

**CITY OF FRANKLIN
COMMON COUNCIL MEETING*
FRANKLIN CITY HALL COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA**
TUESDAY, FEBRUARY 2, 2016
AT 6:30 P.M.**

- A. Call to Order and Roll Call.
- B.
 - 1. Citizen Comment Period.
 - 2. Mayor Announcements:
2015-2016 City of Franklin Employee Food Drive.
- C. Approval of Minutes:
 - 1. Correction to December 15, 2015 Common Council Meeting Minutes.
 - 2. January 19, 2016 Common Council Meeting.
- D. Hearings.
- E. Organizational Business.
Boards and Commission Appointments:
- F. Letters and Petitions.
- G. Reports and Recommendations:
 - 1. A Resolution Authorizing Certain Elected Official(s) to Attend and Give Input at the State Capitol Public Hearing Scheduled for February 3, 2016 Related to Assembly Bill 768, an act to Create Sections 441.16 (3) (F) and 448.40(3) of the Wisconsin State Statutes Relating to the Diagnosis and Treatment of Lyme Disease and Requiring the Exercise of a Rule-Making Authority.
 - 2. A Resolution Authorizing Certain Officials to Accept a Conservation Easement for and as Part of the Review and Approval of a Site Plan and Natural Resource Protection Plan for a 5 to 8 Bedroom State Licensed Community Based Residential Facility Development Located at 9132 South 92nd Street (Matt Talbot Recovery Services, Inc., Applicant).
 - 3. Amendment Number One for Milwaukee Metropolitan Sewerage District's Funding Agreement FR 02 (Private Property Inflow and Infiltration Program, South 37th Street Between West Rawson Avenue and West Madison Boulevard).
 - 4. Street Light Installation Located at West Forest Home Avenue and South North Cape Road.
 - 5. A Resolution Opposing Wisconsin Assembly Bill 750 Repealing of Personal Property Tax and Eliminating Exempt Computer Aids.
 - 6. Consideration of Additional Appropriations for the Senior Travel Program via An Ordinance to Amend Ordinance 2015-2198, An Ordinance Adopting the 2016 Annual Budgets for the General Fund for the City of Franklin for Fiscal Year 2016, or by Other Budgetary means.

Common Council Meeting Agenda
February 2, 2016
Page 2

7. Recommendation from the February 1, 2016 Committee of the Whole Meeting:
Memorandum of Understanding Regarding Ballpark Commons, a Proposed Mixed-Use
Development (to be Located at and in the Vicinity of The Rock Sports Complex and
Southwest of the Intersection of West Rawson Avenue and Old Loomis Road)
(Zimmerman Ventures, LLC, Developer).
8. Reschedule Common Council Meeting of April 5, 2016 due to Presidential Preference &
Spring Election.

H. Licenses and Permits.
Miscellaneous Licenses.

I. Bills.
Vouchers and Payroll approval.

J. Adjournment.

*Notice is given that a majority of the Plan Commission may attend this meeting to gather information about an agenda item over which the Plan Commission has decision-making responsibility. This may constitute a meeting of the Plan Commission, per State ex rel. Badke v. Greendale Village Board, even though the Plan 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.

[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:

February 4	Plan Commission	7:00 p.m.
February 16	Spring Primary	7:00 a.m.-8:00 p.m.
February 16	Common Council Meeting	7:00 p.m.
February 19	Plan Commission	7:00 p.m.

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE FEB. 2, 2016
Announcement	2015-2016 Employee Food Drive	ITEM NUMBER <i>B.2.</i>

The City of Franklin sponsored its 10th annual employee food drive from November 30, 2015 to January 22, 2016. Donations primarily came from city employees although food barrels were also placed in the municipal building lobbies for public participation. We collected 851 pounds of food, which is 300 more pounds than last year! In addition the Franklin Professional Firefighters IAFF Local 2760 donated \$200. The food and money was distributed to 5 food pantries: St. Martin of Tours, St. James, Faith Presbyterian Church, Salvation Army and St. Stephen's Family Life Center.

COUNCIL ACTION REQUESTED

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BOARDS AND
COMMISSION
APPOINTMENTS

- E.1. Alderman Dandrea moved to confirm the Mayoral appointment of Rebecca Specht to the Board of Public Works, 3-year term expires 4/30/2018. Seconded by Alderman D. Mayer. On roll call, all voted Aye; motion carried.
- E.2. Alderwoman Wilhelm moved to confirm Mayoral appointments of Inspectors of Election and alternates for 2016-2018 as listed on the action request form dated 12/15/2015. Seconded by Alderman D. Mayer. On roll call, all voted Aye; motion carried.

CONSENT AGENDA

- G.1. Alderwoman S. Mayer moved to remove Items G.1.a. and G.1.b. from the consent agenda and to approve Items G.1.c., G.1.d. and G.1.e.
 - G.1.c. Authorize the Department of Public Works to sell a surplus vehicle and equipment; and
 - G.1.d. Accept donation from Franklin Lions Club Foundation in the amount of \$250 to St. Martins Fair; and
 - G.1.e. Accept donation from Franklin Lions Club Foundation in the amount of \$400 to the Fire Department. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- G.1.a. Alderman Schmidt then moved to approve execution of a contract with Geographic Marketing Advantage, LLC for Geographic Information System Support and Database Maintenance Services in a form substantially equivalent to the 2015 contract but incorporating a 2.75% rate increase effective January 1, 2016; and
- G.1.b. Award the towing contract extension to N&S Towing, Inc. for the period March 1, 2016 through February 28, 2017. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

ORD. 2015-2201
CHANGE 2025 FUTURE
LAND USE MAP AT 7700
W. FAITH DR. (RICK J.
PRZYBYLA, PRESIDENT
OF CREATIVE HOMES,
INC., APPLICANT)

- G.2. Alderman D. Mayer moved to adopt Ordinance No. 2015-2201, AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED AT APPROXIMATELY 7700 WEST FAITH DRIVE FROM INSTITUTIONAL USE TO RESIDENTIAL USE (APPROXIMATELY 0.3875 ACRES)(RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT). Seconded by Alderman Dandrea. All voted Aye; motion carried.

ORD. 2015-2202
AMEND UDO TO

- G.3. Alderman D. Mayer moved to adopt Ordinance No. 2015-2202, AN ORDINANCE TO AMEND THE UNIFIED

REZONE LAND AT 7700
W. FAITH DR. (CREATIVE
HOMES, INC.,
APPLICANT)

DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE
A CERTAIN PARCEL OF LAND FROM I-1 INSTITUTIONAL
DISTRICT TO R-6 SUBURBAN SINGLE-FAMILY
RESIDENCE DISTRICT (7700 WEST FAITH
DRIVE)(APPROXIMATELY 0.3875 ACRES)(CREATIVE
HOMES, INC., APPLICANT). Seconded by Alderman Schmidt.
All voted Aye; motion carried.

RES. 2015-7160
AMEND RES. 477
APPROVAL OF SPECIAL
USE AT 9775 S. 60TH ST.
(STRAUSS BRANDS, INC.)

G.4.

Alderman Wilhelm moved to adopt Resolution No. 2015-7160, A RESOLUTION TO AMEND RESOLUTION NO. 477 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE AND SITE PLAN AMENDMENT RESOLUTION NOS. 2000-10, 2003-001, 2004-001 AND 2014-008, AND ANY OTHER AMENDMENTS TO DATE, FOR PROPERTY LOCATED AT 9775 SOUTH 60TH STREET, TO ALLOW FOR THE CONSTRUCTION OF A METAL BUILDING ADDITION, RAIL BUILDING ADDITION AND PUMP ROOM ADDITION TO THE EXISTING STRAUSS BRANDS INCORPORATED BUILDING RANDALL STRAUSS, PRESIDENT, STRAUSS BRANDS INCORPORATED, APPLICANT). Seconded by Alderman D. Mayer. All voted Aye; motion carried.

APPROVAL OF SPECIAL
USE AT 7140 S. 76TH ST.
(GREENLIN BOARDING
& GROOMING, INC.
MONICA POLCHERT,
COO, APPLICANT)

G.5.

Alderman Schmidt moved to adopt a resolution imposing conditions and restrictions for the approval of a special use for a Dogs and Other Pet Animals Day Care Services business use upon property located at 7140 South 76th Street (Greenlin Boarding & Grooming, Inc., Monica Polchert, COO, Applicant), with the conditions as included by the Planning Department. Seconded by Alderman Wilhelm. Alderman Wilhelm withdrew her second. Motion died due to lack of a second.

Alderman Dandrea moved to deny the special use application for those reasons set forth on the record by City staff and as expressed by Common Council members and generally with regard to the Common Council's consideration of whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community, and, 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. Seconded by Alderman D. Mayer. On roll call Alderman Dandrea, Alderman D. Mayer, Alderman Wilhelm and Alderman S. Mayer voted Aye;

Alderman Schmidt Abstained. Motion carried.

BALLISTIC PROTECTIVE EQUIPMENT FOR THE FIRE DEPT. G.6.

Alderman D. Mayer moved to authorize the use of \$4,750 in unrestricted contingency for the purpose of the Fire Department acquiring seven sets of ballistic protective equipment in order to improve safety for department personnel and the general public. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

RES. 2015-7161 AGREEMENT WITH JSA CIVIL ENVIRONMENTAL ENGINEERS, INC. G.7.

Alderwoman S. Mayer moved to adopt Resolution No. 2015-7161, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT TO CONTINUE PROFESSIONAL ENVIRONMENTAL ENGINEERING SERVICES TO MONITOR COMPLIANCE AT THE METRO RECYCLING & DISPOSAL FACILITY TO DECEMBER 31, 2016, WITH JSA CIVIL ENVIRONMENTAL ENGINEERS, INC. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

STATUS OF IMPACT FEE FUNDS G.9.

Alderwoman Wilhelm moved to place on file a status report of the Impact Fee funds and related capital expenditures for parks, playgrounds and land for athletic fields that was provided by the Director of Administration. Seconded by Alderman Schmidt. All voted Aye; motion carried.

RES 2015-7162 CONVEYANCES OF LANDS OWNED BY MMSD G.10.

Alderman Dandrea moved to adopt Resolution No. 2015-7162, A Resolution Accepting and Recognizing the Conveyances to the City of Franklin ("City") and the Milwaukee Area Land Conservancy ("MALC") by the Milwaukee Metropolitan Sewerage District ("MMSD") with Participation by the Wisconsin Department of Natural Resources ("WIDNR") of Parcels of Land Acquired Pursuant to the MMSD and The Conservation Fund Greenseams® Program Participation and Potential Conveyance to the WIDNR by the MMSD of Certain of the Program Parcels; and Authorizing Leasehold Interests Agreements by the City for the Properties to be Conveyed to MALC, and Authorizing Certain Officials to Execute All Documents Necessary to Complete Such Conveyance and Leasehold Interests Transactions and to Enter Into and Deliver Conservation Easements to Further Protect and Promote the Conservation of Such Valuable Natural Resources for the Betterment of the Environment and Humanity by Way of Declarations Therein that Such Properties Shall be Maintained and Protected for Nature Conservation and Public Park Purposes in Perpetuity (MMSD provided prior private property owner names and approximate acreage and City Assessor file record

documents and GIS information tax key nos.: to WIDNR: Dumke/Olsen 33.24 acres 844 9997 000; Katzman 11.14 acres 844 9996 000; Franklin DC 10.05 acres 844 9998 000; to MALC: Hack 49.89 acres 889 9990 000; Franklin DC 44.33 acres 890 9990 000; St. Sava 23.55 acres 890 9999 000; Radicevich 15.68 acres 886-9998-000; to Franklin: St. Nikola 17.33 acres 787 9992 000). Authorize the City Attorney to negotiate to complete transactions of the parcels discussed and authorize for future expenditures up to \$25,000 for maintenance and insurance, with funds to be transferred from the Contingency Fund, and further to authorize release of funds. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

W. COLLEGE AVE. PATH STATUS (S. 27TH TO S. 35TH STS.) G.8.

Alderwoman Wilhelm moved to direct staff, including legal counsel, in full communication with the District Alderperson, to continue developing the walkway along College Avenue between S. 35th Street and S. 27th Street as previously directed by the Council on November 17, 2015 and to work with Milwaukee County and Wisconsin Department of Transportation to include the walkway within the existing right-of-way as part of the State's 27th Street Corridor project through the project influence on College Avenue roughly the point at which the road widens from one to two lanes, and to seek bids for the construction of the continuation of the walkway west as may be necessary, and further that staff is additionally directed to apply existing Community Development Block Grant, Tax Increment District, and Impact fees to the greatest extent possible to complete the project, and update the Council on an as-needed basis. Seconded by Alderwoman S. Mayer.

Alderwoman Wilhelm moved to call the question. Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.

On the main motion, Alderwoman S. Mayer, Alderman Schmidt, Alderwoman Wilhelm and Alderman Dandrea voted Aye; Alderman D. Mayer Abstained. Motion carried.

COUNCIL CHAMBERS VIDEOCONFERENCING G.11.

Alderman Schmidt moved to direct staff to proceed to with obtaining proposals for a replacement ~~Common Council Chambers~~ for a video conferencing capability for an amount not to exceed \$50,000 and to direct the Finance Director to bring forth a budget modification in 2016 that carries forward and re-appropriates said funding into the unrestricted Contingency appropriation. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

CARRYOVER OF 2015
ITEMS TO THE 2016
BUDGET

G.12. Alderwoman Wilhelm moved to approve the plan and indicate the intent to carry over the 2015 Information Services Capital Outlay items to 2016, in an amount not to exceed \$126,139, and the two Capital Improvement Fund Security Closet projects for \$12,500 each, and to direct the Finance Director to bring forth a budget modification in 2016 that carries forward and re-appropriates said funding for the purchase and implementation of these Capital Outlay items. Seconded by Alderman Schmidt. All voted Aye; motion carried.

AUTHORIZATION TO
RETAIN A PART-TIME
BLDG. INSP.

G.13. Alderwoman Wilhelm moved to authorize Building Inspection to retain the additional part-time building inspector during 2016 subject to no need for use of additional fund balance as per the recommendation and subject to the Director of Administration providing a report and update at the April 19, 2016 Council meeting. Seconded by Alderman Dandrea. All voted Aye; motion carried.

CLOSED SESSION-
NEGOTIATIONS WITH
POLICE OFFICERS
ASSOC. AND
PROFESSIONAL
FIREFIGHTERS ASSOC.

G.14. Alderwoman Wilhelm moved to enter closed session at 9:15 p.m. pursuant to §19.85 (1)(c) and (e), Wis. Stats., to consider negotiation and collective bargaining strategies and guidelines for agreements between the City of Franklin and the Franklin Police Officers Association and the Franklin Professional Firefighters Association Local 2760 I.A.F.F. for competitive and bargaining reasons and to reenter open session at the same place thereafter to act on such matters discussed therein as the Common Council deems appropriate. Seconded by Alderman D. Mayer. On roll call, all voted Aye; motion carried.

Alderman D. Mayer left the meeting at 9:50 p.m.

The Common Council re-entered open session at 9:58 p.m.

LICENSES AND PERMITS

H.1. Alderman Dandrea moved to approve the following:
Grant Operator's license to Holly Smith, 6410 W. Burdick Ave., Milwaukee, with a warning letter from the City Clerk; and

Hold Operator's license application of Joshua Harju, 5401 S. Tuckaway Cir., Greenfield, and refer to the City Attorney for review and opinion; and

Grant Operators' licenses to Christopher Dickerson, 1007 N. 124th St., Elm Grove; Theresa Przybylski, 1334 Mackinac Ave., South Milwaukee; Jeffrey Raymond, 3600 S. 94th St., Milwaukee; and

Hold Amusement Device Operator license application of Stryker Rich Amusements, Don Aric Patenaude, Owner, 5333 Hainers Way, Oconto, and refer to the City Attorney for review and opinion; and

Grant Temporary Class B Beer and Wine license and Temporary Entertainment and Amusement license to St. Paul Lutheran Church, Gala and Live Auction, Jaime Petricek, 6881 S. 51st St., February 20, 2016; and

Issue People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant to Franklin Lioness Club, St. Martins Fair; and

No action was needed on a Temporary Class B Beer and Wine application from St. Martin of Tours Parish School Spaghetti Dinner, 7933 S. 116th St., as the event for December 19, 2015; was cancelled.

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

VOUCHERS AND
PAYROLL

I.1. Alderman Schmidt moved to approve net general checking account City vouchers in the range of Nos. 158878 through 159017 in the amount of \$962,107.89 dated December 2, 2015 through December 10, 2015. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Alderman S. Mayer moved to approve net payroll dated December 11, 2015 in the amount of \$458,998.53 and payments of the various payroll deductions in the amount of \$270,760.77 plus any City matching payments where required. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.

Alderman Dandrea moved to approve net payroll dated December 24, 2015 estimated at \$375,000.00 and payments of the various payroll deductions estimated at \$400,000.00 plus any City matching payments where required. Seconded by Alderman S. Mayer. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J. Alderman Schmidt moved to adjourn the meeting at 10:05 p.m. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

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CITY OF FRANKLIN
COMMON COUNCIL MEETING
JANUARY 19, 2016
MINUTES

ROLL CALL

A. The regular meeting of the Common Council was held on January 19, 2016 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 Taylor, Alderman Doug Schmidt and Alderwoman Susanne Mayer. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Luberd, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

CITIZEN COMMENT

B.1. Citizen comment period was opened at 6:32 p.m. and closed at 6:45 p.m.

MAYORAL
ANNOUNCEMENTS

B.2. Mayor Olson presented a Proclamation in support of Light & Unite Red on the week of January 25-29, 2016.

APPROVAL OF MINUTES

C.1. Alderwoman S. Mayer moved to approve the minutes of the regular Common Council Meeting of January 5, 2016 as revised at Items G.4. and G.5. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

C.2. Alderman Taylor moved to approve the minutes of the Special Common Council Meeting of January 11, 2016. Seconded by Alderman Dandrea. All voted Aye; motion carried.

BD./COMM.
APPOINTMENTS

E.1. Alderman Schmidt moved to confirm the Mayoral appointment of John Farney to the Technology Commission, 3-year term expires 4/30/2018. Seconded by Alderman D. Mayer. On roll call, all voted Aye; motion carried.

E.2. Alderman D. Mayer moved to confirm the Mayoral appointment of Anthony J. DiCristo to the Architectural Board, 3-year term expires 4/30/2018. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.

