

The YouTube channel “City of Franklin WI” will be live streaming the Common Council meeting so that the public will be able to view and listen to the meeting  
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CITY OF FRANKLIN  
COMMON COUNCIL MEETING\*  
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA  
TUESDAY MAY 20, 2025 AT 6:30 P M

- A Call to Order, Roll Call and Pledge of Allegiance
- B
  - 1. Citizen Comment Period
  - 2. A Proclamation in Recognition of Emergency Medical Services Week
- C Approval of Minutes· Regular Common Council Meeting of May 6, 2025
- D Hearings
  - 1 A proposed Future Land Use Map amendment for property generally located on the south side of Ryan Rd , addressed as 0 W RYAN RD (TKN 896-9996-001), for the area consisting of approximately 66 8 acres designated as Commercial and Business Park (approximately 50% of the total site) and Areas of Natural Resource Features Use, to Institutional and Areas of Natural Resource Features This public hearing is being held pursuant to the requirements of Wis. Stat §66.1001(4)(d) A map of the affected property, all application materials and the proposed ordinance are available at the Dept of City Development at Franklin City Hall. The public is invited to attend the public hearing and to provide input. The proposed ordinance is subject to revisions following public hearing and the further consideration by the Plan Commission and the Common Council
  - 2 A proposed Future Land Use Map amendment for property located at 11590 W Meadowview Drive, containing approximately 7 735 acres, from Business Park to Residential Multi-Family and Commercial. This public hearing is being held pursuant to the requirements of Wis Stat §66.1001(4)(d) A map of the affected property, all application materials and the proposed ordinance are available at the Dept of City Development at Franklin City Hall. The public is invited to attend the public hearing and to provide input The proposed ordinance is subject to revisions following public hearing and the further consideration by the Plan Commission and the Common Council
- E Organizational Mayoral Appointments
  - 1 Mike Barber, 7931 S 61st St , Ald Dist 5-Economic Development Commission, 1 year unexpired term expiring 06/30/25.

- 2 Mike Barber, 7931 S 61st St , Ald Dist 5-Economic Development Commission, 1 year term expiring 06/30/26
- 3 Samuel Berg, 8117 W High St , Ald Dist. 1-Technology Commission, 3 year unexpired term expiring 04/30/27
4. Jeff Steinbach, 8109 S 47th St , Ald Dist. 5-Community Development Authority, 4 year unexpired term expiring 08/30/26

F Letters

G Reports and Recommendations

- 1 An Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map for the Property generally Located on the south side of Ryan Rd., addressed as 0 W RYAN RD (TKN 896-9996-001), from Commercial, Business Park and Areas of Natural Resource Features to Institutional and Areas of Natural Resource Features (Totaling Approximately 66 8 Acres) (City of Franklin Department of City Development, Applicant) (Franklin Public Schools, Property Owners)
- 2 A Resolution to Grant a Distribution Easement Underground to Wisconsin Electric Power Company for City of Franklin Owned Property at 9600 S. 80th Street, Parcel 1 of CSM #6114 (TKN 896-9990-001).
- 3 An Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin Future Land Use Map for Property Bearing TKN 891-1081-000 from Business Park to Residential–Multi-Family and Commercial (11590 W Meadowview Drive) (Bear Development, LLC, Applicant).
- 4 An Ordinance to amend the Unified Development Ordinance (Zoning Map) to Rezone the Property bearing TKN 891-1081-000 from M-1 Limited Industrial District to R-8 Multiple-Family Residence District and B-2 General Business District (11590 W Meadowview Drive) (Bear Development, LLC, Applicant)
5. A Resolution Conditionally Approving a 2-lot Certified Survey Map, being a Redivision of Lot 80 and Lot 81 of Ryan Meadows, in the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Bear Development, LLC, Applicant) (11590 W Meadowview Drive and 11433 W Ryan Road)
- 6 A Resolution to Issue Change Order No. 4 to Camosy Incorporated for the Department of Public Works Expansion Project in the amount of \$124,086 91
- 7 Revised Job Description for Health Department Administrative Assistant
8. Job Description for Sanitarian I
- 9 A Resolution Authorizing Certain Officials to Accept a Conservation Easement for and as Part of the Approval of a Certified Survey Map upon Property Located at 8570 S 116th Street (Montgomery Family Trust, Property Owner)
- 10 Concept Review for a Condominium Development Located at 12245 W. Forest Homes Avenue (The Burbach Company, Applicant)

- 11 Concept Review for a building expansion and site improvements at the Franklin High School located at 8222 South 51st Street (Franklin School District, Applicant)
- 12 A Resolution to Amend a Conservation Easement, previously approved by Resolution No 2013-0692, to allow Geotechnical Exploration within Easement No 2 and No 3 upon Property Located at 8222 S 51st Street (TKN 807-9999-001) (Franklin Public Schools, Applicant)
- 13 A Resolution Authorizing the Installation of a Fence within the 30 foot Landscape Bufferyard Easement Plat Restriction, Upon Lot 6 of the Ryan Meadows Subdivision (9516 S. Bergamont Drive) (Ryan S. Mahoney & Kathy Thomas, Applicants)
- 14 An Ordinance to Create Section 15-3 0449 of the Franklin Unified Development Ordinance Establishing Planned Development District No 44 (Haselow) and to Rezone Property from R-1E Countryside/Estate Single-Family Multiple Residence upon a Single Lot Estate District to Planned Development District No 44 (City of Franklin, Applicant)
- 15 City of Franklin Fire Department 2024 Annual Report.
16. A Resolution to Authorize the Fire Department to Participate in an Intergovernmental Agreement for Repair and Maintenance of Fire, Rescue and Emergency Medical Equipment and Materials with the City of Milwaukee Fire Department
- 17 Franklin Senior Travel Program Acknowledgment and Public Apology.
- 18 Discussion and Possible Action on the Senior Citizen Travel Program.
- 19 A Resolution to Enforce Compliance with Wisconsin Public Records Law by Releasing Closed Legal Records Previously withheld under Attorney-Client Privilege
- 20 A Resolution to Waive Attorney-Client Privilege and Authorize Release of Records withheld in Response to a July 2023 Open Records Request.
- 21 Proposed Ordinance Amendment for Emergency 911 Access in Lodging Units.
- 22 Site Access and Cooperation Agreement for Ballpark Commons Sound Study
- 23 *City of Franklin v BPC Master Developer, LLC and Michael Zimmerman*, Milwaukee County Circuit Court Case No 24-CV-7479 and Tax Incremental District No. 5 Development Agreement — 2024 Shortfall Payment The Common Council May Enter Closed Session Pursuant to Wis. Stat § 19 85(1)(g), to Confer with Legal Counsel for the Common Council Who is Rendering Advice Concerning Strategy to be Adopted by the Body with Respect to the Subject Litigation, and to Renter Open Session at the Same Place Thereafter to Act on Such Matters Discussed Therein as it Deems Appropriate.

H Licenses and Permits License Committee Meeting of May 20, 2025.

I Bills  
Request for Approval of Vouchers and Payroll

# Common Council Meeting Agenda

May 20, 2025

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## J Adjournment

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

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

## REMINDERS

May 22	Plan Commission	6:00 p.m.
May 26	City Hall Closed-Memorial Day	
June 3	Common Council	6:30 p.m.
June 5	Plan Commission	6:00 p.m.
June 17	Common Council	6:30 p.m.
June 19	Plan Commission	6:00 p.m.
July 1	Common Council	6:30 p.m.
July 3	Plan Commission	6:00 p.m.
July 4	City Hall Closed-Fourth of July	



# City of Franklin Proclamation

## A PROCLAMATION TO DESIGNATE May 18-24, 2025 AS EMERGENCY MEDICAL SERVICES (EMS) WEEK IN THE CITY OF FRANKLIN

**WHEREAS**, emergency medical services is a vital public service; and

**WHEREAS**, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

**WHEREAS**, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

**WHEREAS**, emergency medical services fills healthcare gaps by providing important, out-of-hospital care, including preventative medicine, follow-up care, and access to Community Paramedicine; and

**WHEREAS**, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, educators, administrators, nurses, physicians, trained members of the public, and other out-of-hospital medical care providers; and

**WHEREAS**, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

**WHEREAS**, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating the Emergency Medical Services Week,

**NOW, THEREFORE, I, JOHN R. NELSON**, Mayor of the City of Franklin, Wisconsin proclaim **MAY 18-24, 2025 AS EMERGENCY MEDICAL SERVICES (EMS) WEEK IN THE CITY OF FRANKLIN** and encourage the community to observe this week with appropriate programs, ceremonies, and activities in honor of the EMS profession and the essential service it provides.

Dated this 20<sup>th</sup> Day of May, 2025.

  
John R. Nelson, Mayor



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C.

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
MAY 6, 2025  
MINUTES

ROLL CALL	A	<p>The regular meeting of the Franklin Common Council was held on May 6, 2025, and was called to order at 6 30 p.m by Mayor John R. Nelson in the Franklin City Hall Council Chambers, 9229 W Loomis Road, Franklin, Wisconsin. On roll call, the following were present: Alderman Peccarelli, Alderwoman Eichmann, Alderman Hasan, Alderwoman Day and Alderman Craig. Alderman Salous was excused. Also in attendance were Director of Administration Kelly Hersh, City Attorney Jesse A. Wesolowski and City Clerk Shirley Roberts.</p> <p>Alderman Salous arrived at 6:31 p.m.</p>
CITIZEN COMMENT	B 1	<p>Citizen comment period was opened at 6 33 p.m. and was closed at 7 11 p.m.</p>
MINUTES MAY 6, 2025	C	<p>Alderman Hasan moved to approve the minutes of the Common Council meeting of April 15, 2025, with correction to item G 16. [2000 date stated in the council action sheet should be 2014. Director of Administration clarified that they did not go back to 2014 as they went back only 11 years for review]. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.</p>
HEARING SPECIAL ASSESSMENT FOR INSTALLATION OF SANITARY SEWER	D	<p>A public hearing was called to order on May 6, 2025 at 7 17 p.m. on special assessment for installation of sanitary sewer on South 80<sup>th</sup> Street bounded by West Ryan Road (STH 100) to the North and West Park Circle Way to the South. Public hearing was closed at 7 17 p.m.</p>
RES. 2025-8307 INSTALLATION, PAYMENT AND LEVY OF A SANITARY SEWER ON SOUTH 80 <sup>TH</sup> STREET	G 1	<p>Alderwoman Day moved to adopt Resolution No. 2025-8307, A FINAL RESOLUTION DIRECTING INSTALLATION OF, PAYMENT, AND LEVY OF SPECIAL ASSESSMENT FOR INSTALLATION OF A SANITARY SEWER ON SOUTH 80<sup>TH</sup> STREET FROM A POINT OF CONNECTION AT THE INTERSECTION OF WEST RYAN ROAD (STH 100) TO A POINT OF CONNECTION AT WEST PARK CIRCLE WAY. Seconded by Alderman Salous. All voted Aye, motion carried.</p>
MAYORAL ALDERMANIC APPOINTMENTS	E 1	<p>Alderwoman Eichmann moved to confirm the following Mayoral and Aldermanic Appointments.</p> <p>Mayoral Appointment. 1 Michael Wielebski, 11043 W. Church St., Ald. Dist. 2- Technology Commission, 3 year term expiring 04/30/28</p>

Aldermanic Appointment:

2 Alderman Salous District 5 appointment of Faiza Awan, 9860 W Saint Stephans Dr , Ald Dist 2-Board of Review, 3 year term expiring 04/30/28

Seconded by Alderman Salous On roll call, all voted Aye Motion carried

ENGINEERING  
DEPARTMENT APRIL  
2025 UPDATE

G 2 Alderman Hasan moved to place report on file and to bring back an update to the common council this fall after Labor Day. Seconded by Alderwoman Eichmann All voted Aye; motion carried.

RES 2025-8308  
JPM ACOUSTICS  
PROPOSAL FOR SOUND  
MONITORING –  
BALLPARK COMMONS  
DEVELOPMENT

G 3 Alderman Hasan moved to adopt Resolution No. 2025-8308, A RESOLUTION TO AUTHORIZE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF FRANKLIN AND JPM ACOUSTICS NOISE VIBRATION FOR SOUND MONITORING, NOISE MITIGATION, AND COMPLIANCE SERVICES RELATED TO THE BALLPARK COMMONS DEVELOPMENT, subject to technical corrections by the Director of Administration and the City Attorney and to have an Agreement in place with the developer. Seconded by Alderman Hasan. On roll call, all voted Aye. Motion carried

ROCK'N FOOD TRUCK  
RALLY REQUEST FOR  
MAXIMUM SOUND  
LEVEL OF 60 DBA

G 4 Alderwoman Eichmann moved to allow for a maximum sound level of 60 dBA for the Rock'n Food Truck Rally Temporary Use permit for a property located at 7005 S Ballpark Drive (ROC Ventures, LLC, applicant). Seconded by Alderman Hasan On roll call, Alderman Peccarelli, Alderwoman Eichmann, Alderman Hasan and Alderman Salous voted Aye. Alderwoman Day and Alderman Craig voted No. Motion carried.

FRANKLIN FIELD 2025  
REQUEST FOR  
MAXIMUM SOUND  
LEVEL OF 65 DBA

G 5 Alderwoman Eichmann moved to allow for a maximum sound level of 65 dBA for the Franklin Field 2025 Temporary Use permit for property located at 7035 S Ballpark Drive (ROC Ventures, LLC, Applicant), and to bring item back for the July 15, 2025 Common Council meeting for discussion Seconded by Alderman Hasan On roll call, Alderman Salous, Alderwoman Day, Alderman Hasan, Alderwoman Eichmann and Alderman Peccarelli voted Aye; Alderman Craig voted No Motion carried

Mayor Nelson called a recess at 8 47 p m  
Mayor Nelson reconvened at 8 57 p m.

ORD 2025-2675  
ADOPT THE UNIFIED  
DEVELOPMENT

G 6 Alderwoman Eichmann moved to adopt Ordinance No 2025-2675, AN ORDINANCE TO ADOPT THE UNIFIED DEVELOPMENT ORDINANCE (UDO) REWRITE AS CHAPTER 15 OF THE

ORDINANCE REWRITE  
AS CHAPTER 15 OF THE  
MUNICIPAL CODE

MUNICIPAL CODE TO REPLACE AND TO REPEAL THE  
CURRENT UDO (ORDINANCE NO 98-1493) Seconded by  
Alderman Hasan All voted Aye, motion carried

ORD. 2025-2676  
AMEND ORDINANCE  
2024-2649 TO  
CARRYOVER \$34,729 OF  
STREET IMPROVEMENT  
APPROPRIATIONS TO  
THE 2025 BUDGET

G 7 Alderwoman Eichmann moved to adopt Ordinance No 2025-2676,  
AN ORDINANCE AMENDING ORDINANCE 2024-2649, AN  
ORDINANCE ADOPTING THE 2025 ANNUAL BUDGETS  
FOR THE STREET IMPROVEMENT FUND FOR THE CITY OF  
FRANKLIN FOR FISCAL YEAR 2025 TO CARRYOVER  
\$34,729 OF STREET IMPROVEMENT APPROPRIATIONS AS  
AN AMENDMENT TO THE 2025 BUDGET Seconded by  
Alderman Salous. On roll call, all voted Aye. Motion carried.

RES 2025-8309  
AWARD THE 2025 LOCAL  
STREET IMPROVEMENT  
PROGRAM TO PAYNE  
AND DOLAN INC

G 8 Alderman Hasan moved to adopt Resolution No 2025-8309, A  
RESOLUTION TO AWARD THE 2025 LOCAL STREET  
IMPROVEMENT PROGRAM TO PAYNE AND DOLAN INC.  
IN THE AMOUNT OF \$2,031,991.83. Seconded by Alderman  
Craig. On roll call, all voted Aye. Motion carried

RES 2025-8310  
SUBDIVISION  
DEVELOPMENT  
AGREEMENT WITH  
SUBDIVIDER OF CAPE  
CROSSING SUBDIVISION  
12200 W RYAN ROAD

G 9 Alderman Craig moved to adopt Resolution No 2025-8310, A  
RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO  
EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT  
WITH THE SUBDIVIDER OF CAPE CROSSING  
SUBDIVISION, AT APPROXIMATELY 12200 W RYAN  
ROAD, TKN 890-1074-000, subject to potential changes to the  
agreement, with the final form and content to be approved by the  
City Engineer and the City Attorney. Seconded by Alderwoman  
Eichmann All voted Aye, motion carried.

RES 2025-8311  
PROFESSIONAL  
SERVICES CONTRACT  
WITH TRAFFIC  
ANALYSIS & DESIGN,  
INC

G 10 Alderwoman Day moved to adopt Resolution No. 2025-8311, A  
RESOLUTION TO AUTHORIZE A PROFESSIONAL  
SERVICES CONTRACT WITH TRAFFIC ANALYSIS &  
DESIGN, INC IN THE AMOUNT OF \$14,392 00 Seconded by  
Alderman Hasan On roll call, Alderman Craig, Alderman Salous,  
Alderwoman Day, Alderman Hasan, Alderman Peccarelli voted  
Aye; Alderwoman Eichmann abstained Motion carried

RES. 2025-8312  
PROFESSIONAL  
SERVICES CONTRACT  
WITH CIVILTECH  
ENGINEERING FOR  
PUETZ ROAD PATHWAY

G 11 Alderwoman Eichmann moved to adopt Resolution No 2025-8312,  
A RESOLUTION TO AUTHORIZE A PROFESSIONAL  
SERVICES CONTRACT WITH CIVILTECH ENGINEERING,  
INC TO PROVIDE ENGINEERING SERVICES FOR PUETZ  
ROAD PATHWAY IN THE AMOUNT OF \$268,611 56.  
Seconded by Alderman Salous All voted Aye, motion carried

ORD 2025-2677  
AMEND ORDINANCE  
2024-2649 TO PROVIDE

G 12 Alderman Hasan moved to adopt Ordinance No 2025-2677, AN  
ORDINANCE TO AMEND ORDINANCE 2024-2649, AN  
ORDINANCE ADOPTING THE 2025 ANNUAL BUDGET FOR

IMPROVEMENT  
APPROPRIATIONS WITH  
THE SCHOOL TRAFFIC  
SIGNAL PROJECT

THE CAPITAL IMPROVEMENT FUND TO PROVIDE  
ADDITIONAL CAPITAL IMPROVEMENT  
APPROPRIATIONS ASSOCIATED WITH THE SCHOOL  
TRAFFIC SIGNAL PROJECT IN THE AMOUNT OF \$2,000  
Seconded by Alderman Craig On roll call, Alderman Craig,  
Alderman Salous, Alderman Hasan, Alderwoman Eichmann and  
Alderman Peccarelli voted Aye; Alderwoman Day voted No.  
Motion carried

RES 2025-8313  
AWARD ZIGNEGO  
COMPANY, INC TO  
UPGRADE TRAFFIC  
SIGNAL AT S. 51<sup>ST</sup> ST  
AND S PRESERVE WAY

G 13 Alderwoman Eichmann moved to adopt Resolution No 2025-8313,  
A RESOLUTION TO AWARD CHANGE ORDER NO 1 TO  
ZIGNEGO COMPANY, INC TO PROVIDE A DETECTION  
SYSTEM UPGRADE TO THE TRAFFIC SIGNAL AT S 51ST  
STREET AND S PRESERVE WAY FOR \$2,000. Seconded by  
Alderman Hasan On roll call, Alderman Peccarelli, Alderwoman  
Eichmann, Alderman Hasan, Alderman Salous and Alderman Craig  
voted Aye Alderwoman Day voted No Motion carried

RES. 2025-8314  
TITLE AND WAGE  
ADJUSTMENT FOR A  
PUBLIC WORKS PARK  
CUSTODIAN

G 14 Alderman Hasan moved to adopt Resolution No 2025-8314, A  
RESOLUTION TO APPROVE A TITLE AND WAGE  
ADJUSTMENT FROM PART-TIME PARKS EMPLOYEE TO  
DEPARTMENT OF PUBLIC WORKS (DPW) PARK  
CUSTODIAN, with a wage of \$22.00/hour and to authorize Human  
Resources to update the Employee Handbook as necessary.  
Seconded by Alderwoman Day All voted Aye, motion carried.

FRANKLIN SENIOR  
CITIZENS TRAVEL  
PROGRAM UPDATE FOR  
2024 YEAR END

G 15 Alderman Hasan moved to place this item on the May 20, 2025  
Common Council meeting for funding review Seconded by  
Alderwoman Eichmann All voted Aye; motion carried

FRANKLIN SENIOR  
CITIZENS, INC. STATUS  
UPDATE

G 16 Alderwoman Day moved to place on file. Seconded by Alderman  
Salous All voted Aye, motion carried.

ORD 2025-2678  
AMEND ORDINANCE  
2024-2649 TO TRANSFER  
AND REPURPOSE  
UNUSED  
APPROPRIATIONS FOR  
MICROSOFT OFFICE 365

G 17. Alderwoman Eichmann moved to adopt Ordinance No 2025-2678,  
AN ORDINANCE TO AMEND ORDINANCE 2024-2649, AN  
ORDINANCE ADOPTING THE 2025 ANNUAL BUDGET FOR  
THE CAPITAL OUTLAY FUND TO TRANSFER AND  
REPURPOSE UNUSED APPROPRIATIONS FOR THE  
MICROSOFT OFFICE 365 RELAUNCH AND DOMAIN  
MIGRATION PROJECTS Seconded by Alderman Peccarelli. On  
roll call, all voted Aye. Motion carried.

AUTHORIZE DIGICORP  
AS PRIMARY  
CONSULTING FIRM FOR

G 18. Alderman Peccarelli moved to authorize and approve DigiCorp for  
the three Microsoft M365 on-boarding projects Active Directory  
Migration, M365 Entra ID Provisioning with 2FA, and Exchange

MICROSOFT OFFICE 365  
RELAUNCH AND  
DOMAIN MIGRATION  
PROJECTS

Online Migration, for the total project allocation of \$205,631 Contracts are contingent upon any technical corrections as determined by the City Attorney and the Director of IT Funding is appropriated from accounts 41-0144-5841, 41-0211-5841, and unused and reallocated fund from Purchase Order 75236 (accounts 41-0144-5843 and 01-0144-5257) Seconded by Alderman Hasan On roll call, all voted Aye. Motion carried

RES 2025-8315  
CONTRACT WITH  
TERRACON  
CONSULTANTS, INC

G 19 Alderman Hasan moved to adopt Resolution No. 2025-8315, A RESOLUTION TO AUTHORIZE A PROFESSIONAL SERVICES CONTRACT WITH TERRACON CONSULTANTS, INC IN THE AMOUNT OF \$5,975 00 (41-0221-5822) with potential changes to the agreement approved by the Director of Administration, Fire Chief and City Attorney Seconded by Alderwoman Eichmann. All voted Aye, motion carried

REPLACEMENT OF A  
DEFECTIVE FURNACE  
AT FIRE STATION #2

G 20 Alderwoman Eichmann moved to approve the replacement of a defective furnace at Fire Station #2 at a cost not to exceed \$7,200 00 with funding available in the Fire Department "Building Maintenance-Systems" operating fund (01-0221-5557) Seconded by Alderman Hasan. All voted Aye; motion carried.

CITY OF FRANKLIN  
HEALTH DEPARTMENT  
ANNUAL REPORT 2024

G 21 Alderman Hasan moved to accept the report and place on file Seconded by Alderwoman Eichmann. All voted Aye, motion carried

RES 2025-8316  
PARTIAL PROPERTY  
TAX RESCISSION AND  
REFUND FOR TKN 890-  
9994-000

G 22 Alderwoman Eichmann moved to adopt Resolution No 2025-8316, A RESOLUTION APPROVING A PARTIAL PROPERTY TAX RESCISSION AND REFUND FOR TKN 890-9994-000, and direct staff to file the chargeback request with the Department of Revenue to seek compensation from the other taxing authorities Seconded by Alderman Hasan All voted Aye; motion carried

RES 2025-8317  
PARTIAL PROPERTY  
TAX RESCISSION AND  
REFUND FOR TKN 753-  
0030-000

G 23 Alderwoman Eichmann moved to adopt Resolution No 2025-8317, A RESOLUTION APPROVING A PARTIAL PROPERTY TAX RESCISSION AND REFUND FOR TKN 753-0030-000, and direct staff to directly apply the refund to the outstanding balance on the property tax bill Seconded by Alderman Hasan All voted Aye; motion carried

RES. 2025-8318  
PARTIAL PROPERTY  
TAX RESCISSION AND  
REFUND FOR TKN 750-  
0015-000

G 24 Alderwoman Day moved to adopt Resolution No. 2025-8318, A RESOLUTION APPROVING A PARTIAL PROPERTY TAX RESCISSION AND REFUND FOR TKN 750-0015-000, and direct staff to file the chargeback request with the Department of Revenue to seek compensation from the other taxing authorities. Seconded by Alderman Craig. All voted Aye, motion carried

ORD 2025-2679 AMEND ORDINANCE 2024-2649 TO CARRYOVER \$4,950 OF ECONOMIC DEVELOPMENT PROFESSIONAL SERVICES	G 25	Alderman Craig moved to adopt Ordinance No 2025-2679, AN ORDINANCE AMENDING ORDINANCE 2024-2649, AN ORDINANCE ADOPTING THE 2025 ANNUAL BUDGETS FOR THE GENERAL FUND FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2025 TO CARRYOVER \$4,950 OF ECONOMIC DEVELOPMENT PROFESSIONAL SERVICES AS AN AMENDMENT TO THE 2025 BUDGET Seconded by Alderman Day On roll call, all voted Aye Motion carried.
2024 IMPACT FEE STATUS AND RECOMMENDATIONS	G 26	Alderman Hasan moved to review and accept the 2024 Annual Impact Fee Report and Fund Balances Summary Seconded by Alderman Peccarelli On roll call, all voted Aye Motion carried
ADJUSTMENT TO THREE DEPARTMENT HEAD COMPENSATIONS	G 27	Alderman Craig moved to approve the Phase 1 adjustment of three department head salaries to the 40 <sup>th</sup> percentile of validated market benchmarks, as the Personnel Committee, Administration, and Finance recommend Seconded by Alderwoman Day. On roll call, all voted Aye. Motion carried
RES 2025-8319 DESIGNATION OF AN OFFICIAL NEWSPAPER	G 28	Alderwoman Eichmann moved to adopt Resolution No 2025-8319, A RESOLUTION DESIGNATING AN OFFICIAL NEWSPAPER Seconded by Alderman Hasan. All voted Aye, motion carried
MISCELLANEOUS LICENSES	H	<p>Alderman Craig moved to approve the following licenses of the License Committee Meeting of May 6, 2025</p> <p>Grant New 2024-25 Operator License to. Kayla Begley, Angelica Bouwens, Ashley Pethick, Tarhemen Raines-Bass, &amp; Nicholas Schneider,</p> <p>Grant New 2025-26 Operator License to Daniel Bartels, Shaneika Battle, Maria Gonzales, &amp; Dawn Klinko,</p> <p>Grant New 2024-25 &amp; Renewal 2025-26 Operator License to. Kimberly Hornaday &amp; Elizabeth Schilling,</p> <p>Grant Renewal 2025-26 Operator License to Geraldine Arteaga, Thomas Balistreri, Maria Baltutis, Michael Bartolone, Kallie Berg, Sarah Berg, Megan Bock, John Braovac, Kimberly Burdick, Christina Burzynski, Joseph Cauley, James Chase, Sydney Churchill, Tadeusz Cieslak, Oscar Cobian, Maricel Delgado-Fuentes, Janel Deprey, Hailey Frejnik, April Gagliana, Alisha Garcia, Madeline Gernhauser, Jennifer Halser, Robert Hovanec, Andrew Hushek, John Hushek, Jessica Jacoby, Josip Jaksic, John Janiszewski, Kayla Jedrzejewski, Kevin Kais, Paramjeet Kaur, Katelyn Krieg, Lillian Krieger, Ashtyn Lindl, Mikala Lindl, Emily Cramer, Kerri McCracken, Ericka Meeks, Lee Ann Meier, Camille Nicolai, Zackary Niesen, Tyler Okrzesik, Amy Ottaviani, Kelly Ottoson, Sharon Paul, Holly Pesch, Samantha Piszczek, Denise</p>



Popp, Amy Purvis, Debra Reichart, Nicole Salas, Jenell Salewsky, John Saric, Julie Schaefer, Suzanne Serra, Susanmarie Sinda, Catherine Smith, Elyzabeth Smith, Nadine Stork, Ann Thaler, Theofania Topetzes, Stacie Trippler, Anja Ubiparipovic, Kathleen Varga, Mato Veber, Amrit Virk, Simran Virk, Maren Wendt, Michael Williams & Alyssa Zastrow;

Hold 2025-26 New Operator License for Appearance to Brianna Garcia,

Grant 2025-26 New Operator License Upon Update of Application to Marie Idzikowski & Michael Wichman Jr.,

Grant Class A Combination 2025-26 License to Twosings LLC, DBA 7-Eleven #35834C, Jasbir Singh, Agent, 7610 W Rawson Ave; Andyone Inc, DBA Discount Cigarettes & Liquor, Sunny Patel, Agent, 6507A S 27<sup>th</sup> St; Kwik Trip Inc, DBA Kwik Trip #857, Michael Roberts, Agent, 10750 W Speedway Dr; Nerankar LLC, DBA Mann Liquor Beer & Wine, Vinder Kumar, Agent, 7158 S 76<sup>th</sup> St, Jujhar LLC, DBA Midtown Citgo, Hardip Bhatti, Agent, 11123 W Forest Home Ave; New Liquor & Food Inc, DBA New Liquor & Food, Gurjeet Singh, Agent, 8305 S 27<sup>th</sup> St, Mega Marts LLC, DBA Pick'n Save #6431, Gayl Draves, Agent, 7780 S Lovers Lane Rd, Sam's East Inc, DBA Sam's Club #8167 Tiffany Jones, Agent, 6705 S 27<sup>th</sup> St; Walgreen Co, DBA Walgreens #05459, Austin Korth, Agent, 9909 W Loomis Rd, Walgreen Co, DBA Walgreens #05884, Brian Furlick, Agent, 9527 S 27<sup>th</sup> St, Walgreen Co, DBA Walgreens #15020, Brianna Cole, Agent, 7130 S 76<sup>th</sup> St,

Grant Class A Combination 2025-26 License Pending Inspections to Ryan Fuel LLC, DBA Andy's On Ryan Rd, Kavita Khullar, Agent, 5120 W Ryan Rd; Wisconsin CVS Pharmacy LLC, DBA CVS Pharmacy #5390, Mattie Washington, Agent, 5220 W Rawson Ave; Kwik Trip Inc, DBA Kwik Trip #287, Jill Le Claire, Agent, 5040 W Rawson Ave; Ultra Mart Foods LLC, DBA Pick'n Save #6360, Todd Glaser, Agent, 7201 S 76<sup>th</sup> St, Wal-Mart Stores East LP, DBA Walmart #1551, Heather Burns, Agent, 6701 S 27<sup>th</sup> St,

Grant Class A Combination 2025-26 Pending Payment & Inspections to Target Corporation, DBA Target Store T-2388, Jairo Barron Perez, Agent, 7800 S Lovers Lane Rd,

Grant Class A Combination 2025-26 Pending Payment to Sendik's Franklin LLC, DBA Sendik's Food Markets, Theodore Balistreri, Agent, 5200 W Rawson Ave,

Grant Class B Beer 2025-26 License to M Squared Inc, DBA Crossroads II Pizza & Subs, Michael Falk, Agent, 11357 W St Martins Rd,

Grant Class B Beer & Class C Wine 2025-26 License to Sweet Basil MKE LLC, DBA Sweet Basil, Kenneth Sithy, Agent, 6509B

S 27<sup>th</sup> St, Waha Restaurant LLC, DBA Waha Buffet, Yanni Jin, Agent, 6514 S Lovers Lane Rd;  
Grant Class B Combination Entertainment & Amusement 2025-26 License Pending Payment to The Bowery LLC, DBA The Bowery Bar & Grill, Roger Hein, Agent, 3023 W Ryan Rd,  
Grant Class B Combination 2025-26 License to Brinker Restaurant Corporation, DBA Chili's Bar & Grill, Lindsay Bieske, Agent, 6439 S 27<sup>th</sup> St,  
Grant Class B Combination 2025-26 License Pending Payment to RLGIDI Inc, DBA Casa DiGeorgia, Rex Idrizi, Agent, 3137 W Rawson Ave,  
Grant Class B Combination, Entertainment & Amusement, Bowling 2025-26 License Pending Inspections to Country Lanes Bowling LLC, DBA Country Lanes Bowling Center, Kevin Meier, Agent, 11231 W Forest Home Ave;  
Grant Reserve Class B Combination, Entertainment & Amusement 2025-26 License Pending Inspections to Federation of Croatian Societies Inc, DBA Croatian Park, Josip Veber, Agent, 9100 S 76<sup>th</sup> St;  
Grant Reserve Class B Combination, Entertainment & Amusement 2025-26 License to Crystal Ridge Ski Area LLC, DBA Crystal Ridge, Riley May, Agent, 7011 S Ballpark Dr,  
Grant Reserve Class B Combination 2025-26 License Pending Payment to FF&E LLC, DBA Hampton Inn & Suites Milwaukee/Franklin, Jefferson Calimlim, Agent, 6901 S 76<sup>th</sup> St,  
Grant Class B Combination 2025-26 License Pending Inspections to. Franklin Food & Beverage LLC, DBA The Hideaway Pub & Eatery, Frank Orcholski, Agent, 9643 S 76<sup>th</sup> St,  
Grant Class B Combination 2025-26 License Pending Inspections and due to Delinquent with WDFI to Pantheon of Wisconsin Inc, DBA Honey Butter Café, Elizabeth Karampelas, Agent, 7221 S 76<sup>th</sup> St,  
Grant Class B Combination 2025-26 License Pending Inspections & Payment to Dhiman LLC, DBA India Palace, Deepak Dhiman, Agent, 7107 S 76<sup>th</sup> St,  
Grant Class B Combination Entertainment & Amusement 2025-26 License Pending Inspections to. Irish Cottage of Franklin LLC, DBA Irish Cottage, Jenny Jennings, Agent, 11433 W Ryan Rd,  
Grant Class B Combination Entertainment & Amusement 2025-26 License to Jax on 27<sup>th</sup> LLC, DBA Iron Mike's, William Rushman, Agent, 6357 S 27<sup>th</sup> St,  
Grant Class B Combination Entertainment & Amusement 2025-26 License Pending Due to Delinquent Status with WDFI to The Landmark of Franklin LLC, DBA Landmark, Lorie Beth Knaack-Helm, Agent, 11401 W Swiss St,  
Grant Class B Combination Entertainment & Amusement 2025-26 License Pending Due to Delinquent Status with WDFI and Payment

to Little Cancun LLC, DBA Little Cancun Restaurant, Veronica Cervera, Agent, 7273A S 27<sup>th</sup> St;  
Grant Reserve Class B Combination, Entertainment & Amusement 2025-26 License Pending Inspections to BPC Golf Entertainment LLC, DBA Luxe/Dog Haus/The Bricks, Thomas Johns, Agent, 7065 S Ballpark Dr;  
Grant Class B Combination 2025-26 License Pending Inspections to Robley Tech Inc, DBA Michaelangelo's Pizza, Lindsey Miller, Agent, 8330 W Puetz Rd,  
Grant Reserve Class B Combination 2025-26 License to Hudson Burger LLC, DBA Milwaukee Burger Co, Jessica Cullen, Agent, 6421 S 27<sup>th</sup> St,  
Grant Class B Combination 2025-26 License to Enthusiast Approved LLC, DBA Mimosa, Apostolos Evreniadis, Agent, 9405 S 27<sup>th</sup> St,  
Grant Class B Combination Entertainment & Amusement 2025-26 License to B S T LLC, DBA Mulligan's Irish Pub & Grill, Brian Francis, Agent, 8933 S 27<sup>th</sup> St; H, B & H LLC, DBA On The Border, Gerald Hay, Agent, 10741 S 27<sup>th</sup> St, Polish Heritage Alliance Inc, DBA Polish Center of Wisconsin, Jeffrey Kuderski, Agent, 6941 S 68<sup>th</sup> St, Ricky's Harrisburg Inn LLC, DBA Ricky's Double Barrel Inn, Nathan Fabry, Agent, 11318 W St Martins Rd;  
Grant Class B Combination, Entertainment & Amusement, Drive-In Movie Theater 2025-26 License to ROC Ventures LLC, DBA Rock Sports Complex/Ballpark Commons, Thomas Johns, Agent, 7005 S Ballpark Drive;  
Grant Class B Combination 2025-26 License to Romey's Place LLC, DBA Romey's Place, Nathan Fabry, Agent, 7508 S North Cape Rd,  
Grant Class B Combination Entertainment & Amusement, Bowling 2025-26 License Pending Payment & Inspections to Root Group LLC, DBA Root River Center, David Church, Agent, 7220 W Rawson Ave,  
Grant Reserve Class B Combination 2025-26 License Pending Inspections to Dadawami Hospitality LLC, DBA Staybridge Suites Milwaukee Airport South, Violeta Reaves, Agent, 9575 S 27<sup>th</sup> St,  
Grant Class B Combination, Entertainment & Amusement 2025-26 License Pending Inspections & Payment to. R & C Pub & Grub LLC, DBA Swiss Street Pub & Grille, Chrystal Rausch, Agent, 11430 W Swiss Street;  
Grant Class B Combination, Country Club, Entertainment & Amusement 2025-26 License Pending Inspections to Tuckaway Country Club Inc, DBA Tuckaway Country Club, Michael Nedeau, Agent, 6901 W Drexel Ave;  
Grant Amusement Device Operator 2025-26 License to American Entertainment Services Inc, W337 S5059 Hwy GG, Dousman, WI

53118, Kenneth Grothmann, Reggie's Amusements LLC, 4918 S Packard Ave, Cudahy, WI 53110, Reginald Zemiecki;  
Grant 2024-25 & 2025-26 Day Care License to Creative Explorers Learning Center, DBA Creative Explorers Learning Center, 7700 W Faith Dr, Musa Abdeljaber,  
Grant 2025-26 Day Care License Pending Due to Delinquent Status with WDFI & Inspections to Ingenious Inc, DBA Ingenious Childcare, 7260 S 76<sup>th</sup> St, Banmeet Dadwal,  
Grant 2025-26 Day Care License Pending Inspections to KinderCare Education LLC, DBA KinderCare, 6350 S 108<sup>th</sup> St, Theresa Castronovo,  
Grant Entertainment & Amusement 2025-26 License to Innovative Health & Fitness Building LLC, DBA Innovative Health & Fitness, 8800 S 102<sup>nd</sup> ST, Scott Cole; Milwaukee County Parks, DBA Oakwood Park Golf Course, 3600 W Oakwood Rd, Joshua Zuba, Milwaukee Country Parks, DBA Whitnall Park Golf Course, 6751 S 92<sup>nd</sup> St, Joshua Zuba  
Grant Class B Combination Entertainment & Amusement 2025-26 License Pending Inspections and Payment to Point After LLC, DBA Point After Pub & Grille, Darryl Malek, Agent, 7101 S 76<sup>th</sup> St, and  
Grant Class B Combination Entertainment & Amusement 2025-26 License Pending Payment to: Polonia Sport Club Inc, DBA Polonia Sport Club, Richard Rabiega, Agent, 10200 W Loomis Rd, Rawson Pub Inc, DBA Rawson Pub, Steven Schweitzer, Agent, 5621 W Rawson Ave

Seconded by Alderwoman Eichmann All voted Aye; motion carried

VOUCHERS AND  
PAYROLL

I Alderman Hasan moved to approve City vouchers with an ending date of May 1, 2025 in the amount of \$6,220,557.81, and payroll dated April 18, 2025 in the amount of \$528,285 93 and payments of the various payroll deductions in the amount of \$545,694 45 plus City matching payments, and estimated payroll dated May 2, 2025 in the amount of \$464,589.70 and payments of the various payroll deductions in the amount of \$259,330 02 plus City matching payments, and estimated payroll dated May 16, 2025 in the amount of \$480,000 and payments of the various payroll deductions in the amount of \$532,000, plus City matching payments Seconded by Alderman Craig On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J Alderwoman Day moved to adjourn the meeting of the Common Council at 11 12 p m Seconded by Alderwoman Eichmann All voted Aye, motion carried

NOTICE OF PUBLIC HEARING  
CITY OF FRANKLIN  
COMMON COUNCIL

HEARING DATE. Tues , May 20, 2025, at 6.30 p m.

PLACE The Common Council Chambers at the Franklin City Hall, 9229 W Loomis Rd,  
Franklin, WI 53132

APPLICANT Franklin Public School District

PROPERTY. O W RYAN RD (896 9996 001)

PROPOSAL To amend the Future Land Use Map designation for the area consisting  
of approximately 66.8 acres designated as Commercial and Business Park  
(approximately 50% of the total site) and Areas of Natural Resource Features Use, to  
Institutional and Areas of Natural Resource Features.

PUBLIC HEARING INFORMATION

This public hearing is being held pursuant to the requirements of Wis. Stat §66 1001(4)(d).  
A map of the affected property, all application materials and the proposed ordinance are  
available at the Dept of City Development at Franklin City Hall The public is invited to  
attend the public hearing and to provide input. The proposed ordinance is subject to  
revisions following public hearing and the further consideration by the Plan Commission  
and the Common Council

Dated. April 10, 2025

Department of City Development  
City of Franklin  
(414) 425-4024  
[www.franklinwi.gov/planning](http://www.franklinwi.gov/planning)  
[generalplanning@franklinwi.gov](mailto:generalplanning@franklinwi.gov)

N B Class I

**Please publish April 23, 2025**

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NOTICE OF PUBLIC HEARING  
CITY OF FRANKLIN  
COMMON COUNCIL

HEARING DATE. Tuesday, May 20, 2025, at 6:30 p.m.

PLACE: The Common Council Chambers at the Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132

APPLICANT. Dan Szczap, Bear Development, LLC (Loomis & Ryan, Inc., property owner).

PROPERTY: 11590 W Meadowview Drive (TKN. 891 1081 000).

PROPOSAL: To amend the Future Land Use Map designation for property located at 11590 W Meadowview Drive, containing approximately 7.735 acres, from Business Park to Residential Multi-Family and Commercial.

PUBLIC HEARING INFORMATION

This public hearing is being held pursuant to the requirements of Wis. Stat. §66 1001(4)(d) A map of the affected property, all application materials and the proposed ordinance are available at the Dept of City Development at Franklin City Hall. The public is invited to attend the public hearing and to provide input. The proposed ordinance is subject to revisions following public hearing and the further consideration by the Plan Commission and the Common Council.

Dated: April 8, 2025.

Department of City Development  
City of Franklin  
(414) 425-4024  
[www.franklinwi.gov/planning](http://www.franklinwi.gov/planning)  
[generalplanning@franklinwi.gov](mailto:generalplanning@franklinwi.gov)

N B Class I

**Please publish: April 16<sup>th</sup>**

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<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 5-20-25
<b>ORGANIZATIONAL BUSINESS</b>	<b>Mayoral Appointment</b>	<b>ITEM NUMBER</b> E, 1-4.

The Mayor has made the following appointments for Council confirmation

- 1 Mike Barber, 7931 S 61st St , Ald Dist 5-Economic Development Commission, 1 year unexpired term expiring 06/30/25
- 2 Mike Barber, 7931 S 61st St , Ald Dist 5-Economic Development Commission, 1 year unexpired term expiring 06/30/26
- 3 Samuel Berg, 8117 W High St , Ald Dist 1-Technology Commission, 3 year unexpired term expiring 04/30/27
- 4 Jeff Steinbach, 8109 S 47<sup>th</sup> St , Ald. Dist 5-Community Development Authority, 4 year unexpired term expiring 08/30/26

### **COUNCIL ACTION REQUESTED**

Motion to confirm the following Mayoral appointments

- 1 Mike Barber, 7931 S 61st St , Ald Dist 5-Economic Development Commission, 1 year unexpired term expiring 06/30/25
- 2 Mike Barber, 7931 S 61st St , Ald. Dist 5-Economic Development Commission, 1 year unexpired term expiring 06/30/26
- 3 Samuel Berg, 8117 W High St , Ald Dist 1-Technology Commission, 3 year unexpired term expiring 04/30/27
- 4 Jeff Steinbach, 8109 S 47<sup>th</sup> St , Ald Dist 5-Community Development Authority, 4 year unexpired term expiring 08/30/26

**ROLL CALL VOTE**

## Maggie Poplar

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**From:** volunteerfactsheet@franklinwi.info  
**Sent:** Thursday, May 15, 2025 8:58 PM  
**To:** Lisa Huening, Shirley Roberts, Maggie Poplar  
**Subject:** Volunteer Fact Sheet

**Name:** Mike Barber  
**PhoneNumber:**  
**EmailAddress:** mbarber10@wi.rr.com  
**YearsasResident:** 33  
**Alderman:** 5  
**ArchitecturalBoard:**  
**CivicCelebrations:**  
**CommunityDevelopmentAuthority:**  
**EconomicDevelopmentCommission:** on  
**EnvironmentalCommission:**  
**FinanceCommittee:**  
**FairCommission:**  
**BoardofHealth:**  
**FirePoliceCommission:**  
**ParksCommission:**  
**LibraryBoard:**  
**PlanCommission:**  
**PersonnelCommittee:**  
**BoardofReview:**  
**BoardofPublicWorks:**  
**QuarryMonitoringCommittee:**  
**TechnologyCommission:**  
**TourismCommission:**  
**BoardofZoning:**  
**WasteFacilitiesMonitoringCommittee:**  
**BoardWaterCommissioners:**  
**CompanyNameJob1:** City of Franklin  
**CompanyAddressJob1:**  
**TelephoneJob1:**  
**StartDateandPositionJob1:** 2009 Personnel Committee  
**EndDateandPositionJob1:** 2025 Alderman  
**CompanyNameJob2:**  
**AddressJob2:**  
**TelephoneJob2:**  
**StartDateandPositionJob2:**

EndDateandPositionJob2:  
CompanyNameJob3:  
AddressJob3:  
TelephoneJob3:  
StartDateandPositionJob3:  
EndDateandPositionJob3:  
Signature: MB  
Date: 05/15/25  
Signature2: MB  
Date2: 05/15/25  
SourceDocID: 9278  
SourceNavName: Volunteer Fact Sheet  
Address: 7931 South 61st Street Franklin, WI 53132  
PriorityListing:  
WhyInterested: Continue serving Franklin  
DescriptionofDutiesJob1: Moving the City forward  
DescriptionofDutiesJob2:  
DescriptionofDutiesJob3:  
AdditionalExperience: MBA Marquette University  
[See Current Results](#)

## Maggie Poplar

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**From:** volunteerfactsheet@franklinwi.info  
**Sent:** Thursday, May 8, 2025 7:11 PM  
**To:** Lisa Huening, Shirley Roberts, Maggie Poplar  
**Subject:** Volunteer Fact Sheet

**Name:** Samuel Berg  
**PhoneNumber:**  
**EmailAddress:** sberg1995@outlook.com  
**YearsasResident:** 29  
**Alderman:** 1  
**ArchitecturalBoard:** on  
**CivicCelebrations:**  
**CommunityDevelopmentAuthority:** on  
**EconomicDevelopmentCommission:**  
**EnvironmentalCommission:**  
**FinanceCommittee:**  
**FairCommission:**  
**BoardofHealth:**  
**FirePoliceCommission:**  
**ParksCommission:** on  
**LibraryBoard:**  
**PlanCommission:** on  
**PersonnelCommittee:**  
**BoardofReview:** on  
**BoardofPublicWorks:**  
**QuarryMonitoringCommittee:**  
**TechnologyCommission:** on  
**TourismCommission:**  
**BoardofZoning:**  
**WasteFacilitiesMonitoringCommittee:**  
**BoardWaterCommissioners:**  
**CompanyNameJob1:** Milwaukee Area Technical College  
**CompanyAddressJob1:** 700 West State Street Milwaukee WI 53233-1443  
**TelephoneJob1:** 414-297-6282  
**StartDateandPositionJob1:** 8/2024 Instructor, Electronics Engineering Technology  
**EndDateandPositionJob1:** Currently Work Here  
**CompanyNameJob2:** U S Energy, a division of U S Venture  
**AddressJob2:** 425 Better Way, Appleton, WI 54915  
**TelephoneJob2:** 920-739-6101  
**StartDateandPositionJob2:** 8/2022 Electrical Engineering Manager

<b>EndDateandPositionJob2:</b>	Currently Work Here
<b>CompanyNameJob3:</b>	U S Energy, a division of U S Venture
<b>AddressJob3:</b>	425 Better Way, Appleton, WI 54915
<b>TelephoneJob3:</b>	920-739-6101
<b>StartDateandPositionJob3:</b>	01/2018 Electrical Engineer
<b>EndDateandPositionJob3:</b>	08/2022
<b>Signature:</b>	Samuel Berg
<b>Date:</b>	05/08/2025
<b>Signature2:</b>	Samuel Berg
<b>Date2:</b>	05/08/2025
<b>SourceDocID:</b>	9278
<b>SourceNavName:</b>	Volunteer Fact Sheet
<b>Address:</b>	8117 W High St Franklin, WI 53132
<b>PriorityListing:</b>	Community Development Authority Architectural Review Board Technology Commission Plan Commission
<b>WhyInterested:</b>	<p>As a licensed professional engineer and current electrical engineering manager at US Venture, I have a deep appreciation for infrastructure, planning, and long-term community development. Living in Franklin, I want to give back to a city that has given me a high quality of life. Joining a board would allow me to use my technical background, leadership skills, and experience in both the private sector and education to support smart, sustainable growth and civic engagement. I'm particularly interested in helping the city navigate challenges related to infrastructure, environmental stewardship, economic development, and education. I believe that my blend of engineering expertise, managerial experience, and dedication to teaching would bring a valuable perspective to board discussions and decision-making processes.</p> <ul style="list-style-type: none"> <li>• Prepare for and deliver instruction and perform teaching-related activities</li> <li>• Manage the classroom/laboratory</li> <li>• Develop curriculum and monitor and revise as appropriate to maintain course effectiveness, assist in program/department evaluation</li> <li>**</li> <li>• Manage equipment, supplies and materials</li> <li>• Assess student performance</li> <li>• Advise students on academic issues</li> <li>• Collaborate with advisory committee in program/department area</li> <li>• Attend departmental and institutional meetings</li> <li>• Promote the education/training program/department, participate in efforts to recruit and retain students, and participate in efforts to promote educational opportunities at MATC</li> <li>• Support student organizations and activities</li> <li>• Develop relationships with business and industry</li> <li>• Complete program/department evaluation and follow-up</li> <li>• Maintain certification, continue professional development and stay current in field</li> <li>• Other related duties as assigned</li> <li>• Oversee the electrical engineering department consisting of electrical engineers, control engineers, project managers, engineering technicians, and interns</li> <li>• Act as a subject matter expert and mentor to team members on all aspects of a given project</li> <li>• Create and drive project schedules using gantt charts in Microsoft Project, holding the team accountable to meet project deadlines and assisting when needed</li> <li>• Run project meetings to pull together various working groups to ensure there is adequate communication being conducted for a given project</li> <li>• Review engineering, programming, and testing/commissioning tasks are being completed to internal standards along</li> </ul>
<b>DescriptionofDutiesJob1:</b>	
<b>DescriptionofDutiesJob2:</b>	

with national and local codes • Identify areas for process improvement and execute plans to improve in these identified areas • Continue to work on various capital projects that include executing on the tasks listed in Electrical Engineer (below)

**Description of Duties Job 3:**

- Develop electrical components and system concepts that satisfy business and compliance needs/demands
- Provide electrical cost estimates for new construction and maintenance projects
- Project Management - Identify scope, track costs/schedule, ensure standards/quality are being met throughout the duration of the project
- Ability to read and review P&IDs and electrical drawings such as one-line diagrams, panel wiring diagrams, instrument wiring diagrams
- Create electrical layout and design drawings of power, control, and communication systems using various AutoCAD products such as AutoCAD Electrical and AutoCAD Plant 3D
- Provide selection and specification of power distribution equipment (transformers, switchgear, OCPDs, power cables), motor control equipment (contactors, overloads, soft starts, VFDs), and Instrumentation & Control equipment (PLCs, HMI, Level/Flow/Pressure measurement devices)
- Apply NFPA 70 to all electrical designs to ensure compliance in the proj

**Additional Experience:**

As a longtime Franklin, WI resident, I want to see the city grow, succeed, and maintain a high standard quality of life for its' residents. I would consider myself active in the sense that I enjoy engaging in the community and surrounding areas such as frequenting local businesses, and enjoying the parks. My experience as an engineer, I have interfaced with many municipalities through the permitting process for capital projects and have always been fascinated by the many levels of review a project or idea will go through. I would love to be a part of this in my hometown city of Franklin, WI

See Current Results

## Maggie Poplar

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**From:** volunteerfactsheet@franklinwi.info  
**Sent:** Friday, May 9, 2025 12:50 PM  
**To:** Lisa Huening, Shirley Roberts, Maggie Poplar  
**Subject:** Volunteer Fact Sheet

**Name:** Jeff Steinbach  
**PhoneNumber:**  
**EmailAddress:** lds031794@gmail.com  
**YearsasResident:** 14  
**Alderman:** 5  
**ArchitecturalBoard:**  
**CivicCelebrations:**  
**CommunityDevelopmentAuthority:** on  
**EconomicDevelopmentCommission:** on  
**EnvironmentalCommission:**  
**FinanceCommittee:**  
**FairCommission:**  
**BoardofHealth:**  
**FirePoliceCommission:**  
**ParksCommission:**  
**LibraryBoard:**  
**PlanCommission:**  
**PersonnelCommittee:**  
**BoardofReview:**  
**BoardofPublicWorks:** on  
**QuarryMonitoringCommittee:**  
**TechnologyCommission:**  
**TourismCommission:**  
**BoardofZoning:**  
**WasteFacilitiesMonitoringCommittee:**  
**BoardWaterCommissioners:**  
**CompanyNameJob1:** Velvac  
**CompanyAddressJob1:** New Berlin, WI  
**TelephoneJob1:**  
**StartDateandPositionJob1:** May 2016, Mgr - Major Fleet Accts  
**EndDateandPositionJob1:** Present, Director of OE Sales & Mtkg  
**CompanyNameJob2:** Wisconsin Kenworth  
**AddressJob2:** Oak Creek, WI  
**TelephoneJob2:**  
**StartDateandPositionJob2:** May 2014, General Mgr

<b>EndDateandPositionJob2:</b>	May 2016, General Mgr
<b>CompanyNameJob3:</b>	Super Products
<b>AddressJob3:</b>	Mukwonago, WI
<b>TelephoneJob3:</b>	
<b>StartDateandPositionJob3:</b>	April 2009, VP of Sales & Mktg
<b>EndDateandPositionJob3:</b>	April 2014, VP of Sales & Mktg
<b>Signature:</b>	Jeff Steinbach
<b>Date:</b>	05/09/2025
<b>Signature2:</b>	Jeff Steinbach
<b>Date2:</b>	05/09/2025
<b>Address:</b>	8109 S 47th St , Franklin
<b>PriorityListing:</b>	EDC, CDA, BPW
<b>WhyInterested:</b>	I and my wife have had the pleasure of raising our daughter in Franklin. During that time, we came to appreciate the balance that Franklin has struck between growth, community and services. I would like to play a part in continuing that balance.
<b>DescriptionofDutiesJob1:</b>	Head of commercial for Velvac's OEM business, including heavy duty truck, RV and specialty vehicle manufacturers.
<b>DescriptionofDutiesJob2:</b>	Overall responsibility for sales and service of a Kenworth truck dealership branch.
<b>DescriptionofDutiesJob3:</b>	Head of commercial for a vacuum truck manufacturer serving municipal and industrial customers.
<b>AdditionalExperience:</b>	I am a member of MEMA's Heavy Duty Marketing and Sales Forum. I served on the BOD of Junior Achievement - Rock County Area (WI). My interests include traveling with family, fly fishing, and field bred hunting dogs. I do travel for work and, while it is less than 50% of the time, I wish to be transparent on that in the event it has bearing on my eligibility to be a board member.

See Current Results



APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 05/20/2025
REPORTS & RECOMMENDATIONS	<p><b>An Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to Change the Future Land Use Map for the property generally located on the south side of Ryan Rd., addressed as 0 W RYAN RD (TKN 896 9996 001), from Commercial, Business Park and Areas of Natural Resource Features to Institutional and Areas of Natural Resource Features (Totaling Approximately 66.8 Acres) (CITY OF FRANKLIN DEPARTMENT OF CITY DEVELOPMENT, APPLICANT) (FRANKLIN PUBLIC SCHOOLS, PROPERTY OWNERS)</b></p>	<p><b>ITEM NUMBER</b></p> <p><b>2.1.</b></p> <p><b>Ald. Dist. 1</b></p>
<p>At the May 8, 2025 regular meeting, the Plan Commission carried a motion to adopt a resolution recommending approval of this application for a Comprehensive Master Plan Amendment WIS STAT § 66 1001(4)(B) requires that the Plan Commission make such a recommendation in order to proceed with CMP amendments.</p> <p>In general, these properties have enough developable area to accommodate the applicants proposed future design and density, even taking into account natural resources and other restrictions on the site. Zoning reviews and approval of a use application, and Site Plan application will be required prior to construction</p> <p>Fiscal Impact Not Applicable</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>A motion to adopt Ordinance 2025-_____, to amend the City of Franklin 2025 Comprehensive Master Plan to Change the Future Land Use Map for the property generally located on the south side of Ryan Rd , addressed as 0 W RYAN RD (TKN 896 9996 001), from Commercial, Business Park and Areas of Natural Resource Features to Institutional and Areas of Natural Resource Features (Totaling Approximately 2,932,763 Sq Feet or 67 327 Acres) (CITY OF FRANKLIN DEPARTMENT OF CITY DEVELOPMENT, APPLICANT) (FRANKLIN PUBLIC SCHOOLS, PROPERTY OWNERS)</p>		

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*Draft 04/28/2025*

ORDINANCE NO. 2025-XXXX

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025  
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN  
2025 FUTURE LAND USE MAP FOR THE PROPERTY GENERALLY LOCATED ON  
THE SOUTH SIDE OF RYAN RD., ADDRESSED AS 0 W RYAN RD (TKN 896 9996  
001), FROM COMMERCIAL, BUSINESS PARK AND AREAS OF NATURAL  
RESOURCE FEATURES USE TO INSTITUTIONAL AND AREAS OF NATURAL  
RESOURCE FEATURES (TOTALING APPROXIMATELY 67.327 ACRES)  
(CITY OF FRANKLIN DEPARTMENT OF CITY DEVELOPMENT, APPLICANT)  
(FRANKLIN PUBLIC SCHOOLS, PROPERTY OWNERS)

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WHEREAS, pursuant to Wis. Stat. §§ 62.23(2) and (3) and 66.1001(4), the City of Franklin is authorized to prepare and adopt and to amend a comprehensive plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2); and

WHEREAS, the City of Franklin Department of City Development has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for the property generally located on the south side of Ryan Rd., addressed as 0 W RYAN RD (TKN 896 9996 001), from Commercial, Business Park and Areas of Natural Resource Features Use to institutional and Areas of Natural Resource Features; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on **May 8, 2025** recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for the property generally located on the south side of Ryan Rd., addressed as 0 W RYAN RD (TKN 896 9996 001), from Commercial, Business Park and Areas of Natural Resource Features Use to institutional and Areas of Natural Resource Features; and

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

SECTION 1:       The City of Franklin 2025 Comprehensive Master Plan is hereby amended to change the City of Franklin 2025 Future Land Use Map designation for the property generally located on the south side of Ryan Rd., addressed as 0 W RYAN RD (TKN 896 9996 001), from Commercial, Business Park and Areas of Natural Resource Features Use to institutional and Areas of Natural Resource Features

Such property is more particularly described within Resolution No. 2025- \_\_\_\_ of even-date herewith.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_ day of \_\_\_\_\_, 2025, by Alderman \_\_\_\_\_.

Passed and adopted by a majority vote of the members-elect of the Common Council at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_ day of \_\_\_\_\_, 2025.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Shirley J. Roberts, City Clerk

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



**CITY OF FRANKLIN**  
**REPORT TO THE PLAN COMMISSION**



**Meeting of May 8, 2025**

**CMP Amendment**

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**RECOMMENDATION:** Staff recommends approval of the applications for a Comprehensive Master Plan Amendment. Recommended Conditions of Approval are provided in the draft Resolution and Ordinance.

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<b>Project Name:</b>	<b>Franklin Public Schools CMP Amendment</b>
<b>Property Owner:</b>	Franklin Public School District
<b>Applicant:</b>	City of Franklin
<b>Property Address/Tax Key Number:</b>	O W RYAN RD (896 9996 001)
<b>Aldermanic District:</b>	District 1
<b>Agent:</b>	n/a
<b>Zoning District:</b>	M-1 Limited Industrial District R-8 Multiple-Family Residence District C-1 Conservancy District FW Floodway District R-2 Estate Single-Family Residence District
<b>Use of Surrounding Properties:</b>	R-8 Multiple-Family Residence District (East) I-1 Institutional District (East and West) A-2 Prime Agricultural District (South) B-3 Community Business District (North) R-3 Suburban/Estate Single Family Residence District (North)
<b>Application Request:</b>	Comprehensive Master Plan Amendment
<b>Staff Planner:</b>	Marion Ecks, AICP

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As part of the project to modernize the City's Unified Development Ordinance (UDO), the City proposes to update the UDO's Zoning Map. This property, which is owned by Franklin Public Schools, is a key parcel which is proposed to be rezoned as part of that work. In order to do so, the Future Land Use of the property must be updated to support the zoning.

**PROJECT ANALYSIS**

Before you is an application to redesignate the Future Land Use Map of the Comprehensive Master Plan to indicate that TKN 896 9996 001 shall be institutional. The City of Franklin 2025 Comprehensive Master Plan designates the properties to be rezoned as "Commercial and Business Park" with areas of "Natural Resources". The property immediately east of this one is already designated as Institutional, and will be part of a future development. Other properties immediately adjacent to these lands are designated as Business Park and Commercial. All areas include natural resource future land use. (See Locator Maps)

The Natural Resource designation is not intended to preclude development, but to note the presence and importance of natural resources on the property. The property may be developed according to the standards of adjoining Future Land Uses with consideration to UDO natural resource protection standards.

The property currently has “split lot” zoning in a mix of designations for industrial and residential zoning, including multifamily zoning. The lot will be rezoned to Institutional as part of the adoption of the updated Zoning Map. The property owner – Franklin Public Schools - has provided consent for this application by the Department of City Development.

**Future Development**

At this time, there are no other development applications under review for this site. The applicants must submit a request for use approval, and a Site Plan application for review of any future development. The Site Plan will have to comply with the terms of a use approval, and comply with the dimensional requirements of the Institutional zoning district. Subsequent phases will require separate approval.

**Recommendation**

All resolutions are drafted with a standard set of conditions relating to development timelines and requirements, approvals from other jurisdictions and departments, etc. Staff is not recommending any additional conditions for this request, and recommends approval of the application for a Comprehensive Master Plan Amendment.

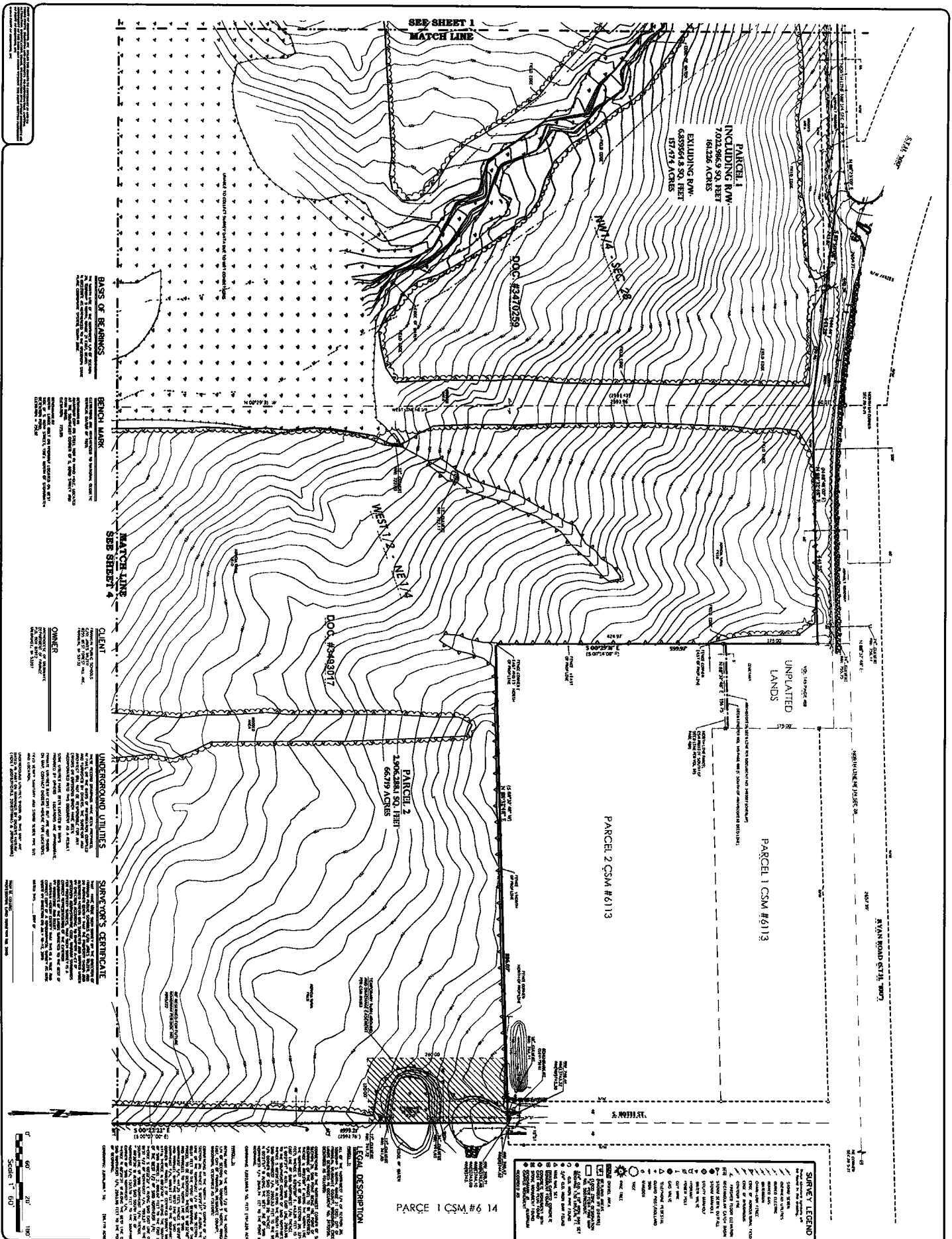


## Map 5.7















STATE OF WISCONSIN

CITY OF FRANKLIN  
PLAN COMMISSION

MILWAUKEE COUNTY

*Draft 04/28/2025*

RESOLUTION NO. 2025-XXXX

A RESOLUTION RECOMMENDING THE ADOPTION OF AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR THE PROPERTY GENERALLY LOCATED ON THE SOUTH SIDE OF RYAN RD., ADDRESSED AS 0 W RYAN RD (TKN 896 9996 001), FROM COMMERCIAL, BUSINESS PARK AND AREAS OF NATURAL RESOURCE FEATURES USE TO INSTITUTIONAL AND AREAS OF NATURAL RESOURCE FEATURES (TOTALING APPROXIMATELY 67.327 ACRES) PURSUANT TO WIS. STAT. § 66.1001(4)(B)

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WHEREAS, pursuant to Wis. Stat. §§ 62.23(2) and (3) and 66.1001(4), the City of Franklin is authorized to prepare and adopt and to amend a comprehensive plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2); and

WHEREAS, pursuant to Wis. Stat. § 66.1001(4)(b), the Plan Commission may recommend the amendment of the Comprehensive Master Plan to the Common Council by adopting a resolution by a majority vote of the entire Commission, which vote shall be recorded in the official minutes of the Plan Commission; and

WHEREAS, the City of Franklin Department of City Development has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for the property generally located on the south side of Ryan Rd., addressed as 0 W RYAN RD (TKN 896 9996 001), from Commercial, Business Park and Areas of Natural Resource Features Use to Institutional and Areas of Natural Resource Features; and more particularly described as follows:

Being part of the West 1/2 of the Northeast 1/4 of Section 28, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the North 1/4 corner of said Section 28, said point being the point of beginning (POB) of the parcel to be described; Thence N 88°32'48" E along the North line of the Northeast 1/4 of said Section 28, 441.25 feet; Thence S 00°29'31" E and parallel with the West line of said Northeast 1/4, 659.98 feet to the Southwest corner of Parcel 2 of Certified Survey Map No. 6113; Thence N 88°32'48" E along the South line of said Parcel 2, 886.07 feet to the East line of the West 1/2 of said Northeast 1/4; Thence S 00°22'22" E along said East line of the West 1/2 of Northeast 1/4, 1993.21 to the South line of said Northeast 1/4; Thence S 88°30'36" W along said South line of Northeast 1/4, 1323.19 feet to the Center 1/4 corner of said Section 28; Thence N 00°29'31" W along the West line of said Northeast 1/4, 2653.97 feet to the point of beginning.

Containing: 2,932,763 Sq. Feet (67.327 Acres); and

WHEREAS, the Plan Commission having determined that the proposed amendment, in form and content as presented to the Commission on May 8, 2025 is consistent with the Comprehensive Master Plan's goals, objectives and policies and in proper form and content for adoption by the Common Council as an amendment to the 2025 Comprehensive Master Plan, subject to such modifications the Common Council may consider reasonable and necessary, following public hearing, in order to protect and promote the health, safety and welfare of the City of Franklin.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the application for and the proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property located on the south side of Ryan Rd., addressed as 0 W RYAN RD (TKN 896 9996 001), from Commercial, Business Park and Areas of Natural Resource Features Use to institutional and Areas of Natural Resource Features, be and the same is hereby recommended for adoption and incorporation into the 2025 Comprehensive Master Plan by the Common Council.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this 8th day of May, 2025.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this 8th day of May, 2025.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Chairman

ATTEST:

\_\_\_\_\_  
Shirley J. Roberts, City Clerk

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

APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE May 20, 2025
REPORTS AND RECOMMENDATIONS	<b>A Resolution to Grant a Distribution Easement Underground to Wisconsin Electric Power Company for City of Franklin Owned Property at 9600 South 80<sup>th</sup> Street, Parcel 1 of CSM #6114 (TKN 896-9990-001)</b>	ITEM NUMBER  M.2.
<p><b><u>BACKGROUND</u></b>            Wisconsin Electric Power Company, doing business as WE Energies, needs a Distribution Easement Underground Wisconsin Electric Power Company is requesting an easement for an electrical service on the City of Franklin property</p> <p>The requested easement is on a property owned by the City of Franklin at 9600 South 80th Street, occupied by the Department of Public Works</p> <p><b><u>ANALYSIS</u></b>            The request easement is needed to provide service to the facility</p> <p><b><u>FISCAL NOTE</u></b>            There is no fiscal impact for this easement</p> <p><b><u>COUNCIL ACTION REQUESTED</u></b>            Adopt Resolution 2025- _____ a resolution to grant a distribution easement underground to Wisconsin Electric Power Company for City of Franklin owned property at 9600 South 80<sup>th</sup> Street, Parcel 1 of CSM #6114 (TKN 896-9990-001).</p> <p>Eng RMA, KAW</p>		

STATE OF WISCONSIN CITY OF FRANKLIN . MILWAUKEE COUNTY

RESOLUTION NO 2025 - \_\_\_\_\_

A RESOLUTION TO GRANT DISTRIBUTION EASEMENT UNDERGROUND TO  
WISCONSIN ELECTRIC POWER COMPANY ON THE  
CITY OF FRANKLIN OWNED PROPERTY AT 9600 SOUTH 80TH STREET  
PARCEL 1 OF CSM NO 6114 (TKN 896-9990-001)

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WHEREAS, Wisconsin Electric Power Company, doing business as WE Energies, needs a Distribution Easement Underground Wisconsin Electric Power Company is requesting an easement for an electrical service on the City of Franklin property, and

WHEREAS, We Energies needs the 12-feet by 12-feet (12ft x 12ft) easement area on the property owned by City of Franklin to service the facility at 9600 South 80<sup>th</sup> Street

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Mayor and City Clerk may execute a document to grant an easement to Wisconsin Electric Power Company at the City-owned property, Parcel 1 of CSM #6114 Tax Key Number 896-9990-001

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

Introduced at a regular meeting of the Common Council of the City of Franklin the  
\_\_\_\_\_ day of \_\_\_\_\_, 2025, by Alderman \_\_\_\_\_

PASSED AND ADOPTED by the Common Council of the City of Franklin on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2025

APPROVED.

\_\_\_\_\_  
John R Nelson Mayor

ATTEST

\_\_\_\_\_  
Shirley J Roberts, City Clerk

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

RMA

<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 5/20/2025
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin Future Land Use Map for property bearing Tax Key Number 891 1081 000 from Business Park to Residential – Multi-Family and Commercial (11590 West Meadowview Drive) (Bear Development, LLC, Applicant)</b>	<b>ITEM NUMBER</b>  A. 3,  Ald. Dist. 5
<p>At their meeting on May 8, 2025, the Plan Commission unanimously recommended approval of an ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin Future Land Use Map for property bearing Tax Key Number 891 1081 000 from Business Park to Residential – Multi-Family and Commercial (11590 West Meadowview Drive) (Bear Development, LLC, Applicant).</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>A motion to adopt Resolution 2025-_____, conditionally approving an ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin Future Land Use Map for property bearing Tax Key Number 891 1081 000 from Business Park to Residential – Multi-Family and Commercial (11590 West Meadowview Drive) (Bear Development, LLC, Applicant).</p>		



STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 4-20-25]*

ORDINANCE NO. 2025-\_\_\_\_

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025  
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN  
2025 FUTURE LAND USE MAP FOR PROPERTY BEARING TAX KEY NUMBER 891  
1081 000 FROM BUSINESS PARK TO RESIDENTIAL – MULTI-FAMILY AND  
COMMERCIAL (11590 WEST MEADOWVIEW DRIVE)  
(BEAR DEVELOPMENT, LLC, APPLICANT)

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WHEREAS, pursuant to Wis. Stat. §§ 62.23(2) and (3) and 66.1001(4), the City of Franklin is authorized to prepare and adopt and to amend a comprehensive plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2); and

WHEREAS, Bear Development, LLC has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property located at 11590 West Meadowview Road from Business Park to Residential – Multi-Family and Commercial, pursuant to the Comprehensive Master Plan Amendment Exhibit dated \_\_\_\_\_, 2025, on file with the Department of City Development; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on May 8, 2025, recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for property bearing Tax Key Number 891 1081 000 from Business Park to Residential – Multi-Family and Commercial; and

WHEREAS, the City of Franklin held a public hearing upon this proposed Ordinance, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d); the Common Council having received input from the public at a duly noticed public hearing on May 20, 2025; and

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

SECTION 1:           The City of Franklin 2025 Comprehensive Master Plan is hereby amended to change the City of Franklin 2025 Future Land Use Map designation for property located at 11590 West Meadowview Drive and bearing Tax Key Number 891 1081 000 from Business Park to Residential – Multi-Family and Commercial. Such property is more particularly described within Resolution No. 2024- \_\_\_\_ of even-date herewith.

SECTION 2:           The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of



competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this 20th day of May, 2025, by Alderman \_\_\_\_\_.

