CITY OF FRANKLIN COMMON COUNCIL MEETING*

FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS 9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN AGENDA**

TUESDAY, AUGUST 7, 2018 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Approval of Minutes of Regular Common Council Meeting of July 17, 2018.
- D. Hearings.
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
 - 1. Consent Agenda:
 - (a) Request Common Council Approval to Allow the Fire Department to Dispose of a Vehicle that is No Longer in Service by Sending it to Auction.
 - (b) Trick or Treat Schedule for 2018.
 - (c) Donation from Franklin Lioness Club Foundation in the Amount of \$150 to the Fire Department to Fund Fire and Safety Educational Programs.
 - (d) The Franklin Police Department has received the following donations:

General Police Donation:

Franklin Lioness Club - \$150.00

Crime Prevention Donations/National Night Out:

Faith Presbyterian Church - \$100.00

McAvoy Chiropractic LLC - \$100.00

2. Review of the Final Form and Content of Resolution No. 2018-7391, a Resolution Authorizing Certain Officials to Accept a Conservation Easement from VH Aspen Woods, LLC for and as Part of the Review and Approval of a Final Plat for Aspen Woods Subdivision, and Authorizing the Release, Waiver and Vacation of Prior Conservation Easements Upon Portions of the Subdivision Property and as Specifically Described within Conservation Easement Kresovic CSM-1 (Certified Survey Map No. 7733), Recorded as Document No. 09213234 on April 5, 2006 and Conservation Easement Kresovic CSM-2 (Certified Survey Map No. 7754), Recorded as Document No. 09231594 on May 9, 2006 with the Office of the Register of Deeds for Milwaukee County, Wisconsin (at Approximately South 51st Street and West Puetz Road) (Veridian Homes, LLC, Applicant).

- 3. A Resolution Conditionally Approving a 3 Lot Certified Survey Map, Being Part of the Northeast 1/4 of the Northwest 1/4 of Section 13, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (William F. Zimmermann, Applicant) (8029 South 35th Street).
- 4. A Resolution Imposing Conditions and Restrictions for Replacement of an Existing Snowmobile Bridge Over Ryan Creek in Franklin Park Use Upon Property Located at the Southeast 1/4 of the Northwest 1/4 of U.S. Public Land Survey Section 29, Township 5 North, Range 21 East, City of Franklin, Wisconsin, (Within Franklin Park) (Milwaukee County Department of Parks, Recreation and Culture, Applicant).
- 5. A Resolution Conditionally Approving a Land Combination for Tax Key Nos. 704-1007-000 and 704-1010-001 (10925 West Speedway Drive) (Menard, Inc., Applicant).
- 6. Presentation of Results of the City of Franklin's Community Survey on Public Safety Options and Discussion on the Public Safety Staffing Options Included in the Survey and Associated Costs.
- 7. An Ordinance to Amend Ordinance 2017-2301, an Ordinance Adopting the 2018 Annual Budgets for the Equipment Replacement Fund for the City of Franklin for Fiscal Year 2018 to Provide Appropriations for Emergency Replacement of Compressor Unit to Self Contained Breathing Apparatus.
- 8. Request Common Council Approval to Purchase a Replacement Air Compressor for the Fire Department's Self-Contained Breathing Apparatus Ahead of its Scheduled Replacement in 2019.
- 9. Franklin Senior Citizens, Inc. Semi-Annual Update for 2018.
- 10. Kayla's Playground Ambassador Program: A Volunteer Program Approved by the Parks Commission.
- 11. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for Property Located at 2875 West Ryan Road to Allow for Demolition of the Existing Halquist Stone Office/Showroom and Construction of an Approximately 4,207 Square Foot Replacement Office/Showroom and to Allow for Changes to the Outdoor Landscaping Showroom and Off-Street Parking (Halquist Stone Company, Inc., Applicant).
- 12. An Ordinance to Amend the Unified Development Ordinance (Zoning Map) to Rezone a Certain Parcel of Land from R-3 Suburban/Estate Single-Family Residence District to R-8 Multiple-Family Residence District (6704 South Lovers Lane Road) (Approximately 0.44 Acres) (Gregory Nisenbaum, President of Nisenbaum Homes & Realty, Inc., Applicant).
- 13. A Resolution Approving Professional Services Contract with Traffic Analysis & Design, Inc. (TADI) for Traffic Signal Design Plans and Specifications for Traffic Signal on S. 27th Street at W. Elm Road for \$15,927.25.
- 14. A Resolution for Acceptance of Drainage, Sanitary Sewer & Water Main Easements for Park Circle Condos (Neumann Companies, Inc.) 9700 Block of S. 76th Street.
- 15. Construction Bids for the Historical Barn Reconstruction (Project 2018-5): Carpentry (CP-1) and Electrical Components (CP-3) S. Legend Drive and S. Schlueter Parkway.
- 16. Update on the Design of the S. 51st Street and W. Drexel Avenue Roundabout.
- 17. An Ordinance to Create §245-5.L. of the Municipal Code to Prohibit Parking in Front of Mailboxes (Ald. Barber).

- 18. Potential Acquisition of Property for Public Park Purposes in the City Pursuant to the May 1, 2018 Common Council Action Upon the Parks Commission Recommendation to Move Forward with Park Land Acquisition Necessary Steps (and Which Common Council Action also Changed the Status of the Neighborhood Park Land Acquisition Project in the 2018 Capital Improvement Fund to an "Approved Project"). The Common Council may Enter Closed Session Pursuant to §19.85(1)(e), Wis. Stats., for Market Competition and Bargaining Reasons, to Consider the Potential Acquisition of Properties to be used for Public Park Purposes in the City Pursuant to the May 1, 2018 Common Council Action Upon the Parks Commission Recommendation to Move Forward with Park Land Acquisition Necessary Steps (and Which Common Council Action also Changed the Status of the Neighborhood Park Land Acquisition Project in the 2018 Capital Improvement Fund to an "Approved Project"), and to Reenter Open Session at the Same Place Thereafter to Act on Such Matters Discussed Therein as it Deems Appropriate
- H. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of August 7, 2018.

I. Bills

Request for Approval of Vouchers and Payroll.

J. Adjournment.

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

REMINDERS:

August 9	Plan Commission Meeting	7:00 p.m.
August 14	Partisan Primary Election	7:00 a.m. to 8:00 p.m.
August 21	Common Council Meeting	6:30 p.m.
August 23	Plan Commission Meeting	7:00 p.m.
September 3	Labor Day	City Hall Closed
September 4	Common Council Meeting	6:30 p.m.
September 6	Plan Commission Meeting	7:00 p.m.

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

^{**}Supporting documentation and details of these agenda items are available at City Hall during normal business hours.

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CITY OF FRANKLIN COMMON COUNCIL MEETING JULY 17, 2018 MINUTES

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A. The regular meeting of the Common Council was held on July 17, 2018 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderman Steve F. Taylor, Alderman Mike Barber and Alderman John R. Nelson. Also present were City Engineer Glen Morrow, Principal Planner Nick Fuchs, Dir. of Administration Mark Luberda, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

CITIZEN COMMENT

B.1. Citizen comment period was opened at 6:31 p.m. and closed at 6:31 p.m.

PROCLAMATION HEALTH SERV. ADM.

B.2. Mayor Olson presented a Proclamation in Recognition of Retired City of Health Service Administrator William M. Wucherer.

MINUTES JUNE 19, 2018

C. Alderman Dandrea moved to approve the minutes of the regular Common Council Meeting of June 19, 2018 as presented at this meeting. Seconded by Alderman Barber. All voted Aye; motion carried.

PUBLIC HEARING CHANGE FUTURE LAND USE MAP AT 11205 W. RYAN RD.

A public hearing was called to order at 6:44 p.m. regarding a proposed D. Ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation of a portion of the property located at 11205 West Ryan Road, from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use (Bear Development, LLC, applicant). The property which is the subject of this application currently bears Tax Key No. 892-9992-001, currently subject to a Certified Survey Map application which if approved will result in a parcel consisting of approximately 32.6011 acres of land (excluding any right-of-way to be dedicated to the City), located in the City of Franklin, Milwaukee County, Wisconsin. This public hearing is being held pursuant to the requirements of Wis. Stat. § 66.1001(4)(d). The public hearing was closed at 6:45 p.m.

BD./COMM. APPOINTMENTS

- E. Alderwoman Wilhelm moved to confirm the following appointments:
- 1. Mayoral appointment of Maria Imp, 12131 W. Elmwood Dr., Ald. Dist. 6, to the Library Board for a 3-year term expiring 6/30/21.
- 2. Aldermanic District 5 appointment of Fred Knueppel, 5659 W. Cascade Dr., Ald. Dist. 5, to the Quarry Monitoring Committee for a 3-year term expiring 5/31/21.

Seconded by Alderman Barber. On roll call. All voted Aye; motion carried.

CONSENT AGENDA	G.1.	It was requested that Items G.1.(c) and (f) be removed from the consent agenda for separate action.
		Alderman Taylor then moved to approve the following consent agenda items:
DONATIONS	(a)	Accept the following donations made to the Franklin Police Department: DARE Donations: \$875 from Southeastern WI DARE Officers Association; and Proceeds from the annual DARE Brewer Baseball Game K9 Donations: \$1,600 from Franklin Police Citizen Academy Alumni Association, \$40 from Terry M. Leack Crime Prevention Donations / National Night Out: \$100 from Academy of Performing Arts, \$1,000 from Ascension Franklin Hospital, \$100 from Connect Cell, \$150 from Crossroads Pizza & Subs, \$100 from Franklin Noon Lions Club, \$500 from North Shore Bank, \$2,000 from Northwestern Mutual, \$100 from Parallel Employment Group \$500 from PyraMax Bank, \$2,000 from US Bank, \$100 from Victory Creek Accounting, \$100 from Volition Franklin, \$2,000 from WaterStone Bank (Waukesha County Community Foundation), \$500 from WEC Energy Group.
2018 PNEUMATIC HYDRAULIC BREAKER	(b)	Grant the request from Department of Public Works to purchase a 2018 Chicago Pneumatic Rx4 Hydraulic Breaker from Franklin Equipment for \$6,525.
COMPUTER PURCHASE	(d)	Authorize the IT Director to order 56 HP desktop computers from PDS, in accordance with the adopted budget, for \$28,777.
RES. 2018-7385 NR-28 COMPLIANCE	(e)	Adopt Resolution No. 2018-7385, A RESOLUTION APPROVING THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES NR-208 COMPLIANCE MAINTENANCE REPORT FOR 2017.
RESTROOM FACILITIES FOR ST. MARTINS FAIR LABOR DAY	(g)	Authorize execution of the Agreement with Service Sanitation to provide portable restroom facilities for the 2018 St. Martins Fair Labor Day Event on September 2 and 3, 2018, for the total cost of \$14,355. Approval of the above consent items was seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
KAYLA'S PLAYGROUND AMBASSADOR PROGRAM	G.1. (c)	Alderman Taylor moved to table to the Common Council meeting of August 7, 2018, the Kayla's Playground Ambassador Program, a Volunteer Program approved by the Parks Commission. Seconded by Alderman Barber. All voted Aye; motion carried.

SUPPORT TO CLOSE DARK STORE TAX LOOPHOLE

(f) Alderman Dandrea moved to authorize to pay \$1,200 from the General fund Contingency appropriation to the League of Wisconsin Municipalities to support campaign to close the "Dark Store" tax loophole. Seconded by Alderman Barber. On roll call, Alderman Nelson, Alderman Barber, Alderwoman Wilhelm, Alderman Mayer, and Alderman Dandrea voted Aye; Alderman Taylor voted No. Motion carried.

ORD. 2018-2334 CHANGE FUTURE LAND USE MAP AT 11205 W RYAN ROD (BEAR DEVELOPMENT LLC, APPLICANT)

G.2 Alderman Nelson moved to adopt Ordinance No. 2018-2334, AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR A PORTION OF THE PROPERTY LOCATED AT 11205 WEST RYAN ROAD, FROM BUSINESS PARK USE AND AREAS OF NATURAL RESOURCE FEATURES USE TO RESIDENTIAL USE AND RESOURCE AREAS OF NATURAL **FEATURES** USE (APPROXIMATELY 32.6011 ACRES) (BEAR DEVELOPMENT, LLC, APPLICANT). Seconded by Alderman Taylor. All voted Aye; motion carried.

STATUS REPORT BALLPARK COMMONS DEVELOPMENT 7900 W. CRYSTAL RIDGE RD.

G.3. Alderman Taylor moved to suspend the regular order of business to allow representatives from Ballpark Commons development to speak. Seconded by Alderman Dandrea. All voted Aye; motion carried. Alderman Taylor moved to return to the regular order of business. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

Following a status report presented by Principal Planner Nick Fuchs regarding the Ballpark Commons Development, Alderman Taylor moved to direct staff to authorize the disbursement of funds in the amount of \$1,510,403.35 and to receive and file the status report for the Ballpark Commons development. Seconded by Alderman Barber. All voted Aye; motion carried.

WEDC IDLE SITES REDEVELOPMENT APPLICATION (BALLPARK COMMONS)

- G.4. Alderwoman Wilhelm moved to direct certain staff to apply for the Wisconsin Economic Development Commission Idle Sites Redevelopment Grant for the Ballpark Commons site, contingent upon review by the City Attorney. Seconded by Alderman Taylor. All voted Aye; motion carried.
- RES. 2018-7386 SPECIAL USE 10100 S. 76TH ST. (OAKWOOD AT RYAN CREEK SUBDIVISION) (NEUMANN DEVELOPMENTS, INC.,
- G.5. Alderman Nelson moved to adopt Resolution No. 2018-7386, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE TO ALLOW FOR A ROAD AND STORM WATER MANAGEMENT POND WITHIN THE 100 YEAR FLOOD PLAIN USE UPON PROPERTY LOCATED AT APPROXIMATELY 10100 SOUTH 76TH STREET (OAKWOOD AT RYAN CREEK SUBDIVISION) (NEUMANN

APPLICANT)

DEVELOPMENTS, INC., APPLICANT), subject to review of the special use request by the Wisconsin Department of Natural Resources as required by Section 15-9.0103D. of the Unified Development Ordinance. Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2018-7387 CONSTRUCTION OF PUBLIC STREET & TRAIL AT 10100 S. 76TH ST. (NEUMANN DEVELOPMENTS, INC., APPLICANT) G.6. Alderman Nelson moved to adopt Resolution No. 2018-7387, A RESOLUTION TO AUTHORIZE THE CONSTRUCTION OF A PUBLIC STREET AND TRAIL UPON LANDS IN PART SUPPORTING NATURAL RESOURCE FEATURES LOCATED AT OR ABOUT 10100 SOUTH 76TH STREET (NEUMANN DEVELOPMENTS, INC., APPLICANT, OAKWOOD AT RYAN CREEK, LLC, PROPERTY OWNER). Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2018-7388
CONSERVATION
EASEMENT
3639 W. RYAN RD.
(JUBILEE FAITH
CENTER, INC.,
PROPERTY
OWNER/APPLICANT)

Alderman Taylor moved to adopt Resolution No. 2018-7388, A G.7. RESOLUTION AUTHORIZING CERTAIN **OFFICIALS** ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SITE PLAN FOR PROPERTY LOCATED AT 3639 WEST RYAN ROAD TO ALLOW FOR CONSTRUCTION OF AN APPROXIMATELY 4,300 SQUARE FOOT ADDITION TO THE EXISTING JUBILEE CHRISTIAN FAMILY CHURCH, PRESCHOOL AND DAY CARE BUILDING (TAX KEY NO. 901-9994-001) (JUBILEE FAITH CENTER, INC., D/B/A JUBILEE CHRISTIAN FAMILY CHURCH, PROPERTY OWNER/APPLICANT), subject to review and approval by the Department of City Development and technical corrections by the City Attorney. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2018-7389 SPECIAL USE 11311 W. FOREST HOME AVE. (ROOT RIVER CHURCH INC., APPLICANT) G.8. Alderman Nelson moved to adopt Resolution No. 2018-7389, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL FOR A SPECIAL USE TO ALLOW FOR RENTAL OF SPACE WITHIN FOREST HOME CORPORATE CENTER FOR WEEKLY WORSHIP GATHERINGS AND CHILDREN'S CLASSROOMS USE UPON PROPERTY LOCATED AT 11311 WEST FOREST HOME AVENUE (ROOT RIVER CHURCH INC., APPLICANT). Seconded by Alderman Taylor. All voted Ave; motion carried.

2018 SENIOR TRAVEL PROGRAM SEMI-ANNUAL UPDATE G.9. Alderman Taylor moved to receive and keep on file the semi-annual update for the Franklin Senior Citizens Travel Program. Seconded by Alderman Dandrea. All voted Aye; motion carried.

2019 CDBG PROGRAM PROJECTS

G.10. Alderman Taylor moved to authorize the Director of Administration to submit Letters of Support for the Southwest Interfaith Elderly Home

Support Services Program for \$5,000 and Oak Creek Salvation Army, Homelessness Program for \$3,000; to submit a project application for a Senior Health-Related Educational Program for \$5,000; and to submit a project application for a Franklin Home Repair Grant Program, that would be administered directly through Milwaukee County, for the remaining portion of the City's annual allocation. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2018-7390 FINAL PLAT S. 51ST ST. AND W. PUETZ RD. (VERIDIAN HOMES, LLC, APPLICANT)

G.11. Alderman Taylor moved to adopt Resolution No. 2018-7390, A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR ASPEN WOODS SUBDIVISION (AT APPROXIMATELY SOUTH 51ST STREET AND WEST PUETZ ROAD) (VERIDIAN HOMES, LLC, APPLICANT). Seconded by Alderman Nelson. All voted Aye; motion carried.

RES. 2018-7391 CONSERVATION EASEMENT S. 51ST ST. AND W. PUETZ RD. (VERIDIAN HOMES, LLC, APPLICANT) G.12. Alderman Taylor moved to adopt Resolution No. 2018-7391, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A FINAL PLAT FOR ASPEN WOODS SUBDIVISION (AT APPROXIMATELY SOUTH 51ST STREET AND WEST PUETZ ROAD) (VERIDIAN HOMES, LLC, APPLICANT), subject to review and approval by the Department of City Development and technical corrections by the City Attorney. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2018-7392 SUB. DEV. AGREEMENT WITH VH ASPEN WOODS LLC S. 51ST ST. AND W. PUETZ RD. G.13. Alderman Taylor moved to adopt Resolution No. 2018-7392, A RESOLUTION TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH VH ASPEN WOODS LLC FOR THE DEVELOPMENT OF ASPEN WOODS SUBDIVISION PHASE I LOCATED ON S. 51ST STREET AND W. PUETZ ROAD. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

RES. 2018-7393 CONTRACT WITH TRAFFIC ANALYSIS & DESIGN INC. FOR W. ELM RD. EXTENSION G.14. Alderman Taylor moved to adopt Resolution No. 2018-7393, A RESOLUTION FOR SUPPLEMENTAL AGREEMENT, NUMBER 1 TO PROFESSIONAL SERVICES CONTRACT WITH TRAFFIC ANALYSIS & DESIGN, INC. (TADI) FOR TRAFFIC IMPACT ANALYSIS PHASE TWO OF PROPOSED W. ELM ROAD EXTENSION IN THE AMOUNT OF \$47,507. Seconded by Alderman Nelson. All voted Aye; motion carried.

