

**CITY OF FRANKLIN
PARKS COMMISSION REGULAR MEETING**

**MONDAY, DECEMBER 14, 2020 – 6:30 P.M.
FRANKLIN CITY HALL – HEARING ROOM
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN 53132**

AGENDA

I. CALL TO ORDER AND ROLL CALL

II. CITIZEN COMMENT PERIOD

III. APPROVAL OF MINUTES

A. Regular Meeting Minutes of September 14, 2020 and November 9, 2020

IV. UNFINISHED BUSINESS

A. Update on parks maintenance.

B. Status of park rules signage for Kayla's Playground located at 3723 West Puetz Road.

C. Status of the Pleasant View Park Site Plan.

D. Status of Parkland Acquisition Study contract with Vandewalle and Associates.

E. Proposal by Shelley Tessmer to develop a dog park on property located immediately west of 6855 South 27th Street (Tax Key No. 738-9974-005). The Parks Commission may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to consider the potential acquisition of property to be used for public dog park purposes in the City, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

F. Hunting in City of Franklin parks [prohibited within City of Franklin Parks and within 660 feet thereof pursuant to Mun. Code §§183-76B.(2)(b) and (d)].

G. Jack Workman Park bridge repair or replacement.

H. Ways to recognize the service of previous Parks Commission Chair, Tony Megna.

I. Uniform signage for all parks.

V. NEW BUSINESS

- A.** Plans for development of new City of Franklin park located on South Lovers Lane Road (Approximately 8100 South Lovers Lane Road; Tax Key Nos. 801-9986-000, 801-9985-000, 801-9984-000, 801-9987-000)

VI. NEXT MEETING DATE

VII. ADJOURNMENT

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.

Notice is given that upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, please contact the Franklin City Clerk's office at (414) 425-7500.

CITY OF FRANKLIN
PARKS COMMISSION MEETING
MINUTES
September 14, 2020

unapproved

CALL TO ORDER

- I. Chair Joseph Musolf called the September 14, 2020 Parks Commission meeting to order at 6:30 p.m. in the Common Council Chambers located at 9229 W. Drexel Avenue, Franklin, Wisconsin.

Present were Chair Musolf, Vice Chair Wrench, Alderwoman Hanneman and Commissioners Remington, Bartels and Coenen and Ex-Officio Runte. Also present were Assistant Planner Marion Ecks, Department of Public Works Kevin Schlueter and Dale Borchartd, Alderman Mayer and Alderwoman Wilhelm.

CITIZEN COMMENT PERIOD

- II. The citizen comment period opened at 6:31 p.m. and closed at 6:33 p.m. No citizens were present.

APPROVAL OF MINUTES

Regular meeting minutes of August 10, 2020 and August 31, 2020.

- III. Vice Chair Wrench moved and Commissioner Bartels seconded approval of the minutes for the regular meeting held August 10, 2020 and as corrected for the August 31, 2020 as presented. On voice vote, all voted 'aye'. Motion carried (6-0-0).

UNFINISHED BUSINESS:

Update on parks maintenance.

IV.

- A. Dale Borchartd reported. Discussion only. No action taken.

Status of park rules signage for Kayla's Playground located at 3723 West Puetz Road.

- B. Kayla's Playground signage has been ordered. Need signage at all parks. Charges for cleanup will be added to the Web site and permit. Hourly staff rate will apply. Discussion only. No motion.

Status of the Pleasant View Park Site Plan.

- C. Plan Commission changed the number of courts from 8 to 6. Decision will go directly to Common Council on September 15, 2020. Final decision will not come back to Parks Commission.

Status of Parkland Acquisition Study contract with Vandewalle and Associates.

- D. Confusion and disappointment with the presentation given by Vandewalle. Discussion only. No action taken.

Potential acquisition of property for public park purposes in the City of Franklin and Parks Commission request for property to be considered for the Parkland

- E. Discussion only. No action taken.

Acquisition Study. The Parks Commission may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to consider the potential acquisition of properties to be used for public park purposes in the City, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

Trails update: 116th Street Trail and Cascade Creek Park Trail located at 8300 South 60th Street grant funding application.

NEW BUSINESS

Proposal by Shelly Tessmer to develop a dog park on property located immediately west of 6855 South 27th Street (Tax Key No. 738-9974-005). The Parks Commission may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to consider the potential acquisition of property to be used for public dog park purposes in the City, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

Selection of the parks to tour during the October 2020 meeting.

NEXT MEETING DATE

ADJOURNMENT

F. Currently in design phase. Discussion only. No action taken.

V.

A. **Motion No. 1**

Commissioner Bartels moved and Commissioner Remington seconded a motion to enter closed session. On voice vote all voted 'aye'. Motion carried (6-0-0).

Motion No. 2

Commissioner Remington moved and Alderwoman Hanneman seconded a motion to reopen session. On voice vote all voted 'aye'. Motion carried (6-0-0).

Motion No. 3

Alderwoman Hanneman moved and Vice Chair Wrench seconded a motion to recommend that Common Council investigate the concept of a dog park as a possible use for land on S. 27th Street. On voice vote all voted 'aye'. Motion carried (6-0-0).

B. Parks tour will be held on Saturday, October 17, 2020 and will start at the Department of Public Works and go to Kayla's Playground, Jack Workman Park and Pleasant View Park.

VI. October 17, 2020

VII. Vice Chair Wrench moved and Commissioner Coenen seconded to adjourn the Parks Commission meeting of September 14, 2020 at 8:28 p.m.. On voice vote all voted 'aye'. Motion carried (6-0-0).

DRAFT

CITY OF FRANKLIN
PARKS COMMISSION MEETING MINUTES
November 9, 2020

unapproved

CALL TO ORDER

- I. Chair Joseph Musolf called the November 9, 2020 Parks Commission meeting to order at 6:30 p.m. in the Common Council Chambers located at 9229 W. Loomis Road, Franklin, Wisconsin.

Present were Chair Musolf, Vice Chair Wrench, Alderwoman Hanneman and Commissioners Remington, Bartels, Coenen and Ex-Officio member Runte. Also present were Associate Planner Marion Ecks, Department of Public Works Kevin Schlueter and Dale Borchardt and Mayor Olson.

CITIZEN COMMENT PERIOD

- II. The citizen comment period opened at 6:31 p.m. and closed at 6:31 p.m. No citizens were present.

APPROVAL OF MINUTES

Special Parks Tour meeting minutes of October 17, 2020.

- III. Commissioner Bartels moved and Commissioner Coenen seconded to approve the minutes of the Special Parks Tour meeting held October 17, 2020. On voice vote, all voted 'aye'. Motion carried (6-0-0).

UNFINISHED BUSINESS:

Update on parks maintenance.

- IV.
A. Updates given by Dale Borchardt of DPW. Discussion only. No action taken.

Status of park rules signage for Kayla's Playground located at 3723 West Puetz Road.

- B. Waiting for a delivery date of Kayla's sign.

Commissioner Remington moved and Vice Chair Wrench seconded a motion to include the new City of Franklin logo. On voice vote, all voted 'aye'. Motion carried (6-0-0).

Status of the Pleasant View Park Site Plan.

- C. Associate Planner Ecks reported the Site Plan is in design phase. Discussion only. No action taken.

Status of Parkland Acquisition Study contract with Vandewalle and Associates.

- D. Associate Planner Ecks reported and provided original contract and addendum for Parks Commission review. Chair Musolf commented on who will be lead person, Alderman Nelson or Alderwoman Hanneman. Vice Chair Wrench commented on the need to consider Department of Public Works staff funding.

Commissioner Bartels moved and Vice Chair Wrench seconded a motion to make Alderwoman Hanneman point person for Vandewalle and Associates for parks . On voice vote, all voted 'aye'. Motion carried (6-0-0).

Trails update: 116th Street Trail and

- E. Tabled to next meeting. Requesting attendance of City

Cascade Creek Park Trail located at 8300 South 60th Street.

Engineer Glen Morrow.

Proposal by Shelly Tessmer to develop a dog park on property located immediately west of 6855 South 27th Street (Tax Key No. 738-9974-005). The Parks Commission may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to consider the potential acquisition of property to be used for public dog park purposes in the City, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

F. Shelly Tessmer reported on lease possibilities as well as other research. Research included, fund raising, naming rights, purchase possibility, double fencing, permits, 10 acre requirement and a business plan. Discussion only. No action taken.

