

The YouTube channel “City of Franklin WI” will be live streaming the Common Council meeting so that the public will be able to view and listen to the meeting.
<https://www.youtube.com/c/CityofFranklinWIGov>

CITY OF FRANKLIN
COMMON COUNCIL MEETING*
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA**
TUESDAY, AUGUST 3, 2021 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Approval of Minutes of the Regular Common Council Meeting of July 20, 2021.
- D. Hearings.
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
 - 1. A Resolution Conditionally Approving a 2 Lot Certified Survey Map, Being a Redivision of Lot 2 of Certified Survey Map No. 8546 Being a Redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No. 1 and Being Part of the Southwest Quarter (SW 1/4) and Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 26, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (MLG Development, Inc.) (Generally East of the Intersection of West Oakwood Park Drive and South 52nd Street in the City of Franklin Business Park).
 - 2. Concept Review for a Single-Family Residential Subdivision with 115 Lots to be Located West of the Franklin Savanna Natural Area (Properties Bearing Tax Key Numbers 892-9999-002, 937-9999-004 and 938-9999-011) (Approximate Area of West Meadowview Drive and South 112th Street) (Bear Development, LLC, Applicant).
 - 3. Concept Review for a Single-Family Residential Subdivision with 87 Lots to be Located at 9732 West Ryan Road (Neumann Developments, Inc., Applicant).
 - 4. Concept Review for a Single-Family Residential Subdivision with 183 Lots to be Located at 12200 West Ryan Road (Neumann Developments, Inc., Applicant).
 - 5. Report on Vandewalle & Associates, Inc. Support for Parkland Acquisition Services.
 - 6. An Ordinance to Amend Municipal Code Chapter 210 Signs, to Provide Interim Amendments for Changeover of Administration.
 - 7. Consideration of an Electronic Meeting Recording Policy.
 - 8. Consideration of a Resolution Adopting the City of Franklin Code of Conduct for Elected and Appointed Officials and the Rules of the Common Council.

Common Council Meeting Agenda

August 3, 2021

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- 9. A Resolution Engaging Milliman, Inc. to Perform Actuarial Study on the City of Franklin Other Post Employment Benefit Plan for 2021 and 2022.
- 10. A Resolution to Amend the City of Franklin Investment Policy Statement – Reserve and Liquidity Investments.
- 11. June 2021 Monthly Financial Report.
- 12. *Orville Seymer v. City of Franklin*, Milwaukee County Circuit Court, Case No. 2020CV003506. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

H. Licenses and Permits.

Miscellaneous Licenses - License Committee Meeting of August 3, 2021.

I. Bills.

Request for Approval of Vouchers and Payroll.

J. Adjournment.

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

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

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

REMINDERS:

August 5	Plan Commission Meeting	7:00 p.m.
August 16	Committee of the Whole	6:30 p.m.
August 17	Common Council Meeting	6:30 p.m.
August 19	Plan Commission Meeting	7:00 p.m.
August 25	Special Common Council Meeting	6:30 p.m.
September 6	City Hall Closed for Labor Day	
September 7	Common Council Meeting	6:30 p.m.
September 9	Plan Commission Meeting	7:00 p.m.

CITY OF FRANKLIN
COMMON COUNCIL MEETING
JULY 20, 2021
MINUTES

- | | | |
|--|------|---|
| ROLL CALL | A. | The regular meeting of the Common Council was held on July 20, 2021 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, Alderwoman Shari Hanneman, Alderman Mike Barber and Alderman John R. Nelson. Also present 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 6:30 p.m. and closed at 6:43 p.m. |
| MINUTES
JULY 6, 2021 | C. | Alderman Barber moved to approve the minutes of the regular Common Council Meeting of July 6, 2021 as presented at this meeting. Seconded by Alderman Dandrea. All voted Aye; motion carried. |
| CONSENT AGENDA | G.1. | Alderwoman Hanneman moved to approve the following Consent Agenda items: |
| RES. 2021-7750
GRAEF-USA
REDUCTION \$15,000
S. 116TH TRAIL | (a) | Adopt Resolution No. 2021-7750, A RESOLUTION TO EXECUTE CHANGE ORDER NO. 1 TO GRAEF-USA, INC FOR A REDUCTION OF \$15,000 AS PART OF THE S. 116TH STREET TRAIL PROJECT; |
| RES. 2021-7751
LYNCH & ASSOC.
REDUCTION \$58,000
2020 MARQUETTE
AVE. | (b) | Adopt Resolution No. 2021-7751, A RESOLUTION TO EXECUTE CHANGE ORDER NO. 1 TO LYNCH & ASSOCIATES, ENGINEERING CONSULTANTS, LLC FOR A REDUCTION OF \$58,000 AS PART OF THE 2020 MARQUETTE AVENUE ROAD PROJECT; |
| ORD. 2021-2470
PUBLIC AND
PRIVATE
OWNERSHIP OF
WATER/SEWER | (c) | Adopt Ordinance No. 2021-2470, AN ORDINANCE TO AMEND THE MUNICIPAL CODE TO PROVIDE FOR DEFINED PUBLIC AND PRIVATE PROPERTY OWNERS' OWNERSHIP DISTINCTION OF PUBLIC WATER AND SEWER SERVICES UTILITIES INFRASTRUCTURE; |
| CDBG
PROGRAM | (d) | Authorization for the Director of Administration to submit Letters of Support for the Eras Senior Network, Inc. Faith in Action Milwaukee County Program for \$5,000 and Oak Creek |

Salvation Army-Homelessness Program for \$3,000; and to submit a project application for a Franklin Home Repair Grant Program that would be administered directly through Milwaukee County, for the remaining portion of the City's Community Development Block Grant Program annual allocation by the deadline of August 25, 2021; and

