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<https://www.youtube.com/c/CityofFranklinWIGov>

CITY OF FRANKLIN
COMMON COUNCIL MEETING*
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA**
TUESDAY, AUGUST 17, 2021 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B.
 - 1. Citizen Comment Period.
 - 2. Mayoral Announcements:
 - (a) A Proclamation in Recognition of Mark A. Dandrea
 - (b) Presentation on the unique Natural Resource features at the Conservancy for Healing and Heritage (Irene Yank, Franklin High School Senior in Environmental Studies).
 - (c) Letter of Appreciation from the Conservancy for Healing and Heritage for contribution of mulch for the Conservancy’s Lake and Nature Trails.
- C. Approval of Minutes:
 - 1. Approval of Amended Minutes of the Regular Common Council Meeting of July 20, 2021.
 - 2. Approval of Minutes of the Regular Common Council Meeting of August 3, 2021.
- D. Hearings.
- E. Organizational Business: The following Mayoral appointments have been submitted for Council confirmation:
 - 1. Jack Takerian, 8605 River Terrace Dr., Ald. Dist. 4 – Board of Water Commissioners for a 5-year term expiring 09/30/2025.
 - 2. Matt Cool, 8820 S. 68th St., Ald. Dist. 1 – Community Development Authority for a 4-year term expiring 08/30/2025.
 - 3. Jeffrey E. Kuderski, 8135 W. High St., Ald. Dist. 1 – Tourism Commission for a 1-year term expiring on 12/31/2021.
- F. Letters and Petitions.
- G. Reports and Recommendations:
 - 1. Consent Agenda:
 - (a) Request to Schedule a Special Common Council Meeting on August 26, 2021, at 3:00 p.m. for a Roundtable Workshop for Unified Development Ordinance Discussion with Houseal Lavigne Associates.

- (b) A Resolution to Submit a 2022 Grant Application Request from the Wisconsin Department of Natural Resources Urban Forestry Grant Program and Unspecified Amounts for Yet-To-Be-Determined Catastrophic Storm Events.
 - (c) Authorization for the Department of Public Works to Purchase a Multi-Use Municipal Snow Removal Vehicle (Used).
 - (d) A Resolution Engaging Milliman, Inc. to Perform Actuarial Study on the City of Franklin Other Post Employment Benefit Plan for 2021 and 2022.
 - (e) Establish 2021 Trick or Treat Observance.
 - (f) Temporary Street Closure Request on S. Legend Drive in Conjunction with the August 20, 2021 City of Franklin sponsored Franklin Outdoor Movie Night.
2. Concept Review for a Single-Family Residential Subdivision with 115 Lots to be Located West of the Franklin Savanna Natural Area (Properties Bearing Tax Key Nos. 892-9999-002, 937-9999-004, and 938-9999-011) (Approximate Area of West Meadowview Drive and South 112th Street) (Bear Development, LLC, Applicant).
 3. Resolution Authorizing Certain Officials to Accept a Landscape Bufferyard Easement for and as Part of the Approval of a 2-Lot Certified Survey Map, Being a Redivision of Lot 2 of Certified Survey Map No. 8546 Being a Redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No. 1 (MLG Development, Inc.) (Generally East of the Intersection of West Oakwood Park Drive and South 52nd Street in the City of Franklin Business Park).
 4. Resolution Authorizing Certain Officials to Accept a Conservation Easement for and as Part of the Approval of a 2-Lot Certified Survey Map, Being a Redivision of Lot 2 of Certified Survey Map No. 8546 Being a Redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No. 1 (MLG Development, Inc.) (Generally East of the Intersection of West Oakwood Park Drive and South 52nd Street in the City of Franklin Business Park).
 5. Vandewalle and Associates, Inc. Support for Parkland Acquisition Services Common Council Input Session on Draft Study.
 6. Standards, Findings and Decision of the City of Franklin Common Council Upon the Application of Veridian Homes, LLC, Applicant; VH PVR LLC, Owner, for a Special Exception to Certain Natural Resource Provisions of the City of Franklin Unified Development Ordinance.
 7. A Resolution Conditionally Approving a Final Plat for Pleasant View Reserve Subdivision (At 7475 and 7501 South 49th Street) (Veridian Homes, LLC, Applicant; VH PVR LLC, Owner).
 8. A Resolution to Execute a Subdivision Development Agreement with VH PVR LLC For the Development of Pleasant View Reserve Subdivision Phase 1 Located at South 51st Street and West Marquette Avenue.
 9. A Resolution to Authorize Acceptance of Storm Water Facilities Maintenance Agreement from VH PVR LLC for the Pleasant View Reserve Subdivision at South 51st Street and West Marquette Avenue.
 10. Request to Formally Adopt the Name “Corporate Park” for the Development Area Within Tax Incremental District No. 8 (TID 8) Currently Known as “Area D”, Roughly Bound by W. Oakwood Road, S. 27th Street, W. South County Line Road, and S. 42nd Street.
 11. Verbal Report on Economic Development.

12. Emergency Repair/Replacement of 54-Inch Culvert Near 7677 S. 68th Street.
13. An Ordinance to Amend Ordinance No. 2020-2453, An Ordinance Adopting the 2021 Annual Budget for the General Fund to Transfer \$38,000 of Information Services Non-Personnel Costs to Personnel Costs.
14. Authorization to Hire a Full-Time “Desktop and User Support Administrator” to Replace the Current On-Premise Information Technology (IT) Support Contractor at City Hall.
15. Consideration of a Resolution Adopting the City of Franklin Code of Conduct for Elected and Appointed Officials and the Rules of the Common Council.
16. An Ordinance to Amend Ordinance No. 2020-2453, An Ordinance Adopting the 2021 Annual Budgets for the General Fund to Provide Additional \$10,000 of Appropriations for Tax Refunds on Assessment Challenges.
17. Recommendations from the Committee of the Whole meeting of August 16, 2021:
 - (a) Wholesale Public Water Supply to Franklin 2024.
 - (b) Kueny Architects, LLC, Status Update Concerning the Department of Public Works and Fire Needs Assessment Services Project.
 - (c) Discussion of an Awareness Campaign Contract with Hausch Design Agency and Platypus Advertising and Design for a Franklin Private Property Infiltration and Inflow (PPII) Policy/Program.
18. *Sam’s Real Estate Business Trust v. City of Franklin*, Milwaukee County Circuit Court, Case No. 2020CV006103 and *Wal-Mart Real Estate Business Trust v City of Franklin*, Milwaukee County Circuit Court, Case No. 2020CV006148. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.
19. Resolution No. 2020-7680, A Resolution Authorizing Certain Officials to Execute A Tax Incremental District No. 8 Development Agreement Between the City of Franklin, JHB Properties, LLC and ZS Enterprises, LLC, Spec and/or Commercial Buildings Mixed Use Development at the south side of West Elm Road in the approximately South 3500 Street block area to the west, to be bounded on the north by West Elm Road to be extended to the west, and South Hickory Street on the east, and to straddle South Birch Street and West Aspen Way, all to be developed; and Development Agreement for JHB Properties, LLC and ZS Enterprises, LLC, Spec and/or Commercial Buildings Mixed Use Development (Public Improvements). The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to a Tax Incremental District No. 8 Development Agreement Between the City of Franklin, JHB Properties, LLC and ZS Enterprises, LLC, Spec and/or Commercial Buildings Mixed Use Development and a Development Agreement for JHB Properties, LLC and ZS Enterprises, LLC, Spec and/or Commercial Buildings Mixed Use Development (Public Improvements), and the investing of public funds and governmental actions in relation thereto and to effect such development, including the terms and provisions of the development agreements for the development of property located on the south side of West Elm Road in the approximately 3500 block area were West Elm Road to be extended to the west, consisting of approximately 79.79

Common Council Meeting Agenda

August 17, 2021

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acres, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

- 20. Notice of Claim submitted by Attorney John D. Gatzke, on behalf of his client, Gerald Cutty, for damages sustained when involved in an auto accident on February 5, 2021, that they are alleging was caused by the driver's view being obstructed by a high snow bank in the median on South 51st Street. The Common Council may enter closed session pursuant to Wis. Stats. 19.85(1)(e) and 19.85(g), to consider a Notice of Claim submitted by Attorney John D. Gatzke, on behalf of his client, Gerald Cutty, for damages sustained when involved in an auto accident on February 5, 2021, that they are alleging was caused by the driver's view being obstructed by a high snow bank in the median on South 51st Street, and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

H. Licenses and Permits.

Miscellaneous Licenses - License Committee Meeting of August 17, 2021.

I. Bills.

Request for Approval of Vouchers and Payroll.

J. Adjournment.

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

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

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

REMINDERS:

August 19	Plan Commission Meeting	7:00 p.m.
August 25	Special Common Council Meeting	6:30 p.m.
September 6	City Hall Closed for Labor Day	
September 7	Common Council Meeting	6:30 p.m.
September 9	Plan Commission Meeting	7:00 p.m.
September 21	Common Council Meeting	6:30 p.m.
September 23	Plan Commission Meeting	7:00 p.m.

City of Franklin Proclamation

A PROCLAMATION IN RECOGNITION OF MARK A. DANDREA

WHEREAS, Mark A. Dandrea began his public service in the City of Franklin upon being Elected to the Office of First District Alderman in April 2013, and continued his public service upon being Elected to the Office of First District Alderman in April 2016, and again upon being Elected to the Office of First District Alderman in April 2019; and

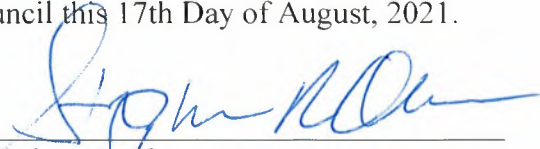
WHEREAS, in addition to his public service as Alderman, Mark A. Dandrea was Elected to the Office of Common Council President on April 18, 2017, and Elected to the Office of Common Council President on April 16, 2019, and continuing his public service as Common Council President, was again Elected to the Office of Common Council President on April 21, 2020, which service in addition to that of Alderman continued until it became time for the issuance of this Proclamation; and

WHEREAS, on July 14, 2021 Mark A. Dandrea submitted his letter of resignation to the Office of the City Clerk, noting that while timing is not always perfect, in honoring his commitments to business and daily life, he and his wife were relocating out of State due to his wife receiving a new employment position, and additionally stating that he has been truly honored to serve the residents of the First District and will miss being involved with the City of Franklin.

NOW, THEREFORE, BE IT PROCLAIMED, that I, Stephen R. Olson, Mayor of the City of Franklin, Wisconsin, on behalf of all of the Citizens of Franklin, the staff of City government, and all of those public officials and staff who know you and worked with you, Good Luck and Godspeed, Mark.

Presented to the City of Franklin Common Council this 17th Day of August, 2021.





Stephen R. Olson, Mayor



B.2.(c)

Susan Rabe: 414.510.4771
susan@theconservancy.org
theconservancy.org

August 10, 2021

City of Franklin
Mayor Steven Olson
9229 W. Loomis Road
Franklin, WI 53132

Dear Mayor Olson,

Nature heals, nature teaches. The Conservancy is a sanctuary designed to reduce stress, improve your health and well-being and ultimately strengthen our community. Environmental education and appreciation is also a pillar of our mission. We offer a unique and meaningful green space for our community to heal and strengthen in lasting ways.

Thank you for your contribution of mulch for the Conservancy's Lake & Nature Trails. I've enclosed some photos of the finished grading/mulching.

The Conservancy for Healing and Heritage, Franklin, Wisconsin, is conserving 36 acres by maintaining the natural environment while making it accessible to the public for use as a healing, education and restoration sanctuary. Phase I, the **Reiman Healing Chapel**, was completed due to the sponsorship by the **Reiman Family Foundation**. The chapel serves as the centerpiece of the Healing Garden. Today, it is open for patients and visitors alike.

The **Healing Garden, sponsored by We Energies Foundation**, will bring the gentle healing power of nature to those dealing with physical, emotional or mental trauma, imbalances and illnesses. Spending time in nature has a favorable influence on the outcome of diseases by positively affecting the endocrine, cardiovascular, immune and nervous systems. The completion of the Healing Garden will bring the harmonizing aspects of nature to all who experience it in one of the largest, independent healing gardens in the U.S.

The **Healing Lake & Nature Trails** will peacefully wind around the Conservancy's jewel, Kopmeier Lake. A pristine body of water 40 feet deep which was carved out by Ice Age glaciers nearly 10,000 years ago. The network of trails and boardwalks will be open to joggers, walkers, birders, school/youth groups and anyone who craves contact with the natural world.

Your gift will make a difference as we continue to raise the final funds and work needed to complete the project.

Regards,


Susan A. Rabe
Chief Executive Officer and Executive Director

*Appreciation
for the support!*

Michael J. Murry
Chairman
Retired Chairman
Merchants &
Manufacturers
Bancorporation

Edward H. Cichurski
Treasurer
Retired Partner
PriceWaterhouseCoopers

Susan A. Rabe
CEO & Executive Director
Conservancy for Healing
and Heritage

Christine R. Schueller
Secretary
Retired, BMO Harris Bank

Robert Dries, PhD
Psychologist

Joseph Griese
Entrepreneur

John Gurda
Author and historian

Thomas Krukowski
TPK Legal, S.C.

Nicholas Logarakis
President & CEO
The Logarakis Group

Dean Mehlberg

John Oliverio
Retired President/CEO
Wheaton Franciscan
Healthcare

Michael Skwierawski
Retired Chief Judge
Milwaukee County

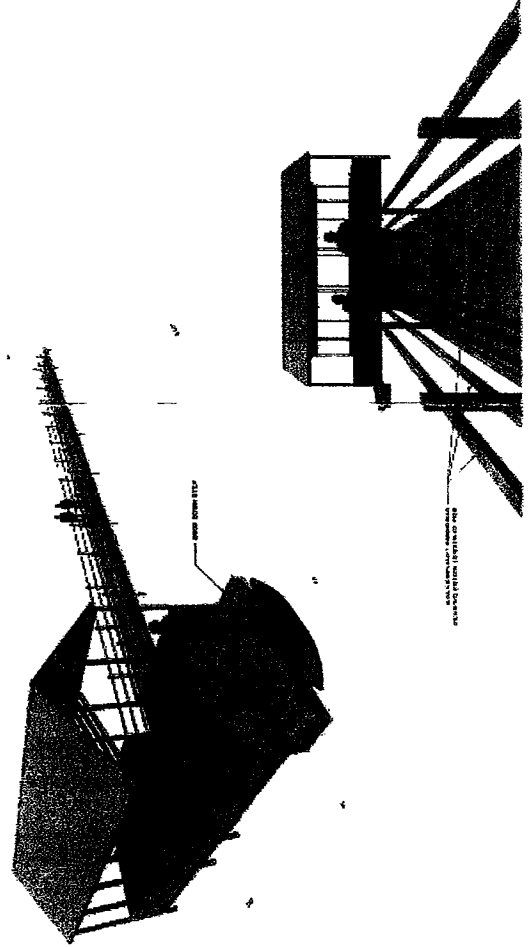


Advance environmental education by supporting the Educational Pier/Observation Deck

The pier and observation deck will allow visitors the opportunity to take in serene and relaxing views of the spring-fed glacial lake and surrounding forestland. It will provide visitors and students the chance to observe various fish, reptile and bird species. Direct learning experiences for students of all ages will be a key activity. We will also use funds raised to support programs focused on health & well-being and environmental topics.

The Educational Pier/Observation Deck also offers elementary and secondary students field trip opportunities where they can immerse themselves in a natural setting to study subjects such as environmental sciences. They will monitor water and wildlife, learn from nature and how our connection to it impacts the health and well-being of the community. It is specifically designed to enhance the educational experience for visitors/students who will experience learning in a one-of-a-kind, ice age wetland.

Contact Susan Rabe at 414 510 4771 or susan@theconservancy.org



EDUCATIONAL PIER AT KOPMEIER LAKE

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project application for Senior Health-Related Educational Programming for \$5,000; and to submit a project application for a Franklin Home Repair Grant Program that would be administered directly through Milwaukee County, for the remaining portion of the City's Community Development Block Grant Program annual allocation by the deadline of August 25, 2021; and

DONATIONS MAY
AND JUNE 2021

- (e) Accept donations for May and June, 2021, as provided in the packet for this meeting.

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

ORD. 2021-2471
UNIFORM
CONTROLLED
SUBSTANCE ACT

- G.2. Alderman Barber moved to adopt Ordinance No. 2021-2471, AN ORDINANCE TO AMEND THE MUNICIPAL CODE TO PROHIBIT THE MANUFACTURE, DISTRIBUTION, DISPENSING AND POSSESSION OF CONTROLLED SUBSTANCES AND RELATED OFFENSES AS SET FORTH IN WIS. STAT. CH. 961 UNIFORM CONTROLLED SUBSTANCES ACT. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

ORD. 2021-2472
POLICE VIDEO
RECORDING
SYSTEM

- G.3. Alderman Mayer moved to adopt Ordinance No. 2021-2472, AN ORDINANCE TO AMEND ORDINANCE 2020-2453, AN ORDINANCE ADOPTING THE 2021 ANNUAL BUDGETS FOR THE CAPITAL IMPROVEMENT FUND TO PROVIDE \$58,000 OF APPROPRIATIONS FOR ADDITIONAL STORAGE FOR A POLICE VIDEO RECORDING SYSTEM USING SAVINGS ON THE NEXTGEN 9-1-1 PROJECT. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

ADDITIONAL
STORAGE FOR IN-
SQUAD VIDEO
SYSTEM

- G.4. Alderman Mayer moved to approve the purchase of storage costs for the WatchGuard In-Squad Video Recording System, and to approve use of uncommitted funds from the 2021 Capital Budgeted NextGen 9-1-1 project to purchase the storage. Seconded by Alderman Dandrea. All voted Aye; motion carried.

FIRE DEPT.
WIRELESS DATA
ASSISTANT
LICENSES

- G.5. Alderman Mayer moved to approve the Fire Department special purchase of a Pro-Phoenix WDA Site License at a cost of \$3,990 using existing Fire Department grant funding. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

RES. 2021-7752
PEDESTRIAN
ACCESS W. FOREST

- G 6 Alderman Nelson moved to adopt Resolution No 2021-7752, A RESOLUTION FOR INCLUSION OF PEDESTRIAN ACCESS FOR WEST FOREST HOME AVENUE (CTH 00) IN A 2023

HOME ROAD
RECONDITIONING
PROJECT

MILWAUKEE COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) ROAD RECONDITIONING PROJECT. Seconded by Alderman Mayer. All voted Aye; motion carried.

RES. 2021-7753
GRAEF-USA INC. TO
DESIGN A PORTION
OF RYAN CREEK
TRAIL

G.10. Alderman Nelson moved to adopt Resolution No. 2021-7753, A RESOLUTION TO AUTHORIZE GRAEF-USA INC. TO DESIGN A PORTION OF RYAN CREEK TRAIL THROUGH THE RYAN MEADOWS SUBDIVISION (WEST CHICORY STREET TO SOUTH 112TH STREET) FOR \$50,000 and authorize this trail project to be publicly bid in 2021. Seconded by Alderman Barber. All voted Aye; motion carried.

PROCEDURE FOR
FILLING FIRST
ALDERMANIC
VACANCY

G.7. Alderwoman Wilhelm moved to accept letters from residents interested in filling the First District Aldermanic position created by the resignation of Alderman Dandrea (effective July 21, 2021), and that the deadline for filling letters of intent with the Director of Clerk Services/City Clerk be 5:00 p.m. on August 19, 2021, with interested residents listed for presentations at the Common Council meeting of August 25, 2021 at 6:30 p.m. Seconded by Alderman Barber. On roll call, Alderman Nelson, Alderman Barber, Alderwoman Wilhelm, and Alderman Mayer voted Aye; Alderwoman Hanneman voted No; and Alderman Dandrea Abstained. Motion carried.

RES. 2021-7754
2 LOT CSM
12000 W. LOOMIS
RD. AND 12204 W.
LOOMIS RD.

G.8. Alderman Nelson moved to adopt Resolution No. 2021-7754, A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT (BOOMTOWN, LLC, PROPERTY OWNER)) (AT 12000 WEST LOOMIS ROAD AND 12204 WEST LOOMIS ROAD). Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2021-7755
REIMBURSE VEIT &
CO. INC. AND
STARK PAVEMENT
FOR PORTION OF
RYAN CREEK TRAIL

G.9. Alderman Nelson moved to adopt Resolution No. 2021-7755, A RESOLUTION TO AMEND RESOLUTION 2021-7743 AND TO REIMBURSE VEIT & COMPANY, INC. AND STARK PAVEMENT CORPORATION TO CONSTRUCT A PORTION OF THE RYAN CREEK TRAIL IN THE RYAN MEADOWS SUBDIVISION FOR \$69,662.50. Seconded by Alderman Mayer. All voted Aye; motion carried.

- ORD. 2021-2473
PARKING
RESTRICTIONS
HAWTHORNE
SUBDIVISION
- G.11. Alderman Mayer moved to adopt Ordinance No. 2021-2473, AN ORDINANCE TO AMEND THE MUNICIPAL CODE SECTION 245-5. D. (4) DESIGNATING PARKING RESTRICTIONS IN AND AROUND THE HAWTHORNE SUBDIVISION INCLUDING PORTIONS OF W. HAWTHORNE LANE, W. HAWTHORNE COURT, W. MEADOW LANE, S. 90TH STREET, S. 92ND STREET, AND W. RAWSON AVENUE. Seconded by Alderman Barber. All voted Aye. Motion carried.
- STAIRS AT 7044 S.
BALLPARK DR.
- G.12. Alderman Nelson moved to direct Staff to provide stairs and associated appurtenances at 7044 S. Ballpark Drive for a budget of \$3,500. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- RES. 2021-7756
W. RYAN RD./
S. 76TH ST. AREA
MASTER SEWER
PLANNING
- G.13. Alderman Nelson moved to adopt Resolution No. 2021-7756, A RESOLUTION TO AUTHORIZE FOTH INFRASTRUCTURE & ENVIRONMENT, LLC TO PERFORM A W. RYAN ROAD / S. 76TH STREET AREA MASTER SEWER PLANNING FOR \$14,700 subject to technical and minor corrections by City Engineer Morrow and City Attorney. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
-
- CODE OF CONDUCT
FOR ELECTED AND
APPOINTED
OFFICIALS
- G.14. Alderman Mayer moved to table to the September 7, 2021 Common Council meeting, A Resolution Adopting the City of Franklin Code of Conduct for Elected and Appointed Officials and the Rules of the Common Council. Seconded by Alderman Nelson. All voted Aye; motion carried.
- ORD. 2021-2474
AMEND THE 2021
ANNUAL BUDGET
- G.15. Alderwoman Hanneman moved to adopt Ordinance No. 2021-2474, AN ORDINANCE TO AMEND ORDINANCE NO. 2020-2453, AN ORDINANCE ADOPTING THE 2021 ANNUAL BUDGETS FOR THE CAPITAL IMPROVEMENT AND DEVELOPMENT FUNDS TO PROVIDE \$144,400 ADDITIONAL RECREATION FACILITIES APPROPRIATIONS AND TRANSFERS OF RELATED PARK IMPACT FEES AND \$6,500 OF MARQUETTE AVENUE ROAD PROJECT COSTS. Seconded by Alderman Nelson. On roll call. All voted Aye. Motion carried.
- LICENSES AND
PERMITS
- H. Alderman Nelson moved to approve the following:

Grant 2021-2022 Operator Licenses to: Heather Flores; Jessica Hogan; Brandon Bhatti; Samuel Danowski; Tracey Deak; Taylor Klafka; David Lindner; Brianna Mayer; Troy Petroske; Daniel Stadler; Reilly Stewart; Brenda Valadez-Servin; Jeffrey Zarka;

Hold the 2021-2022 Operator License application of: Brandon Hamilton-Smith;

Amend the PUBLIC (People Uniting for the Betterment of Life and Investment in the Community) Grant of the following: Franklin Health Department to include Event No. 3 / Park Rental Fee at Kayla's Playground for September 21, 2021;

Grant Class A Combination to: Andyone Inc., Agent Sunny Patel, 6507 S. 27th St. pending inspection;

Grant Temporary "Class B" licenses to: Franklin Lioness Club, Gloria Grabarczyk, St Martins Fair, September 5 & 6, 2021; Franklin Lions Club, David Linder, St. Martins Fair, September 5 & 6, 2021;

Grant Change in Premise Description to: Polish Heritage Alliance Inc., Agent Jeffrey Kuderski, 6941 S 68th St;

Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

I. Alderman Barber moved to approve the following:

City vouchers with an ending date of July 15, 2021 in the amount of \$852,802.07; Payroll dated July 16, 2021 in the amount of \$430,409.40 and payments of the various payroll deductions in the amount of \$241,460.04 plus City matching payments; Estimated payroll dated July 30, 2021 in the amount of \$457,000.00 and payments of the various payroll deductions in the amount of \$455,000, plus City matching payments. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.

SAM'S REAL
ESTATE BUSINESS
TRUST v. CITY OF
FRANKLIN

G.18. Alderman Dandrea moved to enter closed session at 8:16 p.m. pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to litigation (*Sam's Real Estate Business Trust v. City of Franklin*, Milwaukee County Circuit Court, Case No. 2020CV006103 and *Wal-Mart Real Estate Business Trust v. City of Franklin*, Milwaukee County Circuit Court, Case No. 2020CV006148), and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 8:36 p.m.

POTENTIAL
ACQUISITION OF
LAND AT 6855 S.
27TH ST.

G.19. Alderman Dandrea moved to enter closed session at 8:40 p.m. pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to consider the potential acquisition of property located immediately west of 6855 S. 27 Street (Tax Key No. 738-9974-005) to be used for public dog park purposes in the City, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

Upon reentering open session at 8:55 p.m., Alderman Dandrea moved that the City will not pursue a dog park in the location of 6855 S. 27th Street (Tax Key No. 738-9974-005) and will not negotiate a land purchase. Seconded by Alderman Barber. All voted Aye; motion carried.

SIGMA GROUP, INC.

G.17. Alderwoman Hanneman moved to authorize additional \$3,035 for the Sigma Group, Inc. for extra effort related to a proposal to develop a dog park on property located immediately west of 6855 South 27th Street (Tax Key No. 738-9974-005). Seconded by Alderman Barber. All voted Aye; motion carried.

PARKLAND
ACQUISITION

G.16. Status update of the Parkland Acquisition Study was provided by Alderwoman Hanneman. No action required.

ADJOURNMENT

J. Alderman Nelson moved to adjourn the meeting at 9:05 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

CITY OF FRANKLIN
COMMON COUNCIL MEETING
AUGUST 3, 2021
MINUTES

- | | | |
|----------------------------------------------------------------------------------------------------|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| ROLL CALL | A. | The regular meeting of the Common Council was held on August 3, 2021 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderman Mike Barber and Alderman John R. Nelson. Excused was Alderwoman Shari Hanneman, and Aldermanic District 1 seat remained vacant. Also present were Dir. of Administration Peggy Steeno, City Engineer Glen Morrow, Director of Finance & Treasurer Paul Rotzenberg, Planning Manager Heath Eddy, Associate Planner Régulo Martínez-Montilva, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski. |
| CITIZEN COMMENT | B. | Citizen comment period was opened at 6:32 p.m. and closed at 6:38 p.m. |
| MINUTES
JULY 20, 2021 | C. | Alderwoman Wilhelm moved to approve the minutes of the regular Common Council Meeting of July 20, 2021 as amended and presented at this meeting. Seconded by Alderman Barber. All voted Aye; motion carried. |
| RES. 2021-7757
2 LOT CSM
W. OAKWOOD PARK
DR. AND S. 52ND ST.
FRANKLIN BUSINESS
PARK | G.1. | Alderman Barber moved to adopt Resolution No. 2021-7757, A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 8546 BEING A REDIVISION OF OUTLOT 1, BLOCK 11 OF THE PLAT OF FRANKLIN BUSINESS PARK ADDITION NO. 1 AND BEING PART OF THE SOUTHWEST QUARTER (SW 1/4) AND SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 26, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY , WISCONSIN (MLG DEVELOPMENT, INC.) (GENERALLY EAST OF THE INTERSECTION OF WEST OAKWOOD PARK DRIVE AND SOUTH 52ND STREET IN THE CITY OF FRANKLIN BUSINESS PARK). Seconded by Alderman Nelson. All voted Aye; motion carried. |
| CONCEPT REVIEW
115-LOT SINGLE-
FAMILY SUBDIVISION
BEAR DEVELOPMENT,
LLC | G.2. | At the request of the Applicant, a concept review regarding the proposed 115-lot single-family residential subdivision to be located west of the Franklin Savanna Natural Area (properties bearing Tax Key Numbers 892-9999-002, 937-9999-004 and 938-9999-011) (Bear Development, LLC, Applicant) was tabled to the August 17, 2021 Common Council meeting on a motion by Alderman Nelson. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried. |

- CONCEPT REVIEW 87-LOT SUBD. (9732 W. RYAN RD.) NEUMANN DEV., INC. G.3. No action was taken on a concept review regarding the proposed 87-lot single-family residential subdivision to be located at 9732 W. Ryan Road (Neumann Developments, Inc., Applicant).
- CONCEPT REVIEW 183-LOT SUBD. (12200 W. RYAN RD.) NEUMANN DEV., INC. G.4. No action was taken on a concept review regarding the proposed 183-lot single-family residential subdivision to be located at 12200 W. Ryan Road (Neumann Developments, Inc., Applicant).
- PARKLAND ACQUISITION SERVICES G.5. No action was taken on a status update of the Parkland Acquisition Study currently being developed by the Department of City Development, with assistance from planning firm Vandewalle & Associates.
- ORD. 2021-2475 AMEND EXISTING SIGN CODE G.6. Alderman Barber moved to adopt Ordinance No. 2021-2475, AN ORDINANCE TO AMEND CHAPTER 210 OF THE MUNICIPAL CODE TO REVISE CERTAIN MINOR ELEMENTS OF THE EXISTING SIGN CODE. Seconded by Alderwoman Wilhelm. All voted Aye. Motion carried.
- MEETING RECORDING POLICY G.7. Alderman Mayer moved to adopt the Electronic Meeting Recording Policy. Seconded by Alderman Barber. All voted Aye; motion carried.
- CODE OF CONDUCT G.8. No action was required at this time on the consideration of a Resolution Adopting the City of Franklin Code of Conduct for Elected and Appointed Officials and the Rules of the Common Council. This will be placed on the September 7, 2021 Common Council meeting agenda.
- OPEB PLAN FOR 2021 AND 2022 G.9. Alderman Barber moved to table to the Common Council meeting of August 17, 2021, a Resolution to Authorize Engaging Milliman, Inc. to Perform Actuarial Study on the City of Franklin Other Post Employment Benefit Plan for 2021 and 2022. Seconded by Alderman Nelson. All voted Aye; motion carried.
- RES. 2021-7758 RESERVE AND LIQUIDITY INVESTMENTS G.10. Alderwoman Wilhelm moved to approve Resolution No. 2021-7758, A RESOLUTION TO AMEND THE CITY OF FRANKLIN INVESTMENT POLICY STATEMENT, RESERVE AND LIQUIDITY INVESTMENTS. Seconded by Alderman Nelson. All voted Aye; motion carried.

JUNE, 2021 MONTHLY
FINANCIAL REPORT

G.11. Alderman Barber moved to receive and place on file the June, 2021 Financial Report. Seconded by Alderman Nelson. All voted Aye; motion carried.

LICENSES AND
PERMITS

H. Alderman Nelson moved to approve the following:

Grant 2021-2022 Operator License to: Jennie Acevedo, Mikayla Baird, Angela Damask, Jennifer Gerhard, Andrew Hushek, Tracy Kukla-Lewis, Riley May, Georgia Ness, Lisa Oliver, Naldo Rivera, Donte White;

Hold the 2021-2022 Operator License application until Brandon Hamilton-Smith contacts the City Clerk's office for appearance;

Hold the 2021-2022 Operator License application until Alexandra Ellis appears to correct her application;

Grant Extraordinary Entertainment & Special Event License to: South Brook Church, Fellowship Kickoff Event, Mark Heckman, 11010 W. Saint Martins Rd., 9/12/21, 12pm-3pm;

Grant Temporary Class "B" License to: Franklin Noon Lions Club, William Tietjen, St Martins Fair, 9/5/21-9/6/21; VFW Post #10394 Hales Corners-Franklin VFW-St Martins Fair and Labor Day Weekend, Andrew Hushek, 11300 W. Church St., 9/5/2021-9/6/2021; and

Grant Temporary Entertainment & Amusement License to: Franklin Noon Lions Club, William Tietjen, St Martins Fair, 9/5/21-9/6/21; VFW Post #10394 Hales Corners-Franklin VFW-St Martins Fair and Labor Day Weekend, Andrew Hushek, 11300 W. Church St., 9/5/2021-9/6/2021.

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

VOUCHERS AND
PAYROLL

I. Alderman Barber moved to approve the following:
City vouchers with an ending date of August 1, 2021 in the amount of \$1,383,915.43; Payroll dated July 30, 2021 in the amount of \$461,937.73 and payments of the various payroll deductions in the amount of \$463,848.73 plus City matching payments; Estimated payroll dated August 13, 2021 in the amount of \$408,000 and payments of the various payroll deductions in the amount of \$239,000, plus City matching payments. Seconded by Alderman Mayer. On roll call, all voted Aye. Motion carried.

ORVILLE SEYMER VS. G.12.
CITY OF FRANKLIN

Alderman Barber moved to enter closed session at 8:13 p.m. pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel regarding *Orville Seymer v. City of Franklin*, Milwaukee County Circuit Court, Case No. 2020CV003506 for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Nelson. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 8:48 p.m.

ADJOURNMENT J.

Alderman Barber moved to adjourn the meeting at 8:48 p.m. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

<p>APPROVAL</p> <p><i>slw</i></p>	<p>REQUEST FOR COMMON COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>08-17-21</p>
<p>ORGANIZATIONAL BUSINESS</p>	<p>Mayoral Commission Appointments</p>	<p>ITEM NUMBER</p> <p>E.</p>

The following Mayoral appointments have been submitted for Council confirmation:

1. Jack Takerian, 8605 River Terrace Dr., Ald. Dist. 4 – Board of Water Commissioners for a 5-year term expiring 09/30/2025.
2. Matt Cool, 8820 S. 68th St., Ald. Dist. 1 – Community Development Authority for a 4-year term expiring 08/30/2025.
3. Jeffrey E. Kuderski, 8135 W. High St., Ald. Dist 1 – Tourism Commission for a 1-year term expiring 12/31/2021

COUNCIL ACTION REQUESTED

Motion to confirm the following Mayoral appointments:

1. Jack Takerian, 8605 River Terrace Dr., Ald. Dist. 4 – Board of Water Commissioners for a 5-year term expiring 09/30/2025.
2. Matt Cool, 8820 S. 68th St., Ald. Dist 1 – Community Development Authority for a 4-year term expiring 08/30/2025.
3. Jeffrey E. Kuderski, 8135 W. High St., Ald. Dist 1 – Tourism Commission for a 1-year term expiring 12/31/2021

Sandi Wesolowski

From: volunteerfactsheet@franklinwi.info
Sent: Monday, August 9, 2021 2:44 PM
To: Lisa Huening; Shirley Roberts; Sandi Wesolowski
Subject: Volunteer Fact Sheet

Name: Jeffrey E. Kuderski
PhoneNumber:
EmailAddress: jkuderski@polishfest.org
YearsasResident: 35
Alderman: 1-2
ArchitecturalBoard: no
CivicCelebrations: no
CommunityDevelopmentAuthority: no
EconomicDevelopmentCommission: no
EnvironmentalCommission: no
FinanceCommittee: no
FairCommission: no
BoardofHealth: no
FirePoliceCommission: no
ParksCommission: no
LibraryBoard: no
PlanCommission: no
PersonnelCommittee: no
BoardofReview: no
BoardofPublicWorks: no
QuarryMonitoringCommittee: no
TechnologyCommission: no
TourismCommission: yes
BoardofZoning: no
WasteFacilitiesMonitoringCommittee: no
BoardWaterCommissioners: no
CompanyNameJob1: Polish Heritage Alliance, INC
CompanyAddressJob1: 6941 S. 68th St
TelephoneJob1: 414-529-2140
StartDateandPositionJob1: 3/13/14
EndDateandPositionJob1:
CompanyNameJob2: Sysco Food Service
AddressJob2: One Sysco Drive, Jackson WI
TelephoneJob2:
StartDateandPositionJob2: 2/1998

EndDateandPositionJob2: 2/2014 / Marketing Associate

CompanyNameJob3:

AddressJob3:

TelephoneJob3:

StartDateandPositionJob3:

EndDateandPositionJob3:

Signature: Jeffrey E. Kuderski

Date: 8/9/2021

Signature2: Jeffrey E. Kuderski

Date2: 8/9/2021

Address: 8135 W. High St, Franklin WI 53132

PriorityListing:

WhyInterested:

I would like to offer my experience to support the tourism commission in growth and fulfilment of theirs and the City of Franklin's mission.

DescriptionofDutiesJob1:

Polish Fest Director / Executive Director Provide leadership and direction of the organization; ensure that it achieves the mission and goals; provide leadership to develop and implement strategic policies, procedures, services and fund development

DescriptionofDutiesJob2:

Responsible for growing market share in the designated markets. Responsible for satisfying customer needs and meeting management objectives. Maintain and grow customer base by penetrating existing accounts and opening new accounts. Develop a close working relationship with customers and all internal company departments. The Marketing Associate is responsible for growing market share in the designated markets. Responsible for satisfying customer needs and meeting management objectives.

DescriptionofDutiesJob3:

AdditionalExperience:

I have experience with managing large events - Polish Fest on the summerfest grounds each year. This includes fundraising, contracts, volunteers, promotions and advertising.

[See Current Results](#)

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE August 17, 2021
REPORTS & RECOMMENDATIONS	REQUEST AUTHORIZATION TO SCHEDULE COMMON COUNCIL SPECIAL MEETING FOR UDO DISCUSSION.	ITEM NUMBER G.1.(a)

Houseal Lavigne Associates, the City’s Consultants for the UDO Rewrite project, are requesting to schedule a Common Council special meeting which shall be for the purpose of gathering input from the Common Council. The Consultants will be scheduling a full day of activities on **Thursday, August 26, 2021**, which are to include the following:

- Staff kick-off meeting and City tour
- Department Heads meeting
- Elected (and appointed) Officials Roundtable Workshop
- Public Workshop

The Council portion of the day is slated for **3:00-4:30pm**. City Development staff are attempting to coordinate this meeting with the Consultants so as to save budget and have the Consultants in town for a single day. However, we recognize that members of Council may not be able to attend due to daytime conflicts; therefore we will work with the Consultants to make alternate arrangements to gain input from those Council members who cannot attend.

TASK FORCE MEMBERSHIP

Staff is also proposing a UDO Rewrite Task Force consisting of the Plan Commission, two members of the Environmental Commission, one member of the Economic Development Commission, and a Council representative (aside from the Council representative on the Plan Commission, which is currently vacant).

The members confirmed thus far:

- Mayor Steve Olson
- Glen Morrow (City Engineer)
- Patrick Leon
- Kevin Haley
- Patricia Hogan
- Adam Burckhardt
- (Plan Commission Council representative)
- Sudi Sharma (Environmental Commission representative)
- Jamie Groark (Environmental Commission representative)
- Shari Hanneman (Council representative)

COUNCIL ACTION REQUESTED

Staff requests Common Council approve the schedule for a special meeting, or “Roundtable Workshop,” with the Consultants on **Thursday, August 26, 2021, from 3:00 to 4:30 pm in Council Chambers.**

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 08/16/21
REPORTS AND RECOMMENDATIONS	A RESOLUTION TO SUBMIT A 2022 GRANT APPLICATION REQUEST FROM THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES URBAN FORESTRY GRANT PROGRAM AND UNSPECIFIED AMOUNTS FOR YET TO BE DETERMINED CATASTROPHIC STORM EVENTS	G.1.(b)

BACKGROUND

The Wisconsin Department of Natural Resources (WDNR) Urban Forestry Grant program is designed to fund projects that improve a community’s capacity to manage its trees. Projects that help conserve, protect, expand or improve the urban forest resource will also be prioritized. This 2022 grant application is due October 1, 2021.

ANALYSIS

An eligible 50% match includes options for cash or in-kind services provided for the project and that have occurred during the project period. Projects must be a minimum of \$2,000 and a maximum of \$50,000- i.e. the grant request must be between \$1,000 and \$25,000. Proposals are competitively scored amongst other applications from other communities. Grant application must be mailed no later than October 1, 2021. Eligible projects and expenditures are for January 1 to December 31, 2022.

Staff recommends a proposed project as follows:

- ~~\$3,000~~ ~~Chainsaw Safety Training/Staff Training~~
- ~~\$3,000~~ ~~Total Project Cost~~

The 50% match grant is a \$1,500 request for staff training.

This grant award is anticipated to be announced in January 2022.

Note that the attached resolution uses the recommended language from the grant website. The sample resolution also includes language to allow the City to quickly apply and receive a 100% grant for urban forestry catastrophic storm projects specified in Wis. Stats section 23.097(1g) and (1r), Wis. Stats- if needed. Both sections of the statute are as follows:

(1g) The department shall award grants to counties, cities, villages, towns, and nonprofit organizations for up to 50 percent of the cost of tree management plans, tree inventories, brush residue projects, the development of tree management ordinances, tree disease evaluations, public education concerning trees in urban areas and other tree projects.

(1r) In addition to the grants awarded under sub. (1g), the department may award grants to ...cities, ... that apply for the grants for the costs of removing, saving, and replacing trees that have been damaged by catastrophic storm events in urban areas. To be eligible for a grant under this subsection, the damage must have occurred in an area for which the governor has designated a state of emergency due to a catastrophic storm event. The department shall notify each applicant for a grant under this subsection as to whether the application for the grant will be approved or denied within 60 days after the date the application is submitted to the department. A recipient of a grant awarded under this subsection is exempt from having to pay any percentage of the costs in order to receive the grant.

OPTIONS

- A. Pass a Resolution to direct Staff to submit grant application and comply with the requirements stipulated in the grant program. Or,
- B. Table and elect to not submit grant application due October 1, 2021.

FISCAL NOTE

The City of Franklin is in the process of making and adopting a budget for 2022. Staff wages and additional funds in the Operating budget for training can be used to match the \$1,500 that we are asking for in this grant.

COUNCIL ACTION REQUESTED

(Option A) Motion to adopt Resolution No. 2021 - _____, a resolution to make a 2022 grant application request of \$1,500 (for a Project total of \$3,000) from the 2022 WDNR Urban Forestry Grant and Urban Forestry Catastrophic Storm Grant Program and unspecified amounts for yet to be determined catastrophic storm events.

DPW:TR/ams

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2021 - _____

A RESOLUTION TO AUTHORIZE SUBMITTAL OF A 2021 GRANT APPLICATION
REQUEST FROM THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES URBAN
FORESTRY GRANT PROGRAM AND UNSPECIFIED AMOUNTS FOR YET TO BE
DETERMINED CATASTROPHIC STORM EVENTS

WHEREAS, the City of Franklin, Wisconsin, (FRANKLIN), is interested in obtaining a cost-share grant from Wisconsin Department of Natural Resources for the purpose of funding urban and community forestry projects or urban forestry catastrophic storm projects specified in s. 23.097(1g) and (1r), Wis. Stats.; and

WHEREAS, FRANKLIN attests to the validity and veracity of the statements and representations contained in the grant application; and

WHEREAS, FRANKLIN requests a grant agreement to carry out the project.

NOW, THEREFORE, BE IT RESOLVED, the City of Franklin, Wisconsin, (FRANKLIN), will comply with all local, state, and federal rules, regulations and ordinances relating to this project and the cost-share agreement;

BE IT FURTHER RESOLVED, FRANKLIN will budget a sum sufficient to fully and satisfactorily complete the project and hereby authorizes and empowers the City Forester to act on its behalf to:

1. Sign and submit the grant application(s)
2. Sign a grant agreement(s) between FRANKLIN and the DNR
3. Submit interim and/or final reports to the DNR to satisfy the grant agreement(s)
4. Submit grant reimbursement request(s) to the DNR
5. Sign and submit other required documentation

Introduced at a regular meeting of the Common Council of the City of Franklin the

_____ day of _____, 2021, by Alderman _____.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the
_____ day of _____, 2021.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Notice: Pursuant to US Public Law 95-313, s. 6(b), s. 23.097, Wis. Stats., and ch. NR 47, Wis. Adm. Code, this completed form is required to apply for an Urban Forestry Grant. The Department of Natural Resources (DNR) will be unable to process your application unless complete information is provided as requested. Information will be used to determine grant award lists, provide statistical information and potentially to use as an example for other grant applicants. Personally identifiable information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin's Public Records Law [ss. 19.31-19.39, Wis. Stats.].

Resolution required with application submittal – see [sample](#)

Section I: Grant Type

Select the appropriate grant type. Please note: a maximum of three urban forestry startup grants may be awarded to an applicant within the lifetime of the startup program. Click the link for more information related to each grant type.

Regular Grant Start-up Grant

Section II: Applicant Information

A. Applicant Organization

Applicant Organization Name

Organization Address (same as Treasurer or W9) City State ZIP Code

Applicant organization is a (check one)

- City Village Town County Tribal Government 501(c)(3) nonprofit organization

Located in the county of: _____

DNR USE ONLY:

B. Applicant Authorized Representative

Last Name First Name MI Position Title

Phone Number FAX Number Email

C. Project Manager (if different from Authorized Representative)

Last Name First Name MI Position Title

Address Phone Number FAX Number

City State ZIP Code Email

D. Grant Request Summary – will automatically be populated from Section VII Calculations

DNR Cost Share Grantee Cost Share Total Project Cost

Urban Forestry Grants Application

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Section III. Community Urban Forestry Program Status

Below are basic elements of a well-established municipal, county, or tribal urban forestry program. Select ONE option in each category that best describes your current urban forestry program.

Applicants for the Startup Grant will be redirected to a regular grant application if they select the top box in 3 or more of the categories.

501(c)(3) organizations omit this section UNLESS your project results in a municipality advancing to the top level in any of the categories. Then, list the municipality here and complete the grid to reflect that municipality's current urban forestry program.

Municipalities: _____

Tree Inventory	We have a current, complete tree inventory.	<input type="radio"/>
	Our tree inventory is incomplete or needs updating or upgrading.	<input type="radio"/>
	We have no formal inventory or other written records of our trees.	<input type="radio"/>
Urban Forest Management Plan	We have a current, useful, written, inventory-based urban forest management plan.	<input type="radio"/>
	Our inventory-based, written urban forest management plan is incomplete or out of date.	<input type="radio"/>
	We do not have a written urban forest management plan based on our tree inventory data or on similar forest resource assessment.	<input type="radio"/>
Program staffing	Urban forestry program management is done by staff, contracted consultants &/or volunteers who have: a forestry degree; ISA certified arborist credentials; have completed WI Community Tree Management Institute; or have other advanced forestry training.	<input type="radio"/>
	Urban forestry program management is done by staff, contracted consultants &/or volunteers who have: experience or on-the-job training, but lack a forestry degree; ISA certified arborist credentials; Community Tree Management institute completion certificate; or comparable advanced forestry training.	<input type="radio"/>
	We have no staff, contracted consultants or volunteers authorized to handle or advise our community on tree planting & care.	<input type="radio"/>
Tree ordinance	We have one or more tree ordinance(s) that is/are useful for achieving community tree care and management goals.	<input type="radio"/>
	Our tree ordinance(s) is/are out-of-date or inadequate.	<input type="radio"/>
	Our code ordinance contains no provisions for tree management, care or protection. Tree language is limited to public safety or nuisance abatement.	<input type="radio"/>
Advocacy	We have an authorized citizen tree board or other organized group actively involved in advising our community urban forestry program.	<input type="radio"/>
	We have various groups (clubs, schools, committees) interested and involved in community tree care and management but not formally charged with advising our community urban forestry program- OR- We have an authorized but inactive citizen tree board.	<input type="radio"/>
	The level of involvement and support by residents and local elected officials for our community urban forestry program is low to non-existent.	<input type="radio"/>

Comments (optional): _____

Section IV: Project Description

A. Project Overview

Descriptive Project Title: _____

Describe the project using no more than 2000 characters (including spaces). Provide an overview that includes basics of who is doing what, where, how and why. This can be a bulleted list.

Describe how this project would establish a new program or advance an underdeveloped one.

B. Project Components

Choose from the dropdown boxes below. Use the "OTHER" choice to type in alternatives. (See a list of eligible project activities in the application guide) Click + at right to add another component. Describe each project

Describe each project component.

- What are the expected outcomes (results)?
- How will expected outcomes be measured, evaluated or shared?

Note: Complete a separate Cost Estimate Worksheet (CEW) in Section VII for each project component listed below. The CEW will transfer the total to the right-hand column below.

Select Component:

Component Cost Estimate (\$) (field will auto-populate from detail on CEW)

Component Name:

Description/Outcome:

Target Measures (# of units, e.g. staff trained, trees treated, etc.)	Qty	Unit Type

Examples of components for Part B (selected in drop down box above):

1. Information/Education/Outreach Information (e.g., news media, print material development), Education (e.g., classes, tree walks, seminars), Outreach (e.g., citizen involvement in planning or implementation of Arbor Day celebration).
2. Tree Maint: Other Fertilization, storm damage mitigation, pest control, etc.
3. Plan Development (Emerald Ash Borer, management, strategic, storm response, pest response, planting).

C. Project Location/Scope

Land Ownership Affected (select all that apply)

- | | |
|-------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|
| <input type="checkbox"/> Single private property | <input type="checkbox"/> Single public property |
| <input type="checkbox"/> Multiple private properties within a municipality | <input type="checkbox"/> Multiple public properties within a municipality |
| <input type="checkbox"/> Multiple private properties across multiple municipalities | <input type="checkbox"/> Multiple public properties across multiple municipalities |

D. Applicant's Project Partners

Note: Each of the applicant's partners must verify their involvement using a Partner Verification (Form 8700-298A, linked here for your convenience). A Partner Verification form must be completed and sent in with this form for a complete application. If applicable, estimate the partner's donated amount on the appropriate CEW.

List Partner Organization(s):

What specific service, product, or role will each partner contribute to the project?

Urban Forestry Grants Application

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List Partner Organization(s):	What specific service, product, or role will each partner contribute to the project?

Section V: Alignment with DNR Urban Forestry Program Goals – Only applicable for Regular grants

1. Describe the direct impact(s) your project has on urban tree canopy on private property: N/A

2. Describe how you will utilize an existing inventory in this project. If no inventory exists or the inventory is outdated, will an inventory be produced because of the grant? How will the new inventory be utilized? N/A

3. If hosting a professional workshop or educational event, describe how your project will build capacity and/or partnerships for those attending. Will other communities be invited to attend? Have you reached out to neighboring communities to identify training demand? N/A

4. Please select if your project will include: N/A

- | | | |
|----------------------------------------------------|--------------------------------------------------------|-------------------------------------------------------------------------------|
| <input type="checkbox"/> EAB Management Plan | <input type="checkbox"/> Ash Tree removals | <input type="checkbox"/> Ash inventories (includes complete tree inventories) |
| <input type="checkbox"/> EAB Insecticide treatment | <input type="checkbox"/> Ash tree replacement planting | <input type="checkbox"/> EAB Education and Outreach |

5. Please select if your project will result in: N/A

- A current, useful, written, inventory-based urban forest management plan
- One or more tree ordinance(s) that is/are useful for achieving your community tree care and management goal
Type of ordinance planned to be developed or enhanced (i.e. general street tree, new development, tree protection, etc)
- An authorized citizen tree board or other organized group actively involved in advising your community urban forestry program
- Staff, tree service contractors &/or volunteers receiving a forestry degree, ISA certified arborist credentials, graduating from WI Community Tree Management Institute, or obtaining other advanced forestry training

6. Describe how **each** component of your project will have a long-term positive impact on the urban tree canopy and the benefits it provides (i.e. increased % canopy cover, or resiliency to pest/disease/storm, reduce liability). Quantify impacts to canopy or associated benefits wherever possible.
Tie this narrative to the component listed in question #5.

Section VI: Additional Applicant Information – Only applicable for Regular grants

1. Is the community where the project will be implemented a Green Tier Legacy Community? Yes No N/A
(<http://greentiercommunities.org/pilot-communities/>)
2. Is the community where the project will be implemented a Tree City USA? Yes No N/A
(www.arboday.org/programs/treeCityUSA/index.cfm.)
3. List any specific urban tree care or tree management training received, or conferences attended by your organization's staff or volunteers within the last three years. Please list no more than 5 separate trainings.

Date	Course Title	Training Description	Provider	Attendees	

4. Have you received an Urban Forestry grant in the past 3 years? Yes No
If so, how is this project different than the project(s) completed previously?

5. Describe any additional significant aspects or outstanding features of this project that you would like us to know about.

Section VII: Cost Estimate Worksheets

A SEPARATE WORKSHEET IS PROVIDED FOR EACH COMPONENT CHOSEN IN SECTION IV.B.
 If more space is needed, return to Section IV.B., click + to add another component, choose the same Component name again, enter "Continued" in the Description, and return to this Section to complete your entry.

Project Component:	Estimated Cost	Donation Value
Salary and Labor (specify project tasks on lines below, as appropriate)		
Applicant Staff Labor:		
Fringe Benefits:		
Municipal Partner Labor Expense (Cooperative Agreement will be required):		
Volunteer Labor (\$15.00/hr):		
Other:		
Supplies (specify items, as appropriate)		
Provided by Applicant's On-hand inventory:		
Donated by third parties:		
Equipment (specify type of equipment and DOT class code on lines below, as appropriate) See application guidelines for a list of commonly used equipment codes.		
Provided by Applicant:		
Rented or Contracted Equipment:		
Purchased Equipment (not to exceed \$5,000/item):		
Donated by third parties:		
Contractual/Consultant Services		
Hired Consultants/Contractors/ Services (professional rate):		
Donated Consultants/Contractors/ Services (professional rate):		
Other Project Purchases		
Total		
Total Project Component Cost		

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Total Project Cost		
	Cash	Donated
Salary		
Supplies		
Equipment		
Contractual/Consultant Services		
Other		
Total		
Total Project Cost		
DNR Cost Share		
Applicant Cost Share		

The Grant Request cannot be less than \$1,000. Please adjust the project as needed to meet that limit. You won't be able to submit the application unless the Grant Request amount is equal or greater than \$1000.

Section VIII: Certification and Submission

**Application form and required attachments must be received by
11:59 p.m. on the grant deadline date for the application to be eligible.**

Attachments

Provide a signed resolution that has been adopted by the applicant's governing body which gives the name of the applicant, authorizes funding for the project, designates an authorized representative (position title) to act on behalf of the applicant and states that the applicant will provide documentation of work done and follow all relevant state and federal rules. A sample resolution is provided at: <https://dnr.wi.gov/topic/UrbanForests/grants/documents/UFGrantsCombinedResolution.doc>
Check all items you plan to attach.

- Authorizing Resolution attached
- By-laws & articles of incorporation (501[c][3] applicants only)
- Partner Verification Attached (8700-298A)

Submission instructions

Review your application before continuing.

Submission by Email strongly recommended. If not possible, contact the Urban Forestry Financial Specialist

By my signature below, I hereby certify to the best of my knowledge, the information contained in this application and application attachments are correct and true. I understand and agree that any grant monies awarded as a result of this application shall be used in accordance with ch. 23.097, Wis. Stats., and ch. 47, Wis. Adm. Code.

NOTE: Please type your name on the signature line. Your typed name, along with the email message generated from electronic submittal of this form, will be used as an electronic signature which is the legal equivalent to an actual signature.

Signature of Authorized Representative	Date Signed	Applicant's Authorized Representative (print)
----------------------------------------	-------------	-----------------------------------------------

Position Title

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APPROVAL <i>Skw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 08/17/21
REPORTS & RECOMMENDATIONS	Authorization for the Dept of Public Works to purchase Multi-Use Municipal Snow Removal Vehicle (Used)	ITEM NUMBER G.1.(c)
<p>The Department of Public Works requests authorization to purchase one (1) Used Multi-Use Municipal Vehicle, funds for which are approved in the 2021 Parks Capital Outlay Fund, and as approved by the Board of Public Works at their meeting on August 10th, 2021.</p> <p><u>FISCAL NOTE</u></p> <p>The purchase was included in the 2021 Capital Outlay parks appropriations for \$60,000.00. With savings on other Park's equipment purchases, sufficient resources exist in the Capital Outlay parks appropriations to fund this project.</p> <p><u>RECOMMENDATION</u></p> <p>The purchase of one (1) Used Multi-Use Municipal Vehicle:</p> <p>This vehicle is a multifunctional machine which will assist with Snow Removal in the Parks System. It comes with the ability to add various attachments in the future to help with other DPW duties. This machine is a 2018 Maclean MV4.1 Hydraulic Municipal Vehicle and comes with a 60" Dual Auger Snow Blower, 60" Angle Plow, & Salt Spreader.</p> <p>This 2018 Maclean Hydraulic Municipal Vehicle will be purchased from Miller-Bradford & Risberg for the cost of \$98,000.00. Miller-Bradford & Risberg is a known vendor with whom DPW has purchased from frequently.</p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p style="text-align: center;">Authorize DPW staff to purchase one (1) Used Multi-Use Municipal Vehicle.</p> <p>DPW:KS/as</p>		



Corporate Office:
W250 N6851 Hwy 164
P.O. Box 904
Sussex, WI 53089

Sussex, WI 1-800-242-3115	DeForest, WI 1-800-585-7219	De Pere, WI 1-800-638-7448	Negaunee, MI 1-800-562-9770
Eau Claire, WI 1-800-585-7232	Marathon, WI 1-888-886-4410	Rockford, IL 1-800-585-7231	

Distributors of Equipment and Supplies for ■ Construction ■ Forestry ■ Industry ■ Government

TO: CITY OF FRANKLIN DPW DATE: AUGUST 13TH, 2021

REFERENCE: MBR Maclean Quote

WE SUBMIT THE FOLLOWING PROPOSAL:

QUANTITY	DESCRIPTION	AMOUNT
1	<p>USED 2018 MACLEAN MV4.1 MUNICIPAL VEHICLHLE (~700 HOURS)</p> <p>INCLUDES:</p> <p>115HP CAT C3.4 LITER TIER IV ENGINE</p> <p>HEAT & AC</p> <p>SECOND HIGH FLOW HYDRAULIC PUMP AND ELECTRIC CONTROL SYSTEM</p> <p>WINTER RADIAL TIRES</p> <p>BLUE & YELLOW LED STROBE LIGHTS W/ CAB ROOF GUARD</p> <p>CRUISE CONTROL</p> <p>FRONT DIFF LOCK</p> <p>LED TAIL AND SIGNAL LIGHTS</p> <p>REAR PANEL SHIELDS</p> <p>6 MONTH EXTENDED POWERTRANE WARRANTY</p> <p>60" Dual Auger Snow Blower</p> <p>60" ANGLE PLOW</p> <p>5/8 CUBIC YARD SALT/SAND SPREADER</p> <p>36 MONTH OR 500 HOUR PREMIER EXTENDED WARRANTY</p> <p style="text-align: right;">SALE PRICE.....</p> <p>***QUOTE PRICE VALID THROUGH AUGUST 17TH, 2021***</p>	\$98,000.00

TERMS: NET DUE UPON RECEIPT OF INVOICE F.O.B.: FRANKLIN, WISCONSIN

DELIVERY: SUBJECT TO AVAILABILITY

WE THANK YOU FOR THE OPPORTUNITY TO QUOTE ON THIS EQUIPMENT

Miller-Bradford & Risberg, Inc.

SIGNED _____ JAMESON SADOWSKE

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COMMON COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">Aug 17, 2021</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Resolution Engaging Milliman, Inc to perform Actuarial Study on the City of Franklin Other Post Employment Benefit Plan for 2021 and 2022</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.1.(d)</p>

Background

The City of Franklin offers employees Other Post Employment Benefits, with certain service and other conditions, upon retirement. The cost of those benefits can be estimated by an actuarial study involving various assumptions.

Financial regulations direct that periodic actuarial studies be conducted to estimate the cost of those benefits, and that certain information be provided in annual financial reports. That information includes, but is not limited to, the Actuarial Value of Assets on Hand, the Actuarial Accrued Liability for future benefits for current and retired eligible employees, and the Unfunded Actuarial Liability for the benefits. The information is included in the Comprehensive Annual Financial Report.

Actuarial & Health Care Solutions, LLC [Mequon, WI] has been providing these actuarial services for the City of Franklin since 2008. The principal at Actuarial & Health Care Solutions, LLC retired in 2020. The firm handed off the block of business to another Illinois based firm. A survey of area communities identified two firms equipped to complete the required study.

Staff received quotes from three firms:

- Lauterbach & Amen, LLP – successor to Actuarial & Health Care Solutions
- Key Benefit Concepts, LLC
- Milliman, Inc

Recommendation

Staff felt that since a change was happening, it was advisable to search for alternatives. Inquiries were made with neighboring communities on who provided them services and their satisfaction with those services. Key Benefits and Milliman were the only two names that surfaced.

The City requests biennial studies (as permitted by Government accounting rules). In the second year, an abbreviated update is requested to deal with plan asset activity.

Lutterbach provided a four-year quote. Costing \$8,850 in year one, \$2,250 in year two, \$9,050 in year three, and \$2,250 in year four. This Illinois based provider is involved because the retiring provider chose them. A more local provider was also sought out.

Key Benefits is a smaller Wisconsin based firm, takes more time (12 weeks) to complete the study. Their multi-year quote was \$6,350 in year one, \$600 in year two, \$6,550 in year three, \$600 in year four, \$6,800 in year five and \$625 in year six. Key Benefits would provide the required information, however does not appear equipped to provide the value-added services that competitors offer.

The Finance Committee recommended engagement of Milliman, Inc. Milliman is a national actuarial firm with offices in Brookfield, WI. They are a larger firm with many years of experience on over 1,000 governmental plans. The firm has over 30 senior consultants.

Milliman provided a multi-year quote as well, \$8,000 in year one, \$2,400 in year two, \$4,500 in year three, \$2,500 in year four, \$8,400 in year five and \$2,600 in year six.

With the City's plan substantially funded and an increasing number of public safety employees retiring and participating in the benefit, assistance in planning Trust distributions to fund plan benefits becomes increasingly important. Milliman, Inc. has the expertise that smaller firms do not possess to aid in this planning. Given expected finance dept staffing changes, this consulting advice will be very valuable.

Milliman and the City could not reach agreement on terms of the professional services contract. Staff will pursue other alternatives and bring a new recommendation forward.

COMMON COUNCIL ACTION REQUESTED

No action requested.

<p>APPROVAL</p> <p><i>4/11</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>08/17/2021</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Establish 2021 Trick or Treat</p>	<p>ITEM NUMBER</p> <p>G.1.(e)</p>

The Council may wish to establish the 2021 Trick or Treat observance at this time for notification.

In 2020, Trick or Treat was held on Saturday, October 31, from 4-7pm. It is recommended that Sunday, October 31 from 4-7pm be established for 2021.

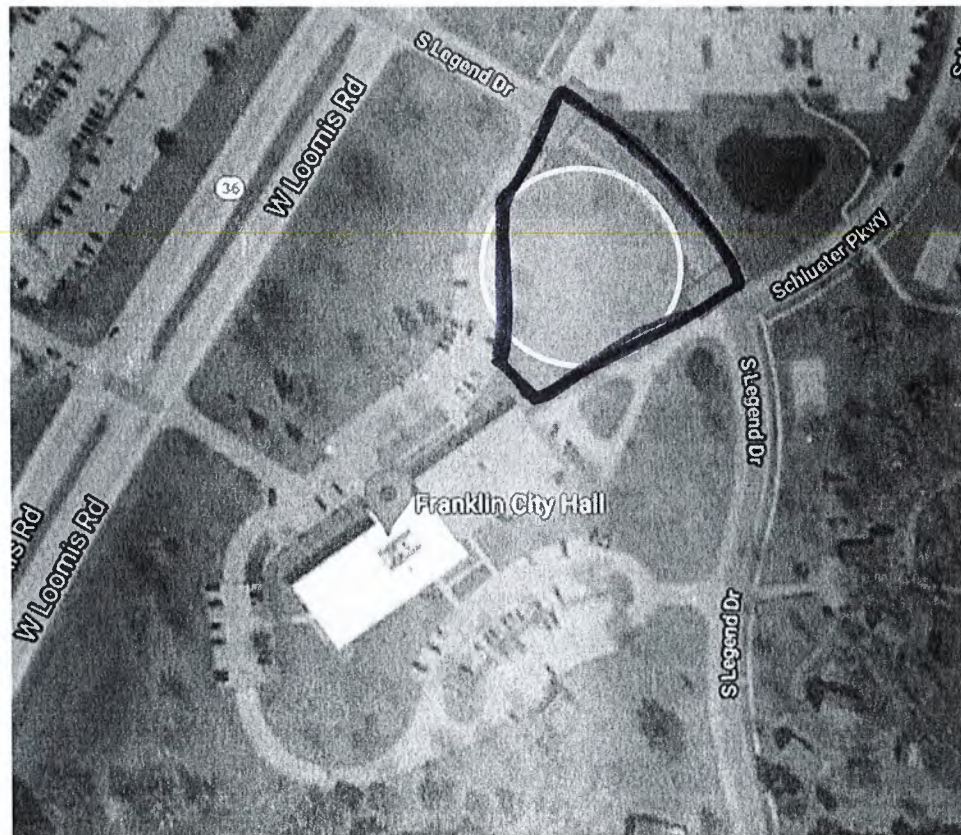
COUNCIL ACTION REQUESTED

Motion to establish Sunday, October 31, 2021, from 4-7pm for the Halloween Trick of Treat observance in the City of Franklin.

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 08/17/2021
Reports and Recommendations	Temporary Street Closure Request in conjunction with the August 20, 2021 Outdoor Movie	ITEM NUMBER G.1.(f)

The City of Franklin Health Department with community partners is hosting the 5th annual Franklin Outdoor movie at City Hall on Friday, August 20th, 2021. Up to 200 families will attend. The event will be staged from the lower level of City Hall. For safety purposes the Police Department and Department of Public Works have recommended street closures on S Legend Dr between Schlueter Pkwy and the lower level City Hall parking garage entrance. The Fire Department concurs with this recommendation. The Health Department recommends street closures from 5 PM until 10:30 PM on Friday, August 20th. The condominium complex behind city hall will be alerted about the street closure. The street closure application has been submitted to the city clerk. Thank you for your consideration.



COUNCIL ACTION REQUESTED

Motion to approve street closures on S Legend Dr between the Southern Franklin Public Library entrance and the Schlueter Pkwy intersection on Friday, August 20th, 2021 in conjunction with the City of Franklin sponsored Franklin Outdoor Movie Night.

CITY OF FRANKLIN
APPLICATION FOR TEMPORARY CLOSING OF STREET
OFFICE OF THE CITY CLERK
9229 W. LOOMIS RD.
FRANKLIN WI 53132
414-425-7500

Name of Person in Charge Ellen Henry
Address 9229 W. Loomis Rd.
Franklin, WI 53132
Phone (414) 427-7537 Email address ehenry@franklinwi.gov

Name of person or association applicant represents
Volition Franklin / Franklin Health Dept.
Address 9229 W. Loomis Rd.
Franklin, WI 53132
Phone (414) 427-~~7537~~ Email address ehenry@franklinwi.gov
7537

Nature and purpose of the obstruction or street closing

Outdoor Movie Night

Description of all parts of the road, street or highway is proposed to be obstructed or closed

Small portion of S. Legend Dr. between Library entrance and Schlueter Pkwy

Date and time of obstruction or closing 08/20/2021; 04:30pm - 10:30pm

Estimated number of people proposed to attend 500

Cleanup plan Additional garbage cans provided by DPW and significant group of volunteers to clean post-movie.

Provisions to allow ingress and egress of people or businesses denied access during the event

Small portion of S. Legend Dr. closed, will allow for ingress/egress of people via Schlueter Pkwy to Drexel Ave.

Permission received from additional jurisdiction DPW, Police Dept., Fire Dept.

Date 08/09/2021

Ellen Henry
Applicant

APPROVAL <i>shw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 08/17/2021
REPORTS & RECOMMENDATIONS	CONCEPT REVIEW FOR A SINGLE-FAMILY RESIDENTIAL SUBDIVISION WITH 115 LOTS TO BE LOCATED WEST OF THE FRANKLIN SAVANNA NATURAL AREA. (PROPERTIES BEARING TAX KEY NUMBERS 892-9999-002, 937-9999-004 & 938-9999-011) (BEAR DEVELOPMENT, LLC, APPLICANT)	ITEM NUMBER G.2.

On June 22, 2021, the applicant submitted a Concept Review to obtain input from the city about this proposal for a 92-acre single-family residential subdivision with 115 home sites designed to the development standards of the R-5 Suburban Single-Family Residence District, specifically a gross density of 1.25 dwelling units per acre and average lot size of approximately 22,000 square feet. The estimated site improvement cost is 10 million dollars with a total project value of 51.75 million dollars or \$562,500 per acre.

The documents attached for this item include:

- Staff report prepared by the City Development Department, staff reviewed this proposal for compliance with the current Unified Development Ordinance and consistency with adopted planning policies, specifically the City of Franklin 2025 Comprehensive Master Plan, the Post Sanitary Sewer Scenario for the Southwest and the Comprehensive Outdoor Recreation Plan 2025.
- Memorandum with comments from several city departments.
- Applicant's submittal: project summary and concept plans.

The Common Council tabled this item on August 3, 2021, per applicant's request.

COUNCIL ACTION REQUESTED

Provide direction to the applicant regarding the proposed 115-lot single-family residential subdivision to be located west of the Franklin Savanna Natural Area (properties bearing Tax Key Numbers 892-9999-002, 937-9999-004 & 938-9999-011) (Bear Development, LLC, applicant).



CITY OF FRANKLIN



REPORT TO THE COMMON COUNCIL

Meeting of August 3, 2021

Concept Review

RECOMMENDATION: Provide direction to the applicant regarding the proposed residential subdivision with 115 lots to be located west of the Franklin Savanna natural area.

Project Name:	112th Street properties residential subdivision
Applicant:	Bear Development, LLC.
Agent:	Daniel Szczap. Bear Development, LLC.
Project Address/Tax Key:	892-9999-002, 937-9999-004, & 938-9999-011
Property Owner:	Ignasiak Investment Co LLC & Ger Vang
Current Zoning:	R-2 Estate Single-Family Residence District, C-1 Conservancy District, & A-2 Prime Agricultural District
Proposed Zoning:	R-5 Suburban Single-Family Residence District
2025 Comprehensive Plan:	Recreational, residential and areas of natural resource features
Action Requested:	No action requested
Staff:	Régulo Martínez-Montilva, Principal Planner

Introduction

Bear Development, Inc. submitted a Concept Review to obtain input from the city about this proposal for a 92-acre single-family residential subdivision with 115 home sites designed to the development standards of the R-5 Suburban Single-Family Residence District, specifically a gross density of 1.25 dwelling units per acre and average lot size of approximately 22,000 square feet. The estimated site improvement cost is 10 million dollars with a total project value of 51.75 million dollars or \$562,500 per acre.

The proposed single-family subdivision is not compatible with the current A-2 Prime Agricultural zoning, which covers approximately 80% of the site. Furthermore, residential use is not consistent with the recreational designation for most of this site as indicated in the future land use map of the City of Franklin Comprehensive Master Plan.

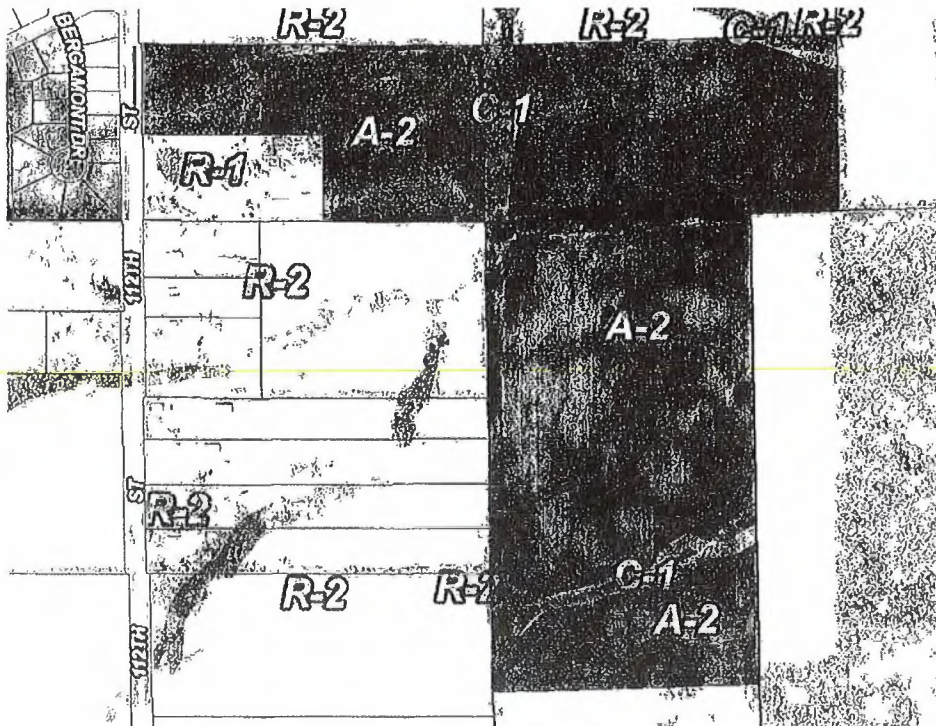
Project Description/Analysis

This concept plan for a residential subdivision is not “consistent with” any of the adopted city plans, specifically the City of Franklin 2025 Comprehensive Master Plan, the Post Sanitary Sewer Scenario for the Southwest and the Comprehensive Outdoor Recreation Plan 2025. A city zoning ordinance is required to be consistent with the local comprehensive plan per Wisconsin

Statutes §66.1001(3), “consistent with” means “furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan”.

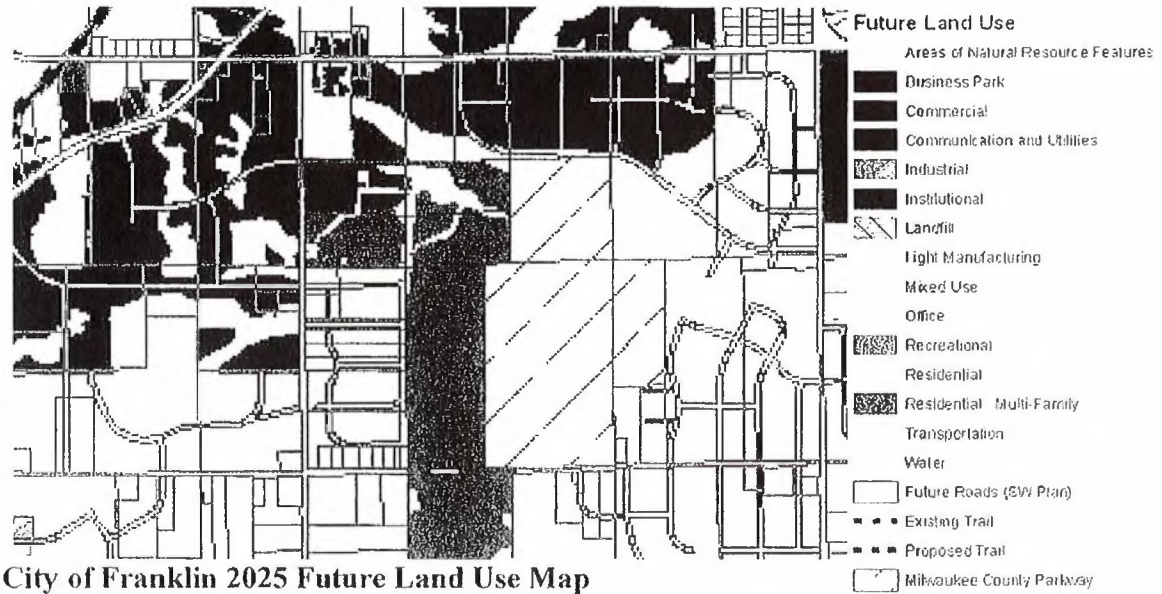
City Development staff has the following concerns about this proposal:

- a. **Not compatible with current zoning.** Approximately 80 % (74 acres) of the site is currently zoned A-2 Prime Agricultural District. According to the Unified Development Ordinance Section 15-3.0315, this district’s intent is to “prevent the premature conversion of agricultural land to scattered Urban and Suburban uses such as residential, commercial and industrial uses. It is noted that the A-2 district is limited to “prime agricultural lands”.



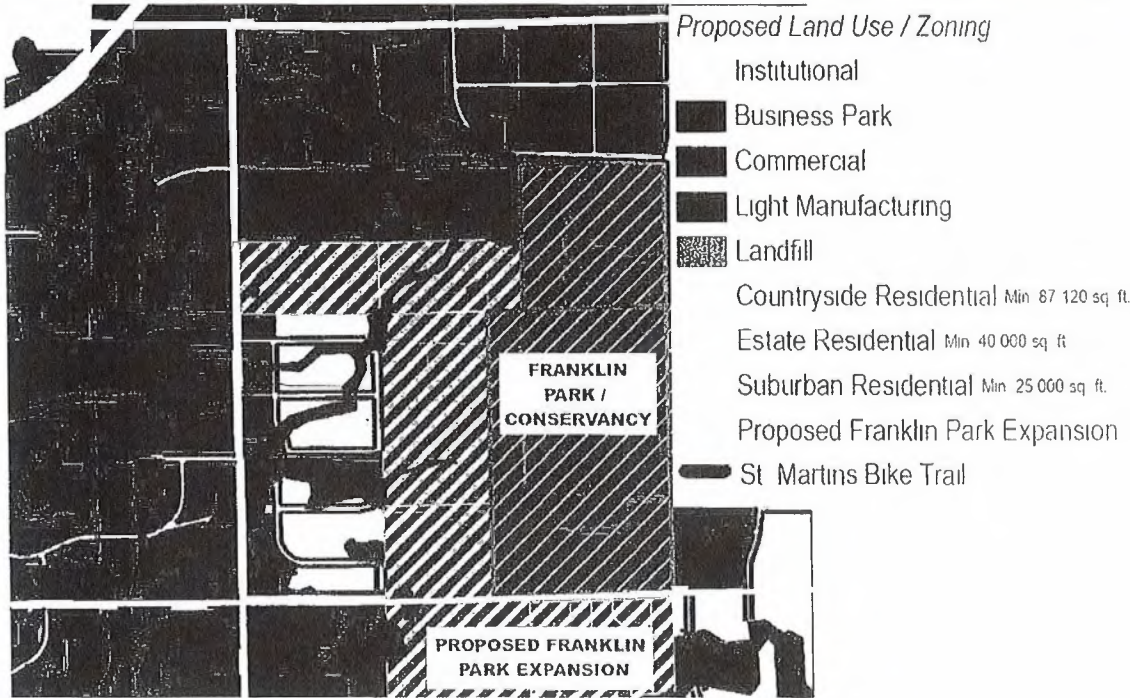
City of Franklin zoning map

- b. **Not consistent with the city’s Comprehensive Plan.** The same area that it is currently zoned A-2 as noted above, it is designated as Recreational in the future land use map of City of Franklin 2025 Comprehensive Master Plan. Therefore, this proposal is not consistent with the comprehensive plan. A city zoning ordinance is required to be consistent with the local comprehensive plan per Wisconsin Statutes as previously noted.



