APPROVAL Slw	REQUEST FOR COMMON COUNCIL	MEETING DATE 04/19/16
REPORTS & RECOMMENDATIONS	CONCEPT REVIEW FOR A PROPOSED 32 LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION DEVELOPMENT (7501 SOUTH 49TH STREET, CREATIVE HOMES, INC., APPLICANT)	G.3.

On April 11, 2016, Mr. Rick Przybyla filed a Concept Review Application with the Planning Department for a proposed 32-lot single-family residential subdivision development upon property located at 7501 South 49th Street.

The subject property is approximately 32.44 acres and is generally located to the north and south of the recent W. Evergreen Street extension, south of W. Marquette Avenue, east of S. 51st Street and the Clare Meadows development and west of Pleasant View Elementary School and Pleasant View Neighborhood Park. The property currently consists of a single-family home.

The surrounding zoning includes R-6 Suburban Single-Family Residence District to the north and south (also FC Flood Conservancy and FW Floodway districts to the south), I-1 Institutional District and P-1 Park District to the east and Planned Development District No. 25 (Clare Meadows) and R-6 Suburban Single-Family Residence District to the west. There are also R-3 Suburban/Estate Single-Family Residence District zoned lots, primarily those lots within the Rawson Heights subdivision, that are located just north of Marquette Avenue and Madison Avenue near the proposed subdivision development.

The subject property is zoned R-6 Suburban Single-Family Residence District and C-1 Conservancy District. The 2025 Future Land Use Map designation is Residential and Areas of Natural Resource Features.

The development plan includes four lots adjacent to W. Evergreen Street at the south end of the property, two lots with access from S. 51st Street, with the remaining 26 lots abutting the two cul-de-sacs extending from the future extension of W. Marquette Avenue. The subdivision development also consists of five outlots. A storm water pond is illustrated on Outlot 3. Staff suggests consideration of acquiring Outlot 4 and possibly Outlot 2 for park purposes.

The proposed lots range in size from 13,353 square feet to 44,186 square feet with a median lot size of 20,457 square feet. The R-6 District requires a minimum lot size of 11,000 square feet.

The applicant has also provided an alternate concept development plan, which includes 9 lots abutting a cul-de-sac extending north from West Evergreen Street. These lots range in size from 14,348 square feet to 26,718 square feet with a median size of about

20,365 square feet. This alternate plan increases the total number of lots to 39.

For comparison purposes, the existing single-family lots adjacent to W. Evergreen Street within the Winterhaven Subdivision range between 12,005 square feet and 17,060 square feet with a median lot size of 13,816 square feet.

Adjacent lots to the north, bounded by W. Madison Avenue to the north, W. Marquette Avenue to the south, S. 46th Street to the east and S. 49th Street to the west, range in size from about 19,933 square feet to 70,411 square feet with a median size of approximately 33,391 square feet.

Existing single-family residential lots abutting S. 51st Street range from 16,530 square feet to 146,018 square feet with a median size of 53,801 square feet.

The proposed development will require submittal of a Preliminary Plat Application, which is anticipated to identify two phases of development. Phase 1 includes the lots adjacent to W. Evergreen Street and the two lots abutting S. 51st Street. Phase 2 consists of the lots around the two cul-de-sacs extending from the future extension of W. Marquette Avenue. Staff also recommends submittal of a Rezoning Application to rezone the C-1 portion of the property to R-6 Suburban Single-Family Residence District.

Following approval of the Preliminary Plat Application a Final Plat Application will be required. These applications all require submittal of a Natural Resource Protection Plan and any protected resources will be placed within a Conservation Easement.

Staff is also recommending that the City construct the extension of West Marquette Avenue and assess the adjacent property owners accordingly. Staff finds this to be a needed extension to S. 51st Street, particularly for the benefit of Pleasant View Elementary School. Furthermore, the extension will allow the proposed Phase 2 of this development to move forward as well as provide development opportunity for the 11.87-acre property located at 7475 S. 49th Street (to the north of the future W. Marquette Avenue extension).

COMMON COUNCIL ACTION REQUESTED

Provide direction to the applicant regarding the proposed 32-lot single-family residential subdivision development (7501 South 49th Street) (Creative Homes, Inc., Applicant).

Department of City Development: NJF

March 28, 2016

City of Franklin
Attn: Nick Fuchs, Assistant Planner
9229 W Loomis Road
Franklin, WI 53132

RE: PROJECT SUMMARY
7501 S 49th Street / Evergreen Drive

Dear Nick,

This letter is to serve as a Project Summary for the property located at 7501 S. 49th Street and also Evergreen Drive.

We propose a preliminary plat to consist of 32 single family, residential home sites, of which four will be located on Evergreen Drive, two which shall have frontage on S. 51st Street, and the remaining on or just off of Marquette Avenue. (see attached Concept Plan)

The four lots on Evergreen Drive and the two located on S. 51st Street (Phase I) will have the ability to be marketed immediately upon approval of the preliminary and final plat. The remaining lots (Phase II) will be subject to the construction of Marquette Avenue from Pleasant View School to S. 51st Street. It is our understanding from our various meetings with the city, upon council approval, that the City of Franklin will be constructing Marquette Avenue, and assessing property owners accordingly.

The proposed 32 lots would have an anticipated market value of approximately $ 3.5MM, with the home / lot completion value yielding approximately $ 12MM - $ 14MM.

We feel that this project presents numerous benefits, including:

- Construction of Marquette Avenue, as a collector road, aids the City of Franklin / Pleasant View Elementary School, for safety reasons along with traffic pattern concerns.
- Creates much needed single family residential home sites within the city
- Creates a potential acquisition to the City of Franklin for additional park land and/or open space

Thank you for your consideration.

Sincerely,

Rick J. Przybyla
President

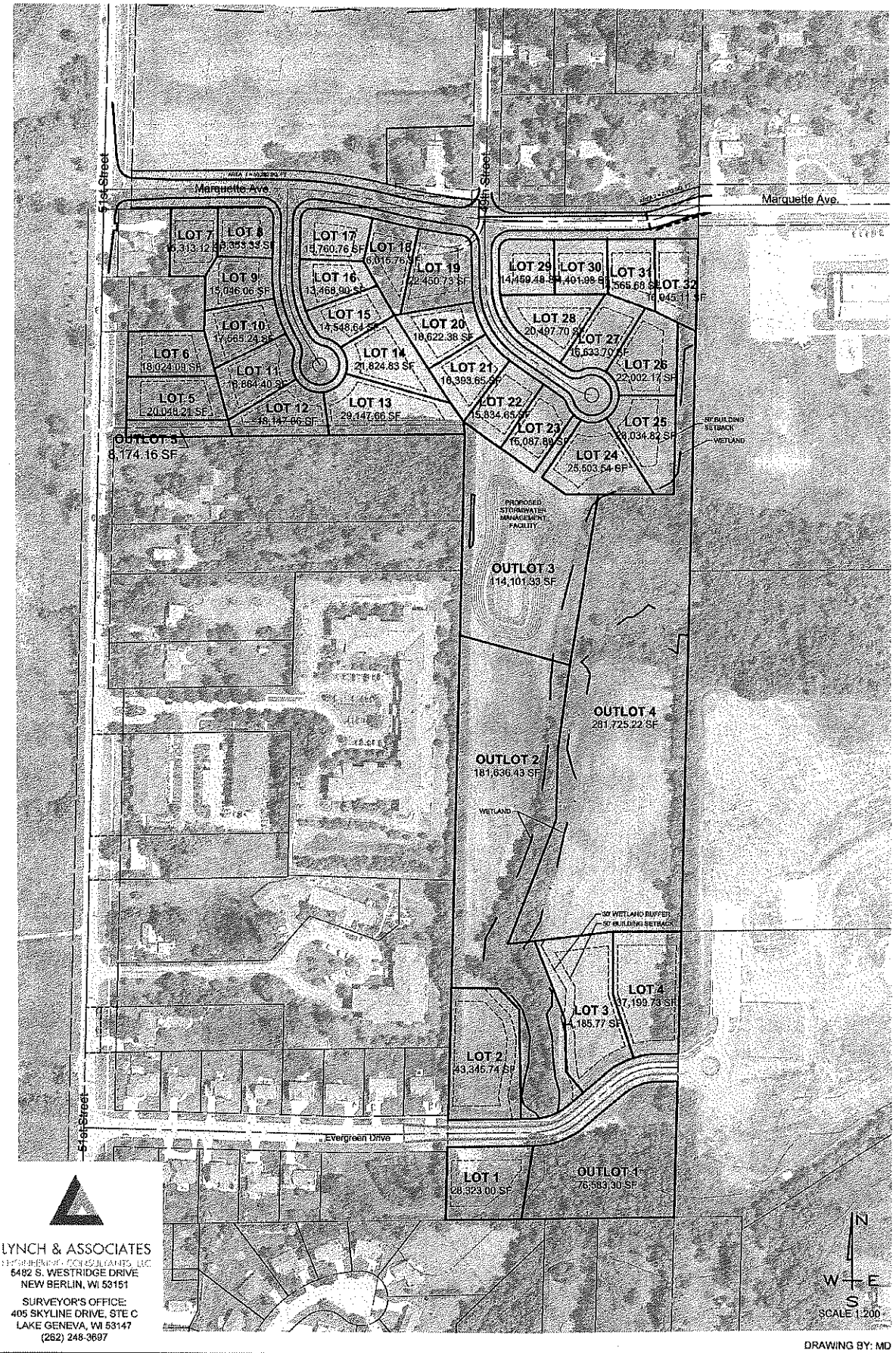
"A Builder of Quality Homes & Developments"
9244 West Grandview Court • Franklin, WI 53132 • Phone: 414.529.0958 • Fax: 414.529.4032

MARCH 25, 2016

CONCEPT PLAN
32 SINGLE FAMILY LOTS
896 FT OF NEW ROAD

Project No.15-047
Creative Homes, Inc.

PAGE 1 OF 3 - OVERALL DEVELOPMENT PLAN



LYNCH & ASSOCIATES
ENGINEERING CONSULTANTS, LLC
5492 S. WESTRIDGE DRIVE
NEW BERLIN, WI 53151

SURVEYOR'S OFFICE:
405 SKYLINE DRIVE, STE C
LAKE GENEVA, WI 53147
(262) 248-3697

DRAWING BY: MD

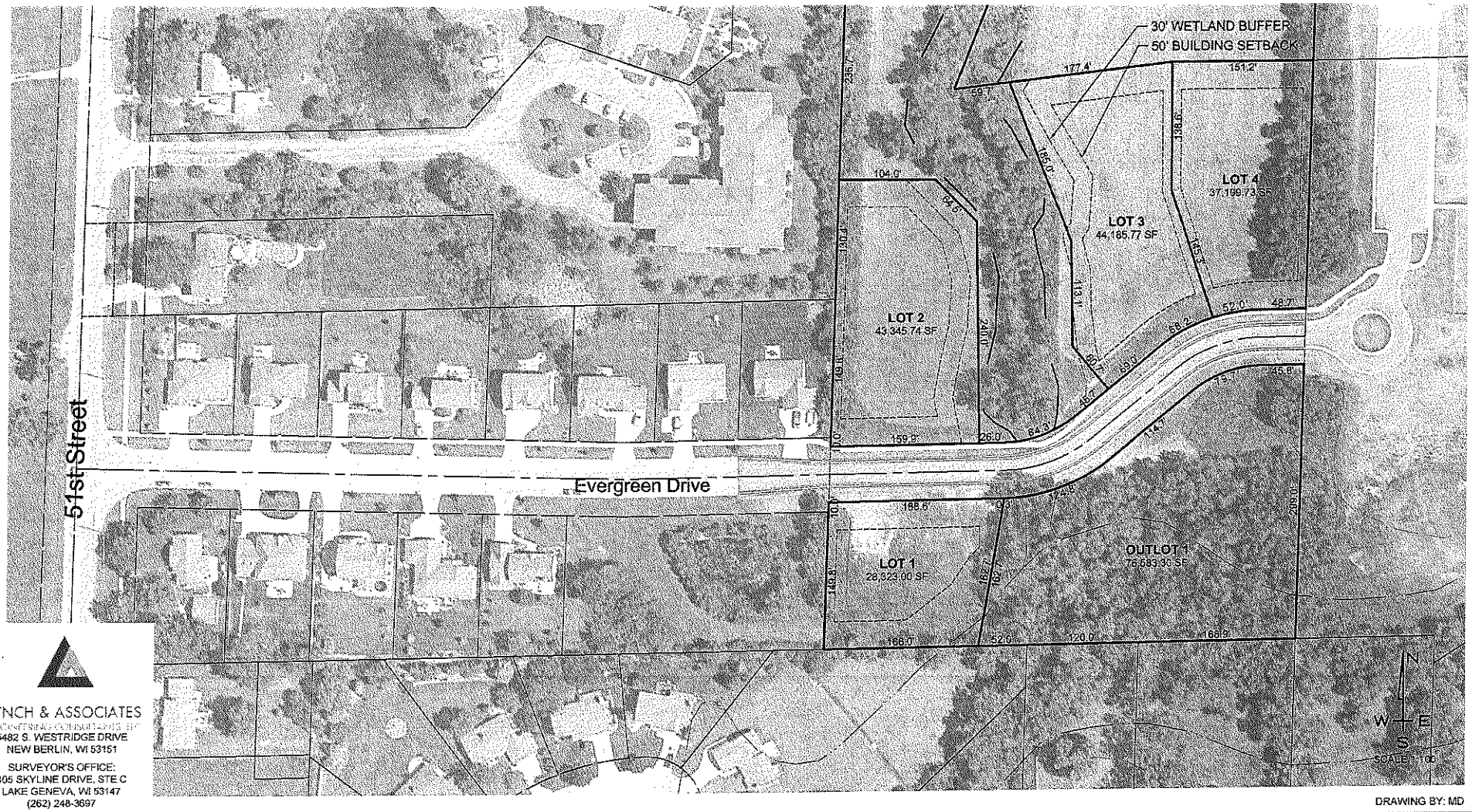
P:\Shared\1 - Projects\2015\15.047 - Creative Homes, Inc. - 49th St & Rawson\CAD\Design\15-047C00.dwg

MARCH 23, 2016

Project No.15-047
Creative Homes, Inc.

CONCEPT PLAN
32 SINGLE FAMILY LOTS
896 FT OF NEW ROAD

PAGE 2 OF 3 - SOUTH DEVELOPMENT PLAN



LYNCH & ASSOCIATES
ENGINEERING CONSULTANTS, LTD
5482 S. WESTRIDGE DRIVE
NEW BERLIN, WI 53151
SURVEYOR'S OFFICE:
405 SKYLINE DRIVE, STE C
LAKE GENEVA, WI 53147
(262) 248-3697

DRAWING BY: MD

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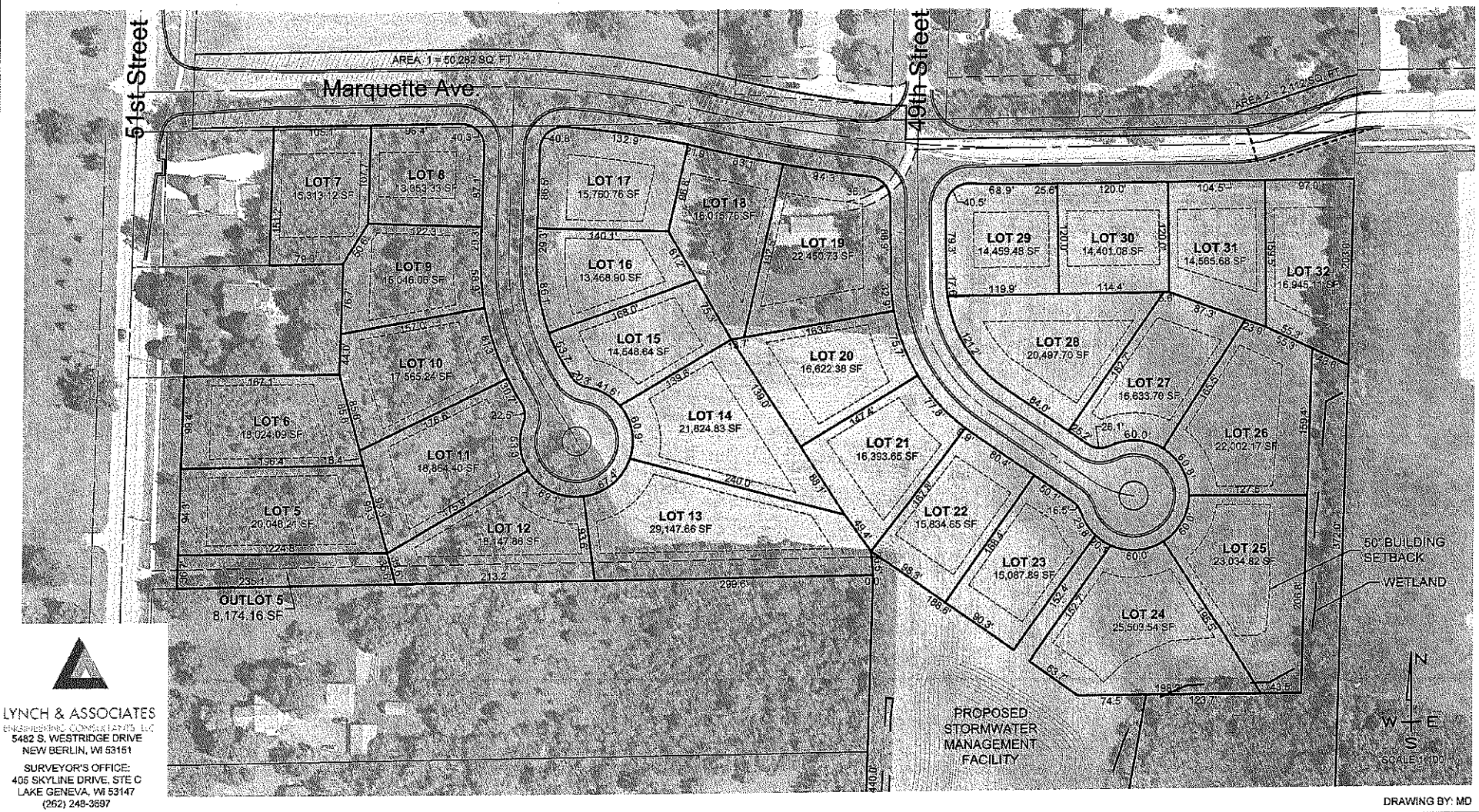
MARCH 23, 2016

Project No.15-047
Creative Homes, Inc.

