

The Facebook page for the Economic Development Commission (<https://www.facebook.com/forwardfranklin/>) will be live streaming the Common Council meeting so that the public will be able to watch and listen to the meeting.

CITY OF FRANKLIN  
COMMON COUNCIL MEETING\*  
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*\*  
TUESDAY, JULY 21, 2020 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Approval of Minutes - Regular Common Council Meeting of July 7, 2020.
- D. Hearings.
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
  - 1. Consent Agenda:
    - (a) List of Donations for May and June, 2020 to Police, Fire and Parks Departments.
    - (b) Request Common Council Authorization to Allow the Fire Department to Solicit Competitive Bids for the Installation of a Station-Specific Alerting System.
    - (c) Submit Application to Milwaukee County Parks for Cascade Park Trail Between 8300 S. 60th Street and 8248/8264 River Terrace Drive.
    - (d) An Ordinance to Establish Placement of Stop Signs on S. Cambridge Drive at W. Stone Hedge Drive Intersection.
  - 2. Franklin Senior Citizens Travel Program Semi-Annual Update for 2020.
  - 3. Franklin Senior Citizens, Inc. Semi-Annual Update for 2020.
  - 4. City of Franklin's Community Development Block Grant Program Projects for 2021.
  - 5. A Resolution Authorizing Certain Officials to Execute a Consent to Collateral Assignment of Development Agreement for Knollwood Legacy Apartments from WAB Holdings KWL LLC to Old National Bank.
  - 6. A Resolution to Accept Off-Site Public Water System for Tax Increment District No. 6 Public Improvements and Ryan Meadows Subdivision.
  - 7. Agreement to Install Underground Drainage Tile at 8930 S. 116th Street (TKN 845-9996-000) and 8956 S. 116th Street (TKN 845-9997-001).
  - 8. Resolutions to Vacate Water Main Easement and Accept Water Main Easement for Southbrook Church - 11010 W. St. Martins Road (TKN 789-9967-012).

# Common Council Meeting Agenda

July 21, 2020

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9. An Ordinance to Amend Ordinance No. 2019-2378, an Ordinance to Amend § 15-3.0433 of the Unified Development Ordinance, Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) to Allow for Additional Parking, to Extend the Time for Development Completion (Polish Heritage Alliance, Inc., Applicant/Property Owner) (6941 South 68th Street).
10. An Ordinance to Amend the Municipal Code to Provide for Common Council, Boards', Commissions' and Committees' Members, Applicants', and the Public Remote Government Meetings Attendance.
11. Non-Participating Letter to Wisconsin Department of Transportation for Installation of Sidewalk Along W. Loomis Road from W. St. Martins Road to W. Rawson Avenue in the Amount of \$466,000.
12. Franklin Preferences for Wisconsin Department of Transportation Design of S. Lovers Lane (U.S. 45 / STH 100) from W. Rawson Avenue (CTH BB) to W. College Avenue.
13. Report on Expenditures Related to the COVID-19 Public Health Emergency Thru July 16, 2020.
14. Authorize Temporary Help in Finance Department.
15. Annual Market Adjustment, Market Adjustment to Wage and Salary Rates and Progress to Market Wage Adjustment for Non-Represented Employees.

## H. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of July 21, 2020.

## I. Bills.

Request for Approval of Vouchers and Payroll.

## J. Adjournment.

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

\*\*Supporting documentation and details of these agenda items are available in the Common Council Meeting Packet on the City of Franklin website [www.franklinwi.gov](http://www.franklinwi.gov)

[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:

July 23	Plan Commission Meeting	6:30 p.m.
August 4	Common Council Meeting	6:30 p.m.
August 6	Plan Commission Meeting	7:00 p.m.
August 11	Partisan Primary	7:00 a.m. to 8:00 p.m.
August 18	Common Council Meeting	6:30 p.m.
August 20	Plan Commission Meeting	7:00 p.m.

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
JULY 7, 2020  
MINUTES

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|---|--|
| ROLL CALL   | A. The regular meeting of the Common Council was held on July 7, 2020 and called to order at 6:20 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer (by telephone), Alderwoman Kristen Wilhelm (by telephone), Alderwoman Shari Hanneman, Alderman Mike Barber and Alderman John R. Nelson. Also present were City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski. |
| CITIZEN COMMENT   | B.1. Citizen comment period was opened at 6:32 p.m. and closed at 6:39 p.m.  |
| MAYORAL<br>ANNOUNCEMENT                                     | B.2. Courtney Day presented the Franklin Emergency Operation Command Staff COVID-19 update.  |
| RES. 2020-7641<br>EXTENSION OF COVID-19<br>HEALTH EMERGENCY | G.2. Alderwoman Hanneman moved to adopt Resolution No. 2020-7641, A RESOLUTION TO AMEND A RESOLUTION IN RATIFICATION OF A PROCLAMATION DECLARING A PUBLIC HEALTH EMERGENCY IN RESPONSE TO THE CORONAVIRUS DISEASE 2019 (COVID-19), AS AMENDED, TO EXTEND THE TIME PERIOD OF THE PUBLIC HEALTH EMERGENCY FOR FORTY (40) DAYS. Seconded by Alderman Dandrea. All voted Aye; motion carried.  |
| APPROVAL OF MINUTES   | C. Alderman Dandrea moved to approve the minutes of the regular Common Council Meeting of June 16, 2020 as presented at this meeting. Seconded by Alderman Barber. All voted Aye; motion carried.  |
| MAYORAL<br>APPOINTMENTS                                     | E. Alderman Mayer moved to confirm the following Mayoral Appointments:<br><ol style="list-style-type: none"><li>1. Daniel S. Duchniak, 3647 W. Forest Hill Avenue (Aldermanic District 5), to the Board of Water Commissioners for a 5-year unexpired term, expiring 9/30/2021.</li><li>2. Janice Coenen, 7316 S. 77th Street (Aldermanic District 2), to the Parks Commission for a 3-year unexpired term, expiring 4/30/2021.</li></ol> Seconded by Alderman Nelson. On roll call, all voted Aye. Motion carried.  |

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| CONSENT AGENDA                          | G.1.    | Alderman Barber moved to approve the following consent agenda items:   |
| FIRE DEPARTMENT DISPOSAL OF EQUIPMENT   | G.1.(a) | Approve Fire Department request to dispose of decommissioned fire apparatus, two decommissioned ambulance chassis, and three obsolete power cots, with any recouped funds returned to the Equipment Replacement Fund and/or General Fund.  |
| COVID-19 EXPENDITURES                   | G.1.(b) | No action was required on the COVID-19 expenditures.   |
| WEC CORONAVIRUS RELIEF PROGRAM          | G.1.(c) | Approve participation in the Wisconsin Elections Commission (WEC) Coronavirus Aid, Relief and Economic Security (CARES) Act Subgrant Program and authorize execution of the Agreement, Terms and Certification.  |
| CARES ACT FUNDING                       | G.1.(d) | Approve the Director or Health and Human Services to accept the CARES Act funding for disease investigation, increased testing capacity, and pandemic response plans.  |
|   |         | Approval of the Consent Agenda items was seconded by Alderwoman Hanneman. All voted Aye; motion carried.   |
| MAXIM HEALTHCARE CONTRACT               | G.3.    | Alderwoman Wilhelm moved to approve authorization for the Director of Health and Human Services to execute a contract with Maxim Healthcare Staffing Solutions, Inc. to provide COVID-19 contact tracing services, subject to minor and technical changes by the Director of Health and Human Services, and the Mayor, City Clerk, and Director of Finance & Treasurer additionally be authorized to execute the contract. Seconded by Alderman Barber. All voted Aye; motion carried.   |
| WAYSTAR CLEARINGHOUSE CONTRACT          | G.4.    | Alderman Barber moved to approve authorization of the Director of Health and Human Service to move forward with the software updates with Software Expressions and contract with Waystar Clearinghouse to improve immunization clinic services, subject to minor and technical changes by the Director of Health and Human Services, and further that the Mayor, City Clerk, and Director of Finance & Treasurer additionally be authorized to execute the contract. Seconded by Alderman Nelson. All voted Aye; motion carried. |
| CONCEPT REVIEW (8301 W. OLD LOOMIS RD.) | G.5.    | No action was taken following a concept review of the proposed multi-family residential development to be located at 8301 W. Old Loomis Road (Thompson Thrift Development, Inc., Applicant).   |

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| RES. 2020-7642<br>ASKREN WRESTLING<br>ACADEMY                       | G.6.  | Alderwoman Hanneman moved to adopt Resolution No. 2020-7642, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A WRESTLING GYMNASIUM AND INSTRUCTION USE UPON PROPERTY LOCATED AT 9760 SOUTH 60TH STREET (BENJAMIN M. ASKREN, ASKREN WRESTLING ACADEMY, LLC, APPLICANT). Seconded by Alderman Barber. All voted Aye; motion carried.  |
| RES. 2020-7643<br>REIMBURSE<br>OAKWOOD AT RYAN<br>CREEK, LLC        | G.7.  | Alderwoman Hanneman moved to adopt Resolution No. 2020-7643, A RESOLUTION TO REIMBURSE OAKWOOD AT RYAN CREEK, LLC FOR INSTALLATION OF AN OVERSIZED WATER MAIN THROUGH RYANWOOD MANOR SUBDIVISION PHASE 1 AND RYANWOOD MANOR SUBDIVISION ADDITION 1 FROM THE WATER IMPACT FEE FUND IN THE AMOUNT OF \$317,130; and adopt Option 1 with the application of the related Subdivision Development Agreement for reimbursement payments to be read as final acceptance prior to February 15, 2020, nunc pro tunc. Seconded by Alderman Barber. All voted Aye; motion carried. |
| RES. 2020-7644<br>ENTERPRISE RENT-A-<br>CAR                         | G.8.  | Alderman Nelson moved to adopt Resolution No. 2020-7644, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR AN ENTERPRISE RENT-A-CAR OFFICE SPACE WITHIN EWALD TRUCK CENTER FOR AN AUTOMOBILE RENTAL USE UPON PROPERTY LOCATED AT 6321 SOUTH 108TH STREET (ENTERPRISE RENT-A-CAR COMPANY, LLC, APPLICANT). Seconded by Alderman Barber. All voted Aye; motion carried.   |
| EXEMPTION TO<br>WATERMAIN<br>LOCATED AT 10475 W.<br>ST. MARTINS RD. | G.9.  | Alderman Nelson moved to deny request to grant exemption from requirement to connect to water main at 10475 West St. Martins Road (Tax Key No. 800-9999-001). Seconded by Alderman Dandrea. All voted Aye; motion carried.  |
| DRAINAGE TILE<br>8956 S. 116TH ST.                                  | G.10. | Alderman Nelson moved to direct staff to bring back an agreement with property owners that would allow the City to supply and perform work related to underground drainage tile at 8956 S. 116th Street with Option 1, 2, or 3 as outlined on the Council Action Sheet for this meeting, or a plan agreed upon by all parties. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.   |
| SITE SELECTION<br>MAGAZINE<br>ADVERTISING                           | G.11. | Alderman Barber motion to accept the recommendation of the Economic Development Commission to approve the purchase of \$19,000 advertising package with Site Selection Magazine using the   |

Economic Development budget. Seconded by Alderwoman Hanneman. On roll call, Alderwoman Wilhelm, Alderwoman Hanneman, and Alderman Barber voted Aye; Alderman Dandrea, Alderman Mayer, and Alderman Nelson voted No. Mayor Olson broke the tie by voting in the affirmative. Motion carried.

BUSINESS VIEW  
MAGAZINE

- G.12. Alderman Barber motion to approve the Business View Magazine Franklin Feature, which will be supported through Key Vendor Advertising sold by Business View Magazine. Seconded by Alderwoman Hanneman. On roll call, Alderman Dandrea, Alderman Mayer, Alderwoman Wilhelm, Alderwoman Hanneman, and Alderman Barber voted Aye; Alderman Nelson voted No. Motion carried.

RES. 2020-7645  
AWARD CITY HALL  
SIGN

- G.13 Alderman Dandrea moved to adopt Resolution No. 2020-7645, A RESOLUTION TO AWARD 2020 CITY HALL SIGN PROJECT TO MICHAEL'S SIGNS, INC. IN THE AMOUNT OF \$39,000. Seconded by Alderman Nelson. All voted Aye; motion carried.

RES. 2020-7646  
AWARD GATEWAY  
SIGNS PROJECT

- G.14 Alderman Dandrea moved to waive a bidding irregularity and adopt Resolution No. 2020-7646, A RESOLUTION AWARDED THE 2020 GATEWAY SIGNS PROJECT TO LEMBERG ELECTRIC COMPANY, INC. IN THE AMOUNT OF \$63,524.98, subject to technical corrections. Seconded by Alderwoman Hanneman. On roll call, Alderman Nelson, Alderman Barber, Alderwoman Hanneman, Alderwoman Wilhelm, and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried.

CITY HALL  
LANDSCAPING

- G.15. Alderman Barber motion to authorize the Director of Inspection Services to execute a quotation and purchase order with Johnson's Nursery for the City Hall landscaping for \$24,635.98 and authorize release of the check. Seconded by Alderman Nelson. All voted Aye; motion carried.

RES. 2020-7647  
CHANGE ORDER  
S. 68TH ST. PROJECT

- G.16. Alderman Barber moved to adopt Resolution No. 2020-7647, A RESOLUTION TO AUTHORIZE CHANGE ORDER NO. 1 FOR THE SOUTH 68TH STREET VERTICAL ALIGNMENT IMPROVEMENTS PROJECT IN THE AMOUNT OF \$22,983.74. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

RES. 2020-7648  
AWARD RAWSON  
HOMES PAVEMENT  
PROJECT

- G.17. Alderwoman Wilhelm moved to adopt Resolution No. 2020-7648, A RESOLUTION TO AWARD 2020 RAWSON HOMES PAVEMENT PROJECT TO STARK PAVEMENT CORPORATION IN THE AMOUNT OF \$194,729.30. Seconded by Alderman Nelson. All voted Aye; motion carried.

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| RES. 2020-7649<br>S. 60TH ST. SEWER<br>PROJECT | G.18. | Alderwoman Wilhelm motion to adopt Resolution No. 2020-7649, A RESOLUTION TO DECLINE PARTICIPATION IN A CONSTRUCTION CONTRACT PER INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF WAUKESHA WATER UTILITY FOR THE 60TH STREET SEWER PROJECT AND FURTHER DIRECT STAFF TO SOLICIT CONSULTANTS FOR DESIGN OF LIFT STATION REPLACEMENT. Seconded by Alderman Barber. All voted Aye; motion carried.   |
| WATER TOWER SITE<br>S. LOVER'S LANE RD.        | G.19. | Alderman Mayer moved to direct staff to include up to \$20,000 additional investigative work for park land connected to a new water tower site on South Lovers Lane Road (Tax Key No. 801-9986-000, 801-9985-000, 801-9984-000 and 801-9987-000) from the 2020 Capital Improvement Fund. Seconded by Alderman Nelson. All voted Aye; motion carried.  |
| 2020 DEBT ISSUANCE<br>PLANNING                 | G.20  | <p>Alderman Nelson vacated his seat at 9:19 p.m. and returned at 9:23 p.m.</p> <p>Alderman Barber moved to direct staff to maintain the water tower project on the 2021 schedule to take advantage of expiring water impact fees. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.</p> <p>Alderman Dandrea moved to approve the use of Internal Advances to fund up to \$3.5 million of TID 4 resource requirements from funds the Director of Finance and Treasurer deems appropriate. Seconded by Alderman Barber. All voted Aye; motion carried.</p> <p>Alderman Barber moved to direct staff to preserve the availability of the 2014, 2015, and 2016 unused levy in preparing for the 2020 City Tax Levy. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.</p> |
| IMPACT FEE REPORT                              | G.21. | An update on the Impact Fee holding period was presented by the Director of Finance.  |
| MAY, 2020 FINANCIAL<br>REPORT                  | G.22. | Alderman Nelson moved to receive and place on file May, 2020 Financial Report. Seconded by Alderman Barber. All voted Aye; motion carried.  |
| LICENSES AND<br>PERMITS                        | H.    | Alderwoman Hanneman moved to approve the following license recommendations for the License Committee meeting of July 7, 2020:   |

Hold for appearance the Operators' License applications of Jennifer B Geske, 460 Raynor Ave, Franksville; Heather M Borger, 511 Montana Ave., South Milwaukee; Charles H Raine, 6435 Lyra Ln, Racine; Nicholas B Savarino, S69W15031 Cornell Circle, Muskego; and

Grant 2020-2021 Operator licenses to: Joseph A Cauley, 1813 S 70th St., West Allis; Anthony M Chatfield, 10224 W Forest Home Ave. #319, Hales Corners; Roman J Arneson, 2109 Clarence Ave., Racine; Heather A Bandle, 11430 W Swiss St. Apt B; Sara A Bryant, 3925 W Denis Ave., Greenfield; Sonny S Chahal, 3789 W Cypress Ln.; Angelica M Davis, 826 Blake Ave., South Milwaukee; Jeffrey F Dejna, 8417 Willow Pointe Parkway; Amber M Ishaque, 9031 W Lisbon Ave., Milwaukee; Anna J Kopf, 5276 Somerset Ln. S, Greenfield; Josefina, 435 W Aspen Dr. #19, Oak Creek; Benjamin L Nelson, N51W16426 Fair Oaks Parkway, Menomonee Falls; Elizabeth L Newell, 5718 S 110th St., Hales Corners; Rachel A Olson, 13820 W Forest Dr. (with a warning letter from the City Clerk), New Berlin; Jaime N Petricek, 5569 S 41st St., Greenfield; Debra A Reichart, 25304 Windsong Ct, Waterford; Christine A Rozewicz, 8123 S Legend Drive Unit A; Linda M Rueth, 23034 Rasmusson Dr., Muskego; Ethan S Sacharski, W127S9585 Scott Krause Ct., Muskego; Hebah F Sami, 3341 W Canterbury Rd., Milwaukee; Elyzabeth D Smith, 5389 Orchard Ln., Greendale; Mayemme Sow, 4856 S 21st St., Milwaukee; Daniel V Stadler, S73W14901 Candlewood Ln., Muskego; Jessica St Louis, 10598 W Cortez Cir. #34; Molly A Tengel, 731 S 60th St., Caledonia; Nicole M Vesper, 1928 W Salem St., Milwaukee; Joseph O Vrobel, 10147 W Forest Home Ave. Apt 204, Hales Corners;

Grant Class B Liquor & Beer Request for Change in Premise to: Alley Katz Pub & Grill, DBA Swiss Street Pub & Grill, 11430 W Swiss St. ("music on the weekends" hold to re-appear on the 7/21/2020 agenda); St. Martins Inn, LLC, DBA Wegner's St. Martins Inn, 11318 W St Martins Rd.;

Hold Temporary Entertainment & Amusement Change in Date for 7/21/2020 Agenda: St. Paul's Evangelical Lutheran Church, 6881 S. 51st St., 2020 Fundraiser Silent/Live Auction, New Date of Event September 26, 2020; and

Hold Temporary Class B Beer and Wine for Change in Date for 7/21/2020 Agenda: St. Paul's Evangelical Lutheran Church, 6881 S. 51st St., 2020 Fundraiser Silent/Live Auction, New Date of Event September 26, 2020.

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



VOUCHERS AND  
PAYROLL

- I. Alderman Dandrea moved to approve the following:  
City vouchers with an ending date of July 2, 2020 in the amount of \$1,815,630.40; and Payroll dated June 19, 2020 in the amount of \$413,144.92 and payments of the various payroll deductions in the amount of \$418,410.45 plus City matching payment; and Payroll dated July 3, 2020 in the amount of \$389,517.42 and payments of the various payroll deductions in the amount of \$224,806.20 plus City matching payments; and Estimated payroll dated July 17, 2020 in the amount of \$390,000 and payments of the various payroll deductions in the amount of \$ 230,000, plus City matching payments; and Property tax disbursements with an ending date of July 2, 2020 in the amount of \$195.26. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Nelson moved to adjourn the meeting at 9:57 p.m. Seconded by Alderman Barber. All voted Aye; motion carried.

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APPROVAL <i>slw</i> <i>pk</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE July 21, 2020
REPORTS & RECOMMENDATIONS	List of Donations for May and June, 2020 to Police, Fire and Parks	ITEM NUMBER

### Background

Various residents and businesses contribute to City activities to assist the Police, Fire and Parks. Following is a list of donors who contributed during May and June, 2020.

Date	Description	Reference #	
<b>Fund 28 DONATIONS FUND</b>			
05/26/2020	28-0000-4738 DONATIONS-POLICE-CANINE-7075/1038 CANALES, LINDA	155586	500.00
06/11/2020	28-0000-4741 DONATIONS - OTHER POLICE-7040/1041 JESTER, ROBERT	156158	100.00
06/19/2020	HAY, DANIEL	156420	3,500.00
	Total		3,600.00
05/26/2020	28-0000-4745 DONATIONS-FIRE PREVENTION-7080/1045 CANALES, LINDA	155586	500.00
05/11/2020	28-0551-4747.9820 DONATN-KAYLA PLAYGRD JORGENSEN, JEANINE	155173	40.00
06/15/2020	MICHAELS, SCOTT	156237	40.00
06/26/2020	MAULDIN, MELISSA	156595	40.00
	Total		120.00
<b>TOTAL FOR FUND 28 DONATIONS FUND</b>			<b>4,720.00</b>

### **COUNCIL ACTION REQUESTED**

Motion to acknowledge and accept donations received during May and June, 2020 to the Police, Fire, and Parks.

**City of Franklin, WI**  
**Donations - May June 2020**

Date	Description	Reference #	
Fund 28 DONATIONS FUND			
	28-0000-4738 DONATIONS-POLICE-CANINE-7075/1038		
05/26/2020	CANALES, LINDA	155586	500 00
	28-0000-4741 DONATIONS - OTHER POLICE-7040/1041		
06/11/2020	JESTER, ROBERT	156158	100 00
06/19/2020	HAY, DANIEL	156420	3,500 00
	Total		<u>3,600 00</u>
	28-0000-4745 DONATIONS-FIRE PREVENTION-7080/1045		
05/26/2020	CANALES, LINDA	155586	500 00
	28-0551-4747 9820 DONATN-KAYLA PLAYGRD		
05/11/2020	JORGENSEN, JEANINE	155173	40 00
06/15/2020	MICHAELS, SCOTT	156237	40.00
06/26/2020	MAULDIN, MELISSA	156595	40.00
	Total		<u>120.00</u>
TOTAL FOR FUND 28 DONATIONS FUND			<u>4,720 00</u>

<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  07-21-20
<b>REPORTS AND RECOMMENDATIONS</b>	<b>Request Common Council authorization to allow the Fire Department to solicit competitive bids for the installation of a station-specific alerting system.</b>	<b>ITEM NUMBER</b>  G.I.(b)

In November 2019, Council authorized the Director of Administration to enter into an agreement with Starfire Systems, Inc., in order to produce technical specifications, schematics, and design drawings that were in sufficient detail for the purpose of publication for the solicitation of competitive bids for the installation of the system. (The hardware and software was to be purchased by the city directly from the manufacturer through a separate agreement approved in January of 2020).

The installation specification documents have finally been completed and have been vetted and approved by both the Department and the manufacturer.

The fire department is requesting authorization to solicit competitive bids for installation of the United States Digital Designs (USDD) station-specific alerting system, with the bidding and procurement process in compliance with all requirements defined in state statutes and municipal codes and ordinances.

### **COUNCIL ACTION REQUESTED**

**Motion to approve Fire Department authorization to solicit competitive bids for installation of USDD station-specific alerting system in accordance and compliance with all applicable state and local statutes and ordinances.**

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE July 21, 2020
Reports & Recommendations	SUBMIT APPLICATION TO MILWAUKEE COUNTY PARKS FOR CASCADE PARK TRAIL BETWEEN 8300 S. 60 <sup>TH</sup> STREET AND 8248/8264 RIVER TERRACE DRIVE	ITEM NO. 6.1.(c)

### **BACKGROUND**

Staff has been trying to coordinate new Oak Leaf Trail connections with Cascade Park and River Terrace Subdivision with Milwaukee County Parks for about a year. At the August 20, 2019, Common Council meeting, Staff was directed *"to return to Common Council with a final engineering contract with Trotter & Associates for the design of a Cascade Trail extension to the Root River Line of the Oak Leaf Trail"* Staff has not returned to Common Council with a design contract because County Staff has been unable to provide guidance on a Memorandum of Understanding (MOU) or agreement that would outline the conditions on which a trail could be constructed. It would be pointless to proceed with a design effort if the City and County cannot agree on the conditions needed for the construction and maintenance of the trails.

On July 10, 2020, County Staff provided guidance on the initial steps needed to outline an MOU. City Staff immediately submitted an application that was due on July 3 because the next round of applications are due in October which would not allow any design to occur in 2020. The application requires a \$500 fee.

### **ANALYSIS**

To officially start the conversation with the County Parks, the \$500 fee is needed to accompany the application that Staff submitted on July 10.

### **OPTIONS**

- A. Authorize payment of \$500 to Milwaukee County Treasurer for the application. Or
- B. Direct Staff to withdraw the submitted application. Or
- C. Provide further direction to Staff.

### **FISCAL NOTE**

A \$500 check to the Milwaukee County Treasurer is included in the voucher approval list for this meeting. This expense is eligible for Park Impact Fees.

### **RECOMMENDATION**

(Option A) Motion to authorize Staff to submit application to Milwaukee County Parks for Cascade Park Trail between 8300 S. 60th Street and 8248/8264 River Terrace Drive.

Engineering Department: GEM

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

### **BACKGROUND**

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

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

### **ANALYSIS**

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

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

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

### **OPTIONS**

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

### **FISCAL NOTE**

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

### **COUNCIL ACTION REQUESTED**

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

Engineering. GEM





## Community Project Request: Land Utilization

**Thank you for submitting your request.**

After your documentation and payment are received, your Plan Review will take place in the next quarterly review session.

