# CITY OF FRANKLIN COMMON COUNCIL MEETING\*

#### FRANKLIN CITY HALL - COMMUNITY ROOM

# 9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN AGENDA\*\*

#### TUESDAY, SEPTEMBER 3, 2019 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. 1. Citizen Comment Period.
  - 2. Mayoral Announcement: NAIOP (National Association for Industrial and Office Parks)
    Development Showcase Ballpark Commons, October 2, 2019 at 3:00 p.m.
- C. Approval of Minutes of the Regular Common Council Meeting of August 20, 2019.
- D. Hearings.
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
  - 1. Project Updates for Ballpark Commons.
  - 2. Franklin Tourism Commission Update.
  - 3. Update on a Business Appreciation Event Organized by the Franklin Economic Development Commission.
  - 4. Modification to Johns Disposal Services, Inc. Contract to Provide Weekly Recycling and Automated Garbage Services.
  - 5. Standards, Findings and Decision of the City of Franklin Common Council Upon the Application of Conservancy for Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, Applicant, for a Special Exception to Certain Natural Resource Provisions of the City of Franklin Unified Development Ordinance.
  - 6. A Resolution Conditionally Approving a 2 Lot Certified Survey Map, Being Part of Parcel "A" of Certified Survey Map No. 3411, and Unplatted Lands, Being a Part of the Northwest ¼ of the Southeast ¼ of Section 6, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Denis J. and Sharon L. Balistreri/Melissa M. and Christopher D. Burge, Applicants) (at 6708 and 6720 South North Cape Road).
  - 7. A Resolution Authorizing Certain Officials to Accept a Landscape Bufferyard Easement for and as Part of the Review and Approval of a 2 Lot Certified Survey Map, Being Part of Parcel "A" of Certified Survey Map No. 3411, and Unplatted Lands, Being a Part of the Northwest ¼ of the Southeast ¼ of Section 6, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Denis J. and Sharon L. Balistreri/Melissa M. and Christopher D. Burge, Applicants) (at 6708 and 6720 South North Cape Road).
  - 8. A Resolution to Proceed with Actions to Gain Access to City of Milwaukee Water Works Water Supply.
  - 9. A Resolution to Sign an Easement Agreement with American Tower L.P. at 5572 W. Airways Avenue.

- 10. An Ordinance to Amend Ordinance No. 2018-2345, an Ordinance Adopting the 2019 Annual Budgets for the Capital Improvement Fund to Provide Appropriations for a Needs Analysis to Expand the Public Works Facility.
- 11. A Resolution for a Professional Service Agreement with Graef for a Phase 1 Needs Analysis and Concept Design on Department of Public Works Facility Improvements (7979 W. Ryan Road) in the Amount of \$20,000.
- 12. July 2019 Monthly Financial Report.

#### H. Bills.

Request for Approval of Vouchers and Payroll.

#### I. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of September 3, 2019.

#### J. Adjournment.

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

#### **REMINDERS:**

September 5	Plan Commission Meeting	7:00 p.m.
September 17	Common Council Meeting	6:30 p.m.
September 19	Plan Commission Meeting	7:00 p.m.
October 1	Common Council Meeting	6:30 p.m.
October 3	Plan Commission Meeting	7:00 p.m.
October 15	Common Council Meeting	6:30 p.m.
October 17	Plan Commission Meeting	7:00 p.m.
October 27	Trick-or-Treat Observance	4:00 pm. to 7:00 pm.

<sup>\*\*</sup>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.]



# BALLPARK COMMONS DEVELOPMENT SHOWCASE

NAIOP Wisconsin & Davis & Kuelthau, s.c. invite you to a Development Showcase featuring Ballpark Commons in Franklin, Wisconsin. Enjoy a behind the scenes tour of the Milwaukee Milkmen stadium and hear from Developer Mike Zimmerman and others on what it took to make this project a reality. Sponsorship is limited so reserve your spot before it's gone!

# WEDNESDAY, OCTOBER 2, 2019

### **Ball Park Commons**

7035 S. Ballpark Drive, Franklin, WI 53132

**SCHEDULE OF EVENTS** 

3:00-3:30 PM - Registration & Networking

3:30-4:15 PM - Presentation

4:15 - 5:00 PM - Tour

5:00 - 6:00 - Networking Reception



Presenting Sponsor (Sold Out)
Davis & Kuelthau. s.c.

Home Run Sponsors \$1,000 (1 Available)
Your sponsorship includes logo recognition
on event marketing materials, registration
website and signage. Sponsorship also
includes 4 complimentary registrations.

Diamond Sponsors \$500 (4 Available)

Your sponsorship includes logo recognition on event marketing materials, registration website and signage. Sponsorship also includes 2 complimentary registrations.

#### **Dugout Sponsors \$250 (4 Available)**

Your sponsorship includes name recognition on event marketing materials, registration website and signage. Sponsorship also includes 1 complimentary registration.

Hear from Ballpark Commons Developer Mike Zimmerman.















#### CITY OF FRANKLIN COMMON COUNCIL MEETING AUGUST 20, 2019 MINUTES

ROLL CALL	A.	The regular meeting of the Common Council was held on August 20, 2019 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Community Room, 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 Luberda, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.
CITIZEN COMMENT	B.1.	Citizen comment period was opened at 6:32 p.m. and closed at 6:34 p.m.
PLANNING STAFF SUPPORT FOR BDS./COMM.	B.2.a.	Mayor Olson provided an update on Planning staff support for Boards and Commissions.
SEPTEMBER ICC MEETING	B.2.b.	Mayor Olson noted that South Milwaukee will host the Intergovernmental Cooperating Council Meeting on September 9, 2019.  (i) Milwaukee County "Fair Deal" Initiative.  (ii) Democratic National Convention Service Costs.
MINUTES AUGUST 6, 2019	C.	Alderman Barber moved to approve the minutes of the regular Common Council Meeting of August 6, 2019 as presented at this meeting. Seconded by Alderman Dandrea. All voted Aye; motion carried.
MAYORAL APPOINTMENT	E.	Alderman Taylor moved to confirm the Mayoral Appointment of Mira Kresovic, 8810 S. 51 St., Dist. 4, Civic Celebrations Commission (3-year unexpired term expiring 06/30/21). Seconded by Alderman Barber. All voted Aye; motion carried.
DONATIONS TO POLICE, PARKS AND CIVIC CELEBRATION	G.1.	Alderwoman Wilhelm moved to acknowledge and accept donations received during June and July, 2019 to the Police, Parks and Civic Celebrations. Seconded by Alderman Dandrea. All voted, Aye; motion carried.
SELZER-ORNST CONST. CO. BID FIREARMS RANGE	G.2.	Alderman Mayer moved to approve the bid from Selzer-Ornst Construction Company to reconstruct the Police Department Firearms range and replace the Fire Detection & Notification System for a total cost of \$1,383,300 which includes a \$66,000 contingency fund. Seconded by Alderman Barber. All voted Aye; motion carried

motion carried.

S.	51	ST.	<b>AND</b>	W.	<b>DREXEL</b>
A'	VE	. PR	OJEC	ΤU	PDATE

G.3. No action was taken following a project update on the S. 51 Street and W. Drexel Avenue intersection project.

#### MILLS HOTEL WYOMING, LLC, SPECIAL EXCEPTION NRPP

G.4. Alderman Nelson moved to adopt the Standards, Findings and Decision of the City of Franklin Common Council upon the application of Mills Hotel Wyoming, LLC, for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance. Seconded by Alderman Taylor. All voted Aye; motion carried.

#### WATER MAIN EXTENSION S. 50 ST. AND W. MINNESOTA AVE. AND ENGINEER'S REPORT

G.5. Alderwoman Wilhelm moved to direct staff to develop a water main extension project along S. 50th Street and W. Minnesota Avenue and an Engineer's Report in accordance with Municipal Code §207-15. for special assessment of 5003 and vacant lot on W. Minnesota Avenue (Tax Key Nos: 795-0034-000 and 759-0024-003). Seconded by Alderman Barber. All voted Aye; motion carried.

# CASCADE TRAIL DESIGN (8300 S. 60 ST.) EXTENSION

G.6. Alderman Barber moved to direct staff to return to Common Council with a final engineering contract with Trotter & Associates for the design of a Cascade Trail extension to the Root River Line of the Oak Leaf Trail. Seconded by Alderman Mayer. All voted Aye; motion carried.

#### RES. 2019-7534 ISSUE CHANGE ORDER 1 FOR PLEASANT VIEW PARK PAVILION (4901 E. EVERGREEN ST.)

G.7. Alderwoman Wilhelm moved to adopt Resolution No. 2019-7534, A RESOLUTION TO ISSUE A CHANGE ORDER 1 FOR PLEASANT VIEW PARK PAVILION (4901 W. EVERGREEN STREET) IN THE AMOUNT OF \$19,117.06. Seconded by Alderman Mayer. All voted Aye; motion carried.

#### RENAME SEWER AND WATER OPERATIONS CENTER (5500 W. AIRWAYS AVENUE)

G.8. Alderwoman Wilhelm moved to direct the Board of Public Works and the Board of Water Commissioners to consider the renaming of the Sewer and Water Operations Center (5500 W. Airways Avenue) and return to Common Council with a recommendation. Seconded by Alderman Mayer. All voted Aye; motion carried.

# RES. 2019-7535 PRIVATE PROPERTY INFILTRATION AND INFLOW REDUCTION AGREEMENT WITH MMSD

G.9. Alderman Taylor moved to adopt Resolution No. 2019-7535, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ENTER INTO A PRIVATE PROPERTY INFILTRATION AND INFLOW REDUCTION AGREEMENT-FUNDING AGREEMENT 8 WITH MILWAUKEE METROPOLITAN SEWERAGE DISTRICT IN THE AMOUNT OF \$146,605. Seconded by Alderman Dandrea. All voted Aye; motion carried.

ORD. 2019-2389
2019 BUDGET
APPROPRIATIONS WITHIN
THE PLANNING DEPT. FOR
ADDITIONAL
CONTRACTED SERVICES

G.10. Alderman Taylor moved to adopt Ordinance No. 2019-2389, AN ORDINANCE AMENDING ORDINANCE 2018-2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGET FOR THE GENERAL FUND FOR THE CITY OF FRANKLIN, TO APPROPRIATE \$48,700 WITHIN THE **PLANNING** DEPARTMENT APPLYING POSITION VACANCY SAVINGS FOR ADDITIONAL CONTRACTED **PROFESSIONAL** SERVICES. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

CONTRACT WITH BAYSIDE PRINTER, LLC TO PREPARE AND MAIL WATER/SEWER BILLS G.11. Alderman Barber moved to direct staff to execute the three-year Service Agreement with Primadata/Bayside Printing, LLC. for printing/mailing Sanitary Sewer/Water quarterly billings. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2019-7536
INTENT TO REIMBURSE
EXP. FROM PROCEEDS OF
BORROWING

G.12. Alderman Taylor moved to adopt Resolution No. 2019-7536, A RESOLUTION DECLARING OFFICIAL INTENT TO REIMBURSE EXPENDITURES FROM PROCEEDS OF BORROWING. Seconded by Alderman Nelson. All voted Aye; motion carried.

POPULATION ESTIMATE

G.13. Alderman Taylor moved to place on file the Wisconsin Department of Administration January 1, 2019 population estimate of 35,996. Seconded by Alderman Dandrea. All voted Aye; motion carried.

VOUCHERS AND PAYROLL

H.1.

Alderman Dandrea moved to approve the following: City vouchers with an ending date of August 15, 2019 in the amount of \$1,519,768.40; and payroll dated August 16, 2019 in the amount of \$387,645.15 and payments of the various payroll deductions in the amount of \$245,443.93, plus City matching payments; and estimated payroll dated August 30, 2019 in the amount of \$396,000.00 and payments of the various payroll deductions in the amount of \$424,000.00; plus City matching payments; and Property Tax investments with an ending date of August 15, 2019 in the amount of \$3,224,771.25 and approval to release payments to miscellaneous vendors in the amount of \$1,137,168.71. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

LICENSES AND PERMITS

I.1. Alderman Taylor moved to approve the following license recommendations from the License Committee meeting of August 20, 2019:

Grant 2019-2020 Operators' licenses to Mandy L Mayrand, 2891 Fir Lane, Waterford (with a warning letter from the City Clerk);

Jacob S Heller, 8145 S 35th St.; Kimberlee B Laugher, 1333 S 115th St, West Allis; Richard Schutte, 2954 W Briarwood Dr; Hollie C Smith, 6873 S 35th St; Kathleen A Turks, 8160A S Forest Hills Circle;

Hold for appearance Operator's license application of Troy A Petroski, N4586 Hickory Rd, Hustisford;

Grant Class B Combination and Restaurant license for QT Pizza LLC, d/b/a Rounding Third Pizzeria, Agent Susan Toetz, 7119 S 76th St pending Wisconsin Department of Financial Institutions valid status proof;

Grant Class B Combination license to Brinker Restaurant Corporation, d/b/a Chili's Bar & Grill, Agent Justin W Pischke, 6439 S 27th St pending satisfactory inspections; and

Grant Temporary Entertainment & Amusement to American Legion Willey Herda Post 192, Spin the Wheel Amusement Game (Gretchen Davies) for St Martins Fair on 9/01/2019 to 9/02/2019. Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderman Taylor moved to grant Extraordinary Entertainment & Special Event license, pending a Wisconsin Department of Natural Resources schedule for the floodplain compliance, to Rock Sports Complex (Scot Johnson) for "The Hills Has Eyes" on September 27-29, October 3-6, October 10-13, October 17-20 and October 24-27, October 31-November 1, 2019 during the hours of 6:00 pm to 10:00 pm on Thursdays and Sundays, and 6:00 pm to 11:00 pm on Fridays and Saturdays. Seconded by Alderman Nelson. On roll call, Alderman Nelson, Alderman Barber, Alderman Taylor, Alderwoman Wilhelm, and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried.

CLOSED SESSION MARKET TERMS & PROVISIONS OF POTENTIAL DEV. AGREEMENT(S) OF THE +/-73 ACRES AT THE S/W CORNER OF S. 27 ST. AND W. OAKWOOD RD.

G.14.

Alderman Barber moved to enter closed session at 7:05 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 acre propert(ies) at the Southwest corner of South 27th Street and West Oakwood Road. Seconded by Alderman Taylor. All voted Aye; motion carried.

Common Council reentered open session at 7:40 p.m.

ADJOURNMENT

J. Alderman Taylor moved to adjourn the meeting at 7:41 p.m. Seconded by Alderman Nelson. All voted Aye; motion carried.

APPROVAL Slw	REQUEST FOR COUNCIL ACTION	MEETING DATE September 3, 2019
REPORTS & RECOMMENDATIONS	Project Updates for Ballpark Commons	ITEM NUMBER  G.1.

Representatives from Ballpark Commons will present an update on the development.

#### **COUNCIL ACTION REQUESTED**

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



APPROVAL Slw	REQUEST FOR COUNCIL ACTION	MEETING DATE September 3, 2019
REPORTS & RECOMMENDATIONS	Franklin Tourism Commission Update	ITEM NUMBER

Representatives from the Tourism Commission will present an update on current activities and plans and a review of 2019.

#### **COUNCIL ACTION REQUESTED**

No action requested. This presentation is only for providing updates from the Tourism Commission.



Show Approval	Council Action Sheet	MEETING DATE 09/03/2019
REPORTS & RECOMMENDATIONS	Update on a Business Appreciation Event Organized by the Franklin Economic Development Commission	ITEM NUMBER  G, 3.

#### **Background**

The Business Appreciation Celebration is an Economic Development Commission program designed to offer a networking opportunity for Franklin business and community leaders, showcase local businesses, and recognize the many contributions of businesses to the community.

The last Celebration took place on October 25<sup>th</sup>, 2019, at Tuckaway Country Club and more than 125 guests gathered to enjoy complimentary heavy hors oeuvres, a cash bar, keynote speaker, and the announcement of four Excellence in Business award winners selected from 16 finalists. The four Excellence awards categories were Large Business, Small Business, Innovation, and Leadership.

#### Update

The Franklin Economic Development Commission will hold the 2019 business appreciation event on October 24, 2019 from 5 to 8 P.M. at a Franklin location that is being finalized and should be announced soon. There is \$5,000 in budget line item 01-0641-5734, Business/Volunteer Recognition.

#### COUNCIL ACTION REQUESTED

Motion to receive and file the update on business appreciation event organized by the Franklin Economic Development Commission.

Economic Development: CB



APPROVAL Slw	REQUEST FOR COUNCIL ACTION	MEETING DATE September 3, 2019
REPORTS &	MODIFICATION TO JOHNS DISPOSAL SERVICES, INC. CONTRACT TO PROVIDE WEEKLY RECYCLING	ITEM NUMBER
RECOMMENDATIONS	AND AUTOMATED GARBAGE SERVICES	G.4.

#### **BACKGROUND**

Johns Disposal Services, Inc. provides garbage and recycling pickup services for the City of Franklin. Per the contract, recycling is picked up every other week with automated totes and garbage is picked up every week in customer-provided containers not to exceed 40 gallons or 80 pounds. Many Franklin residents routinely have overflowing recycling containers and use garbage containers that exceed 40 gallons and/or dispose of over 80 pounds of garbage per container.

#### **ANALYSIS**

When residents overfill a recycling container, it is difficult for the automated trucks to load the recycling contents without spillage. When residents place oversized or overweight garbage containers at the curb, it can be difficult and unsafe for Johns' employees to lift the containers into the truck. Because of these concerns, Johns has requested that Franklin consider changes to the contract.

Mayor Olson and Staff met with Johns to discuss the June 28, 2019, request. The immediate solution was to direct Johns to transition residents to become compliant with the rules. Staff assisted Johns in developing a notice for residents that are not compliant with the rules that explain the rules and why the recycling/garbage was left at the curbside.

For a solution to be more accommodating for the residents, Johns proposed a change to the contract on August 6, 2019. Recycling would move to a weekly pickup and residents would not need to store recyclables past a week and thus the current recycling totes would be of sufficient size. Garbage would move to a fully automated system with 96 gallon totes to allow residents to place more garbage at curbside and allow a safer work environment for Johns' employees. As shown on the proposal, the cost to the City if both changes are made would increase by \$2.37/month/customer.

To answer Common Council and public questions concerning this issue, Johns will be present at the Common Council meeting.

#### **OPTIONS**

For discussion purposes only.

#### FISCAL NOTE

No budget impact at this time. Options related to this opportunity will be provided in the 2020 Budget Deliberations.

#### **COUNCIL ACTION REQUESTED**

None- for discussion purposes only.

Engineering: GEM



P.O. BOX 329
WHITEWATER, WI 53190
262-473-4700 • Fax: 262-473-6775
www.johnsdisposal.com
email: office@johnsdisposal.com

# DISPOSAL SERVICE, INC.

June 28, 2019

The City of Franklin Attn: Glen Morrow – City Engineer 9229 West Loomis Road Franklin, WI 53132

Re: Service Change Request

Glen.

We are very thankful for our continued partnership with the City of Franklin. From owners to drivers, our team continues to push for excellent service for your residents. Unfortunately, with a rapidly changing labor market, we are forced to request a change in services for City residents. Each year we are having more difficulty and incurring significantly greater training costs to provide manual collection in such a way that matches our high company standards. We believe that if the City does not change to fully-automated garbage collection, we will be unable to continue providing the level of service that your residents have come to expect from Johns.

A main consideration in our request to transition to a fully-automated program is the number of containers currently in the City which do not comply with our contracted container sizes. We estimate the number of rolling carts to be in the hundreds and containers larger than 40 gallons to be in the thousands. For the past two years, our company has been facing the perfect storm of rapidly rising labor costs and residents not complying with the City program. We believe that the following changes will correct these issues: (1) Change to weekly automated garbage collection; (2) Increase recycling to every week collection.

Please let me know when you have time in your schedule to sit down and discuss our options.

Sincerely,

Nate Austin

Municipal Sales Manager



P.O. BOX 329
WHITEWATER, WI 53190
262-473-4700 • Fax: 262-473-6775
www.johnsdisposal.com
email: office@johnsdisposal.com

## DISPOSAL SERVICE, INC.

August 6, 2019

The City of Franklin Attn: Glen Morrow – City Engineer 9229 West Loomis Road Franklin WI 53132

Re: Proposed 2020 Service Changes

Glen,

Brian and I would like to thank Mayor Olson and yourself for taking the time to sit down and meet with us to discuss the difficulties that our company (and our industry) is facing with both labor and recycling markets. Based on this conversation, we would like to provide the City with the following service change proposal:

- 1) increase recycling collection to every week, and
- 2) transition the City to fully automated garbage collection with 95 / 96 gallon garbage carts.

Weekly recycling would take effect January 1, 2020. Fully automated garbage would be implemented in 2020 during a timeframe which would be mutually agreed upon by the City and Johns.

Service	2019	Current	2020 Proposed		
Garbage	\$5.22	manual	\$5.28	automated	
Recycle	\$2.79	bi-weekly	\$5.10	weekly	
Total	\$8.01		\$10.38	_	

We look forward to the opportunity to present this proposal to the City Council in September.

Sincerely,

/Nate Austin

Municipal Sales Manager



APPROVAL Slav	REQUEST FOR COUNCIL ACTION	MEETING DATE 09/03/19
REPORTS & RECOMMENDATIONS	STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL UPON THE APPLICATION OF CONSERVANCY FOR HEALING AND HERITAGE, INC., SUSAN A. RABE, CEO AND EXECUTIVE DIRECTOR, APPLICANT, FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE	ITEM NUMBER  G. 5.

At their meeting on August 12, 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 August 15, 2019.

At the regular meeting of the Plan Commission on August 22, 2019, following a properly noticed public hearing, the following action was approved: motion to recommend approval of the Conservancy for Healing and Heritage, Inc. 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, including the City Forester's recommendations.

The Plan Commission's recommendation to include the City Forester's recommendations has been reflected in the Decision section of the attached draft Standards, Findings, and Decision document.

Please note that the Department of City Development received an email dated August 22, 2019, from Mr. and Mrs. O'Malia with concerns about the proposed trails. This email was provided to the Plan Commission during the public hearing held on this matter, and a copy is attached. In addition, it can be noted that one person spoke during the public hearing with concerns about how the wording of the public hearing notice and associated project materials included reference to the Polish Community Center, which is not a party to this matter.

#### **COUNCIL ACTION REQUESTED**

Adopt the standards, findings and decision of the City of Franklin Common Council upon the application of Conservancy for Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, applicant, for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance.

#### Draft 8/29/19

#### Standards, Findings and Decision

of the City of Franklin Common Council upon the Application of Conservancy for Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, applicant, for a Special Exception to Certain Natural Resource Provisions of the City of Franklin Unified Development Ordinance

Whereas, Conservancy for Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, applicant, having filed an application dated June 11, 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 August 12, 2019 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated August 22, 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 6941 South 68th Street, zoned Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center), 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 June 11, 2019, by Conservancy for Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, 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 boardwalk and pier, Phase 3, of the project cannot proceed without affecting the lake or wetland. This would also eliminate part of the project purpose to create a view point of the lake. It is unlikely the mulch trail will disturb the functions of the wetland buffer.
- 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 boardwalk and pier cannot proceed without affecting the lake or wetland. The trail could potentially be redesigned to be located outside of the wetland setback, this is not practicable as the view to the lake would be obstructed and the slope of the hill where the trail would be moved is primarily greater than 30%. The current location of the trail is located on slopes of less than 10%,

- 3. The Special Exception, including any conditions imposed under this Section will:
- a. be consistent with the existing character of the neighborhood: the proposed development with the grant of a Special Exception as requested will be consistent with the existing character of the neighborhood; and

- b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: The trail through the wetland buffer will not alter topography, plants, wildlife, hydrology, and soils in the area. The wetland is classified by the DNR as Forested, Emergent/wet meadow with a subclass of Broadleaved deciduous, Narrow-leaved persistent. Plants in and soils in the area of the wetland will be included in the wetland delineation report. The trail is located under 2.284 acre of are within the drip line for 176 trees with diameters 8" or larger. This is a 16% impact of all the individual tree canopies. It is unlikely that the small amount of trail within the drip line will impact tree health. Other properties seeking the same relief would need to meet similar standards; and
- c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: the applicant represents that the unique circumstances involved with this request meet the purpose of the Natural Resource Special Exception; 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): this finding is not applicable.

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 Conservancy is a 36.38 acre parcel located at 6941 S 68<sup>th</sup> St, Franklin, WI. Natural features as described by the applicant include a 14.16 acre lake, 5.78 acres of shore buffer, 26.62 acres of floodplain, and various slopes. There is also a tree canopy of 3.65 acres of mature woodland, wetlands, and wetland buffer and setback as described in the wetland delineation report. The improvements will not negatively affect surrounding properties.
- 2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: Removing parts or aspects of the trail would have reduced cost but would not fulfill the project purpose. Creating paths on areas of steeper slopes could challenge some trail users. Additional grading and disturbance would be needed to create a flat surface for the trail. The proposed trail location is naturally flat. If the trail was moved to a location outside of the wetland buffer, there would potentially be an additional impact to trees.

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: The mission [of the Conservancy] is to protect this natural habitat while creating shared spaces for comfort, inspiration, stewardship and education. The Nature Trails, Healing garden, Healing Chapel in the Woods, and Koepmeier Lake are surrounded by forestland with a history leading back to the settlement of greater Milwaukee in the 19<sup>th</sup> century. Once completed, it will be open to the community as a place to restore our connection to the natural world for schools, families and individuals.

The project purpose is to view and interact with Koepmier Lake, resulting in the trail running parallel to the wetland and within the extent of the wetland buffer. Similarly, the boardwalk and pier are designed as another viewing location for the lake.

4. Aesthetics: The project purpose is to view and interact with Koepmier Lake, resulting in the trail running parallel to the wetland and within the extent of the wetland buffer. Similarly, the boardwalk and pier are designed as another viewing location for the lake.

The trails, boardwalk, and pier will give the lake and surrounds wetland and forest a more functional use. When completed, it will welcome and serve people locally and regionally. The Garden is specifically designed to provide the visitors with a natural environment to reduce stress responses, positively affecting the endocrine, cardiovascular, immune and nervous systems. Areas for rest, reflection and rejuvenation will be abundant. It will serve a diverse population in age, ethnicity, Physical ability and capability. It will also serve as an educational destination for Franklin High School, and other learning institutions and community groups.

5. Degree of noncompliance with the requirement allowed by the Special Exception: The boardwalk and pier, Phase 3, of the project cannot proceed without affecting the lake or wetland.

The 6' wide, 2,640' long, 0.375 acre, mulch and pervious geotextile lined trail will overlap 0.107 acres of wetland buffer (overlapping 0.088 acres of floodplain and 0.002 acres of shore buffer) and 0.006 acres of wetland setback. There will be two 12' x 12' observation decks. The boardwalk is approximately 95' long and 4' wide (0.008 acres), potentially impacting 0.007 acres of wetland (overlapping with 0.007 acres of floodplain and 0.007 acres of shore buffer) and 0.001 acres of wetland buffer (including 0.001 acre of floodplain). The 12' x 9' pier will impact 0.002 acres of lake resources.

The project will not affect the water of the State of Wisconsin.

- 6. Proximity to and character of surrounding property: The Conservancy for Healing and Heritage is located at S. 74 Street and W. Rawson Ave., adjacent to the Reiman Cancer Center, and Koepmeier Lake. The Polish Community Center is to the east.
- 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: Mature woodlands, wetlands, wetland buffers, wetland setbacks, shore buffer, and Koepmeier Lake and its floodway are located within the project area. The subject area is also located within a Primary Environmental Corridor as defined and delineated by the Southeastern Wisconsin Regional Planning Commission.
- 10. Environmental impacts: The trail will overlap 0.107 acres of wetland buffer (overlapping 0.088 acres of floodplain and 0.002 acres of shore buffer) and 0.006 acres of wetland setback. There will be two 12' x 12' observation decks. The boardwalk has potential impact on 0.007 acres of wetland (overlapping with 0.007 acres of floodplain and 0.007 acres of shore buffer) and 0.001 acres of wetland buffer (including 0.001 acre of floodplain). The pier will impact 0.002 acres of lake resources.
- 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 August 12, 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 Conservancy for Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, applicant, and all other applicable provisions of the Unified Development Ordinance.
- 4) that the applicant shall prepare a mitigation plan for review and approval by City of Franklin staff that incorporates trail maintenance and removal of dead and diseased trees prior to issuance of any building permits.
- 5) that the applicant shall prepare a detailed erosion control plan for the entire project for city staff review and approval prior to issuance of any building permits.
- 6) that the applicant must revise the Natural Resource Special Exception Question and Answer form question 6(m) to state that the subject project is located in a Primary Environmental Corridor.
- 7) that the applicant incorporate the comments and suggestions of the City Forester as set forth in the email dated August 19, 2019.

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		da	ay of				, 2019					

	ed and adopted  a day of	_	ting of the Common Council of the City of, 2019.
			APPROVED:
			Stephen R. Olson, Mayor
ATTEST:			Stephen R. Olson, Wayor
Sandra L. W	esolowski, Cit	y Clerk	
AYES	NOES	ABSENT	

From:

Tom Riha

To:

Joel Dietl Conservancy for Healing

Subject: Date:

Monday, August 19, 2019 7:29:52 AM

Hi Joel,

On 8/15/2019 I met with Mike Murry from the conservancy to walk the trail they are proposing through the woodlands. Also present was Wachtel Tree and Science, and Graef Engineering. I confirmed that no trees are being removed for the trail work. Wachtel and I explained the importance of not excavating any soil deeper then 6" to avoid any damage to roots of nearby trees. Mike explained that excavation was going to be kept to a minimum and used mainly for leveling the transverse (width of the trail), as well as removing small stumps from brush. The observation areas and stairs will not effect the trees in a negative way. They will be raised platforms and the area the stairs go down is very wide with few trees nearby.

We did observe two areas where the trail will be near some significant trees. The first area it was discussed to move the trail slightly to avoid the trunk area of a large oak. The trail will then go between the middle of the two large oak trees. No excavation should be done in this area.

The other area is coming up the slope the trail passes a large maple tree with exposed roots. It was advised that no excavation take place and only fill should be used to cover the roots.

Lastly we discussed the use of wood chips or traffic bond gravel for the trail material. Ideally the path would be wood chips which would provide water infiltration and nutrients to the soil as the chips breakdown. The option of using gravel would be in places where the trail has a potential to wash out. I recommended using some type of landscape timbers in these areas to keep material in place.

It is of my belief that this trail will be a great asset to the community. The conservancy has a good grasp of how to protect and enhance these woodlands for the public enjoyment. Currently they have been working with the high school to remove invasive species. I also offered to connect them to a program that offers free trees to help establish some natural regeneration of the oak trees in the woodland.

I recommend that this trail be approved.

Thank You,

Tom Riha
City Forester
ISA- Certified Arborist/Municipal Specialist



#### Gail Olsen

From: Party-Girls Pin-Ups INC Non-Profit <omaliakaitlyn@gmail.com>

Sent: Thursday, August 22, 2019 3:27 PM

To: Gail Olsen

Subject: Concerning for the Healing and Heritage public hearing

My husband (Matthew O'Malia) and myself (Kaitlyn O'Malia) reside at 7142 West Rawson Ave. and we have some concerns about the Nature trails that are being reviewed today. When we bought our house two years ago we were aware of the trails and loved the idea. In the last year in half that has changed.

Our property butts right against the trails, we have private property signs but this does not deter people from now coming on to our property. This is worrisome due to us having children and animals, and the safety of the them. Also my husband and I have recently been finding kids ( under the age of 15 ) on the trails at night and our worry is they will get hurt in the dark or possibly worse and now will this become the local adolescent hang out at night? I can not be held responsible if people wonder on to my property at night due this and with living here and putting work into our property we do not need people to see the comings or goings of what we are doing and become victims of theft.

