CITY OF FRANKLIN

COMMON COUNCIL MEETING*

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

TUESDAY, JULY 17, 2018 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. 1. Citizen Comment Period.
 - 2. A Proclamation in Recognition of William M. Wucherer, Retired City of Franklin Health Service Administrator.
- C. Approval of Minutes:

Regular Common Council Meeting of June 19, 2018.

D. Hearings.

Public Hearing — A proposed Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to Change the Future Land Use Map use Designation of a Portion of the Property Located at 11205 West Ryan Road, from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use (Bear Development, LLC, applicant). The Property Which is the Subject of This Application Currently Bears Tax Key No. 892-9992-001, Currently Subject to a Certified Survey Map Application Which if Approved will Result in a Parcel Consisting of Approximately 32.6011 Acres of Land (Excluding any Right-of-Way to be Dedicated to the City), Located in the City of Franklin, Milwaukee County, Wisconsin.

- E. Organizational Business.
 - 1. The following appointment has been submitted by the Mayor for Common Council confirmation: Maria Imp, 12131 W. Elmwood Dr., Ald. Dist. 6, to the Library Board for a 3-year term expiring 6/30/21.
 - 2. The following appointment has been submitted by Alderman Barber for Common Council confirmation: Fred Knueppel, 5659 W. Cascade Dr., Ald. Dist. 5, to the Quarry Monitoring Committee for a 3-year term expiring 5/31/21.
- F. Letters and Petitions.
- G. Reports and Recommendations:
 - 1. Consent Agenda:
 - (a) The Franklin Police Department has received the following donations:

DARE Donation

\$875 from Southeastern WI DARE Officers Association Proceeds from the annual DARE Brewer Baseball Game

K9 Donations

\$1,600 from Franklin Police Citizen Academy Alumni Association \$40 from Terry M. Leack

Crime Prevention Donations / National Night Out

\$100 from Academy of Performing Arts

\$1,000 from Ascension Franklin Hospital

\$100 from Connect Cell

\$150 from Crossroads Pizza & Subs

\$100 from Franklin Noon Lions Club

\$500 from North Shore Bank

\$2,000 from Northwestern Mutual

\$100 from Parallel Employment Group

\$500 from PyraMax Bank

\$2,000 from US Bank

\$100 from Victory Creek Accounting

\$100 from Volition Franklin

\$2,000 from WaterStone Bank (Waukesha County Community Foundation) \$500 from WEC Energy Group

- (b) Request from Department of Public Works to Purchase a 2018 Chicago Pneumatic Rx4 Hydraulic Breaker from Franklin Equipment for \$6,525.
- (c) Kayla's Playground Ambassador Program: A Volunteer Program Approved by the Parks Commission.
- (d) Authorization to Purchase 56 Budgeted Computers from PDS in Advance of Anticipated Cost Increases.
- (e) A Resolution Approving the Wisconsin Department of Natural Resources NR-208 Compliance Maintenance Report for 2017.
- (f) Request to Pay \$1,200 to the League of Wisconsin Municipalities to Support Campaign to Close Dark Store Tax Loophole.
- (g) Request for Authorization to Execute an Agreement with Service Sanitation for Portable Restroom Facilities for St. Martins Fair Labor Day Event.
- 2. An Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to Change the City of Franklin 2025 Future Land Use Map for a Portion of the Property Located at 11205 West Ryan Road, from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use (Approximately 32.6011 Acres) (Bear Development, LLC, Applicant).
- 3. Status Report Regarding the Ballpark Commons Development Project Proposed at and Near The Rock Sports Complex, 7900 W. Crystal Ridge Road.
- 4. Wisconsin Economic Development Corporation Idle Sites Redevelopment Program Application Request (Ballpark Commons).
- 5. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use to Allow for a Road and Storm Water Management Pond within the 100 Year Flood Plain Use Upon Property Located at Approximately 10100 South 76th Street (Oakwood at Ryan Creek Subdivision) (Neumann Developments, Inc., Applicant).
- 6. A Resolution to Authorize the Construction of a Public Street and Trail Upon Lands in Part Supporting Natural Resource Features Located at or About 10100 South 76th Street (Neumann Developments, Inc., Applicant, Oakwood at Ryan Creek, LLC, Property Owner).

- 7. A Resolution Authorizing Certain Officials to Accept a Conservation Easement for and as Part of the Review and Approval of a Site Plan for Property Located at 3639 West Ryan Road to Allow for Construction of an Approximately 4,300 Square Foot Addition to the Existing Jubilee Christian Family Church, Preschool and Day Care Building (Tax Key No. 901-9994-001) (Jubilee Faith Center, Inc., D/B/A Jubilee Christian Family Church, Property Owner/Applicant).
- 8. A Resolution Imposing Conditions and Restrictions for the Approval for a Special Use to Allow for Rental of Space Within Forest Home Corporate Center for Weekly Worship Gatherings and Children's Classrooms Use Upon Property Located at 11311 West Forest Home Avenue (Root River Church Inc., Applicant).
- 9. Franklin Senior Citizens Travel Program Semi-Annual Update for 2018.
- 10. City of Franklin's Community Development Block Grant Program Projects for 2019.
- 11. A Resolution Conditionally Approving a Final Plat for Aspen Woods Subdivision (At Approximately South 51st Street and West Puetz Road) (Veridian Homes, LLC, Applicant).
- 12. A Resolution Authorizing Certain Officials to Accept a Conservation Easement for and as Part of the Review and Approval of a Final Plat for Aspen Woods Subdivision (at Approximately South 51st Street and West Puetz Road) (Veridian Homes, LLC, Applicant).
- 13. A Resolution to Execute a Subdivision Development Agreement with VH Aspen Woods LLC for the Development of Aspen Woods Subdivision Phase I Located on S. 51st Street and W. Puetz Road.
- 14. A Resolution for Supplemental Agreement to Professional Services Contract with Traffic Analysis & Design, Inc. (TADI) for Traffic Impact Analysis of Proposed W. Elm Road Extension Phase Two for \$47,507.
- 15. A Resolution to Accept Water Main Easements from 9905 S. 76th Street (Valerie L. Branback) Tax Key No. 934-9990-003 and 9991 S. 76th Street (Schweitzer Trust) Tax Key No. 934-9993-001.
- 16. A Resolution to Authorize the Construction of a Public Trail Upon Lands in Part Supporting Natural Resource Features Located at Approximately Outlots 2 and 3 of River Park Subdivision and Outlot 6 of River Park Addition No. 2 Subdivision (City of Franklin, Applicant).
- 17. Resolution to Waive Requirements for Public Water and Sanitary Sewer Service for Three Lots on the 9000 Block of West Rawson Avenue, Pursuant to the Municipal Code, to Allow the Lots to be Served by Private Well and Private Septic System Facilities (Tax Key Nos. 745-8995-003, 745-8995-004, and 745-8995-005).
- 18. A Resolution to Authorize the Execution of a Professional Services Contract with Lakeside Engineering for Phase 1 of the Design of S. 68th Street from W. Loomis Road to W. Puetz Road in the Amount of \$25,030.
- 19. A Resolution Conditionally Approving a Land Combination for Tax Key Nos. 739-0027-000 and 739-0109-000 (4233 West Carmel Drive and Outlot 19 of Plat of Outlots 1 Through 5 of Tumblecreek) (Dale F. Willis and Joanne R. Willis, Applicants).
- 20. Authorization to Sign Amendment to Professional Services Contract with Ruekert-Mielke for Evaluation Phase of Ryan Creek Interceptor Odor Reduction Study and Design in the Amount of \$3,500.

- 21. An Ordinance to Modify the Municipal Code Section 245-5.D.(4) to Add No Parking on North Side of W. Central Avenue from S. 27th Street to S. 29th Street.
- 22. An Ordinance to Modify the Municipal Code Section 245-5.D.(4) to Add No Parking on the North Side of W. Forest Hill Avenue from Approximately 380 Feet West of S. 36th Street to Approximately 460 Feet West of S. 36th Street.
- 23. An Ordinance to Amend §207-13.E. of the Municipal Code Regarding Water Utility Rates.
- 24. May 2018 Monthly Financial Report.
- 25. Annual Market Adjustment and Market Adjustment to Wage and Salary Rates for Non-Represented Employees.
- 26. Authority to Contract with Quorum Architects, Inc. and Continuum Architects + Planners S.C. for Preliminary Architectural Designs for the City Hall Remodel Project for a Combined Cost Not-to-Exceed \$24,000, Including all Reimbursables.
- 27. Potential Acquisition of Property for Public Park Purposes in the City Pursuant to the May 1, 2018 Common Council Action Upon the Parks Commission Recommendation to Move Forward with Park Land Acquisition Necessary Steps (and Which Common Council Action also Changed the Status of the Neighborhood Park Land Acquisition Project in the 2018 Capital Improvement Fund to an "Approved Project"). The Common Council may Enter Closed Session Pursuant to §19.85(1)(e), Wis. Stats., for Market Competition and Bargaining Reasons, to Consider the Potential Acquisition of Properties to be used for Public Park Purposes in the City Pursuant to the May 1, 2018 Common Council Action Upon the Parks Commission Recommendation to Move Forward with Park Land Acquisition Necessary Steps (and Which Common Council Action also Changed the Status of the Neighborhood Park Land Acquisition Project in the 2018 Capital Improvement Fund to an "Approved Project"), and to Reenter Open Session at the Same Place Thereafter to Act on Such Matters Discussed Therein as it Deems Appropriate.
- 28. Consideration of a Clinic Agreement with Aurora Health Care, Inc. for Participation in a Dedicated Clinic Arrangement Opportunity Exclusively for Franklin Business Park Consortium Members. The Common Council may Enter Closed Session Pursuant to §19.85(1)(e), Wis. Stats., for the Purpose of Deliberating or negotiation the Purchase of Public Properties, the Investing of Public Funds, or Conducting Other Specified Public Business, Whenever Competitive or Bargaining Reasons Require a Closed Session to Consider a Clinic Agreement with Aurora Health Care, Inc. for Participation in a Dedicated Clinic Arrangement Opportunity Exclusively for Franklin Business Park Consortium Members, and May Reenter Open Session at the Same Place Thereafter to Act on Such Matters Discussed Therein as it Deems Appropriate.
- H. Licenses and Permits.
 Miscellaneous Licenses from License Committee Meeting of July 17, 2018.
- I. Bills.Request for Approval of Vouchers and Payroll.

J. Adjournment.

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

REMINDERS:

July 19	Plan Commission Meeting	7:00 p.m.
August 6	National Night Out	6:00 p.m. to 9:00 p.m.
August 7	Common Council Meeting	6:30 p.m.
August 9	Plan Commission Meeting	7:00 p.m.
August 14	Partisan Primary Election	7:00 a.m. to 8:00 p.m.
August 21	Common Council Meeting	6:30 p.m.
August 23	Plan Commission Meeting	7:00 p.m.

^{*}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.

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A PROCLAMATION IN RECOGNITION OF WILLIAM M. WUCHERER

WHEREAS, William M. "Bill" Wucherer was hired as the City of Franklin Health Service Administrator on December 1, 1992; and

WHEREAS, on New Year's Day in the year 2000, upon the turn of the Century, Bill's vocation was retitled to Director of Health and Human Services; and

WHEREAS, Bill's life has been spent in the interest and furtherance of the Public's Health, Safety and Welfare; and

WHEREAS, Bill's Service to Others is the primary focus of his existence, having prior to his appointment in the City of Franklin, been a Public Health Nurse for the City of Milwaukee Health Department, a Nurse Consultant with the Boys and Girls Club of Greater Milwaukee, a Community Health Nurse for the Visiting Nurses Association, Inc., a Community Health Nurse for We Care Nursing Service, Inc. and a Registered Nurse for Mount Sinai Medical Center; and

WHEREAS, Bill is highly educated in the realm of Public Health medicine and practice, having pursued a Master of Science (Latin: *Magister Scientiae*) Degree at the University of Wisconsin - Oshkosh, a Certification in Nursing Management at Marquette University, and having received a Bachelor of Science (Latin: *Baccalaureus Scientiae*) Degree at the University of Wisconsin – Milwaukee, and a Bachelor of Arts (Latin: *Baccalaureus Artium*) Degree in Philosophy at St. Francis de Sales College; and being a Messmer High School Graduate Forever; and

WHEREAS, Bill is highly educated, knowledgeable and practical in terms of the rules, laws and orders pertaining to the Wisconsin governmental regulation of Public Health Services and applied them proficiently during his service as the person in charge of the Franklin Health Department; and

WHEREAS, after over 25 years of Service to the City of Franklin and its Residents and those in need in the City, Bill has retired from his employment after his last day of work on Friday, June 1, 2018; and

WHEREAS, while Bill will now probably be spending more of his time with his Bride during the what some may call "the winter" of his life in Winter, Wisconsin, one might reasonably guess that he will always immediately respond to that call for "Oh Nurse,...", i.e. (Latin: exempli gratia), Dizzy Doctors (1937), Calling All Curs (1939), From Nurse to Worse (1940) and Nutty But Nice (1940), and others; The Three Stooges.

NOW, THEREFORE, BE IT PROCLAIMED, that I, Stephen R. Olson, Mayor, and I, Mark A. Dandrea, Common Council President, of the City of Franklin, Wisconsin, on behalf of all of the Citizens of Franklin and the staff of City government, Thank you for your wonderful caring hard work for the People. Thank you, Bill.

Presented to the City of Franklin Common Council this 17th Day of July, 2018.

Mark A. Dandrea, Common Council President



Stephen R. Olson, Mayor

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CITY OF FRANKLIN COMMON COUNCIL MEETING JUNE 19, 2018

MINUTES

ROLL CALL

A. The regular meeting of the Common Council was held on June 19, 2018 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderman Steve F. Taylor, Alderman Mike Barber and Alderman John R. Nelson. Excused was Alderwoman Kristen Wilhelm. Also present were Principal Planner Nick Fuchs, Dir. of Administration Mark Luberda, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.

CITIZEN COMMENT

B. Citizen comment period was opened at 6:32 p.m. and closed at 7:00 p.m.

MINUTES JUNE 5, 2018

C. Alderman Dandrea moved to approve the minutes of the regular Common Council Meeting of June 5, 2018 as presented at this meeting. Seconded by Alderman Barber. All voted Aye; motion carried.

PUBLIC HEARING VACATE RIGHT-OF-WAY ALONG S. 116TH ST AT 11607 W. RYAN RD.

D. A public hearing was called to order at 7:03 p.m. regarding a Resolution introduced at the Common Council meeting held May 1, 2018, which proposes the vacation approximately 0.1664 acre of right-of-way which extends along South 116th Street, directly South of 116th Street, South of West Ryan Road and West of Loomis Road, adjacent to property located at 11607 West Ryan Road bearing Tax Key No. 891-9989-004 (Mills Hotel Wyoming, LLC, Owner) and 11533 West Ryan Road bearing Tax Key No. 892-9997-000 (Wisconsin Department of Transportation, Owner) located in the City of Franklin, Milwaukee County, Wisconsin. This public hearing is being held pursuant to the requirements of Wis. Stat. § 66.1001(4)(d). The public hearing was closed at 7:05 p.m.

RES. 2018-7377
VACATE RIGHT-OF-WAY
ALONG S. 116TH ST.
LOCATED AT 11607 W.
RYAN RD.

G.2 Alderman Nelson moved to adopt Resolution No. 2018-7377, A RESOLUTION TO VACATE APPROXIMATELY 0.1664 ACRE OF RIGHT-OF-WAY WHICH EXTENDS ALONG SOUTH 116TH STREET, DIRECTLY SOUTH OF 116TH STREET, SOUTH OF WEST RYAN ROAD AND WEST OF LOOMIS ROAD, ADJACENT TO PROPERTY LOCATED AT 11607 WEST RYAN ROAD BEARING TAX KEY NO. 891-9989-004 AND 11533 WEST RYAN ROAD BEARING TAX KEY NO. 892-9997-000. Seconded by Alderman Mayer. All voted Aye; motion carried.

Common Council Meeting June 19, 2018 Page 2

DONATION, WALLPAPER REMOVAL AND PAINT STAIRWELL IN CITY HALL, CITY HALL ROOF TOP INSPECTION, UPDATE OF ALL IMPACT FEES STUDY, RETAIN FORD TAURUS FOR PLANNING DEPT. USE, LWM MUTUAL INS. SAFETY EQUIPMENT GRANT

- G.1. Alderman Taylor moved to approve the following consent agenda items:
- (a) Accept \$200 donation from Girl Scout Troop #1233 to the Police Department
- (b) Authorize the Director of Administration to accept a proposal from AM Painting & Drywalling, LLC for wallpaper removal and painting of a stairwell in City Hall for \$2,500 and if, as determined by the Director of Administration, the project is successful, to authorize acceptance of a second proposal for an additional stairwell for \$2,500, with said authorizations providing for not to exceed \$500 in additional drywall repairs as may be approved by the Facilities Maintenance Supervisor and with said authorizations being applied against the City Hall remodel project in the Capital Improvement Fund.
- (c) Authorize the Director of Administration to accept the bid proposal for a City Hall tower inspection from Higgins Tower Service, Inc. in the amount of \$1,330 to be paid for from the Capital Improvement Fund City Hall Roof Repairs project appropriation.
- (d) Receive and file the update of all Impact Fees Study.
- (e) Authorize the retention of a 2014 Ford Taurus, previously from the Police Department, for use by the Planning Department.
- (f) Receive and place on file the League of Wisconsin Municipalities Mutual Insurance Safety Equipment Grant.

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

RES. 2018-7381 CSM AT 11205 W. RYAN RD. (BEAR DEV., LLC, APPLICANT) G.3. Alderman Nelson moved to adopt Resolution No. 2018-7381, A RESOLUTION CONDITIONALLY APPROVING A 3 LOT AND 1 OUTLOT CERTIFIED SURVEY MAP BEING THAT PART OF THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 AND THE SOUTHWEST 1/4 AND THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 30, TOWN 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (BEAR DEVELOPMENT, LLC, APPLICANT) (GENERALLY LOCATED SOUTHWEST OF WEST LOOMIS ROAD, SOUTH OF WEST RYAN ROAD AND WEST OF SOUTH 112TH STREET, INCLUDING 11205 WEST RYAN ROAD). Seconded by Alderman Dandrea. All voted Aye; motion carried.

ORD. 2018-2330 AMEND UDO (ZONING MAP) AT 11205 W. RYAN RD (BEAR DEV., LLC, APPLICANT) G.4. Alderman Nelson moved to adopt Ordinance No. 2018-2330, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE LOTS 1, 2 AND 3 OF CERTIFIED SURVEY MAP NO. (NUMBER TO BE ENTERED FOLLOWING RECORDING) AS FOLLOWS: LOT 1: FROM R-2 ESTATE SINGLE-FAMILY RESIDENCE DISTRICT TO M-1

ESTATE SINGLE-FAMILY RESIDENCE DISTRICT TO M-1 LIMITED INDUSTRIAL DISTRICT; LOT 2: FROM R-2 ESTATE SINGLE-FAMILY RESIDENCE DISTRICT **AND** CONSERVANCY DISTRICT TO M-1 LIMITED INDUSTRIAL FROM R-2 ESTATE SINGLE-FAMILY DISTRICT; LOT 3: RESIDENCE DISTRICT AND C-1 CONSERVANCY DISTRICT TO R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT (GENERALLY LOCATED SOUTHWEST OF WEST LOOMIS ROAD, SOUTH OF WEST RYAN ROAD AND WEST OF SOUTH 112TH STREET (INCLUDING 11205 WEST RYAN ROAD)) (APPROXIMATELY 85 ACRES) (BEAR DEVELOPMENT, LLC, Seconded by Alderman Mayer. APPLICANT). All voted Ave: motion carried.

ORD. 2018-2331
AMEND UDO FOR
BUILDING EXTERIOR
AND SIGNAGE CHANGES
AT 6701 S. 27TH ST. (WALMART REAL ESTATE
BUSINESS TRUST,
APPLICANT)

RES. 2018-7382 CONDO PLAT AT 9067 AND 9069 S. CORDGRASS CIR. EAST (ANDREW J GENZ, APPLICANT) G.5. Alderman Taylor moved to adopt Ordinance No. 2018-2331, AN ORDINANCE TO AMEND §15-3.0418 OF THE UNIFIED DEVELOPMENT ORDINANCE, PLANNED DEVELOPMENT DISTRICT NO. 13 (WAL-MART/SAM'S WHOLESALE CLUB) TO ALLOW FOR BUILDING EXTERIOR AND SIGNAGE CHANGES (WAL-MART REAL ESTATE BUSINESS TRUST, APPLICANT) (6701 SOUTH 27TH STREET). Seconded by Alderman Dandrea. All voted Aye; motion carried.

G.6. Alderman Nelson moved to adopt Resolution No. 2018-7382, A RESOLUTION CONDITIONALLY **APPROVING** CONDOMINIUM PLAT FOR APOLLO CONDOMINIUMS OF FRANKLIN AT 9067 AND 9069 SOUTH CORDGRASS CIRCLE EAST, LOT 62, PRAIRIE GRASS PRESERVE SUBDIVISION (ANDREW J. GENZ AND DIANA E. GENZ/KRISTINA M. WARRICHAIET, F/K/A/ KRISTINA CERJAK AND NICHOLAS J. WARRICHAIET, AS TO ANY MARTIAL PROPERTY INTEREST PROPERTY, OWNERS, **ANDREW** J. APPLICANT). Seconded by Alderman Mayer. All voted Aye; motion carried.

RES. 2018-7383 SPECIAL USE AMENDMENT AT 7501 W. RAWSON AVE. (MCDONALDS'S USA, LLC, APPLICANT) G.7. Alderman Barber moved to adopt Resolution No. 2018-7383, A RESOLUTION TO APPROVE A SPECIAL USE AMENDMENT TO ALLOW FOR RESTAURANT BUILDING REMODELING AND SITE WORK FOR THE EXISTING MCDONALD'S DRIVE-THROUGH RESTAURANT PREVIOUSLY APPROVED AS PART OF A ZONING PERMIT APPROVAL, UPON PROPERTY LOCATED AT 7501 WEST RAWSON AVENUE (MCDONALD'S USA, LLC, APPLICANT). Seconded by Alderman Mayer. All voted Aye; motion carried.

SECOND AMENDMENT TO DECLARATION OF RESTRICTIONS FOR PRAIRIE GRASS PRESERVE AT 9200 W. ST. MARTINS RD.