NEW BUSINESS

Hunting in City of Franklin parks.

V. A. Publishing a reminder in the City’s newsletter. Discussion only. No action taken.

Jack Workman Park bridge repair or replacement.

B. Alderwoman Hanneman moved and Commissioner Bartels seconded a motion to demolition a bridge at Jack Workman Park and replaced it with a culvert, led by the Department of Public Works. On voice vote, all voted ‘aye’. Motion carried (6-0-0).

Creation of Friends of the Parks volunteer group, Kayla’s Playground volunteers, spring Parks Cleanup project.

C. Department of Public Works will take responsibility if volunteers are needed. Ex-Officio Michelle Runte and Dale Borchardt of DPW will coordinate. Discussion only. No action taken.

Ways to recognize the service of previous Parks Commission Chair, Tony Megna.

D. Alderwoman Hanneman moved and Commissioner Remington seconded a motion to recommend staff to provide cost estimates on placing a bench at Lake Ernie with former Chair Tony Megna’s name and a Proclamation given at Common Council. On voice vote, all voted ‘aye’. Motion carried (6-0-0).

Uniform signage for all parks.

E. Tabled to the December meeting. A determination will be made on which parks will receive signage.

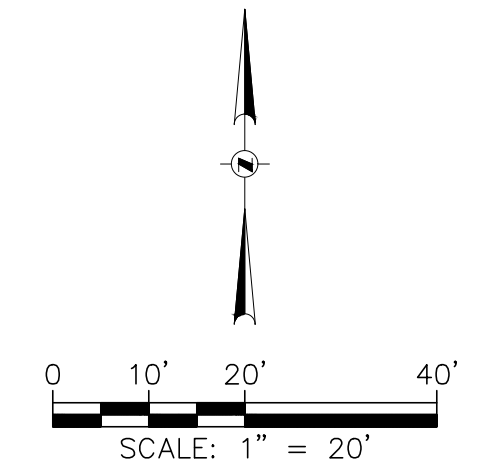
NEXT MEETING

VI **December 14, 2020.**

ADJOURNMENT

VII. Commissioner Coenen moved and Commissioner Bartels seconded to adjourn the Parks Commission meeting of November 9, 2020 at 8:50 p.m.. On voice vote all voted ‘aye’. Motion carried (6-0-0).

60% SUBMITTAL



LEGEND

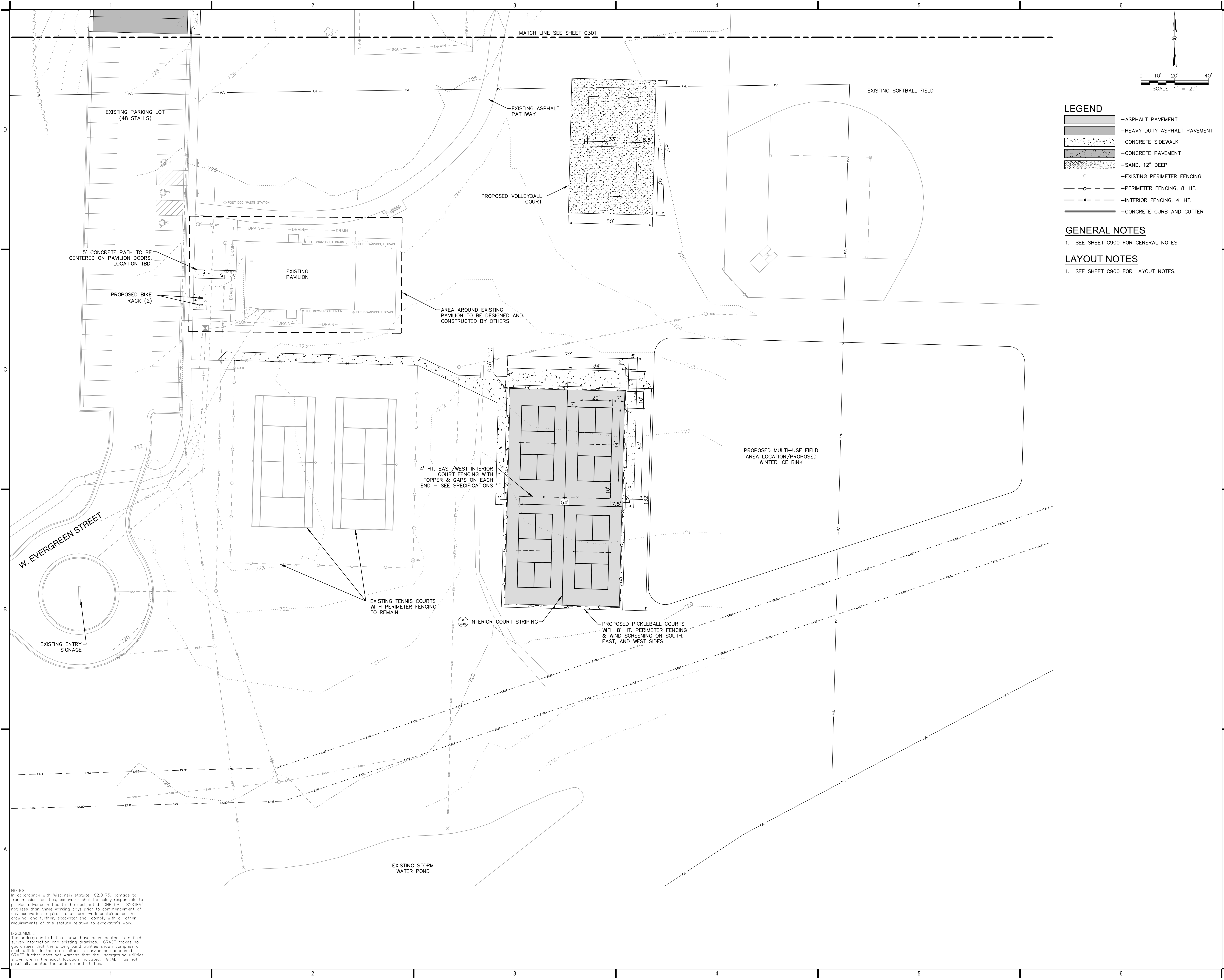
- ASPHALT PAVEMENT
- HEAVY DUTY ASPHALT PAVEMENT
- CONCRETE SIDEWALK
- CONCRETE PAVEMENT
- SAND, 12" DEEP
- EXISTING PERIMETER FENCING
- PERIMETER FENCING, 8' HT.
- INTERIOR FENCING, 4' HT.
- CONCRETE CURB AND GUTTER

GENERAL NOTES

1. SEE SHEET C900 FOR GENERAL NOTES.

LAYOUT NOTES

1. SEE SHEET C900 FOR LAYOUT NOTES.



NOTICE:
In accordance with Wisconsin statute 182.0175, damage to transmission facilities, excavator shall be solely responsible to provide advance notice to the designated "ONE CALL SYSTEM" not less than three working days prior to commencement of any excavation required to perform work contained on this drawing, and further, excavator shall comply with all other requirements of this statute relative to excavator's work.

DISCLAIMER:
The underground utilities shown have been located from field survey information and existing drawings. GRAEF makes no guarantee that the underground utilities shown comprise all such utilities in the area, either in service or abandoned. GRAEF further does not warrant that the underground utilities shown are in the exact location indicated. GRAEF has not physically located the underground utilities.

X:\M\2020\20200560-01\Design\Civil\00C_00_C300_Site Layout & Materials Plan_0560.01 12/4/2020 11:59 AM



West Allis began formally planning the creation of a dog park in October 2017. In January 2018, a Community Workgroup was formed to help establish two volunteer groups: a workgroup and a fundraising group. Together these groups raised the funds needed to create West Allis' first dog park, which opened in 2019.

The park is located at 11200 W. Hayes Ave., with the entry of off the northeast of Hayes or off of Cleveland Ave.

DOG PARK FEES

For the year 2020, the dog park passes are \$5 per day or \$25 per calendar year for residents and \$5 per day or \$35 per calendar year for non-residents. Prices are per dog.

You must bring proof that your dog is neutered or spayed before you can purchase a dog park pass. Proof of current rabies vaccination is also required.