### **Application Date**

7/10/2020

Note that a Land Utilization Request includes a \$500 plan review fee with this application. Applications are reviewed quarterly. Milwaukee County Parks will respond with your Request status after review. Submitting an application does not imply an approval will be granted.

### **REQUESTOR**

Glen Morrow

### **Company**

City of Franklin

### **Address**

9229 West Loomis Road, Franklin, Wisconsin 53132

### **Phone**

(414) 425-7510

### **Email**

gmorrow@franklinwi.gov

### **PROJECT REFERENCE NAME**

Cascade Park Trails

### **ESTIMATED AREA OF DISTURBANCE DURING CONSTRUCTION**

TBD- need Wetland and Natural Feature Surveys and coordination with County

### **PROPOSED FINAL EASEMENT ACREAGE**

TBD- need Wetland and Natural Feature Surveys and coordination with County

### **WOULD THIS PROJECT DISTURB DESIGNATED RECREATION AREAS**

Yes

### **WOULD THIS PROJECT DISTURB DESIGNATED NATURAL AREAS (e.g. woodland, prairie, etc.).**

Yes

**PURPOSE OF THIS LAND UTILIZATION**

Connect Oak Leaf Trail along the Root River to Franklin's Cascade Park (8300 S. 60th Street) and River Terrace Subdivision (8248/8264 S River Terrace Drive).

**PROPOSED CONSTRUCTION TIMETABLE**

Planning and Design in summer/Fall 2020 with construction in spring of 2021

**PROPOSED CONSTRUCTION EQUIPMENT**

earth moving and paving crews to clear and install culvert or bridges and pathway.

**WOULD ADDITIONAL ACCESS BE REQUIRED FOR THIS EASEMENT/INSTALLATION (e.g. maintenance, testing)**

Yes

**DESCRIBE ACCESS/MAINTENANCE ACTIVITIES AND SCHEDULE**

Negotiable as needed for maintenance of trail and crossings over tributaries.

**PROPOSED LAND ACCESS TYPE**

MOU

**LOCATION**

TBD after initial investigation.

**PERMANENCE OF EASEMENT/INSTALLATION**

perpetual so that Franklin may utilize park Impact Fees

**Location Map with Project Boundaries**

[cascadia application exhibit.pdf](#)  
762.72 KB

**Access-to-Project-Site Plan**

[cascadia application exhibit.pdf](#)  
762.72 KB

**Construction Details**

Please print a copy of your application and send it along with a check for \$500, made payable to Milwaukee County Treasurer.

Mail to.

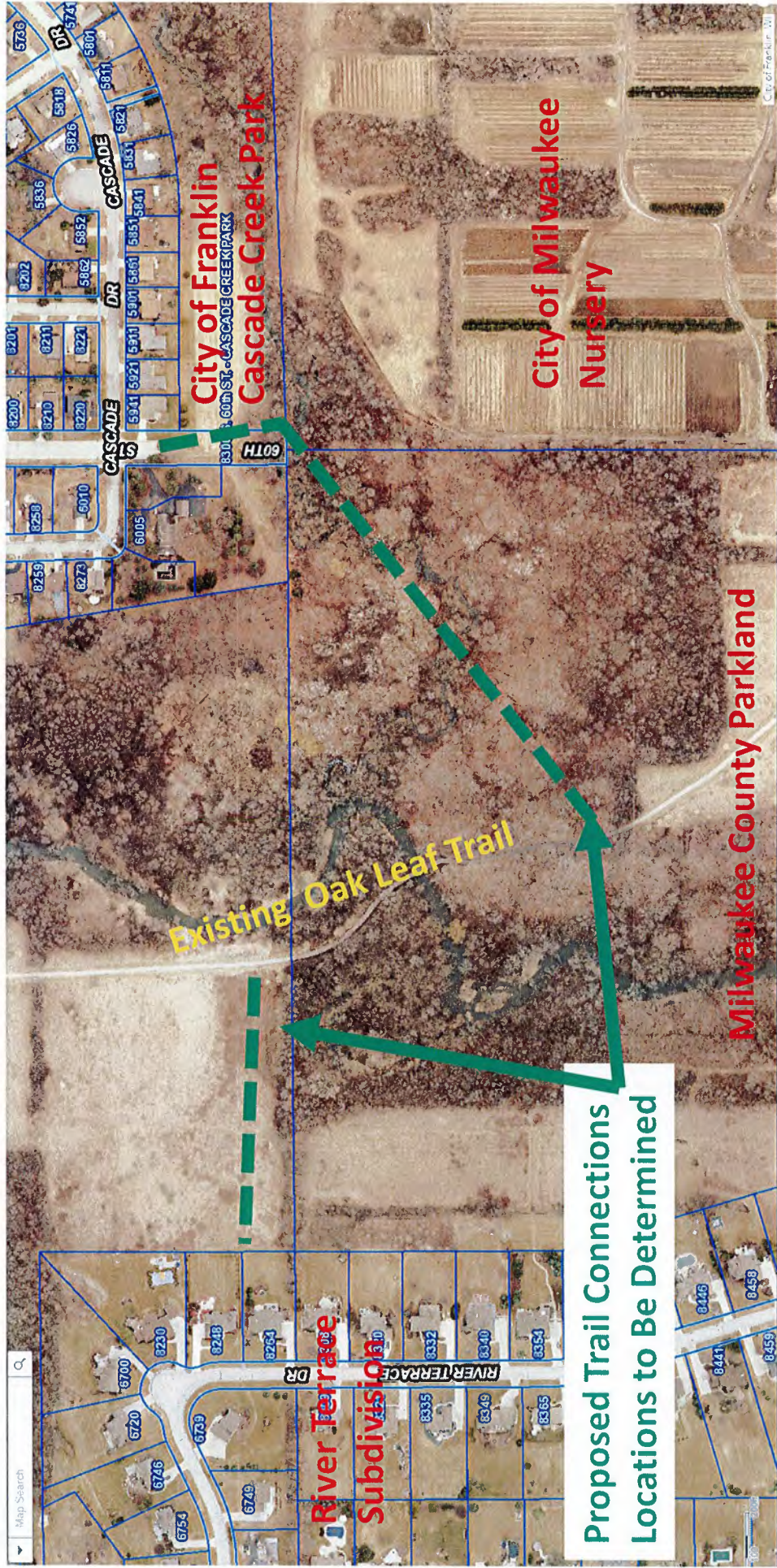
ATTN PARK PLANNING  
Milwaukee County Parks  
9480 Watertown Plank Road  
Wauwatosa, WI 53226

**Construction Details**

Please print a copy of your application and send it along with a check for \$500, made payable to Milwaukee County Treasurer.

Mail to:

ATTN PARK PLANNING  
Milwaukee County Parks  
9480 Watertown Plank Road  
Wauwatosa, WI 53226



APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE July 21, 2020
Reports & Recommendations	ORDINANCE TO ESTABLISH PLACEMENT OF STOP SIGNS ON S. CAMBRIDGE DRIVE AT W. STONE HEDGE DRIVE INTERSECTION	ITEM NO. <i>G.I.(d)</i>

### **BACKGROUND**

Staff received a request to place stop signs for north and southbound traffic of S. Cambridge Drive at W. Stone Hedge Drive intersection. Currently there are stop signs posted for east and westbound traffic of W. Stone Hedge Drive at this intersection.

### **ANALYSIS**

The Board of Public Works discussed this issue at the July 14, 2020, meeting and recommends to Common Council that this addition be made to the Municipal Code. This change would make a current 2-way stop intersection into a 4-way stop intersection.

Note that the Board of Public Works will soon be proposing an overall update of the entire list of stop signs. The current stop signs posted on W. Stone Hedge Drive are among many stop signs currently not in the municipal code- even though they have been posted for many years. This current ordinance will include stop signs for both streets at this intersection.

### **OPTIONS**

- A. Add the additional stop signs, Or
- B. Provide further direction to Staff.

### **FISCAL NOTE**

No significant financial impact to the City.

### **RECOMMENDATION**

(Option A) Authorize Ordinance 2020-\_\_\_\_\_, an ordinance to establish placement of stop signs on S. Cambridge Drive at W. Stone Hedge Drive Intersection.

Engineering Department: GEM



STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

ORDINANCE NO. 2020-\_\_\_\_\_

AN ORDINANCE TO ESTABLISH PLACEMENT OF STOP SIGNS ON S. CAMBRIDGE DRIVE  
AT W. STONE HEDGE DRIVE INTERSECTION

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WHEREAS, the Board of Public Works has considered a request for additional stop signs to be placed for north and southbound traffic of S. Cambridge Drive at W. Stone Hedge Drive intersection; and

WHEREAS, the Board has determined that placement of stop signs at this location is warranted; and has recommended to Common Council that stop signs be placed at this intersection.

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

SECTION I. Section 245-3.B. of the Municipal Code is hereby amended to add the following:

Location	Direction of Travel	Required Stop
S. Cambridge Drive and W. Stone Hedge Drive	Any Direction	Intersection of S. Cambridge Drive and W. Stone Hedge Drive

SECTION II. This Ordinance shall become effective upon its passage and publication as required by law.

SECTION III. All ordinances or parts of ordinances in contravention to this Ordinance are hereby repealed.

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

Passed and adopted by the Common Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

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



ATTEST:

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

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





-  Requested Stop Signs
-  Existing Stop Signs



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<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>7/21/2020</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Franklin Senior Citizens Travel Program Semi-Annual Update for 2020</b>	<b>ITEM NUMBER</b>  <b>G.2.</b>

To fulfill the June 19, 2007 directive of the Common Council requesting that an update of the Franklin Seniors Travel Program be prepared semi-annual, reporting in January and July of each year, attached is correspondence from Mr. Basil Ryan on January thru June 2020 trip statistics and activities.

The Franklin Senior Travel Program is funded through the City's general "Recreation" operating fund, which for 2020 has a total budget amount of \$12,000. For the period January 1, 2020 through June 30, 2020, one (1) trip has been taken thus far expending \$1,180 of the \$12,000 Senior Travel Program Budget for 2020 (remaining balance for July thru December is \$10,820). The April and June trips were scheduled and sold out but cancelled due to COVID-19.

Mr. Basil Ryan is planning to attend the July 21, 2020 Common Council Meeting for this item.

### **COUNCIL ACTION REQUESTED**

This item is being provided at the direction of the Common Council for its information. No action is being requested.

July 14, 2020

Mayor and Common Council Members

Franklin City Hall

9229 West Loomis Road

Franklin, WI 53132

Ladies and Gentlemen:

Given the unprecedented circumstances we are experiencing due to COVID-19, our seniors remain diligent, patient, and above all, grateful for their health and safety. Outreach efforts to Franklin Senior Travelers have been a joyful experience. We reached out to them immediately to let them know they could contact us at any time for health or personal needs. We fielded calls about a variety of items, but mostly they just want to talk. Their everyday life was turned upside down by the coronavirus. They miss their outings and ability to interact with other Franklin seniors. We continue to check in with a number of seniors who do not have family to make sure they are okay. Franklin Senior Travelers call daily, anxious to hear when they may be able to travel again. Franklin Senior Travelers look forward to travelling again soon when it is safe.

The Franklin Senior Travelers submit the following report for January – June 2020 activity. Franklin Senior Travelers were fortunate to travel in early March before COVID-19 restrictions were put in place.

*March* – Hal Prince: From Fiddler to Phantom, Sunset Playhouse, Elm Grove, and lunch at O'Donoghues Irish Pub, Elm Grove – 94 seniors

The Franklin Senior Travelers 2020 budget is \$12,000. Trips were planned anticipating using the full budget amount through the end of the year. Trips that were cancelled due to COVID-19 were sold out, meaning over 110 seniors travelling on three buses. Future trips are carefully reviewed with the venue and state guidelines as we move through the various stages of COVID-19 restrictions. Venues that have cancelled, have rescheduled those shows for 2021. No venues have cancelled their season yet and are hopeful that future 2020 shows will go on as scheduled – and so do our seniors!

The health and safety of Franklin Senior Travelers is the number one priority during these unforeseeable times.

Sincerely,

Basil Ryan

Franklin Senior Travelers

Attachment

## 2020 FRANKLIN SENIOR TRAVELERS BUS TRANSPORTATION BUDGET

Date	Trip Description	Bus Cost	Paid By	Balance
				12,000
January	NO TRIP - BUDGET CONSTRAINTS	N/A		N/A
February	NO TRIP - BUDGET CONSTRAINTS	N/A		N/A
	Hal Prince: From Fiddler to Phantom, Sunset			
3/3/2020	Playhouse	1,180	City of Franklin	10,820
	I Love Rock & Roll, Sunset Playhouse CANCELLED			
4/28/2020	DUE TO COVID-19	N/A		N/A
May	NO TRIP - BUDGET CONSTRAINTS	N/A		N/A
	What Happens in Vegas, Fireside Theatre			
6/17/2020	CANCELLED DUE TO COVID-19	N/A		N/A
	<b>CURRENT TOTAL</b>			<b>10,820</b>
	2020 budget is \$12,000			

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<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>7/21/2020</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Franklin Senior Citizens, Inc. Semi-Annual Update for 2020</b>	<b>ITEM NUMBER</b>  <b>G.3.</b>

At their February 17, 2015 meeting, the Common Council directed that Fred Knueppel, President of the Franklin Senior Citizens, Inc. organization, attend and give a status update on the organization semi-annually (January and July). Attached is a spreadsheet showing the January thru June 2020 expenditures of the Franklin Senior Citizens, Inc. organization. Due to COVID-19, the Franklin Senior Citizens group has not been able to meet since March; thus expenditures have only been for the months January through March 2020.

Also attached is a letter Mr. Knueppel received from Milwaukee County Department on Aging on June 24, 2020 in response to COVID-19 that he wanted to share with the Council. Mr. Knueppel reports that the Franklin Senior Citizens will await guidance from all the local health experts on when they will be able to gather again in a large group; which may not be until sometime next year.

The Franklin Senior Citizens, Inc. activities are funded strictly through the City's general "Recreation" operating fund. For 2020, the total budget amount is \$10,000. The Franklin Senior Citizens, Inc. budget funds a portion of the cost of their monthly business meeting luncheons held at Root River Lanes in Franklin, a monthly social luncheon at Brenwood Park Senior Apartments (minus the Seniors co-pay of \$2 each), miscellaneous operating supply costs, and IT tech room support services.

As of June 30, 2020, \$2,099.80 has been expended from the \$10,000 City budget for Senior Citizen Activities (see attached spreadsheet). A general breakout is as follows: Monthly Business Luncheon, \$1,606.01; Monthly Social Luncheon, \$163.16; Miscellaneous Operating Supply Costs and IT Tech Room Support Services, \$330.63. The total membership of the Franklin Senior Citizens, Inc. as of January 2020 is 126 members.

Mr. Fred Knueppel will not be in attendance for the July 21, 2020 Common Council Meeting due to taking precautions related to COVID-19.

### **COUNCIL ACTION REQUESTED**

This item is being provided at the direction of the Common Council for its information. No action is being requested.

## 2020 Franklin Senior Citizens, Inc. Activities

Breakdown of Reported Expenditures and Reimbursement by City

Annual Appropriation \$10,000

Month	Franklin Seniors Social			Business Luncheon					Seniors Attendance	Office, Misc., and Computer Center Costs	Total Program Cost Reimbursement (01.0521.5723)
	Combined Program Cost	Participant Co-Pay (\$2 Each)	Program Cost Reimbursement	Combined Program Cost	Participant Cost (Approx. \$5 Each)	Extra Costs paid by Fr. Senior Inc for special venues	Program Cost Reimbursement (\$4.50 Each)	Misc. Costs/Entertainment Reimbursement			
January, 2020	121.36	(56.00)	65.36	28	(370.00)		480.00		74	119.03	664.39
Feb 2020	153.80	(56.00)	97.80	28	(470.00)		610.53		94	105.80	814.13
Mar 2020					(435.00)		515.48		87	105.80	621.28
Apr 2020											
May 2020											
June 2020											
TOTALS	\$275.16	-\$112.00	\$163.16	56	\$2,881.01	\$0.00	\$1,606.01	\$0.00	255	\$330.63	\$2,099.80
										Remaining Balance for 2020	\$7,900.20



MILWAUKEE COUNTY  
**Department on Aging**

**MILWAUKEE COUNTY DEPARTMENT ON AGING UPDATE IN RESPONSE TO CORONAVIRUS (COVID-19)**

Issued: June 24, 2020

A number of questions have recently come up regarding Milwaukee County's plan to re-open the five county-owned senior centers. We want to provide you with an update on the County's plan and the reasoning behind these decisions.

As you know, older adults are a high-risk group for severe illness. The risk of spreading COVID-19 is heightened when people are interacting with one another, especially indoors. While there are many steps the County and individuals can take to mitigate risks, at this point in time there is no way of making our senior centers sufficiently safe to serve high-risk older adults. Furthermore, leading public health experts across the County expect that there will be a drastic second spike of COVID-19 as early as this summer, and almost certainly by the fall that will last well through flu season 2021. While we don't know when a treatment or vaccine may be developed and available to the public, experts largely agree that this will not happen for at least 12 months. For these reasons, **we expect to keep the senior centers closed for older adult programming through at least March 2021.**

**Key Factors in This Decision**

- COVID-19 is a highly infectious, deadly virus and the County must prioritize the safety and health of our service users.
- Older adults are a high-risk group and we cannot make programming at senior centers safe enough to open while Milwaukee County is experiencing community spread of COVID-19.
- What does it mean that older adults are "high risk"?
  - People 65+ have higher incidence of serious illness leading to hospitalization or even death.
  - People over age 65 make up 15% of the population but usually around 40% of hospitalizations. In other words, people 65+ are disproportionately represented in hospitalized groups.
- Milwaukee has been experiencing community spread of COVID-19 since early 2020, and when the flu season makes its expected return in the fall there is the risk of not one, but two viral outbreaks that hit some age groups harder than others. Some flu seasons disproportionately affect seniors and we already know that COVID-19 hits older adults harder.
- Flu season typically runs from October through March but can sometimes last longer. At this time, Milwaukee County does not expect to be able to open senior centers for older adult programming any earlier than March 2021. If a treatment or vaccine is developed and available to the public, the County will re-visit the timeline for opening its senior centers.

- Meeting the needs of our older adult population is of utmost importance to us. The Department on Aging and its service providers continue to provide and coordinate services to older adults, and the Department updates its website daily with any service changes.

If something drastically changes what we currently know about the spread of the virus, we will re-evaluate opening senior centers accordingly.

**Stay Connected**

For the latest updates on MCDA services and response to COVID-19 please go to our website:

[https://www.mcdafla.org/covid-19](#)



<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>7/21/2020</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>City of Franklin's Community Development Block Grant Program Projects for 2021</b>	<b>ITEM NUMBER</b>  <b>G.4.</b>

Per Milwaukee County, the timeline for the 2021 Community Development Block Grant (CDBG) applications is as follows:

July 20-23, 2020: 2021 CDBG Training Sessions for Applicants (one training is required per applicant and will be attended by Department of Administration staff).

July 23, 2020: 2021 CDBG application available online.

August 26, 2020: CDBG applications due to Milwaukee County Housing by Noon.

October 2020: (Tentative) 2021 applications are presented to the Milwaukee County Economic & Community Development Committee Meeting.

#### **2020 CDBG PROJECT ALLOCATIONS**

For its 2020 CDBG allocations, the City of Franklin issued a letter of support in the amount of \$5,000 to Eras Senior Network Neighborhood Outreach Program; a letter of support in the amount of \$3,000 to Oak Creek Salvation Army for its Homelessness Program; applied and received notice of award in the amount of \$4,600 for the Senior Community Health Educational Program (Health Department); and applied and received notice of award in the amount of \$42,000 for the 2020 Franklin Home Repair Grant Program.

#### **2021 CDBG APPLICATION IDEAS**

As a refresher, the Milwaukee County CDBG program has had increasing pressure from HUD to ensure approved projects meet the federal requirement that no more than 15% of project dollars go towards Public Service projects, social service type programs not involving construction (per federal law, the focus of the CDBG program is for construction related projects). Note that the County considers those projects that receive a letter of support as using a portion of our allocation.

The size of Franklin's allocation limits its reasonable application for major construction projects, which is the primary intent of the Federal CDBG program. Efforts to generate public input and ideas in recent years have not been very successful largely in part to the limitations of the funds in relation to Franklin's demographic makeup. Our current allocation strategy supports beneficial services and can be very helpful in maintaining a small portion of the City's older housing stock (through the Franklin Home Repair Grant Program), while targeting CDBG-eligible participants.

For 2021 and absent the submission of appropriate and viable CDBG-eligible project suggestions, the Director of Administration recommends continuing to fund the current Public Service Projects: 1) The Senior Health-Related Educational Programming by the Franklin Health Department (\$5,000), 2) letter of support for the Oak Creek Salvation Army – Homelessness Program (\$3,000), and 3) letter of support for the Eras Senior Network Faith in Action Milwaukee County Program (formerly called Neighborhood Outreach Program) (\$5,000). If the Common Council agrees, the City will forward letters of support to Eras Senior Network and the Oak Creek Salvation Army, and those agencies will then proceed to prepare and submit the necessary 2021 application to

Milwaukee County (both agencies have confirmed that they will again be applying for 2021 Milwaukee County CDBG funding). Note that it is possible that the County could reduce the total of available funds for Franklin Public Service projects to approximately \$8,000-\$9,000, which is 15% of a typical allocation between \$50,000-\$60,000.

Also for 2021, and absent any other ideas, the Director of Administration suggests that the City once again apply for funding towards a "Franklin Home Repair Grant Program" as it had applied for and was awarded funding in 2018, 2019, and 2020. The current 3-year Cooperation Agreement with the County includes language that allows a community to submit proposed projects for funding "and/or have all or some of its allotment for that year applied to the Home Repair Program". The Milwaukee County Home Repair Program is administered directly through Milwaukee County and provides grants to low-income owner-occupants of single-family homes to make necessary repairs to their homes. Typical repairs include making accessibility accommodations, repairing electrical systems, water/sewer service, and/or porches; replacing roofs, siding, trim, and/or windows. The application for the Home Repair Grant Program is set up to help as many income-eligible, single-family homeowners in Franklin as possible – with grants being up to one-half the project cost, no greater than \$10,000. This \$10,000 amount is flexible and can be modified (increased/decreased) by Milwaukee County depending on how many income-eligible applications are received and the amount of the repairs.

Absent any other suggested projects, the Director of Administration recommends completing and submitting final 2021 Milwaukee County CDBG applications by the deadline date of August 26, 2020 for the following City of Franklin projects and amounts:

<b>2021 Recommended Franklin CDBG Applications:</b>	<b>Amount:</b>
Senior Health-Related Educational Programming (Health Department)	\$5,000
Eras Senior Network Faith in Action Milwaukee Co Program (Letter of Support-\$5,000)	5,000
Oak Creek Salvation Army – Homelessness (Letter of Support-\$3,000)	3,000
Franklin Home Repair Grant Program (Remaining amount)	<u>37,000-47,000</u>
<b>Total 2021 Franklin Application Submittal</b>	<b>\$50,000-\$60,000</b>

NOTE: A public hearing by the City of Franklin is not required as the Milwaukee County Board schedules/holds a public hearing on all project recommendations usually in September.

## **COUNCIL ACTION REQUESTED**

Motion to authorize the Director of Administration to submit Letters of Support for the Eras Senior Network Faith in Action Milwaukee County Program for \$5,000 and Oak Creek Salvation Army – Homelessness Program for \$3,000; to submit a project application for Senior Health-Related Educational Programming for \$5,000; and to submit a project application for a Franklin Home Repair Grant Program, that would be administered directly through Milwaukee County, for the remaining portion of the City's annual allocation by the deadline date of August 26, 2020.

<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  July 21, 2020
<b>REPORTS AND RECOMMENDATIONS</b>	A Resolution Authorizing Certain Officials to Execute a Consent to Collateral Assignment of Development Agreement for Knollwood Legacy Apartments from WAB Holdings KWL LLC to Old National Bank	<b>ITEM NUMBER</b>  <i>G.5.</i>

A copy of the above-entitled draft resolution is annexed hereto. Also annexed hereto is a copy of the Collateral Assignment of Development Agreement for Knollwood Legacy Apartments.

### **COUNCIL ACTION REQUESTED**

A motion to adopt A Resolution Authorizing Certain Officials to Execute a Consent to Collateral Assignment of Development Agreement for Knollwood Legacy Apartments from WAB Holdings KWL LLC to Old National Bank.

Legal Services Dept.: jw

## **COLLATERAL ASSIGNMENT OF DEVELOPMENT AGREEMENT FOR KNOLLWOOD LEGACY APARTMENTS**

THIS COLLATERAL ASSIGNMENT OF DEVELOPMENT AGREEMENT (this "Assignment") is made as of July \_\_\_\_, 2020 by **WAB HOLDINGS KWL LLC**, a Wisconsin limited liability company ("Borrower") in favor of **OLD NATIONAL BANK** ("Lender").

### **RECITALS:**

A. Borrower and Lender have entered into that certain Construction Loan Agreement dated July \_\_\_\_, 2020 (as may be amended, modified, supplemented restated or replaced from time to time, the "Loan Agreement").

B. Pursuant to the Loan Agreement, Lender has agreed to make a construction loan to Borrower in the principal amount of Six Million Seven Hundred Twelve Thousand and 00/100 Dollars (\$6,712,000.00) (the "Loan") evidenced by that certain Promissory Note dated as of July \_\_\_\_, 2020 executed by Borrower in favor of Lender in the original principal amount of Six Million Seven Hundred Twelve Thousand and 00/100 Dollars (\$6,712,000.00) (the "Note").