CONCEPT PLAN
32 SINGLE FAMILY LOTS
896 FT OF NEW ROAD

PAGE 3 OF 3 - NORTH DEVELOPMENT PLAN



LYNCH & ASSOCIATES
ENGINEERING CONSULTANTS, LLC
5482 S. WESTRIDGE DRIVE
NEW BERLIN, WI 53151

SURVEYOR'S OFFICE:
405 SKYLINE DRIVE, STE C
LAKE GENEVA, WI 53147
(262) 248-3697

DRAWING BY: MD

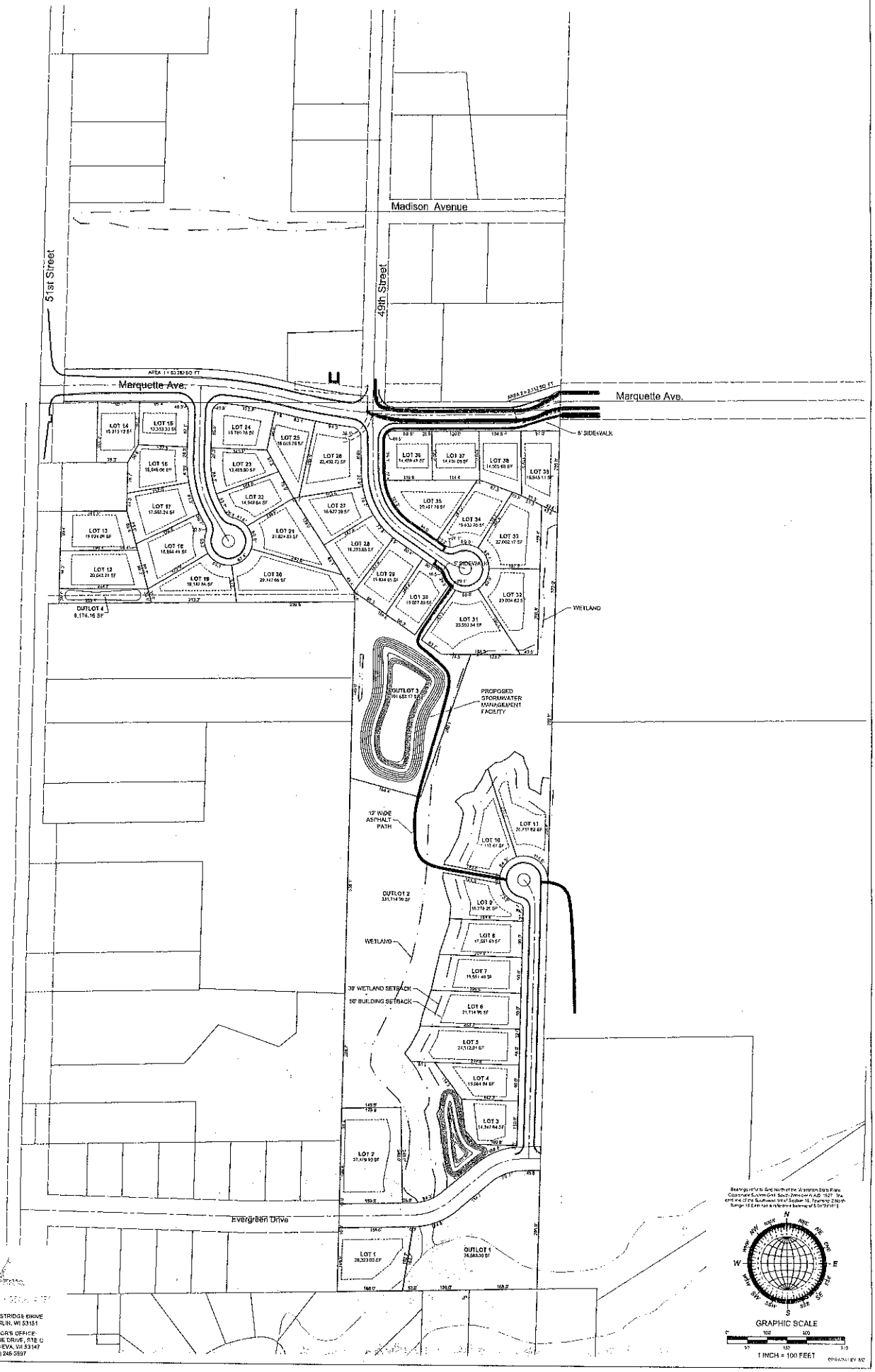
P:\Shared\1 - Projects\2015\15.047 - Creative Homes, Inc. - 49th St & Rawson\CAD\Design\15-047C00.dwg

APRIL 13, 2016

LOCATION: 49th Street/Evergreen Drive, City of Franklin

CONCEPT PLAN
39 SINGLE FAMILY LOTS
1,597 FT OF NEW ROAD

Project No. 15-047
Creative Homes, Inc



5182 S. WESTRIDGE DRIVE
NEW BERLIN, WI 53151

SURVEYOR'S OFFICE:
405 SKYLINE DRIVE, STE C
LAKE GENEVA, WI 53147
(262) 248-3597

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APPROVAL	REQUEST FOR	MEETING DATE
Slw	COUNCIL ACTION	04/19/16
REPORTS & RECOMMENDATIONS	RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A HEATING, VENTILATION AND AIR-CONDITIONING CONTRACTING BUSINESS USE UPON PROPERTY LOCATED AT 8437 SOUTH 27TH STREET (URBAN HEATING AND COOLING LLC, APPLICANT)	ITEM NUMBER 6.4.

At the April 7, 2016, meeting of the Plan Commission the following action was approved: move to recommend approval of a resolution imposing conditions and restrictions for the approval of a Special Use for a heating, ventilation and air-conditioning contracting business use upon property located at 8437 South 27th Street, subject to the Special Use Permit running with the operator of the business, not the property.

Per the above motion, Staff added the following condition to the draft resolution: "This Special Use shall be personal to Urban Heating and Cooling, LLC and shall not run with the land".

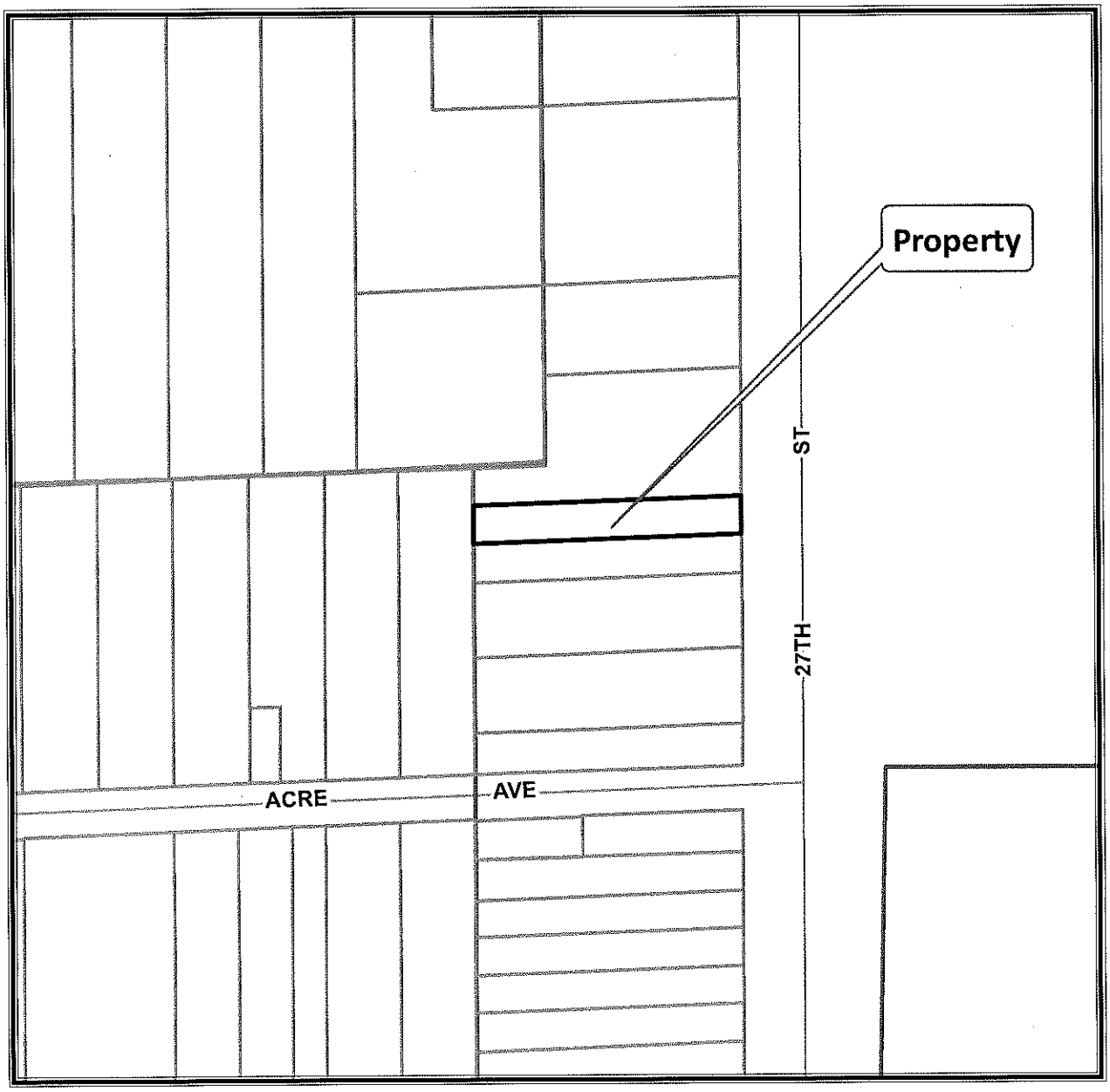
COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2016-_____, a resolution imposing conditions and restrictions for the approval of a heating, ventilation and air-conditioning contracting business use upon property located at 8437 South 27th Street (Urban Heating and Cooling, LLC, Applicant)

Department of City Development: OPS

City of Franklin

8437 S. 27 Street



Planning Department
(414) 425-4024

0 125 250 500 Feet

NORTH

2016 Aerial Photo

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

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

RESOLUTION NO. 2016-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A HEATING, VENTILATION AND AIR-CONDITIONING CONTRACTING BUSINESS USE UPON PROPERTY LOCATED AT 8437 SOUTH 27TH STREET (URBAN HEATING AND COOLING LLC, APPLICANT)

WHEREAS, Urban Heating and Cooling LLC having petitioned the City of Franklin for the approval of a Special Use within a B-4 South 27th Street Mixed-Use Commercial District under Standard Industrial Classification Title No. 1711 "Plumbing, heating, air-conditioning", to allow for a heating, ventilation and air-conditioning contracting business use upon property located at 8437 South 27th Street, bearing Tax Key No. 832-9941-000, more particularly described as follows:

> Commence in the east line of the southeast 1/4, 963.50 feet south of the northeast corner of the southeast 1/4, thence west, 435.60 feet; thence south 50.00 feet; thence east 435.60 feet, thence north 50.00 feet to the point of commencement. Excepting the east 80.00 feet for street purposes; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 7th day of April, 2016, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Urban Heating and Cooling LLC, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and

restrictions:

1. That this Special Use is approved only for the use of the subject property by Urban Heating and Cooling LLC, successors and assigns, as a heating, ventilation and air-conditioning contracting business use, which shall be developed in substantial compliance with, and operated and maintained by Urban Heating and Cooling LLC, pursuant to those plans City file-stamped March 28, 2016 and annexed hereto and incorporated herein as Exhibit A.

2. Urban Heating and Cooling LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Urban Heating and Cooling LLC heating, ventilation and air-conditioning contracting business, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

3. The approval granted hereunder is conditional upon Urban Heating and Cooling LLC, and the heating, ventilation and air-conditioning contracting business use for the property located at 8437 South 27th Street: (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.

4. Outdoor storage shall not be allowed onsite; the area depicted as "Fenced Storage Area" on the applicant's submitted site plan shall not be used for any purpose other than the placement and use of waste/recycling container(s) and parking of employee or company vehicles not exceeding 8,000 pounds Gross Vehicle Weight as required by the applicant's business use of the property, without the further approval of an amendment to the Site Plan approved under this Resolution.

5. The applicant shall mark off-street parking spaces with painted lines in accordance with Section 15-5.0202 of the Unified Development Ordinance, prior to the issuance of an Occupancy Permit.

6. The applicant shall mark the off-street parking space nearest the front entrance of the building with a sign reserving it for persons with disabilities in accordance with Section 15-5.0202(I)3. of the Unified Development Ordinance and the Americans with Disabilities Act (ADA) Guidelines for Buildings and Facilities.

7. This Special Use shall be personal to Urban Heating and Cooling, LLC and shall not run with the land.

BE IT FURTHER RESOLVED, that in the event Urban Heating and Cooling LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

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

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

BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016.

APPROVED:

_____
Stephen R. Olson, Mayor

ATTEST:

_____
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CITY OF FRANKLIN

REPORT TO THE PLAN COMMISSION

Meeting of April 7, 2016

Special Use

RECOMMENDATION: City Development Staff recommends approval of the proposed special use for a heating, ventilation and air-conditioning contracting business use upon property located at 8437 South 27th Street, subject to the conditions of approval in the attached draft resolution.

Project Name:	Urban Heating and Cooling, LLC, Special Use
Project Address:	8437 South 27th Street
Applicant:	Urban Heating and Cooling, LLC
Owners (property):	Jeffrey S. and Steven K. Puschnig
Current Zoning:	B-4 South 27th Street Mixed Use Commercial District
2025 Comprehensive Master Plan	Mixed Use
Use of Surrounding Properties:	Single-family residential (to the south and west); Toscana Italian restaurant (to the north) and vacant property in the city of Oak Creek (to the east)
Applicant Action Requested:	Recommendation of approval for the proposed Special Use for Urban Heating and Cooling, LLC to operate at 8437 South 27th Street

BACKGROUND AND INTRODUCTION:

The Common Council granted Urban Heating and Cooling, LLC Special Use approval to operate at 8437 S. 27th Street on July 1, 2014 via Resolution No. 2014-7000. However, Mr. Sopa did not establish the Special Use by way of the issuance of an occupancy permit for such use within one year from the date of adoption of Resolution No. 2014-7000, thus rendering the approval null and void on July 1, 2015. Mr. Sopa is renegotiating to purchase the property and would once again like approval to locate his business there.

On February 25, 2016, Ryan Sopa submitted a new Special Use application on behalf of Urban Heating and Cooling, LLC requesting approval to operate a heating, ventilation and air-conditioning contracting business use within a vacant building located at 8437 South 27th Street. The proposed use corresponds to Standard Industrial Classification (SIC) Title No. 1711, Plumbing, heating, air-conditioning, which is allowable in the B-4 South 27th Street Mixed Use Commercial District as a Special Use.

PROJECT DESCRIPTION AND ANALYSIS:

The applicant is requesting Special Use approval to operate a heating, ventilation and air-conditioning contracting business use in an approximately 960 square foot existing building located at 8437 South 27th Street. Mr. Sopa is in negotiations to purchase this property from the current owners. The property is approximately 0.41 acres or 17,859 square feet. The applicant is

not proposing any additional landscaping, lighting or exterior changes to the building at this time.

According to the applicant, Urban Heating and Cooling will provide residential and commercial heating and cooling equipment services. The applicant indicates that the property will be utilized for office, shop, and equipment storage purposes. Proposed hours of operation for the business are Monday through Friday from 8:00 a.m. to 5:00 p.m. The applicant indicates that there are currently three employees, with a possibility for more in the future, that there will not be any storage or work conducted on equipment outdoors, and that the fenced in storage area will only be used for parking vehicles and storing waste/recycling containers.

