

<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>08/15/17</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>RESOLUTION CONDITIONALLY APPROVING A 3 LOT CERTIFIED SURVEY MAP, BEING A DIVISION OF LOT 8, BLOCK 3, IN SMOLEN'S RAWSON MANOR NO. 2 AND THE EAST TWENTY FIVE FEET OF THE VACATED SERVICE ROAD ADJOINING ON THE WEST, IN THE NORTHEAST 1/4 OF SECTION 11, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (DAVID GUDGEON, APPLICANT, DAVID GUDGEON AND JAMES L. LOUDON PROPERTY OWNERS) (7270 SOUTH 51<sup>ST</sup> STREET AND 5050 WEST MINNESOTA AVENUE)</b>	<b>ITEM NUMBER</b>  <i>6.12.</i>

At its August 3, 2017, meeting the Plan Commission recommended denial of a resolution conditionally approving a 3 lot certified survey map, being a division of Lot 8, Block 3, in Smolen's Rawson Manor No. 2 and the east twenty five feet of the vacated service road adjoining on the west, in the Northeast 1/4 of Section 11, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (David Gudgeon, Applicant, David Gudgeon and James L. Loudon Property Owners) (7270 South 51<sup>st</sup> Street and 5050 West Minnesota Avenue).

#### **COUNCIL ACTION REQUESTED**

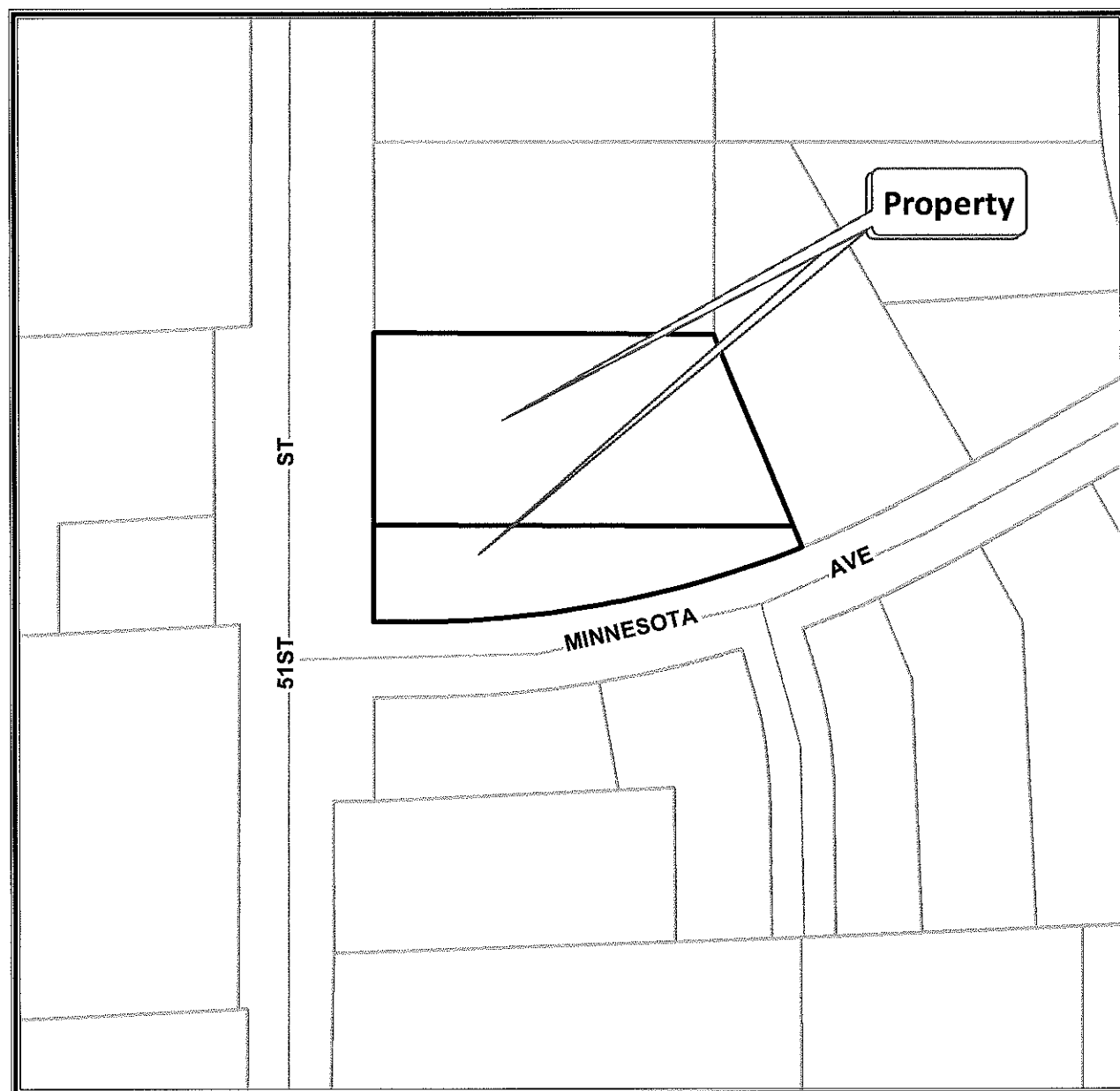
A motion to deny Resolution No. 2017-\_\_\_\_\_, a resolution conditionally approving a 3 lot certified survey map, being a division of Lot 8, Block 3, in Smolen's Rawson Manor No. 2 and the east twenty five feet of the vacated service road adjoining on the west, in the Northeast 1/4 of Section 11, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (David Gudgeon, Applicant, David Gudgeon and James L. Loudon Owners) (7270 South 51<sup>st</sup> Street and 5050 West Minnesota Avenue).

Or

A motion to adopt Resolution No. 2017-\_\_\_\_\_, a resolution conditionally approving a 3 lot certified survey map, being a division of Lot 8, Block 3, in Smolen's Rawson Manor No. 2 and the east twenty five feet of the vacated service road adjoining on the west, in the Northeast 1/4 of Section 11, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin (David Gudgeon, Applicant, David Gudgeon and James L. Loudon Owners) (7270 South 51<sup>st</sup> Street and 5050 West Minnesota Avenue).



7270 S. 51st Street & 5050 W. Minnesota Ave.  
TKNs 759 0025 000 & 759 0024 000



Planning Department  
(414) 425-4024

0 75 150 300 Feet

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



2017 Aerial Photo

## RESOLUTION NO. 2017-\_\_\_\_\_

A RESOLUTION CONDITIONALLY APPROVING A 3 LOT  
CERTIFIED SURVEY MAP, BEING A DIVISION OF LOT 8, BLOCK 3, IN  
SMOLEN'S RAWSON MANOR NO. 2 AND THE EAST TWENTY FIVE FEET OF THE  
VACATED SERVICE ROAD ADJOINING ON THE WEST, IN THE NORTHEAST 1/4  
OF SECTION 11, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF  
FRANKLIN, MILWAUKEE COUNTY, WISCONSIN  
(DAVID GUDGEON, APPLICANT, DAVID GUDGEON AND  
JAMES L. LOUDON PROPERTY OWNERS)  
(7270 SOUTH 51ST STREET AND 5050 WEST MINNESOTA AVENUE)

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WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being Lot 8, Block 3, in Smolen's Rawson Manor No. 2 and the east twenty five feet of the vacated service road adjoining on the west, in the Northeast 1/4 of Section 11, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, more specifically, of the properties located at 7270 South 51st Street and 5050 West Minnesota Avenue, bearing Tax Key Nos. 759-0025-000 and 759-0024-000, David Gudgeon, applicant, David Gudgeon and James L. Loudon property owners; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

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

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

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as

DAVID GUDGEON – CERTIFIED SURVEY MAP

RESOLUTION NO. 2017-\_\_\_\_\_

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such Code and Ordinance provisions may be amended from time to time.

3. Each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.
4. David Gudgeon, successors and assigns, and any developer of the David Gudgeon and James L. Loudon 3 lot certified survey map project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
5. The approval granted hereunder is conditional upon David Gudgeon and the David Gudgeon and James L. Loudon 3 lot certified survey map project for the properties located at 7270 South 51st Street and 5050 West Minnesota Avenue: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. Common Council Approval shall be located after the Owner's Certificates.
7. A Mortgage Holder Consent Page shall be added to the Certified Survey Map.
8. The 12-foot wide water main easement shall be removed from the Certified Survey Map.
9. Prior to recording the Certified Survey Map, the applicant shall request that the City extend public water facilities to serve Lot 3. If rejected, Lot 3 may be developed with a private well-water system. A statement shall be added to Sheet 1 of the Certified Survey Map to indicate whether the land is being served by public sanitary sewer and water or public sanitary sewer only.

DAVID GUDGEON – CERTIFIED SURVEY MAP

RESOLUTION NO. 2017-\_\_\_\_\_

Page 3

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owners, David Gudgeon and James L. Loudon, be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

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

ATTEST:

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

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



## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of August 3, 2017

## Certified Survey Map

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**RECOMMENDATION:** City Development Staff recommends denial of the proposed Certified Survey Map. If approved, Staff recommends the approval be subject to the conditions set forth in the attached draft resolution.

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<b>Project Name:</b>	Gudgeon, Loudon Certified Survey Map
<b>Project Address:</b>	7270 South 51 <sup>st</sup> Street and 5050 West Minnesota Avenue
<b>Applicant:</b>	David Gudgeon
<b>Owners (property):</b>	David and Barbara Gudgeon and James L. Loudon
<b>Current Zoning:</b>	R-6 Suburban Single Family Residence District
<b>2025 Future Land Use:</b>	Residential
<b>Use of Surrounding Properties:</b>	Single-family residential to the north, south and west and multi-family residential to the east
<b>Applicant Action Requested:</b>	Approval of the proposed Certified Survey Map

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**INTRODUCTION:**

Please note:

- Staff recommendations are underlined, in italics and are include in the draft resolution.

On May 17, 2017, the applicant filed a Certified Survey Map (CSM) Application with the Department of City Development, requesting to divide the rear portion of the properties at 7270 South 51<sup>st</sup> Street and 5050 West Minnesota Avenue into a third developable lot.

According to Section 15-9.0309-C of the UDO, the Common Council shall approve, approve conditionally and thereby require resubmission of corrected Certified Survey Map, or reject such Certified Survey Map within ninety (90) days from the date of filing of the map unless time is extended by agreement with the Subdivider. August 15, 2017 is the 90-day deadline for the application. Therefore, Staff recommended the applicant provide the City with a letter granting an extension for reviewing his application beyond the 90 day deadline. On July 14, 2017, Staff received a letter from David Gudgeon granting the City a 120-day extension for reviewing his CSM application. With the extension, the new deadline for the Common Council to approve, approve conditionally and thereby require resubmission of corrected Certified Survey Map, or reject such Certified Survey Map is December 13, 2017.

**PROJECT DESCRIPTION AND ANALYSIS:**

The property located at 7270 South 51<sup>st</sup> Street is approximately 1.0 acre and encompasses Mr. & Mrs. Gudgeon's single-family residence. The property located at 5050 West Minnesota Avenue is approximately 0.44 acres and encompasses Mr. Loudon's single-family residence. The

proposed Certified Survey Map would result in the creation of one new lot and the reconfiguration of the two existing lots. Lot 1 would have 124.06 feet of frontage adjacent to S. 51<sup>st</sup> Street and an area of 22,613 square feet. Proposed Lot 2 would have 215.16 feet of frontage adjacent to West Minnesota Avenue and an area of 20,750 square feet. Proposed Lot 3 would have 101 feet of frontage adjacent to West Minnesota Avenue and an area of 19,700 square feet.

The proposed lots all meet the minimum development standards of the R-6 Suburban Single-Family Residence District, including but not limited to, exceeding the 11,000 square foot minimum lot area and the 90-foot minimum lot width requirements. It can be noted the adjacent lots, which are all zoned R-6, range in size from approximately 57,499 square feet to approximately 10,454 square feet. Of the seven (7) properties adjacent to the proposed Certified Survey Map, the average size is approximately 27,941 square feet. Therefore, the proposed lots will be consistent with the character of the neighborhood.

#### Utilities, Infrastructure and Access

Lots 1 and 2 of the proposed Certified Survey Map (CSM) are served by public sewer and water supply facilities from South 51<sup>st</sup> Street. Lot 3 will be served by sanitary sewer, which is available along West Minnesota Avenue. However, Mr. Gudgeon does not wish to extend a water main located near the intersection of South 51<sup>st</sup> Street and West Minnesota Avenue to service Lot 3. As such, Staff recommends denial of the proposed CSM. However, should the City wish to approve the subject CSM, Staff would recommend the following conditions. Staff recommends that prior to recording the Certified Survey Map; the applicant shall request that the City extend public water facilities to serve the proposed Lot 3. If rejected, the proposed lot may be developed with a private well-water system. A statement shall be added to Sheet 1 of the CSM to indicate whether the land is being served by public sewer and water or public sewer only. The applicant is working with private utilities (gas, electric, telephone, etc.) to provide service to Lot 3. Lot 1 will maintain its exiting access to South 51<sup>st</sup> Street. Lot 2 will maintain its existing access to West Minnesota Avenue and Lot 3 will also have access via West Minnesota Avenue.

Below are additional recommended conditions of approval, which are mostly technical in nature. The applicant shall revise the Certified Survey Map to:

- Place the Common Council Approval after the Owner's Certificates;
- To include a Mortgage Holder Consent Page; and
- To remove the 12-foot wide water main easement from Sheet 1.

#### Natural Resource Protection Plan

The applicant has provided a letter, dated June 18, 2017, from Wetland & Waterway Consulting, LLC stating that the site does not contain any protected natural resources including, steep slopes, woodlands, lakes, ponds, streams, shore buffers, floodplains, and wetlands.

#### Consistency with the Comprehensive Master Plan

The proposed Certified Survey Map is consistent with the City of Franklin 2025 Comprehensive Master Plan. Map 5.7: Future Land Use Map 2025 identifies the subject area's future land use as single-family residential.

**STAFF RECOMMENDATION:**

City Development Staff recommends denial of the proposed Certified Survey Map. Staff finds the proposed Certified Survey Map is not consistent with Section 15-3.0207A4 of the City of Franklin Unified Development Ordinance. This section states that the R-6 District is intended to be served by public sanitary sewer and water supply facilities, 1) except those lots which were lot(s) of record existing prior to the effective date of the Unified Development Ordinance on August 1, 1998, and 2) those lot(s) of record created by minor division, which lot(s) of record created by minor division are served by public sanitary sewer and for which lot(s) the Common Council on or after August 1, 1998, has denied the extension of public water.