DONATIONS MAY
AND JUNE 2021

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

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

ORD. 2021-2471
UNIFORM
CONTROLLED
SUBSTANCE ACT

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

ORD. 2021-2472
POLICE VIDEO
RECORDING
SYSTEM

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

ADDITIONAL
STORAGE FOR IN-
SQUAD VIDEO
SYSTEM

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

FIRE DEPT.
WIRELESS DATA
ASSISTANT
LICENSES

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

RES. 2021-7752
PEDESTRIAN
ACCESS W. FOREST
HOME ROAD

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

- RECONDITIONING PROJECT (MCDOT) ROAD RECONDITIONING PROJECT. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RES. 2021-7753 G.10. Alderman Nelson moved to adopt Resolution No. 2021-7753, A GRAEF-USA INC. TO DESIGN A PORTION OF RYAN CREEK TRAIL THROUGH THE RYAN MEADOWS SUBDIVISION (WEST CHICORY STREET TO SOUTH 112TH STREET) FOR \$50,000 and authorize this trail project to be publicly bid in 2021. Seconded by Alderman Barber. All voted Aye; motion carried.
- PROCEDURE FOR FILLING FIRST ALDERMANIC VACANCY G.7. Alderwoman Wilhelm moved to accept letters from residents interested in filling the First District Aldermanic position created by the resignation of Alderman Dandrea (effective July 21, 2021), and that the deadline for filling letters of intent with the Director of Clerk Services/City Clerk be 5:00 p.m. on August 19, 2021, with interested residents listed for presentations at the Common Council meeting of August 25, 2021 at 6:30 p.m. Seconded by Alderman Barber. On roll call, Alderman Nelson, Alderman Barber, Alderwoman Wilhelm, and Alderman Mayer voted Aye; Alderwoman Hanneman voted No; and Alderman Dandrea Abstained. Motion carried.
- RES. 2021-7754 G.8. Alderman Nelson moved to adopt Resolution No. 2021-7754, A 2 LOT CSM CERTIFIED SURVEY MAP, BEING A PART OF THE 12000 W. LOOMIS RD. AND 12204 W. LOOMIS RD. SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT (BOOMTOWN, LLC, PROPERTY OWNER)) (AT 12000 WEST LOOMIS ROAD AND 12204 WEST LOOMIS ROAD). Seconded by Alderman Dandrea. All voted Aye; motion carried.
- RES. 2021-7755 G.9. Alderman Nelson moved to adopt Resolution No. 2021-7755, A REIMBURSE VEIT & CO. INC. AND STARK PAVEMENT FOR PORTION OF RYAN CREEK TRAIL IN THE RYAN MEADOWS SUBDIVISION FOR \$69,662.50. Seconded by Alderman Mayer. All voted Aye; motion carried.
- ORD. 2021-2473 G.11. Alderman Mayer moved to adopt Ordinance No. 2021-2473, AN PARKING ORDINANCE TO AMEND THE MUNICIPAL CODE SECTION

RESTRICTIONS
HAWTHORNE
SUBDIVISION

245-5. D. (4) DESIGNATING PARKING RESTRICTIONS IN AND AROUND THE HAWTHORNE SUBDIVISION INCLUDING PORTIONS OF W. HAWTHORNE LANE, W. HAWTHORNE COURT, W. MEADOW LANE, S. 90TH STREET, S. 92ND STREET, AND W. RAWSON AVENUE. Seconded by Alderman Barber. All voted Aye. Motion carried.

STAIRS AT 7044 S.
BALLPARK DR.

G.12. Alderman Nelson moved to direct Staff to provide stairs and associated appurtenances at 7044 S. Ballpark Drive for a budget of \$3,500. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

RES. 2021-7756
W. RYAN RD./
S. 76TH ST. AREA
MASTER SEWER
PLANNING

G.13. Alderman Nelson moved to adopt Resolution No. 2021-7756, A RESOLUTION TO AUTHORIZE FOTH INFRASTRUCTURE & ENVIRONMENT, LLC TO PERFORM A W. RYAN ROAD / S. 76TH STREET AREA MASTER SEWER PLANNING FOR \$14,700 subject to technical and minor corrections by City Engineer Morrow and City Attorney. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

RES. 2021-
CODE OF CONDUCT
FOR ELECTED AND
APPOINTED
OFFICIALS

G.14. Alderman Mayer moved to table to the September 7, 2021 Common Council meeting, A Resolution Adopting the City of Franklin Code of Conduct for Elected and Appointed Officials and the Rules of the Common Council. Seconded by Alderman Nelson. All voted Aye; motion carried.

ORD. 2021-2474
AMEND THE 2021
ANNUAL BUDGET

G.15. Alderwoman Hanneman moved to adopt Ordinance No. 2021-2474, AN ORDINANCE TO AMEND ORDINANCE NO. 2020-2453, AN ORDINANCE ADOPTING THE 2021 ANNUAL BUDGETS FOR THE CAPITAL IMPROVEMENT AND DEVELOPMENT FUNDS TO PROVIDE \$144,400 ADDITIONAL RECREATION FACILITIES APPROPRIATIONS AND TRANSFERS OF RELATED PARK IMPACT FEES AND \$6,500 OF MARQUETTE AVENUE ROAD PROJECT COSTS. Seconded by Alderman Nelson. On roll call. All voted Aye. Motion carried.

LICENSES AND
PERMITS

H. Alderman Nelson moved to approve the following:

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

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

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

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

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

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

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

VOUCHERS AND
PAYROLL

I. Alderman Barber moved to approve the following:

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

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

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

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

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

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

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

SIGMA GROUP, INC.

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

PARKLAND
ACQUISITION

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

ADJOURNMENT

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

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Skw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/03/21</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 8546 BEING A REDIVISION OF OUTLOT 1, BLOCK 11 OF THE PLAT OF FRANKLIN BUSINESS PARK ADDITION NO. 1 AND BEING PART OF THE SOUTHWEST QUARTER (SW 1/4) AND SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 26, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN</p> <p style="text-align: center;">(MLG DEVELOPMENT, INC.)</p> <p style="text-align: center;">(GENERALLY EAST OF THE INTERSECTION OF WEST OAKWOOD PARK DRIVE AND SOUTH 52ND STREET IN THE CITY OF FRANKLIN BUSINESS PARK)</p>	<p>ITEM NUMBER</p> <p style="text-align: center;">G.1.</p>

At its July 22, 2021, regular meeting, the Plan Commission carried a motion to recommend conditional approval of this Certified Survey Map (CSM). The vote was 4-0-2, four affirmative votes and two absents.

