

**CITY OF FRANKLIN  
COMMON COUNCIL MEETING\*  
FRANKLIN CITY HALL COMMON COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*\*  
TUESDAY, JUNE 16, 2015  
AT 6:30 PM**

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Approval of Minutes:
  - 1. June 2, 2015 Common Council Meeting.
  - 2. June 10, 2015 Special Common Council Meeting.
- D. Hearings.
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
  - 1. Consent Agenda:
    - (a) Request from Mayor Olson for Common Council Concurrence to Request Governor Walker Veto Room Tax Changes.
    - (b) An Ordinance to Prohibit Parking from 9:00 a.m. to 3:00 p.m. on Weekdays on Both Sides of West Minnesota Avenue from its Intersection with South 31<sup>st</sup> Street to 115 Feet East and West and on Both Sides of South 31<sup>st</sup> Street from its Intersection with West Minnesota Avenue to 150 Feet North.
    - (c) Authorization for the Public Works Department to Advertise and Accept Sealed Bids for the 2015 Pavement Marking Program.
    - (d) 2015 National Night Out Donations.
    - (e) Police Department Community Grant Award of \$2,500.00 from the Wal-Mart Foundation.
  - 2. Standards, Findings and Decision of the City of Franklin Common Council Upon the Application of Tuckaway Country Club for a Special Exception to Certain Natural Resource Provisions of the City of Franklin Unified Development Ordinance.
  - 3. An Ordinance to Amend the Unified Development Ordinance Text at Table 15-3.0603 Standard Industrial Classification Title No. 1761 "Roofing, Siding, and Sheet Metal Work (Without Outdoor Storage)" to Allow for Such Use as a Permitted Use in the B-3 Community Business District (Christos Kambouris, Applicant).
  - 4. City of Franklin's Community Development Block Grant Program Projects for 2016.

5. Kayla's Playground Status 06/16/15.
6. A Resolution Awarding Contract to the Low Bidder, Huffcutt Concrete, Inc., in the Amount of \$188,625.00, for the Modular Precast Concrete Restroom for Kayla's Playground at Franklin Woods Park.
7. Status on Trail for Christine Rathke Memorial.
8. Franklin Hike Bike Trail Update Park (Area of West Forest Home Avenue, South of West Rawson Avenue).
9. A Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Granted by Section 207-15 of the Municipal Code, and Section 66.0701 of the State Statutes and Establish a Public Hearing Date, July 21, 2015, for the Extension of Water Main on West Crest Court from South 35<sup>th</sup> Street to South 36<sup>th</sup> Street.
10. A Resolution to Accept Jurisdictional Transfer of South 68<sup>th</sup> Street from Milwaukee County from West Ryan Road to Approximately 600 Lineal Feet South of West Puetz Road.
11. A Resolution to Sign Change Order 1 for Construction of Franklin Water and Wastewater Operations and Maintenance Facility (5550 West Airways Avenue).

H. Licenses and Permits.  
Miscellaneous Licenses.

I. Bills.  
Vouchers and Payroll approval

J. Adjournment

REMINDERS:

June 18	Plan Commission	7:00 p.m.
July 3	City Hall Closed (Holiday)	
July 7	Common Council	6:30 p.m.
July 9	Plan Commission	7:00 p.m.

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

\*\*Supporting documentation and details of these agenda items are available at City Hall during normal business hours.  
[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]



- RES. 2015-7094  
MOU FOR USE OF  
SOFTBALL FIELDS  
(FRANKLIN PUBLIC  
SCHOOL DISTRICT)
- G.4. Alderwoman S. Mayer moved to adopt Resolution No. 2015-7094, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A MEMORANDUM OF UNDERSTANDING FOR THE INSTALLATION AND MAINTENANCE OF DUGOUTS FOR AND THE USE OF THE SOFTBALL FIELDS LOCATED SOUTH OF THE CITY OF FRANKLIN DEPARTMENT OF PUBLIC WORKS FACILITY AT 7979 WEST RYAN ROAD. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RESULTS OF WATER  
SERVICE SURVEY IN S.  
46<sup>TH</sup> ST. AND IN W  
CREST CT.
- G.5. Alderwoman Evans moved to direct staff to further investigate water service and survey property owners along South 46<sup>th</sup> Street between West Hilltop Lane and West Ryan Road, subject to staff review of prior Common Council action on a resolution as it pertains to surveying property owners. Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.
- Alderwoman Evans moved to place on file. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- to further investigate with the assistance of a consultant and survey property owners along West Maplecrest Drive, three property owners west of South 36<sup>th</sup> Street; and along West Glenwood Drive, two property owners west of 36<sup>th</sup> Street; and South 36<sup>th</sup> Street, five property owners south of West Crest Court.
- AGREEMENT WITH  
GRAEF FOR DESIGN OF  
TRAIL FOR CHRISTINE  
RATHKE MEMORIAL  
PARK
- G.6. Alderwoman Wilhelm moved to table until June 16, 2015 Common Council meeting, a resolution authorizing officials to execute an engineering services agreement with Graef for the design of a trail for Christine Rathke Memorial Park. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- Alderwoman S. Mayer moved to look at other engineering services and bring back more information as to competitive proposals. Seconded by Alderwoman Wilhelm.
- RES. 2015-7095  
AWARDING CONTRACT  
TO MUSSON BROTHERS,  
INC.
- G.7. Alderwoman Wilhelm moved to adopt Resolution No. 2015-7095, A RESOLUTION AWARDING CONTRACT TO THE LOW BIDDER, MUSSON BROTHERS, INC. IN THE AMOUNT OF \$324,071, FOR THE S. 35<sup>TH</sup> STREET, S. 36<sup>TH</sup> STREET AND S. 37<sup>TH</sup> PLACE PRIVATE PROPERTY SANITARY SEWER LATERAL INFLOW AND INFILTRATION REHABILITATION SOUTH OF W. MADISON BOULEVARD. Seconded by Alderwoman Evans. All voted Aye; motion carried.

- QUARRY MONITORING  
COMM. RE: NOISE  
REGULATIONS AND  
TARPING G.8. No action was required on an update relating to Quarry Monitoring Committee recommendations regarding the review of information pertaining to the application of the City noise regulations and the potential requirement for the use of tarps on trucks for quarry related operations.
- RES. 2015-7096  
PURCHASING CARD  
POLICY AND  
PROCEDURES G.9. Alderman Dandrea moved to adopt Resolution No. 2015-7096, A RESOLUTION TO ADOPT PURCHASING CARD POLICIES AND PROCEDURES FOR THE CITY OF FRANKLIN as amended. Seconded by Alderwoman Evans. All voted Aye; motion carried.
- RES. 2015-7097  
ASSET MANAGEMENT  
FIXED ASSET  
SOFTWARE G.10. Alderwoman Evans moved to adopt Resolution No. 2015-7097, A RESOLUTION TO AUTHORIZE PURCHASE OF REAL ASSET MANAGEMENT FIXED ASSET SOFTWARE. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- MONTHLY FINANCIAL  
REPORT G.11. Alderman Schmidt moved to place on file the April 2015 Monthly Financial Report. Seconded by Alderwoman Evans. All voted Aye; motion carried.
- DIR. OF INFORMATION  
TECHNOLOGY JOB  
DESCRIPTION AND  
RECRUITMENT  
SERVICES CONTRACT G.12. Alderman Schmidt moved to approve the Job Description for the Director of Information Technology. Seconded by Alderwoman Evans. All voted Aye; motion carried.  
Alderwoman Evans moved to authorize the Mayor and City Clerk to execute a professional services agreement with a public sector recruitment consultant (GovHR USA or Springsted, Inc.) for the purpose of conducting a search for a Director of Information Technology for an amount not to exceed \$20,000, including advertising costs, but limited to and using available appropriations in the Information Services Personal Services portion of the 2015 budget. Seconded by Alderman Schmidt. All voted Aye; motion carried.
- RES. 2015-7098  
DESIGNATION OF  
OFFICIAL NEWSPAPER G.13. Alderwoman Evans moved to adopt Resolution No. 2015-7098, A RESOLUTION DESIGNATING AN OFFICIAL NEWSPAPER. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- LICENSES AND  
PERMITS H.1. Alderman Dandrea moved to approve the following:  
Grant 2014-2015 Operator license to Jamie M Balistreri, 8333A W. Morgan Ave., Milwaukee; Millicent F Hynes, 4336 S. 46<sup>th</sup> St., Greenfield; Frank J Janiszewski, 12301 W. Ryan Rd., Franklin; Michael J Lloyd, 10129 W. Forest Home Ave., #1, Hales Corners; and Roger A Young, 3316 S. Chicago Ave., #3, South Milwaukee;

Hold 2014-2015 Operator license application for appearance from Danielle Johnson, 6918 Bay Wood Dr., Racine;

Hold 2015-2016 Operator license applications for appearances from Cody Alvey, 511 Southtowne Pl., Apt M204, South Milwaukee; Gabriela Palacios Cruz, 3214 S. 13<sup>th</sup> St., Milwaukee; and Anthony Raggio, 841 N. 15<sup>th</sup> St. #12, Milwaukee;

Grant 2015-2016 Operators' licenses to:

Laura Applegate, 3705 E. Grange Ave., #4, Cudahy; Jamie Balistreri, 8333A W. Morgan Ave., Milwaukee; Wendy Balistreri, 7271 S. Delaine Dr., Oak Creek; Melissa Boileau, 2270 S. 102<sup>nd</sup> St., West Allis; Darrell Bostwick, 7308 Lakeshore Dr., Racine; James Braun, 904 Michigan Ave., South Milwaukee; William Canales, 809 Lakeview Ave., Apt. 4, South Milwaukee; Holly Case, S67W14732 Janesville Rd., Muskego; Ashley Clark, 3035 W. Wisconsin Ave., #307, Milwaukee; Joel Clifford, 2155A S. Kinnickinnic Ave., Milwaukee; Denise Coley, 7345 S. Delaine Dr., Oak Creek; Jennifer Connors, 2480 W. Briar Lake Way, Unit 2A, Oak Creek; Melissa Conway, S64W13012 Kipling Ct., Muskego; Peggy Counter, S98W13259 Loomis Rd., Muskego; Robert Cutting, 4380 S. Placid Dr., Greenfield; Chad Czarnecki, 2987 W. Drexel Ave., #307, Franklin; Michael Dach, 109 N. Third St. Upper, Waterford; Mitchell Dolata, 3118 El Camino Way, Waterford; Kristi Drapes, 7679 S. Logan Ave., Oak Creek; Kristen Duffy, 3266 N. Newhall St., Milwaukee; Lori Falkowski, 10227 Parklane Ct., Hales Corners; Katelynn Flowers, 504 Southtowne Dr., Y102, South Milwaukee; Gino Gaglianello, 5873 Riverside Dr., Greendale; Vanessa Garnier, 11027 W. Grant St., #5, West Allis; Melissa Gorlewski, 3765 S. Rivershire Dr., #2, Greenfield; Gordon Graf, 19425 W. Glenwood Ln., New Berlin; Patricia Greer, 1702 E. Eden Pl., St Francis; Jeremy Haese, 11811 W. Rawson Ave., Franklin; Linda Hart, S75W14150 Restful Ln., Muskego; Bambi Hatfield, 3343 W. Colony Dr., Greenfield; Nicole Hinkley, 5439 Rainbow Dr., Greendale; Evan Hoffman, 8409 25<sup>th</sup> Ct., Kenosha; Jason Hofstedt, 4061 W. Marigold Ave., Greenfield; Genevieve Holtz, 4942 W. Beloit Rd. Lower; Sean Hurab, 2729 N. University Dr., Waukesha; Lisa Hutts, 5612 Euston St., Greendale, West Milwaukee; Amy Jacques, 28706 Beach Dr., Waterford; Shannon Kaurich, S83W22935 Mardith Ave., Big Bend; Sarah Klein, 24333 N. Wind Lake Rd., Wind Lake; Lisa Krueger, 7718 W. Howard Ave., Milwaukee; Traci Krueger, 5836 S. 37<sup>th</sup> Ct., Milwaukee; Brian Lewis, 6011 S. Barland Ave., Cudahy; Ryan Longworth, 3665 S. 3<sup>rd</sup> St., Milwaukee; Dawn Luce, 2956 Chicory Rd., Racine; Candi Lucksted, 14619 Two Mile Rd.,

Franksville; Deborah Lyons, 314 Luedtke Ave., Racine; Danielle Martin, 4141 S. 60<sup>th</sup> St. #43, Greenfield; Anthony Megna, 10321 W. Church St., Franklin; Kristen Menzel, 6938A S. Howell Ave., Oak Creek; Janet Miller, 2737 S. 58<sup>th</sup> St., Milwaukee; Susan Mlynczak, 6921 Spring St., Mount Pleasant; Henry Monti, 2408 Prospect St., Racine; Margaret Mooney, 7449 Riverview Rd., Franklin; Celena Mooren, 5746 S. 116<sup>th</sup> St., Hales Corners; James Nelson, 211 W. Oak Leaf Dr. #5, Oak Creek; Kory Orban, W376S4872 E. Pretty Lake Rd., Dousman; Karen Pacioni, 9044 W. Elm Ct., Unit B, Franklin; Cheryl Pierson, 2531 N. 35<sup>th</sup> St., Milwaukee; Vedrana Pilipovic, 3218 S. Landl Ln. # 104, Milwaukee; Gregory Pollen, 17100 W. Shadow Dr., New Berlin; Denise Popp, W182S7715 Valley Dr., Muskego; Tanina Poteracki, 2933 W. Drexel Ave. #502, Franklin; Kayla Redlin, 10195 W. Coldspring Rd., Greenfield; Richard Reuchlen, 2210 N. 115<sup>th</sup> St., Wauwatosa; Sharon Ricco, 12400 W. Rosemary Dr., New Berlin; Terese Riesner, 10630 S. Peggy Dr., Oak Creek; Katelyn Saldutte, 3230 S. Delaware Ave., Milwaukee; Jason Schnell, 1612 59<sup>th</sup> St., Kenosha; Mary Schultz, 2664 Hidden Dr., St Francis; Patricia Schultz, 3829 S. Ahmedi Ave., St Francis; Trisha Segura, 3107 St. Clair St., Racine; Graham Serchen, 26129 Windermere Dr., Wind Lake; Vito Siciliano, 1064 Main St. #2, Antioch; Deborah Sporleder, S108W16327 Loomis Dr., Muskego; Nicole Stankowski, 3166 W. Thorncrest Dr., Franklin; Michael Steffes, 415 W. Riverfront Dr., Glendale; Mary Tairi, 3644 E. Layton Ave., Cudahy; Valerie Thompson, 3349 S. 113<sup>th</sup> St., West Allis; Jacob Voss, 10375 S. Willow Creek Dr., Oak Creek; Sharon Weiss, 550 W. Riverwood Dr. #104, Oak Creek; Jamie West, 10096 W. Whitnall Edge Dr., Franklin; Jeffry West, 1464 E. Wild Ginger Way #3611, Oak Creek; Julia Wolf, 3749 S. Packard Ave., Apt 5, St Francis; Benjamin Woods, S70W13372 Fennimore Ln., Muskego; Jared Zakszewski, 2924 W. Hilltop Ln., Franklin; Phillip Zurowski, 11836 W. Howard Ave., Greenfield  
Seconded by Alderwoman Evans. All voted Aye; motion carried.

Alderman Dandrea moved to approve the following:

Grant Temporary Entertainment & Amusement License to Irish Cottage (Jim Losiniecki) for their Charity Poker Run on June 6, 2015 subject to providing a site plan and a second site plan in case of inclement weather;

Grant 2014-2015 and 2015-2016 Operator License to Joshua Farrell, 7417 S. 36<sup>th</sup> St., Franklin, with a warning letter from the City Clerk;

Grant 2015-2016 Operator License to Jennifer Castillo, 5601 Castle Ct., Apt 202, Racine, with a letter of warning;

Grant 2015-2016 Operator License to Margaret Spranger, 1208 Augusta St., Racine;

Grant 2014-2015 Change of Agent for Kwik Trip Inc., 10705 W Speedway Dr., Jeremy Walters; and for Walgreens Co., 9527 S. 27 St., Robin Harmon;

Grant 2015-2016 Daycare License, subject to satisfactory inspections to Academy of Integrity, 3900 W. Ryan Rd., LaQueesha Blockton, Director;

Grant 2015-2016 Entertainment and Amusement License, subject to satisfactory inspections to Fun Timez, 6544 S. Lovers Lane Rd., Mohammed Nowman, Owner;

Grant 2015-2016 Amusement Device Operator Licenses to: American Entertainment, W337 S5059 Hwy. GG, Dousman, Kenneth Grothmann, Owner; Games Are Us, Inc., W144 S6315 College Ct., Muskego, Steven Murphy, Owner; Reggie's Amusement, 1331 W. Janet Dr., Oak Creek, Reginald Zeniecki, Owner;

Grant 2015-2016 Auto Salvage License, subject to satisfactory inspections to Al's Auto Salvage, 10942 S. 124<sup>th</sup> St., Albert Schill, Owner;

Grant Extraordinary Entertainment & Special Event License to Xaverian Missionaries (Fr. Mark Marangone, s.x.), 4500 Xavier Dr., for their Annual Mission Festival on 6/27/2015 to 6/28/2015. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

VOUCHERS AND  
PAYROLL

I.1. Alderwoman Evans moved to approve net general checking account City vouchers in the range of Nos. 156540 through 156692 in the amount of \$881,871.50 dated May 15, 2015 through June 1, 2015. Seconded by Alderman Schmidt. On roll call, all voted Aye. Motion carried.

Alderman Schmidt moved to approve net payroll dated May 29, 2015 in the amount of \$365,580.00 and payments of the various payroll deductions in the amount of \$362,507.35 plus any City matching payments where required. Seconded by Alderwoman S. Mayer. On roll call, all voted Aye; motion carried.

Alderman Schmidt moved to approve net payroll dated June 12, 2015 estimated at \$356,000.00 and payments of the various payroll deductions estimated at \$203,000.00 plus any City matching payments where required. Seconded by Alderwoman S. Mayer. On roll call, all voted Aye. Motion carried.

Alderwoman Evans moved to approve property tax EFT's Nos. 52 through Nos. 53 in the amount of \$1,500,262.31 dated May 15, 2015 through May 28, 2015. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Alderman Dandrea moved to approve net general checking account City vouchers in the range of Nos. 156693 through Nos. 156696 in the amount of \$1,138.00 dated June 1, 2015. Seconded by Alderwoman Evans. On roll call, all voted Aye. Motion carried.

Alderman Schmidt moved to authorize release of deposit, prepayment and checks for the contractual obligations due prior to July 8, 2015, as required for the 2015 Franklin Civic Celebrations event, consistent with the authorization of November 18, 2014. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J. Alderwoman Evans moved to adjourn the meeting at 7:50 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

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CITY OF FRANKLIN  
SPECIAL COMMON COUNCIL MEETING  
JUNE 10, 2015  
MINUTES

CALL TO ORDER AND  
ROLL CALL

A. The special Common Council meeting was called to order at 6:30 p.m. on Wednesday, June 10, 2015, by Mayor Steve Olson in the Franklin City Hall Common Council Chambers, 9229 West Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderwoman Janet Evans (arrived at 7:07 p.m.), Alderman Doug Schmidt and Alderwoman Susanne Mayer. Also in attendance were Director of Administration Mark Luberda, City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski, and City Clerk Sandi Wesolowski.

CITIZEN COMMENT  
PERIOD

B. Citizen comment period was opened at 6:32 p.m. and closed at 6:50 p.m.

DEVELOPMENT IN  
AREA OF S. 76<sup>TH</sup> ST.  
AND W. RAWSON  
AVE./W. LOOMIS RD.

C.1. Future Retail Development in the Area of South 76th Street and West Rawson Avenue/West Loomis Road. Alderman Schmidt moved that the economic development plan that was presented to the City of Franklin's Common Council tonight be referred by City Attorney Jesse Wesolowski via the staff of the City to the appointed citizen members of the Community Development Authority, the Economic Development Commission, the Finance Committee, the Board of Public Works, the Plan Commission, to the Board of Water Commissioners, to the Franklin, Oak Creek/Franklin and the Franklin/Whitnall School Districts, to the Milwaukee County Executive and the County Board of Supervisors, as well as to the respective Wisconsin State Legislators that represent the areas in the report/presentation for their review, consideration, comments and or recommendations prior to any action being taken by the Common Council of the City of Franklin concerning the new business park proposal in said presentation; and further that this is in the best interests of the people of Franklin that listening sessions and public hearings be scheduled on days when most people are able to attend to view the detailed provisions of the economic development plan for large areas of Franklin; and further that a special public hearing be held at 1:00 p.m. on Saturday, June 27, 2015, at either the Franklin Public Library or at the City Hall in the Community Room or at the Law Enforcement Center so that the people of Franklin and others may view the detailed presentation of the plan presented to us tonight in a manner that is similar to how past presentations were presented for the 27<sup>th</sup> Street Corridor Plan, the Comprehensive Master Plan for the City, the Rock Sports

Complex Proposal, or such other large projects that had great impact upon the residents and customers of Franklin and Franklin's future; and further that the Director of Finance/Treasurer of the City of Franklin come forward to make a separate presentation primarily as the Treasurer of the City to the Aldermen that will provide his professional opinion on the approximate costs of these economic development plans that may involve the expenditure of millions of taxpayer dollars and or tax increment financing funds; and further that the Treasurer of the City provide to the Common Council his expert opinion on the costs for borrowing for a large business park, the land acquisition costs associated with the new business park plan and the things that would need to occur should land be acquired via Eminent Domain; and that the Treasurer provide to the Common Council the amount of taxes that are and have been collected for the last ten years for all areas recommended for the large business park proposed by the Mayor and how this new business park would help to alleviate the high taxes found in the Franklin School District; and that a detailed report be furnished to the aldermen and the public on how these tax revenues currently being collected are being used and how these funds would be used if a new business park was approved. The report shall include when this new business park would be paid off and when revenue from this new business park would be provided to the various taxing districts as was the case when the City paid off the debt of the current business park. It was further moved that the development proposals within the Franklin School District such as the one for Ryan Road and Highway 36 be encouraged and assisted by the staff of the City and that all steps be taken to promote commercial development and mixed use development that helps to alleviate the high taxes found within the Franklin School District; and further that it is the expressed order of this Common Council that no action be taken by any person associated with the City of Franklin regarding the entering of contracts or the negotiations of such contracts concerning a new business park until specifically directed by this Common Council as a result of a majority vote of this Council. Seconded by Alderman D. Mayer.

Alderwoman Wilhelm moved to amend the main motion to move forward with planning of Area A and to immediately include working closely with landowners in Area A to address the creation of a hospitality, retail, and upper level residential plan for the public's review in 2 weeks/to be determined. Seconded by Alderman D. Mayer.

Alderman D. Mayer moved to suspend rules to allow Tom Taylor to speak. Seconded by Alderman Schmidt. On roll call, Alderman D. Mayer, Alderwoman Wilhelm, Alderman Schmidt and Alderwoman S. Mayer voted Aye; Alderman Dandrea and Alderwoman Evans voted No. Motion carried.