Passed and adopted by a majority vote of the members-elect of the Common Council at a regular meeting of the Common Council of the City of Franklin this 20th day of May, 2025.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Shirley J. Roberts, City Clerk

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

STATE OF WISCONSIN

CITY OF FRANKLIN  
PLAN COMMISSION

MILWAUKEE COUNTY

RESOLUTION NO. 2025-\_\_\_\_\_

A RESOLUTION RECOMMENDING THE ADOPTION OF AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED 11590 WEST MEADOWVIEW DRIVE AND BEARING TAX KEY NUMBER 891 1081 000 FROM BUSINESS PARK TO RESIDENTIAL – MULTI-FAMILY AND COMMERCIAL, PURSUANT TO WIS. STAT. § 66.1001(4)(B)

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WHEREAS, pursuant to Wis. Stat. §§ 62.23(2) and (3) and 66.1001(4), the City of Franklin is authorized to prepare and adopt and to amend a comprehensive plan as defined in Wis. Stat. §§ 66.1001(1)(a) and 66.1001(2); and

WHEREAS, pursuant to Wis. Stat. § 66.1001(4)(b), the Plan Commission may recommend the amendment of the Comprehensive Master Plan to the Common Council by adopting a resolution by a majority vote of the entire Commission, which vote shall be recorded in the official minutes of the Plan Commission; and

WHEREAS, Bear Development, LLC has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property located at 11590 West Meadowview Drive from Business Park to Residential – Multi-Family and Commercial, pursuant to the Comprehensive Master Plan Amendment Exhibit date-stamped \_\_\_\_\_, 2025, on file with the Department of City Development, such property bearing Tax Key Number 891 1081 000, more particularly described as follows:

Lot 81 of Ryan Meadows, Being Lot1, Lot 2, Lot 3 and Outlot 1 of Certified Survey Map No. 9095 and additional lands in the Southwest ¼ and Northwest ¼ of the Northeast ¼ AND the Northeast ¼ of the Southwest ¼ AND the Northeast ¼ and the Southeast ¼ of the Northwest ¼ all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

Tax Key Number 891 1081 000.

WHEREAS, the Plan Commission having determined that the proposed amendment, in form and content as presented to the Commission on May 8, 2025, is consistent with the Comprehensive Master Plan's goals, objectives and policies and in proper form and content for adoption by the Common Council as an amendment to the 2025 Comprehensive Master Plan, subject to such modifications the Common Council may consider reasonable and necessary, following public hearing, in order to protect and promote the health, safety and welfare of the City of Franklin.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the application for and the proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property located at 11590 West Meadowview Drive from Business Park to Residential – Multi-Family and Commercial, be and the same is hereby recommended for adoption and incorporation into the 2025 Comprehensive Master Plan by the Common Council.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this 8th day of May, 2025.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this 8th day of May, 2025.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Chairman

ATTEST:

\_\_\_\_\_  
Shirley J. Roberts, City Clerk

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



CITY OF FRANKLIN  
REPORT TO THE COMMON COUNCIL

Item C.2.

Meeting of May 8, 2025

**Comprehensive Master Plan Amendment, Rezoning, and Certified Survey Map**

---

**RECOMMENDATION:** Staff recommends approval of the Comprehensive Master Plan Amendment, Rezoning, and Certified Survey Map for the condominium development project upon property located at 11590 W. Meadowview Drive.

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<b>Project name:</b>	Bear Development Condominiums
<b>Property Owner:</b>	Loomis & Ryan, Inc.
<b>Applicant:</b>	Bear Development, LLC
<b>Agent:</b>	Daniel Szczap, Bear Development, LLC
<b>Property Address/TKN:</b>	11590 W. Meadowview Drive/891 1081 000
<b>Aldermanic District:</b>	District 6
<b>Zoning District:</b>	M-1 Limited Industrial District
<b>Staff Planner:</b>	Nick Fuchs, Planning Associate
<b>Submittal date:</b>	3-17-2025 (CMP Amend. & Rezoning) and 4-1-2025 (CSM)
<b>Application number:</b>	PPZ25-0052 (Rezoning), PPZ25-0053 (CMP Amend.) and PPZ25-0068 (CSM)

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**Project Description/Analysis**

The applicant filed a Comprehensive Master Plan (CMP) Amendment, Rezoning and Certified Survey Map (CSM) applications for a proposed condominium development located at 11590 W. Meadowview Drive.

In 2018, this property was part of a larger development area. At that time, Bear Development received approval to rezone Lot 2 of CSM No. 9095, which included this portion of land. The subject property, as it exists today, was created by the Ryan Meadows Subdivision Plat as Lot 81.

The subject property has an area of about 7.735-acres (336,826 square feet). The preliminary site plan proposes a public road extending north from W. Meadowview Drive surrounded by 17 two-family condominium units. The site plan also includes a private drive extending east from the public road with five additional two-family units. This results in a total of 22 buildings and 44 dwelling units.

The preliminary plans also include a proposed parking lot for the Irish Cottage bar and restaurant located to the north and east at 11433 W. Ryan Road. The site plan illustrates a berm adjacent to the parking lot to buffer and screen it from the proposed condos. Additional berms are located throughout the perimeter of the site.

CMP Amendment

The Comprehensive Master Plan Amendment application requests amending the 2025 Future Land Use Map designation from Business Park to Multi-Family Residential for the proposed condominium portion of the development and Commercial for the land to be combined with the Irish Cottage property at 11433 W. Ryan Road, which is already designated as Commercial.

#### Rezoning

The rezoning application requests to amend the zoning from M-1 Limited Industrial District to R-8 Multiple-Family Residence District for the condominium portion of the development and B-2 District for the land to be combined with the Irish Cottage property at 11433 W. Ryan Road, which is already zoned B-2 District.

It should be noted that the City is currently proposing to rezone this property to L1 – Limited Industrial as part of the UDO rewrite project.

#### CSM

The proposed CSM subdivides the subject property into two lots and combines a portion of the lot to the Irish Cottage property at 11433 W. Ryan Road.

Lot 1 has an area of approximately 1.0813 acres and includes the northern portion of the subject property as well as the Irish Cottage property. This is the property that would be zoned B-2 District.

Lot 2 has an area of approximately 7.2330 acres. This property will consist of the condominium development and would be zoned R-8 District.

The applicant included a Natural Resource Protection Plan Map from April 25, 2019 that illustrates a wetland buffer and steep slopes within the subject project area. The applicant also provided staff with a letter from Heartland Ecological Group, Inc. indicating that there are no wetlands identified within this project area.

The CSM includes a 30-foot access easement on the property. The intent is to provide access from W. Meadowview Drive to the property located at 11555 W. Loomis Road, which currently has access from W. Loomis Road. This is consistent with Sheet 1 of the Ryan Meadow plat. It is anticipated that the applicant will make a request to the WisDOT to relocate the easement to accommodate the current site layout.

#### Next Steps

With approval of these applications, the applicant would then be required to submit a Certified Survey Map to dedicate the public right-of-way, a Condominium (Final) Plat Application, and a Site Plan Application.

Under the current R-8 District, a Special Use would be required as well. However, under this zoning, the maximum density allowed would be 38 units; six units less than proposed with the private drive option. According to the applicant, there would also be an issue with minimum living area requirements. As such, the applicant would be seeking Common Council approval of modifications to the R-8 District development standards in accordance with Section 15-3.0701.7. of the UDO.

Under the draft R-M Multiple-unit Residence District of the new zoning code, the development would comply with density standards, and this district does not require a minimum living area.

**Staff Recommendation:**

Staff recommends approval of the Comprehensive Master Plan Amendment, Rezoning, and Certified Survey Map for the condominium development project upon property located at 11590 W. Meadowview Drive.



Planning Department  
9229 West Loomis Road  
Franklin, Wisconsin 53132  
(414) 425-4024  
[franklinwi.gov](http://franklinwi.gov)



APPLICATION DATE: \_\_\_\_\_

STAMP DATE: \_\_\_\_\_ city use only

## COMMON COUNCIL REVIEW APPLICATION

### PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]		APPLICANT IS REPRESENTED BY [CONTACT PERSON]	
NAME:	S.R. Mills	NAME:	DANIEL SZCZAP
COMPANY:	Loomis & Ryan, Inc.	COMPANY:	Bear Development, LLC
MAILING ADDRESS:	4011 80th Street	MAILING ADDRESS:	4011 80th Street
CITY/STATE:	Kenosha WI	CITY/STATE:	Kenosha, WI
ZIP:	53142	ZIP:	53142
PHONE:	(262) 949-3788	PHONE:	(262) 949-3788
EMAIL ADDRESS:	dan@beardevelopment.com	EMAIL ADDRESS:	dan@beardevelopment.com

### PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS:	11590 Meadowview Drive	TAX KEY NUMBER:	891-1081-000
PROPERTY OWNER:	Loomis & Ryan, Inc.	PHONE:	(262) 949-3788
MAILING ADDRESS:	4011 80th Street	EMAIL ADDRESS:	dan@beardevelopment.com
CITY/STATE:	Kenosha WI	DATE OF COMPLETION:	office use only
ZIP:	53142		

### APPLICATION TYPE

Please check the application type that you are applying for

- ☐ Concept Review ☒ Comprehensive Master Plan Amendment ☐ Planned Development District ☐ Rezoning  
☐ Special Use / Special Use Amendment ☐ Unified Development Ordinance Text Amendment

Most requests require Plan Commission review and Common Council approval.

Applicant is responsible for providing Plan Commission resubmittal materials up to 11 copies pending staff request and comments.

### SIGNATURES

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).*

☒ I, the applicant, certify that I have read the following page detailing the requirements for plan commission and common council approval and submittals and understand that incomplete applications and submittals cannot be reviewed.

PROPERTY OWNER SIGNATURE:	APPLICANT SIGNATURE:
NAME & TITLE:	NAME & TITLE:
DATE:	DATE:
PROPERTY OWNER SIGNATURE:	APPLICANT REPRESENTATIVE SIGNATURE:
NAME & TITLE:	NAME & TITLE:
DATE:	DATE:



## CITY OF FRANKLIN APPLICATION CHECKLIST

If you have questions about the application materials please contact the planning department.

### CONCEPT REVIEW APPLICATION MATERIALS

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- ☐ \$420 Application fee payable to the City of Franklin.
- ☐ Three (3) complete collated sets of application materials to include ...
  - ☐ Three (3) project narratives.
  - ☐ Three (3) copies of the Preliminary Site/Development Plan of the subject property(ies) and immediate surroundings on 8 1/2" X 11" or 11" X 17" paper (i.e., a scaled map identifying the subject property and immediate environs, including existing and proposed parcels, existing and proposed structures, existing and proposed land uses, existing and proposed zoning, existing and proposed infrastructure and utilities[approximate locations only], and existing and proposed site conditions/site constraints [i.e. approximate locations of public road access, rights-of-way, natural resources/green space and drainage issues/concerns, etc.])
  - ☐ Three (3) colored copies of building elevations on 11" X 17" paper if applicable.
- ☐ Email or flash drive with all plans / submittal materials.

### COMPREHENSIVE MASTER PLAN AMENDMENT APPLICATION MATERIALS

- ☒ This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- ☒ \$1,250 Application fee payable to the City of Franklin.
- ☐ Word Document legal description of the subject property.
- ☐ Three (3) complete collated sets of application materials to include ...
  - ☐ Three (3) project narratives.
  - ☐ Three (3) folded copies of a Site Development Plan / Map, drawn to reasonable scale, at least 11" X 17" paper or as determined by the City Planner or City Engineer, identifying the subject property and immediate environs, including parcels, structures, land use, zoning, streets and utilities, and natural resource features, as applicable.
- ☒ Email or flash drive with all plans / submittal materials.
- ☒ Additional information as may be required.
  - Requires a Class I Public Hearing Notice at least 30 days before the Common Council Meeting

### PLANNED DEVELOPMENT DISTRICT (PDD)

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- ☐ Application fee payable to the City of Franklin... [select one of the following]
  - ☐ \$6,000: New PDD plus developer's deposit\*
  - ☐ (\*) \$3,000 developer's deposit is required in addition to filing fees at the time of submittal, it may require replenishment.
  - ☐ \$5,900: PDD Major Amendment
  - ☐ \$850: PDD Minor Amendment
- ☐ Word Document legal description of the subject property.
- ☐ Three (3) complete collated sets of application materials to include ...
  - ☐ Three (3) project narratives.
  - ☐ Three (3) folded full size, of the Site Plan Package, drawn to scale copies, on 24" x 36" paper, including Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc. (See Sections 15-7.0101, 15-7.0301, and 15-5.0402 of the UDO for information that must be denoted or included with each respective plan.)
- ☐ One (1) colored copy of the building elevations on 11" X 17" paper, if applicable.
- ☐ One (1) copy of the Site Intensity and Capacity Calculations, if applicable (see division 15-3.0500 of the UDO)
- ☐ Email or flash drive with all plans / submittal materials.
  - PDD and Major PDD Amendment requests require Plan Commission review, a public hearing, and Common Council approval.
  - Minor PDD Amendment requests require Plan Commission review and Common Council approval.

### REZONING

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- ☐ Application fee payable to the City of Franklin... [select one of the following]
  - ☐ \$2,500
  - ☐ \$600: one parcel residential.
- ☐ Word Document legal description of the subject property.
- ☐ Three (3) complete collated sets of application materials to include ...
  - ☐ Three (3) project narratives.
  - ☐ Three (3) folded copies of a Plot Plan or Site Plan, drawn to reasonable scale, at least 11" X 17" paper or as determined by the City Planner or City Engineer, and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- ☐ Email or flash drive with all plans / submittal materials.
- ☐ Additional information as may be required.
  - Additional notice to and approval required for amendments or rezoning in the FW, FC, FFO, and SW Districts
  - Requires a Class II Public Hearing notice at Plan Commission.



**SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION MATERIALS**

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- ☐ Application fee payable to the City of Franklin... [select one of the following]
  - ☐ \$2,500: New Special Use > 4000 square feet.
  - ☐ \$1,000: Special Use Amendment.
  - ☐ \$1,250: New Special Use < 4000 square feet.
- ☐ Word Document legal description of the subject property.
- ☐ One copy of a response to the General Standards, Special Standards, and Considerations found in Section 15-3.0701(A), (B), and (C) of the UDO available at [www.franklinwi.gov](http://www.franklinwi.gov).
- ☐ Three (3) complete collated sets of application materials to include ...
  - ☐ Three (3) project narratives.
  - ☐ Three (3) folded copies of the Site Plan package, drawn to scale at least 24" X 36", The submittal should include only those plans/items as set forth in Section 15-7.0101, 15-7.0301 and 15-5.0402 of the UDO that are impacted by the development. (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc.
- ☐ One (1) colored copy of the building elevations on 11" X 17" paper, if applicable.
- ☐ Email or flash drive with all plans / submittal materials.
- ☐ Additional information as may be required.
  - Special Use/Special Use Amendment requests require Plan Commission review, a Public Hearing and Common Council approval.

**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT APPLICATION MATERIALS**

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- ☐ \$1,250 Application fee payable to the City of Franklin.
- ☐ Three (3) project narratives, including description of the proposed text amendment.
  - Requires a Class II Public Hearing notice at Plan Commission.
  - The City's Unified Development Ordinance (UDO) is available at [www.franklinwi.gov](http://www.franklinwi.gov).



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**March 13, 2025**

Mr. Regulo Martinez-Montilva  
Principal Planner  
9229 W. Loomis Road  
Franklin, WI 53132

**Re: Comprehensive Master Plan Amendment- Lots 80 & 81 Ryan Meadows**

Dear Mr. Martinez-Montilva:

Bear Development is pleased to submit this letter and the enclosed submittal materials as formal application for a Comprehensive Master Plan Amendment for properties within Ryan Meadows Subdivision. Bear Development, LLC is acting on behalf of the record owners, Loomis & Ryan, Inc. and Loomis Cottage Ventures, LLC.

**Project Summary**

Loomis Cottage Ventures, LLC is the owner of record of .58 acres (25,344 SF) of improved land in the City of Franklin. The property is Lot 80 of the Ryan Meadows subdivision and is located at the southwest corner of STH 36 (Loomis Road) and Ryan Road.

**Tax Key No:** 891-1080-000.  
**Address:** 11433 W. Ryan Road, Franklin, WI  
**Existing Zoning:** B-2 General Business District

***Existing Comprehensive Master Plan Designation:*** Commercial  
***Proposed Comprehensive Master Plan Designation:*** Commercial

***Existing Land Use:*** Commercial (Irish Cottage Tavern)  
***Proposed Land Use:*** Commercial  
***Adjacent Land Use***  
***North:*** Vacant/Agriculture  
***South:*** Single Family Residential and Vacant  
***East:*** Vacant/Agriculture  
***West:*** STH 36

**Property History**

The property was platted and divided as part of the Ryan Meadows Subdivision. The subject property is used for commercial purposes as a tavern. The property includes public street frontage on Ryan Road and STH 36.



Phone: 262.694.2327



[www.beardevelopment.com](http://www.beardevelopment.com)



4011 80<sup>th</sup> Street, Kenosha, WI 53142



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Loomis & Ryan, Inc. is the owner of record of 7.73 acres (336,826 SF) of vacant land in the City of Franklin. The property is Lot 81 of Ryan Meadows Subdivision.

**Tax Key No:** 891-1081-000  
**Address:** 11590 W. Meadowview Drive, Franklin, WI  
**Existing Zoning:** M-1 Limited Industrial

The property is located on the north side of Meadowview Drive, just east of STH 36 (Loomis Road). The property also has public road frontage on Ryan Road. The subject property is vacant.

**Existing Comprehensive Master Plan Designation:** *Business Park*  
**Proposed Comprehensive Master Plan Designation:** *Residential*

**Existing Land Use:** *Vacant*  
**Proposed Land Use:** *Residential – 2 Family Condominiums*  
**Adjacent Land Use**  
**North:** *Vacant*  
**South:** *Single Family Residential and Vacant*  
**East:** *Single-Family Residential*  
**West:** *Business and Single-Family Residential*

#### **Property History**

The property was platted and divided as part of the Ryan Meadows Subdivision. The subject property was improved with a public street (Meadowview Drive) and public utilities during the Ryan Meadows site development. The property includes public street frontage on Ryan Road to the north and Meadowview Drive to the south. The subject property was rezoned to the M-1 Limited Industrial District in 2017 during the approvals of the Ryan Meadows subdivision. It is currently vacant.

#### **Proposed Amendments**

##### **Lot 80 (Irish Cottage)**

Bear Development, LLC has filed Land Division applications for a CSM that would reconfigure the existing Lot 80 and 81 to enlarge the Irish Cottage property to include an improved and safe property access. The applicant is respectfully requesting a Comprehensive Land Use Plan Amendment to designate the reconfigured property (shown as Lot 1 on the Certified Survey Map as Commercial.

##### **Lot 81**

Recognizing that the existing M-1 Limited Industrial zoning would allow land uses that, by right, that may be considered incompatible with the residential use that has been established in the area, Bear Development is respectfully requesting a Comprehensive Master Plan Amendment to the Residential classification.



Phone: 262.694.2327



[www.beardevelopment.com](http://www.beardevelopment.com)



4011 80<sup>th</sup> Street, Kenosha, WI 53142



Enclosed for your consideration is a Conceptual Site Plan for the subject property, which includes a 2-family condominium neighborhood fronting a public street. Example renderings of the proposed townhomes are also provided. Also included in the overall project is the reconfiguration of the Irish Cottage access drive and parking lot.

We feel the existing designation of Business Park, along with the existing M-1 Limited Industrial zoning, if activated with an allowed land use, could be detrimental to the existing residential land use in the area in terms of aesthetics, noise and land value.

***Note: At the time of this application the City of Franklin is considering the adoption of an Updated UDO. While the property is currently zoned M-1 Limited Industrial it is likely that it will be classified as L-1 Limited Industrial at the time of Plan Commission and Common Council consideration.***

Sample of Allowed Uses Permitted by Right in the L-1 Limited Industrial District :

- *Auto Sales*
- *Car Wash*
- *Vehicle Fuel Sales*
- *Automotive Repair*
- *Brewery*
- *Equipment Rental, Sales and Service*

Sample of Allowed Uses Permitted by Conditional Use in the L-1 Limited Industrial District:

- *Light Industrial*
- *Adult Establishment*
- *Animal Boarding*
- *Self Storage*
- *Storage Yard*

The applicant recognizes any future Residential land use would require additional entitlements including rezoning, land division, design engineering, etc., all of which require City of Franklin review and approval.

We feel that the proposed Comprehensive Amendments from Business Park to Commercial (Irish Cottage) and Business Park to Residential (Lot 81) are reasonable and rational requests that will designate the subject property with a Comprehensive Master Plan classification that is compatible with the surrounding land uses.





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Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, [dan@beardevelopment.com](mailto:dan@beardevelopment.com)

Thank you for your time and consideration and we look forward to discussing this project at the next available Common Council meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Szczap".

Daniel Szczap  
Bear Development, LLC



Phone: 262.694.2327



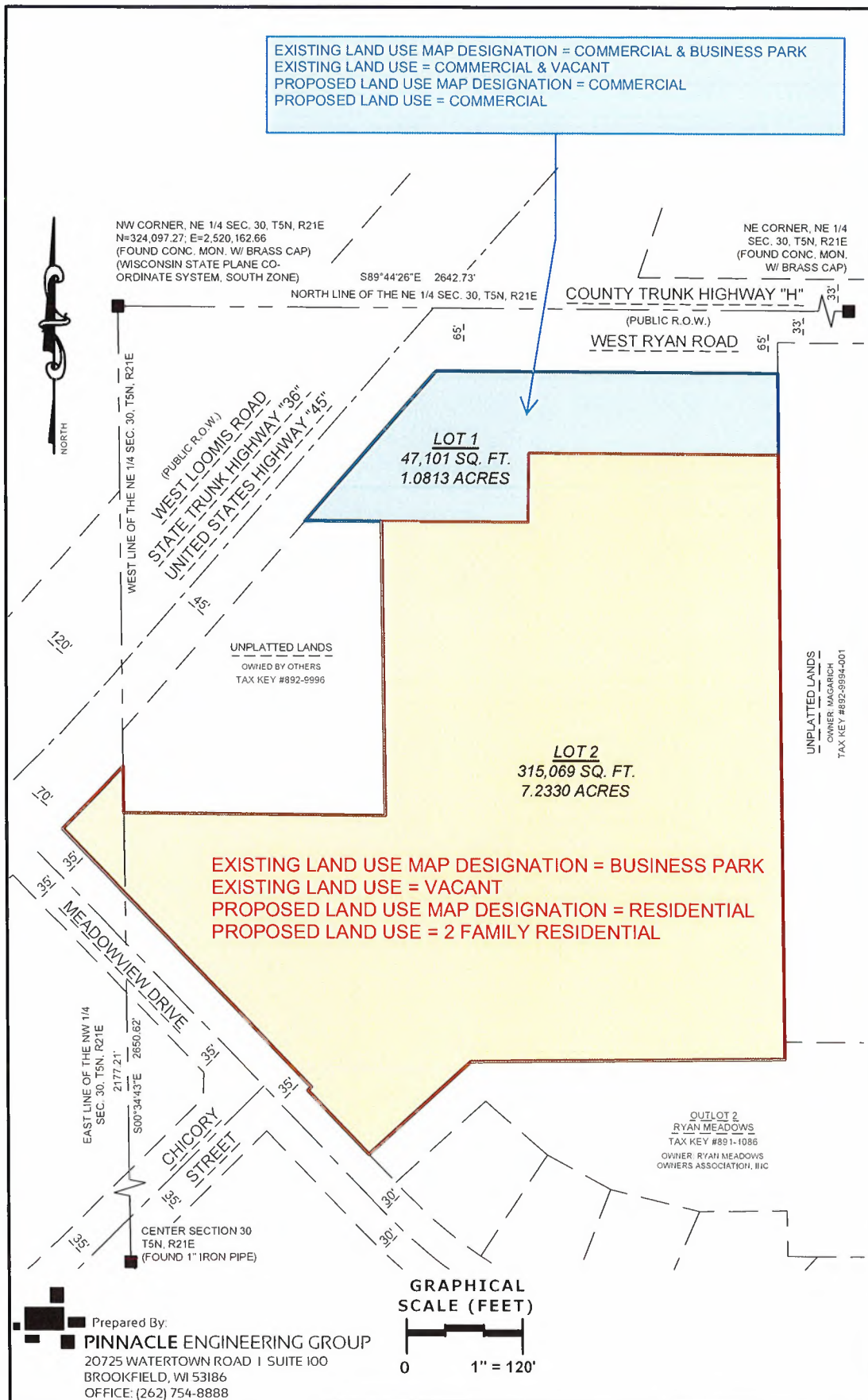
[www.beardevelopment.com](http://www.beardevelopment.com)



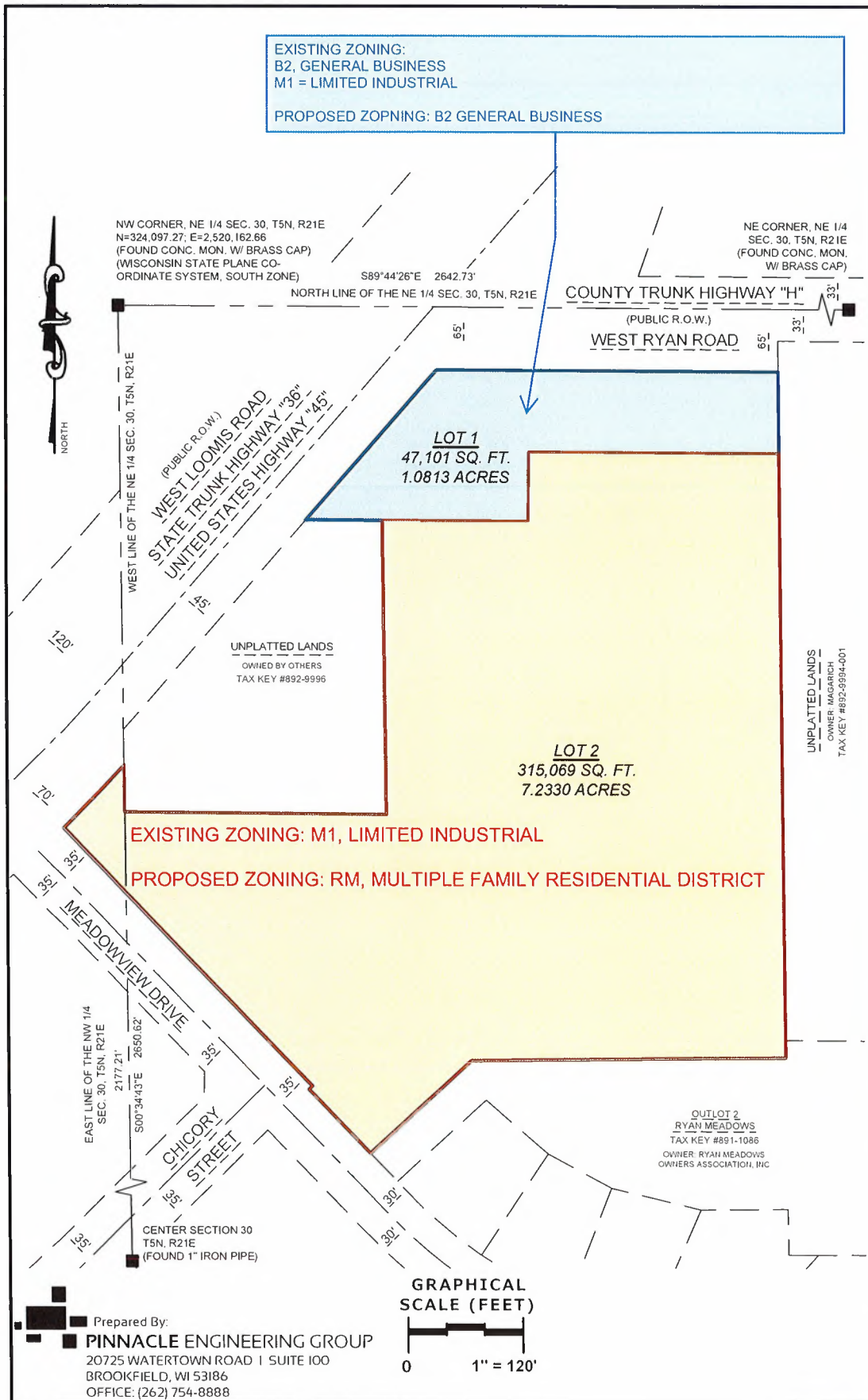
4011 80<sup>th</sup> Street, Kenosha, WI 53142

A **BEAR** Group  
REAL ESTATE COMPANY

# COMPREHENSIVE MASTER PLAN AMENDMENT EXHIBIT



# REZONING EXHIBIT





LEGAL DESCRIPTION:

Lot 1 of Certified Survey Map No. \_\_\_\_\_, as recorded in the Register of Deeds office for Milwaukee County as Document No. \_\_\_\_\_, being a redivision of Lot 80 and Lot 81 of Ryan Meadows, as recorded in the Register of Deeds office for Milwaukee County as Document No. 10962414, located in the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4, Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 00°34'43" East along the west line of said Northeast 1/4, 521.37 feet to a north line of Lot 81, Ryan Meadows; thence South 89°23'13" East along said northerly line, 271.70 feet; thence North 00°34'43" West along said Lot 81, 302.82 feet to the Point of Beginning;

Thence North 89°44'26" West, 79.44 feet to the southeasterly right of way line of West Loomis Road- State Trunk Highway "36 - United States Highway "45"; thence North 41°23'51" East along said right of way line, 206.07 feet to the south right of way line of West Ryan Road - County Trunk Highway "H"; thence South 89°44'26" East along said south right of way line, 353.92 feet; thence South 00°34'43" East, 84.00 feet; thence North 89°44'26" West, 259.64 feet; thence South 00°15'34" West, 71.20 feet; thence North 89°44'26" West, 151.64 feet to the Point of Beginning.

LEGAL DESCRIPTION:

Lot 2 of Certified Survey Map No. \_\_\_\_\_, as recorded in the Register of Deeds office for Milwaukee County as Document No. \_\_\_\_\_, being a redivision of Lot 80 and Lot 81 of Ryan Meadows, as recorded in the Register of Deeds office for Milwaukee County as Document No. 10962414, located in the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4, Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

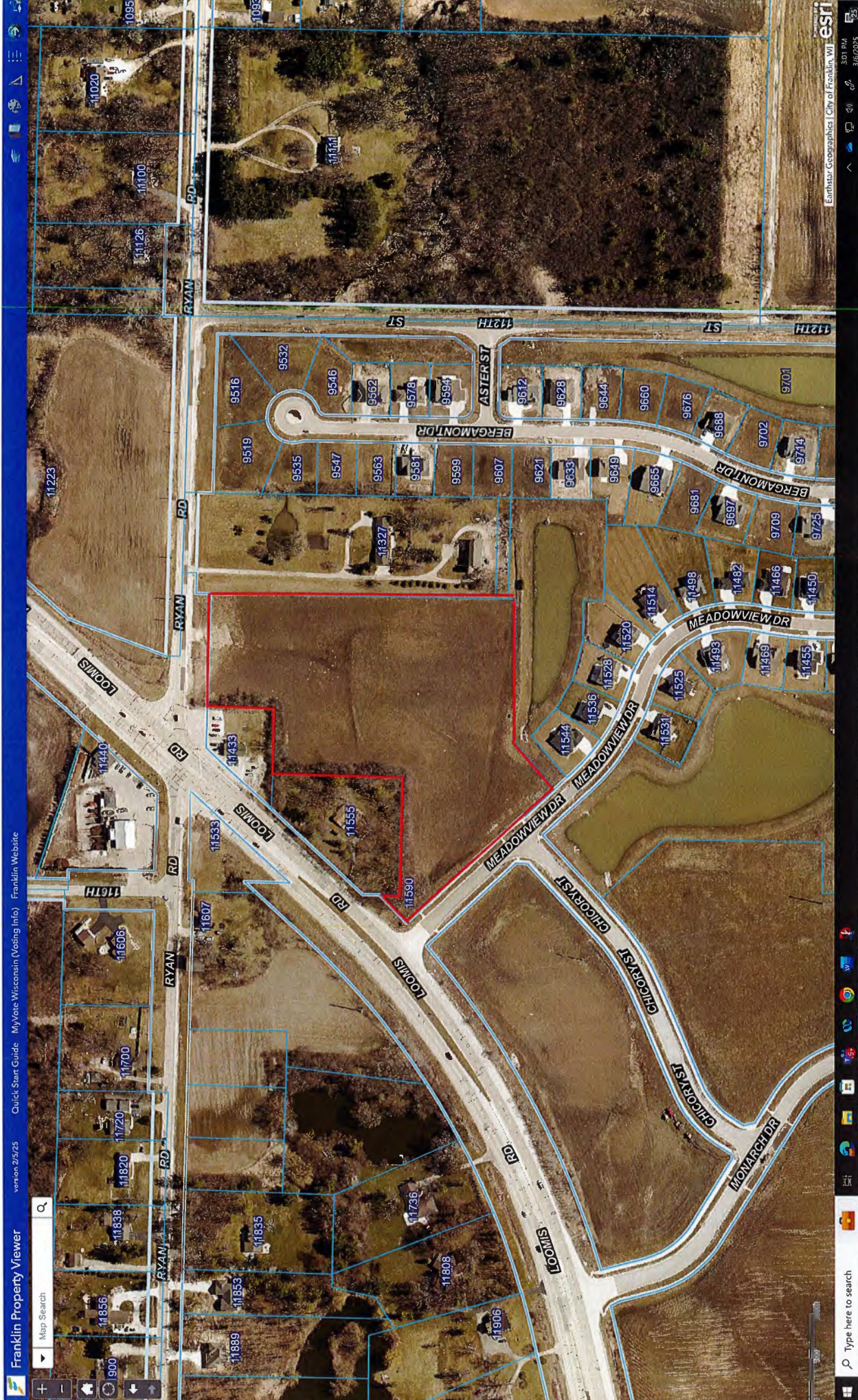
Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 00°34'43" East along the west line of said Northeast 1/4, 473.41 feet to the plat of Ryan Meadows, the southeasterly right of way line of West Loomis Road - United States Highway "45" and the Point of Beginning;

Thence continuing South 00°34'43" East along said west line and along the northerly line of Ryan Meadows, 47.96 feet; thence South 89°23'13" East along said northerly line, 271.70 feet; thence North 00°34'43" West along said northerly line, 302.82 feet; thence South 89°44'26" East, 151.64 feet; thence North 00°15'34" East, 71.20 feet; thence South 89°44'26" East, 259.64 feet to the platted east line of Lot 81, Ryan Meadows; thence South 00°34'43" East along said platted line of Ryan Meadows,



622.00 feet to the north line of Outlot 2 of Ryan Meadows; thence South  $89^{\circ}25'17''$  West along the north line of said Outlot 2, 327.05 feet; thence South  $48^{\circ}07'58''$  West along said north line, 142.71 feet to the north right of way line of Meadowview Drive; thence North  $44^{\circ}02'33''$  West along said right of way line, 91.29 feet; thence North  $45^{\circ}57'27''$  East along said right of way line, 5.00 feet; thence North  $44^{\circ}02'33''$  West along said right of way, 369.79 feet to the aforesaid southeasterly right of way line of West Loomis Road and a point on a curve; thence northeasterly 90.22 feet along the arc of said curve to the left and said right of way, whose radius is 1979.86 feet and whose chord bears North  $44^{\circ}31'39''$  East, 90.21 feet to the Point of Beginning.

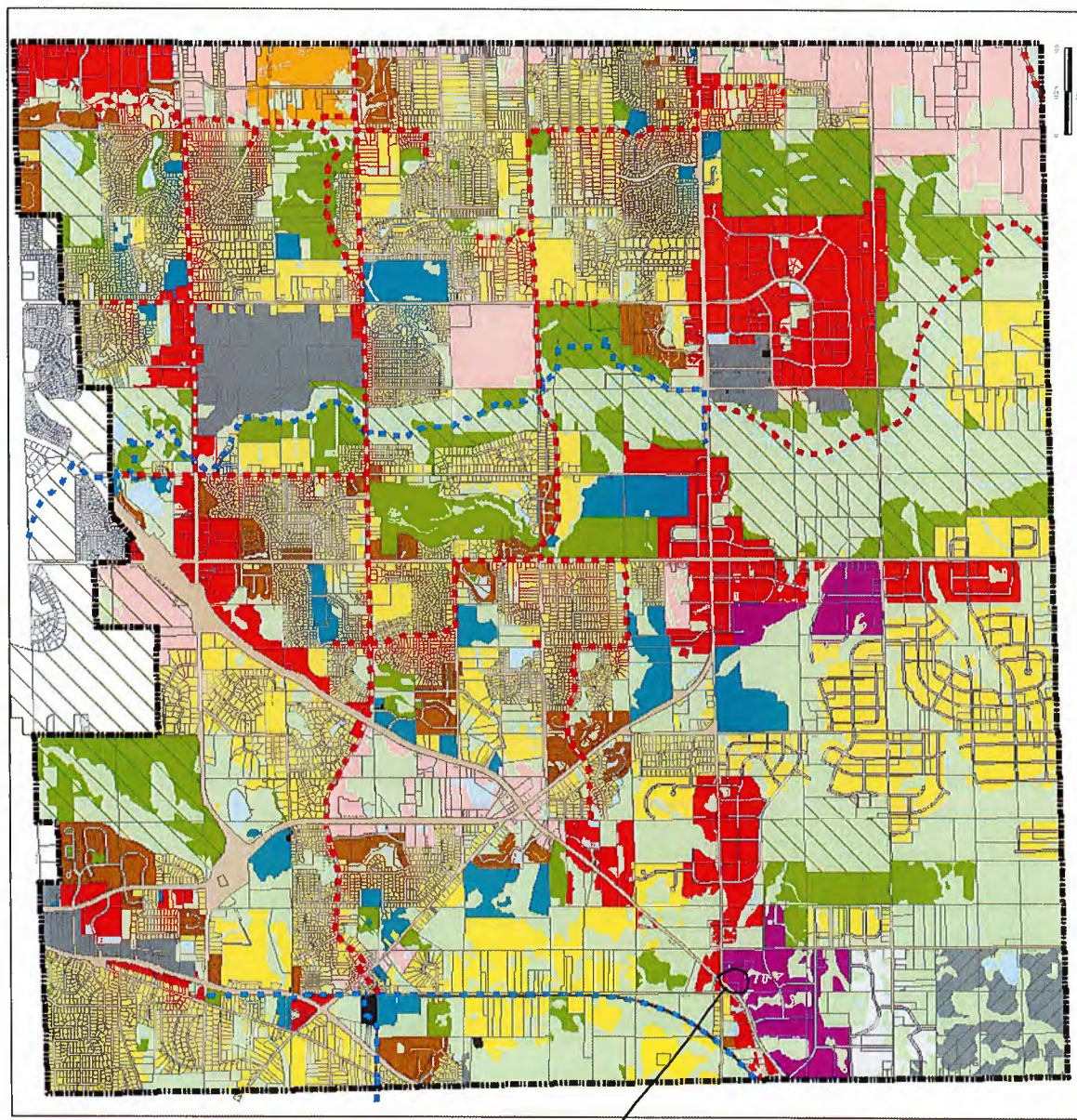












Subject Property

# 7: Future Land Use Map 2025

## Future Land Use Map 2025

Map 5.7

- Legend**
- Future Land Use**
- Areas of Natural Resource Features
  - Business Park
  - Commercial
  - Communication and Utilities
  - Industrial
  - Institutional
  - Landfill
  - Light Manufacturing
  - Mixed Use
  - Office
  - Recreational
  - Residential
  - Residential - Multi-Family
  - Transportation
  - Water
  - Future Roads (SW Plan)
  - Existing Trail
  - Proposed Trail
  - Milwaukee County Parkway

**Notes:**

The City of Franklin is not responsible for the accuracy of the information shown on this map. The City of Franklin is not responsible for the accuracy of the information shown on this map. The City of Franklin is not responsible for the accuracy of the information shown on this map.

**Disclaimer:**

The information depicted on this map was compiled from a variety of sources, including public records, aerial photography, and other sources. The City of Franklin is not responsible for the accuracy of the information shown on this map. The City of Franklin is not responsible for the accuracy of the information shown on this map.

**City of Franklin**

City of Franklin  
2025  
Franklin, WI 53122  
www.franklinwi.gov











Dumpsters for Trash and Garbage Required For Construction Sites	T	T	T	T	T
Garage and Yard Sales	T	T	T	T	T
Food Truck	T	T	T	T	T
Model Homes, Model Dwelling Units, and Pre-Construction Sales Offices	T	T	T	T	T
Public Interest and Special Events	T	T	T	T	T
Temporary Roadside Stands for the Sale of Agricultural Products	T	T	T	T	T
Temporary Concrete Batch Plants or Asphalt or Asphalt Reprocessing Plants and Temporary Stone Crushers	T	T	T	T	T

## C. Permitted, Conditional, and Temporary Uses in Nonresidential and Mixed-Use Districts.

Table 15-3-04(C): Permitted, Conditional, and Temporary Uses in Nonresidential and Mixed-Use Districts

Use	B-N	B-G	B-R	B-MU	B-SM	B-P	LI	A	A-P	P	I	L	FW
<i>Residential</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Single-Family				P	P			P	P				
Multifamily, above ground floor only	P	P	P	P	P								
<i>Institutional</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Educational Facility											C		
Governmental Uses											C		
Health Care Facility	P	P	P	P			P				C		
Cemetery											C		
<i>Place of Assembly</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Indoor Commercial Place of Assembly, 20,000 sqft or less	P	P	P	P	P			C	C	C	P		
Indoor Commercial Place of Assembly, more than 20,000 sqft	C	P	P	P	C			C	C	C	P		
Outdoor Commercial Place of Assembly	C	C	C	C	C			C	C	C	P		
Noncommercial Place of Assembly, 20,000 sqft or less								C	C	C	P		
Noncommercial Place of Assembly, more than 20,000 sqft								C	C	C	P		
<i>Recreation, Amusement, and Lodging</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Campground										C			
Lodging House								P	P				
Hotel	C	C	C	C									
Motel		C											
Recreation Area													P
Short-Term Rental					C			P	P				
<i>Retail</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Adult Establishment							C						
General Retail, 50,000 sqft or less	P	P	P	P	P								

General Retail, more than 50,000 sqft	S	P	P	P	C								
Multitenant Shopping Center	C	C	C	C									
Wholesale Establishment							C						
<i>Service</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Animal Boarding Facility/Kennel and/or Veterinary Service	C	C					C	C					
General Service, 50,000 sqft or less	P	P	P	P	P								
General Service, more than 50,000 sqft	S	P	P	P	C	P							
Financial Institution	P	P	P	P		P							
Funeral Home	C	C											
Office, above ground floor only				P	P								
Office, 50,000 sqft or less	P	P	P	P	P	P							
Office, more than 50,000 sqft	P	P	P	P		P							
Office Complex/Business Park						P							
<i>Eating and Drinking</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Bar/Tavern	P	P	P	P	P								
Brewery/Winery/Distillery Tasting Room	P	P	P	P	P								
Food Truck Court	C	C	C	C	C	C							
Micro Brewery/Winery/Distillery		P	P	P	P								
Restaurant	P	P	P	P	P								
<i>Vehicle Related</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Auto Sales/Rental and Service		C	C				P						
Carwash		C	C				P						
Major Automotive Repair			C				P						
Minor Automotive Repair			P				P						
Vehicle Fuel Sales		C	C				P						
<i>Agricultural</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Community Garden								P	P				
Crop Production								P	P				
Animal Husbandry								P	P				
Indoor Agriculture							P	P	P				
Nursery Retail	P	P	P					P	P				
Nursery Wholesale								P	P				
<i>Industrial</i>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Artisan Manufacturing	P	P	P	P	P								
Brewery/Winery/Distillery							P	C	C				
Composting Facility							C	C	C				
Distribution Facility							C						
Equipment Rental, Sales, and Service	P	P	P				P						
Extractive Industry							C	C					
Heavy Industry							C						P



Home Improvement Center/ Lumberyard	P	P	P				P						
Landfill												C	
Light Industry							C						
Recycling Facility											C	C	
Salvage Yard							C					P	
Self-Service Storage Facility			C				C						
Solid Waste Facility							C					C	
Storage Yard							C						
Warehouse							C						
<b>Utility and Transportation</b>	<b>B-N</b>	<b>B-G</b>	<b>B-R</b>	<b>B-MU</b>	<b>B-SM</b>	<b>B-P</b>	<b>LI</b>	<b>A</b>	<b>A-P</b>	<b>P</b>	<b>I</b>	<b>L</b>	<b>FW</b>
Antenna	C	C	C	C	C	C	C	C	C	C	C	C	
Airport/ Heliport											C		
Helistop		C	C	C		C					C		
Loading Areas and Parking Areas, as a Principal Use													P
Railroad Use											C		
Sanitary Sewer or Water Supply Lines													C
Solar Farm								C	C				
Telecommunications Tower	C	C	C	C	C	C	C	C	C	C	C	C	
Wastewater Treatment Ponds and Facilities													P
Waterborne Transportation Uses													P
Wind Farm								C	C				
<b>Accessory</b>	<b>B-N</b>	<b>B-G</b>	<b>B-R</b>	<b>B-MU</b>	<b>B-SM</b>	<b>B-P</b>	<b>LI</b>	<b>A</b>	<b>A-P</b>	<b>P</b>	<b>I</b>	<b>L</b>	<b>FW</b>
Accessory Retail	P	P	P	P	P	P	C						
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	
Artisan Workshop								P	P				
Drive Through	C	C	C	C									
Donation Drop Box	C	C	C	C			C						
Electric Vehicle Charging Station	P	P	P	P	P	P	P				P		
Outdoor Activity/ Operation/Storage							C						
Outdoor Dining	P	P	P	P	P								
Outdoor Display/ Sale of Merchandise	P	P	P	P	P								
Solar Energy Collection System, canopy	P	P	P	P	P	P	P	P	P	P	P	P	
Solar Energy Collection System, ground mounted	C	C	C	C	C	C	C	C	C	C	C	C	
Solar Energy Collection System, roof mounted	P	P	P	P	P	P	P	P	P	P	P	P	
<b>Temporary</b>	<b>B-N</b>	<b>B-G</b>	<b>B-R</b>	<b>B-MU</b>	<b>B-SM</b>	<b>B-P</b>	<b>LI</b>	<b>A</b>	<b>A-P</b>	<b>P</b>	<b>I</b>	<b>L</b>	<b>FW</b>
Construction Related	T	T	T	T	T	T	T	T	T	T	T	T	
Construction Trailers as Temporary Offices	T	T	T	T	T	T	T	T	T	T	T	T	

Dumpsters for Trash and Garbage Required For Construction Sites	T	T	T	T	T	T	T	T	T	T	T	T	
Farmers Market	T	T	T	T	T			T	T				
Food Truck	T	T	T	T	T	T		T	T				
Garage and Yard Sales	T	T	T	T				T	T				
Model Homes, Model Dwelling Units, and Pre-Construction Sales Offices	T	T	T	T	T	T	T	T	T	T	T	T	
Public Interest and Special Events	T	T	T	T	T	T	T	T	T	T	T	T	
Temporary Roadside Stands for the Sale of Agricultural Products	T	T	T	T	T			P	P				
Temporary Concrete Batch Plants or Asphalt or Asphalt Reprocessing Plants and Temporary Stone Crushers	T	T	T	T	T	T	T	T	T	T	T	T	

### 15-3-05. B-SM - Saint Martin's Road Historic Business District Specific Standards

#### A. Canopies and Awnings.

1. Building canopies, awnings, or similar weather protection devices are encouraged on the first floor of all buildings.
2. If provided, the device shall project a minimum of three (3) feet and a maximum of five (5) feet from the façade to which it is affixed.

#### B. Building Frontage. The primary façade of all nonresidential and mixed-use development shall meet the standards of one (1) of the frontage types detailed in subsection one through four below. The use of the resulting front yards or porches for outdoor dining or other activity generating uses that support the subject lot's principal use is encouraged.

1. **Projecting Porch.** The primary façade of the building shall be sufficiently set back from the property line to accommodate the projecting porch within the front yard setback. The resulting front yard may or may not be defined by a fence or hedge to spatially maintain the edge of the street. The projecting porch shall be open on three (3) sides and have a roof form that shall be separate from the principal structure. A projecting porch may encroach into a required front yard setback to a maximum extent of ten (10) feet. The following minimum standards shall apply to projecting porches.
  - a. **Width.** Ten (10) feet
  - b. **Depth.** Eight (8) feet
  - c. **Height.** Eight (8) feet
2. **Storefront.** The primary façade of the building shall adjoin the required minimum front setback. Accordion-style windows and doors or other operable windows are encouraged. The following standards shall apply to shopfronts.
  - a. **Window Area.** Sixteen (16) square feet
  - b. **Window Width.** Three (3) feet
  - c. **Window Height.** Four (4) feet
  - d. **Sill Height.** Three (3) feet

<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 5/20/2025
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone the property bearing Tax Key Number 891 1081 000 from M-1 Limited Industrial District to R-8 Multiple-Family Residence District and B-2 General Business District (11590 West Meadowview Drive) (Bear Development, LLC, Applicant)</b>	<b>ITEM NUMBER</b>  D.4.  Ald. Dist. 5
<p>At their meeting on May 8, 2025, the Plan Commission unanimously recommended approval of an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone property bearing Tax Key Number 891 1081 000 from M-1 Limited Industrial District to R-8 Multiple-Family Residence District and B-2 General Business District (11590 West Meadowview Drive) (Bear Development, LLC, Applicant).</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>A motion to adopt Resolution 2025-_____, conditionally approving an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone property bearing Tax Key Number 891 1081 000 from M-1 Limited Industrial District to R-8 Multiple-Family Residence District and B-2 General Business District (11590 West Meadowview Drive) (Bear Development, LLC, Applicant).</p>		



STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 04-20-25]*

ORDINANCE NO. 2025-\_\_\_\_\_

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT  
ORDINANCE (ZONING MAP) TO REZONE THE PROPERTY BEARING TAX KEY  
NUMBER 891 1081 000 FROM M-1 LIMITED INDUSTRIAL DISTRICT TO R-8  
MULTIPLE-FAMILY RESIDENCE DISTRICT AND B-2 GENERAL BUSINESS DISTRICT  
(11590 WEST MEADOWVIEW DRIVE)  
(BEAR DEVELOPMENT, LLC, APPLICANT)

---

WHEREAS, Bear Development, LLC having petitioned for the rezoning of approximately 7.735 acres of land, from M-1 Limited Industrial District to B-2 General Business District (for Lot 1 of the concurrently submitted Certified Survey Map) and R-8 Multiple-Family Residence District (for Lot 2 of the concurrently submitted Certified Survey Map), such land located at 11590 West Meadowview Drive and bearing Tax Key Number 891 1081 000; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 8th day of May, 2025, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed rezoning is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and would promote the health, safety and welfare of the Community.

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

SECTION 1:           §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for property located at 11590 West Meadowview Drive and bearing Tax Key Number 891 1081 000 be changed from M-1 Limited Industrial District to B-2 General Business District (for Lot 1 of the concurrently submitted Certified Survey Map) and R-8 Multiple-Family Residence District (for Lot 2 of the concurrently submitted Certified Survey Map), as described below:

Lot 1 of Certified Survey Map No. \_\_\_\_\_, as recorded in the Register of Deeds office for Milwaukee County as Document No. \_\_\_\_\_, being a redivision of Lot 80 and Lot 81 of Ryan Meadows, as recorded in the Register of Deeds office for Milwaukee County as Document No. 10962414, located in the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4, Section 30, Township 5

North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 00°34'43" East along the west line of said Northeast 1/4, 521.37 feet to a north line of Lot 81, Ryan Meadows; thence South 89°23'13" East along said northerly line, 271.70 feet; thence North 00°34'43" West along said Lot 81, 302.82 feet to the Point of Beginning; Thence North 89°44'26" West, 79.44 feet to the southeasterly right of way line of West Loomis Road- State Trunk Highway "36 - United States Highway "45"; thence North 41°23'51" East along said right of way line, 206.07 feet to the south right of way line of West Ryan Road - County Trunk Highway "H"; thence South 89°44'26" East along said south right of way line, 353.92 feet; thence South 00°34'43" East, 84.00 feet; thence North 89°44'26" West, 259.64 feet; thence South 00°15'34" West, 71.20 feet; thence North 89°44'26" West, 151.64 feet to the Point of Beginning.

Lot 2 of Certified Survey Map No. \_\_\_\_\_, as recorded in the Register of Deeds office for Milwaukee County as Document No. \_\_\_\_\_, being a redivision of Lot 80 and Lot 81 of Ryan Meadows, as recorded in the Register of Deeds office for Milwaukee County as Document No. 10962414, located in the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4, Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 00°34'43" East along the west line of said Northeast 1/4, 473.41 feet to the plat of Ryan Meadows, the southeasterly right of way line of West Loomis Road – United States Highway "45" and the Point of Beginning; Thence continuing South 00°34'43" East along said west line and along the northerly line of Ryan Meadows, 47.96 feet; thence South 89°23'13" East along said northerly line, 271.70 feet; thence North 00°34'43" West along said northerly line, 302.82 feet; thence South 89°44'26" East, 151.64 feet; thence North 00°15'34" East, 71.20 feet; thence South 89°44'26" East, 259.64 feet to the platted east line of Lot 81, Ryan Meadows; thence South 00°34'43" East along said platted line of Ryan Meadows, 622.00 feet to the north line of Outlot 2 of Ryan Meadows; thence South 89°25'17" West along the north line of said Outlot 2, 327.05 feet; thence South 48°07'58" West along said north line, 142.71 feet to the north right of way line of Meadowview Drive; thence North 44°02'33" West along said right of way line, 91.29 feet; thence North 45°57'27" East along said right of way line, 5.00 feet; thence North 44°02'33" West along said right of way, 369.79 feet to the aforesaid southeasterly right of way line of West Loomis Road and a point on a curve; thence northeasterly 90.22 feet along the arc of said curve to the left and said right of way, whose radius is 1979.86 feet and whose chord bears North 44°31'39" East, 90.21 feet to the Point of Beginning.

SECTION 2:           The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3:           All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4:           This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Shirley J. Roberts, City Clerk

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

Planning Department  
9229 West Loomis Road  
Franklin, Wisconsin 53132  
(414) 425-4024  
[franklinwi.gov](http://franklinwi.gov)



APPLICATION DATE: \_\_\_\_\_

STAMP DATE: \_\_\_\_\_ city use only

## COMMON COUNCIL REVIEW APPLICATION

### PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]		APPLICANT IS REPRESENTED BY [CONTACT PERSON]	
NAME:	S.R. MILLS	NAME:	DANIEL SECZAP
COMPANY:	LOOMIS : RYAN, INC.	COMPANY:	BEAR DEVELOPMENT, LLC
MAILING ADDRESS:	4011 80th Street	MAILING ADDRESS:	4011 80th Street
CITY/STATE:	KENOSHA, WI	CITY/STATE:	KENOSHA WI
ZIP:	53142	ZIP:	53142
PHONE:	(262) 949-3788	PHONE:	(262) 949-3788
EMAIL ADDRESS:	dan@beardevelopment.com	EMAIL ADDRESS:	dan@beardevelopment.com

### PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS:	11590 Meadowview Drive	TAX KEY NUMBER:	
PROPERTY OWNER:	Loomis : Ryan, Inc.	PHONE:	(262) 949-3788
MAILING ADDRESS:	4011 80th Street	EMAIL ADDRESS:	dan@beardevelopment.com
CITY/STATE:	Kenosha WI	DATE OF COMPLETION:	office use only
ZIP:	53142		

### APPLICATION TYPE

Please check the application type that you are applying for

- ☐ Concept Review ☐ Comprehensive Master Plan Amendment ☐ Planned Development District ☒ Rezoning  
☐ Special Use / Special Use Amendment ☐ Unified Development Ordinance Text Amendment

Most requests require Plan Commission review and Common Council approval.



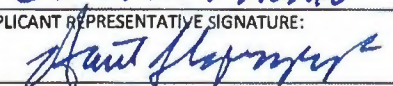
Applicant is responsible for providing Plan Commission resubmittal materials up to 11 copies pending staff request and comments.

### SIGNATURES

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).*

- ☐ I, the applicant, certify that I have read the following page detailing the requirements for plan commission and common council approval and submittals and understand that incomplete applications and submittals cannot be reviewed.

PROPERTY OWNER SIGNATURE:	APPLICANT SIGNATURE:
	
NAME & TITLE: S.R. Mills President	NAME & TITLE: S.R. Mills, President
DATE: 3/6/25	DATE: 3/6/25
PROPERTY OWNER SIGNATURE:	APPLICANT REPRESENTATIVE SIGNATURE:
	
NAME & TITLE:	NAME & TITLE: DANIEL SECZAP Project Manager
DATE:	DATE: 3/6/25



## CITY OF FRANKLIN APPLICATION CHECKLIST

If you have questions about the application materials please contact the planning department.

### CONCEPT REVIEW APPLICATION MATERIALS

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- ☐ \$420 Application fee payable to the City of Franklin.
- ☐ Three (3) complete collated sets of application materials to include ...
  - ☐ Three (3) project narratives.
  - ☐ Three (3) copies of the Preliminary Site/Development Plan of the subject property(ies) and immediate surroundings on 8 1/2" X 11" or 11" X 17" paper (i.e., a scaled map identifying the subject property and immediate environs, including existing and proposed parcels, existing and proposed structures, existing and proposed land uses, existing and proposed zoning, existing and proposed infrastructure and utilities[approximate locations only], and existing and proposed site conditions/site constraints [i.e. approximate locations of public road access, rights-of-way, natural resources/green space and drainage issues/concerns, etc.])
  - ☐ Three (3) colored copies of building elevations on 11" X 17" paper if applicable.
- ☐ Email or flash drive with all plans / submittal materials.

### COMPREHENSIVE MASTER PLAN AMENDMENT APPLICATION MATERIALS

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- ☐ \$1,250 Application fee payable to the City of Franklin.
- ☐ Word Document legal description of the subject property.
- ☐ Three (3) complete collated sets of application materials to include ...
  - ☐ Three (3) project narratives.
  - ☐ Three (3) folded copies of a Site Development Plan / Map, drawn to reasonable scale, at least 11" X 17" paper or as determined by the City Planner or City Engineer, identifying the subject property and immediate environs, including parcels, structures, land use, zoning, streets and utilities, and natural resource features, as applicable.
- ☐ Email or flash drive with all plans / submittal materials.
- ☐ Additional information as may be required.
  - Requires a Class I Public Hearing Notice at least 30 days before the Common Council Meeting

### PLANNED DEVELOPMENT DISTRICT (PDD)

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- ☐ Application fee payable to the City of Franklin... [select one of the following]
  - ☐ \$6,000: New PDD plus developer's deposit\*
  - ☐ (\*) \$3,000 developer's deposit is required in addition to filing fees at the time of submittal, it may require replenishment.
  - ☐ \$5,900: PDD Major Amendment
  - ☐ \$850: PDD Minor Amendment
- ☐ Word Document legal description of the subject property.
- ☐ Three (3) complete collated sets of application materials to include ...
  - ☐ Three (3) project narratives.
  - ☐ Three (3) folded full size, of the Site Plan Package, drawn to scale copies, on 24" x 36" paper, including Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc. (See Sections 15-7.0101, 15-7.0301, and 15-5.0402 of the UDO for information that must be denoted or included with each respective plan.)
- ☐ One (1) colored copy of the building elevations on 11" X 17" paper, if applicable.
- ☐ One (1) copy of the Site Intensity and Capacity Calculations, if applicable (see division 15-3.0500 of the UDO)
- ☐ Email or flash drive with all plans / submittal materials.
  - PDD and Major PDD Amendment requests require Plan Commission review, a public hearing, and Common Council approval.
  - Minor PDD Amendment requests require Plan Commission review and Common Council approval.

### REZONING

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- ☐ Application fee payable to the City of Franklin... [select one of the following]
  - ☒ \$2,500
  - ☐ \$600: one parcel residential.
- ☒ Word Document legal description of the subject property.
- ☐ Three (3) complete collated sets of application materials to include ...
  - ☐ Three (3) project narratives.
  - ☐ Three (3) folded copies of a Plot Plan or Site Plan, drawn to reasonable scale, at least 11" X 17" paper or as determined by the City Planner or City Engineer, and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned.
- ☒ Email or flash drive with all plans / submittal materials.
- ☐ Additional information as may be required.
  - Additional notice to and approval required for amendments or rezoning in the FW, FC, FFO, and SW Districts
  - Requires a Class II Public Hearing notice at Plan Commission.





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**March 26, 2025**

Mr. Regulo Martinez-Montilva  
Principal Planner  
9229 W. Loomis Road  
Franklin, WI 53132

**Re: Zoning Amendment- Lots 80 & 81 Ryan Meadows**

Dear Mr. Martinez-Montilva:

Bear Development is pleased to submit this letter and the enclosed submittal materials as formal application for Zoning Amendment for properties within Ryan Meadows Subdivision. Bear Development, LLC is acting on behalf of the record owners, Loomis & Ryan, Inc. and Loomis Cottage Ventures, LLC.

**Project Summary**

Loomis Cottage Ventures, LLC is the owner of record of .58 acres (25,344 SF) of improved land in the City of Franklin. The property is Lot 80 of the Ryan Meadows subdivision and is located at the southwest corner of STH 36 (Loomis Road) and Ryan Road.

**Tax Key No:** 891-1080-000.  
**Address:** 11433 W. Ryan Road, Franklin, WI

***Existing Comprehensive Master Plan Designation:*** Commercial  
***Proposed Comprehensive Master Plan Designation:*** Commercial

***Existing Land Use:*** Commercial (Irish Cottage Tavern)

***Proposed Land Use:*** Commercial

***Adjacent Land Use***

***North:*** Vacant/Agriculture  
***South:*** Single Family Residential and Vacant  
***East:*** Vacant/Agriculture  
***West:*** STH 36

***Existing Zoning:*** B-2 General Business and M-1 Limited Industrial

***Proposed Zoning:*** Commercial

***Adjacent Zoning:***

***North:*** B-2 General Business  
***South:*** M-1 Limited Industrial  
***East:*** STH 36 and R-8 Multiple Family Residential  
***West:*** R-2 Estate Single-Family Residential



Phone: 262.694.2327



[www.beardevelopment.com](http://www.beardevelopment.com)



4011 80<sup>th</sup> Street, Kenosha, WI 53142



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### **Property History**

The property was platted and divided as part of the Ryan Meadows Subdivision. The subject property is used for commercial purposes as a tavern. The property includes public street frontage on Ryan Road and STH 36.

Loomis & Ryan, Inc. is the owner of record of 7.73 acres (336,826 SF) of vacant land in the City of Franklin. The property is Lot 81 of Ryan Meadows Subdivision.

**Tax Key No:** 891-1081-000

**Address:** 11590 W. Meadowview Drive, Franklin, WI

The property is located on the north side of Meadowview Drive, just east of STH 36 (Loomis Road). The property also has public road frontage on Ryan Road. The subject property is vacant.

**Existing Comprehensive Master Plan Designation:** *Business Park*

**Proposed Comprehensive Master Plan Designation:** *Residential*

**Existing Land Use:** *Vacant*

**Proposed Land Use:** *Residential – 2 Family Condominiums*

#### **Adjacent Land Use**

**North:** *Vacant*

**South:** *Single Family Residential and Vacant*

**East:** *Single-Family Residential*

**West:** *Business and Single-Family Residential*

**Existing Zoning:** *M-1 Limited Industrial*

**Proposed Zoning:** *RM Multiple Family Residential District*

#### **Adjacent Zoning:**

**North:** *B-2 General Business*

**South:** *R-6 Suburban Single Family Residential District*

**East:** *R-2 Estate Single Family Residential District*

**West:** *R-2 Suburban Single-Family Residential and B-2 General Business*

### **Property History**

The property was platted and divided as part of the Ryan Meadows Subdivision. The subject property was improved with a public street (Meadowview Drive) and public utilities during the Ryan Meadows site development. The property includes public street frontage on Ryan Road to the north and Meadowview Drive to the south. The subject property was rezoned to the M-1 Limited Industrial District in 2017 during the approvals of the Ryan Meadows subdivision. It is currently vacant

Phone: 262.694.2327



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4011 80<sup>th</sup> Street, Kenosha, WI 53142

### **Proposed Amendments**

A **BEAR** GROUP COMPANY  
REAL ESTATE

**Lot 80 (Irish Cottage)**

Bear Development, LLC has filed Land Division applications for a CSM that would reconfigure the existing Lot 80 and 81 to enlarge the Irish Cottage property to include an improved and safer property access. The applicant is respectfully requesting a Zoning Amendment to designate the reconfigured property (shown as Lot 1 on the Certified Survey Map) as B-2 General Business District.

**Lot 81**

Recognizing that the existing M-1 Limited Industrial zoning would allow land uses that, by right, that may be considered incompatible with the residential use that has been established in the area, Bear Development is respectfully requesting a Zoning Amendment to the RM Multiple Family Residential District.

Enclosed for your consideration is a Conceptual Site Plan for the subject property, which includes a 2-family condominium neighborhood fronting a public street. Example renderings of the proposed townhomes are also provided. Also included in the overall project is the reconfiguration of the Irish Cottage access drive and parking lot.

We feel the existing designation of Business Park, along with the existing M-1 Limited Industrial zoning, if activated with an allowed land use, could be detrimental to the existing residential land use in the area in terms of aesthetics, noise and land value.

***Note: At the time of this application the City of Franklin is considering the adoption of an Updated UDO. While the property is currently zoned M-1 Limited Industrial it is likely that it will be classified as L-1 Limited Industrial at the time of Plan Commission and Common Council consideration.***

Sample of Allowed Uses Permitted by Right in the L-1 Limited Industrial District :

- *Auto Sales*
- *Car Wash*
- *Vehicle Fuel Sales*
- *Automotive Repair*
- *Brewery*
- *Equipment Rental, Sales and Service*

Sample of Allowed Uses Permitted by Conditional Use in the L-1 Limited Industrial District:

- *Light Industrial*
- *Adult Establishment*
- *Animal Boarding*
- *Self Storage*
- *Storage Yard*



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The applicant recognizes any future Residential land use would require additional entitlements including rezoning, land division, design engineering, etc., all of which require City of Franklin review and approval.

We feel that the Zoning Amendments requests are reasonable and rational and will designate the subject property with zoning classifications that are compatible with the surrounding land uses.

Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, [dan@beardevelopment.com](mailto:dan@beardevelopment.com)

Thank you for your time and consideration and we look forward to discussing this project at the next available Common Council meeting.

Sincerely,

Daniel Szczap  
Bear Development, LLC



Phone: 262.694.2327



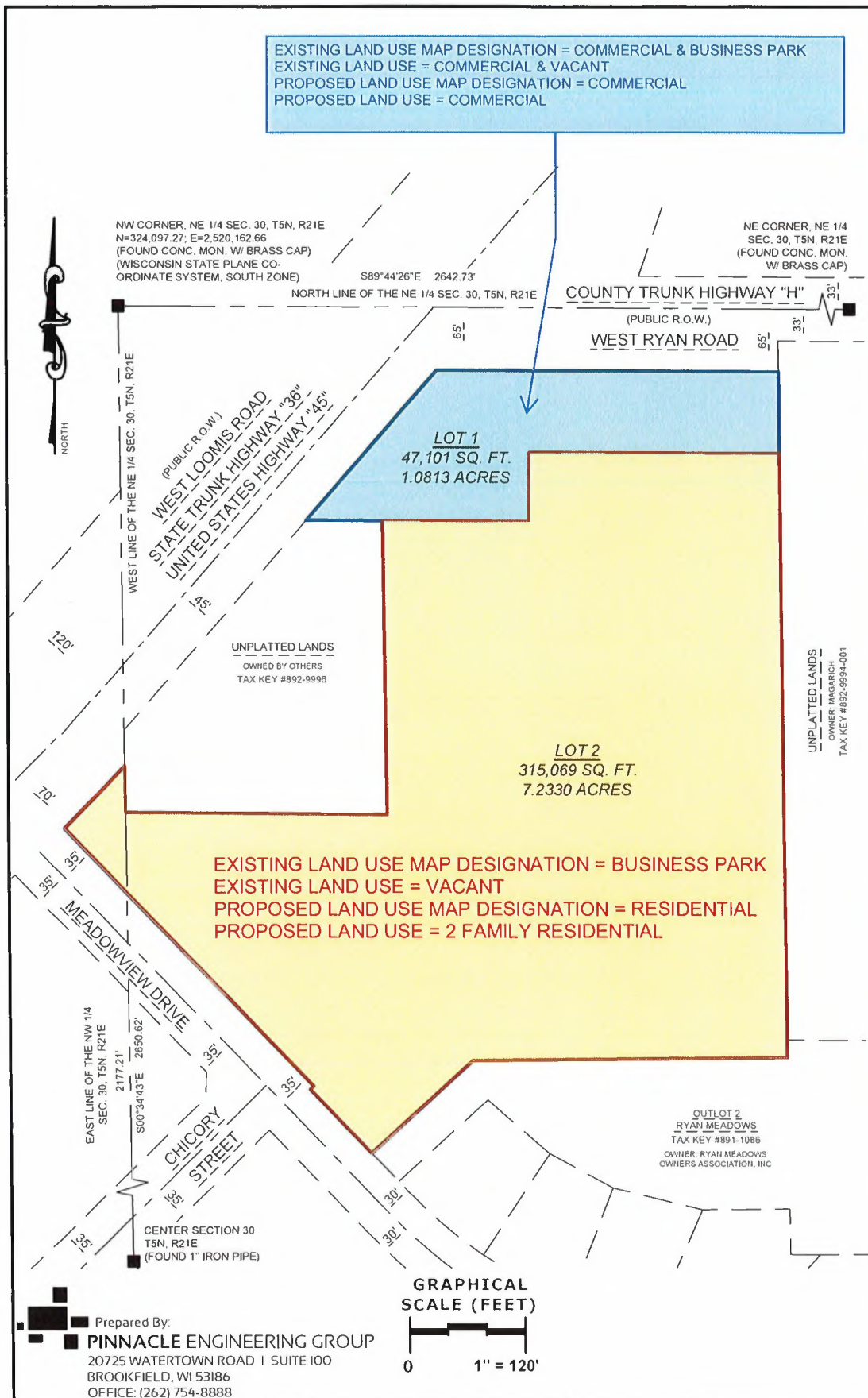
[www.beardevelopment.com](http://www.beardevelopment.com)



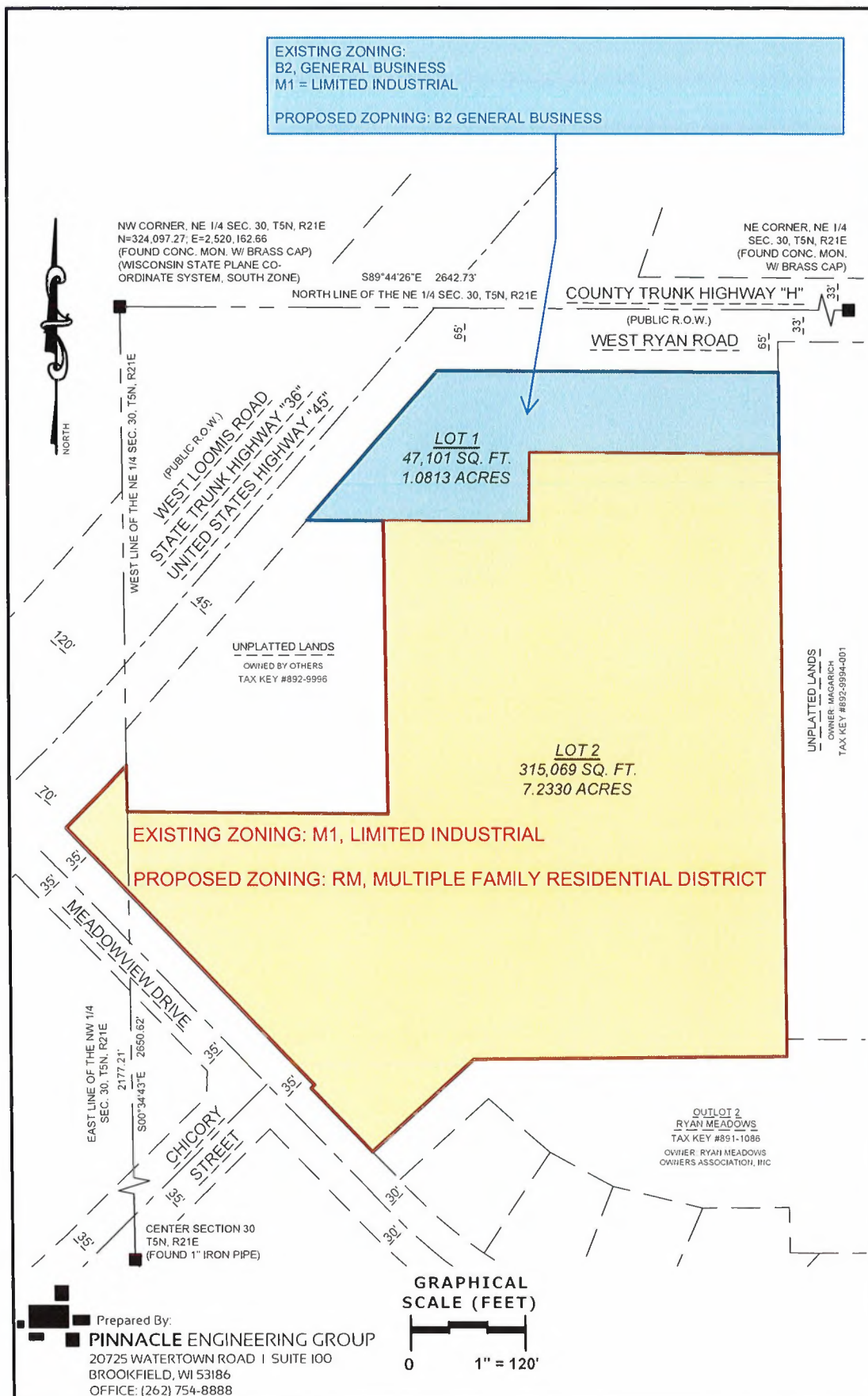
4011 80<sup>th</sup> Street, Kenosha, WI 53142



# COMPREHENSIVE MASTER PLAN AMENDMENT EXHIBIT



# REZONING EXHIBIT



LEGAL DESCRIPTION:

Lot 1 of Certified Survey Map No. \_\_\_\_\_, as recorded in the Register of Deeds office for Milwaukee County as Document No. \_\_\_\_\_, being a redivision of Lot 80 and Lot 81 of Ryan Meadows, as recorded in the Register of Deeds office for Milwaukee County as Document No. 10962414, located in the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4, Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 00°34'43" East along the west line of said Northeast 1/4, 521.37 feet to a north line of Lot 81, Ryan Meadows; thence South 89°23'13" East along said northerly line, 271.70 feet; thence North 00°34'43" West along said Lot 81, 302.82 feet to the Point of Beginning;

Thence North 89°44'26" West, 79.44 feet to the southeasterly right of way line of West Loomis Road- State Trunk Highway "36 - United States Highway "45"; thence North 41°23'51" East along said right of way line, 206.07 feet to the south right of way line of West Ryan Road - County Trunk Highway "H"; thence South 89°44'26" East along said south right of way line, 353.92 feet; thence South 00°34'43" East, 84.00 feet; thence North 89°44'26" West, 259.64 feet; thence South 00°15'34" West, 71.20 feet; thence North 89°44'26" West, 151.64 feet to the Point of Beginning.

