>1 685,731</b>	<b>1 674 700</b>	<b>1 941 500</b>	<b>15.17%</b>
GENERAL GOVERNMENT TOTAL	141 351	535 950	635 950	101 370	12 550	-97.7%
CONSERVATION & DEVELOPMENT TOTAL		4 166 665	4 166 665	5 291 991	711 705	-82.9%
CAPITAL OUTLAY	1 002		984 324	-	-	
PRINCIPAL	985 000			-	665,000	
INTEREST	15 158	111 500	111 500	47 800	80,265	-28.0%
DEBT ISSUANCE COSTS				19 314	-	
<b>Total Expenditures</b>	<b>1 142 511</b>	<b>4 814 115</b>	<b>5 898,439</b>	<b>5 460 475</b>	<b>1 469 520</b>	<b>-69.5%</b>
<b>Excess Revenue (Expenditures)</b>	<b>738 646</b>	<b>(3,128,384)</b>	<b>(4 212 708)</b>	<b>(3 785 775)</b>	<b>471 980</b>	
General Obligation Debt Issued		3,500,000	3,500,000	3,005,000	-	-100.0%
Total Other Financing		3 500 000	3 500 000	3 005 000	-	-100.0%
<b>Net Change in Fund Balance</b>	<b>738,646</b>	<b>371 616</b>	<b>(712 708)</b>	<b>(780 775)</b>	<b>471 980</b>	
Beginning Fund Balance	(85,124)	653,522	653,522	653,522	(127,253)	
Ending Fund Balance	653,522	1 025,138	(59 186)	(127 253)	344 727	
<b>TID 4 SUMMARY</b>						
REAL ESTATE TAXES	1 059 413	1 023,600	1 023 600	1 011 200	1 144 700	11.8%
REVENUE OTHER TAXES	132 872	132,800	132 800	121 700	120 000	-9.6%
INTERGOVERNMENTAL	16,195	19 700	19 700	21 400	48,900	148.2%
INTEREST & INV INCOME	56,083	20,000	20 000	94 000	74 000	270.0%
<b>Total Revenues</b>	<b>1 264 563</b>	<b>1 196,100</b>	<b>1 196 100</b>	<b>1 248 300</b>	<b>1 387 600</b>	<b>16.0%</b>
GENERAL GOVERNMENT TOTAL	12 384	39 850	54 850	12 300	7 550	-81.1%
PUBLIC WORKS TOTAL	79 670		107 224	98 040	23,040	
CONSERVATION & DEVELOPMENT TOTAL			10,000		700	
CAPITAL OUTLAY	487 049	8,000 000	8 714 801		11 000 000	37.5%
INTEREST		188,750	188,750		-	100.0%
DEBT ISSUANCE COSTS					75 000	
<b>Total Expenditures</b>	<b>579 103</b>	<b>8 228,600</b>	<b>9 075 625</b>	<b>110 340</b>	<b>11 106 290</b>	<b>34.97%</b>
<b>Excess Revenue (Expenditures)</b>	<b>685,460</b>	<b>(7 032 500)</b>	<b>(7 879 525)</b>	<b>1 137 960</b>	<b>(9 718,690)</b>	
General Obligation Debt Issued		5,000,000	5,000,000		6,200,000	24.0%
Total Other Financing	-	5 000 000	5 000 000		6,200 000	24.0%
<b>Net Change in Fund Balance</b>	<b>685,460</b>	<b>(2 032,500)</b>	<b>(2 879 525)</b>	<b>1 137 960</b>	<b>(3 518,690)</b>	
Beginning Fund Balance	2,405,999	3,091,459	3,091,459	3,091,459	4,229,419	
Ending Fund Balance	3,091 459	1 058,959	211 934	4 229 419	710,729	
<b>TID 5 SUMMARY</b>						
REAL ESTATE TAXES	30 500	31 500	31 500	31 000	756,000	2300.0%
INTEREST & INV INCOME	198,075	25 000	25 000	95 000	1 000	-96.0%
<b>Total Revenues</b>	<b>228,575</b>	<b>56,900</b>	<b>56 900</b>	<b>46 100</b>	<b>769 900</b>	<b>1253.1%</b>
GENERAL GOVERNMENT TOTAL	32 318	15 700	78 150	56 100	18 100	15.3%
PUBLIC WORKS TOTAL	27 855	-	4 929	24 000	9 500	
CONSERVATION & DEVELOPMENT TOTAL	34 095	4 015 000	4 061 900	-	700	-100.0%
CAPITAL OUTLAY	14 399 213	-	4 000 000	11 278,000		
PRINCIPAL		10 000 000	10 000 000	14 000 000		-100.0%
INTEREST	227 520	775 810	775 810	735 820	890 763	14.8%
DEBT ISSUANCE COSTS	203 184	100 000	100 000	161 562		100.0%
<b>Total Expenditures</b>	<b>14 924 185</b>	<b>14 906 510</b>	<b>19 020 789</b>	<b>26 255 482</b>	<b>919 063</b>	<b>-93.8%</b>
<b>Excess Revenue (Expenditures)</b>	<b>(14,695,610)</b>	<b>(14,849,610)</b>	<b>(18,963,889)</b>	<b>(26,209,382)</b>	<b>(149,163)</b>	
General Obligation Debt Issued	23,480,000	10,000,000	10,000,000	17,900,000		-100.0%
Total Other Financing	23,480 000	10 000 000	10 000 000	17 900 000		-100.0%
<b>Net Change in Fund Balance</b>	<b>8,784,390</b>	<b>(4,849,610)</b>	<b>(8,963,889)</b>	<b>(8,309,382)</b>	<b>(149,163)</b>	
Beginning Fund Balance	(98,875)	8 685 515	8,685,515	8,685,515	376,133	
Ending Fund Balance	8,685 515	3 835 905	(278,374)	376,133	226 970	



City of Franklin, WI  
TID's

Official Budget Appropriation Units

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	2018 ACTIVITY	2019 ORIGINAL	2019 AMENDED	1 19 Fcst	2020 PROPOSED	Fav (-Unf) Prior Adopted
<b>TID6 SUMMARY</b>						
REVENUES						
INTEREST & INV INCOME	-	-	120 800	120,800	25 000	
MISCELLANEOUS		-	11 500	11 500	7 500	
<b>Total Revenues</b>	-	-	132 300	132,300	32 500	
GENERAL GOVERNMENT TOTAL	-	-	3 750	4 950	10 650	
PUBLIC WORKS TOTAL	-	-	29 800	29 800	28,040	
CONSERVATION & DEVELOPMENT TOTAL	13,344	-	1 156		700	
CAPITAL OUTLAY	-	-	9 000,000	6 000 000	3 000 000	
INTEREST			195,375	116 563	281 590	
DEBT ISSUANCE COSTS	-	-		78 462	45 000	
<b>Total Expenditures</b>	13 344		9 230 081	6,229 775	3 365 980	
<b>Excess Revenue (Expenditures)</b>	(13 344)		(9 097 781)	(6,097 475)	(3 333 480)	
General Obligation Debt Issued			9,837,382	6,737,382	3,250,000	
Total Other Financing	-	-	9 837 382	6,737 382	3 250 000	
<b>Net Change in Fund Balance</b>	(13 344)		739 601	639 907	(83 480)	
Beginning Fund Balance		(13,344)	(13,344)	(13,344)	626,563	
Ending Fund Balance	(13 344)	(13 344)	726 257	626 563	543 083	

<b>TID7 SUMMARY</b>						
INTEREST & INV INCOME					270,000	
<b>Total Revenues</b>			-	-	270 000	
GENERAL GOVERNMENT TOTAL			2 800	4 000	13,300	
PUBLIC WORKS TOTAL			2 400			
CONSERVATION & DEVELOPMENT TOTAL				5,900	701	
CAPITAL OUTLAY			2 750 000	2 000 000	-	
INTEREST			3 208		268 549	
DEBT ISSUANCE COSTS		-	150 000	70 000		
<b>Total Expenditures</b>	-	-	2 908 408	2 079 900	282,550	
<b>Excess Revenue (Expenditures)</b>		-	(2 908 408)	(2 079 900)	(12 550)	
General Obligation Debt Issued			240,000	5,050,000		
Total Other Financing			240 000	5 050 000		
<b>Net Change in Fund Balance</b>	-		(2 668 408)	2 970 100	(12 550)	
Beginning Fund Balance	0		0	0	2,970,100	
Ending Fund Balance	-	-	(2 668 408)	2 970 100	2 957 550	

<b>All TID's</b>						
REVENUES						
REAL ESTATE TAXES	2 471 104	2,236 000	2 236 000	2 156,900	3,309 700	48.02%
REVENUE OTHER TAXES	132 872	132,800	132 800	121 700	120 000	-9.64%
INTERGOVERNMENTAL	481 126	499 931	499 931	501 300	569 300	13.88%
INTEREST & INV INCOME	289 188	70 000	190 800	390 000	395 000	464.29%
MISCELLANEOUS	7	-	11 500	(68,500)	7 500	
<b>Total Revenues</b>	3 374 297	2 938 731	3 071 031	3 101 400	4,401 500	49.78%
GENERAL GOVERNMENT TOTAL	186,053	591 500	775 500	178,720	62 150	-89.49%
PUBLIC WORKS TOTAL	107 525	-	144 353	151 840	60 580	
CONSERVATION & DEVELOPMENT TOTAL	47 439	8 181 665	8 239 721	5 297 891	714 506	-91.27%
CAPITAL OUTLAY	14 887 264	8 000 000	25 449 125	19 278 000	14,000 000	75.00%
PRINCIPAL	985 000	10 000 000	10 000 000	14 000 000	665 000	-93.35%
INTEREST	242,678	1 076 060	1 274 643	900 183	1 521 167	41.36%
DEBT ISSUANCE COSTS	203,184	100 000	250 000	329 338	120 000	20.00%
<b>Total Expenditures</b>	16,659 143	27 949 225	46 133 342	40 135 972	17 143 403	-38.66%
<b>Excess Revenue (Expenditures)</b>	(13,284 846)	(25 010 494)	(43 062 311)	(37 034 572)	(12 741 903)	
Transfers In	-			-		
General Obligation Debt Issued	23,480,000	18,500,000	28,577,382	32,692,382	9,450,000	-48.92%
Total Other Financing	23 480 000	18 500 000	28 577 382	32 692 382	9 450 000	-48.92%
<b>Net Change in Fund Balance</b>	10 195,154	(6 510 494)	(14 484 929)	(4 342 190)	(3 291 903)	
Beginning Fund Balance	2 221 998	12,417,152	12,417,152	12,417,152	8,074,962	
Ending Fund Balance	12 417 152	5 906,658	(2 067 777)	8 074 962	4 783,059	

City of Franklin, WI  
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	2018 ACTIVITY	2019 ORIGINAL	2019 AMENDED	1 19 Fcst	2020 PROPOSED	Fav (-Unf) Prior Adopted
<b>Utility Development Fund 22</b>						
REVENUE OTHER TAXES	250,217	94,600	94,600	275 000	75 000	-20.7%
INTEREST & INV INCOME	48,944	27,900	27,900	43 300	18 000	-35.5%
<b>Total Revenues</b>	<b>299 161</b>	<b>122 500</b>	<b>122 500</b>	<b>318,300</b>	<b>93 000</b>	<b>-24.1%</b>
Transfers Out		(1 000 000)	(1 000 000)		(1 120 000)	
Total Other Financing	-	(1 000 000)	(1 000 000)		(1 120 000)	
<b>Net Change in Fund Balance</b>	<b>299,161</b>	<b>(877,500)</b>	<b>(877,500)</b>	<b>318,300</b>	<b>(1,027,000)</b>	
Beginning Fund Balance	1,413,379	1,712,540	1,712,540	1,712,540	2,030,840	
Ending Fund Balance	1 712 540	835,040	835 040	2 030 840	1 003 840	
<b>Development Fund 27 (Impact Fees)</b>						
Impact Fee Parks	869 037	400 000	400 000		804 000	101.0%
Impact Fee - Sewer	4 689	35,000	35 000		48 000	37.1%
Impact Fee - Administrative	20 625	7 500	7 500		15 000	100.0%
Impact Fee - Water	938 441	425,000	425 000		679 000	59.8%
Impact Fee - Transportation	55 533	25,000	25 000		22 000	12.0%
Impact Fee - Fire	136 410	50 000	50 000		133 500	167.0%
Impact Fee - Law Enforcement	250 076	75 000	75 000		207 700	176.9%
Impact Fee - Library	243 988	75,000	75 000		224 000	198.7%
REVENUE - OTHER TAXES	2 518 799	1 092,500	1 092 500	0	2 133 200	95.3%
INTEREST & INV INCOME	70,663	60,000	60,000	120 000	120 000	100.0%
<b>Total Revenues</b>	<b>2 589 462</b>	<b>1 152 500</b>	<b>1 152 500</b>	<b>120 000</b>	<b>2 253,200</b>	<b>185.8%</b>
<b>EXPENDITURES</b>						
GENERAL GOVERNMENT TOTAL	1 388	20,000	35 253	25,000	25 000	25.0%
CAPITAL OUTLAY	-	-				
Total Expenditures	1 388	20000	35253	25 000	25 000	25.0%
<b>Excess Revenue (Expenditures)</b>	<b>2 588 074</b>	<b>1 132 500</b>	<b>1 117 247</b>	<b>95 000</b>	<b>2 228,200</b>	
Parks	202 039	384 511	384 511		621 500	61.6%
Transportation	43 541	73 250	73,250		71 923	1.8%
Fire	45 226	43 100	43,100		42 937	-0.4%
Law Enforcement	130 220	205 000	205,000		205 082	0.0%
Library	113,267	133 100	133,100		134 000	0.7%
Water	80 085	500 000	500 000		1 025 000	105.0%
Sewer		500 000	500,000		250 000	-50.0%
Total Transfers Out	(614,378)	(1,838,961)	(1,838,961)	0	(2,350,442)	27.8%
Total Other Financing	(614 378)	(1 838 961)	(1 838 961)	-	(2 350 442)	27.8%
<b>Net Change in Fund Balance</b>	<b>1,973,696</b>	<b>(706,461)</b>	<b>(721,714)</b>	<b>95,000</b>	<b>(122,242)</b>	<b>-230.0%</b>
Beginning Fund Balance	4,166,498	6,140,194	5,433,733	6,140,194	6,235,194	
Ending Fund Balance	6,140 194	5 433,733	4 712 019	6,235 194	6,112 952	
<b>Capital Outlay Fund 41</b>						
REAL ESTATE TAXES	450 500	452 800	452 800	452 800	295,700	-34.7%
INTERGOVERNMENTAL	5 120	5,000	5 000	5 000	6,000	20.0%
CHARGES FOR SERVICES	147 000	317 000	317 000	317 000	483,900	52.6%
INTEREST & INV INCOME	9 088	6 000	6,000	10 000	7 800	30.0%
MISCELLANEOUS	323					
SALE OF CAPITAL ASSETS	22 548	25 000	25 000	15 000	25 000	0.0%
<b>Total Revenues</b>	<b>634 579</b>	<b>805 800</b>	<b>805 800</b>	<b>799 800</b>	<b>818 400</b>	<b>1.6%</b>
<b>EXPENDITURES</b>						
CONTINGENCY - Dept 199					60 000	
CAPITAL OUTLAY	655 573	1 077 945	1 251 989	999 270	919 350	-14.7%
Total Expenditures	655,573	1 077 945	1 251 989	999 270	979 350	-9.1%
<b>Excess Revenue (Expenditures)</b>	<b>(20 994)</b>	<b>(272 145)</b>	<b>(446 189)</b>	<b>(199 470)</b>	<b>(160 950)</b>	
Transfers In	101 000	250 000	250 000		-	-100.0%
Transfers Out	(8,000)					
Total Other Financing	93 000	250 000	250,000		-	-100.0%
<b>Net Change in Fund Balance</b>	<b>72,006</b>	<b>(22,145)</b>	<b>(196,189)</b>	<b>(199,470)</b>	<b>(160,950)</b>	
Beginning Fund Balance	353,039	425,045	425,045	425,045	225,575	
Ending Fund Balance	425 045	402 900	228 856	225,575	64 625	

City of Franklin, WI  
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	2018 ACTIVITY	2019 ORIGINAL	2019 AMENDED	1 19 Fcst	2020 PROPOSED	Fav (-)Unf Prior Adopted
<b>Equipment Replacement Fund 42</b>						
REAL ESTATE TAXES	350 000	175,000	175 000	175 000	-	-100.0%
CHARGES FOR SERVICES	200 000	376,700	376 700	500 000	677 600	79.9%
INTEREST & INV INCOME	38 372	29 000	29 000	70 000	37 400	29 0%
MISCELLANEOUS					-	
SALE OF CAPITAL ASSETS	59 104	30 000	30 000	30 000	56 500	88 3%
<b>Total Revenues</b>	<b>647 476</b>	<b>610 700</b>	<b>610 700</b>	<b>775 000</b>	<b>771 500</b>	<b>26 3%</b>
<b>EXPENDITURES</b>						
CAPITAL OUTLAY	321 597	1 196 670	1 217 101	1 154 000	850 000	-29 0%
Total Expenditures	321 597	1 196,670	1 217 101	1 154 000	850 000	-29 0%
<b>Excess Revenue (Expenditures)</b>	<b>325,879</b>	<b>(585,970)</b>	<b>(606 401)</b>	<b>(379 000)</b>	<b>(78,500)</b>	
Transfers In	8,000				-	
Total Other Financing	8 000	-		-	-	
<b>Net Change in Fund Balance</b>	<b>333,879</b>	<b>(585,970)</b>	<b>(606,401)</b>	<b>(379,000)</b>	<b>(78,500)</b>	
Beginning Fund Balance	2,311,815	2,645,694	2,059,724	2,645,694	2,266,694	
Ending Fund Balance	2 645 694	2 059 724	1 453 323	2,266 694	2 188 194	
<b>Capital Improvement Fund 46</b>						
INTERGOVERNMENTAL		1 150 000	1 150 000	1 150 000	450 000	-60 9%
CHARGES FOR SERVICES	284 102	560 000	560 000	1 300 000	722 000	28 9%
INTEREST & INV INCOME	53,564	20 000	20,000	55 000	25 000	25 0%
MISCELLANEOUS	11 085				50 000	
SALE OF CAPITAL ASSETS	(2)				-	
<b>Total Revenues</b>	<b>348,749</b>	<b>1 730 000</b>	<b>1 730 000</b>	<b>2 505,000</b>	<b>1 247 000</b>	<b>-27 9%</b>
<b>EXPENDITURES</b>						
CONTINGENCY Dept 199					175 000	
CAPITAL OUTLAY	921 910	7 973,109	8 817 619	7 413 540	4 745 000	-40.5%
DEBT ISSUANCE COSTS		75,000	75 000	75 000	-	100 0%
Total Expenditures	921 910	8 048 109	8,892 619	7 488 540	4 920 000	-38 9%
<b>Excess Revenue (Expenditures)</b>	<b>(573,161)</b>	<b>(6 318 109)</b>	<b>(7 162 619)</b>	<b>(4 983 540)</b>	<b>(3 673,000)</b>	
Transfers In	202 039	1 384 511	1 384 511	418,000	2 841 500	105.2%
Transfers Out	(101 000)				-	
General Obligation Debt Issued		2,100,000	2,750,000	2,250,000		100 0%
Total Other Financing	101 039	3,484 511	4 134 511	2 668 000	2 841 500	18 5%
<b>Net Change in Fund Balance</b>	<b>(472,122)</b>	<b>(2,833,598)</b>	<b>(3,028,108)</b>	<b>(2,315,540)</b>	<b>(831,500)</b>	
Beginning Fund Balance	3,795,495	3,323,373	3,323,373	3,323,373	1,007,833	
Ending Fund Balance	3 323,373	489 775	295 265	1 007 833	176,333	
<b>Street Improvement Fund 47</b>						
REAL ESTATE TAXES	714 700	18,200	18 200	18,200	-	-100.0%
INTERGOVERNMENTAL	86,748	700 000	700 000	700 000	845 000	20.7%
CHARGES FOR SERVICES	133,000	133,000	133 000	350 000	368 500	177 1%
INTEREST & INV INCOME	11 508	4 000	4 000	8 000	4 800	20 0%
MISCELLANEOUS	1				-	
<b>Total Revenues</b>	<b>945 957</b>	<b>855 200</b>	<b>855 200</b>	<b>1 076 200</b>	<b>1 218 300</b>	<b>42 5%</b>
<b>EXPENDITURES</b>						
CAPITAL OUTLAY	832 832	975 000	975 000	1 125,000	1 300 000	33 3%
Total Expenditures	832 832	975 000	975 000	1 125 000	1 300 000	33 3%
<b>Excess Revenue (Expenditures)</b>	<b>113,125</b>	<b>(119,800)</b>	<b>(119,800)</b>	<b>(48,800)</b>	<b>(81,700)</b>	
<b>Net Change in Fund Balance</b>	<b>113 125</b>	<b>(119 800)</b>	<b>(119 800)</b>	<b>(48 800)</b>	<b>(81 700)</b>	
Beginning Fund Balance	286,265	399,390	279,590	399,390	350,590	
Ending Fund Balance	399 390	279 590	159 790	350 590	268 890	

City of Franklin  
Special Revenue Funds

Official Budget Appropriation Units

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	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	1 19 Fcst	2020 PROPOSED	Fav (-Unf) Prior Adopted Pct
<b>LIBRARY FUND 15</b>						
REAL ESTATE TAXES	1 303,200	1,312 700	1,312,700	1 312 700	1 340 500	2 1%
CHARGES FOR SERVICES	68 526	68 000	68,000	48 000	60 000	-11 8%
INTEREST & INV INCOME	16 325	8 500	8,500	24 000	15,000	76 5%
TRANSFERS IN	0	0	8100	8100	-	
<b>Total Revenues</b>	<b>1,388,051</b>	<b>1,389,200</b>	<b>1,397,300</b>	<b>1,392,800</b>	<b>1,415,500</b>	1 9%
Personnel Services	898 385	955 268	955 268	962,250	998 134	4 5%
Non-Personnel Services	353 524	335 828	342,068	326 000	314 485	-6 4%
Capital Expenditures	96,775	91,020	91,020	91,000	154,000	69 2%
<b>CULTURE &amp; RECREATION TOTAL</b>	<b>1,348 684</b>	<b>1,382 116</b>	<b>1 388 356</b>	<b>1,379 250</b>	<b>1 466 619</b>	6 1%
Non-Personnel Services - Dept 512						
<b>CULTURE &amp; RECREATION TOTAL</b>	<b>1,348,684</b>	<b>1,382,116</b>	<b>1,388,356</b>	<b>1,379,250</b>	<b>1,466,619</b>	6 1%
<b>NET REVENUE (EXPENDITURES)</b>	<b>39,367</b>	<b>7,084</b>	<b>8,944</b>	<b>13,550</b>	<b>(51,119)</b>	
BEGINNING FUND BALANCE	450,287	489 654	489 654	489 654	503,204	
ENDING FUND BALANCE	489,654	496,738	498 598	503,204	452,085	
<b>AUXILIARY LIBRARY FUND 16</b>						
CHARGES FOR SERVICES	12,030	9,400	9 400	11 500	10,000	6 4%
INTEREST & INV INCOME	106	100	100	100	100	0 0%
MISCELLANEOUS	60,868	60,500	60 500	59,500	58,400	-3 5%
<b>Total Revenues</b>	<b>73,004</b>	<b>70,000</b>	<b>70,000</b>	<b>71,100</b>	<b>68,500</b>	-2 1%
Non-Personnel Services	46,694	47,520	47,520	48,600	52,100	9 6%
Capital Expenditures	16,470	22,400	22,400	15,900	16,400	-26 8%
<b>CULTURE &amp; RECREATION TOTAL</b>	<b>63,164</b>	<b>69,920</b>	<b>69,920</b>	<b>64,500</b>	<b>68,500</b>	-2 0%
<b>NET REVENUE (EXPENDITURES)</b>	<b>9,840</b>	<b>80</b>	<b>80</b>	<b>6,600</b>	<b>-</b>	
BEGINNING FUND BALANCE	130,787	140,627	140,627	140,627	147,227	
ENDING FUND BALANCE	140,627	140 707	140 707	147,227	147,227	
<b>TOURISM COMMISSION - FUND 17</b>						
REVENUE - OTHER TAXES	172,725	226 000	226 000	191 000	210 179	-7 0%
INTEREST & INV INCOME	3 591			-	-	
<b>Total Revenues</b>	<b>176,316</b>	<b>226,000</b>	<b>226,000</b>	<b>191,000</b>	<b>210,179</b>	-7 0%
Personnel Services					35 000	
Non-Personnel Services	12,040	167,500	204,437	103,590	404,000	141 2%
<b>CONSERVATION &amp; DEVELOPMENT TOTAL</b>	<b>12 040</b>	<b>167 500</b>	<b>204,437</b>	<b>103,590</b>	<b>439,000</b>	162 1%
<b>NET REVENUE (EXPENDITURES)</b>	<b>164,276</b>	<b>58,500</b>	<b>21,563</b>	<b>87,410</b>	<b>(228,821)</b>	-491 1%
BEGINNING FUND BALANCE	211,793	376,069	376,069	376,069	463,479	
ENDING FUND BALANCE	376 069	434 569	397,632	463,479	234,658	

City of Franklin  
Special Revenue Funds

Official Budget Appropriation Units

2020  
PROPOSED

	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	1 19 Fcst	2020 PROPOSED	Fav (-Unf) Prior Adopted Pct
<b>SOLID WASTE FUND 19</b>						
INTERGOVERNMENTAL	68 984	69,000	69,000	68 800	69 000	0 0%
CHARGES FOR SERVICES	1,578 713	1 582,200	1 582 200	1,578,800	1,899,349	20 0%
INTEREST & INV INCOME	17 639	9 500	9 500	20,000	20,000	110 5%
MISCELLANEOUS	1 819				1,500	
<b>Total Revenues</b>	<b>1,667,155</b>	<b>1,660,700</b>	<b>1,660,700</b>	<b>1,667,600</b>	<b>1,989,849</b>	<b>19 8%</b>
Personnel Services	14 691	16 931	16 931	20,775	17,638	4 2%
Non-Personnel Services	1,615,396	1,632,570	1,632,570	1,590,800	1,954,649	19 7%
<b>Public Works Total</b>	<b>1,630,087</b>	<b>1,649,501</b>	<b>1,649,501</b>	<b>1,611,575</b>	<b>1,972,287</b>	<b>19 6%</b>
<b>NET REVENUE (EXPENDITURES)</b>	<b>37,068</b>	<b>11,199</b>	<b>11,199</b>	<b>56,025</b>	<b>17,562</b>	
BEGINNING FUND BALANCE	393,674	430,742	441,941	430,742	486,767	
ENDING FUND BALANCE	430 742	441 941	453,140	486,767	504,329	
<b>FIRE GRANT FUND - 20</b>						
INTERGOVERNMENTAL	30,615	6 000	6,000	8,500	6 000	0 0%
<b>Total Revenues</b>	<b>30,615</b>	<b>6,000</b>	<b>6,000</b>	<b>8,500</b>	<b>6,000</b>	<b>0 0%</b>
Non-Personnel Services	4 065	6,000	6,000	6 500	6 000	0 0%
Capital	22,257			2,000	-	
<b>Public Safety Total</b>	<b>26,322</b>	<b>6,000</b>	<b>6,000</b>	<b>8,500</b>	<b>6,000</b>	<b>0 0%</b>
<b>NET REVENUE (EXPENDITURES)</b>	<b>4,293</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
BEGINNING FUND BALANCE	18,281	22,574	22,574	22,574	22,574	0 0%
ENDING FUND BALANCE	22 574	22,574	22 574	22 574	22 574	
<b>POLICE GRANT FUND - 21</b>						
INTERGOVERNMENTAL				3 000	25 000	
<b>Total Revenues</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3,000</b>	<b>25,000</b>	
Capital				3,000	25,000	
<b>Public Safety Total</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>3,000</b>	<b>25,000</b>	
<b>NET REVENUE (EXPENDITURES)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
BEGINNING FUND BALANCE	-	-	-	0	-	
ENDING FUND BALANCE	-	-	-	0	-	

City of Franklin  
Special Revenue Funds

Official Budget Appropriation Units

2020  
PROPOSED

	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	1 19 Fcst	2020 PROPOSED	Fav (-Unf) Prior Adopted Pct
<b>ST MARTINS FAIR FUND 24</b>						
LICENSES & PERMITS	22,915	26 200	26 200	25,000	27,000	3 05%
MISCELLANEOUS	0	500	500	500	-	-100 0%
TRANSFERS IN	71 000	11 000	11 000	11 000	11,000	0 0%
<b>Total Revenues</b>	<b>93,915</b>	<b>37,700</b>	<b>37,700</b>	<b>36,500</b>	<b>38,000</b>	<b>0 8%</b>
Personnel Services	38 614	35 906	35,906	37 250	36,716	2 3%
Non-Personnel Services	15,245	14,850	14,850	16,350	21,150	42 4%
<b>Culture &amp; Recreation Total</b>	<b>53,859</b>	<b>50,756</b>	<b>50,756</b>	<b>53,600</b>	<b>57,866</b>	<b>14 0%</b>
<b>NET REVENUE (EXPENDITURES)</b>	<b>40,056</b>	<b>(13,056)</b>	<b>(13,056)</b>	<b>(17,100)</b>	<b>(19,866)</b>	
BEGINNING FUND BALANCE	(34,452)	5,604	(7,452)	5,604	(11,496)	
ENDING FUND BALANCE	5,604	(7 452)	(20 508)	(11 496)	(31 362)	
<b>HEALTH GRANTS FUND 25</b>						
INTERGOVERNMENTAL	198 921	222 450	232,950	224,100	219 250	-1 4%
INTEREST & INV INCOME					-	
MISCELLANEOUS	14 533	5 000	5 000	11 550	6 580	31 6%
TRANSFERS IN		-	1,500		-	
<b>Total Revenues</b>	<b>213,454</b>	<b>227,450</b>	<b>239,450</b>	<b>235,650</b>	<b>225,830</b>	<b>-0 7%</b>
Personnel Services	118 757	155,961	157,461	129,900	128,774	-17 4%
Non-Personnel Services	105,907	155,225	155 225	95,000	167,280	7 8%
Capital	-	-	10,500	10,000	-	
<b>Total Health</b>	<b>224,664</b>	<b>311,186</b>	<b>323,186</b>	<b>234,900</b>	<b>296,054</b>	<b>-4 9%</b>
<b>NET REVENUE (EXPENDITURES)</b>	<b>(11,210)</b>	<b>(83,736)</b>	<b>(83,736)</b>	<b>750</b>	<b>(70,224)</b>	
BEGINNING FUND BALANCE	180,825	169,615	169,615	169,615	170,365	
ENDING FUND BALANCE	169 615	85,879	85,879	170,365	100,141	
<b>OTHER GRANTS FUND 26</b>						
INTERGOVERNMENTAL	13,350			5 000	-	
<b>Total Revenues</b>	<b>13,350</b>	<b>-</b>	<b>-</b>	<b>5,000</b>	<b>-</b>	
Public Works	7 500				-	
Health & Human Services	5 850				-	
Capital Outlay				5,000	-	
<b>Total Expenditures</b>	<b>13,350</b>	<b>-</b>	<b>-</b>	<b>5,000</b>	<b>-</b>	
<b>NET REVENUE (EXPENDITURES)</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	
BEGINNING FUND BALANCE	316	316	316	316	316	
ENDING FUND BALANCE	316	316	316	316	316	

City of Franklin  
Special Revenue Funds

Official Budget Appropriation Units

2020  
PROPOSED

	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	1 19 Fcst	2020 PROPOSED	Fav (-Unf) Prior Adopted Pct
<b>DONATIONS FUND 28</b>						
MISCELLANEOUS	41 217	21000	33,000	30,500	11 000	-47 6%
<b>Total Revenues</b>	<b>41,217</b>	<b>21,000</b>	<b>33,000</b>	<b>30,500</b>	<b>11,000</b>	<b>-47.62%</b>
Public Safety	19 604	53,400	53,400	25,000	68 950	29 1%
Health & Human Services	465				-	
Capital	20,679	35,000	51,000	13,500	-	-100 0%
<b>Total Expenditures</b>	<b>40,748</b>	<b>88,400</b>	<b>104,400</b>	<b>38,500</b>	<b>68,950</b>	<b>-22.00%</b>
<b>NET REVENUE (EXPENDITURES)</b>	<b>469</b>	<b>(67,400)</b>	<b>(71,400)</b>	<b>(8,000)</b>	<b>(57,950)</b>	
BEGINNING FUND BALANCE	150,130	150,599	83,199	150,599	142,599	
ENDING FUND BALANCE	150 599	83,199	11,799	142,599	84 649	
<b>CIVIC CELEBRATIONS FUND 29</b>						
LICENSES & PERMITS	25			300	-	
CHARGES FOR SERVICES	83 906	85 000	85,000	93,500	85 000	0 0%
MISCELLANEOUS	21 008	21 000	21 000	39 300	21 000	0 0%
TRANSFERS IN	13 000	13 000	13 000	13,000	13 000	0 0%
<b>Total Revenues</b>	<b>117,939</b>	<b>119,000</b>	<b>119,000</b>	<b>146,100</b>	<b>119,000</b>	<b>0 0%</b>
Culture & Recreation	113,526	103,691	104,441	109,050	104,528	0 8%
<b>Total Expenditures</b>	<b>113,526</b>	<b>103,691</b>	<b>104,441</b>	<b>109,050</b>	<b>104,528</b>	<b>0 8%</b>
<b>NET REVENUE (EXPENDITURES)</b>	<b>4,413</b>	<b>15,309</b>	<b>14,559</b>	<b>37,050</b>	<b>14,472</b>	
BEGINNING FUND BALANCE	65,725	70,138	85,447	70,138	107,188	
ENDING FUND BALANCE	70 138	85 447	100 006	107,188	121,660	

City of Franklin, WI  
Internal Service Fund

2020  
PROPOSED

Official Budget Appropriation Units

	2018 ACTIVITY	2019 ORIGINAL	2019 AMENDED	19 Fcst	2020 PROPOSED	Fav (-Unf) Prior Adopted
<b>SELF INSURANCE FUND 75</b>						
				1		
Medical Premiums - City	2,460,171	2,837,218	2,837,218	2,427,500	2,648,046	-6 7%
Medical Premiums - Employee	456,216	642,507	642,507	523,500	538,440	-16 2%
Other Revenues	173,869			167,200	120,000	
Investment Income	29,183	30,000	30,000	45,100	45,000	50 0%
Total Medical Revenues	3,119,439	3,509,725	3,509,725	3,163,300	3,351,486	-4 5%
Dental Premiums - City	108,368	112,550	112,550	111,500	112,000	-0 5%
Dental Premiums - Employee	59,164	60,125	60,125	58,500	60,000	-0 2%
Total Dental Premiums	167,532	172,675	172,675	170,000	172,000	-0 4%
<b>Total Revenue</b>	<b>3,286,971</b>	<b>3,682,400</b>	<b>3,682,400</b>	<b>3,333,300</b>	<b>3,523,486</b>	<b>-4 3%</b>
Medical Claims	2,536,505	2,833,650	2,833,650	1,760,000	2,414,477	-14 8%
Medical Claim Fees	142,938	145,850	145,850	180,200	105,677	-27 5%
Stop Loss Premiums	573,463	667,300	667,300	551,600	666,331	-0 1%
Stop Loss Recovery	(128,388)				-	
Others	84,128	118,250	118,250	12,400	112,478	-4 9%
Contingency					500,000	
Contributions to HSA's		59,250	98,125	94,400	237,000	300 0%
Total Medical Costs	3,208,646	3,824,300	3,863,175	2,598,600	4,035,963	5 5%
Dental Claims - Actives	198,414	189,000	189,000	164,900	193,000	2 1%
Dental Claims - Retiree	5,939	3,675	3,675	4,900	4,900	33 3%
Total Dental Costs	204,353	192,675	192,675	169,800	197,900	2 7%
<b>Total Medical Costs</b>	<b>3,412,999</b>	<b>4,016,975</b>	<b>4,055,850</b>	<b>2,768,400</b>	<b>4,233,863</b>	
<b>Net Revenues (Expenditures)</b>	<b>(126,028)</b>	<b>(334,575)</b>	<b>(373,450)</b>	<b>564,900</b>	<b>(710,377)</b>	
Beginning Fund Balance	1,886,194	1,760,166	1,425,591	1,760,166	2,325,066	
Ending Fund Balance	1,760,166	1,425,591	1,052,141	2,325,066	1,614,689	



City of Franklin, WI  
Sanitary Sewer Fund 61

Official Budget Appropriation Units

2020  
PROPOSED

	2018 ACTIVITY	2019 ORIGINAL BUDGET	2019 AMENDED BUDGET	1 2019 ESTIMATE	2020 PROPOSED	Fav (-Unf) Prior Adopted Pct
<b>Operating Revenue</b>						
Residential	2,017,367	2,044,600	2,044,600	2,057,800	2,099,400	2 7%
Commercial	584,945	557,100	557,100	576,400	588,000	5 5%
Industrial	415,365	460,700	460,700	420,500	429,000	-6 9%
Public Authority	152,553	172,000	172,000	162,200	172,000	0 0%
Penalties/Other	33,707	37,000	37,000	37,000	37,000	0 0%
Multi Family	498,485	505,000	505,000	502,800	511,200	1 2%
Miscellaneous Revenue					0	
<b>Total Operating Revenue</b>	<b>3,702,422</b>	<b>3,776,400</b>	<b>3,776,400</b>	<b>3,756,700</b>	<b>3,836,600</b>	<b>1 6%</b>
<b>Operating Expenditures</b>						
Salaries and benefits	484,498	522,996	519,746	509,975	538,362	-2 9%
Contractual services	112,213	126,350	146,965	141,050	148,175	-17 3%
Supplies	59,703	73,750	73,750	63,500	84,150	-14 1%
Other operating costs	50,962	47,550	47,550	49,650	52,300	-10 0%
Facility charges	150,161	170,200	170,200	154,800	167,850	1 4%
Sewer service - MMSD	2,407,226	2,448,000	2,448,000	2,425,000	2,497,000	-2 0%
Allocated expenses					0	
Sewer improvements	80,635	211,500	838,169	134,000	204,550	3 3%
Depreciation	123,096	179,900	179,900	180,000	151,600	15 7%
<b>Total operating expenditures</b>	<b>3,468,494</b>	<b>3,780,246</b>	<b>4,424,280</b>	<b>3,657,975</b>	<b>3,843,987</b>	<b>-1 7%</b>
<b>Operating Income (Loss)</b>	<b>233,928</b>	<b>(3,846)</b>	<b>(647,880)</b>	<b>98,725</b>	<b>(7,387)</b>	<b>92 1%</b>
<b>Non-Operating Revenue (Expenditures)</b>						
Miscellaneous income			6,750		-3,500	
Property sale	22,822				0	
Investment income	504,636	461,500	461,500	474,500	425,800	-7 7%
Interest expense	(472,825)	(447,500)	(447,500)	(447,500)	-400,800	-10 4%
Capital expenditures					0	
<b>Total non-operating revenue (expenditures)</b>	<b>54,633</b>	<b>14,000</b>	<b>20,750</b>	<b>27,000</b>	<b>21,500</b>	<b>53 6%</b>
<b>Income (Loss) before Capital Contributions</b>	<b>288,561</b>	<b>10,154</b>	<b>(627,130)</b>	<b>125,725</b>	<b>14,113</b>	<b>39 0%</b>
Retained Earnings- Beginning					-	
Transfer (to) from Invested in Capital Assets	2,828				-	
<b>Retained Earnings- Ending</b>	<b>291,389</b>	<b>10,154</b>	<b>(627,130)</b>	<b>125,725</b>	<b>14,113</b>	
<b>Capital Contributions</b>		5,025,000	5,025,000	2,225,000	1,000,000	
Depreciation - CIAC	(2,011,980)	(2,018,100)	(2,018,100)	(2,018,100)	(2,039,000)	
Transfer (to) from Retained Earnings					-	
Change in Net Investment in Capital Assets	(2,011,980)	3,006,900	3,006,900	206,900	(1,039,000)	
Net Investment in Capital Assets-Beginning	62,069,704	60,057,724				
<b>Net Investment in Capital Assets-Ending</b>	<b>60,057,724</b>	<b>63,064,624</b>	<b>3,006,900</b>	<b>206,900</b>	<b>(1,039,000)</b>	
<b>Total net assets</b>	<b>60,349,113</b>	<b>63,074,778</b>	<b>2,379,770</b>	<b>332,625</b>	<b>(1,024,887)</b>	

Alderman Nelson. On roll call, all voted Aye. Motion carried.

COMMITTEE OF THE  
WHOLE  
RECOMMENDATIONS

G.10. Alderman Barber moved to amend the Mayor's Recommended 2020 Budget in the Capital Improvement Fund as follows:

- 1) Adding appropriations of \$65,000 for "Cascade Trail," which includes anticipated use of \$46,150 of Impact Fees; and
- 2) Reducing identical amounts from the "Trails, Bicycle Routes & Linkages" project.

Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderwoman Wilhelm moved to amend the Mayor's Recommended 2020 Capital Improvement Budget as follows:

- 1) Create a new approved project appropriation of \$700,000 for the construction of W. Marquette Avenue from S. 49th Street to S. 51st Street;
- 2) Create a transfer into the Capital Improvement Fund (46) for \$600,000 from the Debt Service Fund (51); and
- 3) Reduce the "Marquette Avenue Improvements, 49th Street to Pleasant View" project appropriation by \$100,000 to a new total of \$50,000;

and, further to direct the City Engineer to prepare a Special Assessment Resolution for benefiting properties (with no date included in the motion).

Seconded by Alderman Taylor. All voted Aye; motion carried.

Alderman Taylor moved to accept all tentative amendments approved at the September 30, 2019 Committee of the Whole meeting as amendments to the Mayor's Recommended 2020 Budget for presentation at the public hearing on the 2020 budget. Seconded by Alderman Barber. All voted Aye; motion carried.

VOUCHERS AND  
PAYROLL

H.1. Alderman Barber moved to approve the following:

City vouchers with an ending date of October 1, 2019 in the amount of \$1,795,267.32; and payroll dated September 27, 2019 in the amount of \$401,165.68 and payments of the various payroll deductions in the amount of \$500,619.67, plus City matching payments; and estimated payroll dated October 11, 2019 in the amount of \$390,000.00 and payments of the various payroll deductions in the amount of \$213,000.00; plus City matching payments; and Property Tax payments with an ending date of September 26, 2019 in the amount of \$1,128.33 and the release payments to Knight Barry in the amount of \$2,095,252.72 and \$493,200.00 to Selzer-Ornst Construction Company, LLC and the release of payment to Primadata in the amount of \$4,500.00. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

# APPROVED OCTOBER 15, 2019

## CITY OF FRANKLIN COMMITTEE OF THE WHOLE MEETING SEPTEMBER 30, 2019 MINUTES

### ROLL CALL

- A. The regular meeting of the Committee of the Whole was held on September 30, 2019 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer (arrived at 6:32 p.m.), Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor, Alderman Mike Barber and Alderman John R. Nelson. Also present were Dir. of Finance & Treasurer Paul Rotzenberg, Dir. of Administration Mark Lubarda, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

### REVIEW OF RECOMMENDED 2020 BUDGET

- B. Alderman Mayer moved to tentatively amend the Mayor's recommended 2020 Budget by increasing the Municipal Buildings Department Personnel Services appropriations by \$13,000 in order to eliminate the separation vacancy in the event of a retirement. Seconded by Alderman Barber. All voted Aye; motion carried.

Alderman Barber moved to tentatively amend the Mayor's recommended 2020 Budget by authorizing the Director of Finance and Treasurer to adjust the General Fund Restricted Contingency as necessary and appropriate to preserve these emergency appropriations without sacrificing the Expenditure Restraint funding. Seconded by Alderman Taylor. All voted Aye; motion carried.

Alderman Taylor moved to tentatively amend the Mayor's recommended 2020 Budget by the following:

- 1) Eliminate the funding for three public safety officers from the new General Public Safety Department, listed as Personnel costs of \$344,860 and non-Personnel costs of \$15,000;
- 2) Adding one Police Officer for \$114,500, adding one Battalion Chief for \$143,500, and adding one support position to the Department of Administration for \$89,000; and
- 3) Adding \$29,000 to Police Department Personnel costs to address wage compression and a restructuring of the command staff pay plan by increasing General Fund revenues from property taxes by \$17,000 as per the net new construction allowance.

Seconded by Alderman Barber. On roll call, Alderman Dandrea, Alderwoman Wilhelm, Alderman Taylor, Alderman Barber and Alderman Nelson voted Aye; Alderman Mayer Abstained. Motion carried.

Alderman Taylor moved to tentatively amend the Mayor's recommended 2020 Sanitary Sewer Budget by the following:

- 1) Salaries and Benefits reduced by \$10,959 to conform to changes in 2020 Employee benefit program plans;
  - 2) Sewer Improvements decreased by \$84,000 to reflect the capitalization of software; and
  - 3) Increase miscellaneous expenses by \$3,500 for taxes.
- Seconded by Alderman Barber. On Roll Call, all voted Aye. Motion carried.

Alderswoman Wilhelm moved to tentatively amend the Mayor's recommended 2020 Budget to carryover and add \$100,000 for completion of the S. 50th Street improvement project. Seconded by Alderman Taylor. On Roll Call, all voted Aye; motion carried.

ADJOURNMENT

- C. Alderman Taylor moved to adjourn the meeting at 8:45 p.m. Seconded by Alderman Dandrea. All voted Aye; motion carried.

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE Nov 19, 2019
REPORTS & RECOMMENDATIONS	Resolution Awarding the Sale of \$12,470,000 Taxable General Obligation Corporate Purpose Bonds, Series 2019C	ITEM NUMBER G.2.

### Analysis

On Sept 17, 2019 the Common Council adopted an authorizing resolution for the sale of \$12,470,000 of Taxable General Obligation Corporate Purpose Bonds to support \$8,390,000 providing financial assistance to community development projects and \$4,080,000 for refunding obligations, including interest on them.

The sale is a competitive sale conducted November 19, 2019.

Our Financial Advisor for this transaction is Ehlers & Associates, LLC, represented by Dawn Gunderson.

Quarles and Brady prepared a draft resolution for review which is attached. An updated resolution based on the results of the sale will be presented at the meeting for adoption.

Ms. Gunderson of Ehlers & Associates will present the bid results opened earlier on Nov. 19, 2019.

Copies of the preliminary Official Statements are enclosed for your information and were emailed to Alderman last week.

### **COUNCIL ACTION REQUESTED**

Motion to adopt Resolution No. 2019 - \_\_\_\_\_ awarding the sale of \$12,470,000 Taxable General Obligation Corporate Purpose Bonds, 2019C.

STATE OF WISCONSIN: CITY OF FRANKLIN MILWAUKEE COUNTY

RESOLUTION NO \_\_\_\_\_

RESOLUTION AWARDDING THE SALE OF \$12,470,000\* TAXABLE GENERAL  
OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2019C

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WHEREAS, on September 17, 2019, the Common Council of the City of Franklin, Milwaukee County, Wisconsin (the "City") adopted an initial resolution authorizing the issuance of general obligation bonds in an amount not to exceed \$8,390,000 for the public purpose of providing financial assistance to community development projects under Section 66.1105, Wisconsin Statutes, by paying project costs of the City's Tax Incremental Districts (the "Project") (the "Project Initial Resolution"); and an initial resolution authorizing the issuance of general obligation bonds in an amount not to exceed \$4,080,000 for the public purpose of paying the cost of refunding obligations of the City, including interest on them (the "Refunding Initial Resolution") (the Project Initial Resolution and Refunding Initial Resolution shall be collectively referred to herein as the "Initial Resolutions");

WHEREAS, pursuant to the provisions of Section 67.05, Wisconsin Statutes, within 15 days following the adoption of the Project Initial Resolution, the City Clerk caused a notice to electors to be published in the MKE-South NOW, stating the purpose and maximum principal amount of the bond issue authorized by the Project Initial Resolution and describing the opportunity and procedure for submitting a petition requesting a referendum on the bond issue authorized by the Project Initial Resolution;

WHEREAS, no petition for referendum has been filed with the City Clerk, and the time to file such a petition has expired;

WHEREAS, on September 17, 2019, the Common Council of the City also adopted a resolution (the "Set Sale Resolution"), providing that the general obligation bond issues authorized by the Initial Resolutions be combined, issued and sold as a single issue of bonds designated as "Taxable General Obligation Corporate Purpose Bonds, Series 2019C" (the "Bonds") for the purpose of paying the cost of the Project and refinancing a \$4,000,000 portion of the Taxable Note Anticipation Notes, Series 2018A, dated May 1, 2018 (the "Refunded Obligations") (hereinafter the refinancing of the Refunded Obligations shall be referred to as the "Refunding");

WHEREAS, the Common Council deems it to be necessary, desirable and in the best interest of the City to refund the Refunded Obligations for the purpose of providing permanent financing for the projects financed by the Refunded Obligations;

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\* Preliminary subject to change

WHEREAS, the City is authorized by the provisions of Section 67.04, Wisconsin Statutes, to borrow money and issue general obligation bonds for such public purposes and to refinance its outstanding obligations;

WHEREAS, due to certain provisions contained in the Internal Revenue Code of 1986, as amended, it is necessary to issue such Bonds on a taxable rather than tax-exempt basis;

WHEREAS, pursuant to the Set Sale Resolution, the City has directed Ehlers & Associates, Inc. ("Ehlers") to take the steps necessary to sell the Bonds to pay the cost of the Project and the Refunding;

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Bonds and indicating that the Bonds would be offered for public sale on November 19, 2019;

WHEREAS, the City Clerk (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Bonds for public sale on November 19, 2019;

WHEREAS, the City has duly received bids for the Bonds as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation"),

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the City. Ehlers has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference; and

WHEREAS, the Common Council now deems it necessary, desirable and in the best interest of the City that the Bonds be issued in the aggregate principal amount of \$\_\_\_\_\_ for the following purposes and in the following amounts: \$\_\_\_\_\_ for the Project and \$\_\_\_\_\_ for the Refunding.

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

Section 1. Ratification of the Notice of Sale and Offering Materials. The Common Council hereby ratifies and approves the details of the Bonds set forth in Exhibit A attached hereto as and for the details of the Bonds. The Notice of Sale and any other offering materials prepared and circulated by Ehlers are hereby ratified and approved in all respects. All actions taken by officers of the City and Ehlers in connection with the preparation and distribution of the Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1A Award of the Bonds. The Proposal of the Purchaser offering to purchase the Bonds for the sum set forth on the Proposal, plus accrued interest to the date of delivery,

resulting in a true interest cost as set forth on the Proposal, is hereby accepted. The Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be applied in accordance with the Notice of Sale, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned. The Bonds shall bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Bonds. The Bonds shall be designated "Taxable General Obligation Corporate Purpose Bonds, Series 2019C", shall be issued in the aggregate principal amount of \$12,470,000\*; shall be dated December 4, 2019; shall be in the denomination of \$5,000 or any integral multiple thereof, shall be numbered R-1 and upward, and shall bear interest at the rates per annum and mature on March 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest shall be payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2020. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Bonds is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Bonds maturing on March 1, 2029 and thereafter shall be subject to redemption prior to maturity, at the option of the City, on March 1, 2028 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

【If the Proposal specifies that any of the Bonds are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Bonds subject to mandatory redemption, the principal amount of such Bonds so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Bonds in such manner as the City shall direct.】

Section 4. Form of the Bonds. The Bonds shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

#### Section 5. Tax Provisions

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Bonds as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the

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\* Preliminary, subject to change



taxable property of the City a direct annual irrepealable tax in the years 2019 through 2036 for the payments due in the years 2020 through 2037 in the amounts set forth on the Schedule.

(B) Tax Collection. So long as any part of the principal of or interest on the Bonds remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Bonds when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

#### Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for Taxable General Obligation Corporate Purpose Bonds, Series 2019C" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) any premium not used for the Refunding which may be received by the City above the par value of the Bonds and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Bonds when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (v) surplus monies in the Borrowed Money Fund as specified below; and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and the Bonds canceled, provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to

reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Bonds; Segregated Borrowed Money Fund. The proceeds of the Bonds (the "Bond Proceeds") (other than any premium not used for the Refunding and accrued interest which must be paid at the time of the delivery of the Bonds into the Debt Service Fund Account created above) shall be deposited into a special fund (the "Borrowed Money Fund") separate and distinct from all other funds of the City and disbursed solely for the purpose or purposes for which borrowed. Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Bonds have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

Section 8. Execution of the Bonds; Closing; Professional Services. The Bonds shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Bonds may be imprinted on the Bonds in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Bonds, at least one of the signatures appearing on each Bond shall be a manual signature. In the event that either of the officers whose signatures appear on the Bonds shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Bonds and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Bonds, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Bonds is hereby ratified and approved in all respects.

Section 9. Payment of the Bonds; Fiscal Agent. The principal of and interest on the Bonds shall be paid by Bond Trust Services Corporation, Roseville, Minnesota, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The City hereby authorizes the Mayor and City Clerk or other appropriate officers of the City to enter a Fiscal Agency Agreement between the City

and the Fiscal Agent. Such contract may provide, among other things, for the performance by the Fiscal Agent of the functions listed in Wis. Stats. Sec. 67.10(2)(a) to (j), where applicable, with respect to the Bonds.

Section 10. Persons Treated as Owners; Transfer of Bonds. The City shall cause books for the registration and for the transfer of the Bonds to be kept by the Fiscal Agent. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

Section 11. Record Date. The 15th day of the calendar month next preceding each interest payment date shall be the record date for the Bonds (the "Record Date"). Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the Record Date.

Section 12. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations, which the City Clerk or other authorized representative of the City is authorized and directed to execute and deliver to DTC on behalf of the City to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the City Clerk's office.

Section 13. Payment of Issuance Expenses. The City authorizes the Purchaser to forward the amount of the proceeds of the Bonds allocable to the payment of issuance expenses to Old National Bank at Closing for further distribution as directed by Ehlers.

Section 14. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Bonds and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and

approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk shall cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser.

Section 15. Undertaking to Provide Continuing Disclosure. The City hereby covenants and agrees, for the benefit of the owners of the Bonds, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Bonds or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

To the extent required under the Rule, the Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 16. Redemption of the Refunded Obligations. \$4,000,000 in principal amount of the 2023 maturity of the Refunded Obligations is hereby called for prior payment and redemption on March 1, 2020 at a price of par plus accrued interest to the date of redemption.

The City hereby directs the City Clerk to work with Ehlers to cause timely notice of redemption, in substantially the form attached hereto as Exhibit F and incorporated herein by this reference (the "Notice"), to be provided at the times, to the parties and in the manner set forth on the Notice. Any and all actions heretofore taken by the officers and agents of the City to effectuate the redemption of the Refunded Obligations are hereby ratified and approved.

Section 17. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Bonds in the Record Book.

Section 18. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 19. Conflicting Resolutions; Severability; Effective Date All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Introduced at a regular meeting of the Common Council of the City of Franklin this 19th day of November, 2019

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 19th day of November, 2019.

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

ATTEST.

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

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

(SEAL)

EXHIBIT A

Notice of Sale

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

EXHIBIT B

Bid Tabulation

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

EXHIBIT C

Winning Bid

To be provided by Ehlers & Associates, Inc and incorporated into the Resolution

(See Attached)



EXHIBIT D-1

Pricing Summary

To be provided by Ehlers & Associates, Inc and incorporated into the Resolution.

(See Attached)

EXHIBIT D-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Ehlers & Associates, Inc and incorporated into the Resolution

(See Attached)

## [EXHIBIT MRP

### Mandatory Redemption Provision

The Bonds due on March 1, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on March 1 of each year the respective amount of Term Bonds specified below:

For the Term Bonds Maturing on March 1, \_\_\_\_\_

<u>Redemption</u>	
<u>Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on March 1, \_\_\_\_\_

<u>Redemption</u>	
<u>Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on March 1, \_\_\_\_\_

<u>Redemption</u>	
<u>Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity)

For the Term Bonds Maturing on March 1, \_\_\_\_\_

<u>Redemption</u>	
<u>Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____
_____	_____ (maturity) ]

EXHIBIT E

(Form of Bond)

REGISTERED UNITED STATES OF AMERICA DOLLARS  
STATE OF WISCONSIN  
MILWAUKEE COUNTY  
NO. R- CITY OF FRANKLIN \$  
TAXABLE GENERAL OBLIGATION CORPORATE PURPOSE BOND, SERIES 2019C

MATURITY DATE. ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:  
March 1, December 4, 2019 %

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT. THOUSAND DOLLARS  
(\$ )

FOR VALUE RECEIVED, the City of Franklin, Milwaukee County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2020 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Bond are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Bond is registered on the Bond Register maintained by Bond Trust Services Corporation, Roseville, Minnesota (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding each interest payment date (the "Record Date"). This Bond is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Bond together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the City are hereby irrevocably pledged.

This Bond is one of an issue of Bonds aggregating the principal amount of \$12,470,000, all of which are of like tenor, except as to denomination, interest rate, maturity date and redemption provision, issued by the City pursuant to the provisions of Section 67.04, Wisconsin Statutes, in the amount of \$ for the public purpose of paying the cost of providing financial assistance to community development projects under Section 66.1105, Wisconsin Statutes, by paying project costs of the City's Tax Incremental Districts and in the amount of \$ for the public purpose of refunding obligations of the City, as

authorized by resolutions adopted on September 17, 2019 and November 19, 2019. Said resolutions are recorded in the official minutes of the Common Council for said dates.

The Bonds maturing on March 1, 2029 and thereafter are subject to redemption prior to maturity, at the option of the City, on March 1, 2028 or on any date thereafter. Said Bonds are redeemable as a whole or in part, and if in part, from maturities selected by the City, and within each maturity by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

[The Bonds maturing in the years \_\_\_\_\_ are subject to mandatory redemption by lot as provided in the resolution awarding the sale of the Bonds, at the redemption price of par plus accrued interest to the date of redemption and without premium.]

In the event the Bonds are redeemed prior to maturity, as long as the Bonds are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Bonds of a maturity are to be called for redemption, the Bonds of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation, date and maturities of the Bonds called for redemption, CUSIP numbers, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Bonds shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Bonds shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Bond have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the City, including this Bond and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Bond, together with the interest thereon, when and as payable.

This Bond is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Bonds, and the City appoints another depository, upon surrender of the Bond to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Bond in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Bonds (i) after the

Record Date, (ii) during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Bonds, or (iii) with respect to any particular Bond, after such Bond has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Bonds are issuable solely as negotiable, fully-registered Bonds without coupons in the denomination of \$5,000 or any integral multiple thereof.

This Bond shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Fiscal Agent.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the City of Franklin, Milwaukee County, Wisconsin, by its governing body, has caused this Bond to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Mayor and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above

CITY OF FRANKLIN  
MILWAUKEE COUNTY, WISCONSIN

By: \_\_\_\_\_  
Stephen R. Olson  
Mayor

(SEAL)

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

Date of Authentication. \_\_\_\_\_, \_\_\_\_\_

**CERTIFICATE OF AUTHENTICATION**

This Bond is one of the Bonds of the issue authorized by the within-mentioned resolutions of the City of Franklin, Milwaukee County, Wisconsin.

**BOND TRUST SERVICES  
CORPORATION,  
ROSEVILLE, MINNESOTA**

By \_\_\_\_\_  
Authorized Signatory

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_  
(Name and Address of Assignee)

\_\_\_\_\_  
(Social Security or other Identifying Number of Assignee)

the within Bond and all rights thereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_, Legal Representative, to transfer said Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed

\_\_\_\_\_  
(e.g. Bank, Trust Company  
or Securities Firm)

\_\_\_\_\_  
(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

\_\_\_\_\_  
(Authorized Officer)



EXHIBIT F

NOTICE OF PARTIAL CALL\*

CITY OF FRANKLIN  
MILWAUKEE COUNTY, WISCONSIN  
TAXABLE NOTE ANTICIPATION NOTES, SERIES 2018A, DATED MAY 1, 2018

NOTICE IS HEREBY GIVEN that the Notes of the above-referenced issue which mature on the date and in the amount; bear interest at the rate; and have a CUSIP No. as set forth below have been called for prior payment on March 1, 2020 at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the date of prepayment:

<u>Maturity Date</u>	<u>Principal Amount</u>	<u>Interest Rate</u>	<u>CUSIP No.</u>
3/1/2023	\$4,000,000**	3.20%	355185PG8

Upon presentation and surrender of said Notes to Bond Trust Services Corporation, the registrar and fiscal agent for said Notes, the registered owners thereof will be paid the principal amount of the Notes plus accrued interest to the date of prepayment.

Said Notes will cease to bear interest on March 1, 2020.

By Order of the  
Common Council  
City of Franklin  
City Clerk

Dated \_\_\_\_\_

---

\* To be provided to Bond Trust Services Corporation at least thirty-five (35) days prior to March 1, 2020. The registrar and fiscal agent shall be directed to give notice of such prepayment by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by The Depository Trust Company to The Depository Trust Company, Attn: Supervisor, Call Notification Department, 570 Washington Blvd, Jersey City, NJ 07310, not less than thirty (30) days nor more than sixty (60) days prior to March 1, 2020 and to the MSRB electronically through the Electronic Municipal Market Access (EMMA) System website at [www.emma.msrb.org](http://www.emma.msrb.org)

\*\*Represents a portion of the principal amount outstanding of this maturity

## PRELIMINARY OFFICIAL STATEMENT DATED NOVEMBER 12, 2019

*In the opinion of Quarles & Brady LLP, Bond Counsel, under existing law interest on the Bonds is included in gross income for federal income tax purposes. See "TAXABILITY OF INTEREST" herein. The interest on the Bonds is not exempt from present Wisconsin income or franchise taxes.*

**New Issue**

**Rating Application Made: Moody's Investors Service, Inc.**

### **CITY OF FRANKLIN, WISCONSIN** (Milwaukee County)

### **\$12,470,000\* TAXABLE GENERAL OBLIGATION CORPORATE PURPOSE BONDS, SERIES 2019C**

**BID OPENING:** November 19, 2019, 10:00 A.M., C.T.      **CONSIDERATION:** November 19, 2019, 6:30 P.M., C.T.

**PURPOSE/AUTHORITY/SECURITY:** The \$12,470,000\* Taxable General Obligation Corporate Purpose Bonds, Series 2019C (the "Bonds") of the City of Franklin, Wisconsin (the "City") are being issued pursuant to Section 67.04, Wisconsin Statutes, for the public purpose of providing financial assistance to community development projects under Section 66.1105, Wisconsin Statutes, by paying project costs of the City's Tax Incremental Districts and current refunding certain outstanding obligations of the City as more fully described herein. The Bonds are general obligations of the City, and all the taxable property in the City is subject to the levy of a tax to pay the principal of and interest on the Bonds as they become due which tax may, under current law, be levied without limitation as to rate or amount. Delivery is subject to receipt of an approving legal opinion of Quarles & Brady LLP, Milwaukee, Wisconsin.

