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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, DECEMBER 20, 2022, AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Approval of Minutes: Regular Common Council Meeting of December 6, 2022.
- D. Hearings - A proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the Future Land Use Map use designation for property located at 8301 West Old Loomis Road, from Commercial Use and Areas of Natural Resource Features Use to Mixed Use (Wetland Treehouse LLC, applicant; Rawson-Loomis LLC, property owner). The property which is the subject of this application bears TKN 755-9997-000, consisting of approximately 51.61 acres of land.
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
  - 1. An Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to Change the City of Franklin 2025 Future Land Use Map for Property Located at 8301 West Old Loomis Road from Commercial Use and Areas of Natural Resource Features Use to Mixed Use (Approximately 51.61 Acres) (Wetland Treehouse LLC, Applicant).
  - 2. Consideration of an Extension of the John’s Disposal Services, Inc. Agreement .
  - 3. A Concept Review for a Land Division and “Light Industrial Flex Space” Development Located at Approximately 10885 S 27th St. (TKNS 978-9997-000, 978-9998-000 and 978-9999-001) (Mark Nordland, Likewise Partners LLC, Applicant).
  - 4. Authorization for the Department of Public Works to Purchase One 2022 TowMaster T-16 Tilt Deck Trailer.
  - 5. Authorize Staff to Solicit Equipment Considered in the 2023 Capital Outlay Funds.
  - 6. Results of the Department of Public Works Sale of Surplus Equipment.
  - 7. An Ordinance to Amend §15-3.0442 of The Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to Allow for a Three Story Mixed-Use Building with Apartments on the Ground Floor (as Well as Commercial Units, Allowed by the District) (M1 at

- Ballpark Commons LLC, Applicant) (at Approximately the Southeast Corner of West Rawson Avenue and South Ballpark Drive).
8. A Resolution Authorizing Certain Officials to Enter into a Private Property Infiltration and Inflow Reduction Agreement-Funding Agreement M10005fr02 with Milwaukee Metropolitan Sewerage District in the Amount of \$50,240.
  9. A Resolution to Issue Contract Change Order No. 1 to Stark Pavement Corp. for the 2022 Local Street Improvement Program Resurfacing in the Amount of \$88,680.34.
  10. A Resolution Authorizing Certain Officials to Enter into a Private Property Infiltration and Inflow Reduction Agreement-Funding Agreement M10005fr01 with Milwaukee Metropolitan Sewerage District in the Amount of \$972,690.
  11. A Resolution to Vacate a Service Road from S. 60th Street to S. 58th Street Located on the South Side of W. Ryan Road Between S. 60th Street and S. 58th Street (Part of the NW 1/4 of Section 26, Township 5, Range 21 East in the City of Franklin, Milwaukee County, Wisconsin)
  12. A Resolution to Amend Resolution No. 2019-7467 Imposing Conditions and Restrictions for the Approval of a Special Use for an Over-the-Road Trucking Company Located at 11141 West Forest Home Avenue to Allow for a Recruitment, Training and Regional Office for Go Riteway Transportation Group (Bast Marshall LLC), and Providing School Bus Transportation for the City of Franklin School District (Robert J. Bast, Co-Owner of Go Riteway Transportation Group (Bast Marshall LLC, Applicant).
  13. A Resolution Authorizing Certain Officials to Execute an Agreement to Continue Professional Environmental Engineering Services to Monitor Compliance at the Metro Recycling & Disposal Facility to December 31, 2023, with JSA Environmental, Inc.
  14. 2023 Property and Casualty Insurance Coverage.
  15. Confirmation of the Appointment of Anthony Csavoj as Director of Inspection Services. The Common Council may enter closed session pursuant to Wis. Stats. §19.85(1)(c) and (f), to consider employment, promotion, compensation, or performance evaluation data of a public employee over which the Common Council has jurisdiction or exercises responsibility and to consider financial, social or personal histories of specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories and may re-enter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.
  16. Common Council Consideration of Code of Conduct Complaints. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(f) considering financial, medical, social, or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

Common Council Meeting Agenda

December 20, 2022

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H. Licenses and Permits:

1. License Committee Meeting of December 20, 2022.
2. Fireworks Process Review.

I. Bills.

Request for Approval of Vouchers and Payroll.

J. Adjournment.

\*Supporting documentation and details of these agenda items are available in the Common Council Meeting Packet on the City of Franklin website [www.franklinwi.gov](http://www.franklinwi.gov)

[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:

December 23-26	Closed for Christmas	
December 30 and		
January 2	Closed for New Years	
January 3	Common Council Meeting	6:30 p.m.
January 5	Plan Commission	7:00 p.m.
January 17	Common Council Meeting	6:30 p.m.
January 19	Plan Commission	7:00 p.m.

CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
DECEMBER 06, 2022  
MINUTES

C.

- ROLL CALL                   A.       The regular meeting of the Franklin Common Council was held on December 6, 2022, and was called to order at 6:30 p.m. by Mayor Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were present: Alderman Ed Holpfer, Alderwoman Kristen Wilhelm, Alderwoman Hanneman, Alderman Barber, and Alderman John R. Nelson. Alderwoman Michelle Eichmann was not present. Also in attendance were Dir. of Administration Peggy Steeno, City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski, and City Clerk Karen Kastenson.
- CITIZEN COMMENT        B.       Citizen comment period was opened at 6:31 p.m. and was closed at 6:34 p.m.
- MINUTES  
NOVEMBER 15, 2022     C.       Alderwoman Wilhelm moved to approve the minutes of the regular Common Council meeting of November 15, 2022, with corrections to G.1. as noted and item G.6 add the word prior to last sentence to read "...concept review of the project prior to full design." Seconded by Alderman Nelson. All voted Aye; motion carried.
- EMERGENCY  
CONTINGENCY TO  
REPLACE FIRE  
DEPARTMENT  
MOTOR                   G.1.     Alderman Barber moved to approve a request from the Fire Department for an emergency contingency appropriation to replace the motor in its Engine 12 at an expected cost of \$43,456.59. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- QUALITATIVE DATA  
GRANT FOR HEALTH  
DEPARTMENT            G.2.     Alderman Barber moved to authorize the City Health Officer to accept the Qualitative Data for Capacity Building and Alignment grant for 2022-2023 and to authorize the City Health Officer to execute and deliver the Grant Agreement Modification between the State of Wisconsin Department of Health Services and Franklin Health Department for 2021 DPH Consolidated Contract, and to authorize the City Health Officer to execute and deliver the Grant Agreement Modification between the State of Wisconsin Department of Health Services and Franklin Health Department for 2021 DPH Consolidated Contract. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- 2022-2023 DIVISION  
OF PUBLIC HEALTH  
CONSOLIDATED  
CONTRACT GRANTS       G.3.     Alderman Barber moved to authorize the City Health Officer to accept the 2022-2023 Division of Public Health Consolidated Contract Grants for the Franklin Health Department and to authorize the City Health Officer to execute and deliver the Grant Agreement Modification between the State of Wisconsin Department of Health Services and Franklin Health Department for 2022 DPH Consolidated Contract, and



to authorize the City Health Officer to execute and deliver the Grant Agreement Modification between the State of Wisconsin Department of Health Services and Franklin Health Department for 2022 DPH Consolidated Contract. Seconded by Alderman Holpfer. All voted Aye; motion carried.

VACATE SERVICE  
RD. FROM S. 60<sup>TH</sup> ST.  
TO S 58<sup>TH</sup> ST. ON W.  
RYAN RD.

G.4. Alderman Nelson moved to hold a Resolution to Vacate a Service Road from S. 60th Street to S. 58th Street Located on the South Side of W. Ryan Road Between S. 60th Street and S. 58th Street (Part of the NW 1/4 of Section 26, Township 5, Range 21 East in the City of Franklin, Milwaukee County, Wisconsin) until the December 20, 2022 meeting. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

RES. NO. 2022-7925  
CHANGE ORDER NO.  
3 FOR STREET  
LIGHTING SUPPLY  
ISSUES TO BUTEYN-  
PETERSON-SOUTH  
HICKORY ST

G.5. Alderwoman Hanneman moved to adopt Resolution No. 2022-7925, A RESOLUTION TO AWARD CHANGE ORDER NO. 3 FOR STREET LIGHTING SUPPLY ISSUES TO BUTEYN-PETERSON CONSTRUCTION CO., INC. FOR THE FRANKLIN CORPORATE PARK-SOUTH HICKORY STREET IMPROVEMENTS IN THE AMOUNT OF \$0.00 AND 147 DAYS. Seconded by Alderman Holpfer. All voted Aye; motion carried.

SEPTEMBER AND  
OCTOBER 2022  
FINANCIAL REPORTS

G.6. Alderman Holpfer moved to receive and place on file the September and October, 2022 Financial Report. Seconded by Alderman Barber. All voted Aye; motion carried.

ALIGN CERTAIN  
BENEFITS WITH  
NON-REPRESENTED  
EMPLOYEE GROUP

G.7. Alderman Holpfer moved to update the retiree health insurance benefit for Dispatchers to '75% of the insurance premium rate in effect at the time of retirement', for those employees who meet the established eligibility requirements, to be aligned with all other non-represented employees. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

Alderman Barber moved to implement the same retiree health insurance benefit for those current non-represented employees who previously belonged to the Teamsters and AFSCME union groups as all other non-represented employees except Public Works Employees; this benefit, with the City paying for 75% of the retiree insurance premium rate in effect at the time of retirement, is to be afforded to those with at least 20 years of service with the City of Franklin, who retire between the ages of 62 and 65, with the City paid subsidy ending at age 65, to be aligned with all other non-represented employees except Public Works Employees. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

Alder Barber moved to update the retiree health insurance benefit for Public Works Employees, changing the eligibility for the benefit from

'age 60 and 15 years of service' to 'age 60 and 20 years of service', to align the years of service needed with all other non-represented employees, and grandfather in the existing employees to allow them to remain at the 15 years of service so that they will not be negatively affected during the transition. Seconded by Alderman Holpfer. All voted Aye; motion carried. Alderman Barber moved to reconsider. Seconded by Alderman Holpfer. All voted Aye; motion carried.

Alderman Holpfer moved to award current and future Public Works Employees their third week of vacation after 'five years of service' rather than after 'six years of service' to align the benefit with all other non-represented employees. Seconded by Alderman Barber. All voted Aye; motion carried.

Alderman Barber moved to award current and future Dispatchers their fourth week of vacation after 'twelve years of service' rather than after 'thirteen years of service' to align the benefit with all other non-represented employees. Seconded by Alderman Holpfer. All voted Aye; motion carried.

Alderwoman Hanneman moved to change the accrual method for Dispatchers to accrue vacation, depending on annual allocation, on a per pay period basis, as other nonrepresented employees, rather than on an annual basis, including a transition period for existing employees so that they will not be negatively affected during the transition. Seconded by Alderman Barber. All voted Aye; motion carried.

ORD. 2022-2523  
AMEND §245-3 B.  
STOP SIGNS AT S.  
HICKORY ST. AT W.  
OAKWOOD RD. AND  
W. ELM RD.

G.8. Alderwoman Hanneman moved to adopt Ordinance No. 2022-2523, AN ORDINANCE TO AMEND MUNICIPAL CODE §245-3 B. STOPS REQUIRED TO ADD A STOP SIGN ON NORTHBOUND S. HICKORY STREET AT W. OAKWOOD ROAD, SOUTHBOUND S. HICKORY STREET AT W. ELM ROAD, AND WESTBOUND W. ELM ROAD AT S. HICKORY STREET. Seconded by Alderman Barber. All voted Aye; motion carried.

AGREEMENT WITH  
GEOGRAPHIC  
MARKETING  
ADVANTAGE, LLC  
FOR GIS SERVICES  
FOR 2023

G.9. Alderwoman Hanneman moved to approve the agreement with Geographic Marketing Advantage, LLC for Geographic Information System (GIS) Support and Database Maintenance Services for 2023, and authorize the Director of Administration to execute and administer the contract effective January 1, 2023. Seconded by Alderman Holpfer. All voted Aye; motion carried.

LICENSE COMM.  
RECOMMENDATIONS

H. Alderwoman Hanneman moved to approve the following licenses:  
  
Hold 2022-23 Operator License for appearance to Lindsay Tengel.  
Grant 2022-23 Operator License to: Elijah Cottrell, Stevie Grzybowski, Viktoria Labun, & Jennifer Stankowski.

Approve the PUBLIC (People Uniting for the Betterment of Life and Investment in the Community) Grant to the following:

1. Franklin Health Dept-Community Events, Park Permits, Spring Walk/Run-5/20/23, Bike Rodeo -6/3/23, Movie Night – 8/25/23, Trunk or Treat – 10/26/23, Lions Legend Park 1, Legend Dr, Schlueter Pkwy
2. Franklin Park Concerts, Inc – Free Concerts, Park Permits, Band Shell Fees, 6/25, 7/9, 7/23, 8/6 & 8/20/23, Lions Legend Park 1
3. Franklin Police Citizens Academy Alumni, St Martin’s Fair Labor Day Permit, 9/3-9/4/23, St Martin’s Labor Day Fair
4. St Martin of Tours Parish – Fundraisers & St Martin’s Fair, Temporary Class B Beer & Wine, Temporary Entertainment & Amusement, & Operator’s Licenses: Labor Day Fair Permit, 1<sup>st</sup> -4<sup>th</sup> Quarters of 2023 Dinners, 9/3-9/4-2023, St Martin of Tours Parish Hall, 7963 S 116<sup>th</sup> St, St Martin’s Labor Day Fair

Approve the PUBLIC (People Uniting for the Betterment of Life and Investment in the Community) Grant pending a copy of Insurance Rider on File at the Clerk’s Office to the following:

1. Franklin Lions Foundation – Meetings & Fund Raisers, Park Permits, Easter Egg Hunt, Club Meetings, St Martin’s Fair Labor Day Licenses - Temporary Class “B” Beer, Operators, Peddler’s Permit, 4/8, 6/13, 7/11, 9/12/23, 9/3-9/4/23, Lions Legend Park 1, Ken Windl Pavilion, St Martin’s Labor Day Fair
2. Franklin Noon Lions Club-Civic Celebration & St Martin’s Fair, Civic Celebration License-Temporary Class “B” Beer, Operators, Food, St Martin’s Fair Labor Day Licenses – Temporary Class “B” Beer, Operators, Peddler’s Permit, 6/30 – 7/2/23, 9/3-9/4/23, Civic Celebration, St Martin’s Labor Day Fair

Alderwoman Hanneman moved to carry the Fireworks Display Process over to the next meeting on December 20, 202. Seconded by Alderwoman Wilhelm.

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

VOUCHERS AND  
PAYROLL

- I. Alderman Barber moved to approve City vouchers with an ending date of December 1, 2022, in the amount of \$ 1,926,574.73, Property Tax disbursements with an ending date of November 30, 2022 in the amount of \$ 2,759.36 and payroll dated November 18, 2022, in the amount of \$451,929.15 and payments of the various payroll deductions in the amount of \$433,791.33, plus City matching payments; Payroll dated December 2, 2022 in the amount of \$439,069 05 and payments of the various payroll deductions in the amount of \$244,364.09, plus City matching payments and estimated payroll dated December 16, 2022 in the amount of \$465,000 and payments of the various payroll

deductions in the amount of \$495,000, plus City matching payments. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.

CLOSED SESSION  
TAX ASSESSMENT  
AGREEMENT FOR  
TID NO.6 WITH  
STRAUSS  
INVESTMENTS, LLC

G.10. Alderman Holpfer moved to enter closed session at 7:19 p.m. pursuant to Wis. Stats. §19.85(1)(e), to deliberate upon the Tax Assessment Agreement (Tax Incremental District No. 6) between the City of Franklin and Strauss Investments, LLC dated March 1, 2019, as amended, including the Second Amendment to Tax Assessment Agreement dated March 31, 2020, the negotiation of provisions and terms and the investing of public funds in relation thereto, for competitive and bargaining reasons, 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. Upon reentering open session at 7:37 p.m., Alderman Nelson moved to continue with the current agreement that is on record. Seconded by Alderman Barber. On a roll call, all voted Aye. Motion carried.

CLOSED SESSION  
CODE OF CONDUCT  
COMPLAINTS

G.11. Alderman Barber moved to enter closed session at 7:41 p.m. pursuant to Wis. Stats. §19.85(1)(f) considering financial, medical, social, or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderwoman Wilhelm. Prior to the roll call vote, Mayor Olson and Director of Administration, Peggy Steeno vacated their seats at 7:39 p.m. On roll call, all voted Aye. Motion carried. Mayor Olson and Director of Administration reentered the closed session and the discussion at 7:46 p.m. Upon reentering open session at 7:49 p.m., Alderman Nelson moved to table the discussion until the December 20, 2022 meeting. Seconded by Alderman Barber. All voted Aye; motion carried.

ADJOURNMENT

J. Alderman Nelson moved to adjourn the meeting of the Common Council at 7:50 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

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D.

**NOTICE OF PUBLIC HEARING  
CITY OF FRANKLIN  
COMMON COUNCIL**

**MEETING DETAILS**

HEARING DATE: Tuesday, December 20, 2022, at 6:30 p.m.

PLACE: The Common Council Chambers at the Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132.

**PROPOSAL INFORMATION**

APPLICANT: Wetland Treehouse LLC (Rawson-Loomis, LLC, property owner).

SUBJECT PROPERTY: 8301 West Old Loomis Road (totaling approximately 51.61 acres).

TAX KEY NUMBER: 755-9997-000.

PROPOSAL: To amend the Future Land Use Map designation for property located at 8301 West Old Loomis Road, containing 51.61 acres, from Commercial Use and Areas of Natural Resource Features Use to Mixed Use.

**CONTACT INFORMATION**

City Development Department

(414) 425-4024

[www.franklinwi.gov/planning](http://www.franklinwi.gov/planning)

[generalplanning@franklinwi.gov](mailto:generalplanning@franklinwi.gov)

**PUBLIC HEARING INFORMATION**

This public hearing is being held pursuant to the requirements of Wis. Stat. § 66.1001(4)(d). The public is invited to attend the public hearing and to provide input. A map showing the property affected, full legal description, the application and all supporting materials, are available for review and may be obtained from the City Council by way of request to the Department of City Development at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, telephone number (414) 425-4024, during normal business hours. The proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan is available and open for inspection by the public in the Office of the City Clerk at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, during normal business hours. Any questions or comments about the proposed amendment to the Comprehensive Master Plan may be directed to Régulo Martínez-Montilva, City of Franklin Principal Planner, at 414-425-4024.

Dated this 7th day of November, 2022.

Sandra L. Wesolowski  
City Clerk

N.B. Class I

**Please publish November 16**

<p>APPROVAL</p> <p><i>KLK</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>12/20/22</p>
<p>REPORTS &amp; RECOMMENDATIONS</p>	<p>AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 8301 WEST OLD LOOMIS ROAD FROM COMMERCIAL USE AND AREAS OF NATURAL RESOURCE FEATURES USE TO MIXED USE (APPROXIMATELY 51.61 ACRES) (WETLAND TREEHOUSE LLC, APPLICANT)</p>	<p>ITEM NUMBER</p> <p><i>G.I.</i></p>

At its December 1, regular meeting, the Plan Commission tabled this item and the concurrent request to create a new Planned Development District (PDD) to the January 5, 2023, Plan Commission meeting. The vote was 4-0-3.

A public hearing is scheduled for this meeting upon this item.

**COUNCIL ACTION REQUESTED**

A motion to table this item to the January 17, 2023, Common Council meeting.

-or

Such other action as the Common Council may determine.



ORDINANCE NO. 2022-\_\_\_\_\_

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025  
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN  
2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED AT 8301  
WEST OLD LOOMIS ROAD FROM COMMERCIAL USE AND AREAS OF  
NATURAL RESOURCE FEATURES USE TO MIXED USE  
(APPROXIMATELY 51.61 ACRES)  
(WETLAND TREEHOUSE LLC, APPLICANT)

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

WHEREAS, Wetland Treehouse LLC has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property located at 8301 West Old Loomis Road from Commercial Use and Areas of Natural Resource Features Use to Mixed Use; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on December 1, 2022, recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for property located at 8301 West Old Loomis Road from Commercial Use and Areas of Natural Resource Features Use to Mixed Use; and

WHEREAS, the City of Franklin held a public hearing upon this proposed Ordinance, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d); the Common Council having received input from the public at a duly noticed public hearing on December 20, 2022; and

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

SECTION 1:           The City of Franklin 2025 Comprehensive Master Plan is hereby amended to change the City of Franklin 2025 Future Land Use Map designation for property located at 8301 West Old Loomis Road from Commercial Use and Areas of Natural Resource Features Use to Mixed Use. Such property is more particularly described within Resolution No. 2022 \_\_\_\_\_ of even-date herewith.

SECTION 2:           The terms and provisions of this ordinance are severable. Should any

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

SECTION 3: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by Alderman \_\_\_\_\_.

Passed and adopted by a majority vote of the members-elect of the Common Council at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVED:

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

ATTEST

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

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



REPORT TO THE PLAN COMMISSION

Meeting of December 1, 2022

New Planned Development District and Comprehensive Master Plan

RECOMMENDATION: City Development staff recommends to table these requests for Planned Development District and Comprehensive Master Plan amendment until the applicant provides additional information, see list in page 6.

Table with 2 columns: Field Name and Value. Fields include Project name, Property Owner, Applicant, Agent, Property Address/TKN, Aldermanic District, Zoning District, Staff Planner, Submittal date, and Application number.

Introduction

The applicant is proposing to create a new Planned Development District for The Retreat mixed use development and to amend the future land use designation of the comprehensive plan for the subject site to Mixed Use. The Retreat has 2 development areas: commercial and residential. The commercial area consists of 3 lots to be served by the proposed extension of Terrace Drive parallel to Loomis Road. The residential area has a total of 358 dwelling units (344 apartments and 14 townhouses), a total of 622 parking stalls, as well as a clubhouse and other residential amenities.

The applicant presented a Concept Review before the Common Council on October 4, 2022.

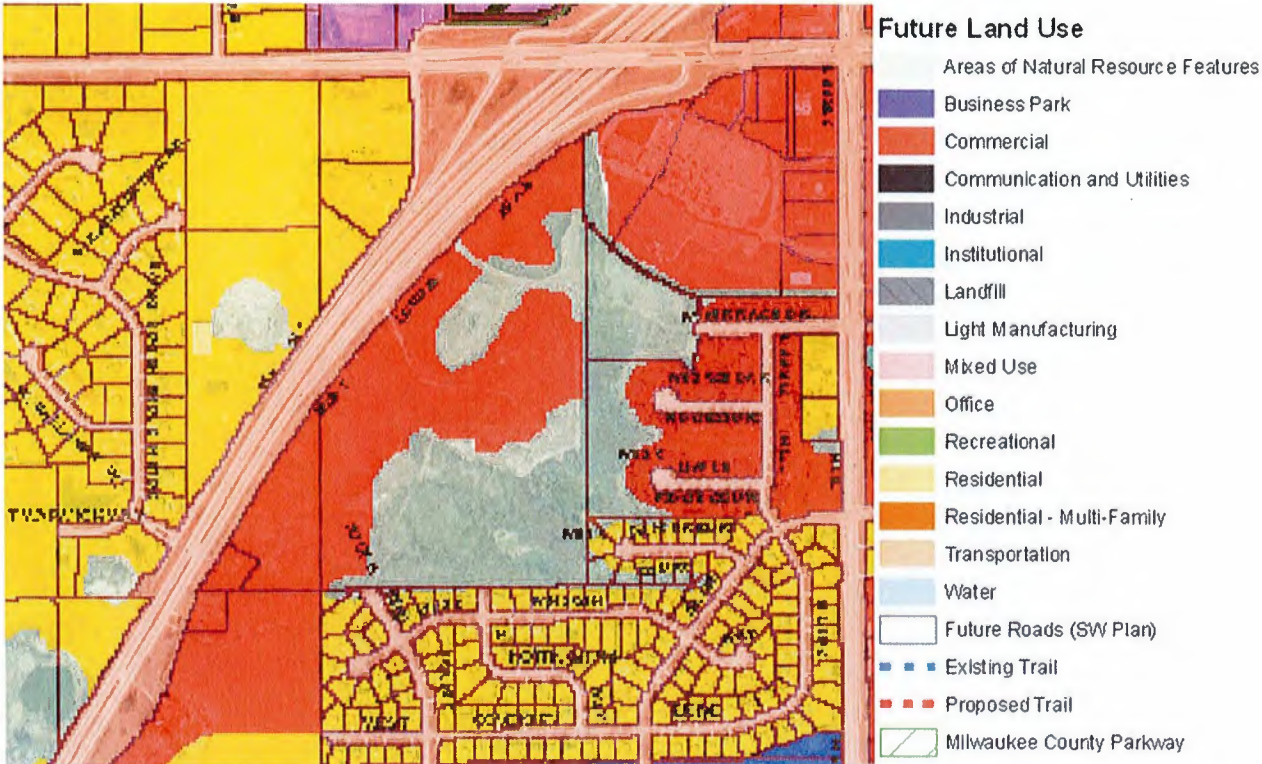
COMPREHENSIVE MASTER PLAN AMENDMENT

This 51.61-acre site is designated as Commercial and Area of Natural Resource Features in the Future Land Use Map of the City of Franklin 2025 Comprehensive Master Plan, the applicant is requesting to change the land use designation to Mixed Use.

This site is located in Planning Area D of the comprehensive plan (see appendix 1), which is an opportunity for "Commercial development along the east side of Loomis Road, with housing that transitions to existing neighborhoods to the east, and residential along the west side of Loomis Road, represent a significant opportunity to future development in the City" (Land Use chapter, page 5-43). The proposed development with commercial outlots along Loomis Road and housing as a transition to



existing residential development is consistent with the development opportunity identified in the comprehensive plan.



**Future Land Use Map** of the 2025 Comprehensive Master Plan of the City of Franklin Site and surrounding areas, not including recent amendments such as Ballpark Commons (now Mixed Use).

The Retreat is considered as a horizontal mixed-use development which is the combination of “single-use buildings on distinct parcels in a range of land uses in one planned development project” (Comprehensive plan, Land Use Chapter, page 5-49).

The future land use designation of the comprehensive plan for this site is Commercial and Areas of Natural Resource Features, to be changed to Mixed Use. Regarding the Commercial Area, City Development staff has no objections to change this area to Mixed Use because this area is labeled as “Potential Commercial or Mixed Use Development” in Map 5.6 “Potential Development Areas” of the comprehensive plan (see appendix 2). On the other hand, staff recommends to maintain the Area of Natural Resource Features designation because the southeast portion of this site is identified as an Isolated Natural Resource Area in Map 5.5 “Environmentally Sensitive Areas” of the comprehensive plan (see appendix 3).

**PLANNED DEVELOPMENT DISTRICT**

The applicant is seeking “general approval” for a new Planned Development District (PDD), to allow for 358 apartments, 2.52 acres of retail outlots, a public street connecting terrace drive with Loomis Road, private drives to serve 10 multi-family buildings, 2 townhouse clusters and a clubhouse. If approved, this development would be PDD No. 41.

Per Unified Development Ordinance (UDO), Section 15-9.0208.E.7.b.(1), PDD applications for general approval “need not necessarily be completely detailed at the time of rezoning provided they are of sufficient detail to satisfy the Plan Commission and Common Council as to the general character, scope, and appearance of the proposed development. Such preliminary plans shall designate the pattern of the proposed streets, and the size and arrangement of individual building sites”.

**Project Analysis:**

UDO Table 15-3.0402C establishes maximum intensity and density measures for Planned Development Districts:

Table 15-3.0402C						
PDD Planned Development District Maximum Intensity and Density Measures						
General Use Type	Residential Standards			Non-Residential Standards		
	Minimum Open Space Ratio (OSR)	Maximum Gross Density (GD)	Maximum Net Density (ND)	Minimum Landscape Surface Ratio (LSR)(b)	Maximum Gross Floor Area Ratio (GFAR)	Maximum Net Floor Area Ratio (NFAR)
Residential (a)	0.35	6.10	8.00	N/A	N/A	N/A
Office	N/A	N/A	N/A	0.45	0.23	0.42
Commercial Retail Sales and Service	N/A	N/A	N/A	0.45	0.31	0.57
Industrial	N/A	N/A	N/A	0.45	0.50	0.91
Mixed Compatible Uses	(c)	(c)	(c)	(c)	(c)	(c)

Notes:

N/A = Not Applicable

- (a) Plan Commission and Common Council may approve of densities over the stated GD or ND with the provision the development meets a community purpose, such as residential housing for older persons.
- (b) See Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See § 15-5.0302E).
- (c) Apply the appropriate standard for each individual land use type and its corresponding site area as listed in this Table.

The proposed development is exceeding the following intensity and density standards:

- Commercial Area.
  - **Landscape Surface Ratio (LSR).** The applicant is proposing 0.10 while the minimum LSR is 0.45. Note (b) refers to the alternative minimum LSR which requires an increase of the minimum quantity of required trees and shrubs to be planted. However, in most business zoning districts the alternative minimum LSR is a reduction of 0.10, therefore, the proposed LSR is still below an alternative LSR of 0.35.
  - **Floor Area Ratio (FAR).** The proposed net FAR is 0.75 and gross FAR is 0.70, both ratios exceed the maximum measures of 0.31 and 0.57.
- Residential Area.
  - **Density.** The proposed gross density (GD) of 12 du/ac (dwelling units per acre) and net density (ND) of 30 du/ac far exceed the maximum densities of 6.10 du/ac and 8.00 du/ac. As

noted in the table, “Plan Commission and Common Council may approve of densities over the stated GD or ND with the provision the development meets a community purpose, such as residential housing for older person”, this was the case for the Multi-family residential area of Ballpark Commons (PDD No. 37) which includes a senior housing buildings and the approved GD and ND is 16.00 du/ac. However, The Retreat development does not include senior housing facilities.

Note that the maximum yield of this site with the proposed densities is 558 dwelling units per applicant’s calculations and the Concept Plan (exhibit A) indicates a total of 358 dwelling units. It is worth noting that a lower net density, approximately 20 du/ac, would work for the proposed units

Regarding natural resource protection, the Natural Resource Protection Plan indicates impacts to protected natural resources, specifically mature woodlands, wetlands, wetland buffers and wetland setbacks. Only the impact to mature woodlands meet the protections standards of UDO Table 15-4.0100, the applicant is proposing to impact 7.5% of the mature woodlands area and the maximum impact is 30%. This table provides a protection standard of 100% for wetlands and associated buffers and setbacks, therefore, the applicant must obtain approval of Natural Resource Special Exception prior to disturbing these natural resource features, see condition of approval no. 6.

The West Shore pipeline, a hazardous liquid pipeline, runs close to the property line along Loomis Road, the applicant shall coordinate with pipeline operator the appropriate setbacks and safety measures when preparing detailed plans for future land division or site plans for individual sites.

**Basis for approval:**

Pursuant to UDO Section 15-9.0208.E “PDD Planned Development District Procedures”, the Plan Commission in making its recommendation, and the Common Council in making its determination, shall give consideration to the following.

- 1 *Intent to Start Construction Within a Reasonable Period That the applicant for the proposed PDD Planned Development District has demonstrated that the applicant intends to start construction within a reasonable period following the approval of the change in zoning districts and that the development will be carried out according to a reasonable construction schedule satisfactory to the City*

Staff comment: the applicant stated that the anticipated construction start is for October 2023 (project narrative, page 18)

- 2 *Consistency with Unified Development Ordinance and Comprehensive Master Plan Required The Plan Commission in making its recommendations, and the Common Council in making its determination, shall further find that*

- a *The proposed site shall be provided with adequate drainage facilities for surface and storm water*

Staff comment: stormwater management plans shall be subject to review by the Engineering Department, see condition of approval no. 5.

b *The proposed site shall be accessible from public roads that are adequate to carry the traffic that will be imposed upon them by the proposed development*

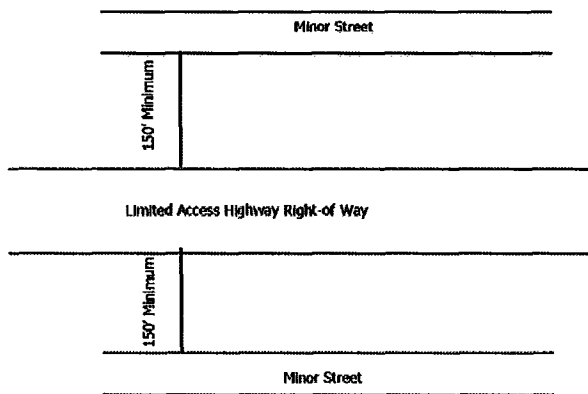
Staff comment: the applicant is proposing an offsite public connection to Terrace Drive, and access point to Loomis Road (subject to approval by the Department of Transportation); and an emergency access to S. 82<sup>nd</sup> Street. City Development staff recommends a cross-access connection to the adjacent property to the west based on UDO Section 15-5.0104, public comments and input from the Wisconsin Department of Transportation (see appendix 4).

The referenced section states that the distance between street intersections along arterial roads (Loomis Rd.) shall not be less than 1,200 feet. The frontage of the adjacent property is approximately 860 feet, future direct access to Loomis Rd. for such site would not conform to this requirement. City Development staff acknowledges that access to Loomis Road is subject to approval by the Wisconsin Department of Transportation.

The proposed street layout does not comply with the minimum separation of 150 feet between minor streets and limited access highways required by UDO Section 15-5.0102.B, see figure below. Per submitted plans, the distance between Loomis Road and Terrace Drive is approximately 110 feet. However, given the presence of wetlands next to the proposed Terrace Drive, the applicant may consider to apply for a land division variance from this requirement.

**Figure 15-5.0102**

**STREETS SERVING COMMERCIAL AND INDUSTRIAL PROPERTIES WHICH ABUT A LIMITED ACCESS HIGHWAY**



c *The proposed development shall not impose any undue burden on public services and facilities, such as fire and police protection*

See note from the Fire Department.

*NOTE The Fire Department is NOT adequately staffed to absorb the impact on emergency and non-emergency call volume associated with the additional 1,030 residences associated with this and other related planned residential developments, associated commercial and vehicle traffic, and required fire inspection work-load, in addition to the ongoing high-density single family development in the southwest quadrant and multifamily development along the south 27th Street corridor*



*d The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances of the City*

Staff comment: the applicant has not provided details of the proposed public street, such as cross sections. This item shall be subject to further review in the land division process.

*e Water and sewer facilities shall be provided*

Staff comment: the applicant is proposing water and sewer connections to Terrace Drive and S. 82<sup>nd</sup> Street, utility plans shall be subject to review by the Engineering Department.

*f The application for a PDD Planned Development District shall be filed jointly by all of the owners of all of the lands to be included in the Planned Development District*

Staff comment: applicant submitted property owner authorization.

**Staff Recommendation:**

City Development staff recommends to table these requests for Planned Development District and Comprehensive Master Plan amendment until the applicant provides the following information:

1. Comprehensive master plan amendment exhibit/plan outlining the mixed use area for development and areas of natural resource features for conservation with metes and bounds descriptions of both areas.
2. Revised intensity and density measures attesting compliance with the Unified Development Ordinance (UDO) Table 15-3.0402C.
3. Revised site plan depicting a cross-access connection or easement to the adjacent property to the west.

It is also suggested to table these applications until input from the school district is received given the significant number of residential units proposed by the applicant.

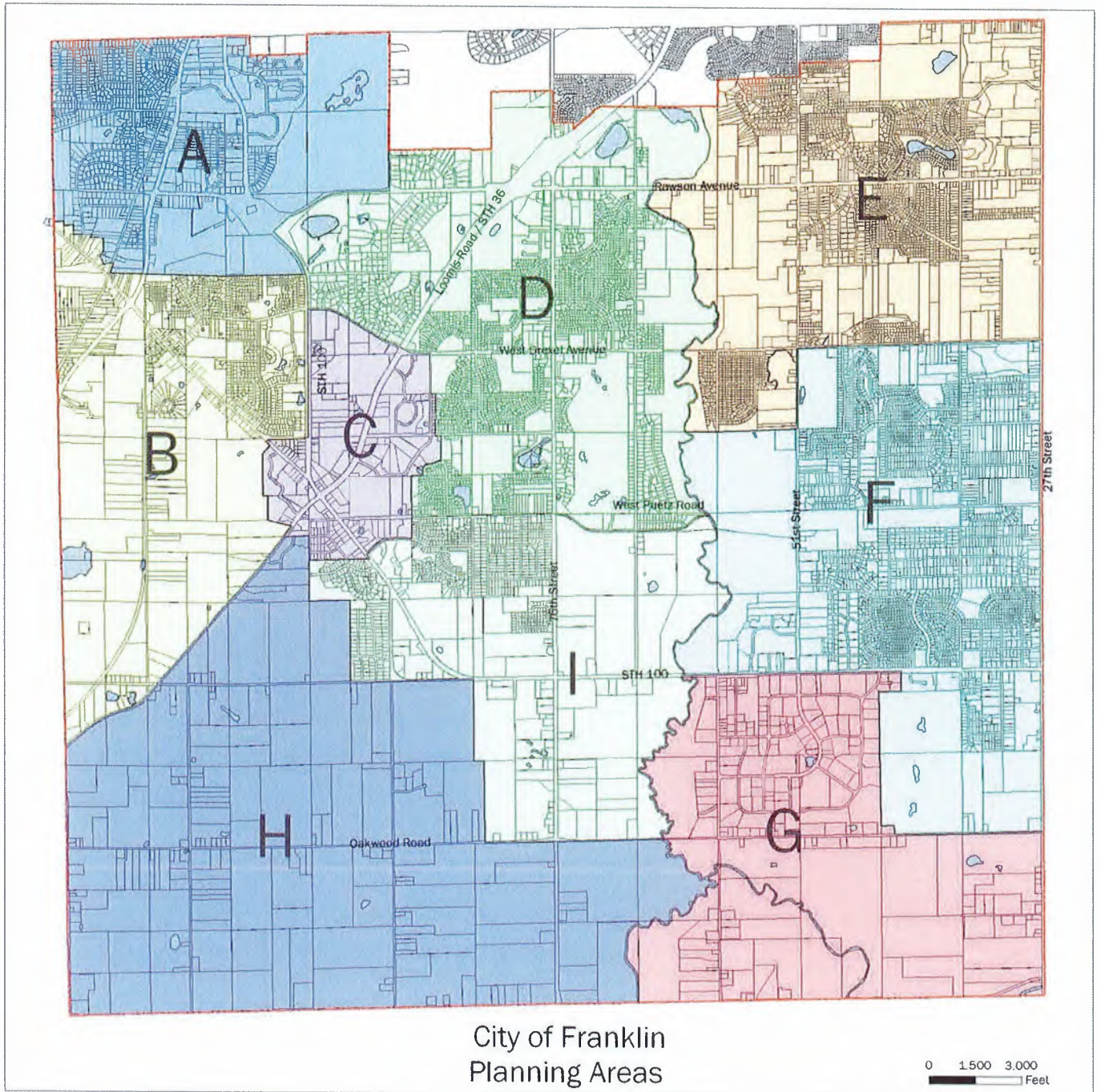
Should the Plan Commission wish to recommend approval of these applications. Draft ordinances and resolution with conditions of approval are attached to this packet

**Appendices list:**

1. Planning Areas map 2025 Comprehensive Master Plan of the City of Franklin, Issues and Opportunities chapter, Map 2.2.
2. Potential Development Areas map 2025 Comprehensive Master Plan of the City of Franklin, Land Use chapter, Map 5 6
3. Environmentally Sensitive Areas map. 2025 Comprehensive Master Plan of the City of Franklin, Land Use chapter, Map 5.5.
4. E-mail from adjacent property owner (8495 W. Loomis Rd ), received on November 2, 2022; and e-mail from the Wisconsin Department of Transportation received on November 18.

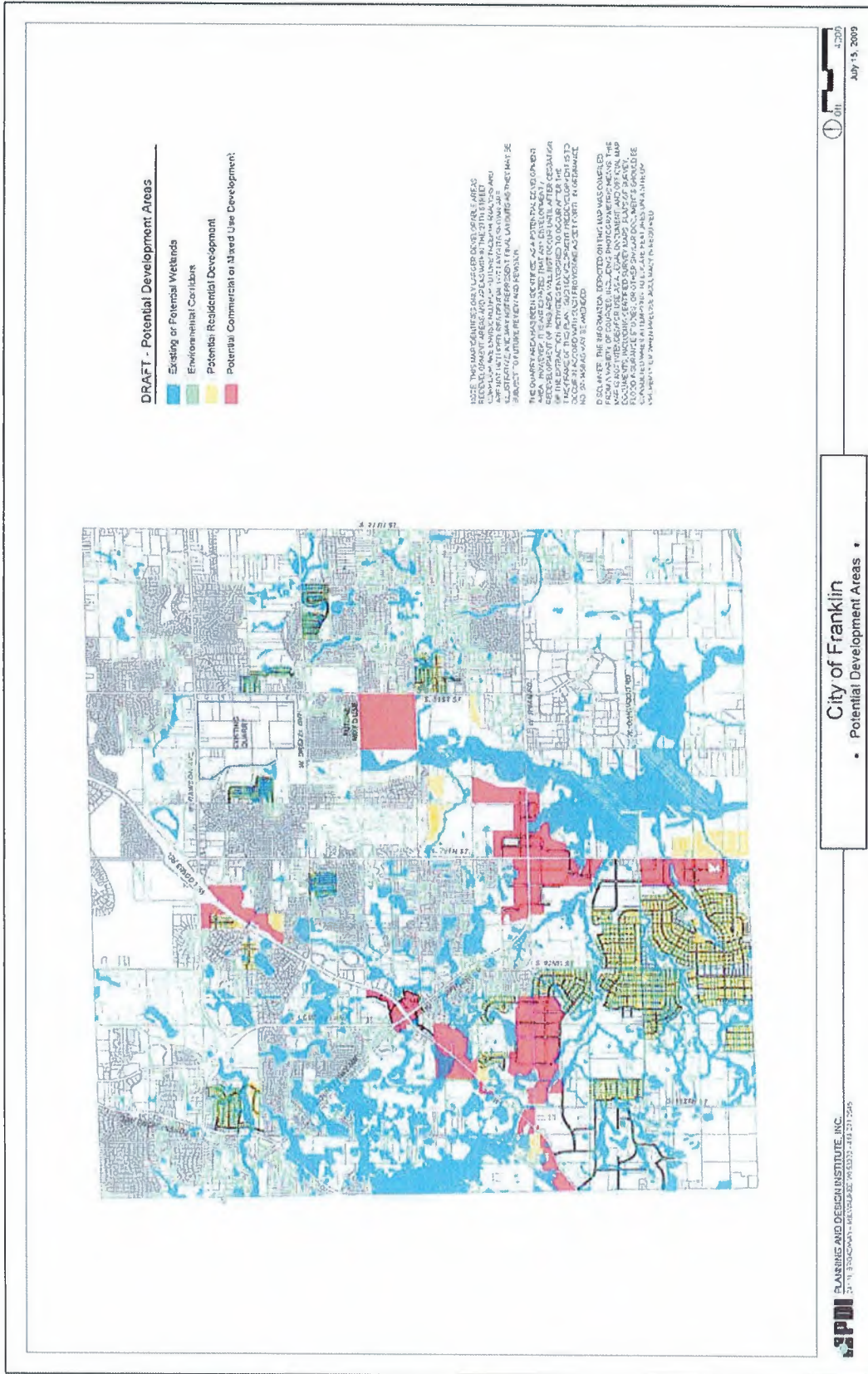


MAP 2.2: Planning Areas Map

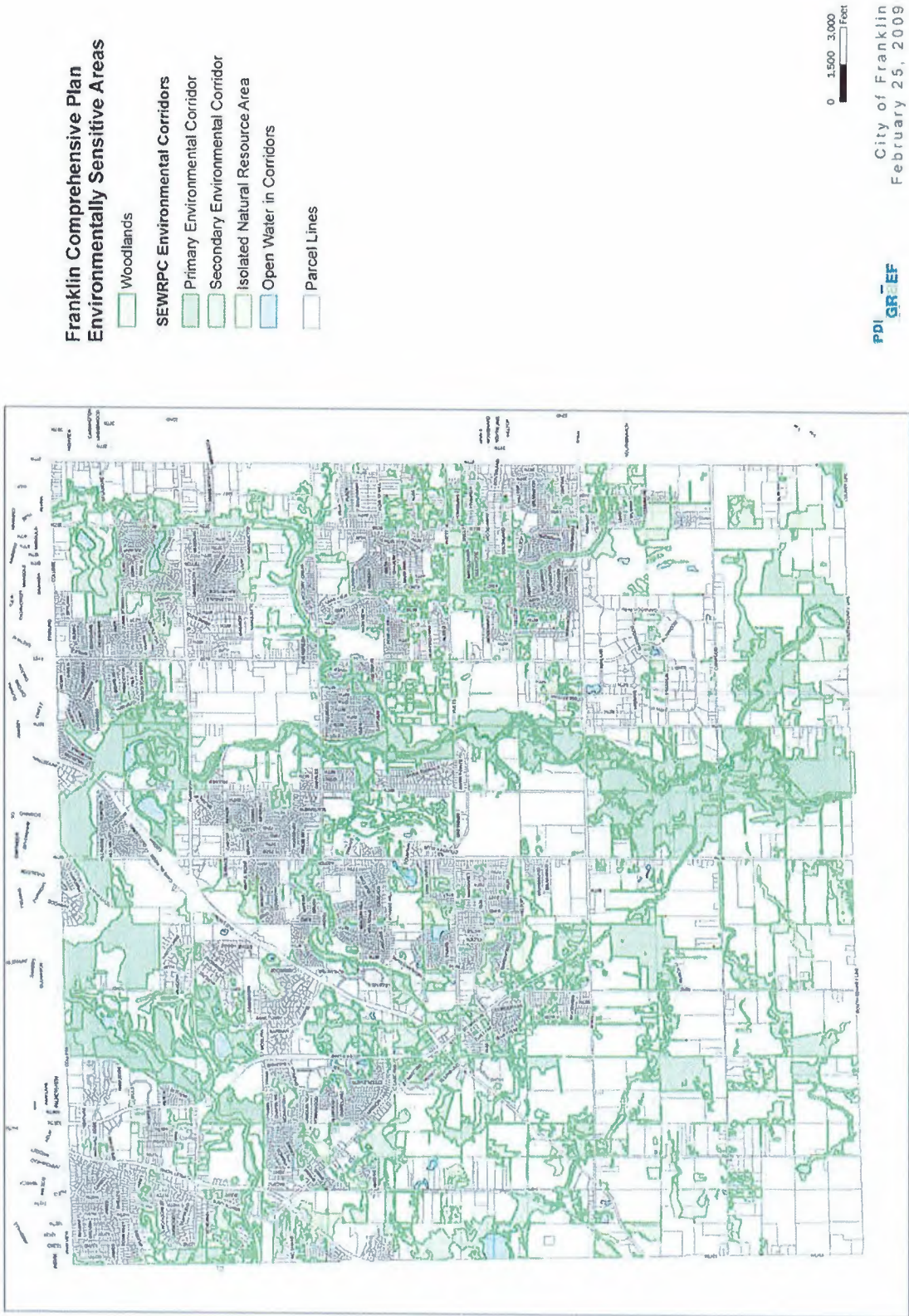




Map 5.6: Potential Development Areas



Map 5.5: Environmentally Sensitive Areas





**Regulo Martinez-Montilva**

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**From:** Linda De Arteaga <lucyfrenzel2@gmail.com>  
**Sent:** Wednesday, November 2, 2022 7:10 PM  
**To:** Regulo Martinez-Montilva  
**Subject:** Re: Loomis -Rawson -Retreat

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hello Mr. Martinez- Montilva,

Today I spoke with Art Baumann at DOT. He said DOT's plan is to make the only access point to my family's property (8495 W. Loomis) be along or close to the property line with 8301 W Loomis Rd.-The Retreat. He reiterated that DOT would not want excessive access points from Loomis. I asked if there would be a controlled light at the access point. He answered most likely. In addition, he told me that Mandel/Roc Ventures is doing a traffic study right now and he is waiting to receive and review it.

Mr. Bauman only had a previous plan that he received in July from Mandel/ROC Ventures, and wasn't familiar with a plan that showed apartment buildings along our property line. I told him that the plan I saw with the apartment buildings currently blocks any future access road to our property. He will be getting an updated plan from Mandel/Roc Ventures. I wanted to make him aware that their current plan may need to be revised to provide access to our property. He thanked me for bringing this to his attention.

Thank you,

Linda De Arteaga

#414-403-9811 (preferred phone-cell))  
# 414-672- 0609

On Oct 31, 2022, at 5:18 PM, Linda De Arteaga <[LucyFrenzel2@gmail.com](mailto:LucyFrenzel2@gmail.com)> wrote:

Dear Mr. Martinez-Montilva,

Thank you for responding to my email and calling to address my concerns about the development of the Retreat. I have further concerns regarding future access to my family's approximately 7.2 acres of land (8495 W Loomis Road) adjacent to The Retreat.

The plan for The Retreat development will compromise future development of our land. The Retreat development has plans to build five apartment buildings along our property line. This plan seems to block the possibility for any future commercial access to my family's land at 8495 W Loomis Rd. along the property line with 8301 W. Loomis Rd. It is my understanding that DOT would not want excessive access points from the Loomis arterial road. A revision to the Mandel Group and Roc Ventures plan may need to eliminate a number apartment buildings along my family's property line, and change the future access road from Loomis road to include future consideration of possible commercial development on our land. The future access road from Loomis should provide the ability to turn left to The Retreat and right to future development on our property

at 8495 W. Loomis Road. Our property would be an ideal location for a future grocery store, gas station or home decor/ furniture store.

Lastly, the access to our land is most likely an interest of the City of Franklin, that would want to collect additional commercial tax revenue from our property.

Thank you,

Linda de. Arteaga

Cell #414-403-9811

Home #414-672-0609

On Oct 31, 2022, at 2:48 PM, Regulo Martinez-Montilva <[RMartinez-Montilva@franklinwi.gov](mailto:RMartinez-Montilva@franklinwi.gov)> wrote:

Linda,

Per our phone conversation, I have attached the plans for The Retreat development. Note that this project is still under review. Owner of adjacent properties will receive a public hearing notice, meeting date to be defined.

If you have questions or concerns about this development, you can send me your comments in writing and/or attend the public hearing.

Thank you,

**Régulo Martínez-Montilva, AICP**  
Principal Planner - Department of City Development  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

Ph. (414) 425-4024 / 427-7564  
[RMartinez-Montilva@franklinwi.gov](mailto:RMartinez-Montilva@franklinwi.gov)

<image001.jpg>

**From:** Linda De Arteaga <[lucyfrenzel2@gmail.com](mailto:lucyfrenzel2@gmail.com)>  
**Sent:** Sunday, October 16, 2022 5:35 PM  
**To:** Regulo Martinez-Montilva <[RMartinez-Montilva@franklinwi.gov](mailto:RMartinez-Montilva@franklinwi.gov)>  
**Subject:** Loomis -Rawson -Retreat

Regulo Martinez-Montilva AICP  
Principal Planner-Department of City development  
City of Franklin  
9229 W. Loomis Rd.  
Franklin, Wi 53132

Dear Mr Martinez-Montilva

Recently, I read that Mandel Group in conjunction with Roc Ventures has presented concept development plans for your review. I understand future consideration with city staff will be required. My concern is how this development will affect property (8495 W. Loomis Rd. -parcels 7549999001 and 7549999002) that I and my family own. Our property is adjacent to the 8301 W. Loomis Rd property where a proposal for The Retreat was discussed.

My concern is future traffic flow, potential access points, and traffic infrastructure. Will there be a public road that will access our property? Knowing that the Comprehensive plan is also considering our land for commercial/ mixed use development, and would more than likely be an extension of the development proposal presented to you, I am interested in knowing how road approvals will take into consideration the future of our land.

In addition, can you please inform me of committee meetings and public hearings that will address the proposal of The Retreat. As you seek community outreach, I will be interested to hear community thoughts about this development.

Thank you,  
Linda De Arteaga

#414-403-9811

<(2) Loomis & Rawson - Civil Engineering Plans pdf>

## Regulo Martinez-Montilva

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**From:** Baumann, Art - DOT <Art.Baumann@dot.wi.gov>  
**Sent:** Monday, November 21, 2022 4:03 PM  
**To:** Regulo Martinez-Montilva  
**Cc:** Glen Morrow; Elkin, Robert - DOT; Berghammer, Donald - DOT  
**Subject:** RE: The Retreat Development - 8301 W Old Loomis Rd  
**Attachments:** E-mail 11-02-2022.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Regulo,

Yes, the statements in the attached e-mail are correct. As a condition of the proposed access to Loomis Road for this development, WisDOT will require that access to the roadway be provided for the parcel to the southwest so that their current access to Loomis Road can be eliminated.

We just received the Traffic Impact Analysis (TIA) scoping document from the developer on Friday, November 18<sup>th</sup>. We anticipate getting the response out in December on the final TIA Scope. The TIA will then need to be prepared and submitted to WisDOT for review. Once WisDOT has accepted the TIA and provided the required improvements letter, then preparation of the permit plans can begin. I don't expect that the TIA process will be complete before February. Keep in mind that WisDOT has not formally approved of the proposed access to Loomis Road and won't make a final decision until the required improvements letter is sent.

Please let me know if you have any questions.

Art Baumann  
Traffic Operations Engineer  
[Art.Baumann@dot.wi.gov](mailto:Art.Baumann@dot.wi.gov)  
(262) 548-6707

**From:** Regulo Martinez-Montilva <RMartinez-Montilva@franklinwi.gov>  
**Sent:** Friday, November 18, 2022 3:58 PM  
**To:** Baumann, Art - DOT <Art.Baumann@dot.wi.gov>  
**Cc:** Glen Morrow <GMorrow@franklinwi.gov>  
**Subject:** The Retreat Development - 8301 W Old Loomis Rd

**CAUTION: This email originated from outside the organization.  
Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good afternoon Art,

We are reviewing applications for The Retreat Planned Development District. I have attached an e-mail from the adjacent property owner who spoke to you regarding access to Loomis Road. I just want to verify with you if the statements in this e-mail are accurate.

Additional, what is the current status on the permits required for this access to Loomis Road? Has the developer submitted an application to DOT?

For reference, the concept plan submitted by developer is also attached.

Regards,

**Régulo Martínez-Montilva, AICP**

Principal Planner - Department of City Development

City of Franklin

9229 W. Loomis Road

Franklin, WI 53132

Ph. (414) 425-4024 / 427-7564

[RMartinez-Montilva@franklinwi.gov](mailto:RMartinez-Montilva@franklinwi.gov)





## RESOLUTION NO. 2022-\_\_\_\_\_

A RESOLUTION RECOMMENDING THE ADOPTION OF AN  
ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025  
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF  
FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED  
AT 8301 WEST OLD LOOMIS ROAD FROM COMMERCIAL USE AND  
AREAS OF NATURAL RESOURCE FEATURES USE TO MIXED USE,  
PURSUANT TO WIS. STAT. § 66.1001(4)(b)

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

WHEREAS, pursuant to Wis. Stat. § 66.1001(4)(b), the Plan Commission may recommend the amendment of the Comprehensive Master Plan to the Common Council by adopting a resolution by a majority vote of the entire Commission, which vote shall be recorded in the official minutes of the Plan Commission; and

WHEREAS, Wetland Treehouse LLC has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property located at 8301 West Old Loomis Road from Commercial Use and Areas of Natural Resource Features Use to Mixed Use, such property bearing Tax Key No. 755-9997-000, more particularly described as follows:

That part of the West 1/2 of the Northeast 1/4 of Section 9, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin and described as follows: Begin at the Southwest corner of said Northeast 1/4 Section, thence North 00° 14' 02" West along the West line of said 1/4 Section, 975.10 feet to the Southeasterly right-of-way line of S.T.H. "36", thence North 39° 47' 12" East along said right-of-way, 457.40 feet, thence 391.09 feet along said right-of-way on an arc of a curve to the right, the chord bearing North 41° 15' 53" East, 391.05 feet and the radius being 7579.69 feet, thence North 42° 44' 35" East along said right-of-way, 223.04 feet, thence 799.48 feet along said right-of-way on an arc of a curve to the right, the chord bearing North 50° 54' 30" East, 796.78 feet and the radius being 2805.04 feet, thence South 00° 14' 50" East along the East line of the West 1/2 of said 1/4 Section, 2257.01 feet, thence South 88° 42' 53" West along the South line of said 1/4 Section, 1326.51 feet to the point of beginning; and

WHEREAS, the Plan Commission having determined that the proposed amendment,

in form and content as presented to the Commission on December 1, 2022, is consistent with the Comprehensive Master Plan's goals, objectives and policies and in proper form and content for adoption by the Common Council as an amendment to the 2025 Comprehensive Master Plan, subject to such modifications the Common Council may consider reasonable and necessary, following public hearing, in order to protect and promote the health, safety and welfare of the City of Franklin

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the application for and the proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property located at 8301 West Old Loomis Road from Commercial Use and Areas of Natural Resource Features Use to Mixed Use, be and the same is hereby recommended for adoption and incorporation into the 2025 Comprehensive Master Plan by the Common Council.

Introduced at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVED

\_\_\_\_\_  
Stephen R. Olson, Chairman

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 11-17-22]*

ORDINANCE NO. 2022-\_\_\_\_\_

AN ORDINANCE TO CREATE SECTION 15-3.0446 OF  
THE FRANKLIN UNIFIED DEVELOPMENT ORDINANCE  
ESTABLISHING PLANNED DEVELOPMENT DISTRICT NO. 41  
(*THE RETREAT* (TEMPORARY NAMESAKE)) AND TO REZONE PROPERTY  
FROM R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT AND C-1  
CONSERVANCY DISTRICT TO PLANNED DEVELOPMENT DISTRICT NO. 41  
(8301 WEST OLD LOOMIS ROAD)

---

WHEREAS, a petition for zoning change having been filed to change the zoning on a tract of land from R-6 Suburban Single-Family Residence District and C-1 Conservancy District to a Planned Development District, which tract of land is located at 8301 West Old Loomis Road, bearing Tax Key No. 755-9997-000, and which is more particularly described below; and

WHEREAS, the Plan Commission having determined that the proposed Planned Development District No. 41 (*The Retreat*) (temporary namesake) is in conformance with the City of Franklin Comprehensive Master Plan and contains more than 3 acres; and

WHEREAS, a Public Hearing was held before the Plan Commission on the 1st day of December, 2022, and the Plan Commission having reviewed the Planned Development District No. 41 petition and having found that the proposed Planned Development District conforms to the standards for adoption of a Planned Development District, and having recommended to the Common Council that the creation of Planned Development District No. 41 be approved; and

WHEREAS, the Common Council having reviewed the petition and recommendation following the Public Hearing and having determined that the adoption of an ordinance to create Planned Development District No. 41 will promote the health, safety and welfare of the Community.

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

SECTION 1: §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for the property described below be changed from R-6 Suburban Single-Family Residence District and C-1 Conservancy District to Planned Development District No. 41 (*The Retreat*) (temporary namesake) as is created under SECTION 2 of this ordinance:

LEGAL DESCRIPTION: That part of the West 1/2 of the Northeast 1/4 of Section 9, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin and described as follows:

Begin at the Southwest corner of said Northeast 1/4 Section, thence North 00° 14' 02" West along the West line of said 1/4 Section, 975.10 feet to the Southeasterly right-of-way line of S.T.H. "36", thence North 39° 47' 12" East along said right-of-way, 457.40 feet, thence 391.09 feet along said right-of-way on an arc of a curve to the right, the chord bearing North 41° 15' 53" East, 391.05 feet and the radius being 7579.69 feet, thence North 42° 44' 35" East along said right-of-way, 223.04 feet, thence 799.48 feet along said right-of-way on an arc of a curve to the right, the chord bearing North 50° 54' 30" East, 796.78 feet and the radius being 2805.04 feet, thence South 00° 14' 50" East along the East line of the West 1/2 of said 1/4 Section, 2257.01 feet, thence South 88° 42' 53" West along the South line of said 1/4 Section, 1326.51 feet to the point of beginning.

SECTION 2: §15-3.0446 of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby created to read as follows:

Section 15-3.0446 PLANNED DEVELOPMENT DISTRICT NO. 41 (*THE RETREAT* (TEMPORARY NAMESAKE))

A. **Development Scope.**

This Planned Development District shall be constructed, operated and maintained in conformance with the following listed Exhibits, all containing matters approved hereunder or by the separate approval of the Common Council as set forth below, and all applicable terms and provisions of the Municipal Code and the Unified Development Ordinance not enumerated herein and not contrary to the terms or provisions of this Ordinance, including, but not limited to such permits as are required under Division 15-8.0200 Construction, Division 15-8.0300 Construction Site Erosion Control and Division 15-8.0600, as well as the Development Agreement required as a condition of approval of Exhibit A, below. The plans contained in the following listed Exhibits may be adjusted in minor detail and so noted prior to construction upon the written approval of the City Engineer or City Planning manager in order to comply with all of the conditions of this Ordinance. The Developer of this Planned Development District is as set forth below.

1. **Exhibit A**· Concept Plan entitled “The Retreat” prepared by Mandel Group, Inc. and ROC Ventures, dated October 5, 2022.
- 2 **Exhibit B**. Natural Resource Protection Plan prepared by The Sigma Group dated November 4, 2022
- 3 **Developer**. Mandel Group, Inc.

B **District Intent.** It is the intent of the Planned Development District No 41 (The Retreat (temporary namesake)) to allow for the development of office, commercial, retail and multi-family residential uses This Planned Development District consists of two (2)

areas with different development standards: The Retreat Commercial Area and The Retreat Residential Area.

C. **General Requirements.** The site shall be developed in substantial compliance with the district standards and specific development standards for the Planned Development District No. 41 (The Retreat (temporary namesake)) set forth in this Ordinance.

D. **The Retreat Commercial Area.** The Retreat Commercial Area is intended to provide for the development of office, commercial and retail uses, and to be located between the proposed Terrace Drive and Loomis Road, depicted as commercial outlots in Exhibit A.

1. **Permitted, Accessory, and Special Uses.**

(a) Permitted uses. The following are permitted uses in The Retreat Commercial Area:

1. Those uses permitted within the B-4 South 27th Street Mixed Use Commercial District

(b) Special uses. The following are special uses in The Retreat Commercial Area:

1. Special uses allowed within the B-4 South 27th Street Mixed Use Commercial District

2. Commercial, office and retail use building over five stories in height.

3. Hotel.

Review and Approval required Special uses are subject to special use review and approval under the terms of §§15-3.0701 and 15-3.0703 and site plan review and approval under the terms of §15-7.0100 of the Unified Development Ordinance

(c) Prohibited uses The following uses shall be prohibited in The Retreat Commercial Area, including when proposed as accessory to a Permitted or a Special Use.

1. All uses not listed as a permitted use, special use, or accessory use thereto within the B-4 South 27th Street Mixed-Use Commercial District.

2. **Development Standards.**

(a) Base site area: 2.25 acres

(b) Minimum landscape surface ratio: 0.10

(c) Maximum net floor area ratio: 0.75

(d) Maximum gross floor area ratio: 0.70

(e) Minimum front setback: 25 feet

- (f) Minimum side setback: 10 feet
- (g) Minimum rear setback: 20 feet
- (h) Maximum building height,
  - Principal structure: 5.0/70 stories/ft
  - Accessory structure: 1.0/35 stories/ft

E. **The Retreat Residential Area.** The Retreat Residential Area is intended to provide for the development of multi-family residential uses as depicted in Exhibit A.

1. **Permitted, Accessory, and Special Uses.**

(a) Permitted uses. The following are permitted uses in The Retreat Residential Area:

- 1. Multiple-family dwellings and apartments.
- 2. Clubhouse and other amenities depicted in Exhibit A.
- 3 Home occupations.
- 4 Foster family home.
- 5 Community living arrangement (serving 8 or fewer persons)
- 6. Accessory uses (see UDO Division 15-3.0800).
- 7. Required off-street parking (see UDO Division 15-5.0200).
- 8. Essential Services.

(b) Special uses The following are special uses in The Retreat Residential Area:

- 1. Multiple-family dwellings and apartments over five stories
- 2. Community living arrangement (serving 9 or more persons).
- 3. Multiple-family Residential Housing for Older Persons

Review and Approval required. Special uses are subject to special use review and approval under the terms of §§15-3 0701 and 15-3.0703 and site plan review and approval under the terms of §15-7 0100 of the Unified Development Ordinance.

2. **Development Standards.**

- (a) Base site area: 46.82 acres
- (b) Minimum open space ratio 0.35
- (c) Maximum net density 30 dwellings/acre
- (d) Maximum gross density: 12 dwellings/acre

- (e) Minimum front setback: 30 feet
- (f) Minimum side setback: 20 feet
- (g) Minimum rear setback: 30 feet
- (h) Maximum building height (stories/ft),
  - Principal structure: 5.0/70 stories/ft
  - Accessory structure: 1.0/25 stories/ft

**F. Conditions of Approval.**

Pursuant to the Unified Development Ordinance Section 15-9.0208E.7.b.(1), a general approval of a Planned Development District is conditioned upon the subsequent submittal and approval of more specific and detailed plans. The conditions of general approval for Planned Development District No. 41 The Retreat are listed below.

1. The applicant shall be responsible for filing a Certified Survey Map or Preliminary Plat of Subdivision consistent with all requirements of the Unified Development Ordinance and this Planned Development District
2. The applicant shall submit a Landscape Plan, as defined in the Unified Development Ordinance as part of the Certified Survey Map or Preliminary Plat submittal.
3. The applicant shall be responsible for filing a Subdivision Development Agreement consistent with all regulations of the Unified Development Ordinance and Municipal Code, as may be amended, for the Certified Survey Map or Final Subdivision Plat Said Subdivision Development Agreement shall be subject to approval by the Common Council
4. The applicant shall be responsible for filing a Site Plan or Special Use application consistent with all regulations of the Unified Development Ordinance and the Municipal Code, as may be amended, for each individual lot resulting from the Certified Survey Map or subdivision plat
5. Grading, stormwater management, erosion control and utility plans shall be subject to review by the Engineering Department.
6. This Ordinance is not approving any of the impacts to protected natural resources indicated in Exhibit B Natural Resource Protection Plan. The applicant shall be responsible for filing a Natural Resource Special Exception application consistent with all regulations of the Unified Development Ordinance
7. All protected natural resources indicated in the Natural Resource Protection

Plan, including wetlands, wetland buffers, wetland setbacks and mature woodlands shall be protected by a conservation easement in accordance with the Unified Development Ordinance.

- 8. In the event that no building permit has been issued for any one of the structures in The Retreat Commercial Area, or any one or more apartment buildings in The Retreat Residential Area; prior to the expiration of 24 months from the date of enactment of this Ordinance, and allowing a three month extension upon application therefore, the zoning designation shall revert back to the zoning for the subject parcel(s) which existed prior to the effective date of this Ordinance.
- 9. The applicant shall update the Open Space Ratios, Gross Densities, Net Densities, Floor Area Ratios, Landscape Surface Ratios, and Site Intensity Calculations, as applicable, for the entire project area as well as for each lot or parcel, for Department of City Development review and approval prior to the issuance of any Occupancy Permits.

SECTION 3: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect

SECTION 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVED.