E.3. Alderman Schmidt moved to confirm the Mayoral appointment of Thomas Traynor to the Personnel Committee, 3-year term expires 4/30/2017. Seconded by Alderwoman S. Mayer. On roll call, all voted Aye; motion carried.

CONSENT AGENDA

G.1. Alderman Taylor moved to approve the following consent agenda items:
G.1.(c) Approve the 2016 Professional Services Agreement between the

City of Franklin and Racine County for services to verify a certified soil tester's soil and site evaluation at designated properties when needed and to authorize the Director of Administration to execute such agreement; and

G.1.(d) Authorize the Director of Administration to execute a standard form 2-year agreement with AT&T for the continued provision of long-distance telephone services; and

G.1.(e) Approve Fire Department request to dispose of decommissioned fire hose, nozzles, and related appliances by sending them to auction, with proceeds credited to the Capital Outlay Fund; and

G.1.(f) Approve Resolution 2016-7163, A RESOLUTION NAMING THE DEDICATED TRAIL THROUGH THE SOUTHBROOK CHURCH PROPERTY LOCATED AT 11010 WEST ST. MARTINS ROAD, THE "ROBINWOOD TRAIL".

Approval of the above consent agenda items was seconded by Alderman Dandrea. All voted Aye; motion carried.

G.1.(a) Alderwoman S. Mayer Approve to extend the update for the 2015 year-end Franklin Senior Citizens, Inc. organization by President Fred Kneuppel to the March 1, 2016 Common Council Meeting. Seconded by Alderman Taylor. All voted Aye; motion carried.

G.1.(b) Alderwoman Wilhelm moved to adopt Resolution No. 2016-7164, A RESOLUTION TO AMEND THE CITY OF FRANKLIN DEFINED BENEFIT RETIREMENT PLAN AND THE CITY OF FRANKLIN DEFINED CONTRIBUTION RETIREMENT PLAN IN THE FORM OF PLAN RESTATEMENTS INCORPORATING PAST AMENDMENTS, STATUTORY REQUIREMENTS, CLARIFICATIONS AND TERMINOLOGY ISSUES as amended to include "with the understanding that any significant changes affecting plan implementation would be returned to the Common Council" at the end of the fifth paragraph. Seconded by Alderman Taylor. All voted Aye; motion carried.

2015 FRANKLIN SENIOR
CITIZENS TRAVEL
PROGRAM UPDATE

G.2. Following a presentation by Shirley Bird and Basil Ryan, Alderman Taylor moved to place on file the Franklin Senior Citizens Travel Program Update for 2015 Year End. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried. A Proclamation for Shirley Bird will be placed on the February 16, 2016 Common Council agenda.

LETTER OF CREDIT FOR
SHOPPES AT WYNDHAM
VILLAGE

G.3. Alderman D. Mayer moved to release Letter of Credit No. DC 110818, for Shoppes at Wyndham Village located on S. 100th Street and 7700 block of W. Drexel Avenue from Associated Bank dated November 9, 2007 provided by Wyndham Village

Retail, LLC replaced by SBI Wyndham, LLC January 22, 2013, as recommend by the Engineering Department. Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2016-
CONSERVATION
EASEMENT AND
APPROVAL OF CSM AT
9843, 9847 AND 9851 S.
27TH ST.

G.4. Alderman Taylor moved to approve Resolution No. 2016-7165, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT 9843, 9847 AND 9851 SOUTH 27TH STREET (ADAM C. MURPHY AND TANYA M. MURPHY, APPLICANTS) subject to technical corrections. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

RES. 2016-
SPECIAL USE AT 10700
W. VENTURE DR.
(OMBEHA INC.,
APPLICANT)

G.5. Alderman Taylor moved to approve Resolution No. 2016-7166, A RESOLUTION IMPOSING CONDITIONS AND REMODELING AND RESTORATION OF RESIDENTIAL PROPERTIES CONTRACTOR BUSINESS USE UPON PROPERTY LOCATED AT 10700 WEST VENTURE DRIVE, SUITE D (OMBEHA INC., APPLICANT). Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2016-
CONSERVATION
EASEMENT CSM AT
10574, 10609, 10629 AND
10631 W. ST MARTINS
RD.

G.6. Alderwoman S. Mayer moved to approve Resolution No. 2016-7167, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP FOR PROPERTY LOCATED AT 10475, 10609, 10629 AND 10631 WEST ST. MARTINS ROAD (RICHARD A. REUTELER AND ANN M. REUTELER, APPLICANTS). Seconded by Alderman D. Mayer. All voted Aye; motion carried.

FRANKLIN WOODS
PARK CONTRACT WITH
WILLKOMM
EXCAVATING &
GRADING, INC.

G.7. Alderman Schmidt moved to authorize the Mayor, City Clerk, and the Director of Finance and Treasurer to execute an amendment to the Franklin Woods Park contract with Willkomm Excavating & Grading, Inc. subject to review by the City Attorney, to provide for an advance payment in exchange for a discount to the project cost, and to authorize staff to release payment required by the agreement. Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.

RES. 2016-
MULTIUSE PATHWAY W.
ST. MARTINS RD.

G.8. Alderwoman S. Mayer moved to approve A RESOLUTION PERTAINING TO POTENTIAL MULTIUSE PATHWAY INSTALLATION ALONG WEST ST. MARTINS ROAD (CTH MM) FROM WEST FOREST HOME AVENUE TO SOUTH NORTH CAPE ROAD IN RELATION TO THE

RECONSTRUCTION OF WEST ST. MARTINS ROAD (CTH MM) BY MILWAUKEE COUNTY AND THE JURISDICTIONAL TRANSFER THEREOF TO THE CITY OF FRANKLIN as amended. Seconded by Alderman Taylor. On roll call, Alderwoman S. Mayer, Alderman Taylor, and Alderwoman Wilhelm voted Aye; Alderman Schmidt, Alderman Mayer, and Alderman Dandrea voted No. Mayor Olson broke the tie by voting No. Motion failed.

LICENSES AND PERMITS H.1.

Alderman Dandrea moved to approve the following:
Grant Operators' licenses to Ashleigh Wegner, 6730 W. English Meadows Dr., Apt. K204, Greenfield, with a warning letter from the City Clerk; Karen Ban, 3133 W. Bridge St., Greenfield; Ermira Lazaj, 3867 E. Van Norman Ave., Cudahy; Olyvia Moczynski, W148 S8290 Harvest Ct., Muskego; and

Hold the Operator's License application of Jon Mankowski, 3555 S. Sunnyslope Rd., New Berlin; and

Place on file the review of Police incident reports from 7/1/2015 through 1/1/2016 for Class A and B establishments.

Seconded by Alderman D. Mayer. All voted Aye; motion carried.

VOUCHERS AND PAYROLL

I.1.

Alderman Schmidt moved to approve net general checking account City vouchers in the range of Nos. 159280 through 159446 in the amount of \$878,344.71 dated January 5, 2016 through January 14, 2016. Seconded by Alderman Taylor. On roll call, all voted Aye. Motion carried.

Alderwoman S. Mayer moved to approve net payroll dated January 8, 2016 in the amount of \$376,965.89 and payments of the various payroll deductions in the amount of \$212,809.74 plus any City matching payments where required. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.

Alderwoman S. Mayer moved to approve net payroll dated January 22, 2016 estimated at \$386,000.00 and payments of the various payroll deductions estimated at \$384,000.00 plus any City matching payments where required. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Alderman Schmidt moved to approve property tax refunds in the range of Nos. 15219 through Nos. 16058 in the amount of \$120,997.59 dated January 4, 2016 through January 14, 2016.

Seconded by Alderman D. Mayer. On roll call, all voted Aye. Motion carried.

Alderman D. Mayer moved to approve property tax settlements in the amount of \$51,928,915.85. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Alderman D. Mayer moved to approve payment to various vendors in the amount not to exceed \$219,077 for the Water & Wastewater building project, for the park development projects and the IRS pension plan filing fee payments. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J.

Alderman Taylor moved to adjourn the meeting at 8:50 p.m. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 02/02/2016
Reports and Recommendations	<p style="text-align: center;">A RESOLUTION AUTHORIZING CERTAIN OFFICIAL(S) TO ATTEND AND GIVE INPUT AT THE STATE CAPITOL PUBLIC HEARING SCHEDULED FOR FEBRUARY 3, 2016 RELATED TO ASSEMBLY BILL 768, AN ACT TO CREATE SECTIONS 441.16 (3)(f) AND 448.40(3) OF THE WISCONSIN STATE STATUTES RELATING TO THE DIAGNOSIS AND TREATMENT OF LYME DISEASE AND REQUIRING THE EXERCISE OF A RULE-MAKING AUTHORITY</p>	ITEM NUMBER <i>G.1.</i>

BACKGROUND

2015 ASSEMBLY BILL 768 (AB768) was introduced January 22, 2016 by Representatives CRAIG, SARGENT, BALLWEG, CONSIDINE, JAGLER, KAHL, KREMER, T. LARSON, A. OTT, PETERSEN, SINICKI, SKOWRONSKI, SPREITZER and THIESFELDT, cosponsored by Senators LASEE, C. LARSON, OLSEN and VINEHOUT.

It was referred to Committee on Health for a February 3, 2016 Public Hearing in Madison, Wisconsin. Alderwoman Wilhelm and Health Officer Wucherer are requesting attendance on behalf of the City to provide input and keep abreast of this Bill.

AB768 ANALYSIS

AB768 is an Act to create Sections 441.16 (3) (f) and 448.40 (3) of the WI State Statutes for rules relating to diagnosis and treatment of Lyme disease - and requiring the exercise of rule-making authority.

Current law requires the Medical Examining Board (MEB) and the Board of Nursing (BON) to promulgate rules for their own guidance and guidance to pertaining trades or professionals and to define and enforce professional conduct and unethical practices of those rules. This bill requires both MEB and BON to promulgate new rules regarding best practices for the diagnosis and treatment of Lyme disease (as defined in Section 2 of the bill) and requires those rules to specifically address the diagnosis and treatment of late stage, persistent, or case of chronic Lyme disease or related complications. The Bill creates:

SECTION 1. 441.16 (3)(f) of the statutes for Best practices in the diagnosis and treatment of Lyme disease, as defined (Section 2) in s. 448.40 (3), by advanced practice nurses certified to issue prescription orders, which shall specifically address the diagnosis and treatment of Lyme.

SECTION 2. 448.40 (3) to read: the meaning of "Lyme disease" includes:

- A severe borrelia burgdorferi infection.
- A late stage, persistent, or chronic infection with borrelia burgdorferi, or complications related to such an infection.
- An infection of other non-burgdorferi strains (federally recognized) known to cause Lyme.

Section 1: The need for informed promulgations is acute.

If proceeding as proposed, the MEB and BON should be required to except licensed practitioners input experienced in treating persistent or chronic conditions related to Lyme (and zoonotic) infections.

Testing inaccuracy is a significant concern. The reliance on laboratory tests of limited accuracy or validity in the diagnosis and treatment of Lyme, especially in chronic and persistence presentations needs to be recognized. Specifically lacking is the ability to make a clinical diagnosis in patients that do not develop the signature bull's-eye rash or who had borderline test results. Each matter of concern may best be addressed by the dissemination of the International Lyme and Associated Diseases Society (ILADS) guidelines already in existence and published on the National Guidelines Clearinghouse. (See <https://www.guideline.gov>)

Section 2: The need for recognition of zoonotic infections grouped under "Lyme".

Lyme victims commonly present symptoms of diseases such as Borrelia sp., Bartonella sp., Babesia sp., and Ehrlichiosis sp. The collective pool of additional zoonotic diseases presented as "Lyme" needs to be addressed.

COUNCIL ACTION REQUESTED

Motion to adopt Resolution _____, a Resolution AUTHORIZING Health Officer William Wucherer and Council President Kristen Wilhelm TO ATTEND AND GIVE INPUT AT THE STATE CAPITOL PUBLIC HEARING SCHEDULED FOR FEBRUARY 3, 2016 (and subsequent dates as needed) RELATED TO ASSEMBLY BILL 768, AN ACT TO CREATE SECTIONS 441.16 (3)(f) AND 448.40(3) OF THE WISCONSIN STATE STATUTES RELATING TO THE DIAGNOSIS AND TREATMENT OF LYME DISEASE AND REQUIRING THE EXERCISE OF A RULE-MAKING AUTHORITY.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2016-_____

A RESOLUTION AUTHORIZING CERTAIN ELECTED OFFICIAL(S) TO ATTEND AND GIVE INPUT AT THE STATE CAPITOL PUBLIC HEARING SCHEDULED FOR FEBRUARY 3, 2016 RELATED TO ASSEMBLY BILL 768, AN ACT TO CREATE SECTIONS 441.16 (3) (f) AND 448.40(3) OF THE WISCONSIN STATE STATUTES RELATING TO THE DIAGNOSIS AND TREATMENT OF LYME DISEASE AND REQUIRING THE EXERCISE OF A RULE-MAKING AUTHORITY

WHEREAS, Lyme disease is the most common vector-borne illness in the United States; and

WHEREAS, according to the Center for Disease Control (CDC) studies suggest that approximately 300,000 people are infected with Lyme disease each year in the United States; and

WHEREAS, Wisconsin is among the leading states in the nation in terms of infection rates and diagnosed cases; and

WHEREAS, untreated Lyme disease can produce a wide range of symptoms, some that can become debilitating and disabling increasing the risk of serious long-term health complications; and

WHEREAS, Representative David Craig has introduced legislation in response to the increasing prevalence of Lyme disease that would instruct boards governing medical professionals in Wisconsin to establish rules regarding best practices for the diagnosis and treatment of Lyme disease - in particular late stage, persistent, or chronic cases; and

WHEREAS, under the very best intentions to address the growing concern of Lyme disease, caution is required as legislation may not ensure freedom in the patient-physician relationship or guarantee use of the most up to date treatment options resulting in resident's suffering from the numerous debilitating effects of Lyme disease.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that in the public's interest, the seriousness of Lyme disease and the need for proper testing and treatment is recognized.

BE IT FURTHER RESOLVED, that the Mayor and Common Council of the City of Franklin authorize a representative of the Common Council to attend and present as needed in support of increased diagnosis and treatment of Lyme disease based on the most up to date research to protect the health and safety of its residents.

INTRODUCED by Alderwoman Kristen Wilhelm at a regular meeting of the Common Council of the City of Franklin this 2nd day of February, 2016.

Passed and adopted at the regular meeting of the Common Council of the City of Franklin this 2nd day of February, 2016.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Menu » 2015 » Related Documents » Proposal Text » AB768: Bill Text

LRB-3461/1

MED:klm

2015 - 2016 LEGISLATURE

2015 ASSEMBLY BILL 768

January 22, 2016 - Introduced by Representatives CRAIG, SARGENT, BALLWEG, CONSIDINE, JAGLER, KAHL, KREMER, T. LARSON, A. OTT, PETERSEN, SINICKI, SKOWRONSKI, SPREITZER and THIESFELDT, cosponsored by Senators LASEE, C. LARSON, OLSEN and VINEHOUT. Referred to Committee on Health.

1 **AN ACT** to create 441.16 (3) (f) and 448.40 (3) of the statutes; relating to: rules
2 regarding the diagnosis and treatment of Lyme disease and requiring the
3 exercise of rule-making authority.

Analysis by the Legislative Reference Bureau

Under current law, the Medical Examining Board (MEB) licenses physicians and physician assistants, and the Board of Nursing (BON) licenses nurses and certifies advanced practice nurses to be authorized to issue prescription orders (APRN prescribers). Current law requires examining boards, including MEB and BON, to promulgate rules for their own guidance and for the guidance of the trade or profession to which they pertain, and to define and enforce professional conduct and unethical practices not inconsistent with the law relating to the particular trade or profession.

This bill specifically requires both MEB and BON to promulgate rules regarding best practices for the diagnosis and treatment of Lyme disease, as defined in the bill, by physicians, physician assistants, and APRN prescribers and requires those rules to specifically address the diagnosis and treatment of cases of late stage, persistent, or chronic cases of Lyme disease, or of complications related to such cases.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

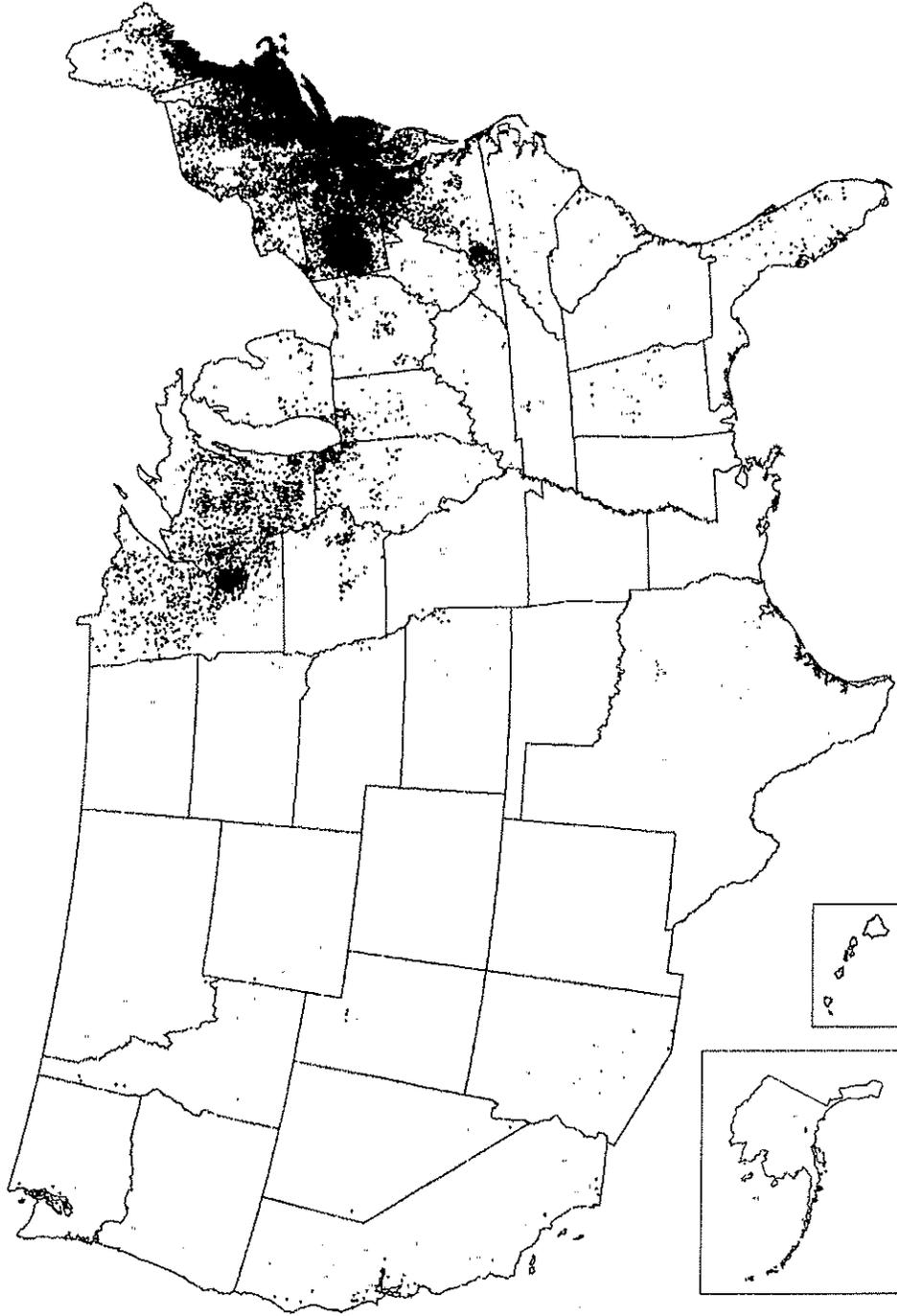
The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 SECTION 1. 441.16 (3) (f) of the statutes is created to read:

2 441.16 (3) (f) Best practices for the diagnosis and treatment of Lyme disease,
3 as defined in s. 448.40 (3) (a), by advanced practice nurses certified to issue
4 prescription orders, which shall specifically address the diagnosis and treatment of
5 cases of Lyme disease described under s. 448.40 (3) (a) 2.