The fenced in storage area as depicted on the site plan was not approved by the City. The fence was approved and issued a Building Permit on April 11, 2001; however, there is not a use approval on file to allow for outdoor storage. Furthermore, staff is not aware of any approvals to pave that portion of the site. Staff estimates the Landscape Surface Ratio of the site at approximately 15%, which does not comply with the B-4 Minimum Landscape Surface Ratio of 0.30. *Staff recommends outdoor storage not be allowed onsite; the area depicted as "Fenced Storage Area" on the applicant's submitted site plan shall not be used for any purpose other than the placement and use of waste/recycling container(s) and parking of employee and company vehicles not exceeding 8,000 pounds Gross Vehicle Weight as required by the applicant's business use of the property, without the further approval of an amendment to the Site Plan approved under this Resolution*.

Parking:
Table 15-5.0203 of the City of Franklin Unified Development Ordinance (UDO) defines requirements for off-street parking. According to this section, a contractor shop is required to provide 1.0 space per 1,000 square feet of gross floor area (GFA), plus required parking for offices, or similar uses where those uses exceed 10 percent of GFA. If one applies this standard, then the proposed 960 square foot heating, ventilation and air-conditioning contracting business use would be required to provide a minimum of one (1) off-street parking space.

The subject building has a parking lot consisting of space for approximately six (6) total off-street parking stalls. However, the parking areas are currently not striped as required by the UDO. Therefore, *Staff recommends the applicant mark off-street parking spaces with painted lines in accordance with Section 15-5.0202 of the Unified Development Ordinance, prior to issuance of an Occupancy Permit*.

Furthermore, none of the off-street parking spaces on the property are marked as reserved for persons with disabilities as required by Section 15-5.0202(I)(3) of the (UDO). Therefore, *Staff recommends the applicant mark the off-street parking space nearest the front entrance of the building with a sign reserving it for persons with disabilities in accordance with Section 15-5.0202(I)(3) of the Unified Development Ordinance and the Americans with Disabilities Act (ADA) Guidelines for Buildings and Facilities.*

Section 15-3.0701(A) and (C) of the UDO contains the General Standards and Considerations that must be examined for each proposed Special Use prior to granting approval. The applicant

has provided a written response to these standards within the project narrative, which is included in your packet.

STAFF RECOMMENDATION:

City Development Staff recommends approval of the proposed special use for a heating, ventilation and air-conditioning contracting business use upon property located at 8437 South 27th Street, subject to the conditions of approval in the attached draft resolution.

Exhibit A

Franklin

MAR 28 2016

City Development

URBAN HEATING & COOLING
MECHANICAL CONTRACTOR
414-915-6290

24 Hour Emergency Service

PO Box 320701 Franklin, WI 53132

March 28 2016

To whom it may concern-

My name is Ryan Sopa and I have contracted to purchase the property at 8437 S. 27th Street to house my HVAC business; Urban Heating and Cooling. I established this company in 2009 to service residential and commercial heating and cooling equipment in Franklin and the surrounding areas. The primary business use for this property will be as my office, main shop and equipment storage facility. I do not plan to make any immediate changes or alterations on the property and, at this time, the rear, fenced-in area will be used for parking vehicles and dumpster area. I do not intend to store, or work on equipment outdoors. My typical hours of operation will be approximately 8am to 4;30pm, Monday through Friday. I presently have three employees that will work out of the property. The traffic in and out of this location will be minimal and the current public facilities and services are more than adequate. The operation of my business will not interfere with any surrounding development, create any traffic congestion, nor cause any adverse impact on the area. I am a reputable businessman who fully intends to cooperate with the city regulations and be an asset to the community. Therefore, I respectfully request that my application for a special use permit be granted

Thank you,
Ryan Sopa

Franklin

MAR 28 2016

City Development

LEGAL DESCRIPTION:
COMMENCE IN THE EAST LINE OF THE SOUTHEAST 1/4, 963.50 FEET SOUTH OF THE NORTHEAST CORNER OF THE SOUTHEAST 1/4; THENCE WEST, 435.60 FEET; THENCE SOUTH 50.00 FEET; THENCE EAST 435.60 FEET, THENCE NORTH 50.00 FEET TO THE POINT OF COMMENCEMENT. EXCEPTING THE EAST 80.00 FEET FOR STREET PURPOSES.

I, PETE L. BAILEY, HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND OVERHANGS OF ALL PRINCIPLE BUILDINGS THEREON, ACCESSORY FEATURES, APPARENT EASEMENTS, ROADWAYS AND VISIBLE ENCROACHMENTS, IF ANY.

THIS SURVEY IS MADE FOR THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THEREOF WITHIN ONE (1) YEAR FROM THE DATE THEREOF.

DATED AT: NORTH CAPE, THIS 7TH DAY OF MAY, 2014.

Pete L. Bailey

AMERICAN SURVEYING COMPANY, INC.
PETE L. BAILEY, RLS NO. 1398
RECERTIFIED this _____day of _____, 2014.

LEGEND:

O – DENOTES NO. 6 REBAR W/CAP SET

ALL BEARINGS ARE REFERENCED TO GRID NORTH, SOUTH ZONE OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM.

● – DENOTES IRON PIPE FOUND

WISCONSIN PETE L BAILEY S-1398 NORTH CAPE, WI LAND SURVEYOR

ROW

17,850 +/- s.f. 41 Acres

AMERICAN SURVEYING COMPANY, INC.
12207 C.T.H. "K" FRANKSVILLE, WISCONSIN 53126
TEL. (262) 835-4774 FAX: (262) 835-2379
beauforddbailey@hotmail.com

DRAWN BY:	PLB	REVISIONS:	DATE
CHECKED BY:	PLB	3-28-16	
PLOT SCALE:	1=40		
DATE:	05/07/2014		
JOB NO.:	2014034		
DWG. FILE:	JN2014054	CLIENT NO.	04656

CITY OF FRANKLIN

PROJECT: Urban Housing and Zoning

PLAT OF SURVEY/BOUNDARY SURVEY

PREPARED FOR: STEVEN K. PUSCHNIG

Sheet 1 of 1

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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 4/19/2016
REPORTS & RECOMMENDATIONS	Parks Commission Recommendation to Purchase Site Furnishings for Kayla's Playground	ITEM NUMBER G.5.

(This item was tabled to the 4/19/2016 Council Meeting from the 4/4/2016 Council Meeting. Note: This Council Action Sheet reflects a further reduction in the price proposal by Wausau Tile of $452. Wausau Tile was and remains the lowest proposed price.)

With the development of Kayla's playground in 2015 and the construction completion in the spring of 2016, additional site equipment/furnishings are necessary to complete the project. Picnic tables, waste receptacles, and concrete bollards are being requested and will be placed in the newly developed patio area just outside of the playground in accordance with the attached map. The tables and waste receptacles are very heavy concrete items that will prevent them from being able to be easily moved around the paver area. The bollards will be placed between the restroom and the play area, as shown on the map, to ensure guest's vehicles are not driven back to the pavilion.

Staff reviewed options and requested proposals for these additional concrete site furnishings for this patio area. At the March 28, 2016 Parks Commission Meeting, Commission members reviewed the following three proposals for concrete picnic tables, waste receptacles, and bollards (proposals attached):

Wausau Tile (tables, waste receptacles, bollards): $11,593.00
Petersen Mfg. Co., Inc. (tables, waste receptacles, bollards): $12,303.00
Minnesota-Wisconsin Playground (tables only): $12,560.00

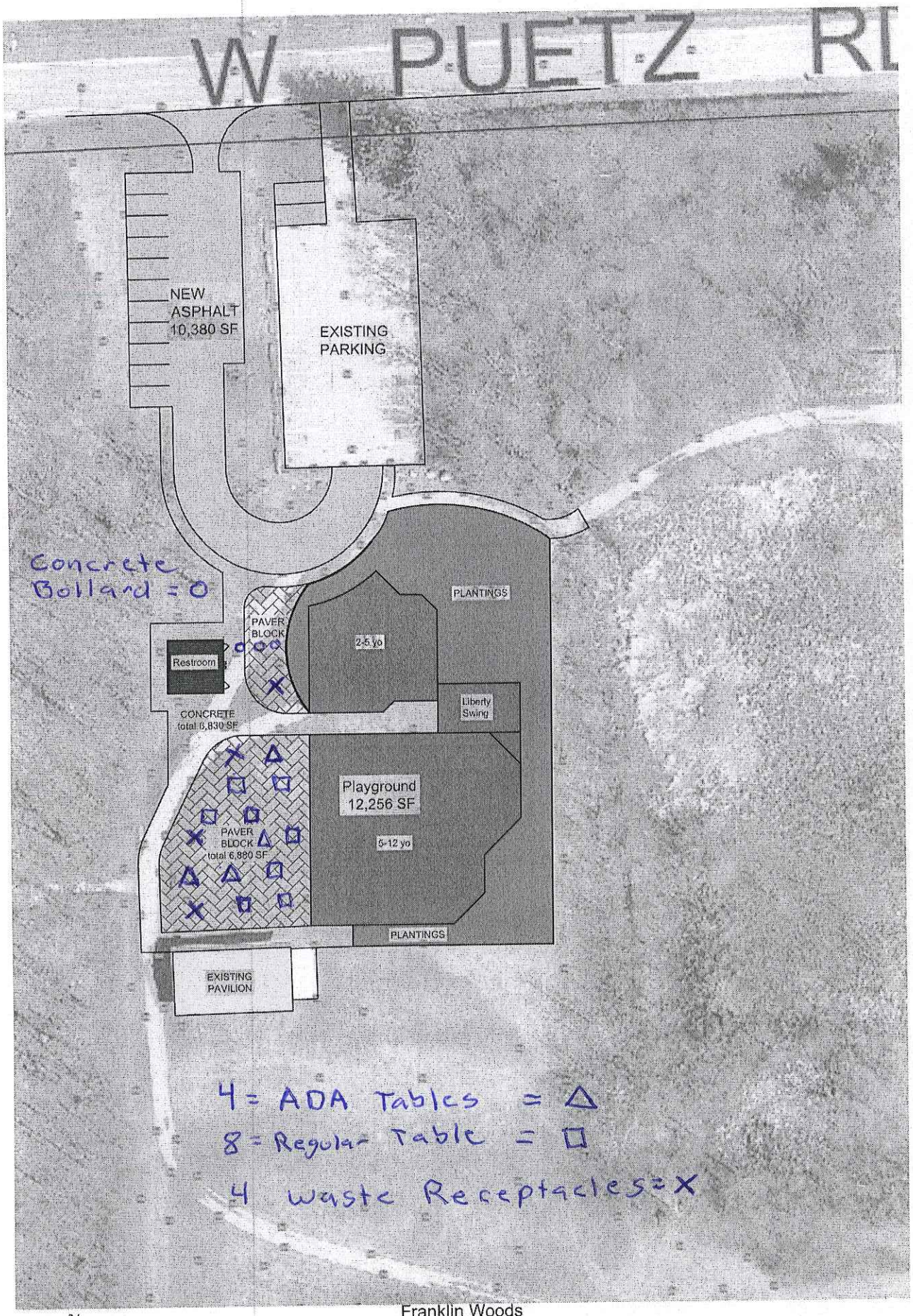
The Parks Commission approved a motion recommending the purchase of the additional site furnishings for the newly developed patio area just outside of Kayla's Playground from Wausau Tile for their total proposed cost of $12,045.

Fiscal Note: In conjunction with the Kayla's Playground project that is still in progress, purchase of these pieces of equipment for installation is appropriate for partial use of Park Impact Fees (36% = $4,336). The project report made to the Common Council in November noted that the project at Franklin Woods was approximately $50,000 under budget; therefore, the remaining $7,709 portion ($12,045 less $4,336 Impact Fees) could come from that amount once an appropriation is established. That amount has now – in 2016 – dropped to and become part of the Capital Improvement Fund fund balance. Similarly, following a budget modification, unused appropriations from the Market Square Bathroom (or College Avenue Sidewalk) projects could be reassigned. (Alternatively, the donations account provided by Kayla's Krew for the continued enhancement of the playground area could be a source.) In order to allow for the order to be placed promptly, staff recommends the Common Council authorize purchase with the use of Capital Improvement Fund Contingency appropriation and direct the Finance Director to bring forth a budget modification later that would then free up the contingency appropriation.

COUNCIL ACTION REQUESTED

Motion to authorize the purchase of additional site furnishings (picnic tables, waste receptacles, and concrete bollards) for the patio adjacent to Kayla's Playground from Wausau Tile for their total proposed cost of $12,045, as recommended by the Parks Commission, with the purchase applied against the Capital Improvement Fund Contingency appropriation, pending a budget modification to be brought forward by the Finance Director when he deems appropriate.

DOA-MWL



Franklin Woods
Kayla Park Site
4/23/2015

N W E S

0 20 40 80 Feet

City of Franklin
A Thriving Community in Southeastern Wisconsin

DIRECT: 715.359.3121 | MAIN: 800.388.8728
MAILING: PO BOX 1520 | WAUSAU, WI 54402-1520
SHIPPING: 9001 BUSINESS HWY 51 | ROTHSCHILD, WI 54474

WAUSAU MADE™

QUOTATION

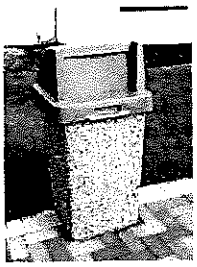
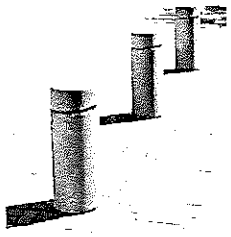
Shelly Runte
Kayla's Krew
Franklin WI

Date: March 24, 2016
Phone: (414) 630-2288
Fax:
Email: Runte1@sbcglobal.net

PROJECT: Patio Tables

IN COMPLIANCE WITH YOUR REQUEST FOR A PRICE QUOTATION ON SITE FURNISHINGS SUPPLIED BY WAUSAU TILE, WE SUBMIT THE FOLLOWING:

QTY	PRODUCT	DESCRIPTION	UNIT PRICE	EXTENSION
8	TF3125	66" Dia x 30" H Precast Concrete Table Set , Standard "G" Finish/Colors, 1,100 Lbs		$ 10,000.00
4	TF3128	66" x 64" x 30" H ADA Precast Concrete Table Set Standard "G" Finish/Colors, 860 Lbs		
4	TF1015	20" Sq x 43" H Precast Concrete Waste Container W/ Plastic Push Door Top, Retainer Ring, Standard Colors/ Finish, 280 Lbs	$ 255.00	$ 1,020.00
~~3~~	~~TF6010~~	~~12" Dia x 30" H Precast Concrete Bollard, Standard Colors/Finish, 295 Lbs~~	~~$ 184.00~~	
		OR		
3	TF6020	12" Dia x 36" H Precast Concrete Bollard, Standard Colors/Finish, 310 Lbs	$ 191.00	$ 573.00

QUOTATION IN EFFECT FOR 30 DAYS FROM ISSUE DATE UNLESS OTHERWISE NOTED.
WE QUOTE YOU AS ABOVE F.O.B.: Franklin WI
SHIPMENT CAN BE MADE IN: TBD

SUBTOTAL : $ TBD
SHIPPING : $ Included
SALES TAX : $ See Below
TOTAL : $ 11,593.00

TERMS & CONDITIONS:

1. Wausau Tile's standard purchase and warranty terms apply as stated under Terms of Sale on our website.
2. This is a materials only bid valid for 30 days from date of bid. Prices are based on square footage or units as listed above, and subject to change if there are any increases or decreases of quantities to the project.
3. 30% down payment is required on all custom or modified products prior to start of production.
4. Field measurements, specifications and quantity confirmation are responsibilities of the customer.
5. Freight rates are based on today's rates and are valid for 30 days from bid. Delivery is for one location only unless noted in bid.
6. Customer will be notified when product is ready for delivery. Storage charges apply if customer delays shipment more than 30 days after notice.

