

CITY OF FRANKLIN
COMMON COUNCIL MEETING
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
TUESDAY, JANUARY 7, 2020 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B.
 - 1. Citizen Comment Period.
 - 2. Mayoral Announcements:
 - (a) Proclamation In Recognition of Mark W. Luberda.
 - (b) Proclamation In Recognition of Joel E. Dietl.
- C. Approval of Minutes:
 - 1. Regular Common Council Meeting of December 3, 2019.
 - 2. Regular Common Council Meeting of December 17, 2019.
- D. Hearings - A proposed Ordinance to amend §92-9. of the Municipal Code of the City of Franklin, Wisconsin, pertaining to impact fees upon land development pursuant to § 66.0617 of the Wisconsin Statutes, to exempt public schools from the application of and the requirement for the payment of each of the various impact fees; to suspend, effective January 1, 2020, the automatic annual rate increases for each of the various impact fee rates imposed under §92-9. of the Municipal Code, pending completion by a City consultant of a broader Public Facilities Needs Assessment; and to incorporate into the Municipal Code amendments to Wis. Stat. § 66.0617, including those related to the collection and disbursement of impact fees, pursuant to 2017 Wisconsin Act 243.
- E. Organizational Business.
- F. Letters and Petitions – Letters From Pack 538, Den 3 Wolves and Parents Regarding W. Marquette Avenue Extension.
- G. Reports and Recommendations:
 - 1. Consent Agenda.
 - (a) The Franklin Police Department received the following donations: Donation from Walmart in the Amount of \$5,000 to be Deposited in the Police Donations – General Account. A Donation from Elaine Sievert in the Amount of \$200 to be Deposited in the Police Donations – K9 Account.
 - (b) A Resolution for Acceptance of a Water Main Easement for 8225 W. Forest Hill Avenue (Forest Park Middle School), Tax Key No. 838-9978-000.
 - (c) A Resolution for Acceptance of a Water Main Easement from 10155 S. 57th Street (Franklin Properties, LLC), Tax Key 931-0008-001.
 - (d) A Resolution for Acceptance of a Water Main Easement from 5801 W. Franklin Drive (Zeta Company LLP), Tax Key 931-0006-001.
 - (e) A Resolution for Acceptance of a Water Main Easement from 5695 W. Franklin Drive (CP Properties, LLP), Tax Key 899-0016-001.
 - (f) A Resolution for Acceptance of a Water Main Easement from 10179 S. 57th Street (GHN Franklin, LLC), Tax Key 931-0008-002.

- (g) A Resolution for Acceptance of a Water Main Easement from 5251 W. Franklin Drive (S & C Electric Company), Tax Key 931-0013-002.
 - (h) A Resolution for Acceptance of a Water Main Easement from 10125 S. 52nd Street (Bridgestone Capital, LLC), Tax Key 931-0013-003.
2. An Ordinance to Amend §92-9. of the Municipal Code Pertaining to Impact Fees for the Purpose of Exempting Public Schools from Application of Each of the Various Impact Fees, Suspending the Automatic Annual Rate Increases for Each of the Various Impact Fee Rate Increases Imposed Under §92-9.L., and Incorporating Required Statutory Increases, Primarily Pursuant to 2017 Wisconsin Act 243.
 3. An Ordinance to Amend the Unified Development Ordinance (Zoning Map) to Rezone a Portion of a Certain Parcel of Land From C-1 Conservancy District to R-3 Suburban/Estate Single-Family Residence District (9132 S. 92nd Street) (Approximately 1.94 Acres) (Matt Talbot Recovery Services, Inc., Applicant).
 4. A Resolution to Award the S. 68th Street Vertical Alignment Improvements Project to The Wanasak Corporation for \$298,430.00.
 5. A Resolution Awarding Contract to the Low Bidder, Stark Pavement Corporation, in the Amount of \$1,000,000.00, for the 2020 Local Street Improvement Program.
 6. Professional Services Proposals from GovHR USA for Recruitment of a Director of Administration and Recruitment of a Planning Manager.
 7. Update on On-Going Operations in the Department of Administration and in Planning and Zoning and Assignment of Responsibilities.
 8. Designation of the Associate Planner as the Interim Zoning Administrator as Such Duties Pertain to Administration and Enforcement of the Unified Development Ordinance.
 9. Transfer of Ownership of an Existing Laptop Computer to Mark Luberda Upon Separation as the Director of Administration.
 10. An Ordinance to Amend Ordinance 2019-2398, an Ordinance Adopting the 2020 Annual Budget for the Capital Improvement Fund to Provide Appropriations for the Station Specific Alerting System.
 11. Authorization to Execute a Contract with U.S. Digital Designs for an Amount Not to Exceed \$184,126.43 for Purchase of Software and Hardware and Software Installation and Programming for a Fire Station Alerting System.
 12. Request for Approval of Revised Rates of Service for Street and Utility Construction Inspection for the Years 2020 and 2021.
 13. An Ordinance to Amend Ordinance 2019-2398, An Ordinance Adopting the 2020 Annual Budgets for the General Fund to Provide Appropriations for Public Safety Services During the 2020 Democratic National Convention.
 14. An Ordinance to Amend Ordinance 2018-2345, An Ordinance Adopting the 2019 Annual Budgets for the General Fund to Reclassify \$6,400 of Contingency Appropriations to Quarry Monitoring Services.
 15. An Ordinance to Amend Ordinance 2019-2398, an Ordinance Adopting the 2020 Annual Budgets for the General Fund to Carryover \$78,300 of Unused 2019 Appropriations for the Inspection Department.
 16. An Ordinance to Amend Ordinance 2019-2398, An Ordinance Adopting the 2020 Annual Budgets for the General Fund to Carryover \$44,000 of Unused 2019 Planning Department Appropriations.

- 17. November 2019 Monthly Financial Report.
- 18. Recommendation from the Committee of the Whole Meeting of January 6, 2020:
 - (a) Presentation by Wisconsin Policy Forum on its Report Entitled “Got Your Back: Exploring Fire and EMS Service Sharing Opportunities in Franklin, Greenfield, Greendale and Hales Corners – December 2019.”
 - (b) Presentation by Waste Management on Metro Landfill Operations and Expansion; Report From JSA Environmental and Waste Facilities Monitoring Committee on 2019 Complaints and Results. Referral to Staff re: Complaint Monitoring and Tracking Procedures (Engineering).
- 19. Potential Property Acquisitions for the Development of Public Improvements for the Tax Incremental District No. 4 Franklin Corporate Park: Agreement for Purchase and Sale of Real Estate, and Counter-offer for 7.1 +/- acres of the Property Located at 3617 West Oakwood Road (Tax Key No. 950-9997-001); and Agreement for Purchase and Sale of Real Estate, and Counter-offer for 8.61 +/- acres of the property Located at 3548 South County Line Road (Tax Key No. 979-9999-000). The Common Council May Enter Closed Session Pursuant to Wis. Stat. § 19.85(1)(e), for Market Competition and Bargaining Reasons, to Deliberate and Consider Terms Relating to Potential Property Acquisitions for the Development of Public Improvements for the Tax Incremental District No. 4 Franklin Corporate Park: Agreement for Purchase and Sale of Real Estate, and Counter-offer for 7.1 +/- Acres of the Property Located at 3617 West Oakwood Road (Tax Key No. 950-9997-001); and Agreement for Purchase and Sale of Real Estate, and Counter-offer for 8.61 +/- Acres of the Property Located at 3548 South County Line Road (Tax Key No. 979-9999-000); and the Investing of Public Funds and Governmental Actions in Relation Thereto and to Effect Such Acquisitions, and to Reenter Open Session at the Same Place Thereafter to Act on Such Matters Discussed Therein as it Deems Appropriate.

H. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of January 7, 2020.

I. Bills.

Request for Approval of Vouchers and Payroll.

J. Adjournment.

*Supporting documentation and details of these agenda items are available at City Hall during normal business hours
[Note Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services For additional information, contact the City Clerk’s office at (414) 425-7500]

REMINDERS

January 9	Plan Commission Meeting	7 00 p m
January 21	Common Council Meeting	6 30 p m
January 23	Plan Commission Meeting	7 00 p m
February 4	Common Council Meeting	6 30 p m
February 6	Plan Commission Meeting	7.00 p m
February 18	Spring Primary (if needed)	7 00 p m -8 00 p m
February 18	Common Council Meeting	6 30 p m
February 20	Plan Commission Meeting	7 00 p m

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B.2.(a)

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

A PROCLAMATION IN RECOGNITION OF THE SERVICE OF MARK W. LUBERDA

WHEREAS, Mark W. Luberda was hired by the City of Franklin to serve as the Director of Administration for the City of Franklin, his service as such commencing on June 26, 2006; and

WHEREAS, Mark previously having served the Public as the Budget Analyst and Operations and Program Analyst for the City of Des Moines, Iowa; as the Director of the Office of Management and Budget, the Chief Operating Officer, and the Director of the Department of Administration for Kenosha County, Wisconsin; and as the Town Administrator for the Town of Caledonia, Wisconsin; and

WHEREAS, Mark having provided his expert, knowledgeable, detailed and cooperative nature of supervision and management service for the City of Franklin for over thirteen years; and

WHEREAS, Mark has demonstrated an ability to use his vast knowledge in government administration and attention to detail to put the best interests of the citizens and taxpayers as first priority, sacrificing personal time and events to complete tasks; and

WHEREAS, Mark and his family being residents of Walworth County, Wisconsin during such time of service, and Mark having recently been chosen from among more than fifty applicants for the position of County Administrator for Walworth County; and

WHEREAS, Mark has earned recognition for his service to the City of Franklin.

NOW, THEREFORE, BE IT PROCLAIMED, that I, Stephen R. Olson, Mayor, and I, Mark A. Dandrea, Common Council President, of the City of Franklin, Wisconsin, on behalf of all of the Citizens of Franklin and the elected officials and staff of City government, hereby recognize and state our appreciation of the service provided by Mark W. Luberda, and wish him well in his future endeavors.

Presented to the City of Franklin Common Council this 7th Day of January, 2020.

Mark A. Dandrea,
Common Council President

Stephen R. Olson, Mayor

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A PROCLAMATION IN RECOGNITION OF THE SERVICE OF JOEL E. DIETL

WHEREAS, Joel E. Dietl was hired by the City of Franklin to serve as the Planning Manager for the Department of City Development of the City of Franklin, his service as such commencing on March 20, 2006; and

WHEREAS, Joel previously having served as the Senior Planner for the Planning Commission of Brown County, Wisconsin; and as a Research Analyst and Planner for the Southeastern Wisconsin Regional Planning Commission; and

WHEREAS, Joel having provided his expert, knowledgeable, detailed and cooperative service for the City of Franklin for over thirteen years; and

WHEREAS, Joel has endured the challenges of management of a small staff and a crush of work assignments with consistency and the inner calmness of a ninja; and

WHEREAS, Joel during his hard-working services performance for the City having recently been chosen to again provide his work ethic and services for the Southeastern Wisconsin Regional Planning Commission; Joel's last day of work for the City being January 15, 2020; and

WHEREAS, Joel, as an 'off-duty' times spent fact and recognition of his none-the-less steadfast dedication to getting it done right, and to be the best, existence, is the history of his championships in the Escrima (Stick Fighting) realm, with Gold attained throughout the years in time during his first decade of work with the City, including, but not limited to Gold attained at the Regional Tournament, the National Tournament, and the World Tournament in 2011/2012 and 2013/2014; and

WHEREAS, Joel has earned recognition for his service to the City of Franklin.

NOW, THEREFORE, BE IT PROCLAIMED, that I, Stephen R. Olson, Mayor, and I, Mark A. Dandrea, Common Council President, of the City of Franklin, Wisconsin, on behalf of all of the Citizens of Franklin, the elected officials and the staff of City government, hereby recognize and state our appreciation of the service provided by Joel E. Dietl, and wish him well in his future endeavors, including that of potentially returning to and attaining another(s) World Championship(s) in the Escrima (Stick Fighting) realm.

Presented to the City of Franklin Common Council this 7th Day of January, 2020.

Mark A. Dandrea,
Common Council President

Stephen R. Olson, Mayor

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CITY OF FRANKLIN
COMMON COUNCIL MEETING
DECEMBER 3, 2019
MINUTES

ROLL CALL

- A. The regular meeting of the Common Council was held on November 19, 2019 and called to order at 6:31 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor, Alderman Mike Barber, and Alderman John R. Nelson. Alderman Dan Mayer is excused. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Lubberda, City Attorney Jesse A. Wesolowski and Deputy City Clerk Shirley Roberts.

CITIZEN COMMENT

- B. Citizen comment period was opened at 6:32 p.m. and closed at 6:33 p.m.

MINUTES
NOVEMBER 19, 2019

- C. Alderwoman Wilhelm moved to approve the minutes of the regular Common Council meeting of November 19, 2019 as presented at this meeting. Seconded by Alderman Dandrea. All voted Aye; motion carried.

HEARINGS
2025 COMP MASTER
PLAN 8429 & 8459 W.
FOREST HILL AVE.

- D. A public hearing was called to order at 6:34 p.m. regarding a proposed Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for property generally located at 8429 and 8459 West Forest Hill Avenue, from Residential Use and Areas of Natural Resource Features Use to Institutional Use and Areas of Natural Resource Features Use (Franklin Public Schools, Applicant, Ronald S. Pesche and Susan D. Pesche, property owners). The public hearing was closed at 6:36 p.m.

MAYORAL
APPOINTMENTS

- E.1. Alderman Dandrea moved to confirm the following Mayoral Appointments: James Schubilski, 7342 S. Cambridge Dr., (Ald. Dist. 2), 5-year term to the Board of Water Commissioners, expiring 09/30/24; and
Tourism Commission:
a) Hotel/Motel Industry Member: Lance A. Schaefer, Everest Hospitality, LLC, 6901 S. 76th St. (Ald. Dist. 2), 1-year term expiring 12/31/2020.
b) Shaun Marefka, 7644 S. Mission Ct. (Ald. Dist. 2), 1-year term expiring 12/31/2020.
c) Amy Schermetzler, 4227 W. Central Ave. (Ald. Dist. 4), 1-year term expiring 12/31/2020.
d) Mark Wylie, 7468 Carter Circle S. (Ald. Dist. 5), 1-year term expiring 12/31/2020.

e) Ann Adamski, 7825 S. Stonebrook Ct. (Ald. Dist. 3), 1-year term expiring 12/31/2020.

Seconded by Alderman Nelson. On roll call, all voted Aye; motion carried.

Alderman Barber moved to confirm the Inspectors of Election and alternates for 2020 and 2021 as listed on the action request form dated 12/03/2019. Seconded by Alderwoman Wilhelm. On roll call, all voted Aye; motion carried.

ORD. 2019-2401
AMEND THE 2025
COMP MASTER PLAN
TO CHANGE FUTURE
LAND USE AT 8429 &
8459 W. FOREST HILL
AVE. (FRANKLIN
PUBLIC SCHOOLS,
APPLICANT)

G.1. Alderman Dandrea moved to adopt Ordinance No. 2019-2401, AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTIES LOCATED AT 8429 AND 8459 WEST FOREST HILL AVENUE FROM RESIDENTIAL USE AND AREAS OF NATURAL RESOURCE FEATURES USE TO INSTITUTIONAL USE AND AREAS OF NATURAL RESOURCE FEATURES USE (APPROXIMATELY 13.974 ACRES) (FRANKLIN PUBLIC SCHOOLS, APPLICANT, RONALD S. PESCHE AND SUSAN D. PESCHE, PROPERTY OWNERS). Seconded by Alderman Barber. All voted Aye; motion carried.

ORD. 2019-2402
AMEND UDO TO
REZONE 8429 & 8459
W. FOREST HILL AVE.

G.2. Alderman Dandrea moved to adopt Ordinance No. 2019-2402, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE TWO PARCELS OF LAND FROM R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT TO I-1 INSTITUTIONAL DISTRICT (8429 AND 8459 WEST FOREST HILL AVENUE) (APPROXIMATELY 13.974 ACRES) (FRANKLIN PUBLIC SCHOOLS, APPLICANT, RONALD S. PESCHE AND SUSAN D. PESCHE, PROPERTY OWNERS). Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2019-7558
MODIFY JOHNS
DISPOSAL CONTRACT

G.3. Alderman Taylor moved to adopt Resolution No. 2019-7558, A RESOLUTION TO MODIFY JOHNS DISPOSAL SERVICES, INC. CONTRACT TO PROVIDE WEEKLY RECYCLING AND AUTOMATED GARBAGE SERVICES subject to technical corrections by City Attorney and City Engineer. Seconded by Alderman Nelson. All voted Aye; motion carried.