C. The Note is secured by (1) a first priority Construction Mortgage dated July \_\_\_\_, 2020 executed by Borrower in favor of Lender (as may be amended, modified, supplemented restated or replaced from time to time, the "Mortgage") encumbering the real property described on the attached Exhibit A (the "Property"), and (2) other related documents which secure or provide evidence for the Note (collectively, with the Loan Agreement and the Note, as may be amended, modified, supplemented restated or replaced from time to time, the "Loan Documents").

D. Borrower and the City of Franklin, Wisconsin (the "City") have entered into a Development Agreement dated July \_\_\_\_, 2020, a copy of which is attached to this Assignment as Exhibit B (the "Development Agreement"), pertaining to the development of the Property.

E. Lender requires Borrower to execute and deliver this Assignment as additional collateral for the Loan.

### **AGREEMENTS**

NOW, THEREFORE, in consideration of the foregoing and of the mutual promises contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Borrower hereby agrees as follows:

1. Assignment. As security for the obligations defined in the Mortgage (the "Obligations"), Borrower hereby collaterally assigns to Lender all of its right, title, and interest in the Development Agreement, including all rights to payments thereunder, it being understood and agreed that, if the Obligations are satisfied in full, then this Assignment shall automatically terminate without the necessity of any further act or instrument.

2. Lender's Rights Upon an Event of Default. If an Event of Default (as defined in the Loan Agreement) occurs and is continuing, then Lender may, at its option upon written notice to Borrower and the City, but without any obligation to do so, elect to assume Borrower's rights and obligations under the Development Agreement. If Lender so elects to assume Borrower's rights and obligations under the Development Agreement, Lender shall have all of the rights and obligations of Borrower under the Development Agreement. Prior to the occurrence of an Event of Default under the Loan Agreement and the written election by Lender to assume Borrower's rights and obligations under the Development Agreement, nothing in this Assignment shall be construed as an assumption by Lender of any liability or obligation of Borrower under the Development Agreement. Nothing herein constitutes a release by the City of Borrower from its obligations under the Development Agreement even if Lender elects to assume Borrower's rights and obligations thereunder, and to the extent the Development Agreement is not performed by Lender, Borrower remains responsible to the City for all of its obligations under the Development Agreement.

3. Performance of Borrower. Borrower shall faithfully abide by, perform and discharge in all material respects each of Borrower's obligations, covenants and agreements under the Development Agreement. Without the prior written consent of Lender, Borrower shall not (a) modify or in any way alter the terms of the Development Agreement, (b) pledge or assign the Development Agreement (except pursuant to this Assignment), (c) waive any of its rights under the Development Agreement, or (d) terminate or surrender the Development Agreement.

4. Protect Security. At Borrower's sole cost and expense, Borrower shall appear and defend any action or proceeding arising under, during, out of or in any manner connected with the Development Agreement or the obligations, duties or liabilities of Borrower under the Development Agreement, and shall pay any reasonable costs and expense of Lender, including reasonable attorneys' fees, in any such action or proceeding in which Lender decides, in its sole discretion, to appear.

5. Representations and Covenants. Borrower represents and warrants that (a) subject to the approval of the City, Borrower has the full right to collaterally assign the Development Agreement; (b) the Development Agreement is valid, is in full force and effect and has not been modified or amended; (c) there are no outstanding assignments or pledges of the Development Agreement; and (d) there are no existing defaults, rights of setoff, or claims for additional payments under the Development Agreement. Further, Borrower covenants that, if Borrower enters into a future development agreement for the Property, it will provide for the collateral assignment of such development agreement to Lender in accordance with the provisions of an assignment document substantially in the form of this Assignment. This Assignment and any future assignment by the Lender, Borrower or others of the Development Agreement, and any future development agreement assignment(s), shall be subject to the approval of the City of Franklin Common Council.

6. Authorization. Upon an Event of Default and during the continuance thereof, Borrower irrevocably constitutes and appoints Lender its true and lawful attorney-in-fact in

Borrower's name or in Lender's name, or otherwise, to enforce all rights of Borrower under the Development Agreement, and such power, being coupled with an interest, is irrevocable.

7. No Liability For Lender. Unless Lender elects to assume Borrower's rights and obligations under the Development Agreement as contemplated by Section 2. of this Assignment, Lender shall not be obligated to perform or discharge and does not by this Assignment undertake to perform or discharge any obligation, duty or liability under the Development Agreement.

8. Borrower Holds Lender Harmless. Borrower shall indemnify and hold Lender harmless of and from (a) any and all liability, loss or damage which it incurs under the Development Agreement or by reason of this Assignment; and (b) any and all claims and demands which are asserted against it by reason of any alleged obligations or undertakings on its part to perform or discharge any of the terms, covenants or agreements contained in the Development Agreement. The amount of all such liabilities, losses, damages, claims and demands, and the cost of defending against them, including costs, expenses and reasonable attorneys' fees, are secured by this Assignment and constitute part of the Obligations. Borrower shall reimburse Lender for such amounts within ten (10) days of a written demand therefor from Lender.

9. Security Interest in Agreements. In addition, Borrower hereby grants to Lender a security interest in Borrower's right, title, and interest in the Development Agreement, if and to the extent that a security interest may be granted therein under the Wisconsin Uniform Commercial Code, and Borrower acknowledges that Lender shall have all of the rights and remedies with respect thereto provided for by the Wisconsin Uniform Commercial Code, in addition to the other rights and remedies herein granted to Lender, in the event of the occurrence of an Event of Default.

10. Successors and Assigns. This Assignment shall be binding upon Borrower and its successors and assigns, and shall inure to the benefit of Lender, its successors and assigns. Borrower shall not further assign its obligations or interests under the Development Agreement or under this Assignment without Lender's prior written consent.

11. Governing Law. This Assignment shall be governed by the laws of the State of Wisconsin.

12. Validity Clause. This Assignment shall confer to Lender the rights and benefits described in this Assignment to the full extent allowable by law. The unenforceability or invalidity of any of the provisions of this Assignment shall not render any other provision or provisions unenforceable or invalid. Any provision found to be unenforceable shall be severable from this Assignment without invalidating the remainder of such provision or the remaining provisions of this Assignment.

13. Notices And Approvals. Any notice which either party may desire or may be required to give to any other party shall be in writing and shall be delivered as required under the Loan Agreement.

14. Counterparts. This Assignment may be signed in one or more counterparts, each of which shall be deemed to be an original and all of which together shall constitute one instrument. The signature of a party to this Assignment transmitted by facsimile or electronic mail to the other party shall be deemed an original signature.

15. No Oral Modification. This Assignment may not be modified, amended, waived, extended, changed, discharged or terminated orally or by any act or failure to act on the part of Borrower or Lender, but only by an agreement in writing signed by the party against whom enforcement of any modification, amendment, waiver, extension, change, discharge or termination is sought.

SIGNATURE PAGE TO COLLATERAL ASSIGNMENT OF  
DEVELOPMENT AGREEMENT

Dated as of the date first set forth above.

**BORROWER:**

WAB HOLDINGS KWL LLC

By: \_\_\_\_\_  
William A. Bodner, Manager



## CONSENT OF THE CITY

The City of Franklin, Wisconsin (the "City") hereby consents to the foregoing Assignment and agrees that if Lender notifies the City in writing that Lender is exercising its right to assume Borrower's rights and obligations under the Development Agreement, the City shall continue to perform its obligations under the terms of the Development Agreement in the manner specified in the Development Agreement as if Lender were originally a party to the Development Agreement. Lender's obligations under the foregoing Assignment are not personal obligations or binding on any of Lender's assets, except Lender's interest in the Property.

Nothing in the foregoing Assignment constitutes a release by the City of Borrower from its obligations under the Development Agreement even if Lender elects to assume Borrower's rights and obligations thereunder, and to the extent the Development Agreement is not performed by Lender, Borrower remains responsible to the City for all of its obligations under the Development Agreement. The City shall provide written notice to Lender of any default of Borrower under the Development Agreement in the same manner and at the same time as required under the Development Agreement to the following address:

Old National Bank  
18200 West Capitol Drive  
Suite 200  
Brookfield, Wisconsin 53045  
Attn: Preston Chybowski

### THE CITY OF FRANKLIN

By: \_\_\_\_\_  
Name: Stephen R. Olson  
Title: Mayor  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Name: Sandra L. Wesolowski  
Title: City Clerk  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Name: Paul Rotzenberg  
Title: Director of Finance and Treasurer  
Date: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Jesse A. Wesolowski, City Attorney  
DATE: \_\_\_\_\_

## **EXHIBIT A**

### **LEGAL DESCRIPTION**

All that part of the Southwest  $\frac{1}{4}$  of Section 8, Township 5 North, Range 21 East, bounded and described as follows: Commencing at the Southeast corner of the Southwest  $\frac{1}{4}$  of said Section 8; thence South 88 degrees, 13'55" West along the South line of said  $\frac{1}{4}$  Section 375.00 feet; thence North 00 degrees 26'18" West 101.17 feet to a point of a curve; thence Northwesterly 224.40 feet along the arc of said curve, whose center lines to the West with a radius of 831.91 feet and a chord bearing North 08 degrees 09'56.5" West 223.72 feet; thence North 15 degrees 53'35" West 152.00 feet to a point of curve; thence Northwesterly 196.72 feet along the arc of said curve, whose center lies to the East with a radius of 720.00 feet and a chord bearing North 08 degrees 03'57" West 196.10 feet; thence North 00 degrees 14'19" West 107.85 feet; thence North 89 degrees 45'41" East 473.80 feet to the East line of said Southwest  $\frac{1}{4}$  Section; thence South 00 degrees 14'19" East along the East line of said Southwest  $\frac{1}{4}$  Section 761.22 feet to the point of beginning, except the East 100 feet thereof. Said land being in the City of Franklin, County of Milwaukee, State of Wisconsin.

Property Address: Vacant Land on South Scepter Drive, Franklin, Wisconsin 53132

Tax Key Number: 795-9999-008

**EXHIBIT B**

**DEVELOPMENT AGREEMENT**

[See attached]

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A  
CONSENT TO COLLATERAL ASSIGNMENT OF DEVELOPMENT AGREEMENT  
FOR KNOLLWOOD LEGACY APARTMENTS FROM WAB HOLDINGS KWL LLC TO  
OLD NATIONAL BANK

---

WHEREAS, the Common Council having previously authorized the entry into and execution of a Development Agreement for Knollwood Legacy Apartments with WAB Holdings KWL LLC, on April 21, 2020; and

WHEREAS, as part of its financing for the subject development, WAB Holdings KWL LLC, and its lender, Old National Bank, have requested the City consent to a Collateral Assignment of the Development Agreement for Knollwood Legacy Apartments, for the lender's security in the financing transaction; and

WHEREAS, the Common Council having reviewed the request and the proposed collateral assignment agreement and having found same to be reasonable and in furtherance of the Knollwood Legacy Apartments development.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Collateral Assignment of Development Agreement for Knollwood Legacy Apartments, in the form and content as annexed hereto, be and the same is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor, City Clerk and Director of Finance and Treasurer be and the same are hereby authorized to execute and deliver the Consent of the City provision of such agreement.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

ATTEST:

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

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

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

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE July 21, 2020
Reports & Recommendations	<b>RESOLUTION TO ACCEPT OFF-SITE PUBLIC WATER SYSTEM FOR TAX INCREMENT DISTRICT NO. 6 PUBLIC IMPROVEMENTS AND RYAN MEADOWS SUBDIVISION</b>	ITEM NO. <i>G.6.</i>

### **BACKGROUND**

As part of development for Tax Increment District No. 6 (TID6) and associated Development Agreement dated January 21, 2020, the developer was to install an off-site water system along W. Loomis Road and W. Ryan Road.

### **ANALYSIS**

All water system components have been constructed, tested, and placed in service. All construction issues have been resolved. There are 1,528.5 feet of 16-inch main and 2,966 feet of 12-inch main.

It is appropriate for Franklin to accept the improvements.

### **OPTIONS**

1. Accept the public improvements.
2. Provide further direction to Staff.

### **FISCAL NOTE**

This component is valued at \$1,500,000 in Exhibit "D" of the agreement.

### **RECOMMENDATION**

(Option A) Motion to adopt Resolution No. 2020-\_\_\_\_\_ a resolution to accept off-site public water system for Tax Increment District No. 6 public improvements and Ryan Meadows Subdivision.

Department of Engineering GEM

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2020 -

RESOLUTION TO ACCEPT OFF-SITE PUBLIC WATER SYSTEM FOR TAX INCREMENT  
DISTRICT NO. 6 PUBLIC IMPROVEMENTS AND RYAN MEADOWS SUBDIVISION  
-----

WHEREAS, Common Council adopted Resolution No 2020-7585 for Subdivision Development Agreements (SDA) for Tax Increment District No. 6 Public Improvements and Ryan Meadows Subdivision; and

WHEREAS, the off-site water system has been constructed, tested, placed in service, and all construction issues have been resolved.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that the City accept and take ownership of the offsite water system.

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 \_\_\_\_\_  
GEM

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE July 21, 2020
Reports & Recommendations	AGREEMENT TO INSTALL UNDERGROUND DRAINAGE TILE AT 8930 S. 116 <sup>TH</sup> STREET (TKN 845 9996 000) AND 8956 S. 116 <sup>TH</sup> STREET (TKN 845 9997 001)	ITEM NO. <i>G.7.</i>

### **BACKGROUND**

On July 7, 2020, Common Council discussed a drainage tile on S. 116<sup>th</sup> Street and instructed staff to "... bring back an agreement with property owners that would allow the City to supply and perform work related to underground drainage tile at 8956 S. 116<sup>th</sup> Street with Option 1, 2, or 3 as outlined on the Council Action Sheet for this meeting, or a plan agreed upon by all parties."

### **ANALYSIS**

Staff discussed the situation with WDNR and believes that permitting for option 3 is the most likely scenario to be accepted- but not guaranteed.

Staff then discussed an agreement with both property owners and below is an outline of a proposed agreement:

- Marshall (8930 S. 116<sup>th</sup> Street) & Kuzmic (8956 S. 116<sup>th</sup> Street) grant temporary easements to City
- City and property owners hold each other harmless
- City attempts to get permits
- Pending permits,
  - City will construct inlet with beehive grate in vicinity of Marshall/Kuzmic property line and the existing clay tile
  - City will construct watertight 10- or 12-inch pipe at a level, or near level grade, from new inlet to vicinity of road culvert (approximately 90 feet)
  - City will construct an inlet, end section, or elbow fitting to allow pipe to discharge to ditch line at current grade.
  - City will shape ground area at approximately pre-excavation elevations.
- No guarantees on timing as it requires permitting and DPW availability
- Marshall & Kuzmic will assume ownership and maintenance of pipe, inlets, etc.,
- All future concerns with the tile system or upstream tile system are not the responsibility of the City.

### **OPTIONS**

- A. Sign the attached agreement.
- B. Provide further direction to Staff.

### **FISCAL NOTE**

Currently, Staff does not have an estimate of project costs. It is presumed that the material and labor costs will be less than five thousand dollars. Permitting may require some costs for wetland delineation.

### **RECOMMENDATION**

(Option A) Authorize execution of an agreement to install underground drainage tile at 8930 S. 116<sup>th</sup> Street (TKN 845 9996 000) and 8956 S. 116<sup>th</sup> Street (TKN 845 9997 001), pending legal assistance on finalizing the agreement.

CITY OF FRANKLIN AGREEMENT TO INSTALL UNDERGROUND DRAINAGE TILE  
AT 8930 S. 116TH STREET (TKN 845 9996 000)  
AND 8956 S. 116TH STREET (TKN 845 9997 001)

THIS AGREEMENT is made and entered into, effective \_\_\_\_\_, 2020, by and between the City of Franklin, 9229 West Loomis Road, Franklin, Wisconsin 53132 (FRANKLIN), a municipal corporation organized and existing under and by virtue of the constitution and laws of the State of Wisconsin, and Paul Marshall (OWNER 1) owner of property located at 8930 S. 116th Street (TKN 845 9996 000) and Gary & Jodie Kuzmic (OWNER 2) owner of property located at 8956 S. 116th Street (TKN 845 9997 001). Collectively, FRANKLIN, OWNER 1 and OWNER 2 are the PARTIES.

WHEREAS, there is a private underground clay tile in various stages of disrepair that drains a lake serving a watershed that includes multiple properties on the east side of S. 116<sup>th</sup> Street; and

WHEREAS, public road right-of-way is adversely impacted when the lake cannot drain efficiently; and

WHEREAS, the drain tile appears to have been truncated at or near the public right-of-way of S. 116<sup>th</sup> Street and the joint property line of OWNER 1 and OWNER 2; and

WHEREAS, under current circumstances, FRANKLIN is willing and volunteers to provide permitting and installation of a pipe to allow the underground drain tile to freely discharge to the public right-of-way.

NOW, THEREFORE, IT IS HEREBY AGREED, by and between the PARTIES, as follows:

1. OWNER 1 and OWNER 2 grant FRANKLIN a temporary access easement not to exceed 50 feet from the public right-of-way of S. 116<sup>th</sup> Street to terminate upon completion of a new underground tile system.
2. FRANKLIN will provide survey, design, and attempt permitting for project.
3. If FRANKLIN is successful in permitting project, FRANKLIN will construct inlet with beehive grate in vicinity of OWNER 1 and OWNER 2 property line and the existing clay tile. FRANKLIN will construct watertight 10- or 12-inch pipe at a level, or near level grade, from new inlet to vicinity of road culvert (approximately 90 feet). FRANKLIN will construct an inlet, end section, or elbow fitting to allow pipe to discharge to ditch line at current grade. FRANKLIN will shape ground area at approximately pre-excavation elevations.
4. OWNER 1 and OWNER 2 will assume ownership and maintenance responsibilities of underground system upon completion of FRANKLIN work. Any future complications of the underground tile system are the responsibility of OWNER 1 or OWNER 2 or other private property owner.



*5 Hold all PARTIES harmless clause*

The above stated conditions and terms are accepted and agreed to by the PARTIES and the PARTIES have set their hands and seals as follows:

CITY OF FRANKLIN

OWNER 1, 8930 S. 116TH STREET

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

\_\_\_\_\_  
Paul Marshall                                      Dated

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

Approved as to form:

\_\_\_\_\_  
Jesse A. Wesolowski, City Attorney      Dated

OWNER 2, 8956 S. 116TH STREET

\_\_\_\_\_  
Gary & Jodie Kuzmic                              Dated

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE July 21, 2020
Reports & Recommendations	RESOLUTIONS TO VACATE WATER MAIN EASEMENT AND ACCEPT WATER MAIN EASEMENT FOR SOUTHBROOK CHURCH- 11010 W. ST. MARTINS ROAD (TKN 789 9967 012)	ITEM NO. <i>G.8.</i>

### **BACKGROUND**

Southbrook Church has added on to their facilities such that the new building footprint would have been in conflict with an existing public water main easement. The watermain and easement have been relocated by vacating an old easement and dedicating a new easement.

### **ANALYSIS**

Staff has reviewed the legal descriptions.

### **OPTIONS**

- A. Vacate the old easement and
- B. Accept the new easement, or.
- C. Provide further direction to Staff.

### **FISCAL NOTE**

No financial impact.

### **RECOMMENDATION**

(Option A) Motion to adopt Resolution No. 2020- \_\_\_\_\_ a resolution to vacate water main easement for Southbrook Church- 11010 W. St. Martins Road (TKN 789 9967 012).

(Option B) Motion to adopt Resolution No. 2020- \_\_\_\_\_ a resolution to accept water main easement for Southbrook Church- 11010 W. St. Martins Road (TKN 789 9967 012).

Department of Engineering GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2020 - \_\_\_\_\_  
A RESOLUTION TO VACATE WATER MAIN EASEMENT FOR  
SOUTHBROOK CHURCH- 11010 W. ST. MARTINS ROAD (TKN 789 9967 012)

-----

WHEREAS, Southbrook Church- 11010 W. St. Martins Road expanded its facilities such that it would have encroached into an existing easement provided for a water main system; and

WHEREAS, the water main system has been relocated to avoid conflicts.

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 vacate such easement, and, therefore the Mayor and City Clerk are hereby authorized and directed to execute the easement vacation 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 \_\_\_\_\_

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2020 - \_\_\_\_\_  
A RESOLUTION TO ACCEPT WATER MAIN EASEMENT FOR  
SOUTHBROOK CHURCH- 11010 W. ST. MARTINS ROAD (TKN 789 9967 012)

---

WHEREAS, Southbrook Church- 11010 W. St. Martins Road expanded its facilities such that would have encroached into an existing easement provided for a water main system; and

WHEREAS, the water main system has been relocated to avoid conflicts.

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 the new easement, and, therefore the Mayor and City Clerk are hereby authorized and directed to execute the easement dedication 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**

Southbrook Church  
11010 W. St Martins Rd  
TKN 789-9967-012

**THIS EASEMENT, made by and between the CITY OF FRANKLIN**, a municipal corporation of the State of Wisconsin, hereinafter referred to as "City," and **Southbrook Church**, 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" 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; 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 NE ¼ of Section Eighteen (18), Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, Milwaukee County, Wisconsin, more particularly described on Exhibit A, 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 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 for approval to the City Engineer, which approval shall not be unreasonably withheld, conditioned, or delayed



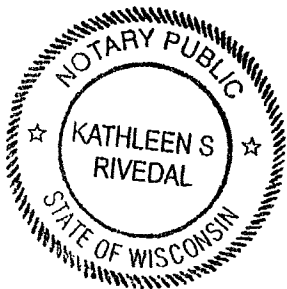
IN WITNESS WHEREOF, the Grantor has hereunto set its hands and seals

ON THIS DATE OF: 7-8-20

Southbrook Church  
Company Name Elder/Owner Rep  
By: David Hampson  
Name and Title David Hampson, Elder/Owner Rep.

STATE OF WISCONSIN  
COUNTY OF MILWAUKEE SS

Before me personally appeared on the 8TH day of JULY, 2020, the above named DAVID HAMPSON, ELDER/OWNER REP of SOUTHBROOK CHURCH  
(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



Kathleen S Rivedal  
Notary Public

My commission expires 06/16/2023

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 \_\_\_\_\_

## MORTGAGE HOLDER CONSENT

The undersigned, Waukesha State Bank, 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 August 20th, 2019, as Document No. 10899458 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

Waukesha State Bank  
a Wisconsin Banking Corporation

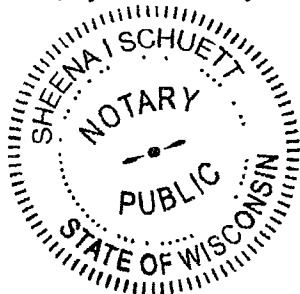
By: John C. Ambrose

Name: Sohn C. Huber

Title. JP - Commercial Bank

STATE OF WISCONSIN )  
COUNTY OF MILWAUKEE) S.S.

On this, the 25th day of June, 2020, before me, the undersigned, personally appeared John C. Weber, the VP- Commercial Banking of Wausau State Bank, 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. Shana L Schreth  
Notary Public

State of Wisconsin

County of Waukesha

My commission expires on 1 22 2024

This instrument was drafted by the City of Franklin

Approved as to contents

Manager of Franklin Municipal Water Utility

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

Approved as to form only

City Attorney

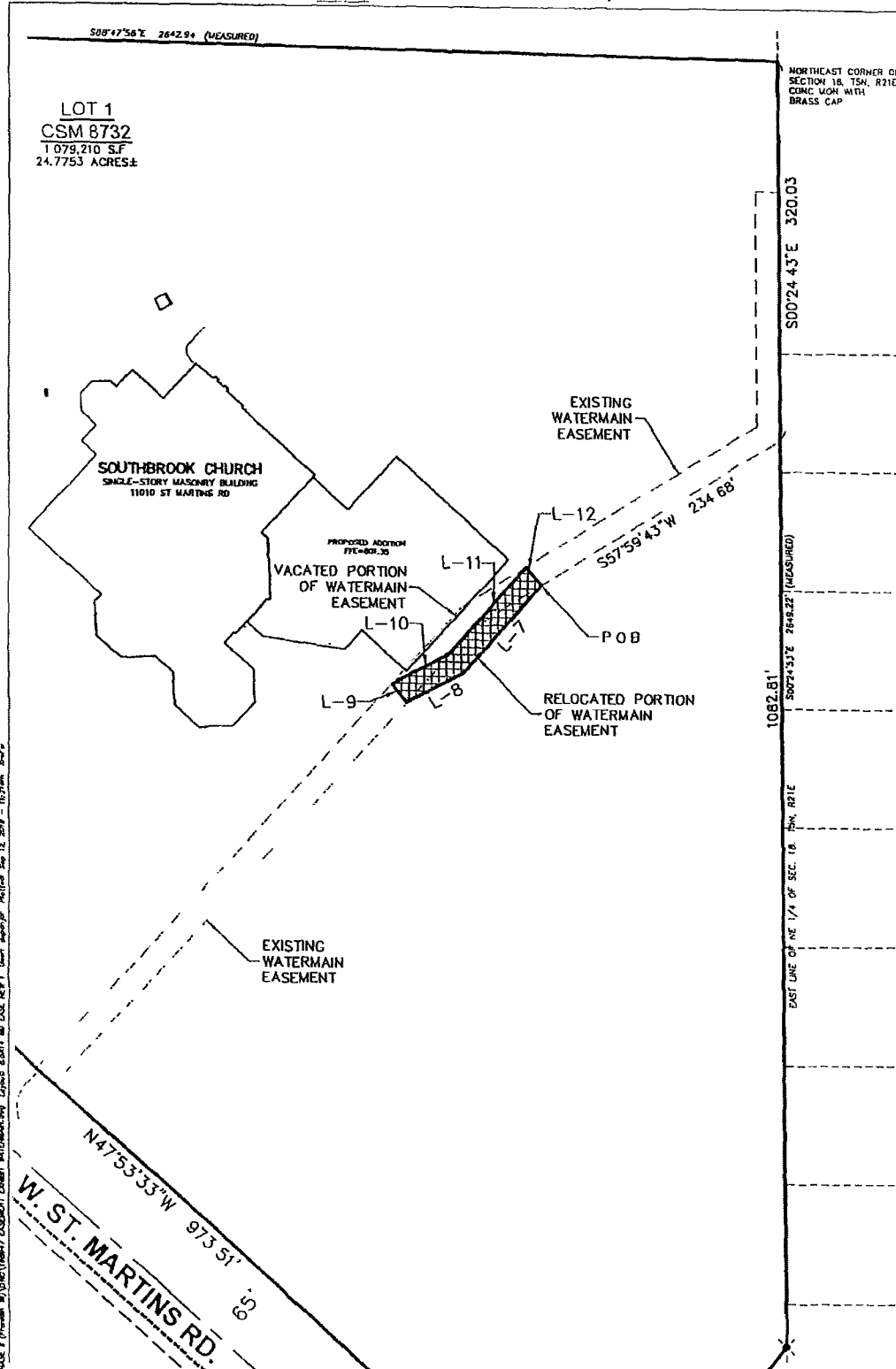
Date. \_\_\_\_\_

Exhibit A  
(Description of the Property)

Lot One (1) of CERTIFIED SURVEY MAP NO 8732, being a re-division of all remnant Lot TWO (2) of Certified Survey Map No. 6613, all of Certified Survey Map No. 7317 and vacated West Allwood Drive, all being a part of the Northeast One-quarter (1/4) of the Northeast One-quarter (1/4) of Section Eighteen (18), in Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, Milwaukee County, Wisconsin, recorded in the Office of the Register of Deed for Milwaukee County, Wisconsin on October 2, 2015 as Document No 10504126.