PETERSEN MANUFACTURING CO., INC.
P.O. BOX 664 DENISON, IA 51442
800-832-7383 * 712-263-2442 * FAX 712-263-5090
www.petersenmfg.com * rick@petersenmfg.com

QUOTATION

Date:	3/24/2016
Job Number:	
TO:	JERRY SCHAEFER
Company Name	CITY OF FRANKLIN
Address (line 1)	
Address (line 2)	
City, State ZIP or Postal Code	FRANKLIN, WI 53132
Phone Number	414-659-2719
Fax Number	

TERMS	EARLIEST SHIP	FOB	SHIP VIA	SALESPERSON
NET 10		Denison, IA 51442		Rick Carstensen

ITEM NO.	QTY	DESCRIPTION	UNIT	UNIT PRICE	TOTAL
	8	R-OTS CONCRETE TABLE STANDARD COLORS AND TEXTURES		$726.00	$5,808.00
	4	R-OTS-H CONCRETE TABLE STANDARD COLORS AND TEXTURES		$716.00	$2,864.00
	4	TCRMP30A CONCRETE TRASH RECEPTACLES WITH 32 GALLON PLASTIC LINER		$502.00	$2,008.00
	3	B-9 CONCRETE BOLLARD		$291.00	$873.00
		FREIGHT WITHOUT OFFLOADING OR PLACEMENT SHIPPING TO ZIP CODE 53132			$750.00

*	OPTION UMBRELLA BRACKETS FOR THE R-OTS SERIES TABLES 12 x 44.00	$44.00 EA	*Subtotal*	$12,303.00
		← Brackets		528.00
Thank you			*Tax*	?
Rick Carstensen			*Total*	$12,303.00

$12,831.00

MINNESOTA•WISCONSIN PLAYGROUND
Consultant: Jim Pease

Minnesota / Wisconsin Playground
5101 Highway 55, Suite 6000
Golden Valley, Minnesota 55422
Ph. 800-622-5425 | 763-546-7787
Fax 763-546-5050 | jimp@mnwiplay.com

QUOTE
#15159

03/16/2016

Precast Round Concrete Tables

City of Franklin
Attn: Jerry Schaefer
7979 West Ryan Road
Franklin, WI 53132
Phone: 414-425-8881
jschaefer@franklinwi.gov

Ship To Zip: 53132

Quantity	Part #	Description	Unit Price	Amount
9	CTR4S	KayPark - Round Concrete Table - *Standard color choices; Sand Tan, Dove Gray, Light Brown, Terra Cotta. Please see enclosed product sheets for more specifics.*	$959.00	$8,631.00
3	CTR3H	KayPark - Round Concrete Table, ADA version - *Standard color choices; Sand Tan, Dove Gray, Light Brown, Terra Cotta*	$945.00	$2,835.00

SubTotal:	$11,466.00
Freight:	$1,094.00
Total Amount:	**$12,560.00**

This quotation is subject to current Minnesota/Wisconsin Playground policies as well as the following terms and conditions. Our quotation is based on shipment of all items at one time to a single destination, unless noted, and changes are subject to price adjustment. Purchases in excess of $1,000.00 to be supported by your written purchase order made out to Minnesota/Wisconsin Playground.

Pricing: f.o.b. factory, firm for 30 days from date of quotation. Sales tax, if applicable, will be added at time of invoice unless a tax exempt certificate is provided at time of order entry.

Payment terms: net 30 days for tax supported governmental agencies. A 1.5% per month finance charge will be imposed on all past due accounts. Equipment shall be invoiced separately from other services and shall be payable in advance of those services and project completion. Retainage not accepted.

Shipment: order shall ship within 30-45 days after our receipt and acceptance of your purchase order and color selections. Please be sure unloading equipment can handle weight of your order.

Freight charges: Allowed, as shown, & prepaid

Exclusions: unless specifically included, this quotation excludes all site work and landscaping; removal of existing equipment; acceptance of equipment and off-loading; storage of goods prior to installation; equipment assembly and installation; safety surfacing; borders and drainage provisions.

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APPROVAL Slw	REQUEST FOR COMMON COUNCIL ACTION	MEETING DATE 4/19/16
REPORTS & RECOMMENDATIONS	RETAIL SERVICES CONTRACT WITH BUXTON COMPANY	ITEM NUMBER G.6.

Summary
The action would authorize staff to terminate the existing retail services contract with Buxton Company (Buxton) as of May 22, 2016. The Franklin Economic Development Commission (EDC) reviewed this action at their March 28, 2016 meeting. The EDC voted unanimously (4-0) to recommend the Common Council authorize staff to terminate the contract.

Background
On November 24, 2014, the City of Franklin engaged Buxton to provide data tools, site assessments, match lists, retailers specific marketing packages, access to SCOUT software and additional services related to retail recruitment. The agreement was for three years at a fee of $50,000 per year, with the ability to cancel services for the following year with notice 60 days prior to the renewal date. With the Economic Development Director position unfilled, EDC and Senior Planner, Nick Fuchs, made use of the available resources to better understand the market, inform existing and potential retailers of market conditions and approach target retailers identified by Buxton.

In the fall of 2015, with the impending hiring of an Economic Development Director, the contract with Buxton was renegotiated. Rather than paying fully for year 2 of the contract, Franklin agreed to pay $17,500 (invoiced on 11/24/15) for "continued support and implementation of year 1 retail targets." This allowed roughly six months for the new Economic Development Director to make use of Buxton's resources and tools and help inform the City's conversation about continuation of the contract. The remainder of the year 2 fee, $32,500, would be invoiced on May 22, 2016 for "additional retail targets match." Under the new terms, Franklin may "cancel services for year 2 and 3 by providing written notice to Buxton at least thirty (30) days in advance of the [new] yearly renewal (May 22 of 2016 and 2017)." If Franklin intends to cancel the contract on May 22, 2016, written notice must be provided to Buxton prior to April 22, 2016.

Discussion
Staff, with support from the EDC, has pursued retail recruitment through Buxton's resources and leads since the inception of the contract. Regular communication has helped staff learn Scout software, understand market trends and follow up on potential leads. Buxton tools and resources have helped the Economic Development Director more quickly adapt to the retail market and available information has been helpful in building relationships with the retail development and brokerage community.

Pursing retail development via the match list curated by Buxton has provided direction, but no direct results. Outreach begins with cold letters and calls and often leads to dead-ends. It should be noted, that retail recruitment often takes a considerable amount of time and Buxton has recommended outreach to the local brokerage community via organizations like the ICSC (International Council on Shopping Centers) and organization to which Franklin's Economic Development has and continues to be an active member. Networking through ICSC has led to direct meetings with brokers representing or familiar with available locations and national retailers.

Tools and information from Buxton have been shared with local retailers, developers and brokers to mixed reaction. Many in the brokerage community have access to the same or similar information. National retailers have access to similar data through their national offices and local retailers often have difficulty understanding the data available without considerable explanation. Developers have similarly had mixed reactions some, have existing profiles of clients they desire and others have brokerage relationships that support their data needs. Relationship building with developers and

brokers has provided more applicable feedback than outreach via Buxton to corporate offices of national retailers. It should be noted that the data tools available via Buxton's Scout program have been productive in leading conversations; however, data tools are available elsewhere.

Alternatives

Staff has explored alternatives to Buxton. Retail Strategies for example provides similar retail services with the addition of conducting outreach on the municipalities behalf at a lesser fee ($50,000 in year one, $30,000 in years 2 and 3). Staff is also exploring access to data tools without retail recruitment services. This option would provide access to data that could be used in retail recruitment and make use of the relationships of the EDC and Economic Development Director with the local retail, broker, development, and commercial finance community. Access to data tools would cost considerably less than other options. Staff is not yet prepared to make a recommendation on data tools as paid and free options are still being explored.

COUNCIL ACTION REQUESTED

A motion to authorize staff to terminate the retail services contract with Buxton Company as of May 22, 2016.

Economic Development: AMH

October 29, 2015 (Revised 11/6/15)

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

We appreciate the opportunity to present this Addendum to Franklin, WI. In addition to the services outlined in your original Agreement, dated November 24, 2014, this Addendum controls the amended payment terms outlined below. No additional fees are associated with this addendum.

Amended Fees

- $50,000 Year 2 Fee
  - $17,500 invoiced November 24, 2015 for continued support and implementation of year 1 retail targets
  - $32,500 invoiced May 22, 2016 for the year 2 additional retail targets match, with year two ending May 21, 2017
- $50,000 Year 3 Fee invoiced May 22, 2017, with year three ending May 21, 2018

Terms

- If Franklin, WI requests services not specified in this addendum, the parties shall enter into an additional proposal or amendment setting forth the additional services, fees and other mutually agreed upon terms.
- Franklin, WI may cancel services for Year 2 and 3 services by providing written notice to Buxton at least thirty (30) days in advance of the yearly renewal (May 22 of 2016 and 2017).

Thank you again for the opportunity to continue serving Franklin, WI. The parties hereby agree to and accept the terms of this proposal as of the date written below.

Buxton Company

By: David Glover

Name: David Glover

Title: Chief Financial Officer

Date: 11/6/15

Franklin, WI

By: Stephen R. Olson

Name: Stephen R. Olson

Title: Mayor

Date: 11/6/2015

Primary Contact of Invoice Receipt

Name: Aaron Hertzberg

Phone: 414-425-4024

Email: AHertzberg@Franklinwi.gov

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APPROVAL Slw	REQUEST FOR COUNCIL ACTION	MTG. DATE 4/19/16
Reports & Recommendations	TEMPORARY LIMITED EASEMENTS REQUIRED FROM PROPERTIES AT 2937, 2941, 3009, AND 3131 W. COLLEGE AVENUE	ITEM NO. G.7.

BACKGROUND

The City is proceeding with a project to construct a path project along W. College Avenue. Staff has made contact with nine properties for temporary limited easements (TLE). These easements are not needed to complete the project, however it is needed to provide for grading on private land a more desirable slope to match existing yards and driveways. The easements are written to terminate upon completion of construction and the City's acceptance of the project.

ANALYSIS

To date, four of the properties have signed the TLEs and are ready for the Common Council to approve for City's signature.

The easements included in this action is for the following properties:

- 2937 W. College Avenue
- 2941 W. College Avenue
- 3009 W. College Avenue
- 3131 W. College Avenue

Again, it is not critical to receive TLEs from all properties. If more are acquired, they can be signed at future Common council meetings. Staff is still awaiting returned phone calls and/or returned TLE documents from the following properties:

- 2923 W. College Avenue
- 3019 W. College Avenue
- 3211 W. College Avenue
- 3177 W. College Avenue
- 3231 W. College Avenue

OPTIONS

Table; or

Authorize Mayor to sign the enclosed Temporary Limited Easements.

FISCAL NOTE

These easements will have negligible impact on the project costs. If easements are not acquired, the contractor will minimally reduce some quantities and therefore costs for pavement and turf restoration.

RECOMMENDATION

Authorize City to sign the temporary limited easements for 2937, 2941, 3009, and 3131 W. College Avenue.

10 FOOT TEMPORARY LIMITED EASEMENT FOR
SLOPING AND GRADING PURPOSES
ALONG THE SOUTH OF WEST COLLEGE AVENUE
Project name: College Avenue Path
Tax key # 714-9983-000

Manningham, Michael & Diane LH ("Grantors"), being the owner of the property located at 3131 West College Avenue, City of Franklin, Milwaukee County, Wisconsin, in consideration of the sum of One Dollar ($1.00) and other valuable considerations, the receipt whereof is hereby acknowledged, does grant, set over and convey to the **City of Franklin,** a Wisconsin municipal corporation ("City"), a Temporary Limited Easement ("TLE") for sloping and grading, upon, over and across the following parcel described in Exhibit A attached hereto and made a part hereof (the "TLE Area")

The Temporary Limited Easement is subject to the following conditions:

1. The purpose of this TLE is to allow the City to perform sloping and grading on lands located outside of the existing West College Avenue right-of-way at 3131 West College Avenue Franklin, Wisconsin, in association with the construction of a **Path.**

2. The City's use of the TLE shall be for construction, sloping and grading purposes including, but not limited to, the right of ingress and egress, the right to operate necessary equipment thereon, and the right to preserve, protect, remove or plant thereon any vegetation that the City may deem desirable to prevent erosion of the soil.

3. Construction shall be performed and completed in a good and workmanlike manner and shall not interfere with or endanger the use of the abutting land owned by the Grantors.

4. The City will promptly restore the TLE Area after completion of the construction and/or grading of the TLE Area (or as soon thereafter as weather reasonably permits) and in a manner satisfactory to the Grantors.

5. The Grantors reserve the right to use and occupy the TLE Area in a manner consistent with the rights conveyed herein, provided that such use and occupancy shall not interfere with or disturb he construction and/or grading of the TLE Area.

6. This TLE shall terminate upon completion of construction and the City's acceptance of the **Path** construction.

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

ON THIS DATE OF: April 1, 2016.

By: _____
(signature)

M MANNINGHAM Diana L.H. Manningham
(print or type name and title)

STATE OF WISCONSIN)
SS
COUNTY OF MILWAUKEE)

Before me personally appeared on the 1 day of April, A.D. 2016, the above named Michael Manningham (name), Diana L.H. Manningham (title) to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

_____
NOTARY PUBLIC
My commission expires March 14 2017

NOTARY PUBLIC
SAMANTHA HRUZ
STATE OF WISCONSIN

Acceptance of this Temporary Limited Easement by the Common Council of the City of Franklin,

Resolution No. _____, on this _____ day of _____, 20____.

CITY OF FRANKLIN

By: _____
Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
SS
COUNTY OF MILWAUKEE)

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

_____
Notary Public, Milwaukee County, Wisconsin
My commission expires _____

PLAT PAGE NO.	QUARTER SECTION	TAXING UNIT	714 9983
714	NE¼ Sec. 1-5-21	City of Franklin	~~71~~

REEL	IMAGE	DOC. NO.	DOC.	DATE OF DEED	GRANTOR AND GRANTEE	DATE PROC.	BY
166	1276	4069506	WD	11-29-63	William Keay & W to Allen J. Blackburn & W	4-3-64	EAB
1324	1757	5426724	WD	9-18-80	Allen J Blackburn & W to Michael Manningham & Diane L H h w	10-1-80	

The E 1 Acre of the W 11 acres of the N 25 Acs. of the NE¼ Sec. 1-5-21.

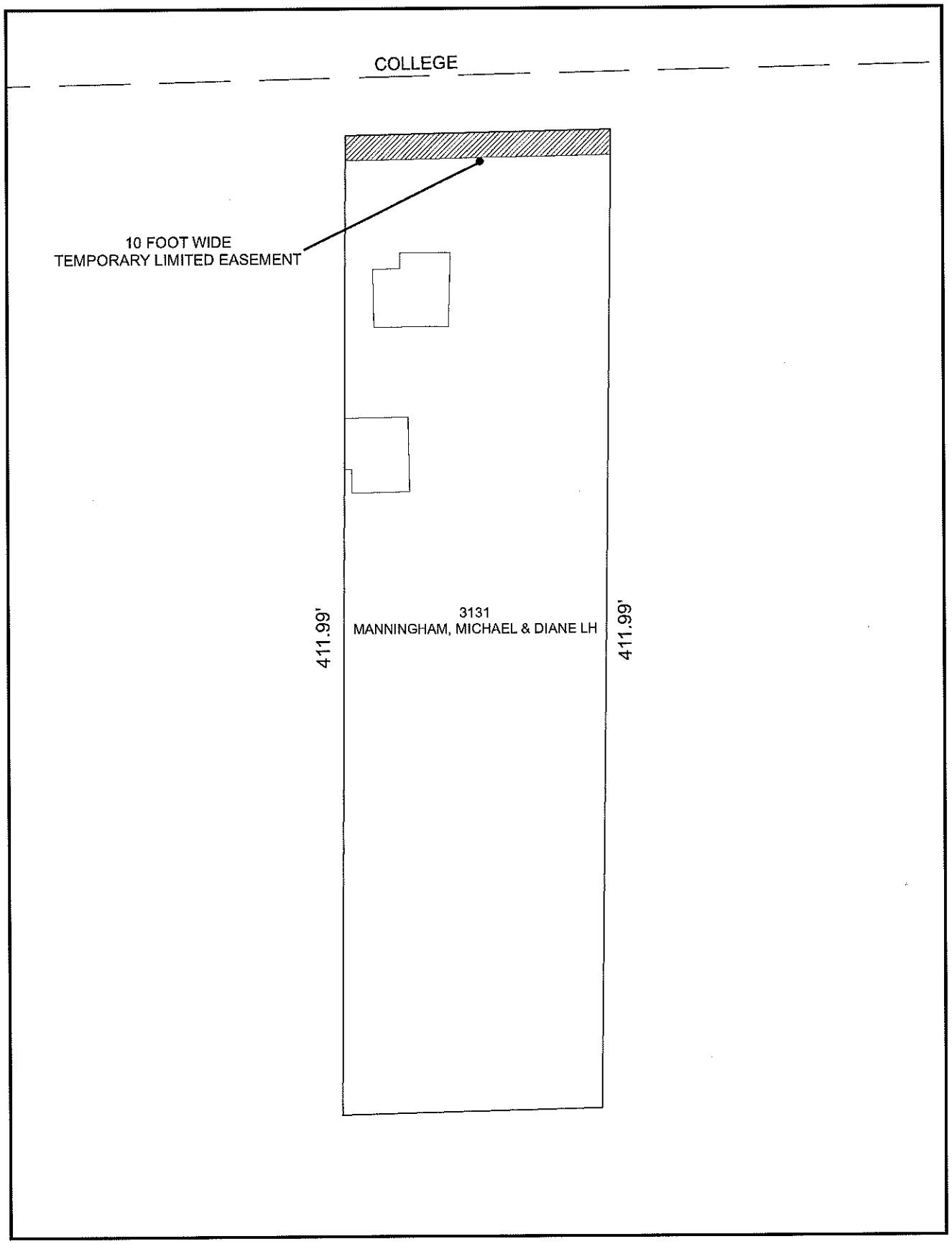
947 R1

DO NOT REMOVE FROM MILWAUKEE COUNTY TREASURER'S OFFICE

Exhibit A

Temporary Limited Easement

714 9983 000



DRAFT BY: Ronnie Asuncion, Eng Tech IV
City of Franklin
Engineering Department

N

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RMA/Date: 2/23/2016

10 FOOT TEMPORARY LIMITED EASEMENT FOR
SLOPING AND GRADING PURPOSES
ALONG THE SOUTH OF WEST COLLEGE AVENUE
Project name: College Avenue Path
Tax key # 714-9978-001

Kupinski Diana L ("Grantors"), being the owner of the property located at 2937 West College Avenue, City of Franklin, Milwaukee County, Wisconsin, in consideration of the sum of One Dollar ($1.00) and other valuable considerations, the receipt whereof is hereby acknowledged, does grant, set over and convey to the **City of Franklin,** a Wisconsin municipal corporation ("City"), a Temporary Limited Easement ("TLE") for sloping and grading, upon, over and across the following parcel described in Exhibit A attached hereto and made a part hereof (the "TLE Area")

The Temporary Limited Easement is subject to the following conditions:

1. The purpose of this TLE is to allow the City to perform sloping and grading on lands located outside of the existing West College Avenue right-of-way at 2937 West College Avenue Franklin, Wisconsin, in association with the construction of a **Path**.