RES. 2018-7394 WATER MAIN EASEMENT 9905 S. 76TH ST. G.15. Alderman Taylor moved to adopt Resolution No. 2018-7394, A RESOLUTION TO ACCEPT WATER MAIN EASEMENTS FROM 9905 S. 76TH STREET (VALERIE L. BRANBACK) TAX KEY NO. 934-9990-003 AND 9991 S. 76TH STREET (SCHWEITZER TRUST)

(BRANBACK) AND 9991 S. 76TH ST. (SCHWEITZER TRUST) TAX KEY NO. 934-9993-001, pending legal review and technical corrections. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2018-7395 CONSTRUCTION OF PUBLIC TRAIL RIVER PARK SUBDIVISION (CITY OF FRANKLIN, APPLICANT)

Alderman Barber moved to adopt Resolution No. 2018-7395, A G.16. RESOLUTION TO AUTHORIZE THE CONSTRUCTION OF A PUBLIC TRAIL UPON LANDS IN PART **SUPPORTING** NATURAL RESOURCE **FEATURES** LOCATED APPROXIMATELY OUTLOTS 2 AND 3 OF RIVER PARK SUBDIVISION AND OUTLOT 6 OF RIVER PARK ADDITION NO. 2 SUBDIVISION, BEARING TAX-KEY NOS 806-0268-000, 806-(CITY OF FRANKLIN. 806-0350-000 0269-000. AND APPLICANT). Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2018-7396
WAIVE
REQUIREMENTS FOR
PUBLIC WATER AND
SANITARY SEWER
SERVICE
3 LOTS AT 9000 W.
RAWSON AVE.

G.17. Alderman Mayer moved to adopt Resolution No. 2018-7396, RESOLUTION TO WAIVE REQUIREMENTS FOR PUBLIC WATER AND SANITARY SEWER SERVICE FOR THREE LOTS ON THE 9000 BLOCK OF WEST RAWSON AVENUE, PURSUANT TO THE MUNICIPAL CODE, TO ALLOW THE LOTS TO BE SERVED BY PRIVATE WELL AND PRIVATE SEPTIC SYSTEM FACILITIES (TAX KEY NOS. 745-8995-003, 745-8995-004, AND 745-8995-005) and require the property owners of these lots to connect to public water within one year of construction of a public sanitary sewer within one year of construction of a public sanitary sewer main extended to the properties. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2018-7397 CONTRACT WITH LAKESIDE ENGINEERING FOR PHASE 1 DESIGN OF S. 68TH ST. FROM W. LOOMIS RD TO W. PUETZ RD. G.18. Alderman Barber moved to adopt Resolution No. 2018-7397, A RESOLUTION TO AUTHORIZE THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT WITH LAKESIDE ENGINEERING FOR PHASE 1 OF THE DESIGN OF S. 68TH STREET FROM W. LOOMIS ROAD TO W. PUETZ ROAD IN THE AMOUNT OF \$25,030.00 pending legal review and technical corrections. Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2018-7398
LAND COMBINATION
4233 W. CARMEL DR.
AND TUMBLECREEK
(DALE F. WILLIS AND
JOANNE R. WILLIS,
APPLICANTS)

G.19. Alderwoman Wilhelm moved to adopt Resolution No. 2018-7398, A RESOLUTION CONDITIONALLY APPROVING A LAND COMBINATION FOR TAX KEY NOS. 739-0027-000 AND 739-0109-000 (4233 WEST CARMEL DRIVE AND OUTLOT 19 OF PLAT OF OUTLOTS 1 THROUGH 5 OF TUMBLECREEK) (DALE F. WILLIS AND JOANNE R. WILLIS, APPLICANTS). Seconded by Alderman Barber. All voted Aye; motion carried.

CONTRACT AMENDMENT WITH RUEKERT-MIELKE FOR RYAN CREEK INTERCEPTOR ODOR REDUCTION STUDY	G.20.	Alderman Taylor contract with R Interceptor odor Seconded by A Alderman Mayon Nelson voted A
ORD. 2018-2335 ADD NO PARKING ON W. CENTRAL AVE. FROM S. 27TH ST. TO S. 29TH ST.	G.21.	Alderman Taylor ORDINANCE 245-5.D.(4) TO CENTRAL ASTREET. Second carried.
ORD. 2018-2336 ADD NO PARKING ON W. FOREST HILL AVE. AND S. 36TH ST.	G.22.	Alderman Bark ORDINANCE 245-5.D.(4) TO FOREST HILI WEST OF S. WEST OF S. voted Aye; mot
ORD. 2018-2337 AMEND WATER UTILITY RATES	G.23.	Alderman Bark ORDINANCE REGARDING Dandrea. Or Alderman Barb

- G.20. Alderman Taylor moved to sign amendment to professional services contract with Ruekert-Mielke for the evaluation phase of Ryan Creek Interceptor odor reduction study and design in the amount of \$3,500. Seconded by Alderman Dandrea. On roll call, Alderman Dandrea, Alderman Mayer, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderwoman Wilhelm voted No. Motion carried.
 - G.21. Alderman Taylor moved to adopt Ordinance No. 2018-2335, AN ORDINANCE TO MODIFY THE MUNICIPAL CODE SECTION 245-5.D.(4) TO ADD NO PARKING ON NORTH SIDE OF W. CENTRAL AVENUE FROM S. 27TH STREET TO S. 29TH STREET. Seconded by Alderman Barber. All voted Aye; motion carried.
- G.22. Alderman Barber moved to adopt Ordinance No. 2018-2336, AN ORDINANCE TO MODIFY THE MUNICIPAL CODE SECTION 245-5.D.(4) TO ADD NO PARKING ON THE NORTH SIDE OF W. FOREST HILL AVENUE FROM APPROXIMATELY 380 FEET WEST OF S. 36TH STREET TO APPROXIMATELY 460 FEET WEST OF S. 36TH STREET. Seconded by Alderman Taylor. All voted Aye; motion carried.
- G.23. Alderman Barber moved to adopt Ordinance No. 2018-2337, AN ORDINANCE TO AMEND §207-13.E. OF THE MUNICIPAL CODE REGARDING WATER UTILITY RATES. Seconded by Alderman Dandrea. On roll call, Alderman Dandrea, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderman Mayer and Alderwoman Wilhelm voted No. Motion carried.
- MONTHLY FINANCIAL G.24. Alderman Taylor moved to receive and place on file the May 2018
 REPORT Monthly Financial Report. Seconded by Alderman Mayer. All voted
 Aye; motion carried.
- ADJUSTMENT TO

 WAGE AND SALARY
 RATES FOR NONREPRESENTED
 EMPLOYEES

 G.25. Alderman Barber moved to approve a 2018 Annual Market Adjustment to the pay ranges of the Compensation Plan and a Market Adjustment to Wage and Salary Rates for non-represented employees of 2.0%, effective with the start of the pay period with a pay date of July 20, 2018. Seconded by Alderman Nelson. All voted Aye; motion carried.
- CONTRACT WITH
 QUORUM
 ARCHITECTS, INC. AND
 CONTINUUM
 ARCHITECTS +
 PLANNERS S.C. FOR

 Alderman Taylor moved to authorize the Director of Administration, subject to oversight/review by the City Attorney, to finalize, prepare, and execute contracts for preliminary architectural designs or concepts for the City Hall Remodel project with Quorum Architects, Inc. and Continuum Architects + Planners S.C., with costs in accordance with their proposals, for a combined cost not-to-exceed \$24,000, including

CITY HALL REMODEL PROJECT

LICENSES AND PERMITS all reimbursables. Seconded by Alderman Barber. All voted Aye; motion carried.

H. Alderman Taylor moved to approve the following:

Grant Operator licenses with a warning letter from the City Clerk to Vincent Dodulik, N8367 Hillburn Mill Rd., East Troy; Veronica Hilgart, 10560 W. Cortez Cir., #19, Franklin; Peter Mundschau, 1809 Stardust Dr., Waukesha;

Grant Operator licenses to Heather Bandle, 11430 W. Swiss St., Apt. B. Franklin: Cynthia Bultman, 1811 Rawson Ave., South Milwaukee; Chad Cuellar, 14180 Ranch Rd., Brookfield; Alan Fay, 2855 S. Herman St., Milwaukee; David Goehring, 8017 S. 57th St., Franklin; Gloria Grabarczyk, 7462 S. 69th St., Franklin; Amber Helm, 11401 Parkview Ln., Hales Corners; Amanda Holterman, S110W14718 Union Church Dr., Muskego; Ivan Jakercevic, 3766 N. 77th St., Milwaukee; Justin Kagerbauer, 142 1/2 Riverside Dr., Waterford; Shawna Kullas, 3801 S. Logan Ave., Milwaukee; Kimberly Leannais, 818 Teutonia Dr., Burlington; Christian Lee, 8401 S. 116th St., Franklin; Pamela LeHouillier, 6456 W. River Pointe Dr., Franklin; David Lindner, 4007 W. Acre Ave., Franklin; Jennifer Martinez, 8725 Woodcreek D.r, #8, Oak Creek; Mandy Mayrand, 28911 Fir Lane, Waterford: Wendy Meija Torres, 2300 W. Barnard Ave., Milwaukee; Alexandria Pelzek, 5553 Root River Dr., Greendale; Meghan Pesich, 547 E. Centennial Dr., Oak Creek; Hannah Plewa, 5244 W. Allerton Ave., Greenfield; Annette Source, 8252 S. 100th St., Franklin;

Hold Operator application for appearance from Sierra Kisting, 10558 W. Cortez Cir., #13, Franklin;

Grant Operator license pending correction of application to Justin Lockridge, 3229 S. 99th St., #1, Milwaukee;

Grant Temporary Entertainment & Amusement license to Franklin Police Department (Officer Jon Czerwinski) for National Night Out on 8/6/2018;

Grant Temporary Class B Beer licenses to Franklin Lions Club and Franklin Lioness Club for St. Martins Fair on 9/2/18 to 9/3/18.

Hold People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant application for appearance from Franklin Public Library for the Playground Tales at Kayla's Playground at Franklin Woods on 8/2/18, 9/6/18 and 10/4/18.

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

VOUCHERS AND PAYROLL

I. Alderman Barber moved to approve the following:

City vouchers with an ending date of July 13, 2018 in the amount of \$2,244,076.33; Payroll dated June 22, 2018 in the amount of \$412,684.02 and payments of the various payroll deductions in the amount of \$404,971.90 plus City matching payments; and Payroll dated July 6, 2018 in the amount of \$384,297.93 and payments of the

various payroll deductions in the amount of \$206,213.50, plus City matching payments; and Estimated Payroll dated July 20, 2018 in the amount of \$403,000.00 and payments of the various payroll deductions in the amount of \$412,000.00, plus City matching payments; and Estimated Payroll dated August 3, 2018 in the amount of \$386,000.00 and payments of the various payroll deductions in the amount of \$211,000.00, plus City matching payments; and property tax refunds with an ending date of July 12, 2018 in the amount of \$2,704.87. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

CLOSED SESSION ACQUISITION OF PROPERTY FOR PUBLIC PARK PURPOSES G.27. Alderman Nelson moved to enter closed session at 7:27 p.m. pursuant to §19.85(1)(e), Wis. Stats., for market competition and bargaining reasons, to consider the potential acquisition of properties to be used for public park purposes in the City pursuant to the May 1, 2018 Common Council action upon the Parks Commission recommendation to move forward with park land acquisition necessary steps (and which Common Council action also changed the status of the Neighborhood Park Land Acquisition Project in the 2018 Capital Improvement Fund to an "Approved Project"), and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Dandrea. All voted Aye; motion carried.

No action was taken upon reentering open session at 7:50 p.m.

CLOSED SESSION CLINIC AGREEMENT WITH AURORA HEALTH CARE, INC. G.28. Alderman Barber moved to enter closed session at 7:51 p.m. pursuant to §19.85(1)(e), Wis. Stats., for the purpose of deliberating or negotiation the purchase of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session to consider a Clinic agreement with Aurora Health Care, Inc. for participation in a dedicated clinic arrangement opportunity exclusively for Franklin Business Park Consortium Members, and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Taylor. All voted Aye; motion carried.

No action was taken upon reentering open session at 8:06 p.m.

ADJOURNMENT

J. Alderman Taylor moved to adjourn the meeting at 8:06 p.m. Seconded by Alderman Nelson. All voted Aye; motion carried.

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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 8/07/2018
REPORTS AND RECOMMENDATIONS	Request Common Council approval to allow the Fire Department to dispose of a vehicle that is no longer in service by sending it to auction.	item number G. I. (a.)

The Fire Department is seeking council approval to dispose of a 2005 Chevrolet Trailblazer that is no longer utilized. The vehicle was purchased new as the former fire chief's vehicle, and was later used by the former assistant chief. The vehicle has seen minimal use during the last year, and the department is seeking to minimize its inventory of non-essential vehicles.

The vehicle will be posted for sale on the on-line Wisconsin Surplus auction site, with any funds recouped returned to the Equipment Revolving fund.

COUNCIL ACTION REQUESTED

Motion to approve Fire Department request to dispose of a 2005 Chevrolet Trailblazer utility vehicle by sending it to auction, with proceeds returned to the Equipment Revolving fund.

REQUEST FOR COUNCIL ACTION Slw REPORTS & Trick or Treat Schedule for 2018 RECOMMENDATIONS REQUEST FOR MEETING DATE 08-07-18 ITEM NUMBER G. (.(b.))

Following are the dates and times established for Halloween Trick-or-Treat observance by the surveyed surrounding communities:

Oak Creek – Sunday, October 28, 4-6 p.m. Hales Corners – Sunday, October 28, 4-7 p.m. Greenfield – Sunday, October 28, 4-7 p.m. Muskego – Wednesday, October 31, 6-8 p.m. South Milwaukee – Wednesday, October 31, 5:30-7:30 p.m.

(Last year Franklin established Sunday, October 29, 2017 from 4:00 p.m. to 7:00 p.m. as Trick-or-Treat observance. As an added note, the Green Bay Packers play on October 28, 2018 at 3:35 p.m.).

COUNCIL ACTION REQUESTED

Motion to establish Sunday, October 28, 2018 from 4:00 p.m. to 7:00 p.m. for the Halloween Trick-or-Treat observance in the City of Franklin.

APPROVAL Slw	REQUEST FOR COUNCIL ACTION	MEETING DATE 8/07/2018
REPORTS AND RECOMMENDATIONS	Donation from Franklin Lioness Club Foundation in the amount of \$150.00 to the Fire Department	ITEM NUMBER G, I, (C)

The Franklin Fire Department has received a donation from the Franklin Lioness Club in the amount of \$150.00. The Department relies in part on donations to fund fire and safety educational programs, as well as lifesaving medical equipment.

COUNCIL ACTION REQUESTED

Request approval to accept \$150.00 donation from the Franklin Lioness Club, to be used toward funding fire prevention activities and/or equipment.

APPROVAL Slw REQUEST FOR COUNCIL ACTION REPORTS & FRANKLIN POLICE DEPARTMENT RECOMMENDATIONS REQUEST FOR DATE 8/07/2018 ITEM NUMBER G, /. (d)

The Franklin Police Department has received the following donations:

<u>General Police Donation</u> Franklin Lioness Club - \$150.00

<u>Crime Prevention Donations / National Night Out</u> Faith Presbyterian Church - \$100.00 McAvoy Chiropractic LLC - \$100.00

COUNCIL ACTION REQUESTED

Respectfully request that the above donations be approved for deposit into their designated donation accounts.

APPROVAL	REQUEST FOR	MEETING DATE
	COUNCIL ACTION	DATE
Shor		August 7, 2018
REPORTS AND	Review of the final form and content of Resolution No. 2018-7391, A Resolution Authorizing Certain Officials	ITEM NUMBER
RECOMMENDATIONS	to Accept a Conservation Easement from VH Aspen Woods, LLC for and as Part of the Review and Approval	6.2.
	of a Final Plat for Aspen Woods Subdivision, and	
	Authorizing the Release, Waiver and Vacation of Prior	
	Conservation Easements Upon Portions of the	
	Subdivision Property and as Specifically Described	
	within Conservation Easement Kresovic CSM-1 (Certified Survey Map No. 7733), Recorded as	
	Document No. 09213234 on April 5, 2006 and	
	Conservation Easement Kresovic CSM-2 (Certified	
	Survey Map No. 7754), Recorded as Document No.	
	09231594 on May 9, 2006 with the Office of the Register	
	of Deeds for Milwaukee County, Wisconsin (At	
	Approximately South 51st Street and West Puetz Road)	
	(Veridian Homes, LLC, Applicant)	

Changes to the resolution and the conservation easement were made by staff subsequent to the meeting. Of note, and the purpose for the return of the conservation easement subject matter is that the conservation easement in the July 17, 2018 materials had Veridian Homes, LLC as the grantor party to the conservation easement and that has been changed to VH Aspen Woods, LLC, i.e., the change of a party to an agreement was beyond staff's understanding of "technical corrections". Otherwise, with this information being provided to the Council, staff remains upon its prior position of the recommendation of approval and that the prior approval should stand.

Attached are the 'final' form of the Resolution, a highlighted copy showing the changes from that previously before the Council, and the final form of the conservation easement with the prominent changes highlighted.

COUNCIL ACTION REQUESTED

No action needed;

01

As the Common Council may determine appropriate.