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

ATTEST:

\_\_\_\_\_  
Karen L Kastenson, City Clerk

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



# Exhibit A

BUILDING	UNIT COUNT	PARKING	
		ENCLOSED (1:1)	SURFACE (1:15)
A 3 STORY	42	42	31
B 2 STORY	23	23	17
C 3 STORY	42	42	31
D 2 STORY	23	23	17
E 3 STORY	42	42	31
F 2 STORY	23	23	17
G 3 STORY	42	42	31
H 2 STORY	23	23	17
I 3 STORY	42	42	31
J 3 STORY	42	42	31
K TOWNHOUSE	7	7	5
L TOWNHOUSE	7	7	5
<b>TOTALS</b>	<b>358 UNITS</b>	<b>358 STALLS</b>	<b>264 STALLS</b>



SITE PLAN

THE RETREAT



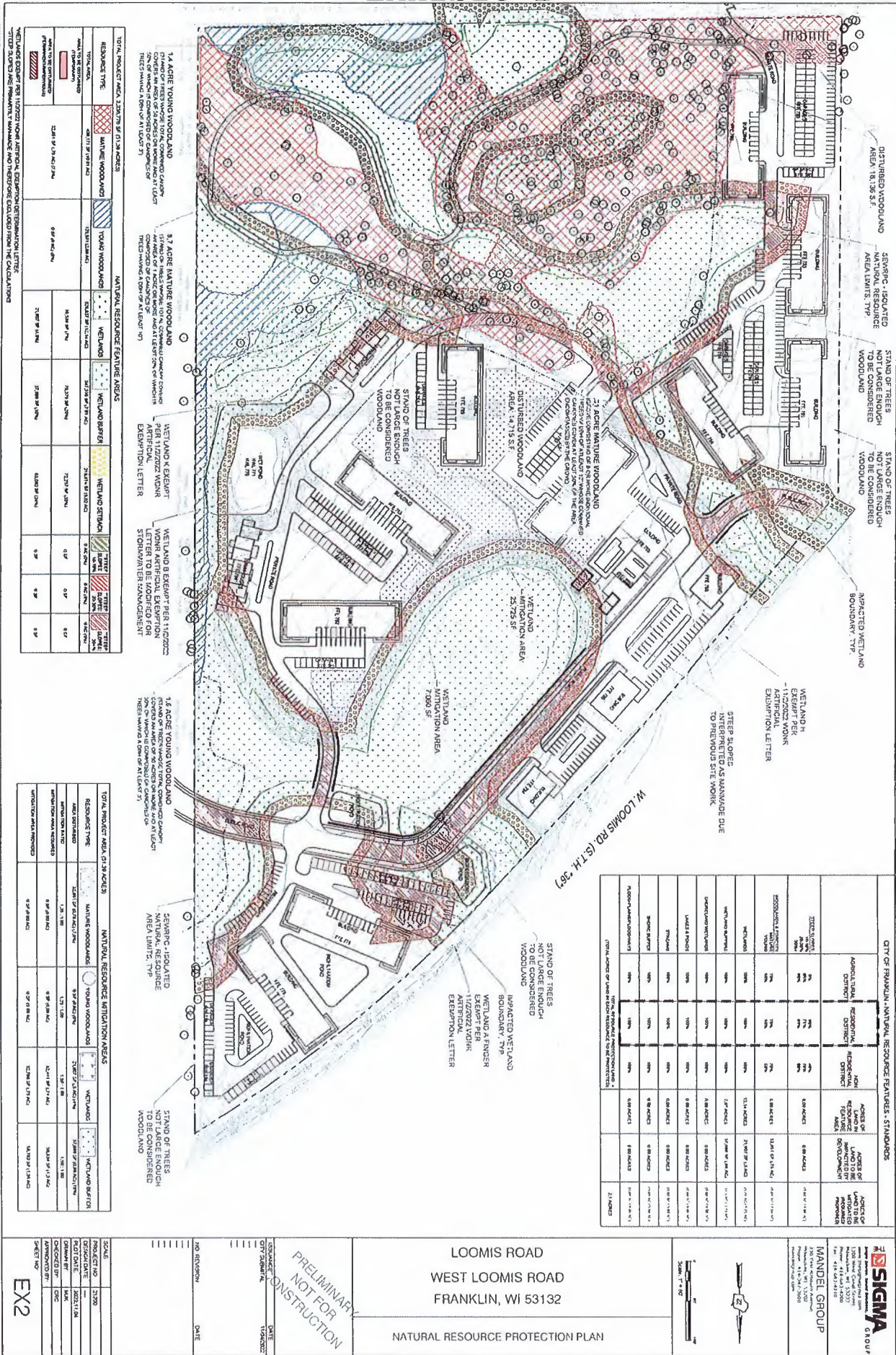
# Exhibit B

21.700

E3

LOCATION

2022.11.04



**TOTAL PROJECT AREA: 12.9 ACRES**

RESOURCE TYPE	MATURE WOODLAND	YOUNG WOODLAND	WETLAND	WETLAND BUFFER	WETLAND STRIP	WETLAND MITIGATION AREA	STAND OF TREES NOT LARGE ENOUGH TO BE CONSIDERED WOODLAND
AREA TO BE PROTECTED	12.91 sq. ft. (0.17%)	0.00 sq. ft. (0.00%)	18.34 sq. ft. (0.24%)	18.34 sq. ft. (0.24%)	2.24 sq. ft. (0.03%)	0.00 sq. ft. (0.00%)	0.00 sq. ft. (0.00%)
AREA TO BE RESTORED	0.00 sq. ft. (0.00%)	0.00 sq. ft. (0.00%)	0.00 sq. ft. (0.00%)	0.00 sq. ft. (0.00%)	0.00 sq. ft. (0.00%)	0.00 sq. ft. (0.00%)	0.00 sq. ft. (0.00%)
NET LOSS OF NATURAL RESOURCES	12.91 sq. ft. (0.17%)	0.00 sq. ft. (0.00%)	18.34 sq. ft. (0.24%)	18.34 sq. ft. (0.24%)	2.24 sq. ft. (0.03%)	0.00 sq. ft. (0.00%)	0.00 sq. ft. (0.00%)

**TOTAL PROJECT AREA: 12.9 ACRES**

RESOURCE TYPE	MATURE WOODLAND	YOUNG WOODLAND	WETLAND	WETLAND BUFFER	WETLAND STRIP	WETLAND MITIGATION AREA	STAND OF TREES NOT LARGE ENOUGH TO BE CONSIDERED WOODLAND
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AREA TO BE RESTORED	0.00 sq. ft. (0.00%)	0.00 sq. ft. (0.00%)	0.00 sq. ft. (0.00%)	0.00 sq. ft. (0.00%)	0.00 sq. ft. (0.00%)	0.00 sq. ft. (0.00%)	0.00 sq. ft. (0.00%)
NET LOSS OF NATURAL RESOURCES	12.91 sq. ft. (0.17%)	0.00 sq. ft. (0.00%)	18.34 sq. ft. (0.24%)	18.34 sq. ft. (0.24%)	2.24 sq. ft. (0.03%)	0.00 sq. ft. (0.00%)	0.00 sq. ft. (0.00%)

**CITY OF FRANKLIN - NATURAL RESOURCE FEATURES - STANDARDS**

RESOURCE TYPE	AGRICULTURAL DISTRICT	RESIDENTIAL DISTRICT	COMMERCIAL DISTRICT	INDUSTRIAL DISTRICT	WETLANDS	WETLAND BUFFER	WETLAND STRIP	WETLAND MITIGATION AREA	STAND OF TREES NOT LARGE ENOUGH TO BE CONSIDERED WOODLAND
AREA TO BE PROTECTED	100%	100%	100%	100%	100%	100%	100%	100%	100%
AREA TO BE RESTORED	100%	100%	100%	100%	100%	100%	100%	100%	100%
NET LOSS OF NATURAL RESOURCES	100%	100%	100%	100%	100%	100%	100%	100%	100%

**PRELIMINARY NOT FOR CONSTRUCTION**

**Loomis Road**  
West Loomis Road  
Franklin, WI 53132

**NATURAL RESOURCE PROTECTION PLAN**

**SIGMA GROUP**

100 West Capitol Street  
Franklin, WI 53132  
Phone: 414.431.0000  
www.sigmagroup.com

**MANDEL GROUP**

100 West Capitol Street  
Franklin, WI 53132  
Phone: 414.431.0000  
www.mandelgroup.com

SCALE: 1" = 40'

PROJECT NO: 21700

DATE: 11/04/2022

DRAWN BY: JLM

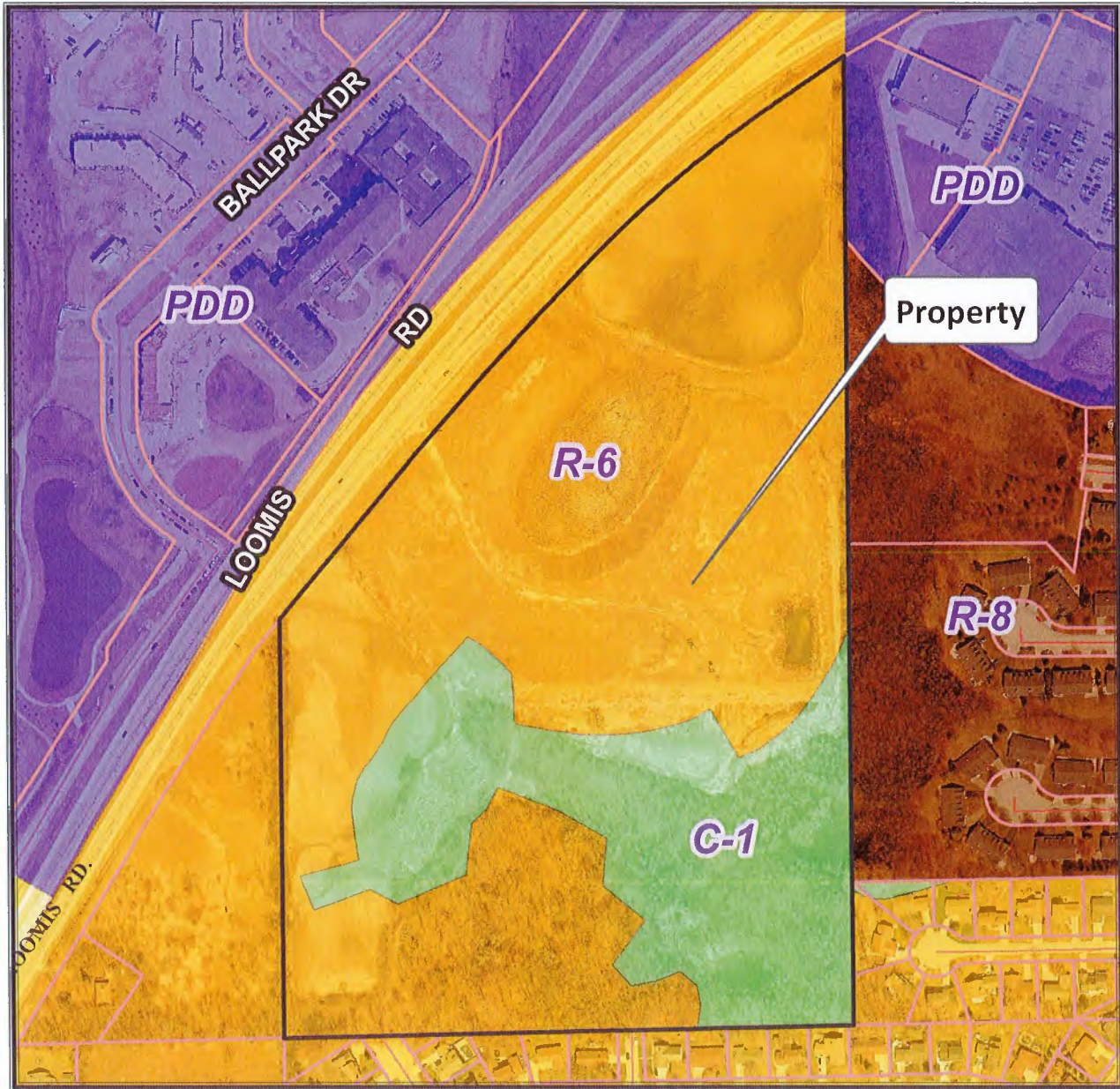
CHECKED BY: JMC

APPROVED BY: JMC

SHEET NO: **EX2**



8301 W. Old Loomis Road  
TKN: 755 9997 000



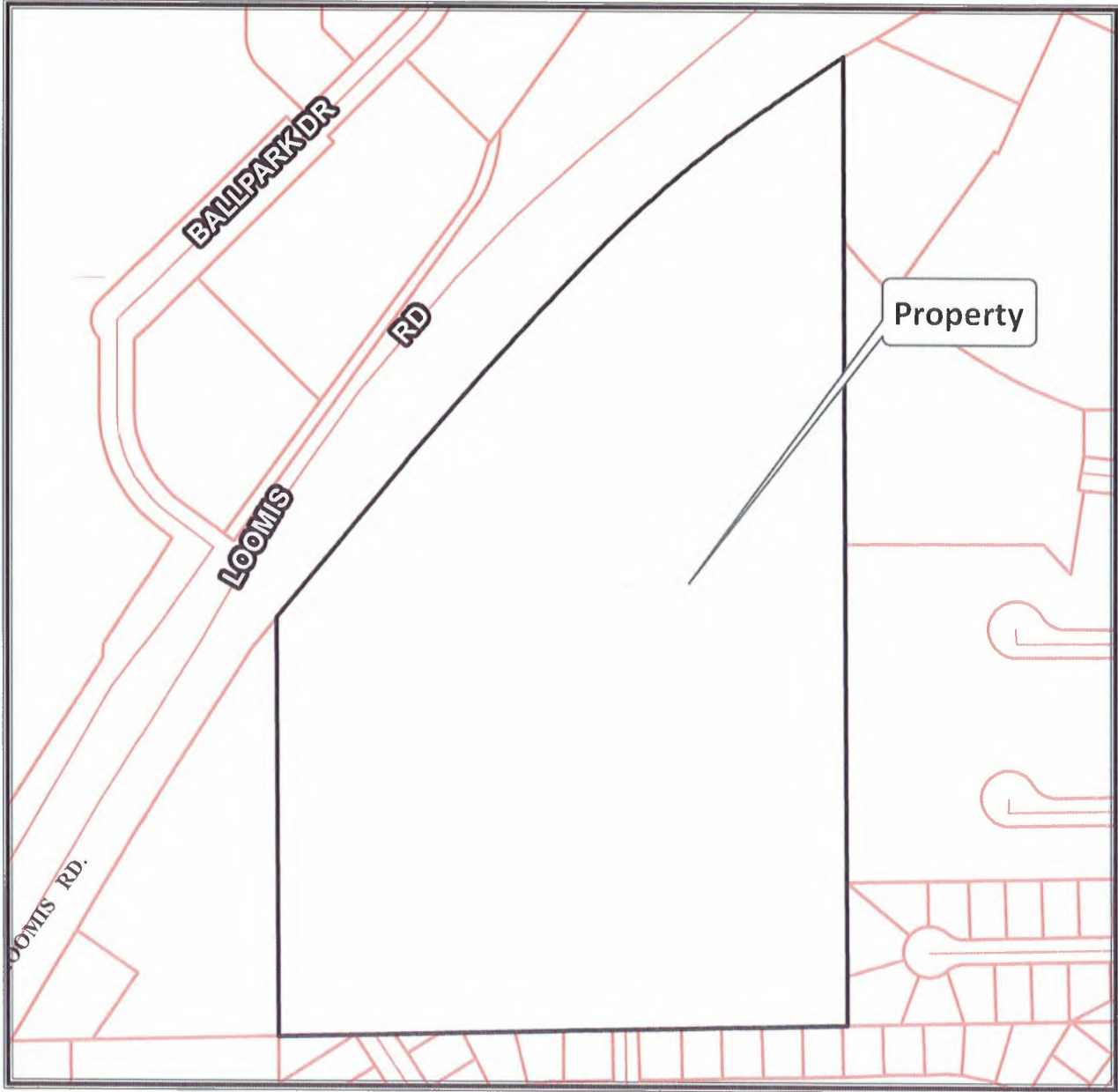
Planning Department  
(414) 425-4024



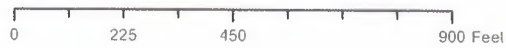
2021 Aerial Photo

*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.*

8301 W. Old Loomis Road  
TKN: 755 9997 000



**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.*



## MEMORANDUM

Date: November 18, 2022  
 To: Emily Cialdini, Mandel Group, Inc.  
 From: Department of City Development  
 Régulo Martínez-Montilva, AICP, Principal Planner  
 RE: Staff comments for The Retreat Planned Development District and Comprehensive Master Plan Amendment applications  
 8301 W Old Loomis Rd. / 755 9997 000

Staff comments are as follows for the above-referenced applications received on November 8, 2022:

### City Development Department comments

1. With regards to the comprehensive master plan amendment, it is recommended to provide a plan outlining the mixed use area for development and areas of natural resource features for conservation. Per your site intensity and capacity calculations, the total resource protection land is 28.23 acres. Metes and bounds description of both areas, mixed use and area of natural resource features is also recommended.
2. Note that the proposed intensity and density measures exceed the standards of the Unified Development Ordinance (UDO) table 15-3.0402C, with the exception of the residential open space ratio.

Table 15-3.0402C						
PDD Planned Development District Maximum Intensity and Density Measures						
General Use Type	Residential Standards			Non-Residential Standards		
	Minimum Open Space Ratio (OSR)	Maximum Gross Density (GD)	Maximum Net Density (ND)	Minimum Landscape Surface Ratio (LSR)(b)	Maximum Gross Floor Area Ratio (GFAR)	Maximum Net Floor Area Ratio (NFAR)
Residential (a)	0.35	6.10	8.00	N/A	N/A	N/A
Office	N/A	N/A	N/A	0.45	0.23	0.42
Commercial Retail Sales and Service	N/A	N/A	N/A	0.45	0.31	0.57
Industrial	N/A	N/A	N/A	0.45	0.50	0.91
Mixed Compatible Uses	(c)	(c)	(c)	(c)	(c)	(c)

Notes:

N/A = Not Applicable

- (a) Plan Commission and Common Council may approve of densities over the stated GD or ND with the provision the development meets a community purpose, such as residential housing for older persons.
- (b) See Alternative Minimum Landscape Surface Ratio (LSR) with Required Mitigation (See § 15-5.0302E).
- (c) Apply the appropriate standard for each individual land use type and its corresponding site area as listed in this Table.

3. According to your site intensity and capacity calculations for residential development, the maximum yield of the site is 558 dwelling units, and the proposed development is for 358 dwelling units per the architectural site plan. If a lower net density may work for the proposed development, for example 20 dwelling units per acre (du/ac), why is the proposed net density 30 du/ac?
4. It is recommended to add a cross-access connection to the adjacent property to the west.
5. Impact to natural resources, such as wetlands and associated buffers and setbacks, will require approval of a separate Natural Resource Special Exception.

#### **Engineering Department comments**

6. *No comments. However, the full Engineering submittal is required to complete our review. The proposed access from the State Trunk Highway must be approved by the WisDOT.*

#### **Inspection Services Department comments**

7. *Structure shall be designed and constructed in accordance with the Wisconsin Commercial Building Code, including specific attention being given to the fire separation distance requirements in Table 602.*

#### **Fire Department comments**

8. *The PD has no comment regarding this request. Franklin Fire Department Construction and Alteration Requirements (2021-2022)*
  1. *Follow all relevant WI DSPS and IBC code requirements for fire protection systems for given occupancy, use, and construction types.*
  2. *Pre-existing fire alarm and fire sprinkler systems shall be maintained in compliance with relevant code.*
  3. *Fire Extinguisher placement as per NFPA 10.*
  4. *Fire Department Connection (FDC), and hydrant placement and density must be acceptable to AHJ (applies to new construction).*
  5. *At no time may any Hazardous, Combustible, or Flammable Materials exceed allowable quantities.*
  6. *Master Key set required for placement in Knox Box (if required).*
  7. *Permitting and submittal instructions for fire protection system review and inspection can be found at: <https://www.franklinwi.gov/Departments/Fire.htm>*

*NOTE: The Fire Department is NOT adequately staffed to absorb the impact on emergency and non-emergency call volume associated with the additional 1,030 residences associated with this and other related planned residential developments, associated commercial and vehicle traffic, and required fire inspection work-load; in addition to the ongoing high-density single family development in the southwest quadrant and multifamily development along the south 27th Street corridor.*

#### **Police Department comments**

9. *The PD has no comment regarding this request.*

November 7, 2022

Régulo Martínez-Montilva, AICP  
Principal Planner  
Department of City Development City of Franklin  
9229 W Loomis Road  
Franklin, WI 53132

Dear Mr. Martínez-Montilva

Mandel Group, Inc. (“Mandel”) in conjunction with Roc Ventures LLC is pleased to present the enclosed materials as a follow up to our application submitted on October 6<sup>th</sup>, 2022 for a General Approval for a Planned Development District and Comprehensive Plan Amendment for our proposed mixed-use development, The Retreat, located at the southeast corner of Loomis and Rawson in the City of Franklin. Please refer to our application for detailed information regarding our proposed development.

The materials attached hereto include:

1. Proposed land use maximum and minimum intensity standards and calculations including the following:
  - a. Base Site Area
  - b. Open Space Ratio
  - c. Gross Residential Density
  - d. Net Residential Density
  - e. Net Floor Area Ratio
  - f. Gross Floor Area Ratio
  - g. Landscape Surface Ratio
  - h. Building Height and Number of Stories
2. Updated Engineering plans include the following:
  - a. Natural Resource Protection Plan lists all protected resources and marks those not present with “0” and the SEWRPC Environmental Corridor
  - b. Developer Name and Address on the Site Plan
  - c. Depicts all adjacent driveway locations within 200 feet
  - d. Hard copies printed to scale

It should be noted that parcel boundaries are not yet determined for residential and commercial uses. Therefore, the site intensity standards are simply estimates that are subject to change.

The estimated summary of values of structures and site improvements for the development can be found on page 20 of our application narrative from October 6<sup>th</sup>, 2022. It is currently estimated at \$100,000,000. Please note this is subject to change with additional plan progression, site investigation and feedback from our general contractor.

Please reach out with any additional questions

Sincerely,



Emily Cialdini  
Senior Development Associate  
Mandel Group, Inc



# The Retreat

Loomis Rd. & Rawson Ave.  
City of Franklin

Planned Development District and Comprehensive Plan Amendment  
Application for a Mixed-Use Master Planned Redevelopment



October 6th, 2022

Prepared By:  
Mandel Group, Inc.  
ROC Ventures



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1) Architectural Plans	
a. Architectural Site Plan	
b. Representative Building Massing	
c. Precedent Imagery of Building Architecture	
d. Representative Imagery of Interior Design	
2) Preliminary Civil Engineering Plans	
a. Concept Site Plan	
b. Concept Grading Plan	
c. Concept Utility Plan	
3) Wetland Delineation Report	
4) Draft Natural Resource Protection Plan	
5) Preliminary Landscape Design	
6) ALTA Survey	
7) Word Document Legal Description of Subject Property	



# CITY OF FRANKLIN APPLICATION FOR PLANNED DEVELOPMENT DISTRICT, COMPREHENSIVE PLAN AMENDMENT AND UDO TEXT AMENDMENT

Planning Department 9229 West Loomis Road Franklin, Wisconsin 53132 <a href="mailto:generalplanning@franklinwi.gov">generalplanning@franklinwi.gov</a> (414) 425-4024 <a href="http://franklinwi.gov">franklinwi.gov</a>	
APPLICATION DATE: _____ STAMP DATE: _____ (signature only)	



## COMMON COUNCIL REVIEW APPLICATION

PROJECT INFORMATION <small>(print legibly)</small>	
APPLICANT (FULL LEGAL NAMES)	APPLICANT IS REPRESENTED BY (CONTACT PERSON)
NAME: Wetland Treehouse LLC	NAME: Emily Cialdini
COMPANY: An affiliate of Mandel Group, Inc.	COMPANY: Mandel Group, Inc.
MAILING ADDRESS: 330 E Kilbourn Ave, Ste 600 South	MAILING ADDRESS: 330 E Kilbourn Ave, Ste 600 South
CITY/STATE: Milwaukee, WI ZIP: 53202	CITY/STATE: Milwaukee, WI ZIP: 53202
PHONE: 414-270-2764	PHONE: 414-270-2764
EMAIL ADDRESS: <a href="mailto:ecialdini@mandelgroup.com">ecialdini@mandelgroup.com</a>	EMAIL ADDRESS: <a href="mailto:ecialdini@mandelgroup.com">ecialdini@mandelgroup.com</a>

PROJECT PROPERTY INFORMATION	
PROPERTY ADDRESS: 8301 W Loomis Road	TAX KEY NUMBER: 755-9997-000
PROPERTY OWNER: Franklin, WI	PHONE:
MAILING ADDRESS: 8412 Fox River Road	EMAIL ADDRESS: <a href="mailto:lewisnorland@gmail.com">lewisnorland@gmail.com</a>
CITY/STATE: Waterford, WI ZIP: 53185	DATE OF COMPLETION: _____ (signature only)

APPLICATION TYPE
Please check the application type that you are applying for  <input type="checkbox"/> Concept Review <input checked="" type="checkbox"/> Comprehensive Master Plan Amendment <input checked="" type="checkbox"/> Planned Development District <input type="checkbox"/> Rezoning <input type="checkbox"/> Special Use / Special Use Amendment <input checked="" type="checkbox"/> Unified Development Ordinance Text Amendment
Most requests require Plan Commission review and Common Council approval. Applicant is responsible for providing Plan Commission resubmittal materials up to 12 copies pending staff request and comments.

SIGNATURES
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).
<input checked="" type="checkbox"/> I, the applicant, certify that I have read the following page detailing the requirements for plan commission and common council approval and submittals and understand that incomplete applications and submittals cannot be reviewed.

PROPERTY OWNER SIGNATURE: See attached property owner authorization letter.	APPLICANT SIGNATURE: 
NAME & TITLE: _____ DATE: _____	NAME & TITLE: Ian Martin, Manager DATE: 10/6/22
PROPERTY OWNER SIGNATURE:	APPLICANT REPRESENTATIVE SIGNATURE: 
NAME & TITLE: _____ DATE: _____	NAME & TITLE: Emily Cialdini, Sen. Dev. Associate DATE: 9/21/2022

September 20, 2022

Régulo Martínez-Montilva, AICP  
Principal Planner - Department of City Development  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132  
[RMartinez-Montilva@franklinwi.gov](mailto:RMartinez-Montilva@franklinwi.gov)

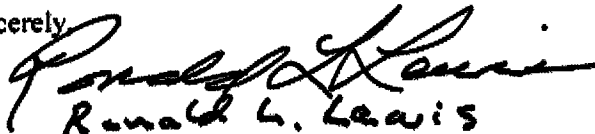
Dear Mr. Martínez-Montilva:

This letter serves as authorization for Mandel Group, Inc. and all affiliates to apply for related zoning and land division applications for the below referenced property:

8301 W Loomis Road  
Franklin, WI 53132  
Tax Key ID: 755-9997-000

As property owner(s) for the above mentioned property, I hereby certify that: (1) all statements and other information submitted as part of the applications 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.

Sincerely,



Ronald L. Lewis

Rawson Loomis LLC  
8412 FOX RIVER RD  
WATERFORD, WI 53185

# APPLICATION COVER LETTER

---

October 6, 2022

Régulo Martínez-Montilva, AICP  
Principal Planner - Department of City Development City  
of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

Dear Mr. Martinez-Montilva:

Mandel Group, Inc. ("Mandel") in conjunction with Roc Ventures LLC is pleased to present our application and associated materials for consideration for a General Approval for a Planned Development District and Comprehensive Plan Amendment for our proposed mixed-use development, The Retreat, located at the southeast corner of Loomis Road and Rawson Avenue in the City of Franklin.

We believe you will find the following submission both comprehensive and responsive to commentary received to date and in "sufficient detail to satisfy the Plan Commission and Common Council as to the general character, scope and appearance of the proposed development" pursuant to UDO Section 15-9.0208.7.b(1).

We understand that additional plan refinement including incorporating staff, elected official and neighborhood feedback will be required in order to move to a Detailed Approval of the Planned Development District. We look forward to hearing and integrating the best ideas.

We are grateful for the opportunity to again partner with the City of Franklin on this exciting redevelopment and we thank you for your time in reviewing our application concept plans. We respectfully request to be placed on the November 3<sup>rd</sup> Plan Commission Agenda. We welcome the chance to answer any questions you have regarding our team and redevelopment concept.

Very Truly Yours,



Emily Cialdini  
Senior Development  
Associate  
ecialdini@mandelgroup.com  
414-270-2764



## THE DEVELOPMENT TEAM

---

### Mandel Group, Inc.

Mandel Group, Inc., ("MGI") is an integrated real estate services firm with operations in acquisition, development, construction, property management and disposition in key Midwestern markets. Since our inception in 1991, we have closed over \$1 billion in real estate transactions. Leadership in product design, excellence in control over the construction process and skill in creating value and providing customer-friendly, high-level management have gained Mandel the respect of its capital partners, investors and lenders - and the loyalty of our residents.

The quality of our work has earned us the reputation of metro Milwaukee's premier real estate development firm and has been nationally and globally recognized, including Urban Land Institute's Award for Excellence. All of our developments continue to receive awards from industry groups for the quality of their design including Property Excellence (2021, 2022), Best Curb Appeal (2018-2022) and Outstanding Community Amenities (2021). Our Chiswick at Dunwood apartment community received from the Milwaukee Metropolitan Sewerage District the Green Luminary Award for outstanding, environmentally sensitive green infrastructure.

We believe in creating best-in-class apartment communities and our efforts in the City of Franklin will be no exception. For this development, Mandel has retained top consultants in the industry including Continuum Architects and Planners and Sigma Engineering. Both firms have relevant experience in the City of Franklin and surrounding communities.

I will be working in conjunction with Ian Martin, President of Mandel Group, on the implementation of the project. Ian has over 20 years of experience in commercial real estate development and has developed over 5,000 multifamily units across the country. As Senior Development Associate, I have over 8 years of experience in commercial real estate and have assisted in the development of roughly 1,500 units. We thank you for your time and the opportunity to present our concept plans.



Ian B. Martin  
President



Emily Cialdini  
Senior Development Associate

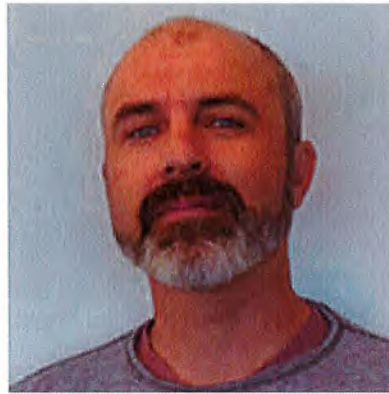
## ROC Ventures

ROC Ventures manages a collection of brands in the sports, entertainment, and real estate sectors. These include the Milwaukee Wave, the Milwaukee Milkmen, The Rock Sports Complex, a collegiate baseball franchises located in Indiana, the Ballpark Commons development, and more.

ROC stands for "Return on Community," a goal which informs each and every endeavor undertaken by the organization. ROC Ventures is led by Michael Zimmerman, Owner and Executive Officer. Since 2004, Zimmerman has owned and operated 30 businesses in the healthcare, sports and entertainment industries. The healthcare companies are now working collectively with over 80 percent of our nation's hospitals. Zimmerman has been featured in HFM Magazine, HealthLeaders, Modern Healthcare, AAHAM, and The Wall Street Journal.



Mike Zimmerman  
Owner, CEO



Tom Johns  
Finance



Jim Pekar  
Investor



Peter Pekar  
Investor





# THE DESIGN TEAM

---

## Continuum Architects & Planners

Established in 1996, Continuum Architects + Planners was born out of a desire to provide high design without compromising meticulous attention to detail. We are made up of a tight-knit, creative, and highly technical team of design professionals. For us, architecture is an investment in the future, a belief in great things to come. Our design philosophy extends beyond the bounds of the physical building to include the users and the community impacted by the design. Continuum’s approach to design is to carefully balance the pragmatic and the visionary, pairing meticulous project planning with inspired creativity. We call it intelligent optimism. We intentionally work with clients who want to enhance the built environment and on projects that uplift the communities in which they are located. We understand that how places and spaces are planned, programmed, designed and built presents an opportunity to inspire hope, and our process reflects that.

### Spotlight Projects

- The Watertown, Wauwatosa
- Paper Box Lofts, Milwaukee
- Welford Sanders Historic Lofts, Milwaukee
- Historic Mackie Building, Milwaukee
- Port Washington Townhomes, Port Washington



Falamak Nourzad  
AIA, NCARD, LEED, ASID  
Principal-In-Charge



Vaishali Wagh  
RA, LEED AP  
Principal Design Architect



Brian Wolff  
AIA  
Senior Associate



## The Sigma Group

The Sigma Group, Inc. (Sigma) is a full-service consulting and civil engineering firm. Our Milwaukee-based staff includes registered professional engineers in civil, environmental, and chemical disciplines; registered land surveyors; construction inspectors; certified asbestos supervisors / inspectors; certified lead inspectors / risk assessors; Certified Hazardous Materials Managers, professional geologists and hydrogeologists, as well as additional engineering technicians, scientists and compliance specialists.

### Spotlight Projects

- The Seasons, Franklin
- The Reef, Wauwatosa
- State Street Station, Wauwatosa
- Stitchweld, Milwaukee
- 22 Slate, Madison



Chris Carr, PE  
Vice President/Co-Chief  
Operating Officer/Civil  
Engineering Group Leader



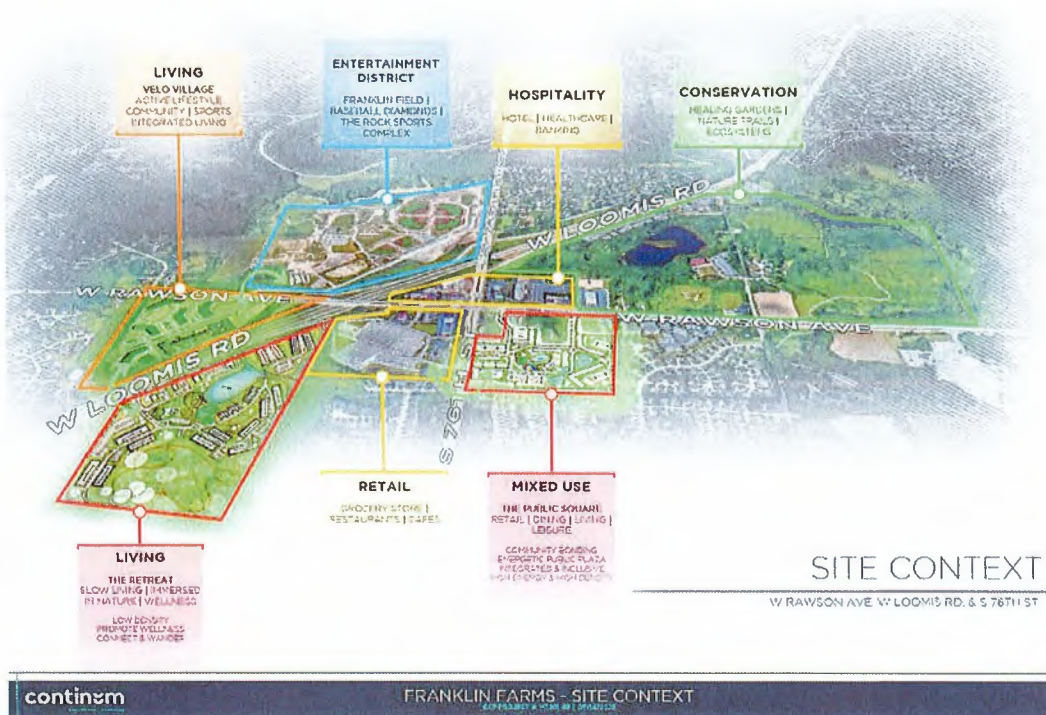
James Leedom, PE, LEED AP  
Senior Project Engineer

# DEVELOPMENT CONSIDERATIONS

## Project Vision

"The Retreat"<sup>1</sup> represents a first-of-its-kind a wellness focused, mindful habitation that enhances the natural environment and creates spaces to connect, wander and explore. The master planned community converts this historic fill site into a peaceful, suburban residential retreat interwoven into preserved and enhanced ecological features. Redeveloping this site allows the environmentally significant features to be preserved, enhanced and publicly accessible. The master site planning creates the opportunity for new commercial development along Loomis with a serene residential experience behind it. The development of this site leverages the City's investment in Ballpark Commons, located immediately west of the site across Loomis Ave by creating a complementary, high-quality development. This site is uniquely positioned among existing commercial and high density residential within the City, representing an ideal location for the mix of proposed commercial and multifamily. Our site planning actively responds to the context by establishing street connections to adjacent neighborhoods through Terrace Dr. and S. 82nd St. At the same time, it remains sensitive to abutting single-family residential district by preserving woodlands and maintaining an effective buffer.

The site design to responds to the ecological features found on site. Instead of imposing our development onto the site we purposefully preserved the large wetlands and old growth woods to create a walkable community that is in close contact with its natural habitat. The preservation of ecological features and creation of thousands of linear feet of walking trails among the natural environment welcomes the community to this important node of the City. Over 57% of the site is preserved and enhanced green space.

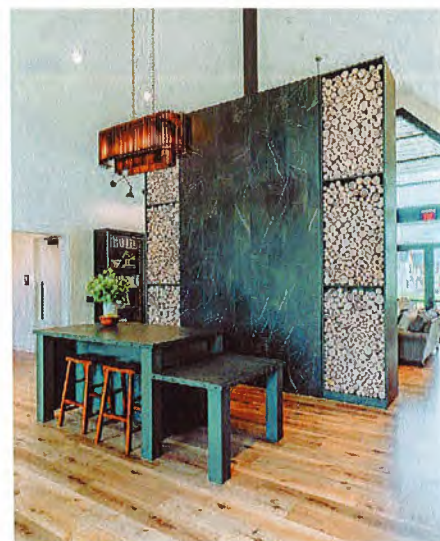


<sup>1</sup> The Retreat is a temporary namesake for the development. We are underway on branding and an official development name will be shared in the near future.



Incorporated within our proposal is representative precedent imagery and building massing to provide a sense of architectural character and scale for the proposed redevelopment. We understand that building architecture and landscaping will need to be refined as we advance through the zoning process. Our goal is to provide a high-level depiction to share the general character, scope and appearance of the redevelopment.

We believe a comprehensive redevelopment focused on housing and paired with new commercial is the right solution for this active zone within the City of Franklin. The housing component is a carefully considered real estate response to demographic changes that reflect on housing preferences and strong, demonstrated demand for luxury rental housing in the Franklin submarket. The residential housing will include a wide variety of unit styles and mixes ranging from studio units to three bedrooms, intended to meet the needs of a wide cross section of the City's population. The development will appeal to those preferring the flexibility and maintenance-free lifestyle that rental housing offers to those aspiring to home ownership. New businesses will be supported by the existing community but also by the new population generated by the housing of the redevelopment.





## Program Statement

The redevelopment site of The Retreat measures roughly 52 acres. We proposed to redevelop the site into the following uses:

### Luxury Apartments

Approximately 358 apartment units contained in a variety of building styles. A two-story building product contains approximately 24 units per building with each unit having a private direct entrance. Roughly forty percent of the units in the two-story buildings contain direct attached garages. The three-story product includes roughly 40 units per building. The first-floor units will have private, direct entries, while the upper floors will be served by a stairwell and common corridor. They are designed in groups of 8 units per corridor thereby creating smaller 'neighborhood' pods within the building. The three-story buildings contain a bank of attached, enclosed garages. The buildings are separated and angled away from each other in order to provide a contemplative green courtyard between buildings for the resident outdoor space

The two-story and three-story product will offer a variety of studio, one-bedroom, two-bedroom and three-bedroom unit styles. Finally, a third building type offers townhome style units. The townhomes will be two-bedroom, two-bedroom den and three-bedroom units with two to two -and-a-half floors of living space over a two-car attached garage. The wide variety of building types and unit styles allows us to achieve a wide range of price points that appeal to a divergent demographic of renters. Additional surface parking and detached garage banks directly adjacent to each building will provide sufficient parking for residents and guests. Mandel prides itself on delivering the best finishes and amenities to each market in which we develop. Special attention will be paid to interior and exterior finish level to ensure The Retreat will be one of the finest in the Franklin submarket. Units ranging from studios to three-bedrooms will feature top-of-the-line finishes - quartz countertops, stainless steel appliances and hard surface plan flooring. Representative interior design of other Mandel developments, including our Velo Village development are included herein.



### Commercial Use

Three to four commercial outlots are ideally positioned along Loomis Road to activate the node of the City and encourage new business development.

### Resident Amenities

The development brand and identity located within this natural setting allows the delivery of unique resident amenities. A roughly 6,000 square foot clubhouse is positioned at the front door of the development, just behind the commercial outlots creating a defined marker for the residential setting. The clubhouse will include our leasing center and management offices along with an expansive clubroom that opens up onto ample patio space, outdoor kitchen and private pool. Adjacent outdoor uses including pickle ball courts, a putting and chipping green, professionally managed gardens and open green space elaborate the natural character of ecological features. The site planning will also include resident dog parks and several thousand linear feet of walking trails among the wetlands and woods. Expanding upon these walking trails are nodes for residents to explore and meander including picnic areas, open plazas for yoga sessions, natural play areas for kids and even a tree-house in the preserved woodlands.

### Pedestrian Connectivity

With such a large redevelopment opportunity featuring a variety of uses, pedestrian connectivity within the site and the community at large is a critical component of the redevelopment's success. To that end, we will ensure that a series of pedestrian walking trails connecting not only the uses within our proposed redevelopment, but also the adjacent uses like Ballpark Commons and street frontage is thoughtful and well considered. We will work directly with planning staff to ensure that the redevelopment expands upon the City's network of walking trails and sidewalks.

### Natural Resource Protection

Throughout the due diligence process, we have identified several thousand square feet of wetland and woodlands to be preserved. Access roads are designed to circumvent these significant features. As a result, the site design is organized into 3 distinct enclaves in order to preserve, incorporate and highlight the site ecology.





## Collaborative Design Approach

The plans included herein reflect a highly considered design solution that incorporates good design principles and is responsive to preliminary feedback from Staff and elected officials. Throughout the development process we are sure to encounter challenges and opportunities that will inform our design going forward. As with all Mandel developments, we will continue to solicit feedback from stakeholders including elected officials, nearby businesses and neighbors alike. It is our experience that the best projects are those informed by a reasonable, constructive conversation with all stakeholders. Outreach is a hallmark of all Mandel developments and we will continue to do the same in the City of Franklin.





## Project Budget & Structuring a Public-Private Partnership

Redevelopment efforts of the contemplated size and complexity require access to debt, equity, and sometimes, funds obtained through a public-private partnership. Mandel has deep experience and significant bandwidth related to each source of capital. We are fortunate to work with all major lending institutions in this marketplace. In the past two years, Mandel secured construction loans ranging in size from \$20m to \$63m. We are proud to include in this package letters of recommendation from lending partners. Mandel has a deep well of private investors, including high net-worth individuals, family offices and institutional investors. In our most recent equity offering we raised nearly \$12m of cash in five days. We are confident that sourcing cash equity for this redevelopment effort is achievable.

Mandel has extensive and recent experience structuring public-private partnerships to facilitate redevelopment plans, including with the City of Franklin. These public-private partnerships work best, in our opinion, when they are the biproduct of a transparent, collaborative discussion with City officials. We recently negotiated tax incremental financing and subordinate debt agreements with the City of West Allis and the City of Wauwatosa. We are proud of the huge success of our public-private partnership with the City of Franklin on Velo Village.

We know some form of public-private partnership will be required to bring this project vision to reality. Our project budget and proforma are preliminary at this point and we will develop the budget in coordination with a general contractor an estimate based on advanced conceptual designs. Mandel will continue to refine those numbers through plan progression and development. However, we know today, there are two factors driving the need for a public-private partnership: (a) unique site conditions and (b) the "value gap" for luxury apartments.

The subject property, like many redevelopment efforts, is characterized by some unique site conditions. First, the site has had several thousand cubic yards of miscellaneous fill material deposited onto it over the years. The historic fill of the site may require environmental mitigation and permitting from the WNDR. Furthermore, based on preliminary investigation, there will be soil and groundwater mitigation requirements due to adjacent wetlands and ground water table. With further advancement of critical site due diligence, we will continue to identify and quantify the major risk points in our development budget. We also know that the quality of the development means it will cost more to construct than their estimated future value. This will create a "value gap".



The luxury apartments will be a 'legacy' development for Mandel and the City of Franklin. Mandel Group has a long history of developing and operating luxury apartments that stand the test of time. Our communities look as good in 10 years as they do the day they open. Our strategy requires higher quality design and construction, which cost a little bit more. Our leasing and maintenance teams actively manage our communities with an eye toward customer service and long-term quality. We do not defer necessary repairs and maintenance in an effort to squeeze every drop of profit out of a community.

The precise terms of the public private partnership and corresponding development agreement will be negotiated in good faith with the City of Franklin and their consultants. While the specific terms will take some time to finalize, we are pleased to offer the following:

#### Developer Financed or "Pay Go" Structure

Mandel proposes to structure any tax incremental agreement as "developer financed" to eliminate the City's financial risk. That is, Mandel will obtain all the required debt and equity to finance the project. If we create the tax increment by executing on the redevelopment as promised then we share in that increment.

#### Mutually Agreeable Redevelopment

Mandel will include in the development agreement a provision obligating it to construct precisely what is approved by the City. It is reasonable for the City to want to know exactly what it is getting and we are happy to provide such assurances.

#### Public Access Easement

Mandel proposes to redevelop a portion of site for "town center" public uses and associated infrastructure like public parking and walking trails. We expect such a promise to be documented in a legally binding easement that runs with the land.

#### Cost Savings

Mandel will agree to a cost savings provision. We will provide to the City a development budget prior to commencement of construction. If we are able to construct and stabilize the property for less than set forth in the budget we agree to share those savings with the City.

#### Participation in Additional Earnings

The terms of a public private partnership will be based, in part, on costs and projected performance or investor returns. If those investor returns exceed a mutually agreeable benchmark, Mandel agrees to share those enhanced returns with the City.

It is our hope that the foregoing summary demonstrates a productive and collaborative approach to deal structuring. If the PDD is approved, we would advance the specific terms of the public private partnership in earnest. More specific budget estimates and underwriting will be set forth in the confidential and proprietary financial modeling provided to the City as part of our TIF application.



## Development Ownership, Controls and Regulations

Mandel Group, Inc. is the lead developer and will control and manage the design, development and construction of the apartments, resident amenities and ecological preservation and infrastructure of The Retreat. ROC Ventures is a financial partner of the development and participates creatively in concept and design. They will also be the lead for programming and hospitality uses. The commercial outlots will likely be developed, designed and managed by a third party, but will still be subject to multiple layers of Mandel and City control, including design and operational guidelines.

First, Mandel will record against the entire property a restrictive covenant agreement (the "Restrictive Covenant") that provides cross-access easements among all the varied uses. The Restrictive Covenant will also give Mandel control over the architecture, site planning and landscaping on the entire redevelopment including the commercial outlots. The City will, of course, retain final approval rights of the commercial parcels. The Restrictive Covenant will also impose on-going maintenance standards and requirements to ensure the overall site is kept in good condition and repair. It is likely that Mandel Group, as manager of the apartments, will be responsible for maintaining general common areas, like stormwater management, and the commercial users will pay their share of such maintenance costs.

Mandel Group and the City will encumber the entire site with a mutually agreeable development agreement in addition to the PDD ordinance to set the density permitted on the property, setback requirements, maximum building height and impose an on-going maintenance obligation to ensure the development remains in good condition and repair.

Finally, the walking trails through the wetlands and woodlands are programmed to be public space that is open and accessible. There are multiple options to ensure that this space remain public including deeding the land to the City or recording public access easements against the property. We will continue to advance discussions with City staff to ensure we reach an agreement and approach which the City is comfortable.





## Development Schedule

Entitlement & TIF Approvals .....August 2022 - April 2023  
Permitting .....April 2023 - June 2023  
Construction Start ..... October 2023





## POLICY CONSIDERATIONS & ZONING ANALYSIS

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The Retreat requires a rezoning to a Planned Development District and a Comprehensive Plan Amendment to allow for the proposed program uses. The existing current zoning is R-6 (Suburban Single-Family Residence District). A new Planned Development District with Mixed Compatible Uses will allow our proposed redevelopment to “derive maximum benefit from coordinated area site planning, diversified location of structures, and mixed compatible uses that result in the provision of a safe and efficient system for pedestrian and vehicular traffic, attractive recreation and landscaped open spaces, economic design and location of public and private utilities and community facilities; and ensure adequate standards of construction and planning.” (UDO Section 15-3.0401A.) Although a change in use, the redevelopment maintains consistency with the City’s overall policy considerations identified in the City of Franklin Unified Development Ordinance and the 2009 Comprehensive Plan.

### Policy Considerations of Comprehensive Plan and Standards for Planned Development District

The City of Franklin Comprehensive Plan identifies several guiding principles, goals and objectives to facilitate successful, balanced growth that enhances the quality of life for present and future generation, attracts knowledge workers and industry, provides a wide range of housing opportunities and creates access to recreation. The UDO specifies standards that represent the basis for approval for Planned Development Districts. In all cases, The Public Square is consistent with the stated goals of the Comprehensive Plan and the Planned Development District as summarized and demonstrated below.

#### Balanced Growth

*Preserve the City’s community character while at the same time encouraging and directing growth and development. Support sustainable growth. Encourage a unified mix of uses that is compatible with the surrounding neighborhood. Ensure population impact has no adverse effect on schools and municipal services.*

The Retreat includes a balanced mix of high-quality public, commercial and residential spaces while incorporating and enhancing existing ecological features and maintaining large expanses of open and programmed green space. The development itself represents a balance of new, economic development while at the same time preserving and enhancing ecological features. As with most other Mandel developments, the number of school aged children residing in our suburban communities is low and will likely have a negligible impact on schools. Furthermore, our redevelopment will generate significant impact fees sufficient to cover an increase in municipal services.

#### High Quality and High Value Development

*Deliver high-quality development, regardless of use. High value development decreases the tax burden. Encourage compatible mixed-use development within commercial corridors. Strive toward excellence in creating attractive residential developments.*

Mandel Group, Inc. has a reputation of delivering best-in-class residential and mixed-use communities to the markets in which we develop. Our efforts in Franklin will be no exception. High quality development begins with identifying the highest and best use for redevelopment opportunities, retaining the top consultants in the industry and a focus on thoughtful site planning. The best redevelopments are also those that incorporate reasonable, constructive feedback of project stakeholders including City Staff, elected officials, neighbors and nearby businesses. On-going dialogue with project stakeholders is a hallmark of all Mandel developments and we will do the same with The Retreat. The quality of our work permeates through our

building architecture and exterior and interior finishes, floor plans and resident and public amenities

### Economic Development

*Promote Franklin as a high quality community that supports residents and business, creates jobs for a growing population and expands and diversifies the City's tax base. Create a range of employment opportunities*

The Retreat with a mix of residential and commercial uses creates significant economic impact to the City of Franklin and, more generally, the region. An independent, third-party economic impact assessment prepared by Baker Tilly quantified the impact in terms of jobs and economic output. The report is included herein, as Exhibit A. Highlights from the report indicate the Construction Impact generates \$147.3M of economic output and labor income while at the same time creating 785.7 total jobs. The annual Operation Impact is roughly \$18.6 of annual economic output and labor income with 90.2 total jobs. The economic output over the next 10 years is estimated a \$207.5M and deploys approximately \$2.0M in disposable income in the area.

Furthermore, the contemplated development represents a massive expansion of the City's tax base. Over \$100 million of new tax base could yield over \$1.2 million in annual taxes upon closure of the TID. Finally, the proposed redevelopment will generate over \$2 million in impact fee revenue for the City of Franklin. Impact fees will help the City pay for parks, police and fire protection, libraries and other municipal services.

### Housing Principles

*Provide a wide range of housing opportunities that support working professionals, seniors and families. Allow for a variety of residential types and densities wherever possible and appropriate.*

The Retreat delivers a unique housing option for residents within the City of Franklin as an alternative to the for sale single family and multi family options that currently exist. Within the development, a range of unit styles at varying rental rates will be available including studio, one bedroom, two bedroom and three bedroom unit styles. The variety of housing styles appeals to a wide range of demographics ranging from Generation Z to Millennials and Empty Nesters. The adjacent public and commercial uses create a highly unique and unmatched housing opportunity with the City of Franklin. Additionally, Mandel's proposed 'The Public' development provides yet another housing type and style in a more vibrant, urban setting for those who may desire a more active and high energy living experience.

### Transportation

*Create and maintain a safe and efficient transportation and create opportunities for walking and bicycling*

The redevelopment of the site requires significant coordination with the DOT to create a safe, effective traffic pattern. Access to the development will be from full movement intersection at Loomis Road, directly across from Ballpark Drive. The DOT requires that, with the new intersection, the roadway reconfiguration remove the existing collector/distributor roadway located along W Loomis Rd between S 76th St and W Rawson Ave and the on ramp from W Rawson Ave to W Loomis Rd. The result would be a safer and more traditional diamond interchange configuration at W Loomis Rd and S 76th St in the southbound direction. A traffic study is currently underway that will evaluate the existing traffic patterns, future traffic generated by our development and the traffic impact and improvements required to create safe and efficient traffic patterns. We will continue to work with the DOT and Staff to ensure that our development will not negatively impact any

nearby traffic conditions and that we create safe access and thoroughfares

The access road from Loomis runs through the site, connecting to Terrace Drive to the east and will be a public road, per City Engineering request. The balance of the road through the site will be private. A third connection to the south to 82nd Street is also shown, but this would serve emergency vehicles only and will include a crash gate.

Ample walking and bike trails are found throughout our development, connecting the residential, public and natural environment. We will continue to work with planning staff to ensure the connectivity of our development with adjacent uses and the larger redevelopment hubs within the City of Franklin.

#### Community Facilities

*Provide access to parks, open space and a wide range of recreational programs and facilities that promote an active and healthy lifestyle. Make Franklin a community of modern conveniences. Create a city-wide trail system for pedestrians and cyclists. Identify opportunities for new neighborhood parks and city parks. Create links for natural areas when developing park areas.*

One of the key features of The Retreat is the enhancement of wetlands and woodlands. Given the large area and our desire to maintain and enhance them, it is our goal to include public walking trails and nodes throughout the natural areas.

#### Sustainability and Environmental Resources

*Enhance natural resource features to maintain the natural beauty of the City and balance these with the development rights of planned zoning. Include public open space within and adjacent to mixed use development. Require guarantee for Preservation of Open Space.*

The main goal for this development is to preserve and incorporate natural features and green space into the overall site planning. Over 57% of the site is preserved natural features. The building and roadway placement mitigates impact to the wetlands and woodlands found on the site. There are a variety of ways to guarantee the preservation of open space and the public accessibility throughout our site and we are open to working with City to appropriately record public access and preservation.

## PDD Requirements, Underlying Zoning and Proposed Development Standards

We understand that certain residential density calculations, Open Space Ratios, Landscape Surface Ratios, and Maximum Floor Areas ratios will be required to meet the PDD requirements. As our concept plans advance and we are able to identify specific parcel boundaries, landscaping and open space ratios, we will ensure that the ratios and calculations are clearly specified within the PDD ordinance. At this time, our concept plans are preliminary in nature and do not provide sufficient detail to calculate.





# EXHIBIT A - BAKER TILLY ECONOMIC IMPACT ANALYSIS

Loomis and Rawson

FRANKLIN, WISCONSIN



The redevelopment concept consists of approximately four (4) to five (5) retail outlots fronting Loomis Road with roughly 430 apartments organically positioned around significant ecological features found on the site. The units will be contained in a variety of slab of grade garden style buildings including two-story and three-story structures with 20 to 40 units per building and approximately 40% attached garages. Units will include studios, one-bedroom, two-bedroom and three-bedroom unit styles. We also plan to include roughly sixteen (16) two-bedroom and three-bedroom townhome units which will include two-car attached garages. The variety of building and unit styles will appeal to a wide demographic of potential renters.

## Construction Impact

### Economic Output and Labor Income



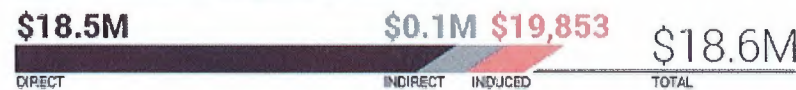
### Construction Supply Chain

Based on industry data for the local area, an estimated 56% of the goods and services that construction of the facility will require can be provided within the region.



## Operational Impacts

### Annual Economic Output and Labor Income



**\$207.5M** ECONOMIC OUTPUT OVER THE NEXT 10 YEARS

### Operational Supply Chain

Based on industry data for the local area, an estimated 67% of the goods and services that the facility will require to operate can be provided within the region.

### Local Expenditures

Based on industry patterns in the local area, it is estimated that use of the town center will result in the expenditure of approximately \$1.96 million in disposable income.

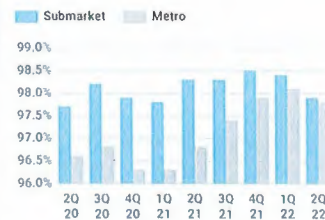
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# THE NEED FOR APARTMENTS

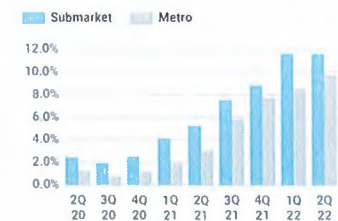
1. Homeownership rates are at 40-year historic lows.
2. Millennials delaying household formation and homeownership.
3. Millennials burdened with student debt that has limited their saving for a down payment.
4. The average sales price for homes continues to rise.
5. Interest rates on home mortgages continue to rise.
6. Largest growing renter demographic over the last ten years has been the baby boomer cohort.
7. Generation Z is demonstrating a strong propensity to rent.
8. Life cycle housing creates healthy, viable communities. Apartments offer a housing solution that allows younger families looking to buy in the community the opportunity to rent. Apartments offer empty nesters the opportunity to remain in the communities they are rooted in, but with added flexibility and long-term maintenance.
9. Franklin submarket apartment fundamentals are strong - 96%+ occupancy and double digit rent growth the past three quarters.
10. Marginal demand analysis of income qualified renter growth vs. units in pipeline demonstrates a surplus demand of 200 units.
11. Velo Village's record setting lease-up at 30 units per month demonstrates strong demand in immediate area.

Income Eligible Renter Population Primary Market Area (10-Mile of Franklin City Center)		
Year	2022	2027
Total Population	518,612	512,083
Households Total	214,301	212,468
Renter-Occupied Households	82,401	79,375
<b>Income Brackets</b>		
	<b>Total Households</b>	<b>Total Households</b>
\$50,000 - \$74,999	40,002	36,577
\$75,000 - \$99,999	30,817	29,873
\$100,000 - \$149,999	41,423	50,243
\$150,000 - \$199,999	15,862	22,756
\$200,000+	10,842	13,293
	<b>Total Households</b>	<b>Total Households</b>
<b>Total # of Income-Eligible Households</b>	<b>138,946</b>	<b>152,742</b>
<b>% Renter-Occupied</b>	<b>38.45%</b>	<b>37.36%</b>
<b># Income-Eligible Renter-Occupied Households</b>	<b>53,426</b>	<b>57,062</b>

Occupancy



Annual Rent Change



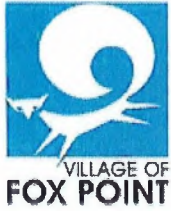
Marginal Demand Analysis		
a	Income Qualified Renter Households 2022	53,426
b	Income Qualified Renter Households 2027	57,062
c	Increase In Income Qualified Renter Households	3,636
d	# Units in Pipeline	2,575
e	Subject Units	1,003
f	Total New Supply (d+e)	3,578
g	New Units at Balanced Market (96%)	3,435
h	<b>Net Excess Demand (c-g)</b>	<b>201</b>





# LETTERS OF RECOMMENDATION

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## VILLAGE OF FOX POINT

MILWAUKEE COUNTY  
WISCONSIN

VILLAGE HALL  
7230 N. SANTA MONICA BLVD.  
FOX POINT WI 53217-3505  
414-353-8300  
FAX 414-353-8509

September 28, 2022

City of Franklin Common Council  
Franklin City Hall  
9229 W. Loomis Road  
Franklin, WI. 53132

To Whom It May Concern:

It is my understanding that Mandel Group ("Mandel") is pursuing a variety of mixed-use and residential development opportunities within the City of Franklin. Most recently, we had the pleasure of working closely with Mandel on the Chiswick Apartments in the Village of Fox Point.

Mandel's attention to detail and responsiveness to the neighbor concerns was unmatched in the community. They set a great example for continued excellence within the Village and certainly raised the bar for developer expectations going forward.

We were very pleased to work with their team on creating a development which has been extremely successful for not only Mandel Group but also the Village as a whole.

Should the opportunity present itself, we would certainly welcome working with them again.

Ian Martin, Emily Cialdini and the Mandel team were always extremely responsive to inquiries from my office and made appropriate modifications to design as suggested by citizens at public meetings. They listened and worked hard to be a good neighbor in the community.

Please contact me should you have any questions.

Sincerely,

Scott Botcher  
Village Manager  
Village of Fox Point



September 30, 2022

City of Franklin Common Council  
Franklin City Hall  
9229 W. Loomis Road  
Franklin, WI. 53132

To Whom It May Concern:

It is my understanding that Mandel Group is pursuing a variety of mixed-use and housing development opportunities in the City of Franklin.

CIBC Bank USA (previously The PrivateBank and Trust Co.) has had an ongoing and broad banking relationship with Mandel and its project affiliates for over 18 years. We have come to know first-hand Mandel's unsurpassed development and management expertise, professionalism, and attention to detail; thus, we hold the company's leadership and employees in the highest regard and recommend them to you.

Over the past 18 years we have provided Mandel with a full range of banking and credit services – as depository, letter of credit provider, bridge loan lender, and construction lender. During this time we have financed several of Mandel's multifamily development projects, the most recent of which is Velo Village apartments in Franklin. We will certainly be interested in discussing with Mandel the lending opportunities associated with your projects.

Please feel free to contact me at 414.291.7117 if you have questions or need additional information.

Sincerely,

James Roemer  
Managing Director





October 4, 2022

City of Franklin Common Council  
Franklin City Hall  
9229 W. Loomis Road  
Franklin, WI. 53132

To Whom It May Concern:

It is my understanding that Mandel Group is pursuing a variety of mixed-use and residential development opportunities in the City of Franklin. Mandel Group and Old National Bank have had a successful banking relationship since 2014. Over our history, Old National has financed several of Mandel's developments including Echelon apartments in Wauwatosa, DoMus apartments in Milwaukee and The Chiswick at Dunwood in Fox Point. All have led to successful development for both the bank and Mandel.

We currently have two developments with Mandel including Taxco apartments in Walker's Point, Milwaukee and Bridgewalk in Waukesha. Our current commitments with Mandel total over \$68 million.

With Mandel's ability to execute large and complex developments, customer focused management expertise and attention to detail and identifying solutions, we look forward to financing additional development with their company. We respect their ability to manage risk and in-house capacity for every aspect of real estate development.

We would look forward to the opportunity to finance additional development with their company. Please don't hesitate to reach out if you have further questions.

Sincerely,

*Nicole R Willoughby*

Nicole R. Willoughby, CCIM  
Vice President - Commercial Real Estate Relationship Manager  
T: 414-290-7040  
Nicole.Willoughby@Oldnational.com  
Old National Bank  
788 North Jefferson Street, Suite 900  
Milwaukee, WI 53202

<b>The Retreat - Loomis &amp; Rawson Site Intensity Standards*</b>			
Gross Site Area	51.4		
Max Building Height	70 feet		
Max Number of Stories	5		
<b>Residential Intensity Standards</b>		<b>Commercial Intensity Standards</b>	
Base Site Area	46.82	Base Site Area	2.25
Open Space Ratio	0.35	Landscape Surface Ratio	0.10
Net Density	30	Net Floor Area	0.75
Gross Density	12	Gross Floor Area	0.70

\* Parcel boundaries are not yet determined for residential and commercial uses  
Therefore, site intensity standards are estimates that are subject to change



# THE RETREAT

W. LOOMIS ROAD  
Franklin, WI

CITY REVIEW

October 5, 2022



BUILDING	UNIT COUNT	PARKING	
		ENCLOSED (1:1)	SURFACE (1:75)
A 3 STORY	42	42	31
B 2 STORY	23	23	17
C 3 STORY	42	42	31
D 2 STORY	23	23	17
E 3 STORY	42	42	31
F 2 STORY	23	23	17
G 3 STORY	42	42	31
H 2 STORY	23	23	17
I 3 STORY	42	42	31
J 3 STORY	42	42	31
K TOWNHOUSE	7	7	5
L TOWNHOUSE	7	7	5
TOTALS	358 UNITS	358 STALLS	264 STALLS



SITE PLAN

THE RETREAT





## AERIAL VIEW - From W. Loomis Ave. Looking East

SUBURBAN RESIDENTIAL COMMUNITY PRESERVING WETLANDS + WOODLANDS  
 LOW DENSITY + SMALL SCALE RESIDENTIAL BUILDINGS  
 TERRACE DRIVE PROVIDES PUBLIC STREET CONNECTION TO COMMERCIAL LOTS + W. LOOMIS AVE.

THE RETREAT



OCTOBER 5, 2022





AERIAL VIEW - Looking West towards W. Loomis Ave. + VELO Village

RESIDENTIAL COMMUNITY IN CLOSE CONTACT WITH NATURAL ENVIRONMENT  
 FACILITATES A SERENE SUSTAINABLE + WELLNESS FOCUSED LIFESTYLE  
 BUILDING SPACING ALLOWS FOR AMPLE OUTDOOR AMENITY SPACE

THE RETREAT

MANDEL GROUP

continuum

SIGMA

OCTOBER 5, 2022





## GROUND VIEW - CLUBHOUSE

PEDESTRIAN TRAILS + BOARDWALK LEADING RESIDENTIAL UNITS TO CLUBHOUSE  
 OUTDOOR RECREATIONAL SPACES FOR ENHANCED COMMUNITY CONNECTION TO ECOLOGY  
 AMENITIES + ACTIVITIES - YOGA, PICKLE BALL, SOCCER BALL, DOG PARK, PUTTING GREENS, COMMUNITY GARDENS

## THE RETREAT

MANDEL GROUP roc continum SIGMA

OCTOBER 5, 2022





## GROUND VIEW - Contemplative Courtyard between Buildings

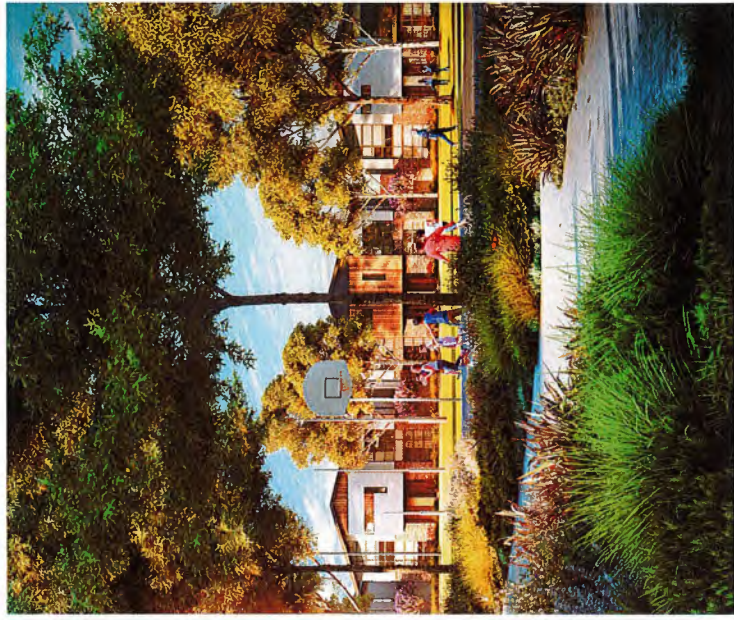
OPPORTUNITIES TO WANDER + EXPLORE + MEDITATE  
 AND BALCONIES + WALK-OUT PATIOS ALLOW RESIDENTS TO ENGAGE DIRECTLY WITH THE OUTDOORS  
 MEANDERING PATHS + TRAILS CONNECT RESIDENTS THROUGH WOODLANDS + WETLANDS CREATING A WALKABLE COMMUNITY

THE RETREAT



OCTOBER 5, 2022



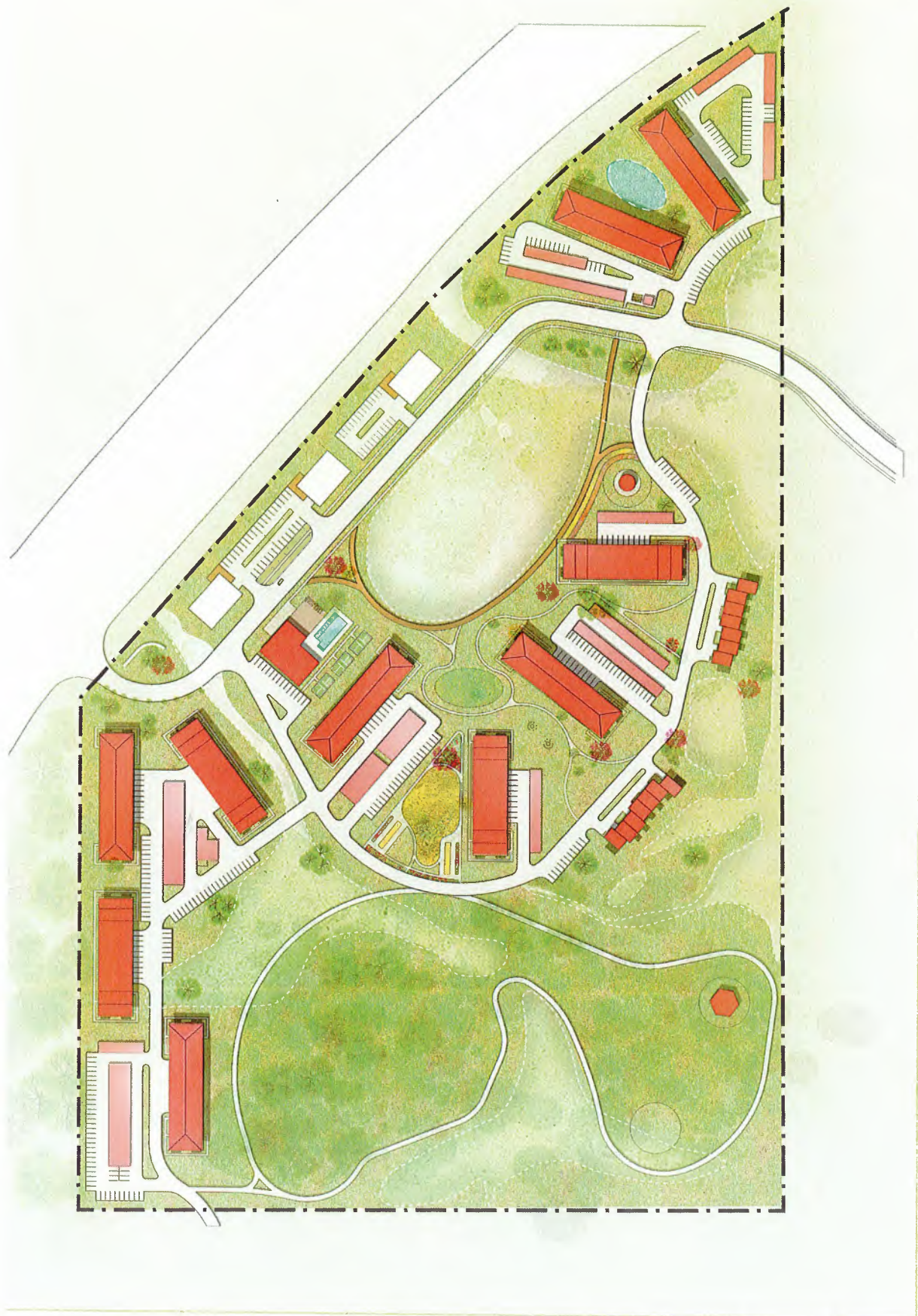


THE RETREAT



OCTOBER 5, 2022





# THE RETREAT

MANDEL GROUP

rac continom

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OCTOBER 5, 2022



REPRESENTATIVE INTERIOR DESIGN - MANDEL DEVELOPMENTS



**Table 15-3.0502**  
**WORKSHEET FOR THE CALCULATION OF BASE SITE AREA**  
**FOR BOTH RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT\***

<b>STEP 1:</b>	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property	51.40 Acres
<b>STEP 2:</b>	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	2.33 acres
<b>STEP 3:</b>	Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space	0          acres
<b>STEP 4:</b>	In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed residential use, subtract ( 2.25) the land proposed for nonresidential uses, or In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed nonresidential use, subtract ( - ) the land proposed for residential uses	2.25 acres
<b>STEP 5:</b>	Equals "Base Site Area"	= 46.82 acres residential

= 2.25 commercial

\* Parcel boundaries are not yet determined for residential and commercial uses. Therefore, site intensity standards are estimates that are subject to change.



