

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, SEPTEMBER 1, 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 August 18, 2020.
- D. Hearings.
- E. Organizational Business – Mayor has Made the Following Appointment for Council Confirmation:
Jamie Groark, 7971 Chapel Hill Ct. S., Ald. Dist. 2 – Environmental Commission, 3 year unexpired term expiring 04/30/22.
- F. Letters and Petitions.
- G. Reports and Recommendations:
 - 1. Consent Agenda:
 - (a) Request to Purchase Air Conditioner Unit for Police Department Server Room.
 - (b) List of Donations for July and August, 2020 to Police and Fire Departments.
 - (c) A Resolution to Authorize Change Order No. 2 for the S. 68th Street Vertical Alignment Improvements Project in the Amount of \$27,741.01 Savings.
 - 2. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for the Operation of a Drive-In Theater Upon Property Located at 7035 South Ballpark Drive (Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC, Applicants, BPC County Land, LLC, Property Owner).
 - 3. A Resolution Authorizing the Change of the Designation of Outlot 1 of Certified Survey Map No. 6596 to a Buildable Lot, for the Property Located on the North Side of West Rawson Avenue at Approximately Fieldstone Court (Tax Key No. 748-9997-007). (Michael H. Dilworth, Owner of FHCC, LLC, Applicant).
 - 4. A Resolution Conditionally Approving a Certified Survey Map to Change the Designation of Outlot 1 Upon Certified Survey Map No. 6596 to that of a Buildable Lot, Being a Redesignation of Outlot 1 of Certified Survey Map No. 6596, Being a Part of the Southwest 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 6, Township 5 North, Range 21 East in the City of Franklin, County of Milwaukee, State of Wisconsin (North Side of West Rawson Avenue at Approximately Fieldstone Court).
 - 5. A Resolution to Amend Resolution No. 2019-7526, a Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Two-Family Residential Side by Side Ranch Townhome Use Upon Property Located at 10504 West Cortez Circle, to Extend the

- Time for the Obtaining of the Issuance of a Building Permit (Gregory D. Nisenbaum, President of Nisenbaum Homes & Realty, Inc., Applicant).
6. Authorization for the Director of Health and Human Services to Sign Affiliation Agreement with Alverno College to Host Nursing and Health Education Students.
 7. Authorization for the Director of Health and Human Services to accept the Centers for Disease Control (CDC) COVID-19 Response Supplemental Funding.
 8. The Director of Health and Human Services Recommends the Authorization to Execute a Service Agreement with the Milwaukee County Office of Emergency Management Emergency Medical Services Division for Medical Services Related to COVID-19 Testing.
 9. An Ordinance to Amend Ordinance 2019-2398, an Ordinance Adopting the 2020 Annual Budgets for the Capital Improvement Fund to Move \$30,000 of Contingency Appropriations for the S. 68th Street Vertical Alignment Improvements and \$7,000 for the W. Rawson Avenue Street Light Projects.
 10. Engage Ehlers & Associates for Dissemination Agent Agreement for Issuer Continuing Disclosure Services for 2021 Required Under Securities and Exchange Commission Rule 15c2-12.
 11. Establish 2020 Trick or Treat.
 12. Population Estimate as of January 1, 2020.
 13. Request for Authorization to Purchase One Additional DS200 Ballot Scanner and Tabulator for Central Count Absentee Processing.
 14. Report on Expenditures Related to the COVID-19 Public Health Emergency Thru August 28, 2020.
 15. July 2020 Monthly Financial Report.
 16. Recommendation from the Committee of the Whole Meeting of August 31, 2020:
 - (a) Potential Acquisition of Property for Public Park Purposes in the City of Franklin, including, but not limited to properties for what has been conceptually termed water tower park, located in the 8100 block on the east side of South Lovers Lane Road bearing Tax Key Nos. 801-9984-000, 801-9985-000, 801-9986-000 and 801-9987-000.
 - (b) Wholesale Public Water Supply to Franklin 2024.
 - (c) Standards, Findings and Decision of the City of Franklin Common Council Upon the Application of Mills Hotel Wyoming, LLC, Applicant, for a Special Exception to Certain Natural Resource Provisions of the City of Franklin Unified Development Ordinance; A Resolution Conditionally Approving a 2 Lot Certified Survey Map, Being All of Lot 84 in Ryan Meadows, Located in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southwest 1/4 and the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Mills Hotel Wyoming, LLC, Applicant) (Generally on the East Side of Monarch Drive, South of Chicory Street, Area Commonly Known as Area G); and Site Plan application by Copart of Connecticut, Inc. to allow for construction of a 7,200 square foot building and vehicle storage yard for Copart, Inc. (on approximately 44-acres upon or adjacent to the afore described properties), approved at the May 7, 2020 Plan Commission meeting, conditioned in part on the approval of a concurrent rezoning application (Mills Hotel Wyoming, LLC, Applicant) (for a portion of the afore described

properties), which was denied by the Common Council on May 19, 2020 (all related to properties within the Bear Development Ryan Meadows Development.

(d) 2021 Budget Kick-Off Information.

17. Tax Incremental District No. 8 Development Agreement Between the City of Franklin, JHB Properties, LLC and ZS Enterprises, LLC, Industrial Spec Buildings Mixed Use Development at the south side of West Elm Road in the approximately South 3500 Street block area to the west, to be bounded on the north by West Elm Road to be extended to the west, and South Hickory Street on the east, and to straddle South Birch Street and West Aspen Way, all to be developed; and Development Agreement for JHB Properties, LLC and ZS Enterprises, LLC, Industrial Spec Buildings Mixed Use Development (Public Improvements). The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to a Tax Incremental District No. 8 Development Agreement Between the City of Franklin, JHB Properties, LLC and ZS Enterprises, LLC, Industrial Spec Buildings Mixed Use Development and a Development Agreement for JHB Properties, LLC and ZS Enterprises, LLC, Industrial Spec Buildings Mixed Use Development (Public Improvements), and the investing of public funds and governmental actions in relation thereto and to effect such development, including the terms and provisions of the development agreements for the development of property located on the south side of West Elm Road in the approximately 3500 block area were West Elm Road to be extended to the west, consisting of approximately 79.79 acres, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

H. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of September 1, 2020.

I. Bills.

Request for Approval of Vouchers and Payroll.

J. Adjournment.

*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

[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:

September 3	Plan Commission Meeting	7:00 p.m.
September 7	Labor Day	City Hall Closed
September 15	Common Council Meeting	6:30 p.m.
September 17	Plan Commission Meeting	7:00 p.m.
October 6	Common Council Meeting	6:30 p.m.
October 8	Plan Commission Meeting	7:00 p.m.

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DEVELOPMENT ORDINANCE, PLANNED DEVELOPMENT DISTRICT NO. 10 (RIVERWOOD VILLAGE-BOURAXIS) TO ALLOW FOR BUILDING EXTERIOR CHANGES AND TO PERMIT SOUTH ELEVATION SIGNAGE FOR MILWAUKEE HABITAT FOR HUMANITY RESTORE (DOMINIC JAEHNKE, DIRECTOR OF RESTORE, MILWAUKEE HABITAT FOR HUMANITY, INC., APPLICANT) (6939 WEST RIVERWOOD BOULEVARD). Seconded by Alderman Dandrea. All voted Aye; motion carried.

PREFERENCES TO
WIS. DOT FOR S.
LOVERS LANE RD.
FRONTAGE ROAD

G.4. Alderman Nelson moved to direct staff to inform the Wisconsin Department of Transportation on preferences to one-way, northbound for the frontage road along S. Lovers Lane Road (U.S. 45/STH 100) from W. Herda Place to S. Phyllis Lane. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

RES. 2020-7661
CONSERVATION
EASEMENT-SCOTT &
SUSANNE MAYER

G.5. Alderman Nelson moved to adopt Resolution No. 2020-7661, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE APPROVAL OF A CERTIFIED SURVEY MAP FOR SCOTT A. MAYER AND SUSANNE MAYER AT 9533 W. RYAN ROAD, subject to technical corrections by the City Attorney. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried. All voted Aye; motion carried.

RES. 2020-7662
CHANGE ORDER NO. 1-
WANASEK-RYAN
CREEK INTERCEPTOR

G.6. Alderman Nelson moved to adopt Resolution No. 2020-7662, A RESOLUTION TO ISSUE CHANGE ORDER NO. 1 TO THE WANASEK CORPORATION FOR THE RYAN CREEK INTERCEPTOR ODOR REDUCTION PROJECT IN THE AMOUNT OF \$9,030. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2020-7663
WDNR NR-208
COMPLIANCE

G.7. Alderwoman Hanneman moved to adopt Resolution No. 2020-7663, A RESOLUTION APPROVING THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES NR-208 COMPLIANCE MAINTENANCE REPORT FOR 2019. Seconded by Alderman Nelson. All voted Aye; motion carried.

ORD. 2020-2444
AMEND ORD. 2019-2398
POLICE SOFTWARE
UPGRADE

G.8. Alderman Barber moved to adopt Ordinance No. 2020-2444, AN ORDINANCE TO AMEND ORDINANCE NO. 2019-2398, AN ORDINANCE ADOPTING THE 2020 ANNUAL BUDGETS FOR THE CAPITAL OUTLAY FUND TO MOVE \$10,800 FROM CONTINGENCY APPROPRIATIONS TO POLICE SOFTWARE AND CREATE A GRANT RESOURCE FOR \$16,130 TO UPGRADE THE 9-1-1 EMERGENCY SYSTEM. Seconded by Alderman Nelson. On roll call, all voted Aye. Motion carried.

- ORD. 2020-2445
APPROPRIATIONS FOR
MUNICIPAL BUILDING
INSPECTION PROJECT
- G.9. Alderman Dandrea moved to adopt Ordinance No. 2020-2445, AN ORDINANCE TO AMEND ORDINANCE NO. 2019-2398, AN ORDINANCE ADOPTING THE 2020 ANNUAL BUDGETS FOR THE GENERAL FUND TO MOVE CONTINGENCY APPROPRIATIONS FOR THE MUNICIPAL BUILDING INSPECTIONS PROJECT. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.
- S. 68TH ST. VERTICAL
ALIGNMENT
IMPROVEMENTS
W. RAWSON AVE.
STREET LIGHT PROJECT
- G.10. No action was taken on an Ordinance to amend Ordinance No. 2019-2398, An Ordinance Adopting the 2020 Annual Budgets for the Capital Improvement Fund to Move \$30,000 of Contingency Appropriations for the S. 68th St. Vertical Alignment Improvements and \$7,000 for the W. Rawson Avenue Street Light Projects.
- EASEMENT
W. RAWSON AVE. AND
S. 27TH ST.
- G.11. Alderwoman Wilhelm moved to direct Planning and Economic Development Department staff to review easement documents for options that could create improvements on the W. Rawson Avenue and S. 27th Street property easements, including review of applicable ordinances, easements purchase, or any other options staff and legal Counsel believe are appropriate to improve the City's image, and report back to the Common Council with an update no later than October 6, 2020. Seconded by Alderman Barber. All voted Aye; motion carried.
- ORD. 2020-2446
DONATIONS-POICE
DEPT.
- G.12. Alderwoman Hanneman moved to adopt Ordinance No. 2020-2446, AN ORDINANCE TO AMEND ORDINANCE NO. 2019, AN ORDINANCE ADOPTING THE 2020 ANNUAL BUDGETS FOR THE DONATIONS FUND TO PROVIDE \$15,000 OF CAPITAL APPROPRIATIONS FOR THE POLICE DEPARTMENT. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.
- COVID-19
EXPENDITURES
- G.13. No action was taken on the report on expenditures related to the COVID-19 Public Health Emergency through August 14, 2020.
- RESCHEDULE NOV. 3
GENERAL ELECTION
- G.14. Alderman Barber moved to reschedule the November 3, 2020, Common Council meeting to November 2, 2020, due to the General Election. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- LICENSES AND
PERMITS
- I.1. Alderman Nelson moved to approve the following license recommendations from the License Committee meeting of August 18, 2020:
- Entertainment and Amusement application from Swiss Street Pub & Grill, John Trudeau, Agent, 11430 W. Swiss Street, back parking lot music on the weekends, Friday and Saturday from 7:00 p.m. to

10:00 p.m. and Sunday from 1:00 p.m. to 5:00 p.m. contingent upon attendance of 50 or less people, ambient music only, and applicant's written response to Department comments;

Temporary Entertainment and Amusement application from The Landmark, Lori Knack-Helm, Agent, 11401 W. Swiss Street, on September 5 and 6, 2020, from 12:00 noon to 10:00 p.m., contingent upon attendance of 50 or less people, ambient music only and no food, and applicant's written response to Department comments;

Temporary Entertainment Amusement application from Mulligan's Irish Pub & Grill, Brian Francis, Agent, 8933 S. 27th Street, on September 12, 2020, from 9:00 a.m. to 10:00 p.m. consisting of the car show only;

Grant Operator's licenses to John Lehman, 1301 S. 76th St., West Allis; Daniel Rodriguez, 8014 W. Hilltop Ln.; Dale Hasenstein, 3033 S. 91st St., West Allis, with a warning letter from the City Clerk; Destanie Evans, 726 Marquette Ave., South Milwaukee; Savannah Perelgut, 7415 S. 37th Pl.; and Aksh Singh, 8609 W. Forest Hill Ave.; and

Deny Heather Borger, 511 Montana Ave., South Milwaukee (action to be clarified at 9/01/2020 License Committee and Common Council meetings).

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

VOUCHERS AND
PAYROLL

H.1. Alderman Dandrea moved to approve the following: City vouchers with an ending date of August 13, 2020, in the amount of \$1,921,543.87; and payroll dated August 14, 2020, in the amount of \$410,466.60 and payments of the various payroll deductions in the amount of \$242,873.80 plus City matching payments; and estimated payroll dated August 28, 2020, in the amount of \$400,000.00 and payments of the various payroll deductions in the amount of \$550,000.00 plus City matching payments; and property tax disbursements with an ending date of August 13, 2020, in the amount of \$9,000,000.00; and approval to release payments to miscellaneous vendors in the amount of \$51,806.27; and approval to release tax transfer from American Deposit Management in the amount of \$3,200,000.00; and approval to release tax settlements in the amount of \$9,552,102.39. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.

CLOSED SESSION

G.12. Alderman Barber moved to enter closed session at 7:26 p.m. pursuant to Wis. Stat. §19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to a Tax Incremental

District No. 8 Development Agreement Between the City of Franklin, JHB Properties, LLC and ZS Enterprises, LLC, Industrial Spec Buildings Mixed Use Development and a Development Agreement for JHB Properties, LLC and ZS Enterprises, LLC, Industrial Spec Buildings Mixed Use Development (Public Improvements), and the investing of public funds and governmental actions in relation thereto and to effect such development, including the terms and provisions of the development agreements for the development of property located on the south side of West Elm Road in the approximately 3500 block area were West Elm Road to be extended to the west, consisting of 79.79 acres, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 7:41 p.m.

ADJOURNMENT

- J. Alderman Dandrea moved to adjourn the meeting at 7:42 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

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<p>APPROVAL</p> <p><i>Sw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>09-1-20</p>
<p>ORGANIZATIONAL BUSINESS</p>	<p>Boards and Commissions Appointments</p>	<p>ITEM NUMBER</p> <p><i>E.</i></p>

The Mayor has made the following appointment for Council confirmation:

Jamie Groark, 7971 Chapel Hill Ct. S., Ald. Dist. 2 – Environmental Commission, 3 year unexpired term expiring 04/30/2022.

COUNCIL ACTION REQUESTED

Motion to confirm the following Mayoral appointment:

Jamie Groark, 7971 Chapel Hill Ct. S., Ald. Dist. 2 – Environmental Commission, 3 year unexpired term expiring 04/30/2022.

Shirley Roberts

From: volunteerfactsheet@franklinwi.info
Sent: Sunday, August 23, 2020 9:58 PM
To: Lisa Huening, Shirley Roberts; Sandi Wesolowski
Subject: Volunteer Fact Sheet

Name: Jamie Groark
PhoneNumber:
EmailAddress: groark.jamie@gmail.com
YearsasResident: 1
Alderman: 2
ArchitecturalBoard: no
CivicCelebrations: no
CommunityDevelopmentAuthority: no
EconomicDevelopmentCommission: no
EnvironmentalCommission: yes
FinanceCommittee: no
FairCommission: no
BoardofHealth: no
FirePoliceCommission: no
ParksCommission: no
LibraryBoard: no
PlanCommission: no
PersonnelCommittee: no
BoardofReview: no
BoardofPublicWorks: no
QuarryMonitoringCommittee: no
TechnologyCommission: no
TourismCommission: no
BoardofZoning: no
WasteFacilitiesMonitoringCommittee: no
BoardWaterCommissioners: no
CompanyNameJob1: Whitnall School District
CompanyAddressJob1: 5600 S 116th St
TelephoneJob1: 414-525-8500
StartDateandPositionJob1: 8/2018- Chemistry/Environmental
EndDateandPositionJob1: Currently employed
CompanyNameJob2: Pius XI Catholic High School
AddressJob2: 134 N 76th St Milwaukee WI
TelephoneJob2: 414-290-7000
StartDateandPositionJob2: 8/17 Environmental/ Astronomy/ Biology

EndDateandPositionJob2: 6/18- Same
CompanyNameJob3: Wauwatosa West High School
AddressJob3: 11400 W Center St
TelephoneJob3: 414-773-3000
StartDateandPositionJob3: 8/15 Chemistry Teacher
EndDateandPositionJob3: 6/17 Chemistry Teacher
Signature: Jamie Groark
Date: 08/23/2020
Signature2: Jamie Groark
Date2: 08/23/2020
Address: 7971 Chapel Hill Ct S
PriorityListing:

WhyInterested: As a new resident of Franklin, my first interest is the ability to give back to community. I feel that the environment committee, fits my background the best and has a vacancy. I have a bachelors degree in Environmental Science from Carroll University, in which I would like to use to help my community. A high school science teacher at , in which I developed environmental science curriculum looking at community impacts on the environment and social and fiscally responsive resolutions. I am also a member of the Whitnall School Forest Committee and work with the Greenfield arborist and Arbor Day committee looking for ways to redevelop the forest to native trees and plants, and add more learning stations/outdoor classrooms and planning yearly forest field trips for the elementary school.

DescriptionofDutiesJob1: Taught AP Environmental Science, Biology and astronomy courses.
DescriptionofDutiesJob2: Taught chemistry classes

AdditionalExperience: In addition, to working as a teacher, I also hold licenses for principle, and curriculum and instruction, with these licenses I hold vary positions on committees within the Whitnall District. During my time at Carroll University, I was apart of a team that studied the Sustainability of the University, looking at adding various strategies from composting in cafeterias, green roofs, researching varied methods of snow removal, the cost of recycling and the cost of adding solar panels, wind mills etc. I am also the head of the concessions for the Whitnall Boosters, this entails keeping inventory and volunteers for sporting events, in addition to ordering merchandise. My hobbies (when I have time) I like spending time with my family whether it is camping, hiking, a road trip, or a relaxing day at home. I enjoy a brewery tour every now and then, or a craft night with friends. I love keeping my family involved in the community, like dance at Glencastle, rec sports, or rides on the trails.