RESOLUTION NO. 2018-7391

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
ACCEPT A CONSERVATION EASEMENT FROM VH ASPEN WOODS, LLC FOR
AND AS PART OF THE REVIEW AND APPROVAL OF A FINAL PLAT FOR ASPEN
WOODS SUBDIVISION, AND AUTHORIZING THE RELEASE, WAIVER AND
VACATION OF PRIOR CONSERVATION EASEMENTS UPON PORTIONS OF THE
SUBDIVISION PROPERTY AND AS SPECIFICALLY DESCRIBED WITHIN
CONSERVATION EASEMENT KRESOVIC CSM-1 (CERTIFIED SURVEY MAP NO.
7733), RECORDED AS DOCUMENT NO. 09213234 ON APRIL 5, 2006 AND
CONSERVATION EASEMENT KRESOVIC CSM-2 (CERTIFIED SURVEY MAP NO.
7754), RECORDED AS DOCUMENT NO. 09231594 ON MAY 9, 2006 WITH THE
OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN
(AT APPROXIMATELY SOUTH 51ST STREET AND WEST PUETZ ROAD)
(VERIDIAN HOMES, LLC, APPLICANT)

WHEREAS, the Plan Commission having approved a Final Plat upon the application of Veridian Homes, LLC, on July 5, 2018, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the wetland buffers and wetlands on the site; and

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

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

WHEREAS, the Natural Resource Protection Plan identifies updated and current Natural Resources features upon the Aspen Woods Subdivision property, which differ from the Natural Resources features and location areas protected on portions of the property, as specifically described within Conservation Easement Kresovic CSM-1 (Certified Survey Map No. 7733), recorded as Document No. 09213234 on April 5, 2006 and Conservation Easement Kresovic CSM-2 (Certified Survey Map No. 7754), recorded as Document No. 09231594 on May 9, 2006 with the Office of the Register of Deeds for Milwaukee County, Wisconsin; and

WHEREAS, the Conservation Easement recommended for approval as set forth above eliminates the need for the existence of the previously recorded conservation

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FROM VH ASPEN WOODS, LLC, AND AUTHORIZING THE RELEASE, WAIVER AND VACATION OF PRIOR CONSERVATION EASEMENTS VERIDIAN HOMES, LLC RESOLUTION NO. 2018-7391 Page 2

easements described above, as the updated and current Natural Resources features upon the Aspen Woods Subdivision property are all protected by the Conservation Easement; and

WHEREAS, the previously recorded conservation easements described above are upon the Aspen Woods Subdivision property, which Subdivision property is legally described as follows:

Lot 4 of Certified Survey Map No. 7754, recorded in the Register of Deeds office for Milwaukee County on May 9, 2006, as Document No. 9231593, being a redivision of Parcel 1 of Certified Survey Map No. 4397, Parcels 1 and 2 of Certified Survey Map No. 6185 and Lot 2 of Certified Survey Map No. 7733, being a part of the Northwest 1/4 of the Northeast 1/4 and the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; and

WHEREAS, Wis. Stats. § 236.293 provides in part that any restriction placed on platted land by covenant, grant of easement or in any other manner, which was required by a public body vests in the public body the right to enforce the restriction at law or in equity and that the restriction may be released or waived in writing by the public body having the right of enforcement; and

WHEREAS, the Common Council having determined that the release, waiver and vacation of the prior recorded conservation easements is reasonable as the protections provided thereunder are no longer necessary or appropriate following the aforesaid Natural Resource Protection Plan based upon current and updated Natural Resources features review and information, and the Conservation Easement prepared upon the Plan, the Common Council having determined same to properly protect the Natural Resources features upon the Subdivision property pursuant to the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by VH Aspen Woods, LLC, in the form and content as annexed hereto, subject to any changes consistent with this Resolution and as may approved upon further review by the City Engineering Department, Department of City Development and the Office of the City Attorney, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FROM VH ASPEN WOODS, LLC, AND AUTHORIZING THE RELEASE, WAIVER AND VACATION OF PRIOR CONSERVATION EASEMENTS VERIDIAN HOMES, LLC RESOLUTION NO. 2018-7391 Page 3

BE IT FURTHER RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement Kresovic CSM-1 (Certified Survey Map No. 7733), recorded as Document No. 09213234 on April 5, 2006 and Conservation Easement Kresovic CSM-2 (Certified Survey Map No. 7754), recorded as Document No. 09231594 on May 9, 2006 with the Office of the Register of Deeds for Milwaukee County, Wisconsin, be and the same are hereby waived, released and vacated.

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

	-	gular meeting of the, 201	Common Council of the City of Franklin this 8.
	_	ed at a regular mee	ting of the Common Council of the City of, 2018.
			APPROVED:
			STEPHEN R. OLSON, Mayor
ATTEST:			STEATHER VIC OESCIA, Mayor
Sandra L.	Wesolowski, Ci	ty Clerk	
AYES	NOES	ABSENT	_

RESOLUTION NO. 2018-7391——

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FROM VH ASPEN WOODS, LLC FOR AND AS PART

OF THE REVIEW AND APPROVAL OF A FINAL PLAT FOR ASPEN WOODS SUBDIVISION, AND AUTHORIZING THE RELEASE, WAIVER AND VACATION OF PRIOR CONSERVATION EASEMENTS UPON PORTIONS OF THE SUBDIVISION PROPERTY AND AS SPECIFICALLY DESCRIBED WITHIN CONSERVATION EASEMENT KRESOVIC CSM-1 (CERTIFIED SURVEY MAP NO. 7733), RECORDED AS DOCUMENT NO. 09213234 ON APRIL 5, 2006 AND CONSERVATION EASEMENT KRESOVIC CSM-2 (CERTIFIED SURVEY MAP NO. 7754), RECORDED AS DOCUMENT NO. 09231594 ON MAY 9, 2006 WITH THE OFFICE OF THE REGISTER OF DEEDS FOR MILWAUKEE COUNTY, WISCONSIN (AT APPROXIMATELY SOUTH 51ST STREET AND WEST PUETZ ROAD) (VERIDIAN HOMES, LLC, APPLICANT)

WHEREAS, the Plan Commission having approved a Final Plat upon the application of Veridian Homes, LLC, on July 5, 2018, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the wetland buffers and wetlands on the site; and

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

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

WHEREAS, the Natural Resource Protection Plan identifies updated and current Natural Resources features upon the Aspen Woods Subdivision property, which differ from the Natural Resources features and location areas protected on portions of the property, as specifically described within Conservation Easement Kresovic CSM-1 (Certified Survey Map No. 7733), recorded as Document No. 09213234 on April 5, 2006 and Conservation Easement Kresovic CSM-2 (Certified Survey Map No. 7754), recorded as Document No. 09231594 on May 9, 2006 with the Office of the Register of Deeds for Milwaukee County, Wisconsin; and

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A CONSERVATION EASEMENT
FROM VH ASPEN WOODS, LLC, AND
AUTHORIZING THE RELEASE, WAIVER AND
VACATION OF PRIOR CONSERVATION EASEMENTS
VERIDIAN HOMES, LLC
RESOLUTION NO. 2018-7391——
Page 2

WHEREAS, the Conservation Easement recommended for approval as set forth above eliminates the need for the existence of the previously recorded conservation easements described above, as the updated and current Natural Resources features upon the Aspen Woods Subdivision property are all protected by the Conservation Easement; and

WHEREAS, the previously recorded conservation easements described above are upon the Aspen Woods Subdivision property, which Subdivision property is legally described as follows:

Lot 4 of Certified Survey Map No. 7754, recorded in the Register of Deeds office for Milwaukee County on May 9, 2006, as Document No. 9231593, being a redivision of Parcel 1 of Certified Survey Map No. 4397, Parcels 1 and 2 of Certified Survey Map No. 6185 and Lot 2 of Certified Survey Map No. 7733, being a part of the Northwest 1/4 of the Northeast 1/4 and the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; fadd legal description]; and

WHEREAS, Wis. Stats. § 236.293 provides in part that any restriction placed on platted land by covenant, grant of easement or in any other manner, which was required by a public body vests in the public body the right to enforce the restriction at law or in equity and that the restriction may be released or waived in writing by the public body having the right of enforcement; and

WHEREAS, the Common Council having determined that the release, waiver and vacation of the prior recorded conservation easements is reasonable as the protections provided thereunder are no longer necessary or appropriate following the aforesaid Natural Resource Protection Plan based upon current and updated Natural Resources features review and information, and the Conservation Easement prepared upon the Plan, the Common Council having determined same to properly protect the Natural Resources features upon the Subdivision property pursuant to the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by <u>VH Aspen WoodsVeridian-Homes</u>, LLC, in the form and content as annexed hereto, subject to any changes consistent with this Resolution and as may approved upon further review by the City Engineering Department, Department of City Development and the Office of the City Attorney, be and the same is hereby approved; and the Mayor and City Clerk are hereby

A RESOLUTION AUTHORIZING CERTAIN TO ACCEPT A CONSERVATION EASEME	
FROM VH ASPEN WOODS, LLC, AND	EIN I
AUTHORIZING THE RELEASE, WAIVER	AND
VACATION OF PRIOR CONSERVATION I	
VERIDIAN HOMES, LLC	
RESOLUTION NO. 2018-7391——	
Page 3	
authorized to execute such Easement as evid easement by the City of Franklin.	ence of the consent to and acceptance of such
Franklin, Wisconsin, that the Conservation Map No. 7733), recorded as Document No. Easement Kresovic CSM-2 (Certified Survey)	ne Mayor and Common Council of the City of Easement Kresovic CSM-1 (Certified Survey 09213234 on April 5, 2006 and Conservation y Map No. 7754), recorded as Document No. f the Register of Deeds for Milwaukee County, d, released and vacated.
	t the City Clerk be and the same is hereby blution and the Conservation Easement in the County, Wisconsin.
Introduced at a regular meeting of the, 201	Common Council of the City of Franklin this 8.
Passed and adopted at a regular mee Franklin this day of	eting of the Common Council of the City of, 2018.
	APPROVED:
	STEPHEN R. OLSON, Mayor
ATTEST:	
Sandra L. Wesolowski, City Clerk	
Bandra L. WESOIUWSKI, CITY CICIK	

AYES _____NOES ____ABSENT ____

CONSERVATION EASEMENT

ASPEN WOODS

This Conservation easement is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and VH ASPEN WOODS, LLC, a Limited Liability Corporation, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to §700.40(2)(b) of the Wisconsin Statutes.

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, Northwest ¼ of the Northeast ¼ and the West ½ of the Northeast ¼ of Section 23 Township 5 North, Range 21 East, described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, wetlands and wetland buffers, and refer to the Natural Resource Investigation by NRPP Excel Engineering, Inc., dated June 6, 2018 which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

WHEREAS, Grantee is a "holder", as contemplated by §700.41(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under §62.23 and §236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space, and water areas; and

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

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

WHEREAS, Associated Bank, mortgagee of the Protected Property ("Mortgagee"), consents to the grant of this Easement by Grantor to Grantee and Mortgagee's consent is attached hereto and identified as "Mortgage Holder Consent".

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

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

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

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

1. Construct or place buildings or any structure;

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

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

Grantor, as the property owner successor and assign to the Conservation Easement Kresovic CSM-1 (Certified Survey Map No. 7733), recorded as Document No. 09213234 on April 5, 2006 and Conservation Easement Kresovic CSM-2 (Certified Survey Map No. 7754), recorded as Document No. 09231594 on May 9, 2006 with the Office of the Register of Deeds for Milwaukee County, Wisconsin, and Grantee, as the grantee party to the aforedescribed conservation easements, hereby mutually waive, release and vacate the aforedescribed conservation easements, as the protections provided thereunder are no longer necessary or appropriate following the aforesaid Natural Resource Investigation dated June 6, 2018, and the entry by Grantor and Grantee into this Conservation Easement.

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

To Grantor: VH Aspen Woods, LLC Attn: David P. Simon 6801 South Towne Drive Madison, WI 53713 To Grantee: City of Franklin Office of the City Clerk 9229 W. Loomis Road Franklin, Wisconsin53132

In witness whereof, the grantor has set its hand and seals	this on this date of	, 20
	VH ASPEN WOODS, LLC	
	Ву:	
	Authorized Officer	and Signatory
STATE OF WISCONSIN)		
) ss COUNTY OF MILWAUKEE)		
This instrument was acknowledged before me on the	day of, A.	D. 20 by

To me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said VH Aspen Woods, LLC.

		Notary Public
		My commission expires
		Acceptance
pursuant to the foregoing Grant of Cons Easement, the undersigned agrees that the	ervation E iis accepta he protect	tepts the Conservation Easement granted and conveyed to it under and casement. In consideration of the making of such Grant Of Conservation ance shall be binding upon the undersigned and its successors and assigns the deproperty may only be released or waived in writing by the Common §236.293 of the Wisconsin Statutes.
In witness whereof, the undersigned h A.D.20	as execute	ed and delivered this acceptance on the day of,
	CITY	OF FRANKLIN
	Ву:	Stephen R. Olson, Mayor
	Ву:	Sandra L. Wesolowski, City Clerk
STATE OF WISCONSIN)) ss COUNTY OF MILWAUKEE)		
Olson, Mayor and Sandra L. Wesolowsl known to be such Mayor and City Clerk instrument as such officers as the Deed	ki, City Ci of said m d of said	
		Notary Public
		My commission expires
This instrument was drafted by the City o	f Franklin.	
Approved as to contents:		
Nicholas Fuchs, Principal Planner Department of City Development	Date	
Approved as to form only:		
Jesse A. Wesolowski City Attorney	Date	

MORTGAGE HOLDER CONSENT

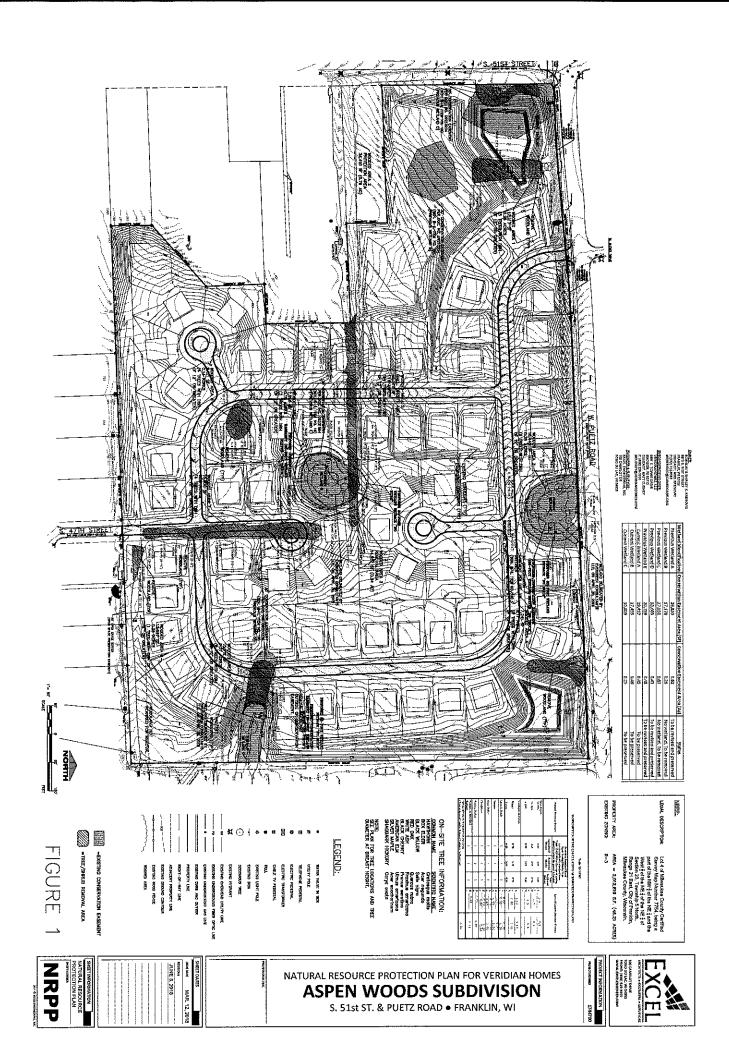
certain Mortgage encumbering encumber	•	• •	gagee"), as Mortgagee under that If the Register of Deeds for Milwaukee
County, Wisconsin, on	, 20	_, as Document No	, hereby consents to the
execution of the foregoing easement and i	ts addition as an	encumbrance title to the Pr	operty.
IN WITNESS WHEREOF, Mor corporate seal to be hereunto affixed, as o			d by its duly authorized officers, and its
		ASSOCIATED BANK a Wisconsin Banking (
		By:	
		Name:	
		Title:	
STATE OF WISCONSIN))ss)		
COUNTY OF MILWAUKEE)		
On this, the	day of	. 20 . be	fore me, the undersigned, personally
On this, theappeared	as	of Assoc	iated Bank,a Wisconsin banking
corporation, and acknowledged that (s)he for the purposes therein contained.	executed the for	egoing instrument on behal	f of said corporation, by its authority and
Too was purposed and on committee.		Name:	
		Notary Publi, State of	Wisconsin
		My commission expire	es.

Exhibit A

[The Aspen Woods Subdivision Plat property upon which the conservation easement protected property lands are located is legally described as follows:

Lot 4 of Certified Survey Map No. 7754, recorded in the Register of Deeds office for Milwaukee County on May 9, 2006, as Document No. 9231593, being a redivision of Parcel 1 of Certified Survey Map No. 4397, Parcels 1 and 2 of Certified Survey Map No. 6185 and Lot 2 of Certified Survey Map No. 7733, being a part of the Northwest 1/4 of the Northeast 1/4 and the West 1/2 of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

A map depicting the protected property lands is annexed hereto. The conservation easement protected property lands are legally described as as set forth on EXHIBIT A-1, EXHIBIT A-2, EXHIBIT B-1, EXHIBIT B-2, EXHIBIT C-1 and EXHIBIT C-2 annexed hereto.]



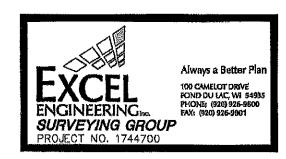
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CONSERVATION EASEMENT ON OUTLOT 1 ASPEN WOODS EXHIBIT A-1

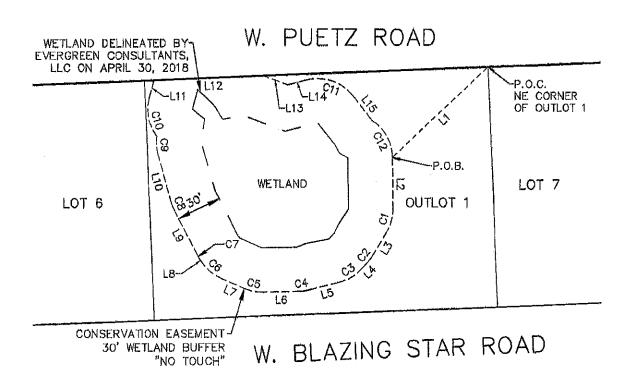
LEGAL DESCRIPTION OF CONSERVATION EASEMENT ON OUTLOT 1:

That part of Outlot 1 of ASPEN WOODS SUBDIVISION, being a part of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4 of Section 23, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin being more particularly described as follows:

Commencing at the Northeast corner of Outlot 1 of sald Aspen Woods Subdivision; thence South 46°-42'-17" West, a distance of 89.24 feet to the point of beginning; thence South 00°-08'-14" East, a distance of 35.05 feet; thence Southwesterly 16.28 feet on a curve to the right having a radius of 30.00 feet, the chord of sald curve bears South 15°-24'-20" West, a chord distance of 16.08 feet; thence South 30°-56'-55" West, a distance of 18.49 feet; thence Southwesterly 6.23 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 36°-53'-35" West, a chord distance of 6.21 feet; thence South 42°-50'-15" West, a distance of 5.59 feet; thence Southwesterly 17.29 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve pears South 59°-20'-59" West, a chord distance of 17.05 feet; thence South 75°-51'-42" West, a distance of 22.18 feet; thence Southwesterly 6.92 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 82°-28'-28" West, a chord distance of 6.91 feet; thence South 89°-05'-14" West, a distance of 23,59 feet; thence Northwesterly 12.74 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 78°-44'-39" West, a chord distance of 12.65 feet; thence North 66°-34'-32" West, a distance of 16.80 feet; thence Northwesterly 18.31 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 49°-05'-11" West, a chord distance of 18.03 feet; thence North 31°-35'-50" West, a distance of 2.17 feet; thence Northwesterly 2.65 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 29°-04'-12" West, a chord distance of 2.65 feet; thence North 26°-32'-34" West, a distance of 34,04 feet; thence Northwesterly 5.92 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 20°-53'-20" West, a chord distance of 5.91 feet; thence North 15°-14'-04" West, a distance of 33.16 feet: thence Northwesterly 12.37 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 03°-25'-31" West, a chord distance of 12,28 feet; thence Northwesterly 27.67 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 11°-29'-24" West, a chord distance of 26.70 feet; thence North 14°-56'-00" East, a distance of 12.40 feet to the North line of said Outlot 1; thence North 87°-49'-16" East along said North line, a distance of 73.93 feet; thence South 69°-08'-18" East, a distance of 17,23 feet; thence North 75°-38'-14" East, a distance of 13.17 feet; thence Southeasterly 34.84 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 71°-05'-18" East, a chord distance of 32.92 feet; thence South 37°-48'-51" East, a distance of 21.21 feet; thence Southeasterly 29.86 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 28°-39'-11" East, a chord distance of 28.64 feet to the point of beginning.