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  </u> =	0
20-30%	0 65	0 75	0 70	X <u>  0  </u> =	0
+ 30%	0 90	0 85	0 80	X <u>  0  </u> =	0
					<u>  0  </u>
Woodlands & Forests					
Mature	0 70	0 70	0 70	X <u>10.01</u> =	7.01
Young	0 50	0 50	0 50	X <u>  2.88  </u> =	1.44
Lakes & Ponds	1	1	1	X <u>  0  </u> =	0
Streams	1	1	1	X <u>  0  </u> =	0
Shore Buffer	1	1	1	X <u>  0  </u> =	0
Floodplains/Floodlands	1	1	1	X <u>  0  </u> =	0
Wetland Buffers	1	1	1	X <u>  7.13  </u> =	7.13
Wetland Setback	--	--	--	X <u>  5.05  </u> =	
Wetlands & Shoreland Wetlands	1	1	1	X <u>12.65</u> =	12.65
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)					28.23

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

Table 15-3.0504

**WORKSHEET FOR THE CALCULATION OF SITE INTENSITY AND CAPACITY FOR RESIDENTIAL DEVELOPMENT**

<p><b>STEP 1:</b></p>	<p><b>CALCULATE MINIMAL REQUIRED ON-SITE OPEN SPACE</b></p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15 3 0502) <u>46.82</u></p> <p>Multiple by Minimum <i>Open Space Ratio (OSR)</i> (see specific residential zoning district OSR standard) X <u>0.35</u></p> <p>Equals <b>MINIMUM REQUIRED ON-SITE OPEN SPACE</b> =</p>	<p>16.39 acres</p>
<p><b>STEP 2:</b></p>	<p><b>CALCULATE NET BUILDABLE SITE AREA</b></p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3 0502) <u>46.82</u></p> <p>Subtract <i>Total Resource Protection Land</i> from Table 15 3 0503) or <i>Minimum Required On-Site Open Space</i> (from Step 1 above) whichever is greater <u>28.23</u></p> <p>Equals <b>NET BUILDABLE SITE AREA</b> =</p>	<p>18.59 acres</p>
<p><b>STEP 3:</b></p>	<p><b>CALCULATE MAXIMUM NET DENSITY YIELD OF SITE</b></p> <p>Take <i>Net Buildable Site Area</i> (from Step 2 above) <u>18.59</u></p> <p>Multiple by Maximum <i>Net Density (ND)</i> (see specific residential zoning district ND standard) X <u>30</u></p> <p>Equals <b>MAXIMUM NET DENSITY YIELD OF SITE</b> =</p>	<p>558 DU s</p>
<p><b>STEP 4:</b></p>	<p><b>CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE</b></p> <p>Take <i>Base Site Area</i> (from Step 5 of Table 15 3 0502) <u>46.82</u></p> <p>Multiple by Maximum <i>Gross Density (GD)</i> (see specific residential zoning district GD standard) X <u>12</u></p> <p>Equals <b>MAXIMUM GROSS DENSITY YIELD OF SITE</b> =</p>	<p>562 DU s</p>
<p><b>STEP 5:</b></p>	<p><b>DETERMINE MAXIMUM PERMITTED D.U s OF SITE</b></p> <p>Take the <i>lowest</i> of Maximum Net Density Yield of Site (from Step 3 above) or Maximum Gross Density Yield of Site (from Step 4 above)</p>	<p>558 DU s</p>

Table 15-3.0505

**WORKSHEET FOR THE CALCULATION OF SITE INTENSITY AND CAPACITY FOR NONRESIDENTIAL DEVELOPMENT**

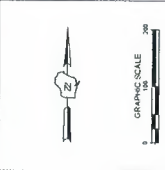
<p>STEP 1</p>	<p><b>CALCULATE MINIMUM REQUIRED LANDSCAPE SURFACE</b></p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3 0502)    <u>2.25</u></p> <p>Multiple by Minimum <i>Landscape Surface Ratio (LSR)</i> (see specific zoning district LSR standard)    X    <u>0.10</u></p> <p>Equals <b>MINIMUM REQUIRED ON-SITE LANDSCAPE SURFACE</b>    -</p>	<p>0.225 acres</p>
<p>STEP 2</p>	<p><b>CALCULATE NET BUILDABLE SITE AREA</b></p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3 0502)    <u>2.25</u></p> <p>Subtract <i>Total Resource Protection Land</i> from Table 15-3 0503) or <i>Minimum Required Landscape Surface</i> (from Step 1 above), whichever is greater   <u>0.225</u></p> <p>Equals <b>NET BUILDABLE SITE AREA</b>    =</p>	<p>2.025 acres</p>
<p>STEP 3</p>	<p><b>CALCULATE MAXIMUM NET FLOOR AREA YIELD OF SITE</b></p> <p>Take <i>Net Buildable Site Area</i> (from Step 2 above)    2.025</p> <p>Multiple by Maximum <i>Net Floor Area Ratio (NFAR)</i> (see specific nonresidential zoning district NFAR standard) X    <u>0.75</u></p> <p>Equals <b>MAXIMUM NET FLOOR AREA YIELD OF SITE</b>    -</p>	<p>1.52 acres</p>
<p>STEP 4</p>	<p><b>CALCULATE MAXIMUM GROSS FLOOR AREA YIELD OF SITE</b></p> <p>Take <i>Base Site Area</i> (from Step 5 of Table 15-3 0502)    <u>2.25</u></p> <p>Multiple by Maximum <i>Gross Floor Area Ratio (GFAR)</i> (see specific nonresidential zoning district GFAR standard) X    <u>0.70</u></p> <p>Equals <b>MAXIMUM GROSS FLOOR AREA YIELD OF SITE</b>    -</p>	<p>1.58 acres</p>
<p>STEP 5</p>	<p><b>DETERMINE MAXIMUM PERMITTED FLOOR AREA OF SITE</b></p> <p>Take the <i>lowest</i> 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>	<p>1.52 acres ( <u>66,211</u> s f )</p>





**THE SIGMA GROUP**  
 www.sigmagroup.com  
 1300 West Center Street  
 Milwaukee, WI 53233  
 Phone: 414-443-1100  
 Fax: 414-443-1110

**MANDEL GROUP**  
 1300 West Center Street  
 Milwaukee, WI 53233  
 Phone: 414-443-1100  
 Fax: 414-443-1110



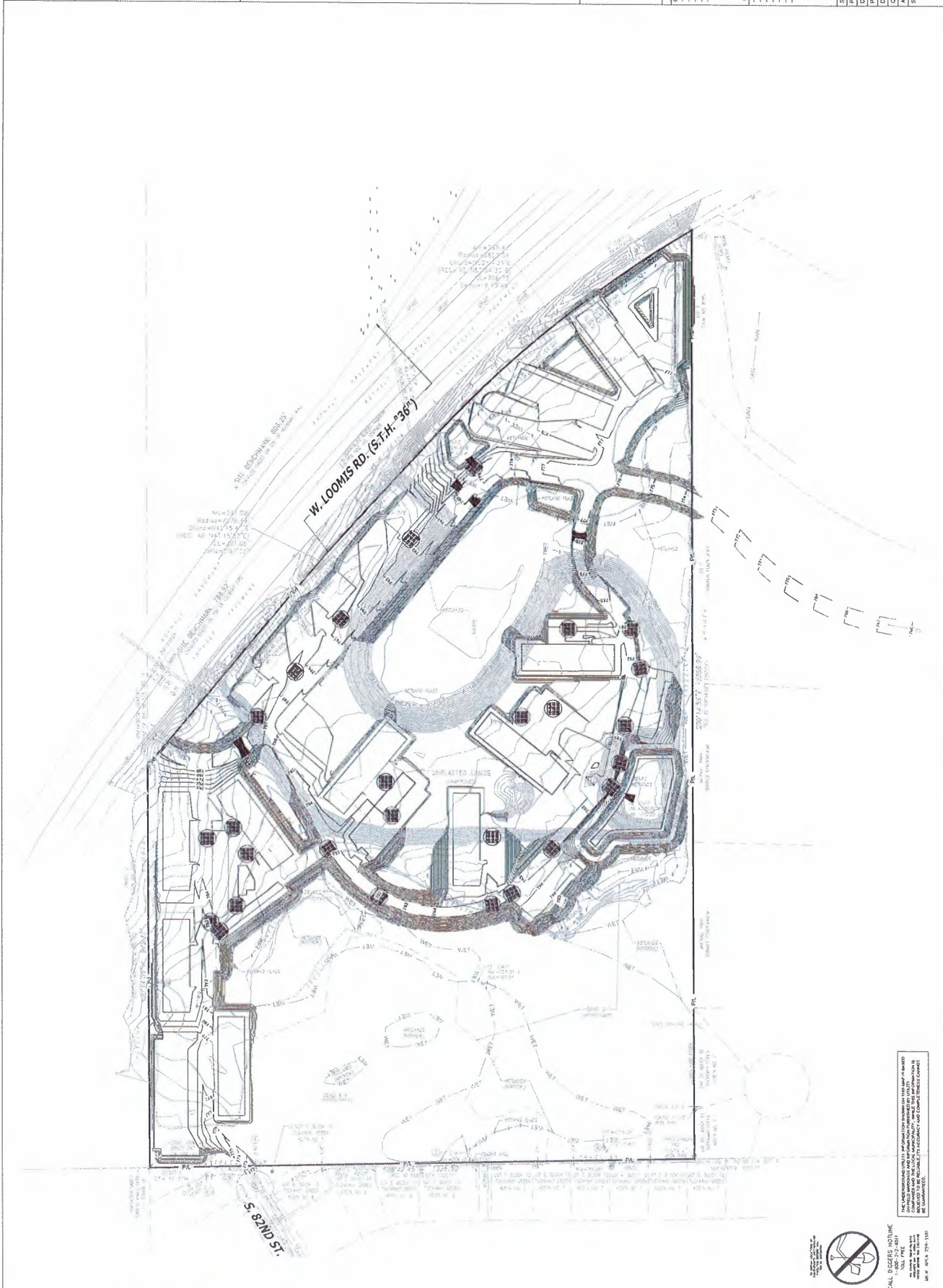
EROSION CONTROL  
 FRANKLIN, WI 53132  
 WEST LOOMIS ROAD  
 LOOMIS ROAD

PRELIMINARY  
 NOT FOR  
 CONSTRUCTION

ISSUANCE DATE: 1/16/2022  
 CITY SUBMITAL

NO REVISION DATE

SCALE	1"=50'
SHEET NO.	21-000
PROJECT NO.	21-000
DESIGN DATE	2021.11.04
PLOT DATE	2021.11.04
DRAWN BY	MAP
CHECKED BY	CRK
APPROVED BY	
SHEET NO.	C002



CALL TO VERIFY LINK  
 TO ALL PILES  
 AND ALL PILES  
 AND ALL PILES  
 AND ALL PILES



SITE INFORMATION	
SITE AREA	53,355 AC
SITE EXISTED AREA	0
EXISTING IMPERVIOUS AREA	0
PROPOSED IMPERVIOUS AREA	1,427,974 AC
TOTAL IMPERVIOUS AREA	1,427,974 AC
TOTAL PARKING SPACES	26,879
ADA PARKING SPACES	716

LEGEND	
	PUBLIC ROADWAY

SIGMA GROUP	
130 West Canal Street Milwaukee, WI 53204 Phone: 414-443-1200 Fax: 414-443-4110	MANDEL GROUP 275 North Milwaukee Avenue Milwaukee, WI 53202 Phone: 414-342-3800 mandelgroup.com

DATE: 1/16/2022  
CITY SUBMITTAL: 1/16/2022

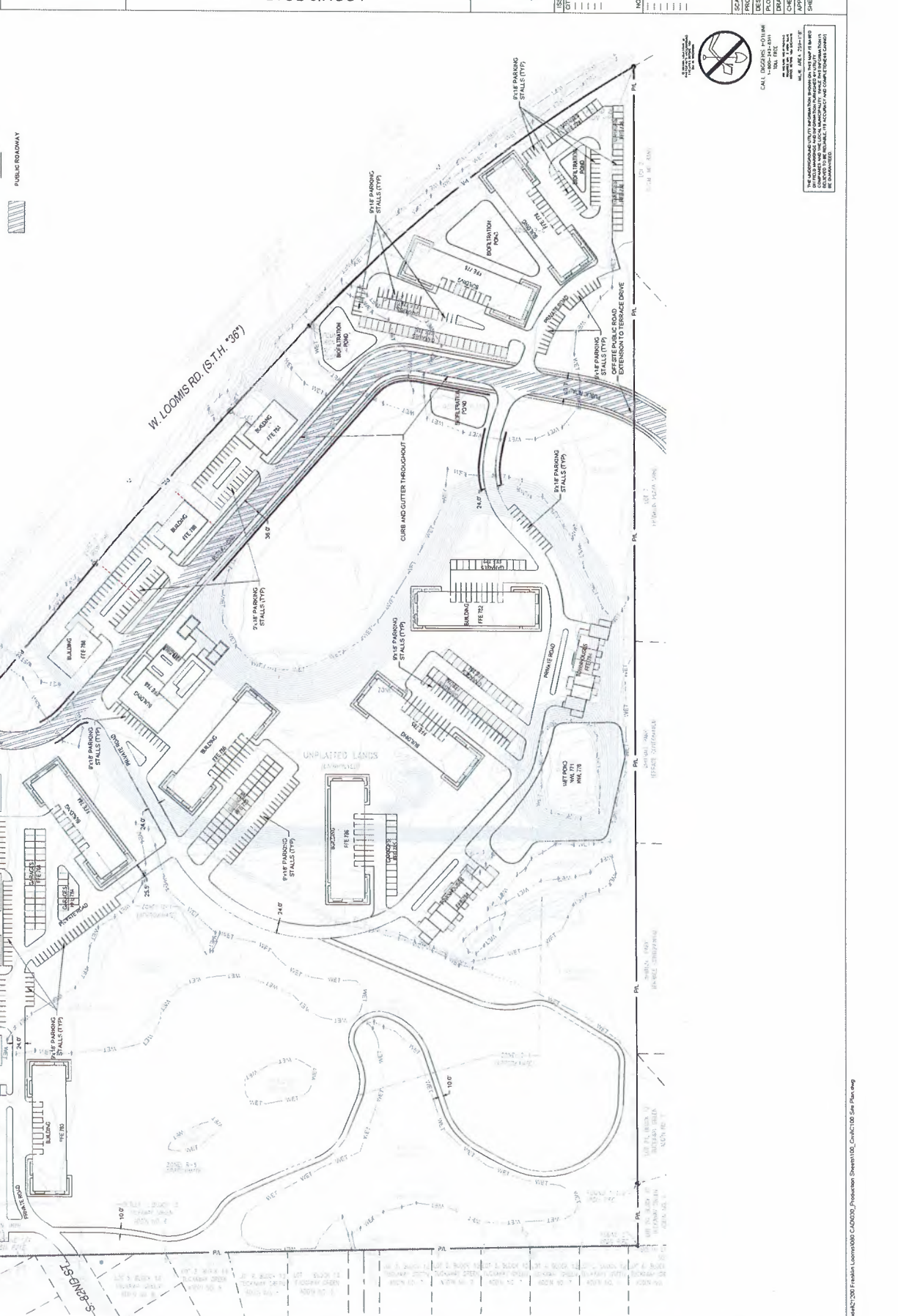
NO REVISION: \_\_\_\_\_  
DATE: \_\_\_\_\_

SCALE: 1"=100'  
PROJECT NO: 2100  
DESIGN DATE: 2021.11.04  
DRAWN BY: IMK  
CHECKED BY: CRC  
APPROVED BY: \_\_\_\_\_  
SHEET NO: C100

PRELIMINARY  
NOT FOR CONSTRUCTION

CHL ENGINEERS 40111M  
1000 W. WISCONSIN AVENUE  
MILWAUKEE, WI 53233  
TEL: 414-333-1100  
WWW.CHLENGR.COM

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE AND IS SUBJECT TO THE FOIA EXEMPTIONS (5 U.S.C. 552) AND THE PRIVACY ACT (5 U.S.C. 552a).  
NO WARRANTIES ARE MADE BY CHL ENGINEERS FOR THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.

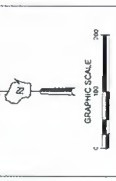






**SIGMA GROUP**  
 www.sigmagroup.com  
 1400 West Center Street  
 Milwaukee, WI 53233  
 Phone: 414-941-2500  
 Fax: 414-941-2111

**MANDEL GROUP**  
 www.mandelgroup.com  
 1400 West Center Street  
 Milwaukee, WI 53233  
 Phone: 414-941-2500  
 Fax: 414-941-2111



ADJACENT DRIVEWAY LOCATIONS  
 FRANKLIN, WI 53132  
 LOOMIS ROAD  
 WEST LOOMIS ROAD

**PRELIMINARY  
 NOT FOR  
 CONSTRUCTION**

ISSUANCE DATE: 1/24/2022  
 CITY: SUMMIT  
 NO. REVISION: \_\_\_\_\_ DATE: \_\_\_\_\_

SCALE:	1" = 100'
DATE:	7/7/00
DESIGN DATE:	7/7/00
PLOT DATE:	2002.11.04
DRAWN BY:	MAN
CHECKED BY:	CRC
APPROVED BY:	
SHEET NO.:	

**C003**

\\man002\200\Franklin Loomis\003 C003\03 - Production\Sheet\C003 DRIVEWAY LOCATIONS.dwg



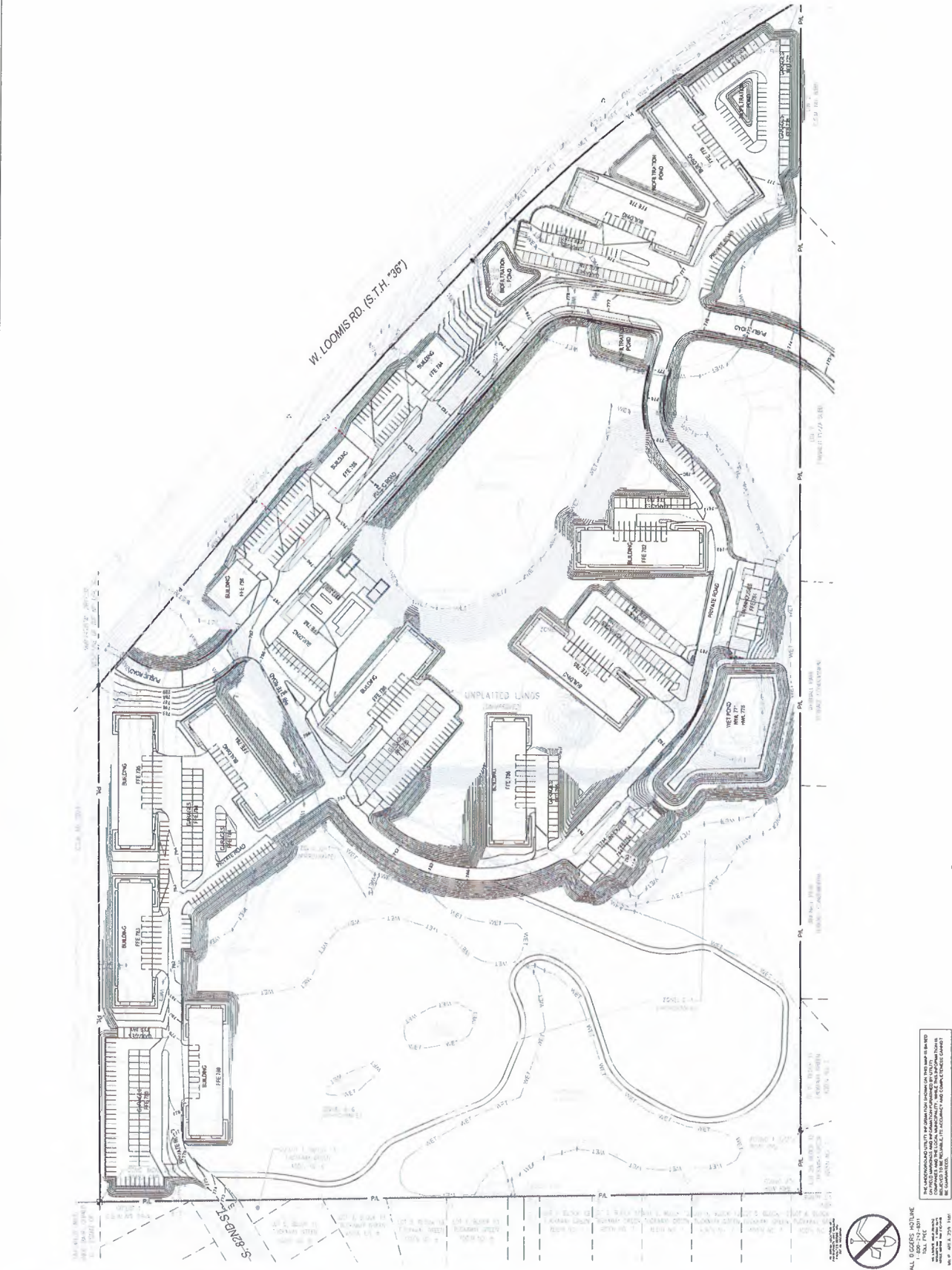


LOOMIS ROAD  
 WEST LOOMIS ROAD  
 FRANKLIN, WI 53132  
 OVERALL GRADING PLAN

PRELIMINARY  
 NOT FOR  
 CONSTRUCTION

ISSUANCE DATE: 11/04/2022  
 CITY SUBMITAL DATE: \_\_\_\_\_  
 NO. REVISION: \_\_\_\_\_ DATE: \_\_\_\_\_

SCALE	1"=40'
PROJECT NO.	23-200
DESIGN DATE	11/04/2022
PLOT DATE	2022.11.04
DRAWN BY	MJK
CHECKED BY	JMK
APPROVED BY	
SHEET NO.	C200



ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC). THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL JURISDICTION.





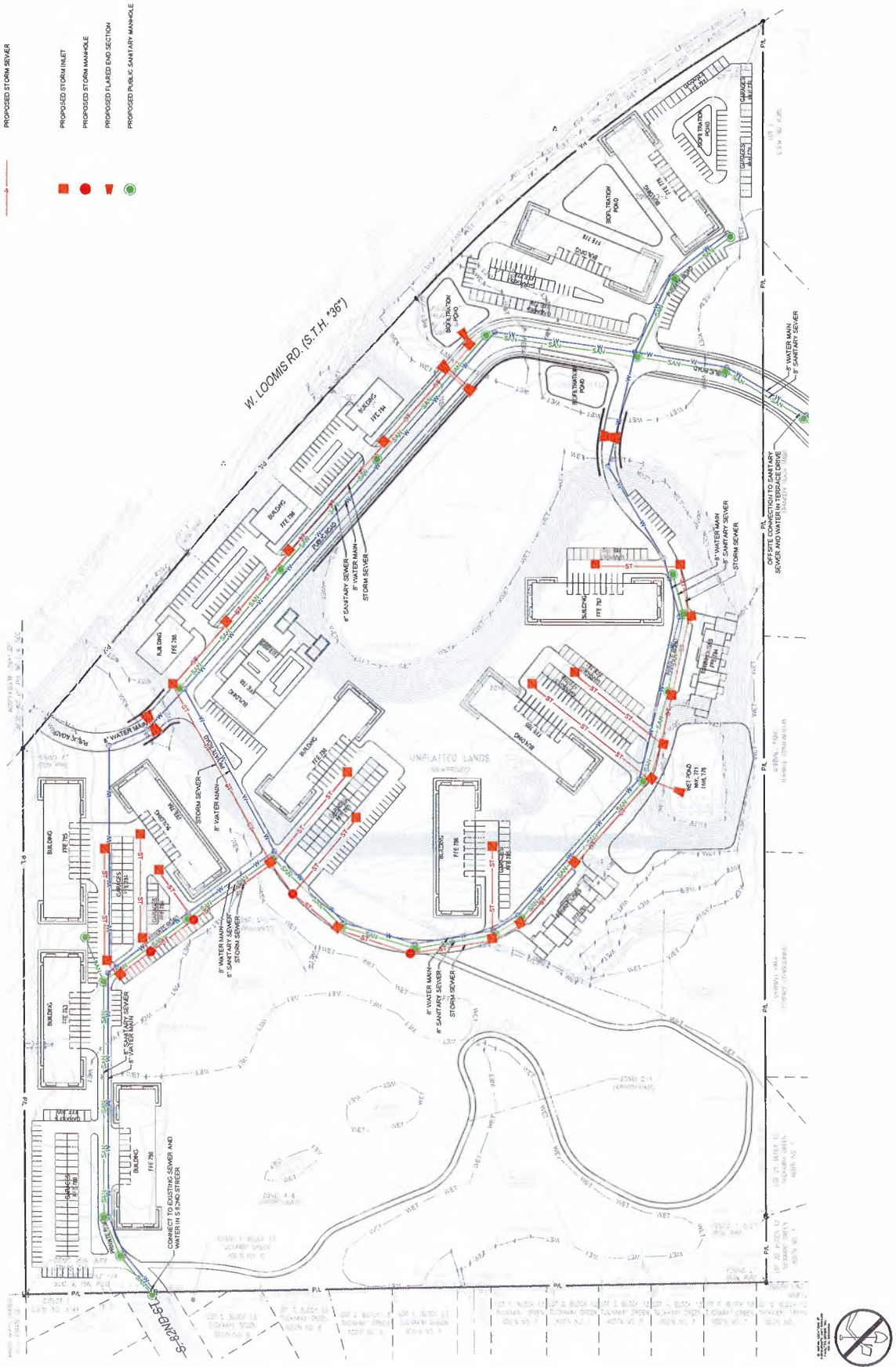
LOOMIS ROAD  
 WEST LOOMIS ROAD  
 FRANKLIN, WI 53132  
 OVERALL UTILITY PLAN

PRELIMINARY  
 NOT FOR  
 CONSTRUCTION

ISSUANCE DATE: 1/16/2022  
 CITY SURVEYOR: \_\_\_\_\_  
 DATE: \_\_\_\_\_  
 NO. REVISION: \_\_\_\_\_

SCALE	1"=50'
PROJECT NO.	2100
DESIGN DATE	2022.11.04
DRAWN BY	MJK
CHECKED BY	CRC
APPROVED BY	
SHEET NO.	C300

- LEGEND:**
- PROPOSED PUBLIC WATER SERVICE
  - PROPOSED PUBLIC SANITARY SERVICE
  - PROPOSED STORM SEWER
  - PROPOSED STORM INLET
  - PROPOSED STORM MANHOLE
  - PROPOSED FLARED END SECTION
  - PROPOSED PUBLIC SANITARY MANHOLE



CALL 0 DEDERS NOT THE  
 CONTRACTOR'S RESPONSIBILITY TO  
 VERIFY THE ACCURACY OF THE  
 INFORMATION PROVIDED ON THIS SHEET OR TO  
 OBTAIN NECESSARY PERMITS FROM THE  
 APPROPRIATE AGENCIES. THE CONTRACTOR  
 SHALL BE RESPONSIBLE FOR OBTAINING ALL  
 NECESSARY PERMITS AND FOR VERIFYING  
 THE ACCURACY OF THE INFORMATION  
 PROVIDED ON THIS SHEET.

















**Legal Description**

**Loomis & Rawson**

**Site Address: 8301 W LOOMIS RD, FRANKLIN, WI 53132**

**Tax Key ID: 755-9997-000**

**Site Acreage: 51.61 acres** That part of the West 1/2 of the Northeast 1/4 of Section 9, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin and described as follows: Begin at the Southwest corner of said Northeast 1/4 Section, thence North 00° 14' 02" West along the West line of said 1/4 Section, 975.10 feet to the Southeasterly right-of-way line of S.T.H. "36", thence North 39° 47' 12" East along said right-of-way, 457.40 feet, thence 391.09 feet along said right-of-way on an arc of a curve to the right, the chord bearing North 41° 15' 53" East, 391.05 feet and the radius being 7579.69 feet, thence North 42° 44' 35" East along said right-of-way, 223.04 feet, thence 799.48 feet along said right-of-way on an arc of a curve to the right, the chord bearing North 50° 54' 30" East, 796.78 feet and the radius being 2805.04 feet, thence South 00° 14' 50" East along the East line of the West 1/2 of said 1/4 Section, 2257.01 feet, thence South 88° 42' 53" West along the South line of said 1/4 Section, 1326.51 feet to the point of beginning.

<p style="text-align: center;"><b>APPROVAL</b> KLK</p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b> 12/20/2022</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>Consideration of an Extension of the John's Disposal Services, Inc. Agreement</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b> G.2.</p>

The City of Franklin has contracted with John's Disposal Services, Inc. (John's) for a number of years, for solid waste and recycling collection services. During this time, the City has been more than satisfied with the customer service and collection services provided.

The existing agreement with John's is set to expire at the end of 2022. Due to other pressing priorities and vacancies this year, staff was unable to execute a full Request for Proposals (RFP) process. However, staff has been working with John's to present multiple options for Council to consider in regard to an extension.

In addition, staff presented this item to the Finance Committee at their meeting on November 22, 2022, and received input and direction.

Attached for your review is the analysis that staff created for the Finance Committee, as well as the most recent proposal from John's. Please note that there have been discussions with John's since the Finance Committee Meeting, so the analysis has been updated to reflect the outcome of those discussions.

Staff is continuing to evaluate the proposal and gather information on comparable contracts as requested by the Finance Committee, and will present that information along with a recommendation for 2023 and beyond at the Council Meeting on Tuesday, December 20, 2022.

Please let me know if you have any questions or would like additional information prior to the meeting on Tuesday.

**COUNCIL ACTION REQUESTED**

Motion to be determined.

Solid Waste/Recycling Pick-Up Analysis  
Options for 2023  
Completed by: PS

		Actual Increases	Original Increases/Corrected in 2022	Effect
2016		0.12%		
2017		1.26%		
2018	New Contract (06/2018)	2.13%		
2019		2.44%		
2020	Revised Contract/Extra Pick-Ups	1.81%	2.34%	
2021	Actual	1.23%	1.36%	~\$37,000
2022	Calculated	\$1,518,061.78 4.70%	7.04%	
		\$1,585,652.32		
		<u>Option 1</u>	<u>Option 2</u>	<u>Option 3</u>
		5 Year Agreement/4% Increase in 2023 and CPI Increase for 2024-2027 (No Fuel Surcharge)	3 Year Agreement/6% Increase in 2023 and CPI Increase/Max 6% for 2024-2025 (Add Fuel Surcharge)	1 Year Agreement /8% CPI Increase (Add Fuel Surcharge) - SAME AS CURRENT AGREEMENT
2023	Percentage Increase	4%	6%	8%
	Annual Amount	\$1,649,412.64	\$1,724,250.43	\$1,756,972.09
	Increase	\$63,760.32	\$138,598.11	\$171,319.77
2024	Percentage Increase	CPI, not to exceed 6%	CPI, not to exceed 6%	N/A
	Annual Amount			BID OUT
2025	Percentage Increase	CPI, not to exceed 6%	CPI, not to exceed 6%	N/A
	Annual Amount			BID OUT
2026	Percentage Increase	CPI, unlimited	N/A	N/A
	Annual Amount		BID OUT	BID OUT
2027	Percentage Increase	CPI, unlimited	N/A	N/A
	Annual Amount		BID OUT	BID OUT
	Fuel Surcharge Estimate (Included in Increase Above)	N/A	\$44,349.39	\$45,191.02

Notes:  
Analysis above based on 11,594 users per the most recent, October 2022, Billing  
Analysis above uses diesel rates of \$5.05-\$5.09 (current = ~\$5.09)  
City has not bid out refuse/recycling services since approximately 2009 (Best Practice = every 7 years)





P.O. BOX 329  
WHITEWATER, WI 53190  
262-473-4700 • Fax: 262-473-6775  
www.johnsdisposal.com  
email: office@johnsdisposal.com

---

## DISPOSAL SERVICE, INC.

---

November 8, 2022

The City of Franklin  
Attn: Peggy Steeno, Director of Administration  
9229 W. Loomis Road  
Franklin, WI 53132

Dear City Council,

We are rapidly approaching the end of our contract. After further discussion with City staff, we have provided two additional options for the City to consider a contract extension with Johns.

**Option one.** If the Council has been pleased with the service we are providing to your residents and municipal properties, we will continue to honor our original proposal, dated May 16, 2022, for a five-year contract extension. This proposal allows Johns a 4.0% increase in 2023, no added fuel surcharges, and makes no other substantial changes to our contract (see page three).

**Option two** is for a three-year contract, effective January 1, 2023, through December 31, 2025. For a shorter term, we would request a 6% increase for the first contract year (2023) and will limit future increases to CPI with a maximum of 6%. If the council chooses a three-year term, we will also add a fuel surcharge to our existing agreement (see page four).

**Option three** is for a one-year contract, effective for 2023 only. For the shortest term, we would request the full 8.0% CPI increase and add a fuel surcharge to our existing agreement.

Regardless of which option you choose, we look forward to a continued partnership with the city. As you know, our team remained committed to providing unmatched curbside collection and customer service through the pandemic when many other haulers were facing significant staffing shortages. Lastly, Johns will add (2), 30-yard dumpsters in the contract for your annual 4<sup>th</sup> of July festival as a no-charge contractor obligation. I look forward to presenting these options and discuss collection with the city council at your November meeting. If you have any questions prior to the meeting, please feel free to reach out to me directly at 262-473-4700 ext 224.

Sincerely,

A handwritten signature in black ink, appearing to read "Nate Austin".

Nate Austin  
Municipal Accounts Manager

**Johns Disposal Service - City of Franklin  
Extension Pricing 2023**

**Option One:**

- Five-year extension (2023 – 2027)
- 4% increase in 2023, future increases limited to CPI (same as existing terms)
- No Fuel Surcharge

SERVICE	2022 CURRENT	2023 PROPOSED	DIFFERENCE
GARBAGE	\$5.53 <del>\$5.38</del>	\$5.75	\$0.22
RECYCLE	\$5.41 <del>\$4.95</del>	\$5.63	\$0.22
<b>TOTAL</b>	\$10.94	\$11.38	\$0.44
<b>YARD WASTE (PER COLLECTION)</b>	\$15,898.00	\$16,534.00	\$635.92

**Option Two:**

- Three-year extension (2023 – 2025)
- 6% increase in 2023, future increases limited to CPI, maximum 6%
- Incorporate fuel surcharge, effective 1/1/23

SERVICE	2022 CURRENT	2023 PROPOSED	DIFFERENCE
GARBAGE	\$5.53	\$5.86	\$0.33
RECYCLE	\$5.41	\$5.73	\$0.32
<b>TOTAL</b>	\$10.94	\$11.59	\$0.65
<b>YARD WASTE (PER COLLECTION)</b>	\$15,898.00	\$16,851.88	\$953.88

**Option Three:**

- One-year extension (2023)
- 8% / CPI increase
- Incorporate fuel surcharge, effective 1/1/23

SERVICE	2022 CURRENT	2023 PROPOSED	DIFFERENCE
GARBAGE	\$5.53	\$5.97	\$0.44
RECYCLE	\$5.41	\$5.84	\$0.43
<b>TOTAL</b>	\$10.94	\$11.81	\$0.87
<b>YARD WASTE (PER COLLECTION)</b>	\$15,898.00	\$17,169.84	\$1,271.84

**First Extension Proposal**



**P.O. BOX 329**  
**WHITEWATER, WI 53190**  
**262-473-4700 • Fax: 262-473-6775**  
**www.johnsdisposal.com**  
**email: office@johnsdisposal.com**

**DISPOSAL SERVICE, INC.**

May 13, 2022

The City of Franklin  
 Attn: Peggy Steeno, Director of Administration  
 9229 W Loomis Road  
 Franklin, WI 53132

Re: Contract Extension

Dear City Council,

We are now approaching the conclusion of current contract for curbside collection of garbage, recycling, and yard waste for the City of Franklin. Our drivers and your residents are very much on the same page as we receive few service complaints. We are thankful for the opportunity to serve you and your citizens as well as for the strong relationships our staff have developed with the City over the years.

If the Council has been pleased with our service, we are proposing to enter into a new five-year agreement with the City through December 31, 2027. The proposed new agreement would be for the same level of service that you currently receive. As you may or may not know, our current contract is tied to a CPI annual rate increase which is currently between 8-9%. In exchange for a new five-year agreement, we are proposing to limit our rate increase during the first contract year (2023) to a 4% cost-of-living increase. In addition to reduced increase in the first collection year, we will add in the (2) 30-yard dumpsters for Franklin's annual 4<sup>th</sup> of July festival at no cost to the City. We are proposing no other changes to our current contract.

Monthly rates for 2023 would be as follows:

SERVICE	2022 CURRENT	2023 PROPOSED
GARBAGE	\$5.53	\$5.75
RECYCLE	\$5.41	\$5.63
<b>TOTAL</b>	<b>\$10.94</b>	<b>\$11.38</b>
<b>YARD WASTE (PER COLLECTION)</b>	<b>\$15,898.00</b>	<b>\$16,534.00</b>

If you have any questions about this proposal, please do not hesitate to contact me directly at 262-473-4700 ext. 224. I look forward to the opportunity to present this proposal and answer any questions at a council meeting.

Sincerely,

Nate Austin  
 Municipal Accounts Manager

PRINTED ON RECYCLED PAPER

**Residential • Commercial • Industrial • Recycling • Refuse Disposal**



**Proposed Fuel Surcharge / Rebate Table  
(If Applicable)**

For each month during which this Agreement is in effect, if on-highway diesel fuel decreases below \$3.25 per gallon average per month, a fuel rebate will be issued to the City each month per household according to the schedule below. For each month during which this Agreement is in effect, if diesel fuel rises above \$4.00 per gallon average per month, a fuel surcharge will be added each month per household according to the schedule below. Fuel pricing evidence will be based on national diesel fuel averages reported by the U.S. Department of Energy On-Highway Diesel Price Index: Midwest Region. At the time of proposal submittal, the national average diesel fuel price was \$3.776 per gallon.

Fuel Price Range		Credit	Fuel Price Range		Surcharge	Fuel Price Range		Surcharge
\$3.00	\$3.04	-0.600%	\$4.00	\$4.04	0.120%	\$5.00	\$5.04	2.520%
\$3.05	\$3.09	-0.480%	\$4.05	\$4.09	0.240%	\$5.05	\$5.09	2.640%
\$3.10	\$3.14	-0.360%	\$4.10	\$4.14	0.360%	\$5.10	\$5.14	2.760%
\$3.15	\$3.19	-0.240%	\$4.15	\$4.19	0.480%	\$5.15	\$5.19	2.880%
\$3.20	\$3.24	-0.120%	\$4.20	\$4.24	0.600%	\$5.20	\$5.24	3.000%
\$3.25	\$3.29	0.000%	\$4.25	\$4.29	0.720%	\$5.25	\$5.29	3.120%
\$3.30	\$3.34	0.000%	\$4.30	\$4.34	0.840%	\$5.30	\$5.34	3.240%
\$3.35	\$3.39	0.000%	\$4.35	\$4.39	0.960%	\$5.35	\$5.39	3.360%
\$3.40	\$3.44	0.000%	\$4.40	\$4.44	1.080%	\$5.40	\$5.44	3.480%
\$3.45	\$3.49	0.000%	\$4.45	\$4.49	1.200%	\$5.45	\$5.49	3.600%
\$3.50	\$3.54	0.000%	\$4.50	\$4.54	1.320%	\$5.50	\$5.54	3.720%
\$3.55	\$3.59	0.000%	\$4.55	\$4.59	1.440%	\$5.55	\$5.59	3.840%
\$3.60	\$3.64	0.000%	\$4.60	\$4.64	1.560%	\$5.60	\$5.64	3.960%
\$3.65	\$3.69	0.000%	\$4.65	\$4.69	1.680%	\$5.65	\$5.69	4.080%
\$3.70	\$3.74	0.000%	\$4.70	\$4.74	1.800%	\$5.70	\$5.74	4.200%
\$3.75	\$3.79	0.000%	\$4.75	\$4.79	1.920%	\$5.75	\$5.79	4.320%
\$3.80	\$3.84	0.000%	\$4.80	\$4.84	2.040%	\$5.80	\$5.84	4.440%
\$3.85	\$3.89	0.000%	\$4.85	\$4.89	2.160%	\$5.85	\$5.89	4.560%
\$3.90	\$3.94	0.000%	\$4.90	\$4.94	2.280%	\$5.90	\$5.94	4.680%
\$3.95	\$3.99	0.000%	\$4.95	\$4.99	2.400%	\$5.95	\$5.99	4.800%

*\*For every \$0.05 increase in fuel price, the surcharge will increase by 120% with no limit as above table ends at \$5.99 per gallon (i.e. \$6.00 - \$6.04 = 6.000% surcharge)*

<p>APPROVAL <i>KLK</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE December 20, 2022</p>
<p>REPORTS &amp; RECOMMENDATIONS</p>	<p>CONCEPT REVIEW FOR A LAND DIVISION AND "LIGHT INDUSTRIAL FLEX SPACE" DEVELOPMENT LOCATED AT APPROXIMATELY 10885 S 27TH ST. (TKNS 978 9997 000, 978 9998 000, AND 978 9999 001) (MARK NORDLAND, LIKEWISE PARTNERS LLC, APPLICANT)</p>	<p>ITEM NUMBER G 3.</p>

A Concept Review is an informal high-level perspective presentation of a potential project by a developer to the Common Council. While not required, the Concept Review provides developers with the opportunity to obtain comments from Common Council members before undertaking more detailed design and applications processes. The Concept Review is strictly optional by the request of a developer. No comments made at a Concept Review meeting are in any way binding upon any actions by the City during a subsequent required applications process. The Common Council does not entertain any motions or take any actions upon the potential project at a concept review meeting.

**BACKGROUND & APPLICATION**

On September 15, 2022, the applicant submitted the application for Concept Review. The applicant, Likewise Partners LLC has met with staff regarding this project location and potential development of the property into Light Industrial space in several phases, along with parking, and stormwater facilities.

The applicant proposes to re-divide the parcels into three lots and two outlots. The applicants also propose to possibly reroute a portion of County Line Rd. through their development.

The documents attached include:

- Staff report prepared by the City Development Department and staff comments from other City departments.
- Applicant's Concept Review submittal: project summary and concept plan.

**COUNCIL ACTION REQUESTED**

No action requested. No action to be taken.



# CITY OF FRANKLIN



## REPORT TO THE COMMON COUNCIL

Meeting of December 20, 2022

### Concept Review

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**RECOMMENDATION:** Provide direction to the applicant regarding the proposed development of properties bearing TKNs 978 9997 000, 978 9998 000, 978 9999 001

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<b>Project Name:</b>	<b>Likewise Concept Review – 10885 S 27th.</b>
<b>Property Owner:</b>	FOX GLEN CORPORATE CENTRE LLC
<b>Applicant:</b>	Mark Nordland, Likewise Partners LLC
<b>Property Address/Tax Key Number:</b>	10885 S 27 <sup>th</sup> St. / 978 9997 000 11027 S 27 <sup>th</sup> St. / 978 9998 000 0 W S County Line Rd. /978 9999 001
<b>Aldermanic District:</b>	District 4
<b>Agent:</b>	Mark Nordland, Likewise Partners LLC
<b>Zoning District:</b>	PDD 39, FC Floodplain Conservancy District, FW Floodway District
<b>Use of Surrounding Properties:</b>	PDD 39 (west and north) Oak Creek – Single Family Residential, Floodplain and Agricultural (east) Town of Raymond Business and Agricultural (south)
<b>Application Request:</b>	No action requested.
<b>Staff Planner:</b>	Marion Ecks, AICP

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The subject of this Concept Review is a proposed development on three lots currently owned by Fox Glen Corporate Center LLC. The applicant proposes to re-divide the parcels into three lots for “Light Industrial Flex Space” and two outlots. The applicants also propose to possibly reroute a portion of County Line Rd. through their development.

The total development area is approximately 106 acres, and is currently vacant. Although a complete Natural Resource Protection Plan has not been produced at this stage, the development contains areas of wetland, woodland, floodplain, a segment of the Root River, and Primary and Secondary Environmental Corridor. It is zoned Planned Development District 39. The properties immediately north of this one have frontage along the south side of Elm, and are also within PDD 39. The site is traversed by ATC electrical power lines.

### CONCEPT DESCRIPTION

The applicant is proposing a Light Industrial Flex Space development in three phases, as well as creation of a new “Future Road A” which would connect 27<sup>th</sup> St. to S. County Line Rd. The current design is for two buildings, each with their primary façade facing the future road. Phase 1



(Lot 1) and Phase 2 (Lot 2) would each have one 300,000 s.f. building and related parking, stormwater, etc. Phase 3 does not have a proposed building design at this time.

The applicant has provided conceptual drawings and responses to Special Use standards and design standards.

Approval of this development would require, at a minimum, a Special Use and site plan review. Additional applications are discussed in Staff Comments.

### **STAFF ANALYSIS**

City Development staff has the following comments and concerns about this proposal. Detailed comments are provided in the Staff Comments memo attached:

- **Consistency with the Comprehensive Plan.** The Future Land Use Map of the Comprehensive Plan designates this site as Mixed Use, with areas of Natural Resources, and was amended by ORD 2016-2234 to define PDD 39 as Mixed Use Business Park. Adjoining lots are designated with Future Land Uses of Natural Resources, or Mixed Use Business Park. The Natural Resource designation is not intended to preclude development, but to note the presence and importance of natural resources on the property.
- **Current Zoning and Proposed Development.** The current zoning of Planned Development District 39 is intended to “facilitate the development of a high-quality office, light industrial, and commercial mixed use area.” Parcels within 1,000 feet of S. 27th St are within the “Gateway” Area of the PDD and subject to the standards of that area, which is focused on office uses. Proposed Lots 1 and 2 include lands within the Gateway Area. Proposed Lot 3 is within the “Business Park” Area.
- **Overall Design.**

The Site Plan application must comply with both PDD 39 and the S. 27th St. Overlay District design standards or obtain waivers of the standards from Plan Commission. See Staff Comments for additional details. Some key comments include:

- Overall architecture and design indicate industrial users/tenants. Additional glazing and other features for office tenants would be appropriate.
- The layout of the site is configured so that the bulk of buildings are situated facing the newly proposed street A with their primary façade. This means that the rear sideyards will be visible to S. 27<sup>th</sup> St. Staff has concerns about the configuration and screening of parking visible from S. 27<sup>th</sup> St. and the freeway.
- Design of the site and land divisions are intended to limit impact to natural resources, but the proposed design will impact wetland areas. This will require, at a minimum, DNR and City of Franklin approval. The presence of Floodplain, as well as Primary and Secondary Environmental Corridor indicates the importance of natural resources here; impacts to them require additional scrutiny.

- **Other Departmental Comments.** Staff from the Engineering, Fire, and Health departments offered up several comments regarding the proposal, which are attached in the attached Comments Memorandum sent to the applicant.
- **Natural Resource Protection Complaint.** The property with TKN 978 9999 001 is currently the subject of a complaint involving unpermitted fill.

**Staff Recommendation:**

Staff has no recommendation. This item does not have a recommended motion and no official action is to be taken.

Exhibits:

- Staff Comments
- Applicant narrative
- Applicant Exhibits

**MEMORANDUM**

Date: December 15, 2022  
To: Mark Nordland, Likewise Partners LLC  
From: Department of City Development. Marion Ecks, Associate Planner.  
RE: Concept Review, TKNs 978 9997 000, 978 9998 000, 978 9999 001

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Please be advised that city staff has reviewed the above application received on September 15, 2022, for a proposed development in the lots located at approximately 10885 S 27th St.; Tax Key No.s 978 9997 000, 978 9998 000, 978 9999 001. The following comments are for your review and consideration.

**Department of City Development**

1. **Future Land Use Designation.** The City of Franklin 2025 Comprehensive Master Plan designates the property as “Mixed Use” with areas of “Natural Resources”. The Natural Resource designation is not intended to preclude development, but to note the presence and importance of natural resources on the property. The property may be developed according to the standards of adjoining Future Land Uses of “Mixed Use” as defined by PDD 39.
2. **Zoning and Uses.** The properties in this proposed development are zoned PDD 39, FC Floodplain Conservancy District, and FW Floodway District. The intent of PDD 39 is to “facilitate the development of a high-quality office, light industrial, and commercial mixed use area.”
  1. Parcels within 1,000 feet of S. 27<sup>th</sup> St are within the “Gateway” Area of the PDD and subject to the standards of that area. Proposed Lots 1 and 2 include lands within the Gateway Area. Proposed Lot 3 is within the “Business Park” Area.
    - i. Office and Light Industrial corporate headquarters are a permitted uses in The Gateway. The proposed “Light Industrial Flex Space” use requires Special Use approval.
  2. Alternative locations – The majority of the proposed Phase 1 and 2 are located in the Gateway area of PDD 39, which discourages industrial or manufacturing uses. This type of development would be more appropriate to the Business Park area of PDD 39.
  3. Overnight truck parking requires Special Use approval.



3. **Development Review Process.** Implementation of this project as proposed will require, at a minimum, the following applications or review by the City of Franklin:
  1. Certified Survey Maps (CSMs) to re-divide these lots. A maximum of four lots may be created by each CSM. The current proposal will require two CSMs.
  2. Special Use approval from Common Council for overnight truck parking, flex industrial uses, etc.
  3. Site Plan approval from Plan Commission.
  4. Natural Resource Special Exception (NRSE) for impacts to natural resources protected under UDO Part 4. NRSEs require Environmental Commission and Plan Commission review and Common Council approval.
  5. Any development in the floodplain will require review and approval. Local reviews are typically processed as a “Miscellaneous” application concurrent with site plan or other applications.
  6. Related approvals such as required easements, and review and approval from other departments such as building permits, stormwater, etc. See below for comments from other departments.
  7. Please note that the applicant is also responsible for any necessary permits from other jurisdictions.
4. **PDD 39 and 27<sup>th</sup> St. Corridor Design Standards.** This property is located within the S. 27<sup>th</sup> Overlay. The Site Plan application must comply with both PDD 39 and the S. 27<sup>th</sup> St. Overlay District design standards or obtain waivers of the standards from Plan Commission.
  1. Request for waivers of standards that are more appropriate to retail or general commercial development, such as courtyards requirements, are reasonable.
  2. The proposed land division and site design exceed greenspace requirements for PDD 39.
  3. Staff recommends inclusion of additional pedestrian access points, and locations/pads for bicycle parking and furniture.
  4. The use of brick pattern formliner meets the visual intent of design standards, but not quality standards.
  5. Overall architecture and design indicate industrial users/tenants. Additional glazing and other features for office tenants would be appropriate.
5. **General Comments.**
  1. Would “Future Road A” require a traffic signal?

2. At present, there is no option to enter “Future Road A” from northbound 27<sup>th</sup> St.
  3. The decommissioning / vacation of S. County Line Rd. and construction of “Future Road A” creates the need for some of the proposed wetland impacts.
  4. Rear sideyards will be visible to S. 27<sup>th</sup> St. and should be screened accordingly.
  5. Due to the grade, parking areas for the southern side of the Phase 2 development are visible from northbound 27<sup>th</sup> St. and the I-94 freeway. Significant landscape screening is recommended.
  6. The quantity of truck parking suggests a focus on tenants with shipping uses. Note that truck terminals are prohibited in PDD 39.
6. **Wetlands, floodplain, and other environmental features.** This development site contains a wetland complex, SEWRPC Environmental Corridor, and a segment of the Root River.
1. The proposed designation of SEWRPC Secondary Environmental Corridor areas as an Outlot is appropriate.
  2. Wetlands and natural resources should be placed in outlots when possible.
  3. Areas containing Primary Environmental Corridor and the Root River segment should be placed in an outlot, easement, or otherwise protected.
  4. Impacts to wetlands and other natural resources for road crossings, parking areas etc. will require a Natural Resource Special Exception (NRSE).
  5. Development in areas of floodplain must comply with floodplain regulations.
  6. Local protections do not apply to any wetlands deemed exempt by both the WI Department of Natural Resources and the Army Corps of Engineers.
    - i. Placement of stormwater facilities in exempted wetland areas is permissible. Protections for non-exempt areas apply.
  7. The WI DNR has expressed concerns about wetland permitting for similar developments in PDD 39 that propose industrial uses without identified tenants.
7. **Open Complaint** – There are ongoing compliance issues on the site with the City of Franklin and the Wisconsin Department of Natural Resources regarding the material stockpiles on the south end of the site.

**Engineering Department Comments**

8. Prepare a land division (CSM) with the public road dedication for review and approval.
9. Separate engineering submittals of the following are required:
  1. Engineering Civil plans
  2. Storm Water Management Plan
  3. Easement documents
10. Any proposed public roads will need to follow City standards/specifications.

**Fire Department Comments**

11. The FD has no comment regarding this request.

**Police Department Comments**

12. The PD has no comment regarding this request.

**Inspection Services Department Comments**

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



**DIVISION 15-3.0700      SPECIAL USE STANDARDS AND REGULATIONS**

**SECTION 15-3.0701      GENERAL STANDARDS FOR SPECIAL USES**

A. **General Standards.** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

*Response: The current proposed concept site plan for the project features two 300,000 SF industrial buildings, a new public roadway with utility infrastructure, and new stormwater management facilities. In total, the land area is approximately 100 acres, half of which is currently proposed to be developed. It will be subdivided to create three new lots for development and two outlots for ponds and conservation. The site layouts for the buildings will comply with PDD 39 zoning requirements. The greenspace for lot 1 is 37.5% and lot 2 is 32.6% both of which exceed the 25% required. This also includes having the proposed truck docks face away from the new public roadway that will run between the buildings. The new public roadway will connect to the existing segment of County Line Road, head north and ultimately east to connect to South 27th Street. This will allow for a portion of County Line Road being removed in the future, including the intersection at South 27th Street. The new roadway will follow the current City standards for ROW (80' wide) and roadway (36' wide flange to flange). The proposed, shared detention pond areas are also to be located in an outlot when feasible.*

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

*Response: In addition to the City specific zoning requirements, the necessary environmental/resource setbacks were considered in the proposed concept site plan. There is a 20 acre woodland area located in the northwest corner of the site that will be placed and protected in an outlot with a conservation easement. All wetlands that have been delineated in this area have the City required 30' buffer and 50' setback identified for reference. Placement of the buildings and roadways took into account the wetland complex that runs along the middle portion of the site to reduce any impacts, including to the buffer and setback areas. The large wetland area shown at the southern portion of the site is believed to be artificial as it was previously a man-made detention pond that was filled by the current site owner. This is why the*

*proposed roadway and detention ponds were placed in this location. It is also understood that wetland impact permitting with the WDNR and USACE will be necessary for this project. Also, a Natural Resource Protection Plan (NRPP) and Natural Resource Special Exception (NRSE) will need to be applied for with the City.*

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

*Response: As stated under General Standards A, item 2, the placement of the buildings and roadways took into account the wetland complex that runs along the middle portion of the site to reduce any impacts, including to the buffer and setback areas.*

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

*Response: The development will be serviced by all necessary public utilities, infrastructure, and services. The developer will request that funding from the existing TID be made available to construct the new road through the property and connect the project to existing utilities.*

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

*Response: The newly constructed commercial grade Elm Boulevard and I-94 interchange, which is less than 1 mile away, will naturally attract the vast majority of traffic patterns. There should be no reason for traffic from the development to funnel into residential neighborhoods in the area. All necessary roadway infrastructure will follow local City, County and WisDOT design criteria, where applicable.*

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

*Response: As stated under General Standards A, item 2, there is a 20 acre woodland area located in the northwest corner of the site that will be placed and protected in an outlot with a conservation easement. All wetlands that have been delineated in this area have the City required 30' buffer and 50' setback identified for reference. Placement of the buildings and roadways took into account the wetland complex that runs along the middle portion of the site to reduce any impacts, including to the buffer and setback areas.*

7. **Compliance with Standards.** The special use shall, in all other respects, conform to the



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

*Response: As stated under General Standards A, items 2 & 5, it is also understood that wetland impact permitting with the WDNR and USACE will be necessary for this project. Also, a Natural Resource Protection Plan (NRPP) and Natural Resource Special Exception (NRSE) will need to be applied for with the City. All necessary roadway infrastructure will follow local City, County and WisDOT design criteria, where applicable.*

As part of our application and this submittal, we are requesting some exceptions to the applicable design standards. The requested exceptions are in blue text below. We are also identifying areas where we exceed the design standards – these are in green text.

**PDD No. 39 Design Standards, Section 15-3.0444A.D. Gateway Area Design Standards**

**Item 2b.iii.** Sidewalks shall be provided along the entire length of any façade containing a public entrance, leaving room for foundation planting beds, and shall connect to existing or planned public sidewalks or pedestrian/bike facilities.

*Request: The proposed plan will provide three sidewalks and crosswalks that connect the building entrances to the adjacent access road in lieu of a continuous walk across the front of the buildings. We feel that this provides more direct pedestrian access between the building entrances and the public sidewalk. It also allows us to maintain a wider landscape strip between the building and the parking lot and has less total impervious area on the site.*

**Item 3b.** Central Areas/Features. Each development which contains a building over forty-thousand (40,000) square feet in area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and maintained over the life of the building and project.

*Request: The proposed design does not include any central area/feature. These are not typical for buildings of this type.*

**Item 4a.i.** All principal buildings shall be multi-story and exhibit quality architectural design. Corner building shall also serve as landmarks with distinctive architectural character, including such features as towers, rounded walls, recessed entries, or other unique features.

*Request: We have created large glazed openings at the corners of the building with clerestory windows above. This provides the ability of a future tenant to build a two-story office while also providing the look of a multi-story building from initial construction.*

**Item 4a.iii.** Brick and stone are preferred primary materials for the solid (non-window) portion of the new buildings or additions.



*Request: Articulated, painted precast concrete wall panels are utilized for the exterior walls of the building. This is the industry standard for a Class A building of this type. In addition, we are calling for the use of a brick pattern form liner on the lower 12'-0" of a great deal of the walls facing the Access Road and South 27<sup>th</sup> Street.*

**Item 4a.iv.** Precast concrete, cast stone, concrete masonry units, terra cotta, stucco, and wood siding are acceptable accent and secondary materials for the solid portion of new buildings or additions.

*Request: Articulated, painted precast concrete wall panels are utilized for the exterior walls of the building. This is the industry standard for a Class A building of this type. In addition, we are calling for the use of a brick pattern form liner on the lower 12'-0" of a great deal of the walls facing the Access Road and South 27<sup>th</sup> Street.*

**Item 4a.ix.** All visible sides of the building shall be designed with details that complement the front façade. Side facades that are visible from the public street shall receive equal design attention.

*Provided: The south, east and west sides of the building has façade articulation and a brick pattern form liner. The north side of the building will be less visible from the public street and will be screened with landscaping.*

**Item 4a.x.** For each building more than 40,000 square feet in area, building massing that creates modulation and articulation is required.

*Provided: The proposed design provides façade articulation in the form of precast recesses and projections at the entrance areas for a total of 28.1% of the building's south façade and 29% of the east and west facades. In addition, there are grade level windows, clerestory windows and paint changes to provide further visual interest/relief.*

**Item 4a.xi.** Commercial buildings shall have at least 60% of their ground floor front elevations with transparent windows.

*Request: We have created large glazed openings at the corners of the building and at the two center entries with clerestory windows above. Additional larger individual windows are provided along the front south elevation. The proposed design provides 8.2% glazing area on the south elevation and 6.4% on the east and west elevations. Providing 60% glazing at the front elevation is not desired or typically provided for a Class A building of this type*

**Item 7.** Supplemental Design Guidelines. It is intended that the *applicable* design guidelines set forth in South 27<sup>th</sup> Street Corridor Plan, and the *applicable* design standards in the South 27<sup>th</sup> Street Design Overlay District, be utilized - *as a supplemental guide* - to the mandatory design standards set forth elsewhere in this Ordinance pertaining to the Gateway Area portion of the Planned Development District No. 39. The purpose of these supplemental guidelines are to serve as general recommendations to further encourage good quality design in new building and site design, which in turn will support an attractive, interesting, safe, and sustainable District. It is also intended that these supplemental guidelines serve as the supplemental design elements or improvements to be incorporated into any project which requires compensation for any waiver of the additional design standard as set forth in this Ordinance. In particular, it is *encouraged* that the design standards, set forth in Section 15-3.0355B and Section 15-3.0355C of South 27<sup>th</sup> Street Design Overlay District *be considered*.

*Response: The intent as identified in bold text above is noted to encourage considering use of the Supplemental Design Guidelines where applicable, as a supplemental guide. In line with our intent to provide an industrial building which is aesthetically pleasing and appropriate for its use and location in the business park, the following indicates how the proposed design relates to these encouraged guidelines.*

**Village of Franklin Zoning, Chapter UDO, Part 3, Division 15-3.0350, Section 15-3.0351 – South 27<sup>th</sup> Street Design Overlay District**

**15-3.0352.A.** Parking required and Location Regulated. Not more than 50% of the off-street parking spaces shall be located directly between the front façade of the building and the public street, unless additional buildings in the overall development are or will be located between the main building and the public street. Such additional buildings must be sufficient in size, location, and number to provide an effective visual break between the public street and the parking lot.

*Request: The goal is to separate the car traffic from truck traffic for safety purposes. All of the employee and visitor car parking is located in parking lots on the south side of the buildings and any truck maneuvering being confined to the north and west sides of the building.*

**15-3.0353.C.4.** Sidewalks shall be provided along the entire length of any façade containing a public entrance, leaving room for foundation planting beds.

*Request: As also stated in response to Item 2.b.iii. in the PDD No. 39 above, the proposed plan will provide three sidewalks and crosswalks that connect the building entrances to the adjacent access road in lieu of a continuous walk across the front of the buildings. We feel that this provides more direct pedestrian access between the building entrances and the public sidewalk. It also allows us to maintain a wider landscape strip between the building and the parking lot and has less total impervious area on the site.*

**15-3.0353.C.7.** The building shall provide awnings or other weather protection features within 30 feet of all customer entrances along a building.

*Request: The proposed design provides canopies at each of the proposed tenant entrances to accent the entries and provide rain cover while the pedestrian enters the building. Canopies or awnings beyond this are not typical for buildings of this type.*

**15-3.0353.E.** Bicycle and Pedestrian Amenities Required. The development shall provide secure, integrated bicycle parking and pedestrian furniture in appropriate quantities and location.

*Request: The proposed design does not include bicycle racks or pedestrian furniture. These are not typical for buildings of this type. These amenities can be provided by the individual tenants if they choose to.*

**15-3.0353.G.** Central Areas/Features. Each development which contains a building over 50,000 square feet in area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or



community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and maintained over the life of the building and project.

*Request: The proposed design does not include any central area/feature. These are not typical for buildings of this type.*

**15-3.0355.B.3.b.** Exterior building materials shall convey an impression of durability. Materials such as masonry, stone, stucco, and wood are encouraged. Metal is not allowed as the primary exterior building material, though it may be used for accents including awnings.

*Request: As also stated in response to Item 4a.iii. in the PDD No. 39 above, articulated, painted precast concrete wall panels are utilized for the exterior walls of the building. This is the industry standard for a Class A building of this type.*

**15-3.0355.B.5.a.** Decorative devices – such as molding, entablature, and friezes – are expected at the roofline. Where such ornamentation is present in the form of a linear molding or board, the band must be at least eight inches wide.

*Request: The proposed design includes a simple color coordinated metal coping at the top of the wall.*

**15-3.0355.B.6.** Change in Relief of Building. Buildings must include changes in relief on at least 10% of their primary façade for pedestrian interest and scale. Relief changes include cornices, bases, fenestration, fluted masonry, or other treatments.

*Provided: The proposed design provides façade articulation in the form of precast recesses and projections at the entrance areas for a total of 28.1% of the building's south façade and 29% of the east and west facades. In addition, there are grade level windows, clerestory windows and paint changes to provide further visual interest/relief.*

**15-3.0355.B.7.a.** Windows which allow views to the interior activity or display areas are expected. Windows shall include sills at the bottom and pediments at the top. Glass curtain walls, reflective glass, and painted or darkly tinted glass shall not be used.

*Request: The glazing at these buildings will typically be to office areas that are part of the overall function of the tenant's operations. These are not typically retail or showroom display areas as seem to be intended by the language in the standards. This requirement would appear to not be applicable in this location.*

**15-3.0355.C.4.** Building Materials. Building materials shall be unified throughout the building, and shall complement other buildings in the vicinity. Exterior building materials shall be of high and comparable aesthetic quality on all sides. Building materials such as glass, brick, decorative concrete block, or stucco shall be used. Decorative architectural metal with concealed fasteners may be approved if sensitively incorporated into the overall design of the building.

*Request: As also stated in response to Item 4a.iii. in the PDD No. 39 above, articulated, painted precast concrete wall panels are utilized for the exterior walls of the building. This is the industry standard for a Class A building of this type.*



**15-3.0355.C.5 Building Design.** The building exterior shall be unified in design throughout the structure, and shall complement other buildings in the vicinity. The building shall employ varying building setbacks, height, roof treatments, door and window openings, and other structural and decorative elements to reduce apparent size and scale. A minimum of 20% of all the combined facades of the structure shall employ actual façade protrusions or recesses. A minimum of 20% of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height, with such differences being six feet or more as measured eave to eave or parapet to parapet for buildings over 50,000 square feet. Roofs with particular slopes may be required by the City to complement existing buildings or otherwise establish a particular aesthetic objective. Ground floor facades that face and are on properties that are in any part within 100 feet of public streets shall have arcades, display windows, entry areas, awnings, or other such features along no less than 50% of their horizontal length. The integration of windows into building design is strongly encouraged.

*Request: The proposed design provides façade articulation in the form of precast recesses and projections at the entrance areas for a total of 17.2% of each building's perimeter. The proposed design also provides varying parapet heights at the entrance areas with a combined percentage of varied parapet being 16%. The proposed elevations indicate the relative heights to vary from 4' to 6'. An accent paint scheme and additional glazing are used to further accentuate the entrance areas. These recesses, projections and elevation changes are appropriate for the visual impact of the entrances and the proportions of each element. The south and east facades are more than 100' from the streets. The entries and windows represent 20.2% of the south façade length and 15.9% of the east and west facade length.*

**15-3.0355.C.6 Building Entrances.** Public building entryways shall be clearly defined and highly visible on the building's exterior design, and shall be emphasized by on-site traffic flow patterns. Two or more of the following design features shall be incorporated into all public building entryways: canopies or porticos, overhangs, projections, arcades, peaked roof forms, arches, outdoor patios, display windows, distinct architectural details. Unless exempted by the Plan Commission all sides of the building that directly face or abut a public street or public parking area shall have at least one public entrance, except that the City shall not require building entrances on more than two sides of any building.