**DATE OF BONDS:** December 4, 2019

**MATURITY:** March 1 as follows:

<u>Year</u>	<u>Amount*</u>	<u>Year</u>	<u>Amount*</u>	<u>Year</u>	<u>Amount*</u>
2022	\$200,000	2028	\$685,000	2034	\$875,000
2023	200,000	2029	3,375,000	2035	850,000
2024	450,000	2030	630,000	2036	675,000
2025	480,000	2031	630,000	2037	675,000
2026	645,000	2032	655,000		
2027	670,000	2033	775,000		

**\*MATURITY ADJUSTMENTS:** The City reserves the right to increase or decrease the principal amount of the Bonds on the day of sale, in increments of \$5,000 each. Increases or decreases may be made in any maturity. If any principal amounts are adjusted, the purchase price proposed will be adjusted to maintain the same gross spread per \$1,000.

**TERM BONDS:** See "Term Bond Option" herein.

**INTEREST:** March 1, 2020 and semiannually thereafter.

**OPTIONAL REDEMPTION:** Bonds maturing on March 1, 2029 and thereafter are subject to call for prior optional redemption on March 1, 2028 or any date thereafter, at a price of par plus accrued interest.

**MINIMUM BID:** \$12,314,125.

**MAXIMUM BID:** \$12,968,800.

**GOOD FAITH DEPOSIT:** A good faith deposit in the amount of \$249,400 shall be made by the winning bidder by wire transfer of funds.

**PAYING AGENT:** Bond Trust Services Corporation.

**BOND COUNSEL &**

**DISCLOSURE COUNSEL:** Quarles & Brady LLP.

**MUNICIPAL ADVISOR:** Ehlers and Associates, Inc.

**BOOK-ENTRY-ONLY:** See "Book-Entry-Only System" herein (unless otherwise specified by the purchaser).

## REPRESENTATIONS

No dealer broker salesperson or other person has been authorized by the City to give any information or to make any representation other than those contained in this Preliminary Official Statement and if given or made such other information or representations must not be relied upon as having been authorized by the City. ***This Preliminary Official Statement does not constitute an offer to sell or a solicitation of an offer to buy any of the Bonds in any jurisdiction to any person to whom it is unlawful to make such an offer or solicitation in such jurisdiction.***

This Preliminary Official Statement is not to be construed as a contract with the Syndicate Manager or Syndicate Members. Statements contained herein which involve estimates or matters of opinion are intended solely as such and are not to be construed as representations of fact. Ehlers and Associates Inc prepared this Preliminary Official Statement and any addenda thereto relying on information of the City and other sources for which there is reasonable basis for believing the information is accurate and complete. Quarles & Brady LLP will serve as Disclosure Counsel to the City with respect to the Bonds. Compensation of Ehlers and Associates Inc payable entirely by the City is contingent upon the delivery of the Bonds.

## COMPLIANCE WITH S.E.C. RULE 15c2-12

Certain municipal obligations (issued in an aggregate amount over \$1 000 000) are subject to Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934 as amended (the "Rule")

**Preliminary Official Statement:** This Preliminary Official Statement was prepared for the City for dissemination to potential investors. Its primary purpose is to disclose information regarding the Bonds to prospective underwriters in the interest of receiving competitive proposals in accordance with the sale notice contained herein. Unless an addendum is posted prior to the sale, this Preliminary Official Statement shall be deemed nearly final for purposes of the Rule subject to completion, revision and amendment in a Final Official Statement as defined below.

**Review Period:** This Preliminary Official Statement has been distributed to prospective bidders for review. Comments or requests for the correction of omissions or inaccuracies must be submitted to Ehlers and Associates Inc at least two business days prior to the sale. Requests for additional information or corrections in the Preliminary Official Statement received on or before this date will not be considered a qualification of a proposal received from an underwriter. If there are any changes, corrections or additions to the Preliminary Official Statement, interested bidders will be informed by an addendum prior to the sale.

**Final Official Statement:** Copies of the Final Official Statement will be delivered to the underwriter (Syndicate Manager) within seven business days following the proposal acceptance.

**Continuing Disclosure:** Subject to certain exemptions, issues in an aggregate amount over \$1 000,000 may be required to comply with provisions of the Rule which require that underwriters obtain from the issuers of municipal securities (or other obligated party) an agreement for the benefit of the owners of the securities to provide continuing disclosure with respect to those securities. This Preliminary Official Statement describes the conditions under which the City is required to comply with the Rule.

## CLOSING CERTIFICATES

Upon delivery of the Bonds, the underwriter (Syndicate Manager) will be furnished with the following items: (1) a certificate of the appropriate officials to the effect that at the time of the sale of the Bonds and all times subsequent thereto up to and including the time of the delivery of the Bonds, this Preliminary Official Statement did not and does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading; (2) a receipt signed by the appropriate officer evidencing payment for the Bonds; and (3) a certificate evidencing the due execution of the Bonds, including statements that (a) no litigation of any nature is pending or to the knowledge of signers, threatened, restraining or enjoining the issuance and delivery of the Bonds; (b) neither the corporate existence or boundaries of the City nor the title of the signers to their respective offices is being contested; and (c) no authority or proceedings for the issuance of the Bonds have been repealed, revoked or rescinded.

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## **CITY OF FRANKLIN COMMON COUNCIL**

		<u>Term Expires</u>
Steven R. Olson	Mayor	April 2020
Mark Dandrea	Common Council President	April 2022
Mike Barber	Alderman	April 2022
Daniel Mayer	Alderman	April 2022
John R. Nelson	Alderman	April 2020
Steve F. Taylor	Alderman	April 2020
Kristen Wilhelm	Alderman	April 2020

## **ADMINISTRATION**

Mark W. Lubberda, Director of Administration

Paul Rotzenberg, Director of Finance & Treasurer

Sandra L. Wesolowski, Director of Clerk Services/City Clerk

## **PROFESSIONAL SERVICES**

Jesse A. Wesolowski, City Attorney, Franklin, Wisconsin

Quarles & Brady LLP, Bond Counsel and Disclosure Counsel, Milwaukee, Wisconsin

Ehlers and Associates, Inc., Municipal Advisors, Waukesha, Wisconsin  
(Other offices located in Roseville, Minnesota and Denver, Colorado)

## INTRODUCTORY STATEMENT

This Preliminary Official Statement contains certain information regarding the City of Franklin, Wisconsin (the "City") and the issuance of its \$12,470,000\* Taxable General Obligation Corporate Purpose Bonds, Series 2019C (the "Bonds"). Any descriptions or summaries of the Bonds, statutes, or documents included herein are not intended to be complete and are qualified in their entirety by reference to such statutes and documents and the form of the Bonds to be included in the resolution awarding the sale of the Bonds ("Award Resolution") to be adopted by the Common Council on November 19, 2019.

Inquiries may be directed to Ehlers and Associates, Inc. ("Ehlers" or the "Municipal Advisor"), Waukesha, Wisconsin, (262) 785-1520, the City's municipal advisor. A copy of this Preliminary Official Statement may be downloaded from Ehlers' web site at [www.ehlers-inc.com](http://www.ehlers-inc.com) by connecting to the Bond Sales link and following the directions at the top of the site.

## THE BONDS

### GENERAL

The Bonds will be issued in fully registered form as to both principal and interest in denominations of \$5,000 each or any integral multiple thereof, and will be dated, as originally issued, as of December 4, 2019. The Bonds will mature on March 1 in the years and amounts set forth on the cover of this Preliminary Official Statement. Interest will be payable on March 1 and September 1 of each year, commencing March 1, 2020, to the registered owners of the Bonds appearing of record in the bond register as of the close of business on the 15th day (whether or not a business day) of the immediately preceding month. Interest will be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to rules of the Municipal Securities Rulemaking Board ("MSRB"). **The rate for any maturity may not be more than 2.00% less than the rate for any preceding maturity. (For example, if a rate of 4.50% is proposed for the 2022 maturity, then the lowest rate that may be proposed for any later maturity is 2.50%.)** All Bonds of the same maturity must bear interest from the date of issue until paid at a single, uniform rate. Each rate must be expressed in an integral multiple of 5/100 or 1/8 of 1%.

Unless otherwise specified by the purchaser, the Bonds will be registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"). (See "Book-Entry-Only System" herein.) As long as the Bonds are held under the book-entry system, beneficial ownership interests in the Bonds may be acquired in book-entry form only, and all payments of principal of, premium, if any, and interest on the Bonds shall be made through the facilities of DTC and its participants. If the book-entry system is terminated, principal of, premium, if any, and interest on the Bonds shall be payable as provided in the Award Resolution.

The City has selected Bond Trust Services Corporation, Roseville, Minnesota ("BTSC"), to act as paying agent (the "Paying Agent"). BTSC and Ehlers are affiliate companies. The City will pay the charges for Paying Agent services. The City reserves the right to remove the Paying Agent and to appoint a successor.

### OPTIONAL REDEMPTION

At the option of the City, the Bonds maturing on or after March 1, 2029 shall be subject to optional redemption prior to maturity on March 1, 2028 or any date thereafter, at a price of par plus accrued interest.

Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the selection of the amounts and maturities of the Bonds to be redeemed shall be at the discretion of the City. If only part of the Bonds having a common maturity date are called for redemption, then the City or Paying Agent, if any, will notify DTC of the particular amount of such maturity to be redeemed. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interest in such maturity to be redeemed.

Notice of such call shall be given by sending a notice by registered or certified mail, facsimile or electronic transmission, overnight delivery service or in any other manner required by DTC, not less than 30 days nor more than 60 days prior to the date fixed for redemption to the registered owner of each Bond to be redeemed at the address shown on the registration books.

## AUTHORITY; PURPOSE

The Bonds are being issued pursuant to Section 67.04, Wisconsin Statutes, for the public purpose of providing financial assistance to community development projects under Section 66.1105, Wisconsin Statutes, by paying project costs of the City's Tax Incremental Districts and current refunding a portion of the City's Taxable Note Anticipation Notes, Series 2018A, dated May 1, 2018 (the "Series 2018A Notes") as follows:

Issue Being Refunded	Date of Refunded Issue	Call Date	Call Price	Maturity Being Refunded	Interest Rate	Principal to be Refunded
Series 2018A Notes	05/01/18	03/01/20	Par	2023	3.20%	<u>\$4,000,000*</u>
Total Series 2018A Notes Being Refunded						<u>\$4,000,000</u>

\*The City is only refunding a portion of the Series 2018A Notes and will have a remaining principal of \$9,480,000 due for the 2023 maturity.

## ESTIMATED SOURCES AND USES\*

### Sources

Par Amount of Bonds	\$12,470,000
Transfers from Series 2018A Notes Debt Service Fund	64,000
Estimated Interest Earnings	<u>13,000</u>
<b>Total Sources</b>	<b>\$12,547,000</b>

### Uses

Estimated Underwriter's Discount	\$155,875
Costs of Issuance	84,650
Deposit to Capitalized Interest Fund	41,181
Deposit to Project Construction Fund	8,200,000
Deposit to Refunding Fund	4,064,000
Rounding Amount	<u>1,294</u>
<b>Total Uses</b>	<b>\$12,547,000</b>

\*Preliminary, subject to change



## SECURITY

For the prompt payment of the Bonds with interest thereon and for the levy of taxes sufficient for this purpose, the full faith, credit and resources of the City will be irrevocably pledged. The City will levy a direct annual, irrepealable tax on all taxable property in the City sufficient to pay the interest on the Bonds when it becomes due and also to pay and discharge the principal on the Bonds at maturity, in compliance with Article XI Section 3 of the Wisconsin Constitution. Such tax may, under current law, be levied without limitation as to rate or amount.

## RATING

General obligation debt of the City is currently rated "Aa2" by Moody's Investors Service, Inc. ("Moody's").

The City has requested a rating on the Bonds from Moody's, and bidders will be notified as to the assigned rating prior to the sale. Such rating reflects only the views of such organization and explanations of the significance of such rating may be obtained from Moody's. Generally, a rating agency bases its rating on the information and materials furnished to it and on investigations, studies and assumptions of its own. There is no assurance that such rating will continue for any given period of time or that it will not be revised downward or withdrawn entirely by such rating agency, if in the judgment of such rating agency circumstances so warrant. Any such downward revision or withdrawal of such rating may have an adverse effect on the market price of the Bonds.

Such rating is not to be construed as a recommendation of the rating agency to buy, sell or hold the Bonds, and the rating assigned by the rating agency should be evaluated independently. Except as may be required by the Disclosure Undertaking described under the heading "CONTINUING DISCLOSURE" neither the City nor the underwriter undertake responsibility to bring to the attention of the owner of the Bonds any proposed changes in or withdrawal of such rating or to oppose any such revision or withdrawal.

## CONTINUING DISCLOSURE

In order to assist brokers, dealers, and municipal securities dealers, in connection with their participation in the offering of the Notes, to comply with Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 as amended (the "Rule"), the City shall agree to provide certain information to the Municipal Securities Rulemaking Board ("MSRB") through its Electronic Municipal Market Access ("EMMA") system, or any system that may be prescribed in the future. The Rule was last amended, effective February 27, 2019, to include an expanded list of material events. The Disclosure Undertaking includes the two new material events effective February 27, 2019 under the Rule.

On the date of issue and delivery, the City shall execute and deliver a Continuing Disclosure Certificate, under which the City will covenant for the benefit of holders including beneficial holders, to provide electronically, or in a manner otherwise prescribed, certain financial information annually and to provide notices of the occurrence of certain events enumerated in the Rule (the "Disclosure Undertaking"). The details and terms of the Disclosure Undertaking for the City are set forth in Appendix D. Such Disclosure Undertaking will be in substantially the form attached hereto.

A failure by the City to comply with the Disclosure Undertaking will not constitute an event of default on the Notes. However, such a failure may adversely affect the transferability and liquidity of the Notes and their market price.

In the previous five years, the City believes it has not failed to comply in all material respects with its prior undertakings under the Rule. The City has reviewed its continuing disclosure responsibilities, including the two new material events, to help ensure compliance in the future. Ehlers is currently engaged as dissemination agent for the City.



## LEGAL MATTERS

An opinion as to the validity of the Bonds will be furnished by Quarles & Brady LLP, of Milwaukee, Wisconsin, bond counsel to the City. The legal opinion will be issued on the basis of existing law and will state that the Bonds are valid and binding general obligations of the City, provided that the rights of the owners of the Bonds and the enforceability of the Bonds may be limited by bankruptcy, insolvency, reorganization, moratorium, and other similar laws affecting creditors' rights and by equitable principles (which may be applied in either a legal or equitable proceeding). (See "FORM OF LEGAL OPINION" found in Appendix B.)

Quarles & Brady LLP has also been retained by the City to serve as Disclosure Counsel to the City with respect to the Bonds. Although, as Disclosure Counsel to the City, Quarles & Brady LLP has assisted the City with certain disclosure matters, Quarles & Brady LLP has not undertaken to independently verify the accuracy, completeness or sufficiency of this Official Statement or other offering material relating to the Bonds and assumes no responsibility whatsoever nor shall have any liability to any other party for the statements or information contained or incorporated by reference in this Official Statement. Further, Quarles & Brady LLP makes no representation as to the suitability of the Bonds for any investor.

## ORIGINAL ISSUE DISCOUNT

To the extent that the initial public offering price of certain of the Bonds is less than the stated principal amount payable at maturity, such Bonds will be considered to be issued with original issue discount unless the amount of original issue discount is "de minimis." The amount of original issue discount with respect to a Bond will be "de minimis" if the amount of discount is less than one-fourth of 1% of the principal amount payable at maturity multiplied by the number of complete years from the issue date until the maturity date.

If the amount of discount with respect to a Bond is considered "de minimis," then the amount of original issue discount with respect to the Bond will be zero. In that case, owners of those Bonds will not be required to include any amount of original issue discount in income until the principal amount is repaid, at which time the owner will recognize capital gain (assuming the Bond is held as a capital asset) equal to the excess of the amount received at maturity over the issue price.

If the amount of discount with respect to a Bond is more than "de minimis," then the Bonds will contain original issue discount and owners of the Bonds will be required to include original issue discount in income. The Internal Revenue Code of 1986, as amended (the "Code") contains a number of very complex provisions requiring holders of debt instruments with original issue discount to include such original issue discount in income as it accrues ratably over the life of the debt instrument. In the case of a Bond with original issue discount, the owner may be required to include the original issue discount in income before the owner receives the associated cash payment, regardless of the owner's regular method of accounting for tax purposes. Any such original issue discount that is included in income is treated in the same manner as interest. Any original issue discount that is included in income by an owner with respect to a Bond will increase the holder's tax basis in the Bond.

The Code contains certain provisions relating to the accrual of original issue discount (including de minimis original issue discount) in the case of subsequent purchasers of obligations such as the Bonds. Owners who do not purchase Bonds in the initial public offering should consult their own tax advisors with respect to the tax consequences of the acquisition and ownership of Bonds.

Owners who purchase Bonds in the initial public offering but at a price different than the initial offering price at which a substantial amount of that maturity of the Bonds was sold to the public should consult their own tax advisors with respect to the tax consequences of the acquisition and ownership of the Bonds.

Owners of Bonds should consult their own tax advisors with respect to the state and local tax consequences of owning the Bonds

## **BOND PREMIUM**

To the extent that the initial offering price of certain of the Bonds ("Premium Bonds") is more than the principal amount payable at maturity, the Premium Bonds will be considered to have "bond premium" equal to the difference between the issue price and the stated redemption price at maturity

Any Premium Bond purchased in the initial offering at the issue price will have "amortizable bond premium" within the meaning of Section 171 of the Code. Owners of Premium Bonds the interest on which is subject to tax, may make an election to amortize the bond premium and to offset the taxable interest income with the amortizable bond premium for the year. Any amortizable bond premium that reduces the amount of interest income also reduces the owner's adjusted tax basis in the Bond by a corresponding amount. The adjusted tax basis in a Premium Bond will be used to determine taxable gain or loss upon a disposition (for example, upon a sale, exchange, redemption, or payment at maturity) of such Premium Bond. If the election is made, it is effective for all Bonds acquired during that year and all future years unless the taxpayer receives permission from the IRS to revoke the election. Owners of Premium Bonds should consult with their tax advisors regarding the calculation and treatment of bond premium for federal income tax purposes as well as the manner of making the election.

Owners of the Premium Bonds who do not purchase such Premium Bonds in the initial offering at the issue price should consult with their tax advisors regarding the tax consequences of owning the Premium Bonds

Owners of Premium Bonds should consult with their tax advisors regarding the state and local tax consequences of owning such Premium Bonds

## **TAXABILITY OF INTEREST**

Interest on the Bonds is included in gross income for present Federal income tax purposes. Interest on the Bonds is not exempt from present Wisconsin income or franchise taxes.

## **MUNICIPAL ADVISOR**

Ehlers has served as municipal advisor to the City in connection with the issuance of the Bonds. The Municipal Advisor cannot participate in the underwriting of the Bonds. The financial information included in this Official Statement has been compiled by the Municipal Advisor. Such information does not purport to be a review, audit or certified forecast of future events and may not conform with accounting principles applicable to compilations of financial information. Ehlers is not a firm of certified public accountants. Ehlers is registered with the Securities and Exchange Commission and the MSRB as a municipal advisor.

## **MUNICIPAL ADVISOR AFFILIATED COMPANIES**

BTSC and Ehlers Investment Partners, LLC ("EIP") are affiliate companies of Ehlers. BTSC is chartered by the State of Minnesota and authorized in Minnesota, Wisconsin, Colorado, and Illinois to transact the business of a limited purpose trust company. BTSC provides paying agent services to debt issuers. EIP is a Registered Investment Advisor with the Securities and Exchange Commission. EIP assists issuers with the investment of bond proceeds or investing other issuer funds. This includes escrow bidding agent services. Issuers, such as the City, have retained or may retain BTSC and/or EIP to provide these services. If hired, BTSC and/or EIP would be retained by the City under an agreement separate from Ehlers.

## INDEPENDENT AUDITORS

The basic financial statements of the City for the fiscal year ended December 31, 2018 have been audited by Baker Tilly Virchow Krause LLP, Milwaukee, Wisconsin, independent auditors (the "Auditor"). The report of the Auditor, together with the basic financial statements, component units financial statements, and notes to the financial statements are attached hereto as "APPENDIX A – FINANCIAL STATEMENTS". The Auditor has not been engaged to perform and has not performed, since the date of its report included herein, any procedures on the financial statements addressed in that report. The Auditor also has not performed any procedures relating to this Official Statement.

## RISK FACTORS

Following is a description of possible risks to holders of the Bonds without weighting as to probability. This description of risks is not intended to be all-inclusive, and there may be other risks not now perceived or listed here.

**Taxes:** The Bonds are general obligations of the City, the ultimate payment of which rests in the City's ability to levy and collect sufficient taxes to pay debt service. In the event of delayed billing, collection or distribution of property taxes, sufficient funds may not be available to the City in time to pay debt service when due.

**State Actions:** Many elements of local government finance, including the issuance of debt and the levy of property taxes, are controlled by state government. Future actions of the state may affect the overall financial condition of the City, the taxable value of property within the City, and the ability of the City to levy and collect property taxes.

**Future Changes in Law:** Various State and federal laws, regulations and constitutional provisions apply to the City and to the Bonds. The City can give no assurance that there will not be a change in or interpretation of any such applicable laws, regulations and provisions which would have a material effect on the City or the taxing authority of the City.

**Ratings; Interest Rates:** In the future, the City's credit rating may be reduced or withdrawn, or interest rates for this type of obligation may rise generally, either possibility resulting in a reduction in the value of the Bonds for resale prior to maturity.

**Continuing Disclosure:** A failure by the City to comply with the Disclosure Undertaking for continuing disclosure (see "CONTINUING DISCLOSURE") will not constitute an event of default on the Bonds. Any such failure must be reported in accordance with the Rule and must be considered by any broker, dealer, or municipal securities dealer before recommending the purchase or sale of the Bonds in the secondary market. Such a failure may adversely affect the transferability and liquidity of the Bonds and their market price.

**Book-Entry-Only System:** The timely credit of payments for principal and interest on the Bonds to the accounts of the Beneficial Owners of the Bonds may be delayed due to the customary practices, standing instructions or for other unknown reasons by DTC participants or indirect participants. Since the notice of redemption or other notices to holders of these obligations will be delivered by the City to DTC only, there may be a delay or failure by DTC, DTC participants or indirect participants to notify the Beneficial Owners of the Bonds.

**Depository Risk:** Wisconsin Statutes direct the local treasurer to immediately deposit upon receipt thereof the funds of the municipality in a public depository designated by the governing body. A public depository means a federal or state credit union, federal or state savings and loan association, state bank, savings and trust company, mutual savings bank or national bank in Wisconsin or the local government pooled investment fund operated by the State Investment Board. It is not uncommon for a municipality to have deposits exceeding limits of federal and state insurance programs. Failure of a depository could result in loss of public funds or a delay in obtaining them. Such a loss or delay could interrupt a timely payment of municipal debt.

**Economy:** A combination of economic climatic, political or civil disruptions or terrorist actions outside of the control of the City, including loss of major taxpayers or major employers could affect the local economy and result in reduced tax collections and/or increased demands upon local government. Real or perceived threats to the financial stability of the City may have an adverse effect on the value of the Bonds in the secondary market.

**Secondary Market for the Bonds:** No assurance can be given that a secondary market will develop for the purchase and sale of the Bonds or, if a secondary market exists, that such Bonds can be sold for any particular price. The underwriters are not obligated to engage in secondary market trading or to repurchase any of the Bonds at the request of the owners thereof. Prices of the Bonds as traded in the secondary market are subject to adjustment upward and downward in response to changes in the credit markets and other prevailing circumstances. No guarantee exists as to the future market value of the Bonds. Such market value could be substantially different from the original purchase price.

**Bankruptcy:** The rights and remedies of the holders may be limited by and are subject to the provisions of federal bankruptcy laws, to other laws, or equitable principles that may affect the enforcement of creditors' rights, to the exercise of judicial discretion in appropriate cases and to limitations on legal remedies against local governments. The opinion of Bond Counsel to be delivered with respect to the Bonds will be similarly qualified. See "MUNICIPAL BANKRUPTCY" herein.

**Cybersecurity:** The City is dependent on electronic information technology systems to deliver services. These systems may contain sensitive information or support critical operational functions which may have value for unauthorized purposes. As a result, the electronic systems and networks may be targets of cyberattack. There can be no assurance that the City will not experience an information technology breach or attack with financial consequences that could have a material adverse impact.

# VALUATIONS

## WISCONSIN PROPERTY VALUATIONS; PROPERTY TAXES

### Equalized Value

Section 70.57 Wisconsin Statutes, requires the Department of Revenue to annually determine the equalized value (also referred to as full equalized value or aggregate full value) of all taxable property in each county and taxation district. The equalized value is an independent estimate of value used to equate individual local assessment policies so that property taxes are uniform throughout the various subdivisions in the State. Equalized value is calculated based on the history of comparable sales and information about value changes or taxing status provided by the local assessor. A comparison of the State-determined equalized value and the local assessed value, expressed as a percentage, is known as the assessment ratio or level of assessment. The Department of Revenue notifies each county and taxing jurisdiction of its equalized value on August 15; school districts are notified on October 1. The equalized value of each county is the sum of the valuations of all cities, villages, and towns within its boundaries. Taxing jurisdictions lying in more than one municipality, such as counties, school districts, or special taxing districts, use the equalized value of the underlying units in calculating and levying their respective levies. Equalized values are also used to apportion state aids and calculate municipal general obligation debt limits.

### Assessed Value

The "assessed value" of taxable property in a municipality is determined by the local assessor, except for manufacturing properties which are valued by the State. Each city, village or town retains its own local assessor, who must be certified by the State Department of Revenue. Assessed value is used by these municipalities to determine tax levy mill rates and to apportion levies among individual property owners. Each taxing district must assess property at full value at least once in every five-year period. The State requires that the assessed values must be within 10% of State equalized values at least once every four years. The local assessor values property as of January 1 each year and submits those values to each municipality by the second Monday in June. The assessor also reports any value changes taking place since the previous year, to the Department of Revenue by the second Monday in June.

## CURRENT PROPERTY VALUATIONS

2019 Equalized Value	\$4,360,269,000
2019 Equalized Value Reduced by Tax Increment Valuation	\$4,211,998,800
2019 Assessed Value	\$4,229,425,745

## 2019 EQUALIZED VALUE BY CLASSIFICATION

	<b>2019 Equalized Value<sup>1</sup></b>	<b>Percent of Total Equalized Value</b>
Residential	\$ 3,205,292,500	73.511%
Commercial	923,259,800	21.174%
Manufacturing	152,492,500	3.497%
Agricultural	869,600	0.020%
Undeveloped	5,205,600	0.119%
Ag Forest	205,200	0.005%
Forest	550,800	0.013%
Other	19,760,600	0.453%
Personal Property	52,632,400	1.207%
Total	<u><u>\$ 4,360,269,000</u></u>	<u><u>100.000%</u></u>

## TREND OF VALUATIONS

<b>Year</b>	<b>Assessed Value</b>	<b>Equalized Value<sup>1</sup></b>	<b>Percent Increase/Decrease in Equalized Value</b>
2015	\$3,396,543,100	\$3,649,185,900	1.66%
2016	3,704,478,925	3,729,003,100	2.19%
2017	3,854,766,200	3,888,926,200	4.29%
2018	4,035,310,280	4,022,941,400	3.45%
2019	4,229,425,745	4,360,269,000	8.39%

Source: Wisconsin Department of Revenue, Bureau of Equalization and Local Government Services Bureau.

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<sup>1</sup> Includes tax increment valuation.

## LARGER TAXPAYERS

<b>Taxpayer</b>	<b>Type of Business/Property</b>	<b>2018 Equalized Value<sup>1</sup></b>	<b>Percent of City's Total Equalized Value</b>
Northwestern Mutual Life	Insurance	\$ 106,301,788	2.64%
Covenant Healthcare System	Healthcare Provider	26,202,447	0.65%
Wal-Mart Stores	Retail	25,170,021	0.63%
ET Franklin Pro-Packaging LLC	Lite Manufacturing	23,326,626	0.58%
Whitnall Pointe Limited Partnership	Multi-family Housing	21,977,337	0.55%
Manchester Oaks Apartments LLC	Multi-family Housing	20,696,012	0.51%
Franklin-Wyndham LLC	Multi-family Housing	13,611,648	0.34%
Menards Inc	Retail	13,375,822	0.33%
Baptista's Bakery Inc	Lite Manufacturing	13,355,063	0.33%
MMAC 150 Aurora LLC	Healthcare Provider	13,052,970	0.32%
<b>Total</b>		<b>\$ 277,069,734</b>	<b>6.89%</b>

City's Total 2018 Equalized Value<sup>2</sup>

**\$4,022,941,400**

**Source:** The City 2019 data is not yet available.

<sup>1</sup> Calculated by dividing the 2018 Assessed Values by the 2018 Aggregate Ratio of assessment for the City

<sup>2</sup> Includes tax increment valuation

## DEBT

### DIRECT DEBT<sup>1</sup>

#### General Obligation Debt (see schedules following)

Total General Obligation Debt (includes the Bonds and the Concurrent Obligations, as defined herein)\*

\$ 58,535,341

#### Other Obligations

Name of Issue	Issue Date	Final Maturity	Amount Outstanding
Series 2018A Notes <sup>2</sup>	5/1/2018	3/1/2023	\$ 9,480,000 <sup>3</sup>

\*Preliminary, subject to change

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<sup>1</sup> Outstanding debt is as of the dated date of the Bonds and excludes the portion of the Series 2018A Notes being refunded by the Bonds

<sup>2</sup> The Series 2018A Notes are not general obligations of the City but are secured by a pledge of the proceeds from the issuance of long term general obligation debt. The City has reserved general obligation debt capacity for the long term debt

<sup>3</sup> Outstanding amount is after the refunding of the \$4,000,000 portion of the Series 2018A Notes by the Bonds



City of Franklin, Wisconsin  
Schedule of Bonded Indebtedness  
General Obligation Debt Secured by Taxes  
(As of 12/04/2019)

GO Sewerage System Promissory Notes				GO Promissory Notes Series 2014A		GO Water Sys Bonds Series 2014B		GO Refunding Bonds Series 2016A		GO Promissory Notes Series 2017B	
	Dated	Amount	Maturity	01/25/2012	02/18/2014	03/01	12/18/2014	03/01	04/20/2016	03/01	12/21/2017
				\$24,588,635	\$3,320,000		\$1,290,000		\$5,770,000		\$1,630,000
Calendar Year Ending	Principal	Interest		Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest
2020	1,275,272	416,514		180,000	29,163	55,000	29,738	1,095,000	33,250	50,000	43,625
2021	1,306,669	384,730		180,000	25,113	60,000	28,788	1,115,000	11,150	50,000	47,125
2022	1,338,839	352,164		335,000	36,335	60,000	26,488			225,000	38,000
2023	1,371,802	318,796		330,000	31,838	60,000	24,688			235,000	31,100
2024	1,405,575	284,606		325,000	4,063	60,000	22,888			240,000	23,975
2025	1,440,181	249,575				65,000	21,013			250,000	16,625
2026	1,475,638	213,662				65,000	19,063			255,000	9,688
2027	1,511,968	176,904				65,000	17,113			260,000	3,250
2028	1,549,193	139,221				70,000	15,088				
2029	1,587,334	100,611				70,000	12,988				
2030	1,626,414	61,049				75,000	10,813				
2031	1,666,456	20,514				75,000	8,516				
2032						75,000					
2033						80,000	6,372				
2034						80,000	3,750				
2035						80,000	1,250				
2036											
2037											
	17,555,341	2,718,367		1,350,000	89,494	1,015,000	247,850	2,210,000	44,400	1,565,000	208,388

\* Debts supported by intergovernmental Agreement with another entity that has agreed to pay all principal and interest on the issue.

Continued on next page

City of Franklin, Wisconsin  
Schedule of Bonded Indebtedness continued  
General Obligation Debt Secured by Taxes  
(As of 12/04/2019)

Dated Amount Maturity	Taxable GO Corporate Purpose Bonds 2019A			GO Community Development Bonds Series 2019B			Taxable GO Corporate Purpose Bonds Series 2019C			GO Promissory Notes Series 2019D			Total P & I*	Total Interest*	Total Principal*	Principal Outstanding*	% Paid*	Calendar Year Ending
	Principal	Interest		Principal	Interest		Principal*	Estimated Interest*		Principal*	Estimated Interest*							
2020	665 000	415 700											4 846,103	1,450,831	3 395,272	55 140 069	5.80%	2020
2021	965 000	391 250		219 700	219 700			237,571		75 000	25,471		5 237 679	1,456,010	3 801 669	51 338,400	12.30*	2021
2022	1,495 000	354 350		216 500	216 500		200 000	318,405		125 000	33 200		5 563,841	1 355 001	4 198 839	47 139 560	19.47*	2022
2023	940 000	317 825		215 000	209 000		200 000	314 255		385 000	29 776		4 988 785	1 251 984	3 736 802	43 402,759	25.85*	2023
2024	1,000 000	288 725		270 000	199 300		450 000	307 318		385 000	24,483		5 151 424	1 150,849	4,000 575	39 402 183	32.69*	2024
2025	1,000 000	258 725		370 000	186 500		480 000	297 080		475 000	19 975		5 124 180	1 043 999	4 080 181	35 322 003	39.66*	2025
2026	1,020 000	228 425		515 000	168 800		645 000	284 269		475 000	14 481		5 207 882	932 244	4,275 638	31 046 365	46.94*	2026
2027	1 100 000	196,625		535 000	147 800		670 000	268,973		300 000	8 325		5 280 557	813 589	4,466,968	26 579 397	54.59*	2027
2028	1 100 000	162 938		560 000	125 900		685 000	252,880		325 000	2 925		4 660 219	696,026	3 964 193	22 615 204	61.36*	2028
2029	1 100 000	128 563		575 000	106,075		3 375 000	202,473					7 258,042	550 708	6 707,334	15 907,870	72.82*	2029
2030	1 100 000	93 500		595 000	88 525		630 000	152 095		4,028,434			4 432 396	405 982	3,622,456	11 881 456	79.70*	2030
2031	1 100 000	57 063		615 000	70 375		630 000	135 558		292 025			4 378 481	292 025	2,086,456	7 795 000	86.68*	2031
2032	1 100,000	19 250		630 000	51 700		655 000	118 368		1,505 000			2 655 489	195 489	1,309 510	5 335 000	90.89*	2032
2033				650 000	32 094		775 000	98 869		1 630 000			1 639 713	134 713	1 505 000	3 830 000	93.46*	2033
2034				675 000	10 969		875 000	75 963		850 000			1 718,181	88,181	1 630 000	2 200 000	96.24	2034
2035							850 000	51 600		675 000			901 600	51 600	850 000	1 350 000	97.69*	2035
2036							675 000	29 700					704 700	29 700	675 000	675 000	98.85	2036
2037							675 000	9 956					684 976	9 956	675 000	0	100.00*	2037
	13 685 000	912 938		6,365 000	2 052 938		12 470 000	3,475 878		2 320 000	158 636		70 444 228	11 908 887	58 535 341			

\* Preliminary subject to change.

City of Franklin, Wisconsin  
Schedule of Bonded Indebtedness  
Special Obligation Debt Secured by Long Term GO Debt  
(As of 12/04/2019)

Taxable NAN  
Series 2018A

Dated Amount	05/01/2018 \$23 480 000	Maturity 03/01				
Calendar Year Ending	Principal	Interest	Total Principal	Total Interest	Total P & I	Principal Outstanding
2020	0	303 360	0	303 360	303 360	9 480 000
2021	0	303 360	0	303 360	303 360	9 480 000
2022	0	303 360	0	303 360	303 360	9 480 000
2023	9 480 000	151 680	9 480 000	151 680	9 631 680	0
	9 480 000	1 061 760	9 480 000	1 061 760	10 541 760	

\* Outstanding amount is after the refunding of the \$4 000 000 portion of the Taxable Note Anticipation Notes by the Series 2019C Bonds

## DEBT LIMIT

The constitutional and statutory general obligation debt limit for Wisconsin municipalities, including towns, cities, villages, and counties (Article XI, Section 3 of the Wisconsin Constitution and Section 67.03 Wisconsin Statutes) is 5% of the current equalized value

Equalized Value	\$ 4,360,269,000
Multiply by 5%	<u>0.05</u>
Statutory Debt Limit	\$ 218,013,450
Less: General Obligation Debt (includes the Bonds and the Concurrent Obligations)*	(58,535,341) <sup>1</sup>
Less: Note Anticipation Note Debt Outstanding	<u>(9,480,000)<sup>2</sup></u>
Unused Debt Limit*	<u><u>\$ 149,998,109</u></u>

\*Preliminary, subject to change

## OVERLAPPING DEBT<sup>3</sup>

Taxing District	2019 Equalized Value <sup>4</sup>	% In City	Total G.O. Debt <sup>5</sup>	City's Proportionate Share
Milwaukee County	\$ 67,178,449.700	6.49%	\$ 532,465,597	\$34,568,699
Milwaukee Area Technical College District	83,891,800.999	15.20%	100,465,000	5,146,180
Franklin Public School District	3,306,017.548	100.00%	63,700,000	63,700,000
Oak Creek-Franklin Joint School District	4,624,824.289	17.16%	135,520,000	23,255,232
Whitnall School District	1,876,432,480	13.88%	14,592,984	2,025,506
Milwaukee Metro Sewer District	65,909,579,500	6.62%	259,140,327	<u>17,155,090</u>
City's Share of Total Overlapping Debt				<u><u>\$145,850,707</u></u>

<sup>1</sup> The City has adopted a policy which further limits its ability to issue general obligation debt. Under the City's current policy, the City shall not issue general obligation debt in such an amount which would cause their outstanding debt to be in excess of 40% of the statutory debt limit. However, the City may amend such policy at any time.

<sup>2</sup> The City has covenanted that it will maintain a debt limit capacity such that the outstanding principal balance of all general obligation debt plus the principal balance of all note anticipation notes shall at no time exceed the constitutional debt limit of the City.

<sup>3</sup> Overlapping debt is as of the dated date of the Bonds. Only those taxing jurisdictions with general obligation debt outstanding are included in this section.

<sup>4</sup> Includes tax increment valuation.

<sup>5</sup> Outstanding debt based on information obtained on EMMA and the Municipal Advisor's records.

## DEBT RATIOS

	<b>G.O. Debt</b>	<b>Debt/Equalized Value \$4,360,269,000</b>	<b>Debt/ Per Capita 35,996<sup>1</sup></b>
Total General Obligation Debt*	\$ 58,535,341	1.34%	\$ 1,626.16
City's Share of Total Overlapping Debt	<u>145,850,707</u>	<u>3.35%</u>	<u>4,051.86</u>
Total*	\$204,386,048	4.69%	\$ 5,678.02

\*Preliminary, subject to change.

## DEBT PAYMENT HISTORY

The City has no record of default in the payment of principal and interest on its debt.

## FUTURE FINANCING

Concurrently with the Bonds, the City plans to issue \$2,320,000 General Obligation Promissory Notes, Series 2019D (the "Concurrent Obligations"). The City may issue approximately \$3,300,000 of general obligation debt to finance capital projects in the City's tax incremental districts. Additionally, the City may refund the remaining \$9,480,000 of the Series 2018A Notes with general obligation debt in the next 12 months. Pursuant to a development agreement with a developer, the City expects to issue a \$14,980,000 obligation to said developer sometime in the next 12 months (the "MRO"). Under the development agreement, such MRO is a special, limited revenue obligation of the City payable solely from certain tax increment revenues that are appropriated by the Common Council. The City has previously entered into agreements in which they have issued obligations similar to the MRO and currently those obligations are outstanding in the amount of \$5,189,000. Similar to the MRO, such obligations are special, limited revenue obligations of the City payable solely from tax increment revenues of the related tax increment district. If such tax increment revenues are not generated and available, no payment is due on the related MRO. Aside from the preceding, the City has no current plans for additional financing in the next 12 months.

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<sup>1</sup> Estimated 2019 population

## TAX LEVIES AND COLLECTIONS

### TAX LEVIES AND COLLECTIONS

Tax Year	Levy for City Purposes Only	% Collected	Levy/Equalized Value Reduced by Tax Increment Valuation in Dollars per \$1,000
2014/15	\$20,509,000	100%	\$5 90
2015/16	20,509,000	100%	5 82
2016/17	20,509,000	100%	5 65
2017/18	21,027,849	100%	5 57
2018/19	21 389,375	100%	5 45

Property tax statements are distributed to taxpayers by the town, village, and city treasurers in December of the levy year. Current state law requires counties to pay 100% of the real property taxes levied to cities, villages, towns, school districts and other taxing entities on or about August 20 of the collection year.

Personal property taxes, special assessments, special charges and special taxes must be paid to the town, city or village treasurer in full by January 31, unless the municipality, by ordinance, permits special assessments to be paid in installments. Real property taxes must be paid in full by January 31 or in two equal installments by January 31 and July 31. Alternatively, municipalities may adopt a payment plan which permits real property taxes to be paid in three or more equal installments, provided that the first installment is paid by January 31, one-half of the taxes are paid by April 30 and the remainder is paid by July 31. Amounts paid on or before January 31 are paid to the town, city or village treasurer. Amounts paid after January 31 are paid to the county treasurer unless the municipality has authorized payment in three or more installments, in which case payment is made to the town, city or village treasurer. On or before January 15 and February 20 the town, city or village treasurer settles with other taxing jurisdictions for all collections through December and January, respectively. In municipalities which have authorized the payment of real property taxes in three or more installments, the town, city or village treasurer settles with the other taxing jurisdictions on January 15, February 20 and on the fifteenth day of each month following the month in which an installment payment is required. On or before August 20, the county treasurer must settle in full with the underlying taxing districts for all real property taxes and special taxes. Any county board may authorize its county treasurer to also settle in full with the underlying taxing districts for all special assessments and special charges. The county may then recover any tax delinquencies by enforcing the lien on the property and retain any penalties or interest on the delinquencies for which it has settled. Uncollected personal property taxes owed by an entity that has ceased operations or filed a petition for bankruptcy, or are due on personal property that has been removed from the next assessment roll are collected from each taxing entity in the year following the levy year.

## PROPERTY TAX RATES

Full value rates for property taxes expressed in dollars per \$1,000 of equalized value (excluding tax increment valuation) that have been collected in recent years have been as follows

Year Levied/ Year Collected	Schools <sup>1</sup>	County	Local	Other <sup>2</sup>	Total
2014/15	\$12 97	\$5 10	\$5 90	\$1 89	\$25 86
2015/16	13 06	5 13	5 82	1 92	25 93
2016/17	12 66	5 10	5 65	1 93	25 34
2017/18	12 26	5 05	5 57	1 73	24 61
2018/19	11 95	4 90	5 45	1 69	23 99

**Source:** Property Tax Rates were extracted from Statement of Taxes prepared by the Wisconsin Department of Revenue, Division of State and Local Finance

## LEVY LIMITS

Section 66.0602 of the Wisconsin Statutes, imposes a limit on property tax levies by cities, villages, towns and counties. No city, village, town or county is permitted to increase its tax levy by a percentage that exceeds its valuation factor (which is defined as a percentage equal to the greater of either the percentage change in the political subdivision's January 1 equalized value due to new construction less improvements removed between the previous year and the current or zero percent). The base amount in any year to which the levy limit applies is the actual levy for the immediately preceding year. In 2018, and in each year thereafter, the base amount is the actual levy for the immediately preceding year plus the amount of the payment from the State under Section 79.096 of the Wisconsin Statutes (an amount equal to the property taxes formerly levied on certain items of personal property) and the levy limit is the base amount multiplied by the valuation factor, minus the amount of the payment from the State under Section 79.096 of the Wisconsin Statutes. This levy limitation is an overall limit, applying to levies for operations as well as for other purposes.

A political subdivision that did not levy its full allowable levy in the prior year can carry forward the difference between the allowable levy and the actual levy, up to a maximum of 1.5% of the prior year's actual levy. The use of the carry forward levy adjustment needs to be approved by a majority vote of the political subdivision's governing body (except in the case of towns) if the amount of carry forward levy adjustment is less than or equal to 0.5% and by a super majority vote of the political subdivision's governing body (three-quarters vote if the governing body is comprised of five or more members, two-thirds vote if the governing body is comprised of fewer than five members) (except in the case of towns) if the amount of the carry forward levy adjustment is greater than 0.5% up to the maximum increase of 1.5%.

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<sup>1</sup> The Schools tax rate reflects the composite rate of all local school districts and technical college district

<sup>2</sup> Includes the state reforestation tax which is apportioned to each county on the basis of its full value. Counties in turn apportion the tax to the tax districts within their borders on the basis of full value. It also includes taxes levied for special purpose districts such as metropolitan sewerage districts, sanitary districts, and public inland lake protection districts. Tax increment values are not included. State property taxes were eliminated in the State's 2017 - 2019 budget act.

Beginning with levies imposed in 2015, if a political subdivision does not make an adjustment in its levy as described in the above paragraph in the current year, the political subdivision may increase its levy by the aggregate amount of the differences between the political subdivision's valuation factor in the previous year and the actual percent increase in a political subdivision's levy attributable to the political subdivision's valuation factor in the previous year, for the five years before the current year, less any amount of such aggregate amount already claimed as an adjustment in any of the previous five years. The calculation of the aggregate amount available for such adjustment may not include any year before 2014, and the maximum adjustment allowed may not exceed 5%. The use of the adjustment described in this paragraph requires approval by a two-thirds vote of the political subdivision's governing body, and the adjustment may only be used if the political subdivision's level of outstanding general obligation debt in the current year is less than or equal to the political subdivision's level of outstanding general obligation debt in the previous year.

Special provisions are made with respect to property taxes levied to pay general obligation debt service. Those are described below. In addition, the statute provides for certain other exclusions from and adjustments to the tax levy limit. Among the items excluded from the limit are amounts levied for any revenue shortfall for debt service on a revenue bond issued under Section 66.0621. Among the adjustments permitted is an adjustment applicable when a tax increment district terminates, which allows an amount equal to the prior year's allowable levy multiplied by 50% of the political subdivision's percentage growth due to the district's termination.

With respect to general obligation debt service, the following provisions are made:

- (a) If a political subdivision's levy for the payment of general obligation debt service, including debt service on debt issued or reissued to fund or refund outstanding obligations of the political subdivision and interest on outstanding obligations of the political subdivision, on debt originally issued before July 1, 2005, is less in the current year than in the previous year, the political subdivision is required to reduce its levy limit in the current year by the amount of the difference between the previous year's levy and the current year's levy.
- (b) For obligations authorized before July 1, 2005, if the amount of debt service in the preceding year is less than the amount of debt service needed in the current year, the levy limit is increased by the difference between the two amounts. This adjustment is based on scheduled debt service rather than the amount actually levied for debt service (after taking into account offsetting revenues such as sales tax revenues, special assessments, utility revenues, tax increment revenues or surplus funds). Therefore, the levy limit could negatively impact political subdivisions that experience a reduction in offsetting revenues.
- (c) The levy limits do not apply to property taxes levied to pay debt service on general obligation debt authorized on or after July 1, 2005.

The Bonds were authorized after July 1, 2005 and therefore the levy limits do not apply to taxes levied to pay debt service on the Bonds.



## THE ISSUER

### CITY GOVERNMENT

The City was incorporated in 1956 and is governed by a Mayor and a six-member Common Council. The Mayor does not vote except in the case of a tie. All Council Members are elected to three-year terms. The appointed City Clerk is responsible for administrative details and financial records.

### EMPLOYEES; PENSIONS

The City employs a staff of 196 full-time and 48 part-time. All eligible employees in the City are covered under the Wisconsin Retirement System ("WRS") established under Chapter 40 of the Wisconsin Statutes ("Chapter 40"). All employees hired after January 1, 2019 participate in the WRS in lieu of supplemental pension benefits. Existing employees made an irrevocable election to join WRS as of January 1, 2019 or to remain in the supplemental pension. The WRS is a cost-sharing multiple-employer defined benefit pension plan. The Department of Employee Trust Funds ("ETF") administers the WRS. Required contributions to the WRS are determined by the ETF Board pursuant to an annual actuarial valuation in accordance with Chapter 40 and the ETF's funding policies. The ETF Board has stated that its funding policy is to (i) ensure funds are adequate to pay benefits, (ii) maintain stable and predictable contribution rates for employers and employees, and (iii) maintain inter-generational equity to ensure the cost of the benefits is paid for by the generation that receives the benefits.

City employees are generally required to contribute half of the actuarially determined contributions, and the City generally may not pay the employees' required contribution. During the fiscal year ended December 31, 2016 ("Fiscal Year 2016"), the fiscal year ended December 31, 2017 ("Fiscal Year 2017") and the fiscal year ended December 31, 2018 ("Fiscal Year 2018"), the City's portion of contributions to WRS (not including any employee contributions) totaled \$869,137, \$1,074,037 and \$1,119,560, respectively.

The City implemented Governmental Accounting Standards Board Statement No. 68 ("GASB 68") for the fiscal year ended December 31, 2015.

GASB 68 requires calculation of a net pension liability for the pension plan. The net pension liability is calculated as the difference between the pension plan's total pension liability and the pension plan's fiduciary net position. The pension plan's total pension liability is the present value of the amounts needed to pay pension benefits earned by each participant in the pension plan based on the service provided as of the date of the actuarial valuation. In other words, it is a measure of the present value of benefits owed as of a particular date based on what has been earned only up to that date, without taking into account any benefits earned after that date. The pension plan's fiduciary net position is the market value of plan assets formally set aside in a trust and restricted to paying pension plan benefits. If the pension plan's total pension liability exceeds the pension plan's fiduciary net position, then a net pension liability results. If the pension plan's fiduciary net position exceeds the pension plan's total pension liability, then a net pension asset results.

As of December 31, 2017, the total pension liability of the WRS was calculated as \$101.43 billion and the fiduciary net position of the WRS was calculated as \$104.4 billion, resulting in a net pension asset of \$2.97 billion.

Under GASB 68, each participating employer in a cost-sharing pension plan must report the employer's proportionate share of the net pension liability or net pension asset of the pension plan. Accordingly, for Fiscal Year 2018, the City reported an asset of \$2,607,342 for its proportionate share of the net pension asset of the WRS. The net pension asset was measured as of December 31, 2017 based on the City's share of contributions to the pension plan relative to the contributions of all participating employers. The City's proportion was 0.08781536% of the aggregate WRS net pension asset as of December 31, 2017.

The calculation of the total pension asset and fiduciary net position are subject to a number of actuarial assumptions, which may change in future actuarial valuations. Such changes may have a significant impact on the calculation of net pension asset of the WRS, which may also cause the ETF Board to change the contribution requirements for employers and employees. For more detailed information regarding the WRS and such actuarial assumptions, see Note 4 A in "APPENDIX A - FINANCIAL STATEMENTS" attached hereto.

### **Recognized and Certified Bargaining Units**

All eligible City personnel are covered by the Municipal Employment Relations Act ("MERA") of the Wisconsin Statutes. Pursuant to that law, employees have rights to organize and collectively bargain with municipal employers. MERA was amended by 2011 Wisconsin Act 10 (the "Act") and by 2011 Wisconsin Act 32, which altered the collective bargaining rights of public employees in Wisconsin.

As a result of the 2011 amendments to MERA, the City is prohibited from bargaining collectively with municipal employees, other than public safety and transit employees, with respect to any factor or condition of employment except total base wages. Even then, the City is limited to increasing total base wages beyond any increase in the consumer price index since 180 days before the expiration of the previous collective bargaining agreement (unless the City were to seek approval for a higher increase through a referendum). Ultimately, the City can unilaterally implement the wages for a collective bargaining unit.

Under the changes to MERA, impasse resolution procedures were removed from the law for municipal employees of the type employed by the City, including binding interest arbitration. Strikes by any municipal employee or labor organization are expressly prohibited. As a practical matter, it is anticipated that strikes will be rare. Furthermore, if strikes do occur, they may be enjoined by the courts. Additionally, because the only legal subject of bargaining is the base wage rates, all bargaining over items such as just cause, benefits, and terms of conditions of employment are prohibited and cannot be included in a collective bargaining agreement. Impasse resolution for public safety employees and transit employees is subject to final and binding arbitration procedures, which do not include a right to strike. Interest arbitration is available for transit employees if certain conditions are met.

The following bargaining units represent employees of the City:

<b>Bargaining Unit</b>	<b>Expiration Date of Current Contract</b>
Police	December 31, 2021
Fire	December 31, 2020

### **Supplemental Pension Benefits**

The City provides other pension benefits to public works employees who have satisfied specified eligibility standards through a single-employer defined benefit plan. The amount of such benefits are based on years of service and average compensation. Membership of the plan consisted of 26 retirees receiving benefits, 11 terminated vested retirees and 29 active plan members as of December 31, 2018, the date of the latest actuarial valuation.

Pension benefit calculations are required to be updated every two years and prepared in accordance with Governmental Accounting Standards Board Statement No. 68 ("GASB 68"). An actuarial study for the plan was most recently completed by The Principal Financial Group in September 2019 with an actuarial valuation date of December 31, 2018 (the "Pension Actuarial Report").

Under GASB 68, an actuarially determined contribution ("ADC") is calculated as a target or recommended contribution to the plan for the reporting period, determined in conformity with actuarial standards based on the most recent measurement available. The City's ADC for Fiscal Year 2018 was \$251,009. For Fiscal Year 2018, contributions to the plan totaled \$251,009, which was 100% of the ADC. The City's current funding practice is to at least fully fund ADC.

As shown in the Pension Actuarial Report, as of December 31, 2018, the total pension liability was \$11,268,865 and the fiduciary net position was \$9,110,866 resulting in net pension liability of \$2,157,999

For more information, see Note 4 A in "Appendix A - Financial Statements" attached hereto. The Pension Actuarial Report is available from the City upon request.

The City also provides a defined contribution pension plan benefit to eligible non-protective employees (other than public works employees). Eligibility begins after six months of employment with the City. Employees are required to make contributions of 5% of wages. For Fiscal Year 2018, the City contributed \$211,762 and employees contributed \$211,762 to the plan. For more information, see Note 4 B in "Appendix A - Financial Statements."

## **OTHER POST EMPLOYMENT BENEFITS**

The City provides "other post-employment benefits" ("OPEB") (i.e., post-employment benefits, other than pension benefits, owed to its employees and former employees) to former employees and their dependents through a single employer defined benefit plan. Membership of the plan consisted of 24 retirees receiving benefits and 179 active plan members as of December 31, 2017. Eligible retirees may continue to participate in the City's group health plan. The City contributes a fixed portion of the premiums determined at retirement based on the employment category of retiree, and the retiree is responsible for paying the balance of the premiums.

OPEB calculations are required to be updated every two years. Prior to June 15, 2017, OPEB calculations were required to be prepared in accordance with Statement No. 45 of the Governmental Accounting Standards Board ("GASB 45") regarding retiree health and life insurance benefits, and related standards. For fiscal years beginning after June 15, 2017, OPEB calculations will be required to be prepared in accordance with Statement No. 75 of the Governmental Accounting Standards Board ("GASB 75"). An actuarial study for the plan prepared in accordance with GASB 75 was most recently completed by Actuarial & Health Care Solutions, LLC in October 2017 with an actuarial valuation date of January 1, 2018 (the "OPEB Report").

Under GASB 75, a net OPEB liability is calculated as the difference between the plan's total OPEB liability and the plan's fiduciary net position, which terms have similar meanings as under GASB 68 for pension plans.

As shown in the City's audited financial statements for Fiscal Year 2018, the ADC for Fiscal Year 2018 was \$441,859. For Fiscal Year 2018, contributions to the plan totaled \$444,364, which was 100.57% of the ADC. The City's current funding practice is to at least fully fund the ADC.

As shown in the financial statements for Fiscal Year 2018, as of December 31, 2018, the total OPEB liability of the plan was \$7,733,557 and the plan fiduciary net position was \$5,229,404, resulting in a net OPEB liability of \$2,504,153.

For more information, see Note 4 C in "Appendix A - Financial Statements."

## **LITIGATION**

There is no litigation threatened or pending questioning the organization or boundaries of the City or the right of any of its officers to their respective offices or in any manner questioning their rights and power to execute and deliver the Bonds or otherwise questioning the validity of the Bonds. At any given time, the City may be involved in potential lawsuits; however, at this time, the City does not expect any pending litigation to result in final judgments which would materially affect the City's ability to pay principal and interest on the Bonds.

## MUNICIPAL BANKRUPTCY

Municipalities are prohibited from filing for bankruptcy under Chapter 11 (reorganization) or Chapter 7 (liquidation) of the U.S. Bankruptcy Code (11 U.S.C. §§ 101-1532) (the "Bankruptcy Code"). Instead, the Bankruptcy Code permits municipalities to file a petition under Chapter 9 of the Bankruptcy Code but only if certain requirements are met. These requirements include that the municipality must be "specifically authorized" under State law to file for relief under Chapter 9. For these purposes, "State law" may include, without limitation, statutes of general applicability enacted by the State legislature, special legislation applicable to a particular municipality and/or executive orders issued by an appropriate officer of the State's executive branch.

As of the date hereof, Wisconsin law contains no express authority for municipalities to file for bankruptcy relief under Chapter 9 of the Bankruptcy Code.

Nevertheless, there can be no assurance (a) that State law will not change in the future, while the Bonds are outstanding, in a way that would allow the City to file for bankruptcy relief under Chapter 9 of the Bankruptcy Code, or (b) even absent such a change in State law, that an executive order or other executive action could not effectively authorize the City to file for relief under Chapter 9. If, in the future, the City were to file a bankruptcy case under Chapter 9, the relevant bankruptcy court would need to consider whether the City could properly do so, which would involve questions regarding State law authority as well as other questions such as whether the City is a municipality for bankruptcy purposes. If the relevant bankruptcy court concluded that the City could properly file a bankruptcy case, and that determination was not reversed, vacated, or otherwise substantially altered on appeal, then the rights of holders of the Bonds could be modified in bankruptcy proceedings. Such modifications could be adverse to holders of the Bonds, and there could ultimately be no assurance that holders of the Bonds would be paid in full or in part on the Bonds. Further, under such circumstances, there could be no assurance that the Bonds would not be treated as general unsecured debt by a bankruptcy court, meaning that claims of holders of the Bonds could be viewed as having no priority (a) over claims of other creditors of the City, (b) to any particular assets of the City, or (c) to revenues otherwise designated for payment to holders of the Bonds.

Moreover, if the City were determined not to be a "municipality" for the purposes of the Bankruptcy Code, no representations can be made regarding whether it would still be eligible for voluntary or involuntary relief under Chapters of the Bankruptcy Code other than Chapter 9 or under similar federal or state law or equitable proceeding regarding insolvency or providing for protection from creditors. In any such case, there can be no assurance that the consequences described above for the holders of the Bonds would not occur.

**FUNDS ON HAND** (as of September 30, 2019)

<b>Fund</b>	<b>Total Cash and Investments</b>
General	\$ 12,866,357
Debt Service Funds	1,007,402
TIF Districts	15,504,594
Nonmajor Governmental Funds	18,306,647
Sewer Fund	1,413,070
Water Utility	2,123,485
Self Insurance Fund	2,423,401
Other Designated Funds	14,169
<b>Total Funds on Hand</b>	<b><u>\$ 53,659,125</u></b>

## ENTERPRISE FUNDS

Revenues available for debt service on the City's enterprise funds have been as follows as of December 31 each year

	2016	2017	2018
<b>Water</b>			
Total Operating Revenues	\$ 6,054,573	\$ 6,057,085	\$ 5,961,350
Less Operating Expenses	(5,514,241)	(5,393,413)	(5,476,438)
Operating Income	\$ 540,332	\$ 663,672	\$ 484,912
Plus Depreciation	1,344,829	1,194,029	1,204,485
Interest Income	2,589	9,926	43,412
Revenues Available for Debt Service	\$ 1,887,750	\$ 1,867,627	\$ 1,732,809
Less PILOT Payment	(1,047,053)	(1,029,649)	(1,008,038)
Net Revenues	<u>\$ 840,697</u>	<u>\$ 837,978</u>	<u>\$ 724,771</u>
<b>Sewer</b>			
Total Operating Revenues	\$ 3,328,550	\$ 3,313,854	\$ 3,704,852
Less Operating Expenses	(5,197,869)	(5,222,142)	(5,476,724)
Operating Income	\$ (1,869,319)	\$ (1,908,288)	\$ (1,771,872)
Plus Depreciation	2,123,035	2,119,900	2,135,076
Interest Income	134	16,587	31,810
Revenues Available for Debt Service	<u>\$ 253,850</u>	<u>\$ 228,199</u>	<u>\$ 395,014</u>

## SUMMARY GENERAL FUND INFORMATION

Following are summaries of the revenues and expenditures and fund balances for the City's General Fund. These summaries are not purported to be the complete audited financial statements of the City and potential purchasers should read the included financial statements in their entirety for more complete information concerning the City. Copies of the complete audited financial statements are available upon request. See Appendix A for the City's 2018 audited financial statements.

GENERAL FUND	FISCAL YEAR ENDING DECEMBER 31				
	2016 Audited	2017 Audited <sup>1</sup>	2018 Audited	2019 Projected	2020 Proposed Budget
<b>Revenues</b>					
Taxes	\$ 17,161,004	\$ 17,093,625	\$ 17,611,739	\$ 18,827,500	\$ 19,691,600
Intergovernmental revenues	2,318,825	2,264,961	2,317,488	1,728,200	1,746,400
Licenses and permits	665,169	773,877	1,166,156	968,555	903,200
Penalties and forfeitures	498,653	485,407	475,840	500,000	546,000
Public charges for services	1,452,601	1,603,247	2,405,406	2,432,700	2,527,300
Intergovernmental charges for services	194,806	172,796	192,542	184,000	182,000
Investment earnings	161,281	189,275	241,398	508,800	343,580
Miscellaneous revenues	182,016	148,853	244,136	153,450	139,250
<b>Total Revenues</b>	<b>\$ 22,634,355</b>	<b>\$ 22,732,041</b>	<b>\$ 24,654,705</b>	<b>\$ 25,303,205</b>	<b>\$ 26,079,330</b>
<b>Expenditures</b>					
<b>Current</b>					
General government	\$ 2,910,893	\$ 2,940,898	\$ 2,944,482	\$ 3,064,535	\$ 3,392,982
Public safety	15,787,827	16,660,351	17,077,275	17,436,502	18,446,978
Public works	3,745,146	3,852,472	3,388,370	3,931,315	4,151,677
Health and human services	646,870	675,875	670,131	647,670	737,635
Culture, recreation and education	179,933	187,959	240,916	175,365	210,448
Conservation and development	523,268	520,314	512,157	570,645	619,400
Contingency	0	0	0	0	1,145,000
<b>Total Expenditures</b>	<b>\$ 23,793,937</b>	<b>\$ 24,837,869</b>	<b>\$ 24,833,331</b>	<b>\$ 25,826,032</b>	<b>\$ 28,704,120</b>
<b>Excess of revenues over (under) expenditures</b>	<b>\$ (1,159,582)</b>	<b>\$ (2,105,828)</b>	<b>\$ (178,626)</b>	<b>\$ (522,827)</b>	<b>\$ (2,624,790)</b>
<b>Other Financing Sources (Uses)</b>					
Operating transfers in	1,050,382	1,059,793	1,011,392	1,139,125	1,050,000
Operating transfers out	(1,250,025)	(57,138)	(84,000)	(24,000)	(524,000)
Restricted Contingency	0	0	0	0	1,335,000
<b>Total Other Financing Sources (Uses)</b>	<b>\$ (199,643)</b>	<b>\$ 1,002,655</b>	<b>\$ 927,392</b>	<b>\$ 1,115,125</b>	<b>\$ 1,861,000</b>
<b>Excess of revenues and other financing sources over (under) expenditures and other financing uses</b>	<b>\$ (1,359,225)</b>	<b>\$ (1,103,173)</b>	<b>\$ 748,766</b>	<b>\$ 592,298</b>	<b>(\$763,790)<sup>4</sup></b>
General Fund Balance January 1	9,049,909	7,690,684	6,587,511	7,336,277	7,928,575
General Fund Balance December 31	<b>\$ 7,690,684</b>	<b>\$ 6,587,511</b>	<b>\$ 7,336,277</b>	<b>\$ 7,928,575</b>	<b>\$ 7,164,785</b>
<b>DETAILS OF DECEMBER 31 FUND BALANCE</b>					
Nonspendable	2,294,958	246,548	180,623		
Restricted	0	0	0		
Committed	0	0	0		
Assigned	61,626	150,565	271,970		
Unassigned	5,334,100	6,190,398	6,883,684		
<b>Total</b>	<b>\$ 7,690,684</b>	<b>\$ 6,587,511</b>	<b>\$ 7,336,277</b>		

<sup>1</sup> Deficit includes a one-time \$605,700 extraordinary pension contribution.