ORD. 2018-2332 AMEND UDO (ZONING MAP) AT 8029 S. 35TH ST. (WILLIAM F. ZIMMERMANN, APPLICANT)

ORD. 2018-2333 AMEND UDO (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS)

- G.8. Alderman Nelson moved that the Second Amendment to Declaration of Restrictions for Prairie Grass Preserve at 9200 W. St. Martins Road be referred back to staff and the three other parties involved, for a one-hour meeting with the City Attorney and return to the Common Council with recommendations to resolve the inconsistencies. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- G.9. Alderman Barber moved to adopt Ordinance No. 2018-2332, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM C-1 CONSERVANCY DISTRICT TO R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT (8029 SOUTH 35TH STREET) (APPROXIMATELY 8.15 TOTAL ACRES; AREA TO BE REZONED IS APPROXIMATELY 0.75 ACRES) (WILLIAM F. ZIMMERMANN, APPLICANT). Seconded by Alderman Mayer. All voted Aye; motion carried.
- G.10. The following actions were taken on an Ordinance to amend Section 15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons):

Alderman Dandrea moved that Section 15-3.0442.B.7. relating to parking arrangements be amended by striking "a parking structure". Seconded by Alderman Taylor. All voted Aye; motion carried.

Alderman Taylor moved to amend Section 15-3.0442.B.9. to state, "Require special use approval for all new buildings greater than 90,000 square feet in area and/or taller than four stories, or 60 feet in height, whether single-tenant or multi-tenant spaces, except for Buildings B1, B2, B3, and B4 which require a special use approval if greater than 65,000 square feet in area and/or taller than three stories. And Buildings C2 and S3 having a combined total square footage of up to 145,000 without the need for a special use." Seconded by Alderman Dandrea. All voted Aye; motion carried.

Alderman Dandrea moved to amend Section 15-3.0442.B.10. to allow that existing facilities will have the option for public water. Seconded by Alderman Taylor. All voted Aye; motion carried.

Alderman Taylor moved to add Section 15-3.0442.B.11. to allow for Temporary Stone Crushing operations, to crush concrete obtained from both onsite and offsite sources, solely to be used onsite for temporary roads, staging areas, and as structural fill, as a permitted use, Monday through Friday, 9:00 a.m. to 4:00 p.m.; and also moved to strike Condition No. 12 in Section 3: Conditions of approval. Seconded by

Alderman Barber. On roll call, Alderman Dandrea, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderman Mayer voted No. Motion carried.

Alderman Taylor moved to amend Section 15-3.0442.B.13. relating to a 25 percent reduction from the UDO standards in the overall quantity of landscape plantings, and relating to Landscape Plan review and approval. Seconded by Alderman Dandrea. On roll Call, Alderman Nelson, Alderman Barber, Alderman Taylor, and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried.

Alderman Dandrea moved to amend Sections 15-3.0442A.B.1. to include Indoor climbing wall and Indoor pickleball as Permitted Uses. Seconded by Alderman Taylor. All voted Aye; motion carried.

Alderman Mayer moved that the Stadium and Office uses remain Special Uses. Motion died due to the lack of a second.

Alderman Taylor then moved to allow the Stadium and Office Uses to be Permitted Uses. Seconded by Alderman Dandrea. On roll call, Alderman Dandrea, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderman Mayer voted No. Motion carried.

Alderman Taylor moved to include Athlete House/Apartments as a Permitted Use. Seconded by Alderman Dandrea. All voted Aye; motion carried.

Alderman Taylor moved to amend the Maximum Building Height from 50 feet to 60 feet in Section 15-3.0442A.C.3. Seconded by Alderman Dandrea. On roll Call, Alderman Nelson, Alderman Barber, Alderman Taylor, and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried.

Alderman Taylor moved to amend Section 15-3.0442A.C.4. relating to Indoor/Outdoor Netting as requested by the Applicant. Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderman Taylor moved to amend Section 15-3.0442A.D.1.b. to allow black vinyl coated chain link fencing with or without privacy slats. Seconded by Alderman Dandrea. All voted Aye; motion carried.

Alderman Dandrea moved to amend Section 15-3.0442A.D.1.e. relating to signs and interior signage as requested by the Applicant. Seconded by Alderman Taylor. All voted Aye; motion carried.

Alderman Dandrea moved to amend Section 15-3.0442A.D.4.a. relating to Landscape Requirements as recommended by the Plan Commission. Seconded by Alderman Taylor. On roll call, Alderman Dandrea, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderman Mayer voted No. Motion carried.

Alderman Taylor moved to amend the first paragraph of Section 15-3.0442A.D.5.a. Architecture, to state, "The sports facilities, consisting of Buildings S1, S2/C3/C4, S3/C2, the ballfields and associated dugouts, concession stands, and announcer's booth; the Hinterhof indoor/outdoor facility, and the Umbrella Bar/restaurant architecture shall be completed, and in substantial compliance, per the approved Site and Architectural Plans." Seconded by Alderman Dandrea. All voted Aye; motion carried.

Alderman Taylor moved to amend Section 15-3.0442A.D.6.a. limiting the hours of operation for the athletic fields and concession stands from 7:00 a.m. to 11:00 p.m. Seconded by Alderman Dandrea. On roll Call, Alderman Nelson, Alderman Barber, Alderman Taylor, and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried.

Alderman Taylor moved to amend Section 15-3.0442A.D.6.b., to state, "All athletic field lights shall be shut off by 11:00 p.m. In the event of rain delays, extra innings, technical difficulties, or lighting maintenance, a reasonable extension of the lighting curfew, up to 12:00 a.m. (midnight), is allowed. Infrequent minor extensions beyond midnight is also allowed." Seconded by Alderman Dandrea. On roll call, Alderman Dandrea, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderman Mayer voted No. Motion carried.

Alderman Dandrea moved to amend Section 15-3.0442A.D.6.c., to state, "Hours of operation for the stadium shall be limited at 7:00 a.m. to 11:00 p.m. In the event of rain delays, extra innings, technical difficulties, or lighting maintenance, a reasonable extension of the lighting curfew, up at 12:00 a.m. (midnight), is allowed. Infrequent minor extensions beyond midnight is also allowed." Seconded by Alderman Taylor. On roll Call, Alderman Nelson, Alderman Barber, Alderman Taylor, and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried.

Alderman Taylor moved to approve the limit to the hours of operation of the outdoor portion of the golf facility in Section 15-3.0442A.D.6.d.ii. from 7:00 a.m. to 2:00 a.m. Motion died due to the lack of a second.

Alderman Dandrea moved to approve the limit to the hours of operation of the indoor portion of the golf facility from 7:00 a.m. to 12:00 a.m. (midnight) Sunday through Thursday and 7:00 a.m. to 2:00 a.m. Friday through Saturday in Section 15-3.0442A.D.6.e.i., and the outdoor portion of the golf facility in Section 15-3.0442A.D.6.d.ii. from 7:00 a.m. to 12:00 a.m. (midnight). Seconded by Alderman Nelson. On roll call, Alderman Dandrea, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderman Mayer voted No. Motion carried.

Alderman Dandrea moved to approve the hours of operation of the indoor baseball and associated facility from 5:00 a.m. to 12:00 a.m. (midnight) in Section 15-3.0442A.D.6.e. Seconded by Alderman Taylor. All voted Aye; motion carried.

Alderman Taylor moved to approve the limit for the hours of operation for the Umbrella Bar/restaurants (including the Hinterhof indoor/outdoor eating/drinking establishment) from 7:00 a.m. to 2:00 a.m. in Section 15.0334A.D.6.f. Seconded by Alderman Dandrea. All voted Aye; motion carried.

Alderman Taylor moved to approve the limit of hours of operation for mountain biking on site from sunrise to sunset in Section 15-3.0442A.D.6.d. Seconded by Alderman Dandrea. All voted Aye; motion carried.

Alderman Mayer moved to require a Comprehensive Lighting Study in Section 15-3.0442A,D.7.a. Motion died due to the lack of a second.

Alderman Dandrea moved to amend Section 15-3.0442A.D.7.a. to state, "Unless otherwise approved by the Plan Commission, except as may otherwise be approved by the Common Council as part of the Comprehensive Lighting Study, all site lighting shall be in compliance with the regulations set forth in Division 15-5.0400 of the Unified Development Ordinance and in the Milwaukee County and Ballpark Commons Development Agreement/Exhibit C Noise and Light Addendum. Stadium light poles shall be allowed up to 110' above field level." Seconded by Alderman Taylor. On roll call, Alderman Nelson, Alderman Barber, Alderman Taylor, and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried.

Alderman Taylor moved to amend Section 15-3.0442A.D.8.a. to state, "All noise levels must be in compliance with Sections 15-3.0908 and 15-3.1107 of this Ordinance and §183-38 through §183-46 of the City of Franklin Municipal Code, the Milwaukee County and Ballpark Commons Development Agreement/Exhibit C Noise and Light

Addendum, and as may otherwise be approved by the Common Council as part of the Comprehensive Sound Study." Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Alderman Taylor moved to approve the Maximum Building Height, Principal Structure of 60 feet in Table 15-3.0442B.1. Seconded by Alderman Dandrea. All voted Aye; motion carried.

Alderman Taylor moved to "strike baseball fields, and hotel (up to 4 stories)" in Section 15-3.0442B.C.1.a. Seconded by Alderman Dandrea. On roll call, Alderman Dandrea, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderman Mayer Abstained. Motion carried.

Alderman Taylor moved to change "three" to "four" stories in height in Section 15-3.0442B.C.1.b. Seconded by Alderman Dandrea. On roll call, Alderman Nelson, Alderman Barber, Alderman Taylor, and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried.

Alderman Taylor moved to change "three" to "four" stories in height in Section 15-3.0442B.C.2.b. Seconded by Alderman Dandrea. On roll call, Alderman Dandrea, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderman Mayer voted No. Motion carried.

Alderman Taylor moved to approve the Maximum Building Height, Principal Structure of 60 feet in Table 15-3.0442C.1. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Alderman Taylor moved to change "three" to "four" stories in height, with residential apartments on the upper three floors in Section 15-3.0442C.C.1.b. Seconded by Alderman Nelson. On roll call, Alderman Dandrea, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderman Mayer voted No. Motion carried.

Alderman Taylor moved to change "three" to "four" stories in height in Section 15-3.0442C.C.2.b. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Alderman Taylor moved to approve the following changes to Table 15-3.0442D.1. Minimum Open Space Ratio and Maximum Density: Gross Density 16.00; Net Density 16.00; and the following language: The stated maximum density regulations may be averaged across the portion of PDD No. 37 located south of Rawson Avenue, and may be

increased pursuant to the granting of a Special Use Permit. Seconded by Alderman Dandrea. On roll call, Alderman Dandrea, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderman Mayer voted No. Motion carried.

Alderman Taylor moved to amend Table 15-3.0442D.3. to allow Memory Care Residence Facility as a Permitted Use. Seconded by Alderman Dandrea. On roll call, Alderman Nelson, Alderman Barber, Alderman Taylor, and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried.

Alderman Taylor moved to amend Table 15-3.0442D.3. to allow Community Living Arrangements (serving 9 or more persons) as a Permitted Use. Seconded by Alderman Dandrea. On roll call, Alderman Dandrea, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderman Mayer voted No. Motion carried.

Alderman Taylor moved to amend Table 15-3.0442D.3. to allow Multiple-family Residential Housing for Older Persons as a Permitted Use. Seconded by Alderman Dandrea. On roll call, Alderman Nelson, Alderman Barber, Alderman Taylor, and Alderman Dandrea voted Aye; Alderman Mayer voted No. Motion carried.

Alderman Dandrea moved to amend Section 15-3.0442E.B.3.a. to state "On-site landscaping shall be provided per the landscaping requirements found in Section 15-5.0302, or as may be approved by the Plan Commission during its review and approval of Site Plans. In addition, the project shall provide:" Seconded by Alderman Taylor. On roll call, Alderman Dandrea, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderman Mayer voted No. Motion carried.

Alderman Taylor moved to amend Section 15-3.0442E.B.5.c.iv. to state, "Wood (or fiber cement) siding must be bevel (horizontal lap), shingle siding, or channel siding and must not be applied in a diagonal or herringbone pattern." Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Alderman Taylor moved to amend the last sentence in Section 15-3.0442E.B.5.i.ii to state, "A minimum pedestrian walkway width of six (6) feet shall be maintained at all times when adjacent to or in the public right-of-way." Seconded by Alderman Dandrea. All voted Aye; motion carried.

Common Council Meeting June 19, 2018 Page 10

Alderman Dandrea moved to approve all conditions as amended at Section 3: Conditions of Approval, Items 1. through 11. and Item 18., and striking Items 13. through 17. and 19. Seconded by Alderman Taylor. On roll call, Alderman Dandrea, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Aye; Alderman Mayer voted No. Motion carried.

Alderman Taylor moved to adopt Ordinance No. 2018-2333, AN ORDINANCE TO AMEND SECTION 15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) TO REVISE THE DISTRICT IN THE FOLLOWING MANNER: TO ALLOW ADDITIONAL USES AS PERMITTED USES, INCLUDING BUT NOT LIMITED TO SENIOR HOUSING, MEMORY CARE RESIDENCE FACILITY, COMMUNITY LIVING ARRANGEMENT, ATHLETE HOUSING/APARTMENTS, ROCK CRUSHING/BATCH PLANT, AND BASEBALL STADIUM; TO REVISE CERTAIN DISTRICT STANDARDS INCLUDING BUT NOT LIMITED TO BUILDING HEIGHT AND BUILDING SIZE LIMITS. LOT AREA REQUIREMENTS. **DENSITY** REQUIREMENTS, **SIGNAGE** AMOUNTS, **HOURS** OPERATION AND LIGHTING CURFEW, PUBLIC WATER **FENCING** REQUIREMENTS, LANDSCAPING REQUIREMENTS, AND CERTAIN DESIGN STANDARDS; TO REVISE CERTAIN FINANCIAL SURETY REQUIREMENTS IN CONDITION NO. 15 IN THE STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS DATED JANUARY 9, 2018; AND TO REVISE THE COMPREHENSIVE SOUND AND LIGHT STUDY REQUIREMENTS IN CONDITIONS NUMBERS 2 AND 3 IN PLANNED DEVELOPMENT DISTRICT NO. 37 ORDINANCE NO. 2018-2324; (7900 WEST CRYSTAL RIDGE DRIVE) (BPC COUNTY LAND LLC, AND BPC MASTER DEVELOPER LLC, APPLICANTS. BPC COUNTY LAND LLC. PROPERTIES LLC, AND WISCONSIN DEPARTMENT OF TRANSPORTATION, PROPERTY OWNERS), as amended. Seconded by Alderman Dandrea. On roll call, Alderman Dandrea, Alderman Taylor, Alderman Barber, and Alderman Nelson voted Ave: Alderman Mayer voted No. Motion carried.

RES. 2018-7384 SPECIAL USE AMENDMENT AT THE ROCK SPORTS COMPLEX/BALLPARK G.11. Alderman Taylor moved to adopt Resolution No. 2018-7384, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE AMENDMENT IN PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) PURSUANT TO

COMMONS

SECTION 15-3.0442 OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE, AND RESOLUTION NO. 2018-7339 RESOLUTION **IMPOSING CONDITIONS** RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A PROPOSED OUTDOOR BASEBALL/SOCCER STADIUM USE UPON PROPERTY LOCATED AT 7900 WEST CRYSTAL RIDGE DRIVE, TO ALLOW FOR CONSTRUCTION AND OPERATION OF THE SECOND OF THREE PHASES OF A PROPOSED STADIUM WITH CAPACITY FOR APPROXIMATELY 4,000 PEOPLE THAT WILL SERVE AS THE HOME FIELD FOR: AN INDEPENDENT MINOR LEAGUE BASEBALL TEAM; THE UNIVERSITY OF WISCONSIN-MILWAUKEE BASEBALL TEAM; AND A PROFESSIONAL AND/OR SUMMER COLLEGE SOCCER TEAM (BPC COUNTY LAND, LLC, APPLICANT). Seconded by Alderman Dandrea. On roll call, all voted Ave. Motion carried.

SAFETY SURVEY AND ASSESSMENT OF FUNDING OPTIONS G.12. No action was required following a discussion and review of the Public Safety Plan Community Survey and Assessment of Public Safety Funding Options report.

LICENSES AND PERMITS

H.

Alderman Taylor moved to approve the following: Hold 2017-18 and 2018-19 Operator license applications for appearance from Evan Bautch, 7318 S 69th St., Franklin;

Grant 2017-18 and 2018-19 Operator licenses with a warning letter from the City Clerk to Rita Heishman, 8217 S Four Oaks Dr., Franklin; Grant 2017-18 Operator license to Frank Janiszewski, 12301 W Ryan Rd., Franklin;

Grant 2018-19 Operator licenses to Robert Baker, 4415 Byrd Ave., Racine; Dakotah Balistreri, 11063 W Edgerton Ave., Hales Corners; Breanna Chacon, 3446 Links Dr., Franklin; Jessica Curler, 7815 S Scepter Dr., #12, Franklin; Barbara Davison, 6931 S Phyllis Ln., Franklin; Rebecca Deall, 3725 S 76th St., Apt 4, Milwaukee; Christine DuCharme, 7811 S Scepter Dr. Apt 4, Franklin: Gianna Fiumefreddo. 10645 W Candlestick Ln., Franklin; Adam Garcia, 3675 S 88th St., Milwaukee; James Hauglie, Jr., 4358 S 14th St., Milwaukee: Tiffany Heller, 7855 S Scepter Dr. #9, Franklin; Anastasia Hoeg, 14700 W Fleetwood Ln., New Berlin; Lisa Hutts, 5612 Euston St., Greendale; Collin Jahns, 11765 W St. Martins Rd., Franklin; Sue Kuiper, 6951 Beechnut Dr., Racine; Sharon Larscheidt, 11126 W Ryan Rd., Franklin; Barbara Lebeck, 8825 S 77th St., Franklin; Michael Llyod, 8908 W Verona Ct., Milwaukee; Grace Mantyh, 6214 W Lincoln Ave., #2, West Allis; Nadiya Mashkina, 9667 W Forest Home Ave., #1, Hales Corners; Kelsey Matuszak, 8651 Ventana Dr., Apt 3716, Oak Creek; Bailey Menke, 9343 S 35th St., Franklin; Janet Miller, 2737 S 58th St., Milwaukee; Stacy Newton, 4369 Skylark Ln., Greendale;

Kristi Oconnor, 6668 S Parkedge Cir., Franklin; Allison Planton, 14900 W Wilbur Dr, Unit 1204, New Berlin; Andrew Schneider, 10594 W Cortez Cir, Apt 20, Franklin; Mary Schultz, 2664 Hidden Dr., St Francis; Kathleen Schumacher, 7984 S 60th St., Franklin; Sahil Singh, 10528 W Cortez Cir., Franklin; Dustin Stafford, 11207 W 7th Mile Rd., Franksville; Christopher Stauber, 1832 Rawson Ave, #26, South Milwaukee; Michelle Swier, 4243 S 3rd St., Milwaukee; Angelina Tarantino, 3676 W Hilltop Ln., Franklin; Michelle Taylor, 3910 W College Ave., Greenfield; Monica Tossava, 20202 Hickory Grove Ave., Racine;

Hold 2018-19 Operator license applications for appearance from Vincent Dodulik, N8367 Hillburn Mill Rd., East Troy; Peter Mundschau, 1809 Stardust Dr., Waukesha;

Grant Temporary Class B Beer license to Franklin Little League for their Picnic on 8/12/2018.

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

VOUCHERS AND PAYROLL

I. Alderman Dandrea moved to approve the following:

City vouchers with an ending date of June 14, 2018 in the amount of \$789,828.49; Payroll dated June 8, 2018 in the amount of \$394,681.53 and payments of the various payroll deductions in the amount of \$217,846.85 plus City matching payments; and Estimated Payroll dated June 22, 2018 in the amount of \$393,000.00 and payments of the various payroll deductions in the amount of \$409,000.00, plus City matching payments; and Estimated Payroll dated July 6, 2018 in the amount of \$388,000.00 and payments of the various payroll deductions in the amount of \$216,000.00, plus City matching payments; and Estimated Payroll dated July 20, 2018 in the amount of \$403,000.00 and payments of the various payroll deductions in the amount of \$412,000.00, plus City matching payments; and property tax refunds and settlements with an ending date of June 15, 2018 in the amount of \$1,408,219.05; and the release of payment to Wesolowski, Reindenbach and Sajdak for legal services, not to exceed \$30,000; and the release of Library vouchers upon approval by the Library Board; and the release of 2018 Franklin Civic Celebration deposits and prepayments, not to exceed \$69,800. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J. Alderman Taylor moved to adjourn the meeting at 9:04 p.m. Seconded by Alderman Nelson. All voted Aye; motion carried.

CITY OF FRANKLIN NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE COMMON COUNCIL OF THE CITY OF FRANKLIN will conduct a public hearing on Tuesday, July 17, 2018, at 6:30 p.m., or as soon thereafter as the matter may be heard, in the Common Council Chambers at the Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, to hear public comment regarding a proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation of a portion of the property located at 11205 West Ryan Road, from Business Park Use and Areas of Natural Resource Features Use (Bear Development, LLC, applicant). The property which is the subject of this application currently bears Tax Key No. 892-9992-001, currently subject to a certified survey map application which if approved will result in a parcel consisting of approximately 32.6011 acres of land [excluding any Right-of-Way to be dedicated to the City], more particularly described as follows:

That part of the Northwest 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Northwest corner of said Northeast 1/4 Section; thence South 89°44'26" East along the North line of said Section 684.00 feet to a point; thence South 00°34' 43" East 973.00 feet to the point of beginning; thence South 89°44'26" East 231.00 feet to a point; thence North 00°34'43" West 973.00 feet to a point on said North line; thence South 89°44'26" East along the said North line 406.36 feet to a point; thence South 00°36'33" East 2651.32 feet to a point on the South line of the Northeast 1/4 Section; thence North 89°42'41" West along said South line 443.64 feet to a point; thence North 00°36'33" West 529.83 feet to a point; thence South 89°23'27" West 330.12 feet to a point; thence North 00°36'33" West 1153.26 feet to a point; thence South 89°44'26" East 135.91 feet to the point of beginning. Said lands contain 1,420,106 square feet or 32.6011 acres.

This public hearing is being held pursuant to the requirements of Wis. Stat. § 66.1001(4)(d). The public is invited to attend the public hearing and to provide input. The proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan is available and open for inspection by the public in the Office of the City Clerk at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours. The proposed draft ordinance is also available and open for inspection by the public at the Franklin Public Library, 9151 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours. In addition, the draft ordinance is available for review at www.franklinwi.gov. Any questions or comments about the proposed amendment to the Comprehensive Master Plan may be directed to Joel Dietl, City of Franklin Planning Manager, at 414-425-4024.

Dated this 5th day of June, 2018.