City of Franklin 2025 Future Land Use Map

- c. **Not consistent with the southwest subarea plan.** According the Post-Sanitary Sewer Scenario Map for the southwest portion of the city, the area that is designated as Recreational in the comprehensive plan is identified as “Proposed Franklin Park Expansion”. This designation as park expansion area is related to the fact that this site is immediately adjacent to the Franklin Savanna Natural Area owned by Milwaukee County.

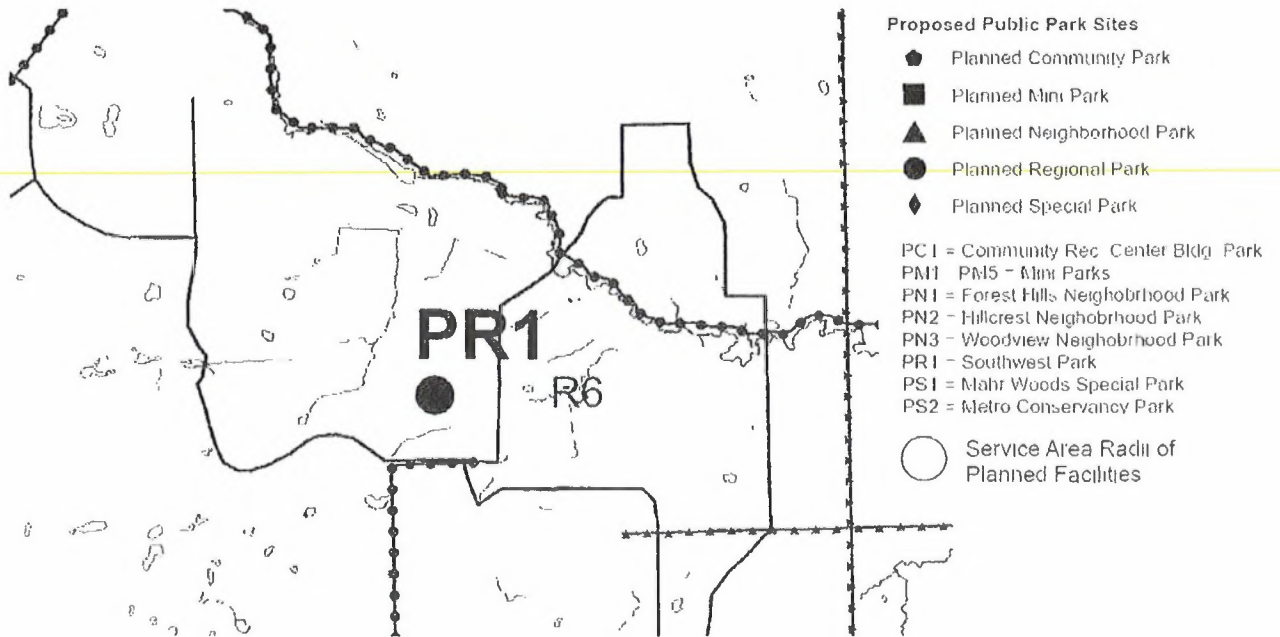


Post-Sanitary Sewer Scenario Map (2009)

A rezoning from agricultural to residential would not be consistent with policy #11 of the Post Sanitary Sewer Scenario for the Southwestern portion of the City of Franklin which states as follows “those land divisions located within areas identified for future non-residential uses/zoning can only be utilized for non-residential uses/zoning (i.e. business, office, civic center, business park, institutional, park, and agricultural uses and zoning would be allowed, but residential uses would not)”.

d. **Not consistent with the Comprehensive Outdoor Recreation Plan 2025 (CORP).**

Following the comprehensive plan and the southwest subarea plan, the Existing and Planned Public Outdoor Recreation Sites map of the CORP identifies this area as “Planned Regional Park”. According to the CORP (Chapter 7, page 27), the recommended useable area for the “Southwest Park” should at least 40 acres. The proposed concept plan does not include any park dedications area, therefore, it not consistent with the Comprehensive Outdoor Recreation Plan 2025.



Existing and Planned Public Outdoor Recreation Sites map

e. **Wetland crossings.** The road layout as presented would be crossing 3 wetlands, separate Natural Resource Special Exceptions would be required to allow for such wetland impacts in addition to state and federal wetland permits. It is worth noting that 2 wetland crossings would also impact environmental linkages identified in the comprehensive plan (Map 3.1). One linkage crossing is approximately located between lots 10 and 11 and the other one between lots 80 and 89. According to comprehensive plan, wildlife crossings and culverts that allow for the passage of wildlife is recommended for roads that divide linkage areas.

The northernmost property (TKN 892-9999-002) was created by Certified Survey Map

(CSM) No. 8293 which states that “The natural resource features identified on lot 2 are not based on filed surveys in the event of further land division or development of lot 2 with any such natural resource feature, a complete natural resource protection plan with field survey is required”. The natural resource identified in the CSM include proposed linkage per comprehensive plan, woodlands per 2008 aerial photography and probable greenway connection per SEWRPC mapping (Southeast Wisconsin Regional Planning Commission).



City of Franklin Comprehensive Master Plan, Map 3.1 Linkages

Natural resources

It is worth noting that the city is evaluating a trail connection to the S. 116th Street trail for the Ryan Creek trail. The exact location has not been determined yet but it is expected to cross the proposed subdivision from the Ryan Meadows subdivision on 112th Street to the east connecting to properties owned by Milwaukee County.

With regards to the wetland located on the Vang property (TKN 938-9999-011), if deemed exempt from state and federal permitting, the city’s natural resource protection standards would not apply. Otherwise, the applicant may seek a natural resource special exception subject to Common Council approval.

Staff Recommendation:

It is recommended that sufficient feedback be provided to allow the applicant to determine whether to proceed or not with detailed plans for the proposed residential subdivision.

City Development staff sent memorandum with review comments to the applicant on July 20, the applicant has not responded to these comments as of writing of this report.

MEMORANDUM

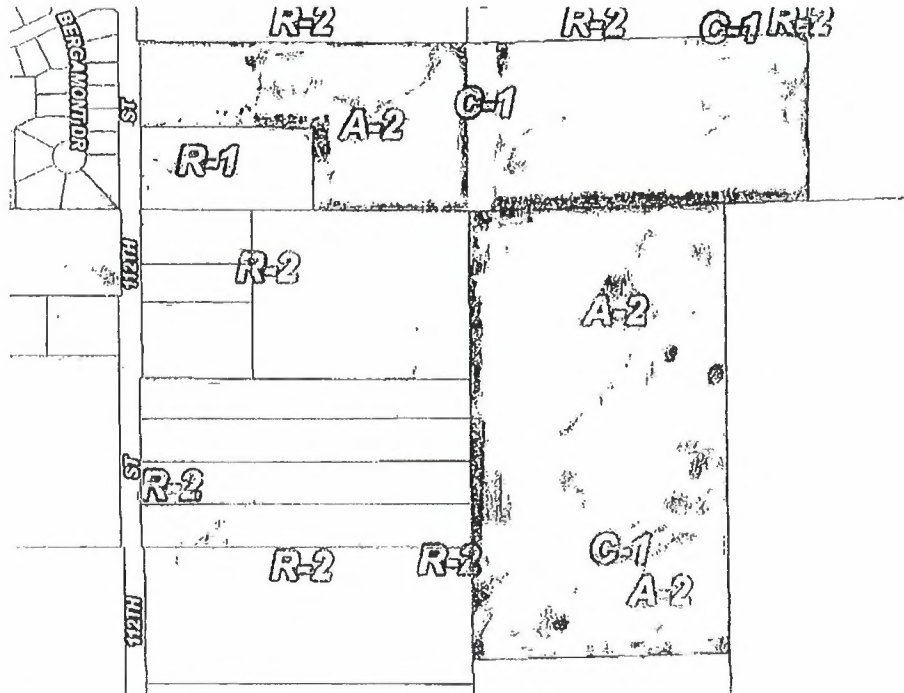
Date: July 20, 2021
To: Daniel Szczap. Bear Development, LLC.
From: Department of City Development
Régulo Martínez-Montilva, Principal Planner
RE: 112th Street properties Concept Review for residential subdivision
Tax Key Numbers (TKN) 892-9999-002, 937-9999-004, & 938-9999-011

Please be advised that city staff has reviewed this Concept Review application received on June 22, 2021. Department comments are as follows:

City Development Department comments

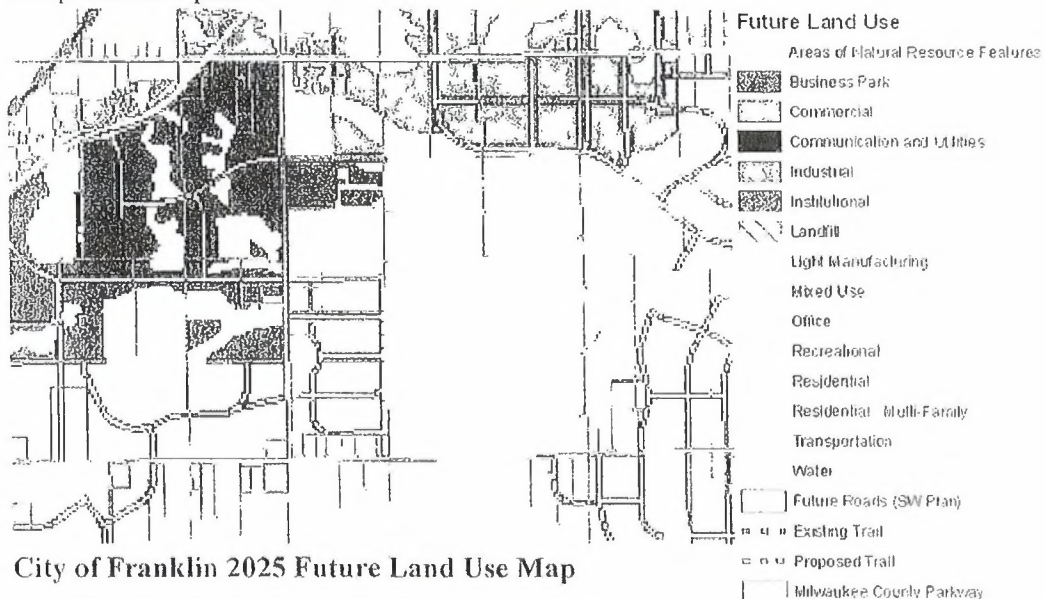
1. Below is a list of required approvals for this proposal as presented:
 - a. Amendment to the Future Land Use Map of the 2025 City of Franklin Comprehensive Master Plan from Recreational to Residential, specifically for properties bearing TKN 892-9999-002 and 937-9999-004 (Igsaniak properties)
 - b. Rezoning of all properties to R-5 Suburban Single-Family Residence District.
 - c. Preliminary and Final Plat with associated easements.
 - d. Natural Resource Protection Plan NRPP (UDO Division 15-7.0200), site intensity and capacity calculations for residential uses (UDO §15-3.0504), Landscape Plan (UDO Division 15-7.0300) and Lighting Plan (UDO 15-5.0402) will be required as part of the plat submittal.
 - e. Natural Resource Special Exception to allow for impact of protected natural resources.
 - f. Any subdivision monument sign will require a separate application as well as review and approval by the Plan Commission.
 - g. Stormwater management, grading, utility and erosion control plans must be submitted separately to the Engineering Department (414-425-7510).
 - h. Other approvals required by other city departments and other agencies.

2. Note that City Development staff has the following concerns about this proposal:
 - a. **Not compatible with current zoning.** Approximately 80 % (74 acres) of the site is currently zoned A-2 Prime Agricultural District. According to the Unified Development Ordinance Section 15-3 0315, this district's intent is to "prevent the premature conversion of agricultural land to scattered Urban and Suburban uses such as residential, commercial and industrial uses. It is noted that the A-2 district is limited to "prime agricultural lands"



City of Franklin zoning map

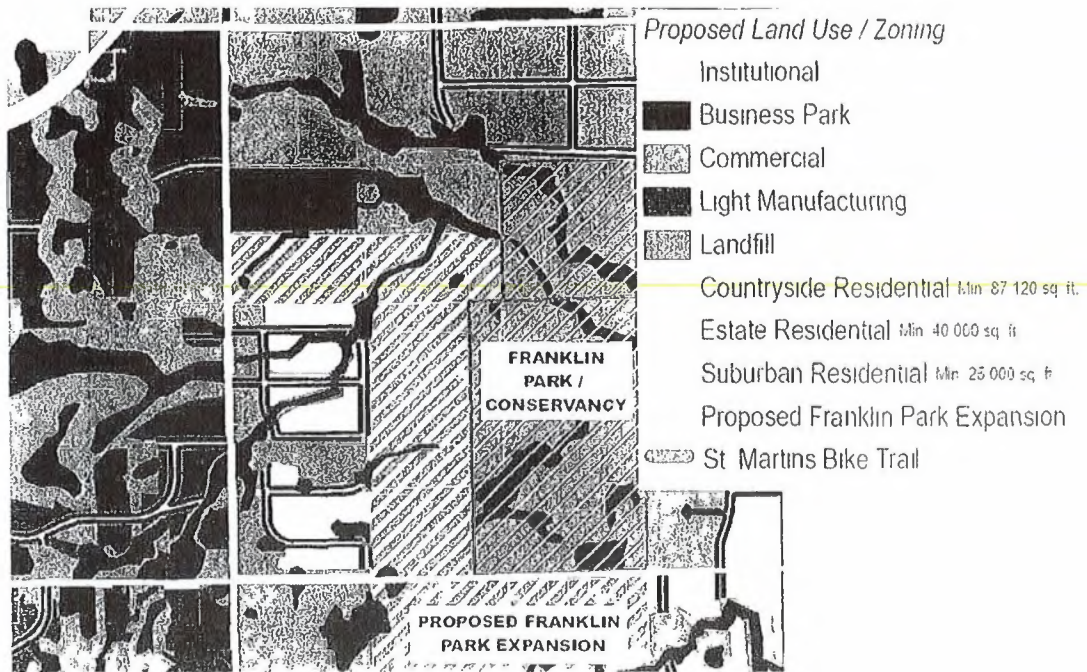
- b. **Not consistent with the city's Comprehensive Plan.** The same area that it is currently zoned A-2 as noted above, it is designated as Recreational in the future land use map of City of Franklin 2025 Comprehensive Master Plan. Therefore, this proposal does not consistent with the comprehensive plan A city zoning ordinance is required to be consistent with the local comprehensive plan per Wisconsin Statutes §66.1001(3), "consistent with" means "furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan".



City of Franklin 2025 Future Land Use Map

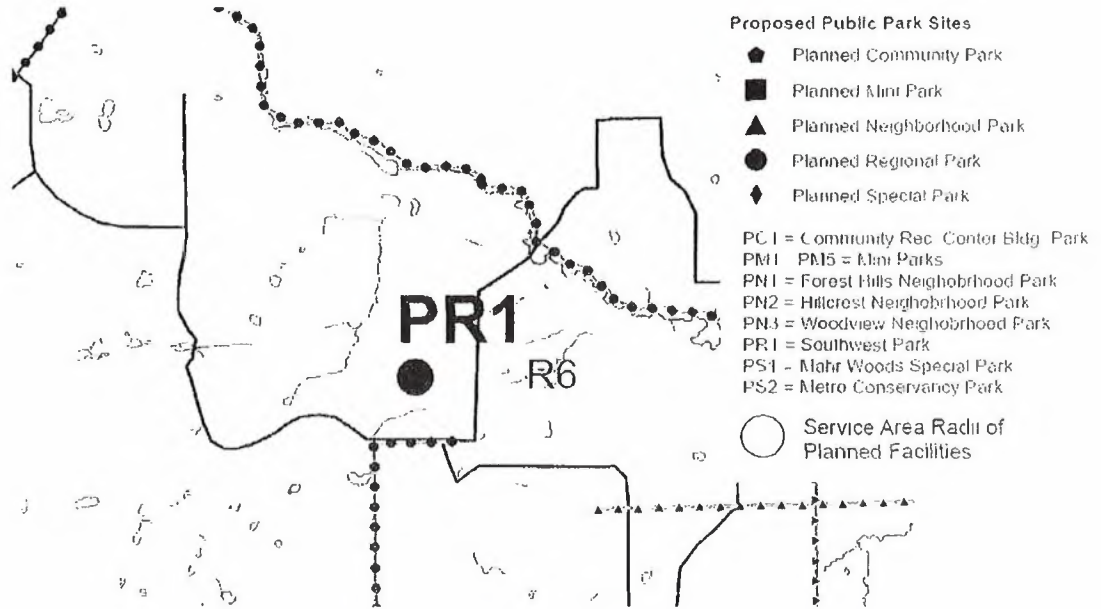
- c. **Not consistent with the southwest subarea plan.** According the Post-Sanitary Sewer Scenario Map for the southwest portion of the city, the area that is designated as Recreational in the comprehensive plan is identified as “Proposed Franklin Park Expansion”. This designation as park expansion area is related to the fact that this site is immediately adjacent to the Franklin Savanna Natural Area owned by Milwaukee County.

A rezoning from agricultural to residential would not be consistent with policy #11 of the Post Sanitary Sewer Scenario for the Southwestern portion of the City of Franklin which states as follows “those land divisions located within areas identified for future non-residential uses/zoning can only be utilized for non-residential uses/zoning (i.e. business, office, civic center, business park, institutional, park, and agricultural uses and zoning would be allowed, but residential uses would not)”



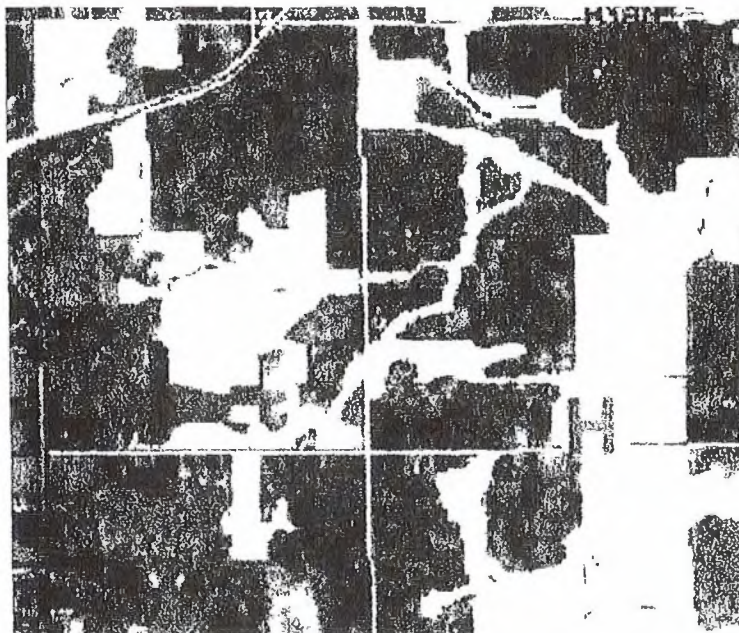
Post-Sanitary Sewer Scenario Map

- d. **Not consistent with the Comprehensive Outdoor Recreation Plan 2025 (CORP).** Following the comprehensive plan and the southwest subarea plan, the Existing and Planned Public Outdoor Recreation Sites map of the CORP identifies this area as “Planned Regional Park”. According to the CORP (Chapter 7, page 27), the recommended useable area for the “Southwest Park” should at least 40 acres. The proposed concept plan does not include any park dedications area, therefore, it not consistent with the Comprehensive Outdoor Recreation Plan 2025.



Existing and Planned Public Outdoor Recreation Sites map

- e. **Wetland crossings.** The road layout as presented would be crossing 3 wetlands, separate Natural Resource Special Exceptions would be required to allow such wetland impacts in addition to state and federal wetland permits. It is worth noting that 2 wetland crossings would also impact environmental linkages identified in the comprehensive plan (Map 3.1). One linkage crossing is approximately located between lots 10 and 11 and the other one between lots 80 and 89. According to comprehensive plan, wildlife crossings and culverts that allow for the passage of wildlife is recommended for roads that divide linkage areas.



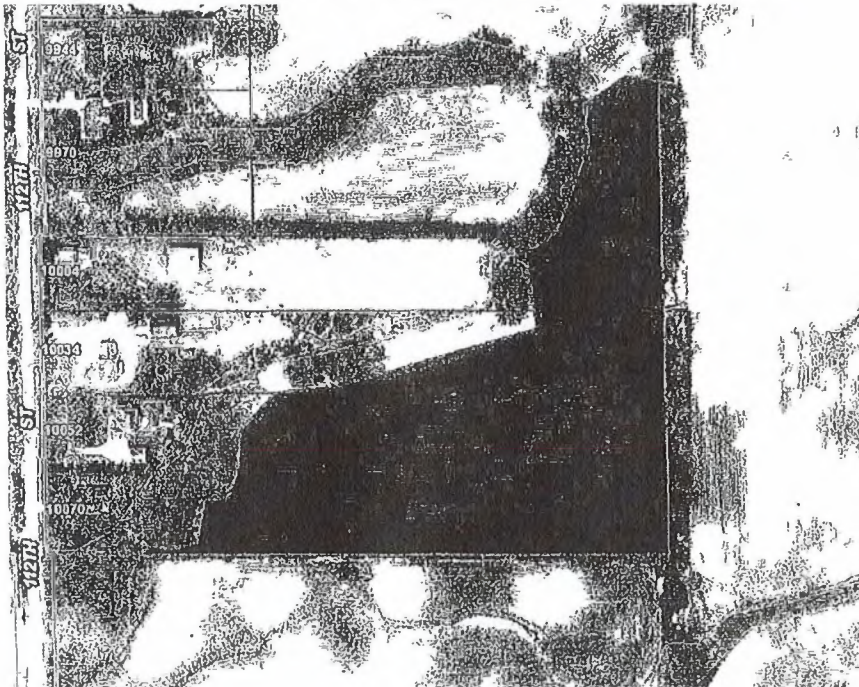
City of Franklin Comprehensive Master Plan, Map 3.1 Linkages

The northernmost property (TKN 892-9999-002) was created by Certified Survey Map (CSM) No 8293 which states that “The natural resource features identified on lot 2 are not based on filed surveys in the event of further land division or development of lot 2 with any such natural resource feature, a complete natural resource protection plan with field survey is required”. The natural resource identified in the CSM include proposed linkage per comprehensive plan, woodlands per 2008 aerial photography and probable greenway connection per SEWRPC mapping (Southeast Wisconsin Regional Planning Commission). Additionally, navigability determinations would likely be required for the wetland crossings.

In summary, this concept plan for a residential subdivision is not “consistent with” any of adopted city plans, specifically the City of Franklin 2025 Comprehensive Master Plan, the Post Sanitary Sewer Scenario for the Southwest and the Comprehensive Outdoor Recreation Plan 2025. A city zoning ordinance is required to be consistent with the local comprehensive plan per Wisconsin Statutes §66 1001(3), “consistent with” means “furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan”

As an alternative to achieve consistency with the referenced plans, City Developments staff suggests cluster development with higher density to be located closer to S. 112th Street and dedication of land adjacent to the Franklin Savanna for recreational purposes as recommended by these plans.

3. City Developments staff recommends at least 2 road stubs connecting to the properties located between the proposed development and 112th Street for future development. Suggested locations for these connections are between lot 48 and 49, and the other road stub may be used to connect to the highlighted area below to avoid isolation by natural resources.



Fire Department comments

4. The fire department has the following comments/concerns:
 - a. The location of this proposed project is not well-served by existing fire station locations and staffing levels
 - b. Response times for Effective Response Force (ERF) for both fire and emergency medical calls may not meet industry or department benchmark objectives.

Inspection Services Department comments

5. Inspection Services has no comments on the proposal at this time

Engineering Department comments

6. No comments at this time.

Police Department comments

7. The Franklin Police Department has no issues or concerns with this project
-



Date of Application: _____

CONCEPT REVIEW APPLICATION

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

Applicant (Full Legal Name[s]): Name: <u>S.R. Mills</u> Company: <u>BEAR DEVELOPMENT, LLC</u> Mailing Address: <u>4011 80th Street</u> City / State: <u>Kenosha WI</u> Zip: <u>53142</u> Phone: <u>(262) 949-3788</u> Email Address: <u>dan@beardevelopment.com</u>		Applicant is Represented by: (contact person)(Full Legal Name[s]) Name: <u>DANIEL SECZAR</u> Company: <u>BEAR DEVELOPMENT, LLC</u> Mailing Address: <u>4011 80th Street</u> City / State: <u>Kenosha, WI</u> Zip: <u>53142</u> Phone: <u>(262) 949-3788</u> Email Address: <u>dan@beardevelopment.com</u>	
Project Property Information: Property Address: <u>112th Street, City of Franklin</u> Property Owner(s): <u>Ignastak Investment Co, LLC</u> <u>Char Vang</u> Mailing Address: _____ City / State: _____ Zip: _____ Email Address: _____		Tax Key Nos: <u>602-9999-002, 937-9999-004</u> <u>938-9999-011</u> Existing Zoning: <u>A-2, R-2, C-1</u> Existing Use: <u>AGRICULTURE</u> Proposed Use: <u>SINGLE FAMILY RESIDENTIAL</u> CMP Land Use Identification: <u>RECREATIONAL, RESIDENTIAL</u>	

*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/ResourcesDocuments/Maas.htm>

Concept Review submittals for review must include and be accompanied by the following:

- This Application form accurately completed with original signature(s) Facsimiles and copies will not be accepted.
- Application Filing Fee, payable to City of Franklin \$250
- Three (3) complete collated sets of Application materials to include:
 - One (1) original and two (2) copies of a written Project Summary, including description of any new building construction and site work, interior/exterior building modifications or additions to be made to property, site improvement costs, estimate of project value and any other information that is available
 - Three (3) 8 5 x 11 inch or 11 x 17 inch copies of the Preliminary Site/Development Plan of the subject property(ies) and immediate surroundings (i.e., a scaled map identifying the subject property and immediate environs, including existing and proposed parcels, existing and proposed structures, existing and proposed land uses, existing and proposed zoning, existing and proposed infrastructure and utilities [approximate locations only], and existing and proposed site conditions/site constraints [i.e. approximate locations of public road access, rights-of-way, natural resources/green space and drainage issues/concerns, etc.])
 - Three colored copies (11"x17") of the building elevations, if applicable. N/A
- Email (or CD ROM) with all plans/submittal materials. Plans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable)

- Upon receipt of a complete submittal, staff review will be conducted within five business days
- Concept Review requests are reviewed by the Committee of the Whole. Meetings are held the first Monday of every month

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. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13

(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 _____
 Name & Title (PRINT) _____ Date _____
 Signature - Property Owner _____
 Name & Title (PRINT) _____ Date _____

Signature - Applicant S.R. Mills Managing Member President
 Name & Title (PRINT) _____ Date: 6/22/2021
 Signature - Applicant's Representative Daniel Seczar
 Name & Title (PRINT) PROJECT MGR Date 6/18/2021



DEVELOPMENT

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

June 21, 2021

Mr. Regulo Martinez-Montilva
Principal Planner
9229 W. Loomis Road
Franklin, WI 53132

Re: Conceptual Review- 112th Street Properties

Dear Mr. Martinez-Montilva

Bear Development is pleased to submit this letter and the enclosed submittal materials as formal application for Conceptual Review.

Project Summary

Bear Real Estate Group is the contract purchaser of approximately of approximately 92 acres of land in the City of Franklin. The land is located on the east side of 112th Street, directly east of the Ryan Meadows Subdivision. The property is included in the area commonly known as Planning Area G. The subject property includes the following Tax Key Numbers:

892-9999-002:	35.50 acres
937-999-004:	40.90 acres
938-9999-011:	15.50 acres

Adjacent Zoning Classifications

<i>Subject Property:</i>	<i>A-2 Agriculture, R-2 Estate Single Family Residential and C-1 Conservancy.</i>
<i>North:</i>	<i>R-2 Suburban/Estate Residence District</i>
<i>South:</i>	<i>R-2 Estate Single Family Residence District</i>
<i>East:</i>	<i>P-1 Park District</i>
<i>West:</i>	<i>R-6 Suburban Single Family Residence District & R-2 Estate Single Family Residence District</i>

Proposed Zoning Classification: R-5 Suburban Single Family Residence District

Adjacent Land Use

<i>Subject Property:</i>	<i>Agriculture</i>
<i>North:</i>	<i>Agriculture</i>

South: *Single-Family Residential, Agriculture*
East: *Single-Family Residential, Agriculture*
West: *Public Open Space (Franklin Savanna)*

Proposed Land Use: *Single Family Residential Neighborhood*

Existing Comprehensive Plan Designation: *Recreational and Residential*

Proposed Comprehensive Plan Designation: *Residential*

Site Challenges

Comprehensive Plan Designation:

The City of Franklin Comprehensive Plan designates much of the property as Recreation. The site is adjacent to the Franklin Savanna and it is assumed that at some point the City of Franklin or Milwaukee County had considered acquiring the subject property for expansion of the Franklin Savanna. Is this designation valid and are there plans and budget for public acquisition/development of this private property for public open space?

Comprehensive Outdoor Recreation Plan:

The current City of Franklin Outdoor Recreation Plan indicates a Regional Park is planned in the general vicinity of the subject property. Is this designation valid and are there plans and budget for public acquisition/development of this private property for public open space?

Conservation Easement

As part of Certified Survey Map #8293, the City of Franklin required a Conservation Easement to be recorded over delineated wetlands. The Conservation Easement spans across the property, essentially landlocking 73 acres. The Conservation Easement precludes any grading, filling and change of topography. Is the City of Franklin able to amend the Conservation easement for the purposes of building a public right-of-way in this location?

Wetland Crossings

The Concept Plan takes careful consideration of the wetlands and other natural resource features of the property. However, three (3) wetland crossings for public right-of-way crossings are required to access large portions of the property. If Conservation Easements are required to be placed over these areas, much of the property cannot be accessed.

Isolated Wetlands (Vang Parcel)

A linear wetland has formed on the Vang property due to agricultural tile not being maintained. It is likely that the formed wetlands and the small wetland shown on Lots 111/112 will be considered non-federal, isolated wetlands and be exempt from State/Federal permitting. It is unclear on how the Unified Development Ordinance recognizes these wetlands and the applicant seeks clarification. If isolated, non-Federal wetlands, while exempt from State/Federal permitting are regulated by the UDO, much of the Vang property cannot be feasibly development

Proposed Concept Plan

In accordance with the proposed R-5 Suburban Single Family Residence District Standards, the applicant proposes a single-family residential neighborhood consisting of 115 homesites, 6 open space outlots and portions of the proposed Ryan Creek Trail. The Concept Plan includes two (2)

access points from 112th Street and a curvilinear street design. The site design recognizes and incorporates the existing wetlands areas and established tree lines.

The Concept Plan includes 115 home sites meeting the R-5 Residential District standards. The R-5 District Development Standards were applied including the following bulk regulations.

R-5 Requirements		Concept Plan
Gross Density:	2.48 dwelling units/base area	1.25 dwelling units
Minimum Lot Area:	13,000 Square feet	22,281 Square feet
Minimum Front Yard Setback:	35 feet	35 feet
Minimum Side yard Setback:	10 feet	10 feet
Minimum Rear Yard:	30 feet	30 feet
Minimum Wetland Buffer:	30 feet	30 feet
Minimum Wetland Setback	50 feet	

Estimate of Site Improvement Costs: \$10,000,000.00
Estimate of Project Value: \$51,750,000.00 (115 homes at \$450,000.00)

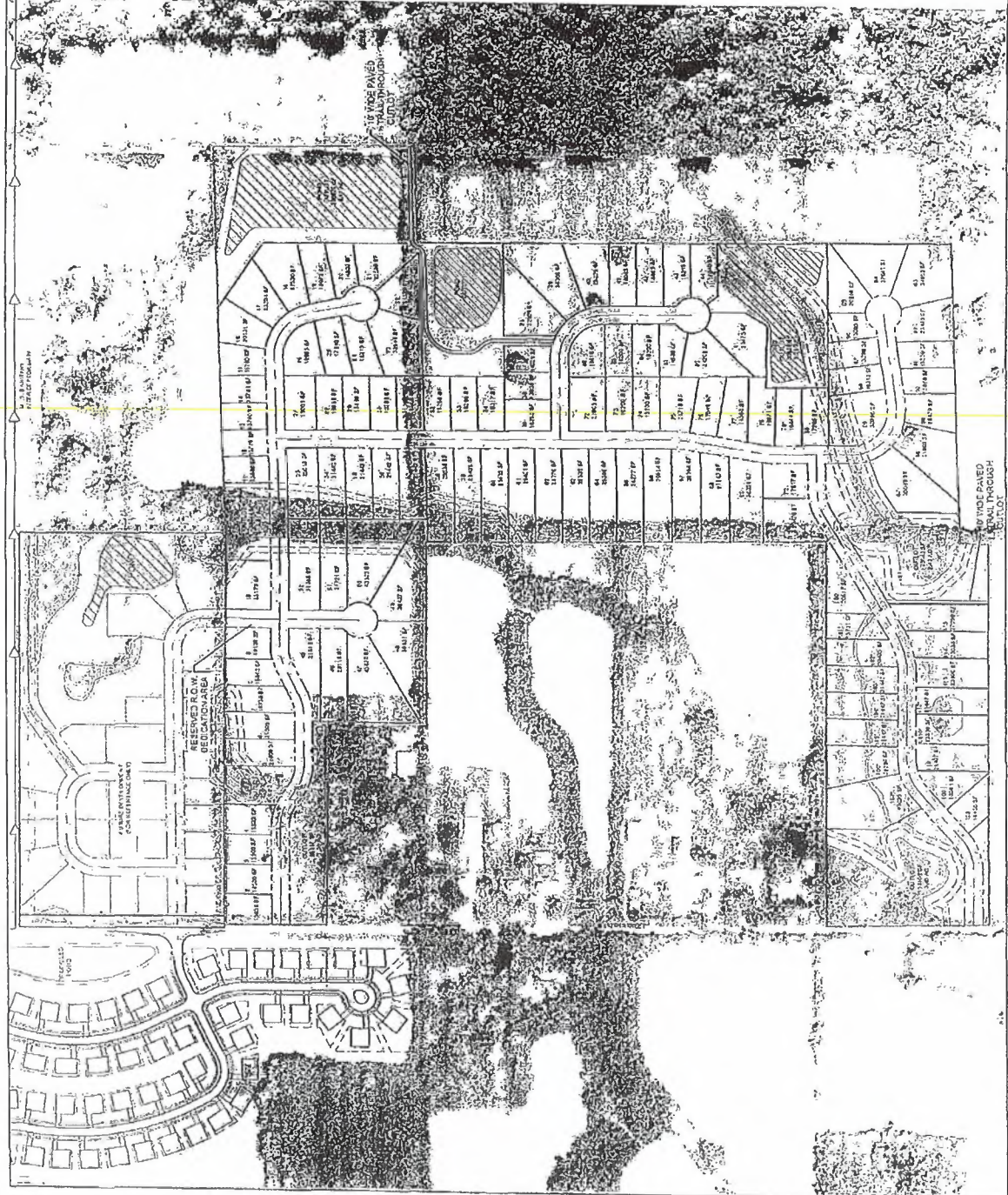
Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, dan@beardevelopment.com

Thank you for your time and consideration

Sincerely,



Daniel Szczap
Bear Development, LLC



SITE DATA TABLE	
ZONING	R-3
TOTAL SITE	81.9 AC
MINIMUM LOT SIZE	13,000 S.F.
FRONT SETBACK	35 FT
SIDE SETBACK	10 FT
REAR SETBACK (CONNER)	25 FT
REAR SETBACK	30 FT
R.O.W. FRONTAGE	50 FT
R.O.W. FRONTAGE (CONNER)	103 FT
TOTAL LOTS	515
PROPOSED ROADWAY LENGTH	7772.0'

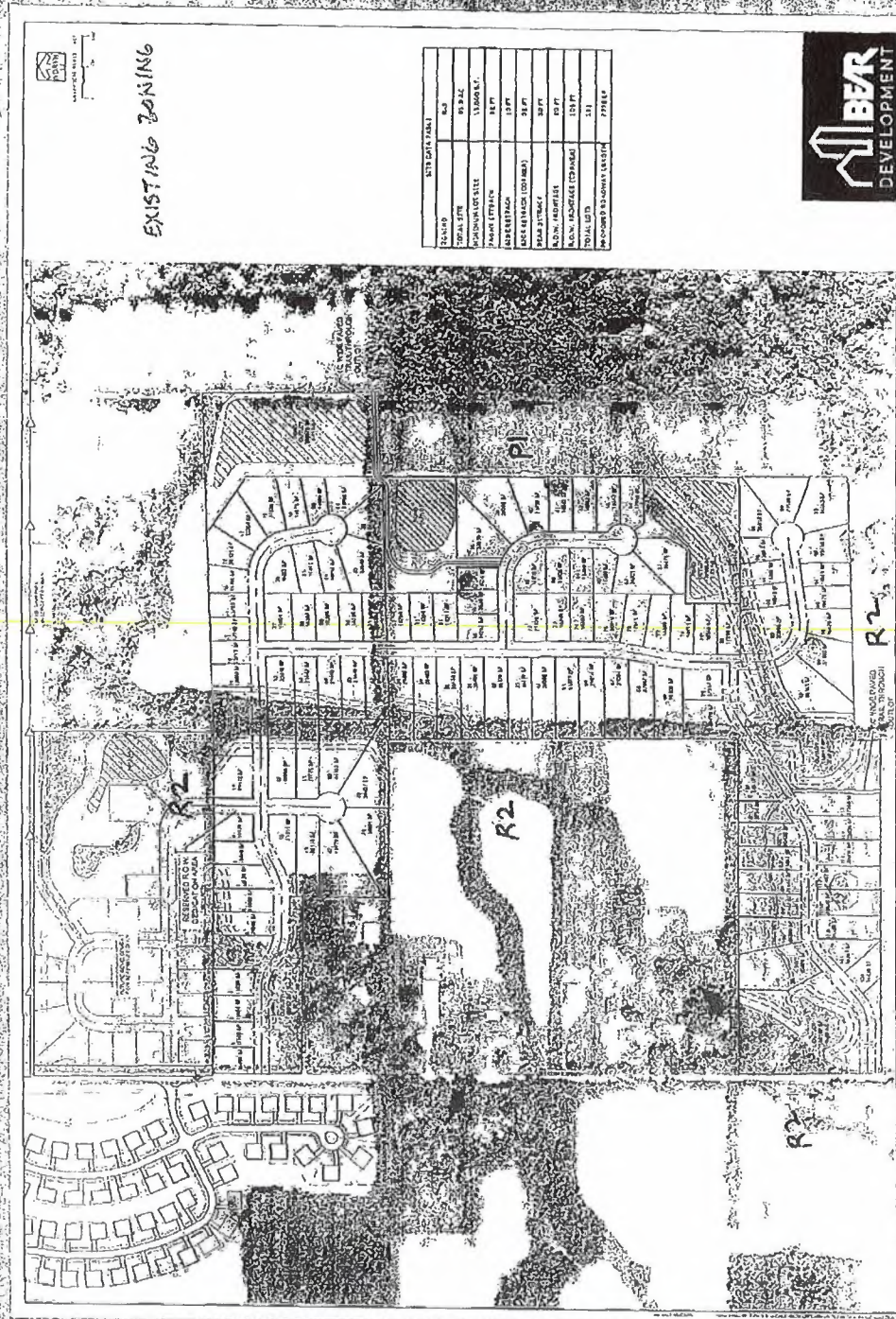


FRANKLIN EXPANSION LANDS - CONCEPT SITE PLAN (OPTION E)

6/18/21
 PLAN | DESIGN | DELIVER PEG JOB# 809 80

2022 WATERBURY, VT STATE DO (BROOKFIELD, VT) 3081 HWY 70 N PINNACLE ENGR.COM

PINNACLE ENGINEERING GROUP



EXISTING ZONING

SITE DATA TABLE	
TRACTED	6.2
TOTAL SITE	69.8 AC
PROPOSED LOT SIZE	13,000 S.F.
PAVED LOT AREA	8,000 S.F.
PAVED LOT AREA	15,000 S.F.
PAVED LOT AREA	20,000 S.F.
PAVED LOT AREA	25,000 S.F.
PAVED LOT AREA	30,000 S.F.
PAVED LOT AREA	35,000 S.F.
PAVED LOT AREA	40,000 S.F.
PAVED LOT AREA	45,000 S.F.
PAVED LOT AREA	50,000 S.F.
PAVED LOT AREA	55,000 S.F.
PAVED LOT AREA	60,000 S.F.
PAVED LOT AREA	65,000 S.F.
PAVED LOT AREA	70,000 S.F.
PAVED LOT AREA	75,000 S.F.
PAVED LOT AREA	80,000 S.F.
PAVED LOT AREA	85,000 S.F.
PAVED LOT AREA	90,000 S.F.
PAVED LOT AREA	95,000 S.F.
PAVED LOT AREA	100,000 S.F.
PAVED LOT AREA	105,000 S.F.
PAVED LOT AREA	110,000 S.F.
PAVED LOT AREA	115,000 S.F.
PAVED LOT AREA	120,000 S.F.
PAVED LOT AREA	125,000 S.F.
PAVED LOT AREA	130,000 S.F.
PAVED LOT AREA	135,000 S.F.
PAVED LOT AREA	140,000 S.F.
PAVED LOT AREA	145,000 S.F.
PAVED LOT AREA	150,000 S.F.
PAVED LOT AREA	155,000 S.F.
PAVED LOT AREA	160,000 S.F.
PAVED LOT AREA	165,000 S.F.
PAVED LOT AREA	170,000 S.F.
PAVED LOT AREA	175,000 S.F.
PAVED LOT AREA	180,000 S.F.
PAVED LOT AREA	185,000 S.F.
PAVED LOT AREA	190,000 S.F.
PAVED LOT AREA	195,000 S.F.
PAVED LOT AREA	200,000 S.F.
PAVED LOT AREA	205,000 S.F.
PAVED LOT AREA	210,000 S.F.
PAVED LOT AREA	215,000 S.F.
PAVED LOT AREA	220,000 S.F.
PAVED LOT AREA	225,000 S.F.
PAVED LOT AREA	230,000 S.F.
PAVED LOT AREA	235,000 S.F.
PAVED LOT AREA	240,000 S.F.
PAVED LOT AREA	245,000 S.F.
PAVED LOT AREA	250,000 S.F.
PAVED LOT AREA	255,000 S.F.
PAVED LOT AREA	260,000 S.F.
PAVED LOT AREA	265,000 S.F.
PAVED LOT AREA	270,000 S.F.
PAVED LOT AREA	275,000 S.F.
PAVED LOT AREA	280,000 S.F.
PAVED LOT AREA	285,000 S.F.
PAVED LOT AREA	290,000 S.F.
PAVED LOT AREA	295,000 S.F.
PAVED LOT AREA	300,000 S.F.
PAVED LOT AREA	305,000 S.F.
PAVED LOT AREA	310,000 S.F.
PAVED LOT AREA	315,000 S.F.
PAVED LOT AREA	320,000 S.F.
PAVED LOT AREA	325,000 S.F.
PAVED LOT AREA	330,000 S.F.
PAVED LOT AREA	335,000 S.F.
PAVED LOT AREA	340,000 S.F.
PAVED LOT AREA	345,000 S.F.
PAVED LOT AREA	350,000 S.F.
PAVED LOT AREA	355,000 S.F.
PAVED LOT AREA	360,000 S.F.
PAVED LOT AREA	365,000 S.F.
PAVED LOT AREA	370,000 S.F.
PAVED LOT AREA	375,000 S.F.
PAVED LOT AREA	380,000 S.F.
PAVED LOT AREA	385,000 S.F.
PAVED LOT AREA	390,000 S.F.
PAVED LOT AREA	395,000 S.F.
PAVED LOT AREA	400,000 S.F.
PAVED LOT AREA	405,000 S.F.
PAVED LOT AREA	410,000 S.F.
PAVED LOT AREA	415,000 S.F.
PAVED LOT AREA	420,000 S.F.
PAVED LOT AREA	425,000 S.F.
PAVED LOT AREA	430,000 S.F.
PAVED LOT AREA	435,000 S.F.
PAVED LOT AREA	440,000 S.F.
PAVED LOT AREA	445,000 S.F.
PAVED LOT AREA	450,000 S.F.
PAVED LOT AREA	455,000 S.F.
PAVED LOT AREA	460,000 S.F.
PAVED LOT AREA	465,000 S.F.
PAVED LOT AREA	470,000 S.F.
PAVED LOT AREA	475,000 S.F.
PAVED LOT AREA	480,000 S.F.
PAVED LOT AREA	485,000 S.F.
PAVED LOT AREA	490,000 S.F.
PAVED LOT AREA	495,000 S.F.
PAVED LOT AREA	500,000 S.F.



FRANKLIN EXPANSION LANDS - CONCEPT SITE PLAN (OPTION E)
 PINNACLE ENGINEERING GROUP
 6/18/21
 PEG JOB # 809 80
 PLAN / DESIGN / DELIVER

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/17/21</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A LANDSCAPE BUFFERYARD EASEMENT FOR AND AS PART OF THE APPROVAL OF A 2 LOT CERTIFIED SURVEY MAP, BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 8546 BEING A REDIVISION OF OUTLOT 1, BLOCK 11 OF THE PLAT OF FRANKLIN BUSINESS PARK ADDITION NO. 1. (MLG DEVELOPMENT, INC.) (GENERALLY EAST OF THE INTERSECTION OF WEST OAKWOOD PARK DRIVE AND SOUTH 52ND STREET IN THE CITY OF FRANKLIN BUSINESS PARK)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.3.</p>

City Development staff recommends approval of this resolution authorizing certain officials to accept a landscape bufferyard easement for and as part of the approval of a 2 lot certified survey map, being a redivision of lot 2 of certified survey map no. 8546 being a redivision of outlot 1, block 11 of the plat of Franklin Business Park Addition no. 1, subject to review and approval by the Department of City Development and technical corrections by the City Attorney.

The applicant submitted a landscape bufferyard easement for Common Council approval to comply with condition No. 7 of Certified Survey Map Resolution No. 2021-7757:

The applicant must submit a landscape bufferyard easement for City staff review, Common Council approval, and recording with the Milwaukee County Register of Deeds Office prior to any Site Plan approval for lots 1 or 2.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2021-_____, a resolution authorizing certain officials to accept a landscape bufferyard easement for and as part of the approval of a 2 lot certified survey map, being a redivision of lot 2 of certified survey map no. 8546 being a redivision of outlot 1, block 11 of the plat of Franklin Business Park addition no. 1. (MLG development, Inc.) (generally east of the intersection of West Oakwood Park Drive and South 52nd Street in the City of Franklin Business Park), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RM 08-10-2021 (draft)

RESOLUTION NO. 2021-_____

RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A LANDSCAPE BUFFERYARD EASEMENT FOR AND AS PART OF THE APPROVAL OF A 2 LOT CERTIFIED SURVEY MAP, BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 8546 BEING A REDIVISION OF OUTLOT 1, BLOCK 11 OF THE PLAT OF FRANKLIN BUSINESS PARK ADDITION NO. 1.

(MLG DEVELOPMENT, INC.)

(GENERALLY EAST OF THE INTERSECTION OF WEST OAKWOOD PARK DRIVE AND SOUTH 52ND STREET IN THE CITY OF FRANKLIN BUSINESS PARK)

WHEREAS, the Common Council having approved a Certified Survey Map upon the application of MLG Development, Inc., on August 3, 2021, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Landscape Bufferyard Easement; and

WHEREAS, §15-5.0301.D. of the Unified Development Ordinance requires landscape bufferyards between different zoning districts to minimize potential nuisances, and said landscape bufferyard to be protected by a landscape bufferyard easement; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Landscape Bufferyard Easement submitted by MLG Development, Inc., in the form and content as annexed hereto, be and the same is hereby approved, subject to review and approval by the Department of City Development and technical corrections by the City Attorney; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2021.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2021.

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A
LANDSCAPE BUFFERYARD EASEMENT
MLG DEVELOPMENT, INC.

RESOLUTION NO. 2021- _____

Page 2

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

LANDSCAPE BUFFERYARD EASEMENT

30' Buffer Easement, Lots 1 and 2, CSM _____, Franklin Business Park

This Landscape Bufferyard easement is made by and between the City of Franklin, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and MLG Development Inc., hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Landscape Bufferyard Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to §700.40(2)(b) of the Wisconsin Statutes.

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, at Oakwood Park Drive, described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor is required by Section 15-5.0102A of the City of Franklin Unified Development Ordinance to provide a thirty (30) foot-wide planting strip adjacent to unplatted lands currently owned by John F & Marianne Patrenets (Tax Key No. 930 9999 000); and

WHEREAS, MLG Development Inc. was the applicant for a proposed certified survey map as set forth in City of Franklin Plan Resolution No. 2021-_____, approving a certified survey map redividing Lot 2, CSM 8546 in the Franklin Business Park, and the Common Council adopted Resolution No. 2021-_____, on August 3, 2021; and

WHEREAS, Grantee is a "holder", as contemplated by §700.40(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under §62.23 and §236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space, and water areas; and

WHEREAS, the Grantor and Grantee, by the conveyance to the Grantee of the Landscape Bufferyard Easement on, over, and across the protected property, desire to reserve the area for the planting of trees and shrubs and prevent the use or development of the protected property for any purpose or in any manner inconsistent with the terms of this Landscape Bufferyard Easement; and

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

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

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

1. To establish and ensure the continuance of an area reserved for the planting of trees and shrubs for the private use by the owners of the underlying fee simple interests, to the exclusion of all others, for the purpose of buffering the properties adjoining the protected property by requiring this protected property to be open space in perpetuity; the protected property shall consist of natural existing vegetation and approved landscaping of trees, shrubs, fences, and/or berms, designed to provide a screen and buffer between the protected property and unplatted lands currently owned by John F & Marianne Patrenets (Tax Key No. 930 9999 000);
2. To enforce by proceeding at law or in equity the covenants subsequently set forth, including, and in addition to all other enforcement proceedings, proceedings to obtain all penalties and remedies set forth under Division 15-9.0500 of the Unified Development Ordinance of the City of Franklin, as amended from time to time, any violation of the covenants subsequently set forth being and constituting a violation of such Unified Development Ordinance, as amended from time to time, or such local applicable ordinance as may be later adopted or in effect to enforce such covenants or the purposes for which they are made, it being agreed that there shall be no waiver or forfeiture of the Grantee's right to insure compliance with the covenants and conditions of this grant by reason of any prior failure to act; and

- To enter the protected property at all reasonable times for the purpose of inspecting the protected property to determine if the Grantor is complying with the covenants and conditions of this grant.

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

- Construct or place buildings or any structure, beyond those buildings and structures and improvements as identified on any current or future engineering or construction plans approved by the City of Franklin;
- Construct or make any improvements, unless, notwithstanding Covenant 1 above, the improvement is specifically and previously approved by the Plan Commission of the City of Franklin and the Common Council of the City of Franklin, upon the advice of such other persons, entities, and agencies as it may elect; such improvements as may be so approved being intended to enhance the open space buffer value of the protected property to the occupants of land adjoining or neighboring the protected property including, but not limited to fences, berms, and the like.

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

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

To Grantor:
 MLG Development Inc.
 Paul J. Hinkfuss
 19000 W. Bluemound Road
 Brookfield, WI 53045

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

In witness whereof, the grantor has set its hand and seals this on this date of August ____, 2021.

MLG Development Inc.

By: _____

STATE OF WISCONSIN)
) ss
 COUNTY OF MILWAUKEE)

This instrument was acknowledged before me on the _____ day of August, A.D. 2021 by
 _____ as Authorized Officer and Signatory of MLG Development Inc.

To me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said _____ [business name].

 Notary Public

My commission expires _____

Exhibit A

MLG Development Inc. property upon which the open space buffer lands are located is legally described as follows:

LEGAL DESCRIPTION: A map depicting the open space buffer lands is annexed hereto.

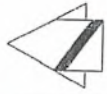
CERTIFIED SURVEY MAP NO. _____

Sheet 2 of 5

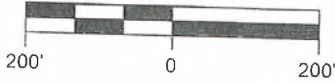
A redivision of Lot 2 of Certified Survey Map No 8546 being a redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No. 1 and being part of the Southwest Quarter (SW 1/4) and Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 26, Town 5 North, Range 21 East CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

TOPOGRAPHY DETAIL
(TAKEN FROM MILWAUKEE COUNTY)

SE COR. SE 1/4, SEC. 26-5-21
CONC. MON. W/BRASS CAP
N: 319,362.09
E: 2,543,965.32



SCALE IN FEET



OWNER:
MLG DEVELOPMENT INC.
19000 W. BLUEMOUND ROAD
BROOKFIELD, WI 53045

NOTE:
WETLANDS W-1, W-2, W-3, AND
W-4 HAVE BEEN DEEMED
EXEMPT FROM STATE
WETLAND REGULATIONS

NOTE:
PER FRANKLIN BUSINESS PARK
SECTION 21 RIGHT TO
RE-SUBDIVIDE SHALL NOT BE
PERMITTED WITHOUT PRIOR
APPROVAL BY THE
ASSOCIATION AND THE COA.
APPLICANT SHALL DOCUMENT
SAID REVIEW APPROVAL.

W. OAKWOOD PARK DRIVE
(70' ROW)

LOT 1 OF CSM 8546
248,291 S.F.
5.7000 AC.

LOT 1
114,636 S.F.
2.6317 AC.

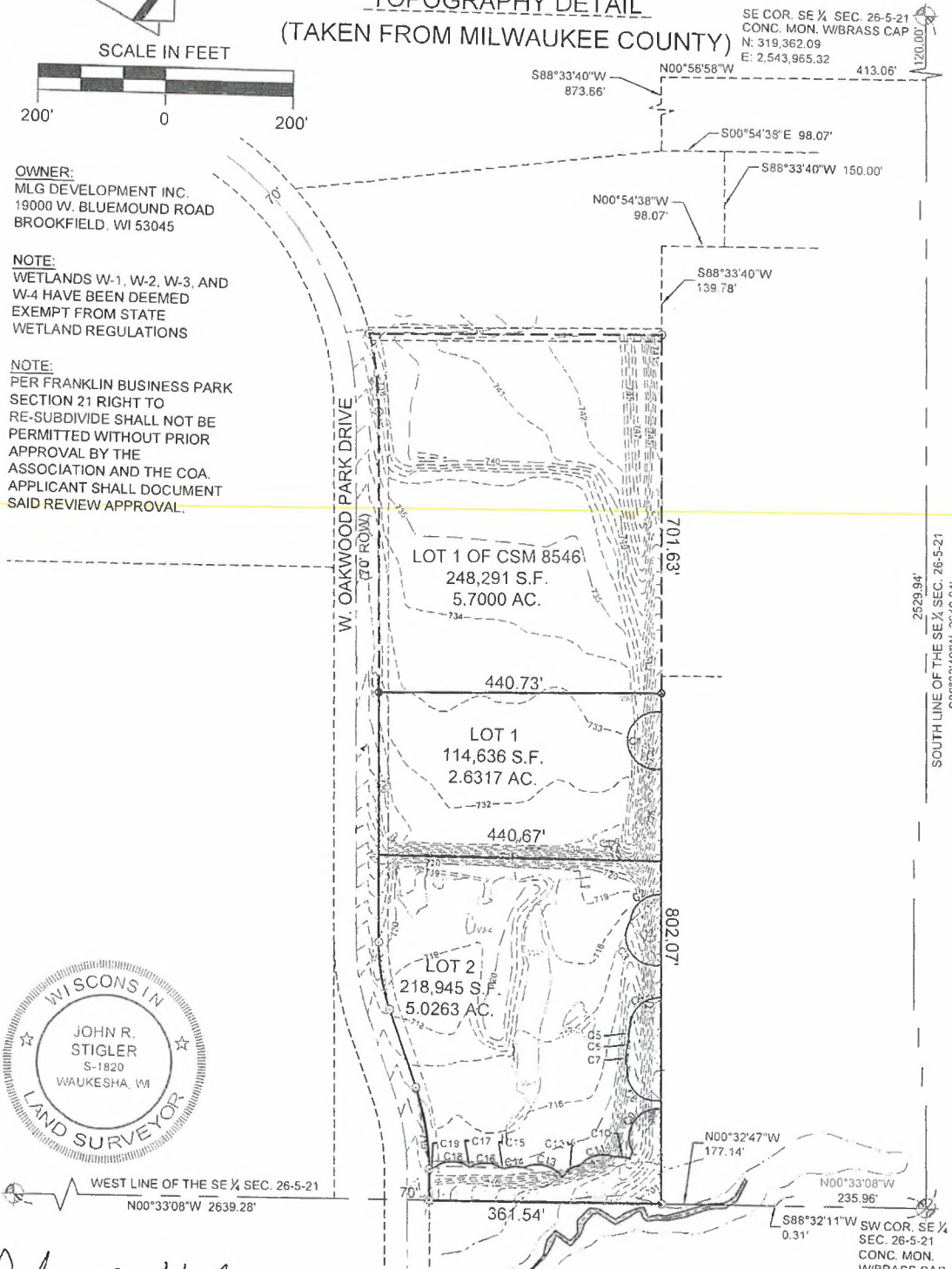
LOT 2
218,945 S.F.
5.0263 AC.



WEST LINE OF THE SE 1/4, SEC. 26-5-21
N00°33'08"W 2639.28'

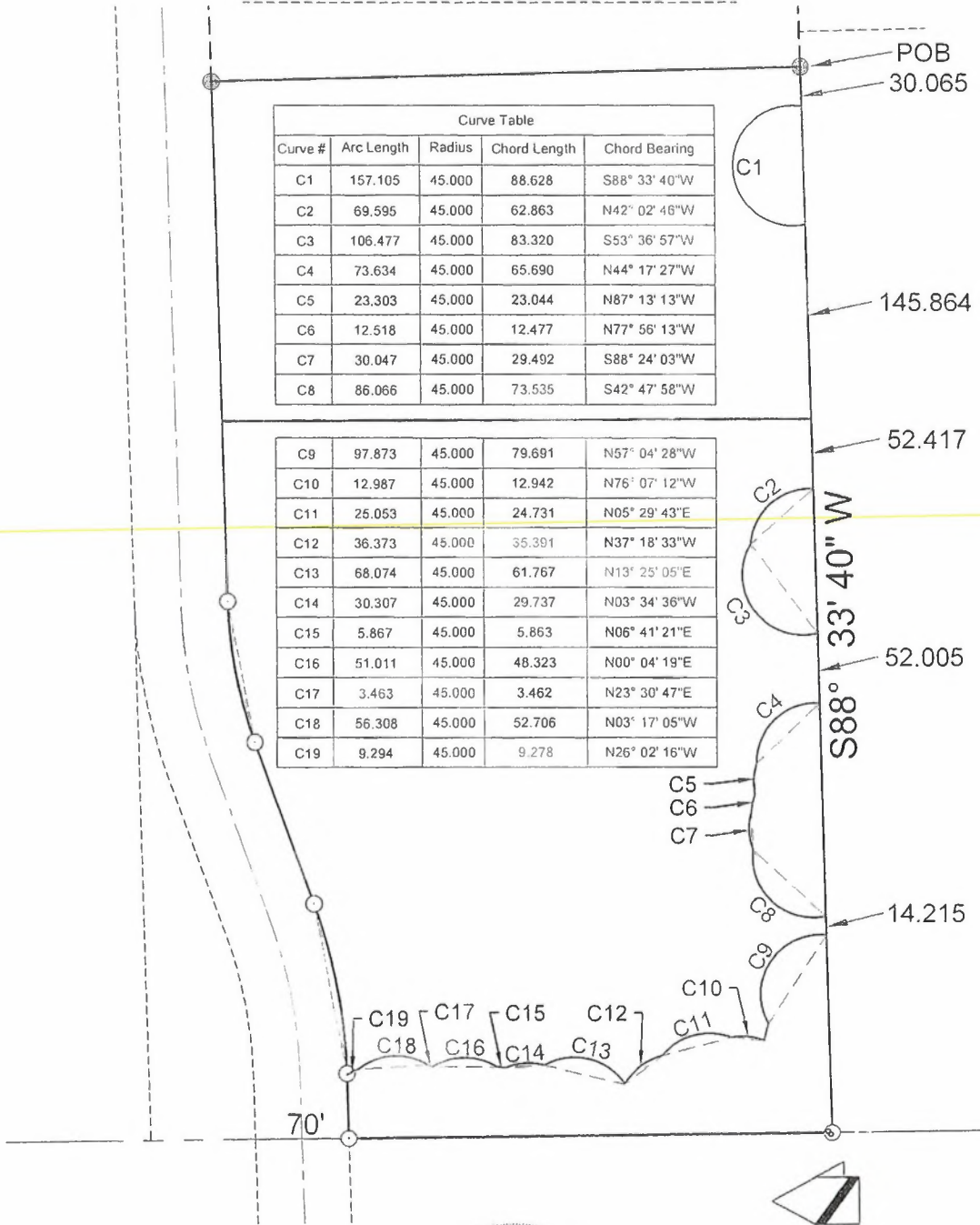
John R. Stigler
JOHN R. STIGLER - Wis. Reg. No. S-1820
DATED THIS 7th DAY OF July, 2021
INSTRUMENT DRAFTED BY JOHN R. STIGLER

FILE NAME: 21-9366 CSM.DWG
P.S. MILWAUKEE 1692



A redivision of Lot 2 of Certified Survey Map No 8546 being a redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No. 1 and being part of the Southwest Quarter (SW 1/4) and Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 26, Town 5 North, Range 21 East CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

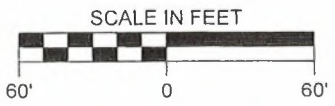
CONSERVATION EASEMENT DETAIL



Curve Table				
Curve #	Arc Length	Radius	Chord Length	Chord Bearing
C1	157.105	45.000	88.628	S88° 33' 40"W
C2	69.595	45.000	62.863	N42° 02' 46"W
C3	106.477	45.000	83.320	S53° 36' 57"W
C4	73.634	45.000	65.690	N44° 17' 27"W
C5	23.303	45.000	23.044	N87° 13' 13"W
C6	12.518	45.000	12.477	N77° 56' 13"W
C7	30.047	45.000	29.492	S88° 24' 03"W
C8	86.066	45.000	73.535	S42° 47' 58"W

C9	97.873	45.000	79.691	N57° 04' 28"W
C10	12.987	45.000	12.942	N76° 07' 12"W
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C12	36.373	45.000	35.391	N37° 18' 33"W
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C17	3.463	45.000	3.462	N23° 30' 47"E
C18	56.308	45.000	52.706	N03° 17' 05"W
C19	9.294	45.000	9.278	N26° 02' 16"W

John R. Stigler
 JOHN R. STIGLER - Wis. Reg. No. S-1820
 DATED THIS 7th DAY OF July, 2021
 INSTRUMENT DRAFTED BY JOHN R. STIGLER



FILE NAME: 21-9366 CSM.DWG
 P.S. MILWAUKEE 1692

A redivision of Lot 2 of Certified Survey Map No 8546 being a redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No. 1 and being part of the Southwest Quarter (SW ¼) and Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section 26, Town 5 North, Range 21 East CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

I, John R. Stigler, registered land surveyor, being duly sworn on oath, hereby depose and say that I have surveyed and mapped the following land bounded and described as follows: Outlot 1 of Certified Survey Map No. 8181 recorded on Reel 7181 as Document No. 9784108 and Map No. 8546 being a redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No. 1 being part of the Southwest Quarter (SW ¼) and Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section 26, Town 5 North, Range 21 East and further described as; Commencing at the Southeast corner of the Southeast Quarter (SE ¼) of Section 26 being marked by a concrete monument with brass cap; thence South 88°33'40" West along the South line of said Southeast Quarter (SE ¼) 120.00 feet; thence North 00°56'58" West along a line of Lot 1, Block 11 of said Plat of Franklin Business Park Addition No. 1, 413.06 feet; thence South 88°33'40" West along the South line of said Lot 1, Block 11, 873.66 feet to the East line of Lot 1 of Certified Survey Map No. 8181; thence South 00°54'38" East along said East line 98.07 feet; thence South 88°33'40" West along the South line of Certified Survey Map No. 8181, 150.00 feet; thence North 00°54'38" West 98.07 feet along the South line of said Map No. 8181; thence South 88°33'40" West along said South line 701.63 feet to the place of beginning of the lands hereinafter described; thence continuing South 88°33'40" West 802.07 feet along the South line of Lot 2 of Certified Survey Map No. 8546 to the West line of the Southeast Quarter (SE ¼) of Section 26, Town 5 North, Range 21 East; thence North 00°32'47" West 361.54 feet to the South right-of-way line of West Oakwood Park Drive; thence North 88°31'34" East along said South right-of-way line 48.91 feet; thence easterly 130.30 feet along said arc of a curve of radius 405.00 feet; curve center lies to the North, chord bears North 79°18'33.5" East 129.74 feet; thence North 70°05'33" East 128.98 feet; thence easterly 107.78 feet along the arc of a curve, curve center lies to the South, chord bear North 79°18'33.5" East 107.31 feet; thence North 88°31'34" East 391.22 feet; thence South 01°26'20" East 440.73 feet to the place of beginning.

Containing a net area of 333,581 square feet or 7.6579 acres of land.

I further certify that I have made such survey, land division and map by the direction of the owners of said land: that such map is a correct representation of the exterior boundaries of the land surveyed and map thereof made; and that I fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes pertaining to Certified Survey Maps (Section 236.34) and the unified development ordinance – division 15, of the City of Franklin in surveying, dividing and mapping the same.

John R Stigler

JOHN R. STIGLER - Wis. Reg. No. S-1820
Dated this 7th day of July, 2021



STATE OF WISCONSIN) ss
WAUKESHA COUNTY)

The above certificate subscribed and sworn to me this _____ day of _____, 2021.

My commission expires July 5, 2023.

PETER A. MUEHL – NOTARY PUBLIC

OWNER: MLG DEVELOPMENT, INC.

This instrument was drafted by John R. Stigler

P.S. Milwaukee 1692

CERTIFIED SURVEY MAP NO. _____

Sheet 5 of 5

A redivision of Lot 2 of Certified Survey Map No 8546 being a redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No. 1 and being part of the Southwest Quarter (SW ¼) and Southeast Quarter (SE ¼) of the Southeast Quarter (SE 1/4) of Section 26, Town 5 North, Range 21 East CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

CORPORATE OWNER'S CERTIFICATE

MLG DEVELOPMENT, INC., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certifies that said corporation caused the land described on this map to be surveyed, divided, and mapped as represented on this map.

MLG DEVELOPMENT, INC., does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of Franklin.

WITNESS the hand and seal of MLG DEVELOPMENT, INC., has caused these presents to be signed by _____, its Vice President, and countersigned by _____, its Treasurer, this ____ day of _____, 2021.

MLG DEVELOPMENT, INC.

- VICE PRESIDENT

- TREASURER

STATE OF WISCONSIN) ss
MILWAUKEE COUNTY)

Personally came before me this ____ day of _____, 2021, the above named _____, Vice President and _____, Treasurer, of the above named corporation, to me known as the person who executed the foregoing instrument, and to me known to be the Vice President and Treasurer of said corporation and acknowledged that they executed the foregoing instrument as such officer as the deed of the corporation, by its authority.


Notary Public - _____
State of Wisconsin
My commission expires _____

COMMON COUNCIL APPROVAL

APPROVED by the Common Council of the City of Franklin on this ____ day of _____, 2021.

STEPHEN R. OLSON - MAYOR

SANDRA L. WESOLOWSKI - CITY CLERK



JOHN R. STIGLER - Wis. Reg. No. S-1820
Dated this 7th day of July, 2021



OWNER: MLG DEVELOPMENT, INC.

This instrument was drafted by John R. Stigler

P.S. Milwaukee 1692

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/17/21</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE APPROVAL OF A 2 LOT CERTIFIED SURVEY MAP, BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 8546 BEING A REDIVISION OF OUTLOT 1, BLOCK 11 OF THE PLAT OF FRANKLIN BUSINESS PARK ADDITION NO. 1. (MLG DEVELOPMENT, INC.) (GENERALLY EAST OF THE INTERSECTION OF WEST OAKWOOD PARK DRIVE AND SOUTH 52ND STREET IN THE CITY OF FRANKLIN BUSINESS PARK)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.4.</p>

City Development staff recommends approval of this resolution authorizing certain officials to accept a conservation easement for and as part of the approval of a 2 lot certified survey map, being a redivision of lot 2 of certified survey map No. 8546 being a redivision of outlot 1, block 11 of the plat of Franklin Business Park Addition No. 1. (MLG Development, Inc.) (generally east of the intersection of West Oakwood Park Drive and South 52nd Street in the City of Franklin Business Park), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.

The applicant submitted a conservation easement for Common Council approval to comply with condition No. 6 of Certified Survey Map Resolution No. 2021-7757:

The Conservation Easement is subject to review by City staff, and approval by the Common Council, this easement must be recorded with the Milwaukee County Register of Deeds Office prior to any Site Plan approval for lots 1 or 2.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2021-____, a resolution authorizing certain officials to accept a conservation easement for and as part of the approval of a 2 lot certified survey map, being a redivision of lot 2 of certified survey map No. 8546 being a redivision of outlot 1, block 11 of the plat of Franklin Business Park Addition No. 1. (MLG Development, Inc.) (generally east of the intersection of West Oakwood Park Drive and South 52nd Street in the City of Franklin Business Park), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RM 08-10-2021 (draft)

RESOLUTION NO. 2021-_____

RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE APPROVAL OF A 2 LOT CERTIFIED SURVEY MAP, BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 8546 BEING A REDIVISION OF OUTLOT 1, BLOCK 11 OF THE PLAT OF FRANKLIN BUSINESS PARK ADDITION NO. 1.

(MLG DEVELOPMENT, INC.)

(GENERALLY EAST OF THE INTERSECTION OF WEST OAKWOOD PARK DRIVE AND SOUTH 52ND STREET IN THE CITY OF FRANKLIN BUSINESS PARK)

WHEREAS, the Common Council having approved a Certified Survey Map upon the application of MLG Development, Inc., on August 3, 2021, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the shoreland buffers and mature woodlands present on the site; and

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

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by MLG Development, Inc., in the form and content as annexed hereto, be and the same is hereby approved, subject to review and approval by the Department of City Development and technical corrections by the City Attorney; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2021.

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A
CONSERVATION EASEMENT
MLG DEVELOPMENT, INC.
RESOLUTION NO. 2021- _____
Page 2

Passed and adopted at a regular meeting of the Common Council of the City of
Franklin this _____ day of _____, 2021.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CONSERVATION EASEMENT

Lots 1 and 2, CSM _____, Franklin Business Park

This Conservation Easement is made by and between the City of Franklin, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and MLG Development, Inc., a Wisconsin Corporation, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to § 700.40(2)(b) of the Wisconsin Statutes.

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, the 75 foot Shoreland buffer and mature woodlands shown on the Natural Resources Protection Plan dated May 20, 2021 prepared by Stantec, which Plan is on file in the office of the City of Franklin Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

WHEREAS, Grantee is a "holder", as contemplated by § 700.40(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under § 62.23 and § 236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space and water areas; and

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

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

WHEREAS, there is no mortgage on the protected property.

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

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

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

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

1. Construct or place buildings or any structure;
2. Construct or make any improvements, unless, notwithstanding Covenant 1. above, the improvement is specifically and previously approved by the Common Council of the City of Franklin, upon the advice of such other persons, entities, and

agencies as it may elect; such improvements as may be so approved being intended to enhance the resource value of the protected property to the environment or the public and including, but not limited to animal and bird feeding stations, park benches, the removal of animal blockage of natural drainage or other occurring blockage of natural drainage, and the like;

- 3. Excavate, dredge, grade, mine, drill or change the topography of the land or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees;
- 4. Conduct any filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste or other landscape materials, ashes, garbage, or debris;
- 5. Plant any vegetation not native to the protected property or not typical wetland vegetation;
- 6. Operate snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles.

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

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

To Grantor:
MLG Development, Inc.
Attn: Paul J. Hinkfuss
19000 W. Bluemound Road
Brookfield, WI 53045

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

In witness whereof, the Grantor has set his hand on this date of _____, 2021.

MLG Development, Inc.

By: _____
[Name and if applicable, Title]

STATE OF WISCONSIN)
) ss
_____ COUNTY)

This instrument was acknowledged before me on the _____ day of _____, 2021, by _____, as _____ of MLG Development, Inc., a Wisconsin Corporation, to me known to be the person who executed the foregoing conservation easement and acknowledged the same as the voluntary act and deed of said MLG Development, Inc.

Notary Public

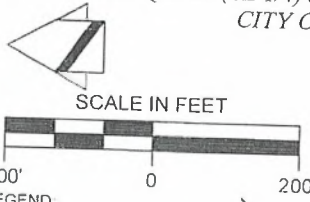
My commission expires _____

Exhibit A
Protected Property
(See Attached)

CERTIFIED SURVEY MAP NO.

Sheet 1 of 5

A redivision of Lot 2 of Certified Survey Map No 8546 being a redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No. 1 and being part of the Southwest Quarter (SW 1/4) and Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 26, Town 5 North, Range 21 East CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

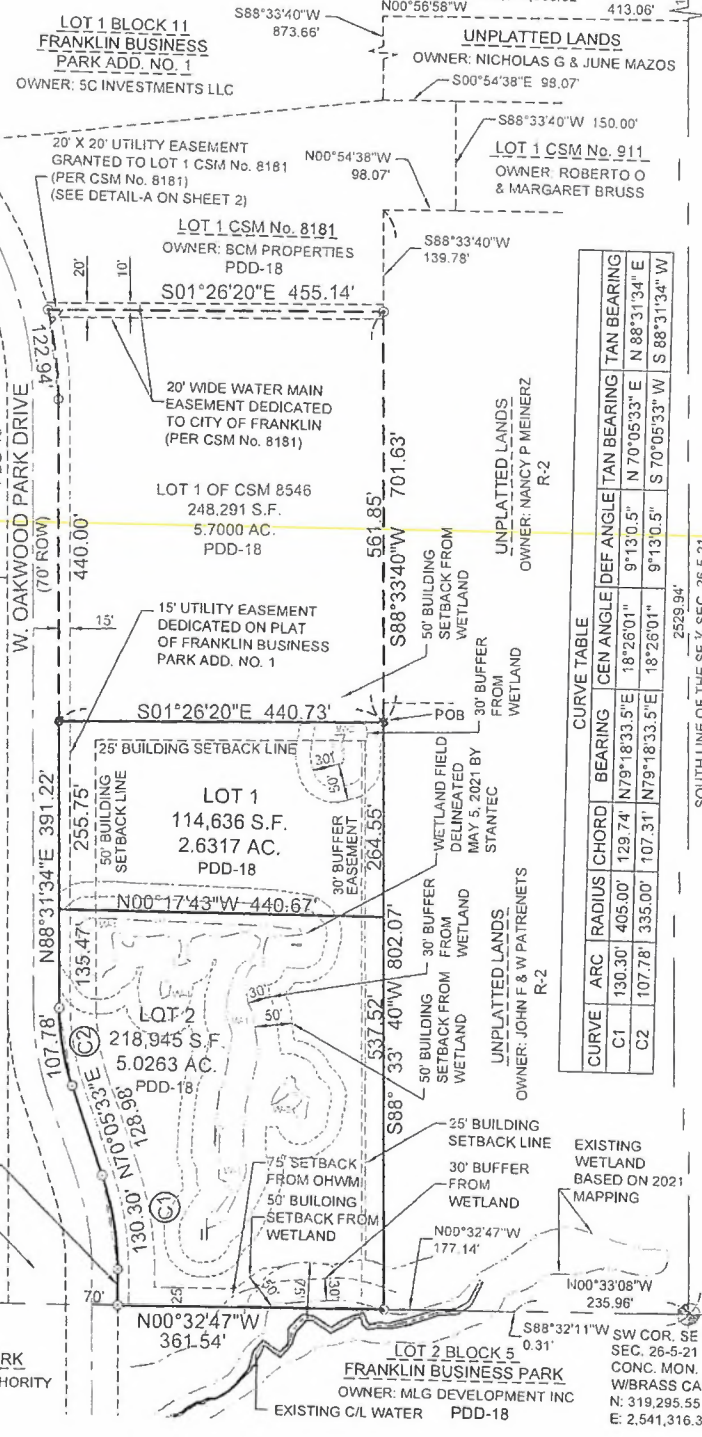


NOTE: PROPERTY IS SERVED BY MUNICIPAL SANITARY SEWER AND WATER.
NOTE: SEE PAGE 2 FOR EASEMENT AND EXISTING TOPOGRAPHY DETAIL.
OWNER:
 MLG DEVELOPMENT INC.
 19000 W. BLUEMOUND ROAD
 BROOKFIELD, WI 53045
SURVEYOR:
 JOHN R. STIGLER
 JAHNKE AND JAHNKE ASSOC. INC.
 711 W. MORELAND BLVD.
 WAUKESHA, WI 53188
REFERENCE BEARING:
 THE SOUTH LINE OF THE SE 1/4 SECTION OF THE SECTION 26 T5N R21E WAS USED AS THE REFERENCE BEARING AND HAS A BEARING OF NORTH 88°33'40" EAST BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE).