<sup>2</sup> Deficit includes a one-time \$1.2 million transfer to the Capital Improvement Fund for capital expenditures.

<sup>3</sup> The 2020 Budget includes as a budgeted expenditure a \$1,335,000 restricted contingency that is not expected to be spent. Any use of such expenditure would require a 2/3 vote of the Common Council and such expenditure is not expected to be made.

<sup>4</sup> The City is budgeting a deficit for 2020 for some non-recurring costs including severance on retirees, tax refunds on assessments challenges and transfers to the capital improvement fund for security enhancements at City buildings.

## GENERAL INFORMATION

### LOCATION

The City with a 2010 U.S. Census population of 35,451, and a current estimated population of 35,996, comprises an area of 34.5 square miles and is located in the southwest corner of Milwaukee County.

### LARGER EMPLOYERS<sup>1</sup>

Larger employers in the City include the following:

<b>Firm</b>	<b>Type of Business/Product</b>	<b>Estimated No. of Employees</b>
Northwestern Mutual	Insurance/investment services	1,938
Krones, Inc.	High speed labeling/filler machines	625
Franklin Public Schools	K-12 education	558
Baptista's Bakery	Commercial bakery	519
Carlisle Interconnect Technologies	Wire harnesses	393
Milwaukee County Corrections South	Government	388
Ascension Healthcare	Medical and surgical hospital	300 <sup>2</sup>
Wal-Mart	Retailer	300
Strauss Veal & Lamb Int'l Inc.	Animal processing	288
Senior Flexonics - GA Precision	Off-road engine components mfg	273

**Source:** ReferenceUSA written and telephone survey (July 2019); Franklin 2018 CAFR

<sup>1</sup> This does not purport to be a comprehensive list and is based on available data obtained through a survey of individual employers, as well as the sources identified above. Some employers do not respond to inquiries for employment data.

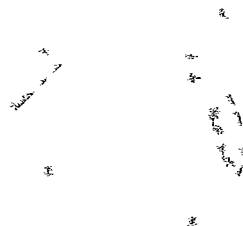
<sup>2</sup> Formerly known as Wheaton Franciscan.



## BUILDING PERMITS

	2015	2016	2017	2018	2019 <sup>1</sup>
<u>New Single Family Homes</u>					
No. of building permits	26	23	18	30	40
Valuation	\$10,199,139	\$9,721,721	\$8,991,610	\$13,357,904	\$19,087,167
<u>New Multiple Family Buildings</u>					
No. of building permits	3	1	0	7	8
Valuation	\$1,110,000	\$5,550,000	\$0	\$27,972,154	\$32,715,000
<u>New Commercial/Industrial</u>					
No. of building permits	3	5	13	9	15
Valuation	\$1,961,261	\$154,300	\$28,861,659	\$8,677,160	\$16,739,561
<u>All Building Permits</u> <i>(including additions and remodelings)</i>					
No. of building permits	300	267	251	267	199
Valuation	\$30,654,542	\$27,316,600	\$49,403,073	\$62,150,023	\$76,578,406

Source: The City



<sup>1</sup> As of September 30, 2019

## U.S. CENSUS DATA

### Population Trend: City

2000 U.S. Census	29,494
2010 U.S. Census	35,451
2019 Estimated Population	35,996
Percent of Change 2000 - 2010	20.20%

### Income and Age Statistics

	City	Milwaukee County	State of Wisconsin	United States
2017 per capita income	\$37,849	\$26,933	\$30,557	\$31,177
2017 median household income	\$74,972	\$46,784	\$56,759	\$57,652
2017 median family income	\$102,206	\$59,763	\$72,542	\$70,850
2017 median gross rent	\$996	\$844	\$813	\$982
2017 median value owner occupied units	\$225,700	\$150,300	\$169,300	\$193,500
2017 median age	42.4 yrs.	34.6 yrs.	39.2 yrs.	37.8 yrs.

	State of Wisconsin	United States
City % of 2017 per capita income	123.86%	121.40%
City % of 2017 median family income	140.89%	144.26%

### Housing Statistics

	<u>City</u>		
	2000	2017	Percent of Change
All Housing Units	10,936	13,951	27.57%

**Source:** 2000 and 2010 Census of Population and Housing, and 2017 American Community Survey (Based on a five-year estimate), U.S. Census Bureau ([www.factfinder2.census.gov](http://www.factfinder2.census.gov)).

## EMPLOYMENT/UNEMPLOYMENT DATA

Year	<u>Average Employment</u>		<u>Average Unemployment</u>		
	City	Milwaukee County	City	Milwaukee County	State of Wisconsin
2015	17,566	449,639	4.4%	5.7%	4.6%
2016	17,804	453,900	3.8%	5.0%	4.0%
2017	17,920	457,018	3.2%	4.0%	3.3%
2018	17,863	455,544	2.9%	3.6%	3.0%
2019, September <sup>1</sup>	17,794	453,791	2.9%	3.9%	2.9%

**Source:** Wisconsin Department of Workforce Development.

<sup>1</sup> Preliminary.

## APPENDIX A

### FINANCIAL STATEMENTS

Potential purchasers should read the included financial statements in their entirety for more complete information concerning the City's financial position. Such financial statements have been audited by the Auditor, to the extent and for the periods indicated thereon. The City has not requested or engaged the Auditor to perform, and the Auditor has not performed, any additional examination, assessments, procedures or evaluation with respect to such financial statements since the date thereof or with respect to this Official Statement, nor has the City requested that the Auditor consent to the use of such financial statements in this Official Statement. Although the inclusion of the financial statements in this Official Statement is not intended to demonstrate the fiscal condition of the City since the date of the financial statements, in connection with the issuance of the Bonds, the City represents that there have been no material adverse change in the financial position or results of operations of the City, nor has the City incurred any material liabilities, which would make such financial statements misleading.

Copies of the complete audited financial statements for the past three years and the current budget are available upon request from Ehlers.



## APPENDIX B

### FORM OF LEGAL OPINION

(See following pages )



## BOOK-ENTRY-ONLY SYSTEM

- 1 The Depository Trust Company ("DTC"), New York, New York, will act as securities depository for the securities (the "Securities"). The Securities will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Security certificate will be issued for [each issue of] the Securities, [each] in the aggregate principal amount of such issue, and will be deposited with DTC. [If, however, the aggregate principal amount of [any] issue exceeds \$500 million, one certificate will be issued with respect to each \$500 million of principal amount, and an additional certificate will be issued with respect to any remaining principal amount of such issue.]
- 2 DTC, the world's largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). DTC has a Standard & Poor's rating of AA+. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at [www.dtcc.com](http://www.dtcc.com).
- 3 Purchases of Securities under the DTC system must be made by or through Direct Participants, which will receive a credit for the Securities on DTC's records. The ownership interest of each actual purchaser of each Security ("Beneficial Owner") is in turn to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Securities are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Securities, except in the event that use of the book-entry system for the Securities is discontinued.
- 4 To facilitate subsequent transfers, all Securities deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co., or such other name as may be requested by an authorized representative of DTC. The deposit of Securities with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Securities; DTC's records reflect only the identity of the Direct Participants to whose accounts such Securities are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

- 5 Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time [Beneficial Owners of Securities may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Securities, such as redemptions, tenders, defaults, and proposed amendments to the Security documents. For example, Beneficial Owners of Securities may wish to ascertain that the nominee holding the Securities for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the registrar and request that copies of notices be provided directly to them.]
- 6 Redemption notices shall be sent to DTC. If less than all of the Securities within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.
- 7 Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to Securities unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to City as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts Securities are credited on the record date (identified in a listing attached to the Omnibus Proxy).
- 8 Redemption proceeds, distributions, and dividend payments on the Securities will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the City or Agent, on payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, Agent, or the City, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions, and dividend payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the City or Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.
- 9 A Beneficial Owner shall give notice to elect to have its Securities purchased or tendered, through its Participant, to [Tender/Remarketing] Agent, and shall effect delivery of such Securities by causing the Direct Participant to transfer the Participant's interest in the Securities, on DTC's records, to [Tender/Remarketing] Agent. The requirement for physical delivery of Securities in connection with an optional tender or a mandatory purchase will be deemed satisfied when the ownership rights in the Securities are transferred by Direct Participants on DTC's records and followed by a book-entry credit of tendered Securities to [Tender/Remarketing] Agent's DTC account.
- 10 DTC may discontinue providing its services as depository with respect to the Securities at any time by giving reasonable notice to the City or Agent. Under such circumstances, in the event that a successor depository is not obtained, Security certificates are required to be printed and delivered.
- 11 The City may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, Security certificates will be printed and delivered to DTC.
- 12 The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the City believes to be reliable, but the City takes no responsibility for the accuracy thereof.

## APPENDIX D

### FORM OF CONTINUING DISCLOSURE CERTIFICATE

(See following pages )



## NOTICE OF SALE

### **\$12,470,000\* TAXABLE GENERAL OBLIGATION CORPORATE PURPOSE, SERIES 2019C CITY OF FRANKLIN, WISCONSIN**

Bids for the purchase of \$12,470,000\* Taxable General Obligation Corporate Purpose Bonds, Series 2019C (the "Bonds") of the City of Franklin, Wisconsin (the "City") will be received at the offices of Ehlers and Associates, Inc. ("Ehlers") 3060 Centre Pointe Drive, Roseville, Minnesota 55113-1105, municipal advisors to the City, until 10 00 A.M., Central Time, and **ELECTRONIC PROPOSALS** will be received via **PARITY**, in the manner described below, until 10 00 A.M., Central Time, on November 19, 2019, at which time they will be opened, read and tabulated. The bids will be presented to the Common Council for consideration for award by resolution at a meeting to be held at 6 30 P.M., Central Time, on the same date. The bid offering to purchase the Bonds upon the terms specified herein and most favorable to the City will be accepted unless all bids are rejected.

### PURPOSE

The Bonds are being issued pursuant to Section 67.04, Wisconsin Statutes, for the public purpose of providing financial assistance to community development projects under Section 66.1105, Wisconsin Statutes, by paying project costs of the City's Tax Incremental Districts and current refunding certain outstanding general obligations of the City. The Bonds are general obligations of the City, and all the taxable property in the City is subject to the levy of a tax to pay the principal of and interest on the Bonds as they become due which tax may, under current law, be levied without limitation as to rate or amount.

### DATES AND MATURITIES

The Bonds will be dated December 4, 2019, will be issued as fully registered Bonds in the denomination of \$5,000 each, or any integral multiple thereof, and will mature on March 1 as follows:

<u>Year</u>	<u>Amount*</u>	<u>Year</u>	<u>Amount*</u>	<u>Year</u>	<u>Amount*</u>
2022	\$200,000	2028	\$685,000	2034	\$875,000
2023	200,000	2029	3,375,000	2035	850,000
2024	450,000	2030	630,000	2036	675,000
2025	480,000	2031	630,000	2037	675,000
2026	645,000	2032	655,000		
2027	670,000	2033	775,000		

### ADJUSTMENT OPTION

\* The City reserves the right to increase or decrease the principal amount of the Bonds on the day of sale, in increments of \$5,000 each. Increases or decreases may be made in any maturity. If any principal amounts are adjusted, the purchase price proposed will be adjusted to maintain the same gross spread per \$1,000.

### TERM BOND OPTION

Bids for the Bonds may contain a maturity schedule providing for any combination of serial bonds and term bonds, subject to mandatory redemption, so long as the amount of principal maturing or subject to mandatory redemption in each year conforms to the maturity schedule set forth above. All dates are inclusive.



## INTEREST PAYMENT DATES AND RATES

Interest will be payable on March 1 and September 1 of each year, commencing March 1, 2020 to the registered owners of the Bonds appearing of record in the bond register as of the close of business on the 15th day (whether or not a business day) of the immediately preceding month. Interest will be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to rules of the Municipal Securities Rulemaking Board. **The rate for any maturity may not be more than 2.00% less than the rate for any preceding maturity. (For example, if a rate of 4.50% is proposed for the 2022 maturity, then the lowest rate that may be proposed for any later maturity is 2.50%.)** All Bonds of the same maturity must bear interest from date of issue until paid at a single, uniform rate. Each rate must be expressed in an integral multiple of 5/100 or 1/8 of 1%.

## BOOK-ENTRY-ONLY FORMAT

Unless otherwise specified by the purchaser, the Bonds will be designated in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"). DTC will act as securities depository for the Bonds, and will be responsible for maintaining a book-entry system for recording the interests of its participants and the transfers of interests between its participants. The participants will be responsible for maintaining records regarding the beneficial interests of the individual purchasers of the Bonds. So long as Cede & Co. is the registered owner of the Bonds, all payments of principal and interest will be made to the depository which, in turn, will be obligated to remit such payments to its participants for subsequent disbursement to the beneficial owners of the Bonds.

## PAYING AGENT

The City has selected Bond Trust Services Corporation, Roseville, Minnesota, to act as paying agent (the "Paying Agent"). Bond Trust Services Corporation and Ehlers are affiliate companies. The City will pay the charges for Paying Agent services. The City reserves the right to remove the Paying Agent and to appoint a successor.

## OPTIONAL REDEMPTION

At the option of the City, the Bonds maturing on or after March 1, 2029 shall be subject to optional redemption prior to maturity on March 1, 2028 or any date thereafter, at a price of par plus accrued interest.

Redemption may be in whole or in part of the Bonds subject to prepayment. If redemption is in part, the selection of the amounts and maturities of the Bonds to be redeemed shall be at the discretion of the City. If only part of the Bonds having a common maturity date are called for redemption, then the City or Paying Agent, if any, will notify DTC of the particular amount of such maturity to be redeemed. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interest in such maturity to be redeemed.

Notice of such call shall be given by sending a notice by registered or certified mail, facsimile or electronic transmission, overnight delivery service or in any other manner required by DTC, not less than 30 days nor more than 60 days prior to the date fixed for redemption to the registered owner of each Bond to be redeemed at the address shown on the registration books.

## DELIVERY

On or about December 4, 2019, the Bonds will be delivered without cost to the winning bidder at DTC. On the day of closing, the City will furnish to the winning bidder the opinion of bond counsel hereinafter described, and certificates verifying that no litigation in any manner questioning the validity of the Bonds is then pending or, to the best knowledge of officers of the City, threatened. Payment for the Bonds must be received by the City at its designated depository on the date of closing in immediately available funds.

## LEGAL MATTERS

An opinion as to the validity of the Bonds will be furnished by Quarles & Brady LLP, of Milwaukee, Wisconsin, bond counsel to the City. The legal opinion will be issued on the basis of existing law and will state that the Bonds are valid and binding general obligations of the City; provided that the rights of the owners of the Bonds and the enforceability of the Bonds may be limited by bankruptcy, insolvency, reorganization, moratorium, and other similar laws affecting creditors' rights and by equitable principles (which may be applied in either a legal or equitable proceeding). (See "FORM OF LEGAL OPINION" found in Appendix B of the Preliminary Official Statement.)

Quarles & Brady LLP has also been retained by the City to serve as Disclosure Counsel to the City with respect to the Bonds. Although, as Disclosure Counsel to the City, Quarles & Brady LLP has assisted the City with certain disclosure matters, Quarles & Brady LLP has not undertaken to independently verify the accuracy, completeness or sufficiency of this Official Statement or other offering material relating to the Bonds and assumes no responsibility whatsoever nor shall have any liability to any other party for the statements or information contained or incorporated by reference in this Official Statement. Further, Quarles & Brady LLP makes no representation as to the suitability of the Bonds for any investor.

## SUBMISSION OF BIDS

Bids must not be for less than \$12,314,125 nor more than \$12,968,800 plus accrued interest on the principal sum of \$12,470,000 from date of original issue of the Bonds to date of delivery. Prior to the time established above for the opening of bids, interested parties may submit a bid as follows:

- 1) Electronically to [bondsale@ehlers-inc.com](mailto:bondsale@ehlers-inc.com); or
- 2) Electronically via **PARITY** in accordance with this Notice of Sale until 10:00 A.M. Central Time, but no bid will be received after the time for receiving bids specified above. To the extent any instructions or directions set forth in **PARITY** conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about **PARITY**, potential bidders may contact Ehlers or i-Deal LLC at 1359 Broadway, 2<sup>nd</sup> Floor, New York, New York 10018, Telephone (212) 849-5021.

Bids must be submitted to Ehlers via one of the methods described above and must be received prior to the time established above for the opening of bids. Each bid must be unconditional except as to legality. Neither the City nor Ehlers shall be responsible for any failure to receive a facsimile submission.

**A good faith deposit ("Deposit") in the amount of \$249,400 shall be made by the winning bidder by wire transfer of funds. Such Deposit shall be received by Ehlers no later than two hours after the bid opening time. Wire transfer instructions will be provided to the winning bidder by Ehlers after the tabulation of bids.** The City reserves the right to award the Bonds to a winning bidder whose wire transfer is initiated but not received by such time provided that such winning bidder's federal wire reference number has been received by such time. In the event the Deposit is not received as provided above, the City may award the Bonds to the bidder submitting the next best bid provided such bidder agrees to such award. The Deposit will be retained by the City as liquidated damages if the bid is accepted and the Purchaser fails to comply therewith.

The City and the winning bidder who chooses to so wire the Deposit hereby agree irrevocably that Ehlers shall be the escrow holder of the Deposit wired to such account subject only to these conditions and duties: 1) All income earned thereon shall be retained by the escrow holder as payment for its expenses; 2) If the bid is not accepted, Ehlers shall, at its expense, promptly return the Deposit amount to the winning bidder; 3) If the bid is accepted, the Deposit shall be returned to the winning bidder at the closing; 4) Ehlers shall bear all costs of maintaining the escrow account and returning the funds to the winning bidder; 5) Ehlers shall not be an insurer of the Deposit amount and shall have no liability hereunder except if it willfully fails to perform or recklessly disregards, its duties specified herein; and 6) FDIC insurance on deposits within the escrow account shall be limited to \$250,000 per bidder.

No bid can be withdrawn after the time set for receiving bids unless the meeting of the City scheduled for award of the Bonds is adjourned, recessed, or continued to another date without award of the Bonds having been made.

### **AWARD**

The Bonds will be awarded to the bidder offering the lowest interest rate to be determined on a True Interest Cost (TIC) basis. The City's computation of the interest rate of each bid, in accordance with customary practice, will be controlling. In the event of a tie, the sale of the Bonds will be awarded by lot. The City reserves the right to reject any and all bids and to waive any informality in any bid.

### **BOND INSURANCE**

If the Bonds are qualified for any bond insurance policy, the purchase of such policy shall be at the sole option and expense of the winning bidder. Any cost for such insurance policy is to be paid by the winning bidder, except that, if the City requested and received a rating on the Bonds from a rating agency, the City will pay that rating fee. Any rating agency fees not requested by the City are the responsibility of the winning bidder.

Failure of the municipal bond insurer to issue the policy after the Bonds are awarded to the winning bidder shall not constitute cause for failure or refusal by the winning bidder to accept delivery of the Bonds.

### **CUSIP NUMBERS**

The City will assume no obligation for the assignment or printing of CUSIP numbers on the Bonds or for the correctness of any numbers printed thereon, but will permit such numbers to be printed at the expense of the winning bidder, if the winning bidder waives any delay in delivery occasioned thereby.

### **CONTINUING DISCLOSURE**

In order to assist the Underwriters in complying with the provisions of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 the City will enter into an undertaking for the benefit of the holders of the Bonds. A description of the details and terms of the undertaking is set forth in Appendix D of the Official Statement.

### **PRELIMINARY OFFICIAL STATEMENT**

Bidders may obtain a copy of the Preliminary Official Statement relating to the Bonds prior to the bid opening by request from Ehlers at [www.ehlers-inc.com](http://www.ehlers-inc.com) by connecting to the Bond Sales link. The Syndicate Manager will be provided with an electronic copy of the Final Official Statement within seven business days of the bid acceptance. Up to 10 printed copies of the Final Official Statement will be provided upon request. Additional copies of the Final Official Statement will be available at a cost of \$10.00 per copy.

Information for bidders and bid forms may be obtained from Ehlers at 3060 Centre Pointe Drive, Roseville, Minnesota 55113-1105, Telephone (651) 697-8500.

By Order of the Common Council

Paul Rotzenberg, Director of Finance & Treasurer  
City of Franklin, Wisconsin

# BID FORM

The Common Council  
City of Franklin, Wisconsin

November 19, 2019

RE \$12,470,000\* Taxable General Obligation Corporate Purpose Bonds, Series 2019C (the "Bonds")  
DATED December 4, 2019

For all or none of the above Bonds in accordance with the Notice of Sale and terms of the Global Book Entry System (unless otherwise specified by the Purchaser) as stated in this Official Statement we will pay you \$\_\_\_\_\_ (not less than \$12,314,125 nor more than \$12,968,800) plus accrued interest to date of delivery for fully registered Bonds bearing interest rates and maturing in the stated years as follows:

_____ % due 2022	_____ % due 2028	_____ % due 2034
_____ % due 2023	_____ % due 2029	_____ % due 2035
_____ % due 2024	_____ % due 2030	_____ % due 2036
_____ % due 2025	_____ % due 2031	_____ % due 2037
_____ % due 2026	_____ % due 2032	
_____ % due 2027	_____ % due 2033	

\* The City reserves the right to increase or decrease the principal amount of the Bonds on the day of sale, in increments of \$5,000 each. Increases or decreases may be made in any maturity. If any principal amounts are adjusted, the purchase price proposed will be adjusted to maintain the same gross spread per \$1,000.

The rate for any maturity may not be more than 2.00% less than the rate for any preceding maturity. (For example, if a rate of 4.50% is proposed for the 2022 maturity, then the lowest rate that may be proposed for any later maturity is 2.50%.) All Bonds of the same maturity must bear interest from date of issue until paid at a single uniform rate. Each rate must be expressed in an integral multiple of 1/100 or 1/8 of 1%.

A good faith deposit ("Deposit") in the amount of \$249,400 shall be made by the winning bidder by wire transfer of funds. Such Deposit shall be received by Ehlers no later than two hours after the bid opening time. Wire transfer instructions will be provided to the winning bidder by Ehlers after the tabulation of bids. The City reserves the right to award the Bonds to a winning bidder whose wire transfer is initiated but not received by such time provided that such winning bidder's federal wire reference number has been received by such time. In the event the Deposit is not received as provided above, the City may award the Bonds to the bidder submitting the next best bid provided such bidder agrees to such award. The Deposit will be retained by the City as liquidated damages if the bid is accepted and the Purchaser fails to comply therewith. We agree to the conditions and duties of Ehlers and Associates, Inc. as escrow holder of the Deposit pursuant to the Notice of Sale. This bid is for prompt acceptance and is conditional upon delivery of said Bonds to The Depository Trust Company, New York, New York, in accordance with the Notice of Sale. Delivery is anticipated to be on or about December 4, 2019.

This bid is subject to the City's agreement to enter into a written undertaking to provide continuing disclosure under Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 as described in the Preliminary Official Statement for the Bonds.

We have received and reviewed the Official Statement and any addenda thereto and have submitted our requests for additional information or corrections to the Final Official Statement. As Syndicate Manager, we agree to provide the City with the reoffering price of the Bonds within 24 hours of the bid acceptance.

This bid is a firm offer for the purchase of the Bonds identified in the Notice of Sale on the terms set forth in this bid form and the Notice of Sale and is not subject to any conditions except as permitted by the Notice of Sale.

By submitting this bid, we confirm that we are an underwriter and have an established industry reputation for underwriting new issuances of municipal bonds.  
YES \_\_\_\_\_ NO \_\_\_\_\_

Account Manager \_\_\_\_\_ By \_\_\_\_\_

Account Members \_\_\_\_\_

Award will be on a true interest cost basis. According to our computations (the correct computation being controlling in the award) the total dollar interest cost (including any discount or less any premium) computed from December 4, 2019 of the above bid is \$\_\_\_\_\_ and the true interest cost (TIC) is \_\_\_\_\_ %.

The foregoing offer is hereby accepted by and on behalf of the Common Council of the City of Franklin, Wisconsin on November 19, 2019.

By \_\_\_\_\_ By \_\_\_\_\_  
Title \_\_\_\_\_ Title \_\_\_\_\_

APPROVAL <i>slw fd</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE Nov 19, 2019
REPORTS & RECOMMENDATIONS	Resolution Awarding the Sale of \$2,320,000 General Obligation Promissory Notes, Series 2019D	ITEM NUMBER <i>G, 3.</i>

### Analysis

On Sept 17, 2019 the Common Council adopted an initial resolution authorizing the sale of \$2,320,000 of General Obligation Notes to support projects in the 2019 Capital Improvement fund. The projects list include Pleasant View Park Pavilion, an indoor shooting range at the Police Administration Building, a round-about at S 51<sup>st</sup> Street and W Drexel Ave and street repairs on S 68<sup>th</sup> Street.

The sale is a competitive sale conducted November 19, 2019.

Our Financial Advisor for this transaction is Ehlers & Associates, LLC, represented by Dawn Gunderson.

Quarles and Brady prepared a sample Council resolution for review which is attached. An updated resolution based on the results of the sale will be presented at the meeting for adoption.

Ms. Gunderson of Ehlers & Associates will present the results of the sale from bids opened earlier on November 19, 2019.

Copies of the preliminary Official Statements are enclosed for your information and were emailed to Alderman last week.

### COUNCIL ACTION REQUESTED

Motion to adopt Resolution No. 2019 - \_\_\_\_\_ awarding the sale of \$2,320,000 General Obligation Promissory Notes, 2019D.

STATE OF WISCONSIN· CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AWARDING THE SALE OF \$2,320,000 GENERAL OBLIGATION  
PROMISSORY NOTES, SERIES 2019D

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WHEREAS, on September 17, 2019, the Common Council of the City of Franklin, Milwaukee County, Wisconsin (the "City") adopted a resolution (the "Set Sale Resolution"), providing for the sale of General Obligation Promissory Notes, Series 2019D (the "Notes") for public purposes, including paying projects listed in the City's Capital Improvement Program (the "Project");

WHEREAS, the Common Council hereby finds and determines that the Project is within the City's power to undertake and therefore serves a "public purpose" as that term is defined in Section 67.04(1)(b), Wisconsin Statutes;

WHEREAS, pursuant to the Set Sale Resolution, the City has directed Ehlers & Associates, Inc. ("Ehlers") to take the steps necessary to sell the Notes to pay the cost of the Project;

WHEREAS, Ehlers, in consultation with the officials of the City, prepared a Notice of Sale (a copy of which is attached hereto as Exhibit A and incorporated herein by this reference) setting forth the details of and the bid requirements for the Notes and indicating that the Notes would be offered for public sale on November 19, 2019;

WHEREAS, the City Clerk (in consultation with Ehlers) caused a form of notice of the sale to be published and/or announced and caused the Notice of Sale to be distributed to potential bidders offering the Notes for public sale on November 19, 2019;

WHEREAS, the City has duly received bids for the Notes as described on the Bid Tabulation attached hereto as Exhibit B and incorporated herein by this reference (the "Bid Tabulation"); and

WHEREAS, it has been determined that the bid proposal (the "Proposal") submitted by the financial institution listed first on the Bid Tabulation fully complies with the bid requirements set forth in the Notice of Sale and is deemed to be the most advantageous to the City. Ehlers has recommended that the City accept the Proposal. A copy of said Proposal submitted by such institution (the "Purchaser") is attached hereto as Exhibit C and incorporated herein by this reference.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City that.



Section 1. Ratification of the Notice of Sale and Offering Materials The Common Council hereby ratifies and approves the details of the Notes set forth in Exhibit A attached hereto as and for the details of the Notes The Notice of Sale and any other offering materials prepared and circulated by Ehlers are hereby ratified and approved in all respects All actions taken by officers of the City and Ehlers in connection with the preparation and distribution of the Notice of Sale, and any other offering materials are hereby ratified and approved in all respects.

Section 1A. Award of the Notes. The Proposal of the Purchaser offering to purchase the Notes for the sum set forth on the Proposal, plus accrued interest to the date of delivery, resulting in a true interest cost as set forth on the Proposal, is hereby accepted. The Mayor and City Clerk or other appropriate officers of the City are authorized and directed to execute an acceptance of the Proposal on behalf of the City. The good faith deposit of the Purchaser shall be applied in accordance with the Notice of Sale, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned The Notes shall bear interest at the rates set forth on the Proposal.

Section 2. Terms of the Notes. The Notes shall be designated "General Obligation Promissory Notes, Series 2019D"; shall be issued in the aggregate principal amount of \$2,320,000\*; shall be dated December 4, 2019; shall be in the denomination of \$5,000 or any integral multiple thereof; shall be numbered R-1 and upward; and shall bear interest at the rates per annum and mature on March 1 of each year, in the years and principal amounts as set forth on the Pricing Summary attached hereto as Exhibit D-1 and incorporated herein by this reference. Interest shall be payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2020. Interest shall be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to the rules of the Municipal Securities Rulemaking Board. The schedule of principal and interest payments due on the Notes is set forth on the Debt Service Schedule attached hereto as Exhibit D-2 and incorporated herein by this reference (the "Schedule").

Section 3. Redemption Provisions. The Notes maturing on March 1, 2027 shall be subject to redemption prior to maturity, at the option of the City, on March 1, 2026 or on any date thereafter. Said Notes shall be redeemable as a whole or in part, and if in part by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

【If the Proposal specifies that any of the Notes are subject to mandatory redemption, the terms of such mandatory redemption shall be set forth on an attachment hereto as Exhibit MRP and incorporated herein by this reference. Upon the optional redemption of any of the Notes subject to mandatory redemption, the principal amount of such Notes so redeemed shall be credited against the mandatory redemption payments established in Exhibit MRP for such Notes in such manner as the City shall direct.】

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\* Preliminary subject to change

Section 4 Form of the Notes. The Notes shall be issued in registered form and shall be executed and delivered in substantially the form attached hereto as Exhibit E and incorporated herein by this reference.

Section 5. Tax Provisions.

(A) Direct Annual Irrepealable Tax Levy. For the purpose of paying the principal of and interest on the Notes as the same becomes due, the full faith, credit and resources of the City are hereby irrevocably pledged, and there is hereby levied upon all of the taxable property of the City a direct annual irrepealable tax in the years 2019 through 2026 for the payments due in the years 2020 through 2027 in the amounts set forth on the Schedule.

(B) Tax Collection So long as any part of the principal of or interest on the Notes remains unpaid, the City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Notes, said tax shall be, from year to year, carried onto the tax roll of the City and collected in addition to all other taxes and in the same manner and at the same time as other taxes of the City for said years are collected, except that the amount of tax carried onto the tax roll may be reduced in any year by the amount of any surplus money in the Debt Service Fund Account created below.

(C) Additional Funds. If at any time there shall be on hand insufficient funds from the aforesaid tax levy to meet principal and/or interest payments on said Notes when due, the requisite amounts shall be paid from other funds of the City then available, which sums shall be replaced upon the collection of the taxes herein levied.

Section 6. Segregated Debt Service Fund Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund, separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Debt service or sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there hereby is established a separate and distinct account designated as the "Debt Service Fund Account for General Obligation Promissory Notes, Series 2019D" (the "Debt Service Fund Account") and such account shall be maintained until the indebtedness evidenced by the Notes is fully paid or otherwise extinguished. There shall be deposited into the Debt Service Fund Account (i) all accrued interest received by the City at the time of delivery of and payment for the Notes; (ii) any premium which may be received by the City above the par value of the Notes and accrued interest thereon; (iii) all money raised by the taxes herein levied and any amounts appropriated for the specific purpose of meeting principal of and interest on the Notes when due; (iv) such other sums as may be necessary at any time to pay principal of and interest on the Notes when due, (v) surplus monies in the Borrowed Money Fund as specified below, and (vi) such further deposits as may be required by Section 67.11, Wisconsin Statutes



(B) Use and Investment. No money shall be withdrawn from the Debt Service Fund Account and appropriated for any purpose other than the payment of principal of and interest on the Notes until all such principal and interest has been paid in full and the Notes canceled, provided (i) the funds to provide for each payment of principal of and interest on the Notes prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Notes may be used to reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Notes as permitted by and subject to Section 67.11(2)(a), Wisconsin Statutes, or in permitted municipal investments under the pertinent provisions of the Wisconsin Statutes ("Permitted Investments"), which investments shall continue to be a part of the Debt Service Fund Account. Any investment of the Debt Service Fund Account shall at all times conform with the provisions of the Internal Revenue Code of 1986, as amended (the "Code") and any applicable Treasury Regulations (the "Regulations").

(C) Remaining Monies. When all of the Notes have been paid in full and canceled, and all Permitted Investments disposed of, any money remaining in the Debt Service Fund Account shall be transferred and deposited in the general fund of the City, unless the Common Council directs otherwise.

Section 7. Proceeds of the Notes; Segregated Borrowed Money Fund. The proceeds of the Notes (the "Note Proceeds") (other than any premium and accrued interest which must be paid at the time of the delivery of the Notes into the Debt Service Fund Account created above) shall be deposited into a special fund (the "Borrowed Money Fund") separate and distinct from all other funds of the City and disbursed solely for the purpose or purposes for which borrowed Monies in the Borrowed Money Fund may be temporarily invested in Permitted Investments. Any monies, including any income from Permitted Investments, remaining in the Borrowed Money Fund after the purpose or purposes for which the Notes have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purpose(s) shall be deposited in the Debt Service Fund Account.

Section 8. No Arbitrage. All investments made pursuant to this Resolution shall be Permitted Investments, but no such investment shall be made in such a manner as would cause the Notes to be "arbitrage bonds" within the meaning of Section 148 of the Code or the Regulations and an officer of the City, charged with the responsibility for issuing the Notes, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of delivery of the Notes to the Purchaser which will permit the conclusion that the Notes are not "arbitrage bonds," within the meaning of the Code or Regulations.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Notes and the ownership, management and use of the projects will not cause the Notes to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Notes including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants

that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Notes) if taking, permitting or omitting to take such action would cause any of the Notes to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Notes to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Notes shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Notes provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Notes and the laws of the State of Wisconsin and to the extent that there is a reasonable period of time in which to comply.

Section 10. Designation as Qualified Tax-Exempt Obligations The Notes are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations

Section 11. Execution of the Notes; Closing; Professional Services. The Notes shall be issued in printed form, executed on behalf of the City by the manual or facsimile signatures of the Mayor and City Clerk, authenticated, if required, by the Fiscal Agent (defined below), sealed with its official or corporate seal, if any, or a facsimile thereof, and delivered to the Purchaser upon payment to the City of the purchase price thereof, plus accrued interest to the date of delivery (the "Closing"). The facsimile signature of either of the officers executing the Notes may be imprinted on the Notes in lieu of the manual signature of the officer but, unless the City has contracted with a fiscal agent to authenticate the Notes, at least one of the signatures appearing on each Note shall be a manual signature. In the event that either of the officers whose signatures appear on the Notes shall cease to be such officers before the Closing, such signatures shall, nevertheless, be valid and sufficient for all purposes to the same extent as if they had remained in office until the Closing. The aforesaid officers are hereby authorized and directed to do all acts and execute and deliver the Notes and all such documents, certificates and acknowledgements as may be necessary and convenient to effectuate the Closing. The City hereby authorizes the officers and agents of the City to enter into, on its behalf, agreements and contracts in conjunction with the Notes, including but not limited to agreements and contracts for legal, trust, fiscal agency, disclosure and continuing disclosure, and rebate calculation services. Any such contract heretofore entered into in conjunction with the issuance of the Notes is hereby ratified and approved in all respects.

Section 12. Payment of the Notes; Fiscal Agent The principal of and interest on the Notes shall be paid by Bond Trust Services Corporation, Roseville, Minnesota, which is hereby appointed as the City's registrar and fiscal agent pursuant to the provisions of Section 67.10(2), Wisconsin Statutes (the "Fiscal Agent"). The City hereby authorizes the Mayor and City Clerk or other appropriate officers of the City to enter a Fiscal Agency Agreement between the City and the Fiscal Agent. Such contract may provide, among other things, for the performance by

the Fiscal Agent of the functions listed in Wis Stats. Sec. 67 10(2)(a) to (j), where applicable, with respect to the Notes.

Section 13. Persons Treated as Owners, Transfer of Notes. The City shall cause books for the registration and for the transfer of the Notes to be kept by the Fiscal Agent. The person in whose name any Note shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Note shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid.

Any Note may be transferred by the registered owner thereof by surrender of the Note at the office of the Fiscal Agent, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his attorney duly authorized in writing. Upon such transfer, the Mayor and City Clerk shall execute and deliver in the name of the transferee or transferees a new Note or Notes of a like aggregate principal amount, series and maturity and the Fiscal Agent shall record the name of each transferee in the registration book. No registration shall be made to bearer. The Fiscal Agent shall cancel any Note surrendered for transfer.

The City shall cooperate in any such transfer, and the Mayor and City Clerk are authorized to execute any new Note or Notes necessary to effect any such transfer.

Section 14. Record Date. The 15th day of the calendar month next preceding each interest payment date shall be the record date for the Notes (the "Record Date"). Payment of interest on the Notes on any interest payment date shall be made to the registered owners of the Notes as they appear on the registration book of the City at the close of business on the Record Date.

Section 15. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Notes eligible for the services provided by The Depository Trust Company, New York, New York ("DTC"), the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations, which the City Clerk or other authorized representative of the City is authorized and directed to execute and deliver to DTC on behalf of the City to the extent an effective Blanket Issuer Letter of Representations is not presently on file in the City Clerk's office.

Section 16. Payment of Issuance Expenses. The City authorizes the Purchaser to forward the amount of the proceeds of the Notes allocable to the payment of issuance expenses to Old National Bank at Closing for further distribution as directed by Ehlers.

Section 17. Official Statement. The Common Council hereby approves the Preliminary Official Statement with respect to the Notes and deems the Preliminary Official Statement as "final" as of its date for purposes of SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule"). All actions taken by officers of the City in connection with the preparation of such Preliminary Official Statement and any addenda to it or final Official Statement are hereby ratified and approved. In connection with the Closing, the appropriate City official shall certify the Preliminary Official Statement and any addenda or final Official Statement. The City Clerk shall

cause copies of the Preliminary Official Statement and any addenda or final Official Statement to be distributed to the Purchaser

Section 18. Undertaking to Provide Continuing Disclosure The City hereby covenants and agrees, for the benefit of the owners of the Notes, to enter into a written undertaking (the "Undertaking") if required by the Rule to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the owners of the Notes or by the Purchaser on behalf of such owners (provided that the rights of the owners and the Purchaser to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Notes).

To the extent required under the Rule, the Mayor and City Clerk, or other officer of the City charged with the responsibility for issuing the Notes, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 19. Record Book. The City Clerk shall provide and keep the transcript of proceedings as a separate record book (the "Record Book") and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing the Notes in the Record Book.

Section 20. Bond Insurance. If the Purchaser determines to obtain municipal bond insurance with respect to the Notes, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance. The Mayor and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the Mayor and City Clerk including provisions regarding restrictions on investment of Note proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Notes by the bond insurer and notices to be given to the bond insurer. In addition, any reference required by the bond insurer to the municipal bond insurance policy shall be made in the form of Note provided herein.

Section 21. Conflicting Resolutions; Severability, Effective Date. All prior resolutions, rules or other actions of the Common Council or any parts thereof in conflict with the provisions hereof shall be, and the same are, hereby rescinded insofar as the same may so conflict. In the event that any one or more provisions hereof shall for any reason be held to be illegal or invalid, such illegality or invalidity shall not affect any other provisions hereof. The foregoing shall take effect immediately upon adoption and approval in the manner provided by law.

Introduced at a regular meeting of the Common Council of the City of Franklin this 19th day of November, 2019.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 19th day of November, 2019.

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

ATTEST:

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

(SEAL)

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

EXHIBIT A

Notice of Sale

To be provided by Ehlers & Associates, Inc and incorporated into the Resolution

(See Attached)

EXHIBIT B

Bid Tabulation

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution.

(See Attached)

EXHIBIT C

Winning Bid

To be provided by Ehlers & Associates, Inc. and incorporated into the Resolution

(See Attached)



EXHIBIT D-1

Pricing Summary

To be provided by Ehlers & Associates, Inc and incorporated into the Resolution.

(See Attached)

EXHIBIT D-2

Debt Service Schedule and Irrepealable Tax Levies

To be provided by Ehlers & Associates, Inc and incorporated into the Resolution

(See Attached)

## EXHIBIT MRP

### Mandatory Redemption Provision

The Notes due on March 1, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_ and \_\_\_\_\_ (the "Term Bonds") are subject to mandatory redemption prior to maturity by lot (as selected by the Depository) at a redemption price equal to One Hundred Percent (100%) of the principal amount to be redeemed plus accrued interest to the date of redemption, from debt service fund deposits which are required to be made in amounts sufficient to redeem on March 1 of each year the respective amount of Term Bonds specified below

For the Term Bonds Maturing on March 1, \_\_\_\_\_

<u>Redemption</u> <u>Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____ (maturity)
_____	_____

For the Term Bonds Maturing on March 1, \_\_\_\_\_

<u>Redemption</u> <u>Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____ (maturity)
_____	_____

For the Term Bonds Maturing on March 1, \_\_\_\_\_

<u>Redemption</u> <u>Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____ (maturity)
_____	_____

For the Term Bonds Maturing on March 1, \_\_\_\_\_

<u>Redemption</u> <u>Date</u>	<u>Amount</u>
_____	\$ _____
_____	_____ (maturity)]
_____	_____

EXHIBIT E

(Form of Note)

REGISTERED UNITED STATES OF AMERICA DOLLARS  
STATE OF WISCONSIN  
MILWAUKEE COUNTY  
NO. R-\_\_\_\_ CITY OF FRANKLIN \$\_\_\_\_\_  
GENERAL OBLIGATION PROMISSORY NOTE, SERIES 2019D

MATURITY DATE: ORIGINAL DATE OF ISSUE: INTEREST RATE: CUSIP:  
March 1, \_\_\_\_\_ December 4, 2019 \_\_\_\_\_% \_\_\_\_\_

DEPOSITORY OR ITS NOMINEE NAME: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ THOUSAND DOLLARS  
(\$ \_\_\_\_\_)

FOR VALUE RECEIVED, the City of Franklin, Milwaukee County, Wisconsin (the "City"), hereby acknowledges itself to owe and promises to pay to the Depository or its Nominee Name (the "Depository") identified above (or to registered assigns), on the maturity date identified above, the principal amount identified above, and to pay interest thereon at the rate of interest per annum identified above, all subject to the provisions set forth herein regarding redemption prior to maturity. Interest shall be payable semi-annually on March 1 and September 1 of each year commencing on March 1, 2020 until the aforesaid principal amount is paid in full. Both the principal of and interest on this Note are payable to the registered owner in lawful money of the United States. Interest payable on any interest payment date shall be paid by wire transfer to the Depository in whose name this Note is registered on the Bond Register maintained by Bond Trust Services Corporation, Roseville, Minnesota (the "Fiscal Agent") or any successor thereto at the close of business on the 15th day of the calendar month next preceding each interest payment date (the "Record Date"). This Note is payable as to principal upon presentation and surrender hereof at the office of the Fiscal Agent.

For the prompt payment of this Note together with interest hereon as aforesaid and for the levy of taxes sufficient for that purpose, the full faith, credit and resources of the City are hereby irrevocably pledged.

This Note is one of an issue of Notes aggregating the principal amount of \$2,320,000, all of which are of like tenor, issued by the City pursuant to the provisions of Section 67.12(12), Wisconsin Statutes, for public purposes including projects listed in the City's Capital Improvement Program, as authorized by a resolution adopted on November 19, 2019 (the "Resolution"). Said Resolution is recorded in the official minutes of the Common Council for said date.

The Notes maturing on March 1, 2027 are subject to redemption prior to maturity, at the option of the City, on March 1, 2026 or on any date thereafter. Said Notes are redeemable as a whole or in part, and if in part by lot (as selected by the Depository), at the principal amount thereof, plus accrued interest to the date of redemption.

【The Notes maturing in the years \_\_\_\_\_ are subject to mandatory redemption by lot as provided in the Resolution, at the redemption price of par plus accrued interest to the date of redemption and without premium.】

In the event the Notes are redeemed prior to maturity, as long as the Notes are in book-entry-only form, official notice of the redemption will be given by mailing a notice by registered or certified mail, overnight express delivery, facsimile transmission, electronic transmission or in any other manner required by the Depository, to the Depository not less than thirty (30) days nor more than sixty (60) days prior to the redemption date. If less than all of the Notes of a maturity are to be called for redemption, the Notes of such maturity to be redeemed will be selected by lot. Such notice will include but not be limited to the following: the designation and date of the Notes called for redemption, CUSIP number, and the date of redemption. Any notice provided as described herein shall be conclusively presumed to have been duly given, whether or not the registered owner receives the notice. The Notes shall cease to bear interest on the specified redemption date provided that federal or other immediately available funds sufficient for such redemption are on deposit at the office of the Depository at that time. Upon such deposit of funds for redemption the Notes shall no longer be deemed to be outstanding.

It is hereby certified and recited that all conditions, things and acts required by law to exist or to be done prior to and in connection with the issuance of this Note have been done, have existed and have been performed in due form and time; that the aggregate indebtedness of the City, including this Note and others issued simultaneously herewith, does not exceed any limitation imposed by law or the Constitution of the State of Wisconsin; and that a direct annual irrepealable tax has been levied sufficient to pay this Note, together with the interest thereon, when and as payable.

This Note has been designated by the Common Council as a "qualified tax-exempt obligation" pursuant to the provisions of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Note is transferable only upon the books of the City kept for that purpose at the office of the Fiscal Agent, only in the event that the Depository does not continue to act as depository for the Notes, and the City appoints another depository, upon surrender of the Note to the Fiscal Agent, by the registered owner in person or his duly authorized attorney, together with a written instrument of transfer (which may be endorsed hereon) satisfactory to the Fiscal Agent duly executed by the registered owner or his duly authorized attorney. Thereupon a new fully registered Note in the same aggregate principal amount shall be issued to the new depository in exchange therefor and upon the payment of a charge sufficient to reimburse the City for any tax, fee or other governmental charge required to be paid with respect to such registration. The Fiscal Agent shall not be obliged to make any transfer of the Notes (i) after the Record Date, (ii)

during the fifteen (15) calendar days preceding the date of any publication of notice of any proposed redemption of the Notes, or (iii) with respect to any particular Note, after such Note has been called for redemption. The Fiscal Agent and City may treat and consider the Depository in whose name this Note is registered as the absolute owner hereof for the purpose of receiving payment of, or on account of, the principal or redemption price hereof and interest due hereon and for all other purposes whatsoever. The Notes are issuable solely as negotiable, fully-registered Notes without coupons in the denomination of \$5,000 or any integral multiple thereof.

This Note shall not be valid or obligatory for any purpose until the Certificate of Authentication hereon shall have been signed by the Fiscal Agent.

No delay or omission on the part of the owner hereof to exercise any right hereunder shall impair such right or be considered as a waiver thereof or as a waiver of or acquiescence in any default hereunder.

IN WITNESS WHEREOF, the City of Franklin, Milwaukee County, Wisconsin, by its governing body, has caused this Note to be executed for it and in its name by the manual or facsimile signatures of its duly qualified Mayor and City Clerk; and to be sealed with its official or corporate seal, if any, all as of the original date of issue specified above.

CITY OF FRANKLIN  
MILWAUKEE COUNTY, WISCONSIN

By \_\_\_\_\_  
Stephen R. Olson  
Mayor

(SEAL)

By: \_\_\_\_\_  
Sandra L. Wesolowski  
City Clerk

Date of Authentication· \_\_\_\_\_, \_\_\_\_\_

CERTIFICATE OF AUTHENTICATION

This Note is one of the Notes of the issue authorized by the within-mentioned Resolution of the City of Franklin, Milwaukee County, Wisconsin.

BOND TRUST SERVICES  
CORPORATION,  
ROSEVILLE, MINNESOTA

By \_\_\_\_\_  
Authorized Signatory

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_  
(Name and Address of Assignee)

\_\_\_\_\_  
(Social Security or other Identifying Number of Assignee)

the within Note and all rights thereunder and hereby irrevocably constitutes and appoints \_\_\_\_\_, Legal Representative, to transfer said Note on the books kept for registration thereof, with full power of substitution in the premises.

Dated: \_\_\_\_\_

Signature Guaranteed

\_\_\_\_\_  
(e.g Bank, Trust Company  
or Securities Firm)

\_\_\_\_\_  
(Depository or Nominee Name)

NOTICE: This signature must correspond with the name of the Depository or Nominee Name as it appears upon the face of the within Note in every particular, without alteration or enlargement or any change whatever.

\_\_\_\_\_  
(Authorized Officer)



## PRELIMINARY OFFICIAL STATEMENT DATED NOVEMBER 12, 2019

In the opinion of Quarles & Brady LLP, Bond Counsel, assuming continued compliance with the requirements of the Internal Revenue Code of 1986, as amended, under existing law interest on the Notes is excludable from gross income and is not an item of tax preference for federal income tax purposes. See "TAX EXEMPTION" herein for a more detailed discussion of some of the federal income tax consequences of owning the Notes. The interest on the Notes is not exempt from present Wisconsin income or franchise taxes.

The City will designate the Notes as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended, relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

**New Issue**

**Rating Application Made: Moody's Investors Service, Inc.**

### CITY OF FRANKLIN, WISCONSIN (Milwaukee County)

## \$2,320,000\* GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2019D

**BID OPENING:** November 19, 2019, 10:00 A.M., C.T. **CONSIDERATION:** November 19, 2019, 6:30 P.M., C.T.

**PURPOSE/AUTHORITY/SECURITY:** The \$2,320,000\* General Obligation Promissory Notes, Series 2019D (the "Notes") of the City of Franklin, Wisconsin (the "City") are being issued pursuant to Section 67.12(12), Wisconsin Statutes, for public purposes, including projects listed in the City's Capital Improvement Program. The Notes are general obligations of the City, and all the taxable property in the City is subject to the levy of a tax to pay the principal of and interest on the Notes as they become due which tax may, under current law, be levied without limitation as to rate or amount. Delivery is subject to receipt of an approving legal opinion of Quarles & Brady LLP, Milwaukee, Wisconsin.

**DATE OF NOTES:** December 4, 2019

**MATURITY:** March 1 as follows:

<u>Year</u>	<u>Amount*</u>	<u>Year</u>	<u>Amount*</u>	<u>Year</u>	<u>Amount*</u>
2020	\$75,000	2023	\$385,000	2026	\$300,000
2021	125,000	2024	250,000	2027	325,000
2022	385,000	2025	475,000		

**\*MATURITY ADJUSTMENTS:** The City reserves the right to increase or decrease the principal amount of the Notes on the day of sale, in increments of \$5,000 each. Increases or decreases may be made in any maturity. If any principal amounts are adjusted, the purchase price proposed will be adjusted to maintain the same gross spread per \$1,000.

**TERM BONDS:** See "Term Bond Option" herein.

**INTEREST:** March 1, 2020 and semiannually thereafter.

**OPTIONAL REDEMPTION:** Notes maturing on March 1, 2027 are subject to call for prior optional redemption on March 1, 2026 on any date thereafter, at a price of par plus accrued interest.

**MINIMUM BID:** \$2,296,800.

**MAXIMUM BID:** \$2,412,800.

**GOOD FAITH DEPOSIT:** A good faith deposit in the amount of \$46,400 shall be made by the winning bidder by wire transfer of funds.

**PAYING AGENT:** Bond Trust Services Corporation.

**BOND COUNSEL &**

**DISCLOSURE COUNSEL:** Quarles & Brady LLP.

**MUNICIPAL ADVISOR:** Ehlers and Associates, Inc.

**BOOK-ENTRY-ONLY:** See "Book-Entry-Only System" herein (unless otherwise specified by the purchaser).

## REPRESENTATIONS

No dealer, broker, salesperson or other person has been authorized by the City to give any information or to make any representation other than those contained in this Preliminary Official Statement and, if given or made, such other information or representations must not be relied upon as having been authorized by the City. *This Preliminary Official Statement does not constitute an offer to sell or a solicitation of an offer to buy any of the Notes in any jurisdiction to any person to whom it is unlawful to make such an offer or solicitation in such jurisdiction.*

This Preliminary Official Statement is not to be construed as a contract with the Syndicate Manager or Syndicate Members. Statements contained herein which involve estimates or matters of opinion are intended solely as such and are not to be construed as representations of fact. Ehlers and Associates, Inc. prepared this Preliminary Official Statement and any addenda thereto relying on information of the City and other sources for which there is reasonable basis for believing the information is accurate and complete. Quarles & Brady LLP will serve as Disclosure Counsel to the City with respect to the Notes. Compensation of Ehlers and Associates, Inc. payable entirely by the City is contingent upon the delivery of the Notes.

## COMPLIANCE WITH S.E.C. RULE 15c2-12

Certain municipal obligations (issued in an aggregate amount over \$1,000,000) are subject to Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934, as amended (the "Rule").

**Preliminary Official Statement:** This Preliminary Official Statement was prepared for the City for dissemination to potential investors. Its primary purpose is to disclose information regarding the Notes to prospective underwriters in the interest of receiving competitive proposals in accordance with the sale notice contained herein. Unless an addendum is posted prior to the sale, this Preliminary Official Statement shall be deemed nearly final for purposes of the Rule, subject to completion, revision and amendment in a Final Official Statement as defined below.

**Review Period:** This Preliminary Official Statement has been distributed to prospective bidders for review. Comments or requests for the correction of omissions or inaccuracies must be submitted to Ehlers and Associates, Inc. at least two business days prior to the sale. Requests for additional information or corrections in the Preliminary Official Statement received on or before this date will not be considered a qualification of a proposal received from an underwriter. If there are any changes, corrections or additions to the Preliminary Official Statement, interested bidders will be informed by an addendum prior to the sale.

**Final Official Statement:** Copies of the Final Official Statement will be delivered to the underwriter (Syndicate Manager) within seven business days following the proposal acceptance.

**Continuing Disclosure:** Subject to certain exemptions, issues in an aggregate amount over \$1,000,000 may be required to comply with provisions of the Rule which require that underwriters obtain from the issuers of municipal securities (or other obligated party) an agreement for the benefit of the owners of the securities to provide continuing disclosure with respect to those securities. This Preliminary Official Statement describes the conditions under which the City is required to comply with the Rule.

## CLOSING CERTIFICATES

Upon delivery of the Notes, the underwriter (Syndicate Manager) will be furnished with the following items: (1) a certificate of the appropriate officials to the effect that at the time of the sale of the Notes and all times subsequent thereto up to and including the time of the delivery of the Notes, this Preliminary Official Statement did not and does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in the light of the circumstances under which they were made, not misleading; (2) a receipt signed by the appropriate officer evidencing payment for the Notes; (3) a certificate evidencing the due execution of the Notes, including statements that (a) no litigation of any nature is pending or to the knowledge of signers, threatened, restraining or enjoining the issuance and delivery of the Notes; (b) neither the corporate existence or boundaries of the City nor the title of the signers to their respective offices is being contested; and (c) no authority or proceedings for the issuance of the Notes have been repealed, revoked or rescinded; and (4) a certificate setting forth facts and expectations of the City which indicates that the City does not expect to use the proceeds of the Notes in a manner that would cause them to be arbitrage bonds within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, or within the meaning of applicable Treasury Regulations.

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## CITY OF FRANKLIN COMMON COUNCIL

		<u>Term Expires</u>
Steven R. Olson	Mayor	April 2020
Mark Dandrea	Common Council President	April 2022
Mike Barber	Aldersperson	April 2022
Daniel Mayer	Aldersperson	April 2022
John R. Nelson	Aldersperson	April 2020
Steve F. Taylor	Aldersperson	April 2020
Kristen Wilhelm	Aldersperson	April 2020

### ADMINISTRATION

Mark W. Huberda, Director of Administration  
 Paul Rotzenberg, Director of Finance & Treasurer  
 Sandra L. Wesolowski, Director of Clerk Services/City Clerk

### PROFESSIONAL SERVICES

Jesse A. Wesolowski, City Attorney, Franklin, Wisconsin  
 Quarles & Brady LLP, Bond Counsel and Disclosure Counsel, Milwaukee, Wisconsin  
 Ehlers and Associates, Inc., Municipal Advisors, Waukesha, Wisconsin  
*(Other offices located in Roseville, Minnesota and Denver, Colorado)*

## INTRODUCTORY STATEMENT

This Preliminary Official Statement contains certain information regarding the City of Franklin, Wisconsin (the "City") and the issuance of its \$2,320,000\* General Obligation Promissory Notes, Series 2019D (the "Notes"). Any descriptions or summaries of the Notes, statutes, or documents included herein are not intended to be complete and are qualified in their entirety by reference to such statutes and documents and the form of the Notes to be included in the resolution authorizing the issuance and sale of the Notes ("Authorizing Resolution") to be adopted by the Common Council on November 19, 2019.

Inquiries may be directed to Ehlers and Associates, Inc. ("Ehlers" or the "Municipal Advisor"), Waukesha, Wisconsin, (262) 785-1520, the City's municipal advisor. A copy of this Preliminary Official Statement may be downloaded from Ehlers' web site at [www.ehlers-inc.com](http://www.ehlers-inc.com) by connecting to the Bond Sales link and following the directions at the top of the site.

## THE NOTES

### GENERAL

The Notes will be issued in fully registered form as to both principal and interest in denominations of \$5,000 each or any integral multiple thereof, and will be dated, as originally issued, as of December 4, 2019. The Notes will mature on March 1 in the years and amounts set forth on the cover of this Preliminary Official Statement. Interest will be payable on March 1 and September 1 of each year, commencing March 1, 2020, to the registered owners of the Notes appearing of record in the bond register as of the close of business on the 15th day (whether or not a business day) of the immediately preceding month. Interest will be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to rules of the Municipal Securities Rulemaking Board ("MSRB"). **The rate for any maturity may not be more than 1.00% less than the rate for any preceding maturity. (For example, if a rate of 4.50% is proposed for the 2022 maturity, then the lowest rate that may be proposed for any later maturity is 3.50%.)** All Notes of the same maturity must bear interest from the date of issue until paid at a single, uniform rate. Each rate must be expressed in an integral multiple of 5/100 or 1/8 of 1%.

Unless otherwise specified by the purchaser, the Notes will be registered in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"). (See "Book-Entry-Only System" herein.) As long as the Notes are held under the book-entry system, beneficial ownership interests in the Notes may be acquired in book-entry form only, and all payments of principal of, premium, if any, and interest on the Notes shall be made through the facilities of DTC and its participants. If the book-entry system is terminated, principal of, premium, if any, and interest on the Notes shall be payable as provided in the Authorizing Resolution.

The City has selected Bond Trust Services Corporation, Roseville, Minnesota ("BTSC"), to act as paying agent (the "Paying Agent"). BTSC and Ehlers are affiliate companies. The City will pay the charges for Paying Agent services. The City reserves the right to remove the Paying Agent and to appoint a successor.

### OPTIONAL REDEMPTION

At the option of the City, the Notes maturing on March 1, 2027 shall be subject to optional redemption prior to maturity on March 1, 2026 or any date thereafter, at a price of par plus accrued interest.

Redemption may be in whole or in part of the Notes subject to prepayment. If redemption is in part, the selection of the amounts of the Notes to be redeemed shall be at the discretion of the City. If only part of the Notes are called for redemption, then the City or Paying Agent, if any, will notify DTC of the particular amount to be redeemed. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interest in such maturity to be redeemed.

Notice of such call shall be given by sending a notice by registered or certified mail, facsimile or electronic transmission, overnight delivery service or in any other manner required by DTC, not less than 30 days nor more than 60 days prior to the date fixed for redemption to the registered owner of each Note to be redeemed at the address shown on the registration books.

## AUTHORITY; PURPOSE

The Notes are being issued pursuant to Section 67.12(12), Wisconsin Statutes, for public purposes, including projects listed in the City's Capital Improvement Program.

## ESTIMATED SOURCES AND USES\*

### Sources

Par Amount of Notes	\$2,320,000	
Estimated Earnings	<u>3,750</u>	
<b>Total Sources</b>		<b>\$2,323,750</b>

### Uses

Estimated Underwriter's Discount (1.000%)	\$23,200	
Costs of Issuance	48,250	
Deposit to Borrowed Money Fund	2,250,000	
Rounding Amount	<u>2,300</u>	
<b>Total Uses</b>		<b>\$2,323,750</b>

\*Preliminary, subject to change

## SECURITY

For the prompt payment of the Notes with interest thereon and for the levy of taxes sufficient for this purpose, the full faith, credit and resources of the City will be irrevocably pledged. The City will levy a direct, annual, irrevocable tax on all taxable property in the City sufficient to pay the interest on the Notes when it becomes due and also to pay and discharge the principal on the Notes at maturity, in compliance with Article XI, Section 3 of the Wisconsin Constitution. Such tax may, under current law, be levied without limitation as to rate or amount.

## RATING

General obligation debt of the City is currently rated "Aa2" by Moody's Investors Service, Inc. ("Moody's").



The City has requested a rating on the Notes from Moody's, and bidders will be notified as to the assigned rating prior to the sale. Such rating reflects only the views of such organization and explanations of the significance of such rating may be obtained from Moody's. Generally, a rating agency bases its rating on the information and materials furnished to it and on investigations, studies and assumptions of its own. There is no assurance that such rating will continue for any given period of time or that it will not be revised downward or withdrawn entirely by such rating agency if in the judgment of such rating agency circumstances so warrant. Any such downward revision or withdrawal of such rating may have an adverse effect on the market price of the Notes.