Dog park passes can be purchased at City Hall in the Customer Service Center between the hours of 11:30 a.m. and 4:30 p.m., Monday through Friday. Residents can also purchase park passes online when they purchase a [dog license online](#).

[View map of dog park and parking/driving directions \(PDF\)](#).

DOG PARK RULES

- No more than three dogs are allowed per owner/guardian, per visit within the Dog Exercise Area (DEA).
- Owner/guardian must be present within the fenced enclosure of the DEA and is responsible and liable for behavior of their dog(s) at all times.
- The City of West Allis is not liable for the actions of any dog within or outside the boundaries of the DEA.
- Owner/guardian is responsible for cleaning up and properly disposing of dog excrement.
- All dogs must display a dog license and DEA tag (available in 2020) while in the DEA and be current with vaccinations. All dogs are required to be up to date with the rabies vaccination. [Purchase your dog license here](#).
- Owner/guardian must have in their possession a leash for their dog(s) and remain within view and voice control of their dog(s) at all times. Your dog(s) must be leashed until you enter the double-gated entry. Please make sure to close all gates behind you.
- For the safety of your dog(s) and those of others, choke, pinch, spike, or training types of collars are not allowed in the DEA. Remove such collars upon entering the DEA.
- Aggressive dogs and/or dogs with known aggressive behavior are prohibited from the DEA; female dogs in heat are also prohibited.
- We recommend all dogs be current with distemper and parvovirus vaccinations.

Parking Lot Easement

The purpose of this document is to record a parking lot easement on _Habitat For Humanities, **one half of their parking lot** address is **6939 South Riverwood Blvd, Franklin WI 53132**_ described as being part of the _____ and one half of the parking lot located at _____ ¼ of Section _____, City of Franklin, Town _____, North, Range _____ East in the Town of _____ in Milwaukee County, Wisconsin. This document is for a 10 year time frame, determination for renewal will occur in the ninth year, and includes the following exhibit.

Exhibit A: Parking Lot – provides 100 adequate parking spots on one half of the parking lot for residents to bring their dogs. The half begins at the furthest point of the parcel or 300 feet away from the building. Then moving toward the building to 150 feet or the half way point of the parking lot. The total dimensions of the parking lot are 300 feet long by 200 ft wide.

Through this document, the Owner hereby subjects the Property to the following covenants, conditions and restrictions:

1. The Owner shall be responsible for the routine and extraordinary maintenance and repair of the parking lot easement identified in Exhibit A.
2. The Owner will cost share with the City of Franklin for the maintenance expense of snow removal of the parking lot identified in Exhibit A, or the Owner will receive a financial benefit to have the City of Franklin plow the parking lot through their public works department described in Exhibit A.
3. Upon written notification the City of Franklin or their designee, the determined by the City of Franklin, have an inspection of the easement conducted by a qualified professional, file a report with the City of Franklin and complete any maintenance or repair work recommended in the report. The Owner shall be liable for the failure to undertake any maintenance repairs.
4. In addition, and independent of the requirements under paragraph 2 above, the City of Franklin may require work to be done which differs from the report described in paragraph 2 above, if the City of Franklin reasonably concludes that which such work is necessary and consistent with the intent of the easement. Upon notification by the City of Franklin of required

maintenance or repairs, the Owner shall complete the specified maintenance or repairs within a reasonable time frame determined by the City of Franklin.

5. If the Owner does not complete an inspection under 2 above or required maintenance or repairs under 3 above within the specified time period, the City of Franklin is authorized, but not required to perform the specified inspections' maintenance or repairs. In the case of an emergency situation as determined by the City of Franklin, no notice shall be required prior to the City of Franklin performing emergency maintenance or repairs. The City of Franklin may levy the costs and expenses of such inspections, maintenance or repair related actions as a special charge against the Property and collected as such in accordance with procedures under **s. 66.0627 Wisconsin State Stat chutes.** (Jesse can you check what law this would fall under for a parking lot easement or are all easements under this law?)
6. This easement shall run with the Property and be binding upon all heirs, successors and assigns. After the Owner records the easement noted above, it may be modified by a written instrument executed by the Owner and the City of Franklin.

Dated this _____ day of _____, 2020.

Owner:

Owner signature

Owner printed name

Marion Ecks

From: Shelley Tessmer <stessmer@wi.rr.com>
Sent: Thursday, December 3, 2020 1:30 PM
To: jcmusolf@gmail.com; Shari Hanneman; Michael Wrench; runte1@sbcglobal.net; jmcoenen7@gmail.com
Cc: Marion Ecks; Kristen Wilhelm
Subject: Photos of Dog Park in Carmel, IN

Hello Park Commissioners,

Here are photos of a dog park that inspired me. I spoke with a resident and learned he waited one year to receive his key fob to this park. Also he informed me this municipality does swab test the dogs that go to this park. There are three reasons for it, which are disease, bites and waste pick up. You are fined if you do not pick up after your dog. I love the outside fencing of the park. As for the inside fencing of the park, I suggest black chain link fencing verse the wood you see here.

I do like the shelter within this park, but the City of Franklin would need to own the property before raising funds to built it.

As you can see, there is a key fob for residents to enter the park.

They have garbage cans outside the park not inside the park. I would like your feedback on that.

I love the sign for the entrance of the park and suggest the color be blue with Franklin's new logo. They don't have sidewalks like we do the have larger asphalt paths everywhere for residents to safety walk to the park.

I took a photo of the rules of the park and have a few more to add with the research I have been doing.

Landscaping of bushes with the park were quite nice. Another suggestion would be to install a path way long the existing fence going to the entrance with this fencing on the outside of the path and bushes in front of the current fence.

I would appreciate any feedback as I am working on my business plan.

Thank you,

Shelley



In the future the additional parking lot could look like this with paver allowing rain water to go through them.



Water station for the dogs on each side. However, the EPA has a well restriction for another 7 to 10 years, even though the water quality has been tested and is good.



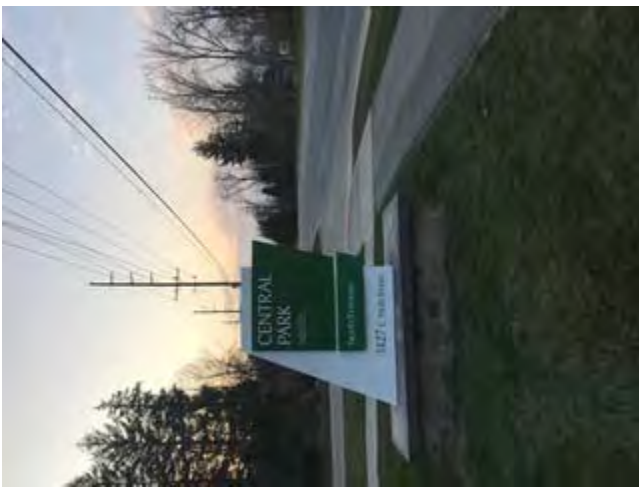
Key Fob for entering the park with a sign for open and closure.



Small dog park area with black mesh to prevent little dogs from going through the fence. May want another idea for this.



Path or sidewalk for safety of residents. Busy street with median in the middle.



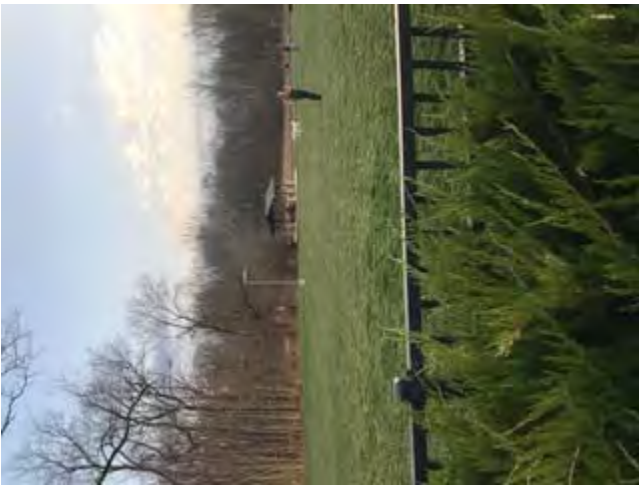
Park entrance sign, that can be blue with Franklin's new logo. There is space for it by the parking lot right off of the side street and drive way entrance.