ClientIP: 70.92.5.33
SessionID: arhajcjjkn23urdekpgftir

[See Current Results](#)

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<p>APPROVAL</p> <p><i>slu</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>9/1/2020</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Request to purchase Air Conditioner Unit for Police Department Server Room</p>	<p>ITEM NUMBER</p>

An air conditioning unit & installation for the police department computer server room was approved in the 2020 Capital Outlay Budget. The upgrade is needed as the current A/C is unable to keep the server room and servers cool enough to avoid malfunctions. Up to \$24,000 was approved for this project.

Thielmann and Son Heating & Cooling submitted a bid for \$10,988.00 (Attached).

Fiscal Note: There is a \$24,000 2020 Capital Outlay appropriation for this project

COUNCIL ACTION REQUESTED:

Move to allow the police department to purchase an air condition unit and its installation for its computer server room for a cost not to exceed \$24,000.



Burlington 262-763-2653



THIELMANN & SON HEATING & COOLING SINCE 1929

New Berlin 262-786-2000 Hartford 262-673-2500



Oak Creek 414-764-4700 Waterford 262-534-5568

PROPOSAL SUBMITTED TO City of Franklin Police Dept – Attn: Captain Craig Liermannn		PHONE (414) 858-2617	DATE 08/17/2020
STREET 9455 W. Loomis Rd		JOB NAME	
CITY, STATE and ZIP CODE Franklin, WI 53132-9690		JOB ADDRESS	
EMAIL ADDRESS cliermann@franklinwi.gov	DATE OF PLANS	JOB CONTACT	ALTERNATE PHONE

SERVER ROOM COMMERCIAL AC OPTION

Ductless System

OUTDOOR UNIT: Mitsubishi P-Series (Commercial) PUYA36NKA7, 1:1, 36,000 BTU, 15.1 SEER, 56 DBA, Ductless Cooling System W/Pad, 4X4's, Crane Rental & Drain to Existing Condensate Pump

**NOTE: The Outdoor Unit Will Be Located on Roof*

INDOOR UNITS:

ZONE 1: Mitsubishi P-Series (Commercial) PKAA36KA7, 36,000 BTU, High Wall, 19 DBA Indoor Head W/3 Fan Speeds & MHK2 Wireless Traditional Thermostat

**NOTE: Indoor Unit Will Replace Existing Hi-Wall Unit - Unit Will Auto Re-Start After Power Failure*

LOW AMBIANT COOLING (100% COOLING CAPACITY TO -40F DEGREES): (2) WB-PA3 Front Wind Baffles, (1) WB-SD6 Side Wind Baffle, & (1) WB-RE6, Rear Wind Baffle

Ductless System Price W/Permits & Electrical: \$10,988.00 (Check/Cash)
**INCLUDES CRANE RENTAL*

*THE ABOVE PRICES INCLUDE: Outdoor Unit, Indoor Head, Refrigerant line, Drain Line, Thermostat, Pad, 4X4'S, Communication Wire, High Voltage Electrical, Crane Rental & HVAC Permit

**5 YEAR PARTS, SEVEN YEAR COMPRESSOR & ONE LABOR WARRANTY ON MITSUBISHI EQUIPMENT*

JOB NOTES: 50' REFRIGERANT LINE, (2) 8' TREATED 4X4'S, PAD, COMMUNICATION WIRE, 5' DRAIN TUBING, MHK2 THERMOSTAT, CRANE RENTAL,

We Propose hereby to furnish material and labor - complete in accordance with above specifications, for the sum of \$ _____
Payment to be made as follows Due Upon Completion

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance.

Salesman Signature Dave Viegut

Note. This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Customer Signature _____

Customer Signature _____

Date of Acceptance _____

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE Sept 1, 2020
REPORTS & RECOMMENDATIONS	List of Donations for July and August, 2020 to Police, and Fire	ITEM NUMBER <i>5116</i>

Background

Various residents and businesses contribute to City activities to assist the Police and Fire Departments. Following is a list of donors who contributed during July & August, 2020.

Date	Who	reference #	Amount
Police - Donations			
07/13/2020	KRESOVIC, MIRA	157015	50.00
08/03/2020	MARTINEZ, PHILLIP	157622	10.90
08/12/2020	MEYERS, MACKENZIE	157872	15.00
08/13/2020	VICTORY OF THE LAMB INC	157914	<u>14,700.00</u>
	Total		14,775.90
Fire Prevention			
07/08/2020	LAUER, EILEEN	156896	15.00
07/08/2020	KRESOVIC, MIRA	156897	<u>50.00</u>
	Total		65.00
	Total Donations		<u>14,840.90</u>

COUNCIL ACTION REQUESTED

Motion to acknowledge and accept donations received during July and August, 2020 to the Police and Fire Departments.

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE September 1, 2020
Reports & Recommendations	RESOLUTION TO AUTHORIZE CHANGE ORDER NO. 2 FOR THE S. 68TH STREET VERTICAL ALIGNMENT IMPROVEMENTS PROJECT IN THE AMOUNT OF \$27,741.01 SAVINGS	ITEM NO. <i>G.I.C.</i>

BACKGROUND

Construction is completed for the S. 68th Street Vertical Alignment Improvements. Wanasek Corporation is the Contractor. At the January 7, 2020, meeting when the \$298,430.00 project was awarded to Wanasek, an additional 10% was budgeted for a total project of \$328,273.00.

A Change Order No. 1 was issued in July for additional stone to stabilize some soft soils. The final quantities have been audited and a Final Change Order No. 2 to accommodate the changes has been prepared.

ANALYSIS

There are 30 items that differed in quantity. The list is attached to the change order.

- \$298,430.00 Initial Contract
- \$321,413.74 Contract amount after Change Order No. 1
- \$293,672.73 Final audited unit quantities
- \$ 27,741.01 Savings for Change Order No. 2

OPTIONS

Authorize Change Order No. 2;

FISCAL NOTE

The Capital Improvement fund has \$300,000 appropriated for this project. A 10% allowance for contingencies brought the total project budget to \$328,273.00. The savings will be added to the contingency fund.

RECOMMENDATIONS

Resolution 2020-_____ a resolution to authorize Change Order No. 2 for the S. 68th Street Vertical Alignment Improvements Project in the amount of \$27,741.01 savings.

Engineering Department: GEM

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2020 - _____

RESOLUTION TO AUTHORIZE CHANGE ORDER NO. 2 FOR THE S. 68TH STREET
VERTICAL ALIGNMENT IMPROVEMENTS PROJECT IN THE AMOUNT OF
\$27,741.01 SAVINGS

WHEREAS, Wanasek Corporation is finished constructing the S. 68th Street Vertical Alignment Improvements Project; and

WHEREAS, the unit price project has been audited for final quantities; and

WHEREAS, 30 items had final quantities that differed from the planned quantities.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that the certain officials be authorized to issue Change Order No. 2 for the S. 68th Street Vertical Alignment Improvements Project in the amount of \$27,741.01 savings.

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 _____

CHANGE ORDER
CITY OF FRANKLIN
DEPARTMENT OF ENGINEERING

Change Order No: 02

Dated: August 26, 2020

PROJECT NAME S. 68th Street Vertical Alignment Improvements

PROJECT LOCATION S. 68th Street- Franklin, WI

CONTRACTOR: The Wanasek Corporation

Nature of the Changes: Final quantities as required and measured for project, see attached spreadsheet for final quantities

These changes result in the following adjustment of Contract Price and Contract Time: (CITY CONTRACT ONLY)

Original Contract Price: \$298,430.00

Contract price prior to this change order: \$321,413.74

Current contract price including this change order: \$293,672.73

Net **DECREASE** resulting from this change order: \$27,741.01

Net (Increase/Decrease) in time resulting from this Change Order Increase 0 calendar days

The above changes are Approved by:

Mayor

City Clerk

Contractor:

By: Stephen R. Olson

By: Sandra L. Wesolowski

By: _____

Date: _____

Date: _____

Date: _____

Director of Finance & Treasurer

City Attorney

By: Paul Rotzenberg

By: Jesse A. Wesolowski

Date: _____

Date: _____

BID SUMMARY
S. 68TH STREET VERTICAL ALIGNMENT IMPROVEMENTS
CITY OF FRANKLIN- AUGUST 26, 2020

Item Number	Item Description	Plan Quantity	Units	Unit Price	Actual Quantity	Price Adjustment
ROADWAY						
201 0105	Clearing	5	STA	\$ 370.00	2.50	\$ (925.00)
201 0205	Grubbing	5	STA	\$ 370.00	2.50	\$ (925.00)
204 0100	Removing Pavement / DWY REMOVAL	273	SY	\$ 8.00	276.70	\$ 29.60
204 0115	Removing Asphaltic Surface Butt Joints / milling if we didn't pave with the road program	500	SY	\$ 6.00	0.00	\$ (3,000.00)
305 0110	Base Aggregate Dense 3/4-Inch	43	TON	\$ 80.00	0.00	\$ (3,440.00)
305 0120	Base Aggregate Dense 1 1/4-Inch	1075	TON	\$ 22.00	1116.57	\$ 914.54
416 0170	Concrete Driveway 7-Inch	273	SY	\$ 67.00	276.70	\$ 247.90
455 0605	Tack Coat	211	GAL	\$ 3.00	174.40	\$ (109.80)
460.5223	HMA Pavement 3 LT 58-28 S (BINDER)	472	TON	\$ 90.00	392.48	\$ (7,156.80)
460 5225	HMA Pavement 5 LT 58-28 S (SURFACE TOP)	328	TON	\$ 90.00	322.47	\$ (497.70)
465 0315	Asphaltic Flumes / changed to conc.	18	SY	\$ 34.00	14.30	\$ (125.80)
521.3112	Culvert Pipe Corrugated Steel 12-Inch	89	LF	\$ 55.00	90.00	\$ 55.00
601 0411	Concrete Curb & Gutter 30-Inch Type D	420	LF	\$ 40.00	420.70	\$ 28.00
608 0412	Storm Sewer Pipe Reinforced Concrete Class IV 12-Inch	91	LF	\$ 80.00	84.50	\$ (520.00)
624 0100	Water	101	MGAL	\$ 30.00	6.00	\$ (2,850.00)
625 0500	Salvaged Topsoil	656	SY	\$ 9.00	935.00	\$ 2,511.00
628 1910	Mobilizations Emergency Erosion Control	1	EACH	\$ 590.00	0.00	\$ (590.00)
628 7555	Culvert Pipe Checks	8	EACH	\$ 80.00	7.00	\$ (80.00)
628 7560	Tracking Pad	2	EACH	\$ 2,690.00	0.00	\$ (5,380.00)
629 0210	Fertilizer Type B	0.4	CWT	\$ 535.00	0.00	\$ (214.00)
631 0300	Sod Water	15	MGAL	\$ 60.00	18.38	\$ 202.80
631 1000	Sod Lawn	656	SY	\$ 8.00	935.00	\$ 2,232.00
643 0420	Traffic Control Barricades Type III	510	DAY	\$ 1.25	240.00	\$ (337.50)
643 0705	Traffic Control Warning Lights Type A	1020	DAY	\$ 0.50	360.00	\$ (330.00)
643.0900	Traffic Control Signs	930	DAY	\$ 0.75	888.00	\$ (31.50)
645 0220	Geogrid Type SR	400	SY	\$ 2.50	0.00	\$ (1,000.00)
690 0150	Sawing Asphalt	240	LF	\$ 1.75	222.00	\$ (31.50)
690 0250	Sawing Concrete	116	LF	\$ 2.75	119.00	\$ 8.25
WATER MAIN & SANITARY SEWER						
612 0902 S	Insulation Board Polystyrene, 2 Inch	50	SY	\$ 65.00	21.30	\$ (1,865.50)
SPV 0060 03	Adjusting Water Valve Boxes	8	EACH	\$ 570.00	0.00	\$ (4,560.00)
TOTAL ALL CHANGES						\$ (27,741.01)

<p>APPROVAL</p> <p><i>slu-</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>09/01/20</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR THE OPERATION OF A DRIVE-IN THEATER UPON PROPERTY LOCATED AT 7035 SOUTH BALLPARK DRIVE</p> <p>(MICHAEL E. ZIMMERMAN/THE ROCK SPORTS COMPLEX, LLC/BPC COUNTY LAND, LLC, APPLICANTS, BPC COUNTY LAND, LLC, PROPERTY OWNER)</p>	<p>ITEM NUMBER</p> <p><i>G.2.</i></p>

On August 20, 2020, the Plan Commission carried a motion to recommend approval of a Resolution imposing conditions and restrictions for the approval of a Special Use for the operation of a drive-in theater upon property located at 7035 South Ballpark Drive, a letter from the Federal Aviation Administration shall be required for searchlight permits.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2020-_____, imposing conditions and restrictions for the approval of a special use for the operation of a drive-in theater upon property located at 7035 South Ballpark Drive (Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC, applicants, BPC County Land, LLC, property owner).

RESOLUTION NO. 2020-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A SPECIAL USE FOR THE OPERATION
OF A DRIVE-IN THEATER UPON PROPERTY LOCATED AT
7035 SOUTH BALLPARK DRIVE
(MICHAEL E. ZIMMERMAN/THE ROCK SPORTS COMPLEX, LLC/BPC COUNTY
LAND, LLC, APPLICANTS, BPC COUNTY LAND, LLC, PROPERTY OWNER)

WHEREAS, Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC having petitioned the City of Franklin for the approval of a Special Use within Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) and FW Floodway District, to allow for the operation of a drive-in theater (Milky Way Drive-in Theater) consisting of a 22-foot wide LED screen mounted to the back of the video board at the Stadium (S1) of Ball Park Commons, the use of 244 parking spaces north of the Stadium, and queuing space located to the north and west of the future golf driving range, with a proposed operations schedule in the spring, summer and fall seasons as weather permits, property located at 7035 South Ballpark Drive (just north of the existing baseball stadium, and just south of the existing ski lodge), bearing Tax Key No. 744-1003-000, more particularly described as follows:

LOT 1 OF CERTIFIED SURVEY MAP NO. 9041: A REDIVISION OF PARCELS 1 AND 2 OF CERTIFIED SURVEY MAP NO. 3931, OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 3107, OUTLOT 1 OF WHITNALL VIEW ADDITION NO. 1, THAT VACATED PORTION OF CRYSTAL RIDGE DRIVE AS RECORDED IN THE MILWAUKEE COUNTY REGISTER OF DEEDS AS DOCUMENT NO. 10773453 AND LANDS IN THE SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE NORTHEAST 1/4, THE NORTHEAST 1/4, SOUTHEAST 1/4, SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 ALL IN SECTION 4, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 20th day of August, 2020, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive

MICHAEL E. ZIMMERMAN/THE ROCK SPORTS COMPLEX, LLC/BPC COUNTY
LAND, LLC – SPECIAL USE
RESOLUTION NO. 2020-_____

Page 2

Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0701 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC, successors and assigns, as a drive-in theater use, which shall be developed in substantial compliance with, and operated and maintained by Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC, pursuant to those plans City file-stamped August 10, 2020 and annexed hereto and incorporated herein as Exhibit A.
2. Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC, successors and assigns, 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 Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC drive-in theater, 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.
3. The approval granted hereunder is conditional upon the Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC drive-in theater use for the property located at 7035 South Ballpark Drive: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed

MICHAEL E. ZIMMERMAN/THE ROCK SPORTS COMPLEX, LLC/BPC COUNTY
LAND, LLC – SPECIAL USE
RESOLUTION NO. 2020-_____

Page 3

and as presented for this approval.

4. Pursuant to the Unified Development Ordinance §15-5.0405, the operator shall obtain a searchlight permit for the use of spotlights, such permit shall not be granted for a period of more than five (5) days in any six-month period, [a letter from the Federal Aviation Administration shall be required for this permit].
5. Theater audio shall be transmitted by radio only, the use of outdoor speakers shall not be permitted.

BE IT FURTHER RESOLVED, that in the event Michael E. Zimmerman/The Rock Sports Complex, LLC/BPC County Land, LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the operation of the use (recognizing that at the time of adoption of this Resolution, such use is in operation pursuant to the Extraordinary Entertainment and Special Event permits granted by the Common Council on May 19, 2020).

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

MICHAEL E. ZIMMERMAN/THE ROCK SPORTS COMPLEX, LLC/BPC COUNTY
LAND, LLC – SPECIAL USE
RESOLUTION NO. 2020-_____

Page 4

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:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____


CITY OF FRANKLIN

REPORT TO THE PLAN COMMISSION**Meeting of August 20, 2020****Special Use**

RECOMMENDATION: City Development Staff recommends approval of this Special Use application to allow for a drive-in theater at 7035 S. Ballpark Drive, subject to the conditions set forth in the attached resolution.

Project Name:	Milky Way Drive-in Theater
Project Address:	7035 S. Ballpark Dr.
Property Owner:	BPC County Land, LLC
Applicant:	Michael E. Zimmerman. The Rock Sports Complex, LLC /BPC County Land, LLC
Agent:	Thomas J. Johns. ROC Ventures, LLC
Zoning:	PDD #37 Planned Development District & FW Floodway District
Use of Surrounding Properties:	The site is located in the Rock Sports Complex Area of the Ballpark Commons development. Adjacent uses include the Ski Chalet and future Challenge Tower to the north, the Stadium (S1) to the south, parking lots and future golf driving range to the west and baseball fields to the east.
Applicant Action Requested:	Approval of a Special Use permit

INTRODUCTION:

On May 19, 2020, the Common Council granted a license and an Extraordinary Entertainment and Special Event permit to the Rock Sports Complex, LLC for the operation of the Milky Way Drive-in Theater, subject to compliance with State and City requirements as well as the timely submission of an application for Special Use.

Pursuant to Ordinance 2019-2368 for Planned Development District (PPD) No. 37 Ballpark Commons, a special use is required for outdoor entertainment in the Rock Sports Complex Area, such application has been submitted on June 12.

The Drive-in Theater consists of 22-foot wide LED screen mounted to the back of the video board at the Stadium (S1) of Ball Park Commons, the use of 244 parking spaces north of the Stadium and queuing space is located to the north and west of the future golf driving range.

The hours of operation are Monday-Friday from 5:00 pm to 11:30 pm, Saturdays from 4:00 p.m. to 12:30 a.m. and Sundays from 2:00 pm to 11:30 pm. It is noted that the hours of operation of adjacent athletic fields and concession stands is from 7:00 am to 11:00 pm per the PDD Ordinance.