RES. 2019-7559
JSA ENVIRONMENTAL
AGREEMENT

G.4. Alderman Nelson moved to adopt Resolution No. 2019-7559, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT TO CONTINUE PROFESSIONAL ENVIRONMENTAL ENGINEERING SERVICES TO MONITOR COMPLIANCE AT THE METRO RECYCLING & DISPOSAL

FACILITY TO DECEMBER 31, 2020, WITH JSA ENVIRONMENTAL, INC. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2019-7560
SPECIAL USE FOR DAY
CARE AT 7760 S.
LOVERS LANE RD.
(STEVEN PAGNOTA,
MANAGING MEMBER
OF BRADFORD
FRANKLIN, LLC,
APPLICANT)

G.5. Alderman Dandrea moved to adopt Resolution No. 2019-7560, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR DAYCARE FACILITY USE UPON PROPERTY LOCATED AT 7760 SOUTH LOVERS LANE ROAD (STEVE PAGNOTA, MANAGING MEMBER OF BRADFORD FRANKLIN, LLC), authorizing the special use, with the condition that the applicant receive a text amendment change to the Unified Development Ordinance (to allow for a waiver of the cross-access requirement). Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2019-7561
SPECIAL USE FOR
REPLACEMENT
BRIDGE 6361 S. 27TH
ST. (DAVID
STEINBERGER,
PRESIDENT FOR
FRANKLIN MOBILE,
LLC, APPLICANT)

G.6. Alderwoman Wilhelm moved to adopt Resolution No. 2019-7561, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR REPLACEMENT OF AN EXISTING FAILED BRIDGE AND ASSOCIATE CULVERT WITHIN A SHORELAND, FLOODWAY, AND WETLANDS AREA ASSOCIATED WITH THE EAST BRANCH OF THE ROOT RIVER LOCATED ON A PRIVATE ROAD REFERRED TO AS WEST WESTMOOR AVENUE, IN THE FRANKLIN MOBIL HOME PARK, PROPERTY LOCATED AT 6361 SOUTH 27TH STREET (DAVID STEINBERGER, PRESIDENT FOR FRANKLIN MOBILE, LLC, APPLICANT), with the elimination of provisions 5 and 6. Seconded by Alderman Taylor. All voted Aye; motion carried.

AMENDMENT NO. 1
SERVICE CONTRACT
WITH SOUTHWEST
INSPECTION

G.7. Alderman Taylor moved to approve and authorize execution of Amendment No. 1 to the Service Contract between the City of Franklin and Southeast Inspection Management Services, LLC. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2019-7562
AMEND SITE PLAN
AND TERMS OF PDD
NO. 37 (THE ROCK
SPORTS COMPLEX/
BALLPARK COMMONS)

G.8. Alderman Dandrea moved to adopt Resolution No. 2019-7562, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO AMEND SITE PLAN RESOLUTION NO. 2019-001 A RESOLUTION APPROVING A SITE PLAN FOR CONSTRUCTION OF BUILDING C1, A 3-STORY RETAIL/OFFICE BUILDING; TO AMEND STANDARDS. FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS DATED JANUARY 9, 2018; AND TO AMEND THE TERMS OF PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS). Seconded by Alderman Nelson. Alderman Dandrea, Alderwoman Wilhelm,

Alderman Barber, Alderman Nelson voted Aye; Alderman Taylor Abstained. Motion carried.

QUARRY SURVEY
SERVICES CONTRACT
WITH LYNCH &
ASSOCIATES

- G.9. Alderwoman Dandrea moved to authorize that \$6,400 of General Fund Contingency appropriations be used to fund the Quarry Survey Services contract with Lynch & Associates, which contract was previously approved at the November 19, 2019 meeting. Seconded by Alderman Barber. All voted Aye; motion carried.

QUARRY MONITORING
COMMITTEE
RECOMMENDATIONS

- G.10. No action taken regarding recommendations from the Quarry Monitoring Committee.

RES. 2019-7563
CHANGE ORDER NO.1
ZIGNEGO COMPANY
INC., S. 51ST ST. & W.
DREXEL AVE.

- G.11. Alderman Taylor moved to adopt a Resolution authorizing Change Order No. 1 of the South 51st Street and West Drexel Avenue intersection project to Zignego Company Inc. in the amount of \$173,859.73 savings and additional 140 calendar days. Seconded by Alderman Barber.

Alderman Taylor withdrew his motion without objection.

Alderwoman Wilhelm moved to adopt Resolution No. 2019-7563, A RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 OF THE SOUTH 51ST STREET AND WEST DREXEL AVENUE INTERSECTION PROJECT TO ZIGNEGO COMPANY INC. IN THE AMOUNT OF \$173,859.73 SAVINGS AND ADDITIONAL 140 CALENDAR DAYS. Seconded by Alderman Barber. All voted Aye; motion carried.

BID FOR THE 2020
LOCAL ROAD
PROGRAM AND S. 68TH
ST. IMPROVEMENTS

- G.12. Alderwoman Wilhelm moved to direct staff to solicit contractors per compliance with applicable public works bidding requirements for the 2020 Local Road Program and South 68th Street Vertical Sight Curve Improvements. Seconded by Alderman Barber. All voted Aye; motion carried.

DEVELOPER
GUARANTEE WATER
IMPACT FEES

- G.13. Alderwoman Wilhelm moved to direct staff to proceed with the preparation of a bond, to be executed by the developer, the terms thereof to be negotiated between staff and the developer, with the assistance of Special Counsel and City Bond Counsel, to be returned to the Common Council for its consideration at a special meeting at the call of the Chair. Seconded by Alderman Dandrea. Alderman Dandrea, Alderwoman Wilhelm, Alderman Barber, Alderman Nelson voted Aye; Alderman Taylor Abstained. Motion carried.

- RES. 2019-7564
RUEKERT & MIELKE
NEW WATER MODEL
- G.14. Alderwoman Wilhelm moved to adopt Resolution No. 2019-7564, A RESOLUTION TO AUTHORIZE RUEKERT & MIELKE TO CREATE A NEW WATER MODEL FOR FRANKLIN WATER UTILITY IN THE AMOUNT OF \$26,000. Seconded by Alderman Barber. On roll call, all voted Aye; motion carried.
- OCTOBER 2019
FINANCIAL REPORT
- G.15. Alderman Taylor moved to receive and place on file the October 2019 Monthly Financial Report. Seconded by Alderman Barber. All voted Aye; motion carried.
- 2020 PROPERTY &
CASUALTY COVERAGE
- G.16. Alderman Taylor moved to authorize the Director of Administration to renew and execute the City's casualty insurance plans with R & R Insurance/League of Wisconsin Municipalities Mutual Insurance (LWMMI), Chubb, Hanover and ACE American Insurance Company for the upcoming 2020 year, as noted above, including the addition of the Cyber Insurance Policy through Chubb for an annual premium of \$3,958, and to further authorize release of premium payments in accordance with or as required by said policy documents. Seconded by Alderman Barber. All voted Aye; motion carried.
- VOUCHERS AND
PAYROLL
- H.1. Alderman Barber moved to approve the following:
City vouchers with an ending date of December 2, 2019 in the amount of \$981,747.50; and payroll dated November 22, 2019 in the amount of \$428,572.65 and payments of the various payroll deductions in the amount of \$437,990.45, plus City matching payments; and estimated payroll dated December 6, 2019 in the amount of \$400,000.00 and payments of the various payroll deductions in the amount of \$235,000.00 plus City matching payments; and approval to release payments to Knight Barry in the amount of \$1,780,412.10. Seconded by Alderman Dandrea. 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 December 3, 2019:
Grant Class B Combination license in compliance to Honey Butter Café, LLC, Agent Debbie Koutromanos, 7221 S. 76th St.; grant license subject to a surrender of the license of Pantheon, 7621 W. Rawson Avenue and provision of a valid lease for the new premises and compliance with all State and City of Franklin regulations;
Grant Operator license with warning letter to Ashleigh Ponga, 6062 S 36th St, Greenfield;
Grant Operator Licenses to Kendrick W Hoehn, 1008 Montclair Dr, Racine; Nisa Razo, 1826 S 18th St, Milwaukee; Amanda L Smith, S97 W13776, Muskego;

Grant the PUBLIC (People Uniting for the Betterment of Life and Investment in the Community) Grant to the following:

- 1) Franklin Health Department, Park Permits, Bike Safety Event; 06/06/20 and Movie Night 06/20, Lions Legend Park;
- 2) Franklin Historical Society, Park Permit, year-round, Lions Legend Park, pending receipt of Certificate of Insurance;
- 3) Franklin Noon Lions Club, Civic Celebration, Temporary Class B, Operator Licenses, Labor Day Fair Permit; 07/03 - 07/05/20 and 09/06 - 09/07/20 Civic Celebration and St Martins Fair;
- 4) Franklin Lions Club, Meetings & Fundraisers for St Martins Fair Permit, Park Permits, Temporary Class B Beer and Operator's Licenses; 04/11/20, 07/14/20, 07/28/20, 08/11/20, 09/06-09/07/20;
- 5) Franklin Police Citizens Academy Alumni, St Martins Fair Permit, 09/06 - 09/07/20;
- 6) Franklin Public Library Foundation, Park Permit & Temporary Class B, Summer, 2020; November, 2020 & December, 2020;
- 7) Knights of Columbus, Arts & Craft Fair, Extraordinary Entertainment and Special Event License; 09/06/2020;
- 8) Root River Church, St Martins Fair, St Martins Fair Permit; 09/06 - 09/07/20;
- 9) VFW Post 10394, St Martins Fair; Temporary Entertainment & Amusement, Temporary Class B Beer, St Martins Fair Permit; 09/06 - 09/07/20, pending receipt of Certificate of Insurance;
- 10) Xaverian Missionaries, Annual Mission Festival; Extraordinary Event License, Temporary Class B Beer and Wine License, Operator License and Sign Permits. 06/27 - 06/28/20.

Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

CLOSED SESSION
S. 76TH ST. & W. RYAN
RD. DEVELOPMENT

- G.17. Alderman Barber moved to enter closed session at 8:06 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 agreements(s) for, including, but not limited to the propert(ies) at the Northeast corner of South 76th Street and West Ryan Road, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.

Upon reentering open session at 8:33 p.m., no action was taken on this item.

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

- G.18. Alderman Barber moved to enter closed session at 8:35 p.m. pursuant to Wis. Stat. §19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms related to potential development and proposal and the investing of public funds and governmental actions in relation thereto and to effect such development, including the terms and provisions of a potential development agreement for the development of property located on the south side of West Elm Road in the approximately 3500 block area where West Elm Road to be extended to the west, consisting of approximately 79.79 acres and bearing Tax Key No. 979-9997-000, and to reenter open session at the same place thereafter to act on such matters discusses therein as it deems appropriate. Seconded by Alderman Dandrea. On roll call, all voted Aye; motion carried.

Upon reentering open session at 8:51 p.m., no action was taken on this item.

CLOSED SESSION
3617 W. OAKWOOD RD.
& 3548 SOUTH COUNTY
LINE RD.
DEVELOPMENT

- G.19. Alderman Taylor moved to enter closed session at 8:53 p.m. pursuant to Wis. Stat. §19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to potential property acquisition(s) and public improvements and development(s) and agreement(s) for the Tax Incremental District No. 4 Franklin Corporate Park, including, but not limited to the properties located at 3617 West Oakwood Road (Tax Key No. 950-9997-001) and 3548 South County Line Road (Tax Key No. 979-9999-000), and the investing of public funds and governmental actions in relation thereto and to effect such acquisitions(s) and development(s), and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 9:07 p.m., no action was taken on this item.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 9:10 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

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

RES. 2019-7565
CSM (10082 S. 124TH ST.
FRANKLIN MILLS, LLC
AND DANIEL L.
MATHSON & VIRGINIA
K. MATHSON,
PROPERTY OWNER)
(BEAR DEVELOPMENT,
LLC, APPLICANT)

G.2. Alderman Nelson moved to adopt Resolution No. 2019-7565, A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING PART OF THE FRACTIONAL NORTHWEST QUARTER OF THE SOUTHWEST QUARTER AND THE WEST HALF OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (BEAR DEVELOPMENT, LLC, APPLICANT (FRANKLIN MILLS, LLC AND DANIEL L. MATHSON AND VIRGINIA K. MATHSON, PROPERTY OWNERS)) (AT 10082 SOUTH 124TH STREET AND PROPERTY GENERALLY LOCATED SOUTH OF LOOMIS COURT AND EAST OF SOUTH NORTH CAPE ROAD), with an addition to Condition No. 6 at the end thereof: The Unified Development Ordinance requirement for the applicant's submission of a conservation easement(s) for Lot 2 for review and approval is subject to a current pending for review and approval process of an Ordinance to Amend Unified Development Ordinance 15-3.0501.C. Exclusions (When Natural Resource Protection and Site Intensity and Capacity Calculations Are Not Required), to Provide for and Exclude Certain Minor Land Divisions Involving an Established Residential Use Not Currently Intended for Redevelopment, specifically, in part: A Natural Resource Protection Plan (and related requirements, such as the submission of conservation easements, etc.) shall not be required; the result of such process, i.e., approved denied, withdrawn, which shall occur no later than March 1, 2020, controls; and also to add a Condition No. 10: The applicant shall submit a written conservation easement document and a Conservation Easement restriction note on the face of the Certified Survey Map for Lot 1, subject to review and approval by the Department of City Development, prior to recording the Certified Survey Map. The Conservation Easement shall be reviewed by City staff, and approved by the Common Council, for recording with the Milwaukee County Register of Deeds Office concurrently with recording of the Certified Survey Map. Seconded by Alderman Barber. All voted Aye; motion carried.

2020-2021 MLS GRANT
APPLICATION
W. MARQUETTE AVE.
EXT. AND S. 116TH ST.

G.3. Alderwoman Wilhelm moved that the Pleasant View School Emergency Access (W. Marquette Avenue Extension) is to be ranked a higher priority item before the S. 116th Street Trail for the Franklin 2020-2021 Multimodal Local Supplement (MLS) grant applications. Seconded by Alderman Dandrea. All voted Aye; motion carried.

- FIRE AMBULANCE AND RADIO/HARDWARE REQUEST G.4. Alderman Mayer moved to authorize that the Fire Department purchase a Ford E-450 Type III Ambulance, with additional expenditure for mobile radio, and various hardware and mounting brackets, not to exceed \$241,000, as was appropriated in the approved 2020 Equipment Replacement Fund. Seconded by Alderman Barber. All voted Aye; motion carried.
- RELEASE ESCROW DEPOSIT FOR PUBLIC IMPROVEMENTS G.5. Alderman Barber moved to authorize staff to release the escrow deposit for the public improvements at the Franklin Wellness Center located at 8800 S. 102nd Street. Seconded by Alderman Mayer. All voted Aye; motion carried.
- LOGO SIGN AND CHAMBER UPDATES AND PROPOSAL G.6. No action was taken at this time following a discussion of logo sign and chamber updates proposed for Common Council Chambers and Lobby as presented by the Economic Development Department.
- CITY HALL PROJECT UPDATE AND CHANGE ORDERS G.7. Alderwoman Wilhelm moved to accept the update on the City Hall Roof, HVAC, and Fascia Wood Replacement Project, including confirmation approval of Change Orders 2 through 7, and to authorize the Director of Administration to execute a change order to extend the contract term for the limited, identified tasks and punch list items and a change order for extension of the project for landscaping installation. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RES. 2019-7566
EHLER'S AGREEMENT
NEW 3 PHASE TID
(W. RYAN RD./
S. 76TH ST.) G.8. Alderman Dandrea moved to adopt Resolution No. 2019-7566, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT WITH EHLERS, INC. FOR TAX INCREMENTAL DISTRICT SERVICES AND AMENDMENT PROFESSIONAL SERVICES, in the amount of \$15,000 for all three phases of a new TID creation, with Phase 2 and 3 slated to occur upon Council review of Feasibility Phase 1 of a new Tax Incremental District Project Plan for the NE corner of West Ryan Road and South 76th Street. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2019-7567
RYAN CREEK
INTERCEPTOR ODOR
REDUCTION
CONTRACT
THE WANASAK CORP G.9. Alderman Barber moved to adopt Resolution No. 2019-7567, A RESOLUTION TO ACKNOWLEDGE THAT THE WANASAK CORPORATION IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER. THE WANASAK CORPORATION'S BID IS THE MOST ADVANTAGEOUS BID, AND AWARD RYAN CREEK INTERCEPTOR ODOR REDUCTION PROJECT TO THE WANASAK CORPORATION FOR \$199,000. Seconded by Alderman Nelson. All voted Aye; motion carried.
- RES. 2019-7568
TID 6 G.10. Alderman Barber moved to adopt Resolution No. 2019-7568, A RESOLUTION ACCEPTING A PUBLIC WATERMAIN

WATERMAIN
EASEMENT

EASEMENT FOR EUGENE D. AND MARLENE MAGARICH, TAX KEY 892-9994-001, 11327 W. RYAN ROAD. Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderman Taylor arrived at 7:55 p.m.

RES. 2019-7569
ROOT-PIKE WIN
CONTRACT FOR
PROGRAMS

G.11. Alderman Barber moved to adopt Resolution No. 2019-7569, A RESOLUTION AUTHORIZING THE CITY TO EXECUTE A CONTRACT FOR PROFESSIONAL SERVICES WITH ROOT-PIKE WIN FOR INFORMATION AND EDUCATION PROGRAM FOR MEETING THE 2020-2021 DEPARTMENT OF NATURAL RESOURCES STORM WATER PERMIT REQUIREMENTS FOR A NOT TO EXCEED FEE OF \$10,500 with the condition that staff work toward a presentation by Root-Pike WIN before the Environmental Commission. Seconded by Alderman Mayer. All voted Aye; motion carried.

AUDIT AGREEMENT
WITH BACKER TILLY
LLP

G.12. Alderman Dandrea moved to direct the Mayor, City Clerk and Director of Finance & Treasurer to execute the Audit Agreement between Baker Tilly LLP and the City of Franklin for an audit of the 2019 annual financial statements subject to technical corrections by the City Attorney. Seconded by Alderman Mayer. All voted Aye; motion carried.

DPW LED LIGHTING

G.13. Alderman Taylor moved to authorize staff to solicit and purchase various LED lighting equipment using unspent 2019 funds. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

2019 CARRYOVER
MARKETING AND
SERVICES FUNDING IN
THE ECON. DEV. DEPT.

G.14. Alderman Mayer moved to support the carryover of 2019 marketing and professional services funding in the Economic Development Department for a total amount not-to-exceed \$35,000 and to direct the Director of Finance and Treasurer to bring forth a budget modification for such purpose. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

CARRY FORWARD
2019 APPROPRIATIONS
FROM INSP. SVCS.