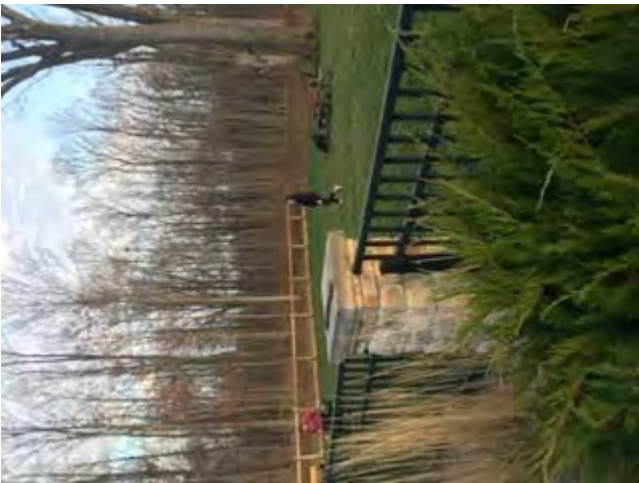
Sign with Map and rules of the dog park. One of the rules does not allow minors to be with their dog without an adult. The reason being is the community wants to avoid sending a fine to a residents home whose child did not pick up after their family dog. The community's solution is to make sure a responsible adult is with their child and family pet.



Trash cans were only outside the park. There were only bag stations at the park. In order to reduce plastic pollution I would like to offer resident a container that allows them to bring in Pick N Save, Walmart, Walgreens plastic. Bags as well as help reduce the cost of purchasing plastic bags for dog waste.



Shelter for park if the City Owns the property. It has lights and I did see some solar light panels.



Park is a bit smaller than 10 acres and has a wood fence with chain link. I suggest black chain link with poles. I am confirming if the grass is tractor cut with a contractor. You are able to cut 3 acres of grass with a tractor in one hour. This grass is about 6 inches long. A bit harder for dogs to rip out with their back feet. There were only two areas in this park.

One for large dogs and one for small dogs. There was not an area for dog training classes. As a revenue stream I suggest a 75 by 100 foot area to charge \$10 per hour for a puppy training class, dog birthday party.



Park bench for sitting in 4 areas.



Our park trash cans. But I would like to avoid the cost of large garbage bags and replace these with 32 gallon commercial rubber maid garbage cans with wheels so that there is no bag needed and the garbage truck can easily dump them. A garbage can coral would need to be installed to prevent them from being knocked over. I suggest using the nice black fencing with a gate for the cans. Of course your opinion matters of what you feel would best suit the community.



My thought was to use the bottom portion as the recycle bag portion. We could easily put the recycle symbol on the top with instructions.

Marion Ecks

From: Shelley Tessmer <stessmer@wi.rr.com>
Sent: Friday, December 4, 2020 12:52 PM
To: Jesse Wesolowski; jcmusolf@gmail.com; jmcoenen7@gmail.com; runte1@sbcglobal.net; Michael Wrench; Marion Ecks; Kristen Wilhelm
Subject: Fwd: Fadrowski site

Hello Jesse, Park Commissioners and Alderwoman Wilhelm,

Below is the information I received on this parcel of land from the approved contractor from the WI DNR.

Mitchell lists the restrictions on this parcel. It lists the liability of the parcel. Recreational use is listed as an option for this parcel, and I believe a dog park is the perfect recreational use for this large piece of land.

I look forward to our next meeting.

Shelley Tessmer

Begin forwarded message:

From: "Banach, Mitchell" <BanachM@AyresAssociates.com>
Subject: Fadrowski site
Date: December 3, 2020 at 12:27:15 PM CST
To: "stessmer@wi.rr.com" <stessmer@wi.rr.com>

Shelley,

Thank you for contacting me. I did some checking into continuing obligations and associated annual environmental monitoring costs for the Fadrowski site. Ayres has been involved at this site for about 30 years. There are separate administrative orders from both the USEPA and WI DNR that apply to the site and some of them are implemented through a restrictive covenant recorded at the register of deeds. I've summarized the key obligations and restrictions as they currently apply below.

It is possible to remove or alter some of them but that process and possibility varies depending on the particular restriction. A Long-Term Stewardship Plan with greater detail is in the works and will become public record but it has not yet been approved by the EPA.

- There shall be no consumptive or other use of groundwater underlying the property.
- There shall be no use of or activity at the property which may damage any remedial action component (the main components being a barrier cap and leachate collection system).
- There shall be no installation construction, or removal or use of any buildings, wells, pipes, roads, ditches or any other structures at the portion of the property covered by the landfill cap.
- There shall be no residential uses.
- Collection of landfill leachate must continue until the DNR approves stopping.
- Groundwater and leachate monitoring is required for 22 years since 2005 (7 years left to go) with annual reports submitted to the EPA and DNR. Specific monitoring requirements have already been greatly reduced with DNR approval.

As for monitoring costs, most years I would expect a budget around \$9,000 for monitoring and reporting pertaining to groundwater, leachate, and the condition of the controls (barrier cap, fencing, etc.). There may also be a five-year reporting component that requires some extra labor; the last one I saw in 2018 increased the usual annual budget by \$3,000 for that particular year. Those estimates are fairly

conservative and should get you in the ballpark. We usually provide those services on a time and materials basis and come in under budget at completion.

Ayres would be happy to provide a more detailed proposal for those services should the need arise. We could also assist with preparing requests to modify the land use restrictions or monitoring obligations. Feel free to contact me with further questions.



Mitchell Banach, PG | Geologist

Office: 715.834.3161 | **Direct:** 715.831.7659 | **Cell:** 262.818.8908

3433 Oakwood Hills Parkway | Eau Claire, WI 54701-7698

Ayres Associates Inc | www.AyresAssociates.com

Ingenuity, Integrity, and Intelligence.

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APR 04 2005

AYRES ASSOCIATES

BEFORE THE
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Alleged)
Disposal of Non-Exempt Solid Waste on) CONSENT ORDER NO. 2004-SEEE-167
Property Currently Owned by Menard, Inc.) FACILITY ID NO. 241376520
Located in the City of Franklin,)
Milwaukee County, WI)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND CONSENT ORDER

FINDINGS OF FACT

For the purposes of this Consent Order only, the following constitutes the Department of Natural Resources's summary of the facts upon which Consent Order No. 2004-SEEE-167 ("this Consent Order") is based. None of the facts related herein shall be considered to be admissions by any party.

1. The unapproved and unlicensed landfill referred to as the Fadrowski Drum Disposal Site ("FDDS") is located at 6865 South 27th Street in the City of Franklin, in the SE ¼, Section 1, T5N, R21E, Milwaukee County, Wisconsin ("the Site"), and has been owned by Menard Inc., 4777 Menard Avenue, Eau Claire, WI 54703-9625, since December 1982, when it purchased the property.
2. The Department of Natural Resources ("the Department" or "WDNR") alleges that hazardous substances were discharged to the environment from the non-exempt solid wastes that were landfilled on the FDDS from 1970 to 1982. Hazardous substance contamination was confirmed in the subsoil on the Site during the Remedial Investigation (RI) and Feasibility Study (FS) that were conducted between April 17, 1987 and May 22, 1991 by Warzyn Engineering Incorporated on behalf of INX International Ink Company (formerly ACME Ink Printing Company of Milwaukee, Wisconsin).
3. The FDDS, City of Franklin, County of Milwaukee, was listed on the Superfund National Priorities List on June 10, 1986.
4. The compounds of concern in the groundwater, surface soil, subsurface soil, surface-water, and sediment at the FDDS that were identified during the Remedial Investigation (RI), and were detected after the Record of Decision (ROD) was issued for the Site on June 10, 1991, are: (a) groundwater - cyanide, chromium, barium, benzene, mercury, iron, manganese and fluoride; (b) surface soil - polynuclear aromatic hydrocarbons (PAHs); (c) subsurface soil - toluene, ethylbenzene and xylenes and other volatile organic compounds (VOCs), PAHs, foundry sand and cyanide; and (d) surface water - cyanide, low levels of ethylbenzene, xylenes, and mercury (although upgradient and downgradient sampling indicated surface water quality was affected by urban runoff); and (e) sediment - acetone, total PAHs, semi-volatile organic compounds (SVOCs), aluminum, barium, beryllium, calcium, lead and magnesium.
5. On June 14, 1993, a declaration of restriction for the FDDS was recorded in the Register of Deeds' office for Milwaukee County. This deed restriction was a component of the remedy specified in the ROD and prohibits certain activities within the fill area on the Site unless prior written approval has been obtained from the U.S. EPA in consultation with the WDNR. These prohibitions include: (a) no consumptive or other use of the groundwater underlying the property; (b) no use of, or activity at, the property that may interfere with the work performed or to be performed under the Consent Decree for the FDDS that was lodged in the United States District Court for the Eastern District of Wisconsin in October, 2000, or any activity which may damage

any RA component contracted for or installed pursuant to the Consent Decree or otherwise impair the effectiveness of any work to be performed pursuant to the Consent Decree; (c) no installation, construction, removal or use of any buildings, wells, pipes, roads, ditches or any other structures on the portion of the property covered by the landfill cap except as approved by the U.S. EPA as consistent with the Consent Decree and Scope of Work ("SOW"); and (d) no residential use of the property.

