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

****Revised**

CITY OF FRANKLIN
COMMON COUNCIL MEETING
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
TUESDAY, MARCH 1, 2022, AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B.
 - 1. Citizen Comment Period.
 - 2. Mayoral Announcements: A Resolution Urging the Wisconsin State Legislature to Reject Assembly Bill 610/Senate Bill 630 and any Proposed Amendments, which Shifts Property Tax Burden to Homeowners and Small Businesses to the Benefit of Large Commercial Property Owners.
- C. Approval of Minutes:
 - 1. Corrected Regular Common Council Meeting of October 5, 2021.
 - 2. Regular Common Council Meeting of February 15, 2022.
- D. Hearings – A proposed Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to Change the City of Franklin 2025 Future Land Use Map for Property Bearing Tax Key Number 892-9999-002, Generally Located on the East Side of South 112th Street, East of the Ryan Meadows Subdivision and West of the Franklin Savanna Natural Area from Recreational Use and Areas of Natural Resource Features Use to Residential Use (Totaling Approximately 35 Acres) (Stephen R. Mills, President of Bear Development, LLC, Applicant) (Ignasiak Investment Co., LLC, Property Owner).
- 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 Bearing Tax Key Number 892-9999-002 from Recreational Use and Areas of Natural Resource Features to Residential Use (By Stephen R. Mills, President of Bear Development, LLC, Applicant, Ignasiak Investment Company, LLC, Property Owner).
 - 2. An Ordinance to Amend the Unified Development Ordinance (Zoning Map) to Rezone a Certain Parcel of Land Bearing Tax Key Number 892-9999-002 from A-2 Prime Agricultural District and C-1 Conservancy District to R-5 Suburban Single-Family Residence District (By Stephen R. Mills, President of Bear Development, LLC, Applicant, Ignasiak Investment Company, LLC, Property Owner).

3. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Meat Processing Facility Use upon Property Located at the Southwest Corner of the Intersection of West Loomis Road and the New Monarch Drive (Lot 83 of Ryan Meadows Subdivision) (Strauss Brands LLC, Applicant); (pursuant to Court Order signed January 24, 2022 and filed January 25, 2022, in *Franklin Community Advocates, et al. v. City of Franklin, and Strauss Brands, LLC*, Milwaukee County Circuit Court, Case No. 20-CV-7031. The City Administrative Record of the records and documents of the proceedings upon this subject matter and as filed and ordered by the Court in *Franklin Community Advocates, et al. v. City of Franklin, and Strauss Brands, LLC*, Milwaukee County Circuit Court, Case No. 20-CV-7031, are available for public inspection and review and may be accessed by entering upon <https://franklinwi.box.com/s/3dt5qubmyim4caofk7hyine4iup4onv0>.
4. An Ordinance to Amend the Municipal Code Section 245-3 B., Stops Required, to Add 24 Locations in and Around the New Subdivisions of Oakes Estates, Ryan Meadows and Pleasant View Reserve.
5. Approval of a Full External Penetration Test of the City's IT System.
6. A Resolution for a Professional Services Agreement with Excel Engineering, Inc. for Engineering Services Related to S. 50th Street Reconstruction and Associated Water Main from W. Minnesota Avenue South to the Terminated End of 50th Street in Pleasant View Reserve and Water Main Extension in W. Minnesota Avenue from S. 51st Street to S. 49th Street, then 50 Ft North of the Intersection in the Amount of \$52,500.
7. Request for Approval of a Salary and Benefit Modification for a Building Inspector Candidate.
8. Request to Hire a Replacement Department of Public Works Light Equipment Operator in Advance of Current Employee Retirements.
9. 2022 Sanitary Sewer User Fee.
10. Results of Water Survey for Frontage Road Along S. Lovers Lane Road (USH 45/STH 100) from W. Herda Place to S. Phyllis Lane.
11. Survey Responses for a Watermain Project on S. Lovers Lane Road from W. St. Martins Road to 7911 S. 100th Street.
12. A Resolution to Execute State/Municipal Financial Agreement and a State/Municipal Maintenance Agreement for Improvements Related to a Wisconsin Department of Transportation Project on S. Lovers Lane/W. Ryan Road (USH 45/STH 100) from S. 60th Street to W. St. Martins Road in the Amount of \$624,700.
13. Request to Participate in State Contract for Purchase of 2,000 Tons of Salt and an Additional 400 Tons in Reserve.
14. Survey for Participation in Sump Pump Collection Projects.
15. City of Franklin Other Post-Employment Benefits (OPEB) Program/GASB 74 and 75 Disclosure Report for Fiscal Year 2021.
16. A Resolution Amending Resolution No. 2013-6920 and Appending Resolution No. 2015-7062 Granting Limited Specific Authority for Disbursements in Advance of Review of Voucher Listings.

Common Council Meeting Agenda

March 1, 2022

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17. Potential Acquisition of Property from 11213 W. Swiss Street (TKN 796-0020-000) and 11225 W. Swiss Street (TKN 796-0021-001) for a public pathway/trail project. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for competitive and bargaining reasons, to consider the potential acquisition of property from 11213 W. Swiss Street (TKN 796-0020-000) and 11225 W. Swiss Street (TKN 796-0021-001) to be used for a public pathway/trail project along W. Church Street and the negotiating of the purchase and the investing of public funds, including Park Impact fees with regard to the potential acquisition thereof, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.
18. A Resolution Disallowing Claim submitted by Peter Peckarsky Received November 29, 2021. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e) and (g), to consider a Notice of Claim submitted by Attorney Robert Pledl, on behalf of his client, Peter Peckarsky, announced candidate for U.S. Senate, Challenging the Unconstitutional Practice of Marking Absentee ballots with Identifying Information when absentee ballots are counted at a Central Location Pursuant to Wis. Stat. § 7.52(3)(a), and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.
- ** 19. Request from Department of Public Works to Purchase a Runnion Equipment Company Aerial Bucket Truck for \$229,916.

H. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of March 1, 2022.

I. Bills.

Request for Approval of Vouchers and Payroll.

J. Adjournment.

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

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

REMINDERS:

March 3	Plan Commission Meeting	7:00 p.m.
March 15	Common Council Meeting	6:30 p.m.
March 17	Plan Commission Meeting	7:00 p.m.
April 4	Common Council Meeting	6:30 p.m.
April 5	Spring Election	7:00 a.m.-8:00 p.m.

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">3/01/2022</p>
<p style="text-align: center;">MAYORAL ANNOUNCEMENTS</p>	<p style="text-align: center;">A RESOLUTION URGING THE WISCONSIN STATE LEGISLATURE TO REJECT ASSEMBLY BILL 610/SENATE BILL 630 AND ANY PROPOSED AMENDMENTS, WHICH SHIFTS PROPERTY TAX BURDEN TO HOMEOWNERS AND SMALL BUSINESSES TO THE BENEFIT OF LARGE COMMERCIAL PROPERTY OWNERS</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">B.2.</p>

Assembly Bill 610 (AB 610) and the proposed amendment arbitrarily restricts the information assessors may use to determine fair market value. The proposed changes favor large corporations and owners of high-value land by blocking information that is real evidence of value, thereby shifting the tax burden to residential and small business owners. Properties located in tax increment districts (TIDs) may see value and tax revenue decreases such that the obligations of the TID cannot be met or will take longer to meet. This will result in more tax burden on the balance of residential and small business property owners.

This bill would prohibit assessors from using various methods of determining assessed value: mortgages or bank appraisals; projected rents and other future or anticipated benefits; list and asking prices or rents; price trends in order to increase the value of multiple properties by a general amount or percentage; and would consider the value of a club house, swimming pool, or other amenity that is part of a multifamily property when assessing the multifamily property if the club house receives minimal or no rental income, regardless of whether the club house is located on a separate lot. The bill would also allow the Wisconsin Statutes to control practices of the assessor when there is an inconsistency or ambiguity between the Wisconsin Property Assessment Manual and Statutes. This clause is unnecessary as Statutes already do preempt the Assessment Manual.

A substitute amendment was proposed in the Senate to simplify the argument by not looking at asking rents to determine fair market value and to codify that statutes preside over the Assessment Manual. By removing the ability to use list, asking, or rent prices would diminish assessors' ability to determine fair market values. Despite the potential "downsizing" of the legislation by the substitute amendment, the central tenant of not allowing asking rents to be used as evidence when establishing a valuation still remains, and is the most problematic policy change in bill.

No immediate fiscal impact is anticipated regarding the Resolution; however, unanticipated and negative property tax base erosion and tax burden shifting could occur if the proposed legislation is made into law.

COUNCIL ACTION REQUESTED

Motion to adopt Resolution No. 2022-___, A RESOLUTION URGING THE WISCONSIN STATE LEGISLATURE TO REJECT ASSEMBLY BILL 610/SENATE BILL 630 AND ANY PROPOSED AMENDMENTS, WHICH SHIFTS PROPERTY TAX BURDEN TO HOMEOWNERS AND SMALL BUSINESSES TO THE BENEFIT OF LARGE COMMERCIAL PROPERTY OWNERS.

RESOLUTION NO. 2022-_____

A RESOLUTION URGING THE WISCONSIN STATE LEGISLATURE TO REJECT
ASSEMBLY BILL 610/SENATE BILL 630 AND ANY PROPOSED AMENDMENTS,
WHICH SHIFTS PROPERTY TAX BURDEN TO HOMEOWNERS AND SMALL
BUSINESSES TO THE BENEFIT OF LARGE COMMERCIAL PROPERTY OWNERS

WHEREAS, Assembly Bill 610/Senate Bill 630 arbitrarily restricts the information assessors may use to determine fair market value; and

WHEREAS, the proposed changes favor large corporations and owners of high-value land by blocking information that is real evidence of value, thereby shifting the tax burden on homeowners' small businesses; and

WHEREAS, a mortgage or bank appraisal is a real indicator of value because the company lending the money used a licensed appraiser who is ethically bound to arrive at a fair market value for the real estate, which the lender relies upon to loan its capital; and

WHEREAS, list or asking prices, or list or asking rents are real indicators of value because a person in the business of selling or renting real estate is going to market their property for a market rate in order to sustain their business; and

WHEREAS, price trends are important data points because they indicate the real value of real estate in the short term; and

WHEREAS, it makes no sense to prohibit the use of price trends to increase multiple properties yet allow price trends to be used to decrease multiple properties because it is the same data; and

WHEREAS, there is value in a club house, swimming pool, or other amenity that is part of a multifamily property even if the club house receives minimal or no rental income because the multi-family property can just incorporate the cost of the amenities into rents, thereby gaining the value of the amenity without paying the taxes on that amenity; and

WHEREAS, the information Assembly Bill 610/Senate Bill 630 proposes to restrict is most used to value large commercial properties by showing their true value and by restricting that information, the state is allowing commercially-interested property owners to lower their tax bills and pass on the tax burden to property owners who do not have the same incentive to challenge their assessment; and

WHEREAS, legislative changes proposed in a substitute amendment before the Senate improve the proposed bill, but still retains the central policy of limiting evidence that can be used to determine fair market value; and

WHEREAS, this bill is another example of individual and group lobbyists with financial wherewithal to fund campaigns of state officials dictating public policy and legislation;

NOW THEREFORE, BE IT RESOLVED that the Mayor and Common Council of the City of Franklin urges the Legislature to avoid giving a windfall to the commercially-interested property owners/taxpayers at the expense of other residential and small business property owners/taxpayers by opposing this legislation.

Introduced at a regular meeting of the Common Council of the City of Franklin this 1st day of March, 2022.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 1st day of March, 2022.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

From: Steve Olson
To: Senator Julian Bradley: "Sen.Larson"
Cc: Rep.Wichgers (Rep.Wichgers@legis.wisconsin.gov); Jessie Rodriguez (rep.rodriguez@legis.wi.gov); Ken Skowronski (rep.skowronski@legis.wisconsin.gov); "Peggy Steeno", "Toni Herkert"; Jerry Deschane (jdeschane@lwm-info.org); "Curt Witynski"
Subject: SB630/AB610 changes to assessment procedure
Date: Monday, January 17, 2022 9 37:00 PM

Senators

Please oppose SB630/AB610

On its' face it is not logical

- An assessor can't consider the opinion of a bank appraisal when setting value? If a bank is going to take an interest in a property and they acquire an independent estimate of value why wouldn't the State feel that's a valid valuation to be considered? And then to not consider the fruits of the transaction as value setting? That, to me is the gold standard.
- In my 4 decades in sales the axiom was (and is) always "a product is worth only what someone is willing to pay for it! Yet the Legislature wants to disallow consideration of rents and mortgages in determining value Doesn't make sense to me
- Similarly, if a group of single family 3 bedroom ranches of 2,000 square feet are all selling for a similar increase in price or at a percentage increase, wouldn't that be an accurate indication of their value? It's what people would be paying! The bill seeks to eliminate the use of the trend
- And to eliminate a value add of a club house (surely to be followed next year by elimination of a pool, followed in the next year by elimination of basketball hoops) who's sheer purpose in existence is to add value to the multifamily development is absurd on its' face Who would believe that the facility needs to be rented to provide value? Just last year the President of the Mandel Group said to me "There's no way we would not build a pool and club house in our properties They drive rental values "

This bill is a continuing gift to the realtors and real estate investors and another nail in the coffin for local governments This bill and bills like it continue to erode local control and substitute the judgement of law makers for trained professionals who abide by the professional practices developed over decades

If passed, it takes more tools out of the assessors' toolbox (which is the stated defined assessor's manual) and narrows the universe of information that an assessor can use to accurately arrive at an equitable value for properties

My father would say "THIS FOOLISHNESS NEEDS TO STOP!"

Please kill SB630/AB610

Call if you have any questions

Thanks

Steve

Steve Olson
Mayor
City of Franklin
9229 W. Loomis Rd.
Franklin, WI 53132
O 414-427-7529
C 414-651-3367



From: Ament, Dave
To: Hoisington, Joshua; Sen.Koovenga; Sen.Bradley; Fuller, Lucas, Rep.Kuclitsch, Rep.Sanfelippo; Rick Petfalski, steve Olson; Dan Bukiewicz, Dan; Daniel Besson; Styba, Melody; Jason Cyborowski, Mayor Shawn Reilly, Mayor McBride, Steven Ponto; Styba, Melody; Kosteretz, Timothy; "Mayor Neitzke"
Subject: FW: Taxation shall be uniform
Date: Tuesday, February 22, 2022 6:23:03 PM

To our fellow local and State elected officials, FYI
The email below is from the City of New Berlin City Assessor The entire email is most interesting however the most pertinent is bold at the beginning
Thanks to all of you for all you do to represent our constituents!
Dave

From: Kosteretz, Timothy <timkosteretz@newberlin.org>
Sent: Tuesday, February 22, 2022 5:16 PM
To: Ament, Dave <dament@newberlin.org>
Subject: Taxation shall be uniform

Mr Mayor,

One thing I should have included in my emails to you but did not mention is that under the Wisconsin Constitution Article VIII,

"ARTICLE VIII. – FINANCE - Rule of taxation uniform; income, privilege and occupation taxes. SECTION 1. [As amended Nov. 1908, April 1927, April 1941, April 1961, and April 1974] *The rule of taxation shall be uniform*"

This little phrase governs everything the Assessor does and it is the reason for our existence. The name of our International Assessment Journal is "Fair & Equitable" because that is the basis of fair property taxation.

This is a constitutional requirement, *The rule of taxation shall be uniform*"

There have been amendments to this rule as you can see, to allow for "less than market value" or taxed in a non-equitable manner" such as assessments on forests and minerals, agricultural and undeveloped lands and taxes on incomes, privileges and occupations which may be graduated and progressive.

This legislation would also result in the Assessor being unable to assess commercial property at its full market value because the development of a valuation model would be (or even a single value appraisal for a special use property) would be based on incomplete market data, AS A REQUIREMENT OF LAW.

The Assessor would be in the position of assigning a value to a commercial property that they knew should be higher, but because of the limitations of the proposed statute, even in its amended form, disallows even the consideration of certain market information, the Assessor would be forced to assign a value lower than market, in contravention of the Constitution and

Chapter 70 because only “certain” market evidence is allowed to be considered in the development of a value, or a automated valuation mass appraisal model or even presented as a part of a valuation defense at the Board of Review or in Court of before the Tax Appeals Commission for Manufacturing and Telecommunications property.

I do feel that the bill was written with the intent to lower commercial valuations based on market data because the author felt that commercial valuation may at times be too high. I also feel that the author does not fully understand the significance of market data like that identified in the bill in the work of an appraiser whether for mass appraisal or for single value Fee-Simple valuation work however, since the authors were neither Licensed Appraisers nor Certified Assessors, I can understand how that could have come about.

My years of experience explaining things to such professionals both as a local assessor and in the Equalization and Manufacturing Bureaus of the Department of Revenue, have taught me that most real estate professionals including brokers, leasing professionals, property managers, investors, real estate attorneys, accountants, mortgage underwriters and insurance or title examiners do not understand core principles of real estate valuation, much less how those principles are applied to the Mass Appraisal process used for ad valorem property tax purposes

Another matter connected with this that has not been brought up before can be illustrated by many anecdotal experiences described to me by these professionals as they interacted over the course of their professional work with the contract assessors that provide assessment services to the great majority of smaller communities around the State for a fee. These anecdotes demonstrate to me how often professional property assessment standards and practices required by state law and the Property assessment manual are followed to the barest letter of the law, but not up to the intent or spirit of the law, not because of the low character or criminal intent of the contract assessment firms around the state but because the fees paid for their services simply do not justify a higher quality product. To be very clear, current state law and the body of regulatory language built on that law allows for this (there are many small mom & pop assessment companies and three large in-state firms and one out of state mega-firm)

We have local control of the assessment function in Wisconsin for good or for ill as we do for local school boards. This is because Assessor's used to be elected officials like Mayor's and Sherriff's and were accountable to the voters. This is still allowed under state law. The local assessor used to count your chickens and your cows and your bails of hay and bushels of wheat and also your household goods and your clothes all of which were taxable in the good old days. You can understand why the assessor needed to be accountable to voters. Things are different now.

We still do however have local control of the assessment function and local elected officials often prefer to agree to contracts paying the very lowest of fees to pay for the barest minimum of services to meet the minimum requirements of the law for that function. What is the problem with this? The perceived problem AB610 is trying to solve is part of the problem. In other words you get what you pay for.

Quality assessments take time and effort to produce, and in communities of many representatives

around the state, contracts with firms that provide the barest minimum of assessment services to produce an assessment roll, file mandated reports and collect a Levi are considered to be a good thing though the assessments they produce may not be considered to be the best by unbiased observers and the results can be frustrating to property owners and real estate professionals who live and work in those communities

The problem is not with the state of the property assessment laws per se, it is with the ease with which local officials can contract with firms for the lowest possible rates per parcel because we pride ourselves in Wisconsin on the principles of local control and we do not want to give that up. Local officials decide how much to spend on state mandated functions

However, if one of the results of those decisions is that assessments are NOT Uniform & Equitable, it is usually the result of a very low amount of effort being funded to produce these assessments. I will humbly say again that in the assessment production world, you get what you pay for

This problem is well understood by professional local assessors and by administrators at the DOR, under the Walker administration and the Evers administration. The state of the law however does not allow for administrative oversight sufficient to improve the accuracy of assessment practice in Wisconsin. There is no required minimum assessment contract and the metrics used to measure uniformity are designed to allow for the greatest possible leeway in assessment quality. Also, my personal experience has indicated that it has not been considered a political priority to fix this problem, though bills like AB6120 attempt to fix things by attacking the fruit of the flawed system rather than the root of the system

Prior to my leaving West Allis to work at the DOR in 2013, I had been advocating for a number of changes that would have been helpful in this area and would have improved the quality of assessments statewide however the various elected state leaders I spoke to at the time through they understood the problem, declined to take any steps to address them

I concluded that they must have determined that it was not worth the political trouble at the time to dig into the issue. Think about it. In spite of the problems most assessors recognize with this locally-customizable system, taxes were always levied and taxes were always collected at all levels of government without respect to the quality, equitability or uniformity of assessments and since the cost of the assessment function was being kept to a minimum around the state through the use of the contract assessor system, and since local officials were responsible to make these decisions on behalf of the taxpayers in their area and since no one was complaining, then there was no harm and no foul and no reason to open a can of worms and upset the apple cart

I will not reveal the names of the elected state officials I contacted at that time or who I spoke to explaining the issue, but the result was a respectful thank you

My next attempt was to work for the DOR, which I did for 7 years, to learn and to develop my professional knowledge, to contribute and also to try to advocate for the kinds of change I knew were necessary. I did well there and over that time I worked for the Equalization Bureau and also became the Milwaukee District Supervisor for the Manufacturing & Utility Assessment Bureau and

sat on the State Board of Assessors. During that time I worked closely with the leadership of State and Local Finance to perform my function and also to improve assessment practice in Wisconsin. I started at the same time as Claude Lois when he became the Admin for SLF. Claude and I had many conversations about this issue. Claude determined that the Department did not have the authority either to do anything to improve assessment practice under the statutory current structure nor did he feel that the Department had a role to advocate for statutory change at a legislative level. If the Governor wanted to do so it was his prerogative but felt that the Department should not and could not advocate to improve the system at any level. I disagree about this by the way. Statutes say that the Department must promulgate a manual explaining professional assessment practice and also the department acts as a statutory assessor itself on a contract basis with any municipality that has manufacturing property located within it. The Manufacturing Bureau chief signs the Manufacturing Assessment Rolls and the department serves as the assessor.

The Standard on Assessment Administration promulgated by the International Association of Assessing Officers indicates that property assessment regulators have a responsibility to advocate for to work to improve the quality and professionalism of assessment practice within the jurisdiction they regulate. DOR corporate council has said that the Department does not advocate or recommend statutory initiatives of any kind on its own authority, that is purely an executive or legislative function. If so, the DOR should not serve as a statutory assessor. If they do, the Bureau responsible to perform professional assessment function should be able to advocate for the advancement of professional assessment practice.

If you would like the opinion of someone you may trust, Claude Louis, as the former Mayor of Burlington may be one to ask about me and about this issue. I left State government to return to local assessment work in 2019.

Various leadership currently at the DOR also understand this issue. I have also discussed related matters with John Dickert the current SLF administrator (the former Mayor of Racine). Mr. Dickert also has a heart to improve assessment practice in Wisconsin. If you ask him about me you will see that he knows me and I believe he would say that if you want to understand better the real problems with the assessment process in Wisconsin I am one of those you could talk to.

I say all of that to say this, there are problems with the assessment process in Wisconsin, but it is not the problem that bill ab610 identified and in that way ab610 is a solution without a problem.

If you or any of your colleagues would like to know more about what I am talking about, I would be pleased to meet with you or with them at any time to explain with your permission of course.

Respectfully,

Timothy B Kosteretz
City Assessor



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APPROVED OCTOBER 19, 2021

CITY OF FRANKLIN
COMMON COUNCIL MEETING
OCTOBER 5, 2021
MINUTES

- ROLL CALL A. The regular meeting of the Common Council was held on October 5, 2021 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were present: Alderman Ed Holpfer, Alderman Dan Mayer, Alderwoman Shari Hanneman, Alderman Mike Barber and Alderman John R. Nelson. Not present was Alderwoman Kristen Wilhelm. Also in attendance were Dir. of Administration Peggy Steeno, City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski.
- CITIZEN COMMENT B. Citizen comment period was opened at 6:32 p.m. and closed at 6:39 p.m.
- MINUTES
SEPT. 21, 2021 C. Alderman Barber moved to approve the minutes of the regular Common Council meeting of September 21, 2021 as presented at this meeting. Seconded by Alderman Mayer. All voted Aye; motion carried.
- ORGANIZATIONAL
BUSINESS E. Alderman Nelson moved to confirm the following Mayoral appointments:
- Architectural Board:
- (1) Craig Marifke, 10402 W. Herda Pl., Ald. Dist. 6, Alternate Member for a 3 year unexpired term expiring 04/30/24.
- (2) Karen Marschner, 10340 W. Whitnall Edge Dr., Unit #102, Ald. Dist. 6, Alternate Member for a 3 year unexpired term expiring 04/30/24.
- Community Development Authority:
- (3) Curtis Schmitt, 10505 W. Candlestick Ln., Ald. Dist. 2, for a 4 year unexpired term expiring 08/30/24.
- Environmental Commission:
- (4) Thomas Niemiec, 4107 W. College Ave., Ald. Dist. 3, for a 3 year unexpired term expiring 04/30/23.
- Parks Commission:
- (5) Karen Malecki, 8072 S. 59th St., Ald. Dist. 5, for a 3 year unexpired term expiring 04/30/22.
- Board of Public Works:
- (6) James Witt, 6540 S. 51st St., Ald. Dist. 3, for a 3 year unexpired term expiring 04/30/23.

Technology Commission:

- (7) Michelle Tischer, 11385 W. Rawson Ave., Ald. Dist. 2, for a 3 year unexpired term expiring 04/30/24.

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

- RES. 2021-7782
CSM
10757 S. 92ND ST.
DOROTHY BOSCH
COMMON TRUST
- G.1. Alderman Nelson moved to adopt Resolution No. 2021-7782, A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING THE NORTH 1/2 OF THE SOUTHEAST 1/4 OF SECTION 32, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (DOROTHY BOSCH COMMON TRUST, APPLICANT) (AT 10757 SOUTH 92ND STREET). Seconded by Alderman Mayer. All voted Aye; motion carried.
- ORD. 2021-2481
AMEND §15-3.0430,
PPD NO. 25
WOODLAND TRAILS
CONDOS FAÇADE
CHANGES
- G.2. Alderwoman Hanneman moved to adopt Ordinance No. 2021-2481, AN ORDINANCE TO AMEND §15-3.0430 OF THE UNIFIED DEVELOPMENT ORDINANCE, PLANNED DEVELOPMENT DISTRICT NO. 25 (WOODLAND TRAILS CONDOMINIUMS-BURKE PROPERTIES) TO ALLOW FOR FAÇADE CHANGES WITHIN THE WOODLAND TRAILS CONDOMINIUMS COMPLEX (WOODLAND TRAILS CONDOMINIUM ASSOCIATION, INC., APPLICANT) (9301, 9325, 9337, 9363, 9375, 9399 AND 9411 COBBLESTONE WAY). Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2021-7783
AMEND RES. NO.
2019-7522 AND QUIT
CLAIM DEED FOR
RIGHT-OF-WAY FOR
VELO VILLAGE
APTS.
- G.3. Alderman Holpfer moved to adopt Resolution No. 2021-7783, A RESOLUTION TO AMEND RESOLUTION NO. 2019-7522 AND QUIT CLAIM DEED FOR DEDICATION AND ACCEPTANCE OF RIGHT-OF-WAY FOR VELO VILLAGE APARTMENTS, LLC FOR PUBLIC ROAD/RIGHT-OF-WAY PURPOSES (TAX KEY NO. 754-9002-000). Seconded by Alderman Barber. All voted Aye; motion carried.
- POLICE OFFICER
HIRING
- G.4. Alderman Mayer moved to authorize the hiring of a Police Officer or Recruit Officer that is currently filled by an officer on unpaid administrative leave. Seconded by Alderman Barber. All voted Aye; motion carried.
- FIRE INSPECTOR
POSITION AND ICA
AGREEMENT WITH
OAK CREEK
- G.5. Alderwoman Hanneman moved to approve to reclassify and fill a previously approved half-time Fire Inspector position as a full-time position, shared with the Oak Creek Fire Department and execute an Intergovernmental Cooperation Agreement (ICA) with the City of Oak Creek. Seconded by Alderman Mayer. All voted Aye; motion carried.

- CONTRACT WITH
MAXIM LOCUM
TENENS &
ADVANCED
PRACTITIONERS
- G.6. Alderman Barber moved to authorize the Director of Health and Human Services to allow a contract with Maxim Locum Tenens and Advanced Practitioners for temporary staff position of an Epidemiologist. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- CONTRACTS FOR
COVID-19
MITIGATION
- G.7. Alderman Barber moved to allow the Director of Health and Human Services to accept and sign the Division of Public Health Consolidated Contracts for Continued COVID-19 Mitigation and Recovery Efforts. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RES. 2021-7784
FENCE WITHIN 10-FT
STORM SEWER
EASEMENT
4818 W. ANITA LN.
- G.8. Alderman Barber moved to adopt Resolution No. 2021-7784, A RESOLUTION AUTHORIZING THE INSTALLATION OF A FENCE WITHIN THE 10-FOOT STORM SEWER EASEMENT, UPON LOT 101 OF HIGH VIEW ESTATES ADDITION NO 2 (4818 W. ANITA LANE) (TAX KEY NO. 834-0074-000) (RATTAN SONI AND AMITA SONI, APPLICANTS). Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- RES. 2021-7785
STATE/MUNI
FINANCIAL &
MAINTENANCE
AGREEMENTS FOR
WI DOT PROJECT ON
S. LOVERS LANE RD.
- G.9. Alderman Holpfer moved to adopt Resolution No. 2021-7785, A RESOLUTION TO EXECUTE STATE/MUNICIPAL FINANCIAL AGREEMENT AND A STATE/MUNICIPAL MAINTENANCE AGREEMENT FOR IMPROVEMENTS RELATED TO A WISCONSIN DEPARTMENT OF TRANSPORTATION PROJECT ON S. LOVERS LANE RD (USH 45 / STH 100) FROM W. RAWSON AVENUE (CTH BB) TO W. COLLEGE AVENUE IN THE AMOUNT OF \$188,330. Seconded by Alderman Mayer. All voted Aye; motion carried.
- SPECIFICATIONS
WITH INDUSTRIAL
ROOFING SERVICES
WORK ORDER
- G.10. Alderman Barber moved to authorize an Annual Maintenance Repair Specifications Work Order with regard to City of Franklin facilities and associated infrastructure, with Industrial Roofing Services, Inc. (IRS) and to authorize the Director of Administration to execute the appropriate related agreement as needed. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- ORD. 2021-2482
AMEND ORD. NO.
2020-2453 FOR
CAPITAL OUTLAY
FUND FOR UDO
REWRITE PROJECT
- G.11. Alderman Nelson moved to adopt Ordinance No. 2021-2482, AN ORDINANCE TO AMEND ORDINANCE 2020-2453, AN ORDINANCE ADOPTING THE 2021 ANNUAL BUDGETS FOR THE CAPITAL OUTLAY FUND TO PROVIDE \$7,190 OF APPROPRIATIONS FOR THE UPDATE OF THE UNIFIED DEVELOPMENT ORDINANCE REWRITE PROJECT. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.

- RES. NO. 2021-7786
SIGNATURES FOR
CHECKS AND
ORDERS
- G.12. Alderman Barber moved to adopt Resolution No. 2021-7786, A RESOLUTION DESIGNATING SIGNATURES FOR CHECKS AND ORDERS PURSUANT TO WI STATE § 66.0607. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- AUGUST 2021
FINANCIAL REPORT
- G.13. Alderman Nelson moved to receive and place on file the August 2021 Financial Report. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- 2022 EMPLOYEE
BENEFIT-RELATED
COVERAGES
- G.14. Alderman Barber moved to approve the 2022 employee benefit-related coverages, carriers and premium shares, including: health insurance, wellness, health and wellness supplementary programs and dental insurance; and authorize the Director of Administration to execute the appropriate related contracts. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- RES. NO. 2021-7787
CODE OF CONDUCT
FOR ELECTED AND
APPOINTED
OFFICIALS
- G.15. Upon recommendation of the Committee of the Whole, Alderman Barber moved to adopt Resolution No. 2021-7787, A RESOLUTION ADOPTING THE CITY OF FRANKLIN CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS AND THE RULES OF THE COMMON COUNCIL, and include these documents in the newly created Common Council Reference Manual with the following changes from what was included in the 10/04/2021 meeting packet:
- 1) Draft Code of Conduct: Change the title from the existing “City of Franklin Code of Conduct” to “City of Franklin Code of Conduct and Ethics”.
 - 2) Draft Code of Conduct: Add “Section 9: Ethics” to the City of Franklin Code of Conduct and Ethics and move the entire contents of the current Attachment A (Ethics Section) into the newly established Section 9.
 - 3) Draft Rules of the Common Council: Change Section 14, the first sentence of paragraph two from “The City of Franklin utilizes the following process to fill a Council vacancy” to “The City of Franklin has utilized the following process to fill Council vacancies”.
 - 4) Draft Rules of the Common Council: Change Section 14, the last sentence from “This process is utilized when Council determines that it wishes to fill a vacated Council seat through an appointment process.” to “This process may be altered in the future when Council determines that it wishes to fill a vacated Council seat through an appointment process.”
 - 5) Draft Rules of the Common Council: Change Section 5 n. from, “The Presiding Officer can (but is not obligated) to vote whenever his/her vote will affect the result—that is, he/she

can vote either to break or to cause a tie; or, in a case where a two-thirds vote is required, he/she can vote either to cause or to block the attainment of the necessary two-thirds vote.”, to “Per Wisconsin State Statutes § 62.11(1), the Mayor shall not be counted in determining whether a quorum is present at a meeting, but may vote in case of a tie. When the Mayor does vote in case of a tie the Mayor’s vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure. The foregoing Mayoral vote, only in case of a tie, is not applicable when the Mayor is serving as the Presiding Officer of other City Boards/Commissions/Committees, during which the Mayor can (but is not obligated) to vote whenever his/her vote will affect the result—that is, he/she can vote either to break or to cause a tie; or, in a case where a two-thirds vote is required, he/she can vote either to cause or to block the attainment of the necessary two-thirds vote.

When the Council President is fulfilling the role of the Presiding Officer at a Common Council Meeting, he/she may exercise, at his or her option, the voting rights of an Alderman or may choose not to vote and instead act as the Mayor to cast a tie-breaking vote. In this circumstance, the Council President should announce whether he/she is acting as Mayor or Alderman on each proposal to be voted upon.”

Seconded by Alderwoman Hanneman. All voted Aye; motion carried. (Vote recorded as unanimous).

LICENSES AND
PERMITS

H. Alderman Nelson moved to approve the following:

Grant 2021-2022 Operator License to: Juan Villa with a warning letter from the City Clerk, Joshua Bishop, Erik Bogust, Elizabeth Granrath, Ivana Peric, McKenna Surma, Katiana Valle; and

Grant 2021-2022 “Class A” Beer & Liquor Change of Agent to: Walgreen Co, Elaine Blumreiter; Nerankar, LLC, Vinder Kumar.

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

VOUCHERS AND
PAYROLL

I. Alderman Barber moved to approve the following: City vouchers with an ending date of October 1, 2021 in the amount of \$966,983.97; Payroll dated September 24, 2021 in the amount of \$439,133.78 and payments of the various payroll deductions in the amount of \$471,844.09 plus City matching payments; Estimated payroll dated October 8, 2021 in the amount of \$410,000 and payments of the

various payroll deductions in the amount of \$240,000 plus City matching payments. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
REGARDING HUMAN
HEALTH HAZARD AT
6043 W. GLEN CT.

G.17. Alderman Barber moved to enter closed session regarding single-family residence property at 6043 West Glen Court, Franklin, Wisconsin, Tax Key No. 805-0046-000, human health hazard on private premises and unfit for human habitation property. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), to deliberate the investing of public funds and governmental actions in relation thereto with regard to the 6043 West Glen Court human health hazard on private premises and unfit for human habitation property, and pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to litigation in which it is likely to become involved with regard to the 6043 West Glen Court human health hazard on private premises and unfit for human habitation property. Seconded by Alderwoman Hanneman. On roll call, all voted aye. Motion carried.

Upon reentering open session at 7:45 p.m., Alderman Barber moved to direct staff to proceed as discussed in closed session. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

CLOSED SESSION
RES. No. 2021-7788
AMEND RES. 2020-
7681
SPECIAL USE FOR
MEAT PROCESSING
FACILITY
LOT 83 F RYAN
MEADOWS SUBD.

G.16. As the subject special use development is a subject in the litigation matter Franklin Community Advocates, et al. v. City of Franklin, and Strauss Brands, LLC, Milwaukee County Circuit Court Case No. 20-CV-7031, which litigation matter is in process and pending at this time, Alderman Nelson moved to enter closed session at 7:47 p.m. pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

Upon re-entering open session at 7:58 p.m., Alderwoman Hanneman moved to adopt Resolution No. 2021-7788, to amend Resolution No. 2020-7681, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A MEAT PROCESSING FACILITY USE UPON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST LOOMIS ROAD AND THE NEW MONARCH DRIVE (LOT 83 OF RYAN MEADOWS SUBDIVISION) (STRAUSS BRANDS LLC, APPLICANT), TO EXTEND THE TIME FOR COMMENCEMENT OF THE SPECIAL

- * USE DEVELOPMENT. Seconded by Alderman Barber. ~~All voted Aye; motion carried.~~ On roll call, Alderman Holpfer, Alderwoman Hanneman, and Alderman Barber voted Aye; Alderman Mayer and Alderman Nelson voted No. Motion carried.

ADJOURNMENT

- J. Alderman Barber moved to adjourn the meeting at 8:00 p.m. Seconded by Alderman Mayer. All voted Aye; motion carried.

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

RES. 2022-7823
MONUMENT SIGN
PLEASANT VIEW
RESERVE SUBD.

G.2. Alderwoman Wilhelm moved to adopt Resolution No. 2022-7823, A RESOLUTION AUTHORIZING THE INSTALLATION OF A MONUMENT SIGN WITHIN OUTLOT 1 OF THE PLEASANT VIEW RESERVE SUBDIVISION (GENERALLY LOCATED BETWEEN 7404 AND 7457 S. 51ST STREET) (VERIDIAN HOMES, LLC, APPLICANT). Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2022-7824
STORM WATER
AGREEMENT FROM
B&B INV. AND
FRANKLIN PUBLIC
SCHOOLS

G.3. Alderwoman Hanneman moved to adopt Resolution No. 2022-7824, A RESOLUTION TO AUTHORIZE ACCEPTANCE OF STORM WATER FACILITIES MAINTENANCE AGREEMENTS FROM B&B INVESTMENTS OF RAWSON, LLC. (3130 W. RAWSON AVENUE, TKN 738-9991-001) AND FRANKLIN PUBLIC SCHOOLS (8222 S. 51ST STREET, TKN 807-9999-001), subject to technical corrections by the City Engineer. Seconded by Alderman Holpfer. All voted Aye; motion carried.

RES. 2022-7825
APPROVE CSM
RYAN MEADOWS
SUBD.

G.4. Alderman Nelson moved to adopt Resolution No. 2022-7825, A RESOLUTION CONDITIONALLY APPROVING A 3-LOT CERTIFIED SURVEY MAP, BEING ALL OF LOT 84 IN RYAN MEADOWS AND A PART OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 975, LOCATED IN THE SOUTHWEST 1/4 AND THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 AND THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 ALL IN SECTION 30, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT (LOOMIS & RYAN, INC. AND GURJIT SINGH AND GURMIT KAUR, PROPERTY OWNERS)) (LOT 84 OFF RYAN MEADOWS SUBDIVISION AND AN ADJACENT PROPERTY LOCATED ON THE WEST SIDE OF SOUTH 112TH STREET (APPROXIMATELY LOCATED AT THE END OF MONARCH DRIVE IN THE RYAN MEADOWS SUBDIVISION)), with technical corrections as outlined by Alderwoman Wilhelm. Seconded by Alderman Holpfer. All voted Aye; motion carried.

ORD. 2022-2494
AMEND UDO
RYAN MEADOWS

G.5. Alderman Nelson moved to adopt Ordinance No. 2022-2494, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN

- SUBD. PARCEL OF LAND FROM M-1 LIMITED INDUSTRIAL DISTRICT AND R-2 ESTATE SINGLE-FAMILY RESIDENCE DISTRICT TO M-1 LIMITED INDUSTRIAL DISTRICT (GENERALLY LOCATED AT THE END OF MONARCH DRIVE IN THE RYAN MEADOWS SUBDIVISION (LOT 84 OF RYAN MEADOWS AND AN ADJACENT PROPERTY LOCATED ON THE WEST SIDE OF SOUTH 112TH STREET) (APPROXIMATELY 22.88 ACRES) (STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT). Seconded by Alderman Barber. All voted Aye; motion carried.
- DEV. AGREEMENT FOR TID 6, RYAN MEADOWS SUBD. G.6. Alderwoman Wilhelm moved to table acceptance of public improvements in conjunction with the “Development Agreement for Tax Incremental Financing District No. 6 Public Improvements and Ryan Meadows Subdivision” until such time staff is able to work through the issue and return to the Common Council with a recommendation. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- MABAS AGREEMENT G.7. Alderman Mayer moved to approve an amended Mutual Aid Box Alarm System (MABAS) Memorandum of Agreement holding the Department of Defense harmless in the event of discharge of firefighting foam containing “forever chemicals” by the 128th Air Refueling Wing. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- NEW HOUSING FEE REPORT G.8. No action was taken The New Housing Fee Report, pursuant to the requirements of 2017 Wisconsin Act 243, Section 66.10014.
- ORD. 2022-2495 AMEND MUN. CODE CH. 92, BUILDING PERMIT FEES G.9. Alderman Holpfer moved to adopt Ordinance No. 2022-2495, AN ORDINANCE TO AMEND CHAPTER 92 OF THE MUNICIPAL CODE FOR BUILDING PERMIT FEES TO REPEAL AND RECREATE THE SCHEDULE OF PERMIT FEES. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- ORD. 2022-2496 AMEND MUN. CODE CH. 190, PLUMBING PERMIT FEES Alderwoman Hanneman moved to adopt Ordinance No. 2022-2496, AN ORDINANCE TO AMEND CHAPTER 190 OF THE MUNICIPAL CODE FOR PLUMBING PERMIT FEES TO REPEAL AND RECREATE THE SCHEDULE OF PERMIT FEES. Seconded by Alderman Nelson. All voted Aye; motion carried.
- ORD. 2022-2497 AMEND MUN. CODE CH. 118, ELECTRICAL PERMIT FEES Alderman Barber moved to adopt Ordinance No. 2022-2497, AN ORDINANCE TO AMEND CHAPTER 118 OF THE MUNICIPAL CODE FOR ELECTRICAL PERMIT FEES TO REPEAL AND RECREATE THE SCHEDULE OF PERMIT FEES. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

- ORD. 2022-2498
AMEND MUN. CODE
CH. 80, VICIOUS OR
BARKING DOGS
- G.10. Alderman Holpfer moved to adopt Ordinance No. 2022-2498, AN ORDINANCE TO UPDATE CHAPTER 80 OF THE MUNICIPAL CODE, ANIMALS, TO UPDATE THE REQUIREMENTS FOR KEEPING OF VICIOUS OR BARKING DOGS. Seconded by Alderman Barber.
- Alderman Holpfer moved to amend the motion to adopt Ordinance No. 2022-2498 to include technical corrections. Seconded by Alderman Nelson. All voted Aye; motion carried.
- ORD. 2022-2499
AMEND MUN. CODE
SEC. 169-1., HEALTH
DEPT. FEES
- G.11. Alderman Nelson vacated his seat at 7:27 p.m.
- Alderman Barber moved to adopt Ordinance No. 2022-2499, AN ORDINANCE TO AMEND §169-1. OF THE MUNICIPAL CODE, LICENSES REQUIRED, TO UPDATE THE HEALTH DEPARTMENT LICENSE CATEGORIES AND FEES REFERRED TO BY §138-28. OF THE MUNICIPAL CODE, FEES. Seconded by Alderman Holpfer. All voted Aye; motion carried. (Alderman Nelson absent.)
- HEALTH DEPT.
GRANT
- G.12. Alderman Nelson returned to his seat at 7:29 p.m.
- Alderman Barber moved to authorize the Director of Health and Human Services to accept the Strategic Prevention Framework, Partnership for Success (SPF-PFS) Grant for 2022 with Community Advocates, Inc. (CA). Seconded by Alderman Holpfer. All voted Aye; motion carried.
- Alderwoman Hanneman moved to amend the motion to include amendments and provisions as outlined by Alderwoman Wilhelm. Seconded by Alderman Barber. All voted Aye; motion carried.
- HEALTH DEPT.
ORGANIZATION
- G.13. No action was taken following a discussion relating to the organization of the Health Department.
- APPOINT ACTING
HEALTH OFFICER
- G.14. Alderman Barber moved to appoint Darren Rausch, the Health Director for the City of Greenfield, to serve as Acting Health Officer for the City of Franklin for a period of 180 days and authorize the Mayor and Director of Administration to sign the appropriate agreements. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.
- UDO REWRITE UPDATE
- G.15. No action was required on the Unified Development Ordinance rewrite project update, public process and diagnostic review.

- RES. 2022-7826
AWARD ALL-WAYS
CONT., INC.-PLEASANT
VIEW PARK
IMPROVEMENTS IN AN
AMOUNT OF \$405,561
- G.16. Alderwoman Wilhelm moved to adopt Resolution No. 2022-7826, A RESOLUTION TO AWARD PLEASANT VIEW PARK IMPROVEMENTS TO ALL-WAYS CONTRACTORS, INC. FOR \$405,561 pending approval of capital carry overs which includes \$300,000 for Pleasant View Park, giving consent to the City Clerk to correct the Council Action Sheet to reflect the Bid as published and Common Council's action. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- ORD. 2022-2500
AMEND MUN. CODE
SEC. 222-4., STREETS
- G.17. Alderman Holpfer moved to adopt Ordinance No. 2022-2500, AN ORDINANCE TO REPEAL AND RECREATE SECTION 222-4. OF THE MUNICIPAL CODE AND TO RENAME "STREETS, OPENINGS AND EXCAVATIONS" TO "CONSTRUCT, MAINTAIN, OR REPAIR INFRASTRUCTURE WITHIN PUBLIC RIGHT-OF-WAY", subject to technical corrections. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- STREET/UTILITY
CONST. INSP. RATES
- G.18. Alderwoman Hanneman moved to approved revised rates of service for street and utility construction inspection as included in the Common Council meeting packet for the years 2022 and 2023. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2022-7827
GRAEF-USA, INC.
CONTRACT FOR LIFT
STATION CONSTR.
OBSERVATION
- G.19. Alderwoman Wilhelm moved to adopt Resolution No. 2022-7827, A RESOLUTION TO AMEND THE CONTRACT WITH GRAEF-USA, INC. TO PROVIDE CONSTRUCTION OBSERVATION SERVICES FOR THE INDUSTRIAL PARK LIFT STATION (10100 S. 60TH STREET) REPLACEMENT FOR \$64,740 plus an additional six hours for drop-in inspections. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2022-7828
WEPCO LICENSE FOR
LINEAR PARK
- G.20. Alderman Nelson moved to adopt Resolution No. 2022-7828, A RESOLUTION TO ENTER INTO A LICENSE WITH WISCONSIN ELECTRIC POWER COMPANY TO USE THEIR PROPERTY FOR A LINEAR PARK FROM S. 116TH STREET/W. MAYERS DRIVE TO THE MUNICIPAL BOUNDARY WITH MUSKEGO, subject to correction of the street name. Seconded by Alderman Mayer. All voted Aye; motion carried.
- 2022 LOCAL STREET
IMPR. PROGRAM
- G.21. Alderman Nelson moved to direct staff to proceed with advertising and bidding both contracts of the 2022 Local Street Improvement Program as presented. Seconded by Alderman Mayer. All voted Aye; motion carried.

- PRINCIPAL RETIREMENT FEE DISCLOSURE
- G.22. Alderman Barber moved to authorize staff to implement change in fee disclosure for Principal Retirement Plan Statements. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- ORD. 2022-2501
AMEND 2021 BUDGET FOR SPECIAL AUDIT APPROPRIATIONS
- G.23. Alderman Barber moved to adopt Ordinance No. 2022-2501, AN ORDINANCE TO AMEND ORDINANCE NO. 2020-2453, AN ORDINANCE TO ADOPT THE 2021 ANNUAL BUDGET FOR THE GENERAL FUND TO MOVE \$7,925 OF UNRESTRICTED CONTINGENCY APPROPRIATIONS TO SPECIAL AUDIT APPROPRIATIONS. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.
- NOV. 2021 FINANCIAL REPORT
- G.24. Alderman Nelson moved to receive and place on file the November 2021 Monthly Financial Report. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RES. 2022-7829
A RESOLUTION DESIGNATING AN INTERIM FIN. DIR./COMP./TREAS.
- G.25 Alderman Holpfer moved to adopt Resolution No. 2022-7829, A RESOLUTION DESIGNATING THE DIRECTOR OF ADMINISTRATION AS THE INTERIM FINANCE DIRECTOR/COMPTROLLER/TREASURER FOR THE CITY OF FRANKLIN UNTIL A SUCCESSOR FINANCE DIRECTOR/COMPTROLLER/TREASURER IS SELECTED AND IN OFFICE Seconded by Alderwoman Wilhelm. On roll call, all voted Aye. Motion carried.
- LICENSES AND PERMITS
- H. Alderman Nelson moved to approve the following:
- Hold the 2021-2022 Operator License of Kimberly Henzig for appearance;
- Grant 2021-22 Operator License to: Kailey Kowalski, Tyler Klemm with a warning letter; and
- Approved Police Incident Reports from February 13, 2021 thru December 19, 2021, with a warning letter to New Liquor & Food, Inc., Gurjeet Singh, Agent, Franklin Liquor Store (Quik Chek), 8305 S 27th St.
- 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 February 10, 2022, in the amount of \$2,633,912.87; payroll dated February 11, 2022, in the amount of \$441,175.93 and payment of the various payroll deductions in the amount of \$250,093.82, plus

City matching payments; estimated payroll dated February 25, 2022, in the amount of \$420,000 and payroll deductions in the amount of \$475,000, plus City matching payments; property tax disbursements with an ending date of February 10, 2022, in the amount of \$10,018,213.42; approval to release payment to Bond Trust Services in the amount of \$3,672,369.59; approval to release property tax settlements in the amount of \$22,545,960.03; approval to release Wanasek payment in the amount of \$62,122.65; and approval to release Library vouchers not to exceed \$68,000. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J. Alderman Holpfer moved to adjourn the meeting at 8:51 p.m. Seconded by Alderman Barber. All voted Aye; motion carried.

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D.

NOTICE OF PUBLIC HEARING
CITY OF FRANKLIN
COMMON COUNCIL

MEETING DETAILS

HEARING DATE: Tuesday, March 1, 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: Stephen R. Mills, President of Bear Development, LLC (Ignasiak Investment Co., LLC, property owner).

SUBJECT PROPERTY: Generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area (totaling approximately 35 acres).

TAX KEY NUMBER: 892-9999-002.

PROPOSAL: To amend the Future Land Use Map designation for the area consisting of one property designated as Recreational Use, covering approximately 35 acres, from Recreational Use and Areas of Natural Resource Features Use to Residential Use.

CONTACT INFORMATION

City Development Department
(414) 425-4024
www.franklinwi.gov/planning
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 Heath Eddy, City of Franklin Planning Manager, at 414-425-4024.

Dated this 10th day of January, 2022.

Sandra L. Wesolowski
City Clerk

N.B. Class I

<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>March 1, 2022</p>
<p>REPORTS & 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 BEARING TAX KEY NUMBER 892-9999-002 FROM RECREATIONAL USE AND AREAS OF NATURAL RESOURCE FEATURES TO RESIDENTIAL USE (BY STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT, IGNASIAK INVESTMENT COMPANY, LLC, PROPERTY OWNER)</p>	<p>ITEM NUMBER</p> <p>G.1.</p>

At the regular meeting of the Plan Commission on February 3, 2022, the following action was approved: a motion to adopt a Resolution recommending approval of an Ordinance to amend the *City of Franklin 2025 Comprehensive Master Plan* to change the City of Franklin 2025 Future Land Use Map for property bearing Tax Key Number 892-9999-002 from “Recreational” use and “Areas of Natural Resource Features” to “Residential” use, in order to provide consistency with a Rezoning Application also recommended for approval by the Plan Commission.

COUNCIL ACTION REQUESTED

A motion to approve Ordinance 2022-_____, amending the *City of Franklin 2025 Comprehensive Master Plan* to change the City of Franklin 2025 Future Land Use Map for property bearing Tax Key Number 892-9999-002 from “Recreational” use and “Areas of Natural Resource Features” to “Residential” use.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 01-24-22]

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 BEARING TAX KEY NUMBER 892-
9999-002, GENERALLY LOCATED ON THE EAST SIDE OF SOUTH 112TH STREET,
EAST OF THE RYAN MEADOWS SUBDIVISION AND WEST OF THE FRANKLIN
SAVANNA NATURAL AREA FROM RECREATIONAL USE AND AREAS OF
NATURAL RESOURCE FEATURES USE TO RESIDENTIAL USE
(TOTALING APPROXIMATELY 35 ACRES)
(STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC
(IGNASIAK INVESTMENT CO., LLC, PROPERTY OWNER)

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, Stephen R. Mills, President of Bear Development, LLC has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for the property bearing Tax Key Number 892-9999-002, generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area, from Recreational Use and Areas of Natural Resource Features Use to Residential Use; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on February 3, 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 three properties generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area, from Recreational Use and Areas of Natural Resource Features Use to Residential 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 March 1, 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 the property bearing Tax Key Number 892-9999-002, generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area, from Recreational Use and Areas of Natural Resource Features Use to Residential 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 _____

STATE OF WISCONSIN

CITY OF FRANKLIN
PLAN COMMISSION

MILWAUKEE COUNTY

RESOLUTION NO. 2022-002

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 BEARING TAX KEY NUMBER 892-
9999-002, GENERALLY LOCATED ON THE EAST SIDE OF SOUTH 112TH STREET,
EAST OF THE RYAN MEADOWS SUBDIVISION AND WEST OF THE FRANKLIN
SAVANNA NATURAL AREA FROM RECREATIONAL USE AND AREAS OF
NATURAL RESOURCE FEATURES USE TO RESIDENTIAL USE,
PURSUANT TO WIS. STAT. § 66.1001(4)(b)

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, Stephen R. Mills, President of Bear Development, LLC has applied for an amendment to the Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for the property generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area, from Recreational Use and Areas of Natural Resource Features Use to Residential Use, such property bearing Tax Key Number 892-9999-002, more particularly described as follows:

Lot 2 of Certified Survey Map No. 8293. Being the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 29 and the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 30, Town 5 North, Range 21 East in the City of Franklin, Milwaukee County, Wisconsin (total acreage approximately 35 acres); and

WHEREAS, the Plan Commission having determined that the proposed amendment, in form and content as presented to the Commission on February 3, 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

RESOLUTION NO. 2022 -002

Page 2

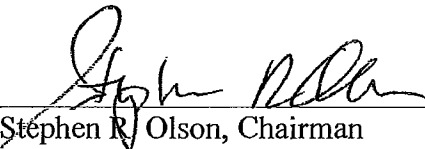
and welfare of the City of Franklin.

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 bearing Tax Key Number 892-9999-002, generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area, from Recreational Use and Areas of Natural Resource Features Use to Residential 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 3rd day of February, 2022.

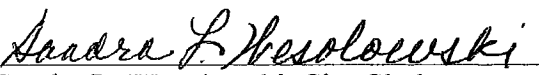
Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this 3rd day of February, 2022.

APPROVED.



Stephen R. Olson, Chairman

ATTEST:



Sandra L. Wesolowski, City Clerk

AYES 4 NOES 2 ABSENT 0

Planning Department
 9229 West Loomis Road
 Franklin, Wisconsin 53132
 generalplanning@franklinwi.gov
 (414) 425-4024
 franklinwi.gov



APPLICATION DATE: _____
 STAMP DATE: _____ city use only

COMMON COUNCIL REVIEW APPLICATION

PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]	APPLICANT IS REPRESENTED BY [CONTACT PERSON]
NAME: S.R. Mills	NAME: Daniel Szczap
COMPANY: Bear Development, LLC (Daniel Szczap)	COMPANY: Bear Development, LLC (Daniel Szczap)
MAILING ADDRESS: 4011 80th Street	MAILING ADDRESS: 4011 80th Street
CITY/STATE: Kenosha, WI ZIP: 53142	CITY/STATE: Kenosha, WI ZIP: 53142
PHONE: (262) 949-3788	PHONE: (262) 949-3788
EMAIL ADDRESS: dan@beardevelopment.com	EMAIL ADDRESS: dan@beardevelopment.com

PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS: Vacant 112th Street	TAX KEY NUMBER: 892-9999-002
PROPERTY OWNER: Please see attached	PHONE:
MAILING ADDRESS:	EMAIL ADDRESS:
CITY/STATE: ZIP:	DATE OF COMPLETION: <small>office use only</small>

APPLICATION TYPE

Please check the application type that you are applying for

- Concept Review
 Comprehensive Master Plan Amendment
 Planned Development District
 Rezoning
 Special Use / Special Use Amendment
 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).

- 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:
NAME & TITLE: DATE:	NAME & TITLE: S.R. Mills, President DATE: 12/27/2021
PROPERTY OWNER SIGNATURE:	APPLICANT REPRESENTATIVE SIGNATURE:
NAME & TITLE: DATE:	NAME & TITLE: Daniel Szczap, Project Manager DATE: 12/27/2021



August 18, 2021

Ignasiak Investment Company, LLC
Attn: Mike Ignasiak, Sr.
3132 Ravine Way
Green Bay, WI 54301

Re: Letter of Consent – Zoning and Comprehensive Plan Amendment for Bear Development

This letter certifies that Ignasiak Investment Company, LLC, Owner of Parcel Number 892-9999-002 and ~~937-9999-004~~, consent to have Bear Development submit applications for Comprehensive Plan Amendment (Recreational and Areas of Natural Resource Features to Residential) and Rezoning (A-2 Agriculture to R-5 Suburban Single Family).

Dated: 8/18, 2021

Owner:
Ignasiak Investment Company, LLC

By: M. Ignasiak Sr.
(Authorized Signatory)



December 27, 2021

Mr. Regulo Martinez Montilva
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

Re: Franklin Expansion Lands- Comprehensive Plan Amendment

Dear Mr. Martinez-Montilva:

Please accept this letter and the enclosed submittal materials as formal application for an amendment to the City of Franklin Comprehensive Plan. Bear Development LLC is contract purchaser of the subject property, acting on behalf, and with authorization, of the owner of record, Ignasiak Investment Company, LLC.

Project Summary

Bear Development, LLC is the contract purchaser of approximately 34.59 acres of land in the City of Franklin. The land is located on the east side of 112th Street and lies south of Ryan Road. The property is directly east of the Ryan Meadows Subdivision.

On August 17, 2021, Bear Development presented a Concept Plan for the subject property before the Common Council. The Concept Plan received generally positive comments as to the proposed use as a single-family neighborhood. As such, the applicant is seeking an amendment to the City Comprehensive Plan to achieve consistency.

Current Plan Designation- Ignasiak Investment Company, LLC

The subject property (approximately 34.54 acres) is located on the east side of 112th Street adjacent to Milwaukee County Park land known as the Franklin Savanna. The City Comprehensive Plan designates this property as Recreational.

Proposed Comprehensive -Ignasiak Investment Company, LLC

Bear Development and Ignasiak Investment Company, LLC respectfully request a Comprehensive Plan Amendment for the subject property to be changed from the designation "Recreation" to the "Residential" designation. While it is designated as Recreational, we understand there are no plans for either Milwaukee County or the City of Franklin to purchase the property and develop it as a public park. The property has been offered for sale for the past two (2) years.

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

We feel the Conceptual Plan presented to the Common Council on August 17, 2021 offers a realistic future land use pattern when considering the current development/growth trends in the area and the public utilities that have been extended nearby. We submit that holding the subject property in a designation of Recreation precludes future development opportunities that can increase tax base on properties that are viable for development on public sewer and water.

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

Thank you for your time and consideration.

Respectfully,

Daniel Szczap
Bear Development, LLC



REPORT TO THE PLAN COMMISSION

Meeting of February 3, 2022

Comprehensive Master Plan Amendment and Rezoning

RECOMMENDATION: City Development Staff recommends denial of the Comprehensive Master Plan Amendment and Rezoning applications submitted by Bear Development, LLC.