Alderman Dandrea moved to return to regular order of business. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

On the roll call vote for the amendment to the main motion, Alderwoman S. Mayer, Alderman Schmidt, Alderwoman Wilhelm and Alderman D. Mayer voted Aye; Alderwoman Evans and Alderman Dandrea voted No. Motion carried.

Alderman Schmidt moved to amend the motion to strike the reference to the development proposal at Ryan Road and Highway 36 in the main motion. Alderwoman S. Mayer seconded. On roll call, Alderman D. Mayer, Alderwoman Wilhelm, Alderman Schmidt and Alderwoman S. Mayer voted Aye; Alderman Dandrea and Alderwoman Evans voted No. Motion carried.

Alderman D. Mayer withdrew his second to main motion. On roll call, Alderwoman S. Mayer, Alderwoman Evans, Alderman D. Mayer and Alderman Dandrea voted Aye; Alderman Schmidt and Alderwoman Wilhelm voted No. Motion carried.

Main motion as amended failed due to lack of a second.

Alderwoman Evans then moved to direct staff to continue process of evaluation of options for Area A, find a workable solution, and work with developers in area, and direct staff assistance to work with alderman of district to hold neighborhood meetings. Seconded by Alderman Dandrea. All voted Aye; motion carried.

DEVELOPMENT IN  
AREA OF W. LOOMIS  
RD. AND W. RYAN RD.

C.2 Future Mixed-Use Business Light Industrial, Commercial, Residential and Nature Conservation Public Park Development in the Area of West Loomis Road and West Ryan Road. Area G.

Alderman D. Mayer left his seat at 9:34 p.m. and returned at 9:36 p.m.

Alderwoman S. Mayer moved to direct staff to continue process of evaluation of options for Area G, find a workable solution, and work with developers in area, and direct staff assistance to work

with alderman of district to hold neighborhood meetings. Seconded by Alderman Schmidt. All voted Aye; motion carried.

DEVELOPMENT IN  
AREA OF S. 27<sup>TH</sup> ST.  
AND W. SOUTH  
COUNTY LINE RD.

- C.3. Future Business Park Development in the Area of South 27th Street and West County Line Road; A Resolution Authorizing the Undertaking of the Development of the Franklin Corporate Park. Alderwoman S. Mayer left her seat at 10:07 p.m. and returned at 10:15 p.m.

Alderman D. Mayer moved to have the City Attorney begin formal investigation into moving the boundary of the Franklin School District to South 27<sup>th</sup> Street. Seconded by Alderman Schmidt.

Alderman D. Mayer moved to call the question. Seconded by Alderwoman Wilhelm. On roll call, Alderman Dandrea, Alderman D. Mayer, Alderwoman Wilhelm and Alderman Schmidt voted Aye; Alderwoman Evans and Alderwoman S. Mayer voted No. Motion carried.

On the vote for the main motion, Alderwoman S. Mayer, Alderman Schmidt, Alderwoman Wilhelm and Alderman D. Mayer voted Aye; Alderwoman Evans and Alderman Dandrea voted No. Motion carried.

Alderman D. Mayer moved to suspend the regular order of business to allow a resident to speak. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

Alderwoman Wilhelm moved to return to regular order of business. Seconded by Alderman Schmidt. All voted Aye; motion carried.

Alderman Schmidt moved that the economic development plan that was presented to the City of Franklin's Common Council tonight be referred by City Attorney Jesse Wesolowski via the staff of the City to the appointed citizen members of the Community Development Authority, the Economic Development Commission, the Finance Committee, the Board of Public Works, the Plan Commission, to the Board of Water Commissioners, to the Franklin, Oak Creek/Franklin and the Franklin/Whitnall School Districts, to the Milwaukee County Executive and the County Board of Supervisors, as well as to the respective Wisconsin State Legislators who represent the areas in the report/presentation for their review, consideration, comments and

or recommendations prior to any action being taken by the Common Council of the City of Franklin concerning the new business park proposal in this presentation; and further that this is in the best interests of the people of Franklin that listening sessions and public hearings be scheduled on days when most people are able to attend to view the detailed provisions of the economic development plan; and further that a special public hearing be held at a date to be determined, at either the Franklin Public Library or at the City Hall in the Community Room or at the Law Enforcement Center so that the residents of Franklin and others may view the detailed presentation of the plan presented to us tonight for the 27<sup>th</sup> Street Corridor Plan, the Comprehensive Master Plan for the City, the Rock Sports Complex Proposal, or such other large projects that had great impact upon the residents and customers of Franklin and Franklin's future; and further that the Director of Finance/Treasurer of the City of Franklin come forward to make a separate presentation primarily as the Treasurer of the City to the Aldermen that will provide his professional opinion on the approximate costs of these economic development plans that may involve the expenditure of millions of taxpayer dollars and or tax increment financing funds; and further that the Treasurer provide to the Common Council his expert opinion on the costs for borrowing for a large business park, the land acquisition costs associated with the new business park plan and the things that would need to occur should land be acquired via Eminent Domain; and that the Treasurer provide to the Common Council the amount of taxes that are and have been collected for the last ten years for all areas recommended for the large business park and how this new business park would help to alleviate the high taxes found in the Franklin School District; and that a detailed report be furnished to the aldermen and the public on how these tax revenues currently being collected are being used and how these funds would be used if a new business park was approved. The report should include when this new business park would be paid off and when revenue from this new business park would be provided to the various taxing districts as was the case when the City paid off the debt of the current business park. It was further moved that the development proposals within the Franklin School District be encouraged and assisted by the staff of the City and that all steps be taken to promote commercial development and mixed use development that helps to alleviate the high taxes found within the Franklin School District; and further that it is the expressed order of this Common Council that no action be taken by any person associated with the City regarding

the entering of contracts or the negotiations of such contracts concerning a new business park until specifically directed by this Common Council as a result of a majority vote of this Council. Seconded by Alderman D. Mayer. On roll call, Alderwoman S. Mayer, Alderman Schmidt, Alderwoman Wilhelm and Alderman D. Mayer voted Aye; Alderwoman Evans and Alderman Dandrea voted No. Motion carried.

ADJOURNMENT

- D. Alderwoman Wilhelm moved to adjourn the special Common Council meeting at 10:53 p.m. Seconded by Alderman Dandrea. All voted Aye; motion carried.

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>06/16/2015</b></p>
<p><b>REPORTS AND RECOMMENDATIONS</b></p>	<p><b>Request from Mayor Olson for Common Council concurrence to request Governor Walker veto Room Tax changes</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G. I. a.</i></p>

Attached is a draft letter addressed to Governor Walker requesting veto of Room Tax changes.

**COUNCIL ACTION REQUESTED**

Motion to concur with the letter to Governor Walker requesting veto of Room Tax changes.

June 16, 2015

Honorable Scott Walker, Governor  
Room 115 East, State Capitol  
P.O. Box 7863  
Madison, WI 53707-7863

RE: State Budget Bill Veto Request

Dear Governor Walker:

As mayors, village presidents, and managers struggling to pay for the services our residents and businesses demand while keeping property taxes down, we strongly oppose the room tax law changes the Legislature inserted into the state budget bill. We respectfully request an opportunity to meet with you or your staff to explain our concerns about the changes, which are highlighted below.

The budget amendment interferes with local control over a municipally authorized and imposed tax by eliminating municipal governing body discretion to spend room tax revenues directly on tourism promotion and development. The amendment mandates instead that municipalities transfer the revenues designated for tourism promotion and development to an unelected tourism entity or commission for spending.

The budget amendment also modifies the 1994 grandfather clause by requiring municipalities that retain more than 30 percent of the room tax revenue for purposes other than tourism promotion and development pursuant to ordinances adopted prior to 1994 to reduce and cap the amount they retain to the same dollar amount the community retained in 2009. Such municipalities will, as a result, see a reduction in the revenue they can use and forgo any growth in room tax collections in future years. This will create a significant hole in some community's budgets, which they will not be able to fill due to strict levy limits.

Given the severe financial stress municipalities are under, it doesn't make sense to reduce a source of revenue that some municipalities use to pay convention center debt, to pay for police and fire services provided to hotels, or to pay for other municipal services necessary for the community, and therefore, tourism to thrive.

We join the League of Wisconsin Municipalities in requesting that you veto the room tax law changes inserted into the state budget. Alternatively, if vetoing the entire provision is not feasible, we urge you to veto the part of the provision rolling back the amount of room tax revenues that a pre-1994 community may retain for purposes other than tourism promotion and development to 2009 levels. Such a partial veto would reduce the negative financial impact on communities by at least allowing them to continue to retain the amount of dollars they are currently retaining.

Thank you for considering our veto request. We look forward to working with you on improving the state's economy and creating jobs.

Sincerely,

<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MTG. DATE</b> 6/16/15
<b>Reports &amp; Recommendations</b>	<b>SUBJECT:</b> An ordinance to prohibit parking, from 9:00 a.m. to 3:00 p.m. on weekdays, on both sides of W. Minnesota Avenue from its intersection with S. 31st Street to 115 feet east and west and on both sides of S. 31st Street from its intersection with W. Minnesota Avenue to 150 feet north.	<b>ITEM NO.</b> <i>G.I.B.</i>

**BACKGROUND**

The Board of Public Works has considered on street parking at the intersection of S. 31st Street and W. Minnesota Avenue at several meetings. Most of this on street parking is believed to be originating from Northwestern Mutual where its employees are willing to walk to their campus. In November staff was directed to coordinate with the Police Department's temporary placement of "No Parking" sign at this intersection.

**ANALYSIS**

At the Board of Public Works June 9, 2015 meeting, having heard testimony of a couple of abutting residents, agreed that the temporary posting is achieving the desired effect of keeping parking away from the intersection without the parking moving to W. Minnesota Avenue. Site vision and an open area for school bus drop off were improved. The Board unanimously recommended the permanent posting of no parking.

**OPTIONS**

Approve or deny recommendation.

**FISCAL NOTE**

The cost of signing is to be taken from DPW operational budget.

**RECOMMENDATION**

Motion to adopt Ordinance No. 2015 - \_\_\_\_ an ordinance to prohibit parking, from 9:00 a.m. to 3:00 p.m. on weekdays, on both sides of W. Minnesota Avenue from its intersection with S. 31st Street to 115 feet east and west and on both sides of S. 31st Street from its intersection with W. Minnesota Avenue to 150 feet north.

RJR/db

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

ORDINANCE NO. 2015-\_\_\_\_\_

AN ORDINANCE TO PROHIBIT PARKING,  
FROM 9:00 A.M. TO 3:00 P.M. ON WEEKDAYS,  
ON BOTH SIDES OF W. MINNESOTA AVENUE  
FROM ITS INTERSECTION WITH S. 31ST STREET TO 115 FEET EAST AND WEST  
AND  
ON BOTH SIDES OF S. 31ST STREET  
FROM ITS INTERSECTION WITH W. MINNESOTA AVENUE TO 150 FEET NORTH

-----  
WHEREAS, the Board of Public Works has recommended establishing "No Parking from 9:00 a.m. to 3:00 p.m. on weekdays, on both sides of W. Minnesota Avenue, 115 feet from its intersection with S. 31st Street to the east and west and on S. 31st Street both sides 150 feet from its intersection with W. Minnesota Avenue to the north."

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin do ordain as follows:

SECTION I. Section 245.5(D)(4) of the Municipal Code of the City of Franklin is hereby amended as follows:

ADD "both sides of W. Minnesota Avenue from its intersection with S. 31st Street, to 115 feet to the east and to the west, 9:00 a.m. to 3:00 p.m. on weekdays

ADD "both sides of S. 31st Street from its intersection with W. Minnesota Avenue, to 150 feet to the north, 9:00 a.m. to 3:00 p.m. on weekdays."

INTRODUCED at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by Alderman \_\_\_\_\_.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED:

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

ATTEST:

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

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

RJR/db

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE June 16, 2015
REPORTS & RECOMMENDATIONS	AUTHORIZATION FOR THE PUBLIC WORKS DEPARTMENT TO ADVERTISE AND ACCEPT SEALED BIDS FOR THE 2015 PAVEMENT MARKING PROGRAM	ITEM NUMBER <i>G.I.C.</i>

Staff is requesting authorization to advertise and accept sealed bids for the 2015 City of Franklin Pavement Marking Program. A pavement marking contract is completed annually and all city streets with pavement markings are repainted biennially. Therefore the following list is of streets will require repainting in the 2015 program.

1. S. 68<sup>th</sup> St – W. Loomis Rd south to W. Puetz Rd
2. S. 60<sup>th</sup> St – W. Ryan Rd south to W. Franklin Dr
3. S. 92<sup>nd</sup> St – W. St. Martins Rd south to W. South County Line Rd
4. S. 92<sup>nd</sup> St – W. Rawson Ave north to W. College Ave
5. W. Forest Hill Ave – S. 76<sup>th</sup> St west to W. Loomis Rd
6. W. Puetz Rd – S. 27<sup>th</sup> St west to S. 76<sup>th</sup> St
7. W. Puetz Rd – S. 76<sup>th</sup> St west To W. St. Martins Rd
8. W. Woods Rd – S. North Cape Rd west to City limits
9. S. Riverwood Blvd – W. Rawson Ave north to Gander Mountain
10. W. Sycamore St – S. 27<sup>th</sup> St west to end of road
11. S. Franklin Dr – W. Ryan Rd south to S. 60<sup>th</sup> St
12. S. 35<sup>th</sup> St – W. College Ave south for 300'
13. W. Church St – S. Lovers Lane Rd west to W. St. Martins Rd
14. W. McShane Rd – S. North Cape Rd west to City limits
15. W. St. Martins Rd – S. North Cape Rd west to City limits
16. W. South County Line Rd – S. 76<sup>th</sup> St west to S. 124<sup>th</sup> St
17. W. Forest Hill Ave – S. 27<sup>th</sup> St west to S. 35<sup>th</sup> St
18. W. Swiss St – S. 116<sup>th</sup> St east to W. St. Martins Rd
19. Speedway Dr – W. Forest Home Ave east to Hwy 100

### COUNCIL ACTION REQUESTED

Motion to authorize Staff to advertise and accept sealed bids for the City of Franklin Public Works Department 2015 Pavement Marking Program.

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<b>APPROVAL</b>  <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>06/16/14</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>2015 NATIONAL NIGHT OUT DONATIONS</b>	<b>ITEM NUMBER</b>  <i>G.I.d.</i>

The City of Franklin Police Department has received donations from the following businesses to be put toward the purchase of materials and supplies for the 2015 National Night Out Event to be held on August 3, 2015.

Bank Mutual	\$100.00
Faith Community Church, Inc.	\$100.00
Faith Presbyterian Church, Inc.	\$100.00
Krsko Chiropractic Clinic, S.C.	\$100.00
M. Squared, Inc. (Crossroads)	\$100.00
Pyramax Bank	\$1000.00
St. Martin of Tours Parish	\$100.00
Victory Creek Accounting, LLC	\$100.00
WE Energies	\$500.00
Waukesha County Community Foundation, Inc. (Waterstone Bank)	\$2000.00

### COUNCIL ACTION REQUESTED

Motion to approve acceptance of these donations for deposit into the Crime Prevention Donation Account.

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<b>APPROVAL</b>  <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>06/16/15</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Police Department Community Grant Award of \$2500.00 from The Wal-Mart Foundation</b>	<b>ITEM NUMBER</b>  <i>G.l.e.</i>

The City of Franklin Police Department has been awarded a grant from The Wal-Mart Foundation and Facility #1551 in the amount of \$2500.00. This donation is to be earmarked for additional Automated License Plate Reader (ALPR) equipment.

**COUNCIL ACTION REQUESTED**

Motion to accept this donation of \$2500.00 from The Wal-Mart Foundation and Facility #1551 to be deposited into the Police Donation Account.

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">06/16/15</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL UPON THE APPLICATION OF TUCKAWAY COUNTRY CLUB FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.2.</i></p>

At their meeting on May 27, 2015, the Environmental Commission recommended approval to allow for approximately 350 square feet of disturbance to line Culvert 1, 450 square feet of disturbance to remove Culvert 2 and restore/fill the area, 600 square feet of disturbance to replace Dam 1 and line Culvert 3 and 855 square feet of disturbance to replace Dam 2 and line Culvert 4, to allow for repairs and improvements of the existing navigable stream structures and floodplain to protect the stream and nearby properties, while increasing safety and aesthetics on Tuckaway County Club property.

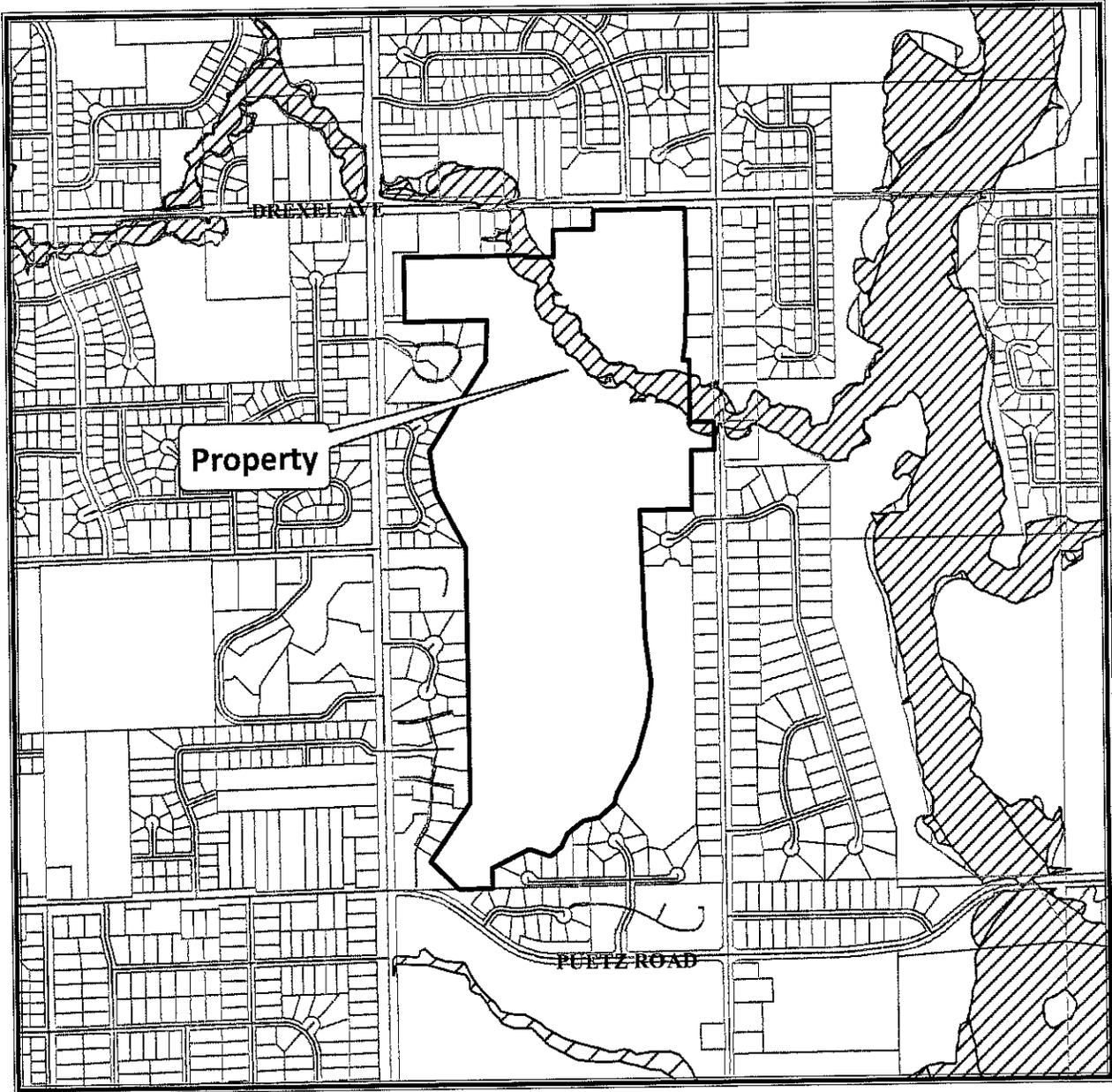
At the regular meeting of the Plan Commission on June 4, 2015, following a properly noticed public hearing, the following action was approved: motion to recommend approval of the Tuckaway Country Club Natural Resource Features Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission and Common Council consideration of any Environmental Commission recommendation.

**COUNCIL ACTION REQUESTED**

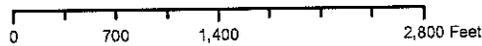
Adopt the standards, findings and decision of the City of Franklin Common Council upon the application of Tuckaway Country Club for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance.



6901 West Drexel Avenue  
TKN 804-9989-022



Planning Department  
(414) 425-4024



2013 Aerial Photo

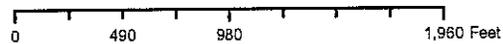
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



6901 West Drexel Avenue  
TKN 804-9989-022



Planning Department  
(414) 425-4024



2013 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.*

*Draft 6/10/15*

Standards, Findings and Decision  
of the City of Franklin Common Council upon the Application of Tuckaway Country  
Club for a Special Exception to Certain Natural Resource Provisions of the City of  
Franklin Unified Development Ordinance

Whereas, Tuckaway Country Club having filed an application dated May 6, 2015, for a Special Exception pursuant to Section 15-9.0110 of the City of Franklin Unified Development Ordinance pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature; a copy of said application being annexed hereto and incorporated herein as Exhibit A; and

Whereas, the application having been reviewed by the City of Franklin Environmental Commission and the Commission having made its recommendation upon the application, a copy of said recommendation dated May 27, 2015 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated June 4, 2015 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the property which is the subject of the application for a Special Exception is located at approximately 6901 West Drexel Avenue, zoned P-1 Park District and C-1 Conservancy District, and such property is more particularly described upon Exhibit D annexed hereto and incorporated herein; and

Whereas, Section 15-10.0208B. of the City of Franklin Unified Development Ordinance, as amended by Ordinance No. 2003-1747, pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature, provides in part: "The decision of the Common Council upon any decision under this Section shall be in writing, state the grounds of such determination, be filed in the office of the City Planning Manager and be mailed to the applicant."

Now, Therefore, the Common Council makes the following findings pursuant to Section 15-10.0208B.2.a., b. and c. of the Unified Development Ordinance upon the application for a Special Exception dated May 6, 2015, by Tuckaway Country Club, pursuant to the City of Franklin Unified Development Ordinance, the

proceedings heretofore had and the recitals and matters incorporated as set forth above, recognizing the applicant as having the burden of proof to present evidence sufficient to support the following findings and that such findings be made by not less than four members of the Common Council in order to grant such Special Exception.