6. On July 24, 2001, a partial release of the declaration of restriction for the FDDS was signed by EPA, after EPA had determined, based on 11 quarters of monitoring, that no Site-related contaminants had migrated beyond the landfill waste boundary. The partial release involved removing Areas A, B and C from the original restricted Areas (Areas A, B, C and D) so as to encourage redevelopment of the released areas within the vicinity of the FDDS.
7. A reduction in groundwater and leachate monitoring frequency from quarterly to semi-annually was approved in November 2000 by the U.S. EPA in consultation with WDNR after a review of the Two-Year Statistical Groundwater Monitoring Report. Surface water and sediment sampling of the unnamed stream on the FDDS was eliminated in 2000 due to the inability to detect site-related contaminant over a two-year period. The analysis of SVOCs, pesticides and polychlorinated biphenyls (PCBs) was also no longer required.
8. A review of the protectiveness of the remedy that was selected for the FDDS in the ROD is required by the National Contingency Plan because hazardous substances, pollutants and contaminants remain on the Site above levels that allow for unlimited use and unrestricted exposure. This review is required at least once every five years after the start of the Remedial Action (RA), which began on September 7, 1993.
9. PAL and ES exemptions for fluoride, iron and manganese were granted, and Wisconsin Alternative Concentration Limits (WACLs) were approved, under sections NR 140.28 and NR 507.29, by WDNR on July 29, 2003 for the following FDDS groundwater monitoring wells: MW 8CO and MW 9S for fluoride, MW 6COR, MW 6S and MW 7S for iron, MW 6COR, MW 6S, MW 8CO, MW 8D and MW 9S for manganese.
10. In the Second Five-Year Review Report, dated September 2003, U.S. EPA found that, with the establishment of WACLs for iron, manganese and fluoride, the FDDS has been brought into full compliance with the groundwater quality standards in ch. 140, Wis. Adm. Code. U.S. EPA also concluded that the remedy for the FDDS has been executed in accordance with the requirements of the ROD and is protective of human health and the environment in both the short and long term, and the Site poses no risks to the community or environment and meets the technical requirements for deletion from the National Priorities List.
11. In a letter to the Department, dated August 10, 2004, U.S. EPA, Region 5 has agreed that the Department may consider reducing the frequency of groundwater and leachate monitoring at the FDDS from semi-annual to annual monitoring as part of this Consent Order.

CONCLUSIONS OF LAW

It is the Department's position that:

1. Volatile organic compounds, polynuclear aromatic hydrocarbons and the other compounds of concern that have been detected at the Site are "hazardous substances" as defined in s. 292.02 (5), Stats.
2. Menard Inc., as owner of the Site, is in possession and control of hazardous substances that have discharged to the environment and is therefore required, under s. 292.11(3), Stats., to take the

actions necessary to restore the environment to the extent practicable and minimize the harmful effects from the discharge to the air, land or waters of the state.

3. Under s. 292.11(7)(c), Stats., the Department has the authority to issue Special Orders to the person possessing or controlling a hazardous substance that is discharged to fulfill the duty imposed by s. 292.11(3), Stats., and chs. NR 700 to 726, Wis. Adm. Code.
4. This Consent Order is necessary to accomplish the purposes of s. 292.11, Stats., and chs NR 700 to 726, Wis. Adm. Code, and is enforceable through prosecution by the Attorney General under ss. 299.95 and 299.97, Stats., and ch. NR 728, Wis. Adm. Code.

CONSENT ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Department of Natural Resources therefore orders, and Menard, Inc. agrees, that Menard, Inc. shall do the following:

1. For twenty-two (22) years after the effective date of this Consent Order, or until such time as the Department determines that the following groundwater monitoring or leachate monitoring requirements may be modified or terminated, whichever comes first, Menard, Inc. shall collect and analyze samples from the listed groundwater monitoring wells and other sampling locations as specified in Table 1 and paragraphs 1 (a) to 1 (b) of this Consent Order.

TABLE 1

Monitoring Point	DNR Unique Well # (for GEMS)	Field pH/Temp Color Odor Turbidity	Field Conductivity Alkalinity Hardness COD	Groundwater Elevation Top of casing Depth to Water	VOC Scan (Method 8260 B)	Fluoride Chloride	Iron and Manganese	Metals/ Filtered and Cyanide/ Unfiltered
MW-6COR	L0966 110	A	A	A	A	A	A	May of 2005 & 2007 & in May of every 5 years thereafter
MW-6S	L0967 111	A	A	A	A	A	A	May of 2005 & 2007 & in May of every 5 years thereafter
MW-6D	L0968 112	A	A	A	A	A	A	May of 2005 & 2007 & in May of every 5 years thereafter
MW-7CO	L0969 113	A	A	A	A	A	A	May of 2005 & 2007 & in May of every 5

								years thereafter
MW-7S	L0970 114	A	A	A	A	A	A	May of 2005 & 2007 & in May of every 5 years thereafter
MW-8CO	L0971 115	A	A	A	A	A	A	May of 2005 & 2007 & in May of every 5 years thereafter
MW-8D	L0972 116	A	A	A	A	A	A	May of 2005 & 2007 & in May of every 5 years thereafter
MW-9S	L0973 117	A	A	A	A	A	A	May of 2005 & 2007 & in May of every 5 years thereafter
MW-9D	L0974 118	A	A	A	A	A	A	May of 2005 & 2007 & in May of every 5 years thereafter
LEACHATE	NA 119	A	A	A (Head/Flow Meter)	A	A	A	May of 2005 & 2007 & in May of every 5 years thereafter
SW-UP	NA 120	None	None	None	None	None	None	None
SW-DOWN	NA 121	None	None	None	None	None	None	None

- a. Menard, Inc. shall conduct annual monitoring for the parameters designated in Table 1 by the letter A in May of each year, and metals/filtered and cyanide/unfiltered sampling as indicated in the last column of Table 1, unless the Department requires, or approves of, changes to these monitoring requirements. The Department may require more frequent

monitoring and analysis for additional parameters if the Department determines, based on the results of the groundwater monitoring required in paragraph 1 or other relevant information, that contaminant concentrations appear to be increasing at the FDDS.