PROJECT DESCRIPTION AND ANALYSIS:

Drive-in theaters are subject to the standards set forth in the Unified Development Ordinance (UDO) §15-3.0703(J):

1. *Location of Theater Screen, Projection Booth, or Other Building. No part of any theater screen, projection booth, or other building shall be located closer than 500 feet from any residential zoning district nor closer than 200 feet from any abutting property line.*
Staff comment: The screen is located approximately 1,000 feet from the closest residential zoning district (R-2), specifically the Whitnall View addition No. 1 subdivision to the west. The location of the screen is approximately 500 feet from the closest property line along S. Ballpark Dr. The screen location complies with this standard.

2. *Visibility of Theater Screen from Adjoining Areas. The image on the theater screen shall not be visible from any arterial or collector street or from any residential zoning district.*
Staff comment: The screen is facing the ski facilities to the north. Even though the back of the screen is visible from Rawson Avenue, the face of the screen is not visible from surrounding arterial or collector streets: Rawson Ave, Loomis Rd and S. 76th St.

3. *Automobile Queuing Space to be Provided. Queuing space within the parcel or lot shall be provided for patrons awaiting admission in an amount equal to or greater than 30% of the vehicular capacity of the theater.*
Staff comment: Given the capacity of 244 spaces, the minimum required stacking distance is 1,480 feet or 74 spaces, which is 30% of the capacity. 1 stacking space equals 20 feet based on the minimum parking space size of UDO §15-5.0202(B).
The provided stacking distance is approximately 1,500 feet: 900 feet of single lane and 300 feet of double lane.

The applicant has submitted responses to the General Standards for Special Uses per UDO §15-3.0701, asserting that there will be no undue adverse impact or interference with surrounding development as a result of this special use.

Sandwich board signs are used as directional signage at the front entrance, this type of signage is considered a temporary sign as defined in the Municipal Code and it is exempt from permit fees.

Noise and light:

The intent of Rock Sports Complex Area is *to provide a multi-use sports and entertainment complex where the recreational needs of area residents can be met without undue disturbance of natural resources and adjacent uses* (Ord. 2019-2368 §15-3.0442.A). This drive-in theater as an outdoor entertainment use is consistent with the district intent as long as noise levels and lighting comply with the noise and light addendum (attached). Three sound monitors are currently in operation to ensure compliance with these standards.

The Milky Way Drive-in Theater started to operate on May 22, 2020 under an Extraordinary Entertainment and Special Event permit. City Development staff received several complaints through the City's website during the opening weekend and the second week of operation. No complaints associated with the drive-in theater have been received in subsequent weeks.

- Opening weekend (May 22-24, 2020), 7 complaints.
- Second week of operation (June 1-7, 2020), 2 complaints.

The theater audio is transmitted through FM radio and by outdoor speakers. Based on the complaints received, staff further recommends that the audio shall be transmitted only by radio.

The applicant stated the use of four (4) spotlights on special occasions, to be located on the screen surround. Pursuant to the UDO §15-5.0405, a searchlight permit is required for this type of lighting, such permits shall be limited to five (5) days in any six (6) month period. Staff recommends that the applicant shall obtain a searchlight permit for using the additional spotlights.

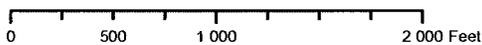
STAFF RECOMMENDATION:

The Department of City Development staff recommends approval of this application for Special Use, subject to the conditions set forth in the attached resolution.

7035 S. Ballpark Drive
TKN: 744 1003 000



Planning Department
(414) 425-4024



2017 Aerial Photo

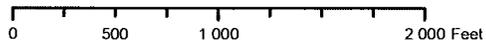
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal engineering or surveying purposes.



7035 S. Ballpark Drive
TKN: 744 1003 000



Planning Department
(414) 425-4024



2017 Aerial Photo

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

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



City of Franklin

Franklin

JUN 12 2020

Phone (414) 425-4024

Fax (414) 427 7691

Web Site www.franklinwi.gov

City Development

Date of Application 05/21/2020

SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION

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

Applicant (Full Legal Name[s])

Name Michael E Zimmerman
 Company The Rock Sports Complex LLC / BPC County Land LLC
 Mailing Address 7044 S Ballpark Dr, Suite 300
 City / State Franklin, WI Zip 53132
 Phone (414) 224-9283
 Email Address mikez@rocventures.org

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

Name Thomas J Johns
 Company ROC Ventures, LLC
 Mailing Address 7044 S Ballpark Dr, Suite 300
 City / State Franklin, WI Zip 53132
 Phone (414) 908-6310
 Email Address tomj@rocventures.org

Project Property Information.

Property Address 7035 S Ballpark Dr
 Property Owner(s) BPC County Land, LLC
 Mailing Address 7044 S Ballpark Dr, Suite 300
 City / State Franklin, WI Zip 53132
 Email Address tomj@rocventures.org

Tax Key Nos 744-1003-000
 Existing Zoning PDD No 37
 Existing Use PDD No 37
 Proposed Use PDD No 37
 Future Land Use Identification PDD

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

Special Use/Special Use Amendment submittals for review must include and be accompanied by the following:

- This Application form accurately completed with original signature(s) Facsimiles and copies will not be accepted
- Application Filing Fee, payable to City of Franklin
 - \$1500, New Special Use over 4,000 square feet
 - \$1000 Special Use Amendment
 - \$750, New Special Use under 4,000 square feet
- Legal Description for the subject property (WORD doc or compatible format)
- One copy of a response to the General Standards, Special Standards (if applicable), and Considerations found in Section 15-3 0701(A), (B), and (C) of the Unified Development Ordinance available at www.franklinwi.gov
- Seven (7) complete collated sets of Application materials to include
 - One (1) original and six (6) copies of a written Project Summary, including description of any new building construction and site work, interior/exterior building modifications or additions to be made to property, site improvement costs, estimate of project value and any other information that is available)
 - Three (3) **folded** full size, drawn to scale copies (at least 24" x 36") of the Site Plan/Site Plan Amendment package (The submittal should include only those plans/items as set forth in Section 17-7 0101, 15-7 0301 and 15-5 0402 of the Unified Development Ordinance that are impacted by the development (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, etc.)
 - Four (4) **folded** reduced size (11"x17") copies of the Site Plan/Site Plan Amendment package
- One colored copy (11"x17") of the building elevations, if applicable
- Three copies of the Natural Resource Protection Plan and report, if applicable (see Section 15-4 0102 & 15-7.0201 of the UDO)
- Email (or CD ROM) with all plans/submittal materials *Plans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable)*

NA
NA

- *Upon receipt of a complete submittal, staff review will be conducted within ten business days
- *Special Use/Special Use Amendment requests require Plan Commission review, a Public Hearing and Common Council approval

The applicant and property owner(s) hereby certify that (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge, (2) the applicant and property owner(s) has/have read and understand all information in this application, and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7 00 a m and 7 00 p m daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis Stat §943 13

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

Michael E Zimmerman
 Signature Property Owner
Michael E Zimmerman, Member
 Name & Title (PRINT)
 Date 06/10/2020

Michael E Zimmerman
 Signature Applicant
Michael E Zimmerman, Member
 Name & Title (PRINT)
 Date 06/10/2020

Signature Property Owner
 Name & Title (PRINT)
 Date _____

Thomas J Johns
 Signature Applicant's Representative
Thomas J Johns, CFO
 Name & Title (PRINT)
 Date 06/10/2020



June 10, 2020

ROC Ventures LLC

Headquarters
7044 S Ballpark Drive
Franklin WI 53132

www.rocventures.org

City of Franklin – Planning Department
c/o Mr. Regulo Martinez-Montilva, Planning Manager
City of Franklin Planning Department
9229 W. Loomis Road
Franklin, WI 53132

RE: The Rock Sports Complex, LLC – Milky Way Drive-in Movie Theater

On behalf of Milwaukee Milkmen Baseball, LLC, The Rock Sports Complex, LLC is submitting the current design drawings for the Milky Way Drive-in Movie Theater to the City of Franklin for an informational presentation and to receive feedback from the staff.

This proposed additional use is located just north of the existing baseball stadium, and just south of the existing ski lodge, and utilizes existing approved infrastructure structures & components of the current PDD.

Specifically, the proposed usage is a 22'-0" wide LED screen mounted to the back of the existing video board at the stadium, and the usage of the existing parking lot (244 spaces) that are being submitted for consideration. In addition, existing roadways will be utilized to allow patrons to entrance & exit from the attraction.

Hours of operation for the event are as follows: Mon thru Fri 5pm to 11:30pm, Sat 4pm to 12:30am, and Sun 2pm to 11:30pm.

The project team currently consists of The Rock Sports Complex, LLC (Owner), ROC Ventures, LLC (Operator), and Studio Gear (Audio/Visual).

The proposed operations schedule is the spring, summer and fall seasons, weather permitting.

Our team looks forward to working with the City of Franklin on this project and contributing to the improvement of the City of Franklin.

Best,



Thomas J. Johns, CFO
ROC Ventures, LLC

The Murry May Drive-In

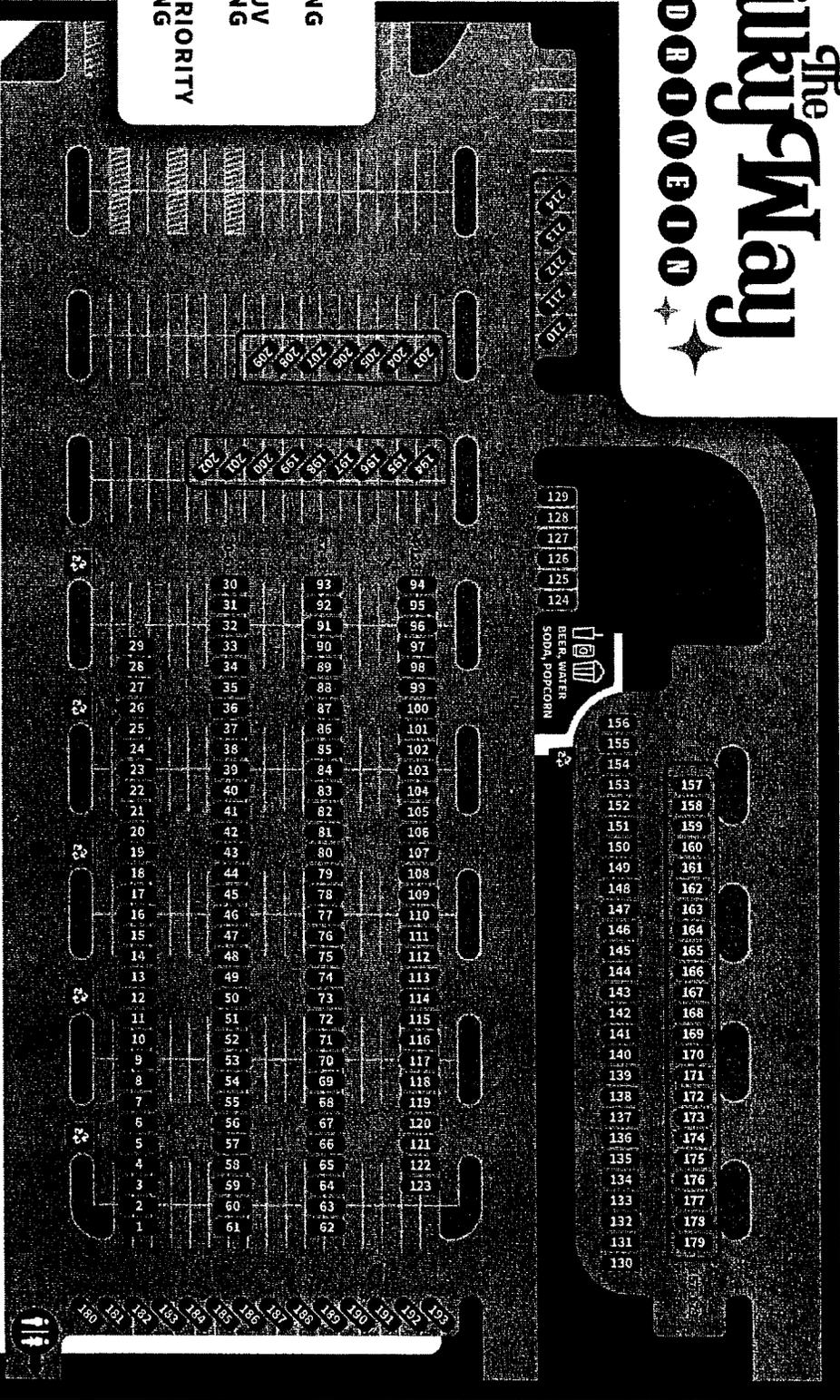
ENTRANCE

- LAST PRIORITY PARKING
- CAR/SUV PARKING
- TRUCK PARKING

CONCESSIONS & BOX OFFICE

SCREEN

BEER WATER
SODA POP CORN



EXIT

EXIT

DIVISION 15-3.0700 SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701 GENERAL STANDARDS FOR SPECIAL USES

A. ***General Standards.*** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following

1 **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof

Response: The current Ordinance was enacted to encompass a sports and entertainment district which, the proposed use and development of a drive-in movie theater is indeed harmonious with. This is best represented by the fact that all but the LED screen itself was part of the existing infrastructure located at the site.

2 **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood

Response: The proposed use and development poses no undue adverse impact on the surrounding areas, structures, or citizens.

3 **No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations

Response: The proposed use and development will not dominate the immediate vicinity or interfere with the use and development of neighboring properties and/or developments.

4 **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities

Response: The proposed use and development will provide adequate public facilities as required.

5 **No Traffic Congestion.** The proposed use and development will not cause undue traffic

congestion nor draw significant amounts of traffic through residential streets Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets

Response: The proposed use and development will not cause traffic congestion. Parking attendants are being utilized to help control the flow of traffic both in and out of the attraction.

- 6 **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance

Response: The proposed use and development will not result in the destruction of significant features of importance.

- 7 **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use

Response: The proposed use and development is prepared to comply with the standards of the district in which it is located. As an example, sound is being monitored so as to comply with the existing district decibel levels.

- B. **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3 0702 and 15-3 0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards

Response: Understood and agreed to.

- C **Considerations** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following

- 1 **Public Benefit** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community

Response: The proposed use and development is a public benefit as it provides affordable family entertainment in a safe environment.

- 2 **Alternative Locations** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site

Response: As the Planned Development District is already approved for sports and entertainment uses, Operator feels that the current proposed use of a drive-in movie theater is complimentary to the already-established public goals of the location.

- 3 **Mitigation of Adverse Impacts** Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening

Response: The proposed use and development has located the LED viewing screen so that it is facing the existing ski lodge, and not directly at any neighboring citizens in the immediate vicinity.

- 4 **Establishment of Precedent of Incompatible Uses in the Surrounding Area** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area

Response: The proposed use and development is complimentary to the existing PDD, and therefore should not establish or encourage a precedent of incompatible uses in the surrounding area.

Response to City of Franklin Staff Comments

Date August 10th, 2020

To Department of City Development Staff

From Thomas J Johns Roc Ventures, LLC

RE Special Use – Milky Way Drive-in Movie Theater – 7035 S Ballpark Dr

Department of City Development comments Answers

- 1 Site plan shall be drawn to a recognized scale per UDO §15-7 0103(A), please add numerical scale
 - Added Please see Item (1) Numerical Scale on plan set
- 2 Please indicate vehicular ingress and egress locations per UDO §15-7 0103(H)
 - Added Please see Items (2A) Vehicular Ingress and (2B) Vehicular Egress on plan set Both pathways are marked with arrows as well
- 3 Any proposed structure for the food and beverage station?
 - Please see Item (3) on Plan Set Drive-In will use existing stadium concessions stand infrastructure as well as a delivery system to get food to customers
- 4 Any proposed directional signs?
 - Please see Item (4) on Plan Set Directional signage indicated at front entrance using sandwich board signage
- 5 Any proposed outdoor lighting other than the LED screen?
 - Please see Item (5) on Plan Set Additional lighting to be fixed to screen surround as well as four spotlights on the ground to right and left of screen These will be used on special occasions (opening night, holidays, etc) only
- 6 Per UDO §15-3 0703(J)(1), please add setback measured from the screen to the closest residential zoning district, which is the Whitnall View addition No 1 subdivision to the west
 - Please see Item (6) on Plan Set Setback is approximately 3,044' to Whitnall View addition No 1 subdivision to the west
- 7 Per UDO §15-3 0703(J)(1), please add setback measured from the screen to abutting property line along S Ballpark Dr
 - Please see Item (7) on Plan Set Setback is approximately 675' to abutting property line along S Ballpark Dr
- 8 Per UDO §15-3 0703(J)(2), please confirm that the screen is not visible from any arterial or collector road (Rawson Ave, Loomis Rd and 76th St) You may add pictures to your application

- Please see Item (8) on Plan Set Screen is not visible from any arterial or collector road
- 9 Per UDO §15-3 0703(J)(3), please add the stacking or queuing distance measured in feet Given the capacity of 244 spaces, the minimum required stacking distance is 1,480 feet or 74 spaces, which is 30% of the capacity 1 stacking space equals 20 feet based on the minimum parking space size of UDO §15-5 0202(B)
- Please see Item (9) on Plan Set Queuing distance is approximately 1,500' from Ballpark Dr entrance to Milky Way Drive-In entrance
 - Approximately 900' is the single lane located alongside the west side of the future golf building pad and the east side of the existing shared parking lot
 - Approximately 600' is the two lanes located alongside the north side of the future golf building pad and the south side of the existing ski hill

Engineering Department comments

10 No comments

- NA

Fire Department comments

11 The fire department has no comments regarding the proposed special use at this location

- NA

Police Department comments

12 The Police Department has no issues with this request

- NA

Inspection Services Department comments

13 Inspection Services addressed its concerns when the proposal was first brought forward to the Common Council We have no further comments at this time

- NA

H. 2.



9229 W Loomis Rd, Franklin, WI 53132-9630
Telephone: 414-425-7500

City Clerk's Office
Fax: 414-425-6428

EXTRAORDINARY ENTERTAINMENT & SPECIAL EVENT APPLICATION

Application must be received a minimum of 30 working days prior to event.

Event Location (address and full description) 7035 S. Ballpark Dr.
Franklin WI 53132

Owner of property BPC Country Land, LLC

Purpose of Event Drive-in movie theater. Sound to be subject to existing sound decibel requirements.

Date(s) and Time(s) Mon thru Fri shows @ 6pm + 8:45pm; Sat shows @ 5pm, 7:45pm, 10:30pm; Sun shows @ 3pm, 6pm, 8:45pm

Setup date(s)/time(s) Setup to begin @ 2 hrs prior to showings

Breakdown date(s)/time(s) Breakdown to go on for 2 hrs after showings

Maximum number attending per day 200 ~~cars~~ cars (approx. 3 persons per car)

Maximum number of tickets to be sold (if any) per day 200

Applicant Milwaukee Milkmen Baseball, LLC

(If corporation, attach certified copy of Articles of Incorporation together with the name, age, residence and mailing address of each person holding more than 10% of the stock.)