OUTLOT 2 BLOCK 5 FRANKLIN BUSINESS PARK ADD. NO. 1
 OWNER: MLG DEVELOPMENT INC
 WEST LINE OF THE SE 1/4 SEC. 26-5-21
 N00°33'08"W 2639.28'
OUTLOT 1 BLOCK 5 FRANKLIN BUSINESS PARK
 OWNER: COMMUNITY DEV AUTHORITY

John R. Stigler
 JOHN R. STIGLER - Wis. Reg. No. S-1820
 DATED THIS 7th DAY OF July, 2021
 INSTRUMENT DRAFTED BY JOHN R. STIGLER



CURVE TABLE

CURVE	ARC	RADIUS	CHORD	BEARING	CEN ANGLE	DEF ANGLE	TAN BEARING	TAN BEARING
C1	130.30'	405.00'	129.74'	N79°18'33.5"E	18°26'01"	9°13'0.5"	N 70°05'33"E	N 88°31'34"E
C2	107.78'	335.00'	107.31'	N79°18'33.5"E	18°26'01"	9°13'0.5"	S 70°05'33"W	S 88°31'34"W

2529.94'
 SOUTH LINE OF THE SE 1/4 SEC. 26-5-21
 S88°33'40"W 2849.94'

CERTIFIED SURVEY MAP NO.

Sheet 2 of 5

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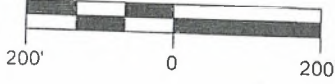
TOPOGRAPHY DETAIL

(TAKEN FROM MILWAUKEE COUNTY)

SE COR. SE 1/4 SEC. 26-5-21
CONC. MON. W/BRASS CAP
N: 319,352.09
E: 2,543,965.32



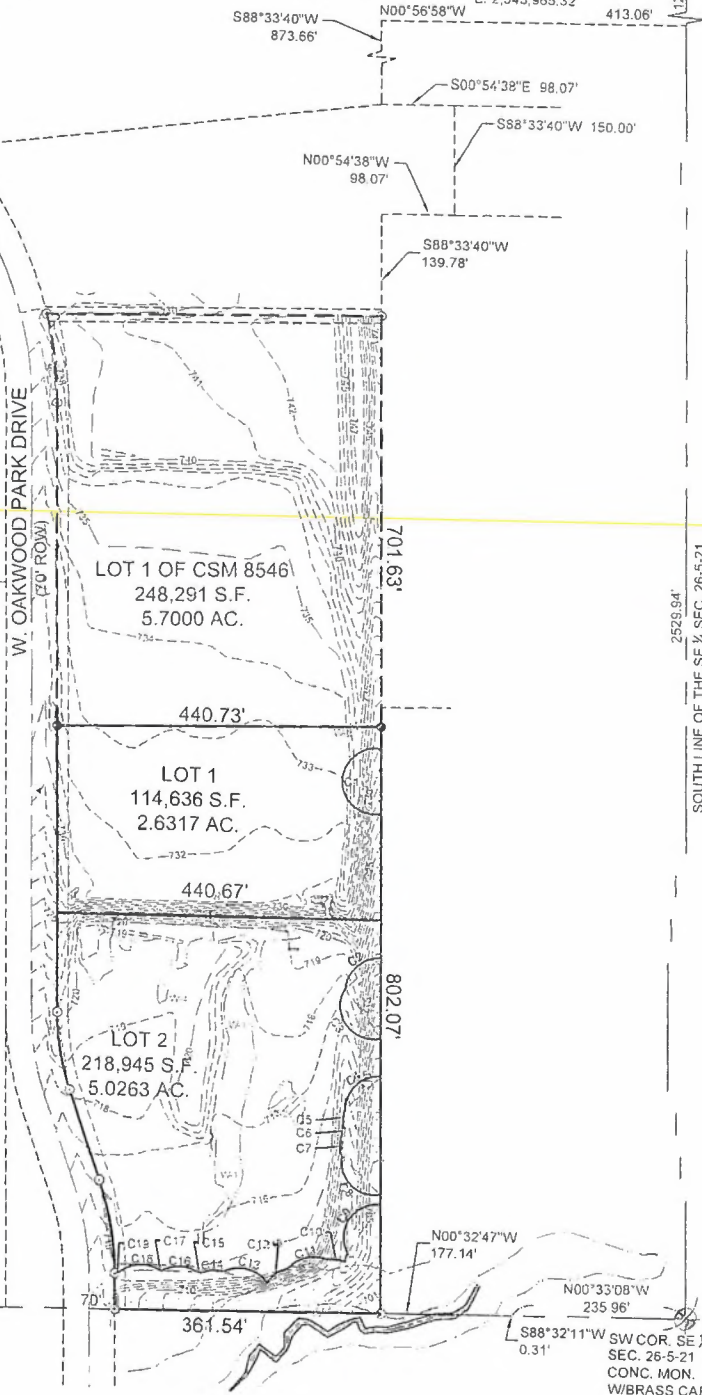
SCALE IN FEET



OWNER:
MLG DEVELOPMENT INC.
19000 W. BLUEMOUND ROAD
BROOKFIELD, WI 53045

NOTE:
WETLANDS W-1, W-2, W-3, AND
W-4 HAVE BEEN DEEMED
EXEMPT FROM STATE
WETLAND REGULATIONS

NOTE:
PER FRANKLIN BUSINESS PARK
SECTION 21 RIGHT TO
RE-SUBDIVIDE SHALL NOT BE
PERMITTED WITHOUT PRIOR
APPROVAL BY THE
ASSOCIATION AND THE COA.
APPLICANT SHALL DOCUMENT
SAID REVIEW APPROVAL.



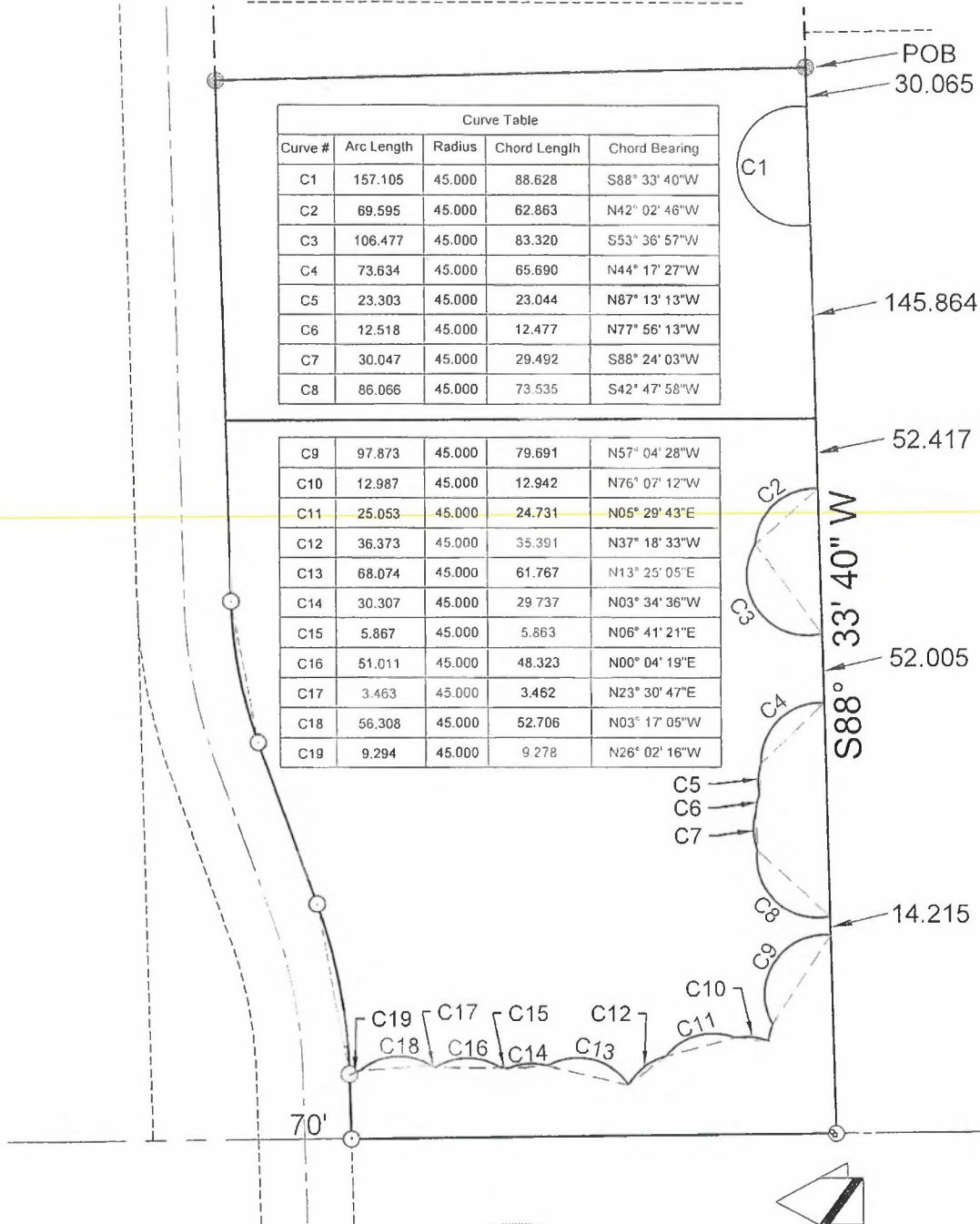
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N00°33'08"W 2639.28'

John R. Stigler
JOHN R. STIGLER - Wis. Reg. No. S-1820
DATED THIS 7th DAY OF July, 2021
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CONSERVATION EASEMENT DETAIL



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John R. Stigler
 JOHN R. STIGLER - Wis. Reg. No. S-1820
 DATED THIS 7th DAY OF July, 2021
 INSTRUMENT DRAFTED BY JOHN R. STIGLER



FILE NAME: 21-9366 CSM.DWG
 P.S. MILWAUKEE 1692

CERTIFIED SURVEY MAP NO. _____

Sheet 4 of 5


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CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

SURVEYOR'S CERTIFICATE:

I, John R. Stigler, registered land surveyor, being duly sworn on oath, hereby depose and say that I have surveyed and mapped the following land bounded and described as follows: Outlot 1 of Certified Survey Map No. 8181 recorded on Reel 7181 as Document No. 9784108 and Map No. 8546 being a redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No. 1 being part of the Southwest Quarter (SW ¼) and Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section 26, Town 5 North, Range 21 East and further described as; Commencing at the Southeast corner of the Southeast Quarter (SE ¼) of Section 26 being marked by a concrete monument with brass cap; thence South 88°33'40" West along the South line of said Southeast Quarter (SE ¼) 120.00 feet; thence North 00°56'58" West along a line of Lot 1, Block 11 of said Plat of Franklin Business Park Addition No. 1, 413.06 feet; thence South 88°33'40" West along the South line of said Lot 1, Block 11, 873.66 feet to the East line of Lot 1 of Certified Survey Map No. 8181; thence South 00°54'38" East along said East line 98.07 feet; thence South 88°33'40" West along the South line of Certified Survey Map No. 8181, 150.00 feet; thence North 00°54'38" West 98.07 feet along the South line of said Map No. 8181; thence South 88°33'40" West along said South line 701.63 feet to the place of beginning of the lands hereinafter described; thence continuing South 88°33'40" West 802.07 feet along the South line of Lot 2 of Certified Survey Map No. 8546 to the West line of the Southeast Quarter (SE ¼) of Section 26, Town 5 North, Range 21 East; thence North 00°32'47" West 361.54 feet to the South right-of-way line of West Oakwood Park Drive; thence North 88°31'34" East along said South right-of-way line 48.91 feet; thence easterly 130.30 feet along said arc of a curve of radius 405.00 feet; curve center lies to the North, chord bears North 79°18'33.5" East 129.74 feet; thence North 70°05'33" East 128.98 feet; thence easterly 107.78 feet along the arc of a curve, curve center lies to the South, chord bear North 79°18'33.5" East 107.31 feet; thence North 88°31'34" East 391.22 feet; thence South 01°26'20" East 440.73 feet to the place of beginning.

Containing a net area of 333,581 square feet or 7.6579 acres of land.

I further certify that I have made such survey, land division and map by the direction of the owners of said land; that such map is a correct representation of the exterior boundaries of the land surveyed and map thereof made; and that I fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes pertaining to Certified Survey Maps (Section 236.34) and the unified development ordinance – division 15, of the City of Franklin in surveying, dividing and mapping the same.


JOHN R. STIGLER - Wis. Reg. No. S-1820
Dated this 7th day of July, 2021



STATE OF WISCONSIN) ss
WAUKESHA COUNTY)

The above certificate subscribed and sworn to me this _____ day of _____, 2021.

My commission expires July 5, 2023.

PETER A. MUEHL – NOTARY PUBLIC

OWNER: MLG DEVELOPMENT, INC.

This instrument was drafted by John R. Stigler

P.S. Milwaukee 1692

CERTIFIED SURVEY MAP NO. _____ Sheet 5 of 5
A redivision of Lot 2 of Certified Survey Map No 8546 being a redivision of Outlot 1, Block 11 of the Plat of
Franklin Business Park Addition No. 1 and being part of the Southwest Quarter (SW ¼) and
Southeast Quarter (SE ¼) of the Southeast Quarter (SE 1/4) of Section 26, Town 5 North, Range 21 East
CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

CORPORATE OWNER'S CERTIFICATE

MLG DEVELOPMENT, INC., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, certifies that said corporation caused the land described on this map to be surveyed, divided, and mapped as represented on this map.

MLG DEVELOPMENT, INC., does further certify that this map is required by S.236.10 or 236.12 to be submitted to the following for approval or objection: City of Franklin.

WITNESS the hand and seal of MLG DEVELOPMENT, INC., has caused these presents to be signed by _____, its Vice President, and countersigned by _____, its Treasurer, this ____ day of _____, 2021.

MLG DEVELOPMENT, INC.

- VICE PRESIDENT

- TREASURER

STATE OF WISCONSIN) ss
MILWAUKEE COUNTY)

Personally came before me this ____ day of _____, 2021, the above named _____, Vice President and _____, Treasurer, of the above named corporation, to me known as the person who executed the foregoing instrument, and to me known to be the Vice President and Treasurer of said corporation and acknowledged that they executed the foregoing instrument as such officer as the deed of the corporation, by its authority.


Notary Public - _____
State of Wisconsin
My commission expires _____

COMMON COUNCIL APPROVAL

APPROVED by the Common Council of the City of Franklin on this ____ day of _____, 2021.

STEPHEN R. OLSON - MAYOR

SANDRA L. WESOŁOWSKI - CITY CLERK



JOHN R. STIGLER - Wis. Reg. No. S-1820
Dated this 7th day of July, 2021



OWNER: MLG DEVELOPMENT, INC.

This instrument was drafted by John R. Stigler

P.S. Milwaukee 1692

APPROVAL <i>Shw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE August 17, 2021
REPORTS & RECOMMENDATIONS	VANDEWALLE & ASSOCIATES, INC. SUPPORT FOR PARKLAND ACQUISITION SERVICES COMMON COUNCIL INPUT SESSION ON DRAFT STUDY	ITEM NUMBER G.5.

BACKGROUND

In 2020, the Common Council contracted with Vandewalle and Associates (hereafter V&A) to assist with the purchase of parkland (May 5, 2020, Item G.15). The consultants completed that scope, including assisting with the purchase of parkland on Lovers Lane. On November 17, 2020, the Common Council authorized an addendum to a contract (Item G.8). The expanded scope included additional stakeholder input from the Park Commission, Plan Commission, and Council, to draft a planning document with priorities for parkland acquisition as determined by Parks Commission and based on desired park size, park purpose/facilities, and general location. In addition, Alderwoman Hanneman was made lead staff on the project. Additional deliverables include maps, a timeline recommending type(s) of parks to be acquired by the City and timing of acquisitions by year, and estimates of City matching funds needed to purchase land for new parks.

DRAFT STUDY

A copy of the draft study is attached for review. The study has been developed based on the recommendations of the City’s Comprehensive Outdoor Recreation Plan or “CORP”. The recommendations of the CORP are founded upon the anticipated needs of current and future population. Total park and recreation space, and facilities needs, are normally expressed as a ratio of acres of land per capita (Guidelines for the Development of Local Comprehensive Outdoor Recreation Plans (n.d.). WI DNR). Additional requirements related to distance or length per capita apply to trails. Details of the enabling legislation and requirements of the CORP may be found in the section “Legal Basis for the Preparation of a Comprehensive Outdoor Recreation Plan...” in the City of Franklin CORP. A copy of the adopted 2030 CORP can be viewed at: <https://www.franklinwi.gov/Departments/Planning/Comprehensive-Outdoor-Recreation-Plan-2030.htm>

The current City of Franklin CORP was adopted April 4, 2011 and update approved by Common Council on January 1, 2015. The update extended its recommendations to 2030. As with all planning documents, the CORP is iterative; it builds upon the recommendations of previous policy, in this case, the “2002 CORP” adopted in February, 2002. Future versions of the CORP will incorporate and update the vision presented in this 2030 CORP.

The Parkland Acquisition Study before you today is not intended to supersede the existing CORP, but to make recommendations based on the City’s existing policy, to enable the City to thoughtfully deploy funds collected under that policy. It is a decision tool to identify what aspect of the outdoor recreation policy the City intends to pursue next. The Study offers a number of scenarios for parkland acquisition that may be used to plan for required match funds and focus park development efforts.

INPUT SESSIONS

V&A have conducted input sessions with Parks Commission and Plan Commission, and now join the Council today to provide an overview of the draft Study, and elicit your feedback. The Council has previously been updated on the progress of the Parkland Acquisition Study by report on April 20, 2021, July 20, 2021, and August 3, 2021.

Input from this session will then be incorporated into the final draft of the report, which will then be reviewed again by Parks Commission and the Plan Commission before returning to Common Council. No action is required at this time.

Parkland Acquisition Strategy

City of Franklin

Vandewalle & Associates

Draft: August 5, 2021

Introduction

The City of Franklin has identified a need for a short-term and longer-term strategy to utilize its accumulated park impact fees. In 2021, the City of Franklin retained Vandewalle and Associates to prepare this Parkland Acquisition Strategy Report and foster a conversation about the City's park impact fees. The purpose of this Parkland Acquisition Strategy is to document the factors and requirements that influence the spending of park impact fees, provide a schedule for the utilization of accumulated park impact fees, and to provide guidance on the utilization of future park impact fees to be collected in the future.

Summary of Recommendations from the Comprehensive Outdoor Recreation Plan: 2030 (CORP)

The City of Franklin's *Comprehensive Outdoor Recreation Plan: 2030* was amended last in 2014. The Comprehensive Outdoor Recreation Plan (CORP) makes recommendations for future park and recreation needs, including generalized recommendations for parkland acquisition for the next ten years and beyond. The CORP contains the following relevant recommendations for parkland acquisition:

- Provide a new Regional/Multi-Community Park in the Southwest quadrant of the City in combination with the existing Franklin Savanna. Franklin Savanna is an undeveloped oak savanna owned by Milwaukee County and is designated as a State Natural Area.
- Recognizing that most existing neighborhoods are fully built out, there are limited options for new Neighborhood Parks in developed part of City. Work with the Franklin School District to provide active recreation at future school sites.
- Provide five new Mini Parks of at least one acre each within developed areas of the City that cannot be served by a Neighborhood Park because of inadequate and/or insufficient vacant land.

The CORP has been incorporated by reference into the City of Franklin's *Comprehensive Master Plan*.

Goals for Parkland Acquisition

The Parks Commission has identified the following goals for parkland acquisition, based on CORP recommendations and known needs for the park system.

- A. Utilize accumulated park impact fees to offset the impact of development and provide adequate parkland for the City's current and future population.
- B. Utilize park impact fees to acquire land for a Neighborhood Park or Community Park of 20 acres or more. This would fulfill the City's need for additional parkland in the southwest portion of the City, where future residential growth is planned. A park of this size is desirable because it could accommodate a wide range of recreation uses and because it is more cost-effective to maintain than several Mini Parks.

- The new park should provide a space for special events, as the City currently does not have many open areas suitable for large public or private events and festivals.
 - The new park should serve multiple purposes, including a mix of passive and active recreation uses. The park should include large open areas that can be repurposed as needed, including for special events and for field sports (e.g., soccer, football, lacrosse, ultimate, rugby). Additionally, the park should include spaces for court-based sports (e.g., basketball, tennis, pickleball, volleyball). In areas not suitable for active recreation because of geographic or environmental constraints, passive recreation features (such as trails, natural areas, and seating areas) should be provided.
 - Combine new parkland with existing parks (such as Franklin Savanna) in order to maximize the size of the new park. If the combined park area were to be 100 acres or more, the park could be classified as a Regional/Multi-Community Park, as defined by the CORP.
 - Combining new parkland with the Waste Management Conservation Easement lands reflects another opportunity to maximize the size of a new park.
 - Develop the new park over a period of time as needs evolve and as funds become available.
- C. Utilize park impact fees to connect existing and future parks and open space with trails. Develop trail connections between parks in as many locations as feasible.
- Connect the 116th Street Trail to Franklin Savanna along Ryan Creek and onward to the Oak Leaf Trail.
 - Explore other potential trail connection options.
- D. Add desired facilities to the park system, including dog amenities, pickleball (8+ courts), and an ice skating rink.

Parkland Acquisition Strategy

The process for determining how to best utilize park impact fees involves three main steps with several sub-steps. It is an iterative process, meaning that it repeats or restarts as needed. As park impact fees are spent or accumulated, it will be important continually to reconfirm assumptions and update the strategy. Refer to the graphic on page 6 of this report for a summary of this process. Background information on the expiration of park impact fees and required matching funds is provided on page 7 of this report.

Step One: Fund Analysis

1.) Review Existing Park Impact Fee Collection/Expiration Schedule

The park impact fee collection and expiration schedule will guide the overall project schedule to ensure fees are utilized prior to the mandatory reversion deadlines. Utilization of funds will focus on two goals: 1.) identify all funds that are nearing the reversion deadline and develop a strategy for near-term use of funds for acquisitions or park improvements; 2.) identify funds that can be combined for use in larger-scale and longer-term acquisitions or park improvements. Development of a year-by-year summary of collection and expiration of funds will help determine overall cash flow and budgets for park acquisition.

2.) Develop Plan for Utilization for Expiring Funds

Utilization of funds with a near-term expiration date is key to avoid reversion of funds because of the utilization requirement for impact fees. These funds could be used for a large land acquisition or improvement of smaller projects within existing parks or small-scale acquisitions within existing park-deficient neighborhoods.

As plans to utilize impact fee funds are developed, the City should determine the match requirement and coordinate with the annual City budgeting process to ensure that matching funds are available when needed.

3.) Reserve Other Park Impact Fees for Longer-Term Investments

Park impact fees with later expiration dates can be targets for larger-scale acquisitions or park improvements through the accumulation of funds over time. The City could consider applying for state or federal grants to increase the total amount of funds available for such projects.

Step Two: Project Concept and Partnerships

1.) Develop Park Concept/Program

The creation of a programmatic concept plan for a hypothetical Community Park will guide the property characteristics for future acquisitions. This concept will focus on defining programmatic goals for the park along with environmental characteristics and acreage needs. Key questions and decision points include: Should the park be used primarily for active recreation, passive recreation, or a combination of the two? What park facilities are desired (ballfields, playgrounds, structures, parking, etc.)? Approximately how many acres are needed to accommodate the desired park concept/program?

2.) Leverage Grant and Partnership Opportunities

The City should work to identify any complementary partnerships (Franklin School District, club sports, community agencies, etc.) along with local, state, and federal grant programs that could offer an opportunity to bring additional funds to a given project through matching grants or partnerships. While the percentage of the impact fee participation does not change based on matching fund source, there are advantages to exploring grant and partnership opportunities. Specifically, the City's funds and impact fees can be used as a match required by grant programs, so the City should explore opportunities for local, state, and federal grants that could be used to enhance desired park projects. For example, the Knowles-Nelson Stewardship grant program could enable the City to acquire acres of natural area that it would have had the ability to purchase with City funds and park impact fees alone.

Additionally, the City should maintain an ongoing dialogue with the Franklin School District on its plans and timelines for investing in recreational facilities. That way, both parties can identify opportunities to reduce redundancies and collaborate where possible. Other community agencies, public service organizations, and private clubs and leagues that use or provide recreational facilities also have potential for collaboration with the City on future facilities. Such collaborations can maximize benefits for all partners. For example, the City of Sun Prairie and the Sun Prairie Area School District collaborated to design Creekside Elementary School, a six-acre elementary school adjacent to a six-acre city

neighborhood park containing shared recreational facilities. The two entities worked together in the design and implementation of the campus.

Step Three: Property Acquisition and New Recreational Facility Installation

1.) Investigate Property Opportunities in Southwest Quadrant

Utilizing the park concept/program developed in Step Two as a basis for property targets within the Southwest quadrant, the City should begin a detailed property search to align potential acreage, environmental conditions, and adjoining land uses. Specific tasks include:

- a. Identify parcel ownership patterns, acreages, and proximity opportunities;
- b. Evaluate environmental constraints and planned land use;
- c. Evaluate property assessments and market conditions (approximate price per acre);
- d. Identify potential target parcels that address the park concept/program and project goals;
- e. Identify parcels currently listed and potential targets that are not listed for sale; and
- f. Research current land price trends, listings, and comparable sales.

2.) Begin Property Owner Outreach

After evaluating a wide range of potential properties, the City should identify a shorter list of potential target properties that best meet the City's goals and concept plan. The City then should reach out to property owners to better understand availability and potential price requirements for the target properties. The City should consult legal counsel to determine the best approach for property owner outreach in accordance with state statutes. After gaining a better understanding of land availability and potential price ranges, the City should identify the specific property or properties to target for acquisition.

3.) Acquire Property

While each property acquisition is different, the general steps for property acquisition involve negotiating a price, making a formal offer, and preparing purchase documents with legal counsel. The City should consult legal counsel to determine the best approach for each of these steps, in accordance with Wis. Stat. 62.22(1) and other applicable laws. When purchasing parkland, the City should utilize park impact fees to the maximum extent possible, using expiring fees first.

4.) New Recreational Facility Installation

If the City has acquired parkland and is developing it, the City should adjust the programmatic concept plan developed in Step Two to fit the new property. If the City is adding a new recreational facility to an existing park, the City should determine a precise location for the new facility. In either situation, this step involves determining specific locations for new recreational facilities and adjusting the concepts in response to the actual conditions, limitations, and advantages of the site.

Once this is determined, the City will need to develop detailed construction drawings for the new facilities. The next step is to construct the new facility or facilities expending both park impact fees and expiring fees first.

Approximate Land Value:

Current range (4/15/21): \$11,000-\$55,000 per acre

City of Franklin

PARK IMPACT FEE STRATEGY



- 1 Review Existing Park Fee Collection/Expiration Schedule
- 2 Develop Plan for Utilization for Expiring Funds
- 3 Reserve Other Park Fees for Longer-Term Investments

- 1 Develop Park Concept/Program
- 2 Leverage Matching and Partnership Opportunities

- 1 Investigate Property Opportunities in Southwest Quadrant
- 2 Begin Property Owner Outreach
- 3 Acquire Property
- 4 New Recreational Facility Installation

Projects Eligible for Park Impact Fees and Required Matching Funds

When a new home or subdivision is built, those residents will need additional public facilities or infrastructure, including parks. Impact fees allow for new residential developments to support their own future needs in the City, rather than asking current residents to pay entire cost of those facilities. Municipalities have the authority to impose impact fees on developers under Wis. Stat. 66.55 in order to “to pay for the capital costs that are necessary to accommodate land development.” Per Wis. Stat. 66.55(1)(a), capital costs include “costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs,” but not the cost of equipment. In practice, this means that park impact fees can be spent for the following purposes:

- Acquisition of land for parks to accommodate new population growth and costs associated costs with land acquisition (acquisition studies, real estate transaction costs, etc.);
- Park master planning and park design services; and
- Park improvements, meaning the addition of new facilities within any park to accommodate new population growth. Improvements could include items such as tennis courts, dog amenities, splashpads, restrooms, fitness stations, etc. Park improvements include the expansion of park features but do *not* include maintenance or replacement of existing park features.

As described above, park impact fees can be used only for park projects that accommodate new population growth associated with residential development. For this reason, most park projects are not eligible to be 100 percent funded by park impact fees. Therefore, expenditure of park impact fees almost always will require additional “matching funds” from the General Fund or other City financial resources to fund the full project cost.

The City of Franklin Public Facilities Needs Assessment and Impact Fee Study (March 2020) describes the percentage of any given park project that is eligible to be funded through park impact fees. The percentage varies by park classification (Community Park, Neighborhood Park, etc.). The following table, excerpted from the Impact Fee Study, provides the maximum percentage and total dollar amount that may be funded by park impact fees for previously planned projects. “Previously planned projects” refers to park projects that generally were conceived in the City’s Comprehensive Outdoor Recreation Plan at the time the Impact Fee Study was completed. As shown in the following table, only 36 percent of total project costs for Community Parks and Special Parks can be covered by park impact fees, whereas impact fees can make up a relatively higher percentage of costs for Neighborhood Parks (47 percent), Mini Parks (43 percent), and Trails (62 percent).

Figure 1: Costs Eligible for Impact Fees – Previously Planned Project (Impact Fee Study, 2020)

Category	Total Project Cost	% Eligible	\$ Eligible
Community Parks	\$ 6,225,971	36%	\$ 2,241,350
Neighborhood Parks	4,057,555	47%	1,907,051
Mini Parks	1,738,016	43%	747,347
Special Parks	1,053,669	36%	379,321
Trails	2,379,425	62%	1,475,244
Total			\$ 6,750,312

Figure 2 provides the maximum percentage and total dollar amount that may be funded by impact fees for new projects, i.e., projects that are not included in the City's Comprehensive Outdoor Recreation Plan. As shown below, up to 100 percent of total project costs for new Mini Parks and 80 percent of total project costs for new Neighborhood Parks can be covered by park impact fees, whereas Regional and Community Parks are not eligible for park impact fees.

Figure 2: Costs Eligible for Impact Fees – New Projects (Impact Fee Study, 2020)

Category	Total Project Cost	% Eligible	\$ Eligible
Regional and Multi-Community Parks	\$ -	N/A	TBD
Community Parks	-	N/A	TBD
Neighborhood Parks	2,500,000	80%	1,993,721
Mini Parks	800,000	100%	800,000
Special Parks	-	N/A	TBD
Trails	400,000	61%	242,451
Total			\$ 3,036,172

The amount and percentage of total project costs eligible for park impact fees varies significantly, and so this becomes a primary driver in the City's near-term parkland acquisition strategy. The City wishes to spend more than park impact fees in a relatively short amount of time, as some park impact fees will expire in early 2024. Therefore, the best approach is to target park projects with a relatively high rate of impact fee eligibility (and therefore lower match requirement). Otherwise, the City will be in the challenging position of coming up with a large amount of matching funds in order to use the expiring park impact fees.

Time Limits for Utilizing Impact Fees

Wis. Stat. 66.55 requires that municipalities spend accumulated impact fees within a "reasonable period of time," or else they must be rebated to the current owner of the property with respect to which the impact fees were imposed. In 2015, the City of Franklin adopted an ordinance establishing a ten-year timeframe for using impact fees with the authority to extend the time limit by an additional three years, if needed because of extenuating circumstances or hardship. In

2016, the City adopted Resolution 2016-7177, which utilized the three-year extension for fees collected after April 10, 2006, and established a deadline of December 31, 2022, for the expenditure of these funds. It was determined that an extension was needed because the global economic recession created extenuating circumstances that could be reasonably expected to create a hardship in meeting the ten-year time limit. There is no provision in City ordinance for further extensions, so the new deadline must be met.

Preliminary Timeline for Expenditure of Funds

Scenarios for spending down the accumulated park impact fee fund balance have been provided below. The scenarios are provided for preliminary discussion purposes and achieve different levels of success in meeting the City’s goals. The scenarios were developed based on the City’s park classifications (Community Park, Neighborhood Park, etc.), and reflect a range of possible outcomes for utilization of park impact fees. The scenarios are not driven by the amount of City match required, nor are they ranked or evaluated based on City budgetary impact. As the City discusses the various scenarios, it will become evident that some are more practical than others, and several may be eliminated because of the significant amount of City match required. At this stage, however, this Report does not endorse any one scenario over another.

Each scenario avoids rebating funds by utilizing accrued funds ahead of the monthly and yearly rebating deadline. The estimated amount of park impact fees remaining under each scenario are also provided. This figure reflects the \$2.35M in accumulated park impact fees available as of August 2021. Negative numbers indicate a need to utilize future park impact fees not yet collected. All scenarios assume a land value of \$40,000 per acre. This figure is a conservative estimate based on land values in spring 2021.

Direction from City officials is sought to identify a preferred scenario (or scenarios). Since funds expire in the month collected, a spending schedule broken down by month can be developed once a desired scenario is selected.

Figure 3 shows the amount of funds that will expire on or before December 31 each year. When park impact fees are spent, the “funds expiring by year” figures in Figure 3 will need to be updated to reflect funds spent. The City has been successful spending older funds at risk of expiring first and tracking accordingly, and this practice should continue. The City is in the process of developing a spending plan to utilize funds expiring in 2022. Therefore, the next park impact fees are set to expire in early 2024.

Figure 3: Funds Expiring by Year

Funds Expiring By Year	Cumulative	Year Collected	Term	
2023	\$0	\$0	n/a*	8 years
2024	\$209,983	\$209,983	2016	8 years
2025	\$66,591	\$276,574	2017	8 years
2026	\$869,037	\$1,145,611	2018	8 years
2027	\$948,902	\$2,094,513	2019	8 years
2028	\$259,254	\$2,353,767	2020	8 years
Total	\$2,353,767			

* No impact fees expire in 2023 due to the changes in term (time limits).

Figure 4: Scenario A

Scenario A - Trails Only				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
		100%	62%	38%
Trails	Land Acquisition & Trail Improvement	\$ 3,796,000	\$ 2,353,520	\$ 1,442,480
	Total	\$3,796,000	\$ 2,353,520	\$1,442,480

Park Impact Fees Remaining: \$247

- Utilize all funds on land acquisition and improvement of trails – option to scale back as needed
- Covers all impact fees expiring through 2028

Figure 5: Scenario B

Scenario B - Implement CORP with 30-Acre Community Park				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
		100%	36%	64%
Community Park (30 acres)	Land Acquisition	\$ 1,200,000	\$ 432,000	\$ 768,000
	Park Improvements	\$ 5,400,000	\$ 1,944,000	\$ 3,456,000
	Total	\$6,600,000	\$ 2,376,000	\$4,224,000

Park Impact Fees Remaining: -\$22,233

- Previously planned Community Park, Southwest quadrant
- Covers all impact fees expiring through -2028
- Large match requirement (\$4.2M)

Figure 6: Scenario C

Scenario C - Implement CORP with 80-Acre Community Park				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
		100%	36%	64%
Community Park (80 acres)	Land Acquisition	\$ 3,200,000	\$ 1,152,000	\$ 2,048,000
	Park Improvements	\$ 5,400,000	\$ 1,944,000	\$ 3,456,000
	Total	\$8,600,000	\$ 3,096,000	\$5,504,000

Park Impact Fees Remaining: -\$742,233

- Previously planned Community Park, Southwest quadrant – acquisition and improvements
- Covers all impact fees expiring through 2028 and relies on significant future park impact fees
- Large match requirement (\$5.5M)

Figure 7: Scenario D

Scenario D - Implement CORP by Improving Waste Management Property as Community Park				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
		100%	36%	64%
Community Park, Waste Management Property (168.1 acres)	Park Improvements	\$ 5,400,000	\$ 1,944,000	\$ 3,456,000
	Total	\$ 5,400,000	\$ 1,944,000	\$ 3,456,000

Park Impact Fees Remaining: \$409,767

- Utilize funds to improve Waste Management lands to be donated to the City
- Covers impact fees through 2026 future projects needed to utilize remaining park impact fee balance
- Large match requirement (\$3.4M)

Figure 8: Scenario E

Scenario E - Implement CORP with 60-Acre Community Park and Trails				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
Community Park (60 acres)		100%	36%	64%
	Land Acquisition	\$ 2,400,000	\$ 864,000	\$ 1,536,000
Trails	Land Acquisition & Trail Improvement	\$ 3,000,000	\$ 1,860,000	\$ 1,140,000
	Total	\$ 5,400,000	\$ 2,724,000	\$ 2,676,000

Park Impact Fees Remaining: -\$370,233

- Previously planned Community Park, Southwest quadrant – acquisition only
- Previously planned Trails – acquisition and/or improvement
- Covers all impact fees expiring through 2028 and relies on future park impact fees

Figure 9: Scenario F

Scenario F - Implement CORP with 60-Acre Community Park & Improve a Neighborhood Park				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
Community Park (60 acres)	Land Acquisition	100%	36%	64%
		\$ 2,400,000	\$ 864,000	\$ 1,536,000
Neighborhood Park, Existing or Previously Planned	Park Improvements (Pickleball, Ice Rink, etc.)	100%	80%	20%
		\$ 3,350,000	\$ 2,680,000	\$ 670,000
Total		\$ 5,750,000	\$ 3,544,000	\$ 2,206,000

Park Impact Fees Remaining: -\$1,190,233

- Previously planned Community Park, Southwest quadrant – acquisition only (land bank for future improvement)
- Add new facilities to existing Neighborhood Parks (new growth)
- Covers all impact fees expiring through 2028 and relies on significant future park impact fees

Figure 10: Scenario G

Scenario G - Diverge from CORP with 25-Acre Neighborhood Park				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
		100%	80%	20%
Neighborhood Park, Not Previously Planned (25 acres)	Land Acquisition	\$ 1,000,000	\$ 800,000	\$ 200,000
	Park Improvements	\$ 1,500,000	\$ 1,200,000	\$ 300,000
	Total	\$ 2,500,000	\$ 2,000,000	\$ 500,000

Park Impact Fees Remaining: \$353,767

- New (not previously planned) Neighborhood Park, Southwest quadrant – acquisition and improvements
- Covers all impact fees expiring through 2026; future projects needed to utilize remaining park impact fee balance
- Much smaller match requirement due to higher percentage eligible for impact fees

Figure 11: Scenario H

Scenario H - Trails and Diverge from CORP with 25-Acre Neighborhood Park				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
		100%	80%	20%
Neighborhood Park, Not Previously Planned (25 acres)	Land Acquisition	\$ 1,000,000	\$ 800,000	\$ 200,000
	Park Improvements	\$ 1,500,000	\$ 1,200,000	\$ 300,000
Trails	Land Acquisition & Trail Improvement	100%	62%	38%
		\$ 2,350,000	\$ 1,457,000	\$ 893,000
	Total	\$4,850,000	\$ 3,457,000	\$1,393,000

Park Impact Fees Remaining: -\$1,103,233

- New (not previously planned) Neighborhood Park, Southwest quadrant – acquisition and improvements
- Previously planned Trails – acquisition and/or improvement
- Neighborhood Park match requirement of \$500K; smaller total match requirement due to higher percentage eligible for impact fees
- Covers all impact fees expiring through 2028 and relies on significant future park impact fees

Figure 12: Scenario I

Scenario I - Trails, Improve a Neighborhood Park, and Diverge from CORP with new 25-Acre Neighborhood Park				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
		100%	80%	20%
Neighborhood Park, Not Previously Planned (25 acres)	Land Acquisition	\$ 1,000,000	\$ 800,000	\$ 200,000
	Neighborhood Park, Existing or Previously Planned	Park Improvements (Pickleball, Ice Rink, etc.)	100%	80%
\$ 2,300,000			\$ 1,840,000	\$ 460,000
Trails	Land Acquisition & Trail Improvement	100%	62%	38%
		\$ 1,500,000	\$ 930,000	\$ 570,000
	Total	\$4,800,000	\$ 3,570,000	\$1,230,000

Park Impact Fees Remaining: -\$1,216,233

- New (not previously planned) Neighborhood Park, Southwest quadrant – acquisition only (land bank for future improvement)
- Add new facilities to existing Neighborhood Parks (new growth)
- Previously planned Trails – acquisition and/or improvement
- Neighborhood Park match requirement of \$660K; smaller total match requirement due to higher percentage eligible for impact fees
- Covers all impact fees expiring through 2028

Figure 13: Scenario J

Scenario J - Improve a Neighborhood Park, and Diverge from CORP with new 25-Acre Neighborhood Park				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
		100%	80%	20%
Neighborhood Park, Not Previously Planned (25 acres)	Land Acquisition	\$ 1,000,000	\$ 800,000	\$ 200,000
Neighborhood Park, Existing or Previously Planned	Park Improvements (Pickleball, Ice Rink, etc.)	100%	80%	20%
		\$ 3,460,000	\$ 2,768,000	\$ 692,000
	Total	\$4,460,000	\$ 3,568,000	\$ 892,000

Park Impact Fees Remaining: -\$1,214,233

- New (not previously planned) Neighborhood Park – acquisition only (land bank for future improvement)
- Add new facilities to existing Neighborhood Parks (new growth)
- Neighborhood Park match requirement of \$892K; smaller total match requirement due to higher percentage eligible for impact fees
- Covers all impact fees expiring through 2028 and relies on significant future park impact fees

The “Do Nothing” Scenario

If the City does not spend the funds that are set to expire at the end of 2022, it will have to rebate the funds with interest. This option creates many technical, legal, and logistical challenges of its own. For example, the City would have to determine how much needs to be rebated, what interest has accrued, and what person or entity to send the funds to. State law has clarified that the funds cannot be rebated to the current owner of the dwelling unit that was charged the impact fee, rather it must be provided to the entity that originally paid the impact fee. In some cases, those firms may no longer exist or may have reorganized. The effort associated with properly rebating the funds would be very costly and time-consuming.

In order to avoid a rebating situation in the future, the City should continually revisit and update the Parkland Acquisition Strategy and park impact fee spending plan. This process should occur on an annual basis or whenever park impact fees are utilized or accumulated in order to ensure that the City always has a proactive plan for spending park impact fees well in advance of their expiration date. This process also should occur in conjunction with the annual City budgeting process to ensure that matching funds are available when needed.

Staffing and Maintenance Needs

There are many different ways to determine staffing and maintenance needs for additions to the City’s parks system. As the specifics of the future park(s) to be acquired are yet to be determined, it is difficult to provide a precise estimate. One approach is to consider the Parks Department’s current budget as compared to the number of park acres currently maintained by the Parks Department and extrapolate the proportional budget impact that would be created by a new park. Based on a five-year average of Parks Department budgets (2017-2021) that support roughly 251 acres of parkland, the budgetary impact of a new park would be \$687 per acre per year. Accordingly, a new 25-acre park would have an annual budget impact of \$17,175, which includes personnel, equipment, contractual services, and other services. This assumes that in the future the Parks Department will provide a level of service and maintenance comparable to that of the past five years.

Fig. 6: Parks Dept. Budget, 2017-2021

	Dept 0551 - Parks Budget	Park Acres Maintained
2017	\$167,684	250.3
2018	\$151,914	251.5
2019	\$160,702	251.5
2020	\$186,448	251.5
2021	\$196,343	251.5
Average	\$172,618	251.3
Annual Budget per Acre		\$687
Annual Budget Impact of a 25-acre Park:		\$17,175

If the future park were to have higher than average maintenance needs, perhaps because of specialized facilities or an especially high level of use, this figure could be higher. This exercise is intended to provide an “order of magnitude” impact on the future Parks Department budget, considering the many factors that are still unknown or yet to be determined.

Recommendations for the Future Consideration

- Update the Comprehensive Outdoor Recreation Plan, particularly to reflect current needs for new parks and recreational facilities within the City and to maintain eligibility for state and federal recreational grants. When updating the CORP, consider the percentage that each park project is eligible to be funded through park impact fees.
- Consider updating City’s General Land Division Provisions in the Unified Development Ordinance to include a parkland dedication ordinance fee in lieu of dedication and park improvement impact fee. Consider a policy that places preference on the dedication of land (rather than payment of park impact fees) to acquire parkland as development occurs.
- Update the City’s Official Map (Chapter 58 of Franklin Municipal Code) to reserve land for future parks and recreation trails recommended in the Comprehensive Outdoor Recreation Plan, as provided for in Wis. Stat. 66.23(6).
- Considering that trail development is a priority, the City should require developers to dedicate trails on an outlot as development occurs or as land is platted. A comprehensive map of desired trails such as an Official Map will be important to achieve this. To ensure implementation, the City will need communicate this policy to all department heads involved in the development review process.
- In order to encourage the use of outside funds for parkland acquisition and improvements, consider revising City policies to allow outside funding sources such as grants to be used as the City matching funds when park impact fees are used.

Appendix:

- A. Franklin School District Recreational Facilities
- B. Table of Funding Resources
- C. City of Franklin Public Facilities Needs Assessment and Impact Fee Study (excerpt)
- D. City of Franklin Resolution 2016-7177, Extending Time Limit for Using Impact Fees
- E. Annotated Bibliography

Maps: Citywide Existing Park/Service Area

Citywide Park Service Area & Adopted Land Use Plan

Cityside Park Service and Environmental Constraints

Southwest Quadrant Environmental Constraints

Southwest Quadrant Environmental Constraints & Existing Land Use

Southwest Quadrant Environmental Constraints & Adopted Land Use Plan

Appendix A. Franklin School District Recreational Facilities

Existing Facilities:

Franklin School District Facilities are available to the community with some restrictions. They are not available during school hours. The following spaces are available:

- Saber Center for the Performing Arts
- Franklin High School Stadium
- All Elementary Schools: multi-purpose rooms, gyms, outdoor green spaces (soccer fields, baseball diamonds), libraries, and classrooms after 4 p.m.
- Forest Park Middle School: gym, main commons, and certain classrooms after 4 p.m.
- Franklin High School: multi-purpose room, library, gym, cafeteria, and classrooms after 4 p.m.

Franklin School District generally relies on public facilities for recreational programming.

Planned Facilities: Within the next few years, Franklin School District intends to develop more multiuse athletic fields west of Forest Park Middle School in order to meet the District's growing need for open play spaces for soccer, etc.

The District also is aware of the potential need to find or add tennis courts to support the District's tennis program, should current arrangements that provide the District access to tennis courts be changed.

Appendix B: Table of Funding Resources

Program	Purpose	Funding Details	Deadline (Check Agency Guidelines)	Notes	Admin. Agency	Contact
Wisconsin Stewardship Programs						
Aids for the acquisition and development of local parks (ADLP)	To acquire or develop public nature-based outdoor recreation areas and facilities.	<ul style="list-style-type: none"> ▪ 50% local match per project. 	May 1	<ul style="list-style-type: none"> ▪ A comprehensive outdoor recreation plan is required. ▪ Projects must comply with ADA. 	Wisconsin DNR	Sara deBruijn Southeast Region (414) 897-5704
Urban Greenspace Program (UGS)	To acquire land to provide natural space within or near urban areas or to protect scenic or ecological features.	<ul style="list-style-type: none"> ▪ 50% local match per project. 	May 1	<ul style="list-style-type: none"> ▪ A comprehensive outdoor recreation plan is required. ▪ Projects must comply with ADA. 	Wisconsin DNR	Sara deBruijn Southeast Region (414) 897-5704
Acquisition of Development Rights	To acquire development rights for nature-based outdoor recreation areas and facilities.	<ul style="list-style-type: none"> ▪ 50% local match per project. 	May 1	<ul style="list-style-type: none"> ▪ Funds are available to acquire development rights (easements) in areas where restrictions on residential, industrial, or commercial development are in place. ▪ May include enhancements of nature-based outdoor recreation. 	Wisconsin DNR	Sara deBruijn Southeast Region (414) 897-5704
Urban Rivers Grant Program (URGP)	To acquire lands or rights in lands adjacent to urban rivers for the purpose of preserving or restoring them for economic revitalization or nature-based outdoor recreation activities.	<ul style="list-style-type: none"> ▪ 50% local match per project. 	May 1	<ul style="list-style-type: none"> ▪ A comprehensive outdoor recreation plan is required to participate. ▪ Projects must comply with ADA. 	Wisconsin DNR	Sara deBruijn Southeast Region (414) 897-5704
Federal Programs						
Land and Water Conversation Fund (LWCF)	To acquire or develop public outdoor recreation areas and facilities.	<ul style="list-style-type: none"> ▪ 50% local match per project. ▪ Land acquisition. 	May 1	<ul style="list-style-type: none"> ▪ A comprehensive outdoor recreation plan is required to participate. ▪ Development of recreational facilities. 	Wisconsin DNR	Sara deBruijn Southeast Region (414) 897-5704
Recreational Trails Program (RTP)	To provide funds for maintenance, development, rehabilitation, and acquisition of land for motorized, non-motorized, and diversified trails.	<ul style="list-style-type: none"> ▪ 50% local match per project. ▪ Maintenance and restoration of existing trails. ▪ Development and rehabilitation of trailside and trailhead facilities and trail linkages. ▪ Construction of new trails (with certain restrictions on federal lands). ▪ Acquisition of easement or property for trails purchase. 	May 1	<ul style="list-style-type: none"> ▪ Funds may only be used on trails which have been identified in or which further a specific goal of a local, county or state trail plan. ▪ Eligible trails include water trails identified by WDNR. ▪ Funds may be used on trails that are referenced in a statewide comprehensive outdoor recreation plan. 	Wisconsin DNR	Sara deBruijn Southeast Region (414) 897-5704

Program	Purpose	Funding Details	Deadline (Check Agency Guidelines)	Notes	Admin. Agency	Contact
		<ul style="list-style-type: none"> Awards may not exceed \$45,000 				
Statewide Multi-Modal Improvement Program						
Transportation Alternatives Program (TAP)	Bicycle and pedestrian facilities (on and off street); Safe Routes to School; safe routes for non-drivers; rails to trails conversion; construction of turnouts, overlooks, and viewing areas; historic preservation/rehab of historic transportation facilities.	<ul style="list-style-type: none"> 20% local match per project. Federal minimum of \$300,000 including design. 	<ul style="list-style-type: none"> January typically Every other year 	<ul style="list-style-type: none"> Federal funds administered through WisDOT. Incorporates three WisDOT multimodal transportation improvement programs: Safe Routes to School (SRTS), Transportation Enhancements (TE), and the Bicycle & Pedestrian facilities program (BFPF). 	WisDOT Regional Office	Southeast Region: Jacob Varnes (262) 548-8789
Surface Transportation Program (STP)	Road improvement funds, which can be spent on a wide variety of projects, including roadway projects, bridges, transit facilities, and bicycle and pedestrian facilities.	<ul style="list-style-type: none"> Funded through FAST Act. 80%/20%. 20% required match (funds are not awarded upfront but are reimbursed). 	<ul style="list-style-type: none"> July 6-year project cycle 	<ul style="list-style-type: none"> Facilities for pedestrians and bicycles. System-wide bicycle planning. Three sub-programs: Urban, Rural, Bridges. 	WisDOT	Southeast Region: Jacob Varnes (262) 548-8789
Federal Transit Administration Grants						
Capital Investment Grants	Transit capital projects; includes intermodal facilities such as bicycle racks on buses and bicycle parking at transit stations; most funds are to be directed toward transit itself.	<ul style="list-style-type: none"> Discretionary local match. 	Early spring	<ul style="list-style-type: none"> Funding for this program is allocated on a discretionary basis and requires a multi-year process. 	WisDOT	Aileen Switzer (608)266-5791
Congestion Mitigation and Air Quality (CMAQ) Improvement Program	Funds projects that will reduce vehicle trips and miles, reduce emissions because of traffic congestion, or reduce the per mile rate of vehicle emissions.	<ul style="list-style-type: none"> 20% local match per project (funds are not awarded upfront but are reimbursed). 	April - June	<ul style="list-style-type: none"> Limited to Milwaukee, Kenosha, Racine, Ozaukee, Waukesha, Washington, Sheboygan, Kewaunee, Manitowoc, Walworth, and Door Counties. 	Federal Transit Authority WisDOT SEWRPC	Southeast Region: Jacob Varnes (262) 548-8789
Federal Highway Administration Safety Funds						
Highway Safety Improvement Program (HSIP)	Funds safety projects at sites that have experienced a high crash history. Emphasis is on low-cost options that can be implemented quickly, including intersection improvements.	<ul style="list-style-type: none"> 10% local match per project. 	August	<ul style="list-style-type: none"> Communities must include 5 years of crash data. 	WisDOT	Southeast Region: Jacob Varnes (262) 548-8789

US Department of Transportation

Rebuilding American Infrastructure with Sustainability and Equity (RAISE)	Investment in road, rail, transit, and port projects. Funding for multi-modal, multi-jurisdictional projects.	<ul style="list-style-type: none"> 20% local match per project. 	Spring/Summer	<ul style="list-style-type: none"> Eligible for transit agencies, port authorities, MPOs, and state and local governments. 	US DOT	(202) 366-0301
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Other Sources

Wisconsin Main Street and Connect Communities Program	Comprehensive downtown revitalization program, which includes streetscape improvements.	<ul style="list-style-type: none"> \$250,000 available annually. 	No specific date	<ul style="list-style-type: none"> General downtown program. May benefit trail enhancements through streetscaping. 	Wisconsin Economic Dev. Corporation (WEDC)	WEDC Regional Office (608) 210-6787
Urban Forestry Grants - Regular	Assistance for tree maintenance, planting, and public awareness.	<ul style="list-style-type: none"> \$1,000 to \$25,000 grants awarded with a 50% local match. Match may include in-kind services and donations. 	October 1	<ul style="list-style-type: none"> Projects begin January 1 of the following year and must be completed within one calendar year. 	Wisconsin DNR Urban Forestry	Nicolle Spafford (715) 453-2188 ext 174
Urban Forestry Grants – Startup	Assistance for small projects focused on initial steps in community tree care and management.	<ul style="list-style-type: none"> \$4,000 to \$50,000. Applicant may request 50% advance payment. 	Within 60 days of a state emergency declaration	<ul style="list-style-type: none"> Projects must be completed within 365 days after governor's emergency declaration. 	Wisconsin DNR Urban Forestry	Nicolle Spafford (715) 453-2188 ext 174
Urban Forestry Grants – Catastrophic Storm	Assistance with tree repair, removal, or replacement within urban areas following a catastrophic storm event.	<ul style="list-style-type: none"> \$1,000 to \$25,000 grants awarded with a 50% local match. Match may include in-kind services and donations. 	October 1	<ul style="list-style-type: none"> Projects begin January 1 of the following year and must be completed within one calendar year. 	Wisconsin DNR Urban Forestry	Nicolle Spafford (715) 453-2188 ext 174
Bicycle Infrastructure & Advocacy Grant	Grants to build infrastructure that makes it easier for all people to ride bikes in their communities, including bike paths, bike lanes, trails, bridges, parking, and storage. Can also fund programs and initiatives that advocate for bikes and transform streets for bikes.	<ul style="list-style-type: none"> Up to \$10,000 or up to 50% of project cost. No specific match amount, but leverage required. 	April and October	<ul style="list-style-type: none"> Applications should include performance metrics for measuring project success. 	People for Bikes	Zoe Kircos (702) 726-3335

Aquatic Restoration Programs

Surface Water Grant Program	Supports education and planning projects and management projects to help communities understand surface water conditions and protect and improve water quality and aquatic habitat.	<ul style="list-style-type: none"> Funding caps and match requirements vary by project type. Over \$6 million provided annually. 	November 1	<ul style="list-style-type: none"> Some projects require an approved recommendation in a management plan to be eligible. 	Wisconsin DNR	Alison Miklyuk (608) 264-8947
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Public Facilities Needs Assessment and Impact Fee Study



PREPARED FOR:

City of Franklin

9229 W. Loomis Rd
Franklin, WI 53132

PREPARED BY:

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4001 Nakoosa Trail, Suite 200
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Public Facilities Needs Assessment and Impact Fee Study

March 2020



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PARKS FACILITIES

Franklin plans to continue to impose impact fees to fund parks facility improvements. Parks impact fees were last updated by R/M in 2015.

Table 5 inventories existing parks facilities.

Regional and Multi-Community Parks		Area (Acres)	Mini Parks		Area (Acres)
Root River Parkway		2,166	Lions Baseball Field		9
Whitnall Park		388	Cascade Creek		9
Oakwood Park and Golf Course		278	Friendship		2
Milwaukee County Sports Complex		132	Glen Meadows		1
Crystal Ridge		92	Dr. Lynette Fox Memorial		0.4
Franklin Park		165	Ken Windl		7
Grobschmidt Park		143	Subtotal		28
Subtotal		3,364			
Community Parks		Area (Acres)	Special Parks		Area (Acres)
Lion's Legend Park		38	Franklin Woods Nature Center		40
Froemming Park		16	Franklin Little League Complex		26
Franklin High School		77	Meadowlands Park		15
Forest Park Middle School and District Office		40	Ernie Lake		14
Subtotal		171	Mission Hills Neighborhood Wetlands		14
			Market Square		1
			Victory Creek		85
			Subtotal		194
Neighborhood Parks		Area (Acres)	Grand Total (Acres)		3,881
St. Martins Robinwood		19			
Pleasant View		24	Site Name	Length (Linear Feet)	
Jack E. Workman		12	Connecting Trail System (City Controlled)		50,504
Southwood Glen		9			
Christine Rathke Memorial		7			
Pleasant View Elementary School		14			
Ben Franklin Elementary School		12			
Country Dale Elementary School		10			
Southwood Glen Elementary School		9			
Robinwood Elementary School		8			
Subtotal		124			

Table 6 shows spending by year for parks projects through 2030. These cost estimates were provided by City staff for the last impact fee update and were adjusted by R/M to reflect annual inflation. The timing for several projects has been adjusted to reflect the 2020 budget and more recent planning.

Public Facilities Needs Assessment and Impact Fee Study

Table 6 - Previously Planned Parks Projects Detail
Parks and Recreation Facilities Needs Assessment
Capital Improvement Plan

Improvement / Land Acquisition	Park Type	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	Total
Southwest Park-Development	Community						2,848,807	2,848,807					5,697,613
Planned Trails, Bicycle Routes & Linkages-Development	Connecting Trail Facilities	350,000	507,356	507,356	507,356	507,356							2,379,425
Pleasant View Neighborhood Park-Development	Neighborhood	150,000											150,000
Christine Rathke (Formerly Quarry View Park)-Development	Neighborhood	2,027											2,027
Forest Hill Neighborhood Park--Development	Neighborhood				1,757,770								1,757,770
Hillcrest Neighborhood Park-Development	Neighborhood			2,147,757									2,147,757
Mini-Park #1	Mini							347,603					347,603
Mini-Park #2	Mini							347,603					347,603
Mini-Park #3	Mini								347,603				347,603
Mini-Park #4	Mini									347,603			347,603
Mini-Park #5	Mini										347,603		347,603
Meadowlands Park-Development	Special	42,156											42,156
Franklin Woods Nature Center--Development	Special					756,282							756,282
Mission Hills Neighborhood Wetlands-Development	Special	47,299											47,299
Mahr Woods Special Park-Development	Special											207,931	207,931
Park Improvements - Development	Community	250,000	278,358										528,358
All-Inclusive Park - Development	All-Inclusive	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total		\$841,482	\$785,714	\$2,655,114	\$2,265,127	\$1,263,639	\$2,848,807	\$3,544,013	\$347,603	\$347,603	\$347,603	\$207,931	\$15,454,636

Notes:
Projects and associated costs provided by City of Franklin Staff
Costs adjusted for annual inflation from 2015 to 2020 using ENR's Construction Cost Index

Public Facilities Needs Assessment and Impact Fee Study

The project Park Improvements refers to upgrades needed to existing facilities in any park to accommodate new growth. These improvements include such items as lighted or unlighted tennis courts, dog parks, splashpads, restrooms, and fitness stations. They expand park features and are not maintenance or replacement of existing park features.

Table 7 summarizes the total costs and shows acres for each project except for trails, which are measured in linear feet.

Table 7 - Previously Planned Parks Projects Summary		
Project	Cost	Acres
Community Parks		
Southwest Park-Development	\$ 5,697,613	200
Park Improvements - Development	528,358	-
Subtotal	6,225,971	200
Neighborhood Parks		
Forest Hill Neighborhood Park--Development	1,757,770	40
Pleasant View Neighborhood Park-Development	150,000	14
Christine Rathke (Formerly Quarry View Park)-Development	2,027	9
Hillcrest Neighborhood Park-Development	2,147,757	20
Subtotal	4,057,555	83
Mini Parks		
Mini-Park #1	347,603	3
Mini-Park #2	347,603	3
Mini-Park #3	347,603	3
Mini-Park #4	347,603	3
Mini-Park #5	347,603	3
Subtotal	1,738,016	15
Special Parks		
Meadowlands Park-Development	42,156	15
Mission Hills Neighborhood Wetlands-Development	47,299	15
Franklin Woods Nature Center--Development	756,282	40
Mahr Woods Special Park-Development	207,931	30
Subtotal	1,053,669	100
Trails		
Planned Trails, Bicycle Routes & Linkages-Development	2,379,425	43,547
Subtotal	2,379,425	43,547
Total \$ 15,454,636		

The total cost for planned projects in the update from 2015 exceeded \$29.3 million. Several of these projects have been completed since the update. The community center had to be removed from consideration for impact fees because of changes in state law.

Table 8 shows how much of Franklin's previously planned projects are eligible to be funded through impact fees. These cost percentages from the prior study apply only to the previously planned projects. (New projects would use the process described below for Tables 12 through 14 to determine the percentages that would be eligible for impact fees for these projects.)

Community Parks	36%
Neighborhood Parks	47%
Mini Parks	43%
Special Parks	36%
Trails	62%

Taking the costs from Tables 6 and 7 and applying the percentages from Table 8 produce the following costs in Table 9.

Category	Total Project Cost	% Eligible	\$ Eligible
Community Parks	\$ 6,225,971	36%	\$ 2,241,350
Neighborhood Parks	4,057,555	47%	1,907,051
Mini Parks	1,738,016	43%	747,347
Special Parks	1,053,669	36%	379,321
Trails	2,379,425	62%	1,475,244
Total			\$ 6,750,312

Impact fees are calculated in Table 10. The existing fund balance for parks impact fees is deducted from the eligible costs since those dollars were already collected to pay for these projects. The population forecast runs only through 2030 to match the planning period for the projects.

Public Facilities Needs Assessment and Impact Fee Study

Table 10 - Parks Impact Fees

Forecast 2030 Population	39,406
Estimated Current Population	<u>36,516</u>
Population Growth	2,890
Costs Eligible for Impact Fees	\$ 6,750,312
Less Existing Park Fund Balance	4,982,477
Costs to be Charged through Impact Fees	\$ 1,767,835
Recommended Fee per Person	\$ 612

Development Type	Assumed People per Unit	Forecast Units	People per Development Type	Recommended Fee per Development Type	Total Forecast Fees
Single-family or Two-family Dwelling Unit *	3.08	723	2,225	\$ 1,883	\$ 1,361,233
Multi-family Dwelling Unit **	2.00	<u>332</u>	665	\$ 1,223	406,602
Total		1,055	2,890		\$ 1,767,835

* Extrapolated based on US Census data and Milwaukee Metropolitan Sewage District data.
 ** Assumes 2 people per unit on average.

The recommended fees are less than the current fees because many of the projects proposed in the prior study have been completed, and no new ones have been added.

If any new projects are added, this study can be amended by completing the tables below. New projects would use the same standards, but the inventory would include all the planned projects, and the forecast would include growth through 2040. The new projects would be added in the column Additions, and the financial model would calculate what share of the projects would be eligible to be recovered through impact fees. The population forecast in Table 11 runs to 2040 for new projects since these projects may occur beyond 2030.

Table 11 - Service Standards for New Parks Projects

Category	Service Standard (per 1,000 Population)	Population		2040 Population	
		Estimate	Current Goal	Estimate	2040 Goal
Regional and Multi-Community Parks (Acres)	92	36,516	3,364	43,576	4,014
Community Parks (Acres)	10		371		443
Neighborhood Parks (Acres)	6		206		246
Mini Parks (Acres)	1		43		51
Special Parks (Acres)	10		378		452
Trails (Linear Feet)	2,576		94,051		112,235

Category	Inventory including Planned Projects	Current Deficiency	Additions	New Growth Additions	Portion Eligible for Impact Fees
Regional and Multi-Community Parks (Acres)	3,364	-	-	-	N/A
Community Parks (Acres)	371	-	-	-	N/A
Neighborhood Parks (Acres)	206	-	-	-	N/A
Mini Parks (Acres)	43	-	-	-	N/A
Special Parks (Acres)	378	-	-	-	N/A
Trails (Linear Feet)	94,051	-	-	-	N/A

* Standards are based on recommendations in Franklin's Comprehensive Outdoor Recreation Plan

Public Facilities Needs Assessment and Impact Fee Study

The Portion Eligible for Impact Fees, along with the estimated project costs, would then be used to calculate the dollar value of the what can be charged through impact fees. The new tables would be in the same format as Tables 9 and 10. The calculations to derive the fees would include only the portions of projects that address serve new growth; impact fees cannot recover costs designed to address existing deficiencies. The calculations would also exclude any portion of a project that would exceed 2040 goals.

All the standards are defined with respect to population. The standards are based on the recommendations in Franklin’s latest Comprehensive Outdoor Recreation Plan.

The next 3 tables and explanations are an example of how the fees could be updated if new projects are added. The example projects are not recommendations, just examples to illustrate how the amendment process would work.

Suppose that in addition to the projects in Table 6, Franklin decides to build 50 acres of neighborhood parks, 2 mini parks for a total of 6 acres, and 30,000 linear feet of trails. The financial model would then apply the existing standards to these new projects to calculate the Portion Eligible for Impact Fees. Table 12 below shows the outcome.

Table 12 - Service Standards for EXAMPLE New Projects

Category	Service Standard (per 1,000 Population)	Population		Population 2040	
		Estimate	Current Goal	Estimate	Goal
Regional and Multi-Community Parks (Acres)	92	36,516	3,364	43,576	4,014
Community Parks (Acres)	10		371		443
Neighborhood Parks (Acres)	6		206		246
Mini Parks (Acres)	1		43		51
Special Parks (Acres)	10		378		452
Trails (Linear Feet)	2,576		94,051		112,235
					Portion Eligible
Category	Inventory with Planned Projects	Current Deficiency	Additions	New Growth Additions	for Impact Fees
Regional and Multi-Community Parks (Acres)	3,364	-	-	-	N/A
Community Parks (Acres)	371	-	-	-	N/A
Neighborhood Parks (Acres)	206	-	50	40	80%
Mini Parks (Acres)	43	-	6	6	100%
Special Parks (Acres)	378	-	-	-	N/A
Trails (Linear Feet)	94,051	-	30,000	18,184	61%

* Standards are based on recommendations in Franklin’s Comprehensive Outdoor Recreation Plan

Since a part of both the neighborhood parks projects and the trails projects would exceed the standards, only some of those costs would be eligible for impact fees.

Suppose that the neighborhood parks would cost \$2,500,000, the mini parks would cost \$800,000, and the 30,000 feet of trails would cost \$400,000. Inputting the costs into the financial model produces the results in Table 13 below. The Portion Eligible for Impact Fees from Table 12 above equals % Eligible in Table 13. Applying those percentages yields the total cost eligible for impact fees from the new projects.

Public Facilities Needs Assessment and Impact Fee Study

Category	Total Project Cost	% Eligible	\$ Eligible
Regional and Multi-Community Parks	\$ -	N/A	TBD
Community Parks	-	N/A	TBD
Neighborhood Parks	2,500,000	80%	1,993,721
Mini Parks	800,000	100%	800,000
Special Parks	-	N/A	TBD
Trails	400,000	61%	242,451
Total			\$ 3,036,172

Adding new projects would cause the impact fees to go up. In this example, an incremental \$3,036,172 would be added to Table 10's existing Costs Eligible for Impact Fees. Table 14 below matches Table 10 except the Costs Eligible for Impact Fees would rise. This rise in turn would increase the recommended impact fees below. If we assume the projects would occur sometime in the next decade, we would extend the forecast period through 2040. The longer forecast period would partially offset the higher costs because the fees would be spread among more future residents. The end result would be park impact fees would rise by 10 percent.

Forecast 2040 Population	43,576				
Estimated Current Population	36,516				
Population Growth	7,060				
Costs Eligible for Impact Fees *	\$ 9,786,484				
Less Existing Park Fund Balance	4,982,477				
Costs to be Charged through Impact Fees	\$ 4,804,007				
Recommended Fee per Person	\$ 680				
Development Type	Assumed People per Unit	Forecast Units	People per Development Type	Recommended Fee per Development Type	Total Forecast Fees
Single-family or Two-family Dwelling Unit **	3.08	1,766	5,436	\$ 2,094	\$ 3,699,085
Multi-family Dwelling Unit ***	2.00	812	1,624	\$ 1,361	1,104,922
Total		2,578	7,060		\$ 4,804,007

* Includes the \$3,036,172 from the example projects.
 * Extrapolated based on US Census data and Milwaukee Metropolitan Sewage District data.
 ** Assumes 2 people per unit on average.

Tables 12 through 14 serve only to illustrate how the existing standards, along with the existing and planned inventory, would be used to calculate impact fees for new projects. Franklin would need to amend this study with specifics of any new project to revise the parks impact fees.

**Appendix D: City of Franklin Resolution 2016-7177,
Extending Time Limit for Using Impact Fees**

A STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2016-7177

A RESOLUTION TO EXTEND BY THREE YEARS THE 10-YEAR TIME LIMIT
FOR USING PARKS, PLAYGROUNDS, AND LAND FOR ATHLETIC FIELDS
IMPACT FEES COLLECTED AFTER APRIL 10, 2006

WHEREAS, the Common Council adopted Ordinance No. 2015-2175, An Ordinance to Amend Section 92-9 of the Municipal Code Pertaining to Impact Fees for Parks, Playgrounds, and Other Recreational Facilities and Pertaining to Refund of Impact Fees Procedures,” which updated the refund of impact fees procedures for consistency with State statues thereby incorporating the authority to extend the 10-year time limit for using impact fees by an additional 3 years subject to the Common Council adopting a resolution stating that, due to extenuating circumstances or hardship in meeting the 10-year limit, the City needs an additional 3 years to use the impact fees that were collected; and

WHEREAS, the Common Council has received and reviewed the report prepared by the Director of Administration, entitled “Report on the Application of the Statutory Authority to Approve an Extended Time Period for the Expenditure of Parks, Playgrounds, and Land for Athletic Fields Impact Fees Beyond the Initially Authorized 10-year Period for Such Fees Collected After April 10, 2006,” (which fees are hereafter called “Park Impact Fees”); and

WHEREAS, the above referenced report, which is incorporated herein by reference, provides detailed written findings that specify the extenuating circumstances or hardship that led to the need to adopt a resolution under 92-9 N., which findings conclude, in part, that multiple factors, particularly “the deepest post-World War II recession by far,” according to the International Monetary Fund, clearly created an extenuating circumstance that could reasonably be expected to create a hardship in meeting the 10-year limit to use the impact fees that were collected; and

WHEREAS, the above referenced report further provides detailed written findings supporting that it is reasonable and appropriate to conclude that due to extenuating circumstances or hardship in meeting the 10-year limit to use the impact fees, a three-year extension, the maximum allowable, should be applied to the expenditure timeframe for Park Impact Fee collections that occurred after April 10, 2006; and

WHEREAS, the above referenced report further provides detailed written findings and analysis supporting that the extension available under Section 92-9 N. par.(2) of the Municipal Code, and authorized herein upon execution, should remain in place through December 31, 2022 thereby extending the 10-year limit to use the Park Impact Fees that were collected to a 13-year limit until that date.


NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that the Common Council has reviewed the above referenced report, which is incorporated herein by reference, and concurs with the detailed written findings that specified the extenuating circumstances or hardship that led to the need to adopt this resolution.

BE IT FURTHER RESOLVED as provided for by Section 92-9 N. of the Municipal Code, in accordance with Wisconsin Statutes, and in accordance with the written findings, the 10-year time limit for using Parks, Playgrounds, and Land for Athletic Fields Impact Fees is hereby extended for three years, for impact fees collected after April 10, 2006, due to extenuating circumstances or hardship in meeting the 10-year limit and that such extension shall remain in place through December 31, 2022.

Introduced at a regular meeting of the Common Council of the City of Franklin this 1st day of March, 2016, by Alderman D. Mayer.

Passed and adopted by the Common Council of the City of Franklin this 1st day of March, 2016.

APPROVED:



Stephen R. Olson, Mayor

ATTEST:



Sandra L. Wesolowski, Director of Clerk Services

AYES 4 NOES 0 ABSENT 2 (Ald. Wilhelm & Ald. Taylor)

Appendix E: Annotated Bibliography

Parks Commission Meeting – March 8, 2021

Input from Parks Commissioners on goals for Parkland Acquisition Strategy:

- Acquire a larger, multi-purpose park (20+ acres).
 - Focus on southwest portion of city.
 - Objective is to have a multi-purpose space to host events and other activities, such as Konkel Park in Greenfield.
 - Acquire parkland sooner, develop/improve park over time.
 - Include the river that runs through Franklin Savanna.
 - Potential to acquire additional land adjacent to Franklin Savanna.
- Connect all existing trails (or as many as practical).
 - Connect with 116th Street Trail to Franklin Savanna and onward to the Oak Leaf Trail.
 - Explore other potential connections options.
- Known interest exists in adding dog park and pickleball (8+ courts) to the park system.
- Coordinate with School District on their planned facilities to avoid duplication of facilities.
- Explore need for a park department.

Parks Commission Meeting – May 10, 2021

Input from Parks Commissioners on draft outline of the Parkland Acquisition Strategy:

- General agreement exists with the parkland acquisition goals laid out in the draft outline.
- Concern expressed that City matching funds may not be available in order to spend park impact fees expiring in 2022. Frustration expressed that the funds are at risk of expiring without City action to-date.
- It would have been better if this process had occurred earlier. Not ideal to have let the park impact fees sit for as long as they have. the purpose, however, of this Parkland Acquisition Strategy is to put together a plan to guide the Common Council.
- City Administrator: The City Council is taking this very seriously and is doing capital planning in the coming months. Rebating funds is not in the plan.
- Public Works Director: Some Parks Department projects in the pipeline will use some of the expiring funds – Pleasant View Pavilion and 116th Street Trail.
- Planner: The City Council ultimately will approve how park impact fees are spent, but the Parks Commission's recommendations will be reflected in the Parkland Acquisition Strategy document. Now we need to chart a path forward that the Council could consider approving.
- The City may need a Parks Director or Park Department in the future.
- Concerns expressed about park system growth without budgeting for maintenance.
- Motion approved to send the draft outline of the Parkland Acquisition Strategy to the Plan Commission to purchase a parcel in the southwest portion of the City for future use.

Plan Commission Meeting – July 22, 2021

Input from Plan Commissioners:

- Emphasis expressed that Parks Commission input is important to the process.

- Current Comprehensive Outdoor Recreation Plan (CORP) doesn't reflect current needs of the community. Desire to update or amend the CORP.
- Confirmed need exists for parkland on the southwest side of the City. Precise location needs to be determined. Co-locating with existing open space areas could be desirable.
- Hypothetical park in the center of the city could be desirable.
- Concern expressed about outside users using City of Franklin parks at edges of the community. No consensus on whether the City should avoid locating a park close to adjoining municipalities.
- Potential exists for more intergovernmental and intermunicipal cooperation; don't duplicate efforts or facilities. Increase collaboration with Franklin School District.
- Scenario I has merit. It includes acquiring land for and improving trails and acquiring land for a new 25-acre neighborhood park and improving a new or previously planned neighborhood park.
- Discussion occurred of the need to identify the right-size parcel in the right location and the need to move quickly to acquire the land once it is identified. It only gets more difficult to acquire land as time passes. Start with natural resource areas on the southwest side.