G.15. Alderman Mayer moved to recommend carrying forward the available Personnel Services appropriations within the Inspection Services Department, not to exceed \$78,362, and directing the Director of Finance and Treasurer to prepare a 2020 Budget modification for consideration. Seconded by Alderman Barber. All voted Aye; motion carried.

EXCHANGE SERVER
AND SQL LICENSES
FROM CAPITAL
OUTLAY FUND

G.17. Alderman Dandrea moved to authorize the purchase of 2019 Exchange service licenses for \$18,310.64 and 2019 SQL server licenses for \$13,896 through CDW-G via the State of Wisconsin negotiated contract for upcoming projects to be completed next quarter, for a total

Information Services Capital Outlay expenditure of \$32,206.64. Seconded by Alderman Mayer. All voted Aye; motion carried.

IT AGREEMENT
WITH HEARTLAND

- G.18. Alderman Mayer moved to authorize the Mayor, Director of Clerk Services, and Director of Administration to execute the Heartland Business Systems, LLC, Information Technology Services Agreement for the year 2020. Seconded by Alderman Barber. All voted Aye; motion carried.

GIS AGREEMENT
WITH GEOGRAPHIC
MARKETING
ADVANTAGE, LLC.

- G.19. Alderman Taylor moved to authorize the Director of Administration to execute a contract with Geographic Marketing Advantage, LLC for Geographic Information System Support and Database Maintenance Services in a form substantially equivalent to the current contract with a new fixed hourly rate of \$97.41 for the Project Manager position, a new fixed hourly rate of \$68.53. Seconded by Alderman Dandrea. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

- H.1. Alderman Nelson moved to approve the following:
City vouchers with an ending date of December 12, 2019 in the amount of \$1,048,253.04; and payroll dated December 6, 2019 in the amount of \$388,394.90 and payments of the various payroll deductions in the amount of \$209,383.50 plus City matching payments; and estimated payroll dated December 20, 2019, in the amount of \$410,000.00 and payments of the various payroll deductions in the amount of \$426,000.00, plus City matching payments and estimated payroll dated January 3, 2020 in the amount of \$394,000.00 and payments of the various payroll deductions in the amount of \$208,000.00 plus City matching payments; and approval to release Library vouchers upon approval by the Library Board; and approval to release payments to miscellaneous vendors in the amount of \$229,042.12 and approval to release payment to Knight Barry in the amount of \$642,787.02. Seconded by Alderman Barber. On roll call, Alderman Nelson, Alderman Barber, Alderwoman Wilhelm, Alderman Mayer, and Alderman Dandrea voted Aye; Alderman Taylor Abstained. Motion carried.

LICENSES AND
PERMITS

- I.1. Alderwoman Wilhelm moved to approve the following license recommendations from the License Committee meeting of December 20, 2019:

Hold Operators' License applications for appearance of Heather A Bandle, 11430 W Swiss St., Apt B; and Ema I Cavaliere, 4119 108th St., Franksville; and

Hold Operators' License application for background checks of Jeanne E Howell, S45W25670 Red Oak Ct, Muskego; and Jennifer N Knight, 4536 W Hilltop Ln.; and

Grant Operators' Licenses to Apolonia P Kust, 10845 W St Martins Rd.; and Tori M Rogers, 3123 S Vermont Ave, Milwaukee.

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

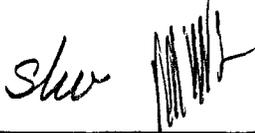
CLOSED SESSION
EMPLOYMENT
PROMOTION AND
COMPENSATION

- G.20. Alderman Barber moved to enter closed session at 8:10 p.m. pursuant to Wis. Stat. §19.85(1)(e), to consider employment, promotion, compensation, or performance evaluation data of a public employee over which the Common Council has jurisdiction or exercises responsibility, and may enter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Nelson. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 9 47 p.m.

PLANNING DEPT.
CHANGES TO UDO AND
MASTER PLAN
ADJOURNMENT

- G.16. No action was taken on any changes to the Planning Department, Unified Development Ordinance or Comprehensive Master Plan.
- J. Alderman Taylor moved to adjourn the meeting at 9:48 p.m. Seconded by Alderman Nelson. All voted Aye; motion carried.

APPROVAL 	REQUEST FOR COUNCIL ACTION	MEETING DATE 1/7/2020
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PUBLIC HEARING	A Public Hearing Regarding Proposed Amendments to §92-9 of the Municipal Code Pertaining to Impact Fees for the Purpose of Exempting Public Schools from Application of Each of the Various Impact Fees; to Suspend, Effective January 1, 2020, the Automatic Annual Rate Increases for Each of the Various Impact Fee Rate Increases Imposed Under §92-9 L.; and Incorporating Required Statutory Increases, Primarily Pursuant to 2017 Wisconsin Act 243	ITEM NUMBER D.
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The attached Official Notice to hear public comment regarding proposed amendments to §92-9 of the Municipal Code pertaining to impact fees upon land development pursuant to §66.0617 of the Wisconsin Statutes, to exempt public schools from application of and payment of each of the various impact fees; to suspend, effective January 1, 2020, the automatic annual rate increases for each of the various impact fee rates; and to incorporate in the Municipal Code amendments to Wis. Stat. §66.0617, including those related to the collection and disbursement of impact fees, pursuant to 2017 Wisconsin Act 243, was published in the paper on December 11, 2019.

The purpose of these proposed amendments is to address three items. First, it addresses, at the direction of the Common Council on August 6, 2019, an ordinance exempting Public School Districts from being subject to City-imposed impact fees as set forth in §92-9 of the Municipal Code. Second, based upon the results of the "Amendment to the 2002 Impact Fee Study; the 2004 Impact Fee Update; The 2013 Amendment to the Park Impact Fees; The Impact Fee Update – December 2013; and The 2015 Park Impact Fee Update – December 2019", it is reasonable to suspend, effective January 1, 2020, the annual increase in impact fee rates as provided for by §92-9 L of the Municipal Code of Franklin, Wisconsin. Thirdly, incorporating required statutory increases pursuant to 2017 Wisconsin Act 243, including those related to the collection and disbursement of impact fees.

Attached for explanation purposes on the proposed amendments is a document entitled "Amendment to the 2002 Impact Fee Study; the 2004 Impact Fee Update; The 2013 Amendment to the Park Impact Fees; The Impact Fee Update – December 2013; and The 2015 Park Impact Fee Update–December 2019", as prepared by the Department of Administration.

COUNCIL ACTION REQUESTED

A separate item has been placed on the January 7, 2020 Common Council Meeting agenda for action pertaining to "An Ordinance to Amend §92-9 of the Municipal Code Pertaining to Impact Fees for the Purpose of Exempting Public Schools from Application of Each of the Various Impact Fees, Suspending the Automatic Annual Rate Increases for each of the Various Impact Fee Rate Increases Imposed Under §92-9 L., and Incorporating Required Statutory Increases, Primarily Pursuant to 2017 Wisconsin Act 243".

CITY OF FRANKLIN
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FRANKLIN will conduct a public hearing on Tuesday, January 7, 2020 at 6:30 p.m., or as soon thereafter as the matter may be heard, in the Common Council Chambers at the Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin, to hear public comment regarding a proposed ordinance to amend §92-9. of the Municipal Code of the City of Franklin, Wisconsin, pertaining to impact fees upon land development pursuant to § 66.0617 of the Wisconsin Statutes, to exempt public schools from the application of and the requirement for the payment of each of the various impact fees; to suspend, effective January 1, 2020, the automatic annual rate increases for each of the various impact fee rates imposed under §92-9. of the Municipal Code, pending completion by a City consultant of a broader Public Facilities Needs Assessment; and to incorporate into the Municipal Code amendments to Wis. Stat. § 66.0617, including those related to the collection and disbursement of impact fees, pursuant to 2017 Wisconsin Act 243.

This public hearing is being held pursuant to the requirements of Wis. Stat. § 66.0617(3). The public is invited to attend the public hearing and to provide input. The proposed ordinance to amend §92-9. Impact fees, of the Municipal Code, as aforesaid, together with a copy of the public facilities needs assessment pursuant to Wis. Stat. §§ 66.0617(3) and (4)(b), are available and open for inspection by the public in the Office of the City Clerk at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours. The proposed draft form ordinance is subject to revisions following public hearing and the further consideration by the City of Franklin Common Council, including, but not limited to, revisions modifying the automatic annual rate increase.

Dated this 4th day of December, 2019.

Sandra L. Wesolowski
City Clerk

N.B. Class I

**Amendment to the 2002 Impact Fee Study;
The 2004 Impact Fee Update;
The 2013 Amendment to the Park Impact Fees;
The Impact Fee Update -December 2013; and
The 2015 Park Impact Fee Update**

-
DECEMBER 2019

**CITY OF FRANKLIN
MILWAUKEE COUNTY, WISCONSIN**

Prepared By:
Department of Administration,
City of Franklin, Wisconsin

BACKGROUND AND INTRODUCTION

“In 2002, the City of Franklin hired Ruckert & Mielke, Inc. to prepare a public facilities needs assessment and impact fee study (2002 Impact Fee Study) for the construction of law enforcement and municipal court facilities and fire protection and emergency medical facilities, as well as library, park and recreation, transportation system and water system facilities. The needs assessment was prepared during February and March of 2002 in accordance with Wisconsin Statutes 66.0617, formerly Wisconsin Statutes 66.55, and was presented to the City on April 16, 2002. The City held a public hearing on the proposed impact fee ordinance on May 7, 2002. On May 7, 2002, the City adopted the impact fee ordinance imposing total impact fees in the amount of \$3,809. Since then, a 2004 amendment updated the law enforcement/municipal court and fire protection and EMS impact fees. Within the 2004 update most of the analyses remained unchanged with the exception of the development projections, land use projections, and a few of the estimated project costs for the police and fire facilities.” [Excerpt from the “Amendment to the 2002 Impact Fee Study & The 2004 Impact Fee Update,” September 2013, as prepared by Ruckert & Mielke, Inc.”]

Additionally, in 2013 Ruckert & Mielke, Inc. prepared an “Amendment to the 2002 Impact Fee Study & The 2004 Impact Fee Update,” September 2013, which updated the original needs assessment to revise the land use, population, and development projections and which updated the park impact fee project lists, costs, and identified any new park projects or improvements that may be required due to new development. It then applied that revised information to an updated calculation of the parks, playgrounds, and other recreational facilities impact fee. Per Ordinance 2013-2117 which addressed the update, it had “the effect of reducing said impact fee from \$3,799 to \$2,816 per dwelling unit for single-family or two-family residential development and from \$2,534 to \$1,942 per dwelling unit for multi-family residential development.” The amendment was supplementary to and intended to be read in conjunction with the 2002 Impact Fee Study and the 2004 amendment. The amendment acted as an updated public facility needs assessment for the Park and Recreation Facilities.

In December of 2013 and January of 2014, the City of Franklin Department of Administration prepared an update at the direction of the Common Council that considered the exemption of public schools from application of each of the various impact fees and considered suspending for 2014 the annual increase in the parks, playgrounds, and other recreational facilities impact fee rates as provided for by §92-9 L of the Municipal Code of Franklin, Wisconsin. That amendment was also supplementary to and intended to be read in conjunction with the 2002 Impact Fee Study and the 2004 and 2013 amendments. At the time, no action was taken regarding the consideration of the exemption of public schools from application of each of the various impact fees. The suspension for 2014 of the annual increase in the parks, playgrounds, and other recreational facilities impact fee rates was approved in January 2014, retro active to January 1, 2014.

In 2015, an additional Park Impact Fee Update was completed which more thoroughly addressed park development issues and priority projects by incorporating the contents of an early 2015 adoption of a new Comprehensive Outdoor Recreation Plan: 2030. It also updated the refund of

impact fees procedures for consistency with state statutes. The update concluded that the park impact fees could rise to \$3,116 per dwelling unit for single-family or two-family residential development and to \$2,194 per dwelling unit for multi-family residential development. The respective fees remained at \$2,957 (approximately 95% of the allowable fee) and \$2,040 (approximately 93% of the allowable fee). A cover memo from the Director of Administration provided the following related information:

“The ordinance was prepared recommending that current fees would not be adjusted until the complete review of all impact fees was concluded. If the fees remained lower than allowed forever, the City would simply be unable to complete all listed projects or would have to contribute additional resources from another source. A city may set the fees at a level below the level that the assessment concludes, but it cannot exceed the level concluded by the assessment.”

Lastly on March 1, 2016, the Common Council adopted Resolution No. 2016-7177, “A Resolution to Extend by Three Years the 10-Year Time Limit for Using Parks, Playgrounds, and Land for Athletic Fields Impact Fees Collected After April 10, 2006.” The resolution was adopted based on the findings in a report prepared by the Director of Administration entitled “Report on the Application of the Statutory Authority to Approve an Extended Time Period for the Expenditure of Parks, Playgrounds, and Land for Athletic Fields Impact Fees Beyond the Initially Authorized 10-Year Period for Such Fees Collected After April 10, 2016.” The resolution extended the 10-year time period for expending the applicable park impact fees “for three years...due to extenuating circumstances or hardship in meeting the 10-year limit and that such extension shall remain in place through December 31, 2022.”

The purpose of this update is to address three items. First, addressed herein as Part 1, the Common Council wishes to consider the exemption of public schools from application of each of the various impact fees. Second, addressed herein as Part 2, the Common Council wishes to consider if it is reasonable and appropriate to suspend, effective January 1, 2020, the automatic 5% annual increase in the various City of Franklin impact fee rates as currently provided for by the Municipal Code of Franklin, Wisconsin. Third, addressed herein as Part 3, it is necessary to incorporate into the Municipal Code amendments to Wis. Stat. § 66.0617, including those related to the collection and disbursement of impact fees, pursuant to 2017 Wisconsin Act 243.

This amendment is supplementary to and intended to be read in conjunction with the 2002 Impact Fee Study and the 2004, 2013, 2014, and 2015 amendments. This amendment, in conjunction with the documents previously referenced, acts as an updated public facility needs assessment.

METHODOLOGY

“The public facilities needs assessment prepared in 2002 included the following, as required by Wisconsin Statutes 66.0617:

1. An inventory of existing public facilities including an identification of existing deficiencies in the quantity or quality of those public facilities, for which it was anticipated that an impact fee would be imposed.

2. An identification of new public facilities or improvements or expansions of existing public facilities that will be required because of new land development. The identification was based upon an explicitly identified level of service and standards.
3. A detailed estimate of the capital costs of providing the new public facilities or improvements or expansion previously mentioned.
4. A computation of the cost per capita of providing the new public facilities required because of new land development, and a recommended schedule of impact fees, including an estimate of the effect of imposing impact fees on the availability of affordable housing within the City.”

[Excerpt from the “Amendment to the 2002 Impact Fee Study & The 2004 Impact Fee Update,” September 2013 as prepared by Ruckert & Mielke, Inc.”]

As noted in the introduction, the 2013 and 2015 amendments updated such sections in relation to the parks, playgrounds, and other recreational facilities impact fee and calculated a new parks, playgrounds, and other recreational facilities impact fee. Each amendment has noted that it updates, and not replaces, the original needs assessment, which is the same for this update. (“Update” and “Amendment” have been used interchangeably and in conjunction with one another throughout the documents over the last couple decades.) As such, this additional amendment to the 2002 Impact Fee Study and the 2004 Impact Fee Update, etcetera, incorporates all of the information required of a Public Facility Needs Assessment as identified in Wis. Stats 66.0617.

PART 1. EXEMPTION OF PUBLIC SCHOOLS FROM SUBJECTION TO IMPACT FEES.

On November 5, 2013, the Common Council adopted Resolution No. 2013-6924, incorporated below, which directed that an ordinance be prepared for consideration to “provide for exemption of public school districts from application of impact fees applicable to institutional or non-residential development.”

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

RESOLUTION NO. 2013-6924

A RESOLUTION DIRECTING STAFF TO INVESTIGATE AND PREPARE AN ORDINANCE EXEMPTING PUBLIC SCHOOL DISTRICTS FROM SUBJECTION TO CITY-IMPOSED IMPACT FEES AS SET FORTH IN SECTION 92-9 OF THE MUNICIPAL CODE

WHEREAS, the City of Franklin previously adopted Impact Fees related to park, playground, and other recreational facilities; fire protection and emergency medical facilities; law enforcement facilities; transportation facilities; and the Southwest Sanitary Sewer Service Area extension facilities that require developers to pay for the capital costs that are necessary to accommodate land development; and

WHEREAS, public school districts function similar to units of local government having the ability to levy property taxes and requiring the election of resident citizens to serve on the School Board and other units of government, specifically the United States, the State of Wisconsin, Milwaukee County, and the City of Franklin are exempted by local definition from paying such impact fees as may apply to institutional development, and

WHEREAS, any impact fee charged to a public school district would effectively be passed through to all of the property tax payers of the district thereby diluting the intended application of such fees upon developers, and, similarly, those land developers which cause growth and development of the public school district are already subject to impact fees through application of residential development impact fee rates; and

WHEREAS, a public school district may appeal the imposition or amount of imposition of an impact fee but failure to appeal or differences in the conclusions of such appeals could lead to inconsistent application of impact fees upon development by public school districts, which development should all be treated in a similar manner.

NOW, THEREFORE, BE IT RESOLVED that the Common Council of the City of Franklin does hereby direct the Director of Administration, with the advice and direction of the City Attorney, to prepare an ordinance revision to Section 92-9 "Impact Fees" to provide for exemption of public school districts from application of impact fees applicable to institutional or non-residential development.