CONSERVATION EASEMENT ON OUTLOT 1 ASPEN WOODS EXHIBIT A-2



Line Table			
Line #	Direction	Length	
L1	S48"42"17"W	89.24	
L2	S00'08'14"E	35,05	
L3	'830'56'55"W	18,49'	
L4	S42'50'15"W	5,59'	
L5	S75'51'42"W	22.18	
L6	S89'Q5'14"W	23.59	
L7	N66'34'32"W	15,807	
L8	N31'36'50"W	2.17'	
L9	N26'32'34"W	34.04*	
L10	N15'14'04"W	33.16'	
L11	N14'56'00"E	12,40"	
L12	N87'49'18"E	73,93'	
L13	\$69'08'18"E	17.23	
L14	N75'38'14"E	13.17	
L15	L15 \$37'48'51"E		

	Curve Table							
Curve	Arc Length	Radius	Chord Bearing	Chord Length	Deita	Tongant in	Tangent Ou	
C1	16.28'	30,00	S15'24'20"W	16.08	031'05'10"	\$30'56'55"W	S00'08'15"E	
C2	6,23	30,00'	S36'53'35"W	6,21'	011'53'20"	S42'50'15"W	\$30'56'65"W	
C3	17.29'	30.00'	S59'20'59"W	17.05	033'01'28"	S75'51'42"W	S42'50'15"W	
C4	0.92'	30'00,	S82'28'28"W	8.91'	013'13'32"	S89'05'14"W	875'51'42"W	
C5	12,74'	30.00'	N78"44"39"W	12,65	024'20'14"	N66'34'32"W	S89'05'14"W	
CB	18.31'	30.00'	N49'05'11"W	18,03"	034'58'42"	N31'35'50"W	N66'34'32"V	
C7	2,65'	30,00'	N29'04' 2"W	2.65'	005'03'17"	N26'32'34"W	N31*35'51"W	
ÇB	5,92'	30,00'	N20'53'20"W	5,911	01118'31"	N1574'04"W	N26'32'35"Y	
C9	12.37	30.00	N03'25'31"W	12.28	023'37'07"	N08'23'03"E	N15'14'04"W	
C10	27.67'	30,00°	N11'29'24"W	26,70'	052'50'49"	N14'56'00"E	N37'54'49"Y	
C11	34.84	30.00	S71'05'18''E	32,92	086'32'56"	S37'48'51"E	N75'36'14"E	
C12	29.86'	30,00'	S28'39'11"E	28.64	057'01'54"	500'08'14"E	S57'10'08"8	







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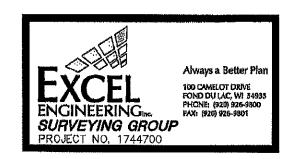
100 CAMELOT DRIVE POND DU LAC, WI 54935 PHONE: (920) 926-9800 FAX: (920) 926-9801

CONSERVATION EASEMENT ON OUTLOT 3 ASPEN WOODS EXHIBIT B-1

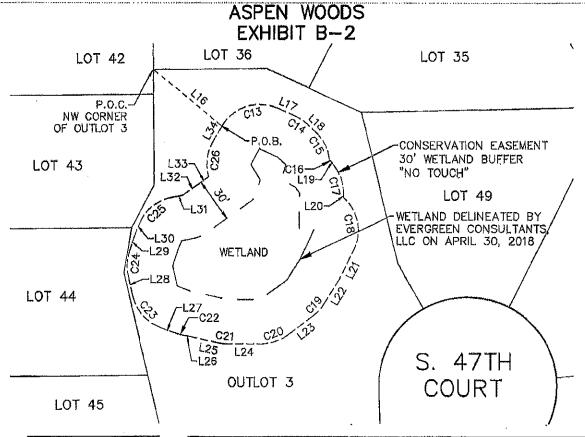
LEGAL DESCRIPTION OF CONSERVATION EASEMENT ON OUTLOT 3:

That part of Outlot 3 of ASPEN WOODS SUBDIVISION, being a part of the Northeast 1/4 and the Southeast 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin being more particularly described as follows:

Commencing at the Northwest corner of Outlot 3 of said Aspen Woods Subdivision: thence South 49°-51'-07" East, a distance of 69.76 feet to the point of beginning; thence Northeasterly 44.46 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 72°-37'-36" East, a chord distance of 40.50 feet; thence South 64°-54'-59" East, a distance of 12.95 feet; thence Southeasterly 8.85 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 56°-28'-03" East, a chord distance of 8.82 feet; thence South 48°-01'-07" East, a distance of 7.96 feet; thence Southeasterly 21.78 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 27°-17'-48" East, a chord distance of 21.31 feet; thence Southeasterly 2.09 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 36°-33'-59" East, a chord distance of 2.09 feet; thence South 34°-37'-40" East, a distance of 4.86 feet; thence Southeasterly 19.06 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 16°-25'-43" East, a chord distance of 18.74 feet; thence South 01°-46'-15" West, a distance of 1.91 feet; thence Southeasterly 38.65 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 10°-51'-39" East, a chord distance of 36,04 feet; thence South 26°-03'-06" West, a distance of 22.99 feet; thence South 31°-14'-45" West, a distance of 18.04 feet; thence Southwesterly 11.47 feet on a curve to the right having a radius of 30,00 feet, the chord of said curve bears South 42°-12'-07" West, a chord distance of 11.40 feet; thence South 53°-09'-29" West, a distance of 21.90 feet; thence Southwesterly 19,23 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 71°-31'-25" West, a chord distance of 18,90 feet; thence South 89°-53'-21" West, a distance of 22.85 feet; thence Northwesterly 6,70 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 83°-42'-45" West, a chord distance of 6.69 feet; thence North 77°-18'-52" West, a distance of 19.60 feet; thence North 79°-30'-55" West, a distance of 3.96 feet; thence Northwesterly 5.72 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 74°-03'-24" West, a chord distance of 5,71 feet; thence North 68°-35'-53" West, a distance of 10.76 feet; thence Northwesterly 29.37 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 40°-32'-57" West, a chord distance of 28.21 feet; thence North 12°-30'-01" West, a distance of 13.98 feet, thence Northeasterly 15.91 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 02°-41'-40" East, a chord distance of 15.73 feet: thence North 17°-53'-22" East, a distance of 13.55 feet; thence North 23°-24'-47" East, a distance of 7.55 feet; thence Northeasterly 29.08 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 51°-10'-52" East, a chord distance of 27.95 feet; thence North 78°-56'-57" East, a distance of 6.79 feet; thence North 53°-57'-29" East, a distance of 12.64 feet; thence North 54°-23'-18" East, a distance of 8.40 feet; thence Northeasterly 24.24 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 07°-01'-19" East, a chord distance of 23.59 feet; thence North 30°-10'-12" East, a distance of 12.39 feet to the point of beginning.

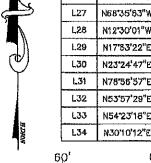


CONSERVATION EASEMENT ON OUTLOT 3



Line Table				
Line #	Direction	Length		
L16	S49*51'07"E	59.76'		
L17	S64'54'59"E	12.95		
L18	S48'01'07"E	7.96'		
L19	834'37'40"E	4,86		
L20	S01'46'15"W	1.91'		
L21	S26'03'06"W	22.99'		
1,22	S31"14'45"W	18.04		
L23	S63'00'29"W	21.90		
L24	S89'53'21"W	22.85		
L25	N77"18"52"W	19.60'		
L26	N79*30*55"W	3,96'		
L27	N68'35'63"W	10.76		
1,28	N12'30'01"W	13.96		
L29	N17'83'22"E	13.65		
L30	N23'24'47"E	7.55		
L31	N78'56'57"E	6,79		
L32	N53'57'29"E	12.64		
L33	N54"23"18"E	8.40"		
L34	N30'10'12"E	12.39'		

				Curve Table			
Curve	Aro Length	Radius	Chord Bearing	Chord Length	Delta	Tangent In	Tongent Ou
C13	44,46'	30,00'	N72'37'36"E	40,50'	084'54'49"	564'54'59"E	N30'10'12"E
C14	8.85	30.00,	856'28'03"E	8.82'	016'53'52"	S48'01'07"E	S64 54 59 I
C15	21.78'	30.00'	527"17'48"E	21,31	041'36'15"	S06"29'41"E	S48'05'56"[
C16	2.09'	30.00'	S36'33'59"E	2.09'	003'59'59"	\$34'34'00"E	S38'33'59"l
017	19,06'	30.00	S18'25'43"E	18,74	036'23'55"	S01'46'15"W	S34'37'40"E
C18	38,65	30.00*	S10'51'39"E	36.04	073'49'31"	\$26'03'07"W	\$47'46'24"I
019	11,47	30.00'	S42'12'07"W	11,40	021'54'44"	\$53'09'29"W	S31"14'45"V
C20	19,23'	30.00	\$71'31'25"W	18,90'	036'43'52"	S89'53'21"W	553'09'29"\
C21	8,70'	30,00	N83'42'45"W	6.69	012'47'47"	N77'18'52"W	S89'53'21"\
C22	5.72'	30,00'	N74'03'24"W	5,71'	010'55'02"	N68'35'53"W	N79'30'55"\
C23	29.37	30.00¹	N40'32'57"W	28.21'	056'05'51"	N12'30'01"W	N68'35'53"\
C24	15,91	30,00'	N02'41'40"E	15.73	030'23'24"	N17'53'22"E	N12'30'01"V
C25	29,08	30.00'	N51'10'52"E	27,95	055'32'10"	N78'56'57"E	N23'24'47"
C26	24.24	30.00'	N07'01'19"E	23,59'	046'17'47"	N3010'13"E	N16'07'35"\



120' FEET



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1"= 60'

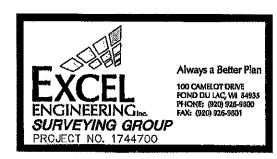
SCALE

CONSERVATION EASEMENT ON OUTLOT 2 ASPEN WOODS EXHIBIT C-1

LEGAL DESCRIPTION OF CONSERVATION EASEMENT ON OUTLOT 2:

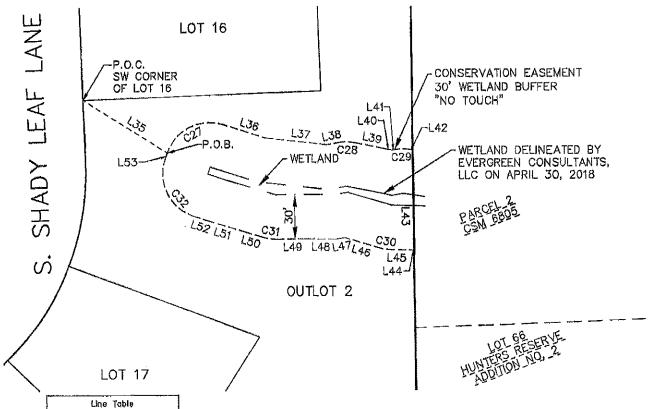
That part of Outlot 2 of ASPEN WOODS SUBDIVISION, being part of the Southwest 1/4 of the Northeast 1/4 of the Northeast 1/4 of Section 23, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin being more particularly described as follows:

Commencing at the Southwest corner of Lot 16 of said Aspen Woods Subdivision; thence South 57°-13'-30" East, a distance of 66.42 feet to the point of beginning; thence Northeasterly 46,72 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 63°-10'-41" East, a chord distance of 42.14 feet; thence South 72°-12'-43" East, a distance of 30.47 feet; thence South 83°-40'-02" East, a distance of 41.58 feet; thence North 79°-59'-57" East, a distance of 7.99 feet; thence Southeasterly 11.17 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears South 89°-20'-05" East, a chord distance of 11.11 feet; thence South 78°-40'-07" East, a distance of 19.37 feet; thence South 78°-09'-16" East, a distance of 6.17 feet; thence North 78"-46'-30" East, a distance of 1.04 feet; thence Northeasterly 10.45 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 88°-45'-13" East, a chord distance of 10.40 feet; thence South 81°-16'-05" East, a distance of 2.29 feet to the East line of sald Outlot 2; thence South 00°-27'-19" East along said East line, a distance of 67,73 feet; thence North 88°-27'-49" West, a distance of 0.70 feet; thence North 88°-27'-34" West, a distance of 15.02 feet; thence Northwesterly 7.92 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 80°-53'-39" West, a chord distance of 7.90 feet; thence North 73°-19'-43" West, a distance of 23.91 feet; thence South 81°-39'-40" West, a distance of 5.43 feet, thence North 89°-48'-01" West, a distance of 20,68 feet, thence South 89°-50'-49" West, a distance of 20,73 feet; thence Northwesterly 8,93 feet on a curve to the right having a radius of 30,00 feet, the chord of said curve bears North 81°-37'-44" West, a chord distance of 8.89 feet; thence North 73°-06'-16" West, a distance of 13.95 feet; thence North 73°-11'-51" West, a distance of 23.35 feet; thence North 71°-11'-00" West, a distance of 11.90 feet; thence Northwesterly 46.99 feet on a curve to the right having a radius of 30.00 feet, the chord of said curve bears North 26°-18'-27" West, a chord distance of 42.33 feet; thence North 18°-34'-05" East, a distance of 4.96 feet to the point of beginning.



CONSERVATION EASEMENT ON OUTLOT 2

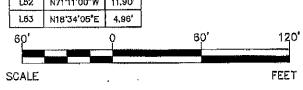
ASPEN WOODS EXHIBIT C-2

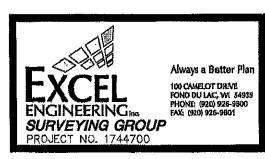


Line #	Direction	Length
L35	S57'13'30"E	66.42
L36	87212'43"E	30.47
L37	S83'40'02"E	41.58
L3B	N79'58'57"E	7.99'
L39	S78'40'07"E	19,37
L40	S78'09'15"E	6.17
L47	N78'46'30"E	1,04'
L42	S8116'05"E	2,29
L43	S00'27'19"E	67.73
L44	N88'27'49"W	0.70
L46	N88'27'34"W	15,02
1,46	N73'19'43"W	23.91
L47	S81*39'40"W	5,43
L4B	N89'46'01"W	20.68
L49	S89'50'49"W	20.73
L50	N73'06'16"W	13.95
L51	N73"11'51"W	23,35
L52	N71"11'00"W	11.90
1.53	N18'34'05"E	4,96'

1"= 60"

				Curve Table			
Çurve	Aro Length	Radius	Chord Bearing	Chord Length	Delto	Tangent In	Tangent Out
C27	46,72	30,00	N63'10'41"E	42,14'	089"13'11"	S72"12'43"E	N18'34'05"E
C28	11.17'	30.00	\$89'20'05"E	11,11'	021"19'57"	S78'40'07"E	N79'59'57"E
C29	10.45	30.00	N88'45'13"E	10,40'	019'57'25"	58176'05*E	N78'46'30"E
C30	7.92'	30,00	N80'53'39"W	7,90'	015'07'51"	N7349'43"W	N88'27'34"W
C31	8.93'	30.00'	N81'37'44"W	8.89'	017'02'55"	N73'06'16"W	589'50'49"W
032	46.99	30.00	N26'18'27"W	42,33*	089 45 06"	N18'34'05"E	N71"1'00"W





approval Slw	REQUEST FOR COUNCIL ACTION	MEETING DATE 08/07/18
REPORTS & RECOMMENDATIONS	RESOLUTION CONDITIONALLY APPROVING A 3 LOT CERTIFIED SURVEY MAP, BEING PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (WILLIAM F. ZIMMERMANN, APPLICANT) (8029 SOUTH 35 TH STREET)	ITEM NUMBER ら, 含,

At its July 19, 2018, meeting the Plan Commission recommended approval of a resolution conditionally approving a 3 lot certified survey map, being a part of the Northeast 1/4 of the Northwest 1/4 Section 13, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (William F. Zimmermann, Applicant) (8029 South 35th Street).

COUNCIL ACTION REQUESTED

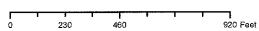
A motion to adopt Resolution No. 2018-______, a resolution conditionally approving a 3 lot certified survey map, being a part of the Northeast 1/4 of the Northwest 1/4 of Section 13, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (William F. Zimmermann, Applicant) (8029 South 35th Street).



8029 S. 35th Street TKN: 808 9985 000



Planning Department (414) 425-4024



NORTH 2017 Aerial Photo

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

RESOLUTION NO. 2018-

A RESOLUTION CONDITIONALLY APPROVING A 3 LOT CERTIFIED SURVEY MAP, BEING PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 13, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (WILLIAM F. ZIMMERMANN, APPLICANT)

(8029 SOUTH 35TH STREET)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being part of the Northeast 1/4 of the Northwest 1/4 of Section 13, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property located at 8029 South 35th Street, bearing Tax Key No. 808-9985-000, William F. Zimmermann, applicant; 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 William F. Zimmermann, as described above, be and the same is hereby approved, subject to the following conditions:

- 1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
- 2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
- 3. Each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within the City of Franklin Design Standards and Construction Specifications and such form and content as may otherwise be reasonably required by the City Engineer or

WILLIAM F. ZIMMERMANN – CERTIFIED SURVEY MAP RESOLUTION NO. 2018-_____Page 2

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. William F. Zimmermann, successors and assigns, and any developer of the William F. Zimmermann 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 William F. Zimmermann and the 3 lot certified survey map project for the property located at 8029 South 35th 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.
- 6. The 60-foot Public Street Reservation for South 36th Street, as depicted on Certified Survey Map Nos. 4437 and 5915, shall be extended through the proposed Certified Survey Map to South 35th Street.
- 7. All lots within the proposed Certified Survey Map shall meet the R-6 Suburban Single-Family Residence District development standards, as outlined in Table 15-3.0207 of the City of Franklin Unified Development Ordinance.
- 8. A written conservation easement document shall be submitted for Common Council review and approval and recording with the Milwaukee County Register of Deeds, prior to issuance of a Building Permit.

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owner, William F. Zimmermann, 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,

WILLIAM F. ZI RESOLUTION I Page 3			O SURVEY MAP
procedures for the obtain the reco	ne recording rding of the	of a certified sur te Certified Sur	d ordinances and lawful requirements and rvey map, the City Clerk is hereby directed to vey Map, certified by owner, William F. of Deeds for Milwaukee County.
Introduceday of			Common Council of the City of Franklin this 8.
Passed as Franklin this			eting of the Common Council of the City of, 2018.
			APPROVED:
			Stephen R. Olson, Mayor
ATTEST:			
Sandra L. Wesol	owski, City (Clerk	
AYESN	IOES	_ABSENT	

😘 CITY OF FRANKLIN 🥞

REPORT TO THE PLAN COMMISSION

Meeting of July 19, 2018

Certified Survey Map

RECOMMENDATION: City Development Staff recommends approval of the proposed Certified Survey Map, subject to the conditions in the draft resolution.

Project Name: Zimmerman Certified Survey Map (CSM)

Project Address: 8029 South 35th Street

Applicant: William F. Zimmerman

Owners (property): William F. Zimmerman

Current Zoning: R-6 Suburban Single Family Residence District

2025 Future Land Use: Residential

Use of Surrounding Properties: Single-family residential to the north, south, east and west

Applicant Action Requested: Recommendation of approval of the Certified Surrey Map

Background and Introduction:

Please note:

• Staff recommendations are <u>underlined</u>, in <u>italics</u> and are included in the draft resolution.

• Staff recommendations are underlined and are not included in the draft resolution.