LEGAL DESCRIPTION:

Lot 2 of Certified Survey Map No. \_\_\_\_\_, as recorded in the Register of Deeds office for Milwaukee County as Document No. \_\_\_\_\_, being a redivision of Lot 80 and Lot 81 of Ryan Meadows, as recorded in the Register of Deeds office for Milwaukee County as Document No. 10962414, located in the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4, Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 00°34'43" East along the west line of said Northeast 1/4, 473.41 feet to the plat of Ryan Meadows, the southeasterly right of way line of West Loomis Road - United States Highway "45" and the Point of Beginning;

Thence continuing South 00°34'43" East along said west line and along the northerly line of Ryan Meadows, 47.96 feet; thence South 89°23'13" East along said northerly line, 271.70 feet; thence North 00°34'43" West along said northerly line, 302.82 feet; thence South 89°44'26" East, 151.64 feet; thence North 00°15'34" East, 71.20 feet; thence South 89°44'26" East, 259.64 feet to the platted east line of Lot 81, Ryan Meadows; thence South 00°34'43" East along said platted line of Ryan Meadows,

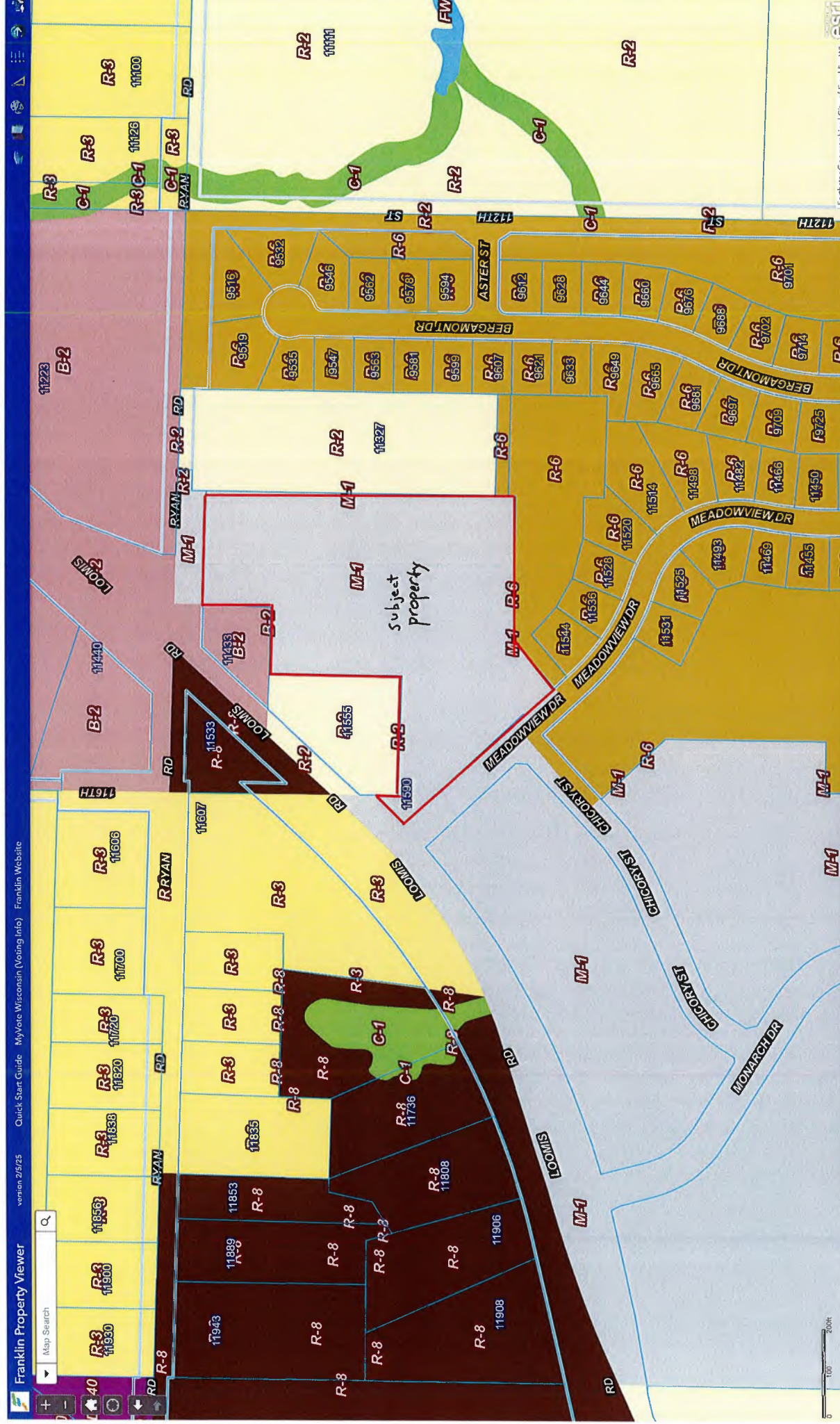


622.00 feet to the north line of Outlot 2 of Ryan Meadows; thence South  $89^{\circ}25'17''$  West along the north line of said Outlot 2, 327.05 feet; thence South  $48^{\circ}07'58''$  West along said north line, 142.71 feet to the north right of way line of Meadowview Drive; thence North  $44^{\circ}02'33''$  West along said right of way line, 91.29 feet; thence North  $45^{\circ}57'27''$  East along said right of way line, 5.00 feet; thence North  $44^{\circ}02'33''$  West along said right of way, 369.79 feet to the aforesaid southeasterly right of way line of West Loomis Road and a point on a curve; thence northeasterly 90.22 feet along the arc of said curve to the left and said right of way, whose radius is 1979.86 feet and whose chord bears North  $44^{\circ}31'39''$  East, 90.21 feet to the Point of Beginning.











## 7: Future Land Use Map 2025

# Future Land Use Map

2025

Map 5.7

### Legend

#### Future Land Use

Areas of Natural Resource Features

Business Park

Commercial

Communication and Utilities

Industrial

Institutional

Landfill

Light Manufacturing

Mixed Use

Office

Recreational

Residential

Residential - Multi-Family

Transportation

Water

Future Roads (SW Plan)

Existing Trail

Proposed Trail

Milwaukee County Parkway

#### Notes:

The design of this map is for informational purposes only. It is not intended to be used as a legal document.

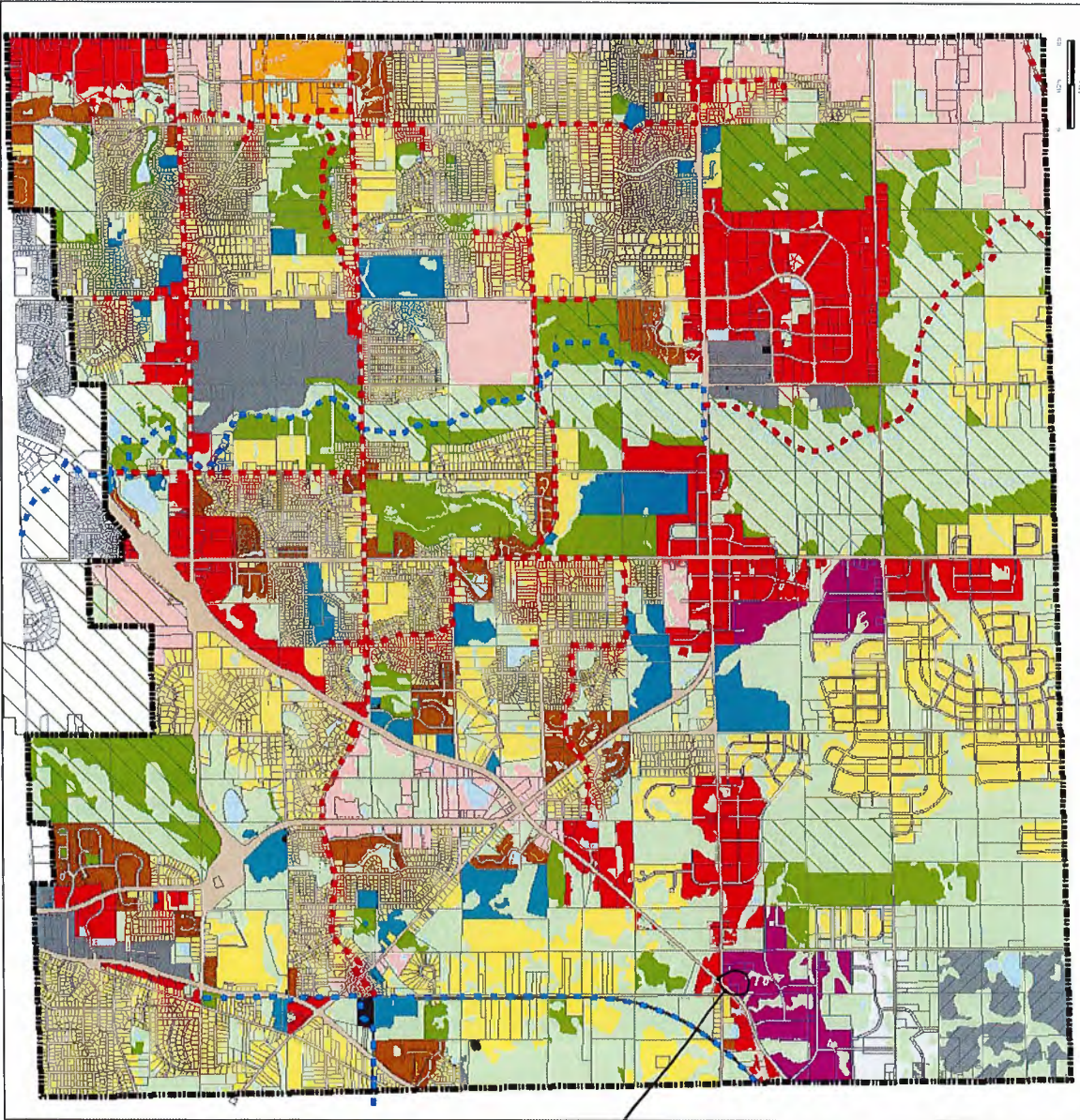
The design of this map is for informational purposes only. It is not intended to be used as a legal document. The design of this map is for informational purposes only. It is not intended to be used as a legal document. The design of this map is for informational purposes only. It is not intended to be used as a legal document.

#### Disclaimer:

The information depicted on this map was compiled from a variety of sources, including public domain sources, and is not intended to be used as a legal document. The design of this map is for informational purposes only. It is not intended to be used as a legal document.



GIS Department  
9220 W. Lincoln Rd.  
Franklin, WI 53132  
www.franklinwi.gov



Subject Property











Dumpsters for Trash and Garbage Required For Construction Sites	T	T	T	T	T
Garage and Yard Sales	T	T	T	T	T
Food Truck	T	T	T	T	T
Model Homes, Model Dwelling Units, and Pre-Construction Sales Offices	T	T	T	T	T
Public Interest and Special Events	T	T	T	T	T
Temporary Roadside Stands for the Sale of Agricultural Products	T	T	T	T	T
Temporary Concrete Batch Plants or Asphalt or Asphalt Reprocessing Plants and Temporary Stone Crushers	T	T	T	T	T

C. Permitted, Conditional, and Temporary Uses in Nonresidential and Mixed-Use Districts.

Table 15-3-04(C): Permitted, Conditional, and Temporary Uses in Nonresidential and Mixed-Use Districts

Use	B-N	B-G	B-R	B-MU	B-SM	B-P	LI	A	A-P	P	I	L	FW
<b>Residential</b>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Single-Family				P	P			P	P				
Multifamily, above ground floor only	P	P	P	P	P								
<b>Institutional</b>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Educational Facility											C		
Governmental Uses											C		
Health Care Facility	P	P	P	P			P				C		
Cemetery											C		
<b>Place of Assembly</b>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Indoor Commercial Place of Assembly, 20,000 sqft or less	P	P	P	P	P			C	C	C	P		
Indoor Commercial Place of Assembly, more than 20,000 sqft	C	P	P	P	C			C	C	C	P		
Outdoor Commercial Place of Assembly	C	C	C	C	C			C	C	C	P		
Noncommercial Place of Assembly, 20,000 sqft or less								C	C	C	P		
Noncommercial Place of Assembly, more than 20,000 sqft								C	C	C	P		
<b>Recreation, Amusement, and Lodging</b>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Campground										C			
Lodging House								P	P				
Hotel	C	C	C	C									
Motel		C											
Recreation Area													P
Short-Term Rental					C			P	P				
<b>Retail</b>	<i>B-N</i>	<i>B-G</i>	<i>B-R</i>	<i>B-MU</i>	<i>B-SM</i>	<i>B-P</i>	<i>LI</i>	<i>A</i>	<i>A-P</i>	<i>P</i>	<i>I</i>	<i>L</i>	<i>FW</i>
Adult Establishment							C						
General Retail, 50,000 sqft or less	P	P	P	P	P								



11/27/2024 - DRAFT FOR PUBLIC CONSIDERATION

General Retail, more than 50,000 sqft	S	P	P	P	C								
Multitenant Shopping Center	C	C	C	C									
Wholesale Establishment							C						
<b>Service</b>	<b>B-N</b>	<b>B-G</b>	<b>B-R</b>	<b>B-MU</b>	<b>B-SM</b>	<b>B-P</b>	<b>LI</b>	<b>A</b>	<b>A-P</b>	<b>P</b>	<b>I</b>	<b>L</b>	<b>FW</b>
Animal Boarding Facility/Kennel and/or Veterinary Service	C	C					C	C					
General Service, 50,000 sqft or less	P	P	P	P	P								
General Service, more than 50,000 sqft	S	P	P	P	C	P							
Financial Institution	P	P	P	P		P							
Funeral Home	C	C											
Office, above ground floor only				P	P								
Office, 50,000 sqft or less	P	P	P	P	P	P							
Office, more than 50,000 sqft	P	P	P	P		P							
Office Complex/Business Park						P							
<b>Eating and Drinking</b>	<b>B-N</b>	<b>B-G</b>	<b>B-R</b>	<b>B-MU</b>	<b>B-SM</b>	<b>B-P</b>	<b>LI</b>	<b>A</b>	<b>A-P</b>	<b>P</b>	<b>I</b>	<b>L</b>	<b>FW</b>
Bar/Tavern	P	P	P	P	P								
Brewery/Winery/Distillery Tasting Room	P	P	P	P	P								
Food Truck Court	C	C	C	C	C	C							
Micro Brewery/Winery/Distillery		P	P	P	P								
Restaurant	P	P	P	P	P								
<b>Vehicle Related</b>	<b>B-N</b>	<b>B-G</b>	<b>B-R</b>	<b>B-MU</b>	<b>B-SM</b>	<b>B-P</b>	<b>LI</b>	<b>A</b>	<b>A-P</b>	<b>P</b>	<b>I</b>	<b>L</b>	<b>FW</b>
Auto Sales/Rental and Service		C	C				P						
Carwash		C	C				P						
Major Automotive Repair			C				P						
Minor Automotive Repair			P				P						
Vehicle Fuel Sales		C	C				P						
<b>Agricultural</b>	<b>B-N</b>	<b>B-G</b>	<b>B-R</b>	<b>B-MU</b>	<b>B-SM</b>	<b>B-P</b>	<b>LI</b>	<b>A</b>	<b>A-P</b>	<b>P</b>	<b>I</b>	<b>L</b>	<b>FW</b>
Community Garden								P	P				
Crop Production								P	P				
Animal Husbandry								P	P				
Indoor Agriculture							P	P	P				
Nursery Retail	P	P	P					P	P				
Nursery Wholesale								P	P				
<b>Industrial</b>	<b>B-N</b>	<b>B-G</b>	<b>B-R</b>	<b>B-MU</b>	<b>B-SM</b>	<b>B-P</b>	<b>LI</b>	<b>A</b>	<b>A-P</b>	<b>P</b>	<b>I</b>	<b>L</b>	<b>FW</b>
Artisan Manufacturing	P	P	P	P	P								
Brewery/Winery/Distillery							P	C	C				
Composting Facility							C	C	C				
Distribution Facility							C						
Equipment Rental, Sales, and Service	P	P	P				P						
Extractive Industry							C	C					
Heavy Industry							C						P

Home Improvement Center/ Lumberyard	P	P	P				P						
Landfill												C	
Light Industry							C						
Recycling Facility											C	C	
Salvage Yard							C					P	
Self-Service Storage Facility			C				C						
Solid Waste Facility							C					C	
Storage Yard							C						
Warehouse							C						
<b>Utility and Transportation</b>	<b>B-N</b>	<b>B-G</b>	<b>B-R</b>	<b>B-MU</b>	<b>B-SM</b>	<b>B-P</b>	<b>LI</b>	<b>A</b>	<b>A-P</b>	<b>P</b>	<b>I</b>	<b>L</b>	<b>FW</b>
Antenna	C	C	C	C	C	C	C	C	C	C	C	C	
Airport/ Heliport											C		
Helistop		C	C	C		C					C		
Loading Areas and Parking Areas, as a Principal Use													P
Railroad Use											C		
Sanitary Sewer or Water Supply Lines													C
Solar Farm								C	C				
Telecommunications Tower	C	C	C	C	C	C	C	C	C	C	C	C	
Wastewater Treatment Ponds and Facilities													P
Waterborne Transportation Uses													P
Wind Farm								C	C				
<b>Accessory</b>	<b>B-N</b>	<b>B-G</b>	<b>B-R</b>	<b>B-MU</b>	<b>B-SM</b>	<b>B-P</b>	<b>LI</b>	<b>A</b>	<b>A-P</b>	<b>P</b>	<b>I</b>	<b>L</b>	<b>FW</b>
Accessory Retail	P	P	P	P	P	P	C						
Accessory Structure	P	P	P	P	P	P	P	P	P	P	P	P	
Artisan Workshop								P	P				
Drive Through	C	C	C	C									
Donation Drop Box	C	C	C	C			C						
Electric Vehicle Charging Station	P	P	P	P	P	P	P				P		
Outdoor Activity/ Operation/Storage							C						
Outdoor Dining	P	P	P	P	P								
Outdoor Display/ Sale of Merchandise	P	P	P	P	P								
Solar Energy Collection System, canopy	P	P	P	P	P	P	P	P	P	P	P	P	
Solar Energy Collection System, ground mounted	C	C	C	C	C	C	C	C	C	C	C	C	
Solar Energy Collection System, roof mounted	P	P	P	P	P	P	P	P	P	P	P	P	
<b>Temporary</b>	<b>B-N</b>	<b>B-G</b>	<b>B-R</b>	<b>B-MU</b>	<b>B-SM</b>	<b>B-P</b>	<b>LI</b>	<b>A</b>	<b>A-P</b>	<b>P</b>	<b>I</b>	<b>L</b>	<b>FW</b>
Construction Related	T	T	T	T	T	T	T	T	T	T	T	T	
Construction Trailers as Temporary Offices	T	T	T	T	T	T	T	T	T	T	T	T	



Dumpsters for Trash and Garbage Required For Construction Sites	T	T	T	T	T	T	T	T	T	T	T	T	
Farmers Market	T	T	T	T	T			T	T				
Food Truck	T	T	T	T	T	T		T	T				
Garage and Yard Sales	T	T	T	T				T	T				
Model Homes, Model Dwelling Units, and Pre-Construction Sales Offices	T	T	T	T	T	T	T	T	T	T	T	T	
Public Interest and Special Events	T	T	T	T	T	T	T	T	T	T	T	T	
Temporary Roadside Stands for the Sale of Agricultural Products	T	T	T	T	T			P	P				
Temporary Concrete Batch Plants or Asphalt or Asphalt Reprocessing Plants and Temporary Stone Crushers	T	T	T	T	T	T	T	T	T	T	T	T	

### 15-3-05. B-SM - Saint Martin's Road Historic Business District Specific Standards

#### A. Canopies and Awnings.

1. Building canopies, awnings, or similar weather protection devices are encouraged on the first floor of all buildings.
2. If provided, the device shall project a minimum of three (3) feet and a maximum of five (5) feet from the façade to which it is affixed.

#### B. Building Frontage. The primary façade of all nonresidential and mixed-use development shall meet the standards of one (1) of the frontage types detailed in subsection one through four below. The use of the resulting front yards or porches for outdoor dining or other activity generating uses that support the subject lot's principal use is encouraged.

1. **Projecting Porch.** The primary façade of the building shall be sufficiently set back from the property line to accommodate the projecting porch within the front yard setback. The resulting front yard may or may not be defined by a fence or hedge to spatially maintain the edge of the street. The projecting porch shall be open on three (3) sides and have a roof form that shall be separate from the principal structure. A projecting porch may encroach into a required front yard setback to a maximum extent of ten (10) feet. The following minimum standards shall apply to projecting porches.
  - a. **Width.** Ten (10) feet
  - b. **Depth.** Eight (8) feet
  - c. **Height.** Eight (8) feet
2. **Storefront.** The primary façade of the building shall adjoin the required minimum front setback. Accordion-style windows and doors or other operable windows are encouraged. The following standards shall apply to shopfronts.
  - a. **Window Area.** Sixteen (16) square feet
  - b. **Window Width.** Three (3) feet
  - c. **Window Height.** Four (4) feet
  - d. **Sill Height.** Three (3) feet

<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 5/20/2025
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Resolution conditionally approving a 2-lot certified survey map, being a redivision of Lot 80 and Lot 81 of Ryan Meadows, in the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Bear Development, LLC, Applicant) (11590 West Meadowview Drive and 11433 West Ryan Road)</b>	<b>ITEM NUMBER</b>  H.5.  Ald. Dist. 5

At their meeting on May 8, 2025, the Plan Commission unanimously recommended approval of a 2-lot certified survey map, being a redivision of Lot 80 and Lot 81 of Ryan Meadows, in the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Bear Development, LLC, Applicant) (11590 West Meadowview Drive and 11433 West Ryan Road).

#### **COUNCIL ACTION REQUESTED**

A motion to adopt Resolution 2025-\_\_\_\_\_, conditionally approving a 2-lot certified survey map, being a redivision of Lot 80 and Lot 81 of Ryan Meadows, in the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Bear Development, LLC, Applicant) (11590 West Meadowview Drive and 11433 West Ryan Road).

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2025-\_\_\_\_\_

A RESOLUTION CONDITIONALLY APPROVING A 2-LOT CERTIFIED SURVEY MAP, BEING A REDIVISION OF LOT 80 AND LOT 81 OF RYAN MEADOWS, IN THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 ALL IN SECTION 30, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN  
(BEAR DEVELOPMENT, LLC, APPLICANT)  
(11590 WEST MEADOWVIEW DRIVE AND 11433 WEST RYAN ROAD)

---

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being a redivision of Lot 80 and Lot 81 of Ryan Meadows, in the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, now being more particularly bounded and described and follows:

Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 00°34'43" East along the west line of said Northeast 1/4, 473.41 feet to the plat of Ryan Meadows, the southeasterly right of way line of West Loomis Road - United States Highway "45" and the Point of Beginning; Thence continuing South 00°34'43" East along said west line and along the northerly line of Ryan Meadows, 47.96 feet; Thence South 89°23'13" East along said northerly line, 271.70 feet; Thence North 00°34'43" West along said northerly line, 302.82 feet; Thence North 89°44'26" West along said northerly line, 79.44 feet to the aforesaid southeasterly right of way line of West Loomis Road; Thence North 41°23'51" East along said right of way line, 206.07 feet to the south right of way line of West Ryan Road - County Trunk Highway "H"; Thence South 89°44'26" East along said south right of way line, 353.92 feet; Thence South 00°34'43" East along said platted line of Ryan Meadows, 706.00 feet to the north line of Outlot 2 of Ryan Meadows; Thence South 89°25'17" West along the north line of said Outlot 2, 327.05 feet; Thence South 48°07'58" West along said north line, 142.71 feet to the north right of way line of Meadowview Drive; Thence North 44°02'33" West along said right of way line, 91.29 feet; Thence North 45°57'27" East along said right of way line, 5.00 feet; Thence North 44°02'33" West along said right of way, 369.79 feet to the aforesaid southeasterly right of way line of West Loomis Road and a point on a curve; Thence northeasterly 90.22 feet along the arc of said curve to the left and said right of way, whose radius is 1799.86 feet and whose chord bears North 44°31'39" East, 90.21 feet to the Point of Beginning. Containing 362,170 square feet (8.3143 acres) of land Gross, more or less; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by Bear Development, LLC, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9 of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.
4. Bear Development, LLC, successors and assigns, and any developer of the Bear Development, LLC, two (2) lot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
5. The approval granted hereunder is conditional upon Bear Development, LLC and the 2 lot certified survey map project for the properties located at 11590 West Meadowview Drive and 11433 West Ryan Road: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. The applicant must resolve any technical corrections required by the Engineering or Planning Department, or the City Attorney's Office prior to the recording of the Certified Survey Map.

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owners, Loomis & Ryan, Inc. and Loomis Cottage Ventures, LLC, be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the



BEAR DEVELOPMENT, LLC – CERTIFIED SURVEY MAP  
RESOLUTION NO. 2025-\_\_\_\_\_

Page 3

date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording of the Certified Survey Map, certified by owners, Loomis & Ryan, Inc. and Loomis Cottage Ventures, LLC, with the Office of the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this 20th day of May, 2025.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 20th day of May, 2025.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Shirley J. Roberts, City Clerk

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



*Providing Creative Real Estate Solutions to Build Better Communities*

---

March 26, 2025  
Regulo Martinez-Montilva  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

RE: Certified Survey Map Application

Dear Mr. Martinez-Montilva:

Bear Development is pleased to submit this letter and the enclosed submittal materials as formal application for Certified Survey Map review and approval. Bear Development is acting on behalf of the owners of record, Loomis & Ryan, Inc. and Loomis Cottage Ventures, LLC.

**Property Summary**

Loomis Cottage Ventures, LLC is the owner of record of .58 acres (25,344 SF) of improved land in the City of Franklin. The property is Lot 80 of the Ryan Meadows subdivision and is located at the southwest corner of STH 36 (Loomis Road) and Ryan Road.

**Tax Key No:** 891-1080-000.  
**Address:** 11433 W. Ryan Road, Franklin, WI  
**Existing Zoning:** B-2 General Business District

The property is commonly known as the Irish Cottage and is improved with a commercial building and parking lot. Public street access for the property is located on Ryan Road and is non-conforming.

Loomis & Ryan, Inc. is the owner of record of 7.73 acres (336,826 SF) of vacant land in the City of Franklin. The property is Lot 81 of Ryan Meadows Subdivision.

**Tax Key No:** 891-1081-000  
**Address:** 11590 W. Meadowview Drive, Franklin, WI  
**Existing Zoning:** M-1 Limited Industrial

The property is located on the north side of Meadowview Drive, just east of STH 36 (Loomis Road). The property also has public road frontage on Ryan Road. The subject property is vacant.

**Project Summary**

Bear Development, LLC respectfully requests review and approval of the enclosed Certified Survey Map to reconfigure the two (2) existing lots.



Phone: 262.694.2327



[www.beardevelopment.com](http://www.beardevelopment.com)



4011 80<sup>th</sup> Street, Kenosha, WI 53142



*Providing Creative Real Estate Solutions to Build Better Communities*

---

**Proposed Lot 1**

Upon land division, the Irish Cottage property would consist of Lot1, a 1.08 acre parcel, exceeding the zoning bulk requirements of the B-2 General Business District. Our intention would be to relocate the existing property access approximately 250' west on Ryan Road. The existing access, while legal, is non-conforming and arguably unsafe. The new access has been discussed with Milwaukee County Public Works and will be approved upon formal application. Further, our plans include the construction of an engineered parking lot to serve the existing commercial use. Presently, the property is underserved with parking.

**Proposed Lot 2**

Lot 2 of the proposed Certified Survey Map would consist of a 7.23 acre parcel with public street frontage on Meadowview Drive. The property is currently be reviewed for future development options.

In accordance with City of Franklin requirements, we have completed a Natural Resource Protection Plan for the property in question. A copy has been included in this submittal.

The proposed land division presents a unique opportunity to enhance the safety of the STH 36/Ryan Road intersection by providing a dedicated commercial driveway on Ryan Road. The division will also provide an opportunity to improve the subject property by providing adequate and orderly parking and to improve traffic circulation around the existing building.

We feel the requested land division will create separate parcels with future land use which is consistent and compatible with the properties in the general area.

Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, [dan@beardevelopment.com](mailto:dan@beardevelopment.com)

Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Szczap".

Daniel Szczap  
Bear Development, LLC



Phone: 262.694.2327

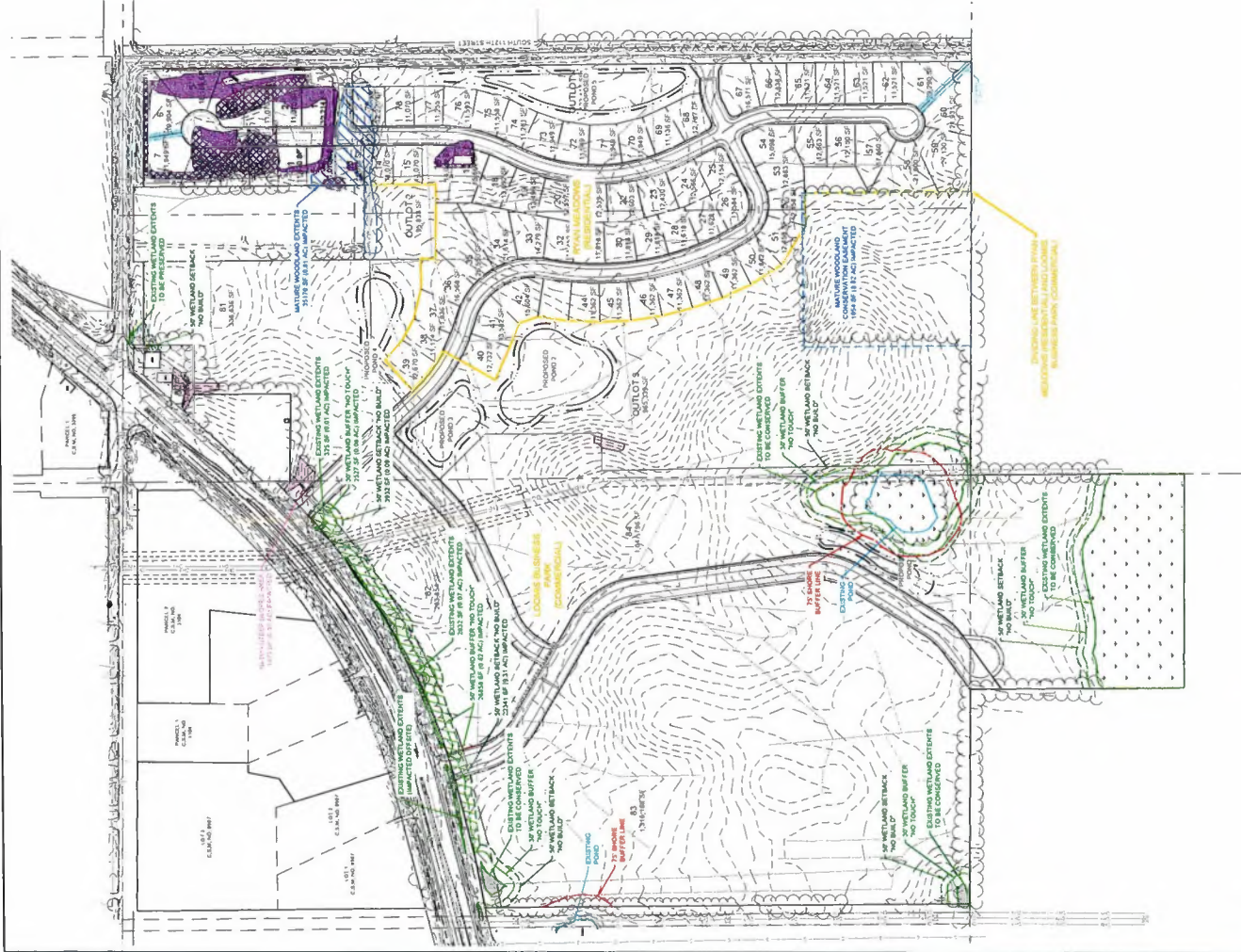
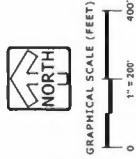


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4011 80<sup>th</sup> Street, Kenosha, WI 53142





## NATURAL RESOURCE FEATURE AREAS

RESOURCE TYPE	RYAN MEADOWS (RESIDENTIAL) LOTS 1-79, OUTLOTS 1 & 4 (27.97 AC)	LOOMIS BUSINESS PARK (COMMERCIAL) LOTS 80-84, OUTLOTS 2 & 3 (105.43 AC)	ENTIRE BASE SITE (133.40 AC)
STEPPED SLOPES AREA - PER REG SURVEYED CONTOURS	N/A	13,461 SF (0.31 AC)	13,461 SF (0.31 AC)
STEPPED SLOPES AREA - PER REG SURVEYED CONTOURS	N/A	N/A	N/A
STEPPED SLOPES - HAMMADE - PER REG SURVEYED CONTOURS	N/A	N/A	N/A
STEPPED SLOPES - HAMMADE - PER REG SURVEYED CONTOURS	N/A	N/A	N/A
POND - SURVEYED BY REG SURVEY IN JANUARY OF 2019	N/A	28,733 SF (0.66 AC)	28,733 SF (0.66 AC)
WETLANDS - INFORMATION BELOW**	N/A	251,003 SF (5.76 AC)	251,003 SF (5.76 AC)
WETLAND BUFFER "NO TOUCH"	N/A	104,124 SF (2.39 AC)	104,124 SF (2.39 AC)
WETLAND SETBACK "NO BUILD"	N/A	79,308 SF (1.82 AC)	79,308 SF (1.82 AC)
SHORE BUFFER - FIELD VERIFIED POND LOCATION	N/A	14,983 SF (0.34 AC)	14,983 SF (0.34 AC)
NATURAL WOODLAND - BASED ON POND SURVEY AND QUANT COM	36,224 SF (0.83 AC)	268,151 SF (6.16 AC)	304,375 SF (6.99 AC)

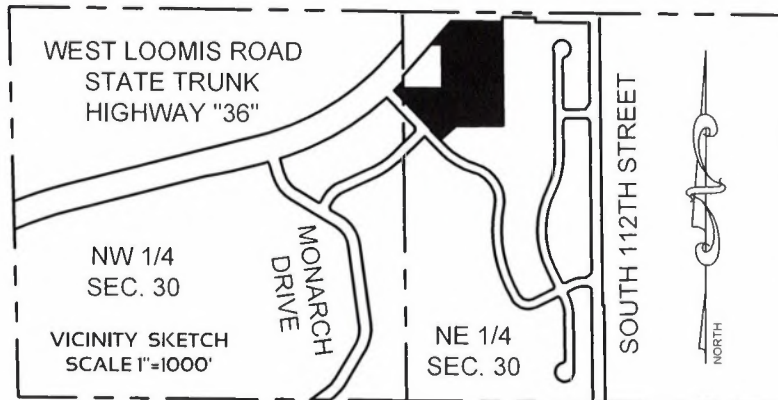
\* ADDITIONAL INFORMATION IS INCLUDED IN THE ATTACHED SITE INTENSITY CALCULATIONS  
\*\* FIELD DELINEATED BY RA SMITH NATIONAL ON 10-29-14 & 10-30-14 (SEE "WETLAND DELINEATION REPORT" DATED 03-19-15)  
\*\*\* FIELD DELINEATED BY RA SMITH NATIONAL ON 08-15-16, 08-19-16 & 08-22-16 (SEE "WETLAND DELINEATION REPORT" DATED 08-11-16)

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a redivision of Lot 80 and Lot 81 of Ryan Meadows, in  
the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4  
of the Northwest 1/4 all in Section 30, Township 5 North,  
Range 21 East, City of Franklin, Milwaukee County, Wisconsin

Subject Property  
Zoning: B-2 & M-1  
Tax Key Numbers:  
891-1080-000  
891-1081-000

WEST RYAN ROAD - COUNTY TRUNK HIGHWAY "H"



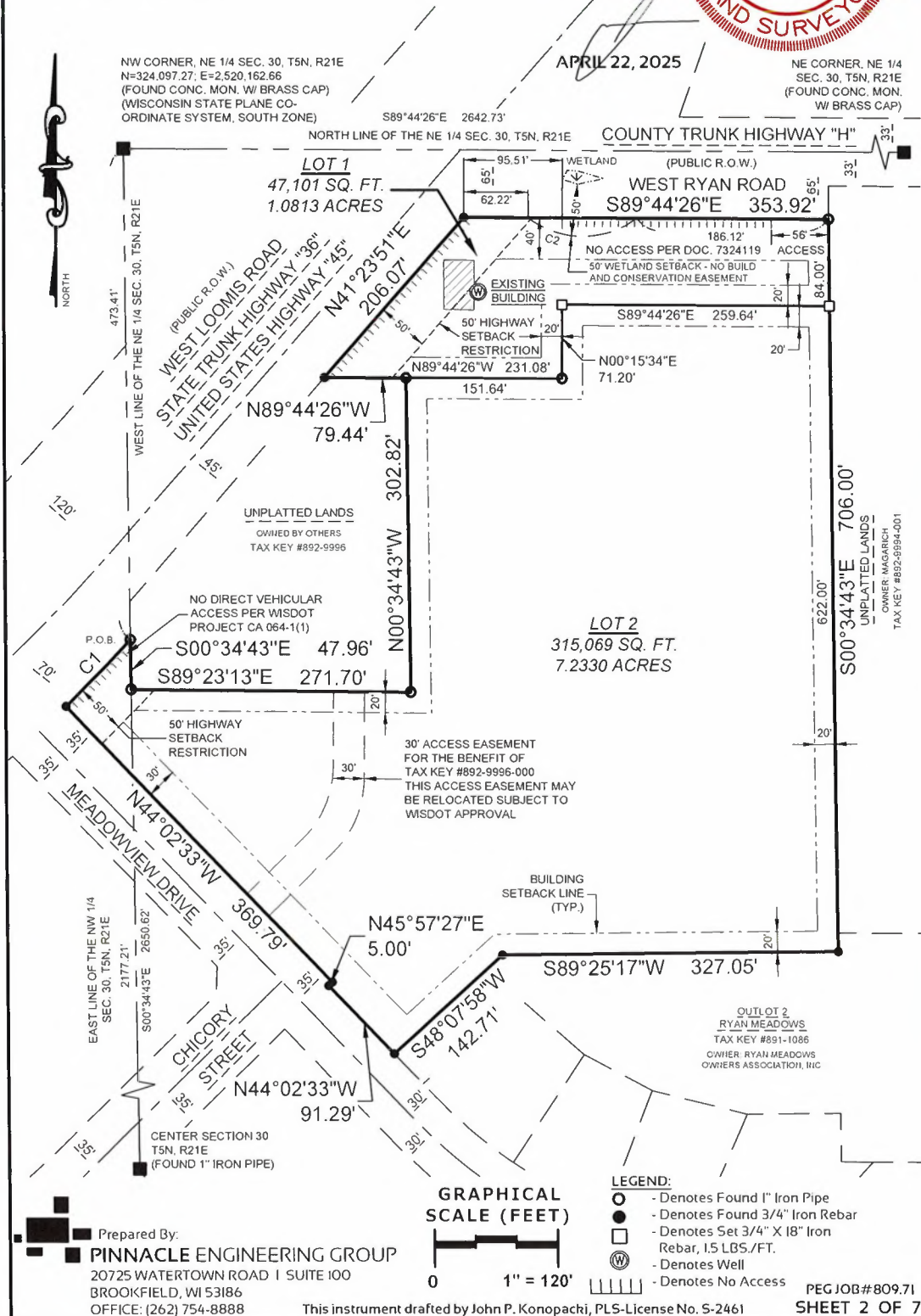
Prepared for:  
LOOMIS & RYAN, INC.  
4011 80th Street  
Kenosha, WI 53142

Prepared By:  
**PINNACLE ENGINEERING GROUP**  
20725 WATERTOWN ROAD | SUITE 100  
BROOKFIELD, WI 53186  
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

DRAFTED BY: ST  
PEG JOB#809.71  
SHEET 1 OF 7

~~APRIL~~ 22, 2025





# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a redivision of Lot 80 and Lot 81 of Ryan Meadows, in the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin



APRIL 22, 2025

NE CORNER, NE 1/4 SEC. 30, T5N, R21E  
(FOUND CONC. MON. W/ BRASS CAP)

NW CORNER, NE 1/4 SEC. 30, T5N, R21E  
N=324,097.27; E=2,520,162.66  
(FOUND CONC. MON. W/ BRASS CAP)  
(WISCONSIN STATE PLANE CO-ORDINATE SYSTEM, SOUTH ZONE)

S89°44'26"E 2642.73'

NORTH LINE OF THE NE 1/4 SEC. 30, T5N, R21E

COUNTY TRUNK HIGHWAY "H"

(PUBLIC R.O.W.)

WEST RYAN ROAD

**LOT 1**  
47,101 SQ. FT.  
1.0813 ACRES

WEST LOOMIS ROAD  
STATE TRUNK HIGHWAY "38"  
UNPLATTED LANDS  
OWNED BY OTHERS  
TAX KEY #892-9996

Vertical Datum: National Geodetic Vertical Datum of 1929 (NGVD29). Reference Benchmark: Concrete monument with brass cap at the Northwest corner of the Northeast 1/4 Section 30, Town 5 North, Range 21 East, Elevation = 803.18.

**LOT 2**  
315,069 SQ. FT.  
7.2330 ACRES

UNPLATTED LANDS  
OWNER: MAGARICH  
TAX KEY #892-9994-001

OUTLOT 2  
RYAN MEADOWS  
TAX KEY #891-1086  
OWNER: RYAN MEADOWS  
OWNERS ASSOCIATION, INC.

EAST LINE OF THE NW 1/4 SEC. 30, T5N, R21E  
2177.21'

S00°34'43"E 2650.62'

MEADOWVIEW DRIVE

CENTER SECTION 30  
T5N, R21E  
(FOUND 1" IRON PIPE)

GRAPHICAL  
SCALE (FEET)

0 1" = 120'

## LEGEND:

- - Denotes Found 1" Iron Pipe
- - Denotes Found 3/4" Iron Rebar
- - Denotes Set 3/4" X 18" Iron Rebar, 1.5 LBS./FT.
- ⊙ - Denotes Well
- - Denotes No Access

Prepared By:

**PINNACLE ENGINEERING GROUP**  
20725 WATERTOWN ROAD | SUITE 100  
BROOKFIELD, WI 53186  
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB #809.71  
SHEET 3 OF 7

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a redivision of Lot 80 and Lot 81 of Ryan Meadows, in the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

## SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)  
WAUKESHA COUNTY) SS

I, John P. Konopacki, Professional Land Surveyor, do hereby certify:

That I have surveyed, mapped and divided that all of Lot 80 and Lot 81 of Ryan Meadows, as recorded in the Register of Deeds office for Milwaukee County as Document No. 10962414, being a part of the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northwest corner of the Northeast 1/4 of said Section 30; thence South 00°34'43" East along the west line of said Northeast 1/4, 473.41 feet to the plat of Ryan Meadows, the southeasterly right of way line of West Loomis Road - United States Highway "45" and the Point of Beginning;

Thence continuing South 00°34'43" East along said west line and along the northerly line of Ryan Meadows, 47.96 feet;  
Thence South 89°23'13" East along said northerly line, 271.70 feet;  
Thence North 00°34'43" West along said northerly line, 302.82 feet;  
Thence North 89°44'26" West along said northerly line, 79.44 feet to the aforesaid southeasterly right of way line of West Loomis Road;  
Thence North 41°23'51" East along said right of way line, 206.07 feet to the south right of way line of West Ryan Road - County Trunk Highway "H";  
Thence South 89°44'26" East along said south right of way line, 353.92 feet;  
Thence South 00°34'43" East along said platted line of Ryan Meadows, 706.00 feet to the north line of Outlot 2 of Ryan Meadows;  
Thence South 89°25'17" West along the north line of said Outlot 2, 327.05 feet;  
Thence South 48°07'58" West along said north line, 142.71 feet to the north right of way line of Meadowview Drive;  
Thence North 44°02'33" West along said right of way line, 91.29 feet;  
Thence North 45°57'27" East along said right of way line, 5.00 feet;  
Thence North 44°02'33" West along said right of way, 369.79 feet to the aforesaid southeasterly right of way line of West Loomis Road and a point on a curve;  
Thence northeasterly 90.22 feet along the arc of said curve to the left and said right of way, whose radius is 1979.86 feet and whose chord bears North 44°31'39" East, 90.21 feet to the Point of Beginning.

Containing 362,170 square feet (8.3143 acres) of land Gross, more or less.

That I have made such survey, land division and map by the direction of **LOOMIS & RYAN INC.**, and **LOOMIS COTTAGE VENTURES, LLC**, owners of said land.

That such plat is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made.

That I have fully complied with the requirements of Chapter 236 of the Wisconsin State Statutes and the City of Franklin Land Division Ordinance and the Unified Development Ordinance Division - 15 of the City of Franklin in surveying the certified survey map.

Date: APRIL 22, 2025



John P. Konopacki  
Professional Land Surveyor S-2461

## BOUNDARY CURVE TABLE

CURVE NO.	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH	TANGENT	TANGENT
C1	90.22'	1979.86'	002°36'39"	N44°31'39"E	90.21'	N45°49'59"E	N43°13'19"E

## CONSERVATION EASEMENT

CURVE NO.	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C2	113.39'	87.24'	N89°44'26"W	105.57'



Prepared By:

**PINNACLE ENGINEERING GROUP**

20725 WATERTOWN ROAD | SUITE 100

BROOKFIELD, WI 53186

OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEGJOB#80971

**SHEET 4 OF 7**

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a redivision of Lot 80 and Lot 81 of Ryan Meadows, in the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

## OWNER'S CERTIFICATE

LOOMIS & RYAN INC, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, AND LOOMIS COTTAGE VENTURES, LLC, a Limited Liability Company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owners, do hereby certify that said corporation and said limited liability company caused the land described on this certified survey map to be surveyed, divided, mapped and dedicated as represented on this certified survey map.

LOOMIS & RYAN INC and LOOMIS COTTAGE VENTURES, LLC, as owners, also certify that this map is required by s.236.10 or s.236.12 of the Wisconsin State Statutes and the Unified Development Ordinance Division-15 of the City of Franklin to be submitted to the following for approval or objection:

1. City of Franklin

IN WITNESS WHEREOF, the said LOOMIS & RYAN INC has caused these presents to be signed by (name - print) \_\_\_\_\_, (title) \_\_\_\_\_, at \_\_\_\_\_ (city) \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, on this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

In the presence of: LOOMIS & RYAN INC.

\_\_\_\_\_  
Name (signature) - Title

IN WITNESS WHEREOF, the said LOOMIS COTTAGE VENTURES, LLC has caused these presents to be signed by (name - print) \_\_\_\_\_, (title) \_\_\_\_\_, at \_\_\_\_\_ (city) \_\_\_\_\_, \_\_\_\_\_ County, Wisconsin, on this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

In the presence of: LOOMIS COTTAGE VENTURES, LLC

\_\_\_\_\_  
Name (signature) - Title

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY ) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2025, (name) \_\_\_\_\_, (title) \_\_\_\_\_, of the above named LOOMIS & RYAN INC, to me known to be the persons who executed the foregoing instrument, and to me known to be such \_\_\_\_\_ (title) of said corporation and acknowledged that they executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY ) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2025, (name) \_\_\_\_\_, (title) \_\_\_\_\_, of the above named LOOMIS COTTAGE VENTURES, LLC, to me known to be the persons who executed the foregoing instrument, and to me known to be such \_\_\_\_\_ (title) of said corporation and acknowledged that they executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_

Prepared By:  
**PINNACLE ENGINEERING GROUP**  
20725 WATERTOWN ROAD | SUITE 100  
BROOKFIELD, WI 53186  
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

WISCONSIN  
JOHN P. KONOPACKI  
S-2461  
DRAFT  
LAND SURVEYOR  
APRIL 22, 2025

PEG JOB#809.71  
SHEET 5 OF 7



## CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a redivision of Lot 80 and Lot 81 of Ryan Meadows, in the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

### CONSENT OF CORPORATE MORTGAGEE -LOOMIS & RYAN INC

\_\_\_\_\_, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, dedication and mapping of the land described in the forgoing affidavit of John P. Konopacki, surveyor, and does hereby consent to the above certification of owners.

IN WITNESS WHEREOF, the said \_\_\_\_\_, has caused these presents to be signed by \_\_\_\_\_, its President, and its corporate seal to be hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Date

\_\_\_\_\_  
President

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2025, \_\_\_\_\_, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation and acknowledged the same.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_

### CONSENT OF CORPORATE MORTGAGEE -LOOMIS COTTAGE VENTURES, LLC.

\_\_\_\_\_, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, dedication and mapping of the land described in the forgoing affidavit of John P. Konopacki, surveyor, and does hereby consent to the above certification of owners.

IN WITNESS WHEREOF, the said \_\_\_\_\_, has caused these presents to be signed by \_\_\_\_\_, its President, and its corporate seal to be hereunto affixed this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Date

\_\_\_\_\_  
President

STATE OF WISCONSIN)  
\_\_\_\_\_ COUNTY) SS

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2025, \_\_\_\_\_, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation and acknowledged the same.

\_\_\_\_\_  
Notary Public  
Name: \_\_\_\_\_  
State of Wisconsin  
My Commission Expires: \_\_\_\_\_



APRIL 22, 2025

 Prepared By:  
**PINNACLE ENGINEERING GROUP**  
20725 WATERTOWN ROAD | SUITE 100  
BROOKFIELD, WI 53186  
OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#809.71  
SHEET 6 OF 7

# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a redivision of Lot 80 and Lot 81 of Ryan Meadows, in the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

## CITY OF FRANKLIN COMMON COUNCIL APPROVAL

Approved and accepted by the Common Council of the City of Franklin by Resolution No. \_\_\_\_\_.  
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Date

\_\_\_\_\_  
John R. Nelson, Mayor

\_\_\_\_\_  
Date

\_\_\_\_\_  
Shirley J. Roberts, City Clerk

### CONSERVATION EASEMENT RESTRICTIONS:

- No construction or placement of buildings or any structure.
- No construction or any improvements, unless, notwithstanding covenant 1 above, the improvement is specifically and previously approved by the Common Council of the City of Franklin, upon the advice of such other persons, entities, and agencies as it may elect; such improvements as may be so approved being intended to enhance the resource value of the protected property to the environment or the public and including, but not limited to animal and bird feeding stations, park benches, the removal of animal blockage of natural drainage or other occurring blockage of natural drainage, and the like.
- No excavation, dredging, grading mining, drilling, or change the topography of the land or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees; with the exception of limited grading within the wetland setback area as defined by the City of Franklin Unified Development Ordinance.
- No filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste, or other landscape materials, ashes, garbage, or debris.
- No planting of any vegetation not native to the protected property or not typical wetland vegetation.
- No operating snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.

### NOTES:

- All measurements have been made to the nearest one-hundredth of a foot.
- All angular measurements have been made to the nearest one second.
- Bearings referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The north line of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East bears S89°44'26"E.
- Wetlands delineated by Eric Parker, Heartland Ecological Group, Inc. April, 2025.
- ACCESS RESTRICTION NOTE: No owner, possessor, user, nor licensee, nor other person shall have any right of direct vehicular ingress or egress with West Loomis Road - State Trunk Highway "36" - United States Highway "45" as shown. It being expressly intended that this restriction shall constitute a restriction for the benefit of the public according to S5236.293, Stats., and shall be enforceable by the Department of Transportation.
- Lot 1 of this Certified Survey Map shall have NO DIRECT VEHICULAR ACCESS through Lot 2 to West Loomis Road - State Trunk Highway "36" - United States Highway "45" per the Wisconsin Department of Transportation Project CA 064-II(I).
- HIGHWAY SETBACK RESTRICTION: There shall be no improvements or structures placed between the highway and the setback line.
- NOISE NOTE: The lots of this land division may experience noise at the levels exceeding the levels in S5Trans 405.04, Table I. These levels are based on federal standards. The Department of Transportation is not responsible for abating noise from the existing state trunk highways or connecting highways, in the absence of any increase by the Department to the highway's through-lane capacity.
- Lot 1 of this Certified Survey Map is served by private well and septic system. Lot 2 of this Certified Survey Map is served by public sewer and water.



Prepared By:

**PINNACLE ENGINEERING GROUP**

20725 WATERTOWN ROAD | SUITE 100

BROOKFIELD, WI 53186

OFFICE: (262) 754-8888

APRIL 22, 2025

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#809.71  
SHEET 7 OF 7

<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  5/20/2025
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>A Resolution to Issue Change Order #4 for the DPW Expansion Project in the Amount of \$124,086.91 to Camosy Incorporated</b>	<b>ITEM NUMBER</b>  25.6.

### **BACKGROUND**

With the construction of a new addition at the Department of Public Works (DPW) Facility, the following Change Order is being requested. Portions of the change order will be in the form of a credit, whereas other portions will be additional charges – please see the Fiscal Note for specific information.

### **ANALYSIS**

During the construction process on the DPW Building Expansion, discoveries were made that require certain items to be removed and/or added to the project in order to properly complete the project. Please see the Fiscal Note for a full list of items. We are anticipating the cost of these items to be covered by ARPA (American Rescue Plan Act) Funds that were made available due to the 80<sup>th</sup> Street Utility Project bids coming in lower than anticipated.

Please see Fiscal Note for a summary of the items requested for this change order. The items requested are necessary to meet fire & plumbing codes and DNR environmental requirements.

Due to the mild Winter, DPW staff was able to assist with some of the required construction items, therefore this change order reflects credits for those items.

### **FISCAL NOTE**

Below is a summary of the items listed on the requested change order #4.

<b>Item Description:</b>	<b>Credit:</b>	<b>Charge:</b>	<b>Item Total:</b>
Fire Alarm Monitoring		\$7,306.01	\$7,306.01
Vacuum Breaker		\$5,613.66	\$5,613.66
Additional Asphalt West Entrance, East Entrance, North Parking lot, and Salt Shed lot		\$138,945.12	\$138,945.12
Fence & Gate Layout	-\$397.88		-\$397.88
Fuel Island Electrical Removal	-\$13,380.00		-\$13,380.00
Asphalt Base Stone	-\$14,000.00		-\$14,000.00
<b>TOTALS:</b>	<b>-\$27,777.88</b>	<b>151,864.79</b>	<b>\$124,086.91</b>

We are anticipating the current total amount of \$124,086.91 to be covered by ARPA (American Rescue Plan Act) funds that have been made available to the City, as indicated by the Finance Director. In the case that all costs are not covered by ARPA funds, additional funding would be needed from the City at the discretion of the Finance Director.



Previous Change Order was approved through Resolution 2024-8241 with estimated figures for the East & West Interior Mezzanine Concrete Footings & Floor Coating. Total previous change order amount was \$386,792.81. Costs came in substantially lower than estimated, reducing the overall cost of the previous change order. A final change order will be available at the June 3<sup>rd</sup>, 2025 Common Council meeting to close out the project and ensure the City is within Wis. Statute 62.15 (1a), which allows for a contract price to increase to a maximum of 15% of the original contract bid price.

### **RECOMMENDATIONS**

The Department of Public Works recommends the Council to approve all necessary change order items for the DPW Building Expansion Project.

### **COUNCIL ACTION REQUESTED**

Authorize Resolution 2025-\_\_\_\_, a Resolution to Issue Change Order #4 for the DPW Expansion Project in the Amount of \$124,086.91 to Camosy Incorporated.

KS/ams

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

RESOLUTION NO 2025 - \_\_\_\_\_

A RESOLUTION TO ISSUE CHANGE ORDER #4 TO CAMOSY INCORPORATED FOR  
THE DPW EXPANSION PROJECT IN THE AMOUNT OF \$124,086 91

-----

WHEREAS, Camosy Incorporated is constructing the DPW Expansion Project for the City of Franklin Public Works Department, and

WHEREAS, Camosy Incorporated will be providing additional services listed in this Change Order to ensure the City's project is completed to code & requirements, and

WHEREAS, American Rescue Plan Act funding is the secure funding for the remainder of this project, and

WHEREAS, Change Order #1-3 has been approved by the Common Council previously in 2024, and

WHEREAS, a final Change Order will be coming forward to a future meeting to supersede Change Order's #1-3 with finalized project costs to remain within Wisconsin State Statute confinements, and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, to authorize Change Order #4 to Camosy Incorporated for an increase in total project cost, and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized and directed to execute this Change Order (#4) to Camosy Incorporated in the increased amount of \$124,086 91 on behalf of the City's American Rescue Plan Act Funding

Introduced at a regular meeting of the Common Council of the City of Franklin the  
\_\_\_\_\_ day of \_\_\_\_\_, 2025, by Alderman \_\_\_\_\_

PASSED AND ADOPTED by the Common Council of the City of Franklin on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2025

APPROVED

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST

\_\_\_\_\_  
Shirley J Roberts, City Clerk

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



## KUENY ARCHITECTS, L.L.C.



**Date:** 5/2/2025  
**To:** Camosy Construction  
**From:** Kueny Architects, LLC  
**Subject:** Change Order  
**Project:** Franklin DPW Expansion

Dear Kyle

Enclosed find Change Order number Four (4) for the approved amount of \$ 124,086.91 Dollars for the Franklin DPW Expansion Project

Please review, sign and forward to the City of Franklin for approval and signature. They will in turn send you and our office a copy of the executed change order.

If there are any questions please contact our office.

Sincerely,

Jon P. Wallenkamp, AIA, ALA





10505 CORPORATE DRIVE SUITE 100 • PLEASANT PRAIRIE, WISCONSIN 53158 • PHONE 262-857-8101 • WEB: kuenyarch.com

## CHANGE ORDER

**PROJECT: (Name and Address)**

Franklin DPW Expansion  
7979 W Ryan Road  
Franklin, WI 53132

**CONTRACT INFORMATION**

**Contract for:** General Construction  
**Date:** July 10, 2024

**CHANGE ORDER INFORMATION**

**Change Order Number:** 4  
**Date:** 5/2/2025

**OWNER: (Name and Address)**

City of Franklin  
9229 W Loomis Rd.  
Franklin, WI 53132

**ARCHITECT: (Name and Address)**

Kueny Architects, LLC  
10505 Corporate Drive, Suite 100  
Pleasant Prairie, WI 53158

**CONTRACTOR: (Name and Address)**

Camosy Construction  
12795 - 120th Ave  
Kenosha, WI 53142

---

**THE CONTRACT IS CHANGED AS FOLLOWS:**

See Attached Summary Sheet

The original Contract Sum was	\$ 2,827,700 00
Net change by previously authorized Change Orders	\$ 148,995.68
The Contract Sum prior to this Change Order was	\$ 2,976,695.68
The Contract Sum will be adjusted by this Change Order amount	\$ 124,086.91
The new Contract Sum including this Change Order will be	\$ 3,100,782 59

The Contract Time will be unchanged

The date of Substantial Completion as of the date of this Change Order therefore is N/A

**NOTE:** This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supercede the Construction Change Directive

**NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.**

Kueny Architects, LLC

**ARCHITECT (Firm name)**

  
SIGNATURE

Jon P. Wallenkamp, Principal

**PRINT NAME & TITLE**

5/2/2025

**DATE**

Camosy Construction

**CONTRACTOR (Firm Name)**

  
SIGNATURE

Kyle Buchta - Project Manager

**PRINT NAME & TITLE**

05/02/2025

**DATE**

City of Franklin

**OWNER (Firm Name)**

SIGNATURE

City of Franklin

**PRINT NAME & TITLE**

**DATE**



**PCO #PCO019**

Camosy Incorporated  
12795 120th Avenue  
Kenosha, Wisconsin 53142  
Phone (262) 552-9440  
Fax (262) 552-0480

**Project** 52003 - Franklin DPW Expansion 2024  
7979 W Ryan Road  
Franklin Wisconsin 53132  
Phone 414-425-2592

## Prime Contract Potential Change Order #PCO019: CE #028 - CB #05 - SW Fence & Gate Layout

<b>TO:</b>	CITY OF FRANKLIN 9229 W LOOMIS ROAD FRANKLIN Wisconsin 53132	<b>FROM</b>	Camosy Incorporated 43451 N US Hwy 41 Zion, Illinois 60099
<b>PCO NUMBER/REVISION</b>	PCO019 / 0	<b>CONTRACT</b>	1 - Owner Contract
<b>REQUEST RECEIVED FROM:</b>		<b>CREATED BY</b>	Kyle Buchta (Camosy Incorporated)
<b>STATUS:</b>	Pending - In Review	<b>CREATED DATE:</b>	2/15/2025
<b>REFERENCE:</b>		<b>PRIME CONTRACT CHANGE ORDER</b>	None
<b>FIELD CHANGE.</b>	No	<b>ACCOUNTING METHOD</b>	Amount Based
<b>LOCATION</b>		<b>PAID IN FULL</b>	No
<b>SCHEDULE IMPACT:</b>		<b>SIGNED CHANGE ORDER RECEIVED DATE.</b>	
<b>EXECUTED.</b>	No	<b>TOTAL AMOUNT:</b>	(\$397.88)
<b>EXCLUDE UNIT/QUANTITY COLUMNS</b>	No		

**POTENTIAL CHANGE ORDER TITLE** CE #028 - CB #05 - SW Fence & Gate Layout

**CHANGE REASON** No Change Reason

**POTENTIAL CHANGE ORDER DESCRIPTION** *(The Contract Is Changed As Follows)*

CE #028 - CB #05 - SW Fence & Gate Layout  
Changes made to fence layout

**ATTACHMENTS:**

Franklin DPW CB-05 SW Fence Gate Layout Electric Run Marked Up 02-05-25.pdf , Franklin DPW CB-05 SW Fence & Gate Layout - 2025.02.04.pdf , Franklin Public Works AD101 - Site Plan 2025-02.04.dwg , Franklin DPW CB-05 SW Fence & Gate Layout - 2025.02.03.pdf , Franklin DPW MBE Fence SW Corner Add CO 02-15-25.pdf , Franklin DPW MBE Fence Fence Layout Deduct CO 02-15-25.pdf , Franklin Public Works Fuel Island PVC 2025 02.05.pdf , E101-Electrical-Site-Plan-Rev 1 Original Electric Path 02-05-25.pdf

#	Budget Code	Description	Qty	Units	Unit Cost	Amount
1	1 32 31 10 3 Phase 1 CHAIN LINK FENCES Subcontractors	Add for SW Fence Changes	82.0	LS	\$56.84	\$4,660.88
2	1 32 31 10 3 Phase 1 CHAIN LINK FENCES Subcontractors	Deduct for CB #5 Fence Changes	-89.0	LS	\$56.84	\$(5,058.76)
<b>Subtotal</b>						<b>\$(397.88)</b>
O&P (Subs) (0.00%)						\$0.00
O&P (Self Performed) (10.00%)						\$0.00
Insurance (0.00%)						\$0.00
Bond (0.00%)						\$0.00
<b>Grand Total</b>						<b>\$(397.88)</b>



**PCO #PCO019**

**Jon Wallenkamp (KUENY ARCHITECTS  
LLC)**  
10505 CORPORATE DR, SUITE 100  
PLEASANT PRAIRIE, Wisconsin 53158

**CITY OF FRANKLIN**  
9229 W LOOMIS ROAD  
FRANKLIN, Wisconsin 53132

**Camosy Incorporated**  
43451 N US Hwy 41  
Zion, Illinois 60099

**SIGNATURE** **DATE**

**SIGNATURE** **DATE**

**SIGNATURE** **DATE**





PCO #PCO021

Camosy Incorporated  
12795 120th Avenue  
Kenosha, Wisconsin 53142  
Phone (262) 552-9440  
Fax (262) 552-0480

Project 52003 - Franklin DPW Expansion 2024  
7979 W Ryan Road  
Franklin, Wisconsin 53132  
Phone 414-425-2592

## Prime Contract Potential Change Order #PCO021: CE #031 - CB-07 Add for Vacuum Breaker

TO:	CITY OF FRANKLIN 9229 W LOOMIS ROAD FRANKLIN, Wisconsin 53132	FROM	Camosy Incorporated 43451 N US Hwy 41 Zion, Illinois 60099
PCO NUMBER/REVISION:	PCO021 / 0	CONTRACT:	1 - Owner Contract
REQUEST RECEIVED FROM:		CREATED BY	Kyle Buchta (Camosy Incorporated)
STATUS:	Pending - In Review	CREATED DATE:	3/5/2025
REFERENCE:		PRIME CONTRACT CHANGE ORDER.	None
FIELD CHANGE:	No	ACCOUNTING METHOD:	Amount Based
LOCATION:		PAID IN FULL	No
SCHEDULE IMPACT:		SIGNED CHANGE ORDER RECEIVED DATE:	
EXECUTED:	No	TOTAL AMOUNT:	\$5,613 66
EXCLUDE UNIT/QUANTITY COLUMNS:	No		

POTENTIAL CHANGE ORDER TITLE: CE #031 - CB-07 Add for Vacuum Breaker

CHANGE REASON Design Development

### POTENTIAL CHANGE ORDER DESCRIPTION *(The Contract Is Changed As Follows)*

CE #031 - CB-07 Add for Vacuum Breaker  
Construction Bulletin #7 - Add for Required Vacuum Breakers for Water Hose Reels

### ATTACHMENTS.

Franklin DPW CB-07 Vacuum Breaker - 2025.02.27.pdf , CO #3 - Add BFP s.pdf

#	Budget Code	Description	Qty	Units	Unit Cost	Amount
1	1 22 10 10 3 Phase 1 PLUMBING Subcontractors	Add for Hose Reel BFPs	1 0	LS	\$5,241 00	\$5,241 00
Subtotal						\$5,241 00
O&P (Subs) (5 00% )						\$262 05
O&P (Self Performed) (10 00% )						\$0 00
Insurance (1 00% )						\$55 03
Bond (1 00% )						\$55 58
Grand Total.						\$5,613 66

Jon Wallenkamp (KUENY ARCHITECTS  
LLC)  
10505 CORPORATE DR SUITE 100  
PLEASANT PRAIRIE Wisconsin 53158

CITY OF FRANKLIN  
9229 W LOOMIS ROAD  
FRANKLIN Wisconsin 53132

Camosy Incorporated  
43451 N US Hwy 41  
Zion Illinois 60099

SIGNATURE DATE

SIGNATURE DATE

SIGNATURE DATE



**PCO #PCO022**

Camosy Incorporated  
12795 120th Avenue  
Kenosha, Wisconsin 53142  
Phone (262) 552-9440  
Fax (262) 552-0480

**Project** 52003 - Franklin DPW Expansion 2024  
7979 W Ryan Road  
Franklin, Wisconsin 53132  
Phone 414-425-2592

## Prime Contract Potential Change Order #PCO022: CB #06 - Fuel Island Electric Removal

<b>TO:</b>	CITY OF FRANKLIN 9229 W LOOMIS ROAD FRANKLIN Wisconsin 53132	<b>FROM:</b>	Camosy Incorporated 43451 N US Hwy 41 Zion, Illinois 60099
<b>PCO NUMBER/REVISION:</b>	PCO022 / 0	<b>CONTRACT:</b>	1 - Owner Contract
<b>REQUEST RECEIVED FROM</b>		<b>CREATED BY</b>	Kyle Buchta (Camosy Incorporated)
<b>STATUS:</b>	Pending - In Review	<b>CREATED DATE:</b>	4/13/2025
<b>REFERENCE</b>		<b>PRIME CONTRACT CHANGE ORDER</b>	None
<b>FIELD CHANGE</b>	No	<b>ACCOUNTING METHOD:</b>	Amount Based
<b>LOCATION</b>		<b>PAID IN FULL:</b>	No
<b>SCHEDULE IMPACT:</b>		<b>SIGNED CHANGE ORDER RECEIVED DATE</b>	
<b>EXECUTED</b>	No	<b>TOTAL AMOUNT:</b>	(\$13 380 00)
<b>EXCLUDE UNIT/QUANTITY COLUMNS:</b>	No		

**POTENTIAL CHANGE ORDER TITLE** CB #06 Fuel Island Electric Removal

**CHANGE REASON** Design Development

**POTENTIAL CHANGE ORDER DESCRIPTION** *(The Contract Is Changed As Follows)*

CE #029 - CB #6 - Fuel Island Electric Removal

CB #6 - Deduct for the removal of the future electrical feed to the future fuel island

**ATTACHMENTS**

Franklin DPW CB-06 Fuel Island Piping - 2025.02.13.pdf , Lowe Underground- Wilsurge Electric Credit Franklin DPW 3.14.25 (003).pdf , Camosy - Franklin Dpw Fuel Island Wall Conduit Stub up Deduct 4.10.25.xls

#	Budget Code	Description	Qty	Units	Unit Cost	Amount
1	1 26 10 10 3 Phase 1 ELECTRICAL Subcontractors	Deduct for Future Fuel Island Feed	1 0	LS	\$(13 380 00)	\$(13,380 00)
<b>Subtotal</b>						<b>\$(13,380.00)</b>
O&P (Subs) (0 00% )						\$0 00
O&P (Self Performed) (10 00% )						\$0 00
Insurance (0 00% )						\$0 00
Bond (0 00% )						\$0 00
<b>Grand Total</b>						<b>\$(13,380.00)</b>



**PCO #PCO022**

**Jon Wallenkamp (KUENY ARCHITECTS  
LLC)**  
10505 CORPORATE DR, SUITE 100  
PLEASANT PRAIRIE, Wisconsin 53158

**CITY OF FRANKLIN**  
9229 W LOOMIS ROAD  
FRANKLIN, Wisconsin 53132

**Camosy Incorporated**  
43451 N US Hwy 41  
Zion, Illinois 60099

**SIGNATURE** **DATE**

Camosy Incorporated

**SIGNATURE** **DATE**

Page 2 of 2

**SIGNATURE** **DATE**

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PCO #PCO023

Camosy Incorporated  
12795 120th Avenue  
Kenosha, Wisconsin 53142  
Phone: (262) 552-9440  
Fax: (262) 552-0480

Project: 52003 - Franklin DPW Expansion 2024  
7979 W. Ryan Road  
Franklin, Wisconsin 53132  
Phone: 414-425-2592

## Prime Contract Potential Change Order #PCO023: Fire Alarm Monitoring

TO:	CITY OF FRANKLIN 9229 W LOOMIS ROAD FRANKLIN, Wisconsin 53132	FROM:	Camosy Incorporated 43451 N. US Hwy 41 Zion, Illinois 60099
PCO NUMBER/REVISION:	PCO023 / 0	CONTRACT:	1 - Owner Contract
REQUEST RECEIVED FROM:		CREATED BY:	Kyle Buchta (Camosy Incorporated)
STATUS:	Pending - In Review	CREATED DATE:	4/13/2025
REFERENCE:		PRIME CONTRACT CHANGE ORDER:	None
FIELD CHANGE:	No		
LOCATION:		ACCOUNTING METHOD:	Amount Based
SCHEDULE IMPACT:		PAID IN FULL:	No
EXECUTED:	No	SIGNED CHANGE ORDER RECEIVED DATE:	
		TOTAL AMOUNT:	\$7,306.01
EXCLUDE UNIT/QUANTITY COLUMNS:	No		

POTENTIAL CHANGE ORDER TITLE: Fire Alarm Monitoring

CHANGE REASON: Existing Condition

POTENTIAL CHANGE ORDER DESCRIPTION: (The Contract Is Changed As Follows)

CE #033 - Fire Alarm Monitoring

Fire Alarm Monitoring Added to Existing Unit

ATTACHMENTS:

Camosey - Franklin Dpw FA 4.8.25.xls

#	Budget Code	Description	Qty	Units	Unit Cost	Amount
1	1.26.10.10.3 Phase 1.ELECTRICAL.Subcontractors	Fire Alarm Monitoring	1.0	LS	\$6,821.00	\$6,821.00
Subtotal:						\$6,821.00
O&P (Subs) (5.00% ):						\$341.05
O&P (Self Performed) (10.00% ):						\$0.00
Insurance (1.00% ):						\$71.62
Bond (1.00% ):						\$72.34
Grand Total:						\$7,306.01

Jon Wallenkamp (KUENY ARCHITECTS  
LLC)  
10505 CORPORATE DR, SUITE 100  
PLEASANT PRAIRIE, Wisconsin 53158

CITY OF FRANKLIN  
9229 W LOOMIS ROAD  
FRANKLIN, Wisconsin 53132

Camosy Incorporated  
43451 N. US Hwy 41  
Zion, Illinois 60099

SIGNATURE DATE

SIGNATURE DATE

SIGNATURE DATE





PCO #PCO024

Camosy Incorporated  
12795 120th Avenue  
Kenosha, Wisconsin 53142  
Phone (262) 552-9440  
Fax. (262) 552-0480

Project: 52003 - Franklin DPW Expansion 2024  
7979 W Ryan Road  
Franklin, Wisconsin 53132  
Phone 414-425-2592

## Prime Contract Potential Change Order #PCO024: CE #034 - Additional Pavement at West Entrance

TO:	CITY OF FRANKLIN 9229 W LOOMIS ROAD FRANKLIN, Wisconsin 53132	FROM:	Camosy Incorporated 43451 N. US Hwy 41 Zion, Illinois 60099
PCO NUMBER/REVISION:	PCO024 / 0	CONTRACT:	1 - Owner Contract
REQUEST RECEIVED FROM:		CREATED BY:	Kyle Buchta (Camosy Incorporated)
STATUS:	Pending - In Review	CREATED DATE:	4/16/2025
REFERENCE:		PRIME CONTRACT CHANGE ORDER:	None
FIELD CHANGE:	No	ACCOUNTING METHOD:	Amount Based
LOCATION:		PAID IN FULL:	No
SCHEDULE IMPACT:		SIGNED CHANGE ORDER RECEIVED DATE:	
EXECUTED:	No	TOTAL AMOUNT:	\$4,831.76
EXCLUDE UNIT/QUANTITY COLUMNS:	No		

POTENTIAL CHANGE ORDER TITLE: CE #034 - Additional Pavement at West Entrance

CHANGE REASON: Client Request

POTENTIAL CHANGE ORDER DESCRIPTION: *(The Contract Is Changed As Follows)*

CE #034 - Additional Pavement at West Entrance

Additional Pavement at West Entrance Per Owner Request

### ATTACHMENTS:

Franklin\_CO-DPW Storage Facility - (CHANGE ORDER 2 - ADDITIONAL ASPHALT @ THE WEST AREA) Bid Form.pdf , \_FRANKLIN DPW CHANGE ORDER AREAS.pdf , \_Franklin DPW Additional Pavement Quote\_04-16-25.pdf

#	Budget Code	Description	Qty	Units	Unit Cost	Amount
1	1.32 10.10 3 Phase 1.ASPHALT PAVING Subcontractors	West Entrance	1 0	LS	\$4,511.00	\$4,511.00
Subtotal:						\$4,511.00
O&P (Subs) (5.00%)						\$225.55
O&P (Self Performed) (10.00%)						\$0.00
Insurance (1.00%)						\$47.37
Bond (1.00%)						\$47.84
Grand Total:						\$4,831.76



**PCO #PCO024**

**Jon Wallenkamp (KUENY ARCHITECTS  
LLC)**  
10505 CORPORATE DR, SUITE 100  
PLEASANT PRAIRIE, Wisconsin 53158

**CITY OF FRANKLIN**  
9229 W LOOMIS ROAD  
FRANKLIN, Wisconsin 53132

**Camosy Incorporated**  
43451 N US Hwy 41  
Zion, Illinois 60099

**SIGNATURE** **DATE**

Camosy Incorporated

**SIGNATURE** **DATE**

Page 2 of 2

**SIGNATURE** **DATE**

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PCO #PCO025

Camosy Incorporated  
12795 120th Avenue  
Kenosha, Wisconsin 53142  
Phone (262) 552-9440  
Fax (262) 552-0480

Project: 52003 - Franklin DPW Expansion 2024  
7979 W Ryan Road  
Franklin Wisconsin 53132  
Phone 414-425-2592

## Prime Contract Potential Change Order #PCO025: CE #035 - Additional Pavement at East Entrance

TO:	CITY OF FRANKLIN 9229 W LOOMIS ROAD FRANKLIN, Wisconsin 53132	FROM:	Camosy Incorporated 43451 N US Hwy 41 Zion, Illinois 60099
PCO NUMBER/REVISION	PCO025 / 1	CONTRACT:	1 - Owner Contract
REQUEST RECEIVED FROM		CREATED BY	Kyle Buchta (Camosy Incorporated)
STATUS:	Pending - In Review	CREATED DATE:	4/16/2025
REFERENCE:		PRIME CONTRACT CHANGE ORDER	None
FIELD CHANGE:	No		
LOCATION		ACCOUNTING METHOD:	Amount Based
SCHEDULE IMPACT:		PAID IN FULL	No
EXECUTED:	No	SIGNED CHANGE ORDER RECEIVED DATE:	
		TOTAL AMOUNT:	\$5,980 80
EXCLUDE UNIT/QUANTITY COLUMNS:	No		