Address (Including City/State/Zip) 7044 S. Ballpark Dr. Suite 300 Franklin WI 53132

Home phone (414) 908-6310 Cell (414) 349-4771

E-mail tomj@rockventures.org Business phone (414) 908-6310

Fax NA Business E-Mail tomj@rockventures.org

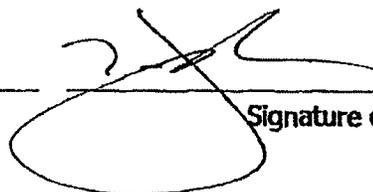
1. Provide plans to limit the maximum number of people permitted to assemble.
2. Provide plans for fencing the location of the special event and the gates contained in such fence. A detailed drawing must be submitted as part of this application.
3. Provide plans for supplying potable water, including the source, amount available and location of outlets.
4. Provide plans for providing toilet and lavatory facilities, including the source, number, location, type and means of disposing of waste.
5. Provide plans for holding, collecting & disposal of solid waste material.

6. Provide plans, if any, to illuminate the location, including sources and amounts of power and location of lamps.
7. Provide plans and description for parking vehicles, including size and location of lots, highway ingress/egress, parking lots and shuttle services.
8. Provide plans for telephone services, including source, number and location.
9. Provide plans for security, including number of guards, deployment, names, addresses, credentials and hours of availability.
10. Provide plans for fire protection, including number, type and locations of all protective devices, including alarms & extinguishers, number of emergency fire personnel available.
11. Provide plans for sound control and amplification, including numbers, locations and power of amplifiers & speakers.
12. Provide plans for food and beverage concessions and concessionaires, including names, addresses and license or permit numbers.
13. Provide plans and specific descriptions for each of any other type of vendor or provider of amusements or entertainments, including names, addresses and license or permit numbers.
14. Provide Certificate of Insurance no later than 10 days prior to the event.
15. \$100.00 nonrefundable license & administration fee payable with application.
 bond letter of credit cash deposit
 (due no later than 10 days prior to the event, based upon anticipated cost of services)

_____ Police services
 _____ Fire services
 _____ Registered Sanitarian (non-staff) services, if needed
 _____ Total estimated costs

Applicant agrees to indemnify and save harmless the City of Franklin from and against any and all liabilities, claims, demands, judgments, losses and/or all suits at law or in equity, costs and expenses, including reasonable attorney fees, for injury or death of any person or loss or damage to the property of any person, firm, organization or corporation, arising in any way as a consequence of the granting of a license for this special event. Applicant affirms that the statements contained in this application are true and correct to the best knowledge of Applicant.

Date 05/18/2020



 Signature of Applicant

RECEIVED _____ REPORTED TO COUNCIL _____ LICENSE # _____ SERVICE FEE TO BE INVOICED _____

Sandi Wesolowski

Subject: FW applications
Attachments: Drive-In Theater Renewal pdf; Drive-In Theater Permit pdf; Drive-In Event Permit pdf;
Liquor License Amendment Map[3] pdf

From: Tom Johns <tomj@rocventures.org>
Sent: Monday, May 18, 2020 4:44 PM
To: Sandi Wesolowski <SWesolowski@franklinwi.gov>
Subject: Re: applications

Sandi

Completed applications attached; I will follow up with some of the additional info later.

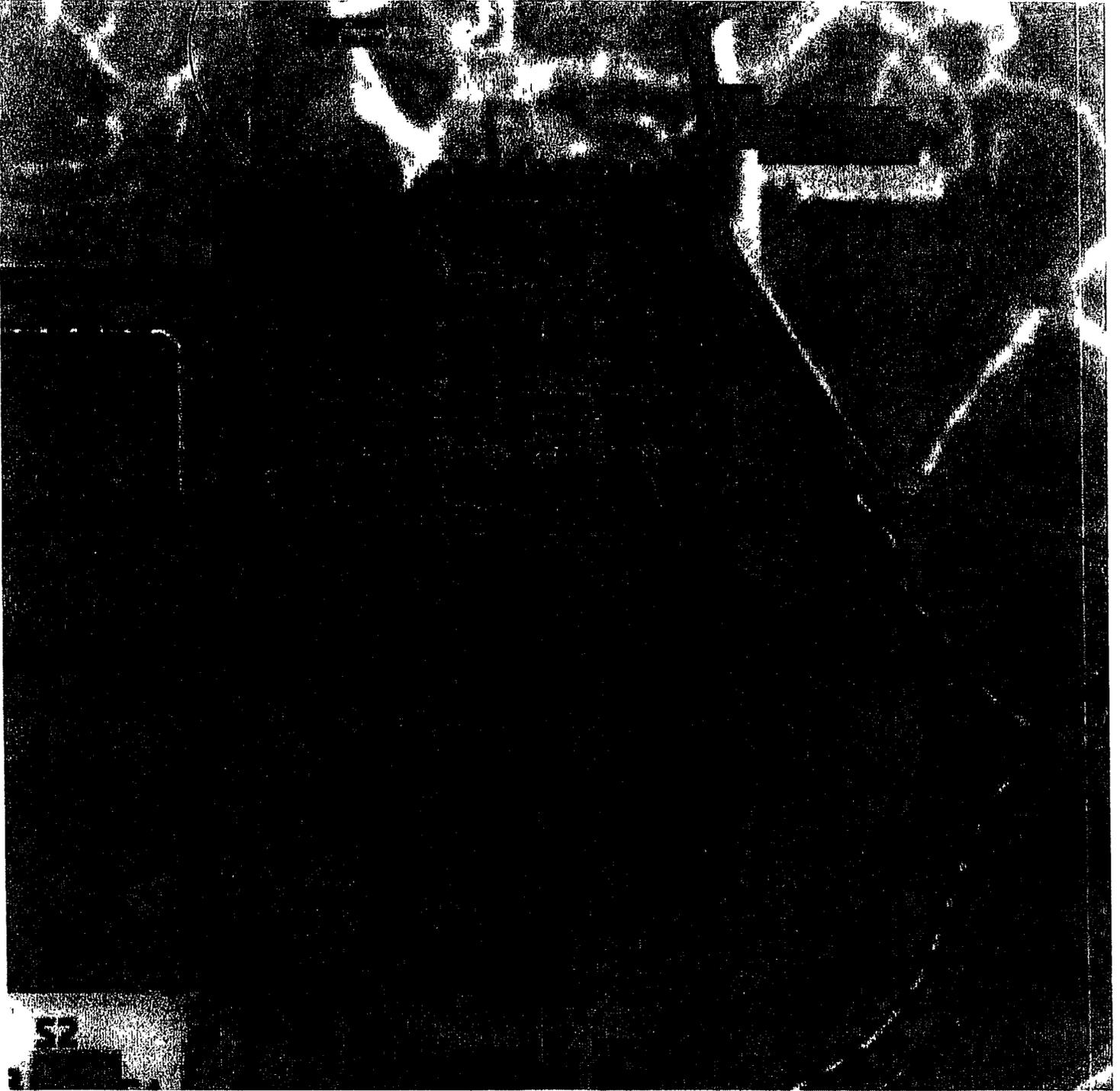
In addition, we would like to request we amend our liquor license premise description to allow the sale of alcohol in the stadium north parking lot. Attached is a map that highlights the area.

Thank you in advance for your attention to this.

Best,

TJ

Requested area in GREEN





9229 W Loomis Rd, Franklin, WI 53132-9630
Telephone: 414-425-7500

City Clerk's Office
Fax: 414-425-6428

NEW RENEWAL

DRIVE-IN THEATER
License Application
July 1, 2019—June 30, 2020

Fee: \$250.00 plus \$1.50 per stall
Number of stalls: 200

Date: 05/18/2020

General Description of Entertainment or Amusement: Drive-in movie theater. Music to be played prior to showings, subject to sound decibel requirements.

Location of function: Milwaukee Milkmen north parking lot.

Trade Name: Milky Way Drive-in

Mailing Address: 7044 S. Ballpark Dr, Suite 300, Franklin WI 53132

Telephone: (414) 908-6310 Telephone: (414) 349-4771

Individual Partnership Corporation

If Corporation, list names, addresses and titles of Officers:

Name	Address	Title
<u>Michael Zimmerman</u>	<u>7241 S. 92nd Street Franklin WI 53132</u>	<u>Owner/CEO</u>

Person Responsible: Thomas Johns

Address: W222 N2135 Glenwood Ln, Waukesha WI 53186

Date of Birth: 08/31/1978 Place of Birth: Milwaukee, WI

Drivers License Number: VS20-8307-8311-09 State: WI

Any arrests for or convictions of any Federal, State or Local offense(s)? Yes (No)

List of offenses, dates & places of conviction(s) NA

Signature: [Signature]

Date: 05/18/2020



9229 W Loomis Rd, Franklin, WI 53132-9630
Telephone 414-425-7500

City Clerk's Office
Fax 414-425-6428

NEW RENEWAL

DRIVE-IN THEATER
License Application
July 1, 2020—June 30, 2021

Fee: \$250.00 plus \$1.50 per stall
Number of stalls: 200

Date: 05/18/2020

General Description of Entertainment or Amusement: drive-in movie theater. Music to be played prior to showings, subject to sound

Location of function: Milwaukee Milwaukee north parking lot decibel requirements

Trade Name: Milkey Way Drive-in

Mailing Address: 7077 S. Ballpark Dr, Suite 300, Franklin WI 53132

Telephone: (414) 908-6310 Telephone: (414) 342-4771

Individual Partnership Corporation

If Corporation, list names, addresses and titles of Officers:

Name	Address	Title
<u>Michael Zimmerman</u>	<u>7241 S. 92nd Street Franklin WI 53132</u>	<u>Owner/CEO</u>

Person Responsible: Thomas Johns

Address: W222 N2135 Glenwood Ln., Waukesha WI 53186

Date of Birth: 08/31/1978 Place of Birth: Milwaukee, WI

Drivers License Number: W520-8307-8311-09 State: WI

Any arrests for or convictions of any Federal, State or Local offense(s)? Yes No

List of offenses, dates & places of conviction(s) NA

Signature: [Handwritten Signature]

Date: 05/18/2020

EXHIBIT C NOISE AND LIGHT ADDENDUM

The Rock Sports Complex and Ballpark Commons project is a multi-use facility developed for a multi-use sports and entertainment complex (“Project”) encompassing the boundaries set forth in Exhibit C 1 (“Abatement Boundaries”). Residents in the communities of Franklin and Greendale have expressed concerns regarding noise and light levels at and beyond the Project Boundaries, originating from activities associated with the Project. This Noise and Light Addendum shall be incorporated into Project documents¹ and consists of three components:

- 1) 2017/2018 Noise and Light Mitigation Plan,
- 2) Noise and Light Standards and Development Plan,
- 3) Noise and Light Compliance Plan

As specified further herein, BPC County Land, LLC, The Rock Sports Complex LLC, and/or any subsequent or related owner, user, operator, sub-lessee, etc. shall comply with the following:

I 2017/2018 Noise and Light Mitigation Plan

Attached as Exhibit C 2² are:

- To mitigate unintended light trespass and glare visible from nearby residential areas
 - This Mitigation Plan details current conditions and identifies 67 lights for new improved glare reduction and control over unintended light trespass (“Gold Standard Visors”) and 11 existing lights for retrofitting with Gold Standard Visors. These new visors and retrofits will be installed on or before the beginning of the Spring 2018 baseball season. All 223 existing fixtures will be adjusted as part of the retrofit effort.
 - New fixtures for lighting outdoor facilities shall meet or exceed the performance of the retrofit fixtures with respect to glare and unintended light trespass.
- To mitigate noise and measure compliance
 - Past compliance has been measured through handheld monitoring devices. This Mitigation Plan details the installation of permanent monitoring devices at the Abatement Boundaries in the three approximate locations shown in Exhibit C 1. The monitoring devices will be installed at an elevation above ground level and will trigger a notification in the event of an exceedance and record continuous performance data. Since the monitors require permanent electrical connections, the installation needs to coincide with utility installations, commencing in Spring, 2018 and completed during the outdoor concert season in 2018 (no later than

¹ The Project documents are: 1) Development Agreement between BPC County Land, LLC and Milwaukee County;

2) Lease Agreement between BPC County Land, LLC and The Rock Sports Complex, LLC and Milwaukee County; and 3) Development Agreement between BPC County Land, LLC and City of Franklin, 4) the Contribution and Participation Agreement between BPC County Land, LLC and Milwaukee County, and the 5) Option to Purchase.

² Exact locations for noise and light remediation tools and fixtures are subject to reasonable adjustment.

November 1, 2018) generally at the locations shown in the Mitigation Plan. As further mitigation, the operator will install a dedicated sound system to ensure that the sound at the Umbrella Bar is directional controlled to minimize the spillover effect beyond the property boundary.

2 Noise and Light Standards and Development Plan

To ensure compliance with objective standards, the Project shall be subject to the following noise and light standards as set forth in the Franklin Ordinances (“Noise and Light Standards”)

- Section 15-3 1104 Glare,
- DIVISION 15-5 0400 Lighting,
- Section 183-41 Noise,
- With approval by the City of Franklin, such other applicable Noise or Light standards as may apply for a particular event or specified uses within the Project Boundaries.

The point of compliance for application of the Noise and Light Standards, and all activities conducted at the Project, shall be the Abatement Boundaries as set forth in Exhibit C 1.

All development within the Abatement Boundaries shall be subject to final plan approval by the City of Franklin following the specifications and process set forth in the Franklin Ordinances. A Lighting plan meeting the requirements of Section 15-5 0402 shall be submitted to the Plan Commission for the City of Franklin, with a copy provided to the Village of Greendale.

3 Noise and Light Compliance Plan

To ensure ongoing compliance, the Project operator(s) shall maintain a compliance log with the following information:

Light Compliance The City of Franklin shall conduct a final inspection following the installation of any new permanent light emitting outdoor fixture extending or mounted more than 20 feet above ground. The City shall, within 15 days of its inspection, indicate whether any modifications are needed to comply with the plan. The operator and the City of Franklin shall jointly visually inspect light compliance in the Spring, prior to the start of each baseball season, at or across the roadway from the Abatement Boundaries, as designated on the attached Exhibit C 2 as “visual compliance inspection locations.”

Noise Monitoring

Annually, the operator will provide the City of Franklin with a list of concerts and special events requiring a permit, including dates and times for operations during the event. A copy of the list of concerts and permitted events shall be provided to the Manager for the Village of Greendale. Events will also be posted at the Property and through electronic media to ensure neighbors can be aware of forthcoming events. The Operator shall provide a means for receiving complaints, through a web page or equivalent electronic media, and shall preserve a record of complaints that will be provided to the City of Franklin, Village of Greendale or County upon request. These records shall be preserved for a minimum of two years. Nothing herein is intended to prevent

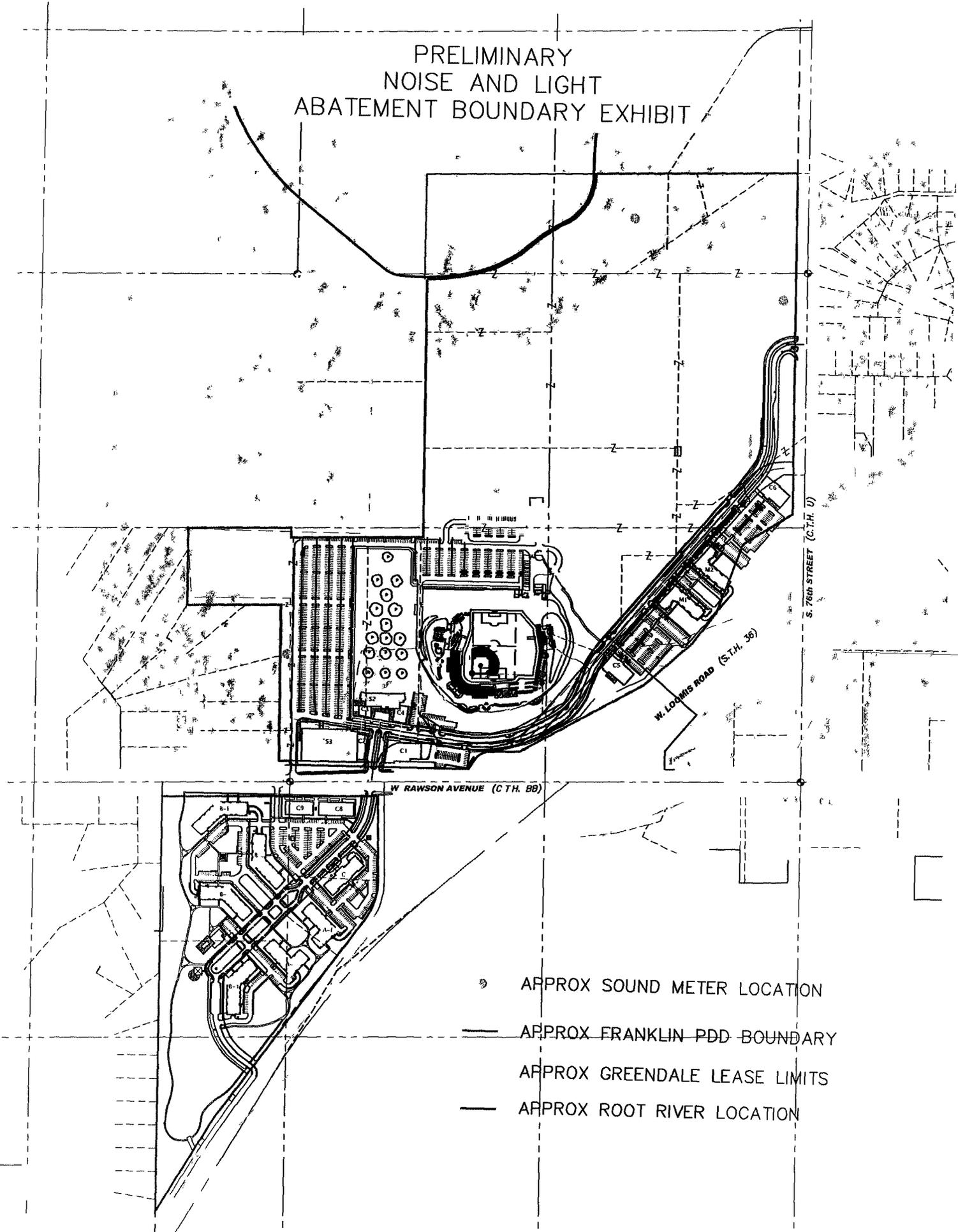
citizens from being able to file public complaints, but this is intended to allow verification of whether or not a complaint and violation occurred

Continuous noise monitoring data shall be kept for twelve months. Upon reasonable request by the County, City of Franklin, or the Village of Greendale, noise monitoring data and reports, and a record of complaints, shall be provided to the County, City or Village, evidencing the status of compliance. A violation will be considered material if it represents a complaint filed with the operator or the City of Franklin and is evidenced in the monitoring data logs by an exceedance ("Trigger Event") that is not permitted and is not corrected and remediated within 30 minutes of the Trigger Event. The City shall have the right to enforce payment of the penalties specified in the Noise and Light Standards, which may include payment of a double permit fee for any material violation. If the operator has more than four unpermitted material violations in a calendar year, the operator shall be subject to stepped-up enforcement measures as specified in the Noise and Light Standards. If the City declines to take enforcement action, the County, under the terms of this agreement, shall have the right to impose penalties on the operator, in the County's reasonable judgment given the severity and duration of the violation and the number of violations, which shall not exceed \$1,000 for an individual violation and \$10,000 in aggregate for a calendar year.