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *but rather, the proposed project involves repairing existing structures; therefore, will be an enhancement to the stream.*

2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

a. be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives; *or*

b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives: *There are no alternatives to repairing the existing in-stream structures without affecting the stream.*

*All the alternatives will result in disturbance to Legend Creek. As the project is repairing that which already exists, it will not result in any resource loss to the community.*

*The project provides an option for repairing stream structures along Legend Creek, maintaining the integrity and flooding pattern of the creek. In minimizing disturbance to the stream, Tuckaway also minimizes disturbances to its property, while providing opportunity for safe recreation and occupation.*

*If the repairs are not made, the stream structures will continue to degrade. This will increase the sink holes on Tuckaway property, potentially resulting in injury to golfers or staff. Further deterioration of the enclosure will also likely restrict flow through the culverts, increasing flooding on Tuckaway and possibly on upstream properties as well.*

*The repairs were chosen to have the smallest effects on Legend Creek during construction and after completion. There is not a foreseeable alternative to repairing the structures with less disturbance to the waterway.*

3. The Special Exception, including any conditions imposed under this Section will:

a. be consistent with the existing character of the neighborhood: *the proposed project consists of repairing and improving existing structures onsite and will be an*

*enhancement to the stream, Tuckaway Country Club's property and the adjacent neighborhood; and*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *the circumstances surrounding this project are unique to Tuckaway Country Club, which has existing structures that are over 50 years old and in need of repair to allow the property to continue to function as a golf course; and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *The proposed improvements are an enhancement to the existing conditions, and therefore, are in harmony with the purpose and intent of the Unified Development Ordinance; and*

d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development: *(this finding only applying to an application to improve or enhance a natural resource feature): The aesthetics and functional values of the stream will be improved as result of the proposed project.*

The Common Council considered the following factors in making its determinations pursuant to Section 15-10.0208B.2.d. of the Unified Development Ordinance.

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: *Much of Legend Creek is enclosed along Tuckaway property. However, two dams serve as water level controls for two large shallow ponded areas on the golf course. The ponds act as aesthetic features along the course. Environmentally, the ponds are classified by the Wisconsin Wetland Inventory as WOHx - standing water, shallow ponded, manmade Palustrine wetland (WDNR, 1992). The vegetation around the pond is primarily turf grass, with some emergent herbaceous vegetation closer to the permanent water surface. The work will be solely located on Tuckaway Country Club property, does not adversely impact adjacent properties and does not encroach on any applicable setbacks not otherwise stated herein.*

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: *The circumstances and needs surrounding the proposed project are unique to Tuckaway Country Club's property. The improvements are being made to existing structures already in place. These are old structures that are in need of repair and the project will be a benefit to the stream, property and adjacent properties. There are no new disturbances or impacts to natural resource features.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The improvements allow the continued use of the property as a golf course. Furthermore, the improvements provide for better aesthetics and safety for golfers.*

4. Aesthetics: *Aesthetic appeal and recreation at Tuckaway Country Club will be improved by eliminating corroding metal and sink holes. The stream will not experience any other negative impact.*

5. Degree of noncompliance with the requirement allowed by the Special Exception: *The impacts are minimal and will result in an overall enhancement of the stream and property.*

6. Proximity to and character of surrounding property: *Tuckaway Country Club is surrounded by single-family and multi-family residential to the north, south, east and west.*

7. Zoning of the area in which property is located and neighboring area: *The subject property is zoned P-1 Park District, B-2 General Business District, C-1 Conservancy District and FW Floodway District.*

*Surrounding zoning districts include R-3 Suburban/Estate Single-Family Residence District, R-5 Suburban Single-Family Residence District, R-6 Suburban Single-Family Residence District, R-8 Multiple-Family Residence District, Planned Development District developments, C-1 Conservancy District and FW Floodway District.*

8. Any negative affect upon adjoining property: *There are no negative impacts to adjoining properties. The project will not significantly affect adjoining properties, and if anything will be an improvement to the stream..*

9. Natural features of the property: *Within the project area, the property consists of the stream and 75-foot shore buffer.*

10. Environmental impacts: *The requested Special Exception to Natural Resource Feature Provisions is for the purpose of allowing for approximately 350 square feet of disturbance to line Culvert 1, 450 square feet of disturbance to remove Culvert 2 and restore/fill the area, 600 square feet of disturbance to replace Dam 1 and line Culvert 3 and 855 square feet of disturbance to replace Dam 2 and line Culvert 4, to allow for repairs and improvements of the existing navigable stream structures and floodplain to protect the stream and nearby properties, while increasing safety and aesthetics on Tuckaway County Club property.*

11. A recommendation from the Environmental Commission as well as a review and recommendation prepared by an Environmental Commission-selected person

knowledgeable in natural systems: *The Environmental Commission recommendation and its reference to the report of May 27, 2015 is incorporated herein.*

12. The practicable alternatives analysis required by Section 15-9.0110C.4. of the Unified Development Ordinance and the overall impact of the entire proposed use or structure, performance standards and analysis with regard to the impacts of the proposal, proposed design solutions for any concerns under the Ordinance, executory actions which would maintain the general intent of the Ordinance in question, and other factors relating to the purpose and intent of the Ordinance section imposing the requirement: *The Plan Commission recommendation and the Environmental Commission recommendation address these factors and are incorporated herein.*

### Decision

*Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Common Council hereby grants a Special Exception for such relief as is described within Exhibit C, upon the conditions: 1) that the natural resource features upon the property to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any development within the areas for which the Special Exception is granted; 2) that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted; 3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for Tuckaway Country Club and all other applicable provisions of the Unified Development Ordinance; 4) the Site Plan/Natural Resource Protection Plan shall include updated field surveys and delineations, concurred by SEWRPC and/or the City's natural resource consultant, of all protected natural resource features within that project area per Part 4 of the Unified Development Ordinance, prior to the commencement of work; 5) the Site Plan/Natural Resource Protection Plan shall include a map and table detailing the limits and amount of disturbance (both temporary and permanent) of each dam replacement/removal and each culvert lining equipment setup/construction area in relationship to each of the protected natural resource features within these areas for Department of City Development review and approval prior to the commencement of work; 6) the updated Site Plan shall also include a boundary line illustrating the location of the Conservation Easement. The final delineations shall be reflected on the Conservation Easement; 7) should any protected natural resource features (other than the subject stream) be impacted by this proposed project, Staff recommends mitigation meeting the requirements of Section 15-4.0103 of the UDO. In that instance, a separate plan shall be submitted showing areas of proposed mitigation and enhancements to natural resource features as well as a long-term maintenance plan for those areas for Environmental Commission, Plan Commission and Common Council approval prior to the*

*commencement of work; 8) that all City of Franklin Consultant's comments regarding the NRPP are addressed to the satisfaction of Department of City Development Staff, prior to issuance the commencement of work. The duration of this grant of Special Exception is permanent.*

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED:

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

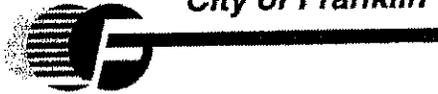
ATTEST:

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

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

Exhibit A

City of Franklin



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: \_\_\_\_\_

NATURAL RESOURCE SPECIAL EXCEPTION APPLICATION

Complete, accurate and specific information must be entered. Please Print.

Applicant (Full Legal Name[s]):

Name: Jim Poltz
Company: Tuckaway Country Club
Mailing Address: 6901 W Drexel Ave
City / State: Franklin, WI Zip: 53132
Phone: (414) 425-6570
Email Address: jimpoitz@tuckawaycountryclub.com

Applicant is Represented by (contact person) (Full Legal Name[s]):

Name: Adrienne Cizek
Company: Stormwater Solutions Engineering, LLC
Mailing Address: 247 Freshwater Way
City / State: Milwaukee, WI Zip: 53204
Phone: (414) 810-1245
Email Address: adrienne@stormwater-solutions-engineering.com

Project Property Information:

Property Address: 6901 W Drexel Ave
Property Owner(s): Tuckaway Country Club
Mailing Address: 6901 W Drexel Ave
City / State: Franklin, WI Zip: 53132
Email Address: jimpoitz@tuckawaycountryclub.com

Tax Key Nos: 8049889022

Existing Zoning: P-1 Park District / C-1 Conservancy
Existing Use: Recreational
Proposed Use: Recreational
Future Land Use Identification: Recreational / Areas of N.R.

\*The 2025 Comprehensive Master Plan Future Land Use Map is available at: http://www.franklinwi.gov/Home/Resources/Documents/Maps.htm

Natural Resource Special Exception Application submittals for review must include and be accompanied by the following:
(See Section 15-10.0208 of the Unified Development Ordinance for review and approval procedures.)

Franklin

MAY 6 2015

http://www.franklinwi.gov/Home/Planning/UnifiedDevelopmentOrdinanceUDO.htm

- Checkboxes for application requirements: This Application form accurately completed with original signature(s), Application Filing Fee, Legal Description, Seven (7) complete collated sets of Application materials to include: One (1) original and six (6) copies of a written Project Narrative, Three (3) folded full size, drawn to scale copies of the Plat of Survey, Three (3) folded full size, drawn to scale copies of the Natural Resource Protection Plan, Four (4) folded reduced size (11"x17") copies of the Plat of Survey and Natural Resource Protection Plan, Three copies of the Natural Resource Protection report, One copy of all necessary governmental agency permits, Email (or CD ROM) with all plans/submittal materials.

City Development

- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
Natural Resource Special Exception requests require review by the Environmental Commission, public hearing at and review by the Plan Commission, and Common Council approval prior to recording with Milwaukee County Register of Deeds.

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application; and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval.

(The applicant's signature must be from a Managing Member if the business is 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's signature below, and a signed property owner's authorization letter may be provided in lieu of the property owner's signature[s] below. If more than one, all of the owners of the property must sign this Application).

Signature - Property Owner: Dan Kuliecinski, President
Name & Title (PRINT): Dan Kuliecinski, President
Date: 5/6/15

Signature - Applicant: Dan Kuliecinski, President
Name & Title (PRINT): Dan Kuliecinski, President
Date: 5/6/15
Signature - Applicant's Representative: Adrienne R Cizek, Proj Engr
Name & Title (PRINT): Adrienne R Cizek, Proj Engr
Date: 5/6/15

## Natural Resource Special Exception Question and Answer Form.

### Questions to be answered by the Applicant

Items on this application to be provided in writing by the Applicant shall include the following, as set forth by Section 15-9.0110C. of the UDO:

- A. Indication of the section(s) of the UDO for which a Special Exception is requested. \_\_\_\_\_  
Exception requested per Section 15-10.0208 – Enhancement and Improvement  
\_\_\_\_\_
- B. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate.  
Legend Creek flows through five enclosures and two water control devices (dam outlet structures) on Tuckaway Country Club property. Three 3-ft diameter degrading stream enclosures (Culverts 1, 3, and 4) are to be repaired using a 31-in diameter PVC liner. These enclosures total 550 ft in length. Another 5-ft diameter degrading stream enclosure (Culvert 2) is to be removed, and the newly exposed soil will be protected using cobble. The two highly corroded dams are to be replaced with new outlet structures. These repairs will protect up and downstream stream integrity and water quality by maintaining open flow paths, flood elevations, and preventing further debris from the degrading structures from washing downstream. The improvement will also improve aesthetics and safety on Tuckaway Country Club property.  
\_\_\_\_\_
- C. Statement of the reason(s) for the request.  
The existing stream structures are over 50 years old and in need of repair. The repair will continue to protect the stream and nearby properties, while increasing safety and aesthetics on Tuckaway Country Club property.  
\_\_\_\_\_
- D. Statement of the reasons why the particular request is an appropriate case for a Special Exception, together with any proposed conditions or safeguards, and the reasons why the proposed Special Exception is in harmony with the general purpose and intent of the Ordinance. In addition, the statement shall address any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, including a practicable alternative analysis as follows:
- 1) **Background and Purpose of the Project.**
- (a) Describe the project and its purpose in detail. Include any pertinent construction plans.  
The enclosure and dams along Legend Creek at Tuckaway Country Club are deteriorating, causing sink holes, sharp exposed pipe, and periods of restricted flow along the property. Not only does this take away from the beauty of the stream, it also is a safety concern for golfers and staff. Repair to the structures includes lining three of the 3-ft diameter culverts with a PVC liner to

provide needed structural integrity, while maintaining upstream flood elevations. A fourth enclosure will be removed and the exposed soil will be protected with cobble. The existing highly corroded metal dams will be removed and replaced with precast concrete outlet structures, with easily maintained trash racks to prevent clogging during large stream flows. Construction disturbance for these repairs is quite small, consisting mainly of the machinery required to place the new outlet structures. The time frame for construction is estimated at less than 1 week.

- (b) State whether the project is an expansion of an existing work or new construction.

Repair to existing work, no expanding or new construction

- (c) State why the project must be located in or adjacent to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback to achieve its purpose.

The project is needed to further protect the navigable water and shore by repairing structures that have long been a part of Legend Creek. The repairs enhance the integrity of the stream, while maintaining upstream flood elevations.

2) **Possible Alternatives.**

- (a) State all of the possible ways the project may proceed without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback as proposed.

There are no alternatives to repairing the existing in-stream structures without affecting the stream.

- (b) State how the project may be redesigned for the site without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

There are no alternatives to repairing the existing in-stream structures without affecting the stream

- (c) State how the project may be made smaller while still meeting the project's needs.

The repairs were chosen to have the smallest effects on Legend Creek during construction and after completion. There is not a foreseeable alternative to repairing the structures with less disturbance to the waterway.

- (d) State what geographic areas were searched for alternative sites.

N/A, the stream structures are fixed at this location

- (e) State whether there are other, non-stream, or other non-navigable water, non-shore buffer, non-wetland, non-wetland buffer, and/or non-wetland setback sites available for development in the area.

N/A. the project is repairing stream structures and therefore affects (enhances) the stream

State what will occur if the project does not proceed.

If the repairs are not made, the stream structures will continue to degrade. This will increase the sink holes on Tuckaway property, potentially resulting in injury to golfers or staff. Further deterioration of the enclosure will also likely restrict flow through the culverts, increasing flooding on Tuckaway and possibly on upstream properties as well.

### 3) Comparison of Alternatives.

- (a) State the specific costs of each of the possible alternatives set forth under sub.2., above as compared to the original proposal and consider and document the cost of the resource loss to the community.

All the alternatives will result in disturbance to Legend Creek. As the project is repairing that which already exists, it will not result in any resource loss to the community.

- (b) State any logistical reasons limiting any of the possible alternatives set forth under sub. 2., above.

N/A

- (c) State any technological reasons limiting any of the possible alternatives set forth under sub. 2., above.

N/A

- (d) State any other reasons limiting any of the possible alternatives set forth under sub. 2., above.

N/A

### 4) Choice of Project Plan.

State why the project should proceed instead of any of the possible alternatives listed under sub.2., above, which would avoid stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback impacts.

The project provides an option for repairing stream structures along Legend Creek, maintaining the integrity and flooding pattern of the creek. In minimizing disturbance to the stream, Tuckaway also minimizes disturbances to its property, while

providing opportunity for safe recreation and occupation.

5) **Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description.**

Describe in detail the stream or other navigable water shore buffer, wetland, wetland buffer, and/or wetland setback at the site which will be affected, including the topography, plants, wildlife, hydrology, soils and any other salient information pertaining to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

Much of Legend Creek is enclosed along Tuckaway property. However, two dams serve as water level controls for two large shallow ponded areas on the golf course. The ponds act as aesthetic features along the course. Environmentally, the ponds are classified by the Wisconsin Wetland Inventory as WOHx - standing water, shallow ponded, manmade Palustrine wetland (WDNR, 1992). The vegetation around the pond is primarily turf grass, with some emergent herbaceous vegetation closer to the permanent water surface.

6) **Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts.**

- |    |  |  |  |
|----|--|--|--|
| a) | Diversity of flora including State and/or Federal designated threatened and/or endangered species.   | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| b) | Storm and flood water storage.   | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| c) | Hydrologic functions.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| d) | Water quality protection including filtration and storage of sediments, nutrients or toxic substances.   | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| e) | Shoreline protection against erosion.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| f) | Habitat for aquatic organisms.   | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| g) | Habitat for wildlife.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| h) | Human use functional value.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| i) | Groundwater recharge/discharge protection.   | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| j) | Aesthetic appeal, recreation, education, and science value.  | <input type="checkbox"/> Not Applicable            | <input checked="" type="checkbox"/> Applicable |
| k) | Specify any State or Federal designated threatened or endangered species or species of special concern.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| l) | Existence within a Shoreland.  | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |
| m) | Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time. | <input checked="" type="checkbox"/> Not Applicable | <input type="checkbox"/> Applicable            |

Describe in detail any impacts to the above functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback:

Aesthetic appeal and recreation at Tuckaway Country Club will be improved by eliminating corroding metal and sink holes. The stream will not experience any other negative impact.

---

7) **Water Quality Protection.**

Describe how the project protects the public interest in the waters of the State of Wisconsin.

During construction activities, all exposed soil will be covered with erosion control fabric and seeded. The project will likely improve water quality in the long-term by preventing further metals from leaching off the existing pipes.

---

**Dam Repair/Replacement Narrative:**

The enclosures and associated water level controls (i.e. dams) along Legend Creek on the Tuckaway Country Club (TCC) property are in need of repair. This project proposes installing a PVC liner within the three of the enclosures and removing one of the enclosures to minimize disturbance to the creek and associated ecologies. The upstream ends of two of the three enclosures to be lined also have water level control structures (i.e. dams) that create the ponds on the golf course property. The upstream dam (i.e. Dam 1) is severely corroded and will be replaced at its original elevation. The downstream dam (i.e. Dam 2) is beginning to corrode, and will be replaced at the current elevation. The following describes the purpose, description, and methods of installation of the proposed solution.

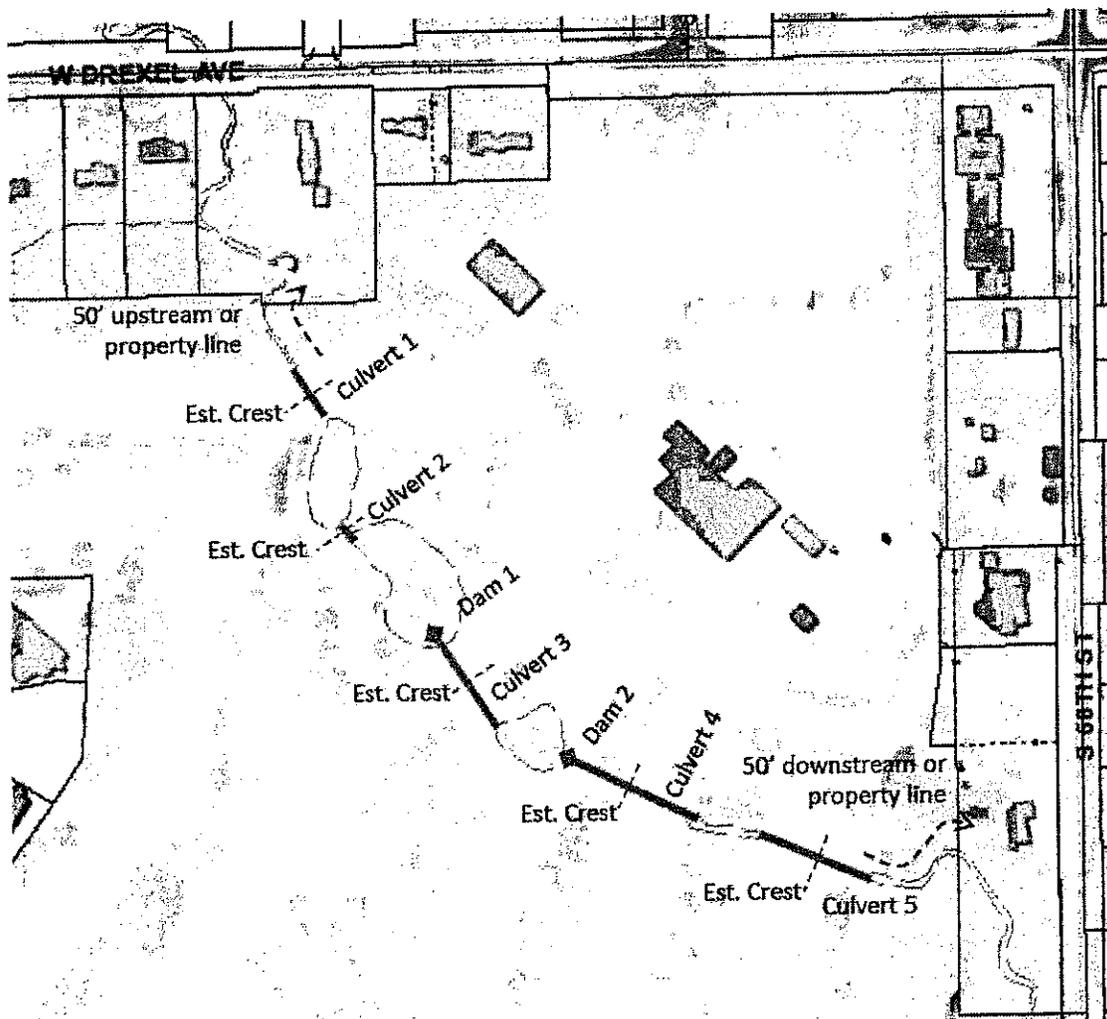


Figure 1. Legend Creek enclosures and dams at Tuckaway Country Club

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City Development

Stormwater Solutions Engineering, LLC  
247 Freshwater Way, Suite 410  
Milwaukee, WI 53204  
(414) 810-1245

# Tuckaway Country Club – Legend Creek Enclosure and Dam Repair

## **Purpose**

The dams serve as water level controls for two shallow ponded areas on the golf course. The ponds act as aesthetic features along the course. Environmentally, the ponds are classified by the Wisconsin Wetland Inventory as W0Hx - standing water, shallow ponded, manmade Palustrine wetland (WDNR, 1992). The vegetation around the pond is primarily turf grass, with some emergent herbaceous vegetation closer to the permanent water surface.

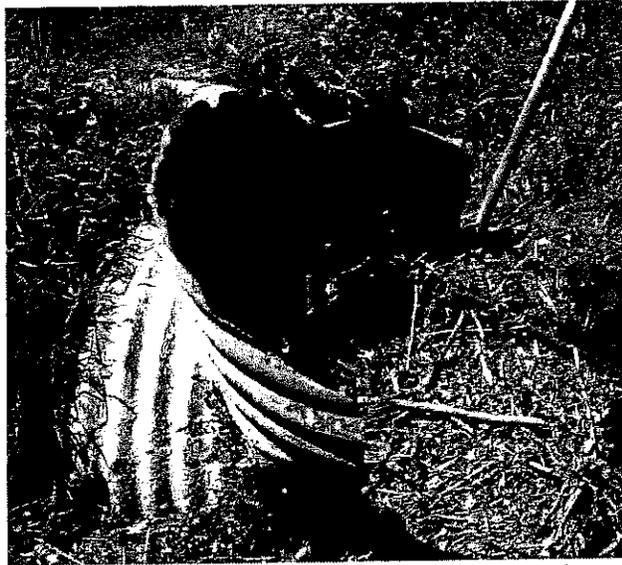


Figure 2. Dam 1, clogged and corroded

## **Existing Description**

### *Dam 1 – Upturned Elbow*

The existing dam consists of a weir cut into an upturned corrugated metal pipe (CMP) elbow. This elbow is directly connected to a 36" culvert enclosure that directs Legend Creek downstream. Water levels within the upstream ponded area have progressively decreased as the existing dam corrodes. For safety, aesthetics, and environmental reasons, TCC would like to replace Dam 1 to its original form and function.