2. The City's use of the TLE shall be for construction, sloping and grading purposes including, but not limited to, the right of ingress and egress, the right to operate necessary equipment thereon, and the right to preserve, protect, remove or plant thereon any vegetation that the City may deem desirable to prevent erosion of the soil.

3. Construction shall be performed and completed in a good and workmanlike manner and shall not interfere with or endanger the use of the abutting land owned by the Grantors.

4. The City will promptly restore the TLE Area after completion of the construction and/or grading of the TLE Area (or as soon thereafter as weather reasonably permits) and in a manner satisfactory to the Grantors.

5. The Grantors reserve the right to use and occupy the TLE Area in a manner consistent with the rights conveyed herein, provided that such use and occupancy shall not interfere with or disturb he construction and/or grading of the TLE Area.

6. This TLE shall terminate upon completion of construction and the City's acceptance of the **Path** construction.

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

ON THIS DATE OF: 3-24, 2016.

By: Diana L. Kupinski
(signature)

DIANA L. KUPINSKI
(print or type name and title)

STATE OF WISCONSIN)
SS
COUNTY OF MILWAUKEE)

Before me personally appeared on the 24th day of March, A.D. 2016, the above named Diana L. Kupinski (name), — (title) to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Shirley J. Roberts
NOTARY PUBLIC
My commission expires 3-27-2020

NOTARY PUBLIC
SHIRLEY J. ROBERTS
STATE OF WISCONSIN

Acceptance of this Temporary Limited Easement by the Common Council of the City of Franklin,

Resolution No. _____, on this _____ day of _____, 20___.

CITY OF FRANKLIN

By: _____
Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
SS
COUNTY OF MILWAUKEE)

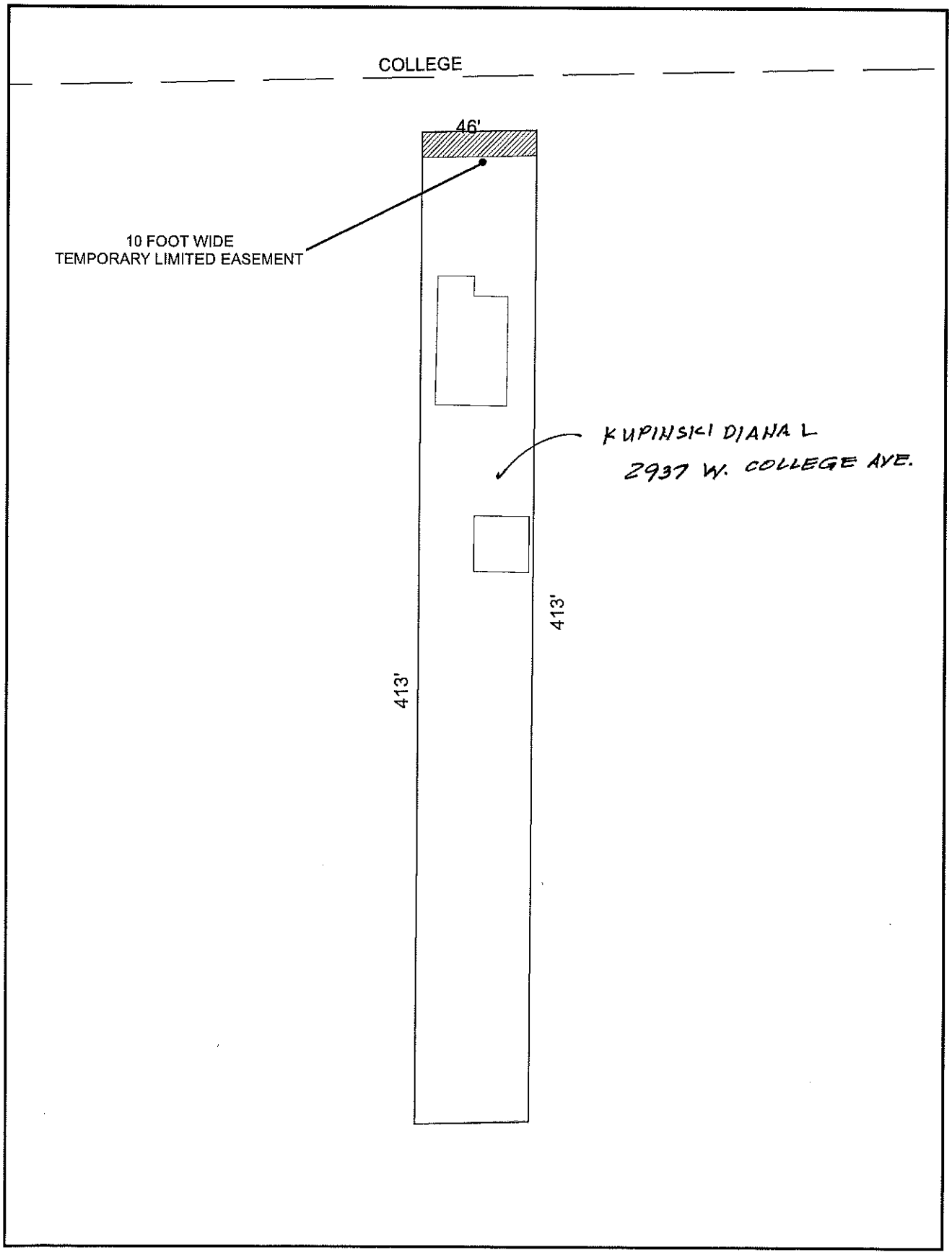
On this ____ day of _____, 20___, before me personally appeared Stephen R. Olson and Sandra L. Wesolowski, who being by me duly sworn, did say that they are respectively the Mayor and City Clerk of the City of Franklin, and that the seal affixed to said instrument is the corporate seal of said municipal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

_____
Notary Public, Milwaukee County, Wisconsin
My commission expires _____

Exhibit A

Temporary Limited Easement

714 9978 001



DRAFT BY: Ronnie Asuncion, Eng Tech IV
City of Franklin
Engineering Department

N

60 30 0 60 Feet

RMA/Date: 2/23/2016

EXHIBIT "A"

LEGAL DESCRIPTION

Case Number: **12359C4**

The East ½ of that part of the North 25 acres of the Northeast ¼ of Section 1, in Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at a point in the North line of said ¼ Section 888 feet West of the Northeast corner; thence West along the North line of said ¼ Section, 92 feet to a point; thence South parallel to the East line of said ¼ Section, 413 feet to a point; thence East parallel to the North line of said ¼ Section, 92 feet to a point; thence North parallel to the East line of said ¼ Section, 413 feet to the place of beginning.

714-9978-001

10 FOOT TEMPORARY LIMITED EASEMENT FOR
SLOPING AND GRADING PURPOSES
ALONG THE SOUTH OF WEST COLLEGE AVENUE
Project name: College Avenue Path
Tax key # 714-9978-002

Turner-Nicholson, Betty J ("Grantors"), being the owner of the property located at 2941 West College Avenue, City of Franklin, Milwaukee County, Wisconsin, in consideration of the sum of One Dollar ($1.00) and other valuable considerations, the receipt whereof is hereby acknowledged, does grant, set over and convey to the **City of Franklin,** a Wisconsin municipal corporation ("City"), a Temporary Limited Easement ("TLE") for sloping and grading, upon, over and across the following parcel described in Exhibit A attached hereto and made a part hereof (the "TLE Area")

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3. Construction shall be performed and completed in a good and workmanlike manner and shall not interfere with or endanger the use of the abutting land owned by the Grantors.

4. The City will promptly restore the TLE Area after completion of the construction and/or grading of the TLE Area (or as soon thereafter as weather reasonably permits) and in a manner satisfactory to the Grantors.

5. The Grantors reserve the right to use and occupy the TLE Area in a manner consistent with the rights conveyed herein, provided that such use and occupancy shall not interfere with or disturb he construction and/or grading of the TLE Area.

6. This TLE shall terminate upon completion of construction and the City's acceptance of the **Path** construction.

Order No. 2301-48294

EXHIBIT "A"
LEGAL DESCRIPTION

THE LAND DESCRIBED HEREIN IS SITUATED IN THE STATE OF WISCONSIN, COUNTY OF MILWAUKEE, AND IS DESCRIBED AS FOLLOWS:

THE WEST 46 FEET OF THE EAST 980 FEET OF THE NORTH 413 FEET OF THE NORTHEAST 1/4 OF SECTION 1, IN TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, CONTAINING 0.436 ACRES.

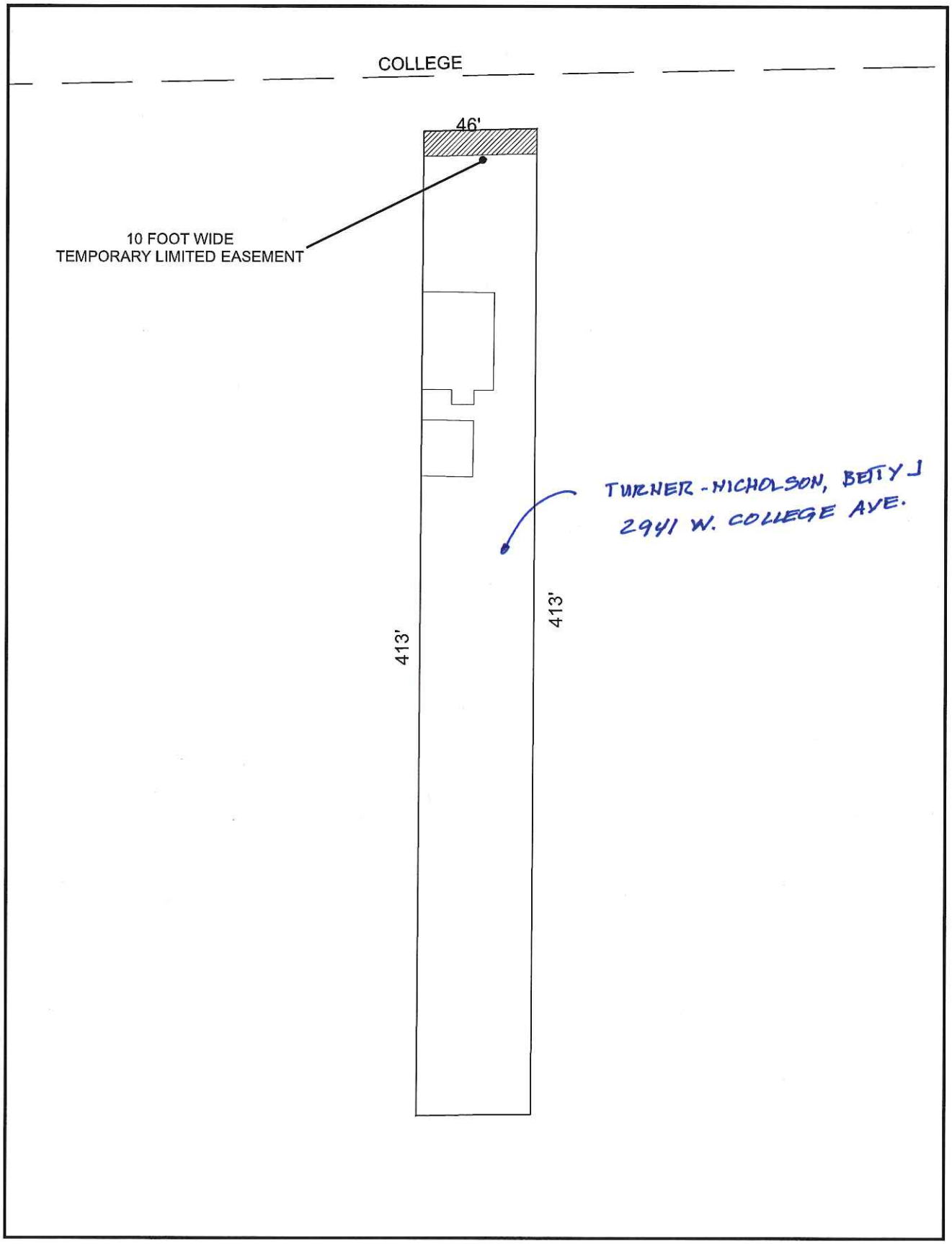
PARCEL NUMBER(S): 71-499-7800-2

714-9978-002

Exhibit A

Temporary Limited Easement

714 9978 002



DRAFT BY: Ronnie Asuncion, Eng Tech IV
City of Franklin
Engineering Department

N

60 30 0 60 Feet

RMA/Date: 2/23/2016

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

ON THIS DATE OF: March 10, 2016.

By: Betty J. Turner Nicholson
(signature)

Betty J. Turner Nicholson
(print or type name and title)

STATE OF WISCONSIN)
SS
COUNTY OF MILWAUKEE)

Before me personally appeared on the 10th day of March, A.D. 2016 the above named Betty J. Turner Nicholson (name), _____ (title) to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

ANDREA M. STORMOEN
NOTARY
PUBLIC
STATE OF WISCONSIN

Andrea M Stormoen
NOTARY PUBLIC
My commission expires 08-04-2018

Acceptance of this Temporary Limited Easement by the Common Council of the City of Franklin,

Resolution No. _____, on this _____ day of _____, 20____.

CITY OF FRANKLIN

By: _____
Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
SS
COUNTY OF MILWAUKEE)

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

_____
Notary Public, Milwaukee County, Wisconsin
My commission expires _____

10 FOOT TEMPORARY LIMITED EASEMENT FOR
SLOPING AND GRADING PURPOSES
ALONG THE SOUTH OF WEST COLLEGE AVENUE
Project name: College Avenue Path
Tax key # 714-9979-000

Gifford, Neil W ("Grantors"), being the owner of the property located at 3009 West College Avenue, City of Franklin, Milwaukee County, Wisconsin, in consideration of the sum of One Dollar ($1.00) and other valuable considerations, the receipt whereof is hereby acknowledged, does grant, set over and convey to the **City of Franklin,** a Wisconsin municipal corporation ("City"), a Temporary Limited Easement ("TLE") for sloping and grading, upon, over and across the following parcel described in Exhibit A attached hereto and made a part hereof (the "TLE Area")

The Temporary Limited Easement is subject to the following conditions:

1. The purpose of this TLE is to allow the City to perform sloping and grading on lands located outside of the existing West College Avenue right-of-way at 3009 West College Avenue Franklin, Wisconsin, in association with the construction of a **Path**.

2. The City's use of the TLE shall be for construction, sloping and grading purposes including, but not limited to, the right of ingress and egress, the right to operate necessary equipment thereon, and the right to preserve, protect, remove or plant thereon any vegetation that the City may deem desirable to prevent erosion of the soil.

3. Construction shall be performed and completed in a good and workmanlike manner and shall not interfere with or endanger the use of the abutting land owned by the Grantors.

4. The City will promptly restore the TLE Area after completion of the construction and/or grading of the TLE Area (or as soon thereafter as weather reasonably permits) and in a manner satisfactory to the Grantors.

5. The Grantors reserve the right to use and occupy the TLE Area in a manner consistent with the rights conveyed herein, provided that such use and occupancy shall not interfere with or disturb he construction and/or grading of the TLE Area.

6. This TLE shall terminate upon completion of construction and the City's acceptance of the **Path** construction.

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

ON THIS DATE OF: March 22nd, 2016

By: Neil Gifford
(signature)

Neil Gifford
(print or type name and title)

STATE OF WISCONSIN)
SS
COUNTY OF MILWAUKEE)

Before me personally appeared on the 22nd day of March, A.D. 2016 the above named Neil W. Gifford (name), — (title) to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

ANDREA M. STORMOEN
NOTARY
PUBLIC
STATE OF WISCONSIN

Andrea M Stormoen
NOTARY PUBLIC
My commission expires 08-04-2018

Acceptance of this Temporary Limited Easement by the Common Council of the City of Franklin,

Resolution No. _____, on this _____ day of _____, 20___.