POTENTIAL CHANGE ORDER TITLE: CE #035 - Additional Pavement at East Entrance

CHANGE REASON Client Request

### POTENTIAL CHANGE ORDER DESCRIPTION *(The Contract Is Changed As Follows)*

CE #035 - Additional Pavement at East Entrance REVISED  
Additional Pavement at East Entrance Per Owner Request

### ATTACHMENTS

Franklin, CO-DPW Storage Facility - (CHANGE ORDER 3 - ADDITIONAL ASPHALT @ THE EAST AREA) Bid Form.pdf

#	Budget Code	Description	Qty	Units	Unit Cost	Amount
1	1 32 10 10 3 Phase 1 ASPHALT PAVING Subcontractors	East Entrance	1 0	LS	\$5 696 00	\$5,696 00
Subtotal						\$5,696 00
O&P (Subs) (5 00% )						\$284 80
O&P (Self Performed) (10 00% )						\$0 00
Insurance (0 00% )						\$0 00
Bond (0 00% )						\$0 00
Grand Total						\$5,980 80

Jon Wallenkamp (KUENY ARCHITECTS LLC)  
10505 CORPORATE DR SUITE 100  
PLEASANT PRAIRIE Wisconsin 53158

CITY OF FRANKLIN  
9229 W LOOMIS ROAD  
FRANKLIN Wisconsin 53132

Camosy Incorporated  
43451 N US Hwy 41  
Zion Illinois 60099

SIGNATURE DATE

SIGNATURE DATE

SIGNATURE DATE



PCO #PCO026

Camosy Incorporated  
12795 120th Avenue  
Kenosha, Wisconsin 53142  
Phone (262) 552-9440  
Fax (262) 552-0480

Project: 52003 - Franklin DPW Expansion 2024  
7979 W. Ryan Road  
Franklin, Wisconsin 53132  
Phone 414-425-2592

## Prime Contract Potential Change Order #PCO026: CE #036 - Salt Shed Parking Lot Replacement

TO:	CITY OF FRANKLIN 9229 W LOOMIS ROAD FRANKLIN, Wisconsin 53132	FROM:	Camosy Incorporated 43451 N. US Hwy 41 Zion, Illinois 60099
PCO NUMBER/REVISION:	PCO026 / 1	CONTRACT:	1 - Owner Contract
REQUEST RECEIVED FROM:		CREATED BY:	Kyle Buchta (Camosy Incorporated)
STATUS:	Pending - In Review	CREATED DATE:	4/16/2025
REFERENCE:		PRIME CONTRACT CHANGE ORDER:	None
FIELD CHANGE:	No		
LOCATION:		ACCOUNTING METHOD:	Amount Based
SCHEDULE IMPACT:		PAID IN FULL:	No
EXECUTED:	No	SIGNED CHANGE ORDER RECEIVED DATE:	
		TOTAL AMOUNT:	\$73,714.73
EXCLUDE UNIT/QUANTITY COLUMNS:	No		

POTENTIAL CHANGE ORDER TITLE: CE #036 - Salt Shed Parking Lot Replacement

CHANGE REASON: Client Request

POTENTIAL CHANGE ORDER DESCRIPTION: *(The Contract Is Changed As Follows)*  
CE #036 - Salt Shed Parking Lot Replacement REVISED  
Additional Pavement at Salt Sheds Per Owner Request

ATTACHMENTS:  
[Franklin, CO-DPW Storage Facility - \(CHANGE ORDER 4 - ADDITIONAL ASPHALT @ THE SALT SHED AREA\) Bid Form.pdf](#)

#	Budget Code	Description	Qty	Units	Unit Cost	Amount
1	1 32 10 10 3 Phase 1.ASPHALT PAVING Subcontractors	Salt Sheds	1 0	LS	\$70,204.50	\$70,204.50
Subtotal:						\$70,204.50
O&P (Subs) (5.00% )						\$3,510.23
O&P (Self Performed) (10.00% )						\$0.00
Insurance (0.00% )						\$0.00
Bond (0.00% )						\$0.00
Grand Total:						\$73,714.73

Jon Wallenkamp (KUENY ARCHITECTS  
LLC)  
10505 CORPORATE DR, SUITE 100  
PLEASANT PRAIRIE, Wisconsin 53158

CITY OF FRANKLIN  
9229 W LOOMIS ROAD  
FRANKLIN, Wisconsin 53132

Camosy Incorporated  
43451 N US Hwy 41  
Zion, Illinois 60099

SIGNATURE	DATE	SIGNATURE	DATE	SIGNATURE	DATE
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PCO #PCO027

Camosy Incorporated  
12795 120th Avenue  
Kenosha, Wisconsin 53142  
Phone (262) 552-9440  
Fax (262) 552-0480

Project: 52003 - Franklin DPW Expansion 2024  
7979 W Ryan Road  
Franklin, Wisconsin 53132  
Phone 414-425-2592

## Prime Contract Potential Change Order #PCO027: CE #037 - North Parking Lot Replacement

TO:	CITY OF FRANKLIN 9229 W LOOMIS ROAD FRANKLIN, Wisconsin 53132	FROM:	Camosy Incorporated 43451 N. US Hwy 41 Zion, Illinois 60099
PCO NUMBER/REVISION:	PCO027 / 1	CONTRACT:	1 - Owner Contract
REQUEST RECEIVED FROM:		CREATED BY:	Kyle Buchta (Camosy Incorporated)
STATUS:	Pending - In Review	CREATED DATE:	4/16/2025
REFERENCE:		PRIME CONTRACT CHANGE ORDER:	None
FIELD CHANGE:	No		
LOCATION:		ACCOUNTING METHOD:	Amount Based
SCHEDULE IMPACT:		PAID IN FULL:	No
EXECUTED:	No	SIGNED CHANGE ORDER RECEIVED DATE:	
		TOTAL AMOUNT:	\$54,417.83
EXCLUDE UNIT/QUANTITY COLUMNS:	No		

POTENTIAL CHANGE ORDER TITLE: CE #037 - North Parking Lot Replacement

CHANGE REASON: Client Request

POTENTIAL CHANGE ORDER DESCRIPTION: *(The Contract Is Changed As Follows)*

CE #037 - North Parking Lot Replacement REVISED  
Additional Pavement at North Parking Lot Per Owner Request

ATTACHMENTS:

Franklin, CO-DPW Storage Facility - (CHANGE ORDER 5 - NEW ASPHALT @ THE FRONT PARKING LOT) Bid Form.pdf

#	Budget Code	Description	Qty	Units	Unit Cost	Amount
1	1 32 10 10 3 Phase 1.ASPHALT PAVING.Subcontractors	Salt Sheds	1.0	LS	\$51,826.50	\$51,826.50
Subtotal:						\$51,826.50
O&P (Subs) (5.00%)						\$2,591.33
O&P (Self Performed) (10.00%)						\$0.00
Insurance (0.00%)						\$0.00
Bond (0.00%)						\$0.00
Grand Total:						\$54,417.83

Jon Wallenkamp (KUENY ARCHITECTS  
LLC)  
10505 CORPORATE DR, SUITE 100  
PLEASANT PRAIRIE, Wisconsin 53158

CITY OF FRANKLIN  
9229 W LOOMIS ROAD  
FRANKLIN, Wisconsin 53132

Camosy Incorporated  
43451 N US Hwy 41  
Zion, Illinois 60099

SIGNATURE

DATE

SIGNATURE

DATE

SIGNATURE

DATE



PCO #PCO028

Camosy Incorporated  
12795 120th Avenue  
Kenosha, Wisconsin 53142  
Phone: (262) 552-9440  
Fax: (262) 552-0480

Project: 52003 - Franklin DPW Expansion 2024  
7979 W Ryan Road  
Franklin, Wisconsin 53132  
Phone 414-425-2592

## Prime Contract Potential Change Order #PCO028: CE #039 - Stone Base Deduct

TO:	CITY OF FRANKLIN 9229 W LOOMIS ROAD FRANKLIN, Wisconsin 53132	FROM:	Camosy Incorporated 43451 N. US Hwy 41 Zion, Illinois 60099
PCO NUMBER/REVISION:	PCO028 / 0	CONTRACT:	1 - Owner Contract
REQUEST RECEIVED FROM:		CREATED BY:	Kyle Buchta (Camosy Incorporated)
STATUS:	Pending - In Review	CREATED DATE:	4/22/2025
REFERENCE:		PRIME CONTRACT CHANGE ORDER:	None
FIELD CHANGE:	No		
LOCATION:		ACCOUNTING METHOD:	Amount Based
SCHEDULE IMPACT:		PAID IN FULL:	No
EXECUTED:	No	SIGNED CHANGE ORDER RECEIVED DATE:	
		TOTAL AMOUNT:	(\$14,000.00)
EXCLUDE UNIT/QUANTITY COLUMNS:	No		

POTENTIAL CHANGE ORDER TITLE: CE #039 - Stone Base Deduct

CHANGE REASON: Design Development

POTENTIAL CHANGE ORDER DESCRIPTION: *(The Contract Is Changed As Follows)*

CE #039 - Stone Base Deduct  
Deduct for Stone Base from Paver Contract

ATTACHMENTS:

#	Budget Code	Description	Qty	Units	Unit Cost	Amount
1	1 32 10 10 3 Phase 1.ASPHALT PAVING Subcontractors	Deduct for Stone Base	1 0	LS	\$(14,000.00)	\$(14,000.00)
Subtotal:						\$(14,000.00)
O&P (Subs) (0.00% ):						\$0.00
O&P (Self Performed) (10.00% ):						\$0.00
Insurance (0.00% )						\$0.00
Bond (0.00% )						\$0.00
Grand Total:						\$(14,000.00)

Jon Wallenkamp (KUENY ARCHITECTS  
LLC)  
10505 CORPORATE DR, SUITE 100  
PLEASANT PRAIRIE, Wisconsin 53158

CITY OF FRANKLIN  
9229 W LOOMIS ROAD  
FRANKLIN, Wisconsin 53132

Camosy Incorporated  
43451 N US Hwy 41  
Zion, Illinois 60099

SIGNATURE DATE

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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 05/20/2025
Reports and Recommendations	Revised Job Description for Health Department Administrative Assistant	ITEM NUMBER D.7.
<p><b>Background:</b> The Health Department has a 1 0 FTE administrative position within the department This position supports the functions and requirements of the Franklin Health Department This position description was last updated in 2001 and is vastly out of date. The revisions to the job description were taken before the Personnel Committee at the April 21, 2025 meeting The revised job description includes the title name change from Administrative Clerk to Administrative Assistant consistent with other municipal departments</p> <p><b>Recommendation:</b> The Director of Health and Human Services recommends approval of the revised Administrative Assistant job description.</p> <p><b>Fiscal Note:</b> The approval of this revised job description does not have any financial impact on the budget</p> <p style="text-align: center;"><b><u>COUNCIL ACTION REQUESTED</u></b></p> <p>The Director of Health and Human Services requests a motion to approve the revised job description for Health Department Administrative Assistant.</p>		



CITY OF FRANKLIN  
Job Description

**Job Title:** Administrative Clerk Assistant (Health Department)

**Department:** Health

**Reports To:** ~~Health and Human Services~~ Health and Human Services

**Salary Level:** ~~Teamsters Union Contract~~ ~~Grade 1~~

**FLSA Status:** ~~Union Non-Exempt~~ Non-Exempt

**Prepared By:** ~~Becky Schermer, Human Resources Coordinator~~ Lauren Gottlieb, Director of Health and Human Services (DHS)  
Zoltan Reout, Finance

**Prepared Date:** ~~October 11, 2001~~ ~~October 12, 2001~~ April 2008

**Approved By:** ~~The City of Franklin Common Council~~

**Approved Date:** November 7, 2001

**Summary**

~~provides support with the daily activities of the Health Department through a broad range of clerical duties including data entry, filing, telephone coverage, appointment scheduling, registration, and citizen referrals by performing the following duties.~~ Performs a variety administrative tasks in relation to Health Department functions through a broad range of duties including insurance billing, data entry, filing, telephone coverage, appointment scheduling, registration, and citizen referrals.

**Essential Duties and Responsibilities include the following.**

Performs routine clerical and administrative work in answering phones, receiving the public and providing customer assistance, referring when necessary to appropriate persons. Ensures accurate and timely communications are facilitated.

Composes, type, and edits a variety of correspondence, reports, memoranda, and other material requiring moderate judgment as to content, accuracy, and completeness. ~~This includes data entry, desktop publishing and creating presentations using Power Point.~~

Coordinates the office operations, including ordering and maintaining miscellaneous supplies, duplicating, and distributing materials, and maintaining office files.

Schedules clinic appointments and prepare necessary clinic forms in a timely manner.

Performs after-clinic processes, including department documenting and input into the Wisconsin Immunization Registry.

~~Answers telephone and either responds to inquiry or directs caller to appropriate personnel. Receives the public via in-person, phone, email, and other media. Answers questions, provides information, follow up, and directs to other City personnel when necessary.~~ Ensure accurate and timely communications are facilitated.

Assists citizens with walk-in services.

~~Assist in creation of~~ Develops and maintains forms and procedures for documentation and systems for organization as appropriate for operation of the department.

Assists Health Department Staff Members with program development, ~~for example brochures, newsletters, mailings, etc~~

Assists Health Department staff with the creation of brochures, flyers, newsletters, mailings, etc

Establishes and maintains filing systems, and control records and indexes ~~Act as custodian of departmental documents and records.~~ Maintains department documents and records

Researches and collects price quotes for comparison on department equipment in order to maintain a quality product at the best possible price. Maintains inventory and order office supplies, materials, forms, etc.

Arranges for maintenance of department equipment (ex- printer, fit-test machine, etc)

Assists as needed in the preparation of agendas and transcriptions of minutes for the Board of Health. May be required to attend monthly Board of Health meetings.

Compiles reports of Health Department services, used for community reports, reporting to governmental bodies, and internal planning purposes.

Maintains Department calendar, scheduling and room set-up for Health Department events.

Assists the Director of Health and Human Services Administrator in budget accountability. ~~Includes the filing a balancing of purchase orders and maintaining Grant financial records~~ Documenting and keeping a filing system of purchase orders and invoices.

Assists with supplemental reports for the annual budget preparation

~~Prepares all billings and purchase orders for processing by finance.~~ Uses finance software modules for invoice entry, purchase order entry, and general ledger data

Collects payment from citizens and reconciles daily cash reports. Creates and sends invoices on behalf of the Health Department. Receives payments and posts into appropriate Software.

Maintain inventory and documentation of vaccines and pharmaceuticals within the Department. Order supplies necessary for programs, projects, etc. Implement test kit distribution, and communicable disease reports as established by the Health Department. Remains current on confidentiality laws regarding Health Department records and services.

Prepares and submits insurance claims for billing of services. Posts payments into appropriate software.

Remains current on applicable insurance claims regulations and coding.

Acts as one of the administrators for each billing system (ex- Waystar, NGS Medicare, other provider portals, etc.)

Acts as one of the administrators for Health Department software (ex- Software Expressions).

Coordinates, reviews, and processes License Renewal applications for all licensed Retail Food Establishments, Hotels/Motels, and Pools in Franklin. Receives payments and posts into appropriate software.

Corresponds with applicants, owners, and the public to answer general questions regarding licensing, inspections, events, and other department procedures.

Works directly with the Treasurer's office in processing payments for licensing, inspections fees, insurance claims, services, and sales.

Assists in preparation of paperwork required for events within the City of Franklin, for example Civic Celebration and St. Martin's Fair.

Assist citizens with concern and empathy, respect their confidentiality and privacy and communicate with them in a courteous and respectful manner.

Maintain an environment to promote efficiency within the work area

Process department mail for distribution and mailing. Prepares outgoing mail, sorts and distributes incoming mail

Other duties as assigned by the Health and Human Services

**Peripheral duties**

~~Must be present at all clinics, routinely held the first and third Wednesday of every month.~~  
Attend ~~nursing~~ staff meetings

Site preparation for clinics

Operate a vehicle to perform errands.

Keep well informed and proficient in computer skills and applications.

### **Supervisory Responsibilities**

Exercises supervision over volunteer and temporary personnel as assigned.

### **Qualifications**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

### **Education and/or Experience**

High school diploma or general education degree (GED); ~~or~~ equivalent to the years related experience and/or training in a health or human services environment, or equivalent combination of education and experience. ~~Cash handling experience is also preferred.~~

### **Language Skills**

~~Ability to read and comprehend simple instructions, short correspondence, and memos. Ability to write simple correspondence. Ability to read, analyze, and interpret general business procedures. Ability to write reports, business correspondence, and procedure manuals. Ability to effectively present information in one-on-one and small group situations to citizens and other employees of the organization.~~

### **Mathematical Skills**

~~Ability to add and subtract two-digit numbers and to multiply and divide with 10's and 100's. Ability to perform these operations using units of American money and weight measurement, volume, and distance. Ability to add, subtract, multiply, and divide in all units of measure. Ability to work with mathematical concepts and apply them in practical situations.~~

### **Reasoning Ability**



~~Ability to apply common sense understanding to carry out detailed but uninvolved written or oral instructions. Ability to deal with problems involving a few concrete variables in standardized situations. Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.~~

### **Computer Skills**

To perform this job successfully, an individual must become knowledgeable and proficient at ~~Community Health Agency Management Program, Wisconsin Physicians Service Claims Express, and Wisconsin Immunization Registry~~ Internet software; must be able to learn Govern Software. ~~We are willing to train individuals on the Internet, Govern, and CHAMP programs. in a variety of computer software programs, as well as internet databases (Software Expressions, BS&A, HealthSpace, etc.).~~ Microsoft Word experience is required. Microsoft Excel experience is preferred.

### **Certificates, Licenses, Registrations**

Valid WI Drivers License

### **Physical Demands**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this Job, the employee is regularly required to sit; use hands to finger, handle, or feel and talk or hear. The employee is frequently required to stand; walk and reach with hands and arms. The employee is occasionally required to stoop, kneel, crouch, or crawl. The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision, color vision, peripheral vision and ability to adjust focus.

### **Work Environment**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed primarily in an office setting. The noise level in the work

environment is usually moderate

### **Other Skills and Abilities**

Working knowledge of computers and electronic data processing.;

Working knowledge of modern office practices and procedures.

Working knowledge of Health Department functions.

Working knowledge in insurance billing

Some knowledge of accounting principles and practices.

Ability to type 45 words per minute.

~~Knowledge of medical termination as demonstrated by work experience, education, or pre-employment test~~

Ability to work in a high customer contact area.

Ability to protect confidentiality and right to privacy of all clients and staff of the Health Department, consistent with the need for confidentiality in health-related matters

Ability to organize daily tasks for efficiency, to meet all requirements.

Ability to utilize communication skills in interactions with telephone callers, visitors to the department, and co-workers.

Ability to make independent judgments which have moderate impacts on the organization.

### **Miscellaneous**

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

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<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>05/20/2025</b>
<b>Reports and Recommendations</b>	<b>JOB DESCRIPTION FOR SANITARIAN I.</b>	<b>ITEM NUMBER</b> <b>9.8.</b>

**Background:**

As the City and Health Department have evolved, the responsibilities of Environmental Health staff have significantly expanded. The current Sanitarian role now includes program management, policy and procedure development, and routine collaboration with other City departments, state agencies, and regional partners—duties not reflected in the original 2015 job description.

This position has become increasingly autonomous, requiring daily sound decision-making skills, particularly when interacting with local businesses. The role now demands strong communication skills, thorough knowledge of statutory requirements, and a solutions-oriented approach to problem-solving in support of public health and the City's reputation.

Additionally, the Franklin Health Department serves as an Agent for the Wisconsin Department of Agriculture, Trade, and Consumer Protection (DATCP). Under ATCP 74.08, at least one Sanitarian in each agent jurisdiction must complete Standardization Exercises and maintain a "Standard" designation under the FDA Food Code. This is an added requirement since the original job analysis was conducted in 2015.

With this designation comes increased responsibility, including standardization of other staff, consultation on written reports and communications, and broader program management duties. As such, the revised title, Sanitarian I, distinguishes this expanded role from the general Sanitarian classification. The position will continue to be filled by the current full-time Sanitarian, with a 0.1 FTE Sanitarian position maintained for support. The revised job description was reviewed at the April 21, 2025, Personnel Committee meeting.

**Recommendation:**

The Director of Health and Human Services recommends approval of the revised Sanitarian I job description and authorization to fill the position under current staffing accommodations.

**Fiscal Note:**

Following the completion of the City's Job Analysis process, the position's classification has been updated from Salary Grade 7 to Salary Grade 8. In consultation with the Directors of Administration and Finance, the salary adjustment (approximately \$4,632 annually, including benefits) will take effect on January 1, 2026, to align with the upcoming budget cycle. The revised job description will be effective immediately.

**COUNCIL ACTION REQUESTED**

A motion to approve the **Sanitarian I** job description and authorize filling the position within the current staffing accommodations.



## City of Franklin Job Description

**Job Title:** Registered Sanitarian  
**Department:** Health  
**Reports To:** Director of Health & Human Services  
**Salary Level:** Grade  
**FLSA Status:** Exempt  
**Prepared By:** ~~Courtney Day, Director of Health and Human Services~~ Lauren Gottlieb, Director of Health and Human Services  
**Prepared Date:** ~~December 12, 2019~~ April 4, 2025  
**Approved By:**  
**Approved Date:**

### **SUMMARY**

The Sanitarian performs specialized and technical services to protect human health and safety, enforces local and state statutes, ordinances, regulations, and rules, investigates human health hazard complaints, assists in food and waterborne outbreak investigations with other public health staff, inspects and licenses all Agent businesses and establishments regulated by the City of Franklin, obtains samples for testing as needed, provides technical assistance and consultation on a variety of environmental health issues under the direct supervision of the Director of Health and Human Services

### **ESSENTIAL DUTIES AND RESPONSIBILITIES**

#### **Inspection and Licensing (70%)**

- Conduct inspections of establishments under the operational, regulatory, or licensing control of the City of Franklin including but not limited to permanent, temporary, and mobile restaurants, retail food establishments, hotels, motels, tourist rooming houses, bed and breakfast, public swimming pools, school kitchens, recreational, educational, and temporary campgrounds, tattoo and body piercing establishments, micro markets, and food vending machines
- Maintains the State of Wisconsin required designation of Agent Standard for the FDA Food Code as required by the State of Wisconsin DATCP and assures that all Environmental Health Sanitarian Staff are standardized by successfully completing field standardization exercises

- Review license applications and approve, as appropriate, licenses for all new, change-of-operator, and annual renewals for City of Franklin businesses and establishments licensed by the City of Franklin Health Department
- Provide consultation, technical assistance, and training to licensed or inspected establishments within the City of Franklin. Develop and provide educational material on regulation, policies and other compliance information and provide training to operators as applicable
- Review construction application documents and plan for new or remodeled retail food establishments, public swimming pools and lodging facilities for compliance with applicable State of Wisconsin statutes and codes
- Prepare, organize, maintain, and file all necessary reports, documents, and letters as required by the State Agent Program and the City of Franklin Health Department including the review and recommendation of Health Department related policies, procedures, plans, and fees
- Complete annual Self-Assessment as required by the State Agent Program and DATCP program audits including development, review and implementation of a work plan and response grid
- Conduct investigations of suspected food or waterborne illness associated with licensed operators
- Act as liaison between state agencies and the City of Franklin Health Department

#### **Environmental Health Referral and Technical Assistance (20%)**

- Investigate environmental complaints and/or provide technical assistance within the City of Franklin related to human health hazards, water quality, waste disposal, pest control, indoor air quality, environmental tobacco smoke, radon, and lead
- Serve as an advocate for the City of Franklin in environmental health issues
- Participate in various committees relating to environmental public health issues (South East Region Environmental Health Task Force, St. Martin's Fair Commission, WALHDAB EH)
- Provide regulation and policy compliance information to engineers, building inspectors, fire marshals, contractors, owners, operators, consultants and independent entities
- Develop, provide and explain educational material on regulation, policies and other compliance information and provide training to operators as applicable

#### **Other Duties as Required (10%)**

- Provide training, assistance, and consultation to Franklin Health Department staff, and other municipal departments, in the areas of environmental health
- As directed by the Director of Health and Human Services, provide services within other governmental boundaries as may be required through intergovernmental or other such mutual aid agreements
- Maintains Emergency Preparedness Core Public Health Competencies by participating in preparedness training, exercises and assisting in emergency response
- Respond to Environmental Health emergencies on a twenty-four-hour basis in conjunction with local emergency response teams and appropriate state agencies
- Reviews and evaluates violations of City of Franklin Ordinances and Wisconsin Statutes, issues citations, and initiates legal action with Corporation Counsel when warranted and serves as a witness when required
- Other duties as assigned by the Director of Health and Human Services

## **Minimum Requirements**

### **Education & Experience:**

- Graduation from an accredited college or university with a Bachelor's Degree in physical or biological science or environmental health
- Current registration as a Wisconsin Sanitarian as required by ATCP 74.08
- Maintain current NIMS/ICS 100, 200, 300, 700 and 800 certifications, if applicable, or the ability to obtain such certification within one year of hire
- Two years of employment in the field of environmental health

### **Necessary Knowledge, Skills, and Abilities:**

- Knowledge of
  - Various Wisconsin state agencies (Department of Natural Resources, Department of Health Services, Department of Agriculture, Trade and Consumer Protection, Department of Safety and Professional Services)
  - The Wisconsin Food Code as well as other applicable laws, rules, and regulations set forth on the State and Municipal level  
Terms and Requirements as related to the Memorandum of Agreement Between the State of Wisconsin Department of Agriculture Trade and Consumer Protection and The Franklin Health Department
  - Epidemiological techniques relative to sampling, interviewing, and evaluating occurrences of food and waterborne disease outbreaks, as well as vector and communicable disease control techniques
- Language skills
  - Ability to read, analyze, and interpret professional journals, technical procedures, governmental regulations
  - Ability to write reports, grant applications, business correspondence and procedural manuals
  - Ability to present information and respond to questions from groups of managers, clients, citizens, and/or the general public
- Mathematical and Computer Skills
  - Proficient use of Microsoft Office applications including Word, Outlook, Excel and Internet Explorer
  - Proficient use of public health databases (Share Point, Health Space, etc )
  - Proficient use of City of Franklin BS&A Building Inspection database
  - Calculate basic epidemiologic value including incidence, prevalence, odds ratio, and confidence intervals
- Reasoning Ability
  - Ability to ~~define problems~~ solve practical problems, collect data and deal with a variety of variables in situations where only limited standardization exists
  - Ability to define problems, identify relevant data and information, and carry out appropriate interventions
  - Ability to prepare and implement projects and programs
- Interpersonal Competencies
  - Use appropriate methods for interacting sensitively, effectively, and professionally with persons from diverse cultural, socioeconomic, educational, racial, ethnic and professional backgrounds
- Availability

- Must be able to occasionally work weekends and evenings for inspection duties, meetings, communicable disease outbreaks, environmental health emergencies or special events

### **Certificates, Licenses, and Registrations:**

- Licensed as a Registered Sanitarian with the State of Wisconsin Department of Safety and Professional Services or as a Registered Environmental Health Sanitarian through the National Environmental Health Association within 3 years of employment
- ~~Registered as a Wisconsin Sanitarian under Wis. Adm. Rule, HFS, 160~~
- Valid WI Driver's License

### **Supervision Received:**

- Works under the guidance and direction of the Director of Health and Human Services

### **Supervision Exercised:**

- ~~None~~ May serve as Health Officer Designee for the ~~city~~ City of Franklin, when assigned, in the absence of the Director of Health and Human Services for issues related to licensed establishments
- Provides direction, consultation, and assistance to sanitarian staff in areas such as program operation, administrative codes, report writing, regulations and training
- Conducts and approves standardization exercises for all other sanitarian staff while acting as the department standard as required by DATCP (ATCP 74.08(7))

### **Physical Demands**

- The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.
- While performing the duties of this job the employee must be independently mobile and is required to sit, walk, and talk or hear. The employee is frequently required to stand, use hands to finger, handle, or feel, reach with hands and arms and taste or smell.
- The employee must occasionally lift and/or move up to 25 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.
- The work is performed mostly in field settings. Considerable outdoor work is required in the inspection of various facilities. Hand-eye coordination is necessary to operate testing instruments, collecting samples, operating a computer and various pieces of office equipment.

### **Work Environment**

- The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of the job. Reasonable accommodation may be made to enable individuals with disabilities to perform the essential functions.
- The noise level in the work place is moderate.
- The employee may be required to work outdoors and is occasionally exposed to wet and/or humid conditions.
- The duties listed above are intended only as illustration of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.



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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE  05/20/25
REPORTS & RECOMMENDATIONS	Resolution authorizing certain officials to accept a conservation easement for and as part of the approval of a Certified Survey Map upon property located at 8570 South 116th Street (Montgomery Family Trust, property owner)	ITEM NUMBER  M. 9.  Ald. Dist. #6
<p>City Development staff recommends approval of the attached resolution to accept a conservation easement for and as part of the approval of a Certified Survey Map upon property located at 8570 South 116th Street (Montgomery Family Trust, property owner).</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>A motion to adopt Resolution No. 2025-____, authorizing certain officials to accept a conservation easement for and as part of the approval of a Certified Survey Map upon property located at 8570 South 116th Street (Montgomery Family Trust, property owner).</p>		

Department of City Development: NJF

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2025-\_\_\_\_\_

RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION  
EASEMENT FOR AND AS PART OF THE APPROVAL OF A CERTIFIED SURVEY MAP  
UPON PROPERTY LOCATED AT 8570 SOUTH 116TH STREET (MONTGOMERY  
ROBERT G - FAMILY TRUST, PROPERTY OWNER)

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WHEREAS, the Common Council having approved a Certified Survey Map upon the application of Robert Montgomery, on April 15, 2025, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect on-site wetland buffers and wetlands; and

WHEREAS, §15-7.0603B. of the Unified Development Ordinance requires the submission of a Conservation Easement and Natural Resource Protection Plan in the land division review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Certified Survey Map; and

WHEREAS, the City Engineering Department, Department of City Development and the Office of the City Attorney having reviewed the proposed Conservation Easement and having recommended approval thereof to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by Robert Montgomery, in the form and content as annexed hereto, be and the same is hereby approved, subject to review and approval by the Department of City Development and technical corrections by the City Attorney; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of the Conservation Easement in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

APPROVED:

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A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A  
CONSERVATION EASEMENT  
MONTGOMERY ROBERT G - FAMILY TRUST  
RESOLUTION NO. 2025-\_\_\_\_\_  
PAGE 2

John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Shirley J. Roberts, City Clerk

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



## **CONSERVATION EASEMENT**

### **Montgomery Robert G – Family Trust**

This Conservation Easement is made by and between the City of Franklin, a municipal corporation of the State of Wisconsin, hereinafter referred to as “Grantee,” and Montgomery Robert G – Family Trust hereinafter referred to as “Grantor,” and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to § 700.40(2)(b) of the Wisconsin Statutes.

### **WITNESSETH**

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, in the Southwest 1/4 of the Southeast 1/4 of Section 18, Township 5 North, Range 21 East, described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, wetland buffers and wetland, and refer to Natural National Resource Protection Plan and Certified Survey Map submission dated \_\_\_\_\_ 2025, which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

WHEREAS, Grantee is a “holder”, as contemplated by § 700.40(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under § 62.23 and § 236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space and water areas; and

WHEREAS, the Grantor and Grantee, by the conveyance to the Grantee of the conservation easement on, over and across the protected property, desire to conserve the natural values thereof and prevent the use or development of the protected property for any purpose or in any manner inconsistent with the terms of this conservation easement; and

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

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

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

1. To view the protected property in its natural, scenic, and open condition;
2. To enforce by proceeding at law or in equity the covenants subsequently set forth, including, and in addition to all other enforcement proceedings, proceedings to obtain all penalties and remedies set forth under Division 15-9.0500 of the Unified Development Ordinance of the City of Franklin, as amended from time to time, any violation of the covenants subsequently set forth being and constituting a violation of such Unified Development Ordinance, as amended from time to time, or such local applicable ordinance as may be later adopted or in effect to enforce such covenants or the purposes for which they are made, it being agreed that there shall be no waiver or forfeiture of the Grantee’s right to insure compliance with the covenants and conditions of this grant by reason of any prior failure to act; and
3. To enter the protected property at all reasonable times for the purpose of inspecting the protected property to determine if the Grantor is complying with the covenants and conditions of this grant

And in furtherance of the foregoing affirmative rights of the Grantee, the Grantor makes the following covenants which shall run with and bind the protected property in perpetuity, namely, that, on, over or across the protected property, the Grantor, without the prior consent of the Grantee, shall not:

1. Construct or place buildings or any structure;
2. Construct or make any improvements, unless, notwithstanding Covenant 1. above, the improvement is specifically and previously approved by the Common Council of the City of Franklin, upon the advice of such other persons, entities, and agencies as it may elect; such improvements as may be so approved being intended to enhance the resource value of the protected property to the environment or the public and including, but not limited to animal and bird feeding stations, park benches, the removal of animal blockage of natural drainage or other occurring blockage of natural drainage, and the like,
3. Excavate, dredge, grade, mine, drill or change the topography of the land or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees;
4. Conduct any filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste or other landscape materials, ashes, garbage, or debris;
5. Plant any vegetation not native to the protected property or not typical wetland vegetation;
6. Operate snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.

To have and to hold this conservation easement unto the Grantee forever. Except as expressly limited herein, the Grantor reserves all rights as owner of the protected property, including, but not limited to, the right to use the protected property for all purposes not inconsistent with this grant. Grantor shall be responsible for the payment of all general property taxes levied, assessed or accruing against the protected property pursuant to law.

The covenants, terms, conditions and restrictions set forth in this grant shall be binding upon the Grantor and the Grantee and their respective agents, personal representatives, heirs, successors, and assigns, and shall constitute servitudes running with the protected property in perpetuity. This grant may not be amended, except by a writing executed and delivered by Grantor and Grantee or their respective personal representatives, heirs, successors, and assigns. Notices to the parties shall be personally delivered or mailed by U.S. Mail registered mail, return receipt requested, as follows:

To Grantor:  
Montgomery Robert G – Family Trust  
Attn:  
P.O. Box 320544  
Franklin, WI 53132

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

In witness whereof, the Grantor has set hand *[and seal]* on this date of \_\_\_\_\_, 20\_\_.

Montgomery Robert G – Family Trust

By: \_\_\_\_\_  
Robert Montgomery

STATE OF WISCONSIN        )  
  ) ss  
COUNTY OF MILWAUKEE    )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Robert Montgomery, Montgomery Robert G – Family Trust, to me known to be the person who executed the foregoing conservation easement and acknowledged the same as the voluntary act and deed of said Montgomery Robert G - Family Trust

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

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

### Acceptance

The undersigned does hereby consent to and accepts the Conservation Easement granted and conveyed to it under and pursuant to the foregoing Grant of Conservation Easement. In consideration of the making of such Grant Of Conservation Easement, the undersigned agrees that this acceptance shall be binding upon the undersigned and its successors and assigns and that the restrictions imposed upon the protected property may only be released or waived in writing by the Common Council of the City of Franklin, as contemplated by § 236.293 of the Wisconsin Statutes.

In witness whereof, the undersigned has executed and delivered this acceptance on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

#### CITY OF FRANKLIN

By: \_\_\_\_\_  
John R. Nelson, Mayor

By: \_\_\_\_\_  
Shirley J. Roberts, City Clerk

STATE OF WISCONSIN       )  
  ) ss  
COUNTY OF MILWAUKEE   )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, the above named John R. Nelson, Mayor and Shirley J Roberts, City Clerk, of the above named municipal corporation, City of Franklin, to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers as the Deed of said municipal corporation by its authority and pursuant to Resolution No. \_\_\_\_\_, adopted by its Common Council on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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

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

This instrument was drafted by the City of Franklin.

Approved as to contents:

\_\_\_\_\_  
Nick Fuchs  
Associate Planner  
Department of City Development

Date \_\_\_\_\_

Approved as to form only:

\_\_\_\_\_  
Jesse A Wesolowski  
City Attorney

Date \_\_\_\_\_

## MORTGAGE HOLDER CONSENT

The undersigned, (name of mortgagee), a Wisconsin banking corporation ("Mortgagee"), as Mortgagee under that certain Mortgage encumbering the Property and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on \_\_\_\_\_, 20\_\_\_\_, as Document No. \_\_\_\_\_, hereby consents to the execution of the foregoing easement and its addition as an encumbrance title to the Property.

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

Name of Mortgagee  
a Wisconsin Banking Corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ before me, the undersigned,  
personally appeared \_\_\_\_\_ of office as mortgagee (title of office, i.e.: Vice \_\_\_\_\_ (name of mortgagee), a  
Wisconsin banking corporation, and acknowledged that (s)he executed the foregoing instrument on behalf of said  
corporation, by its authority and for the purposes therein contained.

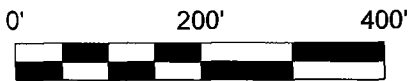
Name: \_\_\_\_\_

Notary Public, State of Wisconsin

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



S. 116TH STREET  
(VARIABLE ROW)



UNPLATTED LANDS

S 89°25'37" E 1323 83'

433 62'

Exist House

Exist. Shed

Artificial Wetlands

Septic Mound

CONSERVATION EASEMENT

LOT 2

Parcel Contains  
441,148 S F  
10 1274 Acres

LOT 1

Parcel Contains  
357,200 S F  
8 2002 Acres

Man-made Pond

Artificial Wetlands

Pond

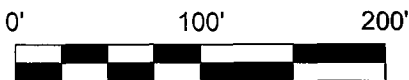
UNPLATTED LANDS

UNPLATTED LANDS

UNPLATTED LANDS

N 00°16'42" W 880 00'

UNPLATTED LANDS



CONSERVATION EASEMENT DETAILS

S 89°25'37" E 260 00'

Conservation Easement

N 89°25'37" W 260 00'

N 00°34'23" E 36 00'

S 00°34'23" W 36 00'

N 89°43'35" E 60 40'

N 11°20'47" E 40 01'

N 21°45'09" E 58 60'

N 34°23'55" E 32 39'

N 14°42'05" E 33 23'

N 05°15'24" E 39 44'

N 07°36'22" W 15 95'

N 55°38'10" W 42 51'

S 89°43'35" W 19 39'

S 50°32'00" W 29 11'

S 00°16'25" E 171 97'

S 34°37'22" W 50 14'

Conservation Easement

April 28, 2025  
Job# 24300

Job # 24300  
Conservation Easement

That part of Lot 2 of CSM \_\_\_\_\_, in the Southwest 1/4 of the Southeast 1/4 of Section 18, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, now being more particularly bounded and described as follows

Commencing at the Southwest corner of the Southeast 1/4 of Section 18, thence North 00°16'42" West along the West line of said Southeast 1/4 Section, 880 00 feet to a point on the North line of said Lot 2 and its extension, thence South 89°25'37" East along said North Line 433 62 feet to the Point of Beginning of lands described hereinafter, thence continue South 89°25'37" East along said North Line 260 00 feet to a point, thence South 00°34'23" West 36 00 feet to a point, thence North 89°25'37" West 260 00 feet to a point, thence North 00°34'23" East 36 00 feet to the Point of Beginning

The gross area contains 9,360 Square feet or 0 2149 Acres of land more or less

Also,

Commencing at the Southwest corner of the Southeast 1/4 of Section 18, thence North 00°16'42" West along the West line of said Southeast 1/4 Section, 880 00 feet to a point on the North line of said Lot 2 and its extension, thence South 89°25'37" East along said North Line 1323 83 feet to a point on the East line of said Lot 2, thence South 00°16'25" East along said East Line 60 40 feet to the Point of Beginning of lands described hereinafter; thence continue South 00°16'25" East 171 97 feet to a point, thence South 34°37'22" West 50 14 feet to a point, thence South 50°32'00" West 29 11 feet to a point, thence South 89°43'35" West 19 39 feet to a point, thence North 55°38'10" West 42 51 feet to a point, thence North 07°36'22" West 15 95 feet to a point, thence North 05°15'24" East 39 44 feet to a point, thence North 14°42'05" East 33 23 feet to a point, thence North 34°23'55" East 32 39 feet to a point, thence North 21°45'09" East 58 60 feet to a point, thence North 11°20'47" East 40 01 feet to a point, thence North 89°43'35" East 46 80 feet to the Point of Beginning

The gross area contains 17,699 Square feet or 0 4063 Acres of land more or less

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<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  5/20/2025
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Concept Review for a condominium development located at 12245 West Forest Homes Avenue (The Burbach Company, Applicant)</b>	<b>ITEM NUMBER</b> 3.10. <b>Aldermanic District No. 6</b>
<p>On April 17, 2025, the applicant submitted an application for Concept Review. The conceptual plans include twelve two-family condominium buildings along a private road for a total of twenty-four units.</p> <p>Additional information is attached for review, including a staff report, narrative, and conceptual plans provided by the applicant.</p> <p>A Concept Review is an informal high-level perspective presentation of a potential land use project by a developer to the Common Council. While not required, the Concept Review provides developers the opportunity to present a potential new development to perhaps obtain comments from Common Council members, prior to undertaking more detailed applications processes. The Concept Review is strictly optional by the request of a developer. No comments made at a Concept Review meeting are in any way binding upon any actions by the City during a subsequent required applications process. The Common Council does not entertain any motions or take any actions upon the potential project at a concept review meeting.</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>No action requested. No action to be taken.</p>		

City Development: NJF





**CITY OF FRANKLIN  
REPORT TO THE PLAN COMMISSION**

**Meeting of May 22, 2025**

**Concept Review**

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**RECOMMENDATION:** No action requested, no action to be taken.

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<b>Project name:</b>	Monticello Condominiums
<b>Property Owner:</b>	Franklin Ventures, LLC
<b>Applicant:</b>	The Burbach Company
<b>Agent:</b>	PJ Burbach, The Burbach Company
<b>Property Address/TKN:</b>	12245 W. Forest Home Avenue/798 99900 007
<b>Aldermanic District:</b>	District 6
<b>Zoning District:</b>	R-8 Multiple-Family Residence District and C-1 Conservancy District
<b>Staff Planner:</b>	Nick Fuchs, Planning Associate
<b>Submittal date:</b>	4-17-2025
<b>Application number:</b>	PPZ25-0097

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**Project Description/Analysis**

The applicant filed a Concept Review Application for a proposed multi-family condominium development upon property located at 12245 W. Forest Home Avenue. The subject parcel was part of CSM No. 7364 recorded on January 30, 2004, and was shown as expansion lands on the Monticello Gardens Condominium, recorded January 14, 2004, and on the First Addendum to Monticello Gardens Condominium, recorded June 1, 2004.

This is a continuation of the Monticello Gardens development, which according to the applicant, began in 2003 with the last phase being completed in 2012. This phase of the development includes twelve duplex condominium buildings, totaling twenty-four dwelling units.

The subject property has an area of about 23.183-acres. The preliminary site plan shows a private road (Pavilion Road) extending from W. Forest Home Avenue and another private road servicing the condominiums.

The property contains existing conservation easements as shown on the attached CSM No. 7364. The development does not appear to encroach into these areas.

**Required Process**

The property is currently zoned R-8 Multiple-Family Residence District and C-1 Conservancy District. The property is designated as Residential – Multi-Family on the City’s 2025 Future Land Use Map.

It should be noted that this property will be zoned R-M Multiple-unit Residence as part of the UDO update.

The process for development will include a Condominium (Final) Plat and Site Plan review. Note under the current R-8 District, a Special Use would be required as well.

#### Staff Comments

Planning staff does not object to the proposed multi-family residential use at this location. Staff suggests consideration of public roads connecting this development to W. Forest Home Avenue as well as to Liberty Trail and Jefferson Terrace in the future.

The Engineering Department provided the following observations:

- Forest Home is a county maintained road, check with the county for access
- Will this be a public or private street
- The existing easements do not line up with the proposed street ROW
- A full set of plans should be submitted for engineering review
- Follow the link for the SWMP application they can start to fill out for submittal, [Submit Engineering and SWMP review application](#).

#### **Staff Recommendation:**

This item does not have a recommended motion and no official action is to be taken.

It is recommended that sufficient feedback be provided to allow the applicant to determine whether to proceed or not with detailed development plans and the required applications.

Planning Department  
9229 West Loomis Road  
Franklin, Wisconsin 53132  
(414) 425-4024  
[franklinwi.gov](http://franklinwi.gov)



APPLICATION DATE: \_\_\_\_\_

STAMP DATE \_\_\_\_\_ city use only

## COMMON COUNCIL REVIEW APPLICATION

### PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]		APPLICANT IS REPRESENTED BY [CONTACT PERSON]	
NAME	FRANKLIN VENTURES LLC	NAME	P.J. BURBACH
COMPANY:		COMPANY	THE BURBACH COMPANY
MAILING ADDRESS:	12750 W. NORTH AVE B	MAILING ADDRESS	12750 W. NORTH AVE B
CITY/STATE:	BROOKFIELD, WI ZIP 53005	CITY/STATE:	BROOKFIELD WI ZIP 53005
PHONE	262-432-1270	PHONE:	262-432-1270
EMAIL ADDRESS	pjburbach@tds.net	EMAIL ADDRESS:	pjburbach@tds.net

### PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS	12245 W. FOREST HOME AVE	TAX KEY NUMBER:	798 999 007
PROPERTY OWNER	FRANKLIN VENTURES LLC	PHONE	SAME
MAILING ADDRESS:	SAME	EMAIL ADDRESS	
CITY/STATE	ZIP	DATE OF COMPLETION	office use only

### APPLICATION TYPE

Please check the application type that you are applying for

- ☒ Concept Review ☐ Comprehensive Master Plan Amendment ☐ Planned Development District ☐ Rezoning  
☐ Special Use / Special Use Amendment ☐ Unified Development Ordinance Text Amendment

Most requests require Plan Commission review and Common Council approval

Applicant is responsible for providing Plan Commission resubmittal materials up to 11 copies pending staff request and comments

### SIGNATURES

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).

☒ I, the applicant, certify that I have read the following page detailing the requirements for plan commission and common council approval and submittals and understand that incomplete applications and submittals cannot be reviewed.

PROPERTY OWNER SIGNATURE	APPLICANT SIGNATURE
NAME & TITLE: P.J. BURBACH DATE 5/2/2025	NAME & TITLE: DATE
PROPERTY OWNER SIGNATURE	APPLICANT REPRESENTATIVE SIGNATURE
NAME & TITLE: DATE	NAME & TITLE: DATE

## CITY OF FRANKLIN APPLICATION CHECKLIST

If you have questions about the application materials please contact the planning department.

### CONCEPT REVIEW APPLICATION MATERIALS

- ☒ This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- ☒ \$420 Application fee payable to the City of Franklin.
- ☒ Three (3) complete collated sets of application materials to include .
  - ☐ Three (3) project narratives.
  - ☐ Three (3) copies of the Preliminary Site/Development Plan of the subject property(ies) and immediate surroundings on 8 1/2" X 11" or 11" X 17" paper (i.e., a scaled map identifying the subject property and immediate environs, including existing and proposed parcels, existing and proposed structures, existing and proposed land uses, existing and proposed zoning, existing and proposed infrastructure and utilities [approximate locations only], and existing and proposed site conditions/site constraints [i.e. approximate locations of public road access, rights-of-way, natural resources/green space and drainage issues/concerns, etc.])
  - ☐ Three (3) colored copies of building elevations on 11" X 17" paper if applicable
- ☐ Email or flash drive with all plans / submittal materials.

### COMPREHENSIVE MASTER PLAN AMENDMENT APPLICATION MATERIALS

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details)
- ☐ \$1,250 Application fee payable to the City of Franklin.
- ☐ Word Document legal description of the subject property.
- ☐ Three (3) complete collated sets of application materials to include
  - ☐ Three (3) project narratives.
  - ☐ Three (3) folded copies of a Site Development Plan / Map, drawn to reasonable scale, at least 11" X 17" paper or as determined by the City Planner or City Engineer, identifying the subject property and immediate environs, including parcels, structures, land use, zoning, streets and utilities, and natural resource features, as applicable
- ☐ Email or flash drive with all plans / submittal materials.
- ☐ Additional Information as may be required
  - Requires a Class I Public Hearing Notice at least 30 days before the Common Council Meeting

### PLANNED DEVELOPMENT DISTRICT (PDD)

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- ☐ Application fee payable to the City of Franklin . [select one of the following]
  - ☐ \$6,000: New PDD plus developer's deposit\*
  - ☐ (\*) \$3,000 developer's deposit is required in addition to filing fees at the time of submittal, it may require replenishment.
  - ☐ \$5,900. PDD Major Amendment
  - ☐ \$850. PDD Minor Amendment
- ☐ Word Document legal description of the subject property.
- ☐ Three (3) complete collated sets of application materials to include ..
  - ☐ Three (3) project narratives
  - ☐ Three (3) folded full size, of the Site Plan Package, drawn to scale copies, on 24" x 36" paper, including Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc (See Sections 15-7 0101, 15-7 0301, and 15-5 0402 of the UDO for information that must be denoted or included with each respective plan )
- ☐ One (1) colored copy of the building elevations on 11" X 17" paper, if applicable
- ☐ One (1) copy of the Site Intensity and Capacity Calculations, if applicable (see division 15-3 0500 of the UDO)
- ☐ Email or flash drive with all plans / submittal materials.
  - PDD and Major PDD Amendment requests require Plan Commission review, a public hearing, and Common Council approval
  - Minor PDD Amendment requests require Plan Commission review and Common Council approval

### REZONING

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- ☐ Application fee payable to the City of Franklin . [select one of the following]
  - ☐ \$2,500
  - ☐ \$600 one parcel residential.
- ☐ Word Document legal description of the subject property
- ☐ Three (3) complete collated sets of application materials to include .
  - ☐ Three (3) project narratives
  - ☐ Three (3) folded copies of a Plot Plan or Site Plan, drawn to reasonable scale, at least 11" X 17" paper or as determined by the City Planner or City Engineer, and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned
- ☐ Email or flash drive with all plans / submittal materials
- ☐ Additional Information as may be required
  - Additional notice to and approval required for amendments or rezoning in the FW, FC, FFO, and SW Districts
  - Requires a Class II Public Hearing notice at Plan Commission



**SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION MATERIALS**

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- ☐ Application fee payable to the City of Franklin [select one of the following]
  - ☐ \$2,500: New Special Use > 4000 square feet.
  - ☐ \$500: Annual Renewal.
  - ☐ \$1,700: Special Use Amendment
  - ☐ \$1,700: Multi-year Renewal.
  - ☐ \$1,250: New Special Use < 4000 square feet.
- ☐ Word Document legal description of the subject property.
- ☐ One copy of a response to the General Standards, Special Standards, and Considerations found in Section 15-3.0701(A), (B), and (C) of the UDO available at [www.franklinwi.gov](http://www.franklinwi.gov).
- ☐ Three (3) complete collated sets of application materials to include ...
  - ☐ Three (3) project narratives.
  - ☐ Three (3) folded copies of the Site Plan package, drawn to scale at least 24" X 36", The submittal should include only those plans/items as set forth in Section 15-7 0101, 15-7 0301 and 15-5 0402 of the UDO that are impacted by the development (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc
- ☐ One (1) colored copy of the building elevations on 11" X 17" paper, if applicable
- ☐ Email or flash drive with all plans / submittal materials.
- ☐ Additional Information as may be required
  - Special Use/Special Use Amendment requests require Plan Commission review, a Public Hearing and Common Council approval

**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT APPLICATION MATERIALS**

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- ☐ \$1,250 Application fee payable to the City of Franklin.
- ☐ Three (3) project narratives, including description of the proposed text amendment
  - Requires a Class II Public Hearing notice at Plan Commission.
  - The City's Unified Development Ordinance (UDO) is available at [www.franklinwi.gov](http://www.franklinwi.gov)

## City of Franklin Conceptual Plan Review

The Monticello Gardens development project began in 2003 before the Great Recession. The first phase of the condominiums was completed in 2012. It was anticipated that we would expand into larger 12-unit and 16-unit buildings in the future phases but the market had other plans. We are proposing a duplex condominium project that reflects the current market within the City of Franklin.

Our proposed project consists of 12 buildings, 24 condominium units in the first phase of a cul-de-sac backing up to open space to the north and east with a wetland to the south. Nestling in nicely with the natural surroundings. There are existing trees to the North and East that will all be retained in the Wetland and conservation easements. This layout maximizes the use of the land outside the wetlands.

The units will be approximately 1,500 and 1,600 square-feet ranch style condominiums with full basements. Many of the units will include partial to full exposure basements that will integrate with the natural variation in terrain. A high level of architectural detail on the exteriors including natural locally sourced Lannon stone (limestone) veneer with LP siding and high-quality finishes throughout the interior. Each unit will have a two-car attached garage with an exterior lamppost. Each unit will allow two cars for parking in the unit's drives.

Decks or Patios on the rear will provide an exterior area to enjoy the surrounding nature. There will be a new private road entrance (Pavilion Road) off of Forest Home Avenue that will serve this phase and a future phase yet to be determined to the south.

This phase will be consistent or exceed the surrounding community quality with uniform lampposts, concrete drives, landscaping and concrete curb and gutter for the private roads. As with all projects of the Burbach Company we will ensure attention to detail and deliver a quality product.

We look forward to an approval for this project that will enhance the value of the community.

Very Truly

P.J. Burbach

City of Franklin UDO

15-3.0502 – Calculation of base site area (R-8 Zoning)

Gross site area – previous conservation easements from Monticello Gardens = “Base Site Area”

23.78 acres – 7.67 acers = 16.11 acres

15-3.0503 – Resource protection land (residential)

Steep Slopes

10-19% area (3.24 ac) X 0.60 = 1.94 ac in resource feature

20-30% area (0.50 ac) X 0.75 = 0.37 ac in resource feature

30%+ area (1.14 ac) X 0.85 = 0.97

Total = 3.28 ac in resource feature

Woodlands & Forests

Young area (0.43 ac) X 0.50 = 0.21 ac in resource feature

\*100% of woodlands contained inside existing conservation easements

Wetland Buffers (30-ft buffer from wetland boundary)

Wetland #1 & #4 buffer (0.85 ac) X 1.0 = 0.85 ac

\* 0.16 ac of buffer area outside of existing conservation easements

Wetland #2 (1.02 ac) X 1.0 = 1.02 ac

\* 0.0 ac of buffer area outside of existing conservation easements.

Total Wetland buffer area outside of conservation easements = 0.16 ac

Wetlands

Wetland #1 (1.00 ac) X 1.0 = 1.00 ac

\* 0.015 ac of wetland #1 is outside of existing conservation easements

Wetland #2 (2.19 ac) X 1.0 = 2.19

\* 0.0 ac of wetland #2 is outside of existing conservation easements

Wetland #4 (0.016 ac) X 1.0 = 0.016

\* 0.0 ac of wetland #4 is outside of existing conservation easements

Total Wetland area outside of conservation easements = 0.015 ac

Acres of Land in Resource Features = 3.45 ac (outside of existing conservation easements).

15-3.0504 Calculation of Site Intensity and Capacity of Residential Use

Multifamily R-8 (OSR = 0.00) (Gross Density = 5) (Net Density = 5)

Minimum open space: Base site area (16.11 ac) X 0.00 = 0.00 ac

Net buildable site area: Base site area (16.11 ac) – Resource protection land (3.45 ac) = 12.66 ac

Maximum Net Buildable Site Area: Net buildable site area (12.66 ac) X Net Density (5) = 63.3

Maximum Gross Density: Base site area (16.11 ac) X Gross Density (5) = 80.55

Permitted use = 63.3 DU's < Proposed 24 DU's

## Required Plans, Plats and Maps

### 15-7.0102 Principles and Standards of Review

- A. Conforming to R-8 Zoning, Single Family Two Attached D.U.s (Two Family Structures) arranged in a P.U.D / condominium.
- B. Setbacks: 25-ft building to pavement, Side yard: 20-ft building to building (10-ft side yard each), Wetland setback & wetland Buffers: Avoidance of all disturbance in the areas, Building areas: \_\_\_\_\_, Building heights: \_\_\_\_\_.
- C. Site Intensity & Density: Maximum density 63.3 DU's (24 DU's proposed).
- D. Use and Design: Proposed dwellings and amenities conforms with the R-8 zoning.
- E. Relation to Existing and Proposed Streets: Access from Forest Home conforms to previously planned access points and provide adequate queuing to Forest Home (250-ft +)
- F. Impacts on surrounding uses: Adjacent uses range from single family to eight-unit multifamily. Densities do not approach maximum allowed.
- G. Natural Resource Protection: Existing conservation easements established from previous planning and construction for Monticello Gardens encompass the majority of wetlands and woodlands. Planned development avoids impact of the easement areas and natural resources.
- H. Landscaping: Landscape plan to be determined following preliminary approvals.
- I. Emergency Vehicle Access: Buildings are accessible from Franklin minimum standard roadways. Maximum building to roadway distance is < 125-feet.
- J. Building location: Design and locations are planned to avoid natural resources and beautiful areas to the maximum extent practicable.
- K. On site waste disposal: DU's are anticipated to have local curbside waste pickup. Dumpster enclosures are not anticipated.
- L. Consistency with Franklin UDO: Proposed development is consistent with the intent and purpose of the UDO.
- M. Consistency with Franklin master plan: Proposed development is consistent with the intent and purpose of the master plan.

### 15-7.0103 Site Plan Review

- A. Scale and name of project are shown on each plan sheet.
- B. Owner's name and address are shown on the title sheet.
- C. Engineer's name and address are shown on the title sheet.
- D. Date of plans and any revision are shown on the title sheet and each specific sheet.
- E. Scale and size of the site are noted on plan sheet "Site 01".



- F. Existing topography is shown on plan sheet "Site 04". Proposed topography will be finalized after preliminary approvals.
- G. Soils data, boundaries and types are shown on plan sheet "Site 02".
- H. Off street parking is not anticipated. No specific areas have been identified on the plans.
- I. Project signage will include street name signs (x2), stop signs (x2), keep right (x1) end of road (x1).
- J. Building heights proposed to be not more the 21-feet at the peak.
- K. Existing adjacent street name is Forest Home Ave. Proposed street names are to be determined.
- L. Existing street reservation is 100-feet for Forest Home Avenue. Proposed streets will be a private PUD arrangement.
- M. Setbacks for buildings is 25-feet to the edge of pavement, wetland setbacks are 50-feet, wetland buffers are 30-feet (overlapping of wetland setback). Dimensions and setback lines are shown in the plan set.
- N. North arrows are shown on each applicable plan sheet.
- O. Proposed sanitary and storm sewers and water main general locations are shown on the cross-section sheets "X-Sec 1.6".
- P. Proposed storm water management ponds are shown on plan sheet "Site 1.5". These storm ponds have been sized preliminarily to meet Franklin's storm water ordinance. Complete storm water management plans and calculations will be provided with the final site plan application.
- Q. Natural Resource Protection Plans specific to this development will be provided with the final site plan application.
- R. Landscaping plans and plant species will be determined after preliminary approval and will be part of the final site plan approval.
- S. Site intensity and capacity calculations are at the beginning of this document.
- T. Pedestrian walkways are not planned as part of the development due to the cul-de-sac nature of the roadways.
- U. Development phasing and staging will be based on unit sales. Roadway and associate appurtenances will be built as a single phase with each building constructed on a unit-by-unit basis.
- V. Architectural plans are included in this preliminary submittal.
- W. Streetlights are not anticipated in this development plan.
- X. Easements for the proposed sanitary sewer and water mains which will be public utilities and separated by eight to ten feet laterally will be encompassed in a 30-foot public utility easement. A metes-and-bounds description of that easement will be included in the final site plan application.
- Y. Highway access documentation with the county is not included.
- Z. Zoning boundaries are the property boundaries for the site.
- AA. Market analysis would not be required for the property based on the parcel being a residential property.
- BB. Financial plan for the development will be included in the final site plan application
- CC. Project Summary is included with this preliminary site plan application

DD. Additional data as required by the City will be included with the final site plan application.

Monticello Duplex Condominiums  
A proposed development in the City of Franklin  
by: The Burbach Company

Progress Plans

Sheet Index

Title	
1 0	Aerial
1 1	Proposed Layout
1 2	Soils
1 3	Wetlands, Wetland Setbacks, Conservation Easements
1 4	Steep Slopes
1 5	Proposed site plan
1 6 1 7	Cross Sections

Owner / Developer  
The Burbach Company  
PJ Burbach  
12750 W. North Avenue, Suite B  
262-432-1270

Engineer  
Hayes Engineering Co. S.C.  
Tim Hayes  
316 N Milwaukee Street, Suite 210-F  
Milwaukee, WI 53202  
414-477 9000

Contractor  
To Be Determined

City of Franklin - Preliminary Site Plan Review  
4-15-2025

Hayes Engineering Co. S.C.  
316 N MILWAUKEE ST SUITE 210-F  
MILWAUKEE, WI 53202  
(414) 272-3000

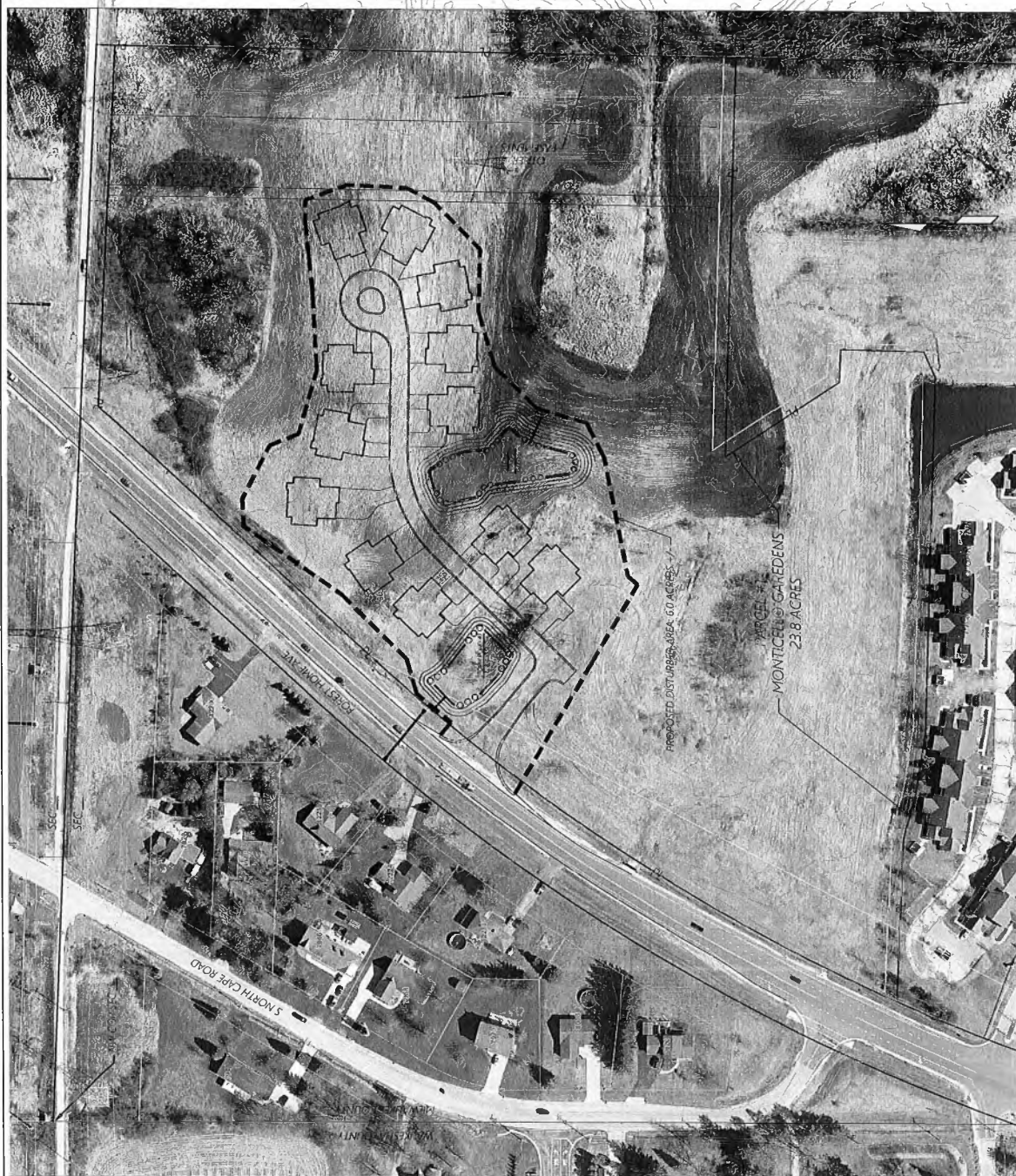
The Burbach Company  
Franklin, WI  
PROGRESS 4-10-2025

DRAWN BY: JMD  
CHECKED BY: TAA  
DATE: 4-10-2025

T-10

TITLE

NOT FOR CONSTRUCTION



SITE PLAN -

FOR CONSTRUCTION

DRAFT BY JKD  
CHECK BY IAH  
DATE 4-10-2025

The Burbach Company  
Franklin, WI -----

PROGRESS - 4-10-2025

Hayes Engineering Co., S.C.  
316 N MILWAUKEE ST SUITE 210-F  
MILWAUKEE, WI 53202  
(414) 272-3200

SOILS	
A5A	ASHKUM SILTY CLAY LOAM
B1A	BLOUNT SILT LOAM
H1A	HOUGHTON MUCK
L1	LOAMY LAND
Ox	OGDEN MUCK
Qzab	OZAUKEE SILT LOAM
Wg	WALLKILL SILT LOAM





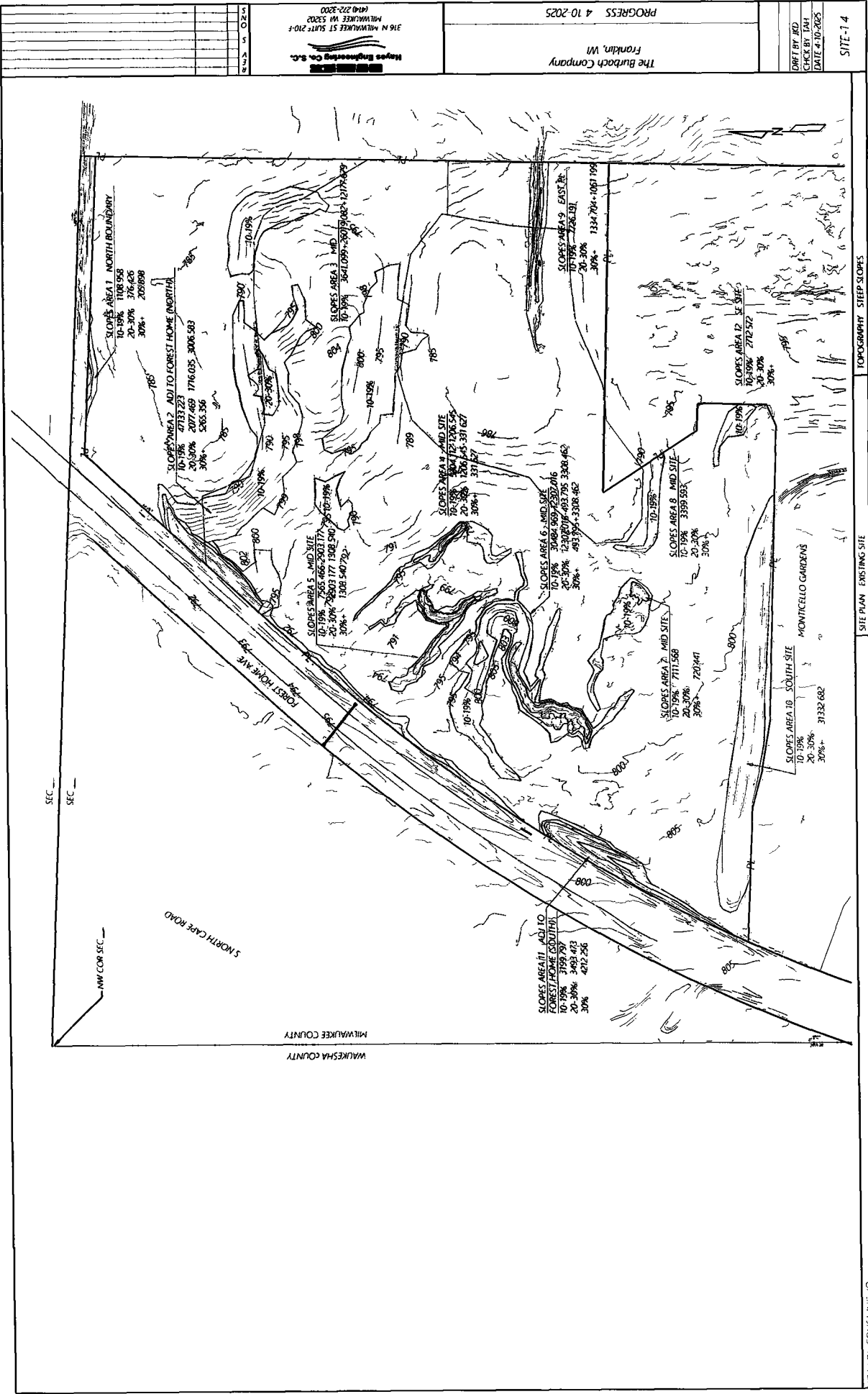


0.05 AC)  
374.3 SF  
(YOUNG)  
0.05 AC)

WETLANDS • WOODLANDS • CONSERVATION EASEMENTS

SITE PLAN - EXISTING SITE

NOT FOR CONSTRUCTION



PROGRESS 4 10 2025

The Burbach Company  
Franklin, WI

Hayes Engineering Co., S.C.  
316 N MILWAUKEE ST SUITE 210-F  
MILWAUKEE WI 53202  
(414) 272-2200

DRAWN BY: JED  
CHECKED BY: TAD  
DATE: 4-10-2025

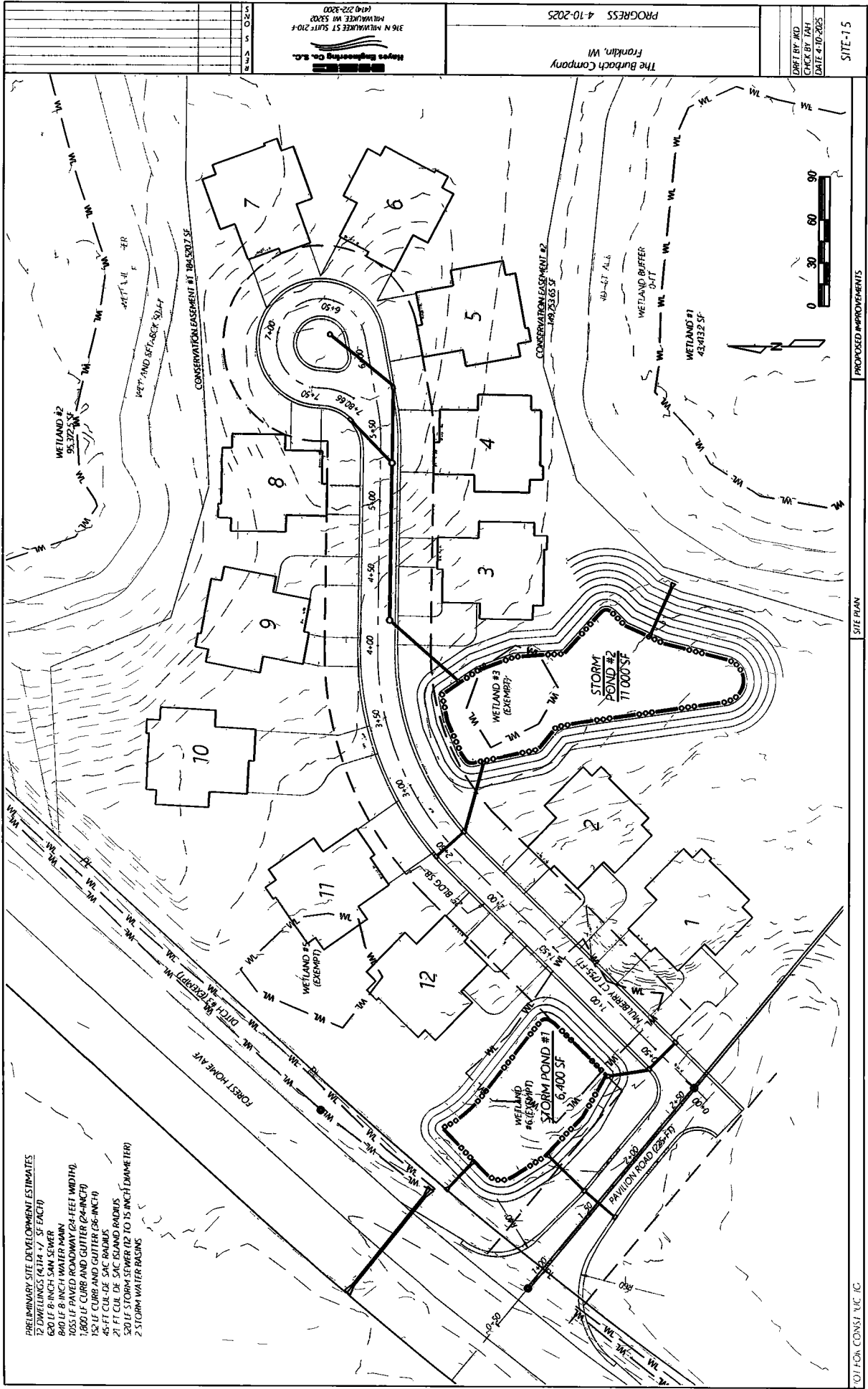
SITE: 1-4

TOPOGRAPHY STEEP SLOPES

SITE PLAN EXISTING SITE


101 FOR CONST INC 10

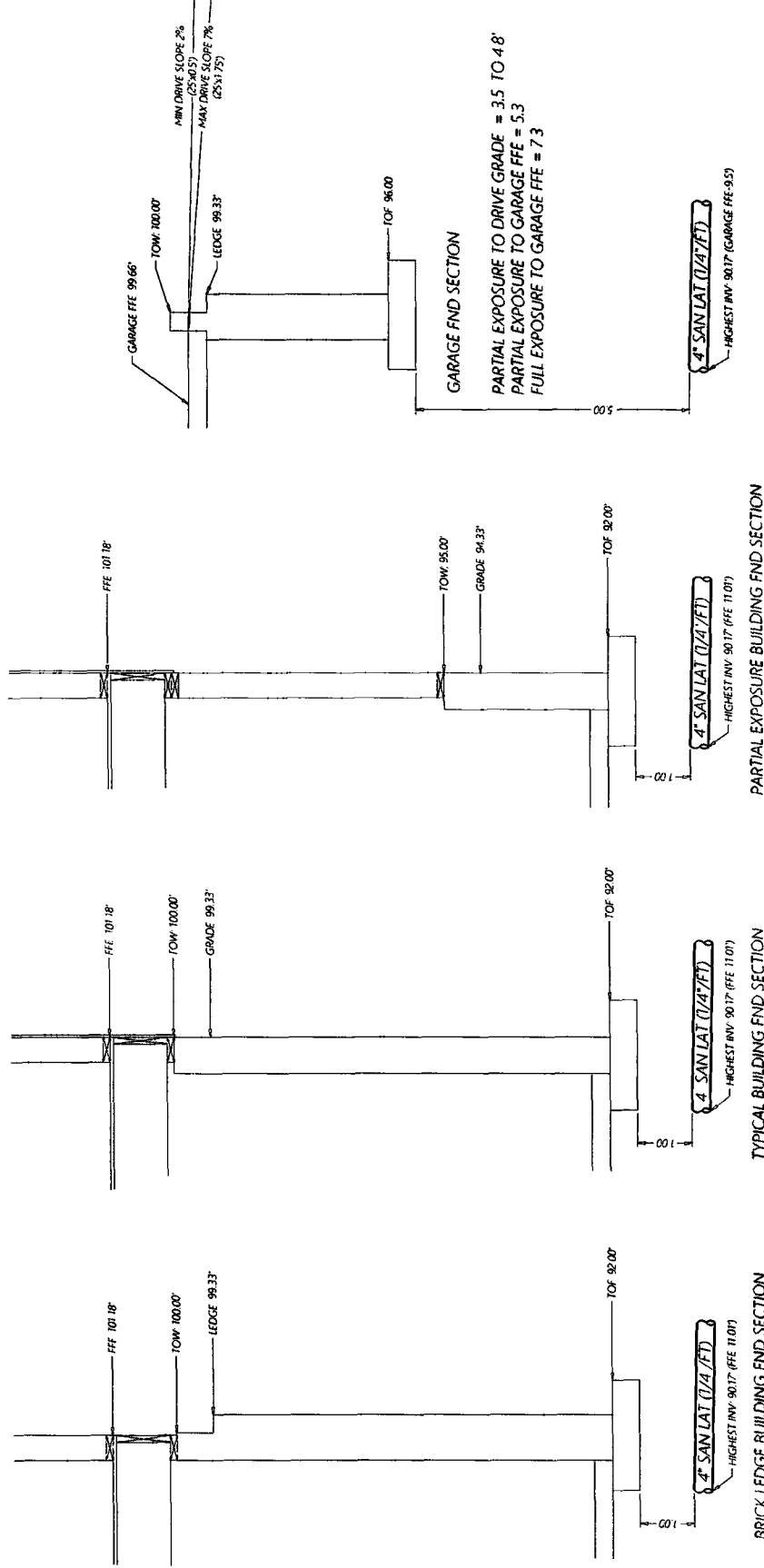
PRELIMINARY SITE DEVELOPMENT ESTIMATES  
 12 DWELLINGS (4,114 +/- SF EACH)  
 600 LF 8-INCH SAN SEWER  
 810 LF 8-INCH WATER MAIN  
 1035 LF PAVED ROADWAY (24-FEET WIDTH)  
 1,800 LF CURB AND GUTTER (24-INCH)  
 152 LF CUL-DE-SAC ISLANDS  
 45 FT CUL-DE-SAC ISLANDS  
 21 FT CUL-DE-SAC ISLANDS  
 200 LF FORMER (12 TO 15 INCH DIAMETER)  
 2 STORM WATER BASINS



101 FOR CONSL. & C. IC.

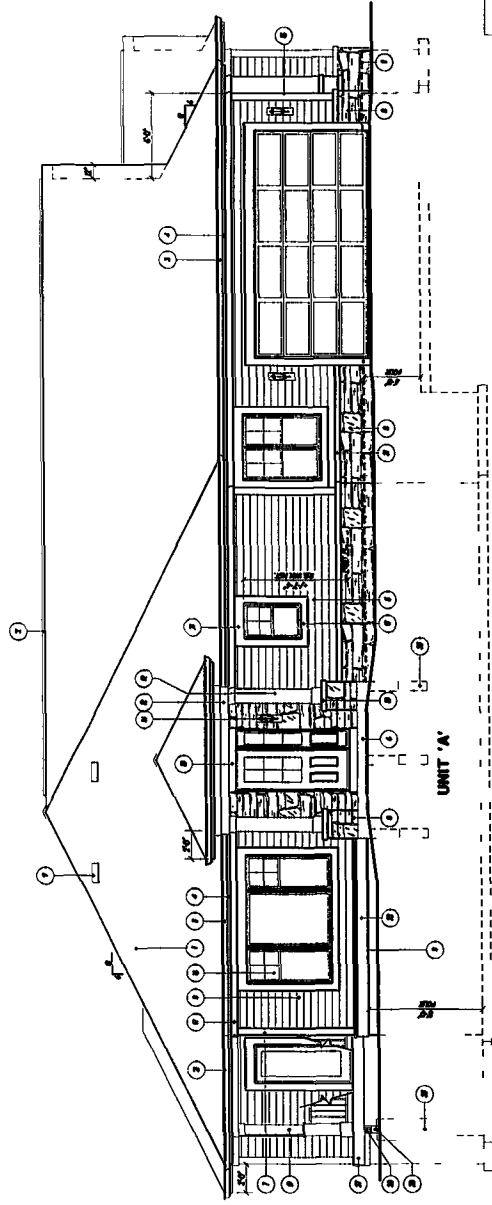


**Hayes Engineering Co. S.C.**  
  
 316 N MILWAUKEE ST SUITE 210-F  
 MILWAUKEE, WI 53202  
 (414) 272-3200



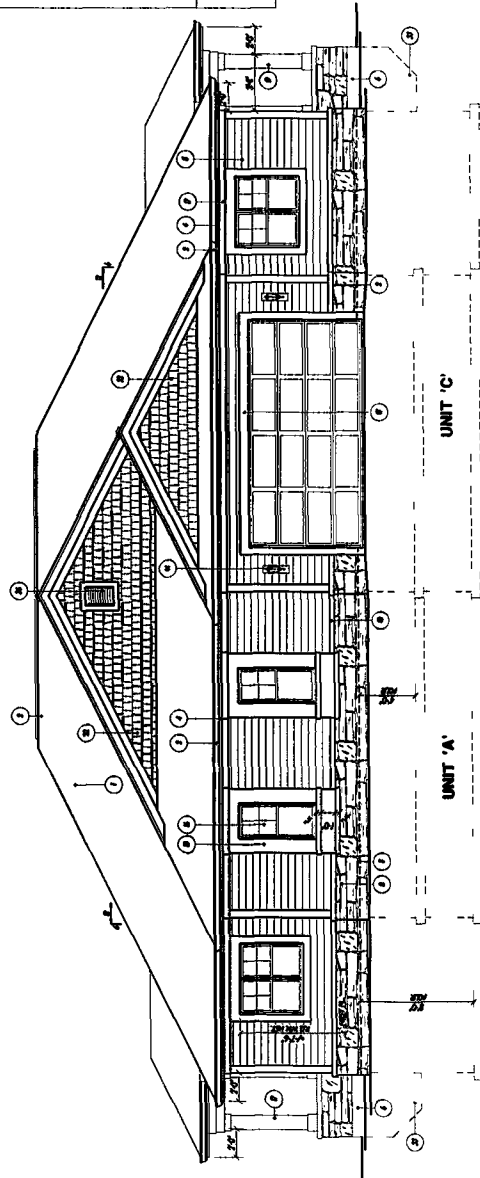


**REVIEW COPY ONLY**



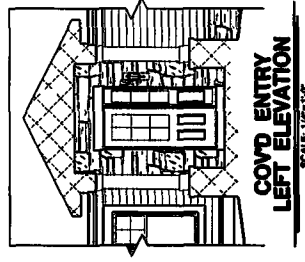
## LEFT ELEVATION

SCALE: 1/4" = 1'-0"



## FRONT ELEVATION

**SCALE: 1/4" = 1'-0"**



**COVID ENTRY  
LEFT ELEVATION**

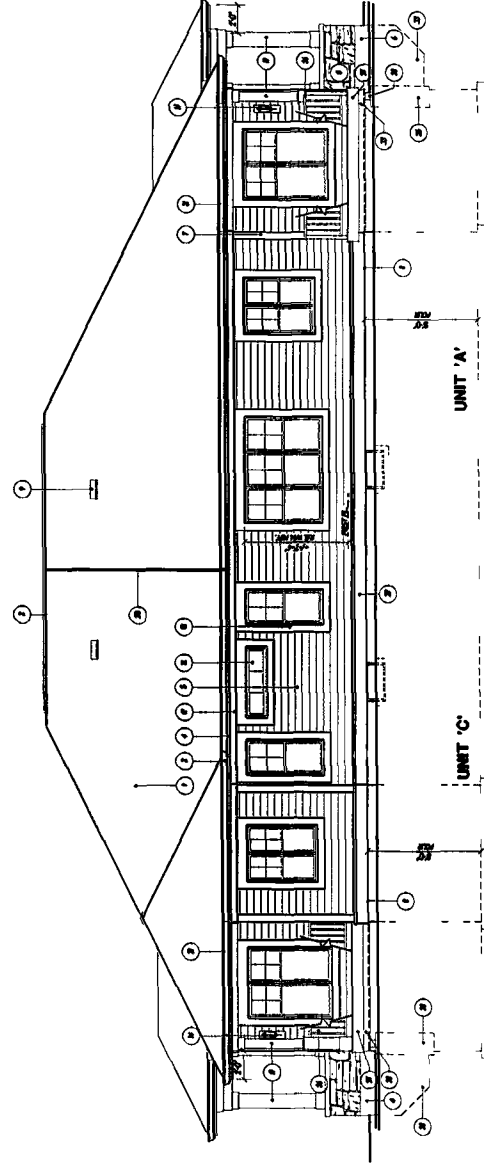
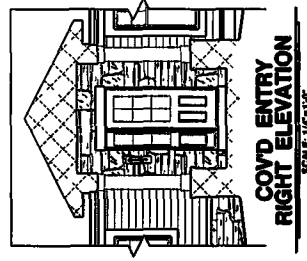
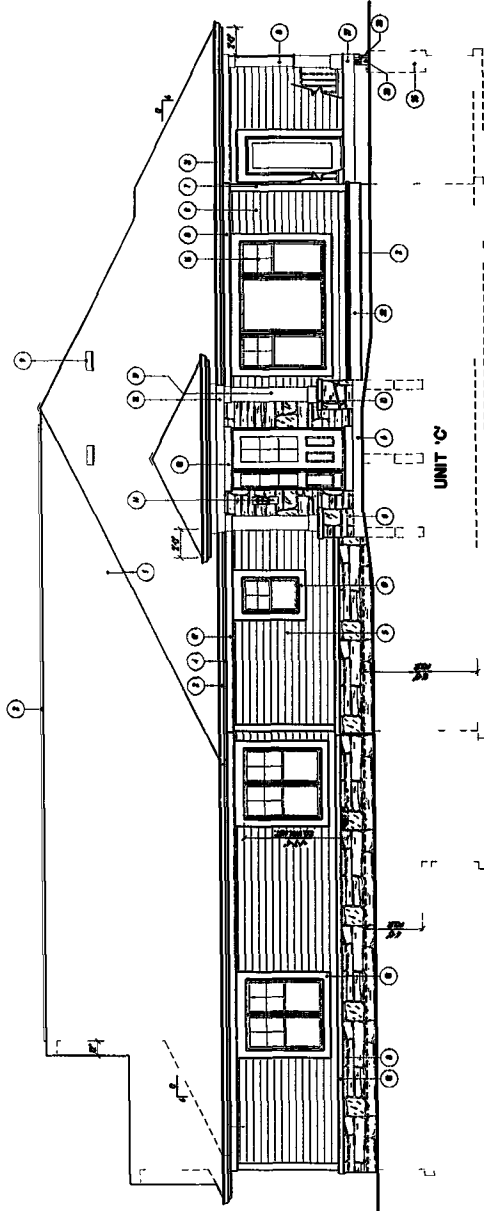
**SCALE: 1/2"=1'-0"**

## MATERIAL LIST

[illegible]

**WINDOW NOTES:**  
• ALL WINDOWS TO BE ALL-WOOD VINYL WINDOWS.  
• WINDOW NOTATIONS INDICATE WIDTH AND HEIGHT.  
• A NOMINAL DIMENSION OF 2'-6" MEANS A 6'-0" HIGH AND 2'-6" WIDE WINDOW. A TRIANGULAR WINDOW MEANS A TRIANGULAR WINDOW.