A draft resolution is attached if the Plan Commission wishes to recommend approval of the Certified Survey Map request.



David and Barbara Gudgeon  
7270 S 51<sup>st</sup> St  
Franklin, WI 53132

Mr. Orrin Sumwalt  
City of Franklin Planning Department  
9229 W Loomis Rd  
Franklin, WI 53132

RE: Project Summary

Dear Mr. Sumwalt

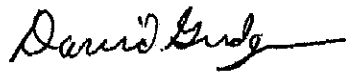
We are proposing to divide our property located at 7270 S 51<sup>st</sup> St into two lots. The existing lot, which is our current family residence, is approximately 1 acre. The proposed lots are shown on the Certified Survey Map (CSM) as Lot 1 and Lot 3.

Lot 1 and existing home will be sold to our daughter, Sara Lloyd, as her new family residence, and have an area of approximately 0.52 acres. Lot 1 is served by city sewer and water.

Lot 3 will be used to build our new family residence, and have an area of approximately 0.45 acres. Lot 3 will be served by city sewer and well. City water is not available on Minnesota Ave, and homes east of 51<sup>st</sup> St on Minnesota Ave are all supplied by a well.

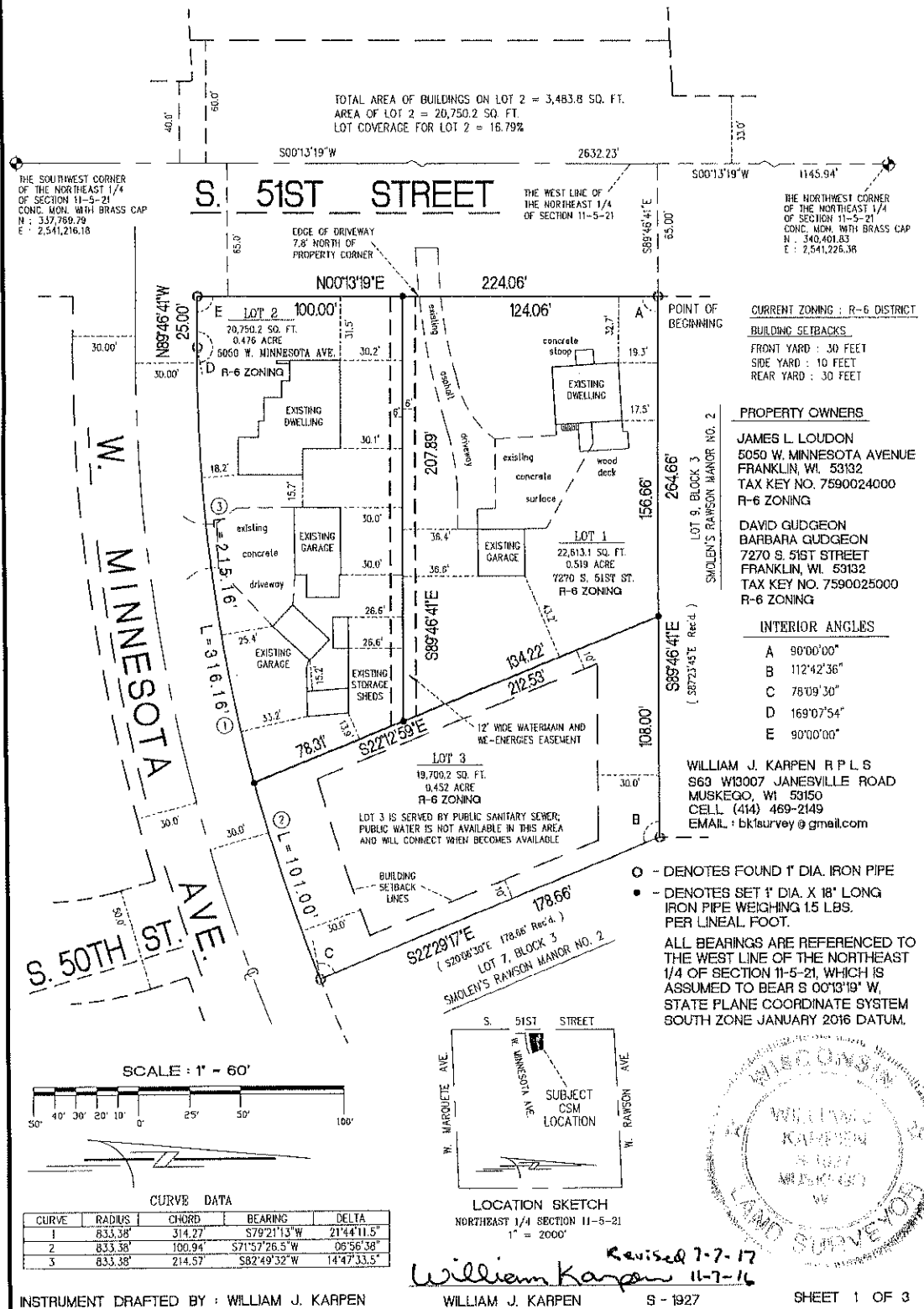
The proposed lots meet the R-6 Single-Family Residence requirements. The proposed lots significantly exceed the 11,000-square-foot minimum district size requirement, and lot size is comparable to adjacent lots within the subdivision.

Sincerely,



David and Barbara Gudgeon

BEING A DIVISION OF LOT 8, BLOCK 3, IN SMOLEN'S RAWSON MANOR NO. 2 AND THE EAST TWENTY FIVE FEET OF THE VACATED SERVICE ROAD ADJOINING ON THE WEST, IN THE NORTHEAST 1/4 OF SECTION 11, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



**MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. \_\_\_\_\_**

**BEING A DIVISION OF LOT 8, BLOCK 3, IN SMOLEN'S RAWSON MANOR NO. 2 AND THE EAST TWENTY FIVE FEET OF THE VACATED SERVICE ROAD ADJOINING ON THE WEST, IN THE NORTHEAST 1/4 OF SECTION 11, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.**

**SURVEYORS CERTIFICATE**

I, WILLIAM J. KARPEN, A REGISTERED LAND SURVEYOR DO HEREBY CERTIFY THAT I HAVE SURVEYED, DIVIDED, AND MAPPED LOT 8, BLOCK 3, IN SMOLEN'S RAWSON MANOR NO. 2 AND THE EAST TWENTY FIVE FEET OF THE VACATED SERVICE ROAD ADJOINING ON THE WEST, IN THE NORTHEAST 1/4 OF SECTION 11, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 11, RUNNING THENCE S00°13'19"W, ALONG THE WEST LINE OF SAID 1/4 SECTION 1145.94 FEET TO A POINT; THENCE S89°46'41" E, 65.00 FEET TO A FOUND IRON PIPE AND THE POINT OF BEGINNING OF THE LANDS TO BE DESCRIBED; THENCE CONTINUE S89°46'41"E 264.66 FEET TO A FOUND IRON PIPE AT THE NORTHEAST CORNER OF LOT 8, BLOCK 3, SMOLEN'S RAWSON MANOR NO. 2; THENCE S22°29'17"E ALONG THE EASTERLY LINE OF SAID LOT 8, BLOCK 3, 178.66 FEET TO A FOUND IRON PIPE AT THE SOUTHEAST CORNER OF SAID LOT 8 AND ON THE NORTH RIGHT OF WAY LINE OF W. MINNESOTA AVENUE; THENCE 316.16 FEET ALONG THE NORTH LINE OF W. MINNESOTA AVENUE AND THE ARC OF A CURVE WITH THE RADIUS OF 833.38 FEET LOCATED TO THE NORTH, WITH AN INTERIOR ANGLE OF 21°44'11.5" AND A CHORD THAT BEARS S79°21'13"W 314.27 FEET TO A FOUND IRON PIPE; THENCE CONTINUING ALONG THE NORTH RIGHT OF WAY LINE OF W. MINNESOTA AVENUE, N89°46'41"W 25.00 FEET TO A FOUND IRON PIPE; THENCE N00°13'19"E AND PARALLEL TO THE WEST LINE OF SAID NORTHEAST 1/4, 224.06 FEET TO A FOUND IRON PIPE AND THE POINT OF BEGINNING.

SAID LANDS CONTAINING 63,063.5 SQUARE FEET MORE OR LESS, 1.448 ACRES.

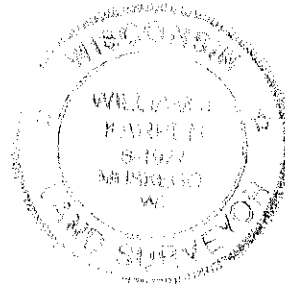
THAT I HAVE MADE SUCH SURVEY, LAND DIVISION AND MAP BY THE DIRECTION OF DAVID AND BARBARA GUDGEON, AND JAMES L. LOUDON, OWNERS OF SAID LAND.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATE STATUTES AND UNIFIED DEVELOPMENT ORDINANCE - DIVISION 15-7.0700 OF THE CITY OF FRANKLIN IN SURVEYING, DIVIDING AND MAPPING THE SAME.

DATED THIS 7th DAY OF November 2017

William J. Karpen Revised 7-7-17  
WILLIAM J. KARPEN S-1927  
WISCONSIN REGISTERED LAND SURVEYOR



**COMMON COUNCIL APPROVAL**

APPROVED AND ACCEPTED BY THE COMMON COUNCIL OF THE CITY OF FRANKLIN RESOLUTION NO. \_\_\_\_\_, SIGNED ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2017

\_\_\_\_\_  
SANDRA WESOŁOWSKI  
CITY CLERK

\_\_\_\_\_  
STEPHEN OLSON  
CITY OF FRANKLIN MAYOR

MILWAUKEE COUNTY CERTIFIED SURVEY MAP NO. \_\_\_\_\_

BEING A DIVISION OF LOT 8, BLOCK 3, IN SMOLEN'S RAWSON MANOR NO. 2 AND THE EAST TWENTY FIVE FEET OF THE VACATED SERVICE ROAD ADJOINING ON THE WEST, IN THE NORTHEAST 1/4 OF SECTION 11, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

OWNER'S CERTIFICATE:

DAVID GUDGEON AND BARBARA GUDGEON, AS OWNERS, DO HEREBY CERTIFY THAT I HAVE CAUSED THE LANDS DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THIS MAP IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATE STATUTES AND UNIFIED DEVELOPMENT ORDINANCE - DIVISION 15-7.0700 OF THE CITY OF FRANKLIN IN SURVEYING, DIVIDING AND MAPPING THE SAME.

IN WITNESS WHEREOF, THE SAID, HAVE CAUSED THESE PRESENTS TO BE SIGNED AT \_\_\_\_\_, WISCONSIN, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_, OWNERS  
DAVID GUDGEON                      BARBARA GUDGEON

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

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, DAVID GUDGEON AND BARBARA GUDGEON, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

OWNER'S CERTIFICATE:

JAMES L LOUDON, AS OWNER, DO HEREBY CERTIFY THAT I HAVE CAUSED THE LANDS DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THIS MAP IN ACCORDANCE WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATE STATUTES AND UNIFIED DEVELOPMENT ORDINANCE - DIVISION 15-7.0700 OF THE CITY OF FRANKLIN IN SURVEYING, DIVIDING AND MAPPING THE SAME.

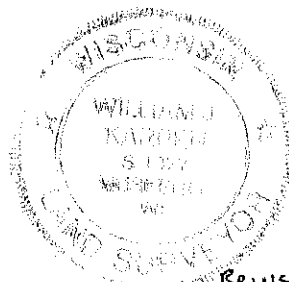
IN WITNESS WHEREOF, THE SAID, HAVE CAUSED THESE PRESENTS TO BE SIGNED AT \_\_\_\_\_, WISCONSIN, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_, OWNER  
JAMES L LOUDON

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

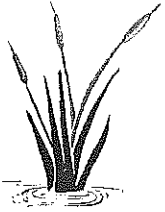
PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, JAMES L. LOUDON, TO ME KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_



Revised 7-7-17  
William Karpen 11-7-2016  
THIS INSTRUMENT DRAFTED BY: WILLIAM KARPEN





**Wetland & Waterway Consulting, LLC**

Dave Meyer

S83 W23915 Artesian Avenue • Big Bend, WI 53103

262-719-4286 • Fax 262-364-2197

E-Mail • [dave@wetlandwi.com](mailto:dave@wetlandwi.com)

6-18-17

Mr. Dave Gudgeon  
7270 S. 51<sup>st</sup> Street  
Franklin, WI 53132

Dear Mr. Gudgeon:

Wetland & Waterway Consulting, LLC conducted a site inspection on 6-18-17 on the subject properties that are depicted on the attached exhibits. The inspection included Parcels 1, 2, and 3. The desktop review revealed the following information:

The field investigation revealed the following characteristics:

1. The site includes two single family homes with outbuildings and the surrounding mowed and maintained lawn (Parcels 1 and 2). The lawn areas are dominated by tall fescue, white clover, black medic clover, common plantain, creeping Charlie, and Kentucky bluegrass. Planted ornamental trees and shrubs include sugar maple, silver maple, green ash, box elder, black walnut, white pine, blue spruce, black locust, white cedar, and crab apple.
2. Also included is a vacant lot (Parcel 3). The lawn area is dominated by black medic clover, white clover, tall fescue, common plantain, and Kentucky bluegrass. Planted ornamental trees and shrubs include box elder, Chinese elm, blue spruce, honeysuckle, and crab apple. Two large green ash trees on this lot are dead.
3. None of the Natural Resource Classifications identified and defined in the City of Franklin's Unified Development Ordinance including steep slopes, woodlands, lakes and ponds, streams, shore buffers, floodplains, and wetlands are present on the site.

Please call me with questions at 262-719-4286.

Sincerely,

  
Dave Meyer

Friday, July 14, 2017

Orrin Sumwalt, AICP, Planner II  
9229 W. Loomis Rd.  
Franklin, WI 53132

Mr. Sumwalt,

David and Barbara Gudgeon are granting the city a 120 day extension to approve our request for subdividing our lot at 7270 S. 51st Street. This will give us time to amend our initial application with additional information. The initial application was filed on May 17, 2017. Please contact us if there are any questions concerning this request.

Would you please advise us of the dates and times of any meetings, deadlines, ect. concerning our request. Thank you for your assistance.