*Request: The proposed design includes two primary corner entrances and two secondary entry features for each building. There are also additional windows provided to either side of the corner entrances. All entries include canopies, storefront glazing and distinct painting treatments.*

- B. Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

*Response: The applicant is requesting that business classifications of eCommerce Fulfillment, Warehousing, and Distribution uses are considered Permitted Uses, which may be approved by the Zoning Administrator, and not subject to the requirements of Section 15-3.0702 and 15-3.0703.*

C. **Considerations.** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:

1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

*Response: The proposed Class A Industrial development will be attractive to many different types of industrial operations who will be looking to locate in Franklin because of its skilled workforce, attractive community, existing strong businesses and allow them to capitalize on the access that the newly constructed Elm Boulevard provides to Interstate 94.*

2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

*Response: The proposed Class A Industrial development site presents an optimal site plan layout which is inclusive of all of the amenities that progressive industrial tenants are searching for. The site is located in the Gateway Area which allows the community of Franklin to attract immediate investment and increment.*

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

*Response: The proposed Class A development promotes maximum density development which maximizes the Per Acre assessed value of land in the community. Maximum Per Acre development ensures that the community maximizes property value while also protecting its natural resources. Also as stated under General Standards A, item 2, the placement of the buildings and roadways took into account the wetland complex that runs along the middle portion of the site to reduce any impacts, including to the buffer and setback areas.*

4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

*Response: The proposed development will be a Class A Industrial development in the Gateway Area and it will set the bar for the redevelopment of several outdated industrial properties in the surrounding area.*





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# LIKEWISE FRANKLIN DEVELOPMENT

## SOUTH 27TH STREET, FRANKLIN, WI

**PROJECT DATA**

AREA: 100,000 SQ. FT.  
 INTERNATIONAL BUILDING CODE, 2015 AS AMENDED BY THE LOCAL CODE  
 SHELLED CONCRETE, INSULATED JOIST ROOF SYSTEM

**MAJOR CLIENTS:**  
 PARTNERS IN DESIGN ARCHITECTS, INC.  
 11111 WISCONSIN AVENUE, SUITE 100  
 MILWAUKEE, WI 53224

**DESIGN TEAM:**  
 PARTNERS IN DESIGN ARCHITECTS, INC.  
 11111 WISCONSIN AVENUE, SUITE 100  
 MILWAUKEE, WI 53224

**GENERAL NOTES**

1. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS OF ALL UTILITIES AND SERVICES PRIOR TO CONSTRUCTION.
2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL CODES AND REGULATIONS.
3. ALL MATERIALS AND METHODS SHALL BE APPROVED BY THE ARCHITECT PRIOR TO CONSTRUCTION.
4. ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

**SHEET INDEX**

1. GENERAL NOTES  
 2. SITE PLAN  
 3. FLOOR PLAN  
 4. SECTION  
 5. ELEVATION  
 6. EXTERIOR FINISH  
 7. INTERIOR FINISH  
 8. MECHANICAL  
 9. ELECTRICAL  
 10. PLUMBING

**ABBREVIATIONS**

AC	ACCESS
AD	ADDITIONAL
AE	ASSEMBLY
AF	ARCHITECTURAL FINISH
AG	ARCHITECTURAL GRASS
AH	ARCHITECTURAL HATCH
AI	ARCHITECTURAL INTERIOR
AJ	ARCHITECTURAL JOINT
AK	ARCHITECTURAL KITCHEN
AL	ARCHITECTURAL LIVING
AM	ARCHITECTURAL MATERIAL
AN	ARCHITECTURAL NOTE
AO	ARCHITECTURAL OFFICE
AP	ARCHITECTURAL PAVEMENT
AQ	ARCHITECTURAL QUARTERS
AR	ARCHITECTURAL RECEPTION
AS	ARCHITECTURAL SIGNAGE
AT	ARCHITECTURAL TERRACE
AV	ARCHITECTURAL VESTIBULE
AW	ARCHITECTURAL WALL
AX	ARCHITECTURAL WINDOW
AY	ARCHITECTURAL YARD
AZ	ARCHITECTURAL ZONE
BA	BATH
BB	BREAK ROOM
BC	BREAK ROOM CLOSET
BD	BREAK ROOM DECK
BE	BREAK ROOM ELEVATOR
BF	BREAK ROOM FINISH
BG	BREAK ROOM FLOOR
BH	BREAK ROOM GLASS
BI	BREAK ROOM HATCH
BJ	BREAK ROOM INTERIOR
BK	BREAK ROOM JOINT
BL	BREAK ROOM KITCHEN
BM	BREAK ROOM LIVING
BN	BREAK ROOM MATERIAL
BO	BREAK ROOM NOTE
BP	BREAK ROOM OFFICE
BQ	BREAK ROOM PAVEMENT
BR	BREAK ROOM QUARTERS
BS	BREAK ROOM RECEPTION
BT	BREAK ROOM SIGNAGE
BU	BREAK ROOM TERRACE
BV	BREAK ROOM VESTIBULE
BW	BREAK ROOM WALL
BX	BREAK ROOM WINDOW
BY	BREAK ROOM YARD
BZ	BREAK ROOM ZONE

**LOCATION MAP**

**CLIENT:** PARTNERS IN DESIGN ARCHITECTS, INC.  
 11111 WISCONSIN AVENUE, SUITE 100  
 MILWAUKEE, WI 53224

**DESIGN TEAM:** PARTNERS IN DESIGN ARCHITECTS, INC.  
 11111 WISCONSIN AVENUE, SUITE 100  
 MILWAUKEE, WI 53224

**PROJECT NUMBER:** 993.22.087

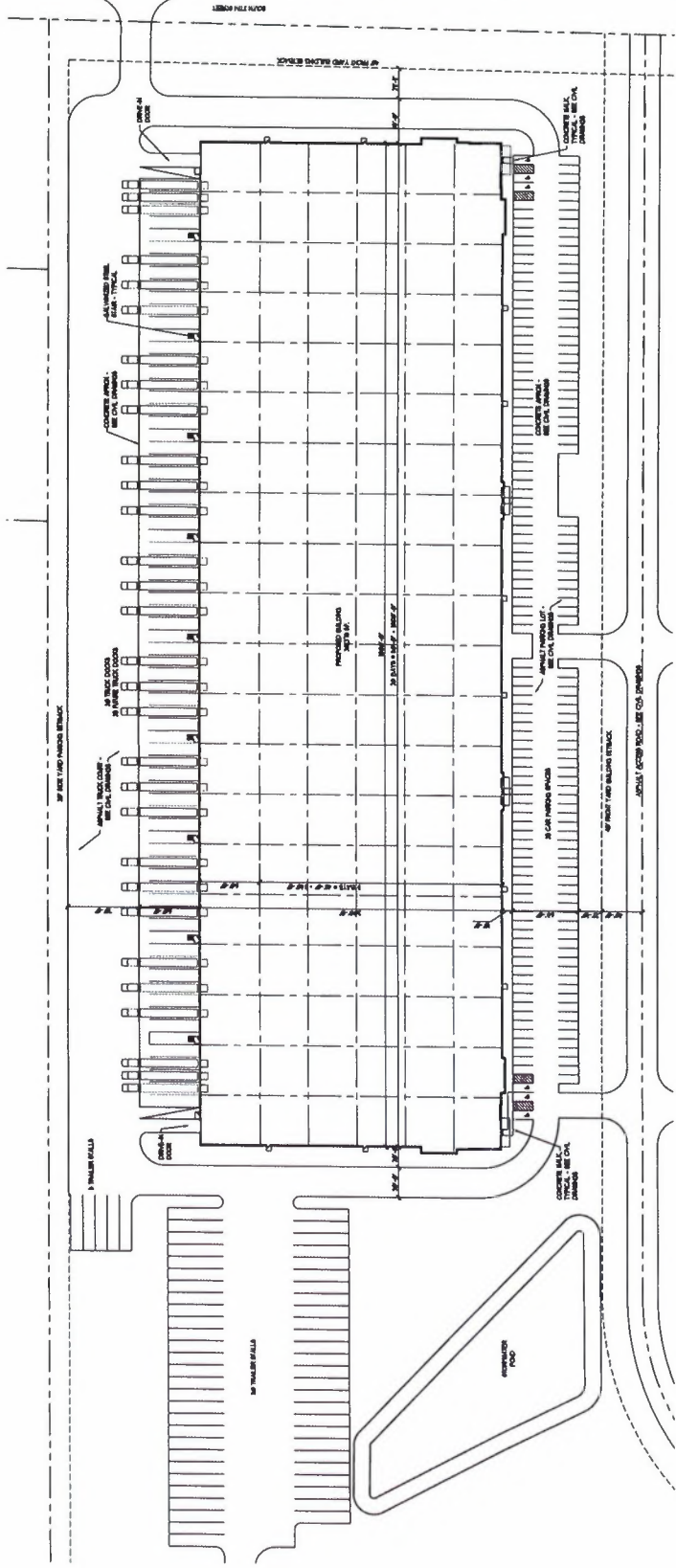
**ISSUE DATE:** 07.25.22

**LIKEWISE FRANKLIN DEVELOPMENT**  
 PROJECT NUMBER: 993.22.087  
 DESIGN DEVELOPMENT SET  
 ISSUE DATE: 07.25.22

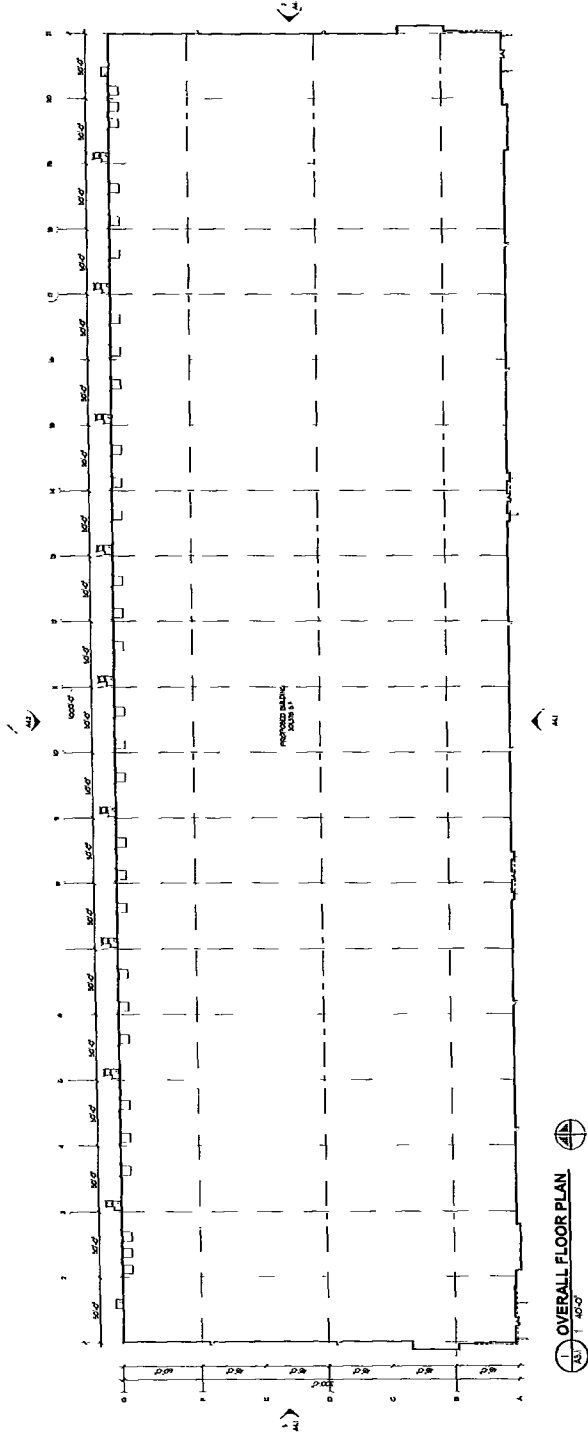


	PROJECT NO. 2023-001 DATE 08/15/23 CLIENT LWD SHEET NO. 01.25.23
	1111 S. KANAWHA ST. SUITE 200 WEST PALM BEACH, FL 33411 (561) 833-1111 <a href="http://www.partnersindesign.com">www.partnersindesign.com</a>

**LIKewise FRANKLIN DEVELOPMENT**  
 South 27th Street, Franklin, Wisconsin  
**SITE PLAN**

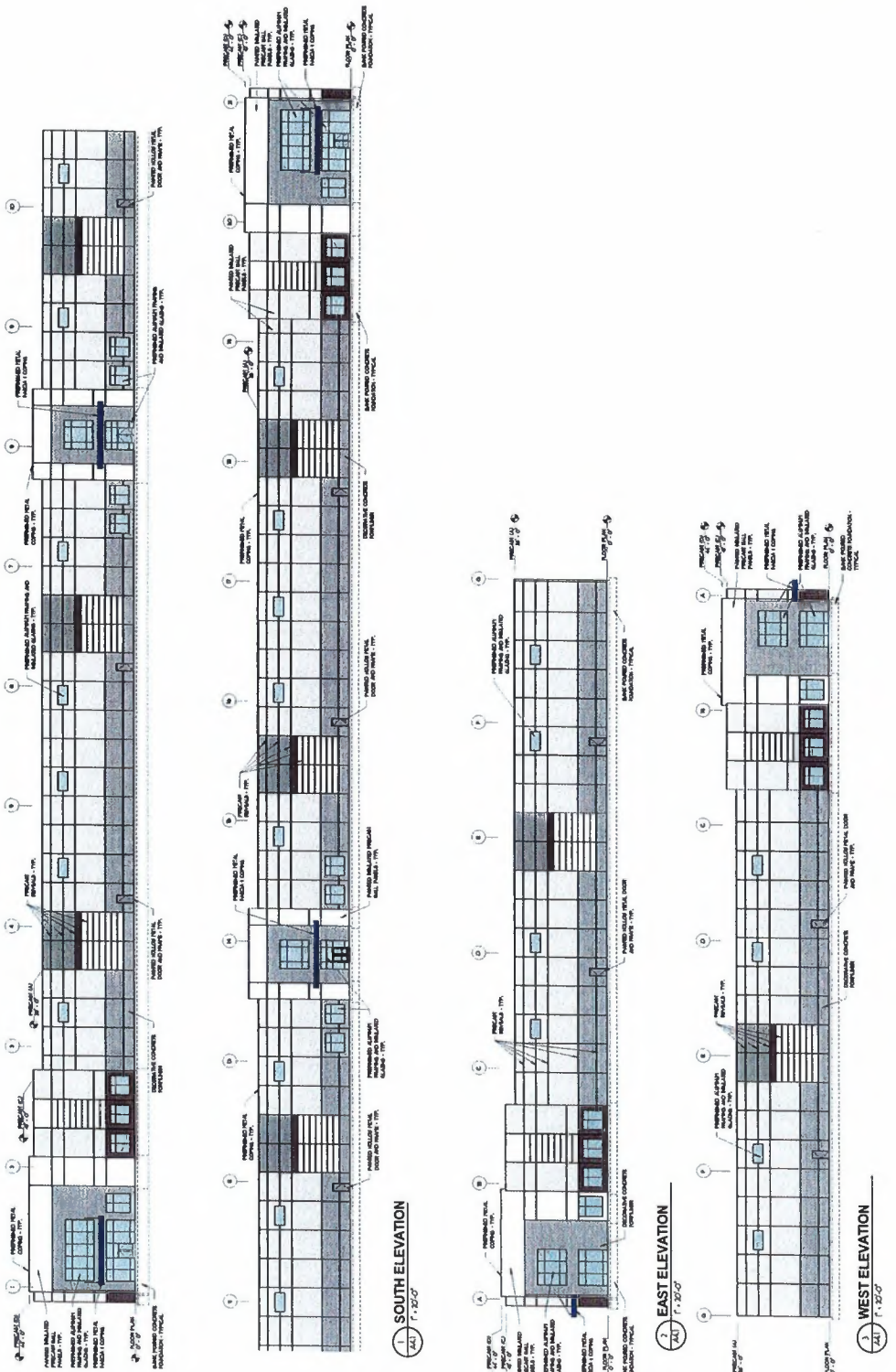


**SITE PLAN**  
 1/4" = 1'-0"



1 OVERALL FLOOR PLAN  
 20' 1/8" = 1'-0"





A4.2

SHEET NO.

DATE

BY

CHKD BY

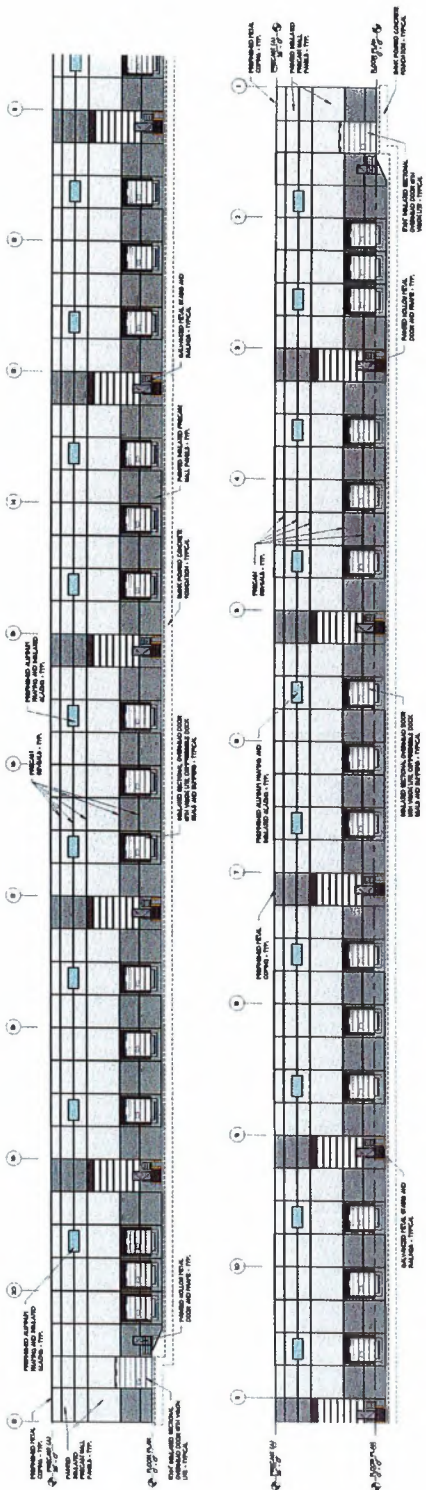
PROJECT NO.

PROJECT NAME



600 First Street, Suite 200  
Franklin, Wisconsin 53140  
Tel: (262) 533-7200

LIKewise FRANKLIN DEVELOPMENT  
South 27th Street, Franklin, Wisconsin  
EXTERIOR ELEVATION







GRAPHICAL SCALE (FEET)  
 0 100 200  
 1" = 100'

SITE DATA TABLE	
ZONING	PDD 39
TOTAL SITE	~96.9 AC
TOTAL DEVELOPMENT AREA	76.9 AC
MINIMUM LOT AREA	217,800 S.F. (5 AC)
FRONT SETBACK	30 FT
SIDE SETBACK	20 FT
SIDE SETBACK (CORNER)	30 FT
REAR SETBACK	15 FT
R.O.W. FRONTAGE	40 FT

\* ON-SITE WASTE WATER MANAGEMENT REQUIRED  
 \* SETBACKS TO BE CONFIRMED BY CITY

APPROXIMATE PARKING DATA TABLE- LOT 1	
TRAILER STALLS	89
CAR STALLS	196 (6 ADA)

APPROXIMATE PARKING DATA TABLE- LOT 2	
TRAILER STALLS	68
CAR STALLS	206 (7 ADA)

POND LEGEND	
PHASE 1 PONDS 4.3 AC	
PHASE 2 PONDS 8.2 AC	





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<b>APPROVAL</b> KLLK	<b>REQUEST FOR</b> <b>COUNCIL ACTION</b>	<b>MEETING DATE</b> 12/20/22
<b>REPORTS &amp;</b> <b>RECOMMENDATIONS</b>	<b>Authorization for the Department of Public Works to Purchase One 2022 TowMaster T-16 Tilt Deck Trailer</b>	<b>ITEM NUMBER</b> G 4.

**BACKGROUND**

The Franklin Department of Public Works is requesting to transfer available funds from the Operating Budget (01.0331.5236) to the Equipment Replacement Fund (42.0331.5811) for the purchase of One (1) 2022 TowMaster T-16 Tilt Deck Trailer.

At the December 13th, 2022 Board of Public Works meeting, the Board approved the purchase of one 2022 TowMaster T-16 Tilt Deck Trailer from Miller-Bradford & Risberg Inc.

**ANALYSIS**

The 2022 TowMaster T-16 Tilt Deck Trailer will be replacing our current tilt deck trailer, #52, which is having major structural failure and is beyond repair at the current time.

This item will be purchased through the Sourcewell Contract from Miller-Bradford & Risberg Inc, a known vendor for the Department of Public Works, at a total purchase price of \$25,200.00

**FISCAL NOTE**

Staff recommends using leftover funds from the Operating Budget (01.0331.5236 – Pavement Marking), which we are requesting to be transferred to the Capital Fund – Equipment Replacement Fund (42.0331.5811). Due to supply chain issues in 2022, we were unable to use all of the funds budgeted in the Pavement Marking account, and would like to use these funds toward the purchase of the trailer, as it is critical to our operations.

**RECOMMENDATIONS**

The Department of Public Works recommends the council to transfer funding in the amount of \$25,200.00 from the Operating Budget – Pavement Marking (01.0331.5236) to the Equipment Replacement Fund (42.0331.5811) for the purchase of one TowMaster T16 Tilt Deck Trailer from Miller-Bradford & Risberg Inc.

**Council Action Requested**

Request Common Council approval/authorization to move forward with the purchase of the TowMaster T16 Tilt Deck Trailer, and direct staff to complete a budget amendment, using funds from the Highway Operating Budget (Pavement Marking Fund) to pay for the purchase, in the amount of \$25,200.00.

DPW:KLS/ams



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 DATE NOVEMBER 28TH, 2022  
REFERENCE MBR TOWMASTER QUOTE

WE SUBMIT THE FOLLOWING PROPOSAL:

QUANTITY	DESCRIPTION	AMOUNT
1	<b>NEW TOWMASTER T16DT TILT DECK TRAILER</b> <b>INCLUDES:</b> 24" DIAMOND PLATE APPROACH STD FEATURES - SIDE LIP DOWN 16 DECKING TYPE - 2" NOMINAL OAK WIDTH - 102" OD, 82" ID STATIONARY DECK - 5' STATIONARY DECK WOOD 2 AXLES - 8K EZ LUBE TORSION 2 BRAKES - ELECTRIC 4 TIRES - 215/75RX17.5(H) 4 WHEELS - STEEL WHEELS JACK - 12K DROP LEG LIGHTS - L.E.D. PLUG - 7 POLE RV HITCH/NECK - 3" PINTLE RING TRAILER COLOR - EQUIPMENT BLACK 21 TIE DOWNS - RUB RAIL & STAKE POCKETS IN LIEU OF D-RINGS OPTION - TOOL BOX LID  SALE PRICE.....	\$25,200.00

TERMS NET DUE UPON RECEIPT F O.B SUSSEX, WISCONSIN  
DELIVERY (2) IN STOCK

**WE THANK YOU FOR THE OPPORTUNITY TO QUOTE ON THIS EQUIPMENT**

Miller Bradford & Risberg, Inc

SIGNED JAMESON SADOWSKE



<b>APPROVAL</b> KKK	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 12/20/22
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>AUTHORIZE STAFF TO SOLICIT EQUIPMENT CONSIDERED IN THE 2023 CAPITAL OUTLAY FUNDS</b>	<b>ITEM NUMBER</b> G.5

**BACKGROUND**

Within the approved 2023 Public Works Department budget, in the Capital Outlay Fund, is the replacement of the following piece of equipment

Diesel Fuel Dispenser

Price quotes will be solicited by Department of Public Works staff and approved by both the Board of Public Works and Common Council

Due to the anticipated increases in pricing and current delays in manufacturing expected in 2023, we would like to begin the process of securing quotes in early January in hopes of receiving the equipment by Summer 2023.

**OPTIONS**

Authorize DPW staff to solicit quotes for the above equipment. Quotes will be sent to the Board of Public Works for review & approval, and the recommendation will be sent to the Common Council for approval

**FISCAL NOTE**

This purchase is included in the 2023 approved budget as indicated above. The total amount budgeted for these items is approximately \$20,000.00

**RECOMMENDATION**

Authorize DPW staff to solicit quotes for equipment considered in the 2023 Capital Outlay Budget for the Board of Public Works to review and approve, and send to Common Council for final approval.

**COUNCIL ACTION REQUESTED**

Authorization for DPW staff to solicit equipment considered in the 2023 Highway Equipment Capital Outlay Fund

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**Consignor Settlement**

**Auction Associates Inc**  
**W5066 County Road BE**  
**Bonduel, WI 54107**  
**Phone: 920-748-3002**

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Page	1

**Consignor**

Kevin Schlueter  
 City Of Franklin Public Works  
 7979 West Ryan Road  
 Franklin, WI 53132  
 Phone:414-425-2592

Descrption	Quantity	Unit Price	Ext.Price	Comm/BuyBack	Expenses
JRB 104" 4 in 1 Bucket JRB Quick Tach, Off 624H Deere, 3YD	1.00	1,800.00	1,800.00	-234.00	0.00
JRB Quick Tach Plate	1.00	1,400.00	1,400.00	-182.00	0.00
2002 Schmidt 6 5 CF Sandblaster Dead man System, Fresh Air System, Helmet,	1.00	1,900.00	1,900.00	-247.00	0.00
Agri-Fab 17 CF Lawn Cart	1.00	75.00	75.00	-9.75	0.00
2003 Freightliner FL70 VIN 1FVABTAK33DL90996 Miles 45,320 Engine Cat 3126 Trans Allison Automatic AKZO Nobel FP5 Flameless Pothole Patcher	1.00	15,000.00	15,000.00	-1,500.00	0.00
2001 Sterling LT8511 VIN 2FZHAWAK01AJ93469 Miles. 92,466 Engine Cat 3126 Trans Auto Hydro Turn Plow, Tailgate, Sander, 13' Box	1.00	20,750.00	20,750.00	-2,075.00	0.00
2000 Sterling LT8511 VIN 2FZXMJBB2YAA89258 Miles 100,638 Engine Cat 3126 Trans Allison Auto No Front Plow - 13' Box - Pinto Hitch - Air to Rear	1.00	17,000.00	17,000.00	-1,700.00	0.00

<b>Total Quantity</b>	7.00
<b>Total Invoice Sale Price</b>	57,925.00
<b>Total Commission (</b>	<b>5,947.75)</b>
<b>Total Due to Consignor</b>	51,977.25
<b>Total Payments.</b>	0.00
<b>Balance</b>	<b>\$51,977.25</b>

Positive Balance, Monies Owed to Consignor  
 No inventory remains for this consignment order

**COMMISSION SETTINGS**

Calculate Commission By Each  
 Commission Structure Type Sliding Scale

up to \$2,000	13%
\$2,000.01 - \$25,000	10%
over \$25,000	8%

**Consignor Settlement**

**Auction Associates Inc  
W5066 County Road BE  
Bonduel, WI 54107  
Phone: 920-748-3002**

CO #	224
Date	12/13/2022
Page	2

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>KLK</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">12/20/22</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>AN ORDINANCE TO AMEND §15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) TO ALLOW FOR A THREE STORY MIXED- USE BUILDING WITH APARTMENTS ON THE GROUND FLOOR (AS WELL AS COMMERCIAL UNITS, ALLOWED BY THE DISTRICT) (M1 AT BALLPARK COMMONS LLC, APPLICANT) (AT APPROXIMATELY THE SOUTHEAST CORNER OF WEST RAWSON AVENUE AND SOUTH BALLPARK DRIVE)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.1.</i></p>

At its December 1, regular meeting, the Plan Commission recommended approval of this item with technical corrections by the City Attorney. The vote was 4-0-2, four 'ayes', no 'noes' and two absents.

The draft ordinance attached to this packet and dated December 12, includes such technical corrections.

**COUNCIL ACTION REQUESTED**

A motion to adopt Ordinance No. 2022-\_\_\_\_\_, to amend §15-3.0442 of the Unified Development Ordinance Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to allow for a three story mixed-use building with apartments on the ground floor (as well as commercial units, allowed by the district) (at approximately the southeast corner of West Rawson Avenue and South Ballpark Drive).

ORDINANCE NO. 2022-\_\_\_\_\_

AN ORDINANCE TO AMEND §15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) TO ALLOW FOR A THREE STORY MIXED-USE BUILDING WITH APARTMENTS ON THE GROUND FLOOR (AS WELL AS COMMERCIAL UNITS, ALLOWED BY THE DISTRICT) (M1 AT BALLPARK COMMONS LLC, APPLICANT) (AT APPROXIMATELY THE SOUTHEAST CORNER OF WEST RAWSON AVENUE AND SOUTH BALLPARK DRIVE)

---

WHEREAS, Section 15-3.0442 of the Unified Development Ordinance provides for and regulates Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons), same having been created by Ordinance No. 2012-2089 and later amended by: Standards, Findings and Decision for a Special Exception to Certain Natural Resource Provisions Dated March 19, 2013; Ordinance No. 2013-2101; Ordinance No. 2016-2212; Ordinance No. 2017-2278, Ordinance No. 2018-2312, Resolution No. 2018-7339, Standards, Findings, and Decision for a Special Exception to Certain Natural Resource Provisions dated January 9, 2018, Ordinance No. 2018-2318, Ordinance No. 2018-2324, Ordinance No. 2018-2323 (re: Buildings B1 thru B4), 2018-2323, Ordinance No. 2019-2368, Ordinance No. 2021-2462 and Ordinance No. 2021-2488, with such District primarily being located at 7095 South Ballpark Drive, bearing Tax Key Nos. 708-8996-002, 744-1003-000, 744-1004-000, 744-1005-000, 744-1007-000, 744-1008-000, 744-1009-000, 744-1010-000, 754-9001-000, 754-9002-000, 754-9006-000, 754-9007-000, 754-9008-000, and is more particularly described below; and

WHEREAS, Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) currently includes those lands legally described as follows:

**PDD BOUNDARY**

PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4; THE NORTHEAST 1/4, NORTHWEST 1/4, SOUTHEAST 1/4, AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4; AND THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 4, TOWNSHIP 5 NORTH, RANGE 21 EAST, AND THE NORTHEAST 1/4 AND SOUTHEAST 1/4 OF THE NORTHWEST 1/4; AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN; COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTHEAST

1/4 OF SECTION 4; THENCE NORTH 88°42'47" EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST 1/4 SECTION, 1452.10 FEET TO LOOMIS ROAD (STATE TRUNK HIGHWAY "36") REFERENCE LINE AS SHOWN IN WISCONSIN DEPARTMENT OF TRANSPORTATION PLAT OF RIGHT OF WAY PROJECT NUMBER F064-I(5)/2240-02-22, DATED JULY 3, 1956 AND THE POINT OF BEGINNING; THENCE SOUTH 49°45'51" WEST ALONG SAID REFERENCE LINE, 908.15 FEET TO A POINT OF CURVE; THENCE SOUTHWESTERLY 1280.09 FEET ALONG SAID REFERENCE LINE AND ALONG THE ARC OF SAID CURVE TO THE LEFT, WHOSE RADIUS IS 3819.72 FEET AND WHOSE CHORD BEARS SOUTH 40°09'15" WEST, 1274.10 FEET TO A POINT OF TANGENCY; THENCE SOUTH 30°33'51" WEST ALONG SAID REFERENCE LINE, 912.57 FEET; THENCE NORTH 59°26'09" WEST, 146.77 FEET TO THE SOUTHEAST CORNER OF STONE HEDGE SUBDIVISION ADDITION NO. 1; THENCE NORTH 00°11'17" WEST ALONG THE EAST LINE OF SAID STONE HEDGE SUBDIVISION ADDITION, 2266.74 FEET TO THE NORTH RIGHT OF WAY LINE OF WEST RAWSON AVENUE; THENCE NORTH 88°31'09" EAST ALONG SAID NORTH RIGHT OF WAY LINE 393.64 FEET; THENCE NORTH 76°43'11" EAST 212.76 FEET TO A POINT ON THE EAST LINE OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 3107; THENCE NORTH 00°21'06" WEST ALONG THE EAST LINE OF SAID PARCEL 1 AND ALONG THE EAST LINE OF LOTS 14, 13, AND 12 OF BLOCK 1 OF WHITNALL VIEW SUBDIVISION ADDITION NO. 1, 809.21 FEET TO THE NORTHEAST CORNER OF SAID LOT 12; THENCE SOUTH 88°41'11" WEST ALONG THE NORTH LINE OF SAID LOTS 12 AND 11 OF SAID WHITNALL VIEW SUBDIVISION ADDITION, 484.57 FEET TO THE NORTHWEST CORNER OF SAID LOT 11; THENCE NORTH 00°21'07" WEST ALONG THE EAST LINE OF LOTS 10 AND 9 OF SAID WHITNALL VIEW SUBDIVISION, 400.06 FEET TO THE NORTHEAST CORNER OF SAID LOT 9, SAID POINT BEING ON THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 OF SAID SECTION; THENCE NORTH 88°41'11" EAST ALONG SAID NORTH LINE, 544.58 FEET TO THE EAST LINE OF SAID SOUTHWEST 1/4 OF SECTION 4; THENCE SOUTH 00°21'07" EAST ALONG SAID EAST LINE OF SAID SOUTHWEST 1/4, 35.86 FEET; THENCE NORTH 88°42'30" EAST, 662.58 FEET TO A POINT ON THE WEST LINE OF THE EAST 1/2 OF THE WEST 1/4 OF SAID 1/4 SECTION; THENCE NORTH 00°22'39" WEST, 1349.21 FEET; THENCE NORTH 88°33'16" EAST 1252.39, FEET; THENCE SOUTH 00°19'12" EAST, 367.35 FEET; THENCE NORTH 54°02'33" EAST, 648.24 FEET; THENCE NORTH 88°33'16" EAST, 204.06 FEET TO THE EAST LINE OF SAID NORTHEAST 1/4 OF SECTION 4, BEING THE CENTERLINE OF SOUTH 76TH STREET; THENCE SOUTH 00°19'12" EAST ALONG SAID EAST LINE, 519.27 FEET TO THE SOUTHEAST CORNER OF SAID NORTHEAST



1/4 OF SECTION 4; THENCE SOUTH 00°25'03" EAST ALONG THE EAST LINE OF SAID SOUTHEAST 1/4 OF SECTION 4, 1659.84 FEET TO SAID REFERENCE LINE; THENCE SOUTH 49°45'51" WEST ALONG SAID REFERENCE LINE, 1561.74 FEET TO THE POINT OF BEGINNING. CONTAINING IN ALL 8,951,502 SQUARE FEET (205.498 ACRES) OF LAND, MORE OR LESS.

WHEREAS, the Mixed-Use Building M-1 site within Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) currently includes those lands legally described as follows:

Lot 1 of Certified Survey Map No. 9078 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin, on October 16, 2018 as Document No. 10820171, being a redivision of Lots 3 and 4 of Certified Survey Map No. 9042 and lands in the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 9, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

WHEREAS, M1 at Ballpark Commons LLC, having petitioned for a further amendment to Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) to allow for a three-story mixed-use building with apartments on the ground floor (as well as commercial units, allowed by the District) at the southeast corner of West Rawson Avenue and South Ballpark Drive; and

WHEREAS, the City of Franklin Plan Commission on the 1st day of December, 2022, having reviewed the proposed amendment to Planned Development District No. 37 and thereafter having recommended to the Common Council that the proposed amendment be approved subject to the conditions and restrictions included herewith; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission, and having determined that the proposed amendment to Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin, and that it will promote the health, safety and welfare of the Community.

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

- SECTION 1: Section 15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, as previously amended, is hereby amended specifically and only with regard to the Planned Development District No. 37 M1 at Ballpark Commons mixed-use development located at approximately the southeast corner of West Rawson Avenue and South Ballpark Drive, to allow for a three-story mixed-use building with apartments on the ground floor (as well as commercial units, allowed by the District).
- SECTION 2: Section 15-3.0442C.C.1.b. of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended as follows: Mixed use buildings up to four stories in height, apartments are permitted on the ground and upper floors.
- SECTION 3: Table 15-3.0442C.1 note 'a' is hereby amended as follows: Apartments may be permitted on the ground and upper floors. The minimum landscape surface ratio (LSR) for the entire site shall be 0.35.
- SECTION 4: All other applicable terms and provisions of §15-3.0442, shall apply to the subject M1 at Ballpark Commons LLC Planned Development District No. 37 (The Rock Sports Complex/Ballpark Commons) mixed-use development located at approximately the southeast corner of West Rawson Avenue and South Ballpark Drive, and all terms and provisions of §15-3.0442 as existing immediately prior to the adoption of this Ordinance, except as amended hereunder, shall remain in full force and effect.
- SECTION 5: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.
- SECTION 6: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.
- SECTION 7: This ordinance shall take effect and be in force from and after its passage and publication.

ORDINANCE NO. 2022-\_\_\_\_

Page 5

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVED:

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

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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





CITY OF FRANKLIN  
REPORT TO THE PLAN COMMISSION

Item C.1.

Meeting of December 1, 2022

Major Amendment to PDD No. 37

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**RECOMMENDATION:** City Development staff recommends approval of the request to allow for apartments in the ground floor along Rawson Avenue but denial along S. Ballpark Drive.

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<b>Project name:</b>	<b>M1 mixed use building, PDD Major Amendment to allow for ground floor apartments</b>
<b>Property Owner:</b>	Zim-Mar Properties, LLC
<b>Applicant:</b>	M1 at Ballpark Commons, LLC
<b>Agent:</b>	Emily C. Cialdini. Mandel Group, Inc.
<b>Property Address/TKN:</b>	SE corner of Rawson Ave and Ballpark Dr / 754 9006 000
<b>Aldermanic District:</b>	District 2
<b>Zoning District:</b>	PDD 37 – The Rock Sports Complex/Ballpark Commons
<b>Staff Planner:</b>	Régulo Martínez-Montilva, AICP, Principal Planner
<b>Submittal date:</b>	10-06-2022
<b>Application number:</b>	PPZ22-0162

---

The applicant is proposing a three-story mixed use building: 5,643 sf of commercial space and 78 apartments. The applicant is requesting to amend the PDD ordinance to allow for apartments on the ground floor level.

**Apartments in the ground floor level:**

This site is located in the Ballpark Commons Mixed Use area of Planned Development District (PDD) No. 37, this area allows for “Mixed-use buildings up to four stories in height, with residential apartments on the upper three floors” (Ord. 2019-2368, Section 15-3.0442C). Therefore, ground floor apartments are not allowed, only office, commercial and retail uses are allowed on the ground floor. The intent of this area is to “provide single-story retail buildings and multi-story mixed use buildings with ground floor office/commercial/retail uses, and upper story residential apartments, roof-top and/or outdoor seating, fountains, gardens, plazas...”.

The ground level gross area is 28,819 square feet, the applicant is proposing 5,643 square feet for commercial use and the remaining area for 20 apartments, entry/lease room, club room, mechanical room and circulation areas. As justification for this request, the applicant stated that “several of the residential units will be positioned on the first floor at grade level allowing for ‘walk up’ residential patios. We saw tremendous success with first floor units at Velo Village, specifically from pet owners. The first-floor units achieved some of the highest rent.”

According to PDD Ordinance No. 2019-2368, section 15-3.0442, the Ballpark Commons Mixed Use area is intended to:

- 1 *To be located at the southeast and southwest corners of the intersection of Rawson Avenue and Ballpark Drive*
- 2 *Provide single-story retail buildings and multi-story mixed use buildings with ground floor office/commercial/retail uses, and upper story residential apartments, roof-top and/or outdoor seating, fountains, gardens, plazas, and/or and other similar shared amenities that are compatible in function, form, and operation*

**Staff comment:** This request to allow for ground floor apartments is contrary to the intent of this Mixed Use area. The Ballpark Commons PDD provides the Multi-Family Residence Area where apartments are permitted on the ground and upper floors, such as the Velo Village apartments.

- 3 *Provide both on-street and off-street parking for tenants and customers, including underground parking for all multi-story buildings and formal shared parking arrangements with the adjacent multi-family residential area*
- 4 *Provide a pedestrian-oriented environment*

**Staff comment:** Along S. Ballpark Drive, ground floor commercial/retail/office uses will benefit from the proximity to the existing sidewalk. Along Rawson Avenue, a 30-foot landscape bufferyard runs along the entire frontage which creates a barrier between the proposed building and the existing sidewalk, so ground floor apartments are appropriate along Rawson Avenue due to the privacy and noise barrier effect of the landscape buffer (see landscape plan sheet L100).

- 5 *Provide superior four-sided architecture.*
- 6 *Require that new residential development meet the R-8 Multiple-Family Residence District Development Standards in Table 15-3 0209*

City Development staff is concerned with this request because it contradicts objective #2. However, due to the special condition created by the landscape buffer along Rawson Avenue as noted above. City Development staff recommends approval of this request to allow for apartments on the ground floor along Rawson Avenue, and denial of this request along S. Ballpark Drive.

#### **Site Plan and Special Use:**

Note that this PDD Major Amendment is only to allow for ground floor apartments. Site Plan and Special Use approvals are still required for this building, the applicant submitted these applications on November 7.

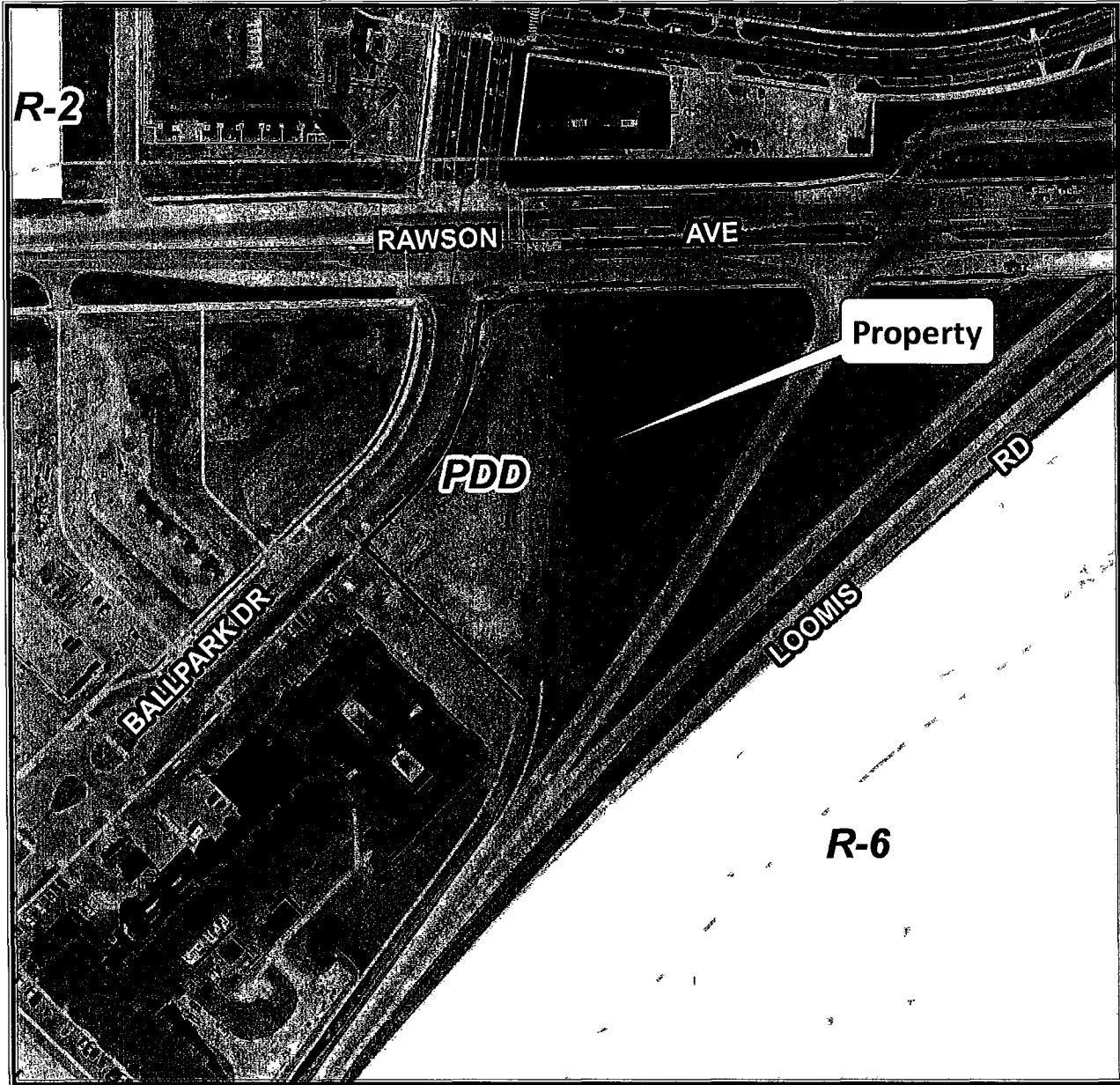
#### **Staff Recommendation:**

City Development staff recommends approval of the request to allow for apartments on the ground floor along W. Rawson Avenue, and denial of this request along S. Ballpark Drive.

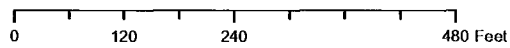
The attached draft ordinance is drafted as requested by the applicant, City Development staff recommends to amend Section 2 as follows: *Along the Ballpark Drive frontage, residential apartments are permitted on the upper floors* Along the Rawson Avenue frontage, residential apartments are permitted on the ground and upper floors.



TKN: 754 9006 000



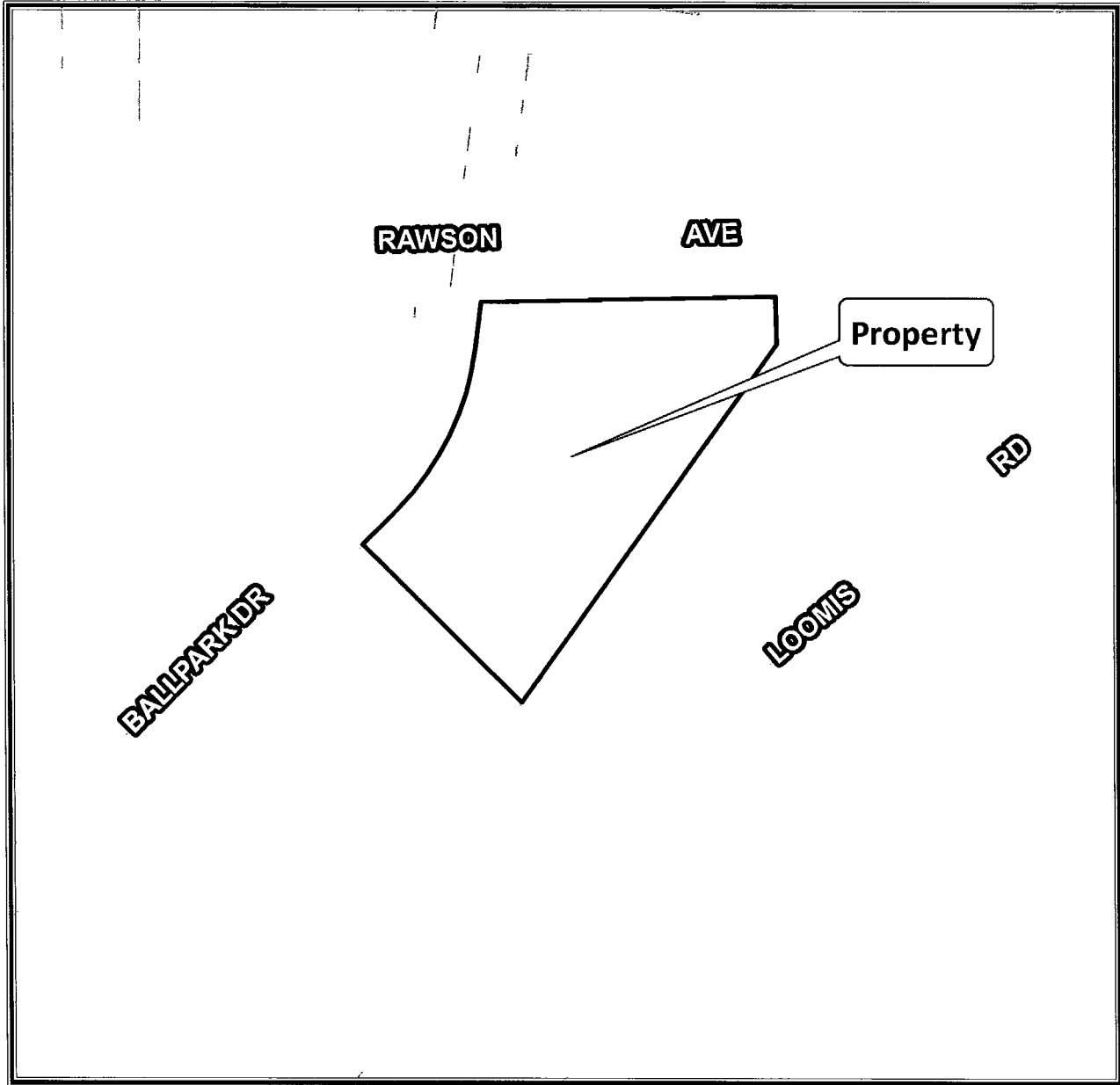
Planning Department  
(414) 425-4024



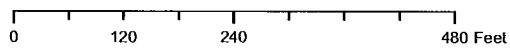
2021 Aerial Photo

*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.*

TKN: 754 9006 000



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.*

## MEMORANDUM

Date: November 11, 2022  
To: Emily Cialdini. Mandel Group, Inc.  
From: Department of City Development  
Régulo Martínez-Montilva, AICP, Principal Planner  
RE: Staff comments for Major PDD Amendment, M1 Building at Ballpark Commons (BPC)  
SE corner of Rawson Ave and Ballpark Dr / 754 9006 000

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Staff comments are as follows for the above-referenced application received on October 6, 2022:

### **City Development Department comments**

1. In your cover letter, you requested the following:
  1. Residential units at the first floor.
    - City Development staff is concerned with this request because it contradicts the intent of the Mixed Use area of the Ballpark Commons Planned Development District (PDD), which is to “provide single-story retail buildings and multi-story mixed use buildings with ground floor office/commercial/retail uses, and upper story residential apartments, roof-top and/or outdoor seating, fountains, gardens, plazas, and/or and other similar shared amenities that are compatible in function, form, and operation”.
  2. Studio units that are smaller than the required minimum one-bedroom unit size of 700 square feet.
    - The Planned Development District ordinance, Table 15-3.0442D.2. establishes an average dwelling unit size for one (1) bedroom dwelling units of 700 square feet, not a minimum. The average apartment floor area of your project is 866 square feet, so this request is not necessary.
  3. Reduction to the minimum setback requirement.
    - This request will be reviewed with the Site Plan and Special Use applications.

### **Engineering Department comments**

- 2 *Engineering has no comments on the request for the PDD Major Amendment*
- 3 *Must submit the Engineering plans and stormwater management plan for review and approval*

### **Inspection Services Department comments**

- 4 *Structure shall be designed and constructed in accordance with the Wisconsin Commercial Building Code, including specific attention being given to the fire separation distance requirements in Table 602*



**Fire Department comments**

5 *The PD has no comment regarding this request Franklin Fire Department Construction and Alteration Requirements (2021-2022)*

- 1 *Follow all relevant WI DSPPS and IBC code requirements for fire protection systems for given occupancy, use, and construction types*
- 2 *Pre-existing fire alarm and fire sprinkler systems shall be maintained in compliance with relevant code*
3. *Fire Extinguisher placement as per NFPA 10*
- 4 *Fire Department Connection (FDC), and hydrant placement and density must be acceptable to AHJ (applies to new construction)*
- 5 *At no time may any Hazardous, Combustible, or Flammable Materials exceed allowable quantities*
- 6 *Master Key set required for placement in Knox Box (if required)*
- 7 *Permitting and submittal instructions for fire protection system review and inspection can be found at [https //www franklinwi gov/Departments/Fire htm](https://www.franklinwi.gov/Departments/Fire.htm)*

6 *NOTE The Fire Department is NOT adequately staffed to absorb the impact on emergency and non-emergency call volume associated with the additional 1,030 residences associated with this and other related planned residential developments , associated commercial and vehicle traffic, and required fire inspection work-load; in addition to the ongoing high-density single family development in the southwest quadrant and multifamily development along the south 27th Street corridor*

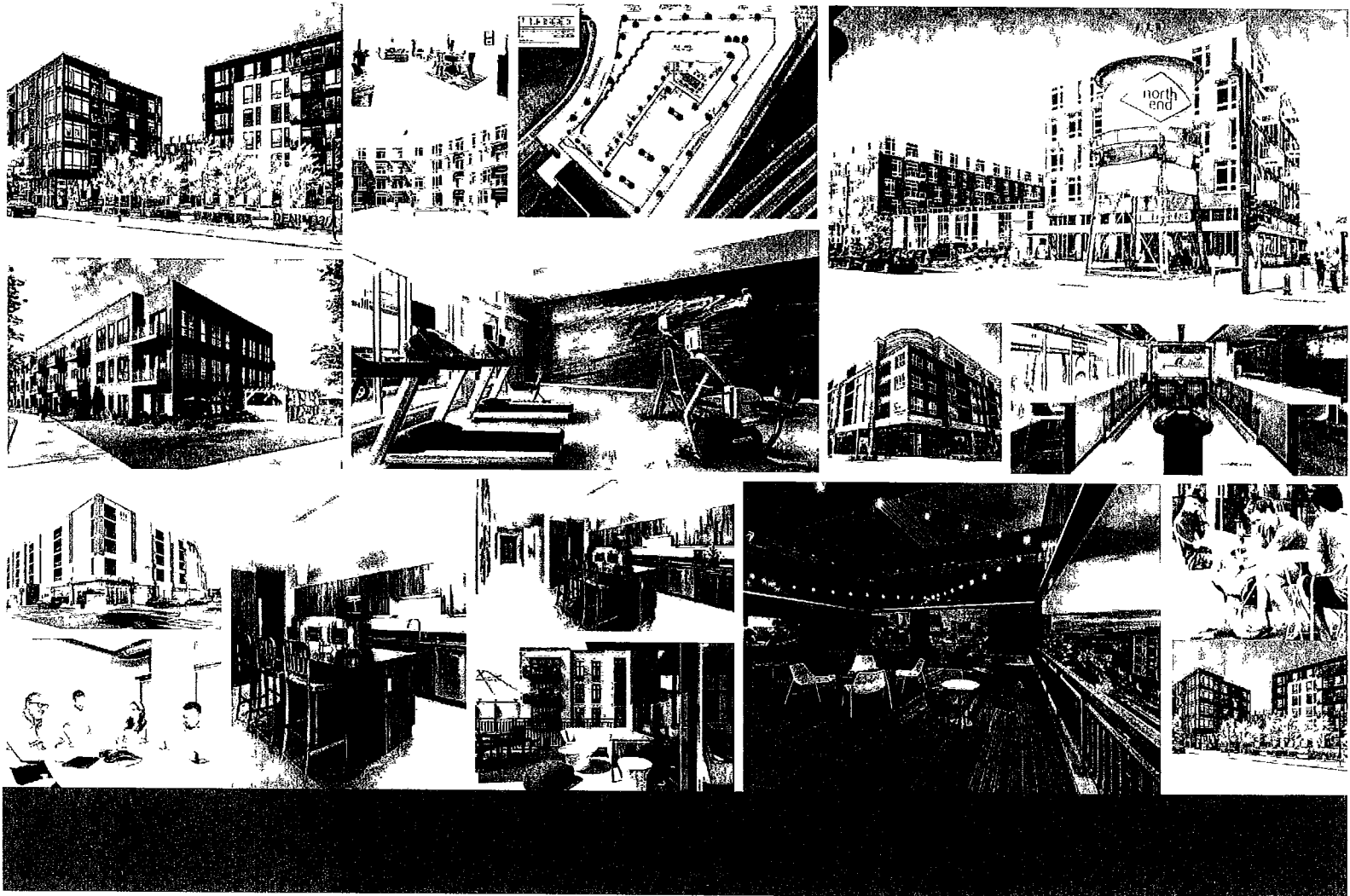
**Police Department comments**

7 *The PD has no comment regarding this request*

# M1 at Ballpark Commons

Ballpark Dr. & Rawson Ave.  
City of Franklin

Planned Development District 37  
Major Amendment



October 6th, 2022

Prepared By:  
Mandel Group, Inc  
ROC Ventures



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5) Wetland Delineation Report	
6) WNDR Wetland Exemption Letter	
7) ALTA Survey	
8) Site Intensity Calculations	
9) Word Document Legal Description of Subject Property	



# CITY OF FRANKLIN APPLICATION FOR PLANNED DEVELOPMENT DISTRICT, COMPREHENSIVE PLAN AMENDMENT AND UDO TEXT AMENDMENT

Planning Department 9229 West Loomis Road Franklin, Wisconsin 53132 <a href="mailto:generalplanning@franklinwi.gov">generalplanning@franklinwi.gov</a> (414) 425-4024 <a href="http://franklinwi.gov">franklinwi.gov</a>		APPLICATION DATE: _____
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## COMMON COUNCIL REVIEW APPLICATION

PROJECT INFORMATION [print legibly]			
APPLICANT (FULL LEGAL NAMES)		APPLICANT IS REPRESENTED BY (CONTACT PERSON)	
NAME	M1 at Ballpark Commons LLC	NAME	Emily Cialdini
COMPANY	An affiliate of Mandel Group, Inc	COMPANY	Mandel Group, Inc
MAILING ADDRESS	330 E Kilbourn Ave, Ste 600 South	MAILING ADDRESS	330 E Kilbourn Ave, Ste 600 South
CITY/STATE	Milwaukee, WI ZIP 53202	CITY/STATE	Milwaukee, WI ZIP 53202
PHONE	414-270-2764	PHONE	414-270-2764
EMAIL ADDRESS	ecialdini@mandelgroup.com	EMAIL ADDRESS	ecialdini@mandelgroup.com

PROJECT PROPERTY INFORMATION			
PROPERTY ADDRESS	8240 W Old Loomis Road, Franklin, WI	TAX KEY NUMBER	754-9006-000
PROPERTY OWNER	Zim-Mar Properties LLC	PHONE	414-224-9283
MAILING ADDRESS	7044 S Ballpark Drive	EMAIL ADDRESS	tomj@rocventures.org
CITY/STATE	Franklin, WI ZIP 53132	DATE OF COMPLETION	

APPLICATION TYPE
<p>Please check the application type that you are applying for</p> <p> <input type="checkbox"/> Concept Review                               <input type="checkbox"/> Comprehensive Master Plan Amendment                               <input checked="" type="checkbox"/> Planned Development District                               <input type="checkbox"/> Rezoning  <input type="checkbox"/> Special Use / Special Use Amendment                               <input type="checkbox"/> Unified Development Ordinance Text Amendment                         </p> <p style="font-size: small; text-align: center;">                             Most requests require Plan Commission review and Common Council approval.                              Applicant is responsible for providing Plan Commission resubmittal materials up to 12 copies pending staff request and comments.                         </p>

SIGNATURES			
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).			
<input checked="" type="checkbox"/> I, the applicant, certify that I have read the following page detailing the requirements for plan commission and common council approval and submittals and understand that incomplete applications and submittals cannot be reviewed.			
PROPERTY OWNER SIGNATURE 	APPLICANT SIGNATURE 	DATE 09/29/2022	DATE 10/6/22
NAME & TITLE Thomas Johns, CFO	NAME & TITLE Emily Cialdini, Sen Dev	DATE 09/29/2022	DATE 10/6/22
PROPERTY OWNER SIGNATURE 	APPLICANT REPRESENTATIVE SIGNATURE 	NAME & TITLE Thomas Johns, CFO	DATE 09/29/2022
NAME & TITLE Thomas Johns, CFO	NAME & TITLE Emily Cialdini, Sen Dev	DATE 09/29/2022	DATE 10/6/22

# APPLICATION COVER LETTER

October 6, 2022

Régulo Martínez-Montilva, AICP  
Principal Planner - Department of City Development City  
of Franklin  
9229 W Loomis Road  
Franklin, WI 53132

Dear Mr. Martínez Montilva,

Mandel Group, Inc. ('Mandel') in conjunction with Roc Ventures LLC is pleased to present our application and associated materials for consideration for a Major Planned Development District Amendment to PDD 37 for our proposed mixed use development M1 at Ballpark Commons, located at the southeast corner of Rawson Avenue and Ballpark Drive in the City of Franklin.

We believe the following submission is comprehensive and includes all required materials for consideration by Staff, the Plan Commission, and Common Council. The concept provided herein is consistent with the uses in PDD 37; however, we are requesting an amendment that would allow for the following:

- (1) residential units at the first floor,
- (2) studio units that are smaller than the required minimum one-bedroom unit size of 700 square feet, and
- (3) reductions to the minimum setback requirement.

Included within our submittal is representative building architecture, including renderings and building elevations. The architecture is, however, a work in progress. Additional refinement will incorporate staff and elected official feedback. We look forward to hearing and integrating the best ideas.

We are grateful for the opportunity to again partner with the City of Franklin on this exciting redevelopment, and we thank you for your time in reviewing our application concept plans. We respectfully request to be placed on the November 3<sup>rd</sup> Plan Commission Agenda. We welcome the chance to answer any questions you have regarding our team and redevelopment concept.

Very Truly Yours,



Emily Cialdini  
Senior Development  
Associate  
ecialdini@mandelgroup.com  
414.270.2764

# THE DEVELOPMENT TEAM

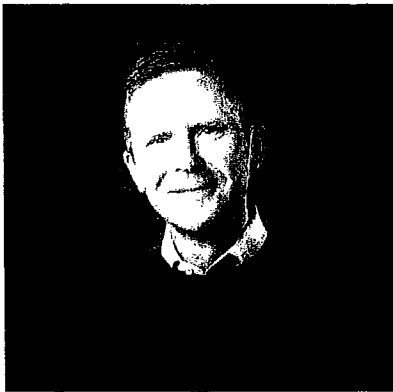
## Mandel Group, Inc

Mandel Group, Inc , (“MGI”) is an integrated real estate services firm with operations in acquisition, development, construction, property management and disposition in key Midwestern markets. Since our inception in 1991, we have closed over \$1 billion in real estate transactions. Leadership in product design, excellence in control over the construction process and skill in creating value and providing customer friendly, high level management have gained Mandel the respect of its capital partners, investors and lenders - and the loyalty of our residents.

The quality of our work has earned us the reputation of metro Milwaukee’s premier real estate development firm and has been nationally and globally recognized, including Urban Land Institute’s Award for Excellence. All of our developments continue to receive awards from industry groups for the quality of their design including Property Excellence (2021, 2022), Best Curb Appeal (2018-2022) and Outstanding Community Amenities (2021). Our Chiswick at Dunwood apartment community received from the Milwaukee Metropolitan Sewerage District the Green Luminary Award for outstanding environmentally sensitive green infrastructure.

We believe in creating best in class apartment communities and our efforts in the City of Franklin will be no exception. For this development, Mandel has retained top consultants in the industry including Continuum Architects and Planners and Sigma Engineering. Both firms have relevant experience in the City of Franklin and surrounding communities.

I will be working in conjunction with Ian Martin, President of Mandel Group, on the implementation of the project. Ian has over 20 years of experience in commercial real estate development and has developed over 5,000 multifamily units across the country. As Senior Development Associate, I have over 8 years of experience in commercial real estate and have assisted in the development of roughly 1,500 units. We thank you for your time and the opportunity to present our concept plans.



Ian B. Martin President



Emily Cialdini  
Senior Development Associate



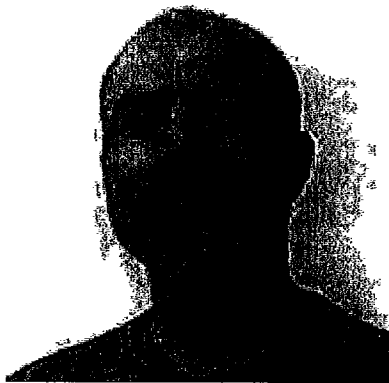
## ROC Ventures

ROC Ventures manages a collection of brands in the sports, entertainment, and real estate sectors. These include the Milwaukee Wave, the Milwaukee Milkmen, The Rock Sports Complex, a collegiate baseball franchises located in Indiana, the Ballpark Commons development, and more

ROC stands for 'Return on Community' a goal which informs each and every endeavor undertaken by the organization. ROC Ventures is led by Michael Zimmerman, Owner and Executive Officer. Since 2004, Zimmerman has owned and operated 30 businesses in the healthcare, sports and entertainment industries. The healthcare companies are now working collectively with over 80 percent of our nation's hospitals. Zimmerman has been featured in HFM Magazine, HealthLeaders, Modern Healthcare, AAHAM, and The Wall Street Journal.



Mike Zimmerman  
Owner, CEO



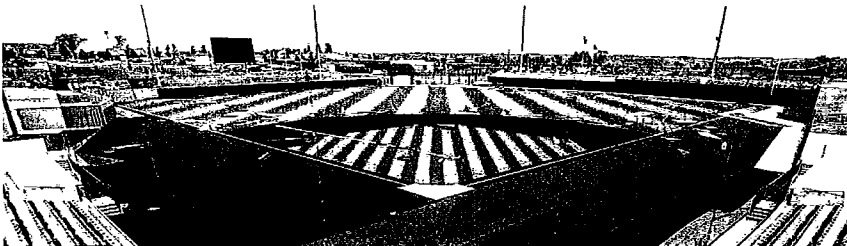
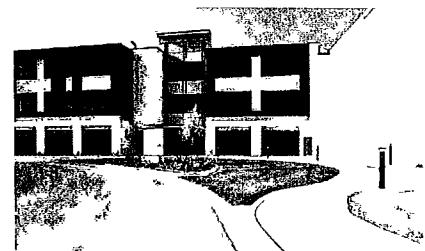
Tom Johns  
Finance



Jim Pekar  
Investor



Peter Pekar  
Investor



# THE DESIGN TEAM

## JLA

JLA Architects was established in 2007 by Joseph Lee in Madison, Wis. As a client service based firm, we collaborate with clients to develop real world solutions that meet their project's goals. Our firm has three offices in the U.S. including full service offices in Wisconsin & Colorado. In 2017, we opened a second office in the Historic Third Ward of Milwaukee to better serve our Eastern Wisconsin clients. We opened our third office in Denver, Colorado in the fall of 2021 serving the entire Front Range. We assist clients at every phase of the real estate development process from project feasibility to building construction and final marketing.

### Spotlight Projects

- Velo Village, Wauwatosa
- Taxco Apartments, Milwaukee
- Forte at 84 South, Greenfield



Joseph M. Lee  
AIA, NCARB  
Principal



Sixto O. Villegas  
AIA | LEED AP  
BD+C  
Design Architect



Joe Haider  
Project Specialist

## The Sigma Group

The Sigma Group, Inc (Sigma) is a full service consulting and civil engineering firm. Our Milwaukee based staff includes registered professional engineers in civil, environmental, and chemical disciplines, registered land surveyors, construction inspectors, certified asbestos supervisors / inspectors, certified lead inspectors / risk assessors, Certified Hazardous Materials Managers, professional geologists and hydrogeologists, as well as additional engineering technicians, scientists and compliance specialists.

### Spotlight Projects

- The Seasons, Franklin
- The Reef, Wauwatosa
- State Street Station, Wauwatosa
- Stitcheveld, Milwaukee
- 22 Slate, Madison



Chris Carr, PE  
Vice President/Co-Chief  
Operating Officer/Civil  
Engineering Group Leader



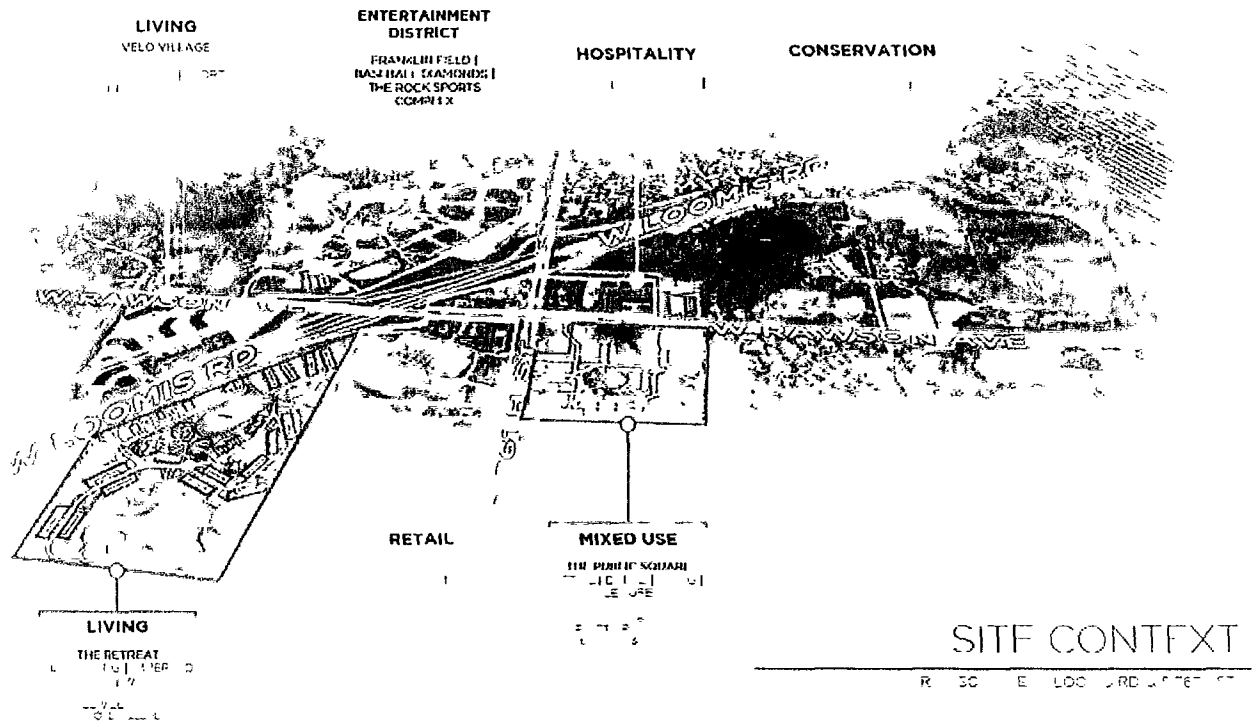
James Leedom, PE, LEED AP Senior  
Project Engineer



# DEVELOPMENT CONSIDERATIONS

## Project Vision

M1 at Ballpark Commons<sup>1</sup> completes one of the last remaining developable sites in the Ballpark Commons master planned active lifestyle and entertainment district. The proposed development contemplated herein is consistent with the prior identified uses for the site in PDD 37 and leverages the City's prior investment in Ballpark Commons by making this vision a reality.



**continum** FRANKLIN FARMS - SITE CONTEXT

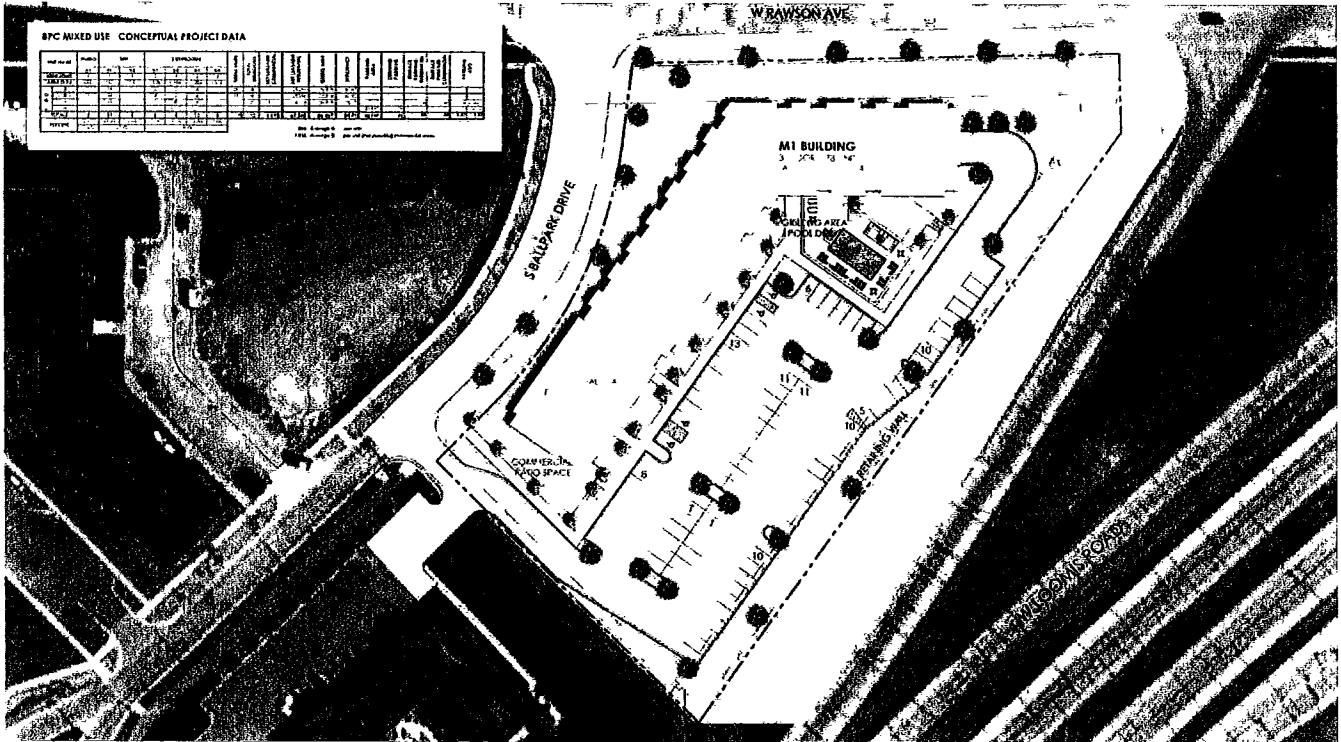
Incorporated within our proposal is concept architecture including elevations and renderings. We understand that building architecture and landscaping will need to be refined as we advance through the zoning process. The exterior architecture presented here is cohesive with, but not identical to Velo Village and the surrounding Ballpark Commons uses.