City Council Meeting – August 17, 2021

To be completed following meeting

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COMPREHENSIVE OUTDOOR RECREATION PLAN
 MAP 4.1 EXISTING PUBLIC OUTDOOR RECREATION
 SITES: 2010

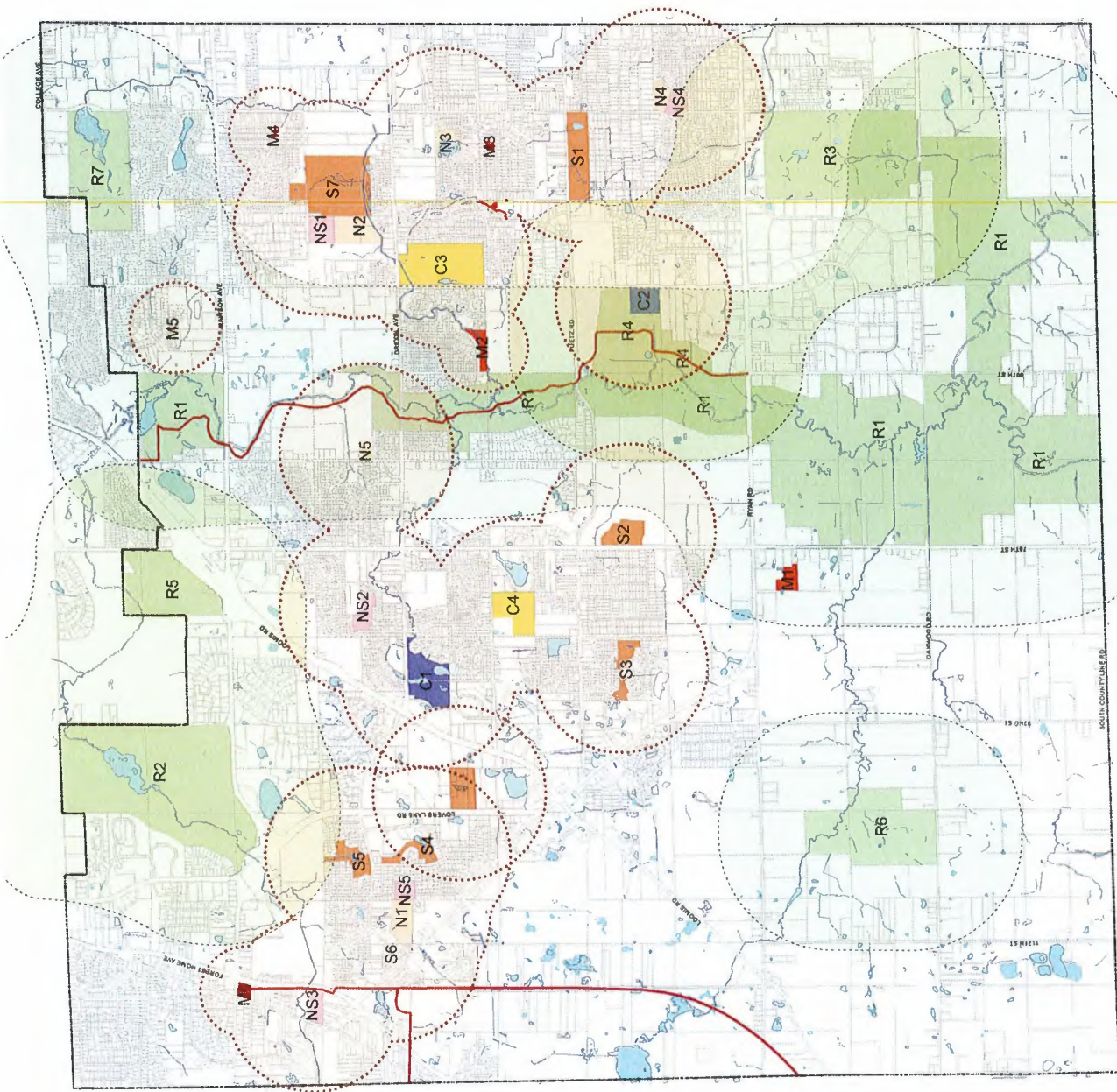
- Legend**
- City Boundary
 - Water
 - Existing Trails
- EXISTING PUBLIC PARK SITES**
- REGIONAL AND MULTI-COMMUNITY PARKS**
- R1 Root River Parkway
 - R2 Walnut Park
 - R3 Oakwood Park and Golf Course
 - R4 Milwaukee Co. Sports Park
 - R5 Crystal Ridge
 - R6 Franklin Park
 - R7 Greenwood Park
- COMMUNITY PARKS (at Park Sites):**
- C1 Leon's Legend Park
 - C2 Fernwood Park
- COMMUNITY PLAYFIELDS (at MS or HS Sites):**
- C3 Franklin High School
 - C4 Franklin Park Middle School
- NEIGHBORHOOD PARKS (at Park Sites):**
- N1 Shiloh (Robinson)
 - N2 Pleasant View
 - N3 Jack Workman Park
 - N4 Southwood Glen
 - N5 Christine Rutsko Memorial Park
- NEIGHBORHOOD PLAYGROUNDS (at ES Sites):**
- NS1 Pleasant View Elementary
 - NS2 Don Franklin Elementary
 - NS3 Country Dale Elementary
 - NS4 Southwood Glen Elementary
 - NS5 Robwood Elementary School
- MINI PARKS (at Park Sites):**
- M1 Leon's Baseball Field
 - M2 Cascade Creek Park
 - M3 Fernwood Park
 - M4 Glen Meadows Park
 - M5 Dr. Lyndis Fox Memorial Park
 - M6 Ken Voser Park
- SPECIAL PARKS:**
- S1 Franklin Woods Nature Center
 - S2 Franklin (also Lougar Complex)
 - S3 Madbrandt Park
 - S4 Erno Lake Park
 - S5 Mission Hills Neighborhood Wetlands
 - S6 Market Square
 - S7 Victory Creek Park

1/4-Mile or 1/2-Mile Park Service Radii

Regional & Multi-Community Parks

1/2-Mile Park Service Radii - Active Recreation

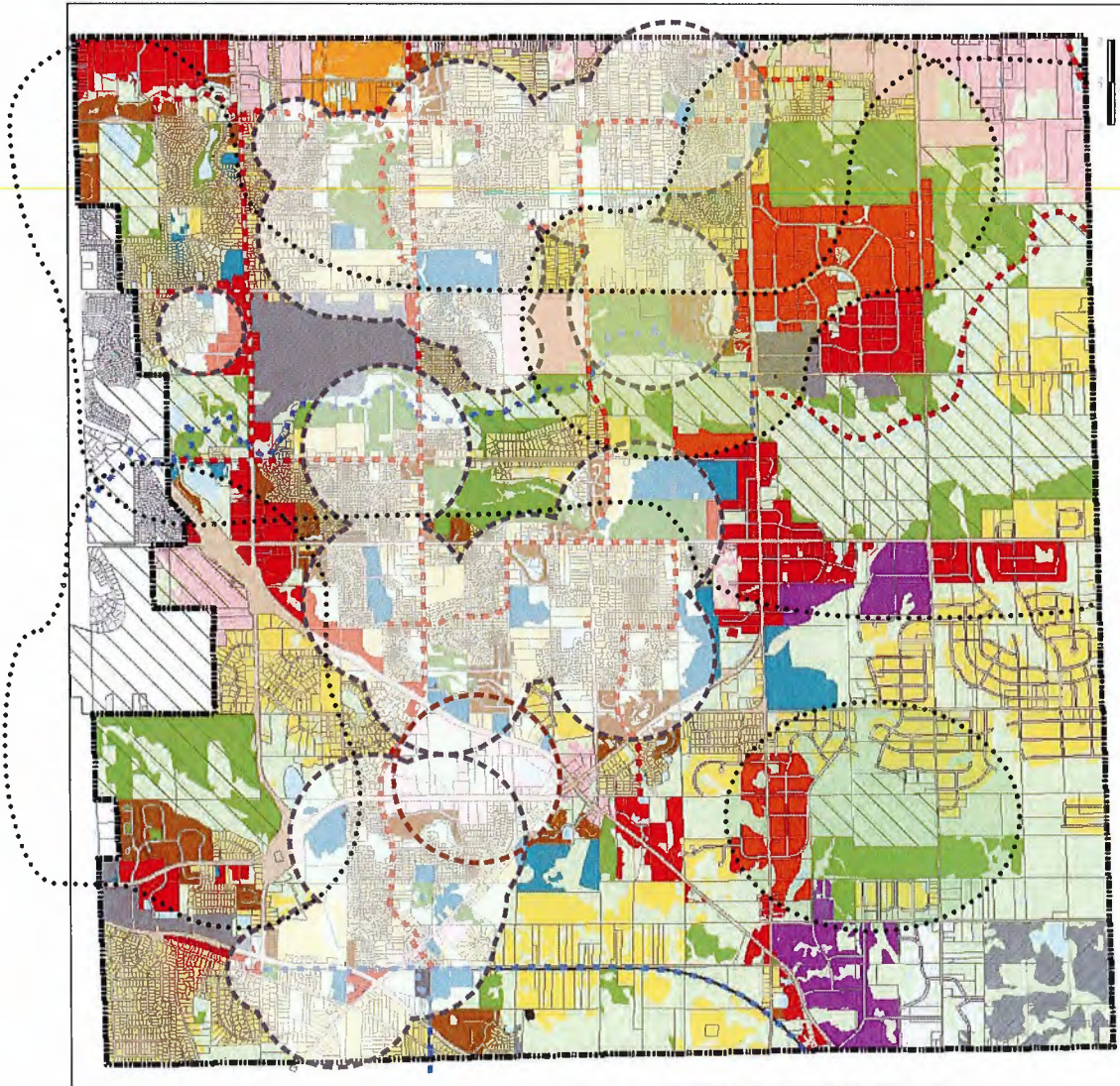
1/2-Mile Park Service Radii - Passive Recreation



Map 5.7: Future Land Use Map 2025

Future Land Use Map 2025

Map 5.7



Legend

- Future Land Use**
- Areas of Natural Resource Features
 - Business Park
 - Commercial
 - Communication and Utilities
 - Industrial
 - Institutional
 - Landfill
 - Light Manufacturing
 - Mixed Use
 - Office
 - Recreational
 - Residential
 - Residential - Multi-Family
 - Transportation
 - Water
 - Future Roads (SW Plan)
 - Existing Trail
 - Proposed Trail
 - Milwaukee County Parkway

NOTE:
The map is for informational purposes only and is not intended to be used for legal purposes. The map is not intended to be used as a legal document and does not constitute a contract. The map is not intended to be used as a legal document and does not constitute a contract. The map is not intended to be used as a legal document and does not constitute a contract.

DISCLAIMER:
The information on this map is derived from various sources and is not guaranteed to be accurate. The map is not intended to be used as a legal document and does not constitute a contract. The map is not intended to be used as a legal document and does not constitute a contract.



City of Franklin
GIS Department
8220 W. Loomis Rd.
Franklin, WI 53132
www.franklinwi.gov

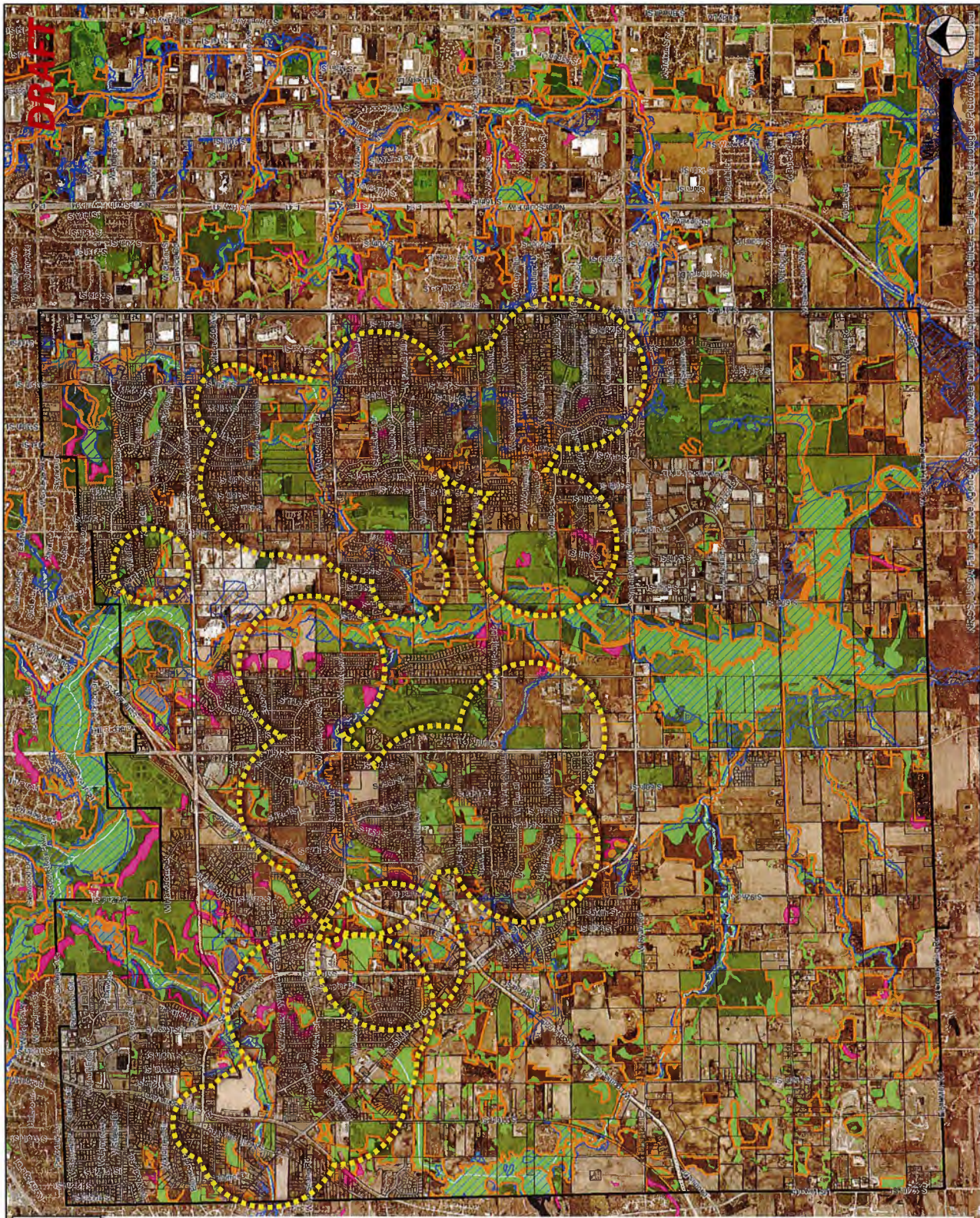
- 1/4-Mile or 1/2-Mile Park Service Radii
- 1/2 Mile Buffer-Regional & Multi-Community Parks

Natural Features

Franklin Parkland Acquisition Analysis

Franklin, Wisconsin

-  City of Franklin
-  Environmental Corridor
-  100 Year Floodplain
-  Surface Water
-  Slopes Above 12%
-  Wetlands (DNR 2005)
-  County Parks and Open Space
-  1/4-Mile or 1/2-Mile Park Service Radii



Revised: April 16, 2021
VANDEWALLE & ASSOCIATES INC.
 © 2021
 Data Sources: FEMA, SEWRPC, Milwaukee County, City of Franklin, US Census Bureau, USDA

Aerial Imagery: Google Earth; Environmental Data: Milwaukee County; Flood Data: FEMA; Wetland Data: DNR; Slope Data: USGS; City Boundary: City of Franklin; Map Design: Vandewalle & Associates Inc.

Potential Park Sites
Franklin Parkland Acquisition Analysis

Existing Land Use

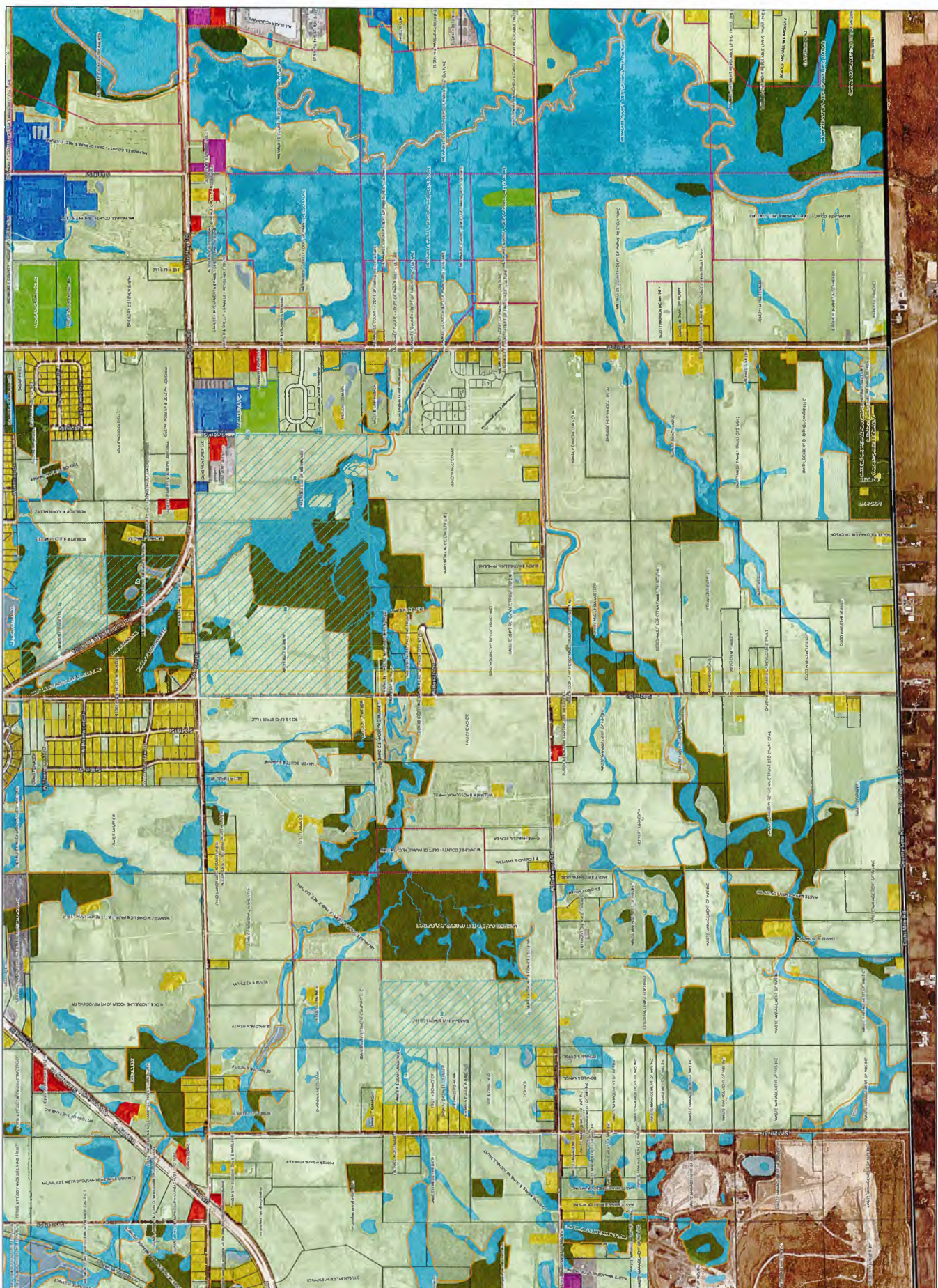
- City of Franklin
- Potential Park Sites
- City Owned Open Space
- State Land
- Franklin School District
- Components of Corridor (COPAC 2015)
- County Owned Park Land

Existing Land Use

- Executive
- Agriculture and Open Lands
- Single Family Residential
- Two Family Residential
- Multi Family Residential
- Commercial
- Industrial
- Governmental and Institutional
- Transportation, Communication, Utilities
- Recreation
- Wetlands
- Woodlands
- Surface Water
- Other Water

Scale
 0 500 Feet

Date: 03/27/2020
Drawn by: J. M. [Name]
City of Franklin, OH

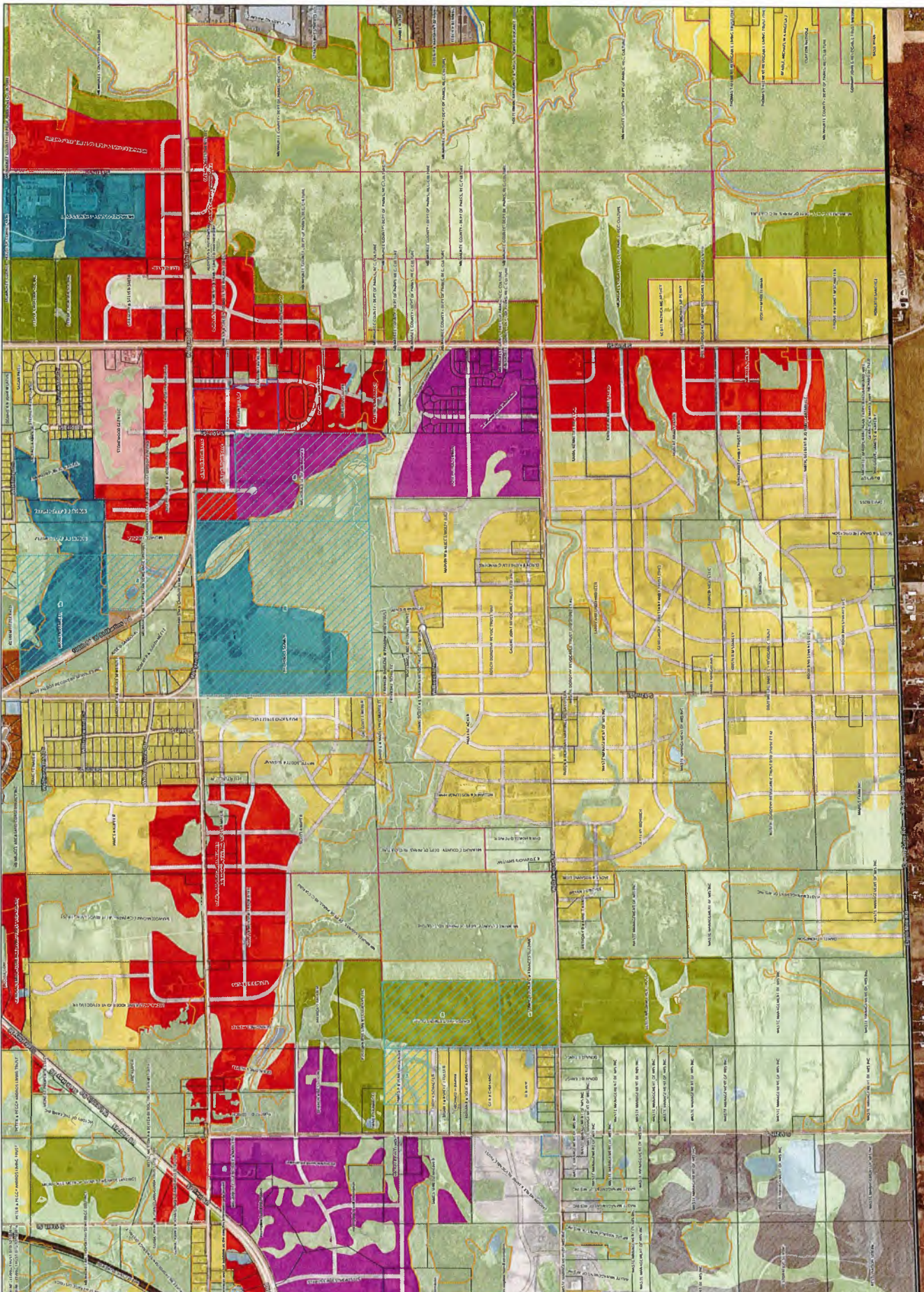


**Potential Park Sites
Franklin Parkland Acquisition Analysis
Future Land Use**

- City of Franklin
- Potential Park Sites
- City Owned Open Space
- DMR Land
- Franklin School District
- Environmental Corridor (EPA/USFWS 2015)
- County Owned Park Land
- Future Land Use - 2009
- Areas of Natural Resource Features

Commercial	Industrial	Light Manufacturing	Mixed Use	Office	Recreational	Residential - Single Family	Residential - Multi-Family	Transit/Transit Station
Communication and Utilities	Institutional	Landfill	Water	Water	Water	Water	Water	Water

500 Feet
Scale: 1" = 500 Feet
Data Sources: USGS, USFWS, Franklin County, City of Franklin, US Census Bureau, USGS



<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/17/2021</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL UPON THE APPLICATION OF VERIDIAN HOMES, LLC, APPLICANT; VH PVR LLC, OWNER FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.6.</p>

At their meeting on July 28, 2021, the Environmental Commission recommended approval of the Special Exception to natural resource provisions of the Unified Development Ordinance with, conditions as presented at their meeting and as set forth in the attached City of Franklin Environmental Commission document.

The public hearing for this item was opened at the regular meeting of the Plan Commission on August 5, 2021. Following a properly noticed public hearing, the following action was approved: motion to recommend approval of the Veridian Homes, LLC Natural Resource Features Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission and Common Council consideration of the Environmental Commission recommendations.

Draft conditions include a recommended condition No. 8 requiring that “The applicant shall provide financial sureties for a 5 year mitigation plan, per §15-4.0103.D.” The Plan Commission recommended that this surety requirement include annual updates to the Department of City Development as to the status of the mitigation.

The Plan Commission’s recommendation has been reflected in the Decision section of the attached draft Standards, Findings, and Decision document, attached here.

The request is for a Natural Resource Special Exception is for property bearing Tax Key No. 788 9981 003; the southern of the two parcels which are part of the future Pleasant view Reserve subdivision. The NRSE request is to allow for impacts to wetland, wetland buffer, and setback of Wetland 1 in the future outlot 2 of this subdivision. Impacts are due to the installation of the trail to connect to the nearby Pleasant View Park.

Additional exhibits and information submitted by the applicant are provided as exhibits under separate cover for the item “A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR PLEASANT VIEW RESERVE SUBDIVISION (AT 7475 AND 7501 SOUTH 49TH STREET)(VERIDIAN HOMES, LLC, APPLICANT; VH PVR LLC, OWNER”.

COUNCIL ACTION REQUESTED

Adopt the standards, findings and decision of the City of Franklin Common Council upon the application of Veridian Homes, LLC, Applicant; VH PVR LLC, Owner for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance.

Department of City Development: MX

City of Franklin Environmental Commission

TO: Common Council
DATE: July 28, 2021
RE: Special Exception application review and recommendation
APPLICATION: Veridian Homes, LLC, Applicant, dated: May 28, 2021
(7501 South 49th Street)

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: *§15-10.0208 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; §15-4.0101 Natural Resource Protection Standards; §15-3.0322 SW Shoreland Wetland Overlay District; and §15-11.0103 Specific Words and Phrases.*
2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions): *The request is to impact 1,431 sq.ft. of wetland area and 2,147 sq.ft. of buffer area for a proposed asphalt path crossing. See attached exhibit showing the impacted areas. The wetland fill area also includes one culvert to allow drainage through the wetland. Wetland 1 is 165,499 square feet (4.49 acres).*
3. Applicant's reason for request: *A 10' wide path to connect the Pleasant Prairie Reserve Subdivision and the City of Franklin's Pleasant View Neighborhood Park is proposed. The path is necessary to create access to and from the park. The path location is through an existing wetland area that is contiguous between the subdivision and the city park area.*
4. Applicant's reason why request appropriate for Special Exception: *To provide a path to connect the Pleasant Prairie Reserve Subdivision and the City of Franklin's Pleasant View Neighborhood Park. The path is necessary to create access to and from the park. The path location is through an existing wetland area that is contiguous between the subdivision and the city park area. This is the only access area to the city park from the subdivision. The*

path crossing is at the narrowest part of the wetland. A path location and crossing within this vicinity was previously approved via preliminary plats.

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. Wetland is degraded.*
2. Storm and flood water storage: *Not applicable; hydrology will be maintained.*
3. Hydrologic functions: *Not applicable; hydrology will be maintained.*
4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances: *Not applicable; hydrology will be maintained.*
5. Shoreline protection against erosion: *Not applicable.*
6. Habitat for aquatic organisms: *Not applicable.*
7. Habitat for wildlife: *The fill area of the wetland area will result in the loss of some area for wildlife habitat. The buffer and wetland areas are recently or currently cropped for agricultural land, so there will be no loss of wildlife area in these areas. The mitigation area will replace cropped area with added wildlife area for a net increase.*
8. Human use functional value: *Not applicable. Human use will be enhanced by a trail.*
9. Groundwater recharge/discharge protection: *Not applicable.*
10. Aesthetic appeal, recreation, education, and science value: *Not applicable.*
11. State or Federal designated threatened or endangered species or species of special concern: *Not applicable.*
12. Existence within a Shoreland: *Not applicable.*
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: *Not applicable.*

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): *This is the best option for trail access to the park from the subdivision. A boardwalk was considered, to span the wetland and buffer area. However, the boardwalk would need to be rated for emergency vehicle traffic loads. A boardwalk created for vehicle loads is structurally limited for footings to avoid wetland impact and decking and is cost prohibitive. A bridge would need a 45' long span to cross and not impact the wetland, or over 105' to span the wetland and buffer areas. A bridge with the required spans to cross the wetland areas would be cost prohibitive. There is no other way to gain access to the city park area from the subdivision without affecting wetland areas. The wetland area is continuous along the east side of the property between the subdivision and park lands.*

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: *The proposed asphalt path is cost effective for the access to the park. The other alternatives are expensive and would require maintenance and inspections. The proposed path is safer with no guardrails needed. The path would be easier to maintain for snow removal with the contiguous asphalt pavement. Also, the area to be filled is not within a high quality wetland, the wetland is a degraded forested-shrub-wet meadow infested area with reed canary grass and cattail; or*

 - b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives: *This is the best option for trail access to the park from the subdivision. A boardwalk was considered, to span the wetland and buffer area. However, the boardwalk would need to be rated for emergency vehicle traffic loads. A boardwalk created for vehicle loads is structurally limited for footings to avoid wetland impact and decking and is cost prohibitive. A bridge would need a 45' long span to cross and not impact the wetland, or over 105' to span the wetland and buffer areas. A bridge with the required spans to cross the wetland areas would be cost prohibitive.*

3. The Special Exception, including any conditions imposed under this Section will:
 - a. be consistent with the existing character of the neighborhood: *The project will provide a path to connect the Pleasant Prairie Reserve Subdivision and the City of Franklin's Pleasant View Neighborhood Park. The path is necessary to create access to and from the park. The path location is through*

an existing wetland area that is contiguous between the subdivision and the city park area. This is the only access area to the city park from the subdivision. The path crossing is at the narrowest part of the wetland. A path location and crossing within this vicinity was previously approved via preliminary plats; and

- b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: A path location and crossing within this vicinity was previously approved via preliminary plats. A 10' wide path to connect the Pleasant Prairie Reserve Subdivision and the City of Franklin's Pleasant View Neighborhood Park is proposed. The path is necessary to create access to and from the park. The path location is through an existing wetland area that is contiguous between the subdivision and the city park area; and*
- c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: The project is designed to minimize the amount of wetland impact to the greatest extent possible; 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): Not applicable.*

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: *The project will provide a path to connect the Pleasant Prairie Reserve Subdivision and the City of Franklin's Pleasant View Neighborhood Park. The path is necessary to create access to and from the park. The path location is through an existing wetland area that is contiguous between the subdivision and the city park area. This is the only access area to the city park from the subdivision. The path crossing is at the narrowest part of the wetland. A path location and crossing within this vicinity was previously approved via preliminary plats.*
- 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: *This is the best option for trail access to the park from the subdivision. A boardwalk was considered, to span the wetland and buffer area. However, the boardwalk would need to be rated for emergency vehicle traffic loads. A boardwalk created for vehicle loads is structurally limited for footings to avoid wetland impact and decking and is cost prohibitive. A bridge would need a 45' long span to cross and not impact the wetland, or over 105' to*

span the wetland and buffer areas. A bridge with the required spans to cross the wetland areas would be cost prohibitive.

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *This new subdivision will be the final end user of the surrounding lands for many years to come. The path will create a necessary connection between the new subdivision and the nearby park.*

4. Aesthetics: *The path will create a necessary connection between the new subdivision and the nearby park, as well as allow residents to enjoy the natural resources protected in this outlot of the subdivision.*

5. Degree of noncompliance with the requirement allowed by the Special Exception: *This is the best option for trail access to the park from the subdivision. A boardwalk was considered, to span the wetland and buffer area. However, the boardwalk would need to be rated for emergency vehicle traffic loads. A boardwalk created for vehicle loads is structurally limited for footings to avoid wetland impact and decking and is cost prohibitive. A bridge would need a 45' long span to cross and not impact the wetland, or over 105' to span the wetland and buffer areas. A bridge with the required spans to cross the wetland areas would be cost prohibitive.*

6. Proximity to and character of surrounding property: *Single-family residential to the north, a public school and public park to the east, single family residential to the south, and institutional/senior housing, single family residential, and Payne & Dolan quarry to the west.*

7. Zoning of the area in which property is located and neighboring area: *R-6 Suburban Single-Family Residence District; Planned Development District 22, P-1 Parkland, and I-1 Institutional District.*

8. Any negative affect upon adjoining property: *Not applicable.*

9. Natural features of the property: *The path will create a necessary connection between the new subdivision and the nearby park, as well as allow residents to enjoy the natural resources protected in this outlot of the subdivision. Overall, the wetland areas here are degraded.*

10. Environmental impacts: *The project is designed to minimize the amount of wetland impact to the greatest extent possible.*

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 Commission recommends that should the Common Council approve the Application, that such approval be subject to the following conditions:
 - a. Approval by Common Council of conservation easements for areas of preserved natural resources (§15- 4.0103.B.1.d, §15-7.0201.H) and mitigation areas (§15- 4.0103.B.1.d). RES 2021-7716 Condition 8 further requires that easements will be submitted for recording in conjunction with the Final Plat application.
 - b. All wetland buffers and all wetland setbacks shall be included within Conservation Easement.
 - c. The applicant shall revise site intensity calculations to reflect the total wetland area of Wetland 1, or provide documentation of the amount listed in site intensity calculations.
 - d. The applicant shall make all necessary technical corrections to the Natural Resource Protection Plan, subject to the approval of the Department of City Development.
 - e. The applicant shall provide financial sureties for a 5 year mitigation plan, per §15-4.0103.D.

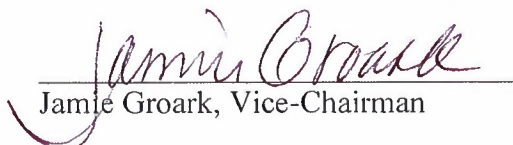
The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 28 day of July, 2021.

Dated this 4 day of August, 2021.



Linda Horn, Chairman

Attest:



Jamie Groark, Vice-Chairman

Redraft 8/06/21

Standards, Findings and Decision
of the City of Franklin Common Council upon the Application of Veridian Homes,
LLC, Applicant; VH PVR LLC, Owner for a Special Exception
to Certain Natural Resource Provisions of the City of Franklin
Unified Development Ordinance

Whereas, Veridian Homes, LLC, Applicant; VH PVR LLC, Owner, having filed an application dated May 28, 2021, 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 July 28, 2021 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 August 5, 2021 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 7501 South 49th Street, zoned R-6 Suburban Single-Family Residence 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 28, 2021, by Veridian Homes,

LLC, applicant, 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, _ this is the best option for trail access to the park from the subdivision. A boardwalk was considered, to span the wetland and buffer area. However, the boardwalk would need to be rated for emergency vehicle traffic loads. A boardwalk created for vehicle loads is structurally limited for footings to avoid wetland impact and decking and is cost prohibitive. A bridge would need a 45' long span to cross and not impact the wetland, or over 105' to span the wetland and buffer areas. A bridge with the required spans to cross the wetland areas would be cost prohibitive. There is no other way to gain access to the city park area from the subdivision without affecting wetland areas. The wetland area is continuous along the east side of the property between the subdivision and park lands.*

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: *The proposed asphalt path is cost effective for the access to the park. The other alternatives are expensive and would require maintenance and inspections. The proposed path is safer with no guardrails needed. The path would be easier to maintain for snow removal with the contiguous asphalt pavement. Also, the area to be filled is not within a high quality wetland, the wetland is a degraded forested-shrub-wet meadow infested area with reed canary grass and cattail; or*

b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives: *This is the best option for trail access to the park from the subdivision. A boardwalk was considered, to span the wetland and buffer area. However, the boardwalk would need to be rated for emergency vehicle traffic loads. A boardwalk created for vehicle loads is structurally limited for footings to avoid wetland impact and decking and is cost prohibitive. A bridge would need a 45' long span to cross and not impact the wetland, or over 105' to span the wetland and buffer areas. A bridge with the required spans to cross the wetland areas would be cost prohibitive.*

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

a. be consistent with the existing character of the neighborhood: *the proposed development with the grant of a Special Exception as requested will be consistent*

with the existing character of the neighborhood; and the project will provide a path to connect the Pleasant Prairie Reserve Subdivision and the City of Franklin's Pleasant View Neighborhood Park. The path is necessary to create access to and from the park. The path location is through an existing wetland area that is contiguous between the subdivision and the city park area. This is the only access area to the city park from the subdivision. The path crossing is at the narrowest part of the wetland. A path location and crossing within this vicinity was previously approved via preliminary plats; and

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *A path location and crossing within this vicinity was previously approved via preliminary plats. A 10' wide path to connect the Pleasant Prairie Reserve Subdivision and the City of Franklin's Pleasant View Neighborhood Park is proposed. The path is necessary to create access to and from the park. The path location is through an existing wetland area that is contiguous between the subdivision and the city park area; and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *The project is designed to minimize the amount of wetland impact to the greatest extent possible; 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). Not applicable.*

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: *The project will provide a path to connect the Pleasant Prairie Reserve Subdivision and the City of Franklin's Pleasant View Neighborhood Park. The path is necessary to create access to and from the park. The path location is through an existing wetland area that is contiguous between the subdivision and the city park area. This is the only access area to the city park from the subdivision. The path crossing is at the narrowest part of the wetland. A path location and crossing within this vicinity was previously approved via preliminary plats.*

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: *This is the best option for trail access to the park from the subdivision. A boardwalk was considered, to span the wetland and buffer area. However, the boardwalk would need to be rated for emergency vehicle*

traffic loads. A boardwalk created for vehicle loads is structurally limited for footings to avoid wetland impact and decking and is cost prohibitive. A bridge would need a 45' long span to cross and not impact the wetland, or over 105' to span the wetland and buffer areas. A bridge with the required spans to cross the wetland areas would be cost prohibitive.

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *This new subdivision will be the final end user of the surrounding lands for many years to come. The path will create a necessary connection between the new subdivision and the nearby park.*

4. Aesthetics: *The path will create a necessary connection between the new subdivision and the nearby park, as well as allow residents to enjoy the natural resources protected in this outlot of the subdivision.*

5. Degree of noncompliance with the requirement allowed by the Special Exception: *This is the best option for trail access to the park from the subdivision. A boardwalk was considered, to span the wetland and buffer area. However, the boardwalk would need to be rated for emergency vehicle traffic loads. A boardwalk created for vehicle loads is structurally limited for footings to avoid wetland impact and decking and is cost prohibitive. A bridge would need a 45' long span to cross and not impact the wetland, or over 105' to span the wetland and buffer areas. A bridge with the required spans to cross the wetland areas would be cost prohibitive.*

6. Proximity to and character of surrounding property: *Single-family residential to the north, a public school and public park to the east, single family residential to the south, and institutional/senior housing, single family residential, and Payne & Dolan quarry to the west.*

7. Zoning of the area in which property is located and neighboring area: *Residential. : R-6 Suburban Single-Family Residence District; Planned Development District 22, P-1 Parkland, and I-1 Institutional District.*

8. Any negative affect upon adjoining property: *No negative affect upon adjoining property is perceived.*

9. Natural features of the property: *The path will create a necessary connection between the new subdivision and the nearby park, as well as allow residents to enjoy the natural resources protected in this outlot of the subdivision. Overall, the wetland areas here are degraded.*

10. Environmental impacts: *The project is designed to minimize the amount of wetland impact to the greatest extent possible.*

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 July 28, 2021 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 and mitigation areas upon the properties 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 prior to the issuance of any Occupancy Permits;*
- 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 Veridian Homes, LLC, Applicant; VH PVR LLC, Owner and all other applicable provisions of the Unified Development Ordinance;*
- 4) that the applicant obtain approval by Common Council of conservation easements for areas of preserved natural resources (§15- 4.0103.B.1.d, §15-7.0201.H) and mitigation areas (§15- 4.0103.B.1.d). RES 2021-7716 Condition 8 further requires that easements will be submitted for recording in conjunction with the Final Plat application.*
- 5) All wetland buffers and all wetland setbacks shall be included within Conservation Easement.*
- 6) The applicant shall revise site intensity calculations to reflect the total wetland area of Wetland 1, or provide documentation of the amount listed in site intensity calculations.*

- 7) *The applicant shall make all necessary technical corrections to the Natural Resource Protection Plan, subject to the approval of the Department of City Development.*
- 8) *The applicant shall provide financial sureties for a 5 year mitigation plan, per §15-4.0103.D., with annual updates to the Department of City Development as to the status of the mitigation.*

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 _____, 2021.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2021.

APPROVED:

ATTEST:

Stephen R. Olson, Mayor

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

<p style="text-align: center;">APPROVAL</p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE 08/17/21</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR PLEASANT VIEW RESERVE SUBDIVISION (AT 7475 AND 7501 SOUTH 49TH STREET) (VERIDIAN HOMES, LLC, APPLICANT; VH PVR LLC, OWNER)</p>	<p style="text-align: center;">ITEM NUMBER G.7.</p>

At the August 5, 2021 meeting of the Plan Commission, the Commission adopted a motion to recommend approval of a resolution conditionally approving a Final Plat for Pleasant View Reserve Subdivision (at 7475 South 49th Street and 7501 South 49th Street) (Veridian Homes, LLC, Applicant; VH PVR LLC, Owner).

This plat is a combination of two previously approved preliminary subdivision plats, the "Pleasant View Estates" subdivision, and the "Oak Ridge" subdivision. These previous plats were reviewed extensively. The applicant received approval of a Preliminary Plat on March 16, 2021 via Resolution No. 2021-7716. Several conditions of this approval remain outstanding, or still apply to this Final Plat approval and are carried over into the recommended conditions in the draft resolution. These include the requirement that the application receive a Natural Resource Special Exception for wetland and related buffer and setback impacts; that appropriate easements be provided; that Lot 2 does not allow access to S. 51st Street; and completion of other requirements of the UDO or conditions of the preliminary approval.

The dimensions of the lots 12, 22, 25, 27, and Outlot 1 have changed slightly from the Preliminary Plat. Lots 41, 40, 39 have also been reconfigured slightly as a group. All lots still meet the requirements of the R-6 district standards.

If the Common Council has approved the related Natural Resource Special Exception for this development, that condition (No. 9) can be deleted. Revised information about the area of the wetland for site intensity calculations has been provided and is under review by the Planning Department.

COUNCIL ACTION REQUESTED

A motion to approve Resolution 2021-_____, conditionally approving a Final Plat for Pleasant View Reserve Subdivision (at 7475 South 49th Street and 7501 South 49th Street) (Veridian Homes, LLC, Applicant; VH PVR LLC, Owner).

A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT
FOR PLEASANT VIEW RESERVE SUBDIVISION
(AT 7475 AND 7501 SOUTH 49TH STREET)
(VERIDIAN HOMES, LLC, APPLICANT; VH PVR LLC, OWNER)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a final plat for Pleasant View Reserve Subdivision, such plat being a redivision of part of Parcel 3 of Certified Survey Map No. 6949 recorded in the Milwaukee County Register of Deeds office as Document No. 8064321 and part of the Southwest 1/4 of the Northeast 1/4, and part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 11, all being a part of the Southwest 1/4 of the Northeast 1/4 and part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the properties located at 7475 South 49th Street and 7501 South 49th Street [the final plat includes a 53 lot single-family residential subdivision (which combines two previously proposed subdivision developments, Oak Ridge of Franklin Subdivision and Pleasant View Reserve Subdivision, into a single project (38.66 total acres)), containing two outlots, Outlot 1 containing a stormwater detention pond and Outlot 2 consisting primarily of protected natural resource features, including an additional stormwater pond, also including the extension of Marquette Avenue from its current location westward to South 51st Street, to be completed as part of Phase 1 of 2 of the development which will include 25 home sites, and an asphalt trail connecting the cul-de-sac of 49th Court southward and eastward to the City's Pleasant View Park (Phase 2 includes 28 remaining home sites)], bearing Tax Key Nos. 759-9981-010 and 788-9981-003, Veridian Homes, LLC, applicant, VH PVR LLC, owner; said Final Plat having been reviewed by the City Plan Commission following the reviews and recommendations or reports of the City Planning Department and the City Engineering Department, and the Plan Commission having recommended approval thereof at its meeting on August 5, 2021, pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Final Plat of Pleasant View Reserve Subdivision, as submitted by Veridian Homes, LLC; VH PVR LLC, owner, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and

VERIDIAN HOMES, LLC - FINAL PLAT FOR PLEASANT VIEW RESERVE
SUBDIVISION
RESOLUTION NO. 2021-_____

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made by the applicant, and that all minor technical deficiencies within the Final Plat be rectified, all prior to the recording of the Final Plat.

2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9 of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance (UDO), both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Pursuant to §236.13(1) and (2), Stats., pertaining to conditions of plat approval and the provision of public improvements reasonably necessary, respectively, and §15-8.0101 and §15-2.0303 of the Unified Development Ordinance, pertaining to required improvements and the financial security to be provided therefore as conditions of plat approval, the required improvements prescribed in the Unified Development Ordinance for land divisions are required as a condition of the approval of the Final Plat for Pleasant View Reserve Subdivision; a Subdivision Development Agreement (“Subdivider’s Agreement”), as may be approved by the Common Council upon the recommendation of the City Engineer and as secured by a letter of credit in form as approved by the City Attorney, shall provide for the furnishing, construction and installation of the required improvements and such other matters as set forth therein, and shall be entered into and executed by Veridian Homes, LLC; VH PVR LLC, owner prior to the recording of the Final Plat.
4. Each and any easement shown on the Final Plat shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Final Plat.
5. That any and all submissions, reviews and approvals, for any and all matters required to be submitted, reviewed and/or approved within the final plat application process as specified within the Unified Development Ordinance, which may not have been submitted, reviewed and/or approved as of the date of adoption of this Resolution, if any, including for matters of utility easements, a declaration of deed restrictions and protective covenants, conservation easements, other public purpose easements, stormwater management agreements, and homeowners’ association legal instruments, shall be so submitted, reviewed and/or approved, prior to the recording of the Final Plat.

VERIDIAN HOMES, LLC - FINAL PLAT FOR PLEASANT VIEW RESERVE
SUBDIVISION

RESOLUTION NO. 2021-_____

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6. Veridian Homes, LLC; VH PVR LLC, owner, successors and assigns and any developer of the Pleasant View Reserve 53 lot and 2 outlot single-family residential subdivision development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Pleasant View Reserve 53 lot and 2 outlot single-family residential subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
7. The approval granted hereunder is conditional upon Veridian Homes, LLC; VH PVR LLC, owner and the Pleasant View Reserve 53 lot and 2 outlot single-family residential subdivision development project for the property located at 7475 and 7501 South 49th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
8. The Pleasant View Reserve 53 lot and 2 outlot single-family residential subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
9. The applicant must obtain A Natural Resource Special Exception for impacts to protected natural resources prior to recording the Final Plat.
10. Written conservation easements shall be submitted as part of the Final Plat Application for Common Council review and approval, and recording with the Milwaukee County Register of Deeds Office at the time of recording the Final Plat.
11. All wetland buffers and all wetland setbacks shall be included within a Conservation Easement. Those setbacks and buffers not within an Outlot shall have conservation signage to delineate the area(s) as protected and unbuildable. The plat "Conservation Easement Restrictions" shall be depicted on the face of the plat, for Department of City Development review and approval prior to recording of the Final Plat.
12. A draft of the declaration of deed restrictions, protective covenants, and the legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners association) whereby the subdivider intends to regulate land uses in the proposed subdivision and otherwise protect the proposed development shall be submitted to the City as part of the Final Plat for review and approval solely as to form and as such may pertain to existing city rules and regulations.

VERIDIAN HOMES, LLC - FINAL PLAT FOR PLEASANT VIEW RESERVE
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13. Any proposed subdivision monument sign(s) shall be subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.
14. The Final Plat shall be in full compliance with all pertinent City of Franklin Design Standards and Construction Specifications.
15. The pedestrian trail shall be 10' wide, paved, and installed simultaneously with the construction of 49th Court. The connection to point to Pleasant View Park must align with the future park trail.
16. The applicant shall make any necessary technical corrections to the Final Plat as may be required by the City of Franklin Engineering Department, prior to recording of the final plat (UDO §15-7.0602.J.).
17. Improvements including streets and utilities must be installed prior to recording of the Final Plat (UDO §15-2.0303.A). Alternatively, the applicant may enter into a Subdivider's ("Developer's") agreement with the City of Franklin, and provide a letter of credit for improvements (UDO §15-2.0303.B).
18. The applicant shall revise site intensity calculations to reflect the total wetland area of Wetland 1, or provide documentation of the amount listed in site intensity calculations, for Department of City Development review and approval prior to recording of the Final Plat.

BE IT FURTHER RESOLVED, that the Final Plat of Pleasant View Reserve Subdivision, be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a final plat, the City Clerk is hereby directed to obtain the recording of the Final Plat of Pleasant View Reserve Subdivision with the Office of the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2021.

VERIDIAN HOMES, LLC - FINAL PLAT FOR PLEASANT VIEW RESERVE
SUBDIVISION
RESOLUTION NO. 2021-_____
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Passed and adopted at a regular meeting of the Common Council of the City of
Franklin this _____ day of _____, 2021.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Marion Ecks

From: Marion Ecks
Sent: Friday, August 6, 2021 5:21 PM
To: Matt Cudney
Cc: Grant Duchac
Subject: RE: Pleasant View Reserve
Attachments: 2019 Conservation Easement form 91219.doc; 2021-DRAFT CONDITIONS - Pleasant View Reserve FP.docx

Matt

Responses are below in underlined italics. The first 8 conditions are standard conditions of approval, the remainder, with the exception of No. 18 are outstanding requirements from the preliminary plat approval, or staff comments. Since we did not receive a response letter for plat comments, I am attaching a marked up version for you for reference – items in red were outstanding when the report was drafted. Please let me know if you have additional questions. Please note that I will be out of the office until Monday, August 16th but will respond as soon as practicable after that.

Thank you,

Marion Ecks
Associate Planner
Department of City Development
City of Franklin
414-425-4024
mecks@franklinwi.gov

9229 W. Loomis Road
Franklin, Wisconsin 53132

From: Matt Cudney <mcudney@veridianhomes.com>
Sent: Thursday, August 5, 2021 5:26 PM
To: Marion Ecks <MEcks@franklinwi.gov>
Subject: Pleasant View Reserve

Marion—

Just some questions on the staff report.

Page 5 NRPP—you state a number of technical corrections need to be made
We received staff comments on 7/9/21 and resubmitted on 7/16/21. Are there other technical corrections that need to be made? Grant is working on the table of consolidated information. The table is required; it should show the total area of each natural resource, the amount of impact in area, and in percent for any impacts calculated that way, and information about overlapping resources in a single table. I believe I had an additional question about NRSE comment No. 3: Show the location of all proposed lot lines, right-of-way lines, and easements (§15-7.0201.F), - specifically the location of easements.

Final Plat conditions

1. Understood. Does the City have any objections or corrections required? This is a standard condition of Final Plat resolutions.

2. Understood. Confirm impact fees paid at time of the building permit as has been past practice. *This is a standard condition of Final Plat resolutions.*
3. Veridian Homes LLC is not the entity that owns the property. Any agreements will be executed by VH PVR LLC. I have been working with Glen Morrow on the development agreement and the surety required. Please confirm the condition will be approved by Glen and not Planning. *This is a standard condition of Final Plat resolutions. Development agreement is coordinated with Engineering. Resolution will be updated to reflect applicant and owner information.*
4. Understood but the only separate easements will be easements for the City. WE Energies easements will not be separate from the plat per past practices. Please confirm. *This is a standard condition of Final Plat resolutions. Easements with other agencies are subject to their approval; information required to be shown on the face of the plat related to utilities is determined by the Engineering Department.*
5. We believe all agreements have been submitted to the City for review. Please list anything you think is still outstanding. *This is a standard condition of Final Plat resolutions. The instrument related to the nonprofit incorporation of the HOA is still outstanding – see Plat Comment No. 21. Please also provide copies of the approved document to Planning.*
6. Again, please note Veridian Homes LLC is not an entity. All references should be for VH PVR LLC. We have been paying any invoices monthly. *This is a standard condition of Final Plat resolutions. Resolution will be revised.*
7. Again, please note Veridian Homes LLC is not an entity. All references should be for VH PVR LLC. We believe all approvals and permits have been obtained. Please list anything you think is still outstanding. *This is a standard condition of Final Plat resolutions. Resolution will be revised.*
8. Understood. *This is a standard condition of Final Plat resolutions.*
9. Assuming the approval of the NRSE by Common Council will satisfy this condition. Please confirm. *That is correct. Development related to the trail will be subject to completion of the required conditions of the NRSE approval. This condition can be deleted if the NRSE is approved at the meeting on the 17th.*
10. Draft easements have been provided. Once approved by the City attorney they will be finalized and ready to record with final plat. What is the status of this review? *A written easement document must be submitted along with the surveyors exhibit. I have attached a template here.*
11. Buffers and setbacks have been shown within the Conservation Easements with the provision that portions within actual homesites are subject to the UDO which allows certain activities not usually allowed in Conservation Easements per the preliminary plat approval. This has been shown on the plat but we have received no comments from staff. Are there any comments? *This condition also a condition of the preliminary plat. Signage or other demarcation of the setback and buffer on the actual property must be provided.*
12. This has been approved by the attorney. Do you need anything else? *The instrument related to the nonprofit incorporation of the HOA is still outstanding - see Plat Comment No. 21. Please also provide copies of the approved document to Planning.*
13. Understood. The monument sign will be submitted to PC for a separate approval. *OK*
14. Understood. Is there anything missing? *This is determined by the Engineering Department.*
15. Understood. We will continue to work with staff. *OK*
16. Understood. Are there any corrections required? *This is determined by the Engineering Department.*
17. Understood. Working on the Development Agreement with Glen. *OK*
18. See the attached exhibit showing the area of the wetland. The wetland area in the Evergreen exhibit was to approximate property lines. Once the delineation was completed, the area was actually surveyed. *I have received this information and will review it and let you know if I have any questions.*

Please let me know if you have any questions or if you'd like to discuss this further. Thanks.

Matt

Matt Cudney
Vice President of Operations Milwaukee



VERIDIAN HOMES

Dream. Build. Live.

N60W21555 Legacy Trail
Menomonee Falls, WI 53051
(608) 220-9871 cell
(608) 226-3016 office

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**CITY OF FRANKLIN****REPORT TO THE PLAN COMMISSION****Meeting of July 28, 2021****Natural Resource Special Exception and Final Plat**

RECOMMENDATION: Department of City Development Staff recommends approval of the request for a Special Exception to Natural Resource Feature Provisions. Recommendations of Staff and the recommendations of Environmental Commission are incorporated into the draft Standards, Findings, and Decision of the Common Council as recommended conditions of approval. Department of City Development Staff also recommends approval of the Final Plat, subject to the conditions in the draft Resolution

Project Name:	Pleasant View Reserve NRSE and Final Plat
Project Location:	Approximately S. 49 th Street and Marquette Avenue (Tax Key No: 788-9981-003 and 759 9981 010)
Property Owner:	Creative Homes Inc. (788-9981-003) and Franklin 49 th St. LLC (759 9981 010)
Applicant:	Matt Cudney, Veridian Homes
Agent:	Grant Duchac, Excel Engineering Inc.
Current Zoning:	R-6 Suburban Single-Family Residence District
2025 Comprehensive Plan:	Residential and Areas of Natural Resource Features
Use of Surrounding Properties:	Single-family residential to the north, a public school and public park to the east, single family residential to the south, and institutional/senior housing, single family residential, and Payne & Dolan quarry to the west.
Applicant's Action Requested:	Recommendation to the Common Council for approval of the Natural Resource Special Exception Application, and the Final Plat.
Planner:	Marion Ecks, Associate Planner

On January 4, 2021, the applicant submitted an application for a Preliminary Plat for subdivision of properties located west and south of the intersection of South 49th Street and Marquette Avenue. Their total area for development will be 1,684,039 square feet (38.660 acres). At the March 16, 2021 meeting of the Common Council, the applicant received conditional approval of a Preliminary Plat for this development.

The applicant has subsequently submitted a Final Plat application on June 17, 2021, and related request for a Natural Resource Special Exception (NRSE) on May 28, 2021.

FINAL PLAT PROJECT DESCRIPTION:

The plat proposes to subdivide these parcels into 53 single-family residential lots and two (2) outlots. The zoning for the proposed plat is R-6 Suburban Single-Family Residence District. Site Intensity calculations have been prepared (§15-3.0500), and indicate that the proposed

development meets specifications regarding density and “site intensity” or the amount of land that will be built upon versus the amount which will be dedicated to greenspace either on private lots or within shared “outlots”. The proposed development will include the completion of Marquette Avenue between 49th and 51st streets, and the improvement of South 50th Street to connect with Marquette Avenue. 49th Street and 50th Street will extend southward from the proposed Marquette Avenue and terminate in cul-de-sacs. The proposed subdivision will be served by municipal water and public sanitary sewer.

Outlot 1 will contain stormwater detention to serve the subdivision and road improvements, and outlot 2 will contain additional stormwater management facilities, natural resource features including wetlands, and a public trail connecting to Pleasant View Park to the east. The applicant proposes a 10’ wide trail within a 20’ wide access point extending from the 50th Street cul-de-sac between lots 36 and 37, southward along the west edge of the property, then turning eastward across a wetland, to connect to the existing Pleasant View Park. The trail access is included as part of outlot 2. The current site plan for improvements to Pleasant View Park includes a connecting trail. The trail is designed so as to be able to accommodate emergency vehicle access to the park, should the need for an alternate route arise.

The applicant received approval of a Preliminary Plat on March 16, 2021 via Resolution No. 2021-7716, attached here for reference. Several conditions of this approval remain outstanding, or still apply to this Final Plat approval and are carried over into the recommended conditions in the draft resolution. These include the requirement that the application receive a Natural Resource Special Exception for wetland and related buffer and setback impacts; that appropriate easements be provided; that Lot 2 does not allow access to S. 51st Street; and completion of other requirements of the UDO or conditions of the preliminary approval.

The dimensions of the lots 12, 22, 25, 27, and Outlot 1 have changed slightly from the Preliminary Plat. Lots 41, 40, 39 have also been reconfigured slightly as a group. All lots still meet the requirements of the R-6 district standards.

Pedestrian Amenities, Roads, and Trail:

The preliminary plat depicted sidewalks and trail facilities to serve this future neighborhood as well as the previously described roads. Staff notes that Improvements including streets and utilities must be installed prior to recording of the Final Plat (§15-2.0303.A). Alternatively, the applicant may enter into a Subdivider’s (“Developer’s”) agreement with the City of Franklin, and provide a letter of credit for improvements (§15-2.0303.B).

Stormwater Management and other Engineering approvals and required improvements:

Stormwater ponds are proposed within both outlots. A Stormwater Management Plan and other materials were submitted to the Engineering Department for review, and will require final Engineering Department approval as part of the review of the Final Plat Application.

Section 15-8.0100 of the UDO sets forth the required improvements for all land divisions. The applicant has provided the Engineering Department with designs; their technical review and approval must be completed prior to recording of the final plat.

Previous NRSE

A Natural Resource Protection Plan (NRPP) has been provided for the development, which contain wetlands, and areas of trees which do not rise to the standard to be considered woodlands. Wetland delineations were completed for both properties by assured delineators. The delineation and field investigation of the former Oak Ridge subdivision, the norther parcel (Tax Key No. 759 9981 010), is dated October 31, 2017. It was completed by Thompson and Associates Wetland Services, LLC. A new wetland delineation and field investigation survey was completed on September 25, 2020 on the Pleasant view Estates parcel by Evergreen Consultants, LLC.

On April 16, 2019, a previous developer received a Natural Resources Special Exception for impacts to two wetlands, and related setback and buffer on the northern parcel. These wetlands are identified as wetlands “A” and “B” in the delineation report. A mitigation plan for these impacts was required as a condition of that approval. The relevant WI DNR permits expired in 2020 without completion of mitigation. The current applicants have obtained both Army Corps and WI DNR exemption. Under Wisconsin State Statute §281.36 (2019) which was enacted after the NRSE approval for wetlands A and B, the City of Franklin cannot enforce local natural resource protection standards on these wetlands, including requiring mitigation.

NATURAL RESOURCE SPECIAL EXCEPTION REQUEST

The proposed trail crosses a wetland, identified as Wetland 1, and the resulting impacts require this Natural Resource Special Exception request. Pursuant to Section 15-10 0208 of the Unified Development Ordinance (UDO), all requests for a Natural Resource Special Exception shall be provided to the Environmental Commission for its review and recommendation. The Commission’s review and recommendation is also attached here as an exhibit

The requested for a Natural Resource Special Exception is for property bearing Tax Key No. 788 9981 003, the southern of the two parcels which are part of this future subdivision. The property contains wetlands and areas of trees which do not meet the standard to be considered woodlands

The NRSE request is to allow for impacts to wetland, wetland buffer, and setback of Wetland 1 in the future outlot 2 of this subdivision Impacts are precipitated by the installation of the trail, and related grading. Wetland 1 is 165,499 square feet (4.49 acres) Specifically, the exception is requested for impacts to:

- 1,431 square feet of wetland area
- 1,817 square feet of wetland buffer area
- The applicant must provide information about the quantity of impact to setback area outside the buffer.

The applicant proposes to install a culvert to connect the two portions of the wetland and maintain the hydrology or flow of water between them There is a waterway which flows through this area which was deemed non-navigable by the WI Department of Natural Resources on September 7, 2016 (DNR File No INF-SE-41-03710). Natural Resource Protection Standards related to shoreland therefore do not apply. The Alderwoman of the District inquired as to whether a pond exists within the wetland. The WI DNR defines a pond as “a waterbody containing water year-round and smaller than 10 acres in size ” Application materials including wetland delineations do not identify a pond or other water

bodies in the area, and the WI DNR Surface Water Data Viewer also does not identify a pond in this location.

The applicant received the necessary US Army Corps of Engineer (USACE) permits to allow for wetland impacts on July 27, 2021 (File No. 2016-00342-AJK) and Wisconsin Department of Natural Resources (DNR) permits on July 28, 2021 (File No GP-SE-2021-41-02210).

Conservation easements are required for all natural resources to be protected, including mitigation areas. Condition 9 of the Pleasant View Reserve Preliminary Plat approval Resolution No. 2021-7716 requires that all wetland buffers and all wetland setbacks shall be included within a Conservation Easement (§15-4.0102.I) Those setbacks and buffers not within an Outlot shall have conservation signage to delineate the area(s) as protected and unbuildable. The applicant has submitted draft easements which are currently under review.

Staff notes that the total wetland area described in the Site Intensity calculations provided - 3.76 acres or 163,785.6 square feet - differs from the area identified in the Evergreen Consultants, LLC delineation finding of that wetland of 165,499 square feet (4.49 acres). Site intensity calculations must be clarified.

The applicant has provided the attached Natural Resource Special Exception Application, Questionnaire, Project Description, and associated information Staff would note

- The wetland delineations were prepared by Assured Delineators.
- Required permits from other units of government have been obtained
- Conservation easements materials for existing natural resources to be preserved must be approved
- The applicant is proposing mitigation to take place on the property

Natural Resource Mitigation

Mitigation is proposed within the site, by expanding existing wetland and buffer areas §15-4 0103B.4 and §15-4.0103B 5 require that wetland setback and buffer impacts be mitigated by creation of new, high-quality areas of setback and buffer in the amount of 1.5 times the area of impact Mitigation areas must be protected by a conservation easement, along with existing natural resources

The applicant will provide mitigation for these impacts, adjacent to the western edge of Wetland 1, located between the wetland and a future stormwater detention pond. Mitigation will consist of

- Creation of 2,147 square feet of wetland,
- Creation of 2,726 square feet of wetland buffer, and
- Restoration of the setback areas disturbed or created by construction of this project is required, by re-establishing native grasses

Staff notes that proposed mitigation includes reuse of existing soils. §15-4 0103 B 5 requires “soils of equal or greater quality ” Given that the current soil conditions of the area are described by delineations as degraded, reuse of existing soils may create maintenance challenges for establishing new plantings. Staff therefore recommends that Plan Commission require financial sureties for mitigation, as permitted by §15-4 0103.D

Natural Resource Protection Plan

A number of technical corrections to the Natural Resource Protection Plan must be made, including addition of a table with consolidated information about all natural resources and degree of impact, and corrections to site intensity calculations, as required by §15-7 0201 §15-4 0102, and §15-7.0201.I, etc.

Environmental Commission Recommendation

At the July 28, 2021 meeting of the Environmental Commission, the Commission recommended approval of the NRSE request. At that meeting, the Commission recommended that financial sureties for the maintenance of mitigation areas be required by Plan Commission, and that the maintenance be provided for 5 years. A condition relating to required permits from the Army Corps of Engineers and WI DNR was deleted. Recommended conditions of approval are also incorporated into the draft Standards, Findings, and Decision of the Common Council.

CONCLUSION

Per Section 15-10 0208 of the Unified Development Ordinance (UDO), the applicant has the burden of proof to present evidence sufficient to support a Natural Resource Special Exception (NRSE) request. The applicant has presented evidence for the request by answering the questions and addressing the statements that are part of the Natural Resource Special Exception (NRSE) application. The applicant's responses to the application's questions and statements are provided for your review.

Also attached is a copy of the draft "City of Franklin Environmental Commission" review and recommendation which must be forwarded to the Common Council. The questions and statements on this document correspond with the Natural Resource Special Exception (NRSE) application questions and statements that the applicant has answered and addressed.

Environmental Commission recommendations are also contained in the decisions section of the attached draft Standards, Findings and Decision of the City of Franklin document. Staff recommends approval of the NRSE request, subject to the proposed conditions.

City Development Staff further recommends approval of the Final Plat for the Pleasant View Reserve Subdivision, subject to the conditions as noted in the attached draft resolution.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 7-27-21; redraft 7-29-21]

RESOLUTION NO. 2021-_____

A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT
FOR PLEASANT VIEW RESERVE SUBDIVISION
(AT 7475 AND 7501 SOUTH 49TH STREET)
(VERIDIAN HOMES, LLC, APPLICANT)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a final plat for Pleasant View Reserve Subdivision, such plat being a redivision of part of Parcel 3 of Certified Survey Map No. 6949 recorded in the Milwaukee County Register of Deeds office as Document No. 8064321 and part of the Southwest 1/4 of the Northeast 1/4, and part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 11, all being a part of the Southwest 1/4 of the Northeast 1/4 and part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the properties located at 7475 South 49th Street and 7501 South 49th Street [the final plat includes a 53 lot single-family residential subdivision (which combines two previously proposed subdivision developments, Oak Ridge of Franklin Subdivision and Pleasant View Reserve Subdivision, into a single project (38.66 total acres)), containing two outlots, Outlot 1 containing a stormwater detention pond and Outlot 2 consisting primarily of protected natural resource features, including an additional stormwater pond, also including the extension of Marquette Avenue from its current location westward to South 51st Street, to be completed as part of Phase 1 of 2 of the development which will include 25 home sites, and an asphalt trail connecting the cul-de-sac of 49th Court southward and eastward to the City's Pleasant View Park (Phase 2 includes 28 remaining home sites)], bearing Tax Key Nos. 759-9981-010 and 788-9981-003, Veridian Homes, LLC, applicant; said Final Plat having been reviewed by the City Plan Commission following the reviews and recommendations or reports of the City Planning Department and the City Engineering Department, and the Plan Commission having recommended approval thereof at its meeting on August 5, 2021, pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Final Plat of Pleasant View Reserve Subdivision, as submitted by Veridian Homes, LLC, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and

VERIDIAN HOMES, LLC - FINAL PLAT FOR PLEASANT VIEW RESERVE
SUBDIVISION
RESOLUTION NO. 2021-_____

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made by the applicant, and that all minor technical deficiencies within the Final Plat be rectified, all prior to the recording of the Final Plat.

2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9 of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Pursuant to §236.13(1) and (2), Stats., pertaining to conditions of plat approval and the provision of public improvements reasonably necessary, respectively, and §15-8.0101 and §15-2.0303 of the Unified Development Ordinance, pertaining to required improvements and the financial security to be provided therefore as conditions of plat approval, the required improvements prescribed in the Unified Development Ordinance for land divisions are required as a condition of the approval of the Final Plat for Pleasant View Reserve Subdivision; a Subdivision Development Agreement (“Subdivider’s Agreement”), as may be approved by the Common Council upon the recommendation of the City Engineer and as secured by a letter of credit in form as approved by the City Attorney, shall provide for the furnishing, construction and installation of the required improvements and such other matters as set forth therein, and shall be entered into and executed by Veridian Homes, LLC prior to the recording of the Final Plat.
4. Each and any easement shown on the Final Plat shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Final Plat.
5. That any and all submissions, reviews and approvals, for any and all matters required to be submitted, reviewed and/or approved within the final plat application process as specified within the Unified Development Ordinance, which may not have been submitted, reviewed and/or approved as of the date of adoption of this Resolution, if any, including for matters of utility easements, a declaration of deed restrictions and protective covenants, conservation easements, other public purpose easements, stormwater management agreements, and homeowners’ association legal instruments, shall be so submitted, reviewed and/or approved, prior to the recording of the Final Plat.

VERIDIAN HOMES, LLC - FINAL PLAT FOR PLEASANT VIEW RESERVE
SUBDIVISION
RESOLUTION NO. 2021-_____

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6. Veridian Homes, LLC, successors and assigns and any developer of the Pleasant View Reserve 53 lot and 2 outlot single-family residential subdivision development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Pleasant View Reserve 53 lot and 2 outlot single-family residential subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
7. The approval granted hereunder is conditional upon Veridian Homes, LLC and the Pleasant View Reserve 53 lot and 2 outlot single-family residential subdivision development project for the property located at 7475 and 7501 South 49th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
8. The Pleasant View Reserve 53 lot and 2 outlot single-family residential subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
9. The applicant must obtain A Natural Resource Special Exception for impacts to protected natural resources prior to recording the Final Plat.
10. Written conservation easements shall be submitted as part of the Final Plat Application for Common Council review and approval, and recording with the Milwaukee County Register of Deeds Office at the time of recording the Final Plat.
11. All wetland buffers and all wetland setbacks shall be included within a Conservation Easement. Those setbacks and buffers not within an Outlot shall have conservation signage to delineate the area(s) as protected and unbuildable. The plat "Conservation Easement Restrictions" shall be depicted on the face of the plat, for Department of City Development review and approval prior to recording of the Final Plat.
12. A draft of the declaration of deed restrictions, protective covenants, and the legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners association) whereby the subdivider intends to regulate land uses in the proposed subdivision and otherwise protect the proposed development shall be submitted to the City as part of the Final Plat for review and approval solely as to form and as such may pertain to existing city rules and regulations.

VERIDIAN HOMES, LLC - FINAL PLAT FOR PLEASANT VIEW RESERVE
SUBDIVISION
RESOLUTION NO. 2021-_____

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13. Any proposed subdivision monument sign(s) shall be subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.
14. The Final Plat shall be in full compliance with all pertinent City of Franklin Design Standards and Construction Specifications.
15. The pedestrian trail shall be 10' wide, paved, and installed simultaneously with the construction of 49th Court. The connection to point to Pleasant View Park must align with the future park trail.
16. The applicant shall make any necessary technical corrections to the Final Plat as may be required by the City of Franklin Engineering Department, prior to recording of the final plat (§15-7.0602.J.).
17. Improvements including streets and utilities must be installed prior to recording of the Final Plat (§15-2.0303.A). Alternatively, the applicant may enter into a Subdivider's ("Developer's") agreement with the City of Franklin, and provide a letter of credit for improvements (§15-2.0303.B).
18. The applicant shall revise site intensity calculations to reflect the total wetland area of Wetland 1, or provide documentation of the amount listed in site intensity calculations, for Department of City Development review and approval prior to recording of the Final Plat.

BE IT FURTHER RESOLVED, that the Final Plat of Pleasant View Reserve Subdivision, be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a final plat, the City Clerk is hereby directed to obtain the recording of the Final Plat of Pleasant View Reserve Subdivision with the Office of the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2021.

VERIDIAN HOMES, LLC - FINAL PLAT FOR PLEASANT VIEW RESERVE
SUBDIVISION

RESOLUTION NO. 2021-_____

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Passed and adopted at a regular meeting of the Common Council of the City of
Franklin this _____ day of _____, 2021.

APPROVED:

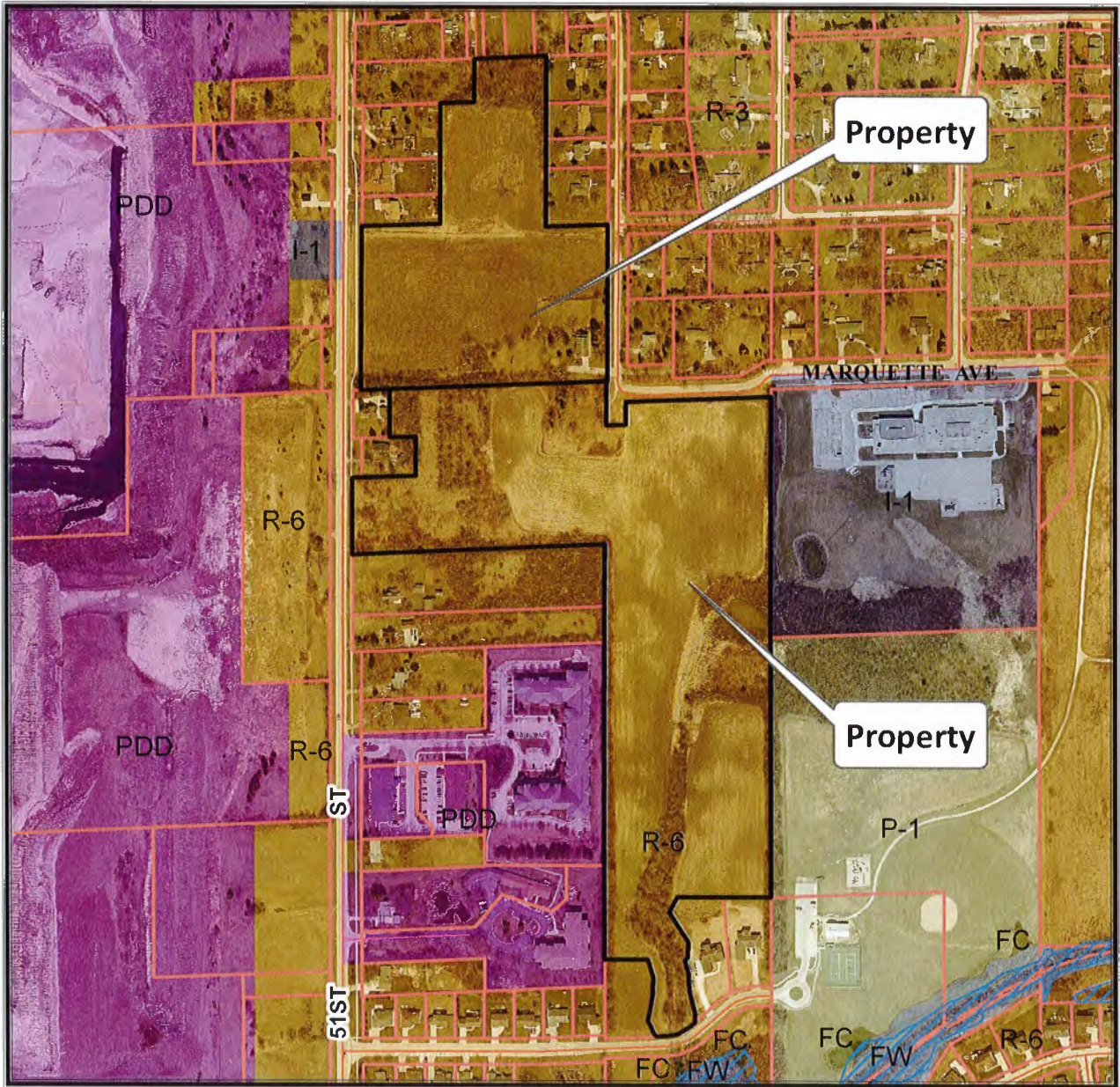
Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

7475 S. 49th Street & 7501 S. 49th Street
 TKNs: 759 9981 010 & 788 9981 003



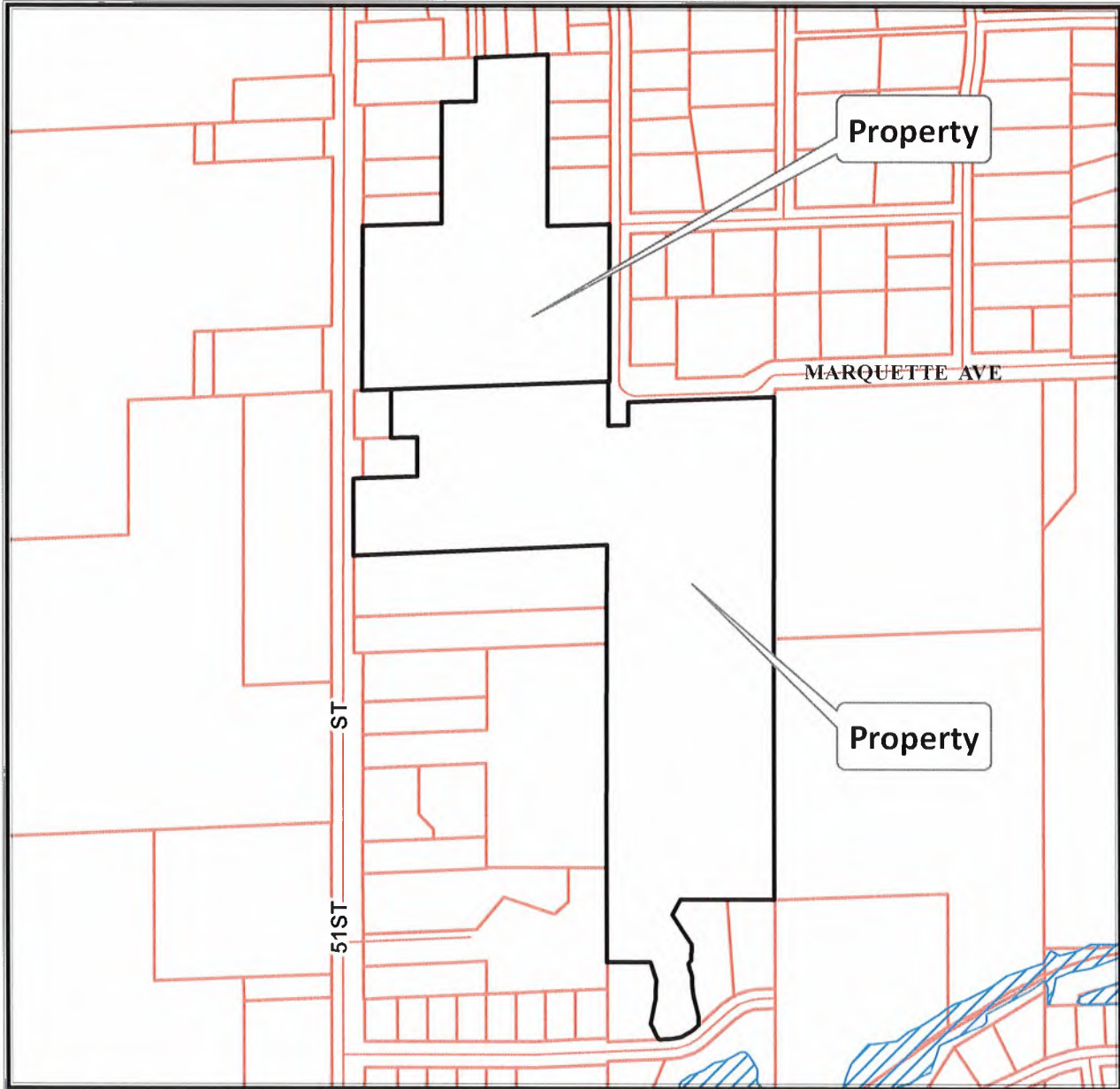
Planning Department
 (414) 425-4024



2021 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.