On March 8, 2018, the applicant filed a Certified Survey Map (CSM) Application with the Department of City Development requesting approval to divide an approximately 8.15-acre property into four (4) parcels.

At the May 3, 2018, Plan Commission meeting, the following action was approved: motion to table and refer this item back to staff. Mr. Zimmerman also granted a verbal time extension for the review of the Certified Survey Map Application at this meeting.

On June 19, 2018, the Common Council adopted an ordinance to amend the Unified Development Ordinance (Zoning Map) to rezone approximately 0.75 acres of the property at 8029 S. 35th Street from C-1 Conservancy District to R-6 Suburban Single-Family Residence District.

On July 9, 2018, the applicant submitted a revised Certified Survey Map, proposing to divide the property at 8029 S. 25th Street into three (3) parcels.

Project Description and Analysis:

Certified Survey Map

The subject property is vacant, as the former single-family dwelling and accessory structures near 35th Street have been razed. As previously stated, the applicant is proposing to divide the

property into three (3) lots. All of the lots are served by public sanitary sewer and water supply facilities from S. 35th Street.

Previous Certified Survey Maps (CSM's) on properties to the south have depicted a 60-Foot Public Street Reservation for South 36th Street, extending from the Imperial Heights Add'n No. 1 Subdivision Plat to the south property line of 8029 S. 35th Street. The applicant is proposing to terminate the Reservation for future 60-foot wide roadway with a cul-de-sac bulb labeled, "Reservation for future roadway. Radius = 60ft". The proposed reservation encroaches into a small portion of a wetland along with its associated wetland buffer and wetland setback. <u>Staff recommends the 60-Foot Public Street Reservation for South 36th Street, as depicted on CSM Nos. 4437 and 5915, be extended through the proposed CSM to South 35th Street.</u>

Lot 3 has an area of approximately 7.48-acres, encompassing the majority of the remnant parcel. As proposed, Lot 3 has 151.46-feet of frontage along S. 35th Street. Lots 1 and 2 are each approximately 0.29-acres and have direct frontage on and access to S. 35th Street. Lots 1, 2, and 3 all meet the R-6 Suburban Single-Family Residence District minimum lot area of 11,000 square feet and the minimum lot width of 90 feet. Staff recommends all lots within the proposed Certified Survey Map meet the R-6 Suburban Single-Family Residence District development standards, as outlined in Table 15-3.0207 of the City of Franklin Unified Development Ordinance.

Natural Resource Protection Plan

SEWRPC delineated the wetlands on the subject property on September 19, 2017. SEWRPC also delineated an Isolated Natural Resource Area (mature woodland) on the west side of the property. Benchmark Survey has prepared a Natural Resource Protection Plan (NRPP) based on SEWRPC's delineations. <u>Staff recommends the applicant prepare a written conservation easement document for Common Council review and approval and recording with the Milwaukee County Register of Deeds, prior to issuance of a Building Permit.</u>

The applicant has provided an email from the Southeastern Wisconsin Regional Planning Commission (SEWRPC), dated April 16, 2018, that states the Wisconsin Department of Natural Resources (WDNR) accepts SEWRPC wetland delineated without the need for concurrence.

Staff Recommendation:

City Development Staff recommends approval of the proposed Certified Survey Map, subject to the conditions in the draft resolution.

Orrin Sumwalt

From:

Benchmark LAND SURVEY Technology <surveyor@execpc.com>

Sent:

Friday, July 13, 2018 1:10 PM

To:

Orrin Sumwalt

Cc:

wfzimmermann@yahoo.com; surveyor@execpc.com

Subject:

RE: Zimmerman CSM Time Extension

Friday, July 13, 2018

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

RE: ss:236.34 (1m)(f) Wis. Stats, (90 day time limit constitutes approval of the CSM.)

Mr. Sumwalt,

Michael R. Kotlarek, owner Benchmark Land Survey Technology, per the request of the City of Franklin, I here by granting the city of Franklin a ninety (90) day extension to approve the "Pending" Certified Survey Map, William F. Zimmermann owner of said land, present Taxkey # 808-9985-000, property address: 8029 S. 35th Street, Franklin, WI.

The initial application was filed on March 8, 2018

Michael R. Kotlarek, owner

Benchmark LAND SURVEY Technology

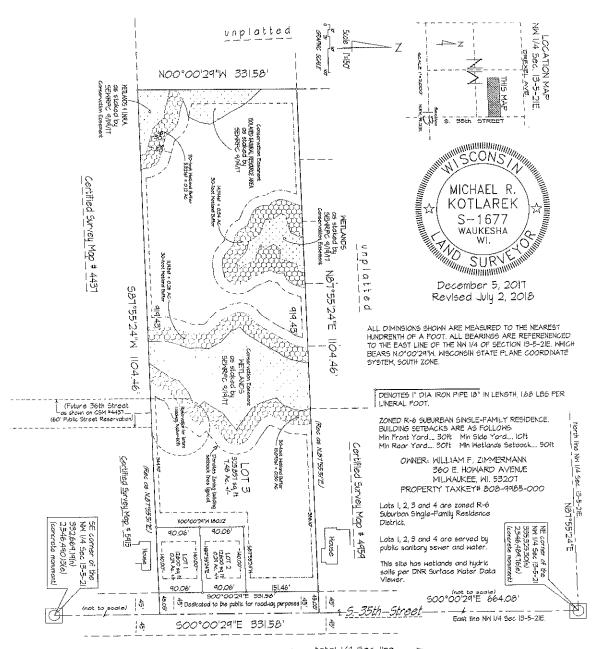
(262) 658-1686

Surveying all of SE Wisconsin. We will be celebrating our 34th year in 2018

City Developmen

CERTIFIED SURVEY MAP NO.

Part of the Northeast ¼ of the Northwest ¼ of Section 13, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.





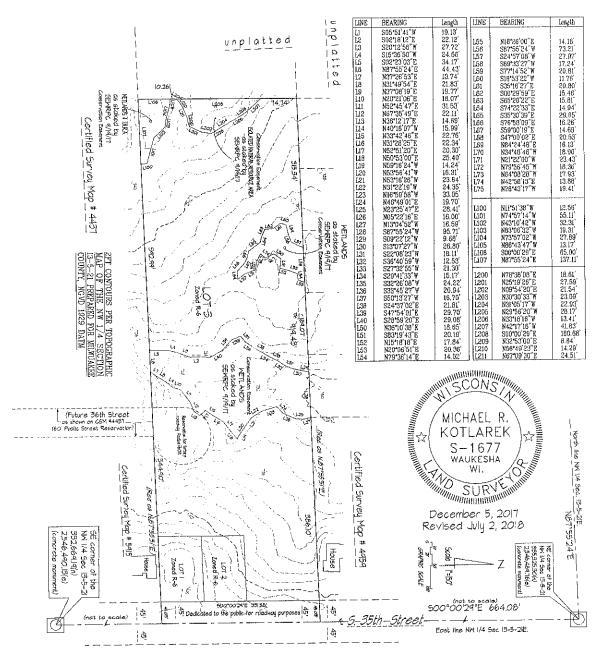
___tota! 1/4 Sec line-__ (N)500°00'29"E(W) 2656.11'

Full Land Surveying Services (262) 658-1686 surveyoreexcept.com NSOW28552 Kaasus Rd, Hartland, Wl. 53029

CERTIFIED SURVEY MAP # Sheet I of 3 sheets

CERTIFIED SURVEY MAP NO._

Part of the Northeast ¼ of the Northwest ¼ of Section 13, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.



CERTIFIED	SURVEY	MAP NO
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Part of the Northeast ¼ of the Northwest ¼ of Section 13, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

SURVEYOR'S CERTIFICATE

I Michael R. Kotlarek, Professional Land Surveyor, do hereby certify:

THAT I have surveyed, divided and mapped part of the Northeast ¼ of the Northwest ¼ of Section 13, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin bounded and described as follows:

Commencing at the Northeast corner of said Northwest 1/4 of said Section; thence S.00°00'29"E, along the east line of said Northwest 1/4 a distance of 664.08 feet, said point being the point of beginning; thence continue S.00°00'29"E, along said east line a distance of 331,58 feet; thence S.87°55'24"W, parallel with the north line of said Northwest 14 of section a distance of 1104.46 feet; thence N.00°00'29"W. parallel with the east line of said Northwest ¼ of section a distance of 331.58 feet; thence N.87"55'24"E, parallel with the north line of said Northwest 14 of section a distance of 1104.46 feet to the point of beginning.

THAT I have made such survey, land division, road dedication and map by the direction of William F. Zimmermann, owner of said land.

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

THAT I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the City of Franklin Unified Development Ordinance Division Section 15 in surveying, dividing and mapping said lands.



Michael R. Kotlarek, Surveyor December 5, 2017 Revised 4/10/2018 Revised July 2, 2018

OWNE	K'5	CEK	TEL	CAIL	
	VACUE	liam E	Zin	mermon	

William F. Zinnmermann, as owner, certify that I have caused the land described on this map to be surveyed, divided mapped and dedicated as represented on this map in accordance with the requirements of the City of Franklin's Municipal Code. I also certify that map is required by \$.236.10 or 236.12 to be submitted to the following for approval or objections: City of

Franklin		
William F. Zinunennann	Date	
STATE OF WISCONSIN) (SS		
MILWAUKEE COUNTY)		
PERSONALLY came before me thisday known to be the person who executed the foregoing instrument	of, 2018, the above no	imed William F. Zimmermann, to n
	Notary Public, State of Wisconsin My commission expires	117
CITY OF FRANKLIN COMMON COUNCIL Approved and dedication accepted by the Common	APPROVAL Council of the City of Franklin by	y Resolution
No		
Signed on thisDay of	_, 2018	
STEPHEN OLSON. MAYOR	SANDRA L. WESOLO	OWSKI, CITY CLERK



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APPROVAL Suit	REQUEST FOR COUNCIL ACTION	MEETING DATE 08/07/18
REPORTS & RECOMMENDATIONS	RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR REPLACEMENT OF AN EXISTING SNOWMOBILE BRIDGE OVER RYAN CREEK IN FRANKLIN PARK USE UPON PROPERTY LOCATED AT THE SOUTHEAST	ITEM NUMBER G, 4.
	1/4 OF THE NORTHWEST 1/4 OF U.S. PUBLIC LAND SURVEY SECTION 29, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, WISCONSIN, (WITHIN FRANKLIN PARK) (MILWAUKEE COUNTY DEPARTMENT OF PARKS, RECREATION & CULTURE	
	APPLICANT)	

At its July 19, 2018 meeting, the Plan Commission recommended approval of a resolution imposing conditions and restrictions for the approval of a special use to allow replacement of an existing snowmobile bridge over Ryan Creek (within the 100-year floodway and zoned FW Floodway District) in Franklin Park.

As part of the review process for special use requests in floodplain districts, Section 15-9.0103D, of the Unified Development Ordinance (see below) requires that the Common Council request a review by the Wisconsin Department of Natural Resources (DNR). However, it can be noted that DNR staff have informed City staff that the DNR does not review special use applications within the floodplain, but only reviews floodplain variances and floodplain mapping changes.

Section 15-9.0103D.

D. Hearing on Special Use Application. Upon receipt in proper form of the application and statement referred to above, the Plan Commission shall hold at least one (1) public hearing. At least ten (10) days in advance of such hearing, but not more than thirty (30) days, notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Franklin. Written notice of the public hearing shall also be delivered by regular mail to all owners of properties or portions of properties within five hundred (500) feet of the lands described in the application, mailed not less than ten (10) days prior to the hearing, with the ownership to be determined by the records on file in the Office of the City Assessor; notice to one of joint or in-common owners being notice of all. The Common Council shall request a review of each such special use in the floodplain districts by the Wisconsin Department of Natural Resources (DNR). Final action on floodplain applications shall not be taken for at least thirty (30) days or until DNR has made its recommendations, whichever comes first. A copy of all decisions relating to special uses in the floodplain districts shall be transmitted to DNR within ten (10) days of the effective date of such decision.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2018-______, a resolution imposing conditions and restrictions for the approval of a special use for replacement of an existing snowmobile bridge over Ryan Creek in Franklin Park use located at the Southeast ¼ of the Northwest ¼ of U.S. Public Land Survey Section 29, Township 5 North, Range 21 East, City of Franklin, Wisconsin, (within Franklin Park) (Milwaukee County Department of Parks, Recreation & Culture, Applicant).

MILWAUKEE COUNTY [Draft 7-11-18]

RESOLUTION NO. 2018-

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR REPLACEMENT OF AN EXISTING SNOWMOBILE BRIDGE OVER RYAN CREEK IN FRANKLIN PARK USE (LOCATED AT THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF U.S. PUBLIC LAND SURVEY SECTION 29, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, WISCONSIN, WITHIN FRANKLIN PARK) (MILWAUKEE COUNTY DEPARTMENT OF PARKS, RECREATION & CULTURE, APPLICANT)

WHEREAS, Milwaukee County Department of Parks, Recreation & Culture, having petitioned the City of Franklin for the approval of a Special Use within a P-1 Park District and FW Floodway District to replace an existing deteriorated snowmobile bridge (22 feet long by 12 feet wide) with an approximately 60 foot long by 12 foot wide bridge over Ryan Creek in Franklin Park (the bridge is located within the shoreland, floodway and wetlands associated with Ryan Creek), located at the Southeast 1/4 of the Northwest 1/4 of U.S. Public Land Survey Section 29, Township 5 North, Range 21 East, City of Franklin, Wisconsin, within Franklin Park, bearing Tax Key No. 893-9995-002, more particularly described as follows:

The south 40 acres of the east half of the Northwest 1/4 of Section 29, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 5th day of July, 2018, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

MILWAUKEE COUNTY DEPARTMENT OF PARKS, RECREATION & CU	LTURE -
SPECIAL USE	
RESOLUTION NO. 2018	
Page 2	

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Milwaukee County Department of Parks, Recreation & Culture, 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 Milwaukee County Department of Parks, Recreation & Culture, successors and assigns, as a snowmobile bridge (60 foot long by 12 foot wide) use, which shall be developed in substantial compliance with, and operated and maintained by Milwaukee County Department of Parks, Recreation & Culture, pursuant to those plans City file-stamped July 11, 2018 and annexed hereto and incorporated herein as Exhibit A.
- 2. Milwaukee County Department of Parks, Recreation & Culture, 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 Milwaukee County Department of Parks, Recreation & Culture snowmobile bridge (60 foot long by 12 foot wide) use, 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 Milwaukee County Department of Parks, Recreation & Culture and the snowmobile bridge (60 foot long by 12 foot wide) use upon the Franklin Park property located at the Southeast 1/4 of the Northwest 1/4 of U.S. Public Land Survey Section 29, Township 5 North, Range 21 East, City of Franklin, Wisconsin: (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.

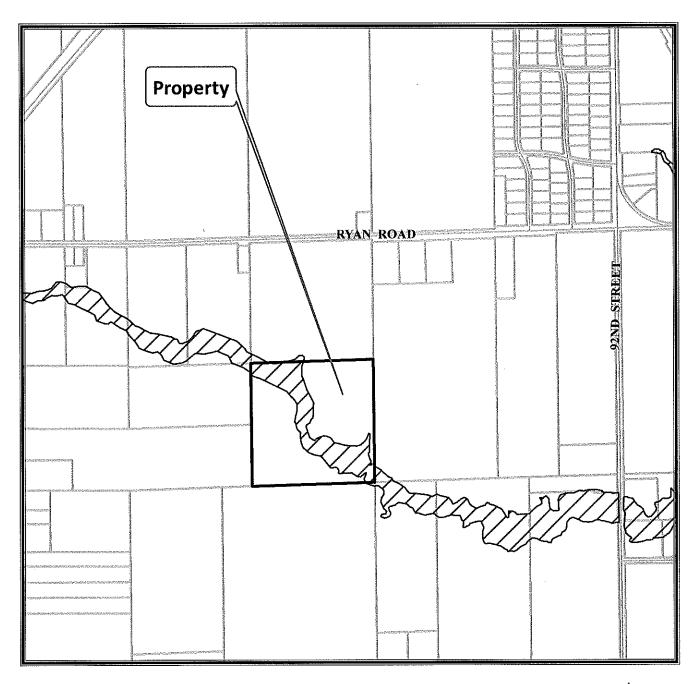
4. [other conditions, etc.]

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

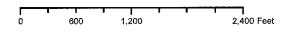
MILWAUKEE COUNTY DEPARTMENT OF P SPECIAL USE RESOLUTION NO. 2018 Page 3	ARKS, RECREATION & CULTURE –
BE IT FURTHER RESOLVED, that a restriction of this Resolution is hereby deemed to Unified Development Ordinance, and pursuant Municipal Code, the penalty for such violatio \$2,500.00, or such other maximum amount and may be specified therein from time to time. Each separate violation. Failure of the City to enforce that or any other violation.	to §15-9.0502 thereof and §1-19. of the n shall be a forfeiture of no more than together with such other costs and terms as day that such violation continues shall be a
BE IT FURTHER RESOLVED, that this Special Use Permit as is contemplated by Ordinance.	Resolution shall be construed to be such §15-9.0103 of the Unified Development
BE IT FURTHER RESOLVED, pure Development Ordinance, that the Special Use per be null and void upon the expiration of one year funless the Special Use has been established by v for such use.	from the date of adoption of this Resolution,
BE IT FINALLY RESOLVED, that the C the recording of a certified copy of this Resolution Milwaukee County, Wisconsin.	ity Clerk be and is hereby directed to obtain on in the Office of the Register of Deeds for
Introduced at a regular meeting of the Code day of, 2018.	mmon Council of the City of Franklin this
Passed and adopted at a regular meeting Franklin this day of	g of the Common Council of the City of, 2018.
	APPROVED:
ATTEST:	Stephen R. Olson, Mayor
Sandra L. Wesolowski, City Clerk AYESNOESABSENT	



TKN; 893 9995 002



Planning Department (414) 425-4024



NORTH 2018 Aerial Photo

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



REPORT TO THE PLAN COMMISSION

Meeting of July 19, 2018

Special Use

RECOMMENDATION: City Development Staff recommends approval of the Special Use Application for construction of a snowmobile bridge within the FW Floodway District associated with Ryan Creek, subject to the conditions as noted in the attached draft resolution.

Project Name: Franklin Park Snowmobile Bridge

Project Location: 0 W. Ryan Road (Taxkey: 893-9995-002)

Property Owner: Milwaukee County

Applicant: Milwaukee County Department of Parks, Recreation &

Culture

Agent: Sarah Toomsen, Milwaukee County Department of Parks,

Recreation & Culture

Current Zoning: P-1 Park District and FW Floodway District

2025 Comprehensive Plan: Areas of Natural Resource Features

Use of Surrounding Properties: Large lot single-family residential and agricultural land to

the north, east, and west, and areas of natural resources and

passive park land to the south

Applicant's Action Requested: Recommendation of approval by the Plan Commission of

the Special Use to allow construction of a snowmobile bridge within the floodway associated with Ryan Creek

Introduction:

On May 11, 2018, the applicant submitted a Special Use Application requesting approval to allow construction of a snowmobile bridge within the FW Floodway District. Section 15-3.0604 of the Unified Development Ordinance (UDO) allows "Bridges and approaches" as a Special Use in the FW Floodway Zoning District.