BE IT FURTHER RESOLVED that, unless otherwise restricted by law, such ordinance shall be retroactive to January 1, 2013, and shall provide that or allow for any such applicable impact fees collected since that date from or on behalf of a public school district be refunded.

Introduced at a regular meeting of the Common Council of the City of Franklin this 5th day of November, 2013 by Alderman Skowronski

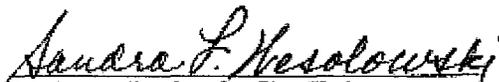
Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 5th day of November, 2013

APPROVED:



Thomas M. Taylor, Mayor

ATTEST:



Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0

Based on communication at the time from Ruekert & Mielke (the City's primary consultant in the area of impact fees), the City's impact fees, as currently established and applicable on a non-residential or institutional development basis, would be applied to schools "expanding for growth of student population." They noted that "if they are performing a renovation project to improve an older school or replace an outdated school this school would not be subject to impact fee charges unless there is an enlargement in student population or staff."

Upon inquiry, however, Ruekert & Mielke did not indicate that they specifically anticipated impact fee revenue to be generated by new public school development. A review of the 2002 Impact Fee Study does show that the "Governmental and Institutional" land use category is considered relative to existing and planned land uses and construction of additional floor area. This category specifically notes that it "Includes Institutional District." This distinction is relevant because the Institutional District has a broad range of facilities that are considered permitted or special uses within the district.

Section 15-3.0312 I-1 of the Unified Development Ordinance indicates that the "Institutional District is intended to: 1. Eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use for public, or quasi-public

purpose, is anticipated to be permanent.” As noted above, however, the district is not limited to such uses, the Institutional District has a broad range of facilities that are permitted or special uses including, but not limited to, the following: utilities, lumber yards, hardware stores, nurseries, gift shops, funeral services, dance studios, theatrical producers and services, various health care services and facilities, and convenience stores (Per Table 15-3.0603 of the Unified Development Ordinance). Additionally schools, governmental buildings, religious organizations, and libraries are included as permitted or special uses in this district. As a conclusion, it is easy to see that construction of additional square footage of floor space in the Institutional District, as contemplated in the Impact Fee Study, does not limit itself to governmental buildings, churches, schools, and the like. The additional square footage of floor space includes all of these potential other permitted and special uses that could occur with the Institutional District and which would logically be subject to impact fees.

That being the case, it is reasonable to conclude that the Impact Fee Study did not specifically consider and incorporate anticipated revenue from development of public schools.

There is also a logical consideration for the exemption of public schools from consideration of the application of impact fees. As noted by the Common Council in Resolution 2013-6924, “any impact fee charged to a public school district would effectively be passed through to all of the property taxpayers of the district thereby diluting the intended application of such fees upon developers, and, similarly, those land developers which cause growth...” Therefore, the intended cost of new development is passed directly to those causing new development under the ordinance if public school development is exempted, provided such revenue is not anticipated. In such an instance, the impact fee rates will be set at levels necessary to generate the necessary impact fee revenue from only those to whom the fee directly applies. They would not be set at a reduced level that incorporates impact fee revenue paid indirectly by non-new-growth property taxpayers of the school district. It is worth repeating, therefore, that the current fees as previously set were not set too low if schools are now exempted, because there is no evidence that the anticipated revenue levels specifically anticipated or included a revenue stream from public school development.

In addition to the logical argument presented above, public school district’s share a similarity with other organizations already excluded from City of Franklin impact fees levied on institutional development. Chapter 92 provides in the definition of “Institutional Development” that “The construction or modification of improvements to real property by the United States, the State of Wisconsin, Milwaukee County, and the City of Franklin are not institutional development for the purposes of this section.” The reasoning for this exemption is not identified, but one obvious similarity between these entities is that each obtains a substantial portion of its operating revenues through taxation. A characteristic that a public school district shares, whereas most developers are not taxing bodies.

As noted above, this issue has been before the Common Council once before in January of 2014. One might consider that a review of what occurred at that time could be instructive or informative for the current consideration. That, however, is not the case. Despite unanimously approving a resolution directing that the facility needs study be updated and an ordinance be prepared to eliminate public schools from application of the various impact fees, the motion to approve the

ordinance failed due to a lack of a second. No further direction was given, nor was a basis provided such inaction. As such, that event is not instructive or useful to the current consideration.

Given the above discussion, there is no basis to conclude that exclusion of public schools from application of the impact fees would impact the conclusions reported in the Impact Fee Study or its subsequent updates or amendment. Additionally, at the time of the preparation of this amendment, no clear statutory prohibition against an exemption of public schools from application of an impact fee has been identified. Therefore, based on the arguments presented above, it would be reasonable to consider and adopt an ordinance excluding public schools from application of City of Franklin impact fees levied on institutional development. This action effectively excludes public school districts from application of all of the various impact fees applied by the City of Franklin, since public school districts would not, by definition, fall into any of the other categories of development to which impact fees are applied, such as, for example, “residential development.”

PART 2. SUSPEND THE 5% ANNUAL INCREASE IN IMPACT FEE RATES.

Background: Section §92-9 L. of the Municipal Code of Franklin provides that “The impact fees imposed under this section shall be increased annually at the rate of 5%, with the adjustment effective January 1 of each year, except 2014.” The ordinance does not specify the intent of this annual increase, but it is clearly understood from the historical record that this annual increase serves to ensure that the fee remains up-to-date with costs and inflationary factors that will impact the expenditure side of impact fee related projects.

Importantly, the Southwest Sanitary Sewer Service Area Impact Fee is exempted from this 5% increase because it is subject to an automatic annual rate increase tied to the Bureau of Labor Statistics’ Consumer Price Index for All Urban Consumers (CPI-U). This particular impact fee was first adopted in 2013 and has been subject to the moderate increases of the CPI-U, which only increased about 6.6% between January of 2013 and January of 2019. As such, the rationale presented below for suspending annual increases will not apply to the Southwest Sanitary Sewer Service Area and is intended only to apply to those impact fees with an automatic annual 5% rate increase.

As noted in the “Introduction” above, in 2013 Ruekert & Mielke, Inc. prepared an “Amendment to the 2002 Impact Fee Study & The 2004 Impact Fee Update,” September 2013. That study updated the original needs assessment to revise the land use, population, and development projections. It also updated the park impact fee project lists, costs, and identified any new park projects or improvements that may be required due to new development. It then applied both sets of revised information to an updated calculation of the parks, playgrounds, and other recreational facilities impact fee. The end result after amendment to the ordinance was a reduction in the parks, playgrounds, and other recreational facilities impact fee from \$3,799 to \$2,816 per dwelling unit for single-family or two-family residential development and from \$2,534 to \$1,942 per dwelling unit for multi-family residential development.

Both sets of adjustments impacted the final rates as determined in the review of the parks, playgrounds, and other recreational facilities impact fee. Obviously, the final calculated fee was impacted by the park development specific data and plans. The land use, population and

development projections, however, will have broader implications across all the impact fee types included in Section §92-9 of the Municipal Code. An amendment to each of these sections is currently contracted for and underway with Ruckert & Mielke, Inc. At the time, the parks-related fee was simply accelerated due to a specific project need; otherwise all impact fee areas would have been addressed within one amendment.

The updating of the population projections, for example, “are extremely important in the calculation of impact fees as future development is one of the driving factors in the impact fee calculation.” [Excerpt from the “Amendment to the 2002 Impact Fee Study & The 2004 Impact Fee Update,” September 2013.] At the same time, the Common Council has an obligation to consider and determine that a proposed impact fee bears a rational relationship to the need for new, expanded and improved public facilities. Similarly, Section §92-9 L. of the Municipal Code anticipates that the Common Council needs to determine “that the amount of fees imposed continues to represent an equitable and reasonable apportionment of the cost of public improvements and requirements generated by land development.” To that end, it provides further that “Upon such considerations and for such purpose, the Common Council may make reasonable adjustments to the amount of such fees...”

Given the requirements of the statute and the Municipal Code and given the allowance that the Common Council may make reasonable adjustments to the amount of such fees, it is clearly reasonable for the Common Council to conclude that reevaluation of the automatic annual 5% increase in the impact fee rates is an appropriate consideration. The following factors are worthy of consideration in evaluating discontinuing the automatic annual increase in rates at this time.

1) The impact fee most recently reviewed in detail was the Park Impact Fee. When reviewed in 2013, the result was a decrease in the Park Impact Fee on single-family and two-family residential units of \$983, or nearly 26%, and on multi-family residential units of \$592, or just over 23%. The discussion above points out that some of the factors that influenced the reduction were factors that would only impact the Parks Impact Fee, such as changes in the project listing. On the other hand, the discussion also identifies that some of the factors that influenced the reduction are factors that could also impact rate calculations for the other various impact fees. It did not, however, parse out the impact of each factor on the final rate adjustment. As such, one cannot conclude the degree to which the rate change was caused by adjustments to population, land use, and development rates; nor can one conclude exactly how other factors may influence the other impact fee rates.

The significant reduction in the park impact fee following the 2013 amendment suggests that it is possible that the remaining impact fee rates will experience a need for a reduction when the study is completed or will require a shift in allocation between types of development. That expected impact on the other areas can be inferred, but not calculated from those results. It is not unreasonable, therefore, to anticipate that when the current, contracted full-review of all impact fee calculations is completed, these fees may see a reduction or a shift in allocation between types of development. A similar result occurred with the 2004 update. Therefore, suspending automatic increases at this time may help limit the magnitude of any reduction or shift in allocation between development types following the release of the full report, which increases the relative reasonableness of the then current fee.

2) Following the 2015 review of the Park Impact Fee and the update to incorporate additional projects and the new CORP, the conclusion was that Park Impact Fees could be increased by approximately 5.4% per dwelling unit for single-family or two-family residential development and by approximately 7.5% per dwelling unit for multi-family residential development. The Common Council did not, however, impose those increases. As such, the most recent action of the Common Council related to impact fee rates was to be cautious in imposing a rate increase. Suspending the automatic increase in rates pending completion of the study that is underway, would be consistent with that caution and with a similar suspension in the automatic increase that was adopted for 2014.

3) With the automatic annual increase previously suspended for 2014 and with the Park Impact Fee rates reviewed in 2015 without further adjustment (despite allowable room for adjustment), January 1, 2015 can arguably be considered a base-line or a starting point for rate comparisons or considerations. Since that time, each of the various impact fees, except the Southwest Sanitary Sewer Services Areas Extension Facilities, increased 5% per year for 2016, 2017, 2018, and 2019. Considering the compounding impact of annual increases, the total impact on each rate was a 21.55% increase. Another automatic 5% increase in 2020 would amount to a total increase since 2015 of 27.63% when considering compounding.

The expectation would be for fee rates to increase in relation to potential increases in the costs of projects, which could include land, commodities (such as parks equipment), and construction (labor). There are not great publicly available sources for such data that is directly applicable to the broad nature of the public projects that could benefit from use of impact fees. Nonetheless, the Bureau of Labor Statistics (BLS) does provide various measures that provide perspectives on inflationary growth. Their most commonly used measure is the CPI-U, the Consumer Price Index for all Urban Consumers. From January 2015 through October 2019 (the most recent number published), inflation grew about 15.5%. Their Producer Price Index (PPI) for new warehouse building construction, not seasonally adjusted, increased about 16.5% over the same period. The City Assessor suggested using BLS's Price Index of New Single-Family Housing Under Construction. The BLS has two different such measures known as the Laspeyer and the Fisher models, which have increased about 19.6% and 18.7%, respectively, over that same period. Lastly, the RSMMeans Construction Cost Indexes, a privately developed model (and registered trademark) that appears to be well respected in the construction industry, also publishes two models referred to as the Historical Cost Index and the Current Index, which report 2015 to January 2020 (estimated) increases of about 15.9% and 16.0%, respectively.

There is one arguably valid purpose for not suspending the automatic annual 5% rate increases. A number of the fees are experiencing revenue streams that are insufficient to pay the principal and interest on money borrowed to fund projects already completed. The Transportation Facilities Impact Fee is currently approximately \$270,000 behind on debt payment obligations. The Library Facilities impact fee is behind nearly \$920,000. The Law Enforcement Facilities Impact Fee is over \$1.5 million behind. The problem, however, is that these impact fees falling behind in expectations suggests development reality has not paralleled the development expected within the earlier studies. That is the reason that a current study is underway.

An important factor in considering the cause for these current shortfalls is recognizing that the Fire Protection and Emergency Medical Facilities Impact Fee and the Law Enforcement Facilities

Impact Fee, for example, have multiple categories of development that are each charged a different rate for their impact: Single-Family, Two-Family, Multi-Family, Commercial, Industrial, and Institutional. A significant component of the problem may be the nature of the allocation of costs to development type versus actual development patterns. This was the case with the 2004 update that led to an increase in the Law Enforcement and Fire Protection rates. The Transportation Facilities Needs Assessment assigned 46% of the allocated share of future growth costs to institutional development, around 25% each to industrial and commercial development, and 5.6% to residential development. Clearly the industrial, commercial, and institutional development patterns have not borne their anticipated share of the load. The 2004 update, in the Introduction, provides some indication as to what might have occurred.

“Impact fees...were computed based on land use plans contained in the City’s Comprehensive Master Plan and subsequent amendments and the Franklin First Development Plan, which was completed as part of the process of updating the Comprehensive Master Plan. Both plans emphasized the goal of increasing the non-residential percentage of the City’s tax base, and identified multiple areas of high priority for commercial and business park development. Accordingly, the development projections used in the 2002 Impact Fee Study included a large percentage of nonresidential development. Due to economic and other factors, the City has not been able to realize the pace of nonresidential development that would be needed to absorb the land allocated for such uses...”

Development patterns during the significant economic crisis at the end of that decade would likely have exacerbated, not resolved, the problem. The key takeaway from this discussion is not that the across-the-board increases should remain in order to generate added revenue; but, rather, that the impact fee study that is currently underway must be completed to re-evaluate the allocation of impact fee costs between development types or based on changes in the development patterns and population patterns that have ensued. Therefore, any automatic annual increase would, arguably, enhance any current discrepancies. Statute and local ordinance dictate that the fees imposed continue to “represent an equitable and reasonable apportionment of the cost of public improvements and requirements generated by land development.” This standard should be applied not only for the total amount of costs allocated to new development, but for the costs of new development allocated to development type.

One additional item to consider within the upcoming study will be the length of time that the Council plans for pay back on the impact-fee eligible projects that have occurred. Fees could be reduced, expanding the period of time over which they are applied. Or, fees could be increased, reducing the period of time over which they are applied. This is a policy decision that would need to be addressed by the Common Council. Any study underway would presumably address this issue of the period of application, which is presumably at least as long as the life of the applicable infrastructure initially built.

Additionally, when considering the average annual collection since 2013 for the Water, Transportation, Fire Protection, Law Enforcement, and Library fees, and factoring in a suspension of the 5% increase beginning January 1, 2020, and assuming, for example, that the new study could be completed and adopted within 4 months; the total amount of impact fees forgone would be approximately \$10,000. The amount spread over the five fees would be inconsequential in the

short-term. The potentially skewed impact on an individual development of certain development types, however, could be more substantial. Exactly how skewed, however, cannot be known until the current study is completed. As such, the City could judiciously consider its charge to strive for “an equitable and reasonable apportionment” and suspend the 5% automatic annual increase pending completion of the study underway.

The bottom line is that the first two factors listed above imply a potential chance that the rates will need to be decreased following the conclusion of the main review. The third factor above shows that an additional automatic increase of 5% on January 1, 2020 would clearly create a growth in impact fee rates that outpaces the need required by inflationary factors. On the other hand, suspending the automatic annual 5% rate increases retains the total increase since 2015 at 21.55% which should align well with continued increases during 2020 in the various tools noted above. Even the argument for retaining the fee increases ultimately suggests that the 5% automatic fee increases should be suspended pending conclusion of a study. Suspending the automatic annual increases beginning January 1, 2020 and pending the completion of an update to all impact fees, should not, over the long term, negatively impact the desired results (anticipated revenues versus anticipated expenses) from the currently adopted Public Facility Needs Assessment, including all of its updates and amendments. Furthermore, it would be a reasonable consideration to allow time for the current more detailed review of all impact fee areas to be completed such that new fees can be established based on project specifics, updated development patterns, and a verified equitable and reasonable apportionment.

In conclusion, pending completion of the impact fee review currently underway, the automatic annual 5% increase in impact fee rates, that applies to all impact fees except the Southwest Sanitary sewer Service Area Extension Facilities Impact Fee, should be suspended beginning January 1, 2020.

PART 3. To Incorporate into the Municipal Code Amendments to Wis. Stat. § 66.0617, particularly those related to the collection and disbursement of impact fees, pursuant to 2017 Wisconsin Act 243.

It is necessary to incorporate into the Municipal Code certain amendments to Wis. Stat. § 66.0617, particularly those related to the collection and disbursement of impact fees, pursuant to 2017 Wisconsin Act 243. This act was enacted April 3, 2018. Following is the text from 2017 Wisconsin Act 243 that addresses impact fees.