7475 S. 49th Street & 7501 S. 49th Street
TKNs: 759 9981 010 & 788 9981 003



Planning Department
(414) 425-4024



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



2021 Aerial Photo

Draft 8/5/21

Standards, Findings and Decision
of the City of Franklin Common Council upon the Application of Veridian Homes,
LLC, applicant, for a Special Exception
to Certain Natural Resource Provisions of the City of Franklin
Unified Development Ordinance

Whereas, Veridian Homes, LLC, applicant, having filed an application dated May 28, 2021, 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 July 28, 2021 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 August 5, 2021 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 7501 South 49th Street, zoned R-6 Suburban Single-Family Residence 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 28, 2021, by Veridian Homes,

LLC, applicant, 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*, _____

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: _____

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

a. be consistent with the existing character of the neighborhood: *the proposed development with the grant of a Special Exception as requested will be consistent with the existing character of the neighborhood, and*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: _____, *and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: _____, *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 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: _____

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: _____
3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: _____
4. Aesthetics: _____
5. Degree of noncompliance with the requirement allowed by the Special Exception: _____
6. Proximity to and character of surrounding property: _____
7. Zoning of the area in which property is located and neighboring area: *Residential*
8. Any negative affect upon adjoining property: *No negative affect upon adjoining property is perceived*
9. Natural features of the property: _____
10. Environmental impacts: _____
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 _____ 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 and mitigation areas upon the properties 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 prior to the issuance of any Occupancy Permits,*
- 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 Veridian Homes, LLC, applicant, and all other applicable provisions of the Unified Development Ordinance,*
 - 4) that the applicant obtain approval by Common Council of conservation easements for areas of preserved natural resources (§15- 4 0103 B 1 d, §15- 7 0201 H) and mitigation areas (§15- 4 0103 B 1.d) RES 2021-7716 Condition 8 further requires that easements will be submitted for recording in conjunction with the Final Plat application.*
 - 5) All wetland buffers and all wetland setbacks shall be included within Conservation Easement*
 - 6) The applicant shall revise site intensity calculations to reflect the total wetland area of Wetland 1, or provide documentation of the amount listed in site intensity calculations*
 - 7) The applicant shall make all necessary technical corrections to the Natural Resource Protection Plan, subject to the approval of the Department of City Development*
 - 8) The applicant shall provide financial sureties for a 5 year mitigation plan, per §15-4 0103 D*

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 _____, 2021.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2021.

APPROVED:

ATTEST:

Stephen R. Olson, Mayor

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

City of Franklin Environmental Commission

TO: Common Council
DATE: July 28, 2021
RE: Special Exception application review and recommendation
APPLICATION: Veridian Homes, LLC, Applicant, dated: May 28, 2021
(7501 South 49th Street)

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:
2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions):
3. Applicant’s reason for request:
4. Applicant’s reason why request appropriate for Special Exception:

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:
2. Storm and flood water storage:
3. Hydrologic functions:
4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances:
5. Shoreline protection against erosion:
6. Habitat for aquatic organisms:

7. Habitat for wildlife:
8. Human use functional value:
9. Groundwater recharge/discharge protection:
10. Aesthetic appeal, recreation, education, and science value:
11. State or Federal designated threatened or endangered species or species of special concern:
12. Existence 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:

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):
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: _____, *or*
 - b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives:
3. The Special Exception, including any conditions imposed under this Section will:
 - a. be consistent with the existing character of the neighborhood: _____, *and*
 - b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: _____, *and*
 - c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: _____, *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*):

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:
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:
3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant:
4. Aesthetics:
5. Degree of noncompliance with the requirement allowed by the Special Exception:
6. Proximity to and character of surrounding property:
7. Zoning of the area in which property is located and neighboring area:
8. Any negative affect upon adjoining property:
9. Natural features of the property:
10. Environmental impacts:

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 Commission recommends that should the Common Council approve the Application, that such approval be subject to the following conditions:
- a. Approval by Common Council of conservation easements for areas of preserved natural resources (§15- 4.0103.B.1.d, §15-7.0201.H) and mitigation areas (§15- 4.0103.B.1.d). RES 2021-7716 Condition 8 further requires that easements will be submitted for recording in conjunction with the Final Plat application.
 - b. All wetland buffers and all wetland setbacks shall be included within Conservation Easement.
 - c. The applicant shall revise site intensity calculations to reflect the total wetland area of Wetland 1, or provide documentation of the amount listed in site intensity calculations.
 - d. The applicant shall make all necessary technical corrections to the Natural Resource Protection Plan, subject to the approval of the Department of City Development.
 - e. The applicant shall provide financial sureties for a 5 year mitigation plan, per §15-4.0103.D.

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the _____ day of _____, 2021.

Dated this ____ day of _____, 2021.

Linda Horn, Chairman

Attest:

Jamie Groark, Vice-Chairman

RESOLUTION NO. 2021-7716

**A RESOLUTION CONDITIONALLY APPROVING A
PRELIMINARY PLAT FOR PLEASANT VIEW RESERVE SUBDIVISION
(AT 7475 SOUTH 49TH STREET AND 7501 SOUTH 49TH STREET)
(VERIDIAN HOMES, LLC, APPLICANT)**

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a preliminary plat for Pleasant View Reserve Subdivision, such plat being a redivision of part of Parcel 3 of Certified Survey Map No. 6949 recorded in the Milwaukee County Register of Deeds office as Document No. 8064321 and part of the Southwest 1/4 of the Northeast 1/4, and part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 11, all being a part of the Southwest 1/4 of the Northeast 1/4 and part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the properties located at 7475 South 49th Street and 7501 South 49th Street, bearing Tax Key Nos. 759-9981-010 and 788-9981-003, Veridian Homes, LLC, applicant; said preliminary plat having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof at its meeting on March 4, 2021, pursuant to certain conditions; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Preliminary Plat of Pleasant View Reserve Subdivision, as submitted by Veridian Homes, LLC, as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9. of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Veridian Homes, LLC, successors and assigns and any developer of the Pleasant View Reserve 53 lot and 2 outlot subdivision development shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Pleasant View

Reserve 53 lot and 2 outlot subdivision development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.


4. The approval granted hereunder is conditional upon Veridian Homes, LLC and the Pleasant View Reserve 53 lot and 2 outlot subdivision development project for the properties located at 7475 South 49th Street and 7501 South 49th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
5. The Pleasant View Reserve 53 lot and 2 outlot subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.
6. The applicant must obtain A Natural Resource Special Exception for impacts to protected natural resources prior to recording the Final Plat. Should such impacts be attributable to public streets, public sidewalks, or public trails, a practicable alternatives analysis pursuant to City of Franklin Ordinance No. 2016-2224 may be appropriate.
7. All utility easements shall be located along rear lot lines, and in mid-block locations where necessary, and shown on the face of the plat prior to submittal of the Final Plat.
8. Written conservation easements shall be submitted as part of the Final Plat Application for Common Council review and approval, and recording with the Milwaukee County Register of Deeds Office at the time of recording the Final Plat.
9. All wetland buffers and all wetland setbacks shall be included within a Conservation Easement. Those setbacks and buffers not within an Outlot shall have conservation signage to delineate the area(s) as protected and unbuildable. The setbacks of lots 26, 32, 33, 34, and 35 will be adjusted to reflect UDO standards for development of wetland setbacks (§15-4.0102.1). The plat “Conservation Easement Restrictions” shall be depicted on the face of the plat, for Department of City Development review and approval prior to submittal of the Final Plat.
10. All necessary approval(s) from the Wisconsin Department of Natural Resources and/or United States Army Corps of Engineers shall be submitted to the City as part of the Final Plat Application.
11. A draft of the declaration of deed restrictions, protective covenants, and the legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners association) whereby the subdivider intends to regulate land uses in the proposed subdivision and otherwise protect the proposed development shall be submitted to the City as part of the Final Plat for review and approval solely as to form and as such may pertain to existing city rules and regulations.

12. Any proposed subdivision monument sign(s) shall be subject to review and approval by the Plan Commission and issuance of a Sign Permit from the Inspection Department.
13. The Final Plat shall be in full compliance with all pertinent City of Franklin Design Standards and Construction Specifications.
14. The pedestrian trail shall be 10' wide, paved, and installed simultaneously with the construction of 49th Court. The connection to point to Pleasant View Park must align with the future park trail.
15. All necessary approvals and required documentation shall be obtained and provided to the City of Franklin to confirm dedication and construction of the remaining right-of-way associated with S. 50th Street, including a complete sidewalk extending to the north edge of the development, prior to submittal of the Final Plat.
16. The applicant shall provide as part of the final plat, a sidewalk along the street for S. 50th Court, as required by §15-8.0107, §15-5.0103, and Table 7.5 of the Comprehensive Master Plan. Sidewalks are not required in the bulb of the cul-de-sac.
17. All necessary approvals and required documentation shall be obtained and provided to the City of Franklin to confirm dedication and construction of the remaining right-of-way associated with Marquette Avenue, connecting to the existing school sidewalk, prior to submittal of the Final Plat.
18. The applicant shall revise Lot two (2) to reflect that access will be from Marquette Avenue.

Introduced at a regular meeting of the Common Council of the City of Franklin this 16th day of March, 2021.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 16th day of March, 2021.

APPROVED:



Stephen R. Olson, Mayor

ATTEST:



Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0

City of Franklin Department of City Development

Date: July 16, 2021
To: Matt Cudney, Verdian Homes
From: Department of City Development
RE: Pleasant View Reserve Final Plat – Staff Comments

Department comments are as follows for the Final Plat submitted by Matt Cudney, Verdian Homes and date stamped by the City of Franklin on June 17, 2021.

Prior Approvals

This final plat has previously obtained preliminary plat approval from the City of Franklin, via Resolution No. 2021-7716. A copy of that resolution is attached, all conditions of approval must be resolved. In particular, please note that the following outstanding conditions of approval:

1. Condition No. 6: the applicant must obtain a Natural Resource Special Exception for impacts to protected natural resources. The NRSE request application is currently under review and scheduled concurrently with the final plat application.
2. Condition No. 8: Written conservation easements shall be submitted as part of the Final Plat Application for Common Council review and approval, and recording with the Milwaukee County Register of Deeds Office at the time of recording the Final Plat. Please submit the required easements for staff review.
3. Condition No. 9: All wetland buffers and all wetland setbacks shall be included within a Conservation Easement. Those setbacks and buffers not within an Outlot shall have conservation signage to delineate the area(s) as protected and unbuildable... The plat "Conservation Easement Restrictions" shall be depicted on the face of the plat, for Department of City Development review and approval prior to submittal of the Final Plat. Please revise the Final Plat to depict the easement as including the wetland setback, not just the buffer.
4. Condition No. 10: All necessary approval(s) from the Wisconsin Department of Natural Resources and/or United States Army Corps of Engineers shall be submitted to the City as part of the Final Plat Application. Staff is aware of the DNR permitting process currently underway; this must be resolved prior to recording of the Final Plat.
5. Condition No. 14: The pedestrian trail shall be 10' wide, paved, and installed simultaneously with the construction of 49th Court. The connection to point to Pleasant View Park must align with the future park trail. Please verify that the connection point will align with the planned park trail.
6. Condition No. 18: Please revise Lot 2 to reflect that access will be from Marquette Avenue.

Unified Development Ordinance (UDO) Requirements

Design Standards

7. Zoning for the proposed plat is R-6 Suburban Single-Family Residence District. All proposed lots meet the lot size and building setback requirements of the zoning district (§15-3.0207).
8. Staff notes the dimensions of the lots 12, 22, 25, 27, and Outlot 1 have changed slightly from the Preliminary Plat. Lots 41, 40, 39 have also been reconfigured slightly as a group. All lots still meet the requirements of the R-6 district standards.
9. §15-5.0106.E requires a minimum lot depth of 110'. All lots except Lot 2 meet this requirement.
10. S.51st St. is classified by the Comprehensive Master Plan as a Minor Arterial Street. §15-5.0108.B requires a setback from minor arterial streets of 40 feet. Please revise the shown setbacks of lots on 51st St. to reflect the required setback.
11. Lot 2 does not allow access to S. 51st Street. The frontage on Marquette Avenue is therefore the front yard, and lot setbacks must be revised to depict the required 30' setback on Marquette Avenue, (§15-3.0207) and the required 40' setback on 51st Street (§15-5.0108.B). Lot depth must also conform to the 110' requirement of §15-5.0106.E.
12. Note that the Final Plat must conform to the standards of Section 15-8.0100, subject to the approval of the Engineering Department. See also comments regarding required improvements below.

General Plat Data

13. Please show all utility easements, including WE Energies easements, per the standards of §15-7.0602.D. Condition No. 9 of the preliminary plat approval further requires that all utility easements "shall be... shown on the face of the plat." Please revise the plat to show all easements.
14. Any lands dedicated to future public use must be shown on the plat per §15-7.0602.D. Please clarify if the trail will be dedicated to public use, and if so, depict it accordingly on the plat.
15. Please include water elevation of any water features including wetlands, the date of the survey and approximate high and low water elevations (§15-7.0602.H).
16. Note that Plan Commission can require that additional restrictions relating to access control etc. be shown on the Final Plat (§15-7.0602.F).
17. Note that additional information may also be required by the City Planner, Plan Commission, City Engineer, or Common Council (§15-7.0602.I and J).

Required Improvements for Land Divisions

18. Section 15-8.0100 of the UDO sets forth the required improvements for all land divisions. Closely review and incorporate that information onto the Plat, or

associated plans, as appropriate. Additional information about these requirements, and any questions about them, can be directed to the Engineering Department.

19. Note that improvements including streets and utilities must be installed prior to recording of the Final Plat (§15-2.0303.A). Alternatively, the applicant may enter into a Subdivider's ("Developer's") agreement with the City of Franklin, and provide a letter of credit for improvements (§15-2.0303.B).

Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowner's Association

20. Please submit a copy of the final draft of declaration of deed restrictions and protective covenants whereby the Subdivider intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development (§15-7.0603.A), as reviewed by the City Attorney.
21. Please submit the final draft of the legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners' association), for the purpose of demonstrating its existence, when the Subdivider proposes the property within the Subdivision would be either owned or maintained by such an organization of property owners, as required by §15-7.0603.C. This document is also subject to review by the City Attorney (§15-7.0603.D).

Staff Recommendations

Plat

22. Staff suggests noting the front yard on the face of the plat for lots that are corner lots, including Lots 2, 50, 42, 40, 29, 22, and 4.
23. Staff recommends depicting nearby floodplain limits on the plat, in accordance with §15-7.0502.E and §15-7.0603.G.

Sign Plan

24. If a subdivision monument sign is proposed in the future, it requires a separate application and review and approval by the Plan Commission.

Engineering Staff Comments

1. Show the coordinates of the monuments (Northing & Easting).
2. Show the utility easement (electric, gas, communications, etc).
3. Must indicate who delineated the wetland (Wetland Delineator Certified by the State of Wisconsin) and when it was delineated.

[Note that engineering plans must be provided directly to the Engineering Department as a separate submittal]

Police Department Staff Comments

The Franklin Police Department has no issues or concerns with this project.

Inspection Services Department Staff Comments

Inspection Services has no comments on the subject proposal at this time.

Milwaukee County

See attached.

Franklin Public School District

This item has been routed to the Franklin Public School District. Public School comments are pending. Any comments from the School District must be resolved prior to recording of the final plat.



**Natural Resource
Special Exception
For:**

**Pleasant View
Reserve
Subdivision**

Franklin, WI

Excel Job # 2132660

May 28, 2021
Revised July 15, 2021



Prepared by: Grant Duchac and Scott Roltgen
100 Camelot Drive Fond du Lac, WI
920-926-9800 www.excelengineer.com

For Property located within the Pleasant View Reserve Subdivision, Franklin, Wisconsin

The area of the natural resource special exception is within Outlot 2 of the Pleasant View Reserve Subdivision, developed by Veridian Homes, located south of Marquette Avenue between South 51st Street and South 49th Street being a part of Section 11, T 5N, R 21E in the City of Franklin, Milwaukee County, Wisconsin.

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➤ Natural Resource Special Exception	... Section 2
➤ Mitigation	Section 3

Figures

FIGURE 1 - Wetland Impact Areas & Mitigation Area Map

FIGURE 2 - Mitigation Plan for Wetland and Buffer Areas

FIGURE 3 - Proposed Seed Mixes

Appendix

Appendix A - City of Franklin Natural Resource Exception Question and Answer Form

Appendix B - Wetland Report

1. Narrative:

The proposed natural resource special exception is located within lands owned by Veridian Homes in the City of Franklin, Milwaukee County, Wisconsin. The area has been preliminary platted and approved as the Pleasant View Reserve Subdivision. The special exception will be located within Outlot 2 of the subdivision.

The outlot area is bordered by multi-family residential to the west and south; a public park (Pleasant View Neighborhood Park) and a public school (Pleasant View Elementary School) are to the east of the property. The area contains active and fallow agricultural farmland and shrubby/wooded areas.

Agricultural farmland has been the historic use of the property.

Wetland delineations, existing conditions topographic surveys, and field investigation surveys were completed on the property.

A wetland delineation and field investigation survey dated September 25, 2020 was completed on the property by Ben LaCount, a Wisconsin Assured Wetland Delineator with Evergreen Consultants, LLC.

A wetland complex was identified within the boundary of the property. The wetland is identified as "Wetland 1" in the wetland delineation report dated September 25, 2020 and completed by Evergreen Consultants, LLC. Wetland 1 is a degraded forested-shrub/scrub-wet meadow wetland infested with reed canary grass and cattail; the wetland is located within a depression and waterway/drainage swale. The waterway/drainage swale was determined to be non-navigable by the Wisconsin DNR (WDNR) in October of 2016.

Wetland area 1 as identified above has been marked in the field with wetland boundary flags and is shown with the buffer and setbacks on Figure 1. The wetland buffers as defined by UDO are undisturbed land within 30' landward of the delineated boundary of any wetland and parallel to the delineated wetland boundary. The wetland buffer area within the site boundaries is 2.32 acres. The wetland setback according to the UDO is all landward areas defined by the minimum required horizontal setback distance of fifty feet from a delineated wetland boundary (or 20' from the buffer area).

An existing conditions topographic field survey using a robotic total station was completed by Excel Engineering, Inc. on September 17th of 2020.

Additional supporting information reviewed and utilized included data obtained from the Milwaukee County Geographic Information System (GIS) interactive website, Wisconsin Department of Natural Resources Surface Water Data Viewer Inventory, U.S. Department of Agriculture (USDA) Web Soil Survey, and aerial photography coverage.

No floodplains/floodways exist on the property.

2. The Natural Resource Special Exception:

A 10' wide path is proposed that would connect the Pleasant View Reserve Subdivision and the City of Franklin's Pleasant View Neighborhood Park to the east. The path is necessary to create access to and from the park. The path location crosses the existing wetland area, Wetland 1 as delineated by Evergreen Consultants, that is between the subdivision and the city park area. The request is to fill and impact 1,431 sq.ft. of wetland area and 1,817 sq.ft. of wetland buffer area. See attached Figure 1 that shows the impacted areas. The wetland fill area also includes one culvert to allow drainage and ecological passage through the wetland crossing. The Natural Resource Special Exception details and reasoning is outlined in the City of Franklin NRSE Question and Answer Form (Appendix A).

3. Mitigation:

Per the City of Franklin's UDO, mitigation is required for impacts to wetland and wetland buffer areas. The mitigation required is 1.5 times the wetland disturbed area and 1.5 times the wetland buffer disturbed area.

The proposed wetland disturbance is 1,431 sf, which will require 2,147 sf of mitigated wetland area. The wetland mitigation area will be created along a 8' wide strip along the existing wetland boundary. The area will be graded flat to develop and contain wetland hydrology. Existing soils will be utilized for the wetland mitigation. Discharge from the proposed stormwater management pond will also help to hydrate the new wetland area. The wetland mitigation area will resemble the existing wetland, with similar native vegetation species. A low profile moist meadow seed mix at 3.25 PLS lbs/acre and annual ryegrass at 15 lbs/acre is proposed. The proposed wetland buffer disturbance is 1,817 sf, which will require 2,726 sf of mitigated wetland buffer area. the buffer area will be seeded with tallgrass prairie for medium soils at 13.25 PLS lbs/acre and annual ryegrass at 15lbs/acre over existing soils. Restoration and created wetland setback areas will be seeded with shortgrass prairie for medium soils at 13.25 PLS lbs/acre and annual ryegrass at 15lbs/acre. Reference Figure 3 for the proposed seed mixes.

The mitigation areas will require five years of monitoring and a maintenance per City standards. Conservation easements are required around the mitigated areas. The easements will be provided by Veridian Homes in conjunction with the final plat.

See Figures 1 and 2 that show the impact areas and the proposed mitigated areas.

FIGURE 1
WETLAND IMPACT AREAS & MITIGATION AREA MAP

FIGURE 1

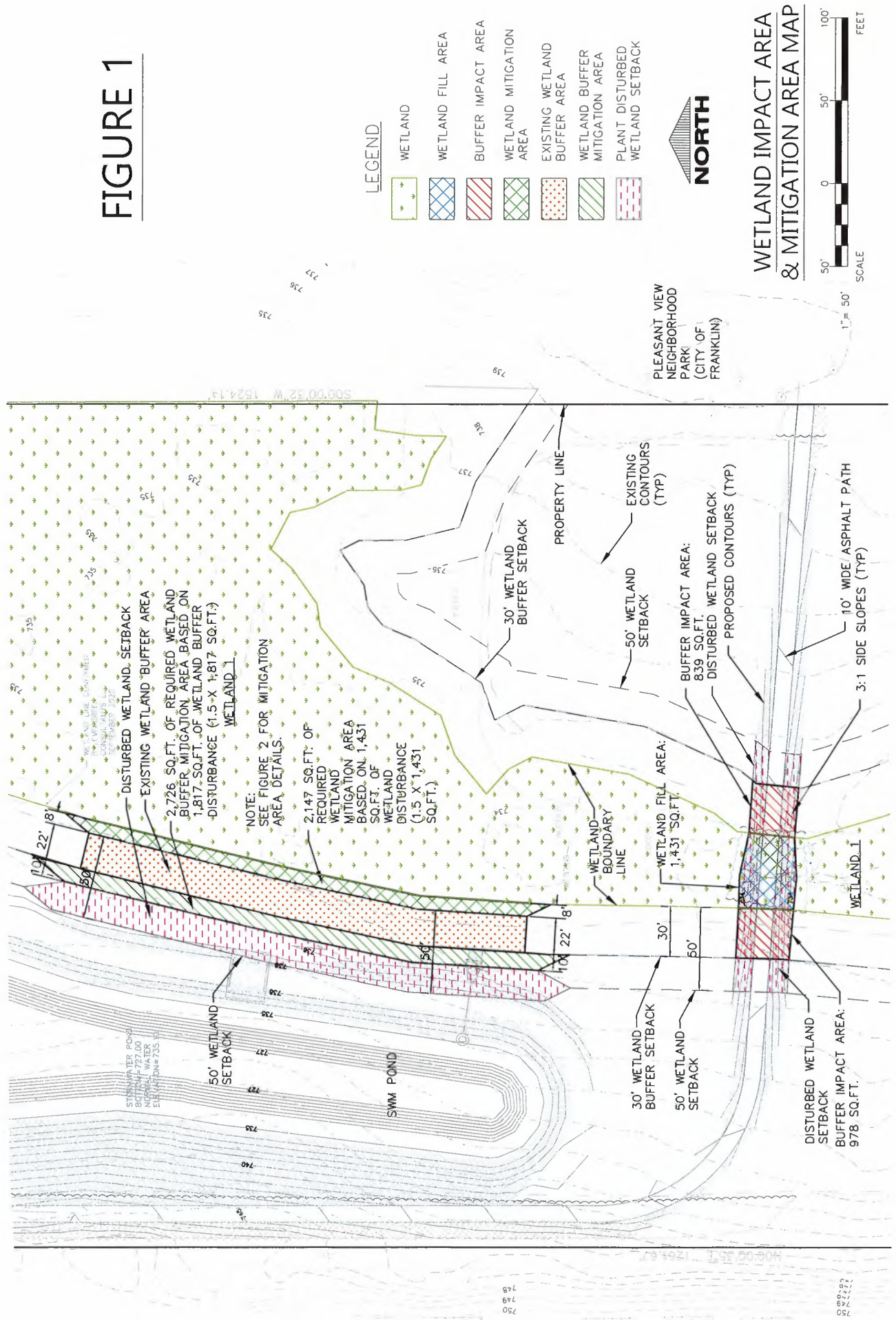


FIGURE 2
MITIGATION PLAN FOR WETLAND AND BUFFER AREAS

FIGURE 2

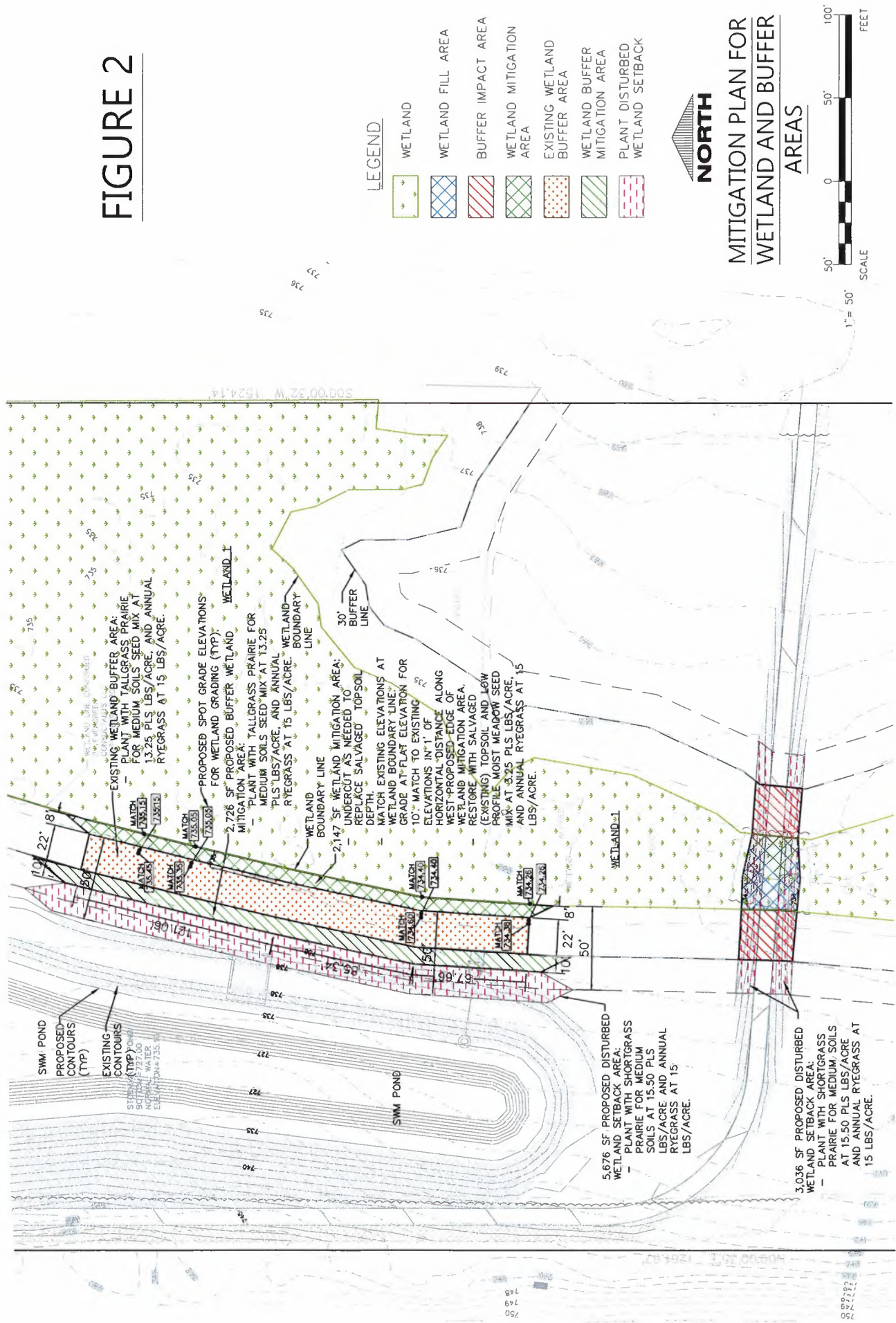


FIGURE 3
Proposed Seed Mixes

Low Profile Moist Meadow

The shorter grasses and sedges in this mix showcase the colors and blooms of over 20 wildflowers. Plant in poorly drained soils or low-lying sites.

#LPMD Wet to Wet Mesic Full Sun to Part Sun 3.25 PLS LBS/Acre 72.00 Seeds/ Sq. Ft

Wildflowers		Oz/Acre
Acorus calamus	Sweet Flag	2.00
Alisma subcordatum	Mud Plantain	1.50
Anemone canadensis	Meadow Anemone	0.75
Asclepias incarnata	Marsh (Red) Milkweed	4.00
Aster novae-angliae	New England Aster	0.25
Aster puniceus	Swamp Aster	0.50
Eupatorium perfoliatum	Boneset	0.25
Helenium autumnale	Sneezeweed	0.50
Iris versicolor	Northern Blue Flag Iris	4.50
Liatris spicata	Marsh Blazing Star	0.50
Lobelia cardinalis	Cardinal Flower	0.75
Lobelia siphilitica	Great Blue Lobelia	0.50
Lycopus americanus	Water Horehound	0.25
Mimulus ringens	Monkey Flower	0.10
Penthorum sedoides	Ditch Stonecrop	0.05
Physostegia virginiana	Obedient Plant	0.50
Polygonum pensylvanicum	Pinkweed	1.00
Pycnanthemum virginianum	Mountain Mint	0.50
Solidago graminifolia	Grass-Leaved Goldenrod	0.10
Solidago ohioensis	Ohio Goldenrod	0.25
Solidago riddellii	Riddell's Goldenrod	0.50
Verbena hastata	Blue Vervain	0.75
Grasses, Sedges, & Rushes		Oz/Acre
Bromus ciliatus	Fringed Brome	16.00
Carex bebbii	Bebb's Oval Sedge	0.50
Carex bicknellii	Copper-Shouldered Oval Sedge	1.00
Carex comosa	Bristly Sedge	0.50
Carex crinita	Fringed Sedge	0.50
Carex hystericina	Porcupine Sedge	0.25
Carex lacustris	Common Lake Sedge	0.75
Carex sprengeii	Long-Beaked Sedge	0.75
Carex stipata	Common Fox Sedge	0.25

Carex stricta	Tussock Sedge	0.50
Carex vulpinoidea	Brown Fox Sedge	0.25
Glyceria canadensis	Rattlesnake Grass	1.00
Glyceria striata	Fowl Manna Grass	1.50
Juncus dudleyi	Dudley's Rush	0.05
Juncus tenuis	Path Rush	0.10
Juncus torreyi	Torrey's Rush	0.10
Leersia oryzoides	Rice Cut Grass	8.00

Tallgrass Prairie for Medium Soils

An excellent mix for wildlife conservation. Tall stature grasses such as Big Bluestem and Indian grass provide important nesting habitat and cover for many animals. For full sun plantings with medium to well-drained soils.

#TPM Wet Mesic to Dry Mesic Full Sun 13.25 PLS LBS/Acre 89.00 Seeds/ Sq. Ft

Wildflowers		Oz/Acre
Allium cernuum	Nodding Onion	4.00
Amorpha canescens	Leadplant	2.00
Aster azureus	Sky Blue Aster	1.00
Aster novae-angliae	New England Aster	1.00
Baptisia leucantha (alba)	White Wild Indigo	2.00
Coreopsis palmata	Prairie Coreopsis	1.50
Coreopsis tripteris	Tall Coreopsis	1.00
Dalea candida	White Prairie Clover	3.00
Dalea purpurea	Purple Prairie Clover	2.50
Desmodium canadense	Canada Tick Trefoil	2.00
Echinacea pallida	Pale Purple Coneflower	4.00
Echinacea purpurea	Purple Coneflower	6.00
Eryngium yuccifolium	Rattlesnake Master	2.50
Helianthus grosseserratus	Sawtooth Sunflower	0.50
Heliopsis helianthoides	Early Sunflower	8.00
Liatris pycnostachya	Prairie Blazing Star	3.00
Monarda fistulosa	Wild Bergamot	2.00
Penstemon digitalis	Foxglove Beard Tongue	0.50
Potentilla arguta	Prairie Cinquefoil	0.20
Pycnanthemum virginianum	Mountain Mint	0.20
Ratibida pinnata	Yellow Coneflower	2.25
Rudbeckia hirta	Black-Eyed Susan	3.50
Rudbeckia subtomentosa	Sweet Black-Eyed Susan	2.00
Silphium laciniatum	Compass Plant	2.00
Silphium perfoliatum	Cup Plant	2.50
Solidago graminifolia	Grass-Leaved Goldenrod	0.20
Solidago rigida	Stiff Goldenrod	1.25
Verbena hastata	Blue Vervain	1.50
Veronicastrum virginicum	Culver's Root	0.20
Grasses, Sedges, & Rushes		Oz/Acre
Andropogon gerardii	Big Bluestem	24.00
Bouteloua curtipendula	Side Oats Grama	16.00
Carex bicknellii	Copper-Shouldered Oval Sedge	1.50

<i>Elymus canadensis</i>	Canada Wild Rye	32.00
<i>Elymus virginicus</i>	Virginia Wild Rye	32.00
<i>Juncus tenuis</i>	Path Rush	0.20
<i>Panicum virgatum</i>	Switchgrass	8.00
<i>Schizachyrium scoparium</i>	Little Bluestem	12.00
<i>Sorghastrum nutans</i>	Indian Grass	24.00

Shortgrass Prairie for Medium Soils

This favorite shortgrass mix contains many Asters and Coneflowers that provide showy summer and fall color! Enjoy the unobstructed view as the wildflowers bloom above the shorter grasses.

#SPM **Wet Mesic to Dry Mesic** **Full Sun** **13.50 PLS LBS/Acre** **83.00 Seeds/ Sq. Ft**

Wildflowers		Oz/Acre
Allium cernuum	Nodding Onion	6.00
Amorpha canescens	Leadplant	2.50
Asclepias tuberosa	Butterfly Weed	1.50
Aster azureus	Sky Blue Aster	1.50
Aster laevis	Smooth Blue Aster	2.00
Aster novae-angliae	New England Aster	0.50
Chamaecrista fasciculata	Partridge Pea	10.00
Coreopsis palmata	Prairie Coreopsis	6.00
Dalea candida	White Prairie Clover	4.00
Dalea purpurea	Purple Prairie Clover	3.00
Echinacea pallida	Pale Purple Coneflower	2.50
Echinacea purpurea	Purple Coneflower	6.00
Eryngium yuccifolium	Rattlesnake Master	3.00
Heliopsis helianthoides	Early Sunflower	10.00
Liatris pycnostachya	Prairie Blazing Star	2.50
Monarda fistulosa	Wild Bergamot	1.50
Penstemon digitalis	Foxglove Beard Tongue	0.50
Potentilla arguta	Prairie Cinquefoil	0.20
Pycnanthemum virginianum	Mountain Mint	0.20
Ratibida pinnata	Yellow Coneflower	4.00
Rudbeckia hirta	Black-Eyed Susan	2.50
Rudbeckia subtomentosa	Sweet Black-Eyed Susan	2.00
Silphium laciniatum	Compass Plant	0.50
Solidago speciosa	Showy Goldenrod	1.00
Tradescantia ohiensis	Ohio Spiderwort	1.50
Veronicastrum virginicum	Culver's Root	0.10
Grasses, Sedges, & Rushes		Oz/Acre
Bouteloua curtipendula	Side Oats Grama	42.00
Carex bicknellii	Copper-Shouldered Oval Sedge	1.00
Elymus canadensis	Canada Wild Rye	32.00
Elymus virginicus	Virginia Wild Rye	32.00
Koeleria cristata (macrantha)	June Grass	2.00
Schizachyrium scoparium	Little Bluestem	32.00

Pleasant View Reserve
Franklin, WI

Natural Resource Special Exception
Excel Project # 2132660

APPENDIX A
CITY OF FRANKLIN NATURAL RESOURCE EXCEPTION
QUESTION AND ANSWER FORM

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.
15-10.0208 15-4 0101
15-3.0322
15-11.0103

B Statement regarding the Special Exception requested, giving distances and dimensions where appropriate.
The request is to impact 1,431 sq ft. of wetland area and 2,147 sq ft. of buffer area for a proposed asphalt path crossing. See attached exhibit showing the impacted areas. The wetland fill area also includes one culvert to allow drainage through the wetland.

C Statement of the reason(s) for the request.
A 10' wide path to connect the Pleasant Prairie Reserve Subdivision and the City of Franklin's Pleasant View Neighborhood Park is proposed. The path is necessary to create access to and from the park. The path location is through an existing wetland area that is contiguous between the subdivision and the city park area.

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 City of Franklin has requested access to the city park from the subdivision. A 10' wide path is proposed to create access between the Pleasant View Reserve Subdivision and the City's Pleasant View Neighborhood Park. The path will be paved with asphalt. Per the City's request the path will also be used as a secondary access route to the park as the park is located on a dead end street. The wetland crossing area of the path will include concrete culverts to allow drainage from the north to pass through the wetland area to the south. The fill in

the wetland and buffer area will be limited to the asphalt path and the required side slope area needed to fill over the culverts.

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

This will be new construction and will be completed as a part of the Pleasant View Reserve Phase 2 residential subdivision 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.

This is the only access area to the city park from the subdivision. The path crossing is at the narrowest part of the wetland. A path location and crossing within this vicinity was previously approved via preliminary plats

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.

1 A boardwalk was considered to span the wetland and buffer area. However, the boardwalk would need to be rated for emergency vehicle traffic loads. A boardwalk created for vehicle loads is structurally limited for footings to avoid wetland impact and decking and is cost prohibitive.

2 A bridge would need a 45' long span to cross and not impact the wetland, or over 105' to span the wetland and buffer areas. A bridge with the required spans to cross the wetland areas would be cost prohibitive.

3. No access to the park from the subdivision

- (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 is no other way to gain access to the city park area from the subdivision without affecting wetland areas. The wetland area is continuous along the east side of the property between the subdivision and park lands.

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

The side slopes of the path to the wetland and buffer areas could be designed to be steeper to make a smaller impact to the wetland areas. However, steeper

slopes are more apt to erosion and are harder to maintain, and thus could have more of an impact to waters of the state

- (d) State what geographic areas were searched for alternative sites.
The original proposed wetland crossing area was further north, the wetland crossing at that location was wider and would impact more of the wetland area. The path was lengthened, and the crossing was relocated to the south to the narrowest portion of the wetland.
-

- (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.
There are no other on-site areas available to access the city park area from the subdivision without impacting a wetland area.
-

- (f) State what will occur if the project does not proceed.
There will not be access to the city park from the subdivision.

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.
Asphalt path/culverts cost: =\$18,500
Boardwalk cost: \$80 sf =1050sf x80= * \$84,000
Bridge cost: \$200 sf = 1050sf x200=\$210,000

* pricing does not reflect current inflated material costs in the market.

- (b) State any logistical reasons limiting any of the possible alternatives set forth under sub. 2 , above
Construction access would be needed from both sides of the wetland for the boardwalk and bridge construction

- (c) State any technological reasons limiting any of the possible alternatives set forth under sub. 2 , above
The maintenance associated with a boardwalk or bridge Bridge inspections

- (d) State any other reasons limiting any of the possible alternatives set forth under sub. 2., above
Responsible party for the maintenance and inspections of the boardwalk or bridge

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 proposed asphalt path is cost effective for the access to the park The other alternatives are expensive and would require maintenance and inspections. The proposed path is safer with no guardrails needed The path would be easier to maintain for snow removal with the contiguous asphalt pavement Also, the area to be filled is not within a high quality wetland, the wetland is a degraded forested-shrub-wet meadow infested area with reed canary grass and cattail.

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.

The wetland area is degraded forested-shrub-wet meadow infested area with reed canary grass and cattail. The area is within a shallow ditch which is a drainage way for runoff from the north. The tree species in the wetland is American Elm. Invasive species such as Buckthorn and canary reed grass are dominate. Agricultural cropped areas and fallow field occupy the wetland buffer and setback areas around the wetland.

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. Not Applicable Applicable
- b) Storm and flood water storage. Not Applicable Applicable
- c) Hydrologic functions Not Applicable Applicable
- d) Water quality protection including filtration and storage of sediments, nutrients or toxic substances Not Applicable Applicable
- e) Shoreline protection against erosion Not Applicable Applicable
- f) Habitat for aquatic organisms Not Applicable Applicable
- g) Habitat for wildlife. Not Applicable Applicable
- h) Human use functional value Not Applicable Applicable
- i) Groundwater recharge/discharge protection Not Applicable Applicable
- j) Aesthetic appeal, recreation, education, and science value Not Applicable Applicable
- k) Specify any State or Federal designated threatened or endangered species or species of special concern. Not Applicable Applicable
- l) Existence within a Shoreland Not Applicable 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. Not Applicable 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

The fill area of the wetland area will result in the loss of some area for wildlife habitat. The buffer and wetland areas are recently or currently cropped for agricultural land, so

there will be no loss of wildlife area in these areas. The mitigation area will replace cropped area with added wildlife area for a net increase.

7) **Water Quality Protection.**

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

The project will protect the waters of the state with erosion protection including silt fence at the disturbance perimeter, and erosion matting with the seeding of the disturbed area.

Pleasant View Reserve
Franklin, WI

Natural Resource Special Exception
Excel Project # 2132660

APPENDIX B
WETLAND REPORT

NATURAL RESOURCE PROTECTION PLAN

For: Veridian Homes

Located on the future West Marquette Avenue extension between South 51st Street and South 49th Street in Franklin, Wisconsin

The protection plan area contains 38.66 acres within lands to be developed by Veridian Homes located north and south of the future West Marquette Avenue extension between South 51st Street and South 49th Street being a part of Section 11, T 5N, R 21E in the City of Franklin, Milwaukee County, Wisconsin.

Tax PIN #'s: 759-9981-010 (a.k.a 7475 South 49th Street)
Part of 759-9980-000
788-9981-003

December 18, 2020

Revised February 12, 2021, Revised NRPP Maps July 15, 2021

Prepared For:

Veridian Homes, LLC
Attn: Matt Cudney
6801 S. Towne Drive
Madison, WI 53713

Prepared By:

Grant Duchac
Excel Engineering, Inc.
100 Camelot Drive
Fond du Lac, WI 54935

EXCEL PROJECT # 2041760

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➤ Introduction.....	Section 1
➤ Methodology.....	Section 2
➤ Results.....	Section 3
➤ Natural Resource Disturbance & Protection.....	Section 4
➤ Conclusion.....	Section 5

Figures

FIGURE 1 - Natural Resource Protection Plan

FIGURE 2 - Preliminary Plat

Appendixes

Appendix A - Site Intensity & Capacity Calculations

Appendix B - Tree Surveys

Appendix C - Navigability Determination

Appendix D - Wetland Jurisdictional Determination & Non-Federal Exemption

1. Introduction:

The proposed project is comprised of all or parts of three (3) parcels of land totaling 38.66 acres in the City of Franklin, Milwaukee County, Wisconsin. The property lies north and south of the proposed West Marquette Avenue extension between South 51st Street and South 49th Street. 11.254 acres lie north of the proposed West Marquette Avenue extension and 27.406 acres lie south of the proposed West Marquette Avenue extension.

That part of the property lying north of the proposed West Marquette Avenue extension is bordered by residential homes and South 51st Street to the west, residential homes to the north, and residential homes and South 49th Street to the east. The property is vacant with fallow agricultural farmland covering the majority of the land. A preliminary plat of this property (Oak Ridge of Franklin) was previously submitted to and approved by the City of Franklin.

That part of the property lying south of the proposed West Marquette Avenue extension is bordered by single and multi-family residential to the west and south; a public park (City of Franklin) and a public school (Pleasant View Elementary School) are to the east of the property. The area contains active and fallow agricultural farmland and shrubby/wooded areas. A preliminary plat of this property (Pleasant View Estates) was previously submitted to and approved by the City of Franklin.

Agricultural farmland has been the historic use of the entire property. The purpose of this plan and investigation is to identify natural resources including steep slopes, woodlands, lakes, ponds, streams, floodlands, wetlands and buffers within the property per the Natural Resource Protection ordinance for the City of Franklin.

2. Methodology:

Wetland delineations, existing conditions topographic surveys, and field investigation surveys were completed on the property.

A wetland delineation and field investigation survey dated October 31, 2017 was completed on the north property by Thompson and Associates Wetland Services, LLC, a Wisconsin Assured Wetland Delineator. A wetland delineation and field investigation survey dated September 25, 2020 was completed on the south property by Ben LaCount, a Wisconsin Assured Wetland Delineator with Evergreen Consultants, LLC.

An existing conditions topographic field survey using a robotic total station was completed by Excel Engineering, Inc. on September 17th of 2020.

Additional supporting information reviewed and utilized included data obtained from the Milwaukee County Geographic Information System (GIS) interactive website, Wisconsin Department of Natural Resources Surface Water Data Viewer Inventory, U.S. Department of Agriculture (USDA) Web Soil Survey, and aerial photography coverage.

3. Results:

Steep Slopes:

There are three defined categories of steep slopes per the City of Franklin's Unified Development Ordinance (UDO). Each category is based on the percentage of slope

(10 to 19%, 20 to 30%, and greater than 30%); all require at least a ten-foot vertical drop and a minimum area of 5,000 square feet.

No areas within the property meet the steep slope criteria as defined by the UDO, consistent with the previously approved NRPP(s).

Woodlands:

There are two defined categories of woodlands per the UDO; young woodland and mature woodland.

A young woodland is an area or stand of trees whose total combined canopy covers an area of one-half acre (0.50) acre or more and at least fifty percent (50%) of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three inches (3").

A mature woodland is an area or stand of trees whose total combined canopy covers an area of one (1) acre or more and at least fifty percent (50%) of which is composed of canopies of trees having a diameter at breast height (DBH) of at least ten inches (10"); or any grove consisting of eight (8) or more individual trees having a DBH of at least twelve inches (12") whose combined canopies cover at least fifty percent (50%) of the area encompassed by the grove.

In conjunction with the previous preliminary plats of these properties, tree surveys were completed; those surveys are found in Appendix B of this plan. The subject surveys indicate there are no wooded areas within either property that meet the young woodland or mature woodland criteria.

Lakes, Ponds, Streams and Shore Buffers:

No lakes, ponds or streams are located on the property and as a result there are no shore buffers. The waterway/drainage swale at the south end of the property that flows south under Evergreen Street was determined to be non-navigable by the Wisconsin DNR (WDNR) in October of 2016 and is included as Appendix C of this plan.

Floodplain/Floodway:

No floodplains/floodways exist on the property.

Wetlands, Wetland buffers and Wetland Setbacks:

Two (2) wetland complexes were identified within the boundary of that part of the property lying north of West Marquette Avenue; those wetlands are identified as "Wetland A" and "Wetland B" in the wetland delineation report dated October 31, 2017 and completed by Thompson and Associates Wetland Services, LLC. Wetland A is a 0.35-acre fresh wet meadow wetland that is linear in shape and extends east from South 51st Street; Wetland B is a 0.15-acre shallow depression wetland dominated by cattails and located in the northern portion of the property. A request for "Jurisdictional Determination" for these two (2) wetlands was submitted to the US Army Corps of Engineers (Corps). The Corps determined the

review area contains no waters of the United States subject to Corps jurisdiction and the wetlands are therefore not regulated by the Corps; State wetland protection standards do not apply to nonfederal wetland exemptions and, pursuant to ACT 183 Wisconsin Statute 281, a local government's wetland protection ordinance does not apply to nonfederal wetlands (see Appendix D). Upon review by the Wisconsin Department of Natural Resources, "Wetland A" & "Wetland B" meet the criteria of the non-federal wetland exemption.

One (1) wetland complex was identified within the boundary of that part of the property lying south of West Marquette Avenue. The wetland is identified as "Wetland 1" in the wetland delineation report dated September 25, 2020 and completed by Evergreen Consultants, LLC. Wetland 1 is a degraded forested-shrub/scrub-wet meadow wetland infested with reed canary grass and cattail; the wetland is located within a depression and swale (the non-navigable waterway at the south end of the site).

Wetland area 1 as identified above has been marked in the field with wetland boundary flags and is shown with the buffer and setbacks on Natural Resource Protection Plan (Figure 1). The wetland buffers as defined by UDO are undisturbed land within 30' landward of the delineated boundary of any wetland and parallel to the delineated wetland boundary. The wetland buffer area within the site boundaries is 2.32 acres. The wetland setback according to the UDO is all landward areas defined by the minimum required horizontal setback distance of fifty feet from a delineated wetland boundary (or 20' from the buffer area). Due to the size of the wetland reports that are referenced in this plan, they are not included in the appendices but are included as separate bound documents.

4. Natural Resource Disturbance and Protection:

The proposed site development sketch plan is shown on Figure 2. The development will meet all natural resource protection standards. A permanent Natural Resource Conservation Easement will be created for Wetland Area 1. The proposed trail crossing the wetland complex is shown on the NRPP Map and appropriate approvals/exceptions for the trail crossing will be completed prior to Phase 2.

5. Conclusion:

The proposed development will comply with the Natural Resource Protection Standards of the UDO. The worksheets for the Site Intensity and Capacity Calculations are provided in Appendix A. Per the calculations a total of 95.88 dwelling units are the maximum permitted for this property. This calculation was based on all on-site natural resource features present. The proposed number of dwelling units (lots) for the subdivision is 53.

FIGURE 1
NATURAL RESOURCE PROTECTION PLAN

FIGURE 2
PROPOSED SITE DEVELOPMENT SKETCH PLAN





NATURAL RESOURCES PROTECTION PLAN
PLEASANT VIEW RESERVE
 S 51ST STREET & W MARQUETTE AVENUE • FRANKLIN, WI 53132

NOT FOR CONSTRUCTION

PRELIMINARY DATES
 DEC 19, 2020
 FEB 12, 2021
 JULY 14, 2021

JOB NUMBER
 2044840

SHEET NUMBER
S

SITE INFORMATION

LEGAL DESCRIPTION
 Part of Parcel 13 of Certified Survey Also No. 8863 and part of the SW 1/4 of the NE 1/4 and part of the SW 1/4 and SW 1/4 of the SE 1/4 of Range 21 East City of Franklin, Milwaukee County, Wisconsin.

PROPERTY AREA AREA = .681-013 S.F. (38,660 SQUARE FEET)
EXISTING ZONING R-6
PROPOSED ZONING R-6
PERMITTED USE CONVENTIONAL
PROPOSED USE CONVENTIONAL
SUBDIVISION .000 SF
MINIMUM LOT AREA: 90' A FRONT SETBACK LINE
MINIMUM LOT WIDTH: 0' 00'
OPEN SPACE RATIO: 0' 00'
NET DENSITY: 2.972
SETBACKS
 FRONT = 30'
 SIDE = 0'
 REAR = 30'
 SIDE CORNER LOT = 9'

PROPOSED SITE DATA

PROJECT SITE (BASE SITE AREA) (S) LOTS (OVER SPACES)	AREA (A4)	RATIO
	38,660	16.444

OWNER:
 MUELLER, HANDEL & WIEZ
 1000 W. MARQUETTE AVENUE
 FRANKLIN, WI 53132

CREATIVE HOMES, INC.
 1000 W. MARQUETTE AVENUE
 FRANKLIN, WI 53132

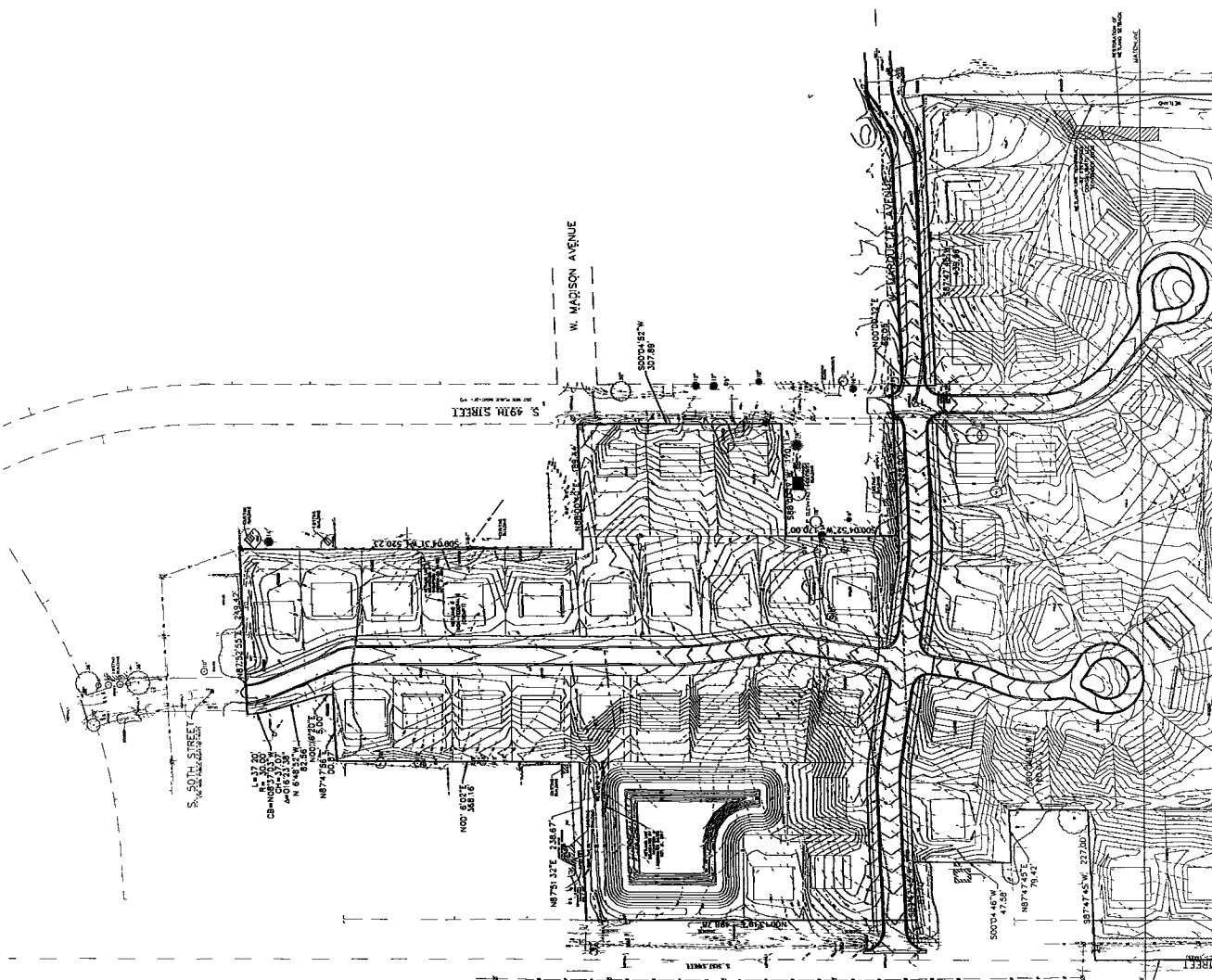
DESIGNED BY:
 EXCEL ENGINEERS, INC.
 1000 W. MARQUETTE AVENUE
 FRANKLIN, WI 53132

CONTRACT NO.:
 2044840

DATE:
 07/14/2021

PROJECT NO.:
 2044840

SCALE:
 1" = 40'



- LEGEND:**
- WOODS AREA
 - EXISTING SHADING TREE
 - EXISTING SHRUBS
 - EXISTING SOILS
 - EXISTING STONE WALLS AND MANHOLE
 - EXISTING SANDY SAND AND MANHOLE
 - EXISTING WATER LINE AND MANHOLE
 - EXISTING OVERHEAD UTILITY LINE
 - EXISTING UNDERGROUND ELECTRIC CABLE
 - EXISTING CURB AND GUTTER
 - EXISTING GROUND CONTOUR

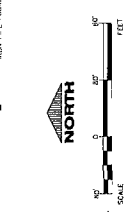


FIGURE 2A
 SKETCH PLAN - NORTH



NATURAL RESOURCES PROTECTION PLAN

PLEASANT VIEW RESERVE

S. 51ST STREET & W. MARQUETTE AVENUE • FRANKLIN, WI 5312

NOT FOR CONSTRUCTION

REVISION DATE
DEC 18, 2020
FEB 12, 2021
JULY 14, 2021

JOB NUMBER	2044840
SHEET NUMBER	S

SITE INFORMATION

LEGAL DESCRIPTION:
 P164 S 1/2 of Sec 16, T4N, R12W, S12E, 1/4 of the NE 1/4, and part of the SW 1/4 of the NE 1/4, and part of the SW 1/4 of the NE 1/4, and SW 1/4 of the SE 1/4 of Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

PROPERTY AREA: 138.660 ACRES

EXISTING ZONING: R-6

PROPOSED ZONING: R-4

PROPOSED USE: CONVENTIONAL SUBDIVISION

MINIMUM LOT AREA: 11,000 SF

MINIMUM LOT WIDTH: 90' AT FRONT SETBACK LINE

OPEN SPACE RATIO: 0.00

NET DENSITY: 2.972

SETBACKS:
 FRONT = 30'
 SIDE = 10'
 SIDE CORNER LOT = 19'
 REAR = 30'

PROPOSED SITE DATA

PROJECT SITE (BASE SITE AREA)	28.86	64.70
OUTSIDE (OFF SITE)	4.86	14.86

NATURAL RESOURCE		TOTAL AREA (SF)
ITEM	AREA (AC)	
WOODED AREA	28.86	1243
WETLAND BUFFER WISCONSIN AREA	2728	1033
WETLAND MITIGATION AREA	3142	1243

CONTRACTORS:
 M. J. HANCOCK & SONS, INC.
 1000 W. WISCONSIN AVENUE
 MILWAUKEE, WI 53233

DESIGNER:
 EXCEL ENGINEERS, INC.
 1000 W. WISCONSIN AVENUE
 MILWAUKEE, WI 53233

DATE: JULY 14, 2021

PROJECT: PLEASANT VIEW RESERVE

CONTRACT NO.: 2044840

DATE OF ISSUE: JULY 14, 2021

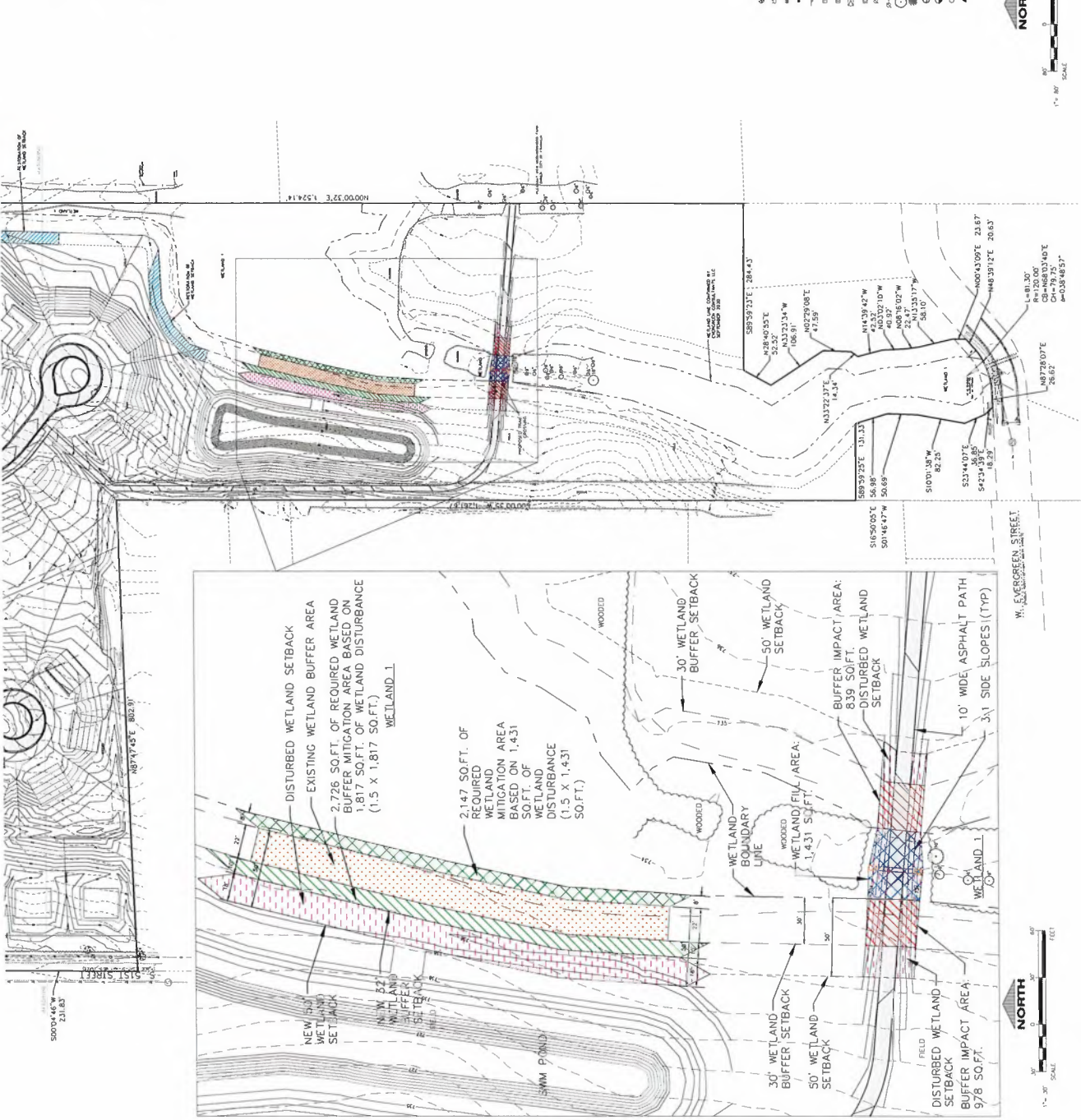


FIGURE 2B
 SKETCH PLAN - SOUTH

APPENDIX A
SITE INTENSITY & CAPACITY CALCULATIONS

Division 15-3.0500. Site Intensity and Capacity Calculations

§ 15-3.0501. Natural Resource Protection and Site Intensity and Capacity Calculations for Residential and Nonresidential Uses Required.

- A. Recognition of Natural Resource Features. This Ordinance recognizes that landforms, parcel size and shape, and natural resource features vary from site to site and that development regulations must take into account these variations. The maximum density or intensity of use allowed in any zoning district is controlled by the various district standards set forth for each of the various zoning districts of this Ordinance.
- B. When Natural Resource Protection and Site Intensity and Capacity Calculations Are Required. Natural resource protection is required for all development and the site intensity and capacity calculations set forth in this Division shall be made for each parcel of land to be used or built upon in the City of Franklin including all new Certified Survey Maps, Preliminary Plats, condominiums, multiple-family residential developments, all nonresidential development, and as may be required elsewhere in this Ordinance except as excluded under the provisions of § 15-3.0501C. of the Unified Development Ordinance.
- C. Exclusions (When Natural Resource Protection and Site Intensity and Capacity Calculations Are Not Required). Natural resource protection shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for the construction of single-family and two-family residential development located on non-divisible existing lots of record within existing platted Subdivisions (with an approved Final Plat), Certified Survey Maps, and Condominiums existing on August 1, 1998, the effective date of this Ordinance or for which a natural resource protection plan and site intensity capacity calculations were filed at the time of division after August 1, 1998. A Natural Resource Protection Plan shall not be required with an application for certified survey map approval where a single property zoned I-1 Institutional District is divided as a result of a public work of improvement for street extension purposes, with related public sanitary sewer and water work for which special assessment was made, into two or more parcels through the property fee acquisition by the City for the extension of the public street. The foregoing exclusions from Natural Resource Protection Plan submission requirements for certified survey map applications shall only be available upon the conditions that in lieu of the Plan submission requirement, the certified survey map application shall be accompanied by the "best available information" as to the existence of any natural resource features, such as existing topographical maps, wetland inventories, and other such inventories as may be available; and that a Natural Resource Protection Plan must be submitted upon any further development of any portion of the mapped property. A Natural Resource Protection Plan shall also not be required with an application for certified survey map approval where lots are being created from a larger

surrounding parcel, with the larger in area in relation to the lots created remnant parcel being vacant, or already having being developed by the existence of a principal structure and not being the subject of current further development application, and with the only natural resources within the map area being upon the remnant parcel and being more than 500 feet away from the lots being created. The foregoing exclusion from Natural Resource Protection Plan submission requirement for certified survey map applications shall only be available upon the conditions that i) in lieu of the Natural Resource Protection Plan submission requirement, the Certified Survey Map application shall show upon its face the existence of any natural resource features, as identified in § 15-4.0102, located on the parcels of the Certified Survey Map based upon the "best available" information; (ii) that a Natural Resource Protection Plan must be submitted upon

any further development of the "remnant" parcel; and iii) the following note shall be placed upon the face of such Certified Survey Map: "The Natural Resource Features identified herein are not based upon field surveys. In the event of further land division or development of a parcel herein with any such Natural Resource Feature, a complete NRPP with field surveys is required for said parcel!" For the purposes of this section, the Zoning Administrator shall not require that the "best available" information be a "first source" of information, as identified in § 15-4.0102A., B., C., D., and G. Notwithstanding any other provision of this Ordinance, natural resource protection and any such related Natural Resource Protection Plan, shall not be required and the site intensity and capacity calculations set forth in this Division shall not be required for any accessory use structure or accessory use development or for an addition or modification to an existing principal structure development which does not increase the existing developed structure and impervious surface area upon the parcel by more than 50% or 2,500 square feet, whichever is smaller, where natural resource feature(s) are not within 100 feet of the area to be disturbed by the new development, upon a parcel supporting an existing principal structure with an existing principal use; determination as to whether natural resource features are within 100 feet of the area to be disturbed, the boundaries of which shall be clearly identified within application materials, shall be made by the City Engineer or designee; however, if any resources identified by the Southeastern Wisconsin Regional Planning Commission in PR 176 or in PR 42, as may be amended from time to time, as Primary or Secondary Environmental Corridor and/or Isolated Natural Resources Area, are located on the site by the City Engineer or designee, but are outside of 100 feet of the area to be disturbed, a written plan shall be provided by the applicant detailing the protective measures that will be implemented to prevent such natural resource feature(s) adverse impacts, which shall be subject to approval by the Plan Commission and shall be installed as may be provided on site as detailed within the plan as a condition of application approval. A Natural Resource Protection Plan (and related requirements, such as the submission of conservation easements, etc.) shall not be required with an application for certified survey map approval for the purpose of providing additional land to an adjoining tax incremental district mixed-use development including industrial and commercial uses, where lots are being created from a parcel or parcels, upon which there exists an established residential dwelling building use, such established use parcel or parcels not being the subject of current further development application, for such remaining established residential dwelling building use parcel or parcels only, provided with regard to such remaining established residential dwelling building use parcel or parcels that: i) in lieu of the Natural Resource Protection Plan submission requirement, the Certified Survey Map application shall show upon its face the existence of any natural resource features, as identified in § 15-4.0102, located on the parcels of the Certified Survey Map based upon the "best available" information; (ii) that a Natural Resource Protection Plan must be submitted upon any further development of the "remaining established residential dwelling building use parcel or parcels"; and iii) the following note shall be placed upon the face of such Certified Survey Map: "The Natural Resource Features identified herein upon lot[s] [number[s]] are not based upon field surveys. In the event of further land division or development of lot[s] [number[s]] with any such Natural Resource Feature, a complete NRPP with field surveys is required for said parcel."

§ 15-3.0502. Calculation of Base Site Area.

The base site area shall be calculated as indicated in Table 15-3.0502 for each parcel of land to be used or built upon in the City of Franklin as referenced in § 15-3.0501 of this Ordinance.

Table 15-3.0502			
Worksheet for the Calculation of Base Site Area for Both Residential and Nonresidential Development			
STEP 1:	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property.		38.66 acres
STEP 2:	Subtract (-) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area.	-	0.32 acres
STEP 3:	Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space.	-	0.00 acres
STEP 4:	In the case of "Site Intensity and Capacity Calculations" for a proposed residential use, subtract (-) the land proposed for nonresidential uses; or In the case of "Site Intensity and Capacity Calculations" for a proposed nonresidential use, subtract (-) the land proposed for residential uses.	-	0.00 acres
STEP 5:	Equals "Base Site Area"	=	38.34 acres

§ 15-3.0503. Calculation of the Area of Natural Resources to Be Protected.

All land area with those natural resource features as described in Division 15-4.0100 of this Ordinance and as listed in Table 15-3.0503 and lying within the base site area (as defined in § 15-3.0502), shall be measured relative to each natural resource feature present. The actual land area encompassed by each type of resource is then entered into the column of Table 15-3.0503 titled "Acres of Land in Resource Feature." The acreage of each natural resource feature shall be multiplied by its respective natural resource protection standard (to be selected from Table 15-4.0100 of this Ordinance for applicable agricultural, residential, or nonresidential zoning district) to determine the amount of resource protection land or area required to be kept in open space in order to protect the resource or feature. The sum total of all resource protection land on the site

equals the total resource protection land. The total resource protection land shall be calculated as indicated in Table 15-3.0503.

Table 15-3.0503					
Worksheet for the Calculation of Resource Protection Land					
Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	
	Agricultural District	Residential District	Non-Residential District		
Steep Slopes:					
10-19%	0.00	0.60	0.40	X <u>0.00</u>	<u>0.00</u>
20-30%	0.65	0.75	0.70	X <u>0.00</u>	<u>0.00</u>
+ 30%	0.90	0.85	0.80	X <u>0.00</u>	<u>0.00</u>
Woodlands & Forests:					
Mature	0.70	0.70	0.70	X <u>0.00</u>	<u>0.00</u>
Young	0.50	0.50	0.50	X <u>0.00</u>	<u>0.00</u>
Lakes & Ponds	1	1	1	X <u>0.00</u>	0.00
Streams	1	1	1	X <u>0.00</u>	0.00
Shore Buffer	1	1	1	X <u>0.00</u>	0.00
Floodplains	1	1	1	X <u>0.00</u>	0.00
Wetland Buffers	1	1	1	X <u>2.32</u>	2.32
Wetlands & Shoreland Wetlands	1	1	1	X <u>3.76</u>	3.76
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)					6.08

Note: In conducting the calculations in Table 15-3.0503, if two or more natural resource features are present on the same area of land, only the most restrictive resource protection standard shall be used. For example, if floodplain and young woodlands occupy the same space on a parcel of land, the resource protection standard would be 1.0 which represents the higher of the two standards.

§ 15-3.0504. Calculation of Site Intensity and Capacity for Residential Uses.

In order to determine the maximum number of dwelling units which may be permitted on a parcel of land zoned in a residential zoning district, the site intensity and capacity calculations set forth in Table 15-3.0504 shall be performed.

Table 15-3.0504		
Worksheet for the Calculation of Site Intensity and Capacity for Residential Development		
STEP 1:	<p>CALCULATE MINIMAL REQUIRED ON-SITE OPEN SPACE</p> <p>Take Base Site Area (from Step 5 in Table 15- 3.0502): <u>38.34</u></p> <p>Multiple by Minimum Open Space Ratio (OSR) (see specific residential zoning district OSR standard): X <u>0.00</u></p> <p>Equals MINIMUM REQUIRED ON-SITE OPEN SPACE =</p>	0.00 acres
STEP 2:	<p>CALCULATE NET BUILDABLE SITE AREA:</p> <p>Take Base Site Area (from Step 5 in Table 15- 3.0502): <u>38.34</u></p> <p>Subtract Total Resource Protection Land from Table 15-3.0503) or Minimum Required On-Site Open Space (from Step 1 above), whichever is greater:- <u>6.08</u></p> <p>Equals NET BUILDABLE SITE AREA =</p>	32.26 acres
STEP 3:	<p>CALCULATE MAXIMUM NET DENSITY YIELD OF SITE:</p> <p>Take Net Buildable Site Area (from Step 2 above): <u>32.26</u></p> <p>Multiple by Maximum Net Density (ND) (see specific residential zoning district ND standard): X <u>2.972</u></p> <p>Equals MAXIMUM NET DENSITY YIELD OF SITE=</p>	95.88 D.U.s
STEP 4:	<p>CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE:</p> <p>Take Base Site Area (from Step 5 of Table 15- 3.0502): <u>38.34</u></p> <p>Multiple by Maximum Gross Density (GD) (see specific residential zoning district GD standard): X <u>2.972</u></p> <p>Equals MAXIMUM GROSS DENSITY YIELD OF SITE =</p>	113.95 D.U.s

STEP 5:	DETERMINE MAXIMUM PERMITTED D.U.s OF SITE: Take the lowest of Maximum Net Density Yield of Site (from Step 3 above) or Maximum Gross Density Yield of Site (from Step 4 above):	95.88 D.U.s
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§ 15-3.0505. Calculation of Site Intensity and Capacity for Nonresidential Uses.

In order to determine the maximum floor area which may be permitted on a parcel of land zoned in a nonresidential zoning district, the site intensity and capacity calculations set forth in Table 15-3.0505 shall be performed.

A. Maximum Permitted Floor Area for a Retail Building:

1. Notwithstanding the provisions of Table 15-3.0505, no individual retail building in any of the following districts shall exceed a total of 125,000 gross square feet of floor area, including all roofed area.
 - a. B-1 Neighborhood Business District.
 - b. B-2 General Business District.
 - c. B-3 Community Business District.
 - d. B-5 Highway Business District.
2. Notwithstanding, any other provision of this Ordinance, no special use permit, special exception or variance may be approved or granted that would allow a retail building to exceed the size limits of this subparagraph (1) and no nonconforming use or structure may be expanded in any manner that would increase its nonconformance with the limits of subparagraph (1).

Table 15-3.0505		
Worksheet for the Calculation of Site Intensity and Capacity for Nonresidential Development		
STEP 1:	<p>CALCULATE MINIMUM REQUIRED LANDSCAPE SURFACE:</p> <p>Take Base Site Area (from Step 5 in Table 15- 3.0502): _____</p> <p>Multiple by Minimum Landscape Surface Ratio (LSR) (see specific zoning district LSR standard): X ____</p> <p>Equals MINIMUM REQUIRED ON-SITE LANDSCAPE SURFACE =</p>	acres
STEP 2:	<p>CALCULATE NET BUILDABLE SITE AREA:</p> <p>Take Base Site Area (from Step 5 in Table 15- 3.0502): _____</p> <p>Subtract Total Resource Protection Land from Table 15-3.0503) or Minimum Required Landscape Surface (from Step 1 above), whichever is greater: - _____</p> <p>Equals NET BUILDABLE SITE AREA =</p>	acres
STEP 3:	<p>CALCULATE MAXIMUM NET FLOOR AREA YIELD OF SITE:</p> <p>Take Net Buildable Site Area (from Step 2 above): ____</p> <p>Multiple by Maximum Net Floor Area Ratio (NFAR) (see specific nonresidential zoning district NFAR standard): X _____</p> <p>Equals MAXIMUM NET FLOOR AREA YIELD OF SITE =</p>	acres
STEP 4:	<p>CALCULATE MAXIMUM GROSS FLOOR AREA YIELD OF SITE:</p> <p>Take Base Site Area (from Step 5 of Table 15- 3.0502): _____</p> <p>Multiple by Maximum Gross Floor Area Ratio (GFAR) (see specific nonresidential zoning district GFAR standard): X _____</p> <p>Equals MAXIMUM GROSS FLOOR AREA YIELD OF SITE =</p>	acres
STEP 5:	<p>DETERMINE MAXIMUM PERMITTED FLOOR AREA OF SITE:</p> <p>Take the lowest of Maximum Net Floor Area Yield of Site (from Step 3 above) or Maximum Gross Floor Area Yield of Site (from Step 4 above):</p> <p>(Multiple results by 43,560 for maximum floor area in square feet):</p>	acres (sf)

South 51st Street & Marquette Avenue
Franklin, WI

Natural Resource Protection Plan
Excel Project # 2041760

APPENDIX B
TREE SURVEYS

A Notch Above the Rest, LLC

WOODLAND NATURAL RESOURCE PROTECTION

Woodlands and Forests (mature and young) are defined in Division 15- 11.0100 of the UDO and are to be measured and graphically indicated on the "Natural Resource Protection Plan" to indicate all woodland and forest areas on the property to be developed. The definitions to determine woodland resources required for protection are made as follows:

Woodland, Mature: An area or stand of trees whose total combined canopy covers an area of one (1) acre or more and at least fifty (50) percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least ten (10) inches; or any grove consisting of eight (8) or more individual trees having a DBH of at least twelve (12) inches whose combined canopies cover at least fifty (50) percent of the area encompassed by the grove. However, no trees planted and grown for commercial purposes should be considered mature woodland.

Woodland, Young: An area or stand of trees whose total combined canopy covers an area of one-half (0.50) acre or more and at least fifty (50) percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three (3) inches.

However, no trees planted and grown for commercial purposes shall be considered young woodland.

QUALIFIED PROFESSIONAL REVIEW

A field survey of trees for the parcel located South of West Minnesota Avenue to Marquette Avenue, South 49th Street to South 51st Street was completed on September 16, 2017 and December 18, 2018 by Jason Collins, a Certified Arborist

Two areas were identified for woodland verification using aerial photos and on site field surveying as required by the city ordinance. Woodland areas meeting the UDO definition are required to be shown on the Natural Resource Protection Plan.

WOODLAND ANALYSIS AND INSPECTION DETERMINATION

The following factors were used to determine any areas that would require woodland delineation and protection for depiction on the site plan and Natural Resource Protection Plan:

- Aerial photos and on-site review for the presence of trees or woodland areas
- Genus or tree type located on the parcel to be developed

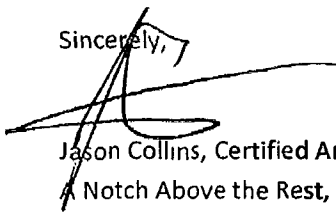
- Tree size or wooded area meeting the ordinance definition
- The health condition of trees or any woodland if present
- The general health condition of the understory vegetation

Site Conditions: The site was visited during both leaf on and leaf off conditions. Trees meeting the size requirements did not have sufficient canopy cover to qualify as a grove. No mature or young woodlands were present that meet the requirements for protection. Many of the larger trees were either in complete decline or declining due to Emerald Ash Borer, Dutch Elm Disease and condition of the area. The majority of the brush area had sparse declining trees and consisting mostly of common non-native and invasive buckthorn, honey suckle and a few declining apple trees and a few smaller conifer trees that would not be native plant species to the area.

The many down trees had been decaying for some time. Two larger willow trees and a few box elder trees could possibly be protected if outside of the lot grading area but add little to no value as a natural resource. Around the edge at the site there is a significant amount of edge brush piles from past dumping as well as some windblown debris. A second area on the south edge of the property had some possible young woodland qualities but also did not meet the size requirements under city ordinance. Even at stretching the determination, the 50% impact allowed for young woodlands would leave an area that would not provide a significant natural resource under the intent for resource protection.