No provision of this addendum shall be construed to impair any common law or statutory cause of action or legal remedy or to replace the obligations more specifically set forth in the Noise and Light Standards.

EXHIBIT C.1
Abatement Boundaries

PRELIMINARY NOISE AND LIGHT ABATEMENT BOUNDARY EXHIBIT



- APPROX SOUND METER LOCATION
- APPROX FRANKLIN PDD BOUNDARY
- - - APPROX GREENDALE LEASE LIMITS
- APPROX ROOT RIVER LOCATION

EXHIBIT C.2
Mitigation Plan

Date August 20, 2020
To Plan Commission
From Department of City Development
RE Additional information – Item C 1 Milky Way Drive-in Theater Special Use

Staff is adding the following information to the Plan Commission packet

- A Summary of complaints (City of Franklin website)
- B Noise complaints, City of Franklin Police Department
- C Noise complaints, Village of Greendale Police Department
- D Stadium Site Plan
- E Operator's comments about noise mitigation
- F Public input

A

C2020091-Plann
C2020092-Police

Shirley Roberts

Subject: FW Complaint Form-7900 W Crystal Ridge

From: complaint@franklinwi.info <complaint@franklinwi.info>

Sent: Friday, May 22, 2020 8 58 PM

To: Lisa Huening <LHuening@franklinwi.gov>, Shirley Roberts <SRoberts@franklinwi.gov>; Sandi Wesolowski <SWesolowski@franklinwi.gov>, Aimee Schlueter <ASchlueter@franklinwi.gov>

Subject: Complaint Form

Date: 5-22-20

HomePhone: _____

WorkPhone: _____

EmailAddress: _____

SignatureofComplainant: _____

ActionFileNumber: C20200091-Planning, C20200092-Police

TaxKeyNumber: 744-8980-001

ReceivedBy: Shirley

DateReceived: 05-22-20

DepartmentComplaintReferredTo: Police and Planning

AldermanicDistrict: 2

NameandAddress: _____

ReportedAddressofViolations: Ballpark Commons Movie theater

SubjectofComplaint:

It is 9pm and for the past 3 hours the Volume of the movie theater has been ridiculous. Inside my home with the doors and windows shut we can clearly hear the words and music. I can not even imagine how loud it is if you are actually at the drive in! If the cars are instructed to use their am/fm of their cars it would definitely not be needed tonight! Please put of respect for the neighborhoods- address the volume!

ClientIP: _____

SessionID: _____

See Current Results

C20200093 - Police
C20200094 - Planning

Shirley Roberts

Subject: FW Complaint Form-7900 Crystal Ridge Drive

From: complaint@franklinwi.info <complaint@franklinwi.info>

Sent: Friday, May 22, 2020 9 16 PM

To: Lisa Huening <LHuening@franklinwi.gov>; Shirley Roberts <SRoberts@franklinwi.gov>, Sandi Wesolowski <SWesolowski@franklinwi.gov>, Aimee Schlueter <ASchlueter@franklinwi.gov>

Subject: Complaint Form

Date: 5/22/2020

HomePhone: _____

WorkPhone: _____

EmailAddress: _____

SignatureofComplainant: _____

ActionFileNumber: C20200093-Police, C20200094-Planning

TaxKeyNumber: 744-8980-001

ReceivedBy: Shirley

DateReceived: 5-22-20

DepartmentComplaintReferredTo: Police and Planning

AldermanicDistrict: 2

NameandAddress: _____

ReportedAddressofViolations: Bappark Drive / Rock Sports Complex / drive in theater Ballpark Drive

The drive in movie is being broadcast at a very high volume. This is not "ambient volume", and not what the mayor stated as "fill in speakers, not using the broadcast system". The announcer and the movie can clearly be heard word for word 1/2 mile away. I can hear it IN my home This venue should not have been approved without reading all the materials; hours of operation and understanding the sound system. How was it approved the day after it was applied for and 4 days before the event? application says minimum 30 working days prior to event Sound is a scientific process It is unacceptable to adversely impact all the homes surrounding this project The Mayor stated during the 5/19/20 CC meeting regarding sound complaints "they can call me, I am not afraid to tell them they are out of their mind " This is offensive Alderman Dandrea met with several neighbors and agreed it was loud and said he would ask for it to be turned down It is not turned down, that was an hour ago

SubjectofComplaint:

ClientIP: _____

SessionID: _____

[See Current Results](#)

C 20200095 - Plan
C20200096 - Police

Shirley Roberts

Subject: FW Complaint Form7900 S Crystal Ridge Drive

From: complaint@franklinwi.info <complaint@franklinwi.info>
Sent: Saturday, May 23, 2020 1:17 PM
To: Lisa Huening <LHuening@franklinwi.gov>, Shirley Roberts <SRoberts@franklinwi.gov>, Sandi Wesolowski <SWesolowski@franklinwi.gov>, Aimee Schlueter <ASchlueter@franklinwi.gov>
Subject: Complaint Form

Date: May 22, 2020
HomePhone: [REDACTED]
WorkPhone: [REDACTED]
EmailAddress: [REDACTED]
SignatureofComplainant: [REDACTED]
ActionFileNumber: C20200095-Planning, C20200096-Police
TaxKeyNumber: 744-8980-001
ReceivedBy: Shirley
DateReceived: 5-23-20
DepartmentComplaintReferredTo: Police and Planning
AldermanicDistrict: 2
NameandAddress: [REDACTED]
ReportedAddressofViolations: Ballpark Commons / Milky Way Drive In
SubjectofComplaint: Excessive loud sound levels from announcements and drive-in movie I have an audio recording of the sound levels taken from my front stoop if you would like to hear how loud the levels were
ClientIP: [REDACTED]
SessionID: [REDACTED]
[See Current Results](#)

C2020097-Planning
C2020098-Police

Shirley Roberts

Subject: FW Complaint Form-7900 Crystal Ridge Road

From: complaint@franklinwi.info <complaint@franklinwi.info>

Sent: Saturday, May 23, 2020 8:18 PM

To: Lisa Huening <LHuening@franklinwi.gov>, Shirley Roberts <SRoberts@franklinwi.gov>, Sandi Wesolowski <SWesolowski@franklinwi.gov>, Aimee Schlueter <ASchlueter@franklinwi.gov>

Subject: Complaint Form

Date: 5/23/2020

HomePhone: _____

WorkPhone: _____

EmailAddress: _____

SignatureofComplainant: _____

ActionFileNumber: C20200097-Planning, C20200098-Police

TaxKeyNumber: 744-8980-001

ReceivedBy: Shirley

DateReceived: 5-23-20

DepartmentComplaintReferredTo: Police and Planning

AldermanicDistrict: 2

NameandAddress: _____

ReportedAddressofViolations: Ballpark Commons 7900 Crystal Ridge Rd

SubjectofComplaint: Drive in movie theater is extremely loud. I live _____ and can clearly hear everything playing at the theater. The theater was advertised with the sound being broadcast over a radio frequency, not blasted through their loud speakers. Extremely disruptive.

ClientIP: _____

SessionID: _____

[See Current Results](#)

C20200099-Planning
C20200100-Police

Shirley Roberts

Subject: FW: Complaint Form-7900 Crystal Ridge Road

From: complaint@franklinwi.info <complaint@franklinwi.info>

Sent: Saturday, May 23, 2020 11:33 PM

To: Lisa Huening <LHuening@franklinwi.gov>, Shirley Roberts <SRoberts@franklinwi.gov>, Sandi Wesolowski <SWesolowski@franklinwi.gov>, Aimee Schlueter <ASchlueter@franklinwi.gov>

Subject: Complaint Form

Date: 5-23-2020

HomePhone: [REDACTED]

WorkPhone: [REDACTED]

EmailAddress: [REDACTED]

SignatureofComplainant: [REDACTED]

ActionFileNumber: C20200099-Planning, C20200100-Police

TaxKeyNumber: 744-8980-001

ReceivedBy: Shirley

DateReceived: 05-23-20

DepartmentComplaintReferredTo: Planning and Police

AldermanicDistrict: 2

NameandAddress: [REDACTED]

ReportedAddressofViolations: The Rock

SubjectofComplaint: The noise & language coming from the drive-in is disruptive and inappropriate and cannot possibly be in compliance with local ordinances. Why is the audio being broadcast for miles around to here?? Please don't let the Rock ruin our neighborhood and our summer.

ClientIP: [REDACTED]

SessionID: [REDACTED]

[See Current Results](#)

C20200101 - Planning
C20200102 - Police

Shirley Roberts

Subject: FW Complaint Form-7900 Crystal Ridge

From: complaint@franklinwi.info <complaint@franklinwi.info>

Sent: Sunday, May 24, 2020 8:57 PM

To: Lisa Huening <LHuening@franklinwi.gov>, Shirley Roberts <SRoberts@franklinwi.gov>, Sandi Wesolowski <SWesolowski@franklinwi.gov>, Aimee Schlueter <ASchlueter@franklinwi.gov>

Subject: Complaint Form

Date: 5/24/2020

HomePhone: [REDACTED]

WorkPhone: [REDACTED]

EmailAddress: [REDACTED]

SignatureofComplainant: [REDACTED]

ActionFileNumber: C20200101-Planning, C20200102-Police

TaxKeyNumber: 744 8980-001

ReceivedBy: Shirley

DateReceived: 5-24-20

DepartmentComplaintReferredTo: Police and Planning

AldermanicDistrict: 2

NameandAddress: [REDACTED]

ReportedAddressofViolations: Ballpark Commons - Drive-in movie theater 7900 Crystal Ridge Rd

SubjectofComplaint: I live [REDACTED] and can clearly hear the sound from the movie playing at the drive in. It was advertised that the movies would be broadcast over a radio frequency, not played through loudspeakers So disappointing that citizens are being lied to again Playing movies with profanities being broadcast into the surrounding neighborhoods in not appropriate either

ClientIP: [REDACTED]

SessionID: [REDACTED]

[See Current Results](#)

C20200103 - Planning
C20200104 - Pol. 20

Shirley Roberts

Subject: FW Complaint Form-7900 Crystal Ridge Roads

From: complaint@franklinwi.info <complaint@franklinwi.info>

Sent: Sunday, May 24, 2020 11:08 PM

To: Lisa Huening <LHuening@franklinwi.gov>, Shirley Roberts <SRoberts@franklinwi.gov>, Sandi Wesolowski <SWesolowski@franklinwi.gov>, Aimee Schlueter <ASchlueter@franklinwi.gov>

Subject: Complaint Form

Date: 5/23/20
HomePhone: [REDACTED]
WorkPhone: [REDACTED]
EmailAddress: [REDACTED]
SignatureofComplainant: [REDACTED]
ActionFileNumber: C20200103-Planning, C20200104-Police
TaxKeyNumber: 744-8980-001
ReceivedBy: Shirley
DateReceived: 5-23-20
DepartmentComplaintReferredTo: Planning and Police
AldermanicDistrict: 2
NameandAddress: [REDACTED]
ReportedAddressofViolations: The Rock
SubjectofComplaint: Loud megaphone noises and horns honking coming from the rock complex between 9 30PM - 10:30pm multiple times
ClientIP: [REDACTED]
SessionID: [REDACTED]
[See Current Results](#)

C20200105 - Plan
C20200106 - Pol.

Shirley Roberts

Subject: FW Complaint Form-7900 Crystal Ridge Road

From: complaint@franklinwi.info <complaint@franklinwi.info>
Sent: Monday, May 25, 2020 7:22 AM
To: Lisa Huening <LHuening@franklinwi.gov>, Shirley Roberts <SRoberts@franklinwi.gov>, Sandi Wesolowski <SWesolowski@franklinwi.gov>, Aimee Schlueter <ASchlueter@franklinwi.gov>
Subject: Complaint Form

Date: 5-23-2020
HomePhone:
WorkPhone:
EmailAddress:
SignatureofComplainant:
ActionFileNumber: C20200105-Planning, C20200106-Police
TaxKeyNumber: 744-8980-001
ReceivedBy: Shirley
DateReceived: 5-23-20
DepartmentComplaintReferredTo: Planning and Police
AldermanicDistrict: 2
NameandAddress:
ReportedAddressofViolations: The Rock

SubjectofComplaint: Noise As much as I love the Rock and the entertainment and activities they offer the noise level from the outdoor movie night was completely out of control! We could not hear our own music/television I love drive-in movies but why so loud? Shred screamed and I almost fell off my chair! Please work with us on this one it's doable.

ClientIP:
SessionID:
[See Current Results](#)

C20200113 - Police
C20200114 - Planning

Shirley Roberts

Subject: FW: Complaint Form-7900 Crystal Ridge

From: complaint@franklinwi.info <complaint@franklinwi.info>
Sent: Wednesday, May 27, 2020 1:43 PM
To: Lisa Huening <LHuening@franklinwi.gov>, Shirley Roberts <SRoberts@franklinwi.gov>, Sandi Wesolowski <SWesolowski@franklinwi.gov>, Aimee Schlueter <ASchlueter@franklinwi.gov>
Subject: Complaint Form

Date: 5/22/2020 to present
HomePhone: " "
WorkPhone: " "
EmailAddress: " "
SignatureofComplainant: " "
ActionFileNumber: C20200113-Police, C20200114-Planning
TaxKeyNumber: 744-8980-001
ReceivedBy: Shirley
DateReceived: 5-27-20
DepartmentComplaintReferredTo: Police and Planning
AldermanicDistrict: 2
NameandAddress: " "
ReportedAddressofViolations: Drive-in at Rock Ballpark Drive

SubjectofComplaint:

I have lived in my home for 40 years. It used to be like a park. It is terrible what has been allowed to disrupt my home all day for 5 to 8 hours daily. It is just as loud as the stadium and bands, which is awful. The volume needs to be turned down. My movies and the announcer is talking and honking is going on. And now it is for all afternoon and night. The announcer I can hear inside my home and the movie including swearing. There are a lot of kids that live around this place, how is that acceptable? We cannot hear the birds or enjoy our yard or be able to sleep well. This has to stop being so loud. Why does it have to be that loud? This is in a residential area. It used to be a parklike setting at my home, now it is not. How much money has the City given this project to destroy

ClientIP: " "
SessionID: " "
[See Current Results](#)

C20200115 - Police
C20200116 - Planning

Shirley Roberts

Subject: FW Complaint Form-7900 W Crystal Ridge

From: complaint@franklinwi.info <complaint@franklinwi.info>

Sent: Wednesday, May 27, 2020 2:13 PM

To: Lisa Huening <LHuening@franklinwi.gov>, Shirley Roberts <SRoberts@franklinwi.gov>, Sandi Wesolowski <SWesolowski@franklinwi.gov>, Aimee Schlueter <ASchlueter@franklinwi.gov>

Subject: Complaint Form

Date: 5/27/2020
HomePhone:
WorkPhone:
EmailAddress:
SignatureofComplainant:
ActionFileNumber: C20200115-Police, C20200116-Planning
TaxKeyNumber: 744-8980-001
ReceivedBy: Shirley
DateReceived: 5-27-20
DepartmentComplaintReferredTo: Police and Planning
AldermanicDistrict: 2
NameandAddress:
ReportedAddressofViolations: The Rock - Drive-In Movie Theatre

SubjectofComplaint:

Hello there - I am . . . the Rock . . . It never occurred to me that the new drive-in movie theatre would be a sound nuisance, because I assumed it would be relatively silent like the old days and only audible to the audience . (well, I'm dating myself here) But in any event, we were stunned and disappointed at the late-night loudness of the movie broadcast into our neighborhood, particularly because I'm . . . Beyond 11pm is unreasonable on a weekend, and beyond 10pm on a week night in my humble opinion. The police say there is a decibel meter at the Rock and that they are fined if they exceed a predefined limit Did they exceed that limit last weekend? If not, how do I advocate for the limits to be reduced? We want to welcome the economic activity, particularly one that facilitates social distancing and safety, but we also hope everyone can be good neighbors

ClientIP:

SessionID:

[See Current Results](#)

C2200125 - Plan

Shirley Roberts

Subject: FW Complaint Form-7900 Crystal Ridge

From: complaint@franklinwi.info <complaint@franklinwi.info>

Sent: Thursday, May 28, 2020 3:28 PM

To: Lisa Huening <LHuening@franklinwi.gov>, Shirley Roberts <SRoberts@franklinwi.gov>, Sandi Wesolowski <SWesolowski@franklinwi.gov>, Aimee Schlueter <ASchlueter@franklinwi.gov>

Subject: Complaint Form

Date: 5/22 to 5/27

HomePhone: ---

WorkPhone: ---

EmailAddress: ---

SignatureofComplainant: ---

ActionFileNumber: C20200125

TaxKeyNumber: 744-8980-001

ReceivedBy: Shirley

DateReceived: 5-28-20

DepartmentComplaintReferredTo: Planning

AldermanicDistrict: 2

NameandAddress: ---

ReportedAddressofViolations: Ballpark Drive

SubjectofComplaint:

The volume allowed at this location is hazardous. This is disruptive to the homes surrounding this development. The profanity and other inappropriate language being broadcast throughout the surrounding communities needs to be mitigated. The mayor stated at the meeting that people would be using earbuds, and "that the neighbors will not hear it." Well, it is clearly being broadcast. The sound monitors are not properly installed in the correct locations which should have used a scientific comprehensive sound study to determine locations. The sound study was a condition of the 2016 creation of the PDD that "must be met" according to the newspapers at that time as well as a couple dozen other requirements that was removed or amended to accommodate this development. The mayor stating that the airplane flying over is louder than this venue, clearly an airplane flying over a couple of times a day for 25 seconds is nothing like 4 to 8 hours of broadcast noise per day.