On July 27, the Community Development Authority (CDA) carried a motion *to recommend approval of the certified survey map application of MLG Development, Inc., for the property generally located east of the intersection of West Oakwood Park Drive and South 52nd Street in the City of Franklin Business Park, with changes to the resolution as recommended by the Principal Planner to remove Condition No 6 as the U S Army Corps determination has been provided, and to change currently numbered Condition Nos 7 and 8 to provide for recording of those easements prior to the approval of a site plan for the property, and to provide for the changes to the resolution and the Certified Survey Map as presented by MLG representative J Bukovich, including the changes proposed by the Principal Planner, the recording processes of the Map and the easements, and to note the Map with regard to the wetland jurisdiction and regulation requirements* The attached draft resolution dated July 28, 2021, includes the changes recommended by the CDA.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution 2021-_____, conditionally approving a 2 lot certified survey map, being a redivision of lot 2 of certified survey map no. 8546 being a redivision of outlot 1, block 11 of the plat of Franklin Business Park Addition no. 1 and being part of the Southwest quarter (SW 1/4) and Southeast quarter (SE 1/4) of the Southeast quarter (SE 1/4) of Section 26, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

RESOLUTION NO. 2021-_____

A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A REDIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 8546 BEING A REDIVISION OF OUTLOT 1, BLOCK 11 OF THE PLAT OF FRANKLIN BUSINESS PARK ADDITION NO. 1 AND BEING PART OF THE SOUTHWEST QUARTER (SW 1/4) AND SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 26, TOWN 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

(MLG DEVELOPMENT, INC.)

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

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being a redivision of Lot 2 of Certified Survey Map No. 8546 being a redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No. 1 and being part of the Southwest Quarter (SW 1/4) and Southeast Quarter (SE 1/4) of the Southeast Quarter (SE 1/4) of Section 26, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the property generally located east of the intersection of West Oakwood Park Drive and South 52nd Street in the City of Franklin Business Park (Planned Development District No. 18), bearing Tax Key No. 930-1004-000, MLG Development, Inc., applicant; said certified survey map having been reviewed by the City Plan Commission and the Community Development Authority and the Plan Commission and the Community Development Authority having recommended approval thereof pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission and Community Development Authority recommendation and the Common Council having determined that such proposed certified survey map is appropriate for approval pursuant to law upon certain conditions.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Certified Survey Map submitted by MLG Development, Inc., as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant, prior to recording.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9 of the Municipal

Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.

3. Each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument, in such form as provided within the *City of Franklin Design Standards and Construction Specifications* and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement, and all being subject to the approval of the Common Council, prior to the recording of the Certified Survey Map.
4. MLG Development, Inc., successors and assigns and any developer of the 2 lot certified survey map 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 2 lot certified survey map 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.
5. The approval granted hereunder is conditional upon MLG Development, Inc., and the 2 lot certified survey map project for the property generally located east of the intersection of West Oakwood Park Drive and South 52nd Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
6. The Conservation Easement is subject to review by City staff, and approval by the Common Council, this easement must be recorded with the Milwaukee County Register of Deeds Office prior to any Site Plan approval for lots 1 or 2.
7. The applicant must submit a landscape bufferyard easement for City staff review, Common Council approval, and recording with the Milwaukee County Register of Deeds Office prior to any Site Plan approval for lots 1 or 2.
8. The applicant must revise the second note in sheet 2 of the Certified Survey Map, “COA” should be replaced with “CDA”; the applicant may add a note to the face of the Certified Survey Map stating: “Wetlands W-1, W-2, W-3 and W-4 contain no Waters of the United States subject to CORPS of Engineers Jurisdiction.”, and the

MLG DEVELOPMENT, INC. – CERTIFIED SURVEY MAP

RESOLUTION NO. 2021-_____

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applicant may add a note to the face of the Certified Survey Map stating: “Wetlands W-1, W-2, W-3 and W-4 are not subject to City of Franklin wetland regulations, including wetland buffers or setback requirements.”.

- 9. The technical corrections noted by the Engineering Department in memorandum dated June 21, 2021, and Milwaukee County Register of Deeds in letter dated June 14, 2021, must be addressed prior to recording of this Certified Survey Map.

BE IT FURTHER RESOLVED, that the Certified Survey Map, certified by owner, MLG Development, Inc., be and the same is hereby rejected without final approval and without any further action of the Common Council, if any one, or more than one of the above conditions is or are not met and satisfied within 180 days from the date of adoption of this Resolution.

BE IT FINALLY RESOLVED, that upon the satisfaction of the above conditions within 180 days of the date of adoption of this Resolution, same constituting final approval, and pursuant to all applicable statutes and ordinances and lawful requirements and procedures for the recording of a certified survey map, the City Clerk is hereby directed to obtain the recording (which process, including for the easements in Condition Nos. 6. and 7. herein, may allow for the actual physical delivery for recording by MLG Development, Inc.) of the Certified Survey Map, certified by owner, MLG Development, Inc., with the Office of the Register of Deeds for Milwaukee County.

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



REPORT TO THE PLAN COMMISSION AND COMMUNITY DEVELOPMENT AUTHORITY (CDA)

Meeting of July 22, 2021

Certified Survey Map

RECOMMENDATION: City Development Staff recommends approval of this Certified Survey Map (CSM) application submitted by MLG Development, Inc, subject to the conditions set forth in the draft resolution.

Table with 2 columns: Field Name and Value. Fields include Project Name, Project Location, Property Owner, Applicant, Agent, Current Zoning, 2025 Comprehensive Plan, Applicant's Action Requested, and Planner.

INTRODUCTION

Certified Survey Map (CSM) application to divide Lot 2 of CSM No. 8546 into 2 new lots. The existing property has an area of approximately 7.66 acres and it is located in the Franklin Business Park (PDD No. 18), east of the intersection of West Oakwood Park Drive and South 52nd Street.

PROJECT DESCRIPTION AND ANALYSIS

Proposed lots 1 and 2 meet the minimum lot area requirement of 1 acre in the Planned Development District #18. Both lots would have access to W. Oakwood Park Drive, so no right-of-way dedication is required for this CSM.

Natural resources

Per Natural Resource Protection Plan dated May 20, 2021, natural resources are present on site, specifically steep slopes, mature woodlands, four wetlands and a waterway. Most of these natural resources are located on lot 2, specifically wetlands W-1, W-2 and W-4.

wetlands have been deemed exempt from state wetlands regulations by the Department of Natural Resources (DNR), see Artificial Wetland Determination attached to this packet. The applicant is waiting for the jurisdictional determination from U.S. Army Corps of Engineers as of writing of this staff report. If these wetlands are deemed to be non-federal, natural resources protections standards of the Unified Development Ordinance (UDO) would not apply. The applicant shall submit the jurisdictional determination to the city before development of lots 1 and 2 (condition #6), any wetland deemed to be federal would be subject to natural resource protection standards.

Natural resources, such as shore buffers and mature woodlands would be protected by a conservation as depicted in sheet 3 of the CSM. This conservation easement does not include steep slopes, note that steep slopes could be impacted up to 40% for nonresidential development.