I would like there to be consideration of better planing and the residents that are on top of this trail to be considered by planting more foliage or trees, a fence, signage or possibly other ideas. We are willing to work who ever to resolve this but I have to worry about my children, animals and property first. So as of now I am against this trial. If the council have questions or would like to discuss this further you can contact my husband and I.

Kaitlyn O'Malia 312-342-4604

Matthew O'Malia 312-203-8818

~ Kaitlyn O'Malia

Party-Girls Pin-Up INC
Party-girls pin-ups@hotmail.com

Ninos Classic Bike & Show ninosrwtregistration@hotmail.com

FRG related questions please email cc132dfrg@gmail.com



#### REPORT TO THE PLAN COMMISSION

#### Meeting of August 22, 2019

#### **Natural Resource Special Exception**

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

**Project Name:** Conservancy for Healing and Heritage Lake and Nature

Trails Natural Resource Special Exception (NRSE)

**Project Address:** Approximately 6941 S. 68<sup>th</sup> Street

**Applicant:** Susan A. Rabe, Conservancy for Healing and Heritage Inc.

**Property Owner:** Conservancy for Healing and Heritage, Inc.

Current Zoning: PDD Planned Development District No. 28 and FW

Floodway District

**2025 Comprehensive Plan:** Areas of Natural Resource Features

Use of Surrounding Properties: Commercial and medical uses to the south, vacant

conservancy land to the north and east, and vacant conservancy land and Loomis Road (STH 36) to the west

Applicant's Action Requested: Recommendation to the Environmental Commission, Plan

Commission, and Common Council for approval of the proposed Natural Resource Special Exception (NRSE)

#### **INTRODUCTION:**

On June 11, 2019, the applicant submitted an application for a Special Exception to Natural Resource Feature Provisions to the Department of City Development. The applicant is requesting approval to impact wetlands, wetland buffers, wetland setbacks, shore buffers, floodplain, a lake, mature woodlands, and steep slopes in order to construct the proposed lake and nature trails on the subject land.

#### **PROJECT DESCRIPTION:**

More specifically, the applicant is proposing to construct paved and unpaved trails, benches, a boardwalk and pier, observation decks, stairs, and signage extending northeastward from the existing chapel to Kopmeir Lake. This will involve clearing, grading, filling and development of approximately:

- 0.002 acre of lake (which is also located within the 100-year recurrence interval floodplain and the shore buffer associated with Kopmeier Lake);
- 0.007 acre of wetlands (which is also located within the 100-year recurrence interval floodplain and the shore buffer associated with Kopmeier Lake):

- 0.107 acre of wetland buffer (of which about 0.089 acre is also located within the 100-year recurrence interval floodplain and about 0.003 acre is also located within the shore buffer); and
- 0.006 acre of wetland setback.

It can also be noted that about 0.358 acre of mature woodland will be impacted by this project. In conjunction with the previously approved Healing Garden and Chapel, a total of approximately 0.498 acre of woodland has been impacted, which is about 12% of the total 4.1 acres of mature woodlands within the subject property.

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

- The applicant is not proposing any mitigation.
- The applicant has not yet applied for any Wisconsin Department of Natural Resources or U.S. Army Corps of Engineers approvals.
- The wetland delineation was prepared by an Assurred Delineator.

It can be noted that a site visit of the proposed lake and nature trails project area has been scheduled with the City Forester. The findings and conclusions of that site visit may result in revisions of staff's proposed mitigation. In a related matter, staff is also recommending additional erosion control during construction of this project because of the presence of steep slopes within the project area. Staff strongly recommends a more detailed Erosion Control Plan for those areas within and adjacent to steep slopes.

#### **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 Commissition, at its August 12, 2019 meeting, has recommended approval of the NRSE as presented at their meeting, with conditions as set forth in the City of Franklin Environmental Commission Special Exception application review and recommendation memo.

#### **CONCLUSION:**

Staff reccomendations are contained in the decisions of the draft standards, findings and decision of the City of Franklin.

#### Draft 8/22/19

#### Standards, Findings and Decision

of the City of Franklin Common Council upon the Application of Conservancy for Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, applicant, for a Special Exception to Certain Natural Resource Provisions of the City of Franklin Unified Development Ordinance

Whereas, Conservancy for Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, applicant, having filed an application dated June 11, 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 August 12, 2019 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated August 22, 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 6941 South 68th Street, zoned Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center), 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 June 11, 2019, by Conservancy for Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, 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:
o. 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
o. not effectively undermine the ability to apply or enforce the requirement with respect to other properties:
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.

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: <i>The Environmental Commission recommendation and its reference to the report of is incorporated herein.</i>
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

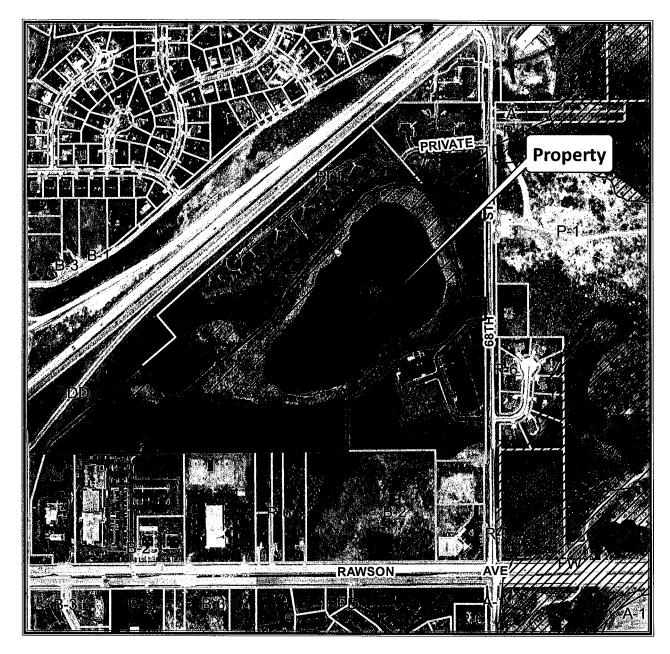
Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Common Council hereby grants a Special Exception for such relief as is described within Exhibit C, upon the conditions:

- 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 Conservancy for Healing and Heritage, Inc., Susan A. Rabe, CEO and Executive Director, applicant, and all other applicable provisions of the Unified Development Ordinance.
- 4) that the applicant shall prepare a mitigation plan for review and approval by City of Franklin staff that incorporates trail maintenance and removal of dead and diseased trees prior to issuance of any building permits.
- 5) that the applicant shall prepare a detailed erosion control plan for the entire project for city staff review and approval prior to issuance of any building permits.
- 6) that the applicant must revise the Natural Resource Special Exception Question and Answer form question 6(m) to state that the subject project is located in a Primary Environmental Corridor.

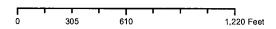
The duration of this grant of Special Exception is permanent.

Intro	oduced at a	a regular	meeting of	of the	Common Cou	ancil of the	City	ot
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ATTEST:								
Sandra L. V	Wesolowski,	City Cle	·k					
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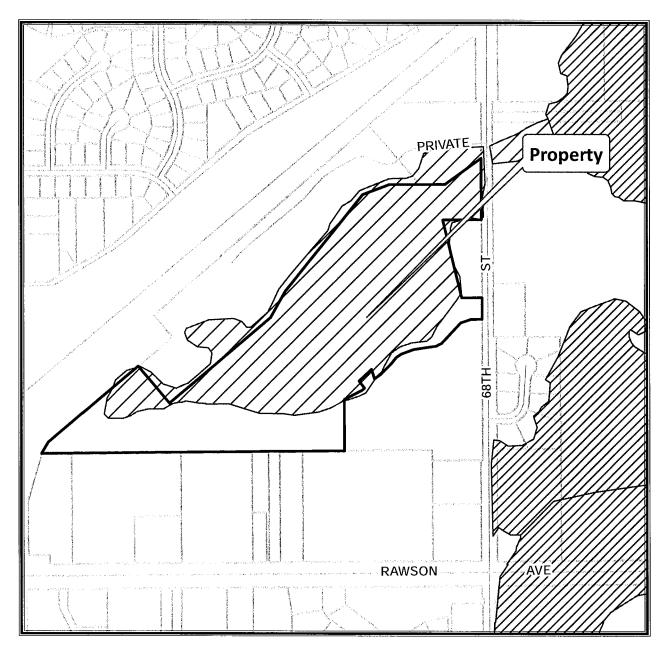
Planning Department (414) 425-4024



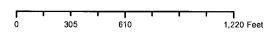
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



TKN: 743 8978 006



Planning Department (414) 425-4024



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



#### City of Franklin Environmental Commission

TO: DATE: Common Council August 12, 2019

RE:

Special Exception application review and recommendation

APPLICATION:

Conservancy for Healing and Heritage, Inc., Susan A. Rabe,

CEO and Executive Director, Applicant, dated: June 11, 2019

(generally 6941 South 68th 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:

UDO Section 15-8.0305B9 pertaining to the protection of lakes, wetlands, and wetland buffers. The Special Exception is requested to create a trail within the limits of the wetland buffer and setback (also overlapping the floodplain), create a boardwalk through the wetland (also overlapping the floodplain and shore buffer), and to create a pier at the end for the boardwalk overlooking the lake. See table 15-4.0100 for exact values.

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

The 6' wide, 2,640' long, 0.375 acre, mulch and pervious geotextile lined trail will overlap 0.107 acres of wetland buffer (overlapping 0.088 acres of floodplain and 0.002 acres of shore buffer) and 0.006 acres of wetland setback. There will be two 12' x 12' observation decks. The boardwalk is approximately 95' long and 4' wide (0.008 acres), potentially impacting 0.007 acres of wetland (overlapping with 0.007 acres of floodplain and 0.007 acres of shore buffer) and 0.001 acres of wetland buffer (including 0.001 acre of floodplain). The 12' x 9' pier will impact 0.002 acres of lake resources.

3. Applicant's reason for request:

The Conservancy for Healing and Heritage's mission is to protect this natural habitat while creating shared spaces for comfort, inspiration, stewardship and education. The Healing Garden will serve the community as a free, ADA compliant public destination. When completed, it will welcome and serve people locally and regionally. The trails will be used as a route to provide pristine views of Koepmeier Lake, as well as serve as an outdoor classroom.

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

The boardwalk and pier, Phase 3, of the project cannot proceed without affecting the lake or wetland. This would also eliminate part of the project purpose to create a view point of the lake. It is unlikely the mulch trail will disturb the functions of the wetland buffer.

## 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
- 3. Hydrologic functions: Not Applicable
- 4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances: *Not Applicable*
- 5. Shoreline protection against erosion: Applicable

Construction and use of the trails, boardwalk, and pier will have an impact on the site. Construction site erosion control and sedimentation control shall comply with the requirements of the City of Franklin, and shall employ erosion control methods as shown and specified in the Wisconsin Department to Natural Resources (WDNR) "Construction Site Erosion and Sediment Control Technical Standards." All erosion control measures shall be adjusted to meet field conditions at the time of construction and shall be installed prior to any grading or disturbance of existing surface material on the site.

#### 6. Habitat for aquatic organisms: Applicable

The trails, boardwalk, and pier will have an impact on the lake and surrounding wetland and forest. When completed, the trail through the wetland buffer will not alter topography, plants, wildlife, hydrology, and soils in the area. The wetland is classified by the DNR as Forested, Emergent/wet meadow with a subclass of Broad-leaved deciduous, Narrow-leaved persistent. Plants in and soils in the area of the wetland will be included in the wetland delineation report.

- 7. Habitat for wildlife: Not Applicable
- 8. Human use functional value: Applicable

The trails, boardwalk, and pier will have an impact on the lake and surrounding wetland and forest. This is mitigated by their purpose to give the area a more functional use. When completed, it will welcome and serve people locally and regionally. The Garden is specifically designed to provide the visitors with a natural environment to reduce stress responses, positively affecting the endocrine, cardiovascular, immune and nervous systems. Areas for rest, reflection and rejuvenation will be abundant. It will serve a diverse population in age, ethnicity, Physical ability and capability. It will also serve as an educational destination for Franklin High School, and other learning institutions and community groups.

- 9. Groundwater recharge/discharge protection: Not Applicable
- 10. Aesthetic appeal, recreation, education, and science value: Applicable

The trails, boardwalk, and pier will give the lake and surrounds wetland and forest a more functional use. When completed, it will welcome and serve people locally and regionally. The Garden is specifically designed to provide the visitors with a natural environment to reduce stress responses, positively affecting the endocrine, cardiovascular, immune and nervous systems. Areas for rest, reflection and rejuvenation will be abundant. It will serve a diverse population in age, ethnicity, Physical ability and capability. It will also serve as an educational destination for Franklin High School, and other learning institutions and community groups.

- 11. State or Federal designated threatened or endangered species or species of special concern: *Not Applicable*
- 12. Existence within a Shoreland: Applicable

The trails, boardwalk, and pier will have an impact on the lake and surrounding wetland. However, the project will not affect the water of the State of Wisconsin. Construction and use of the trails, boardwalk, and pier will have an impact on the site. Construction site erosion control and sedimentation control shall comply with the requirements of the City of Franklin, and shall employ erosion control methods as shown and specified in the Wisconsin Department to Natural Resources (WDNR) "Construction Site Erosion and Sediment Control Technical Standards." All erosion control measures shall be adjusted to meet field conditions at the time of construction and shall be installed prior to any grading or disturbance of existing surface material on the site.

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: Applicable

## 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 boardwalk and pier, Phase 3, of the project cannot proceed without affecting the lake or wetland. This would also eliminate part of the project purpose to create a view point of the lake. It is unlikely the mulch trail will disturb the functions of the wetland buffer.

- 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 boardwalk and pier, Phase 3, of the project cannot proceed without affecting the lake or wetland. The trail could potentially be redesigned to be located outside of the wetland setback, this is not practicable as the view to the lake would be obstructed and the slope of the hill where the trail would be moved is primarily greater than 30%. The current location of the trail is located on slopes of less than 10%.

- 3. The Special Exception, including any conditions imposed under this Section will:
  - a. 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 trail through the wetland buffer will not alter topography, plants, wildlife, hydrology, and soils in the area. The wetland is classified by the DNR as Forested, Emergent/wet meadow with a subclass of Broad-leaved deciduous, Narrow-leaved persistent. Plants in and soils in the area of the wetland will be included in the wetland delineation report. The trail is located under 2.284 acre of are within the drip line for 176 trees with diameters 8" or larger. This is a 16% impact of all the individual tree canopies. It is unlikely that the small amount of trail within the drip line will impact tree health.

## 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 Conservancy for Healing and Heritage's mission is to protect this natural habitat while creating shared spaces for comfort, inspiration, stewardship and education. The Conservancy is a 36.38 acre parcel located at 6941 S 68<sup>th</sup> St, Franklin, WI. Natural features as described by the applicant include a 14.16 acre lake, 5.78 acres of shore buffer, 26.62 acres of floodplain, and various slopes. There is also a tree canopy of 3.65 acres of mature woodland, wetlands, and wetland buffer and setback as described in the wetland delineation report.

The boardwalk and pier, Phase 3, of the project cannot proceed without affecting the lake or wetland. This would also eliminate part of the project purpose to create a view point of the lake. It is unlikely the mulch trail will disturb the functions of the wetland buffer.

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:

Removing parts or aspects of the trail would have reduced cost but would not fulfill the project purpose. Creating paths on areas of steeper slopes could challenge some trail users. Additional grading and disturbance would be need to create a flat surface for the trail. The proposed trail location is naturally flat. If the trail was moved to a location outside of the wetland buffer, there would potentially be an additional impact to trees.

As stated, the boardwalk and pier, Phase 3, of the project cannot proceed without affecting the lake or wetland.

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

The mission [of the Conservancy] is to protect this natural habitat while creating shard spaces for comfort, inspiration, stewardship and education. The Nature Trails, Healing garden, Healing Chapel in the Woods, and Koepmeier Lake are surrounded by forestland with a history leading back to the settlement of greater Milwaukee in the 19<sup>th</sup> century. Once completed, it will be open to the community as a place to restore our connection to the natural world for schools, families and individuals.

The project purpose is to view and interact with Koepmier Lake, resulting in the trail running parallel to the wetland and within the extent of the wetland buffer. Similarly, the boardwalk and pier are designed as another viewing location for the lake.

#### 4. Aesthetics:

The project purpose is to view and interact with Koepmier Lake, resulting in the trail running parallel to the wetland and within the extent of the wetland buffer. Similarly, the boardwalk and pier are designed as another viewing location for the lake.

The trails, boardwalk, and pier will give the lake and surrounds wetland and forest a more functional use. When completed, it will welcome and serve people locally and regionally. The Garden is specifically designed to provide the visitors with a natural environment to reduce stress responses, positively affecting the endocrine, cardiovascular, immune and nervous systems. Areas for rest, reflection and rejuvenation will be abundant. It will serve a diverse population in age, ethnicity, Physical ability and capability. It will also serve as an educational destination for Franklin High School, and other learning institutions and community groups.

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

The boardwalk and pier, Phase 3, of the project cannot proceed without affecting the lake or wetland.

The 6' wide, 2,640' long, 0.375 acre, mulch and pervious geotextile lined trail will overlap 0.107 acres of wetland buffer (overlapping 0.088 acres of floodplain and 0.002 acres of shore buffer) and 0.006 acres of wetland

setback. There will be two 12' x 12' observation decks. The boardwalk is approximately 95' long and 4' wide (0.008 acres), potentially impacting 0.007 acres of wetland (overlapping with 0.007 acres of floodplain and 0.007 acres of shore buffer) and 0.001 acres of wetland buffer (including 0.001 acre of floodplain). The 12' x 9' pier will impact 0.002 acres of lake resources.

The project will not affect the water of the State of Wisconsin.

#### 6. Proximity to and character of surrounding property:

The Conservancy for Healing and Heritage is located at S. 74 Street and W. Rawson Ave., adjacent to the Reiman Cancer Center, and Koepmeier Lake. The Polish Community Center is to the east.

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

The Conservancy is within PDD 28, along with the Polish Community Center. To the south are the Ascension St. Francis at W. Rawson Avenue medical facility and other businesses and facilities with zoning types B-2 General Business, as well as R-2 Estate Single-Family Residence. PDD 15 is on the northern shore of Koepmeier Lake.

#### 8. Any negative effect upon adjoining property:

The Conservancy is adjacent to the Reiman Cancer Center. The Reiman Healing Chapel in the Woods serves as the centerpiece of the Garden and the most defining image of the Conservancy.

#### 9. Natural features of the property:

Mature woodlands, wetlands, wetland buffers, wetland setbacks, shore buffer, and Koepmeier Lake and its floodway are located within the project area.

#### 10. Environmental impacts:

The trail will overlap 0.107 acres of wetland buffer (overlapping 0.088 acres of floodplain and 0.002 acres of shore buffer) and 0.006 acres of wetland setback. There will be two 12' x 12' observation decks. The boardwalk has potential impact on 0.007 acres of wetland (overlapping with 0.007 acres of floodplain and 0.007 acres of shore buffer) and 0.001 acres of wetland buffer (including 0.001 acre of floodplain). The pier will impact 0.002 acres of lake resources.

#### 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. Obtaining all necessary permits.
  - b. Mitigation standards as determined by the Plan Commission and Common Council
    - With consideration of trail maintenance and removal of dead ash trees

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 12th day of August, 2019.

Dated this 15th day of AU 6UST, 2019.

Arthur Skowron, Chairman

Attest:

Wesley Camon, Vice-Chairman



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July 31st, 2019

Planning Department Staff 9229 W Loomis Rd Franklin, Wisconsin 53132

SUBJECT:

Response to Department Comments

The Conservancy for Healing and Heritage

Dear Planning Staff:

See responses to department comments dated July 27th, 2019 in blue below.

#### **Unified Development Ordinance (UDO) Requirements:**

#### **Natural Resources**

- 1. Pursuant to Section 15-4.0102I. of the UDO, please indicate the amount of wetland setbacks both total and to be impacted, and revise the Site Intensity Calculations accordingly.
  - a. Staff recommends that you add the wetland setbacks into the Resource Protection Land table, either as the last row in the table, or as a footnote.
    - GRAEF Response: Wetland setbacks were added to the table (Appendix D).
- 2. Pursuant to Section 15-4.0102K. of the UDO, please clearly indicate the amount and type of overlapping natural resource features.
  - a. Staff recommends that the Resource Protection Land table be revised in the following manner:
    - i. Each instance of overlapping natural resource feature only be counted once in the table (i.e. the area that is both wetland, and shore buffer and floodplain only be listed as a wetland, with a footnote. The footnote would state that of the total wetlands, \_\_ acres are also both shore buffer and floodplain, \_\_ acres are also only shore buffer, and \_\_ acres are also only floodplain.

GRAEF Response: Total amount of each resource were updated and a footnote was added to summarize the overlapping aquatic/wetland resources. Due to different preservation percentages the site calculation estimation was not changed (Appendix D).



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- ii. This should be done for both the total amount of each natural resource feature, and for the amount to be impacted.
   GRAEF Response: Overlapping aquatic/wetland resources were only counted once and summarized in the footnote (Appendix D).
- 3. Pursuant to Section 15-4.0102K. of the UDO, please clearly indicate the amount and type of natural resource features to be impacted. Construction of the trails, the observation decks, the stairs, the boardwalk, and the pier are all impacts upon the natural resource features. The amount of each natural resource feature impact must be calculated. The amount of impact would consist of the size of the trail, observation decks, stairs, boardwalk, benches, and pier plus any adjacent areas that will cleared, filled, graded, or otherwise impacted. Any areas of temporary disturbance (construction access, staging areas, etc.) should be noted separately.
  - a. Staff recommends that the amount of impact for overlapping resource features be indicated in the Resource Protection Land table the same way as recommended in Staff Comment number 2 above.
    - GRAEF Response: Overlapping aquatic/wetland resources were only counted once and summarized in the footnote (Appendix D).
  - b. Staff recommends that the number of trees over 8" in diameter to be impacted also be provided. Impacted trees would include those to be removed, or those where the trail, deck, stairs, or boardwalk would be located within the dripline of the tree.

GRAEF Response: The trail will run under the drip line of 176 tree with DBH of 8" or larger. The total canopy cover associated with individually counted trees is 4.10 acres and 2.284 acres of individual tree canopies will have a section of the trail underneath their drip lines. The trail overlaps with a total of 0.358 acres of canopy, calculated as the sum of the areas of the trail under each individual tree canopy. This amounts to a 16% impact to the trees that will have the trail underneath the drip line. Wachtel Tree Sciences Confirmed that if the impacts is less than 1/3 of the tree protection area (conservatively assumed to be the canopy or drip line), the health of the tree would likely not be impacted. (Appendix D).

It is also important to note that that much of the site would be considered a Mature Grove, and the trees that would have the trail beneath their canopies would represent only a small fraction of the Mature Grove.



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- 4. Pursuant to Sections 15-4.0103 and 15-10.0208B.3.b. of the UDO, please provide mitigation for the natural resource impacts.
  - a. Staff recommends that the amount and type of mitigation should be subject to a site visit where the extent and nature of the impacts can be mutually agreed upon. The amount and type of impacts (tree removal, root cutting, soil compaction, etc.) would then guide the amount and type of mitigation.
    GRAEF Response: It is our opinion that the project is an overall benefit to the environment and the impacts to specific resources are very limited. Based on this, we request the City provide additional details on potential mitigation options.

#### **Natural Resource Protection Plan (NRPP)**

- 5. Pursuant to Section 15-7.0201J. of the UDO, please clearly graphically indicate the areas of natural resource impacts.
  - a. Staff recommends that the Natural Resource Protection Plan (or one of the other plans), clearly show the project limits.
     GRAEF Response: A note was added to the site plan regarding the project limits (Appendix A).
  - b. Staff recommends that exhibits to the Natural Resource Protection Plan (or one of the other plans) be prepared, one each for a portion of the trail, for a deck, for the stairs, for the boardwalk, and for the pier, that shows in detail the size of the structure, the size of any adjacent area to be cleared, graded and/or filled, and any adjacent areas that would be temporarily disturbed during construction. These exhibits would be the means by which the type and amount of natural resource impacts could be calculated more accurately for the entire project.

    GRAEF Response: All project parts including the location and size of structures are included on one NRPP (Appendix A).
  - c. Staff suggests that rather than sample exhibits, that this more accurate mapping be prepared for the entire trail and all structures. Staff would note that should consensus be reached from the site visit on the amount and type of impacts to the natural resource features, such mapping may not be necessary.
    GRAEF Response: At this stage of the planning, all features are accurately sized and located on the NRPP Map. A Sub-foot accurate GPS was used to map the trail and location of decks, stairs, and boardwalk/pier (Appendix A).



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6. Pursuant to Section 15-7.0201K. of the UDO, please provide a revised Conservation Easement, which includes allowance for the pier. A copy of the current Conservation Easement is attached for your review and use.

GRAEF Response: The Conservancy for Heritage and Healing will update the Conservation Easement (Appendix H).

#### **Natural Resource Special Exception (NRSE)**

- 7. Pursuant to Section 15-9.0110A. of the UDO, please indicate the name and address of all abutting property owners.
  - GRAEF Response: Adjacent property owners are attached to the NRSE (Appendix E).
- 8. Pursuant to Section 15-9.0110C. of the UDO, please correct the NRSE Question and Answer Form as noted below:
  - d. Revise answer A. to reference Table 15-4.0100, and specifically note the following features: lakes, shore buffers, floodplains, wetlands, wetland buffers, and wetland setbacks. And include Section 15-4.0103 if no mitigation is proposed.
    - GRAEF Response: Answer A has been revised. Mitigation has not yet been considered for this project.
  - e. Revise answer B. to specifically note the length, width, and total size of the trail, decks, boardwalk, and pier impacts.
    - GRAEF Response: Answer B has been revised (Appendix E).
  - f. Revise answer D.1.(a) to include reference to the subject NRPP, site and erosion plans.
    - GRAEF Response: reference to the NRPP, Site Plan, and Erosion Control Plan has been added to D.1. (a) (Appendix E).
  - g. Revise answer D.5. to include the woodland impact details, i.e. size/area of impacts, number of trees impacted, etc.
    - GRAEF Response: Tree impacts were updated in answer D.5 (Appendix E).



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h. Revise answer D.6. to indicate that e) shoreline will be impacted (i.e. pier and boardwalk construction); f) habitat will be impacted (i.e. pier construction); l) shoreland will be impacted (i.e. pier and boardwalk located within the shoreland); m) Corridor will be impacted (i.e. the entire subject area is located within a Primary Environmental Corridor).

GRAEF Response: D.6 has been revised (Appendix E).

i. Revise answer D.6. "Describe in detail..." to include the details of the size, area, and nature of impacts associated with the trail, decks, etc., i.e. the physical structures themselves, the adjacent clearing, grading, filling, the temporary construction disturbances, etc.

GRAEF Response: These impact descriptions can be found in question B (Appendix E) and in the NRPP Tables (Appendix A).

9. Pursuant to Section 15-10.0208B.1. of the UDO, please provide answers to the findings set forth in Section 15-10.0208B.2.

GRAEF Response: Answers are attached to the NRSE questionnaire.

#### **Additional Staff Recommendations**

10. Staff recommends that the previously prepared Tree Survey, Deck and Stair Plans (Appendix G), Metes and Bounds (Appendix C), and CSM (Appendix B) be added to the project materials for Environmental Commission, Plan Commission, and Common Council review and consideration.

GRAEF Response: Previously submitted materials will be provided again.

- 11. Staff recommends that a much more detailed Erosion Control Plan be prepared for the entire project. Staff strongly recommends this more detailed Erosion Control Plan for those areas within and adjacent to the steep slopes.
  - GRAEF Response: Project construction plan and details are still being developed, additional erosion control details will be provided once final plans are completed.
- 12. Staff recommends that the written Plan Summary document be revised to reflect the more detailed natural resource impact information requested in Staff Comments #1, 2, and 3. GRAEF Response: The plan summary was updated (Appendix D).



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Please contact me at Alison.Kuhne@graef-usa.com or (414) 266-9299 if you have any questions.