Sandra L. Wesolowski City Clerk **BLANK PAGE**

APPROVAL	REQUEST FOR	MEETING DATE
Slw	COMMON COUNCIL ACTION	7-17-18
ORGANIZATIONAL BUSINESS	Board and Commission Appointment	item number E.

The following appointment has been submitted by the Mayor for Common Council confirmation:

Maria Imp, 12131 W. Elmwood Drive, Ald. Dist. 6 to the Library Board for a 3-year term expiring 6/30/21.

The following appointment has been submitted by Alderman Barber for Common Council confirmation:

Fred Knueppel, 5659 W. Cascade Dr., Ald. Dist. 5 to the Quarry Monitoring Committee for a 3-year term expiring 5/31/21.

COUNCIL ACTION REQUESTED

Motion to confirm the following appointments:

Maria Imp, 12131 W. Elmwood Drive, Ald. Dist. 6 to the Library Board for a 3-year term expiring 6/30/21.

Fred Knueppel, 5659 W. Cascade Dr., Ald. Dist. 5 to the Quarry Monitoring Committee for a 3-year term expiring 5/31/21

Clerks Office/SJR



City of Franklin
9229 West Loomis Road

RECEIVED CITY OF FRANKLIN

Franklin, Wisconsin 53132

2018 JUN 21 AM 9: 16

VOLUNTEER FACT SHEET

Thank-you for your interest in serving on a City Board, Commission, or Committee. In order that consistent information be provided to the Common Council, you are asked to complete the following:

PERSONAL:		
Name	MARIA	R. IMP
Address	12131 1	W. ELMWOOD DR.
Phone Number	414-42	7-4423
E-Mail	imp.mo	aria Qyahoo.com
Length of Time a Franklin Resident		ME RESIDENT
Alderman or District Number	6	
224792		
		to the Board, Commission or Committee or area of greatest our top three choices (3 being least priority).
Architectural Review Board		Civic Celebrations Commission
Community Development Auth	ority	Economic Development Commission
Environmental Commission	:	Finance Committee
Fair Commission	-	Board of Health
Fire and Police Commission		Parks Commission
X Library Board		Plan Commission
Personnel Committee		Quarry Monitoring Committee
Board of Public Works		Board of Review
Technology Commission		Tourism Commission
Board of Water Commissioners		Waste Facilities Monitoring Committee
Board of Zoning & Building A	ppeals	
Why are you interested in joining	this (these) par	ticular Board and/or Commission?
JENNEFER LOEFFEL	APPROACHE	ES ME ABOUT A VACANCY ON THE
LIBRARY BOARD. MY	FAMILY A	
		OPPORTUNITY IS VERY APPEALING
TO ME TO SERV	E ON THE	E BOARD.

VOLUNTEER OR WORK EXPERIENCE

(Begin with your most recent employment and continue with all past 10 years of employment. Please attach additional paper or include resume, if available.)

	Company Name:	Address:		Telephone: BARBARA PFORR, COOK	14 > 4 (4 = 3 6
	FRANKLIN HISTORICAL			114-425-0244	
	Date started: SPRING 2017	Y	Starting Position]
	Date left: CURRENT		Position upon l	eaving:	
	ONE-ROOM SCHOOL !	TOUSE EXP	ERIENCE I	HER FOR THE AT WEHLAN SCHOOL ORIC BUFLNINGS	
Ī	LURING THE SCHO Company Name:		OI W. COLLEGE	Telephone:	1
	WEHR NATURE CENTE			414 - 425 - 8550	
	Date started: SPRING 2017		Starting Position WEHR NATO	JRALLY COMMITTEE N	NEMBER
	Date left: CURREN	T	Position upon l	eaving:	
	Description of duties: T H		AND IMPL	EMENT EVENTS	-
	WITH THE WEHR N				
	Company Name: RISEN SAUZOR LUTHERAN CHURCH		DREXELAVE N 53132	Telephone: 414-529 - 5647	
	Date started: 7 2014		Starting Position	n:	
	Date left: CURRENT		Position upon l	eaving:	
	Description of duties: SUNDA MIN 15	Y SCHOOL STRY COORD	COORDINATO	R, AUSTO VISUAL	
qualificatio volunteerin	NAL EXPERIENCE OR ons, including hobbies, which g. NUE A BEGREE IN NOTOY READING, HERTING LOCAL BUSI	you believe sh	ould be conside	ered in evaluating your qualif	ications for
SUPPO	RTING LOCAL BUSI	NESSES, F	FARMERS,	AND ECONOMY	
I am aware to a request	that all of the information protor; that I authorize such release to augment the information	vided and this ase and that I v	document itself vaive any right	f is a public record which will to any notice of such release	be released and/or any

Date: 6 - 11 - 18

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APPROVAL	REQUEST FOR	MEETING DATE
Slw	COUNCIL ACTION	7-17-18
REPORTS &	FRANKLIN POLICE DEPARTMENT	ITEM NUMBER
RECOMMENDATIONS	DONATIONS	G. 1. (a)

The Franklin Police Department has received the following donations:

DARE Donation

Southeastern WI DARE Officers Association - \$875.00 Proceeds from the annual DARE Brewer Baseball Game.

K9 Donations

Franklin Police Citizen Academy Alumni Association - \$1600.00 Terry M. Leack - \$40.00

Crime Prevention Donations / National Night Out

Academy of Performing Arts - 100.00
Ascension Franklin Hospital - \$1000.00
Connect Cell - \$100.00
Crossroads Pizza & Subs - \$150.00
Franklin Noon Lions Club - \$100.00
North Shore Bank - \$500.00
Northwestern Mutual - \$2000.00
Parallel Employment Group - \$100.00
PyraMax Bank - \$500.00
US Bank - \$2000.00
Victory Creek Accounting - \$100.00
Volition Franklin - \$100.00
WaterStone Bank (Waukesha County Community Foundation) - \$2000.00
WEC Energy Group - \$500.00

COUNCIL ACTION REQUESTED

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

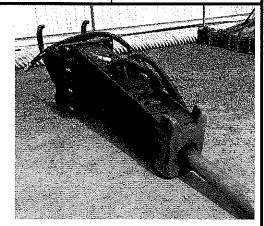
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APPROVAL	REQUEST FOR	MEETING DATE
<u> </u>	COUNCIL ACTION	07/17/2018
REPORTS AND	PURCHASE A 2018 CHICAGO PNEUMATIC RX4	ITEM NUMBER
RECOMMENDATIONS	HYDRAULIC BREAKER FROM FRANKLIN	G.1.(b)
	EOUIPMENT FOR \$6,525	

BACKGROUND

The DPW currently has a 1989 Stanley concrete breaker used as an attachment to the backhoe or excavator (similar to picture shown on right). This unit has begun leaking hydraulic fluid making it unusable. In efforts to repair the unit, it was discovered that estimates to repair the unit were around \$5,000. Historically, this unit has needed a total maintenance of about \$6,000 of repairs.

Because the piece of equipment was urgently needed for the road program operations, a similar piece of equipment manufactured by Chicago Pneumatic with ability to be mounted on a skid loader was rented from Franklin Equipment and it was found to perform very well.



Quotes for similar equipment from other vendors were solicited and Staff is recommending that it is financially prudent to make an unplanned purchase of equipment.

ANALYSIS

In addition to the rental unit performing well, references from others indicate that the unit is reliable. Staff also solicited other vendors for pricing on similar concrete breakers. The quotes are as follows:

- Brooks Tractor: \$11,700.00 new unit
- Kelbe: \$11,100 new unit and \$8,950 for a 2016 unit
- Franklin Equipment: \$6,525 new unit (unit shown on the right)

The Board of Public Works discussed this on July 10, 2018, and is recommending to Common Council that a skid loader-mounted concrete breaker be purchase from Franklin Equipment for \$6,525.

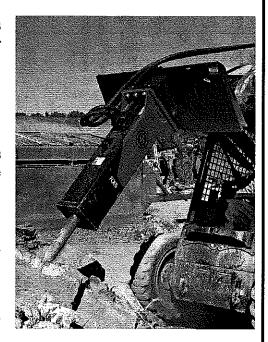
FISCAL NOTE

This was not in the 2018 Capital budgets. It is requested that Capital Outlay Contingency funds be used for this purchase.

COUNCIL ACTION REQUESTED

Authorize staff to purchase a purchase a 2018 Chicago Pneumatic RX4 hydraulic breaker from Franklin Equipment for \$6,525.

Engineering Department: GEM





QUICK PARTS . DEPENDABLE SERVICE . EQUIPMENT THAT PERFORMS

4141 Ham Grovep	s. OH Superstore ilton Square Blvd. ort, Ohio 43125 4.228.2014	Westerville, OH 5755 Westerville Rd. Westerville, OH 43081 614.948.3409	Dublin, OH 7570 Fishel Drive South Dublin, Ohio 43016 614 389 2161	Newcomerstown, OH 6206 State Route 36 Newcomerstown, Ohio 43832 740.492.0455		Dayton, OH 1500 Kuntz Rd Dayton, OH 45404 937.951.3999
1921 S. I Indianap	napolis, IN Kentucky Ave. olis, IN 46221 686.0996	Milwaukee, WI 11911 Silver Spring Rd. Milwaukee, WI 53225 414.978.0915	Cincinnati, OH 4764 Ashley Dr. Hamilton, OH 45011 513,893,9105	Louisville, KY 1120 Ulrich Ave Louisville, KY 40219 502.890.6918		Nashville, TN 1510 Fort Negley Blvd. Nashville, TN 37203 615.645.5112
3845 S 27th WI	ine, Wi St. Franksville, 53126 732.4233	Oshkosh, WI 237 N Washburn St. Oshkosh, WI 54904 920.385.4315	Knoxville, TN 10327 Cogdill Rd, Knoxville, TN 37932 TBD	Carmel, IN 4901 West 96th St. Indianapolis, IN 46263 317,389,5771		
Date: Name: Company: Address: City/State: Zip Code:	5/23/2018 Bill Dudash City of Franklin			Deliver 1	Г о:	
Phone: Email:	414-425-8881 bdudash@frank	linwi.gov	Fa			And and the state of the state
Deliv	ery Required	Delivery Quo Yes		Salesman Marshall Garcia		P.O.S
		TERMS -	CASH ON DEL	IVERY		
QTY 1	9009	2018 Chicago Pnue 470 LB Operating W 1,600 - 2,030 PSI 9 - 16 GPM Oil Flow 520-1300 BPM Impa	Veight / Rate	⊳ Breaker.		Cost \$6,350.00
This unit	comes with CP	Standard Warranty	,	SUBTOTAL DELIVERY TOTAL SALES TAX % TOTAL COST TRADE-IN VALUE CASH DOWN	\$ \$ \$ \$	6,350.00 175.00 6,525.00 6,525.00
Accepte	d By:			Total Due	\$	6,525.00
No Warranty is	offered and/or applicable	e for items listed on this Sales	Form		en e	eliteratura anticome de la compositione de la compo

D Warranty is offered and/or applicable for items listed on this Sales Form unless expressed in writing and/or offered by the Manufacture (i.e. New Equipment).

All Sales Are Final. By signing this document, you agree to all detailed information within this Sales Deal(s).

For New and Used Equipment sales, extended warranty PPP and/or PDI protection is available, ask us for complete details.

We appreciate your business.

APPROVAL COUNCIL ACTION REPORTS & RECOMMENDATIONS REQUEST FOR COUNCIL ACTION 7/17/2018 Kayla's Playground Ambassador Program: A Volunteer Program Approved by the Parks Commission RECOMMENDATIONS REQUEST FOR DATE 17/17/2018

At their last meeting, the Parks Commission heard a presentation regarding the potential for a Kayla's Playground Ambassador Program. The purpose of the program is to use volunteers to promote an enjoyable and positive recreational experience for park patrons through displaying visitor hospitality, encouraging playground safety guidelines and rules, and aiding in understanding of the use of the facilities. The attached documents were presented to the Parks Commission and "a motion to approve an Ambassador Program for Kayla's Playground as presented by Shelly Runte, to be coordinated by Kayla's Krew and other future programs between Kayla's Krew and other organizations" was approved. Kayla's Playground Ambassador Program is scheduled to begin June 1, 2019 through Labor Day 2019. We are bringing this to your attention now, however, in order for volunteers to be identified, background checks to be performed, and training to be done in advance.

It should be clarified and understood that the Kayla's Krew itself has officially disbanded and will, therefore, not be part of the program. Nonetheless, it is expected that many of the same individuals that were involved with Kayla's Krew will want to participate in this opportunity.

The risks and liabilities involved with the program are nominal and all fall within the scope of covered and allowable activities anticipated by the City's liability insurance provider. The bottom line is that the City uses many volunteers, and such use is not considered uncommon.

Unless a contravening action is taken by the Common Council, the Mayor intends to support the efforts of the Parks Commission and will help identify and authorize a volunteer to serve as the "Ambassador Program Volunteer Coordinator." The primary but nominal cost to the City will be for background checks for Ambassador Volunteers. Background checks should occur since the City will be promoting the volunteers' presence at the park where children are present. Additionally, so that the volunteers stand out and are recognizable, the Mayor would intend to purchase matching t-shirts using the volunteer recognition funding within his budget.

A similar volunteer program was started in Kenosha at their all-inclusive park. The Mayor believes that such a program and the volunteers would only be an asset to the Park and the community and recommends support for the Parks Commission's efforts.

COUNCIL ACTION REQUESTED

Motion to receive and file.

Kayla's Playground Ambassador Program

City of Franklin, WI

Days: Thursday-Sunday

Hours: 12:00-8:00 pm (Four 2-hour shifts offered each day)

Season: June 1, 2019 through Labor Day

Location: Kayla's Playground at Franklin Woods Nature Center

Length of commitment: Volunteers participate in a brief training/overview session and choose a minimum of three or

more two-hour sessions.

Age: Minimum of 16 years and older.

Reports primarily to: Ambassador Program Volunteer Coordinator

May report to: Franklin Police Department and/or Department of Public Works

Work environment: Outdoors

Background check required: Yes

Primary Responsibilities:

Kayla's Playground Ambassadors are responsible for our visitor's first impression and experience at Kayla's Playground. Each Ambassador must be able to display outstanding visitor hospitality while encouraging playground safety guidelines and rules. Ambassadors are out-going, personable and dedicated volunteers demonstrating the highest level of professionalism in their public engagement and while working with children and adults of all abilities. They are committed to promoting an enjoyable recreational experience to park patrons by demonstrating the mission and vision of Kayla's Playground.

Mission

To provide a playground which is inspiring and truly all-accessible and all-inclusive for all children and families of any age and ability. Our goal is to provide a common ground to enrich social skills through play, create friendships for a lifetime and promote peer advocacy programs through collaboration with community partners.

Vision

To enable all who have special needs to forget about the challenges they are presented with daily while teaching others the value of friendship and compassion. The vision is to offer the playground as a foundation for the community to embrace all abilities. The hope is to foster life lessons that cannot be taught from a textbook, but rather experienced firsthand with the heart.

Kayla's Playground was built to be an inclusive play space for people with and without disabilities. Ambassadors will represent the playground's mission and engage our community in the vision of the playground. Ambassadors will be at the playground daily to:

- Engage in conversation with playground visitors
- Encourage safe and inclusive play
- Make the playground welcoming

- Answer questions from kids and adults
- Advocate for people with disabilities
- Educate patrons about equipment features
- •Help build community
- •Bring awareness to programs offered (reading program, senior/youth programs, personalized picket program)
- •Offer information to visitors to operate Liberty Swing and Ability Whirl safely and properly

The Ambassador shall demonstrate a subject-matter expertise in the history and features of Kayla's playground at Franklin Woods Nature Center. This opportunity as Ambassador will focus on care for the playground guests with the goal of safety and a positive visitor experience. The Ambassador should report any potential repairs or maintenance concerns to the Department of Public Works as needed to assure Kayla's Playground and the facilities are clean, safe and inviting. When needed, Ambassador will work and communicate with the Franklin Police Department for law enforcement and when needing emergency first responders when life safety, criminal, or search/rescue conditions exist within the playground. The Ambassador will work with community partners such as the Franklin Public Library and the Franklin Health Department for education opportunities offered in the pavilion at the playground.

Ambassadors should arrive to their 2-hour shift wearing their program provided t-shirt and be ready to serve as positive role models to represent the mission and vision of Kayla's Playground! Ambassadors will be on the playground and will access the space alongside kids and families. Successful ambassadors will be energetic and enthusiastic, easy to talk to, accessible for kids who need assistance or have questions, and comfortable being available to provide support without being an authority figure.

AMBASSADORS ARE VOLUNTEERS TO THE CITY OF FRANKLIN. AS VOLUNTEERS, THEY ARE NOT PROVIDED PAY, HEALTH OR MEDICAL INSURANCE OR COVERAGE, OR WORKERS COMPENSATION INSURANCE OR COVERAGE.

Version: 7/6/18

Kayla's Playground Ambassador Program Application

And consent for criminal background check authorization

Print Full Legal Name Address Email address Phone number Date of Birth List any past volunteer experience and year(s) of service Are you applying to fulfill any required volunteer service hours? If yes, please list program and any due dates (eg: NHS, Boy/Girl Scouts, College Applications, Confirmation) 2XL 3XL 4XL Please circle t-Shirt size: Small Medium Large ΧL I hereby authorize the representatives from the City of Franklin to request and receive any and all background information about or concerning me, including, but not limited to, my Criminal History. I also authorize the city to make reference checks relating to my volunteer service. I understand that this information will be used to determine my eligibility as a volunteer with the Kayla's Playground Ambassador Program. The criminal history, as received from the reporting agencies, may include arrest and conviction data, as well as plea bargains and deferred adjudications. I understand that this information will be used, in part, to determine my eligibility for a volunteer position with this organization. I also understand that as long as I remain a volunteer here, the criminal history check may be repeated at any time. I understand that I will have an opportunity to review the criminal history as received by State of Wisconsin CCAP and a procedure is available for clarification, if I dispute the record as received. I understand that it may contain information about my character and general reputation. I understand that I may be asked to relinquish my volunteer position at any time if any of my actions are deemed inappropriate while volunteering as an ambassador. I also consent to my photo being taken to be part of the ambassador database. I further understand and acknowledged that I have honestly and voluntarily provided the above information for volunteer purposes, and I have carefully read and understand this authorization. Signature Date

APPROVAL



REQUEST FOR COUNCIL ACTION

MEETING DATE

7/17/2018

REPORTS &

RECOMMENDATIONS

Authorization to Purchase 56 Budgeted Computers from PDS in Advance of Anticipated Cost Increases

G. (.(d.)

The IT industry is anticipating that the tariff increases that are occurring could likely impact computer pricing, either directly or indirectly through tariffs on components, as early as September. The 2018 Capital Outlay Fund budget has a major project funded for a Windows 10 & Office 2016 Licenses Upgrade Project. A big portion of the project provided for replacement of 56 computers across the City. In short, these were older computers where it did not make financial sense to invest in new software and to get the upgraded software with the new unit. The budget for these acquisitions was distributed across the departmental budgets with IT charged with responsibility for acquisition and installation.

The IT Director recommends and requests to purchase all 56 units at this time to avoid cost increases. They will then be stored temporarily and rolled out after September 1, 2018, when Microsoft is scheduled to release the new version of Office. \$34,055 is budgeted throughout the departments for this purpose. They will be ordered through PDS, an HP value-added reseller that provides uniform pricing under the State of Wisconsin contract and has consistently served the City well on some other complex network projects the last couple years.

The IT Director has secured pricing that totals \$28,777 (attached) which comes in under budget. He was able to adjust specifications to still meet the City needs while reducing costs. A "ProDesk 600" model, which has performed well in tests at the Police Department, is being used and only those units that need it (about one-quarter) will have the added DVD-Writer. Please note that some limited portion of the savings may still be used to address individual specific issues that arise when installing each of the 56 different computers.

Usually the purchases are completed throughout the year a couple units at a time and without separate Common Council authorization. Given the size of the single purchase, the Department is requesting authorization to place the order. Staff recommends approval.

COUNCIL ACTION REQUESTED

Motion to authorize the IT Director to order 56 HP desktop computers from PDS, in accordance with the adopted budget, for \$28,777.



Desktop #2 PD 600 G3 SFF Desktop w/ 5yr Warranty

Quote: 1067350 PO Number: PDS

13400 Bishops Lane, Suite 190

Brookfield, WI 53005 Phone: 800.966.6090 Fax: 262.938.2155

Below are the details of your recent quote/order with PDS. <u>View this quote online</u> or visit our <u>order tracking page</u> to track the status of your orders. You may submit this quote as a purchase order through <u>www.ShopPDS.com</u>, via email at <u>teamgovedu@pdsit.net</u>, or by using our fax number or address listed on this quote. Any questions may be directed to <u>teamgovedu@pdsit.net</u>, or by calling your Account Manager.