Landscape bufferyard to the south

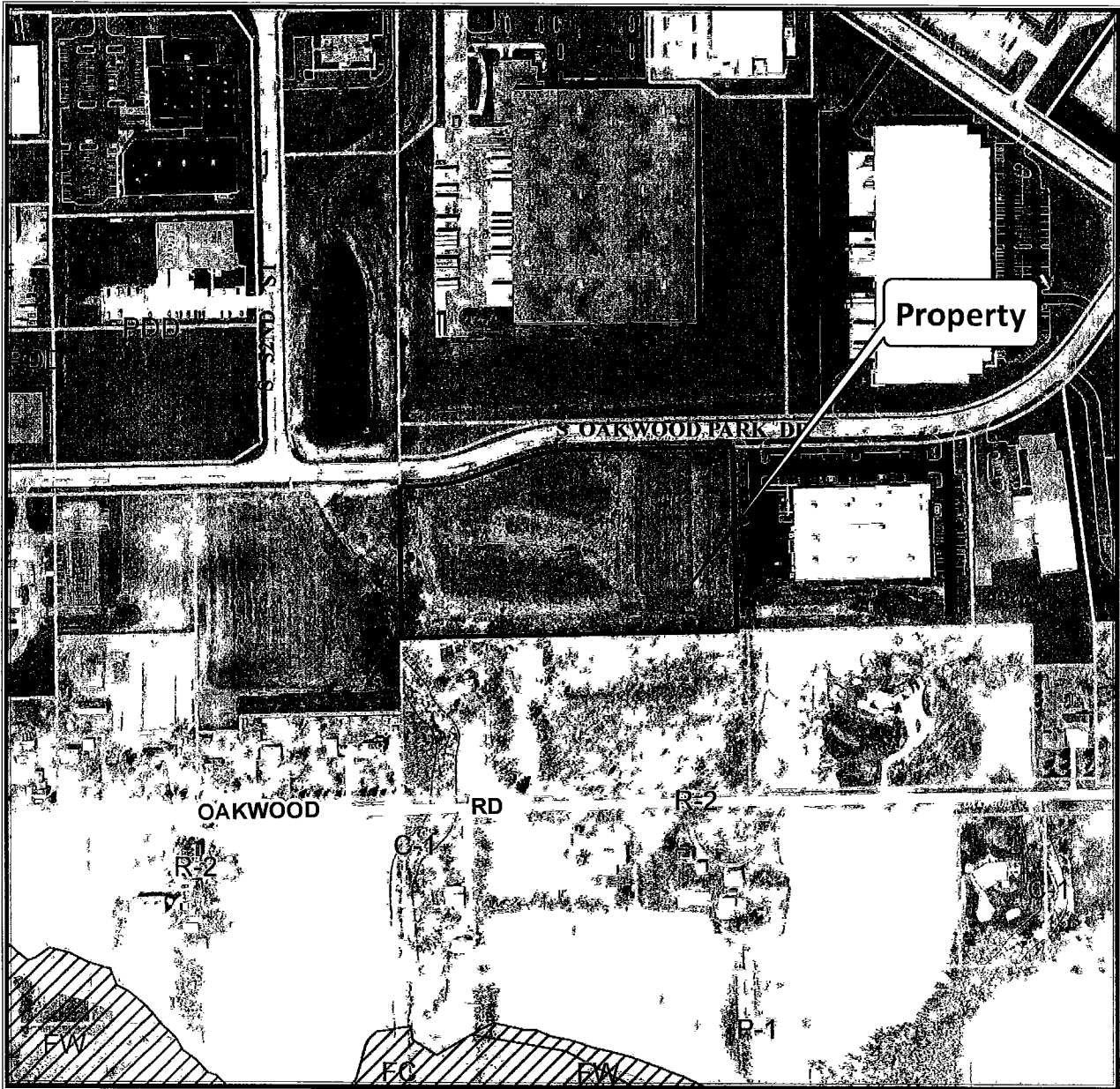
Pursuant to UDO Section 15-5.0301.D, bufferyards are required to separate different zoning districts, this requirement applies to the south property line abutting properties zoned R-2 Estate Single-Family Residence District. A 30-foot bufferyard along the south property line is depicted in sheet 1 of the CSM. A landscape bufferyard easement is required to recorded concurrently with the CSM (condition #8).

RECOMMENDATION

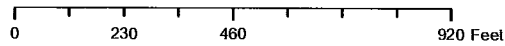
Staff recommends approval of this Certified Survey Map subject to the conditions set forth in the draft resolution.

Given this property is located in the Franklin Business Park (Planned Development District #18), this Certified Survey Map (CSM) is subject to Plan Commission and Community Development Authority (CDA) recommendation, the Common Council is the approving authority for CSM applications.