### *Dam 2 – Weir Plate on Culvert*

Dam 2 consists of a weir plate on the 36-inch CMP culvert 4 (Figure 1). The dam structure is beginning to deteriorate. However, it continues to function. TCC would like to make the proper repairs such that it does not become an ecological and aesthetic nuisance.

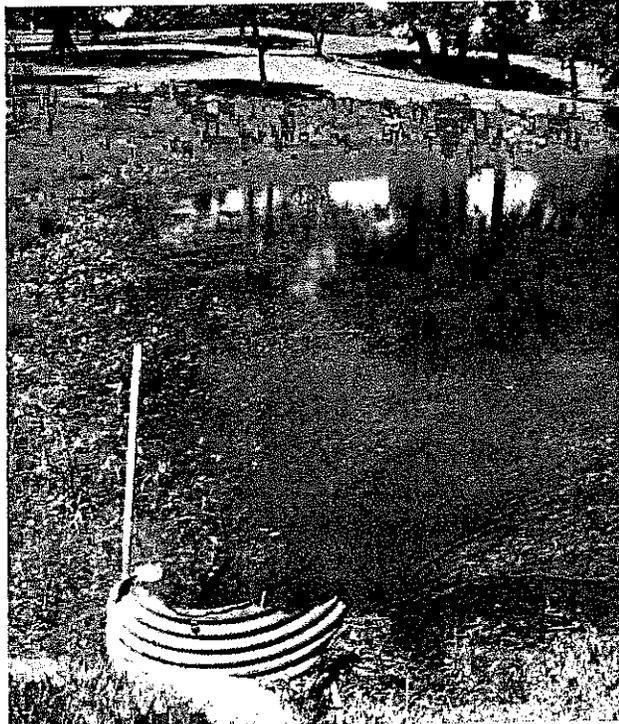
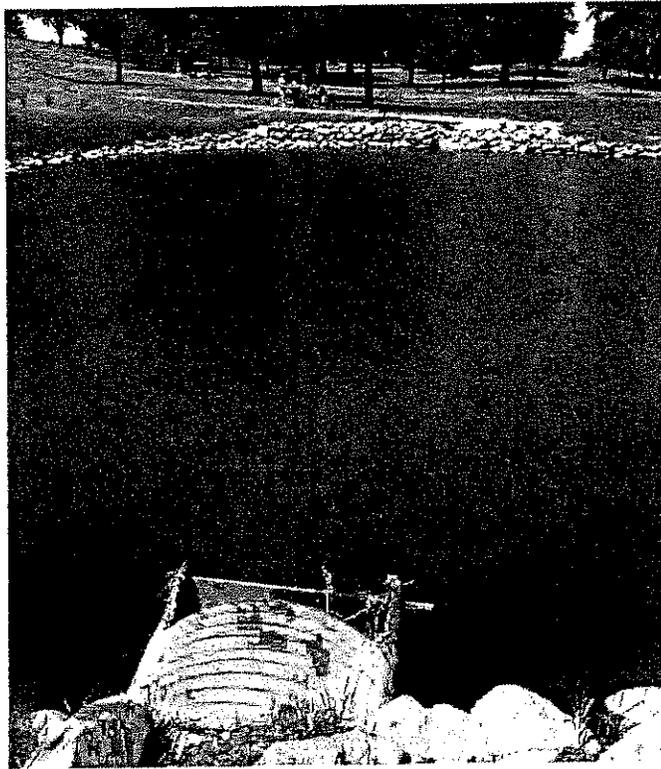


Figure 3. Dam 1 and upstream ponding

### ***Proposed Description***

The existing dams will be cut off the existing 36-in CMP culvert. New outlet structures comprised of a rectangular manhole with an angled trash grate weir opening will be installed at each of the dam locations. The weir height of the new Dam 1 will be 12 inches higher than the current, corroded low point on the weir, increasing the current pond depth by 12 inches. The weir height of the new Dam 2 will remain the same as it currently is. The primary spillways for these dams are considered to be the weir and receiving culvert. The auxiliary spillways for these dams are the low point in the earth fill over the downstream receiving culvert (i.e. Dam 1 auxiliary spillway is the low point over Culvert 3). Flows leaving the pond via the auxiliary spillways follow topography along the culvert and enter the next downstream open water (i.e. Dam 1 auxiliary spillway directs water to Dam 2 impoundment). Hydraulic analysis verified that new weir structures, as described, will not affect upstream and downstream flood maps.



*Figure 4. Dam 2, weir face on existing culvert*

### ***Description of Installation Sequence***

The nature of materials chosen to make the repairs to enclosures and dams require only small, lightweight equipment, such as a backhoe. Little to no excavation is expected during the dam repair, except for the small amount required to place the new outlet structure on a flat surface. No excavation will be needed to line the pipe. All excavated material will be placed away from natural resource features, and protected by silt fence. The stream will flow on its normal route for the duration of the repairs. Dam 1 and Dam 2 will be cut from the existing culverts. The liners will be installed per the manufacturer's instructions. Installation of the liner includes:

- Freeing existing culverts of debris and clean using a flush of high pressure water;
- Verifying clearance by pulling a test liner through the entire culvert extent;
- Using a backhoe to pull liner into pipe. Backhoe will pull from grassed area directly atop the existing culvert (outside of natural resource features);
- Attaching second liner when two feet of first liner length remains outside of the culvert - repeating until entire culvert is lined;

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Tuckaway Country Club – Legend Creek Enclosure and Dam Repair

- Applying grout between the liner the existing culvert using a pressurized application process from both the upstream and downstream end.

Once the liners are installed and the grout has cured, Dam 1 and Dam 2 can be installed. The new concrete outlet structures will be placed where the existing dams were located. The 36-in CMP culvert will be attached to the outlet structure using a sealant.

Activity	Area of Disturbance (sf)
Lining Culvert 1	350 sf <sup>1</sup>
Removal of Culvert 2	450 sf
Replacement of Dam 1/ Lining of Culvert 3	600 sf <sup>1</sup>
Replacement of Dam 2/Lining of Culvert 4	855 sf <sup>1</sup>

<sup>1</sup> Includes area atop culvert

**Works Cited**

Wisconsin Department of Natural Resources (WDNR). 1992. Wisconsin Wetland Inventory Classification Guide (PUBL-WZ-WZ023). 2 pp.

# Legend Creek at Tuckaway Country Club

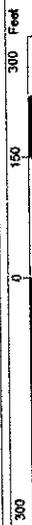
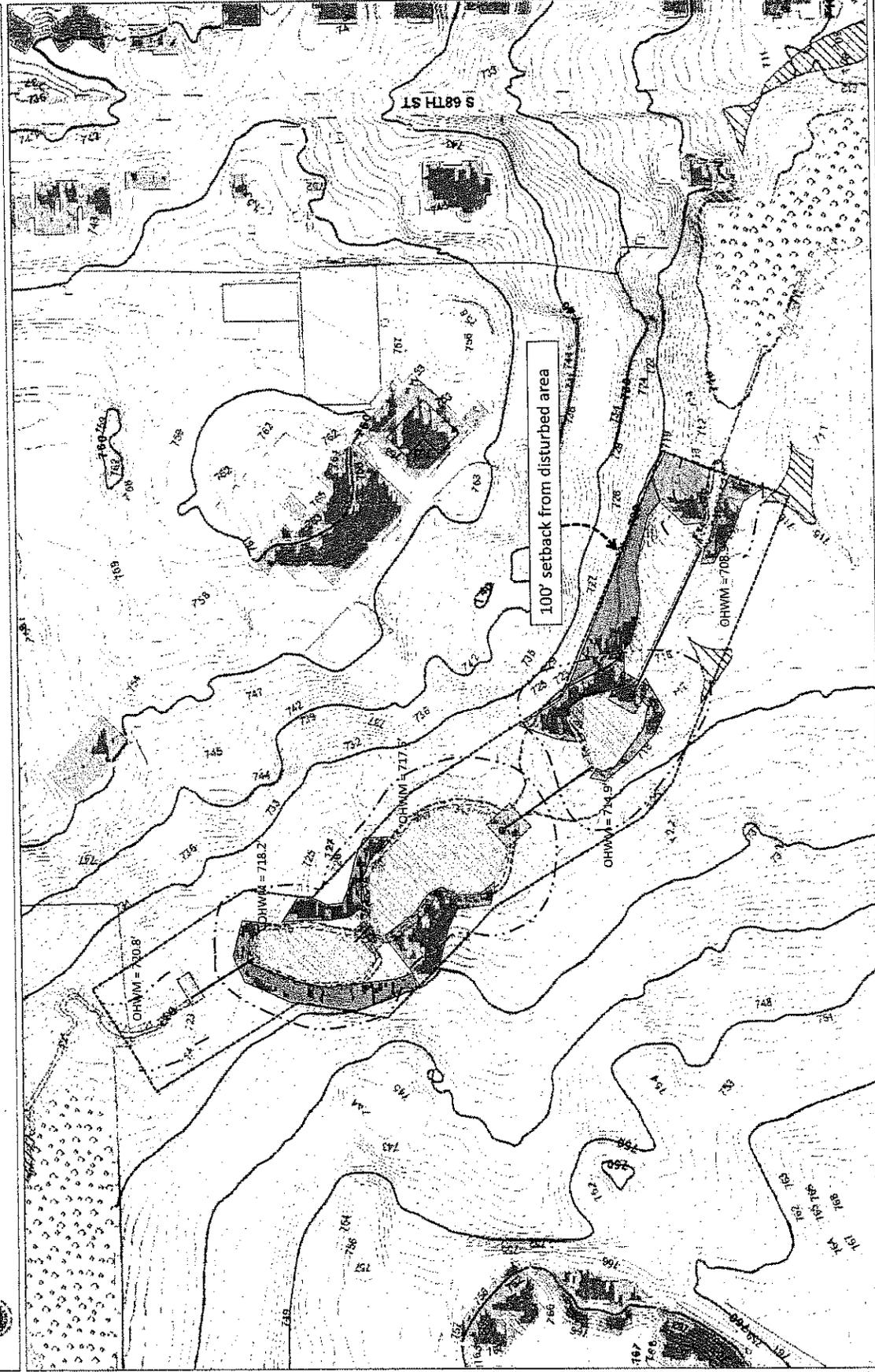
## Legend

- Culvert
- Natural Resource Features
- Floodway
- Steep Slopes
  - 10% to 19%
  - 20% to 29%
- OHWWM
- Stream
- Shore Buffer
- Staging and work areas

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1:1,800

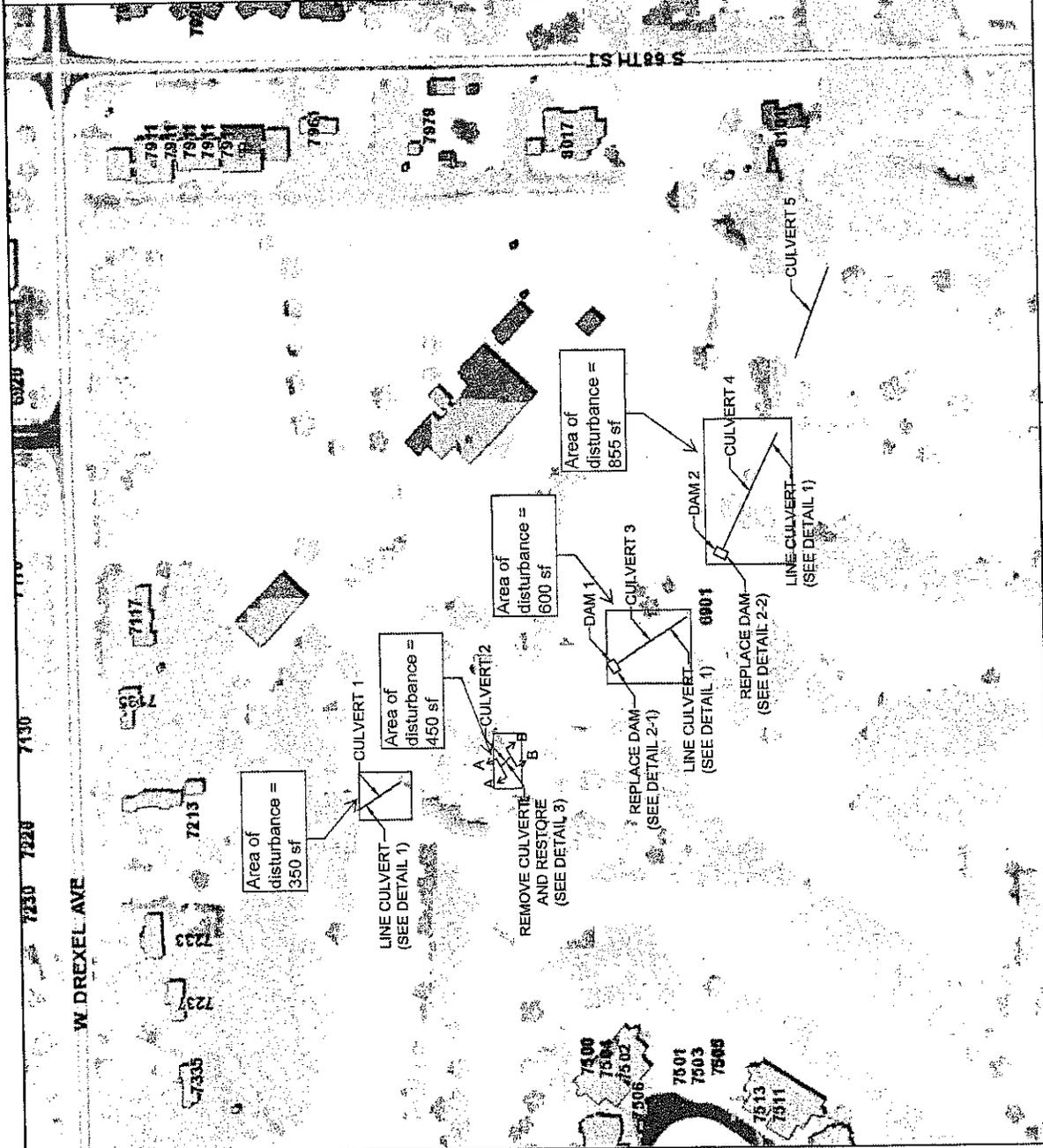
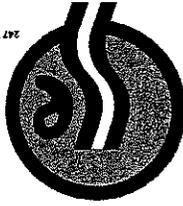
NOTES  
Natural Resource Protection Plan



NAD\_1927\_StatePlane\_Wisconsin\_South\_FIPS\_4983  
© MICHAELIS

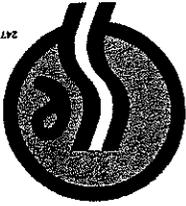
THIS MAP IS NOT TO BE USED FOR NAVIGATION

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PLOT SCALE 1"=200'

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 WWW.STORMWATER-SOLUTIONS-ENGINEERING.COM



TUCKAWAY COUNTRY CLUB  
 6901 W. DREXEL AVE.  
 FRANKLIN, WI 53132

DATE: 4/2/15  
 CHKD BY: ARC  
 DWG BY: HJG  
 APRVD BY: CBG

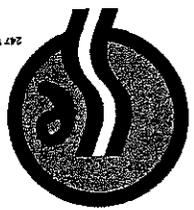
TOPOGRAPHIC & FLOODPLAIN MAP

SHEET # 2



PLOT SCALE: 1"=60'

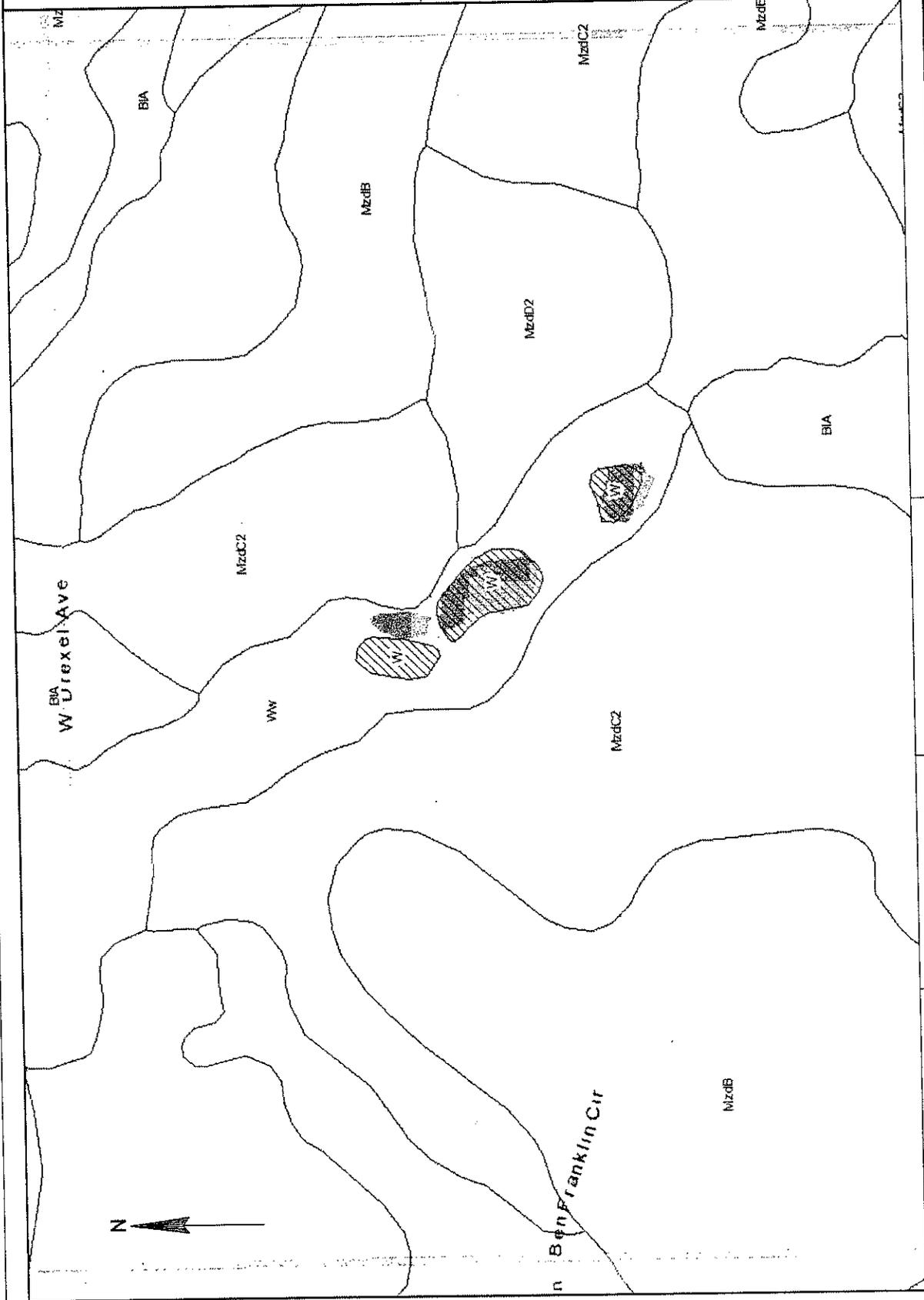
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SOILS MAP  
 SHEET # 3

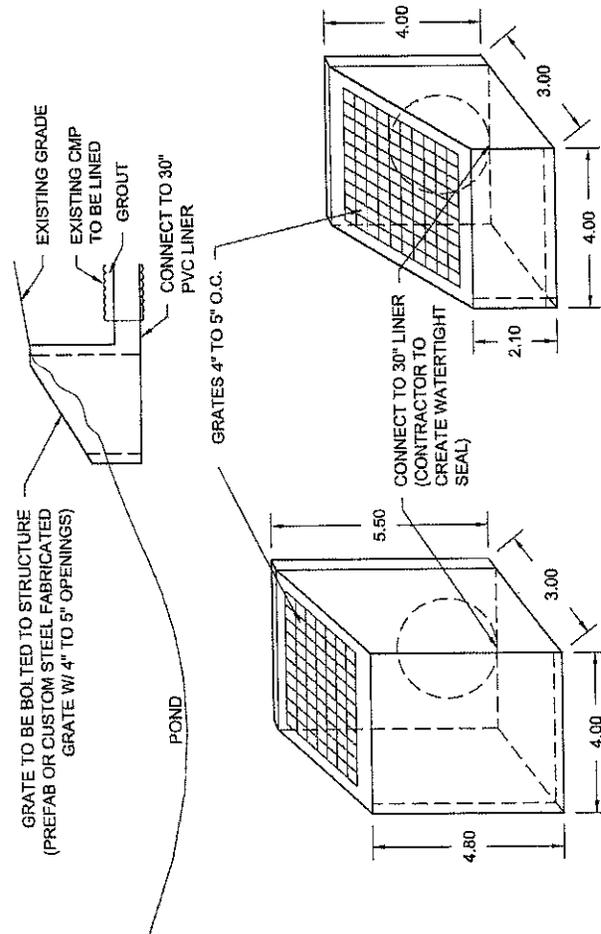




DATE: **4/2/15** DWG BY: **HJG**  
 CHKD BY: **ARC** APRVD BY: **CBG**

**DETAILS**

**SHEET # 4**

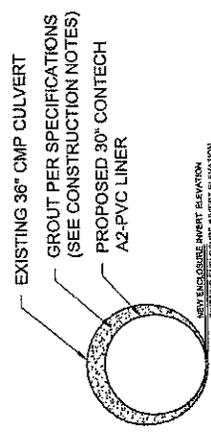


**DETAIL 2-2**

**DETAIL 2-1**

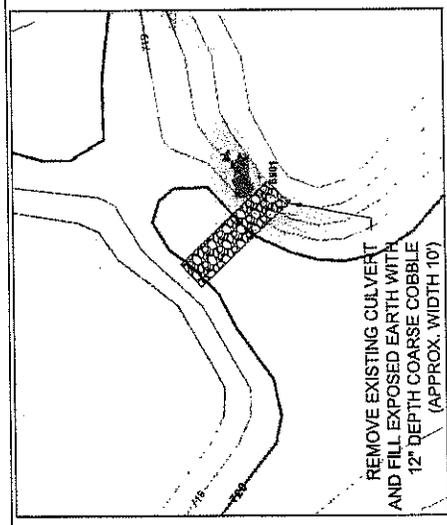
	Dam 1	Dam 2
Depth (ft)	3	3
Width (ft)	4	4
Back Height (ft)	min 5.5	4
Weir Elev (ft)	719.2	713.6
Culvert Invert Elev (ft)	714.4	711.5

**DETAIL 2**  
**DAM REPLACEMENT**  
 NTS



Culvert	Total Length (ft)	Ex Inv Elev (ft)	Lined Inv Elev (ft)
1	115	718.3	718.4
3	175	714.4	714.5
4	260	711.6	711.7

**DETAIL 1**  
**CULVERT LINING**  
 NTS



**DETAIL 3**  
**CULVERT REMOVE/RESTORE**  
 NTS



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CHK'D BY:	ARC	APRVD BY:	CBG
CONSTRUCTION NOTES			

SHEET #	5
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**Construction Notes:**