David and Barbara Gudgeon  
7270 S. 51st St.  
Franklin, WI 53132  
414-761-6120  
dgudgehome@gmail.com

<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>08/15/17</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A COMMERCIAL KITCHEN/HOME BASE FOR A FOOD TRUCK BUSINESS USE UPON THE CREATIVE WOOD PRODUCTS, INC. PROPERTY LOCATED AT 9710-9720 SOUTH 58<sup>TH</sup> STREET (CORRINE ROSZINA, OWNER/OPERATOR OF ZENA'S COCINA LLC, APPLICANT)</b>	<b>ITEM NUMBER</b> <i>6.13.</i>

At its August 3, 2017, meeting, the Plan Commission recommended approval of a resolution imposing conditions and restrictions for the approval of a Special Use for a commercial kitchen/home base for a food truck business use upon the Creative Wood Products, Inc. property located at 9710-9720 South 58<sup>th</sup> Street, subject to the food truck being parked on the portion of pavement in the south parking lot behind the building, to screen the food truck from the view of the South 58<sup>th</sup> Street right-of-way.

Per the above motion, Staff added the following conditions to the draft resolution:

4. The food truck shall be parked on the portion of the pavement in the south parking lot behind the building, to screen the food truck from the view of the South 58<sup>th</sup> Street right-of-way.

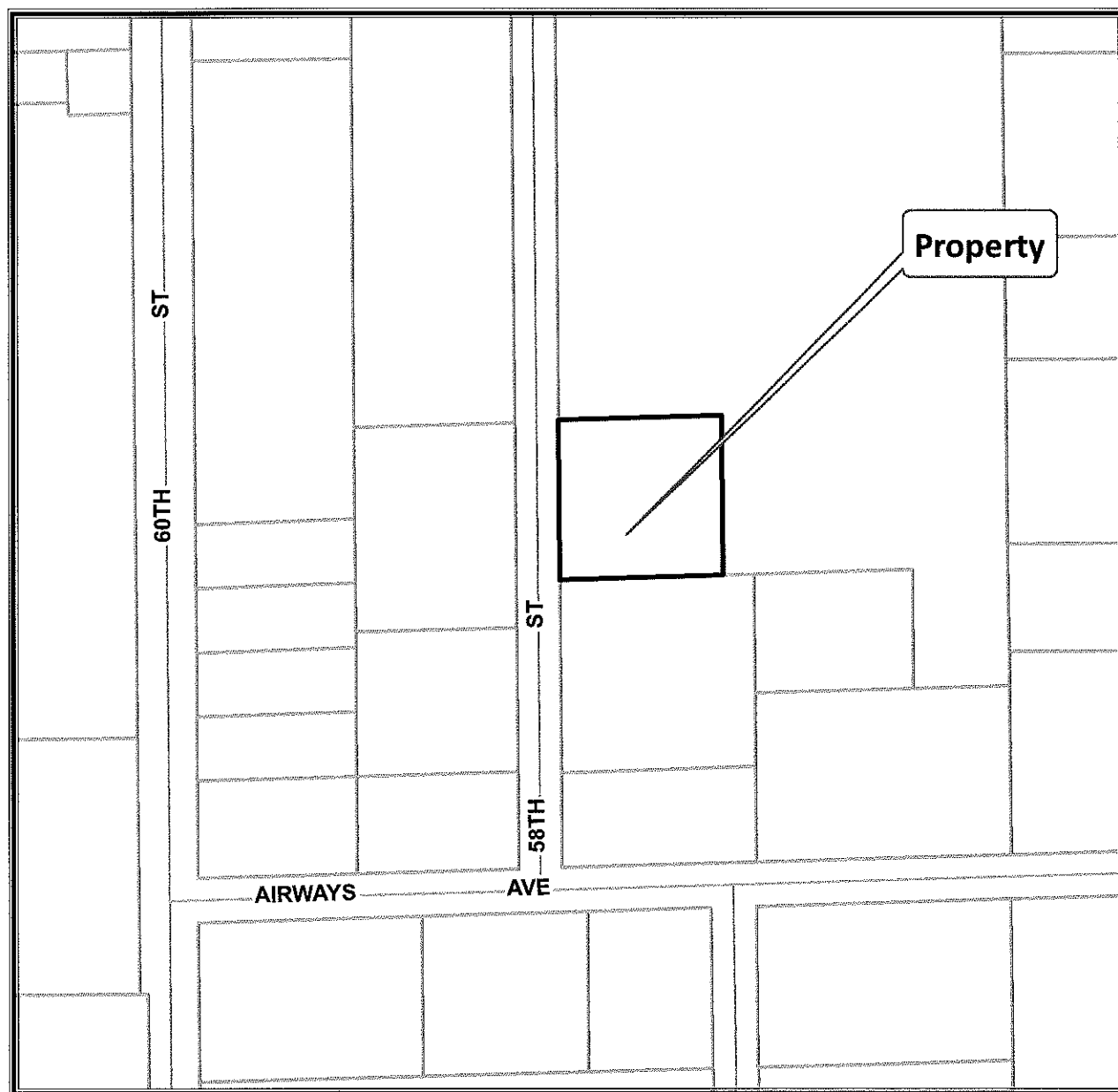
#### COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2017-\_\_\_\_\_, a resolution imposing conditions and restrictions for the approval of a special use for a commercial kitchen/home base for a food truck business use upon the Creative Wood Products, Inc. property located at 9710-9720 South 58<sup>th</sup> Street (Corrine Roszina, owner/operator of Zena's Cocina LLC, Applicant)





9710 - 9720 S. 58th Street  
TKN 899 9990 034



Planning Department  
(414) 425-4024

0 150 300 600 Feet

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



## RESOLUTION NO. 2017-\_\_\_\_\_

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR  
THE APPROVAL OF A SPECIAL USE FOR A COMMERCIAL KITCHEN/HOME BASE  
FOR A FOOD TRUCK BUSINESS USE UPON THE CREATIVE WOOD PRODUCTS,  
INC. PROPERTY LOCATED AT 9710-9720 SOUTH 58TH STREET  
(CORRINE ROSZINA, OWNER/OPERATOR OF ZENA'S COCINA LLC, APPLICANT)

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WHEREAS, Corrine Roszina, owner/operator of Zena's Cocina LLC, having petitioned the City of Franklin for the approval of a Special Use within an M-1 Limited Industrial District under Standard Industrial Classification Title No. 5963 "Direct Selling Establishments", to allow for a commercial kitchen/home base for a food truck business use upon the Creative Wood Products, Inc. property located at 9710-9720 South 58th Street, bearing Tax Key No. 899-9990-034, more particularly described as follows:

CERTIFIED SURVEY MAP NO., 3228 OF A PART OF THE N.W. 1/4 OF SECTION 26, T. 5 N., R. 21 E., IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISC. Commencing at the Northwest Corner of said 1/4 Section; thence N. 88 degrees 22'10" E., along the north line of said 1/4 Section 545.00 feet to a point; thence S. 00 degrees 24'28" E., 1297.31 feet; thence N. 88 degrees 22'10" E., 70.02 feet to the point of beginning of the lands to be described; Thence continuing N. 88 degrees 22'10" E., 250.00 feet to a point; thence S. 00 degrees 24'28" E., 1297.31 feet; thence N. 88 degrees 22'10" W., 250.00 feet to a point; thence N. 00 degrees 24'28" W., 250.00 feet to the point of beginning; 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 3rd day of August, 2017, 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,

CORRINE ROSZINA, OWNER/OPERATOR OF ZENA'S COCINA LLC – SPECIAL  
USE  
RESOLUTION NO. 2017-\_\_\_\_\_  
Page 2

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 Corrine Roszina, owner/operator of Zena's Cocina 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 Corrine Roszina, owner/operator of Zena's Cocina LLC, successors and assigns, as a commercial kitchen/home base for a food truck business use, which shall be developed in substantial compliance with, and operated and maintained by Corrine Roszina, owner/operator of Zena's Cocina LLC, pursuant to those plans City file-stamped July 26, 2017 and annexed hereto and incorporated herein as Exhibit A.
2. Corrine Roszina, owner/operator of Zena's Cocina 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 Corrine Roszina, owner/operator of Zena's Cocina LLC commercial kitchen/home base for a food truck, 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 Corrine Roszina, owner/operator of Zena's Cocina LLC and the commercial kitchen/home base for a food truck business use upon the Creative Wood Products, Inc. property located at 9710-9720 South 58th 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. The food truck shall be parked on the portion of the pavement in the south parking lot behind the building, to screen the food truck from the view of the South 58<sup>th</sup> Street right-of-way.

BE IT FURTHER RESOLVED, that in the event Corrine Roszina, owner/operator of Zena's Cocina 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

CORRINE ROSZINA, OWNER/OPERATOR OF ZENA'S COCINA LLC – SPECIAL  
USE

RESOLUTION NO. 2017-\_\_\_\_\_

Page 3

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 \_\_\_\_\_, 2017.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

CORRINE ROSZINA, OWNER/OPERATOR OF ZENA'S COCINA LLC – SPECIAL  
USE

RESOLUTION NO. 2017-\_\_\_\_\_

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APPROVED:

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

ATTEST:

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

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



# CITY OF FRANKLIN

## REPORT TO THE PLAN COMMISSION

Meeting of August 3, 2017

### Special Use

**RECOMMENDATION:** City Development Staff recommends approval of the Special Use application for Zena's Cocina, LLC, to operate a food truck business use upon the Creative Wood Products, Inc. property located at 9710-9720 South 58<sup>th</sup> Street, subject to the conditions of approval in the attached draft resolution.

<b>Project Name:</b>	Zena's Cocina, LLC Special Use
<b>Project Address:</b>	9710-9720 South 58 <sup>th</sup> Street
<b>Property Owner:</b>	Corrine M. Roszina
<b>Applicant:</b>	Zena's Cocina, LLC
<b>Zoning:</b>	M-1 Limited Industrial District
<b>Use of Surrounding Properties:</b>	Industrial to the north, south, east and west
<b>Comprehensive Plan:</b>	Industrial
<b>Applicant Action Requested:</b>	Recommendation of approval to the Common Council for the proposed Special Use for Zena's Cocina, LLC.

Please note:

- Staff suggestions are only underlined and are not included in the draft resolution.

### **INTRODUCTION/BACKGROUND:**

On July 12, 2017, Corrine Roszina submitted a Special Use application on behalf of Zena's Cocina, LLC requesting approval for a food truck business use upon the property she owns located at 9710-9720 South 58<sup>th</sup> Street. This property is also home to the Creative Wood Products, Inc. business, which Ms. Roszina also owns. The proposed use corresponds to Standard Industrial Classification (SIC) Title No. 5963, Direct Selling Establishments which is allowed within the M-1 General Business District as a Special Use.

On November 10, 1977, the Plan Commission granted a Use Approval to Mr. Dean Schultz to allow for manufacturing of cabinets and laminated counter tops for Dean Royce, Corp.

### **PROJECT DESCRIPTION/ANALYSIS:**

The applicant is requesting Special Use approval to operate a food truck business use upon the Creative Wood Products, Inc. property located at 9710-9720 South 58<sup>th</sup> Street in Phase I of the Franklin Industrial Park. Zena's Cocina, LLC is a food truck serving tacos, burritos, hamburgers, hotdogs and soup. There will be approximately 2-3 employees working in the truck at any one time. The applicant is not proposing any signage on the property at this time. Any future signage for this use

will be subject to the review and approval of the Architectural Review Board and issuance of a Sign Permit from the Inspection Department.

The applicant has a license pending with the State of Wisconsin. If the Special Use is granted, then the applicant will be applying for a building permit to convert the kitchen at 9710 S. 58<sup>th</sup> Street into a commercial prep kitchen for Zena's Cocina, LLC. According to the project narrative, the building has an 18,000 square foot warehouse with an overhead garage door. The applicant may use this area for loading and occasionally parking the food truck.

Parking:

According to Section 15-5.0202G.3. of the City of Franklin Unified Development Ordinance any overnight parking for a vehicle over 8,000 pounds rated Gross Vehicle Weight may be allowed only with a Special Use. Therefore, the overnight parking of the food truck at Creative Wood Products, Inc. is part of the applicant's Special Use request.

The applicant is proposing to park the Zena's Cocina, LLC food truck overnight in the southeast corner of the Creative Wood Products, Inc. parking lot (see Aerial Photograph). Staff suggests the food truck be parked on the portion of pavement in the south parking lot behind the building, to screen the food truck from the view of the South 58<sup>th</sup> Street right-of-way. No other outdoor storage associated with the food truck business use is allowed on the property without an amendment to the Special Use approval.

Special Use Standards:

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, which is included in your packet.

**STAFF RECOMMENDATION:**

City Development Staff recommends approval of the Special Use application for Zena's Cocina, LLC, to operate a food truck business use upon the Creative Wood Products, Inc. property located at 9710-9720 South 58<sup>th</sup> Street subject to the conditions of approval in the attached draft resolution.

## Exhibit A

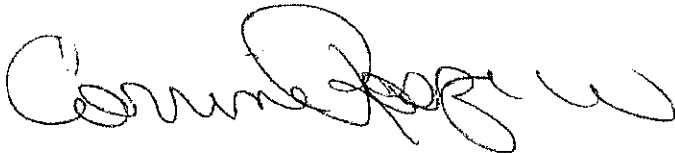
I Corrine Roszina currently own Creative Wood Products the property located at 9710 & 9720 S. 58<sup>th</sup> St., Franklin Industrial Park. I recently purchased a Taco Truck which I would like to service here.

My plan is to update and create a Commercial Prep Kitchen which will be rented to Zena's Cocina LLC at 9720 S. 58<sup>th</sup> St., Franklin

Creative Wood Products will to continue business as normal at 9710 S. 58<sup>th</sup> St.

Our 18,000 square foot warehouse includes 2 pull up docs and a garage door. We have ample parking on the East Side of our building. The shop has ample electric to maintain what is needed for any servicing and/ maintenance of our truck.

Thank you for your time!

A handwritten signature in black ink, appearing to read 'Corrine Roszina', with a stylized flourish at the end.