**REVIEW COPY ONLY**



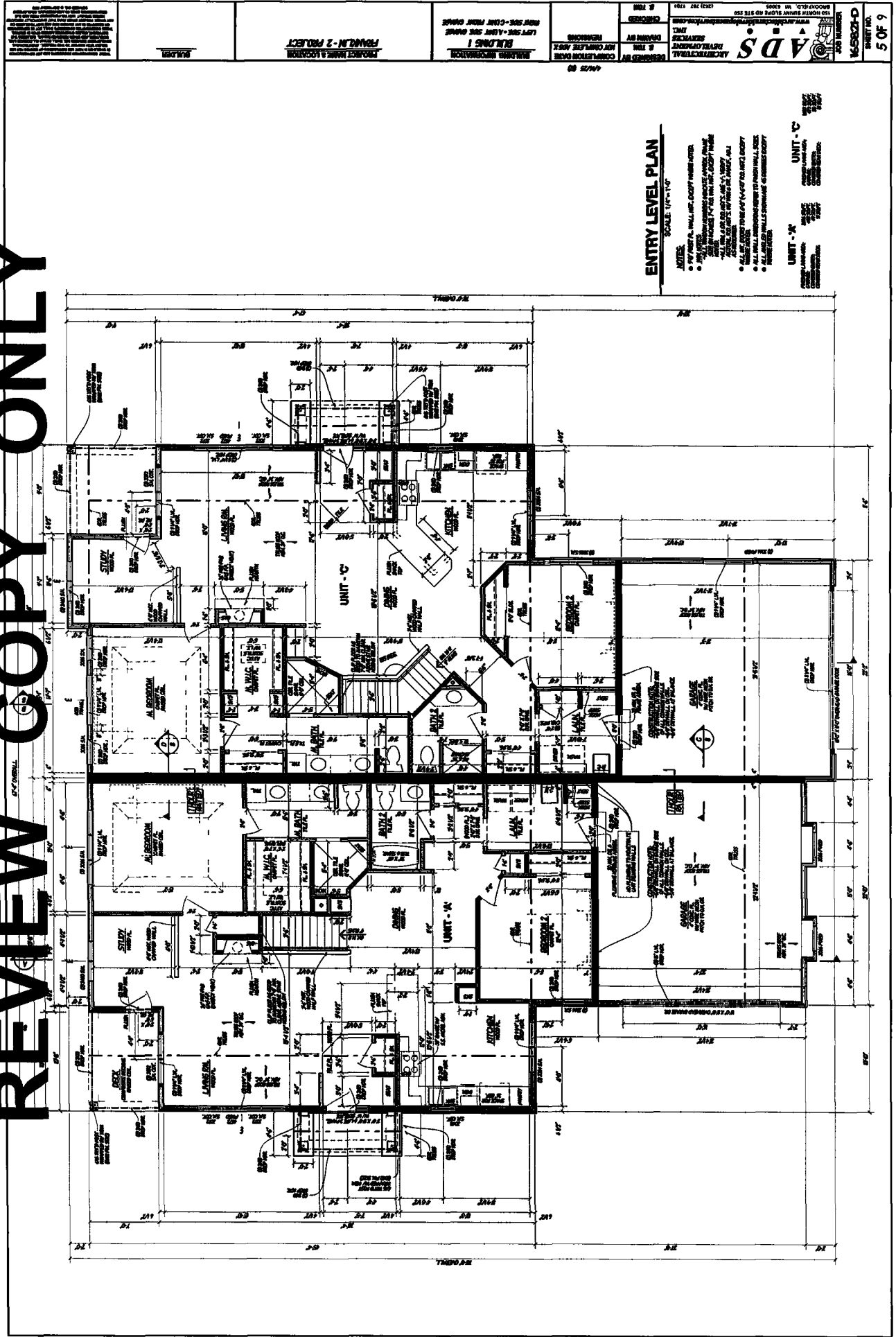
## MATERIAL LIST

- |   |   |   |   |   |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|
| 1 | 3 | 5 | 7 | 9 | 11 | 13 | 15 | 17 | 19 | 21 | 23 | 25 | 27 | 29 | 31 | 33 | 35 | 37 | 39 | 41 | 43 | 45 | 47 | 49 | 51 | 53 | 55 | 57 | 59 | 61 | 63 | 65 | 67 | 69 | 71 | 73 | 75 | 77 | 79 | 81 | 83 | 85 | 87 | 89 | 91 | 93 | 95 | 97 | 99 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |
| 1 | 2 | 3 | 4 | 5 | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
| 1 | 2 | 3 | 4 | 5 | 6  | 7  | 8  | 9  | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |    |     |

**UNCLASSIFIED**

• ALL HANGINGS TO BE ALL WIDE. HANGINGS HANGING NOTATIONS INDICATE WIDTH AND HEIGHT DIMENSIONS IN INCHES. FOR EXAMPLE, 3072 X 1440 INDICATES A SINGLE HANGING HANGING IN/ A HANGING DIMENSION OF 2'-5" HIGH, 12'-0" WIDE. EACH SIDE INDICATES A HANGING HANGING IN/ A HANGING DIMENSION OF 2'-0" WIDE X 2'-0" HIGH. ALL HANGINGS INDICATE A HANGING HANGING IN/ A HANGING DIMENSION OF 2'-0" WIDE X 2'-0" HIGH.

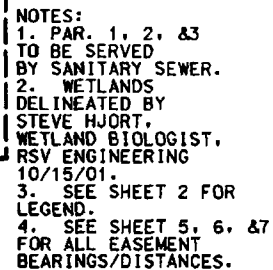
REVIEW COPY ONLY





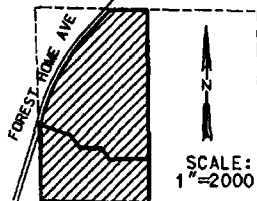
PARCELS 1 AND 2 OF C.S.M. NO. 6133 BEING IN THE SW<sup>1</sup>/<sub>4</sub>  
AND THE NW<sup>1</sup>/<sub>4</sub> OF THE NW<sup>1</sup>/<sub>4</sub> OF SECTION 18, TOWN 5 NORTH,  
RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

2551



MATCH LINE SEE SHEET 2

### LOCATION MAP



NW 1/4  
SEC 18-5-21



REV. 11/5/03  
REV. 10/21/03  
REV. 9/12/03  
REV. 8/4/03  
DATE 6-29-03  
SHEET 1 OF 9  
RSV# 00267



CERTIFIED SURVEY MAP NO. 7364

PARCELS 1 AND 2 OF C.S.M. NO. 6133 BEING  
IN THE SW<sup>1</sup>/<sub>4</sub> AND THE NW<sup>1</sup>/<sub>4</sub> OF THE NW<sup>1</sup>/<sub>4</sub>  
OF SECTION 18, TOWN 5 NORTH, RANGE 21 EAST,  
CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

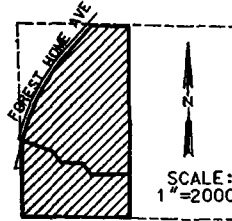
0 200 400

SCALE 1" = 200'

LEGEND

	ELECTRICAL TOWER
	WETLANDS
	RECORDED AS
	IRON PIPE FOUND
	1 1/2" x 18" IRON PIPE SET/ 3.65# L.F.
	POWER POLE
	UNDERGROUND GAS LINE
	GAS MARKER
	OVERHEAD ELECTRICAL
	EXISTING CONTOUR

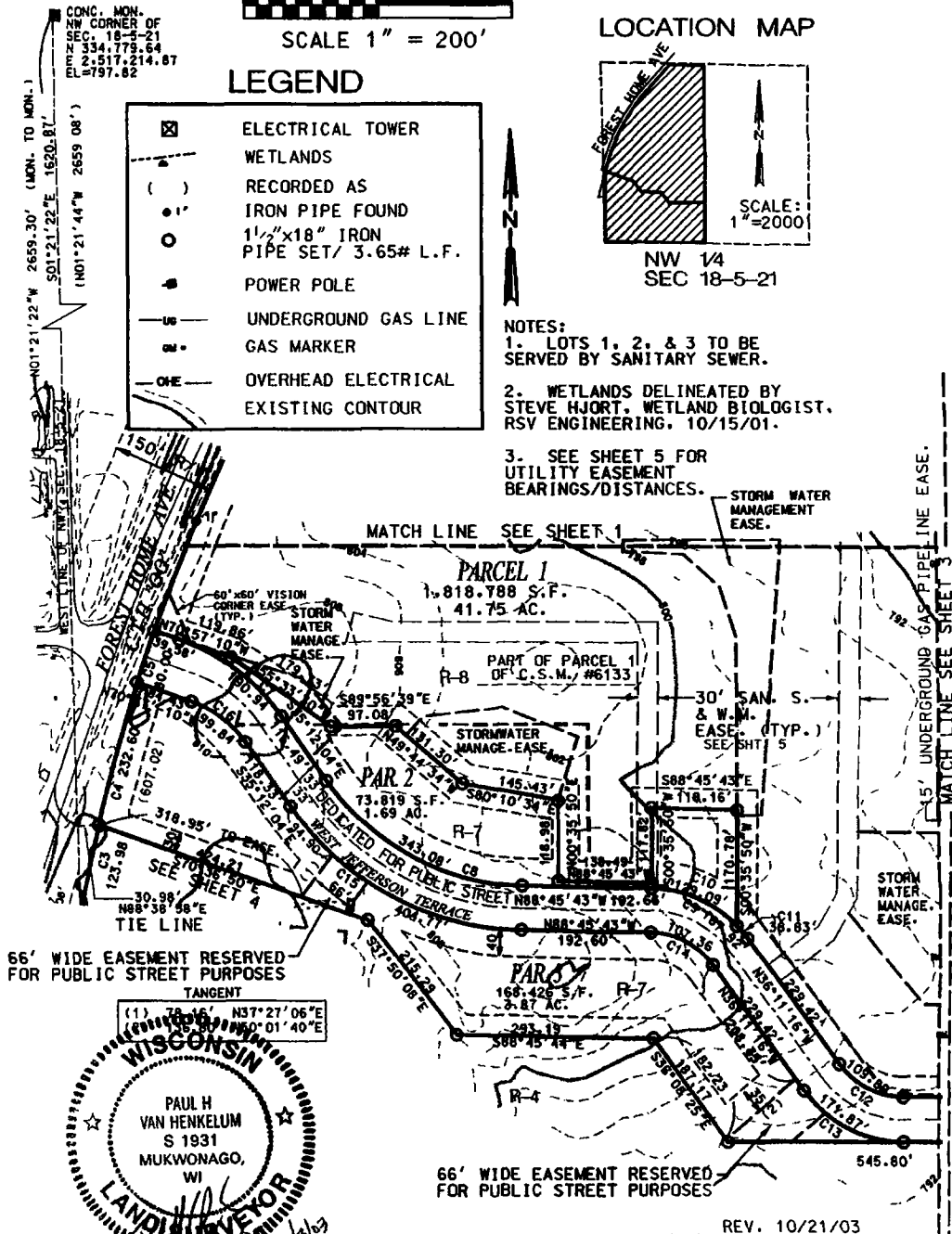
LOCATION MAP



NW 1/4  
SEC 18-5-21

NOTES:

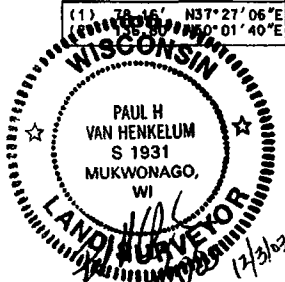
1. LOTS 1, 2, & 3 TO BE SERVED BY SANITARY SEWER.
2. WETLANDS DELINEATED BY STEVE HJORT, WETLAND BIOLOGIST, RSV ENGINEERING, 10/15/01.
3. SEE SHEET 5 FOR UTILITY EASEMENT BEARINGS/DISTANCES.



66' WIDE EASEMENT RESERVED  
FOR PUBLIC STREET PURPOSES

TANGENT

(1) 180.16' N37°27'06"E  
180.16' 01°40'E



66' WIDE EASEMENT RESERVED  
FOR PUBLIC STREET PURPOSES

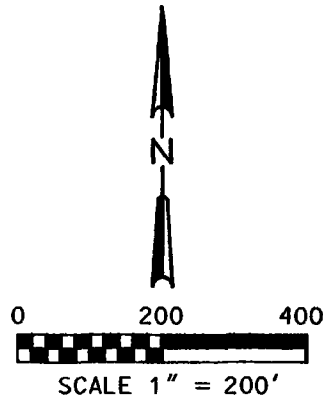
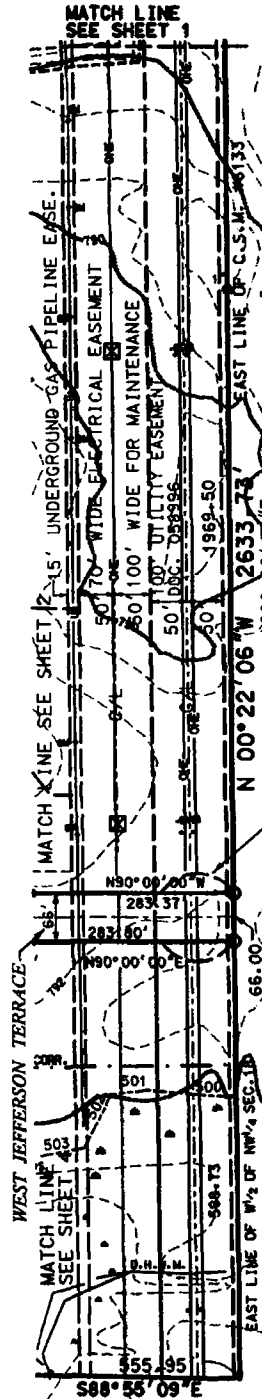
REV. 12/3/03  
REV. 11/5/03  
REV. 10/21/03  
REV. 9/12/03  
REV. 8/4/03  
DATE 6-29-03  
SHEET 2 OF 9  
RSV# 00267

INSTRUMENT DRAFTED BY PAUL H. VAN HENKELUM  
801 MAIN STREET, MUKWONAGO, WI 53149

REEL 5763 IMAGE 2552

CERTIFIED SURVEY MAP NO. 1364

PARCELS 1 AND 2 OF C.S.M. NO. 6133 BEING IN THE SW<sup>1</sup>/<sub>4</sub>  
AND THE NW<sup>1</sup>/<sub>4</sub> OF THE NW<sup>1</sup>/<sub>4</sub> OF SECTION 18, TOWN 5 NORTH,  
RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN



LEGEND

	ELECTRICAL TOWER
	WETLANDS
	RECORDED AS
	IRON PIPE FOUND
	1 1/2" x 18" IRON PIPE SET/ 3.65# L.F.
	POWER POLE
	UNDERGROUND GAS LINE
	GAS MARKER
	OVERHEAD ELECTRICAL
	EXISTING CONTOURS

REEL  
5763

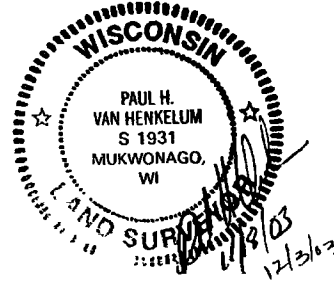
IMAGE  
8553  
2551.40  
8724758  
12/3/03

8724758

REGISTERS OFFICE } SS  
Milwaukee County, WI  
RECORDED AT 2:19 PM

JAN 30 2004

REEL 5763 IMAGE 2551.40  
REGISTER  
OF DEEDS



60' RADIUS  
TEMPORARY  
TURN AROUND  
EASEMENT

CURVE TABLE

CURVE #	DELTA	RADIUS	ARC	CHORD BEARING	CHORD
C1	30°16'41"	2789.93'	1474.34'	S25°50'17"W	1327.57'
C3	2°45'05"	2789.93'	133.98'	S12°04'05"W	133.96'
C4	04°46'36"	2789.93'	232.60'	S15°50'17"W	232.53'
C5	01°38'35"	2789.93'	80.00'	N18°45'40"E	80.00'
C6	21°23'40"	2789.93'	1041.76'	N30°16'47"E	1035.72'
C7	35°45'06"	306.00'	190.94'	S53°04'37"E	98.69'
C8	53°33'39"	367.00'	343.08'	S61°58'54"E	185.23'
C9	52°34'28"	183.00'	167.92'	S62°28'29"E	90.39'
C10	40°25'00"	183.00'	129.09'	S68°33'13"E	126.43'
C11	12°09'27"	183.00'	38.83'	N42°15'59"W	38.76'
C12	53°48'44"	117.00'	109.89'	N63°05'38"W	105.89'
C13	53°48'44"	183.00'	171.87'	N63°05'38"W	92.87'
C14	52°34'28"	117.00'	107.36'	N62°28'29"W	57.79'
C15	53°33'39"	433.00'	404.77'	N61°58'54"W	218.54'
C16	35°45'06"	240.00'	99.84'	N53°04'37"W	98.23'

REV. 12/3/03  
REV. 11/5/03  
REV. 10/21/03  
REV. 9/12/03  
REV. 8/04/03  
DATE 6-30-03  
SHEET 3 OF 9  
RSV# 00267

INSTRUMENT DRAFTED BY PAUL H. VAN HENKELUM  
801 MAIN STREET, MUKWONAGO, WI 53149

CERTIFIED SURVEY MAP NO. 7364

PARCELS 1 AND 2 OF C.S.M. NO. 6133 BEING IN THE SW<sup>1</sup>/<sub>4</sub>  
AND THE NW<sup>1</sup>/<sub>4</sub> OF THE NW<sup>1</sup>/<sub>4</sub> OF SECTION 18, TOWN 5 NORTH,  
RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

0 200 400



SCALE 1" = 200'

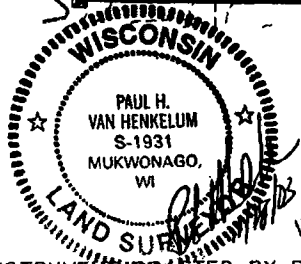
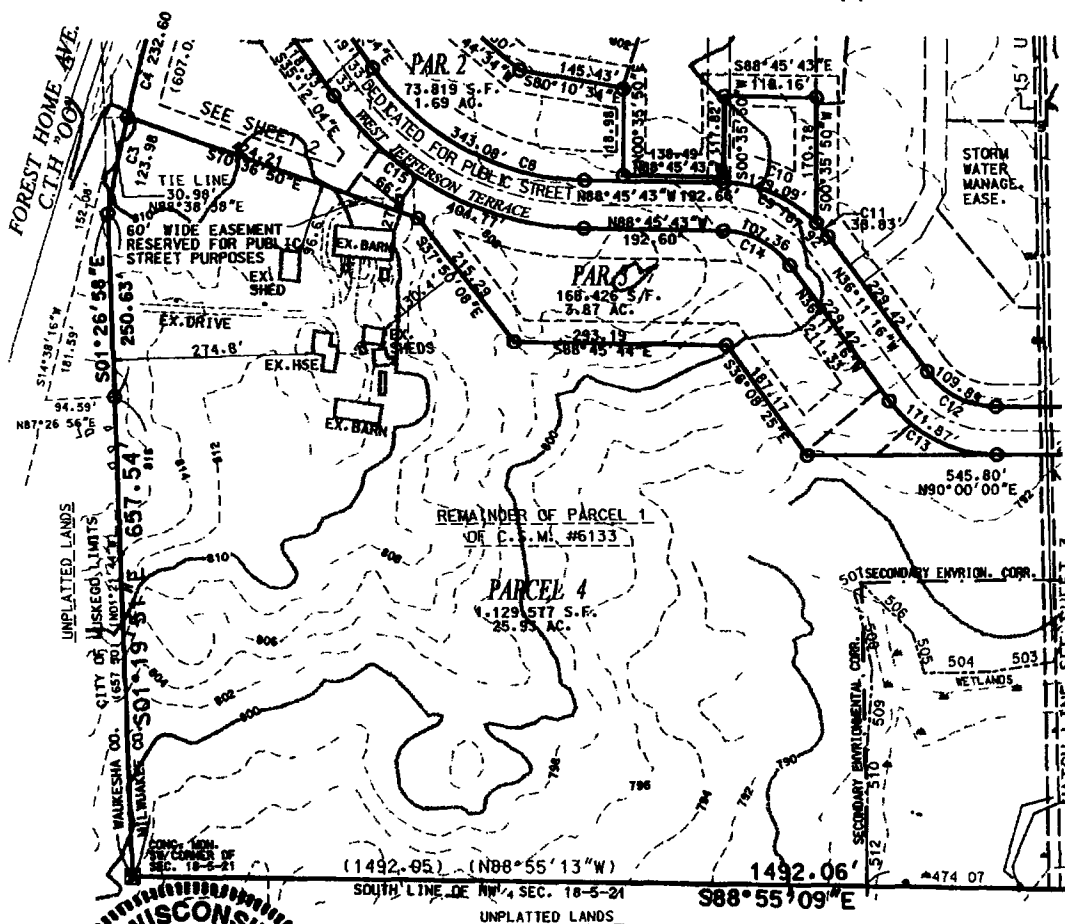
LEGEND

	ELECTRICAL TOWER		POWER POLE
	WETLANDS		UNDERGROUND GAS LINE
	RECORDED AS		GAS MARKER
	IRON PIPE FOUND		OVERHEAD ELECTRICAL
	1 1/2" x 18" IRON PIPE SET/ 3.65# L.F.		EXISTING CONTOURS



REEL  
5763

IMAGE  
2554



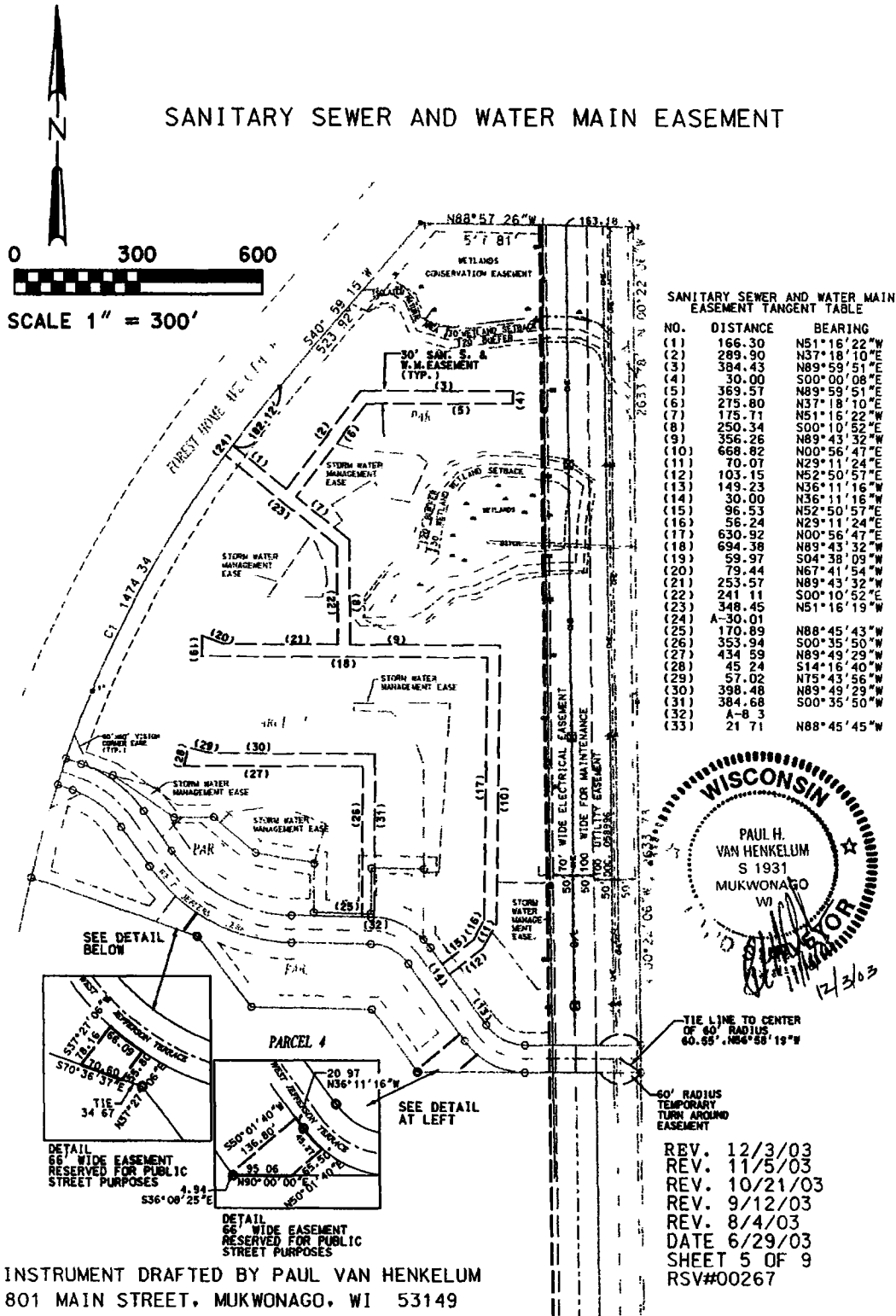
INSTRUMENT DRAFTED BY PAUL H. VAN HENKELUM  
801 MAIN STREET, MUKWONAGO, WI 53149

REV. 12/3/03  
REV. 11/04/03  
REV. 10/21/03  
REV. 09/12/03  
REV. 08/04/03  
DATE 6-29-03  
SHEET 4 OF 9  
RSV# 00267

CERTIFIED SURVEY MAP NO. 7364

PARCELS 1 AND 2 OF C.S.M. NO. 6133 BEING IN THE SW<sup>1</sup>/<sub>4</sub>  
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RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

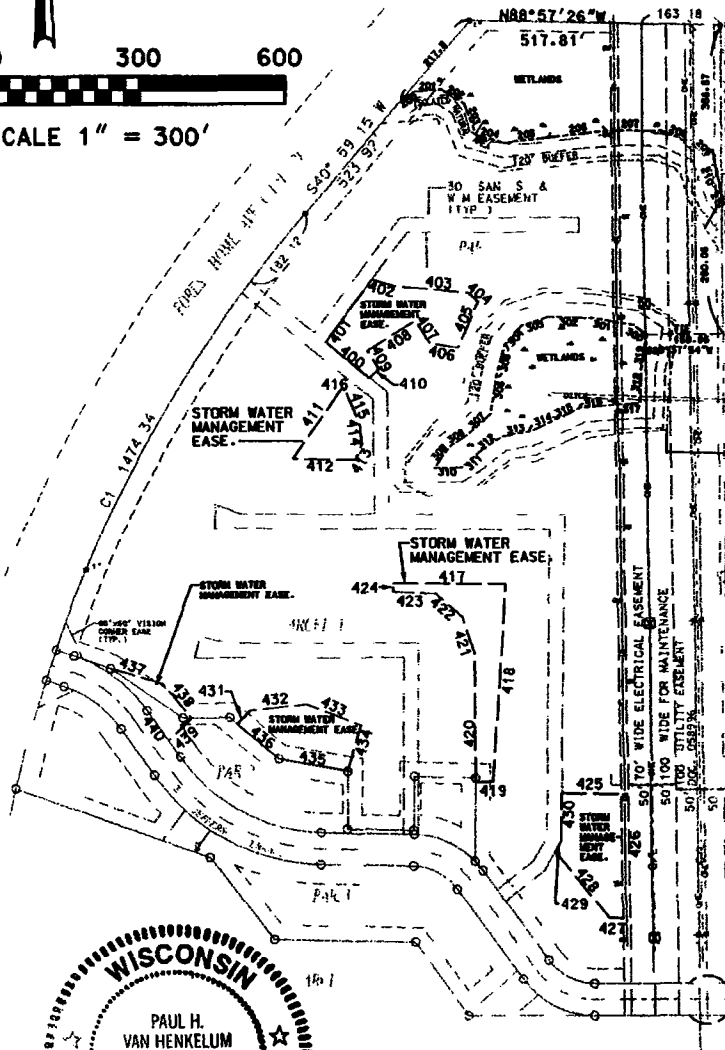
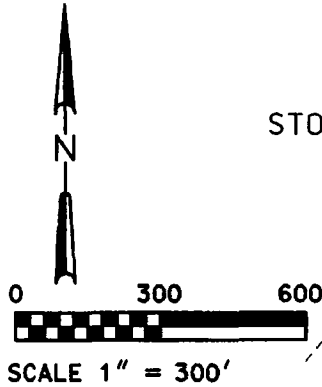
# SANITARY SEWER AND WATER MAIN EASEMENT



CERTIFIED SURVEY MAP NO. 1364

PARCELS 1 AND 2 OF C.S.M. NO. 6133 BEING IN THE SW<sup>1</sup>/<sub>4</sub>  
AND THE NW<sup>1</sup>/<sub>4</sub> OF THE NW<sup>1</sup>/<sub>4</sub> OF SECTION 18, TOWN 5 NORTH,  
RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

WETLAND DELINEATION AND  
STORM WATER MANAGEMENT EASEMENTS



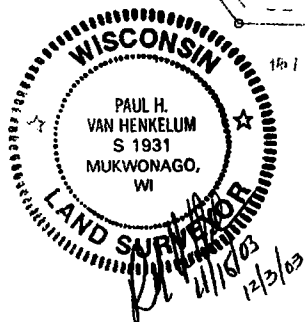
WETLAND DELINEATION TANGENT TABLE

NO.	DISTANCE	BEARING
200	33.93	N57°47'42"E
201	55.43	N84°53'30"E
202	55.43	S59°01'51"E
203	70.63	S21°51'03"E
204	59.84	S75°09'29"E
205	89.81	N83°43'11"E
206	130.00	N82°52'12"E
207	103.83	S89°04'03"E
208	65.14	S70°02'40"E
209	50.08	S45°46'57"E
210	62.47	S16°24'25"E
211	22.28	S31°31'43"E

300	34.10	N54°55'25"W
301	83.76	N80°50'51"W
302	91.97	N88°44'00"W
303	57.21	S72°06'56"W
304	53.64	S42°59'20"W
305	64.40	S14°53'25"W
306	80.36	S09°07'07"W
307	61.58	S48°11'40"W
308	46.51	S57°00'03"W
309	55.51	S37°37'41"W
310	57.46	N89°03'54"E
311	52.12	N50°24'51"E
312	54.11	N54°52'33"E
313	58.70	N81°21'02"E
314	65.30	N65°27'44"E
315	50.58	N64°35'03"E
316	76.98	N84°49'49"E
317	46.39	N87°03'32"E
318	70.91	N02°26'38"E
319	71.47	N08°33'16"E

STORM WATER MANAGEMENT  
EASEMENT TANGENT TABLE

NO.	DISTANCE	BEARING
400	119.83	N51°16'22"W
401	155.54	N37°18'10"E
402	52.40	S73°53'51"E
403	153.13	S85°07'01"E
404	27.71	S47°00'12"E
405	104.21	S24°41'08"W
406	59.98	N80°07'36"E
407	54.69	N33°32'51"E
408	117.02	S58°13'15"E
409	45.19	S32°21'38"E
410	20.83	S50°10'22"W
411	173.04	S35°15'45"W
412	130.46	S89°16'27"E
413	35.91	N23°00'34"E
414	39.97	N07°07'10"E
415	75.50	N23°10'57"W
416	9.94	N85°13'59"W
417	233.14	N90°00'00"E
418	400.67	S04°07'09"W
419	46.96	N88°45'43"E
420	255.13	N02°13'02"E
421	79.19	N18°25'18"W
422	71.89	N48°41'36"W
423	89.65	N87°28'19"W
424	17.19	N04°23'42"E
425	122.03	N89°03'13"W
426	254.86	N00°53'04"E
427	29.87	S88°18'50"E
428	174.25	S39°02'39"E
429	24.52	S31°24'43"W
430	99.70	S00°30'48"W
431	37.68	N42°55'57"E
432	119.26	N83°30'06"E
433	120.97	S68°54'58"E
434	98.36	S17°18'55"W
435	145.43	N80°10'34"W
436	110.67	N49°44'34"W
437	191.12	S72°32'23"E
438	92.47	S40°16'52"E
439	67.22	S46°04'08"W
440	75.47	N35°12'03"W



INSTRUMENT DRAFTED BY PAUL VAN HENKELUM  
801 MAIN STREET, MUKWONAGO, WI 53149

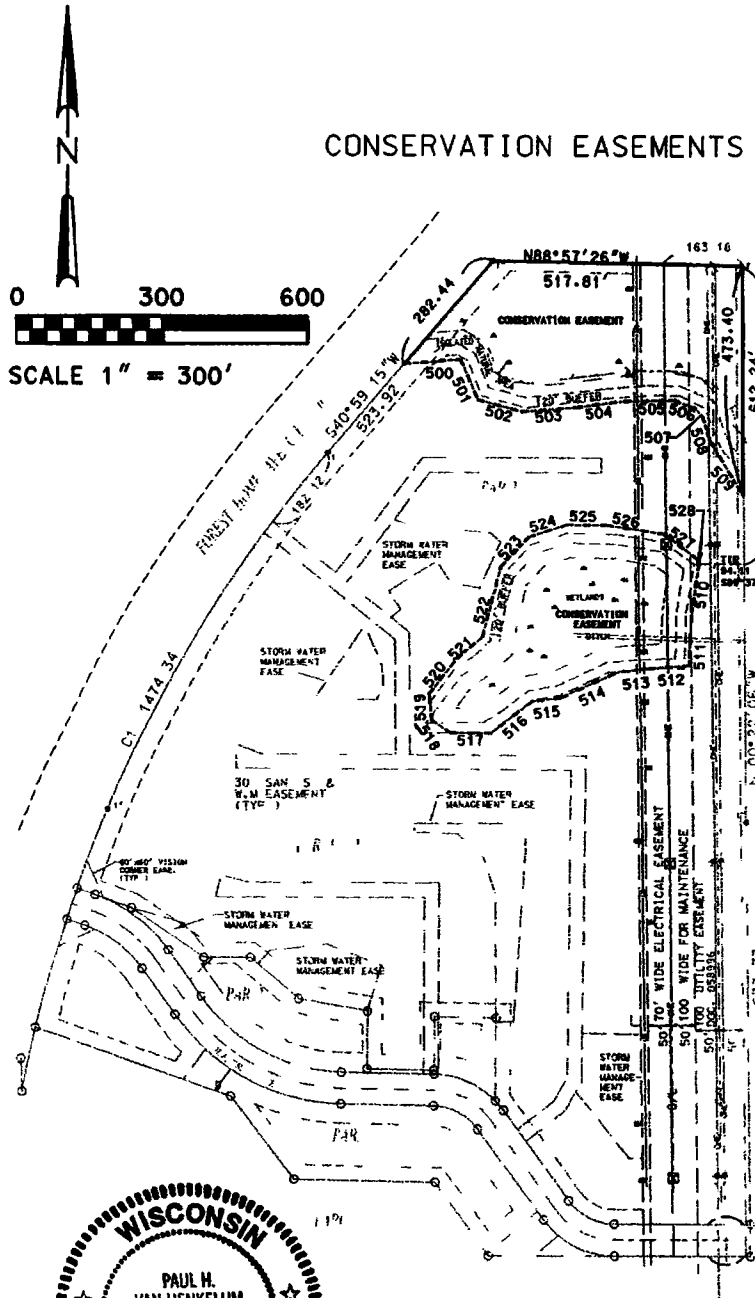
REV. 12/3/03  
REV. 11/5/03  
REV. 10/21/03  
REV. 9/12/03  
REV. 8/4/03  
DATE 6/29/03  
SHEET 6 OF 9  
RSV#00267

REEL 5763  
IMAGE 2556



CERTIFIED SURVEY MAP NO. 7364

PARCELS 1 AND 2 OF C.S.M. NO. 6133 BEING IN THE SW<sup>1</sup>/<sub>4</sub>  
AND THE NW<sup>1</sup>/<sub>4</sub> OF THE NW<sup>1</sup>/<sub>4</sub> OF SECTION 18, TOWN 5 NORTH,  
RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN



CONSERVATION EASEMENT  
TANGENT TABLE

NO.	DISTANCE	BEARING
500	118.06	N85°41'00" W
501	90.00	S23°40'50" E
502	94.80	S75°11'53" E
503	112.15	N85°24'25" W
504	102.00	N82°35'11" E
505	103.94	N88°59'16" E
506	46.21	S69°48'58" E
507	21.50	S41°41'37" E
508	54.04	S17°47'25" E
509	132.11	S31°42'53" E
510	108.00	S08°22'51" E
511	102.01	S03°17'20" E
512	90.01	S85°47'31" W
513	67.55	S82°29'58" W
514	122.67	S66°01'58" W
515	60.19	S83°34'09" W
516	106.94	S52°00'31" W
517	84.45	N89°20'55" W
518	47.52	N57°08'33" W
519	53.64	N04°23'44" W
520	92.14	N38°40'13" W
521	69.90	N50°18'59" W
522	148.84	N14°52'40" W
523	84.25	N42°59'48" W
524	82.91	N72°07'06" W
525	88.58	S89°42'24" W
526	120.81	S81°17'34" W
527	88.07	S53°08'26" W
528	9.74	S08°22'51" W



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801 MAIN STREET, MUKWONAGO, WI 53149

REV. / 12/3/03  
REV. 11/5/03  
REV. 10/21/03  
REV. 9/12/03  
REV. 8/4/03  
DATE 6/29/03  
SHEET 7 OF 9  
RSV#00267

REEL 5763  
IMAGE 2557

CERTIFIED SURVEY MAP NO. 7364

PARCELS 1 AND 2 OF C.S.M. NO. 6133 BEING IN THE SW<sup>1</sup>/<sub>4</sub>  
AND THE NW<sup>1</sup>/<sub>4</sub> OF THE NW<sup>1</sup>/<sub>4</sub> OF SECTION 18, TOWN 5 NORTH,  
RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

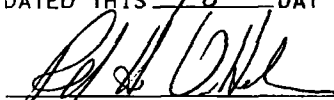
**SURVEYORS CERTIFICATE:**

I, PAUL H. VAN HENKELUM, REGISTERED LAND SURVEYOR, HEREBY CERTIFY THAT I HAVE SURVEYED, DIVIDED AND MAPPED THE FOLLOWING LAND BOUNDED AND DESCRIBED AS FOLLOWS: PARCELS 1 AND 2 OF C.S.M. NO. 6133 BEING IN THE SW<sup>1</sup>/<sub>4</sub> AND THE NW<sup>1</sup>/<sub>4</sub> OF THE NW<sup>1</sup>/<sub>4</sub> OF SECTION 18, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, MORE COMPLETELY DESCRIBED AS FOLLOWS: COMMENCING AT THE NW CORNER OF SECTION 18-5-21; THENCE S88°57'19"E ALONG THE NORTH LINE OF SAID NW 1/4, A DISTANCE OF 1537.89' TO A POINT; THENCE S00°22'06"E, A DISTANCE OF 24.97' TO THE POINT OF BEGINNING; THENCE N88°57'26"W, A DISTANCE OF 517.81' TO A POINT; THENCE S40°59'15"W, A DISTANCE OF 523.92' TO A POINT ON A CURVE; THENCE WITH SAID CURVE TO THE LEFT A LENGTH OF 1474.34', SAID CURVE HAVING A RADIUS OF 2789.93, A CHORD THAT BEARS S25°50'17"W FOR A DISTANCE OF 1457.25' TO A POINT; ON THE WEST LINE OF THE NW<sup>1</sup>/<sub>4</sub> OF SAID SECTION 18; THENCE S01°26'58"E, A DISTANCE OF 250.63' TO A POINT; THENCE S01°19'51"E, A DISTANCE OF 657.54' TO A SOUTHWEST CORNER OF SECTION 18; THENCE WITH SAID LINE S88°55'09"E, A DISTANCE OF 1492.06' TO A POINT ON THE EAST LINE OF C.S.M. #6133; THENCE WITH SAID EAST LINE N00°22'06"W, A DISTANCE OF 2633.73' TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 75.81 ACRES MORE OR LESS.

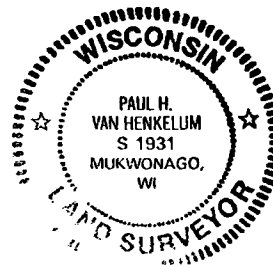
I FURTHER CERTIFY THAT I HAVE MADE THIS SURVEY AND MAP IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 236.34 OF THE STATE STATUTES, THE UNIFIED DEVELOPMENT ORDINANCE - DIVISION 15 OF THE CITY OF FRANKLIN, AND BY THE DIRECTION OF THE OWNER.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED.

DATED THIS 18<sup>th</sup> DAY OF November, 2003.



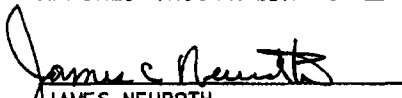
PAUL H. VAN HENKELUM, R.L.S. 1931



**CONSENT OF CORPORATE MORTGAGEE**

M & I MARSHALL & ILSLEY BANK, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, MORTGAGEE OF THE ABOVE DESCRIBED LAND, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING, MAPPING AND DEDICATION OF THE LAND DESCRIBED ON THIS PLAT, AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE OF SCOTT SIMON, MANAGINE MEMEBER OF FRANKLIN VENTURES, L.L.C. OWNER.

IN WITNESS WHEREOF, THE SAID M & I MARSHALL & ILSLEY BANK HAS CAUSED THESE PRESENTS TO BE SIGNED AND IT'S CORPORATE SEAL TO BE HEREUNTO AFFIXED THIS 27 DAY OF January, ~~2003~~ 2004.

  
JAMES NEUROTH  
VICE PRESIDENT



INSTRUMENT DRAFTED BY PAUL H. VAN HENKELUM  
801 MAIN STREET, MUKWONAGO, WI 53149

REV. 11/5/03  
REV. 10/21/03  
REV. 9/12/03  
REV. 8/4/03  
DATE 6-29-03  
SHEET 8 OF 9  
RSV# 00267

REEL 5763  
IMAGE 2558

CERTIFIED SURVEY MAP NO. 1364

PARCELS 1 AND 2 OF C.S.M. NO. 6133 BEING IN THE SW<sup>1</sup>/<sub>4</sub>  
AND THE NW<sup>1</sup>/<sub>4</sub> OF THE NW<sup>1</sup>/<sub>4</sub> OF SECTION 18, TOWN 5 NORTH,  
RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

**OWNERS CERTIFICATE:**

AS OWNER, I, SCOTT SIMON, MEMBER OF THE FRANKLIN VENTURES, L.L.C. HEREBY  
CERTIFY THAT I HAVE CAUSED THE LAND DESCRIBED ABOVE TO BE SURVEYED, DIVIDED  
MAPPED AND DEDICATED AS REPRESENTED ON THIS MAP IN ACCORDANCE WITH THE  
UNIFIED DEVELOPMENT ORDINANCE - DIVISION 15 OF THE CITY OF FRANKLIN,  
AND THE REQUIREMENT OF CHAPTER 236.34 OF THE STATE  
STATUTES.

Scott Simon  
SCOTT SIMON, MEMBER  
FRANKLIN VENTURES, L.L.C.

STATE OF WISCONSIN)  
WALWORTH COUNTY) SS

Waukesha

PERSONALLY CAME BEFORE ME THIS 2nd DAY OF December, 2003  
THE ABOVE NAMED SCOTT SIMON, PRESIDENT OF SIMON GROUP, LTD. TO ME KNOWN  
TO BE THE PERSON(S) WHO EXECUTED THE FORGOING INSTRUMENT AND ACKNOWLEDGED  
THE SAME.

MY COMMISSION EXPIRES July 8, 2007

Maria Christiansen  
NOTARY PUBLIC

**PLANNING COMMISSION APPROVAL:**

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF  
FRANKLIN ON THIS 09th DAY OF October, 2003.

Frederick F. Klimetz  
CHAIRMAN

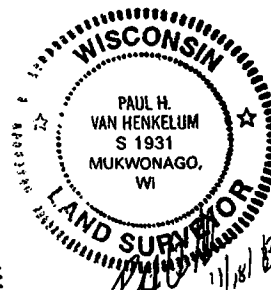
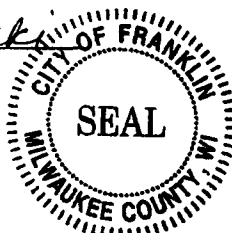
Mary Kay Purcell  
SECRETARY

**CITY COUNCIL APPROVAL:**

APPROVED AND ADOPTED AND DEDICATION ACCEPTED BY THE CITY COUNCIL  
OF THE CITY OF FRANKLIN BY RESOLUTION NO 1003-5620 ON THIS 18th DAY  
OF November, 2003.

Frederick F. Klimetz  
FREDERICK F. KLIMETZ, MAYOR

Sandra L. Wesolowski  
SANDRA WESOLOWSKI, CITY CLERK



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801 MAIN STREET, MUKWONAGO, WI 53149

REV. 11/05/03  
REV. 10/21/03  
REV. 09/12/03  
REV. 08/04/03  
DATE 06-29-03  
SHEET 9 OF 9  
RSV# 00267

REEL  
5763

IMAGE  
2559

<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  5/20/2025
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Concept Review for a building expansion and site improvements at the Franklin High School located at 8222 South 51st Street (Franklin School District, Applicant)</b>	<b>ITEM NUMBER</b> D. 11. <b>Aldermanic District No. 5</b>

On May 7, 2025, the applicant submitted an application for a Concept Review. The preliminary site plan includes building modifications and a building addition on the north side of the high school. The site plan also includes several site modifications, including parking lot additions, tennis courts, a future soccer field, and a driveway connection to West High View Drive.

Additional information is attached for review, including a staff report and a narrative and conceptual site plan provided by the applicant.

A Concept Review is an informal high-level perspective presentation of a potential land use project by a developer to the Common Council. While not required, the Concept Review provides developers the opportunity to present a potential new development to perhaps obtain comments from Common Council members, prior to undertaking more detailed applications processes. The Concept Review is strictly optional by the request of a developer. No comments made at a Concept Review meeting are in any way binding upon any actions by the City during a subsequent required applications process. The Common Council does not entertain any motions or take any actions upon the potential project at a concept review meeting.

#### **COUNCIL ACTION REQUESTED**

No action requested. No action to be taken.



**CITY OF FRANKLIN  
REPORT TO THE COMMON COUNCIL**

**Meeting of May 20, 2025**

**Concept Review**

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**RECOMMENDATION:** No action requested, no action to be taken.

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<b>Project name:</b>	Franklin High School Concept Review
<b>Property Owner:</b>	Franklin School District #5
<b>Applicant:</b>	Franklin Public Schools
<b>Agent:</b>	Jesse Becker, Point of Beginning
<b>Property Address/TKN:</b>	8222 South 51st Street / 807 9999 001
<b>Aldermanic District:</b>	District 5
<b>Zoning District:</b>	I-1 Institutional District, FW Floodway District, and C-1 Conservancy District
<b>Staff Planner:</b>	Nick Fuchs, Planning Associate
<b>Submittal date:</b>	5-7-2025
<b>Application number:</b>	PPZ25-0101

---

**Project Description/Analysis**

The applicant filed a Concept Review Application for a proposed building expansion and site improvements upon property located at 8222 S. 51<sup>st</sup> Street.

The preliminary site plan provided includes building modifications and a building addition on the north side of the high school. The site plan also includes several site modifications, including parking lot additions, tennis courts, a future soccer field, and a driveway connection to West High View Drive.

The applicant also provided preliminary building elevations. Primary building materials include brick and metal panels.

A portion of the building addition and much of the site improvements encroach into an existing conservation easement. The conservation easement was approved via Resolution No. 2013-6902 and recorded in 2014. The conservation includes protection of mature and young woodlands, stream and shore buffer, wetlands, and wetland buffers. The proposed site improvements will eliminate the roughly 6.5-acre wooded area on the southeast portion of the site as well as wetlands within and outside of this area.

Required Process

The property is currently zoned I-1 Institutional District, FW Floodway District, and C-1 Conservancy District. The property is designated as Institutional and Areas of Natural Resource Features. Zoning and land use changes are not anticipated.



The process for development will include Site Plan review and a Natural Resource Special Exception. The Natural Resource Special Exception Application has been submitted and is currently under review.

#### Staff Comments

Planning staff does not have any comments at this time; however, will closely review the proposed mitigation plan submitted with the Natural Resource Special Exception Application to ensure mitigation standards are met.

The Fire Department has provided the comments below.

1. The Fire Department supports establishing additional access to the east side of the complex via High View Dr. This will allow additional egress and ingress in the event of an emergency situation on the school campus.
2. Follow all relevant WI DSPS and IBC code requirements for fire protection systems for given occupancy, use, and construction types.
3. Pre-existing fire alarm and fire sprinkler systems shall be maintained in compliance with relevant code.
4. Fire Extinguisher placement as per NFPA 10.
5. Fire Department Connection (FDC), and hydrant placement and density must be acceptable to AHJ.
6. Master Key set required for placement in Knox Boxes.
7. Permitting and submittal instructions for fire protection system review and inspection can be found at: <https://www.franklinwi.gov/Departments/Fire.htm>

#### **Staff Recommendation:**

This item does not have a recommended motion and no official action is to be taken.

It is recommended that sufficient feedback be provided to allow the applicant to determine whether to proceed or not with detailed development plans and the required applications.

Planning Department  
9229 West Loomis Road  
Franklin, Wisconsin 53132  
(414) 425-4024  
[franklinwi.gov](http://franklinwi.gov)



APPLICATION DATE: \_\_\_\_\_

STAMP DATE: May 15, 2025

## COMMON COUNCIL REVIEW APPLICATION

### PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]		APPLICANT IS REPRESENTED BY [CONTACT PERSON]	
NAME: Andy Chromy		NAME: Jesse Becker, P.E.	
COMPANY: Franklin Public Schools		COMPANY: Point of Beginning, Inc.	
MAILING ADDRESS: 8255 West Forest Hill Ave		MAILING ADDRESS: 4941 Kirschling Court	
CITY/STATE: Franklin, WI	ZIP: 53132	CITY/STATE: Stevens Point, WI	ZIP: 54481
PHONE: 414-529-8220		PHONE: 715-344-9999	
EMAIL ADDRESS: andy.chromy@franklin.k12.wi.us		EMAIL ADDRESS: jesseb@poblnc.com	

### PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS: 8222 South 51st St	TAX KEY NUMBER: 8079999001
PROPERTY OWNER: Franklin Public Schools	PHONE: 414-529-8220
MAILING ADDRESS: 8255 West Forest Hill Ave	EMAIL ADDRESS: andy.chromy@franklin.k12.wi.us
CITY/STATE: Franklin, WI	DATE OF COMPLETION: 5/7/2025

### APPLICATION TYPE

Please check the application type that you are applying for

- ☒ Concept Review ☐ Comprehensive Master Plan Amendment ☐ Planned Development District ☐ Rezoning  
☐ Special Use / Special Use Amendment ☐ Unified Development Ordinance Text Amendment

Most requests require Plan Commission review and Common Council approval.



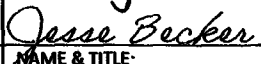
Applicant is responsible for providing Plan Commission resubmittal materials up to 11 copies pending staff request and comments.

### SIGNATURES

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).*

☒ I, the applicant, certify that I have read the following page detailing the requirements for plan commission and common council approval and submittals and understand that incomplete applications and submittals cannot be reviewed.

PROPERTY OWNER SIGNATURE: 	APPLICANT SIGNATURE: 
NAME & TITLE: Andy Chromy, Asst Supt.	NAME & TITLE: Andy Chromy, Asst Supt.
DATE: 5/7/25	DATE: 5/7/25
PROPERTY OWNER SIGNATURE: _____	APPLICANT REPRESENTATIVE SIGNATURE: 
NAME & TITLE: _____	NAME & TITLE: Jesse Becker, Project Engineer
DATE: _____	DATE: 5/7/2025

## CITY OF FRANKLIN APPLICATION CHECKLIST

If you have questions about the application materials please contact the planning department.

### CONCEPT REVIEW APPLICATION MATERIALS

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details)
- ☐ \$420 Application fee payable to the City of Franklin
- ☐ Three (3) complete collated sets of application materials to include ...
  - ☐ Three (3) project narratives.
  - ☐ Three (3) copies of the Preliminary Site/Development Plan of the subject property(ies) and immediate surroundings on 8 1/2" X 11" or 11" X 17" paper (i.e., a scaled map identifying the subject property and immediate environs, including existing and proposed parcels, existing and proposed structures, existing and proposed land uses, existing and proposed zoning, existing and proposed infrastructure and utilities[approximate locations only], and existing and proposed site conditions/site constraints [i.e. approximate locations of public road access, rights-of-way, natural resources/green space and drainage issues/concerns, etc.])
  - ☐ Three (3) colored copies of building elevations on 11" X 17" paper if applicable
- ☐ Email or flash drive with all plans / submittal materials.

### COMPREHENSIVE MASTER PLAN AMENDMENT APPLICATION MATERIALS

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- ☐ \$1,250 Application fee payable to the City of Franklin.
- ☐ Word Document legal description of the subject property.
- ☐ Three (3) complete collated sets of application materials to include ..
  - ☐ Three (3) project narratives.
  - ☐ Three (3) folded copies of a Site Development Plan / Map, drawn to reasonable scale, at least 11" X 17" paper or as determined by the City Planner or City Engineer, identifying the subject property and immediate environs, including parcels, structures, land use, zoning, streets and utilities, and natural resource features, as applicable.
- ☐ Email or flash drive with all plans / submittal materials.
- ☐ Additional information as may be required.
  - Requires a Class I Public Hearing Notice at least 30 days before the Common Council Meeting

### PLANNED DEVELOPMENT DISTRICT (PDD)

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details)
- ☐ Application fee payable to the City of Franklin .. [select one of the following]
  - ☐ \$6,000: New PDD plus developer's deposit\*
  - ☐ (\*) \$3,000 developer's deposit is required in addition to filing fees at the time of submittal, it may require replenishment.
  - ☐ \$5,900: PDD Major Amendment
  - ☐ \$850: PDD Minor Amendment
- ☐ Word Document legal description of the subject property.
- ☐ Three (3) complete collated sets of application materials to include ...
  - ☐ Three (3) project narratives.
  - ☐ Three (3) folded full size, of the Site Plan Package, drawn to scale copies, on 24" x 36" paper, including Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc. (See Sections 15-7 0101, 15-7 0301, and 15-5.0402 of the UDO for information that must be denoted or included with each respective plan.)
- ☐ One (1) colored copy of the building elevations on 11" X 17" paper, if applicable
- ☐ One (1) copy of the Site Intensity and Capacity Calculations, if applicable (see division 15-3 0500 of the UDO)
- ☐ Email or flash drive with all plans / submittal materials.
  - PDD and Major PDD Amendment requests require Plan Commission review, a public hearing, and Common Council approval
  - Minor PDD Amendment requests require Plan Commission review and Common Council approval

### REZONING

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details)
- ☐ Application fee payable to the City of Franklin . [select one of the following]
  - ☐ \$2,500
  - ☐ \$600: one parcel residential
- ☐ Word Document legal description of the subject property.
- ☐ Three (3) complete collated sets of application materials to include .
  - ☐ Three (3) project narratives.
  - ☐ Three (3) folded copies of a Plot Plan or Site Plan, drawn to reasonable scale, at least 11" X 17" paper or as determined by the City Planner or City Engineer, and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned
- ☐ Email or flash drive with all plans / submittal materials.
- ☐ Additional Information as may be required.
  - Additional notice to and approval required for amendments or rezoning in the FW, FC, FFO, and SW Districts
  - Requires a Class II Public Hearing notice at Plan Commission

**SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION MATERIALS**

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- ☐ Application fee payable to the City of Franklin.. [select one of the following]
  - ☐ \$2,500: New Special Use > 4000 square feet.
  - ☐ \$500: Annual Renewal.
  - ☐ \$1,700: Special Use Amendment.
  - ☐ \$1,700: Multi-year Renewal.
  - ☐ \$1,250: New Special Use < 4000 square feet.
- ☐ Word Document legal description of the subject property.
- ☐ One copy of a response to the General Standards, Special Standards, and Considerations found in Section 15-3 0701(A), (B), and (C) of the UDO available at [www.franklinwi.gov](http://www.franklinwi.gov).
- ☐ Three (3) complete collated sets of application materials to include ...
  - ☐ Three (3) project narratives.
  - ☐ Three (3) folded copies of the Site Plan package, drawn to scale at least 24" X 36", The submittal should include only those plans/items as set forth in Section 15-7.0101, 15-7.0301 and 15-5.0402 of the UDO that are impacted by the development. (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc
- ☐ One (1) colored copy of the building elevations on 11" X 17" paper, if applicable.
- ☐ Email or flash drive with all plans / submittal materials.
- ☐ Additional Information as may be required.
  - Special Use/Special Use Amendment requests require Plan Commission review, a Public Hearing and Common Council approval

**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT APPLICATION MATERIALS**

- ☐ This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- ☐ \$1,250 Application fee payable to the City of Franklin.
- ☐ Three (3) project narratives, including description of the proposed text amendment
  - Requires a Class II Public Hearing notice at Plan Commission
  - The City's Unified Development Ordinance (UDO) is available at [www.franklinwi.gov](http://www.franklinwi.gov).







Point of Beginning

4941 Kirschling Court, Stevens Point, WI 54481  
1497 6th Street - Suite C, Green Bay, WI 54304

#### CEONCEPT REVIEW NARRATIVE

To: Members of the Plan Commission

From: Point of Beginning (civil engineer) on behalf of Franklin Public Schools

Date: 5/8/2025

Subject: Concept Review Request for Franklin High School

Franklin Public Schools (FPS) respectfully submits the attached preliminary building elevations and site plan for the upcoming building and site improvements at Franklin High School, as part of the scope outlined in the 2024 public referendum.

The proposed improvements include:

- A new building addition to expand educational space and support program growth.
- New tennis courts and a new soccer field to enhance athletic and extracurricular opportunities.
- Additional parking areas, redesigned pedestrian walkways, and updated vehicle access drives to improve circulation, safety, and site functionality.

The purpose of this preliminary concept review is to engage with the Plan Commission early in the process to:

- Obtain initial feedback on the general site layout, circulation, access, and overall design direction.
- Identify any potential concerns or alignment issues with local zoning, ordinances, or planning goals.
- Clarify expectations and requirements for final submittal, ensuring the project aligns with local development standards and Commission priorities.

FPS recognizes the value of collaboration with the Commission and the community and aims to deliver a project that not only meets the district's educational and operational needs but also enhances the surrounding neighborhood and contributes positively to the City of Franklin.

Thank you for your time and consideration in reviewing these preliminary plans. We look forward to your feedback and the opportunity to work together as the project moves toward final design and submittal.

Sincerely,

Jesse Becker, P.E.

Project Civil Engineer

## GENERAL NOTES:

## PAVEMENT HATCH PATTERNS:

PROPOSED STANDARD UNPAVED SURFACE		360°
PROPOSED NEWLY DUTY UNPAVED SURFACE		360°
PROPOSED STANDARD CONCRETE PAVEMENT		360°
PROPOSED REINFORCED CONCRETE PAVEMENT		360°
PROPOSED TYPICAL CURB		360°
FINISH & REPAIR PAVEMENT (IN 440)		135°

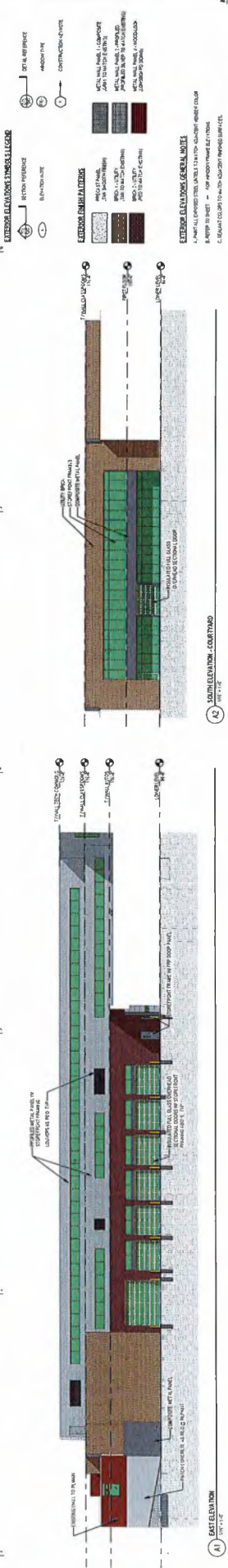
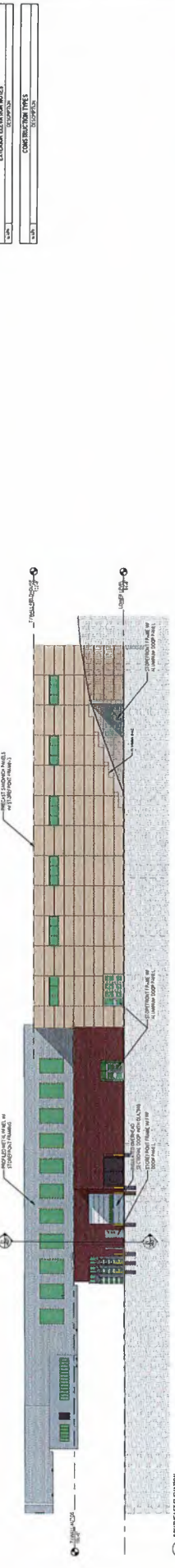
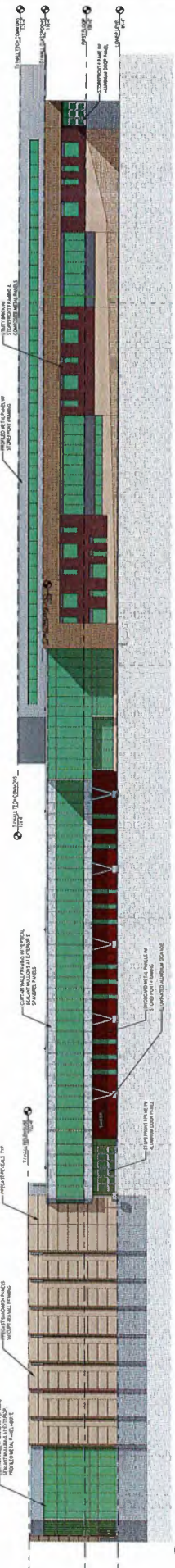
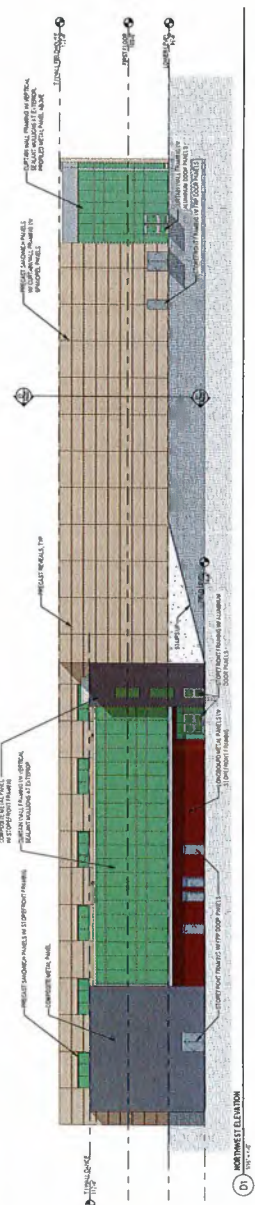
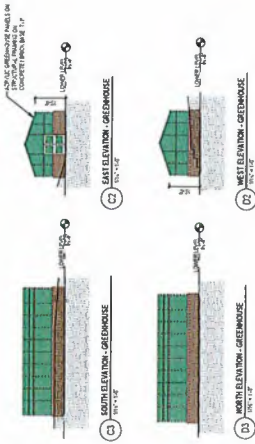
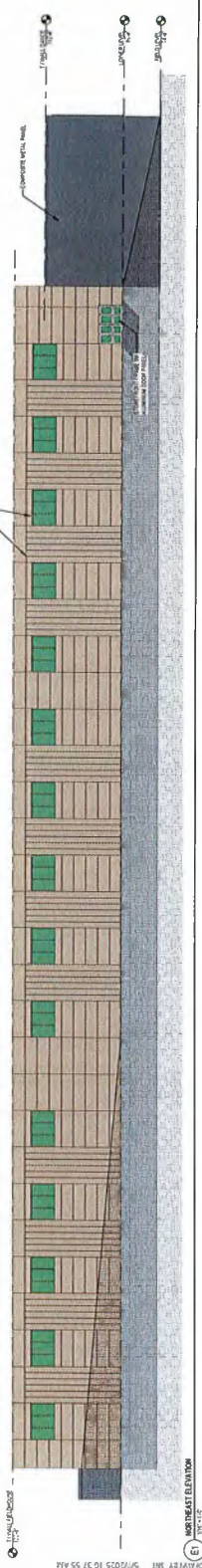
COLLAPSE YOUR CURB INSTALLATION



ARMED AND DETERMINED TO THE WISCONSIN STATE PRISON. JAMES WAS RELEASED TO THE WISCONSIN STATE PRISON, AND WAS HELD IN THE NORTH SOUTHERN JAIL, AND HELD WITH THE MOST DANGEROUS OF THE 1/2 OF THE PROJECT 14, JUNE 3, 1962, 21 E. JAMES IN 00715%.

will that the real, historic map for the shipping has survived and dated by others. None of the maps will not be held while for any inaccuracies or differences from the historic map for navigation.