We believe a development that includes a mix of housing, paired with new commercial is still the right solution for this corner of Ballpark Commons. The housing component is a carefully considered real estate response to demographic changes that reflect on housing preferences and strong demonstrated demand for luxury rental housing in the Franklin submarket. The residential housing will include a wide variety of unit styles and mixes ranging from studio units to three bedrooms, intended to meet the needs of a wide cross section of the City's population. The studio units are smaller than the minimum required one bedroom size within the PDD.

<sup>1</sup> M1 at Ballpark Commons is a temporary namesake for the development. We are underway on branding and an official development name will be shared in the near future.

In our experience with Velo Village, prospects were looking for both smaller studio units and three bedrooms units. We hope to fill a need within this neighborhood for a variety of unit styles.

The development will appeal to those preferring the flexibility and maintenance free lifestyle that rental housing offers to those aspiring to home ownership. New businesses will be supported by the existing community but also by the new population generated by the housing component of the redevelopment.



## Program Statement

The M1 at Ballpark Commons site is roughly 3 acres. We propose to redevelop the site into the following uses:

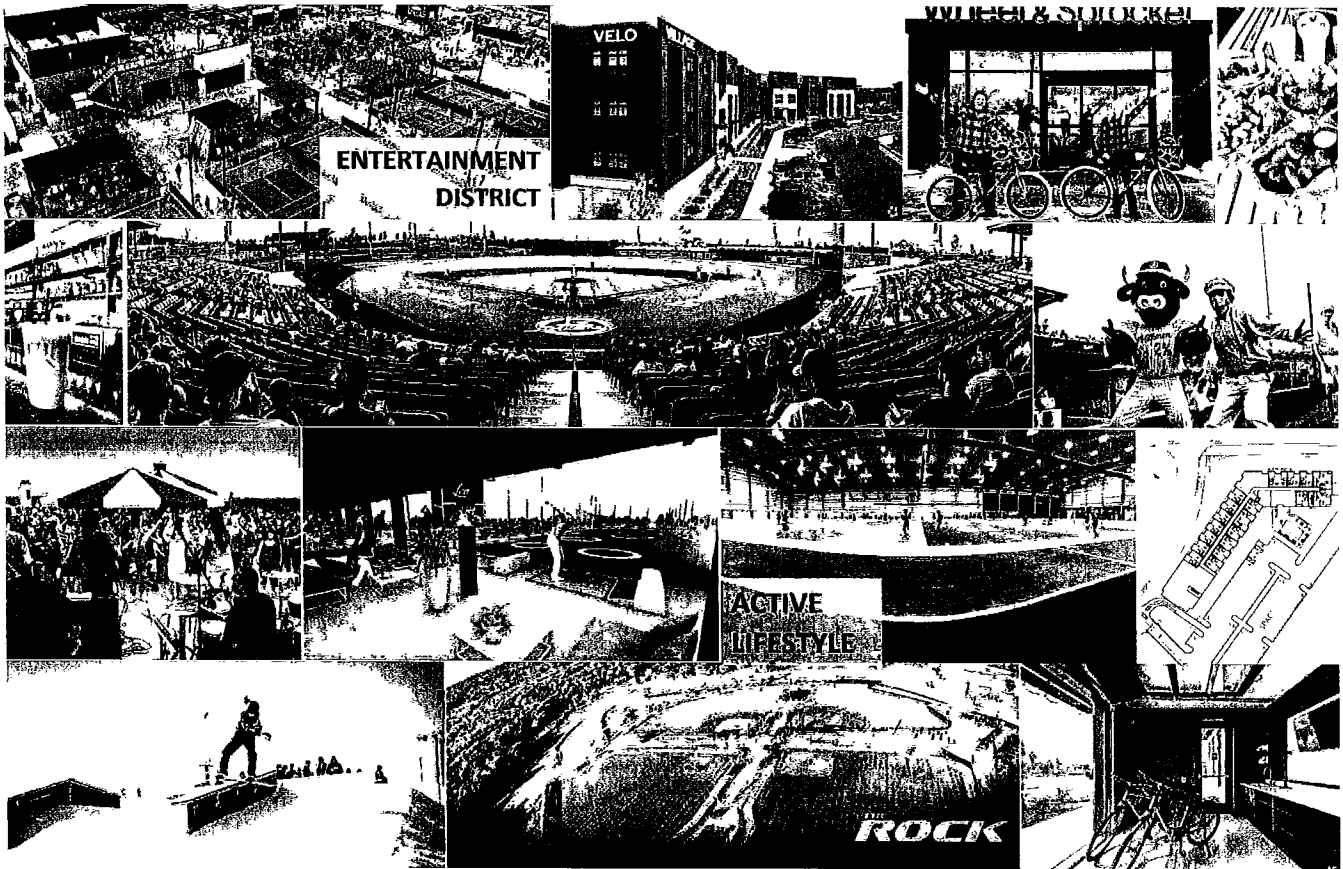
### Luxury Apartments

Approximately seventy eight (78) apartment units in a three story building. The apartments will be served by roughly one to one underground parking. Several of the residential units will be positioned on the first floor at grade level allowing for 'walk up' residential patios. We saw tremendous success with first floor units at Velo Village, specifically from pet owners. The first floor units achieved some of the highest rent. Additional surface parking provides sufficient parking for residents and guests.

Mandel prides itself on delivering the best finishes and amenities to each market in which we develop. Special attention will be paid to interior and exterior finish level to ensure M1 at Ballpark Commons will be one of the finest in the Franklin submarket. Units ranging from studios to three bedrooms will feature top of the line finishes - quartz countertops, stainless steel appliances, and hard surface plan flooring. Representative interior design of other Mandel developments, including our Velo Village development are included herein.

### Commercial Uses

Roughly 6,000 square feet of commercial and retail uses are ideally positioned along Ballpark Drive on the first floor. We have had on going discussions with two retailers for the space. A high end craft beer and wine operator with sizeable retail operations will occupy roughly 4,000 square feet and adjacent outdoor patio space. An existing Franklin salon will relocate their operations to the balance of 2,000 square feet.





Resident Amenities

The development will include a high end amenity package including a first floor clubroom with indoor/outdoor bar space adjacent to a resident pool. Leasing offices and a fitness center are also found on the first floor.

Pedestrian Connectivity

Pedestrian connectivity has been integral to the success of Ballpark Commons. The M1 building will include sidewalks connecting to existing pedestrian pathways to ensure ease of access to all parts of Ballpark Commons.

Natural Resource Protection

There are existing wetlands on site, however, they are emergent, artificial wetlands that were exempt per 2/27/2017 WDNR Artificial Exemption Determination Letter. There is also a small stand of trees that is not large enough to be considered woodland. A draft Natural Resource Protection Plan is included herein.



## Collaborative Design Approach

The plans included herein reflect a highly considered design solution that incorporates good design principles and is consistent with the underlying uses and plans of PDD 37. Throughout the development process we are sure to encounter challenges and opportunities that will inform our design going forward. As with all Mandel development, we will continue to solicit feedback from stakeholders including elected officials and staff. It is our experience that the best projects are those informed by a reasonable, constructive conversation with all stakeholders. Outreach is a hallmark of all Mandel developments and we will continue to do the same in the City of Franklin.



## Project Budget & Structuring a Public-Private Partnership

Redevelopment efforts of the contemplated size and complexity require access to debt, equity, and sometimes, funds obtained through a public private partnership. Mandel has deep experience and significant bandwidth related to each source of capital. We are fortunate to work with all major lending institutions in this marketplace. In the past two years, Mandel secured construction loans ranging in size from \$20m to \$63m. We are proud to include in this package letters of recommendation from lending partners. Mandel has a deep well of private investors, including high net worth individuals, family offices and institutional investors. In our most recent equity offering we raised nearly \$12m of cash in five days. We are confident that sourcing cash equity for this redevelopment effort is achievable.

Mandel has extensive and recent experience structuring public private partnerships to facilitate redevelopment plans, including with the City of Franklin. These public private partnerships work best, in our opinion, when they are the byproduct of a transparent, collaborative discussion with City officials. We recently negotiated tax incremental financing and subordinate debt agreements with the City of West Allis and the City of Wauwatosa. We are proud of the huge success of our public private partnership with the City of Franklin on Velo Village.

We know some form of public private partnership will be required to bring this project vision to reality. Our project budget and proforma are preliminary at this point and we will develop the budget in coordination with a general contractor an estimate based on advanced conceptual designs. Mandel will continue to refine those numbers through plan progression and development. However, we know today, there are two factors driving the need for a public private partnership: (a) unique site conditions and (b) the 'value gap' for luxury apartments.

The subject property, like many redevelopment efforts, is characterized by some unique site conditions. First, the site will require environmental remediation due to limited environmental contamination. Furthermore, the site topography is challenging with a roughly 20 foot grade change across the site. With further advancement of critical site due diligence, we will continue to identify and quantify the major risk points in our development budget. We also know that the development, with the higher quality finishes and commercial uses will cost more to construct than their estimated future value. This will create a 'value gap'.



Mandel Group has a long history of developing and operating luxury apartments that stand the test of time. Our communities look as good in 10 years as they do the day they open. Our strategy requires higher quality design and construction, which cost a little bit more. Our leasing and maintenance teams actively manage our communities with an eye toward customer service and long term quality. We do not defer necessary repairs and maintenance in an effort to squeeze every drop of profit out of a community.

The precise terms of the public private partnership and corresponding development agreement will be negotiated in good faith with the City of Franklin and their consultants. While the specific terms will take some time to finalize, we are pleased to offer the following:

#### Developer Financed or 'Pay Go' Structure

Mandel proposes to structure any tax incremental agreement as 'developer financed' to eliminate the City's financial risk. That is, Mandel will obtain all the required debt and equity to finance the project. If we create the tax increment by executing on the redevelopment as promised then we share in that increment.

#### Mutually Agreeable Redevelopment

Mandel will include in the development agreement a provision obligating it to construct precisely what is approved by the City. It is reasonable for the City to want to know exactly what it is getting and we are happy to provide such assurances.

#### Public Access Easement

Mandel proposes to redevelop a portion of site for 'town center' public uses and associated infrastructure like public parking and walking trails. We expect such a promise to be documented in a legally binding easement that runs with the land.

#### Cost Savings

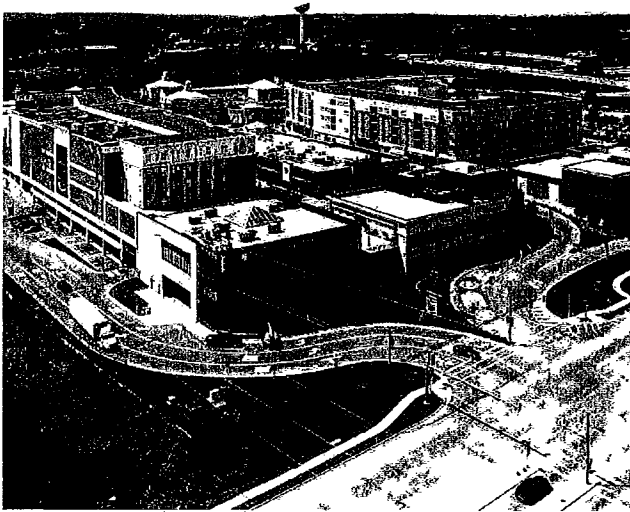
Mandel will agree to a cost savings provision. We will provide to the City a development budget prior to commencement of construction. If we are able to construct and stabilize the property for less than set forth in the budget we agree to share those savings with the City.

#### Participation in Additional Earnings

The terms of a public private partnership will be based, in part, on costs and projected performance or investor returns. If those investor returns exceed a mutually agreeable benchmark, Mandel agrees to share those enhanced returns with the City.

It is our hope that the foregoing summary demonstrates a productive and collaborative approach to deal structuring. If the PDD is approved, we would advance the specific terms of the public private partnership in earnest. More specific budget estimates and underwriting will be set forth in the confidential and proprietary financial modeling provided to the City as part of our TIF application.





# Development Schedule

Entitlement & TIF Approvals

Permitting

Construction Start

August 2022 - April 2023

April 2023 - June 2023

October 2023



# EXHIBIT A - BAKER TILLY ECONOMIC IMPACT ANALYSIS

M1 at Ballpark Commons completes one of the last remaining sites in the Ballpark Commons active lifestyle and entertainment district. Our concept includes seventy-eight (78) apartment units in a four-story structure with roughly one-to-one underground parking and approximately 6,000 square feet of first floor commercial space. Resident amenities will include a resident clubhouse and outdoor pool along with associated leasing offices.

## Construction Impact

Economic Output and Labor Income



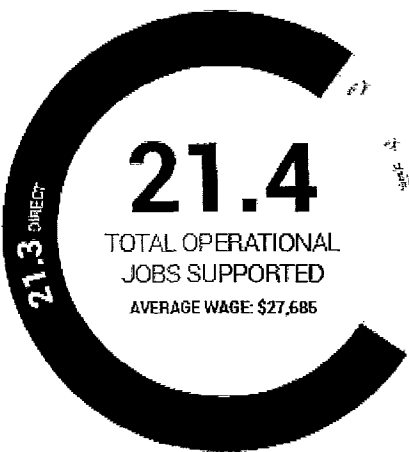
### Construction Supply Chain

Based on industry data for the local area, an estimated 56% of the goods and services that construction of the facility will require can be provided within the region



## Operational Impacts

Annual Economic Output and Labor Income



**\$44.8M**

ECONOMIC OUTPUT OVER THE NEXT 10 YEARS

### Operational Supply Chain

Based on industry data for the local area, an estimated 67% of the goods and services that the facility will require to operate can be provided within the region

### Local Expenditures

Based on industry patterns in the local area, it is estimated that use of the town center will result in the expenditure of approximately \$0.5 million in disposable income.

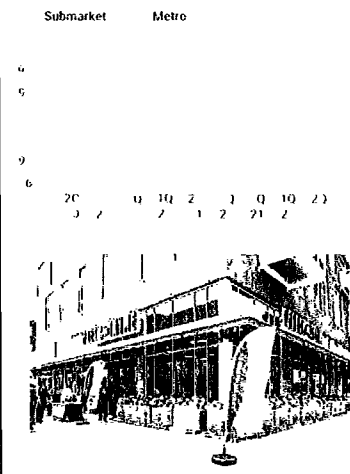
Baker Tilly US, LLP trading as Baker Tilly is a member of the global network of Baker Tilly International Ltd, the members of which are separate and independent legal entities. © 2022 Baker Tilly US, LLP

# THE NEED FOR APARTMENTS

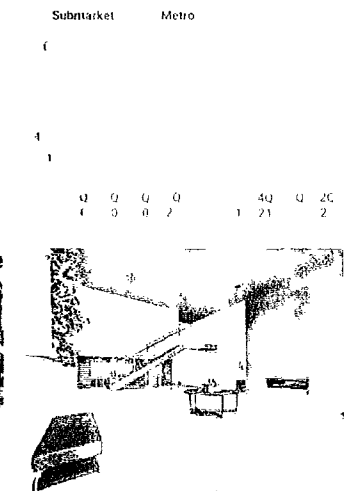
- 1 Homeownership rates are at 40 year historic lows
- 2 Millennials delaying household formation and homeownership
- 3 Millennials burdened with student debt that has limited their saving for a down payment
- 4 The average sales price for homes continues to rise
- 5 Interest rates on home mortgages continue to rise
- 6 Largest growing renter demographic over the last ten years has been the baby boomer cohort
- 7 Generation Z is demonstrating a strong propensity to rent
- 8 Life cycle housing creates healthy, viable communities Apartments offer a housing solution that allows younger families looking to buy in the community the opportunity to rent Apartments offer empty nesters the opportunity to remain the communities they are rooted, but with added flexibility and long term maintenance
- 9 Franklin submarket apartment fundamentals are strong 96% + occupancy and double digit rent growth the past three quarters
- 10 Marginal demand analysis of income qualified renter growth vs units in pipeline demonstrates a surplus demand of 200 units
- 11 Velo Village s record setting lease up at 30 units per month demonstrates strong demand of immediate area

Income Eligible Renter Population Primary Market Area (10-Mile of Franklin City Center)		
Year	2022	2027
Total Population	518,612	512,083
Households Total	214,301	212,468
Renter-Occupied Households	82,401	79,375
<b>Income Brackets</b>	<b>Total Households</b>	<b>Total Households</b>
\$50,000 - \$74,999	40,002	36,577
\$75,000 - \$99,999	30,817	29,873
\$100,000 - \$149,999	41,423	50,243
\$150,000 - \$199,999	15,862	22,756
\$200,000+	10,842	13,293
<b>Total # of Income Eligible Households</b>	<b>138,946</b>	<b>152,742</b>
<b>% Renter Occupied</b>	<b>38.45%</b>	<b>37.36%</b>
<b># Income-Eligible Renter-Occupied Households</b>	<b>53,426</b>	<b>57,062</b>

## Occupancy



## Annual Rent Change



Marginal Demand Analysis		
a	Income Qualified Renter Households 2022	53,426
b	Income Qualified Renter Households 2027	57,062
c	<b>Increase In Income Qualified Renter Households</b>	<b>3,636</b>
d	# Units In Pipeline	2,575
e	Subject Units	1,003
f	<b>Total New Supply (d+e)</b>	<b>3,578</b>
g	<b>New Units at Balanced Market (96%)</b>	<b>3,435</b>
h	<b>Net Excess Demand (c-g)</b>	<b>201</b>





# LETTERS OF RECOMMENDATION



VILLAGE OF FOX POINT

KEWAUNEE COUNTY  
WISCONSIN

VILLAGE OF  
20% VOTER REGISTRATION  
OFFICE: 9229 W. LOOMIS RD.  
FRANKLIN, WI 53132  
TEL: 262.781.1800

September 28, 2022

City of Franklin Common Council  
Franklin City Hall  
9229 W. Loomis Road  
Franklin, WI 53132

To Whom It May Concern:

It is my understanding that Mandel Group ( "Mandel" ) is pursuing a variety of mixed use and residential development opportunities within the City of Franklin. Most recently, we had the pleasure of working closely with Mandel on the Chiswick Apartments in the Village of Fox Point.

Mandel's attention to detail and responsiveness to the neighbor concerns was unmatched in the community. They set a great example for continued excellence within the Village and certainly raised the bar for developer expectations going forward.

We were very pleased to work with their team on creating a development which has been extremely successful for not only Mandel Group but also the Village as a whole.

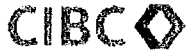
Should the opportunity present itself, we would certainly welcome working with them again.

Ian Martin, Emily Cialdini and the Mandel team were always extremely responsive to inquiries from my office and made appropriate modifications to design as suggested by citizens at public meetings. They listened and worked hard to be a good neighbor in the community.

Please contact me should you have any questions.

Sincerely,

Scott Botcher  
Village Manager  
Village of Fox Point



September 30, 2022

City of Franklin Common Council  
Franklin City Hall  
9229 W Loomis Road  
Franklin, WI 53132

To Whom It May Concern

It is my understanding that Mandel Group is pursuing a variety of mixed-use and housing development opportunities in the City of Franklin

CIBC Bank USA (previously The PrivateBank and Trust Co ) has had an ongoing and broad banking relationship with Mandel and its project affiliates for over 18 years. We have come to know first-hand Mandel's unsurpassed development and management expertise, professionalism and attention to detail, thus, we hold the company's leadership and employees in the highest regard and recommend them to you

Over the past 18 years we have provided Mandel with a full range of banking and credit services as depository, letter of credit provider, bridge loan lender, and construction lender. During this time we have financed several of Mandel's multifamily development projects, the most recent of which is Velo Village apartments in Franklin. We will certainly be interested in discussing with Mandel the lending opportunities associated with your projects.

Please feel free to contact me at 414 291 7117 if you have questions or need additional information

Sincerely,

James Roemer  
Managing Director

# OLD NATIONAL

October 4, 2022

City of Franklin Common Council  
Franklin City Hall  
9229 W. Loomis Road  
Franklin, WI 53132

To Whom It May Concern:

It is my understanding that Mandel Group is pursuing a variety of mixed-use and residential development opportunities in the City of Franklin. Mandel Group and Old National Bank have had a successful banking relationship since 2014. Over our history, Old National has financed several of Mandel's developments including Echelon apartments in Wauwatosa, DoMus apartments in Milwaukee and The Chiswick at Dunwood in Fox Point. All have led to successful development for both the bank and Mandel.

We currently have two developments with Mandel including Taxco apartments in Walker's Point, Milwaukee and Bridgewalk in Waukesha. Our current commitments with Mandel total over \$68 million.

With Mandel's ability to execute large and complex developments, customer-focused management expertise and attention to detail and identifying solutions, we look forward to financing additional development with their company. We respect their ability to manage risk and in-house capacity for every aspect of real estate development.

We would look forward to the opportunity to finance additional development with their company. Please don't hesitate to reach out if you have further questions.

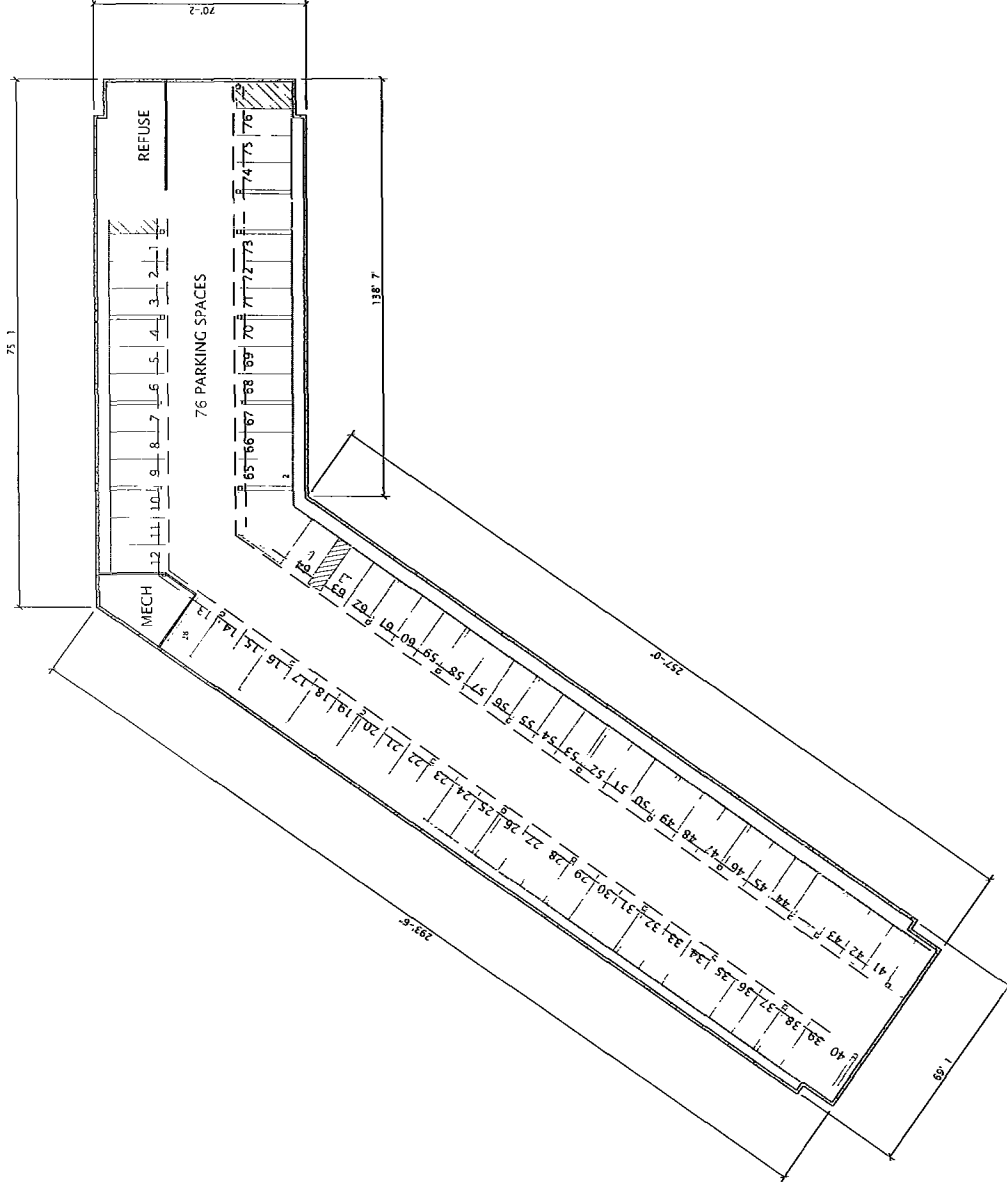
Sincerely,

*Nicole R. Willoughby*

Nicole R. Willoughby, CCIM  
Vice President - Commercial Real Estate Relationship Manager  
T: 414-290-7040  
Nicole.Willoughby@Oldnational.com  
Old National Bank  
788 North Jefferson Street, Suite 900  
Milwaukee, WI 53202





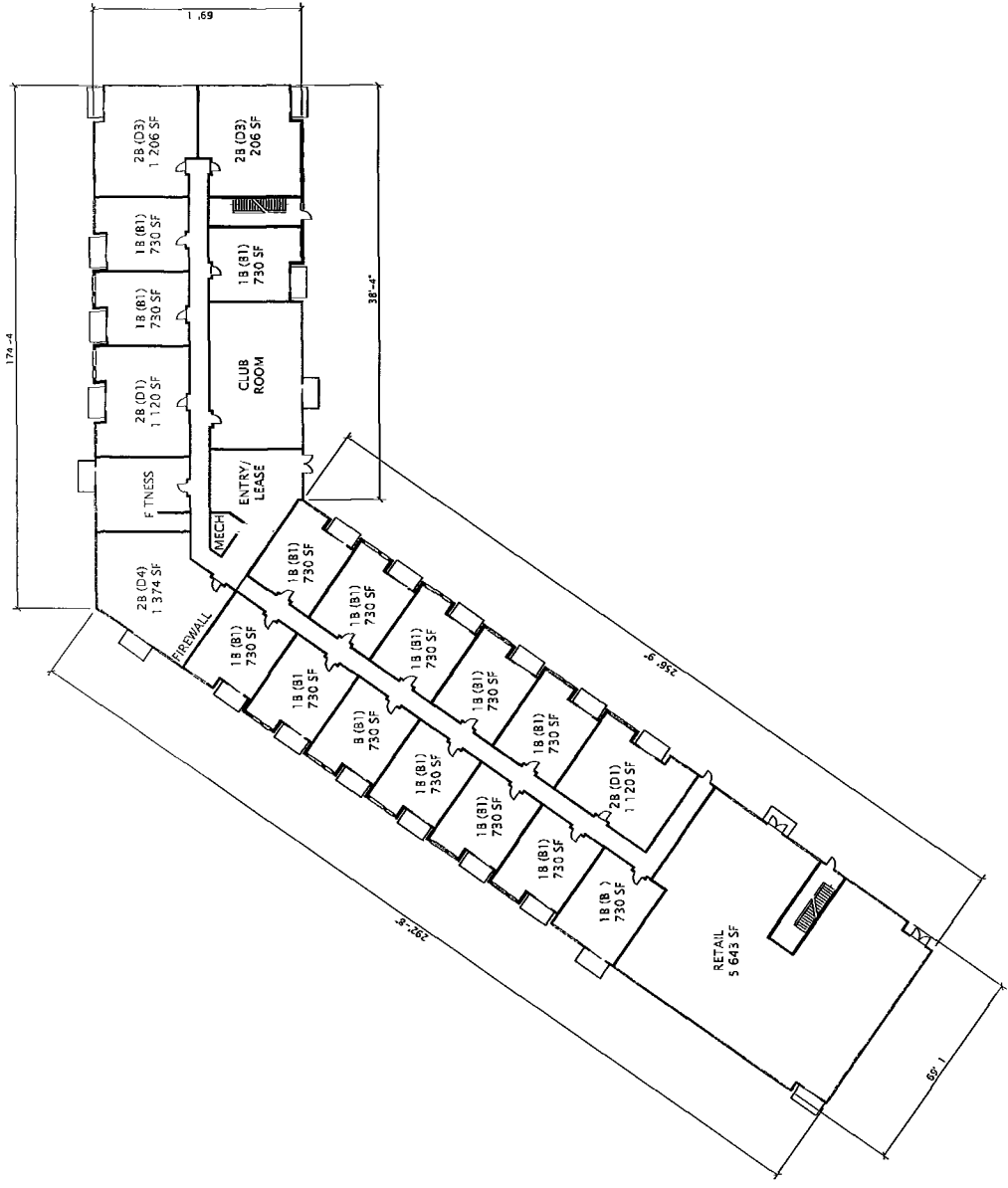


**JLA** ARCHITECTS  
**BPC MIXED USE – M1 SITE**  
 CONCEPTUAL LOWER LEVEL PLAN



OCTOBER 03, 2022  
 1"=40' @ 11x17





OCTOBER 03, 2022  
 1 -40 @ 1/16" = 1'

**BPC MIXED USE - M1 SITE**

**CONCEPTUAL FIRST FLOOR PLAN**

**J L A**  
 ARCHITECTS





# BPC MIXED USE - CONCEPTUAL PROJECT DATA

October 3, 2022

UNIT NAME	STUDIO		1 BED				2 BEDROOMS				TOTAL UNITS	TOTAL BEDROOMS	NET LEASABLE COMMERCIAL	NET LEASABLE RESIDENTIAL	GROSS AREA	EFFICIENCY	PARKING AREA	COVERED PARKING	SURFACE PARKING RESIDENTIAL	SURFACE PARKING COMMERCIAL	PARKING RATIO
	A1	B1	B2	D1	D2	D3	D4														
BEDROOMS	1	1	1	2	2	2	2	2	2	2	38	-	25,296	28,819	87.8%						
AREA (S F)	692	730	702	1,120	1,162	1,206	1,374				29		25,296	28,819	87.8%						
3	1	18	1	2	2	4	1				29		25,296	28,819	87.8%						
0	1	18	1	2	2	4	1				29		25,296	28,819	87.8%						
1	0	15	0	2	0	2	1				20	5,643	16,976	28,819	78.5%	30,147	76	54	45	8.0 / 1K Reoil	
LL																30,147	76	54	45	PER UNIT PER BR	
<b>TOTALS</b>	<b>2</b>	<b>51</b>	<b>2</b>	<b>6</b>	<b>4</b>	<b>10</b>	<b>3</b>	<b>78</b>	<b>101</b>	<b>5,643</b>	<b>67,568</b>	<b>86,457</b>	<b>84.7%</b>	<b>30,147</b>	<b>76</b>	<b>54</b>	<b>45</b>	<b>1.67</b>	<b>1.29</b>		
<b>PERCENT</b>	<b>2.6%</b>	<b>65.4%</b>	<b>2.6%</b>	<b>7.7%</b>	<b>5.1%</b>	<b>12.8%</b>	<b>3.8%</b>														
	<b>2.6%</b>		<b>67.9%</b>			<b>29.5%</b>															

866 Average N S F per unit

1 036 Average G S F per unit (not including commercial area)



**JLA**  
ARCHITECTS

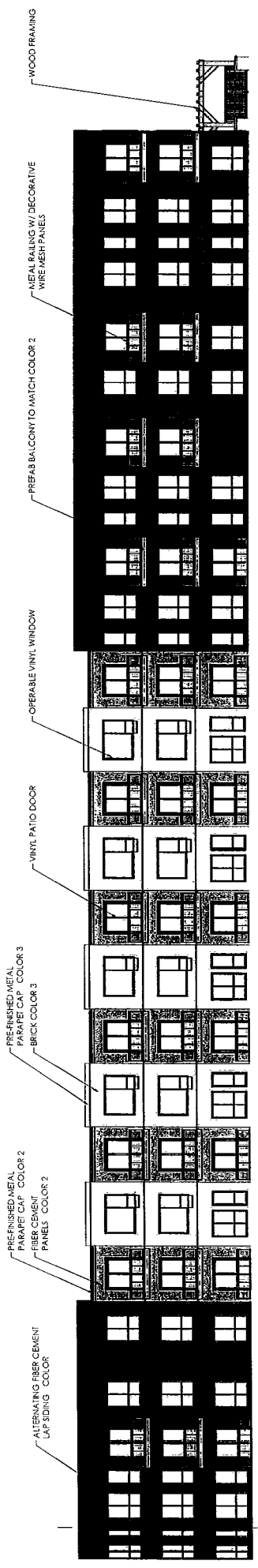


**JLA**  
ARCHITECTS  
BPC MIXED USE - M1 SITE  
CONCEPTUAL PROJECT DATA

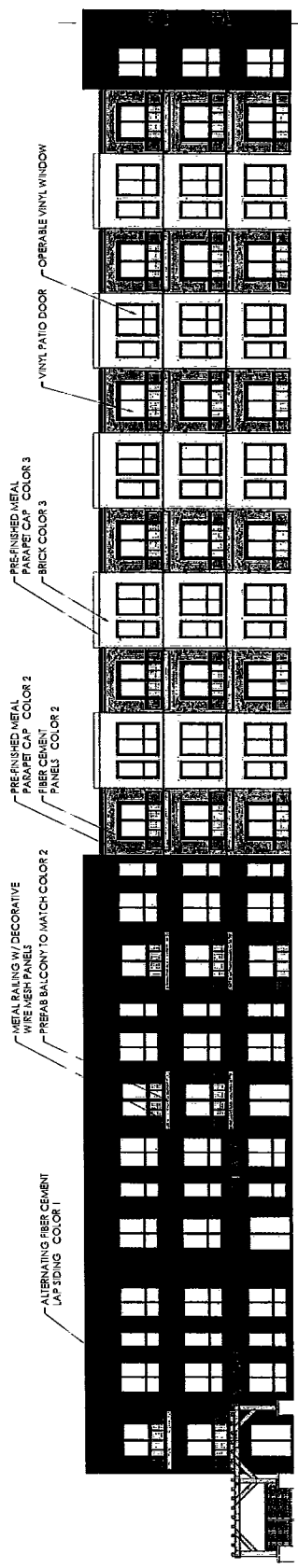


OCTOBER 03, 2022  
1" = 40' @ 11x17





1 WEST ELEVATION  
SCALE: 1/20

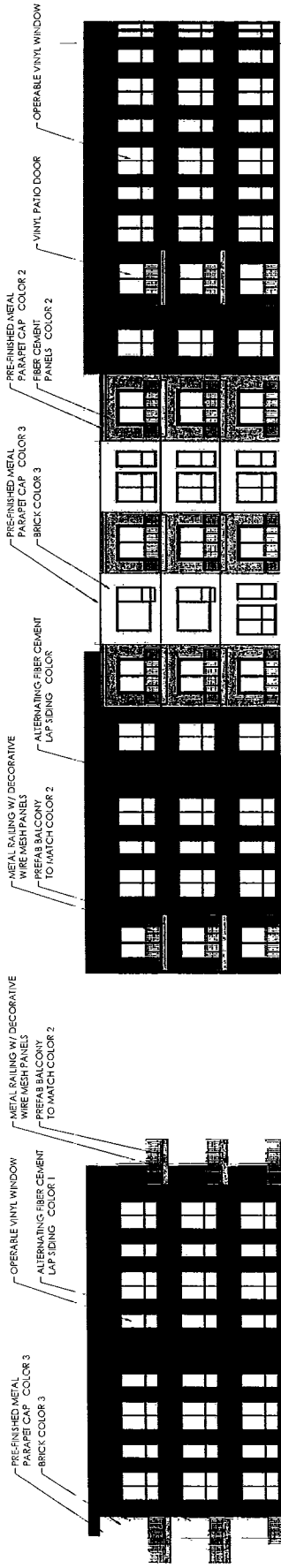


3 EAST LONG ELEVATION  
SCALE: 1/20

**JLA** BALL PARK COMMONS MIXED USE DEVELOPMENT  
ARCHITECTS ELEVATIONS

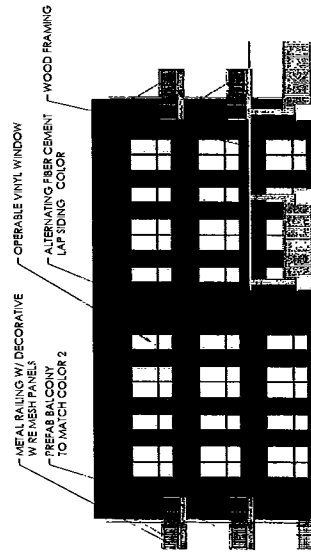


OCTOBER 3, 2022



① EAST SHORTELEVATION  
SCALE: 1/20

② NORTH ELEVATION  
SCALE: 1/20



③ SOUTH SHORTELEVATION  
SCALE: 1/20

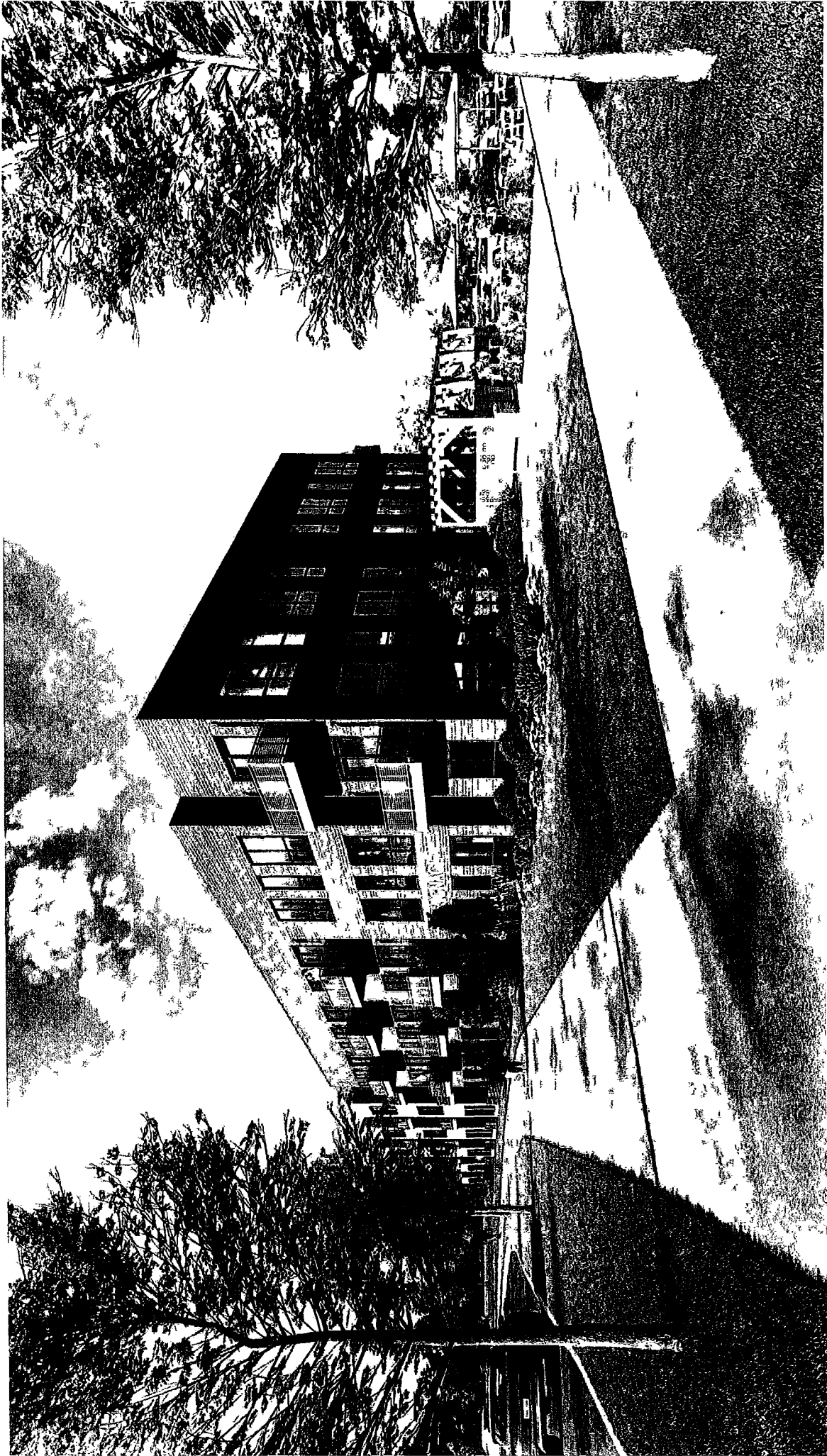
④ SOUTH LONG-ELEVATION  
SCALE: 1/20



**JLA**  
ARCHITECTS ELEVATIONS

**BALL PARK COMMONS MIXED USE DEVELOPMENT**

OCTOBER 3 2022



# JL A ARCHITECTS BALL PARK COMMONS MIXED USE DEVELOPMENT

ARCHITECTS CONCEPTUAL PERSPECTIVE - SOUTHWEST VIEW



OCTOBER 3RD, 2022



# BALL PARK COMMONS MIXED USE DEVELOPMENT

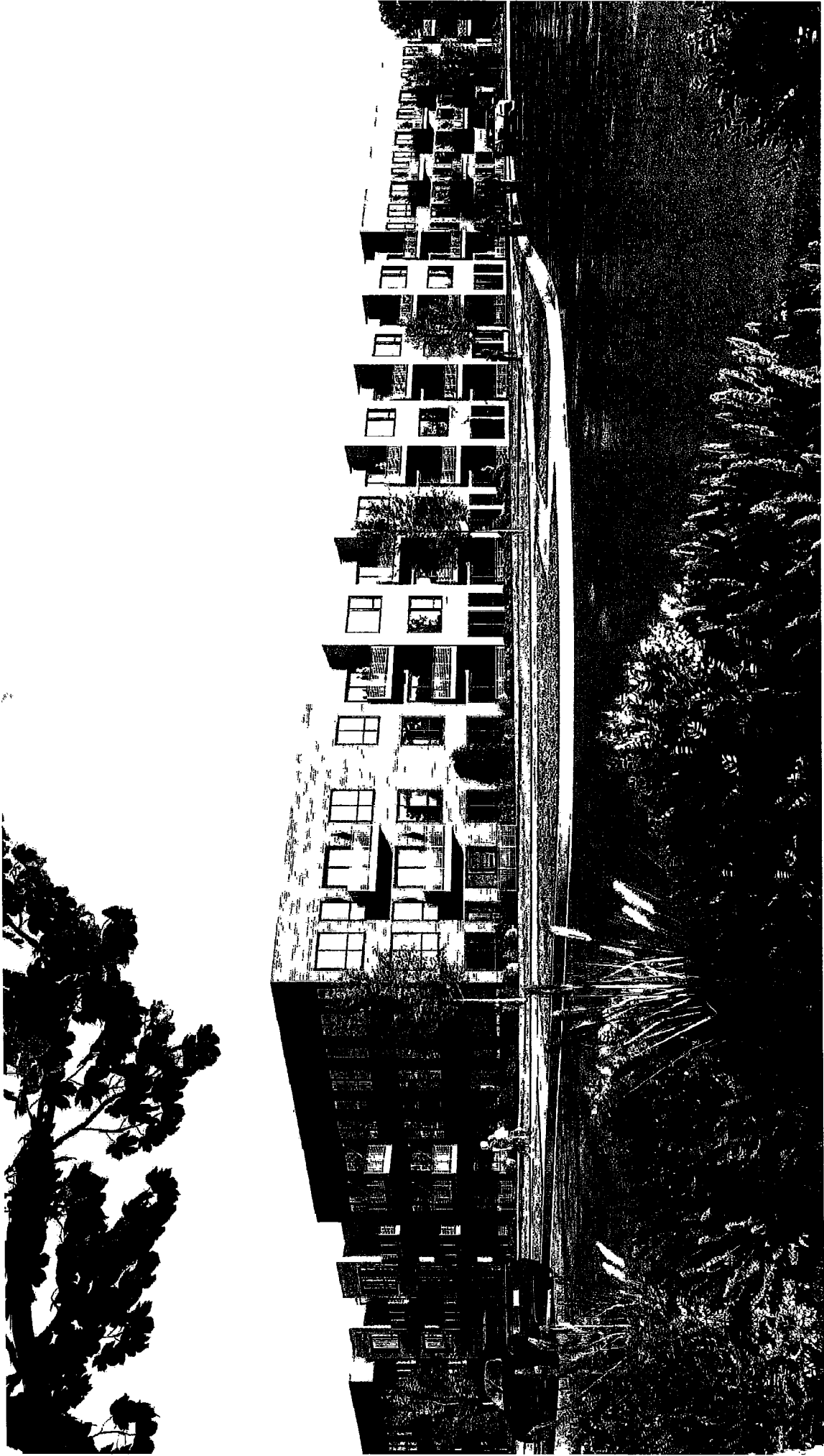
OCTOBER 3, 2022

**JLA**  
ARCHITECTS

CONCEPTUAL PERSPECTIVE – EAST VIEW







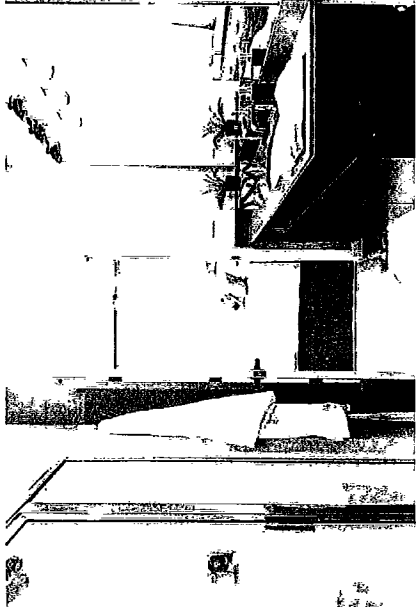
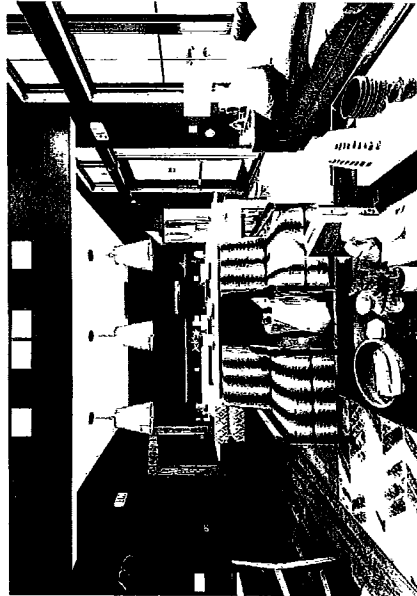
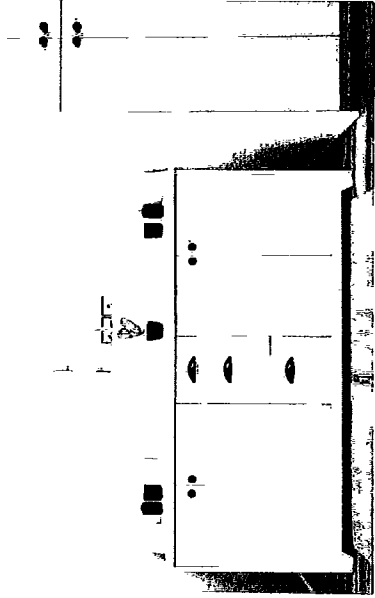
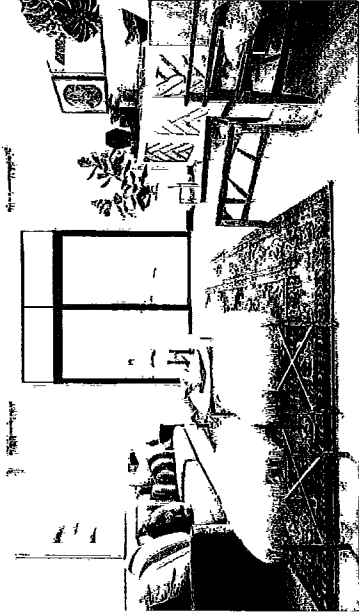
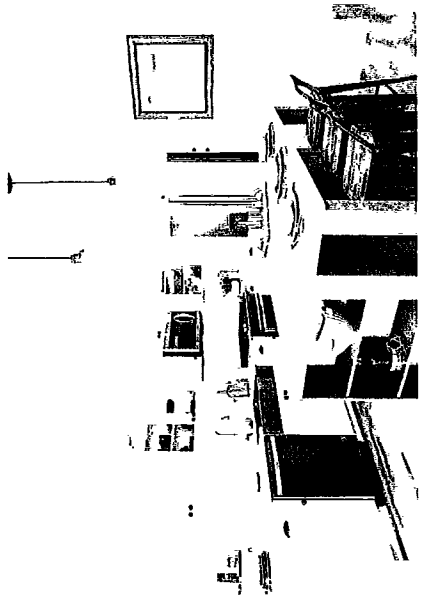
**JL A** BALL PARK COMMONS MIXED USE DEVELOPMENT

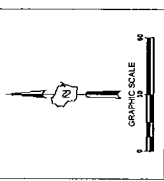
ARCHITECTS CONCEPTUAL PERSPECTIVE - NORTHWEST VIEW

OCTOBER 3 2022



REPRESENTATIVE INTERIOR DESIGN - MANDEL DEVELOPMENTS

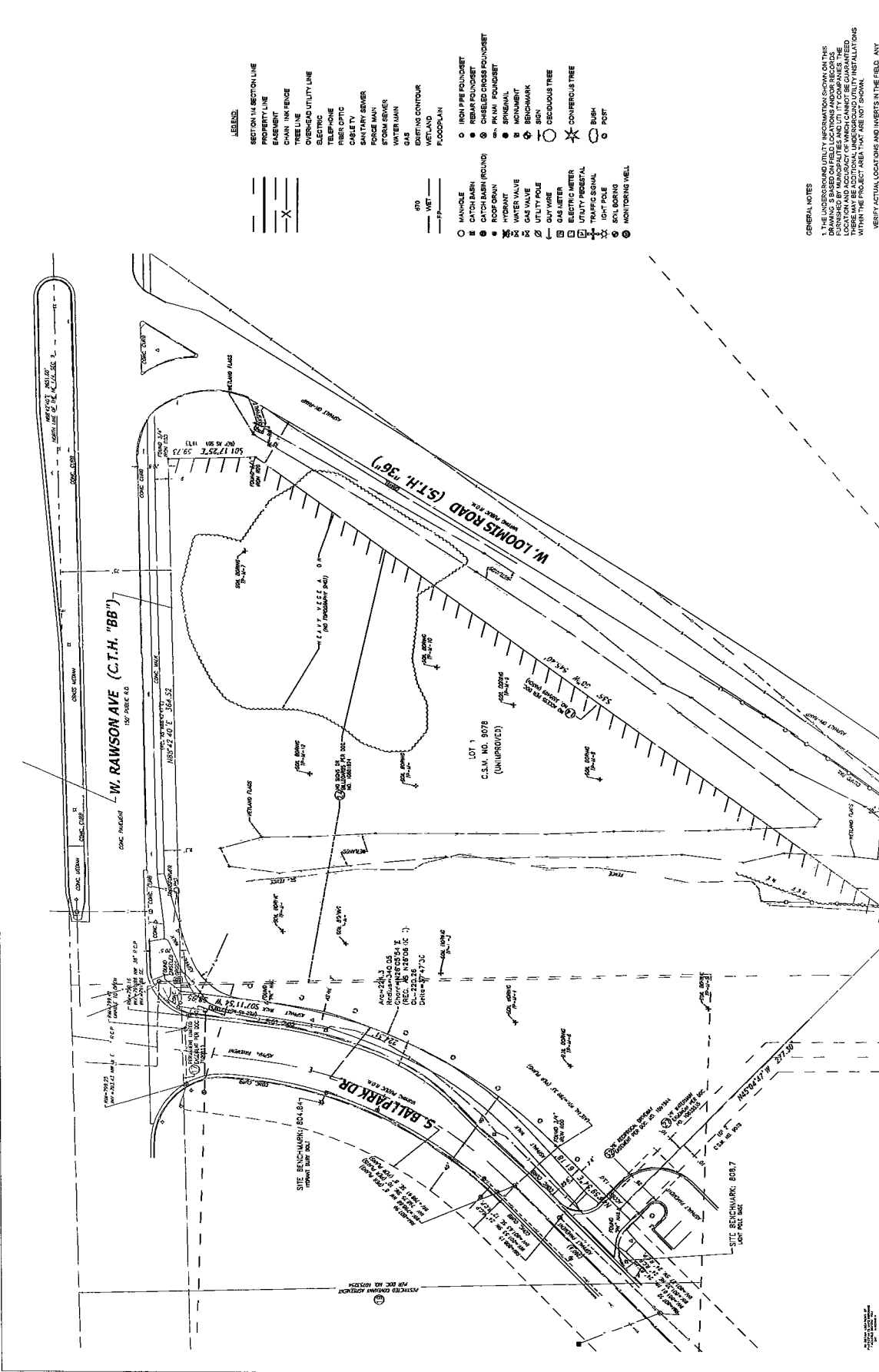




**SITE SURVEY**  
**FRANKLIN MILWAUKEE COUNTY, WI**  
**BALLPARK COMMONS M1**  
**8240 OLD LOOMIS RD**

**PRELIMINARY  
 NOT FOR  
 CONSTRUCTION**

SCALE	1"=20'
PROJECT NO.	2024
DESIGN DATE	---
PLOT DATE	8/19/2022
DRAWN BY	---
CHECKED BY	---
APPROVED BY	---
SHEET NO.	C001

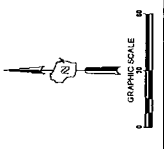


- LEGEND**
- SECTION 1/4 SECTION LINE
  - PROPERTY LINE
  - EASEMENT
  - CHAIN LINK FENCE
  - TREE LINE
  - OVERHEAD UTILITY LINE
  - ELECTRIC
  - GAS
  - WATER
  - IRREGULAR
  - BRASS OPTIC
  - CABLE TV
  - SANITARY SEWER
  - FORCE MAIN
  - STORM SEWER
  - WATER MAIN
  - GAS
  - EXISTING CONTOUR
  - PROPOSED CONTOUR
  - FOODPLAIN
- IRON PIPE FOUNDSET
  - REBAR FOUNDSET
  - ⊗ CHEELED CROSS FOUNDSET
  - ⊙ RR RR FOUNDSET
  - SPINDRILL
  - ⊙ MONUMENT
  - ⊙ BENCHMARK
  - ⊙ BENCH
  - CIRCULOUS TREE
  - ★ CONVERGIOUS TREE
  - BURH
  - POST
  - SOIL BORING
  - MONITORING WELL
- MANHOLE
  - ⊕ CATCH BASIN
  - ⊕ CATCH BASIN (ROUND)
  - ROOF DRAIN
  - HYDRANT
  - WATER VALVE
  - UTILITY POLE
  - GUY WIRE
  - GAS METER
  - ELECTRIC METER
  - UTILITY FORESETAL
  - TRAFFIC SIGNAL
  - OHY POLE
  - SOIL BORING
  - MONITORING WELL

**GENERAL NOTES**

1. THIS DRAWING IS THE PROPERTY OF THE ENGINEER. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED THEREIN. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.
2. THE ENGINEER HAS CONDUCTED A VISUAL GENERAL SURVEY OF THE SITE AND HAS FOUND NO EVIDENCE OF ANY UNLAWFUL CONSTRUCTION OR VIOLATION OF ANY APPLICABLE ORDINANCES. THERE MAY BE ADDITIONAL UNLAWFUL CONSTRUCTION OR VIOLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN.
3. VERIFY ACTUAL LOCATIONS AND INVERTS IN THE FIELD. ANY DISCREPANCIES SHOULD BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO PROCEEDING WITH CONSTRUCTION.
4. THIS DRAWING IS BASED ON FIELD SURVEY COMPLETED BY CHARP LUND & ASSOCIATES, INC. ON 8/19/2022.
5. CONTRACTOR TO VERIFY EXISTING CONDITIONS. CONTACT ENGINEER WITH DISCREPANCIES.

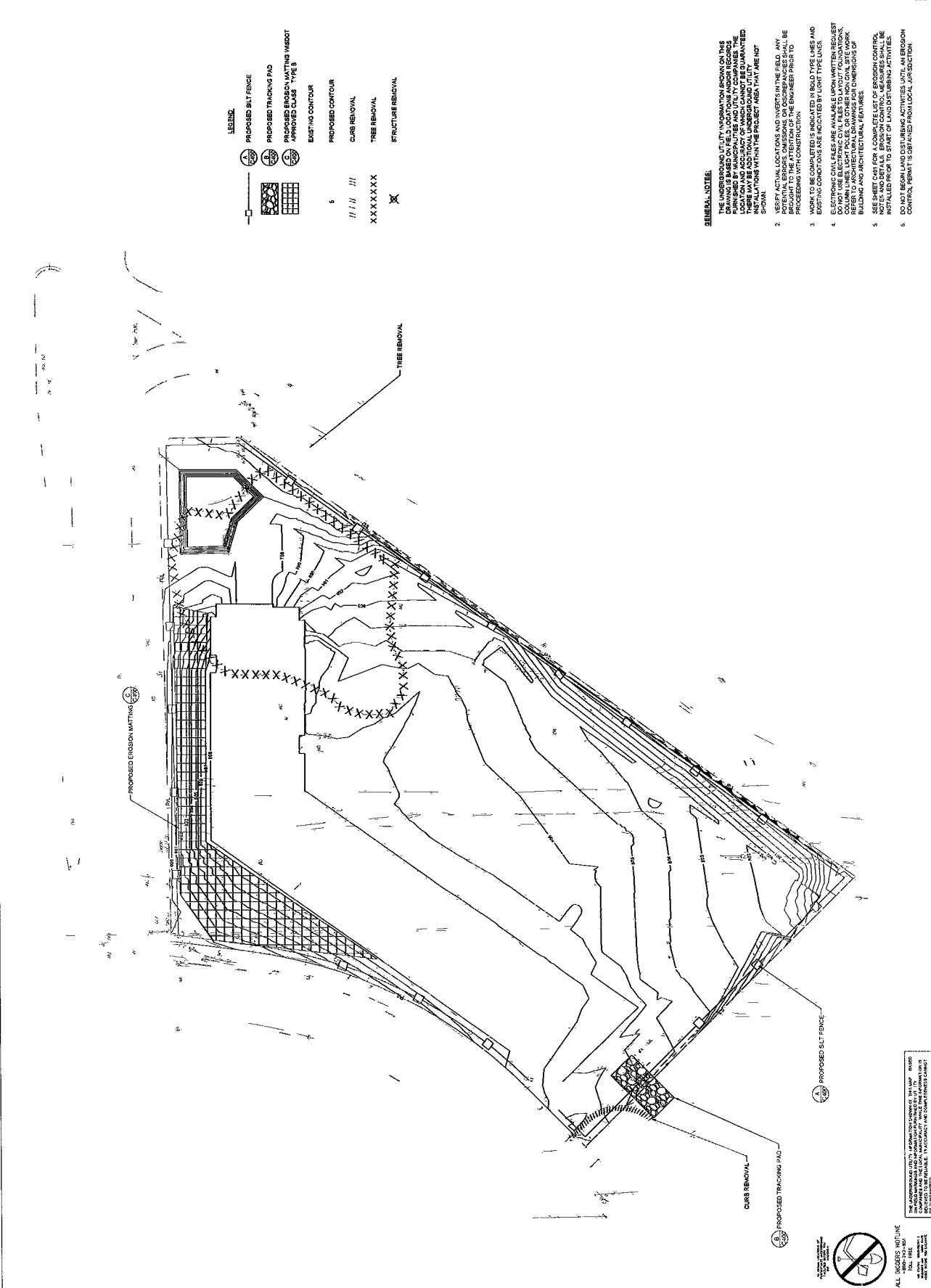
CALL DESIGNER WITHIN 24 HOURS OF ANY DISCREPANCIES. THE DESIGNER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY DATA. THE ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE DESIGN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE CONSTRUCTION. THE ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE SURVEY DATA. THE ENGINEER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE DESIGN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE CONSTRUCTION.



**BALLPARK COMMONS M1**  
**8240 OLD LOOMIS RD**  
**FRANKLIN MILWAUKEE COUNTY WI**  
**EROSION CONTROL PLAN**

**PRELIMINARY**  
**NOT FOR CONSTRUCTION**

SCALE	AS SHOWN
PROJECT NO	21204
DESIGN DATE	2022.09.23
PLOT DATE	---
DRAWN BY	---
CHECKED BY	---
APPROVED BY	---
SHEET NO	<b>C002</b>

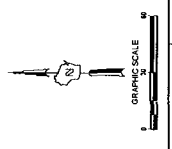


- LEGEND**
- PROPOSED SILT FENCE
  - PROPOSED TRACKING PAD
  - PROPOSED EROSION MATTING (APPROVED CLASS TYPE B)
  - EXISTING CONTOUR
  - PROPOSED CONTOUR
  - CURB REMOVAL
  - TREE REMOVAL
  - STRUCTURE REMOVAL

- GENERAL NOTES:**
1. VERIFY ALL LOCATIONS AND VERTICALS WITH THE FIELD. ANY POTENTIAL ERRORS, OMISSIONS OR DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION.
  2. VERIFY ALL CONSTRUCTION SHALL BE IN ACCORD WITH THE LOCAL, STATE AND FEDERAL REGULATIONS AND ANY APPLICABLE PERMITS. REFER TO ARCHITECTURAL DRAWINGS FOR DIMENSIONS OF BUILDING AND ARCHITECTURAL FEATURES.
  3. EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF ANY DISTURBING ACTIVITIES.
  4. DO NOT BEGIN AND/OR DISTURBING ACTIVITIES UNTIL AN EROSION CONTROL PERMIT IS OBTAINED FROM LOCAL JURISDICTION.





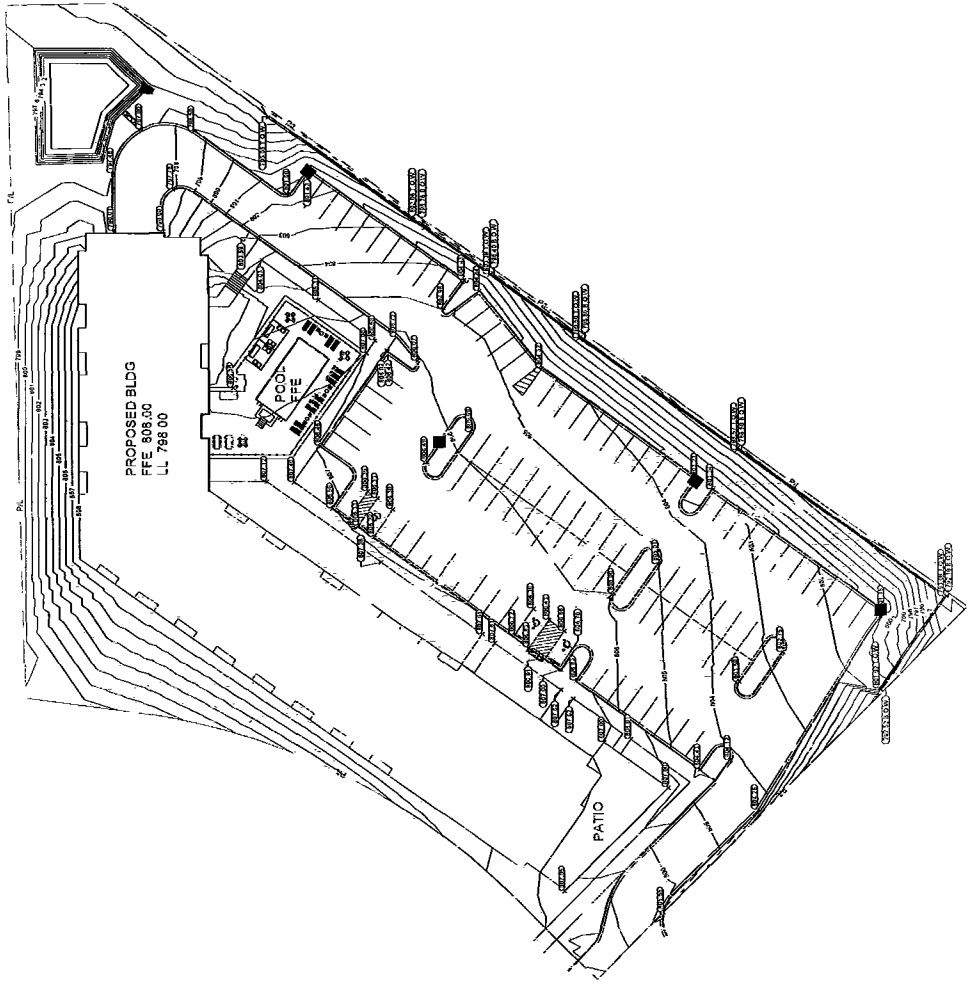
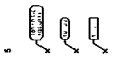


**BALLPARK COMMONS M1**  
 8240 OLD LOOMIS RD  
 FRANKLIN, MILWAUKEE COUNTY, WI  
 GRADING PLAN

**PRELIMINARY  
 NOT FOR  
 CONSTRUCTION**

SCALE	"30"
PROJECT NO	21204
DESIGN DATE	07/2022
PLOT DATE	07/2022
DRAWN BY	
CHECKED BY	
DATE PLOTTED BY	
SHEET NO	<b>C200</b>

- EXISTING CONTOUR
- PROPOSED CONTOUR
- PROPOSED CURB & OUTER SPOT GRADE
- TOP OF CURB GRADE
- PROPOSED ASPHALT
- SPOT GRADE
- EXISTING SURFACE
- SPOT GRADE (MATCH)



- GENERAL NOTES:**
1. THE UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS BASED ON RECORD DRAWINGS AND FIELD SURVEY DATA. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE EXISTING UTILITY LOCATIONS AND HAS FOUND THEM TO BE AS SHOWN. THERE MAY BE ADDITIONAL UNDERGROUND UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN ON THIS PLAN.
  2. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE EXISTING UTILITY LOCATIONS AND HAS FOUND THEM TO BE AS SHOWN. THERE MAY BE ADDITIONAL UNDERGROUND UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN ON THIS PLAN.
  3. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE EXISTING UTILITY LOCATIONS AND HAS FOUND THEM TO BE AS SHOWN. THERE MAY BE ADDITIONAL UNDERGROUND UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN ON THIS PLAN.
  4. ELECTRONIC CIVIL FILES ARE AVAILABLE UPON WRITTEN REQUEST. THE ENGINEER HAS CONDUCTED VISUAL INSPECTIONS OF THE EXISTING UTILITY LOCATIONS AND HAS FOUND THEM TO BE AS SHOWN. THERE MAY BE ADDITIONAL UNDERGROUND UTILITY INSTALLATIONS WITHIN THE PROJECT AREA THAT ARE NOT SHOWN ON THIS PLAN.
  5. DIMENSIONS ARE FROM FACE OF CURB OR EDGE OF PAVEMENT UNLESS OTHERWISE NOTED.
  6. WORK WITHIN THE PUBLIC RIGHT OF WAY, INCLUDING BUT NOT LIMITED TO DRIVEWAY OPERINGS, CURBS AND RAMPAS, SHALL BE IN ACCORDANCE WITH THE CITY OF MILWAUKEE, WISCONSIN, AND MILWAUKEE COUNTY REQUIREMENTS AND STANDARDS.
  7. EARTHWORK SHALL BE IN ACCORDANCE WITH GEOTECHNICAL ENGINEER'S RECOMMENDATIONS.



CALL HIGGERS HOTLINE  
 1-800-441-2400  
 414-441-2400  
 414-443-8100  
 414-441-2400  
 414-443-8100







**BALLPARK COMMONS M1**  
 8240 OLD LOOMIS RD  
 FRANKLIN, MILWAUKEE COUNTY WI

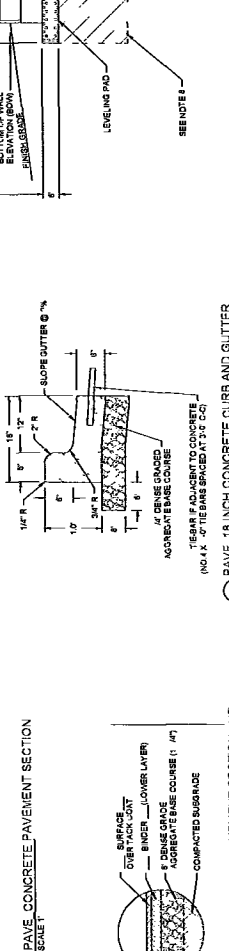
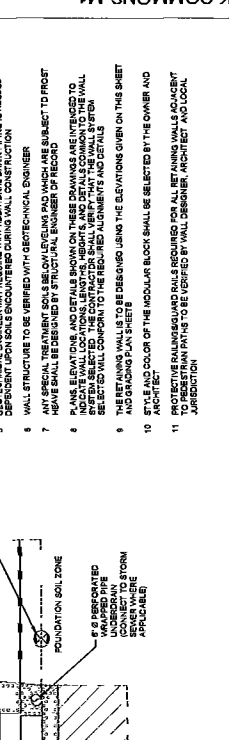
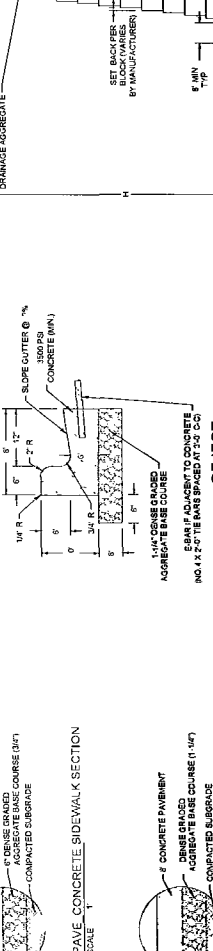
**PAVING DETAILS**

**PRELIMINARY CONSTRUCTION**

SCALE	PROJECT NO	71234
DESIGN DATE	—	—
PLANT DATE	—	—
DRAWN BY	—	—
CHECKED BY	—	—
APPROVED BY	—	—
SHEET NO	—	—

**C401**

- NOTES:**
- RETAINING WALL SYSTEM SHALL BE RESTONITE ROCKWALL OR APPROVED EQUAL.
  - TYPICAL SECTIONS FOR CONCEPTUAL DESIGN ONLY. THE CONTRACTOR SHALL PROVIDE COMPLETE DESIGN PLANS, DETAILS, SPECIFICATIONS, AND STAMPED AND SIGNED DRAWINGS FOR PERMITS. THE CONTRACTOR SHALL PROVIDE TECHNICAL ASSISTANCE TO THE ENGINEER. THE RETAINING WALL MANUFACTURER SHALL PROVIDE TECHNICAL ASSISTANCE TO THE CONTRACTOR DURING CONSTRUCTION. THE COST OF THESE SERVICES SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
  - FRAMES AND SEALS FOR RETAINING WALL DESIGN PLANS, DETAILS AND CALCULATIONS SHALL BE PROVIDED TO THE CITY.
  - GEOTECHNICAL REINFORCEMENT SPACING AND LENGTH PER MANUFACTURER ENGINEER RECOMMENDATIONS.
  - GEOTECHNICAL ENGINEER MAY REQUIRE THAT ADDITIONAL DRAIN PIPING IS NEEDED DEPENDENT UPON SOIL INDICATED DURING WALL CONSTRUCTION.
  - WALL STRUCTURE TO BE VERIFIED WITH GEOTECHNICAL ENGINEER.
  - ANY SPECIAL TREATMENT SOILS BELOW LEVELING PAD WHICH ARE SUBJECT TO FROST ACTION SHALL BE DESIGNED BY THE CONTRACTOR. THE CONTRACTOR SHALL PROVIDE DETAILS FOR FROST PROTECTION. THE CONTRACTOR SHALL PROVIDE DETAILS FOR FROST PROTECTION TO THE WALL MANUFACTURER. THE CONTRACTOR SHALL PROVIDE DETAILS FOR FROST PROTECTION TO THE WALL MANUFACTURER. THE CONTRACTOR SHALL PROVIDE DETAILS FOR FROST PROTECTION TO THE WALL MANUFACTURER.
  - THE RETAINING WALLS TO BE DESIGNED USING THE ELEVATIONS GIVEN ON THIS SHEET AND GRADING PLAN SHEETS.
  - STYLE AND COLOR OF THE MODULAR BLOCK SHALL BE SELECTED BY THE OWNER AND ARCHITECT.
  - PROTECTIVE RAILING GUARD RAILS REQUIRED FOR ALL RETAINING WALLS ADJACENT TO TRAFFIC ARE TO BE PROVIDED BY WALL DESIGNER, ARCHITECT AND LOCAL JURISDICTION.