Corrine Roszina  
414-232-9584

Franklin

JUL 26 2017

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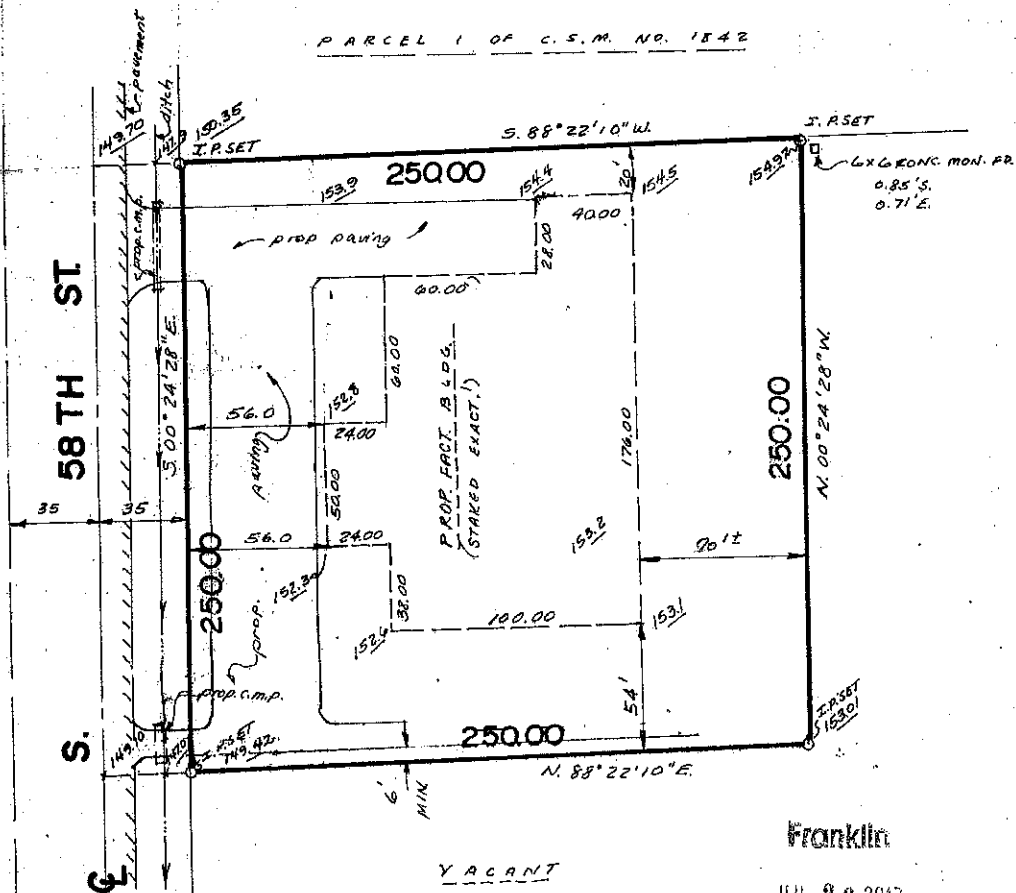


# Plat of Survey

Survey For: Dean Royce Corp.  
Location: S. 58th Street

Description: Parcel 1 of Certified Survey Map No. \_\_\_\_\_ being a part of the N.W. 1/4 of Section 24, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

prop. fin. gr. = 154.0  
(FACTORY PART OF BLDG. (FRONT))



INMAN ENGINEERING  
OF  
MILWAUKEE, INC.  
ENGINEERS - SURVEYORS

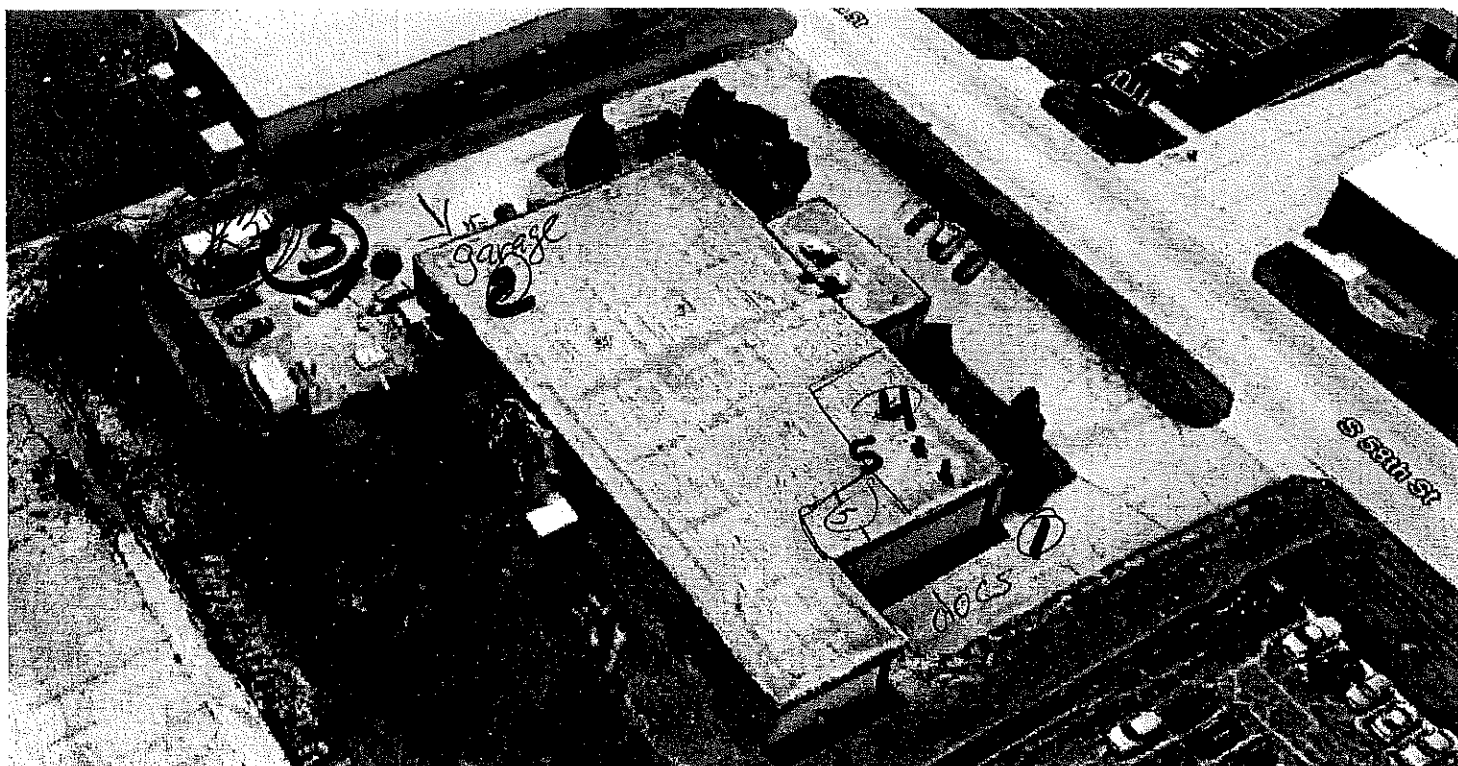
SURVEY CERTIFICATE

State of Wisconsin ss I 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 and dimensions of all visible structures thereon, fences, apparent easements and roadways and visible encroachments, if any.

This survey is made for the exclusive use of the present owners of the Property, and also those who purchase, mortgage, or guarantee the title thereto within one (1) year from date hereof;

Thomas Inman  
THOMAS INMAN, Registered Land Surveyor

DATE: 11-7-77  
JOB NO.: 4555



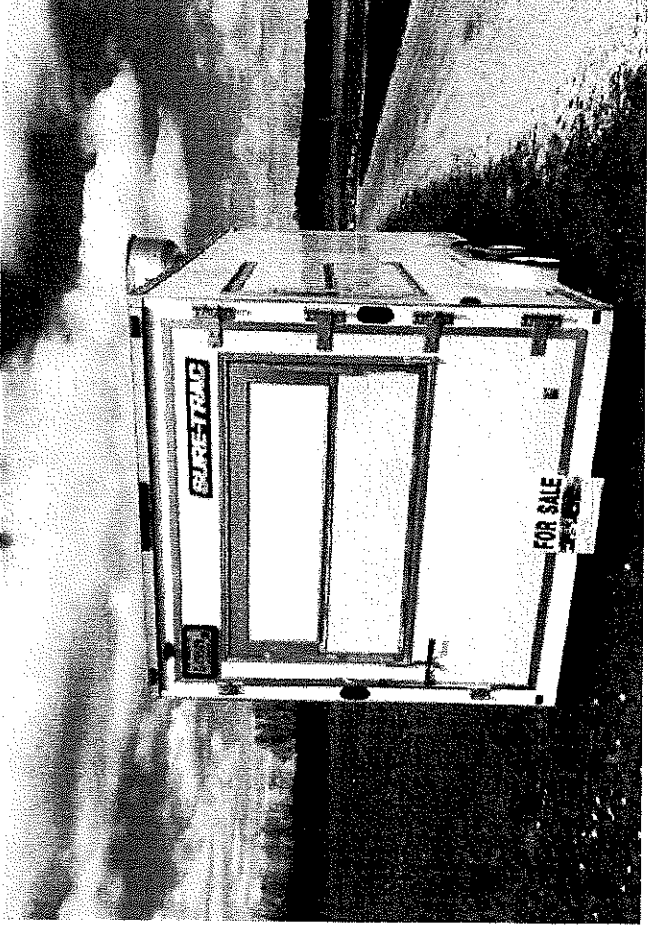
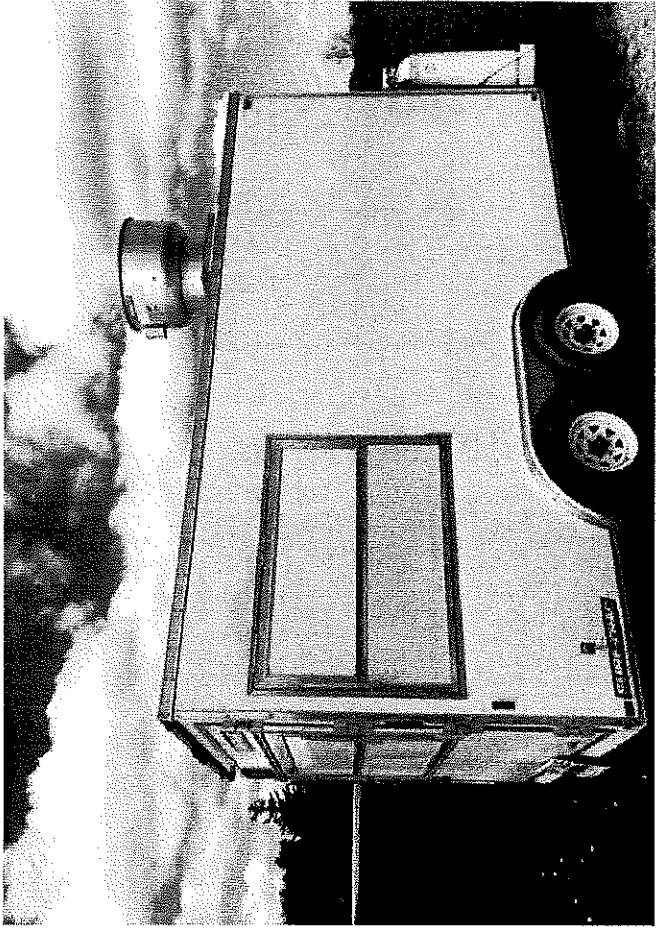
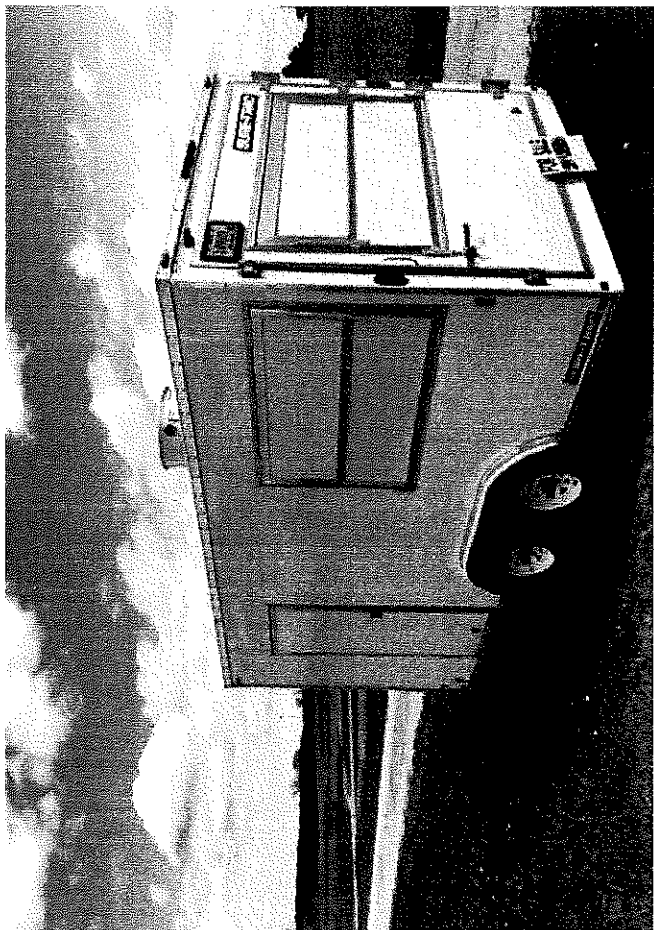
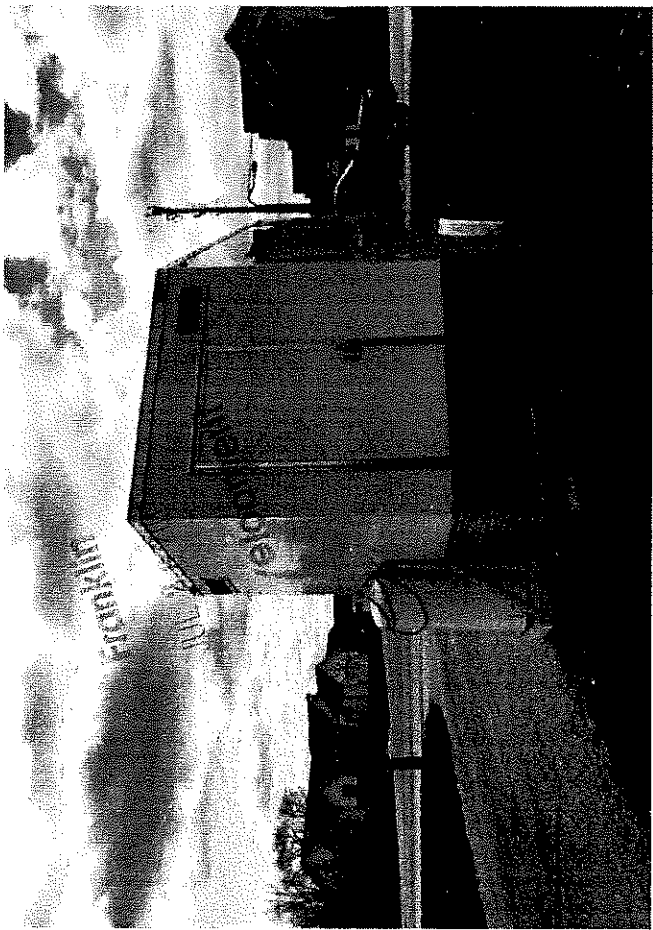
- ① 2 docking doors for possible deliveries
- ② garage entrance
- ③ parking outside if needed
- ④ commercial kitchen
- ⑤ bath rooms