Table with 2 columns: Label (Project Name, Applicant, Agent, Project Address/Tax Key, Property Owner, Current Zoning, Proposed Zoning, 2025 Comprehensive Plan, Proposed amendment, Action Requested, Staff) and Value (112th Street properties residential subdivision, Bear Development, LLC, Daniel Szczap. Bear Development, LLC, 892-9999-002, Ignasiak Investment Co LLC, A-2 Prime Agricultural District & C-1 Conservancy District, R-5 Suburban Single-Family Residence District, Recreational and areas of natural resource features, Residential, Recommendation for approval of rezoning and Comprehensive Master Plan amendment, Heath Eddy, AICP, Planning Manager)

Introduction

The applicant submitted Comprehensive Master Plan Amendment and Rezoning applications to allow for a future single-family residential subdivision with 63 lots on a 35-acre site.

Prior Actions

The Common Council heard a Concept Review for this development proposal on August 17, 2021. A public hearing was held before the Plan Commission on October 7, 2021, and continued to the next meeting on October 21, 2021, which reviewed a larger residential development project of 115 single family lots on 92 acres, followed by a reduced version of that application which would have been 48 lots on a 35-acre site. The Plan Commission recommendation deadlocked 3-3 for approval. Due to the nature of State Statutes, the Common Council was unable to take a vote following the public hearing for the Comprehensive Master Plan Amendment, and therefore was also unable to vote on the Rezoning application. The applicant withdrew those applications just prior to the Common Council meeting of November 4, 2021, although the public hearing on the Comprehensive Master Plan Amendment did take place. The applicant refiled these applications in mid-November with the reduced request of 48 lots on 35 acres, which were brought to the Plan Commission on December 9, 2021, for the Rezoning Application public hearing and the

recommendation on the Comprehensive Master Plan Amendment. The Plan Commission voted 2-2 on a recommendation of approval for the Plan Amendment, thus killing the applications a second time. The applicant refiled both applications on December 27, 2021, this time requesting approval for a concept that is now increased to 63 lots on 35 acres. This is the third time the Plan Commission will hold a public hearing on a Rezoning Application, with a recommendation on the Plan Amendment, for the subject property.

Comprehensive Master Plan Amendment

The current application site consists of 1 property (TKN 892-9999-002) which is designated as Recreational with inclusions along stream channels for Areas of Natural Resource Features. Given the proposed residential subdivision is not consistent with the Recreational designation of the City of Franklin 2025 Comprehensive Master Plan, the applicant is proposing to change the future land use designation from Recreational and Areas of Natural Resource Features to Residential. It is noted that other adopted planning policies, such as the Comprehensive Outdoor Recreation Plan 2025 (CORP) and the Post-Sanitary Sewer Scenario Map for the southwest portion of the city, also identify this area as recreational, specifically as a “Planned Regional Park”.

Rezoning

The subject property is zoned A-2 Prime Agricultural District with two stream corridors zoned C-1 Conservancy District, which is an obsolete zoning district because the current Unified Development Ordinance require protection of natural resources through conservation easements. The applicant is proposing to rezone the entire site to R-5 Suburban Single-Family Residential.

Project Description/Analysis

The applicant is seeking the rezoning and Comprehensive Master Plan amendment to allow for a 35-acre single-family residential subdivision with 63 lots designed to the development standards of the R-5 Suburban Single-Family Residence District, specifically a gross density of 1.83 dwelling units per acre. It should be noted that the revised Development Concept (attached) does not appear to reflect consideration of existing natural resource constraints on the subject property. This appears to be a “maximum build” concept. The applicant’s previous submission in December accounted substantially for natural resource protections on the subject property. It should be further noted that the applicant’s revised concept is also in line with the maximum yield in the R-5 District.

According to the project narrative submitted for the Concept Review, the estimated site improvement cost is 10 million dollars with a total project value of \$51.75 million dollars or \$562,500 per acre. The overall project cost will be reduced with the smaller project but the average value should be consistent.

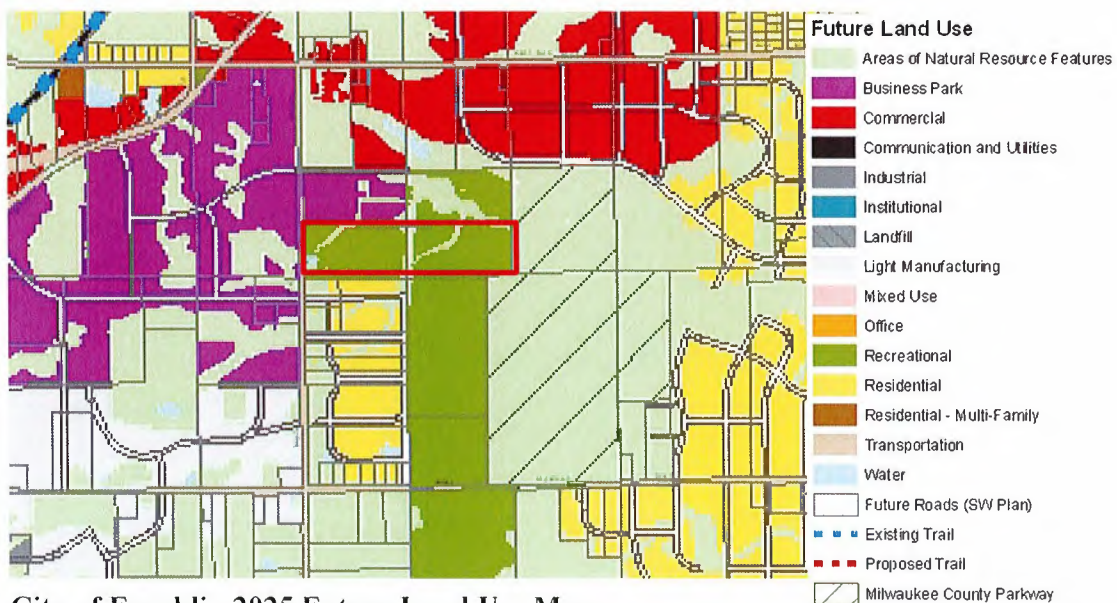
Current zoning

Approximately 94% (32 acres) of the site is currently zoned A-2 Prime Agricultural District. According to the Unified Development Ordinance Section 15-3.0315, the district’s intent is to “prevent the premature conversion of agricultural land to scattered Urban and Suburban uses such as residential, commercial and industrial uses”. It is noted that the A-2 district is limited to “prime agricultural lands”, therefore, this development proposal is contrary to the intent of this zoning district.

Consistency with adopted planning policies

As part of the Concept Review last August, City Development staff informed the applicant that residential development at this location is not “consistent with” any of the adopted city plans, specifically the City of Franklin 2025 Comprehensive Master Plan, the Post Sanitary Sewer Scenario for the Southwest and the Comprehensive Outdoor Recreation Plan 2025 as noted below:

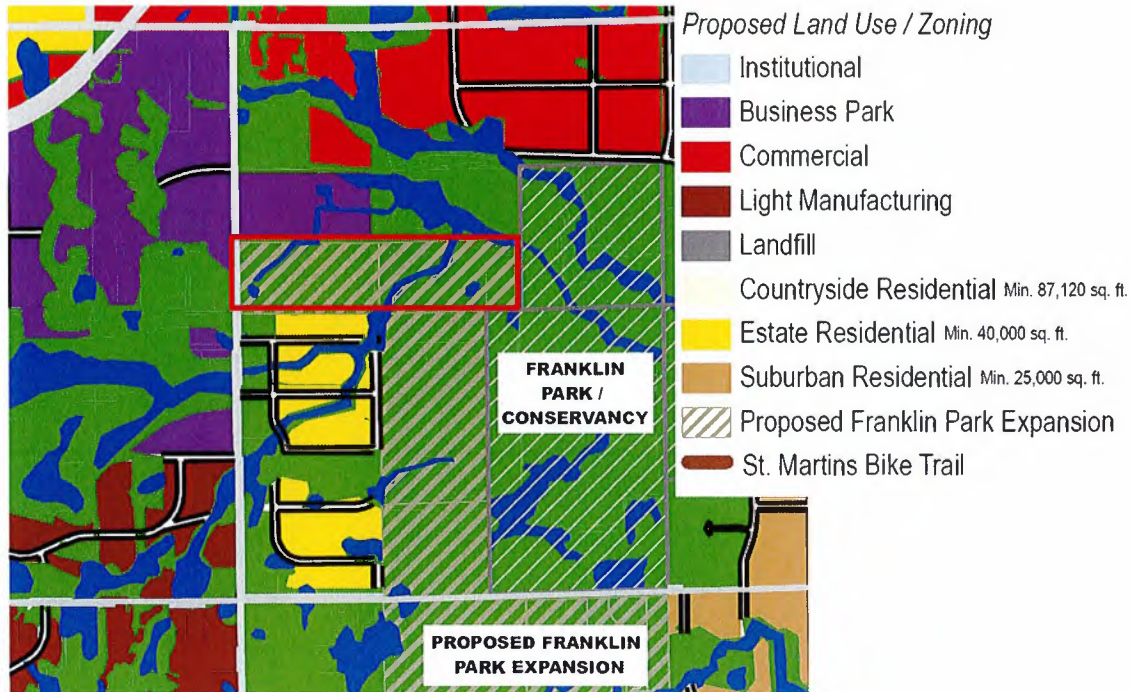
- a. **Not consistent with the city’s Comprehensive Plan.** The same area that it is currently zoned A-2 as noted above, it is designated as Recreational in the future land use map of the City of Franklin 2025 Comprehensive Master Plan. Therefore, this proposal is not consistent with the comprehensive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



City of Franklin 2025 Future Land Use Map

- b. **Not consistent with the southwest subarea plan.** According to the Post-Sanitary Sewer Scenario Map for the southwest portion of the city, the area that is designated as Recreational in the Comprehensive Master Plan is identified as “Proposed Franklin Park Expansion”. This

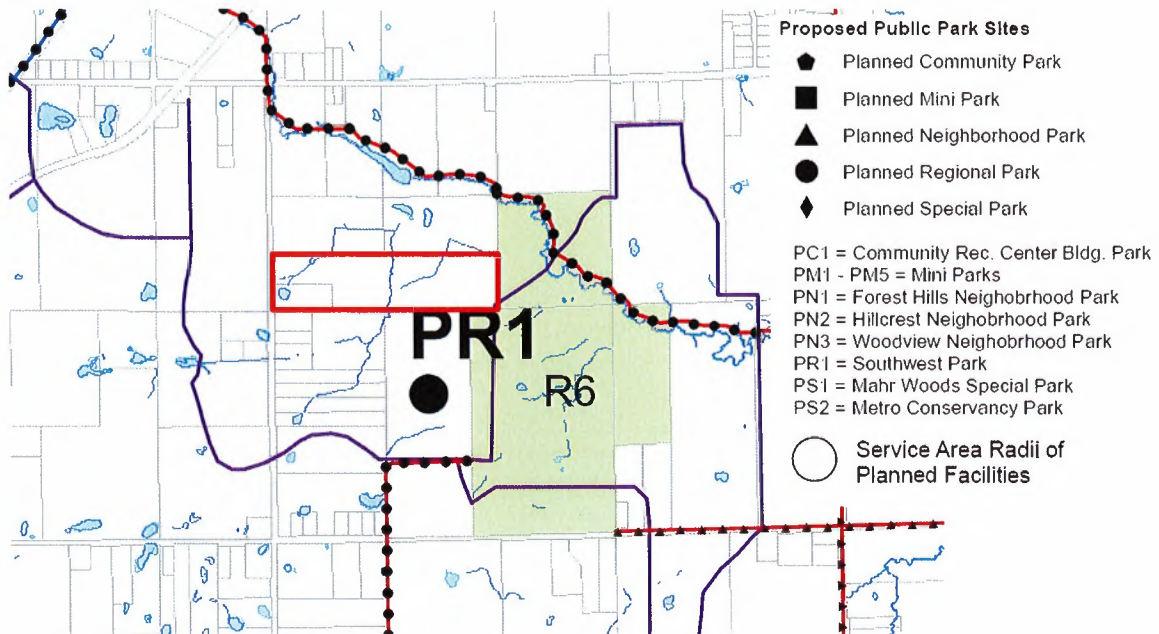
designation as park expansion area is related to the fact that this site is immediately adjacent to the Franklin Savanna Natural Area owned by Milwaukee County and labeled as “Franklin Park/Conservancy”.



Post-Sanitary Sewer Scenario Map (2009)

- c. **Not consistent with the Comprehensive Outdoor Recreation Plan 2025 (CORP).** Following the comprehensive plan and the southwest subarea plan, the “Existing and Planned Public Outdoor Recreation Sites” map of the CORP identifies this area as “Planned Regional Park” PR1. According to the CORP (Chapter 7, page 27), the recommended useable area for the “Southwest Park” should be at least 40 acres. The concept plan does not include any park dedication area, therefore, it is not consistent with the Comprehensive Outdoor Recreation Plan 2025.

Even though the subdivision design is not being reviewed at this time, it is worth noting that the Unified Development Ordinance (UDO) Section 15-5.0110 “Parks, playgrounds and other recreational and municipal facilities” requires that designated park areas shall be made part of the subdivision plat by either dedication of land, reservation or payment of development fee.



Existing and Planned Public Outdoor Recreation Sites map

Natural resources

As previously discussed in the Concept Review staff report, the proposed road layout would be crossing two wetlands, separate Natural Resource Special Exceptions would be required to allow for such wetland impacts in addition to state and federal wetland permits. It is worth noting that one of these wetland crossings would also impact environmental linkages identified in the Comprehensive Master Plan (Map 3.1). This linkage crossing is approximately located between lots 11 and 12. According to the Comprehensive Master Plan, wildlife crossings and culverts that allow for the passage of wildlife is recommended for roads that divide linkage areas.

The subject property was created by Certified Survey Map (CSM) No. 8293 which states that “The natural resource features identified on lot 2 are not based on field surveys in the event of further land division or development of lot 2 with any such natural resource feature, a complete natural resource protection plan with field survey is required”. The natural resources identified in the CSM include proposed wetland linkages per the Comprehensive Master Plan, woodlands per 2008 aerial photography and probable greenway connection per SEWRPC mapping (Southeast Wisconsin Regional Planning Commission).



City of Franklin Comprehensive Master Plan, Map 3.1 Linkages

Additional information

Fiscal Impact. Staff noted previously that single-family subdivision developments do not create tax revenues sufficient to cover the operational and maintenance costs associated with the public infrastructure developed or provided for support. In short, this development will cost more to the City over the long-term than it will generate in revenue.

Ryan Creek trail. It is worth noting that the city is evaluating a trail connection to the S. 116th Street trail as part of the Ryan Creek trail. The exact location has not been determined yet but this would be reviewed at the time of an eventual subdivision plat if the rezoning and comprehensive plan amendment are approved.

Milwaukee County Parks easement request. Bear Development applied for a “Milwaukee County Parks’ Land Utilization” to request consideration of a new sanitary sewer easement on County parkland known as the Franklin Savanna. Per input received from Milwaukee County Parks, “The proposal from Bear Development did not advance after being reviewed through the Land Utilization process. This decision was largely based on the high potential for environmental and hydrologic impacts caused from construction, as well as the need for routine maintenance access within a County natural area. Additionally, there appear to be several alternative routes within close proximity to the future development”, e-mail attached to the meeting packet.

City Departments comments

Comprehensive Master Plan amendment

- **Inspection Services Department.** Inspection Services has no comments on the proposal at this time.
- **Police Department.** The PD has no comment regarding this request.

Rezoning

- **Fire Department.** No comments at this time.
- **Police Department.** The PD has no comment regarding this request.

Staff Recommendation:

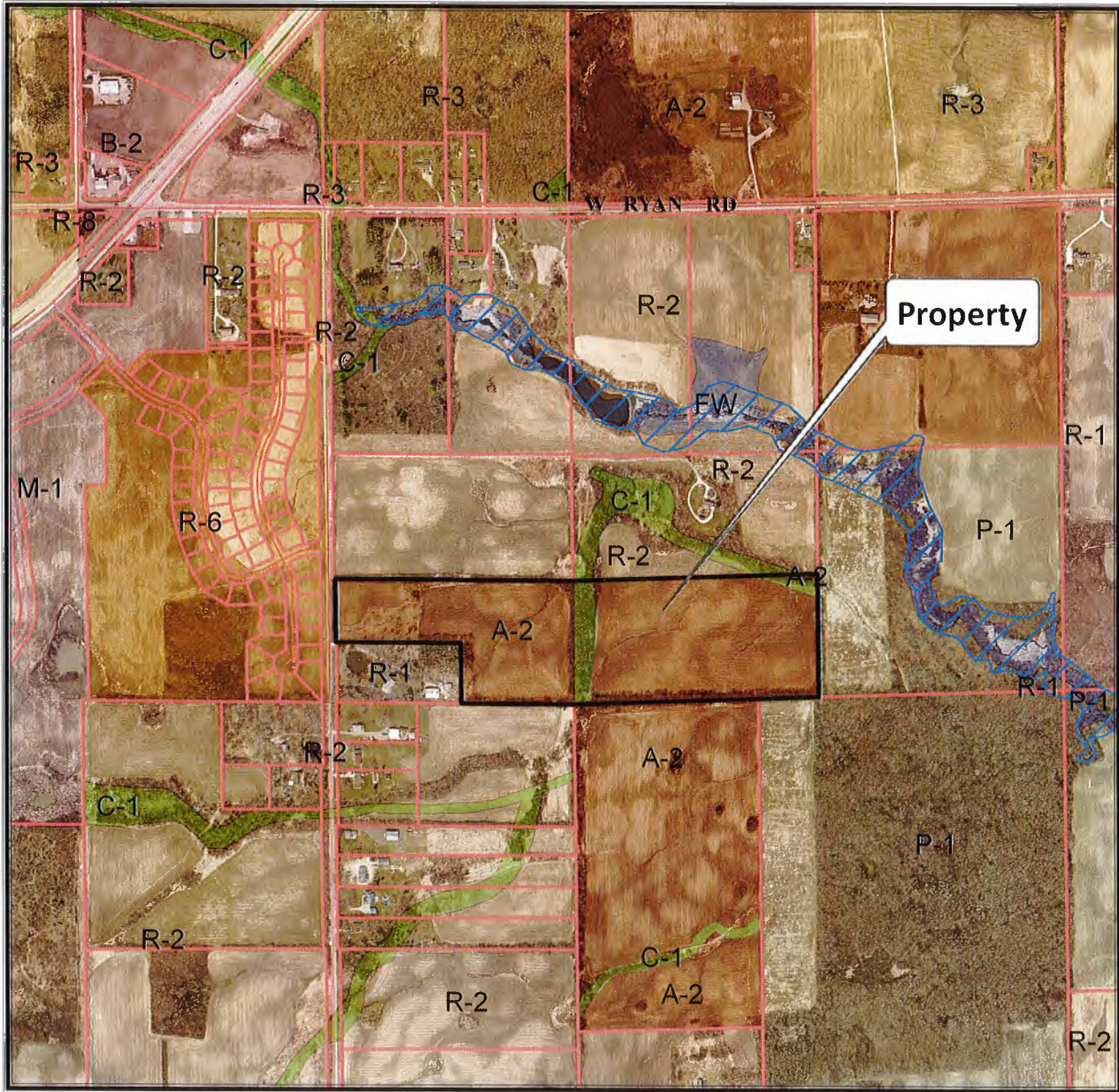
City Development staff recommends denial of the proposed Comprehensive Master Plan Amendment and Rezoning Application requests by Bear Development, LLC. The development as proposed appears to require significant additional follow-up applications just to make any development feasible on the subject property, and the applicant's concept design has been revised to maximize the R-5 density (117 times more dense than the existing permitted density), which makes an approval justification contradictory to the overall tenor of the City of Franklin 2025 Comprehensive Master Plan and the intent and purpose of the Unified Development Ordinance. In short, the development project is too dense for the subject property, given the natural resource constraints on-site.

However, should the Plan Commission wish to recommend approval, a draft Resolution recommending approval of the Comprehensive Master Plan Amendment, an Ordinance amending the Comprehensive Master Plan, and an Ordinance amending the Zoning Map are attached for review/revision and adoption.

Exhibits:

1. Ordinance 2022 – Bear Development LLC Subdivision Zoning Map Amendment, draft dated January 24, 2022.
2. Ordinance 2022 – Bear Development LLC Subdivision Comprehensive Master Plan Amendment, draft dated January 24, 2022.
3. Resolution 2022 – Bear Development LLC Subdivision Plan Commission recommendation to Common Council on Comprehensive Master Plan Amendment, draft dated January 24, 2022.
4. Planning Maps (2 pages) showing subject property and surrounding area.
5. Revised Development Concept Design, submitted December 27, 2021.
6. Prior Development Concept Design, submitted November 12, 2021.
7. Signed Comprehensive Master Plan Amendment Application, dated December 27, 2021.
8. Request Letter for Comprehensive Master Plan Amendment, dated December 27, 2021.
9. Signed Rezoning Application, dated December 27, 2021.
10. Owners Consent Authorization, dated August 18, 2021.
11. Request Letter for Rezoning, dated December 27, 2021.
12. Legal Description of subject property.
13. Page 1 of CSM #8293, recorded October 11, 2010.
14. Conservation Easement for CSM #8293, as approved for recording September 2010.

0 S. 112th Street
TKN: 892 9999 002

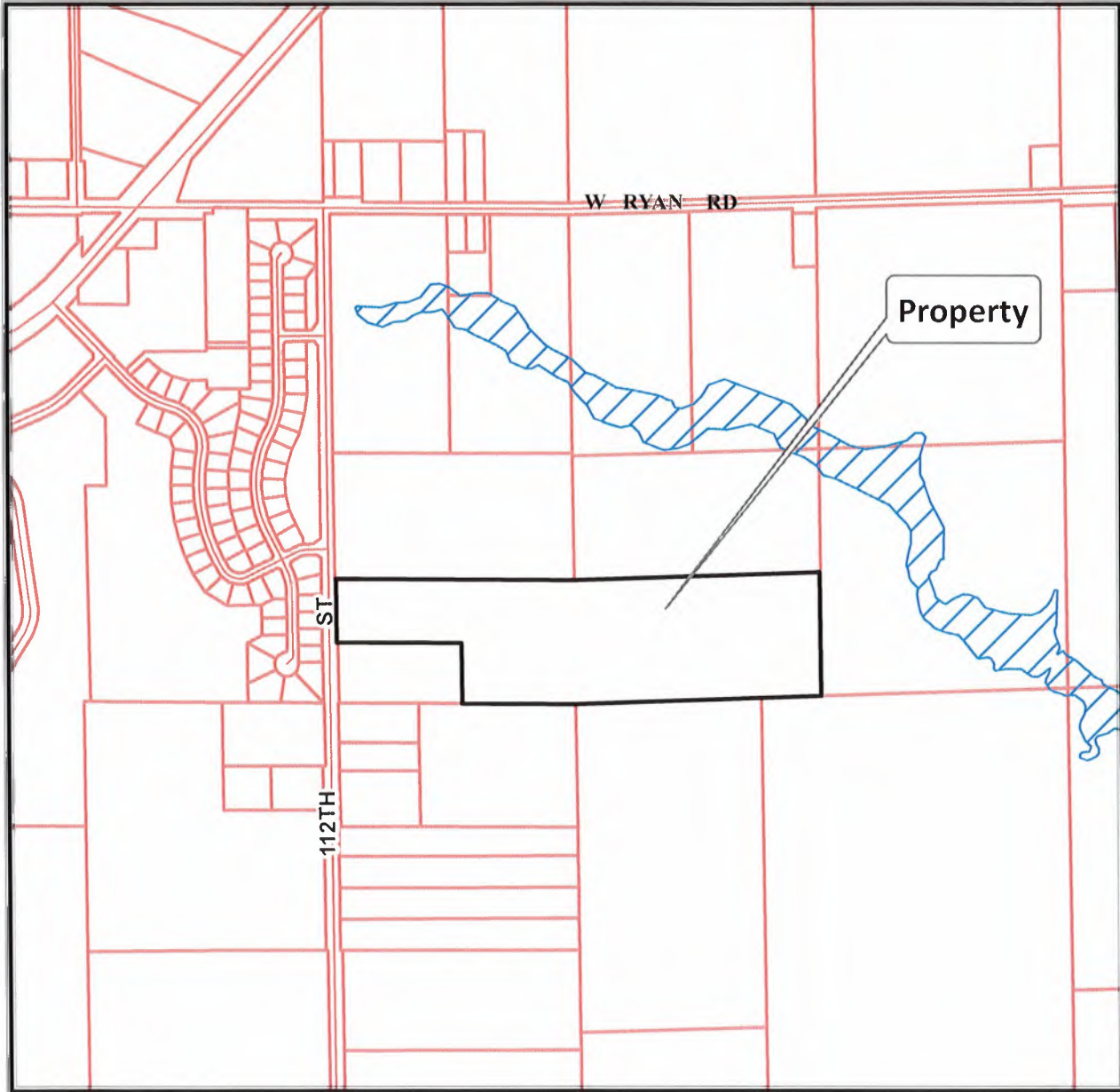


Planning Department
(414) 425-4024



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

0 S. 112th Street
TKN: 892 9999 002



Planning Department
(414) 425-4024



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

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE March 1, 2022
REPORTS & RECOMMENDATIONS	<p align="center"> AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND BEARING TAX KEY NUMBER 892-9999-002 FROM A-2 PRIME AGRICULTURAL DISTRICT AND C-1 CONSERVANCY DISTRICT TO R-5 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT (BY STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT, IGNASIAK INVESTMENT COMPANY, LLC, PROPERTY OWNER) </p>	<p align="center">ITEM NUMBER</p> <p align="center">G.2.</p>

At the regular meeting of the Plan Commission on February 3, 2022, following a properly noticed public hearing, the following action was approved: a motion to recommend approval of an Ordinance amending the Unified Development Ordinance (Zoning Map) to rezone the property bearing Tax Key Number 892-9999-002 from A-2 Prime Agricultural District and C-1 Conservancy District to R-5 Suburban Single-Family Residence District.

COUNCIL ACTION REQUESTED

A motion to approve Ordinance 2022-_____, amending the Unified Development Ordinance (Zoning Map) to rezone the property bearing Tax Key Number 892-9999-002 from A-2 Prime Agricultural District and C-1 Conservancy District to R-5 Suburban Single-Family Residence District.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 01-24-22]

ORDINANCE NO. 2022-_____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT
ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND
BEARING TAX KEY NUMBER 892-9999-002 FROM A-2 PRIME AGRICULTURAL
DISTRICT AND C-1 CONSERVANCY DISTRICT TO R-5 SUBURBAN SINGLE-
FAMILY RESIDENCE DISTRICT (GENERALLY LOCATED ON THE EAST SIDE OF
SOUTH 112TH STREET, EAST OF THE RYAN MEADOWS SUBDIVISION AND
WEST OF THE FRANKLIN SAVANNA NATURAL AREA)
(APPROXIMATELY 35 ACRES)
(STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT)

WHEREAS, Stephen R. Mills, President of Bear Development, LLC having petitioned for the rezoning of approximately 35 acres of land, from A-2 Prime Agricultural District and C-1 Conservancy District to R-5 Suburban Single-Family Residence District, such land generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area; and

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 3rd day of February, 2022, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; 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 rezoning is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and would 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 land generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area, described below, be changed from A-2 Prime Agricultural District and C-1 Conservancy District to R-5 Suburban Single-Family Residence District:

Lot 2 of Certified Survey Map No. 8293. Being the South 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 29 and the South 1/2 of the Southeast 1/4 of the Northeast 1/4 of Section 30, Town 5 North, Range 21 East in the City of Franklin, Milwaukee County, Wisconsin. Tax Key Number 892-9999-002.

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 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 _____



December 27, 2021

Mr. Regulo Martinez Montilva
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

Re: Rezoning – Franklin Expansion Lands

Dear Mr. Martinez Montilva:

Bear Development is pleased to submit this letter and the enclosed submittal materials as formal application for rezoning. Bear Development is acting with authorization of the owner of record, Ignasiak Investment Company.

Project Summary

Bear Development, LLC is the contract purchaser of approximately 34.59 acres of land in the City of Franklin. The land is located on the east side of 112th Street and south of Ryan Road. Bear Development is respectfully requesting a zoning amendment for the entire property to facilitate a single-family neighborhood. A Conceptual Plan was presented to the Franklin Common Council on August 17, 2021. Common Council comments were perceived as positive with no major objections raised.

Current Use

The subject property (approximately 34.59 acres) is actively farmed for row crops. There are scattered wetlands on the property and established tree lines which separate agricultural fields

Current Zoning- Ignasiak Investment Company, LLC

The subject property is currently zoned A-2 Agriculture with two (2) small areas of C1 Conservancy zoning which follow assumed waterways.

Adjacent Zoning

North: R-2 Residential
South: R-1 and R-2 Residential
East: P1 Parks (Franklin Savanna)
West: R-6, R-1 and R-2 Residential

Adjacent Land Use

North: Agriculture

South: Agriculture

East: Public Lands

West: Residential and Agriculture

Proposed Zoning

Bear Development, LLC is respectfully requesting zoning reclassification of the subject property to the R-5 Suburban Single Family Residence District.

Proposed Land Use

Bear Development is proposing a single-family neighborhood for the subject property. The Conceptual Plan was presented to the Common Council on August 17, 2021. Generally, the feedback from Council was positive and there were no major objections to the proposed plan.

Bear Development, LLC has retained the services of Pinnacle Engineering Group to develop the Conceptual Site Plan, which is enclosed for your review and reference and is considered a working document. Upon favorable hearing, we will advance the Concept Plan into full engineering design.

We feel the Site Plan offers a realistic land use pattern for this area of Franklin considering the recent development trends and the extension of public sewer and water to this area. The Concept Plan and subsequent land divisions will create a land use pattern that is consistent and compatible with the properties in the general area.

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

Thank you for your time and consideration.

Sincerely,

Daniel Szczap
Bear Development, LLC

SITE DATA TABLE

ZONING	R-5
TOTAL SITE	35.1 AC
MINIMUM LOT SIZE	13,000 S.F.
FRONT SETBACK	35 FT
SIDE SETBACK	10 FT
REAR SETBACK	25 FT
R.O.W. FRONTAGE	30 FT
R.O.W. FRONTAGE (CORNER)	90 FT
TOTAL LOTS	63
PROPOSED ROADWAY LENGTH	4,463 LF



LAND USE = SF RESIDENTIAL
 ZONING = R2 RESIDENTIAL

LAND USE = PARK
 ZONING = P1 PARK

LAND USE = AGRICULTURE
 ZONING = R2 RESIDENTIAL

LAND USE = AGRICULTURE
 ZONING = R2 AGRICULTURE

LAND USE = AGRICULTURE
 ZONING = R2 RESIDENTIAL

LAND USE = SF RESIDENTIAL
 ZONING = R1 RESIDENTIAL

LAND USE = SF RESIDENTIAL
 ZONING = R2 RESIDENTIAL

Planning Department
 9229 West Loomis Road
 Franklin, Wisconsin 53132
generalplanning@franklinwi.gov
 (414) 425-4024
franklinwi.gov



APPLICATION DATE: _____

STAMP DATE: _____ city use only

COMMON COUNCIL REVIEW APPLICATION

PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]	APPLICANT IS REPRESENTED BY [CONTACT PERSON]
NAME: S.R. Mills	NAME: Daniel Szczap
COMPANY: Bear Development, LLC (Daniel Szczap)	COMPANY: Bear Development, LLC (Daniel Szczap)
MAILING ADDRESS: 4011 80th Street	MAILING ADDRESS: 4011 80th Street
CITY/STATE: Kenosha, WI ZIP: 53142	CITY/STATE: Kenosha, WI ZIP: 53142
PHONE: (262) 949-3788	PHONE: (262) 949-3788
EMAIL ADDRESS: dan@beardevelopment.com	EMAIL ADDRESS: dan@beardevelopment.com

PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS: Vacant 112th Street	TAX KEY NUMBER: 892-9999-002
PROPERTY OWNER: Please see attached	PHONE:
MAILING ADDRESS:	EMAIL ADDRESS:
CITY/STATE: ZIP:	DATE OF COMPLETION: office use only

APPLICATION TYPE

Please check the application type that you are applying for

- Concept Review
 Comprehensive Master Plan Amendment
 Planned Development District
 Rezoning
 Special Use / Special Use Amendment
 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).

- 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:
NAME & TITLE: DATE:	NAME & TITLE: S.R. Mills, President DATE: 12/27/2021
PROPERTY OWNER SIGNATURE:	APPLICANT REPRESENTATIVE SIGNATURE:
NAME & TITLE: DATE:	NAME & TITLE: Daniel Szczap, Project Manager DATE: 12/27/2021



August 18, 2021

Ignasiak Investment Company, LLC
Attn: Mike Ignasiak, Sr.
3132 Ravine Way
Green Bay, WI 54301

Re: Letter of Consent – Zoning and Comprehensive Plan Amendment for Bear Development

This letter certifies that Ignasiak Investment Company, LLC , Owner of Parcel Number 892-9999-002 and ~~937-9999-004~~, consent to have Bear Development submit applications for Comprehensive Plan Amendment (Recreational and Areas of Natural Resource Features to Residential) and Rezoning (A-2 Agriculture to R-5 Suburban Single Family).

Dated: 8/18, 2021

Owner:
Ignasiak Investment Company, LLC

By: M. Ignasiak Sr.
(Authorized Signatory)



REPORT TO THE PLAN COMMISSION

Meeting of February 3, 2022

Comprehensive Master Plan Amendment and Rezoning

RECOMMENDATION: City Development Staff recommends denial of the Comprehensive Master Plan Amendment and Rezoning applications submitted by Bear Development, LLC.

Table with 2 columns: Field Name and Value. Fields include Project Name, Applicant, Agent, Project Address/Tax Key, Property Owner, Current Zoning, Proposed Zoning, 2025 Comprehensive Plan, Proposed amendment, Action Requested, and Staff.

Introduction

The applicant submitted Comprehensive Master Plan Amendment and Rezoning applications to allow for a future single-family residential subdivision with 63 lots on a 35-acre site.

Prior Actions

The Common Council heard a Concept Review for this development proposal on August 17, 2021. A public hearing was held before the Plan Commission on October 7, 2021, and continued to the next meeting on October 21, 2021, which reviewed a larger residential development project of 115 single family lots on 92 acres, followed by a reduced version of that application which would have been 48 lots on a 35-acre site. The Plan Commission recommendation deadlocked 3-3 for approval. Due to the nature of State Statutes, the Common Council was unable to take a vote following the public hearing for the Comprehensive Master Plan Amendment, and therefore was also unable to vote on the Rezoning application. The applicant withdrew those applications just prior to the Common Council meeting of November 4, 2021, although the public hearing on the Comprehensive Master Plan Amendment did take place. The applicant refiled these applications in mid-November with the reduced request of 48 lots on 35 acres, which were brought to the Plan Commission on December 9, 2021, for the Rezoning Application public hearing and the

recommendation on the Comprehensive Master Plan Amendment. The Plan Commission voted 2-2 on a recommendation of approval for the Plan Amendment, thus killing the applications a second time. The applicant refiled both applications on December 27, 2021, this time requesting approval for a concept that is now increased to 63 lots on 35 acres. This is the third time the Plan Commission will hold a public hearing on a Rezoning Application, with a recommendation on the Plan Amendment, for the subject property.

Comprehensive Master Plan Amendment

The current application site consists of 1 property (TKN 892-9999-002) which is designated as Recreational with inclusions along stream channels for Areas of Natural Resource Features. Given the proposed residential subdivision is not consistent with the Recreational designation of the City of Franklin 2025 Comprehensive Master Plan, the applicant is proposing to change the future land use designation from Recreational and Areas of Natural Resource Features to Residential. It is noted that other adopted planning policies, such as the Comprehensive Outdoor Recreation Plan 2025 (CORP) and the Post-Sanitary Sewer Scenario Map for the southwest portion of the city, also identify this area as recreational, specifically as a “Planned Regional Park”.

Rezoning

The subject property is zoned A-2 Prime Agricultural District with two stream corridors zoned C-1 Conservancy District, which is an obsolete zoning district because the current Unified Development Ordinance require protection of natural resources through conservation easements. The applicant is proposing to rezone the entire site to R-5 Suburban Single-Family Residential.

Project Description/Analysis

The applicant is seeking the rezoning and Comprehensive Master Plan amendment to allow for a 35-acre single-family residential subdivision with 63 lots designed to the development standards of the R-5 Suburban Single-Family Residence District, specifically a gross density of 1.83 dwelling units per acre. It should be noted that the revised Development Concept (attached) does not appear to reflect consideration of existing natural resource constraints on the subject property. This appears to be a “maximum build” concept. The applicant’s previous submission in December accounted substantially for natural resource protections on the subject property. It should be further noted that the applicant’s revised concept is also in line with the maximum yield in the R-5 District.

According to the project narrative submitted for the Concept Review, the estimated site improvement cost is 10 million dollars with a total project value of \$51.75 million dollars or \$562,500 per acre. The overall project cost will be reduced with the smaller project but the average value should be consistent.

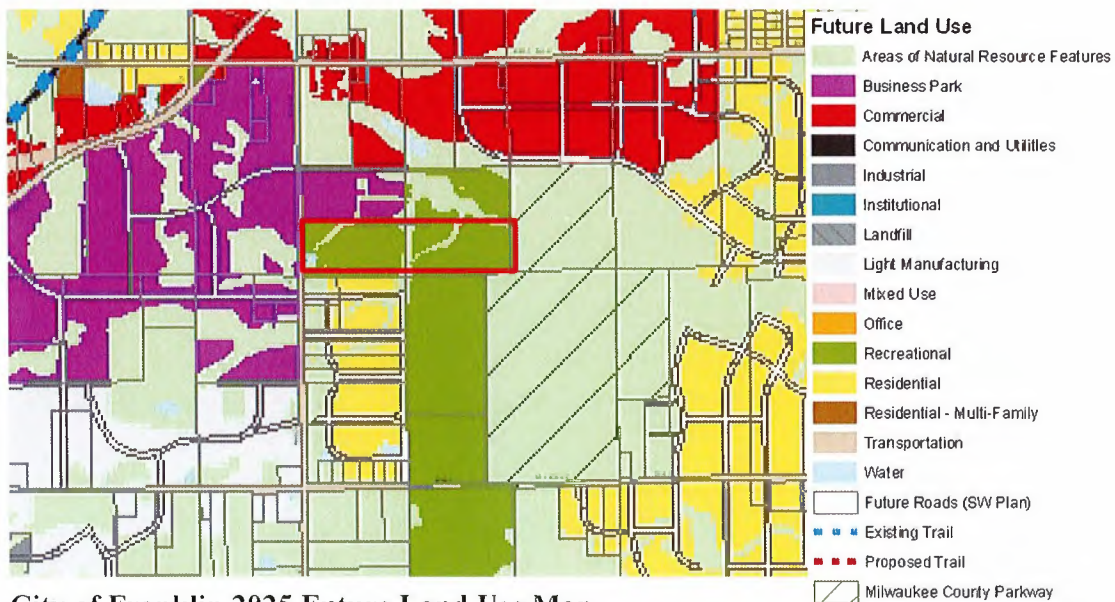
Current zoning

Approximately 94% (32 acres) of the site is currently zoned A-2 Prime Agricultural District. According to the Unified Development Ordinance Section 15-3.0315, the district’s intent is to “prevent the premature conversion of agricultural land to scattered Urban and Suburban uses such as residential, commercial and industrial uses”. It is noted that the A-2 district is limited to “prime agricultural lands”, therefore, this development proposal is contrary to the intent of this zoning district.

Consistency with adopted planning policies

As part of the Concept Review last August, City Development staff informed the applicant that residential development at this location is not “consistent with” any of the adopted city plans, specifically the City of Franklin 2025 Comprehensive Master Plan, the Post Sanitary Sewer Scenario for the Southwest and the Comprehensive Outdoor Recreation Plan 2025 as noted below:

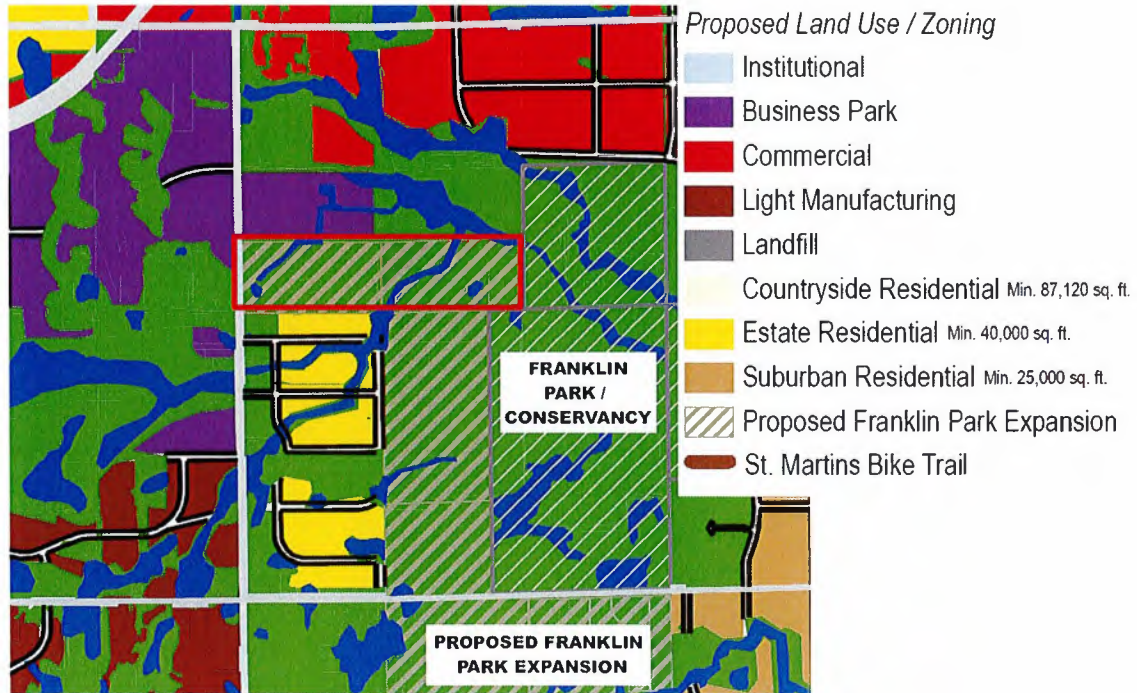
- a. **Not consistent with the city’s Comprehensive Plan.** The same area that it is currently zoned A-2 as noted above, it is designated as Recreational in the future land use map of the City of Franklin 2025 Comprehensive Master Plan. Therefore, this proposal is not consistent with the comprehensive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



City of Franklin 2025 Future Land Use Map

- b. **Not consistent with the southwest subarea plan.** According to the Post-Sanitary Sewer Scenario Map for the southwest portion of the city, the area that is designated as Recreational in the Comprehensive Master Plan is identified as “Proposed Franklin Park Expansion”. This

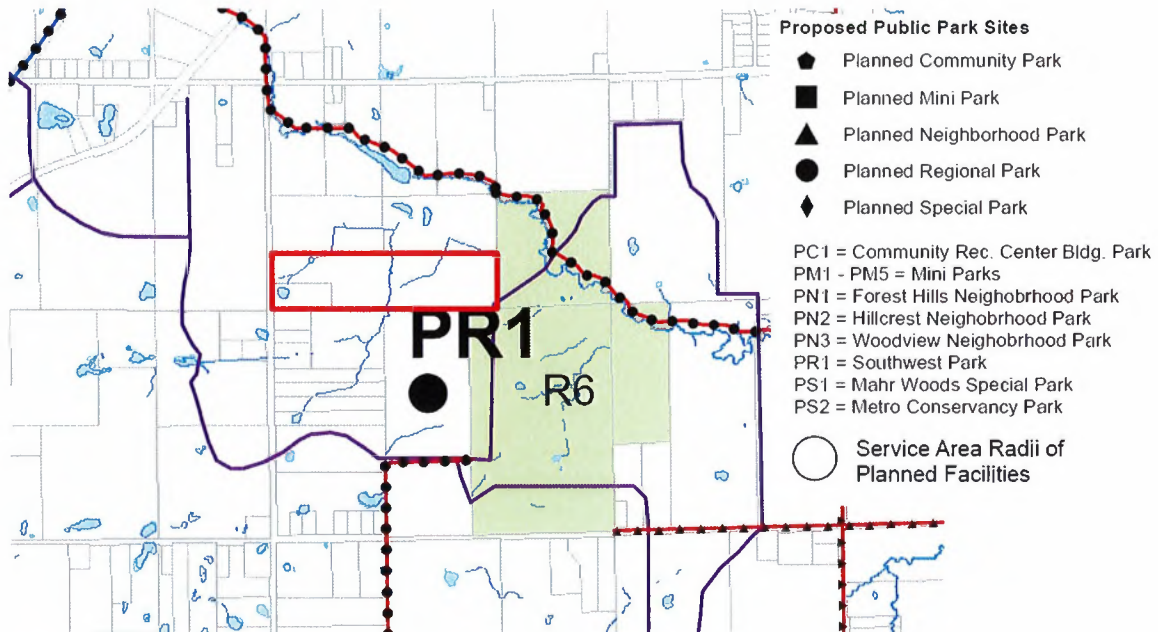
designation as park expansion area is related to the fact that this site is immediately adjacent to the Franklin Savanna Natural Area owned by Milwaukee County and labeled as “Franklin Park/Conservancy”.



Post-Sanitary Sewer Scenario Map (2009)

- c. **Not consistent with the Comprehensive Outdoor Recreation Plan 2025 (CORP).** Following the comprehensive plan and the southwest subarea plan, the “Existing and Planned Public Outdoor Recreation Sites” map of the CORP identifies this area as “Planned Regional Park” PR1. According to the CORP (Chapter 7, page 27), the recommended useable area for the “Southwest Park” should be at least 40 acres. The concept plan does not include any park dedication area, therefore, it is not consistent with the Comprehensive Outdoor Recreation Plan 2025.

Even though the subdivision design is not being reviewed at this time, it is worth noting that the Unified Development Ordinance (UDO) Section 15-5.0110 “Parks, playgrounds and other recreational and municipal facilities” requires that designated park areas shall be made part of the subdivision plat by either dedication of land, reservation or payment of development fee.

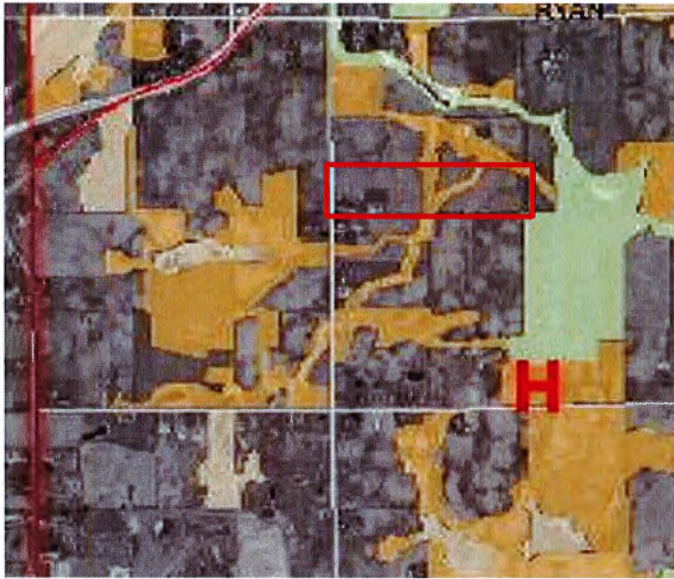


Existing and Planned Public Outdoor Recreation Sites map

Natural resources

As previously discussed in the Concept Review staff report, the proposed road layout would be crossing two wetlands, separate Natural Resource Special Exceptions would be required to allow for such wetland impacts in addition to state and federal wetland permits. It is worth noting that one of these wetland crossings would also impact environmental linkages identified in the Comprehensive Master Plan (Map 3.1). This linkage crossing is approximately located between lots 11 and 12. According to the Comprehensive Master Plan, wildlife crossings and culverts that allow for the passage of wildlife is recommended for roads that divide linkage areas.

The subject property was created by Certified Survey Map (CSM) No. 8293 which states that “The natural resource features identified on lot 2 are not based on field surveys in the event of further land division or development of lot 2 with any such natural resource feature, a complete natural resource protection plan with field survey is required”. The natural resources identified in the CSM include proposed wetland linkages per the Comprehensive Master Plan, woodlands per 2008 aerial photography and probable greenway connection per SEWRPC mapping (Southeast Wisconsin Regional Planning Commission).



City of Franklin Comprehensive Master Plan, Map 3.1 Linkages

Additional information

Fiscal Impact. Staff noted previously that single-family subdivision developments do not create tax revenues sufficient to cover the operational and maintenance costs associated with the public infrastructure developed or provided for support. In short, this development will cost more to the City over the long-term than it will generate in revenue.

Ryan Creek trail. It is worth noting that the city is evaluating a trail connection to the S. 116th Street trail as part of the Ryan Creek trail. The exact location has not been determined yet but this would be reviewed at the time of an eventual subdivision plat if the rezoning and comprehensive plan amendment are approved.

Milwaukee County Parks easement request. Bear Development applied for a “Milwaukee County Parks’ Land Utilization” to request consideration of a new sanitary sewer easement on County parkland known as the Franklin Savanna. Per input received from Milwaukee County Parks, “The proposal from Bear Development did not advance after being reviewed through the Land Utilization process. This decision was largely based on the high potential for environmental and hydrologic impacts caused from construction, as well as the need for routine maintenance access within a County natural area. Additionally, there appear to be several alternative routes within close proximity to the future development”, e-mail attached to the meeting packet.

City Departments comments

Comprehensive Master Plan amendment

- **Inspection Services Department.** Inspection Services has no comments on the proposal at this time.
- **Police Department.** The PD has no comment regarding this request.

Rezoning

- **Fire Department.** No comments at this time.
- **Police Department.** The PD has no comment regarding this request.

Staff Recommendation:

City Development staff recommends denial of the proposed Comprehensive Master Plan Amendment and Rezoning Application requests by Bear Development, LLC. The development as proposed appears to require significant additional follow-up applications just to make any development feasible on the subject property, and the applicant's concept design has been revised to maximize the R-5 density (117 times more dense than the existing permitted density), which makes an approval justification contradictory to the overall tenor of the City of Franklin 2025 Comprehensive Master Plan and the intent and purpose of the Unified Development Ordinance. In short, the development project is too dense for the subject property, given the natural resource constraints on-site.

However, should the Plan Commission wish to recommend approval, a draft Resolution recommending approval of the Comprehensive Master Plan Amendment, an Ordinance amending the Comprehensive Master Plan, and an Ordinance amending the Zoning Map are attached for review/revision and adoption.

Exhibits:

1. Ordinance 2022 – Bear Development LLC Subdivision Zoning Map Amendment, draft dated January 24, 2022.
2. Ordinance 2022 – Bear Development LLC Subdivision Comprehensive Master Plan Amendment, draft dated January 24, 2022.
3. Resolution 2022 – Bear Development LLC Subdivision Plan Commission recommendation to Common Council on Comprehensive Master Plan Amendment, draft dated January 24, 2022.
4. Planning Maps (2 pages) showing subject property and surrounding area.
5. Revised Development Concept Design, submitted December 27, 2021.
6. Prior Development Concept Design, submitted November 12, 2021.
7. Signed Comprehensive Master Plan Amendment Application, dated December 27, 2021.
8. Request Letter for Comprehensive Master Plan Amendment, dated December 27, 2021.
9. Signed Rezoning Application, dated December 27, 2021.
10. Owners Consent Authorization, dated August 18, 2021.
11. Request Letter for Rezoning, dated December 27, 2021.
12. Legal Description of subject property.
13. Page 1 of CSM #8293, recorded October 11, 2010.
14. Conservation Easement for CSM #8293, as approved for recording September 2010.

0 S. 112th Street
TKN: 892 9999 002

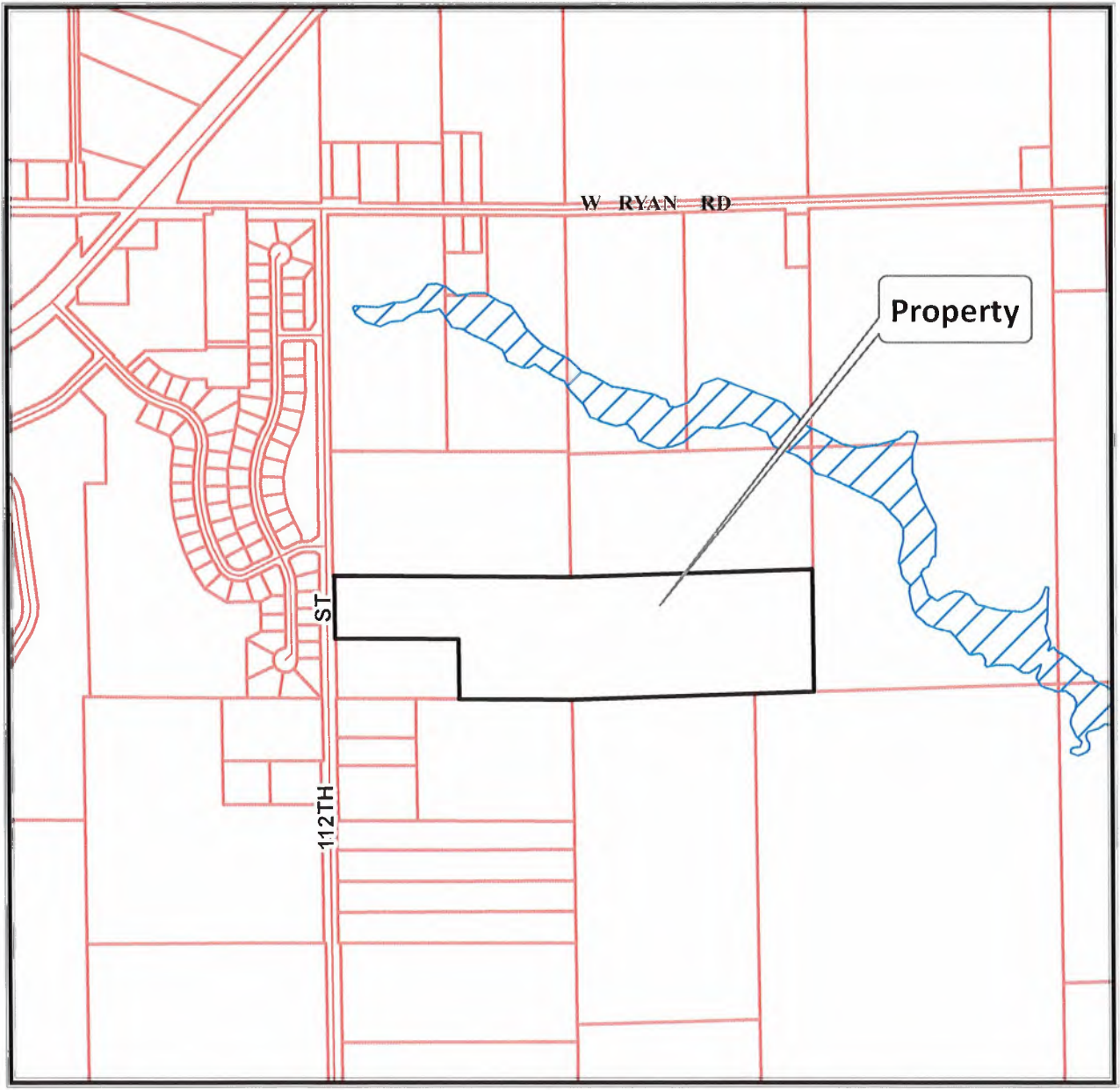


Planning Department
(414) 425-4024

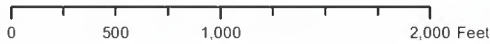


This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

0 S. 112th Street
TKN: 892 9999 002



Planning Department
(414) 425-4024



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

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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE March 1, 2022
REPORTS & RECOMMENDATIONS	<p>A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A MEAT PROCESSING FACILITY USE UPON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST LOOMIS ROAD AND THE NEW MONARCH DRIVE (LOT 83 OF RYAN MEADOWS SUBDIVISION (STRAUSS BRANDS LLC, APPLICANT)); (pursuant to Court Order signed January 24, 2022 and filed January 25, 2022, in <i>Franklin Community Advocates, et al. v. City of Franklin, and Strauss Brands, LLC</i>, Milwaukee County Circuit Court, Case No. 20-CV- 7031). The City Administrative Record of the records and documents of the proceedings upon this subject matter and as filed and ordered by the Court in <i>Franklin Community Advocates, et al. v. City of Franklin, and Strauss Brands, LLC</i>, Milwaukee County Circuit Court, Case No. 20-CV-7031, are available for public inspection and review and may be accessed by entering upon:</p>	ITEM NUMBER G.3.

<https://franklinwi.box.com/s/3dt5qubmyim4caofk7hyine4iup4onv0>

On February 17, 2022, the Plan Commission conditionally approved the Site Plan for Strauss Brands, Inc. to construct a 152,035 square foot meat packing plant, along with a recommendation for approval of a Special Use for the same facility, as required in the M-1 Limited Industrial District. This public hearing was held pursuant to a Court Order signed January 24, 2022 and filed January 25, 2022, in *Franklin Community Advocates, et al. v. City of Franklin, and Strauss Brands, LLC*, Milwaukee County Circuit Court, Case No. 20-CV-7031. Following the public hearing public comments, and discussion among members of the Plan Commission, the Plan Commission approved the following:

- A motion amending proposed Condition #4 to further specify the phrase “unless unforeseen conditions occur” where the arrival of livestock deliveries failed to comply with the hours specified in this Condition, which was adopted 5-0-1;
- A motion amending proposed Condition #8 to add “cleaned to applicable State and Federal standards” to this Condition, which was adopted 5-0-1;
- A motion amending proposed Condition #12 to change “site plan” to “special use” thus requiring any changes to the site design, additions, etc. to require a public hearing process, which was adopted 5-0-1; and
- Finally, a motion recommending approval of the attached Resolution, as amended, which was adopted by a vote of 4-1-1 (Nays: Haley) (Abstain: Burckhardt)

Annexed hereto are copies of the documents and correspondence with regard to the Site Plan and Special Use matters submitted for and at the Plan Commission meeting. Also annexed hereto are copies of documents and correspondence received subsequent to the Plan Commission meeting, for this Common Council meeting item.

Attached is the draft Resolution as amended, along with the Plan Commission Resolution approved by the Plan Commission for the Site Plan Application (Resolution No. 2022-026).

COUNCIL ACTION REQUESTED

A motion to adopt Resolution 2022-_____, imposing conditions and restrictions for the approval of a special use for a meat processing facility use upon property located at the southwest corner of the intersection of West Loomis Road and the new Monarch Drive (Lot 83 of Ryan Meadows subdivision) (Strauss Brands LLC, applicant).