TKN: 930 1004 000



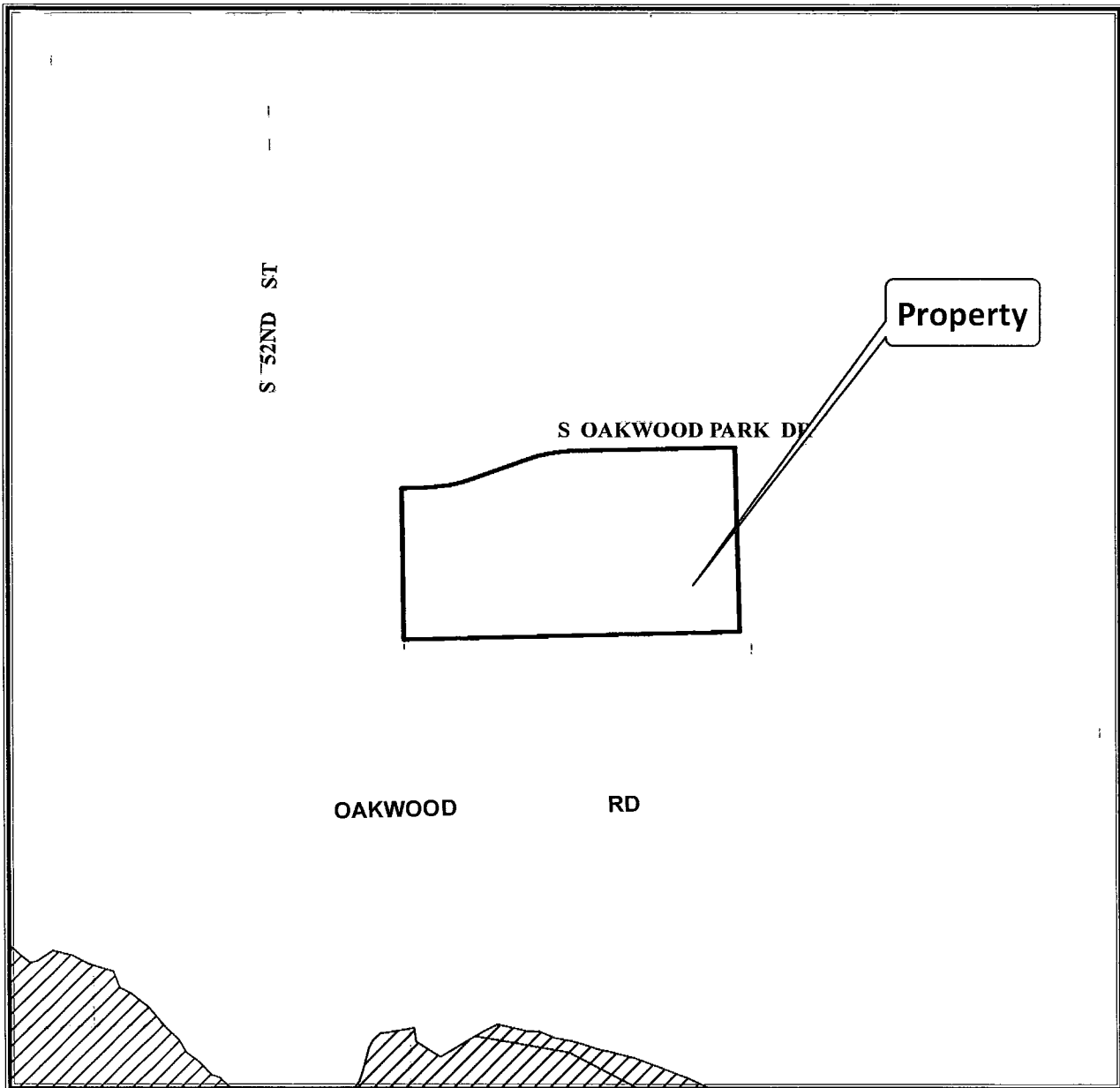
Planning Department
(414) 425-4024



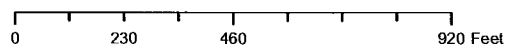
2021 Aerial Photo

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

TKN: 930 1004 000



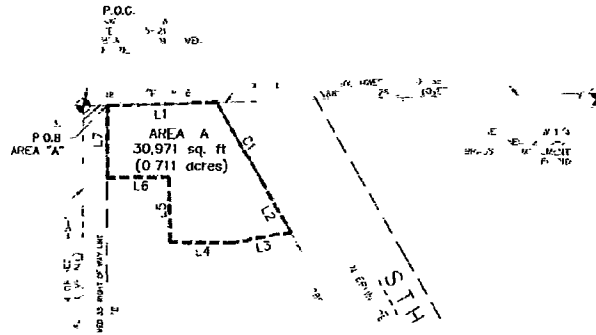
Planning Department
(414) 425-4024



2021 Aerial Photo

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

2. **Conservation easement document to be recorded separately.** Per the UDO section noted above, in addition to graphic delineation of conservation easement areas, a conservation easement document must be filed with the Certified Survey Map or submitted for review as a condition of approval. Attached is the city's conservation easement template. A graphic detail and table of the conservation easement area is required as exhibit, see example below:



AREA "A"

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH	HEAVI	(HEAD) LENGTH
L1	N 88° 22' E	19.4 E					
L2	S 37° 24' E	76.3					
L3	S 29° 58' W	53.4					
L4	N 88° 50' 50" W	54					
L5	N 12° 31' W	8.87					
L6	S 89° 28' 37" W	64.45					
L7	N 73° 22' W	68.71					

3. **Landscape bufferyard.** Pursuant to UDO Section 15-5.0301.D, bufferyards are required to separate different zoning districts, this requirement applies to the south property line abutting properties zoned R-2 Estate Single-Family Residence District. Given the presence of natural resources such as shore buffer, mature woodlands and steep slopes along the south property line. Staff suggests to include the 30-foot landscape bufferyard into the conservation easement indicated above (comments #1 and #2).
4. Please add a note to the CSM stating that wetlands W-1, W-2, W-3 and W-4 have been deemed exempt from state wetlands regulations.
5. Please submit a copy of the U.S. Army Corps of Engineers jurisdictional determination when available. Note that any wetland subject to federal regulations would be also subject to local natural resource protection standards set forth in the UDO Part 4 "Natural Resource Protection", including the conservation easement requirement.
6. Please revise the zoning information for Lot 2, it should be PDD-18 instead of "BLK-11".
7. Per the Declaration of Protective Covenants for Franklin Business Park section 21 Right to Re-Subdivide, a re-subdivision shall not be permitted without prior approval by the Association and the CDA. Has this CSM received approval from the Association Review Board?
8. Please add middle name initial to the Mayor's name, it should read Stephen R. Olson.

Engineering Department comments

9. See separate letter.

Note: Engineering comment #3 does not apply to exempt wetlands.

Milwaukee County Register of Deeds comments

10. See separate letter.

Fire Department comments

11. No comments

Inspection Services Department comments

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

Police Department comments

13. The PD has no comment regarding this request.

Franklin Business Park

Project Summary for Proposed CSM Dividing Lot 2 CSM 8546

General Summary

MLG Capital is proposing to divide Lot 2 of CSM 8546, located on the south side of W. Oakwood Park Drive in the Franklin Business Park, in order to sell a portion of the property to a third-party buyer who will construct a building to house a new business in Franklin. Lot 2 is proposed to be divided into two new parcels containing 2.63 acres and 5.03 acres which coincide with the two previously graded and relatively flat areas that are separated by a 12-foot elevation change. The property will be served by municipal sanitary sewer and water and the entire property was previously rough graded during development of the Franklin Business Park.

Natural Resources Protection Plan

Stantec investigated the property for steep slopes, woodlands and forests, lakes and ponds, streams, shore buffers, floodplain and wetlands and prepared a Natural Resources Protection Plan report dated May 20, 2021 for the property. The report identifies the following environmentally sensitive areas:

1. Slopes greater than 10% are located in the swale along the western and southern property boundaries, the area between the two proposed lots and along the berm on the eastern edge of the property.
2. Mature woodland areas were identified along the western and southern perimeter of the property. The canopy trees in this woodland averaged approximately 13"-15" in diameter at breast height.
3. Four wetland communities and their associated buffers and setbacks were delineated within the property. The wetland delineation information is contained in Stantec's Assured Wetland Delineation Report dated May 18, 2021.
4. A waterway was identified immediately adjacent to the western property line.