Date: 7/11/2018 Subtotal: \$21,378.00*

	Billing Information	Shipping Information
Account number: 003235	City of Franklin	James Matelski
Quote number: 1067350 Expiration date: 8/1/2018	Submitted by: James Matelski	Shipping: Shipping included
Cost center:	Terms: Net 30	Ship method:
Department:	Tax: Tax Exempt	Requested
Location:	Payment method: Purchase Order	delivery:
Quote subtotal: \$21,378.00*	일 이번 작은 강화되는 얼마난 등 보다	

Item Details	Qty	Unit Price	Extended
HP, Inc. CTO ProDesk 600 G3 Small Form Factor PC mfg# Y3F34AV pds# 326300	42	\$482.00	\$20,244.00
HP, Inc. CTO 600 G3 SFF Windows 10 Pro 64 mfg# Y3N84AV#ABA pds# 384354	42	\$0.00	\$0.00
HP, Inc. CTO 600 G3 SFF Intel Core i5-7500 3.4G 6M 2400 4C mfg# Z6G77AV pds# 384366	42	\$0.00	\$0.00
HP, Inc. CTO Energy Star Certified Label mfg# W6N52AV pds# 400717	42	\$0.00	\$0.00
HP, Inc. CTO 600 G3 SFF Platinum 180W Chassis mfg# Y3F72AV pds# 384374	42	\$0.00	\$0.00
HP, Inc. CTO 600 G3 SFF 8GB (1x8GB) DDR4-2400 NECC mfg# Y3F98AV pds# 326324	42	\$0.00	\$0.00
HP, Inc. CTO 600 G3 SFF HDD 500GB 7200RPM SATA 3.5 mfg# Y3F47AV pds# 326326	42	\$0.00	\$0.00
HP, Inc. CTO 600 G3 SFF No ODD Included mfg# Y3F86AV pds# 384380	42	\$0.00	\$0.00
HP, Inc. CTO USB Business Slim Keyboard mfg# W6R96AV#ABA pds# 400726	42	\$0.00	\$0.00
HP, Inc. CTO 600 G3 Optical USB Mouse mfg# Y3G26AV pds# 326328	42	\$0.00	\$0.00
HP, Inc. CTO 600 G3 SFF Single Unit (SFF) Packaging mfg# Y3G03AV pds# 326338	42	\$0.00	\$0.00
HP, Inc. CTO Desktop Country Kit mfg# Y3F21AV#ABA pds# 326340	42	\$0.00	\$0.00
HP, Inc. CTO 600 G3 SFF 3/3/3 Warranty mfg# Y3G35AV#ABA pds# 326354	42	\$0.00	\$0.00

HP, Inc. CTO Ci5 7th Gen Label mfg# 1CP81AV pds# 229790	42 \$0	0.00 \$0.00
HP, Inc. 5yr CarePack NBD Onsite HW Only Support mfg# U7899E pds# 254961	42 \$27	7.00 \$1,134.00
Quote Description	Subtotal:	\$21,378.00
Customer Comments	Estimated Shipping:	\$0.00
Order Instructions	Estimated Tax:	\$0.00
	Total	

The original Manufacturer's warranty and return policies apply unless otherwise stated *Subtotal is estimated and does not include tax or shipping (if applicable) *Credit card orders may be subject to a 3% Convenience Fee at the time of invoicing

Optional Items	Qty l	Jnit Price	Extended
HP, Inc. CTO 600 G3 SFF VGA Port mfg# Y3F78AV pds# 302492	42	\$3.00	\$126.00
HP, Inc. CTO 600 G3 SFF Internal Serial Port mfg# Y3F66AV pds# 331911	42	\$6.00	\$252.00

HELPFUL LINKS:

Account Overview: https://www.shoppds.com/commerce/dashboard.aspx

Support pages: https://www.shoppds.com/support.aspx
Terms of Sale: https://www.shoppds.com/termsofsale.aspx



Quote subtotal:

\$7,399.00*

Desktop #2 PD 600 G3 SFF Desktop w/ 5yr Warranty

Quote: 1067352 PO Number: PDS

13400 Bishops Lane, Suite 190

Brookfield, WI 53005 Phone: 800.966.6090 Fax: 262.938.2155

Below are the details of your recent quote/order with PDS. <u>View this quote online</u> or visit our <u>order tracking page</u> to track the status of your orders. You may submit this quote as a purchase order through <u>www.ShopPDS.com</u>, via email at <u>teamgovedu@pdsit.net</u>, or by using our fax number or address listed on this quote. Any questions may be directed to <u>teamgovedu@pdsit.net</u>, or by calling your Account Manager.

Date: 7/11/2018 **Subtotal:** \$7,399.00*

Shipping Information Billing Information Details James Matelski Account number: 003235 City of Franklin Quote number: 1067352 Submitted by: James Matelski Shipping: Shipping included 8/1/2018 Expiration date: Ship method: Terms: Net 30 Cost center: Requested Tax: Tax Exempt Department: delivery: Payment method: Purchase Order Location:

Item Details	Qty	Unit Price	Extended
HP, Inc. CTO ProDesk 600 G3 Small Form Factor PC mfg# Y3F34AV pds# 326300	14	\$482.00	\$6,748.00
HP, Inc. CTO 600 G3 SFF Windows 10 Pro 64 mfg# Y3N84AV#ABA pds# 384354	14	\$0.00	\$0.00
HP, Inc. CTO 600 G3 SFF Intel Core i5-7500 3.4G 6M 2400 4C mfg# Z6G77AV pds# 384366	14	\$0.00	\$0.00
HP, Inc. CTO Energy Star Certified Label mfg# W6N52AV pds# 400717	14	\$0.00	\$0.00
HP, Inc. CTO 600 G3 SFF Platinum 180W Chassis mfg# Y3F72AV pds# 384374	14	\$0.00	\$0.00
HP, Inc. CTO 600 G3 SFF 8GB (1x8GB) DDR4-2400 NECC mfg# Y3F98AV pds# 326324	14	\$0.00	\$0.00
HP, Inc. CTO 600 G3 SFF HDD 500GB 7200RPM SATA 3.5 mfg# Y3F47AV pds# 326326	14	\$0.00	\$0.00
HP, Inc. CTO 600 G3 SFF Ultraslim DVD-Writer mfg# 1DE43AV pds# 326327	14	\$19.50	\$273.00
HP, Inc. CTO USB Business Slim Keyboard mfg# W6R96AV#ABA pds# 400726	14	\$0.00	\$0.00
HP, Inc. CTO 600 G3 Optical USB Mouse mfg# Y3G26AV pds# 326328	14	\$0.00	\$0.00
HP, Inc. CTO 600 G3 SFF Single Unit (SFF) Packaging mfg# Y3G03AV pds# 326338	14	\$0.00	\$0.00
HP, Inc. CTO Desktop Country Kit mfg# Y3F21AV#ABA pds# 326340	14	\$0.00	\$0.00
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HP, Inc. CTO Ci5 7th Gen Label mfg# 1CP81AV pds# 229790	14	\$0.00	\$0.00
HP, Inc. 5yr CarePack NBD Onsite HW Only Support mfg# U7899E pds# 254961	14	\$27.00	\$378.00
Quote Description	Sı	ıbtotal:	\$7,399.00
Customer Comments	Estimated Sh	ipping:	\$0.00
Order Instructions	Estimat		\$0.00
		Total	\$7 399 00

The original Manufacturer's-warranty and return policies apply unless otherwise stated *Subtotal is estimated and does not include tax or shipping (if applicable) *Credit card orders may be subject to a 3% Convenience Fee at the time of invoicing

Optional Items	Qty Un	It Price	Extended
HP, Inc. CTO 600 G3 SFF VGA Port mfg# Y3F78AV pds# 302492	14	\$3.00	\$42.00
HP, Inc. CTO 600 G3 SFF Internal Serial Port mfg# Y3F66AV pds# 331911	14	\$6.00	\$84.00

HELPFUL LINKS:

Account Overview: https://www.shoppds.com/commerce/dashboard.aspx

Support pages: https://www.shoppds.com/support.aspx
Terms of Sale: https://www.shoppds.com/termsofsale.aspx

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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE
SW		7/17/2018
REPORTS AND RECOMMENDATIONS	Resolution Approving the Wisconsin Department of Natural Resources NR-208 Compliance Maintenance Report for 2017	item number G, /, (e)

Each year the City is required to file a Compliance Maintenance Annual Report with the Wisconsin Department of Natural Resources. Wisconsin Administrative Code Chapter NR 208 is more commonly known as the Compliance Maintenance Annual Report (CMAR) Rule for publicly and privately owned domestic wastewater treatment works. The CMAR is a self-evaluation tool that promotes the owner's awareness and responsibility for wastewater collection and treatment needs, measures the performance of a wastewater treatment works during a calendar year, and assesses the level of compliance with permit requirements. Attached is the 2017 Annual Report.

It is important to meet the stipulation from the DNR that this report be filed electronically on or before July 18, 2018. The report requires approval by the governing body and such resolution is attached.

COUNCIL ACTION REQUESTED

Motion to adopt a Resolution Approving the Wisconsin Department of Natural Resources NR-208 Compliance Maintenance Report for Year 2017.

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2018-____

A RESOLUTION APPROVING THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES NR-208 COMPLIANCE MAINTENANCE REPORT FOR YEAR 2017

WHEREAS, it is a requirement under a Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources to file a Compliance Maintenance Annual Report (CMAR) for its wastewater collection system under Wisconsin Administrative Code NR 208; and

WHEREAS, it is necessary to acknowledge that the governing body has reviewed the Compliance Maintenance Annual Report (CMAR); and

WHEREAS, it is necessary to provide recommendations or an action response plan for all individual CMAR section grades (of "C" or less) and/or an overall grade point average (<3.00).

BE IT THEREFORE RESOLVED by the Common Council of City of Franklin that the following recommendations or actions will be taken to address or correct problems/deficiencies of the wastewater treatment or collection system as identified in the Compliance Maintenance Annual Report (CMAR):

- (1) Continue to identify inflow and infiltration (I & I) to the City's sanitary sewer system and take action to eliminate all I & I detected.
- (2) Continue the City record of having no bypasses or overflow.

ABSENT

Sandra L. Wesolowski, City Clerk

NOES

AYES

	DUCED at a regular meeting of the Common Council of the City of Franklin this y of July, 2018 by Alderman
	and adopted at a regular meeting of the Common Council of the City of Franklin day of July, 2018.
	APPROVED:
	Stephen R. Olson, Mayor
ATTEST:	

Franklin City

Last Updated: Reporting For: 6/21/2018 2017

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1. Provider of Financial Inf	ormation			
Name:	Paul Rotzenberg			
Telephone:	414-427-7514		(XXX) XXX-XXXX	
E-Mail Address				
(optional):	PRotzenberg@Franklinwi.	VOD		
2. Treatment Works Opera 2.1 Are User Charges or of treatment plant AND/OR of ■ Yes (0 points) ○ No (40 points) If No, please explain:	other revenues sufficient to	cover O&M expen	ses for your wastewater	
2.2 When was the User Converse Year: 2018 0-2 years ago (0 points of 3 or more years ago of N/A (private facility)	nts)	enue source(s) las	t reviewed and/or revised?	0
2.3 Did you have a specia	al account (e.g., CWFP requole for repairing or replacing stem?	uired segregated R g equipment for yo	teplacement Fund, etc.) or our wastewater treatment	
O No (40 points)	PUBLIC MUNICIPAL FACILIT	TES SHALL COMPL	FTE OUESTION 31	+-
3. Equipment Replacement	nt Funds ment Replacement Fund las nts)			
3.2 Equipment Replacem	nent Fund Activity			
1	Reported on Last Year's	CMAR	\$ 394,227.00	
3.2.2 Adjustments - if no audit correction, withdray making up previous short	ecessary (e.g. earned interewal of excess funds, increase tfall, etc.)	est, se	\$ 0.00	
3.2.3 Adjusted January			\$ 394,227.00	
3.2.4 Additions to Fund earned interest, etc.)	(e.g. portion of User Fee,	+	\$ 33,874.00	

Compliance Maintenance Annual Report Last Updated: Reporting For: Franklin City 6/21/2018 2017 3.2.5 Subtractions from Fund (e.g., equipment replacement, major repairs - use description box 249,510.00 3.2.6.1 below*) 3.2.6 Ending Balance as of December 31st for CMAR 178,591.00 Reporting Year All Sources: This ending balance should include all Equipment Replacement Funds whether held in a bank account(s), certificate(s) of deposit, etc. 3.2.6.1 Indicate adjustments, equipment purchases, and/or major repairs from 3.2.5 above. Purchase of a \$238,986 high Cube camera truck w/Letts program system. \$10,524 in other equipment. 0 178,591.00 3.3 What amount should be in your Replacement Fund? Please note: If you had a CWFP loan, this amount was originally based on the Financial Assistance Agreement (FAA) and should be regularly updated as needed. Further calculation instructions and an example can be found by clicking the SectionInstructions link under Info header in the left-side menu. 3.3.1 Is the December 31 Ending Balance in your Replacement Fund above, (#3.2.6) equal to, or greater than the amount that should be in it (#3.3)? Yes o No If No, please explain. 4. Future Planning 4.1 During the next ten years, will you be involved in formal planning for upgrading, rehabilitating, or new construction of your treatment facility or collection system? • Yes - If Yes, please provide major project information, if not already listed below. o No

Project #	Project Description		Approximate Construction Year
	We will be inspecting and improving force mains when needed, Lift station improvements and or replacement, Maintaining existing system. MH hole rehabilitation. Continuing working on II improvements.	175000	2017
2	relay of the 60th street force main to gravity line. Removal of the IP lift station.	2250000	2021
3	We will be inspecting and improving force mains when needed, Lift station improvements and or replacement, Maintaining existing system. MH hole rehabilitation. Continuing working on II improvements.	175000	2018

	rehabilitation. Continuing working on II improvements.	
5	. Financial Management General Comments	
_		
	ENERGY EFFICIENCY AND USE	

- 6. Collection System
- 6.1 Energy Usage
 - 6.1.1 Enter the monthly energy usage from the different energy sources:

COLLECTION SYSTEM PUMPAGE: Total Power Consumed

Number of Municipally Owned Pump/Lift Stations: 4

Franklin City

Last Updated: Reporting For: 6/21/2018 **2017**

	Electricity Consumed (kWh)	Natural Gas Consumed (therms)	
January	15,504		
February	15,493		
March	18,369		
April	22,563		
May	17,059		
June	15,976		
July	14,558		
August	10,903		
September	9,128		
October	11,739		
November	12,893		
December	11,945		
Total	176,130	0	
Average	14,678	0	
6.2.1 Indica ☑ Comminu ☑ Extended ☑ Flow Met	elated Processes and Equi te equipment and practice ution or Screening I Shaft Pumps ering and Recording	ipment es utilized at your pump/lift	stations (Check all that apply):
2.2 Energy Ro 6.2.1 Indica	elated Processes and Equi te equipment and practice ution or Screening I Shaft Pumps tering and Recording ic Pumping System	ipment es utilized at your pump/lift	stations (Check all that apply):
2.2 Energy Ro 6.2.1 Indica Comming Extended Flow Met Pneumat SCADA S Self-Prin Submers	elated Processes and Equite equipment and practice ution or Screening I Shaft Pumps ering and Recording ic Pumping system hing Pumps sible Pumps Speed Drives	ipment es utilized at your pump/lift	stations (Check all that apply):
6.2 Energy Re 6.2.1 Indica Comming Extended Flow Met Pneumat SCADA S Self-Prin Submers Variable Other: 6.2.2 Comm 6.3 Has an E No o Yes Year:	elated Processes and Equite equipment and practice ution or Screening I Shaft Pumps ering and Recording ic Pumping system hing Pumps Speed Drives	ipment es utilized at your pump/lift med for your pump/lift stati	

Last Updated: Reporting For: Franklin City 6/21/2018

6.4 Future Energy Related Equipment

6.4.1 What energy efficient equipment or practices do you have planned for the future for your pump/lift stations?

more efficient pumps and motors when needed, energy saving lighting & fixtures, general building

2017

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	Α

Franklin City

Last Updated: Reporting For:

6/21/2018

2017

Sanitary Sewer Collection Systems

difficulty Sewer Concection Systems
 Capacity, Management, Operation, and Maintenance (CMOM) Program 1.1 Do you have a CMOM program that is being implemented? Yes
o No
If No, explain:
4.2. December 2 CMOM are grow that contains all the applicable components and items
1.2 Do you have a CMOM program that contains all the applicable components and items according to Wisc. Adm Code NR 210.23 (4)?
• Yes
o No (30 points)
o N/A
If No or N/A, explain:
1.3 Does your CMOM program contain the following components and items? (check the components and items that apply) ☑ Goals [NR 210.23 (4)(a)] Describe the major goals you had for your collection system last year:
safety training, safety practice, inner departmental organization, lift station efficiency
Did you accomplish them?
● Yes o No
If No, explain:
11 IVO, CAPICINI.
☑ Organization [NR 210.23 (4) (b)]
Does this chapter of your CMOM include: ☑ Organizational structure and positions (eg. organizational chart and position descriptions)
☑ Internal and external lines of communication responsibilities
☑ Person(s) responsible for reporting overflow events to the department and the public
□ Legal Authority [NR 210.23 (4) (c)] □ What is the legally binding document that regulates the use of your sewer system?
City of Franklin Codes found in chapter 207
If you have a Sewer Use Ordinance or other similar document, when was it last reviewed and
revised? (MM/DD/YYYY) 2013-01-09
Does your sewer use ordinance or other legally binding document address the following: Private property inflow and infiltration
☐ New sewer and building sewer design, construction, installation, testing and inspection
☐ Rehabilitated sewer and lift station installation, testing and inspection
☑Sewage flows satellite system and large private users are monitored and controlled, as
necessary
☑ Fat, oil and grease control
☑ Enforcement procedures for sewer use non-compliance
☑ Operation and Maintenance [NR 210.23 (4) (d)]
Does your operation and maintenance program and equipment include the following:
☐ Equipment and replacement part inventories
☑ Up-to-date sewer system map ☑A management system (computer database and/or file system) for collection system
information for O&M activities, investigation and rehabilitation

Franklin City

ranklin City	6/21/2018 2017	
 ☑ A description of routine operation and maint ☑ Capacity assessment program ☑ Basement back assessment and correction ☑ Regular O&M training ☑ Design and Performance Provisions [NR 210 What standards and procedures are established the sewer collection system, including building sproperty? ☑ State Plumbing Code, DNR NR 110 Standard ☑ Construction, Inspection, and Testing ☑ Others: ☑ Overflow Emergency Response Plan [NR 210 Does your emergency response capability included) 	tenance activities (see question 2 below) 1.23 (4) (e)] If for the design, construction, and inspection of sewers and interceptor sewers on private distant/or local Municipal Code Requirements 1.23 (4) (f)]	0
□ Responsible personnel communication proce □ Response order, timing and clean-up □ Public notification protocols □ Training □ Emergency operation protocols and implem □ Annual Self-Auditing of your CMOM Program □ Special Studies Last Year (check only those the Infiltration/Inflow (I/I) Analysis □ Sewer System Evaluation Survey (SSES) □ Sewer Evaluation and Capacity Managment □ Lift Station Evaluation Report □ Others:	edures nentation procedures n [NR 210.23 (5)] hat apply):	
2. Operation and Maintenance 2.1 Did your sanitary sewer collection system maintenance activities? Complete all that apply of Cleaning Root removal Flow monitoring Smoke testing Sewer line televising Manhole inspections Lift station O&M Manhole rehabilitation Private sewer inspections O Private sewer I/I removal O O O O O O O O O O O O O	<pre>and indicate the amount maintained. 2 % of system/year # per L.S./year % of manholes rehabbed % of sewer lines rehabbed % of system/year</pre>	

Last Updated: Reporting For:

ranklin City	Last Up 6/21/2	dated: Reporting Fo
River or water crossings 0 Please include additional comments about your	% of pipe crossings evaluated or r sanitary sewer collection system b	
3. Performance Indicators 3.1 Provide the following collection system and fl 33.85 Total actual amount of pre-	cipitation last year in inches	
34.73 Annual average precipitation	on (for your location)	
189.5 Miles of sanitary sewer		
4 Number of lift stations		
0 Number of lift station failu	res	
0 Number of sewer pipe failu	ires	
0 Number of basement back	up occurrences	
20 Number of complaints		
0.935 Average daily flow in MGD	(if available)	
23.223 Peak monthly flow in MGD	(if available)	
0.192 Peak hourly flow in MGD (i	f available)	
3.2 Performance ratios for the past year: 0.00 Lift station failures (failure	s/year)	
0.00 Sewer pipe failures (pipe f	ailures/sewer mile/yr)	
0.00 Sanitary sewer overflows	(number/sewer mile/yr)	
0,00 Basement backups (numb	er/sewer mile)	1
0.11 Complaints (number/sewe	er mile)	•
24.8 Peaking factor ratio (Peak	Monthly:Annual Daily Avg)	
0.2 Peaking factor ratio (Peak	Hourly:Annual Daily Avg)	
4. Overflows	THE TAX (TEO) OF FIRST OWN	DEDODTED **
LIST OF SANITARY SEWER (SSO) AND TREAT		Estimated
Date Location	on Cause	Volume (MG)
None	reported	
** If there were any SSOs or TFOs that are not on this section until corrected.		NR and stop work
 5. Infiltration / Inflow (I/I) 5.1 Was infiltration/inflow (I/I) significant in you Yes No If Yes, please describe: 	ur community last year?	
11 Tes, piedoe describer		
5.2 Has infiltration/inflow and resultant high flo your collection system, lift stations, or treatmen o Yes • No	ws affected performance or create t plant at any time in the past yea	d problems in r?
If Yes, please describe:		

Franklin City	Last Updated: 6/21/2018	Reporting For:
5.3 Explain any infiltration/inflow (I/I) changes this year from prepairs manhole leakage		
5.4 What is being done to address infiltration/inflow in your colle	ection system?	
rehabbing of manholes, lateral and pipe lining.		

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

Franklin City

Last Updated: Reporting For:

6/21/2018

2017

Grading Summary

WPDES No: 0047341

SECTIONS	LETTER GRADE	GRADE POINTS	WEIGHTING FACTORS	SECTION POINTS
Financial	A	4	1	4
Collection A		4	3	12
TOTALS			4	16
GRADE POINT AVE	RAGE (GPA) = 4.00			

Notes:

A = Voluntary Range (Response Optional)

B = Voluntary Range (Response Optional)

C = Recommendation Range (Response Required)

D = Action Range (Response Required)

F = Action Range (Response Required)

Compliance Maintenance Annual Report

Franklin City

Last Updated: Reporting For: 6/21/2018 2017

Resolution or Owner's Statement

Name of Governing Body or Owner:

Date of Resolution or Action Taken:

Resolution Number:

Date of Submittal:

ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO SPECIFIC CMAR SECTIONS (Optional for grade A or B. Required for grade C, D, or F):

Financial Management: Grade = A

ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO THE OVERALL GRADE POINT AVERAGE AND ANY GENERAL COMMENTS

(Optional for G.P.A. greater than or equal to 3.00, required for G.P.A. less than 3.00)

(Regardless of grade, response required for Collection Systems if SSOs were reported)

G.P.A. = 4.00

Collection Systems: Grade = A

REQUEST FOR COUNCIL ACTION REPORTS & RECOMMENDATIONS REQUEST FOR COUNCIL ACTION 7/17/2018 REQUEST FOR DATE T/17/2018 REQUEST FOR COUNCIL ACTION 7/17/2018

Attached is a letter from the League of Wisconsin Municipalities asking for a suggested \$1,200 contribution to support consultant costs for a lobbyist to support the League and municipal efforts in order to close the "Dark Store" tax loophole. This \$1,200 contribution would come from the City's General Fund Contingency.

COUNCIL ACTION REQUESTED

Motion to pay \$1,200 from the General Fund Contingency appropriation to the League of Wisconsin Municipalities to support consultant costs for a lobbyist to support League and municipal efforts to close the "Dark Store" tax loophole.



131 W. Wilson St., Suite 505 Madison, Wisconsin 53703

phone (608) 267-2380; (800) 991-5502

fax: (608) 267-0645

league@lwm-info.org; www.lwm-info.org

June 22, 2018

Wisconsin Mayors, City Managers, Village Presidents and Administrators

Good afternoon:

This letter is being sent on the asking of the sent on the asking of the sent on the asking of the sent on This letter is being sent on behalf of the Board of Directors of the League of Wisconsin Municipalities, asking for your city or village's support for a campaign to keep the Dark Store and Walgreens tax shift in front of candidates for the Governorship and Legislature this year.