RESOLUTION NO. 2022-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR
THE APPROVAL OF A SPECIAL USE FOR A MEAT PROCESSING FACILITY
USE UPON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE
INTERSECTION OF WEST LOOMIS ROAD AND THE NEW MONARCH DRIVE
(LOT 83 OF RYAN MEADOWS SUBDIVISION)
(STRAUSS BRANDS LLC, APPLICANT)

WHEREAS, Strauss Brands LLC having petitioned the City of Franklin for the approval of a Special Use within an M-1 Limited Industrial District under Standard Industrial Classification Title No. 2011 "Meat Packing Plants" to allow for construction of a 152,035 square foot (total building footprint of the single-story building) meat processing facility (Phases I and II (staffed by approximately 261 employees in the production area and 11 employees in the office area)) designed to process 250 to 500 head of cattle per day, which will include cattle pens, a harvest floor, carcass coolers, fabrication areas, packaging areas, warehouse areas, shipping docks, operations offices, employee welfare spaces and associated mechanical support facilities and spaces, upon property located at the southwest corner of the intersection of West Loomis Road and the new Monarch Drive (Lot 83 of Ryan Meadows Subdivision, approximately 30.2 acres), bearing Tax Key No. 891-1083-000, more particularly described as follows:

Parts of Lot 1 and Outlot 1, of Certified Survey Map No. 9095 as recorded in the register of deeds office for Milwaukee County as Document No. 10830741, being a part of the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, described as follows: Commencing at the southwest corner of the Northwest 1/4 of said Section 30; thence South 89°39'32" East along the south line of said Northwest 1/4, 1345.74 feet to the southwest corner of Lot 1 Certified Survey Map No. 9095 and the Point of Beginning; Thence North 00°34'12" West, along the west line of said Lot 1, 1523.10 feet to the southerly line of said right-of-way of West Loomis Road; thence North 79°00'41" East along the southerly line of said right-of-way, 156.97 feet; thence North 75°45'51" East along the southerly line of said right-of-way, 215.80 feet to a point of curvature; thence northeasterly along the southerly line of said right-of-way, 30.51 feet along the arc of said curve to the left, whose radius is 1979.86 feet and whose chord bears North 75°19'22" East, 30.51 feet; thence South 29°08'47" East, 22.47 feet; thence South 16°09'38" East, 83.27 feet to a point of curvature; thence southeasterly 198.68 feet along the arc of said curve to the left, whose radius is 265.00 feet and whose chord bears South 37°38'23" East, 194.06 feet; thence South 59°07'06" East, 356.12 feet to a point of curvature; thence southeasterly 170.14 feet along the arc of

STRAUSS BRANDS LLC – SPECIAL USE
RESOLUTION NO. 2022-_____

Page 2

said curve to the right, whose radius is 190.00 feet and whose chord bears South 33°27'51" East, 164.52 feet; thence South 07°48'36" East, 543.63 feet to a point of curvature; thence southwesterly 128.99 feet along the arc of said curve to the right, whose radius is 190.00 feet and whose chord bears South 11°38'18" West, 126.52 feet; thence South 31°05'13" West, 282.33 feet to a point of curvature; thence southwesterly 75.12 feet along said curve to the right, whose radius is 190.00 feet and whose chord bears South 42°24'51" West, 74.64 feet; thence South 53°44'29" West, 143.69 feet to the south line of said Northwest 1/4; thence North 89°39'32" West along said south line, 662.99 feet to the Point of Beginning. Containing 1,316,168 square feet (30.2151 acres) of land, more or less; 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 17th day of September, 2020, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

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

1. That this Special Use is approved only for the use of the subject property by Strauss Brands LLC, successors and assigns, as a meat processing facility use, which shall be developed in substantial compliance with, and operated and maintained by Strauss Brands LLC, pursuant to those plans City file-stamped September 28, 2020 and annexed hereto and incorporated herein as Exhibit A.

STRAUSS BRANDS LLC – SPECIAL USE
RESOLUTION NO. 2022-_____

Page 3

2. Strauss Brands 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 consults to the City of Franklin, for the Strauss Brands LLC meat processing facility, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon Strauss Brands LLC and the meat processing facility use for the property located at the southwest corner of the intersection of West Loomis Road and the new Monarch Drive (Lot 83 of Ryan Meadows Subdivision): (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. Hours of livestock delivery shall be between the hours of 1:00 AM to 1:00 PM, Monday thru Friday, livestock delivery hours may be extended in case of severe weather conditions or traffic incidents. Hours of operation for the harvest area shall be from 5:00 AM to 6:00 PM, Monday thru Friday. These conditions shall not apply to fabrication, grinding, maintenance, cleaning, and administrative activities which can operate 24 hours per day, Monday thru Saturday.
5. No outside storage of supplies and/or equipment shall be permitted.
6. No livestock shall be kept outside the buildings.
7. No livestock shall be kept on the premise overnight except when requested by state or federal inspector.
8. A maximum of 14 empty livestock trucks, cleaned to applicable federal and/or state standards, shall be permitted to park on the premise overnight.
9. No livestock trucks shall be washed or cleaned on the premise.
10. All processing waste shall be removed from the premise daily.
11. Removal of snow from private parking lots, walks and access drives shall be the responsibility of the owner.
12. A special use amendment shall be required for the future building expansion areas, future truck maintenance facility, future parking and future driveways.

13. This Special Use is not approving any signs, signage requires a separate permit from the Inspection Services Department prior to installation.
14. The applicant shall prepare conservation easements for all protected natural resource features for staff review and Common Council approval, and recording with the Milwaukee County Register of Deeds, prior to issuance of a Building Permit.
15. The applicant shall obtain final approval of grading, erosion control, storm water management, and utilities by the Engineering Department prior to any land disturbance activities.
16. The minimum required off-street parking is 280 parking stalls.
17. The maximum driveway width is 28 feet for the employee parking lot and 48 feet for the truck entrance.
18. The maximum height is 8 feet for chain link fences and 10 feet for masonry walls, measured from grade.
19. The cattle barns and harvest areas shall be ventilated to dissipate odors. Trucks and trailers used to remove remainder animal wastes shall be loaded in enclosed dock areas to reduce spread of odors.
20. In the event of obnoxious odors detected off the premise, the Department of City Development shall immediately notify the operator and the federal or state inspector assigned to the facility.
21. The applicant, successors and assigns, shall implement sound control devices, including, but not limited to additional chimneys or baffles, to reduce the sound from exhaust and ventilation fans to a maximum of 65 decibels at the ground level adjacent to the building.
22. The applicant, successors and assigns, shall mitigate truck traffic noise and impact by installing a 5-foot high landscape berm on the east side of the livestock loading area to provide additional screening and sound deflection.
23. The applicant, successors and assigns, shall further mitigate truck traffic noise and impact by increasing the height of the berm along the north property line by an average of 2 feet over that shown on the existing approved site plan. This berm shall be designed to appear natural.

24. The applicant, successors and assigns, shall submit a revised Landscape Plan which shows the approved changes to berms and landscape buffers as provided in Conditions 22. and 23., above.
25. The applicant, successors and assigns, shall establish and maintain a citizen complaint procedure, in which concerned residents contact a designated representative of the applicant, successors or assigns, and provide details of any complaints. The applicant, successors and assigns, shall compile any and all complaints and submit a monthly report of the complaints to the City Health Department, along with any actions taken. This procedure shall be in addition to current coordination with the City Health Department regarding complaints and coordinating responses thereto.

BE IT FURTHER RESOLVED, that in the event Strauss Brands 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 Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

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

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

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

STRAUSS BRANDS LLC – SPECIAL USE
RESOLUTION NO. 2022-_____
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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:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

RESOLUTION NO. 2022-006

A RESOLUTION APPROVING A SITE PLAN FOR CONSTRUCTION OF A MEAT PROCESSING FACILITY WITH ASSOCIATED CATTLE PEN, A HARVEST FLOOR, CARCASS COOLERS, FABRICATION AREAS, PACKAGING AREAS, WAREHOUSE AREAS, SHIPPING DOCKS, OPERATIONS OFFICES, EMPLOYEE WELFARE SPACES, ASSOCIATED MECHANICAL SUPPORT FACILITIES AND SPACES, A FUTURE DEVELOPMENT AREA, STORMWATER PONDS, PARKING LOT AND TRUCK AND EMPLOYEE VEHICLE ENTRANCE DRIVES
(THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST LOOMIS ROAD AND THE NEW MONARCH DRIVE (LOT 83 OF RYAN MEADOWS SUBDIVISION)
(STRAUSS BRANDS LLC, APPLICANT)

WHEREAS, Strauss Brands LLC having applied for approval of a proposed site plan for construction of a 152,035 square foot (total building footprint of the single-story building) meat processing facility (Phases I and II (staffed by approximately 261 employees in the production area and 11 employees in the office area)) designed to process 250 to 500 head of cattle per day, including cattle pens, a harvest floor, carcass coolers, fabrication areas, packaging areas, warehouse areas, shipping docks, operations offices, employee welfare spaces, associated mechanical support facilities and spaces [the proposed Site Plan includes a building positioned north/south on the site (roughly centered on the site) with employee/visitor parking on the east side of the building (280 spaces) and an access drive located along the south, west, and north sides of the building for truck traffic, with all access to the site via Monarch Drive (two access drives will be provided, one for employee auto parking and one for truck receiving and shipping) (the western portion of the site is identified as future building expansion area) (the site is designed to detain all stormwater on-site in three (3) detention ponds; the ponds are designed with a capacity to accommodate the future phases of work as indicated on the site drawings)], property located at the southwest corner of the intersection of West Loomis Road and the new Monarch Drive (Lot 83 of Ryan Meadows Subdivision (approximately 30.2 acres)); and

WHEREAS, the Plan Commission having reviewed such proposal and having found same to be in compliance with the applicable terms and provisions of §15-3.0421 of the Unified Development Ordinance and in furtherance of those express standards and purposes of a site plan review pursuant to Division 15-7.0100 of the Unified Development Ordinance.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the Site Plan for the construction of a 152,035 square foot meat processing facility designed to process 250 to 500 head of cattle per day, including cattle pens, a harvest floor, carcass coolers, fabrication areas, packaging areas, warehouse areas, shipping docks, operations offices, employee welfare spaces, associated mechanical support

STRAUSS BRANDS LLC – SITE PLAN

RESOLUTION NO. 2022-006

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facilities and spaces [the proposed Site Plan includes a building positioned north/south on the site (roughly centered on the site) with employee/visitor parking on the east side of the building (280 spaces) and an access drive located along the south, west, and north sides of the building for truck traffic, with all access to the site via Monarch Drive (two access drives will be provided, one for employee auto parking and one for truck receiving and shipping) (the western portion of the site is identified as future building expansion area) (the site is designed to detain all stormwater on-site in three (3) detention ponds; the ponds are designed with a capacity to accommodate the future phases of work as indicated on the site drawings)], property located at the southwest corner of the intersection of West Loomis Road and the new Monarch Drive (Lot 83 of Ryan Meadows Subdivision (approximately 30.2 acres)) as depicted upon the plans dated September 28, 2020, attached hereto and incorporated herein, is hereby approved, subject to the following terms and conditions:


1. The property subject to the Site Plan shall be developed in substantial compliance with, and operated and maintained pursuant to the Site Plan for the Strauss Brands LLC meat processing facility dated September 28, 2020.
2. Strauss Brands LLC, successors and assigns, and any developer of the Strauss Brands LLC meat processing facility construction project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Strauss Brands LLC meat processing facility construction 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.
3. The approval granted hereunder is conditional upon the Strauss Brands LLC meat processing facility construction project (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. That the Strauss Brands LLC meat processing facility construction project shall be developed and constructed pursuant to such Site Plan within one year from the date of adoption of this Resolution, or this Resolution and all rights and approvals granted hereunder shall be null and void, without any further action by the City of Franklin.
5. This Site Plan is conditioned upon the approval of a Special Use to allow for meat packing plants.

STRAUSS BRANDS LLC – SITE PLAN
RESOLUTION NO. 2022-006
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Introduced at a regular meeting of the Plan Commission of the City of Franklin this 17th day of February, 2022.


Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this 17th day of February, 2022.

APPROVED:



Stephen R. Olson, Chairman

ATTEST:



Sandra L. Wesolowski, City Clerk

AYES 4 NOES 1 ABSTAIN 1 (Commissioner Burckhardt)

FILED
01-25-2022
Anna Hodges
Clerk of Circuit Court
2020CV007031

BY THE COURT:

DATE SIGNED: January 24, 2022

Electronically signed by Hannah C. Dugan
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT

MILWAUKEE COUNTY

FRANKLIN COMMUNITY ADVOCATES, INC.,
WOODLAKE VILLAGE HOMEOWNERS ASSOCIATION
CHAD and KARYN ZOLECKI, JEFF and DANIELLE KENNEY,
RYAN and RACHEL RINGWELSKI, STEVE VALLEE and
COLLEEN DOMASK, NICK POPLAR, TOM and ALICE BENNING,
MIKE and JOANNE ZOLECKI, DEAN REIN,
ERIC and MICHELLE BALCEROWSKI, MELINDA HAMDAN
Plaintiffs,

v.

Case No. 20-CV-7031
Honorable Hannah C. Dugan

CITY OF FRANKLIN,

Defendant,

And

STRAUSS BRANDS, LLC,

Intervenor Defendant.

**ORDER
MOTION FOR RECONSIDERATION
CORRECTION OF THE RECORD
AMENDED REMAND ORDER FOR FURTHER PROCEEDINGS**

A hearing was held via zoom on January 10, 202 before the Hon. Hannah C. Dugan on Defendants Motion for Reconsideration. Appearances were made by Plaintiffs by the Law Offices of Joseph R. Cincotta by Joseph R. Cincotta, Defendant City of Franklin by Municipal Law & Litigation Group, S.C. by Remzy D. Bitar, and Intervenor Strauss Brands, LLC by Stafford Rosenbaum, LLP by Rick A. Manthe.

The Motion for Reconsideration was argued by the parties. The Motion related to the Court's Decision during a hearing on November 16, 2021 to remand the matter for further proceedings before the City. The Motion for Reconsideration was timely and a briefing schedule was followed per local rule.

The Court considered all pleadings and papers on file herein, the arguments by the parties, and the record of proceedings for all motions and hearings.

The Court heard oral argument. Pursuant to Section 805.16 *Wis. Stats.* and Koepsell's *Olde Popcorn Wagons v. Koepsell's Festival Popcorn Wagons*, 275 Wis.2d 397 (Ct. App. 2004) the Standard of Review for Motions for Reconsideration was not met. The Court noted that Defendant had filed documents regarding the scope of the Court's remand which included misstatements of the Court's remand ruling. The Court stated that the record must be corrected by supplemental pleadings for accuracy on remand. Further the court, recognized that, upon review of the Motion for Reconsideration and pursuant to Section 805.16 *Wis. Stats.*, that it would modify the scope of the remand, but not change the decision to remand.

Based on the filings and on argument at the January 11, 2022 hearing, and for reasons stated on the record,

NOW THEREFORE, IT IS HEREBY ORDERED;

1. The Motion for Reconsideration is DENIED.
2. Further it is ordered that counsel for the City must submit a Notice of Motion and Motion for Correction of the Record pursuant to statute and Supreme Court Rule 20:3.3 along with affidavit to correct inaccuracies and/or misrepresentations of fact in the record and pleadings and a proposed Order within 10 days of the January 11, 2022 hearing or the court will schedule an Order to Show Cause hearing

3. Further it is ordered that the previous remand order is amended and supersedes the November 29, 2021 Remand Order and is as follows:
- a. This matter is remanded to the City of Franklin Common Council with instructions to allow for a hearing, noticed and conducted to be held consistent with the City of Franklin's Code and Chapter 62 of the Wisconsin Statutes regarding the review of Special Use Permit applications, and consistent with due process required when reviewing Special Use Permits according to the City's Code, Wisconsin state statutes including Ch. 62 *Stats.*, controlling caselaw and Constitutional requirements for adequate due process.
 - b. A decision on remand by the common council shall be deemed a separate and distinct final decision for purposes of certiorari review, however such decision may be added to and challenged by Plaintiffs in this action if it is not satisfied by the decision so as to avoid the need for Plaintiff's to commence a new certiorari action.
 - c. Regardless of the outcome of the action upon remand, and the decision of the Common Council upon remand, all arguments shall be preserved should the parties not resolve this matter
 - d. All dates are suspended until such time as the parties advise the Court as to whether the matter has been resolved upon remand. Upon notice that the matter has not been resolved, the Court shall hold a status conference and set a schedule to amend pleadings and/or reestablish a briefing schedule.
 - e. The Court will retain jurisdiction to review the case based on the administrative record and outcome of the Common Council's action on remand



REPORT TO THE PLAN COMMISSION

Meeting of February 17, 2022

Special Use and Site Plan

RECOMMENDATION: City Development staff recommends approval of the proposed Special Use and associated Site Plan for Strauss Brands meat processing facility upon property located on Lot 83 of Ryan Meadows subject to the conditions set forth in the draft Resolution.

Table with 2 columns: Field Name and Value. Fields include Project Name, Project Address, Applicant/Property Owner, Current Zoning, 2025 Comprehensive Plan, Use of Surrounding Properties, Applicant Action Requested, and Planners.

This staff report is a revised version of the staff report presented to the Plan Commission on October 8, 2020, when these application requests were first heard. Staff made a few clarification edits (in italics) to the text but essentially left the gist of the original report intact. Attachments to this Staff Report:

- A. Special Use Resolution 2022 – draft date February 9, 2022
B. Site Plan Resolution 2022 – draft date February 9, 2022
C. Circuit Court Order signed January 24, 2022, filed January 25, 2022

Note: all materials not attached to this staff report can be found via the Box link noted on the meeting agenda.

INTRODUCTION AND BACKGROUND

The site area is approximately 30.2 acres. The facility is designed to process 250 to 500 head of cattle per day, and includes cattle pens, kill floor, carcass coolers, fabrication areas, packaging areas, warehouse areas, shipping docks, operations offices, employee welfare spaces and associated mechanical support facilities and spaces. This use is classified under Standard Industrial Classification No. 2011, Meat Packing Plants, which requires a Special Use in the M-1 Zoning District.

On April 15, 2020, the applicant submitted Site Plan and Special Use applications for the development of a 127,760 square foot meat processing facility. City staff sent memorandum

dated May 18, 2020, with a total of 37 review comments. On July 29, 2020, the applicant resubmitted with the following major changes: a building footprint increase from 127,760 sf to 152,035 sf, as well as an increase to the parking capacity from 234 spaces to 280 spaces. The applicant had addressed most of the review comments in this resubmittal. However, staff sent a second memorandum dated September 2, 2020, with 11 review comments including comments from the Mayor and the Alderman of the District. *Revised documents were submitted on September 28, 2020, and the staff report and materials were published for the public meeting on October 8, 2020*

On October 8, 2020, the Plan Commission held a public hearing concerning the Special Use application, and reviewed the Site Plan application. Following several hours of testimony, the Plan Commission moved to recommend approval of the Special Use application, and further conditionally approved the Site Plan application (pending final decision on the Special Use). The Site Plan approval is codified as Plan Commission Resolution 2020-024

On October 20, 2020, the Common Council heard several hours of testimony, and then initially voted to deny the Special Use application. On November 2, 2020, the Common Council elected to reconsider the Special Use application denial, and then approved the Special Use application, which decision was codified as Resolution 2020-7681

On October 5, 2021, the Common Council amended Resolution 2020-7681 to extend the approval deadline for another year, which decision was codified as Resolution 2021-7788

On January 24, 2022, a Court Order was signed by the Milwaukee County Circuit Court, pursuant to Case No. 20-CV-7031, Franklin Community Advocates, et al v. City of Franklin, and Strauss Brands, LLC, requiring the City of Franklin to hold a public hearing regarding the Special Use application

It is noted for the record that the public notice for this public hearing has been published in the South NOW newspaper on February 2 and February 9, 2022, and mailed public notices were sent by City of Franklin staff on February 4, 2022, as required by State Statute. The Site Plan is a Business Item relative to decision making and no public hearing is required

PROJECT DESCRIPTION AND ANALYSIS

SPECIAL USE APPLICATION

Strauss Brands, LLC submitted a substantially complete application for a special use permit, allowing for Section § 15-3.0701 of the Unified Development Ordinance sets out the General Standards for Special Uses. The applicant has submitted responses to each of those standards.

City Development staff has the following comments about the general standards for Special Uses:

1. Ordinance and Comprehensive Master Plan Purposes and Intent.

Staff comment: The development is compatible with the limited industrial zoning district (M-1) that provides for “manufacturing, industrial and warehousing uses” and the Business Park designation of the Comprehensive Plan.

2. No Undue Adverse Impact.

See Fire Department comments below.

With regards to obnoxious odors and noise. The applicant stated that “the wastewater treatment room is fitted with air scrubbers to eliminate odors. The cattle barns and harvest areas are ventilated with a high volume of outside air to dissipate buildup of odors. Trucks/trailers used to remove hides and inedible waste are kept in enclosed dock areas to eliminate spread of odors. All processes are preformed within the building which will eliminate noise concerns. Noise generation will be limited to truck traffic of approximately 20 trucks per day”.

3. No Interference with Surrounding Development.

Staff comment: The properties to east and south are also zoned M-1. The adjacent property to the west is zoned residential but a landscape buffer is proposed along the western property line.

4. Adequate Public Facilities.

See Fire Department comments below.

5. No Traffic Congestion.

Staff comment: No expected truck traffic through residential streets.

6. No Destruction of Significant Features.

Staff comment: Conservation easements are recommended to protect existing on-site natural resources.

7. Compliance with Standards.

See site plan analysis presented further in this staff report.

The Fire Department has expressed the following:

- Significant concern with storage/use of large quantities of ammonia immediately adjacent to and upwind of planned residential, commercial, and multi-use development. Asphyxiant, corrosive/irritant, and potential explosive properties will be present in the event of a release/leak or fire. *Note that further explanation and commitments by the applicant resolve these concerns for the Fire Department*
- Area is poorly served by existing fire station locations and staffing. Response times for Effective Response Force for fire and EMS calls-for-service, and emergency incident types will likely exceed accepted industry standards (possibly significantly) for the entire development. *Note this coverage issue remains a work in progress, though the building design is intended to resolve most fire-related issues internally, while EMS calls should be assisted when the City relocates a fire station to the Public Works facility location on 7811 West Ryan Road*

The applicant stated that “the ammonia refrigeration system will meet all current codes and regulations. Due to the volume of ammonia on site a Process Safety Management (PSM) program will be in place. Furthermore, the system will be provided with an ammonia

diffusion tank to allow for emergency evacuation and diffusion in a hazardous ammonia situation” per letter dated June 28, 2020.

SITE PLAN APPLICATION

The proposed meat processing facility includes a 152,035 square foot building, oriented north-south and roughly centered on the property and facing east. The site will be accessed at two locations on the future Monarch Drive and will not have access from Loomis Road. The first access point on Monarch Drive, located roughly at the midpoint of the lot, will lead to an employee parking lot along the front (east) side of the building. The second access point, located at the southern end of the lot, will be for truck receiving and shipping. The access drive leads to a guardhouse located approximately 200 feet from the property line. The access drive continues past the guardhouse along the south, west, and north sides of the building. A future access drive would be located at the intersection of Chicory Street and Monarch Drive, a separate site plan amendment would be required for this future drive.

The building is a single-story structure, the processing area of the building will be 36 feet in height and the office/support areas of the building will be 18 feet in height. The building will be a steel framed and concrete slab-on-grade structure enclosed with insulated metal wall panels. The exterior of the office/ employee welfare will be a combination of masonry and architectural metal wall panels.

The site plan includes a future expansion area on the west side of the proposed building. This includes a roughly 112,000 square foot “building expansion area” and a roughly 47,000 square foot truck maintenance facility. The site plan also identifies areas for future truck dock parking north of the proposed meat processing facility. The future development would require review approval by the City before development.

Trucks containing cattle would be unloaded at docks located on the south side of the building. The floor plan includes indoor cattle holding pens and areas for various steps of meat processing, including preslaughter handling, stunning, and slaughtering. There are extensive coolers for chilling carcasses before fabrication (butchering) and a large area for the fabrication process. The floor plan also includes various employee breakrooms, office and conference spaces and restrooms.

This project complies with the development standards of the M-1 zoning district as shown below:

- Gross Floor Area Ratio (GFAR): 0.20 Maximum allowed: 0.42
- Net Floor Area Ration (NFAR): 0.33 Maximum allowed: 0.85
- Landscape Surface Ratio: 0.50 Minimum required: 0.40

Exterior trash compactors are proposed on the north and southwest sides of the building. Various pieces of mechanical equipment are located on the east and west sides of the building, which are to be concealed by screen walls.

Watermain easements are proposed on all sides of the site. Any future building expansions would need to be designed to avoid the easement.

Driveways

Proposed driveway openings are 28 feet wide for the employee parking lot and 48 feet wide for truck entrance. UDO 15-5.0207B limits width to 24 feet and 30 feet at roadway; however, it also states that the Plan Commission may approve openings for vehicular ingress and egress greater than 30 feet.

Staff has no objections to the request above. However, if the Plan Commission does not approve wider driveways, staff recommends that the applicant shall provide a revised Site Plan with driveway openings no wider than 24 feet and 30 feet at roadway, for Department of City Development review and approval, prior to issuance of a Building Permit. *Note At the Plan Commission meeting on October 8, 2020, the applicant's request for wider driveway entrances was approved, with a maximum of 28 feet for the employee parking access and 48 feet for the truck entrance, and was included in the Special Use Resolution*

Parking:

Table 15-5.0203 of the Unified Development Ordinance (UDO) requires two parking spaces per 1,000 square feet of Gross Floor Area for "Light Industry" land uses. Based on the overall square footage (162,830), 324 parking spaces are required.

The applicant is requesting a reduction of 13% (44 stalls) for a total of 280 parking stalls. The applicant stated that *"the overall number of employees is 272 with a maximum of 240 being onsite at the same time Even with the reduction in parking there would still be 40 overflow spaces available"*

The Plan Commission may approve (up to) a 25% parking reduction, provided that the applicant has submitted sufficient proof that the minimum number of required parking spaces would exceed the proposed use's projected parking demand. Staff has no objection to the justification provided by the applicant. Additionally, the proposed 7 ADA parking spaces comply with Table 15-5.0202(I)(1). *Note At the Plan Commission meeting on October 8, 2020, the applicant's request reduction of parking was approved for a minimum of 280 parking stalls, and included in the Special Use Resolution*

Landscaping:

Landscape plantings are provided along the perimeter of the property and concentrated around the stormwater ponds. Bufferyards are required on the north and west sides of this property due to adjacent residential zoning.

The applicant has addressed staff comments regarding landscaping in communication dated June 28, 2020, page 4. *Note the Special Use Resolution contains additional conditions to address truck traffic noise with additional berming or increased height of berming, as required in Conditions 22-24*

Fencing:

Much of the site, including truck traffic drives and the south, west, and north sides of the proposed building, is enclosed by an 8-foot high chain link fence.

According to UDO §15-3.0803(C)(2)(b), fences installed in nonresidential zoning districts shall not exceed six feet in height, except when required to enclose outside storage areas or when approved by the Plan Commission may be up to ten feet in height. The 8-ft high chain link and the 10-ft high masonry wall are subject to approval by the Plan Commission. *Note At the Plan Commission meeting on October 8, 2020, the applicant's request for 8-foot high chain link fence and 10-foot high masonry wall were approved, and included in the Special Use Resolution*

Lighting:

The applicant has provided a Lighting Plan with photometrics. The Lighting Plan includes 31 new light poles, 10 wall-mounted building lights, and 17 wall-mounted emergency egress fixtures. The light poles have an overall height of 30 feet, which is below the maximum permitted height of 50 feet.

The maximum illumination is 0.9 foot-candles and at the property lines, which meets the requirements of Table 15-5.0401(C) of the UDO, and the cutoff angle of fixtures is 90 degrees or less.

Architecture:

The exterior of the building will be enclosed with cream-colored insulated metal wall panels. The front façade includes a combination of dark grey masonry and dark brown (wood-like) architectural metal wall panels. The side and rear façades are predominately flat insulated metal wall panels with little to no façade articulation.

Natural Resource Protection Plan:

A natural resource investigation of the property was conducted by Pinnacle Engineering Group on September 12, 2019. There are wetlands at the northwest and southwest corners of the property. A small pond is located just west of the property line. The proposed development maintains all required setbacks and buffers from the wetlands and pond. Staff recommends that the applicant shall prepare a Conservation Easement for all protected natural resource features for staff review and Common Council approval, and recording with the Milwaukee County Register of Deeds, prior to issuance of a Building Permit.

Signage:

The applicant is aware that signs are subject to separate review and approval through the Architectural Review Board and Inspection Department. *This process has been revised since October 2020, the applicant will now need sign permit application review and issuance of a permit by the Department of City Development*

Public input:

Public comments of any kind that were a part of the original record are included in the linked materials via Box

STAFF RECOMMENDATION

Wisconsin State Statutes §62 23(7)(de) 2 a states

“if an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the city ordinance or those imposed by the city zoning board, the city shall grant the conditional use permit Any condition imposed must be related to the purpose of the ordinance and be based on substantial evidence ”

And subsection 2 b to the above reference states

“The requirements and conditions described under subd 2 a. must be reasonable and, to the extent practicable, measurable and may include conditions such as the permit's duration, transfer, or renewal The applicant must demonstrate that the application and all requirements and conditions established by the city relating to the conditional use are or shall be satisfied, both of which must be supported by substantial evidence The city's decision to approve or deny the permit must be supported by substantial evidence ”

City Development staff believe the applicant met the burden of proof relative to compliance with the City of Franklin Unified Development Ordinance, and agreed to comply with all limitations, restrictions, and conditions of approval provided in the attached Special Use Resolution and as provided under the Unified Development Ordinance and other requirements of the City of Franklin Municipal Code Therefore, City Development staff recommends approval of the proposed Special Use for Strauss Brands meat processing facility upon property located on Lot 83 of Ryan Meadows, subject to the conditions set forth in the attached draft Resolution. Staff notes that the draft Resolution reflects the conditions of approval at the time of original approval by the Common Council on November 2, 2020, which included additional Conditions 21-25

Staff further recommends that unless the Plan Commission objects, the draft Resolution shall reflect prior decisions made by the Plan Commission including the following:

- *A 13% reduction of required parking for a total of 280 parking stalls while 324 are required per Table 15-5.0203 of the Unified Development Ordinance (UDO). This is codified in Condition 16*
- *28 feet wide driveway for the employee parking lot and 48 feet wide for truck entrance while UDO §15-5.0207.B limits width to 24 feet and 30 feet at roadway. This is codified in Condition 17*
- *8 feet high chain link fence and 10 feet high masonry wall while fences installed in nonresidential zoning districts shall not exceed six feet in height per UDO §15-3.0803.C.2.b, except when required to enclose outside storage areas or when approved by the Plan Commission may be up to ten feet in height. This is codified in Condition 18*

Staff recommends approval of the Site Plan as previously presented, subject to the provisions granted above, and conditioned on approval of the Special Use request to operate a “Meat Packing Plant ”

February 24, 2022

Via Email

Jesse Wesolowski
City Attorney
City of Franklin
9299 West Loomis Road
Franklin, WI 53132

Re: Supplemental Objection Position Statement on Special Use Permit.

Dear Mr. Wesolowski:

Please accept this correspondence on behalf of my clients Franklin Community Advocates, et al. regarding the proposed Special Use Permit request that is to be taken up at the Common Council at its meeting of March 1, 2022

I. This matter is moot and the Common Council is not permitted to act on it.

The subject matter at issue is the review, and review or approval, of a Special Use Permit. That permit would cover and effect lands in the City currently owned by Strauss Brands and allow for construction and operation of a slaughterhouse. However, as announced at the Plan Commission hearing of February 17, 2022, Strauss Brands, who was the applicant for the SUP in the past, has withdrawn its request for that SUP. The matter is moot and can no longer be acted on by the Council.

The statutes only contemplate a conditional use permit or special use permit being requested and pursued by an applicant. As the plain language of Wis. Stats. §62.23(7)(de) provides, the “applicant” for a SUP must “demonstrate” that its proposal satisfies all ordinance requirements with substantial evidence. Because the applicant has withdrawn its pursuit of the SUP, there is in effect no applicant. As was acknowledged at the February 17th Plan Commission hearing, the applicant Strauss, did not appear. The Plan Commission went forward despite this fact. That was improper for several reasons. The Plan Commission and the City Staff cannot act as the proponent of a SUP for a piece of private property and also the regulatory agency. That is what happened at the hearing on the 17th and was a disappointing and improper display of ostensibly neutral City officials acting as advocates for a harmful development in effect against their own constituency, the citizens and taxpayers of the City.

Secondly, the statutes and ordinances do not permit the City to review and pass on a Special Use Permit in the absence of an actual applicant as noted above.

Thirdly, the Court order did not require the Plan Commission go forward in the absence of the applicant. Indeed, the Court made clear that it expected the applicant to be present and make its case for the SUP and for the public to speak to ensure due process. The Court order did not require or allow for a hearing when the issue in controversy is moot.

This raises the issue of how long the City and its officials have known of the intent of Strauss to withdraw its pursuit of the SUP. It seems obvious that this was known by the City and its officials for many weeks prior to the Plan Commission meeting of the 17th. That is very concerning because FCA not to mention the Court has been spending significant time and resources on this matter under the assumption that Strauss was still planning on pursuing the SUP.

Finally, as was explained in the record, it appears that the true purpose of the Plan Commission hearing was to allow the City to carry out plan whereby it approves the SUP for Strauss and the property itself as part of an effort to establish or strengthen a legal claim for minimum tax assessment revenues under a separate contract with the property owner(s). That is an improper purpose for granting a permit. The City cannot grant a permit for the purpose of litigating with the former applicant in a separate legal dispute. The City may only grant SUPs according to state law and City ordinance if the proposal meets the applicable substantive requirements.

II. Staff advocacy for the SUP was inaccurate and misleading.

As described in our earlier submissions, the current 152,000 S.F. initial phase of the Slaughterhouse Project fails to meet the ordinance standards and will harm the surrounding property owners diminish property values and reduce the long term tax base of the area.

In addition, a proper alternatives analysis has not been completed pursuant to UDO § 15.3-0701(c). And, as is known, City staff have been directed by political officials to recommend approval of the project in the past despite their concerns about the merits of the project.

The City Staff report provided in advance of the Plan Commission hearing did not include a meaningful alternatives analysis. Apparently as part of pre-arranged plan, City engineering and planning staff waited until the hearing itself to provide further information that purported to comply with the ordinances requirements both with respect to the specific requirements for a SUP and the alternatives analysis

A review of the recording of the Plan Commission hearing shows that the statements made by Staff were incomplete and conclusory. As stated above, the Staff should not have been acting in what was essentially an advocate for the SUP. However,

even with that flaw, the assertions of the Staff were inadequate and incorrect in many ways.

Two of those deficiencies were (i) a failure to address property value diminution and (ii) a failure to properly apply the language of the Comprehensive Plan.

A. Negative Impact on property values.

The City's Ordinances as set forth at Ord § 15-3.0701 prohibit the decision-making body of the City to approve a Special Use Permit unless the proposed use satisfies several requirements including but not limited to as follows:

No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following.

2 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

The City's ordinances and Wis Stats § 62 23(7)(de) ("Act 67) require that the *applicant* for a special use permit/conditional use permit, here, Strauss Brands, must demonstrate through substantial evidence that it satisfies all applicable requirements prior to being granted a special use permit/conditional use permit.

As noted, Strauss was not present to demonstrate compliance with this requirement. However, when staff essentially stepped into the role of Strauss, the statements made did not address the issue at hand, which is whether the proposal 152,000 SF slaughterhouse will diminish property values.

In addition, as provided in our previous submission FCA has engaged its own expert on this issue. A copy of their initial findings is attached. This shows that there is "*a reasonable and probable risk that proximate residential property values would be negatively impacted attributed to proximity to the proposed slaughterhouse use.*"

In summary, there is no substantial evidence supporting a conclusion that the proposed facility will not substantially diminish adjacent and surrounding property values. On the contrary, as demonstrated by the physical location of the proposed development and surrounding properties character and future uses, *see Exhibit C*, and as confirmed by FCA's expert the construction and operation of this large facility *will* substantially diminish surrounding property values and with that will also diminish the long term tax base of this area of the City. The proposed project cannot be granted an SUP as a matter of law because it violates 15.3-0701(2).

B. Inconsistency with Comprehensive Plan.

As noted above, the written Staff report is conclusory and contrary to the City's ordinances. With respect to consistency with the Comprehensive plan, the staff's information and analysis and applicability of the law remain deficient.

Regarding this requirement of consistency with the Comprehensive Plan, which is set forth in UDO § 15.3-0170(1), the staff report provides as follows:

1. Ordinance and Comprehensive Master Plan Purposes and Intent.

Staff comment The development is compatible with the limited industrial zoning district (M-1) that provides for "manufacturing, industrial and warehousing uses" and the Business Park designation of the Comprehensive Plan

It is obvious that the project is compatible with the M-1 zoning, which was adopted specifically to accommodate this development. The issue is whether the M-1 zoning and this project are compatible and indeed consistent with the Comprehensive plan covering this region of the City. It is not.

The City Comprehensive Plan designates the area covering the Strauss parcel and the surrounding properties as "Areas of Natural Resource Features and also Business Park." Uses that are appropriate for these areas *according to the City's Comprehensive Plan* including among other requirements that new development:

Protect all Open Lands The only development allowed in the Open Lands are compatible park, outdoor recreation, open space, trail, and stormwater management facilities as approved by the City, in accord with all existing regulations. Surrounding development shall not create a significant adverse impact upon the visual connections to the natural resource features or to the sustainability of the protected landscape Surrounding development shall not increase erosion or untreated stormwater runoff of surrounding lands.

Business Park uses according to the Comprehensive Plan are intended for *limited intensity uses, intended to provide an aesthetically pleasing environment*, and a unified design and ownership which exceed 20 acres in size. The Strauss proposal is incompatible with and inconsistent with the City's Comprehensive Plan and therefore may not be approved pursuant to the UDO § 15.3-7010(1) and Wis. Stats. § 66.1001(3).

The Staff report provides the following regarding the second requirement of § 15.3-0701:

2. No Undue Adverse Impact.

See Fire Department comments below

With regards to obnoxious odors and noise The applicant stated that “the wastewater treatment room is fitted with air scrubbers to eliminate odors The cattle barns and harvest areas are ventilated with a high volume of outside air to dissipate buildup of odors Trucks/trailers used to remove hides and inedible waste are kept in enclosed dock areas to eliminate spread of odors All processes are preformed within the building which will eliminate noise concerns Noise generation will be limited to truck traffic of approximately 20 trucks per day”

This analysis and recommendation are deficient on their face. The additional information stated by Staff at the February 17th hearing did nothing to cure this deficiency. Indeed, the Staff misapplied the state smart growth law and in so doing construed that law and City ordinance in such a way as to heavily favor a finding of consistency with the Comprehensive Plan. That is contrary to state law and due process. City staff are not permitted to advocate for a project. And when construing ordinances and land use statutes, state law requires that a more restrictive construction be taken.

This proposal is glaring contrary and inconsistent with adjacent zoning uses and the Comprehensive plan and for that reason in addition to others it may not be approved.

IV. Recusals and Due Process and the record.

The entire project is moot. By continuing to pursue the SUP the City is acting as advocate and regulator rendering the entire process in conflict with itself. FCA requests that the City cease any further proceedings on the SUP for the subject property. FCA also continues to request recusal of those individual officials who have displayed an impermissible bias in favor of the project.

In addition, included with this submission are several exhibits containing facts and information relevant to the merits of the proposal and the due process concerns that have been raised. These are being submitted and should be made part of the record in this matter and specifically included in any record submitted to any court or legal tribunal regarding review of the City’s actions on this matter

V. Conclusion.

Based on the above the Plan Commission must recommend against the proposed SUP.

Very truly yours,

Electronically signed by Joseph R. Cincotta

Joseph R. Cincotta

Cc: Attorney Rich Manthe
Attorney Remzy Bitar

REAL ESTATE - PROPERTY VALUE IMPACT ANALYSIS:

**Academic and Valuation Expert Studies of Existing Food
Animal Operation Uses (Including Slaughterhouse Facilities)
on Proximate Residential Property Values**

Prepared For:

David Sorensen
Executive Director
Franklin Community Advocates, Inc.

Submitted By:

CohnReznick LLP
Valuation Advisory Services
200 S Wacker Dr
Chicago, Illinois 60606
(312) 508-5900

Patricia L. McGarr, MAI, CRE, FRICS

February 23, 2022

LETTER OF TRANSMITTAL

February 23, 2022

Mr. David Sorensen
Executive Director
Franklin Community Advocates, Inc.

SUBJECT: Analysis of Existing Animal Operations (AO),
Including Slaughterhouse Uses Impact on
Proximate Residential Property Values

To Whom it May Concern:

CohnReznick is pleased to submit the following property value impact analysis for a proposed slaughterhouse/meat processing facility in Franklin, Wisconsin (Approximate address: 11907 West Loomis Rd / PIN: 8911083000) referred to as **Strauss Brands LLC Proposed Slaughterhouse**.

The proposed facility is reported to be planned for two phases, including an original 152,035 square foot building designed to process up to 500 head of cattle per day, which will include cattle pens, a harvest floor, carcass coolers, fabrication areas, packaging areas, warehouse areas, and operations offices, situated on a 30.2-acre site. The facility will have some form of operations on-going 24 hours per day, Monday thru Saturday. Reportedly plans call for future building expansion areas and truck maintenance facility that will potentially increase the size of the building by nearly 80% (278,500+/- square feet¹). If animal density is increased at a similar rate, the potential expansion could bring 900 heads of cattle per day to the site.

Per the client's request, CohnReznick researched property transactions proximate to existing AO² uses, researched and analyzed academic and peer reviewed and published studies, to gain an understanding how these uses may impact proximate property values.

The purpose of this consulting assignment is to determine whether proximity to an Animal Operation use, including slaughterhouse/meat processing facilities, has an impact on nearby property values. The intended use of our opinions and conclusions is to assist the client in addressing local concerns and to provide information

¹ Email from S.R., Mills, CEO of Bear Real Estate Group dated February 5, 2020, regarding the "Strauss Agreement".

² Animal Operations (AOs) may be broadly defined as facilities in which animals are raised or brought for slaughter. The common denominator is a large perpetual inventory and density of animals. *The Appraisal Journal, Winter 2015*

that local bodies are required to consider³ in their evaluation of proposed special use applications. We have not been asked to value any specific property, and we have not done so.

The client and intended user for the assignment is David Sorensen and **Franklin Community Advocates, Inc.** The report may be used only for the aforementioned purpose and may not be distributed without the written consent of CohnReznick LLP ("CohnReznick").

This consulting assignment is intended to conform to the Uniform Standards of Professional Appraisal Practice (USPAP), the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, as well as applicable state appraisal regulations.

Based on the analysis in the ***Strauss Brands LLC Proposed Slaughterhouse*** report, and subject to the definitions, assumptions, and limiting conditions expressed in the report, our findings are:

FINDINGS

- I. **Academic and Valuation Expert Studies:** CohnReznick reviewed and analyzed published academic and peer reviewed valuation expert studies that specifically analyzed the impact of animal operations, AO (including slaughterhouses) on proximate (0-3 miles) property values. These studies include multiple regression analyses of hundreds and thousands of sales transactions, and opinion surveys, for both residential homes and farmland properties in both rural and suburban communities, which concluded existing food animal operation facilities have had negative impacts on proximate property values generally within one mile, which varied depending on distance from facility, animal density, and wind direction.
- II. The proposed AO facility is located within one-mile of several built-up residential subdivisions to the northwest (sale prices in the \$400,000 to \$600,000 range), rural homes to the north (\$250,000+), and a new subdivision in development (Ryan Meadows, \$450,000+) within 1,000 feet to the east. Based on the information we have gathered to date, there is a reasonable and probable risk of negatively impacting residential property values as a result of the development of the proposed AO facility.

CONCLUSION

Considering all of the preceding, the data indicates that slaughterhouse facilities do have a negative impact on proximate property values.

³ The proposed Special Use will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighborhood property; and will not result in damage to property of significant importance to nature, history *or the like*; typically, the burden of proof to address these issues falls upon the applicant.

Disclaimer: This report is limited to the intended use, intended users Franklin Community Advocates and others stated in the report as it relates to the evaluation of a proposed Animal Operation including slaughterhouse or meat processing facility in the City of Franklin, WI, and purpose stated within. No part of this report may otherwise be reproduced or modified in any form, or by any means, without the prior written permission of CohnReznick LLP.

If you have any questions or comments, please contact the undersigned. Thank you for the opportunity to be of service.

Very truly yours,

CohnReznick LLP

Patricia L. McGarr, MAI, CRE, FRICS
National Director - Valuation Advisory Services
Certified General Real Estate Appraiser
Wisconsin License No. #1704-10
Expires 12/14/2023
Illinois License No. #553.000621
Expires 9/30/2023

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SCOPE OF WORK

CLIENT AND INTENDED USERS

The client and intended user of this report is David Sorensen on behalf of the Franklin Community Advocates; other intended users may include the client's legal counsel. Additional intended users of our findings include all relevant permitting authorities for the proposed special use slaughterhouse project.

INTENDED USE

The intended use of our findings and conclusions is to address certain criteria required for the granting of approvals for a proposed slaughterhouse uses. We have not been asked to value any specific property, and we have not done so. The report may be used only for the aforementioned purpose and may not be distributed without the written consent of CohnReznick LLP ("CohnReznick").

PURPOSE

The purpose of this consulting assignment is to determine whether proximity to the proposed slaughterhouse facility will result in an impact on proximate property values.

DEFINITION OF VALUE

This report utilizes Market Value as the appropriate premise of value. Market value is defined as:

"The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition are the consummation of a sale as of a specified date and the passing of Title from seller to buyer under conditions whereby:

1. Buyer and seller are typically motivated;
2. Both parties are well informed or well advised, and acting in what they consider their own best interests;
3. A reasonable time is allowed for exposure in the open market.
4. Payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale."⁴

⁴ Code of Federal Regulations, Title 12, Chapter I, Part 34.42[h]

EFFECTIVE DATE & DATE OF REPORT

February 23, 2022

(Paired sale analyses is in process and will be an addendum to this report when complete.

PRIOR SERVICES

USPAP requires appraisers to disclose to the client any services they have provided in connection with the subject property in the prior three years, including valuation, consulting, property management, brokerage, or any other services.

This report is a compilation of academic and peer reviewed impact studies and interviews with market participants that have experience with existing slaughterhouse uses and the properties proximate to them and is not evaluating a specific subject site. In this instance, there is no “subject property” to disclose.

INSPECTION

Patricia L. McGarr, MAI, CRE, FRICS, has viewed the exterior of all relevant data referenced in this report in person, via photographs, or aerial imagery.

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APPRAISAL THEORY – PROXIMATE USE’S IMPACT ON VALUE

According to Randall Bell, PhD, MAI, author of text *Real Estate Damages*, published by the Appraisal Institute in 2016, understanding the market’s perceptions on all factors that may have an influence on a property’s desirability (and therefore its value) is essential in determining if a diminution or enhancement of value has occurred.⁵ According to Dr. Bell:

“There is often a predisposition to believe that detrimental conditions automatically have a negative impact on property values. However, it is important to keep in mind that if a property’s value is to be affected by a negative condition, whether internal or external to the property, that condition must be given enough weight in the decision-making process of buyers and sellers to have a material effect on pricing relative to all the other positive and negative attributes that influence the value of that particular property.”⁶

Market data and empirical research through the application of the three traditional approaches to value should be utilized to estimate the market value to determine if there is a material effect on pricing due, to the influence of a particular characteristic of or on a property.

A credible impact analysis is one that is logical, innate, testable and repeatable, prepared in conformity with approved valuation techniques. In order to produce credible assignment results, more than one valuation technique should be utilized for support for the primary method, or a check of reasonableness, such as utilization of more than one approach to value, conducting a literature review, or having discussions (testimony) with market participants.⁷ CohnReznick implemented the scientific method⁸ to determine if a detrimental condition of proximity to a slaughterhouse exists, further described in the next section.

⁵ Bell, Randall, PhD, MAI. *Real Estate Damages*. Third ed. Chicago, IL: Appraisal Institute, 2016. (Pages 1-2)

⁶ Ibid, Page 314

⁷ Ibid, Pages 7-8

⁸ The scientific method is a process that involves observation, development of a theory, establishment of a hypothesis, and testing. The valuation process applies principles of the scientific method as a model, based upon economic principles (primarily substitution) as the hypothesis. The steps for the scientific method are outlined as follows:

1. Identify the problem.
2. Collect relevant data.
3. Propose a hypothesis.
4. Test the hypothesis.
5. Assess the validity of the hypothesis.

Bell, Randall, PhD, MAI. *Real Estate Damages*. Third ed. Chicago, IL: Appraisal Institute, 2016. (Pages 314-316)

METHODOLOGY

The purpose of this report is to determine whether proximity to a slaughterhouse facility resulted in any measurable and consistent impact on adjacent property values. CohnReznick identified three relevant techniques to test if a detrimental condition exists.

- (1) A review of published studies;
- (2) Paired sale analysis of properties adjacent to existing slaughterhouse generating facilities, which may include repeat sale analyses or “Before and After” analyses; and,
- (3) Interviews with real estate professionals and local real estate assessors.

The paired sales analysis is an effective method of determining if there is a detrimental impact on surrounding properties.

*“One of the most useful applications of the sales comparison approach is paired sale analysis. This type of analysis may compare the subject property or similarly impacted properties called **Test Areas** (at Points B, C, D, E, or F) with unimpaired properties called **Control Areas** (Point A). A comparison may also be made between the unimpaired value of the subject property before and after the discovery of a detrimental condition. If a legitimate detrimental condition exists, there will likely be a **measurable and consistent difference** between the two sets of market data; if not, there will likely be no significant difference between the two sets of data. This process involves the study of a group of sales with a detrimental condition, which are then compared to a group of otherwise similar sales without the detrimental condition.”⁹*

As an approved method, paired sales analysis can be utilized to extract the effect of a single characteristic on value. By definition, paired data analysis is “a quantitative technique used to identify and measure adjustments to the sale prices or rents of comparable properties; to apply this technique, sales or rental data on nearly identical properties is analyzed to isolate a single characteristic’s effect on value or rent.”¹⁰ The text further describes that this method is theoretically sound when an abundance of market data, or sale transactions, is available for analysis.

Where data is available, CohnReznick will also prepared a “Before and After” analyses or a Repeat Sale Analysis,¹¹ to determine if a detrimental impact has occurred.

⁹ Bell, Randall, PhD, MAI. Real Estate Damages. Third ed. Chicago, IL: Appraisal Institute, 2016. (Page 33)

¹⁰ The Appraisal of Real Estate 14th Edition. Chicago, IL: Appraisal Institute, 2013.

¹¹ Another type of paired sales analysis involves studying the sale and subsequent resale of the same property. This method is used to determine the influence of time on market values or to determine the impact of a detrimental condition by comparing values before and after the discovery of the condition.

Bell, Randall, PhD, MAI. Real Estate Damages. Third ed. Chicago, IL: Appraisal Institute, 2016. (Page 35)

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SCOPE OF WORK

The scope of work utilized to test the hypothesis stated on the prior page is as follows:

1. Review published studies, assess credibility, and validity of conclusions;
2. Prepare paired sale analyses for existing slaughterhouse farms as follows:
 - 2.1. Identify existing slaughterhouse farms comparable to the proposed project to analyze;
 - 2.2. Define Test Area Sales and Control Areas Sales;
 - 2.3. Collect market data (sale transactions) for both Test Area and Control Area Sales;
 - 2.4. Analyze and confirm sales, including omission of sales that are not reflective of market value;
 - 2.5. Prepare comparative analysis of Test Area and Control Area sales, adjusting for market conditions;
 - 2.6. Interpret calculations; and
3. Conduct interviews with real estate professionals and local real estate assessors who have evaluated real property proximate to existing slaughterhouse facilities.

It should be noted that CohnReznick is in the process of preparing a paired sale analysis for an existing slaughterhouse, and that study is not yet completed. As of the date of this report we have completed the first technique to evaluate if existing slaughterhouse facilities have any measurable impact on proximate properties.

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TECHNIQUE 1: REVIEW OF PUBLISHED STUDIES

The following is a discussion of various studies that consider the impact of animal operations (AO) on surrounding property values. The studies range from quantitative analysis to survey-based formal research to less formal analyses.

ACADEMIC STUDIES & VALUATION EXPERT REPORTS

There have been numerous academic reports that attempt to quantify the effect on property values due to proximity to Animal Operations use, such as a slaughterhouse. In this instance we have attempted to include as many studies as possible that address factors that might be a consideration for the proposed Slaughterhouse facility locating in a suburban/incorporated area, similar to the City of Franklin.

- i. In 1995 and updated 1997, Raymond B. Palmquist, Fritz M. Roka and Tomislav Vikina, of **North Carolina State University**, published their study entitled, *Hog Operations, Environmental Effects, and Residential Property Values*. A hedonic study of rural residential house sales in southeast North Carolina was conducted to determine the effect of large-scale hog operations on surrounding property values. An index of manure production at different distances from the houses was developed. It was found that proximity caused a **statistically significant reduction in house prices of up to -9 percent depending on the animal density and their distance from the house**.
- ii. In June 2003, Richard Ready, Assistant Professor of Agriculture and Environmental Economics and Charles Abdalla, Associate Professor of Agricultural and Environmental Economics, at Pennsylvania State University, published their study titled: "The Impact of Open Space and Potential Local Disamenities on Residential Property Values in Berks County, Pennsylvania". This hedonic regression analysis study includes poultry, swine, and beef and dairy animal operations, and a total of 8,090 residential property sales that occurred between 1998 and 2002. The study revealed that **Animal Operations negatively impact home prices by -6.4% up to 0.31 miles from the facility, and -4.1% within 0.50 miles, and 1.6% at 0.75 miles**. Similar to Palmquist's study (1997), this study found that animal operations within one mile of a residence had a statistically significant negative impact on house prices, but that operations between one and two miles from the house did not. At this time, the researchers considered a large-scale animal production facility to have over 200 animal equivalent units¹² (AEU's). When broken into three

¹² AU or AEU – Animal Equivalency Unit – One Animal Unit is 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit. When measuring "finish weight" (weight at slaughter), beef weight tends towards 1,200 to 1,350 lbs; compared to swine weight that tends towards 275 – 285 lbs. Applying this data to a minimum of 500 AUs would calculate to 370 to 416 heads of beef at finish, compared to 1,754 to 1,818 heads of swine.

groups by size, the medium group (200 to 300 AEU's) had a significantly negative impact on nearby house prices, while larger operations, while negative, were not as high.

Finally, this study investigated whether the impact of an animal operation on nearby house prices depended on the species of the animals housed at the facility. While the negative impact was found to be highest for poultry, intermediate for hogs, and lowest for dairy and beef cattle, **the differences among species were not statistically significant.** The study also notes of the 71 animal operation facilities studied, the operations tend to be located in areas that have few houses. The number of houses located within 0.25 miles and 0.5 miles of actual animal facilities is about one-quarter of that which would be expected if these facilities were locating themselves randomly in the landscape. The authors state it is not known whether this is the result of decisions made by animal producers to locate in areas with few houses, by decisions made by developers not to build homes near animal facilities, or whether each group is locating on land with different attributes, resulting in a natural separation.

- iii. The study "*Living with Hogs in Iowa: The Impact of Livestock Facilities on Rural Residential Property Values*" was prepared by a team at the **Center for Agricultural and Rural Development (CARD) at Iowa State University** and was published in August 2003. The team - Joseph A. Herriges, professor of Economics; Silvia Secchi, assistant scientist with the Resource and Environmental Policy Division CARD, and Bruce A. Babcock, professor of Economics and director of CARD, utilized a hedonic model to investigate residential sales prices in proximity to AOs (livestock feeding operations) in five rural counties throughout Iowa. Counties include Franklin, Hamilton, Hardin, Humboldt, and Webster yielding **1,145 actual home sales** between 1992 and mid-2002 after removing those not considered arm-length or which have greater than 10 acres of land. These sales were proximate to 550 livestock facilities with an average live weight of 727,000 pounds, which were included in the analysis.

The authors presented three primary factors that affected property values in the region; AO size, distance from AO, and whether the property is down or upwind of the AO. At all distances, properties down or upwind of an AO for one season of the year had greater reductions in value than those that were not. For example, locating the new facility 0.25 mile away from a home, with the facility located upwind of the home, and being of moderate in size (i.e., 250,000 pounds live weight), the property value reductions are statistically significant (at a 95 percent confidence level), on average of -26% if the facility is located northwest of the home and -22% if located south (primary wind patterns). Those negative impacts in values at 1-mile distance are reduced to -6%. For a larger sized facility of over 450,000 live weight, the percentage of reductions are cut by about half.¹³ **They conclude that there may be approximately -10% drop in property value if a new (AO) livestock feeding operation is located upwind and near a residence.**¹⁴

¹³ <https://www.card.iastate.edu/products/publications/pdf/03wp342.pdf>

¹⁴ Land Economics, November 2005 – 81(4): 530-545 ISSN 0023-7639; E-ISSN 1543-8325 Copywrite 2005 by the Board of Regents of the University of Wisconsin System.

- iv. In 2008 Dr. Jungik Kim and Dr. Peter Goldsmith, (*University of Illinois Urbana-Champaign, College of Agricultural and Consumer Economics*), published their study entitled, *A Spatial Hedonic Approach to Assess the Impact of Swine Production on Residential Property Values*. The study utilized a Spatial Hedonic model to investigate property values of **5,352 non-urban houses** and the effects of 26 Animal Operations (AOs) in Craven County North Carolina. The team collected data on property sales, assessed values, neighborhood indicators/amenities, and AOs (hog operations) and locations. A major goal of their study was to address spatial correlation within the testing. Spatial correlation is the concept that neighborhood indicators and factors accounted for impacts in property values.

Drs. Kim and Goldsmith included several variables in their testing process such as home attributes like the number of bedrooms and bathrooms and base square footage, as well as neighborhood indicators including income, distance to school, distance to open space, and distance to the central business district. Also included were directional variables to attempt to account for prevailing winds. The primary variable of distance to an AO, alongside the above variables, were tested at 11 distance “bands” beginning at ½ mile and increasing in ¼ mile increments up to 3 miles.

The authors’ study concluded that AOs were found to negatively affect property values, but that the size of the operation did not increase the negative impact. Kim and Goldsmith concluded that on average ***the property value of a home within 1 mile of an AO would decrease -8.2%, solely based on its proximity to the AO.***¹⁵

- v. In September 2008 the Indiana Business Research Center published a study titled *The Effect of Regulated Livestock Operations on Property Values in Selected Indiana Counties*. It was an extensive study (7,849 sales) that includes both qualitative survey and interview methods alongside a quantitative hedonic pricing model analysis. In its testing process, the team considered effects of AO’s also known as RLO’s (regulated livestock operations) including distance, species, wind direction as well as how the effects impacted each of the following property types, “non-town residential, town residential, and farm properties.” Most relevant to the current discussion are town residential properties, which are those that are located within incorporated areas. These properties were “more acutely affected by the attributes of surrounding RLO’s than the other two property types”.

The results of the testing were mixed, but ***the overall effect was negative led by significant impacts by dairy operations and wind direction. It is evident that mid-to-higher value properties were significantly more impacted by the effects of AO’s.***¹⁶

¹⁵ [\(PDF\) A Spatial Hedonic Approach to Assess the Impact of Swine Production on Residential Property Values \(researchgate.net\)](#)

¹⁶ https://www.ibrc.indiana.edu/studies/indiana_cafu_cfo_property_impact_2008.pdf

- vi. Robert Simons Director of Real Estate at **Central Michigan University**, Dr. Youngme Seo and Spencer Robinson from **Cleveland State University**, published their study, *The Effects of a Large Hog Barn Operation on Residential Sales Prices in Marshall County, KY* in the Journal of Sustainable Real Estate in January 2014. The study utilized a hedonic regression analysis, to quantify the effect on property values due to proximity to AOs by studying existing facilities in Marshall and neighboring Benton, Kentucky. The study evaluated a tightly clustered grouping of AO facilities, and **271 residential sales** within 1.25 miles of the cluster. Properties outside of the 1.25-mile radius and up to approximately 7 miles were part of the control (unaffected) group. The study considered sale pairs from 2002 through 2012, bracketing the opening of an AO (5,000-hog) facility in 2007. Further, the authors did illustrate that the area is quite rural with home types ranging from mobile homes on 0.25-acre lots to mansions on over 10 acres, and the population of the nearest towns, Benton and Murray being approximately 22,400.