- b. The semi-annual monitoring for the parameters designated in Table 1 by the word None that was previously conducted shall be discontinued for now. However, if the Department notifies Menard, Inc. that an adverse impact to aquatic life in the surface waters downstream of the FDDS has been documented, Menard, Inc. shall be given the opportunity to conduct an investigation as to the possible source of contaminants prior to being required to conduct quarterly or semi-annual monitoring of these points for the parameters designated in Table 1 and prior to being required to conduct quarterly or semi-annual monitoring of these points for SVOCs, pesticides, and PCBs if the Department determines that such monitoring is needed.
2. If the Department determines, based on the results of the groundwater monitoring required in paragraph 1 or other relevant information, that contaminants are migrating from the FDDS to off-site areas, the Department shall notify Menard, Inc. of the information that leads the Department to believe that off-site migration has occurred and allow Menard, Inc. an opportunity to review the information and conduct an investigation if they so choose. If the Department determines, based on the results of the investigation, that private well sampling is warranted, Menard, Inc. shall sample the private drinking water wells that are located more than 1200 feet and less than one-half mile, down-gradient of the boundaries of the Site until such time as a public water supply system is extended to this area or until the Department determines that the monitoring of private drinking water wells is no longer required. These samples shall be analyzed for VOCs and metals. Prior to the sampling, the Department shall provide Menard, Inc. with the location and contact information for each private well to be sampled. Menard, Inc. shall be responsible for obtaining written authorization from the property owners allowing access to collect water samples from the private drinking water wells on their property, and Menard, Inc. shall document the attempts to obtain permission. If no written authorization can be obtained after making reasonable attempts to contact the resident, Menard, Inc. shall not be required to sample the private well unless written authorization is obtained. The Department will provide a transmittal letter summarizing the results of the sampling to the owners of the private drinking water wells after Menard, Inc. submits the results of the sampling analysis to the Department.
3. Menard, Inc. shall send the samples that are required to be collected under paragraphs 1 and 2 for analysis to a state certified or registered laboratory that is in compliance with the requirements of ch. NR 149, Wis. Adm. Code.
4. All VOC samples collected at groundwater monitoring wells listed in Table 1 shall be analyzed using U. S. EPA Solid Waste Method 8260B. This method is described in U.S. EPA Document SW-846 "Test Methods for Evaluating Solid Waste," third edition, November 1986, including more recent updates.
5. All VOC samples collected from private drinking water wells, if any, shall be analyzed using U. S. EPA Method 524.2.
6. Menard, Inc. shall report groundwater monitoring data to the Department on an annual basis. These results shall be submitted to the Department in the form of a report and electronically on a 3.5" or 5.25" diskette using a format acceptable to the Department for the Groundwater Environmental Monitoring System (GEMS). The electronic data on a 3.5/5.25" diskette or whatever disk format is acceptable by the Department shall be sent directly to the responsible GEMS staff at the WDNR Central Office, with a copy to the WDNR Regional contact responsible for reviewing the data from the FDDS. This data shall be submitted to the Department within 60 days after the end of the sampling period as required in s. NR 507.26, Wis. Adm. Code.

7. Menard, Inc. shall maintain the cover that has been placed over the consolidated wastes at the FDDS, maintain the leachate collection system, the site access road and, except as provided in paragraph 8, the fencing on the property, and conduct the required environmental monitoring program in compliance with the requirements of the *Operation and Maintenance Plan, Fadrowski Drum Disposal Site, Franklin, Wisconsin*, prepared by Ayres Associates for the Fadrowski Drum Disposal Site Trust, Eau Claire, Wisconsin, September 1995 (as revised in November 1995). Menard, Inc. shall place and maintain no trespassing signs every 200 feet on the chain-linked fence on the fenced portion of the Site.
8. If the Department approves of the installation of pavement, the construction of a building on a concrete slab, or other construction on the portion of the Site where waste remains, through the issuance of an exemption to s. NR 506.085, Wis. Adm. Code, Menard, Inc. and any subsequent property owners will not be required to maintain a fence or no trespassing signs on the developed portion of the Site. However, Menard, Inc. shall install fencing, and provide for maintenance of the fencing, around any undeveloped portions of the Site to restrict public access in order to protect the cover over the consolidated wastes at the Site and to protect public health and safety. Additionally, the Department will cooperate with Menard, Inc. and potential site developers in reviewing site plans to facilitate the redevelopment of the Site. The Department is willing to enter into a new Consent Order with a prospective purchaser or developer on the same terms as in this Consent Order or such other terms as agreed to by the Department consistent with an approved redevelopment plan for the site, if the prospective purchaser or developer is willing to sign such an order. Upon execution of a new consent order, this order shall be terminated.
9. Menard, Inc. shall not permit well installation or operation on the FDDS unless the well installation or operation receives prior approval from the Department.
10. Menard, Inc shall submit to the Department and to U.S. EPA, Region 5 documentation of the sampling required under this Consent Order in accordance with the requirements of s. NR 507.26. The documentation shall include field sampling records, analytical results, and all other environmental monitoring results. Additionally, Menard, Inc. shall continue to submit annual site inspection reports verifying the condition of the cap and site conditions. These reports shall continue to be submitted until the Department determines that no further reports are required or until case closure is obtained.
11. If Menard, Inc. proposes to cease operation of the leachate collection system on the Site, and seek case closure, Menard, Inc. shall submit to the Department a proposed monitoring plan that will be implemented once the leachate collection is stopped in order to determine if leachate collection is no longer necessary. Menard, Inc. shall continue to operate the leachate collection system until the proposed monitoring plan is approved by the Department, and shall restart the leachate collection system if the Department determines, at the conclusion of the approved monitoring, that continued operation of the leachate collection system is required.
12. The Department shall cooperate with Menard, Inc. in seeking termination of the April 1993 Unilateral Administrative Order (UAO) from U.S. EPA.

RIGHT TO AMEND OR REPLACE

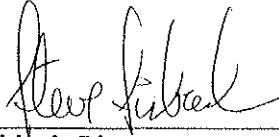
The Department reserves the right to amend or replace this Consent Order by the issuance of another administrative order if such action is necessary for the protection of public health, safety or welfare.

Dated at Madison, Wisconsin, this 28 day of March, 2005.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

For the Secretary

By:

 3-28-05

Steven Sisbach, Director
Enforcement, Investigations & Emergency Management
Bureau of Law Enforcement