ClientIP:

SessionID: ---

[See Current Results](#)

C20200128 Planning

Shirley Roberts

Subject: FW Complaint Form-7900 Crystal Ridge Road

From: complaint@franklinwi.info <complaint@franklinwi.info>
Sent: Friday, May 29, 2020 12:13 PM
To: Lisa Huening <LHuening@franklinwi.gov>, Shirley Roberts <SRoberts@franklinwi.gov>; Sandi Wesolowski <SWesolowski@franklinwi.gov>, Aimee Schlueter <ASchlueter@franklinwi.gov>
Subject: Complaint Form

Date: May 29, 2020
HomePhone:
WorkPhone:
EmailAddress:
SignatureofComplainant:
ActionFileNumber: C20200128
TaxKeyNumber: 744-8980-001
ReceivedBy: Shirley
DateReceived: 5-29-20
DepartmentComplaintReferredTo: Planning
AldermanicDistrict: 2
NameandAddress:
ReportedAddressofViolations: 7900 Crystal Ridge Road, Franklin, WI 53132

SubjectofComplaint: When the theater first opened, every bit of sound BLARED throughout through a PA system. After a few days, the sound now comes LOUD and CLEAR through speakers. I hear all the music, people talking, animals howling and barking, etc. This goes on for hours every evening and sometimes afternoons. According to news articles, the sound was to come into cars only through a radio frequency—OR—are super loud speakers now being used to project the sound so people don't have to sit in their cars??? It is disgusting and irritating that the city of Franklin thinks more of one business owner than many of its tax paying residents. Anyone reading this should be very thankful they don't have a home in [redacted]. PS For some reason, the sound was much lower on Monday, May 25 and Thursday, May 28. Also, the sound comes through different parts of the neighborhood at different levels.

ClientIP:
SessionID:
[See Current Results](#)

C 20200146

Shirley Roberts

Subject: FW Complaint Form-7900 W Crystal Ridge

From: complaint@franklinwi.info <complaint@franklinwi.info>

Sent: Thursday, June 4, 2020 9 58 PM

To: Lisa Huening <LHuening@franklinwi.gov>, Shirley Roberts <SRoberts@franklinwi.gov>, Sandi Wesolowski <SWesolowski@franklinwi.gov>; Aimee Schlueter <ASchlueter@franklinwi.gov>

Subject: Complaint Form

Date: 6/4/2020

HomePhone: .

WorkPhone: .

EmailAddress: .

DateofIncident: 6/4/2020

TimeofIncident: 5 30

SignatureofComplainant:

ActionFileNumber: C20200146

TaxKeyNumber: 744 8980-001

ReceivedBy: Shirley

DateReceived: 6-5-20

DepartmentComplaintReferredTo: Planning

AldermanicDistrict: 2

NameandAddress: .

ReportedAddressofViolations: Rock sports complex / drive-in

SubjectofComplaint: The sound broadcast before the movie is very loud Could hear words to song in . . . Movie I can hear but presently do not understand words just mumbles, it is less wind now compared to at 5 30 Volume should be turned down for music also

ClientIP: .

SessionID: .

[See Current Results](#)

C20200157

Shirley Roberts

Subject: FW Complaint Form-7900 Crystal Ridge Drive

From: complaint@franklinwi.info <complaint@franklinwi.info>

Sent: Friday, June 5, 2020 10:56 PM

To: Lisa Huening <LHuening@franklinwi.gov>, Shirley Roberts <SRoberts@franklinwi.gov>, Sandi Wesolowski <SWesolowski@franklinwi.gov>; Aimee Schlueter <ASchlueter@franklinwi.gov>

Subject: Complaint Form

Date: 6/5/2020

HomePhone: _____

WorkPhone: _____

EmailAddress: _____

DateofIncident: 6/5/2020

TimeofIncident: 10:48 pm

SignatureofComplainant: _____

ActionFileNumber: C20200157

TaxKeyNumber: 744-8980-001

ReceivedBy: Shirley

DateReceived: 6-8-20

DepartmentComplaintReferredTo: Planning

AldermanicDistrict: 2

NameandAddress: _____

ReportedAddressofViolations: Ballpark Drive / Rock Drive In

SubjectofComplaint: The noise is extremely loud coming from the BPC area. Why does it need to be so loud? How does that help the revenue of this project? It does not change anything to turn all the venues down. The music and the movie or any other activity need to be turned down. Maybe if this development was a better neighbor more local people would attend.

ClientIP: _____

SessionID: _____

[See Current Results](#)

C20200107-G
C20200108-Police

Shirley Roberts

Subject: FW Complaint Form-7900 Crystal Ridge Road

From: complaint@franklinwi.info <complaint@franklinwi.info>
Sent: Tuesday, May 26, 2020 10:09 AM
To: Lisa Huening <LHuening@franklinwi.gov>, Shirley Roberts <SRoberts@franklinwi.gov>; Sandi Wesolowski <SWesolowski@franklinwi.gov>; Aimee Schlueter <ASchlueter@franklinwi.gov>
Subject: Complaint Form

Date: 5.26 2020
HomePhone: [REDACTED]
WorkPhone: [REDACTED]
EmailAddress: [REDACTED]
SignatureofComplainant: [REDACTED]
ActionFileNumber: C20200107-Planning, C20200108-Police
TaxKeyNumber: 744-8980-001
ReceivedBy: Shirley
DateReceived: 5-26-20
DepartmentComplaintReferredTo: Planning and Police
AldermanicDistrict: 2
NameandAddress: [REDACTED]
ReportedAddressofViolations: 7900 Crystal Ridge Rd, Franklin, WI 53132

SubjectofComplaint:

The noise from the drive in movie theater is excessive and occurs late into the night. It is so loud I can tell what movie is playing from my bedroom. I am [REDACTED] The noise made it hard to go to bed at a reasonable hour [REDACTED] this weekend when the movie was playing past 11pm I also have [REDACTED] who can hear the offensive language of the later movies which keeps them awake

ClientIP: [REDACTED]
SessionID: [REDACTED]
[See Current Results](#)

C20200194-Plan
~~C20200194~~
C20200196-Health

Shirley Roberts

Subject: FW Complaint Form7900 W Crystal Ridge Dr

From: complaint@franklinwi.info <complaint@franklinwi.info>

Sent: Saturday, June 20, 2020 7:29 PM

To: Lisa Huening <LHuening@franklinwi.gov>, Shirley Roberts <SRoberts@franklinwi.gov>, Sandi Wesolowski <SWesolowski@franklinwi.gov>, Aimee Schlueter <ASchlueter@franklinwi.gov>

Subject: Complaint Form

Date: 6/20/2020

HomePhone: -

WorkPhone: -

EmailAddress: -

DateofIncident:

TimeofIncident:

SignatureofComplainant: -

ActionFileNumber: C20200194-Planning, C20200196-Health

TaxKeyNumber: 744-8980-001

ReceivedBy: Shirley

DateReceived: 6-22-20

DepartmentComplaintReferredTo: Planning and Health

AldermanicDistrict: 2

NameandAddress: -

ReportedAddressofViolations: Umbrella Bar 7005 S Ballpark Drive Franklin, WI 53132

SubjectofComplaint: Umbrella Bar at Ballpark Commons is playing loud music that can be heard from over a mile away. Additionally, Franklin's website for COVID-19 says mass gatherings which includes concerts should be limited to 50 people or fewer, and there are also hundreds of people gathered for this concert. The Umbrella Bar is not following Franklin's guidelines for COVID-19. But I'm guessing Franklin will do nothing about this.

ClientIP: -

SessionID: -

[See Current Results](#)

SignatureofComplainant:
ActionFileNumber: C20200199
TaxKeyNumber: 744-8980-001
ReceivedBy: Maggie
DateReceived: 6/30/2020
DepartmentComplaintReferredTo: Planning
AldermanicDistrict: 2
NameandAddress:
ReportedAddressofViolations: Umbrella Bar Ballpark Commons 7005 S Ballpark Drive Franklin, WI 53132
Cover band is playing at the Umbrella Bar at Ballpark Commons and I can hear every word to every song I live from this concert I shouldn't be abou to hear anything Are they following Franklin's Health Department guidelines for mass gatherings?
SubjectofComplaint:
ClientIP:
SessionID:
See Current Results

C20200237

Shirley Roberts

Subject: FW Complaint Form-7900 Crystal Ridge

From: complaint@franklinwi.info <complaint@franklinwi.info>

Sent: Monday, July 13, 2020 12:30 PM

To: Lisa Huening <LHuening@franklinwi.gov>, Shirley Roberts <SRoberts@franklinwi.gov>, Sandi Wesolowski <SWesolowski@franklinwi.gov>, Maggie Poplar <MPoplar@franklinwi.gov>

Subject: Complaint Form

Date: 7/13/2020

HomePhone: [REDACTED]

WorkPhone: [REDACTED]

EmailAddress: [REDACTED]

DateofIncident: 7/12/2020

TimeofIncident: noise until 11:05 PM

SignatureofComplainant: [REDACTED]

ActionFileNumber: C20200237

TaxKeyNumber: 744 8980-000

ReceivedBy: Shirley

DateReceived: 7-13-20

DepartmentComplaintReferredTo: Planning

AldermanicDistrict: 2

NameandAddress: [REDACTED]

ReportedAddressofViolations: The Rock / Ballpark Commons 7900 Crystal Ridge / Ballpark Drive

The excessive noise leaving this property is detrimental to the families for miles around this facility as well as the public parks. It impacts the quiet enjoyment of the parks and is a health hazard
<http://www.noiseoff.org/document/who.summary.pdf> "noise pollution, which has profound public health implications. Noise pollution creates a need for action at the local level, as well as for improved legislation and management. Urban noise pollution produces direct and cumulative adverse health effects by degrading residential, social, working, and learning environments with corresponding real (economic) and intangible (well-being) losses. The World Health Organization has documented seven categories of adverse health effects of noise pollution on humans." "In residential populations, combined sources of noise pollution will lead to a combination of adverse effects." Allowing this facility to be detrimental to the health of the community members is irresponsible.

SubjectofComplaint:

ClientIP: [REDACTED]

SessionID: [REDACTED]

[See Current Results](#)

C20200244-
Planning

Shirley Roberts

Subject: FW Complaint Form-7900 Crystal Ridge Drive

From: complaint@franklinwi info <complaint@franklinwi info>
Sent: Thursday, July 16, 2020 8 02 AM
To: Lisa Huening <LHuening@franklinwi gov>, Shirley Roberts <SRoberts@franklinwi gov>, Sandi Wesolowski <SWesolowski@franklinwi gov>, Maggie Poplar <MPoplar@franklinwi gov>
Subject: Complaint Form

Date: 7/16/2020
HomePhone:
WorkPhone:
EmailAddress:
DateofIncident:
TimeofIncident:
SignatureofComplainant:
ActionFileNumber: C20200244
TaxKeyNumber: 744-8980-001
ReceivedBy: Shirley
DateReceived: 7-16-20
DepartmentComplaintReferredTo: Planning
AldermanicDistrict: 2
NameandAddress:
ReportedAddressofViolations: 7900 Crystal Ridge Rd Franklin, WI 53132
SubjectofComplaint: There was a voice talking on and off from the PA system at Ballpark Commons earlier this morning for about 10 minutes
ClientIP:
SessionID:
[See Current Results](#)

C 2020 0248

Shirley Roberts

Subject: FW Complaint Form-7900 Crystal Ridge

From: complaint@franklinwi.info <complaint@franklinwi.info>
Sent: Thursday, July 16, 2020 4:37 PM
To: Lisa Huening <LHuening@franklinwi.gov>, Shirley Roberts <SRoberts@franklinwi.gov>, Sandi Wesolowski <SWesolowski@franklinwi.gov>, Maggie Poplar <MPoplar@franklinwi.gov>
Subject: Complaint Form

Date: 7/16/2020
HomePhone: [REDACTED]
WorkPhone: [REDACTED]
EmailAddress: [REDACTED]
DateofIncident: 7/16/2020
TimeofIncident: 7.10
SignatureofComplainant: [REDACTED]
ActionFileNumber: C20200248
TaxKeyNumber: 744-8980-001
ReceivedBy: Shirley
DateReceived: 7-16-20
DepartmentComplaintReferredTo: Planning
AldermanicDistrict: 2
NameandAddress: [REDACTED]
ReportedAddressofViolations: Rock Sport Complex 7900 Crystal Ridge

SubjectofComplaint: I have lived in my home for over ~~many~~ years. This is a public nuisance. I was awakened by someone talking over the loudspeakers at this facility this morning. This impacts my quiet enjoyment, my sleep and health. And scares away all the animals and birds by how loud it is. Why was there broadcast noise at 7:10 am. This is not acceptable. All the noise coming ~~from the facility~~ has to stop. And the late hours and people talking on the system and blaring music late into the night.

ClientIP: [REDACTED]
SessionID: [REDACTED]
[See Current Results](#)

C20200249

Shirley Roberts

Subject: FW Complaint Form-7900 W Crystal Ridge

From: complaint@franklinwi.info <complaint@franklinwi.info>

Sent: Friday, July 17, 2020 10 12 AM

To: Lisa Huening <LHuening@franklinwi.gov>, Shirley Roberts <SRoberts@franklinwi.gov>, Sandi Wesolowski <SWesolowski@franklinwi.gov>, Maggie Poplar <MPoplar@franklinwi.gov>

Subject: Complaint Form

Date: 7/17/2020

HomePhone: [REDACTED]

WorkPhone: [REDACTED]

EmailAddress: [REDACTED]

DateofIncident: 7/16/2020

TimeofIncident: 7 10 AM

SignatureofComplainant: [REDACTED]

ActionFileNumber: C20200249

TaxKeyNumber: 744-8980-001

ReceivedBy: Shirley

DateReceived: Shirley

DepartmentComplaintReferredTo: Planning

AldermanicDistrict: 2

NameandAddress: [REDACTED]

ReportedAddressofViolations: Rock Sports Complex / Ballpark Commons

SubjectofComplaint:

PA system was being used at BPC @ 7.12 AM Thursday I called police How is that acceptable to wake people? The absurd thought that something is not a legitimate complaint because it does not last for 30 minutes is irresponsible This broadcast announcer woke many people in the area up BPC impacts the ability to sound sleep in morning and evenings and destroys quiet enjoyment of our properties The WHO "The adverse health effects of noise pollution are numerous, pervasive, persistent, and medically and socially significant These adverse effects represent a significant public health problem that can lead to social handicaps, reduced productivity, impaired learning, absenteeism, increased drug use, and accidents " BPC should not be able to cause health issues for surrounding homes Period How does it help financially to have it so loud? Project was failing before Covid PC 3/5/2020 "feasibility issues" "revenue issues" "construction cost cutting" were all stated by BPC group

ClientIP: [REDACTED]

SessionID: [REDACTED]

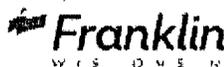
[See Current Results](#)

Regulo Martinez-Montilva

From: Rick Oliva
Sent: Thursday, August 20, 2020 3:41 PM
To: Regulo Martinez-Montilva
Subject: RE: Drive-in Theater

We had 6 complaints in May and none since

Rick Oliva
 Chief of Police
 Franklin Police Department
 9455 W Loomis Road
 Franklin, WI 53132
 (414) 425-2522
 police@franklinwi.gov



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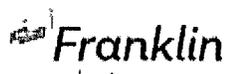
From: Regulo Martinez-Montilva
Sent: Thursday, August 20, 2020 3:15 PM
To: Rick Oliva <ROliva@franklinwi.gov>
Cc: Heath Eddy <HEddy@franklinwi.gov>
Subject: Drive-in Theater

Chief Oliva,

We have a public hearing tonight about the Milky Way Drive-in Theater. Has the Police Department received any noise complaints recently?

Thank you,
Régulo Martínez-Montilva, AICP
 Associate Planner - Department of City Development
 City of Franklin
 9229 W Loomis Road
 Franklin, WI 53132

Phone (414) 425-4024 / 427-7564
RMartinez-Montilva@franklinwi.gov



Call# _____
 Initial CFS _____
 Reported Location _____
 CSZ _____

Case# Generate **C**
 Received Source P Phone
 Reported 05/23/2020 18:09:23

Caller reports loud music and someone speaking on a microphone from the area south of her residence. Caller states it was going on last night until 2300hrs and is starting again tonight. Dispo: Officer did not hear any excessive noise upon his arrival. After speaking with the caller it was determined the noise may have come from The Rock in Franklin. Caller advised to call our department if they are able to provide a more specific location of the noise.

Call# _____
 Initial CFS _____
 Reported Location _____
 CSZ _____

Case# Generate
 Received Source P Phone
 Reported 05/23/2020 22:28:48

Caller contacted FRPD reference loud noise coming from The Rock complex told to contact our department. Dispo: Officer determined sound was coming from the new drive in theater. However, the sound could only be detected when officer's squad was turned off and window was down.