The applicant is proposing to replace an existing dilapidated snowmobile bridge (which is approximately 22 feet long by 12 feet wide) with a new (approximately 60 feet long by 12 feet wide) clear span bridge in the same location. The bridge is located over the Ryan Creek in the northern portion of the Milwaukee County owned Franklin Park (which is located on Oakwood Road about ½ mile east of 112th Street). More specifically, the bridge is within the floodplain associated with Ryan Creek and is located approximately 3,200 feet east of 112th Street and approximately 3,300 feet north of Oakwood Road. The subject area is also part of a Secondary Environmental Corridor (and a Natural Area) as identified by the Southeastern Wisconsin Regional Planning Commission (SEWRPC).

Project Analysis:

The applicant indicates that:

- the total project area (area to be disturbed) will be approximately 2,500 squaree feet;
- approximately 985 square feet of floodplain/shore buffer will be permanently impacted due to placement of the footings/foundation/filling/grading for the bridge;
- of the permanently impacted area,
 - o about 882 square feet are comprised of wetlands within the floodplain, and
 - o about 103 square feet are comprised of wetland buffers within the floodplain.

The applicant has also submitted responses for the Special Use Standards, has replied to Staff's Comments dated June 3, 2018, and indicates that:

- permit applications are underway;
- a hydrological analysis of the project is not required;
- that a floodplain seed mix will be utilized to restore all disturbed areas; and
- that a conservation easement is not appropriate, as the subject land will remain under County ownership as a public park.

It can be noted that Section 15-9.0103D. (Hearing on Special Use Application) of the UDO requires that:

"The Common Council shall request a review of each such special use in the floodplain districts by the Wisconsin Department of Natural Resources (DNR). Final action on floodplain applications shall not be taken for at least thirty (30) days or until DNR has made its recommendations, whichever comes first. A copy of all decisions relating to special uses in the floodplain districts shall be transmitted to DNR within ten (10) days of the effective date of such decision."

However, staff has recently contacted the Wisconsin Department of Natural Resources (DNR) and have been informed that the DNR does not review special use applications within the floodplain, but only reviews floodplain variances and floodplain mapping changes.

Lastly, it can also be noted that:

- Pursuant to Table 15-4.0100, footnote c of the UDO, structural supports for bridges are allowed within shore buffers, wetland buffers, and wetland setbacks, subject to appropriate restoration.
- Pursuant to Section 15-3.0607A.8. of the UDO, the replacement of bridges are a permitted use within the SW Shoreland Wetland Overlay zoning district.
- Pursuant to UDO Attachment 1, Exhibit A, City of Franklin Wisconsin Floodplain Zoning Ordinance, bridges are a permitted use within the FW Floodway District and FF Floodfringe District, subject to receipt of all required permits and approvals.

Staff Recommendation:

City Development Staff recommends approval of the Special Use Application for construction of a snowmobile bridge within the FW Floodway District associated with Ryan Creek, subject to the conditions as noted in the attached draft resolution.

Project Summary Snowmobile Bridge over Ryan Creek Replacement Franklin Park, Franklin, Wisconsin Milwaukee County Project Number 9120-16664

Project Description: This project intends to replace an existing deteriorated and failing wood bridge conveying the snowmobile trail over the Ryan Creek in Franklin Park. Existing bridge will be replaced with a pre-fabricated steel stringer bridge with a wood deck and railings. The bridge will be installed in the same location and alignment as the existing bridge. The new bridge will be assembled on site and meet the general geometry shown in the provided plans. The new bridge will be designed for 25,000-pound live load and will meet all WDNR guidelines and requirements for a snowmobile bridge. This bridge will be a major improvement for our snowmobile trail system and will not only improve connectivity but also the safety all riders in Milwaukee County.

Background: The Milwaukee County snowmobile trail system was established in 1971 with help from the Rolling Dice Riders, a local organization of passionate snowmobilers. The original 12.5 miles of trail were club funded until 1989 when the state funding application was approved and yearly funding for trail maintenance and improvements commenced. The existing trail system in Milwaukee County is an important link to the larger system in Racine and provides access to this expansive system for Milwaukee County residents. With over 2000,000 registered snowmobiles in Wisconsin, it's important to continue to provide safe and well-maintained trails in Milwaukee County.

Design criteria: The approach and design for the development of this this project was based on minimizing construction and access impact on the environment and following best management practices by assembling the new bridge on site, restricting heavy equipment usage and access, and by avoiding excavation for deep foundation. Coordinating with the Wisconsin Department of Natural Resources (WDNR) for wetland general permitting, the City of Franklin for natural resource and environment protection. The WDNR "Bridge Guidelines for New and Replacement Snowmobile and All-Terrain Vehicle Bridges" is implemented in the development of this project.

The construction document limits disturbance to and protect wetland, and restrict work within the Creek's banks and within the Ordinary High Water. (OHW)

Right-of-way and site access: The Bridge being replaced and all disturbances are within Milwaukee County Undeveloped Parkland. (Franklin Park) No land acquisition or easements are required for this work. Access is being negotiated through a private property located at 9733 West Ryan Road. Access to the site for the majority of the way will be on a paved drive.

Schedule: The project is planned to be advertised for bid in late August 2018 and constructed in the middle of October 2018. The duration of the construction is estimated at three weeks.

DIVISION 15-3.0700 SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701

GENERAL STANDARDS FOR SPECIAL USES

- **A.** <u>General Standards</u>. No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:
- 1. Ordinance and Comprehensive Master Plan Purposes and Intent. The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

Response:

The snowmobile bridge over Ryan Creek replacement will be in accordance with the Special Use Ordinance and Comprehensive Master Plan's purpose and intent. The current use of the land is Milwaukee County Parkland and will remain as such post development.

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

Response:

The snowmobile bridge over Ryan Creek replacement will not have a substantial or undue adverse or detrimental impact upon or adjacent property, nor will project substantially diminish or impair property values within the community or neighborhood. The existing dilapidated bridge is a detriment to the Park, replacing it will enhance the area allowing access across Ryan Creek.

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

Response:

The snowmobile bridge over Ryan Creek replacement will not interfere with the use and development, or dominate the immediate vicinity of the neighboring properties. The small footprint of the new bridge, approximately 7,200-sf, is located within 40-acres of undeveloped parkland.

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

Response:

The snowmobile bridge over Ryan Creek replacement will improve the accessibility of the area allowing hikers to access the parkland on both sides of Ryan Creek.

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

Response: The snowmobile bridge over Ryan Creek replacement is not associated with any vehicular traffic, other than snowmobiles during winter, and should not cause undue traffic congestion or additional traffic through residential

streets.

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

Response: The snowmobile bridge over Ryan Creek replacement will result in the

disturbance of approximately 882-sf of wetlands and is subject WDNR

approval.

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

Response: The snowmobile bridge over Ryan Creek replacement is in compliance with

applicable regulations and the use will remain the same.

B. <u>Special Standards for Specified Special Uses</u>. 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: Under Section 15-3.0702 and 15-3.0703, there are no special standards for parkland.

- C. <u>Considerations</u>. 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 replacement of the existing dilapidated snowmobile bridge is necessary

to provide a continued benefit to the recreating public.

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: Alternative locations were investigated but would be a greater impact disturbance to surrounding natural resource areas.

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

Response: The selected clear span bridge design will minimize the impacts to Ryan Creek and the surrounding area. The anticipated area disturbed during construction is less than 1,000-sf and there will be no impacts to the banks of Ryan Creek.

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: This project will not set precedent because the snowmobile trail is already established and it only replaces an existing deteriorated and failed snowmobile bridge.

MEMORANDUM

Date:

July 3, 2018

Project:

Snowmobile Bridge over the Ryan Creek

Franklin Park

Franklin, Wisconsin

Re:

Comment Responses

- Permit applications are in the currently of being completed for submittal to appropriate State and Federal agencies / Wisconsin Department of Natural Resources. (WDNR)
- The proposed bridge has more than a foot of higher clearance above the normal water line and is made of more durable materials than the existing bridge. The proposed bridge also has a more open ramp style allowing free flow during high water events. Bridge manufacturer's letter is attached.
- Designers have consulted with Wisconsin Department of Natural Resources. The
 project is entirely on Milwaukee County land; the floodplain is designated as A1.
 WDNR does not require a hydrological analysis of the project area.

Note: See attached relevant correspondences and references.

From: Toomsen, Sarah [mailto:Sarah.Toomsen@milwaukeecountywi.gov]

Sent: Thursday, June 28, 2018 4:35 PM

To: Mahmoud (Mac) N. Malas <mmalas@malasengineering.com>; Radakovich, Ramsey

<Ramsey.Radakovich@milwaukeecountywi.gov>

Cc: Gulgowski, David < David.Gulgowski@milwaukeecountywi.gov>

Subject: RE: Special Use for Franklin Park snowmobile bridge replacement - staff comments

Hi Mac.

- Please reference <u>Agrecol's Flood Plain Seed Mix</u> in our response to the Franklin snowmobile bridge submittal. Added to Site Plan and NRPP
- I can confirm that Milwaukee County has no plans to change ownership or zoning of the Franklin Park parcel, and therefore we respectfully request that a conservation easement requirement be waived.
 Note added to Site Plan and NRPP
- With regard to the Building Inspector's comments on jurisdiction, I think that our clarification of the status of our WDNR permit should suffice. See Memo

I've noted the following items will be completed by Malas Engineering:

- 1. Securing a statement from the bridge manufacturer related to floodproofing and limited debris collection risk. See Memo
- 2. Plan and/or statement addressing all Natural Resource Protection Standards in Table 15-4.0100 footnote (c), and Section 15-4.012l of the UDO. Included on Site Plan and NRPP
- 3. Revise the plan to identify wetland buffers, WL setback, and floodway. Plan Revised
- 4. Provide a statement on State/Federal permit applications. Permits are in the process of being submitted. See Memo
- 5. Provide a statement that as Zone 1A no hydraulic analysis is required. Designers have consulted with WDNR. Zone A1 does not require hydraulic analysis, per WDNR. See Memo.
- 6. Verify floodproofing measures in referenced section 2.1. See Memo.
- 7. Provide a statement on Statutes and Administrative Codes that apply to snowmobile bridges. Note added to Site Plan.
- 8. Revise plan and/or add statement to show areas of natural resource disturbance, thereby identifying areas needing mitigation. Shown on Site Plan and NRPP

Can you confirm that all of these comments will be summarized and submitted with the required revised plans prior to July 5^{th} ?

Sarah Toomsen, PLA, LEED AP Interim Chief of Planning & Development

Milwaukee County Parks
T: 414-257-7389
Sarah.Toomsen@milwaukeecountywi.
gov countyparks.com

From: Toomsen, Sarah [mailto:Sarah.Toomsen@milwaukeecountywi.gov]

Sent: Friday, June 22, 2018 11:29 AM

To: Mahmoud Malas < mmalas@malasengineering.com >

City of Franklin Department of City Development

Date: June 3, 2018

To: Ms. Sarah Toomsen, Milwaukee County Department of Parks, Recreation & Culture Mr.

Mahmoud Malas, Malas Engineering LLC

From: Department of City Development

RE: Special Use and Site Plan Pertaining to Franklin Park Snowmobile Bridge Replacement -

Staff Comments

Please be advised that staff has reviewed the above referenced Special Use application as it pertains to the proposed replacement of the existing snowmobile bridge located over Ryan Creek within the northern portion of Franklin Park. Department comments are as follows for the Special Use materials submitted by Mr. Malas on behalf of Milwaukee County Department of Parks, Recreation & Culture, date stamped by the City of Franklin on May 11, 2018.

Unified Development Ordinance (UDO) Requirements:

Zoning

- 1. As set forth in Section 15-3.0604B.1.c. of the UDO, bridges are a Special Use within the FW zoning district.
 - a. Pursuant to Section 15-3.0604B.1., please verify that the structure will be appropriately "floodproofed and constructed so as not to catch or collect debris nor be damaged by floodwaters." Please reference any State Statutes and/or Administrative Codes that may specifically pertain to snowmobile bridges in this regard. See attached Custom Manufacturer statement to its structure Flood Plain Worthiness. The proposed bridge has more than a foot of higher clearance above the normal water line and is made of more durable materials than the existing bridge. The proposed bridge also has a more open ramp style allowing free flow during high water events. Bridge manufacturer's letter is attached.
- 2. As set forth in Section 15-3.0607A.8. of the UDO, bridges are a Permitted Use within the SW zoning district.
 - a. Pursuant to Section 15-3.0607, please address all of the pertinent Natural Resources Protection Standards set forth in Table 15-4.0100 footnote (c), and Section 15-4.0102I of the UDO. Addressed.

Special Use Standards and Regulations

3. As set forth in Sections 15-3.0701A.7. and 15-3.0701C.3. of the UDO, in regard to certain Standards and Mitigation as they pertain to the subject bridge replacement, please revise the Site Plan, or prepare a separate Natural Resource Protection Plan, to provide the restoration required by Table 15-4.0100 footnote (c) and Section 15-4.0102I. of the UDO.

Revised plan to show restoration as required by Table 15-4.0100 footnote (c) and Section 15-4.01021 of the UDO.

Site Plan

- 4. As set forth in Sections 15-7.0102F, and L. of the UDO, in regard to minimizing adverse impacts upon adjacent properties and consistency with the UDO, please provide the restoration as required by Table 15-4.0100 footnote (c) and Section 15-4.0102I, of the UDO. We revised plans to show restoration as required by Table 15-4.0100 footnote (c) and Section 15-4.0102I of the UDO
- 5. As set forth in Sections 15-7.0102G. and 15-7.0103M. of the UDO, please identify the wetland buffers, wetland setbacks, and floodway on the Site Plan or on a separate Natural Resource Protection Plan.
 - a. Please note that if any of these features are located more than 100' from the limits of disturbance, you may simply place a note on the Site Plan stating such fact. We revised the plan to identify wetland buffers, wetland setbacks, and floodway!

Floodplain Zoning Ordinance

- 6. As set forth in Part 13, Section 2.3 of the UDO, please indicate the status of all permits or approvals needed for the subject bridge replacement, including if any amendments to the floodway lines, etc. are required.
 - a. Please note that the City will require a copy of all such permits and approvals as a condition of its own approval. Will provide once received/issued
- 7. As set forth in Part 13, Sections 3.2(7) and 3.3 of the UDO.
 - a. Please verify that the general standards for development in the floodways areas have been met, including provision of an analysis calculating the effects of this proposal on the regional flood height. Zone 1A no hydraulic is required according to our coordination with the WDNR. See attached.
 - b. Please verify that adequate floodproofing measures are provided, and that the development standards of Section 2.1 are met. See attached Custom Manufacturer statement to its structure Flood Plain Worthiness. The proposed bridge has more than a foot of higher clearance above the normal water line and is made of more durable materials than the existing bridge. The proposed bridge also has a more open ramp style allowing free flow

- during high water events. Bridge manufacturer's letter is attached.
- Please reference any State Statutes and/or Administrative Codes that may specifically pertain to snowmobile bridges in this regard.
 See above.

Additional Staff Recommendations (based in part upon UDO requirements and standards and in part upon City policy):

- 8. Please note that Table 15-4.0100 footnote (f) of the UDO requires that the area of shore buffer disturbed for a bridge crossing which is not restored shall be mitigated.
 - a. City policy also applies this standard to any other protected natural resource feature disturbed but not restored, such as the stream, wetlands, wetland buffers, etc. Please indicate if any such natural resource features will be disturbed, and if any of these areas will also be restored. Shown on plans.
- 9. Pursuant to Section 15-4.01011. of the UDO, staff recommends that an appropriate native seed mix be used for all areas restored. Please provide details of the plant species and quantities to be utilized. Agrecol Flood Plain Mix indicated on the plans.
- 10. Pursuant to Section 15-7.0201K. of the UDO, please indicate the method of natural resource preservation utilized within the area to be disturbed. Please note that in most instances, the City requires Conservation Easements as the method of such preservation. However, in this instance, staff would recommend that continued ownership by Milwaukee County as a County Park would be sufficient. Please indicate if that is acceptable to Milwaukee County. Milwaukee County plans on retaining ownership of Franklin Park. They are applying for permit and maintaining jurisdiction.

Building Inspection Department Comments:

Please note that this project is outside the jurisdiction of the City of Franklin Inspection Department. Jurisdiction is through the Milwaukee County DNR representative Joshua Wied, Water Management Specialist for Milwaukee and Ozaukee Counties.

Milwaukee County plans on retaining ownership of Franklin Park. They are applying for permit and maintaining jurisdiction.

Fire Department Comments:

No comments/concerns.

Police Department Comments:

No issues.

Engineering Department Comments (4-18-18):

No comments. Please contact the City Engineer if you have any technical floodplain impact, mapping, etc. questions.

Mahmoud (Mac) N. Malas

From: Mahmoud (Mac) N. Malas <mmalas@malasengineering.com>

Sent: Thursday, January 11, 2018 2:24 PM

'jdietl@franklinwi.gov' To:

Franklin Floodplain Manager Coordination - Ryan Creek Snowmobile bridge Subject:

replacement at Franklin Park, Milwaukee County / Project #9120-16664

LOMCguidance.pdf; Draft Preliminary Bridge Plan_12152017.pdf Attachments:

Dear Mr. Detail, I am following up to my earlier call regarding the replacement of an existing deteriorated snowmobile bridge in Franklin Park. I am hired by Milwaukee County for the design of this snowmobile replacement bridge. The bridge is located in the interior of Franklin Park and crosses the Ryan Creek. Franklin Park is an undeveloped Milwaukee County Park. The existing bridge will be removed. The new structure/bridge will be similar in size to the existing bridge and constructed at the same location. We spoke with Michelle Hase of the WDNR. Based on our discussion and the attached LOMC Guidelines she provided us, the project is categorized as a minor in a Zone A floodplain requiring no hydraulic analysis based on the following criteria:

- the Project is located in an undeveloped area (per NR 116 definition) that only the applicant's property would be affected by the proposal and
- the Project consists of a clear span bridge with minimal approach fill

The WDNR however asked that we coordinate with you/Franklin's Floodplain Manager and obtain your concurrence. Please, provide us your feedback and concurrence for this project. I attached the draft preliminary plans for your reference. Thank you.

Mahmoud (Mac) N. Malas, PE

Principal Engineer

Malas Engineering LLC

Integrated Innovative Solutions and Excellence in Engineering

W148 N6912 Terriwood Drive Menomonee Falls, Wisconsin 53051

Telephone #: (414) 870-3112 Fax #: (262) 415-5631 WWW.MalasEngineering.Com



606 Delco Drive • P.O. Box 279 • Clinton, Wisconsin 53525-0279 (608) 676-2282 • Fax: (608) 676-2283 • custom@inwave.com

June 28, 2018

Malas Engineering LLC W148 N6912 Terriwood Drive Menomonee Falls, WI 53051

RE: Milwaukee County - Franklin, WI Snowmobile Bridge

Mac Malas,

Custom Manufacturing, Inc has supplied bridges and boardwalks in the Midwest for over 20 years. I have attached a list of references. Darren Marsh in Dane County has purchased over 12 bridges. He can attest to the bridges ability to stand up to high water conditions. The portable galvanized bridge footing is secured in the ground with 2" Galvanized Pipes.

The City of Franklin purchased a $64' \times 6'$ Bridge Kit in March 2015 that they assembled themselves. Another bridge and boardwalk kit will be delivered to Franklin on July 9.

Let me know if you need anything else.