WAIVER

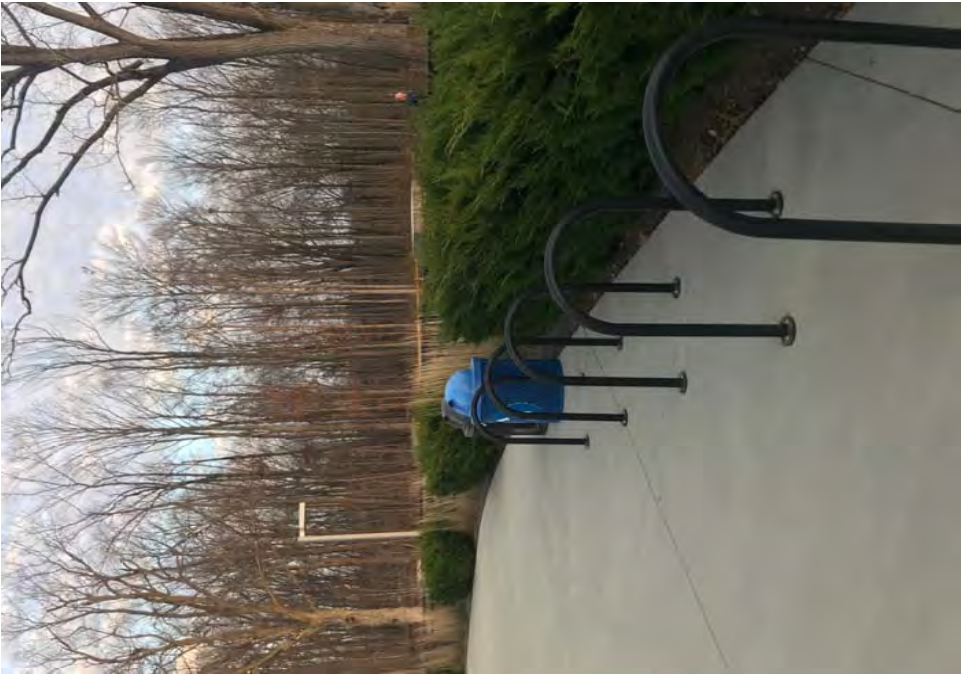
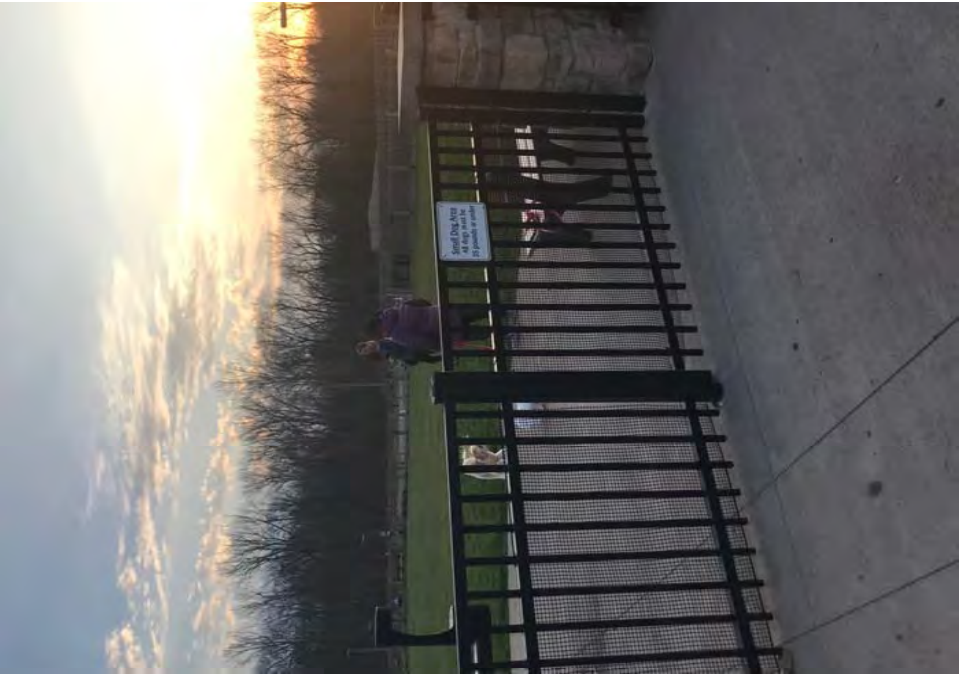
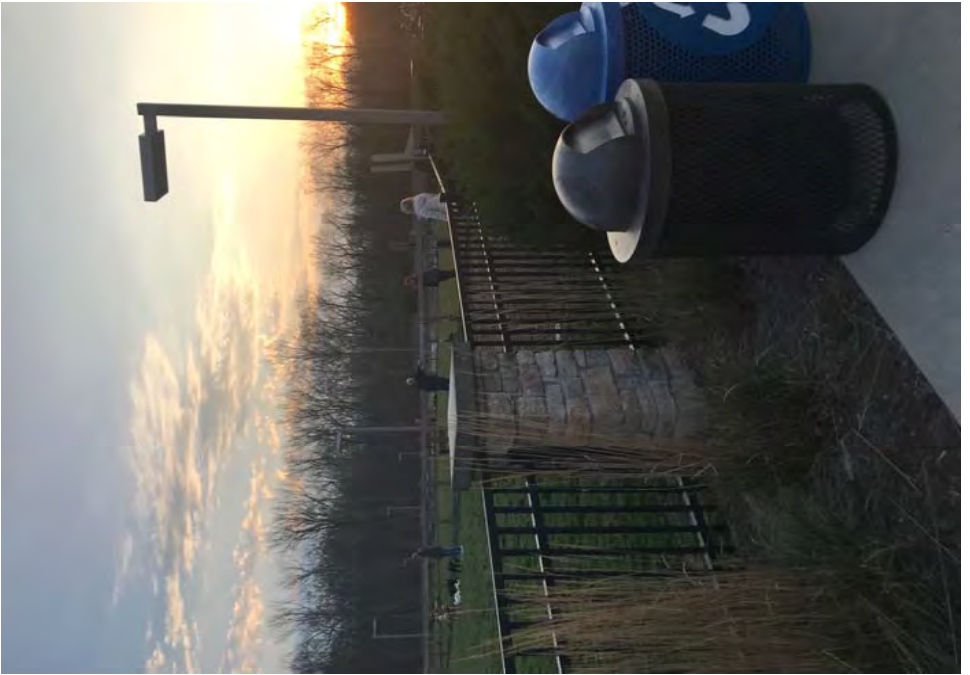
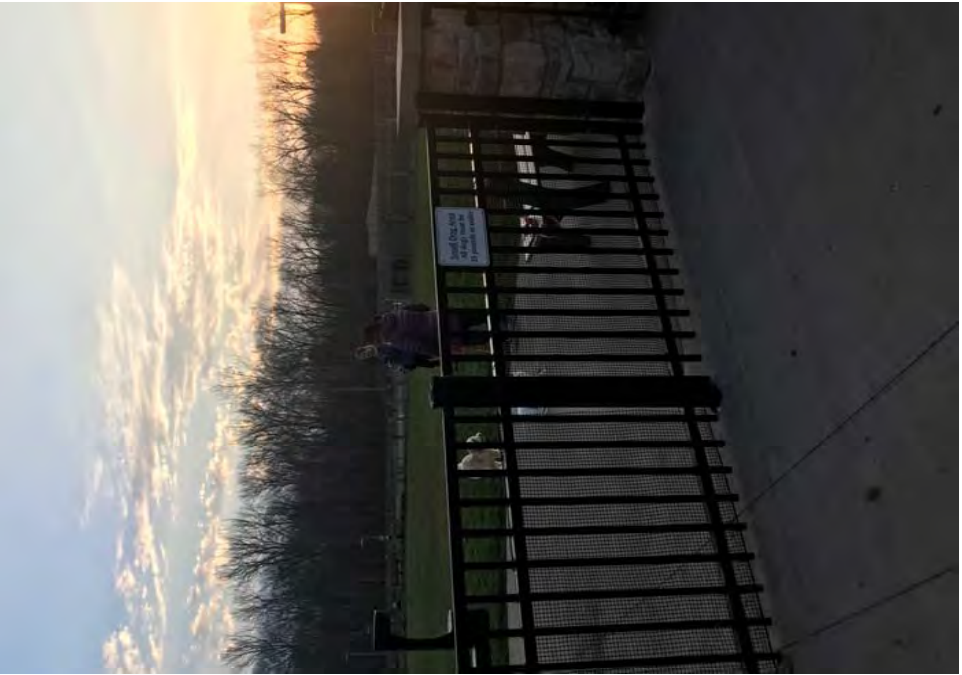
Menard, Inc. hereby waives further notice and its statutory right to demand a hearing regarding the foregoing Findings of Fact, Conclusions of Law and Consent Order and waives any right to challenge this Consent Order in court. This waiver does not apply to any other orders or decisions of the Department issued after the effective date of this Consent Order. Menard, Inc. further Stipulates and agrees that this Consent Order is effective and enforceable under ss. 299.95 and 299.97, Stats., on the date that it is signed by the Department.

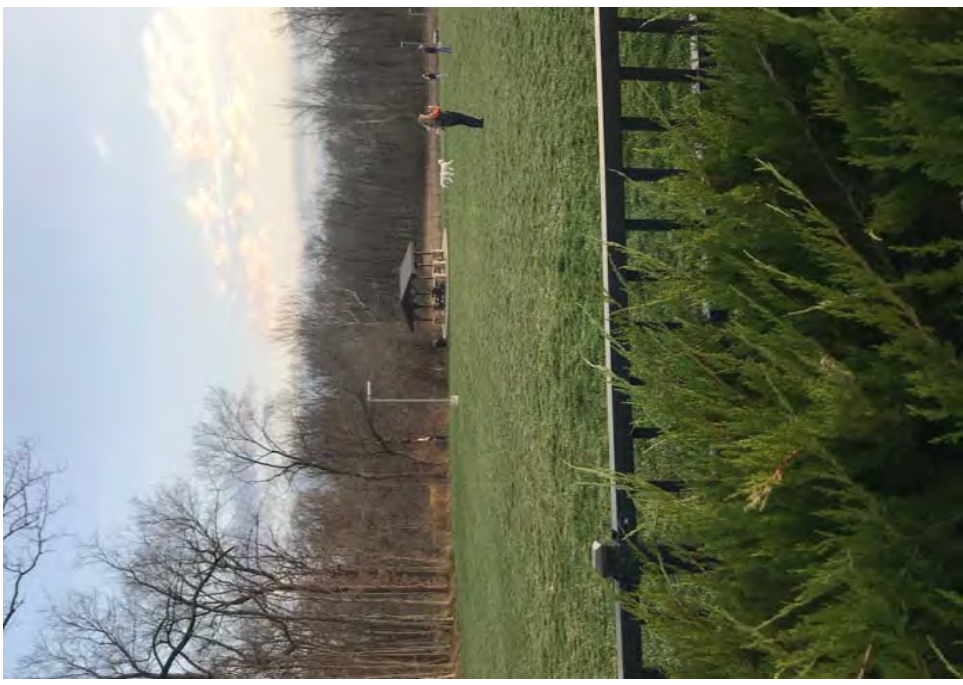
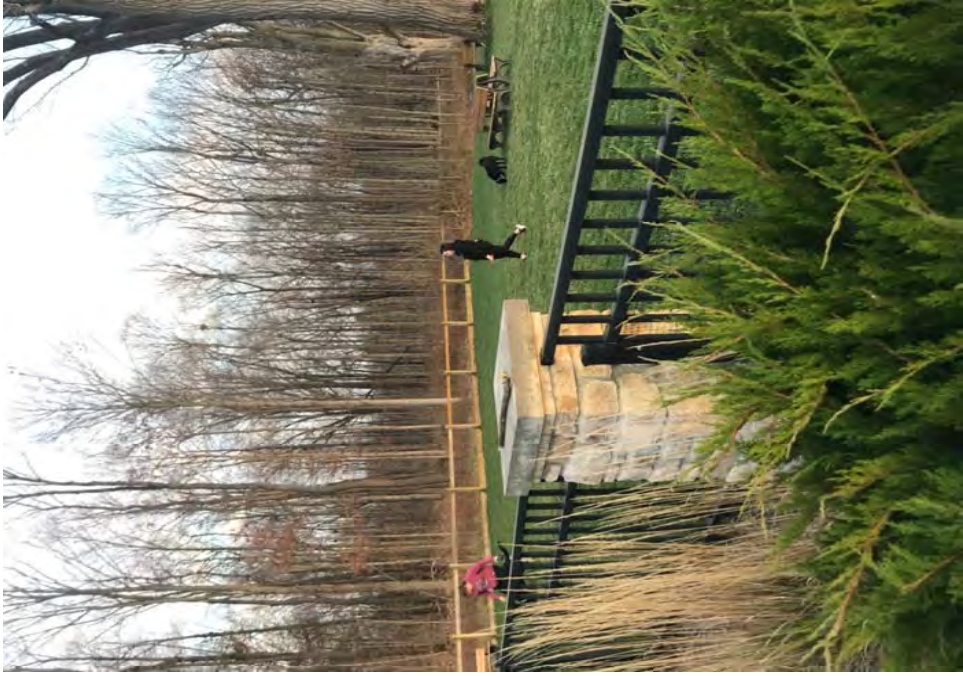
MENARD, INC.