Call# _____
 Initial CFS _____
 Reported Location _____
 CSZ _____

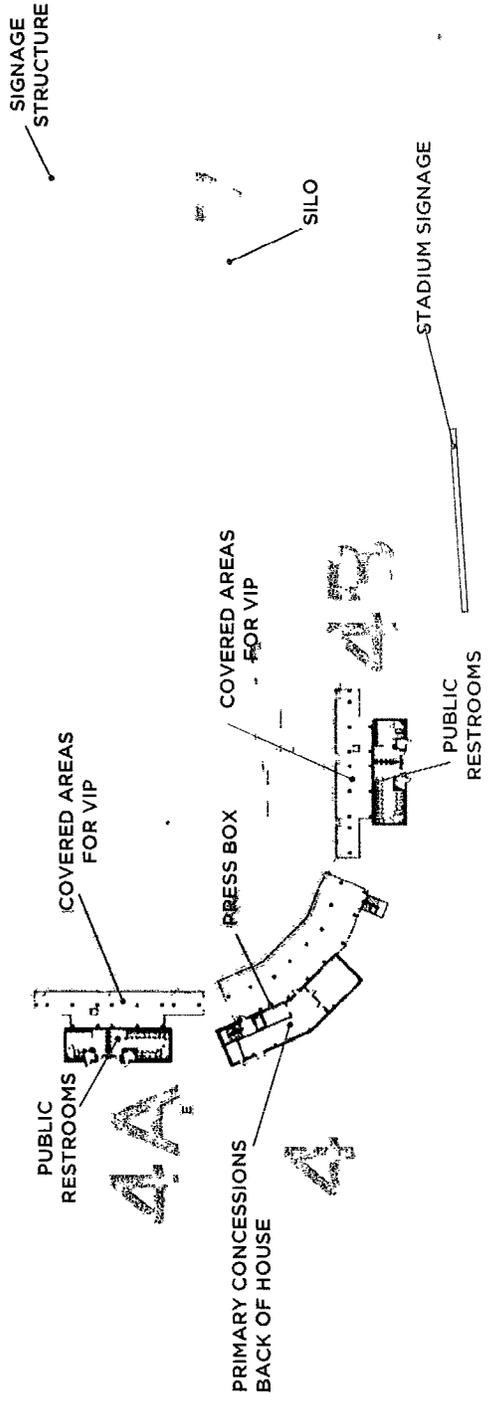
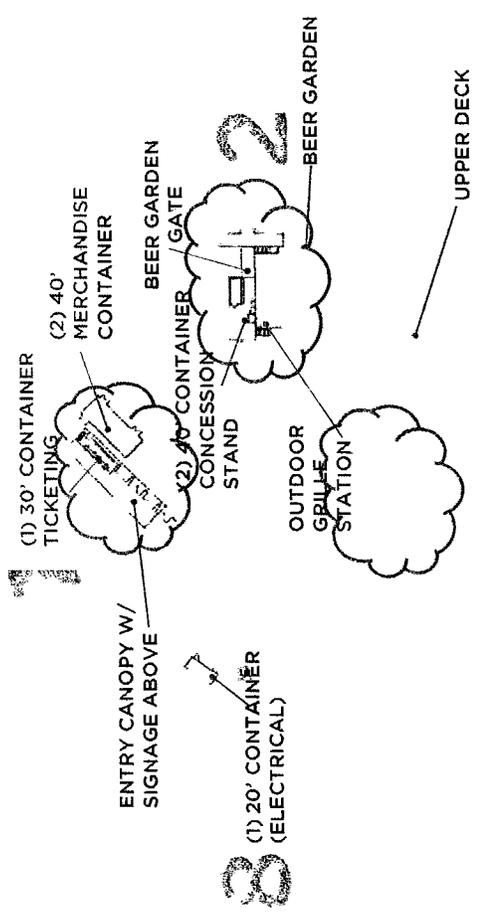
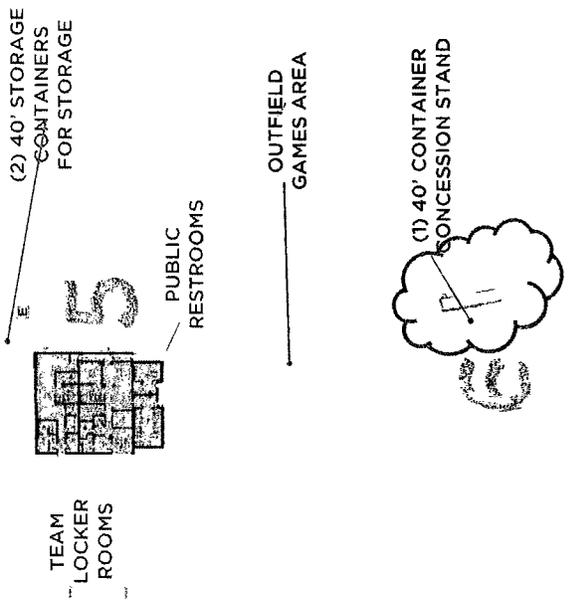
Case# Generate
 Received Source P Phone
 Reported 05/23/2020 23:25:41

Caller reports calling FRPD reference noise from the The Rock Complex, was told to contact our department. Dispo: Officer responded and could hear noise coming from the reported area. The noise level was found not to be excessive.

Call# _____
 Initial CFS _____
 Reported Location _____
 CSZ _____

Case# Generate
 Received Source P Phone
 Reported 05/24/2020 0:37:50

Caller reporting a noise complaint for the Rock as well as the traffic complaint for vehicles turning down the wrong streets, and is concerned about traffic accidents that could occur during this time. Dispo: Officer responded and did not hear any noise on arrival. Most vehicles left before Officer arrival. Caller is worried with how fast vehicles are leaving the Rock. Attention 2nd and 3rd shift.



(N)

group

Regulo Martinez-Montilva

From: Tom Johns <tomj@rocventures.org>
Sent: Thursday, August 20, 2020 12:30 PM
To: Regulo Martinez-Montilva
Cc: Heath Eddy
Subject: Re: Milky Way Drive-in Theater

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Regulo,

The tweaks have been a collection of minor adjustments that work together to mitigate the noise. We actively monitor the sound levels, as well as work with qualified personnel to make sure we are on top of it as we know it to be a sensitive issue. I'm very glad to hear that there have been no more complaints.

We're looking forward to tonight as well.

Best,

TJ

From: Regulo Martinez-Montilva <RMartinez-Montilva@franklinwi.gov>
Date: Wednesday, August 19, 2020 at 2:36 PM
To: Tom Johns <tomj@rocventures.org>
Cc: Heath Eddy <HEddy@franklinwi.gov>
Subject: Milky Way Drive-in Theater

Tom,

I am looking forward to the public hearing tomorrow. One question: We received several noise complaints during the two first weeks of operation of the Milky Way Drive-in Theater (May 22-June 5) but we have not received more complaints on this matter since then. What measures did the operator take to mitigate the noise?

Thank you,
Régulo Martínez-Montilva, AICP
Associate Planner - Department of City Development
City of Franklin
9229 W Loomis Road
Franklin, WI 53132

Phone (414) 425-4024 / 427-7564
RMartinez-Montilva@franklinwi.gov



F

Heath Eddy

From: DANA KERR <KerrConsulting@msn.com>
Sent: Thursday, August 20, 2020 5:00 PM
To: Daniel Mayer, Mark Dandrea, leonpl@hotmail.com, hogiehouse@live.com, adam.burckhardt@live.com, Glen Morrow, Jesse Wesolowski, Heath Eddy, Sweslowski@FranklinWI.gov, Heath Eddy, Scott Satula, kevinHaleyLA@gmail.com
Subject: Public Hearing Planning Commission Drive-In Movie
Attachments: OnlineComplaintsBPC.pdf

Dear members of the Planning Commission and City staff, please include my comments in the online record for this public hearing

Dana Gindt 9011 West Hawthorne

I am requesting that the permanent approval for the drive-in movie theater be rejected and tabled until further information can be supplied. I am requesting several other conditions of any further consideration of this approval as noted below.

To clarify a couple of items. I see the packet includes the statement that 7 online complaints were filed the first couple of days of events. Attached is a report indicating there are 10 online complaints for that period and 12 for the following weeks. I have attached the actual online complaints so you can review the comments including that profanity is being broadcast until nearly 1:00 AM into the surrounding homes. Broadcasted profanity was so loud it was reaching inside the structures of homes miles away. Citizens on Facebook were complaining for miles in every direction. Did this reach the City threshold for a "material violation"? It was offensive and yet what were the consequences? There are 2 to 3 movies daily creating multiple hours of noise pollution including R-rated movies. Also attached are the police reports for this development for that timeframe. I think to understand the issues this information should be reviewed. Just listing that there were 7 online complaints is not fully informative. The police calls for this same time period should also be reviewed for the impact from this movie venue.

Before approving the special use for this I am requesting that each of you should personally walk the neighborhoods in Franklin and Greendale to hear the impact on the homes and families surrounding this facility. And please do further research into the impact on sound pollution. The sound is impacted by the direction of the wind, better controls need to be implemented requiring a scientific evaluation of this facility. I appreciate the PC members that did come to my neighborhood, the facility was about half the normal volume of most other nights, including the night before. But I sincerely appreciate and respect the time and effort of those representatives.

I am requesting the following:

- 1) This item be tabled until the Comprehensive Sound Study is completed which was a requirement of this PDD.
- 2) No spot lights. No other uses should be allowed at the Milkway facility. Spotlights are proposed for on this packet for "special events." This should not be approved. Any other uses other than a drive-in MOVIE should require a separate application and separate public hearing with detailed plans.
- 3) All music, announcers, previews, the featured movie, and any/all other activities need to utilize an am/fm radio frequency and/or digital apps. NO BROADCASTING or amplification device should be used for any activity.

during, after or before the movie or any other activity at this venue. That is what the mayor stated would be happening for this venue at the approval on 5/19/20 That is not what has been happening for nearly 110 days.

4) Hours of operation: the PC packet of information on bottom page 1 indicates hours of operation from 5 to 11 pm How can this be accurate when there are movies that start at 3:00 pm and others that START 10:30 pm The last movie of the night should start at 9:00 PM or earlier. That would help address some of the noise / traffic

5) It is stated throughout this packet there are **no undue adverse impacts** or interference with surrounding areas and citizens This is clearly incorrect Dozens of citizens have voiced concerns about this facility keeping children and families awake, disrupting sleep, destroying the quiet enjoyment of our yards and homes That is significant adverse impact and is a public nuisance under City Ordinance 178.

6) The financials for this project should be examined prior to giving any further permanent approvals In my opinion, the Development agreement is not being followed and is in non-compliance The document mandates \$20 million dollars of added assessed value by the end of 2018, there was \$2 million For the end of 2019 it was required to have \$50 million dollars of added value By the end of 2020 it was required to have \$94 million The developer is presently in court challenging the low assessed value already per the City Finance meeting July 2020. Why not make it a condition of any additional funding that the volume is turned down to meet the 50 decibels of the residential neighborhood and then to 45 decibels after 10 pm? And that any and all activities at the drive in area are exclusively using digital apps and am/fm radio frequencies

A comprehensive Sound study was a condition of the approval and creation of this development in 2016 which has now become primarily an entertainment venue creating a public nuisance to the thousand surrounding citizens. It is clear that the City of Franklin shows little interest in protecting the neighborhoods or other uses surrounding this development based on the following information

Back to the public nuisance of noise pollution According to the City of Franklin website - [https://www.franklinwi.gov/Files/Business/RockBallparkCommons/Ballpark Commons FAQs 5-7 2019.pdf](https://www.franklinwi.gov/Files/Business/RockBallparkCommons/Ballpark%20Commons%20FAQs%205-7%202019.pdf). The following narrative is included verbatim

"What is the status of the light and sound study? There is not a requirement or condition for sound and light mitigation. There was, but is no longer, a requirement for a light and sound study That condition of the PDD was removed by the Common Council at its June 19, 2018 meeting during its review and approval of a Major PDD Amendment **The removal of the condition has little practical effect because changes to the lighting and sound systems have already been implemented to minimize impacts to the neighborhoods.** BPC must abide by the City's standard sound and light regulations, and the developers agreement with Milwaukee County."

This was POSTED as noted on the information 5-7-2019 That was over a month BEFORE the stadium was opened for the first time and was BEFORE the concert series started at the umbrella bar so HOW was it mitigated when the system was not operating? The statement that this has LITTLE practical effect is offensive. The health of hundreds of families in all directions are impacted plus property values Sound is listed as the second most hazardous pollution in the world today by World Health Organization and several other institutions Exhibit C of the City Development Agreement states "NOISE and LIGHT MITIGATION PLAN" and indicates 1) 2017/2018 Noise and Light Mitigation Plan How can there be a mitigation plan in 2017 or even 2018 when there is no stadium? This document says MITIGATION The first step in mitigation is measuring the problem that needs to be reduced So how can the City say on 5-7-2019 that there is no requirement or condition of sound and light MITIGATION **"Residents in the communities of Franklin and Greendale have expressed concerns regarding noise and light levels at and beyond the Project Boundaries"**

It is the SECOND sentence of Exhibit C in this PC packet. This issue has been clear since 2013. It is not a surprise or some new issue, and yet the City continues to allow more and more noise pollution venues to be added. The movie theater being allowed to broadcast movies, announcements, music by any other activity other than an am/fm radio frequency and digital apps should not be approved.

Also, exhibit C included in this PC packet indicates 1) 2017/2018 Noise and Light Mitigation Plan - there is NO information about the sound system ANYWHERE. Only the light design is included. Exhibit C also indicates ABATEMENT BOUNDARIES. The definition of abatement is an ending of something (like abatement of asbestos - it is the removal of that substance so the noise should end at that boundary not be allowed at such an excessive level. All other residential areas in Franklin have 50 decibels as the maximum sound in the entire neighborhood as indicated on table 15-3 1107 noted in the PDD for this development. That is not the case here. The excessive 79 decibels which was in my opinion, approved under misrepresentations by the developer at public meetings that the County did a Sound study and used data and approved 79 decibels. All of which is inaccurate. Mitigation is the lessening of the severity of something. Again, the comment that there was no mitigation requirement is misleading and misrepresenting this condition and dozens of others that "must be met" to move forward per the City Planner in 2016 in a Milwaukee Journal article. How was proper mitigation completed or even appropriate placement of monitors without scientific research into the sound contours of the property? I can tell you antidotally from years of experience of noise from this project, that the sound is louder 1/2 mile away than it is at the monitor on the boundary line. Monitors are installed 1,000' to 2,500' away from the source. How can that be a meaningful or relevant measurement when no science was involved in their placement?

I am predicting that the drive-in theater will be approved since hundreds of major amendments and special exceptions have been made for this project. In my opinion, the City is so over subsidized in this project it is incapable of enforcing their own ordinances or standards created to create integrity of process. Simply because in my opinion the City "HAS to make this project work". And appears to desperately try to do that by whatever means possible even to the detriment of the taxpayers and the neighbors.

The City's excessive concentration on over 2/3 of the ENTIRE City Debt related to developments is in this ONE development. As indicated in the 2019 CAFR. As discussed at the City Finance meeting last month, the developer involved in a lawsuit challenging the assessed value of this project despite it being significantly lower than what was committed to in the Development agreement. The mandated \$50 million of added assessed value by the end of 2019 is significantly short, this was before the pandemic. And \$94 million by the end of 2020. This TID requires a debt service payment which was discussed during the Finance Committee July 28, 2020 to have over 1/2 million dollars needed to come out of the General Fund to make this interest only debt service payment. In the meantime, the developer is selling off development pads but appears unable to make payments. Such as the Impact Fees for this project that were delayed and reduced substantially (\$165,000) per the Finance meeting and still the payment due July 1, 2020 was not made. Multiple citizens over the years with financial expertise have expressed concerns that this project is not feasible financially, the Finance Committee indicated "the developer said that he is generating less than \$1 million dollars in revenues on those recreation fields on an annual basis". Clearly this was before the pandemic in 2019. Many believed this would be a burden on taxpayers. Most of the citizens, myself included, did not realize it would also be allowed to become a public nuisance.

Included in the above attachment are 3 official City of Franklin online complaints regarding the amplified announcer being broadcast at 7:10 AM on 7/16/2020. This was the morning after the Audit Committee approval of the Comprehensive Sound Study resolution for this facility and the morning that former Supervisor Taylor / former Alderman Taylor said that this facility should "TURN IT UP" on Facebook. So although it woke

up people in this neighborhood from a sound sleep it is not considered a "violation" *A violation will be considered material if it represents a complaint filed with the operator or the City of Franklin and is evidenced in the monitoring data logs by an exceedance (Trigger Event) that is not permitted and is not corrected and remediated within 30 minutes of the Trigger Event*

Clearly this is not a realistic, reasonable parameter for sound intrusion into the surrounding areas. Below is the Resolution approved by the County Board 17-2-1 excused. Clearly Milwaukee County has concerns about the level of noise at this location and the adverse impact of the noise pollution on the surrounding areas. In my opinion, this entire project since 2016 has been lacking details regarding the sound system, sound plan and addressing the concerns of neighbors which was a requirement of the PDD.

<https://milwaukeecounty.legistar.com/View.ashx?M=F&ID=8685867&GUID=6F35D67A-AEC7-4760-A62D-976788943296>

Before approving the special use for this I am requesting that each of you should personally walk the neighborhoods in Franklin and Greendale to hear the impact on the homes and families surrounding this facility. And please do further research into the impact on sound pollution. The sound is impacted by the direction of the wind, better controls need to be implemented requiring a scientific evaluation of this facility. I appreciate the members that did to come to my neighborhood, it was about half the normal volume.

Please help me protect my children and the parks and other 1,000 citizens around this facility. I appreciate your consideration,
Dana Gindt

Below is some information for reference.

This table is referenced in PDD for this development. Table 15-13.1107.

Maximum Permitted Sound Levels in All Zoning Districts At no point either on the boundary of a zoning district or site boundary line shall the sound level of a use exceed the decibel level shown in Table 15-3 1107(C) for the zoning districts indicated.

Table 15-3.1107(C)

Zoning District	Maximum Permitted Sound Levels in dBA by Zoning District	
	Maximum Permitted Sound Level (dBA) 7:00 a.m. - 10:00 p.m.	Maximum Permitted Sound Level (dBA) 10:00 p.m. - 7:00 a.m.
All Agricultural, All Residential, B-1 and I-1 Districts	50	45
B-2, B-3, B-4, and B-5 Districts	65	60
B-6, CC, and VB Districts	55	50
M-1, M-2, BP, and L-1 Districts	65	65
P-1 District (Ski Hill & zoning of PDD)	55	55
AO Airport Overlay District	65 (also see § 15-3 0607)	65 (also see § 15-3 0607)
FW, FC, FFO, and SW Districts	45	40

Further evidence that the decibel level should be 55 decibels or less at the zoning boundary / site boundary line is noted below 6/19/18 Common Council meeting Packet 5 of 5 Removal of Comprehensive Sound Study and creation of 79dBA regarding the inappropriately selected ordinance https://www.franklinwi.gov/Files/Agendas/June2018/CC_Mtg_Packet_5of5_6192018.pdf Pages 18 & 19 City of Franklin Planning Manager, Joel Dietl, comments / report, **Comprehensive Sound Study**

The applicant is not proposing to undertake a Comprehensive Sound Study as currently required by condition #2 of the PDD No 37 Ordinance. Rather, the applicant has indicated that they will comply with the sound standards and enhancements as agreed upon with Milwaukee County. However, the sound standards and enhancements currently proposed by the applicant

- **Incorrectly indicates that the City's noise limit is 79 dBA.**
- Pursuant to Section 15-3 1107 of the UDO, the P-1 zoning district (which is the underlying zoning district for The Rock Sports Complex) maximum permitted sound level is **55 dBA**.
- Do **not** identify the specific location of the sound meters required by the agreement with Milwaukee County
- Do **not** indicate the type, location and orientation of all sound systems and speakers
- Do **not** identify the anticipated sound levels associated with the various significant activities proposed at The Rock Sports Complex.
- Do **not** identify the **anticipated sound levels at the nearest residential homes**
- Therefore, staff recommends that the applicant prepare a Comprehensive Sound Study for review and approval by the Common Council, as required by condition number 2 of the PDD No 37 ordinance, and that plan incorporate
 - o establishment of a maximum sound limit of 55 dBA for The Rock Sports Complex, subject to findings of the Study, and approval by the Common Council,
 - o a comprehensive sound level analysis incorporating all significant activities proposed at The Rock Sports Complex.
 - o details of the type, location, orientation, etc., of all sound systems and speakers;
 - o that any alterations or corrections to the approved Comprehensive Sound Study shall to this be completed, and independently verified, prior to the conduct of any new or revised activities at The Rock Sports Complex.

<http://www.noiseoff.org/document/who.summary.pdf>

"As the population grows, there is increasing exposure to noise pollution, which has profound public health implications. Noise pollution creates a need for action at the local level, as well as for improved legislation and management. Urban noise pollution produces direct and cumulative adverse health effects by degrading residential, social, working, and learning environments **with corresponding real (economic) and intangible (well-being) losses**. The World Health Organization has documented seven categories of adverse health effects of noise pollution on humans."

"In residential populations, combined sources of noise pollution will lead to a combination of adverse effects, such as sleep disturbances, cardiovascular disturbances, interference at work, school, and home, and annoyance, among others."