Zend's Cosine

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JUL 26 2017

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## Staff Recommendations Parking

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Development

1. Please note according to §210-10 of the City of Franklin Municipal Code, "Signs placed or affixed to vehicles and/or trailers, which are parked on a public right-of way, public property, or private property so as to be visible from a public right-of way, where the apparent purpose is to advertise a product or direct people to a business or activity located on the same or nearby property, are prohibited. This provision shall not prohibit signs placed on or affixed to vehicles and/or trailers, such as lettering on motor vehicles, where the sign is incidental to the primary use of the vehicle or trailer". **Yes**
2. If the food truck is parked outside overnight, then Staff suggests it be on the portion of pavement in the south parking lot behind the building. This would screen the truck from the view of the South 58th Street right-of-way. **Yes**

## Sign Plan

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3. At this time, any proposed signage would be subject to review and approval by City of Franklin Architectural Review Board. Please contact the Building Inspection Department at 414-425-0084 for approval process and any required applications, if signage is proposed. **Agreed**

## Project Narrative

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4. Please provide an estimated timetable for the completion of the commercial kitchen remodel. **Our target date is set for August 15, 2017 upon approval from this hearing.**
5. What type of food you will be selling from your food truck?  
**We are looking to serve Tacos, Burritos etc. as well as some American foods such as hamburgers and hotdogs. I plan on a Friday by making my Shrimp soup. ( my family's favorite)**
6. How many employees does Zena's Concina, LLC have?  
**No more than 2 – 3 in the truck at any one time.**
7. Where will your truck primarily operate? **That is still up for review. Kitchen has to be completed so we can get our service base permit first.**

8. Will you provide food sales from your truck at Creative Wood Products? If so, then please provide details about the operation such as; hours of operation, how often food sales will occur, and where your vehicle will be parked when actively open for business vs. parking for storage as shown on the Site Plan.

No, not at our Creative Wood Products' location.

9. Please explain the approvals you have received or are working on with the State of Wisconsin for your food truck business. **Pending**
10. Please state the approvals you have received or are working on with the Franklin Health Department for your food truck business.

**Police Department and Fire Departments have no comments or concerns. Copy is attached.**

**Police Department Staff Comments**

The Franklin Police Department has reviewed the application for 9710-9720 S. 58<sup>th</sup> Street. The Police Department has no issues with this request.

**Fire Department Staff Comments**

The Fire Department has no concerns regarding the proposed special use. Fire protection and alarm systems must remain compliant with occupancy and use type (i.e., Hood/vent and Ansul system required where "grease laden vapors" are produced, class-K extinguisher, etc.).

11. Please state the rated Gross Vehicle Weight (in pounds) of your truck. Typically, this information may be found inside the driver's side door on a sticker or metal plate. Other

We have a food trailer,

12. Please provide a color picture of your food truck in your submittal. I will supply colored photos of the food truck for you to view at the hearing.

## **Engineering Staff Comments**

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13. No Comments Police Department Staff Comments

**DIVISION 15-3.0700**

**SPECIAL USE STANDARDS AND REGULATIONS**

**SECTION 15-3.0701**

**GENERAL STANDARDS FOR SPECIAL USES**

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

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

Response:

yes

Franklin

JUL 26 2017

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

Response:

NO, there will not be any adverse impact to our community or neighborhood

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

Response:

there will be no interfering with any neighbors.

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

Response:

yes

5. **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

Response:

Serving food  
We will not be selling from this location.  
only preparing.

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

Response:

WE are only serving the truck here.

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

Response:

yes we will following each regulation as it arises.

- B. **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

Response:

application is attached.

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

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

Response: The food truck will serve our neighborhoods.

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

Response:


We are looking to rent a service here until which time we can use ours as proposed.

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

We will be remodeling the sight to a Commercial Prep Kitchen  
no visible changes will be noticed

*Response:*

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

*Response:* 



APPROVAL	REQUEST FOR COUNCIL ACTION	MTG. DATE
<i>Slw</i>		8/15/2017
Reports & Recommendations	<b>SUBJECT:</b> A resolution authorizing certain officials to approve a request to vacate an existing sanitary easement at 6310 S. 108 <sup>th</sup> Street	<b>ITEM NO.</b> <i>6.14.</i>

### **BACKGROUND**

The existing easement (no record on file) at the SE corner of College Avenue and Highway 108, the existing sanitary main had been located at west side of said property address with Tax Key No. 705-8990-002. As part of the proposed highway improvement the City of Franklin shall vacate the existing sanitary easement to become part of the State of Wisconsin right-of-way.

### **ANALYSIS**

The State of Wisconsin Department of Transportation already acquired that Northwest part of land per Document No. 10463677 and recorded in Milwaukee County, Wisconsin for Transportation Project Plat 2040-11-21-4.01.

### **OPTIONS**

Approve or deny request.

### **FISCAL NOTE**

No fiscal impact.

### **RECOMMENDATION**

Motion to adopt Resolution No. 2017-\_\_\_\_\_, a resolution authorizing certain officials to approve a request to vacate an existing sanitary easement at 6310 S. 108<sup>th</sup> Street.

RA/db

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2017 - \_\_\_\_\_

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO APPROVE  
A REQUEST TO VACATE AN EXISTING SANITARY SEWER EASEMENT  
AT 6310 S. 108TH STREET

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WHEREAS, the State of Wisconsin Department of Transportation has requested the vacation of the existing sanitary easement; and

WHEREAS, it has been determined that this sanitary sewer easement is no longer required.

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 approve the vacation of the sanitary sewer easement located on the northwest part of the property at 6310 S. 108th Street.

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

INTRODUCED at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017 by Alderman \_\_\_\_\_.

PASSED AND ADOPTED at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

APPROVED:

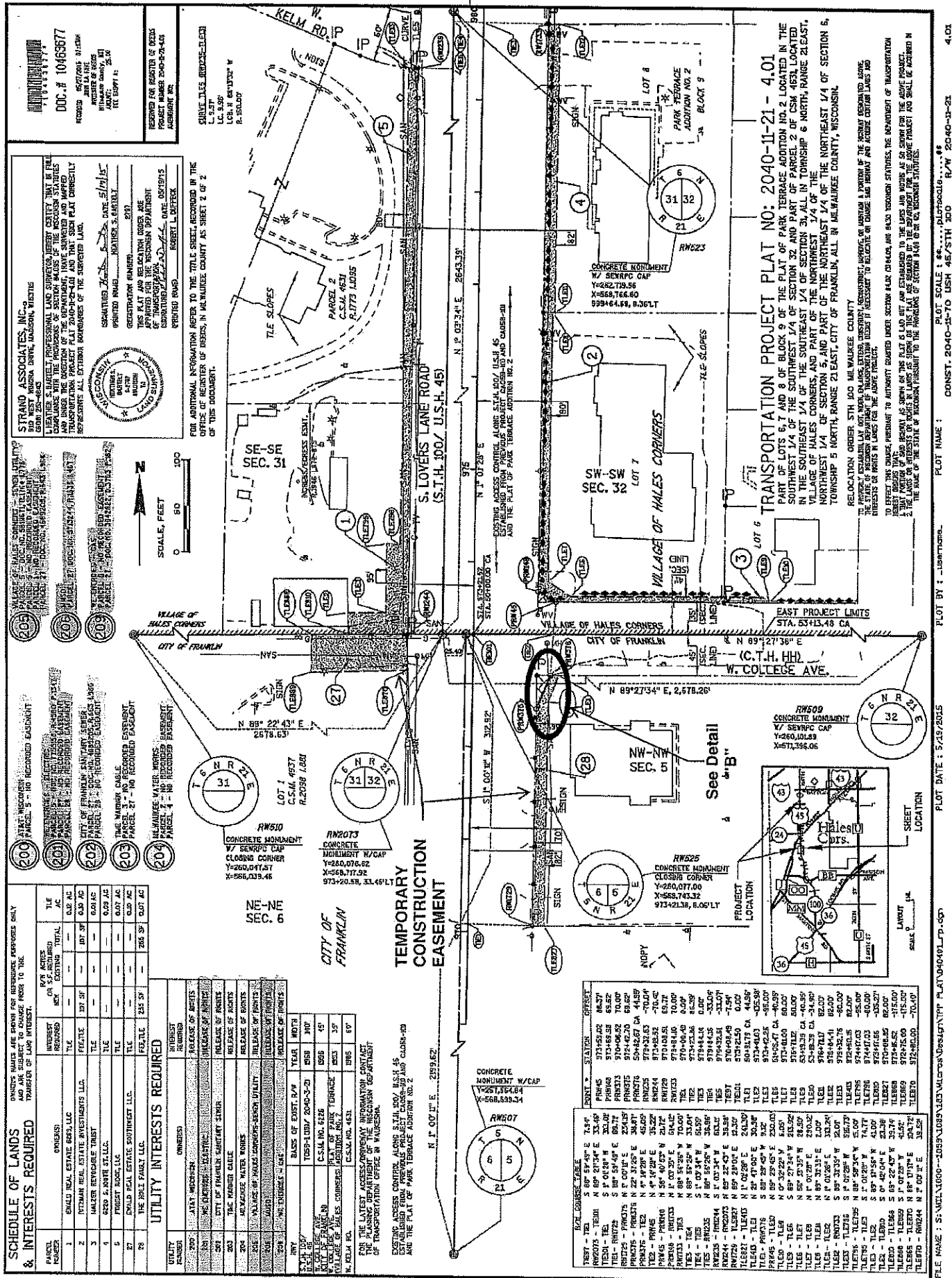
\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

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

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

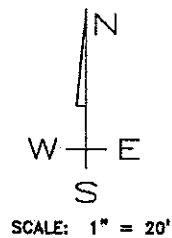
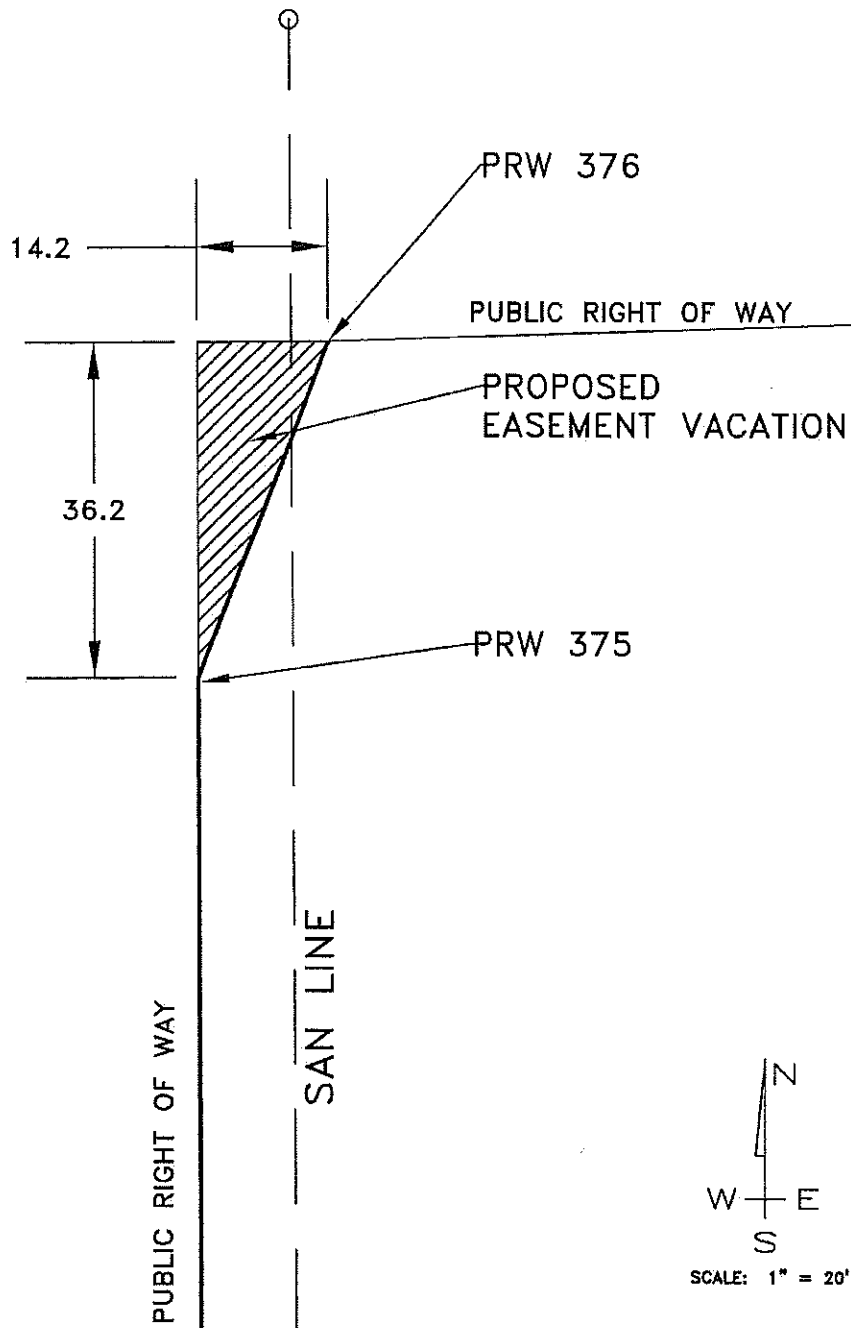
**(DEPICTION OF THE FACILITY**



# DETAIL "B"

COLLEGE AVENUE

HWY 108 TH



CITY OF FRANKLIN-ENGINEERING  
RMA 7/18/2017

**Document Number**  
**CONVEYANCE OF RIGHTS IN LAND**  
**(Non-Fee Land Interests)**

Wisconsin Department of Transportation  
Exempt from-filing transfer form s.77.21(1) Wis. Stats.  
DT1660 3/2016 s.84.09(1) Wis. Stats.