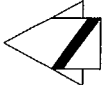
Wetlands

The NRPP and wetland delineation reports both state that the four delineated wetlands were most likely created by prior grading activities and the wetlands qualified for a WI DNR artificial wetland exemption and are likely not to be regulated by the USACE. The Owner has applied for a USACE jurisdictional determination. If a non-jurisdictional determination is received, the delineated wetland areas and associated buffers will no longer be regulated or required to be protected.

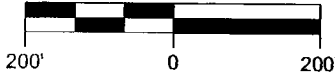
CERTIFIED SURVEY MAP NO.

Sheet 1 of 5

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

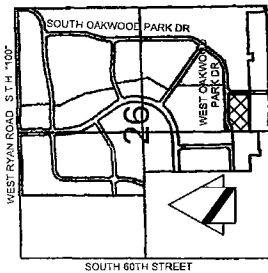


SCALE IN FEET



LEGEND

- Concrete Monument w/ Brass cap (found)
- Iron pipe 18 x 1 dia (placed) 1 13 + lbs per lin ft.
- Iron pipe found
- Vicinity Map Scale 1 - 3000' SEC 26-5-21



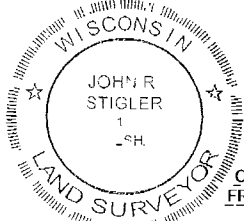
NOTE: PROPERTY IS SERVED BY MUNICIPAL SANITARY SEWER AND WATER

NOTE: SEE PAGE 2 FOR EASEMENT AND EXISTING TOPOGRAPHY DETAIL

OWNER
MLG DEVELOPMENT INC
19000 W BLUEMOUND ROAD
BROOKFIELD WI 53045

SURVEYOR
JOHN R STIGLER
JAHNKE AND JAHNKE ASSOC INC
711 W MORELAND BLVD
WAUKESHA, WI 53188

REFERENCE BEARING
THE SOUTH LINE OF THE SE 1/4 SECTION OF SECTION 26 T5N R21E WAS USED AS THE REFERENCE BEARING AND HAS A BEARING OF NORTH 88°33'40" EAST BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE)



N88°31'34"E 48.91'

OUTLOT 2 BLOCK 5
FRANKLIN BUSINESS
PARK ADD NO 1

OWNER: MLG DEVELOPMENT INC

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

OUTLOT 1 BLOCK 5
FRANKLIN BUSINESS PARK

OWNER: COMMUNITY DEV AUTHORITY

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

LOT 1 BLOCK 11
FRANKLIN BUSINESS
PARK ADD NO 1
OWNER: 5C INVESTMENTS LLC

20' X 20' UTILITY EASEMENT
GRANTED TO LOT 1 CSM No. 8181
(PER CSM No. 8181)
(SEE DETAIL-A ON SHEET 2)

LOT 1 CSM No 8181
OWNER: BCM PROPERTIES
PDD-18
S01°26'20"E 455.14'

LOT 1 OF CSM 8546
248,291 S.F.
57,000 AC
PDD-18

15' UTILITY EASEMENT
DEDICATED ON PLAT OF
FRANKLIN BUSINESS
PARK ADD NO 1

S01°26'20"E 440.73'

LOT 1
114,636 S.F.
2,6317 AC
PDD-18

N00°17'43"W 440.67'

LOT 2
218,945 S.F.
5,0263 AC
PDD 18

N00°32'47"W 361.54'

LOT 2 BLOCK 5
FRANKLIN BUSINESS PARK
OWNER: MLG DEVELOPMENT INC
PDD 18

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

UNPLATTED LANDS
OWNER: NICHOLAS G & JUNE MAZOS
S00°54'38"E 98.07'

LOT 1 CSM No 911
OWNER: ROBERTO O & MARGARET BRUSS
S88°33'40"W 150.00'

S88°33'40"W 139.78'

UNPLATTED LANDS
OWNER: NANCY P. WEINERZ
R 2

UNPLATTED LANDS
OWNER: JOHN F & W PATRINETTS
R 2

WETLAND FIELD
DELINEATED
MAY 5 2021 BY
STANTEC

WETLAND FIELD
DELINEATED
MAY 5 2021 BY
STANTEC

WETLAND FIELD
DELINEATED
MAY 5 2021 BY
STANTEC

WETLAND FIELD
DELINEATED
MAY 5 2021 BY
STANTEC

WETLAND FIELD
DELINEATED
MAY 5 2021 BY
STANTEC

EXISTING WETLAND
BASED ON 2021
MAPPING

N00°32'47"W 177.14'

N00°33'08"W 235.96'

SW COR. SE 1/4 SEC. 26-5-21
CONC. MON. W/BRASS CAP
N 319 295.55
E 2 541 316.37

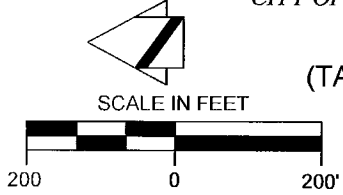
CURVE	ARC	RADIUS	CHORD	BEARING	CEN ANGLE	DEF ANGLE	TAN BEARING
C1	130.30'	405.00'	129.74'	N79°18'33.5"E	16°26'01"	9°13'0.5"	N 88°31'34" E
C2	107.78'	335.00'	107.31'	N79°18'33.5"E	18°26'01"	9°13'0.5"	S 70°05'33" W

2629.84'
SOUTH LINE OF THE SE 1/4 SEC 26-5-21
S88°33'40"W 2649.94'

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

TOPOGRAPHY DETAIL (TAKEN FROM MILWAUKEE COUNTY)