Excerpt from 2017 Wisconsin Act 243:

SECTION 10S. 66 0617 (6) (am) of the statutes is created to read:
66 0617 (6) (am) May not include amounts for an increase in service capacity greater than the capacity necessary to serve the development for which the fee is imposed
SECTION 10U. 66 0617 (6) (fm) of the statutes is created to read.
66 0617 (6) (fm) May not include expenses for operation or maintenance of a public facility

Excerpt from 2017 Wisconsin Act 243 (continued):

SECTION 11. 66 0617 (6) (g) of the statutes is amended to read:

66 0617 (6) (g) Shall Except as provided under this paragraph, shall be payable by the developer or the property owner to the municipality in full upon the issuance of a building permit by the municipality. Except as provided in this paragraph, if the total amount of impact fees due for a development will be more than \$75,000, a developer may defer payment of the impact fees for a period of 4 years from the date of the issuance of the building permit or until 6 months before the municipality incurs the costs to construct, expand, or improve the public facilities related to the development for which the fee was imposed, whichever is earlier. If the developer elects to defer payment under this paragraph, the developer shall maintain in force a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality. A developer may not defer payment of impact fees for projects that have been previously approved.

SECTION 13. 66 0617 (7r) of the statutes is created to read

66 0617 (7r) **IMPACT FEE REPORTS.** At the time that the municipality collects an impact fee, it shall provide to the developer from which it received the fee an accounting of how the fee will be spent.

SECTION 14. 66 0617 (9) (a) of the statutes is renumbered 66.0617 (9) and amended to read:

66 0617 (9) **REFUND OF IMPACT FEES.** ~~Subject to pars. (b), (c), and (d), and with regard to an impact fee that is collected after April 10, 2006, an ordinance enacted under this section shall specify that impact~~ Except as provided in this subsection, impact fees that are collected by a municipality within 7 years of the effective date of the ordinance, but are not used within 10 8 years after the effective date of the ordinance they are collected to pay the capital costs for which they were imposed, shall be refunded to the current owner of payer of fees for the property with respect to which the impact fees were imposed, along with any interest that has accumulated, as described in sub (8). The ordinance shall specify, by type of public facility, reasonable time periods within which impact fees must be spent or refunded under this subsection, subject to the 10-year limit in this paragraph and the extended time period specified in par. (b). In determining the length of the time periods under the ordinance, a municipality shall consider what are appropriate planning and financing periods for the particular types of public facilities for which the impact fees are imposed. Impact fees that are collected for capital costs related to lift stations or collecting and treating sewage that are not used within 10 years after they are collected to pay the capital costs for which they were imposed, shall be refunded to the payer of fees for the property with respect to which the impact fees were imposed, along with any interest that has accumulated, as described in sub (8). The 10-year time limit for using impact fees that is specified under this subsection may be extended for 3 years if the municipality adopts a resolution stating that, due to extenuating circumstances or hardship in meeting the 10-year limit, it needs an additional 3 years to use the impact fees that were collected. The resolution shall include detailed written findings that specify the extenuating circumstances or hardship that led to the need to adopt a resolution under this subsection. For purposes of the time limits in this subsection, an impact fee is paid on the date a developer obtains a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality under sub (6) (g).

SECTION 15. 66.0617 (9) (b) of the statutes is repealed.

SECTION 16. 66.0617 (9) (c) of the statutes is repealed.

SECTION 17. 66.0617 (9) (d) of the statutes is repealed

The Wisconsin Legislative Council, a nonpartisan body of the State that, among their other duties, supports effective lawmaking by preparing legal and informational publications for Legislators and the public, prepared a brief description of the Act within their “Wisconsin Legislative Council Act Memo, dated May 10, 2018.” That summary follows.

“CHANGES RELATING TO IMPACT FEES

Generally, under state law, impact fees are payable to a municipality upon issuance of a building permit by the municipality. [s. 66.0617 (6) (g), Stats.] For impact fees in excess of \$75,000, the Act specifies that a developer may defer payment for a period of four years from the date of issuance of a building permit, or until six months before the municipality incurs costs related to the development

for which the fees were imposed, whichever is earlier. If the developer elects to defer payment, the developer shall maintain a bond or irrevocable letter of credit in the amount of the unpaid fees. Payments may not be deferred for fees on projects that have previously been approved. The Act also directs a municipality that collects an impact fee to provide the developer with an accounting of how the fee will be spent.

Additionally, state law describes the timeframe after collection in which impact fees must be used. Generally, prior law required impact fees to be used within a reasonable amount of time after collection, or they must be returned with interest. [s. 66.0617 (9), Stats.] Generally, the Act specifies that impact fees that are not used within eight years must be refunded to the payer with interest. Fees collected for costs related to lift stations or sewage treatment or collection must be used within 10 years, unless the municipality adopts a hardship resolution to extend the time period for an additional three years.

The Act specifies that an impact fee is paid on the date a developer obtains a bond or irrevocable letter of credit. The Act also limits the imposition of impact fees to specify that impact fees may not be imposed for increases in service capacity greater than the capacity necessary for the development for which the fee is imposed and that fees may not include expenses for operation or maintenance of a public facility.

State law provides that a person aggrieved by any fee imposed by a political subdivision may appeal the reasonableness of the fee in relation to the service for which the fee is imposed by filing a petition. Prior law required the petition to be filed within 60 days after the fee's imposition. [s. 66.0628 (4) (a), Stats.] The Act revises the filing deadline to 90 days after the fee is due and payable."

Not every component of each section of State statute has to be incorporated within a municipal code on the same topic. Items not directly referenced in the municipal code are still required to be followed. What must be avoided is conflict between language in the municipal code and the State statutory requirements. It is also useful to avoid exclusion from the municipal code of State statutory language that could lead to confusion in application of the municipal code under the broader authority of and requirements of the State statutes.

In the case of Act 243's creation of 66.0617 (6) (am) and 66.0617 (6) (fm), these create additional "Standards for Impact Fees" listed in 66.0617 (6). Most of these "Standards" are not directly repeated within the Municipal Code, so it is not mandatory that they be repeated at this time, particularly since they do not create any conflict with language within the Municipal Code. The creation of 66.0617 (7r), Impact fee reports, similarly does not need repeating with the Municipal Code; it is simply an action step that the City must take in the administration of its impact fees.

On the other hand, the additional language added to 66.0617 (6) (g), which provides for a potential deferral of payment by a developer, does pertain to language currently reflected in the Municipal Code. Prior to Act 243, Section 66.0617 (6) (g), was a single sentence which was repeated, in substantially similar form, seven times in the Municipal Code; once each in each of the seven different impact fee types adopted by the City. Act 243, however, expands Section 66.0617 (6) (g), to a lengthy paragraph. For clarities sake, the proposed ordinance will remove the seven

individual sections and create one new section consistent with 66.0617 (6) (g) that applies to all 7 of the adopted impact fees. This same approach is used with Section 92-9 J of the impact fee portion of the Municipal Code relative to fee reductions.

The result is that the following sections of 92-9 would be deleted: C. (2), D. (2), E. (2), F. (2), G. (2), H. (3), and I. (3). They would be replaced by the creation of a new Section 92-9 O., "Payment and deferment," which is slightly modified from the State Statute version to reflect limited, current municipal phrasing, as follows:

"Payment and deferment. Any impact fee imposed under this section, except as provided under this paragraph, shall be imposed as a condition of approval of any building permit for the subject land development, and shall be payable by the developer or the property owner to the City in full upon the issuance of such building permit. Except as provided in this paragraph, if the total amount of impact fees due for a development will be more than \$75,000, a developer may defer payment of the impact fees for a period of 4 years from the date of the issuance of the building permit or until 6 months before the City incurs the costs to construct, expand, or improve the public facilities related to the development for which the fee was imposed, whichever is earlier. If the developer elects to defer payment under this paragraph, the developer shall maintain in force a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the City. A developer may not defer payment of impact fees for projects that have been previously approved."

The amendment to 66.0617 (9), Refund of Impact Fees, requires amendment to Municipal Code Section 92-9 N., Refund of Impact Fees. Per the City Attorney, this section revision first applies to an impact fee imposed, meaning collected, on the effective date of Act 243, which is April 4, 2018. [Note April 3, 2018 versus April 4, 2018 is under review by the City Attorney.] As such, the Municipal Code must add a section incorporating the new requirements for fees collected on or after that date. At the same time, the City no longer holds any impact fees related Section 92-9 N. (3); therefore, this section can be repealed and replaced with the language needed for fees collected on or after April 4, 2018.

As such, the ordinance would need to replace 92-9 N. (3) with the following:

"With regard to an impact fee that is collected on or after April 4, 2018, except as provided in this subsection, impact fees that are not used within 8 years after they are collected to pay the capital costs for which they were imposed shall be refunded to the payer of fees for the property with respect to which the impact fees were imposed, along with any interest that has accumulated, as prescribed by statute. Impact fees that are collected for capital costs related to lift stations or collecting and treating sewage that are not used within 10 years after they are collected to pay the capital costs for which they were imposed, shall be refunded to the payer of fees for the property with respect to which the impact fees were imposed, along with any interest that has accumulated, as prescribed by statute. The 10-year time limit for using impact fees that is specified under this subsection may be extended for 3 years if the municipality adopts a resolution stating that, due to extenuating circumstances or hardship in

meeting the 10-year limit, it needs an additional 3 years to use the impact fees that were collected. The resolution shall include detailed written findings that specify the extenuating circumstances or hardship that led to the need to adopt a resolution under this subsection. For purposes of the time limits in this subsection, an impact fee is paid on the date a developer obtains a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality under 92-9 O.”

It would also be necessary to add period-closure wording to section N. (4) which is currently the open-ended or ongoing provision. It can be accomplished by adding “but prior to April 4, 2018” after the words “that is collected after April 10, 2013.”

Ensuring that the statutory time frames are applied across the various impact fees, it would then be appropriate to delete expired language and cross reference Subsection N, in a manner as follows: For sections D. (4), E. (4), F. (4), G. (4), and I. (4) replace “within 20 years of the date of payment” with “as described in Subsection N below”.

The following technical corrections would be incorporated into the ordinance but are not directly the result of Act 243. The changes reflect current statute.

Amend the definition of “Capital Costs” by adding “, vehicles;” before the words “or the costs of equipment to construct” in the final sentence.

Repeal and recreate the definition of “Impact Fees” as the following: “IMPACT FEES – cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer under this section.”

IMPACT ON AFFORDABLE HOUSING

The exemption of public schools from application of impact fees will not impact housing affordability from that as discussed in the prior study, updates, or amendments because, as discussed above, it should have no impact on the impact fee rates themselves.

The suspension of the annual, automatic 5% rate increase will not negatively impact housing affordability from that as discussed in the prior study, updates, or amendments because, as discussed above and for the same reason as referenced in the “Amendment to the 2002 Impact Fee Study & The 2004 Impact Fee Update,” September 2013, proposing to suspend the rate increases effective January 1, 2020 effectively decreases the 2020 fees and fee rates in the short term and, as such, there should be no negative effect on housing affordability. This is particularly the case since the suspension will likely be short-term and lifted, re-evaluated, or re-established after completion of a more thorough update and study that is underway.

Incorporating statutory changes into the Municipal Code should not have any effect on affordable housing; however, any effect it might have would, presumably, be the effect intended by the State legislature with their statutory changes.

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December 27, 2019

To City of Franklin's Common Council

Attention Mayor Steve Olson

Subject Marquette Avenue for Letters and Petitions, Common Council Meeting for January 7, 2020

Enclosed are letters from Pack 538, Den 3, Wolves and parents (meeting at Pleasant View Elementary School) requesting prompt approval of the Marquette Avenue extension. Our group approached Alderperson Wilhelm as part of our Wolf Council to Fire – Duty to Country requirement. An important requisite involves learning about and helping to solve a community problem. The Marquette Avenue Project immediately got our group's attention because it directly impacts all of the Pack's scouts and families.

Our group would like to know what it will take for the City to extend Marquette Avenue approximately 1,000 feet.

We understand the City's dilemma of not wanting to be financially responsible for the road extension. However, because of the existing multiple access points to the developing surrounding properties, it's not the developers who need Marquette Avenue, it's the City and its residents. Developers have provided a significant design cost and are willing to donate road right of way for Marquette Avenue's upfront costs. Now is the time for the City to finish the job. Each day the City delays implementation is another day of continued risk to Franklin residents who simply want to enjoy their neighborhood and have full use of their tax payer parks, schools, pedestrian ways, and bike paths.

Enclosed are testimonials from the scouts and their adult partners. We hope you understand your civic duty and will act to provide safely planned neighborhoods and to keep residents safe.

Thank you for your time and serious consideration of this life-saving project.

Best regards,

Liz Charewicz
Den 3, Pack 538 Leader and
District 3 Resident
3909 W Heatheridge Drive
Franklin, WI 53132

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Peter Johnson

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Mayor Olsen,
support safe routes
to school

-Victoria Zautke
(414) 687-2245

Dear Mary

My

name is

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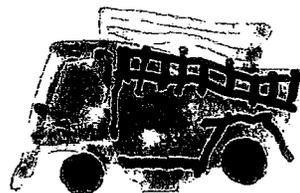
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Dear Mayor Olson,
Please let the
New Road go through
from 51st to Pleasant
View Elementary School.

We need to keep
everyone safe.

Thank you,
Marilyn Kais

Dear Mayor Olson,

Please approve the Marquette project to connecting 51st Street and Pleasant View School. The current route from 51st to Rawson to 46th St. to Marquette is unacceptably long and narrow for first responders. Please help keep our children safe by making this road a priority.

Sincerely,

Renée Beaudot
Pleasant View
Parent

(414) 803-7936

Dear Mary
I'm sorry to hear
that the switch is not
working. I'll try to
fix it and find a
replacement as soon as
possible.

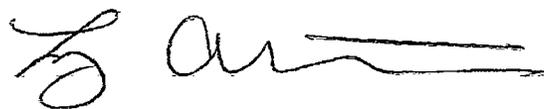
Sincerely
[Signature] a lot

To Whom It May Concern—

My name is Elizabeth Astemborski. I am a Den Leader for Cub Scout Pack 538, a member of the Pleasant View PTO Board, and a mother of 3. I am writing to express my opinion that Marquette be expanded to 51st Street by Pleasant View Elementary.

Expanding this ~~to~~ would allow for safer, more efficient traffic flow for an exceedingly congested parent drop off and pick up line. More importantly in the event of an emergency, the school would be more easily accessible.

Thank you for your consideration,



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Dear Mary, (01/5/17),
IN

It is a great pleasure to
hear from you and to
know that you are
well. I hope you are
enjoying your time
in the States. I
will be in touch with
you again soon. Love,
John

Thank
you,
Ellie
Tisch

Dr. Meyer Olson and Franklin on
Council,

hope we will strongly recommend
ultimately approve the new plan respecting
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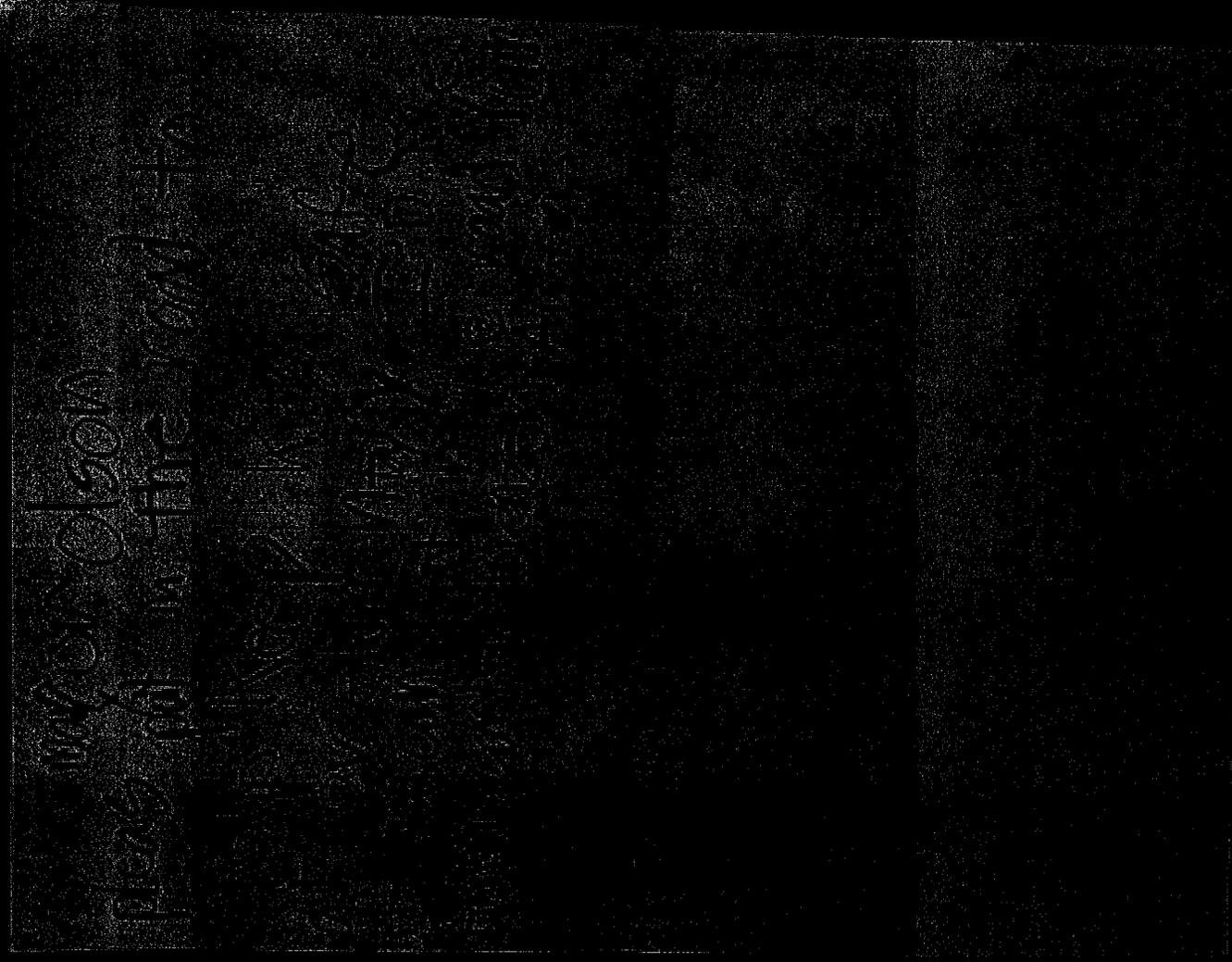
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<p>APPROVAL</p> <p><i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p><i>1/7/2020</i></p>
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<p>REPORTS & RECOMMENDATIONS</p>	<p>FRANKLIN POLICE DEPARTMENT DONATIONS</p>	<p>ITEM NUMBER</p> <p><i>G.I.(a)</i></p>
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The Franklin Police Department received the following donations:

POLICE DONATIONS - GENERAL

12/10/19	Walmart	\$5000 00
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POLICE DONATIONS - K9

12/10/19	Elaine Sievert	\$200 00
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COUNCIL ACTION REQUESTED

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

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE January 7, 2020
Reports & Recommendations	RESOLUTION FOR ACCEPTANCE OF A WATER MAIN EASEMENT FOR 8225 W. FOREST HILL AVENUE (FOREST PARK MIDDLE SCHOOL) TAX KEY NO. 838-9978-000	ITEM NO. <i>G. I. (b)</i>

BACKGROUND

As part of the development of the new Forest Park Middle School at 8225 W. Forest Hill Avenue (Tax Key Number 838-9978-000), a water main was constructed. The City Fire Department desires that the large mains be dedicated to the City to ensure proper operation when needed.