**City of Franklin** GRANTOR, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, grants and conveys any and all rights and interest which, by virtue of prior title, easement, license, or other legal devices, GRANTOR holds in the land described below to the State of Wisconsin, Department of Transportation, GRANTEE, for the purposes of constructing, operating, and maintaining a public highway and appurtenant facilities on, over, under, or across the said land; provided, however that GRANTOR reserves to itself the subordinate right to cross, traverse, or otherwise occupy said land with its present and future overhead or underground transmission lines, appurtenant facilities, and supporting structures in a manner consistent with the purposes of this conveyance and in a manner which will not interfere with normal highway maintenance and operation; provided, further, that the costs of any relocation or alteration, now or in the future, of the transmission lines, appurtenant facilities, or supporting structures when required by the GRANTEE for any reason, including accommodating future expanded or additional highway facilities on, over, under or across said land, will be paid by the GRANTEE; provided, however, that the costs of such relocation or alteration, or of the installation of new or additional facilities when done at the instance of and for the purposes of the GRANTOR, will be defrayed by the GRANTOR.

This conveyance shall be binding on the GRANTOR, GRANTEE, and their respective successors and assigns.

Other persons having an interest in record in the property: None

**Legal Description**

See attached

The undersigned certify that this instrument is executed pursuant to a resolution of the Board of Directors (or shareholders, stockholders, or members, if authorized by law) of GRANTOR corporation or cooperative.

**Acknowledgement**

\_\_\_\_\_  
(Grantor Name)  
  
\_\_\_\_\_  
(Signature)  
**City Engineer, City of Franklin**  
\_\_\_\_\_  
(Title)  
**Glen E Morrow**  
\_\_\_\_\_  
(Print Name)  
  
\_\_\_\_\_  
(Signature)  
  
\_\_\_\_\_  
(Title)  
  
\_\_\_\_\_  
(Print Name)

\_\_\_\_\_  
(Date)  
  
State of \_\_\_\_\_ )  
\_\_\_\_\_) ss.  
\_\_\_\_\_) County  
  
On the above date, this instrument was acknowledged before me by the named person(s).  
  
\_\_\_\_\_  
(Signature, Notary Public)  
  
\_\_\_\_\_  
(Print or Type Name, Notary Public)  
  
\_\_\_\_\_  
(Date Commission Expires)

This space is reserved for recording data

Return to  
Division of Transportation System Development  
Southeast Region  
Utility Unit  
141 NW Barstow Street  
Waukesha WI 53187-0798

Parcel Identification Number/Tax Key Number  
See attached

**LEGAL DESCRIPTION – CONVEYANCE OF RIGHTS:**

All that part of the lands subject to Grantor's easements or interests included in lands acquired by the Grantee in parcel(s) 28 of Transportation Project Plat 2040-11-21 – 4.01, recorded as Document Number 10463677, on 5/27/2015, all recorded in the Milwaukee County Office of the Register of Deeds, State of Wisconsin.

Parcel #	Tax I.D. #
28	7058990002

## TEMPORARY CONSTRUCTION EASEMENT

### (Transportation Project Plat)

Wisconsin Department of Transportation  
DT2217 4/2007

City of Franklin, Grantor, which has an interest in the lands described below, grants to the Wisconsin Department of Transportation (WIDOT), Grantee, the right and permission to occupy Grantor's easement area for highway improvement purposes, which may include but are not limited to: 1) Constructing slopes and drainage facilities on the following described lands, including the right to operate necessary equipment thereon; 2) The right of ingress and egress, as long as required for such public purpose, including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem desirable to prevent erosion of the soil, provided such activities are consistent with the rights held by the Grantor under its easement.

The said lands are situated in the City of Franklin, Milwaukee County, Wisconsin and are shown on Transportation Project Plat(s) 2040-11-21 - 4.01, which depicts the right-of-way required for Highway Construction Project No. 2040-11-70 in accordance with Section 84.095 Wisconsin Statutes. This plat is available to view at the WIDOT Office located at 141 NW Barstow St, Waukesha, WI 53187.

The said lands are part of Parcel(s) 27& 28 as shown on said Transportation Project Plat and are further described as lying in the NE1/4-NE1/4 of Section 6 and the NW1/4-NW1/4 of Section(s) 5, T5N, R21E, City of Franklin.

This Temporary Construction Easement establishes the right of Grantee to occupy lands on which Grantor has easement interests. However, Grantor reserves to itself the right to continue to use said easement area with its present and future overhead and/or underground facilities in a manner which is consistent with this grant, and further, that the costs of any relocation or alteration of any facilities of Grantor required by Grantee to accomplish its work, now or in the future, will be paid by Grantee.

This Temporary Construction Easement shall terminate upon completion of Construction Project No. 2040-11-70 for which this instrument is given, or -----, whichever comes first.

The Grantor has a prescriptive right or an easement and therefore grants this Temporary Construction Easement as a holder of a property interest and not as a property owner.

The Grantor's easement is recorded as Doc. 4689205 R. 663 I. 966 in the Milwaukee County Register of Deeds Office, or exists by prescriptive rights as defined by Wisconsin Statutes, Section 893.28.

5/3/2017

(Document Created Date)

**City of Franklin**

(Company)

(Signature)

**Glen E. Morrow**

(Date)

**City Engineer, City of Franklin**

(Title)

(Signature)

(Date)

(Title)

<b>APPROVAL</b>  <i>Slw</i> <i>MW</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>8/15/2017</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Authorize the Director of Administration to Execute the Necessary Purchase Agreement and Statement-of-Work With Hartland Business Systems for Services and Equipment for the Planned Perimeter Security Project.</b>	<b>ITEM NUMBER</b>  <i>G.15.</i>

Within the 2017 Information Technologies budget was a Capital Project for \$46,673 for a "Perimeter Security" project. The Director of Information Technology has reviewed multiple project scopes from multiple vendors and has presented his recommendation to the Technology Commission, which recommends approval. A detailed explanation of the project is attached to this Council Action Sheet and is entitled "Perimeter Security Project Description." Following is a summary of the main points of that write up.

- Given the continued development of threats to the City's computers and networks, it is essential that the City's firewalls and web content filtering appliances be enhanced and coordinated.
- The project was intended to address Police Department and City Hall (which covers the Library and Fires Station #1) needs, but project research concluded that incorporating DPW, the Sewer and Water Utility Building, Fire Station #2, and Fire Station #3 was essential for state-of-the-art security.
- The IT Director and Technology Commission reviewed multiple project proposals, the Commission unanimously voted in favor of the Hartland Business Systems (HBS) Palo Alto solution. The It Director noted that they appeared extremely impressed with the network visibility and analytics capabilities.
- If approved, the \$15,000 Remote Office Terminal Server project, carried over from 2016, will not occur and the funds will be used to expand the Perimeter Security Project to those offices. (By performing a redesign of the VPN security tunnels between City Hall and the remote offices, the scheduled "Remote Location Terminal Server" project can be forgone, and those funds can be dedicated to this project, which is significantly more important in its nature and impact.)
- The capital project resources for the project are \$61,673, with a project proposal of \$59,646. This leaves \$2,027 for contingencies. Additionally, if approved, up to approximately \$18,600 of the IT operating budget Professional Services resources and appropriations will be used for installation efforts by HBS specialized staff. Those services are provided under the core HBS contract. Note that the project contingency may be used for installation services if available.

Staff recommends approval.

### COUNCIL ACTION REQUESTED

Motion to authorize completion of the Perimeter Security Project as presented for a Capital Projects amount not to exceed \$61,673 and additional operating resources for IT professional services, as budgeted, and to authorize the Director of Administration to execute the necessary equipment purchase agreement and statement-of-work with Heartland Business Systems.



## **Perimeter Security Project Description**

### **Executive Summary:**

Firewalls and web content filtering appliances (also known as Perimeter Defense Technology) at the City of Franklin today exist as a mixture of technologies and equipment, slowly acquired over a long period of time. The Police Department uses a Cisco 5510 firewall with a Barracuda web filtering appliance. City Hall uses an open source Untangle firewall solution that resides on custom built hardware. The four remote offices (DPW, Water Utility, FD2, and FD3) use consumer grade VPN and firewall appliances, which provides security and basic WAN connectivity to each location. All security devices are currently unable to integrate with one another, provide centralized logging of security events, and are legacy platforms that are both out of warranty and no longer supported by the manufacturers.

With the dramatic increase in ransomware, complex phishing schemes, hacktivism, trojans, and malware that relies upon command & control communication, the emergent threats solidify the need that perimeter security devices fully safeguard internal system access from a vast array of unpredicted and highly dynamic threats. Because of the ever-growing threat to security defenses, it becomes necessary to centralize security monitoring, logging, and perimeter control to a single administration point. Security administrators should be highly knowledgeable in a single vendor platform for detection and analysis. It is for these reasons that perimeter security defenses should be standardized across the organization towards a single vendor security product, one that implements both a combination of on premise and cloud based computer learning services, in order to both identify and contain zero day threats.

The Technology Committee has reviewed several perimeter security Next Generation Firewall (NGFW) solutions, and has voted to recommend a Palo Alto solution that offers both on-site and cloud-based detection services. This is a highly advanced solution that is used in many local schools, universities, state, and municipal governments. In order to best protect city resources, it is recommended that any place a dedicated Internet connection exists, a Palo Alto NGFW be implemented to safeguard the office and associated WAN connections. The scope of the project has been enhanced to include Internet control points at City Hall, Police Department, DPW, Water Utility, FD2, and FD3.

### **Background:**

Both at City Hall and the Police Department security and penetration defense systems exist as a single point of failure. The failure of a firewall will incapacitate internal routing, as well as preventing access to Internet or externally routed networks. In 2016 several firewall outages made internal and external system access unavailable. The success hacking of a single firewall has the potential to cripple network LAN routing, along with access to State-shared resources or cloud-based applications. Moving forward, this is arguably an unacceptable risk to both the City and its constituents.

Existing firewalls and premise security solutions lack the capability to address complex, zero-day attack techniques, providing only basic stateful packet inspection and port translation.

Utilization of Internet bandwidth and understanding what computer or application is generating network traffic is currently not visible under the existing security architecture. As malware- and Internet-based attacks become more and more sophisticated, it is essential to fully understand all ingress and egress traffic patterns, as well as understanding the historical trending of these patterns in order to accurately identify suspicious activity. Any perimeter device must utilize both localized and cloud based threat analysis and detection mechanisms to avoid system penetration and promote stability. All perimeter defense systems must be fully redundant and allow for seamless failover to an alternate system, in the event of administrative misconfiguration. As cloud or shared municipal Internet-based applications become a reality, so does the need for highly stable and redundant Internet access. A series of Next Generation Firewalls (NGFW) should replace existing perimeter defense systems, in order to implement highly scalable and computer-based learning systems that will help identify and thwart ongoing security attacks.

### **Current Problem/Opportunity:**

Implementation of current firewalls occurred as upgrades to legacy Cisco PIX systems, with the existing rules and network object being directly imported into the replacement systems. Although this allowed for a quick upgrade to new hardware, none of the rule sets were researched for relevance or their ability to archive necessary security safeguards. The problem was further complicated by the introduction of a multipurpose firewall at City Hall (Untangle), one that would replace both existing Cisco ASA firewalls and web filtering devices. The migration to the Untangle "open source based firewall platform" was intended to create a lower cost perimeter security solution that would provide firewall, malware protection, email antivirus protection, IDS/IDP protection, and web filtering services from a single device. Although the intent was noble, the ability to protect and defend has been questionable. Implementation of the cloud-based security email service, Symantec Email Security.Cloud, revealed that the UTM (universal threat management) features of the Untangle were not effectively inoculating viruses and malware contained within email attachments. Spam filtering being performed by the Untangle tagged only 5% of incoming traffic as spam, whereas the Symantec services tagged up to 50% of incoming email as spam. The UTM features within the open source product are not able to keep pace with the highly dynamic security threats, which are not detectable by signature-based technology.

Current site-to-site VPN connections are not being terminated at the firewall for centralized reporting and management. Instead a VPN concentrator is the centralized point of access, one that has been significantly under performing in speed and is a major frustration for the four remote offices. WAN performance under the existing architecture is significantly underperforming and is inefficiently utilizing network bandwidth. User generated dynamic VPNs (from remote laptop or desktop computers) are not terminated either at the City Hall or PD firewall, but instead passed through to a Microsoft RRAS server that provides basic PPTP connectivity. Again centralized management, logging, and administration are provided through multiple devices with questionable levels of security safeguards.

The proposed project will eliminate all existing firewalls and VPN appliances within City Hall, the Police Department, and the four remote offices. The Palo Alto solution integrates NGFW

firewall services, perimeter malware protection, web filtering, and analysis services. Central office firewalls will be specifically designed to allow for the failure of a single piece of equipment, along with quickly reverting changes back to an original state – if administrative changes to the firewall needs to be quickly rolled back. The solution will utilize a combination of premise based hardware and cloud based services. The cloud based learning services will better identify zero day attacks through heuristic analysis and crowd sourced malware identification. Existing rule sets will not be used to generate replacement policies. Instead, new policies will be created using only known systems and access needs. A new DMZ segment will be created for servers that must be externally exposed to the Internet, further isolating external traffic from internal traffic.

#### **Project Objectives:**

- City Hall - replace the Untangle firewall with two Palo Alto PA-820 firewall setup in a high availability configuration.
  - Construct a DMZ network segment that will allow access to publicly accessible application servers.
- Police Department - replace the legacy Cisco ASA firewall with two Palo Alto PA-820 firewalls setup in a high availability configuration
- Four Remote Offices - replace the Cisco RV325 VPN appliances with Palo Alto PA-220 firewalls
- City Hall - Implement a VMWare virtual machine for the Palo Alto Panorama centralized management and security analysis software.
  - Firewall configurations will be pushed from the centralized management station.
  - All firewalls will send security logs and alerts to the centralized Panorama analysis console. This allows for a unified view of security events.
- City Hall & Remote Offices - create new IPSec VPN tunnels between the Palo Alto firewalls and replace existing WAN tunnels.
  - WAN performance testing will be extensively reviewed to verify that the configuration achieves maximum transfer speeds.
- All Offices - implement centralized web filtering and monitoring using Active Directory user accounts and roles based administration
- City Hall & PD - implement Palo Alto client-based VPN connections for user remote access. This will replace existing Microsoft VPN servers.