Sincerely,

Alison Kuhne Environmental Scientist

Enclosed: Appendix A. Figures

Figure 1. NRPP Map Figure 2. Site Plan

Figure 3. Nature Trail Erosion Control Plan

Appendix B. Kapur & Associates, Inc. Certified Survey Map

Appendix C. Metes and Bounds Site Description

Appendix D. NRPP Summary Letter Appendix E. NRSE questionnaire

Appendix F. Tree Survey

Appendix G. Deck and Stair Plans

Appendix H. Conservation Easement



### **APPENDICES**

Appendix A Figures

Appendix B Kapur & Associates,

Inc. Certified Survey

Map

Appendix C Metes and Bounds Site

**Description** 

Appendix D NRPP Letter

Appendix E NRSE Questionnaire

**Appendix F** Tree Survey

Appendix G Deck and Stair Plans

**Appendix H Conservation Easement** 



# APPENDIX A

**Figures** 

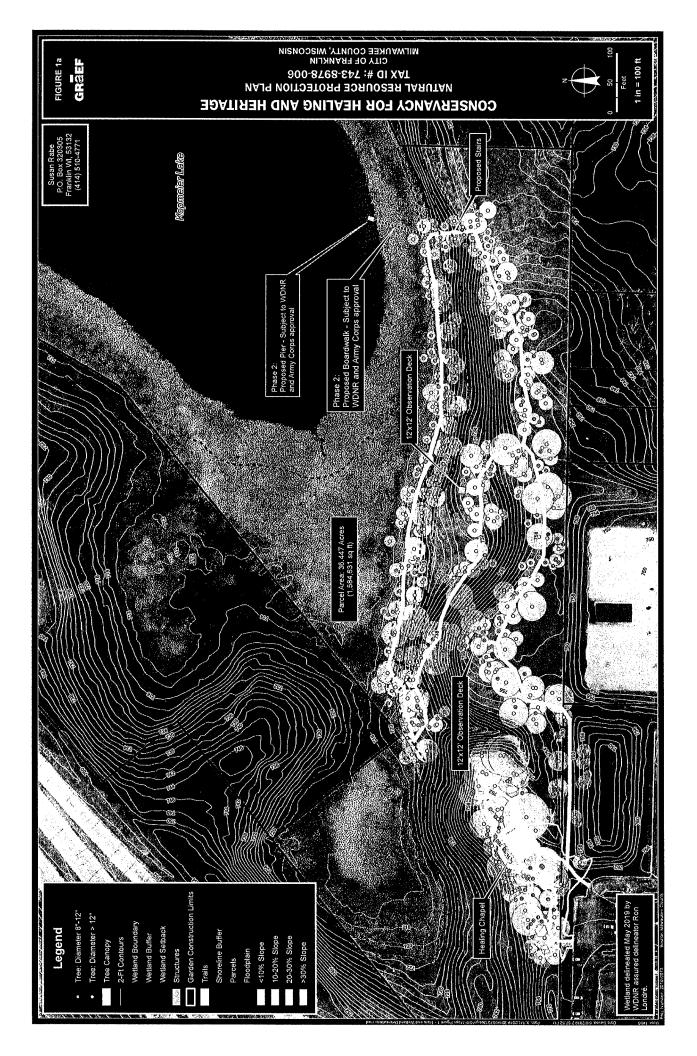
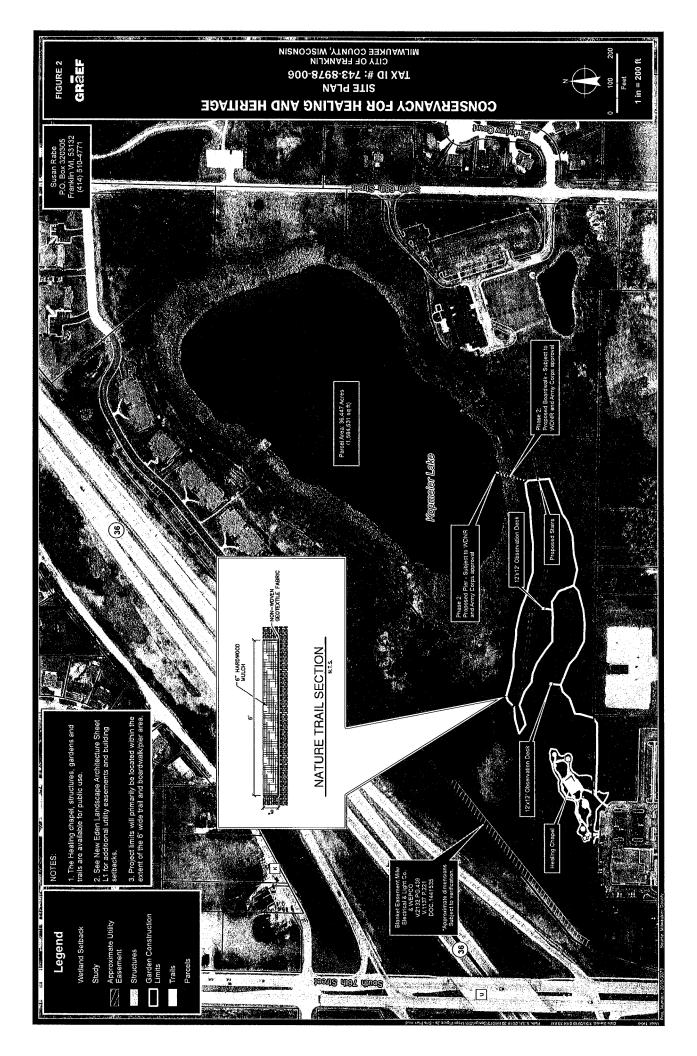


	Table 15-3.0505	
	Worksheet for the Calculation of Site Intensity and Capacity for Nonrosidential Development	
	CALCULATE MINIMUM REQUIRED LANDSCAPE SURFACE:	
TEP 1:	Take Base Site Area (from Step 5 in Table 15-3.05/2); 36 Multiple by Minimum Landsvape Surface Ratio (LSR) (see specific zoning district LSR standard); X 0-45	16.20 scres
	Equais Minimum required on site landscape surface =	
	CALCULATE NET BUILDABLE SITE AREA:	
	Take Base Site Area (from Step 5 in Table 15-3 0502); 36	
TEP 2:	Subtract Total Resource Protection Land from Table 15.3.05/3) or Minimum Required Landscape Surface (from Step 1 obsors), whichever is greater 32.	4 acres
	Equas NET BUIL DABLE SITE AREA =	
	CALCULATE MAXIMUM NET FLOOR AREA YIELD OF SITE:	
	Take Net Buildable Sile Area (from Slep 2 above), 4	
TEP 3:	Multiple by Maximum Net Floor Area Ratio INFAR)	2.28 acres
	(see specific nonresidential zoning district NFAR standard); X 0.57	
	Equals MAXIMUM NET FLOOR AREA YIELD OF SITE ==	
	CALCULATE MAXIMUM GROSS FLOOR AREA YIELD OF SITE:	
	Take Base Sile Area (from Slep 5 of Table 15-3 0502): 36	
TEP 4:	Multiple by Maximum Gross Floor Area Ratio (GFAR)	11.16 acres
	(see specific nonresidential zoning district GFAR standard). X 5.31	
	Equals MAXIMUM GROSS FLOOR AREA YIELD OF SITE =	
	DETERMINE MAXIMUM PERMITTED FLOOR AREA OF SITE:	
	Take the lowest of Maximum Net Floor Area Yield of Site (from Step 3	2.28 acres
TEP 5:	above) or Maximum Gross Floor Area Yrield of Site (from Step 4 above):	
	(Mulkjale results by 43,560 for maximum foor area in square feet):	(99,217 square feet)

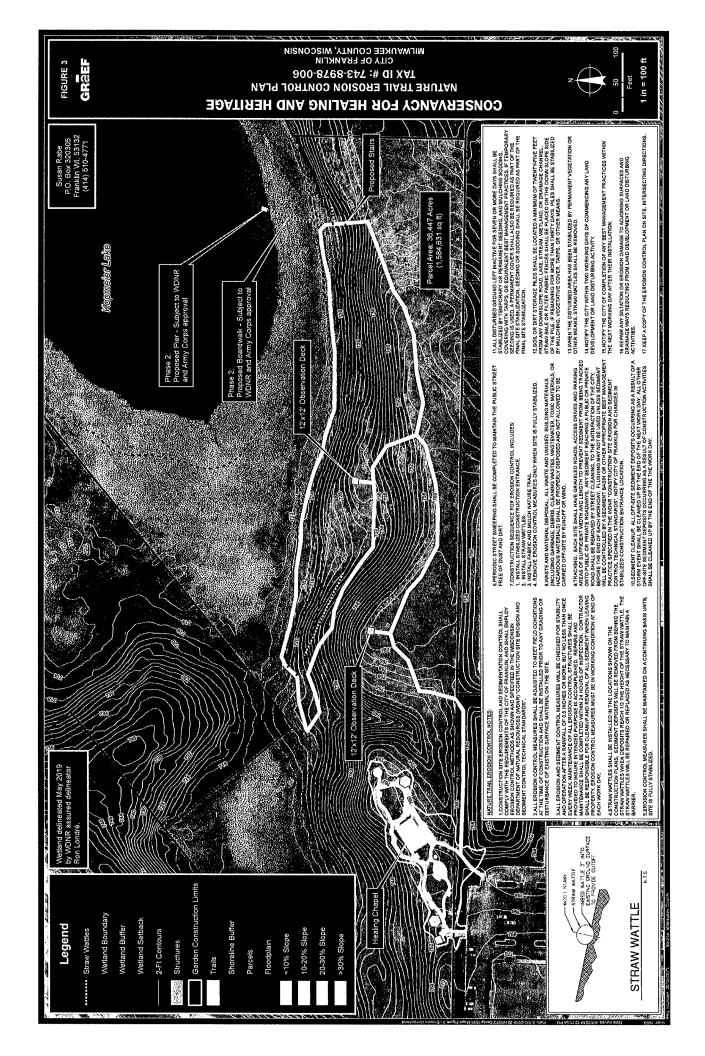
			Resource Protection Land	and			
No. of the state o	Protection Stapplicable ste district in which	Protection Standard Based Upon Zor applicable standard from Table 15-4. district in which the parcel is located)	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4,0100 for the type of zoning district in which the parcel is located)	Acres of Lend in	Acres of Land Required	Acres of Land Acres of Land	Acres of Land
Maluai Nesoniuc regula	Agricultural District	Residential District	Non-Residential District	Resource Feature	to be Preserved	Impacted	Milgated
Steep Slopes		TOTAL CASE OF THE PROPERTY OF					
10-19%	90.00	09'0	0 40	3.97	1.59	0.135	0.000
20-30%	6 0.65	0.75	0.70	2.15	1.51	0.050	0.000
+%08	06'0	0.85	08:0	3.23	2.58	0.035	0.000
Woodlands & Forest							
Mature Woodland Grove	9.70	0.70	0.70	4.10	2.87	0.358	0.000
Buno	3 0.50	0.50	0.50	0.00	00 0	0:000	0.000
Lake & Ponds	1.00	1.00	1 00	14.16	14.16	0.002	0 002
Streams	1,00	1.00	1.00	0.00	00:0	0000	0.000
Shore Buffer	1,00	1.00	1.00	5.78	5.78	0000	000'0
Floodplain/Floodlands'	1.00	1.00	1.00	26.62	26.62	0000	0.000
Wetland Buffers	1.00	1.00	1.00	0.58	0.98	0.107	0.107
Wetland Setbacks	1.00	1.00	1.06	0.71	6.7	900'0	900.0
Wetlands & Shoreland Wetlands	1.00	1.09	1.06	3.28	3.28	0.007	00:0
Total Resource Protection Land (includes overlapping features)	ddsjawo sapnj	ing features)			50.08 acres		

- . Natural Resource Features surveyed for entire site with offsite tools. Trees were surveyed within 25 feet of the Protect Area
- 3. Natural Resource Features surveyed within 150 feet of the Project Area
- Vide about overlaping resources. Of the 3.28 acres of wellands, overlapping resources include 3.28 acres of floodplain s and 1.27 acres of shoreland buffer. Of the 0.107 acres of welland seriant there are 0.61 acres of floodplain and 0.03 acres of shoreland. Of the 0.71 acres of welland seriant, there are 0.12 acres of floodplain The 25.62 acres of floodplain also includes by wellapping 14.18 acres of floodplain. The 25.62 acres of floodplain also includes

Note about overlapping impacts Of the 0.007 acres of welland impacts, overlapping impacts include 0.007 acres of flooopjains and 0.007 acres of shoreland buffer. Of the 0.407 acres of experience of shoreland impacts where are 0.009 acres of shoreland impacts.



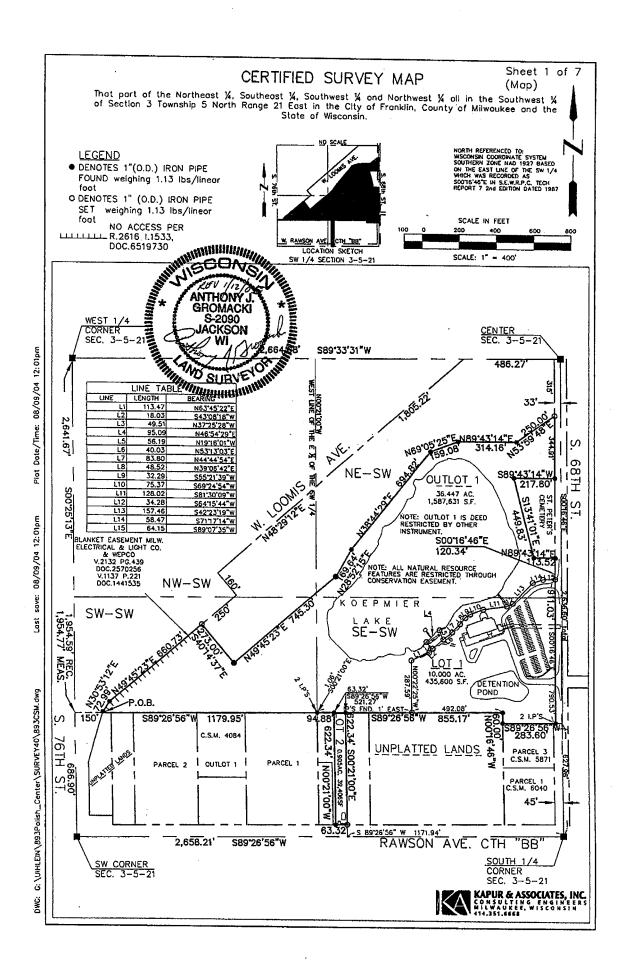


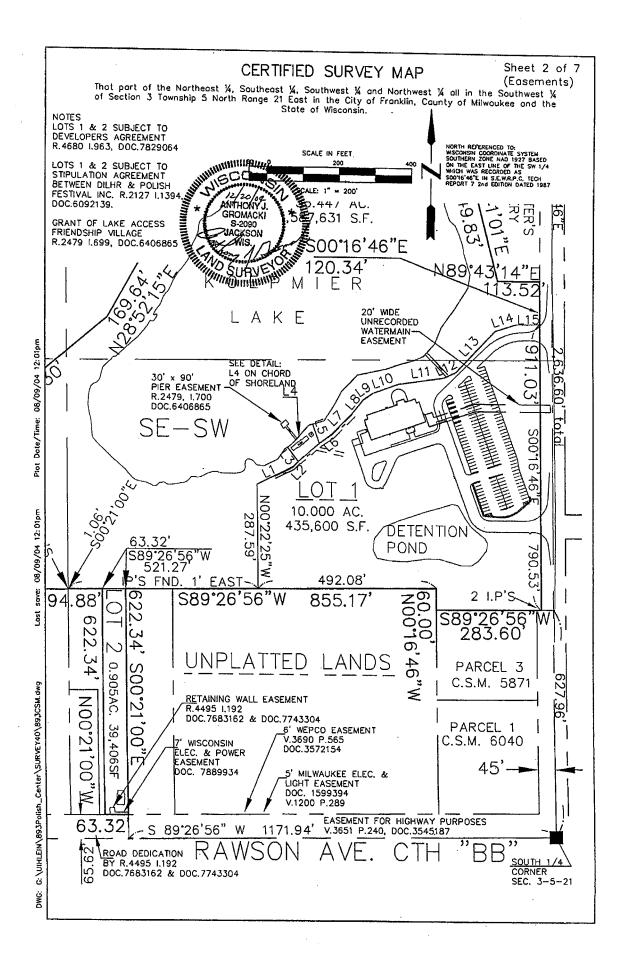


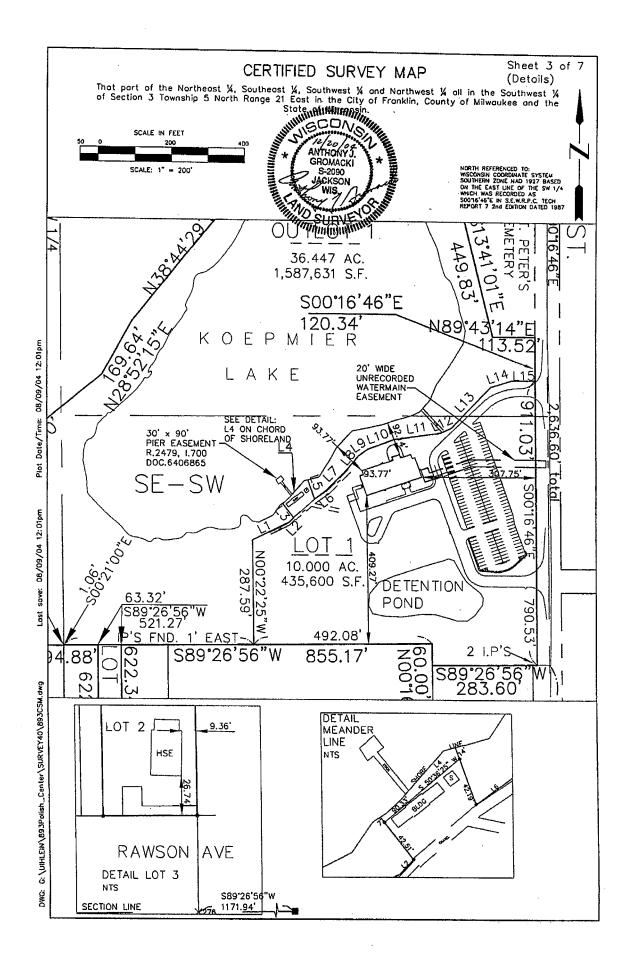


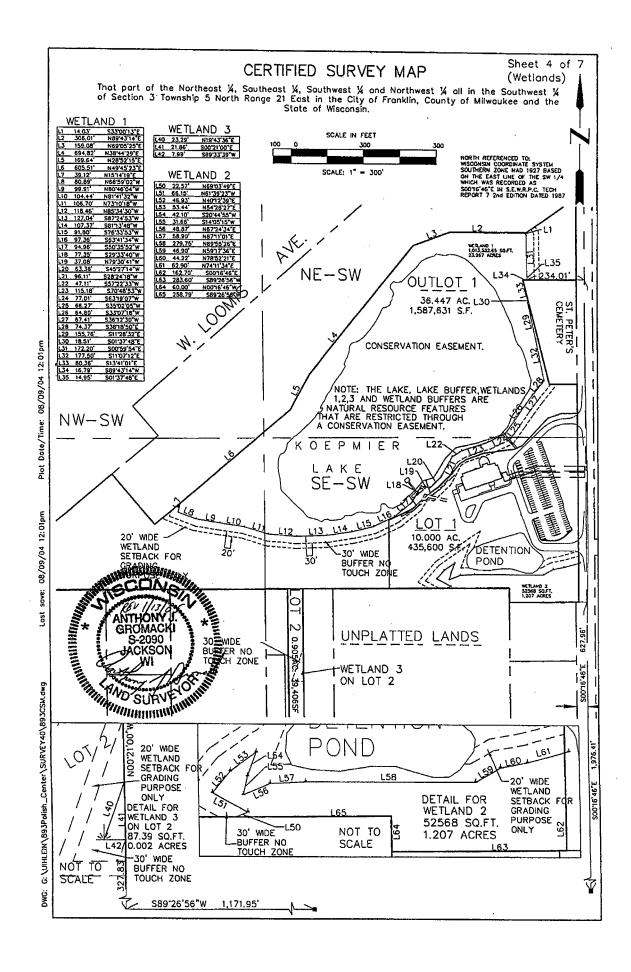
## **APPENDIX B**

Kapur & Associates, Inc. Certified Survey Map









That part of the Northeast ¼, Southeast ¼, Southwest ¼ and Northwest ¼ all in the Southwest ¼ of Section 3 Township 5 North Range 21 East in the City of Franklin, County of Milwaukee and the State of Wisconsin.

#### LEGAL FOR WETLAND 1

That part of the Northeost ¼, Southeast ¼, Southwest ¼ and Northwest ¼ all in the Southwest ¼ of Section 3, Township 5 North Range 21 East in the City of Fronklin, County of Milwoukee and the State of Wisconsin, more porticularly described as follows:

Commencing of the Southeast corner of the Southeast ¼ of the Southwest ¼ of said Section 3; thence N 00"16'46" W along the east line of soid Southeast ¼ of the Southwest ¼ 1,976.41 feet; thence S 89'43'14" W 234.01 feet to the point of beginning; thence South 89'43'14" West 16.79 feet; thence South 13'41'01" Eost 80.36 feet; thence South 01'37'48" Eost 18.51 feet; thence South 11'28'32" East 155.76 feet; thence South 11'07'12" East 177.50 feet; thence South 38'18'50" West 74.37 feet; thence South 36'12'30" West 67.41 feet; thence South 33'07'18" West 64.80 feet; thence South 35"02'05" West 66.27 feet; thence South 63"19'07" West 77.01 feet; thence South 70" 48'53" West 115.18 feet; thence South 57'22'33" West 47.11 feet; thence South 28'24'18" West 96.11 feet; thence South 45'27'14" West 63.38 feet; thence North 79'30'41" West 37.08 feet; thence South 29'33'40" West 77.35 feet; thence South 50'35'52" West 94.96 feet; thence South 63'41'34" West 97.36 feet; thence South 76'33'53" West 91.80 feet; thence South 81'13'48" West 107.37 feet; thence South 87'24'53" West 127.04 feet; thence North 85'34'30" West 118.46 feet; thence North 73'10'18" West 106.70 feet; thence North 81'41'32" West 104.44 feet; thence North 80'46'04" West 99.91 feet; thence North 68'59'02" West 80.89 feet; thence North 15'14'19" East 39.12 feet; thence North 49'45'23" Eost 605.51 feet; thence North 28'52'15" Eost 169.64 feet; thence North 38'44'29" Eost 694.82 feet; thence North 69'05'25" Eost 159.08 feet; thence North 89'43'14" Eost 306.01 feet; thence South 33'00'13" East 14.03 feet; thence South 00'59'54" East 172.20 feet; thence South 01'37'48" East 14.95 feet; to the point of beginning.

#### LEGAL FOR WETLAND 2;

That part of the Southeast 1/4 of the Southwest 1/4 of Section 3, Township 5 North, Ronge 21 East in the City of Fronklin, County of Milwoukee, State of Wisconsin,

Commencing at the Southeast corner of the Southeast % of the Southwest % of soid Section 3; thence N 00"16'46" W olong the east line of said Southeast ¼ of the Southwest ¼ 627.96 feet; thence S 89'26'56" W 33.00 feet to the paint of beginning; thence S 89'26'56" W 283.60 feet; thence N 00"16'46" W 60.00 feet; thence S 89"26'56" W 258.79 feet; thence N 69"03'49" E 22.57 feet; thence N 61'39'23" W 66.15 feet; thence N 40'12'39" E 46.93 feet; thence N 54'28'27" E 53.44 feet; thence S 20°44'55" W 42.10 feet; thence S 14°05'15" W 31.66 feet; thence N 67°24'34" E 48.87 feet; thence N 87"11"01" E 58.90 feet; thence N 89"55"26" E 279.75 feet; thence N 59'17'36" E 46.90 feet; thence N 78'52'21" E 44.22 feet; thence N 74'11'34" E 62.90 feet; thence S 00'16'46" E 162.70 feet to the point of beginning.

#### LEGAL FOR WETLAND 3:

That part of the Southeast ¼ of the Southwest ¼ of Section 3, Township 5 North, Range 21 East in the City of Fronklin, County of Milwaukee, State of Wisconsin, more particularly described as follows:

Commencing at the Southeast corner of the Southeast ¼ of the Southwest ¼ of said Section 3; thence S 89"26'56" W along the south line of soid Southeast ¼ of the Southwest ¼ 1,171.95 feet; thence N 00'21'00" W 327.83 feet to the point of beginning; thence S 89'33'39" W 7.99 feet; thence N 00'21'00" W 327.85 feet to the point of beginning; thence N 19'43'36" E 23.29 feet; thence S 00'21'00" E 21.86 feet to the point of beginning.

NOTE: Wetland Delineated by:

Enviro Dynamics LLC on 11/9/2004

NOTE: Wetland Field Located

By Kopur & Assoc. Survey Crew on 11/10 & 11/11/2004



That part of the Northeast ¼, Southeast ¼, Southwest ¼ and Northwest ¼ all in the Southwest ¼ of Section 3 Township 5 North Range 21 East in the City of Franklin, County of Milwoukee and the State of Wisconsin.

#### LEGAL DESCRIPTION:

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 3; ALONG THE WEST LINE OF THE SOUTHWEST 1/4; THENCE S 00°25'13" E 1954.77 FEET; THENCE N 89°26'56" 150.00 FEET TO THE POINT OF BEGINNING; THENCE N 30'53'12" E 72.99 FEET; THENCE N 49'45'23" E 660.73 FEET; THENCE S 40"14'37" E 273.00 FEET; THENCE N 49'45'23" E 745.30 FEET; THENCE N 28'52'15" E 169.64 FEET; THENCE N 38'44'29" E 694.82 FEET; THENCE N 69'05'25" E 159.08 FEET; THENCE N 89'43'14" E 314.16 FEET; THENCE N 53'59'48" E 250.00 FEET TO THE WEST RIGHT OF WAY LINE OF SOUTH 68TH STREET; THENCE S 00°16'46" E ALONG SAID RIGHT OF WAY LINE 344.91 FEET TO THE NORTH LINE OF SAINT PETER'S CEMETERY; THENCE S 89'43'14" W ALONG SAID NORTH LINE 217.80 FEET TO THE WEST LINE OF SAINT PETER'S CEMETERY; THENCE S 13"41"01" E ALONG SAID WEST LINE 449.83 FEET TO THE SOUTH LINE OF SAINT PETER'S CEMETERY; THENCE S 89°43'14" E ALONG SAID SOUTH LINE 113.52 FEET TO THE WEST RIGHT OF WAY LINE OF SOUTH 68TH STREET; THENCE S 0016'46" E ALONG SAID RIGHT OF WAY LINE 911.03 FEET; THENCE S 89\*26'56" W 283.60 FEET; THENCE N 00\*16'46" W 60.00 FEET; THENCE S 89\*26'56" W 855.17 FEET; THENCE S 00°21'00" E 622.34 FEET TO THE NORTH RIGHT OF WAY LINE OF RAWSON AVENUE; THENCE S 89'26'56" W ALONG SAID RIGHT OF WAY LINE 63.32 FEET; THENCE N 00°21'00" W 622.34 FEET; THENCE S 89°26'56" W 94.88 FEET TO THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 3; THENCE S 00'21'00" E ALONG SAID WEST LINE 1.06 FEET, THENCE S 89'26'56" W 1179.95 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 2062637 SQUARE FEET, 47.352 ACRES, MOR OR LESS.

#### SURVEYOR'S CERTIFICATE:

I ANTHONY J. GROMACKI, DO HEREBY CERTIFY THAT AT THE DIRECTION OF SIGMUND TOMKALSKI, EXECUTIVE DIRECTOR OF POLISH HERITAGE ALLIANCE, INC. I HAVE SURVEYED THE LAND DESCRIBED HEREON AND THAT THE MAP SHOWN IS A CORRECT REPRESENTATION OF ALL LOT LINES AND THAT I HAVE FULLY COMPLIED WITH CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE UNITED DEVELOPMENT ORDINANCE DIVISION-15 OF THE CITY OF FRANKLIN IN SURVEYING DIVIDING AND MAPPING SAID LANDS.

> GROMACKI S-2090

DATED THIS 20Th DAY OF Personal CONTRACTOR

S-2090

Anthony J./Grømacki

(Legals)

12: Olpm

08/09/04

Date/

š

12: 01pm

08/09/04

ة

Sheet 7 of 7 (Certificate)

That part of the Northeast ¼, Southeast ¼, Southwest ¼ and Northwest ¼ all in the Southwest ¼ of Section 3 Township 5 North Range 21 East in the City of Franklin, County of Milwaukee and the State of Wisconsin.

#### OWNER'S CERTIFICATE:

I, SIGMUND TOMKALSKI, AS EXECUTIVE DIRECTOR OF POLISH HERITAGE ALLIANCE, INC., DO HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED ON THIS MAP TO BE. SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED HEREON: 1 ALSO CERTIFY THAT THIS MAP IS REQUIRED BY S.236.34 OF THE WISCONSIN STATUTES AND THE UNITED DEVELOPMENT ORDINANCE DIVISION-15 OF THE CITY OF FRANKLIN TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION: CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

WITNESS THE HAND AND SEAL OF SAID OWNER THIS LAT DAY OF <u> February</u>, 2005.

SIGMUND TOMKALSKI EXECUTIVE DIRECTOR

STATE OF WISCONSIN) COUNTY OF MILWAUKEE)ss

PERSONALLY CAME BEFORE ME THIS AT DAY OF Telruay . 2005 THE ABOVE NAMED, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME. ARY PUS

brencelle for NOTARY PUBLIC COUNTY OF MILWAUKEE, STATE OF WISCONSIN

MY COMMISSION EXPIRES: February 18, 2007

CITY OF FRANKLIN COMMON COUNCIL APPROVAL:

OF FR APPROVED AND ACCEPTED BY THE COMMON COUNCIL OF THE CITY OF FRANKLIN BY RESOLUTION NO 2004-5298 SIGNED ON THIS 21 DAY OF December, 2004

SANDRA L. WESOLOWSKI CITY CLERK

DATED THIS 1th DAY OF February, 2005.

REVISED THIS \_\_\_ DAY OF





08/09/04 12:01pm Date/Time: Plot

> 12:01pm 08/09/04

> > Lost

G: \UIHLEIN\893Polish\_Center\SURVEY40\893CSM



## **APPENDIX C**

## Metes and Bounds Site Description

#### **LEGAL DESCRIPTION**

Outlot 1 of Certified Survey Map numbered 7544 recorded in the office of the Register of Deeds for Milwaukee County more particularly described as follows; That part of the Northwest 1/4, Southeast 1/4, Southwest 1/4, and Northwest 1/4 all in the Southwest 1/4 of Section 3 Township 5 North Range 21 East in the City of Franklin, County of Milwaukee and the State of Wisconsin.

COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 3: ALONG THE WEST LINE OF THE SOUTHWEST 1/4; THENCE S 00°25'13" E 1954.77 FEET: THENCE N 89°26'56" E 150.00 FEET TO THE POINT OF BEGINNING; THENCE N 30°53'12" E 72.99 FEET; THENCE N 49°45'23" E 660,73 FEET: THENCE S 40°14'37" E 273.00 FEET; THENCE N 49°45'23" E 745.30 FEET; THENCE N 28°52'15" E 169.64 FEET; THENCE N 38°44'29' E 694.82 FEET; THENCE N 69°05'25" E 159.08 FEET; THENCE N 89°43'14" E 314.16 FEET; THENCE N 53°59'48" E 250.00 FEET TO THE WEST RIGHT OF WAY LINE OF SOUTH 68TH STREET; THENCE S 00°16'46" E ALONG SAID RIGHT OF WAY LINE 344.91 FEET TO THE NORTH LINE OF SAINT PETER'S CEMETERY; THENCE S 89°43'14" W ALONG SAID NORTH LINE 217.80 FEET TO THE WEST LINE OF SAINT PETERS CEMETERY; THENCE S 13°41'01" E ALONG SAID WEST LINE 449.83 FEET TO THE SOUTH LINE OF SAINT PETER'S CEMETERY; THENCE S 89°43'14" E ALONG SAID SOUTH LINE 113.52 FEET TO THE WEST RIGHT OF WAY LINE OF SOUTH 68TH STREET; THENCE S 00°16'46" E ALONG SAID RIGHT OF WATY LINE 911.03 FEET: THENCE S 89°26'56" W 283.60 FEET; THENCE N 00°16'46" WEST 60.00 FEET; THENCE S 89°26'56" W 855.17 FEET: THENCE S 00°21'00" E 622.34 FEET TO THE NORTH RIGHT OF WAY LINE OF RAWSON AVENUE; THENCE S 89°26'56" W ALONG SAID RIGHT OF WAY LINE 63.32 FEET; THENCE N 00°21'00" W 622.34 FEET; THENCE S 89°26'56" W 94.88 FEET TO THE WEST LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION 3; THENCE S 00°21'00" E ALONG SAID WEST LINE 1.06 FEET; THENCE S 89°26'56" W 1179.95 FEET TO THE POINT OF BEGINNING: EXCEPTING THEREFROM LOT 1 AND LOT 2 AS SHOWN ON SAID CERTIFIED SURVEY MAP NUMBERED 7544.

SAID PARCEL CONTAINS 1587764 SQUARE FEET, 36.450 ACRES, MORE OR LESS.



# APPENDIX D NRPP Letter



collaborate / formulate / innovate

July 31st, 2019

Susan Rabe 7410 W Rawson Ave Franklin, Wisconsin 53132

SUBJECT: Natural Resource Protection Plan Summary

The Conservancy for Healing and Heritage

Dear Susan:

GRAEF was retained by the Conservancy for Healing and Heritage to prepare a Natural Resources Protection Plan (NRPP) for 36.38-acre parcel #7438978004 located at 6941 S 68TH Street, Franklin WI (Figure 1.). The proposed project includes Phase 1.- a healing garden, Phase 2. - 0.5 miles of trails, and Phase 3. - a boardwalk with a pier.

Due to the numerous trees and large size of the parcel, it was confirmed by the City of Franklin Planning Department that GREAF could narrow the NRPP scope for the natural resources wetland features to 150 feet of the project area and survey the trees within 25 feet.

Natural resource features that could be determined using offsite tools for the entire parcel include, a 14.16-acre lake, 5.78 acres of shore buffer, 26.62 acres of Zone A floodplains which also encompasses the lake acreage, 3.97 acres of 10-19% slopes, 2.15 acres 20-30% slopes, and 3.23 acres greater than 30% slopes.

Trees with diameters of 8 inches or greater and within 25 feet of the Project Area were surveyed on February 15<sup>th</sup> and May 13<sup>th</sup>. The total individual canopy in this area forms 4.1 acres of Mature Woodlands. Wetlands within 150 feet of the project area were delineated May 2019 by WDNR Assured Delineator Ron Londré. The delineation includes 3.28 acres of wetland, 0.98 acres of wetland buffer, and 0.71 acres of wetland setback.