"The adverse health effects of noise pollution are numerous, pervasive, persistent, and medically and socially significant. These adverse effects represent a significant public health problem that can lead to social handicaps, reduced productivity, impaired learning, absenteeism, increased drug use, and accidents."

<http://www.noiseoff.org/> *Noise pollution is human-created sound that has the effect of being annoying, distracting, painful, or physically harmful. It is a public health issue that is adversely affecting the lives of*

millions of people throughout the world People continuously exposed to noise experience elevated stress levels, mood swings, lost sleep, diminished productivity, hypertension, depression, and hearing loss In children, it results in slowed learning

Heath Eddy

From: Sandi Wesolowski
Sent: Thursday August 20, 2020 2:38 PM
To: Steve Olson, Heath Eddy
Cc: Jesse Wesolowski
Subject: FW: Public Hearing Comments for Plan Commission Meeting tonight, 8/20

From: Andy and Becky Kleist <abcdkleist@gmail.com>
Sent: Thursday, August 20, 2020 2:21 PM
To: Sandi Wesolowski <SWesolowski@franklinwi.gov>
Subject: Public Hearing Comments for Plan Commission Meeting tonight, 8/20

Good afternoon,

Please read ALL my comments into the public record at tonight's Plan Committee meeting and be sure to INCLUDE online. Please do not edit or omit any of my comments – Thank you!

Andy Kleist -- 6025 Parkview Rd -- Greendale, WI

As a resident of Greendale and neighbor to The Rock Sports Complex, I ask that you reject the special use application for the Milky Way drive-in movie theater.

Tonight's report to the Plan Commission states that there were only 7 complaints on opening weekend. However, I would like the public record to reflect that many surrounding residents did not officially file complaints but took to social media to complain about the noise across several personal and community-based Facebook pages. I personally read at least 50 negative comments about the noise.

If the plan is to operate a drive-in theater for as many months as possible, I ask that ALL music, announcements, and sound be broadcast ONLY on an AM/FM radio signal or through a digital app. Surrounding residents such as myself do NOT need the additional increase in noise to what we already have forced upon us.

Additionally, tucked away in this proposal is the addition of 4 spotlights to the screen surround for "special occasions." Tonight's proposal is only to approve the Milky Way drive-in as a special use. The addition of spotlights for "special occasions" is a completely different use of this space and should NOT be approved tonight. The developer should specifically define what "special occasions" the spotlights are going to be used for, and then come back to the plan commission for approval and ample time for the public to comment regarding the "special occasions" and use of those spotlights. The developer clearly has a plan for them, and it is not related to the Milky Way drive-in theater. I ask the Plan Commission to reject and table the addition of spotlights in tonight's proposal.

In the Plan Commission packet there is a document titled Division 15-3 0700 Special Use Standards and Regulations. Question #2 in this document asks about "No Undue Adverse Impact." The developer's response to this question is that "*The proposed use and development poses no undue adverse impact on the surrounding areas, structures, or citizens.*" That statement is a complete lie. There are hundreds of official complaints filed with the City of Franklin as well as hundreds of social media complaints dating back to 2013 about the undue adverse impact this development has on the surrounding area and citizens. There is more noise and activity at this development now than ever before, so stating there is no impact to the surrounding area and citizens is insulting. Clearly, the developer has little empathy, respect, or regard for anyone living within 2-3 miles of this development.

Mayor Olson stated at the May 19th Common Council meeting that *"The sound for the movie is going directly inside the cars. There is NO loudspeakers other than the small amount of ambient sound so people going to the refreshment stand or bathrooms can hear the movie. That's it. It is not what we are used to at the stadium, so the neighbors are not going to hear it"* (audio timestamp 2,29,45 minutes)

If that is true, then why did I clearly hear music and an announcer speaking over the course of about 20-30 minutes just last week until 11:30pm from over a mile away at my home? Would you please answer the following questions tonight: Is there a PA system being used before and after the movies to play music and make announcements? Is the music and announcements absolutely necessary to the operation of the drive-in theater? If so, then why can't that be broadcast over an AM/FM radio signal or through a digital app? Why is it so important to play music on loudspeakers so that all the surrounding residential areas must put up with that additional noise, especially that late at night?

Again, I ask that you reject the special use application, as well as the proposal for additional spotlights until the comprehensive sound study, as recently required by Milwaukee County, can be conducted over a period of time when this development is fully up and running. There are undue adverse impacts, so please do not continue to dismiss me, my family, and the 1,000+ families surrounding this development.

Thank you for your time

Andy

Heath Eddy

From: Bernie Carreon <berncarreon@gmail.com>
Sent: Thursday, August 20, 2020 12:59 PM
To: Mark Dandrea, kevinhalevLA@mail.com, leonpl@hotmail.com, hogiehouse@live.com, adam.burckhardt@live.com, Glen Morrow, Jesse Wesolowski, Daniel Mayer, Heath Eddy, John Nelson, Kristen Wilhelm, Shari Hanneman, Sweslowski@franklinwi.gov, protzenberg@franklinwi.gov, Scott Satula, Staskunas, Anthony
Subject: Planning Commission Meeting Concern

Hello,

It's come to my attention that the Planning Commission is considering a permanent permit for the Drive-in Theater at Ballpark Commons. This is a grave concern for my family as there is little current control over the sound coming from Ballpark Commons and not enough information about how the sound behaves once it leaves the premises. On many nights, we can still hear it clearly in our bedrooms - even with the windows closed.

We live at 6928 S 90th St in the Hawthorne Neighborhood. Our bedroom windows are approximately a mile from home plate, but since the opening of the stadium, on many days and nights we can hear the announcers and music clearly in our bedrooms at night - even with the windows closed. Sometimes it is not as bad - last night for example, however, Tuesday this week was another example where we could hear it as we lay in bed trying to sleep. The sound is not being mitigated on a consistent basis and we should not depend on the weather and wind to protect us.

Max, my son age 9, spoke to the Common Council about this concern over a year ago and we have made multiple complaints, but the Police will not follow through. I asked what they would do if a neighbor was keeping us up and they said they would contact that neighbor and stop it, however, they have been directed to not respond to noise complaints about Ballpark Commons and say I should reach out to you instead.

I am asking you on behalf of Max, my daughter Mia, and wife Bao to please not give a permanent permit for the Drive-in and please study how the sound has affected families since the Ballpark opened before making more decisions that will unfortunately harm myself and my children. This is not an exaggeration and we are an honest family - any insinuation otherwise is incredibly hurtful.

I am asking you as a father to please help our family and help protect them in any way you can from the noise that we hear in our homes at night.

Sadly, instead of seeking simple solutions by turning the speakers in right field so they are facing down or reducing the volume to a level that is good for both the fans and neighbors, the developer Michael Zimmerman and his employees take to social media to deny there is a problem and claim they have reached out to us to help. Any claim by the developer that he has been working directly with the neighbors in the Hawthorne neighborhood to reduce the sound is false. He has never reached out to our family.

My son, Max, loves baseball. Unfortunately now he will never go to a game there as that's an organization that has hurt him and shown no concern about it. Since coming to speak to the common council he also no longer trusts that the government is there to help him. Please help remedy this by not giving a permanent permit to the drive-in and seeking remedies to the current sound issues first. Please call me with concerns/questions. You are welcome to come and hear how loud it is at times. Max would want to talk to you too. I reached out to Mayor Olson over a year ago via email to please meet with Max. Mayor Olson replied that he would not talk to Max about the issue and nothing would be done. This has been heartbreaking for us.

Thanks,
Bernie Carreon
414 651 -5944

Heath Eddy

From: Joy Draginis-Zingales <bellissimadesign@icloud.com>
Sent: Thursday, August 20, 2020 10:43 AM
To: Heath Eddy
Subject: outdoor theatre BPC/Rock

I am asking this be read into record

I ask you take into consideration my concerns and modify the particulars of the Drive-in outdoor movie theatre on the agenda for tonight's meeting. As you are fully aware there have been some issues and concerns regarding the amount / volume of noise and at times the vulgar language coming from the movies playing at the Rock/BPC. As with other communities who have recently added out-door theaters, I ask you limit the broadcasting of the movies, as well as the before and after announcements/music to be done over the am/fm radios of the patrons cars or on a hand held device. With all of the technology of today there truly is no need for such noise to be broadcast on outdoor sound systems, thus mitigating the impact and disturbance to the surrounding neighbors. I also see the last movie can start somewhere between 10:00 pm and 10:30 pm, isn't this to be shut down at 11:00 pm according to your own ordinances? If I am incorrect on this, please send me the correct documentation so as to have this for my records.

I am also seeing on the application, the developer is asking for spot lights at this outdoor location. As I am unsure as to why this would be needed, I can tell you there is plenty of lighting at this facility already, it can be seen for miles. In fact there was an agreement, mitigation and many conversations regarding the impact of the current lighting as well as a "promise" from the developer to turn off all lighting if there are no games going on any particular field or within 30 minutes of the completion of the last game. I can tell you most nights this "promise" has not been kept, thus my concern for even more lighting at this facility. With this I ask you take the above mentioned into consideration while deciding and voting on what this area of BPC/Rock may look and sound like if approved.

Thank you, Joy Draginis Zingales

Heath Eddy

From: Bernie Carreon <berncarreon@gmail.com>
Sent: Thursday, August 20, 2020 3:24 PM
To: Mark Dandrea, kevinhalevLA@mail.com, leonpl@hotmail.com, hogiehouse@live.com, adam.burckhardt@live.com, Glen Morrow, Jesse Wesolowski, Daniel Mayer, Heath Eddy, John Nelson, Kristen Wilhelm, Shari Hanneman, Sweslowski@franklinwi.gov, protzenberg@franklinwi.gov, Scott Satula, Staskunas, Anthony
Subject: Re: Planning Commission Meeting Concern
Attachments: NeighborsSoundPetition.pdf

Hello,

I've attached a petition with **43 signatures** from the Hawthorne neighborhood that attest that the current allowable decibel level is unacceptable and that the sound is a public nuisance.

The application from the Developer also says that there is no undue negative impact on our area. This is 100% false, as the sound already has a negative impact on our family and neighborhood - please see the attached petition with signatures.

Also, I'm concerned that the developer is **asking for spotlights to be installed**. What stated purpose is this for and why is a spotlight necessary?

In exhibit C of the original development plan, it states that there is a mitigation plan for sound and light: however, it only lists monitors. What sound study was done that this was based on? Sound monitoring is not Mitigation. There is a current problem with the sound that is not being addressed or mitigated. The wind and weather are not a mitigation system.

I'm very concerned that approximately 2/3 of the city's debt is invested in this and there is an incentive to give the developer what he wants, at the expense of the neighbors and kids. Please do not let this happen.

Thanks,
Bernie Carreon

On Thu, Aug 20, 2020 at 12:58 PM Bernie Carreon <berncarreon@gmail.com> wrote
Hello,

It's come to my attention that the Planning Commission is considering a permanent permit for the Drive-in Theater at Ballpark Commons. This is a grave concern for my family as there is little current control over the sound coming from Ballpark Commons and not enough information about how the sound behaves once it leaves the premises. On many nights, we can still hear it clearly in our bedrooms - even with the windows closed.

We live at 6928 S 90th St in the Hawthorne Neighborhood. Our bedroom windows are approximately a mile from home plate, but since the opening of the stadium, on many days and nights we can hear the announcers and music clearly in our bedrooms at night - even with the windows closed. Sometimes it is not as bad - last night for example, however, Tuesday this week was another example where we could hear it as we lay in bed trying to sleep. The sound is not being mitigated on a consistent basis and we should not depend on the weather and wind to protect us.

Max, my son age 9, spoke to the Common Council about this concern over a year ago and we have made multiple complaints, but the Police will not follow through. I asked what they would do if a neighbor was keeping us up and

they said they would contact that neighbor and stop it, however, they have been directed to not respond to noise complaints about Ballpark Commons and say I should reach out to you instead.

I am asking you on behalf of Max, my daughter Mia, and wife Bao to please not give a permanent permit for the Drive-in and please study how the sound has affected families since the Ballpark opened before making more decisions that will unfortunately harm myself and my children. This is not an exaggeration and we are an honest family- any insinuation otherwise is incredibly hurtful

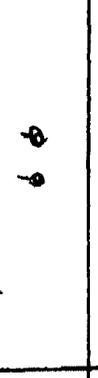
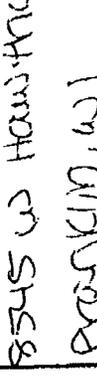
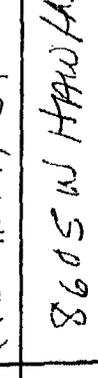
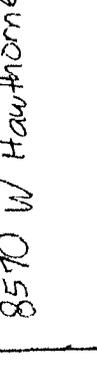
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Sadly, instead of seeking simple solutions by turning the speakers in right field so they are facing down or reducing the volume to a level that is good for both the fans and neighbors, the developer Michael Zimmerman and his employees take to social media to deny there is a problem and claim they have reached out to us to help. Any claim by the developer that he has been working directly with the neighbors in the Hawthorne neighborhood to reduce the sound is false. He has never reached out to our family

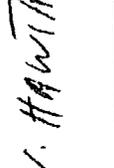
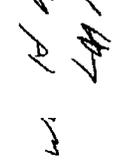
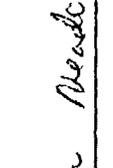
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Thanks,
Bernie Carreon
414 651 -5944

I oppose the present decibel level allowed at the Ballpark Commons development. This is a public nuisance. Please complete a Comprehensive Sound Study and meaningful mitigation plan to protect this neighborhood. The sound should not be allowed to impact this neighborhood. Quiet enjoyment is damaged by this development for the residents and parks surrounding this development.

Name (written)	Signature	Address	Date
Jean Gorman		8510 W HAWTHORNE LANE FRANKLIN WI	6/11/2020
Ed + Suzanne Eldridge		8535 W. HAWTHORNE LN FRANKLIN WI	6/11/2020
" "		" " " "	6/11/2020
SARA ANDERSON		8545 W HAWTHORNE LN FRANKLIN, WI	6/11/2020
DORLENE M.P. - ERNDUSZ		8605 W HAWTHORNE LN FRANKLIN, WI	6/11/2020
Dale Kerner		8630 West Hawthorns	6/11/2020
Jill Mierow		8570 W Hawthorne Ln	6/11/20
Bill Mierow		8570 W Hawthorne Ln	6/11/20

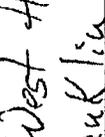
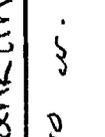
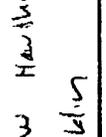
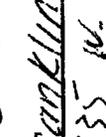
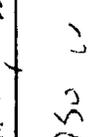
I oppose the present decibel level allowed at the Ballpark Commons development. This is a public nuisance. Please complete a Comprehensive Sound Study and meaningful mitigation plan to protect this neighborhood. The sound should not be allowed to impact this neighborhood. Quiet enjoyment is damaged by this development for the residents and parks surrounding this development.

Name (written)	Signature	Address	Date
John S. CZASKOS		8021 W. HAWTHORNE LANE	6-11-20
Joe Train Joe Train		8645 W Hawthorne Lane	6-11-20
Bonnie Czaskos	Bonnie Czaskos	8625 W HAWTHORNE LANE	6-11-20
Bunny R	Bunny Marek	8730 W. HAWTHORNE CT	6-11-20
Michael Heintzen		8816 W. MEADOW LN	6-11-20
Rebekah Kowalski		8815 W Meadow Ln	6/11/20
Karen Belinke	Karen Belinke	8845 W. Meadow Ln	6/11/20
James Garnett	James Garnett	9011 W Meadow Ln	6/11/20

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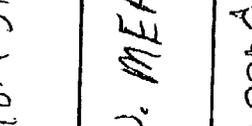
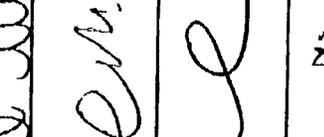
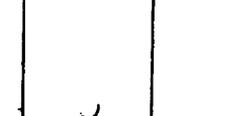
Name (written)	Signature	Address	Date
Sadie Wallace	Sadie Wallace	9010 W Meadow LN Franklin, WI 53132	6/10/2020
Holly Zeig	Holly Zeig	6974 S. 9th St, Franklin, WI 53132 7008 S 9th St Franklin	6/10/2020
Sue Huber	Sue Huber	Franklin	6-10-2020
EDVINS FRANKS	Edvins Frank	9059 W MEADOW LN FRANKLIN	6-10-20
Constance Vidmar	Constance Vidmar	8925 W Meadow Lane Franklin	6-10-20
Kevin O'Donnell	Kevin O'Donnell	8940 W. Hawthorne Franklin 53132	6-10-20
Dennis Vichich	Dennis Vichich	8980 Hawthorne Ln	6-10-20
Waxice Vichich	Waxice Vichich	8980 W Hawthorne Ln	6-10-20

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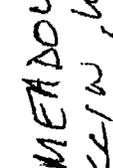
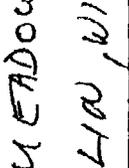
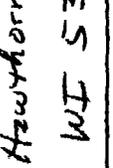
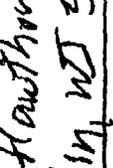
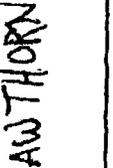
Name (written)	Signature	Address	Date
Dana Gindt		9011 West Hawthorne Franklin	6-11-2020
Sunny Scott		9029 W. Hawthorne Ln. Franklin	6.11.20
Terry McKeever		9100 W. Hawthorne Ln Franklin	6/11/20
Richmond Robinson		9010 W Hawthorne Ln Franklin	6/11/2020
Cynthia Hennen		8810 W Meadow Ln Franklin WI	6/11/2020
John McAvoy		8735 W. Ave Home Ct. Franklin WI 53132	6/11/2020
Matt Sobocinski		8750 W Hawthorne Ln	6/11/2020

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Name (written)	Signature	Address	Date
Adam Kuss		7050 S. 92nd ST	06-11-20
Karee Dertz		9101 W Hawthorne Dr.	6/11/20
Angie Miller		9020 W Hawthorne Ln	6-11-20
Bernard M Carresi		6978 S 90th ST	6-11-20
JUSTIN NIEK		9030 W. MEADOW	6-11-20
Regina Titzer		7028 S 92nd St.	6-11-20
Chris Subrone		8735 W Meadow Ln	6/11/20

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Name (written)	Signature	Address	Date
STEPHANIE POZGAY		8716 W. MEADOW LN FRANKLIN, WI 53132	6-11-20
JOSEPH POZGAY		8716 W. MEADOW LN FRANKLIN, WI 53132	6-11-20
Naomi Knoll		8610 W. Hawthorne Ln. Franklin, WI 53132	6-11-2020
Robert Knoll		8610 W. Hawthorne Ln FRANKLIN, WI 53132	6/11/2020
RON BINDT		9911 W HAWTHORNE	

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