#### **Alternative Analysis:**

During the August 9, 2017 meeting, the Technology Committee reviewed three sets of proposals from "Gartner 2016 & 2017 Quadrant 1" security vendors. Architecture proposals were evaluated for Checkpoint, Palo Alto, and Fortinet based solutions, as these are industry leaders with robust security detection and analysis services. Both Palo Alto and Fortinet are community leaders and are the most frequently encountered security vendors within Wisconsin educational, state, and municipal governments. The solutions are from mature vendors with a strong reputation and history for making "best of class" security products. The Palo Alto solution was chosen because of the following competencies:

- Outstanding data analytics capabilities and the ability to see deep inside communication flows to determine what specific applications are generating network traffic.
- The ability to easily detect "command and control" communication on the network, identifying malware that exists on a computer that has not been identified by traditional antivirus software.
- Best in Class cloud-based sandboxing and emergent threat detection technologies, which has the capability to quickly identify unknown malware and embedded ransomware as part of a "zero day" attack. No Palo Alto Wildfire customer was affected by the 2017 April and May international ransomware attacks.
- No agents. The software is able to identify rogue activity by using machine-based learning techniques to identify normal and abnormal traffic patterns. Proprietary security software (agents) does not need to be loaded on every single computer and mobile device in order to effectively function.
- Weekly enterprise threat and analysis reports are easily constructed by exporting data from the firewalls and importing it through a standard portal template. The out-of-box reporting was extremely useful and impressive.

### **Alteration in Scope:**

The original 2017 capital project proposal specified a solution designed only specifically for the two central offices (City Hall & PD). This solution was estimated at a cost of \$46,673. Further examination of security needs, upon the completion of the 2017 IT Security Plan, the Director of IT identified that the security architecture was best configured at the City level instead of focusing on the needs of a specific office. In order to correct both perimeter security issues and WAN performance issues, a change in project scope was implemented to include the four remote offices as inclusive in the project. By redesigning the VPN security tunnels between City Hall and the four offices, project objectives within the "Remote Location Terminal Server" initiative are no longer necessary - assuming that the new network architecture corrects current WAN performance issues. The new project scope is to replace all firewall & VPN appliances at City Hall, PD, FD2, FD3, DPW, and Water. IPSec VPN tunnels will be recreated on the network equipment, terminating at the PA-820 firewalls at City Hall and PD. The existing Cisco VPN concentrator will be retired.

In order to accommodate the scope change it is being requested that the 2016 capital project "Remote Location Terminal Server" be closed and funding reallocated to the "Perimeter Security" project. When adequate network performance is achieved by redesigning the IPSec tunnels, the objectives contained within the "Remote Location Terminal Server" project are no longer required. The "Perimeter Security" project will supersede the prior project.

### **Fiscal:**

HBS Palo Alto NGFW Perimeter Security Proposal (\$59,646): Hardware & Services

- Services:
  - 3 Year - Universal Threat Management License
  - 3 Year - Wildfire Cloud Emergent Threat License

- 3 Year - PanDB Web Content Filtering License
  - 3 Year - Premium Warranty & Support
- Hardware:
  - City Hall:
    - PA-820 dual unit clustered firewall with fail over detection
  - Police Department
    - PA-820 dual unit clustered firewall with fail over detection
  - Remote Offices (4)
    - PA-220 VPN & NGFW appliance
- Software:
  - Panorama - centralized configuration, monitoring, analysis, and alert management
    - controls up to 25 firewalls
- Training
  - 2 day training voucher

Anticipated Licensing Costs (after 3 years): \$12,868\*

- PA-820 Support & Services (4 units) - \$9,928
  - UTM License - \$2,311
  - Wildfire License - \$2,311
  - PanDB license - \$2,311
  - Warranty & Support - \$2,367
- PA-220 Support & Services (4 units) - \$2,271
  - UTM License - \$584
  - Wildfire License - \$584
  - PanDB license - \$584
  - Warranty & Support - \$520
- Panorama Support & Services - \$1,300

\*Due to rapidly changing technologies in perimeter security products, average life expectancy is predicted to be between 3-4 years.

By year 5 the product will most likely require upgrading.

Implementation Services - HBS Data Processing Services Contract.

- Annually \$20,000 - \$25,000 is budgeted for HBS project work
- Security and engineer time are purchased in service blocks of 40 hours.
- It is estimated 2-3 service blocks (80-120 hours) are necessary to complete the project.
- Estimated cost is \$155 \* 120 hours (3 blocks) = \$18,600 to be charged against account 0144-5214

Project Budget:

- 2017 capital project (Perimeter Security - priority 1) - \$46,673
- 2016 capital project reallocation (Remote Office TS) - \$15,000
- HBS implementation Services - \$20,000 - \$25,000

Palo Alto PA 220 and PA 820 (4)

Quote #026165 v1

**Prepared For:**
**Franklin, City of**

 Jim Matelski  
 Police Dept - City of Franklin 9455 W. Loomis Road  
 Franklin, WI 53132

**P:** (414) 425-7500

**E:** jmatelski@franklinwi.gov

**Prepared By:**
**Milwaukee Area Office**

 Steve Larson  
 N28 W23050 Roundy Drive Suite 200  
 Pewaukee, WI 53072

**P:**
**E:** slarson@hbs.net

**Date Issued:**
**05.31.2017**
**Expires:**
**07.31.2017**

Hardware/Software		Price	Qty	Ext. Price
PAN-PA-220	Palo Alto Networks PA-220	\$800.00	4	\$3,200.00
PAN-PA-220-TP-3YR	Threat prevention subscription 3-year prepaid, PA-	\$384.00	4	\$1,536.00
PAN-PA-220-URL4-3YR	PANDB URL filtering subscription 3-year prepaid, P	\$384.00	4	\$1,536.00
PAN-PA-220-WF-3YR	WildFire subscription 3-year prepaid, PA-220	\$384.00	4	\$1,536.00
PAN-SVC-PREM-220-3YR	Premium support 3-year prepaid, PA-220	\$342.00	4	\$1,368.00
PAN-PRA-25	Palo Alto Panorama Central Management - License - 25 Device - Standard - Standard	\$8,000.00	1	\$8,000.00
PAN-SVC-PREM-PRA-25-3YR	Palo Alto Premium Support - 3 Year - Warranty - 9 x 5 Next Business Day - Service Depot - Exchange - Parts - Electronic and Physical Service	\$3,420.00	1	\$3,420.00
PAN-PA-820	Palo Alto PA-820 Network Security/Firewall Applian	\$3,600.00	4	\$14,400.00
PAN-PA-820-TP-3YR-HA2	Threat protection subscription 3-year prepaid for device in HA Pair, PA-820	\$1,520.00	4	\$6,080.00
PAN-PA-820-URL4-3YR-HA2	PANDB URL filtering subscription 3-year prepaid for device in an HA pair, PA-820	\$1,520.00	4	\$6,080.00
PAN-PA-820-WF-3YR-HA2	WildFire subscription 3-year prepaid for device in an HA pair, PA-820	\$1,520.00	4	\$6,080.00
PAN-SVC-PREM-820-3YR	Palo Alto Premium Support - 3 Year - Service - 9 x	\$1,557.00	4	\$6,228.00
CH-PAN-ANY-EU-FND-54863-2-COF	Training Voucher for Course PAN EDU 110 or 115 or 180EXPIRES 08-20-2017	\$0.00	2	\$0.00
Subtotal				<b>\$59,464.00</b>

Quote Summary		Amount
Hardware/Software		\$59,464.00
Total:		<b>\$59,464.00</b>

By providing your "E-Signature," you are herein providing an electronic signature and thus acknowledging that you have reviewed the above proposal and are accepting the Terms and Conditions contained therein. You acknowledge and understand that your electronic signature is the legal equivalent of your manual signature; you hereby agree that your use of a key pad, mouse or other device used to provide your "E-Signature" constitutes your signature, acceptance, and agreement to the same extent as if you actually signed in writing. By providing your "E-Signature" you warrant that you have the express authority to execute this agreement and legally bind your organization to the above proposal and terms.



Acceptance

**Milwaukee Area Office**

**Franklin, City of**

Steve Larson

Signature / Name

05/31/2017

Date

Signature / Name

Initials

Date

# STATEMENT OF WORK

**DATE:** 8/11/2017

**PROJECT TITLE:** Firewall upgrade and standardization, herein referred to as "Project"

## STATEMENT OF WORK

This Statement of Work ("SOW") reflects the services and material to be provided by Heartland Business Systems, hereinafter referred to as "HBS" for City of Franklin hereinafter referred to as [Customer].

## PROJECT OBJECTIVES

The objective of the Project is to provide the City of Franklin with a turn-key solution pertaining to the replacement of the current edge firewalls in City Hall, PD and 4 secondary sites. HBS will implement a HA pair of PA-820 in both City Hall and PD and a single PA-220 in each of the secondary sites. Heartland will setup Panorama to manage and maintain the individual firewalls.

## DESCRIPTION OF SERVICES

HBS will provide the following services and material, herein referred to as "Scope":

- City Hall
  - Install Panorama
  - Install HA pair of PA-820
    - Access Rules
    - NAT
    - Static Routing
    - Site to Site VPN (Hub for all sites)
    - Setup of DMZ
      - VLAN and/or separate switch
- PD
  - Install HA pair of PA-820
    - Access rules
    - NAT
    - Static Routing
    - Site to Site VPN (PD -> City Hall)
- Secondary Site 1
  - Install PA-220
    - Access rules
    - NAT
    - Static Routing
    - Site to Site VPN (Secondary Site 1 -> City Hall)
- Secondary Site 2
  - Install PA-220
    - Access rules
    - NAT
    - Static Routing
    - Site to Site VPN (Secondary Site 2 -> City Hall)



- Secondary Site 3
  - Install PA-220
    - Access rules
    - NAT
    - Static Routing
    - Site to Site VPN (Secondary Site 3 -> City Hall)
- Secondary Site 4
  - Install PA-220
    - Access rules
    - NAT
    - Static Routing
    - Site to Site VPN (Secondary Site 4 -> City Hall)

The following are NOT included in the Scope:

- VLAN reconfiguration
- WAN switch upgrades
- Routing design change

The following have been identified as the key Risks, Assumptions, Constraints, or Dependencies:

- Assuming less than 20 rules per site
- Assuming less than 5 inbound NAT rules per site
- Current power configuration allows for additional firewalls
- Acceptable cable management in place
- Customer provides testing plan

## RESPONSIBILITIES

### HBS Responsibilities

- Configuration of new equipment
- Connectivity to existing network
- ID and marking of cables (Uplinks/Firewall)

### Customer Responsibilities

- Application Test Plan & Execution
- Provide new patch cables

## DELIVERABLES

The following are the deliverables HBS will provide to [Customer], herein referred to as “Deliverables” for this Project:

#	Deliverable
1	Updated Network Diagram
2	Copy of working configurations
3	

## MILESTONES

The Project milestones are as follows:

#	Milestone	Est Start	Est End
1	Installation and setup of Panorama		
2	Configuration of installation of City Hall Firewall		
3	Configuration of installation of PD Firewall		
4	Configuration of installation of Secondary Sites Firewalls		

## PRICING

[Customer] agrees to compensate, herein referred to a "Payment" HBS for providing the Deliverables as follows:

#	Item	Qty	Rate	Ext
1	Estimate installation and configuration (Business Hours)	60	155.00	9300.00
2	Estimate installation and configuration (After Hours)	30	232.50	6975.00
3	Travel = ½ hr. trip charge per each day onsite	6	155.00	930.00
TOTAL				17,205.00

## PROJECT COMPLETION

The Project will be complete when all Deliverables have been provided to [Customer].

## POINTS OF CONTACT

Name / Title	Organization	Address	Phone/Email
Matthew Cross	HBS		262-200-1087 mccross@hbs.net
Steve Larson	HBS		262-378-0037 slarson@hbs.net
Jim Matelski	City of Franklin		414-427-7645 jmatelski@franklinwi.gov

## TERMS

**Order of Precedence** - Any ambiguity or inconsistency between or among the statements of this SOW and the Standard Terms and Conditions ("STC") shall be resolved by giving priority and precedence in the following order:

- Standard Terms and Conditions (STC)
- Statement of Work (SOW)

**Out of Scope** - Anything not addressed in this SOW is out of scope, and is not part of this SOW. Either party may submit a Change Request to the other party, in accordance with the HBS Change Request process to modify the scope of this project.

**Promises** – No other promises have been made related to this SOW except for those stated in this SOW. This SOW supersedes all other agreements or promises related to this Project and SOW.

## APPROVAL

An authorized signature below indicates acceptance of all terms of this SOW.

---

[Customer]

Heartland Business Systems

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Signature

---

Signature

---

Printed Name

---


Printed Name

---

Date

---

Date

<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>8/15/2017</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Resolution to Amend the Civil Service System Personnel Administration Program Compensatory Time Regulation Policy</b>	<b>ITEM NUMBER</b> <i>6.16.</i>

For employees covered by the Civil Service System, most of the regulation of compensatory time (comp time) was previously established in the various labor contracts. This is significant because the contract wording established the "agreement" under which comp time was administered. Following Act 10, the main components of that wording was rolled into the Civil Service System; however, the labor contract language was always fairly brief and non-detailed. Additionally, different accrual standards applied to different groups of employees, which distinctions are being reviewed (and amended herein) following the adoption of the classification and compensation plan.

Having a clear policy that details the terms and conditions that apply to the accrual, use, administration, and regulation of comp time is important because the federal administration of comp time, which is a component of the Fair Labor Standards Act (FLSA), is based upon such a mutual understanding or agreement as to the terms of use and accrual of comp time. Obviously, under Act 10 this is not a negotiated agreement as to the policy. The City sets the policy, and the employee is agreeing to that policy if he/she elects comp time instead of electing to receive paid overtime. An employee does not have to accept comp time and can always take overtime pay if they are not satisfied with the terms of accrual and use. Note also that the City cannot force an employee to take comp time instead of paid overtime.

Ensuring compliance with the FLSA through clearly defining the controlling language is the driving factor in the policy wording. In short, if an employee elects to accept comp time, the FLSA anticipates that the employee should have a reasonable expectation of gaining access to the comp time, but it establishes that the "reasonable" expectation is subject to agreement. The old labor contract language sufficed in providing that mutual agreement at the time, but post Act 10, that prior "agreement" is insufficient and has potentially lost its standing. The purpose of this policy, therefore, is to clearly set forth and communicate the agreements and understandings that are in place when an employee, who is granted an option, elects to accept compensatory time in lieu of paid overtime.

Following is a summary of the major components of the proposed language.