CITY OF FRANKLIN

By: _____
Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
SS
COUNTY OF MILWAUKEE)

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

_____
Notary Public, Milwaukee County, Wisconsin
My commission expires _____

Document Number

State Bar of Wisconsin Form 3-2003
QUIT CLAIM DEED

Document Name

10203404

DOC.# 10203404

RECORDED 01/10/2013 11:22AM
JOHN LA FAVE
REGISTER OF DEEDS
Milwaukee County, WI
AMOUNT: 30.00
FEE EXEMPT #: 77.25(3)

Recording Area

Name and Return Address
Atty David J Carlson
P O Box 71
Waukesha, WI 53187

714-9979-000
Parcel Identification Number (PIN)

This is homestead property
(is) (is not)

THIS DEED, made between NEIL W GIFFORD AND ALISON L GIFFORD ("Grantor," whether one or more), and NEIL W GIFFORD AND ALISON L GIFFORD, AS JOINT TENANTS WITH RIGHTS OF SURVIVORSHIP ("Grantee," whether one or more)

Grantor quit claims to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in MILWAUKEE County, State of Wisconsin ("Property") (if more space is needed, please attach addendum)

That part of the North Twenty-five (25) acres of the North East One-quarter (1/4) of Section numbered One (1), in Township numbered Five (5) North, Range numbered Twenty-one (21) East, in the Town of Franklin, bounded and described as follows Commencing at a point in the North line of said 1/4 Section 980 feet West of the North East corner, thence West along the North line of said 1/4 Section 105 47 feet to a point, thence South and parallel to the East line of said 1/4 Section 413 feet to a point in the South line of the North 25 acres of the said 1/4 Section, thence East along the South line of the North 25 acres of said 1/4 Section 105 47 feet to a point, thence North and parallel to the East line of said 1/4 Section 413 feet to the place of beginning

Dated December 10, 2012

* _____ (SEAL) * Neil W Gifford (SEAL)

* _____ (SEAL) * Alison L Gifford (SEAL)

AUTHENTICATION

Signature(s) _____
authenticated on _____

* _____
TITLE MEMBER STATE BAR OF WISCONSIN
(If not, _____
authorized by Wis Stat § 706 06)

THIS INSTRUMENT DRAFTED BY

Atty David J Carlson
Law Offices of David J Carlson, SC

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss
WAUKESHA COUNTY)

Personally came before me on December 10, 2012, the above-named Neil W Gifford and Alison L Gifford to me known to be the person(s) who executed the foregoing instrument and acknowledged the same

* Pamyla S Scholz
Notary Public, State of Wisconsin
My Commission (~~is permanent~~) (expires 4/13/2014)

PAMYLA S. SCHOLZ NOTARY PUBLIC STATE OF WISCONSIN

(Signatures may be authenticated or acknowledged Both are not necessary)
NOTE THIS IS A STANDARD FORM ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED

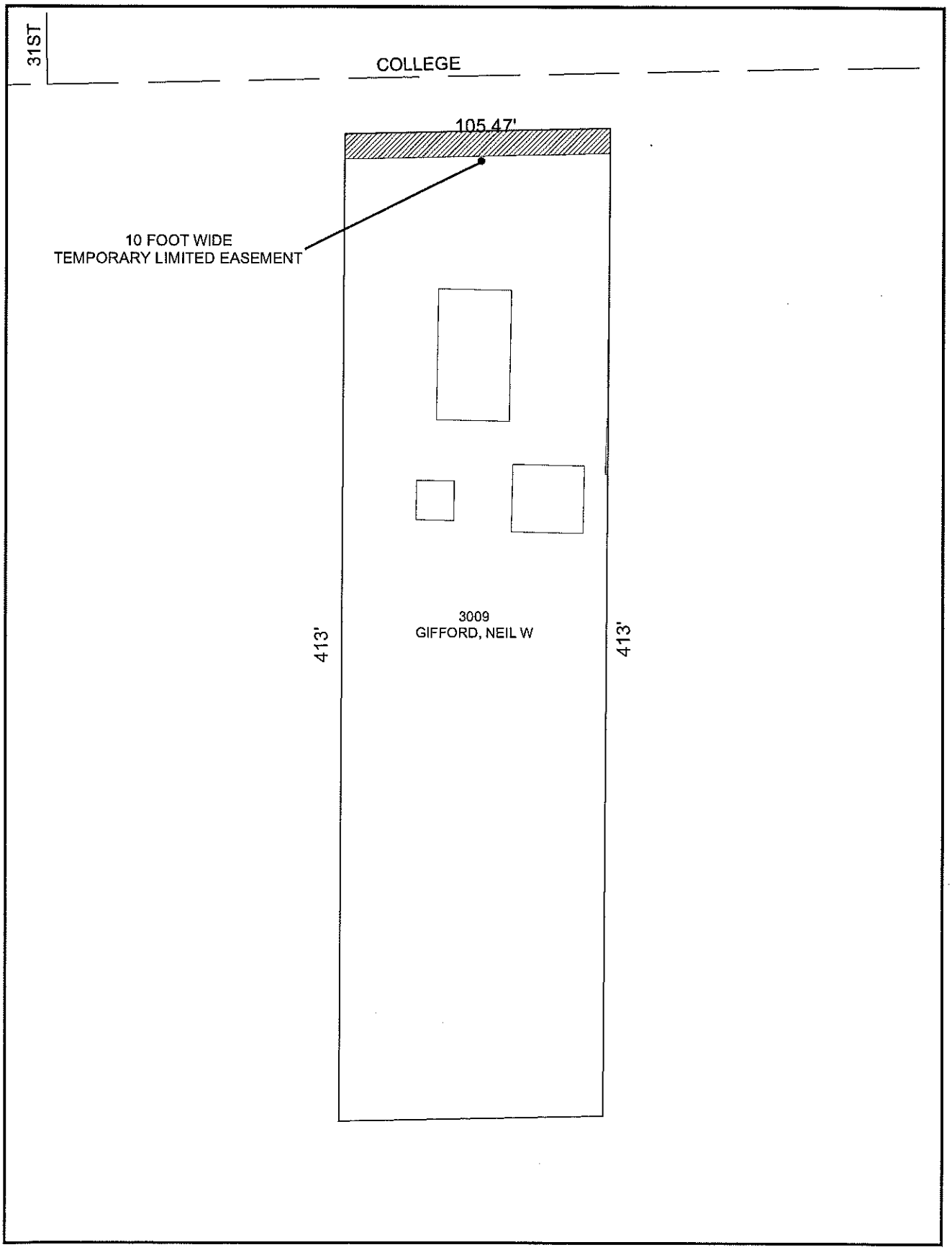
© 2003 STATE BAR OF WISCONSIN

* Type name below signatures

Exhibit A

Temporary Limited Easement

714 9979 000



DRAFT BY: Ronnie Asuncion, Eng Tech IV
City of Franklin
Engineering Department

N

60 30 0 60 Feet

RMA/Date: 2/23/2016

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APPROVAL Slw	REQUEST FOR COUNCIL ACTION	MTG. DATE 4/19/16
Reports & Recommendations	TEMPORARY LIMITED EASEMENT FROM A PROPERTY AT 12129 W. ST. MARTINS ROAD	ITEM NO. G.8.

BACKGROUND

The City is proceeding with a project to replace a culvert (bridge) project along W. St. Martins Road. Staff has made contact with two properties for temporary limited easements (TLE). These easements are not needed to complete the project, however it is needed to provide for grading on private land a more desirable slope to match existing grades. The easements are written to terminate upon completion of construction and the City's acceptance of the project.

ANALYSIS

To date, one of the properties has signed the TLE and is ready for the Common Council to approve for City's signature.

The easement included in this action is for the following property:

- 12129 W. St. Martins Road

Again, it is not critical to receive TLEs from all properties. If the second TLE is acquired, it can be signed at a future Common council meeting. Staff is still awaiting returned phone calls and/or returned TLE documents from the following property:

- 12045 W. St. Martins Road

This easement acquisition before the acquisition of a contractor will allow DPW to remove some trees in the easement property.

OPTIONS

Table; or

Authorize Mayor to sign the enclosed Temporary Limited Easement.

FISCAL NOTE

This easement will have negligible impact on the project costs. If easements are not acquired, the contractor will install a steeper slope within the right-of-way.

RECOMMENDATION

Authorize City to sign the temporary limited easement for 12129 W. St. Martins Road.

TEMPORARY LIMITED EASEMENT FOR
SLOPING AND GRADING PURPOSES
12129 West St. Martins Road

JOSEPH & THERESE KERN ("Grantor"), being the owner of the property located at 12129 West St. Martins Road, City of Franklin, Milwaukee County, Wisconsin, in consideration of the sum of One Dollar ($1.00) and other valuable considerations, the receipt whereof is hereby acknowledged, does grant, set over and convey to the **City of Franklin,** a Wisconsin municipal corporation ("City"), a temporary limited easement ("TLE") for sloping and grading, upon, over and across the following parcel described in Exhibit A attached hereto and made a part hereof (the "TLE Area")

The Temporary Limited Easement is subject to the following conditions:

1. The purpose of this TLE is to allow the City to perform sloping and grading on lands located outside of the existing West St. Martins Road right-of-way at 12129 West St. Martins Road, Franklin, Wisconsin, in association with the construction of a **Bridge Replacement**.

2. The City's use of the TLE shall be for construction, sloping and grading purposes including, but not limited to, the right of ingress and egress, the right to operate necessary equipment thereon, and the right to preserve, protect, remove or plant thereon any vegetation that the City may deem desirable to prevent erosion of the soil.

3. Construction shall be performed and completed in a good and workmanlike manner and shall not interfere with or endanger the use of the abutting land owned by the Grantor.

4. The City will promptly restore the TLE Area after completion of the construction and/or grading of the TLE Area (or as soon thereafter as weather reasonable permits) and in a manner satisfactory to the Grantor.

5. The Grantor reserves the right to use and occupy the TLE Area in a manner consistent with the rights conveyed herein, provided that such use and occupancy shall not interfere with or disturb the construction and/or grading of the TLE Area.

6. This TLE shall terminate upon completion of construction and the City's acceptance of the **Bridge Replacement** improvements.

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

ON THIS DATE OF: March 24, 2016.

By: Therese Kern / Joseph R. Kern
(Owner's Signature)

By: Therese Kern / Joseph R. Kern, Owners
(Print or type name and title)

STATE OF WISCONSIN)
SS
COUNTY OF MILWAUKEE)

Before me personally appeared on the _____ day of _____, A.D. 20__, the above named

_____
President or Name printed

_____
Secretary or Name printed

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.

_____
NOTARY PUBLIC
My commission expires _____

_____

CITY OF FRANKLIN

By: _____
Stephen R. Olson, Mayor_____

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
SS
COUNTY OF MILWAUKEE)

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

_____
Notary Public, Milwaukee County, Wisconsin
My commission expires _____

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APPROVAL Slw	REQUEST FOR COUNCIL ACTION	MEETING DATE 04/19/2016
REPORTS & RECOMMENDATIONS	STATUS UPDATE ON BURYING OF UTILITIES ON W. ST. MARTINS ROAD FROM S. SPRING STREET TO APPROXIMATELY 2,000-FEET EAST	ITEM NUMBER G. 9.

BACKGROUND

This item was tabled at the 3/15/2016 and the 4/4/2016 Common Council meetings and now returns for consideration.

APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 04/4/2016
REPORTS & RECOMMENDATIONS	STATUS UPDATE ON BURYING OF UTILITIES ON W. ST. MARTINS ROAD FROM S. SPRING STREET TO APPROXIMATELY 2,000-FEET EAST	ITEM NUMBER

BACKGROUND

The Village of St Martin has significant visual clutter with overhead utilities, specifically along W. St. Martin Road. On October 6, 2015 the Common Council requested Staff to make contact with WE Energies to refine budget estimates for placing the overhead electric lines underground.

ANALYSIS

Over the past two years, Staff has made contact with WE Energies and had multiple meetings with Alderwoman Susanne Mayer and Alderman Dan Mayer. Through an iterative process, the scope has shortened to approximately 2,000 feet starting at S. Spring Street and proceeding through the Village area to the east.

Enclosed is the most recent written correspondence from Ms. Pam Rakauskas of WE Energies. The preliminary ball-park estimate for WE Energies infrastructure only is quoted as $650k - $700k. **Not included is relocating other utilities, acquiring easements, and work required for private properties.** Staff has determined that the total budget for this project should be considered twice the WE Estimate, or **$1.3M to $1.4M.** Further work is needed to refine this estimate and additional design and estimation work by WE Energies will require a firm commitment by the City.

If the City decides to proceed, it is recommended to be performed after the County road reconstruction project. That project is on a fast track and it would not be possible to do any design and/or redesigns to have both contractors coordinate construction to be completed by November 2016. This utility work could be completed after the County's project with minimal impact to the new improvements.

WE Energies would prefer to place their underground utilities west (south) of the existing right-of-way in a new easement. Work would be primarily using trenchless technologies that would have minimal impact to surface features. Note that 3-phase distribution lines on the attached exhibit would be trenchless burial. If easements cannot be acquired, a more costly encasement would be installed within the right-of-way using open trench methods, but yet be primarily outside of pavement.

There would be an estimated five new power poles to allow the utilities enter and exit the ground. These proposed poles are shown on the attached exhibit and also shown are approximate locations of VFI boxes. A picture of a similar VFI box located at S. 27th Street and W. Sycamore Avenue is also attached.

A realistic minimum time frame for completion of this project would be eight months to allow three to five months for planning and design and approximately three months for construction. More time may be needed for construction seasons or easement acquisition.

OPTIONS

Take no action. Or

Direct staff to start coordination for project and return with resolution for firm commitment to WE Energies.

FISCAL NOTES

The 2016 Capital Improvement budget does not include any appropriation for this project. A Budget amendment providing for an appropriation and additional resources would be required.

The 2016 Capital Improvement fund budget anticipated a $1 million borrowing and a transfer from the General Fund as resources. The fund was projected to have a $1,046,895 fund balance. The Finance Committee included in its recommendation for the 2007 Bond Refunding a deferral of the $1 million borrowing. This would reduce the $1 million fund balance and save future debt service tax levy. Should projects be approved that require additional resources the debt could be sold at that time.

Another option the Common Council has is to repurpose projects that may not occur in 2016 to fund the Utility relocation project. Such repurposing un-approved projects could reduce or eliminate the need for a borrowing.

Possible additional resources would be a transfer from the General Fund (this would cause the City to exceed the State Expenditure Restraint limits and sacrifice $220,000 in General Fund revenues in a future year, or additional borrowings.) Additional borrowings could increase future Debt Service Tax Levy.

To finance this project, Common council should consider a motion to direct Staff to prepare a Budget amendment including direction on resources of 1) increasing a borrowing or 2) transfer from General Fund or 3) such other resource the Common Council desires.

RECOMMENDATIONS

Take no action.

January 19, 2016

To whom it may concern,

I met with the City of Franklin Engineers and Common Council members at a meeting on November 18th. During the meeting we discussed the first estimate and issues related to this proposed project. At the meeting there was a request for a second estimate with a reduced size in the project.

First ballpark estimate, requested by Franklin, was to relocate We Energies facilities from overhead to underground on Saint Martin Road from Spring Street to the east for 2000 feet. The nearest pole on connecting streets is to be 100 feet from Saint Martin Road. The first estimate is $800,000-850,000.

Second ballpark estimate, requested by Franklin, was to relocate We Energies facilities from overhead to underground on Saint Martin Road from Spring Street to the east for 1000 feet. The nearest pole on connecting streets is to be 100 feet from Saint Martin Road. The second estimate is $650,000-700,000

Both estimates include 3 VFI's, sub-transmission primary cable, distribution primary cable, 5 primary risers, traffic control, and removal of existing poles in project parameters.

The following items are <u>not</u> included in either estimate and could result in additional costs:

- Indirect path due to lack of easement availability on private property within 15 feet of right of way.
- Cable encased in concrete, due to lack of easement availability on private property within 15 feet of right of way, for safe cable relocation in ROW.
- Private property upgrade for internal work at each private property that is presently fed overhead. This would require a private electrician for upgrade to home or business internally. Cost to be assumed by private property owner is estimated at $2,000.
- Unknown cost of easements.
- Restoration of public and private property
- Costs incurred by other utilities on We Energies poles for this project (ATT, Time Warner, etc.).