Property Address 11010 West St Martins Road, Franklin, Wi

**Exhibit B**  
(Depiction of the Facilities)



Plan A: 150' (150' x 150') Southbrook Church, 11010 St. Martins Rd., Franklin, WI 53132. Surveyed by JSD Professional Surveying, Inc. on 09/12/2019.

<b>EASEMENT EXHIBIT</b> <b>RELOCATED PORTION OF</b> <b>WATERMAIN EASEMENT</b>			
SURVEYED BY: <b>JSD</b> Professional Surveying, Inc. <small>* Engineers * Surveyors * Planners</small> MILWAUKEE REGIONAL OFFICE 1030 N. 1610 BUSSE ROAD, SUITE 100 MILWAUKEE, WI 53155 P 772.513.0800	SURVEYED FOR: <b>SOUTHBROOK CHURCH</b> 11010 W ST MARTINS FRANKLIN, WI 53132	PROJECT NO: <u>19-B947</u> FIELDBOOK/PG: <u>---</u> SHEET NO: <u>1 OF 2</u>	SURVEYED BY: <u>---</u> DRAWN BY: <u>DHS</u> CHECKED BY: <u>SLK</u> APPROVED BY: <u>JLJ</u>

0 50' 100'  
SCALE 1" = 100'

[illegible]

PART OF CERTIFIED SURVEY MAP NO. 8732, BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWN 5 NORTH, RANGE 21 EAST IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, A WATERMAIN EASEMENT, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID 1/4 SECTION THENCE S00°24'43"E ALONG THE EAST LINE OF SAID 1/4 SECTION 320.03 FEET, THENCE S57°59'43"W 234.68 FEET TO THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED THENCE S41°23'05"W 99.33 FEET, THENCE S62°09'09"W 54.67 FEET, THENCE N37°52'12"W 20.31 FEET, THENCE N62°09'09"E 54.54 FEET THENCE N41°23'05"E 98.58 FEET, THENCE S40°18'44"E 20.21 FEET TO THE POINT OF BEGINNING.

EASEMENT LINE TABLE		
LINE	BEARING	DISTANCE
L-7	S41°23'05"W	99.33'
L-8	S62°09'09"W	54.67
L-9	N37°52'12"W	20.31
L-10	N62°09'09"E	54.54'
L-11	N41°23'05"E	98.58
L-12	S40°18'44"E	20.21

<h1 style="text-align: center;">EASEMENT EXHIBIT</h1> <h2 style="text-align: center;">RELOCATED PORTION OF WATERMAIN EASEMENT</h2>			
SURVEYED BY: <b>JSD</b> Professional Services, Inc. • Engineers • Surveyors • Planners	SURVEYED FOR: <b>SOUTHBROOK CHURCH</b>	PROJECT NO: <u>19-8947</u> FIELDBOOK/PG: <u>—</u> SHEET NO: <u>2 OF 2</u>	SURVEYED BY: <u>—</u> DRAWN BY: <u>DHS</u> CHECKED BY: <u>SLK</u> APPROVED BY: <u>JLJ</u>
MILWAUKEE REGIONAL OFFICE W238 H 1610 DUSSE ROAD SUITE 100 MILWAUKEE, WISCONSIN 53108 P 262.513.0066		1101D W ST MARTINS FRANKLIN WI 53132	

**VACATION OF WATER MAIN EASEMENT**

Southbrook Church  
11010 W. St. Martins Rd.  
TKN 799-9967-012

**THIS VACATION OF WATER MAIN EASEMENT is made by and between** Southbrook Church, property owner and the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "City," has made an application to vacate the water main easement in Lot 1 of Certified Survey Map No 8732, Document No.10504126, Recorded October 02, 2015, being a part of the Northeast 1/4 of the Northeast 1/4 of Section 18, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, State of Wisconsin.

WITNESSETH

**WHEREAS**, City, applicant and holder of record of said Water Main Easement particularly described on Exhibit "A" and Southbrook Church (Owner) has made a request to vacate the water main easement on said Lot 1 of Certified Survey Map 8732; and

**WHEREAS**, it appears to the City of Franklin Common Council that the water main easement is no longer of public use or interest; and

NOW, THEREFORE, in consideration of the vacation of the easement hereinafter described, and the payment of One Dollar (\$1.00) and other valuable considerations to the "City", the receipt whereof is hereby acknowledged, the "City", being the owner of the said easement and interested in the land hereinafter described, does hereby release the easement unto the Owner a perpetual, non-exclusive easement on that part of the Northeast quarter of Section 18, Township Five (5), North, Range Twenty-one (21) East, in the City of Franklin, Milwaukee County, Wisconsin, more particularly described on Exhibit A attached hereto (the "Easement Area") as more particularly shown and depicted on the Plat as "To be Vacated".

IN WITNESS WHEREOF, the City/Grantor has hereunto set its hand and seals this

ON THIS DATE OF

Southbrook Church  
(Name of Company)

By. [Signature] Elder/Owner Rep

By David A. Hampson Elder/Owner Rep.

David A. Hampson

CITY OF FRANKLIN

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

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

STATE OF WISCONSIN

ss

COUNTY OF MILWAUKEE

Before me personally appeared on the 8<sup>th</sup> day of JULY, A.D. 2020,

DAVID A HAMPSON

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



Kathleen S Rivedal  
NOTARY PUBLIC  
My Commission expires 06/16/2023

STATE OF WISCONSIN

ss

COUNTY OF MILWAUKEE

On this \_\_\_\_\_ day of \_\_\_\_\_ A D. 2020 before me personally appeared Stephen R Olson and Sandra Wesolowski who being by me duly sworn, did say that they are respectively the Mayor and City Clerk of the City of Franklin, and that the seal affixed to said instrument is the corporate seal of said municipal corporation, and acknowledged that they executed the foregoing assignment as such officers as the deed of said municipal corporation by its authority, and pursuant to resolution file No. \_\_\_\_\_ adopted by its Common Council on \_\_\_\_\_, 20\_\_\_\_\_

Notary Public \_\_\_\_\_

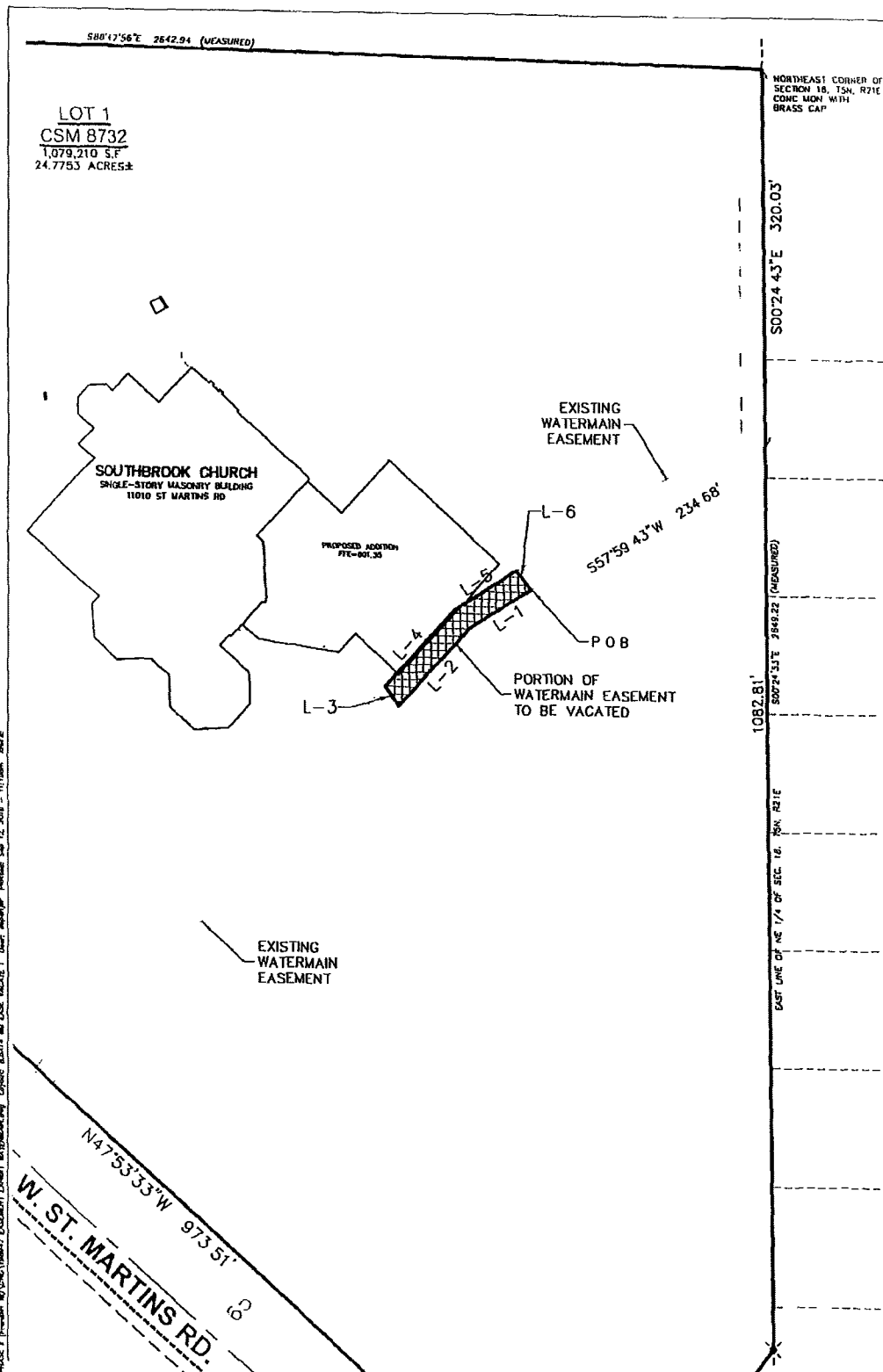
My commission expires \_\_\_\_\_

Exhibit A  
(Description of the Property)

Lot One (1) of CERTIFIED SURVEY MAP NO. 8732, being a re-division of all remnant Lot TWO (2) of Certified Survey Map No. 6613, all of Certified Survey Map No. 7317 and vacated West Allwood Drive, all being a part of the Northeast One-quarter (1/4) of the Northeast One-quarter (1/4) of Section Eighteen (18), in Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, Milwaukee County, Wisconsin, recorded in the Office of the Register of Deed for Milwaukee County, Wisconsin on October 2, 2015 as Document No. 10504126

Property Address: 11010 West St Martins Road, Franklin, WI





EASEMENT EXHIBIT VACATE PORTION OF EXISTING WATERMAIN EASEMENT			
<b>SURVEYED BY:</b> 		<b>SURVEYED FOR:</b> <b>SOUTHBROOK CHURCH</b>	
<b>PROJECT NO:</b> 19-8947		<b>SURVEYED BY:</b> —	
<b>FIELDBOOK/PG:</b> —		<b>DRAWN BY:</b> DHS	
<b>SHEET NO:</b> 1 OF 2		<b>CHECKED BY:</b> SLK	
<b>APPROVED BY:</b> JJJ		<b>APPROVED BY:</b> —	

**MILWAUKEE REGIONAL OFFICE**  
 11238 N. 1610 BUSSIE ROAD, SUITE 400  
 MILWAUKEE, WISCONSIN 53188  
 P. 414.353.0000

**Scale:** 1" = 100'

### LEGAL DESCRIPTION

PART OF CERTIFIED SURVEY MAP NO 8732, BEING PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, A PORTION OF AN EXISTING WATERMAIN EASEMENT TO BE VACATED BOUNDED AND DESCRIBED AS FOLLOWS

COMMENCING AT THE NORTHEAST CORNER OF SAID 1/4 SECTION, THENCE S00°24'43"E ALONG THE EAST LINE OF SAID 1/4 SECTION 320.03 FEET THENCE S57°59'43"W 234.68 FEET TO THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED, THENCE CONTINUING S57°59'43"W 63.87 FEET THENCE S42°06'27"W 89.24 FEET THENCE N37°52'12"W 20.31 FEET, THENCE N42°06'27"E 88.50 FEET, THENCE N57°59'43"E 63.74 FEET, THENCE S40°18'44"E 20.21 FEET TO THE POINT OF BEGINNING

LANDS CONTAINING 3,054 SQUARE FEET OR 0.0701 ACRES

EASEMENT LINE TABLE

LINE	BEARING	DISTANCE
L-1	S57°59'43"W	63.87'
L-2	S42°06'27"W	89.24'
L-3	N37°52'12 W	20.31'
L-4	N42°06'27"E	88.50'
L-5	N57°59'43"E	63.74'
L-6	S40°18'44"E	20.21'

### EASEMENT EXHIBIT VACATE PORTION OF EXISTING WATERMAIN EASEMENT

SURVEYED BY:

**JSD** Professional Services, Inc.  
a subsidiary of JSD Group, Inc.

MILWAUKEE REGIONAL OFFICE  
WISCONSIN 1610 BURSE ROAD SUITE 100  
WILKESHA, WISCONSIN 53188  
P 262.813.0886

SURVEYED FOR:

**SOUTHBROOK  
CHURCH**

11010 W ST MARTINS  
FRANKLIN, WI 53132

PROJECT NO: 19-8947

FIELDBOOK/PG: —

SHEET NO: 2 OF 2

SURVEYED BY: —

DRAWN BY: OHS

CHECKED BY: SLK

APPROVED BY: JJJ

<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  07/21/2020
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>AN ORDINANCE TO AMEND ORDINANCE NO. 2019-2378, AN ORDINANCE TO AMEND §15-3.0433 OF THE UNIFIED DEVELOPMENT ORDINANCE, PLANNED DEVELOPMENT DISTRICT NO. 28 (POLISH FESTIVALS, INC. – POLISH COMMUNITY CENTER) TO ALLOW FOR ADDITIONAL PARKING, TO EXTEND THE TIME FOR DEVELOPMENT COMPLETION (POLISH HERITAGE ALLIANCE, INC., APPLICANT/PROPERTY OWNER) (6941 SOUTH 68TH STREET)</b>	<b>ITEM NUMBER</b>  <i>G.9.</i>
<p>At its May 23, 2019 meeting, the Plan Commission approved a Site Plan Amendment (Resolution No. 2019-011), and recommended approval of a Minor PDD Amendment to allow for expansion of the parking lot at the Polish Festivals, Inc. – Polish Community Center in PDD 28. The Minor PDD Amendment Ordinance (No. 2019-2378) was adopted by the Common Council on June 4, 2019.</p> <p>Due to a number of factors, the proposed developments did not occur in the time frame required by their respective approvals. The applicant is therefore requesting a time extension of two (2) years to allow them to raise the necessary funds.</p> <p>At the July 9, 2020 Plan Commission meeting, the Commission adopted a resolution to allow for this time extension of the previously approved Site Plan Amendment, and recommended approval of the ordinance to extend the time period of the Minor PDD Amendment.</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>A motion to adopt Ordinance No. 2020-_____, an ordinance to amend Section 15-3.0433 of the Unified Development Ordinance, Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) to allow for additional parking, to extend the time for development completion (Polish Heritage Alliance, Inc., Applicant/Property Owner) (6941 South 68th Street).</p>		

## ORDINANCE NO. 2020-\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NO. 2019-2378,  
AN ORDINANCE TO AMEND §15-3.0433 OF THE UNIFIED  
DEVELOPMENT ORDINANCE, PLANNED DEVELOPMENT  
DISTRICT NO. 28 (POLISH FESTIVALS, INC. – POLISH  
COMMUNITY CENTER) TO ALLOW FOR ADDITIONAL PARKING,  
TO EXTEND THE TIME FOR DEVELOPMENT COMPLETION  
(POLISH HERITAGE ALLIANCE, INC., APPLICANT/PROPERTY OWNER)  
(6941 SOUTH 68TH STREET)

---

WHEREAS, §15-3.0433 of the Unified Development Ordinance provides for and regulates Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center), same having been created by Ordinance No. 99-1552 and later amended by Ordinance Nos. 04-1825, 13-2122 and 2019-2378, such District being located at 6941 South 68th Street, bearing Tax Key No. 743-8978-004; and

WHEREAS, Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) includes those lands legally described as follows:

That part of the Northeast 1/4 and the Southeast 1/4 of the Southwest Quarter of Section 3, Township 5 North, Range 21 East in the City of Franklin, County of Milwaukee, State of Wisconsin described as Lot 1 of Certified Survey Map “CSM” 7544, recorded February 9, 2005 in the Milwaukee County Registry as Document Number 08955385; said Lot 1 being more particularly described following meets and bounds and map of said CSM as follows:

Commencing at the west 1/4 corner of said Section 3; Thence S00°25'13"E 1954.77 feet along the west line of said southwest quarter; Thence N89°26'56"E 150.00 feet; Thence N89°26'56"E 1179.95 feet to the west line of the Southeast 1/4 of the Southwest quarter of said Section 3; Thence N00°21'00"W along said west line 1.06 feet; Thence N89°26'56"E 521.27 feet to the Point of Beginning; Thence N00°22'25"W 287.59 feet; Thence N63°45'22"E 113.47 feet; Thence N43°08'18"E 18.03 feet; Thence N37°25'28"W 49.51 feet to a meander line; Thence N46°54'29"E 95.09 feet along said meander line; Thence S19°16'01"E away from said meander line 56.19 feet; Thence N53°13'03"E 40.03 feet; Thence N44°44'54"E 83.80 feet; Thence N39°06'42"E 48.52 feet; Thence N55°21'39"E 32.29 feet; Thence N69°24'54"E 75.37 feet; Thence N81°30'09"E 128.02 feet; Thence N64°15'44"E 34.28 feet; Thence N42°23'19"E 157.46 feet; Thence N71°17'14"E 58.47 feet; Thence N89°07'35"E 64.15 feet; Thence S00°16'46"E 790.53 feet; Thence S89°26'56"W 283.60 feet; Thence N00°16'46"W 60.00

feet; Thence S89°26'56"W 492.08 feet to the Point of Beginning; Together with all lands between said meander line and Kopmeier Lake; Containing 435,600 square feet (10.000 acres) more or less.

[This legal description was prepared by Timothy A. Hayes, PLS at the request of the City of Franklin for the May 10, 2019 Polish Heritage Alliance of Wisconsin, LLC, (6941 S 68th Street) submission to the Franklin Plan Commission. It is not intended to be a departure from the recorded CSM]; and

WHEREAS, Ordinance No. 2019-2378, An Ordinance to Amend §15-3.0433 of the Unified Development Ordinance, Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) To Allow For Additional Parking, was adopted by the Common Council on June 4, 2019, and provided at Section 2 that the proposed Polish Community Center parking addition shall be completed within one year from the date of adoption of the Ordinance; and

WHEREAS, during these times of the Coronavirus Disease 2019 and Public Health Emergency, the applicant having been unable to meet the project completion time limit, and having requested and provided an application for an extension of two years for project completion; and

WHEREAS, the City of Franklin Plan Commission having considered the application on the 9th day of July, 2020, and the Plan Commission having determined that the proposed amendment was a minor amendment and having recommended to the Common Council that the proposed amendment to Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) be approved; and

WHEREAS, the Common Council having considered the application and having concurred with the recommendation of the Plan Commission and having determined that the proposed amendment to Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and that it will promote the health, safety and welfare of the Community.

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

SECTION 1:           §15-3.0433 Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center), of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended as follows:

Ordinance No. 2019-2378, An Ordinance to Amend §15-3.0433 of the Unified Development Ordinance, Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) To Allow For Additional Parking, Section 2, is hereby amended to read as follows: “The proposed Polish Community Center parking addition shall be completed within two years from July 21, 2020, or this Ordinance and all rights and approvals resulting therefrom shall be null and void without any further action by the City of Franklin.”

SECTION 2: Polish Heritage Alliance, Inc., successors and assigns and any developer of the Polish Community Center parking addition project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Polish Community Center parking addition project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

SECTION 3: All other applicable terms and provisions of §15-3.0433 Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) not inconsistent with the terms of this Ordinance, and the Unified Development Ordinance of the City of Franklin, as amended from time to time, shall apply to the Polish Community Center parking addition project, and all terms and provisions of §15-3.0433 Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) as existing immediately prior to the adoption of this Ordinance and not amended by this Ordinance, shall remain in full force and effect.

SECTION 4: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 5: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 6: This ordinance shall take effect and be in force from and after its passage and publication.

ORDINANCE NO. 2020-\_\_\_\_\_

Page 4

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

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

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

ATTEST:

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

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

# CITY OF FRANKLIN

## REPORT TO THE PLAN COMMISSION

Meeting of July 9, 2020

### Planned Development District Amendment and Site Plan Amendment Time Extension

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**RECOMMENDATION:** City Development staff recommends approval of time extensions for the prior approvals the Planned Development District No. 28 Amendment and the Site Plan Amendment, subject to the conditions of approval in attached draft ordinance.

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<b>Project Name:</b>	Polish Community Center Parking Lot Expansion and Creation
<b>Project Address:</b>	6941 S. 68 <sup>th</sup> Street
<b>Applicant:</b>	Polish Festivals, Inc. – Polish Community Center
<b>Property Owner:</b>	Polish Festivals, Inc.
<b>Current Zoning:</b>	PDD Planned Development District No. 28 and FW Floodway District
<b>2025 Comprehensive Plan:</b>	Areas of Natural Resource Features
<b>Use of Surrounding Properties:</b>	Vacant developable land to the south, Vacant conservancy land to the north and west. S. 68 <sup>th</sup> St. and residential to the east.
<b>Applicant's Action Requested:</b>	Recommendation to the Common Council for approval of the proposed Planned Development District Amendment and Site Plan Amendment, with conditions of approval.

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#### **INTRODUCTION:**

On June 1, 1999, the Common Council adopted Ordinance No. 99-1552 establishing Planned Development District No. 28 (Polish Festivals Inc.) to allow construction of a proposed Polish Community Center and a trail around Koepmeir Lake.

On April 3, 2019, the applicants submitted applications for Minor Planned Development District Amendment and subsequent Site Plan Amendment Applications for proposed expansion of the East parking lot (36 new stalls), and to establish a new southwest parking lot (81 stalls), with grading and removal of trees and additional lights within the expanded areas. The Site Plan Amendment was approved on May 23, 2019 via Resolution No. 2019-011, and the Minor PDD Amendment was approved on June 4, 2019, via Ordinance No. 2019-2378.

Both approvals require that the applicant being development within one year of their being issued. Due to a variety of circumstances, the applicant was unable to meet this requirement. They are requesting that both the Site Plan Amendment, and the Minor PDD amendment approvals be extended for a period of two (2) years, so that they may raise the necessary funds.

It should be noted that the project has requirements related to stormwater which should remain in effect.