Their hedonic regression analysis found a statistically significant average **reduction in property value averaging almost -23% across the subject area** within 1.25 miles of the facility for the home sales from 2009 through 2012 when compared to the control group, a full year after operations began at the newly developed Benton AO. Results from the regression models indicate that the negative impact on affected area property values was increasing, as the regression analysis disclosed an **average property value diminution of -27% for sales from 2010 onward**. Moreover, the authors found that properties in the northeast quadrant of the subject radius had the most significant value reductions due to their location in the path of the prevailing wind patterns for the area compounding odor nuisance.¹⁷

- vii. The peer-reviewed study, *Animal Operations and Residential Property Values*, was published by The Appraisal Institute in **The Appraisal Journal, Winter 2015**. Written by Dr. John A. Kilpatrick, (PhD, MAI), the report discusses the growing concentration of animal operations (AOs), yielding fewer and larger facilities throughout the country. Dr. Kilpatrick has studied AOs for over 35 years, and reports that large concentration of animals within an operation impacts the surrounding area's air, water, health, and economic conditions. These factors contribute to potential effects on nearby residential property values.

In my interview with Dr. Kilpatrick, he stated that he has performed 12 property value impact studies on AOs use over his career. In the Appraisal Journal, Kilpatrick summarizes empirical evidence that "indicates that residences near AOs are significantly affected, and data seems to suggest a valuation impact of up to 26% for nearby properties, depending on distance, wind direction, and other factors".

Further, Kuethe and Keeney¹⁸ find that higher-valued residences are more severely impacted by the negative impacts of AOs. This finding is consistent with the 2008 Indiana Business Center study noted above (v). Kilpatrick also cites a 1996 study by Padgett and Johnson stating, "that homes within 0.5 miles

¹⁷ https://cherry-county-truth.org/wp-content/uploads/9830-93_112.pdf

¹⁸ Todd H. Kuethe and Roman Keeney, "Environmental Externalities and Residential Property Values: Externalized Costs Along the House Price Distribution," *Land Economics* 88, no 2 (2002): 241-250.

of a confined animal feeding operation (CAFO) decrease in value by 40%, and homes within 1.0 miles decrease in value by 30%, within 1.5 miles by 20%, and within 2.0 miles by 10%.”¹⁹

Kilpatrick discussed assessed values of land as evidence of diminished property values because of AOs. His example, from an article written by Lee Beasley of Guardian Publishing in 2001, reported that 50 homes near an AO in Clark County Illinois were given tax abatements. Beasley stated that homes “within .5 miles were determined to have value diminished by 30%, ranging down to a 10% reduction for homes at 1.5 miles.”

- viii. In November 2017, the Wisconsin Department of Revenue (WDR) performed their own impact study of 184 sales of properties that took place over the three years near Kewaunee County’s six largest CAFOs and one other CAFO just over the county line in Brown County. The residential homes near the AOs (dairy operations) were found to have been selling for as much as 13% below their assessed value in Kewaunee County. The Department’s study concluded that assessments (based on market value) of homes could be **reduced by -8% to -13% for homes within a mile of the county’s six largest CAFOs**, and that reductions may also be appropriate in nearby counties with similar conditions. The CAFOs are defined as having at least 1,000 AUs or about 715 cows at an average weight of 1,400 pounds. The WDR’s study also determined that the size of the CAFO is relevant to market trends (influence). The data also determined that proximity was also a factor in value loss, with those properties within 0.30 miles demonstrating the largest negative impact on value of -13% and 0.30 to .95 miles reflecting value loss of -8%. Properties over one-mile did not reflect impact. These impacts were for rural homes, as the study excluded sales from the two villages and two cities in the County.²⁰

¹⁹ <http://www.greenfieldadvisors.com/wp-content/uploads/2015/08/animaloperationsJKwinter2015.pdf>

²⁰ 2017 Appeal #2017-81-01, Findings of Fact section D-6: https://crawford.extension.wisc.edu/files/2020/08/2017-81-01-Findings-of-Fact_Final.pdf

SUMMARY OF FINDINGS		
Case Study	Value Impacts	Remarks
Palmquist (1997)	Up to -9% Value Loss within 1 mile	Statistically significant reduction in house prices depending on animal density (AEU) ²¹ and distance
Ready & Abdalla (2003)	Up to -6.4% Value Loss within 1 mile	Animal Densities of 200-300 AEU's had largest negative impact Differences among species was not statistically significant AOs tend not to be located near homes
Herriges, Secchi & Babcock (2003)	-22% to -26% Value Loss within ¼ mile -6% Value Loss at 1 mile	Wind directions factors into impacts Proximity factors into impact Animal Density (AO's size) factors into impacts
Kim & Goldsmith (2008)	-8.2% Value Loss within 1 mile	Proximity had largest impact
Indiana Business Research Center (2008)	Negative impact for homes with "town" locations (Incorporated)	The results of the testing were mixed, but the overall effect was negative for incorporate locations. Wind was also a factor. It is evident that mid-to-higher value properties were significantly more negatively impacted by the effects of AO's
Simons, Seo, & Robinson (2014)	-23% within 1.25 miles	Most significant value reduction due to wind pattern
Kilpatrick (2015)	Up to -26% Value loss	Proximity and wind direction factor into value loss
Wisconsin Department of Natural Resources (2017)	0.30 miles = -13% 0.3 – 1 mile = -8%	Proximity and animal density cause primary impacts Study was of rural homes, and excluded incorporated areas

²¹ AU or AEU – Animal Equivalency Unit – One Animal Unit is 1,000 pounds live weight of livestock or poultry animals, regardless of the actual number of individual animals comprising the unit.

CONCLUSION

These published academic studies and other valuation expert opinions, conclude that there is some measure of impact to property proximate to an established food animal operation (including slaughterhouse facilities). These conclusions have been confirmed by academic studies utilizing large sales databases and regression analysis investigating this uses' potential impact on property values.

It can be concluded at this point that there is enough published data identifying that residential home values would be adversely affected by their proximity to a slaughterhouse use, of the size and scope identified in the application for a special use permit.

Based upon the examination, research, and analyses of the existing food animal operation uses, the surrounding areas, and an extensive amount of research including empirical data, we have concluded that **there is a reasonable and probable risk that proximate residential property values would be negatively impacted attributed to proximity to the proposed slaughterhouse use.** Additionally, we are in the process of preparing our own study of an existing meat processing facility in order to confirm the results the studies already identified.

If you have any questions or comments, please contact the undersigned. Thank you for the opportunity to be of service.

Respectfully submitted,

CohnReznick LLP



Patricia L. McGarr, MAI, CRE, FRICS
National Director - Valuation Advisory Services
Certified General Real Estate Appraiser
Wisconsin License No. #1704-10
Expires 12/14/2023
Illinois License No. #553.000621
Expires 9/30/2023

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CERTIFICATION

We certify that, to the best of our knowledge and belief:

1. The statements of fact and data reported are true and correct.
2. The reported analyses, findings, and conclusions in this consulting report are limited only by the reported assumptions and limiting conditions, and are our personal, impartial, and unbiased professional analyses, findings, and conclusions.
3. We have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
4. We have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
5. We have no bias with respect to the property that is the subject of this report, or the parties involved with this assignment.
6. Our engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. Our compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value finding, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this report.
8. Our analyses, findings, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, which includes the Uniform Standards of Professional Appraisal Practice (USPAP).
9. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
10. Patricia L. McGarr, MAI, CRE, FRICS, has viewed relevant data referenced in this report in person, via photographs, or aerial imagery.
11. We have not relied on unsupported conclusions relating to characteristics such as race, color, religion, national origin, gender, marital status, familial status, age, and receipt of public assistance income, handicap, or an unsupported conclusion that homogeneity of such characteristics is necessary to maximize value.
12. TJ Schemmel provided significant appraisal consulting assistance to the person signing this certification, including data verification, research, and administrative work all under the appropriate supervision.
13. We have experience in performing property value impact studies and are in compliance with the Competency Rule of USPAP.
14. As of the date of this report, Patricia L. McGarr, MAI, CRE, FRICS, has completed the continuing education program for Designated Members of the Appraisal Institute.

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If you have any questions or comments, please contact the undersigned. Thank you for the opportunity to be of service.

Respectfully submitted,

CohnReznick LLP

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CohnReznick 

ASSUMPTIONS AND LIMITING CONDITIONS

The fact witness services will be subject to the following assumptions and limiting conditions:

1. No responsibility is assumed for the legal description provided or for matter pertaining to legal or title considerations. Title to the property is assumed to be good and marketable unless otherwise stated. The legal description used in this report is assumed to be correct.
2. The property is evaluated free and clear of any or all liens or encumbrances unless otherwise stated.
3. Responsible ownership and competent management are assumed.
4. Information furnished by others is believed to be true, correct and reliable, but no warranty is given for its accuracy.
5. All engineering studies are assumed to be correct. The plot plans and illustrative material in this report are included only to help the reader visualize the property.
6. It is assumed that there are no hidden or unapparent conditions of the property, subsoil, or structures that render it more or less valuable. No responsibility is assumed for such conditions or for obtaining the engineering studies that may be required to discover them.
7. It is assumed that the property is in full compliance with all applicable federal, state, and local and environmental regulations and laws unless the lack of compliance is stated, described, and considered in the evaluation report.
8. It is assumed that the property conforms to all applicable zoning and use regulations and restrictions unless nonconformity has been identified, described and considered in the evaluation report.
9. It is assumed that all required licenses, certificates of occupancy, consents, and other legislative or administrative authority from any local, state, or national government or private entity or organization have been or can be obtained or renewed for any use on which the value estimate contained in this report is based.
10. It is assumed that the use of the land and improvements is confined within the boundaries or property lines of the property described and that there is no encroachment or trespass unless noted in this report.
11. The date of value to which the findings are expressed in this report apply is set forth in the letter of transmittal. The appraisers assume no responsibility for economic or physical factors occurring at some later date which may affect the opinions herein stated.
12. Unless otherwise stated in this report, the existence of hazardous materials, which may or may not be present on the property, was not observed by the appraisers. The appraisers have no knowledge of the existence of such substances on or in the property. The appraisers, however, are not qualified to detect such substances. The presence of substances such as asbestos, urea-formaldehyde foam insulation, radon gas, lead or lead-based products, toxic waste contaminants, and other potentially hazardous materials may affect the value of the property. The value estimate is predicated on the

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assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for such conditions or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

13. The forecasts, projections, or operating estimates included in this report were utilized to assist in the evaluation process and are based on reasonable estimates of market conditions, anticipated supply and demand, and the state of the economy. Therefore, the projections are subject to changes in future conditions that cannot be accurately predicated by the appraisers and which could affect the future income or value projections.
14. Fundamental to the appraisal analysis is the assumption that no change in zoning is either proposed or imminent, unless otherwise stipulated. Should a change in zoning status occur from the property's present classification, the appraisers reserve the right to alter or amend the value accordingly.
15. It is assumed that the property does not contain within its confined any unmarked burial grounds which would prevent or hamper the development process.
16. The Americans with Disabilities Act (ADA) became effective on January 26, 1992. We have not made a specific compliance survey and analysis of the property to determine if it is in conformance with the various detailed requirements of the ADA. It is possible that a compliance survey of the property, together with a detailed analysis of the requirements of the ADA, could reveal that the property is not in compliance with one or more of the requirements of the Act. If so, this fact could have a negative effect on the value of the property. Unless otherwise noted in this report, we have not been provided with a compliance survey of the property. Any information regarding compliance surveys or estimates of costs to conform to the requirements of the ADA are provided for information purposes. No responsibility is assumed for the accuracy or completeness of the compliance survey cited in this report, or for the eventual cost to comply with the requirements of the ADA.
17. Any value estimates provided in this report apply to the entire property, and any proration or division of the total into fractional interests will invalidate the value estimate, unless such proration or division of interests has been set forth in this report.
18. Any proposed improvements are assumed to have been completed unless otherwise stipulated; any construction is assumed to conform with the building plans referenced in this report.
19. Unless otherwise noted in the body of this report, this evaluation assumes that the subject does not fall within the areas where mandatory flood insurance is effective.
20. Unless otherwise noted in the body of this report, we have not completed nor are we contracted to have completed an investigation to identify and/or quantify the presence of non-tidal wetland conditions on the subject property.
21. This report should not be used as a basis to determine the structural adequacy/inadequacy of the property described herein, but for evaluation purposes only.
22. It is assumed that the subject structure meets the applicable building codes for its respective jurisdiction. We assume no responsibility/liability for the inclusion/exclusion of any structural

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component item which may have an impact on value. It is further assumed that the subject property will meet code requirements as they relate to proper soil compaction, grading, and drainage.

23. The appraisers are not engineers, and any references to physical property characteristics in terms of quality, condition, cost, suitability, soil conditions, flood risk, obsolescence, etc., are strictly related to their economic impact on the property. No liability is assumed for any engineering-related issues.

The evaluation services will be subject to the following limiting conditions:

1. The findings reported herein are only applicable to the properties studied in conjunction with the Purpose of the Evaluation and the Function of the Evaluation as herein set forth; the evaluation is not to be used for any other purposes or functions.
2. Any allocation of the total value estimated in this report between the land and the improvements applies only to the stated program of utilization. The separate values allocated to the land and buildings must not be used in conjunction with any other appraisal and are not valid if so used.
3. No opinion is expressed as to the value of subsurface oil, gas or mineral rights, if any, and we have assumed that the property is not subject to surface entry for the exploration or removal of such materials, unless otherwise noted in the evaluation.
4. This report has been prepared by CohnReznick under the terms and conditions outlined by the enclosed engagement letter. Therefore, the contents of this report and the use of this report are governed by the client confidentiality rules of the Appraisal Institute. Specifically, this report is not for use by a third party and CohnReznick is not responsible or liable, legally or otherwise, to other parties using this report unless agreed to in writing, in advance, by both CohnReznick and/or the client or third party.
5. Disclosure of the contents of this evaluation report is governed by the by-laws and Regulations of the Appraisal Institute has been prepared to conform with the reporting standards of any concerned government agencies.
6. The forecasts, projections, and/or operating estimates contained herein are based on current market conditions, anticipated short-term supply and demand factors, and a continued stable economy. These forecasts are, therefore, subject to changes with future conditions. This evaluation is based on the condition of local and national economies, purchasing power of money, and financing rates prevailing at the effective date of value.
7. This evaluation shall be considered only in its entirety, and no part of this evaluation shall be utilized separately or out of context. Any separation of the signature pages from the balance of the evaluation report invalidates the conclusions established herein.
8. **Possession of this report, or a copy thereof, does not carry with it the right of publication, nor may it be used for any purposes by anyone other than the client without the prior written consent of the appraisers, and in any event, only with property qualification.**

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9. The appraisers, by reason of this study, are not required to give further consultation or testimony or to be in attendance in court with reference to the property in question unless arrangements have been previously made.
10. Neither all nor any part of the contents of this report shall be conveyed to any person or entity, other than the appraiser's client, through advertising, solicitation materials, public relations, news, sales or other media, without the written consent and approval of the authors, particularly as to evaluation conclusions, the identity of the appraisers or CohnReznick, LLC, or any reference to the Appraisal Institute, or the MAI designation. Further, the appraisers and CohnReznick, LLC assume no obligation, liability, or accountability to any third party. If this report is placed in the hands of anyone but the client, client shall make such party aware of all the assumptions and limiting conditions of the assignment.
11. This evaluation is not intended to be used, and may not be used, on behalf of or in connection with a real estate syndicate or syndicates. A real estate syndicate means a general or limited partnership, joint venture, unincorporated association or similar organization formed for the purpose of, and engaged in, an investment or gain from an interest in real property, including, but not limited to a sale or exchange, trade or development of such real property, on behalf of others, or which is required to be registered with the United States Securities and Exchange commissions or any state regulatory agency which regulates investments made as a public offering. It is agreed that any user of this evaluation who uses it contrary to the prohibitions in this section indemnifies the appraisers and the appraisers' firm and holds them harmless from all claims, including attorney fees, arising from said use.

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**ADDENDUM A:
APPRAISER QUALIFICATIONS**

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Patricia L. McGarr, MAI, CRE, FRICS, CRA

Principal and CohnReznick Group –
Valuation Advisory National Director

200 S. Wacker Drive, Suite 2600
Chicago, IL 60606
312-508-5802
patricia.mcgarr@cohnreznick.com

Patricia L. McGarr, MAI, CRE, FRICS, CRA, is a principal and National Director of CohnReznick Advisory Group's Valuation Advisory Services practice. Pat's experience includes market value appraisals of varied property types for acquisition, condemnation, mortgage, estate, ad valorem tax, litigation, zoning, and other purposes. Pat has been involved in the real estate business since 1980. From June 1980 to January 1984, she was involved with the sales and brokerage of residential and commercial properties. Her responsibilities during this time included the formation, management, and training of sales staff in addition to her sales, marketing, and analytical functions. Of special note was her development of a commercial division for a major Chicago-area brokerage firm.

Since January 1984, Pat has been exclusively involved in the valuation of real estate. Her experience includes the valuation of a wide variety of property types including residential (SF/MF/LIHTC), commercial, industrial, and special purpose properties including such diverse subjects as quarries, marinas, riverboat gaming sites, shopping centers, manufacturing plants, and office buildings. She is also experienced in the valuation of leasehold and leased fee interests. Pat has performed appraisal assignments throughout the country, including the Chicago Metropolitan area as well as New York, New Jersey, California, Nevada, Florida, Utah, Texas, Wisconsin, Indiana, Michigan, and Ohio. Pat has gained substantial experience in the study and analysis of the establishment and expansion of sanitary landfills in various metropolitan areas including the preparation of real estate impact studies to address criteria required by Senate Bill 172. She has also developed an accepted format for allocating value of a landfill operation between real property, landfill improvements, and franchise (permits) value.

Over the past several years, Pat has developed a valuation group that specializes in the establishment of new utility corridors for electric power transmission and pipelines. This includes determining acquisition budgets, easement acquisitions, corridor valuations, and litigation support. Pat has considerable experience in performing valuation impact studies on potential detrimental conditions and has studied properties adjoining solar farms, wind farms, landfills, waste transfer stations, stone quarries, cellular towers, schools, electrical power transmission lines, "Big Box" retail facilities, levies, properties with restrictive covenants, landmark districts, environmental contamination, airports, material defects in construction, stigma, and loss of view amenity for residential high rises. Most recently, the firm has studied property values adjacent to Animal Operations to address criteria required for special use permits across the Midwest.

Pat has qualified as an expert valuation witness in numerous local, state, and federal courts.

Pat has participated in specialized real estate appraisal education and has completed more than 50 courses and seminars offered by the Appraisal Institute totaling more than 600 classroom hours, including real estate transaction courses as a prerequisite to obtaining a State of Illinois Real Estate Salesman License.

Pat has earned the professional designations of Counselors of Real Estate (CRE), Member of the Appraisal Institute (MAI), Fellow of Royal Institution of Chartered Surveyors (FRICS) and Certified Review Appraiser (CRA). She has also been a certified general real estate appraiser in 21 states (see below).

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Education

- North Park University: Bachelor of Science, General Studies

Professional Affiliations

- National Association of Realtors
- CREW Commercial Real Estate Executive Women
- IRWA International Right Of Way Association

Licenses and Accreditations

- Member of the Appraisal Institute (MAI)
- Counselors of Real Estate, designated CRE
- Fellow of Royal Institution of Chartered Surveyors (FRICS)
- Certified Review Appraiser (CRA)
- Alabama State Certified General Real Estate Appraiser
- California State Certified General Real Estate Appraiser
- Connecticut State Certified General Real Estate Appraiser
- Colorado State Certified General Real Estate Appraiser
- District of Columbia Certified General Real Estate Appraiser
- Illinois State Certified General Real Estate Appraiser
- Indiana State Certified General Real Estate Appraiser
- Louisiana State Certified General Real Estate Appraiser
- Maryland State Certified General Real Estate Appraiser
- Massachusetts Certified General Real Estate Appraiser
- Michigan State Certified General Real Estate Appraiser
- North Carolina State Certified General Real Estate Appraiser
- New Jersey State Certified General Real Estate Appraiser
- Nevada State Certified General Real Estate Appraiser
- New York State Certified General Real Estate Appraiser
- Pennsylvania State Certified General Real Estate Appraiser
- South Carolina State Certified General Real Estate Appraiser
- Tennessee State Certified General Real Estate Appraiser
- Texas State Certified General Real Estate Appraiser
- Virginia State Certified General Real Estate Appraiser
- Wisconsin State Certified General Real Estate Appraiser

Appointments

- Appointed by two Governors of Illinois to the State Real Estate Appraisal Board (2017 & 2021)
- Chairman of the State of Illinois Real Estate Appraisal Board (2021)

TJ Schemmel

Manager, Valuation Advisory Services

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TJ Schemmel is a manager in CohnReznick Advisory Group's Valuation Advisory Services practice and is based in the Chicago office. For the past two years, he has completed real estate valuation and other real estate consulting services valued at over \$2 billion in real property.

TJ has acquired competency in valuing a variety of commercial real estate across the United States, including the following complex property types: full-service hotels, single family rental home portfolios, cannabis cultivation facilities, hospitals, utility corridors, and for-sale residential units or subdivisions. He has also performed real estate appraisals involving leasehold interests, air rights ownership, and right-of-way fee simple and easement acquisitions for utility corridors. He has performed these and other appraisals for purposes including financial reporting, estate planning, bond and conventional financing, litigation (eminent domain and LaSalle factors), and asset management, with the ability to handle complex appraisals in expedited timeframes. TJ has also participated in assignments to determine the highest and best use of subject properties, which included determining the value of the properties under potential zoning designations and determining the likelihood of potential rezoning.

Education

- University of Cincinnati: Bachelor of Business Administration

Professional Affiliations

- Thomas Schemmel, Practicing Affiliate, Appraisal Institute
- Routes to Success, Incorporated (HOBY Ohio West) – Board President
- Chicago Tutoring – Associate Board Member

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From: Sara Arnold <sarnold@franklinwi.gov>
Sent: Thursday, June 11, 2020 2:05 PM
To: Daniel Szczap, Glen Morrow
Cc: Ronnie Asuncion, Witt, Jim, Terry Fuller; Alex Nord; Russ Siemers; Aldair Cortes, Don Hay; Jeff Weldon, James Meeks, Joseph Meeks, Kellie Ropers, Michael Mahn; John Nelson, Marcia LaPointe; S R. Mills
Subject: [Forwarded from Intradyn] [Tue Feb 23 22:49:30 2021] RE: Ryan Meadows -

Jim has informed me dirt was indeed placed where it should not have been and is being moved now. We will not rehash the history of this site but Bear has been notified over a dozen times of erosion control violations. While much of that was related to the Land Disturbance prior to the Ryan Meadows construction, it all still falls under this site. Glen made note of that when the City nearly cited Bear after the most recent erosion control violation and that is unfortunately why there is absolutely no room for any additional future violations. Thank you.

Sara Arnold, P.E.
Assistant City Engineer
City of Franklin
414-425-7510

From: Daniel Szczap [dszczap@beardevelopment.com]
Sent: Thursday, June 11, 2020 1:45 PM
To: Sara Arnold; Glen Morrow
Cc: Ronnie Asuncion; Witt, Jim; Terry Fuller; Alex Nord; Russ Siemers; Aldair Cortes; Don Hay; Jeff Weldon; James Meeks; Joseph Meeks; Kellie Ropers; Michael Mahn; John Nelson; Marcia LaPointe; John Nelson; S.R. Mills
Subject: RE: Ryan Meadows -

Sara:

This afternoon Veit contractors using GPS confirmed that they have not encroached onto Lot 84. Jim Witt with Graef was present during the confirmation.

Again, we apologize for any violations that have occurred since Bear/CMA have held the grading permit. The instances I am aware of include erosion control damage caused by a 3" rain (24 hour period) and an oversight by which our contractors worked on Saturday without proper approval.

Dan Szczap
Bear Development, LLC
Direct: 262.842.0556
Mobile: 262.949.3788
dan@BearDevelopment.com
www.BearDevelopment.com



From: Sara Arnold <SArnold@franklinwi.gov>

Sent: Tuesday, January 5, 2021 8:58 AM

To: Jerald Bussen <JeraldB@straussbrands.com>, Matthew Carey <Matt.Carey@pinnacle-engr.com>

Cc: Daniel Szczap <dszczap@beardevelopment.com>, Glen Morrow <GMorrow@franklinwi.gov>, Ronnie Asuncion <RASuncion@franklinwi.gov>, Marion Ecks <MEcks@franklinwi.gov>, Calli Berg <CBerg@franklinwi.gov>, Regulo Martinez-Montilva <RMartinez-Montilva@franklinwi.gov>, Mike Roberts <MRoberts@franklinwi.gov>, Glen Beardsley <GBeardsley@franklinwi.gov>

Subject: Strauss within Area G Review (7th)

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

Good morning. Attached is the storm water management review.

In early October 2020 comments were sent in regard to the Water Main Easement (attached). On October 14, 2020, the 5th review email was sent and noted that the Easement had not been submitted. On December 4, 2020, the 6th review email was sent and noted that the Easement had not been submitted. At this time the Easement still has not been submitted.

Although the submittal is not yet at the approval stage, as construction approaches please keep the following in mind for scheduling purposes:

- After approval of the plans by City, MMSD, and DNR, an Engineering pre-con is required with the developer, all contractors; City Engineering, Water/Sewer, and DPW Staff, and the private inspector (to be chosen by the City and paid for by the developer). This pre-con does not satisfy any required Inspection Services pre-con or Planning Department requirements.
- All erosion control facilities must be in and approved prior to issuance of any Building Permit(s).
- All storm water management facilities must be constructed and rough grade certified prior to the issuance of Occupancy Permits.
- Plat of Survey must be approved prior to issuance of Building Permits.

Thank you.

Sara Arnold, P.E.

Assistant City Engineer

----- Forwarded Message -----

From: Shan Hanneman <shanneman@franklinwi.gov>

To: jeff / kathy adair <adairfam1@sbcglobal.net>

Sent: Wednesday, October 21, 2020, 08:23:34 AM CDT

Subject: Re: Vote YES on Strauss Brands Expansion

Good morning.

I am not celebrating my vote on the Strauss issue. I voted no. There were too many issues that had not been addressed and/or made to be in compliance with our ordinances. Those issues should have been better vetted by our plan commission and by Strauss before bringing to Common Council.

I had asked Strauss to take more time to address some items before coming before Council, but they told me they wanted to move forward now, come what may.

Indeed, it is very disappointing. It should never have hinged on only my vote and when pressed, I sided with the local residents who were in strong opposition. I did hear from more 4th district residents who were opposed rather than in favor

Shan

From: Shari Hanneman <SHanneman@franklinwi.gov>
Sent: Thursday, October 22, 2020 3:42 PM
To: James Day <jamesallenday@hotmail.com>
Subject: RE: Strauss and last nights vote.

Hello James,

Thank you for your email. I can understand your hesitation in writing to me. I pledge to be professional and discreet enough to keep your concerns for city issues completely separate from your wife's employment. I would never use your freedom of opinion to leverage trouble for your wife.

Having said that, I want you to be aware that an open records request has been filed with the City Clerk for any and all communications regarding the Strauss project. The dates the request encompasses are Jan. 1, 2020 thru Oct. 21, 2020. Your email to me yesterday is legally bound to be included in the records submission. I do not know who filed the open records request, nor do I know for what purposes the records will be used. I highly suspect it is to gather a recall effort against me based on my vote on Tuesday.

All of your comments and concerns are well-taken and understood. While it would have been helpful to have more comments like yours in support of the project prior to Tuesday, local sentiment was very heavily against. I am not



Shari Hanneman

OCT 21, 10:43 AM



YOU my friend are my hero today. Thank you for seeing between the lines. If there are any repercussions let me know ASAP. We have momentum to flush out the negative behavior.

OCT 21, 12:19 PM

Danelle, I'm not celebrating my vote, but it was the right vote considering what I had in front of me. This has been very hard and will get harder as lawsuits ensue. I'm expecting cow blood to be thrown on my doorstep. It should never have come down to me alone at the finish line. I feel used and completely disrespected from several angles.



Shari Hanneman

It's pretty bad today. In all transparency, I was leaning towards approval. But they lost me and the Mayor lost me. I lay the whole mess squarely at the feet of the mayor...he chairs the plan Commission, and the economic development director reports directly to him.



I knew you were. And was shocked when you didn't. And you are ~~are~~ correct this falls on the mayor's lap. Something is not above board about all of this.

Thankfully I removed myself from the Franklin "forums" a few weeks back. I generally have thick skin but today I'm down to my last layer. I'm pretty raw.



I totally understand. You did the right thing Shari.

But resigning is heavily in my mind today



Don't let them do that to you. Please don't let them make you feel inferior.

Sandi Wesolowski

From: Steve Olson <steve-olson@wi.rr.com>
Sent: Sunday, October 18, 2020 6:11 PM
To: Shari Hanneman
Subject: [Forwarded from Intradyn] [Tue Feb 23 20:44:16 2021] RE: Homewortk
Attachments: Strauss Brands Economic Impact Summary markup.pdf; Strauss Economic Impact
markup.pdf

This is good stuff!

-----Original Message-----

From: Shari Hanneman [mailto:SHanneman@franklinwi.gov]
Sent: Sunday, October 18, 2020 5:02 PM
To: Steve Olson
Subject: Homework

Giving you the courtesy of a sneak peek of the economic impact analysis I've been working on.

This isn't pretty....its hard-fast-down-dirty but the numbers don't lie.
They may be conservative, but I don't have data that takes into account the COVID shock. I busted my budget just
getting Franklin and Milwaukee County data.

Shari Hanneman
Alderman - 4th District
(414) 510-6522

1 considerations. Alternative locations. Whether the goals
 2 can be met at another site that may be more appropriate
 3 with the consideration of 27th near I-94.
 4 CLERK SANDRA WESOLOWSKI: And you did bring up
 5 the police report, which is --
 6 ALDERWOMAN KRISTEN WILHELM: And including in the
 7 -- and adding in for the record the police report and the
 8 fire chief's letter.

9 MAYOR STEVE OLSON: Okay. I don't know what
 10 you're going to vote on but it seems to be some form of a
 11 motion. Are you good with that, Sir?
 12 ALDERWOMAN KRISTEN WILHELM: I think -- well, I
 13 made the amendment. Someone needs to second my amendment.
 14 ALDERMAN JOHN NELSON: I second.
 15 AUDIENCE: [Applause].

16 MAYOR STEVE OLSON: Okay, on whatever amendment
 17 that is, ah, Madam Clerk, call the roll, please.
 18 ALDERWOMAN KRISTEN WILHELM: This is on the
 19 amendment to the motion.
 20 MAYOR STEVE OLSON: Right.
 21 CLERK SANDRA WESOLOWSKI: Alderman Nelson?
 22 ALDERMAN JOHN NELSON: Aye.
 23 CLERK SANDRA WESOLOWSKI: Alderman Barber?
 24 ALDERMAN MIKE BARBER: No.

1 ALDERWOMAN SHARI HANNEMAN: No.
 2 CLERK SANDRA WESOLOWSKI: Alderman Wilhelm?
 3 ALDERWOMAN KRISTEN WILHELM: Aye.
 4 CLERK SANDRA WESOLOWSKI: Alderman Mayer?
 5 ALDERWOMAN KRISTEN WILHELM: Ah, wait, wait --

6 we're voting --
 7 ALDERMAN DAN MAYER: On the amendments.
 8 ALDERWOMAN KRISTEN WILHELM: On the amendment,
 9 aye, yes. Just want to make sure because she kind of threw
 10 me with the roll vote.
 11 CLERK SANDRA WESOLOWSKI: You voted no?
 12 ALDERWOMAN SHARI HANNEMAN: Pardon?
 13 CLERK SANDRA WESOLOWSKI: You voted no?
 14 ALDERWOMAN SHARI HANNEMAN: I voted no.
 15 CLERK SANDRA WESOLOWSKI: Okay.

16 ALDERWOMAN SHARI HANNEMAN: I'm against the
 17 particular --
 18 CLERK SANDRA WESOLOWSKI: Um --
 19 ALDERWOMAN SHARI HANNEMAN: -- some of the
 20 particulars of the amendment.
 21 MAYOR STEVE OLSON: Let's start over again.
 22 CLERK SANDRA WESOLOWSKI: All right. Alderman
 23 Nelson?
 24 ALDERMAN JOHN NELSON: Aye.

* Highlighted boxes and commentary on the exhibit (to explain its inclusion) are not part of the actual transcript.

Alderson Wilhelm proposes an amendment to review more appropriate locations for the behemoth slaughterhouse, and wants to add the fire chief's letter (one of our exhibits) and the police report (the Mayor erroneously quoted previously) to the written record of this meeting.

The more appropriate location referenced by Alderson Wilhelm, is almost adjacent to the freeway, has a new off ramp that ends right at that spot, and the nearest neighbors are a strip club and a truck depot.

However, this site is located in Alderson Hanneman's district. She promptly votes against the amendment.

From: Sara Arnold <sarnold@franklinwi.gov>
Sent: Thursday, October 22, 2020 9:30 AM
To: Steve Olson
Subject: [Forwarded from Intradyn] [Tue Feb 23 21:09:30 2021] RE: Outline of DNR Program Review Areas (general)

Mayor, because I don't want anyone accusing you of being incorrect, the storm water ponds that are already in place do not serve the Strauss project – they only serve the overall development. The storm water management plan for Strauss, which will require their own ponds, is currently under review. Also, I am not sure if the Alderwoman is aware but the current site is in violation of several City, MMSD, and DNR requirements in regard to storm water and wetlands so that is something you may want to discuss to be prepared if she brings it up.

Let me know if you'd like to discuss.

Sara Arnold, P.E.
414-425-7510

From: Glen Morrow
Sent: Thursday, October 22, 2020 9:57 AM
To: Sara Arnold <SArnold@franklinwi.gov>
Subject: Fwd: Outline of DNR Program Review Areas (general)

FRANKLIN COMMUNITY ADVOCATES, INC ,
 WOODLAKE VILLAGE HOMEOWNERS ASSOCIATION
 CHAD and KARYN ZOLECKI, JEFF and DANELLE KENNEY,
 RYAN and RACHEL RINGWELSKI,
 STEVE VALLEE and COLLEEN DOMASK
 NICK POPLAR, TOM and ALICE BENNING
 MIKE and JOANNE ZOLECKI, DEAN REIN
 ERIC and MICHELLE BALCEROWSKI
 MELINDA HAMDAN

Case No. 20-CV-7031

Honorable Hannah Dugan

Plaintiffs,

v.

CITY OF FRANKLIN,

Defendant,

And

STRAUSS BRANDS, LLC,

Intervening Defendant.

AFFIDAVIT OF MARGARET POPLAR

COUNTY OF MILWAUKEE)
)
 STATE OF WISCONSIN)

Margaret Poplar, being first sworn deposes and states as follows

1. My name is Margaret Poplar. I am a resident of Franklin and live at 11856 W Ryan Road
- 2 I was employed as an Administrative Clerk at Franklin City Hall, from January 1, 2019 through September 3, 2021
3. I quit my position, once I felt my job had become untenable, due to the ongoing campaign against myself and my husband, Nicholas Poplar, launched by Mayor Olson, once we spoke out against his Strauss Slaughterhouse development.

4. I was somewhat surprised by this turn of events, as previously the Mayor and I had a good, cordial relationship, since my desk was located just outside his office, during my tenure working at City Hall. I was unaware of many/most of the details surrounding the slaughterhouse project, until the late summer of 2020. When I realized the size and scope of this project, and that we were talking about an actual slaughterhouse, both my husband and I immediately became concerned, since we are only a few houses away from the land where this is set to be developed

5. I was a little shocked, the Mayor never inquired about my thoughts regarding this, since I have three children, who could be impacted by this project, via noise, air or water pollution. And of course, what parent would want their children to grow up next to, or play around a slaughterhouse? He also never inquired about what my immediate neighbors thought about this development

6. It was clear to me that Mayor Olson wanted this development, and he indicated to me that building the slaughterhouse would happen. This was prior to the Planning Commission meeting or City Council meeting, required to formally approve the project

7. That is when both my husband and I decided to become more vocal in our opposition to this poorly thought out plan. To be clear, when I spoke at the public meetings about the Strauss project, I stated I was speaking as a private citizen, not a Franklin government employee. My husband spoke out as well, and we aired our many concerns which had never been answered by the Mayor or the City Engineers. We were simply very concerned for both our children's health, as well as our property value

8. During both the Planning and Council meetings, virtually none of our concerns were addressed, and in fact, virtually no attempt was made to provide any answers or studies that

would allay our fears. The focus of the meetings, other than hours of citizen complaints around this awful development, seemed to be that since both key, interested parties, Strauss and Bear Development, wanted this to happen, that meant it was a good thing for Franklin, and anyone that questioned that, just didn't understand.

9. Since the Mayor could not believe that I spoke out against his project, even though it was my family that had so much to lose, not him, he began a campaign against both me and my husband. He no longer would speak to me at work, to the point where it became embarrassing. If five people were working when he came in, he would specifically single out each person by saying "Hi," and then walk past me silently.

10. His new dislike for me quickly became apparent, and other employees took notice. Soon, no discussions could occur in front of me, and when the ORR (open record request) for this case was being worked on, the City Clerk, would always move rooms, so that I would not be in ear shot of the things she suggested should be included, or not provided.

11. The situation continued to deteriorate, to the point I felt like I was in a high school setting. People would whisper behind my back, or stop talking entirely when I entered a room. The situation then hit a new low, when the Mayor attempted to affect my husband's employment.

12. The Mayor called my husband's boss directly, and tried to get my husband in hot water, by referring to negative posts, my very upset and frustrated husband (by this point), had posted online regarding how corrupt this whole slaughterhouse development has been. As my husband and his boss have a very good (and close) relationship, my husband's boss shared the Mayor's recorded message with Nick (of which we have a copy). Although they both ended up having a laugh, this served to further infuriate my husband.

13. If Mayor Olson truly felt this was a good development for Franklin, why would any of this have been necessary? We are the Franklin citizens he should be listening to and representing. Instead, he attempted to vilify me at work, to the point where I felt it necessary to seek different employment, and he attempted to create trouble between my husband and his boss.

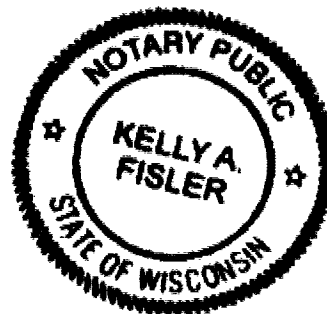
14. How can any of this be considered normal? And if there was time to conduct these campaigns against actual citizens, why was there never enough time to produce any reports, facts, 3rd party studies, or anything of relevance, other than what Strauss or Bear chose to provide for a development they had already agreed to (prior to any City approvals)? My husband and I are still waiting for any facts, support, or justification, for why a giant slaughterhouse (an enormous, unlikely, and unappealing development), would need to be built right in the heart of our neighborhood.

Margaret Poplar
Margaret Poplar

Subscribed and Sworn to Before me
This 21st Day of September, 2021

Kelly A. Fisler
Notary Public, State of Wisconsin

~~My commissioner is permanent~~
MY COMMISSION EXPIRES
SEPTEMBER 29, 2023



From: Calli Berg <cberg@franklinwi.gov>
Sent: Thursday, August 1, 2019 1:44 PM
To: Anne Klein
CC: Steve Olson; Steve Olson
Subject: [Forwarded from Intradyn] (Tue Feb 23 23:20:23 2021) RE: FW: Am looking for your assistance on an industrial park issue

I spoke with the CFO at Straus today and he will be passing on your name and number to the VP of Operations who will call you to determine how they can reduce the idling noise coming from their facility near your home. If you have not heard from anyone within a week, please reach back out to me. Best wishes for a smooth and satisfactory resolution.

Calli Berg, CEO, EDEP
Director of Economic Development
City of Franklin
9229 W. Loomis Rd.
Franklin WI 53132
O: 414-427-7566
C: 269-206-1795
 **Franklin**

----- Forwarded Message -----

From: Shan Hanneman <shanneman@franklinwi.gov>

To: jeff / kathy adair <adairfam1@sbcglobal.net>

Sent: Wednesday, October 21, 2020, 08:23:34 AM CDT

Subject: Re: Vote YES on Strauss Brands Expansion

Good morning,

I am not celebrating my vote on the Strauss issue. I voted no. There were too many issues that had not been addressed and/or made to be in compliance with our ordinances. Those issues should have been better vetted by our plan commission and by Strauss before bringing to Common Council.

I had asked Strauss to take more time to address some items before coming before Council, but they told me they wanted to move forward now, come what may.

Indeed, it is very disappointing. It should never have hinged on only my vote and when pressed, I sided with the local residents who were in strong opposition. I did hear from more 4th district residents who were opposed rather than in favor.

Shari

1 ALDERWOMAN WILHELM Mayor, you called on me.
2 MAYOR OLSON: Alderwoman Wilhelm.

3 ALDERWOMAN WILHELM I still think the head
4 count is pretty important. They're willing to do it. I
5 don't know why we wouldn't do that. Otherwise, you
6 know, you could end up with one of the loudest
7 slaughterhouses in the USA.

8 And as far as the current complaint
9 process, I sure which I would have remembered to
10 bring their old special use because it talks in there
11 that if they have a complaint they have to remedy
12 within six hours or the health department shuts them
13 down. So there's really good language in that 1971
14 special use that governs them right now. I wish, you
15 know, we would have been given that. I wish the
16 planning commission would have been given that when
17 the public hearing was going on because we might have
18 had some of those conditions in there already.

19 Without a little bit more of the conditions, I'm, you
20 know, not feeling really comfortable about the
21 protections from our community. And I guess I have
22 to agree with Alderman Meyer.

23 this isn't about not liking Strauss. This
24 isn't about vegan for me. I grew up on a farm. We
25 actually did raise cows that went out for -- to be

1 raised for this issue, so I was involved in meat
2 packing growing up, so I know what it's like. But
3 this is to me not the right location, and one of the
4 special use conditions was to look for an alternate
5 location. I think that would be more over by 27th
6 Street on the border over there. I think it would be
7 a perfect fit. You'd have a bus line. It would be
8 much more fitting than this area, so.

9 MAYOR OLSON: Are we clear?
10 ALDERWOMAN WILHELM: So we're clear, no 700.

11 no water usage and no complaint process that they can
12 shut down if they don't fix it in so many hours, we're
13 not including any of that?

So to reiterate what came directly from the Nov. 2, 2020 transcript, not
only did the Common Council and Mayor reverse the SUP denial, they
provided virtually no limits on Strauss.

- In the 1971 SUP, which Strauss is currently operating under, they are:
- subject to noise restrictions,
 - subject to water restrictions,
 - limited as to the volume and type of animals they can slaughter
 - must respond to citizen complaints, or be shut down

- Now, with a new facility, 4 times the size, in a much more ecologically
sensitive area, where cattle (as opposed to calves) will be killed, there are
- no restrictions on the type or volume of animals to be slaughtered
 - no restriction to the eventual size of the slaughterhouse
 - no restriction to the amount of noise created
 - no redress at all for neighboring citizen complaints

Sandi Wesolowski

From: Shan Hanneman <shanneman@franklinwi.gov>
Sent: Thursday, October 22, 2020 8:34 AM
To: Steve Olson
Subject: [Forwarded from Intradyn] (Tue Feb 23 21:09:34 2021) RE: Outline of DNR Program Review Areas (general)

While this was not the issue influencing my vote, it would have been extremely helpful to have this information presented to us prior to the council meeting. It would have been useful for the Plan Commission. It would have been useful to have it available to the residents who were so strongly in opposition.

I feel our residents deserved better. If they had been provided more of these professional opinions to review - well in advance - of the the council meeting, we may have been met with a more accepting public opinion. There could have been much more done to provide the public with facts. I'm also concerned that your attitudes and interaction with residents - and yes, professional protestors from outside the city, were not helpful in the cause of the project. In today's socio-political environment, trying to evict everyone from the open meeting only served to inflame everyone in attendance.

I've been reflecting on the proceedings of the past few weeks surrounding this project. In review of the plan commission's recommendation and site approval, I think the ball was dropped at that stage. One commissioner admitted to "not having time" to review the documents, Another with several questions was dismissed as hyperbole - without any review or answers to his questions, another had to recuse himself, the alderman literally phoned it in and the City Engineer, by virtue of his job is biased to vote in support of his boss. It would have been more prudent at that time to ask for a tabling for further review and allow time for questions of the Commissioners and the public hearing to be evaluated and answered.

After the plan commission meeting, I asked Mr. Mahone to ask Strauss to hit the pause button to allow more time for further review. I was told no, they intended to move forward on the 20th.

The presentation Strauss brought to the table at the community meeting last week did not provide the residents with greater comfort level with the development. In fact, I believe it raised more than it answered. Some answers were provided at the council presentation, but not all.

Shari Hanneman
Alderman - 4th District
(414) 510-6522

From: Steve Olson [steve-olson@wi.rr.com]
Sent: Wednesday, October 21, 2020 10:26 PM
To: Glen Morrow; Heath Eddy; Jesse Wesolowski
Cc: Mark Dandrea; Daniel Mayer; Mike Barber; Shari Hanneman; John Nelson
Subject: FW: Outline of DNR Program Review Areas (general)

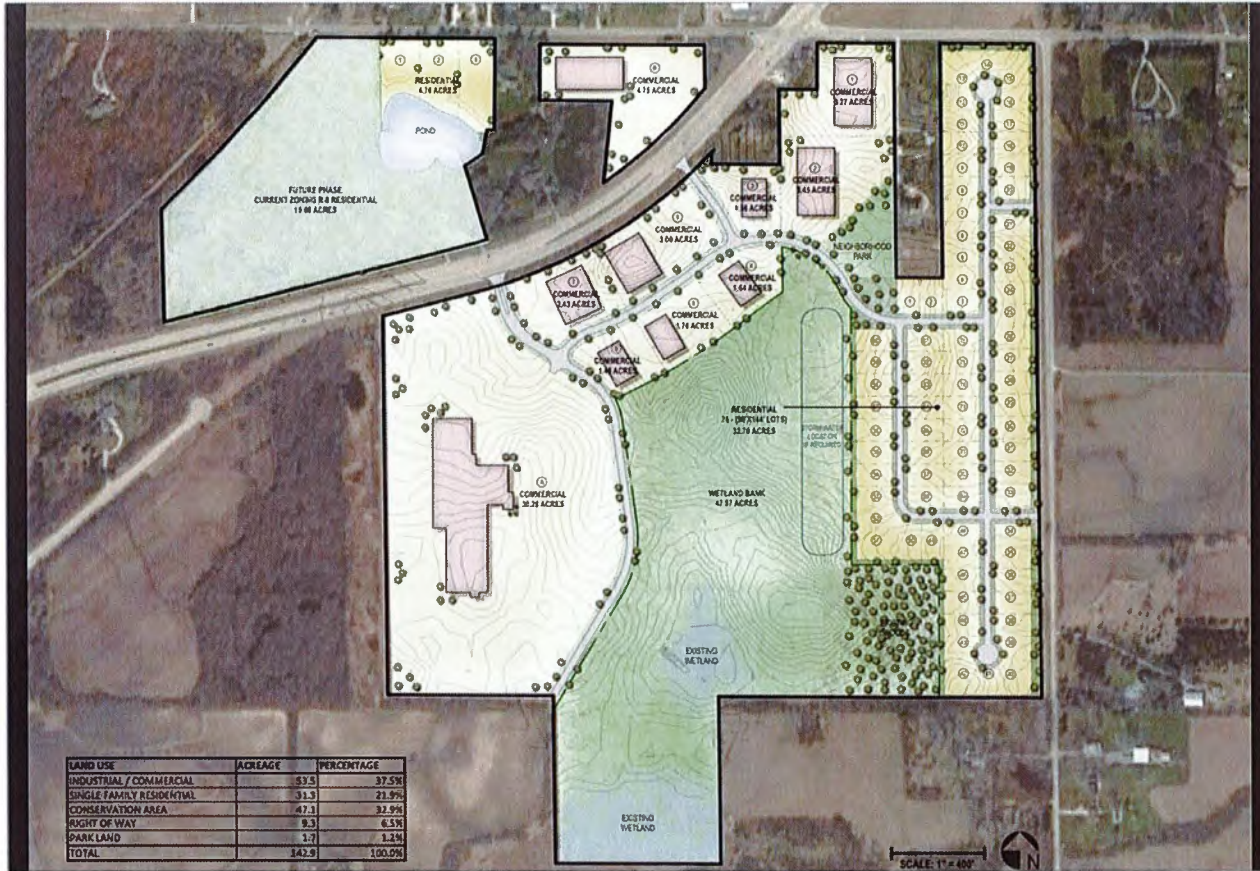
This is the document that Ald. Wilhelm used to state that Strauss was not in compliance with MMSD and DNR permits.

Some of you may have used that argument to in part base your vote

That would have been in error.

Specialty meat packer Strauss Brands plans to develop \$20 million facility at new Franklin business park

Tom Daykin, Milwaukee Journal Sentinel Published 11:13 a.m. CT May 20, 2019 | Updated 1:43 p.m. CT May 20, 2019



Bear's overall site plan for the land that city officials will review June 7.

Strauss Brands Inc. plans to develop a facility at a new business park near Loomis and Ryan roads. (Photo: City of Franklin)

Specialty meat packer Strauss Brands Inc. is planning to operate a facility, valued at up to \$20 million, at a new Franklin business park.

A Strauss Brands affiliate is planning a building, or a "series of industrial buildings," on 30 acres near the intersection of West Ryan and West Loomis roads, according to a city report.

The Franklin Common Council, at its Tuesday night meeting, is to consider approving a tax assessment agreement with the company affiliate, Strauss Investments LLC.

That agreement calls for Strauss Investments to develop a building, or buildings, that would be assessed at minimum values of \$5 million by 2021, and \$10 million by 2022.

The development would be for meat packaging and distribution operations.

The company also might add "meat harvesting and processing," according to the proposed agreement.

If that happens, those minimum values would increase to \$10 million and \$20 million.

That assessment agreement is needed because the city plans to help Strauss Investments pay for the development through a tax increment financing district, which the Common Council approved in 2018.

The city document doesn't say how much Franklin might spend on the project, which would require a separate council vote.

Also, the city report doesn't provide details on the size of the proposed facility, the number of jobs involved and whether the project would relocate Strauss Brands from its longtime facility at 9775 S. 60th St., in the Franklin Business Park.

Strauss Brands President Randy Strauss couldn't be reached Monday for more information.

Also, Calli Berg, Franklin's economic development director, declined to provide any additional information about the expansion plans.

1 COMMISSIONER HALEY: It's not the right
2 location for this. If you look at our -- our
3 master plan, it calls for lots of residential
4 development in the future. I'll be real
5 interested to see how many of those 70-plus odd
6 lots to the east actually sell and land
7 (inaudible) what their markets do.

8 The -- the -- the points we're making about
9 values on properties in Franklin, that's fine;
10 they're all up there. That's controlled by our
11 assessor.

12 What will happen five years from now to
13 those values? What happens five years from now if
14 we're having problems?

15 We've had ammonia leaks. We've had
16 something go wrong. And yes, we monitor it, calls

U.S. LEGAL SUPPORT
866-339-2608

Conf. R. # 000946

1 come in, we go up -- what if it was decided that
2 this is an inappropriate use five, ten years down
3 the line? It's just not working. Then what
4 happens?

5 They've got a multi-million dollar
6 investment, we can never make them go away, all we
7 can do is continue to write ordinances, meet with
8 them. I'm not saying it's wrong. I'm saying we
9 haven't thought this through. There's a great
10 desire to do the commercial development. It's
11 what we've been planning for 15-20 years in this
12 city. We have great hopes for the southwest part
13 of the City.

14 Highest and best use, probably not it.
15 Profitable venture, quite possibly. What is it
16 going to do to residential property values, to
17 people's quality of life. We start unloading --
18 we start bringing in trucks at 1:00 in the morning
19 -- 1:00 in the morning, that's not what -- I don't
20 want to hear that stuff.

21 It's not silent. We all know this. This
22 is -- it's not like you can do this in the middle
23 of the night and nobody will notice. The odors
24 will be there. The impacts will be there. They
25 may be small, they may be cumulative. But nobody

From: Steve Olson <steve-olson@wi.rr.com>  Mayor Olson using his personal RoadRunner acct
Sent: Thursday, October 22, 2020 8:48:35 AM
To: Shari Hanneman <SHanneman@franklinwi.gov>
Subject: Re: Outline of DNR Program Review Areas (general)  Using a fake subject matter

I've intentionally not called you.

If you'd like to talk we should meet in person.  Suggesting they should only talk in person

Let me know.

Steve

Steve Olson
C: 414-651-3367

- > On Oct 22, 2020, at 8:34 AM, Shari Hanneman <SHanneman@franklinwi.gov> wrote:
-
- > nce.
- >
- > I've been reflecting on the proceedings of the past few weeks surrounding this project. In review of the plan commission's recommendation and site approval, I think the ball was dropped at that stage. One commissioner admitted to "not having time" to review the documents. Another with several questions was dismissed as hyperbole - without any review or answers to his questions, another had to recuse himself, the alderman literally phoned it in and the City Engineer, by virtue of his job is biased to vote in support of his boss. It would have been more prudent at that time to ask for a tabling for further review and allow time for questions of the Commissioners and the public hearing to be evaluated and answered.
- >
- > After the plan commission meeting, I asked Mr. Mahone to ask Strauss to hit the pause button to allow more time for further review. I was told no, they intended to move forward on the 20th.
- >
- > The presentation Strauss brought to the table at the community meeting last week did not provide the residents with greater comfort level with the development. In fact, I believe it raised more than it answered. Some answers were

From: Sara Arnold <sarnold@franklinwi.gov>
Sent: Wednesday, April 29, 2020 12:37 PM
To: Calli Berg; Manon Ecks; Regulo Martinez-Montliva; Glen Morrow
Cc: Ronnie Asuncion
Subject: [Forwarded from Intradyn] [Tue Feb 23 22:53:26 2021] FW: Facility site changes/proposed changes
Attachments: Strauss Brands site map requirements.JPG

Importance: High

FYI. Strauss is also in violation of their SWPPP from the DNR because they did all of that work without proper approvals. Keep in mind the DNR could use this as leverage to not grant the WRAPP they need in order to start construction at Area G. Unfortunately the DNR is also well aware of Strauss's history with violations so they will not be cutting them any breaks.
I encourage anyone talking to Strauss to stress that all issues (City, State, etc.) need to be corrected ASAP.

Sara Arnold, P.E.
Assistant City Engineer
City of Franklin
414-425-7510

From: Lambert, Jamie D - DNR [Jamie.Lambert@wisconsin.gov]
Sent: Wednesday, April 29, 2020 12:30 PM
To: randy@straussbrands.com
Cc: Jerald Bussen; Sara Arnold; Wood, Peter C - DNR
Subject: Facility site changes/proposed changes

Good Morning Randy,

You will need to submit a revised SWPPP incorporating changes/proposed changes at the Strauss Brand site located at 9775 S. 60th Street in the City of Franklin. You are also required to complete and submit a site specific map that includes all of the elements on the attached document by May 29, 2020, or before any work commences on site, whichever comes first. Please contact me if you have any questions.

Stay safe,
Jamie

We are committed to service excellence.
Visit our survey at <http://dnr.wi.gov/customer/survey> to evaluate how I did.

Jamie D. Lambert
Wastewater Specialist Senior - Southeast
Division of External Services
2300 N. Dr Martin Luther King Jr. Dr., Milwaukee, WI 53212
Phone: (414) 477-1119
Jamie.Lambert@wisconsin.gov
Office hours 6:00am-2:30pm

From: Courtney Day <cday@franklinwi.gov>
Sent: Wednesday, October 14, 2020 10:36 AM
To: Peggy Steeno
Cc: Bob Tesch; Steve Olson; Steve Olson
Subject: [Forwarded from Intradyn] [Tue Feb 23 21:30:25 2021] Strauss Listening Session

Good morning,

I saw on social media last night Alderman Nelson and Mr. Strauss are sponsoring a listening session regarding the Strauss Brands expansion tomorrow evening in the community room.

I have several concerns regarding this event given our sharp rise in cases.

- What is the capacity of the listening session? I suggest no more than 3 or 4 people per table with tables at least 6-8 feet apart.
- How will participants be sharing viewpoints or concerns?
 - Will there be additional sanitation or cleaning supplies available for people sharing a microphone?
- Will the bathrooms and other high touch surfaces be cleaned before and after the event?
- I will supply several packages of masks and would require all people in attendance to wear the masks at all times (especially with the high emotions leading to loud speaking, cheering, or yelling).

While I understand the desire of the Alderman and the owner of the company to have time with residents to try to iron out their differences on this large project, any gathering of individuals in an indoor enclosed space at a time when COVID cases are spiking in the community is not a good idea.

Courtney Day, RN, BSN

Courtney Day, RN, BSN
Director of Health and Human Services/Health Officer
Franklin Health Department
cday@franklinwi.gov
414-425-9101



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STATEMENTS TAKEN DIRECTLY FROM THE OCT 20TH TRANSCRIPT

18 ALDERMAN MIKE BARBER: -- a breed unto
19 themselves, let's put it that way. So my concern is what
20 exercise do you have over that? And can you change the
21 hours to make it less than 1:00 or 1:00 a.m. to start the
22 process of delivery?

23 MR. JERRY BUSSEN: So the reason for 1:00 a.m. is
24 to mimic our current hours of delivery and, and the reason
25 that we do that is we want the -- the animals have to rest

U.S. LEGAL SUPPORT
866-339-2608

Cert. R. # 001365

Franklin Community
October 20, 2020 139

1 for two hours upon delivery; ah, we can't do anything until
2 they, they rest for that period of time. And our goal is
3 to have the, the, the scheduled deliveries for the day
4 finished early in the morning so, so they're really not
5 seen. If we were to push back the hours, then it would
6 just -- you know, then we would have animals being
7 delivered at 2:00, 3:00 p.m. in the afternoon, which would
8 align with bus routes, etcetera, and you know, just like
9 everyone else has concerns, we have concerns, as well, so

Cert. R. # 001366

Franklin Community
October 20, 2020 140

MR. JACK PRINCE: I just want to add, I have one
more thing on the reason 1:00 in the morning. So, ah, so
we're picking up cattle; cattle are coming in, we're
scheduling the cattle to arrive. So when the cattle
arrive, we don't want them to just sit on -- it's really a
humane welfare issue. We don't want them to have to sit
on, on the trailer for an extra two or three or four hours

11 ALDERWOMAN KRISTEN WILHELM: I think the, the
12 main motion and the documents have been read. The points
13 have been made. Um, if you want me to read them in full?
14 Adequate public facilities. Our vote depends on the proof
15 of development is adequately served by essential public
16 services, including public water supply, police and fire
17 protection, or the applicant will provide for such
18 services. No such services or proof has been provided.
19 Traffic hours of operation. Traffic circulation hours from
20 1:00 a.m. to 1:00 p.m. are not consistent with the future
21 residential area and will be a continuous noise complaint,
22 as well as concerns for diesel idling, more odors from
23 exhaust fumes. Adequate measure will be taken to provide
24 ingress and egress. The one-way in and out is far beyond
25 allowable UDO cul-de-sac length of 800 feet. Additional

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866-339-2608

Cert. R. # 001456

★ **Added commentary, not part of** ★
the transcription

Both the (then) President of Strauss, Jerry Busan, and the Director of Supply Chain at Strauss, Jack Prince, have been crystal clear on the fact that cattle will begin arriving at 1AM, and this will continue through the early morning hours. They have explained why this time frame cannot be changed, per how they operate. As Alderperson Wilhelm points out, this as well as several other key issues which Strauss is unable to fix, should disqualify their SUP.