**Culvert 2 Removal and Re-stabilization**

- Materials
  - o Coarse cobble (d60 - 7.5 in) or larger shall be used to protect soil where culvert 2 is removed
- Installation
  - o Existing culvert shall be completely removed and disposed of as instructed by Tuckaway Country Club
  - o Coarse cobble shall be placed within culvert over any exposed soil to a minimum depth of 1 foot, and channel elevations as specified by construction drawings

**Pipe Liners**

- Materials
  - o Contech 30-inch A2™ Liner Pipe shall be used to line the full length of Culverts 1, 3, and 4, as specified in the construction drawings
  - o Pipes shall be connected with a PVC coupling using elastomeric sealing gaskets, provided by the manufacturer
    - When coupled, the interior diameter of the pipe shall not be reduced, and the outside diameter of the pipe shall be constant
    - Coupled pipes shall maintain less than 5-deg angularity to provide watertight seal
  - o An appropriate grout shall be chosen for the annular space between the liner and existing culvert based on the method of grouting chosen (i.e., monolithic or stage grouting)
    - Grout density shall be less than .57 lb/cft to prevent liner floating during installation
    - Recommended maximum grouting pressure is 5 psi
      - Appropriate gauges shall be used to monitor external pressures on liner pipe
    - Grout mixture shall be such that curing temperatures from heat of hydration do not exceed 140° F
    - Annular space shall be uniformly and completely filled on both sides of liner simultaneously
- Installation
  - o Preparation for splicing
    - The existing sewer line should be inspected to determine the condition of the line and identify problem areas or obstructions such as displaced joints, crushed pipe, protruding service laterals, roots, debris, out-of-roundness, or inside diameter reductions
    - Remove any obstructions in the existing line that will prevent insertion of, or cause damage to, the new pipe. Large joint offsets or severely deteriorated pipe may need to be removed or repaired prior to installing the pipe.
    - These may be good locations for insertion pits or point repairs
    - Thoroughly clean the existing line as required (high-pressure water, buckets, rammers, or other mechanical methods). Not cleaning the line thoroughly can result in excessive jacking/pulling loads or liner pipe hang ups that may require additional insertion pits
    - Verify adequate clearance for the liner pipe. Depending on the condition of the existing pipe and the obstructions present, it may be desirable to pull a trial liner or mandrel of the same outside diameter as the liner pipe.
    - The trial liner may be a short section of A2 Liner Pipe or A-2000™ Pipe and should be attached to pulling cables at each end.
  - o A2 Liner Insertion
    - A2 Liner Pipe can be either pushed or pulled through the existing line. The safe compressive/jacking loads for A2 Liner Pipe are as follows
      - Pushing Method
        - o A2 Liner Pipe is placed spigot end first with the coupling end trailing. Typically, the leading pipe spigot end is protected by a tapered nose cone (available from Contech). The nose cone will help the liner pipe ride over small joint misalignments and other small obstructions and inconsistencies in the existing pipe. If liner passage is questionable, a steel cable can be threaded through the liner pipe during installation and attached to the nose cone. This allows the liner pipe to be retracted (pulled backward) if the liner pipe gets caught on an obstruction. A pushing ring (or plate) should be used on the coupling end to distribute the load from the pushing equipment.
        - o Both the gasket on the A2 Liner spigot and the inside of the coupling should be lubricated prior to lowering the pipe into the existing (host) pipe and prior to joining devices. After several pipes are installed, a restraining device may not be necessary.
        - o Set the first pipe into the existing pipe and push until only 2 to 3 feet remain in the insertion pit. The pipe should be restrained in preparation for joint assembly with inflatable air bags, wedges, or other devices. After several pipes are installed, a restraining device may not be necessary.
        - o Lubricate and lower the next piece of pipe into position for joining. The spigot end is joined into the previously placed pipe's coupling. Pipe sections can be joined using pushing/pulling equipment or come alongs
        - o Repeat steps 3 and 4 until the liner installation is complete
      - When liner pipe has been installed in both directions from a single insertion pit, the terminal ends are joined with closure couplings or a new manhole.
      - Where A2 Liner Pipe has been installed continuously through manholes, cut and remove the pipe from within the manholes as required



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CONSTRUCTION NOTES (CONT.)	

- o Bulkheads should be formed to seal the annular space between the liner pipe and the existing pipe at all manhole and insertion pit entries and exits as required. If the entire annular space between bulkheads is to be filled with grout, then bulkheads should be constructed to provide adequate resistance to grouting pressures and to provide appropriate vent and drainage tubes. When service and lateral connections are to be connected, it may be desirable to complete downstream bulkheads for the liner segment after connections have been reinstated to provide an outlet for sewage/drainage between the pipes
- Pulling Method
  - o The pulling method is similar to the pushing method. A steel cable is threaded through the existing pipe and attached to a pulling ring (plate) positioned against the liner coupling. The cable is attached to a which assembly to facilitate pulling the liner through the existing pipe section. After each pull, the steel cable is disconnected from the pulling ring and threaded through the next liner pipe section to be joined. After the pulling ring is reconnected to the cable, the process is repeated. A nose cone should be used on the leading spigot end. Do not attempt to pull the leading spigot end. Doing so will disjoin the liner sections.
  - The pipe pushing/pulling loads should be monitored. Excessive force can "telescope" pipe joints and/or damage the liner pipe. On some installations, it may be feasible to inject a bentonite slurry ahead of the liner or swab the exterior surface of the liner pipe with lubricant to provide a lower friction factor. This is commonly done from the receiving end of the run.
- o Assembling Gasketed Joints
  - A2 gaskets are fitted over the machined "corrugation ribs" on the spigot end of the pipe at the factory.
  - Remove the protective plastic wrap from the gasket
  - Thoroughly clean the bell and spigot ends, making sure they are free of mud and grit
  - Use a Johnny mop or brush to apply a liberal amount of gasket lube to the gasket and to swab the inside of the bell. Take care to lube the chamfered (leading) edge of the coupling
  - Align the joint, and push or pull the pipe from the trailing end until the first full corrugation on the spigot end contacts the coupling
  - Maintain joining pressure on the joint momentarily to ensure that the joint does not separate. Use either a pushing ring, pulling ring, or other appropriate device to distribute the load on the coupling to prevent damage.
  - When pushing the joint home, make sure that debris or dirt is not pulled into the coupling by the spigot. Material such as small stones or sand pulled into the coupling as the pipe is slabbbed can impair gasket sealing and cause leaks
  - On field-cut ends, refer to the section Installing Closure Couplings for proper placement of gaskets.
- o Field Cutting Pipe
  - If there is a need for field modifications of A2 Liner Pipe, cut through a corrugation valley using a hand or power saw to create a standard A-2000 spigot end. Once the A2 Liner Pipe is field modified, the new spigot end is no longer compatible with the A2 Liner coupling
- o Installing Closure Couplings
  - After sliplining in both directions from a single insertion pit, the terminal ends can be connected using closure (centerstepless) couplings on field cut pipe ends. Fabricated elbows are available for installation in the pit where there is a change in line direction
  - Closure couplings fit over the pipe's external corrugations and require A-2000 gaskets. Two loose A-2000 gaskets are supplied with each closure coupling. Use two closure couplings
  - Cut the terminal pipe ends, leaving ends
  - Slide a closure coupling over each terminal end
  - Measure and cut a length of pipe to closely fit between the terminal ends. Each end of the pipe requires a field cut end. Place an A-2000 gasket on each spigot end with the lower leading edge of the gasket facing the closure coupling. The leading (lower) edge of the gasket is marked with the CONTECH logo and wording to distinguish it from the seating (higher) edge
  - Draw home marks a half-coupling length from each spigot end. Liberally lube all gaskets and inside of couplings
  - Align the measured length with terminal ends, and push closure couplings to home marks. In addition to standard closure couplings, flexible rubber adapters, gasketed stainless steel clamps and manholes can also be used to connect terminal ends
- o Annular Space Grouting
  - Most sliplining installations require the annular space between the existing (host) pipe and the liner pipe to be grouted. Grouting of the annular space fixes the position of the new liner pipe, provides uniform support, increases allowable external hydrostatic pressure on the liner pipe and inhibits further failure of the host pipe. Introducing the grout into the annulus is accomplished by gravity flow or by pumping. Properly controlled grouting is essential to prevent liner pipe flotation, deformation, or even collapse
  - Placement
    - There are many acceptable grouting methods, and they usually fall under two general categories: monolithic grouting and stage grouting
    - o Monolithic grouting (in one step) involves filling the entire annular space with one lift. Grout is injected, under pressure, from the upstream end of the pipe run from manhole to manhole, or from an insertion pit to manhole. The grout moves down the annulus in a wave-like fashion pushing water or sewage ahead of the grout
    - o Staged grouting involves placement of the grout in lifts. The liner pipe is grouted into a cradle in the first stage. After the first lift of grout has cured, the remaining lift(s) of grout is placed. Since the liner pipe is in a cradle after the first lift, and further deformation is limited, it may be possible to increase grout injection pressures, if needed, to ensure complete grouting of the annular space
    - Other grout placement methods include grouting from the surface through drilled holes and slick-line grouting from a tube, within the annulus, that is retracted while grout is pumped through it. For all placement methods, the annular space should be uniformly and completely filled on both sides of the liner simultaneously. Unbalanced or uneven grouting can affect liner shape, line and grade
  - Flotation



DATE:	4/2/15	DWG BY:	HJG
CHK'D BY:	ARC	APR'D BY:	CBG

CONSTRUCTION NOTES (CONT.)

SHEET # 7

When project plans and specifications require the liner pipe to be positioned on the invert of the existing pipe, flotation of the liner pipe resulting from grouting operations should be addressed. Depending on the type of grout and the grouting method being used, it may be necessary to perform one or more of the following to offset buoyant forces on the pipe:

- o Fill the liner pipe with water, partially or fully, depending on the grout density and grout lift thickness. When full of water, A2 Liner Pipe has an average density of approximately 57 lbs./c.f. For macroalithic grouting, the liner pipe should be full of water, and the grout density must be lower than 57 lbs./c.f.
  - o Stage grout with a suitable lift thickness, depending on grout density
  - o Attach blocking or spacers to the pipe exterior with strapping
- The two (2) outlet structures (Dam 1 and Dam 2) shall be precast concrete structures with dimensions as specified in the construction drawings. The Contractor shall provide shop drawings of each structure and grate prior to construction for approval by engineer. Each structure shall be fitted with a min. 4-in on center metal grate as specified in the construction drawings. The grate shall be bolted to the concrete structure with removable bolt system to accommodate maintenance. The grate shall be capable of sustaining a 300 lb. load at the center.
- o The manhole shall be constructed with a flexible watertight seal sized to fit the outlet pipe liner as specified in the construction drawings.
- Installation
- o Existing structures shall be cut from existing culverts, removed from the ponds, and disposed of as instructed by Tuckaway Country Club
  - o The new structures shall be installed that the same invert elevations as the old structures, as specified in the construction drawings
    - o A 6" compacted stone base shall be placed to provide a solid foundation and maintain elevation of outlet structure
  - o The new 30-in A2 pipe liner shall extend from the existing culvert and connect to the new outlet structure. The joint where liner and structure meet shall be properly sealed with water-tight grout/caulk

**Restoration**

- All disturbed grass areas shall be restored with topsoil, seed and mulch. Special golf-course seed mixes will be provided by Tuckaway Country Club.
- o Materials
    - o Topsoil:
      - o Topsoil shall consist of natural loam, sandy loam, silty loam, silty clay loam, or clay loam humus-bearing soils adapted to the sustenance of plant life and such topsoil shall be neither excessively acidic nor excessively alkaline.
      - o Topsoil shall be free of large stones, roots, weeds, debris, contamination, weeds, or other unsuitable material, which may be detrimental to plant growth
    - o Mulch:
      - o Mulch may consist of straw or hay in an air-dry condition, wood excelsior fiber, wood chips, or other suitable material of a similar nature that the engineer approves
      - o Mulch shall be substantially free of noxious weed seeds or objectionable foreign matter
  - o Installation
    - o Scarify surface to depth of 6 inches where heavy equipment has compacted soil
    - o Place topsoil in areas where seeding, sodding, and planting is required to a thickness of minimum of 6 inches
    - o Place topsoil during dry weather
    - o Fine grade topsoil to eliminate rough or low areas. Maintain profiles and contour of subgrade
    - o Remove roots, weeds, rocks, and foreign material while spreading
    - o Manually spread topsoil close to plant material, buildings, and pavement to prevent damage
    - o Lightly compact placed topsoil
    - o Remove surplus soil from site
    - o Leave stockpile area and site clean and reiked, ready to receive landscaping

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
Waukesha Service Center  
141 NW Barstow St. Room 180  
Waukesha WI 53188

Scott Walker, Governor  
Cathy Stepp, Secretary  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



May 22, 2015

Nick Fuchs  
Senior Planner  
9229 W. Loomis Road  
Franklin, WI 53132

Subject: Approval of the Case by Case Analysis for the reconstruction of dams on Legend Creek  
FAD (11921)

Dear Mr. Fuchs:

I received the floodplain analysis for the proposed repairs two existing dams across Legend Creek, located in the NE ¼ of NW ¼ of Section 15, T5N, R21E, City of Franklin, Milwaukee County. The proposed repairs to the existing dams will consist of removing the existing water control structure, lining the enclosure culverts, grouting between the liner and CMP and the construction of a principal and auxiliary spillway; and the removal of an existing culvert. My review found that the study submitted on May 15, 2015 under the Professional Seal of Susan Coyle, P.E. CFM of Stormwater Solutions Engineering LLC meets the requirements of NR 116, Wisconsin Administrative Code and has therefore gained my approval.

The study showed no impact to the base flood elevations and therefore a LOMR is not required.

This approval only relates to the Standards of NR116 and does not relieve the applicant of other necessary Federal, State or Local requirements. If you have any questions, please contact me at Nathan.zoch@wi.gov or (262) 574-2188.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nathan Zoch'.

Nathan Zoch, EIT  
Water Management Engineer  
Waukesha Regional Office  
Wisconsin DNR

Cc: Gary Heinrichs – WDNR (via email)  
Adrienne Cizek, P.E. Stormwater Solutions Engineering, LLC (via email)  
Susan Coyle, P.E. CFM of Stormwater Solutions Engineering LLC (via email)  
Michelle Scott – WDNR (via email)

State of Wisconsin  
DEPARTMENT OF NATURAL RESOURCES  
Waukesha Service Center  
141 NW Barstow, Room 180  
Waukesha, WI 53188

Scott Walker, Governor  
Cathy Stepp, Secretary  
Telephone 608-266-2621  
Toll Free 1-888-936-7463  
TTY Access via relay - 711



May 29, 2015

INF-SE-2015-41-02033

Jim Poitz  
Tuckaway Country Club  
6901 W. Drexel Ave.  
Franklin, WI 53132

RE: Ordinary High Water Mark Determination – Legend Creek in the City of Franklin

Dear Mr. Poitz:

This letter follows up the Ordinary High Water Mark (OHWM) determination request submitted to the Department of Natural Resources (WDNR) for Legend Creek located on Tuckaway Country Club (see attached map). The property is also described as being in Section 15, Township 5 North, Range 21 East, City of Franklin, Milwaukee County.

On May 26, 2015, Travis Schroeder (Water Management Specialist) and I conducted a site visit to flag the OHWM of Legend Creek. We flagged five locations, along the banks of three ponds and two stream sections upstream and downstream of the ponds, indicating the OHWM elevation. These elevations were determined by using biological and physical characteristics along the shoreline.

If you have not done so already, these marked areas need to be surveyed in as elevations and mapped by a certified professional surveyor. Once this has been done, please send a copy of the survey to the Department so that we may add this information into our records.

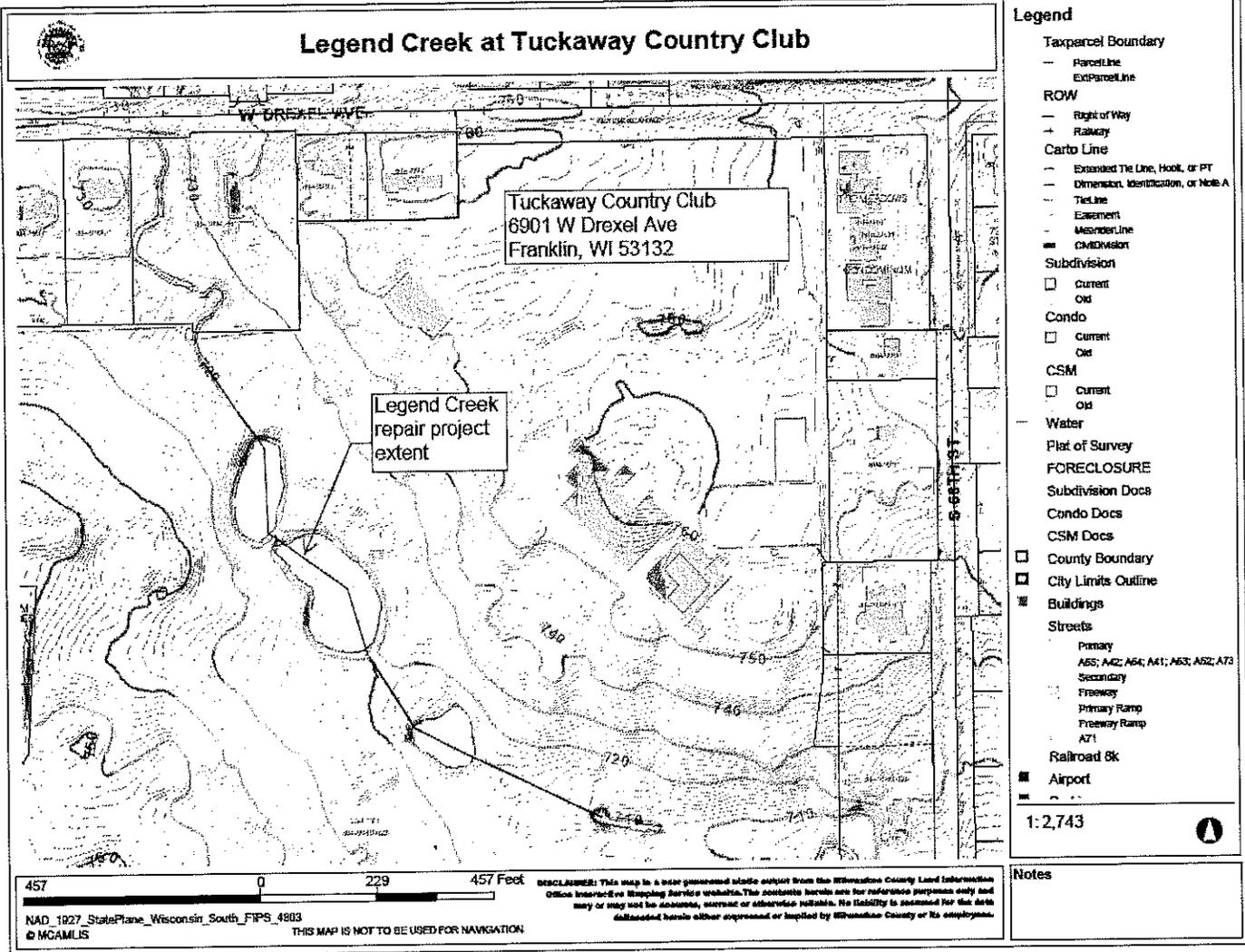
If you have any further questions, please call me at 262-574-2132.

Sincerely,

A handwritten signature in black ink, appearing to read 'April Marcangeli'.

April Marcangeli  
Water Management Specialist

Cc: Anthony Jernigan, ACOE  
Joel Dietl, City of Franklin  
Adrienne Cizek, Stormwater Solutions Engineering, LLC



## Exhibit B

### City of Franklin Environmental Commission

TO: Common Council  
DATE: May 27, 2015  
RE: Special Exception application review and recommendation  
APPLICATION: Tuckaway Country Club, Applicant, dated: May 6, 2015  
(6901 West Drexel Avenue)

#### **I. §15-9.0110 of the Unified Development Ordinance Special Exception to Natural Resource Feature Provisions Application information:**

1. Unified Development Ordinance Section(s) from which Special Exception is requested:

*Table 15-4.0100.*

2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions):

*Legend Creek flows through five enclosures and two water control devices (dam outlet structures) on Tuckaway Country Club property. Three 3-ft diameter degrading stream enclosures (Culverts 1, 3, and 4) are to be repaired using a 3 1-in diameter PVC liner. These enclosures total 550 ft in length. Another 5-ft diameter degrading stream enclosure (Culvert 2) is to be removed, and the newly exposed soil will be protected using cobble. The two highly corroded dams are to be replaced with new outlet structures. These repairs will protect up and downstream stream integrity and water quality by maintaining open flow paths, flood elevations, and preventing further debris from the degrading structures from washing downstream. The improvement will also improve aesthetics and safety on Tuckaway Country Club property.*

3. Applicant's reason for request:

*The existing stream structures are over 50 years old and in need of repair. The repair will continue to protect the stream and nearby properties, while increasing safety and aesthetics on Tuckaway Country Club property.*

4. Applicant's reason why request appropriate for Special Exception:

*The enclosure and dams along Legend Creek at Tuckaway Country Club are deteriorating, causing sink holes, sharp exposed pipe, and periods of restricted flow along the property. Not only does this take away from the beauty of the stream, it also is a safety concern for golfers and staff. Repair to the structures includes lining three of the 3-ft diameter culverts with a PVC liner to provide needed structural integrity, while maintaining upstream flood elevations. A fourth enclosure will be removed and the exposed soil will be protected with cobble. The existing highly corroded metal dams will be removed and replaced with precast concrete outlet structures, with easily maintained trash racks to prevent clogging during large stream flows. Construction disturbance for these repairs is quite small, consisting mainly of the machinery required to place the new outlet structures. The time frame for construction is estimated at less than 1 week.*

*In addition, the project is needed to further protect the navigable water and shore by repairing structures that have long been a part of Legend Creek. The repairs enhance the integrity of the stream, while maintaining upstream flood elevations.*

**II. Environmental Commission review of the §15-9.0110C.4.f. Natural Resource Feature impacts to functional values:**

1. Diversity of flora including State and/or Federal designated threatened and/or endangered species:

*Not applicable - No Federal- or State-designated Special Concern, Threatened or Endangered species will be impacted by the proposed improvements. Vegetation around the ponds is primarily turf grass, with some emergent herbaceous vegetation closer to the permanent water surface.*

2. Storm and flood water storage:

*Not applicable - There will be no significant impacts to storm and flood water storage as a result of the proposed improvements. There will be no impact to the base flood elevations.*

3. Hydrologic functions:

*Not applicable - There will be a minimal affect on hydrologic functions.*

4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances:

*Not applicable - There will be no significant impact to water quality. During construction activities, all exposed soil will be covered with erosion control fabric and seeded. The project will likely improve water quality in the long-term by preventing further metals from leaching off the existing pipes.*

5. Shoreline protection against erosion:

*Not applicable – There will be no significant impact to the shoreline. Newly exposed soil will be protected using cobble.*