ANALYSIS

A permanent easement will allow the Franklin Water Utility the right of entry in and across the property and provide ability to build, construct and/or operate, maintain, repair, enlarge, reconstruct, relocate and inspect the water main that provides fire protection at the school.

It is recommended that the Common Council authorize the Mayor and City Clerk to sign and record said easement.

OPTIONS

- A. Accept the easement; or
- B. Provide further direction to staff.

FISCAL NOTE

Does not impact budgets.

RECOMMENDATION

(Option A) Motion to adopt Resolution No. 2020-_____, a resolution for acceptance of a Water Main Easement for 8225 W. Forest Hill Avenue (Forest Park Middle School) Tax Key No. 838-9978-000.

Engineering Department: GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2020 - _____
RESOLUTION FOR ACCEPTANCE OF A WATER MAIN EASEMENT FOR 8225 W.
FOREST HILL AVENUE (FOREST PARK MIDDLE SCHOOL) TAX KEY NO. 838-9978-000

WHEREAS, an easement is required at 8225 W. Forest Hill Avenue to maintain and operate a water main for Forest Hill Middle School.

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

BE IT FURTHER RESOLVED, that the City Clerk is directed to record said easement with the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin the _____ day of _____, 2020, by Alderman _____.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2020.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

WATER MAIN EASEMENT

Forest Park Middle School

THIS EASEMENT, made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "City," and Franklin Public School District, owner, (including heirs, executors, administrators, successors and assigns of above owner(s) as may be or may become applicable), hereinafter called "Grantor"

WITNESSETH

WHEREAS, Grantor is the owner and holder of record Title to certain real property located within the City of Franklin, Milwaukee County, Wisconsin, being part of the Northwest ¼ of the Southeast ¼ of Section 16, Township 5 North, Range 21 East, as described in Exhibit A attached hereto and hereby made a part hereof (protected property), and

WHEREAS the City desires to acquire a permanent easement with the right of entry in and across the property hereinafter described with the right to build and construct and/or operate, maintain, repair, enlarge, reconstruct, relocate and inspect as may be or may become applicable the following facilities and appurtenances thereto, hereinafter called "Facilities," in, upon and across said portion of the property, a water main and associated fire hydrants, all as shown on the plan attached hereto as Exhibit 'B', and

WHEREAS, the initial construction and installation of the Facilities shall be made by Grantor at Grantor's expense and the Facilities shall be the property of the city and be deemed dedicated to the City upon the City's inspection and approval of the Facilities as installed, subject to the terms and conditions set forth below

NOW, THEREFORE, in consideration of the grant of the easement hereinafter described and the payment of One Dollar (\$1 00) and other valuable considerations to the Grantor, receipt whereof is hereby acknowledged, said Grantor, being the owner and person interested in the land hereinafter described does hereby grant unto the City a permanent easement in that part of the Northwest ¼ of the Southeast ¼ of Section 16, Township Five (5) North, Range Twenty-one(21) East, in the City of Franklin, Milwaukee County, Wisconsin, more particularly described on Exhibit C attached hereto (the "Easement Area") and depicted on Exhibit D attached hereto

UPON CONDITION

- 1 That said Facilities shall be maintained and kept in good order and condition by the City. Responsibility for maintaining the ground cover and landscaping within the easement area shall be that of the Grantor (including heirs, executors, administrators, successors and assigns)
- 2 That in and during whatever construction, reconstruction, enlargement or repair work is or becomes necessary in constructing and/or maintaining of said Facilities, so much of the surface or subsurface of the property as may be disturbed, will at the expense of the City be replaced in substantially the same condition as it was prior to such disturbance, except that the City will in no case be responsible for replacing or paying for replacing any aesthetic plantings or improvements other than ordinary lawns or standard walks, roadways, driveways and parking lot surfacing which were required to be removed in the course of doing the above work. However, the City shall save harmless the Grantor from any loss, damage, injury or liability resulting from negligence on the part of the City in connection with said work involved in constructing and/or maintaining of said Facilities, provided that if above loss, damage, injury or liability results from the joint negligence of parties hereto, then the liability therefore shall be borne by them in proportion to their respective degree of negligence, provided further, however that these provisions are subject to the legal defenses with under law the City is entitled to raise excepting the defense of so-called "sovereign immunity"
- 3 That no structure may be placed within the limits of the easement by the Grantor except that improvements such as walks, pavements for driveways and parking lot surfacing may be constructed or placed within the Easement Area.
- 4 That, in connection with the construction by the grantor of any structure or building abutting said easement defined limits, the Grantor will assume all liability for any damage to the Facilities in the above described property. The Grantor will also save and keep the City clear and harmless from any claims for personal injuries or property damage caused by any negligence of the Grantor or person other than the Grantor, arising out of the construction by the Grantor of any structure or building abutting the said easement defined limits, and shall reimburse the City for the full amount of such loss or damage

- 5 That no charges will be made against said lands for the cost of maintenance or operation of said Facilities in the afore-described property. Whenever the Grantor makes application for a service connection, the regular and customary service connection charge in effect at the time of the application shall be charged and paid. The Grantor shall be responsible for the routine maintenance of land on which the easement is located.
- 6 All conditions pertaining to the "Maintenance of Water Service Piping" as set forth in Chapter 5.12 of the "Rules and Regulations Governing Water Service" dated and subsequent amendments thereto shall apply to all water services which are within the easement defined limits and also within the limits of any adjoining easements, except that the City of Franklin Water Works, a utility owned by the City of Franklin shall in no case be responsible for maintaining at its expense any portion of said water services outside of the easement defined limits and outside the limits of any adjoining easements regardless of any statement to the contrary in said "Rules and Regulations Governing Water Service."
- 7 The Facilities shall be accessible for maintenance by the City at all times. The owner shall submit plans for approval to the City Engineer for any underground installation within the easement area, which approval shall not be unreasonably withheld, conditioned or delayed.
- 8 That the Grantor shall submit plans for all surface alterations of plus or minus 0.50 foot or greater within the limits of said easement. Said alterations shall be made only with the approval of the City Engineer of the City of Franklin, which approval shall not be unreasonably withheld, conditioned or delayed.
- 9 The City and Grantor shall each use, and take reasonable measures to cause their employees, officers, customers, agents, contractors and assigns to use, the Easement Area in a reasonable manner and so as not to obstruct or otherwise use the Easement Area in a manner that would unreasonably interfere with the use thereof by the other party hereto or its employees, officers, customers, agents, contractors and assigns.
- 10 The City and Grantor each hereby waives all rights of subrogation that either has or may hereafter have against the other for any damage to the Easement Area or any other real or personal property or to persons covered by such party's insurance, but only to the extent of the waiving party's insurance coverage, provided, however, that the foregoing waivers shall not invalidate any policy of insurance now or hereafter issued, it being hereby agreed that such a waiver shall not apply in any case which would result in the invalidation of any such policy of insurance and that each party shall notify the other if such party's insurance would be so invalidated.
- 11 Either party hereto may enforce this easement by appropriate action, and should it prevail in such litigation, that party shall be entitled to recover, as part of its costs, reasonable attorneys' fees.
- 12 This easement may not be modified or amended, except by a writing executed and delivered by the City and Grantor or their respective successors and assigns.
- 13 No waiver of, acquiescence in, or consent to any breach of any term, covenant, or condition hereof shall be construed as, or constitute, a waiver of, acquiescence in, or consent to any other, further, or succeeding breach of the same or any other term, covenant, or condition.
- 14 If any term or provision of this easement shall, to any extent, be invalid or unenforceable under applicable law, then the remaining terms and provisions of this easement shall not be affected thereby, and each such remaining term and provision shall be valid and enforceable to the fullest extent permitted by applicable law.
- 15 This easement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.
- 16 It is understood that in the event the above described Real Estate may become portions of public streets, in which event, in the proceedings for the acquisition of the property needed for such streets by purchase, dedication or by condemnation, said lands shall be considered the same as though this easement had not been executed or any rights granted thereby exercised.
- 17 That the Grantor shall submit as-built drawings of the installed facilities on mylar for approval to the City Engineer, which approval shall not be unreasonably withheld, conditioned, or delayed.

IN WITNESS WHEREOF, the Grantor has hercunto set its hands and seals

ON THIS DATE OF 11-5, 2019

Franklin Public School District
By [Signature]
James Milzer Director of Business Services

STATE OF WISCONSIN
SS
COUNTY OF MILWAUKEE

Before me personally appeared on the 5 day of November, 2019, the above named

James Milzer, Director of Business Services of Franklin Public School District
(Name printed) (Title) (Development)

to me known to be the person(s) who executed the foregoing EASEMENT and acknowledged the same as the voluntary act and deed of said corporation

[Signature]
NOTARY PUBLIC
My commission expires 5/31/2022



CITY OF FRANKLIN

By Stephen R. Olson, Mayor

By Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN
SS
COUNTY OF MILWAUKEE

On this _____ day of _____, 201__ before me personally appeared Stephen R. Olson and Sandra L. Wesolowski who being by me duly sworn, did say that they are respectively the Mayor and City Clerk of Franklin, and that the seal affixed to said instrument is the corporate seal of said municipal corporation, and acknowledged that they executed the foregoing assignment as such officers as the deed of said municipal corporation by its authority, and pursuant to resolution file No _____ adopted by its Common Council on _____, 201__

Notary Public

My commission expires _____

MORTGAGE HOLDER CONSENT

The undersigned, _____, a Wisconsin banking corporation ("Mortgagee"), as Mortgagee under that certain Mortgage encumbering the Property and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on _____, 201____, as Document No _____, hereby consents to the execution of the foregoing easement and its addition as an encumbrance against title to the Property

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

a Wisconsin Banking Corporation

By _____

Name _____

Title _____

STATE OF WISCONSIN SS
COUNTY OF MILWAUKEE

On this, the _____ day of _____, 201____, before me, the undersigned, personally appeared _____, the _____ of _____, a Wisconsin banking corporation, and acknowledged that (s)he executed the foregoing instrument on behalf of said corporation, by its authority and for the purposes therein contained

Name _____
Notary Public _____
State of _____
County of _____
My commission expires on _____

This instrument was drafted by the City of Franklin

Approved as to contents
Date

Manager of Water Works of Franklin

Approved as to form only
Date

City Attorney

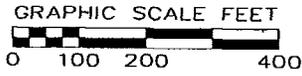
NOT APPLICABLE

EXHIBIT A
DESCRIPTION OF PROPERTY

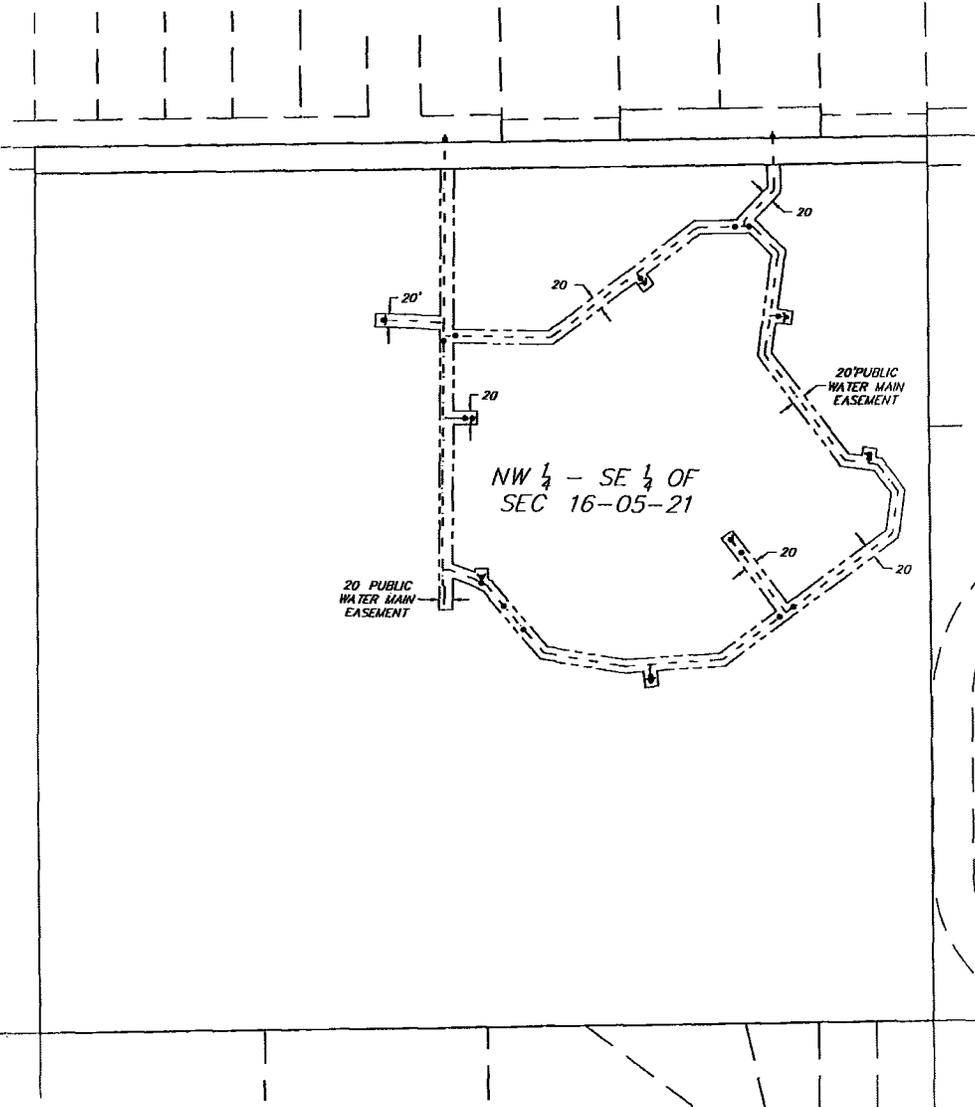
The Northwest Quarter of the Southeast Quarter of Section 16 Township 05 North, Range 21 East,
City of Franklin, Milwaukee County, Wisconsin



EXHIBIT B



20_Sep_2019 12:37p K:\Punkett\Roysten\160360_Forest Park Middle School\Franklin\CAADD\160360 Watermain Easement Exhibit\JEN.dwg by: kjen



vierbicher
planners | engineers | advisors
Phone (800) 261-3898

IN: 160360
DATE 08/16/2017
REV: 09/20/2019
Drafted By: MMAR
Checked By: PKNV

SURVEYED FOR:
FOREST PARK MIDDLE SCHOOL
8255 FOREST HILL AVENUE
FRANKLIN, WI 53132-9705

SHEET
1 OF 1

EXHIBIT C

DESCRIPTION OF EASEMENT AREA

A twenty-foot (20') wide public water main easement over, under, and across part of the NW ¼ - SE ¼ of Section 16, Township 05 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, the centerline of which being more fully described as follows

Commencing at the Northeast corner of the NW ¼ - SE ¼ of said Section 16, thence S00°32'22"E along the East line of the NW ¼ - SE ¼ of said Section 16, 40 00 feet to a point lying 40 00 feet south of and perpendicular measure to the North line of the NW ¼ - SE ¼ of said Section 16, thence S88°41'19"W along a line parallel with and 40' South of and perpendicular measure to said North line of the NW ¼ - SE ¼ of said Section 16, 227 89 feet to the point of beginning, thence S01°18'35"E, 38 14 feet, thence S42°58'11"W 76 38 feet to Reference Point #1, thence N88°54'11"E, 19 45 feet, thence S46°05'49"E, 55 31 feet, thence S07°37'33"W, 94 10 feet to Reference Point "A", thence continuing S07°37'33"W, 60 05 feet, thence S37°22'27"E, 196 00 feet; thence S82°22'27"E, 33 94 feet to Reference Point "B", thence continuing S82°22'27"E, 15 06 feet; thence S37°22'27"E, 49 70 feet, thence S07°37'33"W, 65 49 feet, thence S52°48'03"W, 196 16 feet to Reference Point "C", thence continuing S52°48'03"W, 119 69 feet, thence S85°35'06"W, 108 46 feet to Reference Point "D", thence continuing S85°35'06"W, 41 16 feet, thence N80°49'44"W, 119 62 feet; thence N40°11'37"W, 131 01 feet, thence N65°05'40"W, 10 20 feet to Reference Point "E", thence N62°15'31"W, 13 66 feet, thence N69°17'06"W, 37 27 feet, thence S89°46'19"W, 5 28 feet to Reference Point "F", thence N00°00'50"E, 226 94 feet to Reference Point "G", thence continuing N00°00'50"E, 122 12 feet to Reference Point "H", thence S89°37'10"E, 155 38 feet, thence N52°37'33"E, 162 67 feet to Reference Point "I", thence continuing N52°37'33"E, 113 65 feet, thence N88°54'11"E, 61 99 feet to said Reference Point #1, thence N42°58'11"E, 76 38 feet, thence N01°18'35' W, 38 14 feet to the point of beginning and the end of said described centerline The sidelines of said easement are to be prolonged or shortened so as to terminate on the north by a line 40 00 feet south of, parallel with, and perpendicular measure to the said North line of the NW ¼ - SE ¼ of Section 16

TOGETHER WITH a twenty-foot (20') wide public water main easement over, under, and across part of the NW ¼ - SE ¼ of Section 16, Township 05 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, the centerline of which being more fully described as follows Beginning at said Reference Point "A", thence S82°22'27"E, 32 52 feet to the end of said described centerline The sidelines of said easement are to be prolonged or shortened so as to terminate on the east by a line bearing S07°37'33"W

TOGETHER WITH a twenty-foot (20') wide public water main easement over, under, and across part of the NW ¼ - SE ¼ of Section 16, Township 05 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, the centerline of which being more fully described as follows Beginning at said Reference Point "B", thence N07°37'33"E, 22 87 feet to the end of said described centerline The sidelines of said easement are to be prolonged or shortened so as to terminate on the north by a line bearing S82°22'27"E.