Conclusion: Due to the low quality, inconsistent canopy cover, insufficient size and species identified on-site, it is my professional opinion that no groves, young or mature woodlands exist on the property, which meet the woodland definitions within the city's ordinance. Therefore, the brush outlines indicated on the plans are for informational purposes only and indicate the non-farmed areas containing some level of vegetated growth with sparse trees and non-native trees and brush.

Sincerely,



Jason Collins, Certified Arborist, WI-0726-A
A Notch Above the Rest, LLC

Note: The developer states they are agreeable to the protection of any existing vegetation or quality trees that would benefit the parcel and if the city's forester determines such need. Prior to site grading protective fencing could be installed as requested by city staff.

March 14, 2019

Mr. Rick Przybyla

This letter serves as a follow up to my 2017 assessment of the woody plant communities on a property at 7501 S 49th Street, Franklin, WI (Tax Key: 7889981001)

Referencing the photo of the property below, neither the green encircled area, nor the tree line outlined in red constitute a young woodland as defined by the City of Franklin. The green encircled 1.2-acre "woody area" was cleared of invasive Tatarian honeysuckle and Common buckthorn shrubs (most less than 3" diameter) to reveal many dead Green ash trees, dead and dying American elm trees, and a few apple trees that collectively have a canopy coverage of approximately 10% - well below 50% to constitute a young woodland. In looking at historic aerial photographs this area appeared to be previously cultivated as an apple orchard and was not historically a woodland area. Per City of Franklin guidelines, remnant commercially grown apple trees would not be counted in determining young woodland.

Similarly, the canopy of the (red encircled) woody area along the property line has a preponderance of invasive Common buckthorn and Tatarian honeysuckle less than 3" diameter. The scattered mature trees on this property line /crop field edge are primarily dead or dying Green Ash and American elm. Existing live trees that exceed 3" diameter comprise much less than 50% canopy. Therefore, this area is also not young woodland as defined in Franklin's guidelines.

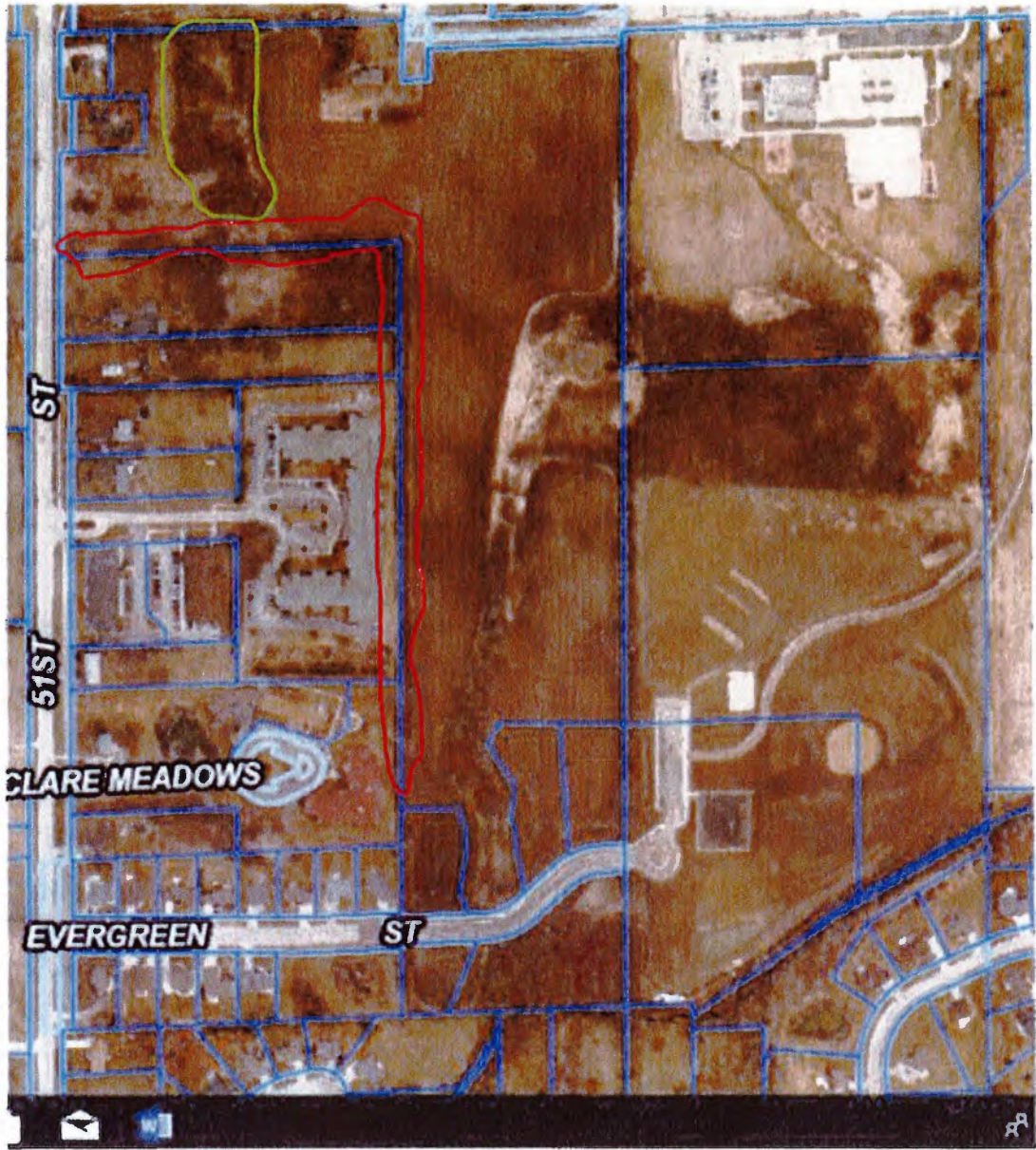
I concur with Franklin's efforts to preserve the community's remaining natural woodlands but in my opinion the above-mentioned areas are of low ecological value, and furthermore fail to meet the definition of young woodland.,

Please let me know if you need any further clarification on this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Tom Zagar", with a horizontal line extending to the right.

Tom Zagar
ISA Certified Arborist
WI-0541A



Pleasant View Development

Tom Riha <TRiha@franklinwi.gov>

Mon 3/4/2019 11:24 AM

To: Joel Dietl <JDietl@franklinwi.gov>

Cc: 'Rick Przybyla' <rckprzybyla@hotmail.com>

Hi Joel,

I had a chance to measure the spruce trees off 49th St. on 3/4/19. I found that the trees don't meet the size or quantity necessary to qualify as a grove. Only 3 of the spruce trees measured over 12in. The UDO states 8 or more over 12 are necessary. In regards to the other trees on the property I will stick with my original findings that no mature or young woodlands exist on the property. The fragmentation and small area doesn't meet the criteria for canopy coverage.

Please let me know if you need any further information from me.

Tom Riha

City Forester

ISA- Certified Arborist/Municipal Specialist

 Franklin Logo Final email w text

South 51st Street & Marquette Avenue
Franklin, WI

Natural Resource Protection Plan
Excel Project # 2041760

APPENDIX C
NAVIGABILITY DETERMINATION

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



October 3, 2016

Rick Przybyla
9244 W. Grandview Ct
Franklin WI 53132

INF-SE-41-03710

Subject. Navigability Determination

Dear Mr. Przybyla.

This letter follows your request to the Department of Natural Resources (Department) to conduct a navigability determination for a waterway which flows through your property with a tax key number 7889981001, City of Franklin, Milwaukee County. Department staff visited the property on September 7th, 2016 and determined the waterway to be **non-navigable**.

In Wisconsin, the Supreme Court has defined a navigable waterway as one which has a defined bed and banks and carries enough water to float a canoe or other watercraft during high periods of water. Based on this definition, the waterway is non-navigable. While the waterway did have defined bed and bank much of it was either too narrow or not deep enough to float a watercraft. My assessment of the waterway included reviewing historic Department documentation and database records, USGS topographic maps and aerial photographs. The field investigation was conducted on September 7th, 2016, using standard Department protocol regarding the assessment of physical and biological characteristics.

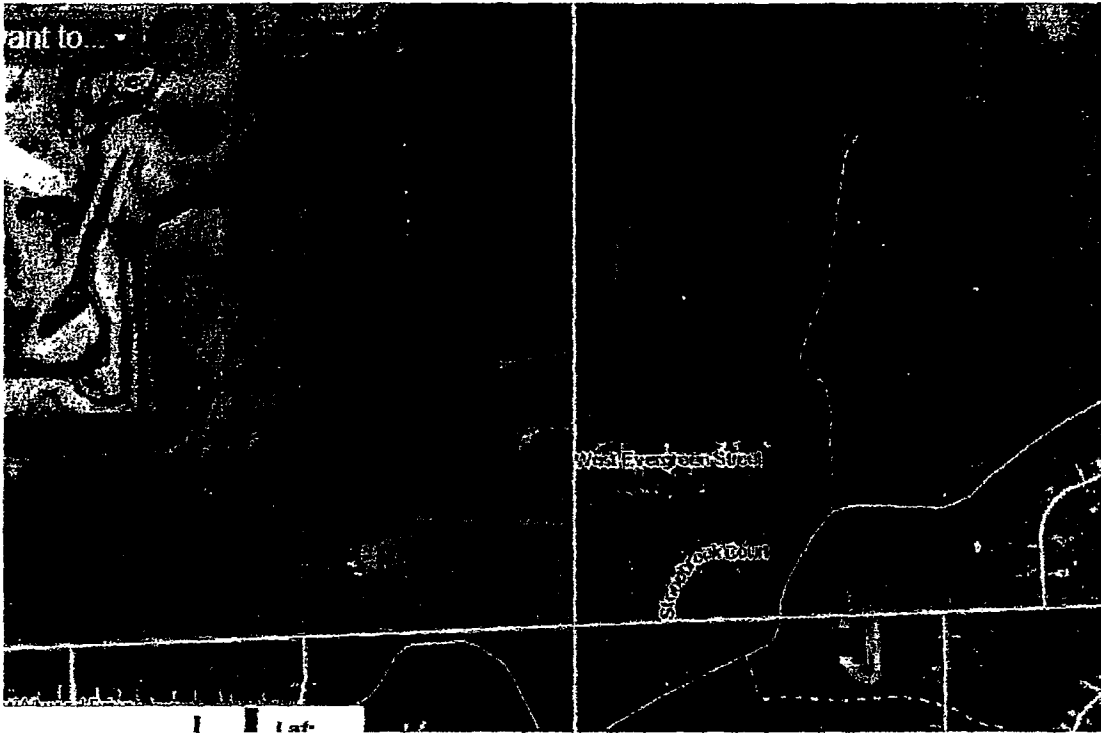
The waterway in question originates in a wetland complex, flows south through a tree line and under Evergreen Ct. See the attached air photo for the location of the non-navigable waterway

Please contact me if you have any questions

Sincerely,

Geri Radermacher
Water Management Specialist

Cc City of Franklin
ACOE
Mike Doble, Lynch & Associates



Non-Navigable tributary to Root River. Site visit 09/07/2016

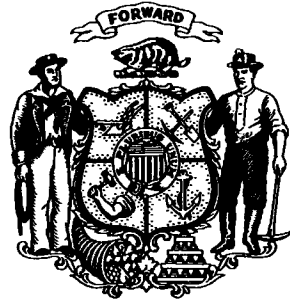
South 51st Street & Marquette Avenue
Franklin, WI

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APPENDIX D

WETLAND JURISDICTIONAL DETERMINATION & NON-FEDERAL EXEMPTION

State of Wisconsin



2017 Assembly Bill 547

Date of enactment: **March 28, 2018**
Date of publication*: **March 29, 2018**

2017 WISCONSIN ACT 183

AN ACT to repeal 281 36 (3r) (a) 4 and 281 36 (3s), to renumber and amend 23 321 (1) and 23 321 (5), to amend 20 370 (9) (bm), 23 0917 (4) (c) 3, 23 321 (4) (a) 3, 281 36 (3b) (b), 281 36 (3m) (a), 281 36 (3n) (d) 1, 281 36 (3r) (a) (intro), 281 36 (4) (title), 281 36 (6) (a) (intro), 281 36 (9) (a) (intro) and 281 36 (13m), and to create 15 347 (22), 23 099, 23 321 (1) (am), 23 321 (2) (d), 23 321 (4) (a) 4, 23 321 (5) (b), 281 12 (2), 281 36 (3r) (am), 281 36 (4n), 281 36 (12m) and 281 37 of the statutes, relating to: the regulation and study of wetlands, grants for wetland projects, and making an appropriation

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

SECTION 1. 15 347 (22) of the statutes is created to read

15 347 (22) WETLAND STUDY COUNCIL. (a) There is created in the department of natural resources a wetland study council consisting of the following members, appointed for staggered 6-year terms

- 1 One member who is a representative of a statewide organization representing the business community
- 2 One member who is a representative of a statewide organization representing waterfowl interests
- 3 One member who is a representative of a statewide organization representing real estate and development interests
- 4 One member who is a representative of a statewide organization representing municipal interests
- 5 One member who is a representative of a statewide organization representing rural and agricultural interests
- 6 One member who is a representative of a statewide land conservation group with a specific interest in wetlands

7 One member who is a statewide wetland delineator

8 One member who is a statewide wetland consultant

9 One member who is a department of natural resources biologist or hydrologist and who is a wetland expert, appointed by the secretary of natural resources

(b) The wetland study council shall research and develop recommendations on all of the following

- 1 The implementation and effectiveness of statewide wetland mitigation programs
- 2 Program elements that would be necessary for the department of natural resources to implement if the department assumes from the federal government the authority to administer the state's own individual and general permit program for the discharge of dredged or fill material into the navigable waters of the state under s 281 12 (2)
- 3 Issues related to the analysis of practicable alternatives that avoid and minimize the adverse impacts of a discharge into a wetland on wetland functional values

* Section 991 11 WISCONSIN STATUTES Effective date of acts 'Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication'

and that will not result in any other significant adverse environmental consequences.

4. Storm water management ponds and their potential to serve a role in wetland mitigation.

5. Statewide incentive programs for creating, restoring, and enhancing wetlands.

6. Statewide wetland trainings for department of natural resources staff, wetland consultants, and wetland delineators.

7. The simplification of regulations associated with creating wetlands on farm drainage ditches for the purpose of phosphorus pollution retention.

8. Ways to improve the in lieu fee subprogram of the wetland mitigation program, under s. 281.36 (3r) (e), including subcontracting the management of a program to a nonprofit organization.

9. The possibility of a professional, whose wetland delineation work is assured under the department of natural resources' wetland delineation professional assurance initiative, performing a wetland delineation confirmation under s. 23.321 on behalf of the department.

10. Methods of financing wetland mitigation requirements for local units of government.

11. Any other item related to wetlands at the discretion of the council.

SECTION 2. 20.370 (9) (bm) of the statutes, as affected by **2017 Wisconsin Act 59**, is amended to read:

20.370 (9) (bm) *Wetland restoration — fees; payments.* From the general fund, all moneys received as surcharge fees under s. 281.36 (11), all moneys received as transfers to the in lieu fee subprogram as provided in s. 281.36 (3s) (h), 2015 stats., and all moneys received under the in lieu fee subprogram under s. 281.36 (3r) (e) for the restoration or creation of wetlands, for the wetland mitigation grant program under s. 281.37, and for any other activities authorized under the in lieu fee subprogram.

SECTION 3. 23.0917 (4) (c) 3. of the statutes is amended to read:

23.0917 (4) (c) 3. Grants under ~~s. ss.~~ 23.098 and 23.099.

SECTION 4. 23.099 of the statutes is created to read:

23.099 Grants for property development relating to wetland mitigation. (1) In this section:

(a) "Department land" has the meaning given under s. 281.37 (1) (a).

(b) "Nonprofit organization" means an organization that is described in section 501 (c) (3) of the Internal Revenue Code and that is exempt from federal income tax under section 501 (a) of the Internal Revenue Code.

(2) The department shall establish a program to make grants from the appropriation under s. 20.866 (2) (ta) to nonprofit organizations for property development activities relating to wetlands created, restored, or enhanced under a wetland mitigation grant under s. 281.37 on department land. Property development activities for

which a grant under this section may be awarded include those that increase public access to, awareness about, or recreational use of the new, restored, or enhanced wetland, or that improve habitat in, on, or near, the new, restored, or enhanced wetland.

(3) A nonprofit organization that applies for a grant under this section shall submit the application at the same time that it submits an application for a grant under s. 281.37. The department shall make its determination with respect to both grants at the same time, and may only award a grant under this section if it also awards a grant under s. 281.37.

(4) A grant awarded under this section may not exceed 10 percent of the amount of the related grant awarded under s. 281.37. The department may not issue the grant funding under this section to the grantee until the grantee has certified that the project funded by the grant under s. 281.37 is complete.

SECTION 5. 23.321 (1) of the statutes is renumbered 23.321 (1) (intro.) and amended to read:

23.321 (1) **DEFINITION.** (intro.) In this section, "wetland":

(b) "Wetland" has the meaning given in s. 23.32 (1).

SECTION 6. 23.321 (1) (am) of the statutes is created to read:

23.321 (1) (am) "Nonfederal wetland" has the meaning given in s. 281.36 (1) (br).

SECTION 7. 23.321 (2) (d) of the statutes is created to read:

23.321 (2) (d) 1. In this paragraph, "qualified 3rd person" means an individual who has completed basic and advanced wetland training and has a minimum of one year of field experience in wetland delineation.

2. A wetland confirmation that consists of a written statement, based upon the department's review of the boundaries of a wetland as delineated by a qualified 3rd person and not based upon an on-site inspection of the land by the department, of whether the department concurs with the delineation. The delineation prepared by the qualified 3rd person shall include the exact location and boundaries of the wetland. The department shall concur with the boundaries of a wetland delineated by a qualified 3rd person unless the department determines that the location and boundaries of the wetland identified in the delineation are not accurate based on maps, aerial photographs, surveys, wetland delineations, or hydrophitic soil conditions. If the department concurs with the boundaries of a wetland delineated by a qualified 3rd person, the department's statement under this paragraph shall also include the exact location and boundaries of the wetland. A wetland confirmation under this paragraph is available only with respect to a nonfederal wetland.

SECTION 8. 23.321 (4) (a) 3. of the statutes is amended to read:

23.321 (4) (a) 3. Provide a wetland confirmation not later than 60 days after a person files a request, in the manner and form required by the department, for a wetland confirmation under sub. (2) (c).

SECTION 9. 23.321 (4) (a) 4. of the statutes is created to read:

23.321 (4) (a) 4. Provide a wetland confirmation not later than 15 days after a person files a request, in the manner and form required by the department, for a wetland confirmation under sub. (2) (d).

SECTION 10. 23.321 (5) of the statutes is renumbered 23.321 (5) (a) and amended to read:

23.321 (5) (a) ~~-A- Except as provided in par. (b), a wetland identification provided by the department under sub. (2) (b) and a wetland confirmation provided by the department under sub. (2) (c) remain effective for 5 years from the date provided by the department.~~

SECTION 11. 23.321 (5) (b) of the statutes is created to read:

23.321 (5) (b) 1. A wetland identification provided by the department under sub. (2) (b) and a wetland confirmation provided by the department under sub. (2) (c) or (d) remain effective for 15 years from the date provided by the department if all of the following conditions are met:

a. The wetland is a nonfederal wetland.

b. The parcel of land is subject to a storm water management zoning ordinance enacted under s. 59.693, 60.627, 61.354, or 62.234 or a storm water discharge permit issued under s. 283.33.

2. The department may not invalidate or amend an existing wetland delineation, or require a new wetland delineation, for a parcel to which subd. 1. applies until the wetland identification or confirmation expires.

SECTION 12. 281.12 (2) of the statutes is created to read:

281.12 (2) The department, on behalf of and at the direction of the governor, may submit an application to the federal environmental protection agency under 33 USC 1344 (g) seeking the delegation of authority to this state to administer its own individual and general permit program for the discharge of dredged or fill material into the navigable waters of this state. If the federal environmental protection agency delegates this authority to this state, the department may assume that authority.

SECTION 13. 281.36 (3b) (b) of the statutes, as affected by 2017 Wisconsin Acts 58 and 115, is amended to read:

281.36 (3b) (b) No person may discharge dredged material or fill material into a wetland unless the discharge is authorized by a wetland general permit or individual permit issued by the department under this section or the discharge is exempt under sub. (4), (4m) (a), (4n), or (4r). No person may violate any condition contained in a wetland general or individual permit issued by the department under this section. The department may not

issue a wetland general or individual permit under this section unless it determines that the discharge authorized pursuant to the wetland general or individual permit will comply with all applicable water quality standards.

SECTION 14. 281.36 (3m) (a) of the statutes, as affected by 2017 Wisconsin Acts 58 and 115, is amended to read:

281.36 (3m) (a) *When permit required.* Any person wishing to proceed with a discharge into any wetland shall submit an application for a wetland individual permit under this subsection unless the discharge has been authorized under a wetland general permit as provided in sub. (3g) or is exempt under sub. (4), (4m) (a), (4n), or (4r). Before submitting the application, the department shall hold a meeting with the applicant to discuss the details of the proposed discharge and the requirements for submitting the application and for delineating the wetland. An applicant may include in the application a request for a public informational hearing. The application shall be accompanied by the applicable fee specified in sub. (11) or (12) (a).

SECTION 15. 281.36 (3n) (d) 1. of the statutes, as affected by 2017 Wisconsin Act 118, is amended to read:

281.36 (3n) (d) 1. Except as provided in subd. 2., the department shall require mitigation under the program established under sub. (3r) for wetland individual permits it issues under this subsection and for a discharge that is exempt from permitting requirements under sub. (4n) (b) that affects more than 10,000 square feet of wetland or under sub. (4n) (c) that affects more than 1.5 acres of wetland. This subsection does not entitle an applicant to a wetland individual permit or any other approval in exchange for conducting mitigation.

SECTION 16. 281.36 (3r) (a) (intro.) of the statutes is amended to read:

281.36 (3r) (a) (intro.) The department shall establish a mitigation program that applies only to the issuance of wetland individual permits ~~and that allows and, with respect to a discharge that is exempt from permitting requirements under sub. (4n) (b) that affects more than 10,000 square feet of wetland or under sub. (4n) (c) that affects more than 1.5 acres of wetland, the portion of the affected wetland that exceeds 10,000 square feet or 1.5 acres, respectively.~~ Under the mitigation program, subject to par. (am), the department shall allow mitigation to be accomplished by any of the following methods:

SECTION 17. 281.36 (3r) (a) 4. of the statutes is repealed.

SECTION 18. 281.36 (3r) (am) of the statutes is created to read:

281.36 (3r) (am) For a discharge that is exempt from permitting requirements under sub. (4n) (b) or (c), any off-site mitigation, including any mitigation conducted by a mitigation bank or under the in lieu fee subprogram, shall be completed within the same compensation search

area, as defined by the department by rule, as the discharge

SECTION 19. 281 36 (3s) of the statutes is repealed

SECTION 20. 281 36 (4) (title) of the statutes is amended to read

281 36 (4) (title) EXEMPTIONS, CERTAIN ACTIVITIES

SECTION 21. 281 36 (4n) of the statutes is created to read

281 36 (4n) EXEMPTIONS, CERTAIN NONFEDERAL WETLANDS AND ARTIFICIAL WETLANDS (a) In this subsection

1 “Artificial wetland” means a landscape feature where hydrophytic vegetation may be present as a result of human modification to the landscape or hydrology and for which the department has no definitive evidence showing a prior wetland or stream history that existed before August 1, 1991, but does not include any of the following

a A wetland that serves as a fish spawning area or a passage to a fish spawning area

b A wetland created as a result of a mitigation requirement under sub (3r)

2 “Definitive evidence” means documentary evidence such as any of the following

a Maps

b Aerial photographs

c Surveys that use a scale of not more than 100 feet per inch

d Wetland delineations

3 “Rare and high quality wetland” means a wetland that is directly adjacent or contiguous to a class I or class II trout stream or that consists of 75 percent or more of any of the following wetland types

a Alder thicket

b Calcareous fen

c Coniferous swamp

d Coniferous bog

e Floodplain forest

f Hardwood swamp

g Interdunal wetland

h Open bog

i Ridge and swail complex

j Deep marsh

k Sedge meadow

4 “Sewerage system” has the meaning given in s 281 01 (14)

5 “Urban area” means any of the following

a An incorporated area

b An area within one-half mile of an incorporated area

c An area in a town that is served by a sewerage system

(b) Subject to par (e), the permitting requirement under sub (3b) does not apply to any discharge into a nonfederal wetland that occurs in an urban area and to which all of the following apply

1 The discharge does not affect more than one acre of wetland per parcel

2 The discharge does not affect a rare and high quality wetland

3 The development related to the discharge is carried out in compliance with any applicable storm water management zoning ordinance enacted under s 59 693, 60 627, 61 354, or 62 234 or storm water discharge permit issued under s 283 33

(c) Subject to par (e), the permitting requirement under sub (3b) does not apply to any discharge into a nonfederal wetland that occurs outside an urban area and to which all of the following apply

1 The discharge does not affect more than 3 acres of wetland per parcel

2 The discharge does not affect a rare and high quality wetland

3 The development related to the discharge is a structure, such as a building, driveway, or road, with an agricultural purpose

(d) Subject to par (e), the permitting requirement under sub (3b) does not apply to any discharge into an artificial wetland

(e) 1 A person who proposes a project that may affect a wetland or landscape feature under par (b), (c), or (d) shall notify the department no fewer than 15 working days before initiating the project. The notice shall include one of the following to show that the wetland or landscape feature is eligible for the relevant exemption

a A statement issued by a professional who has investigated the wetland and who is qualified to give such an opinion

b A wetland delineation prepared by a qualified professional showing the exact location and boundaries of the wetland

2 Except as provided in subd 3, if the department receives the notice and information required under subd 1, the department shall presume that the wetland or landscape feature is eligible for the exemption unless the department, within 15 working days after receiving notification of the proposed project under subd 1, notifies the person that one of the following conditions applies

a The eligibility requirements are not met

b The location and boundaries of the wetland identified in a wetland delineation included with the notification under subd 1 are not accurate

c With respect to an exemption under par (d) only, the department determines that the landscape feature is providing significant functions that either protect adjacent or downstream property or infrastructure from flooding or significantly improve the water quality of an adjacent or downstream water body

3 If the department receives the notice and information required under subd 1 but is unable to determine based on that information whether the eligibility require-

ments are met, the department may, within 15 working days after the notification under subd. 1., notify the person one time to request additional information about the parcel of land. The person shall cooperate with the department's efforts to obtain information about the relevant parcel of land and may proceed with the project only upon notification that the department has determined the landscape feature to be eligible for the exemption based on the definitive evidence.

4. If, within 15 working days after the notification is delivered to the department, the department notifies the person that subd. 2. a., b., or c. applies, the person may not proceed with the project unless authorized by, or otherwise exempted from, a wetland general or individual permit under this section.

SECTION 22. 281.36 (6) (a) (intro.) of the statutes, as affected by 2017 Wisconsin Act 115, is amended to read:

281.36 (6) (a) (intro.) The department shall promulgate rules to interpret and implement the provisions under subs. (4), (4n), (4r), and (5). In promulgating these rules, the department shall do all of the following:

SECTION 23. 281.36 (9) (a) (intro.) of the statutes, as affected by 2017 Wisconsin Act 115, is amended to read:

281.36 (9) (a) (intro.) For purposes of determining whether to issue a wetland individual permit, whether authorization to proceed as authorized under a wetland general permit is appropriate, or whether an exemption under sub. (4), (4n), or (4r) is appropriate, and for purposes of enforcing this section, any employee or other representative of the department, upon presenting his or her credentials, may do any of the following:

SECTION 24. 281.36 (12m) of the statutes is created to read:

281.36 (12m) LOCAL REGULATION OF NONFEDERAL OR ARTIFICIAL WETLANDS. A local government may not enact an ordinance or adopt a resolution regulating a matter regulated under sub. (3n) (d) 1. or (3r) (a) (intro.) or (am), with respect to a discharge exempt from permitting requirements under sub. (4n) (b) or (c), or a matter regulated under sub. (4n). If a local government has in effect on the effective date of this subsection [LRB inserts date], an ordinance or resolution regulating nonfederal wetlands or artificial wetlands, the ordinance or resolution does not apply and may not be enforced.

SECTION 25. 281.36 (13m) of the statutes is amended to read:

281.36 (13m) REPORT TO LEGISLATURE. No later than January 31, 2003, and no later than January 31 of each subsequent odd-numbered year, the department shall submit to the legislature under s. 13.172 (2) a report that provides an analysis of the impact of the implementation of mitigation on wetland resources and on the issuance of permits or other approvals under ss. 59.692, 61.351, 61.353, 62.231, 62.233, 87.30, 281.11 to 281.47 or 281.49 to 281.85 or ch. 30, 31, 283, 289, 291, 292, 293, 295, or 299. The department shall include in its report a

discussion of proposals and projects under the property development grant program under s. 23.099.

SECTION 26. 281.37 of the statutes is created to read:

281.37 Wetland mitigation grant program. (1) In this subsection:

(a) "Department land" means land owned by or under easement to the state that is under the jurisdiction of the department and used for one of the purposes specified in s. 23.09 (2) (d).

(b) "Mitigation program" means the wetland mitigation grant program established under sub. (2).

(c) "Nonprofit organization" means an organization that is described in section 501 (c) (3) of the Internal Revenue Code and that is exempt from federal income tax under section 501 (a) of the Internal Revenue Code.

(2) The department shall establish a wetland mitigation grant program under which it awards grants to nonprofit organizations to conduct projects to create, restore, or enhance wetlands under the in lieu fee subprogram in s. 281.36 (3r) (e) on department land as provided in this subsection.

(3) No later than 6 months after the effective date of this subsection [LRB inserts date], the department shall identify department land that is appropriate to include in the mitigation program. The department shall identify no less than 25 percent of department land for this purpose. The land identified shall include land in every watershed in the state.

(4) (a) No later than 3 months after completion of the land identification stage under sub. (3) or at the beginning of the following fiscal year, whichever is earlier, and no later than July 1 of each subsequent year, the department shall issue a request for proposals from nonprofit organizations for grants to conduct wetland mitigation projects on department land identified under sub. (3). The issuance of each new request for proposal begins a new grant cycle.

(b) The department shall require applications for grants under this section to include all of the following:

1. The scope of the proposed project.

2. A project timeline.

3. If possible, a specification of the functional values or uses listed in s. NR 103.03 (1), Wis. Adm. Code, that the project area does not provide or only sparsely provides.

4. A specification of the functional values or uses listed in s. NR 103.03 (1), Wis. Adm. Code, that the proposed project would create, restore, or enhance.

5. All information required to be submitted for approval to the U.S. army corps of engineers under 33 CFR part 332 and the Wisconsin Wetland Conservation Trust program instrument.

(c) After issuing the request for proposals under par. (a), the department shall accept grant applications on a rolling basis over the course of a fiscal year. The department shall select and announce grant recipients under this

subsection at the end of each quarter as funds are available

(5) (a) If an application under sub (4) is approved, the grantee and the department, in consultation, shall identify all department permits required for the grantee to conduct the project. The department shall waive all permit fees for the grantee in relation to department permits required to conduct the project.

(b) Notwithstanding timelines otherwise established for individual permits, within 60 days of receiving the grantee's application for an individual permit that is required to conduct the project, the department shall render a decision issuing, denying, or modifying the permit, and the department shall adjust all other deadlines relating to the review of the application accordingly.

(7) (a) The department shall pay out a grant under the mitigation program quarterly unless the department determines that more frequent payments are necessary to fulfill the objectives of the grant program. The department shall withhold the final payment until the grantee certifies that the project is complete.

(b) If the grantee fails to certify that the project is complete by the date indicated for completion in its application, the department shall use the remaining unpaid grant amount to either complete the project or contract with or issue a grant to another nonprofit organization to complete the project. An organization that fails to certify completion of a project by the date indicated in its application for completion is not eligible for a new grant under the mitigation program for 2 grant cycles.

(c) The department may agree to a modified deadline for the project if unusual or unforeseen circumstances cause a delay. If the department agrees to a modified deadline, the consequences under par (b) apply only if the grantee fails to certify that a project is complete by the date indicated in that agreement.

(8) Before 6 months have elapsed after the 5th anniversary of the department's first issuance of a request for proposals under sub (4), the department shall submit to the legislature under s 13.172 (2) a report analyzing the effectiveness of the first 5 years of the mitigation program and making recommendations for changes to the program.

SECTION 27. Nonstatutory provisions.

(1) FEDERAL REVIEW OF MITIGATION PROJECTS. The department of natural resources may submit a request to the U S army corps of engineers that the U S army corps of engineers move up all deadlines relating to its review and approval of wetland mitigation project proposals under the in lieu fee subprogram under section 281.36 (3r) of the statutes so that the time it takes for the U S

army corps of engineers to approve such a proposal is shortened. The department of natural resources may submit a request to the U S army corps of engineers to approve a modification to the Wisconsin Wetland Conservation Trust program instrument in order to implement the mitigation grant program established under section 281.37 of the statutes.

(2) APPOINTMENT OF MEMBERS OF WETLAND STUDY COUNCIL. The governor shall appoint the members of the wetland study council under section 15.347 (22) (a) 1 to 8 of the statutes and the secretary of natural resources shall appoint the member of the wetland study council under section 15.347 (22) (a) 9 of the statutes no later than 6 months after the effective date of this subsection.

(3) INITIAL TERMS FOR WETLAND STUDY COUNCIL MEMBERS. Notwithstanding section 15.347 (22) of the statutes, of the members of the wetland study council who are appointed as initial members, 3 members shall serve for a 2-year term and 3 members shall serve for a 4-year term.

SECTION 28. Initial applicability.

(1) NONFEDERAL WETLAND DELINEATIONS

(a) Except as provided in paragraph (b), the renumbering and amendment of section 23.321 (1) and (5) of the statutes and the creation of section 23.321 (1) (am) and (5) (b) of the statutes first apply to a wetland identification provided by the department of natural resources under section 23.321 (2) (b) of the statutes and a wetland confirmation provided by the department of natural resources under section 23.321 (2) (c) of the statutes for a nonfederal wetland on January 1, 2003.

(b) The renumbering and amendment of section 23.321 (1) and (5) of the statutes and the creation of section 23.321 (1) (am) and (5) (b) of the statutes first apply to a wetland identification and wetland confirmation under paragraph (a) even if the wetland identification or wetland confirmation expired prior to the effective date of this paragraph unless a more recent wetland identification or wetland confirmation was provided by the department of natural resources showing a wetland on the parcel and a discharge was carried out in the wetland in compliance with a permit under section 281.36 of the statutes prior to the effective date of this paragraph.

SECTION 29. Effective dates. This act takes effect on the day after publication, except as follows:

(1) PERMIT EXEMPTIONS FOR CERTAIN NONFEDERAL WETLANDS AND ARTIFICIAL WETLANDS. The treatment of section 281.36 (3b) (b), (3m) (a), (3n) (d) 1, (3r) (a) (intro) and (am), (4) (title), (4n), (6) (a) (intro), and (9) (a) (intro) of the statutes takes effect on July 1, 2018.



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT
180 FIFTH STREET EAST, SUITE 700
ST. PAUL, MN 55101-1678

October 27, 2020

Regulatory File No. 2020-01931-MHK

Shyann Banker
Evergreen Consultants LLC
2918 Van Hoof Road
Green Bay, Wisconsin 54313

Dear Ms. Banker

This letter regards an approved jurisdictional determination for the property located at 7475 S. 49th Street in the City of Franklin. The site is in Section 11, Township 5 North, Range 21 East, Milwaukee County, Wisconsin. The review area for our jurisdictional determination for Wetland 1 and 2 is identified on the enclosed figures labeled, 2020-01931-MHK Figure 1 and 2.

The review area contains no waters of the United States subject to Corps of Engineers (Corps) jurisdiction. Therefore, you are not required to obtain Department of the Army authorization to discharge dredged or fill material within this area. The rationale for this determination is provided in the enclosed Approved Jurisdictional Determination form. This determination is only valid for the review area described. You are also cautioned that the area of waters described on the enclosed Jurisdictional Determination form is approximate and is not based on a precise delineation of aquatic resources.

If you object to this approved jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the address shown on the form.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the enclosed NAP. It is not necessary to submit an RFA form to the division office if you do not object to the determination in this letter.

This approved jurisdictional determination may be relied upon for five years from the date of this letter. However, the Corps reserves the right to review and revise the determination in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. This determination may be renewed at the end of the five year period provided you submit a written request and our staff are able to verify that the limits established during the original determination are still accurate.

If you have any questions, please contact me in our Brookfield office at (651) 290-5733 or Marie.H.Kopka@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

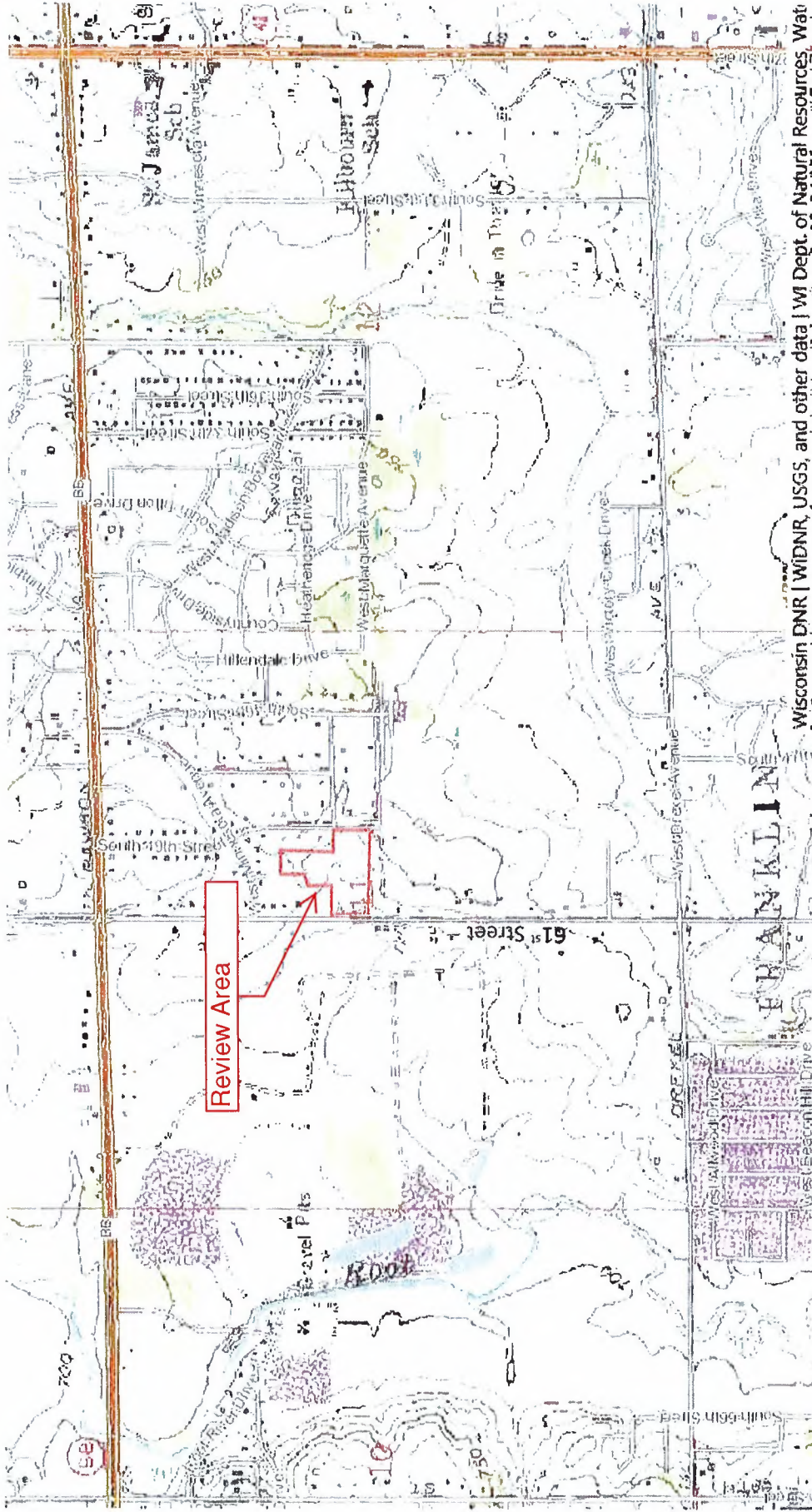
A handwritten signature in black ink, appearing to read "Marie H. Kopka".

Marie H. Kopka
Lead Project Manager

Regulatory Branch (File No. 2020-01931-MHK)

Enclosures

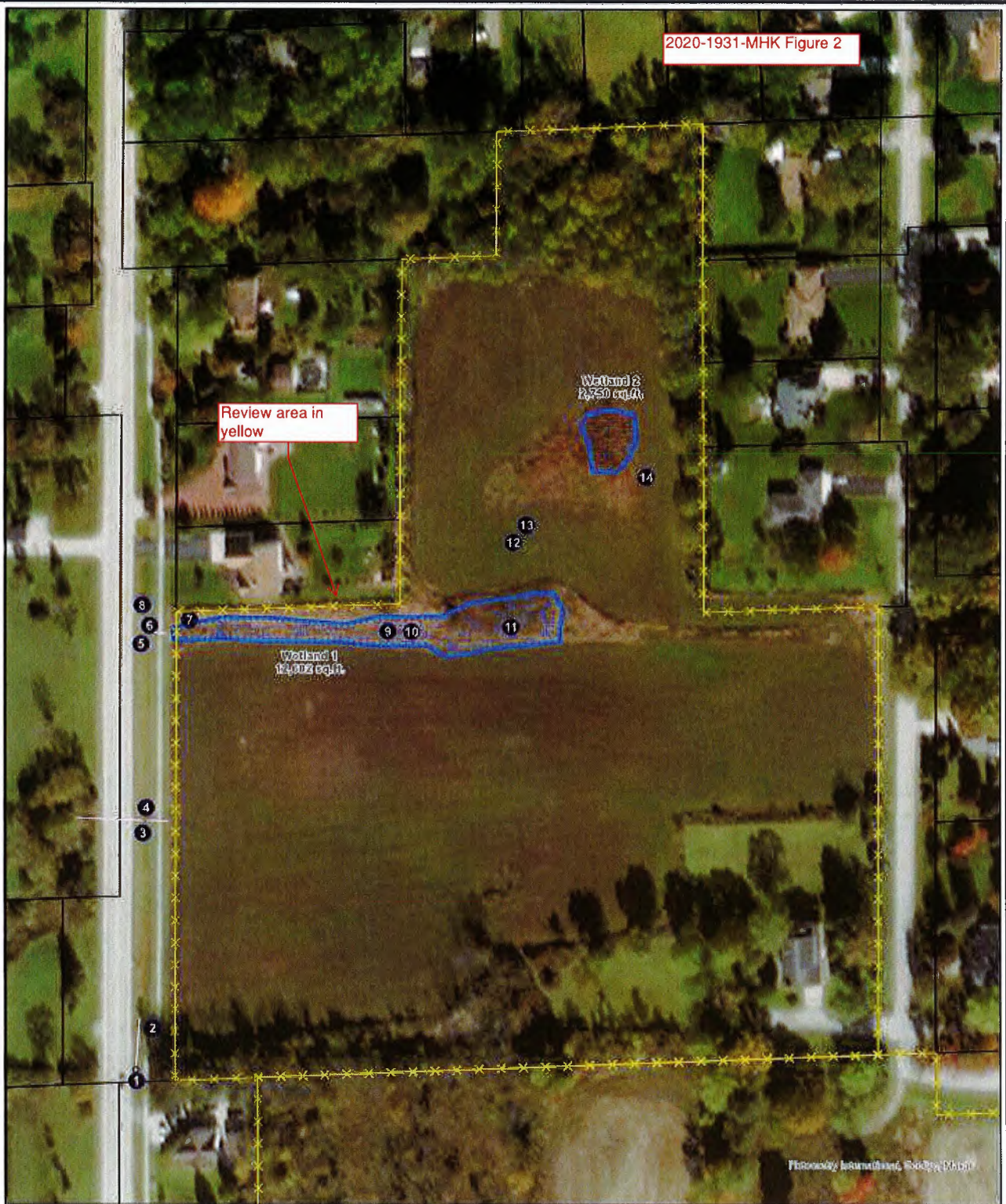
Cc Ryan Pappas, Wisconsin DNR
Ben LaCount, Evergreen



49th & Marquette Ave., Franklin WI
Location and USGS Topographic Map
Figure 1

N
Project Area in red

Wisconsin DNR | WIDNR, USGS, and other data | WI Dept. of Natural Resources, Wat



Marquette Ave North
 Wetland Map
 7475 S 49th Street
 City of Franklin
 Milwaukee County, WI



Legend

- Site Boundary
- Picture Location
- Wetland Line
- Wetland
- Catch Basin
- Culvert
- Parcels

Project: MIL20-016-06



Note: Wetlands Delineated by
 Alice Thompson, October 31, 2017
 and mapped by Metropolitan Survey
 Service, Inc.



2058 Van Hook Road • Green Bay, WI 54903
 Phone: 231.625.0210 • Website: www.evergreenwi.com



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 10/27/2020
 ORM Number: MVP-2020-01931-MHK (Wetland 1, 2)
 Associated JDs: N/A
 Review Area Location¹: State/Territory: WI City: Franklin County/Parish/Borough: Milwaukee
 Center Coordinates of Review Area: Latitude 42.909788 Longitude -87.978141

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴			
Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
Wetland 1 Wetland 2	0.29 0.06	acre(s)	(b)(1) Non-adjacent wetland.
			Wetland 1 and 2 do not abut one point or side of an (a)(1)-(3) water. Wetland 2 is within a depressional basin surrounded by upland with no inlets/outlets. Wetland 1 does outlet into a roadside ditch to the west; however, the ditch is not an (a)(1)-(3) water. Based on the U.S. Geological Survey, aerial photos, site photos, and FEMA map, these wetlands would not be flooded by an (a)(1)-(3) water in a typical year. There is no natural or artificial berm, bank, dune or similar feature that is physically separating these wetlands from an (a)(1)-(3) water. The closest (a)(1)-(3) water is the East Branch Root River approximately 2860 linear feet to the south.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

- Information submitted by, or on behalf of, the applicant/consultant: [Thompson & Associates Wetland Delineation Report dated 10-31-2017](#)

This information is sufficient for purposes of this AJD.

Rationale: *N/A*

- Data sheets prepared by the Corps: *Title(s) and/or date(s)*.
- Photographs: *Aerial and Other: 2019 (Google Earth Street View); 2017, 2015, 2013, 2010, 2008, 2006, 2005, 2002, 2001, 2000, 1999, 1998, 1997, 1996, 1995 (NAIP and FSA in delineation report); 2017 (site photos from delineation report and JD request).*
- Corps site visit(s) conducted on: *Date(s)*.
- Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s)*.
- Antecedent Precipitation Tool: *provide detailed discussion in Section III.B.*
- USDA NRCS Soil Survey: *Milwaukee County*
- USFWS NWI maps: *provided within JD request*
- USGS topographic maps: *1:24K WI-Greendale*

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	<i>N/A.</i>
USDA Sources	<i>N/A.</i>
NOAA Sources	<i>N/A.</i>

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Data Source (select)	Name and/or date and other relevant information
USACE Sources	N/A.
State/Local/Tribal Sources	Wisconsin DNR Surface Water Data Viewer ; Wisconsin Wetland Inventory
Other Sources	FEMA map ; Milwaukee County 1-foot contour map provided with request

B. Typical year assessment(s): [N/A](#)

C. Additional comments to support AJD: [N/A](#)

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: Evergreen Consultants LLC (Shyann Banke)		File No.: 2020-01931-MHK	Date: October 27, 2020
Attached is			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
X	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331

- A INITIAL PROFFERED PERMIT** You may accept or object to the permit
- **ACCEPT** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
 - **OBJECT** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.
- B PROFFERED PERMIT** You may accept or appeal the permit
- **ACCEPT** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
 - **APPEAL** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- C PERMIT DENIAL** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- D APPROVED JURISDICTIONAL DETERMINATION** You may accept or appeal the approved JD or provide new information
- **ACCEPT** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
 - **APPEAL** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- E PRELIMINARY JURISDICTIONAL DETERMINATION** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record)

ADDITIONAL INFORMATION The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record Neither the appellant nor the Corps may add new information or analyses to the record However, you may provide additional information to clarify the location of information that is already in the administrative record

POINT OF CONTACT FOR QUESTIONS OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact

Marie Kopka
U S Army Corps of Engineers
250 Sunnyslope Road, Suite 296
Brookfield, Wisconsin 53005

651-290-5733

If you only have questions regarding the appeal process you may also contact the Division Engineer through

Administrative Appeals Review Officer
Mississippi Valley Division
P O Box 80 (1400 Walnut Street)
Vicksburg, MS 39181-0080
601-634-5820 FAX 601-634-5816

RIGHT OF ENTRY Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations

Signature of appellant or agent

Date

Telephone number

Lisa Van Handel

From: Ben LaCount <ben@evergreenwis.com>
Sent: Monday, November 23, 2020 4:07 PM
To: Grant Duchac
Subject: Fwd: Marquette Ave North, Non-Federal Wetland Exemption Request-HOLD, City of Franklin, Milwaukee County
Attachments: _4286.pdf

{EXTERNAL EMAIL}

Here is the letter we discussed. Let me know if you have any questions.

Thanks,

Benjamin J. LaCount
PLS, Planner
WI Professionally Assured Wetland Delineator
920-265-4105
ben@evergreenwis.com



2918 Van Hoof Road
Green Bay, WI 54313

----- Forwarded message -----

From: Pappas, Ryan J - DNR <Ryan.Pappas@wisconsin.gov>
Date: Mon, Nov 23, 2020 at 4:01 PM
Subject: Marquette Ave North, Non-Federal Wetland Exemption Request-HOLD, City of Franklin, Milwaukee County
To: mcudney@veridianhomes.com <mcudney@veridianhomes.com>, shyann@evergreenwis.com <shyann@evergreenwis.com>, ben@evergreenwis.com <ben@evergreenwis.com>, Pearce, Thomas K - DNR <Thomas.Pearce@wisconsin.gov>, Nedland, Thomas S - DNR <Thomas.Nedland@wisconsin.gov>, Brown, Joshua A - DNR <JoshuaA.Brown@wisconsin.gov>

Good Afternoon Shyann, Ben and Matt,

Thank you for submitting a non-federal wetland exemption request for a wetland area in the City of Franklin. I hope you are doing well. I have reviewed your non-federal wetland exemption request - urban track (**EXE-SE-2020-41-03780**) in the City of Franklin, Milwaukee County which will be impacting 0.352 acres of rudimentary fresh wet meadow wetland on a parcel. Non-federal wetland impacts between 10,000 square feet and 1 acre per parcel are eligible for the exemption, but require the purchase of wetland mitigation credits to compensate for the wetland losses. The review of your application will be placed on HOLD, until the mitigation requirement as described below has been satisfied. These credits may only be held available for you for a specific period of time, and cannot be guaranteed if this requirement isn't satisfied in a timely manner. More details will follow. These impacts will require the following wetland mitigation requirements:

Total non-federal wetland impact = 15,352 square feet – 10,000 square feet (non-federal reduction) = 5,352 square feet (0.12 acres)

0.12 square feet X 1.45: 1 ratio = 0.17 mitigation credits required

Wisconsin DNR has determined that mitigation for the above mentioned wetland impact located in the City of Franklin, Milwaukee County, NW ¼ of the SE ¼ section 11 Township 5N Range 21E, will be accomplished through the purchase of Wisconsin Wetland Conservation Trust (WWCT)(In-Lieu Fee program) mitigation credits. This was determined as there are no private wetland mitigation banks credits available in the SW Lake Michigan service area, and there is ILF credits available within this service area.

Wetland Conservation Trust Credits:

Please contact the Wisconsin DNR Wetland Conservation Trust Program (Tom Pearce, 608-264-8554, Thomas.Pearce@wisconsin.gov) and purchase the following credits to satisfy this mitigation requirement:

0.12 acres X 1.45: 1 ratio = 0.17 mitigation credits

To help facilitate these purchases, Tom Pearce (DNR Wetland Conservation Trust Program) has been copied on this email.

Once you receive an affidavit of purchase from the ILF Program, please forward that information to Tom Nedland and I. Please note that DNR cannot issue our non-federal exemption approval until we receive the affidavit of credit purchases. Therefore our review of your application will be placed on HOLD, until these requirements have been satisfied. Please let me know if you have any questions or concerns regarding this email. Thank you and have a great day,

Ryan

We are committed to service excellence.

Visit our survey at <http://dnr.wi.gov/customersurvey> to evaluate how I did.

Ryan Pappas
Water Management Specialist-Waterways and Wetlands
Wisconsin Department of Natural Resources
1155 Pilgrim Road

Plymouth, WI 53073
Phone: (715) 492-0200
Ryan.Pappas@wisconsin.gov

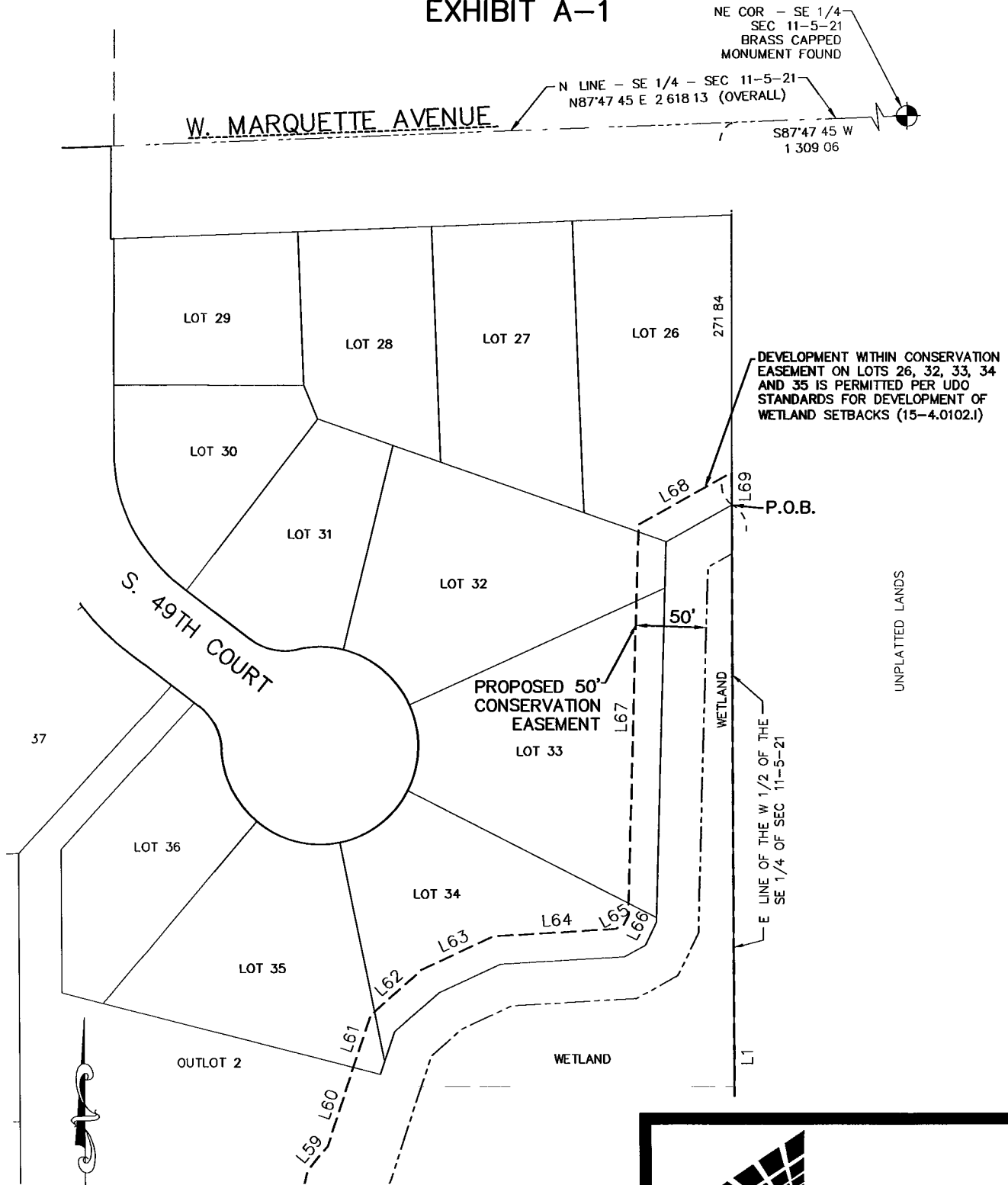


Notice: Pursuant to § 281.36, Wis. Stats., this Mitigation Summary Worksheet (MSS) must be completed in its entirety and submitted to the Department of Natural Resources (DNR) prior to the required pre-application meeting set up by the DNR. Personal information collected will be used for administrative purposes and may be provided to requesters to the extent required by Wisconsin Open Records law [§§ 19.31 – 19.39, Wis. Stats.]

This MSS is required for Wisconsin Department of Natural Resources Wetland Individual Permit (IP) applications as wetland compensatory mitigation is required for all issued IP projects. The applicant, or authorized representative, shall complete all fields below and submit this MSS along with their required pre-application materials in advance of the mandatory pre-application meeting. A final version of the MSS shall then be re-submitted along with the final IP application following completion of the pre-application meeting reflecting any resulting alterations to the proposed project representing the final wetland compensatory mitigation details.

<input checked="" type="checkbox"/> Preliminary mitigation summary sheet		<input type="checkbox"/> Final mitigation summary sheet	
CONTACT INFORMATION		APPLICANT	
Name (Last, First, Middle Initial)		Matt Cudney	
Title		Vice President of Operations	
Organization / Entity		Veridian Homes	
Mailing Address		N60W21555 Legacy Trail	
City, State, Zip Code		Menomonee Falls, WI 53051	
Email Address		mcudney.@veridianhomes.com	
Phone Number (incl. Area Code)		608-226-3016	
		920-265-4105	
PROJECT INFORMATION			
Project Name		Residential Subdivision Franklin South	
Mitigation Service Area		Lake Michigan - Southeast	
Latitude---Longitude Coordinates		42.91011 -87.97856	
Municipality Location (City, Village, Town)		City of Franklin	
Township --- Range --- Section		Section 11, T05N-R21E	
County Location		Milwaukee	
Project Description (including description of wetland impact)		Construct new subdivision	
PROPOSED UNAVOIDABLE WETLAND IMPACTS BY COVER TYPE AND DELINEATED ACREAGE			
Acreage (to nearest 0.01)		Wetland Cover Type	
		Shallow, Open Water	
		Deep and Shallow Marshes	
		Sedge Meadows	
0.35 Acres - 0.23 Acres = 0.12 Acres		Fresh (Wet) Meadow	
		Wet to Wet-Mesic Prairie	
		Calcareous Fens	
		Bogs (Open or Coniferous)	
		Shrub – Carr or Alder Thicket	
		Hardwood or Coniferous Swamps	
		Floodplain Forests	
		Seasonally Flooded Basins	
CHECK SELECTION	PROPOSED COMPENSATORY MITIGATION	EXPLAIN WHY TYPE WAS CHOSEN / LIST CONTACTED PARTY	EXPLAIN WHETHER CREDITS ARE AVAILABLE
<input type="checkbox"/>	Credit Purchase: Mitigation Bank		Credits are not available
<input checked="" type="checkbox"/>	Credit Purchase: WI Wetland Conservation Trust (In-Lieu Fee)	No Credits available in the SW Lake Michigan Service Area	
<input type="checkbox"/>	Permittee Responsible Mitigation		

CONSERVATION EASEMENT ON OUTLOT 2, AND LOTS 26, 32, 33, 34, AND 35 OF PLEASANT VIEW RESERVE EXHIBIT A-1



NE COR - SE 1/4
SEC 11-5-21
BRASS CAPPED
MONUMENT FOUND

N LINE - SE 1/4 - SEC 11-5-21
N87°47'45" E 2618.13 (OVERALL)

S87°47'45" W
1309.06

DEVELOPMENT WITHIN CONSERVATION
EASEMENT ON LOTS 26, 32, 33, 34
AND 35 IS PERMITTED PER UDO
STANDARDS FOR DEVELOPMENT OF
WETLAND SETBACKS (15-4.0102.1)

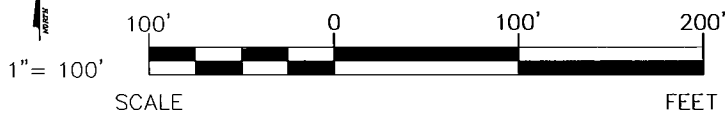
P.O.B.

UNPLATTED LANDS

PROPOSED 50'
CONSERVATION
EASEMENT
LOT 33

WETLAND
E LINE OF THE W 1/2 OF THE
SE 1/4 OF SEC 11-5-21

WETLAND



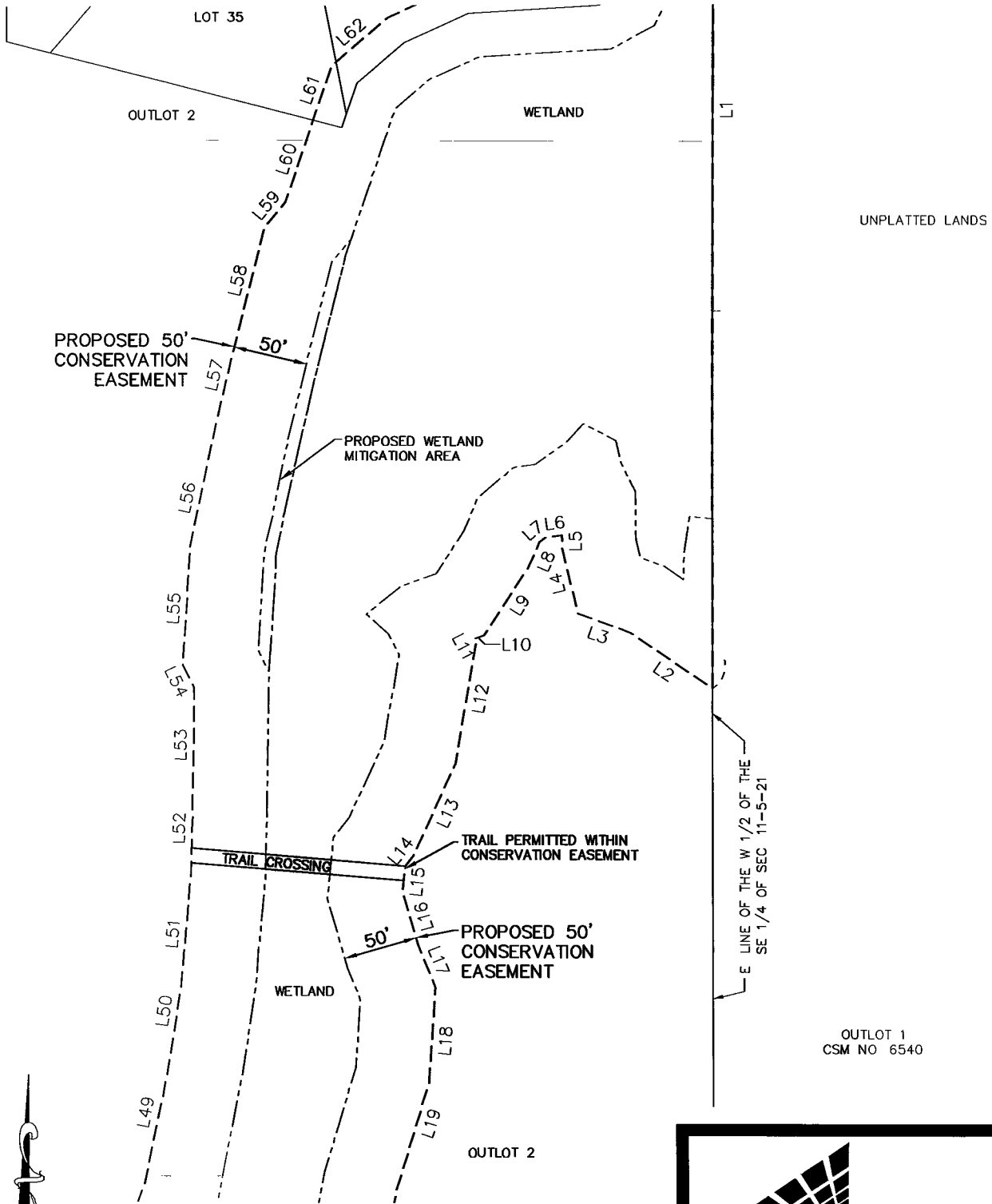


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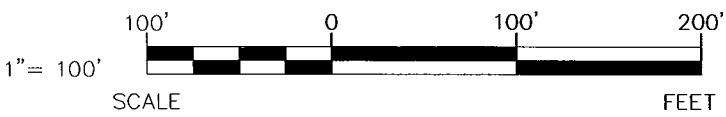
100 Camelot Drive
Fond Du Lac, WI 54935
Phone (920) 926-9800
www.EXCELENGINEER.com

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CONSERVATION EASEMENT ON OUTLOT 2, AND LOTS 26, 32, 33, 34, AND 35 OF PLEASANT VIEW RESERVE EXHIBIT A-2



OUTLOT 1
CSM NO 6540



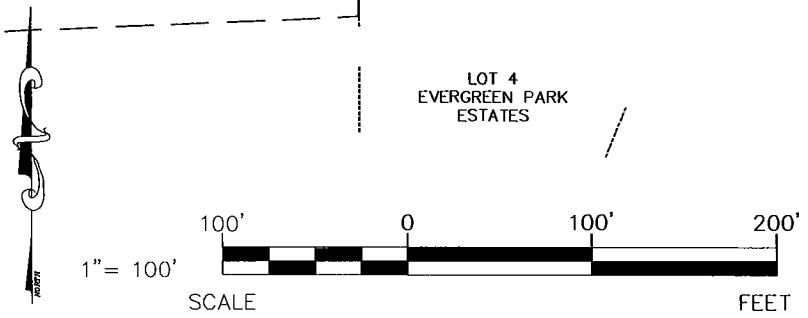
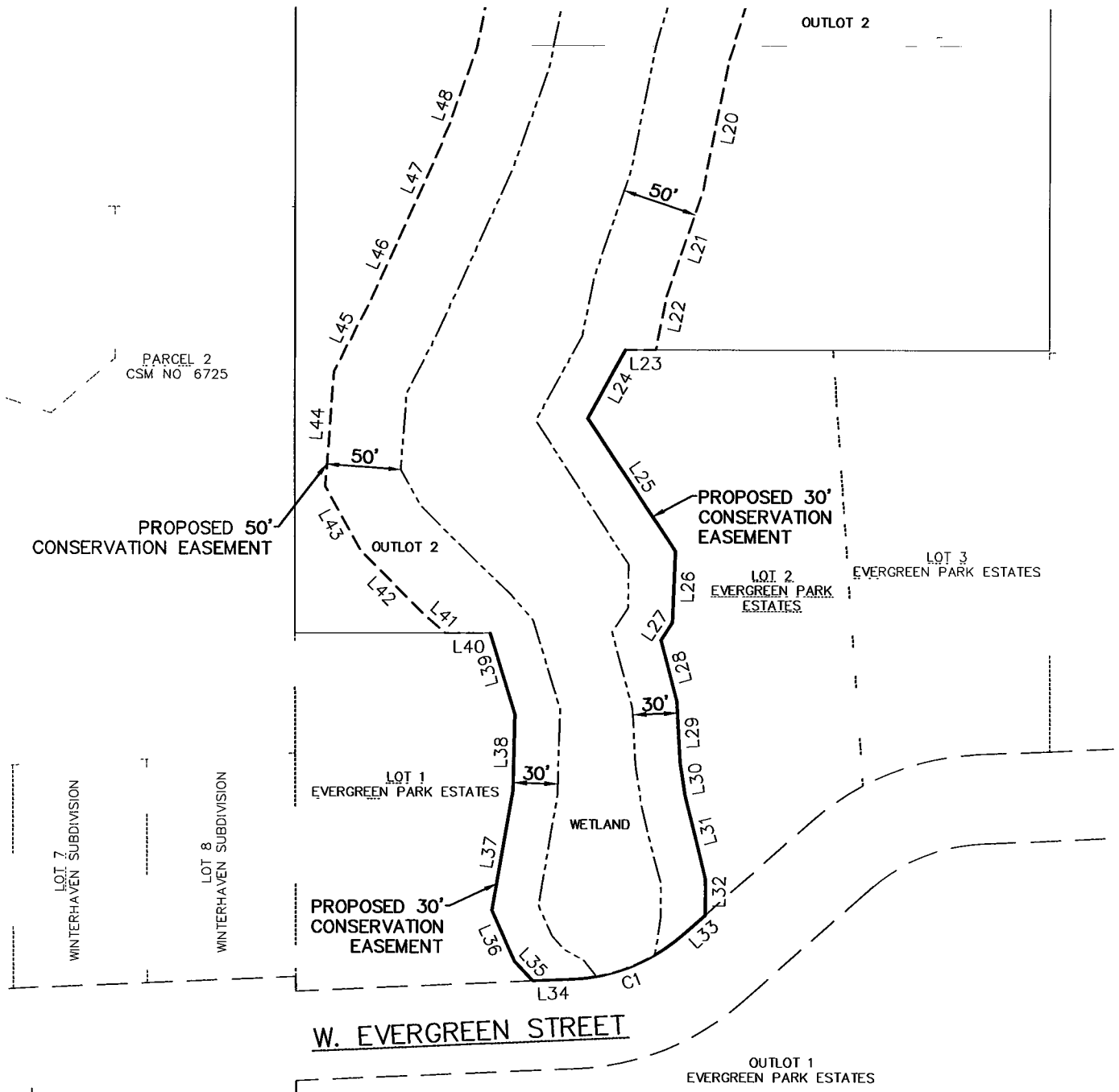


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CONSERVATION EASEMENT ON OUTLOT 2, AND LOTS 26, 32, 33, 34, AND 35 OF PLEASANT VIEW RESERVE EXHIBIT A-3





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CONSERVATION EASEMENT ON OUTLOT 2, AND LOTS 26, 32, 33, 34, AND 35 OF PLEASANT VIEW RESERVE EXHIBIT A-4

CONSERVATION EASEMENT CURVE TABLE

Curve Table							
Curve	Arc Length	Radius	Chord Bearing	Chord Length	Delta	Tangent In	Tangent Out
C1	81 30'	120 00	S68°03 40 W	79 75'	038°48 57	S87°28 08 W	S48°39 11 W

CONSERVATION EASEMENT LINE TABLE

Line Table		
Line #	Direction	Length
L1	S00°00 32 W	783 13'
L2	N56°02'42 W	67 18'
L3	N69°54'54"W	37 65
L4	N13°35'01 W	45 58
L5	N00°24'58 W	8 51
L6	S82°04 11"W	11 58
L7	S50°51'04 W	4 76
L8	S22°54 02 W	16 72
L9	S33°02 08 W	57 00
L10	S70°42 34 W	7 26'
L11	S27°19 28 E	2 98'
L12	S09°51'56 W	82 98
L13	S24°45 57 W	68 66
L14	S38°19'59 W	9 03'
L15	S05°43 03 W	17 73
L16	S16°11 55 E	36 60
L17	S21°57 30 E	31 54'
L18	S03°57 54 W	63 41
L19	S16°56 20"W	77 09
L20	S11°07'04 W	90 11
L21	S18°57 02 W	74 44
L22	S11°18 46 W	37 28
L23	N89 59 23 W	20 40
L24	S28°40 55 W	52 52
L25	S33°23 34 E	106 91
L26	S02°29 08 W	47 59
L27	S33°22 37 W	14 34
L28	S14°39 42 E	42 52
L29	S03°02 10 E	40 92
L30	S08°16'02 E	22 47
L31	S13°35 17 E	58 10
L32	S00°43 09 W	23 67
L33	S48°39 12 W	20 63
L34	S87°28 07 W	26 62
L35	N42 34'39 W	18 29

Line Table		
Line #	Direction	Length
L36	N23°44'07 W	36 85
L37	N10°01 38 E	82 25
L38	N01°46'47 E	50 69'
L39	N16°50'05"W	56 98'
L40	N89°59'25"W	30 23
L41	N48 34 18 W	19 56
L42	N44°55 13 W	59 76
L43	N28°53'09"W	49 45
L44	N04°17 29"E	77 20
L45	N27°18 57"E	55 02
L46	N24 36'13 E	54 44
L47	N24°10 57 E	60 74
L48	N19°48'42 E	68 39
L49	N11°05'24 E	88 42
L50	N08 45 04 E	47 79
L51	N05°20 01 E	73 52
L52	N01°21 20 E	64 57
L53	N00°53 10 E	59 88
L54	N26 34'54"W	17 17
L55	N03 42 17 E	82 50'
L56	N12°01 31 E	86 88
L57	N13°26 54 E	52 31'
L58	N14°01 27 E	80 73
L59	N40°06 11 E	22 32
L60	N18 21 19 E	60 05
L61	N18°45 02 E	37 74
L62	N48°52 22"E	49 97
L63	N65°18'04"E	54 85'
L64	N86°29 16 E	87 17
L65	N61°22 22 E	6 59
L66	N26°09 13 E	7 17
L67	N01°44 14 E	277 00
L68	N60 46 32 E	75 93
L69	S00°00'32 W	22 92



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JOB NO. 2044840

CONSERVATION EASEMENT ON OUTLOT 2, AND LOTS 26, 32, 33, 34, AND 35 OF PLEASANT VIEW RESERVE EXHIBIT A-5

LEGAL DESCRIPTION OF CONSERVATION EASEMENT

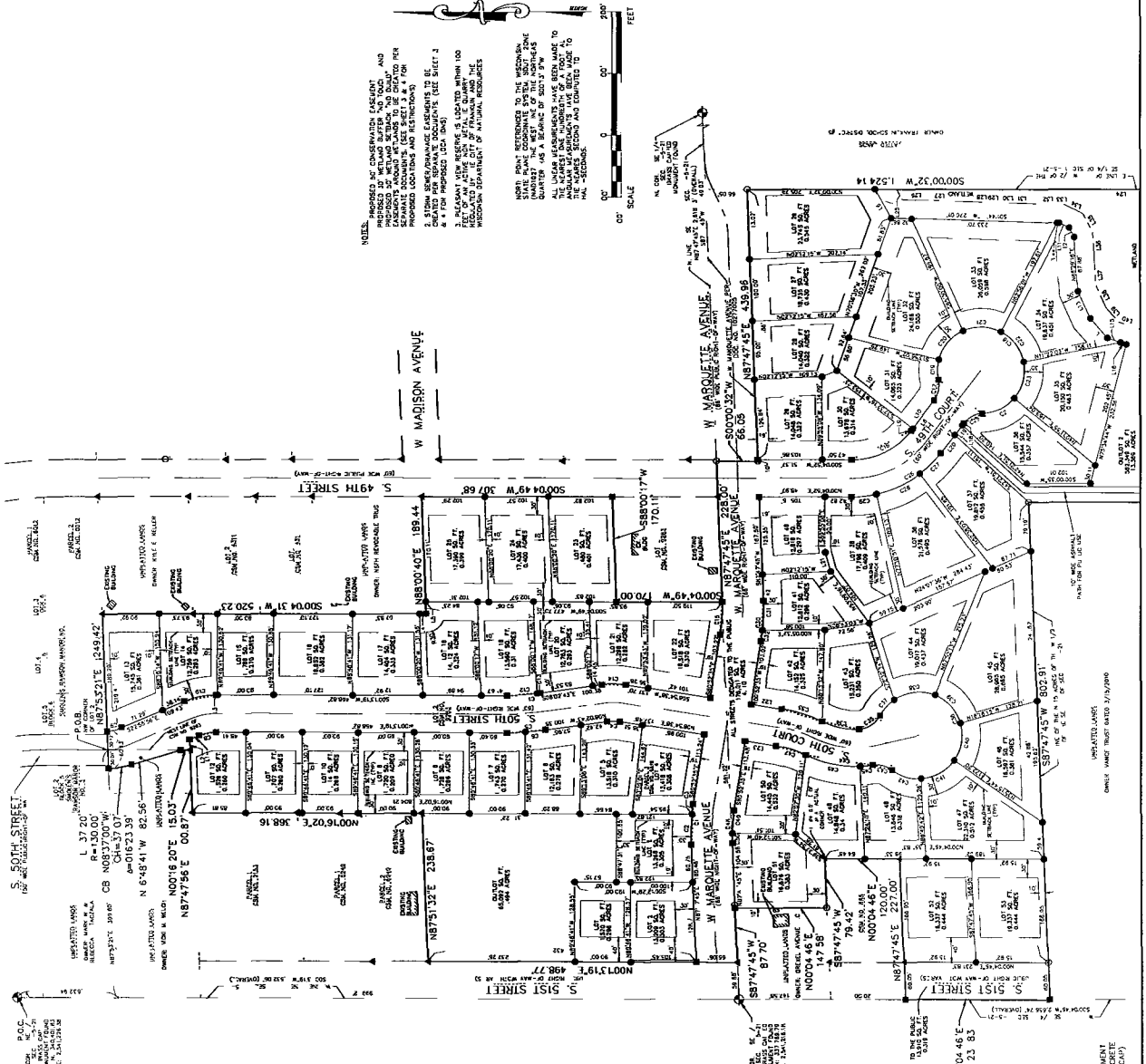
That part of Outlot 2, and part of Lots 26, 32, 33, 34, and 35 of Pleasant View Reserve Subdivision, being part of the Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 11, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin being more particularly described as follows

Beginning at the Northeast corner of Outlot 2 of said Pleasant View Reserve Subdivision, thence South 00°-00'-32" West along the East line of said Outlot 2, a distance of 783 13 feet, thence North 56°-02'-42" West, a distance of 67 18 feet, thence North 69°-54'-54" West, a distance of 37 65 feet, thence North 13°-35'-01" West, a distance of 45 58 feet, thence North 00°-24'-58" West, a distance of 8 51 feet, thence South 82°-04'-11" West, a distance of 11 58 feet, thence South 50°-51'-04" West, a distance of 4 76 feet, thence South 22°-54'-02" West, a distance of 16 72 feet, thence South 33°-02'-08" West, a distance of 57 00 feet, thence South 70°-42'-34" West, a distance of 7 26 feet, thence South 27°-19'-28" East, a distance of 2 98 feet, thence South 09°-51'-56" West, a distance of 82 98 feet, thence South 24°-45'-57" West, a distance of 68 66 feet, thence South 38°-19'-59" West, a distance of 9 03 feet, thence South 05°-43'-03" West, a distance of 17 73 feet, thence South 16°-11'-55" East, a distance of 36 60 feet, thence South 21°-57'-30" East, a distance of 31 54 feet, thence South 03°-57'-54" West, a distance of 63 41 feet, thence South 16°-56'-20" West, a distance of 77 09 feet, thence South 11°-07'-04" West, a distance of 90 11 feet, thence South 18°-57'-02" West, a distance of 74 44 feet, thence South 11°-18'-46" West, a distance of 37 28 feet to a Southerly line of said Outlot 2, thence North 89°-59'-23" West along a South line of said Outlot 2, a distance of 20 40 feet to an Easterly line of said Outlot 2, thence South 28°-40'-55" West along an East line of said Outlot 2, a distance of 52 52 feet, thence South 33°-23'-34" East along an East line of said Outlot 2, a distance of 106 91 feet, thence South 02°-29'-08" West along an East line of said Outlot 2, a distance of 47 59 feet, thence South 33°-22'-37" West along an East line of said Outlot 2, a distance of 14 34 feet, thence South 14°-39'-42" East along an East line of said Outlot 2, a distance of 42 52 feet, thence South 03°-02'-10" East along an East line of said Outlot 2, a distance of 40 92 feet, thence South 08°-16'-02" East along an East line of said Outlot 2, a distance of 22 47 feet, thence South 13°-35'-17" East along an East line of said Outlot 2, a distance of 58 10 feet, thence South 00°-43'-09" West along an East line of said Outlot 2, a distance of 23 67 feet to the Southeast corner of said Outlot 2, said point being on the Northerly right-of-way line of W Evergreen Street, thence South 48°-39'-12" West along said Northerly line, a distance of 20 63 feet, thence Southwesterly 81 30 feet along said Northerly line on a curve to the right having a radius of 120 00 feet, the chord of said curve bears South 68°-03'-40" West, a chord distance of 79 75 feet, thence South 87°-28'-07" West along said Northerly line, a distance of 26 62 feet to the Southwest corner of said Outlot 2, thence North 42°-34'-39" West along a West line of said Outlot 2, a distance of 18 29 feet, thence North 23°-44'-07" West along a West line of said Outlot 2, a distance of 36 85 feet, thence North 10°-01'-38" East along a West line of said Outlot 2, a distance of 82 25 feet, thence North 01°-46'-47" East along a West line of said Outlot 2, a distance of 50 69 feet, thence North 16°-50'-05" West along a West line of said Outlot 2, a distance of 56 98 feet to a Southerly line of said Outlot 2, thence North 89°-59'-25" West along a South line of said Outlot 2, a distance of 30 23 feet, thence North 48°-34'-18" West, a distance of 19 56 feet, thence North 44°-55'-13" West, a distance of 59 76 feet, thence North 28°-53'-09" West, a distance of 49 45 feet, thence North 04°-17'-29" East, a distance of 77 20 feet, thence North 27°-18'-57" East, a distance of 55 02 feet, thence North 24°-36'-13" East, a distance of 54 44 feet, thence North 24°-10'-57" East, a distance of 60 74 feet, thence North 19°-48'-42" East, a distance of 68 39 feet, thence North 11°-05'-24" East, a distance of 88 42 feet, thence North 08°-45'-04" East, a distance of 47 79 feet, thence North 05°-20'-01" East, a distance of 73 52 feet, thence North 01°-21'-20" East, a distance of 64 57 feet, thence North 00°-53'-10" East, a distance of 59 88 feet, thence North 26°-34'-54" West, a distance of 17 17 feet, thence North 03°-42'-17" East, a distance of 82 50 feet, thence North 12°-01'-31" East, a distance of 86 88 feet, thence North 13°-26'-54" East, a distance of 52 31 feet, thence North 14°-01'-27" East, a distance of 80 73 feet, thence North 40°-06'-11" East, a distance of 22 32 feet, thence North 18°-21'-19" East, a distance of 60 05 feet, thence North 18°-45'-02" East, a distance of 37 74 feet, thence North 48°-52'-22" East, a distance of 49 97 feet, thence North 65°-18'-04" East, a distance of 54 85 feet, thence North 86°-29'-16" East, a distance of 87 17 feet, thence North 61°-22'-22" East, a distance of 6 59 feet, thence North 26°-09'-13" East, a distance of 7 17 feet, thence North 01°-44'-14" East, a distance of 277 00 feet, thence North 60°-46'-32" East, a distance of 75 93 feet, thence South 00°-00'-32" West, a distance of 22 92 feet to the point of beginning

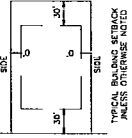
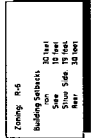


PLEASANT VIEW RESERVE

LOT 2 OF CERTIFIED SURVEY MAP NO. 9283 AND PART OF THE SW 1/4 OF THE NE 1/4 AND PART OF THE NW 1/4 AND SW 1/4 OF THE SE 1/4 OF SECTION 11, ALL BEING A PART OF TOWNSHIP 3 NORTH, RANGE 21 EAST IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN



TOTAL AREA
38.660 ACRES
1 684,031 SQ. FT.