Sincerely,

Tina Forrest
General Manager



606 Delco Drive • P.O. Box 279 • Clinton, Wisconsin 53525-0279 (608) 676-2282 • Fax: (608) 676-2283 • custom@inwaye.com

BRIDGE REFERENCES FEBRUARY 2017

Darren Marsh
Dane County Land & Water Resources Department
5201 Fen Oak Drive
Madison, WI 53718
608-224-3766 - Marsh@countyofdane.com

Dane County has purchased 16 Bridges in the last 9 years

Eric Urtes
Dane County Department of Public Works
Highway & Transportation
1919 Alliant Energy Center Way
Madison, WI 53714
608-266-4475 - urtes.eric@countyofdane.com

Michael Dahlby
Chippewa County
Department of Land Conservation & Forestry
711 North Bridge Street
Chippewa Falls, WI 54729
715-726-7921 - Mdahlby@co.chippewa.wi.us

Pat Kilbey
Marquette County Land & Water Conservation
428 Industrial Drive
Westfield, WI 53864
608-296-2815 - patrick,kilbey@wi.nacdnet.net

Mark Mattice
Wright County Parks Department
1901 Highway 25 North
Buffalo, MN 55313
763-628-7693 - Marc.Mattice@co.wright.mn.us

December 2016 80' Bridge x 12' Wide November 2011 52' Bridge w/ 2 - 36' Approaches

December 2012
65' Bridge w/ 2 - 15' Approaches
December 2011
46' Bridge w/ 2 - 15' Approaches
34' Bridge w/ 2 - 15' Approaches

August 2016
40' Bridge x 10' Wide
65' Bridge x 10' Wide
November 2013
66' Bridge w/ 2 - 30' Appr x12' Wide
June 2001
40' Bridge x 8' Wide

SNOWMOBILE BRIDGE REPLACEMENT OVER THE RYAN CREEK

FRANKLIN PARK FRANKLIN, WI 53132

Milwaukee County Dept. of Administrative Services FACILITIES MANAGEMENT DIVISION Architectural, Engineering & Environmental Services 633 WEST WISCONSIN AVENUE, SUITE 1000 MILWAUKEE, WI 53203





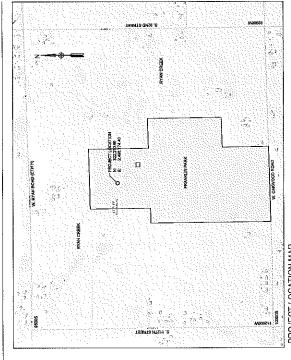
MILWAUKEE COUNTY

PARTITION N. A. L.

GOLD MEDAL WINNER

INDEX OF DRAWINGS
TA PROJECT COVER SHEET

SITE & CIVIL
CLO SITE PLAN
C20 GENERAL PLAN



PROJECT LOCATION MAP

Project #: 9120-16664 Site #: 000 Building #: 0000 Date: 03/02/2018

POINT OF CONTACT

Ms. Sarah Toonsee PLA LED. AP Manages of Planning & Development Minealese Court. - Department of Paris, Procreation and Culture 9430 Weathorn Plant Road - State Minealese Court - Department of Paris, Procreation and Culture 9430 Weathorn Plant Road - Plant State Plant Road - Plant State Plant Plant

PRIME CONSULTANT



SUB-CONSULTANT
Mr. Mark Babich P.E., Project Engineer
W156 N11357 Pilgian Road
Germantban, WI 50022
PHONE: 262-502-0066

Himalayan Consultants. LLC

MARKOL

DIRECTOR, AEAES SECTION, DAS - FM; DIRECTOR, (CANNER DEPT.); DAS- AEXES UNT HEAD

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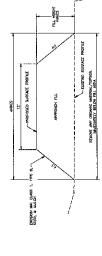
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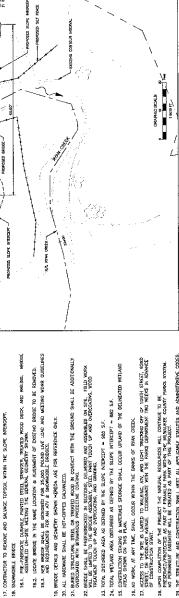


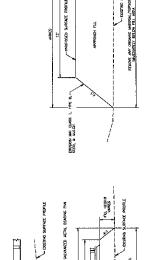
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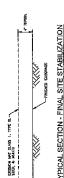
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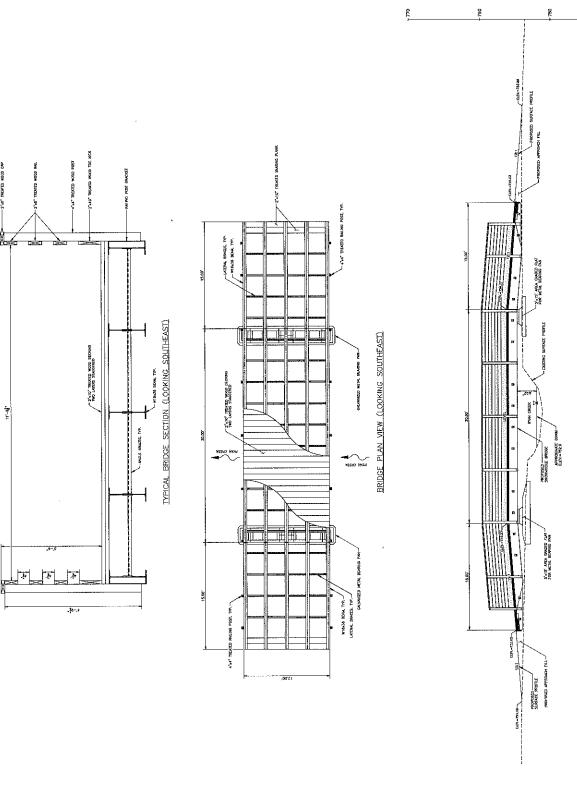
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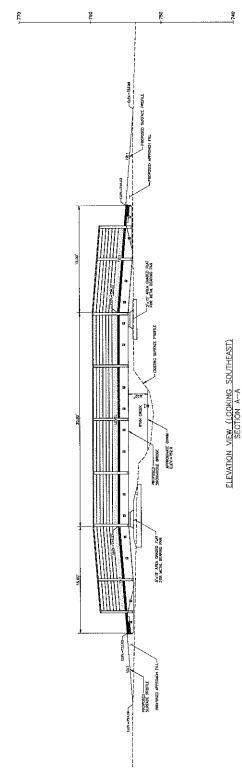
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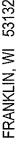
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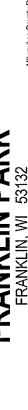
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NATURAL RESOURCE PROTECTION PLAN

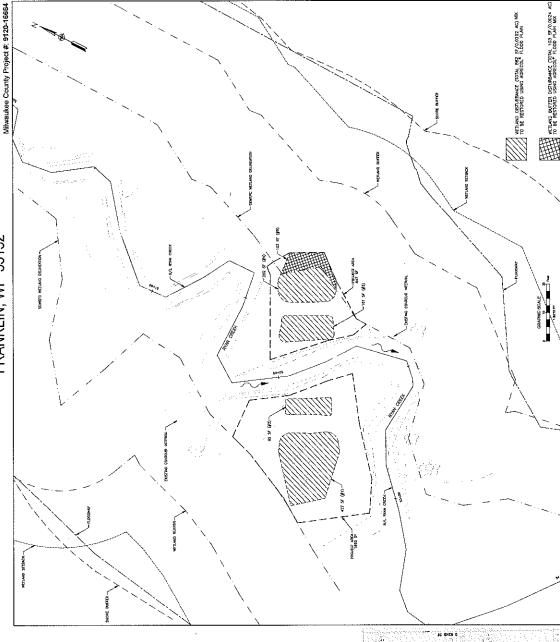
SNOWMOBILE BRIDGE REPLACEMENT OVER THE RYAN CREEK

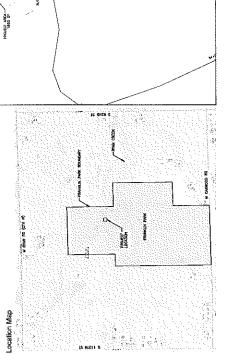
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FRANKLIN, WI 53132





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ryan cresk bridge replacement-matural resources preservation plan

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APPROVAL Sliv	REQUEST FOR COUNCIL ACTION	MEETING DATE 08/07/18
REPORTS & RECOMMENDATIONS	RESOLUTION CONDITIONALLY APPROVING A LAND COMBINATION FOR TAX KEY NOS. 704-1007-000 AND 704-1010-001 (10925 WEST SPEEDWAY DRIVE) (MENARD, INC., APPLICANT)	ITEM NUMBER G,5,

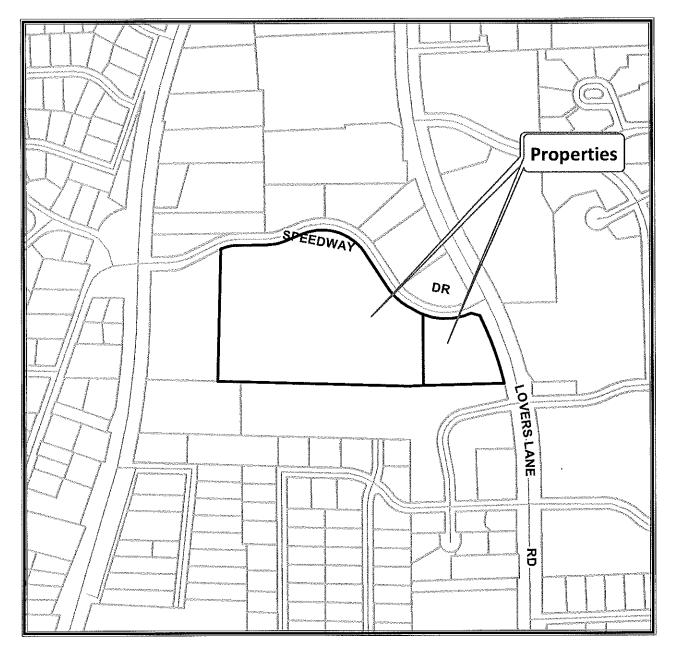
At their July 19, 2018 meeting, the Plan Commission recommended approval of a resolution conditionally approving a Land Combination for Tax Key Nos. 704-1007-000 and 704-1010-001 (10925 West Speedway Drive) (Menard, Inc., Applicant).

COUNCIL ACTION REQUESTED

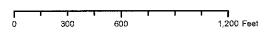
A motion to adopt Resolution No. 2018-______, a resolution conditionally approving a Land Combination for Tax Key Nos. 704-1007-000 and 704-1010-001 (10925 West Speedway Drive) (Menard, Inc., Applicant).

10925 W. Speedway Drive TKN: 704 1007 000

TKN: 704 1007 000 TKN: 704 1010 001



Planning Department (414) 425-4024



NORTH 2017 Aerial Photo

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

RESOLUTION NO. 2018-

A RESOLUTION CONDITIONALLY APPROVING A LAND COMBINATION FOR TAX KEY NOS. 704-1007-000 AND 704-1010-001 (10925 WEST SPEEDWAY DRIVE) (MENARD, INC., APPLICANT)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a proposed land combination (combination of Lots 2 and 3 of Certified Survey Map No. 7699) for Menard, Inc. to accommodate construction of an approximately 22,670 square foot warehouse and approximately 23,084 square foot associated outdoor storage yard to the east of the existing Menards store and existing warehouse located at 10925 West Speedway Drive; bearing Tax Key Nos. 704-1007-000 and 704-1010-001, more particularly described as follows:

Lots 2 and 3 of Certified Survey Map 7699, part of the Northwest quarter of Section 5 and the Northeast quarter of Section 6, Township 5 North, Range 21 East of the Fourth Principal Meridian in the City of Franklin, Milwaukee County, Wisconsin.

WHEREAS, the Plan Commission having reviewed such application and recommended approval thereof and the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed land combination is appropriate for approval pursuant to law upon certain conditions, all pursuant to §15-9.0312 of the Unified Development Ordinance, Land Combination Permits.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the proposed land combination for Menard, Inc., as submitted by Menard, Inc., as described above, be and the same is hereby approved, subject to the following conditions:

- 1. Menard, Inc., 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 Menard, Inc. land combination project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
- 2. The approval granted hereunder is conditional upon Menard, Inc. and the land

MENARD, INC. – LAND COMBINATION RESOLUTION NO. 2018 Page 2	
in compliance with all applicable gover ordinances; and (ii) obtaining all other	cated at 10925 West Speedway Drive: (i) being nmental laws, statutes, rules, codes, orders and governmental approvals, permits, licenses and the project to be developed and as presented
Introduced at a regular meeting of the, 201	Common Council of the City of Franklin this 8.
Passed and adopted at a regular mee Franklin this day of	ting of the Common Council of the City of, 2018.
•	APPROVED:
	Stephen R. Olson, Mayor
ATTEST:	
Sandra L. Wesolowski, City Clerk	
AYES NOES ABSENT	



REPORT TO THE PLAN COMMISSION

Meeting of July 19, 2018

Site Plan Amendment and Land Combination

RECOMMENDATION: Department of City Development staff recommends approval of the Site Plan Amendment and the Land Combination for Menards subject to the recommended conditions of approval in the attached draft resolutions.

Project Name: Menards Site Plan Amendment and Land

Combination

Project Address: Approximately 10925 West Speedway Drive

Applicant: Menard Inc.

Agent: Tyler Edwards, Menard Inc.

Zoning: M-1 Limited Industrial District

Use of Surrounding Properties: Menards Outlots, Bank, and Gas Station to the North;

Menards Vacant Commercial Outlots to the East and West; and Multi-family/Single-family Residential to

the South.

Comprehensive Plan: Commercial

Action Requested: Site Plan approval from the Plan Commission, and

recommendation to the Common Council for approval of the proposed Land Combination.

INTRODUCTION:

On February 21, 2018, the applicant submitted for a Site Plan Amendment (to construct an approximately 22,670 square foot warehouse east of the existing warehouse) and for a Land Combination (to combine Lots 2 and 3 of Certified Survey Map No. 7699) to accommodate construction of the proposed warehouse.

BACKGROUND AND ANALYSIS:

At the May 17, 2018, meeting of the Plan Commission the following action was approved: move to refer both items back to staff for compliance with the Unified Development Ordinance and for a neighborhood meeting.

The applicant hosted a neighborhood meeting from 6-8 p.m. in the Hearing Room at Franklin City Hall on June 12th, 2018. The only resident in attendance was District No. 6 Alderman John Nelson. The applicant also submitted a Financial Plan and has addressed several more Staff comments.

At the July 5, 2018, meeting of the Plan Commission, the following action was approved: move to table the Land Combination to the July 19th Plan Commission meeting. The Plan Commission made no motion to approve or deny Menard's Site Plan Application. Therefore, the Site Plan Application has been placed back on the Plan Commission agenda.

<u>Site Plan</u>: In addition to the new warehouse, the applicant is also proposing to enclose the southeastern corner of the main building, add a new lighted yard area between the existing and proposed warehouses, and place landscaping around the north, east, and south sides of the new building.

Review of the Staff Comments dated March 2, 2018 and the revised plans included within the Plan Commission packet indicates that the following staff comments have been addressed:

- UDO Site Plan comments #1, #2, #3 and #4;
- Staff recommendation site plan comments #1, #2;
- Staff recommendation parking comments #3, and #4;
- Staff recommendation landscape plan comments #6 1, 2, 3, and #7;
- Staff recommendation lighting plan comments #3;
- Staff recommendation architectural comment #10, #11, #12, and #13;
- Engineering staff comments #14, #15, and #16.

The remaining staff comments have been included within the draft Site Plan Amendment resolution as recommended conditions of approval.

<u>Land Combination</u>: Staff has no objection or proposed changes to the proposed Land Combination.

CONCLUSION:

City Development staff recommends approval of the Site Plan Amendment and Land Combination subject to the conditions of approval in the attached draft resolutions.



May 8, 2018

RE: Menards Expansion Narrative

Dear Members of the Planning Commission,

Menard, Inc. has submitted applications to combine Lot 2 and Lot 3 of CSM 7699 to allow the expansion of the Menards storage yard and add a new warehouse building. Menards is expanding all store locations across the country to ensure older stores offer the same product selection, storage space, and amenities as the new stores being built. Since the Franklin store opened in 2004 the company has changed and so has the demands on each location. To make sure the store continues to thrive in Franklin long into the future we are requesting approval of the expansion project.

The expansion will include a new drive through warehouse building that is identical to the existing warehouse building. The new 22,670 sq ft warehouse building will have the same brick exterior facing Speedway Drive and State Highway 100. The landscaping on the east side of the existing warehouse building will be relocated so it is on the east end of the new warehouse building. To accommodate the new warehouse building an additional .66 acres of yard is being added to the site.

The new warehouse building will be used to hold bulk materials such as insulation, shingles, wood, PVC pipes and other large building materials. This is the same covered storage activities that take place in the existing warehouse. Menards needs to keep more of these building products in stock to compete with online competition that ships products in 2 days or less. If a product is not on our shelves we could lose a customer so it is more important than ever to have materials on site and ready to be sold.

In order to add the new yard and warehouse space a portion of Lot 3 was needed. Rather than take a small portion for the expansion and leave another portion that has very limited access we decided it would be best to simply combine Lot 2 and Lot 3 into one lot. The lot combination materials have been submitted for review and are needed as part of the expansion project.

Sincerely, Menard, Inc.

Tyler Edwards

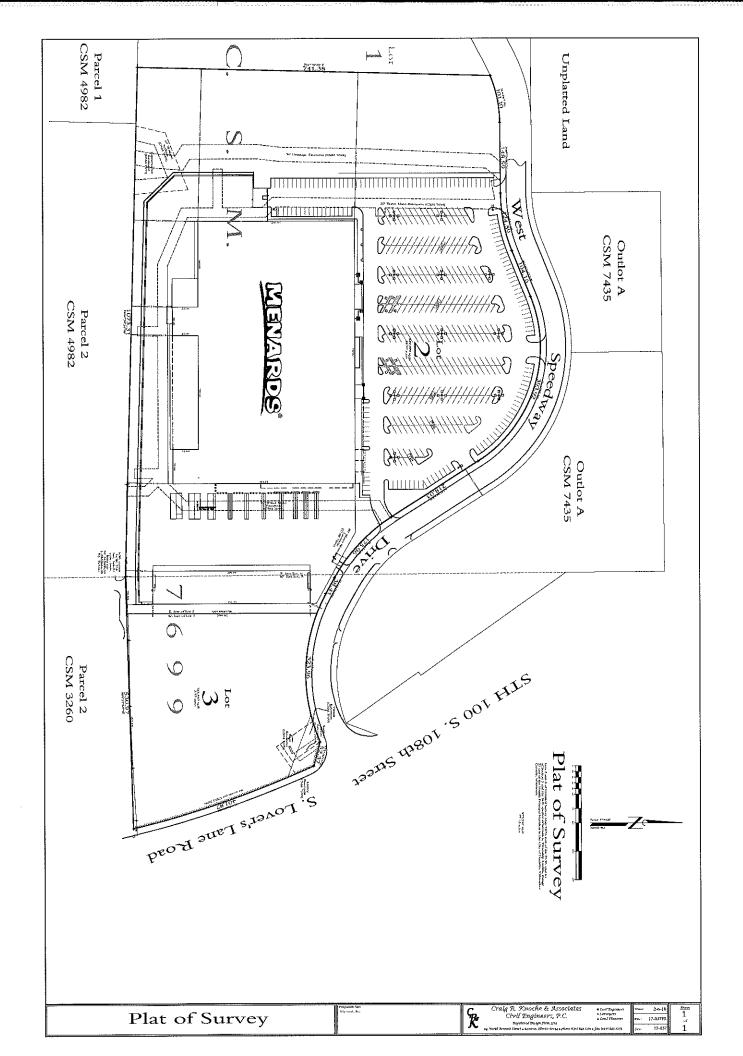
Real Estate Representative

Menard, Inc. 5101 Menard Drive Eau Claire, WI 54703

O: 715.876.2143 C: 715.579.6699 tedwards@menard-inc.com

Description (5-8-18)

Lots 2 and 3 of Certified Survey Map 7699, part of the N.W. quarter of Section 5 and the N.E. quarter of Section 6, Township 5 north, Range 21 east of the Fourth Principal Meridian in the City of Franklin, Milwaukee County, Wisconsin.