Reported Cases of Lyme Disease—United States, 2014

One dot is placed randomly within the county of residence for each confirmed case. Though Lyme disease cases have been reported in nearly every state, cases are reported based on the county of residence, not necessarily the county of infection.



1 dot placed randomly within county of residence for each confirmed case



National Center for Emerging and Zoonotic Infectious Diseases
Division of Vector-borne Diseases, Bacterial Diseases Branch

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">02/02/16</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SITE PLAN AND NATURAL RESOURCE PROTECTION PLAN FOR A 5 TO 8 BEDROOM STATE LICENSED COMMUNITY BASED RESIDENTIAL FACILITY DEVELOPMENT LOCATED AT 9132 SOUTH 92ND STREET (MATT TALBOT RECOVERY SERVICES, INC., APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.2.</i></p>

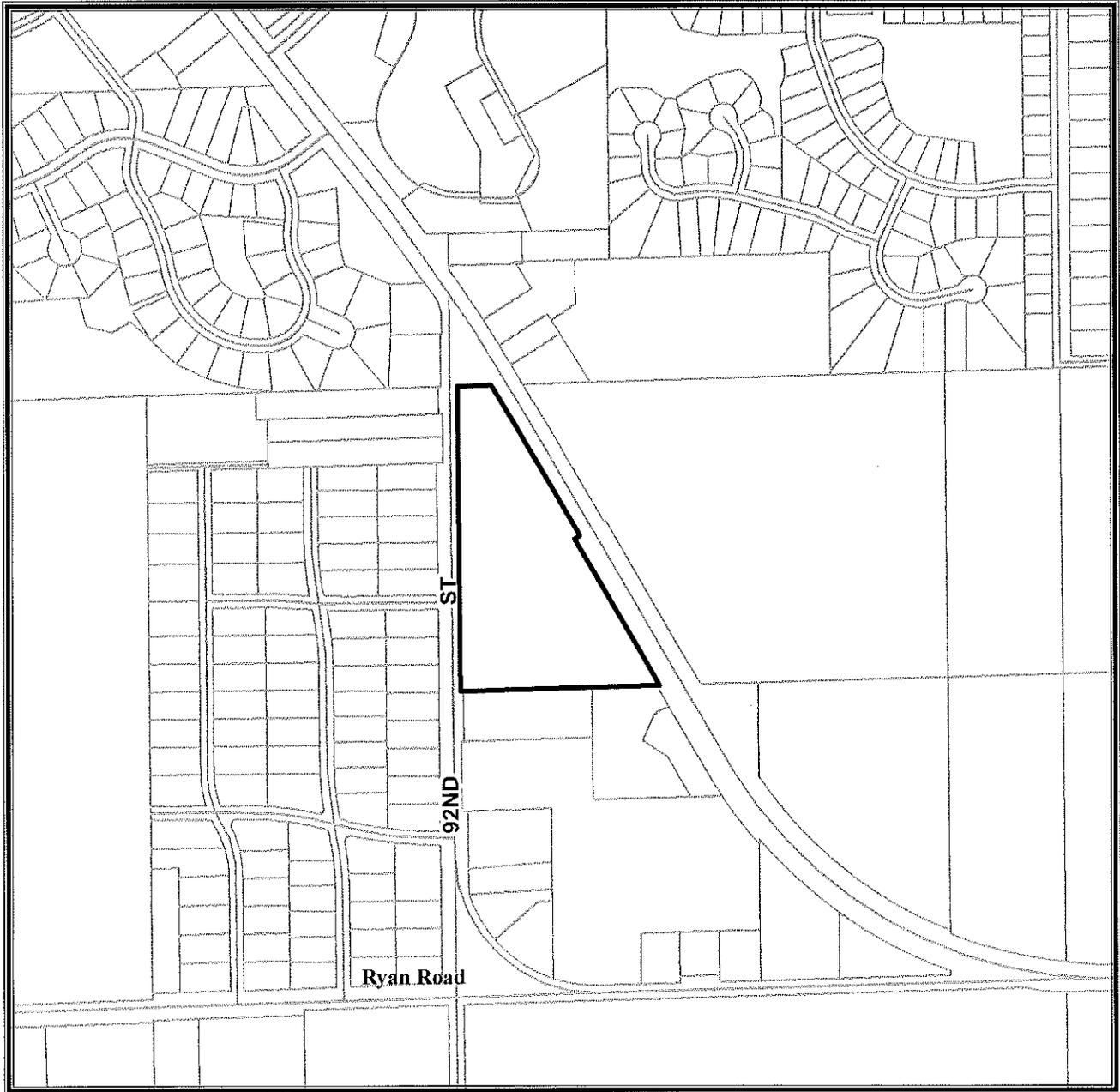
City Development staff recommends approval of a resolution authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Site Plan and Natural Resource Protection Plan for a 5 to 8 bedroom State licensed Community Based Residential Facility development located at 9132 South 92nd Street (Matt Talbot Recovery Services, Inc., Applicant), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.

COUNCIL ACTION REQUESTED

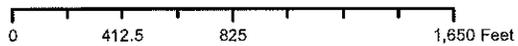
A motion to adopt Resolution No. 2016-_____, authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Site Plan and Natural Resource Protection Plan for a 5 to 8 bedroom State licensed Community Based Residential Facility development located at 9132 South 92nd Street (Matt Talbot Recovery Services, Inc., Applicant), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.



9132 South 92nd Street



Planning Department
(414) 425-4024



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.



2013 Aerial Photo

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2016-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART
OF THE REVIEW AND APPROVAL OF A SITE PLAN AND NATURAL RESOURCE
PROTECTION PLAN FOR A 5 TO 8 BEDROOM STATE LICENSED COMMUNITY
BASED RESIDENTIAL FACILITY DEVELOPMENT LOCATED AT 9132 SOUTH
92ND STREET (MATT TALBOT RECOVERY SERVICES, INC., APPLICANT)

WHEREAS, the Plan Commission having approved a Site Plan and Natural Resource Protection Plan upon the application of Matt Talbot Recovery Services, Inc. on May 14, 2015, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the woodlands, wetland buffers and wetlands on the site; and

WHEREAS, §15-7.0102G, §15-7.0103Q and §15-7.0201 of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Site Plan review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Site Plan; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by Matt Talbot Recovery Services, Inc., in the form and content as annexed hereto, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

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

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

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

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A CONSERVATION EASEMENT
MATT TALBOT RECOVERY SERVICES, INC.
RESOLUTION NO. 2016-_____

Page 2

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Franklin
COPY
DEC 21 2015

CONSERVATION EASEMENT

City Development

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 Malt Talbot Recovery Services, Inc., a Wisconsin 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 in that part of the North One-half (1/2) of the Southwest One-quarter (1/4) of Section Twenty-one (21) in Township Five (5) North, Range Twenty-one (21) East, lying West of Highway 100 in the City of Franklin, County of Milwaukee, State of Wisconsin as more fully set forth 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, which area is set forth on the attached Exhibit B, including, without limitation, steep slopes, mature woodlands, young woodlands, lakes, ponds, streams, floodplains, floodways, floodlands, shore buffers, wetland buffers, wetlands and shoreland wetlands, as set forth in Excel Engineering, Inc.'s Natural Resource Investigation, dated February 5, 2015, as revised March 6, 2015, 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, Pyramax 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.

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:
Matt Talbot Recovery Services, Inc.
Attn: Karl Rajani
4650 S. Howell Avenue
Milwaukee, Wisconsin 53207

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

In witness whereof, the grantor has set its hand and seals this on this date of November, 2015.

Matt Talbot Recovery Services, Inc.

By: [Signature]
Karl Rajani, President

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

This instrument was acknowledged before me on the 10th day of December, 2015 Karl Rajani, President of Matt Talbot Recovery Services, Inc. To me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said corporation.



My commission expires 11/3/2019

Acceptance

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

In witness whereof, the undersigned has executed and delivered this acceptance on the ____ day of _____, 2015.

CITY OF FRANKLIN

By: _____
Stephen R. Olson, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

Personally came before me this _____ day of _____, 2015, the above named Stephen R. Olson, Mayor and Sandra L. Wesolowski, City Clerk, of the above named municipal corporation, City of Franklin, to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers as the Deed of said municipal corporation by its authority and pursuant to Resolution No. _____, adopted by its Common Council on the _____ day of _____, 2015.

Notary Public

My commission expires _____

This instrument was drafted by the City of Franklin.

Approved as to contents:

Nicholas Fuchs, Senior Planner
Department of City Development

Date

Approved as to form only:

Jesse A. Wesolowski
City Attorney

Date

MORTGAGE HOLDER CONSENT

The undersigned, Pyramax Bank, FSB, a Wisconsin banking corporation ("Mortgagee"), as Mortgagee under that certain Mortgage encumbering encumbering the Property and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on July 7, 2015, as Document No. 10476948, hereby consents to the execution of the foregoing easement and its addition as an encumbrance title to the Property.

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

Pyramax Bank, FSB
a Wisconsin Banking Corporation

By: [Signature]

Name: Douglas Menne

Title: SUP Commercial Lending Manager

STATE OF WISCONSIN)
)ss
COUNTY OF MILWAUKEE)

On this, the 18th day of December, 2015, before me, the undersigned, personally appeared Douglas Menne, the Sr. VP of Pyramax Bank, FSB, a Wisconsin banking corporation, and acknowledged that (s)he executed the foregoing instrument on behalf of said corporation, by its authority and for the purposes therein contained.

Name: [Signature]
Shelley M. Hesiak

Notary Public, State of Wisconsin

My commission expires 08/23/19

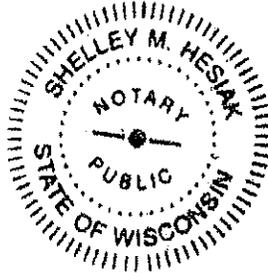


EXHIBIT A

CONSERVATION EASEMENT

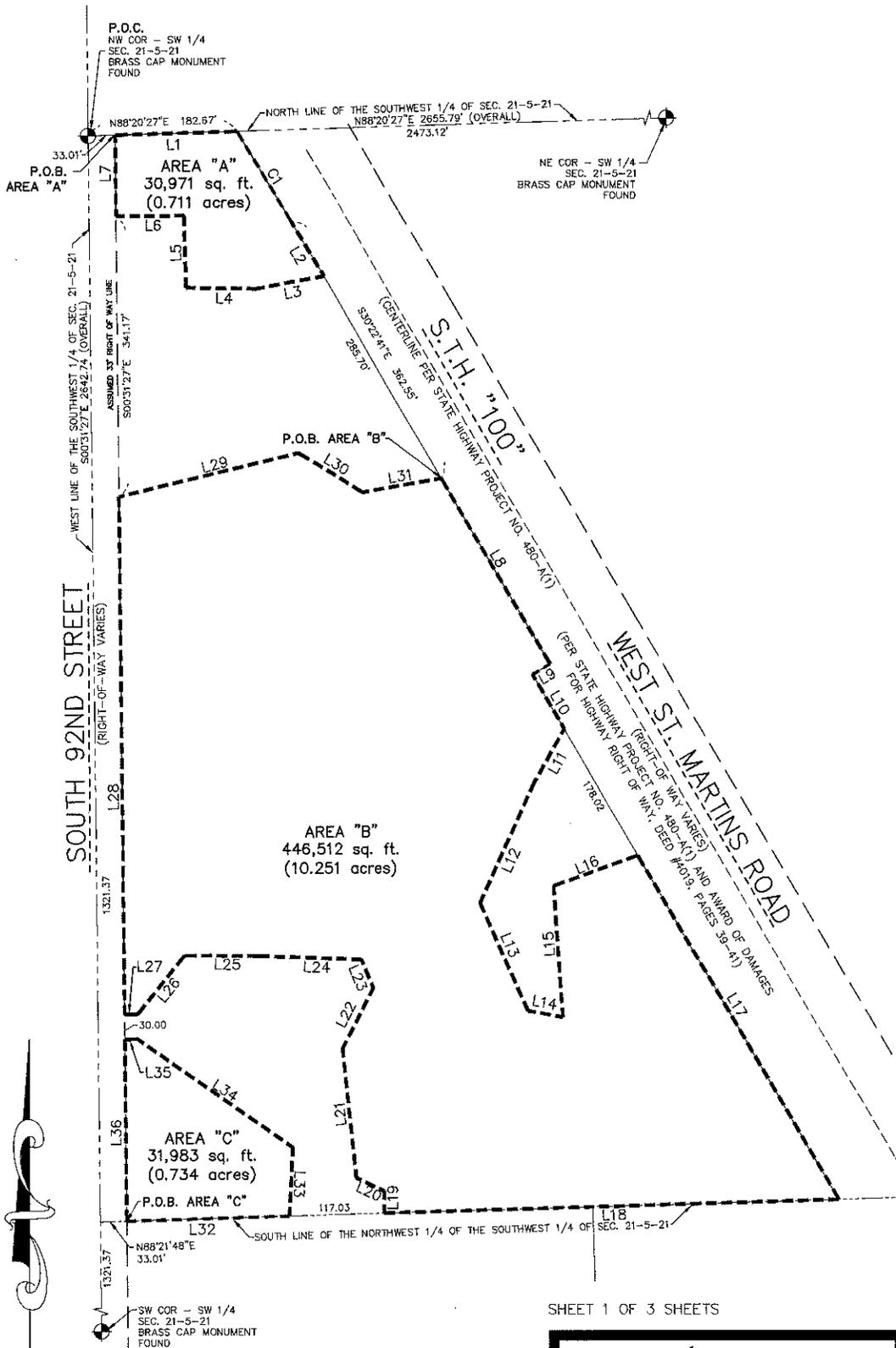


EXHIBIT A

CONSERVATION EASEMENT

AREA "A"

LINE	BEARING	LENGTH	CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
L1	N88°20'27"E	149.66'	C1	128.39'	8534.42'	S30°48'32"E	128.39'
L2	S30°22'41"E	76.85'					
L3	S79°28'13"W	83.53'					
L4	N88°59'39"W	84.15'					
L5	N01°42'51"W	87.87'					
L6	S89°28'33"W	84.43'					
L7	N00°31'27"W	98.97'					

AREA "B"

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L8	S30°22'41"E	262.10'	L20	N65°26'16"W	38.71'
L9	S59°37'19"W	25.00'	L21	N06°09'31"W	158.01'
L10	S30°22'41"E	76.75'	L22	N27°42'42"E	83.49'
L11	S29°27'09"W	76.15'	L23	N23°30'47"W	37.57'
L12	S24°18'05"W	159.51'	L24	N87°52'26"W	125.23'
L13	S23°55'01"E	143.59'	L25	N89°32'17"W	89.98'
L14	S79°51'36"E	43.31'	L26	S39°12'53"W	91.98'
L15	N04°03'18"W	159.83'	L27	S89°28'33"W	16.43'
L16	N70°16'24"E	110.24'	L28	N00°31'27"W	629.77'
L17	S30°22'41"E	485.45'	L29	N76°30'14"E	225.84'
L18	S88°21'48"W	556.56'	L30	S58°27'08"E	91.82'
L19	N00°07'19"W	26.93'	L31	N80°11'30"E	98.26'

AREA "C"

LINE	BEARING	LENGTH
L32	N88°21'48"E	198.89'
L33	N02°51'01"E	83.88'
L34	N54°58'31"W	230.27'
L35	S89°28'33"W	16.43'
L36	S00°31'27"E	221.48'

SHEET 2 OF 3 SHEETS



Excel
ENGINEERING
SURVEYING GROUP

Always a Better Plan
 100 CAMELOT DRIVE
 FOND DU LAC, WI 54935
 PHONE: (920) 926-9800
 FAX: (920) 926-9801

EXHIBIT A

CONSERVATION EASEMENT

AREA "A" LEGAL DESCRIPTION

That part of the Northwest One-quarter (1/4) of the Southwest One-quarter (1/4), of Section Twenty-one (21) in Township Five (5) North, Range Twenty-one (21) East, City of Franklin, County of Milwaukee, State of Wisconsin, being more particularly described as follows:

Commencing at the Northwest corner of the Southwest One-quarter (1/4), said Section 21; thence North 88° 20' 27" East along the North line of said Southwest One-quarter (1/4), a distance of 33.01 feet to the point of beginning; thence continuing North 88° 20' 27" East along said North line, a distance of 149.66 feet to the Westerly right-of-way line of West St. Martins Road per State Highway Project No. 480-A(1) Right of Way Plans; thence Southeasterly a distance of 128.39 feet along said right-of-way line on a curve to the right having a radius of 8534.42 feet, the chord of said curve bears South 30° 48' 32" East, a chord distance of 128.39 feet; thence South 30° 22' 41" East along said right-of-way line, a distance of 76.85 feet; thence South 79° 28' 13" West, a distance of 83.53 feet; thence North 88° 59' 39" West, a distance of 84.15 feet; thence North 01° 42' 51" West, a distance of 87.87 feet; thence South 89° 28' 33" West, a distance of 84.43 feet to the Easterly right-of-way line of South 92nd Street; thence North 00° 31' 27" West along said right-of-way line, a distance of 98.97 feet to the point of beginning.