As you know, the Dark Store and Walgreens loopholes in Wisconsin tax law are slowly but surely shifting the share of property taxes paid by commercial properties onto home owners, renters, independent businesses and manufacturers. We estimate that communities affected by these shifts will see property tax bills for homeowners and others increase by an average of 8%; significantly more in some communities.

The League worked with a huge bipartisan majority within the Legislature to craft a fair solution to this tax scheme. Unfortunately, we were not able to convince legislative leaders to put the bills up for a vote. After reviewing the impact of this tax shift on the residents and independent businesses of Wisconsin, the League Board has directed us to implement an issue advocacy campaign to ensure that this problem is discussed and addressed by the Legislature. You are a key part of that effort.

Your city or village has already started to receive regular updates on this challenge and will also receive a toolkit of resources that you can use at the local level. Those tools will include an explanatory video that can be shown at municipal meetings and meetings of civic organizations. The League, in collaboration with the Wisconsin Counties Association, has drafted language that you can use to put this to an advisory vote in August or November. We will also provide you with background information that will be helpful when legislative and gubernatorial candidates ask about issues impacting your community.

We can't do this without your help. The Board has authorized a withdrawal of \$75,000 from League reserves for this effort. We are partnering with the Wisconsin Counties Association, Wisconsin Towns Association, League of Wisconsin Municipal Mutual Insurance and others. But we also need your support. We realize that resources are limited, but please consider contributing what seems reasonable, based on the impact that this tax shift will have on your community, and what it will cost to fight the steady stream of big box and Walgreens tax appeals that have begun throughout the state.

(continued)

Each city and village is different and we do not presume to know what is a reasonable amount for you to contribute. We are hoping that every community will consider \$1,200 to be a minimum contribution to this important effort. Please make out checks to League of Wisconsin Municipalities-Dark Store Elimination.

Checks can be mailed to the League at 131 West Wilson Street, Suite 505, Madison, WI 53703.

Thank you for stepping up to protect Wisconsin taxpayers.

Sincerely,

Jerry Deschane

Executive Director

P.S. If you want someone-from the League to come to your-community to discuss this further, don't hesitate to call me at 608-347-1792 or email jdeschane@lwm-info.org.

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	COMMITTEE OF THE WHOLE	MEETING DATE
Slu		7/17/2018
	quest for Authorization to Execute an Agreement With Service Sanitation for Portable Restroom Facilities for St. Martins Fair Labor Day Event	ITEM NUMBER

Attached is an agreement with Service Sanitary for portable restroom facilities (portable toilets and handwash stations) for the St. Martins Fair Labor Day event on Sunday, September 2 and Monday, September 3, 2018.

Funds are available in the Equipment Rental Account of the 2018 St. Martins Fair Fund to cover the total cost of \$14,355.

COUNCIL ACTION REQUESTED

Motion to authorize execution of the Agreement with Service Sanitation to provide portable restroom facilities for the 2018 St. Martins Fair Labor Day Event on September 2 and 3, 2018, for the total cost of \$14,355.

PORTABLE RESTROOM FACILITIES AGREEMENT BETWEEN THE CITY OF FRANKLIN, WISCONSIN, AND SERVICE SANITATION

T	his AG	REEM	ENT, ma	de and	entered int	o this c	lay of	, be	etween the C	ity of
Franklin,	9229	West	Loomis	Road,	Franklin,	Wisconsin	53132	(hereinafter	"CLIENT")	and
SERVICE	E SANI	TATIO	ON (here	inafter '	'CONTRA	CTOR"), v	vhose pri	ncipal place	of business i	s 135
Blaine Sta	reet, Ga	ıry, Ind	liana 464	06.						

WITNESSETH

WHEREAS, the CONTRACTOR is duly qualified and experienced as a municipal services contractor and has offered services for the purposes specified in this AGREEMENT; and

WHEREAS, in the judgment of CLIENT, it is necessary and advisable to obtain the services of the CONTRACTOR to provide portable restroom facilities for the event of St. Martins Fair on September 2 and 3, 2018;

NOW, THEREFORE, in consideration of these premises and the following mutual covenants, terms, and conditions, CLIENT and CONTRACTOR agree as follows:

A. This AGREEMENT may only be amended by written instrument signed by both CLIENT and CONTRACTOR.

I. BASIC SERVICES AND AGREEMENT ADMINISTRATION

- A. CONTRACTOR shall provide services to CLIENT for portable restroom facilities, as described in CONTRACTOR's proposal to CLIENT, annexed hereto and incorporated herein as Attachment A.
- B. CONTRACTOR shall serve as CLIENT's professional representative in matters to which this AGREEMENT applies. CONTRACTOR may employ the services of outside consultants and subcontractors when deemed necessary by CONTRACTOR to complete work under this AGREEMENT following approval by CLIENT.
- C. CONTRACTOR is an independent contractor and all persons furnishing services hereunder are employees of, or independent subcontractors to, CONTRACTOR and not of CLIENT. All obligations under the Federal Insurance Contribution Act (FICA), the Federal Unemployment Tax Act (FUTA), and income tax withholding are the responsibility of CONTRACTOR as employer. CLIENT understands that express AGREEMENTS may exist between CONTRACTOR and its employees regarding extra work, competition, and nondisclosure.
- D. During the term of this AGREEMENT and throughout the period of performance of any resultant AGREEMENT, including extensions, modifications, or additions thereto, and for a period of one (1) year from the conclusion of such activity, the parties hereto agree that neither shall solicit for employment any technical or

professional employees of the other without the prior written approval of the other party.

II. FEES AND PAYMENTS

CLIENT agrees to pay CONTRACTOR, for and in consideration of the performance of Basic Services further described in Attachment A, with a not-to-exceed budget of \$14,355.00, subject to the terms detailed below:

- A. CONTRACTOR may bill CLIENT and be paid for all work satisfactorily completed hereunder on a monthly basis. CLIENT agrees to pay CONTRACTOR's invoice within 30 days of invoice date for all approved work.
- B. Total price will not exceed budget of \$14,355.00. For services rendered, monthly invoices will include a report that clearly states the hours and type of work completed and the fee earned during the month being invoiced.
- C. In consideration of the faithful performance of this AGREEMENT, the CONTRACTOR will not exceed the fee for Basic Services and expenses without written authorization from CLIENT to perform work over and above that described in the original AGREEMENT.
- D. Should CLIENT find deficiencies in work performed or reported, it will notify CONTRACTOR in writing within thirty (30) days of receipt of invoice and related report and the CONTRACTOR will remedy the deficiencies within thirty (30) days of receiving CLIENT's review. This subsection shall not be construed to be a limitation of any rights or remedies otherwise available to CLIENT.

III. MODIFICATION AND ADDITIONAL SERVICES

A. CLIENT may, in writing, request changes in the Basic Services required to be performed by CONTRACTOR and require a specification of incremental or decremental costs prior to change order agreement under this AGREEMENT. Upon acceptance of the request of such changes, CONTRACTOR shall submit a "Change Order Request Form" to CLIENT for authorization and notice to proceed signature and return to CONTRACTOR. Should any such actual changes be made, an equitable adjustment will be made to compensate CONTRACTOR or reduce the fixed price, for any incremental or decremental labor or direct costs, respectively. Any claim by CONTRACTOR for adjustments hereunder must be made to CLIENT in writing no later than forty-five (45) days after receipt by CONTRACTOR of notice of such changes from CLIENT.

IV. ASSISTANCE AND CONTROL

A. Public Works Superintendent Bill Dudash will coordinate the work of the CONTRACTOR, and be solely responsible for communication within the CLIENT's organization as related to all issues originating under this AGREEMENT, with an alternate contact of Director of Clerk Services/City Clerk Sandra L. Wesolowski.

- B. CLIENT will timely provide CONTRACTOR with all available information concerning PROJECT as deemed necessary by CONTRACTOR.
- C. CONTRACTOR will appoint, subject to the approval of CLIENT, CONTRACTOR's Project Manager and other key providers of the Basic Services. Substitution of other staff may occur only with the consent of CLIENT.

V. TERMINATION

- A. This AGREEMENT may be terminated by CLIENT, for its convenience, for any or no reason, upon written notice to CONTRACTOR. This AGREEMENT may be terminated by CONTRACTOR upon thirty (30) days written notice. Upon such termination by CLIENT, CONTRACTOR shall be entitled to payment of such amount as shall fairly compensate CONTRACTOR for all work approved up to the date of termination, except that no amount shall be payable for any losses of revenue or profit from any source outside the scope of this AGREEMENT, including but not limited to, other actual or potential agreements for services with other parties.
- B. In the event that this AGREEMENT is terminated for any reason, CONTRACTOR shall deliver to CLIENT all data, reports, summaries, correspondence, and other written, printed, or tabulated material pertaining in any way to Basic Services that CONTRACTOR may have accumulated. Such material is to be delivered to CLIENT whether in completed form or in process. CLIENT shall hold CONTRACTOR harmless for any work that is incomplete due to early termination.
- C. The rights and remedies of CLIENT and CONTRACTOR under this section are not exclusive and are in addition to any other rights and remedies provided by law or appearing in any other article of this AGREEMENT.

VI. INSURANCE

The CONTRACTOR shall, during the life of the AGREEMENT, maintain insurance coverage with an authorized insurance carrier at least equal to the minimum limits set forth below:

A.	Limit of General/Commercial Liability	\$3,000,000
В.	Automobile Liability: Bodily Injury/Property Damage	\$1,000,000
C.	Excess Liability for General Commercial or Automobile Liability	\$10,000,000
D.	Worker's Compensation and Employers' Liability	\$500,000
Ε.	Professional Liability	\$2,000,000

Upon the execution of this AGREEMENT, CONTRACTOR shall supply CLIENT with a suitable statement certifying said protection and defining the terms of the policy issued, which shall specify that such protection shall not be cancelled without thirty (30) calendar days prior notice to CLIENT, and naming CLIENT as an additional insured for General Liability.

VII. INDEMNIFICATION AND ALLOCATION OF RISK

- A. To the fullest extent permitted by law, CONTRACTOR shall indemnify and hold harmless CLIENT, CLIENT'S officers, directors, partners, and employees from and against costs, losses, and damages (including but not limited to reasonable fees and charges of engineers, architects, attorneys, and other professionals, and reasonable court or arbitration or other dispute resolution costs) caused solely by the negligent acts or omissions of CONTRACTOR or CONTRACTOR'S officers, directors, partners, employees, and consultants in the performance of CONTRACTOR'S services under this AGREEMENT.
- B. To the fullest extent permitted by law, CLIENT shall indemnify and hold harmless CONTRACTOR, CONTRACTOR'S officers, directors, partners, employees, and consultants from and against costs, losses, and damages (including but not limited to reasonable fees and charges of engineers, architects, attorneys, and other professionals, and reasonable court or arbitration or other dispute resolution costs) caused solely by the negligent acts or omissions of CLIENT or CLIENT'S officers, directors, partners, employees, and consultants with respect to this AGREEMENT.
- C. To the fullest extent permitted by law, CONTRACTOR'S total liability to CLIENT and anyone claiming by, through, or under CLIENT for any injuries, losses, damages and expenses caused in part by the negligence of CONTRACTOR and in part by the negligence of CLIENT or any other negligent entity or individual, shall not exceed the percentage share that CONTRACTOR'S negligence bears to the total negligence of CLIENT, CONTRACTOR, and all other negligent entities and individuals.
- D. In addition to the indemnity provided under Paragraph VII.B, and to the fullest extent permitted by law, CLIENT shall indemnify and hold harmless CONTRACTOR and CONTRACTOR'S officers, directors, partners, employees, and consultants from and against injuries, losses, damages and expenses (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or arbitration or other disputes resolution costs) caused by, arising out of, or resulting from an unexpected Hazardous Environmental Condition, provided that (i) any such injuries, losses, damages and expenses is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom, and (ii) nothing in this Paragraph shall obligate CLIENT to indemnify any individual or entity from and against the consequences of that individual or entity's own negligence or willful misconduct.
- E. Nothing contained within this AGREEMENT is intended to be a waiver or estoppel of the contracting municipality CLIENT or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including those contained within Wisconsin Statutes §§ 893.80, 895.52, and 345.05. To the extent that indemnification is available and enforceable, the municipality CLIENT or its insurer shall not be liable in indemnity or contribution for an amount greater than the limits of liability for municipal claims established by Wisconsin Law.

VIII. TIME FOR COMPLETION

A. CONTRACTOR shall commence work as described in CONTRACTOR's proposal to CLIENT, annexed hereto and incorporated herein as Attachment A.

IX. DISPUTES

This AGREEMENT shall be construed under and governed by the laws of the State of Wisconsin. The venue for any actions arising under this AGREEMENT shall be the Circuit Court for Milwaukee County. The prevailing party shall be awarded its actual costs of any such litigation, including reasonable attorney fees.

X. RECORDS RETENTION

CONTRACTOR shall maintain all records pertaining to this AGREEMENT during the term of this AGREEMENT and for a period of 3 years following its completion. Such records shall be made available by the CONTRACTOR to CLIENT for inspection and copying upon request.

XI. MISCELLANEOUS PROVISIONS

- A. Professionalism. The same degree of care, skill and diligence shall be exercised in the performance of the services as is possessed and exercised by a member of the same profession, currently practicing, under similar circumstances, and all persons providing such services under this Agreement shall have such active certifications, licenses and permissions as may be required by law.
- B. Pursuant to Law. Notwithstanding anything to the contrary anywhere else set forth within this Agreement, all services and any and all materials and/or products provided by CONTRACTOR under this Agreement shall be in compliance with all applicable governmental laws, statutes, decisions, codes, rules, orders, and ordinances, be they Federal, State, County or Local.
- C. Conflict of Interest. CONTRACTOR warrants that neither it nor any of its affiliates has any financial or other personal interest that would conflict in any manner with the performance of the services under this Agreement and that neither it nor any of its affiliates will acquire directly or indirectly any such interest. CONTRACTOR warrants that it will immediately notify the CLIENT if any actual or potential conflict of interest arises or becomes known to the CONTRACTOR. Upon receipt of such notification, a CLIENT review and written approval is required for the CLIENT to continue to perform work under this Agreement.

XII. CONTROLLING TERMS AND PROVISIONS

The aforesaid terms and provisions shall control over any conflicting term or provision of any CONTRACTOR proposal, Attachment, Exhibit, and standard terms and provisions annexed hereto.

IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed on the day and year first above written.

CITY OF FRANKLIN, WISCONSIN	SERVICE SANITATION
BY:	BY:
PRINT NAME:	PRINT NAME:
TITLE:	TITLE:
DATE:	DATE:
BY:	
PRINT NAME:	
TITLE:	
DATE:	
BY:	
PRINT NAME:	
TITLE:	
DATE:	

Service Sanitation

TERMS & CONDITIONS

ATTACHMENT A

1. ACCEPTANCE:

Customer shall be deemed to have accepted these terms and conditions upon acknowledgment, signature, or other conduct indicating acceptance. Customer hereby acknowledges and agrees that these Terms and Conditions shall apply to all sites and all orders placed by the Customer at any time. Customer's consent and agreement to these Terms and Conditions may not be withdrawn or revoked except upon written notice toService Sanitation, Inc. (Company) at least thirty (30) days before the effective date of such revocation, and such revocation of Customer's agreement to these Terms and Conditions shall only apply to future orders. These terms and conditions shall supersede any inconsistent terms of any purchase order or Customer documents.

2. COMPANY OBLIGATIONS: The obligations of COMPANY shall include;

- (a) Supply the sanitation equipment ("Equipment") listed in service agreement ("Service Agreement") and provide the type of service plan stated within Service Agreement. The delivery dates are approximate and the Company shall have no liability for any failure or delay in making delivery or for failure to give notice of any such failure.
- (b) Provide additional Equipmentand service as requested by the Customer at Company's customary rates. Service schedule shall be determined by Company and is subject to change.
- (c) Maintain Equipment in good working order under ordinary use. Company shall not be responsible for failure to render such maintenance due to causes beyond reasonable control of the Company.

3. CUSTOMER'S OBLIGATIONS: The obligations of the CUSTOMER shall include:

- (a) Remit amounts due as indicated on Service Agreement and all subsequent amounts due, not later than the terms indicated on associated invoices. Routed service pricing is subject to change without prior notice. Customer is responsible for all taxes, however designated, arising out of the provisions of services under this agreement, including without limitations, sales, use, transfer, privilege, excise or other tax or duty.
- (b) Retain absolute and sole control, possession and custody of Equipment and return such Equipment to Company at end of the service period.
- (c) Acknowledge that Company has no control over use of the Equipment by Customer. Customer should make no use of the Equipment for other than sanitation purposes. While Equipment is in Customer's possession, Customer shall prevent any contamination of such units with or from radioactive, volatile, flammable, explosive, toxic or hazardous materials. In the event that such waste is found in the Equipment, Customer shall arrange and pay for separate removal of such waste.
- (d) Customer agrees to comply, at Customer's expense, with any and all applicable municipal, county, state, federal or quasi-governmental laws, ordinances, regulations and guidelines.

4. LOCATION OF EQUIPMENT:

- (a) Customer is responsible to exercise due diligence and care in the selection of the location designated for Equipment and to supervise the placement of such Equipment Customer is responsible for any damages that accrue therefrom.
- (b) Requests to relocate Equipment will be fulfilled by Company. Additional charges may apply. Company is not liable for damages associated with relocation of Equipment by Customer. In all cases, Customer is required to notify Company in advance of Equipment relocation.
- (c) Customer is responsible for ensuring Equipment is available or accessible for servicing or maintenance at ground level without hazard to Company, its agents, employees or Equipment. If Company is unable to service units due to Customer's failure to make them accessible, Customer is responsible for any damages that accrue therefrom. Customer will be charged for a service rate in addition to any extra service call resulting thereof.

5. POWER & WATER SOURCES FOR RESTROOM TRAILERS/WATER SYSTEMS:

With regard to restroom trailer or Pro-Flush water system service, Customer shall provide appropriate power and/or water source as indicated on Service Agreement at service site in advance of delivery. Customer is responsible for maintaining the availability of power and water resources and monitoring such throughout the duration of the service period. Failure to provide and maintain resources may result in additional time and materials charges, delayed delivery and/or subsequent damages, for which Customer accepts full responsibility.

6. DAMAGED OR LOST EQUIPMENT:

- (a) Customer acknowledges that he has had an opportunity to personally inspet the sanitation Equipment, finds it suitable for his needs and in good condition, and that he understands its proper use.
- (b) Customer must notify the Company immediately and discontinue use of the Equipment if the units become unsafe or in disrepair for any reason. Company is not responsible for any incidental or consequential damages caused by delays or otherwise.
- (c) No alterations to Equipment permitted unless approved by Company in writing.
- (d) Customer agrees to pay for any damage to or loss of the goods, as an insurer regardless of the cause, except reasonable wear and tear, while Equipment is out of the possession of the Company. The cost of the repairs will be borne by the Customer, whether performed by the Company or at the Company's option, by others. Equipment damaged beyond repair will be invoiced at replacement cost. Customer agrees to accept Company's decision regarding reparability.

7. DAMAGE WAIVER:

(a) Unless damage waiver provision is declined, Company agrees, in consideration of an additional charge, to modify responsibilities of the Customer detailed in paragraph 6 regarding Equipment damaged, destroyed, lost or stolen while in the Customer's possession or control. In consideration of damage waiver fee and unit replacement schedule listed below, Customer is responsible for a portion unit replacement cost in case of damage to, destruction of, or theft of the units with the exception of damage or loss due to Customer's neglect or misuse. Damage waiver fees are assessed as a one-time charge for events and as a recurring charge per billing period for routed Equipment.

60 S S		DAMAGE	WAIVE	RTEESCI	EDULE		
Unit Type	Basic	Standard	Deluxe	Handicap	ADA	Handwash	Sani-Stand
Waiyer Fee Per Unit	\$10	\$20	\$20	\$20	\$20	\$10	\$10
Discounted Replacement	\$150	\$200	\$200	5200	\$250	5150	\$100
Total Replacement	5650	\$850	51,400	\$1,500	\$1,800	\$800	\$300

- (b) Damage waiver provision is not available on Pro-Flush water systems or restroom trailers.
- (c) In order for damage waiver to be effective and as a condition thereto, Customer agrees that he/she shall report all loss and/or damage to the police department, obtain a copy of the police report issued and deliver such report to Company within 14 days of the date of loss or damage.
- (d) Notwithstanding the foregoing, Customer agrees that this damage waiver provision shall not relieve Customer of its obligation to obtain and maintain public liability insurance.

Please select ONE of the following options:

- __ I ACCEPT the damage walver.
- __ I DECLINE the damage waiver.

8. WARRANTIES:

THERE ARE NO WARRANTIES OF MERCHANTABILITY, OR FITNESS, EITHER EXPRESSED OR IMPLIED. There is no warranty that the Equipment issuited for Customer's use, or that it is free from defects.

9. HOLD HARMLESS:

Customer agrees to assume the risks associated with use of Company Equipment and services. Customer further agrees to hold Company harmless for any and all claims or lawsuits associated with service or Equipment, including claims against Customer by a third party. Company shall not be liable for any property damage, personal injury, loss of profits, interruptions of business, out-of-pocket expenses or any direct, indirect, special, consequential, punitive, exemplary, or incidental damage, however caused, whether based on contact, tort, strict liability, warranty, or any other basis arising out of, or connected with this agreement, or the use of any service furnished hereunder.

10. INDEMNITY:

Customer agrees to indemnify and reimburse Company for any and all claims, damages, or liabilities of any kind arising out of the use of the Equipment by Customer, Customer's agents, or any third party, including claims, damages, or liabilities arising from Company's negligence, and Customer further agrees to indemnify and reimburse Company for any and all claims, damages, or liabilities arising out of any breach of this contract by Customer.

11. LIMIT OF SERVICE SANITATION'S LIABILITY:

Service Sanitation's aggregate liablity under this agreement shall not exceed the amounts paid to Service Sanitation in connection with agreement.

12. DURATION AND CANCELLATION:

No pro-rata adjustment is made for partial use. Unless agreed upon in writing or unless spæific retrieval date is listed on the Service Agreement, the minimum billing period is 4 weeks. A delivery must be cancelled in writing at least 24 hours in advance to avoid a cancellation fee. Deliveries cancelled with less than 24 hour notice and deliveries cancelled on arrival will be charged full amount listed on service agreement. Deposits remitted for restroom trailers will be forfeited unless written notification of cancellation is provided 30 days prior to delivery date.

13. LATE PAYMENT / COLLECTION COSTS:

All charges are payable in full with no privilege to pay in installments. Past due amounts are subject to 18% APR. Customer is also obligated to reimburse Company for all costs/expenses incurred in the collection of fees for service, including without limitation, collection, attorneys' fees and court costs.