TOGETHER WITH a twenty-foot (20') wide public water main easement over, under, and across part of the NW ¼ - SE ¼ of Section 16, Township 05 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, the centerline of which being more fully described as follows Beginning at said Reference Point "C", thence N37°17'34"W, 145 71 feet to the end of said described centerline The sidelines of said easement are to be prolonged or shortened so as to terminate on the north by a line bearing S52°48'03"W

TOGETHER WITH a twenty-foot (20') wide public water main easement over, under, and across part of the NW ¼ - SE ¼ of Section 16, Township 05 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, the centerline of which being more fully described as follows Beginning at said Reference Point "D", thence S05°58'32"E, 33 42 feet to the end of said described centerline The sidelines of said easement are to be prolonged or shortened so as to terminate on the south by a line bearing S84°01'28"W

TOGETHER WITH a twenty-foot (20') wide public water main easement over, under, and across part of the NW ¼ - SE ¼ of Section 16, Township 05 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, the centerline of which being more fully described as follows Beginning at said Reference Point "E", thence N00°00'00"E, 21 87 feet to the end of said described centerline The sidelines of said easement are to be prolonged or shortened so as to terminate on the north by a line bearing N90°00'00"E

TOGETHER WITH a twenty-foot (20') wide public water main easement over, under, and across part of the NW ¼ - SE ¼ of Section 16, Township 05 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, the centerline of which being more fully described as follows Beginning at said Reference Point "F", thence S00°00'50"W, 60 00 feet to the end of said described centerline The sidelines of said easement are to be prolonged or shortened so as to terminate on the east by a line bearing S89°59'10"E

TOGETHER WITH a twenty-foot (20') wide public water main easement over, under, and across part of the NW ¼ - SE ¼ of Section 16, Township 05 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, the centerline of which being more fully described as follows Beginning at said Reference Point "G", thence S89°59'10"E, 45 42 feet to the end of said described centerline The sidelines of said easement are to be prolonged or shortened so as to terminate on the east by a line bearing N00°00'50"E

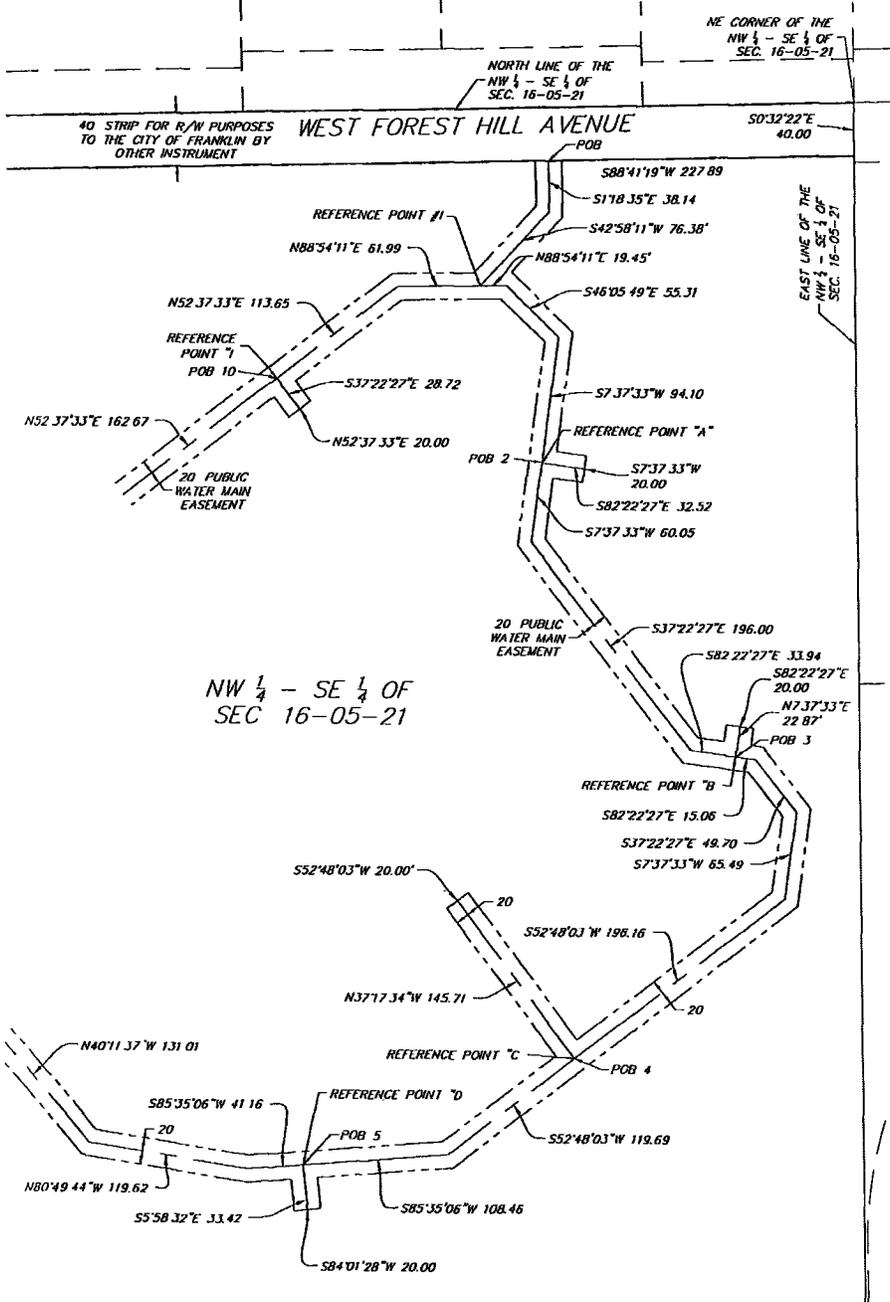
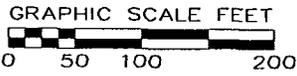
TOGETHER WITH a twenty-foot (20') wide public water main easement over, under, and across part of the NW ¼ - SE ¼ of Section 16, Township 05 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, the centerline of which being more fully described as follows Beginning at said Reference Point "H" thence N00°00'50"E, 19 82 feet to Reference Point "J", thence continuing N00°00'50"E, 230 91 feet to the end of said described centerline The sidelines of said easement are to be prolonged or shortened so as to terminate on the north by a line 40 00 feet south of, parallel with, and perpendicular measure to the aforementioned North line of the NW ¼ - SE ¼ of Section 16

TOGETHER WITH a twenty-foot (20') wide public water main easement over, under, and across part of the NW ¼ - SE ¼ of Section 16, Township 05 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, the centerline of which being more fully described as follows Beginning at said Reference Point "I", thence S37°22'27"E, 28 72 feet to the end of said described centerline The sidelines of said easement are to be prolonged or shortened so as to terminate on the south by a line bearing N52°37'33"E

TOGETHER WITH a twenty-foot (20') wide public water main easement over, under, and across part of the NW ¼ - SE ¼ of Section 16, Township 05 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, the centerline of which being more fully described as follows Beginning at said Reference Point "J", thence N88°19'56"W, 107 31 feet to the end of said described centerline The sidelines of said easement are to be prolonged or shortened so as to terminate on the west by a line bearing N01°40'04" E



EXHIBIT D



19 Aug 2019 2:39p M:\Plumett Roylich\160360_Forest Park Middle School\Forest Park Middle School Exhibit\CADD\160360 Watermain Easement Exhibit.dwg By: mmr

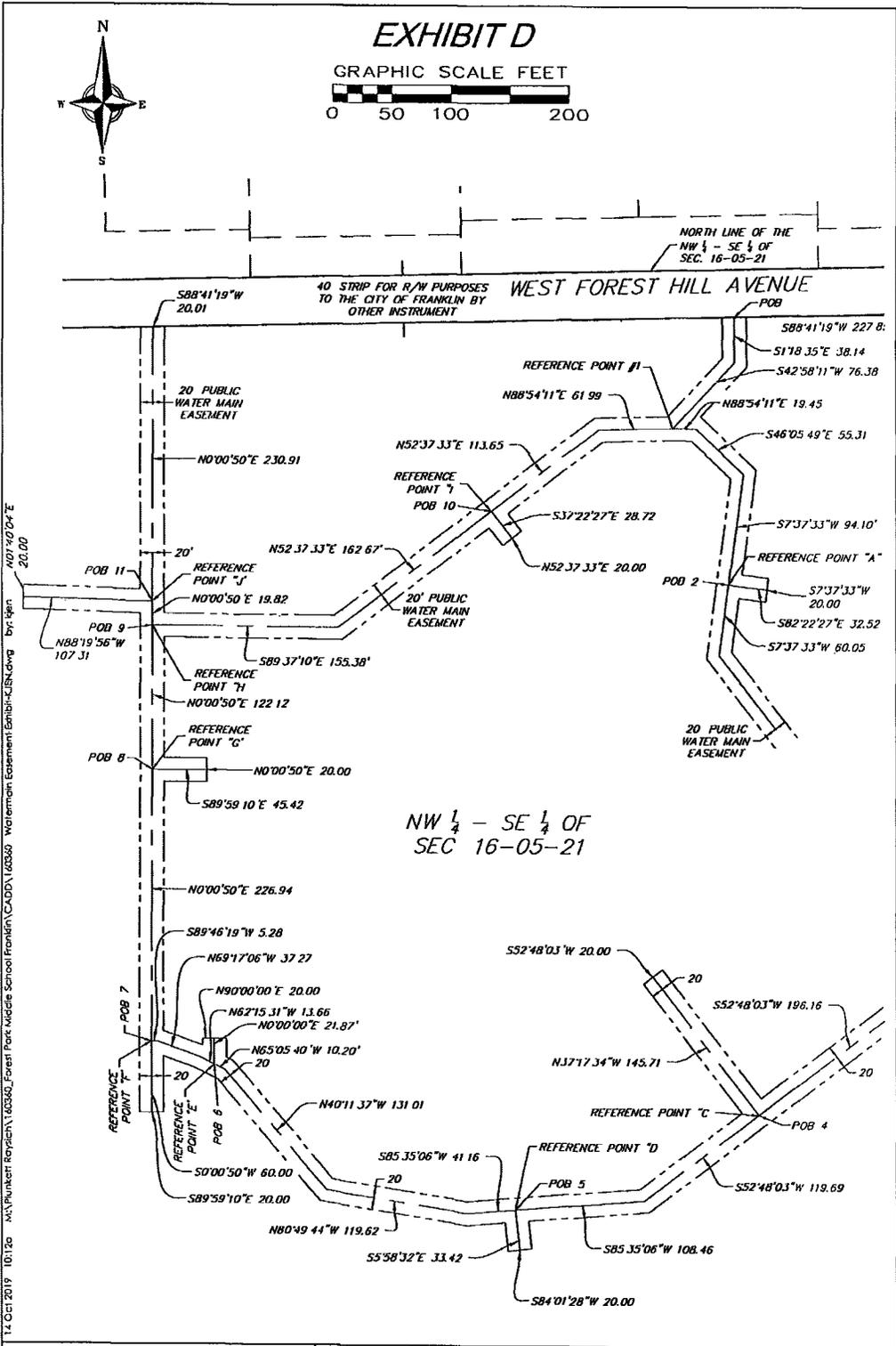
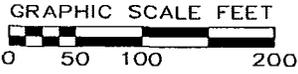
vierbicher
planners | engineers | advisors
Phone: (800) 261-3898

FIN: 160360
DATE: 06/16/2017
REV: 08/19/2019
Drafted By: MMAR
Checked By: PKNU

SURVEYED FOR:
FOREST PARK MIDDLE SCHOOL
8255 FOREST HILL AVENUE
FRANKLIN, WI 53132-9705

SHEET
1 OF 3

EXHIBIT D



14 Oct 2019 10:12a M:\Punkert Roytlich\160360_Forest Park Middle School Franklin\CA\DD\160360 Watermain Easement Exhibit D.BLN.dwg by: kpn

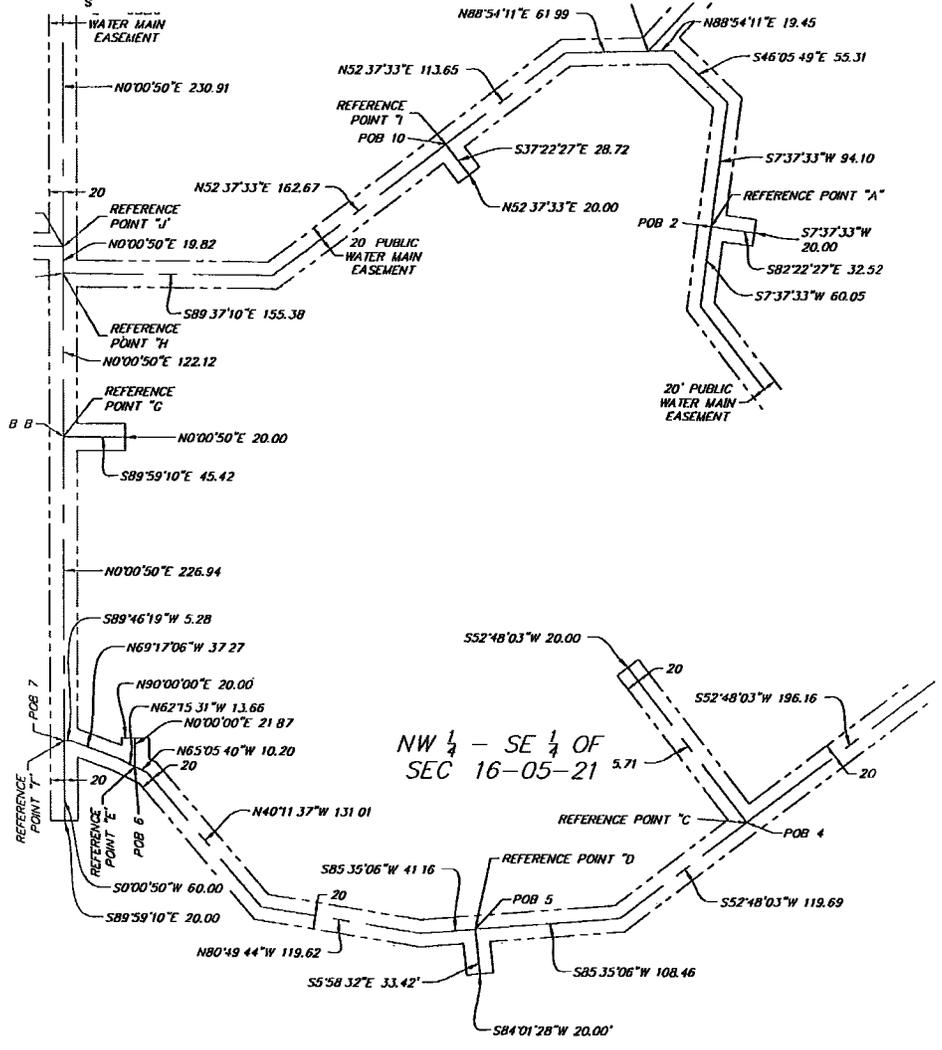
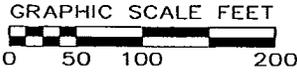
vierbicher
 planners | engineers | advisors
 Phone: (800) 261-3898

FN: 160360
 DATE: 08/16/2017
 REV: 09/20/2019
 Drafted By: MMAR
 Checked By: PKHU

SURVEYED FOR:
 FOREST PARK MIDDLE SCHOOL
 8255 FOREST HILL AVENUE
 FRANKLIN, WI 53132-9705

SHEET
 2 OF 3

EXHIBIT D



20 Sep 2019 - 1:23:7p - AL:\Plunkett\Royalty\160360_Forest Park Middle School Franklin\CADD\160360 Watermain Easement Exhibit-C-BN.dwg By: kbn

<p>planners engineers advisors</p> <p>Phone: (800) 261-3898</p>	FN: 160360 DATE: 08/16/2017	SURVEYED FOR: FOREST PARK MIDDLE SCHOOL 8255 FOREST HILL AVENUE FRANKLIN, IL 53132-9705	SHEET 3 OF 3
	REV: 09/20/2019		
	Drafted By: MMAR		
	Checked By: PKNLU		

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<p>APPROVAL <i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE 1/7/20</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p>RESOLUTION TO ACQUIRE WATER MAIN EASEMENT FROM 10155 S. 57TH STREET (FRANKLIN PROPERTIES, LLC) Tax Key 931-0008-001</p>	<p>ITEM NUMBER G.1.(c)</p>
<p><u>BACKGROUND</u> Most private developments in the City have dedicated water main easements to the City so that Staff can add the private property hydrants to routine maintenance. From a past experience when the Fire Department encountered a non-operable private hydrant, the Fire Department has requested that the properties without hydrants in an easement be approached to donate an easement.</p> <p>The Board of Water Commissioners authorized staff to approach the property owners with the donation request, survey, and prepare easement documents for recording.</p> <p>ANALYSIS The attached easement includes the hydrant, hydrant main, and all applicable appurtenances.</p> <p>FISCAL NOTE The work of maintaining the lines and hydrants may be done within the budgets adopted by the Board of Water Commissioners.</p> <p>COUNCIL ACTION REQUESTED Motion to adopt Resolution No. 2020 - _____, a resolution to authorize staff to execute and record the attached water main easement from 10155 S. 57th Street (Franklin Properties, LLC) Tax Key 931-0008-001</p>		

Engineering Department

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2020 -

A RESOLUTION TO AUTHORIZE STAFF TO EXECUTE AND RECORD THE ATTACHED
WATER MAIN EASEMENT FROM 10155 S. 57TH STREET
(FRANKLIN PROPERTIES, LLC) TAX KEY 931-0008-001

WHEREAS, the Franklin Fire Department finds it desirable to for the Franklin Municipal Water Utility to own and maintain fire hydrants; and

WHEREAS, the Franklin Properties, LLC at 10155 S. 57th Street, Tax Key 931-0008-001 was developed without dedicating the private fire hydrants to the City; and

WHEREAS, the Franklin Properties, LLC desires for the Franklin Municipal Water Utility to own and routinely maintain the fire hydrants and related water pipes and valves.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that it would be in the best interest of the City to execute a water main easement on and across the property located at 10155 S. 57th Street (Franklin Properties, LLC) Tax Key 931-0008-001.