AREA "B" LEGAL DESCRIPTION

That part of the Northwest One-quarter (1/4) of the Southwest One-quarter (1/4), of Section Twenty-one (21) in Township Five (5) North, Range Twenty-one (21) East, City of Franklin, County of Milwaukee, State of Wisconsin, being more particularly described as follows:

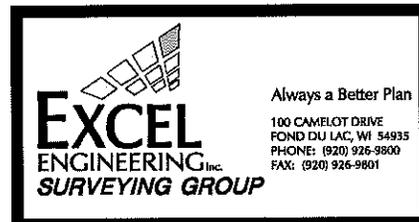
Commencing at the Northwest corner of the Southwest One-quarter (1/4), said Section 21; thence North 88° 20' 27" East along the North line of said Southwest One-quarter (1/4), a distance of 182.67 feet to the Westerly right-of-way line of West St. Martins Road per State Highway Project No. 480-A(1) Right of Way Plans; thence Southeasterly a distance of 128.39 feet along said right-of-way line on a curve to the right having a radius of 8534.42 feet, the chord of said curve bears South 30° 48' 32" East, a chord distance of 128.39 feet; thence South 30° 22' 41" East along said right-of-way line, a distance of 362.55 feet to the point of beginning; thence continuing South 30° 22' 41" East along said right-of-way line, a distance of 262.10 feet; thence South 59° 37' 19" West along said right-of-way line, a distance of 25.00 feet; thence South 30° 22' 41" East along said right-of-way line, a distance of 76.75 feet; thence South 29° 27' 09" West, a distance of 76.15 feet; thence South 24° 18' 05" West, a distance of 159.51 feet; thence South 23° 55' 01" East, a distance of 143.59 feet; thence South 79° 51' 36" East, a distance of 43.31 feet; thence North 04° 03' 18" West, a distance of 159.83 feet; thence North 70° 16' 24" East, a distance of 110.24 feet to said Westerly right-of-way line; thence South 30° 22' 41" East along said right-of-way line, a distance of 485.45 feet to the South line of the Northwest One-quarter (1/4) of said Southwest One-quarter (1/4); thence South 88° 21' 48" West along said South line, a distance of 556.56 feet; thence North 00° 07' 19" West, a distance of 26.93 feet; thence North 65° 26' 16" West, a distance of 38.71 feet; thence North 06° 09' 31" West, a distance of 158.01 feet; thence North 27° 42' 42" East, a distance of 83.49 feet; thence North 23° 30' 47" West, a distance of 37.57 feet; thence North 87° 52' 26" West, a distance of 125.23 feet; thence North 89° 32' 17" West, a distance of 89.98 feet; thence South 39° 12' 53" West, a distance of 91.98 feet; thence South 89° 28' 33" West, a distance of 16.43 feet to the Easterly right-of-way line of South 92nd Street; thence North 00° 31' 27" West along said right-of-way line, a distance of 629.77 feet; thence North 76° 30' 14" East, a distance of 225.84 feet; thence South 58° 27' 08" East, a distance of 91.82 feet; thence North 80° 11' 30" East, a distance of 98.26 feet to the point of beginning.

AREA "C" LEGAL DESCRIPTION

That part of the Northwest One-quarter (1/4) of the Southwest One-quarter (1/4), of Section Twenty-one (21) in Township Five (5) North, Range Twenty-one (21) East, City of Franklin, County of Milwaukee, State of Wisconsin, being more particularly described as follows:

Commencing at the Northwest corner of the Southwest One-quarter (1/4), said Section 21; thence South 00° 31' 27" East along the West line of said Southwest One-quarter (1/4), a distance of 1321.37 feet to the South line of the Northwest One-quarter (1/4) of said Southwest One-quarter (1/4); thence North 88° 21' 48" East along said South line, a distance of 33.01 feet to the point of beginning; thence continuing North 88° 21' 48" East along said South line, a distance of 198.89 feet; thence North 02° 51' 01" East, a distance of 83.88 feet; thence North 54° 58' 31" West, a distance of 230.27 feet; thence South 89° 28' 33" West, a distance of 16.43 feet to the Easterly right-of-way line of South 92nd Street; thence South 00° 31' 27" East along said right-of-way line, a distance of 221.48 feet to the point of beginning.

SHEET 3 OF 3 SHEETS



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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 02/02/2016
Reports & Recommendations	SUBJECT: Amendment Number One for MMSD's Funding Agreement FR 02.	ITEM NO. <i>6.3,</i>

BACKGROUND

Milwaukee Metropolitan Sewerage District (MMSD) has a program by which the City of Franklin can use MMSD funds to address Private Property Inflow And Infiltration (PPII) issues. In February 2013, the City signed a Funding Agreement to address some homes with PPII issues on S. 37th Street between W. Rawson Avenue and W. Madison Boulevard.

ANALYSIS

The private property sanitary sewer project has been completed. MMSD has been involved in all decisions throughout the process and the original estimate of \$268,000 needs to be increased by \$55,060.63 to a new total of \$323,060.63.

This increase includes three additional lateral rehabilitations and some other ancillary increased unit price costs. Full time inspection by Ruckert & Mielke was also added to the project scope of work.

OPTIONS

Sign Amendment Number One to funding Agreement FR02 that allows MMSD to fully fund the project; or

Do not sign Amendment Number One that would require the Sanitary Sewer Fund to not be reimbursed \$55,060.63.

FISCAL NOTE

100% of the funds for this project is provided by MMSD.

RECOMMENDATION

Motion to sign Amendment Number One for MMSD's Funding Agreement FR 02.



RECEIVED

DEC 21 2015

City of Franklin
Engineering Department

December 17, 2015

Mr. Glen Morrow
City Engineer/Director of Public Works
9229 West Loomis Road
Franklin, WI 53132

Subject: Amendment 1, Funding Agreement FR02

Mr. Morrow,

Enclosed are two copies of Amendment 1 for Funding Agreement FR 02 as approved by the District Commission on November 23rd, 2015, under the Private Property Inflow and Infiltration Reduction Program. If acceptable, please complete City endorsements and return both copies. A completed original will be returned for your files once all signatures are complete.
Please contact me at 414.225.2161 or jflogel@mmsd.com if you have any questions.

Sincerely,

Jerome Flogel, P.E.
Senior Project Manager

Enclosure

JF

Amendment Number One

Funding Agreement FR02

This Amendment Number One is made to Funding Agreement FR02 ("Agreement") between the Milwaukee Metropolitan Sewerage District ("District") with its principal place of business at 260 West Seeboth Street, Milwaukee, Wisconsin 53204-1446 and the City of Franklin (Municipality) with its municipal offices at 9229 West Loomis Road, Franklin, Wisconsin 53132.

Municipality and District agree to amend the Agreement as follows:

Article 1, District Funding, is changed to replace "\$268,000" with "\$323,060.63" reflecting an increase of \$55,060.63 in the amount of the final project cost.

Further, the Scope of Work in Attachment A is revised as follows: Three additional lateral rehabilitations were completed for a total of 34 lateral rehabilitations. Additional unit bid quantities for lateral rehabilitation through CIPP lining and/or excavation necessary at the following addresses: 7261, 7166, 7136, 7227, 7215, and 7239 S. 37th Place, and 3721 W. Rawson Ave. Full time construction inspection was added to the project scope of work.

All other provisions of the Agreement, as amended, shall remain in full force and effect.

**MILWAUKEE METROPOLITAN SEWERAGE
DISTRICT**

CITY OF FRANKLIN

By: _____
Kevin L. Shafer, P.E.
Executive Director

By: _____
Steve Olson
Mayor

Date: _____

Date: _____

Approved as to form:

Attorney for the District

Sandi Wesolowski
City Clerk

Amendment Number One

Funding Agreement FR02

This Amendment Number One is made to Funding Agreement FR02 ("Agreement") between the Milwaukee Metropolitan Sewerage District ("District") with its principal place of business at 260 West Seeboth Street, Milwaukee, Wisconsin 53204-1446 and the City of Franklin (Municipality) with its municipal offices at 9229 West Loomis Road, Franklin, Wisconsin 53132.

Municipality and District agree to amend the Agreement as follows:

Article 1, District Funding, is changed to replace "\$268,000" with "\$323,060.63" reflecting an increase of \$55,060.63 in the amount of the final project cost.

Further, the Scope of Work in Attachment A is revised as follows: Three additional lateral rehabilitations were completed for a total of 34 lateral rehabilitations. Additional unit bid quantities for lateral rehabilitation through CIPP lining and/or excavation necessary at the following addresses: 7261, 7166, 7136, 7227, 7215, and 7239 S. 37th Place, and 3721 W. Rawson Ave. Full time construction inspection was added to the project scope of work.

All other provisions of the Agreement, as amended, shall remain in full force and effect.

**MILWAUKEE METROPOLITAN SEWERAGE
DISTRICT**

CITY OF FRANKLIN

By: _____
Kevin L. Shafer, P.E.
Executive Director

By: _____
Steve Olson
Mayor

Date: _____

Date: _____

Approved as to form:

Attorney for the District

Sandi Wesolowski
City Clerk

Glen Morrow

From: Fogel, Jerome [JFogel@mmsd.com]
Sent: Monday, January 25, 2016 11:11 AM
To: Glen Morrow
Subject: RE: MMSD outstanding invoice from May \$380,581.61
Attachments: FA031513_FR02.pdf; MMSD communities - percentagesJRF012216.xls

Glen,

The math gets messy since the invoice covered work across several funding agreements. Funding agreement #2 though is where the significant funding agreement overrun occurred initiating the need for an amendment. We are <\$1000 over on funding agreement 5 as well. This will be a separate amendment that only requires Kevin Shafer signature and won't hold up payment. All Franklin invoices to date are summarized in the attached. The red values are the pending charges in the current invoice.

Jerome

From: Glen Morrow [mailto:GMorrow@franklinwi.gov]
Sent: Monday, January 25, 2016 10:53 AM
To: Fogel, Jerome
Subject: RE: MMSD outstanding invoice from May \$380,581.61

Do you have a clean copy of the original agreement handy? I want to add it to the council action for background reference.

From: Fogel, Jerome [mailto:JFogel@mmsd.com]
Sent: Monday, January 25, 2016 10:51 AM
To: Glen Morrow
Cc: Paul Rotzenberg; Ron Romeis
Subject: RE: MMSD outstanding invoice from May \$380,581.61

Glen,
We have been working through several voids in the funding agreement deliverables with your staff and your engineer since May. The final issue is the invoice exceeds the funding agreement limits. An amendment to the funding agreement passed District Commission in November and was sent to the City for endorsement on December 17. We are waiting for return of the City endorsed documents. Once the amendment is complete authorizing the funds, we can process the invoice for full payment.

Jerome

From: Glen Morrow [mailto:GMorrow@franklinwi.gov]
Sent: Monday, January 25, 2016 9:05 AM
To: Fogel, Jerome
Cc: Paul Rotzenberg; Ron Romeis
Subject: FW: MMSD outstanding invoice from May \$380,581.61
Importance: High

Jerome-
Can you assist in this issue?
Glen

From: Paul Rotzenberg
Sent: Monday, January 25, 2016 8:43 AM

Funding Agreement FR02

Private Property Infiltration and Inflow Reduction Agreement

This Agreement is made between the Milwaukee Metropolitan Sewerage District (District) with its principal place of business at 260 West Seeboth Street, Milwaukee, Wisconsin 53204-1446 and the City of Franklin (Municipality), with its municipal offices at 9229 W. Loomis Road, Franklin, WI 53213.

WHEREAS, Wisconsin law, through Section 66.0301 Stats., authorizes any municipality to enter into an intergovernmental cooperation agreement with another municipality for the furnishing of services; and

WHEREAS, the District is responsible for collecting and treating wastewater from the Municipality's locally owned collection system; and

WHEREAS, the Municipality's sewers collect wastewater from lateral sewers located on private property and owned by private property owners; and

WHEREAS, during wet weather events stormwater enters lateral sewers through defective pipes and leaky joints and connections ("infiltration") and stormwater also enters lateral sewers from foundation drains, improper connections and other sources ("inflow"); and

WHEREAS, infiltration and inflow increases the amount of wastewater that the District must collect and treat; and

WHEREAS, during wet weather events infiltration and inflow ("I/I") into privately owned sewers contributes to the risk of sewer overflows; and

WHEREAS, the District wishes to fund measures to reduce I/I from private property.

Now, therefore, for the consideration of the mutual promises made by the parties to this Agreement, the parties agree as follows:

1. Date of Agreement

This Agreement becomes effective immediately upon signature by both parties and shall end when the Municipality receives final payment from the District; or when this Agreement is otherwise terminated as set forth herein.

2. District Funding

The District shall reimburse the Municipality for \$268,000 in costs for the private property I/I control work described in Attachment A ("the Work"). The District funding shall be provided as a reimbursement upon submission of quarterly invoices. Beyond the financial support for the Work, the District shall have no involvement in ownership, construction, maintenance or operation of the Work. The Municipality shall identify the District as a funder in informational literature and signage.

3. Procedure for Payment

The Municipality shall submit an invoice to the District for the amount to be reimbursed. Invoices may be submitted no more often than quarterly. The invoice should include a documentation of all costs to be reimbursed. Invoices from consultants shall provide the hourly billing rates, if applicable, the hours worked by individuals, and a summary of the tasks accomplished.

Reports and invoices shall be submitted to:

Jerome Fogel, P.E.
Senior Project Manager
Milwaukee Metropolitan Sewerage District
260 West Seeboth Street
Milwaukee, WI 53204 - 1446

Final reimbursement will not be provided until the project is complete and the Deliverables have been received.

4. Changes in Work and Modifications to the Agreement

Any changes to the Work must be approved by the District, in writing, in advance. The District may not reimburse for work that is not included in Attachment A unless prior written approval from the District is obtained.

This Agreement may be modified only by a writing signed by both parties.

5. Ongoing Reporting Obligation

For a period of five years following the completion of the Work, the Municipality agrees to report to the District any problems which may arise with the completed Work. This information may be used by the District in planning future I/I reduction efforts.

6. Permits, Certificates and Licenses

The Municipality is solely responsible for ensuring compliance with all federal, state and local laws requiring permits, certificates and licenses required to implement the Work.

7. Public Bidding

The selection of professional service providers must be performed in accordance with the Municipality's ordinances and policies. All non-professional service work (i.e. construction, sewer inspection, post-construction restoration) must be procured in accordance with State of Wisconsin statutes and regulations and in accordance with the Municipality's ordinances and policies. Whenever work valued over \$25,000 is procured without the use of a public sealed bidding process, the District may request and the Municipality must provide an opinion from a licensed attorney representing the Municipality stating that the procurement is in compliance with State of Wisconsin law and Municipal ordinances.

8. Responsibility for Work, Insurance and Indemnification

The Municipality is solely responsible for planning, design, construction and maintenance of the Work, including the selection and payment of consultants, contractors, and materials. The Municipality is solely responsible for ensuring compliance with Wisconsin prevailing wage law.

The District shall not provide any insurance coverage of any kind for the Work or the Municipality.

The Municipality shall defend, indemnify and hold harmless the District and its Commissioners, employees, and agents against any and all damages, costs, liability and expense whatsoever (including attorneys fees and related disbursements) arising from or connected with the planning, design, construction, operation or maintenance of the Work.

9. Terminating the Agreement

The District may terminate this Agreement at any time prior to commencement of the Work. After the Work has commenced, the District may terminate the Agreement only for good cause, such as, but not limited to, breach of agreement by the Municipality. The Municipality may terminate the Agreement at any time, but will not receive any payment from the District if the Work is not completed.

10. Exclusive Agreement

This is the entire Agreement between the Municipality and the District regarding reimbursement for Work.

11. Severability

If any part of this Agreement is held unenforceable, the rest of the Agreement will continue in effect.

12. Applicable Law

This Agreement is governed by the laws of the State of Wisconsin.

13. Resolving Disputes

If a dispute arises under this Agreement, the parties agree to first try to resolve the dispute with the help of a mutually agreed-upon mediator in Milwaukee County. Any costs and fees other than attorney fees associated with the mediation shall be shared equally by the parties. If the dispute is not resolved within 30 days after it is referred to the mediator, either party may take the matter to court.

14. Notices

All notices and other communications in connection with this Agreement shall be in writing and shall be considered given as follows:

- when delivered personally to the recipient's address as stated on this Agreement;
or
- three days after being deposited in the United States mail, with postage prepaid to the recipient's address as stated on this Agreement.

15. No Partnership

This Agreement does not create a partnership relationship nor give the Municipality the apparent authority to make promises binding upon the District. The Municipality does not have authority to enter into contracts on the District's behalf.

16. Assignment

The Municipality may not assign any rights or obligations under this Agreement without the District's prior written approval.

17. Public Records

The Municipality agrees to cooperate and assist the District in the production of any records in the possession of the Municipality that are subject to disclosure by the District pursuant to the State of Wisconsin's Open Records Law, §§19.31-19.39, Wis. Stats. The Municipality agrees to indemnify the District against any and all claims, demands, and causes of action resulting from the Municipality's failure to comply with this requirement.

MILWAUKEE METROPOLITAN SEWERAGE DISTRICT

CITY OF FRANKLIN

By: *Kevin L. Shafer*
Kevin L. Shafer, P.E.
Executive Director

By: *Thomas M. Taylor*
Thomas M. Taylor
Mayor

Date: 3/11/13

Date: 2/21/2013

Approved as to form:

Clerk:

Kathleen Egerich
Attorney for the District

Sandra F. Wesolowski
Sandra Wesolowski



Attachment A

In August of 2012, the City as part of its Phase I Investigative Work Plan, performed dye testing and CCTV on 33 building laterals on 37th Place between Rawson Avenue and Madison Boulevard. The City Plumbing Inspector also performed an internal inspection of 8 of the 11 houses that have basements and is continuing to complete the last 3. The main line 8" sewer is one of the oldest in the City and is a dead end sewer serving only 37th Place.

Of the 33 laterals, 31 exhibited severe root intrusion or structural defects that allowed dye water into the system. All of the laterals are quite shallow (6'±) and the majority of them leaked where the lateral crossed under the roadside drainage ditch. It is assumed that all 11 houses with basements have foundation drain connections to the floor drain through a Palmer Valve.