Phase 2 of the project consists of trails that will be approximately six feet wide and 2,640 feet long, with a pervious geotextile liner and mulch. Two 12' by 12' wood observation decks will be built on naturally flat and treeless areas of the trail. A staircase will be built on the east, steep section of the trail. A few benches will also be placed around the trail for resting areas. Protected slopes including 0.094 acres of 10-20% slopes, 0.045 acres of 20-30% slopes and 0.028 acres of greater than 30% slopes overlap the trails in this phase of the project. The trail will run under the drip line of 176 tree with DBH of 8" or larger. The total canopy cover associated with individually counted trees is 4.10 acres



and 2.284 acres of individual tree canopies will have a section of the trail underneath their drip lines. The trail overlaps with a total of 0.358 acres of canopy, calculated as the sum of the areas of the trail under each individual tree canopy. This amounts to a 16% impact to the trees that will have the trail underneath the drip line. Wachtel Tree Sciences Confirmed that if the impacts is less than 1/3 of the tree protection area (conservatively assumed to be the canopy or drip line), the health of the tree would likely not be impacted. It is also important to note that that much of the site would be considered a Mature Grove, and the trees that would have the trail beneath their canopies would represent only a small fraction of the Mature Grove. The intent of the trail is to allow users to view the lake and wetland feature on site, because of this, the trail overlaps with 0.106 acres of wetland buffer (overlapping with 0.088 acres of floodplains and 0.002 acres of shoreland buffer) and 0.006 acres of wetland setback, it is unlikely this overlap will affect the buffer functions.

Phase 3 of the project includes a boardwalk approximately four feet wide and 95' long leading out to a 12' by 8' pier overlooking the lake. This is anticipated to impact 0.007 acres of wetland, 0.002 acres of lake, and 0.001 acres of wetland buffer. The wetland impact overlaps with 0.007 acres shore buffer and 0.007 acers of floodplain. Department of Natural Resources and Army Corps of Engineers permits will be obtained prior to the start of this phase of the project. It was confirmed by the City of Franklin Planning that obtaining these permits will not delay Phase 1 or 2 of the Project.

Preservation requirements will be met for the 10-19% slopes, 20-30% slopes, greater than 30% slopes, and Mature Woodlands resources. Due to the 100% preservation requirements of the lake, wetland, and buffers a Natural Resource Special Exception (NRSE) will be submitted to impact to 0.002 acres of lake, 0.107 acres of wetland buffer, and 0.007 acres of wetland. Mitigation has not been considered yet for this project.

The total of overlapping resources required to be preserved on the site is 57.92 acres. Due to the overlapping features and limited scope of the field survey it is estimated conservatively that 32 acres of the site is required to be preserved. The estimation was calculated by taking the parcel area of 36 acres and subtracting the 21 acres of area covered by lake and wetland (100% protection requirement) leaving a remaining 15 acres of Mature Woodland area with varying slopes. The Mature Woodlands have a protection standard of 70%, allowing a remaining 4 acres of land that can be disturbed and 32 acres required to be preserved. A similar estimation was done for the narrowed scope of the project area and out of the 8 acres of project area, 5.6 acres will need to be preserved.



Using these estimated values, the Site Intensity table was completed and included on the NRPP Map. Because this site does not fit any of the general use types, the medium values associated with commercial retail sales and service were used for the calculation. The calculations yielded a maximum net floor area of 2.28 acres/99,317 square feet for the site. The combined area of the garden shed, two gazebos and, healing chapel equal 2,510 square feet.

Please contact me at Alison.Kuhne@graef-usa.com or (414) 266-9299 if you have any questions.

Sincerely,

Alison Kuhne Environmental Scientist



# APPENDIX E NRSE questionnaire

#### 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	ıg, as
set forth by Section 15-9 0110C, of the LIDO:	

A.	Indication of the section(s) of the UDO for which a Special Exception is requested.
	UDO Section 15-8.0305B9 pertaining to the protection of lakes, wetland, and wetland buffers. The Special Exception is requested to to create
	a trail within the limits of the wetland buffer and setback (also overlapping the floodplain), create a boardwalk through the wetland
	(also overlapping the floodplain and shore buffer), and to create a pier at the end of the boardwalk overlooking the lake. See table 15-4.0100 for exact values.
В.	Statement regarding the Special Exception requested, giving distances and dimensions where appropriate.  The 6' wide, 2840' long, 0.375 acre, mulch and pervious geotextile lined trail will overlap 0.107 acres of welland buffer (overlapping 0.088 acres of floodplain and 0.002 acres of shore buffer) and 0.006 acres of welland
	selback. There will be two 12' x 12' observation decks. The boardwalk is approximately 95' long and 4' wide (0.008 acres), potentially impacting 0.007 acres of welland (overlapping with 0.007 acres of
	floodplain and 0.007 acres of shore buffer) and 0.001 acres of wetland buffer (including 0.001 acre of floodplain). The 12'x9' pier will impact 0.002 acres of lake resource.
C.	Statement of the reason(s) for the request.  The Conservancy for Healing and Heritage's mission is to protect this natural habitat while creating shared spaces for comfort, inspiration, stewardship and education.
	The Healing Garden will serve the community as a free, ADA compliant public destination. When completed, it will welcome and serve people locally and regionally.
	The trails will be used as a route to provide pristine views of Kopmeier Lake as well as serve as an outdoor classroom.

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:

#### 1) Background and Purpose of the Project.

The mission is to protect this natural habitat while creating shared spaces for comfort, inspiration, stewardship and education.  The Nature Trails, Healing Garden, Healing Chapel in the Woods, and Kopmeier Lake are surrounded by forestland with a history leading back to the settlement of greater Milwaukee in the 19th cer										
Once completed, it will be open to the community as a place to restore our connection to the natural world for schools, families and individuals										
See NRPP, Site Plans, and Erosion Control Plans.										
	whether ruction.	the			•			existing	work	or

State why the project must be located in or adjacent to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback to achieve its purpose.  The project purpose is to view and interact with Koepmier lake, resulting in the trail running parallel to the wetland
and within the extent of the wetland buffer. Similarly the boardwalk and pier are designed as another viewing location
for the lake.
ble Alternatives.
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 boardwalk and pier, Phase 3, of the project cannot proceed without affecting the lake or wetland.
This would also eliminate part of the project purpose to create a view point of the lake. It is
unlikely the mulch trail will disturb the functions of the wetland buffer.
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 boardwalk and pier, Phase 3, of the project cannot be redesigned without affecting the lake or wetland.
The trail could potentially be redesigned to be located outside of the wetland setback, this is not practicable as the view
to the lake would be obstructed and the slope of the hill where the trail would be moved is primarily greater than 30%.
The current location of the trail is located on slopes of less than 10%.
State how the project may be made smaller while still meeting the project's needs.  The trail could be shortened, which is not ideal as it is currently only 0.5 miles long and if shortened would not be able
to create a loop.
State what geographic areas were searched for alternative sites.  N/a
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.

2)

(1)	State what will occur if the project does not proceed.  The public and Rawson Medical Center patients will not be able to explore and relax near the pristine lake and surrounding woods.
Com	parison 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.  Removing parts or aspects of the trail would have a reduced cost but would not fulfill the project purpose.
(b)	State any logistical reasons limiting any of the possible alternatives set forth under sub. 2., above.  Creating paths on areas of steeper slopes could challenge some trail users. Additional grading and disturbance would be needed to create a flat surface for the trail. The proposed trail location is naturally flat.
(c)	State any technological reasons limiting any of the possible alternatives set forth under sub. 2., above.  N/a
(d)	State any other reasons limiting any of the possible alternatives set forth under sub. 2., above.  If the trail was moved to a location outside of the wetland buffer, there would potentially be an additional impact to trees.
State under wetla	ce of Project Plan.  why the project should proceed instead of any of the possible alternatives listed r sub.2., above, which would avoid stream or other navigable water, shore buffer, and, wetland buffer, and/or wetland setback impacts.  oject should proceed because impact are minimal and will not affect the functions of the features, the project will lely bring users closer to the lake and wetland features for learning and inspiration.

## 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 trail through the wetland buffer will not alter topography, plants, wildlife, hydrology, and soils in the area. The wetland is classified by the DNR as a Forested, Emergent/wet meadow with a subclass of Broad-leaved deciduous, Narrow-leaved persistent.

Plants and soils in the area of the wetland will be included in the wetland delineation report. The trails is located under 2.284 acre of area within the drip line for 176 trees with diameters 8° or larger. This is a 16% impact of all of the individual tree canopies. It is unlikely that the small amount of trail within the drip line will impact the trees health.

6)	Stream or Other Navigable	: Water, Shore	Buffer,	Wetland,	Wetland	Buffer,	and
	Wetland Setback Impacts.						

a)	Diversity of flora including State and/endangered species.		Federal designated t	hreatened and/or  Applicable
b)	Storm and flood water storage.		Not Applicable	☐ Applicable
c)	Hydrologic functions.		Not Applicable	Applicable
d)	Water quality protection including filtror toxic substances.		on and storage of sec Not Applicable	liments, nutrients
e)	Shoreline protection against erosion.		Not Applicable	Applicable
f)	Habitat for aquatic organisms.		Not Applicable	Applicable
g)	Habitat for wildlife.		Not Applicable	☐ Applicable
h)	Human use functional value.		Not Applicable	Applicable
i)	Groundwater recharge/discharge protect	ior	ı <b>.</b>	
			Not Applicable	☐ Applicable
j)	Aesthetic appeal, recreation, education,	anc	d science value.	
			Not Applicable	Applicable
k)	Specify any State or Federal designat species of special concern.		threatened or endan Not Applicable	gered species or  Applicable
1)	Existence within a Shoreland.		Not Applicable	Applicable
m)	Existence within a Primary or Seconda Isolated Natural Area, as those areas a Southeastern Wisconsin Regional Plann	re	defined and currently	y mapped by the
			Not Applicable	Applicable
navigab	be in detail any impacts to the above followater, shore buffer, wetland, wetland boardwalk, and pier will give the lake and surrounds wet	but	ffer, and/or wetland se	etback:
When con	npleted, it will welcome and serve people locally and regio	nall	y. The Garden is specifically d	esigned to provide
	s with a natural environment to reduce stress responses, p			
	s systems. Areas for rest, reflection and rejuvenation will be abu		· · · · · · · · · · · · · · · · · · ·	
ability and c	apability. It will also serve as an educational destination for Franklin	High	School, and other learning institution	ns and community groups.

7)	Water Quality Protection.
	Describe how the project protects the public interest in the waters of the State of Wisconsin.
	The Project will not affect the water of the state of Wisconsin. The project will allow users to connect with the natural
	features on site.

#### 15-10.0208B.2

A Special Exception to the stream, shore buffer, navigable water-related, wetland, wetland buffer and wetland setback regulations of this Ordinance and for improvements or enhancements to a natural resource feature may be granted only upon a finding, by not fewer than four members of the Common Council that:

- a. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature); and
- b. Compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:
- i. Be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives; or,
- ii. Unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives; and

A Special Exception to the stream, shore buffer, navigable water-related, wetland, wetland buffer and wetland setback regulations of this Ordinance and for improvements or enhancements to a natural resource feature may be granted because the overall project is a benefit to the environment and compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will be unreasonably burdensome to the applicant and will negatively impact upon the applicant's use of the property

Adjacent neighbors						
Tax Key	Address	Owner				
7438978002	W LOOMIS RD	PARKWOOD LAKE LLC				
7438978001	6751 S 68TH ST	SHA MSL GREENDALE LLC				
7438979000	S 68TH ST	ST PETERS LUTHERAN CHURC				
7438978004	6941 S 68TH ST	POLISH FESTIVALS INC N/K/A				
7438997000	W RAWSON AVE	W RAWSON AVE				
7438996000	7106 W RAWSON AVE	7106 WEST RAWSON AVENUE LLC				
7438978005	7128 W RAWSON AVE	AYMAN SAIF				
7438994000	7142 W RAWSON AVE	MATTHEW O'MALIA				
7438992001	7220 W RAWSON AVE	ROOT RIVER PARTNERS LLC				
7430001000	7400 W RAWSON AVE	WHEATON FRANCISCAN HEALTHCARE-SE WI INC				
7438988001	7000 S 76TH ST	HAI YUE GROUP WILLC				



## **APPENDIX F**

**Tree Survey** 



APPROVAL Slw	REQUEST FOR COUNCIL ACTION	MEETING DATE 09/03/19
REPORTS & RECOMMENDATIONS	RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING PART OF PARCEL "A" OF CERTIFIED SURVEY MAP NO. 3411, AND UNPLATTED LANDS, BEING A PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST ¼ OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (DENIS J. AND SHARON L. BALISTRERI/MELISSA M. AND CHRISTOPHER D. BURGE, APPLICANTS) (AT 6708 AND 6720 SOUTH NORTH CAPE ROAD)	ITEM NUMBER

At its August 22, 2019 meeting the Plan Commission recommended approval of a resolution conditionally approving a 2 lot certified survey map, being part of Parcel "A" of Certified Survey Map No. 3411, and unplatted lands, being part of the Northwest 1/4 of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Denis J. and Sharon L. Balistreri/Melissa M. and Christopher D. Burge, Applicants) (at 6708 and 6720 South North Cape Road).

#### **COUNCIL ACTION REQUESTED**

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

A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING PART OF PARCEL "A" OF CERTIFIED SURVEY MAP NO. 3411, AND UNPLATTED LANDS, BEING A PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (DENIS J. AND SHARON L. BALISTRERI/MELISSA M. AND CHRISTOPHER D. BURGE, APPLICANTS)

(AT 6708 AND 6720 SOUTH NORTH CAPE ROAD)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being part of Parcel "A" of Certified Survey Map No. 3411, and unplatted lands, being a part of the Northwest 1/4 of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the properties located at 6708 and 6720 South North Cape Road, bearing Tax Key Nos. 748-9964-001 (6708) and 748-9965-000 (6720), Denis J. and Sharon L. Balistreri/Melissa M. and Christopher D. Burge, applicants; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed certified survey map is appropriate for approval pursuant to law upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Denis J. and Sharon L. Balistreri/Melissa M. and Christopher D. Burge, as described above, be and the same is hereby approved, subject to the following conditions:

- 1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
- 2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.

# DENIS J. AND SHARON L. BALISTRERI/MELISSA M. AND CHRISTOPHER D. BURGE – CERTIFIED SURVEY MAP RESOLUTION NO. 2019-\_\_\_\_\_Page 2

- 3. Each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within the City of Franklin Design Standards and Construction Specifications and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to recording of the Certified Survey Map.
- 4. Denis J. and Sharon L. Balistreri/Melissa M. and Christopher D. Burge, successors and assigns, and any developer of the Denis J. and Sharon L. Balistreri/Melissa M. and Christopher D. Burge 2 lot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
- 5. The approval granted hereunder is conditional upon Denis J. and Sharon L. Balistreri/Melissa M. and Christopher D. Burge and the 2 lot certified survey map project for the properties located at 6708 and 6720 South North Cape Road: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
- 6. The applicant shall revise the proposed Landscape Bufferyard Easement documents to incorporate certain minor technical corrections including but not limited to proper reference to the subject Certified Survey Map in Grantor covenant number 1, completion of the Mortgage Holder Consent page, and inclusion of Exhibit B which provides a map and legal description of the easement area, for City staff review and approval prior to recording of the Certified Survey Map with the Milwaukee County Register of Deeds Office.

#### 7. [other conditions, etc.]

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owners, Denis J. and Sharon L. Balistreri (6708 South North Cape Road) and Melissa M. Burge (6720 South North Cape Road), be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

DENIS J. AND SHARON L. BALISTRERI/MELISSA M. AND CHRISTOPHER D. BURGE – CERTIFIED SURVEY MAP RESOLUTION NO. 2019 Page 3
BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owners, Denis J. and Sharon L. Balistreri (6708 South North Cape Road) and Melissa M. Burge (6720 South North Cape Road), with the Office of the Register of Deeds for Milwaukee County.
Introduced at a regular meeting of the Common Council of the City of Franklin this, 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



#### REPORT TO THE PLAN COMMISSION

Meeting of August 22, 2019

#### **Certified Survey Map**

**RECOMMENDATION:** City Development Staff recommends approval of the Balistreri & Mather-Burge Certified Survey Map, subject to the conditions as noted in the attached draft resolution.

**Project Name:** Balistreri & Mather-Burge Certified Survey Map

**Project Address/Tax Key:** 6708 & 6720 S. North Cape Road/748 9964 001 & 748

9965 000

**Property Owner:** Denis & Sharon Balistreri & Melisa M Mather

Applicants: Denis & Sharon Balistreri & Melisa M Mather/Burge

Current Zoning: R-3 Suburban/Estate Single-Family Residence District

**2025 Comprehensive Plan:** 6708 S. North Cape Road – Residential

6720 S. North Cape Road – Residential and Commercial

Use of Surrounding Properties: Single-family residential to the north, south, and west, and

business/commercial to the east.

Applicant's Action Requested: Recommendation of approval of the Certified Survey Map

Please note: Staff recommendations are contained within the attached draft resolution. Details

of these recommendations are contained within the attached Staff Comments

memo.

#### **Introduction:**

On June 13, 2019, the applicants filed a Certified Survey Map Application requesting to reconfigure the properties located at 6708 and 6720 S. North Cape Road. More specifically, the property owners are proposing to shift the interior property line about 16-feet further north in order to locate the existing driveway entirely on the 6720 S. North Cape Road property.

#### **Project Description/Analysis:**

Currently a driveway exists that is split by this property line. The driveway is the only access for the property at 6720 S. North Cape Road. Another driveway is located further north that provides access solely to the property at 6708 S. North Cape Road

Lot 1 of the proposed Certified Survey Map has an area of 24,098 square feet (0.55 acres). Lot 2 has an area of 21,261 square feet (0.49 acres). Both properties and the existing structures meet R-3 Suburban/Estate Residence District Development Standards.

Note that a Natural Resoure Protection Plan was not provided nor recommended to be submitted for the subject land division as no development is proposed. Furthermore, per FEMA mapping there is no floodplain on the properties, there are no SEWRPC Environmental Corridors on the properties, and the WDNR Water Surface Data Viewer does not show any mapped wetlands. DNR mapping does show hydric soils (Maximum Extent Wetland Indicators) on the properties, but again, no development is currently proposed.

If the property owner moves forward with the "Proposed Garage" the City may determine at that time if additional natural resource information is needed.

It can also be noted that the applicant has not depicted existing and proposed contours on the subject Certified Survey Map as required by the Unified Development Ordinance (UDO). However, as set forth in Section 15-7.0702 of the UDO, this requirement may be waived by the Plan Commission if the parcels created are fully developed.

#### **Staff Recommendation:**

City Development Staff recommends approval of the Balistreri & Mather-Burge Certified Survey Map, subject to the conditions as noted in the attached draft resolution.

## **City of Franklin Department of City Development**

Date: July 21, 2019

To: Melissa and Christopher Burge

Denis and Sharon Balistrer

From: Department of City Development Staff
RE: Certified Survey Map – Staff Comments

Please be advised that staff has reviewed the above referenced Certified Survey Map. City staff comments are as follows for the Certified Survey Map (CSM) materials submitted by Melissa and Christopher Burge, date stamped by the City of Franklin on June 13, 2019.

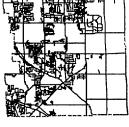
#### **Unified Development Ordinance (UDO) Requirements:**

- 1. Per Section 15-7.0701 of the UDO, please submit the complete Certified Survey Map for review. Only Sheet 1 of 7 was provided.
- 2. Per Section 15-7.0701 of the UDO (and the Wisconsin Platting Manual), please depict on the CSM the lot size of 6708 S. North Cape Road.
- 3. Per Section 15-7.0702B. of the UDO, all required setbacks shall be graphically indicated and dimensioned on the Certified Survey Map.
  - Please illustrate building setbacks on the CSM for both properties. Minimum building setbacks for the R-3 Residence District can be found in Table 15-3.0203 of the UDO.
- 4. Per Sections 15-7.0702E. and 15-7.0702P. of the UDO, the location of any proposed deed restrictions and landscape easements shall be graphically indicated and clearly delineated and dimensioned on the face of the Certified Survey Map.
  - Per Section 15-5.0102 of the UDO, please provide a 30' Landscape Bufferyard
    Easement on Lot 1 adjacent to W. Forest Home Avenue. A note shall also be
    included on the CSM that states: "Landscape Bufferyard Easement: This strip is
    reserved for the planting of trees and shrubs, the building of structures hereon is
    prohibited."
  - Subject to Plan Commission and Common Council approval, staff would not object to revising the above note to allow the existing garage driveway to remain.
- 5. Per Section 15-9.0309E. of the UDO, the Plan Commission shall require that landscape bufferyard easement be filed with the Certified Survey Map.
  - Pursuant to long-standing City policy, please submit a separate easement document for the landscape bufferyard for review by staff and approval by the Common Council prior to/or simultaneously with recording of the CSM.
  - A standard landscape bufferyard easement template is attached for your use.

- 6. Per Section 15-7.0702F. of the UDO, please depict the existing and proposed contours on the CSM.
  - Alternatively, if requested by the applicant, this requirement may be waived by the Plan Commission or the Common Council if the parcel(s) are fully developed.
- 7. Per Section 15-7.0702J. of the UDO, please confirm the property owner name of 6720 S. North Cape Road. The City's records show 'Mather' as the last name.
- 8. Per Section 15-7.0702K. of the UDO, please show on the CSM all contiguous areas owned or controlled by the subdivider.
  - Both properties, 6708 and 6720 S. North Cape Road, must be shown on the CSM as Lot 1 and Lot 2, to illustrate the boundary change of both properties as well as providing the information required by Section 15-7.0702 for both lots, including lot area and setbacks of all structures.
- 9. Per Section 15-7.0702M. of the UDO, please label both properties as being zoned R-3 Suburban/Estate Single-Family Residence District.
- 10. Per Section 15-7.0702Q. of the UDO, please provide a landscape plan for the landscape bufferyard easement.
- 11. Per Table 15-5.0103 and Section 15-7.0702R. of the UDO, it appears that the CSM correctly shows the required right-of-way width for North Cape Road of 40' from the centerline. However, the CSM should also show the existing right-of-way/property line at this location as a dashed line (as was done on the north side of the parcel by the driveway).

#### **Additional Staff Recommendations:**

- 1. Pursuant to Section 15-7.0702R. of the UDO, please provide a statement on the CSM indicating whether the property is or is not served by public sanitary sewer and water.
- 2. Pursuant to Section 15-7.0702R. of the UDO, what is the existing side yard setback of the existing home located at 6708 S. North Cape Road from the proposed property line? Is that the 12.4' dimension? Please clarify this dimension.
- 3. Pursuant to Section 15-7.0702R. of the UDO, note that the proposed garage may be removed from the CSM. If not, please provide the dimensions, height and other details to confirm that it is in compliance with Division 15-3.0800 of the UDO.
- 4. Pursuant to Section 15-7.0702R. of the UDO, please label the setback of the existing driveway from the proposed property line on the CSM.
- 5. Pursuant to Section 15-7.0702R. of the UDO, it appears a dashed line is shown indicating the original or current lot line. Please label that line accordingly, such as original or previous lot line to be removed.
- 6. Will the existing walkway connecting the 6708 S. North Cape Road home to the southern driveway be removed? Staff would recommend it be removed as it would extend onto the property of 6720 North Cape Road and as it might interfere with any future landscaping efforts.



3 Aldermanic District

FEMA DFIRM Flood - Zone AE R-3E FEMA DFIRM Flood - Zone A FEMA - 0.2% Annual Chance R-5 R-6 R-8 ΛB Environmental Corridor County or State Hwy Zoning Districts Elementary District Road Right-of-Way OL-2 9, School District City Boundary Easement - Local Road Rave ment Suilding Suilding Welland Parcel Condo CSM Park g





9229 W. Loomis Rd. Franklin, WI 53132 www.franklinwi.gov

(C) City of Franklin, Wi

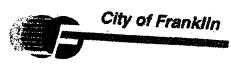


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Planning Department 9229 West Loomis Road Franklin, Wisconsin 53132 Email: generalplanning@franklinwi.gov



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

Date of Application: 570-19

# CERTIFIED SURVEY MAP (CSM) APPLICATION Complete, accurate and specific information must be entered. Please Print,

Complete, accurate and	specific information must be entered. Please Print.
Applicant [Full Legal Name[s]]: Melissa M. Bura	A d
	Applicant is Represented by: Icontact
(Company)	Name: Name: Company:
Malling Address: 6720 S. North Cape Rd	Company:
City/State: Franklin WI Zip: 53 Phone: 414-807-2116	Mailing Address:
Phone: 414-807-2166	Malling Address:
	7, 240,0
Email Address: bygez@ad.com	
	Email Address:
Property Address ( 73)	1100
Property Address: 6720 S. North Cape Rd Property Owner(s): Melissa Burge (6720)	Franklin Tax Key Nos:
Property Owner(s): Melisse Bige (6720)	Tax Key Nos:
- MACON Kulietica	23137
Mailing Address: Same as applicant City/State:	Existing Zoning:
City/State:	Existing Zoning: Existing Use:
	The same of the sa
Email Address: burge 20 aslicom	The state of the s
*The 2025 Comprehensive \$1	CMP Land Use Identification:
To the land Use Map	
Certified Supray Many 4 111	http://www.tranklinwi.gov/Home/ResourcesDocuments/Mana have
Certified Survey Map submittals for review must include and be accommodated to Milwaukee County Review Fee, payable to Milwaukee Fee,	1) (c) Wis. Stats. and Division 15-7.0700 of the Unified Development Ordinance.
LJ (Wo (2) original man analysis and	Sister of Deads Car
This Application form and Copies for Milwaukee County review, pre	Dared at 8.1/2" wild - 1
Two (2) original map copies for Milwaukee County Reg  This Application form accurately completed with original signature  Application Filing Fee, payable to City of Franklin: \$1,500	als). Faction lies by 14" long on durable white paper.
Application Filing Fee, payable to City of Franklin: \$1,500  Seven (7) complete sets of Applications	racimiles and copies will not be accepted.
Seven (7) complete sets of Application materials, for City of Frankli  Project Summary: a written detailed description of the project:  Map Copies: One (1) original map copy and six (6) map copies	one (1) original and six (5)
Man Conject One (1)	One (1) original and at the
al ris tituly de repulled emiss in:	P! \$98 EC St X-1 /2" (133 L. A
If applicable, three (3) copies of the Natural Resource Protection re If applicable, one copy of the Site Intensity and Capacity Calculation Email (or CD ROMA) with all	One (1) original and six (6) copies  prepared at 8-1/2" wide by 14" long and must be clearly legible City Development tion Plan and "Landscape Plan" for any landscape bufferyard easement areas.
J if applicable, one converte and a second terrotection re	port (see Division 15 o games
If applicable, one copy of the Site Intensity and Capacity Calculation  Email (or CD ROM) with all plans and submittal materials in Adobe F	Is (see Division 15-2 0500 ct.)
Adobe F	DE /May have to the UDO).
Email (or CD ROM) with all plans and submittal materials in Adobe F  *Upon receipt of a complete submittal, staff review will be c  *All Certified Survey Map requests require Plan Commission  *All Certified Survey Map requests require Plan Commission	(redy be waived by City Planner.)
<ul> <li>All Certified Survey Map requests require Plan Commission</li> <li>All Certified Survey Map requests shall comply with Chapte</li> </ul>	onducted within ten business days.
*All Certified Survey Map requests shall comply with Chapter	review and Common Council approval,
1 Smollande	236 or the Wisconsin State Statutes.
the best of all statements owner(s) hereby certify that: (1) all statements	nts and other information submitted as part of this application are true and correct
liesting of applicant's and property owner(s) knowledge (2) at statemer	its and other information submitted as not as the
mittal and (3) the applicant and property owner(s) areas that	ilicant and property owner(s) has/have read and ambinition are true and correct
resentation (a) subsequently issued building permits of other	nts and other information submitted as part of this application are true and correct only approvals based on representations made by them in this Application.
runon the article of any condition(s) of approval. By execution of this	nts and other information submitted as part of this application are true and correct policiant and property owner(s) has/have read and understand all information in this payapprovals based on representations made by them in this Application and its upper of permits, may be revoked without notice if there is a breach of such policiation, the property owner(s) authorize the City of Franklin and/or its agents to the property owner of inspection while the application is the purpose of inspection while the application is the second again.
property (les) between the hours of 7-no a month	plication, the property owner(s) authorize the City of Franklin and/or its agents to per posted against trespassing pursuant to Wis. Stat. 8943 13
property owner(s) grant this authorization even if the property has be oration. A signed applicant's authorization. A signed applicant's authorization.	business is an LLC, or from the posset
orization letter may be provided in line and be provided	the purpose of inspection while the application is under review. Been posted against trespassing pursuant to Wis. Stat. §943.13.  Business is an LLC, or from the President or Vice President if the business is a city of the applicant's signature below, and a signed property owner's ature[s] below. If more than one, all of the owners of the property must sign this
cation).	sture[s] below, if more than one of the
	owners of the property must class the
WETUR	ं अपूर्ग प्राप्तु
re - Property Owner	MP - 1 D
Melissa Bung	- 11/13 (Mr. Z)
Title (PRINT)	Signature - Applicant
1- 5/10/10	Name & Title (PRINT)
aron Balast	Tide (PKINT)
e-Property Own	Date: 5/10/19
AKON BALISTOKE	Clause
Title (PRINT)	Signature - Applicant's Representative
WA A MARKET ELICITION	webusesutative
J.G. K.M. / G. R.M. Mut. Data: 20 / //0 / / G	Vindaya
115 BALISTREM Date: 5/10/19	Name & Title (PRINT)
119 BAL197/CHOUR Date: 3/18/19	Vindaya

Detailed Description
of Project at 6720 & 6708 S.

North Cape Rd.

Properties

Due to the costly maintenance and responsibility on the driveway upkeep, both neighbors are more than willing to move the property line currently falls in the middle of the driveway. The current owner of the Worthern section does not use or need access to the driveway. If needed the owners are more than willing to let owners on North to use for any unforeseen reason after the change.

We are regressing the. minimum needed to change this, which is 6 ft North-east from the driveway. The owners at 6708 5. North Gape Still have over 12 ft, from the proposed change, to their home. Franklin

6720 S. North Cape Rd. Frankin WI 53132

AUG 132019

Owner MRuye Sign City Development S/10/19
Melissa Burge (Mather)

6708 5. North Cape Rd Franklin WI 53132

Owner SHARON BAUSTRERI SIGN Skation Balletrani Date 5/10/19

#### LANDSCAPE BUFFERYARD EASEMENT

This Landscape Bufferyard easement is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and Melissa M. Burge, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Landscape Bufferyard 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, at 6720 S North Cape Rd., described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor is required by Section 15-5.0102A of the City of Franklin Unified Development Ordinance to provide a thirty (30) foot-wide planting strip on Lot 1 adjacent to W. Forest Home Ave.

WHEREAS, Melissa M. Burge the Grantor is the properly owner at 6720 S North Cape Rd and shall grant a thirty (30) foot-wide Landscape Bufferyard easement to the City of Franklin subject to Common Council approval and recording with the Milwaukee County Registed of Deeds Office.; and

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

WHEREAS, the Grantor and Grantee, by the conveyance to the Grantee of the Landscape Bufferyard Easement on, over, and across the protected property, desire to reserve the area for the planting of trees and shrubs and prevent the use or development of the protected property for any purpose or in any manner inconsistent with the terms of this Landscape Bufferyard Easement; and

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

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

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

- 1. To establish and ensure the continuance of an area reserved for the planting of trees and shrubs for the private use by the owners of the underlying fee simple interests, to the exclusion of all others, for the purpose of buffering the properties adjoining Certified Survey Map 3411, Lot 1 by requiring this protected property to be open space in perpetuity; the protected property shall consist of natural existing vegetation and approved landscaping of trees, shrubs, fences, and/or berms, designed to provide a screen and buffer between Certified Survey Map 3411, Lot 1 and W. Forest Home Ave:
- 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:

NIG 132019

- 1. Construct or place buildings or any structure, beyond those buildings and structures and improvements as identified on any engineering or construction plans approved by the City of Franklin, including, without limitation, the civil engineering plans approved on August 22, 2019 as City of Franklin Plan Commission Resolution 2018-008, are specifically permitted and allowed within the limits of the Easement Area in compliance with this Landscape Bufferyard Easement;
- 2. Construct or make any improvements, unless, notwithstanding Covenant 1 above, the improvement is specifically and previously approved by the, by the Plan Commission of the City of Franklin, 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 open space buffer value of the protected property to the occupants of land adjoining or neighboring the protected property including, but not limited to fences, berms, and the like.