Such rating is not to be construed as a recommendation of the rating agency to buy, sell or hold the Notes, and the rating assigned by the rating agency should be evaluated independently. Except as may be required by the Disclosure Undertaking described under the heading "CONTINUING DISCLOSURE" neither the City nor the underwriter undertake responsibility to bring to the attention of the owner of the Notes any proposed changes in or withdrawal of such rating or to oppose any such revision or withdrawal.

## **CONTINUING DISCLOSURE**

In order to assist brokers, dealers and municipal securities dealers, in connection with their participation in the offering of the Notes, to comply with Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934, as amended (the "Rule"), the City shall agree to provide certain information to the Municipal Securities Rulemaking Board ("MSRB") through its Electronic Municipal Market Access ("EMMA") system, or any system that may be prescribed in the future. The Rule was last amended, effective February 27, 2019, to include an expanded list of material events. The Disclosure Undertaking includes the two new material events effective February 27, 2019 under the Rule.

On the date of issue and delivery, the City shall execute and deliver a Continuing Disclosure Certificate under which the City will covenant for the benefit of holders including beneficial holders, to provide electronically, or in a manner otherwise prescribed, certain financial information annually and to provide notices of the occurrence of certain events enumerated in the Rule (the "Disclosure Undertaking"). The details and terms of the Disclosure Undertaking for the City are set forth in Appendix D. Such Disclosure Undertaking will be in substantially the form attached hereto.

A failure by the City to comply with the Disclosure Undertaking will not constitute an event of default on the Notes. However, such a failure may adversely affect the transferability and liquidity of the Notes and their market price.

In the previous five years, the City believes it has not failed to comply in all material respects with its prior undertakings under the Rule. The City has reviewed its continuing disclosure responsibilities, including the two new material events, to help ensure compliance in the future. Ehlers is currently engaged as dissemination agent for the City.

## **LEGAL MATTERS**

An opinion as to the validity of the Notes and the exemption from federal taxation of the interest thereon will be furnished by Quarles & Brady LLP, Bond Counsel to the City, and will be available at the time of delivery of the Notes. The legal opinion will be issued on the basis of existing law and will state that the Notes are valid and binding general obligations of the City provided that the rights of the owners of the Notes and the enforceability of the Notes may be limited by bankruptcy, insolvency, reorganization, moratorium, and other similar laws affecting creditors' rights and by equitable principles (which may be applied in either a legal or equitable proceeding). (See "FORM OF LEGAL OPINION" found in Appendix B.)

Quarles & Brady LLP has also been retained by the City to serve as Disclosure Counsel to the City with respect to the Notes. Although as Disclosure Counsel to the City, Quarles & Brady LLP has assisted the City with certain disclosure matters, Quarles & Brady LLP has not undertaken to independently verify the accuracy, completeness or sufficiency of this Official Statement or other offering material relating to the Notes and assumes no responsibility whatsoever nor shall have any liability to any other party for the statements or information contained or incorporated by reference in this Official Statement. Further, Quarles & Brady LLP makes no representation as to the suitability of the Notes for any investor.

## **TAX EXEMPTION**

Quarles & Brady LLP, Milwaukee, Wisconsin, Bond Counsel, will deliver a legal opinion with respect to the federal income tax exemption applicable to the interest on the Notes under existing law substantially in the following form:

"The interest on the Notes is excludable for federal income tax purposes from the gross income of the owners of the Notes. The interest on the Notes is not an item of tax preference for purposes of the federal alternative minimum tax imposed by Section 55 of the Internal Revenue Code of 1986, as amended (the "Code") on individuals. The Code contains requirements that must be satisfied subsequent to the issuance of the Notes in order for interest on the Notes to be or continue to be excludable from gross income for federal income tax purposes. Failure to comply with certain of those requirements could cause the interest on the Notes to be included in gross income retroactively to the date of issuance of the Notes. The City has agreed to comply with all of those requirements. The opinion set forth in the first sentence of this paragraph is subject to the condition that the City comply with those requirements. We express no opinion regarding other federal tax consequences arising with respect to the Notes."

The interest on the Notes is not exempt from present Wisconsin income or franchise taxes.

Prospective purchasers of the Notes should be aware that ownership of the Notes may result in collateral federal income tax consequences to certain taxpayers. Bond Counsel will not express any opinion as to such collateral tax consequences. Prospective purchasers of the Notes should consult their tax advisors as to collateral federal income tax consequences.

From time to time legislation is proposed, and there are or may be legislative proposals pending in the Congress of the United States that, if enacted, could alter or amend the federal tax matters referred to above or adversely affect the market value of the Notes. It cannot be predicted whether, or in what form, any proposal that could alter one or more of the federal tax matters referred to above or adversely affect the market value of the Notes may be enacted. Prospective purchasers of the Notes should consult their own tax advisors regarding any pending or proposed federal tax legislation. Bond Counsel expresses no opinion regarding any pending or proposed federal tax legislation.

## **ORIGINAL ISSUE DISCOUNT**

To the extent that the initial public offering price of certain of the Notes is less than the principal amount payable at maturity, such Notes ("Discounted Notes") will be considered to be issued with original issue discount. The original issue discount is the excess of the stated redemption price at maturity of a Discounted Note over the initial offering price to the public, excluding underwriters or other intermediaries, at which price a substantial amount of such Discounted Notes were sold (issue price). With respect to a taxpayer who purchases a Discounted Note in the initial public offering at the issue price and who holds such Discounted Note to maturity, the full amount of original issue discount will constitute interest that is not includible in the gross income of the owner of such Discounted Note for federal income tax purposes and such owner will not, subject to the caveats and provisions herein described, realize taxable capital gain upon payment of such Discounted Note upon maturity.



Original issue discount is treated as compounding semiannually, at a rate determined by reference to the yield to maturity of each individual Discounted Note, on days that are determined by reference to the maturity date of such Discounted Note. The amount treated as original issue discount on a Discounted Note for a particular semiannual accrual period is generally equal to (a) the product of (i) the yield to maturity for such Discounted Note (determined by compounding at the close of each accrual period) and (ii) the amount that would have been the tax basis of such Discounted Note at the beginning of the particular accrual period if held by the original purchaser, and less (b) the amount of any interest payable for such Discounted Note during the accrual period. The tax basis is determined by adding to the initial public offering price on such Discounted Note the sum of the amounts that have been treated as original issue discount for such purposes during all prior periods. If a Discounted Note is sold or exchanged between semiannual compounding dates, original issue discount that would have been accrued for that semiannual compounding period for federal income tax purposes is to be apportioned in equal amounts among the days in such compounding period.

For federal income tax purposes, the amount of original issue discount that is treated as having accrued with respect to such Discounted Note is added to the cost basis of the owner in determining gain or loss upon disposition of a Discounted Note (including its sale, exchange, redemption, or payment at maturity). Amounts received upon disposition of a Discounted Note that are attributable to accrued original issue discount will be treated as tax-exempt interest, rather than as taxable gain.

The accrual or receipt of original issue discount on the Discounted Notes may result in certain collateral federal income tax consequences for the owners of such Discounted Notes. The extent of these collateral tax consequences will depend upon the owner's particular tax status and other items of income or deduction.

The Code contains additional provisions relating to the accrual of original issue discount. Owners who purchase Discounted Notes at a price other than the issue price or who purchase such Discounted Notes in the secondary market should consult their own tax advisors with respect to the tax consequences of owning the Discounted Notes. Under the applicable provisions governing the determination of state and local taxes, accrued interest on the Discounted Notes may be deemed to be received in the year of accrual even though there will not be a corresponding cash payment until a later year. Owners of Discounted Notes should consult their own tax advisors with respect to the state and local tax consequences of owning the Discounted Notes.

## **BOND PREMIUM**

To the extent that the initial offering price of certain of the Notes is more than the principal amount payable at maturity, such Notes ("Premium Notes") will be considered to have bond premium.

Any Premium Note purchased in the initial offering at the issue price will have "amortizable premium" within the meaning of Section 171 of the Code. The amortizable premium of each Premium Note is calculated on a daily basis from the issue date of such Premium Note until its stated maturity date (or call date, if any) on the basis of a constant interest rate compounded at each accrual period (with straight line interpolation between the compounding dates). An owner of a Premium Note that has amortizable premium is not allowed any deduction for the amortizable premium; rather, the amortizable premium attributable to a taxable year is applied against (and operates to reduce) the amount of tax-exempt interest payments on the Premium Notes. During each taxable year, such an owner must reduce his or her tax basis in such Premium Note by the amount of the amortizable premium that is allocable to the portion of such taxable year during which the holder held such Premium Note. The adjusted tax basis in a Premium Note will be used to determine taxable gain or loss upon a disposition (including the sale, exchange, redemption, or payment at maturity) of such Premium Note.

Owners of Premium Notes who did not purchase such Premium Notes in the initial offering at the issue price should consult their own tax advisors with respect to the tax consequences of owning such Premium Notes. Owners of Premium Notes should consult their own tax advisors with respect to the state and local tax consequences of owning the Premium Notes.

## **QUALIFIED TAX-EXEMPT OBLIGATIONS**

The City will designate the Notes as "qualified tax-exempt obligations" for purposes of Section 265(b)(3) of the Code relating to the ability of financial institutions to deduct from income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

## **MUNICIPAL ADVISOR**

Ehlers has served as municipal advisor to the City in connection with the issuance of the Notes. The Municipal Advisor cannot participate in the underwriting of the Notes. The financial information included in this Official Statement has been compiled by the Municipal Advisor. Such information does not purport to be a review, audit or certified forecast of future events and may not conform with accounting principles applicable to compilations of financial information. Ehlers is not a firm of certified public accountants. Ehlers is registered with the Securities and Exchange Commission and the MSRB as a municipal advisor.

## **MUNICIPAL ADVISOR AFFILIATED COMPANIES**

BTSC and Ehlers Investment Partners, LLC ("EIP") are affiliate companies of Ehlers. BTSC is chartered by the State of Minnesota and authorized in Minnesota, Wisconsin, Colorado and Illinois to transact the business of a limited purpose trust company. BTSC provides paying agent services to debt issuers. EIP is a Registered Investment Advisor with the Securities and Exchange Commission. EIP assists issuers with the investment of bond proceeds or investing other issuer funds. This includes escrow bidding agent services. Issuers, such as the City, have retained or may retain BTSC and/or EIP to provide these services. If hired, BTSC and/or EIP would be retained by the City under an agreement separate from Ehlers.

## **INDEPENDENT AUDITORS**

The basic financial statements of the City for the fiscal year ended December 31, 2018 have been audited by Baker Tilly Virchow Krause, LLP, Milwaukee, Wisconsin, independent auditors (the "Auditor"). The report of the Auditor, together with the basic financial statements, component units financial statements and notes to the financial statements are attached hereto as "APPENDIX A – FINANCIAL STATEMENTS". The Auditor has not been engaged to perform and has not performed, since the date of its report included herein, any procedures on the financial statements addressed in that report. The Auditor also has not performed any procedures relating to this Official Statement.

## **RISK FACTORS**

Following is a description of possible risks to holders of the Notes without weighting as to probability. This description of risks is not intended to be all-inclusive, and there may be other risks not now perceived or listed here.

**Taxes:** The Notes are general obligations of the City, the ultimate payment of which rests in the City's ability to levy and collect sufficient taxes to pay debt service. In the event of delayed billing, collection or distribution of property taxes, sufficient funds may not be available to the City in time to pay debt service when due.

**State Actions:** Many elements of local government finance, including the issuance of debt and the levy of property taxes, are controlled by state government. Future actions of the state may affect the overall financial condition of the City, the taxable value of property within the City, and the ability of the City to levy and collect property taxes.

**Future Changes in Law:** Various State and federal laws, regulations and constitutional provisions apply to the City and to the Notes. The City can give no assurance that there will not be a change in or interpretation of any such applicable laws, regulations and provisions which would have a material effect on the City or the taxing authority of the City.

**Ratings; Interest Rates:** In the future, the City's credit rating may be reduced or withdrawn, or interest rates for this type of obligation may rise generally, either possibility resulting in a reduction in the value of the Notes for resale prior to maturity.

**Tax Exemption:** If the federal government taxes all or a portion of the interest on municipal bonds or notes or if the State government increases its tax on interest on bonds and notes, directly or indirectly, or if there is a change in federal or state tax policy, then the value of these Notes may fall for purposes of resale. Noncompliance by the City with the covenants in the Authorizing Resolution relating to certain continuing requirements of the Code may result in inclusion of interest to be paid on the Notes in gross income of the recipient for United States income tax purposes, retroactive to the date of issuance.

**Continuing Disclosure:** A failure by the City to comply with the Disclosure Undertaking for continuing disclosure (see "CONTINUING DISCLOSURE") will not constitute an event of default on the Notes. Any such failure must be reported in accordance with the Rule and must be considered by any broker, dealer, or municipal securities dealer before recommending the purchase or sale of the Notes in the secondary market. Such a failure may adversely affect the transferability and liquidity of the Notes and their market price.

**Book-Entry-Only System:** The timely credit of payments for principal and interest on the Notes to the accounts of the Beneficial Owners of the Notes may be delayed due to the customary practices, standing instructions or for other unknown reasons by DTC participants or indirect participants. Since the notice of redemption or other notices to holders of these obligations will be delivered by the City to DTC only, there may be a delay or failure by DTC, DTC participants or indirect participants to notify the Beneficial Owners of the Notes.

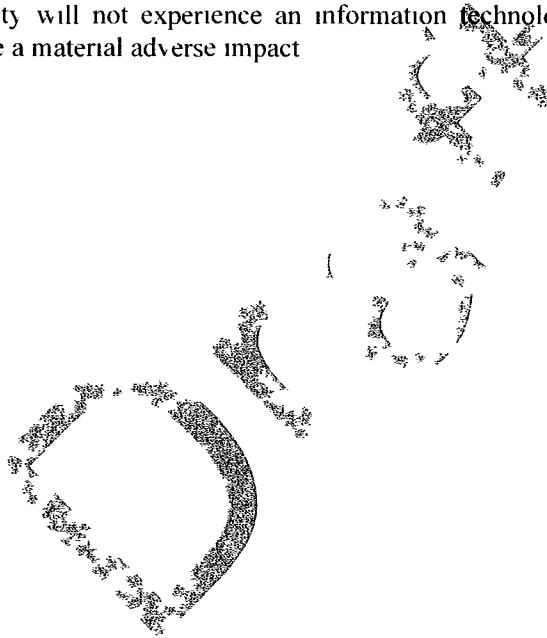
**Depository Risk:** Wisconsin Statutes direct the local treasurer to immediately deposit upon receipt thereof, the funds of the municipality in a public depository designated by the governing body. A public depository means a federal or state credit union, federal or state savings and loan association, state bank, savings and trust company, mutual savings bank or national bank in Wisconsin or the local government pooled investment fund operated by the State Investment Board. It is not uncommon for a municipality to have deposits exceeding limits of federal and state insurance programs. Failure of a depository could result in loss of public funds or a delay in obtaining them. Such a loss or delay could interrupt a timely payment of municipal debt.

**Economy:** A combination of economic, climatic, political or civil disruptions or terrorist actions outside of the control of the City, including loss of major taxpayers or major employers, could affect the local economy and result in reduced tax collections and/or increased demands upon local government. Real or perceived threats to the financial stability of the City may have an adverse effect on the value of the Notes in the secondary market.

**Secondary Market for the Notes:** No assurance can be given that a secondary market will develop for the purchase and sale of the Notes or, if a secondary market exists, that such Notes can be sold for any particular price. The underwriters are not obligated to engage in secondary market trading or to repurchase any of the Notes at the request of the owners thereof. Prices of the Notes as traded in the secondary market are subject to adjustment upward and downward in response to changes in the credit markets and other prevailing circumstances. No guarantee exists as to the future market value of the Notes. Such market value could be substantially different from the original purchase price.

**Bankruptcy:** The rights and remedies of the holders may be limited by and are subject to the provisions of federal bankruptcy laws, to other laws, or equitable principles that may affect the enforcement of creditors' rights, to the exercise of judicial discretion in appropriate cases and to limitations on legal remedies against local governments. The opinion of Bond Counsel to be delivered with respect to the Notes will be similarly qualified. See "MUNICIPAL BANKRUPTCY" herein.

**Cybersecurity:** The City is dependent on electronic information technology systems to deliver services. These systems may contain sensitive information or support critical operational functions which may have value for unauthorized purposes. As a result, the electronic systems and networks may be targets of cyberattack. There can be no assurance that the City will not experience an information technology breach or attack with financial consequences that could have a material adverse impact.



# VALUATIONS

## WISCONSIN PROPERTY VALUATIONS; PROPERTY TAXES

### Equalized Value

Section 70.57, Wisconsin Statutes, requires the Department of Revenue to annually determine the equalized value (also referred to as full equalized value or aggregate full value) of all taxable property in each county and taxation district. The equalized value is an independent estimate of value used to equate individual local assessment policies so that property taxes are uniform throughout the various subdivisions in the State. Equalized value is calculated based on the history of comparable sales and information about value changes or taxing status provided by the local assessor. A comparison of the State-determined equalized value and the local assessed value, expressed as a percentage, is known as the assessment ratio or level of assessment. The Department of Revenue notifies each county and taxing jurisdiction of its equalized value on August 15; school districts are notified on October 1. The equalized value of each county is the sum of the valuations of all cities, villages, and towns within its boundaries. Taxing jurisdictions lying in more than one municipality, such as counties, school districts, or special taxing districts, use the equalized value of the underlying units in calculating and levying their respective levies. Equalized values are also used to apportion state aids and calculate municipal general obligation debt limits.

### Assessed Value

The "assessed value" of taxable property in a municipality is determined by the local assessor except for manufacturing properties which are valued by the State. Each city, village or town retains its own local assessor, who must be certified by the State Department of Revenue. Assessed value is used by these municipalities to determine tax levy mill rates and to apportion levies among individual property owners. Each taxing district must assess property at full value at least once in every five-year period. The State requires that the assessed values must be within 10% of State equalized values at least once every four years. The local assessor values property as of January 1 each year and submits those values to each municipality by the second Monday in June. The assessor also reports any value changes taking place since the previous year, to the Department of Revenue by the second Monday in June.

## CURRENT PROPERTY VALUATIONS

2019 Equalized Value	\$4,360,269,000
2019 Equalized Value Reduced by Tax Increment Valuation	\$4,211,998,800
2019 Assessed Value	\$4,229,425,745

## 2019 EQUALIZED VALUE BY CLASSIFICATION

	<b>2019 Equalized Value<sup>1</sup></b>	<b>Percent of Total Equalized Value</b>
Residential	\$ 3,205,292,500	73.511%
Commercial	923,259,800	21.174%
Manufacturing	152,492,500	3.497%
Agricultural	869,600	0.020%
Undeveloped	5,205,600	0.119%
Ag Forest	205,200	0.005%
Forest	550,800	0.013%
Other	19,760,600	0.453%
Personal Property	52,632,400	1.207%
Total	<u>\$ 4,360,269,000</u>	<u>100.000%</u>

## TREND OF VALUATIONS

Year	<b>Assessed Value</b>	<b>Equalized Value<sup>1</sup></b>	<b>Percent Increase/Decrease in Equalized Value</b>
2015	\$3,396,543,100	\$3,649,185,900	1.66%
2016	3,704,478,925	3,729,003,100	2.19%
2017	3,854,766,200	3,888,926,200	4.29%
2018	4,035,310,280	4,022,941,400	3.45%
2019	4,229,425,745	4,360,269,000	8.39%

Source: Wisconsin Department of Revenue, Bureau of Equalization and Local Government Services Bureau

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<sup>1</sup> Includes tax increment valuation.

## LARGER TAXPAYERS

<b>Taxpayer</b>	<b>Type of Business/Property</b>	<b>2018 Equalized Value<sup>1</sup></b>	<b>Percent of City's Total Equalized Value</b>
Northwestern Mutual Life	Insurance	\$ 106,301.788	2.64%
Covenant Healthcare System	Healthcare Provider	26,202,447	0.65%
Wal-Mart Stores	Retail	25,170,021	0.63%
ET Franklin Pro-Packaging LLC	Lite Manufacturing	23,326,626	0.58%
Whitnall Pointe Limited Partnership	Multi-family Housing	21,977,337	0.55%
Manchester Oaks Apartments LLC	Multi-family Housing	20,696,012	0.51%
Franklin-Wyndham LLC	Multi-family Housing	13,611,648	0.34%
Menards Inc	Retail	13,375,822	0.33%
Baptista's Bakery Inc	Lite Manufacturing	13,355,063	0.33%
MMAC 150 Aurora LLC	Healthcare Provider	13,052,970	0.32%
<b>Total</b>		<b>\$ 277,069,734</b>	<b>6.89%</b>

City's Total 2018 Equalized Value<sup>2</sup>

**\$4,022,941,400**

**Source:** The City 2019 data is not yet available

<sup>1</sup> Calculated by dividing the 2018 Assessed Values by the 2018 Aggregate Ratio of assessment for the City

<sup>2</sup> Includes tax increment valuation

## DEBT

### DIRECT DEBT<sup>1</sup>

#### General Obligation Debt (see schedules following)

Total General Obligation Debt (includes the Notes and the Concurrent Obligations as defined herein)\*

\$ 58,535,341

#### Other Obligations

Name of Issue	Issue Date	Final Maturity	Amount Outstanding
Taxable Note Anticipation Notes Series 2018A <sup>2</sup>	5/1/2018	3/1/2023	\$ 9,480,000 <sup>3</sup>

\*Preliminary, subject to change

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<sup>1</sup> Outstanding debt is as of the dated date of the Notes and excludes the obligations being refunded by the Concurrent Obligations

<sup>2</sup> These Taxable Note Anticipation Notes are not general obligations of the City but are secured by a pledge of the proceeds from the issuance of long term general obligation debt. The City has reserved general obligation debt capacity for the long term debt.

<sup>3</sup> Outstanding amount is after the refunding of the \$4,000,000 portion of the Taxable Note Anticipation Notes by the Concurrent Obligations



City of Franklin, Wisconsin  
Schedule of Bonded Indebtedness  
General Obligation Debt Secured by Taxes  
(As of 12/04/2019)

GO Sewerage System Promissory Notes			GO Promissory Notes Series 2012*		GO Promissory Notes Series 2016A		GO Water Sys Bonds Series 2014B		GO Refunding Bonds Series 2016A		GO Promissory Notes Series 2017B	
Calendar Year Ending	Series 2012*		Series 2016A		Series 2014B		Series 2016A		Series 2017B			
	Dated	Amount	Dated	Amount	Dated	Amount	Dated	Amount	Dated	Amount	Dated	Amount
	01/25/2012	\$24,588,635	07/18/2014	\$5,320,000	12/18/2014	\$1,290,000	04/20/2016	\$5,770,000	12/21/2017	\$1,630,000		
	05/01		03/01		03/01		03/01		03/01			
	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest	Principal	Interest		
2020	1,275,272	416,514	180,000	29,158	55,000	29,738	1,095,000	33,250	50,000	43,625		
2021	1,306,669	384,730	180,000	25,333	60,000	28,288	1,115,000	11,150	50,000	42,125		
2022	1,338,839	352,164	335,000	40,315	60,000	26,488			225,000	38,000		
2023	1,371,802	318,796	330,000	37,836	60,000	24,688			23,000	31,100		
2024	1,405,575	284,606	325,000	4,063	60,000	22,888			240,000	23,975		
2025	1,440,181	249,575			65,000	21,013			250,000	16,625		
2026	1,475,638	213,682			65,000	19,065			255,000	9,688		
2027	1,511,968	176,904			70,000	17,113			260,000	3,250		
2028	1,549,193	139,221			70,000	15,088						
2029	1,587,334	100,611			70,000	12,988						
2030	1,626,414	61,049			75,000	10,913						
2031	1,666,456	20,514			75,000	8,816						
2032					75,000	6,516						
2033					80,000	4,372						
2034					80,000	3,750						
2035					80,000	1,250						
2036												
2037												
	17,555,341	2,718,367	1,350,000	89,494	1,015,000	247,950	2,210,000	44,400	1,565,000	208,386		

\* Debt supported by Intergovernmental Agreement with another entity that has agreed to pay all principal and interest on the issue.

Continued on next page.

City of Franklin, Wisconsin  
Schedule of Bonded Indebtedness continued  
General Obligation Debt Secured by Taxes  
(As of 12/04/2019)

Dated Amount Maturity	Taxable GO Corporate Purpose Bonds 2019A		GO Community Development Bonds Series 2019B		Taxable GO Corporate Purpose Bonds Series 2019C		GO Promissory Notes Series 2019D		Total P & I*	Total Interest*	Total Principal*	Principal Outstanding*	% Paid*	Calendar Year Ending
	02/20/2019 \$13,685,000	03/01	02/20/2019 \$6,365,000	03/01	12/04/2019 \$12,470,000	03/01	12/04/2019 \$2,320,000	03/01						
2020	665,000	41,700	219,700	219,700	219,700	219,700	75,000	25,471	4,846,103	1,450,831	3,395,272	55,140,069	5.80%	2020
2021	965,000	391,250	219,700	219,700	219,700	219,700	125,000	33,200	5,257,679	1,456,010	3,801,669	51,338,400	12.30%	2021
2022	1,495,000	354,350	160,000	216,500	200,000	216,500	385,000	29,776	5,553,841	1,355,001	4,198,839	47,139,560	19.47%	2022
2023	940,000	317,825	215,000	209,000	200,000	216,500	385,000	24,483	4,988,785	1,251,984	3,736,802	43,402,759	25.85%	2023
2024	1,000,000	288,725	270,000	199,300	450,000	307,318	250,000	19,975	5,151,424	1,150,849	4,000,575	39,402,183	32.69%	2024
2025	1,000,000	258,725	370,000	186,500	480,000	297,080	475,000	14,481	5,124,180	1,043,999	4,080,181	35,322,003	39.69%	2025
2026	1,020,000	228,425	515,000	168,800	645,000	284,260	500,000	8,325	5,207,882	932,244	4,275,638	31,046,365	46.98%	2026
2027	1,100,000	196,625	535,000	147,800	670,000	268,973	500,000	2,925	5,280,557	813,589	4,466,968	26,579,397	54.59%	2027
2028	1,100,000	162,938	560,000	125,900	685,000	252,880	325,000	3,957	4,660,219	696,026	3,964,193	22,615,204	61.36%	2028
2029	1,100,000	128,563	575,000	106,075	3,375,000	202,473	6,707,384	6,026,244	7,258,042	550,708	6,707,384	15,907,870	72.82%	2029
2030	93,500	88,525	630,000	88,525	630,000	152,095	4,026,244	4,026,244	4,432,396	405,982	4,026,244	11,881,456	79.70%	2030
2031	1,100,000	57,063	630,000	70,375	630,000	135,558	292,025	292,025	4,378,481	292,025	4,378,481	7,795,000	86.68%	2031
2032	1,100,000	19,250	630,000	51,700	655,000	118,368	2,465,000	195,489	2,655,489	195,489	2,465,000	5,335,000	90.89%	2032
2033			650,000	32,094	775,000	98,869	1,505,000	134,713	1,639,713	134,713	1,505,000	3,830,000	93.46%	2033
2034			675,000	10,969	850,000	75,963	1,630,000	88,181	1,718,181	88,181	1,630,000	2,200,000	96.24%	2034
2035					850,000	51,600	850,000	51,600	901,600	51,600	850,000	1,350,000	97.69%	2035
2036					675,000	29,700	675,000	29,700	704,700	29,700	675,000	675,000	98.85%	2036
2037						9,956	675,000	9,956	684,956	9,956	675,000	0	100.00%	2037
	13,685,000	2,912,938	6,365,000	2,052,938	12,470,000	3,475,878	2,320,000	158,636	70,444,228	11,908,887	58,535,341			

Preliminary Subject to change

City of Franklin, Wisconsin  
Schedule of Bonded Indebtedness  
Special Obligation Debt Secured by Long Term GO Debt  
(As of 12/04/2019)

Taxable NAN  
Series 2018A

Dated  
Amount  
05/01/2018  
\$23,480,000

Maturity  
03/01

Calendar Year Ending	Principal	Interest	Total Principal	Total Interest	Total P & I	Principal Outstanding	% Paid	Calendar Year Ending
2020	0	303,360	0	303,360	303,360	9,480,000	00%	2020
2021	0	303,360	0	303,360	303,360	9,480,000	00%	2021
2022	0	303,360	0	303,360	303,360	9,480,000	00%	2022
2023	9,480,000	151,680	9,480,000	151,680	9,631,680	0	100 00%	2023
	9,480,000	1,061,760	9,480,000	1,061,760	10,541,760			

\* Outstanding amount is after the refunding of the \$4,000,000 portion of the Taxable Note Anticipation Notes by the Series 2019C Bonds

## DEBT LIMIT

The constitutional and statutory general obligation debt limit for Wisconsin municipalities, including towns, cities, villages, and counties (Article XI Section 3 of the Wisconsin Constitution and Section 67.03 Wisconsin Statutes) is 5% of the current equalized value

Equalized Value	\$ 4,360,269,000
Multiply by 5%	<u>0.05</u>
Statutory Debt Limit	\$ 218,013,450
Less General Obligation Debt (includes the Notes and the Concurrent Obligations)*	(58,535,341) <sup>1</sup>
Less Note Anticipation Note Debt Outstanding	<u>(9,480,000)<sup>2</sup></u>
Unused Debt Limit*	<u>\$ 149,998,109</u>

\*Preliminary, subject to change

## OVERLAPPING DEBT<sup>3</sup>

Taxing District	2019 Equalized Value <sup>4</sup>	% In City	Total G.O. Debt <sup>5</sup>	City's Proportionate Share
Milwaukee County	\$ 67,178,449,700	6.49%	\$ 532,465,597	\$34,568,699
Milwaukee Area Technical College District	83,891,800,999	5.20%	100,465,000	5,146,180
Franklin Public School District	3,306,017,548	100.00%	63,700,000	63,700,000
Oak Creek-Franklin Joint School District	4,624,824,289	17.16%	135,520,000	23,255,232
Whitnall School District	1,876,432,480	13.88%	14,592,984	2,025,506
Milwaukee Metro Sewer District	65,909,579,500	6.62%	769,033,581	<u>50,910,023</u>
City's Share of Total Overlapping Debt				<u>\$179,605,640</u>

<sup>1</sup> The City has adopted a policy which further limits its ability to issue general obligation debt. Under the City's current policy, the City shall not issue general obligation debt in such an amount which would cause their outstanding debt to be in excess of 40% of the statutory debt limit. However, the City may amend such policy at any time.

<sup>2</sup> The City has covenanted that it will maintain a debt limit capacity such that the outstanding principal balance of all general obligation debt plus the principal balance of all note anticipation notes shall at no time exceed the constitutional debt limit of the City.

Overlapping debt is as of the dated date of the Notes. Only those taxing jurisdictions with general obligation debt outstanding are included in this section.

<sup>4</sup> Includes tax increment valuation.

<sup>5</sup> Outstanding debt based on information obtained on EMMA and the Municipal Advisor's records.

## DEBT RATIOS

	<b>G.O. Debt</b>	<b>Debt/Equalized Value \$4,360,269,000</b>	<b>Debt/ Per Capita 35,996<sup>1</sup></b>
Total General Obligation Debt*	\$ 58,535,341	1.34%	\$ 1,626.16
City's Share of Total Overlapping Debt	<u>179,605,640</u>	<u>4.12%</u>	<u>4,989.60</u>
Total*	\$238,140,981	5.46%	\$ 6,615.76

\*Preliminary, subject to change

## DEBT PAYMENT HISTORY

The City has no record of default in the payment of principal and interest on its debt

## FUTURE FINANCING

Concurrently with the Notes, the City plans to issue \$12,470,000 Taxable General Obligation Corporate Purpose Bonds, Series 2019C (the "Concurrent Obligations"). The City may issue approximately \$9,500,000 of general obligation debt to finance capital projects in the City's tax incremental districts. Additionally, the City may refund the remaining \$9,480,000 of the Taxable Note Anticipation Notes, Series 2018A with general obligation debt in the next 12 months. Pursuant to a development agreement with a developer, the City expects to issue a \$14,980,000 obligation to said developer sometime in the next 12 months (the "MRO"). Under the development agreement, such MRO is a special, limited revenue obligation of the City payable solely from certain tax increment revenues that are appropriated by the Common Council. The City has previously entered into agreements in which they have issued obligations similar to the MRO and currently those obligations are outstanding in the amount of \$5,189,000. Similar to the MRO, such obligations are special, limited revenue obligations of the City payable solely from tax increment revenues of the related tax increment district. If such tax increment revenues are not generated and available, no payment is due on the related MRO. Aside from the preceding, the City has no current plans for additional financing in the next 12 months.

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<sup>1</sup> Estimated 2019 population

## TAX LEVIES AND COLLECTIONS

### TAX LEVIES AND COLLECTIONS

<b>Tax Year</b>	<b>Levy for City Purposes Only</b>	<b>% Collected</b>	<b>Levy/Equalized Value Reduced by Tax Increment Valuation in Dollars per \$1,000</b>
2014/15	\$20,509,000	100%	\$5 90
2015/16	20,509,000	100%	5 82
2016/17	20,509,000	100%	5 65
2017/18	21 027,849	100%	5 57
2018/19	21 389,375	100%	5 45

Property tax statements are distributed to taxpayers by the town, village, and city treasurers in December of the levy year. Current state law requires counties to pay 100% of the real property taxes levied to cities, villages, towns, school districts and other taxing entities on or about August 20 of the collection year.

Personal property taxes, special assessments, special charges and special taxes must be paid to the town, city or village treasurer in full by January 31, unless the municipality, by ordinance, permits special assessments to be paid in installments. Real property taxes must be paid in full by January 31 or in two equal installments by January 31 and July 31. Alternatively, municipalities may adopt a payment plan which permits real property taxes to be paid in three or more equal installments, provided that the first installment is paid by January 31, one-half of the taxes are paid by April 30 and the remainder is paid by July 31. Amounts paid on or before January 31 are paid to the town, city or village treasurer. Amounts paid after January 31, are paid to the county treasurer unless the municipality has authorized payment in three or more installments in which case payment is made to the town, city or village treasurer. On or before January 15 and February 20 the town, city or village treasurer settles with other taxing jurisdictions for all collections through December and January, respectively. In municipalities which have authorized the payment of real property taxes in three or more installments, the town, city or village treasurer settles with the other taxing jurisdictions on January 15, February 20 and on the fifteenth day of each month following the month in which an installment payment is required. On or before August 20 the county treasurer must settle in full with the underlying taxing districts for all real property taxes and special taxes. Any county board may authorize its county treasurer to also settle in full with the underlying taxing districts for all special assessments and special charges. The county may then recover any tax delinquencies by enforcing the lien on the property and retain any penalties or interest on the delinquencies for which it has settled. Uncollected personal property taxes owed by an entity that has ceased operations or filed a petition for bankruptcy, or are due on personal property that has been removed from the next assessment roll are collected from each taxing entity in the year following the levy year.

## PROPERTY TAX RATES

Full value rates for property taxes expressed in dollars per \$1,000 of equalized value (excluding tax increment valuation) that have been collected in recent years have been as follows

Year Levied/ Year Collected	Schools <sup>1</sup>	County	Local	Other <sup>2</sup>	Total
2014/15	\$12 97	\$5 10	\$5 90	\$1 89	\$25 86
2015/16	13 06	5 13	5 82	1 92	25 93
2016/17	12 66	5 10	5 65	1 93	25 34
2017/18	12 26	5 05	5 57	1 73	24 61
2018/19	11 95	4 90	5 45	1 69	23 99

**Source:** Property Tax Rates were extracted from Statement of Taxes prepared by the Wisconsin Department of Revenue, Division of State and Local Finance

## LEVY LIMITS

Section 66.0602 of the Wisconsin Statutes, imposes a limit on property tax levies by cities, villages, towns and counties. No city, village, town or county is permitted to increase its tax levy by a percentage that exceeds its valuation factor (which is defined as a percentage equal to the greater of either the percentage change in the political subdivision's January 1 equalized value due to new construction less improvements removed between the previous year and the current or zero percent). The base amount in any year to which the levy limit applies is the actual levy for the immediately preceding year. In 2018, and in each year thereafter, the base amount is the actual levy for the immediately preceding year plus the amount of the payment from the State under Section 79.096 of the Wisconsin Statutes (an amount equal to the property taxes formerly levied on certain items of personal property) and the levy limit is the base amount multiplied by the valuation factor, minus the amount of the payment from the State under Section 79.096 of the Wisconsin Statutes. This levy limitation is an overall limit, applying to levies for operations as well as for other purposes.

A political subdivision that did not levy its full allowable levy in the prior year can carry forward the difference between the allowable levy and the actual levy, up to a maximum of 1.5% of the prior year's actual levy. The use of the carry forward levy adjustment needs to be approved by a majority vote of the political subdivision's governing body (except in the case of towns) if the amount of carry forward levy adjustment is less than or equal to 0.5% and by a super majority vote of the political subdivision's governing body (three-quarters vote if the governing body is comprised of five or more members, two-thirds vote if the governing body is comprised of fewer than five members) (except in the case of towns) if the amount of the carry forward levy adjustment is greater than 0.5% up to the maximum increase of 1.5%.

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<sup>1</sup> The Schools tax rate reflects the composite rate of all local school districts and technical college district

<sup>2</sup> Includes the state reforestation tax which is apportioned to each county on the basis of its full value. Counties in turn apportion the tax to the tax districts within their borders on the basis of full value. It also includes taxes levied for special purpose districts such as metropolitan sewerage districts, sanitary districts, and public inland lake protection districts. Tax increment values are not included. State property taxes were eliminated in the State's 2017 - 2019 budget act.

Beginning with levies imposed in 2015 if a political subdivision does not make an adjustment in its levy as described in the above paragraph in the current year the political subdivision may increase its levy by the aggregate amount of the differences between the political subdivision's valuation factor in the previous year and the actual percent increase in a political subdivision's levy attributable to the political subdivision's valuation factor in the previous year for the five years before the current year, less any amount of such aggregate amount already claimed as an adjustment in any of the previous five years. The calculation of the aggregate amount available for such adjustment may not include any year before 2014, and the maximum adjustment allowed may not exceed 5%. The use of the adjustment described in this paragraph requires approval by a two-thirds vote of the political subdivision's governing body, and the adjustment may only be used if the political subdivision's level of outstanding general obligation debt in the current year is less than or equal to the political subdivision's level of outstanding general obligation debt in the previous year.

Special provisions are made with respect to property taxes levied to pay general obligation debt service. Those are described below. In addition, the statute provides for certain other exclusions from and adjustments to the tax levy limit. Among the items excluded from the limit are amounts levied for any revenue shortfall for debt service on a revenue bond issued under Section 66.0621. Among the adjustments permitted is an adjustment applicable when a tax increment district terminates which allows an amount equal to the prior year's allowable levy multiplied by 50% of the political subdivision's percentage growth due to the district's termination.

With respect to general obligation debt service the following provisions are made:

- (a) If a political subdivision's levy for the payment of general obligation debt service, including debt service on debt issued or reissued to fund or refund outstanding obligations of the political subdivision and interest on outstanding obligations of the political subdivision, on debt originally issued before July 1, 2005, is less in the current year than in the previous year, the political subdivision is required to reduce its levy limit in the current year by the amount of the difference between the previous year's levy and the current year's levy.
- (b) For obligations authorized before July 1, 2005, if the amount of debt service in the preceding year is less than the amount of debt service needed in the current year, the levy limit is increased by the difference between the two amounts. This adjustment is based on scheduled debt service rather than the amount actually levied for debt service (after taking into account offsetting revenues such as sales tax revenues, special assessments, utility revenues, tax increment revenues or surplus funds). Therefore, the levy limit could negatively impact political subdivisions that experience a reduction in offsetting revenues.
- (c) The levy limits do not apply to property taxes levied to pay debt service on general obligation debt authorized on or after July 1, 2005.

The Notes were authorized after July 1, 2005 and therefore the levy limits do not apply to taxes levied to pay debt service on the Notes.



# THE ISSUER

## CITY GOVERNMENT

The City was incorporated in 1956 and is governed by a Mayor and a six-member Common Council. The Mayor does not vote except in the case of a tie. All Council Members are elected to three-year terms. The appointed City Clerk is responsible for administrative details and financial records.

## EMPLOYEES; PENSIONS

The City employs a staff of 196 full-time and 48 part-time. All eligible employees in the City are covered under the Wisconsin Retirement System ("WRS") established under Chapter 40 of the Wisconsin Statutes ("Chapter 40"). All employees hired after January 1, 2019 participate in the WRS in lieu of supplemental pension benefits. Existing employees made an irrevocable election to join WRS as of January 1, 2019 or to remain in the supplemental pension. The WRS is a cost-sharing multiple-employer defined benefit pension plan. The Department of Employee Trust Funds ("ETF") administers the WRS. Required contributions to the WRS are determined by the ETF Board pursuant to an annual actuarial valuation in accordance with Chapter 40 and the ETF's funding policies. The ETF Board has stated that its funding policy is to (i) ensure funds are adequate to pay benefits, (ii) maintain stable and predictable contribution rates for employers and employees, and (iii) maintain inter-generational equity to ensure the cost of the benefits is paid for by the generation that receives the benefits.

City employees are generally required to contribute half of the actuarially determined contributions, and the City generally may not pay the employees' required contribution. During the fiscal year ended December 31, 2016 ("Fiscal Year 2016"), the fiscal year ended December 31, 2017 ("Fiscal Year 2017") and the fiscal year ended December 31, 2018 ("Fiscal Year 2018"), the City's portion of contributions to WRS (not including any employee contributions) totaled \$869,137, \$1,074,037 and \$1,119,560, respectively.

The City implemented Governmental Accounting Standards Board Statement No. 68 ("GASB 68") for the fiscal year ended December 31, 2015.

GASB 68 requires calculation of a net pension liability for the pension plan. The net pension liability is calculated as the difference between the pension plan's total pension liability and the pension plan's fiduciary net position. The pension plan's total pension liability is the present value of the amounts needed to pay pension benefits earned by each participant in the pension plan based on the service provided as of the date of the actuarial valuation. In other words, it is a measure of the present value of benefits owed as of a particular date based on what has been earned only up to that date, without taking into account any benefits earned after that date. The pension plan's fiduciary net position is the market value of plan assets formally set aside in a trust and restricted to paying pension plan benefits. If the pension plan's total pension liability exceeds the pension plan's fiduciary net position, then a net pension liability results. If the pension plan's fiduciary net position exceeds the pension plan's total pension liability, then a net pension asset results.

As of December 31, 2017, the total pension liability of the WRS was calculated as \$101.43 billion and the fiduciary net position of the WRS was calculated as \$104.4 billion, resulting in a net pension asset of \$2.97 billion.

Under GASB 68, each participating employer in a cost-sharing pension plan must report the employer's proportionate share of the net pension liability or net pension asset of the pension plan. Accordingly, for Fiscal Year 2018, the City reported an asset of \$2,607,342 for its proportionate share of the net pension asset of the WRS. The net pension asset was measured as of December 31, 2017 based on the City's share of contributions to the pension plan relative to the contributions of all participating employers. The City's proportion was 0.08781536% of the aggregate WRS net pension asset as of December 31, 2017.

The calculation of the total pension asset and fiduciary net position are subject to a number of actuarial assumptions, which may change in future actuarial valuations. Such changes may have a significant impact on the calculation of net pension asset of the WRS, which may also cause the ETF Board to change the contribution requirements for employers and employees. For more detailed information regarding the WRS and such actuarial assumptions, see Note 4 A in "APPENDIX A - FINANCIAL STATEMENTS" attached hereto.

### **Recognized and Certified Bargaining Units**

All eligible City personnel are covered by the Municipal Employment Relations Act ("MERA") of the Wisconsin Statutes. Pursuant to that law, employees have rights to organize and collectively bargain with municipal employers. MERA was amended by 2011 Wisconsin Act 10 (the "Act") and by 2011 Wisconsin Act 32, which altered the collective bargaining rights of public employees in Wisconsin.

As a result of the 2011 amendments to MERA, the City is prohibited from bargaining collectively with municipal employees, other than public safety and transit employees, with respect to any factor or condition of employment except total base wages. Even then, the City is limited to increasing total base wages beyond any increase in the consumer price index since 180 days before the expiration of the previous collective bargaining agreement (unless the City were to seek approval for a higher increase through a referendum). Ultimately, the City can unilaterally implement the wages for a collective bargaining unit.

Under the changes to MERA, impasse resolution procedures were removed from the law for municipal employees of the type employed by the City, including binding interest arbitration. Strikes by any municipal employee or labor organization are expressly prohibited. As a practical matter, it is anticipated that strikes will be rare. Furthermore, if strikes do occur, they may be enjoined by the courts. Additionally, because the only legal subject of bargaining is the base wage rates, all bargaining over items such as just cause, benefits, and terms of conditions of employment are prohibited and cannot be included in a collective bargaining agreement. Impasse resolution for public safety employees and transit employees is subject to final and binding arbitration procedures, which do not include a right to strike. Interest arbitration is available for transit employees if certain conditions are met.

The following bargaining units represent employees of the City:

<b>Bargaining Unit</b>	<b>Expiration Date of Current Contract</b>
Police	December 31, 2021
Fire	December 31, 2020

### **Supplemental Pension Benefits**

The City provides other pension benefits to public works employees who have satisfied specified eligibility standards through a single-employer defined benefit plan. The amount of such benefits are based on years of service and average compensation. Membership of the plan consisted of 26 retirees receiving benefits, 11 terminated vested retirees and 29 active plan members as of December 31, 2018, the date of the latest actuarial valuation.

Pension benefit calculations are required to be updated every two years and prepared in accordance with Governmental Accounting Standards Board Statement No. 68 ("GASB 68"). An actuarial study for the plan was most recently completed by The Principal Financial Group in September 2019 with an actuarial valuation date of December 31, 2018 (the "Pension Actuarial Report").

Under GASB 68, an actuarially determined contribution ("ADC") is calculated as a target or recommended contribution to the plan for the reporting period, determined in conformity with actuarial standards based on the most recent measurement available. The City's ADC for Fiscal Year 2018 was \$251,009. For Fiscal Year 2018, contributions to the plan totaled \$251,009, which was 100% of the ADC. The City's current funding practice is to at least fully fund ADC.

As shown in the Pension Actuarial Report, as of December 31, 2018, the total pension liability was \$11,268,865 and the fiduciary net position was \$9,110,866, resulting in net pension liability of \$2,157,999.

For more information, see Note 4 A in "Appendix A - Financial Statements" attached hereto. The Pension Actuarial Report is available from the City upon request.

The City also provides a defined contribution pension plan benefit to eligible non-protective employees (other than public works employees). Eligibility begins after six months of employment with the City. Employees are required to make contributions of 5% of wages. For Fiscal Year 2018, the City contributed \$211,762 and employees contributed \$211,762 to the plan. For more information, see Note 4 B in "Appendix A - Financial Statements."

## **OTHER POST EMPLOYMENT BENEFITS**

The City provides "other post-employment benefits" ("OPEB") (i.e., post-employment benefits, other than pension benefits, owed to its employees and former employees) to former employees and their dependents through a single employer defined benefit plan. Membership of the plan consisted of 24 retirees receiving benefits and 179 active plan members as of December 31, 2017. Eligible retirees may continue to participate in the City's group health plan. The City contributes a fixed portion of the premiums determined at retirement based on the employment category of retiree, and the retiree is responsible for paying the balance of the premiums.

OPEB calculations are required to be updated every two years. Prior to June 15, 2017, OPEB calculations were required to be prepared in accordance with Statement No. 45 of the Governmental Accounting Standards Board ("GASB 45") regarding retiree health and life insurance benefits, and related standards. For fiscal years beginning after June 15, 2017, OPEB calculations will be required to be prepared in accordance with Statement No. 75 of the Governmental Accounting Standards Board ("GASB 75"). An actuarial study for the plan prepared in accordance with GASB 75 was most recently completed by Actuarial & Health Care Solutions, LLC in October 2017, with an actuarial valuation date of January 1, 2018 (the "OPEB Report").

Under GASB 75, a net OPEB liability is calculated as the difference between the plan's total OPEB liability and the plan's fiduciary net position, which terms have similar meanings as under GASB 68 for pension plans.

As shown in the City's audited financial statements for Fiscal Year 2018, the ADC for Fiscal Year 2018 was \$441,859. For Fiscal Year 2018, contributions to the plan totaled \$444,364, which was 100.57% of the ADC. The City's current funding practice is to at least fully fund the ADC.

As shown in the financial statements for Fiscal Year 2018, as of December 31, 2018, the total OPEB liability of the plan was \$7,733,557 and the plan fiduciary net position was \$5,229,404, resulting in a net OPEB liability of \$2,504,153.

For more information, see Note 4 C in "Appendix A - Financial Statements."

## LITIGATION

There is no litigation threatened or pending questioning the organization or boundaries of the City or the right of any of its officers to their respective offices or in any manner questioning their rights and power to execute and deliver the Notes or otherwise questioning the validity of the Notes. At any given time, the City may be involved in potential lawsuits, however, at this time, the City does not expect any pending litigation to result in final judgments which would materially affect the City's ability to pay principal and interest on the Notes.

## MUNICIPAL BANKRUPTCY

Municipalities are prohibited from filing for bankruptcy under Chapter 11 (reorganization) or Chapter 7 (liquidation) of the U.S. Bankruptcy Code (11 U.S.C. §§ 101-1532) (the "Bankruptcy Code"). Instead, the Bankruptcy Code permits municipalities to file a petition under Chapter 9 of the Bankruptcy Code, but only if certain requirements are met. These requirements include that the municipality must be "specifically authorized" under State law to file for relief under Chapter 9. For these purposes, "State law" may include, without limitation, statutes of general applicability enacted by the State legislature, special legislation applicable to a particular municipality, and/or executive orders issued by an appropriate officer of the State's executive branch.

As of the date hereof, Wisconsin law contains no express authority for municipalities to file for bankruptcy relief under Chapter 9 of the Bankruptcy Code.

Nevertheless, there can be no assurance (a) that State law will not change in the future while the Notes are outstanding, in a way that would allow the City to file for bankruptcy relief under Chapter 9 of the Bankruptcy Code, or (b) even absent such a change in State law, that an executive order or other executive action could not effectively authorize the City to file for relief under Chapter 9. If, in the future, the City were to file a bankruptcy case under Chapter 9, the relevant bankruptcy court would need to consider whether the City could properly do so, which would involve questions regarding State law authority as well as other questions such as whether the City is a municipality for bankruptcy purposes. If the relevant bankruptcy court concluded that the City could properly file a bankruptcy case, and that determination was not reversed, vacated, or otherwise substantially altered on appeal, then the rights of holders of the Notes could be modified in bankruptcy proceedings. Such modifications could be adverse to holders of the Notes, and there could ultimately be no assurance that holders of the Notes would be paid in full or in part on the Notes. Further, under such circumstances, there could be no assurance that the Notes would not be treated as general, unsecured debt by a bankruptcy court, meaning that claims of holders of the Notes could be viewed as having no priority (a) over claims of other creditors of the City, (b) to any particular assets of the City, or (c) to revenues otherwise designated for payment to holders of the Notes.

Moreover, if the City were determined not to be a "municipality" for the purposes of the Bankruptcy Code, no representations can be made regarding whether it would still be eligible for voluntary or involuntary relief under Chapters of the Bankruptcy Code other than Chapter 9 or under similar federal or state law or equitable proceeding regarding insolvency or providing for protection from creditors. In any such case, there can be no assurance that the consequences described above for the holders of the Notes would not occur.

**FUNDS ON HAND** (as of September 30, 2019)

<b>Fund</b>	<b>Total Cash and Investments</b>
General	\$ 12,866,357
Debt Service Funds	1,007,402
TIF Districts	15,504,594
Nonmajor Governmental Funds	18,306,647
Sewer Fund	1,413,070
Water Utility	2,123,485
Self Insurance Fund	2,423,401
Other Designated Funds	14,169
<b>Total Funds on Hand</b>	<b><u>\$ 53,659,125</u></b>

## ENTERPRISE FUNDS

Revenues available for debt service on the City's enterprise funds have been as follows as of December 31 each year

	2016	2017	2018
<b>Water</b>			
Total Operating Revenues	\$ 6,054,573	\$ 6,057,085	\$ 5,961,350
Less Operating Expenses	<u>(5,514,241)</u>	<u>(5,393,413)</u>	<u>(5,476,438)</u>
Operating Income	\$ 540,332	\$ 663,672	\$ 484,912
Plus Depreciation	1,344,829	1,194,029	1,204,485
Interest Income	<u>2,589</u>	<u>9,926</u>	<u>43,412</u>
Revenues Available for Debt Service	\$ 1,887,750	\$ 1,867,627	\$ 1,732,809
Less PILOT Payment	<u>(1,047,053)</u>	<u>(1,029,649)</u>	<u>(1,008,038)</u>
Net Revenues	<u><u>\$ 840,697</u></u>	<u><u>\$ 837,978</u></u>	<u><u>\$ 724,771</u></u>
<b>Sewer</b>			
Total Operating Revenues	\$ 3,328,550	\$ 3,313,854	\$ 3,704,852
Less Operating Expenses	<u>(5,197,869)</u>	<u>(5,222,142)</u>	<u>(5,476,724)</u>
Operating Income	\$ (1,869,319)	\$ (1,908,288)	\$ (1,771,872)
Plus Depreciation	2,123,035	2,119,900	2,135,076
Interest Income	<u>134</u>	<u>16,587</u>	<u>31,810</u>
Revenues Available for Debt Service	<u><u>\$ 253,850</u></u>	<u><u>\$ 228,199</u></u>	<u><u>\$ 395,014</u></u>

## SUMMARY GENERAL FUND INFORMATION

Following are summaries of the revenues and expenditures and fund balances for the City's General Fund. These summaries are not purported to be the complete audited financial statements of the City and potential purchasers should read the included financial statements in their entirety for more complete information concerning the City. Copies of the complete audited financial statements are available upon request. See Appendix A for the City's 2018 audited financial statements.

GENERAL FUND	FISCAL YEAR ENDING DECEMBER 31				
	2016 Audited	2017 Audited <sup>1</sup>	2018 Audited	2019 Projected	2020 Proposed Budget
<b>Revenues</b>					
Taxes	\$ 17,161,004	\$ 17,093,625	\$ 17,611,739	\$ 18,827,500	\$ 19,691,600
Intergovernmental revenues	2,318,825	2,264,961	2,317,488	1,728,200	1,746,400
Licenses and permits	665,169	773,877	1,166,156	968,555	903,200
Penalties and forfeitures	498,653	485,407	475,840	500,000	546,000
Public charges for services	1,452,601	1,603,247	2,405,406	2,432,700	2,527,300
Intergovernmental charges for services	194,806	172,796	192,542	184,000	182,000
Investment earnings	161,281	189,275	241,398	508,800	343,580
Miscellaneous revenues	182,016	148,853	244,136	153,450	139,250
<b>Total Revenues</b>	<b>\$ 22,634,355</b>	<b>\$ 22,732,041</b>	<b>\$ 24,654,705</b>	<b>\$ 25,303,205</b>	<b>\$ 26,079,330</b>
<b>Expenditures</b>					
<b>Current</b>					
General government	\$ 2,910,893	\$ 2,940,898	\$ 2,944,482	\$ 3,064,535	\$ 3,392,982
Public safety	15,787,827	16,660,351	17,077,275	17,436,502	18,446,978
Public works	3,745,146	3,852,472	3,388,370	3,931,315	4,151,677
Health and human services	646,870	675,875	670,134	647,670	737,635
Culture, recreation and education	179,933	187,959	240,916	175,365	210,448
Conservation and development	523,268	520,314	512,157	570,645	619,400
Contingency	0	0	0	0	1,145,000
<b>Total Expenditures</b>	<b>\$ 23,793,937</b>	<b>\$ 24,837,869</b>	<b>\$ 24,833,331</b>	<b>\$ 25,826,032</b>	<b>\$ 28,704,120</b>
<b>Excess of revenues over (under) expenditures</b>	<b>\$ (1,159,582)</b>	<b>\$ (2,105,828)</b>	<b>\$ (178,626)</b>	<b>\$ (522,827)</b>	<b>\$ (2,624,790)</b>
<b>Other Financing Sources (Uses)</b>					
Operating transfers in	1,050,382	1,059,793	1,011,392	1,139,125	1,050,000
Operating transfers out	(1,250,025)	(57,138)	(84,000)	(24,000)	(524,000)
Restricted Contingency	0	0	0	0	1,335,000
<b>Total Other Financing Sources (Uses)</b>	<b>\$ (199,643)</b>	<b>\$ 1,002,655</b>	<b>\$ 927,392</b>	<b>\$ 1,115,125</b>	<b>\$ 1,861,000</b>
<b>Excess of revenues and other financing sources over (under) expenditures and other financing uses</b>	<b>\$ (1,359,225)</b>	<b>\$ (1,103,173)</b>	<b>\$ 748,766</b>	<b>\$ 592,298</b>	<b>(\$ 763,790)<sup>1</sup></b>
General Fund Balance January 1	9,049,909	7,690,684	6,587,511	7,336,277	7,928,575
General Fund Balance December 31	\$ 7,690,684	\$ 6,587,511	\$ 7,336,277	\$ 7,928,575	\$ 7,164,785
<b>DETAILS OF DECEMBER 31 FUND BALANCE</b>					
Nonspendable	2,294,958	246,548	180,623		
Restricted	0	0	0		
Committed	0	0	0		
Assigned	61,626	150,565	271,970		
Unassigned	5,334,100	6,190,398	6,883,684		
<b>Total</b>	<b>\$ 7,690,684</b>	<b>\$ 6,587,511</b>	<b>\$ 7,336,277</b>		

<sup>1</sup> Deficit includes a one-time \$605,700 extraordinary pension contribution.

<sup>2</sup> Deficit includes a one-time \$1.2 million transfer to the Capital Improvement Fund for capital expenditures.

The 2020 Budget includes as a budgeted expenditure a \$1,335,000 restricted contingency that is not expected to be spent. Any use of such expenditure would require a 2/3 vote of the Common Council and such expenditure is not expected to be made.

<sup>4</sup> The City is budgeting a deficit for 2020 for some non-recurring costs including severance on retirees, tax refunds on assessments challenges and transfers to the capital improvement fund for security enhancements at City buildings.

## GENERAL INFORMATION

### LOCATION

The City, with a 2010 U.S. Census population of 35,451, and a current estimated population of 35,996, comprises an area of 34.5 square miles and is located in the southwest corner of Milwaukee County.

### LARGER EMPLOYERS<sup>1</sup>

Larger employers in the City include the following:

Firm	Type of Business/Product	Estimated No. of Employees
Northwestern Mutual	Insurance/investment services	1,938
Krones, Inc.	High speed labeling/filler machines	625
Franklin Public Schools	K-12 education	558
Baptista's Bakery	Commercial bakery	519
Carlisle Interconnect Technologies	Wire harnesses	393
Milwaukee County Corrections South	Government	388
Ascension Healthcare	Medical and surgical hospital	300
Wal-Mart	Retailer	300
Strauss Veal & Lamb Int'l Inc.	Animal processing	288
Senior Flexonics - GA Precision	Off-road engine components mfg	273

**Source:** ReferenceUSA written and telephone survey (July 2019) Franklin 2018 C4FR

<sup>1</sup> This does not purport to be a comprehensive list and is based on available data obtained through a survey of individual employers as well as the sources identified above. Some employers do not respond to inquiries for employment data.

<sup>2</sup> Formerly known as Wheaton Franciscan.



## BUILDING PERMITS

	2015	2016	2017	2018	2019 <sup>1</sup>
<u>New Single Family Homes</u>					
No of building permits	26	23	18	30	40
Valuation	\$10,199,139	\$9,721,721	\$8,991,610	\$13,357,904	\$19,087,167
<u>New Multiple Family Buildings</u>					
No of building permits	3	1	0	7	8
Valuation	\$1,110,000	\$5,550,000	\$0	\$27,972,154	\$32,715,000
<u>New Commercial/Industrial</u>					
No of building permits	3	5	13	9	15
Valuation	\$1,961,261	\$154,300	\$28,861,659	\$8,677,160	\$16,739,561
<u>All Building Permits</u> <i>(including additions and remodelings)</i>					
No of building permits	300	267	251	267	199
Valuation	\$30,654,542	\$27,316,600	\$49,403,073	\$62,150,023	\$76,578,406

Source: The City

<sup>1</sup> As of September 30, 2019

## U.S. CENSUS DATA

### Population Trend: City

2000 U.S. Census	29,494
2010 U.S. Census	35,451
2019 Estimated Population	35,996
Percent of Change 2000 - 2010	20.20%

### Income and Age Statistics

	City	Milwaukee County	State of Wisconsin	United States
2017 per capita income	\$37,849	\$26,933	\$30,557	\$31,177
2017 median household income	\$74,972	\$46,784	\$56,759	\$57,652
2017 median family income	\$102,206	\$59,763	\$72,542	\$70,850
2017 median gross rent	\$996	\$844	\$813	\$982
2017 median value owner occupied units	\$225,700	\$150,300	\$169,300	\$193,500
2017 median age	42.4 yrs.	34.6 yrs.	39.2 yrs.	37.8 yrs.

	State of Wisconsin	United States
City % of 2017 per capita income	123.86%	121.40%
City % of 2017 median family income	140.89%	144.26%

### Housing Statistics

	City		
	2000	2017	Percent of Change
All Housing Units	10,936	13,951	27.57%

**Source:** 2000 and 2010 Census of Population and Housing, and 2017 American Community Survey (Based on a five-year estimate), U.S. Census Bureau ([www.factfinder2.census.gov](http://www.factfinder2.census.gov)).

## EMPLOYMENT/UNEMPLOYMENT DATA

Year	Average Employment			Average Unemployment	
	City	Milwaukee County	City	Milwaukee County	State of Wisconsin
2015	17,566	449,639	4.4%	5.7%	4.6%
2016	17,804	453,900	3.8%	5.0%	4.0%
2017	17,920	457,018	3.2%	4.0%	3.3%
2018	17,863	455,544	2.9%	3.6%	3.0%
2019, September <sup>1</sup>	17,794	453,791	2.9%	3.9%	2.9%

**Source:** Wisconsin Department of Workforce Development.

<sup>1</sup> Preliminary

## FINANCIAL STATEMENTS

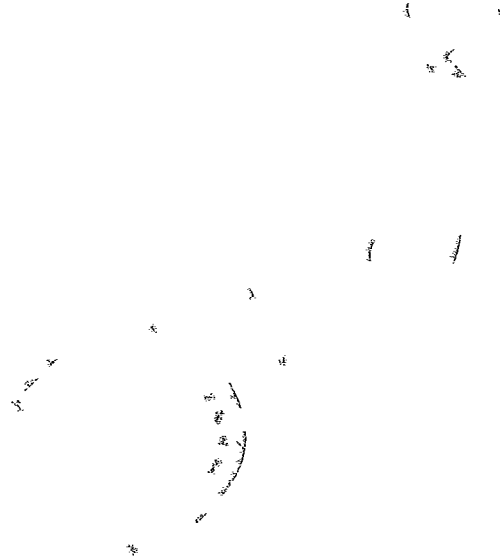
Potential purchasers should read the included financial statements in their entirety for more complete information concerning the City's financial position. Such financial statements have been audited by the Auditor, to the extent and for the periods indicated thereon. The City has not requested or engaged the Auditor to perform, and the Auditor has not performed, any additional examination, assessments, procedures or evaluation with respect to such financial statements since the date thereof or with respect to this Official Statement, nor has the City requested that the Auditor consent to the use of such financial statements in this Official Statement. Although the inclusion of the financial statements in this Official Statement is not intended to demonstrate the fiscal condition of the City since the date of the financial statements, in connection with the issuance of the Notes, the City represents that there have been no material adverse change in the financial position or results of operations of the City, nor has the City incurred any material liabilities, which would make such financial statements misleading.