Description of Work:

The City plans to rehabilitate the 31 laterals from the main line to a point close to the house foundations. Of the 31, 4 will be relayed with PVC pipe due to structural problems, 17 will be lined with a cured-in-laced lining and 11 will either be lined or replaced depending upon cost-effectiveness (see attachment).

The plan will also include the installation of sump pumps and storm lateral extensions to the roadside ditch to enable the disconnection of 11 basements with foundation drain connections.

The City will use MMSD flow monitoring following rehabilitation to quantify the effectiveness of the program

Location of Work:

South 37th Place between Rawson Avenue and Madison Boulevard.

Public Education/Outreach:

The City will be obtaining an access agreement, and "temporary easement" from each of the property owners. It is anticipated that there will be 100% participation since the City is offering the lateral rehab and sump pump and storm lateral at no cost to the homeowner.

Budget:

31 laterals to be rehabilitated @ \$6,000/lateral	=	\$186,000
11 foundation drain disconnections with sump pump installation and storm lateral @\$5,000/house	=	\$ 55,000
Work Plan/Meetings		\$ 3,500
Engineering, Design Services @ 6%	=	\$ 14,460
Bidding and Construction Administration		
Services @ 2%	=	\$ 4,820
City Plumbing Inspector		\$ 4,000
Approximate Total Cost	=	\$267,780

Schedule:

Bidding - December/January (2012)

Construction (2013)

February 1 - Start

July 1 - Substantial Completion

September 1 - Final Completion

Procurement:

Plans and Specifications are being prepared by Franklin's consultant and will be submitted to the MMSD for review prior to bidding. The City will publically bid the Lateral Rehabilitation and Foundation Drain Removal and choose the lowest cost and most responsible and responsive bidder.

Data Collection:

- Footage, size and type of lateral rehabilitated per house.
- Inspection Reports will be prepared by the Plumbing Inspector.
- The City Plumbing Inspector will be on-site as necessary to ensure quality of

workmanship.

- The MMSD will supply flow metering to gauge rehab effectiveness.
- The City will determine if warranty inspections will be required when preparing the bidding documents.

Deliverables:

1. Map of participating homes with electronic data base format of associated information including without limitation: property tax i.d., address, and column categories of work performed by property including lateral lined, cleanout installed, section repair, etc.
2. Provide samples of all Public Involvement/Public Education documents.
3. Draft plan and specification documents for review for all proposed work.
4. Final version of project documents including but not limited to plans, specifications, bidding documents, and meeting schedule reviewed and approved by the District.
5. Accurate schedule of field activities updated on a bi-weekly basis.
6. Notification of public and project meetings with inclusion of the District in participation thereof.
7. Progress reports on project activities and public involvement (PI) activities on a monthly basis or with pay reimbursement request, whichever occurs more frequently.
8. Inspection reports from the field engineer for work completed on a monthly basis or with expense reimbursement request, whichever occurs more frequently.
9. Photo documentation of project work in jpeg format on disc, jump drive or other format agreeable to both parties.
10. Quality control and quality assurance reports by the contractor submitted on a regular basis as work progresses.
11. Post work survey results collected from property owners.
12. Summary report upon completion of the project outlining quantifiable results of the completed work based on pre-work estimates, measurements, or data collected. The report shall include a specific section reporting on the results of the PI effort including follow up contact with residents in the project area as included in the PI plan. The report shall include specific details on the results of the efforts in planning that were intended to maximize efficiency and results as well as lessons learned throughout the project that may be applied in subsequent projects. The report shall include accounting of total project costs including municipality internal costs by category (engineering, public outreach, etc).
13. The City will be responsible for providing pre work flow data and reporting post work flow monitoring data and or other data related to identified measures of success for at least 2 years post work completion or as long as data is available, whichever period is longer, and reporting on any problems with the work for 5 years.



ROUTING REQUEST

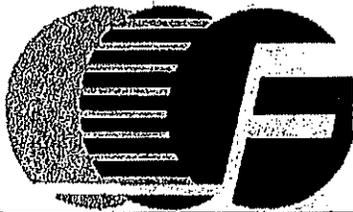
② To: Kevin Straler
 SUBJECT: Franklin PPS/x funding agreement 2
 ACTION REQUIRED: Signature (3)

FOR ALL ITEMS REQUIRING THE EXECUTIVE DIRECTOR'S ACTION OR SIGNATURE:
 It is the responsibility of the Director of the originating division to ensure that all necessary signatures are obtained prior to forwarding to the Executive Director.

Originating Cost Center	Cost Center Manager	Division Director	Date
ACT			
CMS			
COM			
ENG			
EXD			
FAC			
GRA			
HUM			
ITS			
IWC			
LAB			
① LGS	<u>Katherine Gori</u>	<u>Gori</u>	<u>3/11/13</u>
MKT			
OCC			
OMB			
PLN			
③ PRS	<u>Jane...</u>		
PUR			
REC			
Other			

12-191 0/12

3943
 3-8-13
 MZ



**MEMORANDUM: FROM ENGINEERING CITY OF FRANKLIN 9229 W. LOOMIS RD.
FRANKLIN, WI 53132**

LETTER OF TRANSMITTAL

	DATE: March 5, 2013	FILE NO.
TO:		
Mr. Jerome Fogel, P. E. Sr. Project Manager, PPII Program Milwaukee Metropolitan Sewerage District 260 West Seeboth Street Milwaukee, WI 53204		

GENTLEMEN:

- WE ARE FORWARDING TO YOU: Attached Under separate cover via _____
- Originals Prints Plans Information Specifications
- Copy of Letter Other _____

COPIES	DATE	NO.	DESCRIPTION

THESE ARE TRANSMITTED AS CHECKED BELOW:

- | | | |
|--|---|---|
| <input type="checkbox"/> For approval | <input type="checkbox"/> Approved as submitted | <input type="checkbox"/> Resubmit ___ copies for approval |
| <input type="checkbox"/> For your use | <input type="checkbox"/> Approved as noted | <input type="checkbox"/> Submit ___ copies for distribution |
| <input type="checkbox"/> As requested | <input type="checkbox"/> Returned for corrections | <input type="checkbox"/> Return ___ corrected prints |
| <input type="checkbox"/> For review and comment. | <input type="checkbox"/> Submitted for signature | <input type="checkbox"/> Signed and returned - Originals |
| <input type="checkbox"/> Other _____ | | <input type="checkbox"/> Returned after loan to us |

REMARKS: Please find enclosed 3 sets each for PPII Reduction Agreement FR02 & FR03.
Could you please have them signed and return copies to the City. Thank you.

SIGNED: 

paid

Workplan	FA Value	Request #	Date	Amount	Invoice	Vendor	Date	Amount	Totals	Design/InvPlan	CIR	PO/PE
FR01	\$ 80,000	1	2-May-12	3,877.87	100118	RM	16-Feb-12	\$2,320.71		\$		
FR01A1	\$ 12,000				100466	RM	21-May-12	\$674.98		674.98		
FR01A2	\$ 10,000				100463	RM	3-Apr-12	\$1,041.98		1,041.98		
		2	15-Jun-12	11,919.54	68105	RM	23-Nov-11	\$3,603.00		3,603.00		
					70936	RM	25-Apr-11	\$427.75		427.75		
					70738	RM	13-May-11	\$705.03		705.03		
					10746688	Daily Rept	18-May-11	\$86.63		86.63		
					3786182	JS	12-May-11	\$56.12		56.12		
					71738	RM	14-Jun-11	\$464.28		464.28		
					71678	RM	13-Jul-11	\$304.94		304.94		
					72023	RM	4-Aug-11	\$619.41		619.41		
					72988	RM	4-Oct-11	\$9,290.63		9,290.63		
					74245	RM	20-Dec-11	\$125.00		125.00		
					74591	RM	30-Dec-11	\$93.75		93.75		
					2719	Karls	27-Apr-12	\$143.00				143.00
		3	29-Nov-12	76,856.18	101027	RM	15-May-12	\$7,857.48		7,857.48		
					101177	RM	30-May-12	\$11,176.75		11,176.75		
					101444	RM	28-Jun-12	\$10,100.00		10,100.00		
					4047088	US	21-Jun-12	\$17.47		17.47		
					101690	RM	26-Jul-12	\$9,600.00		9,600.00		
					101945	RM	29-Aug-12	\$6,576.98		6,576.98		
					8515	Acq	12-Sep-12	\$5,740.00		5,740.00		
					102205	RM	18-Sep-12	\$4,125.00		4,125.00		
					198840	Karls	29-Oct-12	\$0.00				
					23409	VisiSawyer	31-Aug-12	\$21,662.50		21,662.50		
		4	14-Dec-12	2,952.50		RM	16-Dec-13	\$2,952.50		2,952.50		
		4	31-Oct-13	262,946.65		RM	16-Dec-13	\$9,696.19		9,696.19		
						RM	16-Dec-13	\$1,311.20		1,311.20		
						RM	16-Dec-13	\$10,209.66		10,209.66		
						RM	16-Dec-13	\$2,051.75		2,051.75		
						RM	16-Dec-13	\$388.75		388.75		
						RM	16-Dec-13	\$357.42		357.42		
						RM	16-Dec-13	7,790.00		7,790.00		
						RM	16-Dec-13	459.97		459.97		
						Keaker	16-Dec-13	\$7,790.00		7,790.00		
						RM	16-Dec-13	\$459.87		459.87		
						MidCity	16-Dec-13	\$30,296.00		30,296.00		
						RM	16-Dec-13	\$9,723.86		9,723.86		
						RM	16-Dec-13	\$14,077.15		14,077.15		
						MidCity	16-Dec-13	\$181,438.45		181,438.45		
						RM	16-Dec-13	\$15,145.03		15,145.03		
		5	7-May-15	46,653.98	105879	RM	24-Oct-13	\$3,433.48		3,433.48		
					106211	RM	3-Dec-13	\$204.50		204.50		
					106789	RM	10-Feb-14	\$2,284.75		2,284.75		
					107456	RM	29-Apr-14	\$1,625.70		1,625.70		
					108249	RM	17-Jul-14	\$988.00		988.00		
					MC3	MidCity		\$4,970.47		4,970.47		
					MC4	MidCity		\$3,737.08		3,737.08		
FR02A1	\$ 55,061											
FR03	\$ 41,500	3	29-Nov-12	143.00	196840	Karls	29-Oct-12	\$143.00		143.00		
		4	31-Oct-13	16,873.08		RM	16-Dec-13	\$2,183.88		2,183.88		
						RM	16-Dec-13	\$1,529.50		1,529.50		

\$ 95,686

\$ 323,061

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 2/2/16
Reports & Recommendations	SUBJECT: Street light installation located at W. Forest Home Avenue and S. North Cape Road.	ITEM NO. G.4.

BACKGROUND

Pursuant to the relocation of a street light, the City of Franklin is required to pay for the installation of one (1) streetlight, Cobra-semi cut-off fixture, 150 watt and one wood pole, natural colored at a cost of \$3,214.11.

This cost does include the restoration of the site.

RECOMMENDED COUNCIL ACTION

Motion to authorize the City Engineer to sign a street light appendix with WE Energies for the installation of one (1) street light, 150 watt high pressure sodium on one wood pole, at a cost of \$3,214.11 which includes restoration of the site, be billed to the City of Franklin.

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January 25, 2016

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

4800 W. Rawson Ave.
Franklin, WI 53132 8707
www.we-energies.com

RE: Work Request number: 3877487 Non-Standard Street Lighting
City of Franklin located at W. Forest Home Ave & S. North Cape Rd.

Dear Ronnie:

We require your authorization for the NIGHT AURA[®] lighting service for the above project at the indicated location. The cost for the work (based on the attached sketch) is \$3,214.11 which does include restoration of the site. This price estimate expires 90 days from the date of this letter. If unusual conditions are encountered in the installation, there may be additional charges.

Light Fixtures

Quantity	Fixture	Color	Type	Wattage
1	Cobra-semi cut-off	Gray	High Pressure Sodium	150 watt

Poles

Quantity	Type	Mounting Height	Color
1	Wood	40 Foot	Natural

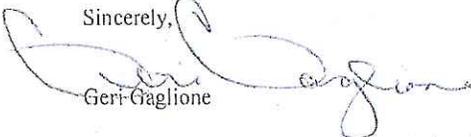
CONTINGENCIES:

- Sign all of the enclosed documents (including the sketch) and return them in the enclosed envelope.
 - If Option A is selected on the Agreement, the municipality is responsible for the supplemental payment of \$450.00.
 - If Option B is selected on the Agreement, the municipality is responsible for the installation payment of \$3,214.11.
- In the area where we are placing our cables or equipment, it is necessary that the properties involved be within four (4) inches of final grade. If not, you may be required to pay the cost of relocating or reburying our facilities.
- Locate and mark all privately owned underground facilities (septic systems, waterlines, etc.)
- Right-of-way and/or easement(s) may also be required from you and/or adjacent property owners.

Please note that We Energies has not designed this to the Illuminating Engineering Society's minimum standard for continuous roadway lighting levels.

When all of the contingencies have been met, this order will be released to construction for scheduling. If you have any questions, please call me at (414) 423-5008.

Sincerely,


Geri Gaglione

The listed contingencies are accepted and authorization is given for the above project.

Date: _____

By: _____ Print Name: _____



Are you ready for electric service?



Important! The electric ready for service card must be completed when you are ready for electric service and returned to us before we can begin your new service installation.

I understand that the following items need to be completed before installation begins.

- Located, marked or exposed any private buried obstructions or underground facilities – such as a well, drain tiles, septic/mound system and/or underground yard lighting – with stakes, spray paint or flags (applies to underground service only).*

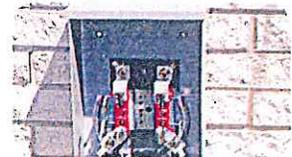


Note to customer: We Energies and/or its agents will not be held responsible for damage that occurs to customer-owned underground facilities that are not properly located and marked before electric service installation.

- Prepared the ground around my building and along the service route to within 4 inches of final grade (applies to underground service only).



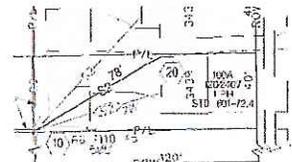
- Installed meter socket at agreed-upon meter location (applies to both underground and overhead service).



- Cleared a minimum 10-foot-wide path along the service route from the property line to the meter location. I've made sure things like dirt piles and construction materials aren't in the way (applies to underground service only).



- Sent my signed sketch (if applicable) and informed We Energies of any planned decks, patios or pools before my service is installed. Once my service is installed, it would be my responsibility to pay any costs to move my electric facilities to accommodate future structures. **Note:** Building over the top of electric facilities may cause serious safety or code violations.



- Submitted payment, if applicable.

* If you are unable to properly locate and mark your privately owned buried facilities, you can hire a contractor to do it for you.

I understand that my service will not be energized until We Energies receives my municipal inspection or affidavit.

Electric ready for service card

Please complete, sign and return this card when all of the items above have been completed.

Name: _____

Installation address: W. Forest Home Ave & S. North Cape RD
(please print)

City: Franklin State: _____ ZIP code: _____

Daytime phone: _____

- I certify that I am the owner or authorized representative of the owner.

* Signature: _____ Date: _____

- Please hold my ready for service card and schedule installation after March 31.

(For We Energies office use only) Order number: 3877487

Additional charges for electric service installation apply from Dec. 1 through March 31.

For new service questions, visit www.we-energies.com/newservice or call 262-574-6400 or 866-423-0364 (toll free).

WE ENERGIES WORK REQUEST ENVIRONMENTAL NOTES

Notes #1 - #7 apply to ALL work requests:

General

1. If WDNR and/or USACE permits were obtained for the project, all permit conditions shall be met during construction of the project.

Erosion Control

2. If soil disturbance occurs on slopes or channels/ditches leading to wetlands or waterways, or within wetlands, the disturbed areas shall be stabilized and appropriate erosion control Best Management Practices (BMPs) shall be implemented.
3. Erosion control BMPs shall meet or exceed the approved WDNR Storm Water Management Technical Standards (http://dnr.wi.gov/topic/stormwater/standards/const_standards.html). Refer to We Energies' Construction Site Sediment and Erosion Control Standards.
4. Inspect installed erosion control BMPs at least one time per week and after 1/2-inch rain events; repair as necessary.
5. When temporary stabilization is required (e.g. for winter or short-term construction) prior to final restoration, soil stabilizer shall be installed wherever possible. Erosion mat shall be used temporarily only where appropriate, in accordance with state standards, and when approved by the Operations Supervisor.

Contaminated Soils

6. Whenever soil exhibiting obvious signs of contamination (e.g., discoloration, petroleum or solvent odor, free liquids other than water, buried containers or tanks, or other obvious signs of environmental impacts) is encountered during excavation or installation, cease work immediately, take appropriate immediate precautions to ensure worker health and safety, and contact the Operations Supervisor or Inspector.

Spills

7. If an oil spill occurs on during construction, call the Environmental Incident Response Team (EIRT) at (414) 430-3478:
 - a. Any quantity of oil is spilled into surface water;
 - b. Any oil spill greater than 50 ppm PCB into a sewer, vegetable garden, or grazing land;
 - c. Any oil spill containing greater than 500 ppm PCB;
 - d. Five gallons or more of oil spilled to the ground;
 - e. Any oil spill involving a police department, fire department, DNR, or concerned property owner.

Notes #8 - #27 apply as noted at specific points within each work request:

Dewatering

8. Dewatering of pits or trenches shall be done in accordance with state standards. Use an approved sediment bag, a straw bale dewatering basin, a combination of both, or equivalent.

Wetlands

9. As much as practicable, the majority of the work shall be staged from the public roadways and road shoulders, keeping equipment out of adjacent wetlands.
10. All work shall be conducted to minimize soil disturbance. No rutting will be allowed within the wetlands.
11. If soils are not frozen or stable to a point that avoids rutting, timber mats, mud tracks, or equivalent shall be utilized to access pole locations.
12. Excavated soils cannot be stockpiled in wetlands.

13. All excess spoils shall be removed from wetlands and placed in a suitable upland location.
14. Trenching and pit excavations within wetlands shall include soil segregation to facilitate restoration of pre-construction soil stratification, and restoration to pre-construction elevations.
15. Poles scheduled to be removed, and that occur within wetland, shall be cut at the ground surface.

Waterways

16. No work can be performed within the banks or below the ordinary high watermark of any navigable waterways/streams.
17. No crossing of navigable waterways with equipment can occur. Foot traffic is allowed.
18. Any disturbed soil within 75-feet of the ordinary high water mark of any navigable waterways/streams shall be stabilized within 24 hours of construction completion.