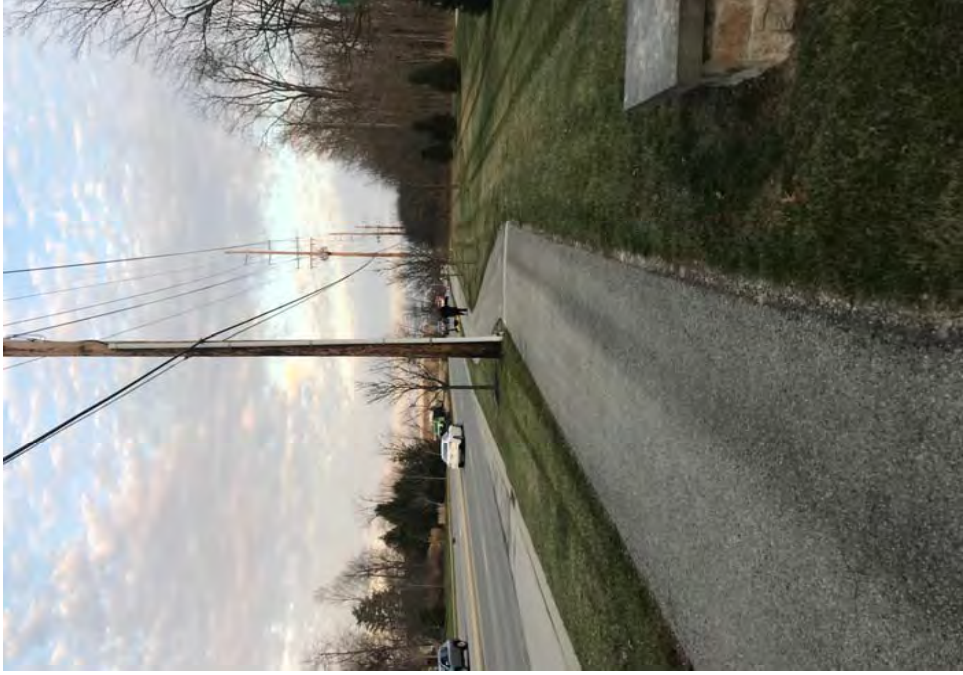
By: Maru Prochaska
Printed Name:
Title: Vice Pres

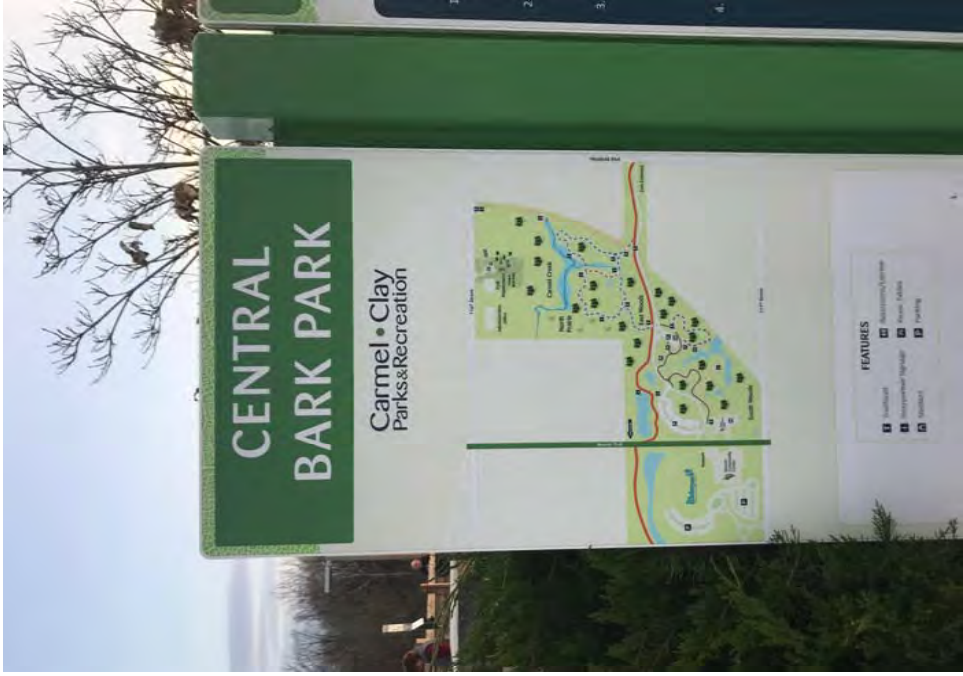
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Date

























2021 Newsletter Dates and Deadlines

2021 Newsletters	Deadline Date for Articles	Approximate Delivery Date
Newsletter 1	Friday, January 15th	Week of Feb. 15th
Newsletter 2	Friday, April 16th	Week of May 17th
Newsletter 3	Friday, June 18th	Week of July 19th
Newsletter 4	Friday, August 20th	Week of Sept. 20th
Newsletter 5	Friday, October 22nd	Week of Nov. 29th

96.0000

PAVILION

Pavilion rental is available for groups up to 49 people by visiting the City of Franklin City Clerk's office to apply for permit.

Phone: 414-425-7500 Website: www.Franklinwi.gov

-Groups who have a Permit have priority of entire pavilion for usage.

Please clean up after yourself by disposing of litter and garbage in the proper receptacles.

PLEASE NO silly string, confetti, paint, chalk, glitter, water balloons

Please return picnic tables to original position

Charcoal grills and ground fires are not allowed. Gas grills are allowed for food preparation with a permit.

To report any problems on the day of your reservation, please call City of Franklin Police Department 414-425-2522.

Violation of park pavilion rules and a violation of local and/or state laws can result in a fine, imprisonment or both. The City of Franklin Mayor's Playground Ambassadors and/or City of Franklin Police Department (414-425-2522) will implement enforcement of park rules and regulations.

Promote Parks Positively!

Thank you for your participation and cooperation!

48.0000

REMOVE

Pleasant View?

Market Square (anywhere see the word "Pavilion", replace with "Gazebo")

Lions Legend I (Lions Pavilion) and II (Vernon Barg Pavilion)
Ken Windl Pavilion

Charcoal grills and ground fires are not allowed. Gas grills are allowed for food preparation with a permit.

Charcoal grills (where available) and self-provided gas grills are allowed for food preparation with a permit. Ground fires are not allowed.