14. DEFAULT:

If the Customer fails to pay any service payment or other charge due, perform any of its other obligations, Company, without notice, shall have the right to terminate the agreement immediately, to take possession of any or all of its property without any legal process, to enter Customer's premises to take such possession, or pursue any other remedy at law or equity. All such remedies shall be cumulative and may be exercised concurrently.

15. NONWAIVER & SEVERABILITY:

No provision of this contract can be waived except by the written consent of Company. Failure by Company to enforce any provision shall not constitute waiver of provision. The provisions of this agreement shall be severable so that invalidity, unenforceability, or waiver of any provision(s) shall not affect remaining provisions.

16. GOVERNING LAW:

This agreement shall be governed by the laws of the State of llinois.

I hereby accept the terms and conditions of this agreement. If accepting on behalf of an organization, I certify that I am an authorized signatory for said company.

Signature:	
Printed Name:	
Company Name:	
Date:	Customer #: 58 - 1272





EVENT SERVICE AGREEMENT

Billing Address

CITY OF FRANKLIN 9229 W LOOMIS RD FRANKLIN, WI 53132 **Service Address**

ST MARTINS FAIR

ALONG W ST MARTINS RD

FRANKLIN, WI 53132

Customer #:

58 - 1272

Contact Name:

BILL DUDASH

Phone:

(414) 425-8881

Qty:	Restroom Services	Rate:	Total:
Friday, August 31, 2	*************************************		
130	DEL EVENT BASIC PORT REST	\$66.00	\$8,580.00
9	DEL EVENT HANDICAP REST	\$121.00	\$1,089.00
20	DEL EVENT HANDWASH	\$66.00	\$1,320.00
9	DEL 4-STATION HS STAND	\$66.00	\$594.00
168	EXTRA SERVICE 9/3	\$16.50	\$2,772.00
	*** ARRIVE 8AM - 11AM ***		
	< CLOSER TO 8AM PREFERRED >		
	** CALL CONTACT ON THE WAY **		
	CONTACT: PENDING		
	CONTACT WILL DIRECT EXACT		
	PLACEMENT OF ALL EQUIPMENT		
	** LOCATIONS MAP PENDING **		

Qty: **Restroom Services** Rate: Total: Work Order #: 7528165 Monday, September 3, 2018 130 **EVENT BASIC REST XTRA SVC** 9 **EVENT HANDICAP EXTRA SVC** 20 **EVENT HANDWASH EXTRA SVC** 9 **EX SVC 4-STATION HS STAND** *** START SERVICE @ 5AM *** < ARRIVE EARLY 5AM TO START SERVICING @ LOCATION 10 & MOVING DOWN (9,8,7,ETC) FROM THERE - MAIN EVENT STARTS @ 6AM BUT WILL AIM TO HAVE ALL UNITS FINISHED BY APPROX 9AM > ** MUST CALL CONTACT UPON ARRIVAL CONTACT: PENDING * LOCATIONS MAP PENDING * Tuesday, September 4, 2018 Work Order #: 7528167 130 RET EVENT BASIC RESTROOM 9 RET EVENT HANDICAP REST 20 **RET EVENT HANDWASH** 9 **RET 4-STATION HS STAND** * PICK-UP TUESDAY PLEASE * < LOCATIONS MAP PENDING >

Total For Event: \$14,355.00

Plus Applicable Sales Tax

Terms:

NET 10

Customer #:

58 - 1272

APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE
		07/17/18
REPORTS & RECOMMENDATIONS	ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR A PORTION OF THE PROPERTY LOCATED AT 11205 WEST RYAN ROAD FROM BUSINESS PARK USE AND AREAS OF NATURAL RESOURCE FEATURES USE TO RESIDENTIAL USE AND AREAS OF NATURAL RESOURCE FEATURES USE (APPROXIMATELY 32.6011 ACRES) (BEAR DEVELOPMENT, LLC, APPLICANT)	ITEM NUMBER

At their June 21, 2018 meeting, the Plan Commission recommended approval of an ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for a portion of the property located at 11205 West Ryan Road from Business Park use and Areas of Natural Resource Features use to Residential use and Areas of Natural Resource Features use (approximately 32.6011 acres) (Bear Development, LLC, Applicant).

COUNCIL ACTION REQUESTED

A motion to adopt Ordinance 2018-______, an ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for a portion of the property located at 11205 West Ryan Road from Business Park use and Areas of Natural Resource Features use to Residential use and Areas of Natural Resource Features use (approximately 32.6011 acres) (Bear Development, LLC, Applicant).

🏂 CITY OF FRANKLIN 🤻

REPORT TO THE PLAN COMMISSION

Meeting of June 21, 2018

Comprehensive Master Plan Amendment

RECOMMENDATION: City Development Staff recommends approval of the proposed Comprehensive Master Plan Amendment, subject to the conditions in the draft resolution and ordinance.

Project Name: Mills Hotel Wyoming/Bear Development Comprehensive

Master Plan Amendment

Project Address: Lot 3 of the proposed CSM (a portion of 11205 W. Ryan

Road)

Applicant: Bear Development, LLC

Owners (property): Mills Hotel Wyoming, LLC

Current Zoning: R-2 Estate Single Family Residence District & C-1

Conservancy District

2025 Future Land Use: Business Park and Areas of Natural Resource Features

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

as well as the Irish Cottage to the north and east and

agricultural land to the south and west

Applicant Action Requested: Recommendation of approval of the Comprehensive Master

Plan Amendment

Project Description and Analysis:

On May 2, 2018, the applicant filed a Comprehensive Master Plan Amendment Application in conjunction with previous requests for a Certified Survey Map and Rezoning, which were recommended for approval at the June 7, 2018 Plan Commission meeting. Those applications are tentatively scheduled for review at the June 19th Common Council meeting and requests the following:

Certified Survey Map:

• The proposed CSM subdivides three existing parcels bearing Tax Key Nos. 891 9989 002, 892-9992-001, and 939-9993-000 into three lots and one outlot.

Rezoning (of the proposed lots)

- Lot 1: From R-2 Estate Single-Family Residence District to M-1 Limited Industrial District.
- Lot 2: From R-2 Estate Single-Family Residence District and C-1 Conservancy District to M-1 Limited Industrial District
- Lot 3: From R-2 Estate Single-Family Residence District and C-1 Conservancy District to R-6 Suburban Single-Family Residence District.
- Outlot 1: Maintains existing zoning of R-2 Estate Single-Family Residence District and C-1 Conservancy District.

The Comprehensive Master Plan requests amending the 2025 Future Land Use Map designation for the proposed Lot 3 (a portion of the property located at 11205 W. Ryan Road) from Business Park and Areas of Natural Resource Features to Residential and Areas of Natural Resource Features.

All applications are in anticipation of a larger mixed-use development, which Concept Review recently went before the Common Council at their May 15, 2018 meeting. The larger development area includes development of approximately 164 acres. The proposed uses consist of single-family residential, commercial, industrial, conservancy and open space. The conceptual plan is attached for review.

Staff Recommendation:

City Development Staff recommends approval of the proposed Comprehensive Master Plan Amendment, subject to the conditions in the draft resolution and ordinance.

ORDINANCE NO. 2018-____

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF
FRANKLIN 2025 FUTURE LAND USE MAP FOR A PORTION OF THE
PROPERTY LOCATED AT 11205 WEST RYAN ROAD FROM BUSINESS
PARK USE AND AREAS OF NATURAL RESOURCE FEATURES USE TO
RESIDENTIAL USE AND AREAS OF NATURAL RESOURCE FEATURES USE
(APPROXIMATELY 32.6011 ACRES)
(BEAR DEVELOPMENT, LLC, APPLICANT)

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

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on June 21, 2018, recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for a portion of the property located at 11205 West Ryan Road, from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use, such property currently bearing Tax Key No. 892-9992-001, currently subject to a certified survey map application which if approved will result in a parcel consisting of approximately 32.6011 acres of land [excluding any Right-of-Way to be dedicated to the City]; and

WHEREAS, the City of Franklin held a public hearing upon this proposed Ordinance, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d); the Common Council having received input from the public at a duly noticed public hearing on July 17, 2018; and

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin,

Page 2

Wisconsin, do ordain as follows:

SECTION 1:

The City of Franklin 2025 Comprehensive Master Plan is hereby amended to change the City of Franklin 2025 Future Land Use Map designation for a portion of the property located at 11205 West Ryan Road, from Business Park Use and Areas of Natural Resource Features Use to Residential Use and Areas of Natural Resource Features Use, such property being Lot 3 of Certified Survey Map No. _____, approved by the Common Council at its regular meeting on June 19, 2018, consisting of 1,384,350 square feet or 31.7803 acres in area, abutting the west side of South 112th Street from its corner with West Ryan Road 2,606.29 feet to the south (a portion of the property previously bearing Tax Key No. 892-9992-001), more particularly described as follows:

That part of the Northwest 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the Northwest corner of said Northeast 1/4 Section; thence South 89°44'26" East along the North line of said Section 684.00 feet to a point; thence South 00°34' 43" East 973.00 feet to the point of beginning; thence South 89°44'26" East 231.00 feet to a point; thence North 00°34'43" West 973.00 feet to a point on said North line; thence South 89°44'26" East along the said North line 406.36 feet to a point; thence South 00°36'33" East 2651.32 feet to a point on the South line of the Northeast 1/4 Section; thence North 89°42'41" West along said South line 443.64 feet to a point; thence North 00°36'33" West 529.83 feet to a point; thence South 89°23'27" West 330.12 feet to a point; thence North 00°36'33" West 1153,26 feet to a point; thence South 89°44'26" East 135.91 feet to the point of beginning. Said lands contain 1,420,106 square feet or 32.6011 acres. Such property is more particularly described within Resolution No. 2018 of even-date herewith.

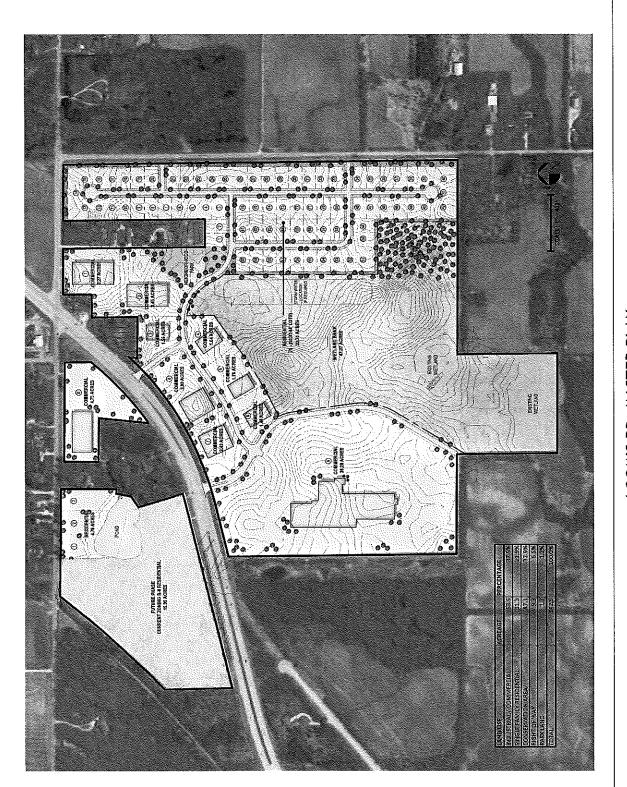
SECTION 2:

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

SECTION 3:

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

ORDINAN	E NO. 2018	
Page 3		
SECTION 4	This ordinance shall take effect and be in force from and passage and publication.	d after its
	uced at a regular meeting of the Common Council of the City of Fra of, 2018, by Alderman	
	d and adopted by a majority vote of the members-elect of the Common meeting of the Common Council of the City of Franklin this, 2018.	
	APPROVED:	
	Stephen R. Olson, Mayor	
ATTEST:		
Sandra L. V	esolowski, City Clerk	
AYES	NOES ABSENT	



LOOMIS RD. MASTER PLAN FRANKLIN, WISCONSIN



4011 80" Street, Kenosha, WI 53142 Phone: (262) 842-0556 Fax: (262) 842-0557

April 25, 2018

Mr. Nick Fuchs City of Franklin 9229 W. Loomis Road Franklin, WI 53132

Re: Mills Hotel Wyoming Comprehensive Plan Amendment

Dear Mr. Fuchs:

Bear Development is pleased to submit this letter and the enclosed submittal materials as formal application for an amendment request to the City of Franklin Comprehensive Plan. Bear Development is acting on behalf of the owner of record, Mills Wyoming Hotel, LLC.

Project Summary

Mills Wyoming Hotel, LLC is the owner of record of approximately 164 acres of land in the City of Franklin. The land is located on the north and south sides of STH 36 and lies south of Ryan Road. The property is included in the area commonly known as Planning Area G.

On April 16, 2018, Mills Hotel Wyoming, LLC submitted formal applications for Concept Plan Review, Certified Survey Map and rezoning applications for the various parcels.

Current Plan Designation-South Side of Loomis Road

Most of the subject property (approximately 130 acres) is located on the east side of STH 36 and is designated as Business Park with scattered areas of Natural Resource Features.

Proposed Comprehensive Plan Amendment-South Side of Loomis Road

Mills Hotel Wyoming. LLC is respectfully requesting a Comprehensive Plan Amendment for a portion of the subject property to be changed from the designation "Business Park" to the "Residential" designation.

A legal description and graphic exhibit is enclosed for your reference and review.

Franklin MAY 02 2018 The intent for the subject property is to reclassify the current zoning of R2 and C1 to the R6 Residential classification. Upon favorable hearing, Mills Hotel Wyoming intends to bring forth plans for a Single Family Residential Subdivision for this property.

Mills Hotel Wyoming, LLC understands the City of Franklin need and desire for lands dedicated to Business Park/Light Industrial needs. However, we also are aware of the limited market demand of such land uses. We also recognize that there are current or planned Business Parks elsewhere in the City that arguably have better visibility and transportation access than our Loomis Road property. To that end, our goal is tor each a balance of land use on our property by proposing a mixed use development. We feel that there currently is strong demand for single family residential homes sites in the City of Franklin.

Proposed Use

Mills Hotel Wyoming, LLC is proposing a mixed-use development for Planning Area G that includes:

- A Light industrial development component consisting of a single large user and several Light Industrial lots of various sizes. The proposed use is consistent with the Comprehensive Land Use Plan designation of Business Park.
- Single-Family Subdivision along 112th Street. Recognizing the high demand for single family homesites in the City of Franklin and the somewhat limited market for light industrial use, Bear Development is proposing a single-family component consisting of approximately 76 residential homesites with proposed R-6 Residential zoning. A Comprehensive Plan Amendment is request for this property.
- A "Flex area" is currently shown as open space serving as a buffer between industrial and residential land use.
- A Multi-Family Residential component is proposed between Loomis Road and W. Ryan Road. This particular property is currently zoned R-8 Multi-Family Residential.
- A Commercial corner property at W. Ryan Road and Loomis Road.

Bear Development, LLC has retained the services of Kahler Slater Architects to develop the Conceptual Site Plan, which is enclosed for your review and reference and is considered a working document. We feel the mix of land use shown on the Site Plan offers an opportunity to create a development opportunity for Planning Area G that meets the goals of the Comprehensive Plan while providing a diverse land uses that will ensure a successful project. We feel the Concept Plan and subsequent land divisions and zoning amendments will create a land use pattern that is consistent and compatible with the properties in the general area.

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

Thank you for your time and consideration.

Hunt Alyngup

Sincerely,

Daniel Szczap

Bear Development, LLC

CERTIFIED SURVEY MAP NO That part of the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 and the Northwest 1/4 and the Subdivider/Owner: Southwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Southwest 1/4 of Section 30, Town 5 North, Mills Hotel Wyoming, LLC Southwest 1/9 of the City of Franklin, Milwauxee 200...., Range 21 East, in the City of Franklin, Milwauxee 200...., Range 21 East, in the City of Franklin, Milwauxee 200..., Range 21 East, 4015 80th St, Kenosha, WI. 53142 CONC. MON. WITH BRASS CAP FND. NE COR. OF SEC. 30, T5N, R21E. \$89'44'26 E SEC. JO, T5N, R21E. N: 324.097.27 **10** - **1**√ E: 2,520,162.66 CONC. MON. WITH BRASS CAP NW COR. OF NW 1/4 OF SEC. 30, 45.00 973.00 3 100.34 N.P.I TON, REVE 33' S89°44'26"E 151.64 S89'23'13"E 271.75 128'16 102.69' S89'28'18"E N75 45'51 E W.Z.0.2011 408.55 logg. S00'34'43"E 177.55 231.00 Tal 78.00 N79'00'41"E S15 09 38 E S89"44"26"E 2651.32 66.51 R=1979.86 55.15 56.97 41.64 AREA CB=N74'48'07"E J66.91 LOT 2 LANDS 967,073 S.F. 22.2001 Acres C=66.51 Δ=1.55.29" \$50000 p S00"36"33"E -37.58 N63 19'58'E 1153.26 LOT 3 JINPLATED R=252.00°-1 CB=\$37'38'22"E 338.33 AREA EAST LINE OF THE NW 1/4 SEC. 30-5-21 NOO'34'43'W 2650.62' 1,384,350 S.F. مدرر 184.54° 184.54° 580.00 31.7803 Acres A=42'57'28" OF THE 1523,10 **OUTLOT 1** AREA Z 15 2,063,137 S.F. 47,3631 Acres LOT 1 EAST IN 30, ND0'34'12"W AREA OF THE EASTERN 1,315,511 S.F. 30,2000 Acres N89°23'27"E 330.12 å 9 LINE (45.00 90.00 SOUTH LINE OF THE NW 1/4 SEC. 30-5-21 POND 45.01 N89'39'32'W -1289.79 879.15 398.63 2671.72 N89"42"41 "W THE NE 1/4 N89"39'32"W 1" IRON PIPE SW CORNER 1322.79' SEC. 30-5-21 (REC. AS S89'20'10"E) S89'42'41"E 2645.59' 1322.80 34,05 662.99 OF NE 1/4 SEC. 30, T5N, R21E. 1345.74 UNPLATTED LANDS 667. PARCEL 1 CSM NO. 975 UNPLATTED LANDS CONC. MON. WITH BRASS CAP CONC. MON. WITH 400 BRASS CAP SE COR. OF NE 1/4 OF SEC. 30, 200 SW COR. OF NW 1/4 OF SEC. 30, N.00.34,08.M 668.97 R T5N, R21E. SEE T5N, R\$1E. S, LINE OF THE VICINITY MAI' NW 1/4, NE 1/4 & SW 1/4 SEC. 30, T5N, R21E /4-NE 1/4-SW 1/4 SEC. 30-5-21 SE 불었 LEGEND O Indicates set 1" iron pipe, 18" in #89"47"21"W length, 1.68 lbs. per lineal foot. 662.96. UNPLATED LANGS SCC W. RYAN ROAD Indicates found 1" Iron pipe. Indicates the northerly and easterly DONALD C W 112TH 45 feet dedicated to the City of Franklin for Public Road CHAPUT Purposes.(147,171 5.F., 3.3786 S-1316 vi MILWAUKEE NE 1/4 NW 1/4 **=**2000 CHAPUT Date: April 16, 2018 This instrument was drafted by Dorland Professional Land Surveyor \$1316 Drawing No. 2160.04-LAND @ SURVEYS Sheet 1 of 4 Sheets /Sq by Figure 1 414-124 80% Spheroster, Wr 51.531 www.striperitions Franklin

Legal Description of Comprehensive Plan Amendment

That part of the Northwest 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northwest corner of said Northeast 1/4 Section; thence South 89°44′26″ East along the North line of said Section 684.00 feet to a point; thence South 00°34′43″ East 973.00 feet to the point of beginning; thence South 89°44′26″ East 231.00 feet to a point; thence North 00°34′43″ West 973.00 feet to a point on said North line; thence South 89°44′26″ East along the said North line 406.36 feet to a point; thence South 00°36′33″ East 2651.32 feet to a point on the South line of the Northeast 1/4 Section; thence North 89°42′41″ West along said South line 443.64 feet to a point; thence North 00°36′33″ West 529.83 feet to a point; thence South 89°23′27″ West 330.12 feet to a point; thence North 00°36′33″ West 1153.26 feet to a point; thence South 89°44′26″ East 135.91 feet to the point of beginning.

Said lands contain 1,420,106 square feet or 32.6011 acres.

Legal Description of Comprehensive Plan Amendment

That part of the Northwest 1/4 and Southwest 1/4 of the Northeast 1/4 of Section 30, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

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Said lands contain 1,420,106 square feet or 32.6011 acres.

Approval Slw	Council Action Sheet	MEETING DATE 7/17/18
REPORTS & RECOMMENDATIONS	Status report regarding the Ballpark Commons development project proposed at and near The Rock Sports Complex, 7900 W. Crystal Ridge Road	ITEM NUMBER G, 3,

Below is an update on the status of the Ballpark Commons (BPC) development project. The requested action is to direct staff to continue to authorize draw requests from the developer as deemed appropriate and to receive and place on file.

Milestones

Attached is Exhibit B of the Development Agreement between the City and Ballpark Commons, which indicates the milestones that have been completed as of July 13, 2018. The applicant has provided documentation related to each item that has been completed, which has been reviewed and accepted by City staff.

Items not yet addressed include:

- C1 GC Selection (Contract) The applicant has provided a letter of intent and a press lease; however, a contract has not yet been submitted. The applicant has indicated that the contract will be finalized the week of July 16th.
- Install of Ballfield Light Visors (City Inspection) The applicant has installed visors as required and provided staff with documentation. Staff has not yet inspected the installation. This item needs to be addressed by staff and should not hold up any permits, approvals or the disbursement of funds to the developer.
- B1, B2, B3, and B4 Apartment Financing & Building Permit (City Approval) Staff has not
 yet received documentation that financing has been secured for the apartments. The
 applicant has submitted the Building Permits for the apartments; however, there are
 outstanding Engineering Department comments that must be addressed, prior to those
 permits being issued.
- C1 Mixed Use (Office & Retail) Financing & Building Permit (City Approval) Staff has not
 yet received documentation that financing has been secured for Building C1; however,
 the Building Permit has been issued.

The developer has recently submitted a request for the City to disburse \$1,510,403.35. As there are milestones that have not yet been completed, staff is requesting direction from the Common Council to move forward with the most recent draw request.

Staff has been working closely with the developer and expects that these items will be resolved soon. Staff does not object to the release of funds for the most recent request.

A more detailed financial update is provided further below.

Permits and Approvals

Installation of infrastructure continues to be completed onsite. The applicant has received final

approvals of the north and south storm water management plans, which will allow this work to continue.