Threatened and Endangered Species

19. Threatened or endangered species are known to occur in the work area. It is illegal to harass, harm, or kill a protected species under state and federal regulations. Proper precautions shall be taken to ensure harm to individuals is avoided.
20. In order to protect the threatened or endangered species, work must be conducted between November 5 and March 15.
21. Exclusion fencing must be installed at the work area prior to March 15.
22. A qualified biologist must be present when conducting work at this location.

Invasive Species

23. State regulated invasive species are known to occur in the work area. Reasonable precautions are legally required to prevent the spread of these species. The Wisconsin Council on Forestry Transportation and Utility Rights-of-Way Best Management Practices should be followed: (<http://council.wisconsinforestry.org/invasives/transportation/>).

Cultural and Historical Resources, cont.

24. The project is within or adjacent to an area that is identified by the State of Wisconsin as potentially having Native American artifacts, burial mounds or burial sites, which could be encountered during construction.
25. If human bone or any artifacts are discovered during construction, work must cease immediately. Contact the Environmental Department who will contact the State Burial Sites Preservation Office and determine the next steps that must be taken in order to comply with state law. Work at that site MAY NOT PROCEED until the Environmental Department authorizes it.
26. A "qualified archaeologist," as specified under Wis. Stats 157.70 (1) (i) and Wis. Admin. Code HS 2.04 (6), must be present to monitor all ground disturbing activities.

Frac-out Contingency Plan

27. A frac-out contingency plan shall be on-site and implemented accordingly. The contingency plan shall incorporate the following components.
 - a. Continuously inspect the bore paths for frac-outs in order to respond quickly and appropriately.
 - b. Containment materials (e.g. silt fence, straw bales, sand bags, etc.) shall be on site and available should a frac-out occur.
 - c. A vac truck shall be accessible on short notice in order to respond quickly to a frac-out.

APPROVAL <i>Stw</i> <i>pal</i>	REQUEST FOR COMMON COUNCIL ACTION	MEETING DATE FEBRUARY 2, 2016
REPORTS & RECOMMENDATIONS	RESOLUTION OPPOSING WISCONSIN BILL AB750 REPEALING OF PERSONAL PROPERTY TAX AND ELIMINATING EXEMPT COMPUTER AIDS	ITEM NUMBER <i>6.5.</i>

Background

Assembly Bill AB750 has been introduced to the Wisconsin Assembly for consideration in the current legislative session. The Bill would eliminate personal property tax effective January 1, 2020, phasing the tax out between now and then, as well as eliminate beginning in 2016 Exempt Computer Aids to local municipalities.

Discussion

The City of Franklin has \$76,174,600 of taxable personal property (amounting to 2.2% of the total assessed property tax base) as of January 1, 2015. Removal of this tax base effectively increases the tax to the remaining tax payers without any change in services provided. AB750 would reduce the amount of personal property subject to tax, eliminating the tax entirely as of January 1, 2020.

AB750 also repeals WI Stat 79.095 effective January 1, 2016, the Exempt Computer Aids provided to local municipalities. The 2016 Franklin Adopted Budget anticipated \$277,000 of Exempt Computer Aids. The 2016 Adopted Budget also anticipated \$439,000 of Exempt Computer Aids in TID's 3 & 4. Adoption of AB750 would eliminate \$716,000 of resources to the General Fund, and TID's 3 & 4.

Current WI Levy Limits restrict the amount that tax levies can increase to new growth in the City. Removal of the Exempt Computer Aid would remove \$716,000 of resources to the City. AB750 makes no provision to modify levy limits to account for this resource reduction. The City would be forced to reduce services for this resource reduction. By way of reference, Franklin growth provided for a levy increase of just \$192,785 in 2015.

Recommendation

COMMON COUNCIL ACTION REQUESTED

Motion to adopt Resolution 2016-_____ a Resolution opposing Wisconsin Bill AB570 repealing of personal property tax and eliminating exempt computer aids.

STATE OF WISCONSIN; CITY OF FRANKLIN; MILWAUKEE COUNTY

RESOLUTION NO. 2016-_____

A RESOLUTION OPPOSING WISCONSIN ASSEMBLY BILL 750 REPEALING OF
PERSONAL PROPERTY TAX AND ELIMINATING EXEMPT COMPUTER AIDS

WHEREAS, local governments in the State of Wisconsin in recent times have been required by the State of Wisconsin to provide services necessary for their residents under "levy limits" and the like, having to annually budget for services in their communities, attempting to value and cost and pick and chose those necessary services to be provided under the ceiling created by 'levy limits' and other State mandates, while at the same time balancing the public hearing input and what the residents of the community who have made that community their home and who elected those in their home community responsible want their hard earned and then paid tax dollars to provide; and

WHEREAS, the Common Council having reviewed the proposed Assembly Bill 750 pending before the State of Wisconsin Legislature, which essentially eliminates property tax on personal property in 2020; and

WHEREAS, the City of Franklin has a property tax base that includes 2.2 percent Personal Property as of January 1, 2015; and

WHEREAS, such reduction in the property tax base results in a tax increase to the property tax payers approximately equal to the reduction in the tax base without any change in services provided; and

WHEREAS, elimination of the personal property tax on businesses will result in even more of the property tax burden shifting to residential homeowners, who, on average already pay 70% of the statewide property tax levy; and

WHEREAS, fully exempting all personal property from the property tax will likely result in a reduction in the incremental levy for tax incremental finance districts; and

WHEREAS, the same bill AB 750 eliminates the Exempt Computer Aid in 2016 which amounts to \$277,000 and provides for no relief from levy limits for such reductions in resources to the City of Franklin 2016 Budget adopted on November 17, 2015; and

WHEREAS, such elimination of State Aids further restricts City of Franklin resources to provide the services the Citizens so richly deserve effectively reducing the services available to Citizens of Franklin because levy limits would not be adjusted for such State Aid reductions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Common Council hereby declares its opposition to Assembly Bill 750, as is necessary to protect and promote the health, safety and welfare of the

Resolution 2016-_____
Opposing Wisconsin Assembly
Bill 750
Page 2

City of Franklin, and the freedom of the Citizens of the City of Franklin to determine their own public needs and goals.

BE IT FURTHER RESOLVED, that the City Clerk is hereby directed to send a certified copy of this Resolution to Representative David Craig, Representative Jessie Rodriguez, and Representative Ken Skowronski.

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

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

APPROVED:

Stephen R Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES ____ NOES ____ ABSENT ____



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-1183/1

JK:kjf

2015 ASSEMBLY BILL 750

January 20, 2016 – Introduced by Representatives KULP, JARCHOW, CRAIG, JACQUE, SANFELIPPO, MACCO, GANNON, KATZMA, KREMER, TITTL, KLEEFISCH, HORLACHER, HUTTON, SWEARINGEN, QUINN and SKOWRONSKI, cosponsored by Senators STROEBEL, TIFFANY, NASS, LASEE, HARS DORF and VUKMIR. Referred to Committee on Ways and Means.

1 AN ACT *to repeal* 20.835 (1) (e), 79.095, 121.06 (4) and 121.90 (2) (am) 2.; *to*
2 *amend* 70.11 (39), 70.17 (1), 73.06 (3), 121.004 (6), 121.15 (4) (a), 174.06 (5),
3 174.065 (3), 174.08 (1), 198.10 (1) and 200.13 (2); and *to create* 70.135 of the
4 statutes; **relating to:** eliminating the personal property tax.

Analysis by the Legislative Reference Bureau

This bill eliminates the property tax on personal property beginning in 2020. The bill also eliminates, in 2016, the state aid payments to taxing jurisdictions based on the value of computers and computer-related equipment that are exempt from the personal property tax and that are located in the taxing jurisdictions.

Under the bill, personal property placed in service on or after January 1, 2016, is not subject to the property tax. Personal property placed in service before January 1, 2016, is subject to the property tax based on the actual depreciated value of the property.

Beginning with the assessments as of January 1, 2020, no personal property is subject to the property tax. Under the bill, real property that was assessed as personal property prior to January 1, 2020, will be assessed as real property and real property placed in service on or after January 1, 2020, that would have been assessed as personal property prior to that date will be assessed as real property.

Because this bill relates to an exemption from state or local taxes, it may be referred to the Joint Survey Committee on Tax Exemptions for a report to be printed as an appendix to the bill.

ASSEMBLY BILL 750

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.835 (1) (e) of the statutes is repealed.

2 **SECTION 2.** 70.11 (39) of the statutes is amended to read:

3 70.11 (39) COMPUTERS. If the owner of the property fulfills the requirements
4 under s. 70.35, mainframe computers, minicomputers, personal computers,
5 networked personal computers, servers, terminals, monitors, disk drives, electronic
6 peripheral equipment, tape drives, printers, basic operational programs, systems
7 software, and prewritten software. The exemption under this subsection does not
8 apply to custom software, fax machines, copiers, equipment with embedded
9 computerized components or telephone systems, including equipment that is used
10 to provide telecommunications services, as defined in s. 76.80 (3). ~~For the purposes~~
11 ~~of s. 79.095, the exemption under this subsection does not apply to property that is~~
12 ~~otherwise exempt under this chapter.~~

13 **SECTION 3.** 70.135 of the statutes is created to read:

14 **70.135 Personal property tax; sunset.** (1) Personal property placed in
15 service on or after January 1, 2016, is not subject to the property tax imposed under
16 this chapter.

17 (2) Subject to the exemptions under ss. 70.11 and 70.111, personal property
18 placed in service before January 1, 2016, is subject to the property tax imposed under
19 this chapter based on the property's depreciated value as reported under s. 70.35 or
20 as determined by the department of revenue.

ASSEMBLY BILL 750

1 **(3)** Beginning with the assessments as of January 1, 2020, no personal property
2 is subject to the property tax imposed under this chapter, except that real property
3 that was assessed as personal property prior to January 1, 2020, and real property
4 that is placed in service on or after January 1, 2020, that would have been assessed
5 as personal property prior to January 1, 2020, shall be assessed as real property.

6 **SECTION 4.** 70.17 (1) of the statutes is amended to read:

7 **70.17 (1)** Real property shall be entered in the name of the owner, if known to
8 the assessor, otherwise to the occupant thereof if ascertainable, and otherwise
9 without any name. The person holding the contract or certificate of sale of any real
10 property contracted to be sold by the state, but not conveyed, shall be deemed the
11 owner for such purpose. The undivided real estate of any deceased person may be
12 entered to the heirs of such person without designating them by name. The real
13 estate of an incorporated company shall be entered in the same manner as that of an
14 individual. Improvements on leased lands may, including all permanent fixtures,
15 shall be assessed either as real property or personal property, but leased lands are
16 not subject to liens for any unpaid taxes on the improvements.

17 **SECTION 5.** 73.06 (3) of the statutes is amended to read:

18 **73.06 (3)** The department of revenue, through its supervisors of equalization,
19 shall examine and test the work of assessors during the progress of their assessments
20 and ascertain whether any of them is assessing property at other than full value or
21 is omitting property subject to taxation from the roll. The department and such
22 supervisors shall have the rights and powers of a local assessor for the examination
23 of persons and property and for the discovery of property subject to taxation. If any
24 property has been omitted or not assessed according to law, they shall bring the same
25 to the attention of the local assessor of the proper district and if such local assessor

ASSEMBLY BILL 750**SECTION 5**

1 shall neglect or refuse to correct the assessment they shall report the fact to the board
2 of review. If it discovers errors in identifying or valuing property that is exempt
3 under s. 70.11 (39) or (39m), the department shall change the specification of the
4 property as taxable or exempt and shall change the value of the property. All
5 disputes between the department, municipalities and property owners about the
6 taxability or value of property ~~that is reported under s. 70.995 (2) (a) that is exempt~~
7 under s. 70.11 (39) or (39m) or of the property under s. 70.995 (12r) shall be resolved
8 by using the procedures under s. 70.995 (8).

9 **SECTION 6.** 79.095 of the statutes is repealed.

STATE AID - COMPUTERS

10 **SECTION 7.** 121.004 (6) of the statutes is amended to read:

11 121.004 (6) NET COST. The "net cost" of a fund means the gross cost of that fund
12 minus all nonduplicative revenues and other financing sources of that fund except
13 property taxes, and general aid, ~~and aid received under s. 79.095 (4).~~ In this
14 subsection, "nonduplicative revenues" includes federal financial assistance under 20
15 USC 236 to 245, to the extent permitted under federal law and regulations.

16 **SECTION 8.** 121.06 (4) of the statutes is repealed.

17 **SECTION 9.** 121.15 (4) (a) of the statutes is amended to read:

18 121.15 (4) (a) In this subsection, "state aid" has the meaning given in s. 121.90
19 (2) ~~except that it excludes aid paid to school districts under s. 79.095 (4).~~

20 **SECTION 10.** 121.90 (2) (am) 2. of the statutes is repealed.

21 **SECTION 11.** 174.06 (5) of the statutes is amended to read:

22 174.06 (5) RECORDS. The listing official shall enter ~~in the records for personal~~
23 ~~property assessments, or in a separate record,~~ all dogs in the district subject to tax,
24 to whom they are assessed, the name, number, sex, spayed or unspayed, neutered or

ASSEMBLY BILL 750

1 unneutered, breed and color of each dog. The listing official shall make in triplicate
2 a list of the owners of all dogs assessed.

3 **SECTION 12.** 174.065 (3) of the statutes is amended to read:

4 174.065 (3) COLLECTION OF DELINQUENT DOG LICENSE TAXES. Delinquent dog
5 license taxes may be collected in the same manner as provided for small claims in s.
6 74.55 and ch. 799 for the collecting of personal property taxes.

7 **SECTION 13.** 174.08 (1) of the statutes is amended to read:

8 174.08 (1) Except as provided in sub. (2), every collecting official shall pay all
9 dog license taxes to the town, village, or city treasurer or other tax collecting officer
10 who shall deduct any additional tax that may have been levied by the municipal
11 governing body and pay the remainder to the county treasurer at the time settlement
12 is made with the county treasurer for collections of ~~personal~~ property taxes, and shall
13 at the same time report in writing to the county clerk the licenses issued. The report
14 shall be in the form prescribed by the department, and the forms shall be furnished
15 by the county clerks.

16 **SECTION 14.** 198.10 (1) of the statutes is amended to read:

17 198.10 (1) TAXABLE PROPERTY, TAXES. All real property situated in ~~and all~~
18 ~~personal property the situs of which for purposes of general property taxation is in~~
19 the district shall be subject to taxation in and by the district for a direct annual tax
20 sufficient to pay the interest on any indebtedness of the district, and to pay and
21 discharge the principal of the indebtedness within 20 years from the time of
22 contracting the indebtedness.

23 **SECTION 15.** 200.13 (2) of the statutes is amended to read:

24 200.13 (2) TAX LEVY. The commission may levy a tax upon the taxable property
25 in the district as equalized by the department of revenue for state purposes for the

ASSEMBLY BILL 750**SECTION 15**

1 purpose of carrying out and performing duties under this subchapter but the amount
2 of any such tax in excess of that required for maintenance and operation and for
3 principal and interest on bonds or promissory notes shall not exceed, in any one year,
4 one mill for each dollar of the district's equalized valuation, as determined under s.
5 70.57. The tax levy may be spread upon the respective ~~real estate and personal~~
6 property tax rolls of the city, village and town areas included in the district taxes, and
7 shall not be included within any limitation on county or municipality taxes. Such
8 moneys when collected shall be paid to the treasurer of such district.

9 **SECTION 16. Initial applicability.**

10 (1) This act first applies to the property tax assessments as of January 1, 2016.

11 **SECTION 17. Effective date.**

12 (1) This act takes effect on January 1, 2016.

13 (END)

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<p style="text-align: center;">APPROVAL</p> <p><i>Slw</i> </p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>02/02/2016</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Consideration of Additional Appropriations for the Senior Travel Program via an Ordinance to Amend Ordinance 2015-2198, An Ordinance Adopting the 2016 Annual Budgets for the General Fund for the City of Franklin for Fiscal Year 2016, or by Other Budgetary Means</p>	<p>ITEM NUMBER</p> <p><i>G.6.</i></p>

The current tour provider of the Senior Travel Program, Mr. Basil Ryan, has requested that the City provide an additional \$4,000 in property tax levy, or from any other general fund revenue source, to increase the amount of trips and/or the average cost for trips attended by participants in the Senior Travel Program. He has noted at various meetings since the consideration of the 2016 budget that he cannot fund 12 trips within the \$10,000 budget and that he would like to be able to make more trips that have a higher cost due to a greater distance travelled and, correspondingly, a longer bus rental time. Following is a brief, simple analysis of trip cost.

	2014		2015	
	Cost per Trip	Number of Trips	Cost per Trip	Number of Trips
	\$650	1	\$750	1
	\$725	2	\$800	6
	\$750	1	\$845	1
	\$800	4	\$950	2
	\$900	2	\$1,250	1
	\$925	1		
	\$1,025	1		
Total	\$9,800	12	\$9,545	11
Average Cost		\$816.67		\$867.73
Two-Year Average			\$841.09	

The request brings up three general issues. First, the current tour provider (Mr. Ryan) and the previous tour provider (Shirley Bird) have commonly indicated that the budget for a year is usually needed early in the year because the trips need to be scheduled almost a year in advance. If that is the case, then it is possible that the issue is really a 2017 budget issue. The City is only aware of Mr. Ryan's planned trips through June of this year. It is probably fair to assume additional trips can still be scheduled for the second half of the year, but it is a point that could be clarified.

The second issue is determining the amount of additional funding (appropriations), if any, that the City wants to designate for this purpose. The request is for \$4,000 and there was discussion during budget deliberations of \$5,000. The City, however, may want to consider what its expectations are for trips prior to determining an amount. For example, if the City wants to continue to fund a monthly trip, for 12 per year, then a full \$4,000 is probably more than necessary. If the City wants to expand the program and increase the number of trips as requested, then establishing a random increase as requested is an option. Following are some funding demand scenarios.

Potential Funding Demand for 12 Senior Travel Program Bus Trips								
	Example 1		Example 2		Example 3		Example 3	
	Cost per Trip	Number of Trips						
	\$825	6	\$825	2	\$825	0	\$825	8
	\$950	4	\$950	4	\$950	3	\$950	4
	\$1,200	2	\$1,200	6	\$1,200	7	\$1,200	3
					\$1,375	2	\$1,375	0
Total	\$11,150	12	\$12,650	12	\$14,000	12	\$14,000	15
Average Cost		\$929.17		\$1,054.17		\$1,166.67		\$933.33

Example one continues an expectation of just 1 trip per month, but assumes half the trips expand to the more modest distance/time (as two-thirds of them were over the last 2 years) but assumes higher average costs for the remaining half of the trips. This scenario only needs an additional \$1,150.