To have and to hold this Landscape Bufferyard 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:		To	Grantee:		
Melissa M. Burge		Ci	ty of Franklin		
6720 S. North Cape Rd		Of	fice of the City	Clerk	
Franklin, WI 53132			29 W. Loomis I		
		Fr	anklin,Wisconsi	in53132	
			_		
In witness whereof, the grantor ha	as set its hand and seals thi	s on this d	ate of		, 20
		Frankli	in RE, LLC		
		By:			
			Authorized O	fficer and Signator	У
STATE OF WISCONSIN	)				
COUNTY OF MILWAUKEE	) ss				
	,				
This instrument was acknowledge	ed before me on the	day of	***************************************	_, A.D. 20by	
Jim Kleinfeldt as Authorized Offi	cer and Signatory of Frank	clin, RE, I	LC		
To me known to be the person(s) deed of said Franklin RE, LLC.	who executed the foregoin	ng Easeme	ent and acknowl	ledged the same as	the voluntary act and
	Notary	y Public			
	Му со	mmission	expires		

The undersigned does hereby consent to and accepts the Landscape Bufferyard Easement granted and conveyed to it under and pursuant to the foregoing Grant of Landscape Bufferyard Easement. In consideration of the making of such Grant Of Landscape Bufferyard Easement, the undersigned agrees that this acceptance shall be binding upon the undersigned and its successors and

Acceptance

			rotected property may only be released or waived in writing by the Common $\sqrt{\$236.293}$ of the Wisconsin Statutes.
In witness whereof, the undersign	ed has execu	ited an	nd delivered this acceptance on the day of, A.D.20
	(	CITY	OF FRANKLIN
	1	Зу:	Stephen R. Olson, Mayor
	1	Зу:	Sandra L. Wesolowski, City Clerk
STATE OF WISCONSIN	)		
COUNTY OF MILWAUKEE	) ss )		
Olson, Mayor and Sandra L. Weso to be such Mayor and City Clerk of	olowski, City of said municipa id municipa	/ Clerk cipal c l corpe	
			My commission expires
This instrument was drafted by th	e City of Fra	anklin	L.
Approved as to contents:			
Joel Dietl, Planning Manager Department of City Development		Date	
Approved as to form only:			
Jesse A. Wesolowski City Attorney	Ī	Date	

#### MORTGAGE HOLDER CONSENT

The undersigned, (name of mortg certain Mortgage encumbering encumbering	agee), a Wisconsing the Property and	n banking corporation ("Mortgagee")  I recorded in the Office of the Regist	), as Mortgagee under that
County, Wisconsin, on	, 20 ,	as Document No.	, hereby consents to the
County, Wisconsin, on execution of the foregoing easement and it	s addition as an en	cumbrance title to the Property.	
IN WITNESS WHEREOF, Mortg corporate seal to be hereunto affixed, as of	gagee has caused the day and year f	nese presents to be signed by its duly irst above written.	authorized officers, and its
		Name of Mortgagee	
		Ву:	Miladolo
		Name:	
		Title:	
STATE OF WISCONSIN	)		
COUNTY OF MILWAUKEE	)ss )		
On this, the	title of office, i.e	, 20, before me, the and VP) of (name of mortgagee), a Windows instrument on behalf of said cor	isconsin banking
Posposo minima vomazioni		Name:	
		Notary Public, State of Wisconsin	
		My commission expires	

#### Exhibit A

[The Franklin RE, LLC property upon which the open space buffer lands are located is legally described as follows:

Lot 2 of Certified Survey Map No. 9078, recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin on October 16, 2018, as Document No. 10820171, being a redivision of Lots 3 and 4 of Certified Survey Map 9042 and lands in the Northwest ¼ of the Northeast ¼ and the Northeast ¼ and Southeast ¼ of the Northwest ¼ of Section 9, Town 5 North, Range 21 East. Said land being in the City of Franklin, Milwaukee County, State of Wisconsin.

A map depicting the open space buffer lands is annexed hereto. The open space buffer lands are legally described as as set forth on EXHIBIT B annexed hereto.]

#### Staff Suggestions and Responses

1.Pursuant to Section 15-7.0702R. of the UDO, please provide a statement on the CSM indicating whether the property is or is not served by public sanitary sewer and water.

There is public sanitary sewer and private wells for both properties. Wells are labeled.

2. Pursuant to Section 15-7.0702R. of the UDO, what is the existing side yard setback of the existing home located at 6708 S. North Cape Road from the proposed property line? Is that the 12.4' dimension? Please clarify this dimension.

Setback is 40' for both properties

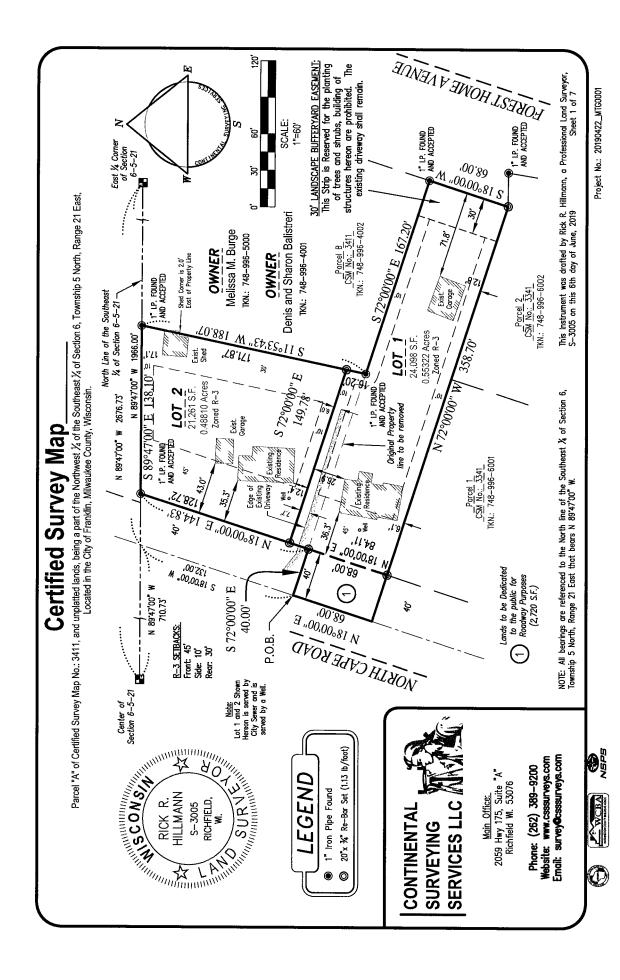
3. Pursuant to Section 15-7.0702R. of the UDO, note that the proposed garage may be removed from the CSM. If not, please provide the dimensions, height and other details to confirm that it is in compliance with Division 15-3.0800 of the UDO.

Garage is still being built and does comply. 24'x30' and a medium height of gable is 15'.

- 4. Pursuant to Section 15-7.0702R. of the UDO, please label the setback of the existing driveway from the proposed property line on the CSM. It is labeled on the CSM.
- 5. Pursuant to Section 15-7.0702R. of the UDO, it appears a dashed line is shown indicating the original or current lot line. Please label that line accordingly, such as original or previous lot line to be removed. It is labeled on CSM.
- 6. Will the existing walkway connecting the 6708 S. North Cape Road home to the southern driveway be removed? Staff would recommend it be removed as it would extend onto the property of 6720 North Cape Road and as it might interfere with any future landscaping efforts.

It will not be removed as it is new concrete and would not look good if it was removed. We are neighbors and both agree the sidewalk needs to stay. No landscaping errorts will be made, just moving the property line per the "Detailed Description," you will read

Franklin AUG 132019



### **Certified Survey Map**

Parcel "A" of Certified Survey Map No.: 3411, and unplatted lands, being a part of the Northwest ¼ of the Southeast ¼ of Section 6, Township 5 North, Range 21 East, Located in the City of Franklin, Milwaukee County, Wisconsin.

#### **SURVEYOR'S CERTIFICATE:**

I Rick R. Hillmann, Professional Land Surveyor, do hereby certify:

That I have surveyed, divided and mapped Parcel "A" of Certified Survey Map No.: 3411, and unplatted lands, being a part of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 6, Township 5 North, Range 21 East, Located in the City of Franklin, Milwaukee County, Wisconsin, now being more particularly bounded and described and follows:

Commencing at the East ¼ Corner of said ¼ Section, thence North 89°47'00" West on and along the North line of said ¼ Section, 1,966.00 feet to a point on the Centerline of North Cape Road; thence South 18°00'00" West on and along said Centerline, 132.00 feet to the Point of Beginning of lands hereinafter described;

Thence South 72°00'00" East, 40.00 feet to a point on the Easterly line of North Cape Road said point is also the Southwest Corner of said Parcel A; thence North 18°00'00" East on and along said Easterly line, 144.83 feet to a point; thence South 89°47'00" East on and along the North line of said Parcel "A", 138.10 feet to the East Line of said Parcel "A"; thence South 11°53'43" West on and along said East Line, 188.07 feet to the Southeast Corner of Said Parcel "A" said Point is also the Southwest Corner of Parcel "B"; thence South 72°00'00" East on and along the South Line of said Parcel "B", 167.20 feet to a point on the West Line of Forest Home Avenue; thence South 18°00'00" West on and along said West line, 68.00 feet to a point on the North Line of Parcel 2 of Certified Survey Map No.: 3341; thence North 72°00'00" West on and along the North line of said Certified Survey Map and its Westerly Extension, 358.70 feet to a point on the Centerline of North Cape Road; thence North 18°00'00" East on and along said Centerline, 68.00 feet to the place of beginning of this description.

The gross area of said parcel contains 45,359 Square feet or 1.04132 Acres of land more or less.

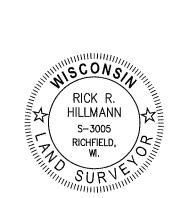
That I have made such survey, land division and map by the direction of Melissa M. Burge and Denis and Sharon Balistreri, owners of said land. That such map is a correct representation of all exterior boundaries of land surveyed and land division made thereof. That I have fully complied with the provision of chapter 236 of the Wisconsin Statutes and the Platting ordinance of the City of Franklin in surveying, dividing and mapping same.

Dated this day of	, 20
Rick R. Hillmann PLS	
Professional Land Surveyor S-3005	

#### CONTINENTAL **SURVEYING SERVICES LLC**



Phone: (262) 389-9200 Website: www.csssurveys.com Email: survey@csssurveys.com



This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 6th day of June, 2019 Sheet 2 of 7







Certified Survey Map
Parcel "A" of Certified Survey Map No.: 3411, and unplatted lands, being a part of the Northwest 1/4 of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East, Located in the City of Franklin, Milwaukee County, Wisconsin.

#### **OWNER'S CERTIFICATE:**

the City of Franklin, this	day of	, 2	20	
Melissa M. Burge				
STATE OF WISCONSIN	) ) SS			
County of	,			
Personally came before me this				
Melissa M. Burge, to me known	to be the person who ex-	ecuted the foregoing instrum	ent and acknowle	edged the same.
Print Name				
Notary Public,		County, WI.		
My Commission Expires:				

#### CONTINENTAL **SURVEYING** SERVICES LLC /

Main Office: 2059 Hwy 175, Suite "A" Richfield Wl. 53076

Phone: (262) 389-9200 Website: www.csssurveys.com Email: survey@csssurveys.com



This instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 6th day of June, 2019 Sheet 3 of 7







Certified Survey Map
Parcel "A" of Certified Survey Map No.: 3411, and unplatted lands, being a part of the Northwest ¼ of the Southeast ¼ of Section 6, Township 5 North, Range 21 East, Located in the City of Franklin, Milwaukee County, Wisconsin.

#### **MORTGAGE CERTIFICATE:**

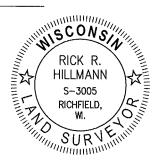
WITNESS the hand and s	eal of (Bank Nan	10)	, has caused this	instrument to be executed by (Fin
Name)				
Name)	(Last Hame)		, its (Title)	, in the (Select One (1) City.
Village or Town) <b>Of</b> (City Name)		_, Wisconsin, this	day of	, 20
In the presence of:				
(Bank Name)		<u> </u>		
(Print - First Name, Last Name and Tilie)		_	(Signature)	
(Print - First Name, Last Name and Title)			(Signaturs)	
STATE OF WISCONSIN	) )ss. )	dou of		20
STATE OF WISCONSIN  County of  Personally came before m	) )ss. _ ) ne this	day of		20, (First
STATE OF WISCONSIN  County of  Personally came before m	) )ss. ) ne this	day of	, its (746), 2	, and (First
STATE OF WISCONSIN  County of Personally came before m  Name! Corporation, to me known	) )ss. ) le this (Last Name) that Name] to be the per	day of son(s) who executed	, its (7/00), 2 , its (7/00) the foregoing instrume	, and (First, of the above named ent, and to me known to be the
STATE OF WISCONSIN  County of Personally came before m  Name) corporation, to me known  (Title)	) )ss. ) ne this(Last Name) (Last Name) to be the pers	day of son(s) who executed	, its (7/66), 2, its (7/66) the foregoing instrume	, and (First, of the above named
STATE OF WISCONSIN  County of Personally came before m  Name) corporation, to me known  (Title)	) )ss. ) ne this(Last Name) (Last Name) to be the pers	day of son(s) who executed	, its (7/66), 2, its (7/66) the foregoing instrume	, and (First, of the above named ent, and to me known to be the
STATE OF WISCONSIN  County of Personally came before m  Name) corporation, to me known  (Title)	) )ss. ) ne this(Last Name) (Last Name) to be the pers	day of son(s) who executed	, its (7/66), 2, its (7/66) the foregoing instrume	, and (First, of the above named ent, and to me known to be the
STATE OF WISCONSIN  County of Personally came before m  Name) corporation, to me known  (Title)	) )ss. ) ne this(Last Name) (Last Name) to be the pers	day of son(s) who executed	, its (7/66), 2, its (7/66) the foregoing instrume	, and (First, of the above named ent, and to me known to be the
STATE OF WISCONSIN  County of Personally came before m  Namel Corporation, to me known	) )ss. ) ne this (Last Nama) (to be the persand (Tula) pregoing instru	day of son(s) who executec res ument and acknowle	, its (Title), , , , , , , , , , , , , , , , , , ,	, and (First, of the above named ent, and to me known to be the

#### CONTINENTAL **SURVEYING** SERVICES LLC [\]



Main Office: 2059 Hwy 175, Suite "A" Richfield Wl. 53076

Phone: (262) 389-9200 Website: www.csssurveys.com Email: survey@csssurveys.com



This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 6th day of June, 2019 Sheet 4 of 7







# Certified Survey Map Parcel "A" of Certified Survey Map No.: 3411, and unplatted lands, being a part of

the Northwest ¼ of the Southeast ¼ of Section 6, Township 5 North, Range 21 East, Located in the City of Franklin, Milwaukee County, Wisconsin.

#### **OWNER'S CERTIFICATE:**

and day of Franklin, and	day of	, 20	· · · · · · · · · · · · · · · · · · ·	
Denis Balistreri				
Sharon Balistreri				
STATE OF WISCONSIN	) ) SS			
County of				
Personally came before me this Denis and Sharon Balistreri, to m				
same.				

#### **CONTINENTAL SURVEYING** SERVICES LLC []



Main Office: 2059 Hwy 175, Suite "A" Richfield Wl. 53076

Phone: (262) 389-9200 Website: www.csssurveys.com Email: survey@csssurveys.com



This instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 6th day of June, 2019 Sheet 5 of 7  $\,$ 







Certified Survey Map\_
Parcel "A" of Certified Survey Map No.: 3411, and unplatted lands, being a part of the Northwest ¼ of the Southeast ¼ of Section 6, Township 5 North, Range 21 East, Located in the City of Franklin, Milwaukee County, Wisconsin.

#### **MORTGAGE CERTIFICATE:**

WITNESS the hand and	l seal of (Bank Nan	ne)	, has caused this i	instrument to be executed by (Fir
Name)	(Last Mame)		, its (Title)	, and (First
Namej	(Last Name)		, its (Title)	in the (Select One (1) City.
Village or Town) <b>Of</b> (City Name)		_, Wisconsin, this	day of	, 20
n the presence of:				
Bank Name)		<del></del>		
Print - First Name, Last Name and Til	itlej		(Signature)	
(Print - First Name, Last Name and Ta	ive)	_	(Signature)	
STATE OF WISCONSIN County of Personally came before	N ) )ss. ) me this	day of		20 , (First
STATE OF WISCONSIN County of Personally came before	N ) )ss. ) me this	day of		20, (First
STATE OF WISCONSIN County of Personally came before    tame	) )ss. ) me this		, its (Tite), its (Tite)	, and (First , of the above named
STATE OF WISCONSIN County of Personally came before  Name) Lame) Corporation, to me know	N ) )ss. ) me this	son(s) who executed	its (Title), 2 , its (Title) the foregoing instrume	, and (First , of the above named ent, and to me known to be the
STATE OF WISCONSIN County of Personally came before Name) corporation, to me know	N ) Ss. ) me this (Last Name) (I.ast Name) (In to be the persuand (Title) foregoing instru	son(s) who executed resp ument and acknowled	, its (Title), 2 , its (Title) the foregoing instrume ectively of the corpora lged the same.	, and (First , of the above named

#### **CONTINENTAL SURVEYING** SERVICES LLC []



Main Office: 2059 Hwy 175, Suite "A" Richfield Wi. 53076

Phone: (262) 389-9200 Website: www.csssurveys.com Email: survey@csssurveys.com



This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 6th day of June, 2019 Sheet 6 of 7  $\,$ 







Certified Survey Map
Parcel "A" of Certified Survey Map No.: 3411, and unplatted lands, being a part of the Northwest ¼ of the Southeast ¼ of Section 6, Township 5 North, Range 21 East, Located in the City of Franklin, Milwaukee County, Wisconsin.

#### **COMMON COUNCIL CERTIFICATION OF APPROVAL:**

I hereby certify that this Certified Survey Map was approved	I under the Resolution File No	adopted	
by the Common Council of the City of Franklin on this	day of	, 20	
Sandra L Wesolowski, City Clerk			
Steve Olson, Mayor			

#### **CONTINENTAL SURVEYING** SERVICES LLC M



Phone: (262) 389-9200 Website: www.csssurveys.com Email: survey@csssurveys.com



This Instrument was drafted by Rick R. Hillmann, a Professional Land Surveyor, S-3005 on this 6th day of June, 2019 Sheet 7 of 7







APPROVAL Slw	REQUEST FOR COUNCIL ACTION	MEETING DATE 09/03/19
REPORTS AND RECOMMENDATIONS	RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A LANDSCAPE BUFFERYARD EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A 2 LOT CERTIFIED SURVEY MAP, BEING PART OF PARCEL "A" OF CERTIFIED SURVEY MAP NO. 3411, AND UNPLATTED LANDS, BEING A PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST '4 OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (DENIS J. AND SHARON L. BALISTRERI/MELISSA M. AND CHRISTOPHER D. BURGE, APPLICANTS) (AT 6708 AND 6720 SOUTH NORTH CAPE ROAD)	ITEM NUMBER

Attached is a copy of the Landscape Bufferyard Easement for the subject 2 lot certified survey map.

At its August 22, 2019 meeting, the Plan Commission recommended approval of a resolution conditionally approving a 2 lot certified survey map, being part of Parcel "A" of Certified Survey Map No. 3411, and unplatted lands, being part of the Northwest 1/4 of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Denis J. and Sharon L. Balistreri/Melissa M. and Christopher D. Burge, Applicants) (at 6708 and 6720 South North Cape Road), in part upon Common Council approval of a Landscape Bufferyard Easement.

Staff would note that the Easement allows an existing driveway to remain within the easement as such is shown on the subject Certified Survey Map.

### COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2019—, authorizing Certain Officials to Accept a Landscape Bufferyard Easement for and as Part of the Review and Approval of a 2 lot certified survey map, being part of Parcel "A" of Certified Survey Map No. 3411, and unplatted lands, being part of the Northwest 1/4 of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Denis J. and Sharon L. Balistreri/Melissa M. and Christopher D. Burge, Applicants) (at 6708 and 6720 South North Cape Road) subject to minor technical corrections by staff.

RESOLUTION NO. 2019-

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
ACCEPT A LANDSCAPE BUFFERYARD EASEMENT FOR AND AS PART
OF THE REVIEW AND APPROVAL OF A 2 LOT
CERTIFIED SURVEY MAP, BEING PART OF PARCEL "A" OF
CERTIFIED SURVEY MAP NO. 3411, AND UNPLATTED LANDS, BEING
A PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF
SECTION 6, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY
OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN
(DENIS J. AND SHARON L. BALISTRERI/MELISSA M. AND
CHRISTOPHER D. BURGE, APPLICANTS)
(AT 6708 AND 6720 SOUTH NORTH CAPE ROAD)

WHEREAS, the Plan Commission at its regularly scheduled meeting of August 22, 2019, having recommended approval of a 2 lot Certified Survey Map upon the application of Denis J. and Sharon L. Balistreri/Melissa M. and Christopher D. Burge, in part upon Common Council approval of a Landscape Bufferyard Easement; and

WHEREAS, §15-5.0102A of the Unified Development Ordinance requires a thirty (30) foot-wide landscape bufferyard when lots back upon the right-of-way of an existing or proposed limited access arterial street or highway (i.e. Forest Home Avenue), and said landscape bufferyard to be protected by a landscape bufferyard easement; and

WHEREAS, the Department of City Development and the Office of the City Attorney having reviewed the proposed Landscape Bufferyard 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 Landscape Bufferyard Easement submitted by Denis J. and Sharon L. Balistreri/Melissa M. and Christopher D. Burge, 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 Landscape Bufferyard 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 3rd day of September, 2019.

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS	
TO ACCEPT A LANDSCAPE BUFFERYARD EASEMENT	
DENIS J. AND SHARON L. BALISTRERI/MELISSA M. AND	
CHRISTOPHER D. BURGE	
RESOLUTION NO. 2019-	
Page 2	

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 3rd day of September, 2019.

			APPROVED:
			STEPHEN R. OLSON, Mayor
ATTEST:			
Sandra L. W	Vesolowski, C	ity Clerk	
AYES	NOES	ABSENT	

#### LANDSCAPE BUFFERYARD EASEMENT

This Landscape Bufferyard easement is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and Melissa M. Burge, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Landscape Bufferyard 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, at 6720 S North Cape Rd., described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor is required by Section 15-5.0102A of the City of Franklin Unified Development Ordinance to provide a thirty (30) foot-wide planting strip on Lot 1 adjacent to Forest Home Avenue.

WHEREAS, Melissa M. Burge the Grantor is the property owner at 6720 S North Cape Rd and shall grant a thirty (30) foot-wide Landscape Bufferyard easement to the City of Franklin subject to Common Council approval and recording with the Milwaukee County Register of Deeds Office.; and

WHEREAS, Grantee is a "holder", as contemplated by §700.4l(l)(b)l. 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 Landscape Bufferyard Easement on, over, and across the protected property, desire to reserve the area for the planting of trees and shrubs and prevent the use or development of the protected property for any purpose or in any manner inconsistent with the terms of this Landscape Bufferyard Easement; and

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

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

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

- 1. To establish and ensure the continuance of an area reserved for the planting of trees and shrubs for the private use by the owners of the underlying fee simple interests, to the exclusion of all others, for the purpose of buffering the properties adjoining Certified Survey Map \_\_\_\_\_, Lot 1 by requiring this protected property to be open space in perpetuity; the protected property shall consist of natural existing vegetation, existing driveway, and approved landscaping of trees, shrubs, fences, and/or berms, designed to provide a screen and buffer between Certified Survey Map \_\_\_\_\_, Lot 1 and Forest Home Avenue:
- 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, beyond those buildings and structures and improvements as identified on any plans approved by the City of Franklin, including, without limitation, the Certified Survey Map approved on September 3, 2019, are specifically permitted and allowed within the limits of the Easement Area in compliance with this Landscape Bufferyard Easement;
- 2. Construct or make any improvements, unless, notwithstanding Covenant 1 above, the improvement is specifically and previously approved by the, by the Plan Commission of the City of Franklin, 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 open space buffer value of the protected property to the occupants of land adjoining or neighboring the protected property including, but not limited to fences, berms, and the like.

To have and to hold this Landscape Bufferyard 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:
Melissa M.
Burge
6720 S. North Cape
Rd
Franklin, WI 53132

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

0720 D. Itorin Cape	7.	22) W. Boomis Road
Rd	F	ranklin,Wisconsin53132
Franklin, WI 53132		
In witness whereof, the grantor	has set its hand and seals this on the	nis date of, 20
	Meliss	sa M. Burge
	By:	
		Authorized Officer and Signatory
STATE OF WISCONSIN	SS	

# COUNTY OF MILWAUKEE

This instrument was acknowledged before me on 20by	the	day of		A.D.
To me known to be the person(s) who executed act and deed of said	the foregoing E	Easement ar	nd acknowledged	the same as the voluntary
	Notary Public			
	My commission	on expires		

#### Acceptance

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

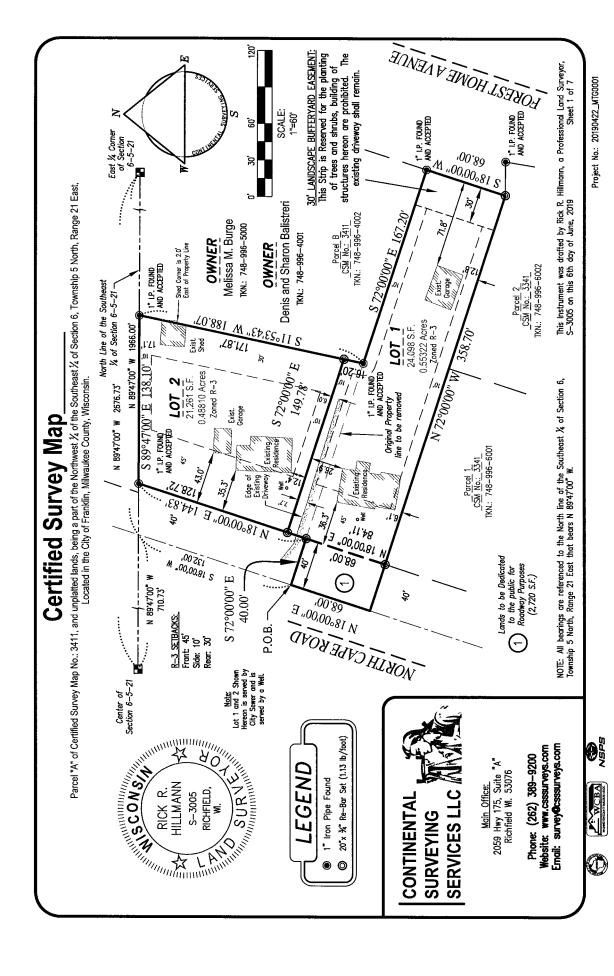
In witness whereof, the undersigned ha	is executed a	and delivered this acceptance on the _day of,
	A.D.:	20_ CITY OF FRANKLIN
	By:	
		Stephen R. Olson, Mayor
	By:	Conduct Woods and City Old 1
		Sandra L. Wesolowski, City Clerk
STATE OF WISCONSIN ) ss		
COUNTY OF MILWAUKEE )		
Franklin, to me known to be such M executed the foregoing instrument as	a L. Wesold layor and C s such office	day of , A.D. 20, the above named owski, City Clerk, of the above named municipal corporation, City of City Clerk of said municipal corporation, and acknowledged that they cers as the Deed of said municipal corporation by its authority and d by its Common Council on the day of
		Notary Public
		My commission expires
This instrument was drafted by the City	y of Frankli	in.
Approved as to contents:		
Joel Dietl, Planning Manager Department of City Development	Date	
Approved as to form only:		
Jesse A. Wesolowski City Attorney	Date	·

## MORTGAGE HOLDER CONSENT

The undersigned, (name of mortgagee). a Wiscons that certain Mortgage encumbering encumbering the Proper Milwaukee County, Wisconsin, on,20_, as Docume foregoing easement and its addition as an encumbrance title	ent No, hereby consents to the execution of the
IN WITNESS WHEREOF, Mortgagee has caused and its corporate seal to be hereunto affixed, as of the day a	these presents to be signed by its duly authorized officers, and year first above written.
	Name of Mortgagee
	By:
	Name:
	Title:
STATE OF WISCONSIN ) )ss	
COUNTYOFMILWAUKEE )	
On this, the day of personally appeared name of officer of mortgagee, the (title banking corporation, and acknowledged that (s)he executed by its authority and for the purposes therein contained.	
	Notary Public, State of Wisconsin
	My commission expires

## Exhibit A

	[The property upon which the Lan	ndscape Bufferyard Easement is located is legally described as follows:
Lot 1 o	f Certified Survey Map No, r	recorded in the Office of the Register of Deeds for Milwaukee County, Wiscons
on	, as Document No	, being part of Parcel "A" of Certified Survey Map No. 3411, and unplatted
lands, b		Southeast 1/4 of Section 6, Township 5 North, Range 21 East. Said land being i
	depicting the Landscape Bufferyard	Easement is annexed hereto. The Landscape Bufferyard Easement is legally



APPROVAL slw-	REQUEST FOR COUNCIL ACTION	MEETING DATE September 3, 2019
REPORTS AND RECOMMENDATIONS	RESOLUTION TO PROCEED WITH ACTIONS TO GAIN ACCESS TO CITY OF MILWAUKEE WATER WORKS WATER SUPPLY	ITEM NUMBER  G. 8.

#### **BACKGROUND**

Franklin Water Utility's 30-year contract with the Oak Creek Water Utility ends in 2024. The Board of Water Commissioners have been evaluating options to meet the future water needs of the community, with a focus on reliability, quality, affordability, and long-term rate stability.

#### ANALYSIS

The evaluated options include continuing with Oak Creek or moving to another water utility. Staff has talked with Oak Creek, Racine, and Milwaukee. A thorough analysis points to the Milwaukee Water Utility as the best option as we pursue a new contract.

The attached letter was sent to all water customers the July Quarterly newsletter. In addition, a question/answer segment has been added to the City's website (see attached). Staff has received minimal questions from the public.

At the August 27, 2019, Board of Water Commissioners' meeting, a motion was made to "Recommend to Common Council to proceed with regard to gaining access to Milwaukee Water Supply including, but not limited to, processes with the Wisconsin Public Service Commission."

There will be future actions needed by the Common Council to complete the entire process. To initiate this process, an agreement with the City of Milwaukee will need to be negotiated and finalized. In addition, a request to the Wisconsin Public Service Commission must be made concerning the 1994 decision to choose Oak Creek and also make an application for construction of a new connection to Milwaukee.

#### **OPTIONS**

- A. Authorize the Board of Water Commissioners and Staff to initiate the process for obtaining Milwaukee Water. Or
- B. Refer to Staff with additional direction.

#### **FISCAL NOTE**

There will be significant expenses to connect to Milwaukee and the estimates of costs will be refined as we proceed in this process. These expenses are offset by the lower cost of Milwaukee's wholesale water compared to the wholesale cost from Oak Creek. Even with the cost of connection to Milwaukee, it is anticipated that a move to Milwaukee water will stabilize rates for Franklin.