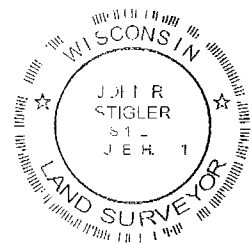
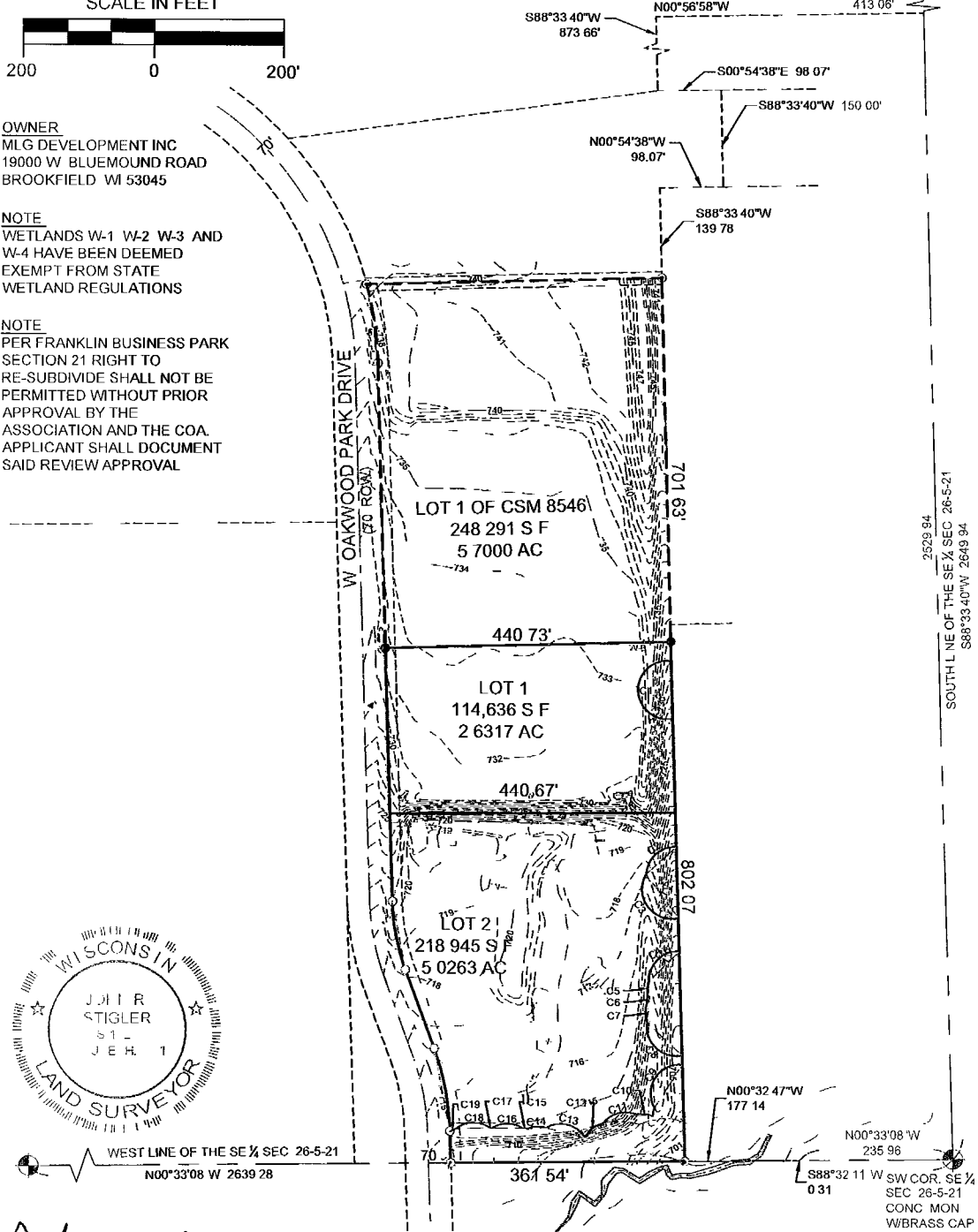
SE COR. SE 1/4 SEC 26-5-21 CONC. MON W/BRASS CAP N 319,362.09 E 2,543,965.32



OWNER MLG DEVELOPMENT INC 19000 W BLUEMOUND ROAD BROOKFIELD WI 53045

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

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



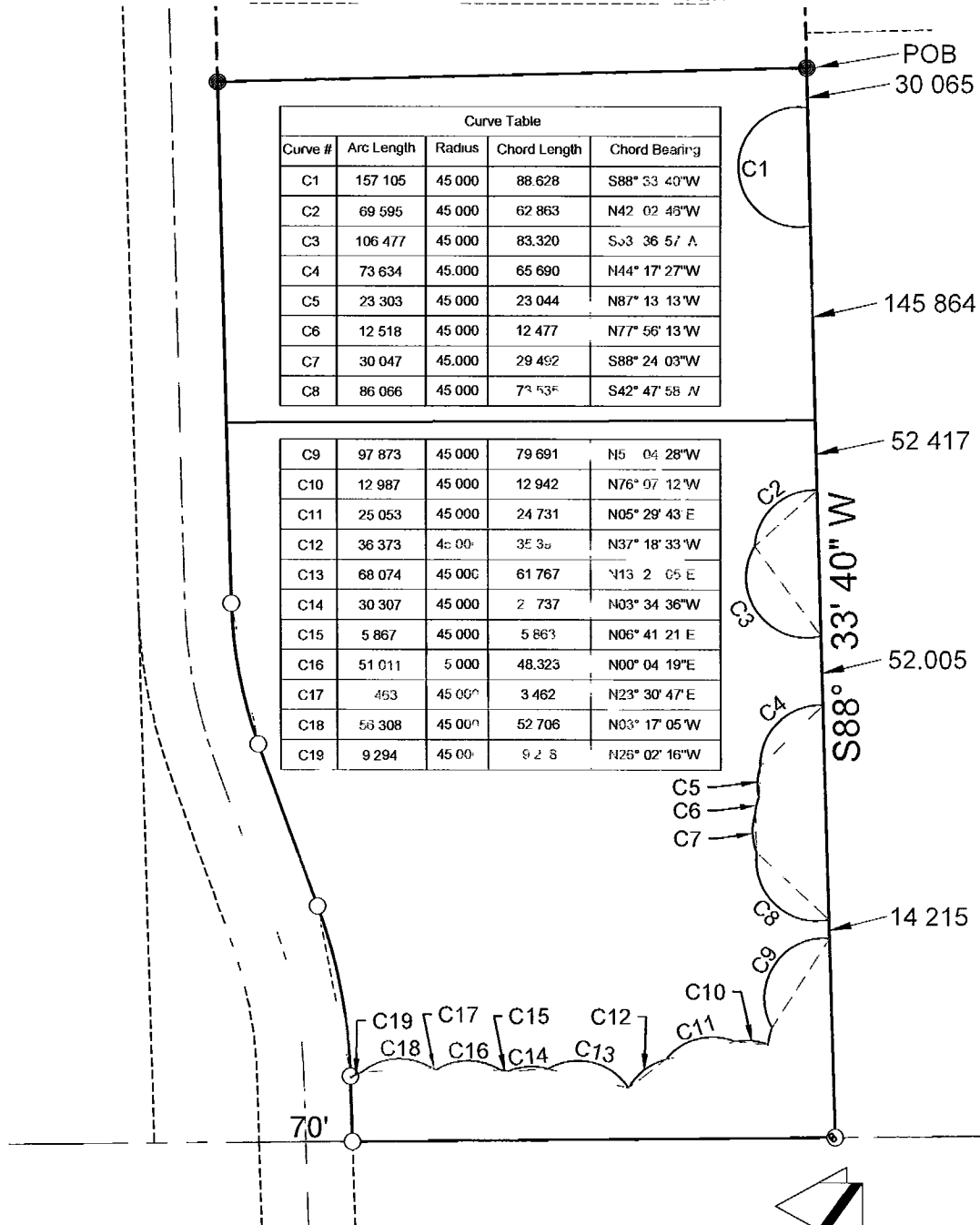
WEST LINE OF THE SE 1/4 SEC 26-5-21 N00°33'08" W 2639.28