TOWN OF NORWAY

Town Clerk
Telephone 262.895.2460
Audit Dept 262.895.2461
Fax # 262.895.0660

RACINE COUNTY WI
6419 HEG PARK ROAD
WIND LAKE, WI 53185

October 8, 2020

To: City of Franklin Elected Officials and Planning Commission Members

From: Jean M Jacobson, Chair The Town of Norway Town Board

Re: Strauss Brands, Inc. Proposed Development

The following comments are relayed to you this evening on behalf of the Town of Norway Town Board, staff, and residents of the Town of Norway. We realize, of course, that we have little to say regarding development that occurs in the City of Franklin. However, a development this large certainly does have an impact on adjoining communities.

As you deliberate your final conditions regarding the operation of the new Strauss Brands, Inc. meat process plant in the City of Franklin in Milwaukee County near the City of Muskego and Town of Norway borders, we would ask that you consider the impact that this development will have on adjoining municipalities. We also ask that you take into consideration the many concerns of residents in your City also.

A facility of this type causes residents to be very concerned about traffic, odors, water quality, environmental impacts, quality of life, and property values. We are well aware of the economic impact that this development has on your tax base and the many jobs that it will create. This has to be weighed, of course, against the quality of life and property values of those already living in the area. Please listen to all those who will be testifying this evening and think very seriously regarding those concerns. This development will be a long lasting part of your fine community and you need to respect those who have chosen to call the City of Franklin and adjoining municipalities home for many years.

- PROUD HERITAGE

Founded 1847

- STRONG COMMUNITY -

From: Sandi Wesolowski swesolowski@franklinwi.gov

Sent: Thursday, October 8, 2020 10:49 AM

To: Steve Olson; Steve Olson

Subject: [Forwarded from Intradyn] [Tue Feb 23 21:44:52 2021] FW: Public Hearing - Strauss Brands, Inc. proposed development
Letter to City of Franklin - Strauss Brands proposal.pdf

Attachments

From: Pat Campbell <patcampbell262@wi.rr.com>

Sent: Thursday, October 8, 2020 10:39 AM

To: Sandi Wesolowski <Swesolowski@franklinwi.gov>

Subject: Public Hearing - Strauss Brands, Inc. proposed development

Good morning Sandra

Last night at the Town of Norway Planning Commission meeting, the Commissioners and Town Board discussed the Strauss Brands, Inc. proposed development. Attached is a letter from our Town Chair Jean Jacobson with concerns that were brought up during the discussion. Please share this with your City Council and Planning Commission members. Thank you

Best regards,

Pat Campbell

Patricia R Campbell, II
Clerk Town of Norway
6419 Heg Park Rd
Wind Lake, WI 53185
262-895-0335

franklinwi.gov
www.franklinwi.gov

Population 5113



From: Adam Remington
Sent: Wednesday, August 28, 2019 10:38 AM
To: General Planning
Cc: Catherine Heder; Sandi Wesolowski
Subject: Special Use and Site Plan, Strauss Brand Inc., W. Ryan Rd. at 112th Street

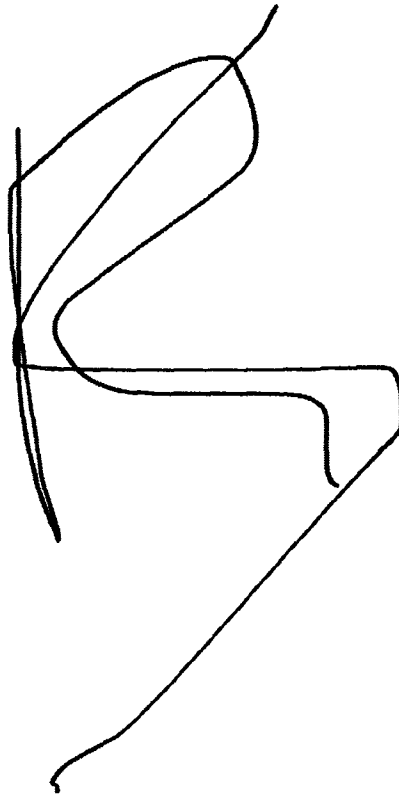
In addition to the comments below, the fire department has the following concerns/comments:

1. Significant concern with storage/use of large quantities of ammonia immediately adjacent to and upwind of planned residential, commercial, and multi-use development.
 - a. Asphyxiant, corrosive/irritant, and potential explosive properties will be present in the event of a release/leak or fire.
2. Area is poorly served by existing fire station locations and staffing. Response times for Effective Response Force for fire and EMS calls-for-service, and emergency incident types will likely exceed accepted industry standards (possibly significantly) for the entire development.

Adam J. Remington
Fire Chief
Franklin Fire Department
(414) 425-1420
aremington@franklinwi.gov



We appreciate the continued support of the mayor and members of City Council. We are very proud of our expansion proposal; however, we have heard the voices of our fellow Franklin community residents. Strauss is currently evaluating alternative paths to expand our production capacity. As part of these efforts, we are exploring a sale of the land on Loomis Road that was originally purchased to construct the Greenfield facility. In doing so, we ask that the City give us time and work with us to find the right occupant for the land.





To whom it may concern:

Accurate Appraisal is contracted by the City of Franklin to perform their assessments. We were asked to provide insight on any residential value impact that the proposed new Strauss Brands LLC 152,035-Square-foot facility would have. In our 20 plus years of experience, we rarely see a residential decrease in value due to a manufacturing facility. We do not believe that the proposed Strauss facility will cause a residential decline in value.

Thank you,

Kyle L. Kabe

Accurate Appraisal

Thank you my name is Joe Cincotta and I am the attorney for Franklin Community Advocates and the other individual plaintiffs in the Court case. I wanted to address a primary issue about the requirements that the applicant here must meet in order for the Plan Commission and the Common Council to approve a Special Use Permit for the proposed meat-processing/slaughterhouse project.

As part of that I want to confirm that under state statutes and the City's ordinance the Plan Commission is set up to be a neutral non-political body that reviews projects in order to verify that proposed project is in the public interest. In the case of a Special Use Permit the City's ordinances establish what must be considered in order to allow a project and make sure it is in the public interest and not contrary to it.

Here, the City's Ordinances at Section 15.3-0701 list requirements that must be satisfied before a SUP may be approved. A key provision is that a proposed project may not substantially diminish or impair property values of surrounding properties. Again, this is specifically required in the ordinances and is obviously to protect neighboring property and taxpayers.

What also is important to understand is that SUPs are not presumed to be appropriate. Even if a particular zoning district allows for a particular SUP, there is no presumption that a SUP should be granted. The proposed SUP must fit into the particular site and location. That is why the ordinances require that each project be reviewed on its merits and that it satisfy the ordinances requirements.

What the state law requires, which you may have heard referred to as Act 67, is that the applicant, which here is Strauss Brands, must provide actual facts and information that is sufficient to demonstrate that its proposed project satisfies the ordinance requirements.

Here, there is nothing in the current record that provides sufficient facts and information that the proposed project will not diminish and impair the property values of the adjacent and surrounding properties.

Also it is important to understand that it is not FCA and the property owner's burden to show that the project will diminish surrounding property values it is the applicant's burden to show that it will not. However, FCA and the plaintiffs have provided in their submissions showing the proximity of the proposed project to the surrounding residential uses and properties, including the residential subdivision that is being developed just to the east, will cause a substantial diminution in property values. We will also be submitting a formal expert analysis prepared by a well-known consulting

firm that addresses the extent of the devaluation that will occur and with that also the loss of tax base in those surrounding properties.

My understanding is that other presenters will address other requirements of the ordinance including whether it interferes with surrounding developments, public benefit, alternative locations, mitigation of adverse impact and the precedent approval of this project would set for the City. We believe these other ordinance requirements are not satisfied by the proposed project. However, based on this key issue of negative impact on surrounding property values the SUP may not be approved and should not be recommended for approval by the Plan Commission.



Michael Best & Friedrich LLP
Attorneys at Law
Bret A. Roge
T 414 347 4776
E baroge@michaelbest.com

February 17, 2022

VIA HAND DELIVERY AND EMAIL

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

Members of the Plan Commission
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

Re: Strauss Brands Slaughterhouse Proposal

Dear Mayor Olson and Members of the Plan Commission.

We represent the Indian Community School, Inc. (the "School") located at 10405 W. St. Martins Road in the City of Franklin (the "City"). Attached are copies of our letter to Mayor Steve Olson and the Members of the Common Council on behalf of the School dated November 2, 2020 and the School's letter to the same dated October 20, 2020 (collectively, the "Letters"). We are reaffirming that the School believes the concerns and objections raised in the Letters have either not been addressed or have not been adequately addressed and, therefore, the School is recommending that the Plan Commission reconsider its prior decision and deny the Special Use Permit for the construction and operation of a large-scale slaughterhouse by Strauss Brands, LLC at the southwest corner of West Loomis Road and new Monarch Drive because Strauss Brands, LLC failed to meet the standards for approval of a Special Use Permit pursuant to *City of Franklin Unified Development Ordinance (UDO) § 15-3.070*.

Please let me know if you have any questions or comments.

Respectfully submitted,

Michael Best & Friedrich LLP

A handwritten signature in black ink, appearing to read 'Bret A. Roge'.

Bret A. Roge



Michael Best & Friedrich LLP
Attorneys at Law
Bret A. Roge
T 414 347 4776
E baroge@michaelbest.com

November 2, 2020

VIA HAND DELIVERY AND EMAIL

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

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

Re: Strauss Brands Slaughterhouse Proposal

Dear Mayor Olson and Members of the Common Council:

We represent the Indian Community School, Inc. (the "School") located at 10405 W. St. Martins Road in the City of Franklin (the "City") and we are writing to express our significant concerns and objections to the potential reconsideration by the Common Council of a Special Use Permit for the construction and operation of a large-scale slaughterhouse by Strauss Brands, LLC at the southwest corner of West Loomis Road and new Monarch Drive (the "Strauss Proposal"). As you are aware, the City's Plan Commission held a hearing and public comment period on the Strauss Proposal on Thursday, October 8, 2020 (the "Plan Commission Hearing"), and the Common Council considered and appropriately rejected the Strauss Proposal at the City's Common Council meeting on October 20, 2020 because Strauss Brands, LLC failed to meet the standards for approval of a Special Use Permit pursuant to *City of Franklin Unified Development Ordinance (UDO) § 15-3.070*. It has come to our attention that the City may "reconsider" its denial of a Special Use Permit for the Strauss Proposal at the Common Council meeting tonight, Monday November 2, 2020.

As the School presented at the October 20, 2020 Common Council meeting, the Strauss Proposal does not meet the requirements of *UDO § 15.3.070* and the School, which is located approximately 1-mile northeast of the proposed slaughterhouse site, has significant concerns and objections that were not adequately addressed at the Plan Commission Hearing or the last Common Council meeting. The Strauss Proposal will have a substantial and undue detrimental impact on the School's property, create potential safety hazards for its students, staff, and visitors, and adversely impact the overall health, safety, morals, comfort, and general welfare of its surrounding community. See *City of Franklin Unified Development Ordinance (UDO) § 15-3.0701*. Specifically, the proposed industrial slaughterhouse will likely diminish the value of the School's property and other surrounding properties. The Strauss Proposal will add to the traffic congestion and safety concerns on Loomis Road and surrounding streets as a result of large semi-trailer trucks bringing an anticipated 500 head of cattle to the proposed slaughterhouse daily. The Strauss Proposal is further likely to impact air quality, and the storage of more than 16,000 lbs. of toxic, highly pressurized ammonia at the storage site poses a public safety risk that the City is not equipped to address in the event of an accident or mishap.

Mayor Steve Olson
Common Council Members
November 2, 2020
Page 2

The Plan Commission did not appropriately consider the Standards set forth in *UDO § 15-3.0701* nor fully address the concerns, questions, and requests of the community during the October 8th hearing. Instead, the majority of the Plan Commissioners either ignored the public's concerns or dismissed these concerns with conclusory statements. The Common Council did not make the same mistake and appropriately denied the Special Use Permit for the Strauss Proposal as required by *UDO § 15-3.0701*.

Despite the nearby residential homes and other planned residential development, neither Strauss nor the City has presented any analysis, appraisal or other consulting report on the impact the slaughterhouse will have on property values in the community or neighborhood. Instead the City Assessor merely stated that he cannot know what impact the slaughterhouse will have on property values until *after* it is constructed and operating. In addition to the stigma associated with living near a slaughterhouse, air quality and sanitation is important to the School and the surrounding community and will impact the desirability of the area. Other than stating that there will be "air scrubbers" in the wastewater treatment areas of the slaughterhouse, neither the Plan Commission nor Strauss presented any analysis, environmental impact or other study regarding the foul odors that will be generated and the increased emissions from the slaughterhouse and its added truck and automobile traffic.

Similarly, the Plan Commission and Strauss have not presented any plan for addressing the increase in flies, cockroaches, parasites, rodents, and vermin that will be attracted to the slaughterhouse and traveling into the School's community along with the continuous loads of cattle and manure. The City and Strauss have also not presented a strategy to manage the risk of transmission of zoonotic diseases and waterborne illness created by the large herds of cattle and associated manure and waste containing microbes and pathogens. Additionally, concerning is the lack of consideration given to the impact the large-scale slaughterhouse operation will have on traffic in the area. Both City and Company officials have confirmed that no traffic study was done to analyze the impact of the slaughterhouse on the area's roads and streets. There will be numerous large trucks bringing approximately 500 head of cattle to the facility every day, but there was no other detail provided in terms of the specific routes that will be utilized or other safeguards to mitigate safety concerns. The safety of the School's students and staff is of paramount importance and during morning drop-off and afternoon pick-up there is already significant traffic volume in the area. Because of the number of students that attend the School from a long distance, the School utilizes many buses to ensure that no child spends more than 45 minutes traveling to the School. Adding large semi-trailer trucks to the already busy combination of parent vehicles and buses presents a significant risk to the safety of the School's students, parents, and staff.

Lastly, the Strauss Proposal includes the use of over 16,000 lbs. of highly pressurized ammonia that will be piped throughout the slaughterhouse from a holding tank containing more than 12,000 gallons of the toxic chemical. The City's Fire Department has expressed concern about the safety hazard that this presents to the community and the lack of adequate facilities and equipment to address this risk. Other than stating that the EPA will require a safety plan and "detectors," neither the Plan Commission nor Strauss considered or presented any analysis of the risks presented and the necessary steps to mitigate this hazard. Under the Emergency Planning and Community Right-to-Know Act (EPCRA), the slaughterhouse must submit a Material Safety Data Sheet

Mayor Steve Olson
Common Council Members
November 2, 2020
Page 3

(MSDS) for the large volume of ammonia to the Local Emergency Planning Committee (LEPC) and State Emergency Response Commission (SERC), but the Plan Commission and Strauss have not presented such proposed MSDS for evaluation.

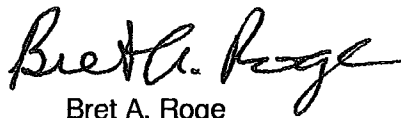
It is important to note that Franklin required the School to perform both traffic study, which subsequently limited the directional flow of all bus traffic, and natural resource protection plan before the rezoning could occur for it to relocate to Franklin. We would have thought that if a grade school were required to obtain these types of study and plan, a proposed slaughterhouse certainly would have been required to obtain them.

There remain significant gaps and omissions in the City's review of the Strauss Proposal that continue to require the City's Common Council to deny the requested Special Use Permit pursuant to *UDO § 15-3.0701*. Due to the unresolved questions on increased traffic and odors; the safety of nearby residents because of the significant amount of stored ammonia on site; the unknown effect on air and water quality; and other issues, the Strauss Proposal requires further study and analysis from experts and other independent voices. Until these issues are resolved, the School cannot support the Strauss Proposal and respectfully requests that the City Council **not** reconsider its correct decision to deny a Special Use Permit.

As a result, because the record is clear that the Strauss Proposal does not meet the standards required by *UDO § 15-3.0701*, if the Common Council reconsiders and approves a Special Use Permit for the Strauss Proposal, the School will have to consider its available options.

Sincerely,

MICHAEL BEST & FRIEDRICH LLP



Bret A. Roge

October 20, 2020

VIA HAND DELIVERY AND EMAIL

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

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

Re: Strauss Brands Slaughterhouse Proposal

Dear Mayor Olson and Members of the Common Council:

This letter is written and submitted to the Common Council on behalf of the Indian Community School (the "School") located at 10405 W. St. Martins Road in the City of Franklin (the "City") to express the School's significant concerns and objections to the potential approval by the Common Council of a Special Use Permit for the construction and operation of a large-scale slaughterhouse by Strauss Brands, LLC at the southwest corner of West Loomis Road and new Monarch Drive (the "Strauss Proposal"). As you are aware, the City's Plan Commission held a hearing and public comment period on the Strauss Proposal on Thursday, October 8, 2020 (the "Plan Commission Hearing"), and the Common Council is set to consider the Plan Commission's recommendation to approve the Strauss Proposal at the City's Common Council meeting today, October 20, 2020.

The School is located approximately 1-mile northeast of the proposed slaughterhouse site, and we have significant concerns and objections that were not adequately considered by the City's Plan Commission. The School believes that the Strauss Proposal will have a substantial and undue detrimental impact on the School's property, create potential safety hazards for our students, staff, and visitors, and adversely impact the overall health, safety, morals, comfort, and general welfare of our surrounding community. See *City of Franklin Unified Development Ordinance (UDO) § 15-3.0701*. Specifically, the proposed industrial slaughterhouse will likely diminish the value of the School's property and other surrounding properties. The Strauss Proposal will add to the traffic congestion and safety concerns on Loomis Road and surrounding streets as a result of large semi-trailer trucks bringing an anticipated 500 head of cattle to the proposed slaughterhouse daily. The Strauss Proposal is further likely to impact air quality, and the storage of more than 16,000 lbs of toxic, highly-pressurized ammonia at the storage site poses a public safety risk that the City is not equipped to address in the event of an accident or mishap.

The Plan Commission did not appropriately consider the Standards set forth in UDO § 15-3.0701 nor fully address the concerns, questions, and requests of the community during the

Mayor Steve Olson
Common Council Members
October 20, 2020
Page 2

October 8th hearing. Instead, the majority of the Plan Commissioners either ignored the public's concerns or dismissed these concerns with conclusory statements.

Despite the nearby residential homes and other planned residential development, neither Strauss nor the City presented any analysis, appraisal or other consulting report on the impact the slaughterhouse will have on property values in the community or neighborhood. Instead the City Assessor merely stated that he cannot know what impact the slaughterhouse will have on property values until *after* it is constructed and operating. In addition to the stigma associated with living near a slaughterhouse, air quality and sanitation is important to the School and the surrounding community and will impact the desirability of the area. Other than stating that there will be "air scrubbers" in the wastewater treatment areas of the slaughterhouse, neither the Plan Commission nor Strauss presented any analysis, environmental impact or other study regarding the foul odors that will be generated and the increased emissions from the slaughterhouse and its added truck and automobile traffic.

Similarly, the Plan Commission and Strauss have not presented any plan for addressing the increase in flies, cockroaches, parasites, rodents, and vermin that will be attracted to the slaughterhouse and traveling into our community along with the continuous loads of cattle and manure. The City and Strauss have also not presented a strategy to manage the risk of transmission of zoonotic diseases and waterborne illness created by the large herds of cattle and associated manure and waste containing microbes and pathogens. Additionally concerning to the School is the lack of consideration given to the impact the large-scale slaughterhouse operation will have on traffic in the area. Both City and Company officials have confirmed that no traffic study was done to analyze the impact of the slaughterhouse on the area's roads and streets. There will be numerous large trucks bringing approximately 500 head of cattle to the facility every day, but there was no other detail provided in terms of the specific routes that will be utilized or other safeguards to mitigate safety concerns. The safety of our students, parents and staff is of paramount importance to the School and during morning drop-off and afternoon pick-up there is already significant traffic volume in the area. Because of the number of students that attend the School from a long distance, the School utilizes many buses to ensure that no child spends more than 45 minutes traveling to the School. Adding large semi-trailer trucks to the already busy combination of parent vehicles and buses presents a significant risk to the safety of our students, parents, and staff.

Lastly, the Strauss Proposal includes the use of over 16,000 lbs of highly-pressurized ammonia that will be piped throughout the slaughterhouse from a holding tank containing more than 12,000 gallons of the toxic chemical. The City's Fire Department has expressed concern about the safety hazard that this presents to the community and the lack of adequate facilities and equipment to address this risk. Other than stating that the EPA will require a safety plan and "detectors," neither the Plan Commission nor Strauss considered or presented any analysis of the risks presented and the necessary steps to mitigate this hazard. Under the Emergency Planning and Community Right-to-Know Act (EPCRA), the slaughterhouse must submit a Material Safety Data Sheet (MSDS) for the large volume of ammonia to the Local Emergency Planning Committee (LEPC) and State Emergency Response Commission (SERC), but the Plan Commission and Strauss have not presented such proposed MSDS for evaluation.

Mayor Steve Olson
Common Council Members
October 20, 2020
Page 3

Overall, we believe there are significant gaps and omissions in the City's review of the Strauss Brands proposal. Due to the unresolved questions on increased traffic and odors; the safety of nearby residents because of the significant amount of stored ammonia on site, the unknown effect on air and water quality; and other issues, we believe the Strauss proposal requires further study and analysis from experts and other independent voices. Until these issues are resolved, we at the Indian Community School cannot support the Strauss Brands proposal. Accordingly, we urge the Council to table the proposal at this time to obtain the necessary expert and independent verification. More transparency, further scientific review and increased community dialogue will help build more trust that the final decision is the best outcome for the City. We respectfully request that the City Council defer action on this important matter until such time as these critical tasks can be undertaken. We at the Indian Community School stand ready, willing and able to be active participants in this process.

Sincerely,



01

INDIAN COMMUNITY SCHOOL

cc Bret A Roge, Esq

Heath Eddy

From: Joy Draginis-Zingales <bellissimadesign@icloud.com>
Sent: Thursday, February 17, 2022 3:15 PM
To: Heath Eddy
Subject: Meeting

I would like to share my personal belief, observations and experiences with Mayor Olsen and the majority of the Aldermen/Alderwomen and officials serving on the many City Boards, as I feel this information is pertinent to tonight's meeting regarding the Strauss development.

As the City was going through the process of approvals regarding the ROC / BPC development, much of if not every complaint noted in the Strauss lawsuit dated 2/14/2022 are the exact issues and concerns brought forward to the city of Franklin elected officials by the neighbors. With that said, there is a very similar parallel to the approval "process", lack of Due Diligence, non compliance of the UDO, non compliance of ordinances and state statutes, as well as lack of third party studies required on the side of the City. These are just a few of the protocols in my personal experiences and opinion that were not followed in the approval process again regarding the ROC / BPC development. I am sharing this information with you as I feel it shows intent and common practice by the city and should be a consideration in you're vote regarding the proposed Strauss development tonight. I am asking you to vote NO to Strauss.

Thank you for your time, Joy Draginis-Zingales

Sent from my iPhone

Sent from my iPhone

February 14, 2021

Via Email

Jesse Wesolowski
City Attorney
City of Franklin
9299 West Loomis Road
Franklin, WI 53132

Re: Objection Position Statement on Strauss Brands Special Use Permit.

Dear Mr. Wesolowski:

Please accept this correspondence on behalf of my clients Franklin Community Advocates, et al. regarding the proposed Special Use Permit request that is to be taken up at the Plan Commission meeting of February 17, 2022. I would appreciate it if you would please include this correspondence in the record and supply a copy to all Plan Commission members and staff.

I. Summary.

The current 152,000 S.F. initial phase of the Strauss Slaughterhouse Proposal, with its additional guarantee of a 130,000 S.F. cold storage facility, fails to meet the ordinance standards, will harm the surrounding property owners, diminish property values, and reduce the long term tax base of the area. The project, if completed as currently proposed, will not increase the tax base of the subject properties, as represented by the Mayor. The Mayor has erroneously stated that the tax base value of the development will be \$70 Million. However, the contractual guarantee, only requires that Strauss provide an investment of \$20 Million. Other alleged benefits of the development such as those discussed in the economic paper provided by the applicant and Alder Hanneman, are speculative, irrelevant to the legal standard at issue, and not substantial evidence.

In addition, a proper alternatives analysis has not been completed pursuant to UDO § 15.3-0701(c). And, as is known, City staff have been directed by political officials, to recommend approval of the project in the past, despite their concerns about its merits.

II. The proposed project fails to demonstrate compliance with UDO § 15-3-0701.

A. Detrimental effect on adjacent property values.

The City's Ordinances as set forth at Ord. § 15-3.0701 prohibit the decision-making body of the City to approve a Special Use Permit unless the proposed use satisfies several requirements including but not limited to as follows:

No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following

2 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

The City's ordinances and Wis. Stats. § 62.23(7)(de) ("Act 67) require that the **applicant** for a special use permit, here, Strauss Brands, must demonstrate, through substantial evidence, that it satisfies all applicable requirements prior to being granted that permit.

This is a very significant point in this matter. The Applicant, Strauss, has the burden of showing that it satisfies the written requirements in the ordinance. The applicant must provide actual facts to support any assertions that the project will not diminish adjacent and surrounding property values. These facts must be substantial evidence. They cannot be anecdotal assertions, conclusory opinions, or speculation.

To date, the applicant Strauss has failed to provide substantial evidence that satisfies the requirements of UDO § 15-3.0701. A document entitled economic study has been submitted. The study appears to have been prepared by one of the Alders (Ms. Hanneman) for Strauss. The study makes assertions about alleged positive economic impact for the City as a whole. However, the analysis and conclusion are speculative at best and demonstrably inaccurate at worst. As noted in the attached analysis of the Strauss/Hanneman study:

If everything goes well (far from a guarantee), for 20+ years, Strauss' tax dollars will go to pay off the TIF, adding nothing to the city coffers. If we had simply let a developer build homes there, we would be making tax revenue already. But even more importantly, slaughterhouses are so universally reviled, what if it drags down the value of surrounding property? That could make this whole development a net loss to Franklin for years to come.

See "An Analysis of Strauss Economic Paper " Exhibit A attached hereto

In addition, FCA has engaged its own expert on this issue, **CohnReznick**. Their full analysis is forthcoming, but on a very preliminary basis, there appears to be a strong correlation between a decline in property values based on distance from a slaughterhouse. This property value study intends to utilize all existing data via previous studies and current appraisal tools, and will quantify the actual loss to property value in Franklin, and more specifically to the surrounding residences. This is a firm that is routinely engaged by Businesses and/or Municipalities to create this type of study, which the City of Franklin should have absolutely required Strauss to produce. It is unclear how both the Planning Commission and the Common Council could have possibly approved this application without this information. As they have failed to provide this within the past 15 months, Franklin Community Advocates has taken on this significant expense, on behalf of the residents in Franklin, to provide at least the minimum required to render a valid decision. Two exhibits are currently attached to show the issues the new study will address, and the areas, via concentric circles where property values will be directly re-evaluated based on the study findings. *Exhibit B & C*

In summary, there is no substantial evidence supporting a conclusion that the proposed facility will not substantially diminish adjacent and surrounding property values. On the contrary, until the CohnReznick study is finished and provided, or some other like study produced by a 3rd party team of experts, the proposed project cannot be granted a SUP as a matter of law because it violates 15.3-0701(2).

B. Failure to conduct alternatives analysis.

Pursuant to the UDO, before the Plan Commission or the City Council may grant any SUP, they must engage in the following considerations:

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

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.

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

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

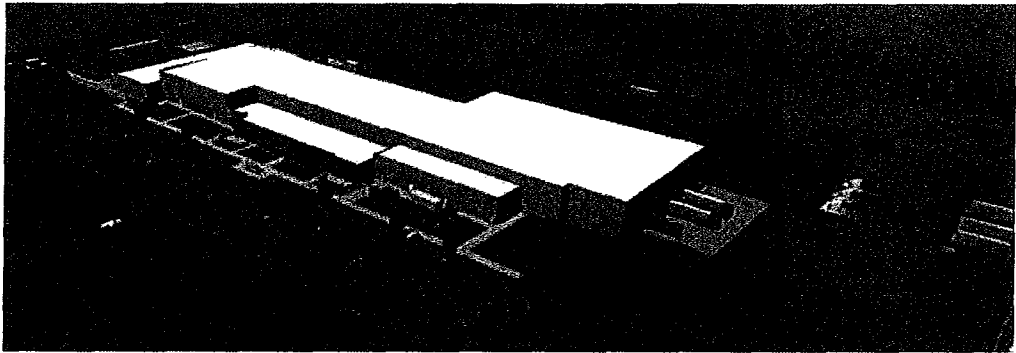
See UDO § 15.3-0701(c)

A review of the staff analysis provides no actual facts to support proper considerations of these requirements.

1. As noted above, there is no demonstrable public benefit from this proposed development in terms of tax base or ripple economic effects. Furthermore, there is no reasonable study demonstrating the overall effect on area property values, to assure that this development would not result in a net loss for the city for years to come.
2. This location was not chosen by Strauss. In fact, the location was so odd, and counter-intuitive, that then President of Strauss, Jerry Busan stated on April 25th, 2017, when this location was first brought to him, “are we not concerned about the subdivision west of the land site?” He emphasized this point further on May 3rd of that same year by stating, “To be clear, this is the land we are discussing? With the house in the woods, the subdivision, and other houses on Loomis, wouldn’t this lead to an uproar from residents?” *Exhibits D & E*

Strauss originally wanted to go into the new business park being developed right next to the freeway, where a new off ramp leads right into the property. Since Strauss will bring in 500 head of cattle every night, between Midnight and 8AM, on large, noisy semis, and there is no new subdivision of half million dollar plus homes adjacent to it, how is it humanly possible to not consider that area a *MUCH* preferred location?

3. Very few steps have been taken, let alone all possible steps, to minimize negative impacts. Strauss has dictated the terms of what they will build from nearly the beginning. When asked about adding some type of decorative panels to help disguise the large, ugly, almost windowless structure, they simply responded that was too expensive. How is it that the applicant dictates to the approver what requests they will comply with?



Furthermore, the Fire Chief brought up issues with regards to having large amounts of ammonia (highly flammable and explosive) upwind from adjacent residential areas. As there is no way to correct this issue, since the slaughterhouse requires the ammonia, and the new residential component has already begun construction, apparently this very valid concern is just being ignored. *Exhibit F.*

Even more concerning, virtually all language regarding limits, restrictions, and resolutions available to the City were eliminated from the Strauss proposal. This effectively provides little or no control to the City or the residents, regarding the new Strauss facility, which will initially be four times the size of the current one, but essentially unregulated in terms of the volume of cattle they can slaughter per day. *Exhibit G*

4. This proposal, in conjunction with the overall Loomis Business Park, of which it is a part, will establish the most detrimental precedent in Franklin's history. A "Business Park" with no land zoned for "business," with the literally unbelievable precedent of allowing heavy industry to build facilities right next to new subdivisions. This will not only be precedent setting for Franklin, but the entire country as a whole. Might there be some rationale why no other community has ever attempted something so odd and potentially problematic?

C. *Staff analysis is inaccurate and incomplete.*

The Staff report is conclusory and contrary to the City's ordinances. A review of two key requirements demonstrates the inadequacy of the staff analysis and report.

Regarding UDO § 15.3-0170(1) the staff report provides as follows:

1. Ordinance and Comprehensive Master Plan Purposes and Intent.

Staff comment: The development is compatible with the limited industrial zoning district (M-1) that provides for "manufacturing, industrial and warehousing uses" and the Business Park designation of the Comprehensive Plan.

It is obvious that the project is compatible with the M-1 zoning, since that zoning was apparently adopted specifically to accommodate this development. The issue is whether the M-1 zoning, and this project, are compatible, and indeed consistent, with the Comprehensive plan covering this region of the City. They are not.

The Staff reports merely asserts that the slaughterhouse is compatible with the “Business Park” designation. This is no analysis at all, and this is, in fact, inaccurate.

The City Comprehensive Plan designates the area covering the Strauss parcel and the surrounding properties as “Areas of Natural Resource Features and also Business Park.” According to the City’s Comprehensive Plan, new developments are required to:

Protect all Open Lands. The only development allowed in the Open Lands are compatible park, outdoor recreation, open space, trail, and stormwater management facilities as approved by the City, in accord with all existing regulations. Surrounding development shall not create a significant adverse impact upon the visual connections to the natural resource features or to the sustainability of the protected landscape. Surrounding development shall not increase erosion or untreated stormwater runoff of surrounding lands

Business Park uses according to the Comprehensive Plan are intended for *limited intensity uses, intended to provide an aesthetically pleasing environment*, and a unified design and ownership which exceed 20 acres in size. The Strauss proposal is incompatible with, and inconsistent with, the City’s Comprehensive Plan, and therefore may not be approved pursuant to the UDO § 15.3-7010(1) and Wis. Stats. § 66.1001(3).

The Staff report provides the following regarding the second requirement of § 15.3-0701:

2. No Undue Adverse Impact.

See Fire Department comments below

With regards to obnoxious odors and noise. The applicant stated that “the wastewater treatment room is fitted with air scrubbers to eliminate odors. The cattle barns and harvest areas are ventilated with a high volume of outside air to dissipate buildup of odors. Trucks/trailers used to remove hides and inedible waste are kept in enclosed dock areas to eliminate spread of odors. All processes are performed within the building which will eliminate noise concerns. Noise generation will be limited to truck traffic of approximately 20 trucks per day”.

This analysis and recommendation are deficient on their face. They do not address the bulk of the requirements in 15.3-0701(2), which are as follows:

2 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

See UDO § 15 3-0701(2)

The staff, and the applicant, must show that the proposed use and development will “not substantially diminish and impair property values within the community or neighborhood.” There is nothing in the current record, or the Staff report, or the applicant’s submission to date, that comes close to substantial evidence supporting this finding. It is obvious that a slaughterhouse will substantially diminish and impair property values within the community and neighborhood. FCA’s expert analysis, which due to this matter being scheduled without consultation with FCA, is forthcoming, will no doubt confirm this obvious conclusion.

III. Recusal of public officials – lack of due process.

The decision on whether to deny or grant an SUP is not a political or legislative decision. It is a quasi-judicial decision. One that requires the application of specific facts about a particular project, on a particular site, in a particular area of the City, affecting a subject property, and those adjacent and surrounding that subject property. The project can only be approved if it meets written criteria in the law of the ordinances. This is not a decision that is about whether the owner of the property is a good guy, or whether decision-makers “feel like this is a good project.” The determination that must be made is whether the true, non-speculative facts satisfy the ordinance language.

Neutral application of the law to the actual facts of a particular project is fundamental to providing adequate due process to both applicants and adjoining property owners. Thus, the Wisconsin Supreme Court has made it clear that a demonstration of bias by decision-makers in favor of an applicant, or against a party to a proceeding, violates due process:

The zoning decision in this case requires that the Board examine a specific piece of land and the activities of a particular property owner. It must engage in fact-finding and then make a decision based on the application of those facts to the ordinance. In this case, where established criteria direct the Board's fact-finding and decision-making, Marris should expect that a decision will be made on the basis of the facts and the law

See Marris v. City of Cedarburg, 176 Wis.2d 14, 26 (1991).

In fact, with regard to this development, Mayor Olson seems to have clearly confused his role, with that of being either an employee of, or advocate for Bear Development, the project developer for the entire Loomis Business Park. Prior to the original Plan Commission Meeting, or Common Council Hearing for the Strauss

approval, Mayor Olson worked with both SR Mills and Randy Strauss, because he thought it would be a good idea if they “planned out a strategy” together, in order to ensure their success in this matter. This is the polar opposite of how this is intended to work. How could a Mayor, who is so biased, he actively and unabashedly works directly on behalf of the applicant and the developer, then put himself in the position of having the deciding vote that will/could reject their SUP request? *Exhibit H*

And the revelations, that City staff have been directed by the Mayor, to vote in favor of projects, despite, based on their expertise, any concerns they may have had, also shows a serious problem with a fair process. *Exhibit I*

For all these reasons, it is reasonable and appropriate that the Mayor recuse himself from this decision. If the Mayor publically came out against a building permit for a homeowner who happened to have voted against him, no one would question that was wrong. Or if in this case, the Mayor made harsh and negative comments against Strauss, there is no doubt, Strauss would seek his recusal from the issue. The same applies here. The participation of a decision-maker who has displayed a bias in favor of, or against a particular project, renders that decision void for a failure to provide sufficient due process.

IV. Conclusion.

Based on the above, the Plan Commission must recommend against the proposed SUP.

Very truly yours,

Electronically signed by Joseph R Cincotta

Joseph R Cincotta

Cc: Attorney Rich Manthe
Attorney Remzy Bitar

An Analysis of the Strauss Economic Paper written by Alderman Shari Hanneman

How will the development of a 280,000+ sq ft slaughterhouse and cold storage facility (for perspective, 1/4 the size of Southridge Mall) positively or negatively impact both the residential neighborhood where it is to be built, as well as the overall community of Franklin. No proper, in-depth, 3rd party, overall economic study, was ever produced by the City of Franklin, or required to be produced and paid for by Strauss Brands, even though it was requested by the citizens of Franklin for the past 15 months. Ald. Shari Hanneman then created an eight page paper in an attempt to at least provide something to exist within this huge and obvious void.

Ald. Hanneman should be congratulated for not passing the buck, and rightly recognizing that there should be information on what economic effects an enormous and, on the surface, a very counter-intuitive slaughterhouse development would have on Franklin. After all, per the city's own records, this development will include large cattle pens, a kill floor, carcass coolers, cold storage, trucking docks, etc., all adjacent to neighborhoods and new home developments. But unfortunately, in stepping up to the plate, Ald. Hanneman has created a whole host of additional issues.

First, the paper is entirely inadequate, as it has one narrow focus, and requires the use of an economic model that would not logically be applicable here. An even bigger issue has to do with Strauss branding Ald. Hanneman's paper with their own cover page. This now suggests, she was either acting as an agent for Strauss, or acting as a 3rd party providing them an analysis to use. Either way, she would most certainly be conflicted out of voting on whether the Strauss

proposal moves forward or not. She could however be called on to participate in a subsequent hearing to testify to her methodology and results.

I make the above point, to show how upside down this whole ongoing issue has been, and how dysfunctional the operation of our City's government has become. The defendants in this case have produced a short, biased, wholly insufficient paper to suggest their request "must be approved", and that somehow this incredibly minimal, hearsay effort will satisfy Act 67. Ironically, it was then FCA that was forced, at great expense, to be the entity that hired a national team of experts to research and complete a true study on the economic impact of this giant slaughterhouse proposal. Again, our topsy-turvy Alice in Wonderland form of municipal government continues.

I refer to Ald. Hanneman's effort as a "paper" as it is 8 pages in length. Those of you that have had to read full blown economic studies, know they usually cover a myriad of details which often require hundreds of pages for proper analysis. FCA has no idea how long our "study" will end up being, as it has yet to be completed. However, when finished, we feel certain that it will not only be very detailed, but will also be very enlightening to all Franklin home owners and taxpayers. In the meantime, let's analyze what Strauss has provided (via Ald. Hanneman) to support the granting of their special use permit (SUP) which is required to put their development in motion.

Unfortunately we have issues with this paper right out of the gate. The 2nd sentence under the introduction states, "The most generally accepted and widely used analytical method is the Input-Output Model (I-O)." In fact there are 2 economic models:

- Input-Output
- Economic Simulation

While the Input-Output model may be used more frequently, it probably has more to do with the fact that it is easier to run and produce than an Economic Simulation model. The benefit to the more laborious 2nd model, is that it also incorporates future economic changes created by the subject development. Possibly of greater issue is, this study fails to mention or incorporate other models that could be run to provide more accurate overall results, and overcome some of the issues with the I-O Model in this specific case, including:

- Social Impact Assessment
- Environmental Impact Assessment
- Cost-Benefit Analysis

When you consider we're dealing with a slaughterhouse, which is uniquely different to almost all other businesses, in particular with regards to inputs and employment, the I-O model becomes a flawed choice as your only point for economic assessment. That leads us to the 2 major flaws with this paper:

1. As is true with virtually any analytical paper – garbage in/garbage out
2. The I-O model works best when utilized to justify large projects, with large required expenditures, that actually provide something desirable of benefit to the overall community (think Fiserv Forum, Drexel Town Square)

GARBAGE IN / GARBAGE OUT

If the citizens of Franklin are being asked to fund an \$8.5 Million TIF/TID to create the infrastructure needed for this giant slaughterhouse, and are being required to stomach the noise, pollution, traffic and smells this will bring (among other things), and if we ignore the obvious degradation to our "quality of life," we still want to know what great financial benefit we will receive in exchange. The first issue in determining that has to do with inputting the appropriate

figures/information into the model. Ald. Hanneman starts with the construction value of the facility to be built, and places that at \$60Million, with an additional \$12Million in equipment.

The problem with using these figures, is that Strauss is only contractually guaranteed to make a total investment of \$20Million. So right off the bat, she is running an economic model, with an initial investment figure inflated to more than triple the actual guaranteed amount. And if Strauss really does want to make that level of investment, they've had 15 months to sign a new contract guaranteeing that higher dollar amount. Spoiler alert- they have not. I'll save you the pain of having to go through all the other figures. As Strauss always was a private company, and now is owned by a private equity fund (through majority share control), none of their financials are required to be, or have ever been made public. Any information used for a study like this, therefore must rely on what the key interested (and biased) party chooses to provide. We have no possible way to verify whether the figures are factual or not, or even if they are in the ballpark of reality.

ODD USE OF THE I-O MODEL

This brings me to the second even bigger problem. Alderman Hanneman concludes the overall net positive effect to **just Franklin alone**, will be an increase of **\$162.1Million**. But if we attempt to unpack this total, the problem quickly becomes apparent. So when we look at the first category- direct effect spending- we're considering things like raw inputs and salaries paid. In the unique case of a slaughterhouse, the greatest input is cattle. As there are no cattle farms in Franklin, the city gains nothing from the largest input. But lets jump to salaries then. Strauss has admitted, the highest number of Franklin residents ever working there at one time was 3. So we have 3 taxpayers using their salaries to support their homes here, and other businesses like restaurants and grocery stores. So

far, we're at about \$180k in direct effect benefit then. OK, granted, that's a slow start, but we have more to cover.

We want to also look at all wage earners, not just local citizens. Granted those not living here will not be supporting a house, so will add less to the coffers, but they will still eat at restaurants, shop at stores, etc.(or so this model predicts.) Although Strauss does have a small contingent of white collar employees, the majority of their workers are associated with the slaughtering, packing, and required cleaning to keep the facility up and running. The average salary of these workers, per Strauss, is \$17 per hour. As these jobs are just as vile and disgusting as one might imagine, the only people willing to take them, are the most disadvantaged in our society.

In many cases, this group consists of poorly documented immigrants, who need to keep a roof over their head and food on their tables, and can find no better options. In fact, Strauss was forced to create a shuttle, as public transportation does not come this far out, and many of their employees would be unable to get to the slaughterhouse from their homes. This is in no way meant to disparage these hard working individuals. They are people struggling to get by, until they can improve their lot in life. My point here is, this group is not likely going to restaurants or shops, and since they are shuttled in and out of our community, they may very well spend no money in Franklin at all- yes, that's \$0 additional dollars toward our direct effect benefit. While there are additional inputs we can go through, I think this already serves to highlight the problems a unique development, like a slaughterhouse, creates for the I-O Model.

There are still, however, other categories to consider. What about the indirect and induced effects? This essentially refers to a snowball of money rolling downhill, gaining both size and momentum at an increasingly rapid pace. This expanding economic activity is what the I-O model hopes to account for through the use of a multiplier. As other local businesses gain new money from this

development, they begin to spend and grow as well. Rising water (spending), lifts all boats (businesses). Unfortunately, again, with our unique slaughterhouse development, the story would translate to something truly odd:

After several years of growth, when busloads of school children come to Franklin for the various slaughterhouse tours offered, and other tourists and visitors are drawn by this development to our fair community, they will need somewhere to eat and stay. We'll need more restaurants, more hotels, and the growth continues. In addition, when people admire the beauty and unique benefit this new slaughterhouse development brings, these same visitors may decide to move here, building more homes and starting additional new businesses of their own.

Wait...what?! You can see how an I-O model works really well with a desired development, like Fiserv Forum. The expense is high, there is a level of nuisance, but the payoff is enormous in terms of the catalyst for growth. Unfortunately, a slaughterhouse near nothing but homes and farms, where the only businesses within a mile radius are two small taverns, becomes a very implausible candidate for this type of study.

The study we need, is one that actually looks at what happens to our tax base, and the value of our homes, since single family houses represent the greatest concentration of structures for miles around the slaughterhouse. If everything goes well (far from a guarantee), for 20+ years, Strauss' tax dollars will go to pay off the TIF, adding nothing to the city coffers. If we had simply let a developer build homes there, we would be making tax revenue already. But even more importantly, slaughterhouses are so universally reviled, what if it drags down the value of surrounding property? That could make this whole development a net loss to Franklin for years to come.

And we have no idea how much damage may be done to Franklin's reputation within our metro area, as we have no way to quantify and accurately assess the cost when the perception of an area changes in the mind of the public, from one that is appealing, to one that is *undesirable*. These are the things we need to know, want to know, and deserve to know. Strauss should have been required to provide this information, and it is unclear how the Planning Commission or Common Council could grant their approvals without it. But, sadly, once again, it is the overburdened residents of Franklin, and their supporters, who have had to foot yet another bill (\$25k) to get a truthful, reasonable answer, to these most pertinent questions.

Dave Sorensen

Executive Director
Franklin Community Advocates

Animal Operations and Residential Property Values

by John A. Kilpatrick, PhD, MAI

Proximity Case Studies

Kilpatrick presented a series of case studies from the 1990s that document the impacts of AOs.²⁶ For example, a Minnesota homeowner lived near two swine AOs when her family reportedly became ill and testing found that the level of hydrogen sulfide was well above the danger levels.²⁷ An early study in North Carolina by Schiffman et al. reports emotional impacts (tension, depression, anger, reduced vigor, fatigue, and confusion) linked to airborne contamination emanating from an AO.²⁸ A later North Carolina study by Wing and Wolf reports increased incidences of headache, runny nose, sore throat, excessive coughing, diarrhea, burning eyes, and "reduced quality of life."²⁹ An early study in Iowa by Thu et al. finds increases in eye and upper respiratory problems among those living within 2 miles of an AO.³⁰ A later Iowa study³¹ finds extensive literature documenting acute and chronic respiratory disease and dysfunction among CAFO workers from exposures to complex mixtures of particulates, gases, and vapors; it concludes that CAFO air emissions may constitute a public health hazard.

Taff, Tiffany, and Weisberg perform a hedonic price analysis on 292 rural residences in Minnesota and find a statistically significant pricing impact related both to the existence of an AO as well as the distance to the AO.³⁴ A 1996 study by Padgett and Johnson finds that homes within 0.5 mile of a CAFO decrease in value by 40%, and homes within 1.0 mile decrease in value by 50%, within 1.5 miles by 20%, and within 2.0 miles by 10%.³³ Palmquist, Roka, and Vukina quantitatively determine that AOs depress nearby home values. They develop a model to measure the spatial impacts of AOs and, like Padgett and Johnson, find differential value impacts at 0.5, 1.0, and 2.0 miles.³⁶

Overall, the empirical evidence indicates that residences near AOs are significantly affected, and data seems to suggest a valuation impact of up to 26% for nearby properties, depending on distance, wind direction, and other factors. Further, there has been some suggestion that properties immediately abutting an AO can be diminished as much as 88%. One study estimates the total negative impact to property values in the United States at \$26 billion.³⁷ Mitigation makes a marginal impact.

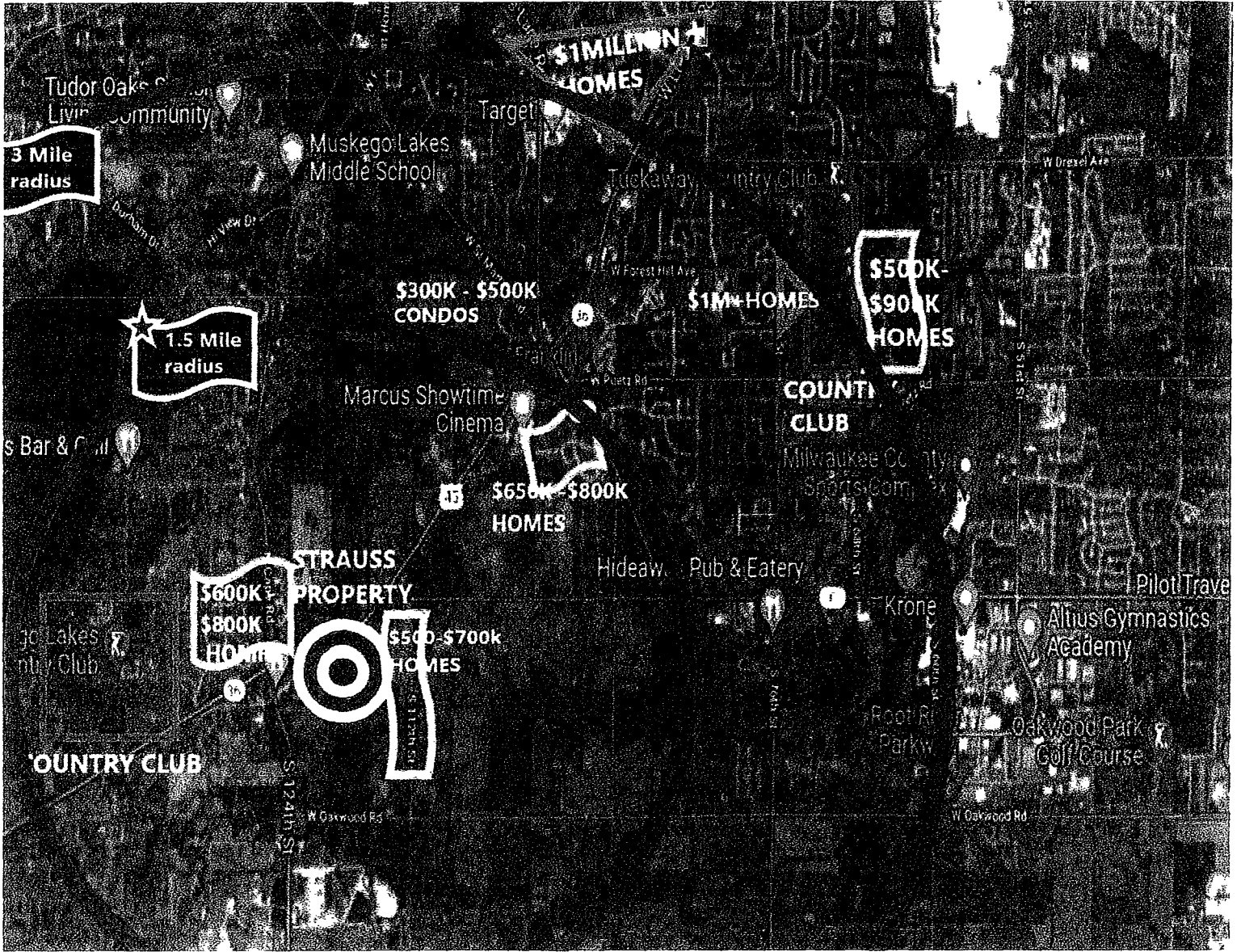


EXHIBIT C

From: Jerald Bussen [mailto:Jerald@straussbrands.com]
Sent: Tuesday, May 02, 2017 7:52 AM
To: Aaron Hertzberg
Subject: Franklin Site

Aaron,

I have a message into Dan at Bear Development I've noticed he isn't very responsive.

We plan on purchasing a land site in the next few weeks

Thanks,

Jerry Bussen
Strauss Brands Incorporated
Office 800-562-7775 x143
Cell 765-228-6461
Office fax 414-421-0098
E Mail Jerald@straussbrands.com
www.straussbrands.com
Fan us on Facebook <https://www.facebook.com/straussbrands>



Ethically Raised Family Farmed Meats

From: Jerald Bussen [mailto:Jerald@straussbrands.com]
Sent: Tuesday, April 25, 2017 3:26 PM
To: Aaron Hertzberg
Subject: RE: Update

Bear development reached out.

Are we not concerned about the subdivision that is located west of the land site?

Jerry Bussen
Strauss Brands Incorporated

Cell 765-228-6461
Office fax 414-421-0098
E Mail Jerald@straussbrands.com
www.straussbrands.com
Fan us on Facebook <https://www.facebook.com/straussbrands>



Ethically Raised Family Farmed Meats

From: Aaron Hertzberg [mailto:ahertz@straussbrands.com]
Sent: Monday, April 24, 2017 4:44 PM

EXHIBIT D

Sandji Wresolowski

From: Aaron Neitzberg, aaron@stjohns.org
Sent: Wednesday, May 4, 2011, 8:53 PM
To: Sandji Wresolowski
Subject: Coronavirus from Indonesia. Pined Feb 20 10:56 AM PT. Prashant and Attachments.

Hi Sandji,
I received a message from Prashant on Tuesday, Feb 20, 2011 at 10:56 AM PT. He mentioned a "Coronavirus from Indonesia" and attached a PDF file. I'm not sure if this is a real threat or just a hoax. I'll look into it and get back to you.

As a

Aaron Neitzberg
Director of IT
City of Frankfort
Frankfort, KY 40601
Office: 502-223-4444
Cell: 502-223-4444
Fax: 502-223-4444



From: Aaron Neitzberg (aaron@stjohns.org)
Sent: Wednesday, May 03, 2011, 2:31 PM
To: Sandji Wresolowski
Subject: RE: Prashant's

Aaron,
To be clear this is a few days old. It was not circulating when the house in the woods, the tuberculosis, and other houses in Lebanon, wouldn't this lead to an earlier time, possibly?




Thank

Aaron Neitzberg
Director of IT
City of Frankfort
Frankfort, KY 40601
Office: 502-223-4444
Cell: 502-223-4444
Fax: 502-223-4444

From: Adam Remington
Sent: Wednesday, August 28, 2019 10:38 AM
To: General Planning
Cc: Catherine Heder; Sandi Wesolowski
Subject: Special Use and Site Plan, Strauss Brand Inc., W. Ryan Rd. at 112th Street

In addition to the comments below, the fire department has the following concerns/comments.

- 
1. Significant concern with storage/use of large quantities of ammonia immediately adjacent to and upwind of planned residential, commercial, and multi-use development.
 - a. Asphyxiant, corrosive/irritant, and potential explosive properties will be present in the event of a release/leak of fire.
 2. Area is poorly served by existing fire station locations and staffing. Response times for Effective Response Force for fire and EMS calls-for-service, and emergency incident types will likely exceed accepted industry standards (possibly significantly) for the entire development.

Adam J. Remington
Fire Chief
Franklin Fire Department
(414) 426-1420
aremington@franklinwi.gov

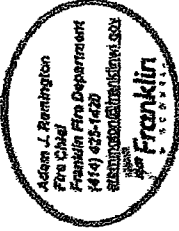
Kind Regards,
JJ

-----Fire Chief Adam Remington's email-----
From: Adam Remington
Sent: Monday, November 2, 2020 11:59 AM
To: Jerome M Jedynek <jedynek@njfiretremont.com>; Courtney Day <CDay@franklinnj.gov>;
Sari Wesolowski <Sari.Wesolowski@franklinnj.gov>
Subject: RE: Tonight's Common Council Meeting

Mr Jedynek,

First, let me state that I completely agree with your assessment and your position on this issue. I understand your position and your desire to ensure the safety of our community. However, as an elected representative, I would urge you to contact your elected representatives on this issue.

Very respectfully,



From: Jerome M Jedynek <jedynek@njfiretremont.com>
Sent: Monday, November 2, 2020 4:14 PM
To: Steve Olson; John Nelson; Mike Barber; Chaz Hunneman; Kristen Williams; David Mayer; Mark Dardick; Peggy Steiner; Jess Wesolowski; Sari Wesolowski; Coll Berg; Adam Remington; Courtney Day
Cc: Lauren Collins; Lori Caylakowski; Carol Siskin; Kon Kingel; Juliana Mandak; Stan Henry; Angela Byer; Alexander Crisp; Dana Zahn
Subject: Public Meeting Common Council Meeting

Hello All, but specifically Mayor Olson and the Alders,

Today I had the following email exchange with Courtney Day and Fire Chief, Adam Remington. They made it clear that the common council and Mayor Olson would be responsible for postponing tonight's meeting.

Out of the interest for the health of the citizens of Franklin, I am asking you to postpone tonight's meeting to a safer date. People will be speaking passionately about a controversial topic for hours, in a small room without windows or proper ventilation. This meeting poses a danger to the public and could be a super spreader event.

I believe that after reading the following email exchange, it would be safe to conclude that the common council should error on the side of caution and postpone tonight's meeting.

Here was my email, and then their responses. Allowing this meeting to go on is putting the health of yourselves and everyone in attendance in danger.

-----Jerome Jedynek's email-----

Hi Courtney and Adam,

Tonight the common council is going to be holding a public meeting with potentially over 50 people in a room with no windows or adequate ventilation. I know you are in a difficult predicament, and really you are in a no win scenario with whatever you decide to do. But it would be nice to see someone put a stop to this craziness. You see the Covid-19 numbers just like I see the numbers. You understand the virus. In the last 14 days approximately 1% of Franklinites have tested positive for the virus. We both know that we are missing a significant amount of the cases with our % positive rate per test being what it is.

I think it would be safe to conclude that in a room full of Franklinites with over 50 people there will be people actively infectious with the virus. Halloween weekend most likely isn't going to help as most will be in the presymptomatic and possibly infectious stage.

Wouldn't it make sense to do something about this? It is within your power to stop bad things from happening to people. People shouldn't be forced to choose between allowing a slaughterhouse in their neighborhood or risking their health by attending the meeting tonight.

I really don't understand people's motives any more. As health director and fire chief isn't it your job to keep the community safe?

1 ALDERWOMAN WILHELM Mayor, you called on me.

2 MAYOR OLSON: Alderwoman Wilhelm.

3 ALDERWOMAN WILHELM I still think the head
4 count is pretty important. They're willing to do it. I
5 don't know why we wouldn't do that. Otherwise, you
6 know, you could end up with one of the loudest
7 slaughterhouses in the USA

8 And as far as the current complaint
9 process, I sure wish I would have remembered to
0 bring their old special use because it talks in there
1 that if they have a complaint they have to remedy
2 within six hours or the health department shuts them
3 down. So there's really good language in that 1971
4 special use that governs them right now. I wish, you
5 know, we would have been given that. I wish the
6 planning commission would have been given that when
7 the public hearing was going on because we might have
8 had some of those conditions in there already.
9 Without a little bit more of the conditions, I'm, you
0 know, not feeling really comfortable about the
1 protections from our community. And I guess I have
2 to agree with Alderman Meyer

3 this isn't about not liking Strauss. This
4 isn't about vegans for me. I grew up on a farm. We
5 actually did raise cows that went out for -- to be

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Case # 002003

1 raised for this issue, so I was involved in meat
2 packing growing up, so I know what it's like. But
3 this is to me not the right location, and one of the
4 special use conditions was to look for an alternate
5 location. I think that would be more over by 27th
6 Street on the border over there. I think it would be
7 a perfect fit. You'd have a bus line. It would be
8 much more fitting than this area, so.

9 MAYOR OLSON: Are we clear?

10 ALDERWOMAN WILHELM So we're clear, no 700,
11 no water usage and no complaint process that they can
12 shut down if they don't fix it in so many hours, we're
13 not including any of that?