BE IT FURTHER RESOLVED, that the City Clerk is directed to record said easements with the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin the _____ day of _____, 2020, by Alderman _____.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2020.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

WATER MAIN EASEMENT

Elgin Molded Plastics
10155 S. 57th Street
Owner – Kriske & Lindner – Franklin Properties, LLC
Tax Key Number 931-0008-001

THIS INDENTURE, made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as “City,” and Franklin Properties, LLC, a Limited Liability Company, owner, (including heirs, executors, administrators, successors and assigns of above owner(s) as may be or may become applicable), hereinafter called “Grantor,” (If more than one grantor is listed above, said language herein referring thereto shall be interpreted in the plural and refer jointly and severally to such grantors).

WITNESSETH

WHEREAS, Grantor is the owner and holder of record Title to certain real property described on Exhibit “A” and depicted on Exhibit “A-1” which is attached hereto and incorporated herein (the Property); and

WHEREAS, the City desires to acquire a permanent easement with the right of entry in and across the property hereinafter described with the right to build and construct and/or operate, maintain, repair, enlarge, reconstruct, relocate and inspect as may be or may become applicable the following facilities and appurtenances thereto, hereinafter called “Facilities,” in, upon and across said portion of the property; all as shown on the plan attached hereto as Exhibit “B”; and

WHEREAS, the initial construction and installation of the Facilities shall be made by Grantor at Grantor’s expense and the Facilities shall be the property of the city and be deemed dedicated to the City upon the City’s inspection and approval of the Facilities as installed, subject to the terms and conditions set forth below:

NOW, THEREFORE, in consideration of the grant of the easement hereinafter described and the payment of One Dollar (\$1.00) and other valuable considerations to the Grantor, receipt whereof is hereby acknowledged, said Grantor, being the owner and person interested in the land hereinafter described does hereby grant unto the City a permanent easement in that part of the SE ¼ and SW ¼ of the SW 1/4 of Section 26, Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, Milwaukee County, Wisconsin, more particularly described on Exhibit C attached hereto (the “Easement Area”).

UPON CONDITION

1. That said Facilities shall be maintained and kept in good order and condition by the City. Responsibility for maintaining the ground cover and landscaping within the easement area shall be that of the Grantor (including heirs, executors, administrators, successors and assigns).
2. That in and during whatever construction, reconstruction, enlargement or repair work is or becomes necessary in constructing and/or maintaining of said Facilities, so much of the surface or subsurface of the property as may be disturbed, will at the expense of the City be replaced in substantially the same condition as it was prior to such disturbance, except that the City will in no case be responsible for replacing or paying for replacing any aesthetic plantings or improvements other than ordinary lawns or standard walks, roadways, driveways and parking lot surfacing which were required to be removed in the

course of doing the above work. However, the City shall save harmless the Grantor from any loss, damage, injury or liability resulting from negligence on the part of the City in connection with said work involved in constructing and/or maintaining of said Facilities; provided that if above loss, damage, injury or liability results from the joint negligence of parties hereto, then the liability therefore shall be borne by them in proportion to their respective degree of negligence; provided further, however, that these provisions are subject to the legal defenses which under law the City is entitled to raise excepting the defense of so-called "sovereign immunity."

3. That no structure may be placed within the limits of the easement by the Grantor except that improvements such as walks, pavements for driveways and parking lot surfacing may be constructed or placed within the Easement Area.
4. That, in connection with the construction by the grantor of any structure or building abutting said easement defined limits, the Grantor will assume all liability for any damage to the Facilities in the above described property. The Grantor will also save and keep the City clear and harmless from any claims for personal injuries or property damage caused by any negligence of the Grantor or person other than the Grantor, arising out of the construction by the Grantor of any structure or building abutting the said easement defined limits, and shall reimburse the City for the full amount of such loss or damage.
5. That no charges will be made against said lands for the cost of maintenance or operation of said Facilities in the afore-described property. Whenever the Grantor makes application for a service connection, the regular and customary service connection charge in effect at the time of the application shall be charged and paid. The Grantor shall be responsible for the routine maintenance of land on which the easement is located.
6. All conditions pertaining to the "Maintenance of Water Service Piping" as set forth in Chapter 5.12 of the "City of Franklin Design Standards and Construction Specifications" dated 2017 and subsequent amendments thereto shall apply to all water services which are within the easement defined limits and also within the limits of any adjoining easements; except that the City of Franklin Water Works, a utility owned by the City of Franklin shall in no case be responsible for maintaining at its expense any portion of said water services outside of the easement defined limits and outside the limits of any adjoining easements regardless of any statement to the contrary in said "Rules and Regulations Governing Water Service."
7. The Facilities shall be accessible for maintenance by the City at all times. The Grantor shall submit plans for approval to the City Engineer for any underground installation within the easement area, which approval shall not be unreasonably withheld, conditioned or delayed
8. That the Grantor shall submit plans for all surface alterations of plus or minus 1 foot or greater within the limits of said easement. Said alterations shall be made only with the approval of the City Engineer of the City of Franklin, which approval shall not be unreasonably withheld, conditioned or delayed
9. The City and Grantor shall each use, and take reasonable measures to cause their employees, officers, customers, agents, contractors and assigns to use, the Easement Area in a reasonable manner and so as not to obstruct or otherwise use the Easement Area in a manner that would unreasonably interfere with the use thereof by the other party hereto or its employees, officers, customers, agents, contractors and assigns.

10. The City and Grantor each hereby waives all rights of subrogation that either has or may hereafter have against the other for any damage to the Easement Area or any other real or personal property or to persons covered by such party's insurance, but only to the extent of the waiving party's insurance coverage; provided, however, that the foregoing waivers shall not invalidate any policy of insurance now or hereafter issued, it being hereby agreed that such a waiver shall not apply in any case which would result in the invalidation of any such policy of insurance and that each party shall notify the other if such party's insurance would be so invalidated.
11. Either party hereto may enforce this easement by appropriate action, and should it prevail in such litigation, that party shall be entitled to recover, as part of its costs, reasonable attorneys' fees.
12. This easement may not be modified or amended, except by a writing executed and delivered by the City and Grantor or their respective successors and assigns.
13. No waiver of, acquiescence in, or consent to any breach of any term, covenant, or condition hereof shall be construed as, or constitute, a waiver of, acquiescence in, or consent to any other, further, or succeeding breach of the same or any other term, covenant, or condition.
14. If any term or provision of this easement shall, to any extent, be invalid or unenforceable under applicable law, then the remaining terms and provisions of this easement shall not be affected thereby, and each such remaining term and provision shall be valid and enforceable to the fullest extent permitted by applicable law.
15. This easement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.
16. It is understood that in the event the above described Real Estate may become portions of public streets; in which event, in the proceedings for the acquisition of the property needed for such streets by purchase, dedication or by condemnation, said lands shall be considered the same as though this easement had not been executed or any rights granted thereby exercised
17. That the Grantor shall submit as-built drawings of the installed facilities on mylar for approval to the City Engineer, which approval shall not be unreasonably withheld, conditioned, or delayed.

IN WITNESS WHEREOF, the Grantor has hereunto set its hands and seals

ON THIS DATE OF: 11/16/2017



KRISKE + LINDNER FRANKLIN PROPERTIES
Company Name LLC
By CJ M MANAGER
Name and Title

STATE OF IL SS
COUNTY OF Kane

Before me personally appeared on the 16 day of NOV, 2017 the
above named _____ of _____
(Name printed) (Title) (Development)

to me known to be the person(s) who executed the foregoing EASEMENT and acknowledged the same as the voluntary act and deed of said corporation

Betty J. Studt
Notary Public

My commission expires 11/6/18

CITY OF FRANKLIN

By: _____
Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN
SS
COUNTY OF MILWAUKEE

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

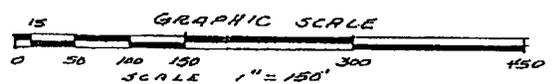
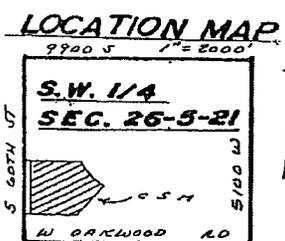
Notary Public _____

My commission expires _____

**Exhibit B
(Depiction of the Easement)
20-Ft Wide Water Main Easement**

CERTIFIED SURVEY MAP NO. 6200

BEING A REDIVISION OF LOT 4 & LOT 5, IN BLOCK 6,
FRANKLIN INDUSTRIAL PARK ADDITION NO. 1, BEING A
SUBDIVISION OF LANDS IN PART OF THE S.E. 1/4 & S.W. 1/4
OF THE S.W. 1/4 OF SECTION 26, T5N, R21E., IN THE
CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN



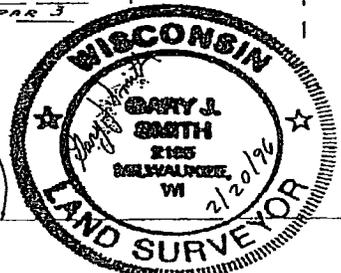
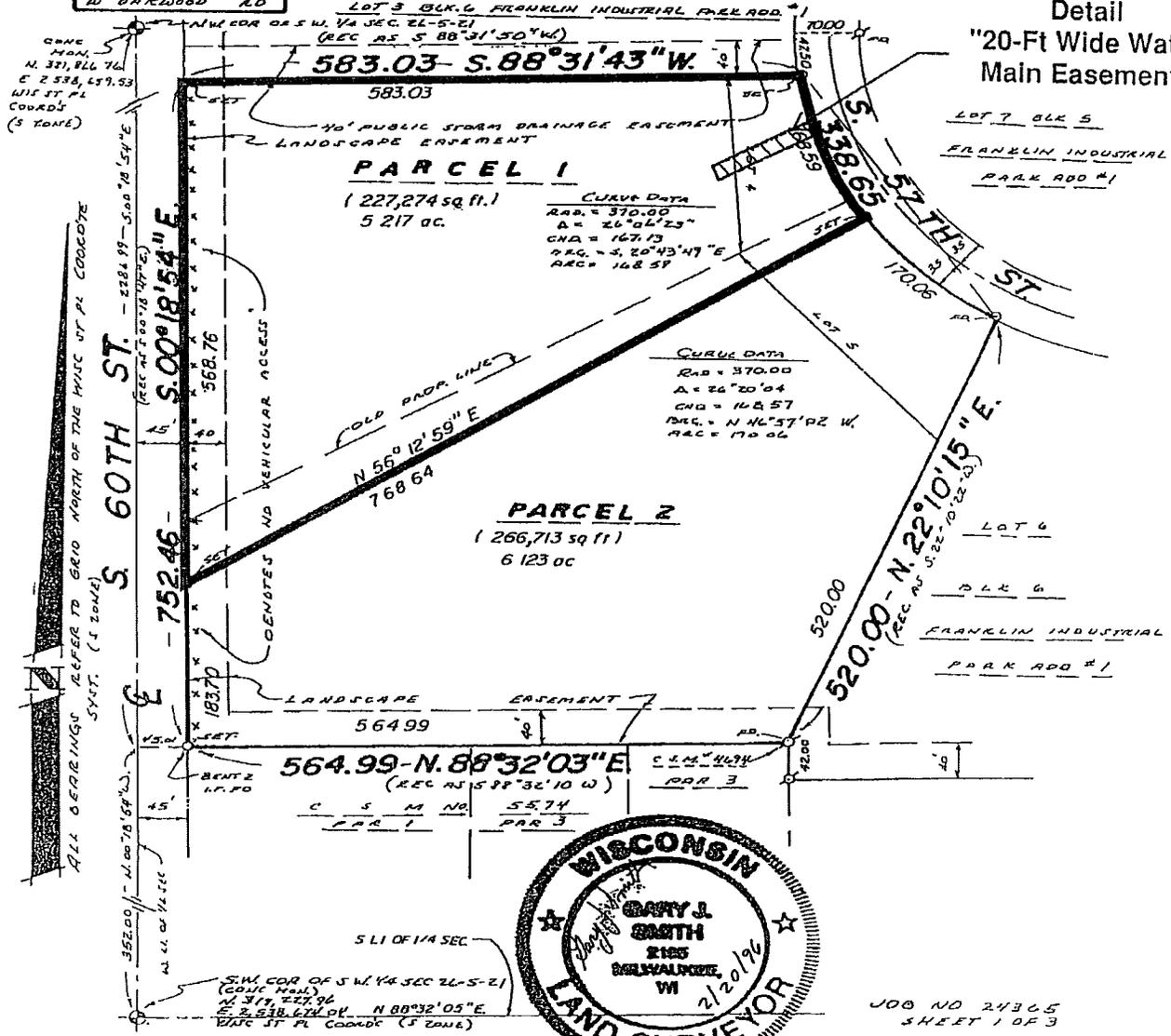
O-DENOTES 1"X24" IRON PIPE, 1 IS LOS/LIN. FT SET OR FOUND
D-DENOTES 2" IRON PIPE FD



INTERLINE SURVEY SERVICES, INC.
11221 W FOREST HOME AVE
HALES CORNERS, WISCONSIN 53130
PHONE 425-2060

MAIN CURVE DATA
RAD = 370.00
Δ = 52°24'27"
BEG. = N.33°53'51" W
END = 366.95
ARC = 338.45

See Easement Detail
"20-Ft Wide Water Main Easement"



JOB NO 24965
SHEET 1 OF 3

Exhibit C
(Description of the Easement Area)
Proposed 20-ft Wide Water Main Easement

Tax key No. 931-0008-001
10155 South 57TH Street

Being a redivision of lot 4 and lot 5 in block 6 of Franklin Industrial Park Addition No. 1, being a subdivision of lands in part of the SE $\frac{1}{4}$ and SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 26, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

Commencing at the southeast corner of Parcel 1 of Certified Survey Map No. 6200, recorded on March 11, 1996 in Reel 3752, Images 2296 to 2298, inclusive as Document No. 7191331, being a redivision of Lot 4 and 5, in Block 6, in Franklin Industrial Park Addition No. 1;

thence northwesterly 91.01 feet, along the arc of a curve, whose center lies to the northeast, whose radius is 370.00 feet and whose chord bears N 26° 43' 37" W, 90.78 feet, to the point of beginning; thence S 64° 34' 04" W, 141.71 feet to a point; thence N 25° 25' 56" W, 20.00 feet to a point, thence N 64° 34' 04" E, 144.26 feet to a point; thence southeasterly 20.16 feet, along the arc of a curve, whose center lies to the northeast, whose radius is 370.00 feet and whose chord bears S 18° 09' 58" E, 20.16 feet to the point of beginning.

Containing 2859.7 square feet or 0.07 acres.

Exhibit A
(Description of the Property)

Tax key No. 931-0008-001
10155 South 57TH Street

Parcel 1 of Certified Survey Map No. 6200, recorded on March 11, 1996 in Reel 3752, Images 2296 to 2298, inclusive as Document No. 7191331, being a redivision of Lot 4 and 5, in Block 6, in Franklin Industrial Park Addition No. 1, being a Subdivision of lands in part of the Southeast $\frac{1}{4}$ and Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 26, Town 5 North, Range 21 East, City of Franklin, County of Milwaukee, State of Wisconsin

Situated on South 57th Street

See Exhibit A-1

DETAIL OF THE PROPOSED
20-FT WIDE WATER MAIN EASEMENT