Copies of the complete audited financial statements for the past three years and the current budget are available upon request from Ehlers.



**FORM OF LEGAL OPINION**

(See following pages )



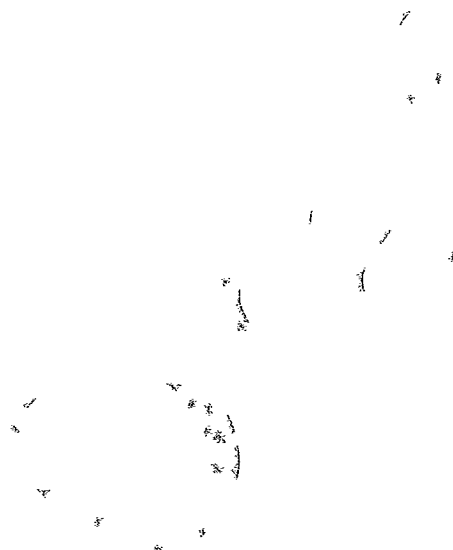
## BOOK-ENTRY-ONLY SYSTEM

- 1 The Depository Trust Company ("DTC"), New York, New York will act as securities depository for the securities (the "Securities"). The Securities will be issued as fully-registered securities registered in the name of Cede & Co. (DTC's partnership nominee) or such other name as may be requested by an authorized representative of DTC. One fully-registered Security certificate will be issued for [each issue of] the Securities, [each] in the aggregate principal amount of such issue, and will be deposited with DTC. [If, however, the aggregate principal amount of [any] issue exceeds \$500 million, one certificate will be issued with respect to each \$500 million of principal amount, and an additional certificate will be issued with respect to any remaining principal amount of such issue.]
- 2 DTC, the world's largest securities depository, is a limited-purpose trust company organized under the New York Banking Law, a "banking organization" within the meaning of the New York Banking Law, a member of the Federal Reserve System, a "clearing corporation" within the meaning of the New York Uniform Commercial Code, and a "clearing agency" registered pursuant to the provisions of Section 17A of the Securities Exchange Act of 1934. DTC holds and provides asset servicing for over 3.5 million issues of U.S. and non-U.S. equity issues, corporate and municipal debt issues, and money market instruments (from over 100 countries) that DTC's participants ("Direct Participants") deposit with DTC. DTC also facilitates the post-trade settlement among Direct Participants of sales and other securities transactions in deposited securities, through electronic computerized book-entry transfers and pledges between Direct Participants' accounts. This eliminates the need for physical movement of securities certificates. Direct Participants include both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, clearing corporations, and certain other organizations. DTC is a wholly-owned subsidiary of The Depository Trust & Clearing Corporation ("DTCC"). DTCC is the holding company for DTC, National Securities Clearing Corporation and Fixed Income Clearing Corporation, all of which are registered clearing agencies. DTCC is owned by the users of its regulated subsidiaries. Access to the DTC system is also available to others such as both U.S. and non-U.S. securities brokers and dealers, banks, trust companies, and clearing corporations that clear through or maintain a custodial relationship with a Direct Participant, either directly or indirectly ("Indirect Participants"). DTC has a Standard & Poor's rating of AA+. The DTC Rules applicable to its Participants are on file with the Securities and Exchange Commission. More information about DTC can be found at [www.dtcc.com](http://www.dtcc.com).
- 3 Purchases of Securities under the DTC system must be made by or through Direct Participants, which will receive a credit for the Securities on DTC's records. The ownership interest of each actual purchaser of each Security ("Beneficial Owner") is to be recorded on the Direct and Indirect Participants' records. Beneficial Owners will not receive written confirmation from DTC of their purchase. Beneficial Owners are, however, expected to receive written confirmations providing details of the transaction, as well as periodic statements of their holdings, from the Direct or Indirect Participant through which the Beneficial Owner entered into the transaction. Transfers of ownership interests in the Securities are to be accomplished by entries made on the books of Direct and Indirect Participants acting on behalf of Beneficial Owners. Beneficial Owners will not receive certificates representing their ownership interests in Securities, except in the event that use of the book-entry system for the Securities is discontinued.
- 4 To facilitate subsequent transfers, all Securities deposited by Direct Participants with DTC are registered in the name of DTC's partnership nominee, Cede & Co. or such other name as may be requested by an authorized representative of DTC. The deposit of Securities with DTC and their registration in the name of Cede & Co. or such other DTC nominee do not effect any change in beneficial ownership. DTC has no knowledge of the actual Beneficial Owners of the Securities; DTC's records reflect only the identity of the Direct Participants to whose accounts such Securities are credited, which may or may not be the Beneficial Owners. The Direct and Indirect Participants will remain responsible for keeping account of their holdings on behalf of their customers.

- 5 Conveyance of notices and other communications by DTC to Direct Participants, by Direct Participants to Indirect Participants, and by Direct Participants and Indirect Participants to Beneficial Owners will be governed by arrangements among them, subject to any statutory or regulatory requirements as may be in effect from time to time [Beneficial Owners of Securities may wish to take certain steps to augment the transmission to them of notices of significant events with respect to the Securities, such as redemptions, tenders, defaults, and proposed amendments to the Security documents. For example, Beneficial Owners of Securities may wish to ascertain that the nominee holding the Securities for their benefit has agreed to obtain and transmit notices to Beneficial Owners. In the alternative, Beneficial Owners may wish to provide their names and addresses to the registrar and request that copies of notices be provided directly to them.]
- 6 Redemption notices shall be sent to DTC. If less than all of the Securities within an issue are being redeemed, DTC's practice is to determine by lot the amount of the interest of each Direct Participant in such issue to be redeemed.
- 7 Neither DTC nor Cede & Co. (nor any other DTC nominee) will consent or vote with respect to Securities unless authorized by a Direct Participant in accordance with DTC's MMI Procedures. Under its usual procedures, DTC mails an Omnibus Proxy to the City as soon as possible after the record date. The Omnibus Proxy assigns Cede & Co.'s consenting or voting rights to those Direct Participants to whose accounts Securities are credited on the record date (identified in a listing attached to the Omnibus Proxy).
- 8 Redemption proceeds, distributions, and dividend payments on the Securities will be made to Cede & Co., or such other nominee as may be requested by an authorized representative of DTC. DTC's practice is to credit Direct Participants' accounts upon DTC's receipt of funds and corresponding detail information from the City or Agent, on payable date in accordance with their respective holdings shown on DTC's records. Payments by Participants to Beneficial Owners will be governed by standing instructions and customary practices, as is the case with securities held for the accounts of customers in bearer form or registered in "street name," and will be the responsibility of such Participant and not of DTC, Agent, or the City, subject to any statutory or regulatory requirements as may be in effect from time to time. Payment of redemption proceeds, distributions, and dividend payments to Cede & Co. (or such other nominee as may be requested by an authorized representative of DTC) is the responsibility of the City or Agent, disbursement of such payments to Direct Participants will be the responsibility of DTC, and disbursement of such payments to the Beneficial Owners will be the responsibility of Direct and Indirect Participants.
- 9 A Beneficial Owner shall give notice to elect to have its Securities purchased or tendered, through its Participant, to [Tender/Remarketing] Agent, and shall effect delivery of such Securities by causing the Direct Participant to transfer the Participant's interest in the Securities, on DTC's records, to [Tender/Remarketing] Agent. The requirement for physical delivery of Securities in connection with an optional tender or a mandatory purchase will be deemed satisfied when the ownership rights in the Securities are transferred by Direct Participants on DTC's records and followed by a book-entry credit of tendered Securities to [Tender/Remarketing] Agent's DTC account.
- 10 DTC may discontinue providing its services as depository with respect to the Securities at any time by giving reasonable notice to the City or Agent. Under such circumstances, in the event that a successor depository is not obtained, Security certificates are required to be printed and delivered.
- 11 The City may decide to discontinue use of the system of book-entry-only transfers through DTC (or a successor securities depository). In that event, Security certificates will be printed and delivered to DTC.
- 12 The information in this section concerning DTC and DTC's book-entry system has been obtained from sources that the City believes to be reliable, but the City takes no responsibility for the accuracy thereof.

**FORM OF CONTINUING DISCLOSURE CERTIFICATE**

(See following pages )



## APPENDIX E

### NOTICE OF SALE

#### **\$2,320,000\* GENERAL OBLIGATION PROMISSORY NOTES, SERIES 2019D CITY OF FRANKLIN, WISCONSIN**

Bids for the purchase of \$2,320,000 General Obligation Promissory Notes, Series 2019D (the "Notes") of the City of Franklin, Wisconsin (the "City") will be received at the offices of Ehlers and Associates Inc ("Ehlers"), 3060 Centre Pointe Drive, Roseville, Minnesota 55113-1105, municipal advisors to the City, until 10 00 A M . Central Time, and **ELECTRONIC PROPOSALS** will be received via **PARITY**, in the manner described below, until 10 00 A M Central Time, on November 19, 2019, at which time they will be opened, read and tabulated. The bids will be presented to the Common Council for consideration for award by resolution at a meeting to be held at 6 30 P M . Central Time, on the same date. The bid offering to purchase the Notes upon the terms specified herein and most favorable to the City will be accepted unless all bids are rejected.

### PURPOSE

The Notes are being issued pursuant to Section 67 12(12), Wisconsin Statutes, for public purposes, including projects listed in the City's Capital Improvement Program. The Notes are general obligations of the City, and all the taxable property in the City is subject to the levy of a tax to pay the principal of and interest on the Notes as they become due which tax may, under current law, be levied without limitation as to rate or amount.

### DATES AND MATURITIES

The Notes will be dated December 4, 2019, will be issued as fully registered Notes in the denomination of \$5 000 each, or any integral multiple thereof, and will mature on March 1 as follows:

<u>Year</u>	<u>Amount*</u>	<u>Year</u>	<u>Amount*</u>	<u>Year</u>	<u>Amount*</u>
2020	\$75,000	2023	\$385,000	2026	\$300,000
2021	125,000	2024	250,000	2027	325,000
2022	385,000	2025	475,000		

### ADJUSTMENT OPTION

\* The City reserves the right to increase or decrease the principal amount of the Notes on the day of sale, in increments of \$5,000 each. Increases or decreases may be made in any maturity. If any principal amounts are adjusted, the purchase price proposed will be adjusted to maintain the same gross spread per \$1,000.

### TERM BOND OPTION

Bids for the Notes may contain a maturity schedule providing for any combination of serial bonds and term bonds, subject to mandatory redemption, so long as the amount of principal maturing or subject to mandatory redemption in each year conforms to the maturity schedule set forth above. All dates are inclusive.

### INTEREST PAYMENT DATES AND RATES

Interest will be payable on March 1 and September 1 of each year, commencing March 1, 2020, to the registered owners of the Notes appearing of record in the bond register as of the close of business on the 15th day (whether or not a business day) of the immediately preceding month. Interest will be computed upon the basis of a 360-day year of twelve 30-day months and will be rounded pursuant to rules of the Municipal Securities Rulemaking Board. **The rate for any maturity may not be more than 1.00% less than the rate for any preceding maturity. (For example, if a rate of 4.50% is proposed for the 2022 maturity, then the lowest rate that may be proposed for any later maturity is 3.50%.)** All



Notes of the same maturity must bear interest from date of issue until paid at a single, uniform rate. Each rate must be expressed in an integral multiple of 5/100 or 1/8 of 1%.

### **BOOK-ENTRY-ONLY FORMAT**

Unless otherwise specified by the purchaser, the Notes will be designated in the name of Cede & Co., as nominee for The Depository Trust Company, New York, New York ("DTC"). DTC will act as securities depository for the Notes, and will be responsible for maintaining a book-entry system for recording the interests of its participants and the transfers of interests between its participants. The participants will be responsible for maintaining records regarding the beneficial interests of the individual purchasers of the Notes. So long as Cede & Co. is the registered owner of the Notes, all payments of principal and interest will be made to the depository which, in turn, will be obligated to remit such payments to its participants for subsequent disbursement to the beneficial owners of the Notes.

### **PAYING AGENT**

The City has selected Bond Trust Services Corporation, Roseville, Minnesota, to act as paying agent (the "Paying Agent"). Bond Trust Services Corporation and Ehlers are affiliate companies. The City will pay the charges for Paying Agent services. The City reserves the right to remove the Paying Agent and to appoint a successor.

### **OPTIONAL REDEMPTION**

At the option of the City, the Notes maturing on March 1, 2027 shall be subject to optional redemption prior to maturity on March 1, 2026 or any date thereafter at a price of par plus accrued interest.

Redemption may be in whole or in part of the Notes subject to prepayment. If redemption is in part, the selection of the amounts of the Notes to be redeemed shall be at the discretion of the City. If only part of the Notes are called for redemption, then the City or Paying Agent, if any, will notify DTC of the particular amount to be redeemed. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interest in such maturity to be redeemed.

Notice of such call shall be given by sending a notice by registered or certified mail, facsimile or electronic transmission, overnight delivery service or in any other manner required by DTC, not less than 30 days nor more than 60 days prior to the date fixed for redemption to the registered owner of each Note to be redeemed at the address shown on the registration books.

### **DELIVERY**

On or about December 4, 2019, the Notes will be delivered without cost to the winning bidder at DTC. On the day of closing, the City will furnish to the winning bidder the opinion of bond counsel hereinafter described, an arbitrage certification, and certificates verifying that no litigation in any manner questioning the validity of the Notes is then pending or, to the best knowledge of officers of the City, threatened. Payment for the Notes must be received by the City at its designated depository on the date of closing in immediately available funds.

### **LEGAL MATTERS**

An opinion as to the validity of the Notes and the exemption from federal taxation of the interest thereon will be furnished by Quarles & Brady LLP, Bond Counsel to the City, and will be available at the time of delivery of the Notes. The legal opinion will be issued on the basis of existing law and will state that the Notes are valid and binding general obligations of the City, provided that the rights of the owners of the Notes and the enforceability of the Notes may be limited by bankruptcy, insolvency, reorganization, moratorium, and other similar laws affecting creditors' rights and by equitable principles (which may be applied in either a legal or equitable proceeding). (See "FORM OF LEGAL OPINION" found in Appendix B of the Preliminary Official Statement.)

Quarles & Brady LLP has also been retained by the City to serve as Disclosure Counsel to the City with respect to the Notes. Although, as Disclosure Counsel to the City, Quarles & Brady LLP has assisted the City with certain disclosure matters, Quarles & Brady LLP has not undertaken to independently verify the accuracy, completeness or sufficiency of this Official Statement or other offering material relating to the Notes and assumes no responsibility whatsoever nor shall have any liability to any other party for the statements or information contained or incorporated by reference in this Official Statement. Further, Quarles & Brady LLP makes no representation as to the suitability of the Notes for any investor.

### SUBMISSION OF BIDS

Bids must not be for less than \$2,296,800 nor more than \$2,412,800 plus accrued interest on the principal sum of \$2,320,000 from date of original issue of the Notes to date of delivery. Prior to the time established above for the opening of bids, interested parties may submit a bid as follows:

- 1) Electronically to [bondsale@ehlers-inc.com](mailto:bondsale@ehlers-inc.com); or
- 2) Electronically via **PARITY** in accordance with this Notice of Sale until 10:00 A.M. Central Time, but no bid will be received after the time for receiving bids specified above. To the extent any instructions or directions set forth in **PARITY** conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about **PARITY**, potential bidders may contact Ehlers or i-Deal LLC at 1359 Broadway, 2<sup>nd</sup> Floor, New York, New York 10018, Telephone (212) 849-5021.

Bids must be submitted to Ehlers via one of the methods described above and **must** be received prior to the time established above for the opening of bids. Each bid must be **unconditional** except as to legality. Neither the City nor Ehlers shall be responsible for any failure to receive a facsimile submission.

**A good faith deposit ("Deposit") in the amount of \$46,400 shall be made by the winning bidder by wire transfer of funds. Such Deposit shall be received by Ehlers no later than two hours after the bid opening time. Wire transfer instructions will be provided to the winning bidder by Ehlers after the tabulation of bids.** The City reserves the right to award the Notes to a winning bidder whose wire transfer is initiated but not received by such time provided that such winning bidder's federal wire reference number has been received by such time. In the event the Deposit is not received as provided above, the City may award the Notes to the bidder submitting the next best bid provided such bidder agrees to such award. The Deposit will be retained by the City as liquidated damages if the bid is accepted and the Purchaser fails to comply therewith.

The City and the winning bidder who chooses to so wire the Deposit hereby agree irrevocably that Ehlers shall be the escrow holder of the Deposit wired to such account subject only to these conditions and duties: 1) All income earned thereon shall be retained by the escrow holder as payment for its expenses; 2) If the bid is not accepted, Ehlers shall, at its expense, promptly return the Deposit amount to the winning bidder; 3) If the bid is accepted, the Deposit shall be returned to the winning bidder at the closing; 4) Ehlers shall bear all costs of maintaining the escrow account and returning the funds to the winning bidder; 5) Ehlers shall not be an insurer of the Deposit amount and shall have no liability hereunder except if it willfully fails to perform or recklessly disregards, its duties specified herein; and 6) FDIC insurance on deposits within the escrow account shall be limited to \$250,000 per bidder.

No bid can be withdrawn after the time set for receiving bids unless the meeting of the City scheduled for award of the Notes is adjourned, recessed, or continued to another date without award of the Notes having been made.

### AWARD

The Notes will be awarded to the bidder offering the lowest interest rate to be determined on a True Interest Cost (TIC) basis. The City's computation of the interest rate of each bid, in accordance with customary practice, will be controlling. In the event of a tie, the sale of the Notes will be awarded by lot. The City reserves the right to reject any and all bids and to waive any informality in any bid.

## **BOND INSURANCE**

If the Notes are qualified for any bond insurance policy, the purchase of such policy shall be at the sole option and expense of the winning bidder. Any cost for such insurance policy is to be paid by the winning bidder, except that, if the City requested and received a rating on the Notes from a rating agency, the City will pay that rating fee. Any rating agency fees not requested by the City are the responsibility of the winning bidder.

Failure of the municipal bond insurer to issue the policy after the Notes are awarded to the winning bidder shall not constitute cause for failure or refusal by the winning bidder to accept delivery of the Notes.

## **CUSIP NUMBERS**

The City will assume no obligation for the assignment or printing of CUSIP numbers on the Notes or for the correctness of any numbers printed thereon, but will permit such numbers to be printed at the expense of the winning bidder, if the winning bidder waives any delay in delivery occasioned thereby.

## **QUALIFIED TAX-EXEMPT OBLIGATIONS**

The City will designate the Notes as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

## **CONTINUING DISCLOSURE**

In order to assist the Underwriters in complying with the provisions of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, the City will enter into an undertaking for the benefit of the holders of the Notes. A description of the details and terms of the undertaking is set forth in Appendix D of the Official Statement.

## **NEW ISSUE PRICING**

The winning bidder will be required to provide, in a timely manner, certain information necessary to compute the yield on the Notes pursuant to the provisions of the Internal Revenue Code of 1986, as amended, and to provide a certificate which will be provided by Bond Counsel upon request.

(a) The winning bidder shall assist the City in establishing the issue price of the Notes and shall execute and deliver to the City at closing an "issue price" or similar certificate satisfactory to Bond Counsel setting forth the reasonably expected initial offering price to the public or the sales price or prices of the Notes together with the supporting pricing wires or equivalent communications. All actions to be taken by the City under this Notice of Sale to establish the issue price of the Notes may be taken on behalf of the City by the City's municipal advisor identified herein and any notice or report to be provided to the City may be provided to the City's municipal advisor.

(b) The City intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining "competitive sale" for purposes of establishing the issue price of the Notes) will apply to the initial sale of the Notes (the "competitive sale requirements") because

- (1) The City shall disseminate this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential investors.
- (2) all bidders shall have an equal opportunity to bid.
- (3) the City may receive bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds, and

- (4) the City anticipates awarding the sale of the Notes to the bidder who submits a firm offer to purchase the Notes at the highest price (or lowest interest cost), as set forth in this Notice of Sale

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the Notes as specified in this bid

(c) If all of the requirements of a "competitive sale" are not satisfied, the City shall advise the winning bidder of such fact prior to the time of award of the sale of the Notes to the winning bidder. In such event, any bid submitted will not be subject to cancellation or withdrawal and the City agrees to use the rule selected by the winning bidder on its bid form to determine the issue price for the Notes. On its bid form, each bidder must select one of the following two rules for determining the issue price of the Notes: (1) the first price at which 10% of a maturity of the Notes (the "10% test") is sold to the public as the issue price of that maturity or (2) the initial offering price to the public as of the sale date as the issue price of each maturity of the Notes (the "hold-the-offering-price rule")

(d) If all of the requirements of a "competitive sale" are not satisfied and the winning bidder selects the hold-the-offering-price rule, the winning bidder shall (i) confirm that the underwriters have offered or will offer the Notes to the public on or before the date of award at the offering price or prices (the "initial offering price"), or at the corresponding yield or yields, set forth in the bid submitted by the winning bidder and (ii) agree, on behalf of the underwriters participating in the purchase of the Notes, that the underwriters will neither offer nor sell unsold Notes of any maturity to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following

(1) the close of the fifth (5<sup>th</sup>) business day after the sale date; or

(2) the date on which the underwriters have sold at least 10% of that maturity of the Notes to the public at a price that is no higher than the initial offering price to the public.

The winning bidder will advise the City promptly after the close of the fifth (5<sup>th</sup>) business day after the sale whether it has sold 10% of that maturity of the Notes to the public at a price that is no higher than the initial offering price to the public

The City acknowledges that in making the representation set forth above, the winning bidder will rely on

(i) the agreement of each underwriter to comply with requirements for establishing issue price of the Notes, including, but not limited to, its agreement to comply with the hold-the-price rule if applicable to the Notes, as set forth in an agreement among underwriters and the related pricing wires,

(ii) in the event a selling group has been created in connection with the initial sale of the Notes to the public, the agreement of each dealer who is a member of the selling group to comply with the requirements for establishing issue price of the Notes, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Notes as set forth in a selling group agreement and the related pricing wires, and

(iii) in the event that an underwriter or dealer who is a member of the selling group is a party to a third-party distribution agreement that was employed in connection with the initial sale of the Notes to the public, the agreement of each broker-dealer that is party to such agreement to comply with the requirements for establishing issue price of the Notes, including, but not limited to, its agreement to comply with the hold-the-offering-price rule, if applicable to the Notes as set forth in the third-party distribution agreement and the related pricing wires. The City further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the requirements for establishing issue price rule of the Notes, including, but not limited to, its agreement to comply with the hold-the-offering-price rule if applicable to the Notes, and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group or of any broker-dealer that is a party to a third-party distribution agreement to comply with its corresponding agreement to comply with the requirements for establishing issue price of the Notes, including, but not limited to, its agreement to comply with the hold-the-offering-price rule as applicable to the Notes

(e) If all of the requirements of a "competitive sale" are not satisfied and the winning bidder selects the 10% test, the winning bidder agrees to promptly report to the City, Bond Counsel and Ehlers the prices at which the Notes have been sold to the public. That reporting obligation shall continue, whether or not the closing date has occurred, until either (i) all Notes of that maturity have been sold or (ii) the 10% test has been satisfied as to each maturity of the Notes, provided that, the winning bidder's reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the City or bond counsel

(f) By submitting a bid, each bidder confirms that

(i) any agreement among underwriters, any selling group agreement and each third-party distribution agreement (to which the bidder is a party) relating to the initial sale of the Notes to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group and each broker-dealer that is party to such third-party distribution agreement, as applicable, to

(A) report the prices at which it sells to the public the unsold Notes of each maturity allocated to it, whether or not the Closing Date has occurred until either all securities of that maturity allocated to it have been sold or it is notified by the winning bidder that either the 10% test has been satisfied as to the Notes of that maturity, provided that, the reporting obligation after the Closing Date may be at reasonable periodic intervals or otherwise upon request of the City or bond counsel

(B) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the winning bidder and as set forth in the related pricing wires, and

(ii) any agreement among underwriters or selling group agreement relating to the initial sale of the Notes to the public together with the related pricing wires contains or will contain language obligating each underwriter, each dealer who is a member of the selling group and each broker dealer that is a party to a third-party distribution agreement to be employed in connection with the initial sale of the Notes to the public to require each broker-dealer that is a party to such third-party distribution agreement to

(A) to promptly notify the winning bidder of any sales of Notes that, to its knowledge, are made to a purchaser who is a related party to an underwriter participating in the initial sale of the Notes to the public (each such term being used as defined below), and

(B) to acknowledge that, unless otherwise advised by the underwriter, dealer or broker-dealer, the winning bidder shall assume that each order submitted by the underwriter, dealer or broker-dealer is a sale to the public

(g) Sales of any Notes to any person that is a related party to an underwriter participating in the initial sale of the Notes to the public (each term being used as defined below) shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale

(i) "public" means any person other than an underwriter or a related party,

(ii) "underwriter" means (A) any person that agrees pursuant to a written contract with the City (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the Notes to the public and (B) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (A) to participate in the initial sale of the Notes to the public (including a member of a selling group or a party to a third-party distribution agreement participating in the initial sale of the Notes to the public).

(iii) a purchaser of any of the Notes is a "related party" to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (A) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (B) more than 50% common ownership of their capital interests or profits interests if both entities are partnerships (including direct ownership by one partnership of another), or (C) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or

profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other), and

- (iv) "sale date" means the date that the Notes are awarded by the City to the winning bidder.

### **PRELIMINARY OFFICIAL STATEMENT**

Bidders may obtain a copy of the Preliminary Official Statement relating to the Notes prior to the bid opening by request from Ehlers at [www.ehlers-inc.com](http://www.ehlers-inc.com) by connecting to the Bond Sales link. The Syndicate Manager will be provided with an electronic copy of the Final Official Statement within seven business days of the bid acceptance. Up to 10 printed copies of the Final Official Statement will be provided upon request. Additional copies of the Final Official Statement will be available at a cost of \$10.00 per copy.

Information for bidders and bid forms may be obtained from Ehlers at 3060 Centre Pointe Drive, Roseville, Minnesota 55113-1105, Telephone (651) 697-8500.

By Order of the Common Council

Paul Rotzenberg, Director of Finance & Treasurer  
City of Franklin, Wisconsin

# BID FORM

The Common Council  
City of Franklin, Wisconsin

November 19, 2019

RE \$2,320,000\* General Obligation Promissory Notes, Series 2019D (the "Notes")  
DATED December 4, 2019

I or all or none of the above Notes in accordance with the Notice of Sale and terms of the Global Book-Entry System (unless otherwise specified by the Purchaser) as stated in this Official Statement we will pay you \$\_\_\_\_\_ (not less than \$2,296,800 nor more than \$2,412,800) plus accrued interest to date of delivery for fully registered Notes bearing interest rates and maturing in the stated years as follows:

_____ % due 2020	_____ % due 2023	_____ % due 2026
_____ % due 2021	_____ % due 2024	_____ % due 2027
_____ % due 2022	_____ % due 2025	

\* The City reserves the right to increase or decrease the principal amount of the Notes on the day of sale in increments of \$5,000 each. Increases or decreases may be made in any maturity. If any principal amounts are adjusted, the purchase price proposed will be adjusted to maintain the same gross spread per \$1,000.

The rate for any maturity may not be more than 1.00% less than the rate for any preceding maturity. (For example, if a rate of 4.50% is proposed for the 2022 maturity, then the lowest rate that may be proposed for any later maturity is 3.50%.) All Notes of the same maturity must bear interest from date of issue until paid at a single uniform rate. Each rate must be expressed in an integral multiple of 1/100 or 1/8 of 1%.

A good faith deposit ("Deposit") in the amount of \$46,400 shall be made by the winning bidder by wire transfer of funds. Such Deposit shall be received by Ehlers no later than two hours after the bid opening time. Wire transfer instructions will be provided to the winning bidder by Ehlers after the tabulation of bids. The City reserves the right to award the Notes to a winning bidder whose wire transfer is initiated but not received by such time provided that such winning bidder's federal wire reference number has been received by such time. In the event the Deposit is not received as provided above, the City may award the Notes to the bidder submitting the next best bid provided such bidder agrees to such award. The Deposit will be retained by the City as liquidated damages if the bid is accepted and the Purchaser fails to comply therewith. We agree to the conditions and duties of Ehlers and Associates, Inc. as escrow holder of the Deposit, pursuant to the Notice of Sale. This bid is for prompt acceptance and is conditional upon delivery of said Notes to The Depository Trust Company, New York, New York, in accordance with the Notice of Sale. Delivery is anticipated to be on or about December 4, 2019.

This bid is subject to the City's agreement to enter into a written undertaking to provide continuing disclosure under Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 as described in the Preliminary Official Statement for the Notes.

We have received and reviewed the Official Statement, and any addenda thereto, and have submitted our requests for additional information or corrections to the Final Official Statement. As Syndicate Manager, we agree to provide the City with the reoffering price of the Notes within 24 hours of the bid acceptance.

This bid is a firm offer for the purchase of the Notes identified in the Notice of Sale, on the terms set forth in this bid form and the Notice of Sale, and is not subject to any conditions except as permitted by the Notice of Sale.

By submitting this bid, we confirm that we are an underwriter and have an established industry reputation for underwriting new issuances of municipal bonds.  
YES \_\_\_\_\_ NO \_\_\_\_\_

If the competitive sale requirements are not met, we elect to use the (circle one) 10% test, hold-the-offering-price rule to determine the issue price of the Notes.

Account Manager \_\_\_\_\_ By \_\_\_\_\_

Account Members \_\_\_\_\_

Award will be on a true interest cost basis. According to our computations (the correct computation being controlling in the award), the total dollar interest cost (including any discount or less any premium) computed from December 4, 2019 of the above bid is \$\_\_\_\_\_ and the true interest cost (TIC) is \_\_\_\_\_ %.

The foregoing offer is hereby accepted by and on behalf of the Common Council of the City of Franklin, Wisconsin, on November 19, 2019.

By _____	By _____
Title _____	Title _____

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 11/19/19
REPORTS & RECOMMENDATIONS	RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SPECIAL USE UPON PROPERTY LOCATED AT 11141 WEST FOREST HOME AVENUE (STAR TRUCKING REAL ESTATE LLC, APPLICANT)	ITEM NUMBER <i>G. 4.</i>

City Development staff recommends approval of a resolution authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Special Use upon property located at 11141 West Forest Home Avenue, Star Trucking Real Estate LLC applicant, subject to technical corrections by City staff.

#### COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2019-\_\_\_\_\_, authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Special Use upon property located at 11141 West Forest Home Avenue, Star Trucking Real Estate LLC applicant, subject to technical corrections by City staff.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

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

**A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO  
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART  
OF THE REVIEW AND APPROVAL OF A SPECIAL USE  
(UPON PROPERTY LOCATED AT 11141 WEST FOREST HOME AVENUE)  
(STAR TRUCKING REAL ESTATE LLC, APPLICANT)**

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WHEREAS, the Plan Commission having recommended approval of a Special Use and Site Plan upon the application on November 6, 2018, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the stream, shore buffer, wetlands, wetland buffers, and wetland setbacks on the site; and

WHEREAS, §15-7.0102G. and §15-7.0103Q. of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Site Plan review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plans to protect such features, all as part of the approval process for Site Plans; 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 Star Trucking Real Estate 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  
STAR TRUCKING REAL ESTATE LLC  
RESOLUTION NO. 2019-\_\_\_\_\_

Page 2

APPROVED:

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

ATTEST:

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

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

## CONSERVATION EASEMENT

### STAR TRUCKING REAL ESTATE LLC

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 Star Trucking Real Estate LLC, a Wisconsin Limited Liability Company, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to § 700.40(2)(b) of the Wisconsin Statutes

### WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, 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, The area of shore buffer that will be used for the proposed semi-trailer parking is composed of nonvegetated existing gravel. The topography of the graveled area is generally flat with a berm separating the proposed parking area and drainage way stream. , which Plan is on file in the office of the City of Franklin Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems, and

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

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

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

WHEREAS, U.S. BANK, mortgagee of the protected property ("Mortgagee"), consents to the grant of this conservation easement by Grantor to Grantee and Mortgagee's consent is attached hereto and identified as "Mortgage Holder Consent".

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

Grantee's rights hereunder shall consist solely of the following

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

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

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

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

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

To Grantor:  
STAR TRUCKING REAL ESTATE LLC  
11141 W FOREST HOME AVE  
FRANKLIN WI 53132

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

In witness whereof, the Grantor has set [his/her/their/its] hand[s] [and seal[s]] on this date of \_\_\_\_\_, 20\_\_.

[Grantor]

By.

\_\_\_\_\_  
[Name and if applicable, Title]

STATE OF WISCONSIN            )  
  ) ss  
\_\_\_\_\_ COUNTY            )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by \_\_\_\_\_ [Name] \_\_\_\_\_, as \_\_\_\_\_ [Title] \_\_\_\_\_ of \_\_\_\_\_ [Grantor] \_\_\_\_\_, a \_\_\_\_\_ [entity type, e g , Wisconsin Limited Liability Company] \_\_\_\_\_, to me known to be the person[s] who executed the foregoing conservation easement and acknowledged the same as the voluntary act and deed of said \_\_\_\_\_ [Grantor] \_\_\_\_\_.

\_\_\_\_\_  
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    )

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

\_\_\_\_\_  
Notary Public

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

This instrument was drafted by the City of Franklin.

Approved as to contents:

\_\_\_\_\_  
Régulo Martínez-Montilva  
Associate Planner  
Department of City Development

\_\_\_\_\_  
Date

Approved as to form only:

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

\_\_\_\_\_  
Date

## MORTGAGE HOLDER CONSENT

The undersigned, US BANK, a Wisconsin banking corporation ("Mortgagee"), as Mortgagee under that certain Mortgage encumbering the protected 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 officer[s], and its corporate seal to be hereunto affixed, as of the day and year first above written.

US BANK  
a Wisconsin Banking Corporation

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

Name \_\_\_\_\_

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

STATE OF WISCONSIN        )  
  )ss  
COUNTY OF MILWAUKEE    )

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_ [Name]\_\_\_\_\_, as \_\_\_\_\_ [Title]\_\_\_\_\_ 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



APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 11/19/19
REPORTS & RECOMMENDATIONS	STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL UPON THE APPLICATION OF WILLIAM BODNER, MANAGING MEMBER OF BODNER PROPERTY MANAGEMENT, LLC, APPLICANT, FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE	ITEM NUMBER <i>G. 5.</i>

At their meeting on October 23, 2019, the Environmental Commission recommended approval of the subject Special Exception to certain natural resource provisions of the Unified Development Ordinance with conditions as presented at their meeting and as set forth in the attached final draft City of Franklin Environmental Commission document dated November 4, 2019.

At the regular meeting of the Plan Commission on November 7, 2019, following a properly noticed public hearing, the following action was approved: motion to recommend approval of the Bodner Property Management, LLC Natural Resource Features Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission and Common Council consideration of the Environmental Commission recommendations, mitigation of six (6) trees is required to be placed on street adjacent to the proposed development, species at the discretion of the City Forester.

The Plan Commission's recommendation has been reflected in the Decision section of the attached draft Standards, Findings, and Decision document.

#### COUNCIL ACTION REQUESTED

Adopt the standards, findings and decision of the City of Franklin Common Council upon the application of William Bodner, Managing Member of Bodner Property Management, LLC, applicant, for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance.

Department of City Development: MX

## City of Franklin Environmental Commission

TO: Common Council  
DATE: October 23, 2019  
RE: Special Exception application review and recommendation  
APPLICATION: William Bodner, Managing Member, Bodner Property Management, LLC, Applicant, dated: May 24, 2019  
(generally South Scepter Drive and West Church Street)

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

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

*15-4.0103(B)(1) Woodlands and Forests- Natural Resource Mitigation*

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

*For the proposed Knollwood Legacy Apartment development, a Natural Resource Special Exception is being requested to allow the removal of Young Woodland above the allowed 50%. [The young woodlands] are listed as WD-1 and WD-2 in the report and are shown as 0.60 acres and 0.98 acres respectively in the report for a total of 1.58 acres. The developer is proposing to remove the invasive plant material in the Young Woodland areas identified to enhance the development and clear some areas for development. The clearing of invasive plant material in large areas would include the removal of some trees used to delineate the area as a Young Woodland and thus remove the Young Woodland.*

3. Applicant's reason for request:

*The Young Woodlands identified on the property are made up of predominantly Box Elder, Cottonwood, and Siberian Elm with underbrush of invasive buckthorn and honeysuckle*

*Section 240-8 of the City code (Cottonwood and Box Elder trees prohibited) would suggest that the owner of the property shall remove the existing Cottonwood and Box Elder trees. The WD-2 area identified has 43 of the 45*

*trees identified as either Cottonwood or Box Elder. If these trees are destroyed, the WD-2 area would not exist, so the developer asks that the WD-2 area of 0.98 acres be eliminated as Young Woodland and removed from the required preservation, or the exception is granted for this reason. The WD-1 area also contains 5 Box Elder trees, so the developer asks that those areas be eliminated as Young Woodland or the exception is granted for this reason.*

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

*The City requires that 50% of the Young Woodland for the development be preserved or mitigated. The actual area on the subject property for each delineated Young Woodland areas (some of the delineated area is in Right of Way and neighboring parcels) is WD-1 is 0.54 acres and WD-2 is 0.97 acres, and the area of overlap with wetland and wetland buffer is not counted as part of the required 50% preserved. Thus there is a total of 1.31 acres of Young Woodland to have 50% preserved, or a total of 0.66 acres required to be preserved. As stated above, the developer is willing to preserve 0.16 acres within the WD-1 area if so directed and enhance it with the removal of the invasive species at the ground level. If the WD-2 area that is predominantly Cottonwood and Boxelder is not considered in the required 50% preserved area of Young Woodland, then the area of WD-1 that would be used for that calculation is 0.34 total acres of Young Woodland requiring 0.17 acres to be preserved. As stated previously there is an area of 0.16 acres within the Conservation Easement that can be preserved and enhanced to meet this requirement*

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

1. Diversity of flora including State and/or Federal designated threatened and/or endangered species: *Not Applicable*
2. Storm and flood water storage: *Not Applicable. Proposed project will meet storm water requirements of the City and State.*
3. Hydrologic functions: *Not Applicable. The applicant has received and exemption from the WI Department of Natural Resources for an artificial wetland on the property which will be removed as part of construction. This project does not impact other wetlands or water features.*
4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances: *Not Applicable. The applicant has received and exemption from the WI Department of Natural Resources for an artificial*

*wetland on the property which will be removed as part of construction. This project does not impact other wetlands or water features*

5. Shoreline protection against erosion: *Not Applicable. This natural resource is not present*
6. Habitat for aquatic organisms: *Not Applicable. This natural resource is not present*
7. Habitat for wildlife: *Not Applicable*
8. Human use functional value: *Not Applicable. The project's footprint is condensed on the property with allowances for necessary items like storm water facilities.*
9. Groundwater recharge/discharge protection: *Not Applicable. The applicant has received and exemption from the WI Department of Natural Resources for an artificial wetland on the property which will be removed as part of construction. This project does not impact other wetlands or water features.*
10. Aesthetic appeal, recreation, education, and science value: *Not Applicable. The project's footprint is condensed on the property with allowances for necessary items like storm water facilities.*
11. State or Federal designated threatened or endangered species or species of special concern: *Not Applicable*
12. Existence within a Shoreland: *Not Applicable. This natural resource is not present*
13. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time: *Not Applicable. This natural resource is not present.*

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

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

*The developer requests the Special Exception to not have to preserve or mitigate the areas of Young Woodland lost due to the removal of invasive plant material due to City Code Section 240-8 that seems in conflict.*

*Additional to the code section above, the Young Woodland areas are identified in the report as having shrub layers of invasive species like common buckthorn and honeysuckle; again, these species are typically desired to be removed and thus the developer is asking for permission to remove these species. The Young Woodland report identifies as the other dominant tree species *Ulmus pumila* (Siberian Elm), which is not listed in Code Section 240-8, but the developer would ask for the City Forester's opinion on the value of that tree. If the City Forester or your Commission wants this tree species preserved, than the developer will not remove it as an alternate option. This species is found mostly in the area the developer is proposing a Conservation Easement, such that an area of 0.36 acres of Young Woodland WD-1 can be preserved, this includes 0.20 acres of wetland and wetland buffer. The developer would still like permission to remove other invasive species at the ground level to enhance this area even if the trees are asked to be saved.*

2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:
  - a. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives. ; or
  - b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives:

*The applicant has received an exemption from the WI Department of Natural Resources for an artificial wetland on the property which will be removed as part of construction. This project does not impact other wetlands or water features.*

3. The Special Exception, including any conditions imposed under this Section will:
  - a. be consistent with the existing character of the neighborhood: ; and

*The project's footprint is condensed on the property with allowances for necessary items like storm water facilities, we don't feel it can be made smaller to allow for more saving of the Young Woodland.*

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

*Section 240-8 of the City code (Cottonwood and Box Elder trees prohibited) would suggest that the owner of the property shall remove the existing Cottonwood and Box Elder trees. The WD-2 area identified has 43 of the 45 trees identified as either Cottonwood or Box Elder. If these trees are destroyed, the WD-2 area would not exist, so the developer asks that the WD-2 area of 0.98 acres be eliminated as Young Woodland and removed from the required preservation, or the exception is granted for this reason. The WD-1 area also contains 5 Box Elder trees, so the developer asks that those areas be eliminated as Young Woodland or the exception is granted for this reason.*

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

*The developer is proposing to remove the invasive plant material in the Young Woodland areas identified to enhance the development and clear some areas for development. The clearing of invasive plant material in large areas would include the removal of some trees used to delineate the area as a Young Woodland and thus remove the Young Woodland.*

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

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

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

*The proposed development is an apartment community consisting of (5) 8-unit buildings for a total of 40 units. It is new construction.*

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

*The Young Woodlands identified on the property are made up of predominantly Box Elder, Cottonwood, and Siberian Elm with underbrush of invasive buckthorn and honeysuckle.*

*The developer is proposing to remove the invasive plant material in the Young Woodland areas identified to enhance the development and clear some areas for*

*development. The clearing of invasive plant material in large areas would include the removal of some trees used to delineate the area as a Young Woodland and thus remove the Young Woodland.*

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

4. Aesthetics: *Not applicable The project's footprint is condensed on the property with allowances for necessary items like storm water facilities.*

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

*The Young Woodlands identified on the property are made up of predominantly Box Elder, Cottonwood, and Siberian Elm with underbrush of invasive buckthorn and honeysuckle*

6. Proximity to and character of surrounding property: *Commercial to the north and east, single-family to the south, multi-family to the west.*

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

*The property is R-3 Suburban/Estate Single Family Residence District. Neighboring properties are R-3 to the south, R-8 Multiple-Family Residence District to the west, CC Civic Center to the east, and B-1 Neighborhood Business District to the north.*

8. Any negative affect upon adjoining property: *none*

9. Natural features of the property: *For the proposed Knollwood Legacy Apartment development, a Natural Resource Special Exception is being requested to allow the removal of Young Woodland above the allowed 50%. [The young woodlands] are listed as WD-1 and WD-2 in the report and are shown as 0.60 acres and 0.98 acres respectively in the report for a total of 1.58 acres. The developer is proposing to remove the invasive plant material in the Young Woodland areas identified to enhance the development and clear some areas for development. The clearing of invasive plant material in large areas would include the removal of some trees used to delineate the area as a Young Woodland and thus remove the Young Woodland*

10. Environmental impacts: *There is 1.31 acres of Young Woodland that is outside the wetland and wetland buffer areas on the property, this requires 0.66 acres to be protected. The proposed development is willing to protect 0.16 acres of the Young Woodland which is adjacent to the Young Woodland that overlaps with the wetland and wetland setback if directed by the City. The request is to not preserve or mitigate the Young Woodlands.*


## V. Environmental Commission Recommendation:

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

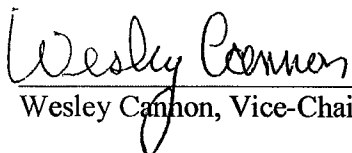
1. The recommendations set forth in Sections III. and IV. Above are incorporated herein.
2. The Environmental Commission recommends approval of the Application upon the aforesaid recommendations for the reasons set forth therein.
3. The Environmental Commissions recommends that should the Common Council approve the Application, that such approval be subject to the following conditions:
  - a. Mitigation of six (6) trees, species at the discretion of the City Forester, to be placed at Ernie Lake Park;
  - b. Creation of a conservation easement as defined on the Natural Resource Protection Plan;
  - c. Remove all noxious plant material from the two designated woodland areas, listed as WD-1 and WD-2;
  - d. Receipt of all other required permits and approvals.

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 23<sup>rd</sup> day of October, 2019.

Dated this 4<sup>th</sup> day of NOVEMBER 2019.

  
Arthur Skowron, Chairman

Attest:

  
Wesley Cannon, Vice-Chairman



2019-10-23

**Standards, Findings and Decision  
of the City of Franklin Common Council upon the Application of William Bodner,  
Managing Member of Bodner Property Management, LLC, applicant, for a Special  
Exception to Certain Natural Resource Provisions of the City of Franklin  
Unified Development Ordinance**

Whereas, William Bodner, Managing Member of Bodner Property Management, LLC, applicant, having filed an application dated May 24, 2019, for a Special Exception pursuant to Section 15-9.0110 of the City of Franklin Unified Development Ordinance pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature; a copy of said application being annexed hereto and incorporated herein as Exhibit A; and

Whereas, the application having been reviewed by the City of Franklin Environmental Commission and the Commission having made its recommendation upon the application, a copy of said recommendation dated October 23, 2019 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated November 7, 2019 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the property which is the subject of the application for a Special Exception is generally located at South Scepter Drive and West Church Street, zoned R-8 Multiple-Family Residence District, and such property is more particularly described upon Exhibit D annexed hereto and incorporated herein; and

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

Now, Therefore, the Common Council makes the following findings pursuant to Section 15-10.0208B.2.a., b. and c. of the Unified Development Ordinance upon

the application for a Special Exception dated May 24, 2019, by William Bodner, Managing Member of Bodner Property Management, LLC, applicant, pursuant to the City of Franklin Unified Development Ordinance, the proceedings heretofore had and the recitals and matters incorporated as set forth above, recognizing the applicant as having the burden of proof to present evidence sufficient to support the following findings and that such findings be made by not less than four members of the Common Council in order to grant such Special Exception.

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *but rather, The developer requests the Special Exception to not have to preserve or mitigate the areas of Young Woodland lost due to the removal of invasive plant material due to City Code Section 240-8 that seems in conflict.*

*Additional to the code section above, the Young Woodland areas are identified in the report as having shrub layers of invasive species like common buckthorn and honeysuckle; again, these species are typically desired to be removed and thus the developer is asking for permission to remove these species. The Young Woodland report identifies as the other dominant tree species *Ulmus pumila* (Siberian Elm), which is not listed in Code Section 240-8, but the developer would ask for the City Forester's opinion on the value of that tree. If the City Forester or your Commission wants this tree species preserved, than the developer will not remove it as an alternate option. This species is found mostly in the area the developer is proposing a Conservation Easement, such that an area of 0.36 acres of Young Woodland WD-1 can be preserved, this includes 0.20 acres of wetland and wetland buffer. The developer would still like permission to remove other invasive species at the ground level to enhance this area even if the trees are asked to be saved.*

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

- a. be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives; *or*
- b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives:

*The applicant has received an exemption from the WI Department of Natural Resources for an artificial wetland on the property which will be removed as part of construction. This project does not impact other wetlands or water features.*

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

- a. be consistent with the existing character of the neighborhood: *the proposed development with the grant of a Special Exception as requested will be consistent with the existing character of the neighborhood; the project's footprint is condensed on the property with allowances for necessary items like storm water facilities, we don't feel it can be made smaller to allow for more saving of the Young Woodland, and;*
- b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *Section 240-8 of the City code (Cottonwood and Box Elder trees prohibited) would suggest that the owner of the property shall remove the existing Cottonwood and Box Elder trees. The WD-2 area identified has 43 of the 45 trees identified as either Cottonwood or Box Elder. If these trees are destroyed, the WD-2 area would not exist, so the developer asks that the WD-2 area of 0.98 acres be eliminated as Young Woodland and removed from the required preservation, or the exception is granted for this reason. The WD-1 area also contains 5 Box Elder trees, so the developer asks that those areas be eliminated as Young Woodland or the exception is granted for this reason; and*
- c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *The developer is proposing to remove the invasive plant material in the Young Woodland areas identified to enhance the development and clear some areas for development. The clearing of invasive plant material in large areas would include the removal of some trees used to delineate the area as a Young Woodland and thus remove the Young Woodland; and*
- d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development: *(this finding only applying to an application to improve or enhance a natural resource feature).*

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

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: *The proposed development is an apartment community consisting of (5) 8-unit buildings for a total of 40 units. It is new construction.*
2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: *The Young Woodlands identified on the property are made up of predominantly Box Elder, Cottonwood, and Siberian Elm with underbrush of invasive buckthorn and honeysuckle.*

*The developer is proposing to remove the invasive plant material in the Young Woodland areas identified to enhance the development and clear some areas for development. The clearing of invasive plant material in large areas would include the removal of some trees used to delineate the area as a Young Woodland and thus remove the Young Woodland.*

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

4. Aesthetics: *The project's footprint is condensed on the property with allowances for necessary items like storm water facilities.*

5. Degree of noncompliance with the requirement allowed by the Special Exception: *The Young Woodlands identified on the property are made up of predominantly Box Elder, Cottonwood, and Siberian Elm with underbrush of invasive buckthorn and honeysuckle.*

6. Proximity to and character of surrounding property: *Commercial to the north and east, single-family to the south, multi-family to the west.*

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

8. Any negative affect upon adjoining property: *No negative affect upon adjoining property is perceived.*

9. Natural features of the property: *For the proposed Knollwood Legacy Apartment development, a Natural Resource Special Exception is being requested to allow the removal of Young Woodland above the allowed 50%. [The young woodlands] are listed as WD-1 and WD-2 in the report and are shown as 0.60 acres and 0.98 acres respectively in the report for a total of 1.58 acres. The developer is proposing to remove the invasive plant material in the Young Woodland areas identified to enhance the development and clear some areas for development. The clearing of invasive plant material in large areas would include the removal of some trees used to delineate the area as a Young Woodland and thus remove the Young Woodland.*

10. Environmental impacts: *There is 1.31 acres of Young Woodland that is outside the wetland and wetland buffer areas on the property, this requires 0.66 acres to be protected. The proposed development is willing to protect 0.16 acres of the Young Woodland which is adjacent to the Young Woodland that overlaps with the wetland and wetland setback if directed by the City. The request is to not preserve or mitigate the Young Woodlands.*

11. A recommendation from the Environmental Commission as well as a review and recommendation prepared by an Environmental Commission-selected person

knowledgeable in natural systems: *The Environmental Commission recommendation and its reference to the report of November 4, 2019 is incorporated herein.*

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

### Decision

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

- 1) that the natural resource features and mitigation areas upon the properties to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any development within the areas for which the Special Exception is granted prior to the issuance of any Occupancy Permits;*
- 2) that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted;*
- 3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for William Bodner, Managing Member of Bodner Property Management, LLC, applicant, and all other applicable provisions of the Unified Development Ordinance;*
- 4) that prior to issuance of any Occupancy Permits the applicant provide mitigation of six (6) trees, species at the discretion of the City Forester, to be placed to be placed on street adjacent to the proposed development and maintained for two years;*
- 5) that the applicant remove all noxious plant material from the two designated woodland areas, listed as WD-1 and WD-2 prior to the issuance any Occupancy Permit.*

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

Introduced at a regular meeting of the Common Council of the City of Franklin this 19th day of November 2019.

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

APPROVED:

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

ATTEST:

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

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



# CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of November 7, 2019

### Natural Resource Special Exception

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<b>Project Name:</b>	Knollwood Legacy Apartments - Natural Resource Special Exception (NRSE)
<b>Project Address:</b>	Scepter Drive and Church Street/ Tax Key 759-9999-008
<b>Applicant:</b>	William Bodner, Bodner Property Management LLC
<b>Property Owner:</b>	122nd Street Land Company, Michael J. Seeland, President
<b>Current Zoning:</b>	R-3 Suburban/Estate Single Family Residence District
<b>2025 Comprehensive Plan:</b>	Mixed Use
<b>Use of Surrounding Properties:</b>	Commercial to the north and east, single-family to the south, multi-family to the west
<b>Applicant's Action Requested:</b>	Recommendation to the Environmental Commission, Plan Commission, and Common Council for approval of the proposed Natural Resource Special Exception (NRSE)

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#### **INTRODUCTION:**

On May 24, 2019, the applicant, William Bodner of Bodner Property Management, LLC, submitted several applications related to the construction of a 40-unit multi-family residential apartment development upon property generally located on the east side of South Scepter Drive, just south of the intersection of West Church Street and South Lovers Lane Road (STH 100). Among these is a request for a Natural Resource Special Exception.

Pursuant to Section 15-10.0208 of the UDO, all requests for a Natural Resource Special Exception shall be provided to the Environmental Commission for its review and recommendation. The applicant is requesting approval to impact young woodlands on the subject land.

#### **PROJECT DESCRIPTION:**

The applicant is proposing to remove two areas of young woodlands totaling about 1.58 acres to allow for the grading and construction of a 40-unit multi-family residential development.

Two (2) wetland areas totaling approximately 0.44 acres were delineated and mapped by an assured delineator. Wetland 1 (W-1) is a 0.33-acre wet meadow within the northeastern portion of the Study Area. The applicant has provided a letter dated January 24, 2019 from the Wisconsin Department of Natural Resources indicating that the wetland is artificial and exempt from State wetland regulations. The applicant is not requesting an exception for W-2, located in the southwest corner of the property. This wetland will be protected by a conservation easement.

The applicant has provided the attached Natural Resource Special Exemption Application including Project Description, Natural Resource Special Exception Question and Answer Form, Natural Resource Protection Plan (NRPP) map and associated information. Staff would note:

- The applicant has agreed to mitigation of six (6) trees, species at the discretion of the City Forester, to be placed at Ernie Lake Park;
- The applicant has agreed to create a conservation easement to protect the remaining wetland.
- The wetland delineation was prepared by an Assured Delineator.
- Young woodland are defined by ordinance § 15-11.0103 as “an area or stand of trees whose total combined canopy covers an area of 0.50 acre or more and at least 50% of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three inches.” Tree species are not considered in the determination of whether a stand of trees meets the definition of young woodland.

#### **ENVIRONMENTAL COMMISSION:**

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

The Environmental Commission, at its October 23, 2019 meeting, has recommended approval of the NRSE as presented at their meeting, with conditions as set forth in Section V. of the City of Franklin Environmental Commission Special Exception application review and recommendation memo.

#### **CONCLUSION:**

Staff concurs with the Environmental Commission recommendations, which are contained in the decisions section of the attached draft Standards, Findings and Decision of the City of Franklin document.



***Draft 11/7/19***

**Standards, Findings and Decision  
of the City of Franklin Common Council upon the Application of William Bodner,  
Managing Member of Bodner Property Management, LLC, applicant, for a Special  
Exception to Certain Natural Resource Provisions of the City of Franklin  
Unified Development Ordinance**

Whereas, William Bodner, Managing Member of Bodner Property Management, LLC, applicant, having filed an application dated May 24, 2019, for a Special Exception pursuant to Section 15-9.0110 of the City of Franklin Unified Development Ordinance pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature; a copy of said application being annexed hereto and incorporated herein as Exhibit A; and

Whereas, the application having been reviewed by the City of Franklin Environmental Commission and the Commission having made its recommendation upon the application, a copy of said recommendation dated October 23, 2019 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated November 7, 2019 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the property which is the subject of the application for a Special Exception is generally located at South Scepter Drive and West Church Street, zoned R-8 Multiple-Family Residence District, and such property is more particularly described upon Exhibit D annexed hereto and incorporated herein; and

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

Now, Therefore, the Common Council makes the following findings pursuant to Section 15-10.0208B.2.a., b. and c. of the Unified Development Ordinance upon

the application for a Special Exception dated May 24, 2019, by William Bodner, Managing Member of Bodner Property Management, LLC, applicant, pursuant to the City of Franklin Unified Development Ordinance, the proceedings heretofore had and the recitals and matters incorporated as set forth above, recognizing the applicant as having the burden of proof to present evidence sufficient to support the following findings and that such findings be made by not less than four members of the Common Council in order to grant such Special Exception.

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

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

a. be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives: \_\_\_\_\_; *or*

b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives: \_\_\_\_\_.

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

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

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: \_\_\_\_\_; *and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: \_\_\_\_\_; *and*

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

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

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

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: \_\_\_\_\_.
3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: \_\_\_\_\_.
4. Aesthetics: \_\_\_\_\_.
5. Degree of noncompliance with the requirement allowed by the Special Exception: \_\_\_\_\_.
6. Proximity to and character of surrounding property: \_\_\_\_\_.
7. Zoning of the area in which property is located and neighboring area: *Residential*.
8. Any negative affect upon adjoining property: *No negative affect upon adjoining property is perceived.*
9. Natural features of the property: \_\_\_\_\_.
10. Environmental impacts: \_\_\_\_\_.
11. A recommendation from the Environmental Commission as well as a review and recommendation prepared by an Environmental Commission-selected person knowledgeable in natural systems: *The Environmental Commission recommendation and its reference to the report of \_\_\_\_\_ is incorporated herein.*
12. The practicable alternatives analysis required by Section 15-9.0110C.4. of the Unified Development Ordinance and the overall impact of the entire proposed use or structure, performance standards and analysis with regard to the impacts of the proposal, proposed design solutions for any concerns under the Ordinance, executory actions which would maintain the general intent of the Ordinance in question, and other factors relating to the purpose and intent of the Ordinance section imposing the requirement: *The Plan Commission recommendation and the Environmental Commission recommendation address these factors and are incorporated herein.*

### Decision

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

- 1) that the natural resource features and mitigation areas upon the properties to be developed be protected by a perpetual conservation easement to be approved by the*

*Common Council prior to any development within the areas for which the Special Exception is granted prior to the issuance of any Occupancy Permits;*

*2) that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted;*

*3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for William Bodner, Managing Member of Bodner Property Management, LLC, applicant, and all other applicable provisions of the Unified Development Ordinance;*

*4) that prior to issuance of any Occupancy Permits the applicant provide mitigation of six (6) trees, species at the discretion of the City Forester, to be placed at Ernie Lake Park and maintained for two years;*

*5) that the applicant remove all noxious plant material from the two designated woodland areas, listed as WD-1 and WD-2 prior to the issuance any Occupancy Permit.*

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

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

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

APPROVED:

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

ATTEST:

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

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

**City of Franklin Environmental Commission**

TO: Common Council  
DATE: October 23, 2019  
RE: Special Exception application review and recommendation  
APPLICATION: William Bodner, Managing Member, Bodner Property Management, LLC, Applicant, dated: May 24, 2019  
(generally South Scepter Drive and West Church Street)

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

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

*15-4.0103(B)(1) Woodlands and Forests- Natural Resource Mitigation*

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

*For the proposed Knollwood Legacy Apartment development, a Natural Resource Special Exception is being requested to allow the removal of Young Woodland above the allowed 50%. [The young woodlands] are listed as WD-1 and WD-2 in the report and are shown as 0.60 acres and 0.98 acres respectively in the report for a total of 1.58 acres. The developer is proposing to remove the invasive plant material in the Young Woodland areas identified to enhance the development and clear some areas for development. The clearing of invasive plant material in large areas would include the removal of some trees used to delineate the area as a Young Woodland and thus remove the Young Woodland.*

3. Applicant's reason for request:

*The Young Woodlands identified on the property are made up of predominantly Box Elder, Cottonwood, and Siberian Elm with underbrush of invasive buckthorn and honeysuckle.*

*Section 240-8 of the City code (Cottonwood and Box Elder trees prohibited) would suggest that the owner of the property shall remove the existing Cottonwood and Box Elder trees. The WD-2 area identified has 43 of the 45*

*trees identified as either Cottonwood or Box Elder. If these trees are destroyed, the WD-2 area would not exist, so the developer asks that the WD-2 area of 0.98 acres be eliminated as Young Woodland and removed from the required preservation, or the exception is granted for this reason. The WD-1 area also contains 5 Box Elder trees, so the developer asks that those areas be eliminated as Young Woodland or the exception is granted for this reason.*

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

*The City requires that 50% of the Young Woodland for the development be preserved or mitigated. The actual area on the subject property for each delineated Young Woodland areas (some of the delineated area is in Right of Way and neighboring parcels) is WD-1 is 0.54 acres and WD-2 is 0.97 acres, and the area of overlap with wetland and wetland buffer is not counted as part of the required 50% preserved. Thus there is a total of 1.31 acres of Young Woodland to have 50% preserved, or a total of 0.66 acres required to be preserved. As stated above, the developer is willing to preserve 0.16 acres within the WD-1 area if so directed and enhance it with the removal of the invasive species at the ground level. If the WD-2 area that is predominantly Cottonwood and Boxelder is not considered in the required 50% preserved area of Young Woodland, then the area of WD-1 that would be used for that calculation is 0.34 total acres of Young Woodland requiring 0.17 acres to be preserved. As stated previously there is an area of 0.16 acres within the Conservation Easement that can be preserved and enhanced to meet this requirement.*

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

1. Diversity of flora including State and/or Federal designated threatened and/or endangered species: *Not Applicable*
2. Storm and flood water storage: *Not Applicable. Proposed project will meet storm water requirements of the City and State.*
3. Hydrologic functions: *Not Applicable. The applicant has received and exemption from the WI Department of Natural Resources for an artificial wetland on the property which will be removed as part of construction. This project does not impact other wetlands or water features.*
4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances: *Not Applicable. The applicant has received and exemption from the WI Department of Natural Resources for an artificial*

*wetland on the property which will be removed as part of construction. This project does not impact other wetlands or water features.*

5. Shoreline protection against erosion: *Not Applicable. This natural resource is not present.*
6. Habitat for aquatic organisms: *Not Applicable. This natural resource is not present.*
7. Habitat for wildlife: *Not Applicable*
8. Human use functional value: *Not Applicable. The project's footprint is condensed on the property with allowances for necessary items like storm water facilities.*
9. Groundwater recharge/discharge protection: *Not Applicable. The applicant has received and exemption from the WI Department of Natural Resources for an artificial wetland on the property which will be removed as part of construction. This project does not impact other wetlands or water features.*
10. Aesthetic appeal, recreation, education, and science value: *Not Applicable. The project's footprint is condensed on the property with allowances for necessary items like storm water facilities.*
11. State or Federal designated threatened or endangered species or species of special concern: *Not Applicable*
12. Existence within a Shoreland: *Not Applicable. This natural resource is not present.*
13. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time: *Not Applicable. This natural resource is not present.*

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

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

*The developer requests the Special Exception to not have to preserve or mitigate the areas of Young Woodland lost due to the removal of invasive plant material due to City Code Section 240-8 that seems in conflict.*

*Additional to the code section above, the Young Woodland areas are identified in the report as having shrub layers of invasive species like common buckthorn and honeysuckle; again, these species are typically desired to be removed and thus the developer is asking for permission to remove these species. The Young Woodland report identifies as the other dominant tree species *Ulmus pumila* (Siberian Elm), which is not listed in Code Section 240-8, but the developer would ask for the City Forester's opinion on the value of that tree. If the City Forester or your Commission wants this tree species preserved, than the developer will not remove it as an alternate option. This species is found mostly in the area the developer is proposing a Conservation Easement, such that an area of 0.36 acres of Young Woodland WD-1 can be preserved, this includes 0.20 acres of wetland and wetland buffer. The developer would still like permission to remove other invasive species at the ground level to enhance this area even if the trees are asked to be saved.*

2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:
  - a. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives: ; or
  - b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives:

*The applicant has received an exemption from the WI Department of Natural Resources for an artificial wetland on the property which will be removed as part of construction. This project does not impact other wetlands or water features.*

3. The Special Exception, including any conditions imposed under this Section will:
  - a. be consistent with the existing character of the neighborhood: ; and

*The project's footprint is condensed on the property with allowances for necessary items like storm water facilities, we don't feel it can be made smaller to allow for more saving of the Young Woodland.*

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



*Section 240-8 of the City code (Cottonwood and Box Elder trees prohibited) would suggest that the owner of the property shall remove the existing Cottonwood and Box Elder trees. The WD-2 area identified has 43 of the 45 trees identified as either Cottonwood or Box Elder. If these trees are destroyed, the WD-2 area would not exist, so the developer asks that the WD-2 area of 0.98 acres be eliminated as Young Woodland and removed from the required preservation, or the exception is granted for this reason. The WD-1 area also contains 5 Box Elder trees, so the developer asks that those areas be eliminated as Young Woodland or the exception is granted for this reason.*

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

*The developer is proposing to remove the invasive plant material in the Young Woodland areas identified to enhance the development and clear some areas for development. The clearing of invasive plant material in large areas would include the removal of some trees used to delineate the area as a Young Woodland and thus remove the Young Woodland.*

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

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

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

*The proposed development is an apartment community consisting of (5) 8-unit buildings for a total of 40 units. It is new construction.*

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

*The Young Woodlands identified on the property are made up of predominantly Box Elder, Cottonwood, and Siberian Elm with underbrush of invasive buckthorn and honeysuckle.*

*The developer is proposing to remove the invasive plant material in the Young Woodland areas identified to enhance the development and clear some areas for*

*development. The clearing of invasive plant material in large areas would include the removal of some trees used to delineate the area as a Young Woodland and thus remove the Young Woodland.*

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

4. Aesthetics: *Not applicable. The project's footprint is condensed on the property with allowances for necessary items like storm water facilities.*

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

*The Young Woodlands identified on the property are made up of predominantly Box Elder, Cottonwood, and Siberian Elm with underbrush of invasive buckthorn and honeysuckle.*

6. Proximity to and character of surrounding property: *Commercial to the north and east, single-family to the south, multi-family to the west.*

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

*The property is R-3 Suburban/Estate Single Family Residence District. Neighboring properties are R-3 to the south, R-8 Multiple-Family Residence District to the west, CC Civic Center to the east, and B-1 Neighborhood Business District to the north.*

8. Any negative affect upon adjoining property: *none*

9. Natural features of the property: *For the proposed Knollwood Legacy Apartment development, a Natural Resource Special Exception is being requested to allow the removal of Young Woodland above the allowed 50%. [The young woodlands] are listed as WD-1 and WD-2 in the report and are shown as 0.60 acres and 0.98 acres respectively in the report for a total of 1.58 acres. The developer is proposing to remove the invasive plant material in the Young Woodland areas identified to enhance the development and clear some areas for development. The clearing of invasive plant material in large areas would include the removal of some trees used to delineate the area as a Young Woodland and thus remove the Young Woodland.*

10. Environmental impacts: *There is 1.31 acres of Young Woodland that is outside the wetland and wetland buffer areas on the property, this requires 0.66 acres to be protected. The proposed development is willing to protect 0.16 acres of the Young Woodland which is adjacent to the Young Woodland that overlaps with the wetland and wetland setback if directed by the City. The request is to not preserve or mitigate the Young Woodlands.*

## **V. Environmental Commission Recommendation:**

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

1. The recommendations set forth in Sections III. and IV. Above are incorporated herein.
2. The Environmental Commission recommends approval of the Application upon the aforesaid recommendations for the reasons set forth therein.
3. The Environmental Commissions recommends that should the Common Council approve the Application, that such approval be subject to the following conditions:
  - a. Mitigation of six (6) trees, species at the discretion of the City Forester, to be placed at Ernie Lake Park;
  - b. Creation of a conservation easement as defined on the Natural Resource Protection Plan;
  - c. Remove all noxious plant material from the two designated woodland areas, listed as WD-1 and WD-2;
  - d. Receipt of all other required permits and approvals.