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REQUEST FOR COUNCIL ACTION

MEETING DATE

8/7/2018

REPORTS & RECOMMENDATIONS

Presentation of Results of the City of Franklin's Community Survey on Public Safety Options and Discussion on the Public Safety Staffing Options Included in the Survey and Associated Costs ITEM NUMBER

G. 6.

In order to help the City determine how best to proceed with future budget decisions relative to public safety options, the Common Council, at their February 19th Council Meeting, authorized "staff to proceed with a project for a Public Safety Services review, including an Options Assessment and Citizen Survey, relative to Fire Department services and some Police services..." The authority included moving forward with a contract with Mueller Communications and one of their subcontractors for development of the Options Assessment and Citizen Survey.

The Assessment of Public Safety Needs & Funding Options was prepared/provided by Mueller Communications and the Community-Wide Citizen Survey was prepared by Community Perceptions in conjunction with Mueller Communications. The citizen survey was printed and delivered to the Franklin post office by Burton & Mayer on July 6th. An explanation of the survey along with the Options Assessment, FAQ's, and the 2017 Franklin Fire and Police Department's respective Annual Reports were posted to the home page of the City website on July 9th and an article again explaining the citizen survey and urging residents to provide feedback by July 30th was displayed on the front page of the most recent City newsletter that was delivered to the post office on July 24th.

The survey deadline date was July 30th. Final survey results have been collected and analyzed by Community Perceptions. Sue Peterson of Community Perceptions will be in attendance at the August 7, 2018 Common Council meeting where she will provide a PowerPoint presentation of the survey results as well as a hard copy of the presentation. Additionally, Natalie Verette with Mueller Communications will also participate in the discussion.

Following the presentation, the Director of Administration will present information for a discussion on considering the options presented in the survey. Included in the discussion are the funding mechanisms presented in the survey, which are, effectively, 1) to address the issue within the annual budget process and within current statutory levy limits or 2) to consider a referendum to increase the allowable property tax levy. Due to statutory timelines for a referendum and due to the budget process having its own procedures, the funding mechanisms discussion will focus on referendum alternatives. That is important because the Common Council will need to consider at their next Council Meeting on August 21st whether or not to place the public safety options referendum question on the ballot. The statutory deadline for the City Clerk to receive the approved referendum question is August 28th.

COUNCIL ACTION REQUESTED

Discussion item. Action as may be determined appropriate by the Common Council.

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APPROVAL	REQUEST FOR COMMON COUNCIL ACTION	MEETING DATE Aug 7, 2018
REPORTS & RECOMMENDATIONS	AN ORDINANCE TO AMEND ORDINANCE 2017- 2301, AN ORDINANCE ADOPTING THE 2018 ANNUAL BUDGETS FOR THE EQUIPMENT REPLACEMENT FUND FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2018 TO PROVIDE APPROPRIATIONS FOR EMERGENCY REPLACEMENT OF COMPRESSOR UNIT TO SELF CONTAINED BREATHING APPARATUS	ITEM NUMBER

Background

The Self Contained Breathing Apparatus (SCBA) is critical safety equipment for Fire Department personnel. Nearly all training evolutions are conducted in full gear and while breathing compressed air.

The compressor unit which refills the tanks has failed after being 'nursed' along for some time. The entire SCBA equipment is certified until the end of 2019 and is scheduled for replacement in 2019. Currently, the Fire Department takes active personnel and sends them to neighboring Departments to fill tanks degrading Fire response capabilities in the City of Franklin.

<u>Analysis</u>

The Common Council added the SCBA equipment to the Equipment replacement fund in 2015 noting that it has a scheduled replacement cost of \$250,000 which requires some financial planning for its replacement. An additional \$100,000 of annual landfill siting resources was added to the Equipment Replacement Fund at that time. Replacing the compressor unit now will reduce the cost of the scheduled replacement in 2019.

RECOMMENDATION

The Fire Chief is requesting an emergency replacement of the compressor under a separate Council Action. The Finance Director recommends creating a budget amendment to utilize Equipment Replacement Fund balance to provide the resources for this expenditure. The Finance Director also wishes to remind the Common Council that the Equipment Replacement has a structural deficit and will require additional resources in the next several years if all the scheduled replacements occur as planned as the fund will likely be depleted by 2020.

COMMON COUNCIL ACTION REQUESTED

Motion adopting An ordinance to amend Ordinance 2017-2301, an ordinance adopting the 2018 annual budgets for the Equipment Replacement Fund for the City of Franklin for fiscal year 2018 to provide appropriations for emergency replacement of compressor unit to self contained breathing apparatus.

ROLL CALL VOTE

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

ORDINANCE NO. 2018

AN ORDINANCE TO AMEND ORDINANCE 2017-2301, AN ORDINANCE ADOPTING
THE 2018 ANNUAL BUDGETS FOR EQUIPMENT REPLACEMENT FUND FOR THE
CITY OF FRANKLIN FOR FISCAL YEAR 2018, TO PROVIDE APPROPRIATIONS FOR
EMERGENCY REPLACEMENT OF COMPRESSOR UNIT TO SELF CONTAINED
BREATHING APPARATUS

WHEREAS, the Common Council adopted the 2018 Budget for the City of Franklin providing resources and appropriations for 2018; and

WHEREAS, the Fire Department Self Contained Breathing Apparatus (SCBA) equipment is scheduled for replacement in 2019 as its certification expires on December 31, 2019; and

WHEREAS, the SCBA equipment was added to the Equipment Replacement Fund by the Common Council in 2015; and

WHEREAS, the compressor unit which refills the bottles has failed causing the Fire Department personnel to travel to neighboring Departments to refill bottles degrading Fire response times in the City of Franklin, and

WHEREAS, replacing the compressor now will likely reduce the cost of replacing the balance of the equipment in 2019, and

WHEREAS, the Equipment Replacement fund has available fund balance to fund the compressor replacement now, and

WHEREAS, the Common Council of the City of Franklin believes these expenditures provide for the well being of the Community.

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

Section 1 That the 2018 Budget of the Equipment Replacement Fund be adjusted as follows:

Fire Safety Equipment Increase \$40,000

Section 2 Pursuant to §65.90(5)(a), Wis. Stats., the City Clerk is directed to publish a Class 1 notice of this budget amendment within ten days of adoption of this ordinance.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin day of _______, 2018.

APPROVED:

ATTEST:	Stephen R Olson, Mayor
Sandra L. Wesolowski, City Clerk	
AYESNOESABSENT	

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APPROVAL Slee	REQUEST FOR COUNCIL ACTION	MEETING DATE 8 / 0 7 / 2018
REPORTS AND RECOMMENDATIONS	Request Common Council approval to purchase a replacement air compressor for the Fire Department's Self-Contained Breathing Apparatus ahead of its scheduled replacement in 2019.	item number G., 8,

The Fire Department is seeking council approval to replace the compressor that supplies air for the Self-Contained Breathing Apparatus (SCBAs) worn by firefighters in hazardous conditions. The SCBA is a harness and composite bottle that contains compressed breathing air that, together with other personal protective equipment (PPE), allows firefighters to survive and work in environments that are immediately dangerous to life and health (IDLH). This includes firefighting operations in conditions where heat, smoke, and toxic gases are present; as well as other rescue operations in environments where other hazardous materials, including toxic or asphyxiate gases may be present.

Management and maximization of this limited air supply is a skill critical to firefighter survival that is developed and enhanced through daily training during realistic conditions. For this reason, firefighters perform most fire ground training evolutions and even a significant portion of their physical fitness conditioning training while wearing full PPE and breathing compressed air. The compressor system that is used to fill the SCBA bottles is therefore a mission-critical piece of equipment that is used on a daily basis.

The Department's current compressor is out of service. It is 15 years old and at the end of its service life, and was scheduled for mandatory replacement in 2019. It has been "nursed" along and has required frequent repairs over the past two years. It is currently not functioning and the service technician that evaluated it has stated that parts are no longer available, and it is doubtful that repairs can be made, particularly in a cost-effective manner. The department has had to resort to filling SCBA bottles at neighboring fire departments at their convenience, while taking front-line resources out of the city for limited periods of time.

The Department is seeking approval to replace the compressor ahead of the 2019 schedule. Certified FFD SCBA technicians have evaluated multiple systems from multiple vendors. All were found to be within very similar in price range; however, one system (Bauer Compressors MINI-UNI/13-E1) was clearly superior in terms of meeting department needs for ease of operation, available installation space, and for power supply needs (single phase electrical).

The Department is seeking approval to purchase the Bauer Compressor system and related components from Jefferson Fire & Safety at a cost of \$38,238.50, through the related budget amendment submitted by the Finance Director. The Departments 2019's Equipment Revolving Fund request would be reduced by the amount requested for the compressor purchase at this time.

COUNCIL ACTION REQUESTED

Motion to approve Fire Department purchase of a Bauer Compressors MINI-UNI/13-E1 from Jefferson Fire & Safety at a cost of \$38,238.50, ahead of its anticipated SCBA air compressor replacement in 2019.



Quote PDF

Jefferson Fire & Safety, Inc 7617 Donna Drive, Middleton, WI 53562 1-800-697-3473 www.jeffersonfire.com













FireAdë[:]

QUOTE DETAILS

Quote #: FRFD071618BAU Date:

Jul 17th, 2018

Sales Rep:

Tim Polzin 414-313-7073

tpolzin@jeffersonfire.com

CUSTOMER DETAILS

Franklin Fire Department - Paul Rynders

Office: 414-425-1420

CUSTOMER ADDRESS

Billing Address: 8901 W. Drexel Ave. Franklin, WI 53132 **Shipping Address:** 8901 W. Drexel Ave. Franklin, WI 53132

PURCHASE ORDER

SHIPPING OPTION

SHIPPING INSTRUCTION

FOB Middleton/Mfr

Drop Ship

NOTES

NOTE: Quote expires 12/28/18. Customer responsible for removal of existing equipment, offloading from freight carrier and positioning of new equipment, provide electrical service and connections. JFS will provide a Bauer Certified technician to conduct final installation, startup and end user inservice training.

NOTE: Fresh air intake is NOT required and is an option. If fresh air intake is desired, the work shall be performed on a time and material basis with a labor rate of \$90.00/hr.

ORDER DETAILS

QTY.	U/M	ITEM#	EM # DESCRIPTION		UNIT PRICE	TOTAL
1	EACH	BAU MINI- UNI/13-E3	Bauer Compressors, MINI-UNI/13H-E1 or E3, 13CFM, 368 l/min, 4 stage, 10 HP, 7.5 KW, 10.8 FAD(2), 1420 RPM, P2 SECURUS Purification System. Two DOT 6000 PSI cylinders installed & Interstage pressure gauges, CO MNR and remote fill included. MINI-UNICUS, 2-Position Fill Station	0	\$33796	\$33796
2	Each	SCB HC-6000	SCBAS Inc., 6000 PSI ISO/UN Storage Cylinders	0	\$1132	\$2264
1	EACH	SCB PT24-346	SCBA PIGTAIL 24" W/CGA 346 NUT & NIPPLE	0	\$58	\$58
1	EACH	SCB 702-E	SCBAS CGA-702 ELBOW FOR 6000PSI BULK FILL	0	\$39	\$39

1	EACH	SCB 702-T	SCBAS TEE FOR 6000PSI CASCADE SYS.	0	\$43	\$43
1	Each	SCB SCR-2DV	SCBAS Inc., 2 Cylinder rack, Self Standing Vertical.	0	\$476	\$476
4	Each	JFS-LAB-90	JF&S, Shop Labor, Installation and Inservice training.	0	\$90	\$360
190	Each	JFS-MILEAGE	JF&S, Travel Mileage. (Shop to department round trip.)	0	\$1.25	\$237.5
1	Each	FRT-A	Freight for Compressor and extra cylinders	0	\$965	\$965

 SUBTOTAL:
 \$ 38,238.50

 TAX:
 \$ 0.00

 TOTAL:
 \$ 38,238.50

MINI UNICUS®

3 AND 4-STAGE HIGH PRESSURE BREATHING AIR COMPRESSORS

MINI UNICUS is our budget minded integrated breathing air cylinder recharging system. The system design combines a BAUER high pressure compressor, BAUER breathing air purification system, air storage system, air management panel and containment fill station. It might be smaller than our UNICUS III series cylinder recharging systems, but MINI UNICUS is not short on features.

> PRESSURE:

Up to 6000 PSIG (414 BAR)

> CHARGING RATE:

5 to 13 SCFM (142 to 368 L/MIN)

) POWER:

5 to 10 HP (3.7 to 7.5 kW)



> MINI UNICUS



STANDARD SCOPE OF SUPPLY

- > BAUER breathing air purification system with SECURUS
- > BAUER PLC base controller with multicolor touchpad
- > NEMA 4 rated electrical enclosure with UL® listed control panel
- > Compressor low oil pressure and high temperature safety shutdowns
- > Emergency stop push button
- > Hinged fill control panel with Lexan laminate air flow/fill schematic
- > Priority refill system with storage bypass valve
- Automatic condensate drain system with non-corrosive condensate reservoir and integrated float sensor and automatic "Full" indication and compressor shutdown
- Two (2) UN code stamped air cylinders installed in an integral rack
- Sound attenuating enclosure with slam-action latches and lift-off type hinges
- NFPA 1901 2016 edition compliant 2 position containment fill station accommodates SCBA or SCUBA cylinders up to 31" overall length
- > Inter-stage pressure gauges

AVAILABLE ACCESSORIES (FACTORY INSTALLED)

- CO monitoring system
- Regulated (adjustable) remote fill hose connection to include high pressure hose reel and 100 ft of 6000 PSIG rated high pressure hose
- ASME air storage cylinders in lieu of standard UN bottles
- Regulated (adjustable) panel mounted remote fill hose connection
- Dual Fill/2 position
- > Tri Fill/2 position

SYSTEM FOOTPRINT

DIMENSIONS L X W X H inches (mm)

→ 72" x 34" x 70" (1830mm x 864mm x 1778mm)

WEIGHT pounds (kg)

> 2300 - 2700 lb (1043 - 1225 kg)

TECHNICAL DATA

Model	Charg	ing Rate ¹	Number of Stages	Motor		FAD ²	RPM	Purification System
	SCEM	E/MIN		HP	kW			
5000 PSIG (345 BAR)								
MINI-UNI/8-E1/E3	8.4	238	3	7.5	5.6	7	1250	P2 SECURUS
6000 PSIG (414 BAR)								
MINI-UNI/5H-E1/E3	5	142	3	5	3.7	4	1050	P2 SECURUS
MINI-UNI/10H-E1/E3	9.7	276	4	7,5	5.6	8,1	1180	P2 SEGURUS
MINI-UNI/13H-E1/E3	13	368	4	10	7.5	10.8	1420	P2 SECURUS

¹⁾ Based on recharging an 80 cubic foot tank from 500 to 3000 pslg.

²⁾ Compressor capacity referenced to standard inlet conditions.
E1= Single phase electric, 230 VAC/60 Hz. E3=Three phase electric, 208/230/460 VAC/60 Hz. Dimensions and weight are approximate and are subject to change.

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APPROVAL REQUEST FOR **MEETING** DATE COUNCIL ACTION Str 8/7/2018 ITEM NUMBER REPORTS & Franklin Senior Citizens, Inc. G. 9. Semi-Annual Update for 2018

At their February 17, 2015 meeting, the Common Council directed that Fred Knueppel, President of the Franklin Senior Citizens, Inc. organization, attend and give a status update on the organization semi-annually (January and July). Attached is a spreadsheet showing the January thru June 2018 expenditures of the Franklin Senior Citizens, Inc. organization.

The Franklin Senior Citizens, Inc. activities are funded strictly through the City's general "Recreation" operating fund. For 2018, the total budget amount is \$10,000. The Franklin Senior Citizens, Inc. budget funds a portion of the cost of their monthly business meeting luncheons held at Root River Lanes in Franklin, a monthly social luncheon at Brenwood Park Senior Apartments (minus the Seniors co-pay of \$2 each), miscellaneous operating supply costs, and IT tech room support services.

As of June 30, 2018, \$4,493.36 has been expended from the \$10,000 City budget for Senior Citizen Activities (see attached spreadsheet). A general breakout is as follows: Monthly Business Luncheon, \$3,073.64; Monthly Social Luncheon, Miscellaneous Operating Supply Costs and IT Tech Room Support Services, \$738.42. The current total membership of the Franklin Senior Citizens, Inc. is 146 members.

Mr. Fred Knueppel will be in attendance at the August 7, 2018 Common Council meeting.

COUNCIL ACTION REQUESTED

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

RECOMMENDATIONS

2018 Franklin Senior Citizens, Inc. Activities

Breakdown of Reported Expenditures and Reimbursement by City

Annual Appropriation \$

\$10,000

		Chg'd to 2018-inv. recv'd Feb. (Xmas-\$4.80/meal) No social lunch held in Jan. 2018														
	Total Program Cost Reimbursement (01.0521.5723)	744.61 C		595.30	599.52	589.77	649.92	•	•	•	•	•	1	\$4,493.36		\$5,506.64
	Office, Misc., and Computer Center Costs	124.20	100.28	100.28	100.28	125.35	100.28						,	\$738.42		Remaining Balance for 2018
Business Luncheon	Seniors Attendance	110	100	06	85	88	95						0	929	56.3	emaining Bal
	Program Cost Reimbursement (\$4.50 Each)	527.20 485.89	449.90	404.91	382.42	395.91	427.41	•	•	ŧ	•	•	,	\$3,073.64	\$256.14	ž
Business	Participant Cost (Approx \$5 Each)	(770.00)	(200.00)	(450.00)	(425.00)	(440.00)	(475.00)						1	673.64 -\$3,600.00	-\$300.00	
	Combined Program Cost	1,297.20	949.90	854.91	807.42	835.91	902.41						;	\$6,673.64	\$556.14	
ļ	Seniors Attendance	24	17	20	22	27	25						0	135	11.3	
Franklin Seniors Social	Program Cost Reimbursement	93.21	190.42	90.11	116.82	68.51	122.23						•	\$681.30	\$56.78	
	Participant Co-Pay (\$2 Each)	(48.00)	(34.00)	(40.00)	(44.00)	(54.00)	(20.00)						1	-\$270.00	-\$22.50	
	Combined Program Cost	141.21	224.42	130.11	160.82	122.51	172.23						•	\$951.30	\$79.28	
	Month	Dec.2017	Feb. 2018	Mar. 2018	Apr. 2018	May	June	July	August	Sept.	October	November	Dec.	TOTALS	Avg / Event	