So to reiterate what came directly from the Nov. 2, 2020 transcript, not only did the Common Council and Mayor reverse the SUP denial, they provided virtually no limits on Strauss.

In the 1971 SUP, which Strauss is currently operating under, they are:

- subject to noise restrictions,
- subject to water restrictions,
- limited as to the volume and type of animals they can slaughter
- must respond to citizen complaints, or be shut down

Now, with a new facility, 4 times the size, in a much more ecologically sensitive area, where cattle (as opposed to calves) will be killed, there are:

- no restrictions on the type or volume of animals to be slaughtered
- no restriction to the eventual size of the slaughterhouse
- no restriction to the amount of noise created
- no redress at all for neighboring citizen complaints

If not illegal, it is obscene and a travesty to the tax payers of Franklin.

From: Steve Olson [mailto:steve-olson@wi.rr.com]
Sent: Sunday, September 6, 2020 9:24 PM
To: Jerry Bussen (jerald@straussbrands.com), S.R. Mills; Randy Strauss
Subject: Plan Commission/Common Council meeting planning

Gentlemen

I think it would be wise if we got together and planned out a strategy for the plan commission and common council meetings coming up for the special use and site plans for the facility.

The earlier the better

SR, could you coordinate please?

Steve

Steve Olson
Mayor
City of Franklin
9229 W Loomis Rd.
Franklin, WI. 53132
O 414-427-7529
C 414-851-3367



EXHIBIT H

FRANKLIN COMMUNITY ADVOCATES, INC.,
 WOODLAKE VILLAGE HOMEOWNERS ASSOCIATION
 CHAD and KARYN ZOLECKI, JEFF and DANIELLE KENNEY,
 RYAN and RACHEL RINGWELSKI,
 STEVE VALLEE and COLLEEN DOMASK
 NICK POPLAR, TOM and ALICE BENNING
 MIKE and JOANNE ZOLECKI, DEAN REIN
 ERIC and MICHELLE BALCEROWSKI
 MELINDA HAMDAN

Case No. 20-CV-7031

Honorable Hannah Dugan

Plaintiffs,

v.

CITY OF FRANKLIN,

Defendant,

And

STRAUSS BRANDS, LLC,

Intervening Defendant.

AFFIDAVIT OF SARA HERR

COUNTY OF MILWAUKEE)
)
 STATE OF WISCONSIN)

Sara Herr, being first sworn deposes and states as follows:

1. My name is Sara Herr. My maiden name is Sara Arnold. I was married in 2020.

I am a resident of Muskego and live at S83W13196 Hawks Trail.

2. Until recently I worked for the City of Franklin. My title was Assistant City

Engineer, and my duties included holding a supervisory role over three Departments:

Engineering; Public Works; Water and Sewer Utilities. I designed City utility and storm water management projects and designed and managed the City Road Program. I reviewed all

externally designed proposed projects for compliance with City, DNR, and MMSD requirements, and managed consultants for City Construction Inspection and Storm Water Review contracts. I handled all storm water and drainage complaints, along with other questions, from property owners. I am a licensed, Professional Engineer, and my expertise is in the area of Land Development.

3. I began my employment with Franklin in December of 2015 and was promoted to the position of Assistant City Engineer in March of 2017. On April 19, 2021, I was told my services were no longer required and my last day of employment was April 30, 2021.

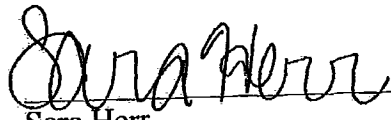
4. During my time with the City, I attended City Plan Commission (PC) meetings as a voting member, when the City Engineer was unable to attend. This was part of my job and duties for the City. I was often given short notice of required attendance and was typically not given time or assistance to review the various projects and items to be taken up at each session.

5. Mayor Olson has acted as the Chair of the PC during my tenure. At PC meetings I was required to attend, I was instructed how to vote, regardless of my professional opinion, or lack of knowledge on a particular item.

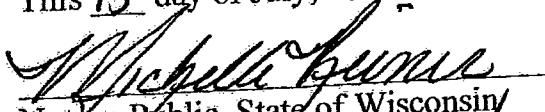
6. When the Agenda was cut and dry with no controversial items, the Engineering seat on the PC was permitted to be vacant so long as a quorum could be reached. When controversial items were on the Agenda and the Engineering vote was possibly required to pass an item, either the City Engineer or I was required to attend. This is what occurred prior to the Strauss SUP. The week prior to the PC meeting the City Engineer requested me to cover the meeting, as he had approved vacation for that time. I also had approved vacation during this same period, so I told him I could not. Mayor Olson then revoked my boss' vacation, to make sure someone was present to steer the desired outcome.

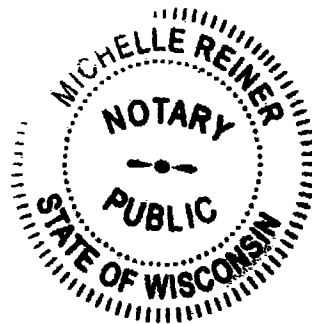
8. The Mayor and City Engineer made it clear to all staff that the Strauss project needed to be approved. This was despite numerous issues with the proposed site, some of which remained outstanding at the time when my employment with the City ended.

9. I am providing these facts because they are true, and I believe that the public should be aware of how the City has acted with regard to creating the Loomis Business Park, changing it to accommodate two large industrial developments, and moving forward with the highly controversial Strauss Brands Slaughterhouse.


Sara Herr

Subscribed and Sworn to before me
This 15th day of July, 2021


Notary Public, State of Wisconsin
My Commission expires 5/31/2025



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APPROVAL	REQUEST FOR COUNCIL ACTION	MTG. DATE March 1, 2022
Reports & Recommendations	AN ORDINANCE TO AMEND THE MUNICIPAL CODE SECTION 245-3 B STOPS REQUIRED TO ADD 24 LOCATIONS IN AND AROUND THE NEW SUBDIVISIONS OF OAKES ESTATES, RYAN MEADOWS, AND PLEASANT VIEW RESERVE	ITEM NO. G.4.

BACKGROUND

On October 6, 2020, Ordinance No. 2020-2449 was adopted to Codify the Municipal Code Sections 245-3.B. Stops Required and 245-3.D. Yields Required.

Since the time of the codification, there have been three subdivisions that have developed with new stop signs. These streets are in and surrounding the developments of Oakes Estates, Ryan Meadows, and Pleasant View Reserve. This ordinance will add 24 stop signs to the Municipal Code.

ANALYSIS

The 24 locations are currently placed on public roads that have traveling public and need the stop signs added to the Municipal Code for enforcement purposes.

OPTIONS

- A. Adopt the new lists for stop intersections, Or
- B. Provide further direction to Staff.

FISCAL NOTE

No significant financial impact to the City.

RECOMMENDATION

(Option A) Authorize Ordinance 2022-_____, an ordinance to amend the Municipal Code section 245-3 B Stops Required to add 24 locations in and around the new subdivisions of Oakes Estates, Ryan Meadows, and Pleasant View Reserve.

Engineering Department: GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

ORDINANCE NO. 2022-_____

ORDINANCE TO AMEND THE MUNICIPAL CODE SECTION 245-3 B STOPS REQUIRED TO ADD 24 LOCATIONS IN AND AROUND THE NEW SUBDIVISIONS OF OAKES ESTATES, RYAN MEADOWS, AND PLEASANT VIEW RESERVE

WHEREAS, three new subdivisions of Oakes Estates, Ryan Meadows, and Pleasant View Reserve have recently been constructed in Franklin; and

WHEREAS, there are now 24 new stop signs in and around these subdivisions for the traveling public.

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

SECTION I. Section 245-3.B. of the Municipal Code is amended to add 24 locations for stop signs as follows:

Stops required. Vehicles are required to stop at the following locations:

Location	Direction of Travel	Required Stop
S. 49 th Street and W. Marquette Avenue	South	S. 49 th Street
S. 50 th Street and W. Marquette Avenue	South	S. 50 th Street
S. Bergamont Drive and W. Aster Street	Any direction	Intersection of S. Bergamont Drive and W. Aster Street
S. Bergamont Drive and W. Meadowview Drive	Any direction	Intersection of S. Bergamont Drive and W. Meadowview Drive
W. Aster Street and S. 112 th Street	West	S. 112 th Street
W. Loomis Road and W. Chicory Street	West	W. Chicory Street
W. Marquette Avenue and S 49 th Street	East and West	W. Marquette Avenue
W. Marquette Avenue and S 51 st Street	West	W. Marquette Avenue
W. Meadowview Drive and S. 112 th Street	East	W. Meadowview Drive
W. Meadowview Drive and W. Chicory Street	East	W. Chicory Street

Location	Direction of Travel	Required Stop
W. Warwick Way and S. Cambridge Drive	Any direction	Intersection of W. Warwick and S. Cambridge Drive
W. Warwick Way and S. 92 nd Street	West	W. Warwick Way
W. Warwick Way and W. old Loomis Road	East	W. Warwick Way

SECTION III. This Ordinance shall become effective upon its passage and publication as required by law.

SECTION IV. All Ordinances or parts of Ordinances in contravention to this Ordinance are hereby repealed.

Introduced at a regular meeting of the Common Council of the City of Franklin on the _____ day of _____, 2022, by Alderman _____.

Passed and adopted by the Common Council on the _____ day of _____, 2022.

APPROVED:

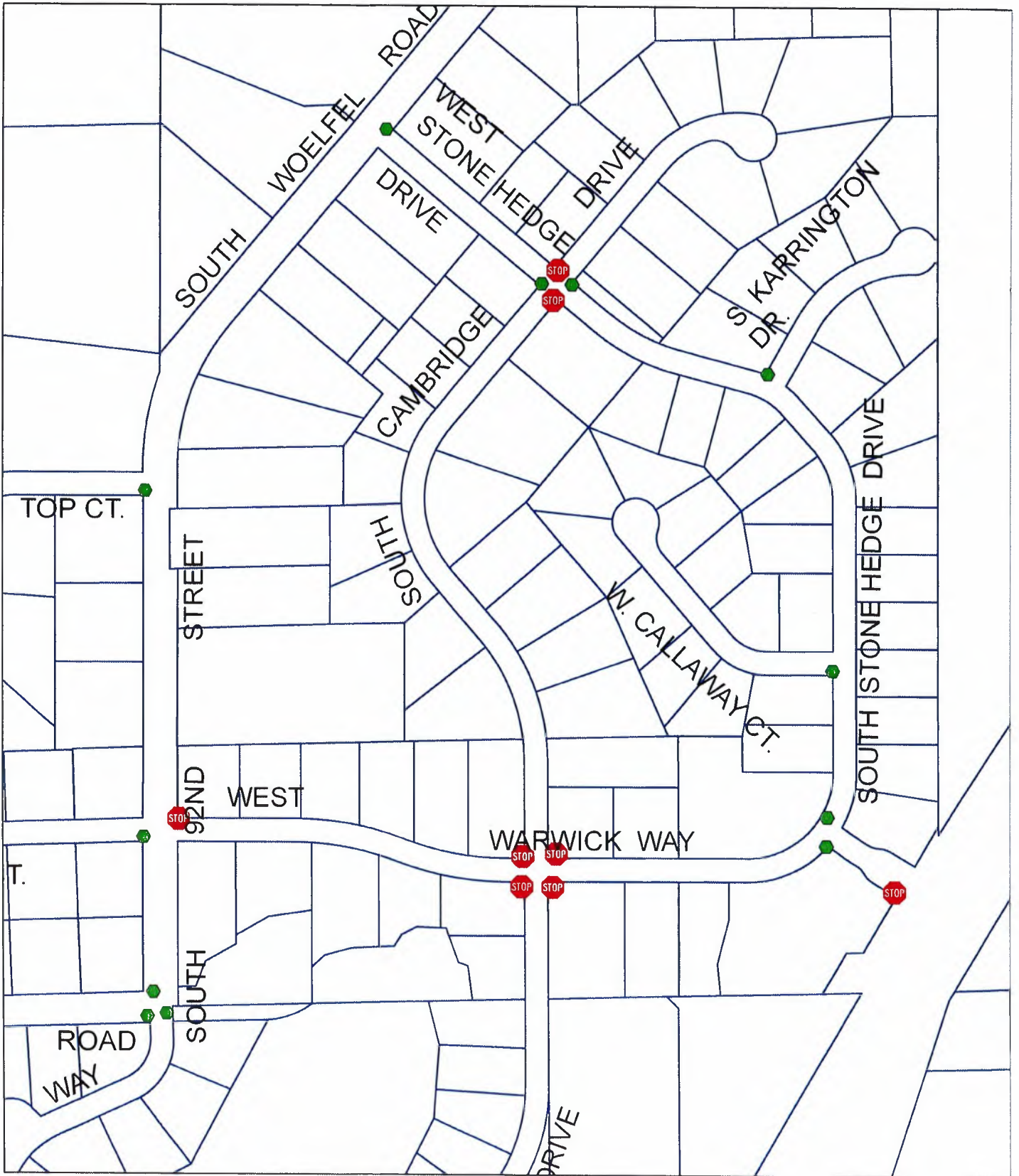
Stephen R. Olson, Mayor

ATTEST:



Sandra L. Wesolowski, City Clerk

AYES ____ NOES ____ ABSENT ____

STOP SIGNS

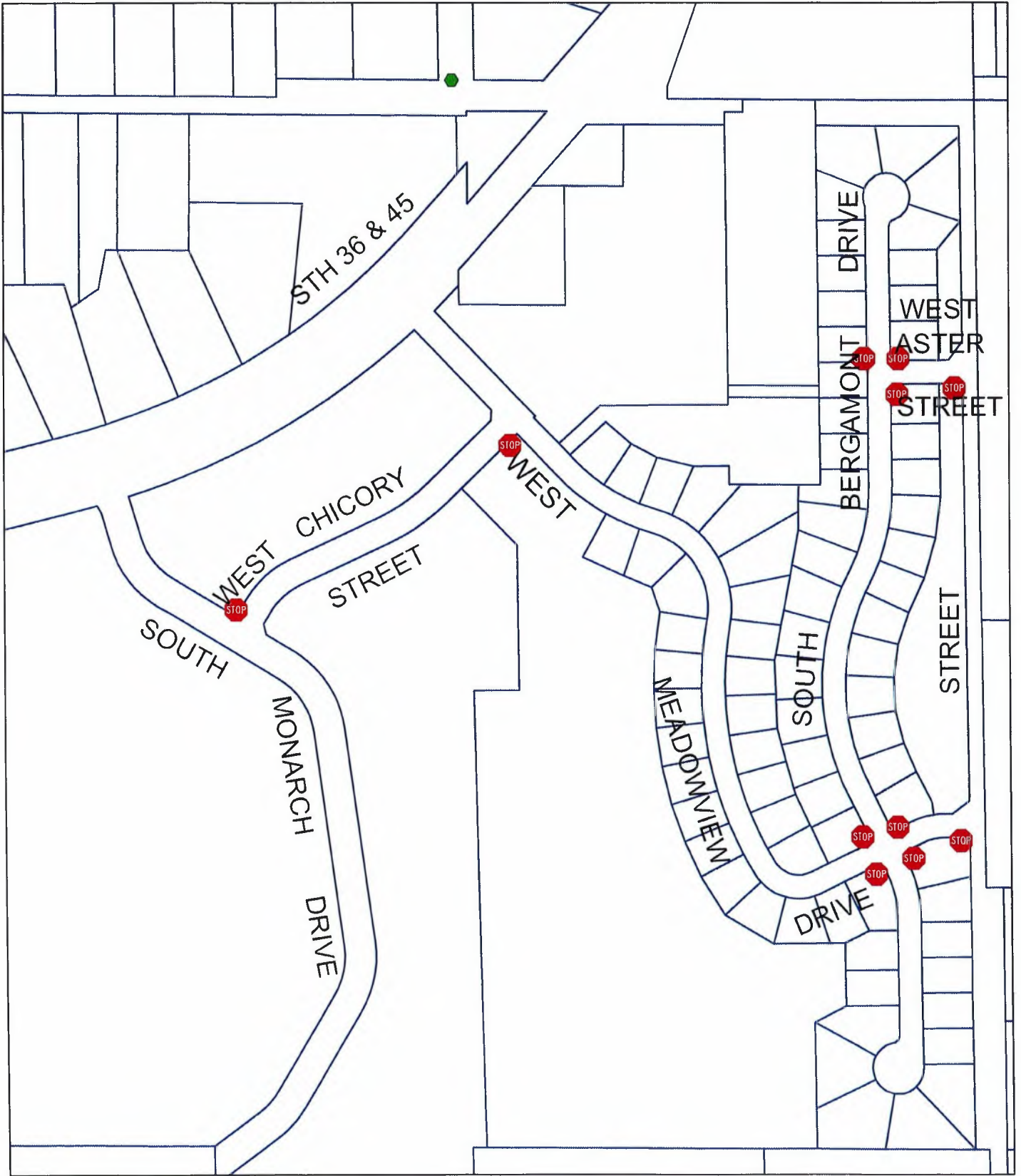


Legend

-  Existing Stop Sign
-  New Signs (12/04/2020 To 12/02/2021)



STOP SIGNS



Legend

-  Existing Stop Sign
-  New Signs (12/04/2020 To 12/02/2021)



<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">3/1/2022</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Approval of a Full External Penetration Test of the City's IT System</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.5.</p>

Below is information relative to and a recommendation related to the selection of a vendor to perform penetration testing on the City's external/public facing gateways/firewalls for security purposes.

This item is being considered by the Technology Commission on February 28, 2022, and any recommendation that is made by the Commission will be presented at the Common Council Meeting on Tuesday, March 1, 2022.

Background

It is considered sound security practice to perform security penetration testing on all Internet facing gateways/firewalls throughout an organization. For publicly traded companies that are bound by PCI (Payment Card Industry) requirements, annual penetration testing must be performed with the results incorporated into a risk matrix and presented to internal audit. It is strongly recommended that all companies and government agencies perform a "white-hat human attack" against all perimeter security systems at least on a two-year basis, preferably by a certified security professional with skillsets specific to security penetration and vulnerability analysis. It is considered best practice to perform a full security penetration test whenever any significant change is made to the outward facing perimeter technology, such as replacing firewalls or routers with new equipment. Penetration testing can be performed on a regular basis using automated tools, such as Qualys or Rapid 7.

Analysis

A full security perimeter test normally is performed within five stages: (1) planning and reconnaissance, which defines the scope and goals as well as gathering intelligence; (2) scanning, which inspects and analyzes how the target application will respond to various intrusion attempts; (3) gaining access, which seeks unauthorized access to the systems; (4) maintaining access, which is a persistent presence in the exploited system; and (5) analysis, which is compiling the results into a report management.

To date, a full security penetration test has never been performed. This is a situation of "what you don't know will eventually hurt you." Internet-based attacks are becoming highly sophisticated that conventional hardening practices are no longer sufficient to block highly complex or coordinated attacks.

On May 24, 2022, the Franklin Police Department is scheduled to have an on-site audit performed by the FBI/DOJ for all existing IT security procedures and equipment. During this review, it is quite possible that the auditing team may perform both internal and external penetration tests on all existing

equipment. The goal of the third-party penetration test is to identify and eliminate the largest potential risks that exist to the network today and to create a remediation list of required security changes. This is a proactive approach being used to help protect the networks in a world of growing security threats and to prepare for the upcoming audit.

Fiscal Impact

\$73,500 was authorized by the Common Council for carryover into 2022 for this and other security related purposes. This specific penetration testing is expected to cost between \$19,000 and \$23,000, depending on the vendor selected. And, the funds will be taken from the Information Services Budget, Sundry Contractors, Account Number 01-0144-5299.

Recommendation

It is recommended by the Director of IT that a certified security professional perform a full penetration test and mimic the common attack vectors that would be used in both traditional and sophisticated hacking attempts. A vulnerability assessment will identify each vulnerability along with the level of risk, which will then be incorporated into the City's IT Security Risk Matrix. Once identified by the security professional, each attack vector and risk will be remediated.

Two penetration testing vendor proposals will be before the Technology Commission at their meeting on Monday, February 28, 2022. The Director of Administration will apprise the Council of the Technology Commission's action/recommendation to the Common Council for this item at the Council Meeting on March 1, 2022.

COUNCIL ACTION REQUESTED

A motion to approve an agreement with _____, in the amount of \$_____, to perform a full external penetration test of the City's IT System and to authorize the Director of Administration to execute the appropriate, related agreement for the same.

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE March 1, 2022
Reports & Recommendations	A RESOLUTION FOR A PROFESSIONAL SERVICES AGREEMENT WITH EXCEL ENGINEERING, INC. FOR ENGINEERING SERVICES RELATED TO S. 50TH STREET RECONSTRUCTION AND ASSOCIATED WATER MAIN FROM W. MINNESOTA AVENUE SOUTH TO THE TERMINATED END OF 50TH STREET IN PLEASANT VIEW RESERVE AND WATER MAIN EXTENSION IN W. MINNESOTA AVENUE FROM S. 51ST STREET TO S. 49TH STREET, THEN 50 FT NORTH OF THE INTERSECTION IN THE AMOUNT OF \$52,500	ITEM NO. G.6.

BACKGROUND

On February 1, 2022, Common Council adopted Resolution No. 2022-7819, a preliminary resolution declaring *“intent to exercise special assessment powers ... for installation of a water main along W Minnesota Avenue from a point of connection at the intersection of S. 51st Street to the intersection of S. 49th Street and then to a point of termination approximately 50 feet north of W Minnesota Avenue, and set the public hearing date for April 4, 2022, at 6:30 p.m.”*

A project to only include the S. 50th Street roadway improvements and a watermain along S. 50th Street then westward to S. 51st Street along W. Minnesota Avenue was at a 90% design completion. The analysis in the February 2, 2022, Council Action noted that *“The additional watermain will require additional engineering.”*

ANALYSIS

Staff has asked Excel Engineering, Inc. to provide a proposal for the additional engineering to complete the design and assist Staff with construction services. Excel was previously involved in the design of the roadway and watermain. The enclosed scope of work warrants a lump sum fee of \$52,500.

The previous project budget was \$140,000 (water) + \$60,000 (road) = \$200,000. The project budget will need to be updated once survey commences. Including the engineering efforts, Staff recommends a total budget of at least \$325,000. This budget will be refined as the project is prepared to bid.

To prepare for the public hearing date of April 4, 2022, an engineer’s report will be prepared and distributed on or before March 4, 2022. This report will estimate the funds needed from special assessments, water impact fees, and other funds previously earmarked for this project.

Staff also requests permission from Common Council to bid this project at the earliest possible opportunity.

FISCAL NOTE:

Very preliminary, but combined with the 2021 estimate and budget, this project assumes a 2022 budget of \$60,000 (Fund 47- road) + \$123,000 (special assessments) + \$69,500 (water utility) + \$72,500 (miscellaneous water extensions) = \$325,000.

OPTIONS:

Approve or deny contract with Excel Engineering to assist with this work.

RECOMMENDATION

(Option A) A motion to adopt Resolution 2022-_____ A Resolution for a Professional Services Agreement with Excel Engineering, Inc. for Engineering Services Related to S. 50th Street Reconstruction and Associated Water Main from W. Minnesota Avenue South to the Terminated End of 50th Street in Pleasant View Reserve and Water Main Extension in W. Minnesota Avenue from S. 51st Street to S. 49th Street, then 50 Ft North of the Intersection in the Amount of \$52,500.

Engineering: GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2022 - _____

A RESOLUTION FOR A PROFESSIONAL SERVICES AGREEMENT WITH EXCEL ENGINEERING, INC. FOR ENGINEERING SERVICES RELATED TO S. 50TH STREET RECONSTRUCTION AND ASSOCIATED WATER MAIN FROM W. MINNESOTA AVENUE SOUTH TO THE TERMINATED END OF 50TH STREET IN PLEASANT VIEW RESERVE AND WATER MAIN EXTENSION IN W. MINNESOTA AVENUE FROM S. 51ST STREET TO S. 49TH STREET, THEN 50 FT NORTH OF THE INTERSECTION IN THE AMOUNT OF \$52,500

WHEREAS, the City desires to improve S. 50th Street south of W. Minnesota Avenue to the terminus of a road constructed as part of the Pleasant View Reserve subdivision; and

WHEREAS, the City desires to extend a watermain in the same section of S. 50th Street, and connect to a new watermain extending from S. 51st Street to S. 49th Street; and

WHEREAS, Excel Engineering, Inc. is a qualified engineering firm to provide transportation and potable water designs and has unique knowledge of the particular issues associated with this project.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, to authorize Excel Engineering, Inc. to design and bid a transportation and watermain project in the vicinity of S. 50th Street and W. Minnesota Avenue in the lump sum amount of \$52,500.

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:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

A G R E E M E N T

This AGREEMENT, made and entered into this ____ day of _____, between the City of Franklin, 9229 West Loomis Road, Franklin, Wisconsin 53132 (hereinafter "CLIENT") and Excel Engineering, Inc. (hereinafter "CONTRACTOR"), whose principal place of business is 100 Camelot Drive, Fond du Lac, Wisconsin 54935.

W I T N E S S E T H

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

WHEREAS, in the judgment of CLIENT, it is necessary and advisable to obtain the services of the CONTRACTOR to provide **50th Street Reconstruction from Minnesota Ave to Pleasant View Reserve and Water Main Extension in Minnesota from 51st Street to 49th Street;**

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

I. BASIC SERVICES AND AGREEMENT ADMINISTRATION

CONTRACTOR shall provide services to CLIENT for **survey, design, bidding, construction administration, construction staking, and as-builts**, as described in CONTRACTOR's proposal to CLIENT dated February 11, 2022,

- A. annexed hereto and incorporated herein as Attachment A.
- B. CONTRACTOR shall serve as CLIENT's professional representative in matters to which this AGREEMENT applies. CONTRACTOR may employ the services of outside consultants and subcontractors when deemed necessary by CONTRACTOR to complete work under this AGREEMENT following approval by CLIENT.
- C. CONTRACTOR is an independent contractor and all persons furnishing services hereunder are employees of, or independent subcontractors to, CONTRACTOR and not of CLIENT. All obligations under the Federal Insurance Contribution Act (FICA), the Federal Unemployment Tax Act (FUTA), and income tax withholding are the responsibility of CONTRACTOR as employer. CLIENT understands that express AGREEMENTS may exist between CONTRACTOR and its employees regarding extra work, competition, and nondisclosure.
- D. During the term of this AGREEMENT and throughout the period of performance of any resultant AGREEMENT, including extensions, modifications, or additions thereto, and for a period of one (1) year from the conclusion of such activity, the parties hereto agree that neither shall solicit for employment any technical or professional employees of the other without the prior written approval of the other party.

II. FEES AND PAYMENTS

CLIENT agrees to pay CONTRACTOR, for and in consideration of the performance of Basic Services further described in Attachment A, with a lump sum fee of **\$52,500**, subject to the terms detailed below:

- A. CONTRACTOR may bill CLIENT and be paid for all work satisfactorily completed hereunder on a monthly basis. CLIENT agrees to pay CONTRACTOR's invoice within 30 days of invoice date for all approved work.
- B. Total price will not exceed budget of **\$52,500**. For services rendered, monthly invoices will include a report that clearly states the hours and type of work completed and the fee earned during the month being invoiced.
- C. In consideration of the faithful performance of this AGREEMENT, the CONTRACTOR will not exceed the fee for Basic Services and expenses without written authorization from CLIENT to perform work over and above that described in the original AGREEMENT.
- D. Should CLIENT find deficiencies in work performed or reported, it will notify CONTRACTOR in writing within thirty (30) days of receipt of invoice and related report and the CONTRACTOR will remedy the deficiencies within thirty (30) days of receiving CLIENT's review. This subsection shall not be construed to be a limitation of any rights or remedies otherwise available to CLIENT.

III. MODIFICATION AND ADDITIONAL SERVICES

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

IV. ASSISTANCE AND CONTROL

- A. Glen Morrow, City Engineer will coordinate the work of the CONTRACTOR, and be solely responsible for communication within the CLIENT's organization as related to all issues originating under this AGREEMENT.
- B. CLIENT will timely provide CONTRACTOR with all available information concerning PROJECT as deemed necessary by CONTRACTOR.

- C. CONTRACTOR will appoint, subject to the approval of CLIENT, **Grant Duchac** CONTRACTOR's Project Manager and other key providers of the Basic Services. Substitution of other staff may occur only with the consent of CLIENT.

V. TERMINATION

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

VI. INSURANCE

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

<p>A. General/Commercial Liability <i>(Must have General/Commercial)</i></p>	<p>\$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></p>
<p>B. Automobile Liability <i>(Must have auto liability)</i></p>	<p>\$1,000,000 combined single limit <i>CITY shall be named as an additional insured on a primary, non-contributory basis</i></p>
<p>C. Contractor's Pollution Liability <i>(If applicable)</i></p>	<p>\$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></p>

D. Umbrella or Excess Liability Coverage for General/Commercial, Automobile Liability, and Contractor's Pollution Liability	\$10,000,000 per occurrence for bodily injury, personal injury, and property \$2,000,000 minimum aggregate per person, per aggregate <i>CITY shall be named as an additional insured on a primary, non-contributory basis</i>
D. Worker's Compensation and Employers' Liability (<i>Must have workers compensation</i>)	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) (<i>If applicable</i>)	\$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 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.

VII. INDEMNIFICATION AND ALLOCATION OF RISK

- A. A. To the fullest extent permitted by law, CONTRACTOR shall indemnify and hold harmless CLIENT, CLIENT'S officers, directors, partners, and employees from and against costs, losses, and damages, including but not limited to reasonable fees and charges of engineers, architects, attorneys, and other professionals, and reasonable court or arbitration or other dispute resolution costs, caused by the negligent acts or omissions of CONTRACTOR or CONTRACTOR'S officers, directors, partners, employees, and consultants in the performance of CONTRACTOR'S services under this AGREEMENT.
- B. B. Nothing contained within this AGREEMENT is intended to be a waiver or estoppel of the contracting municipality CLIENT or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including those contained within Wisconsin Statutes §§ 893.80, 895.52, and 345.05. To the extent that indemnification is available and enforceable, the municipality CLIENT or its insurer shall not be liable in indemnity or contribution for an amount greater than the limits of liability for municipal claims established by Wisconsin Law.

VIII. TIME FOR COMPLETION

CONTRACTOR shall commence work immediately having received a Notice to Proceed as of March 2, 2022.

IX. DISPUTES

This AGREEMENT shall be construed under and governed by the laws of the State of Wisconsin. The venue for any actions arising under this AGREEMENT shall be the Circuit Court for Milwaukee

County. The prevailing party shall be awarded its actual costs of any such litigation, including reasonable attorney fees.

X. RECORDS RETENTION

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

XI. MISCELLANEOUS PROVISIONS

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

XII. CONTROLLING TERMS AND PROVISIONS

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

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

CITY OF FRANKLIN, WISCONSIN

Excel Engineering, Inc.

BY: _____

BY: _____

PRINT NAME: Stephen R. Olson

PRINT NAME: Grant Duchac

TITLE: Mayor

TITLE: Project Manager

DATE: _____

DATE: February 11, 2022

BY: _____

PRINT NAME: Sandra L. Wesolowski

TITLE: City Clerk

DATE: _____

BY: _____

PRINT NAME: Bryan Tomczak

TITLE: Director of Finance and Treasurer

DATE: _____

Approved as to form

Jesse A. Wesolowski, City Attorney

DATE: _____

ATTACHMENT A



February 11, 2022

City of Franklin
Attn: Glen Morrow, PE, City Engineer

Re: 50th Street Reconstruction from Minnesota Ave to Pleasant View Reserve and Water Main Extension in Minnesota from 51st Street to 49th Street.

Dear Mr. Morrow,

Thank you for the opportunity to provide a proposal for the above-mentioned project. In accordance with your request, Excel proposes the following scope of work for civil engineering design & permitting for 50th Street Reconstruction from Minnesota Ave to Pleasant View Reserve and Water Main Extension in Minnesota from 51st Street to 49th Street. Scope includes a water main loop from the Pleasant View Reserve subdivision to extension in Minnesota Ave, within the 50th Street reconstruction area. The work will begin in late winter 2022 with all approvals to be completed by summer 2022. It is anticipated that the construction phase will be during the summer of 2022 and completed by fall of 2022. As incremental items are completed, they will be provided to you for review and coordination.

Scope of Work: This proposal includes the following items broken down by category, in general conformance of your request.

1. TOPOGRAPHIC SURVEY

Existing Conditions Topographic Survey - \$3,700

- Provide design grade existing conditions Topography Survey for the right-of-way area described above. Include adequate overlap into adjacent residential properties and extending past the project scope area. Price assumes no snow cover at the time of the field work. Title search not included.

2. CIVIL DESIGN DEVELOPMENT

Civil Engineering Design Development (DD) Documents - \$5,500

- Provide Civil Engineering Design Development plan documents. The documents will allow the owner to budget the project and obtain project feedback from neighbors. Design Development includes the following:
 - Preliminary Existing Conditions & Demolition Plan
 - Preliminary Grading Plan
 - Preliminary Public Water Main Utility Plan
 - Preliminary Road Plan, Profile and Cross Sections

- Attend (1) Owner Review Meeting (remote/virtual) and coordinate feedback from owner/client.

3. CIVIL CONSTRUCTION DOCUMENTS

Civil Engineering Construction Documents & Permitting - \$12,000

- Provide Civil Construction Documents and Permitting. Services Include:
 - Cover Sheet & Specifications, City Detail Sheets, Existing Conditions & Demolition Plan, Detailed Grading Plan, Erosion Control Plan, Public Water Main Plan & Profile Plans, Road Plan with Profiles and Cross Sections, and Dimensioned Site Plan for road and driveway replacements at water main locations.
 - Stormwater Management Plan & Calculation Report (covered by PVR Phase 1 Stormwater Management Plan).
 - Preparation and submission of WI DNR Public Water Main Extension. Provide required applications and pressure/flow calculations for DNR Review.
 - Respond to review comments and revised plans based on City/State review comments. One (1) revision is included.
- Attend (2) Owner Review Meetings (remote/virtual) and coordinate final owner/client comments into final construction documents.

4. BID DOCUMENTS (PUBLIC BID PROJECT)

Public Bid Documents - \$8,900

- Provide contract documents for a publicly bid project per City of Franklin standards.
- Provide detailed bid schedule for proposed work.
- Publicly advertise bids on platform preferred by City of Franklin.
- Answer questions from bidders.
- Tabulate construction bids.
- Qualify bids and notify bidders. Award Contract to a Prime Contractor.

5. CONSTRUCTION ADMINISTRATION

Construction Administration - \$12,500

- Attend pre-construction meeting with contractors and City.
- Answer questions from contractors and coordinate project with City Inspectors as necessary.
- Conduct periodic site visits.
- Review and approve pay applications from prime contractor.
- Provide City Engineer with weekly project update. Project update shall be emailed to City Engineer every Friday for duration of project.

6. CONSTRUCTION STAKING

Construction Field Staking - \$7,000

- Provide Construction Field Staking for proposed project. Five (5) staking trips are included in lump sum. If additional staking trips are required, a fee of \$1,500 will be applied per trip. This additional per trip fee includes mileage and reimbursable expenses.

7. POST CONSTRUCTION AS-BUILT RECORD DRAWINGS

As-built Record Drawings - \$2,000

- Provide as-built record drawings based off design plans. Design plans will be marked-up with as-built information. City Inspector to provide detailed inspection reports and GPS data of field information for Excel Engineering to use in record drawings. As-built field survey and topographic information is not included.

Fees – Reimbursable (estimated - \$900)

- Reimbursables (mileage, printing, mailing, etc.)

**local consulting review fees are NOT included, if applicable.*

Total Proposal Fee - \$52,500

Alternate 1: Additional Meetings (In Person) - \$700

Alternate 2: Legal Description and exhibit - \$550 (does not include field work)

Alternate 3: Additional Staking Trip - \$1,500 (Includes Reimbursables)

Exclusions:

- Wetland Delineation and/or Wetland Permitting
- Traffic Study
- Geotechnical Engineering
- Phase 1 ESA/Environmental Engineering
- Pressure/Flow Testing (to be provided by City)

Thank you again for requesting our proposal for services. If you have any questions regarding this information, please don't hesitate to call.

Sincerely,



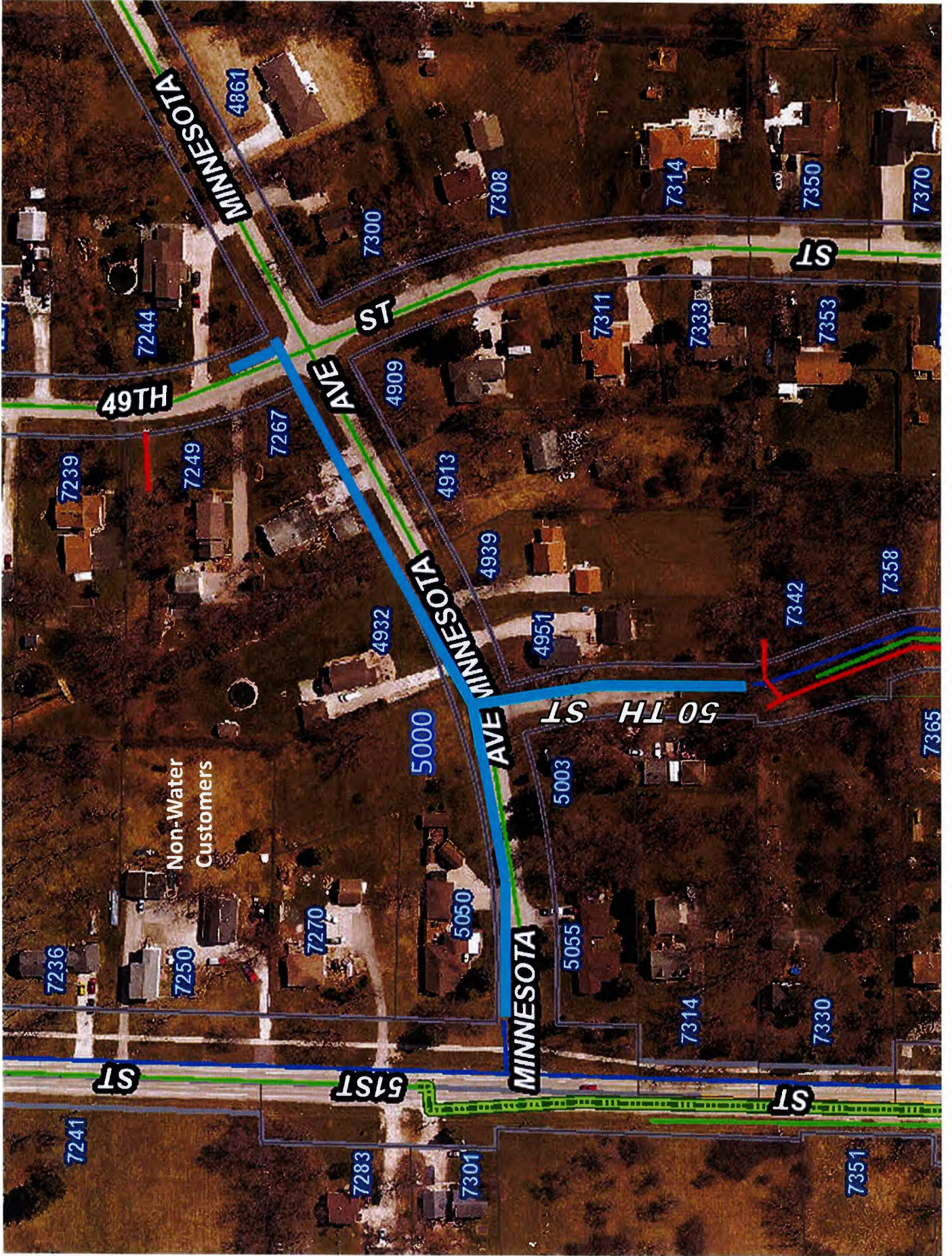
Grant Duchac, P.E.

Project Manager

920-322-1681

grant.d@excelengineer.com

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Non-Water
Customers

MINNESOTA

49TH

AVE

MINNESOTA

MINNESOTA

50TH ST

ST

51ST

ST

ST

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">3/1/2022</p>
<p style="text-align: center;">REPORTS AND RECOMMENDATIONS</p>	<p style="text-align: center;">Request for Approval of a Salary & Benefit Modification for a Building Inspector Candidate</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.7.</p>

Background

The City has had a Building Inspector position open in the Inspection Services Department since an employee resigned in October of 2021. The position was posted last fall with only a handful of applicants which did not result in a candidate being recommended for hire.

Analysis

Since the failed recruitment last fall, staff did search out and interview a candidate who has been a Director of Inspections for more than 16 years at two smaller municipalities. The candidate has all the required state certifications as well as the UDC electrical and plumbing certifications from the State.

For the current hiring need, a Building Inspector, the City's hiring policy only allows for hiring up to the 65th percentile of a salary range without Common Council approval. Staff is requesting approval to hire the candidate at a salary of \$77,500, which would be at the 78th percentile of the salary range. All requested benefits, other than sick leave are within the normal hiring range. However, staff requests approval to award the candidate three (3) sick days upon hire which can be used for any immediate sickness. Additional accruals for sick leave would not commence until after 6 months of service, per normal City policy.

In addition to obtaining a very strong building inspector at this time, staff is looking to the future as there is a strong possibility that the current Director of Inspection Services will be retiring within the next year, and the City will need a replacement for that position. Staff believes that this candidate would be an excellent candidate to be that replacement. Provided the candidate shows that he is the right fit for the position in the next year, it would be staff's intention to promote him to the position of Director of Inspection Services at the appropriate time. We would anticipate a pay increase to around the 50th – 65th percentile of Director position for that promotion. In addition, at the time of the promotion, we would agree to provide him with a 4th week of vacation accrual. Please note that this promotion would need to be brought to the Common Council at the time of promotion for confirmation. The candidate would like an indication that Council is open to the above salary/vacation benefits as it may determine if the candidate will decide to accept the current position.

Fiscal Impact

The fiscal impact of hiring this position over the 65th percentile is less than \$3,000 in 2022, and is able to be covered by the existing vacancy.

Recommendation

Staff is requesting approval to hire the candidate at a salary of \$77,500, which would be at the 78th percentile of the salary range. Staff is also requesting approval of an exception to the established sick leave policy to allow the award of three (3) sick days upon hire to be used as needed.

In addition, staff is requesting Council's support for promotion of the candidate to the Department Head position when appropriate as long as the candidate proves himself in the interim and is a good fit for the position along with the additional vacation accrual at that time.

COUNCIL ACTION REQUESTED

Motion to authorize the hiring of a Building Inspector at a salary of \$77,500, and to allow the award of three (3) sick days upon hire to be used as needed, as well as supporting a promotion of the candidate to the Department Head position when appropriate as long as the candidate proves himself in the interim and is a good fit for the position along with the additional vacation accrual at that time.

APPROVAL <i>Stew</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE March 1, 2022
Reports & Recommendations	REQUEST TO HIRE A REPLACEMENT DEPARTMENT OF PUBLIC WORKS LIGHT EQUIPMENT OPERATOR IN ADVANCE OF CURRENT EMPLOYEE RETIREMENTS	ITEM NO. G.8.

BACKGROUND

Two Light Equipment Operators (LEOs) at the Department of Public Works (DPW) have submitted resignation letters that will be effective on April 18, 2022. While working through the process to hire a new Laborer position, an applicant was identified that would make an excellent LEO. Staff proposes that this applicant be hired as a LEO now while knowing that two LEO positions will be vacated next month.

ANALYSIS

Normally the City does not hire a replacement employee until the departing employee has been paid out his final wages, including accrued vacation, comp time, and severance payouts. Nonetheless, it is becoming increasingly more difficult to hire persons with a Commercial Driver's License (CDL) due to the near 100% employment in the construction and trucking industries.

In addition, the requirements to get a CDL have just recently changed. In order to obtain a CDL an interested person will need to go through a lengthy and costly training school, which the City may need to help pay for in the future. Applicants that had their temporary licenses prior to this recent change are grandfathered and do not need to attend the new schooling.

The applicant identified as a potential LEO has his Class B CDL license and will be able to get his Class A license, which we require by the end of his probationary period, by just taking the road test. In addition, the applicant is an Arborist and has his pesticide application certification, both of which are highly desirable for the DPW operations.

Staff does not want to lose this applicant and would like to make him the official offer immediately, and start him upon completion of his physical and background checks, likely by the end of March.

OPTIONS

Approve or Deny request

FISCAL NOTE

Finance believes that there is sufficient funding in the DPW budget to fill at least one spot in advance of the April 18, 2022, retirements.

RECOMMENDATION

Motion to authorize Staff to immediately hire a replacement Department of Public Works Light Equipment Operator in advance of current employees retirements.

Engineering: GEM

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 3/1/2022
REPORTS & RECOMMENDATIONS	2022 Sanitary Sewer User Fee	ITEM NUMBER G.9.

Background

Annually, Milwaukee Metropolitan Sewerage District (MMSD) provides a Cost Recovery Procedures Manual which provides the necessary information to determine the MMSD sewer charge for Franklin sewer customers. The charge has three components, a fixed connection fee, a fixed hazardous waste disposal fee, and a volumetric charge. All residential customers are charged a fixed rate, regardless of the water volume used. And, commercial customers are charged for the fixed fee plus a volumetric charge based upon their water usage.

Added to the MMSD rate is an additional charge that provides the resources to maintain the local sanitary sewer system. The local charge represents approximately 38% of the total residential fee.

Analysis

Effective January 1, 2022, MMSD increased its total rate by 2.05% for residential customers. The prior year the rate increase was 4.9%. By way of details, MMSD decreased the volumetric rate by .55%; however, the fixed MMSD rate increased by 15.24% for a combined MMSD rate increase of 2.05% for residential customers. MMSD's total residential rate increased to \$169.88 annually, or \$42.47 quarterly, up from \$166.47 annually, and \$41.62 quarterly.

The total proposed Franklin residential rate is:

Residential Sewer Bill

	2022	2021	Inc (Dec)
Franklin Charge	103.63	96.55	7.33%
Volumetric Charge (Variable)	122.71	124.26	
Connection Charge (Fixed)	42.19	36.61	
Hazardous Waste Disposal Charge	4.98	5.60	
Total MMSD charge	169.88	166.47	2.05%
Total Annual Charge	273.51	263.02	3.98%
Quarterly Residential Billing (rounded for quarterly billing)	68.38	65.76	3.98%

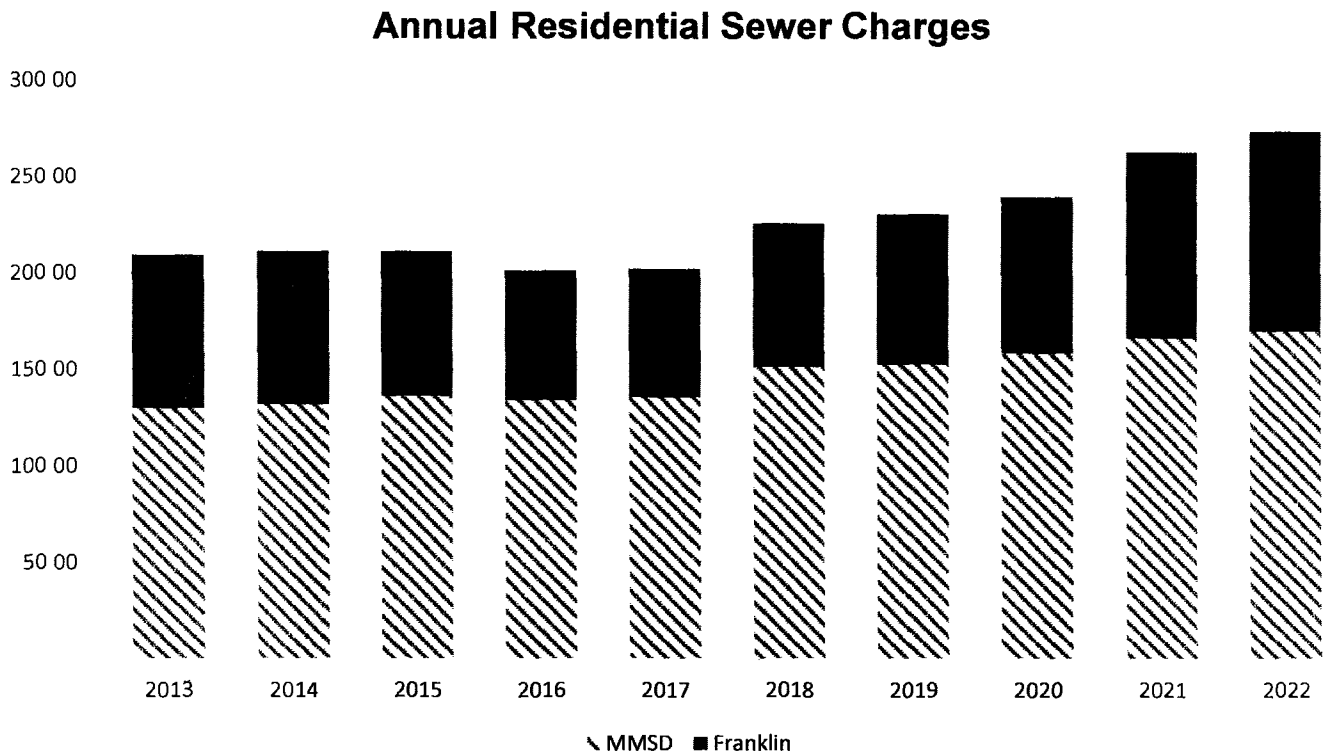
The annual increase of \$7.08, or \$1.77 on a quarterly basis, in the local sewer charge is due to increased costs in the 2022 Budget, including the following: maintenance (inspection and cleaning) of the St. Martin's force main, the local share of the newly created Private Property Inflow & Infiltration Program, an increase in labor/benefits/cost allocations attributable to sewer duties, an increase in insurance costs, and other miscellaneous adjustments.

An average commercial customer using 82,000 gallons of water will see an increase of approximately 2.0%. This is due to the commercial connection charge increasing from \$14.46 to \$16.99, and the volumetric rate increasing from \$3.85202894 per thousand gallons to \$3.90367040 per thousand gallons.

There are currently 10,609 Sewer customers; 9,442 of those are single-family or multi-family residences.

Note that Sanitary Sewer bills are combined with water charges for properties utilizing both services.

A history of the combined residential sewer charge is represented below:



Fiscal Impact

The 2022 budget anticipated an overall 4% rate increase.

Debt for the planned lift station project has been issued and the debt service for 2022 will be approximately \$150,000, however will increase to approximately \$225,000 in 2023 due to the established repayment schedule.

Recommendation

The Finance Committee, at their February 22, 2022 meeting, approved a motion recommending that the Common Council adopt the quarterly 2022 Residential Sanitary Sewer charge of \$68.38 and a fixed Commercial Connection charge of \$16.99 plus a \$3.90367040 per thousand-gallon volumetric charge, effective January 1, 2022, as provided by Municipal Code 207-14 H (3)(b).

COUNCIL ACTION REQUESTED

Motion to adopt the quarterly 2022 Residential Sanitary Sewer charge of \$68.38 and a fixed Commercial Connection charge of \$16.99 plus a \$3.90367040 per thousand-gallon volumetric charge, effective January 1, 2022, as provided by Municipal Code 207-14 H (3)(b).

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE March 1, 2022
Reports & Recommendations	RESULTS OF WATER SURVEY FOR FRONTAGE ROAD ALONG S. LOVERS LANE (USH 45 / STH 100) FROM W. HERDA PLACE TO S. PHYLLIS LANE	ITEM NO. G.10.

BACKGROUND

Wisconsin Department of Transportation (WisDOT) is planning a project on S. Lovers Lane (USH 45 / STH 100) from W. Rawson Avenue (CTH BB) to W. College Avenue. The project schedule has moved up from the previously reported circa 2024 or 2025 to a letting and commence construction in 2023. This item was last discussed at the Common Council on August 18, 2020 when residents were surveyed for a preference on the one-way or two-way street configuration for the east frontage road between W. Herda Place and S. Phyllis Lane.

During the utility coordination efforts, it was noted that these same six houses have no access to public water, even though a watermain is extended on both W. Herda Place and S. Phyllis Lane. There is also a watermain on the west edge of S. Lovers Lane, but the road is a 4-lane divided highway and WisDOT would not allow six individual water services to cross beneath this road section.

At the February 1, 2022, Common Council meeting, Staff was instructed to survey these six property owners.

ANALYSIS

The six surveys were mailed on Wednesday, February 2, 2022. The surveys were due on Friday February 18, 2022. Three surveys were received. One survey was in favor, and two were not in favor. The lone comment was from the positive respondent and Staffs answers are incorporated.

- Can you please explain why the assessment is significantly more for our address than our neighbors? The amount of the assessment is based on the linear footage of the property. Would we have a say in how the service line is routed?(We do not want it to disrupt our driveway). Yes, each homeowner will be asked where along their property line that the service will be placed. Does the assessment for the water service include the meter, etc Are there any other surprise costs? There are additional fees and costs. The City connection charge is approximately \$2,700 and each property owner would need to hire a private plumber/contractor to make the connection from the home plumbing to the shut-off valve at the property line Who would be responsible for hooking us up to the line? A private plumber/contractor hired by the homeowner. Would we be able to maintain our well for water only? Yes, Inspection Services would ensure that there is no cross connections between the City water and the well water. There is also periodic DNR requirements for operation of a well.*

With WisDOT doing major construction for this frontage road, water should be installed now, or ignored for many decades. Staff has verified with WisDOT Staff that their construction could accommodate coordination with a City contractor to construct a watermain along the frontage road.

Any decision to construct or ignore this watermain extension needs to be made soon.

OPTIONS

- A) Direct Staff to return with a professional services contract to assist with this water main project
- B) Direct Staff to proceed with WISDOT coordination without consideration of a watermain extension project

FISCAL NOTE

Water impact fees are not applicable since an 8-inch water main is the expected system to be installed. There are annual budgets for miscellaneous water main extensions and the design could be covered in the 2022 budget (\$200,000) and next year's budget should consider the construction. In addition, the six homes would be subject to special assessment.

RECOMMENDATION

Instruct Staff to return with a professional services contract to commence design and WISDOT coordination.

Engineering Department: GEM

APPROVAL <i>Slur</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE March 1, 2022
Reports & Recommendations	SURVEY RESPONSES FOR A WATERMAIN PROJECT ON S. LOVERS LANE ROAD FROM W. ST MARTINS ROAD TO 7911 S. 100 TH STREET	ITEM NO. G.11.

BACKGROUND

The Franklin Water Utility is constructing a new water storage tower in the vicinity of 8120 S. Lovers Lane Road. This tower is needed to address inadequate storage in the western pressure zone and all of Franklin. This project has received approval from the Public Service Commission and is expected to be bid in the second quarter of 2022 once all permitting is cleared. Construction is expected to take about 18 months from award of bid.

This tower will require connection to the water distribution system via a ¾-mile segment of a 16-inch watermain. The watermain segment will complete a water system gap that extends from the intersection of W. St. Martins Road (approximately 750 feet north of W. Loomis Road) north along the eastern side of the road to the entrance of Target Corporation (approximately 1,500 feet south of W. Drexel Avenue). The tower and associated watermain projects are anticipated in the 2022 budget.

At the February 1, 2022, Common Council meeting, staff was instructed to survey property owners along this section of S. Lovers Lane Road. Because of the need to connect the water towers to the system, the survey did not ask opinion if they were in favor of the project, but if they had a desire to connect to the 16" watermain.

ANALYSIS

Fourteen responses were received.

- Four responses were interested in connecting to the watermain. Upon closer investigation, one of these properties appears to be unbuildable and is not likely to be able to construct a structure that will need service.
- Seven responses were not interested in connecting.
- One indicated that they need more information.
- Two for the same property indicated unable to make a decision and also marked "no."

Six comments (including the two comments representing the same parcel) were received and are as follows:

- *...I've been through this before (see 76th St) Expect strong resistance from the citizens Expect local media to jump at the chance to cover this egregious over reach by local government. I have sent you a list of questions to your email address*
- *Don't know at this time Need more information. Way to much \$\$.*
- *I will attend the March 1st meeting. I do not understand the value I will receive for my \$48,653.30 investment I would like to hear more about what is included if I am forced into this payment Will I receive a stop box at each location? I will also reach out to the PSC*
- *Unable to make a decision with the information provided. We do not want to pay for any of it based on the current information. 1 Why was there not a meeting with the homeowners prior to purchasing these parcels 2 The cost of the project should be part of the taxes and not divided up by the homeowners 3 Our property has wetlands on it has this been addressed in the pricing? 4 Can the project be vetoed if all the homeowners or majority vote "no"? 5 The city owns the land where the pipe is, it is not on our land so why should we have to pay for it? 6 The homeowners should only have to pay for the water service assessment & not the watermain. 7 For this to benefit us it would cost us an average (guessing) 70,000.00 dollars Who can afford that!*

- *Unable to say yes or no not enough information yet to make that decision. No. I am "Not" interested in the watermain project! There should have been a survey for the watermain project as a whole not just interest in connecting to it The price of the watermain should be divided between everyone that utilizes the water that is coming from the water tower As landowners & tax payers we should have a right to choose what we spend our money on "*
- *I feel that this survey should have been done a while ago! From the way this project is being run, you City Officials do not really care about what we think! The property has already been cleared with no notification to any of us neighbors. Sort of feels like your ramming this down our throats!*

Generally, the submitted comments were strongly opposed to the project. In response, Staff will note the following:

- The need for this project in the western water pressure zone has been studied for several years. But the final selection of a site and purchase of the property didn't occur until November 2020. Engineering design for the water tower started in December 2020 and the Public Service Commission did not approve the project until December 17, 2021. Efforts to survey the property owners along the route commenced in January 2022 with the decision to survey on February 1, 2022. All decisions were made openly in public meetings.
- We appreciate that this project wasn't prompted by the "benefited" residents. The water tower for the western pressure zone is needed for current deficiencies and future growth of the City. This is one of the items that the Public Service Commission scrutinized when the December 2021 approval was granted.
- If one decides not to connect, the property owner could take as long as 22 years to pay with the first payment not due until after 10 years.
- Staff is not aware of the City Utility of ever constructing a watermain where residents were not assessed. A watermain paid for or constructed by developer(s) is the only circumstance that allows a property owner to not pay for a distribution watermain adjacent to their property- and even then, a property owner must reimburse a proportionate share should they decide to connect within ten years. Many of these residents feel that this process is unfair, but it is the established practice that was adopted long ago for all City-funded watermain extensions.
- A misconception is that these property owners along S. Lovers Lane are paying for a disproportionate share of the water tower. The water tower portion is being paid for by water utility rates and impact fees from new connections to the water system. The watermain portion uses those two funding sources plus assessments from benefitted properties. The assessments for these properties have the same maximum assessments as any other watermain assessment projects.
- Regardless of a connection, having a watermain in front of a property almost always has a positive impact on property values. Buyers like to know that they are not dependent on a well.
- Proximity to a watermain with a good water supply and pressure usually has a positive impact on fire insurance rates and provides the Fire Department better opportunity to address a structure fire.

Even though they did not respond to the survey, the Tri-County Baptist Church was one of the property owners that came to visit with Staff regarding this issue. They offered to provide their facility for a neighborhood meeting on some Monday or Tuesday evening.

Given the efforts underway to get this project ready for bid and the anticipated completion date in late 2023 or early 2024, Staff recommends that a neighborhood meeting be held this summer when

a detailed engineer's report may be completed. This meeting can occur prior to a preliminary resolution to assess.

OPTIONS:

- A. Have a neighborhood meeting for the benefitted property owners.
- B. Proceed with bidding the project
- C. Other direction to Staff.