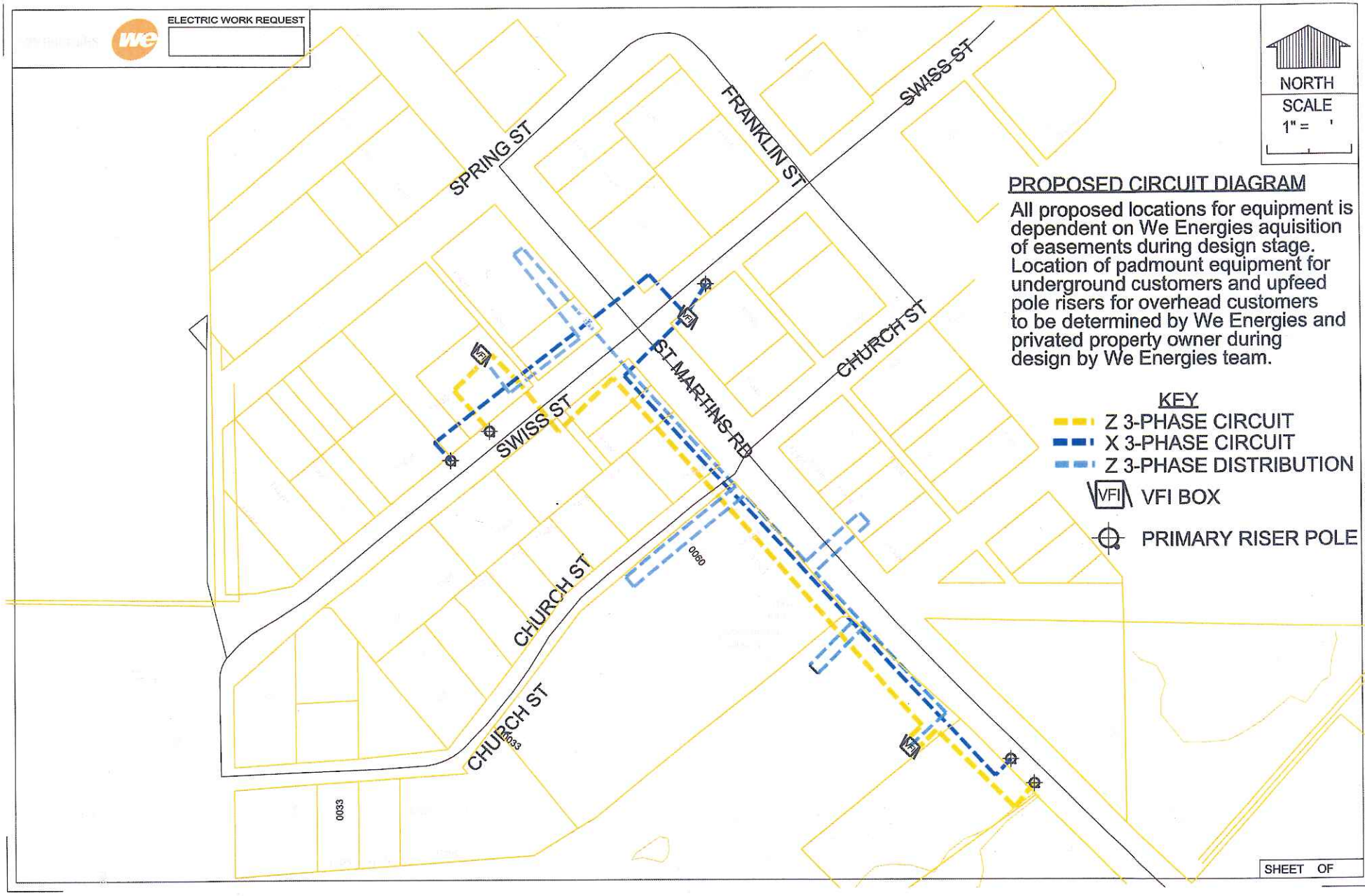
Contingency for project to proceed:

1. For this work to proceed, it is necessary to obtain <u>acceptable</u> private property locations for VFI's. The size of the VFI equipment is approximately 8'X8'X5'.
2. Letter of commitment for detailed design costs.

Please contact me if you have any questions.

Pam Rakauskas
We Energies
500 S. 116th Street
West Allis, WI 53214
414-944-5549

ELECTRIC WORK REQUEST



APPROVAL Slw	REQUEST FOR COUNCIL ACTION	MEETING DATE 04/19/2016
REPORTS & RECOMMENDATIONS	RESOLUTION TO MODIFY WATER AND SEWER ASSESSMENT RATES IN SECTION 207-15 OF THE FRANKLIN CITY CODE	ITEM NUMBER G.10.

BACKGROUND

Section 207-15 of the Franklin City Code discusses special assessments. Subsection R(1) states:

> *Upon any special assessment made upon a front foot basis: no assessment for the installation of sanitary sewer main shall exceed $55 per front foot for any single-family or two-family or agriculture zoned property or $71.50 per front foot for any business, industrial, institutional or multifamily zoned property; no assessment for the installation of water main shall exceed $45 per front foot for any single-family or two-family or agriculture zoned property or $58.50 per front foot for any business, industrial, institutional or multifamily zoned property. The aforesaid maximum assessment rates shall be adjusted annually, commencing January 1, 1997, by an amount equal to the change in the Consumer Price Index (Revised Consumer Price Index for Urban Wage Earners and Clerical Workers for All Items-U.S. City Average).*

ANALYSIS

Staff has done an exhaustive historical analysis of construction costs of utility projects and assessable recoupment. Although many projects were fully recouped through the assessment process when the policy was first adopted in 1997, it appears that recent assessments are only recovering approximately 60% of the cost of the project. Assessment caps often prevent fully recovering the full projects costs. There are many possible explanations for this trend.

- Consumer Price Index (CPI) is not equivalent to costs of construction projects.
- Material costs being relatively equal, Contractors vary their bid depending on competition from other contractors and their current workload.
- Prevailing wage rates have increased faster than the CPI.
- Equipment rates, fuel expenses, and contractor insurances are also believed to have outpaced the CPI.

The Wisconsin Public Service Commission (PSC) outlined procedures for financing water main extensions in Franklin's 2009 full rate case that states that the costs shall be wholly financed by the new customers [paraphrased]. Specifically see the attached pages 8, 9 and 10 from the 2009 full rate case decision.

> *Water mains will be extended for new customer on the following basis:*
>
> *A. ... cost of the extension is to immediately be collected through assessment...*
>
> *B. ...* [if] *unwilling or unable to make a special assessment, the extension will be made on a customer-financed basis...*

Based on a detailed analysis, it appears that the assessment rate should be $90 for water projects and $110 for sewer projects if the goal is to recover 100% of cost of typical dual-sided projects. For unique situations such as rock excavation, lift stations, extraordinary depths, conflicts with other utilities, one-sided project, etc, can easily make a project cost more than a typical project.

The Consumer Price Index (CPI) currently referenced by the Franklin policy is a measure of the average change over time in the prices paid by urban consumers for a market basket of consumer goods and services. There are other indexes more reflective of construction costs. All of the well known construction indexes appear to subscriber based. One of the more widely recognized indexes for civil projects is published by Engineering News-Record (ENR). ENR has specialized construction costs indexes (CCI) for 20 American cities. The city indexes use local prices for Portland cement and 2 X 4 lumber and the national average price for structural steel. The city's building and construction cost indexes use local union wages, plus fringes, for carpenters, bricklayers and iron workers. The city's CCI uses the same union wages for laborers. Milwaukee is not listed but Chicago is included. The 20-City average numbers appear to be more applicable to Franklin, WI.

Using the 1996 values that were first adjusted in 1997, below are the comparisons of CPI and ENR cost indexes with Staff's proposed rates.

Type of Development	Jan '96	2016 CPI	Oct '15 ENR	Staff Proposed
Residential-Type Water	$45.00	$ 68.83	$82.23	$90.00
Non-Res-Type Water	$58.50	$ 89.48	$106.90	$110.00
Residential-Type Sewer	$55.00	$ 84.13	$100.50	$110.00
Non-Res -Type Sewer	$71.50	$109.36	$130.65	$135.00

Note that neither the CPI nor the ENR values are as high as we have observed in the Staff analysis of $90 for water and $110 for sewer. Staff proposes a reset of values to be next adjusted by ENR in January 1, 2017.

Discussion on percent increase from residential uses (single-family or two-family or agriculture zoned property) to non-residential uses (business, industrial, institutional or multifamily zoned property) for water projects would suggest a similar percent increase for sewer projects.

Common Council should be reminded that just because preliminary assessment rates are based on a high (capped) project construction estimate, the assessment is lowered to reflect actual bids received. Conversely, the cap does not enable the assessment rate to increase for more expensive projects. It may be advantageous to raise the rates to ensure that more projects will be fully funded through assessments.

It is believed that a good assessment policy establishes a fair and equitable way to allocate costs for all properties. The Franklin Board of Water Commissioners discussed that the PSC's directive is to have all projects pay for themselves and the property owner is protected by a cap at the actual cost of the project based on competitive bids. To ensure that most projects have 100 percent coverage, BWC is recommending to the Common Council that the 2016 established water rates be the Staff's proposed rates plus 20 percent. Subsequent years would be modified per the ENR cost index. Below are these rates with similar philosophy for the sanitary sewer projects.

Type of Development	2016 BWC's Proposed
Residential-Type Water	$108.00
Non-Res-Type Water	$132.00
Residential-Type Sewer	$132.00
Non-Res -Type Sewer	$162.00

OPTIONS

- Leave current process with CPI in place as outlined in Ordinance 207-15 R(1); or
- Modify current process with CPI and reset 2016 figures to $90.00 (water-residential), $110.00 (water-non-residential), $110.00 (sewer-residential), and $135.00 (sewer-non-residential); or
- Change current process with ENR and reset 2016 figures to $90.00 (water-residential), $110.00 (water-non-residential), $110.00 (sewer-residential), and $135(sewer-non-residential).
- Accept the Board of Water Commissioners recommended method and change current process with ENR and reset 2016 figures to $108.00 (water-residential), $132.00 (water-non-residential), $132.00 (sewer-residential), and $162.00 (sewer-non-residential).

FISCAL NOTES

When a new utility project is undertaken, it is funded through the Utility Development fund (replacing old mains does not get funded by the Utility Development Fund). The project cost is assessed to impacted property owners. Many of whom take advantage of the payment plan offered by the ordinance.

Resources to the Utility Development fund are connection fees and collections of prior special assessments including interest.

New Debt would be sold should insufficient resources be available in the Utility Development Fund.

For the period ending 1/31/2016, the Water Utility Development fund had $352,711.84 and the Sewer reserves totaled $554,598.69. Through deferments, the water funds are owed a total of $625,039.59 and the sewer funds are owed $469,445.41.

RECOMMENDATION

Staff concurs with the Board of Water Commissioners to make a motion to adopt Resolution No. 2016- _____a resolution authorizing certain officials to modify Section 207-15 R(1) of the Franklin City Code as follows:

> *Upon any special assessment made upon a front foot basis: no assessment for the installation of sanitary sewer main shall exceed ~~$55~~* **$132.00** *per front foot for any single-family or two-family or agriculture zoned property or ~~$71.50~~* **$162.00** *per front foot for any business, industrial, institutional or multifamily zoned property; no assessment for the installation of water main shall exceed ~~$45~~* **$108.00** *per front foot for any single-family or two-family or agriculture zoned property or ~~$58.50~~* **$132.00** *per front foot for any business, industrial, institutional or multifamily zoned property. The aforesaid maximum assessment rates shall be adjusted annually, commencing January 1, ~~1997~~,* **2017** *by an amount equal to the change in the ~~Consumer Price Index (Revised Consumer Price Index for Urban Wage Earners and Clerical Workers for All Items-U.S. City Average)~~.* **Engineering News-Record (ENR) Construction Cost Index (CCI) 20-City National Average.**

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY
RESOLUTION NO. 2016 - _____
A RESOLUTION TO MODIFY WATER AND SEWER ASSESSMENT RATES
IN SECTION 207-15 OF THE FRANKLIN CITY CODE

WHEREAS, Franklin assesses property owners for water and sanitary sewer utility projects; and

WHEREAS, assessment rates are expected to fully pay for projects; and

WHEREAS, a historical analysis of projects indicate that they current methods of establishing assessment rates are not recovering the cost of the project; and

WHEREAS, Engineering News Record (ENR) Construction Cost Index (CCI) 20-City National Average is more relevant to the construction of water and sanitary sewer projects than Consumer Cost Index (CPI); and

WHEREAS, Franklin Board of Water Commissioners and City Engineering Staff have studied this issue and have proposed values to reset for Residential-Type Water ($108.00), Non-Residential-Type Water ($132.00), Residential-Type Sewer ($132.00), and Non-Residential-Type Sewer ($162.00);

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that it would be in the best interest of the City to modify Section 207-15 R(1) of the Franklin City Code as follows:

Upon any special assessment made upon a front foot basis: no assessment for the installation of sanitary sewer main shall exceed ~~$55~~ **$132.00** *per front foot for any single-family or two-family or agriculture zoned property or ~~$71.50~~* **$162.00** *per front foot for any business, industrial, institutional or multifamily zoned property; no assessment for the installation of water main shall exceed ~~$45~~* **$108.00** *per front foot for any single-family or two-family or agriculture zoned property or ~~$58.50~~* **$132.00** *per front foot for any business, industrial, institutional or multifamily zoned property. The aforesaid maximum assessment rates shall be adjusted annually, commencing January 1, ~~1997~~,* **2017** *by an amount equal to the change in the ~~Consumer Price Index (Revised Consumer Price Index for Urban Wage Earners and Clerical Workers for All Items-U.S. City Average)~~.* **Engineering News-Record (ENR) Construction Cost Index (CCI) 20-City National Average.**

INTRODUCED at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016 by Alderman _____.

PASSED AND ADOPTED at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2016.

APPROVED:

_____
Stephen R. Olson, Mayor

ATTEST:

_____
Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

APPROVAL Slw	REQUEST FOR COUNCIL ACTION	MEETING DATE 04/19/2016
REPORTS & RECOMMENDATIONS	MODIFY PART 8 OF UNIFIED DEVELOPMENT ORDINANCE TO UPDATE STORMWATER REGULATIONS	ITEM NUMBER G.11.

BACKGROUND

Wisconsin Department of Natural Resources (DNR) notified Staff that:

> *"In accordance with Sections 3.3.1 and 3.4.1 of the City of Franklin's municipal separate storm sewer system discharge permit (WPDES No. WI-S050059-3), the City is required to amend the erosion control and storm water management ordinances to incorporate the January 1, 2011 revisions to the ch. NR 151, Wis. Adm. Code, construction site and post-construction performance standards. The City must adopt the amended ordinances by May 1, 2016 and submit copies of these ordinances to the Department by June 1, 2016.*
>
> *The Department has recently published a guidance document to assist with the ordinance amendment process...."*

Staff has reviewed the guidance document and incorporated the significant changes into the Franklin Stormwater ordinances – specifically the Unified Development Ordinance (UDO) Chapter 8. DNR staff has verified that Franklin may have a grace period to submit the ordinances to the Department as long as the City is in the process of adoption.

A non-profit organization "1000 Friends of Wisconsin" received a contract from the Milwaukee Metropolitan Sewerage District to review local regulations for barriers to green infrastructure. The contract enabled 1000 Friends of Wisconsin and its partners -- Birchline Planning LLC and Milwaukee County Environmental Services Department -- to conduct an update and expansion of the MMSD's 2005 audit of municipal codes and ordinances by the Center for Watershed Protection. 1000 Friends of Wisconsin met with Franklin Staff and has made additional suggestions for consideration.

Anticipated Schedule:

- April 19 Common Council meeting, Request to forward changes to Plan Commission for consideration.
- Class 2 Public Notification of a public hearing at Plan commission to modify the UDO
- May 19 Public Hearing at Plan Commission and discuss proposed changes
- June 7 Common Council discusses the changes and adopts the revised ordinance.

ANALYSIS

The proposed changes are NOT an overhaul of the current ordinances but should be considered merely an update. A copy of Staff's recommended changes was distributed to Aldermen for advanced review time. Those changes include:

1. Greater inclusion and reference to green infrastructure.
2. Greater discussion of erosion and sediment control measures for land disturbing activities.
3. Greater discussion and inclusion of infiltration related topics.
4. Updating of best management practices (BMPs).

5. Updates to referenced documents, programs, calculations, and policies.
6. Clarification of current practices.
7. Additional relevant definitions.
8. Discussion of Maximum Extent Practicable.
9. General typographical fixes.

Staff does not believe that any of the changes will require an appreciable change in costs for the City or Developers.

Concurrent to Common Council advance review of the proposed changes, Staff has forwarded the proposed changes to City Planning, City Legal, DNR, 1000 Friends of Wisconsin, and GRAEF (consultant who performs stormwater plan reviews for the City) for any suggestions.

Preliminary copies of the proposed changes are available via email by contacting the City Engineer at gmorrow@frankliwi.gov.

OPTIONS

Table. Or

Direct Staff to publish a Class 2 Public Notice of a Public Hearing at Plan Commission meeting on May 19, 2016.

FISCAL NOTES
No fiscal impact.

RECOMMENDATIONS
Direct Staff to publish a Class 2 Public Notice of a Public Hearing at Plan Commission meeting on May 19, 2016.

APPROVAL Slw	REQUEST FOR COUNCIL ACTION	MTG. DATE 4/19/16
Reports & Recommendations	REQUEST TO SURVEY PROPERTIES FOR WATER AND SANITARY SEWER SERVICE IN THE VICINITY OF S. WOELFEL ROAD AND W. RAWSON AVENUE	ITEM NO. G.12.

BACKGROUND

Staff received a request to provide sanitary sewer service to an undeveloped lot on the southwest corner of S. Woelfel Road and W. Rawson Avenue. A few neighboring properties are already served with a common private force main system. A common force main system was presumably installed because a gravity sewer system for the entire neighborhood was not desirable at the time those homes were built.

In conjunction with Alderman Mayer, Staff hosted a November 10, 2015 neighborhood meeting and invited eighteen property owners along S. Woelfel Road and S. 92nd Street. There were no objections to a sewer project and several of the attendees asked that the City also consider water service. Written comments were received from two property owners and both indicate that they "are in favor of the sewer". Staff has completed some preliminary engineering work to determine how this area could be served with both utilities and are approaching the Common Council for consideration to survey 24 properties that could be served by sanitary and/or water service.