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 23<sup>rd</sup> day of October, 2019.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2019.

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

Attest:

\_\_\_\_\_  
Wesley Cannon, Vice-Chairman



TKN: 795 9999 008



Planning Department  
(414) 425-4024

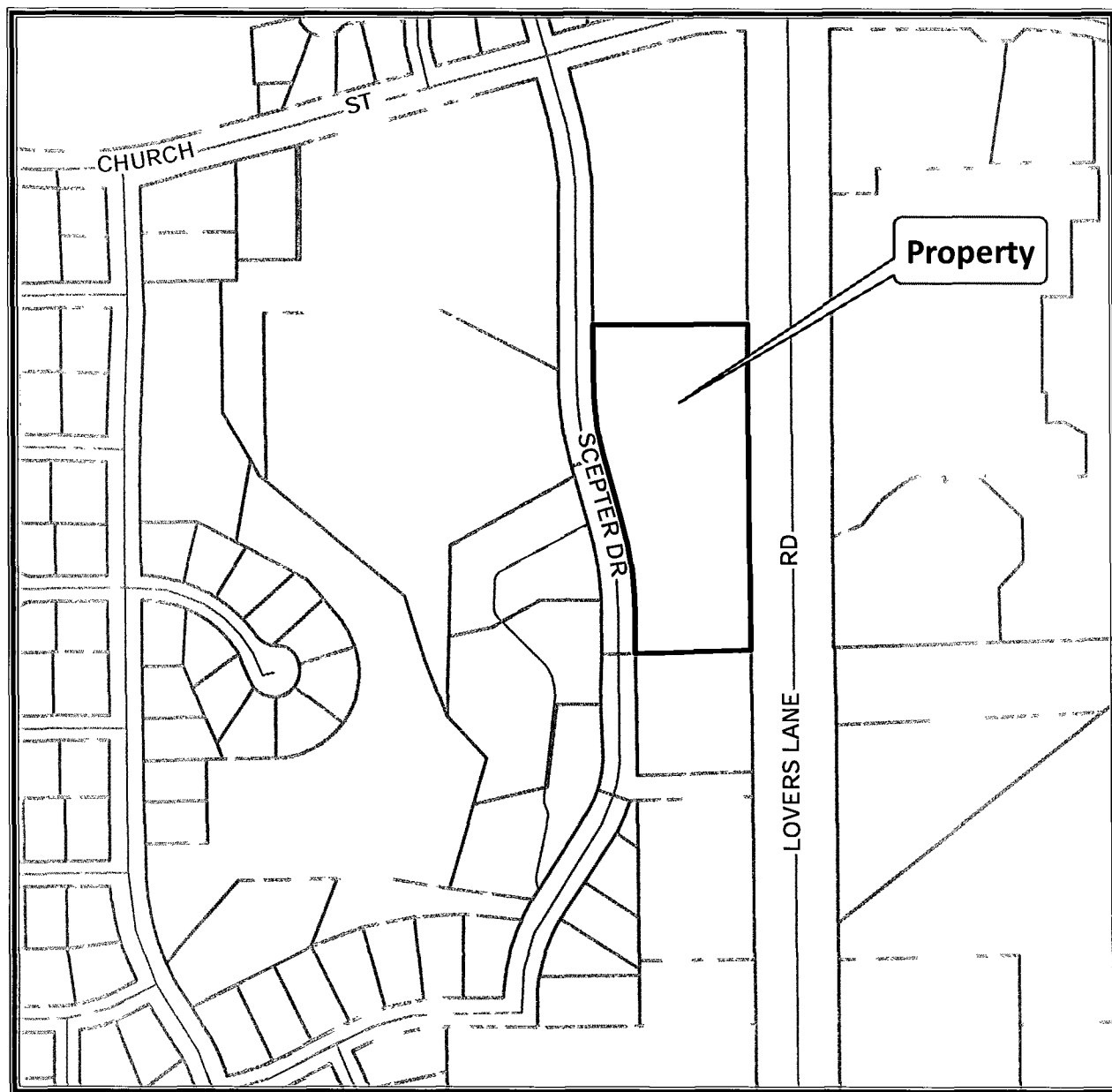
0 230 460 920 Feet



2017 Aerial Photo

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

TKN: 795 9999 008



Planning Department  
(414) 425-4024

0 230 460 920 Feet

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



2017 Aerial Photo

**BODNER PROPERTY MANAGEMENT, LLC**

**11514 N. PORT WASHINGTON ROAD**

**SUITE 1**

**MEQUON, WI 53092**

**(262) 241-9101**

**FAX 241-9087**

October 24, 2019

Marion Ecks  
Assistant Planner  
Department of City Development  
City of Franklin  
9229 W. Loomis Road  
Franklin, Wisconsin 53132

Dear Ms. Ecks:

Please be advised that we are in agreement with the recommendation received last night from the Environmental Commission for the KnollWood Legacy Apartment development.

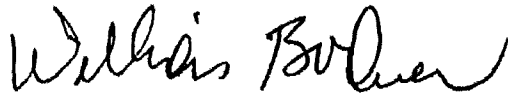
The wetland delineation report was prepared by Heartland Ecological Group, an assured delineator, and is therefore not included in this submittal package.

Upon your review, please contact me with any questions.

Thank you for your assistance.

Sincerely,

BODNER PROPERTY MANAGEMENT LLC

A handwritten signature in black ink, appearing to read "William A. Bodner".

William A. Bodner  
Managing Member

## Natural Resource Special Exception Question and Answer Form.

### Questions to be answered by the Applicant

Items on this application to be provided in writing by the Applicant shall include the following, as set forth by Section 15-9.0110C. of the UDO:

- A. Indication of the section(s) of the UDO for which a Special Exception is requested. \_\_\_\_\_  
15-4 0103(B)(1) Woodlands and Forests- Natural Resource Mitigation  
\_\_\_\_\_  
\_\_\_\_\_
- B. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate.  
There is 1.31 acres of Young Woodland that is outside the wetland and wetland buffer areas on the property, this requires 0.66 acres to be protected. The proposed development only protects 0.16 acres of the Young Woodland which is adjacent to the Young Woodland that overlaps with the wetland and wetland setback. The request is to not mitigate the remaining 0.50 acres required.  
\_\_\_\_\_
- C. Statement of the reason(s) for the request.  
The Young Woodlands identified on the property are made up of predominantly Box Elder, Siberian Elm, and Cottonwood, with under brush of invasive buckthorn and honeysuckle. These plant species are undesirable and can't be purchased to replant for mitigation as required by the UDO 15-4 0103(B)(1)(c).  
\_\_\_\_\_
- D. Statement of the reasons why the particular request is an appropriate case for a Special Exception, together with any proposed conditions or safeguards, and the reasons why the proposed Special Exception is in harmony with the general purpose and intent of the Ordinance. In addition, the statement shall address any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, including a practicable alternative analysis as follows: See Attached cover letter.

#### 1) Background and Purpose of the Project.

- (a) Describe the project and its purpose in detail. Include any pertinent construction plans.  
The proposed development is an apartment community consisting of (5) 8-unit buildings for a total of 40 units  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- (b) State whether the project is an expansion of an existing work or new construction.  
New construction  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

None of these areas are being disturbed

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**2) Possible Alternatives.**

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

The proposed project does not affect any of these items

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

The proposed project does not affect any of these items

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- (c) State how the project may be made smaller while still meeting the project's needs.

The project's footprint is condensed on the property with allowances for necessary items like storm water facilities, we don't feel it can made smaller to allow for more saving of the Young Woodland

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- (d) State what geographic areas were searched for alternative sites.

None

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

The proposed project does not affect any of these items

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- (f) State what will occur if the project does not proceed.

Loss of development opportunity on the parcel

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**3) Comparison of Alternatives.**

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

Not applicable due to not affecting the areas identified in sub 2

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- (b) State any logistical reasons limiting any of the possible alternatives set forth under sub. 2., above.

Not applicable due to not affecting the areas identified in sub 2

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- (c) State any technological reasons limiting any of the possible alternatives set forth under sub. 2., above.

Not applicable due to not affecting the areas identified in sub 2

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

Not applicable due to not affecting the areas identified in sub 2

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**4) Choice of Project Plan.**

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

Not applicable due to not affecting the areas identified in sub 2

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**5) Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description.**

Describe in detail the stream or other navigable water shore buffer, wetland, wetland buffer, and/or wetland setback at the site which will be affected, including the topography, plants, wildlife, hydrology, soils and any other salient information pertaining to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

The proposed project does not affect any of these items

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**6) Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts.**

- |   |  |                                     |
|---|--|-------------------------------------|
| a) Diversity of flora including State and/or Federal designated threatened and/or endangered species.   | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| b) Storm and flood water storage.   | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| c) Hydrologic functions.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| d) Water quality protection including filtration and storage of sediments, nutrients or toxic substances.   | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| e) Shoreline protection against erosion.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| f) Habitat for aquatic organisms.   | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| g) Habitat for wildlife.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| h) Human use functional value.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| i) Groundwater recharge/discharge protection.   | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| j) Aesthetic appeal, recreation, education, and science value.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| k) Specify any State or Federal designated threatened or endangered species or species of special concern.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| l) Existence within a Shoreland.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |
| m) Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time. | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable |

Describe in detail any impacts to the above functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback:

The proposed project does not affect any of these items

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7) **Water Quality Protection.**

Describe how the project protects the public interest in the waters of the State of Wisconsin.

Proposed project will meet storm water requirements of the City and State

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## **Natural Resource Protection Plan**

### **Unified Development Ordinance (UDO) Requirements**

27. Please provide the following information on the Natural Resource Protection Plan per Section 15-7.0201 of the Unified Development Ordinance.
- a. Easements and Neighboring Property Boundaries. The location and dimensions of all permanent easements on the subject property boundary lines and adjacent to the site. - - Pleas show the Conservation Easement boundary around the remaining Young Woodland, wetland, wetland buffer, and wetland setback. See revised Plan
  - b. Method of Natural Resource Preservation. Graphic illustration and notes relating to how those natural resource features, which are to be preserved, will actually be preserved in perpetuity (conservation easements, deed restrictions, protective covenants, etc.). - - Again, a Conservation Easement is recommended. The City's template is attached for your review. See revised Plan. We agree to enter into a Conservation Easement once it can be properly prepared.
  - c. Site intensity Calculations. Please provide complete site intensity calculations on the Natural Resource Protection Plan, using the procedure in Section 15-3.0504 of the Unified Development Ordinance. See revised Plan

### **Additional City Development Department Comments**

28. The Wetland Setback is listed twice on the NRPP Map. It appears one is meant to be 'Impacted' Wetland Setback. Please revise accordingly. See revised Plan
29. A NRPP Map dated May 16, 2019 indicates the total acreage of young woodlands onsite as 1.58 acres. The more recent NRPP Map, dated May 22, 2019, indicates the total acreage as 1.38 acres. As these plans are so closely dated, please confirm that 1.38 acres is correct. See revised Plan. The proper amount is 1 31
30. Include the total Acres of Land Impacted on the NRPP Map. See revised Plan
31. If areas of young woodland or other natural resources such as wetlands overlap, show or note the area of overlap on the map. See revised Plan

## **Natural Resource Special Exception**

### **Additional City Development Department Comments**

32. It is recommended that the attached NRSE Question and Answer Form be completed and submitted as part of this request. This form assists in demonstrating that the findings under Section 15-10.0208B.2. are met. Please provide complete responses to:
- a. Question and Answer Section, Item D: Statement of Appropriateness
  - b. Section 2, Possible Alternatives: Items A through F.
  - c. Section 3, Comparison of Alternatives: Items A through D.
  - d. Section 4, Choice of Project Plan
  - e. Section 5, Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description.

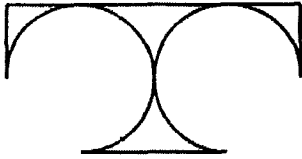
- f. Section 6, Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts: Items A through M and narrative section.

If items are not applicable, please describe why. We believe we have updated the form to answer all sections

33. Please provide maps of young woodlands to be protected. If areas of young woodland or other natural resources such as wetlands overlap, show the area of overlap on the map.

See revised Plan

34. It is recommended that mitigation be provided for the impacts to the young woodlands. See Section 15-4.0103B. of the UDO for recommended mitigation standards. We request this be waived. The quality of the Young Woodlands is poor and made up of mostly invasive plant material. As the UDO requires you to mitigate with the same plant material that is removed, it becomes difficult as you can't buy the plants that are growing here due to no one would plant them
-



## TDI ASSOCIATES, INC.

ARCHITECTS & PLANNERS

EMPLOYEE OWNED

N8 W22350 JOHNSON DR., SUITE B-4, WAUKESHA, WI 53186

PHONE 262/409-2530

FAX 262/409-2531

September 11, 2019

City of Franklin -Environmental Commission

Subject: Knollwood Legacy Apartments NRSF request

Dear Commission

**Franklin**

**OCT 28 2019**

**City Development**

For the proposed Knollwood Legacy Apartment development, a Natural Resource Special Exception is being requested to allow the removal of Young Woodland above the allowed 50% Heartland Ecological Group did the Woodland Determination and Delineation and their report dated April 19, 2019 was submitted to the City as part of the request. The Woodland Determination and Delineation report identified two areas of Young Woodland on the property. They are listed as WD-1 and WD-2 in the report and are shown as 0.60 acres and 0.98 acres respectively in the report for a total of 1.58 acres. The developer is proposing to remove the invasive plant material in the Young Woodland areas identified to enhance the development and clear some areas for development. The clearing of invasive plant material in large areas would include the removal of some trees used to delineate the area as a Young Woodland and thus remove the Young Woodland.

The developer requests the Special Exception to not have to preserve or mitigate the areas of Young Woodland lost due to the removal of invasive plant material due to City Code Section 240-8 that seems in conflict.

- 1) Section 240-8 of the City code (Cottonwood and Box Elder trees prohibited) would suggest that the owner of the property shall remove the existing Cottonwood and Box Elder trees. The WD-2 area identified has 43 of the 45 trees identified as either Cottonwood or Box Elder. If these trees are destroyed, the WD-2 area would not exist, so the developer asks that the WD-2 area of 0.98 acres be eliminated as Young Woodland and removed from the required preservation, or the exception is granted for this reason. The WD-1 area also contains 5 Box Elder trees, so the developer asks that those areas be eliminated as Young Woodland or the exception is granted for this reason.

Additional to the code section above, the Young Woodland areas are identified in the report as having shrub layers of invasive species like common buckthorn and honeysuckle; again, these species are typically desired to be removed and thus the developer is asking for permission to remove these species.

The Young Woodland report identifies as the other dominant tree species *Ulmus pumila* (Siberian Elm), which is not listed in Code Section 240-8, but the developer would ask for the City Forester's opinion on the value of that tree. If the City Forester or your Commission wants this tree species preserved, then the developer will not remove it as an alternate option. This species is found mostly in the area the developer is proposing a Conservation Easement, such that an area of 0.36 acres of Young Woodland WD-1 can be preserved, this includes 0.20 acres of wetland and wetland buffer. The developer would still like permission to remove other invasive species at the ground level to enhance this area even if the trees are asked to be saved.

The City requires that 50% of the Young Woodland for the development be preserved or mitigated. The actual area on the subject property for each delineated Young Woodland areas (some of the delineated area is in Right of Way and neighboring parcels) is WD-1 is 0.54 acres and WD-2 is 0.97 acres, and the

area of overlap with wetland and wetland buffer is not counted as part of the required 50% preserved. Thus there is a total of 1.31 acres of Young Woodland to have 50% preserved, or a total of 0.66 acres required to be preserved. As stated above, the developer is willing to preserve 0.16 acres within the WD-1 area if so directed and enhance it with the removal of the invasive species at the ground level. If the WD-2 area that is predominantly Cottonwood and Boxelder is not considered in the required 50% preserved area of Young Woodland, then the area of WD-1 that would be used for that calculation is 0.34 total acres of Young Woodland requiring 0.17 acres to be preserved. As stated previously there is an area of 0.16 acres within the Conservation Easement that can be preserved and enhanced to meet this requirement.

If there are any questions, I can be reached at 262-409-2530.

Sincerely,

Rob Williams, RLA  
Project Manager

# Heartland

## ECOLOGICAL GROUP INC

506 Springdale Street, Mount Horeb, WI 53572

April 19, 2019

Mr. William Bodner  
Bodner Property Management, LLC  
11514 North Port Washington Rd.  
Suite 1  
Mequon, WI, 53092

**RE: Woodland Determination and Delineation Summary – South Scepter Drive Site, City of Franklin, Milwaukee County, Wisconsin**

Dear Mr. Bodner:

Heartland Ecological Group, Inc. ("Heartland") completed woodland survey at the Project Site on April 17, 2019 at the request of Bodner Property Management, LLC. Fieldwork was completed by Eric C. Parker of Heartland Ecological Group, Inc. The 5.80-acre site (the "Study Area") is southwest of the intersection of State Trunk Highway (STH) 100 (Lovers Lane Road) and West Church Street, in the southwest ¼ of Section 8, T5N, R21E, City of Franklin, Milwaukee County, WI (Attachment 1, Figure 1). The purpose of the woodland delineation was to determine the location and extent of woodlands within the Study Area. Two (2) woodland areas were identified within the Study Area (Attachment 1, Figure 6).

### **Methods**

Woodlands were determined and delineated based on the City of Franklin's Unified Development Ordinance ("UDO") for inclusion in the natural resource protection plan (NRPP). The UDO defines Young and Mature Woodlands as follows:

#### MATURE WOODLAND

An area or stand of trees whose total combined canopy covers an area of one acre or more and at least 50% of which is composed of canopies of trees having a diameter at breast height (DBH) of at least 10 inches; or any grove consisting of eight or more individual trees having a DBH of at least 12 inches whose combined canopies cover at least 50% of the area encompassed by the grove. However, no trees planted and grown for commercial purposes should be considered a mature woodland.

#### YOUNG WOODLAND

An area or stand of trees whose total combined canopy covers an area of 0.50 acre or more and at least 50% of which is composed of canopies of trees having a DBH of at least three inches. However, no trees planted and grown for commercial purposes shall be considered a young woodland.

Determinations and delineations were completed in the field and utilized available resources including aerial imagery available through the U.S. Department of Agriculture (USDA) Farm

**Solutions for people, projects, and ecological resources.**





Service Agency's (FSA) National Agriculture Imagery Program (NAIP), Google Earth™, and Milwaukee County's interactive mapping.

The boundary of woodlands was determined based on the outer drip-line of the component trees within each defined woodland. Pink flagging was used to mark the woodland boundary (Attachment 2, Site Photos).

Individual healthy trees within UDO-defined young and mature woodlands that were equal to or greater than eight (8) inches DBH were identified. Identifications included species, DBH size, and location using a Global Positioning System (GPS) capable of sub-meter accuracy.

## Results

Two young woodlands, WD-1 and WD-2 were determined and delineated in the Study Area (Attachment 1, Figure 6). Table 1 below summarizes the woodlands. Photos of the woodlands are provided in Attachment 2. Individual tree sizes, species and coordinates that are equal to or greater than eight (8) inches DBH are provided in Attachment 3.

Table 1 Summary of Woodlands within the Study Area

Woodland Name	Young or Mature	Dominant Tree Species	Trees $\geq$ 8 inches DBH	Size (Acres)
WD-1	Young	<i>Ulmus pumila</i> , <i>Acer negundo</i>	27	0.60
WD-2	Young	<i>Acer negundo</i> , <i>Populus deltoides</i>	45	0.98

Woodland 1 (WD-1) is a 0.60-acre young woodland in the southern portion of the Study Area. Dominant tree species observed in WD-1 included Siberian elm (*Ulmus pumila*) and box elder (*Acer negundo*, FACW). Dominant associating shrubs were invasive and included common buckthorn (*Rhamnus cathartica*) and hybrid bush honeysuckle (*Lonicera x bella*).

Woodland 2 (WD-2) is a 0.98-acre young woodland in the northern half of the Study Area. Dominant tree species observed in WD-2 included box elder and cottonwood (*Populus deltoides*). Dominant associating shrubs were invasive and included common buckthorn and hybrid bush honeysuckle.

Two other potential areas of woodland were identified (Attachment 1, Figure 6) but were determined not to meet the definition of mature or young woodland based on the requirements of the UDO. Both areas were too small (less than 0.5 acre) and/or lacked the necessary number of mature trees greater than or equal to 12 inches DBH to be a mature woodland grove.

Heartland recommends that all applicable regulatory agency reviews and permits are obtained prior to beginning work within the Study Area. Heartland can assist with evaluating the need for additional environmental reviews, surveys, or regulatory agency coordination in consideration of the proposed activity and land use as requested but is outside of the scope of the woodland determination.

Experienced and qualified professionals completed the woodland determination using standard practices and professional judgment. Woodland determinations may be affected by the health of individual trees and other conditions present within the Study Area at the



Bodner Property Management, LLC  
South Scepter Drive  
Project #20180136  
April 19, 2019

time of the fieldwork. All final decisions on woodlands are made by the City of Franklin. Woodland determination reviews by the City may result in modifications to the findings presented to the Client. These modifications may result from varying conditions between the time the woodland determination was completed and the time of the review. Factors that may influence the findings may include but are not limited to tree health, growth, and size of individual trees.

Please feel free to contact me if you have any questions regarding this wetland determination.

Regards,

Eric C. Parker, Principal Scientist  
Heartland Ecological Group, Inc.  
[eric@heartlandecological.com](mailto:eric@heartlandecological.com)  
414.380.0269

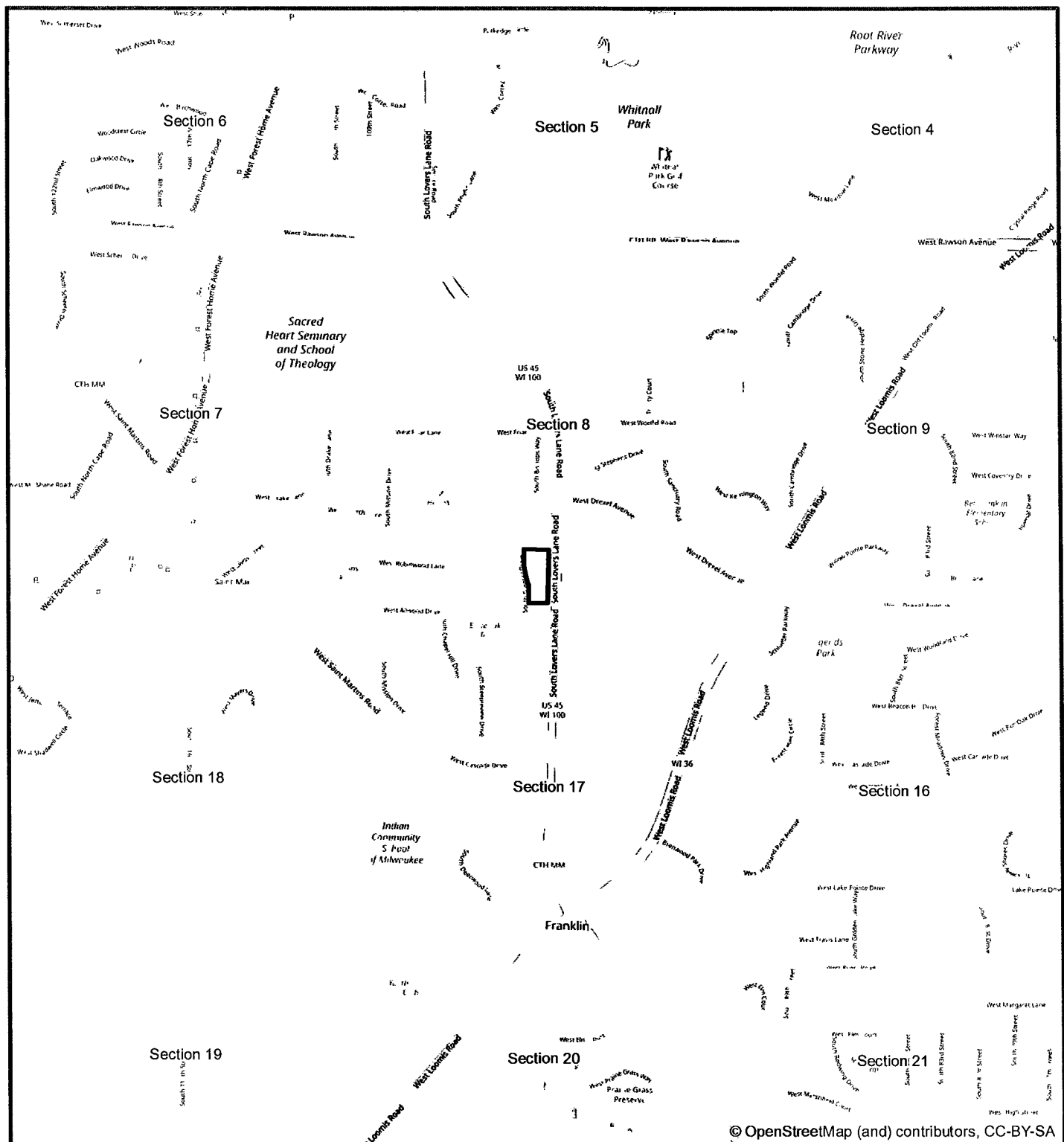
Attachments:

- 1 – Figures 1 and 6
- 2 – Tree Table
- 3 – Wetland Determination Data Sheets
- 4 – Site Photographs

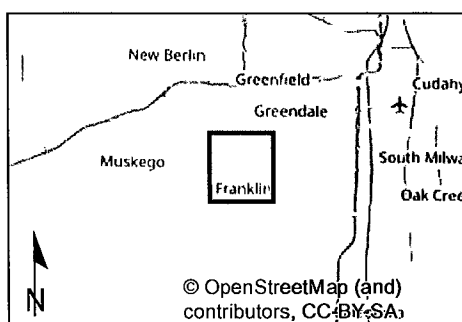


Bodner Property Management, LLC  
South Scepter Drive  
Project #20180136  
April 19, 2019

## Attachment 1 | Figures



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Study Area  
Township  
Section

0 1,000 2,000  
Ft

**Heartland**  
ECOLOGICAL GROUP INC

### Figure 1. Project Location

S Scepter Road Parcel  
Project #20180136  
T5N, R21E, S08  
C Franklin, Milwaukee Co, WI

OpenStreetMap  
Data HEG

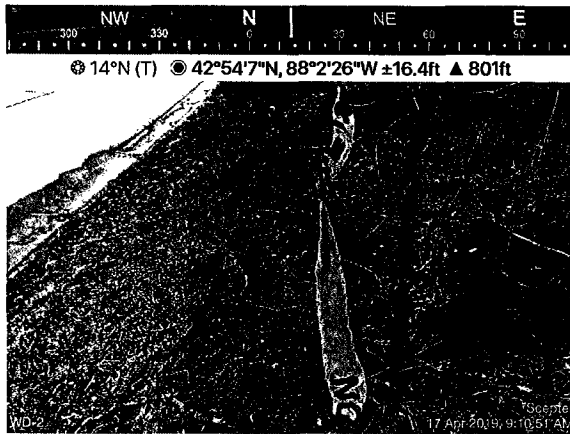
11/2/2018





Bodner Property Management, LLC  
South Scepter Drive  
Project #20180136  
April 19, 2019

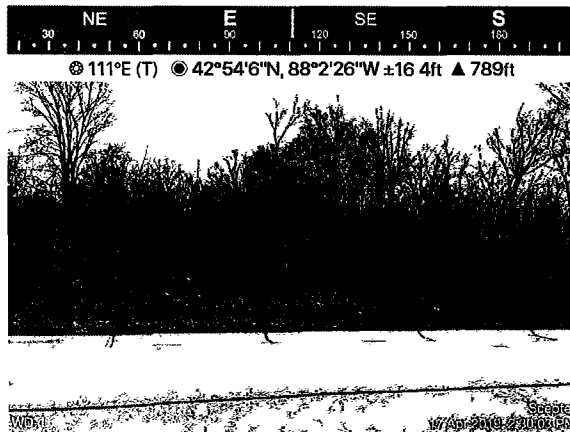
## Attachment 2 | Site Photographs



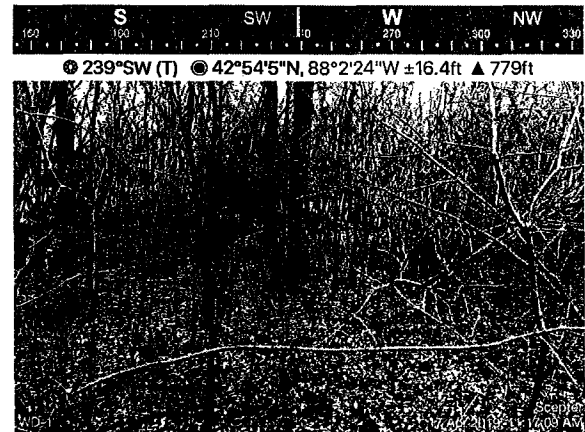
**Photo #1** Ribbon flagging used to mark the edges of woodland, typical.



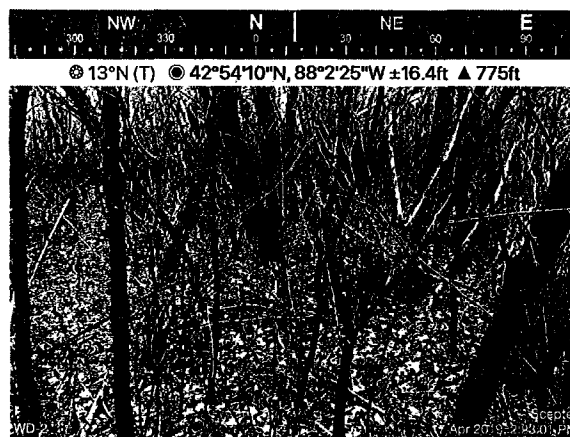
**Photo #2** Woodland WD-1, view northeast within woodland.



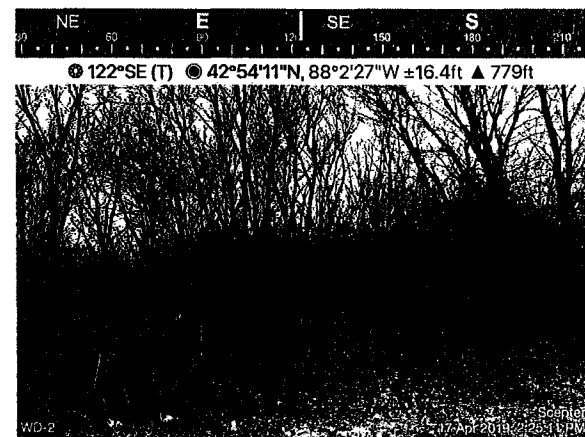
**Photo #3** Woodland WD-1, view east from exterior.



**Photo #4** Woodland WD-2, view southwest within woodland.



**Photo #5** Woodland WD-2, view north within woodland.



**Photo #6** Woodland WD-2, view southeast from exterior.



Bodner Property Management, LLC  
South Scepter Drive  
Project #20180136  
April 19, 2019

## Attachment 3 | Tree Survey Table



## South Scepter Drive Woodland/Tree Survey

Heartland Ecological Group 4/17/2019

OBJECTID	Tree Number	Tree Size(s) (Inches)	Stem #	Species	x_coordinates	y_coordinates
1	1-1	8in		Acer negundo (box elder)	-88 0226194406	42 5405582750
2	1-2	12in		Acer negundo (box elder)	-88 0226111453	42 5405614843
3	1-3	14in		Acer negundo (box elder)	-88 0225840518	42 5405651289
4	1-4	8in		Acer negundo (box elder)	-88 0225982676	42 5405856187
5	1-5	8in		Acer saccharinum (silver maple)	-88 0225839469	42 5406039705
6	1-6	11-8-9in	Triple stem	Ulmus pumila (Siberian elm)	-88 0225658444	42 5406556918
7	1-7	9in		Ulmus pumila (Siberian elm)	-88 0224724302	42 5406199955
8	1-8	9-12in	double stem	Ulmus pumila (Siberian elm)	-88 0223343000	42 5406650710
9	1-9	9in		Ulmus pumila (Siberian elm)	-88 0223174786	42.5406673033
10	1-10	8in		Ulmus pumila (Siberian elm)	-88 0223156922	42.5406545383
11	1-11	14in		Ulmus pumila (Siberian elm)	-88 0222790294	42.5406137564
12	1-12	9in		Ulmus pumila (Siberian elm)	-88 0223258228	42 5406085002
13	1-13	9in		Ulmus pumila (Siberian elm)	-88 0223256975	42 5405958148
14	1-14	16in		Ulmus pumila (Siberian elm)	-88 0223413644	42.5405795972
15	1-15	16in		Acer negundo (box elder)	-88 0223430324	42 5405675952
16	1-16	8in		Ulmus pumila (Siberian elm)	-88 0223728846	42 5405862475
17	1-17	12in		Ulmus pumila (Siberian elm)	-88 0224008808	42 5405860254
18	1-18	8in		Ulmus pumila (Siberian elm)	-88 0224178129	42 5405671067
19	1-19	16in		Ulmus pumila (Siberian elm)	-88 0224299142	42 5405748882
20	1-20	8-12in	double stem	Ulmus pumila (Siberian elm)	-88 0224372949	42 5405654520
21	1-21	8in		Ulmus pumila (Siberian elm)	-88 0224576355	42.5405876448
22	1-22	9-8in	double stem	Ulmus pumila (Siberian elm)	-88 0224692230	42 5405639404
23	1-23	8in		Ulmus pumila (Siberian elm)	-88 0225080087	42.5405746790
24	1-24	8in		Ulmus pumila (Siberian elm)	-88 0225133957	42 5405672572
25	1-25	10in		Ulmus pumila (Siberian elm)	-88 0225398135	42 5405595473
26	1-26	12in		Ulmus pumila (Siberian elm)	-88 0225426742	42 5405613960
27	1-27	14in		Ulmus pumila (Siberian elm)	-88 0225834707	42 5405582322
28	2-1	10in		Ulmus pumila (Siberian elm)	-88 0226772417	42 5409555594
29	2-2	9-10in	double stem	Acer negundo (box elder)	-88 0226541583	42 5409785118
30	2-3	10in		Ulmus pumila (Siberian elm)	-88 0226201998	42 5409937655
31	2-4	18in		Populus deltoides (cottonwood)	-88 0225657587	42 5409653304
32	2-5	11in		Acer negundo (box elder)	-88 0225857367	42 5410161416
33	2-6	10-12in	double stem	Acer negundo (box elder)	-88 0226189197	42 5410197431
34	2-7	27in		Populus deltoides (cottonwood)	-88 0226794141	42 5410289523
37	2-8	9in		Acer negundo (box elder)	-88 0227083660	42 5410728756
35	2-9	16in		Populus deltoides (cottonwood)	-88 0227036385	42 5410529575
36	2-10	12in		Populus deltoides (cottonwood)	-88 0227049213	42 5410546051
38	2-11	8in		Acer negundo (box elder)	-88 0227147417	42.5410632918
39	2-12	8in		Acer negundo (box elder)	-88 0227116699	42 5410698608
40	2-13	10in		Acer negundo (box elder)	-88 0226353357	42 5410653321
41	2-14	11in		Acer negundo (box elder)	-88 0226371747	42 5410637803
42	2-15	9in		Acer negundo (box elder)	-88 0226339941	42 5410877917
43	2-16	9in		Acer negundo (box elder)	-88 0226378086	42 5410825711
44	2-17	8in		Acer negundo (box elder)	-88 0226512917	42 5411042434
45	2-18	9in		Acer negundo (box elder)	-88 0226659776	42 5411180292
46	2-19	8in		Acer negundo (box elder)	-88 0226322024	42 5411238973
47	2-20	10in		Acer negundo (box elder)	-88 0225801719	42 5411494539
48	2-21	8in		Acer negundo (box elder)	-88 0225964601	42 5411608599
49	2-22	12in		Populus deltoides (cottonwood)	-88 0226937138	42 5412074111
50	2-23	15in		Populus deltoides (cottonwood)	-88 0226990451	42 5412106989
51	2-24	18in		Populus deltoides (cottonwood)	-88 0226572893	42 5412056321
52	2-25	10in		Acer negundo (box elder)	-88 0225517093	42 5411444171
53	2-26	9in		Acer negundo (box elder)	-88 0225455657	42 5411444322
54	2-27	8in		Acer negundo (box elder)	-88 0225618046	42 5411282602
55	2-28	13in		Populus deltoides (cottonwood)	-88 0225383475	42.5411674878
56	2-29	8in		Acer negundo (box elder)	-88 0224851985	42 5411764740
57	2-30	9-9in	double stem	Acer negundo (box elder)	-88 0224165580	42 5411581818
58	2-31	8in		Acer negundo (box elder)	-88 0223868204	42 5411478591
59	2-32	14in		Acer negundo (box elder)	-88 0223763860	42 5411487896
60	2-33	9in		Acer negundo (box elder)	-88 0224087425	42 5411311485
61	2-34	9in		Acer negundo (box elder)	-88 0224062428	42 5411456003
62	2-35	8in		Acer negundo (box elder)	-88 0224197221	42 5411461066
63	2-36	12in		Acer negundo (box elder)	-88 0224882259	42 5411533241
64	2-37	8-9-9in	Triple stem	Acer negundo (box elder)	-88 0224970576	42 5411481401
65	2-38	21in		Populus deltoides (cottonwood)	-88 0225541666	42 5411099217
66	2-39	9in		Acer negundo (box elder)	-88 0225689535	42 5410935510
67	2-40	9in		Acer negundo (box elder)	-88 0225795720	42 5410967044
68	2-41	12in		Acer negundo (box elder)	-88 0226030644	42 5410742367
69	2-42	8-8in	double stem	Acer saccharinum (silver maple)	-88 0225402085	42 5410750891
70	2-43	8-10-10-11in	quadruple stem	Acer negundo (box elder)	-88 0225043800	42 5410636567
71	2-44	8in		Acer negundo (box elder)	-88 0225739205	42 5410441601
72	2-45	11in		Acer negundo (box elder)	-88.0225983369	42.5410507356

## Chapter 240. Trees

### § 240-8. Cottonwood and Box Elder trees prohibited.

Each and every female tree of the species *Populus deltoides*, variety *Populus balsamifera* or other pistillate form of the genus *Populus*, commonly known as "Cottonwoods," every female tree of the species *Acer negundo*, commonly called the "seed-bearing Box Elder," which is now or may hereafter become infested with *Leptocoris trivittatus*, commonly known as the "Box Elder" bug, or any other tree or shrub whose seeds, fruits or flowers shall fall in such manner as to interfere with the storm drainage system is hereby declared to be a public nuisance, and any person having any such tree on his or her premises shall cause the same to be destroyed.

## Chapter 178. Nuisances

### § 178-3. Public nuisances affecting health

The following acts, omissions, places, conditions and things are hereby specifically declared to be public health nuisances, but such enumeration shall not be construed to exclude other health nuisances coming within the definition of § 178-2

- A Adulterated food All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public <sup>(1)</sup>

(1) *Editor's Note See also Ch 138, Food and Drink Establishments Camps and Campgrounds Swimming Pools, Hotels, and Vending Machines*

- B Unburied carcasses. Carcasses of animals, birds or fowl not intended for human consumption or food which are not buried or otherwise disposed of in a sanitary manner within 24 hours after death

- C Breeding places for vermin, etc Accumulations of decayed animals or vegetable matter, trash, rubbish rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed

- D Stagnant water All stagnant water, in which mosquitoes, flies or other insects can multiply

- E Privy vaults and garbage cans Privy vaults and garbage cans which are not flytight

- F. Noxious weeds

[Amended 6-22-1999 by Ord No 99-1560; 4-18-2000 by Ord No 2000-1598; 7-9-2002 by Ord No 2002-1720]

- (1) Purpose The purpose of this subsection is to promote the preservation, restoration and management of native plant communities and wildlife habitats within the City limits, while recognizing that landowners may have an interest in maintaining managed turf grass landscapes The use of wildflowers and native plants in managed landscape design is encouraged, is economical, reduces maintenance, conserves water and soil, reduces use of pesticides, herbicides, and fertilizers, sustains butterflies, birds, and other wildlife, and preserves rapidly disappearing species

- (2) Definitions. As used in this subsection, the following terms shall have the meanings indicated

#### DESTROY

The complete killing of weeds or the killing of weed plants above the surface of the ground by the use of chemicals, cutting, tillage, cropping system, pasturing livestock or any or all of these in effective combination, at a time and in a manner as will effectually prevent the weed plants from maturing to the bloom or flower stage

#### NOXIOUS WEEDS

Canada thistle, leafy spurge and field bindweed (creeping Jenny) and such other vegetative material as is set forth under this definition The growth of noninvasive native plants, including but not limited to ferns, grasses, forbs, aquatic plants, trees and shrubs

in a managed and maintained landscape is permitted under this Subsection F, provided such plants were not obtained, planted or maintained in violation of any federal, state or other local law and further provided that such landscape or vegetated area is not unmanaged in appearance or overgrown, when such growth indicates a condition of neglect that may adversely affect human health, safety or welfare or property values, the latter conditions of illegal or unmanaged growth constituting noxious weeds. All noxious weeds shall be kept cut to a height not to exceed 18 inches, and in platted subdivisions which have buildings on more than 50% of the lots, noxious weeds shall be kept cut to a height of not to exceed six inches. Noxious weeds also include: Bull thistle (*Cirsium vulgare*), Crown Vetch (*Coronilla varia*), Queen Anne's Lace (*Daucus carota*), Purple loosestrife (*Lythrum salicaria*), Garlic mustard (*Alliaria petiolata*), White sweetclover (*Melilotus alba*), Yellow sweetclover (*Melilotus officinalis*), Periwinkle (myrtle) (*Vinca minor*), Teasel (*Dipsacus sylvestris*), Common burdock (*Actium minus*) and Giant burdock (*Actium lappa*).

[Amended 9-24-2002 by Ord. No. 2002-1726]

## **PERSON**

Every individual, association, firm, corporation or entity of any kind whatsoever.

## **SUBNOXIOUS WEEDS**

Plants which have the potential to invade wild areas, out-compete native species and degrade habitats. Subnoxious weeds are prohibited within any landscape plan as may be required by the City of Franklin Unified Development Ordinance; however, the removal or destruction of existing subnoxious weeds by a landowner is encouraged, but not required. Subnoxious weeds include: Autumn olive (*Elaeagnus umbellata*), Barberry (*Berberis* spp.), Multiflora Rose (*Rosa multiflora*), Buckthorn Common buckthorn (*Rhamnus cathartica*), Glossy "Tall hedge" buckthorn (*Rhamnus frangula*), European alder (*Alnus glutinosa*), Privet (*Ligustrum vulgare*), ~~Siberian elm~~ (*Ulmus pumila*), Norway maple (*Acer platanoides*) and European honeysuckle (*Lonicera tartarica*, *L. japonica*, *L. maakii*, *L. morrowi*, *L. x-morrowi*, *L. x-bella* and their cultivars).

- (3) Destruction required. Every person shall destroy all noxious weeds on land which such person owns, occupies or controls.
- (4) Enforcement.
  - (a) Weed Commissioner appointment. Annually on or before May 15, the Mayor shall appoint a Weed Commissioner for each aldermanic district. If an Alderperson wishes to be the Weed Commissioner for that district, the Mayor shall appoint the Alderperson.
  - (b) Weed Commissioner's duties. The Mayor delegates to the City Clerk the responsibility to annually publish on or before May 15 a Class 2 notice under Ch. 985, Wis. Stats., that every person is required to destroy noxious weeds on land within his or her control, ownership or occupancy. The Weed Commissioner shall carefully investigate the existence of noxious weeds and cause such noxious weeds to be destroyed by cutting. The Weed Commissioner may also be the weed cutter. The Weed Commissioner and/or cutter is authorized to enter upon any lands not exempt under § 66.0407(5), Wis. Stats., pursuant to § 66.0517(3), Wis. Stats.
  - (c) Procedure Upon discovering the existence of noxious weeds, the Weed Commissioner may notify the office of the Clerk to give five days' written notice by mail to the owner or occupant of the land containing noxious weeds to destroy such weeds. If such weeds are not destroyed after five days, the Weed Commissioner shall cause all noxious weeds on the identified land to be destroyed by cutting. The cutter shall keep a written record of the time devoted to weed destruction for each parcel of land.
  - (d) Payment The cutter shall make and present to the City Clerk an account verified by oath and approved by the Weed Commissioner. The account shall specify by separate items

the hours and amount chargeable to each parcel of land. For private land, the City shall enter the amount chargeable and an investigative notice charge of \$35 to each parcel of land in the tax roll as a tax on the land, which shall be collected as a tax. For public land, the City may collect the amount due by other available means  
[Amended 4-2-2013 by Ord. No. 2013-2104]

- (e) **Certain complaints prohibited.** No person shall make or aid and abet in the making of a written or oral complaint to the City or the Weed Commissioner under this Subsection F with the intent to obtain weed cutting work for monetary compensation for the person or for a person other than the Weed Commissioner. Any person violating this Subsection F(4)(e) shall be subject to the penalty provision set forth under § 1-19 of the Municipal Code.
- (5) **Appeals.** A person owning, occupying or controlling land which is the subject of a determination of the existence of noxious weeds by the Weed Commissioner may object to and appeal such determination. Such person shall have a right of appeal, provided that the person files a written objection and request for an appeal with the City Clerk within three days of the date of the notice to the person to destroy weeds set forth under Subsection F(4)(c), above. Upon receipt of the written objection and request for appeal, the City Clerk shall deliver copies of the objection and request to the Weed Commissioner and the Alderperson of the district in which the property is located. The Alderperson may attempt to mediate the dispute, and upon notice from the Alderperson to the City Clerk that the Alderperson will not mediate the dispute or that mediation has failed or upon the expiration of five days from the date of delivery without notice that the dispute has been resolved, the City Clerk shall place the objection and request upon an agenda for Common Council determination. The person appealing shall provide written and photographic or video evidence to the Common Council that the subject vegetation is not noxious weeds and the burden of proof of such issue shall be on the appellant.
- G. **Water pollution.** The pollution of any public well or cistern, stream, lake, canal or other body of water by sewage, creamery or industrial wastes or other substances.
- H. **Noxious odors etc.** Any use of property, substances or things within the City emitting or causing any foul, offensive, noisome, nauseous, noxious or disagreeable odors, gases, effluvia or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the City.
- I. **Street pollution.** Any use of property which shall cause any nauseous or unwholesome liquid or substance to flow into or upon any street, gutter, alley, sidewalk or public place within the City.
- J. **Air pollution.** The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash and industrial dust or other atmospheric pollutants within the City limits or within one mile therefrom in such quantities as to endanger the health of persons of ordinary sensibilities or to threaten or cause substantial injury to property in the City.



January 24, 2019

EXE-SE-2019-41-00005

Bodner Property Management, LLC  
C/O William Bodner  
11514 N Port Washington Rd, Suite 1  
Mequon, WI 53092

**RE: Artificial wetland exemption determination for an area described as W-1, located in the SE1/4 of the SW1/4 of Section 08, Township 05 North, Range 21 East, City of Franklin, Milwaukee County**

Dear Mr. Bodner:

This letter is in response to your request for an artificial wetland exemption determination for the above-mentioned wetlands.

According to 281.36 (4n), State Statutes, a landscape feature where hydrophytic vegetation may be present as a result of human modification to the landscape or hydrology and for which no definitive evidence exists showing a prior wetland or stream history before August 1, 1991, may be exempt from state wetland regulations. The following types of artificial wetlands cannot be exempted from state wetland regulation:

- 1) A wetland that serves as a fish spawning area or that is passage to a fish spawning area
- 2) A wetland created as a result of a wetland mitigation requirement

In addition, DNR must also consider whether the artificial wetland is providing significant flood protection to adjacent or downstream properties and infrastructure, and/or significant water quality functions to adjacent or downstream water bodies.

The Department reviewed the following materials to aid in our exemption determination:

- The request narrative
- A wetland delineation completed in 2018
- Natural Resources Conservation Service (NRCS) soil mapping
- Historical maps, including the original land survey plat and United States Geological Survey (USGS) topographic quad maps
- Pre-construction and post-construction aerial photographs
- Site photographs

Below is a summary of our findings:

Request Narrative

Heartland Ecological Group, Inc. was retained by Bodner Property Management, LLC to provide professional wetland consulting services for the above referenced property as part of this request

for an artificial wetland exemption determination. The requestor has reason to believe the area identified as W-1 (see enclosed map) meets the definition of an artificial wetland. Justification for this statement is due to decommissioning and demolition of buildings within and adjacent to W-1, as well as widening of South Lovers Lane Road, commercial development to the west, expansion of South Scepter Drive and additional residential development to the east all around 2007. W-1 has an area of 0.33 acres.

#### Wetland Delineation

A wetland delineation completed in 2018 by DNR assured delineator Jeff Kraemer, and the accompanying data form for wetland sample point P1, describe W-1 as a wet meadow depression connected to the ditch line and an east west culvert underneath STH 100. W-1 does not appear to be contiguous with any other waterway or wetland.

#### NRCS Soil Mapping

NRCS soil maps from 1918, 1971 and most currently indicate W-1 consists of the Miami silty clay loam, Morley silt loam and Blount (BIA)/Ozaukee (OzaB2) silt loam soil series, respectively. The Miami series is described as having good drainage, the Morley series consists of well drained/moderately well drained soils and the Blount/Ozaukee series are listed as predominately non-hydric.

#### Historical Maps

The original land survey section line notes indicate areas of marshland near the southern border of the delineation limits, but the associated plat map does not depict waterways or wetlands in the vicinity of W-1. The USGS topographic quad maps from 1891, 1959, 1971 and 1976 do not exhibit streams or marshland in the area of W-1.

#### Aerial Photography

A review of orthophotography from 1937 to 1970 indicate W-1 was historically farmed and occupied by buildings, with only the 1963 aerial photograph showing a wetness signature in the vicinity of W-1. Evidence of the decommissioning of the farmstead was first observed in the 1975 aerial photograph, and faint wetness signatures/color tone differences can be seen in the 1980, 1985 and 1990 aerial photographs.

#### Site Photographs

Photographs included in the delineation report, taken from multiple vantage points, confirm W-1 is located near a culvert outlet which appears to be conveying stormwater runoff from the adjacent property to the east.

#### Conclusion

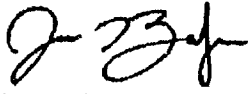
Based upon the information provided above, the area described as W-1 lacked definitive evidence of wetland history prior to August 1, 1991, and fulfills all artificial wetland exemption standards.

**Therefore, W-1 is exempt from state wetland regulations.**

This letter describes DNR's decision regarding the jurisdictional status of W-1, and is only valid for state jurisdictional purposes. **For decisions regarding the federal jurisdictional status of W-1, you will need to contact the U.S. Army Corps of Engineers.** The U.S. Army Corps of Engineers contact for Milwaukee County is April Marcangeli. April Marcangeli can be reached at (651) 290-5731.

If you have any questions about this determination, please contact me at (608) 935-1920 or email [James.Brodzeller@wisconsin.gov](mailto:James.Brodzeller@wisconsin.gov).

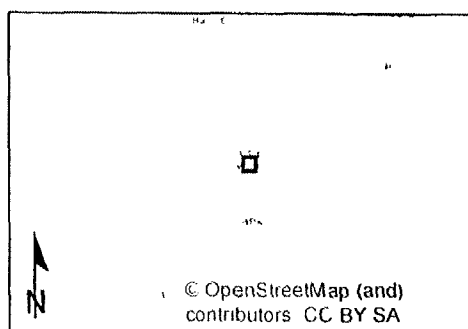
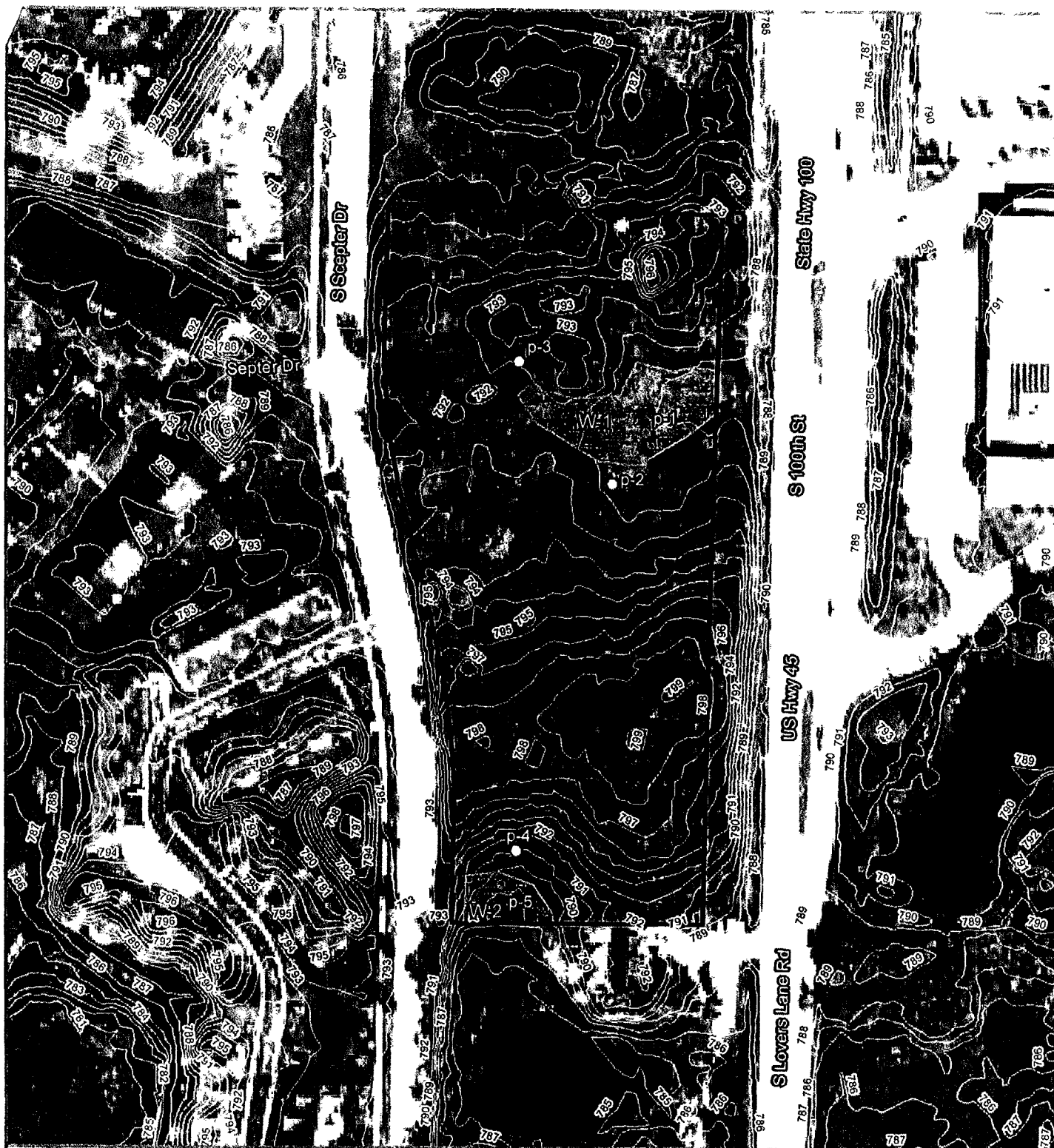
Sincerely,

A handwritten signature in black ink, appearing to read 'J Brodzeller', with a stylized, cursive script.

James Brodzeller  
Wetland Exemption Specialist

cc:	April Marcangeli	U.S. Army Corps of Engineers
	Josh Wied	DNR Water Management Specialist
	Scott Fuchs	Heartland Ecological Group
	File	





- Study Area (5.80 ac)
- Milwaukee Co Contours
- Field Delineated Wetlands (0.44 ac)
- Sample Points**
- Upland
  - Wetland

**Heartland**  
ECOLOGICAL GROUP INC

**Figure 5. Field Delineated Wetlands**

S Scepter Road Parcel  
Project #2J180136  
T5N R21E S08  
C Franklin, Milwaukee Co WI

2017 NAIP  
Data Milwaukee Co HEG 11/15/2018



**DEPARTMENT OF THE ARMY  
ST. PAUL DISTRICT, CORPS OF ENGINEERS  
180 FIFTH STREET EAST, SUITE 700  
ST. PAUL, MN 55101-1678**

REPLY TO ATTENTION OF  
REGULATORY BRANCH

August 7, 2019

Regulatory File No. MVP-2019-00048-RJH

Scott Fuchs  
Heartland Ecological Group  
506 Springdale Street  
Mount Horeb, Wisconsin 53572

Dear Mr. Fuchs:

This letter is in response to your request for an approved jurisdictional determination for a property adjacent South Scepter Drive. The project site is in Section 08, Township 05 North, Range 21 East, Milwaukee County, Wisconsin. The review area for our jurisdictional determination is identified on the enclosed figures, labeled MVP-2019-00048-RJH Pages 1 of 2 through 2 of 2.

The review area contains no waters of the United States subject to Corps of Engineers (Corps) jurisdiction. Therefore, you are not required to obtain Department of the Army authorization to discharge dredged or fill material within these areas. The rationale for this determination is provided in the enclosed Approved Jurisdictional Determination form. This determination is only valid for the review area shown on the enclosed figures.

If you object to this approved jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the address shown on the form.

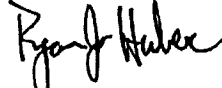
In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the enclosed NAP. It is not necessary to submit an RFA form to the division office if you do not object to the determination in this letter.

This approved jurisdictional determination may be relied upon for five years from the date of this letter. However, the Corps reserves the right to review and revise this determination in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. This determination may be renewed at the end of the five year period provided you submit a written request and our staff are able to verify that the limits established during the original determination is still accurate.

Regulatory Branch (File No. MVP-2019-00048-RJH)

If you have any questions, please contact me in our Green Bay office at (651) 290-5859 or [ryan.j.huber@usace.army.mil](mailto:ryan.j.huber@usace.army.mil). In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

A handwritten signature in black ink, appearing to read "Ryan J. Huber". The signature is fluid and cursive, with the first name "Ryan" and last name "Huber" clearly distinguishable.