6. Habitat for aquatic organisms:

*Not applicable – The proposed site work will not disturb any habitats.*

7. Habitat for wildlife:

*Not applicable – The proposed site work will not disturb any habitats.*

8. Human use functional value:

*Not applicable – There will be no change to the use or function.*

9. Groundwater recharge/discharge protection:

*Not applicable – There will be no significant impact to groundwater recharge/discharge.*

10. Aesthetic appeal, recreation, education, and science value:

*Applicable – Aesthetics will be improved with the proposed improvements with the elimination of corroding metal and sink holes.*

11. State or Federal designated threatened or endangered species or species of special concern:

*Not applicable – The proposed improvements will not impact any State or Federal designated threatened or endangered species or species of special concern.*

12. Existence within a Shoreland:

*Not applicable – The area is not located within a shoreland.*

13. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time:

*The project area within the Tuckaway Country Club property is located within a Planned Secondary Environmental Corridor.*

### **III. Environmental Commission review of the §15-10.0208B.2.d. factors and recommendations as to findings thereon:**

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature):

*The proposed project involves repairing existing structures; therefore, will be an enhancement to the stream.*

2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

- a. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives:

- b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives:

*There are no alternatives to repairing the existing in-stream structures without affecting the stream.*

*All the alternatives will result in disturbance to Legend Creek. As the project is repairing that which already exists, it will not result in any resource loss to the community.*

*The project provides an option for repairing stream structures along Legend Creek, maintaining the integrity and flooding pattern of the creek. In minimizing disturbance to the stream, Tuckaway also minimizes disturbances to its property, while providing opportunity for safe recreation and occupation.*

*If the repairs are not made, the stream structures will continue to degrade. This will increase the sink holes on Tuckaway property, potentially resulting in injury to golfers or staff. Further deterioration of the enclosure will also likely restrict flow through the culverts, increasing flooding on Tuckaway and possibly on upstream properties as well.*

*The repairs were chosen to have the smallest effects on Legend Creek during construction and after completion. There is not a foreseeable alternative to repairing the structures with less disturbance to the waterway.*

3. The Special Exception, including any conditions imposed under this Section will:

- a. be consistent with the existing character of the neighborhood: *the proposed project consists of repairing and improving existing structures onsite and will be an enhancement to the stream, Tuckaway Country Club's property and the adjacent neighborhood; and*
- b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *the circumstances surrounding this project are unique to Tuckaway Country Club, which has existing structures that are over 50 years old and in need of repair to allow the property to continue to function as a golf course; and*
- c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *The proposed improvements are an enhancement to the existing conditions, and therefore, are in harmony with the purpose and intent of the Unified Development Ordinance; and*
- d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development (*this finding only applying to an application to improve or enhance a natural resource feature*): *The aesthetics and functional values of the stream will be improved as result of the proposed project.*

**IV. Environmental Commission review of the §15-10.0208B.2.a., b. and c. factors and recommendations as to findings thereon:**

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks:

*Much of Legend Creek is enclosed along Tuckaway property. However, two dams serve as water level controls for two large shallow ponded areas on the golf course. The ponds act as aesthetic features along the course. Environmentally, the ponds are classified by the Wisconsin Wetland Inventory as WOHx - standing water, shallow ponded, manmade Palustrine wetland (WDNR, 1992). The vegetation around the pond is primarily turf grass, with some emergent herbaceous vegetation closer to the permanent water surface.*

*The work will be solely located on Tuckaway Country Club property, does not adversely impact adjacent properties and does not encroach on any applicable setbacks not otherwise stated herein.*

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district:

*The circumstances and needs surrounding the proposed project are unique to Tuckaway Country Club's property. The improvements are being made to existing structures already in place. These are old structures that are in need of repair and the project will be a benefit to the stream, property and adjacent properties. There are no new disturbances or impacts to natural resource features.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant:

*The improvements allow the continued use of the property as a golf course. Furthermore, the improvements provide for better aesthetics and safety for golfers.*

4. Aesthetics:

*Aesthetic appeal and recreation at Tuckaway Country Club will be improved by eliminating corroding metal and sink holes. The stream will not experience any other negative impact.*

5. Degree of noncompliance with the requirement allowed by the Special Exception:

*The impacts are minimal and will result in an overall enhancement of the stream and property.*

6. Proximity to and character of surrounding property:

*Tuckaway Country Club is surrounded by single-family and multi-family residential to the north, south, east and west.*

7. Zoning of the area in which property is located and neighboring area:

*The subject property is zoned P-1 Park District, B-2 General Business District, C-1 Conservancy District and FW Floodway District.*

*Surrounding zoning districts include R-3 Suburban/Estate Single-Family Residence District, R-5 Suburban Single-Family Residence District, R-6 Suburban Single-Family Residence District, R-8 Multiple-Family Residence District, Planned Development District developments, C-1 Conservancy District and FW Floodway District.*

8. Any negative affect upon adjoining property:

*There are no negative impacts to adjoining properties. The project will not significantly affect adjoining properties, and if anything will be an improvement to the stream.*

9. Natural features of the property:

*Within the project area, the property consists of the stream and 75-foot shore buffer.*

10. Environmental impacts:

*The requested Special Exception to Natural Resource Feature Provisions is for the purpose of allowing for approximately 350 square feet of disturbance to line Culvert 1, 450 square feet of disturbance to remove Culvert 2 and restore/fill the area, 600 square feet of disturbance to replace Dam 1 and line Culvert 3 and 855 square feet of disturbance to replace Dam 2 and line Culvert 4, to allow for repairs and improvements of the existing navigable stream structures and floodplain to protect the stream and nearby properties, while increasing safety and aesthetics on Tuckaway County Club property.*

**V. Environmental Commission Recommendation:**

The Environmental Commission has reviewed the subject Application pursuant to §15-10.0208B. of the Unified Development Ordinance and makes the following recommendation:

1. The recommendations set forth in Sections III. and IV. Above are incorporated herein.
2. The Environmental Commission recommends approval of the Application upon the aforesaid recommendations for the reasons set forth therein.
3. The Environmental Commissions recommends that should the Common Council approve the Application, that such approval be subject to the following conditions:
  - a. *The Site Plan/Natural Resource Protection Plan shall include updated field surveys and delineations, concurred by SEWRPC and/or the City's*

natural resource consultant, of all protected natural resource features within that project area per Part 4 of the Unified Development Ordinance, prior to the commencement of work.

- b. The Site Plan/Natural Resource Protection Plan shall include a map and table detailing the limits and amount of disturbance (both temporary and permanent) of each dam replacement/removal and each culvert lining equipment setup/construction area in relationship to each of the protected natural resource features within these areas for Department of City Development review and approval prior to the commencement of work.
- c. The updated Site Plan shall also include a boundary line illustrating the location of the Conservation Easement. The final delineations shall be reflected on the Conservation Easement.
- d. Should any protected natural resource features (other than the subject stream) be impacted by this proposed project, Staff recommends mitigation meeting the requirements of Section 15-4.0103 of the UDO. In that instance, a separate plan shall be submitted showing areas of proposed mitigation and enhancements to natural resource features as well as a long-term maintenance plan for those areas for Environmental Commission, Plan Commission and Common Council approval prior to the commencement of work.
- e. That all City of Franklin Consultant's comments regarding the NRPP are addressed to the satisfaction of Department of City Development Staff, prior to issuance the commencement of work.
- f. A written Conservation Easement shall be submitted for review and approval by the Common Council and must reflect the most up-to-date delineations, prior to the commencement of work.
- g. All required approvals and permits from the Army Corp of Engineers, the Wisconsin Department of Natural Resources and Federal Emergency Management Agency (FEMA) as may be necessary be obtained, prior to the commencement of work.

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 27<sup>th</sup> day of May, 2015.

Dated this 29 day of May, 2015.

Wesley Cannon  
Wesley Cannon, Chairman

Attest:

Curtis Bolton  
Curtis Bolton, Vice-Chairman

## Exhibit C



## CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of June 4, 2015

## Natural Resource Special Exception

---

**RECOMMENDATION:** City Development Staff recommends approval of the Natural Resource Special Exception, subject to the conditions of approval in attached draft Standards Findings and Decision.

---

<b>Project Name:</b>	Natural Resource Special Exception (NRSE) Request for Tuckaway Country Club
<b>Project Location:</b>	6901 West Drexel Avenue
<b>Applicant:</b>	Tuckaway Country Club
<b>Existing Zoning:</b>	P-1 Park District and C-1 Conservancy District
<b>Use of Surrounding Properties:</b>	Single-family and multi-family residential to the north, south, east and west
<b>2025 Comprehensive Plan:</b>	Recreational and Areas of Natural Resource Features
<b>Applicant Action Requested:</b>	Recommendation to the Common Council for approval of the requested Natural Resource Special Exception (NRSE)

---

**Introduction:**

Please note:

- Staff recommendations are *underlined, in italics* and are included in the draft ordinance.

The applicant is requesting approval of a Natural Resource Special Exception (NRSE) for the purpose of allowing for approximately 350 square feet of disturbance to line Culvert 1, 450 square feet of disturbance to remove Culvert 2 and restore/fill the area, 600 square feet of disturbance to replace Dam 1 and line Culvert 3 and 855 square feet of disturbance to replace Dam 2 and line Culvert 4, to allow for repairs and improvements of the existing navigable stream structures and floodplain to protect the stream and nearby properties, while increasing safety and aesthetics on Tuckaway County Club property.

Tuckaway Country Club is located on approximately 175 acres and consists of an 18 hole golf course, a clubhouse, tennis courts, swimming pool and other related accessory uses and structures. Legend Creek, a navigable waterway, runs through the Tuckaway Country Club property through existing enclosures and dams. These structures are over 50 years old and have deteriorated over the years. The current condition of the culverts and dams has an adverse impact on the flow of water, water quality, flooding and the aesthetics of the golf course.

On May 22, 2015 Department of City Development staff received a letter from the Wisconsin Department of Natural Resources indicating their approval of the proposed repairs to the existing dams at Tuckaway Country Club. A copy of the letter is attached for review.

At their May 27, 2015 meeting, the Environmental Commission recommended approval of the Natural Resource Special Exception Request for Tuckaway Country Club. A draft copy of their findings is attached for review.

### **Project Description and Analysis:**

According to the applicant, the proposed work to line, replace and/or remove the existing culverts and dams will protect the up and downstream integrity and water quality by maintaining open flow paths, flood elevations, and preventing further debris from the degrading structures from washing downstream. Furthermore, the applicant has indicated that the proposed modifications will also improve aesthetics and safety on the Tuckaway Country Club golf course.

Table 15-4.0100 requires 100% protection of streams and floodplains for nonresidential development. Therefore, to make the requested improvements a Natural Resource Special Exception is required.

The Wisconsin Department of Natural Resources has determined the stream to be navigable and identified the Ordinary High Water Mark as shown on the attached plans.

According to the applicant, the proposed work will take place within the stream only, thus not disturbing the shore buffer. However, as the subject stream is also part of the 100-year floodplain associated with Legend Creek, disturbance of the floodplain has been included as part of this Natural Resource Special Exception.

The applicant is not proposing any mitigation as part of this request. Staff would note, however, that any improvement of flows within the subject dams and culverts would likely have positive benefits upon the floodplain associated with the subject Legend Creek. If approved, staff recommends the following conditions:

1. The Site Plan/Natural Resource Protection Plan shall include updated field surveys and delineations, concurred by SEWRPC and/or the City's natural resource consultant, of all protected natural resource features within that project area per Part 4 of the Unified Development Ordinance, prior to the commencement of work.
2. The Site Plan/Natural Resource Protection Plan shall include a map and table detailing the limits and amount of disturbance (both temporary and permanent) of each dam replacement/removal and each culvert lining equipment setup/construction area in relationship to each of the protected natural resource features within these areas for Department of City Development review and approval prior to the commencement of work.
3. The updated Site Plan shall also include a boundary line illustrating the location of the Conservation Easement. The final delineations shall be reflected on the Conservation Easement.
4. Should any protected natural resource features (other than the subject stream) be impacted by this proposed project, Staff recommends mitigation meeting the

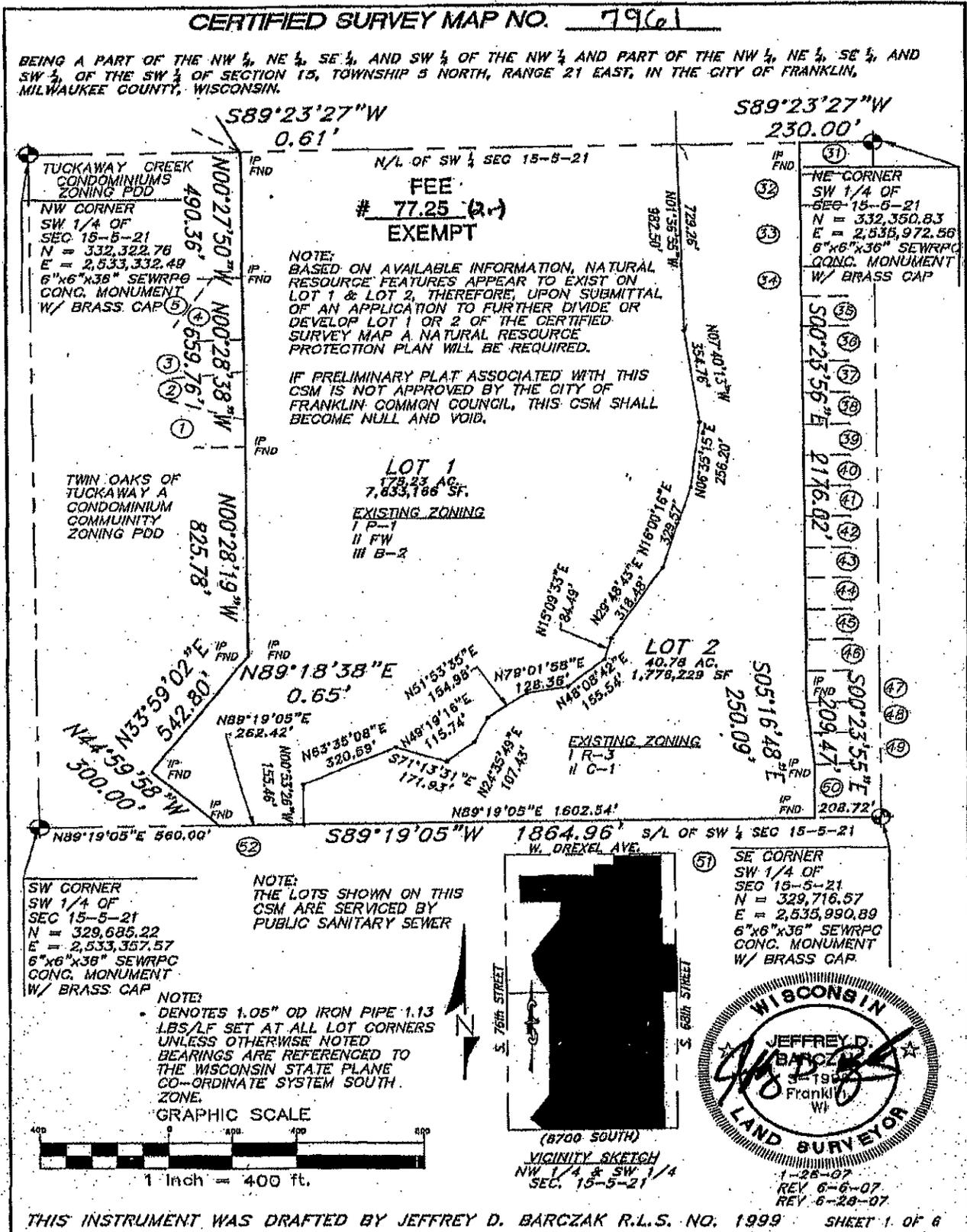
requirements of Section 15-4.0103 of the UDO. In that instance, a separate plan shall be submitted showing areas of proposed mitigation and enhancements to natural resource features as well as a long-term maintenance plan for those areas for Environmental Commission, Plan Commission and Common Council approval prior to the commencement of work.

5. That all City of Franklin Consultant's comments regarding the NRPP are addressed to the satisfaction of Department of City Development Staff, prior to issuance the commencement of work.
6. A written Conservation Easement shall be submitted for review and approval by the Common Council and must reflect the most up-to-date delineations, prior to the commencement of work.
7. All required approvals and permits from the Army Corp of Engineers, the Wisconsin Department of Natural Resources and Federal Emergency Management Agency (FEMA) as may be necessary be obtained, prior to the commencement of work.

**STAFF RECOMMENDATION:**

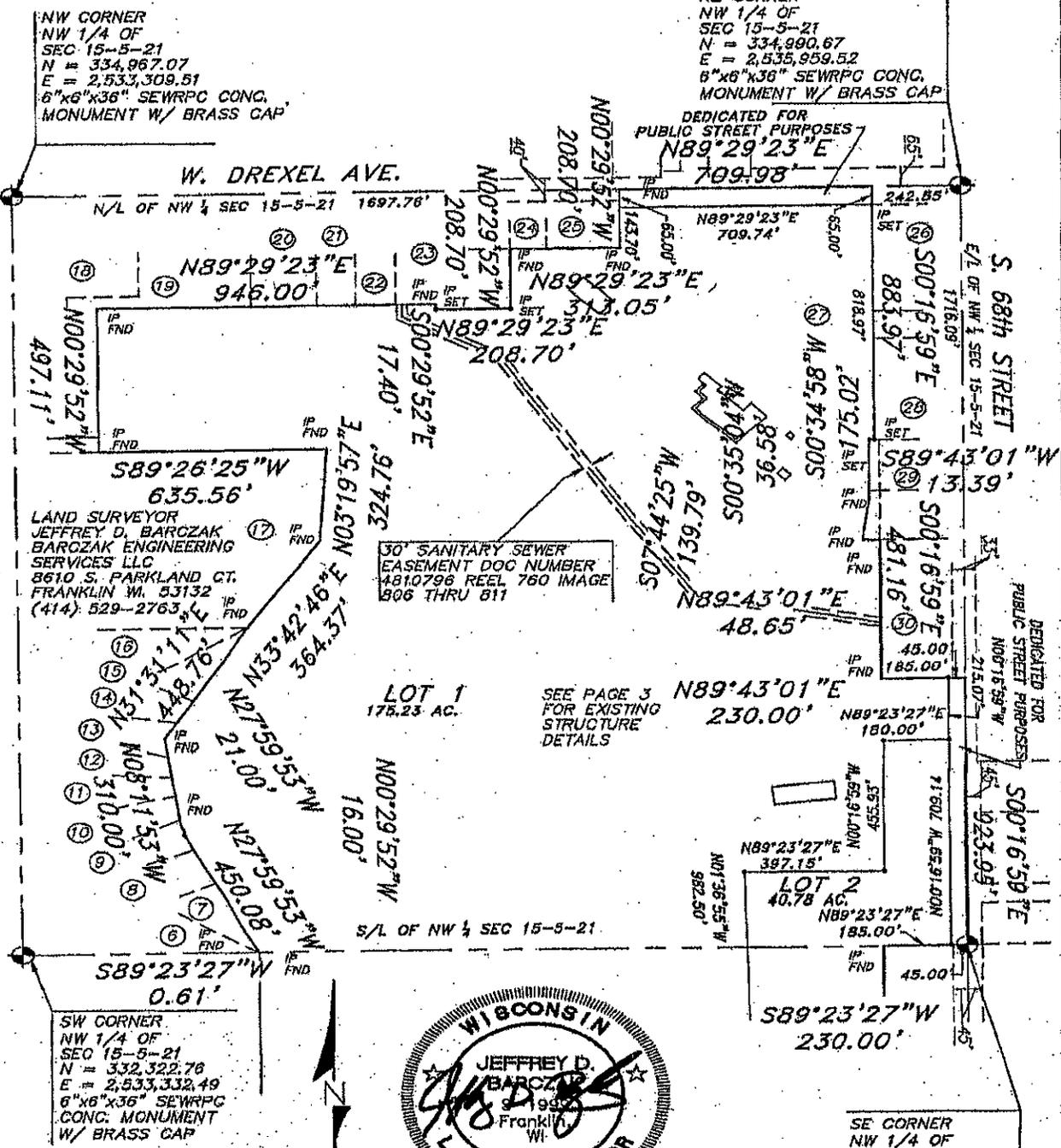
City Development Staff recommends approval of the Natural Resource Special Exception, subject to the conditions of approval in the attached draft Standards Finding and Decision.