<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  5/20/2025
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>RESOLUTION TO AMEND A CONSERVATION EASEMENT, PREVIOUSLY APPROVED BY RESOLUTION NO. 2013-0692, TO ALLOW GEOTECHNICAL EXPLORATION WITHIN EASEMENT NO. 2 AND NO. 3 UPON PROPERTY LOCATED AT 8222 SOUTH 51ST STREET (TAX KEY NO. 807 9999 001) (FRANKLIN PUBLIC SCHOOLS, APPLICANT)</b>	<b>ITEM NUMBER</b>  5.12.  Ald. District #5
<p>City Development staff recommends approval of a resolution to amend a Conservation Easement, previously approved by Resolution No. 2013-0692, to allow geotechnical exploration within Easement No. 2 and No. 3 upon property located at 8222 South 51st Street (Tax Key No. 807 999 001) (Franklin Public Schools, Applicant).</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>A motion to adopt Resolution No. 2025-_____, amending a Conservation Easement, previously approved by Resolution No. 2013-0692, to allow geotechnical exploration within Easement No. 2 and No. 3 upon property located at 8222 South 51st Street (Tax Key No. 807 999 001) (Franklin Public Schools, Applicant).</p>		

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2025-\_\_\_\_\_

A RESOLUTION TO AMEND A CONSERVATION EASEMENT, PREVIOUSLY  
APPROVED BY RESOLUTION NO. 2013-0692, TO ALLOW GEOTECHNICAL  
EXPLORATION WITHIN EASEMENT NO. 2 AND NO. 3 UPON PROPERTY LOCATED  
AT 8222 SOUTH 51ST STREET (TAX KEY NO. 807 9999 001) (FRANKLIN PUBLIC  
SCHOOLS, APPLICANT)

---

WHEREAS, the Plan Commission having previously approved a Site Plan Amendment and Natural Resource Special Exception upon the application of Franklin Public Schools, on May 9, 2013 and August 8, 2013, respectively, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the mature woodlands, young woodlands, streams, wetland buffers, and wetlands on the site; and

WHEREAS, Franklin Public Schools is requesting an amendment to allow for geotechnical exploration within Easement No. 2 and No. 3 upon property located at 8222 South 51st Street; and

WHEREAS, the City Engineering Department and Department of City Development having reviewed the proposed amendment to the Conservation Easement and having recommended approval thereof to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the amendment to the Conservation Easement, previously approved by Resolution No. 2013-0692, to allow geotechnical exploration, within Easement No. 3 upon property located at 8222 South 51st Street, submitted by Franklin Public Schools, in the form and content as annexed hereto, be and the same is hereby approved, subject to the following terms and conditions:

1. The geotechnical exploration shall be in substantial compliance with the project narrative and plans dated May 6, 2025.
2. The applicant shall restore any temporarily disturbed wetland buffer and wetland setback to the standards of UDO §15-4.0102I for wetland setback and UDO §15-4.0103B5 for wetland buffer and replace any trees removed onsite if the Franklin High School expansion project does not move forward within one year of the date of this Resolution.

Introduced at a regular meeting of the Common Council of the City of Franklin this 20th day of May, 2025.



A RESOLUTION AUTHORIZING CERTAIN OFFICIALS  
TO AMEND A CONSERVATION EASEMENT  
FRANKLIN PUBLIC SCHOOLS  
RESOLUTION NO. 2025-\_\_\_\_\_

Page 2

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 20th day of May, 2025.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Shirley R. Roberts, City Clerk

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

**FIRST AMENDMENT TO CONSERVATION EASEMENT**

*draft 5/13/25 redraft 5/13/25*

**(Franklin High School)**

This First Amendment to Conservation Easement is made by and between the City of Franklin, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and Franklin Public School District, Property Owner, hereinafter referred to as "Grantor," and shall become effective upon the recording of this First Amendment to Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to § 700.40(2)(b) of the Wisconsin Statutes.

**WITNESSETH**

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, at 8222 South 51st Street, bearing Tax Key No. 807 9999 001 (protected property); and

WHEREAS, Grantee and Grantor entered into a Conservation Easement to which this First Amendment applies, on December 10, 2014, the date of full execution thereof by Grantee and Grantor; the Conservation Easement was recorded in the Office of the Register of Deeds for Milwaukee County on December 31, 2014, as Document No. 10423457; and

the legal description of the protected property upon and to which the terms of this First Amendment and the Conservation Easement apply is set forth on the annexed hereto Exhibit A; and

WHEREAS, the Grantor covenants provision which states activities which the Grantor "shall not" undertake, includes provision 3. at the top of page 2 of the Conservation Easement: "[e]xcavate, dredge, grade, mine, drill, or change the topography of the land or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees"; and

WHEREAS, the Grantor is in the process of a project to construct a new building addition, expanded parking, and athletic facility improvements at Franklin High School, as outlined in a 2024 referendum approval therefore, for which a geotechnical exploration and soil borings upon the property within the Conservation Easement area are necessary, and Grantee is willing to accept the request by the Grantor to undertake such activities upon the factual needs therefore in the public interest, and that the protected property will be restored to essentially its current conditions following completion of the geotechnical exploration and soil borings activities on the protected property as reasonably needed and completed on behalf of the Grantor.

NOW, THEREFORE, Grantee agrees that Grantor is hereby authorized to undertake soil borings and geotechnical exploration activities necessary for the Grantor's project to construct a new building addition, expanded parking, and athletic facility improvements at Franklin High School, as described in Exhibit B and Exhibit C annexed hereto, upon the protected property which is the Conservation Easement property, and Grantor agrees and warrants that the Conservation Easement property subjected to any changes by such Grantor project activities will be reasonably and timely restored to their current conditions; Grantee and Grantor agree that the reasonably and timely performed and completed activities by and on behalf of the Grantor as set forth herein shall not be a violation of the Grantor covenants provision 3. in the Conservation Easement.

All of the terms and provisions of the Conservation Easement, other than the activities temporarily allowed pursuant to this First Amendment as set forth herein, shall remain in full force and effect.

Notices to the parties shall be personally delivered or mailed by U.S. Mail registered mail, return receipt requested, as follows:

To Grantor:  
Franklin Public School District  
8255 Forest Hill Avenue  
Franklin, WI 53132

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

In witness whereof, the Grantor has set its hand and seals on this date of \_\_\_\_\_, 2025.

Franklin Public School District

By: \_\_\_\_\_  
[Name and Title]

STATE OF WISCONSIN        )  
                                      ) ss  
\_\_\_\_\_ COUNTY        )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_ [Name],  
as \_\_\_\_\_ [Title] of the Franklin Public School District, to me known to be the person who executed the foregoing First  
Amendment to Conservation Easement and acknowledged the same as the voluntary act and deed of said Franklin Public  
School District.

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

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

**Acceptance**

The undersigned does hereby consent to and accepts the First Amendment to Conservation Easement granted and conveyed to  
it under and pursuant to the foregoing First Amendment to Conservation Easement. In consideration of the making of such  
First Amendment to Conservation Easement, the undersigned agrees that this acceptance shall be binding upon the  
undersigned and its successors and assigns and that the restrictions imposed upon the protected property may only be released  
or waived in writing by the Common Council of the City of Franklin, as contemplated by § 236.293 of the Wisconsin Statutes.

In witness whereof, the undersigned has executed and delivered this acceptance on the \_\_\_\_ day of \_\_\_\_\_, 2025.

**CITY OF FRANKLIN**

By: \_\_\_\_\_  
John R. Nelson, Mayor

By: \_\_\_\_\_  
Shirley J. Roberts, City Clerk

STATE OF WISCONSIN        )  
                                      ) ss  
COUNTY OF MILWAUKEE    )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2025, the above named John R. Nelson,  
Mayor and Shirely J. Robers, City Clerk, of the above named municipal corporation, City of Franklin, to me known to be such  
Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such  
officers as the Deed of said municipal corporation by its authority and pursuant to Resolution No. \_\_\_\_\_, adopted by its  
Common Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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

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

This instrument was drafted by the City of Franklin.

Approved as to contents

\_\_\_\_\_  
Nicholas Fuchs  
Principal Planner  
Department of City Development

\_\_\_\_\_  
Date

Approved as to form only

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

\_\_\_\_\_  
Date

## MORTGAGE HOLDER CONSENT

The undersigned, ([name of mortgagee]), a [Wisconsin] banking corporation ("Mortgagee"), as Mortgagee under that certain Mortgage encumbering the **protected** property and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on \_\_\_\_\_, 20\_\_\_\_, as Document No. \_\_\_\_\_, hereby consents to the execution of the foregoing First Amendment to Conservation Easement and its addition as an encumbrance title to the Property.

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

[Name of Mortgagee]  
a [Wisconsin] Banking Corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF WISCONSIN            )  
  )ss  
COUNTY OF MILWAUKEE        )

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, personally appeared \_\_\_\_\_ [Name] \_\_\_\_\_, as \_\_\_\_\_ [Title] \_\_\_\_\_ of \_\_\_\_\_ [name of mortgagee] \_\_\_\_\_, a [Wisconsin] banking corporation, and acknowledged that (s)he executed the foregoing instrument on behalf of said corporation, by its authority and for the purposes therein contained.

Name: \_\_\_\_\_

Notary Public, State of [Wisconsin]

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



## Exhibit A

### Legal Description of Property

That part of the Southwest 1/4 of the Northeast 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 14, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, which is bounded and described as follows

Commencing at the Northwest corner of said Northeast 1/4 of Section 14, thence North 87°28'04" East along the north line of said Northeast 1/4 of Section 14, 60.05 feet, thence South 0°07'13" East parallel to the west line of said Northeast 1/4 of Section 14, 60.05 feet to the south right of way line of W Drexel Ave and the point of beginning, thence North 87°28'04" East along said south right of way line of W Drexel Ave, 927.10 feet, thence South 0°04'58" East, 295.42 feet; thence North 87°28'04" East, 325.46 feet to the east line of the west 1/2 of said Northeast 1/4 of Section 14 and the west line of High View Estates as recorded in the Milwaukee County registry on reel 2959 image 1697 as document #6723921, thence South 0°04'58" East along the east line of the west 1/2 of said Northeast 1/4 of Section 14 and the west line of said High View Estates, 2281.40 feet to the south line of said Northeast 1/4 of Section 14 and the north line of High View Estates ADD'N No 1 as recorded in the Milwaukee County registry on reel 3366 image 273 as document #6997253, thence South 87°43'14" East along the south line of said Northeast 1/4 of Section 14 and the north line of said High View Estates ADD'N No 1, 1250.65 feet to the east right of way line of S. 51st ST, thence North 0°07'13" West along the east line of said right of way of S. 51st ST., 592.75 feet, thence North 89°52'47" East along the east line of said right of way of S. 51st ST., 30.00 feet, thence North 0°07'13" West along the east line of said right of way of S. 51st ST., 540.00 feet, thence South 89°52'47" West along the east line of said right of way of S. 51st ST., 30.00 feet, thence North 0°07'13" West along the east line of said right of way of S. 51st ST., 1438.48 feet to the point of beginning.

Said parcel contains 71.322 acres or 3,106,796 square feet, more or less

## Exhibit B

## Exhibit C

# Exhibit B



Point of Beginning

4941 Kirschling Court, Stevens Point, WI 54481  
1497 6th Street - Suite C, Green Bay, WI 54304

## MEMORANDUM

To: Members of the Common Council

From: Point of Beginning (civil engineer) on behalf of Franklin Public Schools

Date: 5/6/2025

Subject: Request for Approval of Geotechnical Exploration within Conservation Easement Area at Franklin High School

### Geotechnical Exploration Narrative:

Franklin Public Schools (FPS) proposes to construct a new building addition, expanded parking, and athletic facility improvements at Franklin High School, as outlined in the 2024 referendum. As with any modern construction project, a geotechnical exploration is highly recommended to verify subsurface conditions at the proposed project site.

An existing conservation easement on the property overlaps with the proposed project footprint. To resolve this conflict, Franklin Public Schools has initiated the Natural Resource Special Exception process as of May 5, 2025.

In the meantime, FPS seeks to gather geotechnical data from the project site, including areas within the overlapping conservation easement. This data is critical to enable the design team to proactively address potential subsurface challenges, including:

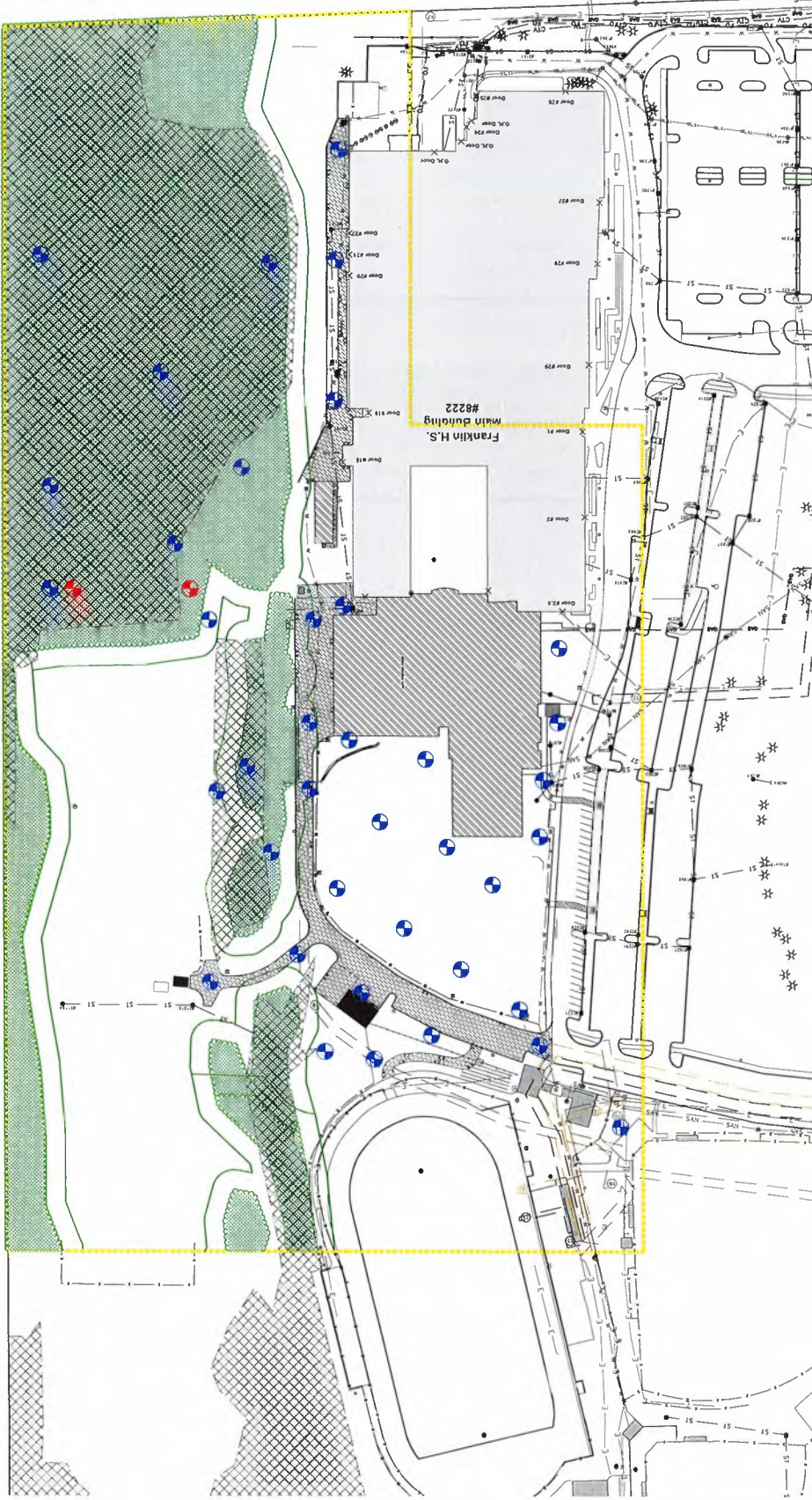
1. Foundation Design: Subsurface data provides essential information on soil strength, density, and bearing capacity, enabling the selection of an appropriate foundation system (e.g., shallow or deep foundations).
2. Settlement Analysis: Understanding the compressibility and consolidation characteristics of underlying soils helps mitigate the risk of excessive settlement and structural damage.
3. Groundwater Conditions: Identifying the depth and behavior of groundwater (including perched or artesian conditions) informs decisions related to excavation, dewatering, and long-term performance.
4. Soil Hazards: Exploration may reveal problematic soils such as expansive clays, organics, or loose sands that require mitigation or specialized design.
5. Construction Planning: Subsurface data helps anticipate construction challenges, including excavation difficulty, shoring requirements, and availability of suitable on-site fill.

Gathering geotechnical data within the currently forested conservation easement area may require limited tree removal in addition to drilling activities. Bore holes and test pits will be refilled upon completion. However, any trees removed during this process would not be replanted at this time. In the unlikely event that the geotechnical data is gathered, but the project does not proceed, Franklin Public Schools will restore any disturbed woodland areas to their pre-disturbance condition, including replanting any impacted trees.

Therefore, Franklin Public Schools respectfully requests that the Common Council approve the proposed geotechnical exploration within the conservation easement area. Completing test borings and test pits at this stage of the design process is essential to advance the design process without delay and to avoid costly unforeseen conditions during construction.



# NATURAL RESOURCE PROTECTION PLAN (NRPP) LIMITS



## LEGEND:

- EXISTING WOODLAND
- EXISTING WOODLAND BUFFER
- EXISTING CONSERVATION EASEMENT
- PLANNED GEOTECHNICAL BORING
- PLANNED GEOTECHNICAL TEST PIT

## GENERAL NOTES

1. THIS NATURAL RESOURCE PROTECTION PLAN HAS BEEN DEVELOPED IN ACCORDANCE WITH UPCOMING CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE (UDO) CHANGES. STEEP SLOPES WILL NO LONGER BE CONSIDERED A NATURAL RESOURCE WITH THE UDO CHANGES TO THE UDO. STEEP SLOPES WILL BE CONSIDERED A DISTURBANCE. THEREFORE, STEEP SLOPE LOCATIONS ARE NOT SHOWN ON THIS NRPP.
2. NOTE THAT DNR'S SURFACE WATER DATA VIEWER AND A 2013 NRPP LOCATED WETLAND AREA WITHIN THE PLANNED DISTURBANCE LIMITS FOR THE PROPOSED PROJECT SITE. A CURRENT WETLAND WETLAND DELINEATION REPORT WAS NOT AVAILABLE AT THE TIME OF THIS SUBMITTAL.
3. IF ANY PLANNED GEOTECHNICAL BORING/TEST PITS ARE FOUND TO BE LOCATED WITHIN WETLAND AREA, THEY WILL BE RELOCATED TO AVOID WETLAND DISTURBANCE.
4. THE TEST PIT AND BORING LOCATIONS SHOWN ARE APPROXIMATE ONLY.

11 NEW DR

PROJECT NO.	74-0002
DATE	5/4/2023
BY	2023
APP'D	
DATE	5/4/2023
BY	2023
APP'D	

PROPOSED  
CONSTRUCTION  
DISTURBANCE

FRANKLIN HIGH SCHOOL  
BUILDING + SITE IMPROVEMENTS  
CITY OF FRANKLIN

Civil Engineering  
Land Surveying  
Landscape Architecture  
8601 Kitching Court  
Suite 101, Franklin, WI 53148  
715.344.9999 (PH) 715.344.9922 (FX)

Point of Beginning  
A-04  
SHEET

NRPP - 2

City of Franklin, WI, 53148. The plan is to be used for the purpose of the project only. It is not to be used for any other purpose. The plan is not to be used for any other purpose. The plan is not to be used for any other purpose.



STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2013-6902

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO  
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART  
OF THE REVIEW AND APPROVAL OF A SITE PLAN AMENDMENT AND  
NATURAL RESOURCE SPECIAL EXCEPTION FOR PROPERTY LOCATED AT 8222  
SOUTH 51ST STREET TO ALLOW FOR A 25% PARKING INCREASE AND  
ADDITIONS AND RENOVATIONS TO THE FRANKLIN HIGH SCHOOL BUILDING  
AND SITE (TAX KEY NO. 807-9999-001) (FRANKLIN PUBLIC SCHOOLS,  
APPLICANT)

---

WHEREAS, the Plan Commission having approved a Site Plan Amendment and Natural Resource Special Exception upon the application of Franklin Public Schools, on May 9, 2013 and August 8, 2013, respectively, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the mature woodlands, young woodlands, streams, wetland buffers, and wetlands on the site; and

WHEREAS, §15-7.0102G and §15-7.0103Q of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Site Plan review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Site Plan Amendment; and

WHEREAS, the City Engineering Department, Department of City Development and the Office of the City Attorney having reviewed the proposed Conservation Easement and having recommended approval thereof to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by Franklin Public Schools, in the form and content as annexed hereto, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

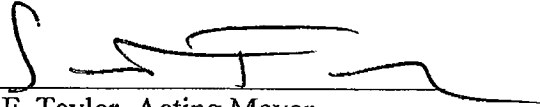
BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of the Conservation Easement in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this 20th day of August, 2013.

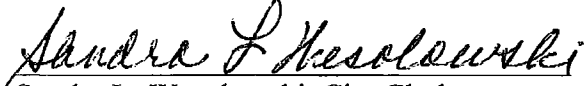
A RESOLUTION AUTHORIZING CERTAIN OFFICIALS  
TO ACCEPT A CONSERVATION EASEMENT \*\*\*  
FRANKLIN PUBLIC SCHOOLS  
RESOLUTION NO. 2013-6902  
Page 2

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 20th day of August, 2013.

APPROVED:

  
Steve F. Taylor, Acting Mayor

ATTEST:

  
Sandra L. Wesolowski, City Clerk

AYES 5 NOES 0 ABSENT 0  
(Council President Taylor chaired the meeting for this item)

88

Conservation Easement  
Franklin High School

Document Number

Document Title



\* 1 0 4 2 3 4 5 7 \*

DOC.# 10423457

RECORDED 12/31/2014 08:00AM  
JOHN LA FAVE  
REGISTER OF DEEDS  
Milwaukee County, WI  
AMOUNT: 30.00  
FEE EXEMPT #:

Recording Area

Name and Return Address

City of Franklin  
Planning Department  
9229 West Loomis Road  
Franklin, Wisconsin 53132

TKN: 807-9999-001

Parcel Identification Number (PIN)

Franklin

JAN 23 2015

City Development

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clause, legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document.

WRDA Rev. 12/22/2010

## CONSERVATION EASEMENT

### FRANKLIN HIGH SCHOOL

This Conservation easement is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and Franklin Public School District, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to §700.40(2)(b) of the Wisconsin Statutes.

### WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, The West ½ of the Northeast ¼ of Section 14, Township 5 North, Range 21 East, depicted and described in Exhibit A attached hereto and hereby made a part hereof (protected property), and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, mature woodlands, young woodlands, streams, wetland buffers, and wetlands per the Natural Resource Protection Plan (NRPP) by Kapur & Associates, dated July 15, 2013, which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems, and

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

WHEREAS, the Grantor and Grantee, by the conveyance to the Grantee of the conservation easement on, over, and across the protected property, desire to conserve the natural values thereof and prevent the use or development of the protected property for any purpose or in any manner inconsistent with the terms of this conservation easement, and

WHEREAS, the Grantee is willing to accept this conservation easement subject to the reservations and to the covenants, terms, conditions, and restrictions set out herein and imposed hereby,

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

Grantee's rights hereunder shall consist solely of the following

- 1 To view the protected property in its natural, scenic, and open condition;
- 2 To enforce by proceeding at law or in equity the covenants subsequently set forth, including, and in addition to all other enforcement proceedings, proceedings to obtain all penalties and remedies set forth under Division 15-9.0500 of the Unified Development Ordinance of the City of Franklin, as amended from time to time, any violation of the covenants subsequently set forth being and constituting a violation of such Unified Development Ordinance, as amended from time to time, or such local applicable ordinance as may be later adopted or in effect to enforce such covenants or the purposes for which they are made, it being agreed that there shall be no waiver or forfeiture of the Grantee's right to insure compliance with the covenants and conditions of this grant by reason of any prior failure to act, and
- 3 To enter the protected property at all reasonable times for the purpose of inspecting the protected property to determine if the Grantor is complying with the covenants and conditions of this grant

And in furtherance of the foregoing affirmative rights of the Grantee, the Grantor makes the following covenants which shall run with and bind the protected property in perpetuity, namely, that, on, over, or across the protected property, the Grantor, without the prior consent of the Grantee, shall not

- 1 Construct or place buildings or any structure,
- 2 Construct or make any improvements, unless, notwithstanding Covenant 1 above, the improvement is specifically and previously approved by the Common Council of the City of Franklin, upon the advice of such other persons, entities, and agencies as it may elect, such improvements as may be so approved being intended to enhance the resource value of

the protected property to the environment or the public and including, but not limited to animal and bird feeding stations, park benches, the removal of animal blockage of natural drainage or other occurring blockage of natural drainage, and the like;

3. Excavate, dredge, grade, mine, drill, or change the topography of the land or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees;
4. Conduct any filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste, or other landscape materials, ashes, garbage, or debris;
5. Plant any vegetation not native to the protected property or not typical wetland vegetation;
6. Operate snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles

To have and to hold this conservation easement unto the Grantee forever. Except as expressly limited herein, the Grantor reserves all rights as owner of the protected property, including, but not limited to, the right to use the protected property for all purposes not inconsistent with this grant. Grantor shall be responsible for the payment of all general property taxes levied, assessed, or accruing against the protected property pursuant to law.

The covenants, terms, conditions, and restrictions set forth in this grant shall be binding upon the Grantor and the Grantee and their respective agents, personal representatives, heirs, successors, and assigns, and shall constitute servitudes running with the protected property in perpetuity. This grant may not be amended, except by a writing executed and delivered by Grantor and Grantee or their respective personal representatives, heirs, successors, and assigns. Notices to the parties shall be personally delivered or mailed by U.S. Mail registered mail, return receipt requested, as follows:

To Grantor:  
Franklin Public School District  
8255 Forest Hill Avenue  
Franklin, WI 53137

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

In witness whereof, the grantor has set its hand and seals this on this date of 1<sup>st</sup> Dec., 2014.

Franklin  
Franklin Public School District

By. STEVE PATZ  
Print Name:

Print Title: Superintendent

STATE OF WISCONSIN     )  
  ) ss  
COUNTY OF MILWAUKEE     )

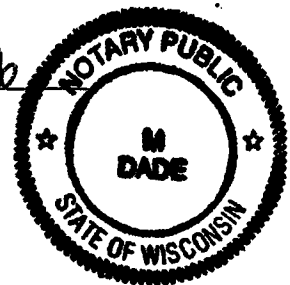
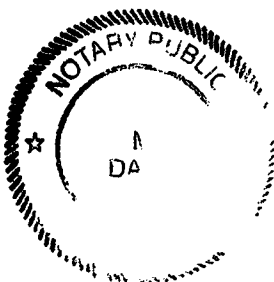
This instrument was acknowledged before me on the 1<sup>st</sup> day of Dec, A.D. 2014 by

Dr. Steve Patz, Superintendent

To me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said corporation, limited liability company, etc

[Signature]  
Notary Public

My commission expires Feb 28, 2016





Acceptance

The undersigned does hereby consent to and accepts the Conservation Easement granted and conveyed to it under and pursuant to the foregoing Grant of Conservation Easement. In consideration of the making of such Grant Of Conservation Easement, the undersigned agrees that this acceptance shall be binding upon the undersigned and its successors and assigns and that the restrictions imposed upon the protected property may only be released or waived in writing by the Common Council of the City of Franklin, as contemplated by §236.293 of the Wisconsin Statutes.

In witness whereof, the undersigned has executed and delivered this acceptance on the 10<sup>th</sup> day of December A.D.2014.

CITY OF FRANKLIN

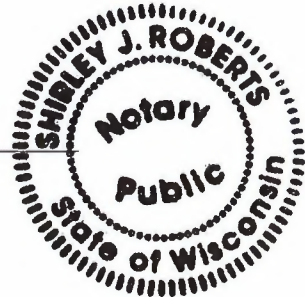
By: Stephen R. Olson  
Stephen R. Olson, Mayor

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

STATE OF WISCONSIN )  
 ) ss  
COUNTY OF MILWAUKEE )

Personally came before me this 10<sup>th</sup> day of December, A.D. 2014 the above named Stephen R. Olson, Mayor and Sandra L. Wesolowski, City Clerk, of the above named municipal corporation, City of Franklin, to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers as the Deed of said municipal corporation by its authority and pursuant to Resolution No. 6902, adopted by its Common Council on the 20<sup>th</sup> day of August, 2013

Shirley J. Roberts  
Notary Public  
Shirley J. Roberts  
My commission expires 3-27-16



This instrument was drafted by the City of Franklin.

Approved as to contents:

Nicholas Fuchs  
Nicholas Fuchs, Senior Planner  
Department of City Development

12-8-14  
Date

Approved as to form only:

Jesse A. Wesolowski  
Jesse A. Wesolowski  
City Attorney

12/22/14  
Date

## MORTGAGE HOLDER CONSENT

The undersigned, (name of mortgagee), a Wisconsin banking corporation ("Mortgagee"), as Mortgagee under that certain Mortgage encumbering the Property and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on \_\_\_\_\_, 20\_\_\_\_, as Document No \_\_\_\_\_, hereby consents to the execution of the foregoing easement and its addition as an encumbrance title to the Property

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

Name of Mortgagee \_\_\_\_\_  
a Wisconsin banking corporation

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title \_\_\_\_\_

STATE OF WISCONSIN

ss

MILWAUKEE COUNTY

On this, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, personally appeared name of officer of mortgagee, the (title of office, ie. VP) of (name of mortgagee), a Wisconsin banking corporation, and acknowledged that (s)he executed the foregoing instrument on behalf of said corporation, by its authority and for the purposes therein contained

Name \_\_\_\_\_

Notary Public, State of Wisconsin

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

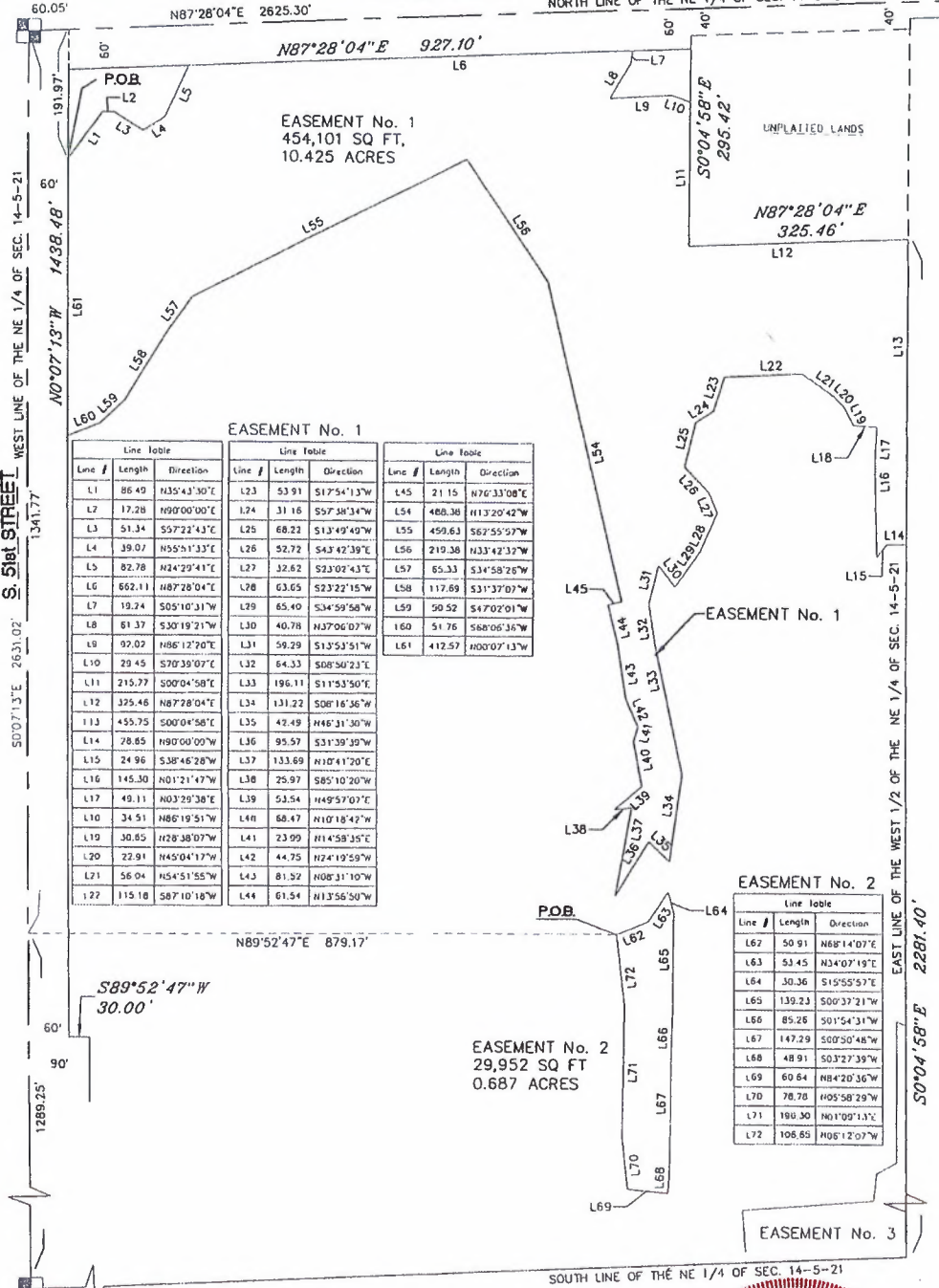
# EXHIBIT A CONSERVATION EASEMENT

THAT PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 14, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

NORTH 1/4 CORNER  
SEC. 14, T 5 N, R 21 E  
CONC. MON. W/ BRASS  
CAP

W. DREXEL AVE.

NORTH LINE OF THE NE 1/4 OF SEC. 14-5-21



CENTER SECTION 14, T 5  
N, R 21 E  
CONC. MON. W/ BRASS  
CAP

PARCEL ADDRESS IS 8222 S.  
51ST STREET. (FRANKLIN HIGH  
SCHOOL)



**KAPUR & ASSOCIATES, INC.**  
CONSULTING ENGINEERS  
MILWAUKEE, WISCONSIN  
414.351.6668

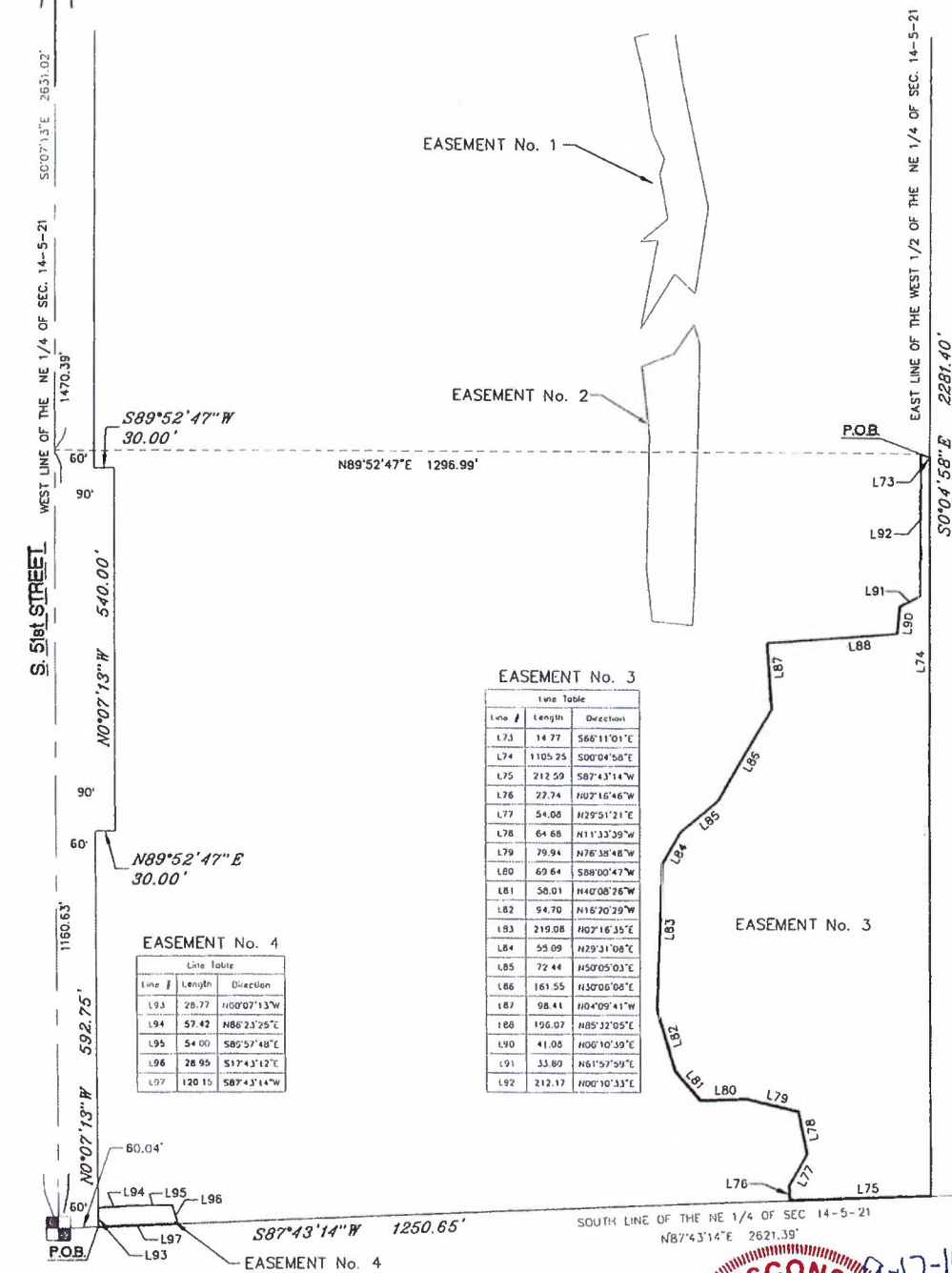
HORIZONTAL DATUM IS THE WISCONSIN  
STATE PLANE COORDINATE SYSTEM,  
SOUTH ZONE (NAD 27). NORTH  
REFERENCED TO THE NORTH LINE OF THE  
NE 1/4 OF SEC. 14-5-21, BEARING  
N87°28'04"E



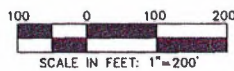
SHEET 1 OF 3

THAT PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 14, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

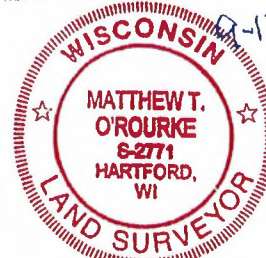
NORTH 1/4 CORNER  
SEC. 14, T 5 N, R 21 E  
CONC. MON. W/ BRASS  
CAP



CENTER SECTION 14, T 5 N, R 21 E  
CONC. MON. W/ BRASS CAP



HORIZONTAL DATUM IS THE WISCONSIN  
STATE PLANE COORDINATE SYSTEM,  
SOUTH ZONE (NAD 27). NORTH  
REFERENCED TO THE NORTH LINE OF THE  
NE 1/4 OF SEC. 14-5-21, BEARING  
N87°28'04"E



SHEET 2 OF 3

S:\51eDson\Eppslein\20049 Franklin High School\Natural Resource Protection Plan\Conservation Easement\20049 ENV\_EA5: 9-8-14.dwg



## EXHIBIT A (cont.)

### CONSERVATION EASEMENT LEGAL DESCRIPTIONS

THAT PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 14, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

#### EASEMENT No. 1

Being a part of the West 1/2 of the NE 1/4 of Section 14, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin being more particularly described as follows:  
Commencing at the North 1/4 corner of said Section 14; thence N87°28'04"E, coincident with the North line of the NE 1/4 of said Section 14, 60.05 feet; thence S0°07'13"E, 191.97 feet to a point on the East Right of Way line of S. 51st Street and the Point of Beginning; thence N35°43'30"E, 86.49 feet; thence N90°00'00"E, 17.28 feet; thence S57°22'43"E, 51.34 feet; thence N55°51'33"E, 39.07 feet; thence N24°29'41"E, 82.77 feet to the South Right of Way line of W. Drexel Avenue; thence N87°28'04"E, coincident with said South Right of Way line, 662.11 feet; thence S5°10'31"W, 19.24 feet; thence S30°19'21"W, 61.37 feet; thence N86°12'20"E, 92.02 feet; thence S70°39'07"E, 29.45 feet; thence S0°04'58"E, 215.77 feet; thence N87°28'04"E, 325.46 feet to the East line of the West half of the NE 1/4 of said Section 14; thence S0°04'58"E, coincident with said East line, 455.75 feet; thence N90°00'00"W, 28.86 feet; thence S38°46'28"W, 24.96 feet; thence N1°21'47"W, 145.30 feet; thence N3°29'38"E, 49.11 feet; thence N86°19'51"W, 34.51 feet; thence N28°38'07"W, 30.85 feet; thence N45°04'17"W, 22.91 feet; thence N54°51'55"W, 56.04 feet; thence S87°10'18"W, 115.18 feet; thence S17°54'13"W, 53.91 feet; thence S57°38'34"W, 31.16 feet; thence S13°49'49"W, 68.22 feet; thence S43°42'39"E, 52.72 feet; thence S23°02'43"E, 32.62 feet; thence S23°22'15"W, 63.65 feet; thence S34°59'58"W, 65.40 feet; thence N37°06'07"W, 40.78 feet; thence S13°53'51"W, 59.29 feet; thence S8°50'23"E, 64.33 feet; thence S11°53'50"E, 196.11 feet; thence S8°16'36"W, 131.22 feet; thence N46°31'30"W, 42.49 feet; thence S31°39'39"W, 95.57 feet; thence N10°41'20"E, 133.69 feet; thence S85°10'20"W, 25.97 feet; thence N49°57'07"E, 53.54 feet; thence N10°18'42"W, 68.47 feet; thence N14°58'35"E, 23.99 feet; thence N24°19'59"W, 44.75 feet; thence N8°31'10"W, 81.52 feet; thence N13°56'50"W, 61.54 feet; thence N76°33'08"E, 21.15 feet; thence N13°20'42"W, 488.38 feet; thence N33°42'32"W, 219.38 feet; thence S62°55'57"W, 459.63 feet; thence S34°58'26"W, 65.33 feet; thence S31°37'07"W, 117.69 feet; thence S47°02'01"W, 50.52 feet; thence S68°06'36"W, 51.76 feet to the East Right of Way line of S. 51st Street; thence N0°07'13"W, coincident with said East Right of Way line, 412.57 feet to the Point of Beginning.  
Said Easement No. 1 contains 454,101 square feet or 10.425 acres of land, more or less.

#### EASEMENT No. 2

Being a part of the West 1/2 of the NE 1/4 of Section 14, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin being more particularly described as follows:  
Commencing at the North 1/4 corner of said Section 14; thence S00°07'13"E, coincident with the West line of the NE 1/4 of said Section 14, 1341.77 feet; thence N89°52'47", 879.17 feet to the Point of Beginning; thence N68°14'07"E, 50.91 feet; thence N34°07'19"E, 53.45 feet; thence S15°55'57"E, 30.36 feet; thence S0°37'21"W, 139.23 feet; thence S1°54'31"W, 85.26 feet; thence S0°50'48"W, 147.29 feet; thence S3°27'39"W, 48.91 feet; thence N84°20'36"W, 60.64 feet; thence N5°58'29"W, 78.78 feet; thence N1°09'13"E, 196.30 feet; thence N6°12'07"W, 106.65 feet; to the Point of Beginning.  
Said Easement No. 2 contains 29,952 square feet or 0.687 acres of land, more or less.

#### EASEMENT No. 3

Being a part of the West 1/2 of the NE 1/4 of Section 14, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin being more particularly described as follows:  
Commencing at the North 1/4 corner of said Section 14; thence S00°07'13"E, coincident with the West line of the NE 1/4 of said Section 14, 1470.39 feet; thence N89°52'47"E, 1296.99 feet to the Point of Beginning; thence S66°11'01"E, 14.77 feet to the East line of the West 1/2 of the NE 1/4 of said Section 14; thence S0°04'58"E, coincident with said East line, 1105.25 feet to the South line of the NE 1/4 of said Section 14; thence S87°43'14"W, coincident with said South line, 212.59 feet; thence N2°16'46"W, 22.74 feet; thence N29°51'21"E, 54.08 feet; thence N11°33'39"W, 64.68 feet; thence N76°38'48"W, 79.94 feet; thence S88°00'47"W, 69.64 feet; thence N40°08'26"W, 58.01 feet; thence N16°20'29"W, 94.70 feet; thence N02°16'35"E, 219.08 feet; thence N29°31'08"E, 55.09 feet; thence N50°05'03"E, 72.44 feet; thence N30°06'08"E, 161.55 feet; thence N4°09'41"W, 98.41 feet; thence N85°32'05"E, 196.07 feet; thence N6°10'39"E, 41.08 feet; thence N61°57'59"E, 33.80 feet; thence N0°10'33"E, 212.17 feet to the Point of Beginning.  
Said Easement No. 3 contains 274,992 square feet or 6.313 acres of land, more or less.

#### EASEMENT No. 4

Being a part of the West 1/2 of the NE 1/4 of Section 14, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin being more particularly described as follows:  
Commencing at the North 1/4 corner of said Section 14; thence S00°07'13"E, coincident with the West line of the NE 1/4 of said Section 14, 2631.02 feet; thence N87°43'14"E, 60.04 feet to a point on the East Right of Way line of S. 51st Street and the Point of Beginning; thence N0°07'13"W, 28.77 feet; thence N86°23'24"E, 57.42 feet; thence S89°57'48"E, 54.00 feet; thence S17°43'12"E, 28.95 feet to the South line of the NE 1/4 of said Section 14; thence S87°43'14"W, coincident with said South line, 120.15 feet to the Point of Beginning.  
Said Easement No. 4 contains 3,376 square feet or 0.078 acres of land, more or less.



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<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 05/20/2025
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>A Resolution Authorizing the Installation of a Fence within the 30 Foot Landscape Bufferyard Easement Plat Restriction, Upon Lot 6 of the Ryan Meadows Subdivision (9516 S BERGAMONT DRIVE) (RYAN S MAHONEY &amp; KATHY THOMAS, APPLICANTS)</b>	<b>ITEM NUMBER</b>  H.13.  Ald. Dist. 6
<p>At the May 8, 2025 regular meeting, the Plan Commission carried a motion to recommend that Common Council adopt a resolution approving application to allow for placement of a fence within a landscape bufferyard.</p> <p>Fiscal Impact: Not Applicable</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>A motion to adopt Resolution 2025-_____, Authorizing the Installation of a Fence within the 30 Foot Landscape Bufferyard Easement Plat Restriction, Upon Lot 6 of the Ryan Meadows Subdivision (9516 S BERGAMONT DRIVE) (RYAN S MAHONEY &amp; KATHY THOMAS, APPLICANTS)</p>		

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 04-17-25]*

RESOLUTION NO. 2025-\_\_\_\_\_

A RESOLUTION AUTHORIZING THE INSTALLATION OF A FENCE  
WITHIN THE 30 FOOT LANDSCAPE BUFFERYARD EASEMENT PLAT  
RESTRICTION, UPON  
LOT 6 OF THE RYAN MEADOWS SUBDIVISION  
(9516 S BERGAMONT DRIVE)  
(RYAN S MAHONEY & KATHY THOMAS, APPLICANTS)

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WHEREAS, the Ryan Meadows Subdivision Plat prohibits the building of structures within the 30 foot "Landscape Bufferyard Easement" described thereon; and

WHEREAS, Ryan S. Mahoney and Kathy Thomas having applied for a release of the 30 foot Landscape Bufferyard Easement restriction upon their property to the extent necessary to install a fence up to the rear yard property line from the south line of the property which abuts West Ryan Road and within the restricted area upon the property located at 9516 S Bergamont Drive, such property being zoned R-6 Suburban Single-Family Residence District, bearing Tax Key No. 891-1006-000, is more particularly described as follows:

Lot 6 in RYAN MEADOWS, in NE1/4 Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; and

WHEREAS, the 30 foot Landscape Bufferyard Easement restriction upon the Final Plat for Ryan Meadows Pointe Subdivision and its accompanying restriction of the building of structures is a restriction which was imposed by the Franklin Common Council in its approval of the Final Plat; and

WHEREAS, Wis. Stats. § 236.293 provides in part that any restriction placed on platted land by covenant, grant of easement or in any other manner, which was required by a public body vests in the public body the right to enforce the restriction at law or in equity and that the restriction may be released or waived in writing by the public body having the right of enforcement; and

WHEREAS, the Common Council having considered the request for the release of the 30 foot Landscape Bufferyard Easement restriction only so as to allow for the subject fence installation, and having considered the proposed location of and type of fence to be installed upon the subject property in conjunction with existing and required landscaping on the property, and that the proposed fence will not be readily visible from the adjoining highway or create any adverse impact upon the aesthetic or buffering purposes of the landscape bufferyard.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the installation of proposed fence of the type and specifications as described and only upon the location as set forth within the plans accompanying the application of Ryan S. Mahoney & Kathy Thomas filed on March 12, 2025 be and the same is hereby authorized and approved and that the Landscape Bufferyard Easement restriction as it would otherwise apply to such installation upon the subject property only, is hereby waived and released.

BE IT FURTHER RESOLVED, that the applicant shall further obtain all required permit(s) for the installation of the subject fence and that the subject fence shall be installed pursuant to such permit(s) within one year of the date hereof, or all approvals granted hereunder shall be null and void.

BE IT FINALLY RESOLVED, that the City Clerk be and the same are hereby directed to obtain the recording of this Resolution with the Office of the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Shirley J. Roberts, City Clerk

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



CITY OF FRANKLIN  
REPORT TO THE PLAN COMMISSION

Item E.3.

Meeting of May 8, 2025

Fence Installation within Landscape Bufferyard Easement

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**RECOMMENDATION:** City Development staff recommends approval of this request to allow for the installation of a fence within the 30-foot Landscape Bufferyard Easement upon Lot 6 in the Ryan Meadows Subdivision.

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<b>Project name:</b>	<b>Home Path Financia; – Fence Installation within Landscape Buffer Easement</b>
<b>Property Owner:</b>	Home Path Financial
<b>Applicant:</b>	Ryan Scott Mahoney
<b>Property Address/TKN:</b>	9516 S. Bergamont / 891 1006 000
<b>Aldermanic District:</b>	District 6
<b>Zoning District:</b>	R-6 Suburban Single-Family Residence District
<b>Staff Planner:</b>	David Serna, Planning Intern

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**Project Description/Analysis**

This request is to allow for a fence within the 30 foot “Landscape Bufferyard Easement” upon Lot 6 in the Ryan Meadows Subdivision. The Ryan Meadows Final Plat was approved by the Common Council on September 17<sup>th</sup>, 2019 by Resolution No. 2019-7547 and contains a 30 foot “Landscape Buffer Easement” for all lots abutting West Ryan Road. The property owner is proposing to install a fence and within this area and would like release of the plat restriction.

The applicant is proposing a 4-foot high black aluminum wrought iron installed up to the rear property line. This structure would encroach into the planting strip indicated on the plat.

Note that the Landscape Bufferyard Easement is located on platted lots 6 & 7. Staff acknowledges that the proposed fence would be visible from Ryan Road.

**Site compliance**

City Development staff visited the site on April 28th and didn’t notice any site compliance issues with the subject lot.

**Staff Recommendation:**

City Development staff recommends approval of this request to allow for the installation of a fence within the 30-foot Landscape Bufferyard Easement upon Lot 6 in the Ryan Meadows Subdivision.

Date: April 2, 2025  
To: Ryan Scott Mahoney  
From: Department of City Development. David Serna, Planning Intern.  
RE: Staff Comments, 9516 S. Bergamont Drive / 891 1006 000

---

Please be advised that city staff has reviewed the above application received on March 12, 2025, for a proposed miscellaneous application for the installation of a fence within a landscape easement on lot located at 9516 S. Bergamont Drive / 891 1006 000. The following comments are for your review and consideration.

**City Development Comments**

- This application is scheduled for the May 8<sup>th</sup> Plan Commission Meeting at 6:00 PM. If recommended for approval, final decision will be at the May 20<sup>th</sup> Common Council Meeting at 6:00 PM
- Please submit 14 copies of your application materials to the Department of City Development no later than Monday, April 28<sup>th</sup> at 4:30 PM.

**Engineering Department Comments**

The following comments must be resolved before the approval of the building permit.

- The fence is prohibited within the water main easement.
- The structure is prohibited within the landscape easement.
- The fence should not create a drainage nuisance.

Note:

It is the owner's responsibility to ensure there are no encroachments to any other easement that may exist within the property.

Call the digger's hotline before digging.

**Inspection Services**

Inspections shall be required as follows: "Location Inspection" (prior to installing fence), Final Inspection (after fence is installed).



**City of Franklin**  
**Department of City Development**  
**Planning & Zoning**

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Application Type: Miscellaneous

Routing date: 03/26/2025

<b>Project name:</b>	Home Path Financial, Miscellaneous
<b>Property Owner:</b>	Home Path Financial
<b>Applicant:</b>	Ryan Mahoney
<b>Property Address/TKN:</b>	9516 S. Bergamont Dr. / 891 1006 000
<b>Aldermanic District:</b>	District 6
<b>Zoning District:</b>	R-6 Suburban Single-Family Residence District
<b>Staff Planner:</b>	David Serna, Planning Intern
<b>Submittal date:</b>	3/12/2025
<b>Application number:</b>	PPZ25-0047

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**Scope of Work:**

The applicant is seeking a request to allow for a fence within the 30 foot Landscape Buffer Easement upon Lot 6 of the Ryan Meadows Subdivision. The Ryan Meadows Subdivision Final Plat was approved by the Common Council on September 17<sup>th</sup>, 2019 by Resolution No. 2019-7547 and contains a "Landscape Easement" for all lots within the sub division. The property owner is proposing to install a 4' fence within this area. The proposed fence will be up to the lot line within the Landscape Buffer Easement in the rear yard.

# City of Franklin Property Viewer



5/1/2025, 10:00:04 AM

- Aldermanic District
- Parcel

1:717

0 0.01 0.01 0.02 0.02 mi  
0 0.01 0.01 0.02 0.04 km

SEWRPC, Maxar, Microsoft

Legal description of property: address 9516 S. Bergamont Drive

Parcel #891-1006-000

*LOT 6 IN*

*RYAN MEADOWS*

*in NE1/4 Section 30-5-21*

*CITY OF FRANKLIN  
MILWAUKEE COUNTY, WIS.*

*-for-  
Home Path Financial*



Yutka Fence, Inc  
11880 12th St  
Kenosha, WI 53144  
(262) 859-3226

**BILL TO**

Justin Jerabek  
1  
Oak Creek, WI 53154 USA

ESTIMATE  
62075247

ESTIMATE DATE  
Feb 24, 2025

**JOB ADDRESS**

Justin Jerabek  
1  
Oak Creek, WI 53154 USA

**Job. 21729**

**ESTIMATE DETAILS**

Ryan Mahoney - 4 Imperial Verona Black Aluminum (Aluminum)

10% OFF - HOA - CREDIT CARD AND FINANCING PRICE \$19,918 83

5% OFF ACH/CHECK REBATE PRICE \$18,922 89

ACH/CHECK STARTING PROJECT PRICE \$9,959 42

Installation of

(465 ) 4 High Imperial Verona 3-Rail Flat Top Smooth Black Aluminum

-36" Depth of Holes (Guaranteed)

-Concrete

-Order to Grade (1" to 3' Spacing under fence)

(2) 5' Wide, 4' High Walk Gate

-Self Closing

-Order Gate to Grade (Bias)

Spoil-Dirt removal and disposal

Homeowner Responsible for Acquiring Permit

No utilities have been marked as of now, however, Yutka will take care of coordinating Diggers hotline before the layout meeting. There are currently no (0) utility digs included in the estimate. Depending on the markings, it may be necessary to relocate the fence, and this potential adjustment will be addressed during the official layout meeting.

50% Down payment at time of accepted offer, the balance due upon substantial completion of project

This estimate is valid for 10 days

For stock materials, pricing is not locked in until you accept your estimate online AND we receive your 50% deposit For non stock materials, pricing is not locked in until we order your materials after your layout meeting is complete

Residential New Install Guarantee 3 Years

Residential Gate Guarantee 1 Year

Repair Guarantee 1 Year

\*See contract terms for additional warranty information

SERVICE	DESCRIPTION	QTY	PRICE	TOTAL
Installation	<b>Project Estimate</b> This amount represents the estimated total cost for your fence installation, covering materials, labor, and equipment  <b>Unforeseen Situations.</b> <ul style="list-style-type: none"><li>• We understand that some things are beyond our control If utility lines are located within 24 inches of the fence site, we'll work with you during the layout meeting to ensure a safe and convenient placement.</li><li>• We can't see what's below the ground Our initial quote assumes smooth drilling through soil or clay However, if you have rocky soil causing difficulties with augering in more than 3 holes, there may be an additional charge of up to \$60 per hole To help us provide a more accurate estimate, please let us know in advance if your area has rocky soil, and we'll adjust our quote accordingly We aim to make your project as smooth and worry-free as possible.</li></ul>	1 00	\$22,132 03	\$22,132 03
ManagersDiscount4	<b><u>10% Off Promotion!</u></b> Offer expires 30 days from estimate date	22132 03	\$-0 10	\$ 2,213 20
Check or ACH Rebate	<b>▶▶▶ YOUR REBATED PRICE: \$</b>	1 00	\$0 00	\$0 00

**Paying Made Simple with ACH/Check**

- **Payment Method** When you choose to pay via ACH (Automated Clearing House), the process becomes straightforward, requiring only your routing number and bank account number
- **Instant Rebate** Enjoy a 5% instant rebate on your balance when you make both the deposit and final payment using either a check or ACH
- **Payment Deadline** To qualify for the rebate, ensure that the final payment is received within 5 days from the invoice date
- **Mathematical Errors** Don't worry about mathematical



errors affecting your final price. The rebate is calculated as 95% (0.95 times) of the Final Price, guaranteeing accuracy and fairness in the rebate process.

Financing	Financing Options - Yutka Fence offers two financing options through Service Finance	1.00	\$0.00	\$0.00
	<ul style="list-style-type: none"> <li>• <b>Deferred Interest Loans with Scheduled Monthly Payments</b></li> <li>• <b>Reduced Interest Loans for up to 120 months</b></li> </ul>			
Yutka Alum Fence Description	<p>Our Imperial Aluminum fence is designed for residential use and features the following specifications:</p> <ul style="list-style-type: none"> <li>• <b>Pickets</b> The fence includes 5/8" pickets, providing an attractive and sleek appearance.</li> <li>• <b>Posts</b> Post dimensions for 4-foot-high fences are 2" x 2" with a wall thickness of .060.</li> <li>• <b>Post Construction</b> Posts are routed, allowing sections to fit securely inside them, maximizing the fence's strength and stability. Each post is concreted in a 3-foot deep hole with a diameter of 6 to 8 inches, ensuring it extends to the bottom of the hole to prevent sinking inside the concrete; posts are not floated in concrete.</li> <li>• <b>Bottom Rail</b> The standard configuration positions the bottom rail approximately 5 inches above the bottom of the fence pickets.</li> <li>• <b>Fasteners</b> All fasteners used in your fence are stainless steel, preventing rust and ensuring the fence's long-lasting beauty and integrity.</li> <li>• <b>Special Note (Siena Pool Style):</b> If you have a Siena pool style, the bottom rail will be flush with the bottom of the pickets, meeting pool safety requirements.</li> </ul>	1.00	\$0.00	\$0.00
Yutka Alum Wlk Gate Description	<p>Your Imperial Aluminum walk gate will receive an upgrade with the following features:</p> <ul style="list-style-type: none"> <li>• <b>Hinge Post</b> Upgraded to a 2" x 2" Heavy Duty hinge post with a wall thickness of .125 for enhanced strength and durability.</li> <li>• <b>Hinges</b> Equipped with black nylon hinges for a sleek and durable appearance.</li> <li>• <b>Latch</b> Includes a black stainless pad lockable latch for added security and convenience.</li> </ul>	1.00	\$0.00	\$0.00

**SUB-TOTAL** \$19,918.83

**TAX** \$0.00

**TOTAL** \$19,918.83

**EST. FINANCING** \$252.22

Thank you very much for choosing Yutka Fence. We would appreciate any feedback on your experience.

**CUSTOMER AUTHORIZATION**

The summary [above] is furnished by Justin Jerabek as a good faith estimate of work to be performed at 1, Oak Creek, WI 53154 USA and is based on our evaluation and does not include material price increases or additional labor and materials which may be required should unforeseen problems arise after the work has started. I understand that the final cost of the work may differ from the estimate, perhaps materially. THIS IS NOT A GUARANTEE OF THE FINAL PRICE OF WORK TO BE PERFORMED. I agree to the estimate and authorize Yutka Fence to perform the work as summarized and on these estimated terms, and I agree to pay the full amount for all work performed.

Sign here

Date

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As our valued Customer, we want to be sure you have complete information about the installation of your fence. Our goal is to provide clear expectations regarding your project.

#### **CHARGES & EXTRAS**

Utility Hand Digs \$120/hole    Non Utility Hand Digs \$35/hole    Site Prep \$300/hour    Changes Cost plus markup

**UTILITIES** Yutka Fence will call Digger's Hotline (Wisconsin) and J U L I E (Illinois) to mark public utilities including, but not limited to electrical, water, sewer, gas, telephone, and cable locations. To comply with local utility company regulations, Yutka Fence cannot auger within 24" of public utility lines. There are some underground items that only the customer can identify. The public utility companies do not mark these, and Yutka Fence, Inc. is not responsible for damage to unmarked items. Prior to the installation, it is important that you use a bright colored spray paint to mark the ground for locations of including but not limited to Private septic systems, sprinkler lines, water lines supplying a pool or other structure, private electric lines that supply power to lamp posts, walkway lighting, yard lighting, pools, detached garages or sheds, wells, French drains or tiles, downspouts, propane gas lines, electric dog fences, security systems, any related items, or any utility locations where your municipality does not provide marking services. If extra materials and labor are needed to avoid excavating near utilities, it will be charged at Seller's cost plus 100% for Seller's markup. Utility Hand Digs will be charged at \$120 per hole (holes within 18" of a utility line). To avoid charges, move the fence location at layout meeting.

**SITE PREPARATION** To ensure proper installation of your fence, some trimming and clearing may be required. Yutka Fence, Inc. can provide these services, or you may choose to save these costs by doing this work yourself before installation. To provide room for a safe and quality installation, all brush, briars, trees, shrubs, tall grass, overgrowth, yard items, toys, landscaping items, pavers, etc. must be cleared to a distance of 2 feet on either side the installation line for your new fence and to a height of 6 ½ feet. The cost for the installation crew to trim and clear these materials is \$300.00 per hour. Yutka Fence cannot grind or remove tree roots and stumps or remove trees with a diameter of greater than 4 inches. Yutka Fence is not responsible for any damage to tree roots hit or exposed during digging. Removal and disposal of materials will be an additional charge. Yutka Fence retains the right to refuse the removal or handling of materials at their discretion.

**CHANGES** Changes in the plans or specifications will be made upon written order prior to work being performed. Written changes shall be signed by Customer and shall set forth a description of the change, addition or deletion and the cost or credit. If a verbal change or extra is approved by the Customer and is performed prior to the parties reaching an agreed upon amount in writing, the change or extra shall be charged at Seller's cost plus 100% for Seller's markup. Any changes or extras shall extend the time to complete the construction. Any change, alteration or extra from the plans or specifications, including, but not limited to, erosion control measures or mandated dumpster use, which may be required by any public body or inspector or architectural control committee (or similar authority) or site conditions, which increases costs, shall constitute an extra and shall be paid by Customer and shall not require written approval from Customer as stated above. Customer agrees to pay Yutka Fence, Inc. all additional charges for additional work and materials, which may be required due to weather conditions. Delays in progress of the work due to customer indecision, changes in layout or materials, unprepared site, etc. will be charged at Seller's cost plus 100% markup. Changes that cannot be accommodated at the time of installation that require another day and trip will be charged a minimum of \$350.00. The final billing will be based on the actual footage of fencing built and the work performed. All charges and extras must be paid upon Yutka Fence, Inc. completing construction of the fence. Credit for materials not used will be subject to restocking fees and will not be given for materials that cannot be restocked.

**UNFORESEEN CIRCUMSTANCES** In the event abnormal home improvement site conditions are encountered in conjunction with the services provided by Seller, Customer agrees to pay the cost of any additional work or materials. This does not constitute a change in plans and specifications as detailed in the Changes & Extras Provision. Customer agrees to pay for the additional costs caused by or resulting from site conditions, including, but not limited to, the following: abnormal soil and subsoil conditions, rocks, boulders, tree roots, removal of trees, providing fill or cutting to grade, trucking excess fill, excavation cave-in corrections, snow removal, and any related costs. Customer is also responsible for extra charges due to drilling into concrete slabs or other underground obstructions for which the existence was not foreclosed in writing on the contract. Any such extra costs shall be completed as set forth in the Changes & Extras Provision. Unless otherwise provided in this Contract, the Customer shall not be reimbursed for any excess ground removal from the site, nor shall Yutka Fence, Inc. be required to remove, store, or replace topsoil, sod, plants, or other surface objects. Yutka Fence, Inc. will not be held responsible for unknown or unforeseen subsoil conditions that could affect the quality of the fence or surrounding areas. Hard Digs beyond the capability of our machinery will be charged at Seller's cost plus 100% for Seller's markup including but not limited to rental cost of the equipment needed, extra labor, fuel surcharges, and delivery fees. Yutka Fence will not credit or discount customer for costs associated with including but not limited to delays due to weather or other acts of God, supplier error, equipment breakdowns, lost vacation time, scheduling conflicts, or any other circumstance that delays completion of the project.

**FENCE LOCATION** The Customer is responsible for location of the fence. If you cannot find the property line markers, it is recommended that you have a survey performed to ensure your new fence does not encroach onto your neighbor's property, is in compliance with local ordinances, setbacks, easements or Home Owners Association restrictions. Yutka Fence, Inc. is not responsible for the costs associated with moving fences where the property lines have not been properly located prior to installation.

**BUILDING PERMITS** As a general rule, most cities and/or counties require customers to obtain a fence permit for fence work. Unless otherwise stated in writing on the contract, it will be the Customer's responsibility to apply for and obtain any necessary fence permits at Customer's expense. Yutka Fence, Inc. may not order any materials or start any site work under a home improvement contract until all required state and local permits have been received. It is Customer's sole responsibility to comply with all required state and local regulations, including but not limited to, determining proper property boundary lines and property pins, prior to commencement of work. Yutka Fence, Inc. bears no responsibility for the property line locations.

**MISCELLANEOUS** If any part of this Contract is found to be unenforceable, it shall not affect the enforceability of the remainder of this Contract. The failure of either party to enforce any term or condition of this Contract, shall not be deemed to constitute a waiver or any other breach of any right, claim, term or condition of this Contract. This Contract expresses all agreements between the parties concerning the subject matter hereof and supersedes all previous understandings relating thereto, whether oral or written, including proposals, draft plans and specifications, brochures and other information, and shall be binding upon and shall inure to the benefit of the heirs, administrators, executors, successors and of the parties hereto. This Agreement shall be governed by Wisconsin law, and the parties agree that any related litigation may be brought in Wisconsin state or Federal courts.

**PAYMENT TERMS** 50% of the full project amount is due upon accepting the proposal. The remaining balance is due upon substantial completion of the project. Substantial completion is the point where the project becomes usable or the customer has the benefit of and only minor work, punch list items, or rework remains. Partial billing for materials needed and work completed may be sent at weekly intervals.

Yutka Fence's Warranty is void if full payment has not been received within 30 days from the substantial completion date. A financing charge of 1% per month shall be applied for overdue amounts beginning on the substantial completion date for any balances not paid within 5 days.

A service fee of \$45 will be charged for any returned checks or incidents of insufficient funds for ACH charges.

All payment rebates are void if the balance is not paid in full within 5 days of the invoice date.

**LIEN NOTICE:** As required by the Wisconsin Agricultural, Trade & Consumer Protection Chapter 110, and Illinois Mechanics Lien Act 770 ILCS 60/0-01 Yutka Fence, Inc. hereby notifies Customer that persons or companies furnishing labor or materials for the home improvement and fence work on Customer's land may have lien rights on Customer's land and buildings if not paid. Yutka Fence, Inc. shall retain a security interest in all material provided in home improvement contract until all invoices pertaining to the Contract are paid in full. Once Customer has satisfied his/her payment obligations, Customer is entitled to receive written lien waivers.

**COMMERCIAL GUARANTEE:** 1 Year from date of install.

**REPAIR GUARANTEE:** 1-Year from date of install.

**RESIDENTIAL NEW INSTALL GUARANTEE:** The Guarantee is void if the balance is not paid in full within 30 days of invoice. Where applicable, all material warranties are covered per manufacturer specific regulation and registration requirements.

Yutka Residential Guarantee*	Manufacturer Material Guarantee:	3-Year Labor:	1-Year Labor:
	<ul style="list-style-type: none"><li>Limited Lifetime<ul style="list-style-type: none"><li>Ultra Aluminum</li><li>Digger Specialties Aluminum</li><li>Digger Specialties Vinyl</li><li>Ameristar Montage</li></ul></li><li>Limited 15-Year Galvanized Chain Link</li><li>Limited 3-Year Cedar</li></ul>	<ul style="list-style-type: none"><li>Cedar</li><li>PVC</li><li>Aluminum</li><li>Montage</li><li>Chain Link</li></ul>	<ul style="list-style-type: none"><li>Gates of all types</li><li>Repairs</li></ul>
<p>*Warranty Exclusions</p> <ul style="list-style-type: none"><li>Alterations, deletions, or additions made by the Customer</li><li>Misuse or abuse causing damage to the fence, including vandalism, vehicle damage, climbing, yard maintenance tools, and items being hung on fence</li><li>Frost or ground water issues resulting in post upheaval</li><li>Issues caused by snow or ice not being properly removed from fence areas</li><li>Normal expected weathering and settling of land or concrete around the fence</li><li>Normal expected wood discoloration, shrinkage, expansion, bowing, checking, graying, knots, or decaying</li><li>Damage from acts of God, including damage caused by wind, fallen trees, or other natural casualty</li><li>Damage caused from water sealing or painting fence</li><li>Repainting of the fence after repairs</li><li>Gate hardware damage from wind, misuse, or other forces arising from Customer failing to latch the gate</li><li>Decay and damage caused by dirt and debris building up at base of fence or vines growing on fence</li><li>Damage from grass trimmers, lawn mowers, sprinklers</li><li>Secondary damage caused by defects under warranty, such as property damage and personal injury</li><li>Surface defects in work and materials specified and accepted in writing by the customer at the date of completion</li><li>Contractual disputes</li></ul>			

**CANCELLATION:** Cancellations outside of right to cancel period will be charged a minimum of \$350 for administrative performance of the contract plus any other materials or performance. **PAYMENT TERMS:** Full payment is due upon substantial completion of the project. Substantial completion is the point where the project becomes usable or the customer has the benefit of and only minor work, punch list items, or rework remains. Partial billing for materials delivered to the job site and work completed may be sent at weekly intervals.

## Project Narrative for Fence Installation on Landscape Easement

This project seeks approval for the installation of a fence within the landscape easement at 9516 S Bergamont Drive. The fence will be 4 feet tall and made of aluminum wrought iron, adhering to city and HOA regulations. Homeowner has a five-year-old child with special needs, and this request is to address the child's safety. More details on this below.

The fence will be installed by a licensed contractor. Contractor will enter only through homeowner's property, taking care to not present a drainage nuisance to adjoining properties, and will ensure that fence poles are outside of the water main easement.

Homeowner will maintain and landscape the easement area according to city standards.

### Background on Homeowner's Child

Homeowner's child is a wonderful little boy who was diagnosed with moderate-severe autism two years ago. He has challenges controlling his impulses. One of those impulses is elopement, which is the tendency to wander or run away from a safe space without notice. Due to this elopement, a fence is necessary. For further details on his situation, please refer to the enclosed letter from his licensed behavioral specialist at Help Hope Solutions.

Homeowner's child also likes to mimic the actions of others around him, including parents and other adults. If the landscape buffer is outside of the fence, he will regularly see his parents on the other side of the fence when they are maintaining that area of the property. The concern is he would be motivated to find ways to go back behind the fence by himself. If he gets back there, he then has unfettered access to nearby hazards, including Ryan Road, Ryan Creek, and a nearby pond in the subdivision. But if the landscape buffer is inside the fence, his parents will not need to go behind the fence, and remove the temptation for their child to elope there. Therefore, this specific request to the city is for permission to build the fence around the landscape easement, in order to avoid and prevent any desire for the child to go behind the fence, thereby supporting his safety.

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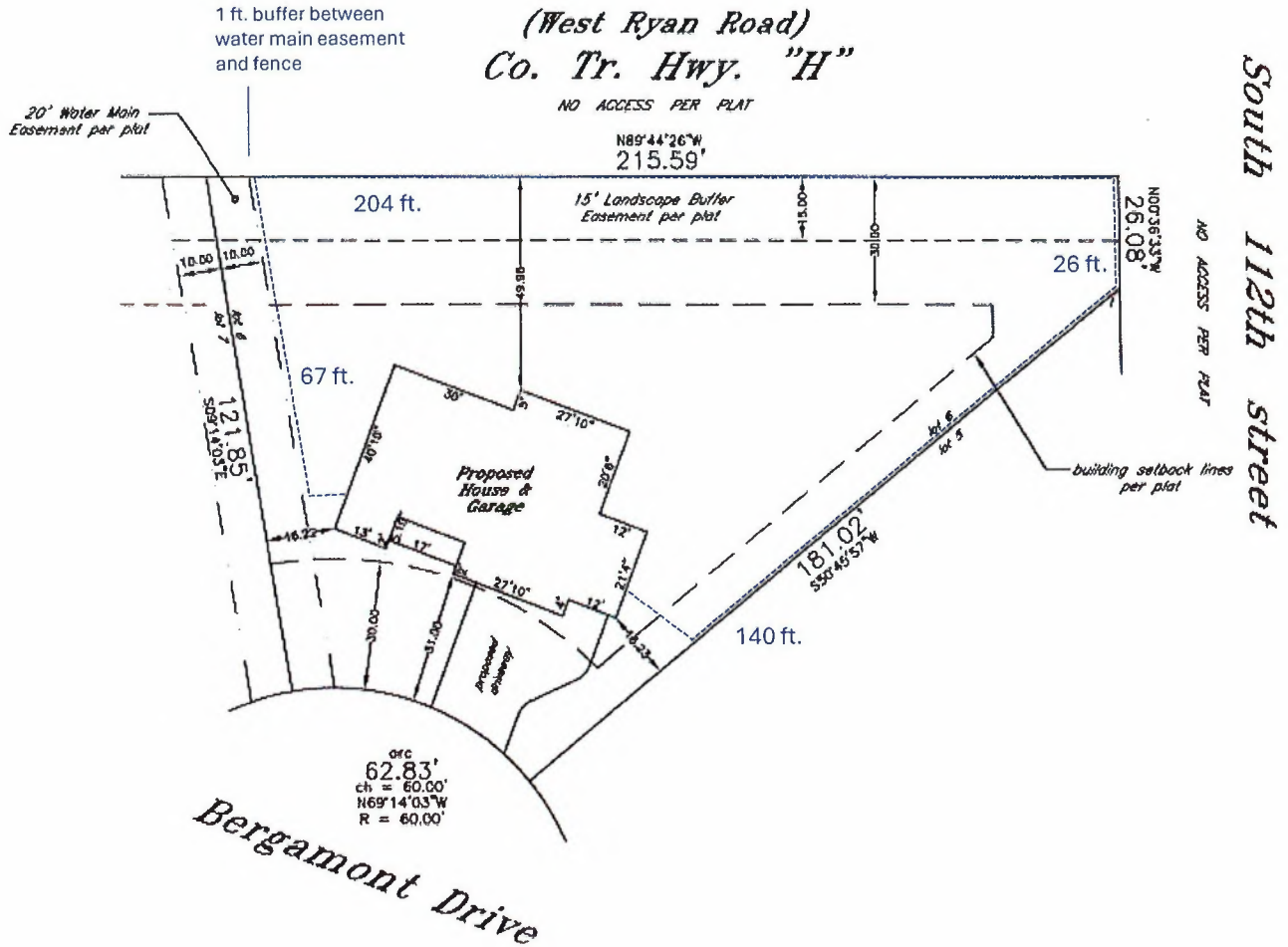
S K E T C H

# Outline of Proposed Fence on Landscape Buffer Easement

address: 9516 S. Bergamond Drive

## Legend

- Original plat w/ survey notations
- - - - - Proposed fence on landscape buffer easement
- x ft. Proposed fence segment lengths



Plat of Survey of  
 LOT 6 IN  
 RYAN MEADOWS  
 in NE1/4 Section 30-5-21  
 CITY OF FRANKLIN  
 MILWAUKEE COUNTY, WIS.  
 -for-  
 Home Path Financial

lot area = 19,904 S. F.