Example two also continues an expectation of just 1 trip per month, but assumes half the trips have the more significant distance/time with few modest trips. The average trip cost in this scenario is more than 25% higher than the average cost over the last two years. Even with that increase, this scenario only needs an additional \$2,650.

Examples three and four lay out two scenarios where the additional \$4,000 would be used. Example three keeps the trip count to 12 and uses all higher cost trips, which have an average cost per trip almost 40 percent greater than the average cost over the last two years. Example four increases the trip count by 25% to 15 and increases the cost per trip by 11% over the average cost per trip from the last two years. As such, if the full \$4,000 is applied by the Common Council, one can get a better understanding of the magnitude of the program expansion that would be allowed.

When considering the potential amount of additional funding, the Common Council might wish to be reminded that during 2015 action was taken to not require the Senior Travel Program to comply with CDBG requirements for any of its trips. This action was carried forward and approved within the adopted 2016 budget, including discontinuing applying the CDBG resources. As such, the 2016 budget already incorporates an additional \$5,000 of General Fund resources -- a one-third increase -- for the Recreation budget.

The third issue is the funding. Naturally, the contingency budget is available to fund an increase if one is so desired by the Common Council. I understand, however, that the tour operator wants any budget increase to continue going forward beyond 2016. As such, use of contingency would simply create a form of structural deficit that would need to be resolved in the future budget process. Therefore, if the intent of the Council is to anticipate that any increase provided would create a new baseline for the Senior Travel Program, then it would be appropriate to identify an offsetting expenditure for reduction.

To that end and as Council members are aware, the final 2016 budget did not reflect programmatic increases across most departments. Most areas of the budget remained at a programmatic status quo level and numerous cuts were made to the budget as presented. In fact, the Police Department, Administration, Fire Department, Municipal Court, Building Inspection, Aldermen, and Mayor budgets already reflect cuts from 2015 in the total non-personnel services line items. The Common Council was, in fact, cutting budgets, not enhancing them; so it is appropriate to consider any

potential enhancement in that context. Although we are already aware of areas where we expect expenditure increases for 2017 (so caution in further cuts in 2016 is warranted), it is known that available appropriations to cover up to the full \$4,000 is available in the Assessors Budget given the revaluation contract authorized by the Common Council in November.

It is worth noting that there was considerable discussion pertaining to the history of the Senior Travel Program funding and the related concern, raised by the tour provider, as to how CDBG funding became a part of the program. Since that concern may impact the Council's consideration of this item and since I had a request for additional information on that topic, I have included a historical summary that addresses the documented and substantial history that linked this program to CDBG funding in the past. A memo on that is attached and available for those interested in the facts related to that issue.

Possible Actions:

If the Common Council wants the tour operator to work within a status quo budget, a motion to receive and file is appropriate. If the Common Council wants to provide added appropriations for 2016 only, a motion authorizing use of contingency funds is appropriate. If the Common Council wishes to increase appropriations with the intent that it become a new base-line budget for the activity, the attached budget modification ordinance is prepared. The budget modification ordinance has the amount left blank, so any motion to approve the ordinance must include identifying the amount of the modification.

COUNCIL ACTION REQUESTED

Motion to Receive and File.

OR

Motion to authorize use of contingency appropriations of \$_____, to allow for additional trips for the Senior Travel Program in 2016.

OR

Motion to Adopt Ordinance No. 2016-____, an Ordinance to Amend Ordinance 2015-2198, An Ordinance Adopting the 2016 Annual Budgets for the General Fund for the City of Franklin for Fiscal Year 2016 to Appropriate Additional Funds for the Senior Travel Program as presented and including the amount of \$_____.

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

ORDINANCE NO. 2016-_____

AN ORDINANCE TO AMEND ORDINANCE 2015-2198, AN ORDINANCE ADOPTING THE 2016 ANNUAL BUDGETS FOR THE GENERAL FUND FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2016 TO APPROPRIATE ADDITIONAL FUNDS FOR THE SENIOR TRAVEL PROGRAM

WHEREAS, the Common Council adopted the 2016 Budget for the City of Franklin providing resources and appropriations for 2016 in the General Fund, and

WHEREAS, the Common Council has considered a request to expand the Senior Travel Program from the currently authorized level, and

WHEREAS, the Common Council has determined it is in the public interest to provide the Senior Travel Program with additional appropriations, funded by property tax dollars, for the purpose of expanding the Senior Travel Program from the currently authorized level, and

WHEREAS, appropriations are available in the Assessors Department budget based upon authorization of a contract for services at an amount less than anticipated in the budget, and

WHEREAS, changes in appropriations will be allocated to line items for accounting purposes as determined by the Director of Finance and Treasurer, and

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

Section 1 That the 2016 Budgets be adjusted as follows:

Assessor's Department	Non-Personnel Services	Decrease	\$ _____
Recreation	Recreation (Senior Citizen Travel)	Increase	\$ _____

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.

Introduced at a regular meeting of the Common Council of the City of Franklin this 2nd day of February, 2016.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 2nd day of February, 2016.

APPROVED:

ATTEST:

Stephen R. Olson, Mayor

Sandra L. Wesolowski, City Clerk
AYES ___ NOES ___ ABSENT ___



MEMORANDUM

Date: January 28, 2016

To: Mayor and Aldermen

From:  Mark W. Lubarda
Director of Administration

RE: Funding Sources for the Senior Travel Program

There was discussion within the 2016 budget process and subsequent to that relative to providing additional funding for the Senior Travel Program. Citizen comments pertaining to that discussion suggested that the Common Council had never authorized requiring the Senior Travel Program to use Community Development Block Grant (CDBG) dollars and to be restricted by CDBG program requirements as administered by Milwaukee County and the U.S. Department of Housing and Urban Development (HUD). The allegations were firm enough that an Alderman requested documentation on action taken by the Council to take CDBG funds planned for use by the Franklin Senior Citizens, Inc. and give it to the Senior Travel Program.

Given that the potential consideration of additional funding was linked to the loss of and/or restrictions of CDBG program dollars and given that an understanding of the facts related to the funding sources might influence consideration of the additional funding, I have concluded that it is most appropriate to provide everyone with documentation on the funding and funding sources of the Senior Travel Program.

In short, the following information shows that the City has historically applied as much of the Senior Travel Program as possible to CDBG funds, which makes sense -- why spend General Fund tax dollars if we don't have to. Any action on funding sources was always approved by the Common Council, generally multiple times. For example, the Common Council would hold a public hearing on what CDBG applications to submit and then pass motions directing what programs, including the Senior Travel Program, to include in CDBG funding requests. The Council Action sheets were generally very detailed in setting out project costs and funding sources and regularly reported the recommended funding for the coming year as well as updating any program changes that occurred during the prior year. Later in the year and depending upon how consistently the CDBG award matched the City's CDBG request, the CDBG contract awards with the County would come back to the Common Council for approval to execute as modified. Additionally, the Common Council would get a Mayor's Proposed Budget each year that included explanations of the funding allocations. These documents also regularly reported the planned funding for the coming year as well as updating any program changes that occurred during the prior year.

The attached pages provide a year-by-year summary of activity and actions. It also commonly addresses activity for the program run by the Franklin Senior Citizens, Inc. because the two projects and funding were closely-related, main components of the City's Recreation Budget, both were eventually covered by or within one CDBG contract (not separate contracts), and both, ultimately, were covered by the same budgetary appropriation unit.

Reviewing the following "Historical Summary," it would be impossible to conclude that the Senior Travel Program was intended only to be run only with City dollars and that it was unintentionally or covertly moved to CDBG funding. It is clear, that the City specifically intended to use CDBG funding to the greatest extent possible to fund the activities of the Recreation Budget. It is also clear that for many years the City also provided duplicate funding from City resources to ensure the Travel Program could continue unimpeded. Eventually, the economic crisis forced the City to eliminate duplicate funding and to cap property tax levy for the Recreation Program that covered the two senior activities at \$15,000. The City remained steadfast in its total funding, but overtime CDBG program requirements and implementation of program requirements became more burdensome,

which is what caused concerns relative to constraints on the Senior Travel Program. Ultimately, in 2015, the Common Council removed the CDBG requirements associated with the Recreation Budget by adding \$5,000 in general fund resources, increasing the property tax commitment by 33% from \$15,000 to \$20,000. That increase was carried forward and approved in the 2016 budget.

HISTORICAL SUMMARY

2004

Documentation related to the 2005 Budget indicates the following about 2004: "The 2004 Adopted Budget included \$10,000 for the Senior Travel Program of which \$6,600 was appropriated as part of the City's Recreation Budget, and the remaining \$3,400 was funded through the Milwaukee County Community Development Block Grant (CDBG) Program." Of the \$6,600, records indicate \$3,798 was actually spent in City money with \$5,411.84 spent from the CDBG program. Shirley Bird was provided a year-end close out memo by Gary Petre that indicated the allocation of funding used.

2005

The 2005 Budget documentation indicates the following: "The 2004 Adopted Budget included \$10,000 for the Senior Travel Program of which \$6,600 was appropriated as part of the City's Recreation Budget, and the remaining \$3,400 was funded through the Milwaukee County Community Development Block Grant (CDBG) Program. The 2005 Budget continues the \$10,000 Program at City cost, pending Milwaukee County determination of available CDBG Program funding." Of the \$10,000 of City funding, \$7,770 was actually used. \$1,710 of CDBG money was spent on the program. Shirley Bird was provided a letter by Lisa Huening indicating the allocation of funding used.

2006

The 2006 Requested Budget documentation indicates the following:

"The 2005 Adopted Budget included \$10,000 for the Senior Travel Program. Although the City requested 100% funding of this Program through the Milwaukee County Community Development Block Grant (CDBG) Program, only \$1,710 was approved for reimbursement. The remaining \$8,290 is being funded with City property tax levy. The 2006 Budget continues the \$10,000 Program at full City cost, pending Milwaukee County determination of available 2006 CDBG Program funding."

Shirley Bird was provided a letter by Cal Patterson that stated the following:

"Although the City usually requests 100% funding of this Program through the Milwaukee County Community Development Block Grant Program (CDBG), it remains undetermined at this time what amount, if any, will be available through the Milwaukee County 2006 CDBG Program."

The 2007 Budget notes further clarified as follows: "The 2006 Budget provided a \$10,000 appropriation to support the Senior Travel Program although CDBG funding became available for this program. The 2007 Budget continues this appropriation in case CDBG funding is no longer available." As such, the 2006 estimated City funds in the 2007 budget records is listed as \$0. Nonetheless, in the end, \$9,510 was spent from the appropriated City funds.

2007

The 2007 Requested Budget indicates that \$10,000 of City money was again appropriated for the Senior Travel Program "in case CDBG funding is no longer available." The 7/22/08 Council Action sheet for the 2009 CDBG contracts indicates that ultimately the 2007 CDBG contracts provided \$5,000 for the Senior Citizen Travel Program, with the other \$5,000 from City funds. Ultimately \$9,540 of the appropriation was used.

2008

At the 7/17/07 Common Council meeting, the Council considered the 2008 CDBG Program proposal. That Council action sheet noted that the County was being forced by HUD to reduce its use of funding for "Public Services" to no more than 15% of their total. "Public Services" included any non-brick-and-mortar programs, such as Senior Travel, Franklin Senior Citizen's, Inc., and the Elderly Persons Home Support Services (Southwest Interfaith). The City's 2007 public services allocation was at \$26,660 and exceeded 50% of our total.

Nonetheless, the City proposed \$16,500 for Senior Citizens Activities and \$5,160 for Southwest Interfaith from CDBG. This brought our percentage down to 37.3%, although not near the \$7,700 that matched the 15%, relying on the fact that some communities wouldn't use their Public Service allocation. Per the action sheet, Senior Citizen Activities (which can include the travel program and Franklin Senior Citizens, Inc.) again requested \$16,500. It noted, however, the following:

"The **Senior Travel Program** project is being withdrawn from CDBG funding as funds for "Public Service" activities are limited, as discussed above. Nonetheless, the City can fully support the project with continuing the \$10,000 operating budget appropriation set forth in the City's 2007 budget on page 73. Although the Senior Travel Program has enjoyed CDBG support in recent years, general operating revenues have been budgeted each year to ensure the program's continuation even if the CDBG funding was eliminated. In fact, the program has been largely supported by general City revenues in the past and only last year secured full CDBG funding. This year the Senior Travel Program is only half funded by CDBG dollars. The above CDBG recommendation is based upon an expectation to continue the operating budget appropriation fully funding the Senior Travel Program in 2008. No increase in funding is needed, simply a continuation of the current funding level."

The 2008 budget records indicate that \$10,000 was appropriated for the Senior Travel Program and states "although CDBG funding will not be available to support the program in 2008." The 2009 Budget records then indicate that \$7,767 was actually used. Additionally \$4,442 was used for the "Senior Activities" programming. This final result occurred for a couple of reasons.

First, although the Common Council approved the recommended CDBG applications noted above, the award actually reduced the Senior Citizens Activities by \$5,000 to a total of \$11,500. At their meeting of May 6, 2008, the Common Council voted unanimously to replace the lost \$5,000 with additional City funding and "further that each project be provided a letter warning them of the potential loss in Community Development Block Grant funding for 2009." The purpose of the letter, as noted in the Council Action Sheet, was "to supply them with the greatest amount of time available to find additional funding to continue their missions." The letter to Shirley Bird indicated that "Although the Senior Travel Program is not currently being funded through CDBG funds, your program is considered as a potential CDBG project just like the other projects currently funded. The only difference is the source of the funding for the Senior Travel Program is the City general funds." These results were again reported to the Common Council at their meeting of 7/22/08 where the 2009 CDBG applications were under consideration.

Second, the change occurred based on a December 2008 meeting between the City, the County's CDBG program representative and, Patrick Fjerstad, from the US Department of Housing & Urban Development. In reviewing CDBG program expenditures, HUD recommended that the City submit invoices pertaining to the Senior Travel Bus Program in lieu of certain expenditures of the Franklin Seniors Citizens, Inc. The action was recommended to ensure compliance with CDBG guidelines. The County modified the 2008 CDBG agreement to provide for this and indicated that the 2009 agreement would have the same requirement. That is discussed further below.

2009

The 2009 budget records noted the following: “The 2009 Budget continues to provide a \$10,000 appropriation to support the Senior Travel Program as CDBG funding is no longer available to support the program.” It also added the following: “For 2009, a \$5,000 appropriation has been added to support programming for seniors as provided by the Franklin Senior Citizens, Inc.” This is repeated in a Council Action Sheet provided to the Common Council for their meeting of 2/17/09, where it noted the 2009 budget and CDBG applications had anticipated that the Senior Travel Program would use \$10,000 in City money, while the Franklin Senior Citizens, Inc. would use \$5,000 in City money and \$11,340 in CDBG money. The Council Action Sheet, however, goes on to say the following: “The attached contract for Franklin Senior Citizen Activities Program has been modified by the County to include the ability to charge transportation costs related to the Senior Bus Travel Trips and to restrict the ability to include costs of the monthly business meeting held at Clifford’s. The County was responding to a meeting held late last year with a representative from HUD who strongly recommended a shift in funding.”

In order to fund the same activities without additional funding, the Common Council unanimously authorized “appropriations within the Recreation Division Budget for the ‘Senior Travel Program’ and ‘Senior Activities’ to be used interchangeably in accordance with impact of the 2009 CDBG contracts, as set forth in the Revised Source of Funding table above.” The table shifted \$4,680 of CDBG Money to the Senior Bus Travel program, with the remaining \$5,320 coming from City monies. Franklin Senior Citizens, Inc. was allocated \$9,680 in City monies with the remaining \$6,660 from CDBG sources. Actual City funds used ended up being as follows: Senior Travel Program \$2,870 and Senior Activities (Franklin Senior Citizens, Inc. \$8,440.

All of this activity is subsequently reported, again, in the 2010 budget process where the 2010 Budget records indicated the following: “The 2010 Budget continues to provide a \$15,000 appropriation to support activities for seniors, but it reflects a program modification that occurred near the end of 2009 wherein a portion of the CDBG contribution was allocated to the Senior Travel Program and a larger portion of the City contribution was allocated to senior citizen activities through Franklin Senior Citizens, Inc.”

2010

For 2010 the City requested to continue to receive \$11,340 for Senior Citizen activities, with \$6,660 and \$4,680 for Franklin Senior Citizens, Inc. and the Senior Travel program, respectively. The 2010 CDBG allocation for public services, however, was again reduced for 2010, which left only \$8,700 in CDBG to support both the Senior Travel Program and the Franklin Senior Citizens, Inc.; both of which operated under one CDBG project contract titled “Franklin Senior Citizens Activities.” The Common Council, acting on 9/1/09, indicated that the amount would be “allocated to Franklin Senior Citizen Activities, with the amounts to be agreed upon by the Franklin Senior Citizens, Inc. and Senior Travel program.”

The resulting allocations were noticed to the programs in March of 2010 as follows:

	Franklin Senior Citizens, Inc.	Senior Travel Program	Total
City General Monies	\$9,260	\$5,740	\$15,000
CDBG	\$5,240	\$3,460	\$8,700
Total	\$14,500	\$9,200	\$23,700

The Senior Travel Program used \$4,314 of its City allocation and Franklin Senior Citizens, Inc. used \$8,339 of its City allocation.

2011

The 2011 Budget states the following:

“The 2011 Budget continues to provide a \$15,000 appropriation to support activities for seniors, and it provides the exact same allocation between the two program areas: the Senior Travel Program and Franklin Senior Citizens, Inc., including its Walking Club. These programs are also supported by CDBG dollars, which proposed funding for 2011 equals that as awarded for 2010.” (See the table above.)

Unfortunately, the CDBG program was cut by 7.6% due to reduced federal funding, and on 6/7/11 the Common Council authorized a reduction in CDBG support to the two senior programs from \$8,700 to \$8,038.