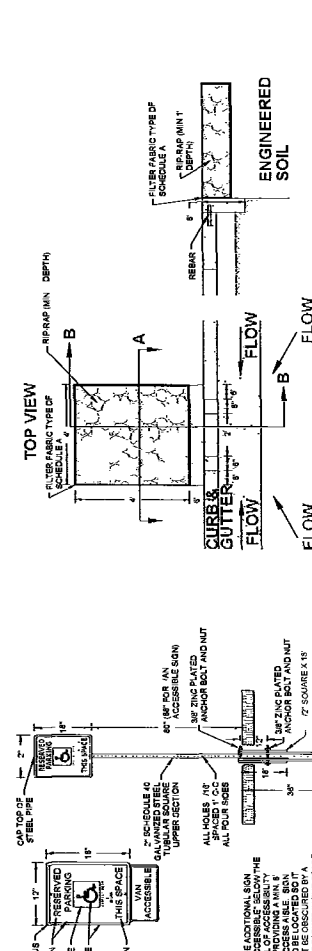
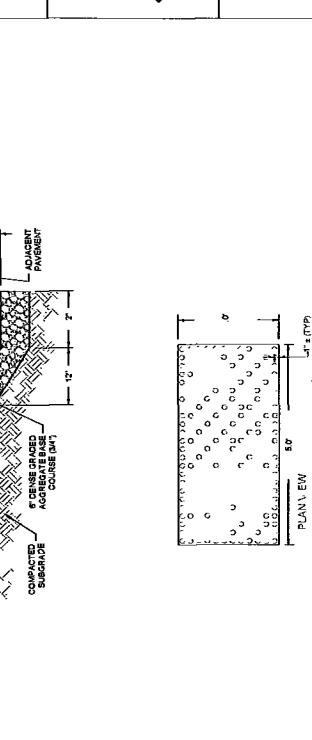
MIN	MAX
A 1.5	2.4
B 0.50	1.5
C X	X
D 0.8	1.4

X: THE DIMENSION IS 50% TO 50% OF THE DIMENSION



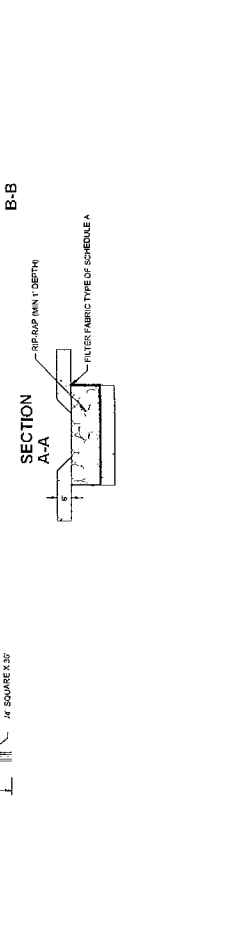
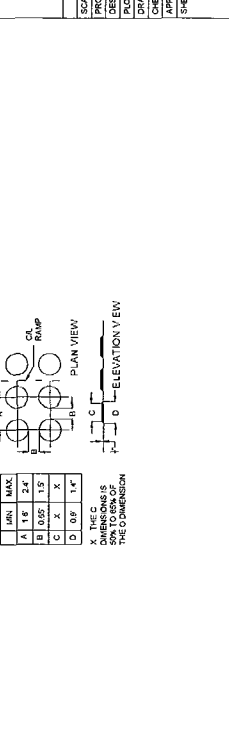
MIN	MAX
A 1.5	2.4
B 0.50	1.5
C X	X
D 0.8	1.4

X: THE DIMENSION IS 50% TO 50% OF THE DIMENSION



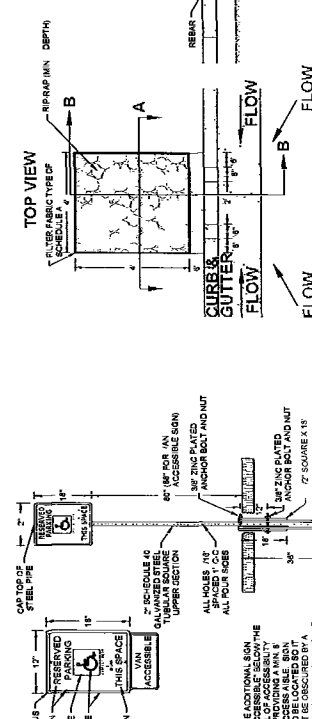
MIN	MAX
A 1.5	2.4
B 0.50	1.5
C X	X
D 0.8	1.4

X: THE DIMENSION IS 50% TO 50% OF THE DIMENSION



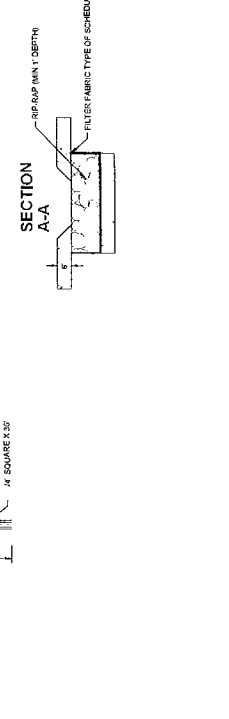
MIN	MAX
A 1.5	2.4
B 0.50	1.5
C X	X
D 0.8	1.4

X: THE DIMENSION IS 50% TO 50% OF THE DIMENSION



MIN	MAX
A 1.5	2.4
B 0.50	1.5
C X	X
D 0.8	1.4

X: THE DIMENSION IS 50% TO 50% OF THE DIMENSION



MIN	MAX
A 1.5	2.4
B 0.50	1.5
C X	X
D 0.8	1.4

X: THE DIMENSION IS 50% TO 50% OF THE DIMENSION



MIN	MAX
A 1.5	2.4
B 0.50	1.5
C X	X
D 0.8	1.4

X: THE DIMENSION IS 50% TO 50% OF THE DIMENSION



MIN	MAX
A 1.5	2.4
B 0.50	1.5
C X	X
D 0.8	1.4

X: THE DIMENSION IS 50% TO 50% OF THE DIMENSION



12/24/2014 10:00 AM











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<b>APPROVAL</b> KKK	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MTG. DATE</b> December 20, 2022
Reports & Recommendations	<b>A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ENTER INTO A PRIVATE PROPERTY INFILTRATION AND INFLOW REDUCTION AGREEMENT- FUNDING AGREEMENT M10005FR02 WITH MILWAUKEE METROPOLITAN SEWERAGE DISTRICT IN THE AMOUNT OF \$50,240</b>	<b>ITEM NO.</b>  G.8.

**BACKGROUND**

Milwaukee Metropolitan Sewerage District (MMSD) allocates funding for member communities to address excessive clear water that enters the sanitary sewer system from private property sources, known as private property inflow and infiltration (PPII).

There is a sewershed in the northeast corner of the City that is known to have the highest rate of clear water infiltration and this sewershed includes over 154 manufactured homes on properties owned by Franklin Mobile LLC (6361 S. 27<sup>th</sup> Street) and Badger MHP LLC (6405 S. 27<sup>th</sup> Street). This funding agreement will pave the way for Franklin to hire a consultant to fully investigate the private sewers within the mobile home communities for defects that would add clear water infiltration to the sanitary sewer system.

**ANALYSIS**

Owners of both mobile home communities have provided written confirmation that they are willing to allow the City to enter properties, find and fix any defects to the private sanitary sewer system. Staff will return to Common Council in January 2023 with formal right-of-entry agreements from the property owners and an agreement with a consultant to perform the investigative work. The investigative work is expected to be completed by April, 2023. A consultant has assisted Staff in the development of this work plan and Staff is still working out an agreement with the consultant.

To lockup the available MMSD funding earmarked for Franklin, this agreement must be signed by December 31, 2022 or the City may make a formal variance request for a 30-day extension by December 20, 2022.

**FISCAL NOTE**

Using the proposed MMSD PPII funding, there is no net impact to City budgets. This grant will be reimbursed to the City. Staff will bring a budget amendment to Common Council in January 2023 when agreement with the consultant is presented. The additional expenses will be offset by equivalent grant income.

**OPTIONS**

- A. Authorize the attached funding agreement with MMSD. Or
- B. Direct Staff to make a formal variance request for a 30-day extension, Or
- C. Refer back to Staff with further direction.

**COUNCIL ACTION REQUESTED**

(Option A) motion to adopt Resolution 2022-\_\_\_\_\_, a resolution authorizing certain officials to enter into a private property infiltration and inflow reduction agreement- funding agreement M10005FR02 with Milwaukee Metropolitan Sewerage District in the amount of \$50,240.

Engineering: GEM

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2022 - \_\_\_\_\_

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ENTER INTO A PRIVATE PROPERTY INFILTRATION AND INFLOW REDUCTION AGREEMENT-FUNDING AGREEMENT M10005FR02 WITH MILWAUKEE METROPOLITAN SEWERAGE DISTRICT IN THE AMOUNT OF \$50,240

WHEREAS, Milwaukee Metropolitan Sewerage District (MMSD) has developed and funded a private property infiltration and inflow (PPII) program; and

WHEREAS, there is a known excessive clear infiltration problem in a certain sewershed located in the northeast corner of the City that contains two manufactured home communities with over 154 manufactured homes; and

WHEREAS, the City intends to investigate the private sewer systems for these mobile home communities located at 6361 S. 27<sup>th</sup> Street and 6405 S. 27<sup>th</sup> Street; and

WHEREAS, MMSD has developed an agreement where they will fund to cost to investigate these areas and identify projects to fix any defects in the private systems; and

WHEREAS, funds are available from the MMSD PPII Program to fund this program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that the Mayor and City Clerk are authorized to execute MMSD Funding Agreement M10005FR02 whereby MMSD will fund this PPII work in the amount of \$50,240.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVED:

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

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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



## **Funding Agreement M10005FR02**

### **Private Property Infiltration and Inflow Reduction Agreement**

This Agreement is made between the Milwaukee Metropolitan Sewerage District (District) with its principal place of business at 260 West. Seeboth St., Milwaukee, Wisconsin 53204-1446 and the City of Franklin (Municipality) with its municipal offices at 9229 West Loomis, Franklin, Wisconsin, 52132.

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

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

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

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

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

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

WHEREAS, the District has established the Private Property Infiltration and Inflow Reduction Program (Program) to provide guidelines, requirements, and a funding structure for municipalities to complete I/I reduction work on private property through the District Private Property Infiltration and Inflow Policy (Policy); and

WHEREAS, the Municipality wishes to participate in the Program;

NOW, THEREFORE, in consideration of the mutual promises made by the parties to this Agreement, the parties agree as follows:

#### **1. Term of Agreement**

This Agreement becomes effective immediately upon signature by both parties and shall remain in effect until the earliest of (1) the Municipality receiving final payment from the District, (2) April 1, 2023, or (3) termination of this Agreement as otherwise set forth herein.

#### **2. District Funding**

The District shall reimburse the Municipality in an amount not to exceed \$50,240 for approved private property I/I costs incurred through the work described in Attachment A ("the Work"). Provided the Municipality is in compliance with the terms of this Agreement, the District funding shall be provided on a reimbursement basis in accordance with Section 8 below.

No reimbursement will be made for costs incurred prior to the effective date of this Agreement, or for costs that are not supported by documentation as outlined by this Agreement.

### **3. Program Publicity and Outreach Requirements**

The Municipality shall identify the District as a funder in informational literature and signage relating to the Work. Samples of all public involvement/public education documents shall be provided to the District for review prior to being distributed to the public.

A minimum of a one (1) week notice of any public meetings shall be provided to the District. In the event the District is unable to attend and participate, detailed meeting minutes shall be provided within five (5) days of the meeting.

### **4. Selection of Professional Service Providers by Municipality**

The selection of professional service providers to perform Work funded by this Agreement shall be in accordance with the Municipality's ordinances and policies.

### **5. Selection of Non-Professional Service Providers by Municipality**

Pursuant to a public Request for Qualifications process, the District has developed an Approved Contractors List, organized by work type to ensure all Work funded by the District maintains specific quality standards. Those Approved Contractors and their suppliers can submit products they intend to utilize for inclusion in the District's Approved Products List. The appropriate subset of the Approved Contractor List and the Approved Products List shall be utilized as part of Municipality's bidding process for contracts to perform Work funded by this Agreement.

In addition to the above, all non-professional service providers to perform Work funded by this Agreement shall be procured in accordance with both State of Wisconsin statutes and regulations and the Municipality's ordinances and policies. Whenever Work valued over \$25,000 is procured without the use of a public sealed bidding process, the District may request, and the Municipality must provide an opinion from a licensed attorney representing the Municipality stating that the procurement is in compliance with State of Wisconsin law and Municipal ordinances.

In addition:

- a. The Municipality shall provide the District with the opportunity to review and comment on the complete set of bidding documents prior to solicitation of bids, quotes, or proposals as set forth in Attachment B;
- b. Municipality shall provide the District with all bids and proposals for review prior to the award of the contract, as set forth in Attachment B. The District reserves the right to revoke funding based on project award to contractors who are not on the District's list of Authorized Contractors.

## **6. Non-professional Service Contract Terms and Conditions**

The Municipality agrees to include Attachment C in all non-professional service contracts relating to the Work. Failure to include Attachment C in the non-professional service contracts will constitute a material breach of this Agreement.

## **7. Contractor Pay Applications**

Prior to the Municipality paying contractors for Work funded by this Agreement, the District shall be provided an opportunity to review and endorse the contractor pay applications. The Municipality shall submit contractor pay applications for review via email to its assigned PPII Project Manager. All contractor's pay applications shall include supporting documentation certifying that the Municipality has received and reviewed a proportionate amount of contract deliverables for which the Contractor is responsible.

The District shall review pay applications within seven (7) calendar days of submission. If the Municipality does not receive a response from the District within seven (7) calendar days, the application shall be considered approved.

## **8. Procedure for Reimbursement**

The Municipality shall submit reimbursement requests to the District a minimum of two (2) times throughout this Agreement.

Each reimbursement request shall include:

- a. An invoice from the Municipality clearly stating the requested reimbursement amount;
- b. All consultant invoices, approved contractor pay applications, and other expense invoices;
- c. All deliverables listed in Attachment B, are proportionate and applicable to the Work completed as related to the request.
- d. Invoices from consultants shall provide the hourly billing rates, the hours worked by individuals, and a summary of the completed tasks.

Reimbursement requests should be submitted within a reasonable period of time of the costs being incurred. The initial reimbursement request shall be submitted prior to 50% of Work being completed. The final reimbursement request shall be submitted upon completion of all Work. All reimbursement requests must be received prior to the expiration of this Agreement.

Reimbursement requests and supporting documentation of costs shall be submitted through eBuilder. The corresponding deliverables shall be submitted as set forth in Attachment B. Questions should be directed to the District Senior Project Manager (SPM):

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

Final payment will not be provided until the Work is complete and all deliverables set forth in Attachment B have been received.

#### **9. Changes in Work and Modifications to the Agreement**

Any proposed changes to the Work must be submitted to the District, in writing, in advance of the Work being completed. The District will not reimburse for Work that is not included in Attachment A (including all professional services and non-professional services contracts procured through the Work outlined in Attachment A) unless prior written approval has been requested from the District and approval has been obtained through the eBuilder change process.

This Agreement may be modified only in writing signed by both parties or through the eBuilder change process.

#### **10. Responsibility for Work**

The Municipality is responsible for overseeing construction and shall provide full time construction inspection for all Work. Each inspector shall be experienced, qualified, and certified for the scope of the Work.

#### **11. RESERVED**

#### **12. Permits, Certificates and Licenses**

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

#### **13. Insurance**

The District shall not provide any insurance coverage of any kind for the Work or for the Municipality. Municipality shall ensure that each contractor and subcontractor have adequate insurance to perform the Work and names the Municipality as an additional insured on its Commercial General Liability Insurance policies.

#### **14. Terminating the Agreement**

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

#### **15. Exclusive Agreement**

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

#### **16. Severability**

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

#### **17. Applicable Law**



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

### **18. Resolving Disputes**

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

### **19. Notices**

Unless otherwise set forth herein, all notices and other communications in connection with this Agreement shall be in writing and shall be considered given as follows:

- when delivered personally to the recipient's address as stated on this Agreement; or
- three (3) days after being deposited in the United States mail, with postage prepaid to the recipient's address as stated on this Agreement.

### **20. No Partnership**

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

### **21. Assignment**

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

### **22. Public Records**

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

Milwaukee Metropolitan Sewerage  
District

City of Franklin

By: \_\_\_\_\_

Kevin L. Shafer, P.E., Executive  
Director

By: \_\_\_\_\_

Stephen R. Olson, Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Peggy Steeno, Director of Administration

Date: \_\_\_\_\_

By: \_\_\_\_\_

Denise Gilbert, Director of Finance

Date: \_\_\_\_\_

By: \_\_\_\_\_

Jesse Wesolowski, City Attorney

Date: \_\_\_\_\_

Approved as to form:

Approved as to form:

\_\_\_\_\_  
Attorney for the District

\_\_\_\_\_  
Attorney for the Municipality

**ATTACHMENT A**  
**Municipality Work Plan**



PARTNERS FOR A CLEANER ENVIRONMENT

2021 PPII Work Plan

This checklist / template serves as the standard form for submitting a Work Plan to MMSD as a request to commit funds from your Municipal Funding Allocation Account to a project proposed for reimbursement through the MMSD PPII Reduction-M Program. If approved, the Work Plan will be the basis for a Funding Agreement between the municipality and MMSD. Please complete all fields comprehensively and submit this electronically-fillable-form and supporting document attachments via email.

**I. CONTACT INFORMATION**

<b>Municipality</b>	
Applicant Name: Glen E. Morrow, PE	Municipality: City of Franklin
Mailing Address: 9229 W Loomis Rd., Franklin WI 53132	
Phone #: 414-425-7510	Email: gmorrow@franklinwi.gov
Primary Contact: Glen Morrow, PE	Primary Contact email: gmorrow@franklinwi.gov
Primary contact phone #: 414-25-7510	
<b>Consultant (if applicable)</b>	
Firm: Clark Dietz Inc.	Consultant's PM's Name: Mustafa Emir
Consultant Email: mustafa.emir@clarkdietz.com	Consultant Phone number: 414-315-1933



## II. PROPOSED SCOPE OF WORK

1. What type of work will be included in this work plan application? Check all applicable.
- Planning   
 Investigative   
 Construction/Rehab   
 Post Project Evaluation   
 Training  
 Other

2. What is the total value of the request by the municipality for funding through the PPII program for work outlined in this work plan?      \$ 50,240.00

3. Provide the scope of work that will be included in this work plan.

The work plan consists of excessive observed inflow and infiltration in sewershed FR1010 in the City of Franklin. The sewershed consists of a private Trailer Park community and according to data published in the MMSD 2050 Facility Plan, the sewershed has the highest peak I-I in the City. The scope of work includes the following elements:

- 1- Outreach and communications with the property owner in the project area
- 2- Management of consent forms, assessment of eligibility, record keeping
- 3- Field assessment of private sewers in the Trailer Park, including CCTV
- 4- Illegal or unintended clear water inflow source investigation
- 5- Report on findings, list of potential I-I sources, and recommended rehabilitation activity

There are 2 properties in the sewershed and the total number of trailers on the premises is 154. There is also a stream crossing the properties from north to south - potentially adding to I-I concerns.

4. What entity is responsible for each work scope item e.g. municipality staff, consultant, contractor, District, etc.

Public Outreach: Consultant/City staff  
 Communications: Consultant/City staff  
 Field data collection: Consultant  
 CCTV: Contractor  
 Illicit or unintended connections survey: Consultant/City Staff  
 Data Analysis: Consultant  
 Report: Consultant

5. What is the total number of properties in the project area?      2

6. What is the assumed number of participating properties?      2

7. What is your justification for the assumed participation rate?
- Prioritization of properties based on investigative work     
 Assumed percent of total based on previous projects     
 Existing ROE agreements  
 Other (Fill in Blank):



7. Will public infrastructure work be contracted or completed with the private property work?

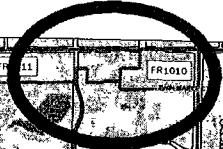
Yes  No

If "Yes", provide details of the public work.

8. Include with your application, two maps; one of the limits of the sewershed(s) or metershed(s) the project is in, and one of the project limits. The maps shall meet the following requirements.

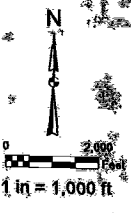
- Maps shall use a streets or aerial view as base map.
- Major street names shall be labeled and legible.
- Limits of the sewershed(s), metershed(s), and project limits shall be defined by a bold red line.
- Sanitary and storm system line work shall be shown at a scale appropriate to the scale of the drawing
- A north arrow and legend shall be included.
- Maps shall be between 5 and 40 scale and to a standard paper size i.e. 8.5"x11, 11"x17", etc.
- Maps shall be submitted as PDF electronic files.

project area -  
see next page  
for detail view

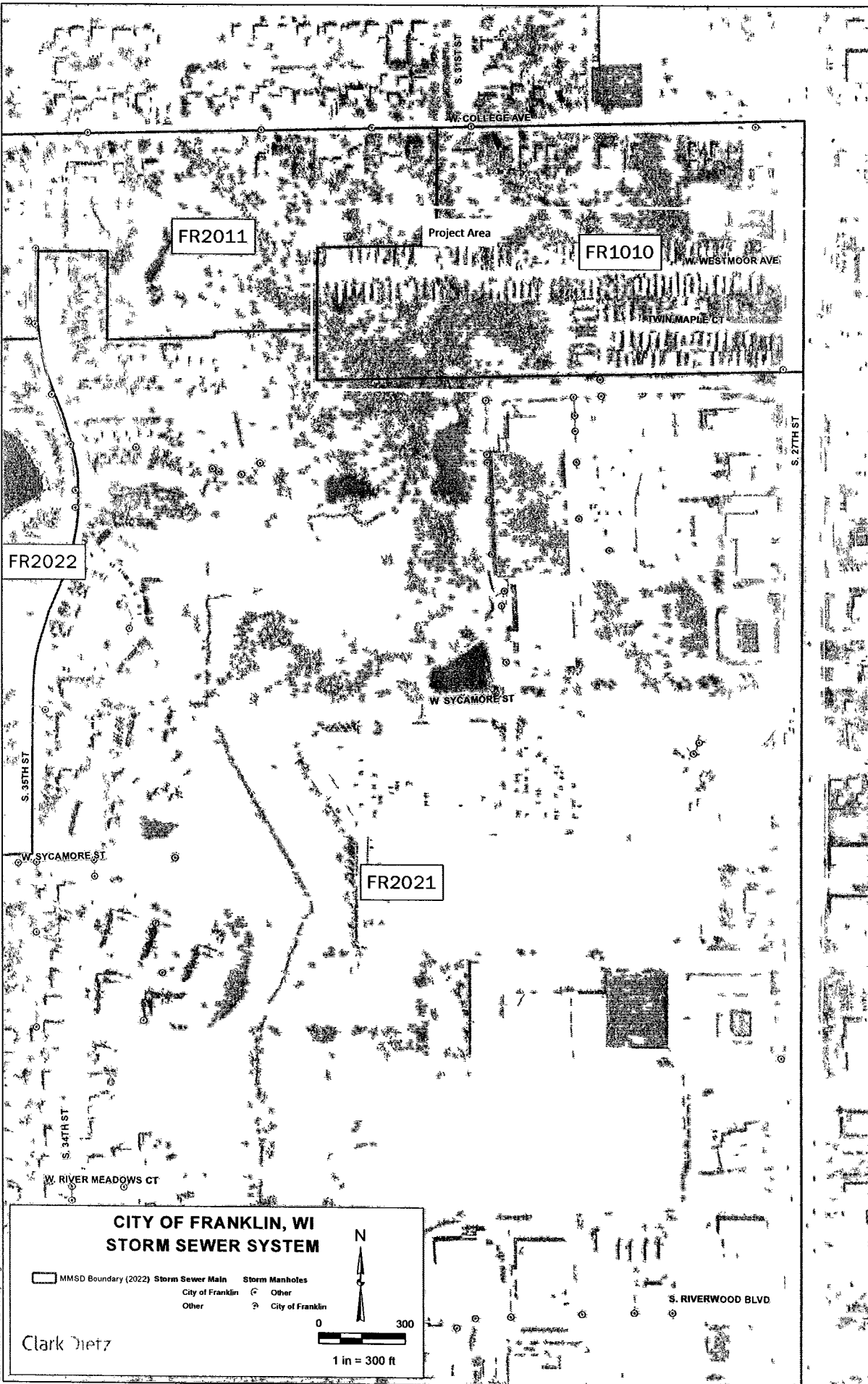


**CITY OF FRANKLIN, WI  
MMSD SEWER BOUNDARY**

- Municipal Boundary
- FR\_SEWERED\_2022













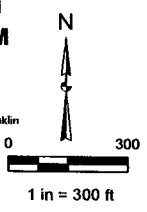


Date Printed: Wednesday August 24, 2022 Document Path: R:\Client Data\F052-Franklin\WGIS\MXD\FranklinStormSewer.mxd

**CITY OF FRANKLIN, WI  
STORM SEWER SYSTEM**

- |  |  |  |
|--|--|--|
|  MMSD Boundary (2022) |  Storm Sewer Main |  Storm Manholes |
|  Other                |  City of Franklin |  Other          |
|  Other                |  City of Franklin |  |

Clark Dietz



#### IV. PROJECT JUSTIFICATION

1 Has any planning and/or investigative work within the project area been completed to date? (i.e. Flow monitoring, interior home inspections, sewer CCTV, analysis of flooding/backup issues in the area, etc.)  Yes  No

If "Yes," was the work completed through a previous PPII funding agreement?  Yes  No

If the answer is "Yes" to both questions, describe the work completed and cite report names and funding agreement reference numbers the work was completed under.

If work was completed independent of the PPII program, included the report(s) with application in electronic format and list the name of the report in this section.

According to the data published in the MMSD 2050 Facility Plan, FR1010 has the highest peak I-I in the City. This sewershed consists of just two parcels with 154 trailers located on it. All of the sewers and laterals serving the trailers are private and the City believes that these sewers are the main cause of concern. In addition, a stream crosses the property and trailers are on either side of it - therefore we have strong evidence that the sewers and laterals cross the stream, offering yet another location of high infiltration potential.

2 Describe how the project area and approach was chosen and prioritized.

The presence of significant private sewer collection system, coupled with an extremely dense trailer service lateral layout, and with the added stream crossing on the property, have led Franklin to decide to address the highest observed peak I-I sewershed in the City. The intent is to conduct this investigative work, followed by rehabilitation and corrective action to remove this source of clear water from the City's sewer collection system. The peak I-I flows are indicated in the following table.

3 What is the status of all project area sewershed(s)/metershed(s) as related to the District Chapter 3 rules for wet weather performance?

Non-compliant  Compliant  Inconclusive  Not Analyzed

If "Noncompliant," has PPII work been completed to date within the Project Area metershed(s)? If yes, provide details on the scope of work completed and location.

The compliance determination for sewershed FR1010 was completed in 2011.

4 Does the municipality have any permitted (or unpermitted) wet-weather bypass locations in the project area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If "Yes," provide approximate frequency and average volume per frequency for over the last ten years.	
5 Does the project area have a history of CSOs or SSOs?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If "Yes," provide the frequency of occurrences over the last ten years.	
6. Does the municipality have recurring basement backup reports in the project area?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If "Yes", please provide the average annual number of reports in the last ten years and the estimated storm recurrence interval that typically causes basement backups.	
7 Do you have metering, lift station run time, bypass pumping, basement backup, or any other pre-project baseline data?	<input type="checkbox"/> Yes – go to item 8 <input checked="" type="checkbox"/> No – go to item 9
8 Describe and detail information on the pre-project baseline data you have collected including type, location, and date ranges. If a MMSD meter is used as a source for this data, provide meter name and location.	

9 Do you plan on collecting pre-project baseline data as part of this project?  Yes – go to item 10  
 No – go to item 11

10. Describe the pre-project data that will be collected to provide a baseline for improvement? If you intend to use the MMSD portable meters, list the quantity, expected time frame installation and monitoring period.

The City is/will be requesting pre-project metering to acquire additional data for this project. The request form for the installation of this meter has been prepared and will be submitted to MMSD in November 2022.

11 How do you intend to report project performance results? (metrics and target objectives of the project)

The project goal is to identify existing intended and unintended inflow sources, defective service connections, and infiltration sources in the private collection system at the property.

Once completed, the report will provide a comprehensive list of these defects and offer rehabilitation methods for design and construction activities to stop the clear water inflow into the City sanitary collection systems in the area.



## V. PROJECT GOALS

1. What are the municipality's goals and objectives for the completed project? Please provide qualitative and quantitative measurables for success as they relate to the goals and objectives.

The goal of this project is to identify suspected causes and modes of inflow and infiltration into the privately owned sewer collection network provately owned by the owner/operator of this triler park.

Franklin suspects that the I-I originating from these private sewers are the predominant reason for the high wet weather flows in this sewershed.

Once the nature of the I-I sources are identified, the City intends to undertake a rehabilitation project to reduce wet weather flows in the sewershed.

## VI. SCHEDULE

Include a schedule of the work with all major tasks and milestone dates for completion including District and municipal administrative approvals, local board/council approvals, work task start and finish, public outreach, deliverables, and reimbursements. The schedule needs to be realistic and achievable based on District approval timelines, local approval timelines, bidding process timelines, work production rates, and weather-related considerations. Identify and highlight any milestone dates by which the municipality is requesting the District to meet to keep your schedule (e.g. local council or board agenda deadlines).

Provide the schedule in PDF format.

**City of Franklin 2022 PPII FR1010 Investigation - Proposed Schedule**

TASK	DESCRIPTION	2022			2023	
		OCT	NOV	DEC	JAN	FEB
1	Project outreach and communications with the property owners and managers					
2	Consent Forms - property owner/resident coordination					
3	Field Assessment of private sewers and laterals					
4	I-I source investigative Effort					
5	Report Preparation					

## VII. FINANCIALS

1. Include a comprehensive cost estimate broke down to the task level which includes costs for: all internal municipal staff time which is being requested to be reimbursed, professional services including hours estimates and rates, construction costs by estimated units and estimated unit costs, inspection services, public outreach, and staff training. Attach an Excel version of the estimate to the application when submitting.

2. Are other funding sources, besides MMSD PPII funds, contributing to the total project  Yes  No cost? i.e. municipal funds, grant funding, property owner cost share, etc.

If "Yes," list all addition funding sources, the specific work which will be covered by an additional funding sources, and the value.

3. Describe your anticipated frequency of reimbursement requests to the District. (The funding agreement terms may dictate this frequency depending on the type of work).

Every 60 days.

4. What department/individual/entity will be submitting and processing the reimbursement requests? Please include the name and contact information.

Glen Morrow, City Engineer/Director of Public Works, City of Franklin

City of Franklin 2022 PPII FR1010 Investigation - Proposed Fee Estimate

TASK	DESCRIPTION	Project Principal	Project Manager	Engineer	Technician	TOTALS
		\$225	\$195	\$155	\$125	
1	Project outreach and communications with the property owners and managers	8	8	8		24
2	Consent Forms - property owner/resident coordination		8	8		16
3	Field Assessment of private sewers and laterals	8	16	40		64
4	I-I source investigative Effort	8	16	40		64
5	Report Preparation		20	40	24	84
	<b>Total Hours</b>	24	68	136	24	252
	<b>Total Professional Fee</b>	\$5,400	\$13,260	\$21,080	\$3,000	\$42,740
	<b>Field Investigation Contractor - CCTV allowance</b>					\$7,500
	<b>TOTAL PROJECT BUDGET</b>					\$50,240



5. MMSD requires all invoicing to be submitted via e-Builder. Will e-Builder training be necessary for the department/individual/entity that will be submitting and processing the reimbursement requests?  Yes  No

6. Describe the municipal process(es) for procurement of all professional and non-professional (field work and construction) components of work and the basis for each.

For professional Services, the City of Franklin has a QBS process for the award of professional services.

Non-Professional services are awarded on the lowest price submitted by the most responsible provider. Low bids and a thorough reference check, including, legal review are the basis of this selection.

7. Explain the means and methods for segregating the costs (MMSD reimbursable costs and public work costs).

All anticipated work associated with this project will be according to this workplan and no segregation of project financials will be needed.

8. Provide the names and position titles of all municipal staff that will be required to sign the funding agreement. (i.e. mayor, city/village administrator, city/village clerk, city attorney, etc.)

Name: Stephen R. Olson

Position Title: Mayor

Name: Peggy Steeno

Position Title: Director of Administration

Name: Denise Gilbert

Position Title: Director of Finance

Name: Jesse Wesolowski

Position Title: City Attorney

Name:

Position Title:

Name:

Position Title.

## VIII. PUBLIC OUTREACH

1. Describe in detail your public outreach approach and what entity/individuals/departments will be responsible for the public outreach. Describe the venues and platforms that will be used. Describe the timing and anticipated level of effort that is anticipated to be necessary for the public outreach effort. Describe any public outreach work that has already been completed or is in progress. If a specific person or entity is responsible for public outreach, include the name and contact information. (Examples of public outreach include, but are not limited to; mailings, websites, social media, canvassing, public meetings, etc.)

Due to the unique ownership situation of this private collection network, the City will only interface with the two owners of the trailer park, Franklin Mobile Home Estates and Badger Mobile Homes. The owner of Franklin Mobile Home Estates has already been appraised of the project, and the City is currently in process of contacting the owners of Badger Mobile Homes.

The City intends to have a close working relationship with these owners throughout the project duration.

**ATTACHMENT B**  
**Agreement Deliverables**

Pre-Construction Deliverables (To be submitted as indicated prior to beginning of construction):

1. A minimum of a one (1) week notice of any project meetings shall be provided to the District SPM via email. In the event the District is unable to attend and participate, detailed meeting minutes shall be provided within five (5) days of the meeting.
2. Draft specifications, plans, and bidding documents shall be submitted to the District SPM via the District Municipal Portal in PDF or Word format a minimum of one (1) week prior to bidding.
3. Final bid documents shall be provided to the District SPM via the District Municipal Portal in PDF format for review and approval prior to the advertisement of the contract for bid.
4. Bid results from all procurement processes associated with the project shall be provided to the District SPM via the District Municipal Portal in PDF format upon close of the bid process prior to award of contract.
5. Submit a template Right of Entry (ROE) Agreement for District review prior to distribution to property owners for signatures via the District Municipal Portal in PDF or Word format. Each ROE Agreement secured by the Municipality shall include a provision allowing the District and Municipality to enter the property for a period of three (3) years following construction for warranty inspections or project performance evaluations contingent on notification of the property owner.
6. Electronic copies of the executed contract documents shall be provided to the District SPM prior to the Municipality's issuance of the Notice to Proceed via the District Municipal Portal in PDF format

Construction Deliverables (To be submitted as indicated and will be reviewed with any reimbursement request):

7. All Contractor/consultant submittals to the Municipality shall be reviewed and approved by the municipal engineer or designee and supplied to the District prior to the commencement of the work contained in the submittal via the District Municipal Portal in PDF format.
8. A minimum of a one (1) week notice of any project meetings shall be provided to the District SPM via email. In the event the District is unable to attend and participate, detailed meeting minutes shall be provided within five (5) days of the meeting.
9. An accurate schedule of field activities shall be provided to the District SPM via email or telephone call at least one week in advance of activity commencement.
10. Progress reports on project activities and public involvement activities shall be provided to the District SPM via email on a monthly basis.
11. All construction contract deliverables organized, formatted, and delivered as specified by the contract as approved by the District. Samples of deliverable formats are recommended to be provided to the District prior to construction.

Post-Construction Deliverables (To be submitted prior to final reimbursement being processed):

**ATTACHMENT B**  
**Agreement Deliverables**

12. The Final Project Summary Report shall be submitted to the District SPM via the District Municipal Portal I in PDF format. prior to the final reimbursement request. The template that must be used can be found on the District's website: [Project Summary Report Template \(https //www mmsd com/government-business/rules-regulations/private-property-i-i\)](https://www.mmsd.com/government-business/rules-regulations/private-property-i-i).
13. Copies of the Right of Entry or Access Agreements for each homeowner shall be submitted to the District SPM as one document via the District Municipal Portal in PDF format.
14. Provide all post-construction CCTV inspection videos to the District via t4 Vault with associated metadata.
15. A copy of the summary of findings for the meter analysis completed by the Consultant submitted to the District SPM via the District Municipal Portal I in PDF format prior to the final reimbursement request.



**ATTACHMENT C**  
**Requirements of Contractor**

Contractor's Work under this Contract is funded in whole or in part by the Milwaukee Metropolitan Sewerage District's Private Property Infiltration and Inflow Program ("Program"). Pursuant to the terms of that Program, the following terms and conditions must be included in all construction contracts. Defined terms shall have the meaning assigned to them in the Funding Agreement between the District and the Municipality, which shall be provided to Contractor upon request. If a term or condition set forth herein conflicts with the terms and conditions set forth in the bid documents, the terms and conditions below take precedence.

1. **Contractor Emergency Response Plan.** Within 14 days of the Notice to Proceed from Municipality, the Contractor shall submit to the Municipality and the District an Emergency Response Plan (ERP). This plan shall include at a minimum the following information: (1) the Contractor's site representative that will be responsible for all emergency calls, 24 hours per day/7 days per week for the duration of the project with all of their contact information; (2) the contact information for the Contractor's foreman; (3) the contact information for each municipal representative that the Contractor will contact, in the event of an emergency; (4) the contact information for the District's Senior Project Manager (5) the contact information for the Clean Up/Dig Up contractor that will be on-call for emergencies throughout the duration of this project; (6) and a detailed narration of the step-by-step sequence of events and communications that the Contractor will take in the event of an emergency throughout the duration of this project.
2. **Retainage:** Retainage shall be held by Municipality in compliance with Wis. Stat. § 66.0901 (9) (b) and shall not be released until the Work is complete, inclusive of the warranty inspection.
3. **Assignment:** The Municipality's obligations under this Contract are fully assignable to the District. The Contractor's consent is not required prior to the Municipality's assignment and the District's assumptions of Municipality's rights hereunder.

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<b>APPROVAL</b> KKK	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MTG. DATE</b> December 20, 2022
Reports & Recommendations	<b>A Resolution to Issue Contract Change Order No. 1          to Stark Pavement Corp.          for the 2022 Local Street Improvement Program Resurfacing          in the Amount of \$88,680.34</b>	<b>ITEM NO.</b> G 9

**BACKGROUND**

On April 4, 2022, Common Council awarded the 2022 Local Street Improvement Program Resurfacing (LSIP) to Stark Pavement Corp. in the amount of \$891,491.05 (Res. No. 2022-7847). Portions of the following roads were included in the 2022 LSIP contract: W. Mayers Drive; W. Church Street; S. 68<sup>th</sup> Street; W. Franklin Drive; E. Francis Court; and W. Francis Court.

In addition to the 2022 LSIP, Stark Pavement Corp. was also under contract with the Developer of PVR subdivision and DF Tomasini Contractors, Inc. for the construction of W. Marquette Avenue from S. 49<sup>th</sup> Street east to the connection near Pleasant View Elementary School.

Pursuant to the extension of W. Marquette Avenue and the development of the Pleasant View Reserve Subdivision (PVR), the Subdivision Development Agreement (SDA) for PVR Phase I states that *“curb, gutter and sidewalk on the south side of W. Marquette Ave. from S 49<sup>th</sup> St to the connection near Pleasant View Elementary School as well as the asphalt path connecting S 49<sup>th</sup> Court to the Pleasant View Park as depicted on engineering plans from Excel Engineering dated 7/1/2021 (and as modified and approved by the City of Franklin Engineering Department) shall be constructed as part of the Phase II improvements”* Surety for these improvements was included in the PVR Phase I SDA.

The construction of the north half of W. Marquette Avenue was the City’s responsibility. This included, but was not limited to; curb and gutter, asphalt pavement, stone base course, and storm sewer. The SDA for PVR Phase I did not specify how the improvements on the north half were to be paid for by the City.

Staff’s initial thought was to include the work in the City’s contract with DF Tomasini Contractors, Inc. for the extension of W. Marquette Avenue from S. 49<sup>th</sup> Street west to S. 51<sup>st</sup> Street. However, this would have required a change order within that project/contract with DF Tomasini. Paving for that project was completed in November 2021. A change order within that project would have resulted in higher cost to the City (\$5,779.31 more than LSIP change order) based on the unit prices of items in the contract. Given the cost savings and that the same contractor (Stark Pavement Corp.) would be performing the work under either change order, Staff felt it was more beneficial to the City to change order this work into the 2022 LSIP. The contractors were agreeable to this. Additionally, with the school year quickly approaching, it was critical to ensure W. Marquette Avenue was open for the start of school. Paving on W. Marquette Avenue from S. 49<sup>th</sup> east to the connection near Pleasant View Elementary School was completed by Stark Pavement Corp. on August 31, 2022.

**ANALYSIS**

These activities were necessary. Approval of the change order is needed.

Change Order No. 1 is an adjustment of original contract quantities and the addition of the construction of the north half of W. Marquette Avenue from S. 49<sup>th</sup> Street east to the connection near Pleasant View Elementary School.

The original 2022 LSIP contract cost with the plan quantities was \$891,491.05. Plan quantities were an estimate and the final quantities put the cost at \$893,089.88 (increase of \$1,598.83). Staff has reviewed the quantity adjustments and recommends the adjustments are justified. The cost to construct the north half of W. Marquette Avenue is \$87,081.51. The change order is an increase to the contract of \$88,680.34, resulting in a final total of \$980,171.39.

Given that the nature of the work was similar to the 2022 LSIP, it was appropriate and most cost effective to issue a change order to Stark Pavement Corp. for the construction of the north half of W. Marquette Avenue. All work has been inspected and completed to City specification and as depicted on engineering plans approved for the subdivision.

Staff recommends issuance of contract Change Order No. 1 to Stark Pavement Corp. for \$88,680.34.

### OPTIONS

Approve or deny.

### FISCAL NOTE

The 2022 Budget included \$1,159,000 in the 2022 Street Improvement Fund for the Local Street Improvement Program Resurfacing and Local Street Preventative Maintenance (LSPM) contracts (Fund 47-0331-5823). \$1,059,000.00 of that was budgeted to fund the 2022 Resurfacing contract.

Current status:

\$893,089.88	2022 LSIP final quantities
\$87,081.51	Cost to construct W. Marquette Ave (S. 49 <sup>th</sup> east to PV Elem.)
-\$891,491.05	2022 LSIP contract
<b>\$88,680.34</b>	<b>Needed for Change Order No. 1</b>

\$1,159,000.00	2022 Budget for LSIP, LSPM
-\$95,959.17	2022 LSPM Contract w/ Change Order No. 1 (Res. No. 2022-7919)
-\$891,491.05	2022 LSIP Contract
-\$77,868.14	DPW supply and material testing cost
<b>-\$88,680.34</b>	<b>Change Order No. 1 (9 95% of original contract amount)</b>
<b>\$5,001.30</b>	<b>Remaining</b>

It has been accepted practice to limit contract increases not to exceed 15 percent. The proposed contract change order of \$88,680.34 is less than 10 percent of the original contract.

**COUNCIL ACTION REQUESTED**

Motion to adopt Resolution No. 2022 - \_\_\_\_\_, a resolution to issue contract change order No. 1 to Stark Pavement Corp. for the 2022 Local Street Improvement Program Resurfacing in the amount of \$88,680.34.

Engineering: TAB



STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2022 - \_\_\_\_\_

A RESOLUTION TO ISSUE CONTRACT CHANGE ORDER NO. 1  
TO STARK PAVEMENT CORP.  
FOR THE 2022 LOCAL STREET IMPROVEMENT PROGRAM RESURFACING  
IN THE AMOUNT OF \$88,680.34

-----

WHEREAS, on April 4, 2022, Common Council awarded the 2022 Local Street Improvement Program Resurfacing and contract to Stark Pavement Corp., in the amount of \$891,491.05; and

WHEREAS, an adjustment of original contract quantities and the addition of the construction of the north half of W. Marquette Avenue from S. 49<sup>th</sup> Street east to the connection near Pleasant View Elementary School were needed resulting in an increase of \$88,680.34.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that Change Order No. 1 for the 2022 Local Street Improvement Program Resurfacing be issued to Stark Pavement Corp. in the amount of \$88,680.34.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized and directed to execute Change Order No. 1 on behalf of the City.

Introduced at a regular meeting of the Common Council of the City of Franklin the \_\_\_\_\_ day of \_\_\_\_\_, 2022, by Alderman \_\_\_\_\_.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVED:

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

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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

CHANGE ORDER  
CITY OF FRANKLIN  
DEPARTMENT OF ENGINEERING

Change Order No: 1

Dated: 11/30/2022

PROJECT NAME 2022 Local Street Improvement Program

PROJECT LOCATION Various locations, including W Marquette Avenue (S. 49<sup>th</sup> St to approximately 460 feet east)

CONTRACTOR: Stark Pavement Corporation

Contract For City of Franklin

Nature of the Changes:

Change Order No. 1 is an adjustment of original contract quantities and the addition of the construction of the north half of W. Marquette Avenue from S.49th Street east to the connection near Pleasant View Elementary. Addition of work on the north half of W Marquette includes the removal of existing pavement, installation of base aggregate, concrete curb and gutter, asphalt binder and surface courses, storm sewer, concrete driveway, and the associated landscaping and restoration.

Enclosures: See attached.

These changes result in the following adjustment of Contract Price and Contract Time: (CITY CONTRACT ONLY)

Original Contract Price \$ 891,491.05

Contract price prior to this Change Order \$ 891,491.05

Net Increase resulting from this Change Order \$ 88,680.34

Current contract price including this Change Order \$ 980,171.39

Net (Increase/Decrease) in time resulting from this Change Order None  
(Days)

The above changes are Approved by:

Mayor City Clerk Contractor Stark Pavement Corp.

By: Stephen R. Olson By: Karen L. Kastenson By: Scott D. Nielson

Date: \_\_\_\_\_ Date \_\_\_\_\_ Date: 12/1/22

Director Finance & Treasurer City Attorney

By: Denise Gilbert By: Jesse A. Wesolowski

Date: \_\_\_\_\_ Date: \_\_\_\_\_

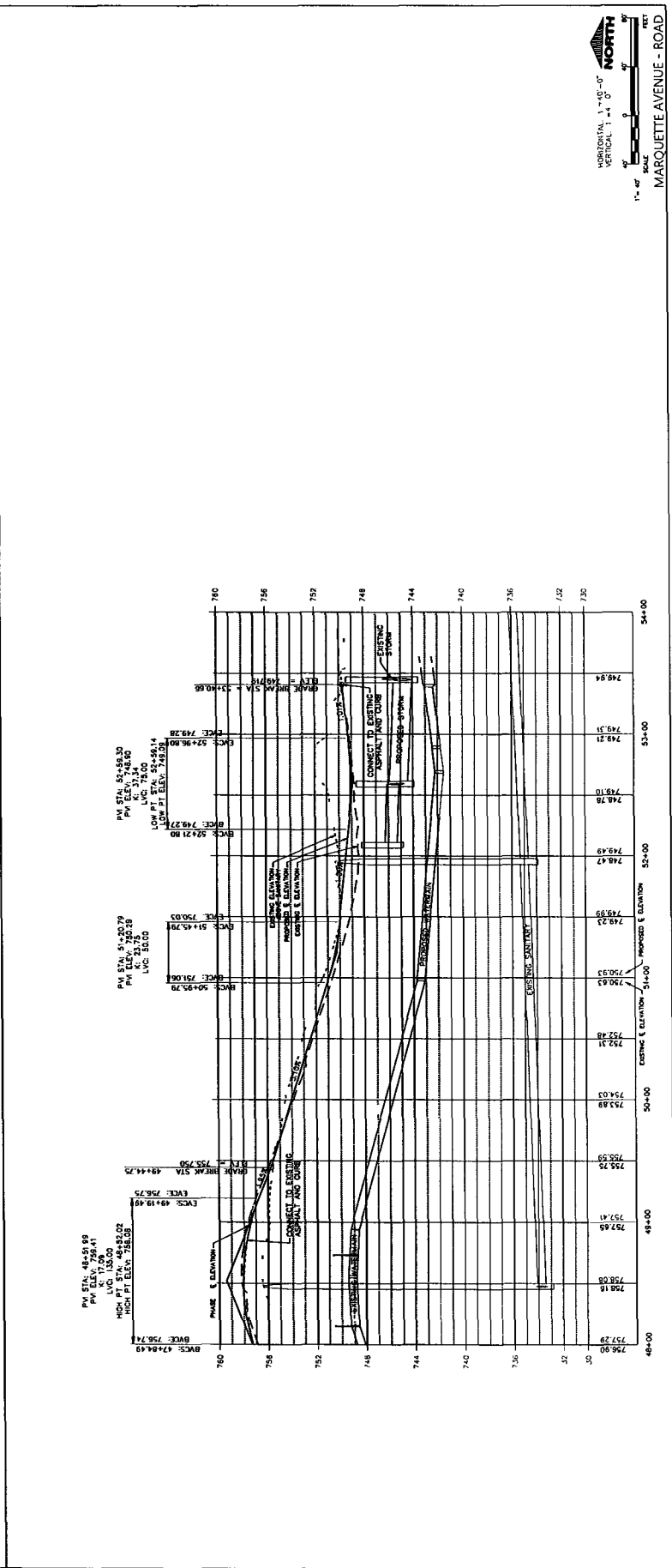
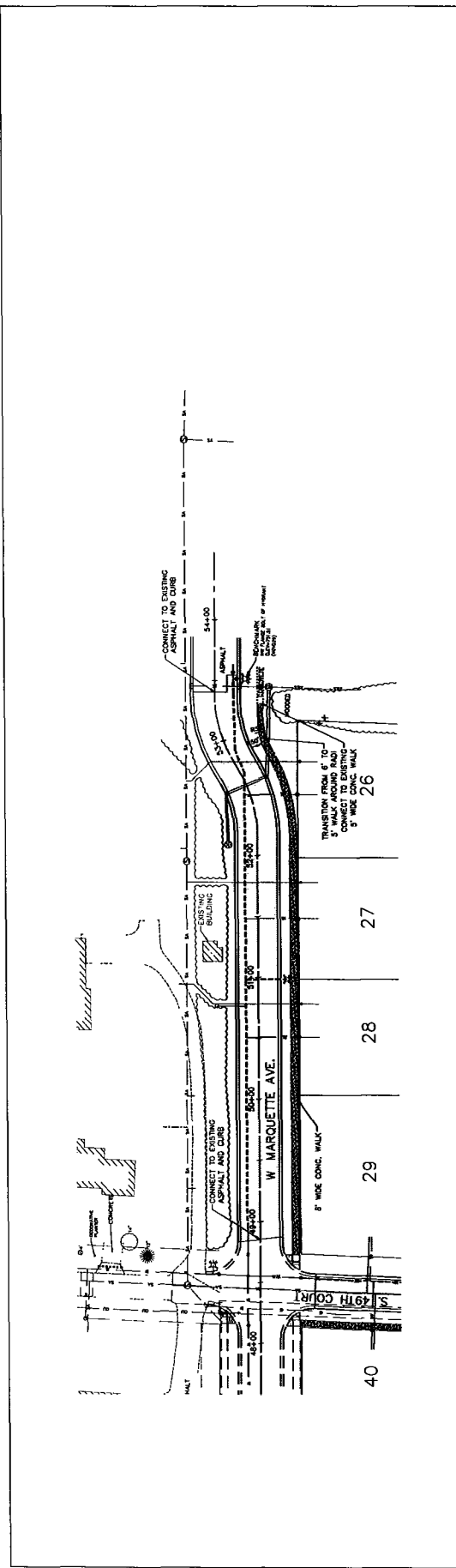
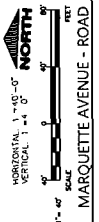


**PROJECT INFORMATION:**  
**PROPOSED RESIDENTIAL SUBDIVISION**  
**PLEASANT VIEW RESERVE PHASE 2**  
 5 1ST STREET & MARQUETTE AVE • FRANKLIN WI

**SHEET DATES:** NOV. 29, 2021  
**ISSUE DATE:**  
**REVISIONS:**

**JOB NUMBER:** 2132660

**SHEET NUMBER:** **C9.0**





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<b>APPROVAL</b> KLK	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MTG. DATE</b> December 20, 2022
Reports & Recommendations	<b>A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ENTER INTO A PRIVATE PROPERTY INFILTRATION AND INFLOW REDUCTION AGREEMENT- FUNDING AGREEMENT M10005FR01 WITH MILWAUKEE METROPOLITAN SEWERAGE DISTRICT IN THE AMOUNT OF \$972,690</b>	<b>ITEM NO.</b> G.10.

**BACKGROUND**

The City of Franklin is working with and through Milwaukee Metropolitan Sewer District (MMSD) to develop a Private Property Infiltration and Inflow (PPII) reduction policy and program. The source of funding for this effort are PPII funds at MMSD earmarked for Franklin.

On March 1, 2022, (G.14) Staff was directed to electronically survey neighborhoods for sump pump projects and return with professional services contracts with recommendations on selected projects. The professional services contract cannot be finalized until the funding agreement terms are finalized.

**ANALYSIS**

Electronic surveys were completed, and the survey responses were compared with known storm drainage issues, known clearwater infiltration problems, locations of existing stormwater infrastructure and constructability of proposed sump pump discharge lines. As a result, three sewersheds were identified as proposed areas for this work:

- FR2005- neighborhood northeast corner of W. Loomis Road and W. Drexel Avenue
- FR2006- neighborhood south of W. Drexel Avenue including S. 56<sup>th</sup> Street and S. 60<sup>th</sup> Street
- FR2012- neighborhood north of W. Puetz Road including S. Golden Lake Way

Although believed to be complete, note that the MMSD funding agreement is still in review with legal staff at MMSD and there may/may not be some small technical corrections or additions to the final version.

A consultant has assisted Staff in the development of this work plan and Staff is still working out an agreement with the consultant. One of the first tasks for Staff is to reach out to the neighborhoods to educate and verify participation in the project. Neighborhood meetings will be scheduled.

To lockup the available MMSD funding earmarked for Franklin, this agreement must be signed by December 31, 2022 or the City may make a formal request for a 30-day extension variance request by December 20, 2022.

**OPTIONS**

- A. Authorize the attached funding agreement with MMSD. Or
- B. Direct Staff to make a formal variance request for a 30-day extension, Or
- C. Refer back to Staff with further direction.

**FISCAL NOTE**

Using the proposed MMSD PPII funding, there is no net impact to City budgets. This grant will be reimbursed to the City. Staff will bring a budget amendment to Common Council in January 2023 when agreement with the consultant is presented. The additional expenses will be offset by equivalent grant income.

**RECOMMENDATION**

(Option A) motion to adopt Resolution 2022-\_\_\_\_\_, a resolution authorizing certain officials to enter into a private property infiltration and inflow reduction agreement- funding agreement M10005FR01 with Milwaukee Metropolitan Sewerage District in the amount of \$972,690; subject to technical corrections by legal and engineering staff after full MMSD review of agreement.

Engineering Department: GEM

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2022 - \_\_\_\_\_

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ENTER INTO A PRIVATE PROPERTY INFILTRATION AND INFLOW REDUCTION AGREEMENT-FUNDING AGREEMENT M10005FR01 WITH MILWAUKEE METROPOLITAN SEWERAGE DISTRICT IN THE AMOUNT OF \$972,690

WHEREAS, Milwaukee Metropolitan Sewerage District (MMSD) has developed and funded a private property infiltration and inflow (PPII) program; and

WHEREAS, there are known excessive clear infiltration problems throughout the community that involve redirection of sump pumps to the sanitary sewer system when residents do not have adequate locations to redirect the sump pump discharge lines to the storm drainage systems; and

WHEREAS, the City intends finish investigation, design, and construct suitable sump pump lines for neighborhoods to redirect sump pump discharges to the storm drainage systems; and

WHEREAS, MMSD has developed an agreement where they will fund the cost to construct sump pump discharge lines; and

WHEREAS, funds are available from the MMSD PPII Program to fund this program.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that the Mayor and City Clerk are authorized to execute MMSD Funding Agreement M10005FR01 whereby MMSD will fund this PPII work in the amount of \$972,690.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVED:

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

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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

**Funding Agreement M10005FR01**  
**Private Property Infiltration and Inflow Reduction Agreement**

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

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

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

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

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

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

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

WHEREAS, the District has established the Private Property Infiltration and Inflow Reduction Program (Program) to provide guidelines, requirements, and a funding structure for municipalities to complete I/I reduction work on private property through the District Private Property Infiltration and Inflow Policy (Policy); and

WHEREAS, the Municipality wishes to participate in the Program;

NOW, THEREFORE, in consideration of the mutual promises made by the parties to this Agreement, the parties agree as follows:

**1. Term of Agreement**

This Agreement becomes effective immediately upon signature by both parties and shall remain in effect until the earliest of (1) the Municipality receiving final payment from the District, (2) January 31, 2024, or (3) termination of this Agreement as otherwise set forth herein.

**2. District Funding**

The District shall reimburse the Municipality in an amount not to exceed \$972,690 for approved private property I/I costs incurred through the work described in Attachment A ("the Work") proportional to the percentage of participating property owners per Policy 3.1.2.e . Provided the Municipality is in compliance with the terms of this Agreement, the District

funding shall be provided on a reimbursement basis in accordance with Section 8 below. No reimbursement will be made for costs incurred prior to the effective date of this Agreement, or for costs that are not supported by documentation as outlined by this Agreement.

Prior to initiating the design phase of the project, the District and Municipality shall review the project property owner participation. If an acceptable level of participation is not achieved across the project area, the only costs incurred up to that point for public outreach will be reimbursed under this agreement. Once the District has reviewed the participation levels, the District will notify the Municipality in writing that costs can be incurred for design and construction.

### **3. Program Publicity and Outreach Requirements**

The Municipality shall identify the District as a funder in informational literature and signage relating to the Work. Samples of all public involvement/public education documents shall be provided to the District for review prior to being distributed to the public.

A minimum of a one (1) week notice of any public meetings shall be provided to the District. In the event the District is unable to attend and participate, detailed meeting minutes shall be provided within five (5) days of the meeting.

### **4. Selection of Professional Service Providers by Municipality**

The selection of professional service providers to perform Work funded by this Agreement shall be in accordance with the Municipality's ordinances and policies.

### **5. Selection of Non-Professional Service Providers by Municipality**

Pursuant to a public Request for Qualifications process, the District has developed an Approved Contractors List, organized by work type to ensure all Work funded by the District maintains specific quality standards. Those Approved Contractors and their suppliers can submit products they intend to utilize for inclusion in the District's Approved Products List. The appropriate subset of the Approved Contractor List and the Approved Products List shall be utilized as part of Municipality's bidding process for contracts to perform Work funded by this Agreement.

In addition to the above, all non-professional service providers to perform Work funded by this Agreement shall be procured in accordance with both State of Wisconsin statutes and regulations and the Municipality's ordinances and policies. Whenever Work valued over \$25,000 is procured without the use of a public sealed bidding process, the District may request, and the Municipality must provide an opinion from a licensed attorney representing the Municipality stating that the procurement is in compliance with State of Wisconsin law and Municipal ordinances.



In addition:

- a. The Municipality shall provide the District with the opportunity to review and comment on the complete set of bidding documents prior to solicitation of bids, quotes, or proposals as set forth in Attachment B;
- b. Municipality shall provide the District with all bids and proposals for review prior to the award of the contract, as set forth in Attachment B. The District reserves the right to revoke funding based on project award to contractors who are not on the District's list of Authorized Contractors.

## **6. Non-professional Service Contract Terms and Conditions**

The Municipality agrees to include Attachment C in all non-professional service contracts relating to the Work. Failure to include Attachment C in the non-professional service contracts will constitute a material breach of this Agreement.

## **7. Contractor Pay Applications**

Prior to the Municipality paying contractors for Work funded by this Agreement, the District shall be provided an opportunity to review and endorse the contractor pay applications. The Municipality shall submit contractor pay applications for review via email to its assigned PPII Project Manager. All contractor's pay applications shall include supporting documentation certifying that the Municipality has received and reviewed a proportionate amount of contract deliverables for which the Contractor is responsible.

The District shall review pay applications within seven (7) calendar days of submission. If the Municipality does not receive a response from the District within seven (7) calendar days, the application shall be considered approved.

## **8. Procedure for Reimbursement**

The Municipality shall submit reimbursement requests to the District a minimum of three (3) times throughout this Agreement.

Each reimbursement request shall include:

- a. An invoice from the Municipality clearly stating the requested reimbursement amount;
- b. All consultant invoices, approved contractor pay applications, and other expense invoices;
- c. All deliverables listed in Attachment B, are proportionate and applicable to the Work completed as related to the request.
- d. Invoices from consultants shall provide the hourly billing rates, the hours worked by individuals, and a summary of the completed tasks.

Reimbursement requests should be submitted within a reasonable period of time of the costs being incurred. The initial reimbursement request shall be submitted prior to 50% of Work being completed. The final reimbursement request shall be submitted upon completion of all Work. All reimbursement requests must be received prior to the expiration of this Agreement.

Reimbursement requests and the supporting documentation of costs shall be submitted through eBuilder. The corresponding deliverables shall be submitted as set forth in Attachment B. Questions should be directed to the District Senior Project Manager (SPM):

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

Final payment will not be provided until the Work is complete and all deliverables set forth in Attachment B have been received.

#### **9. Changes in Work and Modifications to the Agreement**

Any proposed changes to the Work must be submitted to the District, in writing, in advance of the Work being completed. The District will not reimburse for Work that is not included in Attachment A (including all professional services and non-professional services contracts procured through the Work outlined in Attachment A) unless prior written approval has been requested from the District and approval has been obtained through the eBuilder change process.

This Agreement may be modified only in writing signed by both parties or through the eBuilder change process.

#### **10. Responsibility for Work**

The Municipality is responsible for overseeing construction and shall provide full time construction inspection for all Work. Each inspector shall be experienced, qualified, and certified for the scope of the Work.

#### **11. Post-Construction Verification**

The Municipality and its contractor(s), if applicable, shall report to the District any problems or warranty defects that arise with or related to the completed Work, whether discovered through inspection or through complaints from homeowners, for a period of ten (10) years following substantial completion. The Municipality shall also report any actions taken to investigate the complaint, and if within the warranty period, to resolve the issue.

The Municipality shall be responsible for reporting post-workflow monitoring data and or other data related to identified measures of success for at least five (5) years post-work completion or as long as data is available, whichever period is longer.

All warranty inspection costs incurred by the District due to Municipality's failure to enforce the warranty inspection requirement in its construction contract(s) shall either be: (1)

deducted from Municipality's Program account; or (2) invoiced to Municipality. The terms of this Section 11 shall survive termination of this Agreement.

## **12. Permits, Certificates and Licenses**

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

## **13. Insurance**

The District shall not provide any insurance coverage of any kind for the Work or for the Municipality. Municipality shall ensure that each contractor and subcontractor have adequate insurance to perform the Work and names the Municipality as an additional insured on its Commercial General Liability Insurance policies.

## **14. Terminating the Agreement**

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

## **15. Exclusive Agreement**

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

## **16. Severability**

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

## **17. Applicable Law**

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

## **18. Resolving Disputes**

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

## **19. Notices**

Unless otherwise set forth herein, all notices and other communications in connection with this Agreement shall be in writing and shall be considered given as follows:

- when delivered personally to the recipient's address as stated on this Agreement; or

- three (3) days after being deposited in the United States mail, with postage prepaid to the recipient's address as stated on this Agreement.

## **20. No Partnership**

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

## **21. Assignment**

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

## **22. Public Records**

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

Milwaukee Metropolitan Sewerage  
District

City of Franklin

By:

\_\_\_\_\_  
Kevin L. Shafer, P.E., Executive  
Director

By:

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

Date:

\_\_\_\_\_

By:

\_\_\_\_\_  
Peggy Steeno, Director of Administration

Date:

By:

\_\_\_\_\_  
Denise Gilbert, Director of Finance

Date:

Approved as to form:

Approved as to form:

\_\_\_\_\_  
Attorney for the District

\_\_\_\_\_  
Jesse Wesolowski, Attorney for the Municipality



**ATTACHMENT A**  
**Municipality Work Plan**



PARTNERS FOR A CLEANER ENVIRONMENT

2021 PII Work Plan

This checklist / template serves as the standard form for submitting a Work Plan to MMSD as a request to commit funds from your Municipal Funding Allocation Account to a project proposed for reimbursement through the MMSD PII Reduction-M Program. If approved, the Work Plan will be the basis for a Funding Agreement between the municipality and MMSD. Please complete all fields comprehensively and submit this electronically-fillable-form and supporting document attachments via email.

**I. CONTACT INFORMATION**

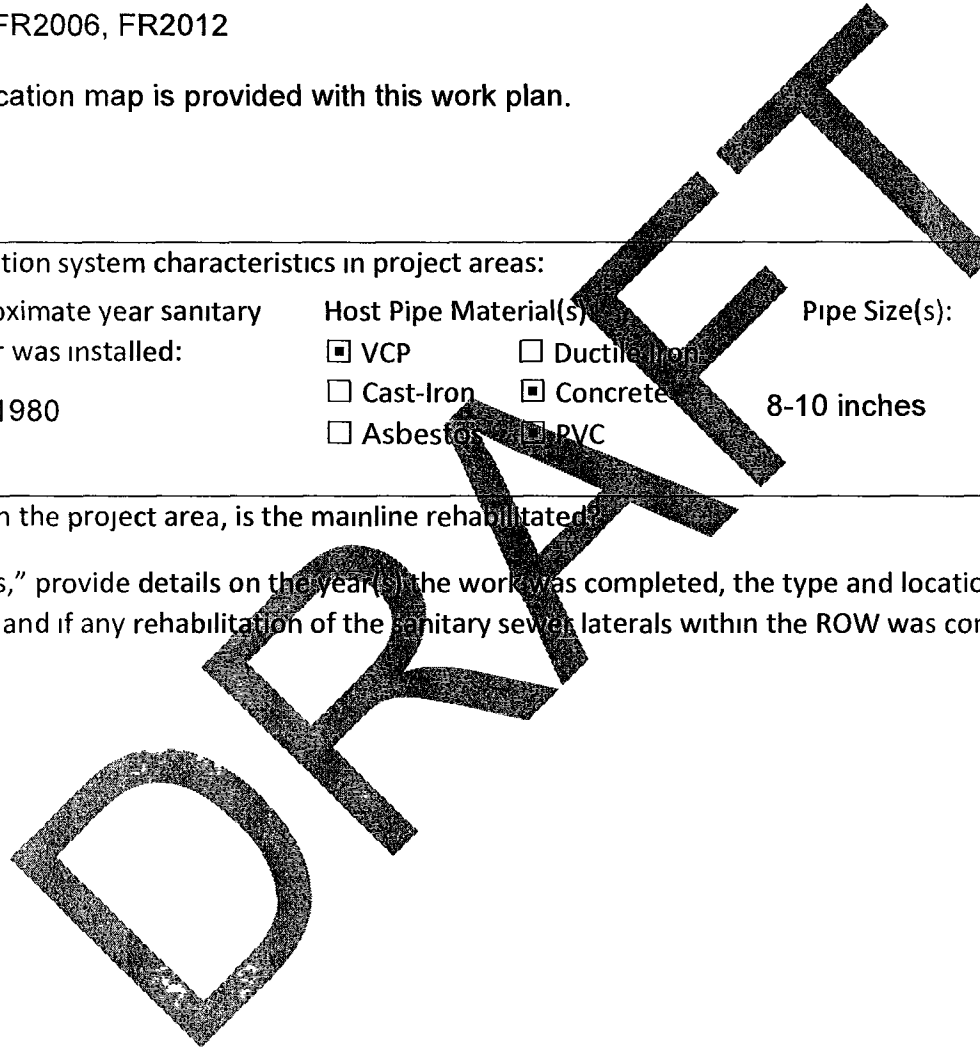
<b>Municipality</b>	
Applicant Name: Glen E. Morrow, PE	Municipality: City of Franklin
Mailing Address: 9229 W Loomis Rd., Franklin WI 53132	
Phone #: 414-425-7510	Email: gmorrow@franklinwi.gov
Primary Contact: Glen Morrow, PE	Primary Contact email: gmorrow@franklinwi.gov
Primary contact phone #: 414-25-7510	
<b>Consultant (if applicable)</b>	
Firm: Clark Dietz Inc.	Consultant's PM's Name: Mustafa Emir
Consultant Email: mustafa.emir@clarkdietz.com	Consultant Phone number: 414-315-1933

## II. PROPOSED SCOPE OF WORK

<p>1. What type of work will be included in this work plan application? Check all applicable.</p> <p> <input checked="" type="checkbox"/> Planning    <input type="checkbox"/> Investigative    <input checked="" type="checkbox"/> Construction/Rehab    <input type="checkbox"/> Post Project Evaluation    <input type="checkbox"/> Training  <input type="checkbox"/> Other </p>	
<p>2. What is the total value of the request by the municipality for funding through the PPII program for work outlined in this work plan? <span style="float: right;">\$ 972,690.00</span></p>	
<p>3. Provide the scope of work that will be included in this work plan.</p> <p>The work plan consists of engineering design of sump pump discharge collection drains in sewersheds FR2005, FR2006, and FR2012 in the City of Franklin. The scope of work includes the following elements:</p> <ol style="list-style-type: none"> <li>1- Outreach and communications with eligible residents in the project area</li> <li>2- Public Information meetings - program presentation - continued outreach</li> <li>3- Management of consent forms, assessment of eligibility, record keeping</li> <li>4- Assessment of existing sump pump discharge locations</li> <li>5- Design of sump discharge collection drains and connections to existing storm sewers</li> <li>6- Preparation of bid documents, plans and specifications, cost estimate</li> <li>7- Project Bidding, Bid opening, Bid Tabulation</li> <li>8- Contract award recommendation</li> <li>9- Sump Collection drain Construction</li> </ol>	
<p>4. What entity is responsible for each work scope item, e.g. municipality staff, consultant, contractor, District, etc.</p> <p> Public Outreach: Consultant/City staff  Communications: Consultant/City staff  Field data collection: Consultant  Sump discharge location/condition evaluation: Consultant/City staff  Design engineering: Consultant  Bidding: Consultant  Construction: Contractor </p>	
<p>5. What is the total number of properties in the project area? <span style="float: right;">520</span></p>	
<p>6. What is the assumed number of participating properties? <span style="float: right;">200</span></p>	
<p>7. What is your justification for the assumed participation rate?</p> <p> <input checked="" type="checkbox"/> Prioritization of properties based on investigative work    <input checked="" type="checkbox"/> Assumed percent of total based on previous projects    <input type="checkbox"/> Existing ROE agreements  <input type="checkbox"/> Other (Fill in Blank): </p>	

### III. PROJECT AREA CHARACTERISTICS

1. What is the predominant age of the homes in the project area?			
	<input type="checkbox"/> Pre 1940's	<input type="checkbox"/> 1940 – 1960	<input checked="" type="checkbox"/> 1961-1980 <input checked="" type="checkbox"/> 1981-Present
2. What is the average lot size within the project area?		0.25	<input type="checkbox"/> SF <input checked="" type="checkbox"/> Acres
3. In this area, is it typical that foundation drains are connected?			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
4. What sewershed(s) or metershed(s) is this project located in? FR2005, FR2006, FR2012  Project location map is provided with this work plan.			
5. Collection system characteristics in project areas:			
Approximate year sanitary sewer was installed:	Host Pipe Material(s)	Pipe Size(s):	Pipe Shape(s):
1980	<input checked="" type="checkbox"/> VCP <input type="checkbox"/> Ductile Iron <input type="checkbox"/> Cast-Iron <input checked="" type="checkbox"/> Concrete <input type="checkbox"/> Asbestos <input checked="" type="checkbox"/> PVC	8-10 inches	<input checked="" type="checkbox"/> Circular <input type="checkbox"/> Other
6. Within the project area, is the mainline rehabilitated?			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
If "Yes," provide details on the year(s) the work was completed, the type and location of rehabilitation used, and if any rehabilitation of the sanitary sewer laterals within the ROW was completed.			