Ryan Huber  
Project Manager

Enclosures

cc:  
WDNR- Ryan Pappas

**APPROVED JURISDICTIONAL DETERMINATION FORM**  
**U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

**SECTION I: BACKGROUND INFORMATION**

**A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD):** August 7, 2019

**B. ST PAUL, MN DISTRICT OFFICE, FILE NAME, AND NUMBER:** MVP-2019-00048-RJH Wetland 1

**C. PROJECT LOCATION AND BACKGROUND INFORMATION:**

State **Wisconsin** County/parish/borough **Milwaukee** City **Franklin**  
Center coordinates of site (lat/long in degree decimal format) Lat. **42.902643° N**, Long **-88.040139° W**  
Universal Transverse Mercator **Zone 16**

Name of nearest waterbody **Unnamed Tributary to the Root River**

Name of watershed or Hydrologic Unit Code (HUC) **04040002**

- ☒ Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request  
☐ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc.) are associated with this action and are recorded on a different JD form

**D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):**

- ☒ Office (Desk) Determination Date **July 10, 2019**  
☐ Field Determination Date(s)

**SECTION II: SUMMARY OF FINDINGS**

**A. RHA SECTION 10 DETERMINATION OF JURISDICTION.**

There are no "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

**B. CWA SECTION 404 DETERMINATION OF JURISDICTION.**

There are no "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

**1. Waters of the U.S.: N/A**

**2. Non-regulated waters/wetlands (check if applicable):<sup>1</sup>**

- ☒ Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional  
Explain **The review area contains 1 wetland: W-1 (0.33 acre). This feature is identified as landscape depression, described as a disturbed fresh wet meadow/scrub shrub wetland, with no hydrologic connection to another water of the U.S. The boundaries of W-1 continue outside of the study area and potential connections were considered. Contour data provided by the applicant was evaluated and no surface water connection to another jurisdictional feature could be identified. The wetland is not adjacent (bordering, contiguous, or neighboring) to another water of the U.S. and is not separated from another water of the U.S. by man-made dikes or barriers, natural river berms, or beach dunes. The review area is a rapidly developing commercial/ residential area and the wetland within the review area is 3,502 linear feet from the nearest tributary, precluding any ecological interconnection with another jurisdictional water. There is no link to interstate or foreign commerce and the wetland is not used by interstate or foreign travelers for recreation or other purposes. The wetland does not produce fish or shellfish that could be taken and sold in interstate or foreign commerce, and is not used for industrial purposes. Therefore, the Corps has determined that the subject wetland is isolated and not regulated by the Corps under Section 404 of the Clean Water Act.**

**SECTION III: CWA ANALYSIS**

**A. TNWs AND WETLANDS ADJACENT TO TNWs: N/A**

**B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY): N/A**

**C. SIGNIFICANT NEXUS DETERMINATION: N/A**

**D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY): N/A**

<sup>1</sup> Supporting documentation is presented in Section III F

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY): N/A

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- ☐ If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements
- ☒ Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce
  - ☒ Prior to the Jan 2001 Supreme Court decision in "SWANCC," the review area would have been regulated based solely on the "Migratory Bird Rule" (MBR)
- ☐ Waters do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction. Explain
- ☐ Other (explain, if not covered above)

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply)

- ☐ Non-wetland waters (i.e., rivers, streams) linear feet width (ft)
- ☐ Lakes/ponds acres
- ☐ Other non-wetland waters acres List type of aquatic resource
- ☒ Wetlands 0.33 acres

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply)

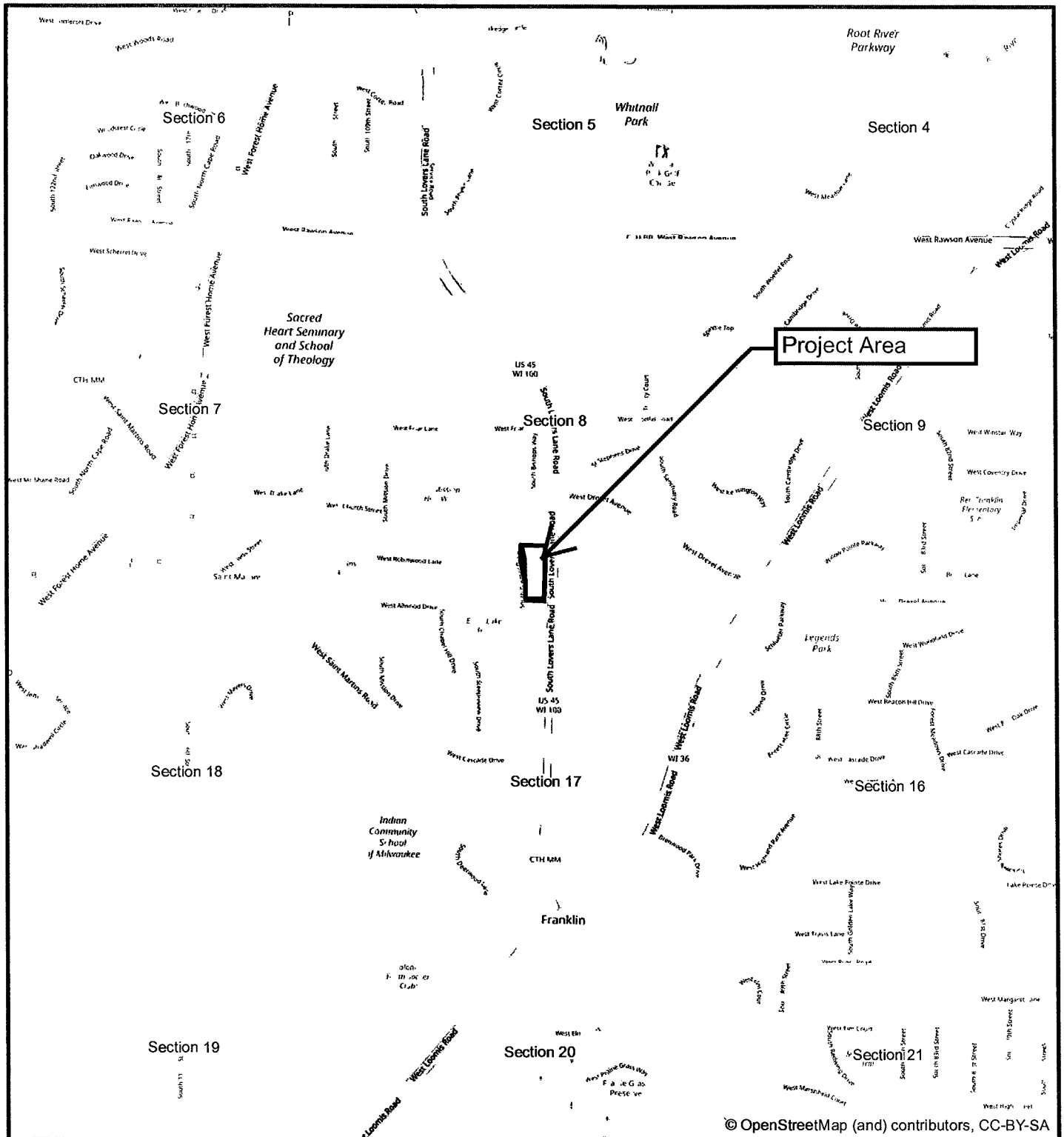
- ☐ Non-wetland waters (i.e., rivers, streams) linear feet, width (ft)
- ☐ Lakes/ponds acres
- ☐ Other non-wetland waters acres List type of aquatic resource
- ☐ Wetlands acres

#### **SECTION IV: DATA SOURCES.**

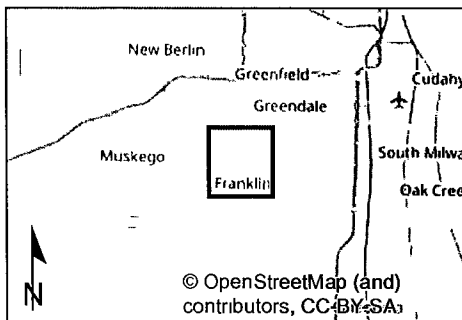
A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below)

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant Heartland Ecological Group Inc.
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps
- ☐ Corps navigable waters' study
- ☐ U.S. Geological Survey Hydrologic Atlas
  - ☐ USGS NHD data
  - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s) Cite scale & quad name 1:24K WI- Hales Corners
- ☒ USDA Natural Resources Conservation Service Soil Survey Citation SoilWeb
- ☐ National wetlands inventory map(s) Cite name
- ☐ State/Local wetland inventory map(s)
- ☐ FEMA/FIRM maps
- ☐ 100-year Floodplain Elevation is (National Geodetic Vertical Datum of 1929)
- ☒ Photographs ☒ Aerial (Name & Date) Applicant submitted photos
  - or ☒ Other (Name & Date) Google Earth
- ☐ Previous determination(s) File no and date of response letter
- ☐ Applicable/supporting case law
- ☐ Applicable/supporting scientific literature
- ☐ Other information (please specify)

B. ADDITIONAL COMMENTS TO SUPPORT JD:



© OpenStreetMap (and) contributors, CC-BY-SA



© OpenStreetMap (and) contributors, CC-BY-SA

**Study Area**  
Township  
Section

0 1,000 2,000  
Ft

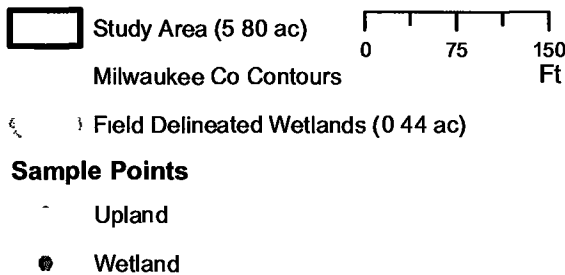
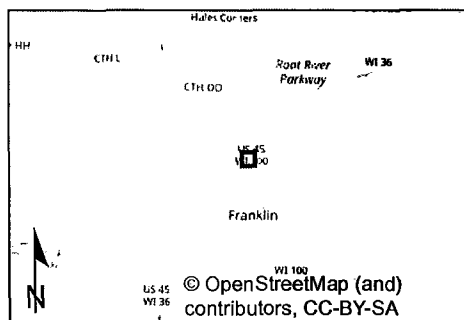
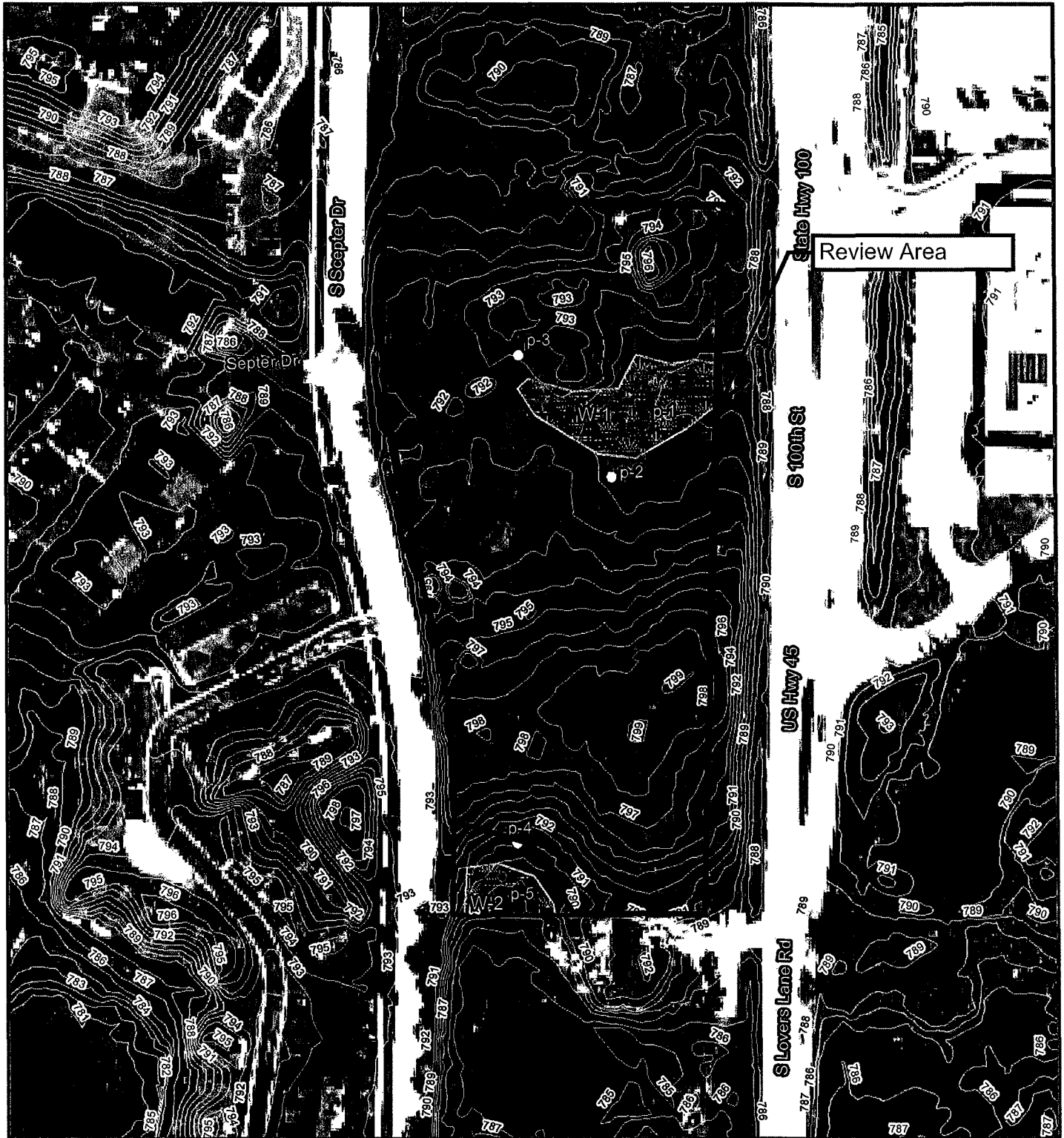
**Heartland**  
ECOLOGICAL GROUP INC

**Figure 1. Project Location**

S Scepter Road Parcel  
Project #20180136  
T5N, R21E, S08  
C Franklin, Milwaukee Co, WI

OpenStreetMap  
Data HEG

11/2/2018



**Heartland**  
 ECOLOGICAL GROUP INC

**Figure 5. Field Delineated Wetlands**

S Scepter Road Parcel  
 Project #20180136  
 T5N, R21E, S08  
 C Franklin, Milwaukee Co, WI

2017 NAIP  
 Data Milwaukee Co, HEG 11/15/2018

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND  
REQUEST FOR APPEAL**

<b>Applicant: Scott Fuchs</b>		<b>File No.: MVP-2019-00048-RJH</b>	<b>Date: August 7, 2019</b>
Attached is:			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
X	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

**SECTION I -** The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

**A: INITIAL PROFFERED PERMIT:** You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT:** You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL:** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**D: APPROVED JURISDICTIONAL DETERMINATION:** You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION:** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.



**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact

U.S Army Corps of Engineers  
Attn: Ryan Huber  
211 North Broadway Street Ste. 221  
Green Bay, Wisconsin 54303-2757

If you only have questions regarding the appeal process you may also contact the Division Engineer through:

Administrative Appeals Review Officer  
Mississippi Valley Division  
P.O. Box 80 (1400 Walnut Street)  
Vicksburg, MS 39181-0080  
601-634-5820 FAX: 601-634-5816

**RIGHT OF ENTRY** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

\_\_\_\_\_  
Signature of appellant or agent

Date:

Telephone number:



# ALTA/ACSM LAND TITLE SURVEY

Survey No. 080208  
Property Resources Corporation

## LEGAL DESCRIPTION Title Commitment:

All that part of the Southwest One-quarter (1/4) of Section Eight (8), in Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of the Southwest 1/4 of said Section 8, Thence South 88° 13' 55" West along the South line of said 1/4 Section, 375.00 feet; Thence North 00° 25' 18" West 101.17 feet to a point of a curve; Thence Northwesterly 224.40 feet along the arc of said curve, whose center lies to the West with a radius of 831.91 feet and a chord bearing North 08° 09' 56.5" West 223.72 feet; Thence North 16° 53' 35" West 152.00 feet to a point of a curve; Thence Northwesterly 196.72 feet along the arc of said curve, whose center lies to the East with a radius of 720.00 feet and a chord bearing North 08° 03' 57" West 196.10 feet; Thence North 00° 14' 19" West 107.85 feet; Thence North 80° 45' 41" East 473.50 feet to the East line of said Southwest 1/4 Section; Thence South 00° 14' 19" East along the East line of said Southwest 1/4 Section 781.22 feet to the point of beginning, except the East 100 feet thereof.

TAX KEY NO. 795-9999-605

The above described parcel is the same land as described in WISCONSIN TITLE SERVICE COMPANY, INC. commitment number 0805R0215 bearing an effective date of April 11, 2008 at 8:00 A.M.

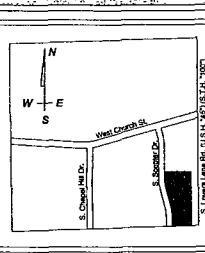
## LEGAL DESCRIPTION Field Survey:

Being a part of the Southeast 1/4 of the Southwest 1/4 of Section 8, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Southeast corner of said Southwest 1/4; Thence S 88° 13' 55" W, a distance of 100.04 feet to the west right-of-way line of South Lovers Lane Road (U.S.H. 45) (S.T.H. 1007) and the POINT OF BEGINNING; Thence continuing S 88° 13' 55" W, a distance of 274.96 feet to the east right-of-way line of South Scaplar Drive; Thence N 00° 25' 18" W along said right-of-way line, a distance of 101.17 feet to the arc of a curve; Thence northerly along said right-of-way line, 224.40 feet along the arc of a curve whose center is S 88° 33' 43" W a radial distance of 831.91 feet and whose chord bears N 08° 09' 56.5" W 223.72 feet; Thence N 15° 53' 35" W along said right-of-way line, a distance of 152.00 feet to the arc of a curve; Thence northerly along said right-of-way line, 196.72 feet along the arc of a curve whose center is N 74° 06' 26" E a radial distance of 720.00 feet and whose chord bears N 08° 03' 57" W 196.10 feet; Thence N 00° 14' 19" W along said right-of-way line, a distance of 107.85 feet; Thence N 80° 45' 41" E, a distance of 473.50 feet to the west right-of-way line of South Lovers Lane Road (U.S.H. 45) (S.T.H. 1007); Thence S 00° 14' 19" E along said right-of-way line, a distance of 783.89 feet to the POINT OF BEGINNING.

Containing 249,108 square feet, 5.7187 acres (incl. wetlands); 221,549 square feet, 5.0861 acres (est).

## VICINITY SKETCH



SW 1/4, Sec. 8, T5N, R21E  
Scale: 1"=800'

## UNDERGROUND UTILITIES NOTE:

Underground sewer and utility information as shown is obtained from the records of the municipality, local utility companies and/or field location. The accuracy of which can NOT be guaranteed or certified to. Contact Owners Notice.

## FLOOD NOTE:

This property is not in a Special Flood Hazard Area per Community Panel No. 550773 0005 B. This information was received on May 23, 2008 from FEMA. No field surveying was performed to verify this information and an elevation certificate may be needed to verify this determination.

## ALTA/SURVEY CERTIFICATION

To: Property Resources, Corp., 122nd Street Land Company, a Mayestadt Corporation and Wisconsin Title Service Company, Inc.

This is to certify that this map or plan and the survey on which it is based were made in accordance with the Wisconsin Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS in 2005, and include items 1-6, 7(a), 8, 11(a) and 11(b) of Table A thereof. Pursuant to Accuracy Standards as adopted by ALTA and NSPS, and in effect on the date of this certification, undersigned further certifies that in my professional opinion, as a land surveyor registered in the State of Wisconsin, this Relative Positional Accuracy of this survey does not exceed that which is specified therein.

*William R. Hendricks*  
Registration No. S-2419  
Within the State of WI  
Date of Survey: May 20, 2008  
Data Printed: May 27, 2008

Survey Prepared by: William R. Hendricks  
Field Work / This Instrument Drafted by: William R. Hendricks  
Landcraft Survey and Engineering, Inc.  
2077 South 110th Street  
West Allis, WI 53227  
Phone: 414-604-0674  
Fax: 414-604-0677



## LEGEND OF SYMBOLS & ABBREVIATIONS

• BOLLARD	⊕ WATER VALVE	CONC. - CONCRETE
○ LIGHT POLE	⊕ WATER SHUTOFF	DIA. - DIAMETER
○ UTILITY POLE	⊕ HYDRANT	ENC. - ENCLOSURE
○ GUY WIRE	⊕ STORM SEWER MANHOLE	EXIST. - EXISTING
⊕ SIGN	⊕ CURB INLET	M.H. - MANHOLE
⊕ TRAFFIC LIGHT	⊕ ROUGH CATCH BASIN	SAN. - SANITARY
⊕ SPRINKLER	⊕ SQUARE MANHOLE	SAN. - SANITARY
⊕ GROUND LIGHT	⊕ SANITARY SEWER MANHOLE	REL. - ELEVATION
⊕ GATE VALVE	⊕ ELECTRIC MANHOLE	REC. - RECORD
⊕ OVERHEAD WIRE	⊕ COMMUNICATION MANHOLE	CALC. - CALCULATED
⊕ UNDERGROUND ELECTRIC	⊕ TELEPHONE MANHOLE	MEAS. - MEASURED
⊕ UNDERGROUND GAS	⊕ HANDICAP	TYP. - TYPICAL
⊕ UNDERGROUND WATERMAIN	⊕ DECORATIVE TREE	
⊕ UNDERGROUND TELEPHONE	⊕ CONIFEROUS TREE	

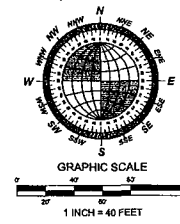
## NOTES CORRESPONDING TO SCHEDULE B - II

- Access Easement recorded on June 26, 1969 in Real 488, Image 231, as Document No. 4471047 as shown on survey.
- Easement contained in an instrument recorded on June 18, 1971 in real 552, Image 1019, as Document No. 4059711 as shown on survey.
- Utility Easement recorded on July 3, 1984 in Real 1858, Image 191, as Document No. 5730551 as shown on survey.
- Reservation for access contained in Notice of Homeowners to or across a Controlled-Access Highway recorded on April 28, 2004 in Real 5824, Image 4580, as Document No. 6769975 as shown on survey.
- Utility Easement recorded on December 18, 1998 in Real 3950, Image 8, as Document No. 7304250 as shown on survey.
- Authorization for Access to or across a Controlled-Access Highway recorded on August 29, 1980 in Real 1319, Image 923, as Document No. 5420085 does not affect subject property.

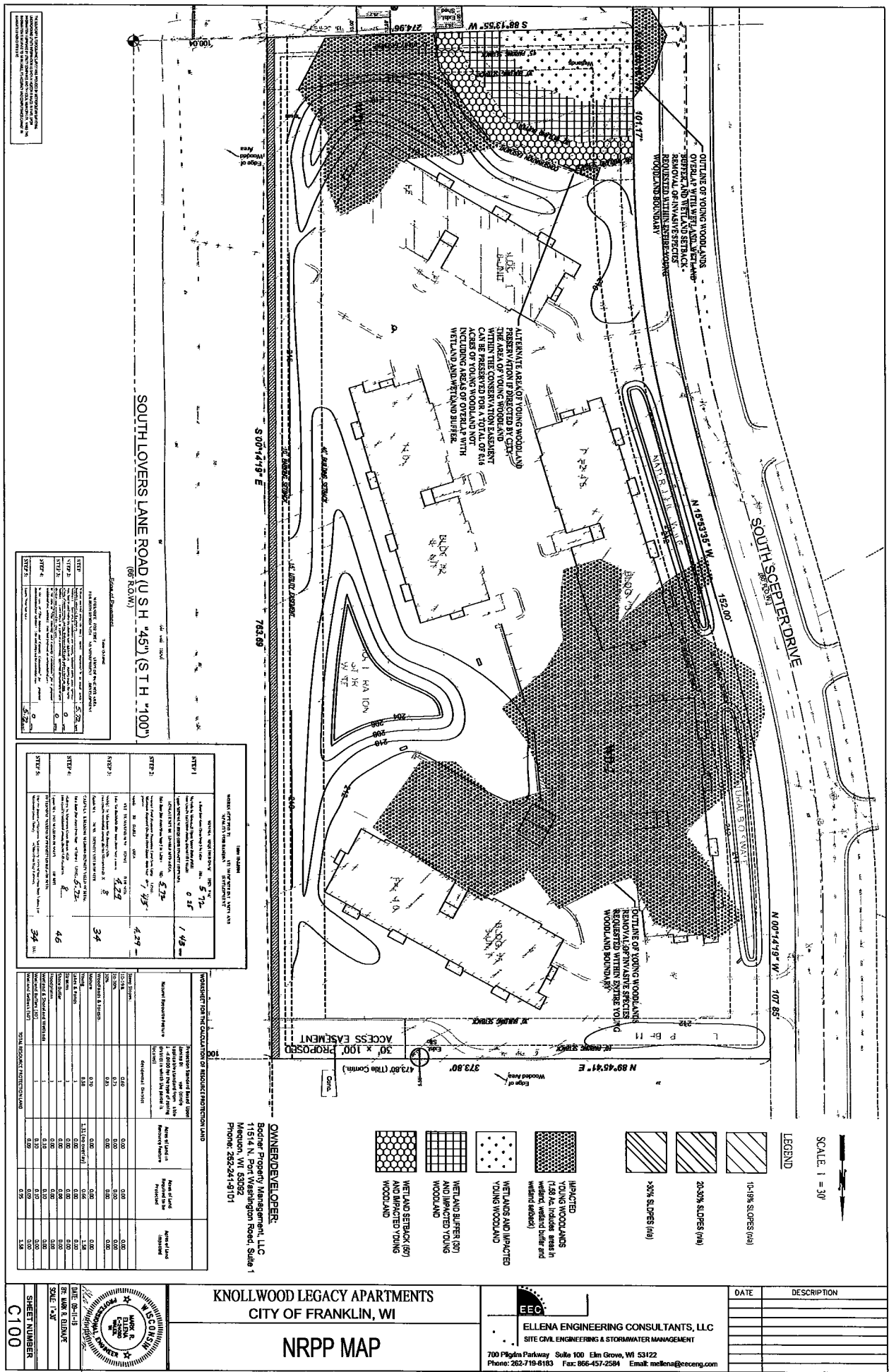
CURVE	RADIUS	LENGTH	CHORD	CHORD BEARING
1	831.91'	224.40'	223.72'	N 08° 09' 56.5" W
2	720.00'	196.72'	196.10'	N 08° 03' 57" W

PROJECT BENCHMARK:  
Concrete monument with WADOT cap located at the Southeast corner of the Southwest 1/4 of Sec. 8, T5N, R21E, 1988 348 (NOV. 1929), 208 348 (City Datum)

Readings refer to Grid North of the Wisconsin State Plane Coordinate System 8463, South Zone (see I.A.D. 1987)



LANDCRAFT SURVEY AND ENGINEERING, INC.  
REGISTERED LAND SURVEYORS AND CIVIL ENGINEERS  
2077 South 110th Street, West Allis, WI 53227  
PH: (414) 604-0674 FAX: (414) 604-0677  
INFO@LANDCRAFTSE.COM



SCALE: 1" = 30'

LEGEND

- 15-19% SLOPES (sh)
- 20-30% SLOPES (sh)
- >30% SLOPES (sh)
- IMPACTED YOUNG WOODLANDS (1.89 Ac. includes areas in wetland, wetland buffer and wetland setback)
- WETLANDS AND IMPACTED YOUNG WOODLAND
- WETLAND AND BUFFER (20') AND IMPACTED YOUNG WOODLAND
- WETLAND SETBACK (50') AND IMPACTED YOUNG WOODLAND

OWNER/DEVELOPER:  
Bedner Property Management, LLC  
11514 N. Port Washington Road, Suite 1  
Wauwatosa, WI 53222  
Phone: 262-291-1911

Table with 2 columns: STEP, and Description. It details the steps for the project, including site plan, grading, and construction.

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<b>APPROVAL</b> <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>11/19/2019</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Review and Consideration of Proposals Received for Quarry Survey Services</b>	<b>ITEM NUMBER</b> <i>G.6.</i>

The Quarry Plan Development District's (PDD's) 23 & 24 set the required blasting area boundaries, which have not completely been field verified for compliance. On July 16, 2019 the Council motion unanimously approved Alderwoman Wilhelm to work with staff on a solution to determine the Quarry north/south boundary along S. 51st Street and the east/west boundary along W. Drexel Avenue and stake them out.

Alderman Barber provided Alderwoman Wilhelm with a list of preferred survey contacts. After a discussion of the matter with legal Council, Aldw. Wilhelm prepared the attached Request for Proposal, requested and incorporated Staff's input and finalized the City Agreement with the Director of Administration. The attached proposal for survey services was sent to the following three survey firms with the results now returning for Council consideration.

1. C3E Geomatics, LLC.
2. Metropolitan Survey Services
3. Lynche Associates, Inc.

**FINANCIAL:**

Funds have been budgeted based on a previous Council motion. Funding may require carry over if not already accommodated and/or the project cannot be completed this year. Depending on the costs, additional funds may need to be allocated.

**OPTIONS**

- Accept a proposal for Quarry Survey Services with a date for signing the agreement
- Deny any proposal for Quarry Services with reason.
- Other action as deemed appropriate by the Council

**COUNCIL ACTION REQUESTED**

Move to accept a proposal for Quarry Survey Services as outlined in the proposal from (Survey firm) \_\_\_\_\_ with proper signatures on the City Agreement and any funding adjustments addressed by the next meeting of the Common Council.

ALDW WILHELM

provide a reasonable easement for ingress and egress to Rawson Avenue for the benefit of the property bearing Tax Key No. 757-9977, as required under the Special Use Resolution No. 97-4562 for the Asphalt Plant Operators and Facilities on the Property without cost to the Owner of such property.

3. When Operator's Extraction activities require the relocation of the Asphalt Plant Operations and Facilities, Operator shall either eliminate such operations and facilities on the Property or relocate them to the Floor of the Extraction Area.

Q. Concrete Ready-Mix Plant Operations and Facilities.

The Concrete Ready-Mix Plant Operations and Facilities, as previously defined, may be established on the Property, at any time after the Effective Date of the portions of this Ordinance affecting the Nonextraction Area. If established on grade, such operations and facilities may be relocated to the Floor of the Extraction Area, provided that those portions of this Ordinance affecting the Extraction Area shall have first taken effect. Prior to establishment of the use under this subsection anywhere on the Property, prior site plan approval shall be obtained from the Plan Commission.

R. Extraction Area Boundaries.

1. The ultimate boundaries of the Extraction Area shall be as follows:
  - a. From current centerline of 51st Street: 650 feet.
  - b. From current centerline of Rawson Avenue (C.T.H. BB): 200 feet.
  - c. From the current centerline of 68th Street: 1,350 feet, except as otherwise limited by the 200 foot setback from the centerline of the Root River.

- d. From the property line separating the Operator's Property from the Vulcan quarry site to the west and south: 0 feet.
  - e. From the centerline of the Root River: 200 feet to the east, except where and only to the extent Extraction has previously taken place, and except for minor Extraction to create an access road into the Extraction Area. There will be no extraction west of the Root River.
  - f. From the centerline of Drexel Avenue: 850 feet
2. Notwithstanding anything to the contrary within this Ordinance, upon the date of adoption of this Ordinance affecting the Nonextraction Area, Operator shall cease all horizontal expansion of the Extraction operations north of the quarry highwall existing on the date of adoption of this Ordinance, within 200 feet from the current center line of Rawson Avenue, regardless of any legal nonconforming use rights which may be vested in the Operator. This prohibition shall remain in effect until the Effective Date of the portions of this Ordinance affecting the Extraction Area or the date upon which such portions of the Ordinance expire and fail to become effective due to the lack of satisfaction or waiver of any condition precedent set forth under subsection FF hereof. Such prohibition shall not be deemed to result in any cessation of use which would serve to terminate any of Operator's nonconforming use rights.
3. Any Extraction for shoreline contouring that may be required as part of the detailed reclamation plan under subsection S of this Ordinance may take place outside of the Extraction Area boundaries. Further, Stripping Operations may occur outside of the Extraction area boundaries to provide a safety and access shelf, as a safety and access shelf is generally exposed at the top of rock, outside the Extraction limits, and the overburden is sloped upward and outward from the safety and access shelf at a slope generally not steeper than 1-1/2:1.

2. Upon the Effective Date of the portions of this Ordinance affecting the Extraction Area, the requirement under the aforementioned resolutions for a bi-annual renewal of the Asphalt Plant special use approval shall be automatically repealed and eliminated, but the Asphalt Plant Operations and Facilities shall be included in the biannual reporting to the Plan Commission by the Operator pursuant to subsection AA of this Ordinance. All other terms and conditions of the approving special use resolutions shall remain in full force and effect and are incorporated herein by reference.
3. When Operator's Extraction activities require the relocation of the Asphalt Plant Operations and Facilities, Operator shall either eliminate such operations and facilities on the Property or relocate them to the Floor of the Extraction Area.

R. Concrete Ready-Mix Plant Operations and Facilities.

The Concrete Ready-Mix Plant Operations and Facilities, as previously defined, may be established on the portion of the Property previously zoned M-3 Quarrying District, as shown on Exhibit 3, at any time after the Effective Date of the portions of this Ordinance affecting the Nonextraction Area. If established on grade, such operations and facilities shall be relocated to the Floor of the Extraction Area prior to January 1, 2004, provided that those portions of this Ordinance affecting the Extraction Area shall have first taken effect. Prior to establishment of the use under this subsection anywhere on the Property, prior site plan approval shall be obtained from the Plan Commission.

S. Extraction Area Boundaries.

1. The ultimate boundaries of the Extraction Area shall be as follows:
  - a. From current centerline of 51st Street: 650 feet.
  - b. From current centerline of Rawson Avenue (C.T.H. BB), west of the real property on the south side of Rawson Avenue that is not owned by the Operator as of the date of adoption of this Ordinance (e.g., the Rawson Pub, etc.): 200 feet.



**REQUEST FOR A PROPOSAL FOR PROFESSIONAL SERVICES TO SURVEY AND MAP  
THE QUARRY EXTRACTION BOUNDARIES AS DEFINED IN  
PDD'S 23 & 24, IN THE CITY OF FRANKLIN**

Submittal Deadline: November 15, 2019 4:00 p.m. (CST)

**PROFESSIONAL SURVEY AND MAPPING SERVICES**

THE CITY OF FRANKLIN seeks the submittal of responses from 3 qualified firms to provide services for the survey and mapping of Quarry blasting area limits.

The Quarry, owned and operated by Payne & Dolan, is located in the City of Franklin between West Rawson Avenue and West Drexel Avenue and is bounded by South 51<sup>st</sup> Street on the east, and for this purpose, approximately the Root River on the west.

**I. PURPOSE, OBJECTIVES AND METHODS**

The Quarry extraction area is limited as defined in Planned Development District's (PDD's) 23 & 24. The relevant pages are within Attachment A. The full document is available by request but should not be needed for this survey. The City is interested in surveying and defining those limits by setting markers of a permanent nature that will provide knowledge of the remaining area available for extraction and the degree of future compliance of the PDD extraction limits. The purpose and objectives include:

- Use of an independent resource to field identify the PDDs extraction limits and variances from the setback limits.
- Provide a detailed exhibit that identifies the limits to the east and south from the current centerline of South 51<sup>st</sup> Street and South Drexel Avenue.
- Place survey markers of a permanent nature at or offset from the quarry extraction area to indicate the setback limits from current road centerline in accordance with the PDDs.
- Provide a visual map (PDF or other computer compatible source) of the limits including coordinates for each permanent marker and a summary of results, which outline any excavation exceeding the setbacks.

Interested respondents are required to have the resources to survey in relationship to established benchmarks, place markers of a permanent nature identifying the extraction limits, and transpose the survey results onto aerial or other available photography that will indicate the current and future area of the PDD blasting limits. In locations where footing could be unstable to measure and set future blasting limit markers, respondents are requested to offset such markers and clearly indicate the distance of any offset within written survey data and required visual map.

The respondents should specify both their independence from and/or previous work with the Quarry operator in the last 5-years.

**II. SELECTION PROCESS AND PAYMENT FOR SERVICES**

The City, at a regular meeting of the Common Council, will review and make a selection based on the proposal that best meets the survey service needs as defined within the limits of PDD's 23 & 24, the respondent's stated independence from the Quarry operator, the cost of services, and any other factor the City, in its sole discretion, determines is appropriate. The City shall not be obligated to enter into any contract with a respondent on any terms or conditions.

Following Council selection of a proposal, the selected respondent shall execute a Professional Services Agreement (Attachment B).

Payment will be made, in accordance with Attachment B, after receipt of the requested information in compliance with the needs within this proposal.

IMPORTANT NOTE: The City reserves its right to reject all proposals. See Reservation of Rights.

### III. PROJECT TIMING

Submittal Deadline: November 15, 2019 4:00 p.m. (CST). The selected respondent will be required to perform the extraction limit survey services as defined in the selected language found within Attachment A1 & A2 of this RFP with written data and mapping completed and provided electronically to the Office of the City Clerk no later than January 31, 2020.

### IV. SUBMITTAL INSTRUCTIONS

All proposal submissions must be received to the City of Franklin via email, Attention to: The Office of Clerk Services at [SWesolowski@franklinwi.gov](mailto:SWesolowski@franklinwi.gov) no later than 4:00 p.m. (CST) November 15, 2019.

Submissions shall contain the email subject line "*Request for Quarry Survey Services*" with an attached, dated cover letter and other attachments as the proposer determines to the City of Franklin indicating:

- The name of the Project ("Request for Quarry Survey Services").
- A statement of qualification and licensing for those performing the work.
- The name of the firm and key persons assigned to the project.
- The expected method or approach used in identifying the extraction limits.
- An indication of any association with the Quarry operator in the last 5 years.
- The assurance the project timing can be met.
- Specifications as to the format of the final product delivery, such as but not limited to, type of document(s) or image(s), media(s) format, etc.
- The fixed, not to exceed cost for services.

Respondents are encouraged to include details that would clarify any scope of work performed to set markers of a permanent nature on site and develop quality data at the lowest possible cost. However, the scope of work proposed must accomplish the goals and work specified in this RFP.

### V. ATTACHMENTS

Attachments A1 & A2 - Pertinent pages of PDD's 23 & 24

Attachment B – Professional Services Agreement

Attachment C – Area map indicating approximate extraction survey areas.

## VI THE CITY OF FRANKLIN'S RESERVATION OF RIGHTS

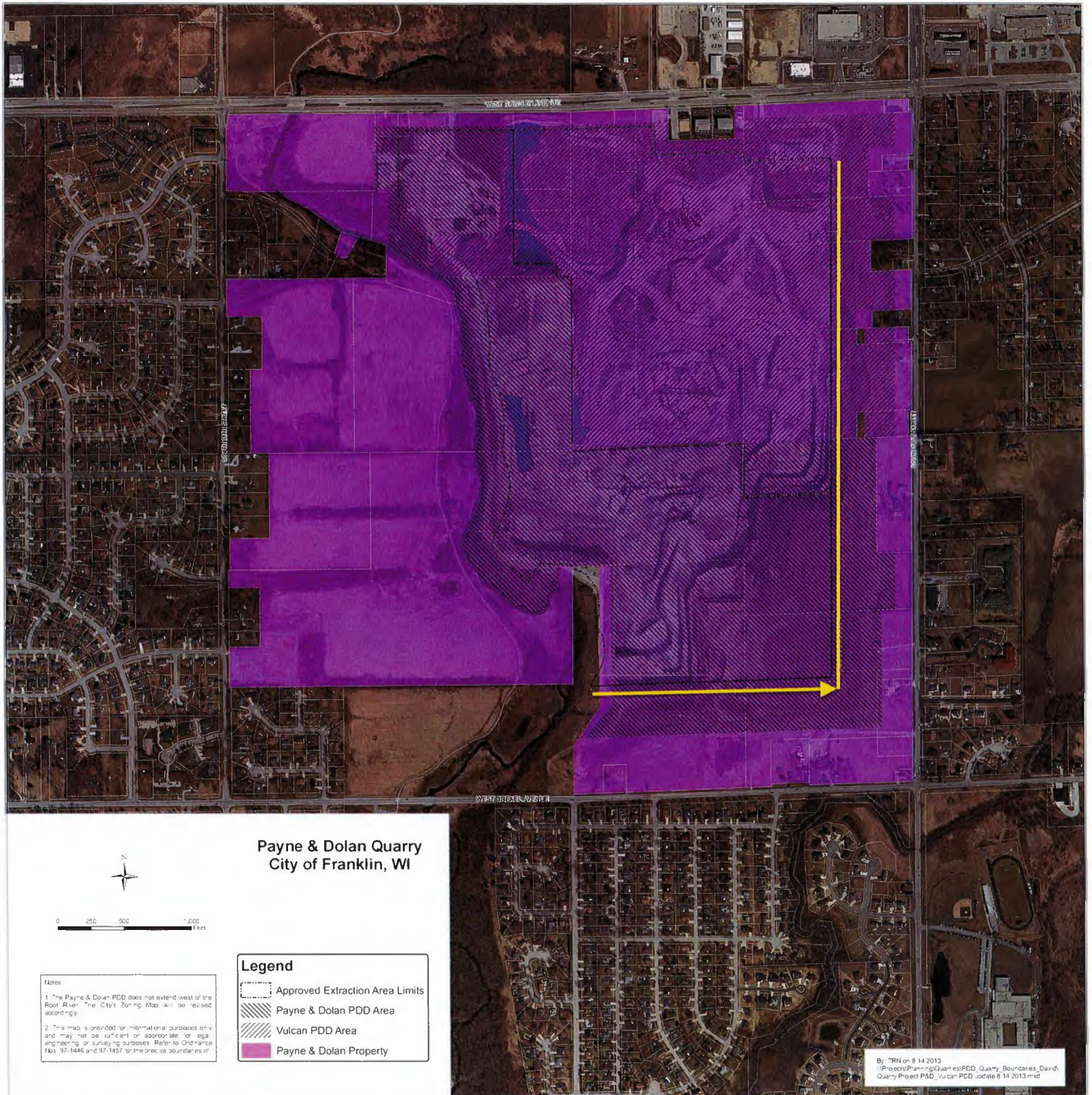
This project does not constitute a Public Works project as defined by Wisconsin Statutes, therefore, the City is under no obligation to engage in a sealed bid process or to select the lowest qualified bidder. Nonetheless, the information provided and process described herein is established to help the City to identify a contractor who can, as determined solely by the City, best provide the City with the desired surveying services under terms and conditions acceptable to the City but mutually negotiated with the successful consultant.

The final decision on the selected consultant shall remain with the City of Franklin Common Council. The City of Franklin reserves the right to waive any or all formalities, to reject any or all proposals at the sole discretion of and for the benefit of the City of Franklin, or to negotiate special or specific terms or scope with a consultant, that may deviate from those referenced herein, for the sole benefit of the City of Franklin.

Additionally, the City reserves the right to alter or change any or all aspects of the submittal requirements and the submittal and selection process, as the City shall solely determine is in its best interest. In such event, the City shall strive to notify all participating consultants of such alterations or changes but is under no obligation to do so.

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**A G R E E M E N T**  
**[Attachment B, as listed in Section V. of the RFP]**

]

This AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, between the City of Franklin, 9229 West Loomis Road, Franklin, Wisconsin 53132 (hereinafter "CITY") and \_\_\_\_\_ (hereinafter "CONTRACTOR"), whose principal place of business is \_\_\_\_\_

**W I T N E S S E T H**

WHEREAS, the CONTRACTOR is duly qualified and experienced to provide professional surveying and mapping services and has offered services for the purposes specified in this AGREEMENT, and

WHEREAS, in the judgment of the CITY, it is necessary and advisable to obtain the services of the CONTRACTOR to provide professional surveying and mapping services,

NOW, THEREFORE, in consideration of these premises and the following mutual covenants, terms, and conditions, the CITY and the CONTRACTOR agree as follows

**I. BASIC SERVICES AND AGREEMENT ADMINISTRATION**

- A The CONTRACTOR shall provide services to the CITY for professional surveying and mapping services, as described in the CITY'S Request for Proposals and the CONTRACTOR's proposal to the CITY dated \_\_\_\_\_, both of which are hereby incorporated herein by reference
- B The CONTRACTOR shall serve as the CITY's professional representative in matters to which this AGREEMENT applies The CONTRACTOR is not guaranteed to be the CITY's sole representative in such matters, and the CITY is not restricted from engaging other professional service consultants to address such matters as the CITY shall determine is appropriate
- C The CONTRACTOR may not employ the services of outside consultants and subcontractors to complete work under this AGREEMENT
- D The CONTRACTOR is an independent contractor and all persons furnishing services hereunder are employees of, or independent subcontractors to (if allowed for herein), the CONTRACTOR and not of the CITY All obligations under the Federal Insurance Contribution Act (FICA), the Federal Unemployment Tax Act (FUTA), and income tax withholding are the responsibility of the CONTRACTOR as employer The CITY understands that express AGREEMENTS may exist between the CONTRACTOR and its employees regarding extra work, competition and nondisclosure

**II. FEES AND PAYMENTS**



The CITY agrees to pay the CONTRACTOR, for and in consideration of the performance of Basic Services further described the CITY'S Request for Proposals and the CONTRACTOR's proposal to the CITY, [at our standard billing rates] [with a not-to-exceed budget of \$ \_\_\_\_\_] [a fixed fee of \$ \_\_\_\_\_], subject to the terms detailed below

Commented [ML1]: Method based upon proposal or as negotiated

- A The CONTRACTOR may bill the CITY and be paid for all work satisfactorily completed hereunder following submission of all documents and data to fully accomplish the terms of this AGREEMENT and submission of an invoice and appropriate supporting documentation. The CITY agrees to pay the CONTRACTOR's invoice, if undisputed, within 30 days of invoice date for all approved work.
- B In consideration of the faithful performance of this AGREEMENT, the CONTRACTOR will not exceed the fee for Basic Services, which is inclusive of all expenses, without written authorization from the CITY to perform work over and above that described in the original AGREEMENT.
- C Should the CITY find deficiencies in work performed or reported, it will notify the CONTRACTOR in writing within thirty (30) days of receipt of invoice and documents, and the CONTRACTOR will remedy the deficiencies within thirty (30) days of receiving the CITY's notice, which period may be extended by mutual agreement of the CONTRACTOR and the CITY's representative identified in Subsection IV A below. This subsection shall not be construed to be a limitation of any rights or remedies otherwise available to the CITY.

### III. MODIFICATION AND ADDITIONAL SERVICES

- A This AGREEMENT may only be amended by written instrument signed by both the CITY and the CONTRACTOR.
- B The CITY may, in writing, request changes in the Basic Services required to be performed by the CONTRACTOR and require specification of incremental or decremental costs or the basis for such incremental or decremental costs prior to change order agreement under this AGREEMENT. Upon acceptance of the request of such changes, the CONTRACTOR shall submit a "Change Order Request Form" to the CITY for authorization, notice to proceed, and signature. The CITY may return such to the CONTRACTOR to finalize acceptance of the change order. Any claim by the CONTRACTOR for an adjustment hereunder that applies the basis for any cost changes must be made to the CITY in writing, and with appropriate supporting documentation, no later than fifteen (15) days after receipt by the CONTRACTOR of approved change order from the CITY, unless a different deadline is provided for within the approved change order.

### IV. ASSISTANCE AND CONTROL

- A Regulo Martinez-Montilva, AICP, Associate Planner, Department of City Development, acting on behalf of the CITY, will be responsible for communication within the CITY's organization as related to all issues originating



under this AGREEMENT and will monitor, evaluate, and coordinate the work of the CONTRACTOR

- B The CITY will timely provide the CONTRACTOR with information in its possession related to the PROJECT as mutually deemed necessary and pertinent
- C The CONTRACTOR will appoint, subject to the approval by the CITY, \_\_\_\_\_ (Name and Title) as the CONTRACTOR's Project Manager and may appoint other key providers of the Basic Services. Substitution of other staff may occur only with the consent of the CITY

Commented [ML2]: Negotiable, but we prefer to have some control over who the contractor uses on our premises

#### V. TERMINATION

- A This AGREEMENT may be terminated by the CITY, for its convenience, for any or no reason, upon written notice to the CONTRACTOR. This AGREEMENT may be terminated by the CONTRACTOR upon thirty (30) days written notice. Upon such termination by the CITY, the CONTRACTOR shall be entitled to payment of such amount as shall fairly compensate the CONTRACTOR for all approved and performed work up to the date of termination, except that no amount shall be payable for any losses of revenue or profit from any source outside the scope of this AGREEMENT, including but not limited to, other actual or potential agreements for services with other parties
- B In the event that this AGREEMENT is terminated for any reason, the CONTRACTOR shall deliver to the CITY all data, reports, summaries, correspondence, and other written, printed, or tabulated material pertaining in any way to Basic Services that the CONTRACTOR may have accumulated. Such material is to be delivered to the CITY whether in completed form or in process
- C The rights and remedies of the CITY and the CONTRACTOR under this section are not exclusive and are in addition to any other rights and remedies provided by law or appearing in any other article of this AGREEMENT
- D Failure to maintain the designated staff (as identified herein and in the CONTRACTOR'S original proposal) or such similarly qualified staff as determined by the CITY may lead to termination of the agreement, as determined by the CITY

#### VI. INSURANCE

The CONTRACTOR shall, during the life of the AGREEMENT, maintain insurance coverage with an authorized insurance carrier at least equal to the minimum limits set forth below

A General/Commercial Liability	\$1,000,000 per each occurrence
	\$2,000,000 per annual or general

	aggregate, and \$2,000,000 products/completed operations aggregate  CITY shall be named as an additional insured
B Automobile Liability	\$1,000,000 combined single limit (together with excess or umbrella coverage with a combined minimum limit of at least \$4 000,000)
C Umbrella or Excess Liability Coverage for General/Commercial and Automobile Liability	\$3,000,000 or in the event the general/commercial liability coverage limits exceed the minimum amount stipulated in "A" above, such lesser amount as is necessary to achieve a total of \$4,000,000 in coverage between the general/commercial liability and umbrella or excess liability coverage  CITY shall be named as an additional insured
D Worker's Compensation and Employers' Liability	CONTRACTOR shall maintain at levels as required by the State of Wisconsin,  The coverage shall provide a waiver of worker's compensation subrogation and/or any rights of recovery allowed under any worker's compensation law, both in favor of the Owner
E Errors and Omissions (Professional Liability)	\$1,000,000 per claim \$2,000,000 annual aggregate

Upon the execution of this AGREEMENT, the CONTRACTOR shall supply the CITY with a suitable statement (Certificate of Liability Insurance) and any Additional Insured Policy Endorsements, in a form acceptable to the CITY, certifying said protection and defining the terms of the policy issued and naming the CITY as an additional insured for General/Commercial Liability and Umbrella or Excess Liability. The CITY shall be listed as "The City of Franklin, including its employees and its elected or appointed officials."

If said policies are thereafter canceled, permitted to expire, or changed, the CONTRACTOR shall immediately notify the CITY and shall immediately cease all work until such replacement policies meeting the requirements of this AGREEMENT and of the CITY are fully in place and in force and all required documentation and certificates are provided to the CITY.

The CITY'S acceptance of certificates or original insurance policies or both and the allowance to commence work does not release the CONTRACTOR, nor the CONTRACTOR'S unauthorized subcontractors, from the required level of insurance and required level of security and protection provided the CITY by the insurance requirements set forth herein. In the event the CONTRACTOR fails to ensure the CONTRACTOR and all unauthorized subcontractors are insured and continue to remain insured, the CONTRACTOR shall indemnify and hold the Owner and its officers and

employees harmless against any claim or suit and against any costs, losses, and damages (including but not limited to reasonable fees and charges of attorneys or other professionals and reasonable court or arbitration or other dispute resolution costs) The entire obligation to ensure required coverage for all subcontractors, unauthorized or otherwise, shall remain with the CONTRACTOR and the CITY, for any reason including but not limited to not being in possession of documentation or certificates of liability, shall not, in any way, have or share any obligation or responsibility to ensure CONTRACTOR and subcontractors have the required insurance coverage

Acceptability of Insurers Insurance shall be placed with insurers who are authorized as an admitted insurance company in the State of Wisconsin Insurance shall be placed with insurers who have a Best's Insurance Reports rating of no less than A and a Financial Size Category of no less than Class VI

## **VII. INDEMNIFICATION AND ALLOCATION OF RISK**

- A Nothing contained within this AGREEMENT is intended to be a waiver or estoppel of the CITY or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including but not limited to, those contained within Wisconsin Statutes §893.80, §895.52, and §345.05 To the extent that indemnification is available and enforceable, neither the CITY nor its insurer shall be liable in indemnity or contribution for an amount greater than the limits of liability for municipal claims established by Wisconsin Law
- B The CONTRACTOR warrants each of the following
  - 1 No document(s) used for the project requires the CITY or its insurer to indemnify and/or hold harmless any party to the contract for any reason
  - 2 No document(s) used for the project requires the CITY or its insurer to waive subrogation for any liability, workers compensation or property policy
  - 3 The documents used for the project shall not contain any wording limiting the financial responsibility of the CONTRACTOR
- C The CONTRACTOR shall well and truly save and indemnify and keep harmless the CITY against all liability, judgments, costs and expenses, which may in any way result from the carelessness or neglect of the said CONTRACTOR, or the agents, employees or workmen of said CONTRACTOR in any respect whatsoever

## **VIII. TIME FOR COMPLETION**

The CONTRACTOR shall commence work promptly and diligently upon execution of this AGREEMENT

The CONTRACTOR shall commence work within \_\_\_\_\_ days following receipt of a Notice to Proceed from the CITY

The CONTRACTOR shall complete the work  [ADD TEXT]

## **IX. DISPUTES**

This AGREEMENT shall be construed under and governed by the laws of the State of Wisconsin The venue for any actions arising under this AGREEMENT shall be the Circuit Court for Milwaukee County The prevailing party shall be awarded its actual costs of any such litigation, including reasonable attorney fees

**X. RECORDS RETENTION**

Unless other required herein, the CONTRACTOR shall maintain all records pertaining to this AGREEMENT during the term of this AGREEMENT and for a period of 3 years following its completion. Such records shall be made available by the CONTRACTOR to the CITY for inspection and copying upon request.

**XI. MISCELLANEOUS PROVISIONS**

- A Professionalism The CONTRACTOR stipulates that the same degree of care, skill, and diligence shall be exercised in the performance of the services as is possessed and exercised by a member of the same profession, currently practicing, under similar circumstances, and all persons providing such services under this AGREEMENT shall have such active certifications, licenses and permissions as may be required by law.
- B Pursuant to Law Notwithstanding anything to the contrary anywhere else set forth within this AGREEMENT, all services and any and all materials and/or products provided by the CONTRACTOR under this AGREEMENT shall be in compliance with all applicable governmental laws, statutes, decisions, codes, rules, orders, and ordinances, be they Federal, State, County or Local.
- C Conflict of Interest The CONTRACTOR warrants that neither it nor any of its affiliates has any financial or other personal interest that would conflict in any manner with the performance of the services under this AGREEMENT and that neither it nor any of its affiliates will acquire directly or indirectly any such interest. The CONTRACTOR warrants that it will immediately notify the CITY if any actual or potential conflict of interest arises or becomes known to the CONTRACTOR. Upon receipt of such notification a CITY review and written approval is required for the CONTRACTOR to continue to perform work under this AGREEMENT. Additionally, the CONTRACTOR shall not take an action or provide to an individual any item that confers a personal benefit upon an employee or officer of the CITY.

**XII. CONTROLLING TERMS AND PROVISIONS**

The aforesaid terms and provisions shall control over any conflicting term or provision of any CONTRACTOR proposal, Attachment, Exhibit, and standard terms and provisions annexed hereto.

IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed on the day and year first above written.

CITY OF FRANKLIN, WISCONSIN

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

\_\_\_\_\_  
BY \_\_\_\_\_ Dated

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

\_\_\_\_\_  
Paul Rotzenberg, Director of Finance      Dated  
And Treasurer

APPROVED AS TO FORM

\_\_\_\_\_  
Jesse A. Wesolowski, City Attorney      Dated  
And Treasurer

PRINT NAME \_\_\_\_\_

TITLE \_\_\_\_\_

BY \_\_\_\_\_  
Dated

PRINT NAME \_\_\_\_\_

TITLE \_\_\_\_\_

BY \_\_\_\_\_  
Dated

PRINT NAME \_\_\_\_\_

TITLE \_\_\_\_\_

## Sandi Wesolowski

---

**From:** Dan Meier <DMeier@lynch-engineering.com>  
**Sent:** Thursday, November 14, 2019 3:38 PM  
**To:** Sandi Wesolowski  
**Subject:** Request for Quarry Survey Services  
**Attachments:** 2019-11-15 Proposal Franklin - Request for Quarry Survey Services.pdf

Attention to: The Office of Clerk Services.

Attached please find our proposal for Quarry Survey Services.

Thanks,

**Daniel E. Meier, P.E.**  
Principal

Lynch & Associates  
Engineering Consultants, LLC  
5482 S. Westridge Drive  
New Berlin, WI 53151  
O. 262.402.5040  
D. 262.402.5044  
C. 262.751.1873  
[dmeier@lynch-engineering.com](mailto:dmeier@lynch-engineering.com)  
[www.lynch-engineering.com](http://www.lynch-engineering.com)



**LYNCH & ASSOCIATES**  
ENGINEERING CONSULTANTS, LLC

**Innovative Impact on Everyday Lives**



LYNCH & ASSOCIATES  
ENGINEERING CONSULTANTS, LLC

November 15, 2019

City of Franklin  
Attention to: The Office of Clerk Services  
9229 W Loomis Road  
Franklin, WI 53132  
[SWesolowski@franklinwi.gov](mailto:SWesolowski@franklinwi.gov)

Re: Request for Quarry Survey Services  
Franklin, WI

Attention: The Office of Clerk Services.

It is our understanding that the City of Franklin is seeking a qualified survey firm to provide services for the survey and mapping of the Quarry blasting area limits. The City is interested in surveying and defining the limits of the Quarry by setting permanent markers that will define the limits of remaining area available for extraction to ensure future compliance with extraction limits established in the Planned Development District (PDD). The Quarry's extraction limits are defined by Section 24 – S 1 a of the PDD and defined in both PDD 23 and 24.

The Quarry is located in the City of Franklin between West Rawson Avenue and West Drexel Avenue and is bounded by South 51<sup>st</sup> Street on the east, and approximately the Root River on the west as depicted in Attachment C of the RFP. The Quarry is currently owned and operated by Payne & Dolan, A Walbec Group company.

Lynch and Associates is a small firm based in Burlington, WI with an office in New Berlin, WI and we feel our background in land surveying and municipal engineering would make us an ideal candidate to assist the City in preparing the survey and setting the permanent markers. We work with many municipalities throughout southeast Wisconsin on survey projects and are currently working in the City of Franklin on a sub-division project with a municipal road extension.

We appreciate your time in reviewing our proposal and would enjoy speaking with you about your vision for the project and how we can help. Please contact Dan Meier at 262-402-5040 with any questions.

Sincerely,

LYNCH & ASSOCIATES –  
ENGINEERING CONSULTANTS, LLC

Daniel E. Meier, P.E.  
Vice President

440 M Iwaukee Avenue  
Burlington, WI 53105  
262 402 5040



[www.lynch-engineering.com](http://www.lynch-engineering.com)

5482 S Westridge Drive  
New Berlin, WI 53151  
262 402 5040

# Request for Quarry Survey Services

LYNCH & ASSOCIATES  
ENGINEERING CONSULTANTS, LLC

Corporate Headquarters  
440 Milwaukee Avenue  
Burlington, WI 53105  
262.402.5040





LYNCH & ASSOCIATES

~ ~ ~ ~ ~

## Quarry Survey Services City of Franklin

### Approach and Scope

#### *1 Project Kickoff and Work Plan*

Prior to beginning work, Lynch & Associates will meet with City staff to hold a project kickoff meeting. During the kick-off meeting, the project documents, PDD extraction limits, scope, issues, and concerns will be discussed to ensure the City's direction is understood. This will assist Lynch in ensuring that the final product meets the City's expectations and ensure the success of the project.

#### *2 Field-identify the PDD's extraction limits*

Prior to the Kickoff meeting, Lynch would propose preparing a preliminary document depicting the limits set in the PDD and any known variances for our discussion at the Kickoff meeting.

After the Kickoff meeting, Lynch shall incorporate the City's comments into the preliminary limits study and begin boundary and topographic surveys to identify the PDDs extraction limits and the current limits of excavation.

#### *3 Extraction Limits Exhibit*

After the extraction limits are field-identified, or surveyed, Lynch shall prepare a detailed exhibit in the format of an AutoCAD drawing and PDF. The detailed exhibit shall identify the limits to the East and South from the current centerline of South 51<sup>st</sup> Street and West Drexel Avenue. The exhibit shall show the proposed location of the permanent survey markers.

The detailed exhibit shall be presented to the City staff for review, and once approved Lynch shall begin the next phase of the project, Survey Marker Placement.

#### *4 Survey Marker Placement*

Lynch shall place survey markers of a permanent nature at or offset from the edge of the quarry extraction area to indicate the setback limits from the current road centerline in accordance with the PDD, variances, and approved exhibit.



The permanent survey markers are anticipated to be 1"x18" iron pipe with Berntsen aluminum survey caps or as approved by the City of Franklin, within reason based on cost and difficulty of installation.

## 5 Visual Map Preparation

Lynch shall finalize the maps previously presented to the City for review. The final map shall depict and include the following items:

- Limits of Extraction as established by the PDD
- Easements and Variances to the Extraction limits
- Surveyed Excavation limits
- Locations of permanent markers with coordinates and any offsets (Wisconsin State Plane Coordinate System (South Zone) NAD '27 with elevations based on NAVD '29 Datum)
- A geo-referenced areal image

The map shall be provided to the City as a hard copy and in the following electronic formats: PDF and AutoCAD drawing.

## Key Project Personnel

The Lynch survey and design team assigned to this project will consist of:

- Daniel Meier - Project Manager
- Peter Nielson - Professional Land Surveyor
- Lee Gunderson - Survey Crew Chief

The resumes for the key project personnel have been attached to the end of this document.