For the year, with the allocation of the \$15,000 in City funding, the distribution was anticipated to be as follows:

	Franklin Senior Citizens, Inc.	Senior Travel Program	Total
City General Monies	\$9,250	\$5,750	\$15,000
CDBG	\$4,578	\$3,460	\$8,038
Total	\$13,828	\$9,210	\$23,038

However, before closing the program year the County CDBG officer continued to press and reinterpret the applicability of expenses in accordance with HUD guidelines. The CDBG project is one project so allowable costs from either source can be allocated to CDBG funding. Similarly, the understanding from prior Common Council action is that “appropriations within the Recreation Division Budget for the ‘Senior Travel Program’ and ‘Senior Activities’ [are] to be used interchangeably”. That authority parallels our current use of appropriation units in the allocation of expenses. As such, CDBG monies were spent first with allowable costs charged to the travel program, not the program run by Franklin Senior Citizens, Inc. Therefore, more Franklin Senior Citizens, Inc. charges were applied to City resources based upon discussions with the County’s CDBG office.

The net result is that the Senior Travel Program, however, is recorded as using \$612 of its City allocation and the entire \$8,038 of the CDBG allocation, whereas Franklin Senior Citizens, Inc. used \$9,889 all from the City allocation.

The change in the allocation of 2011 charges was reported to Shirley Bird in a letter on February 6, 2012, which stated the following:

“In discussions with Milwaukee County, and due to more stringent measures by HUD (United States Department of Housing & Urban Development), the 2011 Senior Activities CDBG total project monies of \$8,038 will be strictly used towards covering the cost of the Senior Travel Program. The leftover balance of \$612 (\$8,650 2011 total trip cost minus \$8,038 CDBG monies) will be covered out of the City’s general fund appropriations. From here on out the Senior Activities CDBG monies will be strictly used for covering the Senior Travel Program costs only.”

2012

The Council Authorized 2012 CDBG applications matching the 2011 award of \$8,038, with \$4,578 for Franklin Senior Citizens, Inc. and \$3,460 for the Travel Program. This action was taken in the middle of 2011 before the County’s interpretation that led to the reclassification of year-end charges for 2011.

The restrictions that were applied in 2011, however, were reported at the 7/10/12 Common Council meeting where the 2013 CDBG applications were under discussion. That Council action sheet noted the following:

“During the past few years, the Milwaukee County CDBG program has had increasing pressure from HUD to ensure approved projects meet the federal requirement that no more than 15% of project dollars go towards Public Service projects, social service type programs not involving construction. At the same time, the County and HUD have become much more stringent in their interpretation as to what qualifies as an allowable Public Service expenditure.... In 2011, the Senior Citizens Activities program (funding for Franklin Senior Citizens, Inc.) ultimately had to transition its funding entirely to the City portion of the funding for these activities. Again, this is a result of the interpretations as to eligible expenditures. Note that the City currently budgets \$15,000 in its Recreation budget which will enable Franklin Senior Citizens to still receive its allocation of approximately \$9,500 to \$10,000 and for the Senior Travel Program to continue with a budget of \$9,200. (Please note that these numbers do not precisely tie out to the 2012 planned amounts referenced above as some cushion was incorporated in the event the final awards ended up lower than they did.)”

In a table tracking the three year history of funding changes, the following allocation of the CDBG award for 2012 was reported at the 7/10/12 Common Council meeting.

	Franklin Senior Citizens, Inc.	Senior Travel Program	Total
City General Monies	\$9,250	\$5,750	\$15,000
CDBG	\$0	\$5,883	\$5,883
Total	\$9,250	\$11,633	\$20,883

Combined and at year end, the Recreation Budget stayed within budget spending \$12,235, with the Senior Travel Program using \$2,717 and Franklin Senior Citizens, Inc. using \$9,518 of its City allocation. The entire \$5,833 of CDBG spending was made by the Senior Travel Program. [It is worth noting, however, that in 2015 the County CDBG office reattributed some (\$2,370) of the charges initially applied to the Senior Travel Program toward health services for seniors performed by the Health Department. The City’s cost allocations for accounting purposes remained unchanged.]

2013

The updated funding allocations were again reported in the 2013 budget document, which indicates the following:

“The 2013 Budget continues to provide a \$15,000 appropriation to support activities for seniors; \$10,000 for the Franklin Senior Citizens, Inc. and \$5,000 for the Senior Travel Program. The Senior Travel Program is also supported by CDBG dollars, which proposed funding for 2013 equals that as awarded for 2012, which was \$5,883.”

It was reported to the Common Council on 6/18/13, when considering 2014 CDBG applications, that the 2013 CDBG contracts ultimately came in as planned in the budget. The following project constraint was also reported: “Also, due to more stringent HUD policies, the Franklin Travel Program costs will only be eligible if they include some type of educational aspect to the trip; otherwise they will need to be funded from the City Recreation allocated funds.” Given these added constraints, the Senior Travel program only used \$4,684 of the \$5,883 CDBG allocation. Additionally, the Senior Travel Program also used \$3,600 of the City allocation. With the Senior Activities using \$9,800 of City-funded appropriations, the Recreation section of the budget remained within budget.

2014

On 6/18/13 the Common Council authorized requesting CDBG funding for support of the Senior Travel Program of \$5,000. The hope was that half the programs would meet the educational component requirement. The 2014 Budget also provided \$5,000 for the Senior Travel Program, as well as \$10,000 for the Franklin Senior Citizens Inc., thereby maintaining the City commitment of \$15,000.

Inexplicably, the County awarded the Senior Travel Program \$8,643 for 2014. Unfortunately, the program had already scheduled their bus trips for the year. Furthermore, the program was increasingly reducing the percentage of trips that would be eligible for CDBG funding. As such, the added program award was effectively moot as it relates to the travel program. In the end, the travel program only used \$3,400 in CDBG funding; however, it spent \$6,400 on City-funded trips in 2014, using some of the appropriation that went unspent by the Franklin Senior Citizens, Inc. program, which only spent \$8,749. Combined they were 1% over the budget appropriation at \$15,149.

2015

The 2015 budget initially provided the same \$15,000 City allocation and noted, again, that “The Senior Travel Program is also supported by CDBG dollars which proposed funding for 2015 is \$5,000.” At the April 7, 2015 Common Council meeting, the Council approved a motion that eliminated the use of CDBG funds for the Franklin Senior Travel Program. The CDBG funding was redirected to other senior programming and service efforts that will be coordinated or administered through the City’s Health Department.

2016

The 2016 Budget reflected the 2015 budget modification and noted that “The 2016 Budget continues to provide a \$20,000 appropriation to support activities for seniors; \$10,000 for the Franklin Senior Citizens, Inc. and \$10,000 for the Senior Travel Program. CDBG funding is no longer considered for either program.

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**RECOMMENDATION OF THE COMMITTEE
OF THE WHOLE**

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 2/2/16
REPORTS & RECOMMENDATIONS	MEMORANDUM OF UNDERSTANDING REGARDING BALLPARK COMMONS, A PROPOSED MIXED-USE DEVELOPMENT (TO BE LOCATED AT AND IN THE VICINITY OF THE ROCK SPORTS COMPLEX AND SOUTHWEST OF THE INTERSECTION OF W. RAWSON AVENUE AND OLD LOOMIS ROAD) (ZIMMERMAN VENTURES, LLC, Developer)	ITEM NUMBER 6.7.

The memorandum of understanding (MOU) with the City of Franklin, Wisconsin (City) is sought by Zimmerman Ventures, LLC as the development team moves forward with plans for Ballpark Commons, a proposed mixed-use development located at and in the vicinity of The Rock Sports Complex and southwest of the intersection of W. Rawson Avenue and Old Loomis Road. The MOU outlines the intentions of the Developer (as presented and discussed at the Special Meeting of the Common Council on January 11, 2016) and seeks to formalize a "good faith" agreement between the Developer and the City to "...advance the design of the project and related infrastructure and to analyze its economic feasibility and the need for (and appropriate terms of) a public/private partnership in the form of a tax incremental financing district to make it a reality."

The MOU does NOT commit the City to any zoning, planning, or use approvals, nor does it commit the City to creating a Tax Increment Finance District (TID) or otherwise offering financial incentives for the project. Rather, the MOU outlines next steps and responsibilities for the Developer and City in further exploring the appropriateness and viability of the project.

The MOU commits the Developer to finalize plans; seek approvals; engage the residential and business communities, Milwaukee County and the Wisconsin Department of Natural Resources; contract a market feasibility study and provide details for the City's review of the development and need and appropriateness of a TID; negotiate a payment-in-lieu-of-taxes (PILOT) agreement to compensate the City for providing services to portions of the proposed development on tax exempt land owned by Milwaukee County; and explore grants and other funding sources for the proposed development.

The MOU commits the City to assist the Developer in seeking necessary zoning, planning and use approvals and to jointly investigate necessary infrastructure work to support the project and partnership opportunities to complete such work. It should be noted that this type of assistance and investigation is rather routine for City staff and is offered for all projects proposed in Franklin, though recommendations and outcomes may be individualized based on the details and scope of a particular project. Additionally, the MOU commits the City to engage a financial consultant to assist in reviewing the Developer's market feasibility study, evaluating the need for (and appropriateness of) a TID, and to initiate the process to create a TID, as determined necessary. The Common Council would then have the opportunity to review the TID analysis, before determining whether to take action to actually create the TID.

Finally, the MOU asks that the City staff and the Developer establish a weekly meeting schedule to advise of progress and to coordinate efforts.

The MOU leaves open the opportunity for the City and Developer to revisit the document for updates and amendments as the project moves forward.

A representative of Zimmerman Ventures, LLC will be in attendance at the Committee of the Whole (2/1/16) and Common Council (2/2/16) meetings.

COUNCIL ACTION REQUESTED

A motion to approve signing the attached MOU with Zimmerman Ventures, LLC regarding Ballpark Commons, a proposed mixed-use development (located at and in the vicinity of The Rock Sports Complex and southwest of the intersection of W. Rawson Avenue and Old Loomis Road).

Economic Development: AMH

January 28, 2016


Zimmerman Ventures

Headquarters:

510 W. Kilbourn Avenue
Milwaukee, Wisconsin 53203

www.zimmventures.com

Common Council
City of Franklin
9929 W. Loomis Road
Franklin, WI 53132

Re: Memorandum of Understanding Between The City of Franklin Wisconsin (the "City") and Zimmerman Ventures, LLC ("Developer").

Dear Common Council Members:

We are pleased to present for your review and signature this Memorandum of Understanding (this "MOU") with regard to a mixed-use development, in the context of a public/private partnership, and in collaboration with the City of Franklin, Milwaukee County, and The Rock Sports Complex (the "Rock"). We are proposing a development called "Ballpark Commons" that is currently planned to include:

1. An outdoor baseball stadium with approximately 2,500 hard seats and a capacity to accommodate a total of approximately 4,000 spectators. The stadium will be home to a minor league professional baseball team affiliated with the American Association of Professional Baseball. It will also be the home field for the University of Wisconsin-Milwaukee baseball team. The facility will also be able to host baseball tournaments and other community events.
2. An indoor, year-round sports complex that will feature four little league-sized baseball fields, along with retail and restaurant spaces. The building could also accommodate other sports, including soccer and lacrosse.
3. One or two hotels accommodating up to 220 rooms.
4. Multiple restaurants.
5. Depending on market demand, office, possibly including a purpose-built co-working facility, retail and mixed-use buildings facing Rawson Avenue, each no more than three stories in height, with the possibility of up to 70 luxury apartments on upper levels.

6. A luxury apartment community featuring 200 or more units. The apartment community would include two story buildings adjacent to the existing residential neighborhoods to the west, with three story buildings to the east, closer to Loomis Road.

To move Ballpark Commons forward in order to meet certain deadlines, including the acquisition of an American Association membership license for the 2017 playing season, Developer and City agree to work together in good faith to advance the design of the project and related infrastructure and to analyze its economic feasibility and the need for (and appropriate terms of) a public/private partnership in the form of a tax incremental financing district to make it a reality.

In particular, the Developer will:

- A. Engage architects, engineers, and other professionals to work with City staff and consultants and finalize plans for the development and related infrastructure;
- B. Apply to rezone the properties to PDD, revise the City's Comprehensive Master Plan, obtain a new special use permit for the stadium, etc.;
- C. Maintain ongoing engagement with City residential and business communities through continued outreach, including public information meetings;
- D. Engage Milwaukee County regarding its participation in the development, including the extension of the Oak Leaf Trail to and through the development, and coordinate the development with the replacement of the existing methane containment system;
- E. Engage the Wisconsin Department of Natural Resources in reviewing and approving all aspects of the development as necessary;
- F. Contract a market feasibility study for the development and provide details to City staff and the City's financial consultant for their review of the economic feasibility of the development and the need for (and appropriate terms of) a public/private partnership in the form of a tax incremental financing district ("TID"); and
- G. Work with City staff to negotiate a payment-in-lieu-of-taxes ("PILOT") agreement for those portions of the development that are exempt from property taxes because they are located on land owned by Milwaukee County.
- H. Explore possible grants and other funding sources with the State of Wisconsin and others to cover a portion of the costs of the proposed development.

The City will:

- A. Direct City staff and consultants to work with Developer to finalize plans, and with regard to Developer's applications to rezone the properties, revise the City's Comprehensive Master Plan, and seek a special use permit(s) as necessary for the proposed development;
- B. Engage and direct a financial consultant to work with the City and Developer to evaluate the economic feasibility of the development and the need for (and appropriate terms of) a public/private partnership in the form of a TID; and
- C. As may be determined reasonable and necessary by the City upon its review of a completed economic feasibility study, initiate and pursue the process to create a TID, commencing with creation of a project plan, followed by public hearings and other required procedures.

The Developer and the City will jointly investigate infrastructure investment necessary to support the project and a possible joint venture or other form of partnership to undertake such work.

From time to time and upon request by Developer or City, and approval by Developer and the Franklin Common Council, City and Developer will update and amend this MOU.

Developer and City will work together in good faith to pursue completion of the above activities as soon as reasonably possible. Understanding that time is of the essence, the parties (the City represented by staff) will establish a weekly meeting schedule to keep each other advised of progress and to coordinate their efforts. Each party's obligations are dependent upon the other party's performance of its obligations.

By signing below, the parties agree to the terms of this Memorandum of Understanding:

[Signature page to follow]

ZIMMERMAN VENTURES, LLC

Michael Zimmerman
CEO

CITY OF FRANKLIN:

MAYOR OF THE
CITY OF FRANKLIN

CLERK OF THE
CITY OF FRANKLIN

ATTORNEY OF THE
CITY OF FRANKLIN

DIRECTOR OF FINANCE & TREASURER

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 2/02/2016
REPORTS & RECOMMENDATIONS	Reschedule Common Council Meeting of April 5, 2016 due to the Presidential Preference & Spring Election	ITEM NUMBER <i>G.8.</i>

The Common Council may wish to reschedule the meeting of April 5, 2016 due to the Presidential Preference and Spring Election.

COUNCIL ACTION REQUESTED

Reschedule April 5, 2016 Common Council meeting to _____, 2016 due to the Presidential Preference and Spring Election.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 2/02/16
LICENSES AND PERMITS	MISCELLANEOUS LICENSES	ITEM NUMBER H.1.

See attached list from meeting of February 2, 2016.

COUNCIL ACTION REQUESTED



City of Franklin

9229 W. Loomis Road
Franklin, WI 53132-9728

414-425-7500

**License Committee
Agenda*
Aldermen's Room
February 2, 2016 – 6:00 pm**

1.	Call to Order & Roll Call	Time:		
2.	Applicant Interviews & Decisions			
License Applications Reviewed		Recommendations		
Type/ Time	Applicant Information	Approve	Hold	Deny
Operator – New 2015-16 6: 05 p.m.	Jon P Mankowski 3555 S Sunnyslope Rd New Berlin, WI 53151 Root River Center			
Operator – New 2015-16	Tori L Hanson 1303 N Cass St., #207 Milwaukee, WI 53202 Hideaway Pub & Eatery			
Operator – New 2015-16	Clayton C Olson 7711 Wyndham Hills Pkwy Franklin, WI 53132 Rock Sports Complex			
Change of Agent 2015-16	Candida N Christman 9332 S Orchard Park Cir #2A Oak Creek, WI 53154 Kwik Trip Inc. #857			
3.	Adjournment			
		Time		

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

APPROVAL <i>Slw Paul</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 2/2/16
Bills	Vouchers and Payroll Approval	ITEM NUMBER I. 1

Attached are vouchers dated January 15, 2016 through February 1, 2016 Nos. 159447 through Nos. 159617 in the amount of \$ 1,549,130.33 Included in this listing are EFT's Nos. 3068 through Nos. 3079 and Library vouchers totaling \$ 24,410.66.

Early release disbursements under Resolution 2013-6920 in the amount of \$ 769,340.77 are provided on a separate listing and are also included on the complete disbursement listing.

The net payroll dated January 22, 2016 is \$ 389,301.29 previously estimated at \$ 386,000.00. Payroll deductions for January 22, 2016 are \$ 399,913.13 previously estimated at \$ 384,000.00.

The estimated payroll for February 5, 2016 is \$ 381,000.00 with estimated deductions of \$ 212,000.00.

Attached is a list of property tax refunds and settlements Nos. 16059 through 16287 and EFT nos. 76 through Nos. 82 dated January 15, 2016 through January 28, 2016 in the amount of \$ 52,063,972.05. These refunds have been released as authorized under Resolution 2013-6920. Voided Property Tax checks in the amount of \$ (15,208.80) are separately listed.

Milwaukee County	10,059,224.87
Franklin Pub Sch	17,977,287.05
Oak Crk/Frnkln Sch	3,183,409.00
Whitnall Sch	1,193,893.56
MATC	2,383,974.07
MMSD	3,304,984.86
City of Franklin -	<u>13,826,142.44</u>
Total	51,928,915.85

These Property Tax settlements were approved at the Council meeting dated Jan 19, 2015.

COUNCIL ACTION REQUESTED

Motion approving net general checking account City vouchers in the range of Nos. 159447 through Nos. 159617 in the amount of \$ 1,549,130.33 dated January 15, 2016 through February 1, 2016.

Motion approving the net payroll dated January 22, 2016 in the amount of \$ 389,301.29 and payments of the various payroll deductions in the amount of \$ 399,913.13 plus any City matching payments, where required.

Motion approving the net payroll dated February 5, 2016 estimated at \$ 381,000.00 and payments of the various payroll deductions estimated at \$ 212,000.00, plus any City matching payments, where required.

Motion approving property tax refunds and settlements in the range of Nos. 16059 through Nos. 16287 in amount of \$ 52,063,972.05 dated January 15, 2016 through January 28, 2016.

Finance Dept – KM