Scale  
 1" = 30'



Planning Department  
9229 West Loomis Road  
Franklin, Wisconsin 53132  
(414) 425-4024  
franklinwi.gov



APPLICATION DATE: \_\_\_\_\_  
STAMP DATE \_\_\_\_\_ city use only

## MISCELLANEOUS APPLICATION

### PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]		APPLICANT IS REPRESENTED BY [CONTACT PERSON]	
NAME:	<u>Ryan Scott Mahoney</u>	NAME:	<u>Kathy Thomas, Agent, Home Path Financial</u>
COMPANY:		COMPANY:	<u>Home Path Financial</u>
MAILING ADDRESS	<u>9516 S Bergamont Dr</u>	MAILING ADDRESS	<u>5116 N 126th Street</u>
CITY/STATE	<u>Franklin, WI</u> ZIP: <u>53132</u>	CITY/STATE	<u>Butler, WI</u> ZIP: <u>53007</u>
PHONE	<u>501-912-2479</u>	PHONE	<u>262-771-0021</u>
EMAIL ADDRESS:	<u>rmahoney7@gmail.com</u>	EMAIL ADDRESS	<u>permitting@myhomepath.com</u>

### PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS:	<u>9516 S. Bergamont Drive</u>	TAX KEY NUMBER	<u>891-1006-000</u>
PROPERTY OWNER	<u>Home Path Financial</u>	PHONE	<u>262-771-0021 (Kathy)</u>
MAILING ADDRESS.	<u>5116 N. 126th Street</u>	EMAIL ADDRESS.	<u>permitting@myhomepath.com</u>
CITY/STATE	<u>Butler, WI</u> ZIP: <u>53007</u>	DATE OF COMPLETION:	office use only

### APPLICATION MATERIALS

The following materials must be submitted with this application form. \*Incomplete applications and submittals cannot be reviewed.

- ☐ This application form accurately filled out with signature or authorization letters (see below)
- ☐ \$210 Application fee payable to the City of Franklin
- ☐ Word Document Legal description for the subject property
- ☐ Three (3) Project Narratives
- ☐ Other information as may be deemed appropriate for the request
- ☐ Email or flash drive with all plans/submittal materials

Submittal of Application for review is not a guarantee of approval.

Plan Commission, Community Development Authority and/or Common Council review and approval may be required.

### SIGNATURES

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)

- ☐ I, the applicant, certify that I have read the above page detailing the requirements for Miscellaneous approval and submittals and understand that incomplete applications and submittals cannot be reviewed

PROPERTY OWNER SIGNATURE <u>Kathy Thomas, Agent, Home Path Financial</u>	APPLICANT SIGNATURE: <u>[Signature]</u>
NAME & TITLE: <u>Kathy Thomas, Permit Coordinator</u> DATE: <u>2/28/2025</u>	NAME & TITLE: <u>Ryan Mahoney</u> DATE: <u>3/11/2025</u>
PROPERTY OWNER SIGNATURE:	APPLICANT REPRESENTATIVE SIGNATURE
NAME & TITLE	NAME & TITLE
DATE	DATE



7800 Preston Rd. Suite 202 Plano, TX 75024  
6103 Windcom Court, Suite 600 Plano, TX 75093  
(972) 403-0100 (Preston Location)  
(972) 378-6494 (Windcom Location)  
Fax: (972) 403-0133 (All Locations)  
info@helphopesolutions.com

17 April 2025

RE: Full Perimeter Fence- Mahoney

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To Whom it May Concern

I am writing to formally request permission for the installation of a full perimeter fence in the backyard of the Mahoney residence, due to urgent and ongoing safety concerns for their son and my client.

Ryan and April's son, and my client, is an individual diagnosed with Autism Spectrum Disorder (ASD) and exhibits elopement behaviors. Elopement is the tendency to wander or run away from a safe space without notice, is a well-documented safety risk associated with ASD. This behavior puts the individual at high risk of harm due to potential exposure to traffic, bodies of water, unfamiliar surroundings, and/or other hazards, which he has attempted and engaged in on multiple occasions.

A fully enclosed backyard would provide a secure, controlled environment where the individual can safely enjoy outdoor time and his backyard without the constant risk of elopement and ease the mind of Ryan and April. The current lack of a complete fence poses a daily safety concern, limiting the individual's opportunities for physical activity and outdoor engagement—both of which are important for his emotional and behavioral regulation.

I respectfully urge the city to consider this request as a critical safety accommodation for an individual with specific behavioral needs

Thank you for your time and attention to this matter. Please feel free to contact me with any questions or to discuss further.

Sincerely,

Kayla Holloway, M.A., BCBA, LBA

Help Hope Solutions

(972) 403-0100

[kayla@helphopesolutions.com](mailto:kayla@helphopesolutions.com)

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\*Confidential\*

\*Confidential\*

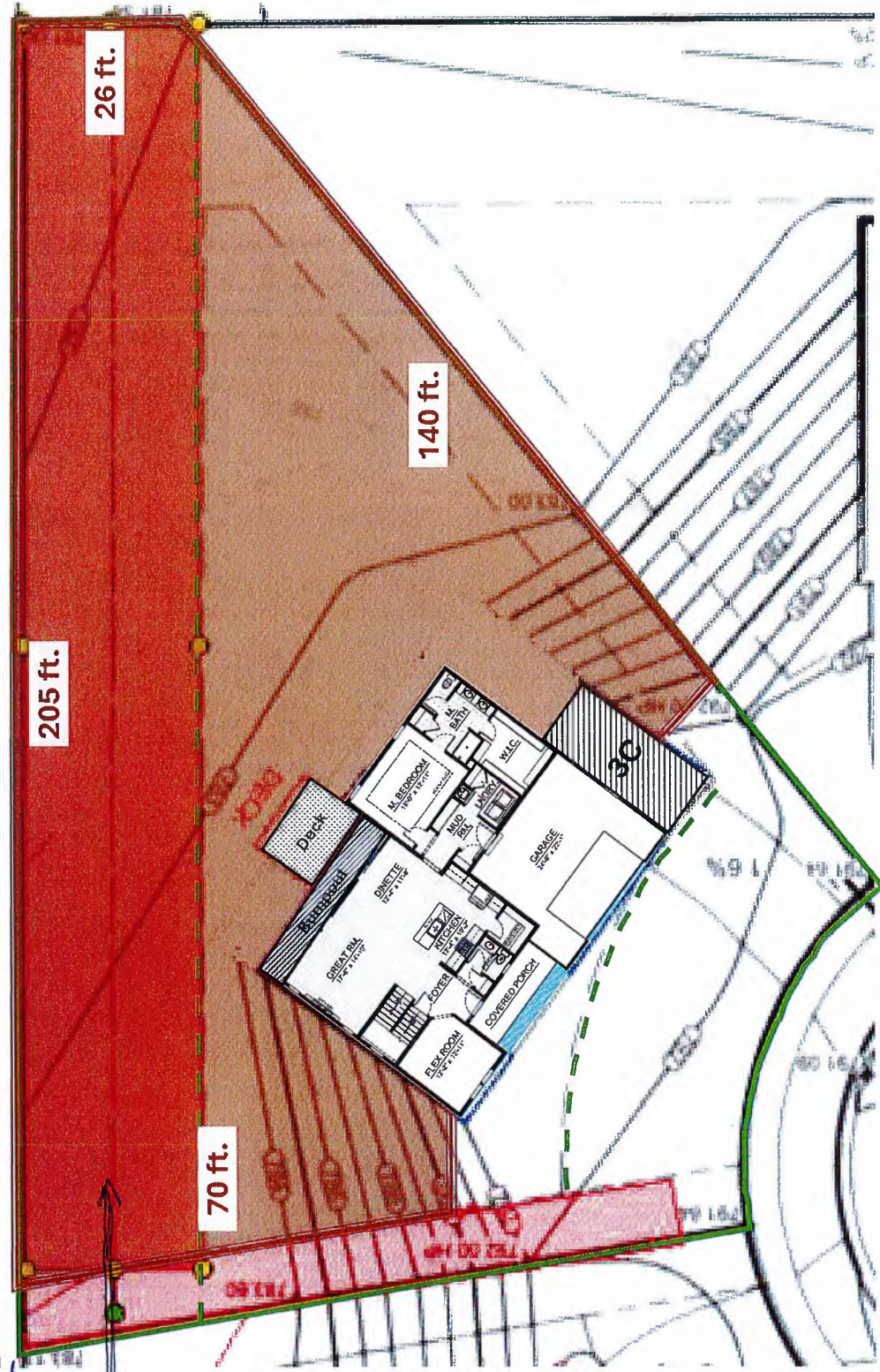
\*Confidential\*

\*Confidential\*

\*Confidential\*



# Lot 6 - Proposed Fence



## Legend

- Fence outline
- Fenced-in area
- X ft.** Est. fence dimension
- Property Border
- 30 ft setback
- Water main easement
- Bufferyard easement

↓  
This is actually  
15', not 30'  
as is shown  
on this drawing



<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  05/20/2025
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Ordinance to create Section 15-3.0449 of the Franklin Unified Development Ordinance establishing Planned Development District no. 44 (Haselow) and to rezone property from R-1E Countryside/Estate Single-family Multiple Residence upon a Single Lot Estate District to Planned Development District No. 44  (City of Franklin, applicant)</b>	<b>ITEM NUMBER</b>  9.14.
<p>At its May 8, 2025 meeting the Plan Commission recommended approval of an ordinance to create Section 15-3.0449 of the Franklin Unified Development Ordinance establishing Planned Development District No. 44 (Haselow) and to rezone property from R-1E Countryside/Estate Single-Family Multiple Residence upon a Single Lot Estate District to Planned Development District No. 44.</p> <p>The vote was 5-0-1, five “ayes”, no “noes” and one absent.</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>A motion to approve Ordinance No. 2025-_____, to create Section 15-3.0449 of the Franklin Unified Development Ordinance establishing Planned Development District no. 44 (Haselow) and to rezone property from R-1E Countryside/Estate Single-family Multiple Residence upon a Single Lot Estate District to Planned Development District No. 44.</p>		

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 4-29-25]

ORDINANCE NO. 2025-\_\_\_\_\_

AN ORDINANCE TO CREATE SECTION 15-3.0449 OF THE FRANKLIN  
UNIFIED DEVELOPMENT ORDINANCE ESTABLISHING PLANNED  
DEVELOPMENT DISTRICT NO. 44 (*HASELOW*) AND TO  
REZONE PROPERTY FROM R-1E COUNTRYSIDE/ESTATE SINGLE-FAMILY  
MULTIPLE RESIDENCE UPON A SINGLE LOT ESTATE DISTRICT  
TO PLANNED DEVELOPMENT DISTRICT NO. 44  
(9140 SOUTH 51<sup>ST</sup> STREET)

---

WHEREAS, a petition for zoning change having been filed to change the zoning on a tract of land (1 parcel) from R-1E Countryside/Estate Single-Family Multiple Residence Upon a Single Lot Estate District to a Planned Development District, which tract of land is located at 9140 South 51<sup>st</sup> Street, and which is more particularly described below; and

WHEREAS, the Plan Commission having determined that the proposed Planned Development District No. 44 (*Haselow*) is in conformance with the City of Franklin Comprehensive Master Plan and contains more than 3 acres; and

WHEREAS, a Public Hearing was held before the Plan Commission on the 8<sup>th</sup> day of May, 2025 and the Plan Commission having reviewed the Planned Development District No. 44 petition and having found that the proposed Planned Development District conforms to the standards for adoption of a Planned Development District, and having recommended to the Common Council that the creation of Planned Development District No. 44 be approved; and

WHEREAS, the Common Council having reviewed the petition and recommendation following the Public Hearing and having determined that the adoption of an ordinance to create Planned Development District No. 44 will promote the health, safety and welfare of the Community.

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

SECTION 1:           §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for the property described below be changed from R-1E Countryside/Estate Single-Family Multiple Residence Upon a Single Lot Estate District to Planned Development District No. 44 (*Haselow*) as is created under SECTION 2 of this ordinance:

The Northerly 532 feet of the West 60 acres of the West ½ of the Southeast ¼ of Section 23, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin

SECTION 2: §15-3.0449 of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby created to read as follows:

Section 15-3.0449 PLANNED DEVELOPMENT DISTRICT NO. 43 (*HASELOW*)

**A. District Intent.**

1. Provide for EXECUTIVE type developments to allow for multiple attached and detached dwelling units with larger lot sizes, and moderate building, bulk and setback requirements to allow for accessory uses such as guest homes, caretaker quarters, family care providers and multi-generational living options, while providing adequate buffers for adjacent lower density residential developments.
2. No additional dwelling structure or an accessory structure shall be permitted upon a lot until an occupancy permit has been issued for a principal structure meeting the requirements of Table 15-3.0201E.
3. Dwelling units shall not be for rent, for multiple occupancy developments or uses found under SIC Code No. 7011 Hotels and Motels. Additional dwelling units shall be utilized by permitted uses or members of the functional family unit.
4. The Plan Commission may consider more than two principal buildings per lot where more than two principal buildings are needed for the orderly development of the parcel. When additional structures are permitted, the Plan Commission may impose additional yard requirements, floor area ratio limitations, residential density requirements, land use intensity requirements, landscaping requirements, or parking requirements, or may require a minimum separation distance between principal buildings.
5. A property zoned PDD 44 shall connect to the public sanitary sewer system and/or the public water system when such system(s) are available, as may otherwise be proscribed and required by the Municipal Code. A property zoned PDD 44, its primary zoning purpose being to support more than one dwelling unit, shall be considered a reason in favor of any proposed extension of public sanitary sewer or water abutting such property in the consideration thereof, and as such, deemed a property owner vote in favor of such extension upon any property owner survey which may be conducted or considered by the Common Council upon such proposed extension.
6. Multiple dwelling units located on a single lot shall be positioned to be harmonious to one another for the orderly development of the parcel and compatible with adjacent land uses. All structures shall consist of high-quality building materials and architectural design.

7. Be used in conjunction with and adjacent to other single-family residence districts, especially for development of infill lots and/or lots containing a significant amount of protected natural resource features. May also be used as a transitional district to other higher intensity multi-family residential use districts as greater setbacks are required. B.

**B. District Standards.**

1. All dwelling structures shall meet the following minimum setbacks (The total height of the structure is measured from grade to the highest point of the structure. In instances where there is a slope in grade height is measured from the lowest point of the slope):

**C. Permitted Uses.** See § 15-3.0602 of the Unified Development Ordinance in addition to the uses listed below.

1. Up to two dwelling units (attached or detached
2. One of the following uses permitted within the second principal dwelling structure:
  - (a) Guest house with kitchen facilities.
  - (b) Servant's living quarters.
  - (c) Property caretaker's living quarters.
  - (d) Family care providers living quarters, including family medical care and childcare.
3. Accessory Structures per subsection E. below.

**D. Special Uses.** See §15-3.0602, 15-3.0700 and 15-3.0702 of the Unified Development Ordinance in addition to the uses listed below.

**E. Accessory Uses and Standards.** Accessory uses and structures shall be regulated by §15-3.0800 of the Unified Development Ordinance, except as otherwise stated below:

1. Permitted accessory uses:
  - (a) Uses described in §15-3.0801 and definition found in Part 11 of the Unified Development Ordinance.
  - (b) Lighted recreational courts. Light poles utilized for recreational lighting shall not exceed 20 feet in height from grade and shall be shut off between 10:00 PM and 6:00 AM. All other standards of §15-5.0400 shall be met.
2. Accessory structures shall not exceed 5,000 square feet.
3. Accessory structures shall not exceed 50 feet in height.;
4. Accessory structures shall meet the following setbacks (The total height of the

structure is measured from grade to the highest point of the structure. In instances where there is a slope in grade height is measured from the lowest point of the slope):

- (a) Accessory structures not exceeding 150 square feet and 15 feet in height shall be setback at least five feet from the side or rear lot lines.
  - (b) Accessory structures not exceeding 150 square feet or 15 feet in height shall be located no closer than a distance equal to its height to the side or rear lot lines; however, in no case shall an accessory structure over 150 square feet be closer to 10 feet to a side or rear lot line.
5. Location. No part of an accessory structure shall be located in a front yard, corner side yard, or any rear yard abutting a street on a corner lot. For a rear yard abutting a street on a corner lot, the setback shall be the required corner side yard setback of the zoning district. Where the front of a principal structure is not on a corner lot, an accessory use or structure may be placed in the yard facing the arterial street provided that all zoning district front and side yard setbacks from the arterial street lot line are met.
  6. Fences shall be allowed to locate property lines in all yards. Fences shall not exceed seven feet in height and shall meet all other requirements of §15-3.0802E of the Unified Development Ordinance.
  7. Fences surrounding recreational facilities shall not exceed 20 feet in height.

F. **Development Standards.** Refer to the below Table 1 for Development Standards:

<b>Table 1</b>			
<b>PDD 44 Haselow District Standards</b>			
<b>Type of Standard</b>	<b>Principal Detached D.U.s</b>	<b>Second Detached D.U.</b>	<b>Special Use Option for additional dwelling structures</b>
<b>Minimum Open Space Ratio and Maximum Density</b>			
Open Space Ratio (OSR)	0.00	N/A	N/A
Gross Density (GD)	0.435	N/A	N/A



Net Density (ND)	0.435	N/A	N/A
<b>Lot Dimensional Requirements</b>			
Minimum Lot Area (square feet)	217,800	N/A	N/A
Minimum Lot Width at Setback Line (feet)	250	N/A	N/A
Minimum Shore Buffer (feet)	75	75	75
Minimum Wetland Buffer (feet)	30	30	30
Minimum Wetland Setback (feet)	50	50	50
Maximum Lot Coverage (maximum percent of lot area)	0.15	N/A	N/A
<b>Minimum Total Living Area per Dwelling Unit (D.U.)</b>			
1-Story D.U. 3 Bedrooms	3,000 square feet	1,200 square feet	1,200 square feet
1-Story D.U. > 3 Bedrooms	150 square feet (a)	150 square feet (a)	150 square feet (a)
1-Story D.U. if Basement is < 600 Square Feet	250 square feet (b)	250 square feet (b)	250 square feet (b)
Multi-Story D.U. 3 Bedrooms	3,000 square feet — total & 2,000 square feet — 1st floor	1,200 square feet — total & 600 square feet — 1st floor	1,200 square feet — total & 600 square feet — 1st floor
Multi-Story D.U. > 3 Bedrooms	150 square feet (a)	150 square feet (a)	150 square feet (a)

Multi-Story D.U. if Basement is < 600 Square Feet	250 square feet (b)	250 square feet (b)	250 square feet (b)
Maximum Building Height			
Principal Structure (stories/feet)	4.5/50	4.5/50	4.5/50

Notes:

N/A = NOT APPLICABLE

(a) Add to minimum required building floor area for each bedroom in excess of three.

(b) Add to minimum required first floor area for each D.U. which has a basement less than 600 square feet

(c) Plus one additional foot for each two feet over 35 feet of building height.

(d) Plus five additional feet for each additional story above two stories of building height.

(e) See § 15-5.0108 for increased setback requirements along arterial streets and highways.

SECTION 3: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Shirley J. Roberts, City Clerk

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



**CITY OF FRANKLIN**  
**REPORT TO THE PLAN COMMISSION**

**Item C.1.**

**Meeting of May 8, 2025**

**Planned Development District**

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**RECOMMENDATION:** Department of City Development staff recommends approval of the creation of a new Planned Development District No. 44 (Haselow)

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<b>Project Name:</b>	<b>Planned Development District No. 44 (Haselow)</b>
<b>Project Address:</b>	9140 S 51 <sup>st</sup> Street
<b>Applicant:</b>	City of Franklin
<b>Property Owner:</b>	Dawn Boland and Joseph haselow
<b>Current Zoning:</b>	R-1E Countryside/Estate Single-Family Multiple Principal Residence Upon a Single Lot Estate District
<b>2025 Comprehensive Plan:</b>	Residential
<b>Planner:</b>	Luke Hamill, Associate Planner

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**Introduction:**

As part of the City of Franklin's Unified Development Ordinance Rewrite project, the existing R-1E zoning district is proposed to be removed. Since there are specific standards within this zoning district, and 9140 S 51<sup>st</sup> Street is the only parcel in the city zoned R-1E, it was recommended to the Plan Commission that a Planned Development District be created for this parcel, to retain the owner's vested property rights.

At its regular March 6, 2025 meeting, the Plan Commission carried a motion to recommend designating parcel at 9140 S 51<sup>st</sup> Street as Planned Development Legacy (in the new UDO), and direct staff to prepare a Planned Development District application for such parcel.

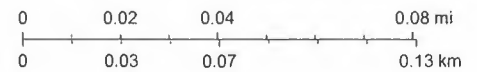
**Staff recommendation**

Department of City Development staff recommends approval of the creation of a new Planned Development District No. 44 (Haselow), subject to the conditions set forth in the attached draft ordinance.

## City of Franklin Property Viewer



1:2,257



SEWRPC, Maxar, Microsoft



# City of Franklin Property Viewer



4/17/2025, 3:09:28 PM

☐ Parcel

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# FRANKLIN FIRE DEPARTMENT



**ANNUAL  
REPORT  
2024**



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- 09 Giving Back To The Fire Service
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# Letter From The Chief



**James Mayer**  
Fire Chief

I am extremely proud to present the 2024 City of Franklin Fire Department Annual Report. Throughout 2024, the Franklin Fire Department had an eventful and busy year. Early in the year, we welcomed four new hires to fill vacancies due to retirements, while several longtime members assumed new leadership roles within the organization. Improvements in our facilities and apparatus fleet were realized, and several new programs were

implemented, all while seeing our total calls for service increase by 5.5% over the prior year. These accomplishments are a testament to the dedicated, skillful, and professional members of the City of Franklin Fire Department.

During 2024, three department members were promoted to fill vacancies in the positions of Assistant Chief of Operations, Shift Battalion Chief, and Lieutenant. This internal progression encouraged professional development at all ranks within the department, brought fresh ideas to these areas of responsibility, and contributed to succession planning throughout our department. Due to expanding our recruitment efforts the prior year to include individuals who possess Firefighter I and EMT-Basic certifications, along with being enrolled in paramedic school, we were able to hire our first employee under this recruitment enhancement in 2024 as a Probationary Firefighter/EMT.

Capital projects included the installation of new source capture vehicle exhaust systems at all three fire stations. This \$234,000 replacement project was funded by the award of a FEMA Assistance to Firefighters grant. These systems enhance the health of visitors and firefighters by effectively capturing and removing harmful diesel exhaust emissions from our fire stations. A new paramedic ambulance was delivered to MED 112, following a two-year extended delivery. This was a scheduled vehicle replacement as part of the city's capital improvement plan. Due to unexpected, severe frame rail corrosion discovered on our 2007 fire pumper, it was hastily retired. Because of extremely long delivery times for new apparatus, the department purchased a pre-owned 2013 pumper to fill its immediate need for a replacement. In December 2024, the common council supported the department's request to order a new pumper and quint with a 105-foot aerial ladder from Pierce Fire Apparatus, Inc. The approximate anticipated delivery time for these apparatuses is sometime in 2028.

Finally, over the course of the year, we were excited to welcome new fire department chaplains and launch a new cadet program for young people interested in the fire service. Through the efforts of many individuals, we are thankful to have two new department chaplains who have volunteered their time to become part of our organization. The chaplains provide extremely valuable spiritual and emotional support for our members and their families, as well as assisting members of the public who have experienced a traumatic event. Also, in partnership with the Franklin Public Schools, we launched a "Fire Cadet" program that allowed high school seniors to experience what a career in fire and emergency medical services entails. The students report to the fire station several days a week, as part of their normal class schedule, and work side-by-side with our firefighter/paramedics, including responding to emergency calls. This allows them to see how the many disciplines in public safety work together, including 911 dispatch, law enforcement, and hospital emergency room staff while exploring the potential career opportunities for their future.

We value the support received from Franklin residents, the common council, the police and fire commission and city administration in carrying out our core mission of providing skillful, professional, and compassionate service to the community. We look forward to working collaboratively to develop our department's capabilities to meet the current and future needs of our rapidly growing city.



# Who We Are

## Mission

The mission of the Franklin Fire Department is to save lives, prevent harm, and protect property by providing a skillful, professional, and compassionate response to any emergency. We will strive to keep the community and each other safe. We will act at all times with Courage, Honor, and Integrity.



## Vision

The Franklin Fire Department will be a model for efficient operation and effective response to all emergencies.

We will work within the community to protect and enhance the lives of our citizens and visitors.

We will work cooperatively with our partners in other agencies to improve emergency services on a local and regional basis.

We will employ industry best practices and strive for continuous improvement in all that we do.

We will lead by example and will be a source of pride and a force for positive change within the community.

## Statement of Values



### RESPECT

We will at all times display respect for our customers, our peers, and for each other.



### INNOVATION

We are professional problem-solvers; our creativity and ingenuity are the most important tools that we can wield.



### EXCELLENCE

Both individually and collectively, and will strive for it in all that we do.



### INTEGRITY

We recognize that our citizens are the reason for our existence, and that the trust the public places in us is hard-earned and easily lost. We will honor that trust by acting at all times with honesty and integrity.

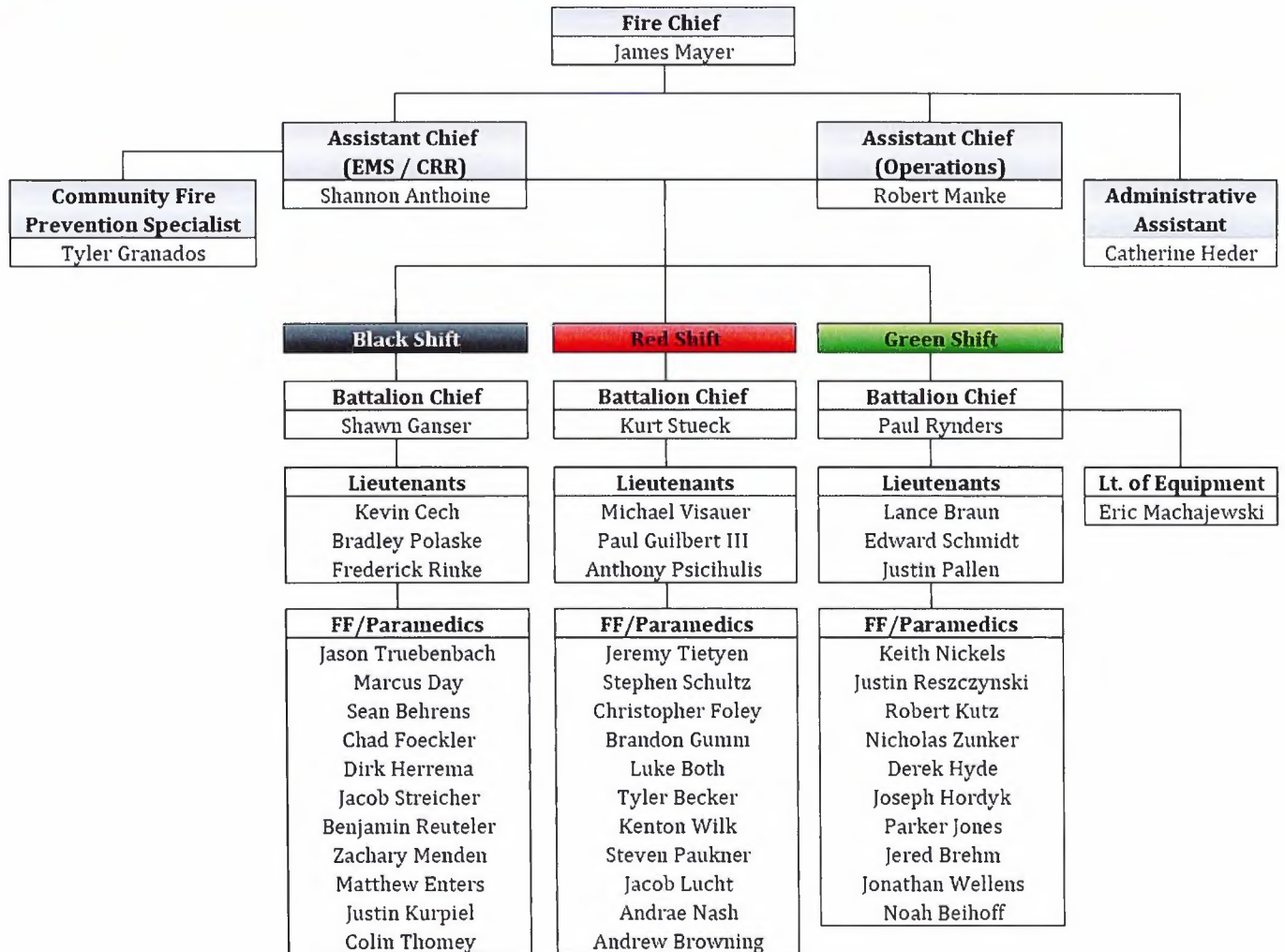


### TEAMWORK & COOPERATION

Together we are stronger, smarter, better.



# Department Organization



3

Fire Stations



48

Firefighter/  
Paramedics



1

Administrative  
Assistant



1

Fire Inspector

# Retirements



**Adam Remington**  
Fire Chief  
29 Years of Service



**James Valdez**  
Firefighter/Paramedic  
26 Years of Service



**Jill Glanz**  
Community Fire Prevention Specialist  
7 Years of Service

# Promotions



**James Mayer**  
Fire Chief



**Robert Manke**  
Assistant Chief



**Shawn Ganser**  
Battalion Chief



**Justin Pallen**  
Lieutenant

# New Hires

**Andrew Browning** - Firefighter/Paramedic  
**Noah Beihoff** - Firefighter/Paramedic  
**Colin Thomey** - Firefighter/Paramedic  
**Tyler Granados** - Community Fire Prevention Specialist

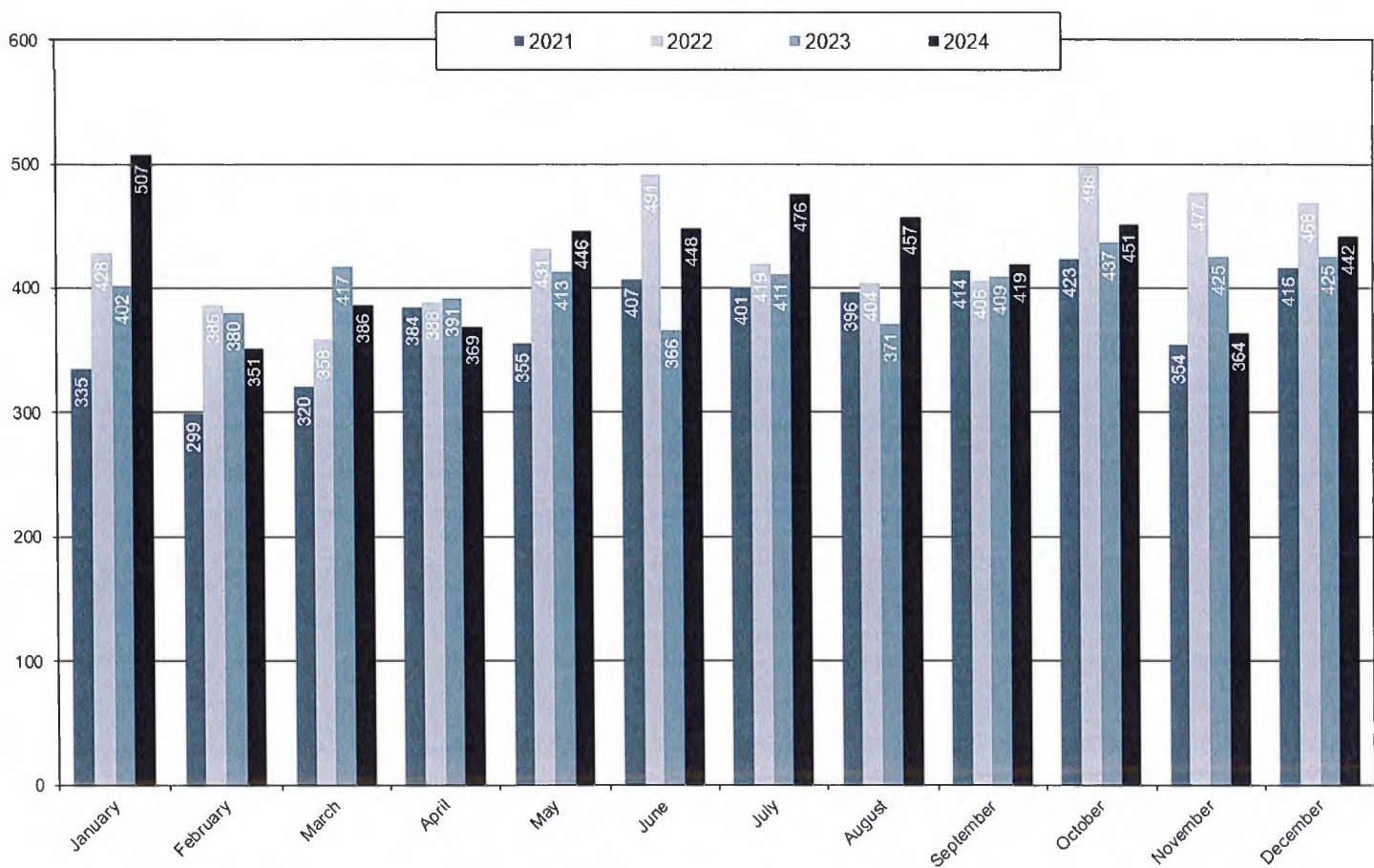
# New Members

**Chaplain** - Caleb Widmer  
**Chaplain** - Jonathan Misirian





# Calls For Service



**5,116**

Total  
Incidents

**426**

Per Month  
Average

**14**

Per Day  
Average

**5.5%**

Increase  
from 2023



# Impact By The Numbers

**2024 Year in Review**



**4,144** Emergency Medical Services



**155** Motor Vehicle Crashes



**137** Hazardous Conditions



**66** Fires - Building, Cooking, Dumpster



**41** Cardiac Arrests



**118** Service Calls

An all-paramedic department where every member of the Department puts their heart and soul into the service that they provide to the 36,417 citizens of Franklin, its visitors, and other stakeholders. Every member strives to make the department more effective, efficient, responsive, and accountable while striving for continuous improvement in all we do.



# Community Engagement

The FFD not only serves the community through emergency responses but also leads by example with continuous involvement in the community through education and special events. Providing school safety, fire inspections, pre-plans, Firefighter Is Your Friend, Survive Alive House, Station Tours and community Cardiac Pulmonary Resuscitation (CPR), Automatic External Defibrillation (AED), First Aid, Stop the Bleed, and Extinguisher training to all impacting 4,640 community members since 2021.



- National Night Out
- Trunk or Treat
- Station Tours
- Hands-Only CPR Classes
- First Aid, CPR, AED Classes
- Stop the Bleed Classes
- Extinguisher Training
- City of Franklin Safety Day
- Fire Career Days
- October Fire Safety Month
- School Safety Drills
- Games with Heroes
- Community Safety Events
- Ascension Family Night
- City of Franklin Health Fair

## Fire Prevention



801

Routine Fire Inspections



70

Plan Reviews



# Training, Learning, and Growing Together



Being committed to readiness and preparedness through training leaves our firefighter-paramedics in better positions to solve problems and be at the ready for life saving measures. The members of the Franklin Fire Department are continuously learning and growing together by keeping their skills sharp and minds open to new techniques and tactics to better serve the community.



Each year there are fire standards that need to be met by ensuring each firefighter-paramedic has the proper training to maintain proficiency in tactics and ensure safety on the fire ground. Amongst the fire training is also the 70 plus hours of Emergency Medical Service training that is held to a high standard in the State of Wisconsin to being recertified in specific categories and proficient in skills every two to three years.







# Giving Back To The Fire Service

## FFD Cadet Program



In 2024, the City of Franklin Fire Department partnered with Franklin High School to develop a fire department Cadet Program. This Cadet Program is designed to give a first hand experience into the profession of being a firefighter and emergency medical responder.



The Cadet will earn credits towards graduation and finish with a general knowledge of current firefighter tactics and skills while observing on calls and getting a real feel of being part of the crew. To be selected, the candidates had to apply through Franklin High School and go through an interview process with a Chief Officer and Program Director/Lieutenant from the Franklin Fire Department.



During the first semester we had three students from Franklin High School with two of them continuing into the second semester. We are thankful to our firefighter-paramedics whom worked with these cadets weekly and cherish their time and efforts with day in and day out as two of the three cadets this first year are pursuing further schooling into the fire service to make this a career.

## Chaplain Program Update



This year the FFD welcomed Chaplain Caleb Midmer and Chaplain Jonathan Misarian. A chaplain serves as a vital member of a fire service peer support team, offering emotional and spiritual care tailored to the unique stresses of the job. Their presence has provided FFD's firefighter-paramedics with a trusted, non-judgmental outlet to process difficult experiences, whether on or off duty.

As a solid fit within our team, they have brought stability, empathy, and confidentiality, helping to strengthen overall moral and resilience. Their involvement enhances the department's commitment to mental wellness and reinforces a culture of compassion and support.





# Contact Us



414-425-1420



[Franklin Fire Department](#)



[www.franklinwi.gov/Departments/Fire.htm](http://www.franklinwi.gov/Departments/Fire.htm)



8901 W Drexel Ave - Headquarters

**Honor - Courage - Integrity**





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<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 05/20/25
<b>REPORTS AND RECOMMENDATIONS</b>	<b>A resolution to authorize the fire department to participate in an Intergovernmental Agreement for repair and maintenance of fire, rescue and emergency medical equipment and materials with the City of Milwaukee Fire Department.</b>	<b>ITEM NUMBER</b> 95.16.

#### Summary

The Franklin Fire Department is seeking council approval to participate in an Intergovernmental Agreement with the City of Milwaukee Fire Department. As part of the fire "Shared Services" program, Milwaukee is offering the services of their fire apparatus repair shop to other suburban fire departments.

Participation in this agreement offers many advantages including faster repairs to specialized components of our vehicles such as water pumps, aerial ladders, electronics, etc. These repairs are beyond the capability of our local DPW Mechanics and often require that our vehicles be delivered to distantly located shops in Lake Mills or Markesan, WI. There are often costs associated with this delivery process, when off-duty personnel must be utilized and paid in order to avoid depleting on-duty fire department staffing within the city. The Milwaukee Fire Department shop is considerably closer, well equipped and also offers 'Roadside assistance' for some emergency repairs. According to fire chiefs from neighboring communities, they have experienced lower overall costs of repairs compared to other commercial shops. Additionally, the Milwaukee Fire Department technicians have factory certification in repairing several types of ancillary equipment such as the Power-Load cots utilized on Franklin Fire Department Paramedic units. This capability has the potential to reduce "Down time" and trip charges from factory technicians.

#### Financial Note

There is no financial commitment to the City of Franklin for participating in this agreement, other than when the services of the Milwaukee Fire Department repair shop are utilized. Participation in this agreement provides another local option for vehicle and equipment repairs that has the potential for considerable cost savings, as opposed to other commercial repair shops, often requiring equipment to be delivered over long distances.

### **COUNCIL ACTION REQUESTED**

**Motion to adopt Resolution No 2025-\_\_\_\_\_, a resolution authorizing the fire department to participate in an Intergovernmental Agreement for repair and maintenance of fire, rescue and emergency medical equipment and materials with the City of Milwaukee Fire Department.**

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO 2025-\_\_\_\_\_

A RESOLUTION TO AUTHORIZE THE FIRE DEPARTMENT TO PARTICIPATE IN AN INTERGOVERNMENTAL AGREEMENT FOR REPAIR AND MAINTENANCE OF FIRE, RESCUE AND EMERGENCY MEDICAL EQUIPMENT AND MATERIALS WITH THE CITY OF MILWAUKEE FIRE DEPARTMENT.

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WHEREAS, as part of the fire “Shared Services” program, the Milwaukee Fire Department is offering the services of their fire apparatus repair shop to other suburban fire departments

WHEREAS, participation in this agreement offers many advantages including faster repairs to specialized components of our vehicles from a shop that is well equipped and close by

WHEREAS, there is no financial commitment to the City of Franklin for participating in this agreement, other than when the services of the Milwaukee Fire Department repair shop are utilized, and has the potential for considerable cost savings, as opposed to other commercial repair shops

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Common Council of the City of Franklin, Wisconsin, agree to authorize the fire department to participate in an Intergovernmental Agreement for the repair and maintenance of fire, rescue and emergency medical equipment and materials with the City of Milwaukee Fire Department.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2025, by Alderman \_\_\_\_\_

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2025

APPROVED

---

John R. Nelson, Mayor

ATTEST

---

Shirley J. Roberts, City Clerk

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

APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 5/20/2025
REPORTS & RECOMMENDATIONS	Franklin Senior Travel Program Acknowledgment and Public Apology	ITEM NUMBER A. 17.

### BACKGROUND & PURPOSE

The Franklin Senior Travel Program, coordinated by Mr. Basil Ryan and supported by dedicated volunteers, has long served as a valued resource for Franklin's senior residents. At a recent Council meeting, discussion regarding the status of program materials led to concerns expressed by Mr. Ryan.

Following an administrative review and in recognition of Mr. Ryan's request, the Directors of Administration and Finance have prepared a formal public apology to affirm the City's appreciation for the program and to address the matter in a professional and respectful manner. The letter below will be entered into the public record.

### Formal Apology

*Dear Mr Ryan,*

*The City of Franklin wishes to extend our sincere apology for the recent miscommunication regarding the Senior Travel Program. We recognize and appreciate the time, dedication, and passion you and your fellow volunteers have contributed to enriching the lives of our senior residents.*

*We regret any concern this situation may have caused and remain grateful for your continued leadership of this critical program.*

*Respectfully,  
Kelly Hersh  
Director of Administration*

### COUNCIL ACTION REQUESTED

Informational item only. Acknowledge the City's appreciation for the Franklin Senior Travel Program and read into the record a formal letter of apology addressed to Mr. Basil Ryan.

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<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 5/20/25
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>DISCUSSION AND POSSIBLE ACTION ON THE SENIOR CITIZEN TRAVEL PROGRAM</b>	<b>ITEM NUMBER</b> Y.18.

### **BACKGROUND**

At the Common Council meeting on May 6, 2025, the Senior Citizen Travel Program provided their 2024 Annual Report. It was determined that a discussion item would be brought to the May 20, 2025 Common Council meeting for discussion and possible action on amending the 2025 budget to include additional funding for the Senior Citizen Travel Program. The Senior Citizen Travel Program is requesting a maximum of \$10,000 increase to their budget for 2025.

### **OPTIONS**

Use of Contingency funding available: \$43,000

\*The City has a severe HVAC issue requiring more use of contingency as the building maintenance budget has been depleted. The City just received another invoice for ~\$13,000 that will require a budget amendment using contingency funds or other funds deemed appropriate by the Common Council.

\*There is still 7 months left remaining of the annual budget.

Reduce taxpayer funding to St. Martin's Fair (\$30,000) or Civic Celebrations (\$41,000).

Reduce operational funding by a maximum of \$10,000 from any department.

Reduce General Fund Transfer to the Capital Improvement Fund by a maximum of \$10,000 (which would require a determination of which project would be reduced).

Provide \$0 additional funding to the Senior Citizen Travel Program with a possible 2026 budgetary increase recommendation.

Provide transfer from Severance Payments: \$75,000

\*The City has no intention to reduce personnel services in 2025.

Other option that the Common Council deems appropriate.

### **COUNCIL ACTION REQUESTED**

Discussion and Possible Action on the Senior Citizen Travel Program.

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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 5/20/2025
REPORTS & RECOMMENDATIONS	<b>A Resolution to Enforce Compliance with Wisconsin Public Records Law by Releasing Closed Legal Records Previously Withheld Under Attorney-Client Privilege</b>	ITEM NUMBER B.19.
<p><b>BACKGROUND &amp; PURPOSE</b></p> <p>Wisconsin’s Public Records Law (Wis. Stat. §§ 19.31–19.39) directs that access to public records is presumed, and denial may only occur under specific, articulable public interest considerations. As emphasized in the Wisconsin Department of Justice’s <i>Public Records Law Compliance Guide</i> (May 2024): <i>“Transparency is the cornerstone of democracy .. The denial of public access generally is contrary to the public interest, and only in an exceptional case may access be denied ”</i></p> <p>To ensure compliance with the Wisconsin Public Records Law, this action adopts a clear and enforceable policy requiring the release of previously withheld closed legal records that were previously withheld under the attorney-client privilege doctrine, unless a specific and articulable harm justifies continued nondisclosure.</p> <p>The law further emphasizes that once a matter is closed, particularly legal issues involving the conduct of public officials or the performance of city operations, continued nondisclosure must satisfy the statutory balancing test. This test requires a clear and fact-based showing that harm to the public interest would outweigh the strong legal presumption in favor of disclosure.</p> <p>The City of Franklin has historically withheld records under the umbrella of attorney-client privilege, including those involving concluded investigations, complaints, or legal matters. While attorney-client privilege may continue even after a legal matter is resolved, the privilege belongs solely to the client—here, the Common Council—and may be waived at its discretion. Importantly, privilege does not override state law. Once the legal interest in maintaining confidentiality has diminished, particularly in closed matters involving public trust, continued refusal to disclose records may conflict with the public interest and undermine both transparency and the credibility of city governance.</p> <p>This action reaffirms the City’s commitment to lawful transparency and ensures that expired claims of privilege are not misused to suppress accountability or preserve political influence.</p> <p>It also affirms the City’s intent to align current and future records practices with state law and ordinance-defined custodianship roles. While past practices may have deferred record release decisions to legal counsel, this policy restores alignment with statutory requirements by reaffirming that legal custodians, not advisors, hold decision-making authority regarding public records access. As required by Wis. Stat. § 19.33(4) and Franklin Ordinance § 72-3(C), all public records decisions must be made by the designated legal custodian. Franklin’s Municipal Code, Chapter 72, mirrors Wisconsin’s Public Records Law and reinforces that the Director of Administration, not contracted legal counsel, is the legal authority to make release determinations for City records.</p>		

## LEGAL FOUNDATION & COMPLIANCE STANDARDS

- **Wis. Stat. § 19.35(1):** Presumption of access unless exception or harm is proven.
- **Wis. Stat. § 19.31:** Declares that “the denial of public access generally is contrary to the public interest”.
- **Wis. Stat. § 905.03:** Attorney-client privilege may be waived by the client, and must not obstruct statutory obligations.
- **Balancing Test (Department of Justice Guide, p. 31):** This requires a case-by-case evaluation of the harm versus the public interest.
- **Case Law:** Courts uphold access to government legal records, especially when misconduct or credibility of officials is implicated (e.g., *Linzmeier v Forcey*, *Milwaukee J Sentinel v City of Milwaukee*, *Hempel v Baraboo*).

## CURRENT CONTEXT

The City of Franklin’s Code of Conduct has been in a moratorium, and the Ethics Board was disbanded over two decades ago. Consequently, there is no internal body through which residents or staff can bring ethical concerns forward. In this context, public access to records becomes the primary check on government accountability.

This action also addresses the inconsistency in access, where politically motivated open records requests are used to selectively release information, often when it suits specific interests, while suppressing others under expired privilege claims. This policy ensures *equal application of the law*, regardless of individual or political affiliation.

## COUNCIL ACTION REQUESTED

Motion to adopt Resolution No. 2025-\_\_\_\_, affirming the City’s compliance with Wisconsin Public Records Law and establishing a policy for the release of legal records from closed matters, as required under Wis. Stat. §§ 19.31–19.39 and in accordance with the City’s designated legal custodianship responsibilities. This action reflects not just a staff recommendation but a legal obligation to uphold transparency, statutory compliance, and the public’s right to access records, as reinforced by state law and the Wisconsin Department of Justice guidance.

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2025-\_\_\_\_

A RESOLUTION AFFIRMING THE CITY'S COMMITMENT TO COMPLIANCE WITH  
THE WISCONSIN PUBLIC RECORDS LAW AND ESTABLISHING A POLICY FOR THE  
RELEASE OF CLOSED LEGAL RECORDS

-----  
WHEREAS, the State of Wisconsin has enacted robust open government laws, including the Wisconsin Public Records Law (Wis. Stat. §§ 19.31–19.39), which declare that “all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them”; and

WHEREAS, the Department of Justice, through its 2024 Public Records Law Compliance Guide, affirms that transparency is the cornerstone of democracy and that the denial of public access is generally contrary to the public interest and permitted only in exceptional cases; and

WHEREAS, Wisconsin law provides that attorney-client privilege belongs to the governmental client, and that such privilege may be voluntarily waived when the legal matter has been resolved and continued confidentiality is no longer in the public interest; and

WHEREAS, courts and the Department of Justice have repeatedly stated that potential embarrassment, reputational damage, or political concern do not constitute valid reasons to withhold records from disclosure once the legal justification has lapsed; and

WHEREAS, the City of Franklin seeks to ensure compliance with state law, eliminate selective or politically motivated withholding of public records, and reaffirm its commitment to transparent governance;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE  
CITY OF FRANKLIN, WISCONSIN:

1. **Transparency Commitment.** The City of Franklin shall interpret and apply the Wisconsin Public Records Law with a presumption of full access to government records, in accordance with Wis. Stat. § 19.31 and applicable Department of Justice guidance.
2. **Closed Matters Subject to Disclosure.** Records previously withheld under attorney-client privilege shall be reviewed for release upon the conclusion of the legal matter. The City shall not rely on expired or resolved legal privilege to justify nondisclosure.
3. **Use of the Balancing Test.** The City shall conduct the statutory balancing test in all such cases to determine whether continued nondisclosure is necessary. Denial of access must be based on specific and articulable harm to the public interest, not general claims of sensitivity, reputation, or discomfort.



2025-\_\_\_\_ RES (RESOLUTION AFFIRMING  
COMPLIANCE WITH WISCONSIN PUBLIC  
RECORDS LAW)

Page 2

4. Policy Scope. This resolution applies to all records in the custody of the City, including those relating to prior complaints, investigations, internal legal matters, or third-party reviews, unless otherwise exempted under a valid and current statutory exception.
5. Designation of Authority. The Director of Administration, as the legal custodian for most City records, is hereby authorized to conduct record reviews and releases consistent with this policy, with the assistance of legal consultation as needed.
6. Notice to Officials. Elected officials and staff shall be notified that privilege assertions will no longer be used to delay or deny access to records when no longer legally or ethically justified under state law.

Introduced at a regular meeting of the Common Council of the City of Franklin on this 20th day of May 2025.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin on this 20th day of May 2025.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Shirley J. Roberts, City Clerk

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

# Public Records Access: FAQ

## Understanding Custodianship, Compliance, and Transparency

### **Why does the City release some records and not others?**

Wisconsin Public Records Law (Wis. Stat. §§ 19.31–19.39) requires that nearly all government records be made available to the public. Exceptions are minimal and must be supported by law. If a record is not released, it's because a specific statute or a legitimate, demonstrable public interest justifies withholding it, not because someone prefers secrecy.

### **Who decides which records are released?**

Under Wisconsin law and City ordinance, the designated legal custodian of a record is responsible for making decisions regarding the release of that record. This includes applying the balancing test where appropriate and determining whether any statutory exemptions apply.

- The Director of Administration serves as the legal custodian for most City-wide records.
- The City Clerk is the legal custodian of all Common Council records, as well as records of City boards, commissions, and committees.
- Elected officials are the legal custodians of their own records.
- Other department heads may serve as custodians for their departmental records, as outlined in the City's custodianship ordinance.

While the City Attorney does not control records, legal custodians consult with the City Attorney as needed to determine the applicability of legal exceptions, such as attorney-client privilege or pending litigation.

### **Does the City Attorney control records or decide what is released?**

No. While the City Attorney may advise on legal risks or privileged content, Wisconsin law is clear: contracted attorneys do not serve as custodians of public records (see *WIREData, Inc. v. Sussex*, 2008 WI 69). The authority to make decisions rests solely with the designated legal custodian—in this case, the Director of Administration.

### **What about records previously protected by attorney-client privilege?**

Attorney-client privilege may remain in effect even after a legal matter is resolved; however, the client, in this case, the Common Council, has the authority to waive that privilege. Once a matter is concluded, the justification for withholding related records weakens, particularly when the legal advice or issue no longer implicates active litigation or sensitive interests. In such cases, the public interest in transparency must be carefully considered. As the Wisconsin Department of Justice has stated, "Denial of public access is generally contrary to the public interest and only in exceptional cases may access be denied."



### **Why is this important for transparency?**

Access to government records is a cornerstone of democracy. The more transparent local government is, the more residents can trust that decisions are being made fairly, lawfully, and in the best interest of the public. Secrecy for the sake of convenience or political interest is not permitted under Wisconsin law.

### **What if someone disagrees with a records decision?**

Anyone may challenge a denial of access by filing a complaint with the District Attorney or by pursuing a legal remedy such as a writ of mandamus. The City also welcomes respectful public feedback and can provide clarification when requested.

### **How can I request a record?**

To maintain efficiency and consistency, all public records requests should be directed to the City's Director of Clerk Services, regardless of which department or custodian the records may involve. The Director of Clerk Services serves as the central point of contact for intake, coordination with appropriate custodians, communication with the requester, and collection of any applicable fees.

Requests may be made in writing, by email, or in person. While no specific form is required, requests must reasonably describe the records being sought. The City will respond as soon as practicable and without delay, consistent with Wisconsin's Public Records Law and the City's established procedures.

### **For more information:**

- Wisconsin DOJ Public Records Law Guide: <https://www.doj.state.wi.us/>
- Franklin Code of Ordinances, Chapter 72
- Wis. Stat. § 19.31–19.39

## ORDINANCE NO. 2023-2551

AN ORDINANCE TO AMEND §72-4F.(5) OF THE MUNICIPAL CODE PERTAINING TO THE COST OF LOCATING PUBLIC RECORDS UPON A REQUEST FOR SAME

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WHEREAS, the Office of the City Clerk is being provided with additional staff time and the funding therefore, in part to accommodate the needs of and time required for open records requests processing;

WHEREAS, considering the process needs and time to serve the public interests by City staff, officers and officials, Administration having recommended the consistent application of records location costs for the processing of open records requests;

WHEREAS, §72-4 Public access to records, of the Municipal Code, currently provides at §72-4F.(5) “[t]here shall be no charge for locating a record unless the actual cost therefor exceeds \$50, in which case the actual cost shall be the hourly wage and fringe benefits of the employee locating the record multiplied by the number of hours to the nearest 1/4 hour spent on the search.”;

WHEREAS, upon consideration of the consistent application of the location costs in the processing of open records requests, review was made of the Wisconsin Department of Justice Public Records Request Fee Schedule, providing in part with regard to location costs: “staff time (lowest possible hourly rate). In rare instances, an employee with special skills may be necessary to conduct a search and a higher hourly rate may be assessed.”, and the Wisconsin Department of Justice Wisconsin Public Records Compliance Guide, providing at page 70: “[g]enerally, the rate for an actual, necessary, and direct charge for staff time should be based on the pay rate of the lowest paid employee capable of performing the task.”; and

WHEREAS, upon review, recommendation is to clarify §72-4F.(5) with regard to the pay rate of the lowest paid employee capable of performing the task open records request process.

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

SECTION 1:           §72-4F.(5), pertaining to the cost of locating records upon a request for same, of the Municipal Code of Franklin, Wisconsin, is hereby amended to read as follows *[note deletions appear in strike-through text, additions appear in double-underlined text; unchanged text is not highlighted]*:

There shall be no charge for locating a record unless the actual cost therefor exceeds \$50, in which case the actual cost shall be the hourly wage and fringe benefits rate of the lowest paid employee capable of

performing the task locating the record multiplied by the number of hours to the nearest 1/4 hour spent on the search.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.


Introduced at a regular meeting of the Common Council of the City of Franklin this 18th day of July, 2023, by Alderman Eichmann.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 18th day of July, 2023.

APPROVED:

  
\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

  
\_\_\_\_\_  
Karen L. Kastenson, City Clerk

AYES 6

NOES 0

ABSENT 0



# Public Records Request: Decision Matrix & Checklist

## I. Decision Matrix for Public Records Requests

Question	Considerations	Action
Is the requested record in your custody, and does it exist?	Ensure the record is part of City files and is not exempt due to nonexistence or being held by another entity	Proceed to the next step if yes.
Is the record subject to an absolute statutory exemption?	Examples FERPA (student records), HIPAA (medical info), specific juvenile law provisions.	Deny the request, citing statutory exemption
Does the request involve attorney-client privileged material?	Determine if privilege still applies or has been waived by the Council. If the matter is resolved, consider whether the privilege is still justified.	If privilege no longer serves a purpose, proceed to the balancing test.
Does the record require a public interest balancing test?	If no absolute exemption applies, assess the harm of disclosure versus public benefit.	Conduct a balancing test and document reasoning.
Does the public interest in disclosure outweigh the interest in withholding?	Consider transparency, accountability, relevance to public trust, and whether harm would result.	If yes, release the record. If no, document the harm and deny.

## II. Legal Custodian Checklist for Record Release

- ☐ Verify the record exists and is in the City's custody
- ☐ Confirm no absolute statutory exemption applies
- ☐ Determine if the record falls under attorney-client privilege.
- ☐ Assess whether the legal interest in privilege remains valid or has lapsed.
- ☐ If applicable, conduct a public interest balancing test
- ☐ Document your rationale for release or denial (brief memo-to-file recommended)
- ☐ If releasing, redact sensitive information not subject to release (e.g., SSNs)
- ☐ Notify requester of decision and provide record or reason for denial
- ☐ Log request and response in your records management system

## MEMORANDUM

To: Kelly Hersh  
From: Sally A. Piefer  
Date: October 24, 2024  
RE: Open Records Requests

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Kelly,

You have asked us for a formal opinion on the following matter:

**Who is the appropriate person to respond to Open Records Requests and under what circumstances should requests involve the City Attorney?**

Wisconsin statute and the City of Franklin's ordinances allow for more than one record custodian, depending on the nature of the records that are requested.

The City of Franklin's Common Council is comprised of the Mayor and six elected members, representing the six Aldermanic Districts. Therefore, pursuant to Wis. Stat. § 19.33(2), "[t]he chairperson of a committee of elective officials, or the designee of the chairperson, is the legal custodian of the records of the committee." Pursuant to City Ordinance § 72-3, the City Clerk or the Clerk's designee acts "as the legal custodian for the City Counsel and for any committees, commissions, boards or other authorities created by ordinance or resolution of the City Council." FCO § 72-3B; *see also* Wis. Stat. 62.09(11). Any requests that seek Common Council records should be directed to the City Clerk.

For the remainder of an open records request, the Director of Administration is the record custodian. Pursuant to Wis. Stat. § 19.33(4), with the exception of record requests directed to elected officials, the City is permitted to designate in writing one or more positions as a legal custodian to fulfill its duties under Wis. Chapter. 19. Here, the City of Franklin has designated the City's "Chief Administrative Officer," or his or her designated staff, as the legal custodian. FCO § 72-3C. Therefore, any records requests that request City records, except records pertaining to the Common Council or Mayor's office, should be directed to the Director of Administration.

The role of the City Attorney is to handle the City's legal matters, which includes rendering legal opinions and providing general legal advice. While the City Clerk can designate another individual to respond to the requests, generally speaking, this individual should be employed with the City, because contracted individuals are not deemed an "authority" for purposes of Wisconsin open records laws. *WIREData, Inc. v. Vill. of Sussex*, 2008 WI 69, ¶ 74; 310 Wis. 2d 397, 438; 751 N.W.2d 736, 756 (2008). Therefore, the Clerk should be the individual responding to the open records requests and should only direct such requests to the City Attorney if s/he needs legal advice or guidance in regard to the request

## CHAPTER 19

## GENERAL DUTIES OF PUBLIC OFFICIALS

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## SUBCHAPTER I

## OFFICIAL OATHS AND BONDS

**19.01 Oaths and bonds. (1) FORM OF OATH** Every official oath required by article IV, section 28, of the constitution or by any statute shall be in writing, subscribed and sworn to and except as provided otherwise by s 757.02 and SCR 40.15, shall be in substantially the following form

STATE OF WISCONSIN,

County of \_\_\_\_\_

I, the undersigned, who have been elected (or appointed) to the office of \_\_\_\_\_, but have not yet entered upon the duties thereof, swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and will faithfully discharge the duties of said office to the best of my ability. So help me God.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, (year)  
(Signature) \_\_\_\_\_

**(1m) FORM OF ORAL OATH** If it is desired to administer the official oath orally in addition to the written oath prescribed above, it shall be in substantially the following form

I, \_\_\_\_\_, swear (or affirm) that I will support the constitution of the United States and the constitution of the state of Wisconsin, and will faithfully and impartially discharge the duties of the office of \_\_\_\_\_ to the best of my ability. So help me God.

**(2) FORM OF BOND (a)** Every official bond required of any public officer shall be in substantially the following form

We, the undersigned, jointly and severally, undertake and agree that \_\_\_\_\_, who has been elected (or appointed) to the office of \_\_\_\_\_, will faithfully discharge the duties of the office according to law, and will pay to the parties entitled to receive the same, such damages, not exceeding in the aggregate \_\_\_\_\_ dollars, as may be suffered by them in consequence of the failure of \_\_\_\_\_ to discharge the duties of the office

Dated \_\_\_\_\_, (year)

(Principal) \_\_\_\_\_

(Surety) \_\_\_\_\_

**(b)** Any further or additional official bond lawfully required of any public officer shall be in the same form and it shall not affect or impair any official bond previously given by the officer for the same or any other official term. Where such bond is in excess of the sum of \$25,000, the officer may give 2 or more bonds

**(2m) EFFECT OF GIVING BOND** Any bond purportedly given as an official bond by a public officer, of whom an official bond

printed, spoken, visual, or electromagnetic information or electronically generated or stored data is recorded or preserved, regardless of physical form or characteristics, that has been created or is being kept by an authority "Record" includes, but is not limited to, handwritten, typed, or printed pages, maps, charts, photographs, films, recordings, tapes, optical discs, and any other medium on which electronically generated or stored data is recorded or preserved "Record" does not include drafts, notes, preliminary computations, and like materials prepared for the originator's personal use or prepared by the originator in the name of a person for whom the originator is working, materials that are purely the personal property of the custodian and have no relation to his or her office, materials to which access is limited by copyright, patent, or bequest, and published materials in the possession of an authority other than a public library that are available for sale, or that are available for inspection at a public library

(2g) "Record subject" means an individual about whom personally identifiable information is contained in a record

(3) "Requester" means any person who requests inspection or copies of a record, except a committed or incarcerated person, unless the person requests inspection or copies of a record that contains specific references to that person or his or her minor children for whom he or she has not been denied physical placement under ch 767, and the record is otherwise accessible to the person by law

(3m) "Special purpose district" means a district, other than a state governmental unit or a county, city, village, or town, that is created to perform a particular function and whose geographic jurisdiction is limited to some portion of this state

(4) "State public office" has the meaning given in s 19.42 (13), but does not include a position identified in s 20.923 (6) (f) to (gm)

**History:** 1981 c. 335, 1985 a. 26, 29, 332, 1987 a. 305, 1991 a. 39, 1991 a. 269 ss. 26pd, 33b, 1993 a. 215, 263, 491, 1995 a. 158, 1997 a. 79, 94, 1999 a. 9, 2001 a. 16, 2003 a. 47, 2005 a. 387, 2007 a. 20; 2013 a. 171, 265, 2015 a. 195, 196

**NOTE:** 2003 Wis. Act 47, which affected this section, contains extensive explanatory notes.

A study commissioned by the corporation counsel and used in various ways was not a "draft" under sub. (2), although it was not in final form. A document prepared other than for the originator's personal use, although in preliminary form or marked "draft," is a record. *Fox v Bock*, 149 Wis. 2d 403, 438 N.W.2d 589 (1989)

A settlement agreement containing a pledge of confidentiality and kept in the possession of a school district's attorney was a public record subject to public access. *Journal/Sentinel, Inc. v School Board*, 186 Wis. 2d 443, 521 N.W.2d 165 (Ct. App. 1994)

Individuals confined as sexually violent persons under ch 980 are not "incarcerated" under sub. (1c). *Klein v Wisconsin Resource Center*, 218 Wis. 2d 487, 582 N.W.2d 44 (Ct. App. 1998), 97-0679

A nonprofit corporation that receives 50 percent of its funds from a municipality or county is an authority under sub. (1) regardless of the source from which the municipality or county obtains those funds. *Cavey v Walrath*, 229 Wis. 2d 105, 598 N.W.2d 240 (Ct. App. 1999), 98-0072

A person aggrieved by a request made under the open records law has standing to raise a challenge that the requested materials are not records because they fall within the exception for copyrighted material under sub. (2). Under the facts of this case, the language of sub. (2), when viewed in light of the fair use exception to copyright infringement, applied so that the disputed materials were records within the statutory definition. *Zellner v Cedarburg School District*, 2007 WI 53, 300 Wis. 2d 290, 731 N.W.2d 240, 06-1143

"Record" in sub. (2) and s. 19.35 (5) does not include identical copies of otherwise available records. A copy that is not different in some meaningful way from an original, regardless of the form of the original, is an identical copy. If a copy differs in some significant way for purposes of responding to an open records request, then it is not truly an identical copy, but instead a different record. *Stone v Board of Regents*, 2007 WI App 223, 305 Wis. 2d 679, 741 N.W.2d 774, 06-2537

A municipality's independent contractor assessor was not an authority under sub. (1) and was not a proper recipient of an open records request. In this case, only the municipalities themselves were the "authorities" for purposes of the open records law. Accordingly, only the municipalities were proper recipients of the relevant open records requests. *WIREdata, Inc. v Village of Sussex*, 2008 WI 69, 310 Wis. 2d 397, 751 N.W.2d 736, 05-1473

A corporation is quasi-governmental if, based on the totality of the circumstances, it resembles a governmental corporation in function, effect, or status, requiring a case-by-case analysis. Here, a primary consideration was that the body was funded exclusively by public tax dollars or interest thereon. Additionally, its office was located in the municipal building, it was listed on the city website, the city provided it with clerical support and office supplies, all its assets revert to the city if

it ceased to exist, its books were open for city inspection, the mayor and another city official were directors, and it had no clients other than the city. *State v Beaver Dam Area Development Corp.*, 2008 WI 90, 312 Wis. 2d 84, 752 N.W.2d 295, 06-0662

Employees' personal emails were not subject to disclosure in this case. *Schill v Wisconsin Rapids School District*, 2010 WI 86, 327 Wis. 2d 572, 786 N.W.2d 177, 08-0967

Redacted portions of emails, who sent the emails, and where they were sent from were not "purely personal" and therefore subject to disclosure. Public awareness of who is attempting to influence public policy is essential for effective oversight of our government. Whether a communication is sent to a public official from a source that appears associated with a particular unit of government, a private entity, or a nonprofit organization, or from individuals who may be associated with a specific interest or particular area of the state, from where a communication is sent further assists the public in understanding who is attempting to influence public policy and why. *John K. MacIver Institute for Public Policy, Inc. v Erpenbach*, 2014 WI App 49, 354 Wis. 2d 61, 848 N.W.2d 862, 13-1187

To be a "quasi governmental corporation" under sub. (1), an entity must first be a corporation. To hold that the term "quasi-governmental corporation" includes an entity that is not a corporation would effectively rewrite the statute to eliminate the legislature's use of the word corporation. *Wisconsin Professional Police Ass'n v Wisconsin Counties Ass'n*, 2014 WI App 106, 357 Wis. 2d 687, 855 N.W.2d 715, 14-0249

"Notes" in sub. (2) covers a broad range of frequently created, informal writings. Documents found to be notes in this case were mostly handwritten and at times barely legible. They included copies of post-it notes and telephone message slips, and in other ways appeared to reflect hurried, fragmentary, and informal writing. A few documents were in the form of draft letters, but were created for and used by the originators as part of their preparation for, or as part of their processing after, interviews that they conducted. *Voice of Wisconsin Rapids, LLC v Wisconsin Rapids Public School District*, 2015 WI App 53, 364 Wis. 2d 429, 867 N.W.2d 825, 14-1256

The exception from the definition of "record" in sub. (2) of notes "prepared for the originator's personal use" may apply to notes that are created or used in connection with government work and with a governmental purpose. *Voice of Wisconsin Rapids, LLC v Wisconsin Rapids Public School District*, 2015 WI App 53, 364 Wis. 2d 429, 867 N.W.2d 825, 14-1256

A district attorney is employed by an authority and holds a state public office and therefore is not an "employee" within the meaning of sub. (1b). *Moustakis v Department of Justice*, 2016 WI 42, 368 Wis. 2d 677, 880 N.W.2d 142, 14-1853

Each case involving an alleged quasi-governmental corporation must be decided on the particular facts presented. An entity is a quasi governmental corporation if, based on the totality of the circumstances, the entity resembles a governmental corporation in function, effect, or status. Accordingly courts must consider a nonexhaustive list of factors, with no single factor being outcome determinative. The five factors that guided the supreme court's conclusion in *Beaver Dam Area Development Corp.*, 2008 WI 90, are: 1) whether the entity's funding comes from predominantly public or private sources, 2) whether the entity serves a public function, 3) whether the entity appears to the public to be a government entity, 4) the degree to which the entity is subject to government control, and 5) the amount of access governmental bodies have to the entity's records. *State ex rel Flynn v Kemper Center, Inc.* 2019 WI App 6, 385 Wis. 2d 811, 924 N.W.2d 218, 17-1897

There is no requirement under sub. (2) that a record be created by a public authority. Privately created materials are not exempt from disclosure. *Journal Sentinel, Inc. v Milwaukee County Sheriff's Office*, 2022 WI App 44, 404 Wis. 2d 328, 979 N.W.2d 609, 21-0615

"Records" must have some relation to the functions of the agency. 72 Atty Gen 99

Discussing the treatment of drafts under the public records law. 77 Atty Gen 100

Applying Open Records Policy to Wisconsin District Attorneys. Can Charging Guidelines Promote Public Awareness? Mayer 1996 WLR 295

**19.33 Legal custodians.** (1) An elective official is the legal custodian of his or her records and the records of his or her office, but the official may designate an employee of his or her staff to act as the legal custodian

(2) The chairperson of a committee of elective officials, or the designee of the chairperson, is the legal custodian of the records of the committee.

(3) The cochairpersons of a joint committee of elective officials, or the designee of the cochairpersons, are the legal custodians of the records of the joint committee.

(4) Every authority not specified in subs. (1) to (3) shall designate in writing one or more positions occupied by an officer or employee of the authority or the unit of government of which it is a part as a legal custodian to fulfill its duties under this subchapter. In the absence of a designation the authority's highest ranking officer and the chief administrative officer, if any, are the legal custodians for the authority. The legal custodian shall be vested by the authority with full legal power to render decisions and carry out the duties of the authority under this subchapter. Each authority shall provide the name of the legal custodian and a description of the nature of his or her duties under this subchapter.

the court shall award the individual actual damages sustained by the individual as a consequence of the failure

(3) **PUNITIVE DAMAGES** If a court finds that an authority or legal custodian under s 19.33 has arbitrarily and capriciously denied or delayed response to a request or charged excessive fees, the court may award punitive damages to the requester

(4) **PENALTY** Any authority which or legal custodian under s 19.33 who arbitrarily and capriciously denies or delays response to a request or charges excessive fees may be required to forfeit not more than \$1,000. Forfeitures under this section shall be enforced by action on behalf of the state by the attorney general or by the district attorney of any county where a violation occurs. In actions brought by the attorney general, the court shall award any forfeiture recovered together with reasonable costs to the state, and in actions brought by the district attorney, the court shall award any forfeiture recovered together with reasonable costs to the county

**History:** 1981 c 335, 391, 1991 a. 269 s. 43d, 1995 a. 158, 1997 a. 94

If an agency exercises due diligence but is unable to respond timely to a records request, the plaintiff must show that a mandamus action was necessary to secure the records release to qualify for an award of fees and costs under sub. (2). *Racine Education Ass'n v Board of Education*, 145 Wis. 2d 518, 427 N.W.2d 414 (Ct. App. 1988). But see *Friends of Frame Park, U.A. v City of Waukesha*, 2022 WI 57, 403 Wis. 2d 1, 976 N.W.2d 263, 19-0096.

Assuming sub. (1) (a) applies before mandamus is issued, the trial court retains discretion to refuse counsel's participation in an in camera inspection. *Milwaukee Journal v Call*, 153 Wis. 2d 313, 450 N.W.2d 515 (Ct. App. 1989).

If the trial court has an incomplete knowledge of the contents of the public records sought, it must conduct an in camera inspection to determine what may be disclosed following a custodian's refusal. *State ex rel. Morke v Donnelly*, 155 Wis. 2d 521, 455 N.W.2d 893 (1990).

A pro se litigant is not entitled to attorney fees. *State ex rel. Young v Shaw*, 165 Wis. 2d 276, 477 N.W.2d 340 (Ct. App. 1991).

Actions brought under the open meetings and open records laws are exempt from the notice provisions of former s. 893.80 (1), 1993 stats. *State ex rel. Auchinleck v Town of LaGrange*, 200 Wis. 2d 585, 547 N.W.2d 587 (1996), 94-2809.

An inmate's right to mandamus under this section is subject to s 801.02 (7), which requires exhaustion of administrative remedies before an action may be commenced. *Moore v Stahowiak*, 212 Wis. 2d 744, 569 N.W.2d 711 (Ct. App. 1997), 96-2547.

When requests are complex, municipalities should be afforded reasonable latitude in time for their responses. An authority should not be subjected to the burden and expense of a premature public records lawsuit while it is attempting in good faith to respond, or to determine how to respond, to a request. What constitutes a reasonable time for a response by an authority depends on the nature of the request, the staff and other resources available to the authority to process the request, the extent of the request, and other related considerations. *WIREdata, Inc. v Village of Sussex*, 2008 WI 69, 310 Wis. 2d 397, 751 N.W.2d 736, 05-1473.

The legislature did not intend to allow a record requester to control or appeal a mandamus action brought by the attorney general under sub. (1) (b). Sub. (1) outlines two distinct courses of action when a records request is denied, dictates distinct courses of action, and prescribes different remedies for each course. Nothing suggests that a requester is hiring the attorney general as a sort of private counsel to proceed with the case or that the requester would be a named plaintiff in the case with the attorney general appearing as counsel of record when proceeding under sub. (1) (b). *State v Zien*, 2008 WI App 153, 314 Wis. 2d 340, 761 N.W.2d 15, 07-1930.