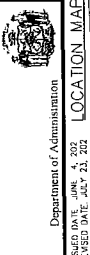
Lot No.	Area (Acres)	Area (Sq. Ft.)
1	0.0000	0
2	0.0000	0
3	0.0000	0
4	0.0000	0
5	0.0000	0
6	0.0000	0
7	0.0000	0
8	0.0000	0
9	0.0000	0
10	0.0000	0
11	0.0000	0
12	0.0000	0
13	0.0000	0
14	0.0000	0
15	0.0000	0
16	0.0000	0
17	0.0000	0
18	0.0000	0
19	0.0000	0
20	0.0000	0
21	0.0000	0
22	0.0000	0
23	0.0000	0
24	0.0000	0
25	0.0000	0
26	0.0000	0
27	0.0000	0
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31	0.0000	0
32	0.0000	0
33	0.0000	0
34	0.0000	0
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36	0.0000	0
37	0.0000	0
38	0.0000	0
39	0.0000	0
40	0.0000	0
41	0.0000	0
42	0.0000	0
43	0.0000	0
44	0.0000	0
45	0.0000	0
46	0.0000	0
47	0.0000	0
48	0.0000	0
49	0.0000	0
50	0.0000	0
51	0.0000	0
52	0.0000	0
53	0.0000	0
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62	0.0000	0
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64	0.0000	0
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74	0.0000	0
75	0.0000	0
76	0.0000	0
77	0.0000	0
78	0.0000	0
79	0.0000	0
80	0.0000	0
81	0.0000	0
82	0.0000	0
83	0.0000	0
84	0.0000	0
85	0.0000	0
86	0.0000	0
87	0.0000	0
88	0.0000	0
89	0.0000	0
90	0.0000	0
91	0.0000	0
92	0.0000	0
93	0.0000	0
94	0.0000	0
95	0.0000	0
96	0.0000	0
97	0.0000	0
98	0.0000	0
99	0.0000	0
100	0.0000	0

WETLAND AREA LINE TABLES

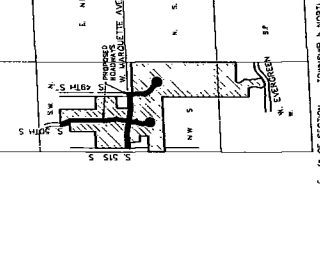
Lot No.	Area (Acres)	Area (Sq. Ft.)
1	0.0000	0
2	0.0000	0
3	0.0000	0
4	0.0000	0
5	0.0000	0
6	0.0000	0
7	0.0000	0
8	0.0000	0
9	0.0000	0
10	0.0000	0
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12	0.0000	0
13	0.0000	0
14	0.0000	0
15	0.0000	0
16	0.0000	0
17	0.0000	0
18	0.0000	0
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99	0.0000	0
100	0.0000	0

LEGEND:
 ■ 1/2" X 8" REBAR SET
 □ 1/4" REBAR FOUND
 ○ 3/4" X 6" REBAR SET
 ● WEIGHING 45 LB/FT
 ○ IRON PIPE FOUND
 ● SECTION CORNER MONUMENT (SEE MONUMENT W/ BRASS CAP)
 ● NO ACCESS INE

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12 Wis. Stats.
 Certified _____ 20



ISSUED DATE: JAN. 4, 2022
 REVISED DATE: JULY 23, 2022
 LOCATION MAP



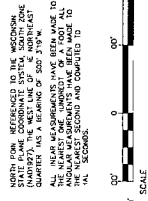
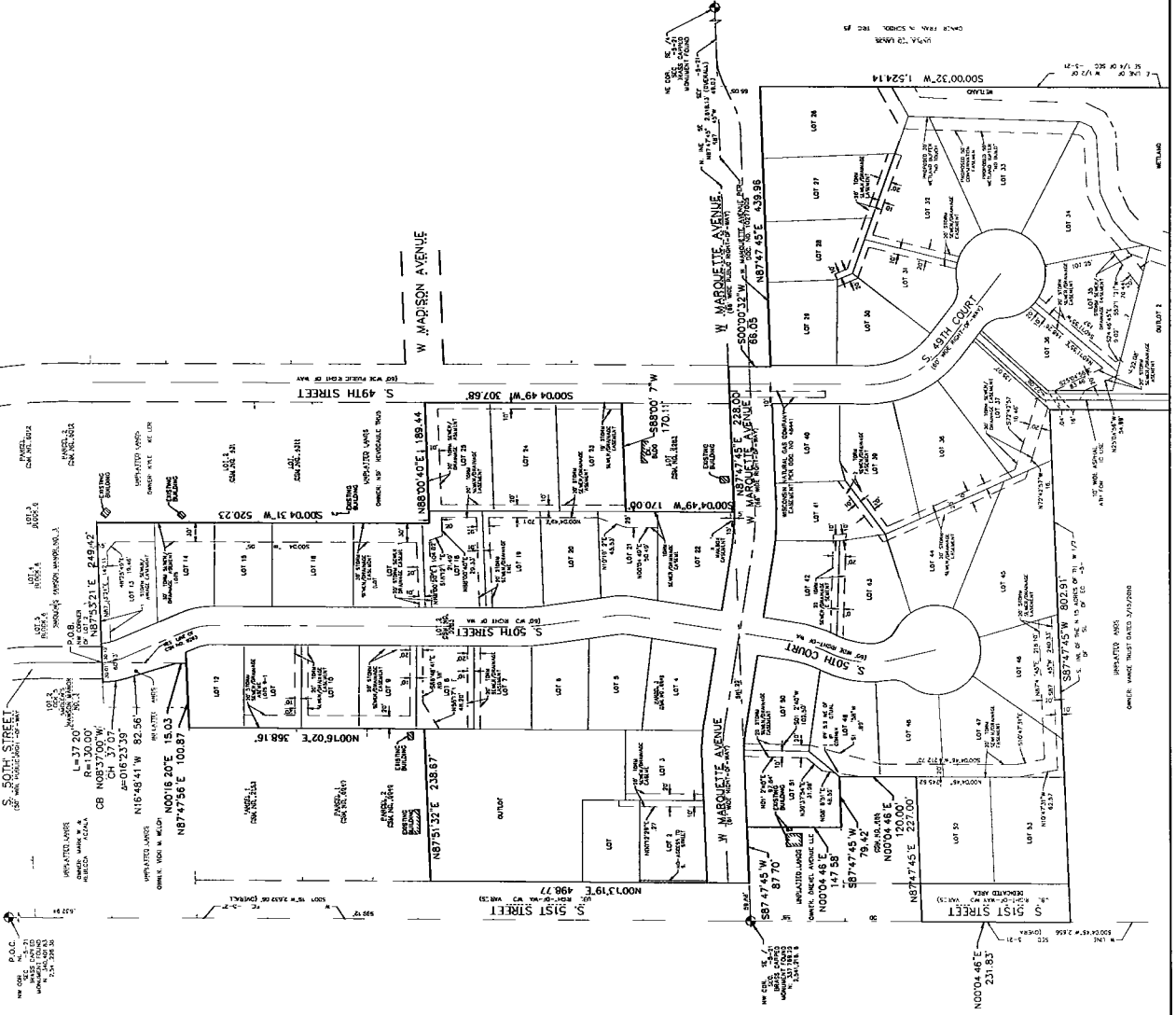
WETLAND AREA CURVE TABLES

Curve No.	Station	Chord Bearing	Chord Dist.	Curve Data	Point No.
1	0+00	N 00° 00' 00" E	0.00	0.00	1
2	0+00	N 00° 00' 00" E	0.00	0.00	2
3	0+00	N 00° 00' 00" E	0.00	0.00	3
4	0+00	N 00° 00' 00" E	0.00	0.00	4
5	0+00	N 00° 00' 00" E	0.00	0.00	5
6	0+00	N 00° 00' 00" E	0.00	0.00	6
7	0+00	N 00° 00' 00" E	0.00	0.00	7
8	0+00	N 00° 00' 00" E	0.00	0.00	8
9	0+00	N 00° 00' 00" E	0.00	0.00	9
10	0+00	N 00° 00' 00" E	0.00	0.00	10
11	0+00	N 00° 00' 00" E	0.00	0.00	11
12	0+00	N 00° 00' 00" E	0.00	0.00	12
13	0+00	N 00° 00' 00" E	0.00	0.00	13
14	0+00	N 00° 00' 00" E	0.00	0.00	14
15	0+00	N 00° 00' 00" E	0.00	0.00	15
16	0+00	N 00° 00' 00" E	0.00	0.00	16
17	0+00	N 00° 00' 00" E	0.00	0.00	17
18	0+00	N 00° 00' 00" E	0.00	0.00	18
19	0+00	N 00° 00' 00" E	0.00	0.00	19
20	0+00	N 00° 00' 00" E	0.00	0.00	20
21	0+00	N 00° 00' 00" E	0.00	0.00	21
22	0+00	N 00° 00' 00" E	0.00	0.00	22
23	0+00	N 00° 00' 00" E	0.00	0.00	23
24	0+00	N 00° 00' 00" E	0.00	0.00	24
25	0+00	N 00° 00' 00" E	0.00	0.00	25
26	0+00	N 00° 00' 00" E	0.00	0.00	26
27	0+00	N 00° 00' 00" E	0.00	0.00	27
28	0+00	N 00° 00' 00" E	0.00	0.00	28
29	0+00	N 00° 00' 00" E	0.00	0.00	29
30	0+00	N 00° 00' 00" E	0.00	0.00	30

NOTES:
 1. PROCEED WITH CONSTRUCTION, EASEMENT AND RECORD WITH NEIGHBORING PROPERTY OWNERS.
 2. RECORD WITH NEIGHBORING PROPERTY OWNERS.
 3. RECORD WITH NEIGHBORING PROPERTY OWNERS.
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 27. RECORD WITH NEIGHBORING PROPERTY OWNERS.
 28. RECORD WITH NEIGHBORING PROPERTY OWNERS.
 29. RECORD WITH NEIGHBORING PROPERTY OWNERS.
 30. RECORD WITH NEIGHBORING PROPERTY OWNERS.

PLEASANT VIEW RESERVE

LOT 2 OF CERTIFIED SURVEY MAP NO. 9233 AND PART OF THE SW 1/4 OF THE NE 1/4 AND PART OF THE NW 1/4 AND SW 1/4 OF THE SE 1/4 OF ALL SECTIONS 11, 12 AND 13, TOWNSHIP 5 NORTH, RANGE 21 EAST IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN



There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by 236.12 Wis. Stats.

Certified _____ 30

Department of Administration
 REVISED DATE: JULY 21, 2021

NOTES:

OUTLOTS:

Outlots 1 & 2 of the plat of Pleasant View Reserve are owned and held by the individual owner shall have an undivisible reciprocal ownership of the outlet, and that Milwaukee County and the City of Franklin shall not be liable for any fees or special assessments in the City of Milwaukee County or the City of Franklin. The Homeowners Association shall maintain said outlet; in an unobstructed condition so as to maintain intended purpose. Construction of any building, grading, or filling in said outlet, shall require the approval of the City of Franklin. The City of Franklin shall not be responsible to enter upon these outlets in order to inspect, repair, or restore said outlet; to intended purpose. Expenses incurred by the City of Franklin in inspection, use, or restoration of outlets shall be the responsibility of the owner of the outlet and shall be paid to the special charge by the city.

ACCESS:

Access to the plat of Pleasant View Reserve, lots both S 51st Street and W Marquette Avenue. No Access allowed to S 51st Street from at 21st W. on W Marquette Avenue.

WE ANDS:

Wetlands lines shown on this plat w/ delineated by Evergreen Consulting - C on September, 2, 2020

*At the time of survey for size water table in the wetland area with an approximate high water elevation of 734.2'

VISION TRIANGLES:

No obstruction, permit, tree, or any other obstruction, such as structures, parking, or vegetation, shall be permitted in any district between the height of the sight triangle. The sight triangle shall be measured from the center of the proposed intersection, rest or alley, light-way line, and a line joining points on such lines, located a minimum of 100 feet from the intersection.

CONSERVATION EASEMENT RESTRICTIONS

Within the Conservation Easement Areas depicted on the plat, the owner of such land shall not:

- Construct or place any buildings or any structure.
- Construct or make any improvements, unless notwithstanding Consent above, no improvement, special call and previously approved by the Common Council of the City of Franklin, upon the advice of such other persons, entities, and agencies as may also, such improvements as may be necessary to the environment or the public and including, but not limited to: animal and bird feeding, balcon, park benches, the removal of animal droppings of natural drainage or other occurring blockage of natural drainage, and the like.
- Excavate, dredge, grade, mine, drill or change the topography of the land or natural condition in any manner including any cutting or removal of vegetation, except for the removal of debris or debris cut.
- Conduct any filling, dumping, or depositing of any material whatsoever, including any garbage, refuse, yard waste or other solid waste material, burn, storage, or other.
- Plant any vegetation not native to the protected property or not typical wetland vegetation.
- Operate snowmobiles, snow machines, motorcycles, all-terrain vehicles, or any other types of motorized vehicle.

OWNER:
 MRS. JANE HANSEN
 1000 W. MARQUETTE
 WISCONSIN, WI 53121
 PHONE: (414) 224-1111
 FAX: (414) 224-1112
 EMAIL: JHANSEN@WISCONSINTEL.NET

DESIGNER:
 EXCEL CONSULTANTS & SURVEYORS
 100 Cambridge Drive
 Franklin, WI 53121
 Phone: (414) 224-2800
 Fax: (414) 224-2801
 www.excelconsultants.com

EXCEL
 Always a Better Plan

SITE INFORMATION

SITE DESCRIPTION:
 Part of Parcel 3 of Certified Survey Map No. 6848 and part of the SW 1/4 of the NE 1/4 and part of the SW 1/4 of the SE 1/4 of Section 1, Township 5 North, Range 2, East City of Franklin, Milwaukee County, Wisconsin.

PROPERTY AREA:
 AREA = 684,039 S.F. (15.660 ACRES)

EXISTING ZONING:
 R-4

PROPOSED ZONING:
 R-4

PROPOSED USE:
 RESIDENTIAL SUBDIVISION

PERMITTED USE: "CONVENTIONAL SUBDIVISION"

MINIMUM LOT AREA:
 3,000 S.F.

MINIMUM LOT WIDTH:
 80' 0" FRONT SETBACK LINE

MINIMUM LOT DEPTH:
 100' 0"

GROSS DENSITY:
 2.972

NET DENSITY:
 2.972

SETBACKS:
 FRONT 30'
 SIDE 10' (MIN. LOT = 9')
 REAR 30'

PROCESSED SITE DATA

PROPERTY LOT NUMBER	AREA (AC)	RM TO
1	1.88	38.41%
2	1.88	38.41%
3	1.88	38.41%
4	1.88	38.41%
5	1.88	38.41%
6	1.88	38.41%
7	1.88	38.41%
8	1.88	38.41%
9	1.88	38.41%
10	1.88	38.41%
11	1.88	38.41%
12	1.88	38.41%
13	1.88	38.41%
14	1.88	38.41%
15	1.88	38.41%
16	1.88	38.41%
17	1.88	38.41%
18	1.88	38.41%
19	1.88	38.41%
20	1.88	38.41%
21	1.88	38.41%
22	1.88	38.41%
23	1.88	38.41%
24	1.88	38.41%
25	1.88	38.41%
26	1.88	38.41%
27	1.88	38.41%
28	1.88	38.41%
29	1.88	38.41%
30	1.88	38.41%

PRELIMINARY DATES

DEC. 18, 2020
 FEB. 12, 2021
 JULY 4, 2021

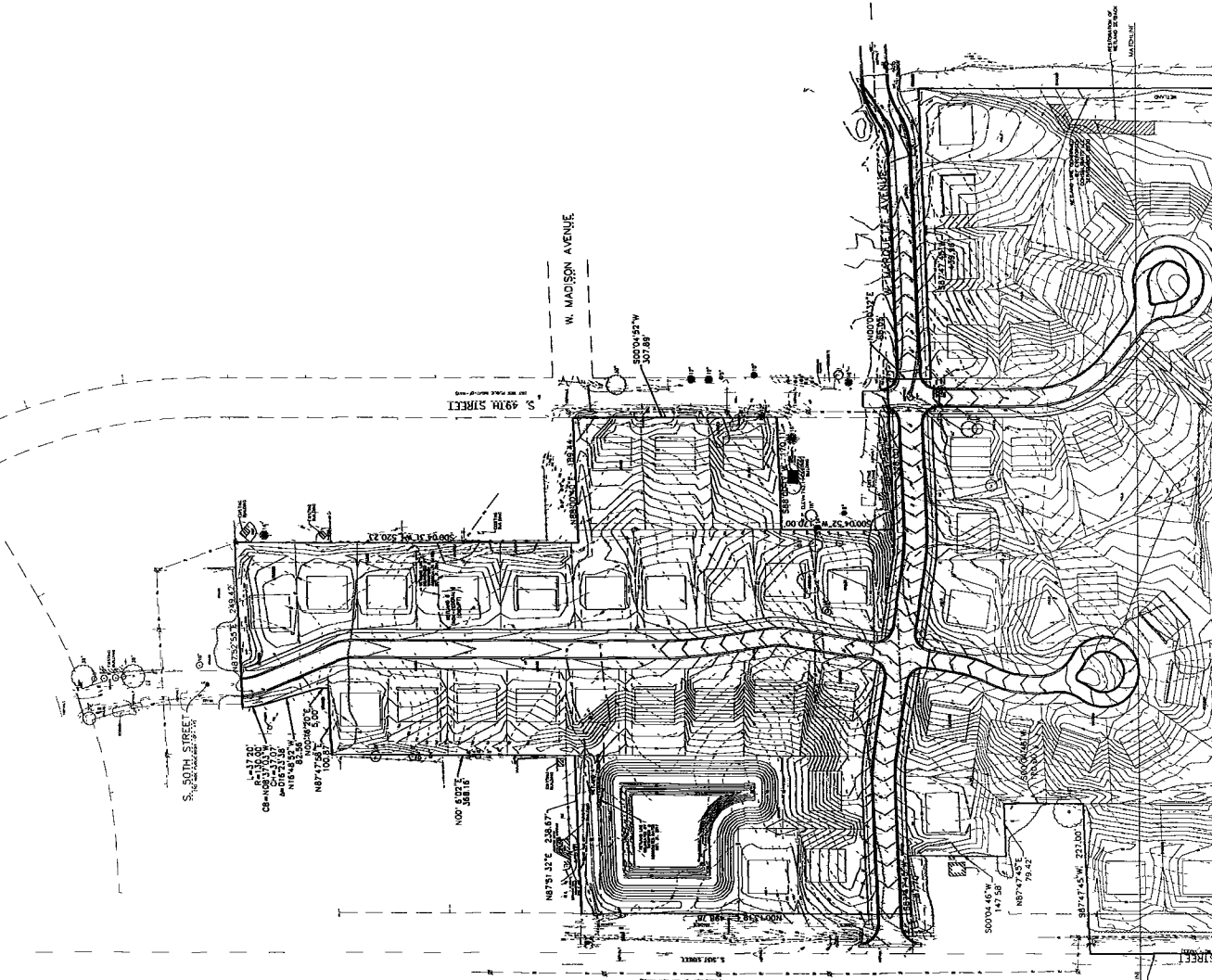
NATURAL RESOURCES PROTECTION PLAN
PLEASANT VIEW RESERVE
 S 51ST STREET & W MARQUETTE AVENUE • FRANKLIN, WI 53121

NOT FOR CONSTRUCTION

PROJECT NUMBER
 2044840

SHEET NUMBER
 S

FIGURE 2A
 SKETCH PLAN NORTH



- LEGEND**
- EXISTING ROUND CULVERT
 - EXISTING CURB INLET
 - WATER WALK IN BOX
 - WATER SERVICE WALK
 - EXISTING SIGN
 - TELEPHONE INFRASTRUCTURE
 - ELECTRIC INFRASTRUCTURE
 - CABLE TV INFRASTRUCTURE
 - UTILITY POLE
 - UTILITY POLE WITH GUY WIRE
 - CONCRETE TREE
 - CONFERENTIAL TREE
 - SHED
 - MONUMENT FOUND
 - 3/4" REBAR FOUND
 - IRON PIPE FOUND

- LEGEND**
- WOODS AREA
 - EXISTING CHAINLINK FENCE
 - EXISTING WOOD FENCE
 - EXISTING WOOD WIRE FENCE
 - EXISTING STORM SEWER AND MANHOLE
 - EXISTING SANITARY SEWER AND MANHOLE
 - EXISTING WATER LINE AND HYDRANT
 - EXISTING OVERHEAD UTILITY LINE
 - EXISTING UNDERGROUND GAS LINE
 - EXISTING UNDERGROUND ELECTRIC CABLE
 - EXISTING 1/2" CHUB AND GRITER
 - EXISTING CHAINLINK CONTOUR

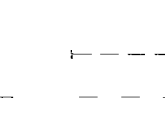


FIGURE 2A
 SKETCH PLAN NORTH



PLEASANT VIEW RESERVE NATURAL RESOURCES PROTECTION PLAN

S. 51ST STREET & W. MARQUETTE AVENUE • FRANKLIN, WI 53122

PRELIMINARY DATES

DEC 18, 2020
FEB 12, 2021
JULY 1, 2021

NOT FOR CONSTRUCTION

ID# NUMBER
2044840

SHEET NUMBER
S

SITE INFORMATION:

LEGAL DESCRIPTION:
Part of Parcel 3 of Certified Survey Map No. 9949 and part of the SW 1/4 of the NE 1/4, and part of the NW 1/4 and SW 1/4 of the SE 1/4 of Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

PROPERTY AREA: AREA = 1,684,039 S.F. (38.660 ACRES)

EXISTING ZONING: R-6

PROPOSED ZONING: R-6

PROPOSED USE: RESIDENTIAL, RECREATION, COMMERCIAL, CONVENTIONAL SUBDIVISION

MINIMUM LOT AREA: 11,000 SF

MINIMUM LOT WIDTH: 90' AT FRONT SETBACK LINE

OPEN SPACE RATIO: 0.00

NET DENSITY: 2.872

SETBACKS:
FRONT = 30'
SIDE CORNER LOT = 19'
REAR = 30'

PROPOSED SITE DATA

PROJECT SITE AREA (AC)	94.80
WETLAND BUFFER AREA (AC)	38.64
WETLAND BUFFER WETLAND AREA (AC)	14.16
WETLAND BUFFER WETLAND AREA (AC)	27.96
WETLAND BUFFER WETLAND AREA (AC)	31.47

NATURAL RESOURCE

TOTAL AREA (SF)	
WETLAND BUFFER AREA	1411
WETLAND BUFFER WETLAND AREA	2796
WETLAND BUFFER WETLAND AREA	3147

CONTRACTORS:

WETLAND FOR WETLANDS, INC.
1000 W. WISCONSIN AVENUE
FRANKLIN, WI 53132

CONCRETE WORKS, INC.
1000 W. WISCONSIN AVENUE
FRANKLIN, WI 53132

LANDSCAPE ARCHITECTURE, INC.
1000 W. WISCONSIN AVENUE
FRANKLIN, WI 53132

LANDSCAPE ARCHITECTURE, INC.
1000 W. WISCONSIN AVENUE
FRANKLIN, WI 53132

LANDSCAPE ARCHITECTURE, INC.
1000 W. WISCONSIN AVENUE
FRANKLIN, WI 53132

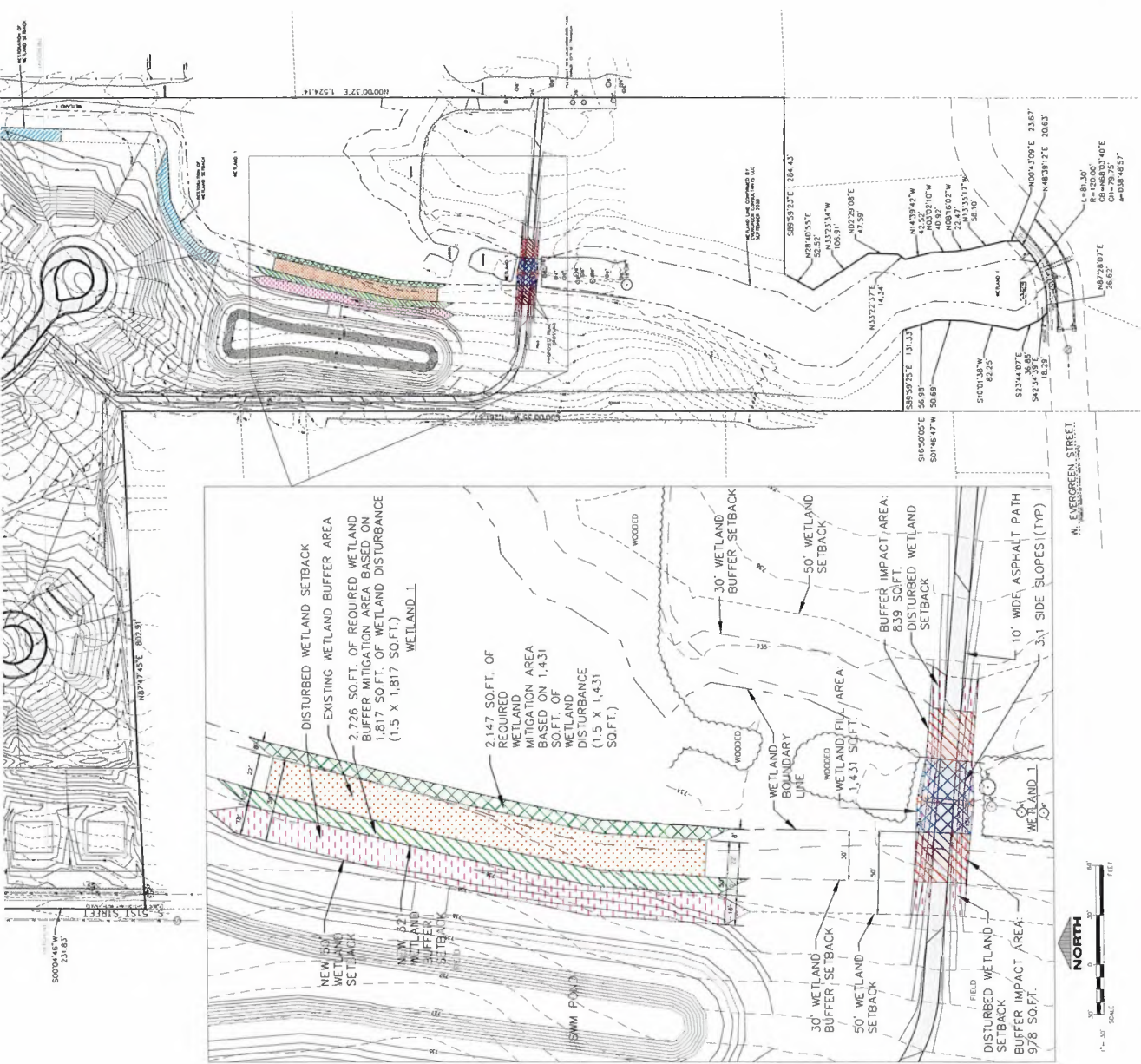


FIGURE 2B
SKETCH PLAN - SOUTH

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APPROVAL <i>SM</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE August 17, 2021
REPORTS AND RECOMMENDATIONS	RESOLUTION TO EXECUTE A SUBDIVISION DEVELOPMENT AGREEMENT WITH VH PVR LLC FOR THE DEVELOPMENT OF PLEASANT VIEW RESERVE SUBDIVISION PHASE 1 LOCATED ON S. 51ST STREET AND W. MARQUETTE AVENUE	ITEM NUMBER G.8.

BACKGROUND

Pursuant to the approval of Pleasant View Reserve Subdivision Phase 1, it is necessary to enter into a subdivision development agreement with an estimated cost of unfinished improvements to the developer of \$205,399.40.

ANALYSIS

The infrastructure and services required are those to complete development.

The final plat for Pleasant View Reserve Subdivision is scheduled to come before Common Council at the August 17, 2021, meeting.

Approval of this subdivision development agreement will meet said conditions.

OPTIONS

It is recommended that the Common Council approve the enclosed standard form of the subdivision development agreement with specific items contained in Exhibit "E" attached.

FISCAL NOTE

The Bond includes the cost of improvements with contingencies. The Bond will remain in effect until the improvements are completed and approved by the developer.

COUNCIL ACTION REQUESTED

Motion to adopt Resolution No. 2021- _____ a resolution authorizing the Mayor and the City Clerk to sign the subdivision development agreement upon review and acceptance by City Attorney.

Department of Engineering GEM

RESOLUTION NO. 2021- _____

RESOLUTION TO EXECUTE A
SUBDIVISION DEVELOPMENT AGREEMENT WITH
VH PVR LLC FOR THE DEVELOPMENT OF
PLEASANT VIEW RESERVE SUBDIVISION PHASE 1

WHEREAS, it is in the best interest of the City of Franklin to provide an orderly planned development known as Pleasant View Subdivision Phase 1 generally located on the northeast quadrant of S. 51st Street and W. Marquette Avenue; and

WHEREAS, the developer of the subdivision is willing to complete the installation of the improvements provided for in the Development Agreement; and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that the Mayor and City Clerk are hereby authorized and directed to execute the Development Agreement on behalf of the City with the developer of the subdivision.

BE IT FURTHER RESOLVED that the City Clerk is directed to record the Subdivision Development Agreement with the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council on the _____ day of _____, 2021 by Alderman _____.

Passed and adopted by the Common Council on the _____ day of _____, 2021.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Engineering/GEM

[April 2019 updated version]

CITY OF FRANKLIN

WISCONSIN

SUBDIVISION DEVELOPMENT AGREEMENT

FOR

**PLEASANT VIEW RESERVE SUBDIVISION
PHASE 1**

August 2021

**SUBDIVISION DEVELOPMENT AGREEMENT
FOR
PLEASANT VIEW RESERVE SUBDIVISION PHASE 1**

ARTICLES OF AGREEMENT (THIS "Agreement") made and entered into this _____ day of _____ 2021, by and between VH PVR LLC, a [limited liability company], hereinafter called the "Subdivider" as party of the first part, and the City of Franklin, a municipal corporation of Milwaukee County, Wisconsin, party of the second part, hereinafter called the "City"

WITNESSETH

WHEREAS, the Subdivider desires to improve and develop certain lands located in the City as described on attached Exhibit "A" (the "Subdivision"), and for that purpose cause the installation of certain public improvements, hereinafter described in this Agreement and the exhibits hereto (the "Improvements"), and

WHEREAS, §§ 236 13(2)(am), 236 13(2)(b), 236 13(2)(c), 236 13(2)(d) and 236 13(2m) of the Wisconsin Statutes and Division 15-9 0300 Land Division Procedures and Administration of the Unified Development Ordinance of the City of Franklin Municipal Code, provide that as a condition of approving the Subdivision, the governing body of a municipality may require that the Subdivider make and install, or have made and have installed, any public improvements reasonably necessary, that designated facilities be provided as a condition of approving the planned Subdivision development, that necessary alterations to existing public utilities be made, and that the Subdivider provide a Financial Guarantee approved by the City Attorney guaranteeing that the Subdivider will make and install, or have made and installed, those improvements within a reasonable time, and

WHEREAS, the public works schedule and budget of the City does not now include the Improvements for the Subdivision and normally there would be a considerable delay in the installation of the Improvements unless this Agreement is entered into by the parties, and

WHEREAS, the City believes that the orderly planned development of the Subdivision will best promote the health, safety and general welfare of the community, and hence is willing to approve the Subdivision provided the Subdivider proceed with the installation of the Improvements in and as may be required for the Subdivision, on the terms and conditions set forth in this Agreement and the exhibits attached hereto

NOW, THEREFORE, in consideration of the payment of One Dollar (\$1 00) and other good and valuable consideration to each in hand paid by the other, receipt of which is hereby acknowledged and in consideration of the mutual covenants herein contained, the parties agree

- 1 The legal description of the Subdivision is set forth on attached Exhibit "A"
- 2 The improvements aforementioned shall be as described in Exhibit "B" except as noted in Exhibit "E"
- 3 The Subdivider shall prepare plans and specifications for the aforesaid Improvements, under direction of the City Engineer, and to be approved by the City Engineer After receiving the City's approval thereof, the Subdivider shall take bids, and award contracts (the "Improvements Contracts") for and install all of the improvements in accordance with standard engineering and public works practices, and the applicable statutes of the State of

Wisconsin The Improvements shall be based on the construction specifications stated in attached Exhibit "F"

- 4 The full cost of the Improvements will include all labor, equipment, material, engineering, surveying, inspection and overhead costs necessary or incidental to completing the Improvements (collectively the "Improvements Costs") Payment for the Improvements Costs will be made by the Subdivider periodically as the Improvements are completed as provided in the Improvements Contracts The total estimated cost of the Improvements is Two Hundred Five Thousand, Three Hundred Ninety Nine and 40/100 Dollars as itemized in attached Exhibit "D"

- 5 To assure compliance with all of Subdivider's obligations under this Agreement, prior to the issuance of any building permits, the Subdivider shall file with the City a Financial Guarantee (the "Financial Guarantee", which may be either in the form of a Letter of Credit or a Performance Bond and such form shall be the choice of the Subdivider) in the initial amount of \$205,399.40, representing the estimated costs for the Improvements as shown in attached Exhibit "D" Upon the written approval of the City Engineer, the amount of the Financial Guarantee may be reduced periodically as the Improvements are paid for and approved by the City so that following each such reduction, the Financial Guarantee equals the total amount remaining for Improvements Costs pertaining to Improvements for which Subdivider has not paid as set forth in the Improvements Contracts for the Improvements or which remain unapproved by the City The Financial Guarantee shall be issued by a bank or other financial institution (the "Surety Guarantee Issuer") reasonably satisfactory to the City, for the City as "Beneficiary", in a form satisfactory to the City Attorney Failure to file the Financial Guarantee within ten (10) days after written demand by the City to the Subdivider shall make and render this Agreement null and void, at the election of the City Upon acceptance by the City (as described below) of and payment by Subdivider for all the completed Improvements, the Financial Guarantee shall be released and surrendered by the City to the Subdivider, and thereafter the Subdivider shall have no further obligation to provide the Financial Guarantee to the City under this Paragraph 5, except as set forth under Paragraph 13 below

- 6 In the event the Subdivider fails to pay the required amount for the Improvements or services enumerated herein within thirty (30) days or per contract after being billed for each improvement of each stage for any Improvements Costs at the time and in the manner provided in this Agreement, and if amounts remain unpaid after an additional thirty (30) days written notice to Subdivider, the City may notify the Guarantee Issuer in writing to make the said payments under the terms of the Financial Guarantee to the Contractor, within the later of the time frame stipulated in the Financial Guarantee or five (5) days after receiving a written demand from the City to make such payment Demand shall be sent by registered letter with a return receipt requested, addressed to the Surety Guarantee Issuer at the address indicated on the Financial Guarantee, with a copy to the Subdivider, described in Paragraph five (5) above It is understood between the parties to this Agreement, that billings for the Improvements Costs shall take place as the various segments and sections of the Improvements are completed and certified by the City Engineer as complying with the approved plans and applicable provisions of the Franklin Municipal Code and Unified Development Ordinance

In addition, the City Engineer may demand that the Financial Guarantee be extended from time to time to provide that the Financial Guarantee be in force until such time that

all improvements have been installed and accepted through the one (1) year guarantee period as set forth under Paragraph 13 below, including the fourteen (14) months following substantial completion of the Improvements and 10% limitations also set forth thereunder. For the purposes of this Agreement, "Substantial Completion" is defined as being the date that the binder course of asphalt is placed on the public roadway of the Subdivision. Demand for said extension shall be sent by registered letter with a return receipt, with a copy to the Subdivider. If said Financial Guarantee is not extended for a minimum of a one (1) year period prior to expiration date of the Financial Guarantee (subject to any then applicable of the aforementioned limitations), the City may send written notice to the Surety Guarantee Issuer to make payment of the remaining balance of the Financial Guarantee to the City to be placed as an escrow deposit.

7 The following special provisions shall apply

- (a) Those special provisions as itemized on attached Exhibit "C" and attached Exhibit "E" are hereby incorporated by reference in this Agreement and made a part hereof as if fully set forth herein
- (b) The laterals mentioned in Exhibit "B" are to be installed before street surfacing mentioned in Exhibit "B" is commenced
- (c) Electric and Gas Company is to install all necessary mains before the street surfacing mentioned in Exhibit "B" is commenced. Also, any other underground work by any other utilities is also to be completed before said street surfacing is commenced
- (d) To the extent necessary to accommodate public utilities easements on the Subdivision development, easements will be dedicated for the use of the Electric Company, the Telephone Company and Cable Company to provide utility services to the Subdivision. All utilities shall be underground except for any existing utility poles/lines
- (e) The curb face to curb face width of the roads in the Subdivision shall be as determined by the City Engineer
- (f) Fee title to all of the Improvements and binding easements upon lands on which they are located, shall be dedicated and given by the Subdivider to the City, in form and content as required by the City, without recourse, and free and clear of all liens or encumbrances, with final inspection and approval of the Improvements and accompanying title and easement documents by the City constituting acceptance of such dedication. The Improvements shall thereafter be under the jurisdiction of, the City and the City shall maintain, at the City's expense, all of the Improvements after completion and acceptance thereof by the City. Necessary permits shall be obtained for all work described in this Agreement

8 The Subdivider agrees that it shall be fully responsible for all the Improvements in the Subdivision and appurtenances thereto during the period the Improvements are being constructed and continuing until the Improvements are accepted by the City (the "Construction Period"). Damages that may occur to the Improvements during the Construction Period shall be replaced or repaired by the Subdivider. The Subdivider's

obligations under this Paragraph 8 , as to any improvement, terminates upon acceptance of that improvement by the City

- 9 The Subdivider shall take all reasonable precautions to protect persons and property of others on or adjacent to the Subdivision from injury or damage during the Construction Period This duty to protect shall include the duty to provide, place and maintain at and about the Subdivision, lights and barricades during the Construction Period
- 10 If the persons or property of others sustain loss, damage or injury resulting directly or indirectly from the work of the Subdivider or its subcontractors or materialmen in their performance of this Agreement or from its failure to comply with any of the provisions of this Agreement or of law, the Subdivider shall indemnify and hold the City harmless from any and all claims and judgments for damages, and from costs and expenses to which the City may be subjected or which it may suffer or incur by reason thereof, provided, however, that the City shall provide to the Subdivider promptly, in writing, notice of the alleged loss, damage or injury
- 11 Except as otherwise provided in Paragraph 12 below, the Subdivider shall indemnify and save harmless the City, its officers, agents and employees, and shall defend the same, from and against any and all liability, claims, loss, damages, interest, actions, suits, judgments, costs, expenses, and attorneys' fees, to whomsoever owed and by whomsoever and whenever brought or obtained, which in any manner results from or arises in connection with
 - (a) the negligent or willfully wrongful performance of this Agreement by the Subdivider or any subcontractor retained by the Subdivider,
 - (b) the negligent or willfully wrongful construction of the Improvements by the Subdivider or by any of said subcontractors,
 - (c) the negligent or willfully wrongful operation of the Improvements by the Subdivider during the Construction Period,
 - (d) the violation by the Subdivider or by any of said subcontractors of any applicable law, rule, regulation, order or ordinance, or
 - (e) the infringement by the Subdivider or by any of said subcontractors of any patent, trademark, trade name or copyright
- 12 Anything in this Agreement to the contrary notwithstanding, the Subdivider shall not be obligated to indemnify the City or the City's officers, agents or employees (collectively the "Indemnified Parties") from any liability, claim, loss, damage, interest, action, suit, judgment, cost, expenses or attorneys' fees which arise from or as a result of the negligence or willful misconduct of any of the Indemnified Parties
- 13 The Subdivider hereby guarantees that the Improvements will be free of defects in material and/or workmanship for a period of one (1) year from the date of acceptance of the Improvements by the City To secure the Subdivider's obligations under said guaranty upon acceptance of the Improvements by the City, the Subdivider will provide to the City a Financial Guarantee equal to 10% of the sub-total in Exhibit "D" of the total Improvements Costs, which Financial Guarantee shall expire one (1) year after the

Improvements have been accepted by the City or continue the existing base Financial Guarantee maintaining a minimum of 10% of the sub-total in Exhibit "D" of the total Improvements Costs for one (1) year after the improvements have been accepted by the City. This Financial Guarantee shall be a partial continuation of, and not in addition to, the Financial Guarantee described in Paragraph 5 above.

- 14 (a) The Subdivider shall not commence work on the Improvements until it has obtained all insurance coverage required under this Paragraph 14 and has filed certificates thereof with the City.

(1) **COMPREHENSIVE GENERAL LIABILITY AND PROPERTY DAMAGE INSURANCE** - Coverage shall protect the Subdivider and all subcontractors retained by the Subdivider during the Construction Period and all persons and property from claims for damages for personal injury, including accidental death as well as claims for property damages, which may arise from performing this Agreement, whether such performance be by the Subdivider or by any subcontractor retained by the Subdivider or by anyone directly or indirectly employed by either the Subdivider or any such subcontractor. The City shall be named as an additional insured on all such insurance coverage under this Paragraph 14 (a)(1) and Paragraph 14 (a)(2). The amounts of such insurance coverage shall be as follows:

Bodily Injury	\$1,000,000 Per Person \$1,000,000 Per Occurrence \$1,000,000 Aggregate
Property Damage	\$500,000 Per Occurrence \$500,000 Aggregate

(2) **COMPREHENSIVE AUTOMOBILE LIABILITY AND PROPERTY DAMAGE** - Insurance coverage for the operation of owned, hired and non-owned motor vehicles shall be in the following amounts:

Bodily Injury	\$1,000,000 Per Person \$1,000,000 Per Occurrence
Property Damage	\$500,000 Per Occurrence

(b) The Subdivider shall file a certificate of insurance containing a thirty (30) day notice of cancellation to the City prior to any cancellation or change of said insurance coverage which coverage amounts shall not be reduced by claims not arising from this Agreement.

- 15 The Subdivider shall not be released or discharged of its obligations under this Agreement until the City has completed its final inspection of all the Improvements and the City has issued its written approval of all of the Improvements, which approval shall not be unreasonably withheld or delayed, and Subdivider has paid all of the Improvements Costs, at which time the Subdivider shall have no further obligations under this Agreement except for the one (1) year guaranty under Paragraph 13.

- 16 The Subdivider and the City hereby agree that the cost and value of the Improvements will become an integral part of the value of the Subdivision and that no future lot

assessments or other types of special assessments of any kind will be made against the Subdivision by the Subdivider or by the City for the benefit of the Subdivider, to recoup or obtain the reimbursement of any Improvement Costs for the Subdivider

- 17 Execution and performance of this Agreement shall be accepted by the City as adequate provision for the Improvements required within the meaning of §§ 236 13(2)(a), 236 13(2)(b), 236 13(2)(c), 236 13(2)(d) and 236 13(2m) of the Wisconsin Statutes
- 18 Penalties for Subdivider's failure to perform any or all parts of this Agreement shall be in accordance with Division 15-9 0500, Violations, Penalties, and Remedies of the Unified Development Ordinance and §1-19 Penalty provisions of the City of Franklin Municipal Code, as amended from time to time, in addition to any other remedies provided by law or in equity so that the City may obtain Subdivider's compliance with the terms of this Agreement as necessary

This Agreement shall be binding upon the parties hereto and their respective successors and assigns, excepting that the parties hereto do not otherwise intend the terms or provisions of this Agreement to be enforceable by or provide any benefit to any person or entity other than the party of the first part and the party of the second part Subdivider shall not convey or assign any of its rights or obligations under this contract whatsoever without the written consent of the City, which shall not be unreasonably withheld upon a showing that any successor or assignee is ready, willing and able to fully perform the terms hereof and the Subdivider remains liable hereunder This Agreement shall run with the land

[The remainder of this page is intentionally left blank Signatures are on the following pages]

IN WITNESS WHEREOF, the said party of the first part has set its hand and seal and the said party of the second part has caused these presents to be duly executed by Stephen R. Olson, Mayor, and Sandra L. Wesolowski, City Clerk, and its corporate seal to be hereunto affixed as of the day and year first above written

SEALED IN PRESENCE OF VH PVR, LLC
[Limited Liability Company]

By _____
Name _____
Title _____

Party of the First Part

STATE OF WISCONSIN)
)ss
_____ COUNTY)

Personally came before me this ____ (day) of _____, 2021, the above named _____ of VH PVR, LLC and acknowledged that [she/he] executed the foregoing instrument as such officer as the deed of said limited liability company by its authority

or
This instrument was acknowledged before me on _____ (date) by _____ (name(s) of person(s)) as _____ (type of authority, e.g., officer, trustee, etc.) of _____ (name of party on behalf of whom instrument was executed)

Notary Public, _____ County, WI
My commission expires _____

CITY OF FRANKLIN

By _____
Name Stephen R. Olson
Title Mayor

COUNTERSIGNED

By _____
Name Sandra L. Wesolowski
Title City Clerk

Party of the Second Part

STATE OF WISCONSIN)
)ss
_____ COUNTY)

Personally came before me this _ day of _____, 2021, the above named Stephen R Olson, Mayor, and Sandra L Wesolowski, City Clerk, of the above named municipal corporation, City of Franklin, to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they had executed the foregoing instrument as such officers as the Deed of said municipal corporation by its authority and pursuant to Resolution No _____, adopted by its Common Council on the _____ day of _____, 2021.

Notary Public, Milwaukee County, WI
My commission expires _____

This instrument was drafted by the City Engineer for the City of Franklin

Form approved

Jesse A Wesolowski, City Attorney

**INDEX OF EXHIBITS
TO
SUBDIVISION DEVELOPMENT AGREEMENT
FOR
PLEASANT VIEW RESERVE SUBDIVISION PHASE 1**

Exhibit A	Legal Description of Subdivision
Exhibit B	General Description of Required Subdivision Improvements
Exhibit C	General Subdivision Requirements
Exhibit D	Estimated Improvement Costs
Exhibit E	Additional Subdivision Requirements
Exhibit F	Construction Specifications

EXHIBIT "A"
TO
SUBDIVISION DEVELOPMENT AGREEMENT
FOR
PLEASANT VIEW RESERVE SUBDIVISION PHASE 1

LEGAL DESCRIPTION OF SUBDIVISION

Part of Lot 2 of Certified Survey Map No 9283, recorded in the Register of Deeds office for Milwaukee County on December 21, 2020, as Document No 11059192 and part of the Southwest 1/4 of the Northeast 1/4, all being part of the Southwest 1/4 of the Northeast 1/4 of Section 11, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin being more particularly described as follows

Commencing at the Northwest corner of said Northeast 1/4, thence South 00°-13'-19" West along the West line of said Northeast 1/4, a distance of 1,632.94 feet to the Westerly extension of the North line of said Lot 2; thence North 87°-53'-21" East along said Westerly extension, a distance of 399 80 feet to the Northwest corner of said Lot 2, said point being the point of beginning; thence continuing North 87°-53'-21" East along the North line of said Lot 2, a distance of 219 41 feet to the Northeast corner of said Lot 2; thence South 00°-04'-31" West along an East line of said Lot 2, a distance of 520.23 feet to an East corner of said Lot 2; thence North 88°-00'-40" East along an East line of said Lot 2, a distance of 189 44 feet to an East corner of said Lot 2, thence South 00°-04'-49" West along an East line of said Lot 2, a distance of 307.68 feet to an East corner of said Lot 2; thence South 88°-00'-17" West along an East line of said Lot 2, a distance of 170.11 feet to an East corner of said Lot 2; thence South 00°-04'-49" West along an East line of said Lot 2, a distance of 170 00 feet to the Southeast corner of said Lot 2, said point also falling on the proposed Northerly Right-of-Way line of West Marquette Avenue, thence Northwesterly 52 79 feet along said Northerly line on a curve to the right having a radius of 267 00 feet, the chord of said curve bears North 86°-32'-25" West, a chord distance of 52 70 feet, thence North 80°-52'-35" West along said Northerly line, a distance of 276 50 feet, thence Northwesterly 65 84 feet along said Northerly line on a curve to the left having a radius of 333 00 feet, the chord of said curve bears North 86°-32'-25" West, a chord distance of 65.73 feet; thence South 87°-47'-45" West along said Northerly line, a distance of 189.46 feet to a West line of said Lot 2; thence North 00°-13'-19" East along said West line, a distance of 432 71 feet to a West corner of said Lot 2, thence North 87°-51'-32" East along a West line of said Lot 2, a distance of 238 67 feet to a West corner of said Lot 2, thence North 00°-16'-02" East along a West line of said Lot 2, a distance of 368 16 feet to a West corner of said Lot 2, thence North 87°-47'-56" East along a West line of said Lot 2, a distance of 100 87 feet to a West corner of said Lot 2, thence North 00°-16'-20" East along a West line of said Lot 2, a distance of 15.03 feet; thence North 16°-48'-41" West, a distance of 82 56 feet, thence Northwesterly 37 20 feet along a curve to the right having a radius of 130 00 feet, the chord of said curve bears North 08°-37'-00" West, a chord distance of 37 07 feet to the Westerly extension of the North line of said Lot 2, thence North 87°-53'-21" East along said Westerly extension, a distance of 30 01 feet to the point of beginning and containing 10 665 acres (464,573 sq ft) of land more or less

EXHIBIT "B"
TO
SUBDIVISION DEVELOPMENT AGREEMENT
FOR
PLEASANT VIEW RESERVE SUBDIVISION PHASE 1

<p>GENERAL DESCRIPTION OF REQUIRED SUBDIVISION IMPROVEMENTS</p>

Description of improvements required to be installed to develop the Pleasant View Reserve Phase 1 Subdivision

- *S Denotes contract for improvements to be awarded, financed and paid for by the Subdivider in lieu of special assessments
- *C Denotes contract for improvements to be awarded by the City, but financed and paid for by the Subdivider in accordance with this agreement
- (N A) Denotes improvement is not required to be installed in the Subdivision
- (1) Denotes that the City is to pay for a portion of the improvement, in accordance with this agreement, as computed by the City Engineer.

General Description of Improvements
(refer to additional sheets for concise breakdown)

- | | | |
|---|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|
| 1 | Grading of all lots and blocks within the Subdivision in conformance with the approved grading plan | *S |
| 2 | Grading of the streets within the Subdivision in accordance with the established street grades and the City approved street cross-section and specifications | *S |
| 3 | Installation of concrete or asphalt permanent pavement with vertical face concrete curb and gutter in accordance with present City specifications | *S |
| 4 | Sanitary sewer main and appurtenances in the streets and/or easement in the Subdivision, to such size and extent as determined by the master sewer plan and/or City Engineer, as necessary to provide adequate service for the final Subdivision and drainage area | *S |
| 5 | Laterals and appurtenances from sanitary sewer main to each lot line, one for each lot as determined by the City | *S |
| 6 | Water main and fittings in the streets and/or easement in the Subdivision, to such size and extent as determined by the master water plan and/or the City Engineer as necessary to provide adequate service for the final Subdivision and service area | *S |
-

7	Laterals and appurtenances from water main to the street line, one for each lot, as determined by the City Engineer together with curb stop as specified by the City	*S
8	Hydrants and appurtenances provided and spaced to adequately service the area and as the City shall require	*S
9	Paved streets with curb and gutter in the Subdivision to the approved grade and in accordance with the City specifications	*S
10	Concrete sidewalks in the Subdivision to the approved grade and in accordance with the City specifications	*S
11	Concrete, asphalt or chipped pedestrian walks in dedicated pedestrian ways and easements in the Subdivision as approved by the City	*S
12	Concrete driveways between the street line and curb and gutter for each lot as specified and approved by the City	(N A)
13	Street trees	*C
14	Protective fencing adjacent to pedestrian ways, etc	(N A)
15	Engineering, planning and administration services as approved	*S
16	Drainage system as determined and/or approved by the City to adequately drain the surface water from the Subdivision and management areas in accordance with the master drainage plan and/or approved system plan	*S
17	Street lighting and appurtenances along the street right-of-way as determined by the City	*C
18	Street signage in such locations and such size and design as determined by the City	*C
19	Title evidence on all conveyances	*S

EXHIBIT "C"
TO
SUBDIVISION DEVELOPMENT AGREEMENT
FOR
PLEASANT VIEW RESERVE SUBDIVISION PHASE 1

GENERAL SUBDIVISION REQUIREMENTS

I GENERAL

- A The Subdivider shall prepare a plat of the land, plans for improvements, as-built drawings of the improvements and all other items in accordance with all applicable state laws and City ordinances and regulations
- B All improvements shall be installed in accordance with all City specifications and ordinances
- C The entire Subdivision as proposed shall be recorded

II LOT SIZE AND UNIT SIZE

- A Lots
 - 1 All lots shall be as shown on the final approved plat
- B Units
 - 1 The minimum area of any living unit built in the project shall be as specified in the Franklin Municipal Code and Unified Development Ordinance in effect at the time the permit is issued unless otherwise specified in the agreement

III WATER SYSTEM

- A Availability
 - 1 Each and every lot in the Subdivision shall be served by a water main
 - 2 The Subdivider shall provide for the extension of the water system to abutting properties by laying water pipe in public right-of-way or in water easement to the exterior lot line of the Subdivision as directed by the City Engineer
 - 3 Laterals shall be laid to each and every lot Size shall be approved by the City Engineer
 - 4 Fire hydrants shall be available to the City's Fire and Public Works Departments, and both City Departments shall have free and unlimited use of the water
- B Construction

- 1 All construction shall be in accordance with the specifications of the City
- 2 Inspection of the work shall be at the Subdivider's expense
- 3 Mains and appurtenances including all pipe, hydrants, gate valves, laterals and curb stop boxes shall be installed

IV SANITARY SEWER SYSTEM

A Components

Sanitary sewerage service through and within the Subdivision shall be provided. It shall consist of, without limitation because of enumeration, sanitary sewer, manholes, appurtenances, laterals, and other appurtenances.

B Availability

- 1 Each and every building in the Subdivision shall be served by a sanitary sewer
- 2 Laterals shall be laid to the lot line of each and every lot
- 3
 - a) The Subdivider shall provide for the extension of the sanitary sewer system to abutting properties by laying sewer pipe to the exterior lot lines of the Subdivision as directed by the City Engineer, and in accordance with system plans as approved by Milwaukee Metropolitan Sewerage District
 - b) In the event that adjacent property owners request sewer service prior to the time the sewer extensions are installed to the exterior boundaries of the Subdivision as described in Section IV B 3 (a) above, the City is hereby granted the right to install said extensions within the Subdivision at the expense of the Subdivider. All costs for installing sewer systems outside of the boundaries of the Subdivision shall be paid by the adjacent property owners upon any special assessment proceedings had by the City or waiver thereof by the adjacent property owners pursuant to Wis Stat § 66 0701 Special assessments by local ordinance, and §207 15 Special assessments, of the Municipal Code

V STORM DRAINAGE

A Components

Storm drainage through and within the Subdivision shall be provided by means of storm sewer, culverts and ditches installed within the road required as per approved system plan. It shall consist of, without limitation because of enumeration, sewers, culverts, pipes, manholes, inlets, leads, open swales, retention basins and other management facilities as determined by the City Engineer. The City, at the determination of the City Engineer, may have the storm drainage system reviewed by a consultant engineer at the Subdivider's cost.

B Endwalls

- 1 Endwalls shall be approved by the City Engineer
- 2 Endwalls shall be installed on each and every culvert and at all open ends of storm sewers

C Outfalls and Retaining Walls

- 1 Outfalls and retaining walls shall be built where required by the City Engineer
- 2 The aesthetic design of said structures shall be approved by the Architectural Board
- 3 The structural design of said structures shall be done by a licensed Engineer or Architect registered in the State of Wisconsin

D Responsibility of Discharged Water

- 1 The Subdivider shall be responsible for the storm drainage until it crosses the exterior property line of the Subdivision or until it reaches a point designated by the City outside of and adjacent to the property from which the water crosses over, under or through artificial or natural barriers. The water shall be brought to said point by an open ditch or other means as directed by the City Engineer
- 2 However, if the Subdivider of the Subdivision will, in the opinion of the City Engineer, cause water problems downstream from the Subdivision which will reasonably require special consideration, the Subdivider shall comply with such terms as the City Engineer may require to prevent these problems. Said terms shall be made part of those documents under the section titled "Special Provisions"

VI STREETS

A Location

- 1 Streets shall be constructed in such a manner that the centerline of roadway shall be centerline of right-of-way
- 2 Streets shall be constructed in each and every road right-of-way platted and shall be built to the exterior lot line of the Subdivision whenever possible except as noted in Exhibit "E"

B Names

The names of all streets shall be approved by the City Engineer

C Construction

- 1 All streets shall be built in accordance with the specifications on file in the City Engineer's Office

- 2 All streets shall be constructed with 8" of stonebase and 4" of A/C binder course prior to Subdivision certification. The 2" A/C surface course shall be installed when 90% of the lots within the Subdivision have been built upon or at the discretion of the City Engineer.

Before the final lift of asphalt can be installed within a Subdivision the Subdivider must make arrangements to repair damaged or failed concrete curb and gutter, concrete walk, asphalt base course or sub-grade. Also, damaged or failed utility appurtenances must be repaired, rebuilt or replaced by the Subdivider's contractor prior to the installation of the final lift of asphalt pavement.

All associated costs with this work will be the responsibility of the Subdivider.

- 3 The construction shall be inspected by the City or its agent and all fees due to such inspection shall be paid by Subdivider.

D Snow Removal and Ice Control

The responsibility for snow removal and ice control on all streets within the Subdivision shall lie with the Subdivider until

- a) The plat is recorded, and
- b) The streets have been provisionally approved by the City.

VII EASEMENTS

A Drainage

- 1 All drainage easements dedicated to the public shall be improved as follows:
 - a) Storm sewer or open channel, unless otherwise agreed upon by the Subdivider and the City.
 - b) Side slopes no steeper than 4:1.
 - c) Landscaped in accordance with the applicable City regulations and/or approvals condition for the Subdivision for landscaping requirements or, in the case of storm sewer, as directed by the City Engineer.

2 Pedestrian

- a) The pedestrian walks shall be concrete or asphalt as required by city Engineer and shall be ten (10) feet wide.
- b) The edge of the walk shall be at least one (1) foot from either side of the easement.

VIII PERMITS ISSUED

A Building Permits

- 1 No building permits shall be issued until
 - a) The sanitary and storm sewer and water mains have been installed, tested and approved
 - b) Drainage has been rough graded and approved
 - c) Streets and lots have been rough graded and approved, and curb and gutter installed and the base course of asphalt pavement installed
 - d) The plat has been recorded.
 - e) All Subdivision monuments have been set
- 2 Building permits may be granted for model homes prior to satisfying the above conditions, provided an agreement relating thereto has been approved by the Common Council of the City of Franklin

B Occupancy Permits

- 1 No temporary occupancy permits shall be issued until
 - a) Streets have been paved except for the final lift of asphalt
 - b) The gas, telephone and electrical services have been installed and are in operation
 - c) The water system is installed, tested and approved
 - d) The site is stabilized and all drainage facilities have been re-certified

IX DEED RESTRICTIONS

A A Financial Guarantee approved by the City Attorney in the full amount of all non-assessable improvements not yet installed and approved as of the date of this Agreement shall be submitted to the City before any permits are issued

B The time of completion of improvements

- 1 The Subdivider shall take all action necessary so as to have all the improvements specified in this Agreement installed and approved by the City before two years from the date of this agreement
- 2 Should the Subdivider fail to take said action by said date, it is agreed that the City, at its option and at the expense of the Subdivider, may cause the installation of or the correction of any deficiencies in said improvements

X CHARGES FOR SERVICES BY THE CITY OF FRANKLIN

A Fee for Checking and Review

At the time of submitting the plans and specifications for the construction of the Subdivision improvements, a fee equal to two-and-one-fourth percent (2¼ %) of the cost of the improvements as estimated by the City Engineer at the time of submission of improvement plans and specifications, to partially cover the cost to the City of checking and reviewing such plans and specifications provided that cost does not exceed \$250,000 00, a fee equal to one-and-three-fourth percent (1¾ %) of such cost, if the cost is in excess of \$250,000 00, but not in excess of \$500,000 00, and one-and-one-fourth percent (1¼ %) of said cost in excess of \$500,000 00. At the demand of the Subdivider or City Engineer, the fee may be recomputed after the work is done in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the Subdivider. Evidence of cost shall be in such detail and form as required by the City Engineer.

B For the services of testing labs, consulting engineers and other personnel, the Subdivider agrees to pay the City the actual charge plus five (5%) percent for administration and overhead.

EXHIBIT "D"
TO
SUBDIVISION DEVELOPMENT AGREEMENT
FOR PLEASANT VIEW RESERVE SUBDIVISION
PHASE I

ESTIMATED IMPROVEMENT COSTS

All improvement costs, including but not limited to preparation of plans, installation of facilities and inspection shall be borne by the Subdivider in accordance with Paragraph (4) of this Agreement

Said costs for the project are estimated to be as follows

DESCRIPTION	COSTS
Grading (including Erosion Control)	\$ 25,000 00
Sanitary System	-----
Water System	-----
Storm Sewer System	-----
<input type="checkbox"/> Paving (including sidewalk)	26,508 55
Street Trees (34 x \$400/lot)	13,600 00
Street Lights (3) @ approximately \$5,000/ea	15,000 00
Street Signs	1,622 40
Underground Electric, Gas and Telephone	62,126 85
Storm Water Management	10,000 00
SUBTOTAL	\$153,857 80
Engineering/Consulting Services	10,000 00
Municipal Services (7% of Subtotal)	10,770 04
Contingency Fund (20% of Subtotal)	30,771 56
TOTAL	\$205,399 40

Total Two Hundred Five Thousand, Three Hundred Ninety Nine and 40/100 Dollars

APPROVED BY _____ Date _____
Glen E. Morrow City Engineer

EXHIBIT "E"
TO
SUBDIVISION DEVELOPMENT AGREEMENT
FOR
PLEASANT VIEW RESERVE SUBDIVISION
PHASE 1

<p>ADDITIONAL SUBDIVISION REQUIREMENTS</p>

- 1 The Subdivider agrees that it shall pay to the City of Franklin for three (3) public street light fixtures and poles as provided by WE-Energies. The LED fixtures shall be oval- high lumen (143 watts) for major intersections and medium lumen (92 watts) for the interior of the subdivision. The poles shall be 35-foot fiberglass with 6-foot arm (position over the City street). Non-LED lights are not permitted.
- 2 The Subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses pursuant to the approved Natural Resource Protection Plan (the "NRPP"). Trees shall be protected and preserved during construction in accordance with sound conservation practices as outlined in §§15-8 0204A through F of the Unified Development Ordinance.
- 3 The Subdivider shall cause all grading, excavations, open cuts, side slopes and other land surface disturbances to be so mulched, seeded, sodded or otherwise protected that erosion, siltation, sedimentation and washing are prevented in accordance with the plans and specifications approved by the City Engineer as outlined in §§15-8 0203H 1 through 5 of the Unified Development Ordinance.
- 4 The Subdivider agrees to pay the City for street trees planted by the City on W Marquette Avenue, S 50th Street and S 49th Street at the rate of \$400 per tree with a planting distance between trees of 85 feet on the average. The City shall determine the planting schedule and shall be responsible for tree maintenance and replacement except for damage caused by the Subdivider, the Subdivider's sub-contractors, or the lot owners.
- 5 The requirements for the installation of concrete driveway approaches shall be omitted from this Agreement because the Subdivider will require that the owners of said lots install concrete driveway approaches, as required by the Franklin Building Inspector.
- 6 The Subdivider shall be responsible for cleaning up the debris that has blown from buildings under construction within the Subdivision. The Subdivider shall clean up all debris within forty-eight (48) hours after receiving a notice from the City Engineer.
- 7 The Subdivider shall be responsible for cleaning up the mud and dirt on the roadways until such time as the final lift of asphalt has been installed. The Subdivider shall clean the roadways within forty-eight (48) hours after receiving a notice from the City Engineer.
- 8 Prior to commencing site grading, the Subdivider shall submit for approval by the City Engineer an erosion and silt control plan. Said plan shall provide sufficient control of the site to prevent siltation downstream from the site. The Subdivider shall maintain the erosion and siltation

control until such time that vegetation sufficient to equal pre-existing conditions has been established

- 9 The Subdivider shall preserve the environmental natural resource features as shown on the Natural Resource Protection Plan and shall install an orange snow fence and silt fence around the environmental natural resource features prior to land disturbing
- 10 The Subdivider shall inform the persons purchasing lots of their obligation to cut weeds to conform to the City's noxious weed ordinance
- 11 The Subdivider shall construct storm water management facilities as required in the Storm Water Management Plan in accordance with the plans and specifications approved by the City Engineer Maintenance of said storm water management facilities shall be the responsibility of the Subdivider and/or owners association
- 12 The Subdivider shall create a Homeowners Association for the care and maintenance of all common lands, including all storm water management facilities, and other green areas Said Homeowners Association documents shall be reviewed and approved by the Franklin Plan Commission or as may otherwise be provided by the Unified Development Ordinance, prior to recording of the Final Plat The Subdivider is responsible to recertify the storm water management facilities after the site is stabilized and prior to the conveyance to the Homeowners Association
- 13 Homeowners Association documents shall include a Declaration of Restrictions and Covenants specifying the preservation of the existing storm water management facilities and landscaping and entryways Said document shall be recorded after review and approval by the City Attorney
- 14 Construction Requirements
 - a) Prior to any construction activity on the site, Subdivider shall prepare a gravel surfaced parking area within the boundaries of the site
 - b) During construction, all vehicles and equipment shall park on the site Parking shall not be permitted on any external public right-of-way
 - c) Prior to issuance of any building permits other than in the case of the issuance of any model structure permits, all necessary grading and improvements shall be completed as directed by the City Engineer
 - d) All traffic shall enter the site from W Marquette Avenue
- 15 The Subdivider shall provide for the connection to the existing S 49th Street and install any necessary curb and gutter and pavement

EXHIBIT "F"
TO
SUBDIVISION DEVELOPMENT AGREEMENT
FOR
PLEASANT VIEW RESERVE SUBDIVISION
PHASE 1

CONSTRUCTION SPECIFICATIONS

The following specifications shall be used for the construction of the various improvements

ITEM	SPECIFICATION
Storm & Sanitary Sewer	STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, most current edition CITY OF FRANKLIN
Water Mains	STANDARD SPECIFICATIONS FOR SEWER AND WATER CONSTRUCTION IN WISCONSIN, most current edition CITY OF FRANKLIN
Concrete Curb & Gutter	CITY OF FRANKLIN
Streets	
Construction	CITY OF FRANKLIN
Materials	
Asphalt	CITY OF FRANKLIN
Aggregate	CITY OF FRANKLIN
Concrete	CITY OF FRANKLIN
Cross Section	CITY OF FRANKLIN

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APPROVAL 	REQUEST FOR COUNCIL ACTION	MTG. DATE August 17, 2021
Reports & Recommendations	RESOLUTION TO AUTHORIZE ACCEPTANCE OF STORM WATER FACILITIES MAINTENANCE AGREEMENT FROM VH PVR, LLC. FOR THE PLEASANT VIEW RESERVE SUBDIVISION AT S. 51ST STREET AND W. MARQUETTE AVENUE	ITEM NO. G.9.

BACKGROUND

The City of Franklin, Milwaukee Metropolitan Sewerage District (MMSD), and Wisconsin Department of Natural resources (WDNR) require storm water management facilities for any developments which meet thresholds as defined in their individual ordinances and rules. These facilities as designed may be for quantity and/or quality control. In the City of Franklin these are typically wet ponds, biofiltration basins, and/or permeable pavers, although other best management practices (BMPs) are also available. As a MMSD customer and designated by the WDNR as a Municipal Separate Storm Sewer System, the City's Ordinance is written to not only include City quantity requirements, but also MMSD quantity requirements, and WDNR quantity and quality requirements. The facilities within private developments are involved in those credits. Therefore, ongoing maintenance of private facilities is imperative.

It is the responsibility of the development owner, or a subdivision homeowners association, to maintain the storm water facilities in perpetuity per a prescribed Maintenance Agreement. The enclosed agreement is for the Pleasant View Subdivision located in the vicinity of S. 51st Street and W. Marquette Avenue.

ANALYSIS

The DNR offers standard Operation and Maintenance templates for a multitude of BMPs, and most engineers use those to develop site-specific Maintenance Agreements. The attached Agreements were prepared by the developers and their engineers and revised as necessary per Staff comments.

OPTIONS

Sign Maintenance Agreements.

FISCAL NOTE

All costs associated with storm water facility maintenance are to be paid by the developer, owner, or homeowners association as stated in the individual agreement.

RECOMMENDATION

Resolution 2021-_____, a resolution to authorize acceptance of Storm Water Facilities Maintenance Agreement from VH PVR, LLC for the Pleasant View Reserve Subdivision.

Engineering Department: GEM

STATE OF WISCONSIN : CITY OF FRANKLIN MILWAUKEE COUNTY

RESOLUTION NO. 2021 -

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF
STORM WATER FACILITIES MAINTENANCE AGREEMENT FROM
VH PVR,LLC FOR THE PLEASANT VIEW RESERVE SUBDIVISION

WHEREAS, storm water facilities are required to meet quantity and quality standards;
and

WHEREAS, a Maintenance Agreement is developed and executed to ensure effective
maintenance and operation of private storm water facilities in perpetuity; and

WHEREAS, developers have executed and submitted to the City of Franklin Storm
Water Facilities Maintenance Agreements for the Pleasant View Reserve Subdivision located
east of S. 51st Street and north and south of W. Marquette Avenue.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City
of Franklin that it would be in the best interest of the City to accept such Storm Water Facilities
Maintenance Agreement, and, therefore, the Mayor and City Clerk are hereby authorized and
directed to execute them on behalf of the City.

Introduced at a regular meeting of the Common Council of the City of Franklin the
_____ day of _____, 2021, by Alderman _____.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the
_____ day of _____, 2021.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

SAA

**STORM WATER FACILITIES
MAINTENANCE AGREEMENT**

PLEASANT VIEW RESERVE SUBDIVISION

At Approximately W Marquette Ave & S 51st Street
Tax Key No 759-998 1010 (prior to land division)

This AGREEMENT, made and entered into this _____ day of _____, 2021 by and between VH PVR, LLC, hereinafter called the 'Owner', and the City of Franklin, hereinafter called the 'City'

WITNESSETH

WHEREAS, the Owner is the owner of the following described lands situated in the City of Franklin, County of Milwaukee, State of Wisconsin, to-wit

Being a redivision of part of Parcel 3 of Certified Survey map no 6949 and part of SW 1/4 of the NE 1/4 of the NE 1/4 of Section 11, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin

Hereinafter called the "Property"

WHEREAS, the Owner is developing the Property, and

WHEREAS, the Subdivision known as Pleasant View Reserve hereinafter called the "Plan", which is expressly made a part hereof, as approved or to be approved by the city, provides for on-site Storm Water Facilities within the confines of the Property as shown on the plan attached hereto as Exhibit "B" and more particularly described on Exhibit "A", and

WHEREAS, the City and the Owner, its successors and assigns ("successors and assigns" meaning to include any homeowners' association and all owners of the property or any portion thereof), including any homeowners association, agree that the health, safety, and welfare of the residents of the City of Franklin, require that on-site Storm Water Facilities as defined in Section 15-8 0600 Unified Development Ordinance of the City of Franklin be constructed and maintained on the Property, and

WHEREAS, the City requires that on-site storm water management practices as shown on the Plan be constructed and adequately maintained by the Owner, its successors and assigns

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions the parties hereto agree as follows

- 1 The on-site storm water facilities shall be constructed by Owner in accordance with the plans and specifications which are identified as part of the storm water system plan and erosion control plan approved by the City Engineer and submitted as part of the as-built drawings approved by the City Engineer
- 2 The Owner, its successors and assigns, shall comply with the ordinances and regulations which require that the Storm Water Facilities shall be regularly inspected and maintained as often as conditions may require, but in any event at least once each year. The Operation and Maintenance Plan and Operation and Maintenance Inspection Report attached to this Agreement as Exhibits 'C' and 'D' respectively and by this reference made a part hereof shall be used for the purpose of the regular inspections of the Storm Water Facilities. The Owners, its successors and assigns, shall keep the Operation and Maintenance Reports from past inspections, as well as a log of maintenance activity indicating the date and type of maintenance completed of the Storm Water Facilities. The purpose of the inspections is to assure safe and proper functioning of the facilities. The inspections shall cover all storm water facilities, including but not limited to open swales (ditches), storm sewers, manholes, inlets berms, outlet structures, outlet pipes pond areas and access roads. Deficiencies shall be noted in the Operation and Maintenance Report. The Reports and maintenance log shall be made available to the City for review.
- 3 The Owner, its successors and assigns, hereby grant permission to the City, its authorized agents and employees to enter upon the Property and to inspect the Storm Water Facilities, whenever the City deems necessary. The purpose of inspection is to provide periodic review by City staff, to investigate reported deficiencies and/or to respond to citizen complaints. The City shall provide the Owner, its successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary.