Since the last update in March 2018, the City has granted the following approvals:

- Minor PDD Amendment to reduce/eliminate building setbacks for Building C1 (the
 proposed retail/office building located north of Rawson Avenue, associated with Lot 1 of
 the proposed CSM south of the proposed new Crystal Ridge Road). Essentially requesting
 0 foot building setbacks from the right-of-way of Rawson Avenue and the proposed new
 Crystal Ridge Road.
- <u>Site Plan</u> for construction of Building C1, the proposed 3-story retail/office building located north of Rawson Avenue (this also included a portion of the adjacent proposed new Crystal Ridge Road and the small parking lot immediately to the north).
- <u>Certified Survey Map Applications</u> for three separate land divisions including a 128-acre 4
 Lot CSM to encompass the proposed right-of-way of the new Crystal Ridge Road and the
 lands to the north, a 10-acre 4 lot CSM to encompass the lands between the proposed
 new Crystal Ridge Road and existing S. 76th Street/W. Loomis Road/W. Rawson Avenue,
 and a 34-acre 4 lot CSM to encompass all of lands south of W. Rawson Avenue.
- <u>Minor PDD Amendment</u> for a number of changes to the Planned Development District standards (primarily related to proposed buildings B1 through B4), such as increased building size limit, and increased net density, decreased front yard setback.
- <u>Site Plan Application</u> approving four of the six proposed apartment buildings (and the future clubhouse building), located south of Rawson Avenue (this also included a portion of the adjacent proposed new Old Loomis Road, adjacent portions of shared parking lots, and adjacent portions of the landscape berm to the west).
- Major PDD Amendment to revise the district in the following manner: to allow additional uses as permitted uses, including but not limited to senior housing, memory care residence facility, community living arrangement, athlete housing/apartments, rock crushing/batch plant, and baseball stadium; to revise certain district standards including but not limited to building height and building size limits, lot area requirements, density requirements, signage amounts, hours of operation and lighting curfew, public water service, fencing requirements, landscaping requirements, and certain design standards; to revise certain financial surety requirements in condition no. 15 in the Standards, Findings and Decision of the City of Franklin Common Council for a Special Exception to Certain Natural Resource Provisions dated January 9, 2018; and to revise the Comprehensive Sound and Light Study Requirements in condition nos. 2 and 3 in Planned Development District No. 37, Ordinance No. 2018-2324, for the properties located at 7900 West Crystal Ridge Drive.
- Special Use Amendment/Site Plan Applications for construction of Phase 2 of the stadium, which includes the hard surfaces, such as the concrete seating bowl, concourse areas, and some of the adjacent parking; utilities; the playing field; fences, netting, and lights; and landscaping.
- <u>Site Plan Application</u> for construction of Building S2/C3/C4, which consists of the golf facility, two restaurants and the Hinterhof central courtyard.
- <u>Site Plan Application</u> for Building S3/C2, which includes the indoor sports complex, office space and athlete housing.
- <u>Site Plan Application</u> for the New Perspective Senior Living senior housing facility consisting of 103 senior apartments and 36 memory care units.

Building Permit to allow construction of Building C1.

Application submittals

Currently there are no applications under review by the Department of City Development for the Ballpark Commons development. Staff anticipates submittal of a Site Plan Amendment Application for construction of Phase 3 of the stadium for August 23, 2018 Plan Commission review.

Right-of-way vacations/TID Boundary Amendment

It is staff's understanding that the developer has required some or all of the portions of rights-of-way listed below. As such, staff will soon bring forward a request for approval of a contract with Ehlers to proceed with an amendment to the TID boundary to include these areas within the TID.

- 1. The existing right-of-way of Crystal Ridge Drive, owned by Milwaukee County.
- 2. The triangular piece of land between Old Loomis Road and the Loomis Road onramp south of W. Rawson Avenue, owned by Milwaukee County.
- 3. The existing right-of-way of Old Loomis Road, owned by the City of Franklin.

TID/Financial

The City placed \$4,620,000.00 in escrow with Knight Barry (Title Company) earlier this year. Knight Barry is holding the funds, interest free, until the City approves draw requests from the Developer.

To date four draw requests have been approved by the City. The most recent was on June 15, 2018, which brought the total amount released to the developer to \$3,535,420.19. Therefore, the escrow balance at Knight Barry is \$1,084,579.81.

As previously mentioned, the developer has submitted a request for \$1,510,430.35 for work performed through June 30, 2018. This request has been reviewed by the Director of Finance & Treasurer. Again, staff has no objections to the release of these funds.

COUNCIL ACTION REQUESTED

Motion to direct staff to authorize the disbursement of funds in the amount of \$1,510.403.35 and to receive and file the status report for the Ballpark Commons development.

MILESTONE BENCHMARKS

eek Of Goai		Туре	Status	Verified	TIF Spend Cap	Cumulative
1/15/2018	S3:Anchor Tenants Commitment: SC Waukesha	LOI, Press		Completed -		
	& PT Academy	Release	Completed	NJF		
1/22/2018	C1 Retail Anchor Tenant Commitment	LOI, Press		Completed -		
		Release	Completed	NJF		
1/22/2018	B1, B2, B3, and B4 Apartment Site Plan			Completed -		
	Application	City Submittal	Completed	NJF		
1/22/2018	C1 Mixed Use (Office & Retail) Site Plan			Completed -		
	Application	City Submittal	Completed	NJF		
1/22/2018	CSM and PDD Amendment	City Submittal	Completed	Completed - NJF		
2/6/2018	City Approval of Development Agreement	City Action	Completed	Completed - NJF		
2/12/2018	Developer to Close on Sale of Landfill with			Completed -		
	Milwaukee County	Sale Contract		NJF		
2/12/2018	Closing on Remaining Parcels South of Rawson			Completed -		
, ,		Sale Contract		NJF		
2/12/2018	Stadium American Association, New Franchise			Completed -		
	Binding Commitment	League Letter	Completed	NJF		
	Start Reconstruction of Methane Control System		•	Completed -		
I	& Infrastructure	Construction		NJF		
	C1 Office Tenants Commitment	LOI, Press		Completed -		
-,,		Release	Completed	NJF '		
2/26/2018	B1, B2, B3, and B4 Apartment GC Selection			Completed -		·····
-,,		Contract		NJF	3,080,000	3,080,000
3/5/2018	C1 GC Selection	Contract - LOI	nd press release pro	vided		
	B1, B2, B3, and B4 Apartment Management			Completed -		
1	Company Selection	Contract		NJF		
	Stadium UWM Binding Commitment	Lease, Press		Completed -		
3,12,2010	ottation of the billiang commence	Release		NJF		
3/12/2018	PDD Amendment and Site Plan Application:	release		Completed -		
	Senior Housing	City Submittal		NJF		
	S3, C2 Site Plan Application, Indoor Facility	City Submitten		Completed -		
3/13/2010	33, C2 Site Flati Application, Indoor Facility	City Submittal		NJF		
2/10/2019	C2 Medical Anchor Tenant Commitment	LOI, Press		Completed -		
3/13/2016	C2 Wedical Alichor Tellant Commitment	Release		NJF		
2/10/2019	S3 Naming Rights Commitment	LOI, Press		Completed -		
3/19/2010	33 Naming Rights Commitment	Release		NJF		
2/26/2019	S2, C3, and C4 (Restaurant & Golf)Site Plan	neiease		Completed -		
		City Submittal		NJF		
	Application S2, C3, and C4 (Restaurant & Golf) Tenant	LOI, Press		Completed -		
, .	, , ,	Release		NJF	1,540,000	4,620,000
	Commitments	1/cicase		Completed -	1,340,000	4,620,000
4/2/2018	Site Plan Application - Stadium Phase 1	City Submittal		NJF		
4/9/2018	Install of Ballfield Light Visors	City		- 17.		
ere er er er er er er er er	Managara and an	Inspection			1,551,000	6,171,000
	B1, B2, B3, and B4 Apartment Financing &					-,,
5/21/2018	Building Permit	City Approval				
		I mish i shhinage	6. 11 11 75 11			
			Building Permit			
	C1 Mixed Use (Office & Retail) Financing &	City Approval	issued			
5/21/2018	C1 Mixed Use (Office & Retail) Financing & Building Permit	City Approval		Completed -		***************************************
5/21/2018	C1 Mixed Use (Office & Retail) Financing &			Completed -		
5/21/2018 5/21/2018	C1 Mixed Use (Office & Retail) Financing & Building Permit	City Approval		Completed - NJF Completed -		

Approval Slw	Council Action Sheet	MEETING DATE 7/17/18
REPORTS & RECOMMENDATIONS	WISCONSIN ECONOMIC DEVELOPMENT CORPORATION IDLE SITES REDEVELOPMENT PROGRAM APPLICATION REQUEST (BALLPARK COMMONS)	ITEM NUMBER G, 4,

Michael Zimmerman, Owner and CEO of ROC Ventures, has submitted the attached letter requesting that the City apply for a Wisconsin Economic Development Corporation's Idle Sites Grant on their behalf.

The Idle Sites Redevelopment Program offers grants up to \$500,000 for large commercial or industrial sites that have been underutilized for a period of at least five years. Funds may be used for demolition, environmental remediation or infrastructure improvements. Additional information regarding this program is attached.

Grants through this program may only be made to cities, villages, towns, counties, tribal entities or governmental entities. As such, Ballpark Commons is requesting that the City apply for the grant. The developer is requesting that the funds from the grant be repaid in full to the developer.

COUNCIL ACTION REQUESTED

A motion as deemed appropriate by the Common Council



July 12, 2018

ROC Ventures

Headquarters: 510 W. Kilbourn Avenue Milwaukee, Wisconsin 53203

www.rocventures.org

Nick Fuchs Principal Planner Department of City Development City of Franklin 9229 W. Loomis Road Franklin, WI 53132

Dear Mr. Fuchs

On behalf of Ballpark Commons, we are requesting that the City cooperate in securing a \$500,000 Idle Sites Grant from the Wisconsin Economic Development Corporation. The Idle Sites Redevelopment Program is available to governmental entities for implementation of redevelopment plans for large commercial or industrial sites that have been idle, abandoned or underutilized for a period of at least five years where the site cannot be solely redeveloped by the private sector due to the scale and complexity.

We have discussed eligibility of the project for the Idle Sites program with staff from the Wisconsin Economic Development Corporation (WEDC) and reached a mutual conclusion that based on the past use as a commercial sand and gravel pit, the site is eligible for the idle sites program. Grant funds can be used for demolition, environmental remediation, rehabilitation or infrastructure improvements identified in the Ballpark Commons redevelopment plan. While WEDC agrees that the Ballpark Commons project is a good fit for the program, staff also recommended that we focus on existing project shortfalls in the infrastructure and site preparation budget, and that we not seek funding for environmental remediation.

As you know, the scope and magnitude of the project is very complicated, and more than \$2 Million in eligible costs have been identified that are not included in the Developer Agreement budget and are not identified for any tax increment financing or other public funds. Consequently, this represents a significant project gap. We are prepared to fund a portion of the gap through the development, but the Idle Sites program would provide an important portion of the needed resources.

In terms of timing and mechanics, we would like to work with the City staff to immediately pursue an application based upon the \$2 Million in infrastructure/site preparation costs to be incurred commencing as early as August, 2018. If funds are awarded to the City, we propose that a simple

amendment to the Developer Agreement be approved, providing that the Developer would implement the specified work and the City would submit the eligible costs for reimbursement, with the funds then repaid to the developer.

We appreciate the City's continued support for the project and look forward to working with you on this.

Best,

Michael E. Zimmerman

Owner & CEO

IDLE SITES REDEVELOPMENT PROGRAM



BRINGING NEW LIFE TO IDLE SITES IN WISCONSIN®

Redeveloped idle industrial and commercial sites can again become generators for economic development and an improved quality of life for the cities and communities where they are located. The Wisconsin Economic Development Corporation's (WEDC's) Idle Sites

Redevelopment Program helps communities pursue this opportunity.

HOW IT WORKS

The Idle Sites Redevelopment Program offers grants of up to \$500,000 to Wisconsin communities to implement redevelopment plans for large commercial or industrial sites that have been idle, abandoned or underutilized for a period of at least five years.

Approved projects can use funds for demolition, environmental remediation, rehabilitation or infrastructure improvements defined in the redevelopment plan to advance the site to shovel-ready status or enhance the site's market attractiveness.

ELIGIBILITY REQUIREMENTS

Grants may be made to cities, villages, towns, counties, tribal entities or governmental entities for idle industrial sites exceeding five acres in size, or for idle commercial sites exceeding 10 acres in size, where redevelopment is impeded due to existing site conditions.

Preference will be given to sites that are located in high-density urban areas or in central business districts. An approved redevelopment plan demonstrating strong potential for significant measurable economic benefits, such as increased generation of property taxes and the creation of full-time permanent jobs, will increase the competitiveness of a proposed project.

LEARN MORE

For more information about becoming eligible for the Idle Sites Redevelopment Program, contact a Wisconsin Economic Development Corporation (WEDC) regional economic development director or call 855-INWIBIZ toll-free.

You can find the list of regional directors and territories covered at wedc.org/regional.

approval Slw	REQUEST FOR COUNCIL ACTION	MEETING DATE 07/17/18
REPORTS & RECOMMENDATIONS	RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE TO ALLOW FOR A ROAD AND STORM WATER MANAGEMENT POND WITHIN THE 100 YEAR FLOOD PLAIN USE UPON PROPERTY LOCATED AT APPROXIMATELY 10100 SOUTH 76TH STREET (OAKWOOD AT RYAN CREEK SUBDIVISION) (NEUMANN DEVELOPMENTS, INC., APPLICANT)	item number

At its July 5, 2018 meeting, the Plan Commission recommended approval of a resolution imposing conditions and restrictions for the approval of a special use to allow for a road and storm water management pond within the 100 year flood plain use upon property located at approximately 10100 South 76th Street (Oakwood at Ryan Creek subdivision) (Neumann Developments, Inc., Applicant).

As part of the review process for special use requests in floodplain districts, Section 15-9.0103D. of the Unified Development Ordinance (below) requires that the Common Council requests a review by the Wisconsin Department of Natural Resources (DNR). As such, the recommended motion includes a requirement for DNR review.

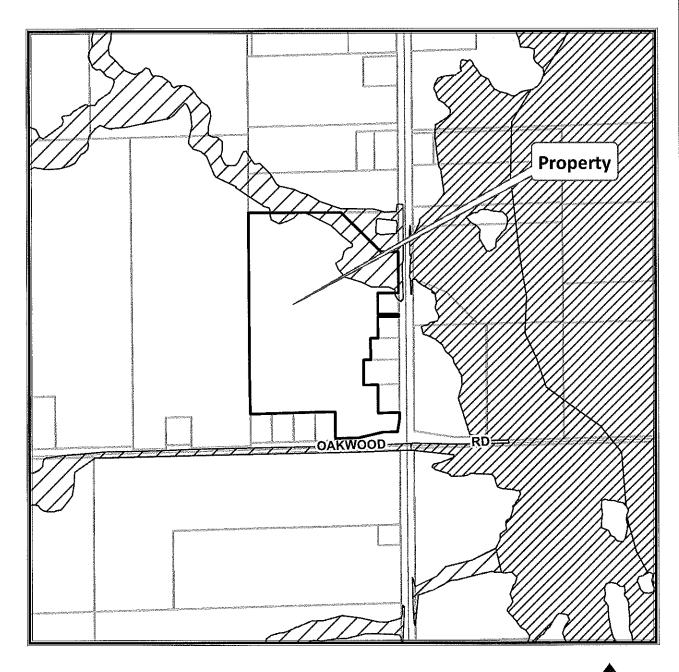
Section 15-9.0103D.

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

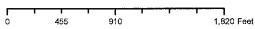
COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2018-______, a resolution imposing conditions and restrictions for the approval of a special use to allow for a road and storm water management pond within the 100 year flood plain use upon property located at approximately 10100 South 76th Street (Oakwood at Ryan Creek subdivision) (Neumann Developments, Inc., Applicant), subject to review of the special use request by the Wisconsin Department of Natural Resources as required by Section 15-9.0103D. of the Unified Development Ordinance.

TKN: 934 9992 010



Planning Department (414) 425-4024



NORTH 2017 Aerial Photo

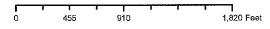
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.



TKN: 934 9992 010



Planning Department (414) 425-4024



NORTH 2017 Aerial Photo

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



REPORT TO THE PLAN COMMISSION

Meeting of July 5, 2018

Special Use

RECOMMENDATION: City Development Staff recommends approval of the Special Use Application for a road and storm water management pond within the floodplain, subject to the conditions as noted in the attached draft resolution.

Project Name: Oakwood at Ryan Creek Preliminary Plat

Project Location: 0 S. 76th Street (Taxkey: 934-9992-010)

Property Owner: Schweitzer Family Partnership

Applicant: Neumann Developments, Inc.

Agent: Cory O'Donnell, Project Manager, Neumann

Developments, Inc.

Current Zoning: R-5 Suburban Single-Family Residence District

2025 Comprehensive Plan: Residential and Areas of Natural Resource Features, except

for Outlot 5, which is designated as Business Park

Use of Surrounding Properties: Single-family residential to the north (primarily zoned R-8

Multiple-Family Residence District), agricultural land to the south and west and single-family residential and

Milwaukee County parkland to the east

Applicant's Action Requested: Approval of the Special Use to allow a road and storm

water management pond within the floodplain

Introduction:

Please note:

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

On June 14, 2018, the applicant submitted a Special Use Application requesting approval of a road and storm water management pond within the FW Floodway District. Section 15-3.0604 of the UDO allows "Roadways" and "Water quality ponds" as Special Uses in the FW Floodway Zoning District.

The applicant is proposing approximately 19,335 square feet of disturbance of wetland, wetland buffer, wetland setback and floodplain for construction of the proposed South Creekview Court within the Oakwood at Ryan Creek subdivision development. Note that these natural resources overlap and the Special Use approval is for the impacts to the floodplain only. The other natural resource impacts are subject to review under Ordinance 2016-2224 (attached).

Additionally, there are approximately 12,634 square feet of impacts to wetland buffer, wetland setback, floodplain and shoreland setback for the proposed public trail and storm water management pond along the north side of the property. Again, these resources overlap and the special use is for approval of the pond impacts to the floodplain. The other impacts will be reviewed as required under Ordinance 2016-2224.

The total area of protected natural resource features impacted for the road, trail and storm water pond are 31,969 square feet. The total floodplain impacts resulting from South Creekview Court and the storm water management pond total 16,834 square feet.

The applicant is proposing to compensate the floodplain impacts onsite at a 1:1 ratio. The compensation would occur within Outlot 1. <u>Staff recommends submittal of a mitigation plan demonstrating one to one floodplain compensation measures onsite, for Department of City Development review and approval, prior to issuance of a Land Disturbance Permit.</u>

Staff also recommends that the Common Council request a review of the proposed special use application by the Wisconsin Department of Natural Resources (DNR) and City approval of the special use not occur for at least thirty days following notification to the DNR or until the DNR has made its recommendation, whichever comes first, in accordance with Section 15-9.0103D. of the Unified Development Ordinance.

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

Note that in 2017, the City approved a Rezoning, Comprehensive Master Plan Amendment and Preliminary Plat that:

- rezoned the subject property from R-2 Estate Single-Family Residence District to R-5 Suburban Single-Family Residence District, excluding Outlot 5 of the proposed plat, which remains zoned R-2
- amended the Future Land Use Map use designation from Business Park to Residential, but again excluding Outlot 5, which retained its Business Park use designation.

• subdivided the existing 43.63-acre parcel into 63 R-5 single-family residential lots and 5 outlots. The 5 outlots consist of protected natural resource features, storm water management facilities and a 97,054 square foot portion of property (Outlot 5) to be retained by the developer for future commercial development. Outlot 5 is located in the southeast corner of the property, adjacent to the intersection of S. 76th Street and W. Oakwood Road.

Staff Recommendation:

City Development Staff recommends approval of the Special Use Application for a road and storm water management pond within the floodplain, subject to the conditions as noted in the attached draft resolution.