FISCAL NOTE

Preliminary estimates indicate that a 16-inch watermain system could cost \$1.6 million and an 8-inch watermain system would be just over \$700,000.

RECOMMENDATION

(Option A) Direct Staff to conduct a neighborhood meeting at the Tri-County Baptist Church (8050 S. 100th Street) this summer before returning to Common Council with a preliminary resolution to assess for a watermain project along S. 100th Street. And also (Option B) direct Staff to bid the water tower and watermain project along S. Lovers Lane Road with the recommendation to award a contract on or after the preliminary resolution to assess.

Department of Engineering GEM



City of Franklin
Engineering Department

February 2, 2022

To: Property Owners on S. Lovers Lane from 7911 S. 100th Street to W. St. Martins Road

Re Assessment for Waterline

At the February 1, Common Council meeting, I was directed to survey your opinion on a watermain project for your street. Last year, the City purchased four parcels for a park and to locate two water towers. We are working to bid out the first tower this year and it will take about 18 months to construct. You may have noticed the significant efforts we just completed to remove buckthorn and other dying trees from the parcel.

The water tower project will include a 16-inch watermain to connect a watermain stub near the entrance to Target with a stub near the intersection of W. St. Martins Road. As the watermain will pass by your property, you will be assessed if your property is benefitted- even if you don't connect. You will also have the option to hook up to the watermain and be assessed for those efforts also. You may also connect at a later date but you would need to hire another contractor to make the connection in the State right-of-way.

A survey is not a vote per se but a tool for Common Council to gather all of the pertinent information prior to a decision. Your input is appreciated prior to **Friday, February 18, 2022**. I expect to bring this to Common Council with a summary of your responses and other relevant information at the March 1, 2022, Common Council meeting at 6:30 p.m. in the City Hall Common Council Chambers. You may attend in person or watch the meeting on the City's YouTube channel.

When the decision is made to proceed with the project, I will provide an engineering report to you and I am available to meet with you individually or as a group to explain the process in detail and answer any questions you may have.

Attached are preliminary estimates of assessments. A detailed analysis and additional information on procedures, deferments (typically up to 10-years) and financing (typically 12-years @ 6% APR) would be available in the engineering report and not finalized until the project is bid.

Please call my office if you have any questions and my staff can schedule an appointment.

Sincerely,

A handwritten signature in black ink that reads "Glen E. Morrow".

Glen E. Morrow, PE (WI, IL, IN & MO)
City Engineer / Director of Public Works / Utility Manager

Copy Alderman Dan Mayer
Mayor Steve Olson



City of Franklin
Engineering Department

Survey

_____ Yes, I Am interested in connecting to a watermain project on S Lovers Lane

_____ No, I am NOT interested in connecting to a watermain project on S Lovers Lane

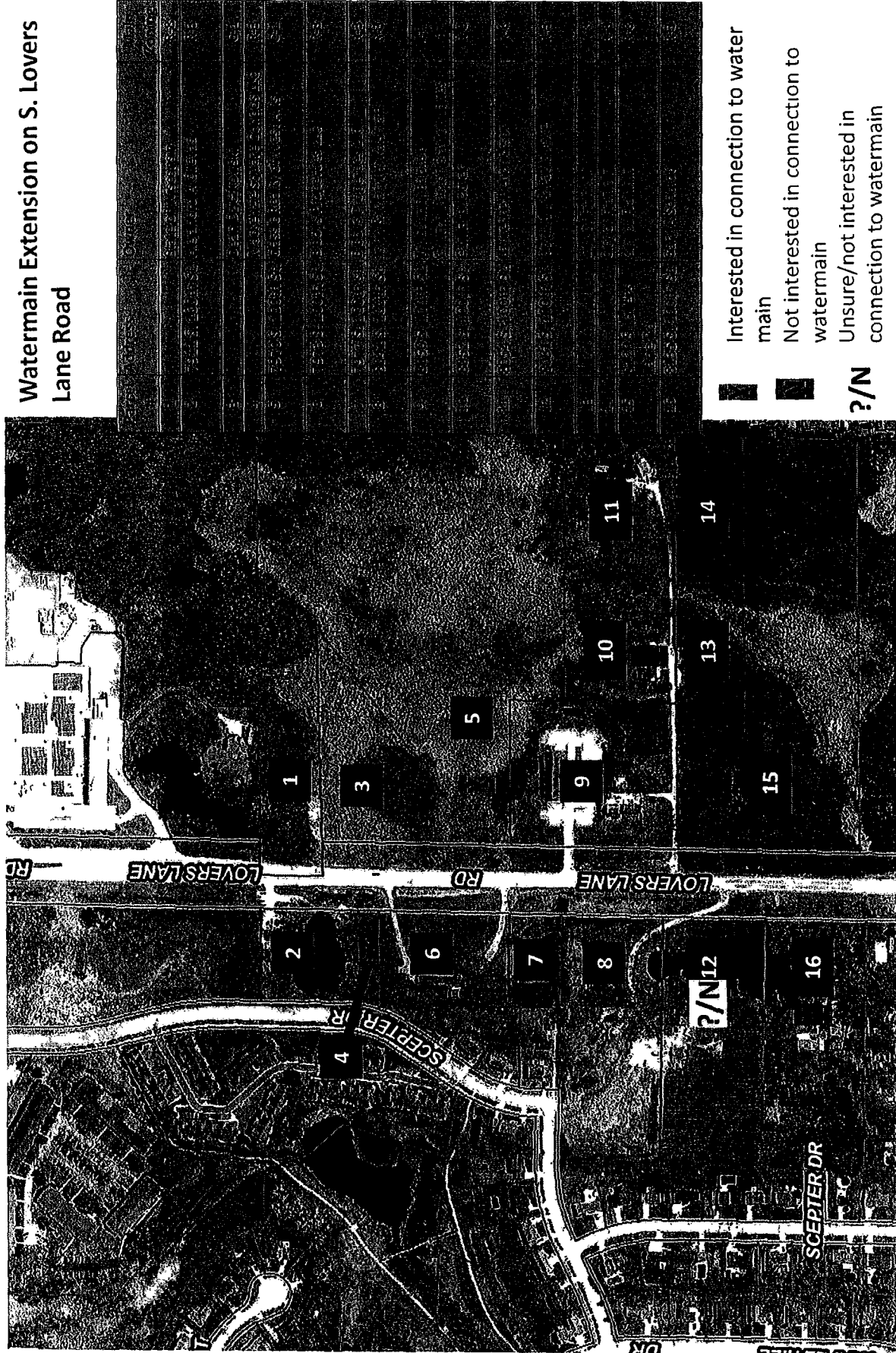
Name: _____

Address: _____

Other Comments. _____

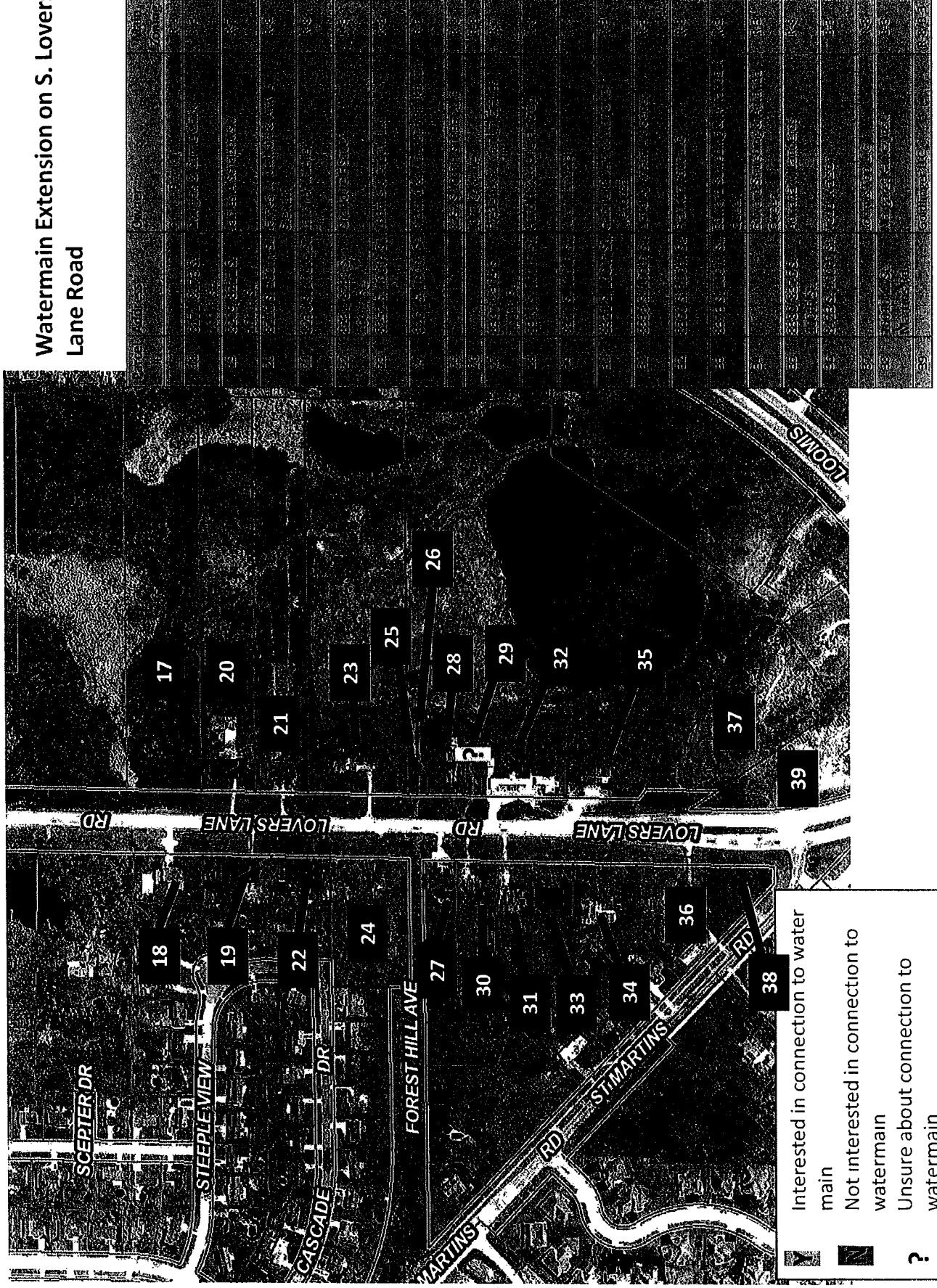
Parcel #	Address	Owner	Tax Key No.	Assessment for the Watermain (Mandatory)	Assessment for the Water Service (Optional)	Total Assessment
1	N/A	State of Wisconsin	801 9979 000	\$ -	\$ -	\$ -
2	7911 S 100th St	Alejandro A Cuevas	800 9971 000	\$ -	\$ 6,500 00	\$ 6,500 00
3	N/A	Dean Dziczkowski	801 9980 000	\$ -	\$ -	\$ -
4	N/A	Mackenzie Square Condos LLC	800 9972 008	\$ -	\$ 6,500 00	\$ 6,500 00
5	7970 S 100th St	Classic Realty of West Allis	801 9981 002	\$ -	\$ -	\$ -
6	7973 S 100th St	B Boys Properties LLC	800 9973 000	\$ -	\$ 6,500 00	\$ 6,500 00
7	7977 S 100th St	B Boys Properties LLC	800 9974 000	\$ -	\$ 6,500 00	\$ 6,500 00
8	8041 S 100th St	John & Marylyn Kaishian	800 9975 000	\$ -	\$ 6,500 00	\$ 6,500 00
9	8050 S 100th St	Tri County Baptist Church	801 9981 001	\$ 80,962 20	\$ 3,500 00	\$ 84,462 20
10	8052 S 100th St	Carl E Buckner	801 9982 000	\$ 16,356 00	\$ 6,500 00	\$ 22,856 00
11	8054 S 100th St	Laurence Hendrickson	801 9983 000	\$ 16,356 00	\$ 6,500 00	\$ 22,856 00
12	8081 S 100th St	Donald L & Paula Awe	800 9976 000	\$ 40,146 00	\$ 6,500 00	\$ 46,646 00
13	N/A	City of Franklin	801 9985 000	\$ -	\$ -	\$ -
14	N/A	City of Franklin	801 9984 000	\$ -	\$ -	\$ -
15	8120 S Lovers Lane Rd	City of Franklin	801 9986 000	\$ 87,381 93	\$ -	\$ 87,381 93
16	8135 S 100th St	Gary A Schuldt	800 9977 000	\$ 40,146 00	\$ 6,500 00	\$ 46,646 00
17	N/A	City of Franklin	801 9987 000	\$ 37,618 80	\$ -	\$ 37,618 80
18	8171/8173 S 100th St	Douglas & Carrie Clark	800 9978 000	\$ 28,236 02	\$ 6,500 00	\$ 34,736 02
19	8209/8211 S 100th St	James A Schabowski	800 9979 001	\$ 28,236 02	\$ 6,500 00	\$ 34,736 02
20	8210 S 100th St	James M Mudlaff & Amy L Stewart	801 9988 003	\$ 26,987 40	\$ 3,500 00	\$ 30,487 40
21	8230 S 100th St	Larry H Mueller	801 9989 001	\$ 26,993 94	\$ 3,500 00	\$ 30,493 94
22	8231/8233 S 100th St	Charlotte E Sauer	800 9979 002	\$ 24,760 71	\$ 6,500 00	\$ 31,260 71
23	8252 S 100th St	Loomis Meadow LLC	801 9990 000	\$ 50,703 60	\$ 3,500 00	\$ 54,203 60
24	8261 S 100th St	Richard & Maureen Pankowski	800 9980 001	\$ -	\$ 6,500 00	\$ 6,500 00
25	N/A	8252 S 100TH STREET LLC	840 9977 009	\$ 16,356 00	\$ -	\$ 16,356 00
26	N/A	John O'Malley	840 9977 001	\$ -	\$ -	\$ -
27	8307/8309 S 100th St	Frederick & Marilyn Graves	841 0018 000	\$ 14,051 10	\$ 6,500 00	\$ 20,551 10
28	8310 S 100th St	Harold & Lucille Flintrop	840 9978 000	\$ 17,909 82	\$ 3,500 00	\$ 21,409 82
29	8310 S 100th St	Allen Lembach	840 9979 000	\$ 16,356 00	\$ -	\$ 16,356 00
30	8321 S 100th St	Gabriel Rivera & Marjorie Y Mendoza	841 0019 000	\$ 16,058 40	\$ 6,500 00	\$ 22,558 40
31	8333 S 100th St	Lloyd A, Kristin A Hoepfer	841 0020 000	\$ 16,058 40	\$ 6,500 00	\$ 22,558 40
32	8360 S 100th St	Franklin Four LLC	840 9980 000	\$ 41,791 22	\$ 3,500 00	\$ 45,291 22
33	8373 S 100th St	Edward Struebing & Amanda A Queen	841 0022 001	\$ 26,094 90	\$ 6,500 00	\$ 32,594 90
34	N/A	Edward Struebing & Amanda Queen	841 0021 000	\$ 16,058 40	\$ -	\$ 16,058 40
35	8380/8376 S 100th St	Adriana M Landeros	840 9981 000	\$ 37,373 46	\$ 3,500 00	\$ 40,873 46
36	8423 S 100th St	Todd Watson	841 0025 001	\$ -	\$ 6,500 00	\$ 6,500 00
37	N/A	Loomis Top LLC	840 9982 003	\$ 25,716 54	\$ -	\$ 25,716 54
38	10010 W St Martins Rd	Margaret Kawczynski	841-0001 000	\$ -	\$ 6,500 00	\$ 6,500 00
39	S Lovers Lane Rd	Goldfinger LLC	840 9984 000	\$ -	\$ -	\$ -

Watermain Extension on S. Lovers Lane Road



- Interested in connection to water main
- Not interested in connection to watermain
- Unsure/not interested in connection to watermain
- ?/N

Watermain Extension on S. Lovers Lane Road



- Interested in connection to water main
- Not interested in connection to watermain
- ? Unsure about connection to watermain

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE March 1, 2022
Reports & Recommendations	A RESOLUTION TO EXECUTE STATE/MUNICIPAL FINANCIAL AGREEMENT AND A STATE/MUNICIPAL MAINTENANCE AGREEMENT FOR IMPROVEMENTS RELATED TO A WISCONSIN DEPARTMENT OF TRANSPORTATION PROJECT ON S. LOVERS LANE / W. RYAN ROAD (USH 45 / STH 100) FROM S. 60TH STREET TO W. ST. MARTINS ROAD IN THE AMOUNT OF \$624,700	ITEM NO. G.12.

BACKGROUND

Wisconsin Department of Transportation (WisDOT) is planning a project on S. Lovers Lane / W. Ryan Road (USH 45 / STH 100) from S. 60th Street to W. St. Martins Road. WisDOT has this project scheduled to start on September 9, 2025, but there is an advanceable date of January 12, 2024.

At the June 15, 2021, Common Council meeting, Staff was directed to work with the WISDOT staff on developing a 10-foot trail along the east side of STH 100 from the Root River bridge to the W St. Martins Road/S. Lovers Lane Rd. intersection.

WisDOT is progressing on the design and has a State/Municipal Financial Agreement and a State/Municipal Maintenance Agreement ready for execution.

ANALYSIS

The attached agreements commit Franklin to pay for and maintain participating elements in their project that includes a sidewalk/shared-use path. The total project is expected to cost over \$14 million. It is anticipated that \$151,500 is needed to obtain additional right-of-way to accommodate the Franklin sidewalk/shared-use path and is included in Franklin's total estimate of \$624,700. A detailed accounting is shown on page 2 of 5 in the SFA.

OPTIONS

Execute agreements as previously requested.

FISCAL NOTE

The total project is expected to cost over \$14 million and Franklin's portion is estimated to be \$624,700. This expenditure is expected to occur when billed in 2024 or 2025- depending on when the project is constructed.

RECOMMENDATION

Motion to adopt Resolution 2022-_____ a resolution to execute State/Municipal Financial Agreement and a State/Municipal Maintenance Agreement for improvements related to a Wisconsin Department of Transportation project on S. Lovers Lane / W. Ryan Road (USH 45 / STH 100) from S. 60th Street to W. St. Martins Road in the amount of \$624,700.

Engineering Department: GEM

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2022 - _____

RESOLUTION TO EXECUTE STATE/MUNICIPAL FINANCIAL AGREEMENT AND A STATE/MUNICIPAL MAINTENANCE AGREEMENT FOR IMPROVEMENTS RELATED TO A WISCONSIN DEPARTMENT OF TRANSPORTATION PROJECT ON S. LOVERS LANE / W. RYAN ROAD (USH 45 / STH 100) FROM S. 60TH STREET TO W. ST. MARTINS ROAD IN THE AMOUNT OF \$624,700

WHEREAS, Wisconsin Department of Transportation is designing a transportation project for S. Lovers Lane (USH 45 / STH 100) and W. Ryan Road (STH 100) from S. 60th Street to W. St. Martins Road circa 2024 or 2025; and

WHEREAS, the City of Franklin desires a 10-foot pedestrian and bicycle pathway to be added to the project for the enjoyment and use of Franklin residents; and

WHEREAS, the sidewalk/shared-use path will be maintained by City of Franklin once constructed;

NOW, THEREFORE, BE IT RESOLVED, The City of Franklin will enter into a State/Municipal Financial Agreement and a State/Municipal Maintenance Agreement with the Wisconsin Department of Transportation.

Introduced at a regular order meeting of the Common Council of the City of Franklin this _____ day of _____, 2022 by _____.

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:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



**STATE/MUNICIPAL
MAINTENANCE
AGREEMENT**

Date: November 18, 2021
ID: 2040-15-73
Road Name: STH 100
Limits: St Martins Rd to 60th St
County: Milwaukee

The signatory **City of Franklin**, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and affect this agreement to include the associated maintenance responsibilities hereinafter described.

The authority for the Municipality to enter into this agreement with the State is provided by Section 84.07(1) of the Statutes Wisconsin statutes, Wisconsin Administrative Code, and State policy serve as the defining documents for State Highway maintenance responsibilities

DESCRIPTION OF FACILITY

Facility description upon completion of State project – As determined by project ID 2040-15-73

This request shall constitute agreement between the Municipality and the State, is subject to the terms and conditions that follow (pages [2] – [3]); is made by the undersigned under proper authority to make such request for the designated Municipality and upon signature by the State, delivery to the Municipality and upon fully executed signature of associated, applicable State Municipal Financial Agreement for project 2040-15-73. The initiation and signature of the agreement will be subject to all the applicable federal and state regulations. No term or provision of neither the State/Municipal Maintenance Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Maintenance Agreement

Signed for and in behalf of the City of Franklin (please sign in blue ink)	
Name (print) Stephen R. Olson	Title Mayor
Signature	Date
Name (print) Sandra L. Wesolowski	Title City Clerk
Signature	Date
Provisions have been made to pay the liability that will accrue under this contract	
Name (print) Paul Rotzenberg	Title Director of Finance & Treasurer
Signature	Date
Approved as to form and execution	
Name (print) Jesse A. Wesolowski	Title City Attorney
Signature	Date
Signed for and in behalf of the State (please sign in blue ink)	
Name Brian Roper	Title WisDOT SE Region Maintenance Chief
Signature	Date

TERMS AND CONDITIONS:

1. In order to guarantee the Municipality's foregoing agreements to maintain the facility to State standards, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold General Transportation Aids or monies otherwise due and payable by the State to the municipality, as determined by the State, for any maintenance the State must perform to the facility should the Municipality fail to comply with the agreement
2. The State will not install any additional items, not necessitated for the safe and efficient flow of traffic, to a state highway facility without the Municipality agreeing to maintain those items. The State is responsible for maintaining the through travel way of any given highway facility under the State's jurisdiction including.
 - (a) The energy, operation, repair and replacement of traffic signals and associated street lighting required for the signalized intersections within the limits of this agreement for:
 1. Signalized intersections at STH 100 and 76th St, STH 100 and 60th St and STH 100 and Loomis Rd (STH 36)
 2. Permitted lighting at at-grade intersections
 - (b) necessitated for the safe and efficient flow of traffic except those items listed in #3.

- (c) Permitting authority of utilities and access control on all State Trunk, US and Interstate Highways.
3. The Municipality shall at its own cost and expense maintain all portions within the specified limits of this agreement that lie within its jurisdiction for such maintenance through statutory requirements in a manner satisfactory to the State and shall make ample provision for such maintenance each year to include:
- (a) Maintain all items outside, and under, the travel way to include, but not limited to, parking lanes, curb and gutter, drainage facilities, sidewalks, multi-use paths, retaining walls, pedestrian refuge islands and landscaping features.
 - (b) Remove snow and ice from sidewalks, multi-use paths, and pedestrian refuge islands.
 - (c) Implement a street sweeping program to help prevent the accumulation of dirt, sand, leaves, paper, or other clogging debris.
 - (d) Maintain the storm sewer system to provide a free flow condition throughout the life of the facility including, but not limited to, annual inspection of inlets, catch basins, manholes, pipe; annual cleaning and removal of blockages, replace broken or malfunctioning castings, grates, grit covers, risers, covers and frames, repair top slabs along with bottom and walls of basins Routine mortar repairs such as tuck pointing and plastering to the inlets, catch basins, and manholes
 - (e) Maintain clear right-of-way of all encroachments.
 - (f) Maintain crosswalk pavement markings at unsignalized intersections and mid-block crossings The municipality shall obtain a permit with the State (contact Traffic Operations Unit (signing and marking)).
 - (g) Maintain signs and pavement markings not necessary for the safe and efficient movement of traffic (no parking signs, wayfinding signs, etc) The municipality shall obtain a permit with the State (contact Traffic Operations Unit (signing and marking))
 - (h) Maintain and accept responsibility for the following as applicable to this agreement
 - 1. Curb & gutter surface repair
 - 2. Grass, mowing, repair tire ruts in turf, weed control, litter removal
 - 3. Landscaping removal and replacement of dead plant material, pruning, watering
 - 4. Other Utilities, Water and Sanitary
4. The Municipality, within the specified limits, agrees to:
- (a) Prohibit angle parking
 - (b) Regulate parking along the highway The Municipality will file a parking declaration with the State
 - (c) Regulate or prohibit all parking at locations where and when the pavement area usually occupied by parked vehicles will be needed to carry active traffic in the street.
5. The Municipality will coordinate with the State to obtain any necessary Work on Right-of-Way Permits for maintenance performed on or within the state highway facility or state right-of-way
6. This agreement does not remove the current municipal maintenance responsibility.
7. The State or Municipality may request an amendment to this agreement to include specific features later requested by the Municipality throughout the design process
8. Upon completion of construction project, 2040-15-73, the Municipality will assume all afore mentioned maintenance responsibilities



**STATE/MUNICIPAL FINANCIAL
AGREEMENT FOR A STATE- LET
HIGHWAY PROJECT**

Date November 18, 2021
I.D 2040-15-03/23/24/73
Road Name STH 100
Title: C FRANKLIN, LOVERS LANE
Limits 60TH STREET TO ST MARTINS ROAD
County Milwaukee
Roadway Length 2.96 Miles

The signatory **City of Franklin**, hereinafter called the Municipality, through its undersigned duly authorized officers or officials, hereby requests the State of Wisconsin Department of Transportation, hereinafter called the State, to initiate and affect the highway or street improvement hereinafter described

The authority for the Municipality to enter into this agreement with the State is provided by Section 86.25(1), (2), and (3) of the Statutes

NEEDS AND ESTIMATE SUMMARY.

Existing Facility - Describe and give reason for request Improvement

Proposed Improvement - Nature of work As determined by project scoping.

Describe non-participating work included in the project and other work necessary to finish the project completely which will be undertaken independently by the municipality A nominal amount is included to cover items in paragraph 4 (to be adjusted in the final plan)

TABLE 1: SUMMARY OF COSTS

Phase	Total Est. Cost	Federal/State Funds	%	Municipal Funds	% *
Preliminary Engineering Plan Development	\$ 1,050,000	\$ 1,050,000	100%	\$ -	0%
Real Estate Acquisition					
Acquisition for Roadway (23)	\$ 105,000	\$ 105,000	100%	\$ -	0%
Acquisition for sidewalk/path (24)	\$ 151,500	\$ -	0%	\$ 151,500	100%
Compensable Utilities	\$ -	\$ -	0%	\$ -	100%
Construction					
Participating	\$ 12,275,000	\$ 12,275,000	100%	\$ -	0%
Sidewalk					
Resurface section (STH 36 to Puetz Rd) 5' Walk	\$ 7,500	\$ 6,000	80%	\$ 1,500	20%
Resurface section (STH 36 to Puetz Rd) additional 5' Walk	\$ 7,500	\$ -		\$ 7,500	100%
Reconstruction section (Puetz Rd to Prairie Grass Way) 5' Walk	\$ 24,800	\$ 24,800	100%	\$ -	0%
Reconstruction section (Puetz Rd to Prairie Grass Way) additional 5' Walk	\$ 24,800	\$ -	0%	\$ 24,800	100%
Reconstruction section (St Martins Rd to STH 36 & Prairie Grass Way to Root River) 10' Walk	\$ 438,400	\$ -	0%	\$ 438,400	100%
Non-Participating	\$ 1,000	\$ -	0%	\$ 1,000	100%

Total Cost Distribution \$ **14,085,500** \$ **13,460,800** \$ **624,700**

1 Estimates include construction engineering

This request shall constitute agreement between the Municipality and the State, is subject to the terms and conditions that follow (pages [3] – [5]), is made by the undersigned under proper authority to make such request for the designated Municipality, upon signature by the State, upon fully executed signature of applicable State Municipal Maintenance Agreement and delivery to the Municipality. The initiation and accomplishment of the improvement will be subject to the applicable federal and state regulations. No term or provision of neither the State/Municipal Financial Agreement nor any of its attachments may be changed, waived or terminated orally but only by an instrument in writing executed by both parties to the State/Municipal Financial Agreement.

Signed for and in behalf of the City of Franklin (please sign in blue ink)	
Name (print) Stephen R Olson	Title Mayor
Signature	Date
Name (print) Sandra L Wesolowksi	Title City Clerk
Signature	Date
Provisions have been made to pay the liability that will accrue under this contract	
Name (print) Paul Rotzenberg	Title Director of Finance & Treasurer
Signature	Date
Approved as to form and execution	
Name (print) Jesse A Wesolowski	Title City Attorney
Signature	Date
Signed for and in behalf of the State (please sign in blue ink)	
Name Tony Barth	Title WisDOT SE Region Planning Chief
Signature	Date

TERMS AND CONDITIONS:

- 1 The Municipality shall pay to the State all costs incurred by the State in connection with the improvement which exceeds federal/state financing commitments or are ineligible for federal/state financing. Local participation shall be limited to the items and percentages set forth in the Summary of Costs table, which shows Municipal funding participation. In order to guarantee the Municipality's foregoing agreements to pay the State, the Municipality, through its above duly authorized officers or officials, agrees and authorizes the State to set off and withhold the required reimbursement amount as determined by the State from General Transportation Aids or any moneys otherwise due and payable by the State to the Municipality.
- 2 Funding of each project phase is subject to inclusion in an approved program and per the State's Facility Development Manual (FDM) standards. Federal aid and/or state transportation fund financing will be limited to participation in the costs of the following items as specified in the Summary of Costs:
 - (a) Design engineering and state review services.
 - (b) Real Estate necessitated for the improvement.
 - (c) Compensable utility adjustment and railroad force work necessitated for the project.
 - (d) The grading, base, pavement, curb and gutter, and structure costs to State standards, excluding the cost of parking areas.

- (e) Storm sewer mains, culverts, laterals, manholes, inlets, catch basins, and connections for surface water drainage of the improvement, including replacement and/or adjustments of existing storm sewer manhole covers and inlet grates as needed
 - (f) Construction engineering incidental to inspection and supervision of actual construction work, except for inspection, staking, and testing of sanitary sewer and water main
 - (g) Signing and pavement marking necessitated for the safe and efficient flow of traffic, including detour routes
 - (h) Replacement of existing sidewalks necessitated by construction and construction of new sidewalk at the time of construction Sidewalk is considered to be new if it's constructed in a location where it has not existed before
 - (i) Replacement of existing driveways, in kind, necessitated by the project.
 - (j) New installations or alteration resulting from roadway construction of standard State street lighting and traffic signals or devices Alteration may include salvaging and replacement of existing components
- 3 Work necessary to complete the improvement to be financed entirely by the Municipality or other utility or facility owner includes the following items
- (a) New installations of or alteration of sanitary sewers and connections, water, gas, electric, telephone, telegraph, fire or police alarm facilities, parking meters, and similar utilities
 - (b) New installation or alteration of signs not necessary for the safe and efficient flow of traffic.
 - (c) Roadway and bridge width in excess of standards
 - (d) Construction inspection, staking, and material testing and acceptance for construction of sanitary sewer and water main
 - (e) Provide complete plans, specifications, and estimates for sanitary sewer and water main work The Municipality assumes full responsibility for the design, installation, inspection, testing, and operation of the sanitary sewer and water system This relieves the State and all of its employees from the liability for all suits, actions, or claims resulting from the sanitary sewer and water system construction.
 - (f) Parking lane costs
 - (g) Coordinate, clean up, and fund any hazardous materials encountered for city utility construction. All hazardous material cleanup work shall be performed in accordance to state and federal regulations
- 4 As the work progresses, the Municipality will be billed for work completed which is not chargeable to federal/state funds Upon completion of the project, a final audit will be made to determine the final division of costs
- 5 If the Municipality should withdraw the project, it shall reimburse the State for any costs incurred by the State in behalf of the project
- 6 The work will be administered by the State and may include items not eligible for federal/state participation
- 7 The Municipality shall, in cooperation with the State, assist with public relations for the project and announcements to the press and such outlets as would generally alert the affected property owners and the community of the nature, extent, and timing of the project and arrangements for handling traffic within and around the project
- 8 Basis for local participation
- (a) Funding for preliminary engineering for a connecting highway 100% Federal/State

- (b) Funding for real estate required for standard roadway construction, 100% State
- (c) Funding for real estate required for sidewalk installation, 100% Municipal
- (d) Funding for compensable utilities required for standard roadway construction, 100% Municipal.
- (e) Funding for construction of standard roadway items – 100% Federal/State
- (f) Funding for new sidewalk, within the resurface portion (St Martins Rd to Puetz Rd) 80% Federal State 20% Municipal for standard 5' walk, and 100% Municipal for the additional 5' walk Funding for new sidewalk within the reconstruction portion (Puetz Rd to Prairie Grass Way) 100% Federal/State of standard 5' walk, and 100% Municipal for the additional '5 walk. Funding for new sidewalk (Prairie Grass Way to 60th St) is 100% Municipal for 10' walk
- (g) Funding for non-participating items 100% Municipality.

Comments and Clarification: This agreement is an active agreement that may need to be amended as the project is designed. It is understood that these amendments may be needed as some issues have not been fully evaluated or resolved. The purpose of this agreement is to specify the local and state involvement in funding the project. A signed agreement is required before the State will prepare or participate in the preparation of detailed designs, acquire right-of-way, or participate in construction of a project that merits local involvement.

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE March 1, 2022
Reports & Recommendations	REQUEST TO PARTICIPATE IN STATE CONTRACT FOR PURCHASE OF 2,000 TONS OF SALT AND AN ADDITIONAL 400 TONS IN RESERVE	ITEM NO. G.13.

BACKGROUND

Each year the State of Wisconsin reports the tonnage of salt that each community wants to have included in the State contract. In addition to the State contract amount, an additional 20 percent can be placed in reserve, which is optional for the City to purchase. In addition, Franklin estimates salt usage and budgets the purchase in annual budgets.

ANALYSIS

In 2021, the price of salt was \$75.52/ton. Staff is expecting the 2022 prices to be approximately \$80.00/ton (this accounts for an approximate 6% increase). Staff is anticipating a request in the near future that will ask us to enter our request in the State Contract for the upcoming year.

In the past, the City has seen benefits of planning to have available twice the forecasted amount of salt for each season. For severe winters- like 2014, many communities could not obtain salt or had to pay excessive prices to get salt. Franklin had an adequate supply of salt on hand, used "normal price salt", and saved a significant amount. History indicates that DPW has needed an average of 2,100 tons for a "normal season". Considering the amount and type of streets being added to the system with the increased use of brine solution, the average need is now considered 2,400 tons. Two times a normal season is approximately 4,800 tons. As of now, the 2021-22 snow season appears to be on track for less than normal snow fall totals, allowing us to order less than our average 2,400 tons needed (due to having a small surplus of salt that went unused this year).

The 2,400 tons, which includes the 400 ton reserve, at \$80.00 per ton, is included in our operating budget of \$210,000.00 for 2022. Note that we do not have to purchase this reserve amount but it is available for the bid amount if needed.

Staff recommends the following strategy for a 2022-23 salt order:

- 2,000 tons regular order (@\$80.00/ton = \$160,000.00)
- 400 tons for 20% reserve order (@\$80.00/ton = \$32,000.00)

So, Franklin could place an order for 2,400 tons with an expected cost of \$192,000.00. This amount fits within the total budgeted amount for 2022.

This budget also includes the purchase of Geomelt. Staff anticipates purchasing two loads at \$9,000/each = \$18,000. And \$192,000 + \$18,000 = \$210,000 budget.

OPTIONS

As past practice, it is important to order the salt with the State contract as our best prices are with the State contract.

FISCAL NOTES

Staff recommends the following strategy for a 2022-23 salt order:

- 2,000 tons regular order (@\$80.00/ton = \$160,000.00)
- 400 tons for 20% reserve order (@\$80.00/ton = \$32,000.00)

So, Franklin could place an order for 2,400 tons with an expected cost of \$192,000. This budget also includes the purchase of Geomelt. Staff anticipates purchasing two loads at \$9,000/each = \$18,000. And \$192,000 + \$18,000 = \$210,000 budget.

RECOMMENDATION

Motion to direct Staff to participate in State contract for purchase of 2,000 tons of salt with a purchase of an additional 400 tons in reserve.

DPW:KLS/ams

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE March 1, 2022
Reports & Recommendations	SURVEY FOR PARTICIPATION IN SUMP PUMP COLLECTION PROJECTS	ITEM NO. G.14.

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.

Staff met with MMSD and under the current progress, it is unlikely that Franklin can use all of the earmarked PPII funds in the allotted time. Ideally, Franklin should identify an additional \$800,000 to \$900,000 of PPII projects by the end of 2022.

ANALYSIS

Brainstorming with MMSD staff indicates that constructing “storm lines” dedicated to private sump pumps and home laterals would be a nice supplement to the new PPII policy. Staff has compiled a list of neighborhoods where there are known chronic sump pump issues. It is suspected that when complaints are targeted to a home with sump pump discharge issues, many times the homeowner fixes the problem by redirecting the discharge to the sanitary sewer lateral. The fix is an out-of-site-out-of-mind solution but these additional flows to the sanitary sewer from unknown sources are detrimental to the operational capacities of the sanitary sewer collection system. Additional studies have shown that even when an older home is in compliance, the sump pump discharges saturate the ground and add infiltration to the home lateral.

MMSD has indicated that they are likely to provide full funding if all of the homes along a constructed storm line connects. The funding would also include a new pipe system from the storm line to the exterior of the home where the sump pump discharges. To help select a project, a survey of homeowners that are willing to participate is needed. Ideally, the projects would be all or nothing participation. Again, these would ideally be no cost to the City or homeowner.

Staff has met with two experienced consultants and pre-planned how such a project could work. Perhaps, both consultants would participate in an effort to develop consistent details (so all homes are treated fairly). After neighborhoods are selected, each consultant would be tasked with different project bundles that total \$800,000 to \$900,000. The projects can be designed and constructed this calendar year.

There are currently 16 neighborhoods with sump pump issues that Staff is particularly interested to solve. Unfortunately, these areas represent over 1,100 homes and there is no budget for a mass mailing of this magnitude. Staff is even open to other suggestions if recommendations are received in a timely manner.

1. W. Friar Lane (West of S. Lovers Lane)
2. Mission Hills South No. 2 subdivision (S. Mission Drive and W. Allwood Drive)
3. S. 82nd Street and W. Coventry Drive
4. W. Forest Hill Avenue and W. Anita Lane (Hill View Estates subdivisions)
5. S. Lakeview Drive and W. Forest Hill Avenue (Imperial Heights No 2, No 3 subdivisions)
6. S. Drake Lane (Mission Hills West subdivisions)
7. W. Friar Lane and Chapel Hill Court (Mission Hills Northeast subdivision)
8. S. 36th Court (off S. 35th Street and W. Acre Avenue)

9. S. 68th Street and W. Drexel Avenue (Riverview West and Park View North subdivisions)
10. S. 68th Street and W. Pineberry Ridge (Robinwood Estates)
11. S. 68th Street and W. Lindner Drive (Southview East subdivision)
12. S. 31st Street to S. 35th Street (north of S. Ryan Road, Southwood Court)
13. Hawthorn Glen subdivision (S. 60th Street and W. Drexel Avenue- SW)
14. Root River Heights subdivision (S. 60th Street and W. Drexel Avenue- SE)
15. Oakes Estates subdivision (W. Warwick Way and S. Cambridge Dr)
16. Ryanwood Manor subdivision (S. 76th Street and W. Oakwood Road)

Staff would work with the GIS Staff to develop a web-based survey. Links would be available on the City website and may be distributed electronically to entire distribution lists. This survey would be similar to the one conducted for the trail along W. Forrest Home that could report responses geospatially.

Staff would prioritize projects based on participation rates, age of homes, locations of discharges, known sump pump issues, and targeted sewer-sheds with known PPII issues. It is unlikely that projects will be widespread enough to distribute throughout the City of Franklin. However, some neighborhoods could be identified and a follow-up paper survey could verify participation.

OPTIONS

- A. Approve concept. Direct Staff to electronically survey neighborhoods and return with professional services contracts with recommendations on selected projects.
- B. Decline concept. Direct Staff to prepare MMSD for return of earmarked funds as appropriate.

FISCAL NOTE

This PPII program is in the 2022 Sewer Utility budget and primarily funded using Franklin's allotment of MMSD funds earmarked for this purpose. As envisioned, there would be no net-impact to the City budgets.

RECOMMENDATION

(Option A) Direct Staff to electronically survey neighborhoods and return with professional services contracts with recommendations on selected projects.

Engineering Department: GEM

<p style="text-align: center;">APPROVAL <i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE 3/1/2022</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">City of Franklin Other Post-Employment Benefits (OPEB) Program / GASB 74 and 75 Disclosure Report for Fiscal Year 2021</p>	<p style="text-align: center;">ITEM NUMBER G.15.</p>

Background

The City is required by the Governmental Accounting Standards Board (GASB) to complete specific analysis and financial reporting in regard to post-employment benefits other than pensions. The specific benefit the City provides under these standards is retiree health insurance, for eligible employees who meet certain criteria and elect the benefit. But, the obligation is calculated including all active benefit eligible employees and retirees eligible for the benefit. The services of an actuary are required to complete the analysis and financial reporting, according to the standards, for the obligation the City has due to the promise of these benefits. Milliman, Inc. has been retained by the City to complete the required analysis and provide the required report for fiscal year 2021. That report is attached for your review.

Analysis

This report was presented to and discussed with the Finance Committee at their February 22, 2022 meeting. The Committee approved a motion recommending forwarding the report to the Common Council to accept and place on file. The Committee felt it is important to share with the Common Council some highlights from the report. Those highlights are as follows:

- The City of Franklin is among a small number of Wisconsin municipalities, estimated by the consultant to be approximately 10% of municipalities, that have created a trust to fund future OPEB service costs.
- The City of Franklin is among an even smaller number of Wisconsin municipalities, estimated by the consultant to be approximately 1% of municipalities, that have fully funded the obligation.
- The City of Franklin is currently funded at greater than 100% of the liability due to favorable economic conditions.
- The Actuarial Determined Contribution (ADC), funded through the City's annual budget, is sufficient to meet the requirements of the expected obligations into the future. In fact, the ADC is reduced in 2022 due to the current position of the fund.

Fiscal Impact

This is a regularly budgeted item that is reviewed regularly to ensure sufficient funding.

Recommendation

The Finance Committee and staff recommend that the Common Council accept the report and place it on file to be utilized for the City's required financial reporting for the 2021 fiscal year.

COUNCIL ACTION REQUESTED

Motion to accept the City of Franklin Other Post-Employment Benefits (OPEB) Program / GASB 74 and 75 Disclosure Report for Fiscal Year 2021 and place it on file.



**CITY OF FRANKLIN
OTHER POST-EMPLOYMENT BENEFITS PROGRAM**

GASB 74 and 75 DISCLOSURE

Fiscal Year: January 1, 2021 to December 31, 2021

Prepared by

John M. Chmielewski, FSA, EA, MAAA
Principal and Consulting Actuary

Steven G. Hanson, ASA, MAAA
Consulting Actuary

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Certification

Actuarial computations presented in this report under Statements No. 74 and 75 of the Governmental Accounting Standards Board are for purposes of assisting the City in fulfilling its financial accounting requirements. No attempt is being made to offer any accounting opinion or advice. This report is for fiscal year January 1, 2021 to December 31, 2021. The reporting date for determining plan assets and obligations is December 31, 2021. The calculations enclosed in this report have been made on a basis consistent with our understanding of the plan provisions. Determinations for purposes other than meeting financial reporting requirements may be significantly different than the results contained in this report. Accordingly, additional determinations may be needed for other purposes, such as judging benefit security or meeting employer funding requirements.

In preparing this report, we relied, without audit, on information as of October 1, 2021 furnished by the City. This information includes, but is not limited to, statutory provisions, member census data, and financial information. The membership as of October 1, 2021 includes 208 active participants, 25 retirees, and 21 spouses of current retirees.

We performed a limited review of the census and financial information used directly in our analysis and have found them to be reasonably consistent and comparable with information used for other purposes. The valuation results depend on the integrity of this information. If any of this information is inaccurate or incomplete, our results may be different and our calculations may need to be revised.

We hereby certify that, to the best of our knowledge, this report, including all costs and liabilities based on actuarial assumptions and methods, is complete and accurate and determined in conformance with generally recognized and accepted actuarial principles and practices, which are consistent with the Actuarial Standards of Practice promulgated by the Actuarial Standards Board and the applicable Code of Professional Conduct, amplifying Opinions and supporting Recommendations of the American Academy of Actuaries.

This valuation report is only an estimate of the plan's financial condition as of a single date. It can neither predict the plan's future condition nor guarantee future financial soundness. Actuarial valuations do not affect the ultimate cost of plan benefits, only the timing of plan contributions. While the valuation is based on an array of individually reasonable assumptions, other assumption sets may also be reasonable and valuation results based on those assumptions would be different. No one set of assumptions is uniquely correct. Determining results using alternative assumptions is outside the scope of our engagement.

Future actuarial measurements may differ significantly from the current measurements presented in this report due to factors such as, but not limited to, the following: plan experience differing from that anticipated by the economic or demographic assumptions; changes in economic or demographic assumptions; increases or decreases expected as part of the natural operation of the methodology used for these measurements (such as the end of an amortization period or additional cost or contribution requirements based on the plan's funded status); and changes in plan provisions or applicable law. Due to the limited scope of the actuarial assignment, we did not perform an analysis of the potential range of such future measurements.

Certification

The valuation results were developed using models intended for valuations that use standard actuarial techniques. In addition, Milliman has developed certain models to develop the expected long term rate of return on assets and estimate the claim costs and trend used in this analysis. We have reviewed the models, including their inputs, calculations, and outputs for consistency, reasonableness, and appropriateness to the intended purpose and in compliance with generally accepted actuarial practice and relevant actuarial standards of practice. The models, including all input, calculations, and output may not be appropriate for any other purpose.

Milliman's work is prepared solely for the internal use and benefit of the City of Franklin. To the extent that Milliman's work is not subject to disclosure under applicable public records laws, Milliman's work may not be provided to third parties without Milliman's prior written consent. Milliman does not intend to benefit or create a legal duty to any third party recipient of its work product. Milliman's consent to release its work product to any third party may be conditioned on the third party signing a Release, subject to the following exceptions: (a) the Plan Sponsor may provide a copy of Milliman's work, in its entirety, to the Plan Sponsor's professional service advisors who are subject to a duty of confidentiality and who agree to not use Milliman's work for any purpose other than to benefit the City, and (b) the Plan Sponsor may provide a copy of Milliman's work, in its entirety, to other governmental entities, as required by law.

This report and its use are subject to the terms of our Consulting Services Agreement with the City of Franklin dated August 23, 2021.

No third party recipient of Milliman's work product should rely upon Milliman's work product. Such recipients should engage qualified professionals for advice appropriate to their specific needs.

The consultants who worked on this assignment are actuaries. Milliman's advice is not intended to be a substitute for qualified legal or accounting counsel.

The signing actuaries are independent of the plan sponsor. We are not aware of any relationship that would impair the objectivity of our work.

On the basis of the foregoing, we hereby certify that, to the best of our knowledge and belief, this report is complete and has been prepared in accordance with generally recognized accepted actuarial principles and practices. We, John M. Chmielewski and Steve G. Hanson, are actuaries for Milliman, Inc. We are members of the American Academy of Actuaries and meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein. This report uses the expertise of Milliman healthcare and retirement actuaries. Steve Hanson is responsible for the work related to the current expected healthcare benefit costs and trend rates. Jack Chmielewski is responsible for projecting the current costs into future years using the valuation assumptions and methodology and then calculating the accounting costs and liabilities reported herein.



John M. Chmielewski, FSA, EA, MAAA
Principal and Consulting Actuary



Steven G. Hanson, ASA, MAAA
Consulting Actuary

Overview of GASB 74 and GASB 75

The Governmental Accounting Standards Board (GASB) released accounting standards for public postemployment benefit plans other than pension (OPEB) and participating employers in 2015. These standards, GASB Statements No. 74 and 75, have substantially revised the accounting requirements previously mandated under GASB Statements No. 43 and 45. The most notable change is that the Annual Required Contribution (ARC) has been eliminated and the Net OPEB Liability will be an item on the employer's financial statement rather than a footnote entry.

GASB 74 applies to financial reporting for public OPEB plans funded by OPEB trusts and is required to be implemented for plan fiscal years beginning after June 15, 2016. Note that a plan's fiscal year might not be the same as the employer's fiscal year. Even if the plan does not issue standalone financial statements, but rather is considered a trust fund of a government, it is subject to GASB 74. Under GASB 74, enhancements to the financial statement disclosures are required, along with certain required supplementary information.

GASB 75 governs the specifics of accounting for public OPEB plan obligations for participating employers and is required to be implemented for employer fiscal years beginning after June 15, 2017. GASB 75 requires a liability for OPEB obligations, known as the Net OPEB Liability (Total OPEB Liability for unfunded plans), to be recognized on the balance sheets of participating employers. Changes in the Net OPEB Liability (Total OPEB Liability for unfunded plans) will be immediately recognized as OPEB Expense on the income statement or reported as deferred inflows/outflows of resources depending on the nature of the change.

Executive Summary

Relationship Between Valuation Date, Measurement Date, and Reporting Date

The Valuation Date is January 1, 2022. This is the date as of which the actuarial valuation is performed. The Measurement Date is December 31, 2021. This is the date as of which the total OPEB liability is determined. The Reporting Date is December 31, 2021. This is the plan's and/or employer's fiscal year ending date.

Significant Changes

There have been no significant changes between the valuation date and fiscal year end.

Participant Data as of January 1, 2022

Actives	208
Retirees	25
Spouses of Retirees	21
Beneficiaries	<u>0</u>
Total	254

Actuarially Determined Contribution

The following exhibit provides the detailed calculation of the Actuarially Determined Contribution for the 2021 and 2022 fiscal years

Fiscal Year Ending	December 31, 2021	December 31, 2022
Service Cost	\$238,367	\$248,638
Amortization Payment	66,435	(115,543)
Interest Cost	<u>19,812</u>	<u>16,161</u>
Actuarially Determined Contribution	324,614	149,256

Assumptions Used to Calculate ADC

Actuarial cost method	Entry Age Normal	Entry Age Normal
Asset valuation method	Market Value	Market Value
Amortization method	17 Year Level Percent	16 Year Level Percent
Discount Rate	6.50%	6.50%
Asset Earnings Rates	6.50%	6.50%
Payroll Growth	3.00%	3.00%

Expected Benefit Payments

The following shows the estimated benefit payments and actuarially determined contributions for the next 9 fiscal years

Fiscal Year Ending	Expected Benefit Payments	Actuarial Determined Contribution*
2021	\$538,893	\$324,614
2022	495,342	149,256
2023	543,217	162,376
2024	599,513	176,434
2025	666,233	191,487
2026	635,346	207,597
2027	728,299	224,824
2028	775,042	243,229
2029	787,938	262,872
2030	745,363	283,807

*** Actuarial Determined Contribution (ADC) is based on the projection of the market value of assets and the plan liability using standard roll-forward methodology. The roll-forward of assets assume that the ADC is contributed at the end of each fiscal year and that benefit payments are paid directly from the Trust throughout the year.**

Statement of Fiduciary Net Position

	December 31, 2020	December 31, 2021
Assets		
Cash and cash equivalents	\$160,124	\$151,984
Receivables and prepaid expenses		
Receivable contributions	0	0
Receivable investment income	0	0
Receivables from brokers for unsettled trades	0	0
Prepaid expenses	0	0
Total receivables	0	0
Investments		
Fixed income	2,424,202	2,778,277
Stocks	5,227,188	6,143,505
Short-term investments	0	0
Real estate	0	0
Alternative investments	0	0
Total investments	7,651,390	8,921,782
Invested securities lending cash collateral	0	0
Capital assets net of accumulated depreciation	0	0
Total assets	7,811,514	9,073,766
Liabilities		
Accrued expenses and benefits payable	16,600	0
Securities lending cash collateral	0	0
Payable to brokers for unsettled trades	0	0
Total liabilities	16,600	0
Net position restricted for postemployment benefits other than pensions	\$7,794,914	\$9,073,766

Statement of Changes in Fiduciary Net Position

	December 31, 2021
Additions	
Member contributions	\$147,403
Employer contributions	374,367
Total contributions	521,770
Investment income (loss)	
Interest	1,313,914
Dividends	0
Equity fund income, net	0
Net increase in fair value of investments	0
Securities lending income	0
Less investment expenses	
Direct investment expense	75,975
Securities lending management fees	0
Securities lending borrower rebates	0
Net investment income	1,237,939
Other income	0
Total additions	1,759,709
Deductions	
Service benefits	472,857
Disability benefits	N/A
Death benefits	N/A
Refunds of member contributions	N/A
Administrative expenses	8,000
Total deductions	480,857
Net increase (decrease)	1,278,852
Net position restricted for postemployment benefits other than pensions	
Beginning of year (December 31, 2020)	7,794,914
End of year (December 31, 2021)	\$9,073,766

Money-Weighted Rate of Return

Fiscal Year Ending December 31	Net Money-Weighted Rate of Return
2012	N/A
2013	N/A
2014	N/A
2015	N/A
2016	N/A
2017	N/A
2018	N/A
2019	N/A
2020	N/A
2021	15.84%

Calculation of Money-Weighted Rate of Return

The money-weighted rate of return considers the changing amounts actually invested during a period and weights the amount of plan investments by the proportion of time they are available to earn a return during that period. External cash flows are determined on a monthly basis and are assumed to occur at the beginning of each month. External cash inflows are netted with external cash outflows, resulting in a net external cash flow in each month. The money-weighted rate of return is calculated net of investment expenses.

	Net External Cash Flows	Periods Invested	Period Weight	Net External Cash Flows With Interest
Beginning Value - January 1, 2021	\$7,794,914	12.00	1.00	\$9,029,422
Monthly net external cash flows				
January	3,409	12.00	1.00	3,949
February	3,409	11.00	0.92	3,903
March	3,409	10.00	0.83	3,852
April	3,409	9.00	0.75	3,807
May	3,409	8.00	0.67	3,762
June	3,409	7.00	0.58	3,713
July	3,409	6.00	0.50	3,669
August	3,409	5.00	0.42	3,627
September	3,409	4.00	0.33	3,579
October	3,409	3.00	0.25	3,537
November	3,409	2.00	0.17	3,496
December	3,409	1.00	0.08	3,450
Ending Value - December 31, 2021	9,073,766			9,073,766
Money-Weighted Rate of Return	15.84%			

Long-Term Expected Rate of Return

The assumption for the long-term expected rate of return is determined by adding expected inflation to expected long-term real returns and reflecting expected volatility and correlation. The capital market assumptions are per Milliman's investment consulting practice as of December 31, 2021.

Asset Class	Index	Target Allocation	Long-Term Expected Arithmetic Real Rate of Return	Long-Term Expected Geometric Real Rate of Return
US Cash	BAML 3-Mon Tbill	1.67%	-0.26%	-0.26%
US Core Fixed Income	Bloomberg Barclays Aggregate	30.62%	1.39%	1.28%
US Equity Market	Russell 3000	67.71%	5.17%	3.57%
Assumed Inflation - Mean			2.30%	2.30%
Assumed Inflation - Standard Deviation			1.23%	1.23%
Portfolio Real Mean Return			3.92%	3.16%
Portfolio Nominal Mean Return			6.22%	5.56%
Portfolio Standard Deviation				12.03%
Long-Term Expected Rate of Return				6.50%

Depletion Date Projection

GASB 74 and 75 generally require that a blended discount rate be used to measure the Total OPEB Liability (the Actuarial Accrued Liability calculated using the Individual Entry Age Normal Cost Method). The long-term expected return on plan investments may be used to discount liabilities to the extent that the plan's Fiduciary Net Position (fair market value of assets) is projected to cover benefit payments and administrative expenses. A 20-year high quality (AA/Aa or higher) municipal bond yield or index rate must be used for periods where the Fiduciary Net Position is not projected to cover benefit payments and administrative expenses. Determining the discount rate under GASB 74 and 75 will often require that the actuary perform complex projections of future benefit payments and asset values. GASB 74 and 75 (paragraph 29) do allow for alternative evaluations of projected solvency, if such evaluation can reliably be made. GASB does not contemplate a specific method for making an alternative evaluation of sufficiency, it is left to professional judgment.

The following circumstances justify an alternative evaluation of sufficiency for the City of Franklin:

- The funded status of the plan is currently greater than 100%
- The Actuarially Determined Contribution is based on a closed amortization period, which means that payment of the Actuarially Determined Contribution each year will bring the plan to a 100% funded position by the end of the amortization period.
- GASB 74 and 75 specify that the projections regarding future solvency assume that plan assets earn the assumed rate of return and there are no future changes in the plan provisions or actuarial methods and assumptions, which means that the projections would not reflect any adverse future experience which might impact the plan's funded position.

Based on these circumstances, it is our professional opinion that the detailed depletion date projections outlined in GASB 74 and 75 will show that the Fiduciary Net Position is always projected to be sufficient to cover benefit payments and administrative expenses.

Net OPEB Liability

Net OPEB Liability	<u>December 31, 2020</u>	<u>December 31, 2021</u>
Total OPEB liability	\$8,671,008	\$7,617,767
Fiduciary net position	7,794,914	9,073,766
Net OPEB liability	876,094	(1,455,999)
Fiduciary net position as a % of total OPEB liability	89 90%	119 11%
Covered payroll	N/A	N/A
Net OPEB liability as a % of covered payroll	N/A	N/A

The total OPEB liability was determined by an actuarial valuation as of the valuation date, calculated based on the discount rate and actuarial assumptions below, and was then projected forward to the measurement date. Any significant changes during this period have been reflected as prescribed by GASB 74 and 75.

Discount Rate

Discount rate	6.50%	6.50%
Long-term expected rate of return, net of investment expense	6.50%	6.50%
Municipal bond rate	N/A	N/A

The plan's fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the discount rate for calculating the total OPEB liability is equal to the long-term expected rate of return.

Other Key Actuarial Assumptions

The plan has not had a formal actuarial experience study performed.