- Access to comp time is ultimately managed at the departmental level because allowing the option of comp time is "at the discretion of the Department Head or the Department Head's designee". This gives the department a greater ability to manage leave bank levels and overtime budgets.
- The maximum accrual for a DPW or Sewer and Water employee is set at 160 hours and for all other Civil Service-covered employees the maximum accrual is 80 hours. DPW and Sewer and Water had previously been allowed to attain the federal maximum 480 hours of comp time for emergency response personnel; however, retaining such a level is no longer practical, as the City cannot reasonably provide employees access to such a large amount of time off. Other employees had previously been in the 50 to 70 range, which is basically rounded off to two-weeks (80 hours).
- As this is a Civil Service policy, Police and Fire sworn staff are, therefore, not covered by this policy and will be addressed in a future Employee Handbook amendment.
- Department managers still must approve use of comp time following our past practices that allow us to deny the time off if it is a hardship for the City. For example, comp time can be denied if it would cause someone

else to have to work overtime. Nonetheless, an employee should have an expectation of having access to taking as much as 80 hours of earned comp time off per year. If an employee accrues more than 80 hours, that employee should expect that the City needs more than one year and up to two years to allow that much comp time off.

- In order to address those individuals who have balances in excess of the maximums as set forth, the policy indicates the following:

“the Director of Administration is directed to work out agreements with any Civil Service-covered employee whose compensatory leave bank exceeds the maximum allowable accrual. The purpose of the agreement will be to establish or determine a mutually-agreed-upon, reasonable resolution to reduce the accumulated compensatory time to at or below the maximum or to otherwise establish a solution that may include, but is not limited to, extending the use period, delayed or scheduled cash outs, etc., subject to available appropriations or approval by the Common Council as may be necessary.”

The bottom line is that the individuals worked the hours and are owed remuneration for those hours. Approximately 5 employees are above the 400-hour threshold and a couple more are in the 200-hour range. After working with those employees, if payouts are necessary, a separate action will be brought to the Common Council at a future meeting to authorize such payouts from contingency/reserve funds.

- A lot of the language is focused on clearly defining the mutual understanding and agreement that becomes inherent with each employee's election to accept comp time.

It is important to note that one item changed from the language reviewed by and recommended by the Personnel Committee. The draft they reviewed set the limit for Sewer and Water Utility employees at 80 hours but created a special exception for hours worked snow plowing. Upon discussion with the City Engineer, DPW Superintendent, and Utility Superintendent, it was unanimously agreed that due to the nature of the work and the nature and amount of overtime worked, setting the Sewer and Water Utility maximum equivalent to the DPW maximum was most appropriate. The special exception, therefore, wasn't needed. This parity is also appropriate since most Sewer and Water Utility employees come from the ranks of the DPW. The potential need for this change was referenced to the Personnel Committee, so the Director of Administration is confident that incorporation of this language change would not alter the recommendation of the Personnel Committee.

From an accounting financial-statements perspective, this policy has no fiscal impact because the policy itself does not cause added comp time moving forward and each of the hours already banked is already a booked liability for the City. From an accounting cash basis, however, there is potential for initial cash payouts for the larger accrued liabilities, but, as noted, final authorization for payouts will come back to the Common Council to approve the appropriation and payout.

Staff recommends approval.

## **COUNCIL ACTION REQUESTED**

Motion to adopt Resolution No. 2017-\_\_\_\_, A Resolution to Amend the Civil Service System Personnel Administration Program Compensatory Time Regulation Policy.

RESOLUTION NO. 2017-\_\_\_\_\_

A RESOLUTION TO AMEND THE CIVIL SERVICE SYSTEM PERSONNEL  
ADMINISTRATION PROGRAM COMPENSATORY TIME REGULATION POLICY

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WHEREAS, the Civil Service System Personnel Administration Program does not adequately address the full scope of policy language necessary to administer compensatory time accrual and usage in the post-Act 10 arena; and

WHEREAS, in order to continue to ensure and foster compliance with the Fair Labor Standards Act, the Civil Service System Personnel Administration Program needs to clearly establish and communicate the agreements and understandings that are in place when an employee, who is granted such an option, elects to accept compensatory time in lieu of paid overtime; and

WHEREAS, the Personnel Committee recommended approval of a substantially similar version of this policy language, which was modified as provided herein to incorporate some additional department head input, and the Director of Administration recommends approval as presented.

NOW, THEREFORE, BE IT RESOLVED, Section 3.4.4 is hereby deleted in its entirety and replaced with the following:

“3.4.4 COMPENSATORY TIME (COMP TIME) REGULATION: Non-FLSA exempt, Civil Service employees may, at the discretion of the Department Head or the Department Head’s designee, elect to accrue and bank compensatory time in lieu of accepting overtime pay, subject to the provisions set forth herein and to any applicable state and federal laws or rules.

3.4.4.1 MAXIMUM ACCRUAL: Except as provided for in 3.4.4.4, a maximum allowable banked accrual of 160 hours for Public Works and Sewer and Water Utility employees, who may participate in snow plowing, and 80 hours for all other Civil Service-covered employees is established, provided each portion of the accrual is subject to the following agreements, conditions, and understandings. Each employee electing to accrue compensatory time in lieu of taking paid overtime acknowledges that the City cannot reasonably anticipate allowing for more than 80 hours of compensatory time leave during any 12 month period. Therefore, if an employee elects to accrue compensatory time in excess of 80 hours; the employee is automatically accepting and acknowledging that it is reasonable that more than 12 months and up to 24 months may be necessary to schedule said compensatory time leave. The maximum accrual for a part-time employee is pro-rated based upon the percentages listed in 3.18.2.

3.4.4.2 USE OF COMPENSATORY TIME: Compensatory time hours are required to be banked prior to request for usage of said compensatory time. Use of compensatory time is subject to approval by the employee’s Department Head or the Department Head’s designee, and is scheduled at a time mutually convenient to the employee and the City. Except in the case of emergencies, a request to use compensatory time should be made at least 24 hours prior to the start of the requested period of leave; however, more advanced notice may increase the ability of the City to provide an approval. In electing to accrue compensatory time, the employee is acknowledging and agreeing that it is not reasonable to expect the City to approve use of compensatory time more than 2 months in advance of the

requested off date. In electing to accrue compensatory time, the employee is acknowledging and agreeing that it is not reasonable to expect the City to have to or to likely have to incur overtime if a request for compensatory time were granted. In electing to accrue compensatory time, the employee is acknowledging and agreeing that it is reasonable that the City (per the Department Head or the Department Head's designee) may deny a request for compensatory time off if, at the sole discretion of the City, granting such leave would create a hardship or operational concern for the City or department. [Note: For example, use of Compensatory time off by a DPW employee between and including the months of November to March is likely to create a hardship or operational concern due to the critical demands and emergency response requirements of snow plow driving.]

Except as otherwise noted, compensatory time off may not be taken in less than one (1) hour intervals. Public Works and Sewer and Water employees shall take compensatory time in 4 hour, 8 hour, or 3 hour (12:30 p.m. – 3:30 p.m., specifically) increments, except in emergencies with prior approval by the Superintendent or Assistant Superintendent. For Dispatchers, the use of compensatory time shall be further regulated by the guidelines of the Police Department Vacation / Personnel Day Off / Compensatory Time Due Off Selection Policy as set by the Chief of Police.

- 3.4.4.3 **ADMINISTRATION:** In electing to accrue compensatory time, the employee is agreeing and acknowledging that the City is not under any obligation to allow, nor is it required to provide, an ability to “cash out” banked or accumulated compensatory time, except at the time of separation. The City may, however, at its sole discretion, elect to offer opportunities for an employee to cash out banked compensatory time.

Any portion of overtime or compensatory time that would exceed the maximum allowable accrual will be paid out as paid overtime.

Effective in 2017 upon adoption of the rule revisions incorporated herein, and going forward from the adoption of this rule, in electing to accrue compensatory time, the employee is agreeing and acknowledging that compensatory time leave balances shall continually consist of the most recently worked overtime hours. As such, overtime hours paid out during the pay period earned shall effectively be administered as if a like amount of accrued compensatory hours were paid out and new compensatory hours were accrued simultaneously. Treated in this conceptual manner, take-home pay is not impacted; it simply clarifies that, going forward, accumulated compensatory hours will be comprised of the most recently worked overtime hours.

- 3.4.4.4 **COMPENSATORY LEAVE BANKS EXCEEDING THE MAXIMUM ACCRUAL:** Effective in 2017 upon adoption of the rule revisions incorporated herein, the Director of Administration is directed to work out agreements with any Civil Service-covered employee whose compensatory leave bank exceeds the maximum allowable accrual. The purpose of the agreement will be to establish or determine a mutually-agreed-upon, reasonable resolution to reduce the accumulated compensatory time to at or below the maximum or to otherwise establish a solution that may include, but is not limited to, extending the use period, delayed or scheduled cash outs, etc., subject to available appropriations or approval by the Common Council as may be necessary.

- 3.4.4.5 COMPENSATORY LEAVE DONATION: Donation of compensatory leave time is allowed to benefit a sick employee. It shall be administered in accordance with the policy as adopted by the Common Council and set forth within the Employee Handbook.

Introduced at a regular meeting of the Common Council of the City of Franklin this 15th day of August, 2017 by Alderman \_\_\_\_\_.

Passed and adopted by the Common Council of the City of Franklin this 15th day of August, 2017.

APPROVED:

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

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, Director of Clerk Services

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





<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>8/15/17</b>
<b>LICENSES AND PERMITS</b>	<b>MISCELLANEOUS LICENSES</b>	<b>ITEM NUMBER</b> <b>H.I.</b>
<p>See attached list from meeting of August 15, 2017.</p> <p><b>COUNCIL ACTION REQUESTED</b></p>		



# City of Franklin

9229 W. Loomis Road  
Franklin, WI 53132-9728

414-425-7500

## License Committee Agenda\* Aldermen's Room August 15, 2017 –5:45 p.m.

1.	Call to Order & Roll Call	Time:		
2.	Applicant Interviews & Decisions			
License Applications Reviewed		Recommendations		
Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 5:50 p.m.	<b>Bianca R Bolyn</b> 9801 W Oakwood Rd Franklin, WI 53132 The Landmark			
Operator 5:55 p.m.	<b>Danielle N Cooper</b> 3590 S 17 <sup>th</sup> St Milwaukee, WI 53221 Chili's Bar & Grill			
Operator 6:00 p.m.	<b>Jody B Isaacson</b> 7815 S Scepter Dr., #25 Franklin, WI 53132 Pick n Save – S 76 <sup>th</sup> St			
Operator	<b>Heather A Bandle</b> 11430 W Swiss St., Apt B Franklin, WI 53132 Landmark			
Operator	<b>Brandon S Bhatti</b> S90W12978 Boxhorn Reserve Ct Muskego, WI 53150 Midtown Gas & Liquor			
Operator	<b>Alexander P Esenberg</b> 4806 W Midland Dr Greenfield, WI 53219 Walgreen – S 27 <sup>th</sup> St			
Operator	<b>Jennifer M Francis</b> 4380 S Burrell St Milwaukee, WI 53207 Mulligan's Irish Pub & Grill			
Operator	<b>David F Goehring</b> 8017 S 57 <sup>th</sup> St Franklin, WI 53132 St Martin of Tours Church			
Operator	<b>Gloria J Grabarczyk</b> 7467 S 69 <sup>th</sup> St Franklin, WI 53132 Franklin Lioness Club			
Operator	<b>Monique A Johnson</b> 4136 S Pine Ave Milwaukee, WI 53207 Hideaway Pub & Eatery			
Operator	<b>Tracy R Kukla-Lewis</b> 7640 S Mission Ct Franklin, WI 53132 Franklin Lioness Club			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator	<b>Laura A Martinez</b> 3742 E OBrien Rd Oak Creek, WI 53154 Mulligan's Irish Pub & Grill			
Operator	<b>Brandon T Sowinski</b> S70 W14965 Cornell Cir., #8 Muskego, WI 53150 Swiss Street Pub & Grill			
Operator	<b>Alexis M Steltz</b> 12045 W St. Martins Rd Franklin, WI 53132 Romey's Place			
Change of Agent 2017-18	<b>Justin R Perez</b> 301 Field Dr Waterford, WI 53185 Pick N Save #6360 (76 <sup>th</sup> ), Agent			
Temporary Class B Beer	<b>Franklin Lioness Club</b> Person in Charge: Gloria Grabarczyk Location: St. Martins Fair Dates of Event: 9/3/2017 to 9/4/2017			
<b>3.</b>	<b>Adjournment</b>			
		Time		

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

<b>APPROVAL</b> <i>JB slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>8/15/17</b>
<b>Bills</b>	<b>Vouchers and Payroll Approval</b>	<b>ITEM NUMBER</b> <b>I. 1</b>

Attached are vouchers dated August 2, 2017 through August 10, 2017 Nos. 165754 through Nos. 165930 in the amount of \$ 4,233,072.02. Included in this listing are EFT's Nos. 3559 through Nos. 3565 and Library vouchers totaling \$ 883.08.

Early release disbursements dated August 2, 2017 through August 9, 2017 in the amount of \$ 3,164,217.03 are provided on a separate listing and are also included in the complete disbursement listing. These payments have been released as authorized under Resolution 2013-6920.

The net payroll dated August 4, 2017 is \$ 374,783.65, previously estimated at \$ 366,000.00. Payroll deductions dated August 4, 2017 are \$ 217,217.54, previously estimated at \$ 219,000.00.

The estimated payroll for August 18, 2017 is \$ 376,000.00 with estimated deductions and matching payments of \$ 406,000.00.

The estimated payroll for September 1, 2017 is \$ 374,000.00 with estimated deductions and matching payments of \$ 220,000.00.

Attached is a list of property tax payments and refunds dated August 2, 2017 through August 10, 2017 Nos. 17204 in the amount of \$ 116.75. These payments have been released as authorized under Resolution 2013-6920. Voided checks in the amount of \$ (116.75) are separately listed.

### ***COUNCIL ACTION REQUESTED***

Motion approving the following:

- City vouchers with an ending date of August 10, 2017 in the amount of \$ 4,233,072.02 and
- Payroll dated August 4, 2017 in the amount of \$ 374,783.65 and payments of the various payroll deductions in the amount of \$ 217,217.54 plus City matching payments and
- Estimated payroll dated August 18, 2017 in the amount of \$ 376,000.00 and payments of the various payroll deductions in the amount of \$ 406,000.00, plus City matching payments and
- Estimated payroll dated September 1, 2017 in the amount of \$ 374,000.00 and payments of the various payroll deductions in the amount of \$ 220,000.00, plus City matching payments and
- Property tax payments and refunds with an ending date of August 10, 2017 in the amount of \$ 116.75.

**ROLL CALL VOTE NEEDED**