RESOLUTION NO. 2018-____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE TO ALLOW FOR A ROAD AND STORM WATER MANAGEMENT POND WITHIN THE 100 YEAR FLOOD PLAIN USE UPON PROPERTY LOCATED AT APPROXIMATELY 10100 SOUTH 76TH STREET (OAKWOOD AT RYAN CREEK SUBDIVISION) (NEUMANN DEVELOPMENTS, INC., APPLICANT)

WHEREAS, Neumann Developments, Inc. having petitioned the City of Franklin for the approval of a Special Use in an R-5 Suburban Single-Family Residence District and FW Floodway District to allow for a road and storm water management pond within the 100 Year Flood Plain (per Federal Emergency Management Agency mapping) [Section 15-3.0604 of the UDO allows "Roadways" and "Water quality ponds" as Special Uses in the FW Floodway Zoning District], which will require the following impacts: approximately 19,335 square feet of disturbance of wetland, wetland buffer, wetland setback and floodplain for construction of the proposed South Creekview Court (Note that these natural resources overlap and the Special Use approval is for the impacts to the floodplain only. The other natural resource impacts are subject to review under Ordinance No. 2016-2224 An Ordinance to Amend the Unified Development Ordinance Text to Add a Footnote to Table 15-4.0100 to Provide That All Public (Federal, State, County, and City Owned) Streets, Sidewalks and Trails Construction Shall Conditionally Not Be Subject to the Natural Resource Features Protection Standards Following the Review and Approval of an Application Therefore by the Common Council.) and approximately 12,634 square feet of impacts to wetland buffer, wetland setback, floodplain and shoreland setback for the proposed public trail and storm water management pond along the north side of the property (These resources overlap, and the Special Use is for approval of the trail and pond impacts to the floodplain. The other impacts will be reviewed as required under Ordinance No. 2016-2224.), all amounting to approximately 31,969 square feet of total impacts. The property is located at approximately 10100 South 76th Street, bearing Tax Key No. 934-9992-010, more particularly described as follows:

Being a part of the Northeast 1/4 and Southeast 1/4 of the Southeast 1/4 of Section 28, Township 5 North, Range 21 East, City Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the southeast corner of the Southeast 1/4 of said Section 28; thence South 88°25'24" West along the south line of said Southeast 1/4, 600.00 feet; thence North 01°25'36" West, 80.00 feet to a point on the east line of Outlot 1 of Certified Survey Map No. 4110 and the point of beginning; Thence continuing North 01°25'36" West along said east line, 223.35 feet to the northeast corner of said Outlot 1; thence South 88°34'23" West along the north line of said

Outlot 1 and then along the north line of Certified Survey Map 4109, Certified Survey Map No. 2190 and Certified Survey Map No. 436, 711.57 feet to the west line of the East 1/2 of said Southeast 1/4; thence North 00°21'59" West along said west line, 1682.14 feet; thence North 89°45'49" East, 779.37 feet; thence South 45°24'34" East, 468.11 feet; thence North 89°45'49" East, 150.00 feet to the west right of way line South 76th - County Trunk Highway "U"; thence South 00°14'11" East along said west right of way line, 343.47 feet; thence South 89°45'49" West, 182.00 feet; thence South 00°14'11" East. 180,00 feet; thence North 89°45'49" East, 182.00 to the aforesaid west right of way line; thence South 00°14'11" East along said west right of way line, 20.00 feet; thence South 89°45'49" West, 182.00 feet; thence South 00°14'11" East, 180,00 feet to the north line of Certified Survey Map No. 4108; thence South 89°45'49" West along said north line, 60.00 feet to northwest corner of said Certified Survey Map No. 4108; thence South 00°14'11" East along the west line of said Certified Survey Map No. 4180, 180.00 feet to the southwest corner of said Certified Survey Map No. 4108; thence South 89°45'49" West, 60.00 feet; thence South 00°01'32" West, 210.75 feet; thence North 88°33'42" East, 121.03 feet to the northwest corner of Certified Survey Map No. 1911; thence South 00°14'11" East along the west line of said Certified Survey Map No. 1911, 239.34 feet to the southwest corner of said Certified Survey Map No. 1911; thence North 88°33'42" East along the south line of said Certified Survey Map No. 1911, 182.00 feet to the aforesaid west right of way line; thence South 00°14'11" East, 60.74 feet; thence South 08°16'54" West, 101.50 feet to the north right of way line of Oakwood Road; thence South 88°25'24" West, 125.00 feet; thence South 77°15'47" West along said north right of way line, 206.66 feet; thence South 88°25'24" West along said north right of way line, 199.79 feet to the point of beginning. Containing 1,893,172 square feet (43.4612 acres) of land; and

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

NEUMANN DEVELOPMENTS	<u>, INC. –</u>	- SPECIAL	USE
RESOLUTION NO. 2018			
Page 3			

nature, history or the like; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Neumann Developments, Inc., for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

- 1. That this Special Use is approved only for the use of the subject property by Neumann Developments, Inc., successors and assigns, as a road and storm water management pond use, which shall be developed in substantial compliance with, and operated and maintained by Neumann Developments, Inc., pursuant to those plans City file-stamped June 27, 2018 and annexed hereto and incorporated herein as Exhibit A.
- 2. Neumann Developments, Inc., successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Neumann Developments, Inc. (Oakwood at Ryan Creek Subdivision) road and storm water management pond use, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
- 3. The approval granted hereunder is conditional upon the Neumann Developments, Inc. (Oakwood at Ryan Creek Subdivision) road and storm water management pond use, for the property located at approximately 10100 South 76th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
- 4. A mitigation plan demonstrating one to one floodplain compensation measures onsite shall be submitted for Department of City Development review and approval, prior to issuance of a Land Disturbance Permit.
- 5. The Common Council shall request a review of the proposed special use application by the Wisconsin Department of Natural Resources (DNR) and City approval of the

NEUMANN DEVELOPMENTS, INC SPECIAL	USE
RESOLUTION NO. 2018	
Page 4	

special use shall not occur for at least thirty days following notification to the DNR or until the DNR has made its recommendation, whichever comes first, in accordance with Section 15-9.0103D. of the Unified Development Ordinance

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

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

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

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

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

Introdu	ced at a regular	meeting of the	e Common C	Council of	the City o	of Frank	clin tł	iis
day o	f	, 20	18.					
Passed	and adopted at	a regular me	eting of the	Common	Council	of the	City	of
Franklin this _	day of _		, 20	18.				

	DEVELOPME N NO. 2018	NTS, INC. – SPE0 	CIAL USE
			APPROVED:
			Stephen R. Olson, Mayor
ATTEST:			
Sandra L. We	esolowski, City	Clerk	
AYES	NOES	ABSENT	



Oakwood at Ryan Creek

Neumann Developments is eager to provide details regarding its latest potential subdivision in the City of Franklin, located at the corner of S. 76th St and Oakwood Ave. Neumann Developments has been creating single-family residential subdivisions in South-Eastern and South-Central Wisconsin since the year 2000. Neumann Developments, Inc. has had the proud distinction to have their communities selected for the Metropolitan Builders Association Parade of Homes in seven of the past nine years!

Project Summary for Oakwood at Ryan Creek:

- 63 single family lots
- Average Lot size 14,851 SF
- Density 1.53 lots/acre
- Total Area 43.60 Acres
- Current Zoning is R-5 and FW

The proposed development would utilize an access point at both Oakwood Ave. and S. 76th St. including over a 3 Acre outlot at the corner of S.76th and Oakwood Ave for potential commercial purposes.

The average lot size is 14,851 square feet with a density of 1.53 lots/acre. All lots and storm water management facilities are located in upland. A proposed 20' wide utility easement is provided for municipal access for future main extensions along S. 76th Street.

Landscape buffer-yards are incorporated into the design based on natural resource areas. A natural resources protection plan has been completed in spring 2017 and has been incorporated into the design. Common area amenities include a proposed public trail system along Ryan Creek and a passive park and/or tot lot for this community.

Oakwood at Ryan Creek will be a deed restricted community with an incorporated home owners association. The responsibilities of the home owner's association include management of the storm water management facilities and commonly owned land. The deed restrictions will reflect the minimum home size, construction materials, and other pertinent details regarding the community standards. The minimum home size floor areas are anticipated to be 1,700 square feet for a ranch/one story home and 2,100 square feet for a two-story homes. Natural building materials and stone accent requirements will be included.

Oakwood at Ryan Creek is within the existing sanitary sewer and water service areas. Sanitary sewer is at the northwest corner of the property and water main would need to be brought from the north along the future or 80th St extension. Storm water management will be located in the southwest corner and northeast corner of the property.

NEUMANN DEVELOPMENTS, INC. * N27 W24025 PAUL CT. SUITE 100 * PEWAUKEE, WI 53072 262-542-9200 * FAX: 262-349-9324 * NEUMANNDEVELOPMENTSINC.COM



Market Analysis

Projected Value Analysis

63 Single Family Homes x \$350,000 = \$22,050,000

Projected Absorption Rate = 20 Units per year

We anticipate the absorption rate of the development to generate 1.67 units to sell per month or approximately 20 units per year.

Projected School Impact = Less than 0.6 * 63 units = 37.8 (38) students

There are several factors present in most parts of the country that tend to reduce education expenses per housing unit. The first is the average number of school-aged children present in the units. According to the American Housing Survey, there is, on average, only a little over one schoolaged child for every two households in the U.S. The number is about 0.6 per household for single-family and under 0.4 per household for multifamily. So education costs per housing unit are lower than costs per pupil, simply because there is less than one pupil per household.

Projected Tax Revenue

350,000/1000 (350*24.09) = 8,432 per unit

 Average annual local govt. operating expense per housing unit in the Milwaukee Metropolitan Area (2010) \$5551 per unit *National Association of Home Builders and SEWRPC

Projected Population Impact 3.13 residents per home (63 *3.14) = 198 residents *2015 American Community Survey, 1-Year Estimates, US Census Bureau

Financial Plan for Project Implementation

Neumann Developments will make and install the public improvements reasonably necessary and will provide security to ensure that we will make those improvements within a reasonable time. Neumann Developments will post a Letter of Credit, at the commencement of the project in an amount not to exceed 120 percent of the estimated total cost to complete the required public improvements. This Letter of Credit will provide security for no more than 14 months after the date of public improvements for which the security is provided are substantially completed and upon substantial completion of the public improvements (binder coat installation on roads).

Building Schedule

It is anticipated that completion of the project will be begin in summer 2018 with building permit availability in fall 2018.



Market Conditions

A current market assessment of The City of Franklin available vacant single family residential lots indicated a scarcity of available inventory. A total of five lots serviced by municipal sewer and water were sold on the open market between August 2016 and August 2017. Currently only five lots are listed for sale in the City of Franklin with municipal services.

We have found that demand for inventory in Franklin has been very high and artificially constrained due to lack of inventory. Building activity in neighboring communities including Muskego has been very strong. We have had numerous inquiries about availability inventory in Franklin since the inception of this proposed project.

Mitigation Plan

As part of the development, natural resources will be impacted to install the public road connection to South 76th Street (CTH U), construct the northern storm water quality pond and to install a public trail from South 76th Street (CTH U) to the northwest corner of the property. The impacted resources include floodplain, wetland, wetland setback, wetland buffer and shoreland setback. To mitigate for the impact, the floodplain fill will be compensated at a 1:1 ratio in Outlot 1 near the impacted area. In addition, the farmed areas on the property (which include the natural resource features) will be seeded in order to establish grass which will reduce erosion and increase filtration of the storm water flowing to Ryan Creek when compared to the existing farm field. A special use from the City of Franklin has been applied for in regard to the floodplain impact associated with the public road and storm water quality pond. The impact to the other natural resource features are subject to review under Ordinance No. 2016-2224.



Legal Description of the entire property:

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

Commencing at the southeast corner of the Southeast 1/4 of said Section 28; thence South 88°25'24" West along the south line of said Southeast 1/4, 600.00 feet; thence North 01°25'36" West, 80.00 feet to a point on the east line of Outlot 1 of Certified Survey Map No. 4110 and the point of beginning;

Thence continuing North 01°25'36" West along said east line, 223.35 feet to the northeast corner of said Outlot 1; thence South 88°34'23" West along the north line of said Outlot 1 and then along the north line of Certified Survey Map 4109, Certified Survey Map No. 2190 and Certified Survey Map No. 436, 711.57 feet to the west line of the East 1/2 of said Southeast 1/4; thence North 00°21'59" West along said west line, 1682.14 feet; thence North 89°45'49" East, 779.37 feet; thence South 45°24'34" East, 468.11 feet; thence North 89°45'49" East, 150.00 feet to the west right of way line South 76th - County Trunk Highway "U"; thence South 00°14'11" East along said west right of way line, 343.47 feet; thence South 89°45'49" West, 182.00 feet; thence South 00°14'11" East, 180.00 feet; thence North 89°45'49" East, 182.00 to the aforesaid west right of way line; thence South 00°14'11" East along said west right of way line, 20.00 feet; thence South 89°45'49" West, 182.00 feet; thence South 00°14'11" East, 180.00 feet to the north line of Certified Survey Map No. 4108; thence South 89°45'49" West along said north line, 60.00 feet to northwest corner of said Certified Survey Map No. 4108; thence South 00°14'11" East along the west line of said Certified Survey Map No. 4180, 180.00 feet to the southwest corner of said Certified Survey Map No. 4108; thence South 89°45'49" West, 60.00 feet; thence South 00°01'32" West, 210.75 feet; thence North 88°33'42" East, 121.03 feet to the northwest corner of Certified Survey Map No. 1911; thence South 00°14'11" East along the west line of said Certified Survey Map No. 1911, 239.34 feet to the southwest corner of said Certified Survey Map No. 1911; thence North 88°33'42" East along the south line of said Certified Survey Map No. 1911, 182.00 feet to the aforesaid west right of way line; thence South 00°14'11" East, 60.74 feet; thence South 08°16'54" West, 101.50 feet to the north right of way line of Oakwood Road; thence South 88°25'24" West, 125.00 feet; thence South 77°15'47" West along said north right of way line, 206.66 feet; thence South 88°25'24" West along said north right of way line, 199.79 feet to the point of beginning. Containing 1,893,172 square feet (43.4612 acres) of land.

Planning Department 9229 West Loomis Road Franklin, Wisconsin 53132 Email: generalplanning@franklinwi.gov



Phone: (414) 425-4024 Fax: (414) 427-7691

Web Site: www.franklinwi.gov

Date of Application: June 12, 2018

SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION

Complete, accurate and specific info	ormation must be entered. <u>Please Print.</u>
Applicant (Full Legal Name[s]): Name: Eric Obarski	Applicant is Represented by: (contact person)(Full Legal Name[s])
Company: Oakwood at Ryan Creek LLC	Name: same as applicant
Mailing Address: N27 W 24025 Paul Court, Suite 100	Company:
	Mailing Address:
City / State: Pewaukee, WI zip: 53072 Phone: 262-542-5900	City / State: Zip:
Email Address: eobarski@neumanncompanies.com	Phone:
Email Address: Cobal ski@neumanncompanies.com	Email Address:
Project Property Information: Property Address: 0 S. 76th Street & West Oakwood Road Property Owner(s): Oakwood at Ryan Creek LLC	Tax Key Nos: _934-9992-010
	Existing Zoning: R-5, FW except Outlot 5 which is R-2
Mailing Address: N27 W 24025 Paul Court, Suite 100	Existing Use: Agricultural
City / State: Pewaukee, WI zip: 53072	Proposed Use: Residential
Email Address: eobarski@neumanncompanies.com	Future Land Use Identification: Residential & Areas of Natural Resource Features,
	except Outlot 5, which is designated as Business Par http://www.franklinwi.gov/Home/ResourcesDocuments/Maps.htm
Special Use/Special Use Amendment submittals for review must include and	d be accompanied by the following:
This Application form accurately completed with original signature(s). Fa	ocsimiles and copies will not be accepted.
	\$1000 Special Use Amendment
\$1500, New Special Use over 4,000 square feet	\$750, New Special Use under 4,000 square feet
Legal Description for the subject property (WORD.doc or compatible form	nat).
One copy of a response to the General Standards, Special Standards (if	applicable), and Considerations found in Section 15-3.0701(A), (B), and (C) of
the Unified Development Ordinance available at www.franklinwi.gov .	Control day Systems Control
Seven (7) complete <u>collated</u> sets of Application materials to include:	
One (1) original and six (6) copies of a written Project Summary, incluinterior/exterior building modifications or additions to be made to project the building modifications.	iding description of any new building construction and site work, operty, site improvement costs, estimate of project value and any other
injormation that is available.)	
only those plans/items as set forth in Section 17-7 0101 15-7 0201 as	the Site Plan/Site Plan Amendment package. (The submittal should include and 15-5.0402 of the Unified Development Ordinance that are impacted by the
development. (e.g., Site Plan, Building Elevations, Landscape Plan, Out	td 13-3.0402 of the Unified Development Ordinance that are impacted by the
X Four (4) folded reduced size (11"x17") copies of the Site Plan/Site Plan	n Amendment package.
One colored copy (11"x17") of the building elevations, if applicable. Not:	applicable
Three copies of the Natural Resource Protection Plan and report, if application	able (see Section 15-4,0102 & 15-7,0201 of the UDO). Proviously submitted
Email (or CD ROM) with all plans/submittal materials. Plans must be submi	itted in both Adobe PDF and AutoCAD compatible format (where applicable).
 Upon receipt of a complete submittal, staff review will be conducted Special Use/Special Use Amendment requests require Plan Comm 	cted within ten business days
The applicant and property owner(s) hereby certify that: (1) all statements and oth	ner information submitted as part of this application are true and correct to the best
or applicant's and property owner(s) knowledge; (2) the applicant and property of the applicant and property owner(s) agree that any approvals based on represen ssued building permits or other type of permits, may be revoked without notice execution of this application, the property owner(s) authorize the City of Franklin a	owner(s) has/have read and understand all information in this application; and (3) owner(s) has/have read and understand all information in this application; and (3) ottations made by them in this Application and its submittal, and any subsequently if there is a breach of such representation(s) or any condition(s) of approval. By end/or its agents to enter upon the subject property(ies) between the hours of 7:00 der review. The property owner(s) grant this authorization even if the property has
The applicant's signature must be from a Managina Member if the business is a	an LLC, or from the President or Vice President if the business is a corporation. A
signed applicant's authorization letter may be provided in lieu of the applicant provided in lieu of the property owner's signature[s] below. If more than one, all o	t's signature below, and a signed property owner's much animation to the signature
Briature - Property Owner	Signature - Applicant
lame & Title (PRINT)	Fra Obassa And Osland at Rin Crad. 116
Date: 6/12/18	Name & Title (PRINT) Date: 6/12//B
	14:001
ignature - Property Owner	Signature - Applicant's Representative
ame & Title (PRINT) Date:	Name & Title (PRINT)
Date.	Date

DIVISION 15-3.0700 SPECIAL USE STANDARDS AND REGULATIONS

SECTION 15-3.0701

GENERAL STANDARDS FOR SPECIAL USES

- A. <u>General Standards</u>. No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:
- 1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.
 - Response: The property is zoned R-5, suburban single-family residence district. This development was designed to meet the R-5 district requirements. Residential development is consistent with the surrounding zoning. In the fall of 2017 the City of Franklin amended their land use plan for this property from commercial to residential and areas of natural resource features. The property was then rezoned from R-2, R-8 and FW to R-5 and FW.
- 2. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.
 - Response: As noted, the property is being developed under the R-5 zoning district which is consistent with the surrounding properties and area. There are residential properties along South 76th Street (CTH U) and Oakwood Road so the development will fit into the character of the area.
- 3. **No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.
 - Response: The development will be constructed with one access point to South 76th Street (CTH U) and one access point to Oakwood Road. The access to Oakwood Road matches the location shown on the land use plan. The land use plan shows a future road on the south side of Oakwood Road which would align to the proposed road. The proposed subdivision provides two road stubs to the west for future connection of the westerly adjoining property when that property is developed. Sanitary sewer and water main will be brought to the site and stubbed for future extensions to the adjoining properties. The proposed development will meet the regulations of the district that it is in.
- 4. Adequate Public Facilities. The proposed use and development will be served

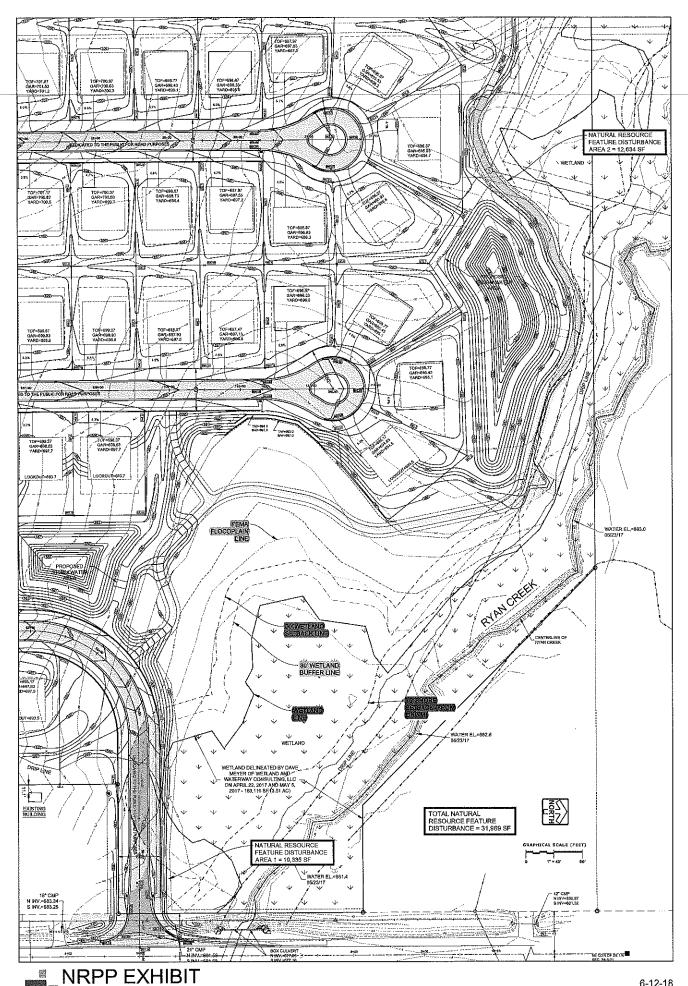
adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.

- Response: The proposed development will be served by public sanitary sewer and water main. There is public access to South 76th Street (CTH U) on the east and Oakwood Road on the south. These access points provide adequate emergency vehicle access to the property. There are two road stubs to the west for future road extensions which will provide connectivity in the area. All other services will be provided as they are being provided to residents in this area.
- 5. **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
 - Response: The development will have access to South 76th Street (CTH U), a county highway (aertial) and Oakwood Road a local road. The Milwaukee County DOT is requiring acceleration and deceleration tapers in to and out of the subdivision along with a bypass lane to minimize traffic impacts on the county highway. There will be acceleration and deceleration tapers installed on Oakwood Road. There are no connection points from the subdivision to any other existing residential streets.
- 6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.
 - Response: The development will be on a vacant agricultural property that does include wetland, wetland buffers, wetland setbacks, floodplain, and a shore buffer. The development was designed around the natural features to meet the requirements of Section 15-4.0100. There will be an impact to the natural features in order to provide access to South 76th Street (CTH U) and to install a public trail from South 76th Street (CTH U) to the northwest corner of the property. The access to South 76th Street (CTH U) is required to provide a secondary access point which is required for emergency access and to provide proper ingress and egress to the subdivision. There is no connection point to South 76th Street (CTH U) from this property that would not impact some natural resource features. The public trail is part of the City Franklin overall trail plan in the area. As part of the preliminary plat review by the City, the City requested the trail be installed along the north end of the development. Other than the natural features noted, there are no other significant features.
- 7. **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations

of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

- Response: The development conforms to the requirements of the R-5, suburban single-family residence district. The special use request is to allow for the public road connection to South 76th Street (CTH U) and a storm water quality pond within the FEMA floodplain area per the City of Franklin UDO Section 15-3.0604.
- **B.** <u>Special Standards for Specified Special Uses</u>. When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.
 - Response: The development does not have any special standards listed in Sections 15-3.0702 and 15-3.0703.
- C. <u>Considerations</u>. In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:
- 1. **Public Benefit**. Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.
 - Response: The public benefit of this project is to provide new single family residential housing near South 76th Street (CTH U) and Oakwood Road in the City of Franklin. As part of the development, public water main and sanitary sewer will be extended to this area and can be extended to adjacent properties. Public trails will be constructed to meet the intent of the City of Franklin trail plan.
- 2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.
 - Response: There is an opportunity to purchase and possibly develop this property which is in a great location. Residential development could occur in a different location but along South 76th Street (CTH U) in this part of the City is an attractive location and would fit a need in the marketplace.
- 3. **Mitigation of Adverse Impacts**. Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

- Response: The connection point to South 76th Street (CTH U) was shifted as far south as possible to limit the impact to the floodplain. The floodplain fill will be compensated for in the proposed grading plan at a 1:1 compensation ratio. The floodplain impact will be on the north end of the property between the lots and Ryan Creek in an outlot that will be open space.
- 4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.
 - Response: The development of this property will not establish a precedent in the surrounding area. The surrounding properties are zoned and part of the City comprehensive plan and any development on these adjacent properties would need to follow the same design as this development subject to meeting the requirements of the UDO. The proposed development is typical of a residential development.



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