## Relationship with Payne & Dolan

Lynch is independent from and has no interests in Payne & Dolan, its parent or subsidiaries. Lynch has contracted with Payne and Dolan in the past five years. In addition to past projects, Lynch is currently under contract for WisDOT projects for which the work has been completed, but the final retainer has not been received. The projects include the following:

- 2016 – St. Martins Road - Construction Staking (Complete)
- 2017 – County Trunk Hwy. V - Construction Staking (Complete)
- 2017 – State Trunk Hwy. 142 - Construction Staking (Complete)
- 2018 – Ballpark Commons - Construction Staking (Complete)
- 2018 – County Trunk Hwy. H/120 - Construction Staking (Complete and Outstanding Retainer)
- 2019 – State Trunk Hwy. 24 - Construction Staking (Complete and Outstanding Retainer)



## Project Schedule

Lynch and the design team proposes the following as a preliminary schedule. The schedule is anticipated to adjust based on City input and project demands, but should be easily completed by the project deadline of January 31, 2020 and in general should follow the schedule listed below:

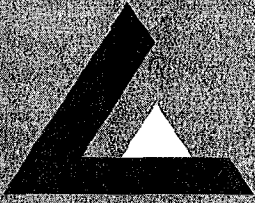
Notice To Proceed	Week of December 2, 2019
Kick-off Meeting	Week of December 9, 2019
Boundary Survey	Week of December 16, 2019
Preliminary Map	Week of December 30, 2019
• (City Review, 2 Weeks)	
Set Permanent Markers	Week of January 13, 2020
Final Map/Proj Complete	Week of January 20, 2020

## Project Fees

Once written authorization is received, Lynch & Associates – Engineering Consultants, LLC will proceed with the work. Lynch shall invoice the client every 4 weeks approximately, based on project progress.

Lump Sum Not to Exceed Cost: \$6,400.00





## Daniel E. Meier

Director of Land Development

### EDUCATION:

B.S., Civil Engineering  
University of Wisconsin  
Platteville

### REGISTRATIONS:

Professional Engineer: CA, FL,  
IL, IN, KY, MI, MN, NM, ND,  
OH, OK, TX, WI

### AFFILIATIONS:

NCEES  
ICSC



### Areas of Expertise:

Private Land Development  
Site Design and Review  
Project Management  
Client Communication  
Stormwater Management  
Due Diligence  
Entitlements

### Professional Summary:

Mr. Meier is a Senior Project Manager, as well as the Director of Private Development, with over 19 years of experience specializing in private and retail developments throughout the United States. He has significant experience in all stages of the development process including planning, due diligence, entitlements, design, and construction management.

Mr. Meier has been the Project Manager for several local and nationally recognized projects including Santa Monica Place, Oakbrook Center, Westfield Culver City, SOHI building, Ambassador Hotel, and Tellabs Headquarters.

### Professional Experience:

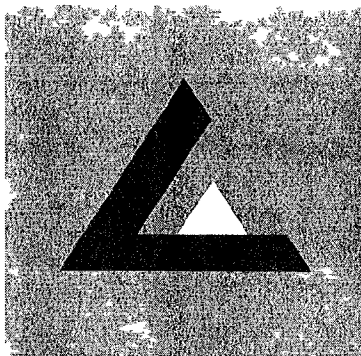
**Trek Bicycle, Mauneshia Pedestrian Bridge Waterloo, WI:** Mr. Meier prepared plans and calculations for the bridge abutments for a pre-fabricated bridge structure that is planned for a future bike trail system for Trek Bicycle at their headquarters in Waterloo, WI. Mr. Meier was the Project Manager for the project, which completed designs in 2015.

**USH 12 Bridge Rehabilitation, Walworth County, WI:** Mr. Meier is currently serving as the project manager for the bridge rehabilitation project on USH 12. The project involves preparing preliminary and final structural plans for bridges on USH 12 between STH 67 and STH 50.

**GGP, Multiple Locations, U.S.:** Mr. Meier has worked with GGP as Senior Project Manager on several projects nationwide since 1997. The project scopes range from ground-up centers to small additions and renovations. Mr. Meier is very familiar with the special needs and attention to timelines associated with retail planning and design. His experience includes numerous developments in Wisconsin, Illinois, Texas, Ohio, Kentucky, Indiana, Iowa, Colorado, Missouri, Minnesota, Oklahoma, Arizona, and California.

**SOHI Building, City of Milwaukee, WI:** Mr. Meier served as Senior Project Manager for this redevelopment project. In 2007, the City of Milwaukee commissioned a master plan to improve the South of Highland (SOHI) District in Milwaukee to create a safe, pedestrian-friendly environment. The historic SOHI building was the first development to undergo a renovation. The existing under-utilized building was renovated to accommodate restaurants and retail on the first floor with residential and office above. The site design included upgrading the utilities to the building and designing improvements to the parking. The project won a design award from the Mayor of Milwaukee in 2011.

**Watermain Design – Wauwatosa, WI:** Mr. Meier served as the senior project manager and designed sixteen inch transmission mains and multiple relays throughout the City of Wauwatosa.



## Peter J. Nielson

### Survey Project Manager

#### REGISTRATIONS:

Professional Land  
Surveyor, WI

#### PROFESSIONAL

#### AFFILIATIONS:

Wisconsin Society of  
Land Surveyors



## LYNCH & ASSOCIATES

ENGINEERING CONSULTANTS

#### Areas of Expertise:

Re-Establish PLSS Section Corners  
Subdivide PLSS Sections  
Construction Staking  
Certified Survey Maps  
Subdivision Plats  
ALTA Surveys  
Right-Of-Way Plats and Staking  
Control Surveys  
Topographic & Design Surveys  
Settlement Monitoring  
Deformation Surveys

#### Professional Summary:

Mr. Nielson has 25 years of experience providing project survey support for design, construction, and boundary projects using GPS, Robotic and conventional methods. Project activities have included right-of-way plat preparation, Certified Survey Map preparation, section corner recovery and monumentation, construction staking and layout of complex facilities, topographic and cross-section surveys, settlement monitoring and control surveys. He is experienced in the use of MicroStation and AutoCAD, In-roads, both survey software and design software, Civil3D, Trimble Geomatics, and Microsoft Project.

#### Professional Experience:

**USACE/Government of Iraq – Mosul Dam, Ninevah Province, Iraq:** Lead surveyor for the monthly Deformation Survey to provide monitoring of the World's Most Dangerous Dam. Conducted monthly surveys of over 350 specific monitoring points throughout the dam site to identify movement or changes. Surveys were done in accordance with United States Army Corps of Engineers (USACE) Specifications. Field work and QA/QC was provided for the six monthly survey observations as well as QA/QC and oversight on subcontractors. Also provided survey support to the contractor for the drilling and grouting operations.

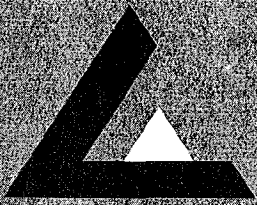
**Wisconsin Department of Transportation-Lake Parkway Arterial – Milwaukee, WI:** Responsible for layout of slope stakes, over 300 storm sewer structures, subgrade crushed aggregate base course, and concrete pavement for over 2 miles of roadway, retaining walls, and curb and gutter. Monitored approximately 80 building structures for settlement during construction.

**Wisconsin Department of Transportation-STH 153 Right-of-Way Plat – Mosinee, WI:** Professional Land Surveyor responsible for design survey and Right-of-Way Plat preparation. Conducted topographic, wetland, cross-section field survey, deed take-off, and research and development of existing and proposed right-of-way and preparation of legal descriptions for a 12-mile long project affecting over 300 parcels.

**Milwaukee Metropolitan Sewerage District-Harbor Siphon – Milwaukee, WI:** Responsible for field survey, research, and right-of-way plat preparation for tunnel easement acquisition. Activities also included project management and client communications and meetings.

**City of Milwaukee-6th Street Viaduct – Milwaukee, WI:** Responsible for management of field crews and Quality Assurance and Quality Control procedures for construction staking of two Cable-Stay bridges, two Bascule bridges and the accompanying roadways.

**Southeast Wisconsin Baseball Park District-Miller Park – Milwaukee, WI:** Conducted survey work throughout construction. Construction staking included caissons, structural steel, sewer and water, track beam construction, and roadway staking. Other survey work included monitoring of roof picks, layout of crane locations, roof inspection, and post-accident analysis.



## Lee M. Gunderson

### Survey Crew Chief

#### EDUCATION:

BB.S., Geography &  
Urban Planning  
University of Wisconsin  
Whitewater, WI

#### REGISTRATIONS:

Certified Survey Technician  
(CST)

#### PROFESSIONAL

#### AFFILIATIONS:

NSPS Survey Technician  
Certification Board



#### Areas of Expertise:

Re-Establish PLSS Corners  
Subdivide PLSS Sections  
Ground Control for Aerial Mapping  
Construction Inspection Services  
C.S.M. and Subdivision Platting  
Setting Control for Construction  
Right-of-Way Staking  
Topographic Surveys  
Right-of-Way Plats  
LiDAR Surveys  
Utility Location  
ALTA Surveys

#### Professional Summary:

Mr. Gunderson has experience providing project survey support for design and construction projects. His repertoire includes construction staking, layout of complex facilities, topographic surveys, utility surveys, control surveys, and monumentation. Mr. Gunderson is efficient using GPS and total station/robotic survey equipment.

During his Internship with the Racine County Surveyor's Office, Mr. Gunderson assisted on numerous projects. He became proficient at completing tie sheets. He set several monuments and re-established property corners throughout the County during this time.

As a Certified Survey Technician, Mr. Gunderson has spent most of his career providing survey for SE Region WisDOT projects. He understands and delivers what the WisDOT SE Region Survey Group wants. In addition to the IH 41 job for which he also provided topo survey, level loop for entire corridor, control at select bridges, and utility surveys, he has also worked on the following:

- Zoo Interchange Study Survey – data gathering, utility surveys, topographic surveys
- STH 83, Washington County – section and property corner recovery/survey, topographic survey, utility survey
- High Speed Passenger Rail – utility survey, coordination and leading field survey
- I-94 N-S Corridor, Milwaukee, Racine, Kenosha – utility survey, topographic surveys, drainage surveys, boring locations
- STH 190 (Capitol Drive) – topographic survey, control survey, utility survey, wetland delineation survey
- Menomonee Valley Passage/Hank Aaron State Trail – utility survey, topographic survey, control survey
- IH 41 Zoo Freeway Bridge Rehabilitation– topographic surveys, control survey, and collection of bridge data using LiDAR

In addition to these highlighted projects, Mr. Gunderson has also provided master contract survey work for the WisDOT SE Region on STH 83 & 16, Capitol Drive, STH 165, STH 142, Ryan Road (STH 100), STH 60 & CTH Y, USH 45, I-94, STH 31, and STH 32.

Mr. Gunderson has also provided construction inspection on STH 11, Durand Avenue in Racine County. The project included milling and resurfacing of STH 11, storm sewer repairs, sidewalk and curb replacement, and significant traffic control staging. Mr. Gunderson provided this inspection under the mentorship of WisDOT staff.

## Sandi Wesolowski

---

**From:** Kristen Wilhelm  
**Sent:** Friday, November 15, 2019 12:57 AM  
**To:** Sandi Wesolowski  
**Cc:** Regulo Martinez-Montilva  
**Subject:** FW: City of Franklin Survey RFP Attn: Lori

The decline email.

Kristen Wilhelm  
3rd District Alderwoman  
City of Franklin  
9229 West Loomis Road  
Franklin, WI 53132  
City Hall 414.427.7603  
[kwilhelm@franklinwi.gov](mailto:kwilhelm@franklinwi.gov)  
[www.franklinwi.gov](http://www.franklinwi.gov)

---

**From:** survey survey [survey@metropolitansurvey.com]  
**Sent:** Wednesday, November 13, 2019 2:38 PM  
**To:** Kristen Wilhelm  
**Subject:** Re: City of Franklin Survey RFP Attn: Lori

Hi Kristen, sorry for the delay on reviewing this project. Unfortunately we will not be able to accommodate this job at this time.

Thank you,  
Stephanie Sauer

On Tue, Oct 29, 2019 at 10:16 PM Kristen Wilhelm <[KWilhelm@franklinwi.gov](mailto:KWilhelm@franklinwi.gov)> wrote:  
Lori,

Please find attached a Request for Proposal and background documents for a field survey of quarry extraction limits in accordance with the identified sections of the City of Franklin Planned Development District's (PDD's) 23 and 24.

The survey areas are located along S. 51st Street between Rawson Blvd and Drexel Avenue and along Drexel Avenue west of 51st Street. The survey area is to include only the east and south extraction boundaries as indicated on the mapping and as highlighted in the PDD's.

The not to exceed cost proposal is due November 15, 2019 with deliverables due by January 31, 2020. The City's boilerplate contract is provided for your review so you can determine if it is acceptable prior to your proposal.

Questions concerning the proposal may be directed to:

Regulo Martinez-Montilva, AICP  
Department of City Development

RMartinez-Montilva@franklinwi.gov  
414-427-7564

Or, if not available:  
Kristen Wilhelm, District 3 Alderwoman  
KWilhelm@franklinwi.gov  
414-427-7603

Thank you for your timely consideration of this work.

Attachments: 5

Kristen Wilhelm  
3rd District Alderwoman  
City of Franklin  
9229 West Loomis Road  
Franklin, WI 53132  
City Hall 414.427.7603  
kwilhelm@franklinwi.gov<mailto:kwilhelm@franklinwi.gov>  
www.franklinwi.gov<http://www.franklinwi.gov/>

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**Metropolitan Survey Service, Inc.**

9415 W Forest Home Ave Suite 202  
Hales Corners, WI 53130  
Phone: 414-529-5380  
survey@metropolitansurvey.com  
www.metropolitansurvey.com



<p><b>APPROVAL</b></p> <p><i>slu</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p>November 19, 2019</p>
<p><b>REPORTS AND RECOMMENDATIONS</b></p>	<p>von Briesen &amp; Roper, s.c Attorneys Request for Potential Conflict of Interest Informed Consent Waiver with Regard to the Performance of Legal Services for the City Upon Labor Matters, and also for Franklin Mobile, LLC Upon an Application for Approval from the City for a Replacement Bridge at 6361 South 27th Street in the Franklin Estates Mobile Home Park</p>	<p><b>ITEM NUMBER</b></p> <p><i>6.7.</i></p>

Annexed hereto is a copy of an informed consent request letter from Atty. Kyle J. Gulya, who performs labor matters legal counsel representation for the City. The request arose upon the retainer of Atty. Alan H. Marcuvitz by Franklin Mobile, LLC regarding a pending application for a special use approval (Atty. Marcuvitz also previously performed legal services for the City, but those services have been completed). Both Attorneys work within the von Briesen & Roper, s.c law firm. The City Administrator and the City Attorney have no objection to a grant of the waiver.

### **COUNCIL ACTION REQUESTED**

A motion to authorize the Mayor to execute the informed consent letter in the form and content as annexed hereto.



TAGLaw International Lawyers

Kyle J. Gulya  
Direct Telephone  
414-287-1377  
kgulya@vonbriesen.com

November 14, 2019

**VIA EMAIL**

Mark Luberda  
Director of Administration  
City of Franklin  
9229 West Loomis Road  
Franklin, WI 53132

**Re: Waiver of Conflict of Interest**

Dear Mr. Luberda,

We are writing to advise you of a potential conflict of interest between our representation of Franklin Mobile, LLC and our representation of the City of Franklin ("City"). We are requesting the City's informed consent to, and a written waiver of, that potential conflict pursuant to the Wisconsin ethics rules governing attorneys so that we may continue rendering services to the City.

von Briesen & Roper, s.c. (the "Firm") performs legal services for the City regarding labor and employment matters, open records matters, and related matters on request, at times that are unrelated to the requested matters our Firm performs for Franklin Mobile, LLC. Franklin Mobile, LLC has requested that we advise it with respect to matters involving obtaining approval from City for a replacement bridge at 6361 South 27<sup>th</sup> Street. We desire to advise Franklin Mobile, LLC on this issue that would have little likelihood of creating a conflict with City and we will do so. Our Firm is not advising City with respect to matters involving Franklin Mobile.

I do not currently, nor is there an expectation that I would, represent Franklin Mobile, LLC with respect to the replacement bridge matter. Certainly, during the time I and our other labor and employment attorneys would represent City, those attorneys could not represent Franklin Mobile, LLC regarding these matters. Our work that we are asked to perform for the City does not, nor will it, involve advising Franklin Mobile, LLC with respect to the replacement bridge matter.

We are writing to ask for City's consent to our representation of Franklin Mobile, LLC in the above mentioned matter related to the replacement bridge. The City's consent is necessary so that we may continue representing the City on the City's request which occurs from time to time. Under Wisconsin Supreme Court Rule 20:1.7, where there is a potential for a conflict of interest, our Firm

may only represent both clients if: (1) we reasonably believe that we can provide competent and diligent representation to each affected client; (2) the representation of each client is unrelated; (3) the representation of both clients is not prohibited by law; and (4) each client gives informed consent to the representation, in writing.

We have analyzed this Supreme Court Rule and under the present circumstances, our Firm reasonably believes that we can provide competent and diligent representation to both the City and Franklin Mobile, LLC. The work which we perform for the City is unrelated to the work which we are being asked to perform for Franklin Mobile, LLC. We are not prohibited by law from representing either of you.

While we do not anticipate that this situation will adversely affect our representation of City, Wisconsin Supreme Court Rule 20:1.7 requires that your informed consent be in writing. Accordingly, we would appreciate your confirming your waiver and consent to our concurrent representation of Franklin Mobile, LLC and City as described in this letter by signing a copy of this letter and returning it to me as soon as possible. By signing a copy of this correspondence and returning it, you are providing the Firm with consent to our representation of Franklin Mobile, LLC with respect to the issues involving the replacement bridge, as outlined in this letter.

We appreciate your understanding of our professional obligations with respect to matters of conflict. If you have questions or concerns, please call me. We very much appreciate your courtesy in considering this request for a waiver of any potential conflict of interest.

Very truly yours,

von BRIESEN & ROPER, s.c.

– S –

Kyle J. Gulya

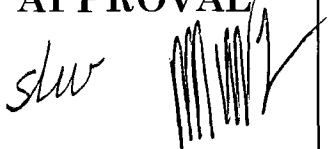
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City of Franklin waives the potential conflict and consents to von Briesen & Roper, s.c.'s concurrent representation of Franklin Mobile, LLC as described in the foregoing letter.

Dated this \_\_\_\_\_ day of November, 2019.

CITY OF FRANKLIN

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

<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>11/19/2019</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Pay Plan Structure for Police Department Supervisory Staff</b>	<b>ITEM NUMBER</b>  <b>G.8.</b>

The 2020 budget includes appropriations to fund consideration of merit increases for non-represented employees in 2020. Relative to the Police Department supervisory personnel, the current non-represented pay plan includes the Sergeants, Captains, Assistant Chief, and Chief. The Police Chief has consistently advocated that a merit program is not appropriate within the para-military organization of the Police Department. The Director of Administration acknowledges that a Police Department is possibly the toughest unit of a municipal government to bring under a merit program, but that it is absolutely possible. The Chief advocates for a traditional step-and-grade pay scale for the non-represented employees of the Police Department below the rank of Chief, with consideration towards ensuring risk of future pay compression between Sergeants and union positions (Police Officers and Detectives) is eliminated. In order to provide a clear example of such a plan, the Director of Administration developed a plan that attempted to address the Police Chief's concerns, while at the same time remaining reasonable and appropriate relative to all of the remaining non-represented employees in the currently approved pay plan.

This plan was also developed to address the amendment to the Mayor's Recommended Budget proposed by Alderman Taylor and approved by the Committee of the Whole to add appropriations to the "Police Department Personnel costs to address wage compression and a restructuring of the command staff pay plan...". The current pay plan already had a "Market Rate Special Circumstances" exception that ensured that the minimum Sergeant salary was at least 7.5% above the top Police Officer salary (thereby eliminating compression), but it did not address equity concerns related to a Sergeant above the minimum potentially not receiving the same annual increases as an officer. The proposal addresses both the compression and pay equity issues. **The Personnel Committee unanimously approved the plan as presented with the exception that the Assistant Chief position be excluded from the step-and-grade plan and remain within the current hybrid merit plan, which exception was recommended by the Director of Administration.**

A spreadsheet that lays out the development and primary components of the plan is attached. The amended policy components are summarized as follows:

1. The Sergeants and Captains shall be removed from the existing hybrid-merit compensation plan and placed into a step-and-grade plan effective January 1, 2020.
2. The first step of a new Sergeant step-and-grade plan shall be the highest, rounded to the nearest dollar, of a) 7.5% above the hourly contractual rate for Patrol Officer annualized (rate x 1.075 x 2002 hours) or b) 2.0% above the hourly contractual rate for Detective annualized as if Patrol Officer (rate x 1.02 x 2002 hours).

3. The third (also known as the top or maximum) step of a new Sergeant step-and-grade plan shall be initially set at \$87,442, which is equal to the current actual base salary of the highest paid Sergeant increased by .95% (differential percentage increase between Police Officers and Sergeants when considering a .5% wage differential from 2018 and a .45% wage differential from 2019).
4. The second step of a new Sergeant step-and-grade plan shall be the mid-point between the first and third steps.
5. Each step of the step-and-grade plan for the Captains shall be 20 percent higher than the corresponding step of the step-and-grade plan for the Sergeants, rounded to the nearest dollar.
6. The first and third steps of the Sergeants' step-and-grade plan shall be adjusted equivalent to, on the same basis as (for example, percentage versus flat dollar), and at the same time as wage increases awarded in the WPPA union labor contract, unless otherwise directed by the Common Council in the event of special circumstances. The Captains' steps would, therefore, be simultaneously adjusted.
7. Each Sergeant and Captain shall be placed within the plan based upon their seniority in the rank. One year of satisfactory or better service in the rank is required between steps; as such, less than satisfactory service may delay a step increase as determined by the Police Chief. Actual wages of each Sergeant and Captain shall be adjusted concurrent with adjustments to the pay plan provided said employee has satisfactory performance, as determined by the Police Chief. [As such, the affected positions would receive a wage adjustment at the start of 2020 with their initial placement in the plan and approximately April 1, 2020 based upon the settled labor agreement.]

The projected 2020 cost of \$24,885 does not include a few extra months of wage increases for 2020 since these wages would change in April instead of June or July, but there are sufficient appropriations available within the budget. If there are questions regarding how this new step-and-grade plan compares to the existing compensation plan, the Director of Administration would be happy to address them.

### **COUNCIL ACTION REQUESTED**

Motion to amend the existing non-represented classification and compensation plan and approve a new step-and-grade plan for Sergeants and Captains in the Police Department in accordance with the 7 principles set forth in the Council Action Sheet and to authorize the Director of Administration to modify the Employee Handbook in a manner and form as he determines is best appropriate to incorporate this new pay plan policy.

**DRAFT**

### Data and Analysis:

	2019 Salary Range	12/31/19 Hourly Rate	12/31/19 Annual Base	% Rank In Range	95% total Equity	2020 Cost Per New Concept
Asst. Chief	89,227	109,527	120,458			968
Asst Chief #1				64.85%		
Captain	83,002	101,886	112,063			1,975
Captain #1	2.6%	18.5%	28.4%	65.88%		1,975
Captain #2				68.68%		741
Captain #3				82.56%		
Sergeant	80,915	85,955	88,869			823
Sergeant #1				73.56%	823	1,260
Sergeant #2				67.54%	818	3,666
Sergeant #3				36.51%	796	3,666
Sergeant #4				73.56%	823	3,666
Sergeant #5				18.42%	782	3,666
Sergeant #6				73.56%	823	823
Sergeant #7				73.56%	823	823
Sergeant #8				73.56%	823	823
					6,511	18,437
Next years Roll up				102.25%	102.25%	
					6,867	18,862
Benefits					1.32	1.32
					8,787	24,885

### Current Adopted Compression Policy:

- f. Market Rate Special Circumstances:** Special consideration may be given by the Common Council as to the need to adjust the Market Rate and/or establish an effective salary minimum for a position based upon factors as the Common Council may determine are applicable, including but not limited to whether or not said position is part of a promotional path, is at risk of compression, or is a promotion opportunity without such special consideration. The following Market Rate Special Circumstance exists at initial implementation:
- (i) Segment: If the position of Sergeant in Grade 5's effective salary minimum upon implementation is \$73,776, which represents a 7.5% increase above the current top Patrol Officer annual wage, which results in a Market Rate for the position of \$79,587
- g. Compression:** The Director of Administration determines wage compression exists between any supervisory and subordinate positions within the same classification. The Director of Administration may recommend that the represented Union wage increase, the Director shall bring such issue to the Personnel Committee for review and consideration.

### SERGEANTS: Developing a Step-Plan Alternative

**Step 1 Set Range Parameters.**  
Proposed starting range remains 7.5% above Patrol Officer OR  
2% above Detective HOURLY rate

2019 Patrol Officer Plus 7.5%	37,6000 40,4200	75,275 80,921	hourly/annual (Effective 4/1/19 per new contract) [Note: Every current Sergeant exceeds this so there is no compression]
2019 Detective Plus 2%	40,9800 41,7986	85,238 Annualized as if Patrol 83,693	

Highest between options **83,683** and **80,921** is the Starting Step for Sergeants

Result: The new policy consideration has the result of increasing the starting Sergeant wage by 3.4% and raises the compression gap. In this instance to 11.2%

### Step 2: Consider Equity Adjustment

[illegible]

### Step 3. Create a Range with 3 even steps

Max	minus	MIn	= Range	divide by 2 =	Step Increase
87,442	minus	83,683	3 759	/ 2	1 880

NEW SERGEANT STEPS/RANGE	83,683	85,562	87,442
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### Step 4. Consider other Command Staff

Captain Range at 20% higher  
 100,419  
 102,675  
 104,930  
 \$ 1 1975 Raise for top Captains  
 75.48% % through current Captain Range

**Current lowest Captain is 15.7% above the new top Sergeant.**

Current lowest: Captain is 15 % above the new top Sergeant.  
Gap between Sergeants and Captains was increased from compression level so that the full range could be expanded to 2 steps  
Current Gap between Range 9 (Sergeants) and Range 12 (Captains) is 28% but pay practices restrain that.

14.94% Raise from new Sergeant plan to above Captain plan will be more than sufficient to counter loss of OT  
Would eliminate need for overtime adjustment confusion or discrepancies and standardize expectations

**Assistant Chief is 7.5% higher** 107.9


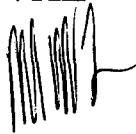
Assistant Chief is 7.5% higher	107,951	110,375	112,800	\$	956	Upon Anniversary Date
7.5% is gap per the current pay plan						75.48% % through current Captain Range
Director of Administration does not recommend including the Assistant Chief in a step-plan						

Director of Administration does not recommend including the Assistant Chief in a as the merit plan would be more appropriate for such a senior level position

Miscellaneous Notes and Calculations					
	compared to other non reps	86 920	81 057	new sgt	87,442    84.17%
	Detective			88,689	87,442    84.36%
	Patrol Officer			40,980	85,238    1,016,202
				37,800	76,275    1,132,355
Captain		83,002	101,885		
Captain #1				49 1062	102 141    65.88%
Ast. Chief		89,227	109,527		104,930    75.48%
Example				52 6055	112 800    75.48%

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<b>APPROVAL</b>  	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>11/19/2019</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Fire Station Alerting System Update and Authorization to Contract with Starfire Systems for an Installation Specification and Design</b>	<b>ITEM NUMBER</b> <b>G.9.</b>

The Fire Department station alerting system project requires authorization to hire a firm to design and/or provide specifications for bidding out the installation of the U.S. Digital Designs' station alerting system components. This project stage was not anticipated by the Fire Department possibly because of the manufacturer's unfamiliarity with Wisconsin law. The intent of this Council Action Sheet is to explain the need for this step and give a summary of the project steps thereafter. A lot of effort was invested in trying to take the project straight to the contract stage, but that simply is not possible under Wisconsin law as determined by the City Attorney and the Director of Administration.

The complexity of the project stems, in part, from the Fire Department having determined that the station alerting system developed by U.S. Digital Designs provides the functionality that is in the best interest of the City of Franklin. Questions on that topic should be addressed to the Fire Chief. To achieve this result, the City can directly purchase the system components from U.S. Digital Designs. This saves the City sales tax and any markup that might be applied if they were purchased on our behalf by an installer. A project of this magnitude for the installation of building fixtures requires that the installation portion of the project be bid out. The manufacturer does not directly do this work itself and simply says that their equipment should be installed "according to local code". In short, the manufacturer provides a design of what devices need to be where, but does not dictate how they are to be put there.

Despite their cooperation and lots of effort, the manufacturer is unable to provide any examples where any of their 14 projects in the State of Wisconsin was performed via a sealed bid process that Franklin could use as a pattern. The vast majority were directly contracted with the manufacturer who then subcontracted the installation work and marked the price up. The City Attorney has confirmed that this would not be consistent with public bidding requirements as they have been interpreted by the State's Attorneys General and the League of Wisconsin Municipalities. It is worth noting that U.S. Digital Designs prefers not to be involved in the product installation in this manner, which is why they are in the process of dissuading communities from doing such by increasing their markup from 10% to 30%.

To be clear, a couple projects were bid out properly, but only in conjunction with construction of a new fire station that was also bid out. There were no retro-fit projects such as ours where the need to add electrical boxes, conduit, etc. to an existing station occurred. Therefore, there are no comparable examples in Wisconsin from which to steal installation bid specifications, and, again, the manufacturer doesn't provide them. It can also be noted that there are currently four certified installers in Wisconsin, and two were contacted, with both concurring that they have not seen specifications for a retro-fit installation. (A certified installer is required to maintain the product

warranties.) [Also, Glendale, for example, bid out a generic station alerting system to all vendors, and U.S. Digital Designs came in as part of the lowest bid proposal. That method, however, does not guarantee the Fire Department all of the service and functionality components that they want.]

After consulting with Inspection Services, specifications are essential to ensuring a quality installation. It would be possible to internally develop installation specifications but it would be more time consuming and negatively impact productivity. The Director of Administration and Director of Inspection Services recommend that the City contract with an electrical system designer to develop and prepare bid specifications that can be attached to the boiler plate components used by the City. Starfire Systems, a Franklin business, was contacted because of the City's experience with their work in relation to our fire alarm systems, a similar-type system with both 120 volt and low voltage components. Starfire Systems is investigating the project, the product, and our fire station facilities. In order to keep the project moving, a proposal for design services will be made available at the meeting or sooner, if available. The full scope of the proposal will determine the cost, but a very preliminary estimate is in the \$3,000 to \$5,000 range.

**Next Steps:** While the specifications and bid documents are being prepared and published, a purchase order with the manufacturer will be finalized for Council approval. The purchase order will include purchase of the devices and the programming services to enable all of the project pieces to communicate with each other and with all of Franklin's dispatching systems and perform all the desired functions. Copies of the anticipated facility plans are attached. Questions regarding the number and distribution of audible and visual notification devices and message boards, etc., should be directed to the Fire Chief.

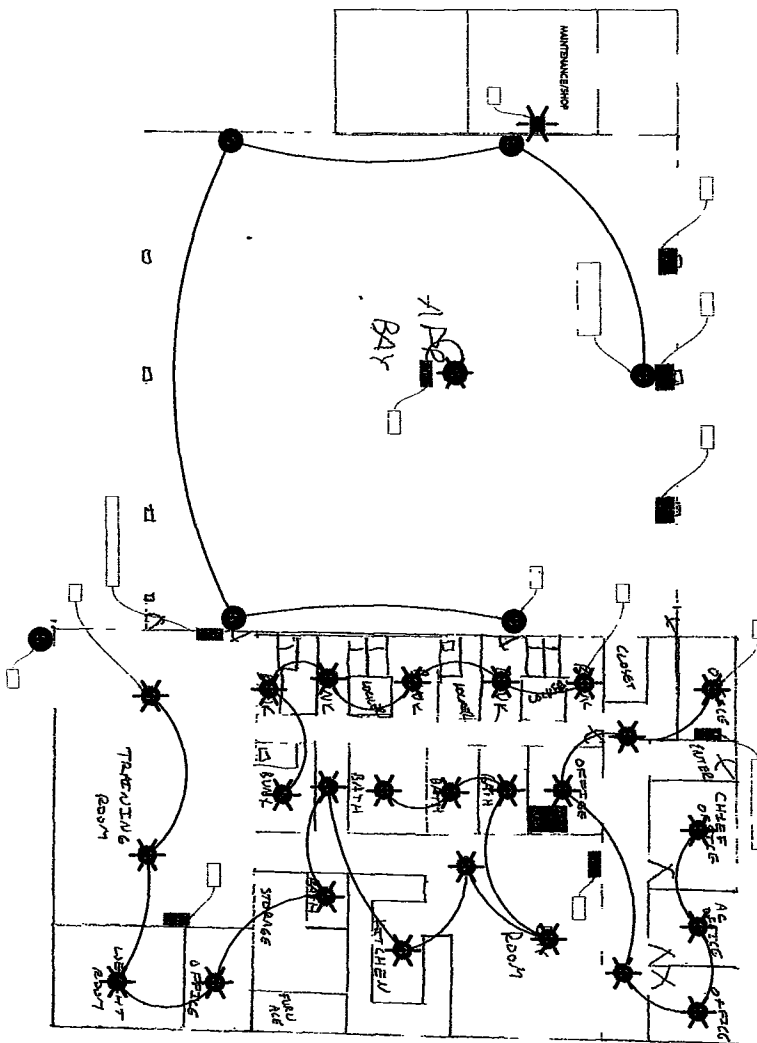
An additional contract will need to be approved with ProPhoenix, the CAD provider for the Police Department. ProPhoenix will have to perform programming and/or development to ensure proper communications between the two systems. It is already known that the U.S. Digital Designs' system can interface with ProPhoenix, but this occurs through customization.

Finalization of each of the subsequent components will occur after the design installation specifications are completed. In that way, the development of the design specifications can be used as a double-check to ensure that all of the components are necessary and covered. A full project budget will also be presented since it appears that some of these project components may not have previously been fully anticipated in the Fire Department's initial design efforts and budget estimate.

## **COUNCIL ACTION REQUESTED**

Motion to authorize the Director of Administration to approve a proposal from Starfire Systems for the development of electrical system installation specifications for a U.S. Digital Designs' station alerting system, subject to inclusion of insurance requirements.

- NOTES:
1. SEE ARCHITECTURAL SPECIFICATIONS FOR ALL ROUGH-IN AND INSTALLATION DETAILS.
  2. US DIGITAL DESIGNS DOES NOT SUPPLY BACK BOXES, CONDUITS, OR MOUNTING FASTENERS.
  3. US DIGITAL DESIGNS THE STATION ALERTING PLANS ARE DIAGRAMMATIC AND FOR GUIDING PURPOSES ONLY. DRAWING MAY NOT BE TO SCALE.
  4. PHOENIX (G) SYSTEM IS ABLE TO SIGNAL, OWNER-FURNISHED SYSTEMS, (EACH SYSTEM) SHUT OFF ETC. BUT USDO DOES NOT SUPPLY THESE SYSTEMS AND CANNOT WARRANT OR SUPPORT ANY OF THEM PERFORMANCE BEYOND THE TRANSMISSION OF RELAY SIGNAL TO THEM.
- INSTALLER NOTES:
1. INSTALLER TO INCLUDE CONNECTION BETWEEN ATX STATION CONTROLLER'S LINE-LEVEL AUDIO OUTPUT AND (EXISTING) OWNER-FURNISHED HOUSE AUDIO SYSTEM (AMP, IF APPLICABLE).
  2. INSTALLER TO PROVIDE REMOTE CONTROL TO CUSTOMER EXISTING STATION BOARD AND NETWORK SYSTEM FOR BACKUP.
  3. INSTALLER TO PROVIDE CONNECTION BETWEEN (EXISTING) OWNER-FURNISHED STATION LIGHTING CONTROL SYSTEM AND RELAY OUTPUT FROM ATX STATION CONTROLLER OR I/O REMOTE.



US DIGITAL DESIGNS		SYMBOL	DESCRIPTION
Count	Name		
1	EXTERNAL ADAPTER (60-100V)	ATA	02 MIX
2	02 AIR STATION CONTROLLER		STATION CONTROLLER
25	02 LED SPEAKER (02 1/4" (K-70)	Q2	02 REMOTE STATION CONTROLLER
1	02 LED SPEAKER-BOX	EXP	02 SPEAKER MONITOR
1	02 MESSAGE REPEAT		
5	02 MESSAGE SIGN STANDARD (MS-02-5)		
3	02 MS ADAPTOR PLATE (SINGLE (MS-5)	1/10	02 10 REMOTE
1	02 OMNISTORE SPEAKER	1/15	02 MESSAGE REMOTE
1	02 GP US (02-JUN5)		
3	MS-AINT-1	1/5	02 MESSAGE REMO
2	PUSH BUTTON (RED)	1/5	02 MESSAGE REMO
6	SPEAKER WEATHER-PROOF		

1251	Q2 ROOM REMOTE 2	Q2 ROOM REMOTE 2
1252	Q3 HOV REMOTE	Q3 HOV REMOTE
1253	Q4 COLOS ROOMDOWN REMOTE	Q4 COLOS ROOMDOWN REMOTE
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1395	Q146 Q8A REM. PPR	Q146 Q8A REM. PPR
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1411	Q162 Q8A REM. PPR	Q162 Q8A REM. PPR
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1529	Q280 Q8A REM. PPR	Q280 Q8A REM. PPR
1530	Q281 Q8A REM. PPR	Q281 Q8A REM. PPR
1531		

project	CITY OF FRANKLIN, WI		
building	FIRE STATION 1		
filename	USDD_WI_FRNK_FS01.FSA.DWG		
date	21-May-2019	JA	design by



POE = USDD device connects to G2 ATX Power-Over-Ethernet (POE) port 1 thru 8 or G2 Expansion Module(s) ports 1 thru 12  
A.n = G2 ATX Amplifier 1..4  
EA.n = G2 External Amplifier 1..n

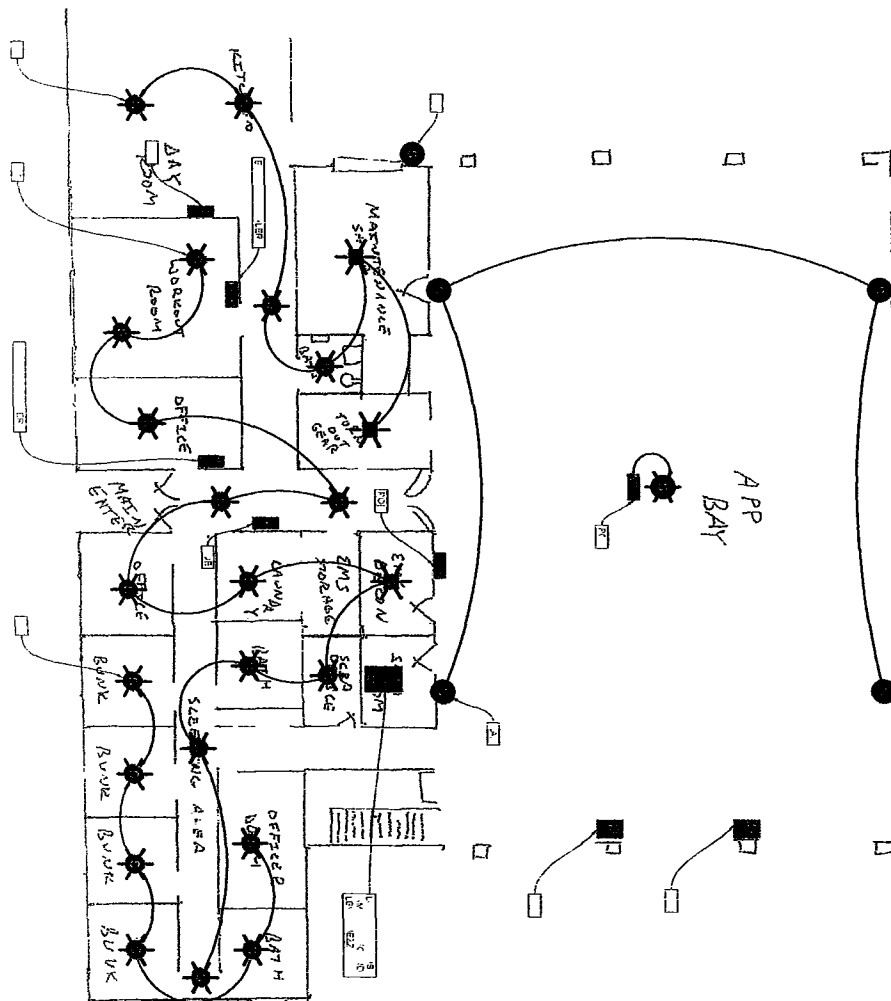
5/21/2019 9:49:00 AM

# NOTES:

1. SEE ARCHITECTURAL SPECIFICATIONS FOR ALL ROUGH-IN AND INSTALLATION DETAILS.
2. US DIGITAL DESIGNS DOES NOT SUPPLY BACK BOXES, CONDUITS, OR MOUNTING FASTENERS.
3. US DIGITAL DESIGNS FIRE STATION ALERTING PLANS ARE DIAGRAMMATIC AND FOR QUOTING PURPOSES ONLY. DRAWING MAY NOT BE TO SCALE.
4. PHOENIX G2 SYSTEM IS ABLE TO SIGNAL, OWNER-FURNISHED SYSTEMS, (EXHAUST LIGHT, GAS SHUT OFF, ETC.) BUT USDD DOES NOT SUPPLY THESE SYSTEMS AND CANNOT WARRANT OR SUPPORT ANY OF THEIR PERFORMANCE BEYOND THE TRANSMISSION OF RELAY SIGNAL TO THEM.

## INSTALLER NOTES:

1. INSTALLER TO INCLUDE CONNECTION BETWEEN ATX STATION CONTROLLER'S LINE-LEVEL AUDIO OUTPUT AND (EXISTING) OWNER-FURNISHED HOUSE AUDIO SYSTEM (AMP)/IF APPLICABLE.
2. INSTALLER TO PROVIDE 1 CAT5/6 CABLE FROM ATX CONTROLLER TO CUSTOMER EXISTING STATION RADIO SYSTEM FOR BACKUP.
3. INSTALLER TO PROVIDE CONNECTION BETWEEN (EXISTING) OWNER-FURNISHED STATION LIGHTING CONTROL SYSTEM AND RELAY OUTPUT FROM ATX STATION CONTROLLER OR I/O REMOTE.



Count	Name	US DIGITAL DESIGNS
1	EXTERNAL AMPLIFIER (60-100W)	
1	G2 ATX STATION CONTROLLER	
21	G2 LED SPEAKER (G2-LV-HC-70)	
3	G2 LED SPEAKER-BOX	
1	G2 MESSAGE REMOTE 2	
5	G2 MESSAGE SIGN STAND (MS-G2-S)	
2	G2 MS ADAPTOR PLATE SINGLE (AP-S)	
1	G2 COMBINATION SPEAKER	
1	G2 UPS (G2-UPS)	
2	MS-JUNT-ART-L	
2	FLUSH BUTTON (RED)	
5	SPEAKER WEATHER-PROOF	

SYMBOL	DESCRIPTION
ATX	G2 ATX STATION CONTROLLER
LED	PHOENIX G2 STATION CONTROLLER
MSG	G2 MESSAGE REMOTE
MSG-S	G2 MESSAGE SIGN STAND
MSG-AP	G2 MESSAGE SIGN ADAPTOR PLATE
MSG-FL	G2 MESSAGE SIGN FLUSH BUTTON
MSG-WE	G2 MESSAGE SIGN WEATHER-PROOF
MSG-RT	G2 MESSAGE SIGN REMOTE
MSG-RT-2	G2 MESSAGE SIGN REMOTE 2
MSG-RT-3	G2 MESSAGE SIGN REMOTE 3
MSG-RT-4	G2 MESSAGE SIGN REMOTE 4
MSG-RT-5	G2 MESSAGE SIGN REMOTE 5
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MSG-RT-98	G2 MESSAGE SIGN REMOTE 98
MSG-RT-99	G2 MESSAGE SIGN REMOTE 99
MSG-RT-100	G2 MESSAGE SIGN REMOTE 100

POE = USDD device connects to G2 ATX Power-Over-Ethernet (POE) port 1 thru 8 or G2 Expansion Module(s) ports 1 thru 12  
 AN = G2 ATX Amplifier 1, 4  
 EA = G2 External Amplifier 1, n

5/21/2019 9:49:04 AM

project	CITY OF FRANKLIN, WI
building	FIRE STATION 2 & 3
filename	USDD.WI_FRNK_FS02_3.FSA.DWG
date	21-May-2019



<b>APPROVAL</b> <i>Shw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <i>11/19/2019</i>
<b>REPORTS AND RECOMMENDATIONS</b>	<b>Request Common Council Approval to Purchase Motorola APX 8500 Mobile Dual-band Radio and Assorted Equipment Mounts and Brackets for the Recently Purchased Engine 111 Replacement, in the amount of \$7,793.00.</b>	<b>ITEM NUMBER</b> <i>G, 10,</i>

The Fire Department is seeking council approval to purchase a Motorola APX 8500 Mobile Dual-Band (VHF/800 MHz) radio in the amount of \$5,819.02 and various tool mounts and brackets that will be directly and permanently bolted into the recently purchased fire engine, but were not supplied by the manufacturer.


The total purchase cost for the radio and brackets will not exceed \$7,793.00 and would be charged to the balance remaining in the Equipment Replacement Fund (the approved 2019 Auto Equipment replacement request was for \$675,000.00 and the actual purchase price negotiated between the City and Seagrave Manufacturing was \$633,196.00, leaving a fund balance of \$41,804).

When possible, the Fire Department repurposes such equipment from one vehicle to another; however, the tool mounts from the vehicle to be replaced are largely from the engine before it (dating to the 1980's) and are no longer appropriate for newer tools and equipment, nor do they meet crash impact standards. The radio from the apparatus to be replaced dates from the original transition to the 800 MHz platform in the mid-1990s, and parts and repairs are no longer supported by the manufacturer.

**COUNCIL ACTION REQUESTED**

**Motion to approve Fire Department purchase of Motorola APX 8000 Mobile radio and tool mounts and brackets, for a total cost of not more than \$7,793.47 to be charged to the balance of the approved 2019 Equipment Replacement Fund request.**

Fire: AJR

<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>11/19/2019</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Authorization to Opt Out of a Class Action Settlement Regarding Loestrin and Minastrin Drug Costs to the Self-Insurance Fund</b>	<b>ITEM NUMBER</b> <b>G. 11.</b>
<p>Attached is an email notification from United Health Care regarding a class action litigation for allegations that Lupin, Warner Chilcott and Watson delayed the entry of the generic versions of Loestrin 24 Fe and Minastrin 24 Fe to the market causing third-party payors to pay more than they should have for these drugs.</p> <p>Pharmacy data shows that the City of Franklin's self-funded plan paid for Loestrin and/or Minastrin that makes the City eligible as a class member in this litigation. It also shows that the City paid \$10,028 for Loestrin 24 Fe, Minastrin 24 Fe, or generic equivalents during the period of 9/1/2009 through 9/17/2019.</p> <p>December 2, 2019 has been set as the deadline date to be excluded from the class and retain any rights to sue Lupin, Warner Chilcott and Watson about the claims in this case. If the City does nothing, we retain the right to participate in any future settlements related to this litigation. Also included in the notice was the announcement of a settlement with one of the defendants that this settlement does not provide any funds to third-party payors at this time and there is no claim due or action to take for that settlement unless we decide to opt-out of the class.</p> <p>It is recommended to opt-out of the class action.</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>Motion to authorize the Director of Administration to opt-out of the class action settlement regarding the Loestrin and Minastrin drug costs to the Self-Insurance Fund by the December 2, 2019 deadline date.</p>		

DOA - MWL

## Lisa Huening

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**From:** Mark Luberda  
**Sent:** Thursday, November 7, 2019 9.35 AM  
**To:** Lisa Huening  
**Subject:** FW: Class Action Settlement Information - Loestrin and Minastrin

**From:** Dohl, Lynne R <lynne\_r\_dohl@uhc.com>  
**Sent:** Wednesday, November 6, 2019 12:28 PM  
**To:** Mark Luberda <MLuberda@franklinwi.gov>; Dana Zahn <DZahn@franklinwi.gov>  
**Cc:** Tom Jocz (Thomas.Jocz@associatedbrc.com) <Thomas.Jocz@associatedbrc.com>; Roger Green (Roger.Green@associatedbrc.com) <Roger.Green@associatedbrc.com>  
**Subject:** Class Action Settlement Information - Loestrin and Minastrin

Mark & Dana,

The purpose of this email is to provide you with information regarding the recent notice involving litigation arising from allegations that Lupin, Warner Chilcott and Watson delayed the entry of generic versions of Loestrin 24 Fe and Minastrin 24 Fe to the market causing third-party payors to pay more than they should have for these drugs.

On September 17, 2019, the court determined that this litigation can proceed as a class action. Class members are defined as third-party payors who paid or reimbursed all or part of the cost of Loestrin 24 Fe, Minastrin 24 Fe, or their generic equivalents from September 1, 2009 through September 17, 2019.

Our pharmacy data shows that your self-funded plan paid for Loestrin and/or Minastrin under circumstances that make you eligible as a class member in this litigation. **Our data shows that the City of Franklin paid \$10,028.36 for Loestrin 24 Fe, Minastrin 24 Fe or generic equivalents during the period 9/1/2009 – 9/17/2019.**

**The following deadline has been set to opt out of this class:**

- **December 2, 2019:** The deadline to exclude yourself from the class and retain any right to sue Lupin, Warner Chilcott and Watson about the claims in this case.

If you do nothing, you retain your right to participate in any future settlements related to this litigation.

Also included in the notice was the announcement of a settlement with one of the defendants Lupin. This settlement does not provide any funds to third-party payors at this time and there is no claim due or action to take for that settlement unless you decide to opt-out of the class.

More detailed information is available at [www.inreloestrin24feantitrustlitigation.com](http://www.inreloestrin24feantitrustlitigation.com).

If you have any questions about the information in this email, please contact me.

Best Regards,

*Lynne R. Dohl*

Lynne R. Dohl, Strategic Account Executive  
UnitedHealth Group | Employer & Individual

<b>APPROVAL</b> <i>Slw mwL AH</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>11/19/2019</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Set a Public Hearing regarding proposed amendments to 92-9 of the Municipal Code pertaining to impact fees for the purpose of exempting public schools from application of each of the various impact fees, suspending automatic annual rate increases for each of the various impact fee rates pending completion by the consultant of a broader Public Facilities Needs Assessment, and incorporating necessary changes to the Wisconsin Statutes 66.0617 pertaining to impact fee collections into the Municipal Code</b>	<b>ITEM NUMBER</b> <i>G.12</i>

The Common Council has authorized consideration of the request from the Franklin Public School District to consider amending the municipal code to exempt from application of each of the various impact fees. The Common Council has also contracted with Ruekert Mielke for completion of a broader review of all impact fees and an update to the Public Facilities Needs Assessment report required prior to modification of the ordinance. Note also that the existing ordinance provides for an automatic 5 percent impact fee increase effective the first of each year.

The Director of Administration recommends discontinuing increases in the rates until the full impact of their current level and future recommended levels is provided through the study that is underway. However, any adjustment to that ordinance requires that the City complete an update to the Public Facilities Needs Assessment. Statutes requires that such report be available for public inspection for 20 days prior to a public hearing on the matter. Given publication time requirements, the earliest a public hearing could be held is January 7, 2020, unless the Common Council were to hold a special meeting.

Given that the report on the school district will likely pattern closely with the 2013 report on the same issue, the Director of Administration believes both issues can be completed at the same time. The ordinance would include language making it retroactive to January 1, 2020 and authorize any necessary reimbursements. The same approach was considered in 2013.

As to the broader study underway, there is not a final date as to when the full study will be completed. Nearly 100 pages of documentation was provided to Ruekert Mielke two weeks ago, and that information is currently being worked on. Given that the labor contracts, 2020 budget, health insurance plan, and insurance renewals are largely completed and that the City Hall construction project is winding down, significantly more time will be available to be dedicated to this priority (along with station alerting system).

In addition to the above items, Wisconsin Statutes 66.0617 was amended to include certain changes related to fee collection that are not provided for within Franklin's current municipal code. For example, the following is a new requirement of 66.0617 (6):



“(g) Except as provided under this paragraph, shall be payable by the developer or the property owner to the municipality in full upon the issuance of a building permit by the municipality. Except as provided in this paragraph, if the total amount of impact fees due for a development will be more than \$75,000, a developer may defer payment of the impact fees for a period of 4 years from the date of the issuance of the building permit or until 6 months before the municipality incurs the costs to construct, expand, or improve the public facilities related to the development for which the fee was imposed, whichever is earlier. If the developer elects to defer payment under this paragraph, the developer shall maintain in force a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality. A developer may not defer payment of impact fees for projects that have been previously approved.”

The full scope of statutory changes will be reviewed, and the necessary changes will be incorporated into the ordinance being developed. If the motion is approved, the Director of Administration, in consultation with the City Attorney, will complete the necessary Public Facilities Needs Assessment and Public Hearing Notice and prepare the Ordinance for consideration at the January 7, 2020 meeting.

### **COUNCIL ACTION REQUESTED**

Motion to set a Public Hearing for January 7, 2020 regarding proposed amendments to 92-9 of the Municipal Code pertaining to impact fees for the purpose of exempting public schools from application of each of the various impact fees, suspending automatic annual rate increases for each of the various impact fee rates pending completion by the consultant of a broader Public Facilities Needs Assessment, and incorporating necessary changes to the Wisconsin Statutes 66.0617 pertaining to impact fee collections into the Municipal Code.

APPROVAL <i>slaw</i> <i>PH</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE Nov 19, 2019
REPORTS & RECOMMENDATIONS	AN ORDINANCE TO AMEND ORDINANCE 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR TID5 TO PROVIDE \$3,200,000 OF ADDITIONAL APPROPRIATIONS FOR INFRASTRUCTURE ASSISTANCE AND A \$4,000,000 REFUNDING OF THE 2018A NOTE ANTICIPATION NOTE	ITEM NUMBER <i>G.13.</i>

### **Background**

The City completed an amendment to the 2018 Ballpark Commons Developer's Agreement in Oct 2019. That agreement included \$3.2 million of additional City site preparation and infrastructure assistance. The City received developer commitments for additional development.

The Director of Finance & Treasurer has determined that enough development has commenced or is imminent to support additional portions of the original infrastructure assistance to refund \$4,000,000 of the 2018 \$23,480,000 Note Anticipation Note used to initially fund the development.

The City is selling additional debt to finance the added site preparation and infrastructure assistance and the refunding.

### **Analysis**

The attached budget amendment will provide appropriations for the added city site preparation and infrastructure commitments and the refunding.

### **Recommendation**

The Director of Finance & Treasurer recommends adoption of the attached 2019 budget amendment to provide resources and appropriations for the added infrastructure and the refunding.

### **COUNCIL ACTION REQUESTED**

Motion adopting an ordinance to amend Ordinance 2018-2345, an Ordinance adopting the 2019 annual budgets for TID5 to provide \$3,200,000 of additional appropriations for infrastructure assistance

Roll Call Vote Required

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 TID 5 TO PROVIDE \$3,200,000 OF ADDITIONAL  
APPROPRIATIONS FOR INFRASTRUCTURE ASSISTANCE AND A \$4,000,000  
REFUNDING OF THE 2018A NOTE ANTICIPATION NOTE

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WHEREAS, the Common Council of the City of Franklin adopted the 2019 Annual Budgets for TID5 on November 13, 2018; and

WHEREAS, the Ballpark Commons development has expanded beyond the contemplated size when the February 2018 Developer's Agreement was completed; and

WHEREAS, the added development has created the potential of added increment to support \$4,000,000 of additional long term debt such that a refunding opportunity has been created; and

WHEREAS, the Developer has requested additional assistance with site preparation and infrastructure costs within the project; and

WHEREAS, the City negotiated an amendment to the 2018 Developer's Agreement for TID5 in October 2019 that provided \$3,200,000 of additional site preparation and infrastructure assistance; and

WHEREAS, the City is selling new debt in November, 2019 to provide resources for the infrastructure assistance.

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

Section 1 That the 2019 Budget for TID5 be adjusted as follows:

Bond Proceeds	Increase	\$7,350,000
Bond Issuance Costs	Increase	150,000
Principal Payments	Increase	4,000,000
Streets	Increase	\$3,200,000

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

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

APPROVED:

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

ATTEST:

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

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

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APPROVAL <i>slw PR</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE Nov 19, 2019
REPORTS & RECOMMENDATIONS	AN ORDINANCE TO AMEND ORDINANCE 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR THE SANITARY SEWER FUND TO PROVIDE ADDITIONAL \$15,000 OF APPROPRIATIONS FOR SOFTWARE ACQUISITION	ITEM NUMBER <i>G.14.</i>

### **Background**

The 2019 Sanitary Sewer Fund budgeted \$40,500 for half the cost of converting Utility billing software from Govern (implemented prior to 2005) to BS&A software. The Water Utility budgeted a similar amount for 2019. The 2019 appropriation resulted from a Feb 2018 quote from the Vendor. The vendor also provides the City's financial records, accounts payable system, cash collection system, special assessment billing software among others.

At the Oct 15, 2019 the Common Council authorized the purchase of the Software. The Board of Water Commissioners authorized the purchase at its Sept 17, 2019 meeting.

The Information Technologies Director secured an updated quote including conversion of Govern data and requested additional contingency appropriations for the project.

### **Analysis**

The Board of Water Commissions approved a \$15,000 additional appropriation at its Sept 17, 2019 meeting.

The Sanitary Sewer Fund has sufficient resources on hand to fund the additional appropriation.

### **Recommendation**

Staff recommends approving the additional \$15,000 of appropriations for the billing software acquisition project.

### **COUNCIL ACTION REQUESTED**

Motion adopting an ordinance to amend Ordinance 2018-2345, an ordinance adopting the 2019 annual budgets for the Sanitary Sewer Fund to provide additional \$15,000 of appropriations for software acquisition

Roll Call Vote Required

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 SANITARY SEWER FUND TO PROVIDE  
ADDITIONAL \$15,000 OF APPROPRIATIONS FOR SOFTWARE ACQUISITION

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WHEREAS, the Common Council of the City of Franklin adopted the 2019 Annual Budgets for the Sanitary Sewer Fund on November 13, 2018; and

WHEREAS, the Sanitary Sewer Fund provided \$40,500 of appropriation for replacement billing software that is shared with the Water Utility whose budget contained a similar appropriation; and

WHEREAS, the Common Council authorized the purchase of replacement Utility billing software on September 17, 2019; and

WHEREAS, the Information Technologies Director recommends the inclusion of contingency appropriations for the project.

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

Section 1 That the 2019 Budget for Sanitary Sewer Fund be amended as follows:

Capital Asset Purchases

Software	Increase	\$15,000
Capitalized Assets	Decrease	\$15,000

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

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

APPROVED:

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

ATTEST:

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

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

<b>APPROVAL</b> <i>slw PR</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>11/19/19</b>
<b>Bills</b>	<b>Vouchers and Payroll Approval</b>	<b>ITEM NUMBER</b> <i>H.1.</i>

Attached are vouchers dated November 2, 2019 through November 14, 2019 Nos. 175971 through Nos. 176154 in the amount of \$ 4,356,388 97. Included in this listing are EFT's Nos. 4148 through Nos. 4157 Library vouchers totaling \$ 7,781.46 and Water Utility vouchers totaling \$ 915,028.19.

Vouchers approved at the Council meeting dated November 5, 2019 that are included in this distribution

American Deposit Management	\$ 1,700,000.00
Knight Barry	<u>\$ 24,904 53</u>
<b>Total Distributions</b>	<b>\$1,724,904.53</b>

Early release disbursements dated November 2, 2019 through November 13, 2019 in the amount of \$ 2,154,831.96 are provided on a separate listing and are also included in the complete disbursement listing. These payments have been released as authorized under Resolution 2013-6920.

The net payroll dated November 8, 2019 is \$ 390,161.88 previously estimated at \$ 399,000.00. Payroll deductions dated November 8, 2019 are \$ 210,479 39 previously estimated at \$ 211,000.00.

The estimated payroll for November 22, 2019 is \$ 429,000.00 with estimated deductions and matching payments of \$ 421,000.00.

Attached is a list of property tax payments Check Nos. 17908 dated November 2, 2019 through November 14, 2019 in the amount of \$ 7,640.39 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 November 14, 2019 in the amount of 4,356,388.97 and
- Payroll dated November 8, 2019 in the amount of \$ 390,161 88 and payments of the various payroll deductions in the amount of \$ 210,479.39 plus City matching payments and
- Estimated payroll dated November 22, 2019 in the amount of \$ 429,000 00 and payments of the various payroll deductions in the amount of \$ 421,000 00, plus City matching payments and
- Property Tax payments with an ending date of November 14, 2019 in the amount of \$ 7,640.39.

**ROLL CALL VOTE NEEDED**



APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 11/19/19
LICENSES AND PERMITS	MISCELLANEOUS LICENSES	ITEM NUMBER 1.1.

See attached listing from meeting of November 19, 2019.

**COUNCIL ACTION REQUESTED**



414-425-7500

**License Committee**

**Agenda\***

**Aldermen's Room**

**November 19, 2019 – 5:55 p.m.**

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

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 2019-2020 New 6:00 p.m.	<b>Otto, Lori A</b> 5967 Oriole Lane Greendale, WI 53129 Rawson Pub			
Operator 2019-2020 New	<b>Albert, Sandra A</b> 10520 S 112th Franklin, WI 53132 Hideaway Pub & Eatery			
Operator 2019-2020 New	<b>Kaur, Harpreet</b> 6590 S Carroll Circle Franklin, WI 53132 Pick 'n Save #6431			
Operator 2019-2020 New	<b>Marinez, Rachel M</b> 2561 S 13 <sup>th</sup> St Milwaukee, WI 53215 Hideaway Pub & Eatery			
Operator 2019-2020 New	<b>Ponga, Ashleigh</b> 6062 S 36 <sup>th</sup> St Greenfield, WI 53221 Milwaukee Burger Company			
Operator 2019-2020 New	<b>Rangel, Owen P</b> 8024 S Chapel Hill Drive Franklin, WI 53132 Pick 'n Save #6431			
Change of Agent 2019-2020	<b>Walgreens # 05459</b> Danielle H Peters 2076 Townline Rd #B6 East Troy, WI 53120			
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	<b>Franklin Lioness Club – St Martins Fair</b> Fee Waivers: St Martins Fair Permit, Temporary Class B Beer and Wine Licenses, and Operator's Permit Date of Events: 9/6/20-9/7/20 Location: St. Martins Labor Day Fair			
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	<b>Franklin Police Department – National Night Out</b> Fee Waivers: Temporary Entertainment & Amusement, Food License Date of Event: 8/3/20 Location: Franklin Public Library, 9151 W Loomis Rd			

Type/ Time	Applicant Information	Approve	Hold	Deny
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	<b>St Martin Of Tours Church – Fundraisers &amp; Fair</b> Fee Waivers: Labor Day Fair Permit, Temporary Class B Beer & Wine, Temporary Entertainment & Amusement, and Operator's Licenses Date of Event(s): Spring, 2020; 09/06 – 09/07/20 Location: St Martins Fair and St Martin of Tours Church or School, 7963 S 116 <sup>th</sup> St			
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	<b>St Paul's Lutheran School – Gala/Silent Auction &amp; School Picnic</b> Fee Waiver: Temporary Entertainment & Amusement, Temporary Class B Beer; Park Permit Date of Events: 03/28/20 5pm-10pm; 06/04/20 noon-4pm Location: St Paul's Church/School; Vernon Barg Pavilion – Lions Legend II			
<b>3.</b>	<b>Adjournment</b>			
		Time		

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