Valuation date	January 1, 2020	January 1, 2022
Measurement date	December 31, 2020	December 31, 2021
Actuarial cost method	Entry Age Normal	Entry Age Normal

Changes in Net OPEB Liability

Changes in Net OPEB Liability	Increase (Decrease)		
	Total OPEB Liability (a)	Plan Fiduciary Net Position (b)	Net OPEB Liability (a) - (b)
Balances as of December 31, 2020	\$8,671,008	\$7,794,914	\$876,094
Changes for the year			
Service cost	238,367		238,367
Interest on total OPEB liability	563,984		563,984
Effect of plan changes	0		0
Effect of economic/demographic gains or losses	(195,804)		(195,804)
Effect of assumptions changes or inputs	(1,186,931)		(1,186,931)
Benefit payments	(472,857)	(472,857)	0
Employer contributions		374,367	(374,367)
Member contributions		147,403	(147,403)
Net investment income		1,237,939	(1,237,939)
Administrative expenses		(8,000)	8,000
Balances as of December 31, 2021	7,617,767	9,073,766	(1,455,999)

Sensitivity Analysis

The following presents the net OPEB liability of the City, calculated using the discount rate of 6.50%, as well as what the City's net OPEB liability would be if it were calculated using a discount rate that is 1 percentage point lower (5.50%) or 1 percentage point higher (7.50%) than the current rate

	Current		
	1% Decrease 5.50%	Discount Rate 6.50%	1% Increase 7.50%
Total OPEB liability	\$8,161,965	\$7,617,767	\$7,114,165
Fiduciary net position	9,073,766	9,073,766	9,073,766
Net OPEB liability	(911,801)	(1,455,999)	(1,959,601)

The following presents the net OPEB liability of the City, calculated using the current healthcare cost trend rates as well as what the City's net OPEB liability would be if it were calculated using trend rates that are 1 percentage point lower or 1 percentage point higher than the current trend rates

	Current		
	1% Decrease	Trend Rate	1% Increase
Total OPEB liability	\$7,377,551	\$7,617,767	\$7,828,397
Fiduciary net position	9,073,766	9,073,766	9,073,766
Net OPEB liability	(1,696,215)	(1,455,999)	(1,245,369)

Schedule of Changes in Net OPEB Liability and Related Ratios

	Fiscal Year Ending December 31									
	2021	2020	2019	2018	2017	2016	2015	2014	2013	2012
Total OPEB Liability										
Service cost	\$238,367	\$223,819	\$210,159	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Interest on total OPEB liability	563,984	557,865	516,342	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Effect of plan changes	0	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Effect of economic/demographic (gains) or losses	(195,804)	0	132,200	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Effect of assumption changes or inputs	(1,186,931)	0	208,655	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Benefit payments	(472,857)	(469,392)	(442,196)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Net change in total OPEB liability	(1,053,241)	312,292	625,159	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total OPEB liability beginning	8,671,008	8,358,716	7,733,557	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Total OPEB liability ending (a)	7,617,767	8,671,008	8,358,716	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Fiduciary Net Position										
Employer contributions	\$374,367	\$719,788	\$592,468	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Member contributions	147,403	146,308	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Net investment income	1,237,939	859,450	1,159,084	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Benefit payments	(472,857)	(469,392)	(442,196)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Administrative expenses	(8,000)	0	0	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Net change in plan fiduciary net position	1,278,852	1,256,154	1,309,356	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Fiduciary net position beginning	7,794,914	6,538,760	5,229,404	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Fiduciary net position ending (b)	9,073,766	7,794,914	6,538,760	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Net OPEB liability ending = (a) - (b)	(\$1,455,999)	(\$876,094)	(\$1,819,956)	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Fiduciary net position as a % of total OPEB liability	119.11%	89.90%	78.23%	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Covered payroll	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Net OPEB liability as a % of covered payroll	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A

This schedule is presented to illustrate the requirement to show information for 10 years. However, recalculations of prior years are not required, and if prior years are not reported in accordance with the current GASB standards, they should not be reported.

OPEB Expense

OPEB Expense	January 1, 2020 to December 31, 2020	January 1, 2021 to December 31, 2021
Service cost	*	\$238,367
Interest on total OPEB liability	*	563,984
Effect of plan changes	*	0
Administrative expenses	*	8,000
Member contributions	*	0
Expected investment return net of investment expenses	*	(507,978)
Recognition of Deferred Inflows/Outflows of Resources		
Recognition of economic/demographic gains or losses	*	(26,157)
Recognition of assumption changes or inputs	*	(115,248)
Recognition of investment gains or losses	*	(219,902)
OPEB Expense	\$312,292	(58,934)

* Components of 2020 OPEB Expense were not provided in December 31 2020 Comprehensive Annual Financial Report

As of December 31, 2021, the deferred inflows and outflows of resources are as follows

Deferred Inflows / Outflows of Resources	Deferred Inflows of Resources	Deferred Outflows of Resources
Differences between expected and actual experience	(\$335,478)	\$101,693
Changes of assumptions	(1,055,633)	160,505
Net difference between projected and actual earnings	(909,130)	0
Contributions made subsequent to measurement date	0	0
Total	(2,300,241)	262,198

Amounts currently reported as deferred outflows of resources and deferred inflows of resources related to other postemployment benefits will be recognized in OPEB expense as follows

Year ended December 31	
2022	(\$361,306)
2023	(489,142)
2024	(336,904)
2025	(287,398)
2026	(141,405)
Thereafter*	(421,888)

* Note that additional future deferred inflows and outflows of resources may impact these numbers

Schedule of Deferred Inflows and Outflows of Resources

	Original Amount	Date Established	Original Rec. Period*	Amount Recognized in Expense for FYE 12/31/2021	Amount Recognized in Expense through 12/31/2021	Balance of Deferred Inflows 12/31/2021	Balance of Deferred Outflows 12/31/2021
Economic/demographic (gains)/losses	(\$195,804)	12/31/2021	9 04	(\$21,660)	(\$21,660)	(\$174,144)	\$0
	(190,666)	12/31/2020	13 00	(14,666)	(29,332)	(161,334)	0
	132,200	12/31/2019	13 00	10,169	30,507	0	101,693
	0	12/31/2018	0 00	0	0	0	0
		Total		(26,157)	(20,485)	(335,478)	101,693
Assumption changes or inputs	(1,186,931)	12/31/2021	9 04	(131,298)	(131,298)	(1,055,633)	0
	0	12/31/2020	0 00	0	0	0	0
	208,655	12/31/2019	13 00	16,050	48,150	0	160,505
	0	12/31/2018	0 00	0	0	0	0
		Total		(115,248)	(83,148)	(1,055,633)	160,505
Investment (gains)/losses	(729,961)	12/31/2021	5 00	(145,992)	(145,992)	(583,969)	0
	(247,535)	12/31/2020	5 00	(49,507)	(99,014)	(148,521)	0
	(761,174)	12/31/2019	5 00	(152,234)	(456,702)	(304,472)	0
	639,156	12/31/2018	5 00	127,831	511,324	0	127,832
		Total		(219,902)	(190,384)	(1,036,962)	127,832
Total for economic/demographic gains or losses and assumption changes or inputs						(1,391,111)	262,198
Net deferred (inflows)/outflows for investment gains or losses						(909,130)	0
Total deferred (inflows)/outflows						(2,300,241)	262,198
Total net deferrals						(2,038,043)	

* Investment (gains)/losses are recognized in OPEB expense over a period of five years, economic/demographic (gains)/losses and assumption changes or inputs are recognized over the average remaining service life for all active and inactive members

OPEB Liability and Expense Summary

	Total OPEB Liability		Plan Fiduciary Net Position		Net OPEB Liability		Deferred Inflows		Deferred Outflows		Net Investment (Inflows)/ Outflows		Net Deferrals		Net OPEB Liability plus Net Deferrals		Annual Expense		
Balances as of December 31, 2020	(\$8,671,008)	\$7,794,914			(\$876,094)			(\$176,000)	\$288,417	(\$399,071)			(\$1,162,748)						
Service cost	(238,367)				(238,367)														238,367
Interest on total OPEB liability	(563,984)				(563,984)														563,984
Effect of plan changes	0				0														0
Effect of liability gains or losses	195,804				195,804			(195,804)											
Effect of assumption changes or inputs	1,186,931				1,186,931			(1,186,931)											
Benefit payments	472,857				0														
Administrative expenses					(8,000)														8,000
Member contributions					147,403														0
Expected net investment income					507,978														(507,978)
Investment gains or losses					729,961														
Employer contributions					374,367														
Recognition of liability gains or losses								36,326	(10,169)										(26,157)
Recognition of assumption changes or inputs								131,298	(16,050)										(115,248)
Recognition of investment gains or losses										219,902									(219,902)
Annual expense																			(58,934)
Balances as of December 31, 2021	(7,617,767)	9,073,766			1,455,999			(1,391,111)	262,198	(909,130)			(582,044)						

Glossary

Actuarially Determined Contribution	A target or recommended contribution to a defined benefit OPEB plan for the reporting period, determined based on the funding policy and most recent measurement available when the contribution for the reporting period was adopted
Deferred Inflows/Outflows of Resources	Portion of changes in net OPEB liability that is not immediately recognized in OPEB Expense. These changes include differences between expected and actual experience, changes in assumptions, and differences between expected and actual earnings on plan investments
Discount Rate	Single rate of return that, when applied to all projected benefit payments, results in an actuarial present value of projected benefit payments equal to the sum of <ol style="list-style-type: none">1) The actuarial present value of benefit payments projected to be made in future periods where the plan assets are projected to be sufficient to meet benefit payments, calculated using the Long-Term Expected Rate of Return2) The actuarial present value of projected benefit payments not included in (1), calculated using the Municipal Bond Rate
Fiduciary Net Position	Equal to market value of assets
Long-Term Expected Rate of Return	Long-term expected rate of return on plan investments expected to be used to finance the payment of benefits, net of investment expenses
Money-Weighted Rate of Return	The internal rate of return on plan investments, net of investment expenses
Municipal Bond Rate	Yield or index rate for 20-year, tax-exempt general obligation municipal bonds with an average rating of AA/Aa or higher
Net OPEB Liability	Total OPEB Liability minus the Plan's Fiduciary Net Position
Projected Benefit Payments	All benefits estimated to be payable through the OPEB plan to current active and inactive employees as a result of their past service and expected future service
Service Cost	The portion of the actuarial present value of projected benefit payments that is attributed to a valuation year
Total OPEB Liability	The portion of actuarial present value of projected benefit payments that is attributable to past periods of member service using the Entry Age Normal cost method based on the requirements of GASB 74 and 75

Summary of Actuarial Assumptions

The following actuarial assumptions were used in the development of the City of Franklin's retiree health cost projections. Where consistent with the terms of the plan, actuarial assumptions have utilized the assumptions for the Wisconsin Retirement System (WRS) as provided in the December 31, 2020 Actuarial Valuation reports. These assumptions were adopted by the Employee Trust Funds Board in connection with a study of experience during 2015-2017. In our opinion, these assumptions are reasonable for the intended purposes of the report. Assumptions regarding participant elections are based on recent experience and on our estimates of future experience.

Interest Discount Rate:

Measurement Date	Rate
December 31, 2021	6.50%

Mortality:

Pre-Retirement This assumption applies to death while in service. Rates are based on the Wisconsin 2018 Mortality table (multiplied by 50% for males and females) as the base table and project future improvements with 2018 generational improvement scale (multiplied by 50%), as adopted by the Board in connection with the 2015-2017 Experience Study performed by the actuary for the Wisconsin Retirement System.

Post-Retirement This assumption applies to death of participants after retirement. Rates are based on the Wisconsin 2018 Mortality Table as the base table and project future improvements with 2018 generational improvement scale (multiplied by 50%), as adopted by the Board in connection with the 2015-2017 Experience Study performed by the actuary for the Wisconsin Retirement System.

Post-Disability This assumption applies to death after disablement. Rates are based on the 2015-2017 Experience Study performed by the actuary for the Wisconsin Retirement System as the base table and project future improvements with 2018 generational improvement scale (multiplied by 50%), as adopted by the Board in connection with the 2015-2017 Experience Study performed by the actuary for the Wisconsin Retirement System.

* Sample rates of base mortality tables are shown in Appendix A

Employee Turnover/Withdrawal: Ten-year select and ultimate rates of WRS for Protective with Social Security for Protective Employees and General Employee for all other employees. Separate rates for males and females. Ultimate rates after the tenth year are shown in the rate table in Appendix A. Select rates are as follows:

Year	General Employee Male Rate	General Employee Female Rate	Protective with Social Security
1	17.0%	20.0%	16.0%
2	12.3%	15.0%	9.5%
3	9.3%	11.5%	6.0%
4	7.6%	10.0%	5.0%
5	7.5%	9.5%	4.5%
6	5.8%	7.8%	4.0%
7	4.8%	7.0%	3.8%
8	4.7%	6.0%	3.5%
9	4.1%	5.7%	3.0%
10	4.0%	5.3%	2.5%

Disablement: WRS disability rates for Protective with Social Security for Protective Employees and General Employee for all other employees Separate rates for General Employees for males and females Rates shown in the rate table in Appendix A

Retirement: WRS retirement rates for Protective with Social Security for Protective Employees and General Employee for all other employees Separate rates for General Employees for male and females Rates shown in the rate table in Appendix A

Percentage of Retirees Participating In Retiree Medical Coverage:

Future retirees Participation rates for future retirees are assumed to vary based on the level of contribution to the city Retiree participation will decrease as retiree contributions increase

Future Retirees	
City Contribution Rate	Participation Rate
50% or more	85%
45%	81%
40%	77%
35%	72%
30%	68%
25%	64%
20%	60%
15%	55%
10%	51%
5%	47%
0%	0%

Current retirees Actual retiree participation We have assumed spouses of current retirees will not elect coverage after the death of the retiree

Percentage of Retirees Electing Family Coverage:

Future retirees 75% of Non-Rep, DPW, and Dispatch, and 80% of all others are assumed to elect family coverage

Current retirees Actual family coverage election

Age Difference of Active Employees and Spouses: Spouses same age as participants

Annual Medical Trend Rate Assumptions: Based on recent experience, the experience of medical insurers, Milliman's future trend expectations, and judgment

Pre-65

Year(s)	Pre-65 Annual Medical Trend Rate
2022	4.7
2023	4.5
2024	4.4
2025	4.4
2026	4.3
2027-2028	4.2
2029-2034	4.1
2035-2042	4.2
2043-2050	4.3
2051-2064	4.2
2065	4.1
2066-2067	4.0
2068-2069	3.9
2070-2071	3.8
2072	3.7
2073+	3.6

Salary Adjustment Factors: WRS for Protective with Social Security for Protective Employees and General Employee for all other employees (The salary adjustment factors that are used to project earnings for each participant from the valuation date back to the participant’s hire age and forward to the participant’s retirement age are shown below for sample years of service)

% Merit and Longevity Increase Next Year		
Service	General	Protective with Social Security
1	3.5%	4.8%
2	3.5	4.8
3	3.1	4.1
4	2.8	3.5
5	2.5	2.8
10	1.5	1.1
15	1.1	0.8
20	0.9	0.7
25	0.6	0.6
30	0.4	0.5

In addition to the merit and longevity increase, each person is assumed to get an economic increase of 3.00% each year

Milliman Financial Reporting Valuation

Expected Monthly 2022 Medical Costs Per Retiree: We developed estimates of monthly 2022 medical and administrative costs per retiree by age based on the County's claims experience and current premium rates, adjusted for demographic differences between retirees and all participants (actives and retirees combined) and adjusted for plan benefit differences

In developing our projection of medical costs, we considered the potential impact of the emerging situation regarding the COVID-19 pandemic. Given the substantial uncertainty regarding the impact of COVID-19 on claims costs, including whether the pandemic will increase or decrease costs in the future, we have chosen not to make an adjustment to the projected costs. At the time of this report, it is not possible to predict the outcomes, however, it is known that the COVID-19 pandemic could have a material impact on future costs.

Age	Retiree		Spouse	
	Male	Female	Male	Female
55	\$881	\$990	\$1,088	\$1,197
60	1,126	1,157	1,333	1,364
64	1,396	1,306	1,605	1,513

Changes in Assumptions Since Prior Valuation:

- Estimated annual claim costs were changed to reflect anticipated experience pursuant to a review of the medical provisions and current premiums
- Medical trend rates were changed to reflect anticipated experience under the most recent Getzen model application
- The salary increase rate was changed from 2% to reflect WRS assumptions
- The assumed age difference between employees and their spouses was changed from 2 to 0 to reflect WRS assumptions

The overall impact of the new assumptions is a decrease in the benefit obligations

Rationale for Significant Assumptions: With any valuation of future benefits, assumptions of anticipated future events are required. If actual events differ from the assumptions made, the actual cost of the plan will vary as well. The following assumptions should be reviewed for appropriateness:

Demographic Assumptions	The City of Franklin participates in the Wisconsin Retirement System. The actuary for the system updates assumptions triennially based upon plan experience.
Discount Rate	The discount rate is based upon the asset allocation of the City of Franklin OPEB Trust Portfolio and Milliman's capital market expectations as of December 31, 2021.
Medical Trend	We are using medical inflation assumptions based on the "Long Term Healthcare Costs Trend Resource Model" created for the Society of Actuaries by Professor Thomas E. Getzen of Temple University. This model reflects the most current academic research regarding future healthcare cost trends.
Expected Medical Costs	Relative cost factors were developed from the Milliman Health Cost Guidelines. Based on the County's recent claims experience, plan provisions, and relative age cost factors assumptions, we developed age-adjusted "per member per month" (PMPM) costs for 2021.

Milliman Financial Reporting Valuation

Salary Increase and Age Difference Updated based on the 2015-2017 Wisconsin Retirement System experience study

Given the substantial uncertainty regarding the impact of COVID-19 on plan experience, we have chosen not to make an adjustment in the expected 2021 decrements. At this time, it is not possible to predict the outcomes, however, it is possible that the COVID-19 pandemic could have a material impact on the short-term plan experience.

Summary of Participant Data

2022 Monthly Retiree Medical Premiums: The current retiree medical premium rates are shown in the following table

2022 Monthly Health Insurance Premiums		
Plan	Single	Retiree Plus Spouse
HDHP	\$714 88	\$1,724 74
PPO	\$790 54	\$1,899 72

2005 Monthly Retiree Medical Premiums: The frozen rates used for determining the city's contribution for Dispatch retirees

Single	Retiree Plus Spouse
\$520	\$1,200

Participant Data: We relied on the following medical plan participant data as of October 1, 2021. We have assumed no material changes in the participant data between October 1, 2021 and January 1, 2022.

	Participant Count	Average Age	Average Service
Active Employees	208	45 3	13 1
Retirees/Spouses*	45	57 9	

*Excludes retirees whose rounded age is 65 or greater as of the valuation date

Summary of Plan Provisions

Retiree Eligibility and Benefits: The city pays 75% of the cost at the time of retirement for all retirees (except Dispatch) until Age 65. For Dispatch employees, the city pays 75% of the cost as of 1/1/2005 until Age 65. Surviving spouses of Police and Dispatch employees may remain on the plan by paying 100% of the cost. Retirement eligibility for each group is summarized below.

Group	Age	Years of Service
Police WPPA and Sergeants	53+	See (1)
Police Other	53+	15+
Firefighters	53+	20+
Dispatch	62+	20+
DPW	60+	15+
Non-Represented	62+	20+

(1) 15+ if hired on or before 8/1/2010. 20+ if hired after 8/1/2010.

Appendix A: Total OPEB Liability by Group

Group	OPEB Liability on 12/31/2021
Non-Represented	253 714
Police WPPA	2 494,742
Police Sergeants	550 851
Police Command	659 101
Dispatch	41 232
DPW	408 909
Fire	2 720 098
Fire Command	489 120
Total OPEB Liability	7 617 767

Appendix B: Rate Tables

General Employee

Separations from active status expressed as number of occurrences per 10,000

Age	Withdrawal		Normal Retirement*		Death		Disability	
	Male	Female	Male	Female	Male	Female	Male	Female
25	N/A	N/A	0	0	2	1	0	0
26	N/A	N/A	0	0	2	1	0	0
27	N/A	N/A	0	0	2	1	0	0
28	N/A	N/A	0	0	2	1	0	1
29	N/A	N/A	0	0	2	1	0	1
30	370	470	0	0	2	1	0	2
31	360	460	0	0	2	1	0	2
32	350	450	0	0	3	2	0	2
33	330	430	0	0	3	2	0	2
34	310	410	0	0	3	2	0	2
35	300	390	0	0	4	2	1	2
36	280	370	0	0	4	2	1	2
37	260	350	0	0	4	2	1	2
38	250	340	0	0	4	3	1	2
39	250	330	0	0	5	3	2	3
40	240	320	0	0	5	3	2	3
41	240	310	0	0	5	3	3	3
42	230	300	0	0	5	4	3	3
43	220	290	0	0	5	4	4	4
44	210	280	0	0	6	4	4	4
45	200	270	0	0	6	5	4	4
46	190	260	0	0	6	5	4	4
47	180	250	0	0	7	5	4	4
48	180	240	0	0	7	6	6	5
49	170	230	0	0	8	6	7	6
50	170	220	0	0	8	7	9	6
51	160	210	0	0	9	8	10	7
52	160	200	0	0	11	8	12	8
53	160	200	0	0	14	9	13	9
54	160	200	0	0	16	11	15	10
55	0	0	0	0	19	12	17	12
56	0	0	0	0	21	13	19	13
57	0	0	1,900	1,700	23	14	21	14
58	0	0	1,900	1,700	24	15	23	15
59	0	0	1,900	1,700	26	16	25	16

General Employee

Separations from active status expressed as number of occurrences per 10,000

Age	Withdrawal		Normal Retirement*		Death		Disability	
	Male	Female	Male	Female	Male	Female	Male	Female
60	0	0	1,900	1,700	27	17	30	16
61	0	0	1,900	1,700	29	19	0	0
62	0	0	2,600	2,700	30	20	0	0
63	0	0	2,900	2,700	34	22	0	0
64	0	0	2,800	2,700	37	24	0	0
65	0	0	3,000	3,000	42	26	0	0
66	0	0	3,500	3,500	46	29	0	0
67	0	0	3,000	3,000	51	31	0	0
68	0	0	1,900	2,500	56	35	0	0
69	0	0	1,900	2,500	61	39	0	0
70	0	0	1,900	2,500	68	44	0	0
71	0	0	1,900	2,000	75	49	0	0
72	0	0	1,900	2,000	82	56	0	0
73	0	0	1,900	2,000	92	63	0	0
74	0	0	1,900	2,000	102	71	0	0
75	0	0	10,000	10,000	114	80	0	0

*Assumed retirement rates are 0% at ages 57-61 for Non-Represented and Dispatch and 0% at ages 57-59 for DPW since not eligible for retiree medical benefits

Protective with Social Security

Separations from active status expressed as number of occurrences per 10,000

Age	Withdrawal		Early/Normal Retirement*		Death		Disability	
	Male	Female	Male	Female	Male	Female	Male	Female
25	N/A	N/A	0	0	2	1	1	1
26	N/A	N/A	0	0	2	1	1	1
27	N/A	N/A	0	0	2	1	1	1
28	N/A	N/A	0	0	2	1	1	1
29	N/A	N/A	0	0	2	1	1	1
30	230	230	0	0	2	1	1	1
31	230	230	0	0	2	1	1	1
32	220	220	0	0	3	2	1	1
33	210	210	0	0	3	2	1	1
34	200	200	0	0	3	2	1	1
35	200	200	0	0	4	2	1	1
36	190	190	0	0	4	2	1	1
37	180	180	0	0	4	2	1	1
38	170	170	0	0	4	3	1	1
39	170	170	0	0	5	3	2	2
40	160	160	0	0	5	3	2	2
41	160	160	0	0	5	3	2	2
42	150	150	0	0	5	4	2	2
43	150	150	0	0	5	4	2	2
44	140	140	0	0	6	4	2	2
45	140	140	0	0	6	5	2	2
46	130	130	0	0	6	5	3	3
47	130	130	0	0	7	5	3	3
48	130	130	0	0	7	6	3	3
49	130	130	0	0	8	6	4	4
50	120	120	600	600	8	7	4	4
51	120	120	800	800	9	8	4	4
52	120	120	1,000	1,000	11	8	5	5
53	0	0	2,500	2,500	14	9	23	23
54	0	0	2,000	2,000	16	11	42	42
55	0	0	2,000	2,000	19	12	61	61
56	0	0	2,000	2,000	21	13	79	79
57	0	0	2,000	2,000	23	14	98	98
58	0	0	2,000	2,000	24	15	99	99
59	0	0	2,000	2,000	26	16	101	101

Protective with Social Security

Separations from active status expressed as number of occurrences per 10,000

Age	Withdrawal		Early/Normal Retirement		Death		Disability	
	Male	Female	Male	Female	Male	Female	Male	Female
60	0	0	2,000	2,000	27	17	102	102
61	0	0	2,000	2,000	29	19	0	0
62	0	0	3,000	3,000	30	20	0	0
63	0	0	3,000	3,000	34	22	0	0
64	0	0	3,000	3,000	37	24	0	0
65	0	0	4,000	4,000	42	26	0	0
66	0	0	4,000	4,000	46	29	0	0
67	0	0	4,000	4,000	51	31	0	0
68	0	0	4,000	4,000	56	35	0	0
69	0	0	4,000	4,000	61	39	0	0
70	0	0	10,000	10,000	68	44	0	0
71	0	0	10,000	10,000	75	49	0	0
72	0	0	10,000	10,000	82	56	0	0
73	0	0	10,000	10,000	92	63	0	0
74	0	0	10,000	10,000	102	71	0	0
75	0	0	10,000	10,000	114	80	0	0

*Assumed retirement rates are 0% at ages 50-52 since not eligible for retiree medical benefits

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">3/1/2022</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Resolution 2022-___, A Resolution Amending Resolution 2013-6920 and Appending Resolution 2015-7062 Granting Limited Specific Authority for Disbursements in Advance of Review of Voucher Listings</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.16.</p>

Background

The Common Council adopted Resolution 2013-6920 that grants authority for release of payments to vendors in advance of Common Council review of voucher listings in specific circumstances such as vendors who provide cash discounts for timely payment or those who have a history of assessing late payment penalties/fees.

The Common Council further adopted Resolution 2015-7062 which amended the specified list of vendors to a definition or description of vendors who qualify under the provision of cash discounts or late payment penalty as well as granted the Director of Finance authority to update the vendor list as circumstances arise adding those that meet the definition of vendors who qualify for early payments, requiring the Director of Finance to update the Common Council as the list changes, and placing a copy of said list on file with the City Clerk for public inspection.

Analysis

The proposed Resolution would delete the wording in paragraph g) of Resolution 2013-6920 and replace it with new wording. Below shows the original wording of paragraph g) that would be replaced by the new wording:

Original Wording of paragraph g):

“g) Check payments not to exceed \$250 with the specific approval of the Mayor, for products or services in the respective amounts due pursuant to prior approved contracts, or purchase orders, or the like, or as otherwise set by law.”

New Wording of paragraph g):

“g) Check payments with the specific approval of the Mayor and Director of Administration, for products or services in the respective amounts due pursuant to prior approved contracts, purchase orders, authorized in the current year Adopted Budget, or as otherwise set by law, if needed in advance of the next scheduled Common Council meeting.”

Please note that all vouchers released prior to Common Council approval as authorized by these resolutions are required to be reported to the Common Council at the next regularly scheduled meeting of the Common Council after the voucher is released.

Recommendation

Staff recommends approval of the updated resolution language. Also, to fulfill the requirement of f) (2) of Resolution 2015-7062, which states the Finance Director shall update the Common Council as the vendor list changes for advance disbursement, attached is an up-to-date list of vendors qualifying for early release of payment.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2022-____, A Resolution Amending Resolution 2013-6920 and Appending Resolution 2015-7062 Granting Limited Specific Authority for Disbursements in Advance of Review of Voucher Listings.

STATE OF WISCONSIN CITY OF FRANKLIN MILWAUKEE COUNTY

RESOLUTION NO 2022-_____

A RESOLUTION AMENDING RESOLUTION 2013-6920 AND APPENDING RESOLUTION 2015-7062
GRANTING LIMITED SPECIFIC AUTHORITY FOR DISBURSEMENTS IN ADVANCE OF
REVIEW OF VOUCHER LISTINGS

WHEREAS, the City of Franklin pays its bills under Wisconsin Statute 66.0607, and

WHEREAS, there exists Resolution 2013-6920 that the Common Council adopted on October 15, 2013, granting authority to issue payments in advance of Common Council review of voucher listings in specific circumstances as identified therein, and

WHEREAS, there also exists Resolution 2015-7062 that the Common Council adopted on February 3, 2015, amending the specified list of vendors to a definition or description of vendors who qualify under the provision of cash discounts or late payment penalty as well as granting the Director of Finance authority to update the vendor list as circumstances arise that meet the definition of vendors who qualify for early payments, updating the Common Council as the list changes, and placing a copy of said list on file with the City Clerk for public inspection, and

WHEREAS, there are infrequent instances when payments need to be made to vendors for various reasons between Council meetings, and

WHEREAS, all such vouchers released prior to Common Council approval as authorized by Resolution 2013-6920 (as revised from time to time) be reported to the Common Council at the next regularly scheduled meeting of the Common Council after the voucher was released

NOW, THEREFORE BE IT RESOLVED, that section g) of Resolution 2013-6920 is deleted in its entirety and replaced with the following

“g) Check payments with the specific approval of the Mayor and Director of Administration, for products or services in the respective amounts due pursuant to prior approved contracts, purchase orders, authorized in the current year Adopted Budget, or as otherwise set by law, if needed in advance of the next scheduled Common Council meeting”

All other provisions of Resolution 2013-6920 and Resolution 2015-7062 are affirmed and unchanged

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 1st day of March, 2022

APPROVED

Stephen R Olson, Mayor

ATTEST

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

DATE February 23, 2022
 TO Mayor Olson, Common Council
 FROM Peggy Steeno, Director of Administration
 COPY Kris Mains, Accounts Payable, Clerk's Office
 SUBJECT Vendors qualifying for early release by Resolution 2013-6920

The following vendors are authorized for early release under Resolution 2013-6920 Resolution 2015-7062 gave Finance staff permission to update the list as circumstances change

VENDORS OFFERING DISCOUNTS FOR QUICK PAYMENT:

CRC Concrete Raising Corp	JSA Civil Engineers	Sanofi Pasteur Inc
First Supply	Luetzow Industries	Veritiv
** Home Depot	NAPA	

VENDORS QUALIFYING DUE TO ASSESSING LATE PAYMENT FEES/PENALTIES:

AT&T	Sharp Electronics
Building Services Inc	**Stanley Walter Septic
**Beer Capital	TDS
** Charter Communications	Time Warner / Spectrum
DWD (Unemployment Tax)	United Healthcare
Federal Express	** UMR – United Medical Resources
James Imaging	Us Bank
Journal Sentinel	Us Cellular
Menards	Verizon Wireless
Milw Metro Sewer District	Wal-Mart / Capital One
Pitney Bowes – Postage	We Energies
Sam's Club	Woodriver Energy

PAYROLL RELATED VENDORS:

Scott Satula/dba Southeast Inspection Management Srvc LLC

****CHANGES**

FINANCE FINANCIAL POLICIES EARLY RELEASE VENDORS RES 2015 7062

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE March 1, 2022
REPORTS AND RECOMMENDATIONS	<p>Potential Acquisition of Property from 11213 W. Swiss Street (TKN 796-0020-000) and 11225 W. Swiss Street (TKN 796-0021-001) for a public pathway/trail project. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for competitive and bargaining reasons, to consider the potential acquisition of property from 11213 W. Swiss Street (TKN 796-0020-000) and 11225 W. Swiss Street (TKN 796-0021-001) to be used for a public pathway/trail project along W. Church Street and the negotiating of the purchase and the investing of public funds, including Park Impact fees with regard to the potential acquisition thereof, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate</p>	ITEM NUMBER G.17.
<p>The City is considering the development of a pathway along W. Church Street which may include land acquisition from 11213 W. Swiss Street (TKN 796-0020-000) and 11225 W. Swiss Street (TKN 796-0021-001).</p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>A motion to enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for competitive and bargaining reasons, to consider the potential acquisition of property from 11213 W. Swiss Street (TKN 796-0020-000) and 11225 W. Swiss Street (TKN 796-0021-001) to be used for a public pathway/trail project along W. Church Street and the negotiating of the purchase and the investing of public funds, including Park Impact fees with regard to the potential acquisition thereof, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.</p> <p>or</p> <p>Whatever action the Council should otherwise deem appropriate.</p>		

Engineering Dept.: GEM; Legal Services Dept.: jw

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">03/1/2022</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Resolution No. 2022-_____ A Resolution Disallowing Claim Submitted by Peter Peckarsky Received November 29, 2021.</p> <p style="text-align: center;">The Common Council may enter closed session pursuant to § 19.85(1)(e) and (g), Stats., to consider a Notice of Claim submitted by Attorney Robert Pledl, on behalf of his client, Peter Peckarsky, announced candidate for U.S. Senate, challenging the unconstitutional practice of marking absentee ballots with identifying information when absentee ballots are counted at a central location pursuant to Wis. Stat. § 7.52(3)(a), and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.18.</p>
<p><u>Background</u></p> <p>A Notice of Claim was received by the City on November 29, 2021 from Attorney Robert Pledl, on behalf of his client, Peter Peckarsky, announced candidate for U.S. Senate, challenging the unconstitutional practice of marking absentee ballots with identifying information when absentee ballots are counted at a central location pursuant to Wis. Stat. § 7.52(3)(a). This claim was referred to the City's insurance carrier and legal counsel.</p> <p>Attached is a draft resolution to disallow this claim as well as a draft disallowance letter to be mailed by certified mail to the attorney for the claimant in the event the resolution is adopted.</p> <p>The Common Council may enter closed session pursuant to § 19.85(1)(e) and (g), Stats., to consider a Notice of Claim from Attorney Robert Pledl, on behalf of his client, Peter Peckarsky, announced candidate for U.S. Senate, challenging the unconstitutional practice of marking absentee ballots with identifying information when absentee ballots are counted at a central location pursuant to Wis. Stat. § 7.52(3)(a)., and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.</p> <p><u>Recommendation</u></p> <p>Staff recommends denial of the claim pursuant to Wis. Stat. § 893.80(1g) for disallowance of the claim, based upon and in concurrence with legal counsel for the City that this claim is not properly directed towards the City. The claim does not comply with the requisite notice provisions, the claim does not provide the address of the claimant, and no mailing address can be ascertained by the City of Franklin for Peter Peckarsky. Thus, legal counsel recommends that the City of Franklin disallow this claim pursuant to the Wisconsin Statute for disallowance of claim § 893.80(1g).</p>		

COUNCIL ACTION REQUESTED

The Common Council may enter closed session pursuant to § 19.85(1)(e) and (g), Stats., to consider a Notice of Claim from Attorney Robert Pledl, on behalf of his client, Peter Peckarsky, announced candidate for U.S. Senate, challenging the unconstitutional practice of marking absentee ballots with identifying information when absentee ballots are counted at a central location pursuant to Wis. Stat. § 7.52(3)(a)., and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

Motion to adopt Resolution No. 2022-____, A Resolution Disallowing Claim Submitted by Peter Peckarsky Received November 29, 2021, and to further notify the attorney for the claimant by certified mail at the law offices of Davis & Pledl, S.C. of the disallowance of the claim and the fact that the claimant has six (6) months from the date of service of the notice of disallowance to appeal pursuant to Wis. Stat. § 893.80(1g).

DRAFT

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2022-_____

RESOLUTION DISALLOWING CLAIM SUBMITTED BY PETER PECKARSKY
RECEIVED NOVEMBER 29, 2021

WHEREAS, on November 29, 2021, the City received the attached alleged “Notice of Claim by Peter Peckarsky – Announced Candidate for U.S. Senate” (the “Claim”) (Exhibit A);

WHEREAS, Wis. Stat. sec. 893.80(1d) sets forth:

(1d) Except as provided in subs. (1g), (1m), (1p) and (8), no action may be brought or maintained against any volunteer fire company organized under ch. 213, political corporation, governmental subdivision or agency thereof nor against any officer, official, agent or employee of the corporation, subdivision or agency for acts done in their official capacity or in the course of their agency or employment upon a claim or cause of action unless:

(a) Within 120 days after the happening of the event giving rise to the claim, written notice of the circumstances of the claim signed by the party, agent or attorney is served on the volunteer fire company, political corporation, governmental subdivision or agency and on the officer, official, agent or employee under s. 801.11. Failure to give the requisite notice shall not bar action on the claim if the fire company, corporation, subdivision or agency had actual notice of the claim and the claimant shows to the satisfaction of the court that the delay or failure to give the requisite notice has not been prejudicial to the defendant fire company, corporation, subdivision or agency or to the defendant officer, official, agent or employee; and

(b) A claim containing the address of the claimant and an itemized statement of the relief sought is presented to the appropriate clerk or person who performs the duties of a clerk or secretary for the defendant fire company, corporation, subdivision or agency and the claim is disallowed.

WHEREAS, the Claim submitted does not comply with the requisite notice provisions set forth above;

WHEREAS, the Claim does not provide the address of the claimant and no mailing address can be ascertained by the City of Franklin for Peter Peckarsky;

WHEREAS, the Common Council of the City of Franklin, Wisconsin (“City”), has on the date hereof determined pursuant to Wis. Stat. sec. 893.80(1g), to disallow the Claim, if any, and to provide notice to Davis & Pledl, S.C., attorneys for Peter Peckarsky, of the disallowance.

NOW, THEREFORE, BE IT RESOLVED by the Common Council for the City of Franklin that the proper City officials are hereby authorized and directed to disallow the following demand for alleged damages against the City of Franklin:

CLAIMANT:

Peter Peckarsky
(for damages allegedly incurred
by the City's compliance with
Wis. Stat. sec. 7.52(3)(a)).

DATE OF ALLEGED LOSS:

Unspecified

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to inform the attorneys for the Claimant by certified mail at the law offices of Davis & Pledl, S.C., 1433 N. Water Street – Suite 400, Milwaukee, WI 53202 of the disallowance of the claim, if any, and the fact that the Claimant has six (6) months from the date of service of the notice of disallowance to appeal pursuant to Wis. Stat. sec. 893.80(1g).

BE IT FURTHER RESOLVED that the City Clerk is directed to send a copy of this resolution and notice of disallowance of the claim, if any, to the appropriate insurance carrier and legal counsel for the City of Franklin.

Introduced at a regular meeting of the Common Council of the City of Franklin this 1st day of March, 2022.

Passed at a regular meeting of the Common Council of the City of Franklin this 1st day of March, 2022.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES____ NOES____ ABSENT____

DRAFT

DATE

Mr. Peter Peckarsky
c/o Attorney Robert Pledl
Davis & Pledl, S.C.
1433 N. Water Street – Suite 400
Milwaukee, WI 53202

**VIA CERTIFIED MAIL
RETURN RECEIPT
REQUESTED**

Dear Mr. Peckarsky:

Your “Notice of Claim by Peter Peckarsky – Announced Candidate for U.S. Senate” (the “Claim”) was received by the City of Franklin on or about November 29, 2021. The Claim was referred to our insurance carrier and legal counsel.

I am notifying you that without waiving any defenses the City of Franklin may have in regard to the sufficiency of your alleged claim that the Common Council for the City of Franklin disallowed the claim, if any, by formal action at its meeting on _____, 2022.

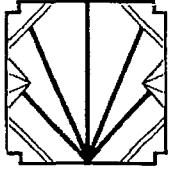
I am also informing you pursuant to section 893.80(1g) of the Wisconsin Statutes that no action on this claim may be brought against the City of Franklin after six (6) months from the date of service of this notice.

Sincerely,

Sandra Wesolowski
City Clerk

cc: City Attorney
City Insurance Carrier (via email to alehocky@towncounsellaw.com)

Attachment: Resolution Disallowing Claim Submitted by Peter Peckarsky



DAVIS &
PLEDL, SC.

A. Heberle

*Amadeo
Stalwider, Jr.
Jesse*

VICTORIA DAVIS DAVILA (414) 488-1351
ROBERT THEINE PLEDL (414) 488-1354
1433 N WATER STREET - SUITE 400
MILWAUKEE, WISCONSIN 53202
WWW.DAVISANDPLEDL.COM

Mary

October 26, 2021

Franklin City Clerk
9229 W Loomis Road
Franklin, WI 53132

Re: Notice of Claim by Peter Peckarsky – Announced Candidate for U.S. Senate.

Dear City Clerk:

We represent Peter Peckarsky who is an announced candidate for U.S. Senate. This letter accompanies a Notice of Claim regarding the manner in which your municipality processes and counts absentee ballots. Your municipality has provided by ordinance that all absentee ballots will be canvassed by the municipal board of absentee ballot canvassers at a Central Count Absentee Ballot site according to the Wisconsin Elections Commission website. <http://elections.wi.gov/index.php/clerks/guidance/central-count-absentee> (accessed October 25, 2021).

As part of the Central Count procedure, Wis. Stat., §7.52(3)(a) requires the canvassers to mark each ballot with the poll list number and to record either the elector's name or number on the poll list. Both the ballot and poll list are public records. Anyone may access the ballots and poll lists to determine how the individual voted. This violates the Wisconsin Constitution's guarantee of a secret ballot in all elections. Art. III, §3.

We are prepared to file a legal action challenging the constitutionality of the portion of Wis.Stat., §7.52(3)(a) that requires identifying information on centrally counted absentee ballots. We trust that your elected officials and election staff will consider modifying your procedures to eliminate the unconstitutional practice of placing identifying information on centrally counted absentee ballots. Please let us know us if there is any change in status. That will determine whether your municipality will be involved in any future litigation.

Thank you for your attention to this matter.

Very truly yours,


Robert Theine Pledl

NOTICE OF CLAIM

To: Franklin City Clerk
9229 W Loomis Road
Franklin, WI 53132

Re: Claim of Peter Peckarsky – Announced Candidate for U.S. Senate

Circumstances of Claim

1. The purpose of this Notice of Claim submitted pursuant to Wis. Stat., §893.80 is to challenge the unconstitutional practice of marking absentee ballots with identifying information when absentee ballots are counted at a central location pursuant to Wis. Stat., §7.52(3)(a).

2. Article III, §3 of the Wisconsin Constitution states: “All votes shall be by secret ballot.”

3. Ballots canvassed at polling places, including absentee ballots, are processed and counted without placing upon the actual ballot any number or other information that identifies the person who cast that ballot.

4. Wis.Stat., §7.52(1)(a) authorizes municipalities to adopt an ordinance providing that all absentee ballots will be canvassed at a Central Count Absentee Ballot site.

5. Wis.Stat., §7.52(3)(a) requires municipalities that choose the central count procedure to mark each absentee ballot with information which reveals the true identity of each voter who submits an absentee ballot. It states:

The board of absentee ballot canvassers shall mark the poll list number of each elector who casts an absentee ballot on the back of the elector's ballot. The board of absentee ballot canvassers shall then deposit the ballot into the proper ballot box and enter the absent elector's name or poll list number after his or her name on the poll list.

6. Absentee ballots marked with the voter's poll list number are public records, and poll lists that contain the voter's name are public records. Wis. Stat., §19.35. Anyone can access those records to determine how someone voted.

7. The requirement in Wis.Stat., §7.52(3)(a) that information identifying each absentee voter be marked on each ballot as part of the Central Count procedure is unconstitutional because it denies voters the right to cast a secret ballot that is guaranteed by Article III, §3 of the Wisconsin Constitution.

Relief Sought

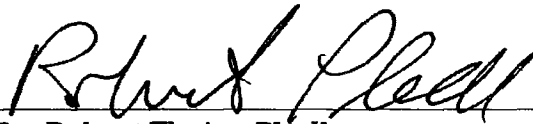
8. Central Count municipalities should modify their procedures to insure that no identifying information is marked on absentee ballots.

9. Claimant intends to file a legal action seeking a declaratory judgment that the portion of Wis.Stat., §7.52(3)(a) which requires identifying information on absentee ballots is unconstitutional.

10. Claimant also intends to seek both a preliminary injunction and a permanent injunction prohibiting Wisconsin municipalities from utilizing at any future elections a Central Count procedure for absentee ballots that violates the secret ballot requirement in the Wisconsin Constitution.

Date: October 26, 2021

DAVIS & PLEDL, SC
Attorneys for Claimant Peter Peckarsky



By: Robert Theine Pledl
Wisconsin State Bar No. 1007710
1433 N. Water Street – Suite 400
Milwaukee, WI 53202
TEL 414-488-1354
FAX 414-978-7282
Email rtp@davisandpled.com

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE March 1, 2022
Reports & Recommendations	PURCHASE A RUNNION EQUIPMENT COMPANY AERIAL BUCKET TRUCK FOR \$229,916.00	ITEM NO. G.19.

BACKGROUND

The 2022 Budget includes \$275,000 in the Equipment Replacement Fund for an Aerial Bucket Truck to replace vehicle #721 in the Highway Department. Unit #721 is a 2000 Sterling L7500.

On December 7, 2021, Common Council authorized Staff to solicit quotes for equipment considered in the 2022 Highway Equipment Replacement and Capital Outlay Funds. This authorization included the Aerial Bucket Truck. This vehicle was further discussed at the January 11, 2022, Board of Public Works meeting and they recommended a purchase from Terex Utilities Inc for the total cost of \$296,040.00. Due to supply and demand, the above unit was sold prior to the approvals to purchase were complete.

ANALYSIS

Staff has identified another vehicle to replace the planned purchase from Terex. Runnion Equipment Company has a unit with a smaller chassis and aerial lift. At this point in time, due to supply issues, we are unable to secure a more ideal option and are in need of this equipment. The next bucket truck will definitely need to be of the larger size to accommodate all of the functions that DPW requires.

Beyond the unit from Runnion Equipment Company, Staff has exhausted all other available options. Accordingly, this Runnion equipment is less expensive at \$229,916.00.

This purchase is being made through the Sourcewell contract.

Runnion needs an approval from the authorizing agency (Common Council) before they will dedicate this vehicle to Franklin. **Time is of the essence** and any delay will likely cause missing out like it did with the last anticipated purchase. Staff would provide this information to Board of Public Works after the fact, not prior to as is our custom.

OPTIONS:

- A. Authorize Staff to order a Runnion Aerial Bucket Truck
- B. Other direction to Staff.

FISCAL NOTE

Items listed in the Equipment Replacement Fund (42-0331) are estimates and Staff discusses with the Board of Public Works how the overall annual budget is not exceeded. Since \$229,916.00 is less than the previous equipment, the highway portion for equipment replacement is still within budget.

RECOMMENDATION

(Option A) Authorize Staff to purchase a Runnion Equipment Company Aerial Bucket truck for \$229,916.00.k

APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE
REPORTS & RECOMMENDATIONS	AUTHORIZE STAFF TO SOLICIT EQUIPMENT CONSIDERED IN THE 2022 HIGHWAY EQUIPMENT REPLACEMENT AND CAPITAL OUTLAY FUNDS	12/07/21 ITEM NUMBER

BACKGROUND

Within the approved 2022 Public Works Department budget, in the Equipment Replacement and Capital Outlay Funds, is the replacement of the following pieces of equipment:

- Sidewalk Machine
- Truck Mounted Brine/Geo Sprayer
- Trailer
- Attachment Replacements
- Guard Rail Replacements
- Park Equipment Replacements
- Plow Truck
- Aerial Bucket Truck
- Hydraulic Excavator

Price quotes will be solicited by DPW 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 2022, we would like to begin the process of securing quotes in early January in hopes of receiving the equipment by Summer 2022.

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

These purchases are included in the 2022 approved budget as indicated above. The total amount budgeted for these items is approximately \$1,316,500.

RECOMMENDATION

Authorize DPW staff to solicit quotes for equipment considered in the 2022 Highway budgets 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 2022 Highway Equipment Replacement and Capital Outlay Funds.



RUNNION EQUIPMENT COMPANY

6201 East Ave Hodgkins, IL 60525 (708) 447-3169
1-800-824-6704 FAX (708) 447-3730 www.runnionequipment.com

City of Franklin Public Works
7979 W. Ryan Rd
Franklin, WI 53132
Ph: 414-425-2592
Attn: Rich Katzfey

February 16, 2022

Quote # JP 322

UNIT# 4872N

Page 2 of 4

One (1) **Knaphcide 6150D54 steel service body** equipped as follows:

- 94" wide
- 149" long
- Compartments (both sides)
 - Compartments depth 20"
 - 1V – 18 75" W x 40"
 - 2V – 21"
 - 3V – 20.75" W
 - 3V – Curbside walkup
 - H – 52 3/4" x 18 1/2"
 - 3V – 20.75" x 40"
- 30" x 94" tailshelf with through compartment
- Backup alarm
- Fire extinguisher
- Reflector kit
- 2" Pintle/Ball and 7 pin trailer receptacle
- C shape grounding lug

MOUNTED ON:

One (1) **2022 Chevy 6500 MD 4x4** equipped as follows:

- 23,000 GVWR
- Duramax 6.6L Turbo-Diesel V8 350hp @2700RPM, 700 lb.ft torque @1600 rpm
- Allison – rugged duty service – 6-speed w/double overdrive
- Engine block heater
- Front and rear 19.5" steel wheels – painted black
- Tires – 225-70R19 5
- Front axle 7,500lbs
- Rear axles 15,500lbs
- 4-wheel ABS brakes
- Air conditioning
- Platform running boards

Continued on next page

REC SALES SIGNATURE

DATE

PURCHASER SIGNATURE

DATE



RUNNION EQUIPMENT COMPANY

6201 East Ave Hodgkins, IL 60525 (708) 447-3169
1-800-824-6704 FAX (708) 447-3730 www.runnionequipment.com

City of Franklin Public Works
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Franklin, WI 53132
Ph: 414-425-2592
Attn. Rich Katzfey

February 16, 2022

Quote # JP 322

UNIT# 4872N

Page 1 of 4

We are pleased to offer the following quotation for your consideration:

One (1) **Dur-A-Lift Model DPM2-52DU** equipped as follows

- CAT C Insulated aerial device
- 57' working height, 59' working height with basket elevator
- 54' height to bottom of basket
- Main boom fiberglass insert
- Chassis isolator insert
- 31'-6" side reach
- 24" x 42" x 42" walk-in fiberglass basket with step, including cover
- 550# basket capacity when not using winch
- 400# basket capacity when using jib
- Hydraulically extendable jib. Jib is top-mounted with a maximum capacity of 1000#
- Hydraulic leveling, stow, and dump
- 180° basket rotator
- Body harness & lanyard
- Continuous rotation
- Transmission mounted P.T.O, pump and hydraulic reservoir
- 12 volt emergency hydraulic backup system
- Upper & lower operation controls with emergency shut down and start/stop controls
- 4-axis HERC joystick control
- Hydraulic tool circuit at bucket
- A frame outriggers with outrigger interlock, mid mount and rear mount
- Outrigger motion alarm
- Four 18" x 18" composite outrigger pads with two (2) outrigger pad holders
- Two (2) LFD dome strobe lights
- Four corner LED strobe lights
- Timbren load boosters on front and rear axle

Continued on next page

REC SALES SIGNATURE

DATE

PURCHASER SIGNATURE

DATE



RUNNION EQUIPMENT COMPANY

6201 East Ave Hodgkins, IL 60525 (708) 447-3169
1-800-824-6704 FAX (708) 447-3730 www.runnionequipment.com

City of Franklin Public Works
7979 W. Ryan Rd
Franklin, WI 53132
Ph. 414-425-2592
Attn: Rich Katzfey

February 16, 2022

Quote # JP 322

UNIT# 4872N

Page 3 of 4

- Chromed grille and chromed bumper
- Power steering
- 40-gallon fuel tank
- 7" diagonal touch screen with Chevrolet infotainment W/Bluetooth
- Power windows and locks with keyless entry
- 40/20/40 split bench seat- vinyl
- Scatbelt color - orange
- Color white

Options, included:

- Hydraulic post pounder
- Tool circuit at tailshelf
- Non-slip coating applied to body floor, sidepack walls and tops, front bulkhead, and tailshelf tops and sides
- Arrow/Directional Bar
- 3000 watt inverter with dual deep cycle batteries
- Two (2) GO lights with remotes installed on aluminum bulkhead
- Two white LED lights installed under tailshelf
- LED compartment lights
- Grip strut on top of compartments
- CS1V and CS2V - CTECH 6 Drawer Units (4-3", 1-5", 1-7"), 18 0"W x 27.8"H x 17.5"

Price: \$ 222,267.00

Options, not included, initial if selected

- One (1) additional year Duralift parts and labor warranty Add \$ 2,665.00
- Extended chassis warranty - 72 months / 200k with Add \$ 4,984 00
\$100.00 deductible

Cooperative Pricing Available Through Sourcewell

All prices F O.B Hodgkins, IL and subject to all applicable tax
Quote valid for 30 days, Due to market volatility any future manufacturer surcharges will be added to price above. Unit subject to prior sale – 10% deposit at time of order.
Balance due upon notification that unit is ready for delivery

Continued on next page

REC SALES SIGNATURE

DATE

PURCHASER SIGNATURE

DATE



RUNNION EQUIPMENT COMPANY

6201 East Ave Hodgkins, IL 60525 (708) 447-3169
1-800-824 6704 FAX (708) 447-3730 www.runnionequipment.com

City of Franklin Public Works
7979 W. Ryan Rd
Franklin, WI 53132
Ph: 414-425-2592
Attn: Rich Katzfey

February 16, 2022

Quote # JP 322

UNIT# 4872N

Page 4 of 4

SALES ORDER – TERMS AND CONDITIONS OF SALE

This document contains the terms of sale. The entire contract between Seller and Buyer is contained in this Sales Order, no alleged oral promises or conditions not set forth herein shall be binding upon Seller or Buyer, and any prior negotiations between the parties are merged into the terms of this document.

Prices quoted are subject to change without notice in conformity with the Manufacturer's Price List effective at the time of delivery. Prices do not include taxes. Any tax, impost, levy, duty or other charge hereinafter imposed by any government or other authority on this sale will be added to the purchase price as herein noted or any later revision of the purchase price, and will be paid by Buyer unless Buyer provides Seller with a proper tax exemption certificate.

Upon acceptance of this order by Seller, if Buyer fails to perform the terms and conditions hereof, or refuses to accept delivery of the equipment accessories or other items ordered within ten (10) days after notification that same are ready for delivery, the Seller, at its option may retain as liquidated damages all money, trade-ins or other property delivered to Seller by Buyer as down payment hereunder. Buyer will pay any cost of collection for any amount owed to Sellers, including, without limitation, reasonable attorney's fees, court costs and interest in the amount of 1% per month (12% per annum), from the date the amount is due.

Payment is due Seller from the date when Seller is prepared to make delivery. All equipment and material is delivered FOB Seller's plant and title and liability for loss or damage passes to Buyer upon Seller's delivery of the goods to a carrier or shipment to Buyer and any loss or damage thereafter shall not relieve Buyer from any obligation hereunder. Risk of loss for goods shall pass to the Buyer once payment is received by Seller.

Buyer may terminate this contract in whole upon thirty (30) days advance written notice to Seller. In such event, Buyer shall be liable for termination charges. If goods ordered are a standard, manufactured catalog item, Buyer will pay a cancellation charge for each unit cancelled equal the greater of 20% of the purchase order item price or forfeiture of down payment/trade in. If goods are non-standard items built to the Buyer's custom order, Buyer will pay for all cost, direct and indirect incurred and committed for this contract, together with a reasonable allowance for prorated expenses and anticipated profits.

Buyer agrees to comply fully and with all laws and regulation concerning the purchase and sale of goods. In particular, Buyer agrees to comply with all applicable export administration regulations of the United States, including, but not limited to, the Export Administration Act, insofar as they apply to the sale of products.

Buyer shall indemnify and hold harmless Seller, its employees, officers and directors and the respective successors and assigns, from and against any and all liability, damages, claims, causes of actions, losses, costs and expenses (including attorney's fees) of any kind arising out of injuries to any person (including death) or damage to any property caused by or related to the goods or any negligent act or omission of Buyer, its employees and agents.

The validity, performance and construction of this Sales Order, shall be governed by the laws of the State of Illinois, of the United States of America.

Seller shall not be liable, and shall be free from any potential liability for delay in delivery or non-delivery or any failure in shipment caused in whole, or in part, by the occurrence of any contingency beyond control of either Seller or Seller's suppliers including, but not limited to act of war (whether an actual declaration thereof is made or not) act of any government or any agency or subdivision thereof, judicial action, sabotage, insurrection, terrorism, riot or other act of civil disobedience, act of public enemy, failure or delay in transportation, strikes, lockouts, shortage of labor or labor troubles of any kind, accidents, explosion, perils of the sea, fire, earthquake, flood, storm or any other act of God, restrictions or requisitions, shortage of labor, fuel, raw material or machinery or technical failure where Seller has exercised ordinary care in the prevention thereof, failure of manufacturers to deliver, bankruptcy or insolvency of manufacturers or suppliers, suspension of shipping facilities, act or default of any carrier or any other contingency of whatsoever nature beyond Seller's control affecting production, transportation to boarding point, loading, forwarding or unloading in such a situation at destination of the goods covered by this contract including disturbances existing at the time this contract was made. In such a situation, if shipments or delivery is not made during the period contracted for, Buyer shall accept delivery under this contract when shipment is made, provided, however, Buyer shall not be obligated to accept delivery if shipment is not made within a reasonable time after the cessation of the aforementioned impediments or causes. Seller may allocate delivery among Seller's customers.

This order shall not be binding upon Seller until accepted by Seller in writing hereon and when so accepted, the original order with original signatures as given Seller and in Seller's possession shall be conclusive and binding upon the parties hereto.

The Buyer hereby acknowledges receipt of a copy of this Sales Order and Terms and Conditions.

REC SALES SIGNATURE

DATE

PURCHASER SIGNATURE

DATE

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 03/01/2022
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LICENSES AND PERMITS	MISCELLANEOUS LICENSES	ITEM NUMBER H.
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See attached listing from meeting of March 1, 2022.

COUNCIL ACTION REQUESTED

As recommended by the License Committee.



414-425-7500

License Committee

Agenda*


Alderman Room

March 1, 2022 – 5:55 p.m.

1.	Call to Order & Roll Call	Time:
2.	Applicant Interviews & Decisions	
License Applications Reviewed		Recommendations

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 2021-2022 New 6:00 p.m.	Henzig, Kimberly A Iron Mike's			
Extraordinary Entertainment & Special Event 6:05 p.m.	Mulligan's Irish Pub & Grill – St. Patrick's Day Party Person in Charge: Brian Francis Location: 8933 S. 27 th Street Date of Event: 3/17/2022			
Operator 2021-2022 New	Knurowski, Robert E Walgreens #05884			
Operator 2021-2022 New	Locke, Kailey M Iron Mike's			
Operator 2021-2022 New	Orlowski, Allie B Walgreens #15020			
Amendment to Public Grant Application and Closing Hours of Civic Celebration Event	Change of Civic Celebration Event Closing Hours on Monday, July 4, 2022 Changing from 10:00 p.m. to 11:00 p.m. John Bergner, Chairman of Civic Celebration Commission			
3.	Adjournment	Time		

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

APPROVAL 	REQUEST FOR COUNCIL ACTION	MEETING DATE 3/01/2022
Bills	Vouchers and Payroll Approval	ITEM NUMBER I

Attached are vouchers dated February 11, 2022 through March 1, 2022 Nos 186983 through Nos 187173 in the amount of \$ 4,844,401 37 Also included in this listing are EFT's Nos 4838 through Nos 4864, Library vouchers totaling \$ 8,044 80, Tourism vouchers totaling \$ 1,250 00, Water Utility vouchers totaling \$ 86,663.26 and Property Tax vouchers totaling \$ 76,000 20 Voided checks in the amount of (\$ 9,851 37) are separately listed

***Included in this disbursement are wire transfers to Bond Trust Services in the amount of \$ 3,672,369.59 which were approved at the Council meeting on February 15, 2022*

Early release disbursements dated February 11, 2022 through February 28, 2022 in the amount of \$ 4,573,923 67 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 and 2015-7062

The net payroll dated February 25, 2022 is \$ 455,649 60, previously estimated at \$ 420,000 Payroll deductions dated February 25, 2022 are \$ 430,035 16, previously estimated at \$ 475,000

The estimated payroll for March 11, 2022 is \$ 442,000 with estimated deductions and matching payments of \$ 255,000

Attached is a list of property tax disbursements EFT's Nos 409 through Nos 414 and 300(S) through 302(S) dated February 11, 2022 through February 28, 2022 in the amount of \$ 10,504,375 35 \$ 48,282 50 represents refund reimbursements, \$ 3,000,000 00 represents temporary investments and \$ 7,456,092 85 represents tax settlements from US Bank There is also an additional \$ 9,039,808 57 of tax settlements from American Deposits These payments have been released as authorized under Resolution 2013-6920

***Included in this distribution listing are property tax settlements which were approved at the Council meeting on February 15, 2022.*

COUNCIL ACTION REQUESTED

Motion approving the following

- City vouchers with an ending date of March 1, 2022 in the amount of \$ 4,844,401 37 and
- Payroll dated February 25, 2022 in the amount of \$ 455,649 60 and payments of the various payroll deductions in the amount of \$ 430,035 16, plus City matching payments and
- Estimated payroll dated March 11, 2022 in the amount of \$ 442,000 and payments of the various payroll deductions in the amount of \$ 255,000, plus City matching payments and
- Property Tax disbursements with an ending date of February 28, 2022 in the amount of \$ 19,544,183 92.

ROLL CALL VOTE NEEDED