**CONCLUSION:**

City Development staff recommends approval of time extensions for the prior approvals the Planned Development District No. 28 Amendment and the Site Plan Amendment, subject to the attached conditions of approval in attached draft ordinance.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 7/2/20]*

ORDINANCE NO. 2020-\_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE NO. 2019-2378,  
AN ORDINANCE TO AMEND §15-3.0433 OF THE UNIFIED  
DEVELOPMENT ORDINANCE, PLANNED DEVELOPMENT  
DISTRICT NO. 28 (POLISH FESTIVALS, INC. – POLISH  
COMMUNITY CENTER) TO ALLOW FOR ADDITIONAL PARKING,  
TO EXTEND THE TIME FOR DEVELOPMENT COMPLETION  
(POLISH HERITAGE ALLIANCE, INC., APPLICANT/PROPERTY OWNER)  
(6941 SOUTH 68TH STREET)

---

WHEREAS, §15-3.0433 of the Unified Development Ordinance provides for and regulates Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center), same having been created by Ordinance No. 99-1552 and later amended by Ordinance Nos. 04-1825, 13-2122 and 2019-2378, such District being located at 6941 South 68th Street, bearing Tax Key No. 743-8978-004; and

WHEREAS, Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) includes those lands legally described as follows:

That part of the Northeast 1/4 and the Southeast 1/4 of the Southwest Quarter of Section 3, Township 5 North, Range 21 East in the City of Franklin, County of Milwaukee, State of Wisconsin described as Lot 1 of Certified Survey Map “CSM” 7544, recorded February 9, 2005 in the Milwaukee County Registry as Document Number 08955385; said Lot 1 being more particularly described following meets and bounds and map of said CSM as follows:

Commencing at the west 1/4 corner of said Section 3; Thence S00°25'13"E 1954.77 feet along the west line of said southwest quarter; Thence N89°26'56"E 150.00 feet; Thence N89°26'56"E 1179.95 feet to the west line of the Southeast 1/4 of the Southwest quarter of said Section 3; Thence N00°21'00"W along said west line 1.06 feet; Thence N89°26'56"E 521.27 feet to the Point of Beginning; Thence N00°22'25"W 287.59 feet; Thence N63°45'22"E 113.47 feet; Thence N43°08'18"E 18.03 feet; Thence N37°25'28"W 49.51 feet to a meander line; Thence N46°54'29"E 95.09 feet along said meander line; Thence S19°16'01"E away from said meander line 56.19 feet; Thence N53°13'03"E 40.03 feet; Thence N44°44'54"E 83.80 feet; Thence N39°06'42"E 48.52 feet; Thence N55°21'39"E 32.29 feet; Thence N69°24'54"E 75.37 feet; Thence N81°30'09"E 128.02 feet; Thence N64°15'44"E 34.28 feet; Thence N42°23'19"E 157.46 feet; Thence N71°17'14"E 58.47 feet; Thence N89°07'35"E 64.15 feet; Thence S00°16'46"E 790.53 feet; Thence S89°26'56"W 283.60 feet; Thence N00°16'46"W 60.00

feet; Thence S89°26'56"W 492.08 feet to the Point of Beginning; Together with all lands between said meander line and Kopmeier Lake; Containing 435,600 square feet (10.000 acres) more or less.

[This legal description was prepared by Timothy A. Hayes, PLS at the request of the City of Franklin for the May 10, 2019 Polish Heritage Alliance of Wisconsin, LLC, (6941 S 68th Street) submission to the Franklin Plan Commission. It is not intended to be a departure from the recorded CSM]; and

WHEREAS, Ordinance No. 2019-2378, An Ordinance to Amend §15-3.0433 of the Unified Development Ordinance, Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) To Allow For Additional Parking, was adopted by the Common Council on June 4, 2019, and provided at Section 2 that the proposed Polish Community Center parking addition shall be completed within one year from the date of adoption of the Ordinance; and

WHEREAS, during these times of the Coronavirus Disease 2019 and Public Health Emergency, the applicant having been unable to meet the project completion time limit, and having requested and provided an application for an extension of two years for project completion; and

WHEREAS, the City of Franklin Plan Commission having considered the application on the 9th day of July, 2020, and the Plan Commission having determined that the proposed amendment was a minor amendment and having recommended to the Common Council that the proposed amendment to Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) be approved; and

WHEREAS, the Common Council having considered the application and having concurred with the recommendation of the Plan Commission and having determined that the proposed amendment to Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and that it will promote the health, safety and welfare of the Community.

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

SECTION 1:           §15-3.0433 Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center), of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended as follows:

Ordinance No. 2019-2378, An Ordinance to Amend §15-3.0433 of the Unified Development Ordinance, Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) To Allow For Additional Parking, Section 2, is hereby amended to read as follows: “The proposed Polish Community Center parking addition shall be completed within two years from July 21, 2020, or this Ordinance and all rights and approvals resulting therefrom shall be null and void without any further action by the City of Franklin.”

SECTION 2: Polish Heritage Alliance, Inc., successors and assigns and any developer of the Polish Community Center parking addition project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Polish Community Center parking addition project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

SECTION 3: All other applicable terms and provisions of §15-3.0433 Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) not inconsistent with the terms of this Ordinance, and the Unified Development Ordinance of the City of Franklin, as amended from time to time, shall apply to the Polish Community Center parking addition project, and all terms and provisions of §15-3.0433 Planned Development District No. 28 (Polish Festivals, Inc. – Polish Community Center) as existing immediately prior to the adoption of this Ordinance and not amended by this Ordinance, shall remain in full force and effect.

SECTION 4: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 5: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 6: This ordinance shall take effect and be in force from and after its passage and publication.

ORDINANCE NO. 2020-\_\_\_\_\_

Page 4

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

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

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

ATTEST:

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

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

STATE OF WISCONSIN

CITY OF FRANKLIN  
PLAN COMMISSION

MILWAUKEE COUNTY  
[Draft 7/2/20]

RESOLUTION NO. 2020-\_\_\_\_\_

A RESOLUTION TO AMEND RESOLUTION NO. 2019-011, A RESOLUTION AMENDING THE SITE PLAN FOR PROPERTY LOCATED AT 6941 SOUTH 68TH STREET TO ALLOW FOR EXPANSION OF THE EASTERLY PARKING LOT AND CREATION OF A SOUTHWEST PARKING LOT FOR THE POLISH COMMUNITY CENTER, TO EXTEND THE TIME FOR DEVELOPMENT COMPLETION  
(TAX KEY NO. 743-8978-004)  
(POLISH HERITAGE ALLIANCE, INC., APPLICANT/PROPERTY OWNER)

---

WHEREAS, Resolution No. 2019-011, A Resolution Amending the Site Plan for Property Located at 6941 South 68th Street to Allow for Expansion of the Easterly Parking Lot and Creation of a Southwest Parking Lot for the Polish Community Center, was adopted by the Plan Commission on May 23, 2019; and

WHEREAS, the Further Resolved of Resolution No. 2019-011 provides in part that “the Polish Community Center parking lot expansion and creation... shall be developed and constructed within one year from the date of adoption of this Resolution”; and

WHEREAS, during these times of the Coronavirus Disease 2019 and Public Health Emergency, the applicant having been unable to meet the project completion time limit, and having requested and provided an application for an extension of two years for project completion; and

WHEREAS, the Plan Commission having considered such request and application and having determined that it will promote the health, safety and welfare of the Community.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that Resolution No. 2019-011, A Resolution Amending the Site Plan for Property Located at 6941 South 68th Street to Allow for Expansion of the Easterly Parking Lot and Creation of a Southwest Parking Lot for the Polish Community Center, be and the same is hereby amended to provide that the Polish Community Center parking lot expansion and creation shall be developed and constructed within two years from the date of adoption of this Resolution.

BE IT FURTHER RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that all other terms and provisions of Resolution No. 2019-011, not inconsistent with the terms and provisions of this Resolution, shall remain in full force and effect.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

POLISH HERITAGE ALLIANCE, INC. - SITE PLAN AMENDMENT  
TO EXTEND THE TIME FOR DEVELOPMENT COMPLETION  
RESOLUTION NO. 2020-\_\_\_\_\_

Page 2

Passed and adopted at a regular meeting of the Plan Commission of the City of  
Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Chairman

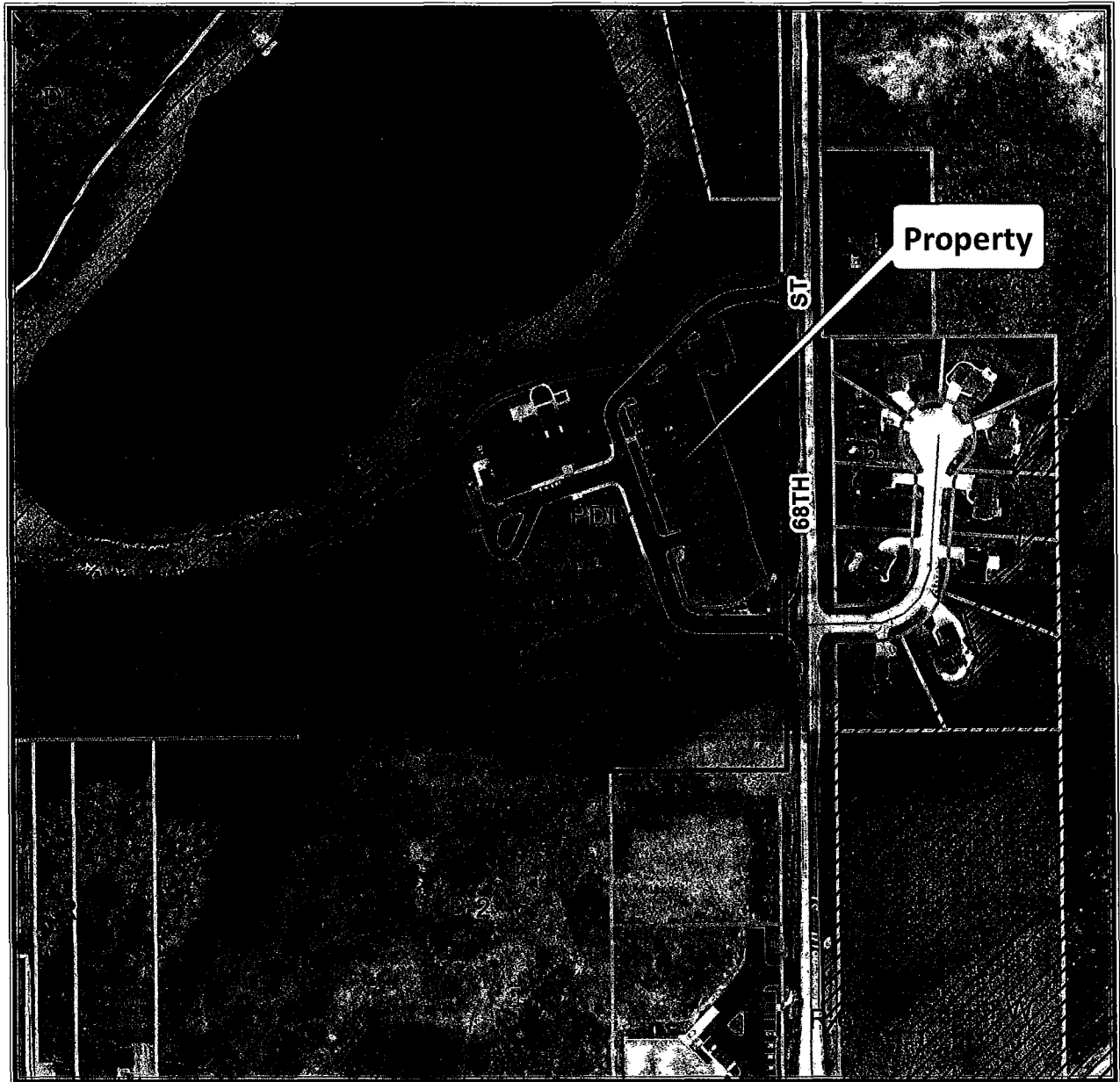
ATTEST:

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

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



6941 S. 68th Street  
TKN: 743 8978 004



Planning Department  
(414) 425-4024

0 155 310 620 Feet

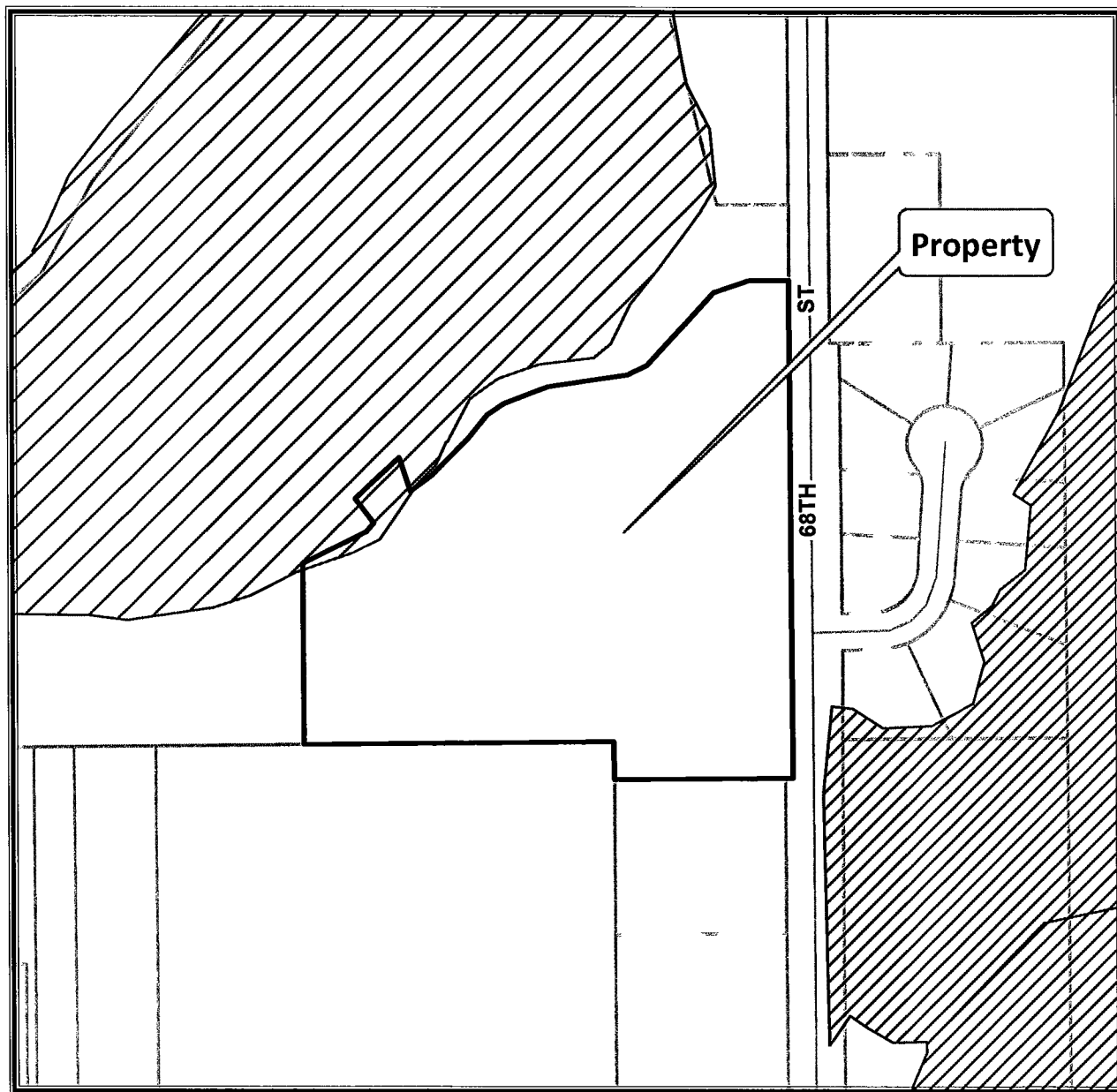
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering or surveying purposes.*



2017 Aerial Photo



6941 S. 68th Street  
TKN: 743 8978 004



Planning Department  
(414) 425-4024

0 155 310 620 Feet

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





**Executive Director**  
Jeffrey Kuderski  
Email: jkuderski@polishfest.org



6941 S. 68th Street  
Franklin, WI 53132 8237  
Phone: (414) 529-2140  
Fax: (414) 529-1055  
www.polishcenterofwisconsin.org

City of Franklin  
2020-2348-107

slw

May 21, 2020

**President**  
Steven Chybowski

**Vice President**  
Thomas Radoszewski

**Secretary**  
Leslie Storm

**Treasurer**  
David Zepecki

**Immediate  
Past President**  
Ken Skowronski

**Directors**  
Janet Protasiewicz  
Phil Ostroski  
Nick Ignatowski  
Janine Adamczyk  
Heidi Moshinski  
Dan Bruskiewitz  
Deanna Weiss  
Keith Trebenbach

#### MISSION STATEMENT

The Polish Heritage Alliance

maintains and promotes

Polish culture and heritage

for all generations

through education and

community service.

City of Franklin  
Mayor Steve Olson

9229 W. Loomis Rd.  
Franklin, WI 53132

City of Franklin  
Ald. Daniel Mayer

10679 W. Candlestick Lane  
Franklin, WI 53132

Dear Mayor Olson & Ald. Mayer,

I would like to submit a request of the City of Franklin for a due date extension of the Polish Center of Wisconsin parking lot improvement project. We have been approved and issued ordinance No. 2019-2378 for the project, with the completion date in June of 2020. Unfortunately with the COVID-19 and stay at home orders, we have lost major income of our fish fries, Easter Brunch, Mother's Day Brunch, Bingo, Polish Fest, weddings, and other events. We are not financially able to proceed with this project at this time. We would like to ask for a 2 year extension, so we could have this time to raise the necessary funding for this project.

If you could please help obtaining this extension and/or add to the next common council agenda if needed.

Please advise accordingly.

Jeffrey E. Kuderski

Executive Director

jkuderski@polishfest.org

414-529-2140

[illegible]

Phone: (414) 425-4024  
Fax: (414) 427-7691  
Web Site: [www.franklinvil.gov](http://www.franklinvil.gov)

Date of Application: \_\_\_\_\_

**SITE PLAN / SITE PLAN AMENDMENT APPLICATION**

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

Applicant (Full Legal Name(s)):  
 Names: KEAN SKOWRONSKI  
 Company: POLISH HERITAGE ALLIANCE INC.  
 Mailing Address: 6941 SOUTH 68TH ST  
 City/State: FRANKLIN/WI Zip: 53132  
 Phone: 414-529-2140  
 Email Address: KEAN.SKOWRONSKI@LIVE.COM

Project Property Information:  
 Property Address: 6941 S 68th ST  
 Property Owner(s): POLISH HERITAGE ALLIANCE  
 Mailing Address: SAME  
 City/State: FRANKLIN/WI Zip: 53132  
 Email Address: KEAN.SKOWRONSKI@POLISH-HERITAGE.ORG

Applicant is Represented by: (contact person)(Full Legal Name(s))  
 Name: Tim Hays  
 Company: HAYS ENGINEERING CO. S.C.  
 Mailing Address: 316 N MILWAUKEE ST SUITE 200  
 City/State: MILWAUKEE/WI Zip: 53202  
 Phone: 414-272-3200  
 Email Address: TIM@HAYSENGR.COM

Tax Key Nos: F436975004 CSM 7544 LOT 1

Existing Zoning: P00 NO2B  
 Existing Use: CLUB/LOBBY/ASSOCIATIONS  
 Proposed Use: SAME  
 Future Land Use Identification: \_\_\_\_\_

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

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

**Site Plan/Site Plan Amendment Submittals** for review must include and be accompanied by the following:

- ☐ Original color photograph(s) of subject lot and signature(s). Facsimiles and copies will not be accepted.
- ☒ Application fee payment by check or money order ☐ Tier 1: \$2000 ☐ Tier 2: \$1000 (Lot size  $\leq 1$  acre)
- ☐ Plans 1-6 (UDO) must be submitted in hard copy form of all structures with no change to parking; or change to parking only.
- ☐ One (1) set of site plan showing UDO compliance in acceptable format.
- ☐ Seven (7) additional items Application materials to include:
- ☐ One (1) report and six (6) sheets of exhibit to the summary, including description of any new building construction and site work, street/corridor view impact studies and other information to be made to property, site improvement costs, estimate of project value and any other information relevant to UDO.
- ☐ Seven (7) sheets of drawings to accompany (tiers 2 & 3) of the Site Plan/Site Plan Amendment package. (The submittal should include city engineer's stamp/signature per UDOs Sections 15-2.008, 15-2.009 and 15-2.002 of the Unified Development Ordinance that are impacted by the UDO.) Minimum (see Section 15-2.008 Elevation, and section 15-2.009 Outdoor Lighting Plan, Natural Resource Protection Plan, etc.)
- ☐ Additional (Tier 2) items of the Site Plan/Site Plan Amendment package will be at Planning staff recommendation, if applicable.
- ☐ One color copy (UDO) of final drawing set. See application UDO.
- ☐ One approved Site Plan and survey calculations, if applicable (see Division 15-2.030 of the UDO). N/A
- ☐ Under approved Summary Report and supporting documents, if applicable. (See Section 15-2.030A of the UDO).
- ☐ Final CAD DRAWING: All drawings must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable).

Upcoming releases of this form and review will be completed within ten business days. Additional materials may be required. State Planning and Development requests require Plan Commission or Community Development Authority review and approval.

This Applicant and Property Owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of Applicant's knowledge; (2) the Applicant and Property Owner(s) has/have read and understand all information in this application; and (3) the Applicant and Property Owner(s) accept any and all conditions or representations made by them in this Application and its submittal, and any subsequently submitted information, and agree to be bound by the terms of such representations(s) or any condition(s) of approval. By submitting this Application, the Applicant and Property Owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 AM and 7:00 PM on any day of the project inspection with the application under review. The Property Owner(s) grant this authorization even if the property has been previously inspected or reviewed. (See Section 6.04.01)

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

~~XXXXXXXXXX~~ PHA PRES ~~K.P. Skowronski Pres.~~  
~~XXXXXXXXXX~~ SKOWRONSKI PRES; KENNETH P. SKOWRONSKI PRES PHA  
 Date: 4-2-19 Date: 4-2-19  
~~XXXXXXXXXX~~ AVERAGE AIRLINE INC SAME  
 Signature of Agent's Representative  
 SAME  
 Date: 4/2/19 Date: 4/2/19



Phone: (414) 425-4024  
Fax: (414) 427-7691  
Web site: [www.franklinwp.org](http://www.franklinwp.org)

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

Applicant is Represented by: (contact person) (Full Legal Name(s))  
 Name: Tim Hayes  
 Company: Hayes Engineering Co. LLC  
 Mailing Address: 310 N Milwaukee Street, Suite 200  
 City / State: Milwaukee / WI Zip: 53202  
 Phone: 414-272-3700  
 Email Address: tim@hayeseng.com

Tax Key No: 7438078084 OGM7841 Lot 1

Existing Zoning: DD2 No. 28

Existing Use: Club / Lodge / Association

Proposed Use: SAME

Future Land Use Identification:

**POLYGRAPHIC ASSURANCE INC**

Date: 4/2/19

Name & Title (PRINT) DRMR  
DRMR

Date: A/2/19

<b>APPROVAL</b> <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> July 21, 2020
<b>REPORTS AND RECOMMENDATIONS</b>	An Ordinance to Amend the Municipal Code to Provide for Common Council, Boards', Commissions' and Committees' Members, Applicants', and the Public Remote Government Meetings Attendance	<b>ITEM NUMBER</b> <i>G.10,</i>

A copy of the above-entitled draft ordinance is annexed hereto. Also annexed hereto are Wisconsin Department of Justice Office of the Attorney General Office of Open Government Advisories issued on March 16, 2020 and March 20, 2020.

### **COUNCIL ACTION REQUESTED**

A motion to adopt An Ordinance to Amend the Municipal Code to Provide for Common Council, Boards', Commissions' and Committees' Members, Applicants', and the Public Remote Government Meetings Attendance;

or

such other action as the Common Council may deem appropriate.

Legal Services Dept.: jw



Josh Kaul  
Wisconsin Attorney General

P.O. Box 7857  
Madison, WI 53707-7857

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**FOR IMMEDIATE RELEASE**

March 16, 2020

**Office of Open Government Advisory:  
Coronavirus Disease 2019 (COVID-19) and Open Meetings**

MADISON, Wis. – The Wisconsin Department of Justice’s (DOJ) Office of Open Government (OOG) has prepared the following advisory in response to inquiries as to the applicability of the Wisconsin’s open meetings law, Wis. Stat. §§ 19.81 to 19.98, in light of current public health concerns regarding COVID-19. This advisory is provided pursuant to Wis. Stat. § 19.98.

As explained below, governmental bodies typically can meet their open meetings obligations, while practicing social distancing to help protect public health, by conducting meetings via telephone conference calls if the public is provided with an effective way to monitor such calls (such as public distribution, at least 24 hours in advance, of dial-in information for a conference call).

The open meetings law states: “[I]t is declared to be the policy of this state that the public is entitled to the fullest and most complete information regarding the affairs of government as is compatible with the conduct of governmental business.” Wis. Stat. § 19.81(1). To that end, the law requires that “all meetings of all state and local governmental bodies shall be publicly held in places reasonably accessible to members of the public and shall be open to all citizens at all times unless otherwise expressly provided by law.” Wis. Stat. § 19.81(2). A meeting must be preceded by notice providing the time, date, place, and subject matter of the meeting, generally, at least 24 hours before it begins. Wis. Stat. § 19.84.

The open meetings law “does not require that all meetings be held in publicly owned places but rather in places ‘reasonably accessible to members of the public.’” 69 Op. Att’y Gen. 143, 144 (1980) (quoting 47 Op. Att’y Gen. 126 (1978)). As such, DOJ’s longstanding advice is that a telephone conference call can be an acceptable method of convening a meeting of a governmental body. *Id.* at 146. More recently, DOJ guidance deemed video conference calls acceptable as well. Wis. Dep’t of Justice,

When an open meeting is held by teleconference or video conference, the public must have a means of monitoring the meeting. DOJ concludes that, under the present circumstances, a governmental body will typically be able to meet this obligation by providing the public with information (in accordance with notice requirements) for joining the meeting remotely, even if there is no central location at which the public can convene for the meeting. A governmental body conducting a meeting remotely should be mindful of the possibility that it may be particularly burdensome or even infeasible for one or more individuals who would like to observe a meeting to do so remotely—for example, for people without telephone or internet access or who are deaf or hard of hearing—and appropriate accommodations should be made to facilitate reasonable access to the meeting for such individuals.

To be clear, providing only remote access to an open meeting is not always permissible, as past DOJ guidance shows. Where a complex plan, drawing, or chart is needed for display or the demeanor of a witness is significant, a meeting held by telephone conference likely would not be “reasonably accessible” to the public because important aspects of the discussion or deliberation would not be communicated to the public. See 69 Op. Att’y Gen. at 145. Further, the type of access that constitutes reasonable access in the present circumstances, in which health officials are encouraging social distancing (including avoiding large public gatherings) in order to mitigate the impact of COVID-19, may be different from the type of access required in other circumstances. Ultimately, whether a meeting is “reasonably accessible” is a factual question that must be determined on a case-by-case basis. *Id.*

If you have questions or concerns regarding the application of the open meetings law, please contact the Office of Open Government at (608) 267-2220.