Corrective actions shall be taken within a reasonable time frame as established by the City Engineer

- 4 The Owner, its successors and assigns, shall adequately maintain the Storm Water Facilities including but not limited to all pipes and channels built to convey storm water to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the storm water Adequate maintenance is herein defined as keeping the Storm Water Facilities in good working condition so that these storm water facilities are performing their design functions and are in accordance with the Stormwater Basin Maintenance Standards as detailed in Section 15 8.0600 of the City of Franklin Unified Development Ordinance, and Section 13 12 (2) of the Milwaukee Metropolitan Sewerage District (MMSD) rules, and by this reference made a part hereof
- 5 If the Owner, its successors and assigns fails to maintain the Storm Water Facilities in good working condition acceptable to the City and does not perform the required corrective actions in a time as established by the City Engineer in written notice, the City may
 - a) Issue a citation to the Owner, its successors and assigns Such failure constitutes a violation of Section 15 8 0600 of the Unified Development Ordinance of the City of Franklin. The penalty for such violation of Section 15 8 0600 shall be not less than \$100 nor more than \$2500 for each offense, together with the costs of prosecution Each day that the violation exists shall constitute a separate offense, and
 - b) Perform the corrective actions identified in the inspection report and assess the Owner, its successors and assigns, for the cost of such work. The cost of such work shall be specially charged against the Property pursuant to Wisconsin Statutes Section 66 0627 If the facilities are located on an outlot owned collectively by a homeowners association, the City may specially charge each member of the homeowners association according to the ownership interest in the facilities located on the property This provision shall not be construed to allow the City to erect any structure of permanent nature on the land of the Owner outside of the easement for the Storm Water Facilities. It is expressly understood and agreed that the City is under no obligation to routinely maintain or repair said storm water management practices and in no event shall this Agreement be construed to impose any such obligation on the City
- 6 In the event the City, pursuant to this Agreement and applicable easements performs work of an emergency nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Owner, its successors and assigns, shall reimburse the City upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the City hereunder
- 7 This Agreement imposes no liability of any kind whatsoever on the City and the Owner agrees to indemnify and hold the City harmless from any liability in the event the Storm Water Facilities fail to operate properly
- 8 This Agreement shall be attached as an exhibit to any document which creates a homeowners association that is responsible for maintenance of the Storm Water Facilities and shall be recorded at the Milwaukee County Register of Deeds and shall constitute a covenant running with the land, and shall be binding on the Owner, its administrators, executors, assigns, heirs and any other successors in interest, including any homeowners association and all owners of the property or any portion thereof The owner shall provide the City with a copy of any document which creates a homeowners association that is responsible for the Storm Water Facilities
- 9 The owner, its successors and assigns, is prohibited from building structures, installing play equipment, installing plants, changing grades or performing any function that inhibits care and maintenance of any Storm Water Facilities
- 10 The owner, its successor and assigns shall maintain, at all times, an individual(s) who will serve as a contact person(s)

IN WITNESS WHEREOF the City and Owner have set forth their hands and seals effective the date first above written

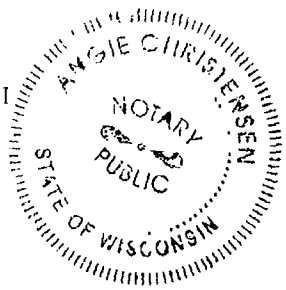
WITNESSED IN PRESENCE OF VH PVR, LLC Owner

By [Signature]
Name Chris Ehlers, Authorized Signatory

STATE OF WISCONSIN)ss
Dane COUNTY)

Personally came before me this 20 day of April, 2021 the above named Chris Ehlers, Inc, to me known to be the person who executed the foregoing instrument and acknowledged the same in the capacity indicated.

[Signature]
Notary Public, Dane County, WI
My commission expires 5-1-2024



CITY OF FRANKLIN

By _____ (Seal)
Name Stephen R. Olson
Title Mayor

COUNTERSIGNER

By _____ (Seal)
Name Sandra L. Wesolowski
Title City Clerk

STATE OF WISCONSIN)ss
MILWAUKEE COUNTY)

Personally came before me this _____ day of _____, 20____, the above named Stephen R. Olson Mayor and Sandra L. Wesolowski, City Clerk, of the above named municipal corporation City of Franklin, to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they had executed the foregoing instrument as such officers as the Deed of said municipal corporation by its authority and pursuant to the Resolution file No _____ adopted by its Common Council on this _____ day of _____, 20____.

Notary Public, Milwaukee County, WI
My commission expires _____

This instrument was drafted by the City Engineer for the City of Franklin

Form approved

Jesse A. Wesolowski City Attorney

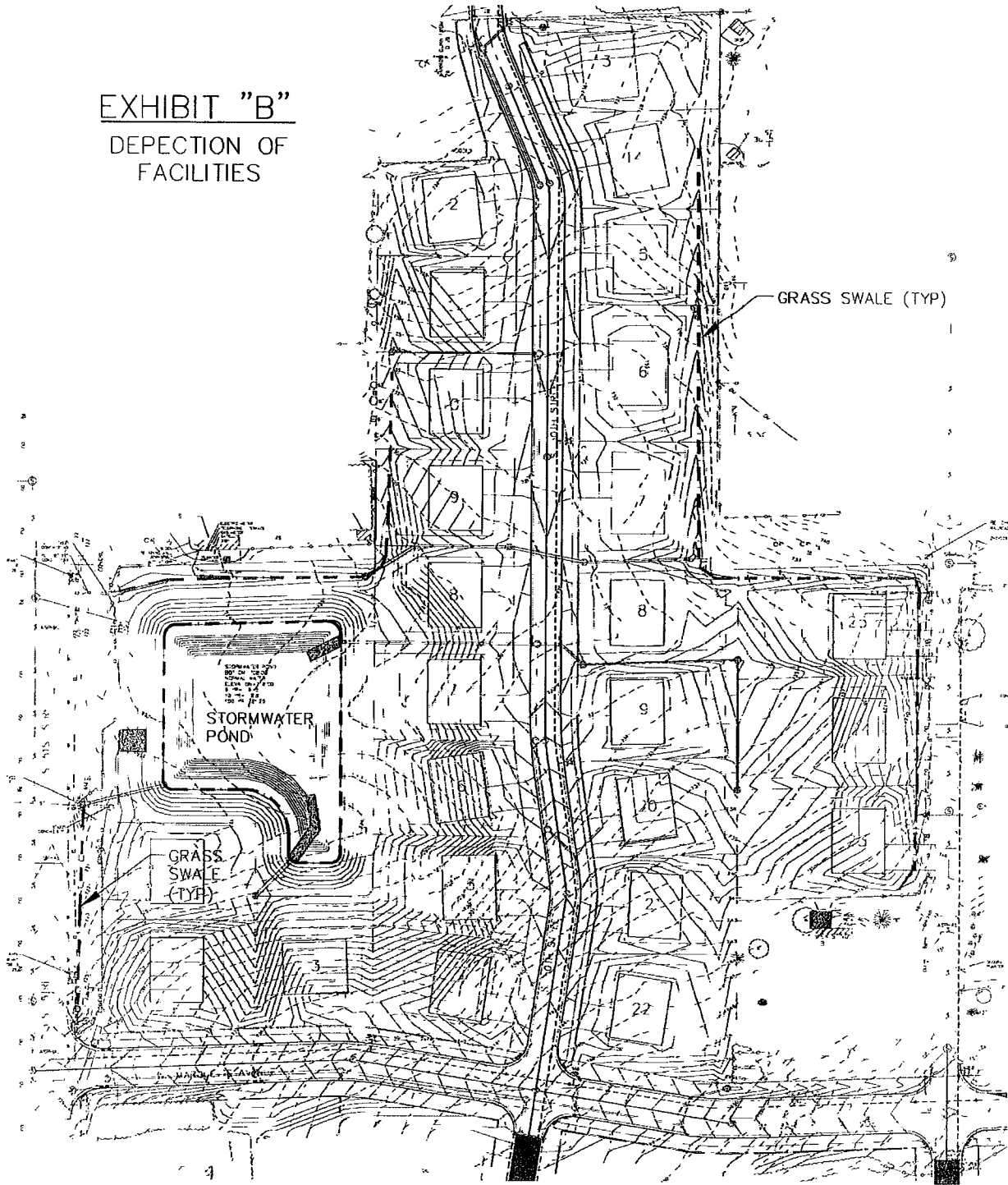
LXIIIBIT "A"

LEGAL DESCRIPTION

Being a redivision of part of Parcel 3 of Certified Survey map no 6949 and part of SW 1/4 of the NE 1/4 of the NE 1/4 of Section 11, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin

EXHIBIT "B"
DEPICTION OF THE FACILITIES

EXHIBIT "B"
DEPECTION OF
FACILITIES



LXHIBIT 'C'

OPERATION AND MAINTENANCE PLAN

<p>The owner of the property affected shall inspect and maintain the following stormwater management systems frequently, especially after heavy rainfalls but at least on an annual basis unless otherwise specified</p> <p>Inspection Schedule: Annually – All Facilities Heavy Rainfall – All Facilities Biannually/Frequently – Mowing and Swales Retention Basin Sediment Every 5 Years</p>	
STORMWATER FACILITY	TYPE OF ACTION
1 Lawn and Landscaped Areas	All lawn areas shall be kept clear of any materials that block the flow of stormwater. Rills and small gullies shall immediately be filled and seeded or have sod placed in them. The lawn shall be kept mowed, tree seedlings shall be removed, and litter shall be removed from landscaped areas.
2 Swales	All grassed swales showing signs of erosion, scour, or channelization shall be repaired, reinforced, and revegetated immediately. All swales shall be repaired to the original plan requirements. Mowing shall take place no less than twice per year at a height of no less than three inches. Grasses shall not be allowed to grow to a height that permits branching or bending. Mowing shall only take place when the ground is dry and able to support machinery.
3 Catch Basin/Curb Inlet Grates & Pipe Outfalls	The grate openings/pipe outfalls to these structures must be cleared of any clogging or the blocking of stormwater flow from getting into or out of the stormwater conveyance system of any kind.
4 Retention Basins	Trash racks, standpipes, outlet structures, inlet and outlet pipes, shall be kept clear of debris. Non-structurally sound devices shall be replaced. Floating litter and algae shall be removed monthly. All grassed areas, embankments, and flow control devices showing signs of erosion shall be repaired, reinforced, and revegetated immediately to the original plan requirements. Every 5 years, beginning in the summer of 2022, the elevations of the pond bottom shall be surveyed to determine the permanent pool depth and sediment depth in the pond. When silt has accumulated three feet from the original design depth elevation of the pond, the pond shall be cleaned out and restored back to the original design depth of a minimum of 5' from the normal water elevation. Sediment shall be removed from the outlet control structure sump when it reaches 1' in depth. Cleaning, removal, and deposit of silt from the detention pond shall be done by means and methods acceptable to the Wisconsin Department of Natural Resources.
5 Record of Maintenance	The operation and maintenance plan shall remain onsite and be available for inspection when requested by WDNR & City of Franklin. When requested, the owner shall make available for inspection all maintenance records to the department or agent for the life of the system.

EXHIBIT 'D

**OPERATION AND MAINTENANCE INSPECTION REPORT
STORMWATER MANAGEMENT PONDS
City of Franklin**

Name of Development Pleasant View Reserve - Marquette Ave Pond

Responsible Party Name _____ Address _____

Telephone No _____ Fax No _____ E-mail _____

Inspector Name _____ Address _____

Telephone No _____ Fax No _____ E-mail _____

Basin Location General Address _____ Section No _____

Normal Pool Yes No

Items inspected (Pond components)	Checked (Yes/No/NA)	Maintenance Needed (Yes/No/NA)	Remarks
1 Embankment and Emergency spillway			
1 Vegetation and ground cover adequate			
2 Embankment erosion			
3 Animal burrows			
4 Unauthorized plantings			
5 Cracking, bulging, or sliding of dam			
1 Upstream face			
2 Downstream face			
3 At or beyond toe			
Upstream			
Downstream			
4 Emergency spillway			
6 Pond, toe & chimney drains functioning			
7 Seeps/leaks on downstream face			
8 Slope protection or riprap failures			
9 Emergency spillway clear of debris			
10 Other (specify)			
2 Riser and principal spillway			
Type Reinforced concrete _____			
Corrugated metal pipe _____			
PVC/HDPE _____			
Masonry _____			
1 Low flow orifice obstructed			
2 Primary outlet structure			
1 Debris removal necessary			
2 Corrosion control			
3 Trash rack maintenance			
1 Debris removal necessary			
2 Corrosion control			
3 Pond bottom			
Sediment or debris buildup in low flow			
Pilot channel or bottom (estimate depth)			

APPROVAL <i>sl</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE August 17, 2021
REPORTS & RECOMMENDATIONS	Request to Formally Adopt the name “Corporate Park” for the development area within Tax Incremental District No. 8 (TID 8) currently known as “Area D,” roughly bound by W. Oakwood Road, S. 27th Street, W. South County Line Road and S. 42nd Street.	ITEM NUMBER G.10.

Site planning is underway with several developers who are preparing to break ground on their construction projects within the next year. Developers are asking for confirmation on the name of this park to complete brochures and other marketing collateral to target potential future tenants.

Staff is currently referring to this development as the “Corporate Park” (as can be seen on the conceptual site map included with this action request.)

Selecting a name is also necessary to differentiate this park from our existing Business Park, Industrial Park, and Loomis Business Park.

COUNCIL ACTION REQUESTED

Adopt the name “Corporate Park” for the development currently known as “Area D.”

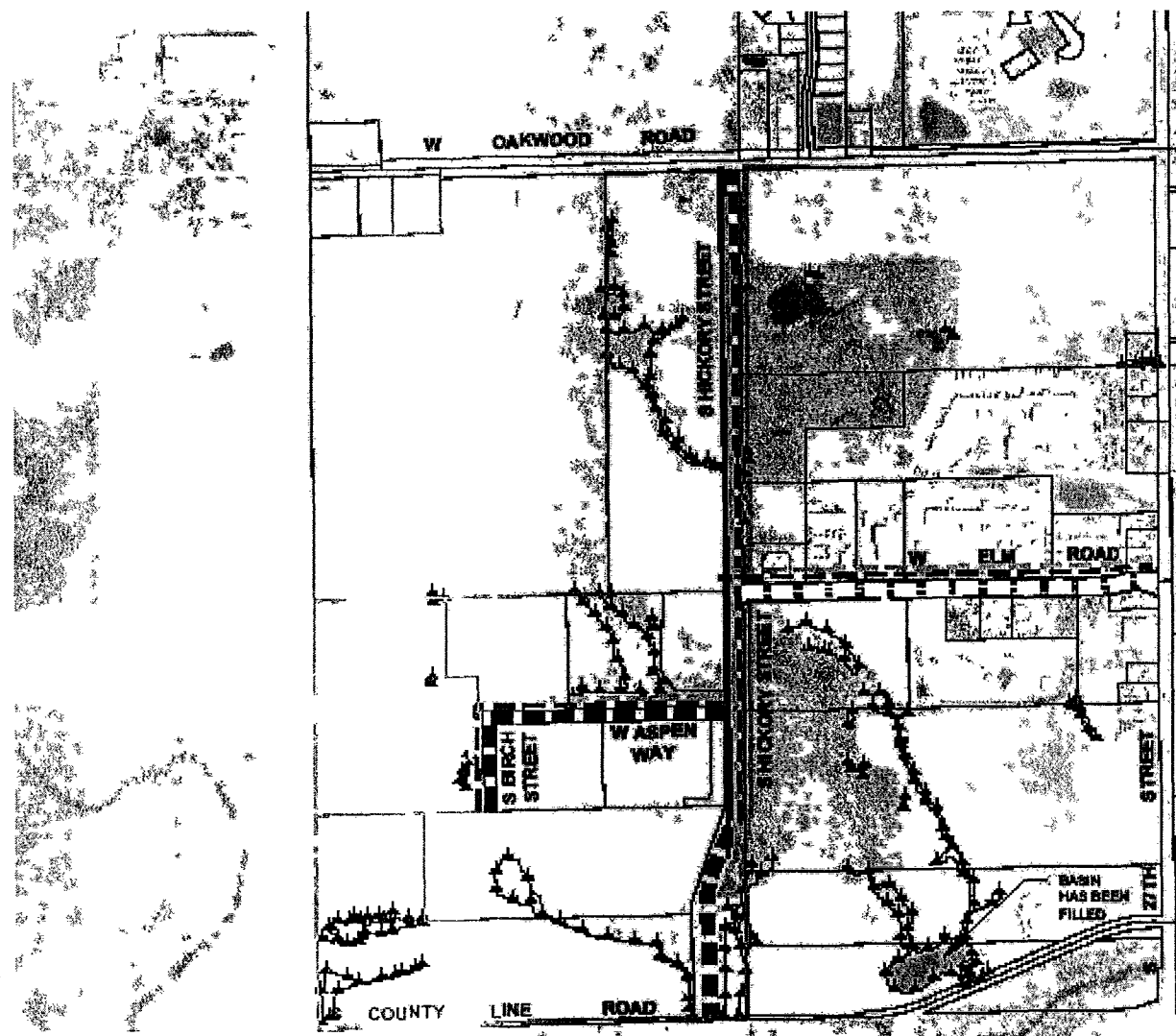
Economic Development: CB

FR1811FB

FRANKLIN CORPORATE PARK

INTERIOR STREET AND UTILITY LAYOUT

CITY OF FRANKLIN
MILWAUKEE COUNTY, WISCONSIN

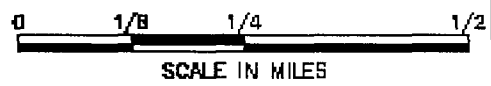
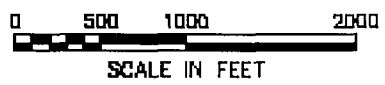
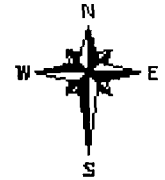


JUN 09 2021 2:45pm PLotted by: GARDNER, SARA M. DATE: 06/09/21
 City of Franklin, 1000 E Franklin Corporate Parkway, Franklin, WI 53122
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LEGEND

- PHASE 1 PROJECT LIMITS
- PROPOSED WATER MAIN
- PROPOSED SANITARY SEWER
- EXISTING WATER MAIN
- EXISTING SANITARY SEWER
- EXISTING SANITARY FORCE MAIN
- EXISTING SEWAGE PUMPING STATION
- PROPOSED NEW STREET
- EXISTING STREET TO BE RECONSTRUCTED
- DELINEATED WETLANDS (NOT COMPLETE)



DATE: JUNE 9, 2021

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SOURCE:
BASEMAP SOURCE:



APPROVAL <i>Str</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE August 17, 2021
REPORTS & RECOMMENDATIONS	Verbal Report on Economic Development	ITEM NUMBER G.11.

Director of Economic Development, Calli Berg, CEcD, EDFP, will provide a verbal update on economic development activities currently happening and those in the planning stages. This report will include information on business and residential development activities. Ms. Berg will provide opportunity for Common Council to ask questions and provide feedback, which will be incorporated into a formal printed report to be presented to Council at an upcoming 2021 Common Council meeting.

COUNCIL ACTION REQUESTED

No action requested unless Council determines to act.

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APPROVAL <i>SLC</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE August 17, 2021
Reports & Recommendations	EMERGENCY REPAIR/REPLACEMENT OF 54 INCH CULVERT NEAR 7677 S. 68TH STREET	ITEM NO. G.12.

BACKGROUND

Recently a watermain on S. 68th Street failed and caused severe damage to a 54 inch diameter concrete culvert over a ditch in front of 7677 S. 68th Street.

ANALYSIS

Upon inspection of the damage, Staff noted severe defects for the rest of the culvert that have been heavily stressed with the recent rain and flooding events. This culvert needs to be replaced as soon as possible. Failure to address the situation could cause catastrophic damage to the road and adjacent properties.

On August 10, 2021, the Board of Public Works declared that this project is an emergency. This declaration allows the City to set aside typical bidding processes that involve preparation of bidding documents, publications, etc.

Current construction environment makes it difficult getting quotes from contractors but Staff is working with two contractors for quotes. This information is not available to place in the Common Council packet but is expected to be ready for the meeting. This information with a resolution will be available at that time for discussion.

It is noted that a large portion of this project is the responsibility of the water utility. The analysis of costs will consider appropriate share of the utility.

OPTIONS

To be discussed at the meeting.

FISCAL NOTE

Staff is currently studying options and will have a recommendation at the Common Council meeting for discussion and consideration.

RECOMMENDATION

A resolution to award an emergency contract to repair a road culvert at 7677 S. 68th Street. The contractor, price, and appropriation to be discussed at the Common Council meeting.

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<p>APPROVAL <i>Slr</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE Aug 17, 2021</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>AN ORDINANCE TO AMEND ORDINANCE 2020-2453, AN ORDINANCE ADOPTING THE 2021 ANNUAL BUDGET FOR THE GENERAL FUND TO TRANSFER \$38,000 OF INFORMATION SERVICES NON-PERSONNEL COSTS TO PERSONNEL COSTS</p>	<p>ITEM NUMBER G.13.</p>

Background

The 2021 General Fund Information Services (i.e. Information Technology) budget planned for the use of contract services to staff supporting information services needs for the City.

The Director of Information Technology has recommended converting one of the contract services positions to a City employee to provide that help desk support for City Information Services.

The City has been using contract services for this work. This would require a transfer of appropriations from Non-Personnel Services to Personnel services.

Recommendation

The Director of Finance & Treasurer recommends the proposed 2021 Budget Amendment to transfer \$38,000 of Information Service Non-Personnel Service appropriations to Personnel appropriations in support of the proposed changes.

COUNCIL ACTION REQUESTED

Motion adopting an ordinance to amend Ordinance 2020-2453, an Ordinance adopting the 2021 annual budget for the General Fund to transfer \$38,000 of Information Services Non-personnel costs to Personnel costs

Roll Call Vote Required

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

ORDINANCE NO. 2021 _____

AN ORDINANCE TO AMEND ORDINANCE 2020-2398, AN ORDINANCE ADOPTING THE 2020 ANNUAL BUDGET FOR THE GENERAL FUND TO TRANSFER \$38,000 OF INFORMATION SERVICES NON-PERSONNEL COSTS TO PERSONNEL COSTS

WHEREAS, the Common Council of the City of Franklin adopted the 2021 Annual Budgets for the City of Franklin on November 17, 2020;

WHEREAS; the Information Services (i.e. Information Technology) Director has recommended hiring a contract worker rather than continuing contract services; and

WHEREAS, the Information Services 2021 Budget anticipated the use of contract services to staff supporting information services needs for the City.

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

Section 1 That a 2021 Budget for the General Fund be amended as follows:

General Fund

Information Services	Non-Personnel Services	Decrease	\$38,000
	Personnel Services	Increase	38,000

Section 2 Pursuant to §65.90(5)(a), Wis. Stats., the City Clerk is directed to post a notice of this budget amendment within fifteen days of adoption of this ordinance on the city's web site.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this ____ day of _____, 2021.

APPROVED:

Stephen R Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES ___ NOES ___ ABSENT ___

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">8/17/2021</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Authorization to Hire a Full-Time 'Desktop and User Support Administrator' to Replace the Current On-Premise IT Support Contractor at City Hall</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.14.</p>

BACKGROUND

On March 17, 2020, the Common Council voted to approve the Information Technology (IT) job descriptions and positions for 'Desktop and User Support Administrator' (Pay Grade 3) and 'Server and Infrastructure Engineer' (Pay Grade 8). The plan, at that time, was to recruit and hire personnel for these positions, eliminating the need to contract for IT Support Services. Unfortunately, the recruiting was performed at the onset of the COVID-19 pandemic and trying to find the right candidate for an on-premise support position was extraordinarily difficult. Due to a failed recruitment process, it was decided to delay the hiring process until after the pandemic subsided.

ANALYSIS

In February of 2021, City Hall IT contract staffing was transferred from Heartland Business Systems to Robert Half Technology. Robert Half Technology provided a much broader availability of high-quality candidates; offered placement-based services, allowing a contract employee too become an in-house employee if desired by the City; and presented more attractive pricing. Robert Half Technology has a contract explicitly allowing the direct hiring of a consultant, after they have completed six months of temporary service, at a flat fee of \$1,000. This allowed the City to fully ascertain the fit and skill sets of the candidate well before making a hiring decision.

While this position is included under the City's Civil Service Program, an exception is being requested to forgo an open recruitment at this time due to the availability and willingness of a strong candidate who has been working in the specific capacity that the candidate is being hired for.

Ryan Boos, the current contract employee, has performed the role of 'Desktop and User Support Administrator' since February 22, 2022. Mr. Boos has performed his job functions in an exemplary manner, and it is the recommendation of both the Director of IT and Director of Administration that he be hired as a permanent full-time employee. Further, Mr. Boos has already successfully completed of full City of Franklin Police Department security background check which provides the security clearance for him to perform IT work at the Police Department when needed.

The position description to be utilized for this position is the 2020 approved job description for the 'Desktop and User Support Administrator', at a Pay Grade 3. The annual salary is anticipated to be approximately \$46,300, with anticipated benefits coming in at approximately \$25,900, in addition to the \$1,000, one-time flat fee that would be paid to Robert half Technology. This is within the range for the established position and well within the authorized budget for these services.

RECOMMENDATION

Staff recommends that the Common Council authorize the hiring of a full-time 'Desktop and User Support Administrator' to replace the current on-premises IT Support Contractor at City Hall.

COUNCIL ACTION REQUESTED

Motion to authorize the hiring of a full-time 'Desktop and User Support Administrator' to replace the current on-premises IT Support Contractor at City Hall.

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slu</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/17/2021</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Consideration of a Resolution Adopting the City of Franklin Code of Conduct for Elected and Appointed Officials and the Rules of the Common Council</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.15.</p>

BACKGROUND

Based on the outcome of an investigation in early 2021 regarding an employee complaint, the Attorney representing the City's Liability Insurance Provider recommended that the City make efforts to create proper, respectful, and effective communication protocols and initiate leadership improvements. To that end, over the past six months, staff and the Council have been working very hard on creating two valuable documents. The first, the City of Franklin Code of Conduct, is being recommended to ensure that all City Officials have clear guidelines for carrying out the responsibilities they are charged with, while maintaining high standards of integrity, trustworthiness, honesty, and fairness; and the second, the Rules of the Common Council, is being recommended to promote consistency and orderly City of Franklin Meetings.

This item was last discussed at the August 3, 2021 Council Meeting, when Council directed staff to receive input from Alderman Mayer at a meeting to be held in the near future, and bring the documents back for consideration on September 7, 2021.

ANALYSIS

Updates were made to the August 3, 2021 versions of the drafts City of Franklin Code of Conduct and the Rules of the Common Council based on a meeting held on August 13, 2021, with Alderman Mayer and myself.

The current versions of each of the documents are included with this item so that Council Members have ample time to review prior to Council consideration on September 7, 2021.

RECOMMENDATION

Staff recommends that the Common Council establish the City of Franklin Code of Conduct for Elected and Appointed Officials and the Rules of the Common Council and include these documents in the newly created Council Reference Manual.

COMMON COUNCIL ACTION REQUESTED

No action required at this time. Consideration of this item will be requested at the September 7, 2021 Council Meeting.

**CITY OF FRANKLIN CODE OF CONDUCT
ELECTED AND APPOINTED OFFICIALS
August 17, 2021**

SECTION 1: PURPOSE

It is the policy of the City of Franklin to uphold, promote, and demand the highest standards of ethics from its elected and appointed officials. Accordingly, the Mayor; Common Council Members; Commission/Board/Committee Members; and Appointed Officials shall maintain the standards of personal integrity, trustworthiness, honesty, and fairness in carrying out their public duties, avoid improprieties in their roles as public servants, comply with all applicable laws, and shall not use their City position or authority improperly or for personal gain.

This Code of Conduct exists to ensure that all officials have clear guidelines for carrying out their responsibilities in their relationships with each other, with the City staff, with the citizens of Franklin, and with all other private and governmental entities. It is understood that all City Officials aspire to maintain these standards. In the event that these shared objectives are not met, self-correction is the goal, with enforcement occurring when necessary.

All officials recognize that an action may be legal but may also be unprofessional, inappropriate, or perceived as a form of harassment or abuse.

This Code of Conduct works in conjunction with the City of Franklin Municipal Code and State of Wisconsin Statutes.

SECTION 2: ELECTED OFFICIALS AND COMMISSION/BOARD/COMMITTEE MEMBERS CONDUCT WITH ONE ANOTHER

The Common Council and Mayor (hereinafter the "Council") have a responsibility to set policy for the City. In doing so, certain types of conduct foster positive debate while other types do not. The Council is responsible for treating one another as they wish to be treated. The same expectation is in place for Commission/Board/Committee Members.

The Council, as well as Commissions/Boards/Committees, is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Understanding the diversity which exists, all who choose to serve in public office have the obligation to preserve and protect the well-being of the community and its citizens. In all cases, this common goal is to be acknowledged, and all officials must recognize that certain behavior will lead to success while other behavior is counterproductive.

A. Use of Formal Titles

All officials will make every effort to refer to one another and City staff formally during public meetings as Mayor, Council President, Alderperson, Board/Commission/Committee Member, followed by the individual's last name.

B. Use of Civility and Decorum in Discussions and Debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. Every official has the right to an individual opinion, without interruption, which is to be respected by the other officials. Officials shall not be hostile, degrading, or defamatory when debating a contentious issue. Each official is to work under the premise that all other officials are acting with appropriate motives

and keeping the interest of the public in mind, and are not to be criticized for differing opinions because they believe them to be lacking in judgment or are improperly motivated.

However, this does not allow any official to make belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments in public meetings or during individual encounters. Shouting, attacking, or other actions that could be construed as threatening or demeaning will not be tolerated. If an official is personally offended by the remarks of another official, the offended official should voice the concern promptly and afford the other official the opportunity to either explain the comment or apologize. If that is not successful, the offended official should call for a "point of personal privilege".

C. Honor the Role of the Chair in Maintaining Order

It is the responsibility of the Mayor, as Chair of the Council, as well as Commission/Board/Committee Chairs, to keep the discussion of all members on track during meetings. Council/Commission/Board/Committee Members are to respect the efforts by the Mayor/Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's/Chair's actions, those objections are to be voiced respectfully and with reason, following commonly recognized parliamentary procedure.

D. Dissemination of Information

Out of courtesy to all Council Members, new information regarding appropriate City Business/Communications will be disseminated to the Body prior to disseminating on social media.

E. Use of Electronic Devices

Respect for one another, constituents, and those appearing before the Council and Commissions/Boards/Committees is paramount, and full attention to the matters before the Body is the purpose of meetings. The use of electronic devices to communicate regarding City business during meetings is prohibited since it presents an opportunity for violation of open meetings and open records laws. Personal use (i.e. use not related to City Business) of electronic devices is strongly discouraged and is to be reserved only for urgent situations. However, it is acknowledged that occasional use of electronic devices occurs for business purposes within the context of meetings and is acceptable.

F. Social Media

Social media presence by those officials covered under this code is to be informative in nature and positively reflect on the community and City staff, and promote local activities. All officials shall avoid expressing opinions or bias regarding City business or issues that may come before the Council/Commission/Board/Committee when it may be construed that they are acting on behalf of the City.

In the use of social media, all officials are to abide by the following:

- Refrain from making belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments;
- Ensure that they do not participate in discrimination or harassment, even if the identified behavior is not targeting a protected class, consisting of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes, but is not limited to: slurs or negative stereotyping; bullying, threatening, intimidating or other hostile

acts; degrading jokes and display or circulation of graphic material that degrades or shows hostility; and physical touching;

- Shall never demean or personally attack an employee regarding the employee's job performance in public; and
- Are to demonstrate their honesty and integrity, and to be an example of appropriate and ethical conduct.

G. Newsletters by Council Members

Council Members are allowed to create newsletters; however, all Council Members must ensure that in expressing their own opinion, they do not mislead any reader/listener into believing that their individual opinion is that of the entire Council/Commission/Board/Committee unless the Council/Commission/Board/Committee has taken a vote of the Body on that specific issue and the Member's opinion is the same as the result of the vote of the Body on the matter.

H. Discrimination and Other Harassment

The Council is committed to providing an environment that is free from discrimination and harassment, even if the identified behavior is not targeting a protected class. Harassment consists of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes, but is not limited to: slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and display or circulation of graphic material that degrades or shows hostility; and physical touching.

SECTION 3: ELECTED OFFICIALS AND COMMISSION/BOARD/COMMITTEE MEMBERS CONDUCT WITH CITY STAFF

Governance of the City relies on the cooperative efforts of elected officials who set policy and City staff who implement and administer the Council's policies. Therefore, every effort is to be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community.

The City of Franklin, through its form of government and Municipal Code, charges the Mayor as the responsible person for all staff in the City, except as may be otherwise provided by law pursuant to the Wisconsin Statutes.

The Common Council, upon recommendation from individual Council Members, professional staff, and volunteer Boards/Commissions/Committees, authorizes various aspects of personnel management including policies, pay plans, benefit plans and other related items. On Council direction, the Mayor is charged with implementing these items while working with the executive team. This provides for a single manager to direct our staff.

Members of the Common Council must be diligent in maintaining this "chain of command". Council Members shall not engage in directing employees in their tasks and/or injecting themselves into tasks and projects. Council Members are encouraged to get to know and support the City's 240+ employees, and treat them with respect and professionalism.

Should an individual Council Member see a deficiency, need a project or task performed, have a special request for service, or any other directive for staff, he/she is to communicate that, in writing, including the specific issue as well as a requested resolution, to the Mayor or Director of Administration. (This does not include Council Members' need for additional information needed for

Council agenda items or issues relevant to their districts, which is covered in the Rules of the Common Council.) In the event that the matter is not resolved within a reasonable amount of time after communications with the Mayor and the Director of Administration, the matter may be discussed at a Council or Committee of the Whole Meeting at the call of two Council Members by filing a written request with the Clerk.

All elected and appointed officials must constantly be aware of their impact on the morale and reputation of our employees in their statements and interactions.

A. Treat Staff as Professionals

Council/Commission/Board/Committee Members shall treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff is not acceptable. Council/Commission/Board/Committee Members should refer to staff by their title followed by the individual's last name in public meetings when first introduced.

B. Never Publicly Demean or Personally Attack an Individual Employee

Council/Commission/Board/Committee Members shall never demean or personally attack an employee regarding the employee's job performance in public. All employee performance issues shall be directed to the Mayor or the Director of Administration through private correspondence or conversation.

C. Do not Supersede Administrative Authority

Unless otherwise provided in this Code, neither the Council, nor any of Commission/Board/Committee Members, shall attempt to supersede the administration's powers and duties. Neither the Council nor any Commission/Board/Committee Member thereof shall give orders to any of the Department Heads or their subordinates, either publicly or privately. Council/Commission/Board/Committee Members shall not attempt to unethically influence or coerce City staff concerning either their actions or recommendations to awarding contracts, selection of consultants, processing of development proposals, the granting of City licenses and permits, or any other similar City function.

Nothing in this section shall be construed, however, as prohibiting a Council Member or Commission/Board/Committee Member in an open meeting from fully and freely discussing with or suggesting to the Department Heads anything pertaining to City affairs or the interests of the City. And, it is also noted that there may be limited occasions when Council/Commission/Board/Committee Members need to communicate with staff outside public meetings, not related to questions on agenda matters.

D. Do Not Solicit Political or Business Support from Staff

Council/Commission/Board/Committee Members shall not solicit any type of political support, including: financial contributions, display of posters or lawn signs, name on support list, collection of petition signatures, etc., from City staff. City staff may, as private citizens within their constitutional rights, support political candidates, however all such activities must be done away from the workplace and be the will of the staff member. Photographs of uniformed City employees shall not be used in political ads.

Council/Commission/Board/Committee Members should refrain from soliciting personal business, i.e. services, patronage, etc. that are not offered to the general public, from staff.

SECTION 4: ELECTED OFFICIALS AND COMMISSION/BOARD/COMMITTEE MEMBERS CONDUCT TOWARDS THE PUBLIC

In Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect are to be evident on the part of individual Council/Commission/Board/Committee Members toward an individual participating in a public forum. Every effort is to be made to be fair and impartial in listening to public testimony or input. All Council/Commission/Board/Committee Members are to demonstrate, both publicly and privately, their honesty and integrity, and to be an example of appropriate and ethical conduct. And, all Council/Commission/Board/Committee Members are to respect and appreciate the public's participation, input, and opinions.

A. Be Welcoming to Speakers and Treat Them with Care and Respect

For many citizens, speaking in front of a governing body is a new and difficult experience; under such circumstances, many are nervous. Council/Commission/Board/Committee Members are expected to treat citizens with care and respect. (See section 2 D.) All Council/Board/Commission/Committee Members are to commit full attention to the speakers or any materials relevant to the topic at hand. Comments, when appropriate, and non-verbal expressions are to be respectful and professional.

B. Be Fair and Equitable in Allocating Public Hearing Time to Individual Speakers

The Mayor/Chair will determine and announce time limits on speakers at the start of the Public Hearing. Generally, each speaker will be allocated three minutes, with applicants, appellants, or their designated representatives allowed additional time. If a substantial number of speakers are anticipated, the Mayor/Chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

Each speaker may only speak once during a Public Hearing unless the Body requests additional clarification later in the process. After the close of the Public Hearing, no additional public testimony will be accepted unless the Body reopens the Public Hearing for a limited and specific purpose.

C. Ask for Clarification, but Avoid Debate and Argument with the Public

Only the Mayor/Chair (no other Council/Board/Commission/Committee Members), shall be allowed to interrupt a speaker during a presentation if needed to clarify, keep on topic, or similar. Council/Board/Commission/Committee Members may ask the Mayor/Chair to have the speaker repeat or clarify if there is an audio issue, hallway noise, or other similar matter. And, Council/Board/Commission/Committee Members may ask the Mayor/Chair for a point of order if the speaker is off the topic, exhibiting behavior or language that the Member finds disturbing or out of line, or if there are inaccurate statements made that the Member would like corrected. Member questions, regarding public input, to seek, clarify, or expand information are be directed to the Mayor/Chair.

D. Follow Parliamentary Procedure in Conducting Public Meetings

The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor, subject to the appeal of and to the Council, per Robert's Rules of Order.

Outside Public Meetings

A. Make No Promise or Statement on Behalf of the City or Common Council in an Unofficial Setting

Council/Commission/Board/Committee Members will frequently be asked to explain a Council/Commission/Board/Committee Action or to provide their opinion regarding an issue as they meet and talk with constituents in the community. It is appropriate to provide a brief overview of City Policy and to refer the constituents to City staff or the Mayor for further information. Overt or implicit promises of specific Council/Commission/Board/Committee Action or promises that City staff will take some specific action shall be refrained from.

All Council/Board/Commission/Committee Members must ensure that in expressing their own opinions, they do not mislead any listener into believing that their individual opinion is that of the entire Council/Commission/Board/Committee unless the Council/Commission/Board/Committee has taken a vote on that specific issue and the Member's opinion is the same as the result of the vote of the Body on the matter. Likewise, no Council/Commission/Board/Committee Member shall state in writing that Member's position in a way that implies it is the position of the entire Body. A member has the right to state a personal opinion and has the right to indicate that he/she is stating such as a member of the Body but must always clarify that he/she is not speaking on behalf of the City or the Common Council/Commission/Board/Committee unless specifically authorized by that Council/Commission/Board/Committee to do so.

SECTION 5: ELECTED OFFICIALS AND COMMISSION/BOARD/COMMITTEE MEMBERS CONDUCT WITH PUBLIC AGENCIES

Since Council/Board/Commission/Committee Members act as a single Body during official City Meetings, such members should curb individual communications with other agencies. Any such interactions would simply be as a citizen, NOT as a Council/Commission/Board/Committee Member.

All Council/Board/Commission/Committee Members must remember that, at most times, they are perceived in public as a representative of the City and should act and speak with that responsibility in mind.

A. Be Clear about Representing the City or Personal Interests

If a Council/Commission/Board/Committee Member appears before another governmental agency or organization to provide a statement on an issue, the Member must clearly state whether his or her statement reflects a personal opinion or is the official position of the City.

All Council/Board/Commission/Committee Members must inform the applicable Body of their involvement in an outside organization if that organization is or may become involved in any issue within the City's jurisdiction. If an individual Council/Commission/Board/Committee Member publicly represents or speaks on behalf of another organization whose position differs from the City's official position on any issue, the Member must clearly communicate the organization upon whose behalf he/she is speaking and must withdraw from voting as a Council/Commission/Board/Committee Member upon any action that has bearing upon the conflicting issue.

B. Representation of the City on Intergovernmental Commissions and Other Outside Entities

Council Members serving on Boards, Commissions, or Committees as a City Representative for outside entities or agencies shall properly communicate with all other Council Members on issues pertinent to the City.

C. Conflict of Interest

Council/Board/Commission/Committee Members are encouraged to request a Conflict of Interest Opinion from the City Attorney if unsure whether a personal conflict exists on specific matters.

D. Mayor's Role Representing the City

The Mayor is charged with representing the City, speaking on its behalf, and communicating with the Council regarding these matters when appropriate.

SECTION 6: ELECTED OFFICIALS CONDUCT WITH COMMISSIONS/BOARDS/COMMITTEES

A. Attendance at Commission/Board/Committee Meetings

Council Members may attend any City of Franklin Commission/Board/Committee Meeting which is open to the public.

B. Assigned Commission/Board/Committee Duties

Council Members are assigned to Boards/Commissions/Committees to provide a line of communication between the specific Commission/Board/Committee and the Common Council. As such, Council Members are to fully participate in the activities and meetings of the Commission/Board/Committee.

Regular attendance at meetings and activities is expected.

Council Members, along with City staff, shall advise the Commissions/Boards/ Committees that they serve on regarding policies and procedures of the City, and proper conduct of meetings.

C. Be Respectful of Diverse and Opposing Opinions

A primary role of Commissions/Boards/Committees is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns, experience, and perspectives. Council Members must be fair and respectful to all citizens serving on Commissions/Boards/Committees without regard to their backgrounds, residence, and political views.

D. Closed Session Participation

Out of courtesy for the Commission/Board/Committee, Council Members not on such Commission/Board/Committee shall inform the Commission/Board/Committee Chair of their attendance in closed session in advance of attending such closed session whenever possible.

SECTION 7: ELECTED OFFICIALS AND COMMISSION/BOARD/COMMITTEE MEMBERS CONDUCT WITH THE MEDIA

A. Expression of Positions on Issue

When communicating with the media, all Council/Board/Commission/Committee Members must clearly state that their comments are the official position of themselves alone, and not from the Council/Commission/Board/Committee unless specifically authorized by that Council/Commission/Board/Committee. Each Council/Board/Commission/Committee Member represents one vote of the total and until a vote on any issue is taken, Council/Board/Commission/Committee Members' positions are merely their own. Council/Board/Commission/Committee Members recognize that the Mayor, or his/her designee, is the only authorized voice for the City.

B. Discussions Regarding City Staff

Council/Commission/Board/Committee Members shall not discuss personnel issues or other matters regarding individual City staff in public or with the media. Any issues pertaining to City staff shall only be addressed directly to the Mayor or the Director of Administration.

SECTION 8: ENFORCEMENT OF THIS CODE OF CONDUCT

A. Filing of Complaints (Excluding Ethics, which is addressed as **Attachment A to this Code of Conduct and contains separate remedies)**

Any person who believes a City Official has violated a requirement, prohibition or guideline set out herein may file a sworn complaint with the City Clerk identifying: (1) the complainant's name, address and contact information; (2) position of the City official who is the subject of the complaint; (3) the nature of the alleged violation, including the specific provision of Municipal Code, Policy, Rule allegedly violated, and (4) a statement of fact constituting the alleged violation and the dates on which, or period of time during which, the alleged violation occurred.

The person making the complaint shall provide the following with the complaint: (1) all documents or other materials in the complainant's possession that are relevant to the allegation, (2) a list of all documents or other materials relevant to the allegation that are available to the complainant but not in the complainant's possession, (3) a list of all other documents or other materials relevant to the allegation but unavailable to the complainant, including the location of the documents if known, and (4) a list of witnesses, what they may know, and information to contact those witnesses.

The complaint shall include an affidavit at the end of the complaint stating that the "information contained in the complaint is true and correct, or that the complainant has good reason to believe and does believe that the facts alleged are true and correct and that they constitute a violation of the Municipal Code, Policy, or Rule". If the complaint is based on information and belief, the complaint shall identify the basis of the information and belief, including all sources, contact information for those sources, and how and when the information and/or belief was conveyed to the complainant by those sources. The complainant shall swear to the facts by oath before a notary public, or before the City Clerk. A notary public or City Clerk shall verify the signature.

If a complaint filing is determined to be complete by the City Clerk, the City Clerk shall forward the matter to the Mayor or the Mayor's Designee. If the complaint filing is determined incomplete, the City Clerk shall notify the complainant of the deficiency.

If the complaint is filed against the Mayor, the City Clerk shall submit the complaint filing to the Council President to work with the appropriate parties to process the complaint appropriately on behalf of the City.

B. Confidential Nature of Complaint

While complete confidentiality cannot be maintained, each complaint will be considered judiciously and as discreetly as possible, respecting both the complainant and the accused, throughout the investigation.

C. Time for Filing

A complaint under this Code must be filed no later than sixty (60) days from the date of discovery of the alleged violation. However, anyone having information on which a complaint is based is encouraged to file the complaint as soon as the information is obtained so that immediate action may be taken by the Council, the appropriate staff member or agency. The delay in filing a complaint may be considered in determining the sanction to be imposed.

D. False or Frivolous Complaints

A person who knowingly makes a false, misleading, or unsubstantiated statement in a complaint is subject to criminal prosecution for perjury and possible civil liability. If, after reviewing a complaint, it is determined that a sworn complaint is groundless and appears to have been filed in bad faith or for the purpose of harassment, or that intentionally false or malicious information has been provided, the subject shall be referred to the Chief of Police for referral to the District Attorney's Office for prosecution under penalty of perjury or as the District Attorney may determine. A City Official who seeks to take civil action regarding any such complaint shall do so at his or her expense.

E. Complaint Procedure

(1) Investigation

If the complaint is complete, it will be investigated by the City through its representative which may be the City's Risk Provider, Outside Counsel, or other appropriate party acting as the Investigative Officer, in a reasonable period of time.

(2) Failure to Comply

All City Officials, whether elected and appointed, are required to cooperate with any such investigations. Failure to cooperate in an investigation, or making false statements, could subject the Official to sanctions or removal from office/position.

(3) Recommendations

At the conclusion of the investigation, the Investigating Officer, following deliberation in open or closed session, shall submit a report to the Council, including findings of fact, conclusions of law, and a recommendation as to what action, if any, the Council should consider with respect to the individual charged. The Investigating Officer shall provide the complainant and the individual charged with a copy of the report. Either the complainant or the person charged may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the Council.

(4) Council Action

The Council shall consider and take action on the recommendation of the Investigating Officer within sixty (60) days after the Investigating Officer provides its findings. Upon review of the report and following deliberation, if the Council, by motion, concludes that there is a violation of the Code, the Council may direct mediation or impose a sanction or penalty. The Council may adopt, reject, or modify the recommendation made by the Investigating Officer. In resolving the complaint, the totality of the circumstances shall be taken into consideration, including the intent of the person accused of the wrongdoing.

(5) Penalties and Sanctions Policy

It is the intent of the Council to educate and, when necessary, discipline City Officials who violate this Code. Discipline shall be progressive, from the least punitive to the most punitive measures, unless the Council believes that progressive discipline does not provide the appropriate sanction due to the gravity of the offense, or because the Council does not believe the sanction would deter future misconduct. In all instances, the totality of the circumstances shall be taken into consideration in resolving the matter, including the intent of the one accused of wrongdoing.

(6) Possible Penalties and Sanctions

- i. An informal censure by the Council, which would only be made as part of a motion in a public meeting.
- ii. A formal censure by the Council, which would be made by motion in a public meeting and then published in the City newspaper.
- iii. Mandatory community service. [Wis. Stat. § 62.11(3)(e)]
- iv. Attendance at counseling or mediation sessions. [Wis. Stat. §62.11(3)(e)]
- v. Imposition of a dollar fine of up to \$500.00. [Wis. Stat. §§ 62.11(3)(a) &(c)]
- vi. Removal from Office. [Wis. Stat. § 62.11]
- vii. Discipline, up to and including termination (for Appointed Officials).
- viii. Any other sanction available by law.

The imposition of any of these penalties or sanctions will require an affirmative vote of ¾ of all Members of the Council (with six (6) voting Council Members, ¾ is calculated as 6 x .75 = 4.5, rounded up to 5 votes).

(7) Notice

The Mayor, or his/her designee, shall provide notice of the Council’s decision to the person charged within ten (10) days of decision.

Acknowledgement Statement / Signature Required

By signing below, the Elected Official/Commission, Board, Committee Member/Appointed Official agrees to the principles and rules set forth in this document and will abide by them to the best of his/her abilities throughout his/her term of office/employment:

Official Signature

Date

Official Printed Name

Office Held by Official

ETHICS

The state ethics code applicable to local government officials is found in Wisconsin Statutes § 19.59. *(This is affirmed by the CHARTER ORDINANCE change that was passed on March 1, 2005. Ordinance 2005-1835 repealed the Code of Ethics of the Municipal Code and provided for the filing of financial disclosure statements by elected officials, candidates and other specified officials of the City.)* Many of the terms used therein are defined in Wisconsin Statutes § 19.42.

The state ethics code establishes minimum standards of ethical conduct that prohibit local public officials from using their public office to benefit or enrich themselves, their immediate families, or organizations with which they are associated. Local officials must understand these standards to avoid violations of the law. Specifically, this code prohibits local public officials from engaging in the following conduct:

- Using their office to obtain financial gain, any type of employment including consulting or similar roles, or anything of substantial value for the private benefit of themselves, their immediate families, or organizations with which they are associated.
- Receiving “anything of value” if it could be reasonably expected to influence the local public official’s vote, official action or judgement, or could reasonably be considered as a reward for any official action or inaction.
- Taking official action substantially affecting a matter in which the official, an immediate family member, or an organization with which the official is associated has a substantial financial interest or using his or her office in a way that produces or assists in the production of a substantial benefit for the official, an immediate family member, or an organization with which the official is associated.
- Offering or providing influence in exchange for campaign contributions.

An official who is uncertain about a potential conflict with this section may want to seek advice from the City Attorney.

The state ethics code is enforced by the local district attorney (in Milwaukee County, this is Corporation Counsel) upon verified complaint of any person. If the district attorney fails to commence an action within twenty (20) days after receiving such complaint or refuses to commence an action, the person making the complaint may petition the attorney general to act on it.

The ethics code provides civil and criminal penalties for violations. A local official who intentionally violates any part of § 19.59, except § 19.59(1)(br), may be fined not less than \$100 nor more than \$5,000 or imprisoned not more than one year in the county jail or both. In the alternative, a civil forfeiture of up to \$1,000 may be imposed against a local official for violating any part of the state ethics code. Intentional violation of § 19.59(1)(br), offering or providing influence in exchange for campaign contributions, is a Class I felony.

RULES OF THE COMMON COUNCIL
August 17, 2021

These rules are established by the Common Council to promote consistency and orderly meetings of the Common Council. The rules will be reviewed periodically, as needed, and at the Organizational Meeting of each newly established Common Council.

These rules are established in conjunction with the ordinance authorized through the City of Franklin Municipal Code, Chapter 19 Council Proceedings. It is the intent of these rules to compliment, not replace, Municipal Code.

1) MEETINGS

- a. Regular and Special Meetings of the Common Council are held per the City of Franklin Municipal Code, §§ 19-1 A. – D., as attached hereto.
- b. In addition to the codified criteria for Special Meetings, per the City of Franklin Municipal Code, § 19-1 B., as attached hereto, a Special Meeting may be called with a minimum of 6 hours' notice for emergency business of the Common Council. The notice shall specify the time, place, and purpose of the meeting.

2) NOTIFICATION OF ABSENCE OF COUNCIL MEMBERS

- a. Any Council Member who is unable to attend a Council Meeting shall notify the Mayor or City Clerk in advance if he/she is unable to attend such meeting, except in the case of an emergency. If an emergency causes a Council Member to miss a Common Council Meeting, that Council Member shall notify the Mayor or City Clerk as soon as practicable. Members shall be recorded as 'present' or 'not present' on the official minutes.
- b. It shall be noted in the official meeting minutes if a Member enters a meeting after the meeting convenes, or leaves before the meeting adjourns.

3) SPECIAL RECOGNITION

- a. The City of Franklin will consider requests for moments of silence or other appropriate recognition at the beginning of Common Council Meetings that relate to persons or events of community-wide, state-wide, or national significance involving Franklin residents. All requests shall be made to the Mayor or presiding officer prior to the meeting and the Member making the request shall be recognized by the Mayor or presiding officer at the appropriate point within the agenda.

4) PRESIDING OFFICER TO MAINTAIN AND PRESERVE ORDER

- a. It shall be the duty of the Mayor or presiding officer to maintain and preserve order during Common Council Meetings, including: keeping the discussion of Council Members on track and relevant to the agenda items and preserving decorum; and if any Member transgresses the rules of the Common Council, the Mayor or presiding officer shall, on his or her own or at any Members' request, 1

call such offending Member to order. The Common Council, if appealed to, shall decide the matter by majority vote, per the City of Franklin Municipal Code, § 19-3 A., as attached hereto.

- b. When a question is pending, a Member is allowed to speak against the nature of likely consequences of the proposed measure in strong terms, but the Member must avoid personalities and under no circumstances shall the Member attack or question the motives of another Member or the entire Common Council.
- c. Points of Order may be used to draw attention to a breach in rules, an irregularity in procedure, the irrelevance or continued repetition of a speaker, the breaching of established practices, or contradiction of previous decision. The chair shall immediately acknowledge the Point of Order and rule on it. A Point of Order is non-debatable, however, may be overruled by a two-thirds vote of the Body. Points of Order which are recognized shall be recorded in the official minutes.

5) **RULES PERTAINING TO CONDUCT OF THE COUNCIL MEETING/MOTIONS/VOTING**

- a. **ORDER** - The most recent version of Roberts Rules of Order shall be used for conduct of City of Franklin meetings. The City Attorney shall be the Parliamentarian.
- b. **MOTIONS/VOTING** - Motions and voting shall occur per the City of Franklin Municipal Code, §§ 19-7 A. – G., as attached hereto.
- c. **MOTIONS** - When a motion is made and seconded, it shall be deemed to be in possession of the Common Council and shall be stated by the presiding officer.
- d. **WITHDRAWING MOTIONS** - Withdrawing motions shall occur per the City of Franklin Municipal Code, § 19-7 A., as attached hereto.
- e. **DIVISION OF QUESTION** - Any Member may call for a division of the question when the question is one that may be divided, per Robert's Rules of Order.
- f. **DEBATE**
 - i. In the debate, each Member has the right to speak and shall be offered the opportunity by the Mayor or presiding officer before a Member may speak a second, or subsequent, time.
 - ii. Members shall be succinct in their statements on an item and shall not dominate debate.
 - iii. Members shall at all times be aware the Council meetings are a place for debate of the item at hand and for decisions on that matter. Additional information requested by a Member should be addressed to the responsible Department Head prior to the Council meeting. Upon the request of a Common Council Member for any staff member to supply the Body such information as requested, the Member must first be recognized by the presiding officer for that person to speak. (This does not apply to deficiencies, the desire to have a project or task performed, having a special request for service, or any other directive for staff, as these matters are addressed in the Code of Conduct.)
 - iv. A Member who wishes to abstain must do so in accordance with the City of Franklin Municipal Code, § 19-7 D., as attached hereto, and announce the same at the start of debate due to a conflict or other basis upon

which to abstain, or the point in time during the debate in which the Member determines that he/she has a conflict with the matter, and consider leaving the room during the debate. Such abstention shall be included in the minutes. A Member who participates in debate, but does not voice that he/she is abstaining due to a conflict is discouraged from abstaining from voting.

- v. No officer, elected official or staff member may distribute, hold aloft, or place on the dais for public view information not previously available to the public, during or the day of a Common Council meeting.
- g. **CALLING THE QUESTION** - Any Member wishing to terminate the debate may move the previous question as detailed in the City of Franklin Municipal Code, § 19-7 C., as attached hereto, per Robert's Rules of Order.
- h. **MOTIONS TO TABLE SHALL INCLUDE DATE OR TIME FRAME FOR ACTION** - Motions to table shall include a specific date to be returned to the Council or shall require return to the Council upon a specific occurrence within a specified time frame. Except for matters which may be approved by operation of law if not acted upon by Council, if the occurrence shall not happen within the specified time frame, the City Clerk shall notify the Council at the end of the time frame that the matter shall not be brought forward and make appropriate notation to the minutes of the meeting during which the matter was laid over. Upon notice of non-action by the City Clerk, any Council Member may request that the matter be placed upon the next Council agenda for report or official action.
- i. **VOTE CHANGE** - A Member shall only be permitted to change his/her vote up until the point all votes are in and the Mayor reports the results of the vote; no Member shall be permitted to change his/her vote on a matter once the Body moves on to another item of business.
- j. **MOTION TO RECESS** - Any Member or the chair may move to recess at any point during the meeting with a majority vote with a stated time for such recess to reconvene.
- k. **MOTION TO ADJOURN** - A motion to adjourn shall always be in order unless the Common Council is engaged in voting, and shall be decided pursuant to Robert's Rules of Order.
- l. **RECONSIDERATION** - Reconsiderations are allowed through the process included in the City of Franklin Municipal Code, § 19-7 F., as attached hereto.
- m. **USE OF UNANIMOUS CONSENT** - Unanimous Consent shall only be used for termination of debate, motions to adjourn, motions to recess and for elections for Common Council President or Temporary Chair when there shall be only one Member put forward for election.

6) **ATTIRE, PROXY, AND ELECTRONIC COMMUNICATIONS AND DEVICES**

- a. **ATTIRE** - Common Council Meetings are to conduct official business of the City of Franklin, therefore, business casual attire or better is expected out of respect for our constituents and the Body. Except for the City's logo, business casual attire does not include apparel with advertising or logos of specific businesses, hats, shorts, flip flops, clogs, or similar. However, the Council may designate certain meetings to allow for clothing to support specific events.

- b. **PROXY** - No Member shall be allowed to vote by proxy.
- c. **ELECTRONIC DEVICES** - Respect for each other, constituents, and those appearing before the Council and Commissions/Boards/Committees is paramount, and full attention to the matters before the Body is the purpose of the meetings. The use of electronic devices to communicate regarding City business during meetings is prohibited since it presents an opportunity for violation of open meetings and open records laws. Personal use of electronic devices is strongly discouraged and is to be reserved only for emergency situations. However, it is acknowledged that occasional use of electronic devices occurs for business purposes within the context of meetings, and is acceptable.

7) **CONFIDENTIAL INFORMATION**

Common Council Members are frequently provided information that is confidential. The information could be relating to personnel matters, which is the responsibility of the Mayor; development matters; legal matters; or other information.

Holding confidential information private, when appropriate, is a foundation of trust that is very difficult to earn and easy to lose. Losing trust forever impairs a Council Member from doing his/her job in representing their constituents.

- a. No official may use or disclose confidential information, including knowledge imparted orally, recordings, and written documents or records, concerning the property, government or affairs of the City gained in the course of or by reason of such official position or activities unless the release is ordered by a court or the informed consent of the subject, as applicable; or authorized by the legal custodian or other proper legal authorization is given. This includes confidential information received in a Closed Session of the governmental Body.
- b. Inappropriate disclosure of such confidential information may subject the official to penalties, including a fine or public censure. Other potential consequences for violating this restriction is criminal prosecution under §946.12, Wisconsin State Statutes, misconduct in public office, or removal from office under Chapter 17 of the Wisconsin State Statutes for cause.

Any questions regarding confidential information, its' restrictions, and any release of confidential information should be privately addressed with the City Attorney.

8) **GENERAL RULES OF DECORUM**

No person shall personally attack a Council Member, city official, city employee or any other person. For purposes of this section, personal attacks shall include comments directed at a particular person or persons which pertain to any matter that is unrelated to the performance of official duties or the conduct of city business, are threatening, slanderous, defamatory or obscene or are of such a nature that the comments disrupt the meeting or cause a disturbance.

No person shall make irrelevant, unduly repetitious, offensive, threatening, slanderous, defamatory, or obscene remarks or act in such a manner as to disrupt or disturb the orderly conduct of any meeting, including handclapping, stomping of feet, whistling, shouting or other demonstrations.

Any person violating this provision shall be called to order by the Mayor or presiding officer. If the conduct continues, the Mayor or presiding officer may order the person, other than a Body Member, removed and the Council may make a finding of fact whether such behavior was outside the scope and content of the Council rules and, if applicable, whether the behavior was of a character to cause a breach of the peace.

9) SOCIAL MEDIA

Social media presence by those officials covered under this code is to be informative in nature and positively reflect on the community and City staff, and promote local activities. All officials shall avoid expressing opinions or bias regarding City business or issues that may come before the Council/Commission/Board/Committee when it may be construed that they are acting on behalf of the City.

In the use of social media, all officials are to abide by the following:

- Refrain from making belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments;
- Ensure that they do not participate in discrimination or harassment, even if the identified behavior is not targeting a protected class, consisting of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes, but is not limited to: slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and display or circulation of graphic material that degrades or shows hostility; and physical touching;
- Shall never demean or personally attack an employee regarding the employee's job performance in public; and
- Are to demonstrate their honesty and integrity, and to be an example of appropriate and ethical conduct.

10) RULES PERTAINING TO INDIVIDUALS ADDRESSING THE COUNCIL DURING A CITIZEN COMMENT PERIOD (NOT APPLICABLE FOR PUBLIC HEARINGS)

- a. Citizen comments shall be conducted per the City of Franklin Municipal Code, § 19-2 B., as attached hereto, allowing any person to address the Common Council.
- b. No person shall personally attack a Council Member, City Official, City Employee or any other person. For purposes of this section, personal attacks shall include comments directed at a particular person or persons which pertain to any matter that is unrelated to the performance of official duties or the conduct of city business, are threatening, slanderous, defamatory or obscene or are of such a nature that the comments disrupt the meeting or cause a disturbance.
- c. Questions posed by the speaker may be answered by the Mayor or presiding officer, or referred to city staff for a future reply in a timely manner. Council Members will refrain from commenting or attempting to answer questions during Citizen Comment Period unless authorized by the Mayor.
- d. Statements must not include endorsements of any candidates or other electioneering; but if a citizen speaking is a candidate for office, he/she must identify him/herself as such.
- e. Speakers shall refrain from presenting unduly repetitious, offensive, threatening,

slanderous, defamatory, or obscene remarks or act in such a manner as to disrupt or disturb the orderly conduct of any meeting.

- f. Statements made by the public during Citizen Comment Period orally or in writing become part of the meeting record via audio recording or paper statements but will not be included in the official minutes or postings of the meeting.
- g. Written statements provided to the Common Council regarding an agenda item or as a citizen comment must be received by the Clerk's office at least 24 hours prior to the start of the Common Council Meeting. Such comments will be provided to the Council and appropriate staff but will not be read out loud at the meeting.

11) RULES PERTAINING TO THE TIMING OF SUBMISSIONS FOR INCLUSION ON THE COUNCIL AGENDA AND INFORMATION REQUESTED FOR MEETINGS

- a. Agenda items for submittal must follow the City of Franklin Municipal Code, § 19-2 A., as attached hereto.

Council Members should keep in mind that additional time may be needed to work with staff to convert items into resolution or ordinance form or provide clarifications as necessary; and that items submitted at the last minute may need to be delayed until the following regular Council meeting.

Should a requested agenda item not be placed on an agenda as submitted it shall be automatically placed on the next scheduled agenda unless withdrawn by the submitter. The Council Action Sheet for that item shall contain a statement by the Mayor as to the reason for the delay.

- b. Council Members shall work with the Mayor or his designee to obtain any additional information needed prior to the Common Council meeting.

12) RULES PERTAINING TO STAFF/APPLICANT PRESENTATIONS

The Mayor or presiding officer may call appropriate staff or outside party to present additional information on any agenda item to the Common Council without notice or restriction on time.

13) CLOSED SESSION

Closed Sessions are the legal opportunity for the Common Council to discuss matters that, if done in an open meeting, would potentially debilitate or negatively impact persons and/or matters otherwise protected by privileged and confidentiality provisions under the law, the closed session being held in the interest of such persons and/or matters and in the interest of the public. Wisconsin Statutes, § 19.85, provides the only reasons a common council may enter closed session.

The Common Council must recognize the confidential nature of discussions held in Closed Session and understand the importance of confidentiality of ALL conversations and information discussed and/or distributed in a Closed Session.

Disclosing any of this information inappropriately, or prematurely in some cases, not only will potentially harm the City, but it will forever break any trust between the person disclosing the information and everyone else who participated in the Closed Session. Regaining that trust may not be possible and may have ramifications for the discloser far past the subject of one particular Closed Session.

Violating Closed Session confidentiality exposes the Common Council Member to potential legal action as well as sanctions as outlined in Wisconsin State Statutes, City of Franklin Ordinances, and the Code of Conduct.

As a practice, only parties with direct information on a Closed Session matter in support of the City, will be included in any Closed Session. The Mayor will make the decision on attendance, other than the Members. The Common Council may, on motion and second of Members, vote to include a participant while still in open session.


All personal electronic devices are prohibited while in Closed Session.

Documents and information distributed while in Closed Session should be returned to the distributing party unless the distributing party releases the information or the receiving party is able to guarantee confidentiality of such documents and information. That information remains confidential until Council action, and in some cases indefinitely.

14) AMENDMENT AND SUSPENSION OF RULES

- a. REVIEW OF THESE RULES** - These Rules will be reviewed periodically, but not less than at the installation of each new Council.
- b. AMENDMENT OF THESE RULES** - These Rules may be amended, and/or new rules adopted upon proper notice by a majority of all Members at any meeting of the Common Council.
- c. SUSPENSION OF THE RULES** - A vote of two-thirds of the Members present will suspend any Rule of the Council.

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APPROVAL 	REQUEST FOR COUNCIL ACTION	MEETING DATE July 20, 2021
REPORTS & RECOMMENDATIONS	AN ORDINANCE TO AMEND ORDINANCE 2020-2453, AN ORDINANCE ADOPTING THE 2021 ANNUAL BUDGETS FOR THE GENERAL FUND TO PROVIDE ADDITIONAL \$10,000 OF APPROPRIATIONS FOR TAX REFUNDS ON ASSESSMENT CHALLENGES	ITEM NUMBER G.16.

Background

Wal-Mart Real Estate Business Trust & Sam's Real Estate Business Trust challenged the property assessments for tax year 2020 in Milwaukee County Circuit Court. Those claims may result in settlements that require refunds of 2020 Real Estate or Personal Property taxes. 2020 Assessments are used on the 2020 Tax roll to fund City operations in the 2021 Budget.

Analysis

The 2021 General Fund budget includes \$2,500 of appropriations for tax refunds, which are not sufficient to settle the City's portion of any assessment and related tax refund settlements.

Recommendation

Staff recommends the attached proposed 2021 Budget to provide \$10,000 of additional tax refund appropriations from Restricted Contingency.

COUNCIL ACTION REQUESTED

Motion adopting an ordinance to amend Ordinance 2020-2453, an Ordinance adopting the 2021 annual budgets for the General Fund to provide additional \$10,000 of appropriations for tax refunds on assessment challenges

Roll Call Vote Required

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

ORDINANCE NO. 2021_____

AN ORDINANCE TO AMEND ORDINANCE 2020-2453, AN ORDINANCE ADOPTING THE 2021 ANNUAL BUDGETS FOR THE GENERAL FUND TO PROVIDE ADDITIONAL \$10,000 OF APPROPRIATIONS FOR TAX REFUNDS ON ASSESSMENT CHALLENGES

WHEREAS; the Common Council of the City of Franklin adopted the 2021 Annual Budgets for the City of Franklin on November 17, 2020;

WHEREAS; Wal-Mart Real Estate Business Trust and Sam’s Real Estate Business Trust have challenged their 2020 assessments in Milwaukee County Circuit Court;

WHEREAS; the Wal-Mart property is located in Tax Incremental District #3 which would bear the entire tax refund of any settlement;

WHEREAS; the City may find it advantageous to settle the claims rather than litigate the challenges only to incur an adverse result;

WHEREAS; the likely City portion of tax refunds exceeds the current \$2,500 of 2021 appropriations; and

WHEREAS; the Common Council will consider the settlement claims in due course.

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

Section 1	That the 2021 Budget for the General Fund be amended as follows:		
	Unclassified		
	Tax Refunds	Increase	\$10,000
	Restricted Contingency	Decrease	\$10,000

Section 2	That the 2021 Budget for TID 3 be amended as follows:		
	Unclassified		
	Tax Refunds	Increase	\$77,000

Section 3 Pursuant to §65.90(5)(a), Wis. Stats., the City Clerk is directed to post a notice of this budget amendment within fifteen days of adoption of this ordinance on the city’s web site.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this ____ day of _____, 2021.

APPROVED:

Stephen R Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 08/17/21
REPORTS & RECOMMENDATIONS	Committee of the Whole Recommendations	ITEM NUMBER G.17.

Recommendation from the Committee of the Whole Meeting of August 16, 2021:

- (a) Wholesale Public Water Supply to Franklin 2024.
- (b) Kueny Architects, LLC Status Update Concerning the Department of Public Works and Fire Needs Assessment Services Project.
- (c) Discussion of an Awareness Campaign Contract with Hausch Design Agency and Platypus Advertising and Design for a Franklin Private Property Infiltration and Inflow (PPII) Policy/Program.

COUNCIL ACTION REQUESTED

As directed

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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE August 17, 2021
REPORTS AND RECOMMENDATIONS	<p><i>Sam's Real Estate Business Trust v City of Franklin, Milwaukee County Circuit Court, Case No. 2020CV006103 and Wal-Mart Real Estate Business Trust v City of Franklin, Milwaukee County Circuit Court, Case No. 2020CV006148. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate</i></p>	ITEM NUMBER G.18.

The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

COUNCIL ACTION REQUESTED

A motion to enter closed session pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

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APPROVAL <i>JW</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE August 17, 2021
REPORTS AND RECOMMENDATIONS	<p>Resolution No. 2020-7680, A Resolution Authorizing Certain Officials to Execute A Tax Incremental District No. 8 Development Agreement Between the City of Franklin, JHB Properties, LLC and ZS Enterprises, LLC, Spec and/or Commercial Buildings Mixed Use Development at the south side of West Elm Road in the approximately South 3500 Street block area to the west, to be bounded on the north by West Elm Road to be extended to the west, and South Hickory Street on the east, and to straddle South Birch Street and West Aspen Way, all to be developed; and Development Agreement for JHB Properties, LLC and ZS Enterprises, LLC, Spec and/or Commercial Buildings Mixed Use Development (Public Improvements). The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to a Tax Incremental District No. 8 Development Agreement Between the City of Franklin, JHB Properties, LLC and ZS Enterprises, LLC, Spec and/or Commercial Buildings Mixed Use Development and a Development Agreement for JHB Properties, LLC and ZS Enterprises, LLC, Spec and/or Commercial Buildings Mixed Use Development (Public Improvements), and the investing of public funds and governmental actions in relation thereto and to effect such development, including the terms and provisions of the development agreements for the development of property located on the south side of West Elm Road in the approximately 3500 block area were West Elm Road to be extended to the west, consisting of approximately 79.79 acres, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate</p>	ITEM NUMBER G.19.
<p>The Common Council adopted Resolution No. 2020-7680, A Resolution Authorizing Certain Officials to Execute a Tax Incremental District No. 8 Development Agreement and a Development Agreement for Tax Incremental District No. 8 Related Public Improvements Between the City of Franklin, JHB Properties, LLC and ZS Enterprises, LLC, Spec and/or Commercial Buildings Mixed Use Development, on October 20, 2020.</p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>A motion to enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to a Tax Incremental District No. 8 Development Agreement Between the City of Franklin, JHB Properties, LLC and ZS Enterprises, LLC, Spec and/or Commercial Buildings Mixed Use Development and a Development Agreement for JHB Properties, LLC and ZS Enterprises, LLC, Spec and/or Commercial Buildings Mixed Use Development (Public Improvements), and the investing of public funds and governmental actions in relation thereto and to effect such development, including the terms and provisions of the development agreements for the development of property located on the south side of West Elm Road in the approximately 3500 block area were West Elm Road to be extended to the west, consisting of approximately 79.79 acres, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.</p>		

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<p style="text-align: center;">APPROVAL</p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/17/2021</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;"> Notice of Claim submitted by Attorney John D. Gatzke, on behalf of his client, Gerald Cutty, for damages sustained when involved in an auto accident on February 5, 2021, that they are alleging was caused by the driver's view being obstructed by a high snow bank in the median on South 51st Street. The Common Council may enter closed session pursuant to §19.85(1)(e) and (g), Stats., to consider a Notice of Claim submitted by Attorney John D. Gatzke, on behalf of his client, Gerald Cutty, for damages sustained when involved in an auto accident on February 5, 2021, that they are alleging was caused by the driver's view being obstructed by a high snow bank in the median on South 51st Street, and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. </p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.20.</p>

Notice of Claim received May 6, 2021, from Attorney John D. Gatzke, on behalf of his client, Gerald Cutty, for damages sustained when involved in an auto accident on February 5, 2021, that they are alleging was caused by the driver's view being obstructed by a high snow bank in the median on South 51st Street. The Common Council may enter closed session pursuant to §19.85(1)(e) and (g), Stats., to consider a Notice of Claim from Attorney John D. Gatzke, on behalf of his client, Gerald Cutty, for damages sustained when involved in an auto accident on February 5, 2021, that they are alleging was caused by the driver's view being obstructed by a high snow bank in the median on South 51st Street, and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

Staff recommends denial of the claim pursuant to Wisconsin Statute 893.80(1g) for disallowance of the claim, based upon and in concurrence with the insurance adjuster that the investigation determined that the City of Franklin was not liable or negligent for this accident. Progressive Insurance, who insures the at-fault driver, has accepted 100% liability for the accident. Therefore, in absence of negligence on the part of the City, and because Progressive Insurance has accepted full liability for this accident, recommend that the City of Franklin disallow this claim pursuant to the Wisconsin Statute for disallowance of claim 893.80(1g).

COUNCIL ACTION REQUESTED

The Common Council may enter closed session pursuant to §19.85(1)(e) and (g), Stats., to consider a Notice of Claim from Attorney John D. Gatzke, on behalf of his client, Gerald Cutty, for damages sustained when involved in an auto accident on February 5, 2021, that they are alleging was caused by the driver's view being obstructed by a high snow bank in the median on South 51st Street, and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

Motion to deny the claim of Gerald Cutty pursuant to Wisconsin Statute 893.80(1g), based upon and in concurrence with the insurance adjuster that the investigation revealed that the City of Franklin was not liable or negligent for this accident as discussed in the Council Action Sheet.

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 08/17/2021
LICENSES AND PERMITS	MISCELLANEOUS LICENSES	ITEM NUMBER H.
<p data-bbox="191 415 945 449">See attached listing from meeting of August 17, 2021.</p> <p data-bbox="532 1535 1107 1568" style="text-align: center;">COUNCIL ACTION REQUESTED</p>		



414-425-7500

License Committee

Agenda*

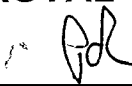
Alderman Room

August 17, 2021 – 6:10 p.m.

1.	Call to Order & Roll Call	Time:
2.	Applicant Interviews & Decisions	
License Applications Reviewed		Recommendations

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 2021-2022 New	Balistreri, Thomas D Polish Center of Wisconsin			
Operator 2021-2022 New	Baraniak, Nicole Iron Mike's			
Operator 2021-2022 New	Janiszewski, Frank J Xaverian Missions			
Operator 2021-2022 New	Patel, Nand U Discount Cigarettes & Liquor			
Operator 2021-2022 New	Sherman, Donna L Irish Cottage			
Temporary Entertainment & Amusement	Volition Franklin – Outdoor Movie Night Person in Charge: Ellen Henry, Health Dept. Location: City Hall, 9229 W Loomis Rd. Date of Event: 8/20/2021			
3.	Adjournment	Time		

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

APPROVAL 	REQUEST FOR COUNCIL ACTION	MEETING DATE 8/17/2021
Bills	Vouchers and Payroll Approval	ITEM NUMBER I
<p>Attached are vouchers dated August 2, 2021 through August 12, 2021 Nos 184089 through Nos 184264 in the amount of \$ 2,553,210 19 Also included in this listing are EFT's Nos 4662 through Nos 4670, and Water Utility vouchers totaling \$ 1,002,010 14</p> <p>Early release disbursements dated August 2, 2021 through August 11, 2021 in the amount of \$ 369,391 05 are provided on a separate listing and are also included in the complete disbursement listing These payments have been released as authorized under Resolution 2013-6920</p> <p>The net payroll dated August 13, 2021 is \$ 427,687 75, previously estimated at \$ 408,000 Payroll deductions dated August 13, 2021 are \$ 242,298 24 previously estimated at \$ 239,000</p> <p>The estimated payroll for August 27, 2021 is \$ 415,000 with estimated deductions and matching payments of \$ 555,000.</p> <p>Attached is a list of property tax distributions EFT's Nos 389 through EFT Nos 392, Nos 290(S) through Nos 292(S) and check Nos 17929 dated July 31, 2021 through August 13, 2021 in the amount of \$ 3,190,281 81 \$9,200,139 24 represent settlements and \$ 205 71 represents a refunds/other These distributions have been released as authorized under Resolution 2013-6920</p> <p>Approval to release payments to Bond Trust Services for debt service in the amount of \$ 639,686 25</p> <p>The Library Board has not approved August 2021 vouchers for payment as of this writing Approval of the Library vouchers will be considered at the August 23, 2021 meeting Upon their approval, request is made to authorize the release of these payments not to exceed \$ 20,000 00</p>		

COUNCIL ACTION REQUESTED

Motion approving the following

- City vouchers with an ending date of August 12, 2021 in the amount of \$ 2,553,210 19 and
- Payroll dated August 13, 2021 in the amount of \$ 427,687 75 and payments of the various payroll deductions in the amount of \$ 242,298 24 of City matching payments and
- Estimated payroll dated August 27, 2021 in the amount of \$ 415,000 and payments of the various payroll deductions in the amount of \$ 555,000, plus City matching and
- Property Tax disbursements with an ending date of August 13, 2021 in the amount of \$3,190,281 78 and
- Payment to Bond Trust Services in the amount of \$ 639,686 25 and
- Approval to release Library vouchers not to exceed \$ 20,000 00

ROLL CALL VOTE NEEDED