7. Will public infrastructure work be contracted or completed with the private property work?

Yes  No

If "Yes", provide details of the public work.

8. Include with your application, two maps; one of the limits of the sewershed(s) or metershed(s) the project is in, and one of the project limits. The maps shall meet the following requirements.

- Maps shall use a streets or aerial view as base map.
- Major street names shall be labeled and legible.
- Limits of the sewershed(s) or metershed(s), and project limits shall be defined by a bold red line.
- Sanitary and storm system line work shall be shown at a scale appropriate to the scale of the drawing.
- A north arrow and legend shall be included.
- Maps shall be between 5 and 40 scale and to a standard paper size i.e. 8.5"x11, 11"x17", etc.
- Maps shall be submitted as PDF electronic files.

DRAFT



Date Printed: Wednesday, August 24, 2022 Document Path: R:\Client Data\F052\Franklin\WGIS\MXD\Franklin StormSewer.mxd

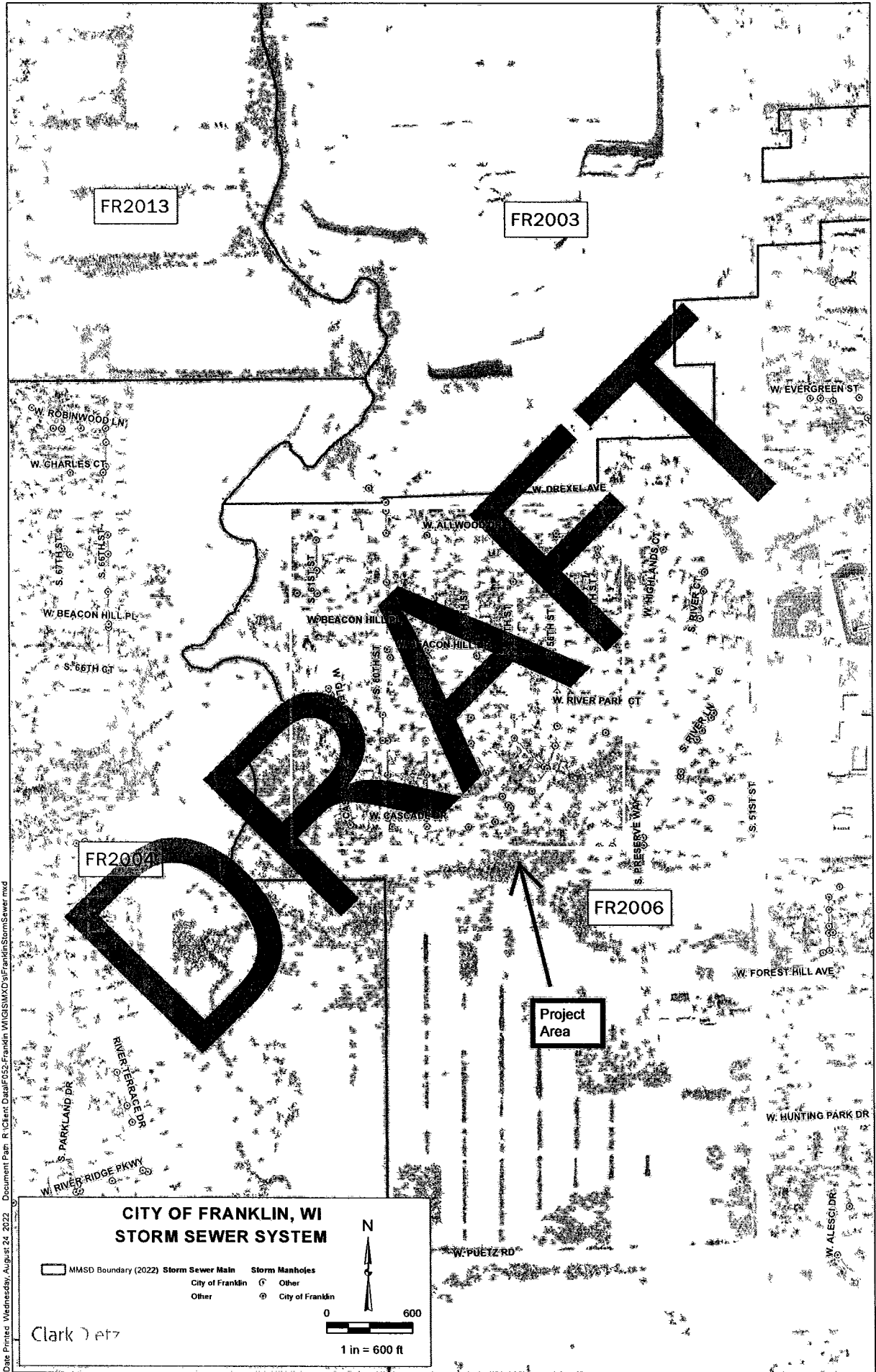


**CITY OF FRANKLIN, WI  
STORM SEWER SYSTEM**

	MMSD Boundary (2022)		Storm Sewer Main		Storm Manholes
	City of Franklin		City of Franklin		Other
	Other		City of Franklin		City of Franklin

Clark Dietz

0 600  
1 in = 600 ft



Date Printed: Wednesday, August 24, 2022. Document Path: R:\Client\Drawings\052-Franklin\WIGIS\MXD\09-Franklin\StormSewer.mxd

**CITY OF FRANKLIN, WI  
STORM SEWER SYSTEM**

	MMSSD Boundary (2022)		Storm Sewer Main		Storm Manholes
	City of Franklin		Other		Other
	Other		City of Franklin		City of Franklin

Clark etz

0 600  
1 in = 600 ft

#### IV. PROJECT JUSTIFICATION

1 Has any planning and/or investigative work within the project area been completed to date? (i.e. Flow monitoring, interior home inspections, sewer CCTV, analysis of flooding/backup issues in the area, etc.)  Yes  No

If "Yes," was the work completed through a previous PPII funding agreement?  Yes  No

If the answer is "Yes" to both questions, describe the work completed and cite report names and funding agreement reference numbers the work was completed under.

If work was completed independent of the PPII program, included the report(s) with application in electronic format and list the name of the report in this section.

The City has conducted a city-wide survey of homeowners to collect information regarding sump pump discharge issues, such as soggy yards, poor street drainage, and icing problems in winter.

In the City's opinion, the responses represent the experience of most residents in the affected areas and therefore, the selection of the project focus sewersheds are appropriate.

2 Describe how the project area and approach was chosen and prioritized.

The City is pursuing the reduction in free water available for private lateral infiltration based on previous studies that showed a correlation between sump discharge on front lawns and increased infiltration potential in private laterals. Almost all of the recorded comments/complaints are located in the sewersheds included in this workplan. Locations of comments/complaints and the sewershed IDs are shown on the attached figure - next page

Priority was given to those areas where storm sewers are present - these will be used to convey the collected sump discharges. Our intent is to connect the drains to the back of existing catch basins to reduce roadway disturbances. Since there is a significant lag between the peak of the runoff event in the storm sewers and the continuous nature of sump discharges following rainfall, storm sewers will have adequate capacity.

Per email from Glen Morrow on 11/11/22, the City will have their consultant complete a review of the capacity of the existing sewers to be able to handle the additional flows from the storm laterals

3 What is the status of all project area sewershed(s)/metershed(s) as related to the District Chapter 3 rules for wet weather performance?

Non-compliant  Compliant  Inconclusive  Not Analyzed

If "Noncompliant," has PPII work been completed to date within the Project Area metershed(s)? If yes, provide details on the scope of work completed and location.

FR2005 and FR2006 are compliant based on 2022 calibrations. FR2012 is inconclusive based on 2016 calibrations.



CITY OF FRANKLIN, WI  
MMSD SEWER BOUNDARY



DRAFT

TABLE 27  
SIMULATED SEWERSHED FLOWS IN THE CITY OF FRANKLIN BY SEWERSHED

Sewershed	Sewershed Area (acres)	Est. Sewered Area (acres)	Baseline - Year 2010			Future - Year 2035			Buildout - Year 2050		
			Average BSF (MGD)	Average DWF (MGD)	Peak Hourly Flow (MGD)	Average BSF (MGD)	Average DWF (MGD)	Peak Hourly Flow (MGD)	Average BSF (MGD)	Average DWF (MGD)	Peak Hourly Flow (MGD)
FR1010	29.8	29.8	0.010	0.018	0.823	0.026	0.034	0.843	0.035	0.044	2.006
FR2001	2822.4	2822.4	0.484	0.493	7.685	0.690	0.735	8.058	0.821	0.888	8.615
FR2002	627.4	627.4	0.117	0.166	2.270	0.133	0.182	2.707	0.142	0.192	2.467
FR2003	1008.9	1008.9	0.143	0.208	2.013	0.183	0.258	2.405	0.209	0.290	2.270
FR2004	747.7	747.7	0.048	0.072	0.906	0.051	0.081	1.007	0.054	0.087	1.010
FR2005	2623.6	2623.6	0.590	0.709	2.225	0.919	1.086	3.419	1.123	1.318	3.715
FR2006	1793.5	1793.5	0.326	0.442	5.463	0.629	0.808	6.526	0.848	1.034	7.115
FR2007	438.0	438.0	0.199	0.213	0.778	0.165	0.187	1.027	0.385	0.411	1.100
FR2008	862.2	862.2	0.143	0.226	2.674	0.148	0.236	2.726	0.152	0.242	2.861
FR2009	328.7	328.7	0.083	0.140	3.544	0.124	0.184	3.598	0.148	0.210	3.885
FR2011	61.4	61.4	0.054	0.056	0.471	0.059	0.062	0.440	0.062	0.066	0.460
FR2012	756.3	680.6	0.135	0.157	0.996	0.249	0.283	1.304	0.322	0.363	1.389
FR2013	776.5	776.5	0.104	0.130	0.996	0.188	0.218	1.242	0.193	0.233	1.275
FR2015	874.9	874.9	0.052	0.080	1.051	0.071	0.125	1.884	0.568	0.632	2.142
FR2016	324.2	324.2	0.097	0.108	0.470	0.184	0.204	0.748	0.236	0.262	0.799
FR2017	805.5	805.5	0.029	0.032	0.953	0.245	0.297	1.665	0.376	0.442	1.793
FR2020	5890.4	0.0	0.020	0.020	0.020	1.110	1.411	6.396	1.751	2.215	6.984
FR2021	610.1	610.1	0.328	0.368	2.076	0.367	0.410	2.174	0.390	0.436	2.227
FR2022	142.7	0.0	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000
FR2023	144.4	0.0	0.000	0.000	0.000	0.011	0.013	0.051	0.016	0.018	0.051
FR2024	129.8	0.0	0.000	0.000	0.000	0.075	0.076	0.102	0.087	0.089	0.114
FR2025	82.3	82.3	0.021	0.021	0.492	0.028	0.045	0.530	0.033	0.050	0.549
FR2026	317.2	317.2	0.000	0.000	0.430	0.093	0.108	0.567	0.110	0.128	0.596
<b>Totals</b>	<b>22197.9</b>	<b>15814.9</b>	<b>3.051</b>	<b>3.773</b>	<b>36.238</b>	<b>6.191</b>	<b>7.467</b>	<b>48.758</b>	<b>8.063</b>	<b>9.653</b>	<b>53.424</b>

BSF - Base Sanitary Flow  
DWF - Dry Weather Flow  
MGD - Million Gallons per Day



4 Does the municipality have any permitted (or unpermitted) wet-weather bypass locations in the project area?  Yes  No  
If "Yes," provide approximate frequency and average volume per frequency for over the last ten years.

5 Does the project area have a history of CSOs or SSOs?  Yes  No  
If "Yes," provide the frequency of occurrences over the last ten years.

6 Does the municipality have recurring basement backup reports in the project area?  Yes  No  
If "Yes", please provide the average annual number of reports in the last ten years and the estimated storm recurrence interval that typically causes basement backups.

7 Do you have metering, lift station run time, bypass pumping, basement backup, or any other pre-project baseline data?  Yes – go to item 8  
 No – go to item 9

8 Describe and detail information on the pre-project baseline data you have collected including type, location, and date ranges. If a MMSD meter is used as a source for this data, provide meter name and location.

**DRAFT**

9 Do you plan on collecting pre-project baseline data as part of this project?

Yes – go to item 10

No – go to item 11

10. Describe the pre-project data that will be collected to provide a baseline for improvement? If you intend to use the MMSD portable meters, list the quantity, expected time frame installation and monitoring period.

11. How do you intend to report project performance results? (metrics and target objectives of the project)

Once the participants are selected Franklin will work with the residents to collect average sump pump activity information consisting of average frequency of pumping and number of pumps. The City intends to conduct a survey of participating residents and have them provide average weekly sump pump run times over a period of the spring and fall months. We will use this information to estimate average expected sump discharge quantities in the project area.

Following the installation of the sump discharge collection drains, the City will be able to provide an average annual flow collected and removed from front yards, thereby estimating the reduction in average water available for infiltration in the private laterals.

This data (i.e., average annual reduction in available free water in front yards) will be provided as a post construction benefit metric.

**V. PROJECT GOALS**

1. What are the municipality’s goals and objectives for the completed project? Please provide qualitative and quantitative measurables for success as they relate to the goals and objectives.

The primary goal of the proposed project is the management and removal of free surface water from front yards where continuous sump pump discharges are known to saturate the ground above private sewer laterals and increase the available groundwater for on-going inflow and infiltration into sewer laterals.

Providing a collection system ofr such sump discharges is expected to reduce ground saturation, and thereby reduce the potential for private lateral inflow and infiltration.

In addition, as a secondary goal, City will eventually want to expand its focus into the possibility of disconnecting foundation drains or illegal sump pump collections. With the proposed project, the City will collect relevant information on this matter and potentially start a disconnection program that leverages several of the current MMSD funding programs for private properties.

**DRAFT**

**VI. SCHEDULE**

Include a schedule of the work with all major tasks and milestone dates for completion including District and municipal administrative approvals, local board/council approvals, work task start and finish, public outreach, deliverables, and reimbursements. The schedule needs to be realistic and achievable based on District approval timelines, local approval timelines, bidding process timelines, work production rates, and weather-related considerations. Identify and highlight any milestone dates by which the municipality is requesting the District to meet to keep your schedule (e.g. local council or board agenda deadlines). Provide the schedule in PDF format.



**VII. FINANCIALS**

1. Include a comprehensive cost estimate broke down to the task level which includes costs for: all internal municipal staff time which is being requested to be reimbursed, professional services including hours estimates and rates, construction costs by estimated units and estimated unit costs, inspection services, public outreach, and staff training. Attach an Excel version of the estimate to the application when submitting.

2. Are other funding sources, besides MMSD PPII funds, contributing to the total project cost? i.e. municipal funds, grant funding, property owner cost share, etc.  Yes  No

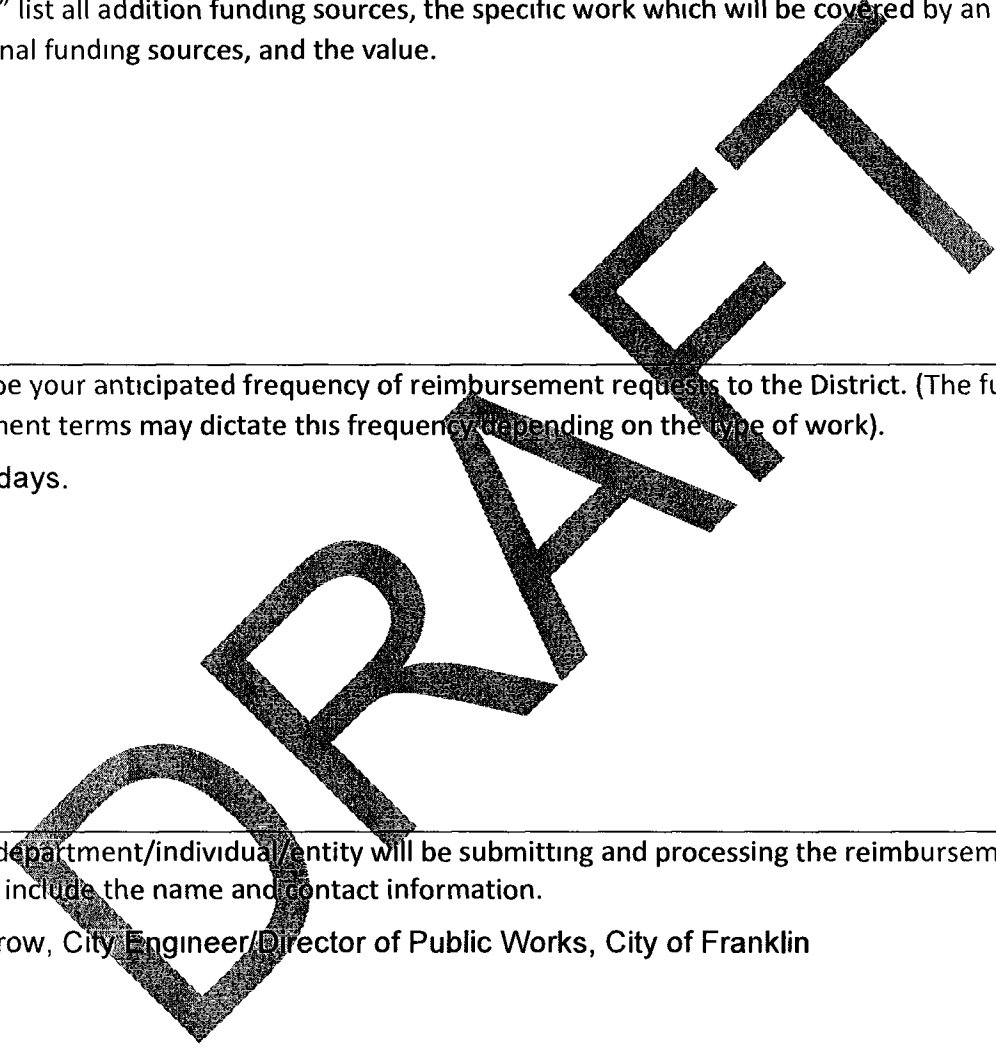
If "Yes," list all addition funding sources, the specific work which will be covered by an additional funding sources, and the value.

3. Describe your anticipated frequency of reimbursement requests to the District. (The funding agreement terms may dictate this frequency depending on the type of work).

Every 60 days.

4. What department/individual/entity will be submitting and processing the reimbursement requests? Please include the name and contact information.

Glen Morrow, City Engineer/Director of Public Works, City of Franklin





**City of Franklin 2022 PPII - Sump Collection - Professional Fee**

TASK	DESCRIPTION	Project Principal	Project Manager	Engineer	Technician	TOTALS
1	Project outreach and communications with residents in the priority area. After the initial information package is sent to residents we will communicate with residents to answer any questions and offer clarifications on the program.	40	40	80		160
2	We will manage the consent forms and maintain a database of properties that will participate in the program.		48	32	120	200
3	Assessment of existing sump pump discharge locations		48	52	120	220
4	Design of sump discharge collection drains and connections to existing storm sewers	40	120	160	380	700
5	Project bid package for the public bid		40	40		80
6	Prepare MMSD Construction Work Plan and submit for approval		40	40		80
7	Bid opening and award recommendation contingent on MMSD approval of work plan		8	8		16
8	Design documentation and report back to MMSD for reimbursement		24	24		48
	<b>Engineering Hours</b>	<b>80</b>	<b>344</b>	<b>412</b>	<b>620</b>	<b>1456</b>
	<b>Total Engineering Fee</b>	<b>\$18,000</b>	<b>\$67,080</b>	<b>\$63,860</b>	<b>\$77,500</b>	<b>\$226,440</b>

**City of Franklin 2022 PPII - Sump Collection Construction Cost Estimate**

ITEM	DESCRIPTION	Unit	Quantity	Unit Price	TOTALS
1	Sewer Pipe, SDR 26, 6 in.	LF	4000	\$ 70.00	\$280,000
2	Sewer Pipe, SDR 26, 8 in.	LF	2500	\$ 85.00	\$212,500
3	Adjusting Manhole, Storm	EACH	10	\$ 1,000.00	\$10,000
4	Sump Line Connection to Storm Sewer	EACH	200	\$ 400.00	\$80,000
5	Erosion Control	EACH	1	\$ 15,000.00	\$15,000
6	Curb and Gutter Removal and Replacement - 30" (Spot Repair)	LF	650	\$ 75.00	\$48,750
7	Restoration	SY	1500	\$ 50.00	\$75,000
8	Contingencies	EACH		\$ 25,000.00	\$25,000
	<b>Sump Pump Collection Line Construction Cost</b>				<b>\$746,250</b>
	<b>GRAND TOTAL PROJECT COST</b>				<b>\$972,690</b>

5. MMSD requires all invoicing to be submitted via e-Builder. Will e-Builder training be necessary for the department/individual/entity that will be submitting and processing the reimbursement requests?  Yes  No

6. Describe the municipal process(es) for procurement of all professional and non-professional (field work and construction) components of work and the basis for each.

For professional Services, the City of Franklin has a QBS process for the award of professional services.

Non-Professional services are awarded on the lowest price submitted by the most responsible provider. Low bids and a thorough reference check, including, legal review are the basis of this selection.

7. Explain the means and methods for segregating the costs (MMSD reimbursable costs and public work costs).

The City's intent is to include ONLY MMSD reimbursable costs in its public bid documents. The City will review the bid items, project eligible work to be included in the contract prior to public bidding.

Should work be needed that is not eligible for PPII reimbursement, the City will verify this with MMSD officials and proceed accordingly. Overall the City does not intend to perform non-reimbursable, non PPII related work as part of the project described herein.

8. Provide the names and position titles of all municipal staff that will be required to sign the funding agreement. (i.e. mayor, city/village administrator, city/village clerk, city attorney, etc.)

Name: Stephen R. Olson

Position Title: Mayor

Name: Peggy Steeno

Position Title: Director of Administration

Name: Denise Gilbert

Position Title: Director of Finance

Name: Jesse Wesolowski

Position Title: City Attorney

Name:

Position Title:

Name:

Position Title:

## VIII. PUBLIC OUTREACH

- 1 Describe in detail your public outreach approach and what entity/individuals/departments will be responsible for the public outreach. Describe the venues and platforms that will be used. Describe the timing and anticipated level of effort that is anticipated to be necessary for the public outreach effort. Describe any public outreach work that has already been completed or is in progress. If a specific person or entity is responsible for public outreach, include the name and contact information. (Examples of public outreach include, but are not limited to; mailings, websites, social media, canvassing, public meetings, etc.)

The Public outreach to identify participating private properties will be handled by a combination of consulting staff and City staff.

We will send out mailers, and schedule a public information meeting to convince participation in the program. In each of the project areas, the City will attempt to use those survey respondents as "neighborhood champions" and assist in scheduling and conducting neighborhood meetings to disseminate information, explain project benefits to increase participation.

We will begin the outreach process in winter 2022/2023 with the objective of identifying participating properties by mid Q1 2023.

The City has an email list, as well as social media presence that will be leveraged. We will also do targeted communications to each property to increase participation levels. In past projects of similar kind, we have achieved 50-60 percent participation. We would expect similar results in this project as well.

**DRAFT**

**ATTACHMENT B**  
**Agreement Deliverables**

Pre-Construction Deliverables (To be submitted as indicated prior to beginning of construction):

1. A minimum of a one (1) week notice of any project meetings shall be provided to the District SPM via email. In the event the District is unable to attend and participate, detailed meeting minutes shall be provided within five (5) days of the meeting.
2. Draft specifications, plans, and bidding documents shall be submitted to the District SPM via the District Municipal Portal in PDF or Word format a minimum of one (1) week prior to bidding.
3. Final bid documents shall be provided to the District SPM via the District Municipal Portal in PDF format for review and approval prior to advertisement of the contract for bid.
4. Bid results from all procurement processes associated with the project shall be provided to the District SPM via the District Municipal Portal in PDF format upon close of the bid process prior to award of contract.
5. Submit a template Right of Entry (ROE) Agreement for District review prior to distribution to property owners for signatures via the District Municipal Portal in PDF or Word format. Each ROE Agreement secured by the Municipality shall include a provision allowing the District and Municipality to enter the property for a period of three (3) years following construction for warranty inspections or project performance evaluations contingent on notification of the property owner.
6. Electronic copies of the executed contract documents shall be provided to the District SPM prior to the Municipality's issuance of the Notice to Proceed via the District Municipal Portal in PDF format

Construction Deliverables (To be submitted as indicated and will be reviewed with any reimbursement request):

7. All Contractor/consultant submittals to the Municipality shall be reviewed and approved by the municipal engineer or designee and supplied to the District prior to the commencement of the work contained in the submittal via the District Municipal Portal in PDF format.
8. A minimum of a one (1) week notice of any project meetings shall be provided to the District SPM via email. In the event the District is unable to attend and participate, detailed meeting minutes shall be provided within five (5) days of the meeting.
9. An accurate schedule of field activities shall be provided to the District SPM via email or telephone call at least one week in advance of activity commencement.
10. Progress reports on project activities and public involvement activities shall be provided to the District SPM via email on a monthly basis.
11. Quality control and quality assurance (QA/QC) reports documented by the Contractors and Municipality's field engineer/inspector shall be submitted to the District SPM via the District Municipal Portal in PDF format on a monthly basis or with reimbursement request, whichever occurs more frequently. All QA/QC submittals shall include a

**ATTACHMENT B**  
**Agreement Deliverables**

summary tabulation by property indexed by tax ID number with review confirmation by the Municipality's engineer.

12. Inspection reports from the field engineer for work completed shall be submitted to the District SPM via the District Municipal Portal in PDF or spreadsheet format on a monthly basis or with reimbursement request, whichever occurs more frequently.
13. All construction contract deliverables organized, formatted, and delivered as specified by the contract as approved by the District. Samples of deliverable formats are recommended to be provided to the District prior to construction.

Post-Construction Deliverables (To be submitted prior to final reimbursement being processed):

14. The Final Project Summary Report shall be submitted to the District SPM via the District Municipal Portal I in PDF format. prior to the final reimbursement request. The template that must be used can be found on the District's website: [Project Summary Report Template \(https://www.mmsd.com/government-business/rules-regulations/private-property-1-i\)](https://www.mmsd.com/government-business/rules-regulations/private-property-1-i)
15. Copies of the Right of Entry or Access Agreements for each homeowner shall be submitted to the District SPM as one document via the District Municipal Portal in PDF format.
16. Documentation of the limits and location of the storm lateral installation expressed in text and graphics (map overlay) shall be provided to each participating property owner and copied to the District. Documents shall be provided to the District as one document via the District Municipal Portal in PDF format.
17. Municipality will be responsible for providing pre-work flow monitoring data.
18. The Municipality shall provide documentation of the resolution of all punch list items of the Municipality and the District.
19. Through a spreadsheet using the District template (provided by the District), submission of participating parcels information including without limitation: property tax id., address, and column categories of work performed by property following the District template form data fields and format. The document shall be provided to the District via the District Municipal Portal in an Excel format.
20. Photo documentation of project work in jpeg format provided to the District via the District Municipal Portal in a zipped file.
21. Following completion of the Work, the Municipality shall complete a survey of all property owner participants, compile the results, and submit the survey forms and results to the District via the District Municipal Portal. The survey form shall be submitted in PDF format and the survey results should be summarized in a spreadsheet format.



**ATTACHMENT C**  
**Requirements of Contractor**

Contractor's Work under this Contract is funded in whole or in part by the Milwaukee Metropolitan Sewerage District's Private Property Infiltration and Inflow Program ("Program"). Pursuant to the terms of that Program, the following terms and conditions must be included in all construction contracts. Defined terms shall have the meaning assigned to them in the Funding Agreement between the District and the Municipality, which shall be provided to Contractor upon request. If a term or condition set forth herein conflicts with the terms and conditions set forth in the bid documents, the terms and conditions below take precedence.

1. **Contractor Emergency Response Plan.** Within 14 days of the Notice to Proceed from Municipality, the Contractor shall submit to the Municipality and the District an Emergency Response Plan (ERP). This plan shall include at a minimum the following information: (1) the Contractor's site representative that will be responsible for all emergency calls, 24 hours per day/7 days per week for the duration of the project with all of their contact information; (2) the contact information for the Contractor's foreman; (3) the contact information for each municipal representative that the Contractor will contact, in the event of an emergency; (4) the contact information for the District's Senior Project Manager (5) the contact information for the Clean Up/Dig Up contractor that will be on-call for emergencies throughout the duration of this project; (6) and a detailed narration of the step-by-step sequence of events and communications that the Contractor will take in the event of an emergency throughout the duration of this project.
2. **Warranty:** All Work performed under this Contract shall be warranted by Contractor for a period of no less than three (3) years from substantial completion. The warranty shall be enforceable by each of the Municipality, the District as funder, and the homeowner as it relates to a particular property.
3. **Retainage:** Retainage shall be held by Municipality in compliance with Wis. Stat. § 66.0901 (9) (b) and shall not be released until the Work is complete, inclusive of the warranty inspection.
4. **Warranty Inspection:** Contractor shall complete a warranty inspection via third party of the Work, via a method approved in advance by the Municipality and the District, at least 90 days prior to the warranty expiration. All inspection results, including video and associated files with Pipeline Assessment Certification Program (PACP) coding shall be provided to the Municipality and the District within fifteen (15) days of inspection. The retainage portion of this Contract shall not be paid until the warranty inspection is complete. Contractor's obligations to perform a warranty inspection shall survive termination of this Contract.
5. **Reporting:** For a period of ten (10) years post substantial completion, if the Contractor becomes aware of any problems arising with the Work, Contractor shall notify the Municipality and the District.
6. **Assignment:** The Municipality's obligations under this Contract are fully assignable to the District. The Contractor's consent is not required prior to the Municipality's assignment and the District's assumptions of Municipality's rights hereunder.

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<b>APPROVAL</b> KLK	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MTG. DATE</b> December 20, 2022
Reports & Recommendations	<b>A Resolution to Vacate a Service Road from S. 60<sup>th</sup> Street to S. 58<sup>th</sup> Street Located on the South Side of W. Ryan Road Between S. 60<sup>th</sup> Street and S. 58<sup>th</sup> Street (Part of the NW ¼ of Section 26, Township 5, Range 21 East in the City of Franklin, Milwaukee County, Wisconsin)</b>	<b>ITEM NO.</b> G.11.

**BACKGROUND**

Dorsey Trailer Sales WI (Spellman Trailer) located at 5921 W. Ryan Road is requesting that the City right-of-way on the north side of their parcels (between S. 60<sup>th</sup> Street and S. 58<sup>th</sup> Street along the south right-of-way of W. Ryan Road) be vacated and transferred to them. This right-of-way was created with Certified Survey Map (CSM) 1330 in 1970 as a “service road” in addition to the expanded right-of-way for W. Ryan Road (STH 100). As the City accepted and signed the CSM documents, the City is the owner of this right of way.

This item was discussed at the December 6, 2022 Common Council meeting (G.5) and was held over to the December 20, 2022 meeting.

**ANALYSIS**

Staff further discussed this with the adjacent land owners- the Wisconsin Department of Transportation and Spellman Trailers. Spellman has requested that this item be held over again until the January 17, 2023 meeting. Staff concurs that this hold over is advisable.

**OPTIONS**

**FISCAL NOTE**

No impact to the City

**RECOMMENDATION**

Motion to hold a resolution to vacate a service road from S. 60th Street to S. 58th Street Located on the South Side of W. Ryan Road Between S. 60th Street and S. 58th Street to the January 17, 2023 Common Council meeting.

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;">K L K</p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">12/20/2022</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>A RESOLUTION TO AMEND RESOLUTION NO. 2019-7467 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR AN OVER-THE-ROAD TRUCKING COMPANY LOCATED AT 11141 WEST FOREST HOME AVENUE TO ALLOW FOR A RECRUITMENT, TRAINING AND REGIONAL OFFICE FOR GO RITEWAY TRANSPORTATION GROUP (BAST MARSHALL LLC), AND PROVIDING SCHOOL BUS TRANSPORTATION FOR THE CITY OF FRANKLIN SCHOOL DISTRICT</b></p> <p style="text-align: center;"><b>(ROBERT J. BAST, CO-OWNER OF GO RITEWAY TRANSPORTATION GROUP (BAST MARSHALL LLC), APPLICANT)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G.12</p>

At the December 1, 2022 regular meeting, the Plan Commission carried a motion to recommend approval of this application for a Special Use amendment under Standard Industrial Classification No. 4151, "School Busses" (which requires a Special Use permit in the M-1 Zoning District).

**COUNCIL ACTION REQUESTED**

A motion to adopt Resolution 2022-\_\_\_\_\_, imposing conditions and restrictions for the approval of a Special Use for an over-the-road trucking company located at 11141 West Forest Home Ave to allow for a recruitment, training, and regional office for GO Riteway Transportation Group (BAST MARSHALL LLC), and providing school bus transportation for the City of Franklin School District (ROBERT J. BAST, CO-OWNER OF GO RITEWAY TRANSPORTATION GROUP (BAST MARSHALL LLC), APPLICANT)



RESOLUTION NO. 2022-\_\_\_\_\_

A RESOLUTION TO AMEND RESOLUTION NO. 2019-7467 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR AN OVER-THE-ROAD TRUCKING COMPANY LOCATED AT 11141 WEST FOREST HOME AVENUE TO ALLOW FOR A RECRUITMENT, TRAINING AND REGIONAL OFFICE FOR GO RITEWAY TRANSPORTATION GROUP (BAST MARSHALL LLC), AND PROVIDING SCHOOL BUS TRANSPORTATION FOR THE CITY OF FRANKLIN SCHOOL DISTRICT (ROBERT J. BAST, CO-OWNER OF GO RITEWAY TRANSPORTATION GROUP (BAST MARSHALL LLC), APPLICANT)

WHEREAS, Robert J. Bast, co-owner of GO Riteway Transportation Group (Bast Marshall LLC), having petitioned the City of Franklin for the approval of an amendment to Resolution No. 2019-7467, conditionally approving a Special Use for an over-the-road trucking company with overnight parking, upon property located at 11141 West Forest Home Avenue, such property being zoned M-1 Limited Industrial District and C-1 Conservancy District, more particularly described as follows:

Parcel 2 of Certified Survey Map No. 4056 recorded in the office of the Register of Deeds for Milwaukee County, Wisconsin, on July 13, 1981 in Reel 1388, Images 687 to 689 inclusive, as Document No. 5487949, being a part of the Northeast 1/4 of Section 6, in Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin; Tax Key No.: 704-9990-003; and

WHEREAS, such proposed amendment being for the purpose of allowing for a recruitment, training and regional office for GO Riteway Transportation Group (Bast Marshall LLC), and providing school bus transportation for the City of Franklin School District (with overnight parking on the property) (hours of operation from 6:00 a.m. to 5:30 p.m., Monday through Friday and a limited number of buses may have an athletic charter on Saturdays; 20 car parking spaces in the front of the building (west side of lot) and 12 bus parking spaces on the south side of the lot), commencing at the beginning of the 2023 school year (a second, current, GO Riteway location will also serve Franklin School District from the east, office located at 7433 South 10th Street, in Oak Creek, WI)); and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 1st day of December, 2022, and the Plan Commission thereafter having determined to recommend that the proposed amendment to Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed amendment

ROBERT J. BAST, CO-OWNER OF GO RITEWAY TRANSPORTATION GROUP  
(BAST MARSHALL LLC) – AMENDMENT TO SPECIAL USE  
RESOLUTION NO. 2022-\_\_\_\_\_

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to Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Robert J. Bast, co-owner of GO Riteway Transportation Group (Bast Marshall LLC), for the approval of an amendment to Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this amendment to Special Use is approved only for the use of the subject property by Robert J. Bast, co-owner of GO Riteway Transportation Group (Bast Marshall LLC), successors and assigns, for the GO Riteway Transportation Group (Bast Marshall LLC) recruitment, training and regional office and school bus transportation for the City of Franklin School District (with overnight parking on the property) project, which shall be developed in substantial compliance with and constructed, operated and maintained by GO Riteway Transportation Group (Bast Marshall LLC), pursuant to those plans City file-stamped November 18, 2022 and annexed hereto and incorporated herein as Exhibit A.
2. Robert J. Bast, co-owner of GO Riteway Transportation Group (Bast Marshall LLC), successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consultants to the City of Franklin, for the GO Riteway Transportation Group (Bast Marshall LLC) recruitment, training and regional office and school bus transportation for the City of Franklin School District (with overnight parking on the property) project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

ROBERT J. BAST, CO-OWNER OF GO RITEWAY TRANSPORTATION GROUP  
(BAST MARSHALL LLC) – AMENDMENT TO SPECIAL USE  
RESOLUTION NO. 2022-\_\_\_\_\_

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3. The approval granted hereunder is conditional upon Robert J. Bast, co-owner of GO Riteway Transportation Group and the GO Riteway Transportation Group (Bast Marshall LLC) recruitment, training and regional office and school bus transportation for the City of Franklin School District (with overnight parking on the property) project for the property located at 11141 West Forest Home Avenue: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. Conditions of the prior special use (Resolution No. 2019-7467) related to the site must be maintained, as well as those related to the prior Natural Resource Special Exception approval (Standards, Findings and Decision dated June 18, 2019) and conservation easements. Encroachment into easement areas is not permitted without approval.
5. Applicants must receive approval of a Minor Site Plan Amendment for review of changes to the parking lot striping and removal of a building. More extensive site changes requiring stormwater facilities, or expansion of parking areas, will require a Site Plan review and approval.
6. Future expansion of the use may require a traffic study to address the requirements of §15-3.0701A.5. that the use may not create undue congestion.

BE IT FURTHER RESOLVED, that in the event Robert J. Bast, co-owner of GO Riteway Transportation Group (Bast Marshall LLC), successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this amendment to Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the additional Special Use permission granted under this Resolution.

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

ROBERT J. BAST, CO-OWNER OF GO RITEWAY TRANSPORTATION GROUP  
(BAST MARSHALL LLC) – AMENDMENT TO SPECIAL USE  
RESOLUTION NO. 2022-\_\_\_\_\_

Page 4

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be an amendment to such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance, and that all of the terms and conditions of Resolution No. 2019-7467, not specifically and expressly amended by or in direct conflict with this Resolution, shall remain in full force and effect.

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

APPROVED:

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

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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

REPORT TO THE PLAN COMMISSION

Meeting of May 19, 2022  
Special Use

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**RECOMMENDATION:** City Development Staff recommends approval of the proposed Special Use for a beauty shop business use upon property located at 11113 W. Forest Home Avenue, subject to the conditions of approval in the attached draft resolution.

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<b>Project Name:</b>	GO Riteway Special Use Amendment
<b>Project Address:</b>	11141 W Forest Home (TKN 704 9990 003)
<b>Applicant:</b>	RJ Bast – Go Riteway; Jay Craig, MSI General
<b>Owners (property):</b>	STAR TRUCKING REAL ESTATE LLC
<b>Current Zoning:</b>	M-1 Limited Industrial District & C-1 Conservancy District
<b>2025 Comprehensive Master Plan</b>	Industrial
<b>Use of Surrounding Properties:</b>	M-1 Limited Industrial District & C-1 Conservancy District to the north, east, and south. I-1 Institutional District and R-3 Suburban/Estate Single-Family Residence District to the west.
<b>Applicant Action Requested:</b>	Recommendation of approval for the proposed Special Use for GO Riteway.
<b>Planner:</b>	Marion Ecks, AICP

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On September 13, 2022, RJ Bast of Go Riteway submitted a Special Use Amendment application on behalf of GO Riteway, requesting approval to operate a school bus transportation office at 11141 W Forest Home.

**PROJECT DESCRIPTION AND ANALYSIS:**

The property is zoned M-1 Limited Industrial zoning district; the proposed use corresponds to Standard Industrial Classification (SIC) Title No. 4151 School Busses, which is allowed within the M-1 Limited Industrial District as a Special Use. A prior special use was approved at this location (RES 2019-7467) to allow for local trucking.

Site Conditions

The site consists of an existing commercial building, an accessory building, paved parking areas, and a soccer field.

The previous owners received approval of a Natural Resource Special Exception as a result of encroachment into protected wetland resources. This approval also required a conservation easement on the property, and restoration of some areas. A condition related to this requirement is included in the draft resolution.

The applicant is not proposing expansion of buildings or paving at this time. They are instead proposing to restripe existing parking spaces, and remove an accessory building.



GORiteway plans to have 12 bus stalls and 14 van stalls at this location for the School Bus use. They will also restripe the front parking area with 18 regular and 2 ADA parking spaces for employees. The limited scope of proposed site changes allows for review of this application as a Minor Site Plan Amendment (§15-7.0107.); the applicant has submitted this request and it is currently under review. A condition related to this approval is included in the draft resolution. If the applicant proposes to expand paved areas in future to allow for additional parking, a full site plan would be necessary at that time. Other departments may have additional requirements such as review and approval of stormwater facilities in that case.

Special Use

The hours of operation will be Monday-Friday from 6:00 A.M. to 5:30 P.M.

Go Riteway has submitted a complete application for a special use permit, including responses to Section §15-3.0701 of the Unified Development Ordinance sets out the General Standards for Special Uses. UDO Section §15-3.0703 Detailed Standards for Special Uses in Nonresidential Districts does not apply to this project, as the proposed special use is not one of the specified special uses in this section. The applicant has submitted responses to each of those standards, asserting that there will be no undue adverse impact or interference with surrounding development as a result of this special use.

The current application does not propose a significant addition of traffic to the area. However, Staff recommends a condition that any future expansion of the use may require a traffic study to address the requirements of §15-3.0701A5 that the use may not create undue congestion.

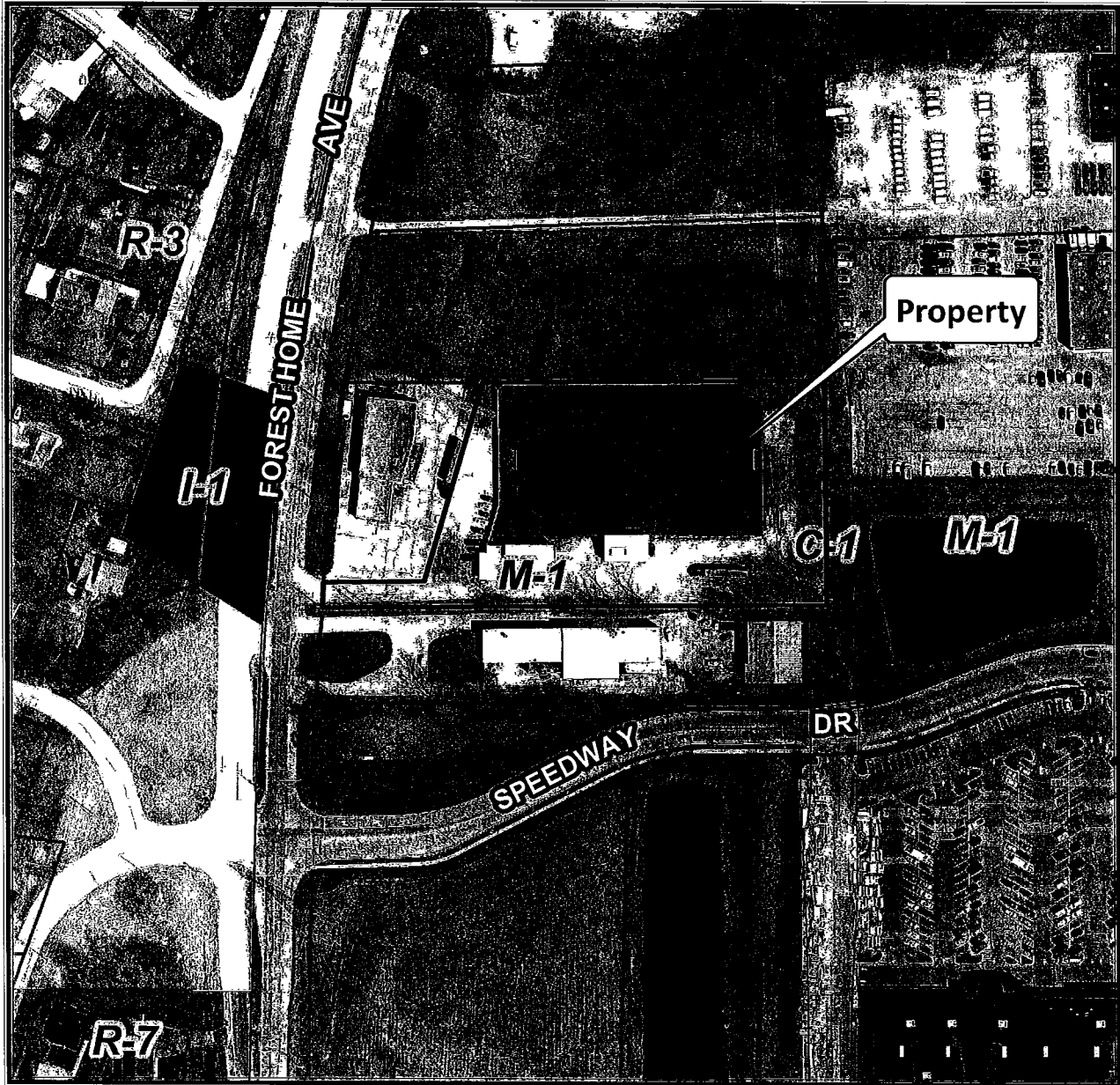
This Special Use permit would be contingent upon obtaining all other necessary licenses and permits, such as occupancy or building permits. Signage will require appropriate permitting from the Department of City Development.

The intent of the M-1 district is to *provide for manufacturing, industrial, warehousing, and uses of a limited nature and size in locations where the relative proximity to other uses requires more restrictive regulation.* The proposed use is consistent with the district intent.

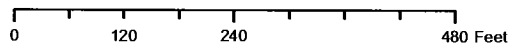
**STAFF RECOMMENDATION:**

The Department of City Development staff recommends approval of this application for Special Use.

11141 W. Forest Home Ave.  
TKN: 704 9990 003



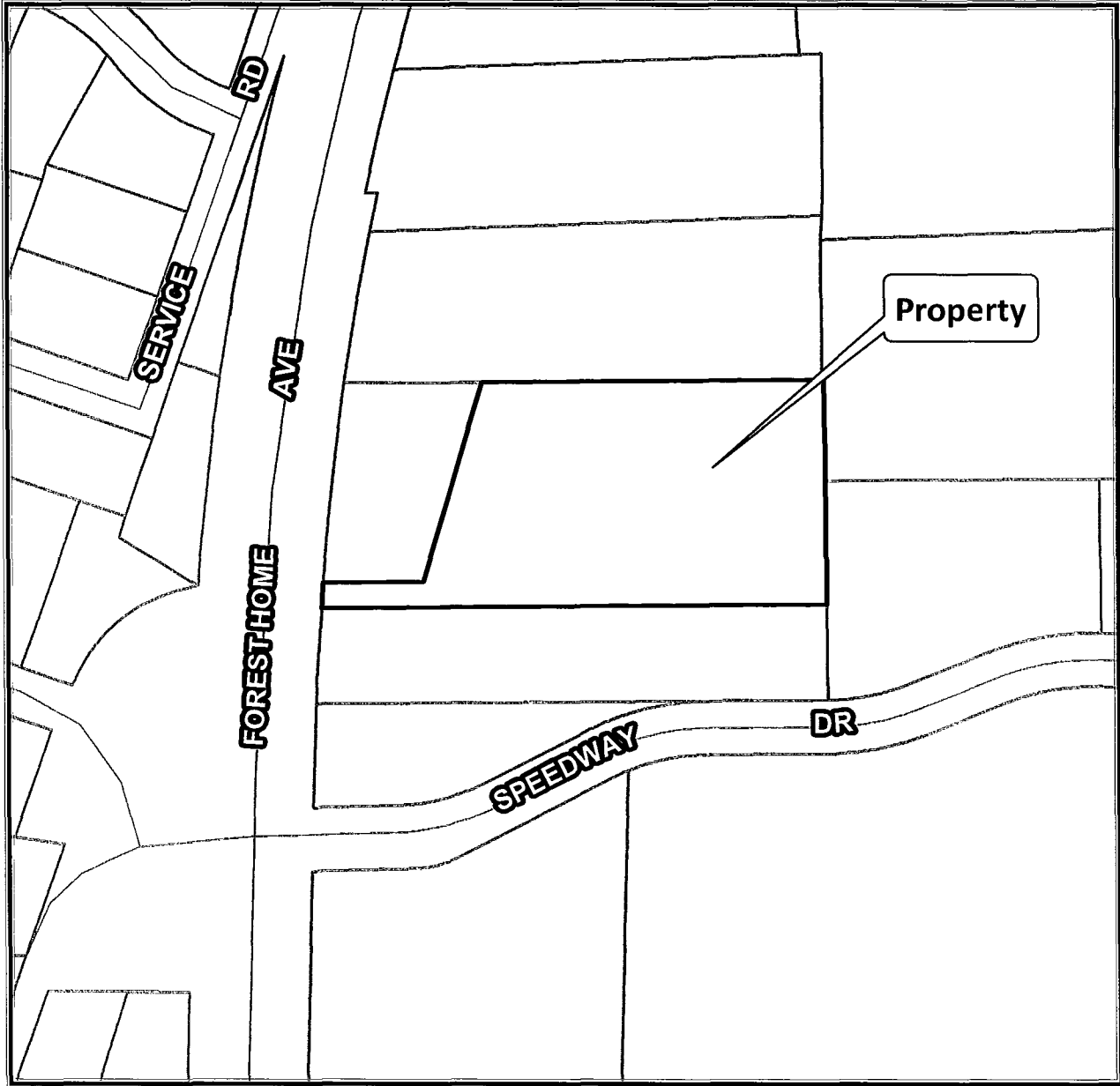
Planning Department  
(414) 425-4024



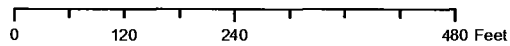
2021 Aerial Photo

*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.*

11141 W. Forest Home Ave.  
TKN: 704 9990 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.*



November 17, 2022

The property will be used a Recruitment, Training and Regional Office for School Bus Transportation for the Franklin school district. Go Riteway has been chosen to service the school district of Franklin for their school bus transportation starting at the beginning of the 2023 school year. Riteway intends to service the Franklin school district from two locations so we can best service the growing city of Franklin and attract a quality work force. Riteway will service the Franklin school district from our Oak Creek location at 7433 south 10th street in Oak Creek along with the Franklin office at 11141 West Forest Home ave.

### **Hours of Operation**

The office is open Monday through Friday from about 6am to 5:30pm.  
There is a limited number of buses that operate Franklin's athletic charters on Saturdays

### **Parking of Vehicles**

We propose to have 18 car parking spots in front of the building (this is the west side of the lot)  
We propose to have 12 bus parking spots and 4 van parking spots on the south side of the lot.

### **Recruitment & Training**

Recruiting and Training of employees is an important focus for GO Riteway We will utilize the office with a recruiting/training supervisor to attract and interview local applicants in the area We always strive to hire as many local residents of the communities we serve, therefore having a local office is critical to our success.

### **School Transportation Routes**

Riteway's current plan is to operate 12 daily route buses from the Franklin office. Riteway will have a supervisor at this location Riteway has a strict anti idling policy and new modern school buses do not need to be idled in the winter to heat up

#### **AM Routes**

Employee start times are staggered in the morning Drivers usually leave the office around 6:15am to 6:45 am for their morning routes The buses usually stagger going out in the morning as there are different pickup times depending on how many children are on the route and where their pickup is located. Therefore all 12 buses are not leaving the lot at the same time When the buses drop off at the schools in the morning they usually return around 8:45am to 9:00am depending on what schools they are coming from. This time also varies and is staggered because different buses are dropping off at a variety of schools in Franklin Therefore, not all buses are coming back to the office from one school

#### **PM Routes**

Drivers are usually leaving the office around 2:15pm to 2:45pm depending on what schools they are going to. After the buses are completed with dropping off their children at home, they will return to the office around 4:15pm to 5:00pm The buses return to the office in the afternoon at various times after their routes because it depends on where their last drop off is and how many children they are dropping off.

# City of Franklin - Department of City Development

Date: November 11, 2022  
To: RJ Bast – Go Riteway; Jay Craig, MSI General  
From: Department of City Development – Associate Planner Ecks  
RE: GO Riteway Special Use Amendment – Staff Comments

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Please be advised that City Staff has reviewed the above application. Department comments are as follows for the GO Riteway Special Use Amendment – 11141 W Forest Home Ave. application date stamped September 13, 2022.

## **Department of City Development Comments**

School Busses (SIC 4151) require Special Use approval in M-1 zoning. A prior special use was approved at this location (RES 2019-7467) to allow for local trucking.

1. Note that any conditions of that prior use related to the site must be maintained, in particular related to the NRSE approval and conservation easements. Encroachment into easement areas is not permitted without approval. The GO Riteway plan does not encroach into the conservation easement.
2. Applicants have submitted a Minor Site Plan Amendment for review of changes to the parking lot and removal of a building. This application is currently under review. More extensive site changes requiring stormwater facilities, or expansion of parking areas, will require a Site Plan review and approval. At this time no extensive site plans changes are anticipated.

## **Project Summary**

3. Please provide general information about any future expansion plans. Future expansion plans, if any arise, are expected to be consistent with the proposed use.

## **Special Use Standards and Regulations**

4. Note that future expansion of the use may require a traffic study to address the requirements of §15-3.0701A5 that the use may not create undue congestion. Understood

## **Signage**

5. Please note that any changes to signage will require issuance of a Sign Permit. We anticipate a monument sign identifying the GO Riteway entrance and will submit for permit prior to installation.

## **Inspection Services Department Comments**

6. Any proposed interior/exterior building alterations shall be designed and constructed in accordance with the Wisconsin Commercial Building Code. Understood



**DIVISION 15-3.0700      SPECIAL USE STANDARDS AND REGULATIONS**

**SECTION 15-3.0701      GENERAL STANDARDS FOR SPECIAL USES**

A. ***General Standards.*** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

*Response: The proposed use fits with the general and specific purposes of the Ordinance.*

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

*Response: The proposed use will serve the needs of the community by providing transportation for school children*

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

*Response: The proposed use will not dominate the immediate vicinity nor interfere with the use and development of neighboring property.*

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

*Response: The proposed use is adequately served by utilities*

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

*Response: The proposed use is not anticipated to cause undue traffic congestion.*

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

*Response: The proposed use will not result in the destruction, loss or damage of any features of significant importance.*

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

*Response: The proposed use will comply with applicable regulations and standards.*

- B. **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

*Response: We understand compliance with special standards is a requirement.*

- C. **Considerations.** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:

1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

*Response: The proposed use will serve the needs of the community by providing transportation for school children*

2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

*Response: The subject site is an excellent location for the proposed use.*

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

*Response: The proposed use does include a mitigation plan*

4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

*Response: The proposed use is consistent with the existing uses in the surrounding industrial park.*

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;">KLK</p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">December 20, 2022</p>
<p style="text-align: center;"><b>REPORTS AND RECOMMENDATIONS</b></p>	<p style="text-align: center;">A Resolution Authorizing Certain Officials to Execute an Agreement to Continue Professional Environmental Engineering Services to Monitor Compliance at the Metro Recycling &amp; Disposal Facility to December 31, 2023, with JSA Environmental, Inc.</p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G.13</p>

JSA Environmental, Inc. has been providing landfill monitoring services at the Metro landfill for the past 18 years. The last annual contract expires December 31, 2022. Attached is a draft contract to renew the terms of the 2022 agreement for 2023; rates therein and terms thereof have not changed from last year, except for Article 4.H. Insurance, for which the amounts and coverages have been increased. Waste Management of Wisconsin, Inc. is obligated to provide reimbursement for the contract cost pursuant to Article IV.24.B. of the WWMI Metro Landfill Facility Greenspace Protection and Limited Landfill Expansion Agreement dated August 16, 2010. The contract price is a cost not to exceed \$20,000.00, as adjusted by the consumer price index as set forth in the Agreement.

**COUNCIL ACTION REQUESTED**

A motion to adopt A Resolution Authorizing Certain Officials to Execute an Agreement to Continue Professional Environmental Engineering Services to Monitor Compliance at the Metro Recycling & Disposal Facility to December 31, 2023, with JSA Environmental, Inc.



December 5, 2022

Project No: 1036.10066  
Jesse Wesolowski, Esq  
Attorney to the City of Franklin  
11402 W. Church Street  
Franklin, Wisconsin 53132

Re: 2023 JSA Environmental Professional Services for the City of Franklin

Dear Jesse;

We, JSA Environmental (JSA), would like to continue to offer our Professional Services to the City of Franklin. We consider the City of Franklin to be a Legacy Client and offer rates that are greatly reduced (~60%) from our Standard Rates. Attached is a copy of our Legacy Rates for 2023, which mirrors the rates charged in 2021 & 2022; JSA last raised their rates in 2020.

Also attached, please find our "Scope of Professional Services". JSA currently audits the WMWI Metro Facility twice per month and reports directly to the Waste Facility Monitoring Committee, and its Chair; Marvin Wolff.

Our Principal Engineer, as of June 2018, supplies the majority of services to the City of Franklin. He now has more than 15 years of experience auditing the operation and reviewing the design of the WMWI Metro Facility as well as over 30 years total experience in environmental engineering and consulting.

I, as Principal Engineer, and my staff; greatly appreciate the experience and the continued opportunity to serve the City of Franklin. If you, or the City of Franklin, have any questions or comments regarding our current or future services, please do not hesitate to contact me.

Thank you,

Jo-Walter Spear, Jr., P.E., S.C. JSA Environmental, Principal Engineer



# **STANDARD AGREEMENT FOR SERVICES TO MONITOR COMPLIANCE AT METRO RECYCLING AND DISPOSAL FACILITY DURING OPERATIONS AND CONSTRUCTION**

**This Standard Agreement for Services (the "AGREEMENT") is between JSA Environmental, Inc., a Subchapter S corporation organized pursuant to Wisconsin Law (CONSULTANT), and the City of Franklin, a municipal corporation organized pursuant to Wisconsin Law (CLIENT).**

## **ARTICLE 1. SCOPE OF SERVICES**

The CONSULTANT shall provide consulting services (the "Services") as described in Attachment A. An initial draft of the Auditor's Manual shall be provided to the Metro Recycling & Disposal Facility Monitoring Committee by CONSULTANT within 7 (all days shall be calendar days) days of the date of notice and authorization to CONSULTANT to proceed. CONSULTANT shall further respond to any Committee requirements upon such Auditor's Manual within 7 days of receipt. Odor monitoring Services shall commence within 7 days of the Monitoring Committee's approval of the Auditor's Manual. Notwithstanding anything to the contrary set forth in Attachment A, all auditing reports shall additionally be provided by CONSULTANT to the Monitoring Committee, reports to the City of Franklin shall be to the City Clerk, and all reports prepared in the ordinary course of business shall be delivered electronically, except for quarterly reports, which shall be delivered in paper form to the Monitoring Committee and the City Clerk. Electronic transmissions of all reports shall be made by CONSULTANT within 24 hours of the completions of such reports. Initial odor complaint mapping shall be completed by CONSULTANT concurrent with the completion of the Auditor's Manual. Hours budgeted for operations and construction auditing within Attachment A include and are sufficient to allow for the provision of professional advice by CONSULTANT upon the request of CLIENT, as to available remedies or available remedial action, which may be necessary to cure any occurrences or conditions disclosed upon audit.

## **ARTICLE 2. COMPENSATION**

Compensation to be paid by CLIENT to the CONSULTANT is described in Attachment A. Notwithstanding anything to the contrary set forth in Attachment A, CONSULTANT shall provide those Services and those Service hours per Task for such total compensation and expenses as shall not exceed those "TOTAL" amounts as are specifically allocated to such Tasks, respectively, in Attachment A. Such TOTAL amounts include all costs for labor, overhead, G&A, benefits, taxes, profit and all actual reasonable expenses, which shall be in such amounts and as set forth upon the "Standard Rates and Conditions" schedule contained within Attachment A. Total compensation and expenses for all landfill operations auditing Services (including odor monitoring) to be provided annually, commencing January 1, 2023, shall not exceed \$20,000.00, as adjusted by the consumer price index as set forth in the WMWI Metro Landfill Facility Greenspace Protection and Limited Landfill Expansion Agreement dated August 16, 2010, at Article IV 24 B.

# **STANDARD AGREEMENT FOR SERVICES TO MONITOR COMPLIANCE AT METRO RECYCLING AND DISPOSAL FACILITY DURING OPERATIONS AND CONSTRUCTION**

## **ARTICLE 3. TERMS OF PAYMENT**

Payment by CLIENT to CONSULTANT shall be monthly, based on the invoicing provided by CONSULTANT

### **A. INVOICING**

The CONSULTANT shall submit itemized invoices to CLIENT for progress payments once each month during the progress of the Services. Such invoices will represent the value of the completed Services, and will be prepared in such form and supported by documentation as CLIENT may reasonably require.

### **B. PAYMENTS**

CLIENT will review and approve invoices for payment. CLIENT will make payment to the CONSULTANT within thirty (30) days after receipt of the invoice. Progress payments to CONSULTANT will not constitute acceptance of the Services.

### **C. LIENS**

CONSULTANT will promptly pay for all services, labor, material, and equipment used or employed in the Services, and will maintain all materials, equipment, structures, buildings, premises, and other subject matter hereof free and clear of mechanic's or other liens.

## **ARTICLE 4. OBLIGATION OF CONSULTANT**

### **A. INDEPENDENT CONTRACTOR**

CONSULTANT is an independent contractor and will maintain complete control of and responsibility for its employees, subcontractors, and agents. The CONSULTANT shall also be solely responsible for the means and methods for carrying out the Services.

### **B. REPORTING**

CONSULTANT shall, if requested by CLIENT, submit with its monthly invoice, progress reports, in a form acceptable to CLIENT.

### **C. PERFORMANCE**

The standard of care applicable to CONSULTANT Services will be the degree of skill and diligence normally employed by others performing the same or similar Services and that of a professional engineer in Southeastern Wisconsin. The CONSULTANT will reperform any Services not meeting this standard without additional compensation.

### **D. WORKING FILES**

CONSULTANT will maintain files containing all work documentation including calculations, assumptions, interpretations of regulations, sources of information, and other raw data required in the performance of this AGREEMENT. CONSULTANT will provide copies of the information contained in its working files to CLIENT upon request of CLIENT and at the CLIENT'S cost. All copies of information and data given to CONSULTANT by CLIENT or generated by CONSULTANT in performance of the Services will be delivered by the CONSULTANT to CLIENT upon termination of the AGREEMENT. CONSULTANT may retain one copy of any documentation pertaining to the Services performed after the termination of this AGREEMENT.

### **E. HOLD HARMLESS**

CONSULTANT shall and hereby agrees to indemnify, defend, hold harmless and release CLIENT

# STANDARD AGREEMENT FOR SERVICES TO MONITOR COMPLIANCE AT METRO RECYCLING AND DISPOSAL FACILITY DURING OPERATIONS AND CONSTRUCTION

(including its directors, officers, employees, representatives and agents) for any and all losses, demands, damages, claims, costs and expenses (including reasonable attorney's fees and costs) relating to or resulting from bodily injury or death, and for damage to property during or related to the Services under this AGREEMENT, provided, however, this release shall not be effective as to the extent that any such bodily injury or death or damage to property resulted from gross negligence or willful misconduct of CLIENT

## F. CODES, LAWS, AND REGULATIONS

CONSULTANT will comply with all applicable codes, laws, regulations, standards, and ordinances in force during the term of this AGREEMENT. CLIENT shall provide copies of local ordinances and agreements pertaining to the site to CONSULTANT.

## G. PERMITS, LICENSES, AND FEES

CONSULTANT will obtain and pay for all permits and licenses required by law that are associated with the CONSULTANT'S performance of the Services and will give all necessary notices.

## H. INSURANCE

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

A General/Commercial Liability	\$2,000,000 per each occurrence for bodily injury, personal injury, and property damage \$4,000,000 per general aggregate,  <i>CITY shall be named as an additional insured on a primary, non-contributory basis</i>
B Automobile Liability	\$1,000,000 combined single limit  <i>CITY shall be named as an additional insured on a primary, non-contributory basis</i>
C Contractor's Pollution Liability	\$1,000,000 per occurrence \$2,000,000 aggregate  <i>CITY shall be named as an additional insured on a primary, non-contributory basis</i>
D Worker's Compensation and Employers' Liability	Statutory  <i>Contractor will provide a waiver of subrogation and/or any rights of recovery allowed under any workers' compensation law</i>
E Professional Liability (Errors & Omissions)	\$2,000,000 single limit

Upon the execution of this AGREEMENT, CONTRACTOR shall supply CLIENT with a suitable statement certifying said protection and defining the terms of the policy issued, which shall

# **STANDARD AGREEMENT FOR SERVICES TO MONITOR COMPLIANCE AT METRO RECYCLING AND DISPOSAL FACILITY DURING OPERATIONS AND CONSTRUCTION**

specify that such protection shall not be cancelled without thirty (30) calendar days prior notice to CLIENT, and naming CLIENT as an additional insured as required above

## **I. ACCESS TO RECORDS**

The CONSULTANT will maintain accounting records, in accordance with generally accepted accounting principles and practices, to substantiate all invoiced amounts. Unless otherwise provided in a Task Order said records will be available for examination by CLIENT during CONSULTANT'S normal business hours for a period of three (3) years after CONSULTANT'S final invoice to the extent required to verify the costs incurred hereunder.

## **J. SUSPENSION OF WORK**

The CONSULTANT will, upon written notice from CLIENT, suspend, delay or interrupt all or a part of the Services. In such event, CONSULTANT will resume the Services upon written notice from CLIENT, and an appropriate extension of time will be mutually agreed upon and added to CONSULTANT'S time of performance. CLIENT will reimburse CONSULTANT for reasonable termination and start up costs should work be suspended, interrupted or delayed unless due to the wrongful act or omission of CONSULTANT under this AGREEMENT or its duties of skill and diligence.

## **K. WORKING RELATIONSHIP BETWEEN WASTE MANAGEMENT OF WISCONSIN, Inc., J Spear Associates, Inc. AND THE CITY OF FRANKLIN**

During the term of this AGREEMENT no CONSULTANT employee or subconsultant working under this AGREEMENT shall knowingly perform any work for Waste Management of Wisconsin, Inc. or any of its subsidiaries. No CONSULTANT employee or subconsultant who has done work for Waste Management of Wisconsin, Inc. within two years of this AGREEMENT shall be assigned to work under this AGREEMENT.

## **L. CONFLICT OF INTEREST**

CONSULTANT warrants that neither it nor any of its affiliates, their officers, employees or agents, have any financial or other personal interest that would conflict in any manner with the performance of the services under this AGREEMENT and that neither it nor any of its affiliates, their officers, employees or agents, will acquire directly or indirectly any such interest. CONSULTANT warrants that it will immediately notify CLIENT if any actual or potential conflict of interest arises or becomes known to CONSULTANT. Upon receipt of such notification, review and written approval is required from CLIENT for the CONSULTANT to continue to perform work under this AGREEMENT.