#### **COUNCIL ACTION REQUESTED**

(Option A). Resolution 2019	a resolution to proceed	I with actions to gain	access to City of Milwaukee	Water
Works water supply.		_	-	

**Engineering: GEM** 

#### STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2019 -

# RESOLUTION TO PROCEED WITH ACTIONS TO GAIN ACCESS TO CITY OF MILWAUKEE WATER WORKS WATER SUPPLY

WHEREAS, the City entered into a 30-year contract with Oak Creek in 1994 to purchase wholesale water supplied from Lake Michigan that expires in 2024; and

WHEREAS, the Board of Water Commissioners has evaluated options for purchasing wholesale water beyond the year 2024 from Oak Creek, Racine, and Milwaukee; and

WHEREAS, switching wholesale water suppliers to Milwaukee Water Works appears to be the best option to meet the future water needs of the community with a focus on reliability, quality, affordability, and long-term rate stability.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that the Board of Water Commissioners and Staff are authorized and directed to proceed with actions to gain access to the City of Milwaukee Water Works water supply.

			Common Council of the City of Franklin thiss	t
	ssed and adoptorst day of	•	ing of the Common Council of the City of Franklin	a
			APPROVED:	
ATTEST:			Stephen R. Olson, Mayor	
Sandra L.	Wesolowski, C	City Clerk		
AYES	NOES	ABSENT		



July 2019

Franklin Water Customers,

Franklin Water Utility's 30-year contract with the Oak Creek Water Utility ends in 2024. We are evaluating options to meet the future water needs of the community, with a focus on reliability, quality, affordability, and long-term rate stability.

Our options include continuing with Oak Creek or moving to another water utility. We've talked with Oak Creek, Racine, and Milwaukee. A thorough analysis points to the Milwaukee Water Utility as the best option as we pursue a new contract. There are a number of factors we have considered in this process:

### **Stabilizing Rates**

- Our current wholesale rate from Oak Creek is more than double the rate anticipated when we signed the contract 25 years ago (current \$3.12/thousand gal. vs. anticipated \$1.65/thousand gal.) Milwaukee's wholesale rate is \$1.65 per thousand gal.
- Franklin is Oak Creek's largest water customer. We're buying 40 percent of Oak Creek's treated water and pay about that same percentage for any major improvement to their facilities.
- With Milwaukee, Franklin is one of many customers and any water system improvements would have a much smaller impact on our water customers.

#### **Ensuring Water Quality**

 Milwaukee's water treatment system uses a sophisticated technology and provides a high quality water that meets all state and federal regulatory requirements.

#### **Water Connection**

 We will have to build a connection to Milwaukee and the overall cost of this line can be paid through the savings achieved from reduced wholesale costs to purchase Milwaukee water.

Our focus remains on maintaining water quality, reliability of service, and stable rates. The Franklin Water Utility will provide regular updates on our progress toward a new contract and Public Service Commission approval. If you have questions as our process continues, please contact our engineering department at 414-425-7510. More information is available at <a href="https://www.franklinwi.gov">www.franklinwi.gov</a>.

Sincerely,

# Gary R. Grobner

Chairman, Franklin Water Commissioners

#### **Questions & Answers Regarding Franklin's Water Contract**

Accessed from the City of Franklin's website on August 28, 2019

#### Why are we thinking of switching from the Oak Creek Water Utility for our water supply?

Access to clean water is critical to our growth and development as a community. As we look to the future, we need to ensure water, one of our best assets, continues to meet Franklin's needs. It's important to look at ways to stabilize rates long-term, ensure our water supply is safe and meets quality standards.

#### Will this change apply to all residents and businesses in Franklin?

This change would only apply to customers of the Franklin Water Utility. Any residents or other properties using private wells will not be impacted.

## How long has Franklin been getting its water from Oak Creek?

We started receiving our water from the Oak Creek Water Utility 25 years ago. The contract we signed at the time expires in 5 years.

## Is there a difference between the rates that customers pay in Oak Creek and Franklin?

Yes. Oak Creek has two sets of rates. One set is for their retail customers (properties within Oak Creek) and one set is for their wholesale customers (Franklin and Caledonia). Franklin purchases wholesale water from Oak Creek, then adds charges to cover the Franklin infrastructure and delivery to Franklin properties. Oak Creek retail customers pay less for water than what the wholesale customers pay. The biggest customer pays the most for the same product.

# If the contract with Oak Creek doesn't end for another five years, why are you looking at the contract now?

Making a decision now ensures any infrastructure updates can be made well in advance of the current agreement expiring. By acting now we'll be able to meet all water needs of residents and business well into the future while delivering on our commitment to stabilize rates long-term.

#### What options have you considered in this process?

The Water Utility considered various options to lower our wholesale water costs. Franklin has some of the highest water rates in the state We reviewed proposals from the Racine Water Utility, Milwaukee Water Utility and a potential contract extension with the Oak Creek Water Utility. During that time, we've conducted an extensive evaluation of these possibilities with the goal of identifying the best option that provides long-term reliability, quality, safety and affordability.

#### What are the main aspects of your evaluation process?

Our focus remains on maintaining water quality, reliability of service, and stable and competitive rates. Ultimately, we want to ensure Franklin water customers have access to the best and most reasonably priced water source.

#### Is Milwaukee water really that much cheaper than Oak Creek?

Yes, it is roughly half of the cost. Oak Creek charges Franklin \$3.12/thousand gallons wholesale while Milwaukee's wholesale rate is \$1.65/thousand gallons.

## When will a decision be made about a new contract for Franklin's water?

The Franklin Water Utility is working toward a decision by the end of 2019. Look for regular updates on our progress toward a new contract on our website. Ultimately, we want to ensure you have access to the best and most reasonably priced water source.

#### What is the impact on water rates if you change to Milwaukee?

The Milwaukee option offers long-term stability in water rates for Franklin customers. When we signed the agreement 25 years ago, Oak Creek projected their wholesale water rates would be similar to Milwaukee's at this point of time. Today, Oak Creek's wholesale rates are 61% higher than the City of Milwaukee's.

#### Does that mean Franklin customers will see a rate reduction?

The savings we achieve with a Milwaukee Water Works contract will initially be used to pay for the water connection from Milwaukee to Franklin. Franklin Water Utility customers can expect long-term stability in their water rates. We anticipate the change will enable our rates to remain stable well into the future.

# What would have to be done to change from Oak Creek to Milwaukee for our future water services?

The Milwaukee option will include a major pipe connection from Milwaukee to Franklin. The overall cost of this line is covered through the savings achieved from reduced wholesale costs to purchase Milwaukee water. The result is long-term stabilization of Franklin's water rates and an infrastructure to meet continued business and residential growth in the community well into the future. We will also need approval from the Public Service Commission of Wisconsin.

#### You keep saying rates will be more stable. What does that mean?

Being the largest wholesale customer of the Oak Creek Water Utility we naturally are charged the largest portion of any improvement and that changes our rates substantially. Being a relatively small wholesale customer of Milwaukee means that any additional charges would impact us far less.

## Who will pay for the connecting pipe from Franklin to Milwaukee?

The Franklin Water Utility will construct and pay for the pipe. The savings we achieve through the lower water rates with Milwaukee will enable us to pay for the costs required to connect with the Milwaukee Water Utility.

# Where will the connecting pipe be located in Franklin?

The specific route will be determined as a part of future analysis and studies conducted by the Franklin Water Utility.

#### What will change with my water bill?

You can anticipate long-term stability with your water rates. While the water rates will be similar to what you're charged now. The amount of your water bill depends upon how much water you use.

## Will a change in water suppliers affect my sewage bill?

No. The Sewer and Water Departments are separate utilities. Your sewage bill is determined through the Milwaukee Metropolitan Sewerage District (MMSD), who we use as the sewage treatment provider. The Water Utility sets rates for your water service only. MMSD has no connection to the Water Utility and your sewage bill will not be affected by any decision on Franklin's water supplier.

# Why has the City of Franklin opposed the Oak Creek proposal for a \$30 million upgrade to the water treatment facility, which would include ultraviolet light disinfection as an added safety measure?

When Oak Creek proposed a \$30 million upgrade, the Wisconsin Public Service Commission evaluation estimated a 30 percent increase in rates. In the past, Oak Creek has charged large wholesale customers proportionately higher rates to minimize rate increases for their retail customers. Since Franklin is the largest wholesale customer, buying 40% of Oak Creek's water, our customers would face a large increase in their water rates. A number of engineering studies estimated Oak Creek could implement the ultraviolet system for significantly less (\$10 million). On at least two occasions the Public Service Commission has denied Oak Creek's spending plans.

## Will there be any concerns with Milwaukee's water quality?

No. Lake Michigan is the source of water for the Oak Creek Water Utility and Milwaukee Water Utility. Milwaukee's water safety systems use a sophisticated and effective technology providing high quality water that meets or exceeds all state and federal regulatory requirements.

# The City of Milwaukee has been dealing with lead in that community's water. Won't that affect Franklin?

No. Milwaukee's lead pipe issue deals with the pipes from that city's mains to the homes, not the distribution system that Franklin would use to connect with the Milwaukee Water Utility plant. The cost of fixing Milwaukee's lead lateral issues will not be included in the rates for Franklin.

# How would you characterize the interactions with Oak Creek and Milwaukee?

Milwaukee views us as a valued partner and during conversations it is clear that they are more interested in finding a solution that reflects a view of Franklin being a valued customer than that of being just another customer. We have found the Milwaukee water utility more closely aligned with our priorities, particularly a solution for long term stability in rates.

# Who do I contact if I have questions or want more information?

If you have questions as our process continues, please contact our Engineering Department at 414-425-7510.



APPROVAL Suv	REQUEST FOR COUNCIL ACTION	MEETING DATE September 3, 2019
REPORTS &	RESOLUTION TO SIGN AN EASEMENT AGREEMENT WITH	ITEM NUMBER
RECOMMENDATIONS	AMERICAN TOWER L.P. AT 5572 W. AIRWAYS AVENUE	G,9.

### **BACKGROUND**

Resolution 2018-7427 authorized an amendment to a lease agreement with American Tower L.P. at 5572 W. Airways Avenue for \$21,000 per year. Since that time, American tower has proceeded with approvals for the improvements. To facilitate the improvements, new easements are needed to run the underground infrastructure to the tower site.

#### <u>ANALYSIS</u>

Staff has no objections to the proposed 8-foot wide utility easement that is adjacent to existing easements for underground infrastructure to the tower site.

## **FISCAL NOTE**

Not applicable. City is receiving \$21,000 per year for the expanded lease at the tower site.

### **OPTIONS**

- A. Sign the easement. Or,
- B. Refer back to Staff with further direction.

## **COUNCIL ACTION REQUESTED**

(OPTION A) Motion to approve Resolution 2019— a resolution to execute an easement agreement with American Tower, L.P. at 5572 W. Airways Avenue pending legal review and any technical corrections.

**ENG-GM** 

# STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

# DESCRIPTION TO SIGNLANDE A SENTENCE A SE

AMERICAN TOWER L.P. AT 5572 W. AIRWAYS AVENUE
WHEREAS, the City has an antenna/tower with several tenants located at 5572 W. Airways Avenue; and
WHEREAS, Resolution 2018-7427 authorized an amendment to a lease agreement with American Tower L.P at 5572 W. Airways Avenue; and
WHEREAS, an easement is needed to accommodate underground infrastructure to proposed changes included in the amended lease agreement.
NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, to execute an easement agreement with American tower, L.P. at 5572 W. Airways Avenue.
Introduced at a regular meeting of the Common Council of the City of Franklin the day of, 2019, by Alderman
PASSED AND ADOPTED by the Common Council of the City of Franklin on the day of, 2019.
APPROVED:
Stephen R. Olson, Mayor
ATTEST:
Sandra L. Wesolowski, City Clerk
AYES NOES ABSENT

## EASEMENT AGREEMENT

THIS	EASEMENT	AGREEMENT	("Agreement"),	made	this _	day	of
·	, 20,	by and between	City of Frank	<b>din, W</b> i	isconsin	("Grantor")	and
American To	wer, L.P., a De	laware limited pa	rtnership ("Gra	ntee'').			

For and in consideration of the sum of One and No/100 Dollar (\$1.00) and other good and valuable consideration, and in consideration of the covenants and agreements hereinafter set forth, Grantor, their successors and assigns, do hereby grant and convey to Grantee, its lessees, successors and assigns, the following easement over, under and across property located in the City of Franklin, County of Milwaukee, State of Wisconsin and identified as Parcel No. 8999990068, which property is owned by Grantor, for utility service as more fully described in Exhibit "A" attached hereto.

Grantee is hereby given the right to enter upon the property for utility service to Grantee's facility, together with the right to maintain said land.

Grantor warrants that there are no encumbrances against the subject property which would in any way affect the rights granted to Grantee under this Agreement.

Grantee has the right to assign this Agreement and the easement herein created and the covenants, terms, conditions, provisions and undertakings in this Agreement shall extend to and be binding upon the lessees, successors and assigns, of the respective parties hereto as if they were in every case named and expressed, and shall be construed as covenants running with the land; and wherever reference is made to either of the parties hereto, it shall be held to include and apply also

to the lessees, successors and assigns, of such party, as if in each and every case so expressed.

This document expresses the entire agreement between the parties and it shall for the benefit of both parties, their lessees, successors and assigns, and the parties on both sides agree to be legally bound by it.

IN WITNESS WHEREOF, this Grant of Easement has been executed and delivered as of the day and year first above written.

GRANTOR:	
City of Franklin, Wisconsin	
By :	
Name:	_
Title:	
Date:	_
GRANTEE:	
American Tower L.P., a Delaware Limited Partnership	
By:	
Name:	
Title:	
Date:	

STATE OF WISCONSIN	;
COUNTY OF MILWAUKEE	: SS: :
ACKN	OWLEDGEMENT
he/she is the authorized representative Agreement and that said instrument was instrument to be his/her free act and deed.	
at my office in said county and state of the	nave hereunto set my hand and affixed my official seal e day and year last above written.
Sworn to and subscribed before me this day of,,	
Notary Public	
My Commission Expires:	

STATE OF	:
COUNTY OF	: SS: :
ACKNOV	WLEDGEMENT
he/she is the authorized representative ar Agreement and that said instrument was sinstrument to be his/her free act and deed.	, 20, before me, personally appeared known, who, being by me duly sworn, did say that and signatory of Grantee in the above Easement signed by Grantee and he/she acknowledged said the hereunto set my hand and affixed my official seal any and year last above written.
Sworn to and subscribed before me this,,	
Notary Public	
My Commission Expires:	

#### Exhibit "A"

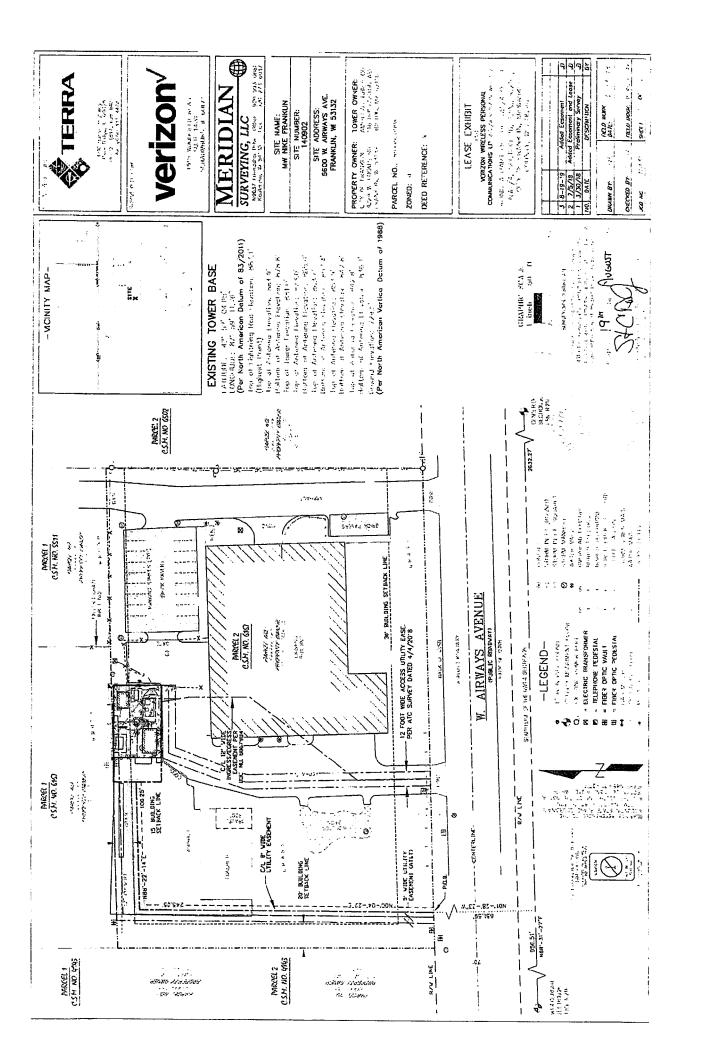
The Easement is legally described more particularly below:

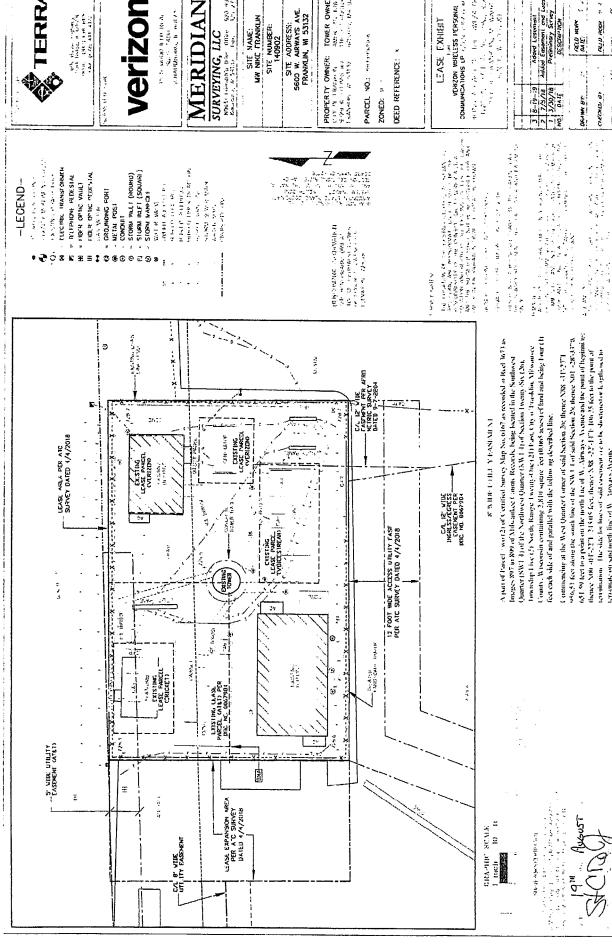
A part of Parcel Two (2) of Certified Survey Map No. 6167 as recorded in Reel 3673 as Images 897 to 899 of Milwaukee County Records, being located in the Southwest Quarter (SW1/4) of the Northwest Quarter (NW1/4) of Section Twenty-Six (26), Township Five (5) North, Range Twenty-One (21) East, City of Franklin, Milwaukee County, Wisconsin containing 2,810 square feet (0.065 acres) of land and being Four (4) feet each side of and parallel with the following described line:

Commencing at the West Quarter Corner of said Section 26; thence N88°-31'-27"E 956.51 feet along the south line of the NW1/4 of said Section 26; thence N01°-28'-33"W 651.59 feet to a point on the north line of W. Airways Avenue and the point of beginning; thence N00°-04'-22"E 245.05 feet; thence N88°-22'-14"E 106.25 feet to the point of termination. The side lot lines of said easement are to be shortened or lengthened to terminate on said north line of W. Airways Avenue.

The Easement is depicted below:

[PLEASE SEE ATTACHED SURVEY DOCUMENT LAST REVISED 8-19-2019]





PROPERTY OWNER: TOWER OWNERS
TOTAL STATEMENTS AND DESCRIPTION OF SERVICE AND S

SITE ADDRESS: 5600 W. ARWAYS AVE. FRANKLIN, WI 53132

Pr. D. MUGHE B. FO. B. A., SLOVE CASE. SCHAUBENHAU, B., MIECH.

TERRA

United States of Sparity Track Bridge, at Enhalth 1950, \$840, 6ath park 1987, \$150, 411, 450,

520 435 GC3'

SITE NAME: WW NIKE FRANKUN

SITE NUMBER: 140902

PARCEL NO. 1 112 TOTAL DES ZONED: 11

DEED REFERENCE: x

LEASE EXHIBIT

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APPROVAL Shor	REQUEST FOR COUNCIL ACTION	MEETING DATE June 4, 2019
REPORTS & RECOMMENDATIONS	AN ORDINANCE TO AMEND ORDINANCE 2018- 2345, AN ORDINANCE ADOPTING THE 2019 ANNUAL BUDGETS FOR THE CAPITAL IMPROVEMENT FUND TO PROVIDE APPROPRIATIONS FOR A NEEDS ANALYSIS TO EXPAND THE PUBLIC WORKS FACILITY	ITEM NUMBER

## **Background**

The City Engineer and Public Works Superintendent are proposing a needs analysis for an expansion of vehicle storage space at the Highway Building.

## **Analysis**

To much of the City's Highway vehicle fleet is regularly stored in the elements. This storage method reduces the service life of the equipment and can increase the needs for routine maintenance. The Highway Superintendent is requesting a needs analysis and concept design to address this issue.

## Recommendation

The proposed budget amendment would repurpose \$20,000 of Contingency Capital Improvement Appropriations for such a needs analysis.

### **COUNCIL ACTION REQUESTED**

Motion adopting an Ordinance to amend Ordinance 2018-2345, an Ordinance adopting the 2019 annual budgets for the Capital Improvement Fund to provide appropriations for a needs analysis to expand the public works facility

Roll Call Vote Required

# STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

ORDINANO	E NO. 2019		
AN ORDINANCE TO AMEND ORDINA THE 2019 ANNUAL BUDGETS FOR PROVIDE APPROPRIATIONS FOR A WOR	THE CAPITAL INEEDS ANALYS	MPROVEMENT FUI IS TO EXPAND THE	ND TO E PUBLIC
WHEREAS, the Common Council Budgets for the City of Franklin on Novemb	•	ranklin adopted the 2	2019 Annual
WHEREAS, the Capital Improveme provide for a needs analysis to expand the P			opriations to
WHEREAS, any such expenditure records describing the expenditures purpose		ely classified within	the financial
WHEREAS, the Common Council be costs by extending the life of Highway equi expenditures.	_		
NOW, THEREFORE, the Common follows:	Council of the City	of Franklin does here	eby ordain as
Section 1 That a 2019 Budget for the C	apital Improvemer	nt Funds:	
Capital Improvement Fund Engineering Services General Contingency Highw	ay Increase Decrease	\$20,000 \$20,000	
Section 2 Pursuant to §65.90(5)(a), Wisnotice of this budget amendment within ten	-		lish a Class 1
Passed and adopted at a regular meethis day of, 2019.	ting of the Comm	on Council of the City	y of Franklin
	APPROVED:		
ATTEST:	Stephen R Olson,	Mayor	
Sandra L. Wesolowski, City Clerk			
AYESNOESABSENT			

APPROVAL S <b>l</b> w	REQUEST FOR COUNCIL ACTION	MEETING DATE September 3, 2019
REPORTS &	RESOLUTION FOR A PROFESSIONAL SERVICE AGREEMENT WITH GRAEF FOR A	ITEM NUMBER
RECOMMENDATIONS	PHASE 1- NEEDS ANALYSIS AND CONCEPT DESIGN ON DEPARTMENT OF PUBLIC WORKS FACILITY IMPROVEMENTS (7979 W. RYAN ROAD) FOR \$20,000	G.11.

#### **BACKGROUND**

The Department of Public Works (DPW) currently over-parks equipment within the drive aisles of the existing DPW building and keeps many other pieces of equipment outside. Other storage and activities are performed in inadequate facilities- such as the sign shop. There is a need for an expansion to the existing DPW building or adding another heated structure behind the current building. However, Staff does not have a good budget for construction and needs some assistance on programming the ultimate needs and determining a budget.

### **ANALYSIS**

GRAEF has experience in performing needs analyses for other municipal DPW operations and has an existing working relationship with Franklin. Staff has met with GRAEF and discussed a scope of services that would meet the needs of the DPW.

A lump sum contract for \$20,000 has been reviewed and negotiated by Staff and is appropriate for the level of activity. If a notice to proceed is authorized at the September 3, 2019, Common Council meeting, a final report is expected to be received on or before December 6, 2019.

## **OPTIONS**

- A. Authorize GRAEF to proceed with a needs analysis and concept design for DPW; or
- B. Refer back to Staff with additional direction.

# **FISCAL NOTE**

The 2019 Highway Capital Improvement Fund requires a budget amendment to provide appropriations for this project. There are sufficient funds within the Highway Capital Improvement Fund and a budget amendment agenda item appears elsewhere on the agenda.

# **COUNCIL ACTION REQUESTED**

(OPTION A) Resolution 2019-\_\_\_\_ a resolution for a professional service agreement with GRAEF for a Phase 1- Needs Analysis and Concept Design on Department of Public Works facility improvements (7979 W. Ryan Road) for \$20,000.

Engineering: GEM

## STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RE RESOLUTION FOR A PROFESSIONAL SERVICE AGREEMENT WITH GRAEF FOR A PHASE 1- NEEDS ANALYSIS AND CONCEPT DESIGN ON DEPARTMENT OF PUBLIC WORKS FACILITY IMPROVEMENTS (7979 W. RYAN ROAD) FOR \$20,000 WHEREAS, the City of Franklin Department of Public Works (DPW) has outgrown the existing facilities at 7979 W. Ryan Road where equipment storage and operations are occurring outdoors or in inadequate facilities; and WHEREAS, DPW Staff needs assistance in determining ultimate needs and budgeting for an adequate expansion or new construction; and WHEREAS, GRAEF is a qualified architectural/engineering firm that has experience providing similar services for other municipal DPW operations. NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that GRAEF be authorized a notice to proceed on a professional service agreement for a phase 1- Needs Analysis and Concept Design on the Department of Public Works facility improvements for \$20,000. Introduced at a regular meeting of the Common Council of the City of Franklin the \_\_\_\_\_ day of \_\_\_\_\_\_, 2019, by Alderman \_\_\_\_\_\_. PASSED AND ADOPTED by the Common Council of the City of Franklin on the \_\_\_\_\_, day of \_\_\_\_\_\_\_, 2019. APPROVED: Stephen R. Olson, Mayor ATTEST: Sandra L. Wesolowski, City Clerk AYES \_\_\_\_ NOES \_\_\_ ABSENT \_\_

#### AGREEMENT

between the City of Franklin and Graef-USA Inc.

Professional Architectural and Engineering Services

This AGREEMENT, made and entered into this \_\_\_ day of \_\_\_\_\_, between the City of Franklin, 9229 West Loomis Road, Franklin, Wisconsin 53132 (hereinafter "CLIENT") and Graef-USA Inc. (hereinafter "CONSULTANT"), whose principal place of business is One Honey Creek Corporate Center, 125 S. 84th Street, Suite 401, Milwaukee, WI 53214.

#### WITNESSETH

WHEREAS, the CONSULTANT is duly qualified and experienced as a municipal services consultant and has offered services for the purposes specified in this AGREEMENT; and

WHEREAS, in the judgment of CLIENT, it is necessary and advisable to obtain the services of the CONSULTANT to provide a needs analysis and concept design for an additional building at the Public Works yard, as described in **Attachment A**;

NOW, THEREFORE, in consideration of these premises and the following mutual covenants, terms, and conditions, CLIENT and CONSULTANT agree as follows:

A. This AGREEMENT may only be amended by written instrument signed by both CLIENT and CONSULTANT.

# I. BASIC SERVICES AND AGREEMENT ADMINISTRATION

- A. CONSULTANT shall provide services to CLIENT for a needs analysis and concept design for an additional building at the Public Works yard, as described in CONSULTANT's proposal to CLIENT dated August 12, 2019, annexed hereto and incorporated herein as **Attachment A**.
- B. CONSULTANT shall serve as CLIENT's professional representative in matters to which this AGREEMENT applies. CONSULTANT may employ the services of outside consultants and subCONSULTANTs when deemed necessary by CONSULTANT to complete work under this AGREEMENT following approval by CLIENT.
- C. CONSULTANT is an independent CONSULTANT and all persons furnishing services hereunder are employees of, or independent subCONSULTANTs to, CONSULTANT and not of CLIENT. All obligations under the Federal Insurance Contribution Act (FICA), the Federal Unemployment Tax Act (FUTA), and income tax withholding are the responsibility of CONSULTANT as employer. CLIENT understands that express AGREEMENTS may exist between CONSULTANT and its employees regarding extra work, competition, and nondisclosure.

D. During the term of this AGREEMENT and throughout the period of performance of any resultant AGREEMENT, including extensions, modifications, or additions thereto, and for a period of one (1) year from the conclusion of such activity, the parties hereto agree that neither shall solicit for employment any technical or professional employees of the other without the prior written approval of the other party.

#### II. FEES AND PAYMENTS

CLIENT agrees to pay CONSULTANT, for and in consideration of the performance of Basic Services further described in **Attachment A**, for a Lump Sum Fee of \$20,000.00, subject to the terms detailed below:

- A. CONSULTANT may bill CLIENT and be paid for all work satisfactorily completed hereunder on a monthly basis. CLIENT agrees to pay CONSULTANT's invoice within 30 days of invoice date for all approved work.
- B. Total price will not exceed budget of \$20,000.00. For services rendered, monthly invoices will include a report that clearly states the hours and type of work completed and the fee earned during the month being invoiced.
- C. In consideration of the faithful performance of this AGREEMENT, the CONSULTANT will not exceed the fee for Basic Services and expenses without written authorization from CLIENT to perform work over and above that described in the original AGREEMENT.
- D. Should CLIENT find deficiencies in work performed or reported, it will notify CONSULTANT in writing within thirty (30) days of receipt of invoice and related report and the CONSULTANT will remedy the deficiencies within thirty (30) days of receiving CLIENT's review. This subsection shall not be construed to be a limitation of any rights or remedies otherwise available to CLIENT.

### III. MODIFICATION AND ADDITIONAL SERVICES

A. CLIENT may, in writing, request changes in the Basic Services required to be performed by CONSULTANT and require a specification of incremental or decremental costs prior to change order agreement under this AGREEMENT. Upon acceptance of the request of such changes, CONSULTANT shall submit a "Change Order Request Form" to CLIENT for authorization and notice to proceed signature and return to CONSULTANT. Should any such actual changes be made, an equitable adjustment will be made to compensate CONSULTANT or reduce the fixed price, for any incremental or decremental labor or direct costs, respectively. Any claim by CONSULTANT for adjustments hereunder must be made to CLIENT in writing no later than forty-five (45) days after receipt by CONSULTANT of notice of such changes from CLIENT.

#### IV. ASSISTANCE AND CONTROL

- A. \_\_\_\_\_ will coordinate the work of the CONSULTANT, and be solely responsible for communication within the CLIENT's organization as related to all issues originating under this AGREEMENT.
- B. CLIENT will timely provide CONSULTANT with all available information concerning PROJECT as deemed necessary by CONSULTANT.
- C. CONSULTANT will appoint, subject to the approval of CLIENT, Michael N. Paulos, PE CONSULTANT's Project Manager and other key providers of the Basic Services. Substitution of other staff may occur only with the consent of CLIENT.

#### V. TERMINATION

- A. This AGREEMENT may be terminated by CLIENT, for its convenience, for any or no reason, upon written notice to CONSULTANT. This AGREEMENT may be terminated by CONSULTANT upon thirty (30) days written notice. Upon such termination by CLIENT, CONSULTANT shall be entitled to payment of such amount as shall fairly compensate CONSULTANT for all work approved 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, CONSULTANT shall deliver to CLIENT all data, reports, summaries, correspondence, and other written, printed, or tabulated material pertaining in any way to Basic Services that CONSULTANT may have accumulated. Such material is to be delivered to CLIENT whether in completed form or in process. CLIENT shall hold CONSULTANT harmless for any work that is incomplete due to early termination.
- C. The rights and remedies of CLIENT and CONSULTANT 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.