Exhibit D



**CERTIFIED SURVEY MAP NO. 7961**

BEING A PART OF THE NW 1/4, NE 1/4, SE 1/4, AND SW 1/4 OF THE NW 1/4 AND PART OF THE NW 1/4, NE 1/4, SE 1/4, AND SW 1/4 OF THE SW 1/4 OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



NW CORNER  
NW 1/4 OF  
SEC 15-5-21  
N = 334,967.07  
E = 2,533,309.51  
6"x6"x36" SEWRPC CONC.  
MONUMENT W/ BRASS CAP

NE CORNER  
NW 1/4 OF  
SEC 15-5-21  
N = 334,990.67  
E = 2,535,959.52  
6"x6"x36" SEWRPC CONC.  
MONUMENT W/ BRASS CAP

LAND SURVEYOR  
JEFFREY D. BARCZAK  
BARCZAK ENGINEERING  
SERVICES LLC  
8610 S. PARKLAND CT.  
FRANKLIN WI, 53132  
(414) 529-2763

30' SANITARY SEWER  
EASEMENT DOC NUMBER  
4810796 REEL 760 IMAGE  
806 THRU 811

SEE PAGE 3  
FOR EXISTING  
STRUCTURE  
DETAILS



SW CORNER  
NW 1/4 OF  
SEC 15-5-21  
N = 332,322.76  
E = 2,533,332.49  
6"x6"x36" SEWRPC  
CONC. MONUMENT  
W/ BRASS CAP

SE CORNER  
NW 1/4 OF  
SEC 15-5-21  
N = 332,350.83  
E = 2,535,972.56  
6"x6"x36" SEWRPC  
CONC. MONUMENT  
W/ BRASS CAP

OWNER INFORMATION  
TUCKAWAY COUNTRY CLUB  
6901 W. DREXEL AVE  
FRANKLIN, WI, 53132  
(414) 425-4280

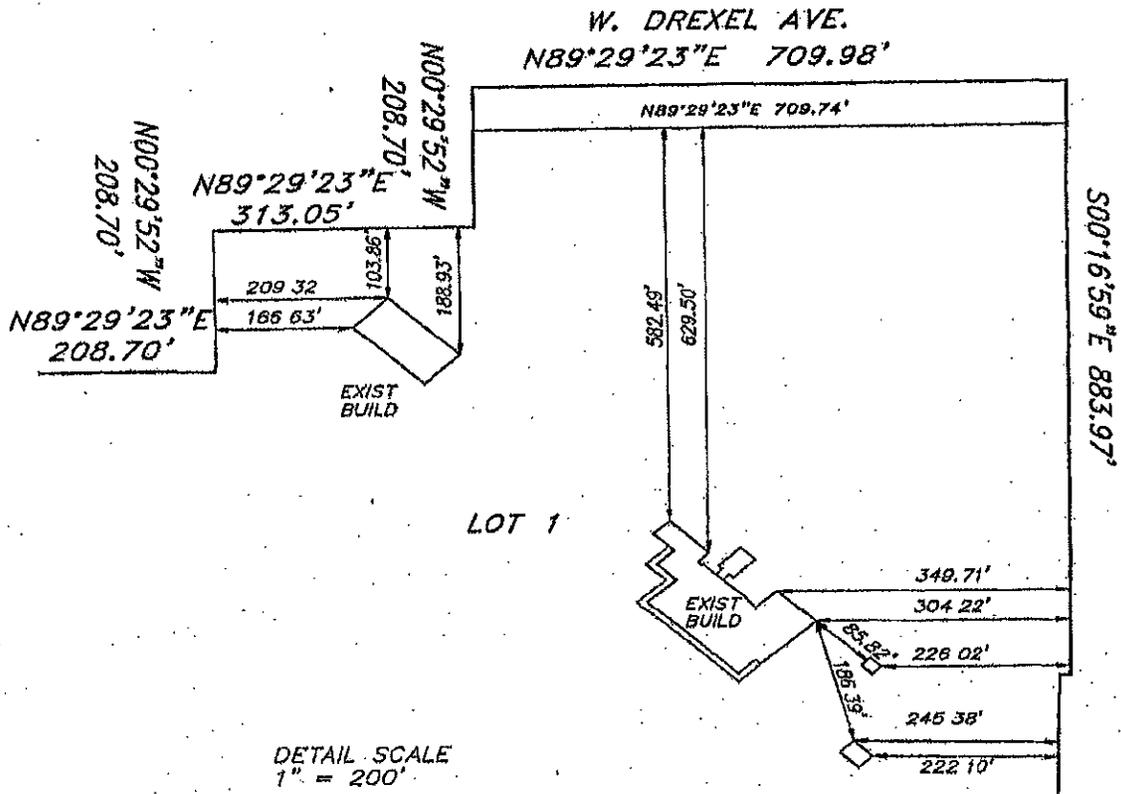
NOTE:  
THE LOTS SHOWN ON THIS  
CSM ARE SERVICED BY  
PUBLIC SANITARY SEWER

1-26-07  
REV 6-6-07  
REV 6-28-07

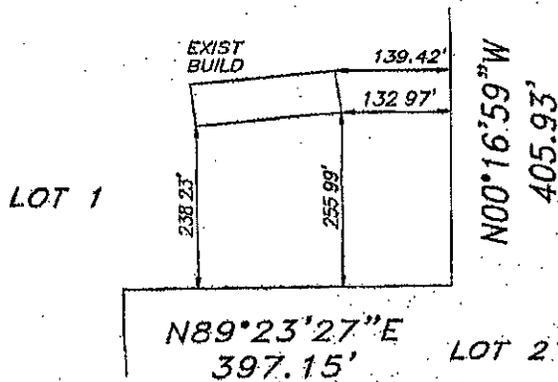
THIS INSTRUMENT WAS DRAFTED BY JEFFREY D. BARCZAK R.L.S. NO. 1999 SHEET 2 OF 6

**CERTIFIED SURVEY MAP NO. 1961**

BEING A PART OF THE NW 1/4, NE 1/4, SE 1/4, AND SW 1/4 OF THE NW 1/4 AND PART OF THE NW 1/4, NE 1/4, SE 1/4, AND SW 1/4 OF THE SW 1/4 OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



DETAIL SCALE  
1" = 200'



REV 6-6-07

THIS INSTRUMENT WAS DRAFTED BY JEFFREY D. BARCZAK R.L.S. NO. 1999 SHEET 3 OF 6

**CERTIFIED SURVEY MAP NO. 1961**

BEING A PART OF THE NW 1/4, NE 1/4, SE 1/4, AND SW 1/4 OF THE NW 1/4 AND PART OF THE NW 1/4, NE 1/4, SE 1/4, AND SW 1/4, OF THE SW 1/4 OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

**ADJOINING PROPERTY OWNERS**

NUMBER	NAME (OWNERS)	LANDS	ZONING
1	VECHSATHOL, SOMCHAI & PHOUNPRASEU	TUCKAWAY DOWNS	PDD
2	SASS JAMES A & SUZANNE M	TUCKAWAY DOWNS	PDD
3	CHOUGH WOON & SEUNG	PARCEL 2 CSM NO. 6896	PDD
4	LORINO, THOMAS & ANN	PARCEL 1 CSM NO 6896	PDD
5	HUENNEKENS CONSTRUCTION INC.	TUCKAWAY DOWNS	PDD
6	NISENBAUM, GREGORY D	COUNTRY CLUB ESTATES	R-5
7	STERNER WALDEMAR P & BARBARA A	COUNTRY CLUB ESTATES	R-5
8	ANDREWS, MATTHEW R. & PATRICIA	COUNTRY CLUB ESTATES	R-5
9	SCHABOWSKI, RICHARD J	COUNTRY CLUB ESTATES	R-5
10	ANDERSON, RONALD LIVING TRUST DTD	COUNTRY CLUB ESTATES	R-5
11	BAND, MARTIN W & SHARON M.	COUNTRY CLUB ESTATES	R-5
12	JOHNSON, JAMES 7 DEBRA	COUNTRY CLUB ESTATES	R-5
13	MELBYE, DAVID A	COUNTRY CLUB ESTATES	R-5
14	COVEY, TIMOTHY & MARGARET	COUNTRY CLUB ESTATES	R-5
15	FRARY, RONALD & DOROTHY	COUNTRY CLUB ESTATES	R-5
16	BUSS, TRACY L.	COUNTRY CLUB ESTATES	R-5
17	TUCKAWAY PINES CONDOMINIUMS	CSM NO. 7110	R-8
18	FAIRWAY MEADOWS ASSOC. LLP	PARCEL 1 CSM NO 5797	R-8
19	FAIRWAY MEADOWS ASSOC. LLP	PARCEL 2 CSM NO. 5797	R-8
20	KACZOR, RAYMOND & BEATRICE	UNPLATTED LANDS	R-3
21	JANTE, THERESA	UNPLATTED LANDS	R-3
22	RZECKOWSKI, HENRY F & ROSE MARIE	UNPLATTED LANDS	R-3
23	SCHNEIDEWENT, DANIEL M & JUDITH A.	UNPLATTED LANDS	R-3
24	LAGERMAN DANIEL P REVOCABLE LIVING TRUST	UNPLATTED LANDS	R-3
25	TOMASINO, ANTHONY C & MARY BETH	UNPLATTED LANDS	R-3
26	THE MEADOWS CONDOMINIUMS	THE MEADOWS CONDOMINIUMS	R-8
27	SCHMIDT, DOUGLAS D.	UNPLATTED LANDS	R-3
28	LUDWIG, FRED & W.	UNPLATTED LANDS	R-3
29	HUFFNER CRAIG W & ELLEN N.	PARCEL 1 CSM 3927	R-3
30	GUFFRE, DOMINIC & JOAN	PARCEL 2&3 CSM 3927	R-3
31	HENRY, SCOTT E	RIVER TERRACE WEST	R-3
32	MUEHLBAUER EDWARD RICHARD & JOAN	RIVER TERRACE WEST	R-3
33	FORREST, ANDREW G & PENNY J.	RIVER TERRACE WEST	R-3
34	KIRCHER, EDGAR E & ANA	RIVER TERRACE WEST	R-3
35	LARSON, KEITH & JANICE	RIVER TERRACE WEST	R-3
36	SAVATOVIC, ROBERT & SUSAN	RIVER TERRACE WEST	R-3
37	HULITA, JEFFREY & JANICE	RIVER TERRACE WEST	R-3
38	POCIAN MARK D & KATHLEEN M.	RIVER TERRACE WEST	R-3
39	CHYBOWSKI, MICHAEL	RIVER TERRACE WEST	R-3
40	POCHTAREV ALEX G & IRENE I	RIVER TERRACE WEST ADD 1	R-3
41	HALPIN, MICHAEL & LINDA	RIVER TERRACE WEST ADD 1	R-3
42	CYGANIAK, JAMES & KAREN	RIVER TERRACE WEST ADD 1	R-3
43	BOELTER, MICHAEL & GLORIA	RIVER TERRACE WEST ADD 1	R-3
44	MANUEL, EMMANUAL & MARIA	RIVER TERRACE WEST ADD 1	R-3
45	SZALANSKI SCOTT E & PATRICIA	RIVER TERRACE WEST ADD 1	R-3
46	JARDON, DANIEL V.	RIVER TERRACE WEST ADD 1	R-3
47	ZALESKI, ROBERT J.	RIVER TERRACE WEST ADD 1	R-3
48	LEPOW, MICHAEL & JACQUELINE	RIVER TERRACE WEST ADD 1	R-3
49	MAPEL, ROBERT & JEAN.	RIVER TERRACE WEST ADD 1	R-3
50	ENGEVOLD, JOHN A	UNPLATTED LANDS	R-3
51	AVIAN AT TUCKAWAY CONDOMINIUMS	AVIAN AT TUCKAWAY COND.	R-8
52	AVIAN AT TUCKAWAY LLC	PARCEL 1 OF CSM 7413	R-8

**DOC.# 09482207**

REGISTER'S OFFICE. | SS  
Milwaukee County, WI

RECORDED 08/21/2007 01:39PM

Reel 6610 JOHN LA FAVE  
REGISTER OF DEEDS

AMOUNT: 21.00



REV 6-6-07

THIS INSTRUMENT WAS DRAFTED BY JEFFREY D. BARCZAK R.L.S. NO. 1999 SHEET 4 OF 6

CERTIFIED SURVEY MAP NO. 1961

BEING A PART OF THE NW 1/4, NE 1/4, SE 1/4, AND SW 1/4 OF THE NW 1/4 AND PART OF THE NW 1/4, NE 1/4, SE 1/4, AND SW 1/4 OF THE SW 1/4 OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, JEFFREY D. BARCZAK, A REGISTERED LAND SURVEYOR, DO HEREBY CERTIFY: THAT I HAVE SURVEYED, DIVIDED, DEDICATED AND MAPPED A PART OF THE NW 1/4, NE 1/4, SE 1/4, AND SW 1/4 OF THE NW 1/4, AND PART OF THE NW 1/4, NE 1/4, SE 1/4, AND SW 1/4 OF THE SW 1/4 OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN DESCRIBED AS FOLLOWS: COMMENCING AT THE SW CORNER OF THE SW 1/4 OF SECTION 15; THENCE N89°19'05"E 560.00 FEET ALONG THE SOUTH LINE OF THE SW 1/4 OF SECTION 15, TO THE POINT OF BEGINNING; THENCE N44°59'58"W 300.00 FEET; THENCE N33°59'02"E 542.80 FEET; THENCE N89°18'38"E 0.65 FEET; THENCE N00°28'19"W 825.78 FEET; THENCE N00°28'38"W 659.76 FEET; THENCE N00°27'50"W 490.36 FEET; TO THE NORTH LINE OF THE SW 1/4 OF SECTION 15; THENCE S89°23'27"W 0.61 FEET ALONG THE NORTH LINE OF THE SW 1/4 OF SECTION 15; THENCE N27°59'53"W 450.08 FEET; THENCE N00°29'52"W 16.00 FEET; THENCE N27°59'53"W 21.00 FEET; THENCE N08°11'53"W 310.00 FEET; THENCE N31°31'11"E 448.76 FEET; THENCE N33°42'46"E 364.37 FEET; THENCE N03°19'57"E 324.76 FEET; THENCE S89°26'25"W 635.58 FEET; THENCE N00°29'52"W 497.11 FEET; THENCE N89°29'23"E 946.00 FEET; THENCE S00°29'52"E 17.40 FEET; THENCE N89°29'23"E 208.70 FEET; THENCE N00°29'52"W 208.70 FEET; THENCE N89°29'23"E 313.05 FEET; THENCE N00°29'52"W 208.70 FEET TO THE NORTH LINE OF THE NW 1/4 OF SECTION 15; THENCE N89°29'23"E 709.98 FEET ALONG THE NORTH LINE OF THE NW 1/4 OF SECTION 15; THENCE S00°16'59"E 883.97 FEET; THENCE S89°43'01"W 13.39 FEET; THENCE S00°34'58"W 175.02 FEET; THENCE S00°35'04"W 36.58 FEET; THENCE S07°44'25"W 139.79 FEET; THENCE N89°43'01"E 48.65 FEET; THENCE S00°16'59"E 481.16 FEET; THENCE N89°43'01"E 230.00 FEET TO THE EAST LINE OF THE NW 1/4 OF SECTION 15; THENCE S00°16'59"E 923.95 FEET ALONG THE EAST LINE OF THE NW 1/4 OF SECTION 15 TO THE SE CORNER OF THE NW 1/4 OF SECTION 15; THENCE S89°23'27"W 230.00 FEET ALONG THE SOUTH LINE OF THE NW 1/4 OF SECTION 15; THENCE S00°23'56"E 2176.02 FEET; THENCE S 05°16'48"E 250.09 FEET; THENCE S 00°23'55"E 209.47 FEET TO THE SOUTH LINE OF THE SW 1/4 OF SECTION 15; THENCE S89°19'05"W 1864.96 FEET ALONG THE SOUTH LINE OF OF THE SW 1/4 OF SECTION 15 TO THE PLACE OF BEGINNING. EXCEPTING THE NORTH 65 FEET AND THE EAST 45 FEET FOR PUBLIC STREET PURPOSES. SAID LANDS CONTAINS 216.01 ACRES MORE OR LESS

THAT I HAVE MADE THIS SURVEY, LAND DIVISION AND MAP BY THE DIRECTION OF TUCKAWAY COUNTRY CLUB, OWNER.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL THE EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE LAND DIVISION THEREOF MADE.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES AND THE UNIFIED DEVELOPMENT ORDINANCE DIVISION 15, OF THE CITY OF FRANKLIN MUNICIPAL CODE IN SURVEYING, DIVIDING, DEDICATING AND MAPPING THE SAME.

DATE: JUNE 7, 2007

*J.D. Barczak*  
JEFFREY D. BARCZAK, RLS-1999



1-26-07  
REV 6-6-07

THIS INSTRUMENT WAS DRAFTED BY JEFFREY D. BARCZAK R.L.S. NO. 1999 SHEET 5 OF 8

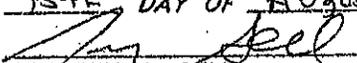
CERTIFIED SURVEY MAP NO. 1961

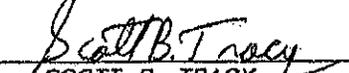
BEING A PART OF THE NW 1/4, NE 1/4, SE 1/4, AND SW 1/4 OF THE NW 1/4 AND PART OF THE NW 1/4, NE 1/4, SE 1/4, AND SW 1/4, OF THE SW 1/4 OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

**CORPORATE OWNER'S CERTIFICATE**

TUCKAWAY COUNTRY CLUB, AS OWNER, DO HEREBY CERTIFY THAT WE HAVE CAUSED THE LANDS DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED AND MAPPED AND DEDICATED AS REPRESENTED ON THIS MAP IN ACCORDANCE WITH CHAPTER 236 OF THE WISCONSIN STATE STATUTES AND THE UNIFIED DEVELOPMENT ORDINANCE DIVISION 15 OF THE CITY OF FRANKLIN MUNICIPAL CODE.

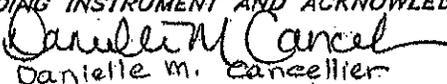
IN WITNESS WHEREOF, GREGORY J. SELL, PRESIDENT, AND SCOTT B. TRACY, SECRETARY, HAS CAUSED THESE PRESENTS TO BE SIGNED AT Milwaukee, WISCONSIN, THIS 15th DAY OF August, 2007.

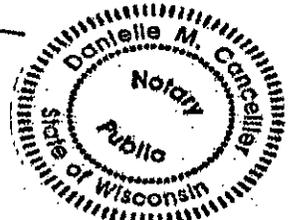
  
GREGORY J. SELL  
PRESIDENT

  
SCOTT B. TRACY  
SECRETARY

STATE OF WISCONSIN)  
MILWAUKEE COUNTY ) SS

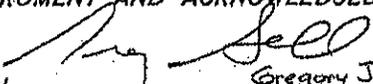
PERSONALLY CAME BEFORE ME THIS 15th DAY OF August, 2007, THE ABOVE NAMED GREGORY J. SELL, PRESIDENT, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

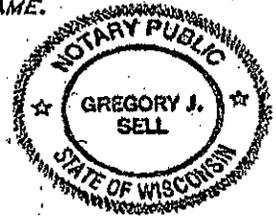
NOTARY PUBLIC  
STATE OF WISCONSIN  
MY COMMISSION EXPIRES: MARCH 8, 2009  
  
Danielle M. Cancellier



STATE OF WISCONSIN)  
MILWAUKEE COUNTY ) SS

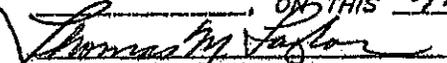
PERSONALLY CAME BEFORE ME THIS 15th DAY OF August, 2007, THE ABOVE NAMED SCOTT B. TRACY, SECRETARY, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC  
STATE OF WISCONSIN  
MY COMMISSION EXPIRES: is permanent  
  
Gregory J. Sell



**COMMON COUNCIL APPROVAL**

APPROVED AND DEDICATED AND ACCEPTED BY THE COMMON COUNCIL OF THE CITY OF FRANKLIN BY RESOLUTION NO. 2007-6320 ON THIS 7th DAY OF August, 2007.

  
Thomas M. Taylor, Mayor  
City of Franklin

  
Sandra L. Wasolowski, City Clerk  
City of Franklin



THIS INSTRUMENT WAS DRAFTED BY JEFFREY D. BARCZAK R.L.S. NO. 1999 SHEET 6 OF 6

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>6/16/15</p>
<p>REPORTS &amp; RECOMMENDATIONS</p>	<p>ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 1761 "ROOFING, SIDING, AND SHEET METAL WORK (WITHOUT OUTDOOR STORAGE)" TO ALLOW FOR SUCH USE AS A PERMITTED USE IN THE B-3 COMMUNITY BUSINESS DISTRICT (CHRISTOS KAMBOURIS, APPLICANT)</p>	<p>ITEM NUMBER</p> <p><i>G.3.</i></p>

At their meeting on June 4, 2015, the Plan Commission recommended denial of an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 1761 "Roofing, Siding, and Sheet Metal Work (Without Outdoor Storage)" to allow for such use as a permitted use in the B-3 Community Business District (Christos Kambouris, Applicant).

Staff would note that the Department of City Development is working on a Unified Development Ordinance Text Amendment to create a separate and generic "office use" category for all or most non-residential zoning districts that could potentially address requests such as Mr. Kambouris'

**COUNCIL ACTION**

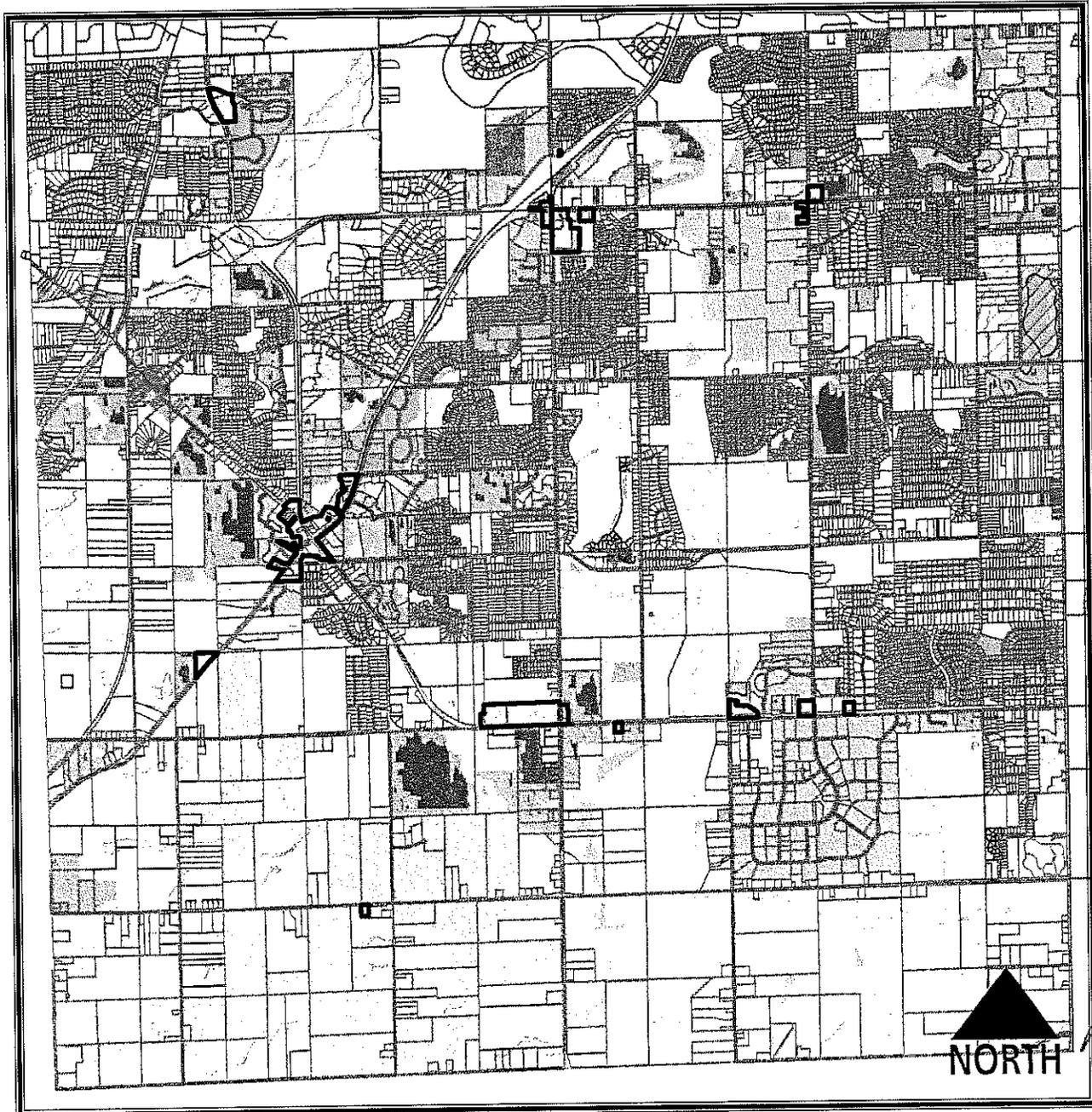
A motion to (adopt/deny) Ordinance No. 2015-\_\_\_\_\_ to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 1761 "Roofing, Siding and Sheet Metal Work (Without Outdoor Storage)" to allow for such use as a permitted use in the B-3 Community Business District (Christos Kambouris, Applicant).

Or

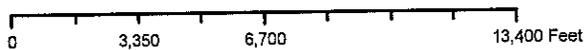
A motion to take action on the above item as the Common Council deems appropriate.