## **M. CONSULTANT'S PERSONNEL AT THE SUBJECT SITE**

The presence of duties of CONSULTANT'S personnel at the subject site, whether as onsite representatives or otherwise, do not make CONSULTANT or its personnel in any way responsible for those duties that belong to the CLIENT and/or contractors, or other entities, and do not relieve the contractors or any other entity of their obligations, duties, and responsibilities, including, but not limited to, all construction/operation methods, means, techniques, sequences, and procedures necessary for coordinating and completing all portions of work in accordance with the Contract Documents and any health and safety precautions required by such activities. CONSULTANT and its personnel have no authority to exercise control over any contractor or other entity or their employees in connection with their work or any health and safety precautions and have no duty for inspecting, noting, observing, correcting, or reporting on health and safety deficiencies of the contractor or other entity or any other persons at the site other than CONSULTANT'S own personnel.

# **STANDARD AGREEMENT FOR SERVICES TO MONITOR COMPLIANCE AT METRO RECYCLING AND DISPOSAL FACILITY DURING OPERATIONS AND CONSTRUCTION**

The presence of CONSULTANT'S personnel at the subject site is for the purpose of providing CLIENT a greater degree of confidence that the complete work will confirm to the applicable siting agreements and local and state laws, rules, codes, orders, and ordinances and that the integrity of the terms as reflected in the applicable siting agreements and local and state laws, rules, codes, orders, and ordinances have been implemented and preserved by the contractors. CONSULTANT neither guarantees the performance of the contractors nor assumes responsibility for contractor's failure to perform their work in accordance with the applicable siting agreements and local and state laws, rules, codes, orders, and ordinances.

## **ARTICLE 5. OBLIGATIONS OF CLIENT**

### **A. TIMELY REVIEW**

CLIENT will examine the CONSULTANT'S studies, reports, proposals, and other related documents and render decisions required by CONSULTANT a timely manner.

### **B. PROMPT NOTICE**

CLIENT will give written notice to CONSULTANT whenever CLIENT observes or becomes aware of any development that affects the scope or timing of CONSULTANT Services, or any defect in the work of the CONSULTANT.

### **C. CHANGES**

CLIENT may, by written order only, make changes, revisions, additions, or deletions (collectively hereinafter called "changes") in the Services. CONSULTANT will immediately, upon knowledge of any potential changes (including actions, inactions, and written or oral communications) that do not conform to the authorized method of directing changes specified herein, notify CLIENT of such changes and will request written disposition. The CONSULTANT will not proceed with any changes unless notified to proceed in writing by CLIENT. Nothing herein will be construed as relieving the CONSULTANT of its obligations to perform, including without limitation, the failure of the parties to agree upon the CONSULTANT entitlement to, or the amount of, any adjustment in time or compensation. Any claim by the CONSULTANT for an adjustment under this paragraph must be preceded by CONSULTANT'S written notice to CLIENT prior to performing any work or changes that such work or changes will require additional payment to that contemplated by this AGREEMENT. If the Services are reduced by changes, such action will not constitute a claim for damages based on loss of anticipated profits.

### **D. AUTHORITY OF CLIENT**

The authority and responsibility of CLIENT are limited to the provisions set forth in this AGREEMENT.

## **ARTICLE 6. GENERAL LEGAL PROVISIONS**

### **A. PROPRIETARY INFORMATION**

All prices, rates, designs, reports, data, services, specifications, and other information related to the Services contain and comprise proprietary and company confidential information of CLIENT, and potentially other teaming partners. Except for the purpose hereof, CONSULTANT shall not publish or disclose to any third party or make use of such information during or at any time following the expiration or earlier termination hereof except if such disclosure is required by CLIENT, order of a court of competent jurisdiction, or otherwise required by applicable law.



# **STANDARD AGREEMENT FOR SERVICES TO MONITOR COMPLIANCE AT METRO RECYCLING AND DISPOSAL FACILITY DURING OPERATIONS AND CONSTRUCTION**

## **B. ASSIGNMENTS**

Neither party shall have the power to or will assign any of the duties or rights or any claim arising out of or related to this AGREEMENT, whether arising in tort, contract or otherwise, without the written consent of the other party. Any unauthorized assignment is void and unenforceable. These conditions and the entire AGREEMENT are binding on the heirs, successors, and assigns of the parties hereto.

## **C. WAIVERS**

No waiver by either party of any default by the other party in the performance of any provision of this AGREEMENT will operate as, or be construed as, a waiver of any future default, whether like or different in character.

## **D. FORCE MAJEURE**

Neither party to this AGREEMENT will be liable to the other party for delays in performing the Services, or for the direct or indirect cost resulting from such delays, that may result from labor strikes, riots, war, and acts of governmental authorities, extraordinary weather conditions or other natural catastrophe, or any cause beyond the reasonable control or contemplation of either party.

## **E. AUTHORIZATION TO PROCEED**

Verbal authorization by CLIENT, followed by confirming letter to CONSULTANT will be authorization for CONSULTANT to proceed with the Services.

## **F. NO THIRD PARTY BENEFICIARIES**

This AGREEMENT gives no rights or benefits to anyone other than the CONSULTANT and CLIENT and has no third party beneficiaries.

## **G. JURISDICTION**

The laws of the State of Wisconsin shall govern the validity of this AGREEMENT its interpretation and performance, and any other claims related to it. The venue for any dispute shall be the Circuit Court for Milwaukee County. The prevailing party in any such litigation shall be entitled to be awarded its reasonable attorney's fees.

## **H. SEVERABILITY AND SURVIVAL**

If any of the Provisions contained in this AGREEMENT are held invalid, illegal, or unenforceable the unenforceability of the other remaining provisions shall not be impaired thereby. Limitations of liability, indemnities, and other express representations shall survive termination of this AGREEMENT for any cause.

## **I. TERMINATION**

### **(1) TERMINATION FOR CONVENIENCE**

CLIENT, for its convenience, may, effective forthwith upon any notice, terminate all or part of this AGREEMENT. In such event the CONSULTANT will be entitled to compensation for the Services competently performed up to the date of termination. The CONSULTANT will not be entitled to compensation for profit on the Services not performed.

### **(2) TERMINATION FOR DEFAULT**

CLIENT may, by written notice, terminate the whole or any part of the AGREEMENT for default in

# STANDARD AGREEMENT FOR SERVICES TO MONITOR COMPLIANCE AT METRO RECYCLING AND DISPOSAL FACILITY DURING OPERATIONS AND CONSTRUCTION

the event that the CONSULTANT fails to perform any of the provisions of this AGREEMENT, or fails to make progress as to endanger performance of the AGREEMENT in accordance with its terms, or, in the opinion of CLIENT, becomes financially or legally incapable of completing the Services and does not correct such to CLIENT'S reasonable satisfaction within a period of seven (7) working days after receipt of notice from CLIENT specifying such failure

If after notice of termination, it is determined for any reason that the CONSULTANT was not in default or that the default was excusable, the rights and obligations of the parties will be the same as if the notice of termination had been issued pursuant to TERMINATION FOR CONVENIENCE

In the event of termination for default, the CONSULTANT will not be entitled to termination expenses. Regardless of the cause of termination the CONSULTANT shall deliver legible copies of all completed or partially completed work products and instruments of service including, but not limited to laboratory, field or other notes, log book pages, terminal data, computations and designs.

The rights and remedies of CLIENT provided in this Article will not be exclusive and are in addition to any other rights and remedies provided by law or equity or under this AGREEMENT.

## J. DELAYS AND EXTENSION OF TIME

If the CONSULTANT is delayed in the progress of the Services by any act or neglect of CLIENT or by any separate teaming partner, or by strikes, lockouts, fire, unusual weather conditions, or unavoidable casualties, the CONSULTANT will, within twenty-four (24) hours of the start of the occurrence give notice to CLIENT of the cause of the potential delay and estimate the possible time extension involved. Due to the time sensitive nature of the Services being provided by CONSULTANT any extension or delays in CONSULTANT'S performance must be negotiated by the parties such that CLIENT can still meet deadlines which are established by entities that are not parties to this AGREEMENT. No extension of time will be granted to the CONSULTANT for delays occurring to parts of the Services that have no measurable impact on the completion of the Services under this AGREEMENT. No extension of time will be considered for weather conditions normal to the area in which the Services are being performed. Unusual weather conditions if determined by CLIENT to be of a severity that would stop all progress may be considered as cause for an extension of completion time. Delays in delivery of equipment or material purchased by the CONSULTANT or its subcontractors will not be considered as a just cause for delay. The CONSULTANT will be fully responsible for the timely ordering, scheduling, expediting, and/or delivery of all equipment, materials, and personnel.

## K. TERM OF AGREEMENT

The AGREEMENT shall extend to and expire upon December 31, 2023. This term may be extended by mutual consent of both parties.

## ARTICLE 7. NOTICES

For the purposes of this agreement, notices will be by United States Mail to

For the CLIENT

For the CONSULTANT

City of Franklin \_\_\_\_\_

JSA Environmental, Inc \_\_\_\_\_

9229 West Loomis Road \_\_\_\_\_

2410 N Palmer Street \_\_\_\_\_

**STANDARD AGREEMENT FOR SERVICES TO MONITOR COMPLIANCE AT METRO RECYCLING AND DISPOSAL FACILITY DURING OPERATIONS AND CONSTRUCTION**

Franklin, Wisconsin 53132

Milwaukee, WI 53212

ATTN Glen E Morrow, City Engineer

ATTN Jo-Walter Spear, Jr, P E

**ARTICLE 8. SIGNATURES AND ATTACHMENTS**

**A.** The following attachments are made part of this AGREEMENT Attachment A

**B.** This AGREEMENT executed in duplicate original, represents the entire AGREEMENT between the parties, supersedes all prior agreements and understandings and may be changed only by a written amendment executed by both parties

IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed on the dates set forth below and delivered and effective the \_\_\_\_ day of December, 2022

Approved for **JSA Environmental, Inc.**

Accepted for **City of Franklin**

By \_\_\_\_\_

By \_\_\_\_\_

Name Jo-Walter Spear, Jr, P E

Name Stephen R Olson

Title Project Manager

Title Mayor

Date \_\_\_\_\_

Date \_\_\_\_\_

By \_\_\_\_\_

Name Karen L Kastenson

Title City Clerk

Date \_\_\_\_\_

By \_\_\_\_\_

Name Denise D Gilbert

Title Director of Finance & Treasurer

Date \_\_\_\_\_

Approved as to form

By \_\_\_\_\_

Name Jesse A Wesolowski

Title City Attorney

Date \_\_\_\_\_

# *JSA Environmental, Inc. (JSA) Scope of Professional Engineering Services to The City of Franklin, WI*

## **LANDFILL OPERATIONS AUDITING**

The scope of services has been broken down into the following tasks:

### ***Task 1 Auditor's Manual***

The auditor's manual is reviewed and updated, annually. The budget for this task assumes one hour to review and update the manual.

**Deliverables:** Auditors Manual

### ***Task 2 Operations and Construction Audit***

JSA auditors will perform audits of landfill operations and any construction activities occurring during the audit. The audit of operations will include, but not be limited to, observation of waste receipt; weigh-in, placement and compaction of wastes; the application of cover materials and cover integrity; odor monitoring (on-site and off-site); leachate management, including leachate recirculation, evaporation, and disposal; landfill gas recovery system operations; flare stability and consistency; vegetation observations for signs of landfill gas or leachate stress; and other necessary operations for the facility. To maximize the efficiency of the audits, JSA has prepared an audit form that encompasses regulatory, permit, and contractual requirements, as well as other standards of practice in the solid waste industry. JSA has used this form, or one similar to it, at other facilities. JSA will provide the City of Franklin, Metro Waste Disposal and Recycling Monitoring Committee (Committee) and Metro Waste Disposal and Recycling Facility(Metro) with an audit report following each site visit. Particular attention will be paid to activities and procedures that do not conform the contract between Metro and the City of Franklin (City). We will provide our findings and recommendations to the Committee in writing.

Inspection of operations will be conducted during each site visit, as appropriate. Construction continues at a landfill after the major actions of building new cells. The addition of a new landfill gas recovery well, placement of incremental cap areas, erosion damage repairs and other construction activities will be observed if they are in process during the audit.

Our team has extensive experience in all aspects of landfill construction and operation and will draw upon our Project Manager's experience with landfill construction and operations, with the support of our Principal, who has over 30 years of landfill construction and operations experience. We will use our experience to anticipate problems and to keep the City fully informed of the project status.

Our budget for this task is based on the assumption that one team member will spend 3 to 4 hours at the site each week, with senior review of the audit reports.

During periods of intense or complex construction, the audits may consume more time than anticipated above. Our experience in other audit situations is that there are opportunities to manage the total budget to prevent budget over runs at the project level.

**Deliverables:** Copy of landfill operations audit report following each site visit, including a copy of the landfill construction audit report for construction activity occurring during the audit; Year End Report

### ***Task 3 Odor Monitoring***

JSA will conduct Odor Monitoring before and during every audit event at the Metro site. A course about the landfill has been defined for the limits of odor monitoring and the results of each event are recorded upon a map that is included in the Audit report. JSA also maintains an online database of all odors reported and their geographic location about the Metro site.

**Deliverables:** Copy of the Odor Monitoring Map with every Audit Report, provide and maintain database of odor complaints.

### ***Task 4 Environmental Monitoring and Data Analysis***

At the direction of the City or the Committee, JSA will review and evaluate groundwater quality and surface water quality data, groundwater elevation data, leachate quality data; and landfill gas data provided by Metro to the City or the Wisconsin Department of Natural Resources (WDNR). This evaluation will include both a general trend analysis and a trend analysis that relates to the background data.

If our team identifies significant changes or anomalies in the groundwater or surface water data, we will evaluate the impact of the landfill on those changes and notify the City. At the request of the City, we will identify appropriate mitigation actions and present these actions in a technical memorandum for the City's review.

**Deliverables:** Quarterly and Annual review of Metro's analysis of groundwater and surface water quality and an assessment of the numerical results; a memorandum summarizing the observation during a quarterly groundwater and surface water monitoring event; quarterly and annual review of Metro's sampling and analysis of landfill gas and an assessment of the numerical results; and a memorandum summarizing the observation during a landfill gas monitoring event.

### ***Task 5 Facility Closure and Post-Closure Care Monitoring***

At the direction of the City, JSA will make independent annual determinations of the funding level (+30% or -50%) necessary to close the landfill and to monitor and maintain it for a period of 30-years following closure. This level will be compared to the current balance of the facility closure, monitoring, and maintenance funds or current calculations of that fund, by Metro. We will provide a written



assessment to the City indicating whether sufficient funds have been set aside.

**Deliverable:** Annual written report assessing funding requirements for closure and post-closure monitoring.

### ***Task 6 Attendance at Landfill Committee Meetings***

JSA will attend the Committee Meetings in order to address questions from members of the committee. Typically, the Auditor and/or an engineer will attend the meeting, based on our understanding of committee concerns. We request to be placed on the agenda early in the meeting and will attend for a period of one hour at no cost to the City. If we are requested to remain after the hour, the City will be billed for the time at the regular hourly rate of our attendees. The budget for this task assumes that we will spend no more than one hour at the meetings.

**Deliverable:** Documentation as requested by the committee at prior meetings, if any.

### ***Task 7 Additional Services as Requested***

JSA is prepared to perform a variety of tasks for the duration of the contract period not specifically addressed in the scope of services. Our experience suggests that the flexibility offered by this arrangement will be extremely valuable to the City. Because of the variety of situations that are encountered in the course of landfill construction and operation, there are services that may be requested that can not be envisioned at the time the scope of services is written. The following list is not a proposal for additional services, but a short lists of examples of services we have been asked to provide during an audit contract that were not envisioned in the contract:

- Consultation regarding storm water and erosion control when problems occur,
- Consultation regarding alternative daily cover,
- Consultation regarding the Operator's plans to meet new regulations including air quality, gas management, and NPDES regulations,
- Consultation regarding Operator proposals to change environmental monitoring plans,
- Solid waste market assessment and consultation,
- Consultation on the effectiveness and selection of landfill deodorants,
- Consultation on and the preparation of comments regarding legislation or regulation that effects landfill operation or impacts the agreement between the community and the landfill

**Deliverable:** Deliverable and level-of-effort for activities under this Task will be developed on a case by case basis as requested by the City

**Rates and Conditions  
 For Legacy Clients  
 2023**

<u>Title</u>	<u>Rate</u>
Principal Engineer	\$ 95.00
Administration	\$ 55.00
Engineering Technician	\$ 55.00

Mileage is billed at \$ 0.63 per mile and travel is billed at one-half the traveler's hourly rate. Copies are billed at \$ 0.15 per page for letters, memoranda, reports, etc and \$0.85 for color letter sized. Drawings are billed at \$ 1.50 per square foot of drawing for black and white and \$ 8.00 per square foot for color. All other direct expenses are itemized on our invoice. Invoicing will include any disposable supplies or special equipment, as applicable. Clients will be provided with a secure Intranet page, for the receipt and maintenance of deliverables and other documents. Our secure intranet page is also available for collaborative document development and review. A 10 % surcharge will be applied to all expenses to cover administration and management. Each client invoice is assessed an hour of Administrative Services to recover accounting and billing costs.

JSA Environmental charges time on the basis of the nearest ½ hour for engineers and planners and the nearest ¼ hour for graphics, CAD, and Administrative personnel. Invoicing is done at least once each month, either around the middle of the month or the end of the month, based on client preference. Invoices will be submitted within ten (10) days of the close of the billing period and are payable upon receipt. Should invoices be issued outside of this schedule, they are due and payable upon receipt. JSA reserves the right to assess late charges of 5.0% of the principal per month against all invoices not paid within 60 days of issuance. In addition, work on the project by JSA may be suspended and data, reports and/or other products withheld, should invoices not be paid within 45 days. Invoices are due and payable upon receipt. Invoices paid within fifteen (15) days of issuance are eligible for a 2.5% discount, which may be taken by the client when making payment.

RESOLUTION NO. 2022-\_\_\_\_\_

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT TO CONTINUE PROFESSIONAL ENVIRONMENTAL ENGINEERING SERVICES TO MONITOR COMPLIANCE AT THE METRO RECYCLING & DISPOSAL FACILITY TO DECEMBER 31, 2023, WITH JSA ENVIRONMENTAL, INC.

WHEREAS, JSA Environmental, Inc. having proposed to provide continued services as previously approved by the Common Council for the monitoring of the Metro Recycling & Disposal Facility landfill operations, for compliance with applicable state and local laws, codes, rules, orders and ordinances and siting agreements, to the end of the year 2023, the cost of such services being reimbursable to the City pursuant to Article IVB. of the WMWI Metro Landfill Facility Greenspace Protection and Limited Landfill Expansion Agreement; and

WHEREAS, the Common Council having considered such proposal and the resources currently available to obtain such monitoring services, and the benefit to the Community from the provision of such services and having found such proposal to be reasonable.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the agreement for Professional Environmental Engineering Services to Monitor Compliance at Metro Recycling & Disposal Facility landfill, with JSA Environmental, Inc., as previously extended by the Common Council to December 31, 2022, be further extended to December 31, 2023, to provide services limited to bi-monthly audits, reports thereon and government meeting attendance limited to one hour each meeting, and such prior contract terms as may be applicable thereto, at cost not to exceed \$20,000.00, as adjusted by the consumer price index as set forth in the WMWI Metro Landfill Facility Greenspace Protection and Limited Landfill Expansion Agreement dated August 16, 2010, at Article IV.24.B., and all in such form and content as annexed hereto, be and the same is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and the same are hereby authorized to execute and deliver such agreement.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

RESOLUTION NO. 2022-\_\_\_\_\_

Page 2

APPROVED:

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

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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

<p><b>APPROVAL</b></p> <p>KLK</p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p>12/20/2022</p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>2023 Property and Casualty Insurance Coverage</b></p>	<p><b>ITEM NUMBER</b></p> <p>G.14.</p>

The City of Franklin currently obtains its liability insurance plans from the League of Wisconsin Municipalities Mutual Insurance Plan (LWMMI), with R&R Insurance serving as the agent, and its property insurance plans from Chubb. LWMMI has served the City since 2004. The City's property insurance policies have been with Chubb since 2016. Claims processing and response times have been very good with both companies.

**Liability**

The City carries a \$10 Million limit of liability with LWMMI, with a \$5,000 deductible. LWMMI began offering the increased limit of liability option of \$10 Million, up from the previous \$6 Million limit, in 2019; this increase in coverage eliminates the City's need to purchase an additional Umbrella policy. LWMMI also provides Terrorism liability coverage automatically at no additional cost (up to the \$10M limit). LWMMI coverages for the City include General Liability, Police Professional Liability, Public Officials Liability, Auto Liability, and Auto Physical Damage. With all of these combined, the total liability package premium for 2023 is \$270,868; a \$2,162 decrease (-0.8%) from 2022.

For the 2023 Workers Compensation, the City's premium will decrease by \$113,267 from the 2022 premium, for a total 2023 premium of \$314,669, subject to reconciliation of final salaries and wages. Workers Compensation is based on the State-calculated experience modification ratio for the last 3 years of claims history, which for 2023 the City's experience modification ratio decreased from 1.05 to .81. LWMMI continues to use United Heartland as its administrator for the Workers Compensation policy. Please note that LWMMI will not write a policy without Workers Compensation. In addition, the workers compensation rates are statutorily set and the full amount of LWMMI premiums are subject to potential annual dividends. The 2021 policy dividend, received in 2022, was \$37,425 and the 2020 policy dividend, received in 2021, was \$66,975. Worker's Compensation premiums for the past five years were: \$427,936 in 2022, \$453,645 in 2021, \$397,760 in 2020, \$425,971 in 2019, and \$400,696 in 2018.

The City also carries a Storage Tank liability policy with ACE American Insurance Company, with coverage of \$1,000,000 per incident / \$2,000,000 total policy aggregate limit, at a renewing cost of \$4,687, which is up \$151 from the prior year. For Crime coverage, the City contracts with Hanover due to their expanded coverage that includes Employee Theft, Forgery or Alteration, Inside the Premises Theft of Money & Securities, Outside the Premises, Computer Fraud, Funds Transfer Fraud, and False Pretense. The crime renewal policy rate for 2023 with Hanover remains the same as 2022 at \$2,797 as it is a 4-year policy covering through 1/1/2024.



## **Property**

Chubb, the City's current property policy provider, provided a 2023 property quote for the City's buildings and contents, property in the open, and contractor's equipment of \$103,312, an increase of \$6,709 from 2022. This property premium is based on a \$10,000 deductible for buildings/contents, a \$5,000 deductible for property in the open, and a \$1,000 deductible for contractor's equipment. The increase is due to a couple of factors: 1) Chubb issued a 4% inflation factor guard on buildings/contents and property in the open values, and 2) it was determined that the values for the non-permanent attachments on our DPW snowplow trucks, such as the plows, wings, spreaders, and brine tanks, needed to be removed from the auto value and added to our property "Contractor's Equipment" value. Thus, this made our auto values decrease but made our property values increase.

Chubb is a private, A++ rated insurance company that has been in business since 1882. Chubb's policy also includes the following:

- Machinery breakdown coverage as part of their total policy limit for Boiler & Machinery.
- A \$250,000 automatic blanket limit of insurance that applies to items such as fine arts; outdoor trees, shrubs, plants, or lawns; personal property of employees; accounts receivable; electronic data processing property; valuable papers; and public safety service charges.
- A \$250,000 added value to the Mobile Equipment (contractor's equipment) coverage for Fire and Police equipment that is not permanently mounted to the vehicles. This means that if a Fire or PD vehicle is in an accident, the Auto Physical Damage policy would apply/cover the damage to the vehicle only, not any equipment in or attached to the vehicle that was damaged. This \$250,000 added value would then cover any equipment that is in or attached to the vehicle that was also damaged.
- \$2,000,000 worth of Business Income/Extra Expense coverage, i.e. if a natural disaster occurred that destroyed City Hall or any other City buildings, costs up to \$2,000,000 would be covered for setting up at a different location with computers, phones, and other necessities to resume day-to-day business activities.
- Flood water coverage limits above the norm, including: inundation, back-up, and mud flow, based on the location of the buildings and if they reside in a floodplain zone.

## **Cyber Crime Insurance**

In 2020, the City added a cyber crime insurance policy through Chubb Insurance and LWMMI automatically included third-party cyber coverage up to our \$10 million limit; however, LWMMI then eliminated this third-party cyber coverage as of 1/1/2021. Third-Party cyber coverage covers the liability side of a cyber data breach (i.e., personal information data breach in which there is liability to a third party). Therefore, the City purchased a cyber crime insurance policy through Chubb that included both first-party and third-party cyber coverage where the premium was \$9,470 in 2021 and \$23,404 in 2022. For 2023, R&R Insurance recommends Cowbell Cyber Insurance as the City's only option for cyber insurance. Cowbell Cyber provided a cyber policy premium of \$38,933, a \$15,529 increase over 2022, that includes both first-party and third-party cyber coverage. This is comparable to the coverage and amount of the former Chubb policy previously purchased by the City.

## Summary

The Director of Administration recommends keeping the City's current liability and property insurance policies with LWMMI/R&R Insurance and subsidiary providers and Chubb the same for 2023 and moving to Cowbell Cyber for the City's cyber crime insurance policy.

The following table shows a summary of the 2022 premium costs and 2023 premiums through R&R Insurance/LWMMI, Chubb, and Cowbell Cyber for the City's liability, property, and cyber crime insurance policies. The 2023 total estimated cost for all liability, property, and cyber crime coverages is \$735,266, a decrease of \$93,040 from 2022, mainly due to the \$113,267 decrease in Worker's Compensation.

Coverage	2022 Cost	2023 Cost	Carrier
<b>Property Insurance</b>			
Buildings/BPP/PITO/Mobile Equipment/Boiler & Machinery	\$96,603 w/Terrorism	\$103,312 w/Terrorism	Chubb
<b>Liability Insurance</b>	<b>\$10M Limit</b>	<b>\$10M Limit</b>	
General Liability	93,753	91,354	R&R Ins./LWMMI
Police Professional	42,036	42,640	R&R Ins./LWMMI
Public Officials	49,460	52,615	R&R Ins./LWMMI
Auto Liability	28,183	27,875	R&R Ins./LWMMI
Auto Physical Damage	59,598	56,384	R&R Ins./LWMMI
Crime & Monies/Securities	2,797	2,797	R&R Ins./Hanover
Storage Tank	4,536	4,687	R&R Ins./ACE
Workers Compensation	427,936	314,669	R&R Ins./United Heartland
Cyber Insurance Policy	23,404	38,933	Cowbell Cyber
<b>Subtotal-Liability Insurance</b>	<b>\$731,703</b>	<b>\$631,954</b>	R&R Ins./LWMMI
<b>Total - Property &amp; Liability</b>	<b>\$828,306</b>	<b>\$735,266</b>	R&R/LWMMI & Chubb

The 2023 Insurance budget includes a total amount of \$766,000 for insurance coverage. Furthermore, note that the City annually receives a dividend check from the League of Wisconsin Municipalities, which was \$37,425 for the 2021 policy dividend. The 2022 policy year dividend check will be received in July/August of 2023. As such, it is expected that there are sufficient appropriations to fund the proposed policies as noted in the above table. Please note that final costs for the year will vary as, for example, new vehicles and equipment are added or removed from coverage throughout the year.

## COUNCIL ACTION REQUESTED

Motion to authorize the Director of Administration to renew and execute the City's casualty insurance plans with R&R Insurance/League of Wisconsin Municipalities Mutual Insurance (LWMMI), Chubb, Hanover, ACE American Insurance Company, and Cowbell Cyber for 2023, as noted in the table above, for an estimated total annual premium of \$735,266, and to further authorize the payment of premiums in accordance with or as required by said policy documents.

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;">KLL</p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">12/20/2022</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>Confirmation of the Appointment of Anthony Csavoj as Director of Inspection Services</b></p> <p style="text-align: center;"><b>The Common Council may enter closed session pursuant to Wis. Stats. §19.85(1)(c) and (f), to consider employment, promotion, compensation, or performance evaluation data of a public employee over which the Common Council has jurisdiction or exercises responsibility and to consider financial, social or personal histories of specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories and may re-enter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G.15.</p>
<p>Mayor Steve Olson and Director of Administration Peggy Steeno request confirmation of Anthony Csavoj as the City of Franklin Director of Inspection Services pending successful completion of the background check, which is underway, and a pre-employment drug screen, which will take place after successful completion of the background check.</p> <p>The starting salary for this position will be \$96,000, which is over the mid-point of the salary grade range. In addition to the standard benefits, a starting balance of 40 hours of sick time, accrual of 4 weeks of vacation, and 5 personal days per year was requested to be awarded upon start of employment. It is also requested that the employee be allowed to use sick time immediately if needed and utilize 1 week of vacation, if desired, in advance of 6 months of employment as stated in the Employee Handbook.</p> <p>Mr. Csavoj's employment application, as well as the job description for this position, is attached for review.</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>The Common Council may enter closed session pursuant to Wis. Stats. §19.85(1)(c) and (f), to consider employment, promotion, compensation, or performance evaluation data of a public employee over which the Common Council has jurisdiction or exercises responsibility and to consider financial, social or personal histories of specific persons which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories and may re-enter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.</p> <p>Motion to confirm the appointment of Anthony Csavoj as the Director of Inspection Services for the City of Franklin pending successful completion of a background check and pre-employment drug screen, including 40 hours of sick time, accrual of 4 weeks of vacation, and 5 personal days per year upon start of employment and the ability to utilize sick time immediately if needed and 1 week of vacation in advance of 6 months of employment.</p>		

**To:** Dana Zahn  
**Subject:** FW: Employment Application

**From:** [employmentapp@franklinwi.info](mailto:employmentapp@franklinwi.info) <[employmentapp@franklinwi.info](mailto:employmentapp@franklinwi.info)>  
**Sent:** Wednesday, October 26, 2022 1:09 PM  
**To:** Lisa Huening <[LHuening@franklinwi.gov](mailto:LHuening@franklinwi.gov)>; Dana Zahn <[DZahn@franklinwi.gov](mailto:DZahn@franklinwi.gov)>  
**Subject:** Employment Application

**LastName:** csavoj  
**FirstName:** Anthony  
**MiddleName:** N/A  
**ApplicantsStreetAddress:** [REDACTED]  
**ApplicantsHomePhone:** [REDACTED]  
**DaytimePhone:** [REDACTED]  
**EmailAddress:** [REDACTED]  
**Position:** Director of Inspection Services  
**DepartmentofPosition:** Inspection Services  
**performfunctionsofpositionyes:** yes  
**performfunctionsofpositionno:** no  
**USCitizenYes:** yes  
**USCitizenNo:** no  
**AgeYes:** yes  
**AgeNo:** no  
**WorkforCityYes:** yes  
**WorkforCityNo:** no  
**WhenworkedforCity:** August 1994 - July 2014  
**everterminatedbeforeyes:** no  
**everterminatedbeforeno:** yes  
**Fulltime:** yes  
**Parttime:** no  
**Temporary:** no  
**Permanent:** no  
**weekendsyes:** yes  
**WeekendsNo:** no  
**dateavailable:** January 2023  
**Hoursnotavailable:**  
**validdriverslicenseYes:** yes  
**validdriverslicenseno:** no  
**CDLyes:** no  
**cdlno:** yes  
**Convictionyes:** no

**ConvictionNo:** yes  
**LocationHighSchool:** Oak Creek Senior High School  
**GraduatedHSYes:** yes  
**GraduatedHSNo:** no  
**HSMajor:** Architecture/Drafting  
**HSDegree:** Diploma  
**LocationofVocational:** MATC & WCTC  
**VocationalGradYes:** no  
**VocationalGradNo:** no  
**VocationalMajor:** Certified Fire Inspector & UDC Plumbing Inspection  
**VocationalDegree:** Certifications  
**LocationofCollege:**  
**CollegeGradYes:** no  
**CollegeGradNo:** no  
**CollegeMajor:**  
**CollegeDegree:**  
**LocationofGraduateSchool:**  
**GraduateGradYes:** no  
**GraduateGradNo:** no  
**GraduateMajor:**  
**GraduateDegree:**  
**OtherEducationInfo:** For the past 30 years have completed an average of 30 continuing education credits per/year  
**employer1companyname:** City of Oak Creek  
**employer1phone:** 414-766-7000  
**employer1datestarted:** July 2014  
**employer1startingsalary:** \$70,000  
**employer1startingposition:** Building Inspector/Plans Examiner  
**employer1dateleft:** Current Employer  
**employer1salaryleaving:** \$81,000  
**employer1positionuponleaving:** N/A  
**employer1supervisorname:** Jeffrey Lynch, Inspection Supervisor  
**canemployer1becontactedyes:** no  
**canemployer1becontactedno:** yes  
**employer2companyname:** City of Franklin  
**Employer2phone:** (414)425-0084  
**employer2datestarted:** August 1994  
**employer2startingsalary:**  
**employer2startingposition:** Assistant Building Inspector  
**employer2dateleft:** July 2014  
**employer2salaryleaving:** \$63,000  
**employer2positionuponleaving:** Assistant Building Inspector  
**employer2supervisorname:** Fred Baumgart, Building Inspector



canemployer2becontactedyes: yes  
canemployer2becontactedno: no  
employer3companyname: West Allis Fire Dept.  
employer3phone: (414)302-8900  
employer3datestarted: April 1986  
employer3startingsalary:  
employer3startingposition: Firefighter/EMT  
employer3dateleft: July 1993  
employer3salaryuponleaving: \$40,000  
employer3positionuponleaving: Firefighter/Fire Inspector  
employer3supervisorname: Frank Zalar, Captain of Fire Prevention  
canemployer3becontactedyes: yes  
canemployer3becontactedno: no  
employer4companyname: Equifax Commercial Specialist  
employer4phone: (414)475-7390  
employer4datestarted: January 1993  
employer4startingsalary: \$12,000  
employer4startingposition: Underwriter Survey Specialist  
employer4dateleft: April 1994  
employer4salaryuponleaving: \$12,000  
employer4positionuponleaving: Underwriter Survey Specialist  
employer4supervisorname: Joseph Nuspl, Branch Manager  
canemployer4becontactedyes: yes  
canemployer4becontactedno: no  
referencename1: Bob Moehle  
reference1businessphone: [REDACTED]  
reference1jobtitle: Plumbing Inspector City of Oak Creek  
reference1relationship: Coworker  
reference2name: David Maier  
reference2businessphone: [REDACTED]  
reference2jobtitle: Senior Engineering Technician  
reference2relationship: Coworker  
reference3name: Daniel Feldman  
reference3phone: [REDACTED]  
reference3jobtitle: Flight Instructor  
reference3relationship: Instructor  
applicantsignature: Anthony Csavoj  
dateofapplication: 10/26/2022  
ethnicformdate: 10/26/2022  
ethnicformpositionappliedfor: Director of Inspection Services  
ethnicformname: Anthony Csavoj  
male: yes  
female: no

ethnicformdateofbirth: [REDACTED]  
ethnicformzipcode: [REDACTED]  
americanindian: [REDACTED]  
asian: [REDACTED]  
black: [REDACTED]  
nativehawaiian: [REDACTED]  
white: [REDACTED]  
hispanic: [REDACTED]  
ApplicantRemainingAddress: [REDACTED]  
DifferentMailingAddress: N/A  
ConvictionExplain:  
employer1address: 8040 S 6th St. Oak Creek, WI 53154  
employer1reasonforleaving: Can discuss at interview  
employer1descriptionofduties: Authorized to perform commercial building plan reviews as a designated agent of the Wisconsin Department of Safety and Professional Services. Conduct plan review for commercial and residential new construction, additions, and alterations. Issue applicable Building and HVAC permits. Conduct pre-construction meetings with building owners, developers, contractors, and designers to provide guidance and information relating to the inspection process. Perform all required field inspections and generate inspection reports, correction notices, and occupancy permits. Confer with the public, property owners, contractors, and designers regarding code and ordinance requirements. Conduct annual license inspections on commercial properties. Perform Occupancy inspections for new commercial occupants.  
employer2address: 9229 W. Loomis Road Franklin, WI 53132  
employer2reasonforleaving: Salary and State Pension  
employer2descriptionofduties: Conduct plan review for commercial and residential new construction, additions, and alterations. Issue applicable Building and HVAC permits. Conduct pre-construction meetings with building owners, developers, contractors, and designers to provide guidance and information relating to the inspection process. Perform all required field inspections and generate inspection reports, correction notices, and occupancy permits. Confer with the public, property owners, contractors, and designers regarding code and ordinance requirements. Conduct annual license inspections on commercial properties. Perform Occupancy inspections for new occupants or change of use in commercial buildings. Respond to complaints from citizens and other departments regarding Housing Code and City Ordinance violations  
employer3address: 7332 W. National Ave West Allis, WI 53214  
employer3reasonforleaving: wish to discuss  
employer3descriptionofduties: Performed Firefighter and Emergency Medical Technician services as an emergency first responder. Promoted to Fire Inspector, 11/1988. Promoted to Acting Lieutenant 07/1990. Performed fire prevention inspections of commercial, residential, and public buildings. Issued violations and conducted follow up compliance inspections. Responsible for occupancy permit inspections for new and existing buildings. Conducted plan review for new construction, renovations, alarm systems, sprinkler systems, and fire suppression systems. Responsible for plan approval and inspection of events at the Wisconsin State Fair Grounds. Coordinated and supervised the activities of three inspectors  
employer4address: 2825 W. Mayfair Rd Milwaukee, WI

**employer4reasonforleaving:** lay off, this was a part time position which I worked at concurrent with operating a Home Inspection Business from July 1993 to December of 1994.

**employer4descriptionofduties:** Conducted property inspections and building evaluations for insurance underwriters. Provided suggestions on risk management and loss control to property and business owners on a part time basis.

**periodbetweenjobs:** N/A

**additionalexperience:** Certifications Commercial Building Inspector, UDC Construction Inspector, UCD Electrical Inspector, UDC HVAC Inspector, UDC Plumbing Inspector and State Certified Fire Inspector. Professional Memberships: Southeastern Wisconsin Building Inspectors Association since 1994 including serving two terms on the Executive Board.

**equipmentexperience:** Experienced in BS&A and Bluebeam software systems

See Current Results.

**CITY OF FRANKLIN**  
**Job Description**

**Job Title:** Director of Inspection Services

**Department:** Inspection Services

**Reports To:** Director of Administration

**Appointing Authority:** Mayor

**Salary Level:** Salary Range 10

**FLSA Status:** Exempt

**Prepared By:** Mark Luberda, Director of Administration and Dana Zahn, Human Resources Coordinator

**Prepared Date:** March 2019

**Approved By:**

**Approved Date:**

**Summary:**

Supervise, administer, and perform the enforcement of the codes of the City of Franklin and the State of Wisconsin, and administer and enforce the provisions of those sections of the Municipal Code under the department's jurisdiction.

**Essential Duties and Responsibilities:**

Review plans and specification for compliance with local and state building codes.

Review surveys and site plans for compliance with the provisions of the zoning code

Issue building, heating, sign, and other departmental permits.

Conduct on-site building inspections, including footing, foundation, rough carpentry, insulation, occupancy, soil erosion, and housing inspections.

Assign work to the Inspection Services staff including but not limited to the building inspectors, plumbing, and electrical inspectors and supervise their work.

Meet with contractors, owners, and the general public to answer questions regarding building, housing, signs, and soil erosion.

Review and meet with contractors, architects, and developers in the preliminary stages of design to insure the compliance with building codes.

Attend, as Ex Officio member, Board of Zoning and Building Appeals meetings.

Attend, as Ex Officio member, the Architectural Board meetings.

Coordinate inspections and provide reports to the license committee on all liquor sale operations, all tavern and other licensed facilities prior to the issuance of a municipal license, as required.

Coordinate inspections and report to the license committee on the installation of all amusement rides.

Receive, delegate or perform, and coordinate the investigation and resolution of complaints.

Prepare and issue orders and citations in order to obtain compliance with Municipal standards.

Act as a witness in court cases to obtain compliance with Municipal codes.

Coordinate inspections with the Fire Department, building inspectors, plumbing, and electrical inspectors.

Prepare and administer budgets for the Inspection Services Department, under the direction of the Director of Administration.

Review and recommend changes to the building, plumbing, electrical, and sign codes

Prepare specifications and act as coordinator of municipal construction and remodeling projects.

Prepare specifications, bids, and purchase equipment for the Inspection Services Department.

Review and recommend revisions of codes used within the jurisdiction of the Inspection Services Department.

Attend meetings as required by the Mayor and Common Council. This may include meetings outside of normal business hours

**Peripheral Duties:**

Serve as representative of the city to the Building Inspector's Association of Southeastern Wisconsin and the WI Building Inspector's Association

**Minimum Qualifications:**

**Education and Experience:**

Graduation from a college or university with a Bachelor's degree, five (5) years building inspection experience, or any equivalent combination of education and experience.

**Language Skills:**

Ability to read, analyze, and interpret common scientific and technical journals, financial reports, and legal documents. Ability to respond to common inquiries or complaints from customers, regulatory agencies, or members of the business community. Ability to write speeches and articles for publication that conform to prescribed style and format. Ability to effectively present information to top management, public groups, and/or boards of directors.

**Mathematical Skills:**

Ability to work with mathematical concepts such as probability and statistical inference, and fundamentals of plane and solid geometry and trigonometry. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

**Reasoning Ability:**

Ability to define problems, collect data, establish facts, and draw valid conclusions. Ability to interpret an extensive variety of technical instructions in mathematical or diagram form and deal with several abstract and concrete variables.

**Necessary Knowledge, Skills, and Abilities:**

Thorough knowledge of building codes and construction standards and practices.

Thorough knowledge of zoning codes and their enforcement.

Thorough knowledge of building materials and their applications.

Working knowledge of structural engineering and the ability to review calculations and plans for compliance with code standards.

Skill in the operation of listed tools and equipment.

Ability to present and communicate ideas and concepts with the public, verbally and in writing, including the ability to present information to the Common Council and various other Boards and Commissions.

Ability to plan, delegate, and supervise personnel in a manner which will gain respect.

Ability to maintain effective work relationships with other departments, appointed officials, elected officials, and the public.

Ability to formulate, implement, and administer policies and procedures affecting the Inspection Services Department.

Ability to make independent judgments which have significant impacts on the organization.

**Supervision Exercised:**

Exercises supervision over Inspection Services Department personnel. Carries out supervisory responsibilities in accordance with the organization's policies and applicable laws

Responsibilities include interviewing and training employees, planning, assigning, and directing work, appraising performance, rewarding and disciplining employees, addressing complaints and resolving problems

**Responsibility for Public Contact:**

Daily contact requiring courtesy, discretion, and sound judgment.

**Licensing and Certification:**

State of Wisconsin Department of Safety and Professional Services (DSPS) Certifications in the categories of commercial buildings, Uniform Dwelling Code Categories of construction, and HVAC; Plumbing and Electrical preferred.

Valid Driver's License.



**Tools and Equipment Used:**

Personal computer, copy machine, fax machine, calculator, hand tools, automobile, radio and telephone.

**Software:**

The person shall have the ability to use products in the Microsoft Office suite, Crystal Reports, Govern Software, GIS, and software provided by Government agencies, product listing, approval and evaluation services (OSHA, UL, FM, ICC Evaluation Services).

**Physical Demands:**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Hand-eye coordination is necessary to operate computers and various pieces of office equipment. While performing the duties of this job, the employee is occasionally required to stand; walk; use hands and fingers to handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to sit, climb, balance, stoop, kneel, crouch, crawl, talk and hear.

The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

**Work Environment:**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee frequently works in outside weather conditions and occasionally in an office environment. The employee occasionally works near moving mechanical parts, in high, precarious places and is occasionally exposed to wet and/or humid conditions, or airborne particles.

The noise level in the work environment is usually quiet in the office, and moderate to loud in the field.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

<p>APPROVAL</p> <p>KLK</p>	<p>REQUEST FOR COMMON COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>12/20/2022</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p>Common Council Consideration of Code of Conduct Complaints. The Common Council may enter closed session pursuant to Wis.Stat. § 19.85(1)(f) considering financial, medical, social, or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.</p>	<p>ITEM NUMBER</p> <p>G.16.</p>
<p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>A motion to enter closed session pursuant to Wis.Stat. § 19.85(1)(f) considering financial, medical, social, or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations, 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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<b>APPROVAL</b> KLK	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 12/20/2022
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<b>LICENSES AND PERMITS</b>	<b>MISCELLANEOUS LICENSES</b>	<b>ITEM NUMBER</b> H.
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See attached minutes from the License Committee meeting of November 15 (Approved by the Common Council on November 15, 2022), the Special License Committee meeting of November 28, the License Committee meeting of December 6, and the agenda for the meeting of December 20, 2022.

1. Miscellaneous Licenses and Permits for 12/20/2022.
2. Fireworks Review Process & Communication from Residents.
3. Review and Discuss Extra Ordinary Events & Previous Citizen Input From 11/10/2022.

**COUNCIL ACTION REQUESTED**

1. As recommended by the License Committee for the meeting of December 20, 2022 .
2. Fireworks Review Process & Communication from Residents.
3. Review and Discuss Extra Ordinary Events & Previous Citizen Input From 11/10/2022.



414-425-7500

**License Committee  
 Agenda\***  
**Franklin City Hall Health Wing  
 9229 W. Loomis Rd  
 Franklin, WI  
 December 20, 2022 – 5:30 p.m.**

1.	<b>Call to Order &amp; Roll Call</b>	<b>Time:</b>
2.	<b>Citizen Comment</b>	
3.	<b>Approval of Minutes from the Regular License Committee Meeting of November 15, &amp; December 6, 2022 and the Special License Committee Meeting of November 28, 2022.</b>	
4.	<b>License Applications Reviewed</b>	<b>Recommendations</b>

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 2022-2023 New 5:35 p.m.	<b>Tengel, Lindsay</b> Hideaway Pub & Eatery			
Operator 2022-2023 New	<b>Baker, Nicole E</b> CVS Pharmacy			
Operator 2022-2023 New	<b>Becker, Amanda D</b> Romey's Place			
Operator 2022-2023 New	<b>Singh, Simran</b> Franklin Liquor Store			
"Class A" Beer & Liquor Change of Agent 2022-2023	<b>Walgreen Co.</b> DBA – Walgreens #05459 9909 W. Loomis Rd. Austin Korth			
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	<b>VFW Post 10394 (Franklin/Hales Corners) – St. Martin's Fair</b> Fee Waivers: St. Martin's Fair Licenses: Operators, Temporary Entertainment & Amusement, Temporary Class "B" Beer Licenses, and Peddler's Permit Dates of Event: 9/3/2023 – 9/4/2023 Location: Post Property, 11300 W. Church St.			
5. Fireworks Display Process	<b>Fireworks Display Process for License Committee Consideration and Discussion for Recommendation to the Common Council</b>			

Type/ Time	Applicant Information	Approve	Hold	Deny
6. Review & Discuss Extra Ordinary Events	Review and Discuss Extra Ordinary Events & Previous Citizen Input From 11/10/2022			
7.	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.





414-425-7500

**License Committee  
Agenda\***

**Franklin City Hall Hearing Room  
9229 W. Loomis Rd  
Franklin, WI  
November 15, 2022 – 5:45 p.m.**

1.	<b>Call to Order &amp; Roll Call – Alderwoman Eichmann, Wilhelm, Hanneman</b>	<b>Time: 5:47 p.m.</b>
2.	<b>Applicant Interviews &amp; Decisions</b>	
<b>License Applications Reviewed</b>		<b>Recommendations</b>

Type/ Time	Applicant Information	Approve	Hold	Deny
Reserve Class B Combination 2022-2023 5:50 p.m.	DBA Andy's On Ryan Rd <b>Ryan Fuel LLC</b> Kavita Khullar, Agent 5120 W Ryan Rd		Hold at Request of Applicant	
Operator 2022-2023 New	<b>Beaudot, Lauren T</b> Pick'n Save #6431	√		
Operator 2022-2023 New	<b>Drahonovsky, Cruz</b> Walgreens #05459	√		
Operator 2022-2023 New	<b>Jaime, Castiven</b> No Location	√		
Operator 2022-2023 New	<b>Tengel, Lindsay</b> Hideaway Pub & Eatery		Hold For Appearance	
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	<b>Xaverian Missionaries – Annual Mission Festival</b> Fee waivers: Extraordinary Event License, Temporary Class "B" Beer and Wine License, Operator Licenses, Temporary Food Licenses, and Sign Permits Dates of Event: 6/24/2023 – 6/25/2023 Location: Xaverian Missionaries, 4500 W. Xavier Dr.	√		
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	<b>Fleet Reserve Association Branch 14 – St Martin's Fair</b> Fee Waivers: St. Martin's Fair Permit Dates of the Event: Sept 3 – 4, 2023 Location: St. Martin's Labor Day Fair	√		

Type/ Time	Applicant Information	Approve	Hold	Deny
3.	An Ordinance to Amend the Municipal Code to Update the Specified Duties of the License Committee as set forth in §19-4A.(3) License Committee.	Recommend adoption with an update to the signature line.		
4.	License Committee Administrative Rules and Procedures Amendments.	Approved with corrections for proper pagination.		
5.	Set special meeting for Firework Permit Review for discussion & review of Fireworks Ordinance	Schedule Special License Meeting on November 28 – 4:00 p.m.		
6.	<b>Adjournment</b>	Aldерwoman Wilhelm moved to adjourn the meeting at 6:18 p.m. Seconded by Aldерwoman Hanneman. All voted Aye, motion carried.		

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414-425-7500

**License Committee  
Agenda\***  
**Franklin City Hall Alderman Room  
9229 W. Loomis Rd  
Franklin, WI  
December 6, 2022 – 5:30 p.m.**

<b>1.</b>	<b>Call to Order &amp; Roll Call – Alderwoman Hanneman Called to Order, Alderwoman Wilhelm Present, Alderwoman Eichmann – Not Present</b>	<b>Time: 5:30 p.m.</b>
<b>2.</b>	<b>Approval of Minutes from the Regular License Committee Meeting of November 15, 2022 and the Special License Committee Meeting of November 28, 2022. – Discussion Only, Carry Over to Next Meeting on December 20, 2022.</b>	
<b>3.</b>	<b>License Applications Reviewed</b>	<b>Recommendations</b>

<b>Type/ Time</b>	<b>Applicant Information</b>	<b>Approve</b>	<b>Hold</b>	<b>Deny</b>
Operator 2022-2023 New 5:35 p.m.	<b>Tengel, Lindsay</b> Hideaway Pub & Eatery		Hold For Appearance	
Operator 2022-2023 New	<b>Cottrell, Elijah D</b> No Location	√		
Operator 2022-2023 New	<b>Grzybowski, Stevie A</b> Staybridge Suites	√		
Operator 2022-2023 New	<b>Labun, Viktoria</b> Andy's on Ryan Rd	√		
Operator 2022-2023 New	<b>Stankowski, Jennifer M</b> Irish Cottage	√		
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	<b>Franklin Health Dept – Community Events</b> Fee Waivers: Park Permits Names & Dates of Events: <b>Spring Walk/Run – 5/20/2023;</b> <b>Bike Rodeo – 6/3/2023; Movie Night – 8/25/2023; Trunk or Treat – 10/26/2023</b> Locations: Lions Legend Park 1, Legend Dr., Schlueter Pkwy.	√		

Type/ Time	Applicant Information	Approve	Hold	Deny
<p><b>People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant</b></p>	<p><b>Franklin Lions Foundation – Meetings &amp; Fund Raisers</b>  Fee Waivers: Park Permits – Easter Egg Hunt, Club Meetings; St. Martin’s Fair Labor Day Licenses – Temporary Class “B” Beer, Operators, Peddler’s Permit.  Dates of Events: 4/8/2023, 6/13/2023, 7/11/2023, 9/12/2023; 9/3 – 9/4/2023  Locations: Lions Legend Park 1; Ken Windl Pavilion; St. Martin’s Labor Day Fair</p>	<p>√  Pending Copy of Insurance Rider on File at the Clerk’s Office</p>		
<p><b>People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant</b></p>	<p><b>Franklin Noon Lions Club – Civic Celebration &amp; St. Martin’s Fair</b>  Fee Waivers: Civic Celebration Licenses – Temporary Class “B” Beer, Operators, Food; St. Martin’s Fair Labor Day Licenses –Temporary Class “B” Beer, Operators, Peddler’s Permit  Dates of Events: 6/30 – 7/2/2023; 9/3 – 9/4/2023.  Locations: Civic Celebration; St. Martin’s Labor Day Fair</p>	<p>√  Pending Copy of Insurance Rider on File at the Clerk’s Office</p>		
<p><b>People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant</b></p>	<p><b>Franklin Park Concerts, Inc – Free Concerts</b>  Fee Waivers: Park Permits, Band Shell Fees  Dates of Events: 6/25/2023, 7/9/2023, 7/23/2023, 8/6/2023, and 8/20/2023  Location: Lions Legend Park 1</p>	<p>√</p>		
<p><b>People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant</b></p>	<p><b>Franklin Police Citizens Academy Alumni</b>  Fee Waiver: St. Martin’s Fair Labor Day Permit  Date of Event: 9/3 – 9/4/2023  Location: St. Martin’s Labor Day Fair</p>	<p>√</p>		
<p><b>People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant</b></p>	<p><b>St Martin Of Tours Parish – Fundraisers &amp; St. Martin’s Fair</b>  Fee Waivers: Temporary Class B Beer &amp; Wine, Temporary Entertainment &amp; Amusement, and Operator’s Licenses; Labor Day Fair Permit  Dates of Events: 1<sup>st</sup> Quarter, 2<sup>nd</sup> Quarter, 3<sup>rd</sup> Quarter, 4<sup>th</sup> Quarter 2023 Dinners; 9/3 – 9/4/2023  Location: St. Martin of Tours Parish Hall at 7963 S. 116<sup>th</sup> St; St. Martin’s Labor Day Fair</p>	<p>√</p>		
<p><b>4. Fireworks Display Process</b></p>	<p><b>Fireworks Display Process for License Committee Consideration and Discussion for Recommendation to the Common Council</b></p>	<p>Discussion took place to request the Clerk to add the Review &amp; Update of the Extra Ordinary Event Form on to the next agenda &amp; the previous citizen input from 11/10/2022 Alderwoman Wilhelm moved and Alderwoman Hanneman Seconded to allow Citizen Comment to address License Committee Alderwoman Hanneman moved and Alderwoman Wilhelm seconded to carry over to the next License Committee Meeting on 12/20/22</p>		

Type/ Time	Applicant Information	Approve	Hold	Deny
5.	<b>Adjournment</b>	Alderwoman Wilhelm moved and Alderwoman Hanneman Seconded to adjourn at 6 00 p m		

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414-425-7500

**Special License Committee  
Agenda\***

**Franklin City Hall Hearing Room  
9229 W. Loomis Rd  
Franklin, WI  
November 28, 2022 – 4:00 p.m.**

1.	<b>Call to Order &amp; Roll Call – Alderwoman Wilhelm, Alderwoman Hanneman – Not Present: Alderwoman Eichmann</b>	<b>Time: 4:00 p.m.</b>
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Type/ Time	Applicant Information	Approve	Hold	Deny
2. Fireworks Display Process	<b>Fireworks Display Process for License Committee Consideration and Discussion for Recommendation to the Common Council</b>	Discussion on Draft Fireworks Application & Municipal Code Changes as necessary. To be Held over to the Regular December 6, 2022 License Committee Meeting.		
3.	<b>Adjournment</b>			
	Alderwoman Shari Hanneman moved to adjourn the meeting at 4:59 p.m. Seconded by Alderwoman Kristen Wilhelm. All voted Aye; motion carried.			

\*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.



## FIREWORKS PERMIT APPLICATION

THIS APPLICATION MUST BE SUBMITTED AT LEAST 14 DAYS PRIOR TO THE DATE OF DISPLAY



**Applicant's Name or Group Name:** \_\_\_\_\_ **Date :** \_\_\_\_\_

**Date of Fireworks Display :** \_\_\_\_\_

The Attorney General's Office has determined that the permit must give a single specific date on which the fireworks may be used. A separate permit is required for each date and location. Pursuant to City of Franklin Municipal Code, fireworks are only permitted on Fridays and Saturdays, except for July 2,3,4, or 5, between the hours of 8:00 am and 10:30 pm.

**Location of Fireworks Display:**

\_\_\_\_\_  
\_\_\_\_\_

**Property Owner's Name:** \_\_\_\_\_

**Phone Number:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Public or Private Display?** \_\_\_\_\_ **# of Attendees?** \_\_\_\_\_

**Name of person(s) discharging fireworks:** \_\_\_\_\_

**The following fireworks will be displayed:**

State law requires this permit to specify the kind and quality of fireworks. The Wisconsin Department of Justice has determined that the term "Class C" does not satisfy the requirement. No mortar salutes shall be permitted.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that I am familiar with all Federal laws, State of Wisconsin Statutes, & local ordinances and municipal codes. pertaining to the display of fireworks, and if granted said permit, do agree with and obey all provisions thereof.

I as the applicant understand that the issuance of a permit creates no legal liability, expressed or implied, on the Franklin Fire Department or the City of Franklin; and I certify that the above information is accurate.

**Applicant's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

\_\_\_\_\_

**Fee: \$150 paid**

**Proof of indemnity bond or liability insurance provided**

**Permit Issued By:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Wis.Stat §167.10(3)(f)2 allows the purchase of fireworks on dates:** \_\_\_\_\_

Pursuant to City of Franklin Municipal Code, a copy of this permit along with proof of indemnity bond or liability insurance shall be filed with the City Clerk at least 48 hours prior to the date of the fireworks display. Any violation of this permit is subject to penalties outlined in § 133-18 of the City of Franklin Municipal Code.

**Franklin Fire Department :**  
8901 W. Drexel Ave., Franklin, WI 53132-9725  
414-425-1420 / fax: 414-425-7067

## Fireworks Permitting and Regulations

Date: December 13, 2022  
 To: City of Franklin Licensing Committee  
 From: Residents impacted by fireworks noise  
 Subject: Fireworks Permitting and Regulations

As indicated in the previous letter submitted to the License Committee November 10, 2022, we are requesting to limit fireworks events allowed of one per month, for a total of 4 per year related to a particular group, location, individual or development and further that fireworks are only allowed on Friday and Saturday except for July 4<sup>th</sup> weekend. Sample language:

*The maximum number of fireworks/pyrotechnics allowed for any person, group, individual, location or company shall be for one event per month from May to August exclusively operated on Fridays or Saturdays with the exception for Independence Day. All fireworks events are contingent upon submittal of complete applications, inspections, payment of fees and complete compliance with previous permits for the same applicant, group, development or location. Such approvals can be immediately revoked, and restrictions imposed on any future fireworks event for the person, group, company or location for non-compliance of the application, permit, presentations or approvals.*

As citizens of the area, we understand that the fireworks display process is related to all fireworks but clearly this discussion of policy, permitting and ordinance but was likely commenced as a result of one development having 9 fireworks events this year including one unpermitted event.

### Requests:

- Maximum 4 fireworks events per year for any development, group, location, individual or company. Fireworks events to occur once per month from May to August
- Per Wisconsin Statute 167 each firework permit is a separate application and review.
- Violation of any part of permit, ordinance, presentation or application would result in revocation of any future fireworks events that year and a prohibition for that location, group, individual or company for a term of twelve months.
- Firework / Pyrotechnic events allowed only on Fridays and Saturdays, only exception is for July 4<sup>th</sup> if date falls on a weekday. That event is included on the total limit of 4 per year at one development, location, group, or individual.
- Fireworks events allowed exclusively to be completed between the hours of 10 am and 10 pm. City of Franklin ordinance 15-3.1107 A weighted decibel scale has a lower maximum decibel level allowance after 10pm. Firework events and use of PA system need to end at 10 pm.
- No mortar salutes. Previous permits prohibited their use but were still used in violation of the permit. No citations were issued.
- Sound control for amplification devices, including specific information on location, number, orientation, power and what ordinance or code enforcement is to be included on application. Similar to question #11 on Extraordinary Entertainment permit. This question needs to be answered accurately and thoroughly.
- Permits for special event in conjunction with fireworks permits require complete and accurate information. Applications for special events should not be accepted without the required minimum 30 business day submittal deadline for the special event.

- Events without permits need to receive citations for violations of City regulations and restrictions of future events need to be reviewed and applied related to all events for the location, group, individual, development or company.
- Application and ordinance to establish fines for violations of any application, permit, ordinance, code, plan or presentation.
- Applications related to Fireworks events / Extraordinary Entertainment / Special Events need to be included on the License Committee and Common Council public packet. Including all related materials, plans and applications.
- Public comment to be included on agenda for License Committee agenda items for any Fireworks / Extraordinary Entertainment / Special event applications.
- Audio portions of the License Committee related to any entertainment, special events or fireworks to be available on the City of Franklin website.
- The fireworks ordinance rewrite and permit draft should be included on the Committee of the Whole public meeting tentatively scheduled for February prior to any Common Council vote for approvals.
- Prior to finalizing any submittal to the Common Council, the Sound Study information from the RSG acoustic engineering firm and their recommendations should be integrated into the ordinance and permit.

The number of events, type and repeated use at one location needs to be limited to 4 per year and only on Fridays and Saturdays with the one exception for July 4<sup>th</sup>. Many communities limit fireworks use exclusively to July 4<sup>th</sup> / civic celebration weekend and prohibit fireworks use between 10pm and 8 am.

City of Muskego fireworks application:

***A group user permit shall only be granted for a one-time event per calendar year. In the event that a fireworks show is cancelled due to weather conditions, the group user permit is valid for the next calendar day only.***

We are also asking for an examination into the fireworks process related to citations. The fireworks violation July 30, 2021 did not receive a citations for three violations of the City permit. Violations included: hours of operation, use of amplification (announcer and music over PA / outdoor speaker system) and the use of mortar salutes. Fines and restrictions should have been enacted. The citation process and application process need to be clearly defined and enforced.

We are also requesting the July 4, 2022 unpermitted event receive a citation. This event did not follow any permitting process and created a potential safety issue that the City should not disregard.

An explanation why no enforcement of citations or restrictions have been issued for the 2021 and 2022 fireworks violations.

Residents surrounding one multi-fireworks event location are requesting that the Comprehensive Sound Study report be examined prior to City of Franklin permits modified or ordinances revised. The Franklin Planning Manager report 11-23-2020 indicated issues related to noise. No action has been taken to mitigate noise in any meaningful way. Limiting the number of fireworks events allowed by an individual, group, location or development is a step in the right direction.

Fireworks have a substantial noise impact area including residential and Park areas. City ordinances indicate that the maximum decibel level at the property line to residential districts is to be 50 decibels from 7am to 10 pm and maximum 45 decibels from 10 pm to 7am. As indicated in the City of Franklin Planning Manager Report 11-23-2020. The Comprehensive Sound Study sponsored by Milwaukee County includes fireworks

analysis and recommendations. The City of Franklin should receive this Sound Study input for ordinances related to fireworks, vibrations, nuisance, noise to address general wellbeing and quiet enjoyment standards.

Respectfully,

Dana Gindt, 9011 West Hawthorne Lane, Franklin

Donnella Mc Adams, 8735 Hawthorne Court, Franklin

Dale Kirner, 8630 West Hawthorne, Franklin

Joy Draginis – Zingales 7573 Highview Drive, Greendale

Andy Kleist, 6025 Parkview Road, Greendale

Kyle Baldwin 6090 Parkview Road, Greendale

Clarice Vichich 8930 West Hawthorne, Franklin

Matt Sobocinski, 8759 West Hawthorne Court, Franklin

John Czaskos 8625 West Hawthorne, Franklin

Bonnie Czaskos 8625 West Hawthorne, Franklin

Bernie Carreon 6928 South 90<sup>th</sup>, Franklin

Deb McGuire 9100 West Hawthorne, Franklin

## Special Event Process

Date: November 13, 2022

To: City of Franklin License Committee

From: Residents impacted by noise from the Rock / Ballpark Commons

Subject: Noise Nuisance from the Rock Sports Complex from unpermitted events

We are requesting the License committee to direct staff to research the events held at the Rock Sports Complex / Ballpark Commons in 2022 which neighbors believe were unpermitted.

Details of the permitting process including who approves and reviews the initial applications for Extraordinary Entertainment Special Events prior to being placed on the License Committee is requested to be included in the report related to unpermitted events.

Of concern is specifically the information on Extraordinary Entertainment Special Event applications related to sound control. Item 11. The applications submitted often are incomplete and do not address the issues of noise control. Applications often do not answer the question of sound control related to amplification, power, location, number, orientation of speakers. Nor define specifically what ordinance they are following. This application should be revised to be more specific and thorough with a clear procedural process.

Neighbors were aware of unpermitted events because of the disruptive noise crossing into the residential areas around this development. There appears to be no application and no permit for these events.

Below is a list of some dates that broadcast disruptive noise into the surrounding areas across the development property / boundary line. Per the City Planning Manager report 11-23-2020 the maximum decibel level at the residential property line is determined by the receiving or more restrictive district. As the Planning Manager presented, the maximum level allowed is 50 dbA from 7 am to 10 pm then from 10 pm to 7 am 45 dBA at the property line. Many events at this development operate past 10:00 pm.

The following 17 events have likely occurred in 2022 without a permit or proper review: (Plus 5 dates are still pending) Unpermitted events occurred in previous years also.

July 3, 4, 2022, August 25, 2022, September 2, 3, 4, 6, 12, 16, 17, 18, 2022, December 2,3, 4, 9, 10, 11, (17, 18, 22, 23, 24).

Nearly all of these events at the Rock / Ballpark Commons were disruptive to surrounding residents. We request that research be completed for these dates and a report be included on a future License Committee meeting and Common Council as a separate agenda item. That the information includes a summary of what action will be taken for the unpermitted events, including the fireworks.

Concerns and requests include the following:

- 1) Unpermitted events need to be investigated and reported on the License Committee and Common Council as a separate agenda item. Above are some dates believed to be unpermitted.
- 2) Details and explanation of what action including citations will be issued for any events found to have occurred without a permit.
- 3) Clarification and revision of the application process for extraordinary entertainment special events.
- 4) A disclaimer needs to be added to the application and ordinance regarding events that are advertised before permits are approved will be at the operator's own risk and applications must be

submitted a minimum of 30 working days prior to the event and actually enforce this existing part of the application.

- 5) Applications that include a series of events that span over several weeks or months should require a separate review prior to each additional month or bi-weekly to evaluate compliance with ordinances, presentations, permits, regulations and to mitigate noise disturbances or issues that need to be addressed.
- 6) Applications related to Extraordinary Entertainment / Special Events need to be included on the License Committee and Common Council packet. Including all related materials and plans.
- 7) Public comment should be permitted during License Committee agenda items for Extraordinary Entertainment / Special event/ Fireworks applications.
- 8) Audio for the Extraordinary Entertainment Special Event portions of the License Committee need to be included on the Franklin website

Surrounding residents request that research into 2022 unpermitted events at the Rock Sports Complex / BPC be included in a report to the License Committee and Common Council as a separate agenda item after research is completed in a timely manner.

Respectfully,

Dana Gindt, 9011 West Hawthorne Lane, Franklin

Donnella Mc Adams, 8735 Hawthorne Court, Franklin

Dale Kirner, 8630 West Hawthorne, Franklin

Joy Draginis – Zingales 7573 Highview Drive, Greendale

Andy Kleist, 6025 Parkview Road, Greendale

Kyle Baldwin 6090 Parkview Road, Greendale

Matt Sobocinski, 8759 West Hawthorne Court, Franklin

John Czaskos 8625 West Hawthorne, Franklin

Bonnie Czaskos 8625 West Hawthorne, Franklin

Bernie Carreon 6928 South 90<sup>th</sup>, Franklin

Beverly Marek, 8730 West Hawthorne, Franklin



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<b>APPROVAL</b> DDG KLK	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 12/20/2022
<b>Bills</b>	<b>Vouchers and Payroll Approval</b>	<b>ITEM NUMBER</b> I

Attached are vouchers dated November 29, 2022 through December 15, 2022, Nos 190392 through Nos 190570 in the amount of \$ 3,251,490.66 Also included in this listing are EFT's Nos 5170 through EFT Nos. 5183, Library vouchers totaling \$ (313.11), and Water Utility vouchers totaling \$ 24,920 83. Voided checks in the amount of (\$ 9,590 62) are separately listed

Early release disbursements dated November 29, 2022 through December 14, 2022 in the amount of \$ 353,499 62 are provided on a separate listing and are also included in the complete disbursement listing. These payments have been released as authorized under Resolutions 2013-6920, 2015-7062 and 2022-7834

Attached is a list of property tax disbursements, Nos 17941 dated December 1, 2022 through December 15, 2022, in the amount of \$ 54 63. These payments have been released as authorized under Resolutions 2013-6920, 2015-7062 and 2022-7834

The net payroll dated December 16, 2022 is \$ 464,542.63, previously estimated at \$ 465,000 Payroll deductions dated December 16, 2022 are \$ 295,585 14 previously estimated at \$ 495,000.

The estimated payroll for December 30, 2022 is \$ 442,000 with estimated deductions and matching payments of \$ 440,000

The Library Board has not approved December 2022 vouchers for payment as of this writing Approval of the Library vouchers will be considered at the December 19, 2022 meeting. Upon their approval, request is made to authorize the release of these payments not to exceed \$ 25,000.00.

Approval to release payment to Parking Lot Maintenance, LLC for City hardscape renovations in the amount of \$ 70,105 30.

### COUNCIL ACTION REQUESTED

Motion approving the following.

- City vouchers with an ending date of December 15, 2022 in the amount of \$ 3,251,490.66 and
- Property Tax disbursements with an ending date of December 15, 2022 in the amount of \$ 54 63 and
- Payroll dated December 16, 2022 in the amount of \$ 464,542.63 and payments of the various payroll deductions in the amount of \$ 295,585.14, plus City matching payments and
- Estimated payroll dated December 30, 2022 in the amount of \$ 442,000 and payments of the various payroll deductions in the amount of \$ 440,000, plus City matching payments and
- Approval to release Library vouchers not to exceed \$25,000 00 and
- Approval to release payment to Parking Lot Maintenance, LLC in the amount of \$ 70,105.30

**ROLL CALL VOTE NEEDED**