ANALYSIS

The attached exhibit shows the area in discussion. It includes properties along S. Woelfel Road from W. Rawson Avenue to W. Grandview Court and also W. Rawson Avenue from W. Woelfel Road to S. 92nd Street.

Sanitary Sewer: There are three existing gravity sanitary sewer lines near the project area. Areas on the south end of the project may be served by extending a gravity pipe from W. Grandview Court. Three other properties in the central area of the project may be served by extending a gravity pipe from S. Spindle Top Court. The northern properties will flow by gravity to W. Rawson Avenue, then westerly to S. 92nd Street to a lift (pump) station that could ultimately serve the homes for Hawthorne Subdivision.

Water: from the south, there is a 12" water main stubbed at W. Grandview court. A 12" water main would extend north to W. Rawson Avenue while connecting to 8" water mains on W. Grandview Court, W. Spindle Top Court, and W. Stone Hedge Drive. This water main could extend westerly along W. Rawson Avenue to S. 92nd Street.

Location: Generally, Staff prefers to locate new utilities in existing neighborhoods outside of the pavement section to keep costs lower by avoiding granular backfill and significant pavement restoration issues. Unfortunately, that method for this project would result in significant landscaping and tree removal and damage. It is proposed that the property owners provide input to limit the assessment values and keep the utilities outside of pavement where possible, or select an option to pay above the assessment values to compensate for the additional costs of avoiding landscaping and trees.

Ballpark Commons: it has been asked if this project would be impacted or altered depending on the proposed Ballpark Commons development at W. Rawson Avenue and S. Loomis Road. Staff does not believe that these two projects are directly interrelated. The only relation would be if Hawthorne Estates would have a water system and/or sanitary sewer system that would loop with

this water system or drain to this lift station. Construction of the Ballpark Commons Development and providing utility service to Hawthorne Estates would not require looping of water or extending sewer system on S. Woelfel Road and S 92nd Street south of W. Rawson Avenue.

Current Utility Services: Four properties are believed to be already served with some City services. At the time of connection, they committed that they would not protest future projects and associated assessments. The properties without either sewer or water services are circled on the attached exhibit. The three properties with current sewer service are marked with a "S" and the current property with water and sewer service is marked with "S&W".

Grinder Pumps: two of the properties being served have grinder pumps for the home and discharge to a private forcemain that discharges to a manhole on W. Stone Hedge Drive. The design proposes that the individual property owners would keep their grinder pumps and redirect the discharge to a gravity sewer lateral. In addition other homes have plumbing exiting the rear of the home to an onsite septic disposal system. These homes would have the option of keeping the interior plumbing as it is, installing a grinder pump in the rear yard, and pump through a small diameter pipe around their home and into the gravity lateral in the front yard.

Assessment Rates: An earlier Council Action item involves modifying capped assessment rates for water and sewer projects. At the November 2015 meeting, the property owners were given a sewer estimate for their properties (see attached) based on the 2015 rates. Sewer rates were $83.79 / foot and water rates were $68.56 / foot.

Backup plan: If the City decides not to proceed with a utility construction project, Staff would support that the properties in need of City sanitary sewer service be allowed to connect to the existing private common force main system with stipulations that they would not oppose a future utility project and associated assessments at that time.

OPTIONS

Direct staff to survey the property owners and return to Common Council with the results and a proposed project. Staff needs direction on which rates (current or modified) to discuss with property owners, if rates are readjusted per previous Council Action. Or

Direct Staff to advise the affected property owners that the City will not commence with a utility project at this time.

FISCAL NOTE

There is currently $554,598.69 in the Sewer Development Fund to finance the sewer project. Assessments will be established to reimburse the fund for the costs equivalent to serve the affected property owners only. The increase in cost for a larger lift station to serve ultimate needs would be solely funded by the Sewer Development Fund.

There is currently $352,711.84 in the Water Development Fund to finance the water project suitable for service to the affected property owners only. Upsizing a water main would be paid for by the water impact fees which currently has a $457,402.71 fund balance.

RECOMMENDATION

Direct staff to survey the property owners and return to Common Council with a proposed project. Direct staff to use adjusted assessment rates when discussing project with property owners.

S. WOELFEL ROAD / S. 92nd STREET NEIGHBORHOOD MEETING

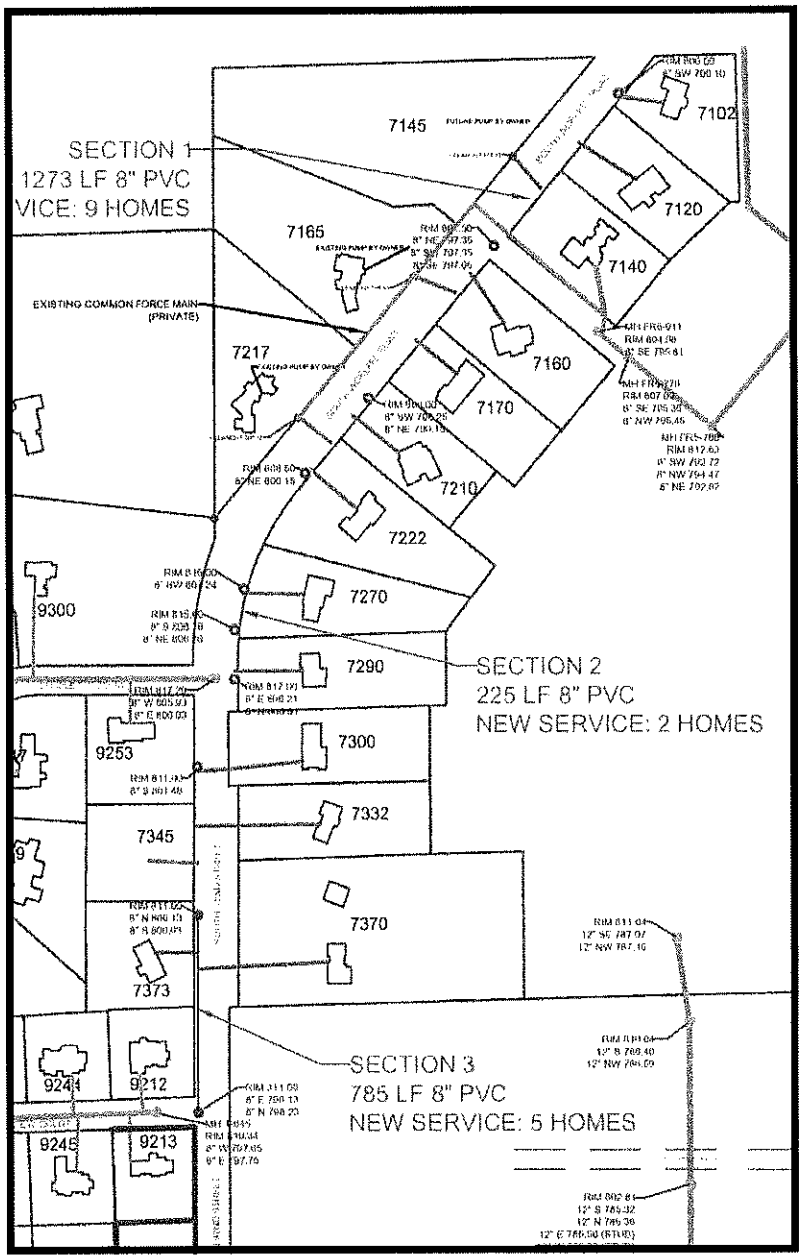
Tuesday November 10, 2015 @ 6:00 pm

Community Room @ Franklin City Hall (9229 W. Loomis Road)

Hosted by City Alderman Dan Mayer

We would like your input! The City has been approached about serving your neighborhood with Sanitary Sewer. Please plan to attend this information gathering meeting and learn of the project under consideration.

If this project proceeds, it will appear before the Common Council and may have a direct impact on your property.



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 Council per State ex rel. Badke v. Greendale Village Bd. even though the Council will not take formal action at this meeting.

Notice is further given that upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, please contact the Franklin City Clerk's office at (414) 425-7500.

Alderman Dan Mayer
Franklin District 2
Telephone 414.427-2948

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RIVER PARK NEIGHBORHOOD MEETING
Thursday October 22, 2015 @ 6:30 pm
Community Room @ Franklin City Hall (9229 W. Loomis Road)

Sign In Sheet

Name	Address	Telephone/Email

Comment To Be Forwarded to Common Council

RIVER PARK NEIGHBORHOOD MEETING **Thursday October 22, 2015 @ 6:30 pm**

Name **Address** **Telephone/Email**

Comment

Comment To Be Forwarded to Common Council

RIVER PARK NEIGHBORHOOD MEETING **Thursday October 22, 2015 @ 6:30 pm**

Name **Address** **Telephone/Email**

Comment

S. Woelfel Road / S. 92nd Street Sanitary Sewer Project

11/10/2015

Conceptual Costs For A Sewer That Has Not Been Approved, Surveyed, Designed Or Permitted

Address	*Owner*	*Assessment Footage (a)*	*Cost (b)*	*Connection Fee*	*ROW Lateral (c)*	*Sub Total Utility Costs (d)*	*Private Lateral (e)*	*Abandon Septics (e)*	*Sub-Total Other Costs (e)*	*Total Costs*
Northern Section										
7102 S. Woelfel Road	Konicek	215.77	$ 18,079	$ 600.00	$ 4,060	$ 22,739.37	$ 5,000	$ 2,000	$ 7,000	$ 29,739.37
7120 S. Woelfel Road	Haskins	167.94	$ 14,072	$ 600.00	$ 4,060	$ 18,731.69	$ 5,000	$ 2,000	$ 7,000	$ 25,731.69
7140 S. Woelfel Road	Bernander	172.06	$ 14,417	$ 600.00	$ 4,060	$ 19,076.91	$ 5,000	$ 2,000	$ 7,000	$ 26,076.91
7145 S. Woelfel Road	Briscoe	358.74	$ 30,059	$ 600.00	$ 4,060	$ 34,718.82	$ 5,000		$ 5,000	$ 39,718.82
7160 S. Woelfel Road	Guendel	150.00	$ 12,569	$ 600.00	$ 4,060	$ 17,228.50	$ 5,000	$ 2,000	$ 7,000	$ 24,228.50
7165 S. Woelfel Road	Briscoe	255.00	$ 21,366	$ 600.00	$ 4,060	$ 26,026.45	$ 5,000	$ 2,000	$ 7,000	$ 33,026.45
7170 S. Woelfel Road	Stamborski	150.00	$ 12,569	$ 600.00	$ 4,060	$ 17,228.50	$ 5,000	$ 2,000	$ 7,000	$ 24,228.50
7210 S. Woelfel Road	Young	150.00	$ 12,569	$ 600.00	$ 4,060	$ 17,228.50	$ 5,000	$ 2,000	$ 7,000	$ 24,228.50
7217 S. Woelfel Road	Briscoe	220.00	$ 18,434	$ 600.00	$ 4,060	$ 23,093.80	$ 5,000	$ 2,000	$ 7,000	$ 30,093.80
7222 S. Woelfel Road	Richlen	173.40	$ 14,529	$ 600.00	$ 4,060	$ 19,189.19	$ 5,000	$ 2,000	$ 7,000	$ 26,189.19
Middle Section										
7270 S. 92nd Street	Platt	143.70	$ 12,041	$ 600.00	$ 4,060	$ 16,700.62	$ 5,000	$ 2,000	$ 7,000	$ 23,700.62
7290 S. 92nd Street	Johnson	150.72	$ 12,629	$ 600.00	$ 4,060	$ 17,288.83	$ 5,000	$ 2,000	$ 7,000	$ 24,288.83
Southern Section										
7300 S. 92nd Street	Kazmerchak	150.00	$ 12,569	$ 600.00	$ 4,060	$ 17,228.50	$ 5,000	$ 2,000	$ 7,000	$ 24,228.50
7332 S. 92nd Street	Hammond	150.00	$ 12,569	$ 600.00	$ 4,060	$ 17,228.50	$ 5,000	$ 2,000	$ 7,000	$ 24,228.50
7345 S. 92nd Street	Abramowski	200.00	$ 16,758	$ 600.00	$ 4,060	$ 21,418.00	$ 5,000	$ 2,000	$ 7,000	$ 28,418.00
7370 S. 92nd Street	Burton	299.73	$ 25,114	$ 600.00	$ 4,060	$ 29,774.38	$ 5,000	$ 2,000	$ 7,000	$ 36,774.38
7373 S. 92nd Street	Katzman	217.14	$ 18,194	$ 600.00	$ 4,060	$ 22,854.16	$ 5,000	$ 2,000	$ 7,000	$ 29,854.16
Mahr Property		210.00	$ 17,596	$ 600.00	$ 4,060	$ 22,255.90	$ 5,000	$ -	$ 5,000	$ 27,255.90

Notes:

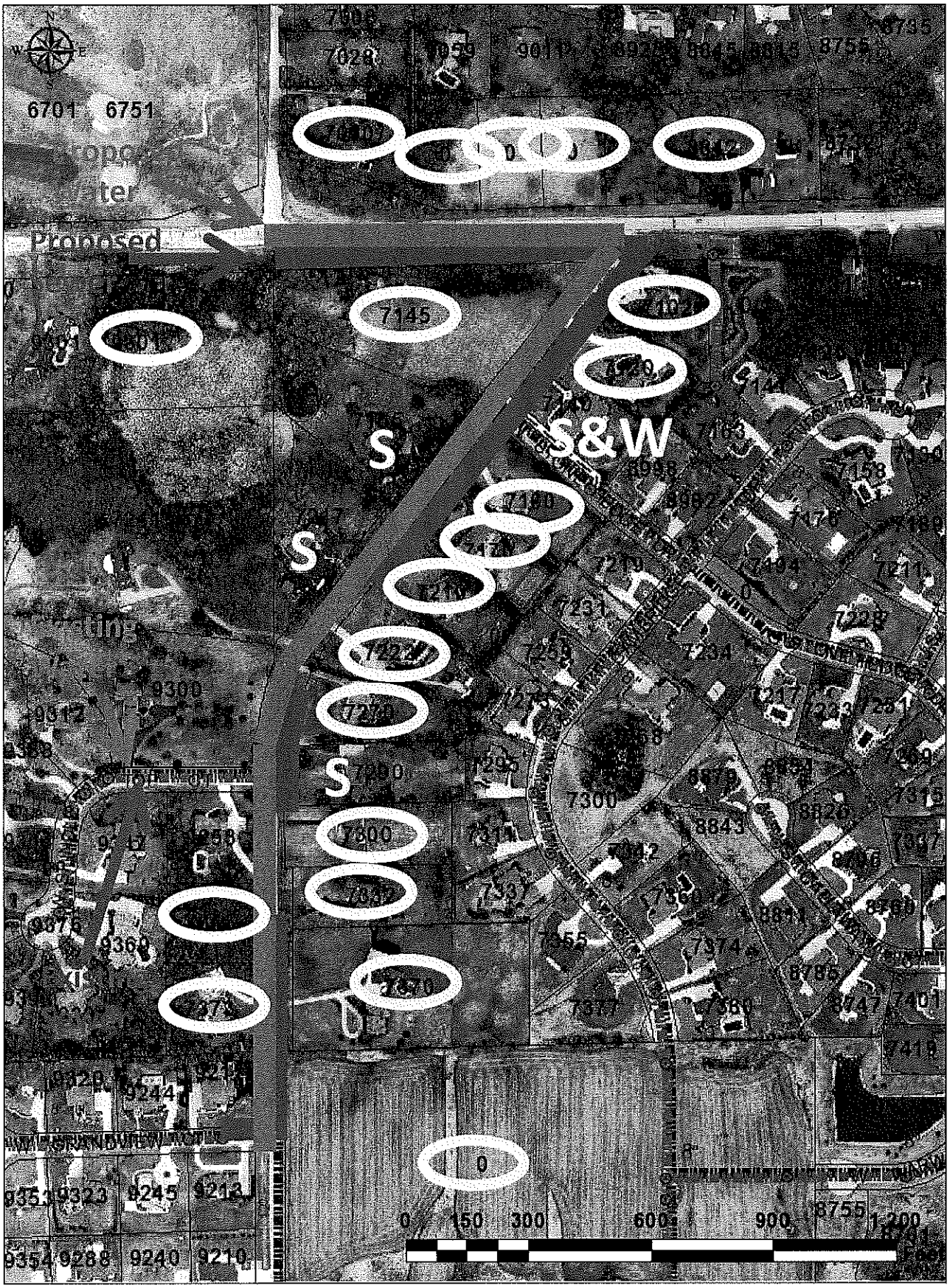
(a) Assessment Frontage values need to be verified with plats and individual property descriptions

(b) Assessment Costs are assuming the maximum value of $83.79/assessment foot

(c) Costs of laterals within the right of way (ROW) will depend on depth of sewer, location of sewer, conflicts with other utilities, etc.

(d) The Utility Costs can be financed through the City per the direction of Common Council

(e) Homeowner will need to find a private contractor to perform these services. Some phone calls to contractors indicate that these costs are conservative.


S&W
Proposed
0
150
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600
900
1,200