**Josh Kaul**  
**Wisconsin Attorney General**

**P.O. Box 7857**  
**Madison, WI 53707-7857**

## **NEWS FOR IMMEDIATE RELEASE**

March 20, 2020

### **Office of Open Government Advisory: Additional Information Regarding Coronavirus Disease 2019 (COVID-19) and Open Meetings**

MADISON, Wis. – The Wisconsin Department of Justice’s (DOJ) Office of Open Government (OOG) continues to prepare additional information in response to inquiries as to the applicability of the Wisconsin’s open meetings law, Wis. Stat. §§ 19.81 to 19.98, in light of current public health concerns regarding COVID-19. This advisory is provided pursuant to Wis. Stat. § 19.98.

Conducting open meetings remotely can pose a number of technological and practical issues that governmental bodies should consider in advance, including, among other things, the following:

- Governmental bodies must ensure that they follow the notice requirements of Wis. Stat. § 19.84 and such notice should inform the public that the meeting will be held remotely and provide all information necessary for the public to monitor the meeting.
- Notices should provide instructions for how the public may access the remote meeting, whether it is to be held via telephone conference call or video conference call. This includes providing the telephone number, video conference link, and any necessary passcodes or other login information.
- As DOJ’s Office of Open Government advised in its March 17, 2020 [advisory](#), a governmental body conducting a meeting remotely should be mindful of the possibility that it may be particularly burdensome or even infeasible for one or more individuals who would like to observe a meeting to do so remotely—for example, for people without telephone or internet access or who are deaf or



hard of hearing—and appropriate accommodations should be made to facilitate reasonable access to the meeting for such individuals.

- When conducting a videoconference or internet-based meeting, the governmental body should strongly consider providing the public with an alternative telephone dial-in option for observing such a meeting so that lack of internet access is not a barrier to observing the meeting.
- At the beginning of each meeting conducted remotely, the chair of the governmental body should encourage all body members to identify themselves before they begin speaking and not to speak over one another. This will help all those listening to the meeting better understand who is speaking.
- When possible, a governmental body may wish to consider recording the meeting and posting it on its website as soon as practicable after the meeting concludes.
- As a bottom line, governmental bodies meeting remotely can and should consider steps that ensure that their meetings remain open and accessible to the public.

If you have questions or concerns regarding the application of the open meetings law, please contact the Office of Open Government at (608) 267-2220.

See also:

March 17, 2020 – Office of Open Government Advisory: Coronavirus Disease 2019 (COVID-19) and Open Meetings

## ORDINANCE NO. 2020-\_\_\_\_

AN ORDINANCE TO AMEND THE MUNICIPAL CODE TO PROVIDE FOR COMMON  
COUNCIL, BOARDS', COMMISSIONS' AND COMMITTEES' MEMBERS,  
APPLICANTS', AND THE PUBLIC REMOTE GOVERNMENT MEETINGS  
ATTENDANCE

---

WHEREAS, the Wisconsin Department of Justice Office of the Attorney General issued an Advisory by the Office of Open Government on March 16, 2020, providing in part: "DOJ's longstanding advice is that a telephone conference call can be an acceptable method of convening a meeting of a governmental body.... More recently, DOJ guidance deemed video conference calls acceptable as well. Wis. Dep't of Justice, *Wisconsin Open Meetings Law Compliance Guide* 11 (May 2019),..."; and

WHEREAS, the Wisconsin Department of Justice Office of the Attorney General issued an Advisory by the Office of Open Government on March 16, 2020, providing in part with regard to providing information necessary for the public to monitor the meeting: "Governmental bodies must ensure that they follow the notice requirements of Wis. Stat. § 19.84 and such notice should inform the public that the meeting will be held remotely and provide all information necessary for the public to monitor the meeting. Notices should provide instructions for how the public may access the remote meeting, whether it is to be held via telephone conference call or video conference call. This includes providing the telephone number, video conference link, and any necessary passcodes or other login information."; and

WHEREAS, the Common Council having considered remote participation in meetings by members of the Common Council and City Boards, Commissions and Committees, and the remote monitoring thereof by the Public, and having determined same to be reasonable and in furtherance of the health, safety and welfare of the Community.

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

SECTION 1:           §10-26. of the Municipal Code of the City of Franklin, Wisconsin, is hereby created to read as follows:

§10-26. Boards', Commissions' and Committees' Members remote meeting attendance; Applicants' remote meeting attendance; remote meeting access by the Public.

Members of all City Boards, Commissions and Committees may individually attend a meeting of the respective Board, Commission or Committee, by way of telephone and/or

electronic audio and/or video communication, provided that at a minimum, each member's meeting attendance includes audio communication ability by, to and from the member. Persons representing an applicant or a petitioner upon an application or petition or a requestor for an item before the respective Board, Commission or Committee, and members of the Common Council, may also attend and participate in the meeting remotely in the manner as available to the members thereof. The public may individually attend a meeting and meetings of all City Boards, Commissions and Committees by way of telephone and/or electronic audio and/or video communication, by way of such methods, devices and equipment available and determined to be reasonable for such purposes by the City Department of Information Services and the IT Director. Notice of the availability of such remote attendance by the public by way of telephone and/or electronic audio and/or video communication shall be stated on the agenda for the respective meeting. All comments by persons during a Citizen Comment Period and all comments by persons on public hearing items during a public hearing shall be made in person in attendance at the meeting location and not remotely.

SECTION 2: §19-1. Meeting time and date, of the Municipal Code of the City of Franklin, Wisconsin, the title thereof only, is hereby amended to read as follows: "Meeting time, date and place."

SECTION 3: §19-1.E. of the Municipal Code of the City of Franklin, Wisconsin, is hereby created to read as follows:

E. Common Council Members' remote meeting attendance; Applicants' remote meeting attendance; remote meeting access by the Public. Members of the Common Council may individually attend a meeting of the Common Council, by way of telephone and/or electronic audio and/or video communication, provided that at a minimum, each member's meeting attendance includes audio communication ability by, to and from the member. Persons representing an applicant or a petitioner upon an application or petition or a requestor for an item before the Common Council may also attend and participate in the meeting remotely in the manner as available to the members thereof. The public may individually attend a Common Council meeting by way of

telephone and/or electronic audio and/or video communication, by way of such methods, devices and equipment available and determined to be reasonable for such purposes by the City Department of Information Services and the IT Director. Notice of the availability of such remote attendance by the public by way of telephone and/or electronic audio and/or video communication shall be stated on the agenda for the respective meeting. All comments by persons during a Citizen Comment Period and all comments by persons on public hearing items during a public hearing shall be made in person in attendance at the meeting location and not remotely.

SECTION 4: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 5: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 6: This ordinance shall take effect and be in force from and after its passage and publication.

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

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

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

ATTEST:

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

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

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE July 21, 2020
Reports & Recommendations	NON-PARTICIPATING LETTER TO WISCONSIN DEPARTMENT OF TRANSPORTATION FOR INSTALLATION OF SIDEWALK ALONG W. LOOMIS ROAD FROM W. ST. MARTINS ROAD TO W. RAWSON AVENUE IN THE AMOUNT OF \$466,000	ITEM NO. <i>G.11.</i>

### **BACKGROUND**

Wisconsin Department of Transportation (WISDOT) is planning a significant overlay for W. Loomis Road (STH 36). Depending on funding issues, the project is expected to occur as early as 2024 and as late as 2027. This project was discussed at the April 6, 2020, Common Council meeting where staff was directed to *"direct Wisconsin Department of Transportation to prepare a State/Municipal Agreement and a Memorandum of Understanding for sidewalk considerations on the east side of West Loomis Road from West St Martins Road to West Rawson Avenue, City Limits (South 68th Street) "*

### **ANALYSIS**

In lieu of a Memorandum of Understanding, WISDOT is asking for a Non-participating letter. In addition, they are suggesting that the sidewalk is most appropriately stopped at W. Rawson Avenue instead of S. 68th Street.

The preliminary design that WISDOT has completed indicates that the 1.3-mile sidewalk section (excluding Brenwood Senior Apartments) would cost an estimated \$466,000. Note that this project includes a small retaining wall on the back side of Whispering Oaks Court properties (Station 92) to avoid land acquisition.

### **OPTIONS**

- A. Send the enclosed letter asking WISDOT to include sidewalks in their letter. Or
- B. Direct Staff to send an alternate letter to WISDOT declining participating in their project.
- Or
- C. Provide further direction to Staff.

### **FISCAL NOTE**

This item will be included in forecasting future spending of capital projects.

### **RECOMMENDATION**

(Option A) Motion to authorize Staff to submit non-participating letter to Wisconsin Department of Transportation for installation of sidewalk along W. Loomis Road from W. St. Martins Road to W. Rawson Avenue in the amount of \$466,000.

Engineering Department: GEM

<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> April 6, 2020
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>SIDEWALK CONSIDERATIONS FOR W. LOOMIS ROAD FROM W. ST MARTINS ROAD TO CITY LIMITS (S. 68<sup>TH</sup> STREET)</b>	<b>ITEM NUMBER</b>

### **BACKGROUND**

Wisconsin Department of Transportation (WisDOT) is scoping a project for W. Loomis Road (STH 36) from W. St Martins Road (STH 100) to S. 51<sup>st</sup> Street for the years 2024-2025. The project will involve: mill and overlay (three to four inches of new pavement); potential for new signals, new signing and pavement marking; and repairs to culverts. This is considered the highest resurfacing type project just short of pavement replacement and expansion considerations.

WisDOT has asked if Franklin wishes for the project to include sidewalks or other features. Such inclusion would require a State/Municipal Agreement (SMA) for a cost share of the construction of the sidewalk and a Memorandum of Understanding (MOU) for maintenance of the sidewalk that needs to be considered as soon as possible for inclusion in the design.

### **ANALYSIS**

One will observe that the cross street of W. Drexel Avenue has a significant number of pedestrians using the sidewalk system and opportunities to continue the pedestrian access to W. Loomis locations would undoubtedly be well used. Pedestrian destinations along W. Loomis Road would include, but not be limited to, the US Post Office, Police/Courtroom, City Hall, Library, Ballpark Commons, Milwaukee County trail system, and the numerous commercial businesses. Staff recommends that sidewalks be considered.

Given the vehicular traffic counts and the width of the road, Staff would suggest that sidewalks should be considered for both sides of W. Loomis Road. However, there are significant wetlands and other environmental obstacles on the west side that would make the project unnecessarily expensive at this time so Staff is recommending that sidewalks only on the east side be proposed. Extending the sidewalks to the Milwaukee County trail system at S. 68<sup>th</sup> Street is desirable, however termination at W. Rawson Avenue would provide connection to the trail system within Ballpark Commons.

Staff has requested WisDOT provide budget estimates for sidewalks for one and both sides. This estimate is anticipated to be received in the near future and two versions of a SMA and an MOU can be provided for consideration. Having WisDOT construct sidewalks as part of their project is significantly easier than internally creating bid documents, obtaining permits, supervising the construction, etc.

WisDOT is starting the design of the project and sidewalks will have a significant impact on their design. Therefore, they need an answer soon.

### **OPTIONS**

- A. Have Staff direct WisDOT to prepare a SMA and MOU for sidewalk considerations: or
- B. Have Staff direct WisDOT that the City does not wish to have sidewalks incorporated in the project; or
- C. Give further direction to Staff.

### **FISCAL NOTE**

Any decision to have WisDOT incorporate sidewalks in their project would add to a 2024 or 2025 capital project list.

### **COUNCIL ACTION REQUESTED**

(Option A) Have staff direct WisDOT to prepare a State/Municipal Agreement and a Memorandum of Understanding for sidewalk considerations on the [east / both] sides of W. Loomis Road from W. St. Martins Road to [W. Rawson Avenue / City limits (S. 68<sup>th</sup> Street)].

Engineering: GEM



City of Franklin  
Engineering Department

July 22, 2020

Ryan Bernard, P.E.  
WisDOT DTSD SE Region SPO  
Final Scoping Team – Project Manager  
WisDOT Southeast Region Office  
141 NW Barstow St  
Waukesha, WI 53188

Re: 2240-00-08/2240-00-78  
WIS 36 from WIS 100 to 51st Street

Mr. Bernard,

As directed by the Franklin Common Council on July 21, 2020, I would like to request that the Wisconsin Department of Transportation incorporate construction work on behalf of City of Franklin into the contract documents for the above noted construction project. Specifically, the work we would like to incorporate in the contract document is the installation of new sidewalk along the east side of WIS 36 from WIS 100 to Rawson Avenue (County BB) and the required grading to construct standard side slopes. The installation of this sidewalk precipitates the need for curb ramps and culvert pipes at multiple locations. There is one location adjacent to the sidewalk where a landscaping retaining wall will be constructed to avoid real estate acquisition. See the included exhibits for more details on this work.

The estimated cost for this work is \$466,000. Please note that this cost includes the cost of construction delivery.

We understand that this work will be incorporated into the contract as a nonparticipating item and that the cost shall be the responsibility of City of Franklin. We further understand that we will be billed for all work associated with this item, including installation, labor, materials and DOT oversight performed on our behalf under the DOT construction contract once construction commences as costs are incurred, and agree to pay once invoices are received.

Sincerely,

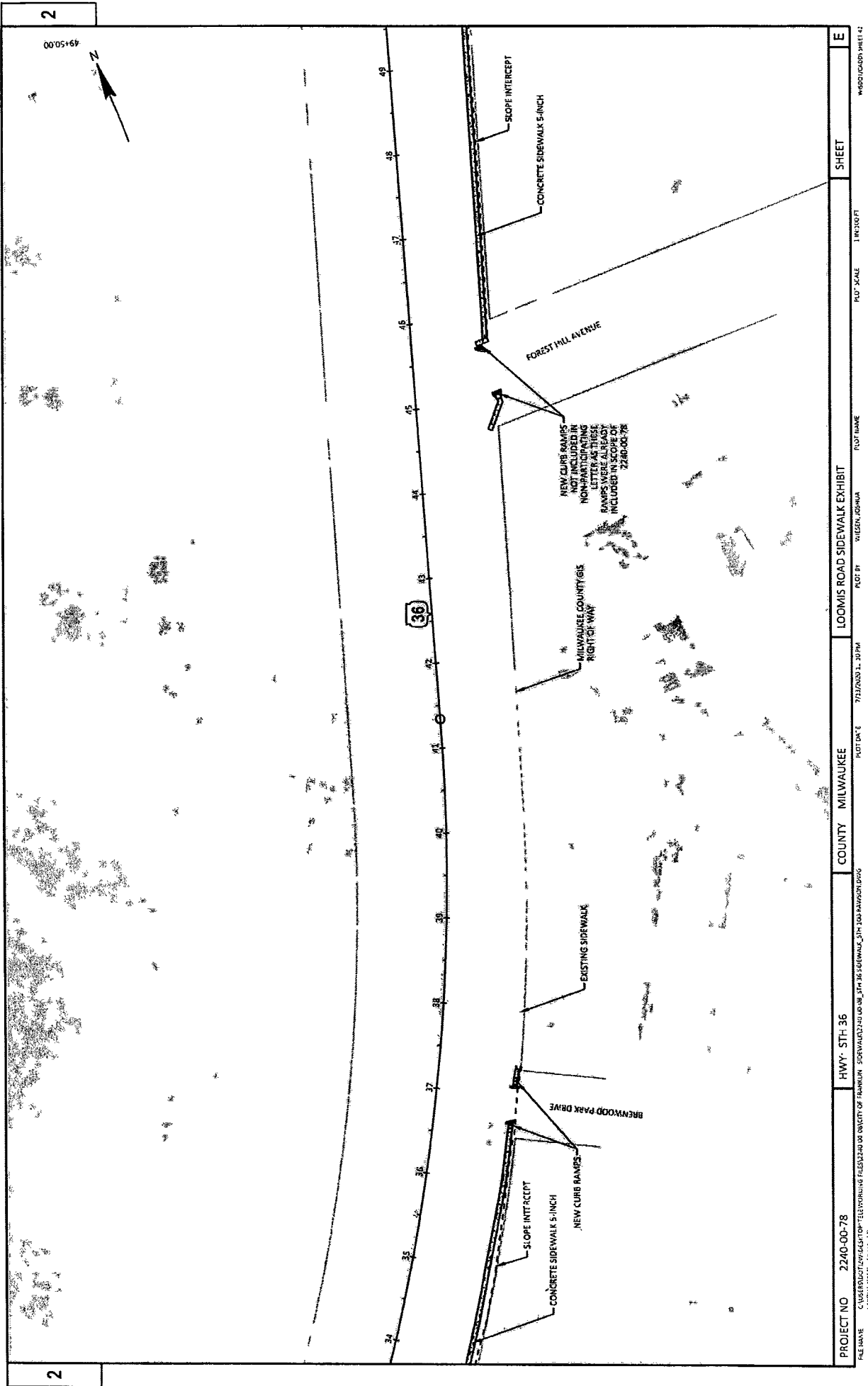
Glen E. Morrow, P.E. (WI, IL, IN & MO)  
City Engineer / Director of Public Works / Utility Manager

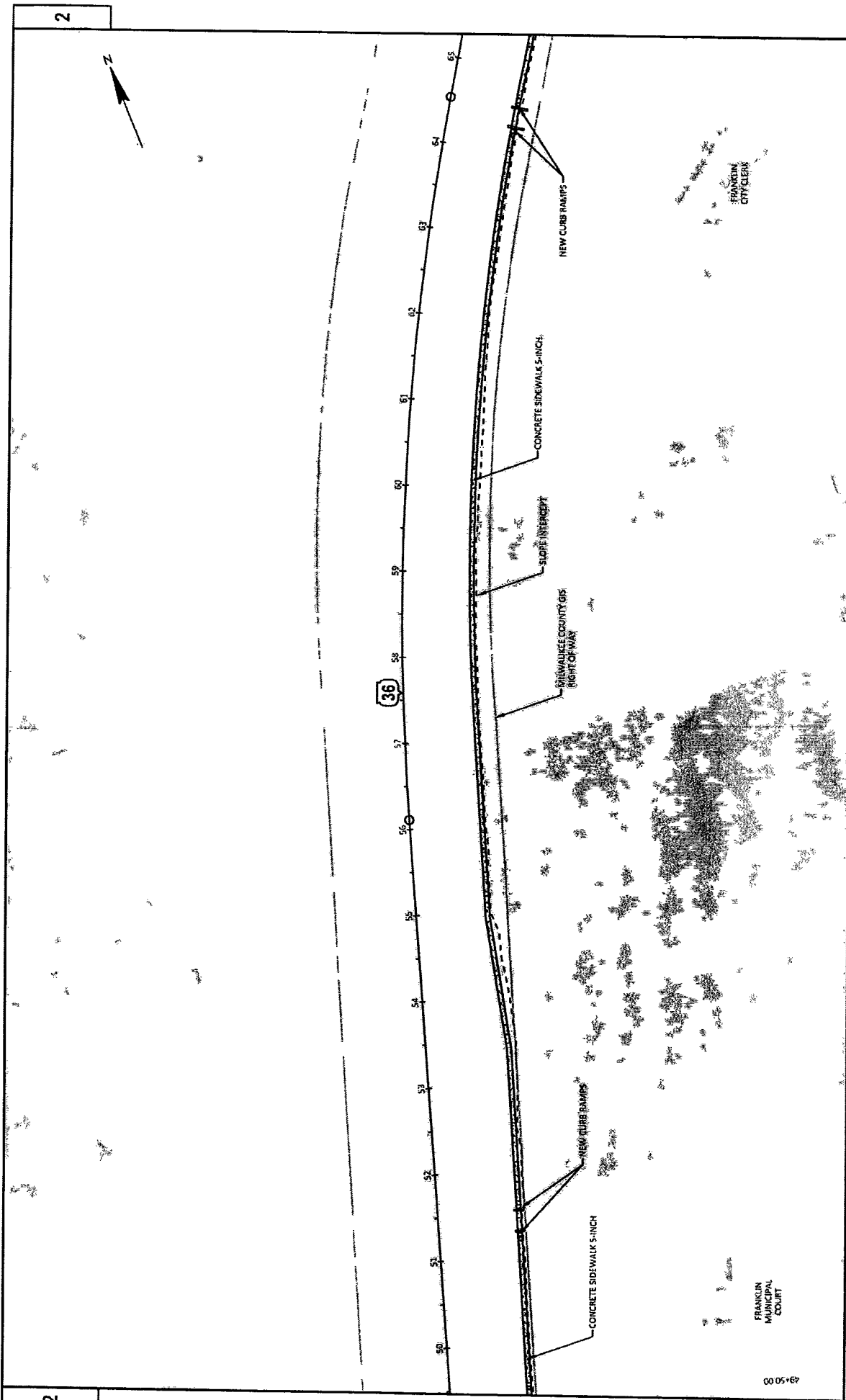
cc Roslin Burns, WISDOT Planning Group  
Franklin Mayor, Clerk, and Finance Department's file



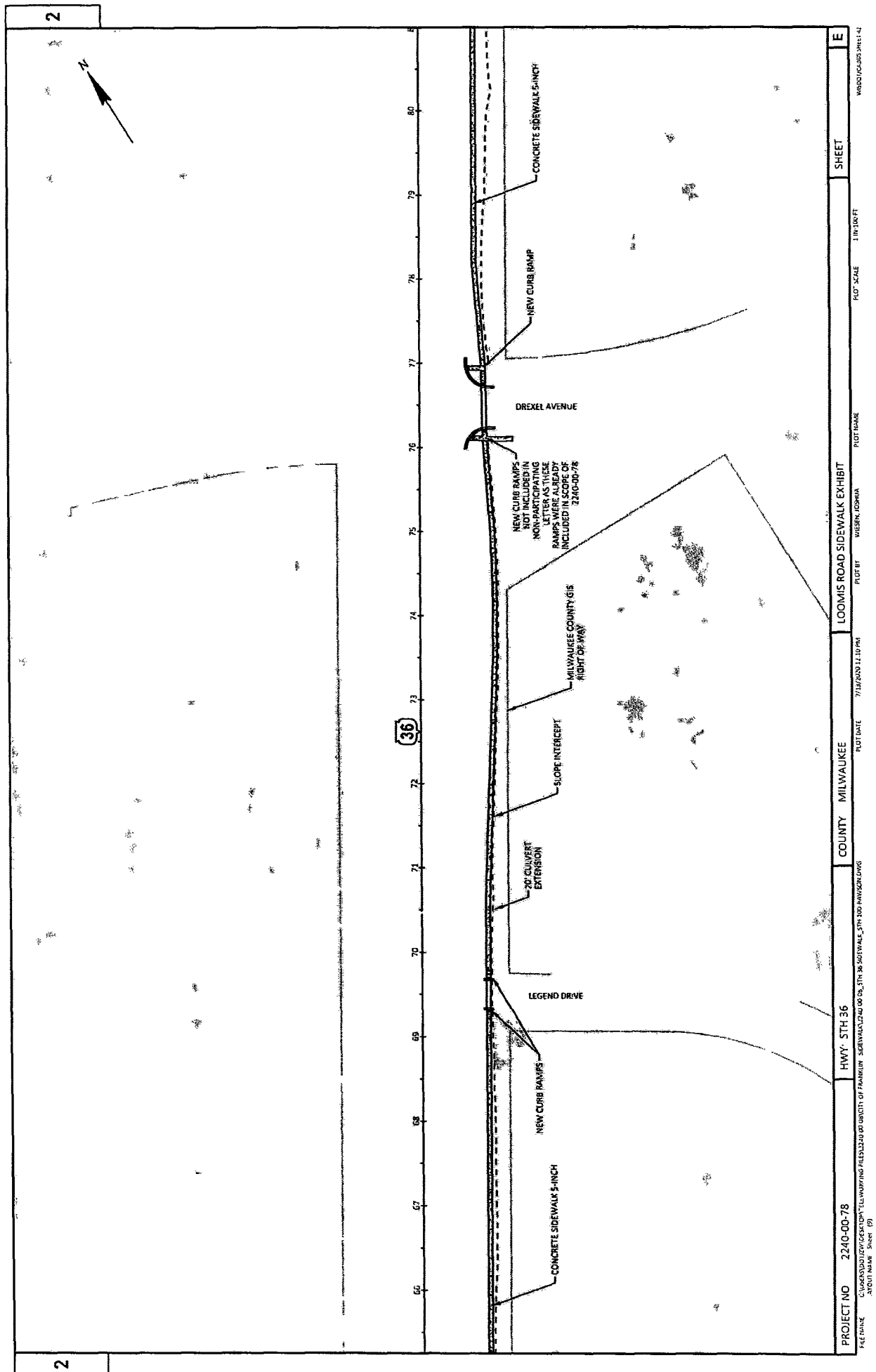
PROJECT NO: 2240-00-78	HWY: STH 36	COUNTY: MILWAUKEE	LOOMIS ROAD SIDEWALK EXHIBIT	SHEET: E
FILE NAME: C:\PROJECTS\2240-00-78\2240-00-78_SIDEWALK_LAYOUT.dwg	DATE: 7/17/2013 1:10 PM	PLOT BY: WESLEY KOSHAJ	PLOT NAME: 1 IN 100 FT	WSDOT/CADD SWELL 14