This section unambiguously limits punitive damages claims under sub. (3) to mandamus actions. The mandamus court decides whether there is a violation and, if so, whether it caused actual damages. Then, the mandamus court may consider whether punitive damages should be awarded under sub. (3). *Capital Times Co. v Doyle*, 2011 WI App 137, 337 Wis. 2d 544, 807 N.W.2d 666, 10-1687.

Under the broad terms of s. 51.30 (7), the confidentiality requirements created under s 51.30 generally apply to "treatment records" in criminal not guilty by reason of insanity (NGI) cases. All conditional release plans in NGI cases are, by statutory definition, treatment records. They are "created in the course of providing services to individuals for mental illness," and thus should be deemed confidential. An order of placement in an NGI case is not a "treatment record." *La Crosse Tribune v Circuit Court*, 2012 WI App 42, 340 Wis. 2d 663, 814 N.W.2d 867, 10-3120.

The newspaper argued that s. 19.88 (3), of the open meetings law which requires "the motions and roll call votes of each meeting of a governmental body shall be recorded, preserved and open to public inspection," in turn, required the commission to record and disclose the information the newspaper requested under the open records law. The newspaper could not seek relief under the public records law for the commission's alleged violation of the open meetings law and could not recover reasonable attorney fees, damages, and other actual costs under sub. (2) for an alleged violation of the open meetings law. *Journal Times v City of Racine Board of Police & Fire Commissioners*, 2015 WI 56, 362 Wis. 2d 577, 866 N.W.2d 563, 13-1715.

A record custodian should not automatically be subject to potential liability under sub. (2) (a) for actively providing information which it is not required to do in response to a public records request, to a requester when no record exists. While it might be a better course to inform a requester that no record exists, the language of the public records law does not specifically require such a response. *Journal Times*

*v City of Racine Board of Police & Fire Commissioners*, 2015 WI 56, 362 Wis. 2d 577, 866 N.W.2d 563, 13-1715.

A mandamus litigant has prevailed in substantial part, and thus is entitled to fees, when the requester obtains access to improperly withheld public records through a judicial order. That a requester may have succeeded in obtaining access to some but not all of the records is an issue subject to the court's discretion in considering the amount of reasonable fees to be awarded. Under this section, the analysis of the extent of access goes to the discretionary award of reasonable fees, not the threshold determination of eligibility. *Meinecke v Thyges*, 2021 WI App 58, 399 Wis. 2d 1, 963 N.W.2d 816, 20-0338. See also *Friends of Frame Park, U.A. v City of Waukesha*, 2022 WI 57, 403 Wis. 2d 1, 976 N.W.2d 263, 19-0096.

For purposes of the fee shifting provision under sub. (2) (a), to prevail in whole or in substantial part means the party must obtain a judicially sanctioned change in the parties' legal relationship. *Friends of Frame Park, U.A. v City of Waukesha*, 2022 WI 57, 403 Wis. 2d 1, 976 N.W.2d 263, 19-0096. But see *Wisconsin State Journal v Blazel*, 2023 WI App 18, 407 Wis. 2d 472, 991 N.W.2d 450, 21-1196.

*Friends of Frame Park*, 2022 WI 57, does not preclude applying the prevailing-party test in a case in which a governmental authority voluntarily releases the requested records after initially denying their release. A decision on the merits challenging the authority's initial outright denial of the records requests will have a practical effect on the requester's entitlement to attorney fees. More specifically if a court were to rule in favor of the requesters, then the requesters would meet the prevailing-party test stated in *Friends of Frame Park*. *Wisconsin State Journal v Blazel*, 2023 WI App 18, 407 Wis. 2d 472, 991 N.W.2d 450, 21-1196.

Actual damages are the liability of the agency. Punitive damages and forfeitures can be the liability of either the agency or the legal custodian, or both. Section 895.46 (1) (a) probably provides indemnification for punitive damages assessed against a custodian, but not for forfeitures. 72 Atty. Gen. 99.

Sovereign immunity is waived when a state removes a case to federal court. In that situation, there is no bar related to jurisdiction or sovereign immunity that prevents the federal court from compelling the state to produce records under the Wisconsin open records law. *Friends of Blue Mound State Park v DNR*, 654 F. Supp. 3d 807 (2023).

**19.39 Interpretation by attorney general.** Any person may request advice from the attorney general as to the applicability of this subchapter under any circumstances. The attorney general may respond to such a request.

**History:** 1981 c 335

## SUBCHAPTER III

### CODE OF ETHICS FOR PUBLIC OFFICIALS AND EMPLOYEES

**19.41 Declaration of policy.** (1) It is declared that high moral and ethical standards among state public officials and state employees are essential to the conduct of free government, that the legislature believes that a code of ethics for the guidance of state public officials and state employees will help them avoid conflicts between their personal interests and their public responsibilities, will improve standards of public service and will promote and strengthen the faith and confidence of the people of this state in their state public officials and state employees.

(2) It is the intent of the legislature that in its operations the commission shall protect to the fullest extent possible the rights of individuals affected.

**History:** 1973 c. 90; Stats 1973 s. 11.01, 1973 c. 334 s. 33, Stats 1973 s. 19.41, 1977 c. 277, 2015 a. 118 s. 266 (10).

**19.42 Definitions.** In this subchapter:

(1) "Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, but does not include compensation and expenses paid by the state, fees and expenses which are permitted and reported under s 19.56, political contributions which are reported under ch 11, or hospitality extended for a purpose unrelated to state business by a person other than an organization.

(2) "Associated," when used with reference to an organization, includes any organization in which an individual or a member of his or her immediate family is a director, officer, or trustee, or owns or controls, directly or indirectly, and severally or in the aggregate, at least 10 percent of the outstanding equity or of which an individual or a member of his or her immediate family is an authorized representative or agent.



May 2024

# Wisconsin Public Records Law Compliance Guide



Wisconsin Department of Justice  
Attorney General Josh Kaul

# Message from the Office of Open Government

It is imperative that we recognize that transparency is the cornerstone of democracy and that citizens cannot hold elected officials accountable in a representative government unless government is performed in the open

The Wisconsin Department of Justice (DOJ) plays an important role in ensuring Wisconsin's open government laws are properly and faithfully executed by public officials. The Wisconsin DOJ's Office of Open Government makes available a snapshot of all public records requests pending each week, average monthly response times for the office, and responses to public records requests that may be of public interest on the Wisconsin DOJ Website. Wisconsin DOJ responds to hundreds of inquiries every year concerning issues related to the open meetings law and the public records law, and instructs on open government at conferences, seminars, and training sessions. In these ways, the Office of Open Government provides resources and services to all state, regional, and local government entities and citizens.

Wisconsin's open government laws promote democracy by ensuring that all state, regional and local governments conduct their business with transparency. Wisconsin citizens have a right to know how their government is spending their tax dollars and exercising the powers granted by the people. This guide is a resource for everyone to understand and exercise their right to access their government.

This compliance guide may be accessed, downloaded or printed free of charge from the Wisconsin DOJ website, by visiting <https://www.wisdoj.gov>. Please share this guide with your constituencies and colleagues.

Records custodians and all those who perform public duties are encouraged to contact the Office of Open Government if we can be of assistance.

Office of Open Government  
Paul M. Ferguson, Assistant Attorney General  
Wisconsin Department of Justice  
P.O. Box 7857  
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Public Records/Open Meetings (PROM) Help Line: (608) 267-2220  
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- Quasi-governmental corporations are not limited to corporations created by acts of government <sup>54</sup>
- Determining whether a corporation is a quasi-governmental corporation requires a case-by-case analysis <sup>55</sup> No one factor is conclusive The non-exclusive list of factors considered in *Beaver Dam Area Development Corp* fall into five basic categories <sup>56</sup>
  - The extent to which the private corporation is supported by public funds,
  - Whether the private corporation serves a public function and, if so, whether it also has other, private functions,
  - Whether the private corporation appears in its public presentations to be a governmental entity,
  - The extent to which the private corporation is subject to governmental control, and
  - The degree of access that government bodies have to the private corporation's records
- A special purpose district <sup>57</sup>
- Any court of law
- The state assembly or senate
- A nonprofit corporation that receives more than 50% of its funds from a county or municipality and which provides services related to public health or safety to the county or municipality
- A university police department under Wis Stat § 175.42 <sup>58</sup>
- A formally constituted sub-unit of any of the above <sup>59</sup>

### **"Legal Custodian"**

- The legal custodian is vested by the authority with full legal power to render decisions and carry out the authority's statutory public records responsibilities <sup>60</sup>
- Identified in Wis Stat § 19.33(1)–(5)

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<sup>54</sup> *Id.* ¶ 44

<sup>55</sup> *Id.* ¶¶ 8-9

<sup>56</sup> OAG I-02 09 (Mar 19, 2009)

<sup>57</sup> Lundy Correspondence (Dec 21, 2021)

<sup>58</sup> Mattea Correspondence (Sept. 17 2021)

<sup>59</sup> See *Wis Pro Police Ass'n v Wis Cty's Ass'n*, 2014 WI App 106, ¶ 15 357 Wis 2d 687 855 N.W.2d 715 (unincorporated association is not an 'authority')

<sup>60</sup> Wis. Stat. § 19.33(4).

- An elective official is the legal custodian of his or her records and the records of his or her office. An elective official may designate an employee to act as the legal custodian.
- The chairperson of a committee of elective officials, or the chairperson's designee, is the legal custodian of the records of the committee. Similarly, the co-chairpersons of a joint committee of elective officials, or their designees, are the legal custodians of the records of the committee.
- For every other authority, the authority must designate one or more positions occupied by an officer or employee of the authority or the unit of government of which it is a part to be its legal custodian and fulfill its duties under the public records law. If no designation is made, the default is the authority's highest-ranking officer and its chief administrative officer, if there is such a person.
- There are special provisions in Wis. Stat. § 19.33(5) if the members of an authority are appointed by another authority.
- No elective official is responsible for the records of any other elective official unless he or she has possession of the records of that other elected official.<sup>61</sup>
- Legal custodian of law enforcement records, for purposes of public records requests
  - The legal custodian of a law enforcement record is the authority for which the record is stored, processed, or otherwise used.<sup>62</sup>
  - The legal custodian is *not* the local information technology authority having custody of a law enforcement record for the primary purpose of information storage, information technology processing, or other information technology.<sup>63</sup>
- Denial of misdirected requests. A local information technology authority that receives a request for access to information in a law enforcement record must deny any portion of the request that relates to information in a local law enforcement record.<sup>64</sup>
  - Wis. Stat. § 19.35(7)(a)2 defines "law enforcement record" as a record that is created or received by a law enforcement agency and that relates to an investigation conducted by a law enforcement agency or a request for a law enforcement agency to provide law enforcement services.
  - "Law enforcement agency" means a governmental unit of one or more persons employed full time by the state or a political subdivision of the state for the purpose of preventing and detecting crime and enforcing state laws or local ordinances, employees of which are authorized to make arrests for crimes while acting within the scope of their authority.<sup>65</sup>

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<sup>61</sup> Wis. Stat. § 19.35(6)

<sup>62</sup> Wis. Stat. § 19.35(7)(b)

<sup>63</sup> Wis. Stat. § 19.35(7)(b)

<sup>64</sup> Wis. Stat. § 16.35(7)(c)

<sup>65</sup> Wis. Stat. § 19.35(7)(a)1, by cross reference to Wis. Stat. § 165.83(1)(b)

- The purpose of the “subject matter or length of time” limitations is to prevent unreasonably burdening a records custodian by requiring the records custodian to spend excessive amounts of time and resources deciphering and responding to a request <sup>86</sup>
- The public records law will not be interpreted to impose such a burden upon a records custodian that normal functioning of the office would be severely impaired <sup>87</sup>
- A records custodian should not have to guess at what records a requester desires <sup>88</sup>
- A records custodian may not deny a request solely because the records custodian believes that the request could be narrowed <sup>89</sup>
- The fact that a public records request may result in generation of a large volume of records is not, in itself, a sufficient reason to deny a request as not properly limited <sup>90</sup>
  - At some point, an overly broad request becomes sufficiently excessive to warrant rejection pursuant to Wis. Stat. § 19.35(1)(h) <sup>91</sup>
  - The public records law does not impose unlimited burdens on authorities and records custodians <sup>92</sup>
- A records custodian may contact a requester to clarify the scope of a confusing request, or to advise the requester about the number and cost of records estimated to be responsive to the request. These contacts, which are not required by the public records law, may assist both the records custodian and the requester in determining how to proceed. Records custodians making these courtesy contacts should take care not to communicate with the requester in a way likely to be interpreted as an attempt to chill the requester’s exercise of his or her rights under the public records law.

## Format

- “Magic words” are not required. A request which reasonably describes the information or record requested is sufficient <sup>93</sup>
- A request, reasonably construed, triggers the statutory requirement to respond. For example, a request made under the “Freedom of Information Act” should be interpreted as being made under the Wisconsin public records law <sup>94</sup>

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<sup>86</sup> *Schopper*, 210 Wis. 2d at 213, *Gehl*, 2007 WI App 238, ¶ 17

<sup>87</sup> *Schopper*, 210 Wis. 2d at 213

<sup>88</sup> *Seifert*, 2007 WI App 207, ¶ 42

<sup>89</sup> *Gehl*, 2007 WI App 238, ¶ 20

<sup>90</sup> *Id.* ¶ 23

<sup>91</sup> *Id.* ¶ 24

<sup>92</sup> *Id.* ¶ 23 (request too burdensome when it would have required production of voluminous records relating to virtually all county zoning matters over a two-year period without regard to the parties involved or whether the matters implicated requester’s interests in any way)

<sup>93</sup> Wis. Stat. § 19.35(1)(h)

<sup>94</sup> See *ECO, Inc.*, 2002 WI App 302, ¶ 23



- A request is sufficient if it is directed at an authority and reasonably describes the records or information requested <sup>95</sup>
- No specific form is permitted to be required by the public records law

## Ongoing Requests

“Continuing” requests are not contemplated by the public records law. The right of access applies only to records that exist at the time the request is made, and the law contemplates custodial decisions being made with respect to a specific request at the time the request is made <sup>96</sup> The Attorney General has long interpreted this status as not requiring a record custodian to honor prospective continuing requests for records <sup>97</sup>

## Requests Are Records

Public records requests received by an authority are themselves “records” for purposes of the public records law <sup>98</sup>

## THE RESPONSE TO THE REQUEST

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### Mandatory

The public records law provides that a records custodian, to the extent that responsive records exist, must respond to a public records request either by fulfilling the request or denying the request. The records custodian must respond to a public records request <sup>99</sup>

### Timing

Responses must be provided “as soon as practicable and without delay” <sup>100</sup>

- The public records law does not require a response within any specific date and time, such as “two weeks” or “48 hours” <sup>101</sup>
- Wisconsin DOJ has stated that, generally, 10 working days is a reasonable time for an authority to respond to a simple request for a limited number of easily identifiable records. For requests that are not simple and those that are broader in scope, or that require location, review, or redaction of multiple records, a reasonable time for responding may be longer

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<sup>95</sup> *Seifert*, 2007 WI App 207, ¶ 39 (request for records created during investigation or relate to disposition of investigation not construed to include billing records of attorneys involved in investigation)

<sup>96</sup> 73 Op. Att’y Gen. 37, 44 (1984)

<sup>97</sup> *Id.*

<sup>98</sup> *Nichols*, 199 Wis. 2d at 275

<sup>99</sup> *ECO Inc.*, 2002 WI App 302, ¶ 24. Cf. *State ex rel. Zinngrabe v. Sch. Dist. of Sevastopol*, 146 Wis. 2d 629, 633, 431 N.W.2d 734 (Ct. App. 1988) (“An authority cannot deny or withhold access to that which does not exist.”)

<sup>100</sup> Wis. Stat. § 19.35(4)(a)

<sup>101</sup> See *J. Times v. City of Racine Bd. of Police & Fire Comm’rs*, 2015 WI 56, ¶ 85, 362 Wis. 2d 577, 866 N.W.2d 563

- An authority is not obligated to respond within a timeframe unilaterally identified by a requester, such as “I will consider my request denied if no response is received by Friday and will seek all available legal relief.” To avoid later misunderstandings, it may be prudent for an authority receiving such a request to send a brief acknowledgment indicating when a response reasonably might be anticipated
- What constitutes a reasonable time for a response to any specific request depends on the nature of the request, the staff and other resources available to the authority to process the request, the extent of the request, and related considerations. Whether an authority is acting with reasonable diligence in responding to a particular request will depend on the totality of circumstances surrounding that request <sup>102</sup>
- Requests for public records should be given high priority
- Compliance at some unspecified future time is not authorized by the public records law. The records custodian has two choices: comply or deny <sup>103</sup>
- An authority should not be subjected to the burden and expense of a premature public records lawsuit while it is attempting in good faith to respond, or to determine how to respond, to a public records request <sup>104</sup>
- An arbitrary and capricious delay or denial exposes the records custodian to punitive damages and a \$1,000.00 forfeiture <sup>105</sup>. See Enforcement and Penalties, below

## Format

If the request is in writing, a denial or partial denial of access also must be in writing <sup>106</sup>

## Content of Denials

Reasons for denial must be *specific* and *sufficient*.<sup>107</sup>

- A records custodian need not provide facts supporting the reasons it identifies for denying a public records request, but must provide specific reasons for the denial <sup>108</sup>
- Just stating a conclusion without explaining specific reasons for denial does not satisfy the requirement of specificity
  - If confidentiality of requested records is guaranteed by statute, citation to that statute is sufficient

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<sup>102</sup> *WIREdata II*, 2008 WI 69, ¶ 56

<sup>103</sup> *WTMJ, Inc v. Sullivan*, 204 Wis. 2d 452, 457–58, 555 N.W.2d 140 (Ct. App. 1996)

<sup>104</sup> *WIREdata II*, 2008 WI 69, ¶ 56

<sup>105</sup> Wis. Stat. § 19.37

<sup>106</sup> Wis. Stat. § 19.35(4)(b)

<sup>107</sup> *Cf. Hempel*, 2005 WI 120, ¶¶ 25–26

<sup>108</sup> *Id.* ¶ 79

*Exception* The home address of an individual holding an elective public office or the home address of an individual who, as a condition of employment, is required to live in a specific location may be disclosed <sup>163</sup>

- Information related to a current investigation of possible employee criminal conduct or misconduct connected to employment prior to the disposition of the investigation <sup>164</sup>
  - **Caution** This exemption does not apply to individuals holding a local public office or state public office in the authority to which the request is addressed <sup>165</sup>
  - An “investigation” reaches its final “disposition” when the public employer has completed the investigation and acts to impose discipline. A post-investigation grievance filed pursuant to a collective bargaining agreement does not extend the “investigation” for purposes of the statute <sup>166</sup>
  - This exception codifies common law standards and continues the tradition of keeping records related to misconduct investigations closed while those investigations are ongoing, but providing public oversight over the investigations after they have concluded <sup>167</sup>
- Information pertaining to an employee’s employment examination, except an examination score if access to that score is not otherwise prohibited <sup>168</sup>
  - **Caution** This exemption does not apply to individuals holding a local public office or state public office in the authority to which the request is addressed <sup>169</sup>
- Information relating to one or more specific employees that is used by an authority or by the employer of the employees for staff management planning, including performance evaluations, judgments, or recommendations concerning future salary adjustments or other wage treatments, management bonus plans, promotions, job assignments, letters of reference, or other comments or ratings relating to employees <sup>170</sup>
  - **Caution** This exemption does not apply to individuals holding a local public office or state public office in the authority to which the request is addressed <sup>171</sup>

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<sup>163</sup>*Id*

<sup>164</sup> Wis. Stat. § 19.36(10)(b), Wis. Stat. § 230.13

<sup>165</sup> See Wis. Stat. § 19.32(1bg)

<sup>166</sup> See *Loc 2489 v. Rock County*, 2004 WI App 210, ¶¶ 12, 15, 277 Wis. 2d 208, 689 N.W.2d 644, *Zellner I*, 2007 WI 53, ¶¶ 33–38

<sup>167</sup> *Kroeplin*, 2006 WI App 227, ¶ 31, see also *Hagen v. Bd. of Regents of Univ. of Wis. Sys.*, 2018 WI App 43, ¶¶ 6–9, 383 Wis. 2d 567, 916 N.W.2d 198

<sup>168</sup> Wis. Stat. § 19.36(10)(c), Wis. Stat. § 230.13

<sup>169</sup> See Wis. Stat. § 19.32(1bg)

<sup>170</sup> Wis. Stat. § 19.36(10)(d), Wis. Stat. § 230.13, see also *Lakeland Times*, No. 2014AP95 ¶¶ 22–37 (report of comments about job applicant obtained from former employer is a record used for staff management planning because it “relate[d] to job performance and reputation of an employee, thus, it was exempt from disclosure pursuant to Wis. Stat. § 19.36(10)(d)”)

<sup>171</sup> See Wis. Stat. § 19.32(1bg)

- Information regarding government business kept or received by an elected official on her personal website, “Making Salem Better,” more likely than not constituted a record <sup>441</sup>
- Drafts, notes, and personal use exceptions to the definition of “record” apply to electronic information. Electronic information may fall into these exceptions to the definition of “record,” based on application of the general concepts set out in Key Definitions, above
  - As with paper documents, whether electronic information fits within the “draft” or “notes” exceptions requires consideration of how the information has been used and the individuals to whom the information has been circulated <sup>442</sup>
  - Personal emails
    - Purely personal emails sent or received by employees or officers on an authority’s computer system, evincing no violation of law or policy, are not subject to disclosure in response to a public records request <sup>443</sup>
    - Personal emails may take on a different character, becoming subject to potential disclosure, if they are used as evidence in a disciplinary investigation or to investigate misuse of government resources. A connection then would exist between the personal content of the emails and a government function, such as a personnel investigation <sup>444</sup>. For additional information, see Memorandum from J B Van Hollen, Wisconsin Attorney General, to Interested Parties (July 28, 2010).<sup>445</sup>
- Electronic documents may contain contextual information and file history preserved only when viewed in certain formats, such as data generated automatically by computer operating systems or software programs. Whether this information is considered a “record” subject to public access remains largely unanswered
  - Metadata. Literally defined as “data about data,” metadata has different meanings, depending on context. Generally, metadata is electronic information that is not contained on a paper copy, but may reveal information about the document if contained in an electronic record, such as email headers or other information that shows when the document was created and who created it <sup>446</sup>
    - No controlling Wisconsin precedent squarely addresses the application of the public records law to such data, although the court of appeals reasoned that paper copies of emails would not contain “metadata” or other “substantive information” that is

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<sup>441</sup> OAG I-06-09 at 2–3

<sup>442</sup> See Key Definitions, above

<sup>443</sup> *Schill*, 2010 WI 86, ¶ 9 & n.4 (Abrahamson, C.J., lead opinion), ¶ 148 & n.2 (Bradley, J., concurring), ¶ 173 & n.4 (Gableman, J., concurring)

<sup>444</sup> *Id.* ¶ 23 (Abrahamson, C.J., lead opinion), ¶ 166 (Bradley, J., concurring), ¶ 180 (Gableman, J., concurring)

<sup>445</sup> Memorandum from J B Van Hollen, Wisconsin Attorney General, to Interested Parties (July 28, 2010)

<sup>446</sup> *Lueders*, 2019 WI App 36, ¶¶ 12–13

contained in electronic copies of emails <sup>447</sup> The court also reasoned that a flash drive containing electronic copies of emails would contain that information <sup>448</sup>

- Legal commentary and federal cases addressing the treatment of metadata during litigation and civil discovery also are helpful for understanding access and retention issues related to metadata <sup>449</sup>
- Courts in some other jurisdictions interpreting their freedom of information laws (which may differ significantly from the Wisconsin public records law) have held that metadata is part of electronic records and must be disclosed in response to a freedom of information request for those records <sup>450</sup>
- Email messages may contain transmission information in the original format that does not appear on a printed copy or when stored electronically <sup>451</sup>
  - In *Lueders*, the court of appeals stated that it was undisputed that the electronic copies of the emails, as received and stored on the authority's computer, contained the same information as the emails themselves, but that "substantive information" was missing from the printed-out copies of those emails <sup>452</sup> Therefore, the court held that paper copies of the emails did not fulfill the requester's request for electronic copies of the emails However, copying emails onto a flash drive would have contained all the information, including the metadata, that the original emails themselves contained <sup>453</sup>
  - The Wisconsin Supreme Court has also stated that providing a record in PDF format satisfied a request for records in "electronic, digital" format <sup>454</sup>
- Computers contain "cookies," temporary internet files, deleted files, and other files that are not consciously created or kept by the user, but are instead generated or stored automatically In addition, although a user may delete files, deleted materials remain on the computer until overwritten, unlike conventional documents discarded and destroyed as trash. Some of these materials are akin to drafts or materials prepared for personal use, or are simply not materials created or kept in connection with official business

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<sup>447</sup> *Id.* ¶¶ 11, 15

<sup>448</sup> *Id.*

<sup>449</sup> See e.g., selected publications from The Sedona Conference and its working groups, including *The Sedona Guidelines Best Practice Guidelines for Managing Information & Records in the Electronic Age* (Sept. 2005), and *The Sedona Principles Best Practices Recommendations and Principles for Addressing Electronic Document Production* (2d ed. June 2007), <https://thesedonaconference.org/publications>, see also *Williams v Sprint/United Mgmt. Co.*, 230 F.R.D. 640, 646–47 (D. Kan. 2005), *Autotech Techs. Ltd. P. ship v. Automationdirect.com, Inc.*, 248 F.R.D. 556 (N.D. Ill. 2008)

<sup>450</sup> E.g., *Nat'l Day Laborer Org. Network v. U.S. Immigr. & Customs Enf't Agency*, No. 10 Civ. 3488, 2011 WL 381625 (S.D.N.Y. Feb. 7, 2011) (subsequently withdrawn due to incomplete factual record), *Irwin v. Onondaga Cnty. Res. Recovery Agency*, 895 N.Y.S.2d 262, 319 (N.Y. App. Div. 2010), *O'Neill v. City of Shoreline*, 240 P.3d 1149, 1152 (Wash. 2010), *Lake v. City of Phoenix*, 218 P.3d 1004, 1007–08 (Ariz. 2009)

<sup>451</sup> *Lueders*, 2019 WI App 36, ¶¶ 11–12.

<sup>452</sup> *Id.*

<sup>453</sup> *Id.* ¶¶ 13–15

<sup>454</sup> *WIREdata II*, 2008 WI 69, ¶¶ 96–98.



Nonetheless, when such materials are collected, organized, and kept for an official purpose, they may constitute a record accessible under the public records statute <sup>455</sup>

## Access

If electronically stored material is a record, the records custodian must determine whether the public records law requires access. Recurring issues relating to access include the following

- Sufficiency of requests Under Wis Stat § 19 35(1)(h), a request must be reasonably limited “as to subject matter or length of time represented by the record” <sup>456</sup> Record requests describing only the format requested (“all e-mails”) without reasonable limitations as to time or subject matter are often not legally sufficient. If so, the custodian may insist that the requester reasonably describe the records being requested. Even if a requester appears to limit a request by specifying the time period or particular search terms or individual electronic mail boxes to be searched, such requests for voluminous electronic records have been held to be insufficient and unreasonably burdensome <sup>457</sup>
- Manner of access
  - Wisconsin Stat § 19 35(1)(k) permits an authority to impose reasonable restrictions on the manner of access to original records if they are irreplaceable or easily damaged. Concerns for protecting the integrity of original records may justify denial of direct access to an agency’s operating system or to inspect a public employee’s assigned computer, if access is provided instead on an alternative electronic storage device, such as a CD-ROM. Security concerns may also justify such a restriction <sup>458</sup> Provision of a copy of the requested data “in an appropriate format”—in this case, as portable document files (“PDFs”)—was sufficient <sup>459</sup>
  - Records posted on the internet The Attorney General has advised that agencies may not use online record posting as a substitute for their public records responsibilities, and that publication of documents on an agency website does not qualify for the exceptions for published materials set forth in Wis Stat §§ 19 32(2) or 19 35(1)(g) <sup>460</sup> Nonetheless, providing public access to records via the internet can greatly assist agencies in complying with the statute by making posted materials available for inspection and copying, since that form of access may satisfy many requesters
  - The public records law right of access extends to making available for inspection and copying the information contained on a limited access website used by an elected official

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<sup>455</sup> See, e.g., *Zellner I*, 2007 WI 53, ¶¶ 22–31 (holding that a CD-ROM containing adult images and internet searches compiled in the course of an employee disciplinary action was not within the copyright exception to the definition of a public record assuming without discussion that the material was a record based on its use by the school district).

<sup>456</sup> See *The Request*, above; *Schopper*, 210 Wis. 2d at 212–13

<sup>457</sup> *Gehl*, 2007 WI App 238, ¶¶ 23–24 (search requests for all emails exchanged by numerous individuals without specifying any subject matter, and for searches based on numerous broad search terms, were properly denied as insufficient)

<sup>458</sup> See *WIREdata II*, 2008 WI 69, ¶¶ 97–98 (reversing court of appeals decision allowing requesters direct access to an authority’s electronic database, recognizing that “such direct access would pose substantial risks”)

<sup>459</sup> *Id.* ¶ 97

<sup>460</sup> Letter from James E. Doyle, Wisconsin Attorney General, to John Muench (July 24, 1998)

control networks, aerial photographs, maps, planimetric data, remote sensing data, historic and prehistoric sites, and economic projections <sup>476</sup>

- Wisconsin Stat § 19 35(1)(a) provides that “any requester has a right to inspect any *record*” Compare this to the language of the federal Freedom of Information Act, 5 U S C § 552, which requires that “public information” be made available Cases in other jurisdictions have found this distinction significant in deciding whether information must be provided in a particular format <sup>477</sup>
- Role of the records custodian Under Wis Stat § 19 34(2), the records custodian is legally responsible for providing access to public records
  - The records custodian must protect the right of public access to electronic records stored on individual employees’ computers, such as email, even though the individual employee may act as the *de facto* records custodian of such records Related problems arise when individual employees or elected officials use personal email accounts to correspond concerning official business
  - Shared-access databases involving multiple agencies.
    - Information of common use or interest increasingly is shared electronically by multiple agencies To prevent confusion among participating agencies and unnecessary delays in responding to requests for records, establishment of such a database should be accompanied by detailed rules identifying who may enter information and who is responsible for responding to requests for particular records.
    - Special custodial and disclosure rules govern public records requests for certain shared law enforcement records <sup>478</sup>
  - Government data collected and processed by independent contractors A government entity may not avoid its responsibilities under the public records law by contracting with an independent contractor for the collection and maintenance of government records and then simply directing requesters to the independent contractor for handling of public records requests The government entity remains the “authority” responsible for complying with the law and is liable for a contractor’s failure to comply <sup>479</sup>

## Retention and Storage

- The general statutory requirements for records retention by state agencies, Wis Stat § 16 61, and local units of government, Wis Stat § 19 21, apply equally to electronic records Although the public records law addresses the duty to disclose records, it is not a means of enforcing the duty to retain records, except for the period after a request for particular records is made <sup>480</sup>

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<sup>476</sup> Wis Stat § 66 1102(1)(a) (incorporating by reference Wis Stat § 59 72(1)(a))

<sup>477</sup> Cf. *AFSCME v Cook County*, 555 N E 2d 361, 366 (Ill 1990), *Farrell v City of Detroit* 530 N W.2d 105 109 (Mich Ct. App 1995)

<sup>478</sup> See Key Definitions, above

<sup>479</sup> *WIREdata II*, 2008 WI 69, ¶¶ 82–89

<sup>480</sup> See *Gehl*, 2007 WI App 238 ¶ 15 n 4 (citing Wis Stat § 19 35(5))

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<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  5/20/2025
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Resolution to Waive Attorney-Client Privilege and Authorize Release of Records Withheld in Response to a July 2023 Open Records Request</b>	<b>ITEM NUMBER</b>  9.20

### **BACKGROUND & PURPOSE**

In July 2023, the City of Franklin denied access to 22 records responsive to an open records request filed by resident Andrew Pelkey. These records were withheld under a claim of attorney-client privilege related to a closed session and subsequent correspondence regarding a Code of Conduct complaint filed in 2022 against former Mayor Steve Olson and former City Administrator Peggy Steeno.

Following review of the withheld records and with the matter fully resolved, the current Mayor and Director of Administration believe continued nondisclosure no longer serves a legal interest and instead undermines public confidence in government transparency.

Attorney-client privilege belongs to the client—in this case, the Common Council—and may be waived at its discretion. The Wisconsin Department of Justice (DOJ) Public Records Compliance Guide states: "Denial of public access is generally contrary to the public interest and only in exceptional cases may access be denied."

This action item promotes public access to government records, demonstrating the City's continued compliance with state law and transparency principles.

### **RECOMMENDATION**

That the Common Council waive attorney-client privilege for the 22 documents withheld from Andrew Pelkey's July 2023 open records request and authorize the release of these records.

### **COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2025-\_\_\_\_, a resolution waiving attorney-client privilege and authorizing the release of 22 records previously withheld in response to Andrew Pelkey's July 2023 open records request.

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2025-\_\_\_\_\_

A RESOLUTION AUTHORIZING THE RELEASE OF RECORDS PREVIOUSLY  
WITHHELD UNDER ATTORNEY-CLIENT PRIVILEGE IN RESPONSE TO A 2023 OPEN  
RECORDS REQUEST

-----  
WHEREAS, the Wisconsin Public Records Law (Wis. Stat. §§ 19.31–19.39) establishes a presumption of access to government records, declaring that “all persons are entitled to the greatest possible information regarding the affairs of government”; and

WHEREAS, in July 2023, the Common Council considered in closed session an open records request submitted by Andrew Pelkey, seeking access to 22 records that were withheld under attorney-client privilege in connection with a 2022 Code of Conduct complaint filed by the requester against former City officials; and

WHEREAS, the subject matter of those records is fully resolved, and continued nondisclosure no longer serves a legal interest but may instead erode public trust in transparent government; and

WHEREAS, attorney-client privilege belongs to the client, in this case, the Common Council, and may be voluntarily waived in the public interest when confidentiality is no longer required for legal protection; and

WHEREAS, the Common Council finds that release of the records serves the public interest and complies with state law and Department of Justice guidance, including the application of the balancing test;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE  
CITY OF FRANKLIN, WISCONSIN:

1. Waiver of Privilege: Attorney-client privilege is hereby waived for the 22 records previously withheld in response to Andrew Pelkey’s July 2023 open records request closed session item.
2. Authorization to Release: The Director of Administration is authorized to release the identified records in accordance with state law, redacting any exempt material unrelated to the resolved matter, if applicable.
3. Statement of Transparency: This action reflects the City’s ongoing commitment to compliance with the Wisconsin Public Records Law and the principles of open government.



2025-\_\_\_\_ RES (RELEASE OF RECORDS  
PREVIOUSLY WITHHELD UNDER  
ATTORNEY-CLIENT PRIVILEGE)  
Page 2

Introduced at a regular meeting of the Common Council of the City of Franklin on this  
20th day of May 2025.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin  
on this 20th day of May 2025.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Shirley J. Roberts, City Clerk

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

<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 5/20/2025
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Proposed Ordinance Amendment for Emergency 911 Access in Lodging Units</b>	<b>ITEM NUMBER</b> A. 21.

### **BACKGROUND & PURPOSE**

Section 138-25(B)(4) of the Franklin Municipal Code currently requires each hotel, motel, or similar lodging establishment to maintain a telephone in every rental unit capable of placing a direct call to 911. This requirement was established to ensure immediate access to emergency services for all occupants.

However, in recent years, technological and practical shifts have rendered traditional landlines less viable. Cellular phones, RapidSOS software, and evolving federal regulations, including Kari's Law and the RAY BAUM'S Act, have changed how 911 access and location data are managed.

The Police and Fire Departments, in consultation with the Health Department and City Attorney, have reviewed alternative approaches. It is proposed that the ordinance be amended to allow establishments to meet the intent of the law by either:

- Verifying the guest has access to a functioning mobile device capable of calling 911 at check-in, or
- Providing a cellular device or other compliant means of emergency access upon request, at no cost to the guest.

The goal is to retain public safety while removing outdated or cost-prohibitive requirements for operators. The proposed revision would preserve dispatchable location and direct-call requirements where appropriate while allowing reasonable compliance flexibility.

### **RECOMMENDATION**

That the Common Council direct staff to draft and return an ordinance amendment reflecting the modernized compliance options outlined above for consideration by the Council at a future meeting.

### **COUNCIL ACTION REQUESTED**

Motion to direct staff to prepare an ordinance amendment to §138-25(B)(4) of the Franklin Municipal Code, reflecting the updated compliance options described above, which allows for emergency access via verified mobile devices or equivalent alternative means.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*Draft 5/20/2025*

ORDINANCE NO 2025-\_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 138-25(B)(4) OF THE MUNICIPAL CODE  
RELATING TO EMERGENCY TELEPHONE ACCESS IN HOTELS, MOTELS, AND  
SIMILAR LODGING ESTABLISHMENTS

---

The Common Council of the City of Franklin, Wisconsin, does hereby ordain as follows

SECTION 1            Section 138-25(B)(4) of the Municipal Code is hereby amended to read  
as follows.

Each hotel, motel, or similar lodging establishment shall ensure that every rental unit provides direct access to emergency services. This requirement may be satisfied by either (a) maintaining a landline telephone in each rental unit capable of placing a direct call to 911; or (b) verifying and documenting at the time of guest check-in that the occupant possesses a functioning mobile device capable of placing a call to 911. In cases where the guest does not have such a device, the establishment shall provide, at no cost to the guest, a device or method that enables emergency communication for the duration of the stay.

SECTION 2            This ordinance shall take effect and be in force from and after its passage  
and publication as provided by law.

Introduced at a regular meeting of the Common Council of the City of Franklin this  
\_\_\_\_ day of \_\_\_\_\_, 2025, by \_\_\_\_\_

Passed and adopted at a regular meeting of the Common Council of the City of  
Franklin this \_\_\_\_ day of \_\_\_\_\_, 2025.

APPROVED

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST.

\_\_\_\_\_  
Shirley J. Roberts, City Clerk

AYES            NOES            ABSENT

<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 5/20/2025
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Site Access and Cooperation Agreement for Ballpark Commons Sound Study</b>	<b>ITEM NUMBER</b> M. 22.
<p><b>SUMMARY</b>            Authorization to execute a Site Access and Cooperation Agreement between the City of Franklin, JPM Acoustics Noise Vibration, and Mike Zimmerman, owner and developer of ROC Ventures/Ballpark Commons.</p> <p><b>DESCRIPTION</b>            As part of the independent sound monitoring and noise mitigation study approved by the Common Council on May 6, 2025, the City has retained JPM Acoustics to conduct comprehensive sound measurements and compliance analyses at and around the Ballpark Commons development.</p> <p>To ensure complete and unrestricted access to the site necessary for conducting the study, this agreement outlines the terms of cooperation and access between the City, JPM Acoustics, and Developer Mike Zimmerman.</p> <p>The agreement:</p> <ul style="list-style-type: none"> <li>• Grants JPM full access to the site for setup, observation, and data collection.</li> <li>• Confirms that no compensation will be provided to the Developer.</li> <li>• Holds the Developer harmless from any claims arising solely from JPM's actions.</li> <li>• Mirrors the City's standard contract terms, including independent contractor status, records retention, insurance, indemnification, and jurisdiction.</li> </ul> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>Motion to authorize the Mayor, Director of Finance &amp; Treasurer, and City Clerk to execute the Site Access and Cooperation Agreement between the City of Franklin, JPM Acoustics Noise Vibration, and ROC Ventures/Ballpark Commons.</p>		

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2025-8308

A RESOLUTION TO AUTHORIZE EXECUTION OF A PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF FRANKLIN AND JPM ACOUSTICS NOISE VIBRATION FOR SOUND MONITORING, NOISE MITIGATION, AND COMPLIANCE SERVICES RELATED TO THE BALLPARK COMMONS DEVELOPMENT

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WHEREAS, the Common Council of the City of Franklin, Wisconsin, has identified the importance of independent sound monitoring and compliance enforcement related to ongoing activities and events at the Ballpark Commons development; and

WHEREAS, JPM Acoustics Noise Vibration submitted a proposal in response to RFP #25-001, demonstrating experience and qualifications in environmental noise monitoring, compliance tracking, and mitigation planning; and

WHEREAS, the revised proposal from JPM Acoustics Noise Vibration has been reviewed and recommended by City staff for its alignment with the City's goals to strengthen noise ordinance compliance and support community quality of life; and

WHEREAS, the City desires to enter into a professional services agreement with JPM Acoustics Noise Vibration, using the City's standard contract template, and authorize staff to proceed with contract execution, subject to technical changes by the City Attorney and Director of Administration.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Director of Administration is hereby authorized to execute a professional services agreement with JPM Acoustics Noise Vibration for sound monitoring, noise mitigation, and compliance services related to the Ballpark Commons development, subject to technical changes as may be necessary, and that all appropriate City officials are authorized to take such actions as necessary to implement this resolution.

Introduced at a regular meeting of the Common Council of the City of Franklin on this 6th day of May, 2025 by Alderperson Hasan.

Passed and adopted by the Common Council of the City of Franklin this 6th day of May 2025

APPROVED

  
John R. Nelson, Mayor

ATTEST

  
Shirley J. Roberts, City Clerk

AYES 6      NOES 0      ABSENT 0

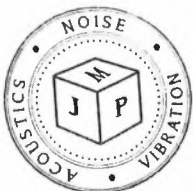




**BRIEF**

**NOISE NUISANCE MITIGATION**

- Monitoring
- Noise Study
- Onsite Measurements
- Onsite visit & Evaluation
- Consultation & Design



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**JPM**  
Acoustics Noise Vibration

4/17/2025

Project: **#2025-001 “RFP-Sound Monitoring Noise Mitigation and Compliance Services-Franklin”**

Agency: City of Franklin, Wisconsin

Dear City of Franklin,

In response to your request for proposal and provided specification documents. In Table 1, that follows in this document, please find descriptions and pricing for our required services and products.

Our firm can provide all required services, technologies and mitigation products.

Our firm guarantees I will be the Principal Acoustical Engineer, throughout the entire project duration. I will be available to support the project as needed at any time.

We are very interested in this project and have very strong past experience; references can be provided upon request. Our firm has national and international experience since 2006 in the field of Noise Control, with a history starting since 1979.

During planning phase, we will review project specifications and consult in any potential amendments that will reduce costs of execution or benefit the City of Franklin otherwise.

I will be looking forward to your reply and will be available to answer any questions.

Sincerely yours,

John Matagos

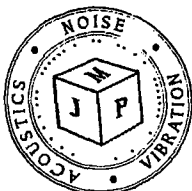
Managing Principal Acoustical Engineer, Noise & Vibration Consultant

Master's in Acoustical Engineering - MEng (Honors) University of Southampton - I.S.V.R

Master's in Acoustic Composition – MMus (Honors) University of London – Goldsmith's

Member of ASA (Acoustical Society of America)

Member of INCE USA (Institute of Noise Control Engineering USA)



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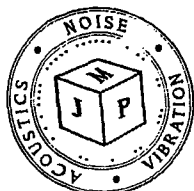
# JPM

Acoustics Noise Vibration

See **APPENDIX B**, in this document, for details in relation to each items described in Table 1. Including restrictions and relevance to project specifications document.

**Table 1. Descriptions & Pricing**

Services / Products	Price
<p>PROJECT GOAL IS TO IDENTIFY POTENTIAL SOLUTIONS AND EXECUTION COSTS TO MITIGATE AS BEST POSSIBLE THE NOISE NUISANCE EXPERIENCED BY CITY RESIDENTS IN RELATION EVENTS BY THE ROCK SPORTS COMPLEX (ROC) in the City of Franklin, WI, USA</p> <p>Services to be provided</p> <ol style="list-style-type: none"> <li>1 Study in detail all existing noise level data collected of past events, including Acoustic Study of 2023, ongoing online data, and any other material relevant that the city may be able to provide our firm Such as, but not limited to, noise nuisance complaint logs, communications with Rock Sports Facility (ROC)</li> <li>2 Review of noise ordinances, participation in public meetings, meetings with city representatives, ROC representatives or other as needed In order to make the most out of our effort, and attempt to get close to identifying and prescribing noise mitigation solutions</li> <li>3 Conduct basic/preliminary measurements INSIDE the ROC areas generating the most noise levels of concern Including PA systems, etc Assuming one day of principal acoustical engineer onsite, with the co-operation of ROC representative allowing JPM to use and operate the PA system/s and take sound level measurements</li> <li>4. Conduct onsite measurements for one major weekend event, with senior engineer onsite, and multiple noise monitoring positions, with multiple noise analyzers, unsupervised stations</li> <li>5 Replacement of existing ongoing noise monitoring equipment, with identical or similar features, as best serving the project goals Three (3) continuous monitoring locations for two (2) months It must be noted that there will be a monthly charge of \$8,150 After the first two (2) month period, in order to maintain monitoring systems in place</li> </ol> <ul style="list-style-type: none"> <li>• It is advised to maintain monitoring until noise mitigation measures are implemented in full</li> </ul>	



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# JPM

## Acoustics Noise Vibration

- Also, it is advised to maintain the three monitoring locations after implementation, for at least 3 months or enough time for all noise intensive types of events occur JPM can provide evaluation and certification post-implementation prior to finalizing continuous monitoring

6 Conduct environmental noise control prediction study Results to be provided in document/report format, in 3D acoustic color maps, presentation Presentations for one (1) scenario Principal consultant will consider numerous scenarios and calculations prior to final recommendations to client, which will be the deliverable document on Use state of the art software 3D simulation as part of the methodology

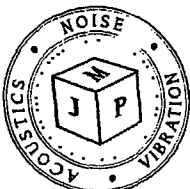
All aforementioned items (1 to 6), unless explicitly described, will be provided by our firm for a sum total of \$78,500

Additional services required to complete a noise mitigation effort from design to implementation Not included in tasks 1 to 6 above

- Materials, manufacturing, onsite delivery, supervision of installation, of any noise mitigation measures and prescribed during tasks 1 to 6 above
- Interior Acoustics and Sound System designs This can serve any space, indoor or outdoor, of the ROC Pricing and methodology will be best identified after item 3 initiation Improving the sound experience of the ROC patrons can also be a design effort that will be conducted in conjunction with the Environmental Noise Control Design (task 3)

**Note 1:** All calculations will be conducted and certifications signed by our Principal Acoustical Engineer with a Bachelor's and Master's degree in Acoustical Engineering, and 23 years of professional national and international experience in the field.

**SUM TOTAL** \$78,500.00



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**JPM**  
Acoustics Noise Vibration

Proposal accepted by:

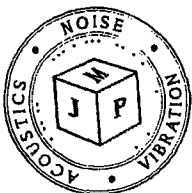
\_\_\_\_\_  
Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Terms:** Net 30 Terms as stated or otherwise agreed upon in separate documents. Any final report to be submitted within 1 - 4 weeks after payment. Please email the signed proposal to [engineering@acousticalnoisevibration.com](mailto:engineering@acousticalnoisevibration.com) AND [Johnmatagos@acousticalnoisevibration.com](mailto:Johnmatagos@acousticalnoisevibration.com) in order to initiate the project. Itemized prices are for clients understanding on services to be provided and calculating total cost. The total cost is a non-negotiable one price for this contract. For all product availability and specific delivery dates. All concepts, drawings, and technologies, used or discussed during this project, are the intellectual property of JPM Acoustics Noise Vibration and cannot be utilized on any other instance besides the specific services described in this document. For equipment rental insurance must be provided by renter to ensure coverage of any damages. Pricing not including tax or annual 5% inflation increase on top of pricing for projects longer than one (1) year. Pricing valid for six (6) months.



JOHN MATAGOS LLC

+1 888-88 66473

+1 888-88-NOISE

Engineering@AcousticalNoiseVibration.com  
JohnMatagos@AcousticalNoiseVibration.com



## AGREEMENT

Draft 5/20/2025

This Agreement is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 2025, between the City of Franklin, 9229 West Loomis Road, Franklin, Wisconsin 53132 (hereinafter "Client") and JPM Acoustics Noise Vibration, a professional acoustical engineering firm (hereinafter "Contractor"), whose principal place of business is 3003 W. Olympic Blvd., #106, Los Angeles, CA 90006. #106, Los Angeles, CA 90006.

## WITNESSETH

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

WHEREAS, in the judgment of CLIENT, it is necessary and advisable to obtain the services of the CONTRACTOR to provide \_\_\_\_\_;

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

### I. BASIC SERVICES AND AGREEMENT ADMINISTRATION

- A. CONTRACTOR shall provide services to CLIENT for \_\_\_\_\_, as described in CONTRACTOR's proposal to CLIENT dated \_\_\_\_\_, annexed hereto and incorporated herein as Attachment A.
- B. CONTRACTOR shall serve as CLIENT's professional representative in matters to which this AGREEMENT applies. CONTRACTOR may employ the services of outside consultants and subcontractors when deemed necessary by CONTRACTOR to complete work under this AGREEMENT, following approval by CLIENT.
- C. CONTRACTOR is an independent contractor, and all persons furnishing services hereunder are employees of, or independent subcontractors to, CONTRACTOR, and not of CLIENT. All obligations under the Federal Insurance Contribution Act (FICA), the Federal Unemployment Tax Act (FUTA), and income tax withholding are the responsibility of CONTRACTOR as the employer. CLIENT understands that express AGREEMENTS may exist between CONTRACTOR and its employees regarding extra work, competition, and nondisclosure.
- D. During the term of this AGREEMENT and throughout performance of any resultant AGREEMENT, including extensions, modifications, or additions thereto, and for one (1) year from the conclusion of such activity, the parties hereto agree that neither shall solicit for employment any technical or professional employees of the other without the prior written approval of the other party.

## **II. FEES AND PAYMENTS**

CLIENT agrees to pay CONTRACTOR, for and in consideration of the performance of Basic Services further described in Attachment A, [at our standard billing rates] [with a not-to-exceed budget of \$\_\_\_\_\_], subject to the terms detailed below:

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

## **III. MODIFICATION AND ADDITIONAL SERVICES**

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

## **IV. ASSISTANCE AND CONTROL**

- A. \_\_\_\_\_ will coordinate the work of the CONTRACTOR and be solely responsible for communication within the CLIENT's organization as related to all issues originating under this AGREEMENT.
- B. CLIENT will provide CONTRACTOR with all available information concerning the PROJECT as deemed necessary by CONTRACTOR in a timely manner.

CONTRACTOR will appoint, subject to the approval of CLIENT, \_\_\_\_\_, CONTRACTOR's Project Manager and other key providers of the Basic Services. The substitution of other staff may occur only with the consent of CLIENT.

## **V. TERMINATION**

- A. This AGREEMENT may be terminated by CLIENT, for its convenience, for any or no reason, upon written notice to CONTRACTOR. CONTRACTOR may terminate this AGREEMENT upon thirty (30) days' written notice. Upon such termination by CLIENT, CONTRACTOR shall be entitled to payment of such amount as shall fairly compensate CONTRACTOR for all work approved up to the date of termination, except that no amount shall be payable for any losses of revenue or profit from any source outside the scope of this AGREEMENT, including but not limited to, other actual or potential agreements for services with other parties.
- B. If this AGREEMENT is terminated for any reason, CONTRACTOR shall deliver to CLIENT all data, reports, summaries, correspondence, and other written, printed, or tabulated materials pertaining in any way to Basic Services that CONTRACTOR may have accumulated. Such materials are to be delivered to CLIENT, whether in completed form or in progress. CLIENT shall hold CONTRACTOR harmless for any work that is incomplete due to early termination.
- C. The rights and remedies of CLIENT and CONTRACTOR under this section are not exclusive. They are in addition to any other rights and remedies provided by law or appearing in any other article of this AGREEMENT.

## **VI. INSURANCE**

Given the limited scope and low-risk nature of this engagement, CLIENT waives the standard umbrella liability and contractor pollution liability requirements and agrees to accept CONTRACTOR'S proposed insurance levels, including \$1 million in professional liability coverage and \$2 million in umbrella/excess liability coverage. CLIENT shall be named as an additional insured on a primary, non-contributory basis.

Upon the execution of this AGREEMENT, CONTRACTOR shall supply CLIENT with a suitable statement certifying the protection and defining the terms of the policy issued, which shall specify that such protection shall not be cancelled without thirty (30) calendar days' prior notice to CLIENT, and naming CLIENT as an additional insured as required above.

## **VII. INDEMNIFICATION AND ALLOCATION OF RISK**

- A. To the fullest extent permitted by law, CONTRACTOR shall indemnify and hold harmless CLIENT, CLIENT'S officers, directors, partners, and employees from and against costs, losses, and damages (including but not limited to reasonable charges of engineers, architects, attorneys, and other professionals, and reasonable court or arbitration or other dispute resolution costs) caused solely by the negligent acts or omissions of CONTRACTOR or CONTRACTOR'S officers, directors, partners, employees, and consultants in the performance of CONTRACTOR'S services under this AGREEMENT.
- B. Nothing contained within this AGREEMENT is intended to be a waiver or estoppel of the contracting municipality, CLIENT, or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including those contained within Wisconsin Statutes §§ 893.80, 895.52, and 345.05. To the extent that indemnification is available and enforceable, the municipality CLIENT or its insurer shall not be liable in indemnity or contribution for an amount greater than the limits of liability for municipal claims established by Wisconsin Law.

## **VIII. TIME FOR COMPLETION**

CONTRACTOR shall commence work immediately upon receipt of a Notice to Proceed, as of \_\_\_\_\_.

## **IX. DISPUTES**

This AGREEMENT shall be construed under and governed by the laws of the State of Wisconsin. The venue for any actions arising under this AGREEMENT shall be the Circuit Court for Milwaukee County. The prevailing party shall be awarded its actual costs of any such litigation, including reasonable attorney fees.

## **X. RECORDS RETENTION**

CONTRACTOR shall maintain all records pertaining to this AGREEMENT during the term of this AGREEMENT and for a period of seven (7) years following its completion. Such records shall be made available by the CONTRACTOR to CLIENT for inspection and copying upon request.

## **XI. MISCELLANEOUS PROVISIONS**

- A. Professionalism. The same degree of care, skill, and diligence shall be exercised in the performance of the services as is possessed and exercised by a member of the same profession currently practicing under similar circumstances. All persons providing such services under this AGREEMENT shall have the necessary active certifications, licenses, and permissions as may be required by law.

- B. Pursuant to Law. Notwithstanding anything to the contrary anywhere else set forth within this AGREEMENT, all services and all materials and/or products provided by CONTRACTOR under this AGREEMENT shall comply with all applicable Federal, State, County, and Local laws, statutes, decisions, codes, rules, orders, and ordinances.
- C. Conflict of Interest. CONTRACTOR warrants that neither it nor any of its affiliates has any financial or other personal interest that would conflict in any manner with the performance of the services under this Agreement and that neither it nor any of its affiliates will acquire directly or indirectly any such interest. CONTRACTOR warrants that it will immediately notify the CLIENT if any actual or potential conflict of interest arises or becomes known to the CONTRACTOR. Upon receipt of such notification, a CLIENT review and written approval are required for the CONTRACTOR to continue to perform work under this Agreement.
- D. This AGREEMENT may be executed in multiple counterparts and will have the same legal force and effect as if the CONTRACTOR and CLIENT had executed it as a single document. The CONTRACTOR and CLIENT agree that fully electronic signatures and records are acceptable under Chapter 137 of the Wisconsin Statutes. The CONTRACTOR and CLIENT may sign in writing or by electronic signature. An electronic signature, facsimile copy, or computer image of a signature will be treated and have the same effect as an original signature, and will have the same effect as an original signed copy of this document and any amendment hereto.
- E. This AGREEMENT may only be amended by written instrument signed by both CLIENT and CONTRACTOR.

## **XII. CONTROLLING TERMS AND PROVISIONS**

The aforementioned terms and provisions shall prevail over any conflicting term or provision in any CONTRACTOR proposal, Attachment, Exhibit, or standard terms and provisions annexed hereto.



IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed on the day and year first above written.

CITY OF FRANKLIN, WISCONSIN

JPM ACOUSTICS NOISE VIBRATION

BY: \_\_\_\_\_

PRINT NAME: John R. Nelson

TITLE: Mayor

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

PRINT NAME: John Matagos

TITLE: Principal Acoustical Engineer

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

PRINT NAME: Danielle L. Brown

TITLE: Director of Finance and Treasurer

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

PRINT NAME: Shirley J. Roberts

TITLE: City Clerk

DATE: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_

Jesse A. Wesolowski, City Attorney

DATE: \_\_\_\_\_

## **A G R E E M E N T**

*Draft 5/20/2025*

This Site Access and Cooperation Agreement (“Agreement”) is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 2025, by and among the City of Franklin, 9229 West Loomis Road, Franklin, Wisconsin 53132 (hereinafter the “City”), JPM Acoustics Noise Vibration, a professional acoustical engineering firm (“JPM”), whose principal place of business is 3003 W. Olympic Blvd. #106, Los Angeles, CA 90006, and Mike Zimmerman, 7044 S. Ballpark Dr., Suite 300, Franklin, Wisconsin 53132, in his capacity as the authorized representative and owner/developer of ROC Ventures/Ballpark Commons (“Developer”).

## **W I T N E S S E T H**

WHEREAS, the City has retained JPM to conduct an independent sound monitoring, noise mitigation, and compliance study (“the Study”) on and around the Ballpark Commons development site (“the Site”); and

WHEREAS, the Developer owns or controls the Site and acknowledges that full cooperation and access are essential to ensure the integrity and success of the Study;

NOW, THEREFORE, in consideration of these premises and the following mutual covenants, terms, and conditions, the City, JPM, and Developer agree as follows:

### **I. ACCESS TO PROPERTY**

Developer hereby grants JPM, its employees, agents, agents, and representatives the right to enter upon and access the Site for purposes of conducting the Study, including but not limited to:

- A. Setting up and retrieving monitoring equipment
- B. Performing inspections and observations
- C. Documenting conditions and collecting data

Such access shall be granted without restriction, during reasonable hours and upon reasonable notice, unless emergency or extended monitoring requires otherwise.

### **II. INDEPENDENT CONTRACTOR STATUS**

JPM is an independent JPM and not an employee of the City. All personnel and subcontractors engaged by JPM shall remain under its sole direction and control.

### **III. RECORDS RETENTION**

JPM shall maintain all records pertaining to this Agreement during its term and for seven (7) years following its completion. Such records shall be made available to the City for inspection upon request.

### **IV. DURATION**

This Agreement shall remain in effect from the date of execution until the completion of the Study, including any follow-up testing or reporting periods necessary as determined by the City and JPM. It may be extended upon agreement.

### **V. COOPERATION AND NON-INTERFERENCE**

Developer agrees to cooperate fully with JPM and the City throughout the Study. Developer shall not hinder, interfere with, or obstruct the placement, function, or retrieval of monitoring equipment, nor limit access to any areas reasonably necessary to carry out the scope of work.

### **VI. TERMINATION**

- A. This Agreement may be terminated by the City, for its convenience, for any or no reason, upon written notice to JPM. JPM may terminate this Agreement upon thirty (30) days' written notice. Upon such termination by the City, JPM shall be entitled to payment of an amount that fairly compensates JPM for all work approved up to the date of termination, except that no amount shall be payable for any losses of revenue or profit from any source outside the scope of this Agreement, including but not limited to, other actual or potential agreements for services with other parties.
- B. If this Agreement is terminated for any reason, the JPM shall deliver to the City all data, reports, summaries, correspondence, and other written, printed, or tabulated materials pertaining in any way to the Basic Services that the JPM may have accumulated. Such materials are to be delivered to the City, whether in completed form or in progress. The City shall hold JPM harmless for any work that is incomplete due to early termination.
- C. The rights and remedies of the City and JPM under this section are not exclusive; they are in addition to any other rights and remedies provided by law or appearing in any other article of this Agreement.

## **VII. INSURANCE**

JPM shall maintain all required insurance coverage as detailed in its professional services agreement with the City.

## **VIII. INDEMNIFICATION AND ALLOCATION OF RISK**

- A. To the fullest extent permitted by law, JPM shall indemnify and hold harmless the City, the City's officers, directors, partners, and employees from and against costs, losses, and damages (including but not limited to reasonable charges of engineers, architects, attorneys, and other professionals, and reasonable court or arbitration or other dispute resolution costs) caused solely by the negligent acts or omissions of JPM or JPM's officers, directors, partners, employees, and consultants in the performance of JPM'S services under this Agreement.
- B. Nothing contained within this Agreement is intended to be a waiver or estoppel of the contracting municipality, the City, or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including those contained within Wisconsin Statutes §§ 893.80, 895.52, and 345.05. To the extent that indemnification is available and enforceable, the municipality, the City, or its insurer shall not be liable in indemnity or contribution for an amount greater than the limits of liability for municipal claims established by Wisconsin Law.
- C. Developer shall not be liable for injury or damage resulting from JPM's negligent actions. JPM and the City shall hold Developer harmless from any claims arising solely out of JPM's activities on the Site.

## **IX. NO COMPENSATION**

Developer agrees that no compensation shall be due or payable in exchange for granting access to the Site or for participating in the Study. This Agreement shall not confer upon any Party an interest in real property.

## **X. MISCELLANEOUS PROVISIONS**

- A. Professionalism. The same degree of care, skill, and diligence shall be exercised in the performance of the services as is possessed and exercised by a member of the same profession currently practicing under similar circumstances. All persons providing such services under this Agreement shall have the necessary active certifications, licenses, and permissions as may be required by law.

- B. Pursuant to Law. Notwithstanding anything to the contrary elsewhere set forth within this Agreement, all services, materials, and/or products provided by the JPM under this Agreement shall comply with all applicable Federal, State, County, and Local laws, statutes, decisions, codes, rules, orders, and ordinances.
- C. Conflict of Interest. JPM warrants that neither it nor any of its affiliates has any financial or other personal interest that would conflict in any manner with the performance of the services under this Agreement and that neither it nor any of its affiliates will acquire directly or indirectly any such interest. JPM warrants that it will immediately notify the City if any actual or potential conflict of interest arises or becomes known to JPM. Upon receipt of such notification, the City will review the matter, and written approval is required for JPM to continue performing work under this Agreement.
- D. This Agreement may be executed in multiple counterparts, which shall have the same legal force and effect as if JPM, the City, and the Developer had executed it as a single document. JPM, the City, and the Developer agree that fully electronic signatures and records are acceptable under Chapter 137 of the Wisconsin Statutes. JPM, the City, and the Developer may sign in writing or by electronic signature. An electronic signature, facsimile copy, or computer image of a signature will be treated and have the same effect as an original signature, and will have the same effect as an original signed copy of this document and any amendment hereto.
- E. This Agreement may only be amended by a written instrument signed by the City, JPM, and the Developer.

## **XI. GOVERNING LAW AND JURISDICTION**

This Agreement shall be governed by and interpreted in accordance with the laws of the State of Wisconsin. Any disputes arising under or in connection with this Agreement shall be adjudicated in the Circuit Court for Milwaukee County.

## **XII. ENTIRE AGREEMENT**

This document represents the full and complete understanding of the Parties with respect to the subject matter herein and may be amended only in writing signed by all Parties.

## **XIII. CONTROLLING TERMS AND PROVISIONS**

The aforementioned terms and provisions shall prevail over any conflicting term or provision of the Developer or JPM's proposal, including any attachments, Exhibits, or standard terms and provisions annexed hereto.



IN WITNESS WHEREOF, the Parties hereto have executed this Agreement as of the date first written above.

CITY OF FRANKLIN, WISCONSIN

JPM ACOUSTICS NOISE VIBRATION

BY: \_\_\_\_\_

BY: \_\_\_\_\_

PRINT NAME: John R. Nelson

PRINT NAME: John Matagos

TITLE: Mayor

TITLE: Principal Acoustical Engineer

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

ROC VENTURES / BALLPARK  
COMMONS

BY: \_\_\_\_\_

BY: \_\_\_\_\_

PRINT NAME: Danielle L. Brown

PRINT NAME: Mike Zimmerman

TITLE: Director of Finance and Treasurer

TITLE: Owner/Developer

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

PRINT NAME: Shirley J. Roberts

TITLE: City Clerk

DATE: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_

Jesse A. Wesolowski, City Attorney

DATE: \_\_\_\_\_

APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE  May 20, 2025
REPORTS AND RECOMMENDATIONS	<i>City of Franklin v BPC Master Developer, LLC and Michael Zimmerman</i> , Milwaukee County Circuit Court Case No. 24-CV-7479 and Tax Incremental District No 5 Development Agreement — 2024 Shortfall Payment. The Common Council may enter closed session pursuant to Wis Stat § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate	ITEM NUMBER  <p>15.23.</p>

### COUNCIL ACTION REQUESTED

A motion to enter closed session pursuant to Wis Stat § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the *City of Franklin v BPC Master Developer, LLC and Michael Zimmerman*, Milwaukee County Circuit Court Case No 24-CV-7479 litigation and/or possible litigation related to the 2024 shortfall payment under the TID 5 Development Agreement, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate

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<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE 05/20/2025</b>
<b>LICENSES AND PERMITS</b>	<b>MISCELLANEOUS LICENSES</b>	<b>ITEM 02/NUMBER H.</b>

See attached License Committee Meeting Minutes from the License Committee Meeting of May 20, 2025.

**COUNCIL ACTION REQUESTED**

Approval of the Minutes of the License Committee Meeting of May 20, 2025.

CITY CLERK'S OFFICE



414-425-7500

**License Committee Agenda\***  
**Franklin City Hall Aldermen's Room**  
**9229 West Loomis Road, Franklin, WI**  
**May 20, 2025 – 4:00 p.m.**

<b>1.</b>	<b>Call to Order &amp; Roll Call</b>	<b>Time:</b>		
<b>2.</b>	<b>Applicant Interviews &amp; Decisions</b>			
		<b>Recommendations</b>		
<b>Type/ Time</b>	<b>Applicant Information</b>	<b>Approve</b>	<b>Hold</b>	<b>Deny</b>
<b>Extraordinary Entertainment &amp; Special Event and Temporary Class B Beer 5:00 p.m.</b>	<b>Scottish Festivals Inc. – Scottish Highland Games</b> Person in Charge: David Berger Location: 9100 S. 76 <sup>th</sup> St. – Croatian Park Date of Event: Saturday, 6/7/2025			
<b>Operator 2025-2026 New 5:15 p.m.</b>	<b>Brianna Garcia</b> Milwaukee Burger Company			
<b>Operator 2025-2026 Renewal 5:30 p.m.</b>	<b>Justin Hoffmann</b> Iron Mike's			
<b>Operator 2024-2025 New</b>	<b>Lauren Lomonte</b> Walgreens #15020			
<b>Operator 2024-2025 New</b>	<b>Connie Young</b> Croatian Park – Scottish Highland Games			
<b>Operator 2025-2026 New</b>	<b>Sukhminder Bhatti</b> Midtown Citgo			
<b>Operator 2025-2026 New</b>	<b>William Cody</b> Mulligan's Irish Pub & Grill			



<b>Operator 2025-2026 New</b>	<b>Kristy Czerniakowski</b> Country Lanes Bowling Center			
<b>Operator 2025-2026 New</b>	<b>Nicole Gaus</b> The Bowery Bar & Grill			
<b>Operator 2025-2026 New</b>	<b>Joseph Osvatic</b> Croatian Park			
<b>Operator 2025-2026 New</b>	<b>Samantha Piparo</b> Luxe Golf/Dog Haus/Brick			
<b>Operator 2025-2026 New</b>	<b>Peighten Thompson</b> The Rock Sports Complex			
<b>Operator 2025-2026 New</b>	<b>Arianna Villa</b> Hampton Inn & Suites			
<b>Operator 2024-2025 New</b>	<b>Jamie Hopkins</b> On the Border			
<b>Operator 2025-2026 Renewal</b>	<b>Jamie Hopkins</b> On the Border			
<b>Operator 2024-2025 New</b>	<b>Stephanie Johnson</b> Ricky's Double Barrel Inn			
<b>Operator 2025-2026 Renewal</b>	<b>Stephanie Johnson</b> Ricky's Double Barrel Inn			
<b>Operator 2024-2025 New</b>	<b>Marijana Knezvic</b> Mimosa			
<b>Operator 2025-2026 Renewal</b>	<b>Marijana Knezvic</b> Mimosa			

<b>Operator 2024-2025 New</b>	<b>Julie Smith</b> The Rock Sports Complex			
<b>Operator 2025-2026 Renewal</b>	<b>Julie Smith</b> The Rock Sports Complex			
<b>Operator 2025-2026 Renewal</b>	<b>Bria Altamore</b> Mulligan's Irish Pub & Grill			
<b>Operator 2025-2026 Renewal</b>	<b>Amy Analla</b> Point After Pub & Grille			
<b>Operator 2025-2026 Renewal</b>	<b>Brandon Bhatti</b> Midtown Citgo			
<b>Operator 2025-2026 Renewal</b>	<b>Tanya Bielinski</b> Swiss Street Pub & Grille			
<b>Operator 2025-2026 Renewal</b>	<b>Claudia Blue</b> Sam's Club #8167			
<b>Operator 2025-2026 Renewal</b>	<b>William Canales</b> On the Border			
<b>Operator 2025-2026 Renewal</b>	<b>Ashley Christen</b> Ricky's Double Barrel Inn			
<b>Operator 2025-2026 Renewal</b>	<b>Tracey Deak</b> Swiss Street Pub & Grille			
<b>Operator 2025-2026 Renewal</b>	<b>Susan DeGeorge</b> Point After Pub & Grille			
<b>Operator 2025-2026 Renewal</b>	<b>Matthew Engelhardt</b> Croatian Park			

<b>Operator 2025-2026 Renewal</b>	<b>Eric Gagliano</b> The Bowery Pub & Grill			
<b>Operator 2025-2026 Renewal</b>	<b>Carissa Hagedorn</b> Swiss Street Pub & Grille			
<b>Operator 2025-2026 Renewal</b>	<b>Jessica Hendren</b> Romey's Place			
<b>Operator 2025-2026 Renewal</b>	<b>Kimberly Hill</b> Country Lanes Bowling Center			
<b>Operator 2025-2026 Renewal</b>	<b>Lily Jones</b> The Bowery Pub & Grill			
<b>Operator 2025-2026 Renewal</b>	<b>Arturo Juarez Jr.</b> Hampton Inn & Suites			
<b>Operator 2025-2026 Renewal</b>	<b>Adam Jubeck</b> The Bowery Pub & Grill			
<b>Operator 2025-2026 Renewal</b>	<b>Miranda Krasinski</b> Point After Pub & Grille			
<b>Operator 2025-2026 Renewal</b>	<b>Cecilia Lor</b> Sam's Club #8167			
<b>Operator 2025-2026 Renewal</b>	<b>Daniel Mackie</b> Mulligan's Irish Pub & Grill			
<b>Operator 2025-2026 Renewal</b>	<b>Jennifer Martinez</b> The Landmark			
<b>Operator 2025-2026 Renewal</b>	<b>Nadiya Mashkina</b> Walgreens #15020			

<b>Operator 2025-2026 Renewal</b>	<b>Brianna Mayer</b> Point After Pub & Grille			
<b>Operator 2025-2026 Renewal</b>	<b>Serena Medrano</b> Luxe Golf/Dog Haus/Brick			
<b>Operator 2025-2026 Renewal</b>	<b>Susan Mlynczak</b> Point After Pub & Grille			
<b>Operator 2025-2026 Renewal</b>	<b>Kelly Molina</b> Hideaway Pub & Eatery			
<b>Operator 2025-2026 Renewal</b>	<b>Mandy Olenicak</b> Country Lanes Bowling Center			
<b>Operator 2025-2026 Renewal</b>	<b>Lisa Oliver</b> Rawson Pub			
<b>Operator 2025-2026 Renewal</b>	<b>Derek Olszewski</b> On the Border			
<b>Operator 2025-2026 Renewal</b>	<b>Anita Osvatic</b> Croatian Park			
<b>Operator 2025-2026 Renewal</b>	<b>Jessica Provencher</b> Swiss Street Pub & Grille			
<b>Operator 2025-2026 Renewal</b>	<b>Amy Rendall</b> The Bowery Pub & Grill			
<b>Operator 2025-2026 Renewal</b>	<b>Toni Ruyle</b> Swiss Street Pub & Grille			
<b>Operator 2025-2026 Renewal</b>	<b>Matthew Saric</b> Croatian Park			

<b>Operator 2025-2026 Renewal</b>	<b>Joseph Schauer</b> Croatian Park			
<b>Operator 2025-2026 Renewal</b>	<b>Ryan Scheffler</b> Swiss Street Pub & Grille			
<b>Operator 2025-2026 Renewal</b>	<b>Brian Shulta</b> Romey's Place			
<b>Operator 2025-2026 Renewal</b>	<b>Amanda Snieg</b> Romey's Place			
<b>Operator 2025-2026 Renewal</b>	<b>Nicole Stankowski</b> The Bowery Bar & Grill			
<b>Operator 2025-2026 Renewal</b>	<b>James Talaska</b> Country Lanes Bowling Center			
<b>Operator 2025-2026 Renewal</b>	<b>Nicole Tarantino</b> Point After Pub & Grille			
<b>Operator 2025-2026 Renewal</b>	<b>Jennifer Teske</b> Irish Cottage			
<b>Operator 2025-2026 Renewal</b>	<b>Katelyn Thousand</b> Country Lanes Bowling Center			
<b>Operator 2025-2026 Renewal</b>	<b>Tiffany Torres</b> Romey's Place			
<b>Operator 2025-2026 Renewal</b>	<b>Matthew Wisniewski</b> Country Lanes Bowling Center			
<b>Operator 2025-2026 Renewal</b>	<b>Paige Zigner</b> Point After Pub & Grille			



<b>Unlimited Transfer Full- Service Retail Outlet – Civic Celebration 2025</b>	<b>On Cloud Wine, LLC</b> DBA On Cloud Wine Event – Civic Celebration 9229 W Loomis Rd Dates – 7/3/25, 7/4/25 and 7/5/25 Sale of “Wine” only On-Site Contact - John “Randy” Larson			
<b>Entertainment &amp; Amusement 2025-2026</b>	<b>Milwaukee County Parks</b> DBA Milwaukee County Sports Complex 6000 W Ryan Rd Richard Becker			
<b>3.</b>	<b>Adjournment</b>	<b>Time:</b>		

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

<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE 5/20/2025</b>
<b>Bills</b>	<b>Vouchers and Payroll Approval</b>	<b>ITEM NUMBER I</b>

Attached are vouchers dated May 2, 2025 through May 15, 2025 Nos. 202654 through Nos. 202818 in the amount of \$ 1,174,141.21. Also included in this listing are EFT Nos. 6069 through EFT Nos. 6082, Library vouchers totaling \$ 1,589.51, Tourism vouchers totaling \$ 15,948.72 and Water Utility vouchers totaling \$ 40,539.17. Voided checks in the amount of \$ (3,825.00) are separately listed.

Early release disbursements dated May 2, 2025 through May 14, 2025 in the amount of \$ 624,476.36 are provided on a separate listing and are also included in the complete disbursement listing. These payments have been released as authorized under Resolutions 2013-6920, 2015-7062 and 2022-7834.

The net payroll dated May 16, 2025 is \$ 462,673.88, previously estimated at \$ 480,000. Payroll deductions dated May 16, 2025 are \$ 263,449.49, previously estimated at \$ 532,000.

The estimated payroll for May 30, 2025 is \$ 485,000 with estimated deductions and matching payments of \$ 621,000.

### **COUNCIL ACTION REQUESTED**

Motion approving the following

- City vouchers with an ending date of May 15, 2025 in the amount of \$ 1,174,141.21
- Payroll dated May 16, 2025 in the amount of \$ 462,673.88 and payments of the various payroll deductions in the amount of \$ 263,449.49 plus City matching payments and
- Estimated payroll dated May 30, 2025 in the amount of \$ 485,000 and payments of the various payroll deductions in the amount of \$ 621,000, plus City matching payments.

**ROLL CALL VOTE NEEDED**