#### VI. INSURANCE

The CONSULTANT 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.	Limit of General/Commercial Liability	\$1,000,000
В.	Automobile Liability: Bodily Injury/Property Damage	\$1,000,000
C.	Excess Liability for General Commercial or Automobile Liability	\$10,000,000
D.	Worker's Compensation and Employers' Liability	\$500,000
E.	Professional Liability	\$2,000,000

Upon the execution of this AGREEMENT, CONSULTANT shall supply CLIENT with a suitable statement certifying said protection and defining the terms of the policy issued, which shall specify

that such protection shall not be cancelled without thirty (30) calendar days prior notice to CLIENT, and naming CLIENT as an additional insured for General Liability.

#### VII. INDEMNIFICATION AND ALLOCATION OF RISK

- A. To the fullest extent permitted by law, CONSULTANT shall indemnify and hold harmless CLIENT, CLIENT'S officers, directors, partners, and employees from and against costs, losses, and damages (including but not limited to reasonable fees and charges of engineers, architects, attorneys, and other professionals, and reasonable court or arbitration or other dispute resolution costs) caused solely by the negligent acts or omissions of CONSULTANT or CONSULTANT'S officers, directors, partners, employees, and consultants in the performance of CONSULTANT'S services under this AGREEMENT.
- B. To the fullest extent permitted by law, CLIENT shall indemnify and hold harmless CONSULTANT, CONSULTANT'S officers, directors, partners, employees, and consultants from and against costs, losses, and damages (including but not limited to reasonable fees and charges of engineers, architects, attorneys, and other professionals, and reasonable court or arbitration or other dispute resolution costs) caused solely by the negligent acts or omissions of CLIENT or CLIENT'S officers, directors, partners, employees, and consultants with respect to this AGREEMENT.
- C. To the fullest extent permitted by law, CONSULTANT'S total liability to CLIENT and anyone claiming by, through, or under CLIENT for any injuries, losses, damages and expenses caused in part by the negligence of CONSULTANT and in part by the negligence of CLIENT or any other negligent entity or individual, shall not exceed the percentage share that CONSULTANT'S negligence bears to the total negligence of CLIENT, CONSULTANT, and all other negligent entities and individuals.
- D. In addition to the indemnity provided under Paragraph VII.B, and to the fullest extent permitted by law, CLIENT shall indemnify and hold harmless CONSULTANT and CONSULTANT'S officers, directors, partners, employees, and consultants from and against injuries, losses, damages and expenses (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or arbitration or other disputes resolution costs) caused by, arising out of, or resulting from an unexpected Hazardous Environmental Condition, provided that (i) any such injuries, losses, damages and expenses is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom, and (ii) nothing in this Paragraph shall obligate CLIENT to indemnify any individual or entity from and against the consequences of that individual or entity's own negligence or willful misconduct.
- E. Nothing contained within this AGREEMENT is intended to be a waiver or estoppel of the contracting municipality CLIENT or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including those contained within Wisconsin Statutes §§ 893.80, 895.52, and 345.05. To the extent that indemnification is available and enforceable, the municipality CLIENT or its insurer shall not be liable in indemnity or contribution for an amount greater than the limits of liability for municipal claims established by Wisconsin Law.

#### VIII. TIME FOR COMPLETION

CONSULTANT shall commence work immediately having received a Notice to Proceed from CLIENT on or before September 4, 2019 and complete project on or before as of December 6, 2019.

#### 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.

### X. RECORDS RETENTION

CONSULTANT 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 CONSULTANT to CLIENT for inspection and copying upon request.

#### XI. MISCELLANEOUS PROVISIONS

- A. Professionalism. 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 CONSULTANT under this AGREEMENT shall be in compliance with applicable governmental laws, statutes, decisions, codes, rules, orders, and ordinances, be they Federal, State, County or Local.
- C. Conflict of Interest. CONSULTANT 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. CONSULTANT warrants that it will immediately notify the CLIENT if any actual or potential conflict of interest arises or becomes known to the CONSULTANT. Upon receipt of such notification, a CLIENT review and written approval is required for the CLIENT to continue to perform work under this Agreement.

#### XII. CONTROLLING TERMS AND PROVISIONS

The aforesaid terms and provisions shall control over any conflicting term or provision of any CONSULTANT 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	GRAEF-USA INC.
	BY:
BY:	PRINT NAME: Michael N. Paulos
Stephen R. Olson, Mayor	TITLE: Principal
DATE:	DATE: August 12, 2019
BY: Sandra L. Wesolowski, City Clerk	
DATE:	
BY:	
Paul Rotzenberg, Director of Final Treasurer	nce and
DATE:	
APPROVED AS TO FORM:	
Jesse A. Wesolowski, City Attorney	
DATE:	

One Honey Creek Corporate Center 125 South 84th Street, Suite 401 Milwaukee, WI 53214-1470 414 / 259 1500 414 / 259 0037 fax www.graef-usa.com



### collaborate / formulate / innovate

#### **ATTACHMENT A**

August 12, 2019

Mr. Glen Morrow Director of Public Works City of Franklin 9229 W. Loomis Road Franklin, WI 53132

Subject:

Department of Public Works Facility Improvements Phase I - Needs Analysis and Concept Design Professional Services Agreement

Dear Mr. Morrow:

Per your request, Graef-USA Inc. (GRAEF) is pleased to provide this proposal for services the City of Franklin (Client). An executed copy of this proposal will become our Agreement.

This proposal is for professional services for performing a Needs Analysis for an additional building at the Public Works Facility campus. This proposal is subject to GRAEF's Terms and Conditions, a copy of which is attached and incorporated by reference. For this project, GRAEF proposes to provide the following Basic Services:

- Interview DPW staff (1 meeting)
- Public Works Committee meeting attendance (1 meeting)
- Code research
- Review large equipment detailed list provided by City
- Develop program
- Develop 2 concept plans
  - Existing building with addition
  - New building adjacent to existing building
- Develop schematic site plan (1)
- Progress meetings with DPW staff (1 meeting)
- Develop description of the proposed exterior
- Prepare opinion of probable cost of new building by Moore Construction Services, LLC. Neither GRAEF nor Client has any control over the costs of labor, materials or equipment, over contractors' methods of determining bid prices, or over competitive bidding, market or negotiation conditions. Accordingly, GRAEF cannot and does not warrant or represent that bids or negotiated prices will not vary from any projected or established budgetary constraints.



Prepare memo of findings

For this project, it is our understanding Client will provide the following services, items and/or information:

- Provide the existing building floor plans
- Provide detailed equipment list and sizes
- Provide existing topographic survey in electronic format
- Provide venue for meetings and invite appropriate staff

GRAEF will endeavor to perform the proposed additional services per the following schedule:

•	Notice to Proceed	September 4, 2019
•	Draft Report	November 8, 2019
•	Final Report	December 6, 2019

At your written request, GRAEF will provide the following Additional Services for additional compensation as detailed below:

- Field verify and measure DPW equipment
- Review of the existing DPW building
- Reallocating space of the existing DPW building
- Perform topographic survey
- Additional concept plans
- · Additional meeting attendance
- Perform wetland delineation
- Perform Phase I Environmental Work
- Prepare preliminary stormwater requirements

For all Basic Services, Client agrees to compensate GRAEF \$20,000.00 on a lump sum basis including reimbursable expenses. For all Additional Services, Client agrees to compensate GRAEF on an hourly basis of personnel assigned.

To accept this proposal, please sign and date both enclosed copies and return one to us. Upon receipt of an executed copy, GRAEF will commence work on the Project.

Graef-USA Inc. looks forward to providing services to the City of Franklin.



### collaborate / formulate / innovate

Sincerely, Graef-USA Inc.

Wichael Mal

Michael N. Paulos, P.E.
Principal

Accepted by: City of Franklin

Steve Olson, Mayor

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

Sandy Wesolowski, Clerk

APPROVED AS TO FORM:

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

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

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



APPROVAL	REQUEST FOR	MEETING DATE
Slw	COUNCIL ACTION	Sept 3, 2019
REPORTS & RECOMMENDATIONS	July, 2019 Monthly Financial Report	ITEM NUMBER

### **Background**

The July, 2019 Financial Report is attached.

The Finance Committee has not reviewed this report as they did not meet in August.

Please note that certain interfund advances will occur in Sept/Oct/Nov to fund project costs in the Capital Improvement Fund until Ioan proceeds are available in December. It is also possible that certain TID5/7 projects costs maybe advanced from other funds until Debt Proceeds are available, currently planned for early Dec 2019.

Highlights of the report are contained in the transmittal memo.

The Finance Director will be on hand to answer any questions.

#### **COUNCIL ACTION REQUESTED**

Motion to Receive and place on file





Date:

August 16, 2019

To:

Mayor Olson, Common Council and Finance Committee Members

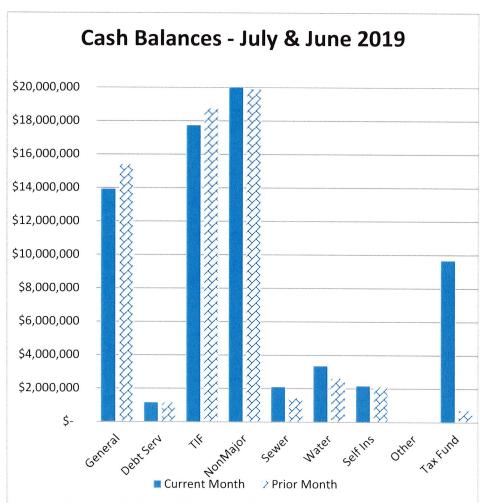
From:

Paul Rotzenberg, Director of Finance & Treasurer

Subject:

July, 2019 Financial Report

The July, 2019 financial reports for the General Fund, Debt Service Fund, TID Funds, Solid Waste Fund, Capital Outlay Fund, Equipment Replacement Fund, Street Improvement Fund, Capital Improvement Fund, Development Fund, Utility Development, Self Insurance Fund, and Post Employment Benefit Trust Fund are attached.



The budget allocation is completed using an average of the last five years actual spending against the Original Budget, amendments to the 2019 budget are included from the Year To Date budget allocation. Caution is advised in that spending patterns may have changed. Comments on specific and trending results are provided below to aid the reader in understanding or explaining current year financial results.

Cash & Investments Summary – is provided to aid in understanding the resources available to meet current activities. Cash & investments are positions with safety and liquidity as primary objectives as stated in the City's Investment policy. Investment returns are secondary in the investment decisions, while return potential is not ignored.

The City borrowed \$20.1 million

dollars in February. \$10.6 million was used to refund a portion of the TID 5 Note Anticipation Note sold in May 2018. \$3 million provided financing for a Developer's grant in TID 3, and \$6 million will finance project costs in TID 6.

July, 2019

Financial report

Cash & Investments in the General Governmental Funds totaling \$52.8 million decreased \$2.4 million since last month. The payments from TID funds for infrastructure in TID5 and Grants in TID3 are the principal disbursements. The large increase in the Tax Fund represents the final collections of Property taxes, the State School Levy credit.

**GENERAL FUND** revenues of \$20.8 million are \$0.7 million greater than budget. Tax collections are slightly faster and higher than prior years. Collection of Engineering inspection fees have generated \$286,000 more than budget (as the 2019 budget understated expected revenues). Investment income is also \$230,000 over budget related to increased interest rates. The 2020 Budget anticipated a general increase in fine & penalties. That has not happened yet.

Year to Date expenditures of \$14.6 million are on budget. Expenditure items of note are:

- The Public Works Year to date budget includes Engineering Professional fees for inspections. That
  was not considered when the 2019 budget was adopted. There are offsetting revenues for this
  \$320,000. The carryover of the 2018 salt purchase to 2019 is also impacting Public Works
  expenditures.
- The contingency expenditure represents the web site design project.

An \$6.1 million surplus is \$739,000 greater than budget. That surplus is nearly all added revenues rather than expense reductions. The \$214,000 tax revenue portion of the excess revenues will disappear by year's end.

**DEBT SERVICE** – Debt payments were made March 1 as required. The increased development activity of late has permitted more impact fee transfers than expected in the budget.

TIF Districts - The City has five active TID's.

- TID 3 The 2019 increment was collected and the TID borrowed \$3 million in February to finance a Developer Grant. The first four of six buildings have received occupancy permits, and the grants were paid.
- TID4 The 2019 increment was collected and payments are being made on the Engineering contract. Not all of the engineering contract is expected to be completed.
- TID5 The 2019 Increment was collected. In February the TID borrowed \$10.6 million to make a \$10 million note payment. Developer draws continue to be paid. Total expenditures on the infrastructure are \$19.7 million. Details of those expenditures at attached.
- TID6 The TID borrowed \$6 million to finance developer project costs this summer. A second borrowing will be needed to meet commitments to the Developer. No infrastructure expenditures have been made at this time. The project is running later than expected.
- TID7 was created in May, 2019 to support the apartment project at Ballpark Commons. Formation expenditures are the only activity to date.

SOLID WASTE FUND - Activity is occurring as budgeted. Tippage fees tend to run a month late.

**LANDFILL SITING REVENUES** – These revenues impact the four Capital Funds and the General Fund. The 2019 Budget of \$1.6 million anticipated a 72% increase over the prior year. Due to the uncertainty of that increase, several contingencies were established in the Capital fund expenditures until a clearer picture of landfill siting revenues was known. Receipts thru July 31 total \$1,198,000, 185% more than last year at this time.

July, 2019 Financial report

**CAPITAL OUTLAY FUND** – tax revenues are in line with budget. Landfill siting revenue is materializing as budgeted. No transfer in from General Fund is currently expected.

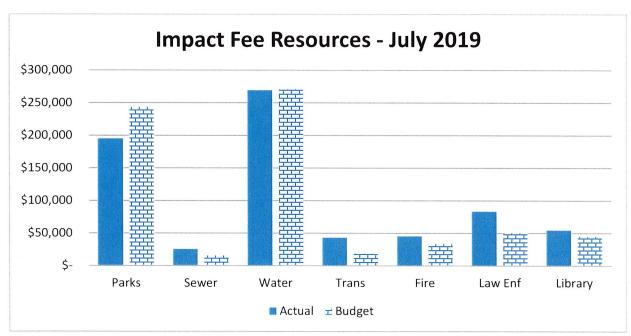
The Police have ordered several of the planned vehicles. A \$26,000 text 2-911 project initiated in 2016 has numerous technical delays. The Fire Dept has completed the thermal imaging project. Highway has completed the Router replacement. Parks completed the recently approved lawn mower purchase.

**EQUIPMENT REPLACEMENT FUND** – Revenues are in line with budget. The last of the 2018 projects were completed. The Fire Dept has placed the \$633,000 Purchase Order for the fire engine replacement. Highway has not placed the order for the wheel loader as yet.

**STREET IMPROVEMENT FUND** – State General Transportation Aids were placed in this fund as opposed to 2018 when tax levy was placed here. Landfill siting revenue is arriving faster than prior years. The 2019 program is nearly complete. Costs were less than budget.

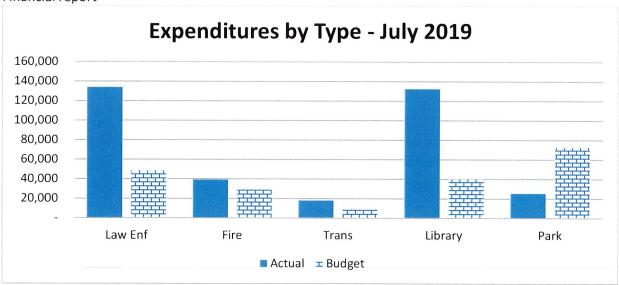
**CAPITAL IMPROVEMENT FUND** – Landfill siting revenue is being allocated differently than in prior years, which accounts for the reduced revenue in 2019 compared to budget. The \$1,057,000 of Public Works expenditures represent the commitments made on the Rawson Homes storm sewer project. Purchase commitments have been made on the City Hall HVAC & roof project and the Pleasant View Park Pavilion. A debt issue will be needed in this fund to provide all the resources needed.

**DEVELOPMENT FUND** - The large Water Impact fee was collected on the Ballpark Common's Routine Field permit. Impact fee collections are now approximately on budget, but will spike up as the next series of Ballpark Common's development permits are pulled.



Transfers to the Debt Service fund were made to fund debt service costs. Not all the transfers to the Debt Service Fund are needed there, so approximately \$90,000 of transfers out will be recorded in the Capital Improvement Fund.

July, 2019 Financial report



The Park Impact fee expenditures represent a commitment for a trail to a developer. The Park Impact fee holding period ends at the end of August 2019, should qualifying park expenditures utilizing fees not occur prior to then, rebates will begin.

Water Impact fees have been held for nearly six years. Oversizing payments to developers will utilize some of the fees but not very soon. A Water tower project is in the planning stage for 2021 or later and will use all of those fees and more.

As of June, 2019, there are \$4.3 million of Park and \$1.8 million of Water Impact fees on hand. All other fee types total \$370,000.

UTILITY DEVELOPMENT FUND - A large deferred assessment was paid in January.

**SELF INSURANCE FUND** – Revenues of \$1.9 million are 11% below budget, as participation in the plan decreased as a result of the revised health insurance program.

Total operating costs including Health Savings Account contributions are \$1.693 million (16% below budget).

A \$199,000 surplus thru July is on budget and better than last year. Generally, current performance of this fund is favorable.

**RETIREE HEALTH FUND** – Insurance results are much better than 2018. The additional participant contributions are a function of higher participant premium rates and greater participation. Medical claims are off to a much slower start than 2018, generating an insurance surplus. These results can quickly change depending upon group activity.

Investment results are more volatile in 2019 than recent years. Thru July, investment results have generated \$736,000 in gains, with total investments now exceeding \$6 million.

Caution is advised, as equity market returns can be volatile, evidenced by the sharp fourth quarter downturn in 2018.

### City of Franklin Cash & Investments Summary July 31, 2019

	Cash	American Deposit Management	Institutional Capital Management	Local Government Invest Pool	Fidelity Investments	Total	Prior Month Total
General Fund	\$ 2,535,457	\$ 2,592,655	\$ 5,639,407	\$ 3,153,733	\$ -	\$13,921,252	\$ 15,407,449
Debt Service Funds	31,655	589,502	533,458	-	-	1,154,615	1,153,661
TIF Districts	(46,799)	15,099,982	2,680,394	-	-	17,733,577	18,763,829
Nonmajor Governmental Funds Total Governmental	762,144	10,189,004	9,075,296	-	-	20,026,445	19,897,116
Funds	3,282,458	28,471,143	17,928,555	3,153,733		52,835,889	55,222,054
Sewer Fund	5,301	2,081,550	-	-	-	2,086,851	1,433,732
Water Utility	2,185	2,925,264	415,393	-	-	3,342,842	2,607,063
Self Insurance Fund	17,944	326,299	1,814,111	-	-	2,158,354	2,105,112
Other Designated Funds	13,132	-	-	-	-	13,132	19,330
Total Other Funds	38,561	5,333,113	2,229,504	-	-	7,601,178	6,165,237
Total Pooled Cash & Investments	3,321,019	33,804,256	20,158,059	3,153,733	-	60,437,067	61,387,291
Retiree Health Fund	142,419	-	-	-	6,075,196	6,217,615	6,162,506
Property Tax Fund	(547,453)	10,213,774	-	-	-	9,666,321	704,059
Total Trust Funds	(405,034)	10,213,774		_	6,075,196	15,883,936	6,866,565
Grand Total Cash & Investments	2,915,985	44,018,030	20,158,059	3,153,733	6,075,196	76,321,003	68,253,856
Average Rate of Return		2.37%	1.68%	2.38%			
Maturities: Demand Fixed Income & Equities 2019 - Q3 2019 - Q4 2020 - Q1 2020 - Q2 2020 - Q3 2020 2021 2022 2023 2024	2,915,985 - - - - - - - -	44,018,030 - - - - -	52,789 998,719 1,994,670 1,037,555 993,777 - 4,502,630 8,021,693 2,556,226	3,153,733 - - - - - - - -	509,669 4,102,286	50,650,206 4,102,286 998,719 1,994,670 1,037,555 993,777 - 4,675,673 8,347,856 2,727,703 176,190 204,470	42,585,856 4,066,637 997,852 1,992,926 1,037,463 993,798 4,681,094 8,368,758 2,735,766 176,610 204,551
2025	-	-	-	-	206,827 205,071	206,827 205,071	207,152 205,392
2026	2,915,985	44,018,030	20,158,059	3,153,733	6,075,196	76,321,003	68,253,856
		,,	,,	-,,-	-,,	,,	,,

## City of Franklin 2019 Financial Report General Fund Summary

For the Seven months ended July 31, 2019

Revenue	2019 Annual Budget	2019 Amended Budget	_	2019 Year-to-Date Budget	Y 	2019 ear-to-Date Actual		;	to Budget Surplus eficiency)
Property Taxes Other Taxes Intergovernmental Revenue Licenses & Permits Law and Ordinance Violations Public Charges for Services Intergovernmental Charges Investment Income Miscellanous Revenue Transfer from Other Funds	\$ 18,139,675 686,800 1,736,127 1,038,990 546,000 2,056,950 207,500 265,000 162,150 1,109,250	\$ 18,139,675 686,800 1,736,127 1,038,990 546,000 2,056,950 207,500 265,000 162,150 1,139,875		15,521,871 237,533 1,092,012 672,412 349,376 1,125,418 92,057 154,583 102,113 679,297	\$	15,736,507 290,021 1,052,737 701,065 256,661 1,411,207 124,950 384,850 125,409 701,625		\$	214,636 52,488 (39,275) 28,653 (92,715) 285,789 32,893 230,267 23,296 22,328
Total Revenue	\$ 25,948,442 2019 Annual	\$ 25,979,067 2019 Amended			\$	20,785,032 103.79% 2019 ear-to-Date			758,360 to Budget Surplus
General Government Public Safety Public Works Health and Human Services Other Culture and Recreation Conservation and Development Contingency and Unclassified Anticipated underexpenditures Transfers to Other Funds Encumbrances	\$ 3,200,440 17,784,187 3,571,132 750,797 182,702 640,776 2,069,728 (375,320) 274,000	\$ (317,444)	A A A A A	Budget  1,981,931 10,022,023 1,903,161 394,585 99,228 400,271 6,175 (185,176) 17,866	\$	1,786,852 9,974,817 2,273,400 332,280 96,741 358,512 27,396 - 21,100 (211,671)	E E E E	\$	195,079 47,206 (370,239) 62,305 2,487 41,759 (21,221) (185,176) (3,234) 211,671
Total Expenditures  Excess of revenue over (under) expenditures  Fund balance, beginning of year  Fund balance, end of period	\$ 28,098,442 (2,150,000) 7,336,277 5,186,277	\$ 28,167,730 (2,188,663) 7,336,277 5,147,614	3		\$	14,659,427 100.13% 6,125,605 7,336,277 13,461,882		\$	(19,363) 738,997

A Represents an amendment to Adopted Budget

E Represents an ecumbrance for current year from prior year

#### City of Franklin Debt Service Funds Balance Sheet July 31, 2019 and 2018

<u>Assets</u>	2019 Special Assessment	2019 Debt Service	2019 Total	2018 Special Assessment	2018 Debt Service	2018 Total
Cash and investments	\$ 734,483	\$ 420,132	\$ 1,154,615	\$ 675,810	\$ 60,989	\$ 736,799
Special assessment receivable	58,474		58,474	83,018		83,018
Total Assets	\$ 792,957	\$ 420,132	\$ 1,213,089	\$ 758,828	\$ 60,989	\$ 819,817
Liabilities and Fund Balance						
Unearned & unavailable revenue	\$ 58,474	\$ -	\$ 58,474	\$ 83,018	\$ -	\$ 83,018
Unassigned fund balance	734,483	420,132	1,154,615	675,810	60,989	736,799
Total Liabilities and Fund Balance	\$ 792,957	\$ 420,132	\$ 1,213,089	\$ 758,828	\$ 60,989	\$ 819,817

	2019	2019	2019	2019	2018	2018	2018
Revenue	Special Assessment	Debt Service	Year-to-Date Actual	Amended Budget	Special Assessment	Debt Service	Year-to-Date Actual
Property Taxes	\$ -	\$ 1,300,000	\$ 1,300,000	\$ 1,300,000	\$ -	\$ 1,300,000	\$ 1,300,000
Special Assessments	5,729	-	5,729	-	51,449	-	51,449
Investment Income	14,420	8,384	22,804		410	2,561	2,971
GO Debt Issuance		-					
Total Revenue	20,149	1,308,384	1,328,533	1,300,000	51,859	1,302,561	1,354,420
Expenditures:							
Debt Service:							
Principal	-	1,405,000	1,405,000	1,405,000	-	1,339,008	1,339,008
Interest	-	74,256	74,256	134,138	-	65,634	65,634
Bank Fees		800	800	1,050			
Total expenditures		1,480,056	1,480,056	1,540,188		1,404,642	1,404,642
Transfers in	-	323,419	323,419	240,188	_	111,999	111,999
Transfers out	-	-	-	-	(60,000)	-	(60,000)
Net change in fund balances	20,149	151,747	171,896	-	(8,141)	9,918	1,777
Fund balance, beginning of year	714,334	268,385	982,719	982,719	683,951	51,071	735,022
Fund balance, end of period	\$ 734,483	\$ 420,132	\$ 1,154,615	\$ 982,719	\$ 675,810	\$ 60,989	\$ 736,799

City of Franklin Consolidating TID Funds Balance Sheet July 31, 2019

A		<u>TID 3</u>		<u>TID 4</u>		<u>TID 5</u>		11D 6		<u>11D 7</u>		<u>Total</u>
Assets Cash & investments Total Assets	<del></del>	3,293,231	မ မ	4,262,094 4,262,094	မှာ မှာ	3,602,444 3,602,444	မ မ	6,583,737 6,583,737	8	(7,929)	မာမ	17,733,577 17,733,577
Liabilities and Fund Balance												
Accounts payable Accrued liabilities	↔	833,343 865,135	↔	7,844	↔	14,169	↔	1,000	↔	1,842	↔	858,198 865,135
Due to other funds Advances from other funds		1 1		1 1				13,000		1 1		13.000
Total Liabilities		1,698,478		7,844		14,169		14,000		1,842		1,736,333
Assigned fund balance		1,594,763		4,254,250		3,588,275		6,569,737		(9,771)		15,997,254
Total Liabilities and Fund Balance	ь	3,293,241	မှ	4,262,094	s	3,602,444	ω	6,583,737	₩	(7,929)	↔	17,733,587
		Statemen	t of Re	Statement of Revenue, Expenses and Fund Balance	ises al	nd Fund Bala	nce					

Balance	2019
expenses and rund Baland	d July 31, 2019
Expenses	months ended
t ot Kevenue, I	_
tatement or	For the Seven

		2,156,858	121,759	504,013	303,856	308	3,794		10,553,310	151,999	251,600	6,007,228	3,625,323	(842,767)	5,693	3,580,101	7,153	7,254
Total		2,15	12	20	30	20,240,308	23,326,794		10,55;	15	52	6,00	3,62	(84)	19,746,693	3,58(	12,417,153	15,997,254
		ઝ							₩									↔
<u>11D 7</u>		•	•	r	1	r	r		ı	1,162	8,609	١	•	-	9,771	(9,771)	ı	(9,771)
		₩							↔									↔
TID 6		•	•	1	905'09	6,638,320	6,698,826		109,100	4,130	3,671	•		(1,156)	115,745	6,583,081	(13,344)	6,569,737
		↔							↔									8
TID 5		30,951	ı	123	83,573	10,600,102	10,714,749		10,428,009	25,246	102,171	5,292,426	•	(35,863)	15,811,989	(5,097,240)	8,685,515	3,588,275
		↔							↔									ь
TID 4		1,011,224	121,759	21,414	78,650		1,233,047		1	24,053	137,149	714,802	•	(805,748)	70,256	1,162,791	3,091,459	4,254,250
		↔							υ									↔
TID 3		1,114,683	ı	482,476	81,127	3,001,886	4,680,172		16,201	97,408		ı	3,625,323	•	3,738,932	941,240	653,523	1,594,763
		↔							↔				_					₩
	Revenue	General property tax levy	Payment in lieu of taxes	State exempt aid	Investment income	Bond proceeds	Total revenue	Expenditures	Debt service interest & fees	Administrative expenses	Professional services	Capital outlays	Development incentive & obligation paymen	Encumbrances	Total expenditures	Revenue over (under) expenditures	Fund balance, beginning of year	Fund balance, end of period

# City of Franklin Tax Increment Financing District #3 Balance Sheet July 31, 2019 and 2018

<u>Assets</u>	2019	2018
Cash & investments	\$ 3,293,231	\$ 1,959,759
Total Assets	\$ 3,293,231	\$ 1,959,759
Liabilities and Fund Balance		
Accounts payable	\$ 833,333	\$ 45
Accrued liabilities	865,135	1,323,600
Total Liabilities	1,698,468	1,323,645
Assigned fund balance	1,594,763	636,114
Total Liabilities and Fund Balance	\$ 3,293,231	\$ 1,959,759

		2019 Annual Budget		2019 Amended Budget	Y	2019 ear-to-Date Budget	Y	2019 ear-to-Date Actual	Yo	2018 ear-to-Date Actual
Revenue										
General property tax levy	\$	1,180,900	\$	1,180,900	\$	1,180,900	\$	1,114,683	\$	1,381,191
State exempt aid		479,831		479,831		477,206		482,476		464,931
Investment income		25,000		25,000		16,471		81,127		15,334
Bond proceeds		3,500,000		3,500,000		3,500,000		3,001,886		-
Total revenue		5,185,731		5,185,731		5,174,577		4,680,172		1,861,456
Expenditures										
Debt service principal		-		_		-		_		985,000
Debt service interest & fees		111,500		111,500		85,875		16,201		15,084
Administrative expenses		113,350		213,350		66,138		97,408		30,063
Interfund interest		_		· -		· -		-		74
Capital outlays		-		984,323		_		-		998
Development incentive & obligation payments		4,589,265		4,589,265		2,677,071		3,625,323		109,000
Total expenditures		4,814,115		5,898,438		2,829,084		3,738,932		1,140,219
Revenue over (under) expenditures		371,616		(712,707)	_\$_	2,345,493		941,240		721,237
Fund balance, beginning of year		653,523		653,523				653,523		(85,123)
Fund balance, end of period	_\$_	1,025,139	<u>\$</u>	(59,184)			\$	1,594,763	\$	636,114

# City of Franklin Tax Increment Financing District #4 Balance Sheet July 31, 2019 and 2018

Assets	2019	2018
Cash & investments	\$ 4,262,094	\$ 3,612,892
Total Assets	\$ 4,262,094	\$ 3,612,892
Liabilities and Fund Balance		
Accounts payable	\$ 7,844	\$ 45
Total Liabilities	 7,844	45
Assigned fund balance	4,254,250	3,612,847
Total Liabilities and Fund Balance	\$ 4,262,094	\$ 3,612,892

		2019		2019		2019		2019		2018
		Annual	Amended Budget		Year-to-Date Budget		Year-to-Date Actual		Y	ear-to-Date
		Budget								Actual
Revenue										
General property tax levy	\$	1,023,600	\$	1,023,600	\$	1,023,600	\$	1,011,224	\$	1,059,413
Payment in Lieu of Taxes		132,800		132,800		132,800		121,759		132,871
State exempt aid		19,700		19,700		17,700		21,414		16,195
Investment income		20,000		20,000		11,667		78,650		18,030
Bond proceeds		5,000,000		5,000,000		-		-		-
Total revenue		6,196,100		6,196,100		1,185,767		1,233,047		1,226,509
Expenditures										
Debt service interest & fees		188,750		188,750		66,354		-		-
Administrative expenses		10,350		10,350		6,038		24,053		4,394
Professional services		29,500		161,724		17,208		137,149		66,460
Capital outlay		8,000,000		8,714,802		4,666,667		714,802		1,201,850
Encumbrances		-		· · · · ·				(805,748)		(1,253,043)
Total expenditures		8,228,600		9,075,626		4,756,267		70,256		19,661
Revenue over (under) expenditures		(2,032,500)		(2,879,526)	\$	(3,570,500)	:	1,162,791		1,206,848
Fund balance, beginning of year		3,091,459		3,091,459		2,038,400		3,091,459		2,405,999
Fund balance, end of period	_\$_	1,058,959	_\$_	211,933			\$	4,254,250		3,612,847