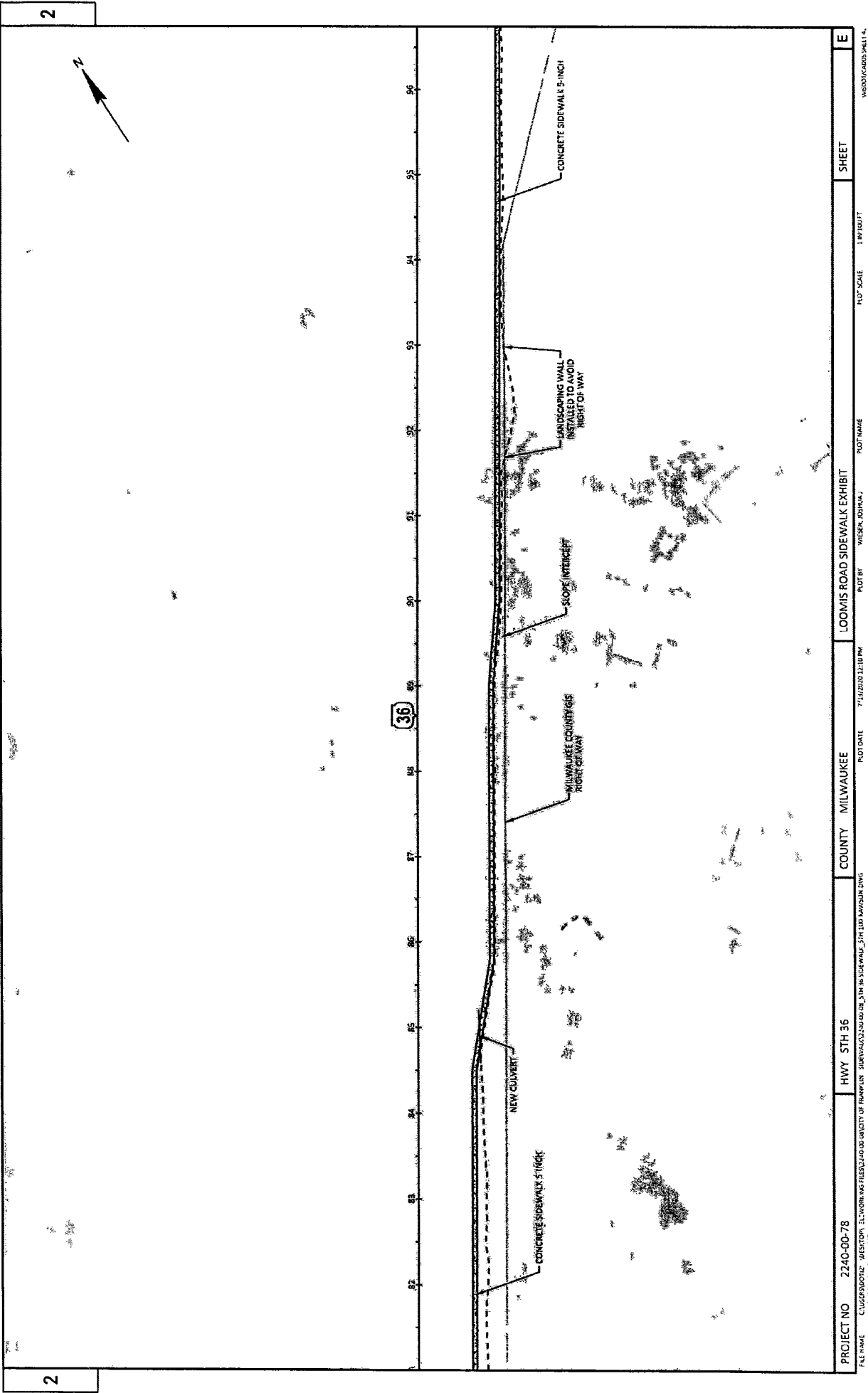


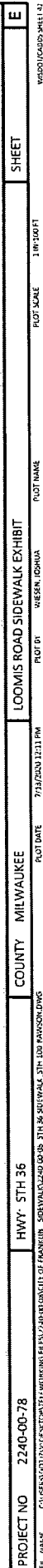


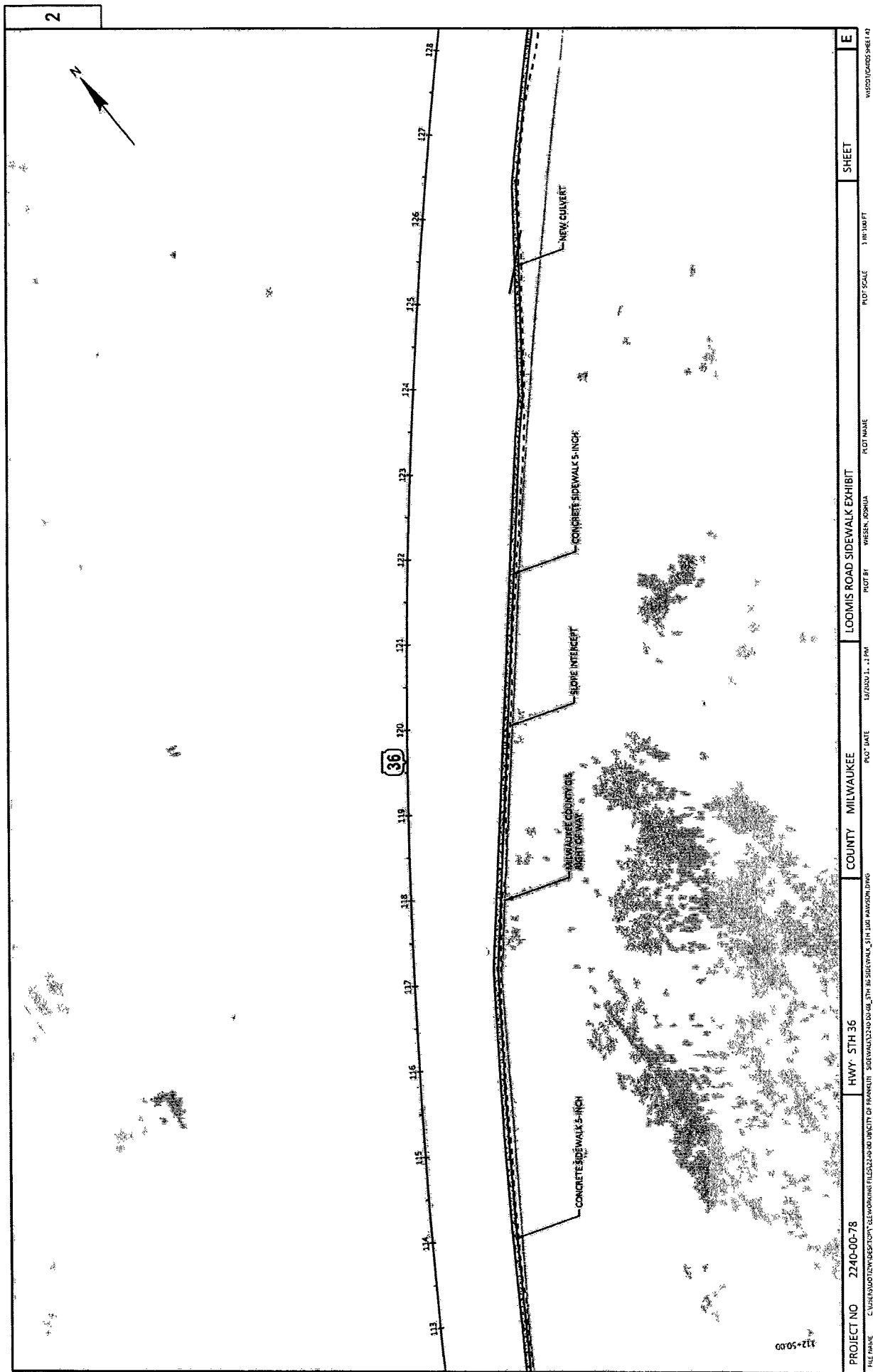


PROJECT NO	2240-00-78	HWY	STH 36	COUNTY	MILWAUKEE	LOOMIS ROAD SIDEWALK EXHIBIT	SHEET	E
FILE NAME	C:\Users\GARY\Documents\2240-00-78\2240-00-78 STH 36 SIDEWALK 3TH 3RD RANSOWLONG	PLAT DATE	7/13/2010 12:10 PM	PLAT NAME	GREEN, JOURNAL	PLAT SCALE	1"=100 FT	WOODHEAD SHEET 4
LAYOUT NAME	SHEET 1B1							











PROJECT NO 2240-00-78

FILE NAME	C:\USERS\DOT_ZY\DESKTOP\157HURRING FILES\12-10-00 UNCLITY OF FRANKLIN SUEVALE\12-10-00_5TH 36 SIDEWALK_5TH 100 PARKSON.DWG
ABOUT NAME	Sheet 112

PLOT BY	WIESEN, JOSHUA	PLOT NAME
---------	----------------	-----------

PLOT SCALE IN: 100 FT

SHEET



WISDOT/CADD'S SHEET 4.

128+75.00

CONCRETE SIDEWALK 5-INCH

NEW CULVERT —

NEW CURB RAMPS  
NOT INCLUDED IN  
NON-PARTICIPATING  
LETTER AS THESE  
RAMPS WERE ALREADY  
INCLUDED IN SCOPE OF  
2240-00-78

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APPROVAL	REQUEST FOR COUNCIL ACTION	MTG. DATE July 21, 2020
Reports & Recommendations	<b>FRANKLIN PREFERENCES FOR WISCONSIN DEPARTMENT OF TRANSPORTATION DESIGN OF S. LOVERS LANE (U.S 45 / STH 100) FROM W. RAWSON AVENUE (CTH BB) TO W. COLLEGE AVENUE</b>	ITEM NO. A. 12.

### **BACKGROUND**

Wisconsin Department of Transportation (WISDOT) is planning a project on S. Lovers Lane (U.S 45 / STH 100) from W. Rawson Avenue (CTH BB) to W. College Avenue circa 2024 or 2025. This item was last discussed at the Common Council on March 3, 2020, where "No action was taken regarding the stock pile issue, context-sensitive solution elements [CSS], sidewalks, and crosswalks..."

WISDOT is also requesting a Franklin preference on the one-way or two-way street configuration for the east frontage road between W. Herda Place and S. Phyllis Lane.

### **ANALYSIS**

There is a signed agreement from 2015 which covers the sidewalk/shared use path and approved CSS funds (attached). WISDOT has requested that this agreement be updated now based on the current design. Franklin needs to make some decisions so that the current design may be finalized.

- 1 **Does Franklin want crosswalks marked anywhere outside of the Speedway Signal? If so where?** Crosswalk markings across a STH not at signalized intersections (those are included in the initial cost part of the project) require maintenance agreements. Crosswalks across local sideroads (again, included in the initial cost part of the project) do not require an agreement with the local jurisdiction. *Staff recommends that no additional crosswalks are needed.*
- 2 **Does Franklin want ladder style crosswalks?** WISDOT will place standard 6" lines for the crosswalk at Speedway Drive (signal) but Franklin may upgrade to a ladder style marking. WISDOT will install it with the project but future maintenance is the local responsibility in a maintenance agreement. Franklin has this style at all current crosswalks in the City. Note that Hales Corners upgraded their crossings to the ladder style markings. *Staff recommends that upgrades to the crosswalk markings are needed.*
3. **Does Franklin want bicycle lanes marked?** Pavement marking lines are part of WisDOT responsibility as it really is just the shoulder marking. Bicycle lane markings (words and arrows only) would be included in the initial cost part of the project but would require a maintenance agreement for future maintenance. These markings are normally not marked unless part of a local bicycle plan. With the bicycle accommodations on the bridge over W. Rawson Avenue and connectivity to the Wheel and Sprocket store and bicycle themed Velo Village, bicycle accommodations are warranted here. WISDOT has provided plan sheets showing the proposed markings. *Staff recommends that upgrades to the bicycle markings are needed.*
- 4 **Does Franklin want street lighting in this area?** Street lighting (50/50 cost share for new system) requires permit/maintenance agreement. \$150,000 is rough estimate for a new lighting system from the Rawson NW ramp to College. (\$75,000 estimate for the local share). Upgrades to the lighting system may be paid for from the context-sensitive solution funds. *Staff recommends that street lighting should be included for the commercial areas*

*of the project, not the residential areas. If selected, Staff recommends that lighting be upgraded to match the improvements done in Hales Corners and that the upgrades be paid for from the CSS.*

- 5 **Sidewalk/shared use path.** There is no cost share for new construction but does require a maintenance agreement. Federal dollars can be impacted if pedestrian and bicycle accommodations are not constructed for this type of project. WisDOT proposes keeping ped and bike accommodations throughout the corridor to tie into the existing accommodations north and south of the project. ***Staff recommends that sidewalk and shared use path be incorporated in this project.***
- 6 **Does Franklin want to use CSS funds?** There is an approved \$371,500 part of the current agreement. These funds are 100% state and can be used for local enhancements and require a maintenance agreement. Any cost overrun is 100% funded by the local. In addition to upgraded lighting fixtures, this fund may be used for: aesthetic railings; anti-graffiti coatings; bicycle/pedestrian accommodations; aesthetic and recreational features on bridges; decorative fencing; decorative landscaping; decorative treatments on concrete pavement, curb and gutter treatments, bump outs, crosswalk/terrace pavers, planters, benches, kiosks, native prairie seeding or native planting, noise barriers, aesthetic treatment & design on retaining walls, non-standard sidewalks, special signaling and signing, wildlife crossing, etc. ***Staff recommends that CSS funds be used for upgraded lighting and [insert other items that Common Council desires for further investigation].***

Note that after the public information meeting held at the Franklin High School Library, there was a decision to conduct some traffic counts. The updated traffic count at Cortez, Whitnall and Speedway are to re-evaluate the need to restrict the left out at Cortez Road which is what was shown. The updated counts will determine if Cortez can operate safely with full access. Other road crossings along the corridor are pretty well set. Unfortunately, COVID19 has disrupted normal traffic patterns such that no traffic counts during this season may be used for forecasting. WISDOT is hoping to conduct these traffic counts this fall.

At the public information meeting, there was much discussion on the proposed street configuration for the east frontage road between W. Herda Place and S. Phyllis Lane. Staff has prepared a survey that may be sent out to assist the Common Council in recommending a preferred option. WisDOT has made some design modifications to narrow the 2-way option from a 22-foot wide section to a 16-wide section. A 16-wide section would eliminate any on-street parking. ***Staff recommends that the attached survey be sent to affected property owners for input in a recommendation to WisDOT on a preferred option for the east frontage road between W. Herda Place and S. Phyllis Lane.***

As a reminder, the Common Council determined on March 3 2020, that WisDOT contractors may store materials anywhere along the project during construction.

Staff will return to Common Council when surveys are received with a new agreement with WisDOT regarding the selected CSS funds.

## **OPTIONS**

- A. Motion to inform WisDOT of the recommendations outlined above. And
- B. Direct Staff to send out survey to affected property owners along the east frontage road. Or
- C. Provide further direction to Staff.

**FISCAL NOTE**

This item will be included in forecasting future spending of capital projects.

**RECOMMENDATION**

(Option A) Motion to direct Staff to inform WisDOT on preferences for design of S. Lovers Lane (U.S 45 / STH 100) from W. Rawson Avenue (CTH BB) to W. College Avenue:

- additional crosswalks are not included;
- upgrades to the crosswalk markings are included;
- upgrades to the bicycle markings are included;
- street lighting should be included for the commercial areas of the project, not the residential areas;
- street lighting is upgraded with CSS funds to decorative lighting to match lighting in the Hales Corners project recently completed;
- CSS funds are used to include \_\_\_\_\_; and
- sidewalk and shared use path are included.

Furthermore, direct Staff to survey affected property owners for input in a recommendation to WisDOT on a preferred option for the east frontage road between W. Herda Place and S. Phyllis Lane.

Engineering Department: GEM



**STATE/MUNICIPAL AGREEMENT  
FOR A STATE- LET HIGHWAY  
PROJECT**

Date April 7, 2015  
 I D . 2040-14-00/20/70  
 Road Name USH 45  
 Limits St Martin's Rd to College Ave  
 County. Milwaukee  
 Roadway Length 2.96 Miles

The signatory City of Franklin, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and effect the highway or street improvement hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes.

**NEEDS AND ESTIMATE SUMMARY:**

**Existing Facility - Describe and give reason for request:** Improvement

**Proposed Improvement - Nature of work:** As determined by project scoping.

**Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality:** A nominal amount is included to cover items in paragraph 4 (to be adjusted in the final plan).

**TABLE 1: SUMMARY OF COSTS**

Phase	Total Est. Cost	Federal/State Funds	%	Municipal Funds	%*
Preliminary Engineering Plan Development	\$ 1,000,000	\$ 1,000,000	100%	\$ -	0%
Real Estate Acquisition Acquisition	\$ 3,000,000	\$ 3,000,000	100%	\$ -	0%
Compensable Utilities	\$ -	\$ -	100%	\$ -	0%
Construction					
Participating	\$ 24,750,000	\$ 24,750,000	100%	\$ -	0%
CSS	\$ 371,500	\$ 371,500	MAX	\$ -	BAL
New Sidewalk	\$ 400,000	\$ 400,000	100%	\$ -	0%
Non-Participating	\$ -	\$ -	0%	\$ -	100%
<b>Total Cost Distribution</b>	<b>\$ 29,521,500</b>	<b>\$ 29,521,500</b>		<b>\$ -</b>	

\* See Item 9 Basis for local participation in Terms and Conditions

This request is subject to the terms and conditions that follow (pages 2 – 4) and is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State and delivery to the Municipality shall constitute agreement between the Municipality and the State. No term or provision of neither the State/Municipal Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Agreement

Signed for and in behalf of the City of Franklin (please sign in blue ink)		
Name <u>Stephen Olson</u>	Title Mayor	Date <u>5/21/15</u>
Name <u>Paul Rotzenberg</u>	Title Treasurer	Date <u>5/26/2015</u>
Name <u>Sandra Wesolowski</u>	Title Clerk	Date <u>5/21/2015</u>
Name <u>Jesse H. Wesolowski</u>	Title City Attorney	Date <u>6/2/15</u>
Signed for and in behalf of the State (please sign in blue ink)		
Name <u>Tony Barth</u>	Title SE Region Planning Chief	Date <u>6/16/15</u>

**TERMS AND CONDITIONS:**

1. The initiation and accomplishment of the improvement will be subject to the applicable Federal and State regulations.
2. The Municipality shall pay to the State all costs incurred by the State in connection with the improvement which exceed Federal/State financing commitments or are ineligible for Federal/State financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table that show Municipal funding participation. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from any moneys otherwise due and payable by the State to the Municipality. The costs listed in Table 1: Summary of Costs are approximate costs unless otherwise noted. The Municipality will be responsible for actual costs incurred.
3. Funding of each project Phase is subject to inclusion in an approved program and per the State's Facility Development Manual (FDM) standards. Federal aid and/or State transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:
  - (a) Design engineering and state review services.
  - (b) Real Estate necessitated for the improvement.
  - (c) Compensable utility adjustment and railroad force work necessitated for the project.
  - (d) The grading, base, pavement, curb and gutter and bridge costs to State standards, excluding the cost of parking areas.
  - (e) Storm sewer mains, culverts, laterals, manholes, inlets, catch basins and connections for surface water drainage of the improvement, including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed.
  - (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking and testing of sanitary sewer and water main.
  - (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes.
  - (h) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk at the

time of construction. Sidewalk is considered to be new if it's constructed in a location where it has not existed before.

- (i) Replacement of existing driveways, in kind, necessitated by the project.
  - (j) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices. Alteration may include salvaging and replacement of existing components.
4. Work necessary to complete the improvement to be financed entirely by the Municipality or other Utility or Facility Owner includes the following items:
- (a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities.
  - (b) New installation or alteration of signs not necessary for the safe and efficient flow of traffic
  - (c) Roadway and Bridge width in excess of standards.
  - (d) Construction inspection, staking and material testing and acceptance for construction of sanitary sewer and water main.
  - (e) Parking lane costs.
  - (f) Coordinate, clean up, and fund any hazardous materials encountered for city utility construction. All hazardous material cleanup work shall be performed in accordance to state and federal regulations.
5. As the work progresses, the Municipality will be billed for work completed which is not chargeable to Federal/State funds. Upon completion of the project, a final audit will be made to determine the final division of costs.
6. If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project.
7. The work will be administered by the State and may include items not eligible for Federal/State participation.
8. The Municipality shall at its own cost and expense.
- (a) Maintain all portions of the project that lie within its jurisdiction for such maintenance through statutory requirements, in a manner satisfactory to the State and shall make ample provision for such maintenance each year. This agreement does not remove the current municipal maintenance responsibility.
  - (b) Maintain all items outside the travel lane along the project, to include but not limited to parking lanes, curb and gutter, drainage facilities, sidewalks, multi-use paths, retaining walls, pedestrian refuge islands, landscaping features and amenities funded by community sensitive solutions.
  - (c) Maintain and accept responsibility for the energy, operation, maintenance, repair and replacement of the lighting system.
  - (d) Prohibit angle parking.
  - (e) Regulate parking along the highway. The municipality will file a parking declaration with the state.
  - (f) Use the WisDOT Utility Accommodation Policy unless the Municipality adopts a policy which has equal or more restrictive controls.
  - (g) Provide complete plans, specifications and estimates for sanitary sewer and water main work. The Municipality assumes full responsibility for the design, installation, inspection, testing and operation of the sanitary sewer and water system. This relieves the State and all of its employees from the liability for all suits, actions or claims resulting from the sanitary sewer and water system construction.
  - (h) Maintain all community sensitive solutions and/or enhancement funded items.

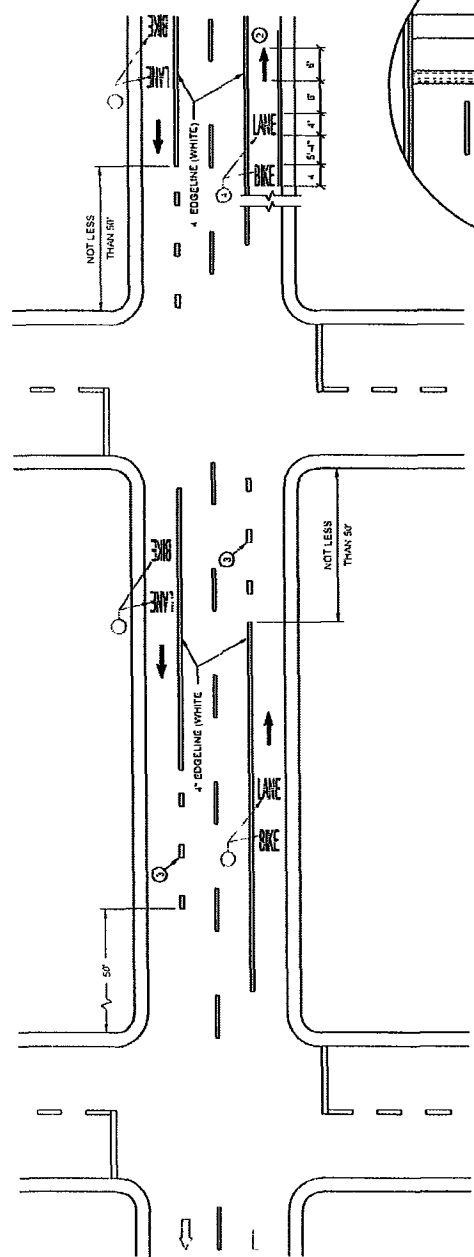
- (i) Coordinate with the state on changes to highway access within the project limits
  - (j) In cooperation with the state, assist with public relations for the project and announcements to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project
  - (k) Maintain signs and pavement markings not necessary for the safe and efficient movement of traffic (no parking signs, crosswalk pavement markings not at signalized intersections, etc).
- 9 Basis for local participation. Participation is based on actual costs incurred, all costs listed in Table 1: Summary of Costs are approximate costs unless otherwise noted.
- (a) Funding for preliminary engineering 100% State
  - (b) Funding for real estate required for standard roadway construction, 100% State
  - (c) Funding for compensable utilities required for standard roadway construction, 100% State.
  - (d) Funding for construction of standard roadway items – 100% State
  - (e) Funding for sidewalks/multi-use path on NHS route, where no Trans 75 exceptions apply is funded 100% State. The Municipality agrees to maintain the sidewalk/multi-use path including the sidewalk/multi-use path installed as part of the Lovers Lane Road (USH 45) bridge replacement project over Rawson Ave, Project ID 2040-12-70
  - (f) Funding for Community Sensitive Solutions (CSS) – 100% State, maximum amount \$371,500. Costs above this maximum are 100% Municipal. The funding is to be used for enhancement features along the project limits.