# City of Franklin B-3 Community Business District Zoning



**Planning Department  
(414) 425-4024**



2013 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.*

ORDINANCE NO. 2015-\_\_\_\_\_

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE  
TEXT AT TABLE 15-3.0603 TO ADD STANDARD INDUSTRIAL CLASSIFICATION  
TITLE NO. 1761 ROOFING, SIDING, AND SHEET METAL WORK (WITHOUT OUTDOOR  
STORAGE) AND TO ALLOW FOR SUCH USE AS A PERMITTED USE IN THE B-3  
COMMUNITY BUSINESS DISTRICT  
(CHRISTOS KAMBOURIS, APPLICANT)

WHEREAS, Table 15-3.0603 of the Unified Development Ordinance sets forth the permitted and special uses in the nonresidential zoning districts; and

WHEREAS, Christos Kambouris having applied for a text amendment to Table 15-3.0603, to add Standard Industrial Classification Title No. 1761 Roofing, siding, and sheet metal work (without outdoor storage) and to allow for such use as a Permitted Use in the B-3 Community Business District; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to allow for the addition of Standard Industrial Classification Title No. 1761 Roofing, siding, and sheet metal work (without outdoor storage) and to allow for such use as a Permitted Use in the B-3 Community Business District, and having held a public hearing on the proposal on the 4th day of June, 2015 and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendment is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

NOW, THEREFORE, the Mayor and Common Council of the City of Franklin, Wisconsin, do ordain as follows:

SECTION 1: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, is hereby amended as follows: immediately below and following "1761 Roofing, siding, and sheet metal work", insert: "1761 Roofing, siding, and sheet metal work (without outdoor storage)", and insert "P" (Permitted Use) in the B-3 column applicable thereto.

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.

SECTION 4: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2015, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

APPROVED:

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

ATTEST:

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

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

 **CITY OF FRANKLIN** 

**REPORT TO THE PLAN COMMISSION**

Meeting of June 4, 2015

**Unified Development Ordinance Text Amendment**

**RECOMMENDATION:** City Development Staff recommends denial of the proposed Unified Development Ordinance Text Amendment to Table 15-3.0603 to allow Standard Industrial Classification Title No. 1761 “Roofing, Siding and Sheet Metal Work (without outdoor storage)” as a permitted use in the B-3 Community Business District.

<b>Project Name:</b>	Add SIC Title No. 1761 to the B-3 District
<b>Project Address:</b>	N/A
<b>Applicant:</b>	Christos Kambouris
<b>Owners (property):</b>	N/A
<b>Current Zoning:</b>	N/A
<b>2025 Comprehensive Master Plan:</b>	N/A
<b>Use of Surrounding Properties:</b>	N/A
<b>Applicant Action Requested:</b>	Recommendation of approval for the proposed Unified Development Ordinance Text Amendment to add SIC Title No. 1761 Roofing, Siding and Sheet Metal Work (without outdoor storage) as a permitted use in the B-3 District.

**INTRODUCTION:**

On April 30, 2015, the applicant submitted an application for a Unified Development Ordinance Text Amendment to amend Table 15-3.0603 to allow Standard Industrial Classification Title No. 1761 “Roofing, Siding and Sheet Metal Work (without outdoor storage)” as a permitted use in the B-3 Community Business District.

It can also be noted that the applicant, Christos Kambouris, is the property owner at 9953-9955 West St. Martins Road, and would like to lease a vacant tenant space in his commercial building to a roofing contractor named Vesel Services, LLC. The contractor would like to use the space primarily as a sales office and showroom. According to Vesel Services, LLC, their use would not include any outdoor storage or overnight parking of vehicles over 8,000 pounds gross vehicle weight.

Staff would note that even if the space is primarily used as office for the roofing contractor, their use still corresponds with SIC Title No. 1761, which is currently prohibited within the B-3 Community Business District..

**PROJECT DESCRIPTION AND ANALYSIS:**

As mentioned in the introduction, the applicant is proposing to amend the Unified Development Ordinance (UDO) at Table 15-3.0603 to add Standard Industrial Classification (SIC) Title No.

1761 "Roofing, Siding, and Sheet Metal Work (without outdoor storage)" as a permitted use in the B-3 Community Business District<sup>1</sup>.

Table 15-3.0603 of the UDO sets forth those uses which are permitted and special uses in all nonresidential zoning districts in the City of Franklin. Use designations are based on the Standard Industrial Classification Manual (1987, or latest edition) published by the Executive Office of the President, Office of Management and Budget.

The SIC manual describes SIC Title No. 1761 as "Special trade contractors primarily engaged in the installation of roofing, siding, and sheet metal work." The following specific uses are associated with SIC Title No. 1761 and included in the description:

- Architectural sheet metal work-contractors
- Ceilings, metal: erection and repair-contractors
- Coppersmithing, in connection with construction work-contractors
- Downspout installation, metal-contractors
- Gutter Installation, metal-contractors
- Roof spraying, painting, or coating-contractors
- Roofing work, including repairing-contractors
- Sheet metal work: except plumbing, heating, or
- Siding-contractors
- Skylight installation-contractors
- Tinsmithing, in connection with construction work-contractors

Currently, SIC Title No. 1761 (without outdoor storage) is only allowed as a permitted use in the M-1 Limited Industrial District. SIC Title No. 1761 (with outdoor storage) is allowed as a special use in the B-2 General Business District, B-5 Highway Business District, OL-2 General Business Overlay District and M-1 Limited Industrial District.

In a related matter, on June 4, 2012, the Common Council adopted Ordinance No. 2012-2079 which made a number of changes to the M-1 Limited Industrial District. Among other things, the Unified Development Ordinance text at Table 15-3.0603 was amended to add "(with outdoor storage)" to the existing use description of 1761 Roofing, siding, and sheet metal work (which was already listed as a Special Use in the M-1 district). In addition, it added "1761 Roofing, Siding and Sheet Metal Work (without outdoor storage)" as a Permitted Use in the M-1 district. This effectively made it easier for a roofing, siding or sheet metal contractor to locate in the M-1 Limited Industrial District.

In addition, many other uses from Major Group 17.-Construction-Special Trade Contractors are allowed as special uses within the B-2 General Business District, B-5 Highway Business District, OL-2 General Business Overlay District and M-1 Limited Industrial District. However, all of the

---

<sup>1</sup> Please note the proposed text amendment, if granted, will apply to all properties in the City of Franklin zoned B-3 Community Business District. Please see the attached map of areas in the City of Franklin zoned B-3 Community Business District.

SIC Titles under Major Group 17.-Construction-Special Trade Contractors are prohibited within the B-3 Community Business District.

The B-3 Community Business District is intended to:

1. Accommodate the need of a much larger consumer population than served by the B-1 Neighborhood Shopping District.
2. Provide for relatively large groupings of retail sales and customer service establishments in a community-serving shopping area.
3. Accommodate the clustering of buildings on parcels of land under individual or multiple ownership.
4. Provide for an arrangement of retail trade establishments that are compatible in function and operation.
5. Provide on-site parking for customer automobiles combined with a pedestrian-oriented shopping environment.

Furthermore, Staff does not feel that roofing, siding and sheet metal contractors classified under SIC Title No. 1761 would generally be compatible in function and operation to the retail sales and service establishments already permitted within the B-3 Community Business District. A strip shopping center is commonly located within the B-3 Community Business District. While certain contractors may have commercial showrooms or "offices" that would be compatible with other uses in a strip center, others would not. For example, many contractor uses involve warehousing or storage of materials and product better suited to the M-1 Limited Industrial District. A contractor's use may also involve noisy operations like cutting or forming metal that would not be well suited to a tenant space sharing walls with retail or service establishments.

**STAFF RECOMMENDATION:**

Based upon the foregoing information, City Development Staff recommends denial of the proposed Unified Development Ordinance Text Amendment to Table 15-3.0603 to allow Standard Industrial Classification Title No. 1761 "Roofing, Siding and Sheet Metal Work (without outdoor storage" as a permitted use in the B-3 Community Business District.

Staff would note that the Department of City Development has just started researching the possibility of creating a separate and generic "office use" category for all or most non-residential zoning districts that could potentially address requests such as Mr. Kambouris'.

However, if the Plan Commission wishes to approve the requested Unified Development Ordinance Text Amendment, then staff recommends SIC Title No. 1761 only be allowed as a special use in the B-3 Community Business District. The Special Use application process would help ensure each proposal is reviewed by the Plan Commission and Common Council to address all Special Use criteria and standards. In determining whether the applicant's evidence establishes that the special use standards have been met, the Plan Commission and Common Council may make considerations including; the public benefit of the use, alternative locations, mitigation of adverse impacts, and whether the use will establish a precedent of incompatible uses in the surrounding area.

April 27, 2015

TO: City of Franklin Planning Committee

FR: Scott Fisher & Chris Kambouris

RE: Change to the Occupancy

Franklin

APR 30 2015

City Development

Currently we have an empty office space in our building at 9955 W St Martins RD that we would like to rent out to Eric Vesel. Mr. Vesel owns a roofing company that wants to rent the space as an office space only for his business. They will not be running the business with materials, trucks, etc from the office space. They will not be parking any trucks in the space.

It is my understanding that the city will not grant occupancy permit to Mr Vesel because he owns a roofing company even though he only wants an office space. The space is not zoned for a roofing company to operate, but it is for an office space.

I would like to propose an amendment to the Unified Development Code (UDO). I am requesting to add Standard Industrial Classification (SIC) Title No. 1761 Roofing, Siding and Sheet Metal Work (without outdoor storage) as a permitted use in the B-3 Community Business District within Table 15-3.0603 of the City of Franklin Unified Development Ordinance (UDO). Attached, please find a PDF of page 3-120 of the UDO. Please add a "P" for SIC 1761 (without outdoor storage) within the B-3 column.

Thank you for your time. I would appreciate a positive outcome as soon as possible so we can rent our unused space to Mr Vesel.

Regards

Scott Fisher

Chris Kambouris

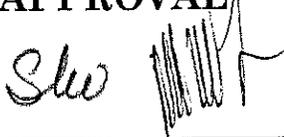
414-305-3145

Table 15-3.0603 (continued)

SJC	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD	
150	Operative Builders												S									S	
1531	Operative builders				S								S									S	
154	Nonresidential Building Construction												S									S	
1541	Industrial buildings and warehouses				S								S									S	
1542	Nonresidential construction, not elsewhere classified				S								S									S	
	<b>16 HEAVY CONSTRUCTION, EXCEPT BUILDING</b>																					S	
161	Highway and Street Construction																					S	
1611	Highway and street construction																					S	
162	Heavy Construction, Except Highway																					S	
1622	Bridge, tunnel, & elevated highway																					S	
1623	Water, sewer, and utility lines																					S	
1629	Heavy construction, not elsewhere classified																					S	
	<b>17 SPECIAL TRADE CONTRACTORS</b>																					S	
171	Plumbing, Heating, Air-Conditioning		S			S							S									S	
1711	Plumbing, heating, air-conditioning		S			S							S									S	
172	Painting and Paper Hanging		S			S							S									S	
1721	Painting and paper hanging		S			S							S									S	
173	Electrical Work		S			S							S									S	
1731	Electrical work		S			S							S									S	
174	Masonry, Stonework, and Plastering		S			S							S									S	
1741	Masonry and other stonework		S			S							S									S	
1742	Plastering, drywall, and insulation		S			S							S									S	
1743	Terrazzo, tile, marble, mosaic work		S			S							S									S	
175	Carpentry and Floor Work		S			S							P									S	
1751	Carpentry work		S			S							P									S	
1752	Floor laying and floor work, not elsewhere classified		S			S							P									S	
176	Roofing, Siding, and Sheet Metal Work		S			S							S									S	
1761	Roofing, siding, and sheet metal work (with outdoor storage)		S			S							S									S	
1761	Roofing, siding, and sheet metal work (without outdoor storage)												P										S
177	Concrete Work												S									S	
1771	Concrete work												S									S	
178	Water Well Drilling												S									S	
1781	Water well drilling												S									S	
179	Miscellaneous Special Trade Contractors												S									S	
1791	Structural steel erector												S									S	
1793	Glass and glazing work												S									S	
1794	Excavation work												S									S	
1795	Wrecking and demolition work												S									S	
1796	Installing building equipment, not elsewhere classified												S									S	
1799	Special trade contractors, not elsewhere classified												S									S	
	<b>D. MANUFACTURING</b>																						
	<b>20 FOOD AND KINDRED PRODUCTS</b>																						
201	Meat Products												S	S									
2011	Meat packing plants												S	S									
2013	Sausages and other prepared meats												S	S									
2015	Poultry slaughtering and processing												S	S									
202	Dairy Products												S	S									
2021	Creamery butter												S	S									
2022	Cheese, natural and processed												S	S									
2023	Dry, condensed, evaporated products												S	S									
2024	Ice cream and frozen desserts												S	S									
2026	Fluid milk												S	S									
203	Preserved Fruits and Vegetables												S	S									
2032	Canned specialties												S	S									
2033	Canned fruits and vegetables												S	S									
2034	Dehydrated fruits, vegetables, soups												S	S									
2035	Pickles, sauces, and salad dressings												S	S									
2037	Frozen fruits and vegetables												S	S									
2038	Frozen specialties, not elsewhere classified												S	S									
204	Grain Mill Products												S	S									
2041	Flour and other grain mill products												S	S									
2043	Cereal breakfast foods												S	S									
2044	Rice milling												S	S									
2045	Prepared flour mixes and doughs												S	S									
2046	Wet corn milling												S	S									
2047	Dog and cat food												S	S									
2048	Prepared feeds, not elsewhere classified												S	S									
205	Bakery Products												S	S									
2051	Bread, cake, and related products												S	S									
2052	Cookies and crackers												S	S									
2053	Frozen bakery products, except bread												S	S									
206	Sugar and Confectionery Products												S	S									
2061	Raw cane sugar												S	S									
2062	Cane sugar refining												S	S									
2063	Beet sugar												S	S									
2064	Candy & other confectionery product												S	S									
2066	Chocolate and cocoa products												S	S									

(Permitted Use = P, Special Use = S, Not Permitted = Blank)

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<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>6/16/2015</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>City of Franklin's Community Development Block Grant Program Projects for 2016</b>	<b>ITEM NUMBER</b> <b>G.4.</b>

Completed 2016 Community Development Block Grant Applications must be returned to Milwaukee County by July 17, 2015. Following is background information relative to the CDBG Program, a summary of project requests and considerations, and the recommendation of the Director of Administration. Following the action of the Common Council at this meeting, 2016 CDBG applications will be prepared and submitted to Milwaukee County by their July 17, 2015 deadline and letters of support will be submitted as required.

**2015 CDBG PROJECT ALLOCATIONS**

Background Information: During the past few years, the Milwaukee County CDBG program has had increasing pressure from HUD to ensure approved projects meet the federal requirement that no more than 15% of project dollars go towards Public Service projects, social service type programs not involving construction. At the same time, the County and HUD have become much more stringent in their interpretation as to what qualifies as an allowable Public Service expenditure. In past years, enough Milwaukee County communities had dedicated sufficient funds toward construction projects (as is the focus of the CDBG project according to federal law) such that some communities, such as Franklin, could exceed their public services expenditure cap and the County, as a whole, could still meet the federal standard. That is no longer clearly the case. Nonetheless, our 2015 applications are at 22.4% Public Service expenditures. The City is following the County's recommendation that certain programs should have funding go directly to the provider agency. For example, the last couple of years the City provided a letter of support for Southwest Interfaith to receive \$5,000 for "Elderly Persons Home Support Services" and this year a letter of support for Oak Creek Salvation Army to receive \$3,000 for "Homelessness" instead of the money passing through the City. Note that the County considers those projects that receive a letter of support as using a portion of our allocation.

Below is a synopsis of the City's CDBG projects over the last 3 years.

USES OF CDBG ALLOCATIONS	2013 Contracts		2014 Contracts		2015 Contracts	
Senior Meal Program Kitchen Roof Venting					\$15,000	
City Hall ADA Signage for Severely Disabled					10,000	
Franklin Home Repair Grant Program					20,000	
Senior Dining ADA Fire Alarm Project (2014)			\$45,538			
Clare Meadows 51st Street Handicap Sidewalk	\$80,000					
<b>Public Service Projects:</b>						
Oak Creek Salvation Army - Homelessness					3,000 (Letter) 5.2%	
Elderly Persons Home Support Services (SW Interfaith)	3,381	3.8%	5,000 (Letter)	8.4%	5,000 (Letter)	8.6%
Senior Travel Program/Senior Health Programming	5,883	6.6%	8,643	14.6%	5,000	8.6%
SUBTOTAL – Public Service Projects	\$ 9,264	10.4%	\$13,643	23.0%	\$13,000	22.4%
CDBG TOTAL	\$89,264		\$59,181		\$58,000	
<b>City General Fund Public Service Project Support</b>						
Senior Travel Program/Senior Health Programming	5,000		5,000		5,000	
Senior Citizen Activities	10,000		10,000		10,000	
Total General Fund Support	\$15,000		\$15,000		\$15,000	
% of Total Public Service Funding (below)	61.8%		52.4%		53.6%	
<b>Combined Total Public Service Funding</b>						
Senior Citizens Activities	10,000	41.2%	10,000	34.9%	10,000	35.7%
Elderly Persons Home Support Services	3,381	13.9%	5,000 (Letter)	17.5%	5,000 (Letter)	17.9%
Senior Travel Program/Senior Health Programming	10,883	44.9%	13,643	47.6%	10,000	35.7%
Oak Creek Salvation Army - Homelessness	-0-		-0-		3,000 (Letter)	10.7%
TOTAL	\$24,264		\$28,643		\$28,000	

As mentioned above, the County and HUD have become much more stringent in their interpretation as to what qualifies as an allowable Public Service expenditure, whereby the Senior Travel Program bus trips would only qualify if they included a major educational component. As such, and as you may recall, the Common Council, at their April 7, 2015 meeting, approved a motion directing the Director of Administration to inform the Senior Travel Program Director that the Senior Travel Program did not need to adhere to the Community Development Block Grant Program requirements and that \$10,000 is set aside for the Travel Program and further directed the Director of Administration and Health Director to work with Milwaukee County to explore other senior-based programming options for the \$5,000 of potential CDBG funding. Thus, the \$5,000 CDBG funds that were originally intended for the Senior Travel Program are now being used towards Senior health-related educational programs offered by the Franklin Health Department and the Senior Travel Program is (as is/has the Franklin Senior Citizens, Inc. activities for many years) now entirely funded by City funds.

The City currently has three projects that can be considered as serving a Public Service purpose: the (now) Senior Health-Related Educational Programming (\$5,000), the Oak Creek Salvation Army—Homelessness Program (\$3,000), and the Southwest Interfaith Elderly Home Support Services (\$5,000). For the last two of these, we provide a letter of support and the agency is the direct applicant. Additionally, the final CDBG contracts for 2015 were recommended to and approved by the County Board for the following City projects and amounts:

2015 CDBG ALLOCATIONS	FUNDING
Senior Health-Related Educational Programming	\$5,000
Senior Meal Program Kitchen Roof Venting	15,000
City Hall ADA Signage for Severely Disabled	10,000
Franklin Home Repair Grant Program	20,000
<b>TOTAL 2015 CDBG MONIES FOR CITY OF FRANKLIN</b>	<b>\$50,000</b>

Note that the County has not yet issued contracts for 2015 because they are awaiting their contract from the federal government. After execution of the contract the projects can commence without risk.

2016 Project Requests: Based upon the formula in the Intergovernmental Agreement, Milwaukee County anticipates the 2016 funding allocation for the City of Franklin to be \$48,663, with a maximum of \$9,124 of these funds for Public Service Projects. Milwaukee County also anticipates that some communities may not have projects that use their full allotment and have encouraged us to consider projects in excess of our current allocation.

For 2016, the City requests to continue to fund the current Public Service Projects: 1) The Senior Health-Related Educational Programming by the Franklin Health Department, 2) letter of support for the Oak Creek Salvation Army – Homelessness Program, and 3) letter of support for the Southwest Interfaith Elderly Home Support Services. The City will forward a letter of support to SW Interfaith and the Salvation Army, and those agencies will then proceed to prepare and submit the necessary 2016 application to Milwaukee County. City staff will directly participate in the application process for these projects only if it becomes required for whatever reason.

Note that, together, these three projects exceed the 15% public service allocation. **If the Common Council wants us to provide the County with a prioritization of these three projects, the Council should provide such direction.** Absent any direction to the County, if the total amount needs to be reduced it would likely be done on a proportional basis, although there is no guarantee.

Also note that the projects administered by Franklin Senior Citizens, Inc. and the Franklin Senior Travel Program will remain within the Recreation Program from City funds and will no longer be addressed in relation to the CDBG program considerations, including future CDBG-related Council Action Sheets.

The primary project submission will be based upon the Common Council's direction as provided in the 2015 budget. The Common Council incorporated funding in the 2015 budget to attempt to gather the necessary information such that construction of a sidewalk along College Avenue from 35th Street to 27th Street for pedestrian/handicap safety could become a CDBG eligible project. This step, however, is no longer necessary. In discussions with the Milwaukee County Housing Program Manager, HUD has released the new American Community Survey (ACS) Census tool, which data shows that this sidewalk does now lie within an "Area Benefit" where at least 42.81% of households in the area are low-income population. The project, therefore, is eligible for CDBG funding without a separate survey.

The Engineering Department has estimated a project cost (including a 10% contingency) of \$258,500. The Mayor of Greenfield has indicated that he could provide a letter of support. The scope also anticipated improvements to the bus stops, so a letter of support from Milwaukee Transit will also be sought. The Director of Administration is working with the County Board Supervisor for the area to determine the best method for securing County staff participation in the project and in the CDBG application. The project will likely be a Milwaukee County project as they own the right-of-way in which the sidewalk would be installed. That process will determine which organization is the lead applicant. If the County becomes the lead applicant, the City would provide a letter of support.

Final Recommendation Summary: Absent any other suggested projects, the Director of Administration recommends completing and submitting final 2016 Milwaukee County CDBG applications for the following City of Franklin projects and amounts:

2016 Recommended Franklin CDBG Applications:	Amount:
Senior Health-Related Educational Programming (Health Department)	\$5,000
College Avenue Sidewalk Construction (35th Street to 27th Street)	258,500
Southwest Interfaith Elderly Home Support Services (Letter of Support-\$5,000)	
Oak Creek Salvation Army—Homelessness (Franklin portion, Letter of Support-\$3,000)	
<b>Total 2016 Franklin Application Submittal</b>	<b>\$263,500</b>

NOTE: A public hearing by the City of Franklin is not required. The County Board has scheduled to hold a public hearing on all project recommendations on September 14, 2015.

### COUNCIL ACTION REQUESTED

Motion to authorize the Director of Administration to submit Letters of Support, or applications if needed, for the Southwest Interfaith Elderly Home Support Services Program for \$5,000 and Oak Creek Salvation Army—Homelessness Program for \$3,000; to submit a project application for Senior Health-Related Educational Programming for \$5,000; and to submit or work with Milwaukee County for an application for a College Avenue Sidewalk Construction Project from 35th Street to 27th Street for \$258,500.

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