# City of Franklin Tax Increment Financing District #5 Balance Sheet July 31, 2019 and 2018

Assets		2019	2018
Cash & investments	\$	3,602,444	\$ 18,274,197
Total Assets	\$	3,602,444	\$ 18,274,197
Liabilities and Fund Balance			
Accounts payable	\$	14,169	\$ -
Due to other funds		-	29,694
Interfund advance from Development Fund		-	75,000
Total Liabilities	<del></del>	14,169	104,694
Assigned fund balance		3,588,275	18,169,503
Total Liabilities and Fund Balance	\$	3,602,444	\$ 18,274,197

	A	2019 Annual Budget		Annual		2019 Amended Budget		Amended		Amended		Amended		2019 Year-to-Date Budget		2019 Year-to-Date Actual		2018 ar-to-Date Actual
Revenue																		
General property tax levy	\$	31,500	\$	31,500	\$	18,375	\$	30,951	\$	30,500								
State exempt aid		400		400		233		123		-								
Investment income		25,000		25,000		14,584		83,573		64,508								
Bond proceeds	10	,000,000	10	0,000,000	:	5,833,333	1	0,600,102		23,415,111								
Total revenue	10	,056,900	10	0,056,900		5,866,525	1	0,714,749		23,510,119								
Expenditures																		
Debt service interest & fees	10	,875,810	10	0,875,810	10	0,399,423	1	0,428,009		110,143								
Administrative expenses		20,700		20,700		70,408		25,246		27,155								
Professional services		10,000		124,279		72,496		102,171		62,473								
Capital outlay		· •		4,000,000	:	2,333,333		5,292,426		5,041,401								
Development incentive & obligation payments	4	,000,000		4,000,000	:	2,333,333		_		27,849								
Encumbrances		· · ·		-		· · · -		(35,863)		(27,279)								
Total expenditures	14	,906,510	19	9,020,789	15	5,208,993	1	5,811,989		5,241,742								
Revenue over (under) expenditures	(4	,849,610)	(8	8,963,889)	\$ (	9,342,468)	(	5,097,240)		18,268,377								
Fund balance, beginning of year	8	,685,515		8,685,515				8,685,515		(98,874)								
Fund balance, end of period	<b>\$</b> 3	,835,905	\$	(278,374)			\$	3,588,275	\$	18,169,503								

# City of Franklin Tax Increment Financing District #6 Balance Sheet July 31, 2019 and 2018

<u>Assets</u>	2019	2018
Cash & investments	\$ 6,583,737	\$ -
Total Assets	\$ 6,583,737	\$ -
Liabilities and Fund Balance		
Accounts payable	\$ 1,000	\$ -
Advances from other funds	13,000	-
Total Liabilities	 14,000	-
Assigned fund balance	6,569,737	-
Total Liabilities and Fund Balance	\$ 6,583,737	\$ -

	2019 Annual Budget		2019 Amended Budget		2019 Year-to-Date Budget		2019 Year-to-Date Actual		2018 Year-to-Date Actual	
Revenue										
Investment income	\$	-	\$	132,300	\$	79,000	\$	60,506	\$	-
Bond proceeds				9,837,382		6,137,000		6,638,320		
Total revenue		-		9,969,682		6,216,000		6,698,826		
Expenditures										
Debt service interest & fees	\$	-	\$	195,375	\$	52,000	\$	109,100	\$	-
Administrative expenses		-		8,550		2,900		4,130		-
Professional services		-		26,156		_		3,671		-
Capital outlay		-		9,000,000		5,200,000		-		-
Encumbrances		-		-		-		(1,156)		-
Total expenditures				9,230,081		5,254,900		115,745		-
Revenue over (under) expenditures		-		739,601	\$	961,100		6,583,081		-
Fund balance, beginning of year		(13,344)		(13,344)				(13,344)		
Fund balance, end of period	_\$	(13,344)	\$	726,257			\$	6,569,737	\$	

# City of Franklin Tax Increment Financing District #7 Balance Sheet July 31, 2019 and 2018

<u>Assets</u>	20°	19	2	2018
Cash & investments	\$	(7,929)	\$	-
Total Assets	\$	(7,929)	\$	-
Liabilities and Fund Balance				
Accounts payable	\$	1,842	\$	-
Advances from other funds				
Total Liabilities		1,842	•	-
Assigned fund balance		(9,771)		_
Total Liabilities and Fund Balance	\$	(7,929)	\$	

	Anr	119 Iual dget	2019 mended Budget	Year-t	119 o-Date dget	Yea	2019 r-to-Date Actual	Year-t	018 o-Date tual
Revenue			 						
Investment income	\$	-	\$ -	\$	-	\$	-	\$	-
Bond proceeds			 240,000				<u> </u>		-
Total revenue			 240,000		-				
Expenditures									
Debt service interest, fees, bond issuance	\$	_	\$ 153,208	\$	-	\$	-	\$	-
Administrative expenses		-	5,200		-		1,162		-
Professional services		-	-		-		8,609		-
Capital outlay		-	2,750,000		-		-		-
Encumbrances		<u>-</u>	 <u> </u>						_
Total expenditures			 2,908,408				9,771		
Revenue over (under) expenditures		-	(2,668,408)	\$	-		(9,771)		-
Fund balance, beginning of year			 				_		<del>-</del>
Fund balance, end of period	\$		\$ (2,668,408)			\$	(9,771)	\$	-

### City of Franklin Solid Waste Collection Fund Balance Sheet July 31, 2019 and 2018

Assets	2019	2018
Cash and investments	\$ 1,147,319	\$ 1,108,073
Accrued Receivables	438	
Total Assets	\$ 1,147,757	\$ 1,108,073
Liabilities and Fund Balance		
Accounts payable	\$ 92,662	\$ 132,963
Accrued salaries & wages	458	430
Restricted fund balance	1,054,637	974,680
Total Liabilities and Fund Balance	\$ 1,147,757	\$ 1,108,073

	2019 Adopted	2019 YTD	2019 Year-to-Date	2018 Year-to-Date
Revenue	Budget	Budget	Actual	Actual
Grants	\$ 69,000	69,000	\$ 68,858	\$ 68,984
User Fees	1,220,400	1,219,601	1,215,015	1,211,200
Landfill Operations-tippage	361,800	171,834	177,282	172,347
Investment Income	9,500	6,423	21,040	7,609
Sale of Recyclables	-	-	-	774
Total Revenue	1,660,700	1,466,858	1,482,195	1,460,914
Expenditures:				
Personal Services	16,931	9,253	7,523	7,734
Refuse Collection	713,750	415,802	414,882	404,368
Recycling Collection	380,720	221,957	230,100	224,628
Leaf & Brush Pickups	63,800	37,217	20,000	20,000
Tippage Fees	469,000	273,583	184,620	222,186
Miscellaneous	3,500	2,042	1,180	995
Printing	1,800	1,050	-	-
Total expenditures	1,649,501	960,904	858,305	879,911
Revenue over (under) expenditures	11,199	505,954	623,890	581,003
Fund balance, beginning of year	430,747		430,747	393,677
Fund balance, end of period	\$ 441,946		\$ 1,054,637	\$ 974,680

### City of Franklin Capital Outlay Fund Balance Sheet July 31, 2019 and 2018

Assets	2019	2018		
Cash and investments	\$ 712,853	\$ 592,361		
Accrued Receivables	-	-		
Total Assets	\$ 712,853	\$ 592,361		
<u>Liabilities and Fund Balance</u>				
Accounts payable	\$ 31,039	\$ 68,867		
Assigned fund balance	681,814	523,494		
Total Liabilities and Fund Balance	\$ 712,853	\$ 592,361		

	2019 Original	2019 Amended	2019 Year-to-Date	2019 Year-to-Date	2018 Year-to-Date
Revenue	Budget	Budget	Budget	Actual	Actual
Property Taxes	\$ 452,800	\$ 452,800	\$ 452,800	\$ 452,800	\$ 450,500
Grants	5,000	5,000	2,917	1,606	396
Landfill Siting	317,000	317,000	256,394	253,530	94,400
Investment Income	6,000	6,000	3,500	12,024	3,259
Miscellanous Revenue	25,000	25,000	14,786	10,370	22,071
Transfers from Other Funds	250,000	250,000	187,500	-	101,000
Total Revenue	1,055,800	1,055,800	917,897	730,330	671,626
Expenditures:					
General Government	158,610	234,648	72,262	67,612	89,712
Public Safety	473,795	576,235	358,846	409,376	446,945
Public Works	34,020	42,020	19,870	51,617	48,067
Health and Human Services	1,020	1,020	595	1,006	-
Culture and Recreation	9,000	11,866	5,249	20,623	9,828
Conservation and Development	1,500	2,010	875	503	-
Contingency	50,000	34,190	34,190	-	6,525
Contingency - Pending Additional					
Consideration	100,000	100,000	44,088	-	-
Contingency - Restricted	250,000	250,000	-	<del>-</del>	-
Encumbrances	-	-	-	(77,178)	(99,905)
Transfers to Other Funds	-	-	-	-	-
Total expenditures	1,077,945	1,251,989	535,975	473,559	501,172
Revenue over (under) expenditures	(22,145)	(196,189)	381,922	256,771	170,454
Fund balance, beginning of year	425,043	425,043		425,043	353,040
Fund balance, end of period	\$ 402,898	\$ 228,854		\$ 681,814	\$ 523,494

A Portion of Municipal Building, Police, Highway & Parks appropriations are contingent upon Landfill Siting revenue growth

### City of Franklin Equipment Replacement Fund Balance Sheet July 31, 2019 and 2018

Assets .	2019	2018
Cash and investments	\$ 3,149,680	\$ 2,769,614
Total Assets	\$ 3,149,680	\$ 2,769,614
Liabilities and Fund Balance	<b>\$</b> -	\$ -
Accounts payable Assigned fund balance	3,149,680	2,769,614
Total Liabilities and Fund Balance	\$ 3,149,680	\$ 2,769,614

	2019	2019 2019		2019	2018	
	Original	Amended	Year-to-Date	Year-to-Date	Year-to-Date	
Revenue:	Budget	Budget	Budget	Actual	Actual	
Property Taxes	\$ 175,000	\$ 175,000	\$ 175,000	\$ 175,000	\$ 350,000	
Landfill	376,700	376,700	296,296	287,700	128,400	
Investment Income	29,000	29,000	16,917	60,989	(189)	
Property Sales	30,000	30,000	16,868	727	19,231	
Total revenue	610,700	610,700	505,081	524,416	497,442	
Expenditures:						
Public Safety	1,006,670	1,006,670	799,299	633,395	43,569	
Public Works	190,000	210,431	107,081	20,431	249,684	
Encumbrances	-	-	-	(633,395)	(253,610)	
Total expenditures	1,196,670	1,217,101	906,380	20,431	39,643	
Revenue over (under) expenditures	(585,970)	(606,401)	(401,299)	503,985	457,799	
Fund balance, beginning of year	2,645,695	2,645,695		2,645,695	2,311,815	
Fund balance, end of period	\$ 2,059,725	\$ 2,039,294		\$ 3,149,680	\$ 2,769,614	

### City of Franklin Street Improvement Fund Balance Sheet July 31, 2019 and 2018

Ass <u>ets</u>	2019	2018
Cash and investments	\$ 1,083,578	\$ 1,061,008
Total Assets	\$ 1,083,578	\$ 1,061,008
Liabilities and Fund Balance Accounts payable Assigned fund balance Total Liabilities and Fund Balance	\$ 867,914 215,664 \$ 1,083,578	\$ 4,249 1,056,759 \$ 1,061,008

Revenue:	2019 Original Budget	2019 Year-to-Date Totals	2018 Year-to-Date Totals
Property Taxes Landfill Siting Investment Income Local Road Improvement Aids Refunds and Reimbursements	\$ 18,200 133,000 4,000 700,000	\$ 18,200 107,890 9,596 600,000	\$ 714,700 76,800 5,924 -
Total revenue	855,200	735,686	797,424
Expenditures: Street Reconstruction Program - Current Year Encumbrances	975,000	1,034,303 (114,893)	868,231 (841,300)
Total expenditures	975,000	919,410	26,931
Revenue over (under) expenditures	(119,800)	(183,724)	770,493
Fund balance, beginning of year	399,388_	399,388	286,266
Fund balance, end of period	\$ 279,588	\$ 215,664	\$ 1,056,759

# City of Franklin Capital Improvement Fund Balance Sheet July 31, 2019 and 2018

Assets	2019	2018
Cash and investments	\$ 3,209,968	\$ 3,431,027
Accrued receivables	8,949	847
Total Assets	\$ 3,218,917	\$ 3,431,874
Liabilities and Fund Balance		
Accounts payable	\$ 235,931	\$ 30,149
Escrow Balances Due	-	78,915
Assigned fund balance	2,982,986	3,322,810
Total Liabilities and Fund Balance	\$ 3,218,917	\$ 3,431,874

Revenue:	2019 Original Budget	2019 Amended Budget	2019 Year-to-Date Totals	2018 Year-to-Date Totals
Block Grants	\$ -	\$ -	\$ -	\$ -
Other Grants	1,150,000	1,150,000	-	-
Landfill Siting	560,000	560,000	439,652	66,534
Transfers from Impact Fees	384,511	384,511	-	-
Transfers from Connection Fees	1,000,000	1,000,000	-	-
Bond Proceeds	2,100,000	2,750,000	-	-
Donations	-	-	-	11,085
Investment Income	20,000	20,000	63,399	12,231
Total revenue	5,214,511	5,864,511	503,051	89,850
Expenditures:				
General Government	1,815,000	1,822,940	174,543	339
Public Safety	1,665,000	1,707,696	87,239	106,038
Public Works	2,550,000	3,340,565	2,537,973	579,051
Culture and Recreation	843,109	846,434	544,928	344,387
Sewer & Water	1,000,000	1,000,000	-	-
Contingency	100,000	99,984	10,183	3,084
Bond/Note Issuance Cost	75,000	75,000	-	-
Transfers to Other Funds	-	-	-	101,000
Encumbrances			(2,511,429)	(571,366)
Total expenditures	8,048,109	8,892,619	843,437	562,533
Revenue over (under) expenditures	(2,833,598)	(3,028,108)	(340,386)	(472,683)
Fund balance, beginning of year	3,323,372	3,323,372	3,323,372	3,795,493
Fund balance, end of period	\$ 489,774	\$ 295,264	\$ 2,982,986	\$ 3,322,810

### City of Franklin Development Fund Balance Sheet July 31, 2019 and 2018

Assets		2019	2018
Cash and investments	\$	6,758,088	\$ 5,144,883
Total Assets	\$	6,758,088	\$ 5,144,883
Liabilities and Fund Balance			
Accounts payable	\$	585	\$ -
Payable to Developers- Oversizing		103,934	59,799
Assigned fund balance		6,653,569	5,085,084
Total Fund Balance	-	6,653,569	 5,085,084
Total Liabilities and Fund Balance	\$	6,758,088	\$ 5,144,883

	2019	2019	2019	2018
	Amended	Year-to-Date	Year-to-Date	Year-to-Date
Revenue:	Budget	Budget	Actual	Actual
Impact Fee: Parks	\$ 400,000	\$ 243,495	\$ 194,902	\$ 344,430
Southwest Sewer Service Area		15,954	25,608	
Administration	7,500	5,089	4,611	8,140
Water	425,000	271,210	269,133	358,794
Transportation	25,000	18,912	43,179	15,788
Fire Protection	50,000	34,078	45,327	51,112
Law Enforcement	75,000	51,058	83,490	93,783
Library	75,000	45,383	54,637	94,990
Total Impact Fees	1,092,500	685,179	720,887	967,037
Investment Income	60,000	35,000	121,338	3,473
Interfund Interest Income				74_
Total revenue	1,152,500	720,179	842,225	970,584
Expenditures:				
Other Professional Services	35,253	11,667	15,253	3,321
Transfer to Debt Service:	33,233	11,007	10,200	0,021
Law Enforcement	205,000	48,634	133,800	15,972
Fire	43,100	29,234	39,333	6,440
Transportation	73,250	8,979	18,000	12,216
Library	133,100	39,863	132,286	17,371
Total Transfers to Debt Service	454,450	126,710	323,419	51,999
Total Transiers to Debt Service	454,450	120,710	020,410	01,000
Transfer to Capital Improvement Fun				
Park	384,511	72,746	25,285	-
Total Transfers to Capital Improvement	384,511	72,746	25,285	-
	500 000			
Sewer Fees	500,000	400.007	- 247 420	-
Water Fees	500,000	166,667	317,130	
Encumbrances		-	(352,235)	(3,321)
Total expenditures	1,874,214	377,790	328,852	51,999
Revenue over (under) expenditures	(721,714)	342,389	513,373	918,585
Fund balance, beginning of year	4,058,562		6,140,196	4,166,499
Fund balance, end of period	\$ 3,336,848		\$ 6,653,569	\$ 5,085,084
Tana balance, one of period	<del>+ 0,000,010</del>		<del>+ 0,000,000</del>	+ -11

### City of Franklin Utility Development Fund Balance Sheet July 31, 2019 and 2018

<u>Assets</u>	2019	2018
Cash and investments - Water	\$ 777,419	\$ 638,332
Cash and investments - Sewer	1,129,919	872,613
Special Assessment - Water Current	101,293	140,867
Special Assessment - Water Deferred	271,107	314,587
Special Assessment - Sewer Current	191,587	241,026
Special Assessment - Sewer Deferred	-	70,898
Reserve for Uncollectible	(16,776)	(16,776)
Total Assets	\$ 2,454,549	\$ 2,261,547
Liabilities and Fund Balance		
Accounts payable	\$ -	\$ -
Unearned Revenue	547,211	750,602
Total Fund Balance	1,907,338	1,510,945
Total Liabilities and Fund Balance	\$ 2,454,549	\$ 2,261,547

		2019 Original	2019 Year-to-Date		r-to-Date Year-to-Date		2018 Year-to-Date	
Revenue:		Budget	E	Budget		Actual		Actual
Special Assessments								
Water	\$	28,400	\$	5,565	\$	72,650	\$	23,695
Sewer		29,200		3,038		70,898		5,830
Connection Fees								
Water		2,000		1,511		-		-
Sewer		35,000		21,859		26,820		55,200
Total Assessments &								<u></u>
Connection Fees		94,600		31,973		170,368		84,725
Special Assessment Interest		17,900		83		-		213
Investment Income		10,000		5,834		24,432		12,629
Total revenue		122,500		37,890		194,800		97,567
Transfer to Capital Improvement Fu	und:							
Water		500,000		-		-		-
Sewer		500,000		-		-		-
Total Transfers to Capital Improver	<u> </u>	1,000,000	-	-		-		-
Revenue over (under) expenditures	•	(877,500)		37,890		194,800		97,567
Fund balance, beginning of year						1,712,538		1,413,378
Fund balance, end of period					\$	1,907,338	\$	1,510,945_

### City of Franklin Self Insurance Fund - Actives Balance Sheet July 31, 2019 and 2018

Assets	2019	2018
Cash and investments	\$ 2,253,654	\$ 2,104,524
Accounts receivable	309	600
Prepaid expenses		1,500
Total Assets	\$ 2,253,963	\$ 2,106,624
Liabilities and Net Assets		
Accounts payable	\$ 3,941	\$ 3,967
Claims payable	290,700	290,700
Unrestricted net assets	 1,959,322	1,811,957
Total Liabilities and Fund Balance	\$ 2,253,963	\$ 2,106,624

### City of Franklin Self Insurance Fund - Actives Statement of Revenue, Expenses and Fund Balance For the Seven months ended July 31, 2019 and 2018

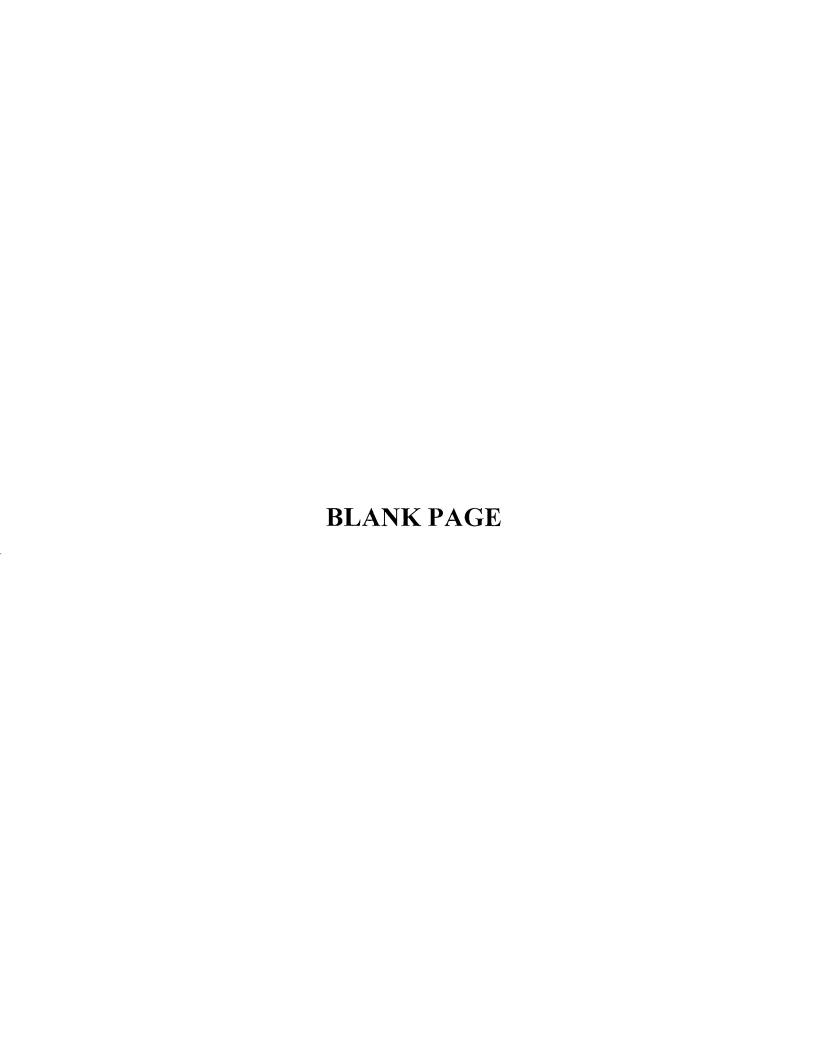
Revenue	2019 Original Budget	2019 Amended Budget	2019 Year-to-Date Budget	2019 Year-to-Date Actual	2018 Year-to-Date Actual
Medical Premiums-City	\$ 2,837,218	\$ 2,837,218	\$ 1,659,825	\$ 1,417,563	\$ 1,443,854
Medical Premiums-Employee	642,507	642,507	374,187	304,548	266,877
Other - Invest Income, Rebates	30,000	30,000	17,500	69,773	47,326
Medical Revenue	3,509,725	3,509,725	2,051,512	1,791,884	1,758,057
Dental Premiums-City	112,550	112,550	55,361	65,227	63,162
Dental Premiums-Retirees	3,675	3,675	2,806	1,854	2,700
Dental Premiums-Employee	56,450	56,450	32,710	33,237	32,339_
Dental Revenue	172,675	172,675	90,877	100,318	98,201
Total Revenue	3,682,400	3,682,400	2,142,389	1,892,202	1,856,258
Expenditures: Medical					
Medical claims	2,833,650	2,833,650	1,376,353	945,912	1,209,877
Prescription drug claims	-	-	-	122,597	195,043
Refunds-Stop Loss Coverage		-		22	(18,130)
Total Claims	2,833,650	2,833,650	1,376,353	1,068,531	1,386,790
Medical Claim Fees	145,850	145,850	90,521	101,988	87,649
Stop Loss Premiums	667,300	667,300	392,737	321,605	312,723
Other - Miscellaneous	118,250	118,250	21,936	5,917	16,585
Transfer to Other Funds	59,250_	98,125	34,563	94,375	
Total Medical Costs	3,824,300	3,863,175	1,916,110	1,592,416	1,803,747
Dental					400 700
Active Employees & COBRA	189,000	189,000	106,270	97,935	123,708
Retiree	3,675_	3,675	2,133	2,697	3,042
Total Dental Costs	192,675	192,675	108,403_	100,632	126,750
Claims contingency				-	-
Total Expenditures	4,016,975	4,055,850	2,024,513	1,693,048	1,930,497
Revenue over (under) expenditures	(334,575)	(373,450)	\$ 117,876	199,154	(74,239)
Net assets, beginning of year	1,760,168	1,760,168		1,760,168	1,886,196_
Net assets, end of period	\$ 1,425,593	\$ 1,386,718		\$ 1,959,322	\$ 1,811,957

# City of Franklin City of Franklin Post Employment Benefits Trust Balance Sheet July 31, 2019 and 2018

<u>Assets</u>		2019		2018	
Cash and investments	\$	142,419	_;	\$	-
Investments held in trust - Fixed Inc		2,173,307			1,979,863
Investments held in trust - Equities		3,901,889			3,839,951
Accounts receivable		15,518			13,384
Total Assets	\$	6,233,133		\$	5,833,198
Liabilities and Net Assets					
Accounts payable	\$	902	;	\$	441
Claims payable		131,100			131,100
Due to City		-			41,136
Net assets held in trust for post emp		6,101,131			5,660,521
Total Liabilities and Fund Balance	\$	6,233,133		\$	5,833,198

City of Franklin Post Employment Benefits Trust Statement of Revenue, Expenses and Fund Balance For the Seven months ended July 31, 2019 and 2018

	2019	2018
	Year-to-Date	Year-to-Date
Revenue	Actual	Actual
ARC Medical Charges - City	\$ 139,764	\$ 153,013
Medical Charges - Retirees	115,116	96,148
Implicit Rate Subsidy	-	106,204
Medical Revenue	254,880	355,365
Expenditures:		
Retirees-Medical		
Medical claims	85,453	312,821
Prescription drug claims	71,071	72,205
Refunds-Stop Loss Coverage	(1,393)	(642)
Total Claims-Retirees	155,131	384,384
Medical Claim Fees	33,561	11,231
Stop Loss Premiums	47,040	48,135
Miscellaneous Expense	345	330
ACA Fees	172	160
Total Medical Costs-Retirees	236,249	444,240
Revenue over (under) expenditures	18,631	(88,875)
Annual Required Contribution-Net	117,031	-
Other - Investment Income, etc.	736,065	175,633
Total Revenues	853,096	175,633
Net Revenues (Expenditures)	871,727	86,758
Net assets, beginning of year	5,229,404	5,573,763
Net assets, end of period	\$ 6,101,131	\$ 5,660,521



APPROVAL Slev fol	REQUEST FOR COUNCIL ACTION	MEETING DATE 9/3/19
Bills	Vouchers and Payroll Approval	ITEM NUMBER

Attached are vouchers dated August 16, 2019 through September 1, 2019 Nos. 175093 through Nos. 175273 in the amount of \$ 2,271,176.39. Included in this listing are EFT's Nos. 4092 through Nos. 4100, Library vouchers totaling \$ 16,372.12, Tourism vouchers totaling \$ 14,123.50 and Water Utility vouchers totaling \$ 390,748.45. Voided checks in the amount of \$ (1,895.27) are separately listed.

Vouchers approved at the Council meeting dated August 20, 2019 that are included in this distribution.

Dorner Inc.	Rawson Drainage Improvements	\$486,727.75
EMS Medical Billing	Ambulance Billing	\$6,861.04
Geographic Marketing	GIS Services	\$11,547.73
GovSpend	Purchasing Software	\$4,000.00
Metro Sound & Video	Council Chambers Sound System Parts	\$ 18,235.00
Milwaukee Co	Tax Payment	\$10,176.88
Milwaukee Milkmen	Sponsorship	\$14,080.00
Ray Stadler Construction	Pleasant View Pavilion	\$72,280.00
Stantec Consulting	Quarry Monitoring	\$9,390.00
Stantec Consulting	Quarry Monitoring	\$7,845.00
Zignego Co	Roundabout	<u>\$466,898.31</u>
•	\$1,108,041.71	

Early release disbursements dated August 16, 2019 through August 29, 2019 in the amount of \$1,699,154.37 are provided on a separate listing and are also included in the complete disbursement listing. These payments have been released as authorized under Resolution 2013-6920.

The net payroll dated August 30, 2019 is \$ 410,457.47 previously estimated at \$ 396,000.00. Payroll deductions dated August 30, 2019 are \$ 402,258.87 previously estimated at \$ 424,000.00.

The estimated payroll for September 13, 2019 is \$ 391,000.00 with estimated deductions and matching payments of \$ 215,000.00.

Attached is a list of property tax payments Check No. 17902 dated August 16, 2019 through August 29, 2019 in the amount of \$ 10,176.88. This payment has been released as authorized under Resolution 2013-6920.

#### COUNCIL ACTION REQUESTED

Motion approving the following:
• City vouchers with an ending date of September 1, 2019 in the amount of \$ 2,271,176.39 and
<ul> <li>Payroll dated August 30, 2019 in the amount of \$ 410,457.47 and payments of the various payro deductions in the amount of \$ 402,258.87 plus City matching payments and</li> </ul>
<ul> <li>Estimated payroll dated September 13, 2019 in the amount of \$ 391,000.00 and payments of the various payroll deductions in the amount of \$ 215,000.00, plus City matching payments and</li> </ul>
<ul> <li>Property Tax payments with an ending date of August 29, 2019 in the amount of \$ 10,176.88.</li> </ul>

**ROLL CALL VOTE NEEDED** 

APPROVAL	REQUEST FOR	MEETING DATE
Slw	COUNCIL ACTION	09/03/19
LICENSES AND PERMITS	MISCELLANEOUS LICENSES	ITEM NUMBER I.1.

See attached listing from meeting of September 3, 2019.

COUNCIL ACTION REQUESTED



414-425-7500

### License Committee Agenda\* Aldermen's Room September 3, 2019 – 5:55 p.m.

1.	Call to Order & Roll Call	Time:
2.	Applicant Interviews & Decisions	
	License Applications Reviewed	Recommendations

Type/ Time	Applicant Information	Approve	Hold	Deny
Class B Combination	Brinker Restaurant Corporation			
2019-2020	Dba Chili's Bar & Grill			
6:00 p.m.	6439 S 27 <sup>th</sup> St			
	Justin W Pischke, Agent			
Operator	McCann, Jack M			
2019-2020	754 60 <sup>th</sup> St			
New	Caledonia, WI 53108			
	Hideaway Pub & Eatery			
Operator	Petroske, Troy A			
2019-2020	N4586 Hickory Rd			
New	Hustisford, WI 53034			
	Swiss Street Pub & Grill			
Operator	Promo, Heather			
2019-2020	256 N Moreland Blvd			
New	Waukesha, WI 53188			
	Hideaway Pub & Eatery			
Operator	Schilcher, Sierra K			
2019-2020 New	10509 County Line Rd			
	Franksville, WI 53126			
	Root River Center			
Operator	Zastrow, Jena L			
2019-2020	325 W Aspen Dr #5			
New	Oak Creek, WI 53154			
	Pick 'n Save #6360			
Extraordinary	Rock Sports Complex – The Hills Has Eyes			
Entertainment & Special	Person in Charge: Scot Johnson			
Event	Location: 7900 Crystal Ridge Dr			
Update	Date of Event: Correction to add Friday, 11/1/19 and			
	Saturday, 11/2/19			
3.	Adjournment			
<b>7</b> 1	Aujournment			
		Time		

<sup>\*</sup>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.