[END]

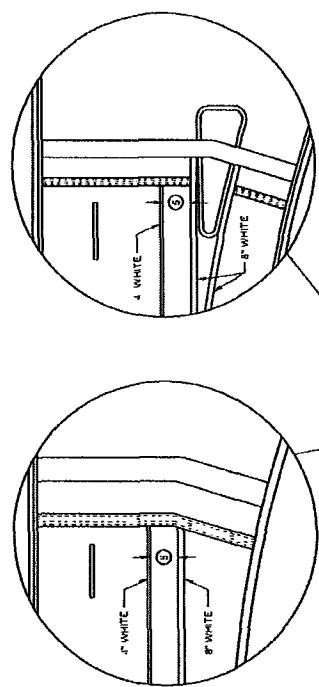
**GENERAL NOTES**

- DETAILS OF CONSTRUCTION NOT SHOWN ON THIS DRAWING SHALL CONFORM TO STANDARD SPECIFICATIONS AND SPECIAL PROVISIONS
- ② MINIMUM OF ONE PER BLOCK. MINIMUM OF 250 FEET
- ③ DOTTED LINES (3" LINE, 5' GAP) SHOULD BE USED 50 FEET TO 200 FEET IN ADVANCE OF AN INTERSECTION WHERE THERE IS NO RIGHT TURN ONLY LANE AND THERE IS HEAVY RIGHT TURN TRAFFIC OR THERE IS A NEAR-SIDE BUS STOP AT OTHER INTERSECTIONS WHERE RIGHT TURN TRAFFIC IS LIGHT TO MODERATE. A SOLID LINE CAN BE USED UP TO THE INTERSECTION.
- P.E. 1 B.C. JR. P.D. 104 BE 13E.
- ④ BIKE ACCOMMODATION IS TYPICAL 6 FEET WIDE AND MINIMUM OF 4 FEET FROM A LONGITUDINAL JOINT. USE 5 FEET AT 45 MPH.
- ⑤ DASH THESE MARKINGS FOR WIDER TURN LANE APPLICATIONS (MINIMUM OF 15 FOOT WIDE TURN LANE).
- REFER TO CONTRACT PLANS FOR LANE WIDTH

DIRECTION OF TRAVEL

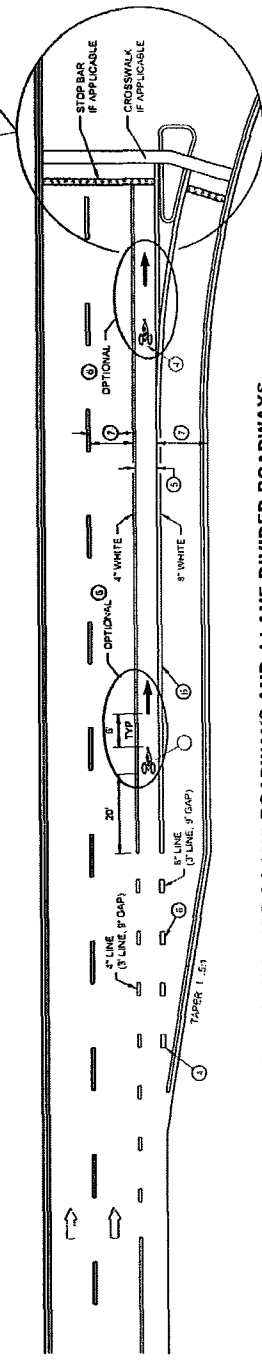


DESIGNATED BIKE LANE - NO PARKING



4 LANE DIVIDED WITH ISLAND

4 LANE DIVIDED WITHOUT ISLAND



BIKE LANE - FOR 2-LANE ROADWAYS AND 4-LANE DIVIDED ROADWAYS  
(4-LANE DIVIDED WITH RIGHT TURN LANE SHOWN)

**BIKE LANE MARKING**

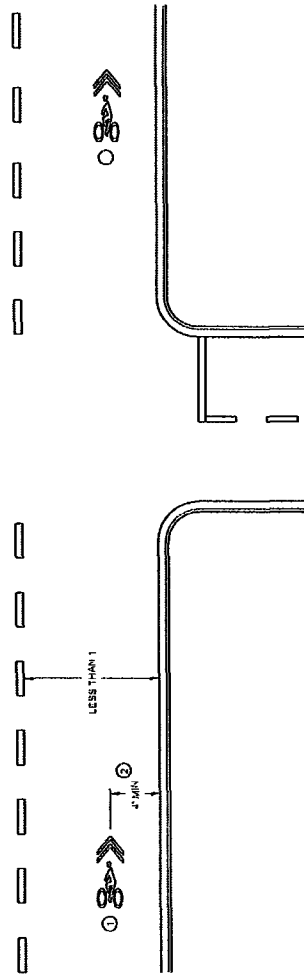
STATE OF WISCONSIN  
DEPARTMENT OF TRANSPORTATION  
APPROVED  
DATE  
BY  
ENGINEER



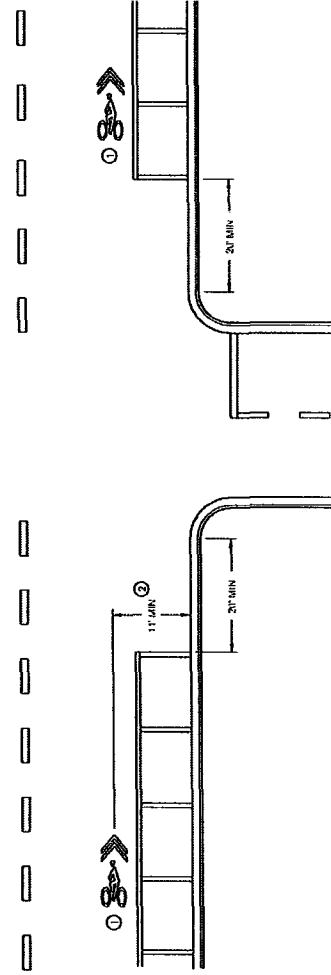
# SDD 15C29-b Pavement Marking for Shared Lane, 35 MPH or Less

## GENERAL NOTES

- ① MINIMUM OF ONE PER BLOCK MAXIMUM OF 250 FEET
- ② OR TO EDGE OF PAVEMENT WITHOUT CURB



WITHOUT PARKING



WITH PARKING

PAVEMENT MARKING  
FOR SHARED LANE  
35 MPH OR LESS

STATE OF WISCONSIN  
DEPARTMENT OF TRANSPORTATION

APPROVED  
MANUALLY  
DATE  
STATE OF WISCONSIN  
STATE OF WISCONSIN  
ENGINEER

DATE: July 22, 2020

**DRAFT**

TO: Property Owners of 6910-7042 S. Lovers Lane Road (East Side Only)

COPY: John Nelson, Alderman District 6

FROM: Glen E. Morrow, PE- City Engineer, Director of Public Works, &amp; Utility Manager

SUBJECT: WisDOT project preference for east frontage road between W. Herda Place and  
S. Phyllis Lane

You may recall the Wisconsin Department of Transportation (WISDOT) open house last fall where they explained that they are working on a design to improve S. Lovers Lane from W. College Avenue to W. Rawson Avenue. Construction is expected to occur in 2025, or 2024 if funding is available.

WISDOT has asked the City to comment on a preferred design for S. Lovers Lane. Specifically, the access road that serves your property between W. Herda Place and S. Phyllis Drive. Before we discuss again at a Common Council meeting, I would like to solicit your input. Please complete the questionnaire below and return to me at the City Engineering Department- City Hall in person or in the enclosed self-addressed-stamped-envelope by **August 7, 2020**.

This is only input for WISDOT to consider and will not be a final design decision. There are many considerations that WISDOT will use to make the best decision and although City preference is important, it is not the only consideration. You may schedule an appointment at my office to discuss this issue if you have questions.

Upon receipt of your responses, this matter will appear before the Common Council on or after August 18, 2020.

Survey for Property Owners of 6910-7042 S. Lovers Lane Road (East Side Only)

My name is: \_\_\_\_\_

My address is: \_\_\_\_\_

I would prefer a WISDOT design of the access road that: (check your preferred responses)

- \_\_\_\_\_ Keeps two-way directional traffic, and I understand that it will have greater impact (unknown distance) to land acquisition for my property.
- \_\_\_\_\_ Changes the traffic to one-way that would lessen the impact to land acquisition for my property.

If traffic is changed to one-way, I would prefer the following direction: (check your preferred direction)

- \_\_\_\_\_ One-way south (enter from Herda and exit to Phyllis)
- \_\_\_\_\_ One-way north (enter from Phyllis and exit to Herda)

Please return this survey to the **Engineering Department** in the self-addressed-stamped-envelope or in person at City Hall no later than **Friday August 7**. It is anticipated that this will appear on the Common Council agenda for Tuesday, August 18.

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<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> July 21, 2020
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Report on Expenditures related to the COVID-19 Public Health Emergency thru July 16, 2020</b>	<b>ITEM NUMBER</b> A.13.

### **Background**

On March 17, 2020 the Common Council authorized spending up to \$250,000 in response to the COVID-19 Public Health Emergency.

Thru July 16, 2020, the City has spent \$134,800 (up from \$132,369 two weeks earlier) of Labor funds, \$54,822 (up from \$49,889 two weeks earlier) in operating costs (principally \$20,000 in extra postage for elections and other mailings), and \$17,183 on equipment. Details of the expenditures are:

	July 1	July 16
Elections	13,878	13,878
Info Systems	3,901	3,905
Admin – postage	10,000	10,000
Finance	128	128
Muni Buildings	2,270	7,198
Police	4,904	4,904
Fire	6,532	6,532
Highway	6,026	6,026
Parks	2,251	2,251
Total	49,889	54,822

Total expenditures and encumbrances are \$206,805 (up from \$199,441 on July 1).

The 'Road to Recovery' claim (WI's administration of the Federal Public Health Emergency relief funding) for qualifying expenditures thru June 30 totaled \$133,879 including overtime, purchase of personal protection equipment & supplies, and equipment to address the pandemic. These claimed costs will be removed from General Fund, reducing usage of the original appropriation to \$ 72,926

The State has notified the Health Department of an additional \$300,000 Grant for health related expenditures.

The City recently accepted a \$24,400 grant from the Wisconsin Elections Commission related to increased costs stemming from the crisis.

In addition, it appears that certain city resources are going to be negatively impacted, specifically, ambulance revenues are down \$128,000 from a year ago at the end of May, hotel tax receipts were 30% (\$21,500) below Q1 2019 for Q1 2020, as the major hotels have been effectively shut down, investment income on reduced interest rates (estimated to reduce annual revenues by \$80,000), the school liaison officer – approximately \$22,000 (with the school closed – the officer was not needed), and landfill siting revenues. These amounts total \$251,000 so far. It is too early to understand the total revenue shortfalls, but clearly there will be some sizable amounts.

### **COUNCIL ACTION REQUESTED**

Information Only – no action requested.

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<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> July 21, 2020
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Authorize Temporary Help in Finance Department</b>	<b>ITEM NUMBER</b> M. 14.

### **Background**

The Finance Department consists of the Director of Finance, an Accounting Supervisor, an Accountant, an Accounts Payable Clerk ( 48 Full time equivalent), and a Payroll Clerk ( 75 FTE)

The Accountant has submitted his retirement notice effective August 3, 2020

At the same time the Accounting Supervisor has indicated a 6 to 8-week medical leave notice effective August 10th.

### **Analysis**

With the absence of those two full-time positions, the Finance Department will not have sufficient resources to keep timely financial records

The Director of Finance & Treasurer has been developing a plan to shift responsibilities around between the Accounting Supervisor and the remaining clerks to address temporary workflow needs due to the retirement. However, with the near term absence of the Accounting Supervisor that plan falls apart

With development of the 2021 Annual Budget process launching at this time, it is critical that adequate competent staffing be available to meet the City's needs

The retirement will result in approximately \$23,400 of unused Personnel Services appropriations. The Temporary Accounting Manager position will cost approximately \$24,000 However, the temporary position will use contract services – a Non-Personnel appropriation, while the vacant accounting position uses Personnel Services appropriations. A budget amendment will be needed to reclassify the \$23,400 of Personnel Services to Non-Personnel Services. Other un-used Non-Personnel appropriations will provide the remaining appropriations needed for the Temporary Accounting Supervisor There will be no need to use any other 2020 appropriations for this staffing need

Longer term, a transition plan for the eventual retirement of the Director of Finance is likely to be included in the 2021 budget.

### **Recommendation**

The Director of Finance and Treasurer is recommending that a temporary Accounting Supervisor be engaged during the term of the Accounting Supervisor's medical leave and for a two-week period prior to departure to provide some continuity to staffing and familiarize a temporary with the City's financial systems, processes and file locations

### **COUNCIL ACTION REQUESTED**

Motion authorizing the engagement of a temporary contract service to fill the Accounting Supervisor position while the current Accounting Supervisor is on an 8-week medical leave

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<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>7/21/2020</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Annual Market Adjustment, Market Adjustment to Wage &amp; Salary Rates, and Progress to Market Wage Adjustment for Non-Represented Employees</b>	<b>ITEM NUMBER</b>  M. 15.

Below is information relative to and a recommendation related to a proposed Annual Market Adjustment and Market Adjustment to Wage and Salary Rates, as well as a Progress to Market Wage Adjustment, for non-represented employees, as was budgeted and is reviewed each year at this time.

This item was considered by the Personnel Committee at their May 18, 2020 Meeting, where the result was a 6-2 vote in favor of the recommended increase.

### **BACKGROUND**

As you likely know, Franklin's Classification and Compensation Plan, implemented at the end of 2015, identified the following three potential annual adjustments to employee wage rates:

1. Market Adjustment to Wage and Salary Rates: The Annual Market Adjustment creates a change to the overall pay plan structure. Individual wage rates then need to be adjusted at a rate equal to the Annual Market Adjustment in order to allow each employee to maintain their position in the market. This action does not advance employees within their range, but attempts to keep employees at an equitable wage with respect to the cost of living and with our comparable cities.
2. Progress-to-Market-Rate Adjustments: Identifies the portion of a merit increase that an employee is eligible for annually, unless otherwise directed by the Common Council, based upon where the employees are within their applicable Salary Range.  
[Note: This is conceptually similar to a step increase in some plans. Franklin's are graduated, as follows, depending upon where you are in the range:
  - 30% or lower in the applicable salary range = 2.25% adjustment,
  - Below the Midpoint, but greater than 30% in the range = 1.5% adjustment, and
  - Greater than Midpoint, but less than Market Rate (65% through the range) = .75%]
3. Merit Performance Increases: Prior to implementation of an improved performance evaluation system, the remaining pool of funding for wage adjustments would be allocated on an across-the-board basis to all employees who receive at least a "Satisfactory" in the current system. After implementation of an improved performance evaluation system, the remaining pool of funding would be allocated based upon the performance evaluation results, with those individuals performing better receiving larger increases.

Funding included in the 2020 Budget for the above noted pay adjustments is approximately \$177,000. The planned breakdown is: (1) Approximately \$88,500 for the 2% market adjustment for non-represented employees, (2) approximately \$18,000 for the progress to market rate adjustment, (3) approximately \$36,600 for the merit performance increases, and (4) approximately \$33,900 for the Police Compression Adjustment which was awarded in April of 2020.

## ANALYSIS

### Comparable City Wage Increases

A five-year review of our comparable communities, as determined in our Classification & Compensation Study, was completed, with the following results:

<i>Comparable Community</i>	<i>2016 % lift</i>	<i>2017 % lift</i>	<i>2018 % lift</i>	<i>2019 %lift</i>	<i>2020 % lift</i>	<i>5-year combined pay increase percentage</i>
Mt. Pleasant	2	2	3.02	3.02	2.25	12.903
Fond du Lac	3	2	2	2	2.25	11.764
North Shore Fire	2.25	2.01	2.01	2.65	2.25	11.679
Caledonia	2	2	2	2.25	2.07	10.755
Menomonee Falls	2	2	2	2	2	10.408
Fitchburg	2	2	2	2	2	10.408
Greenfield	2	2	2	2	2	10.408
New Berlin	1	1.5	2.3	3	2	10.179
Mequon	1.75	1.5	1.75	2	2	9.329
West Bend	1	2	2	2	2.5	9.862
Brookfield	1.25	1.25	2	2.5	2	9.324
Sun Prairie	1.5	1.5	1.5	1.5	1.5	7.728
Muskego	0	1	2.5	2.5	2*	8.235
Oak Creek	1.25	0.7	1.5	2.25	2.25	8.197
Wauwatosa	1	1	1.4	2	2.5	8.145
Mean Average	1.6	1.631	1.999	2.245	2.105	9.955
Median Average	1.75	2	2	2	2	10.179
Franklin	2	1.5	2	1.55	2	9.382

\*A 2% estimate was used for Muskego, as no response has been received at this time.

An important note regarding the above information is that the Franklin's increases, for the duration of this time span, have been implemented on or about July 1st of each year, with the exception of 2019 for those employees switching to the Wisconsin Retirement System (WRS), while the increases for the majority of the other communities were implemented earlier in the year, annually.

As noted above, the 2020 budget anticipated a 2% wage increase for non-represented employees. As you can see above, this is just slightly lower than the average increase of 2.1%. Franklin's 5-year increases, however, are approximately 0.6% below the average, and 0.8% below the median increase. It is important for Franklin to consider the pay of comparable cities, as the pool of employees drawn upon by the majority of these cities are the same as those Franklin works to attract for vacancies, and, with the workforce becoming more mobile, competition for staff is more competitive than ever.

### Classification and Compensation Plan-Continued Implementation

It is also important to note that, in regard to the Classification and Compensation Plan which was implemented in late 2015, the execution of the plan did not immediately place employees at their designated market rate if they were below it, even if they were a productive, longstanding employee, while allowing those over their market rate to retain their current level of pay. Instead, it laid out a plan for those employees to progress slowly to their market rate, based on the details in the second item in the Background section above, which makes this piece of the increase critical to continue moving those employees toward their established market rate.

### COVID-19 Pandemic and Budget Ramifications

While there is a very unique challenge occurring in 2020, namely COVID-19, to which there may be a natural inclination to cut budgets, paralleling the private sector, due to revenue reductions and additional expenditures, thereby withholding these planned and budgeted increases, we need to remain mindful that our staff is our largest asset, which we count on, now more than ever, to serve the citizens of Franklin. Working for a City during a pandemic, being deemed essential, and providing critical services is a tall order, and our employees continue to carry out all of the City's critical duties on a daily basis. Our services did not slow down during this time, rather, in many cases, were increased, which caused most of our staff to potentially be exposed while continuing their duties.

Staff continues to analyze the 2020 Budget to actual numbers on an ongoing basis, and while we expect this year's budget to remain tight due to the COVID-19 pandemic, and likely require some contingency to be used, we believe that the increase can be implemented while maintaining a responsible and prudent 2020 funding plan. Staff continues to research options to ensure that the City's fiscal year ends on a positive financial note. One option that is currently being reviewed is the possibility of a short-term premium holiday for health insurance. This option alone would benefit the City's General Fund substantially. Please stay tuned on this, and we will bring back additional information and any recommended changes in the near future.

### Merit Increases

As noted above, merit increases are part of the planned wage increase mix for 2020, however staff is still working on an equitable merit-based plan, so these budgeted funds are not being requested to be used at this time. Staff will bring a draft plan forth, when it is ready, for Council consideration. But, please note that there is flexibility with this item, and it can be structured to work within the confines of the 2020 and 2021 Budget Plans.

Finally, as set forth within the adopted policy for the pay plan, all wage increases are subject to each employee receiving a performance review grade of at least "Standard" or better, which this year will need to be confirmed and documented by the department heads since there is not a formal appraisal process in place. As required by the plan, only employees who are successfully completing their job duties are considered for any of the above noted increases. And, a formal appraisal process will be implemented in 2021.

### **RECOMMENDATION**

Staff recommends that the Council authorize the 2% market adjustment to both the salary schedule and wages, as well as the progress to market adjustment, as outlined above.

## **COUNCIL ACTION REQUESTED**

Motion to approve a 2020 Annual Market Adjustment to the Pay Ranges of the Compensation Plan and a Market Adjustment to Wage and Salary Rates, both by 2%, along with a Progress to Market Wage Adjustment, for non-represented employees effective with the start of the pay period with a pay date of July 17, 2020, and authorize Human Resources to incorporate the new Salary Ranges into the Employee Handbook.

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<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>7/21/20</b>
<b>LICENSES AND PERMITS</b>	<b>MISCELLANEOUS LICENSES</b>	<b>ITEM NUMBER</b> <b>H.</b>

See attached listing from meeting of July 21, 2020.

**COUNCIL ACTION REQUESTED**



414-425-7500

**License Committee  
Agenda\*  
Aldermen's Room  
July 21, 2020 – 5:20 p.m.**

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


Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 2020-2021 New 5:25 p.m.	<b>Borger, Heather M</b> 511 Montana Ave South Milwaukee, WI 53172 Hideaway Pub & Eatery			
Operator 2020-2021 New 5:30 p.m.	<b>Raine, Charles H</b> 6435 Lyra Ln Racine, WI 53406 Hideaway Pub & Eatery			
Operator 2020-2021 New 5:35 p.m.	<b>Savarino, Nicholas B</b> S69W15031 Cornell Circle Muskego, WI 53150 Milwaukee Burger Company			
Extraordinary Entertainment & Special Event 5:40 p.m.	<b>Federation of Croatian Societies-Croatian Park Croatian Festival</b> Person in Charge: Thomas Krenz Location: Croatian Park, 9100 S. 76 <sup>th</sup> St Date/Time of Event: Saturday 7/18 - 10 am to 11 pm			
Temporary Entertainment & Amusement 5:45 p.m.	<b>Romey's Place</b> Person in Charge: Nathan J Fabry Location: Romey's Place, 7508 S. North Cape Rd. Date/Time of Event: Saturday September 5 <sup>th</sup> , 2020 12:00p.m.-10:00p.m.			
Temporary Entertainment & Amusement 5:50 p.m.	<b>Root River Center – Volleyball Tournament and Band</b> Person in Charge: David Church Location: Root River Center, 7220 W Rawson Ave. Date/Time of Event: Saturday August 1st, 2020 8:00 a.m.- 11:00 p.m., Event 11:00 a.m. – 10:00 p.m.			
Temporary Entertainment & Amusement 5:55 p.m.	<b>Root River Center – Band for Fundraiser</b> Person in Charge: David Church Location: Root River Center, 7220 W Rawson Ave. Date of Event: Sunday August 16th, 2020			
Operator 2020-2021 New	<b>Damask, Angela M</b> 964 S 57 <sup>th</sup> St West Allis, WI 53214 Mulligan's Irish Pub & Grill			
Operator 2020-2021 New	<b>Dauenhauer, Megan E</b> 411 W Swan Cerde #2914 Oak Creek, WI 53154 Bowery Bar & Grill			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 2020-2021 New	<b>Goehring, David F</b> 8017 S 57 <sup>th</sup> St Franklin, WI 53132 St. Martin of Tours Parish			
Operator 2020-2021 New	<b>Kosidowski, Colin P</b> 14670 W Meadowshire Dr New Berlin, WI 53151 The Rock Sports Complex			
Operator 2020-2021 New	<b>Lacina, Megan E</b> 8067 S 43 <sup>rd</sup> St Franklin, WI 53132 The Rock Sports Complex			
Operator 2020-2021 New	<b>Meier, Lee Ann</b> 7499 S North Cape Rd Franklin, WI 53132 Country Lanes			
Operator 2020-2021 New	<b>Miller, Shannon P</b> W124S8236 North Cape Rd Muskego, WI 53150 Swiss Street Pub & Grill			
Operator 2020-2021 New	<b>Moran, Sean P</b> 2550 S Brookland Rd New Berlin, WI 53151 The Rock Sports Complex			
Operator 2020-2021 New	<b>Pescheck, Craig A</b> 7155 S 49th Franklin, WI 53132 The Rock Sports Complex			
Operator 2020-2021 New	<b>Planton, Allison M</b> 14900 W Wilbur Dr., Unit 1204 New Berlin, WI 53151 The Rock Sports Complex			
Operator 2020-2021 New	<b>Rodriguez, Daniel T</b> 8014 W Hilltop Ln Franklin, WI 53132 Country Lanes			
Operator 2020-2021 New	<b>Sancinati, Danielle M</b> 4738 S 112 <sup>th</sup> St Greenfield, WI 53228 7-Eleven			
Operator 2020-2021 New	<b>Singh, Mahakpreet</b> 7325 S 38 <sup>th</sup> St Franklin, WI 53132 Walgreens # 05884			
Operator 2020-2021 New	<b>Soltis, Joseph A</b> 4155 S Lake Dr #22 St. Francis, WI 53235 Hideaway Pub & Eatery			
Operator 2020-2021 New	<b>Weber, Austin J</b> 3276 N Shepard Ave Milwaukee, WI 53211 The Rock Sports Complex			

Type/ Time	Applicant Information	Approve	Hold	Deny
Temporary Entertainment & Amusement Change of Date	<b>St. Paul's Evangelical Lutheran Church</b> Person in Charge: Jaime Petricek Event: 2020 Fundraiser: Silent/Live Auction Location: 6881 S. 51 <sup>st</sup> St Event Date: Saturday, September 26, 2020			
Temporary Class B Beer and Wine Change of Date	<b>St. Paul's Evangelical Lutheran Church</b> Person in Charge: Jaime Petricek Event: 2020 Fundraiser: Silent/Live Auction Location: 6881 S. 51 <sup>st</sup> St Event Date: Saturday, September 26, 2020			
<b>3.</b>	<b>Adjournment</b>			
		Time		

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



<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>7/21/2020</b>
<b>Bills</b>	<b>Vouchers and Payroll Approval</b>	<b>ITEM NUMBER</b> <b>I.</b>

Attached are vouchers dated July 3, 2020 through July 16, 2020 Nos. 179015 through Nos. 179162 in the amount of \$ 1,060,087.41. Also included in this listing are EFT's Nos. 4341 through Nos. 4354, Library vouchers totaling \$ 6,141.23, Tourism vouchers totaling \$ 468.86, Water Utility vouchers totaling \$ 9,357.65 and Property tax refunds totaling \$ 6,026.06 and. Voided checks in the amount of \$ (4,618.99) are separately listed.

Early release disbursements dated July 3, 2020 through July 15, 2020 in the amount of \$ 450,760.98 are provided on a separate listing and are also included in the complete disbursement listing. These payments have been released as authorized under Resolution 2013-6920.

The net payroll dated July 17, 2020 is \$ 417,636.10 previously estimated at \$ 390,000.00. Payroll deductions dated July 17, 2020 are \$ 238,688.36 previously estimated at \$ 230,000.00.

The estimated payroll for July 31, 2020 is \$ 416,000.00 with estimated deductions and matching payments of \$ 445,000.00.

There were no property tax distributions.

**COUNCIL ACTION REQUESTED**

Motion approving the following:

- City vouchers with an ending date of July 16, 2020 in the amount of \$ 1,060,087.41 and
- Payroll dated July 17, 2020 in the amount of \$ 417,636.10 and payments of the various payroll deductions in the amount of \$ 238,688.36 plus City matching payments and
- Estimated payroll dated July 31, 2020 in the amount of \$ 416,000.00 and payments of the various payroll deductions in the amount of \$ 445,000.00, plus City matching payments.

**ROLL CALL VOTE NEEDED**