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

FILE NAME 21-9366 CSM DWG P S MILWAUKEE 1692

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

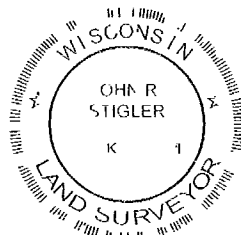
CONSERVATION EASEMENT DETAIL



Curve Table				
Curve #	Arc Length	Radius	Chord Length	Chord Bearing
C1	157.105	45.000	88.628	S88° 33' 40\"W
C2	69.595	45.000	62.863	N42° 02' 48\"W
C3	106.477	45.000	83.320	S33° 36' 57\"A
C4	73.634	45.000	65.690	N44° 17' 27\"W
C5	23.303	45.000	23.044	N87° 13' 13\"W
C6	12.518	45.000	12.477	N77° 56' 13\"W
C7	30.047	45.000	29.452	S88° 24' 03\"W
C8	86.066	45.000	73.535	S42° 47' 58\"N

C9	97.873	45.000	79.691	N5° 04' 28\"W
C10	12.987	45.000	12.942	N76° 07' 12\"W
C11	25.053	45.000	24.731	N05° 29' 43\"E
C12	36.373	45.000	35.355	N37° 18' 33\"W
C13	68.074	45.000	61.767	N13° 2' 05\"E
C14	30.307	45.000	27.737	N03° 34' 36\"W
C15	5.867	45.000	5.863	N06° 41' 21\"E
C16	51.011	5.000	48.323	N00° 04' 19\"E
C17	453	45.000	3.462	N23° 30' 47\"E
C18	55.308	45.000	52.706	N03° 17' 05\"W
C19	9.294	45.000	9.255	N25° 02' 16\"W

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



FILE NAME 21_9366_CSM_DWG
 P S MILWAUKEE 1692

CERTIFIED SURVEY MAP NO.

Sheet 4 of 5

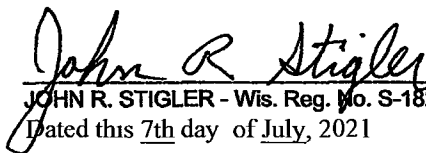
A redivision of Lot 2 of Certified Survey Map No 8546 being a redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No 1 and being part of the Southwest Quarter (SW ¼) and Southeast Quarter (SE ¼) of the Southeast Quarter (SE 1/4) of Section 26, Town 5 North, Range 21 East CITY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

SURVEYOR'S CERTIFICATE

I, John R Stigler, registered land surveyor, being duly sworn on oath, hereby depose and say that I have surveyed and mapped the following land bounded and described as follows Outlot 1 of Certified Survey Map No 8181 recorded on Reel 7181 as Document No 9784108 and Map No 8546 being a redivision of Outlot 1, Block 11 of the Plat of Franklin Business Park Addition No 1 being part of the Southwest Quarter (SW ¼) and Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of Section 26, Town 5 North, Range 21 East and further described as, Commencing at the Southeast corner of the Southeast Quarter (SE ¼) of Section 26 being marked by a concrete monument with brass cap, thence South 88°33'40" West along the South line of said Southeast Quarter (SE ¼) 120 00 feet, thence North 00°56'58" West along a line of Lot 1, Block 11 of said Plat of Franklin Business Park Addition No 1, 413 06 feet, thence South 88°33'40" West along the South line of said Lot 1, Block 11, 873 66 feet to the East line of Lot 1 of Certified Survey Map No 8181, thence South 00°54'38" East along said East line 98 07 feet, thence South 88°33'40" West along the South line of Certified Survey Map No 8181, 150 00 feet, thence North 00°54'38" West 98 07 feet along the South line of said Map No 8181, thence South 88°33'40" West along said South line 701 63 feet to the place of beginning of the lands hereinafter described, thence continuing South 88°33'40" West 802 07 feet along the South line of Lot 2 of Certified Survey Map No 8546 to the West line of the Southeast Quarter (SE ¼) of Section 26, Town 5 North, Range 21 East, thence North 00°32'47" West 361 54 feet to the South right-of-way line of West Oakwood Park Drive, thence North 88°31'34" East along said South right-of-way line 48 91 feet, thence easterly 130 30 feet along said arc of a curve of radius 405 00 feet; curve center lies to the North, chord bears North 79°18'33 5" East 129 74 feet, thence North 70°05'33" East 128 98 feet, thence easterly 107 78 feet along the arc of a curve, curve center lies to the South, chord bear North 79°18'33 5" East 107 31 feet, thence North 88°31'34" East 391 22 feet, thence South 01°26'20" East 440 73 feet to the place of beginning

Containing a net area of 333,581 square feet or 7 6579 acres of land

I further certify that I have made such survey, land division and map by the direction of the owners of said land, that such map is a correct representation of the exterior boundaries of the land surveyed and map thereof made, and that I fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes pertaining to Certified Survey Maps (Section 236 34) and the unified development ordinance – division 15, of the City of Franklin in surveying, dividing and mapping the same


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

STATE OF WISCONSIN) ss
WAUKESHA COUNTY)

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

My commission expires July 5, 2023

PETER A MUEHL – NOTARY PUBLIC

OWNER MLG DEVELOPMENT, INC

This instrument was drafted by John R Stigler

P S Milwaukee 1692

Sheet 5 of 5

CERTIFIED SURVEY MAP NO. _____

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

CORPORATE OWNER'S CERTIFICATE

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

MLG DEVELOPMENT, INC , does further certify that this map is required by S 236 10 or 236 12 to be submitted to the following for approval or objection City of Franklin

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

MLG DEVELOPMENT, INC

- VICE PRESIDENT

- TREASURER

STATE OF WISCONSIN) ss
MILWAUKEE COUNTY)

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

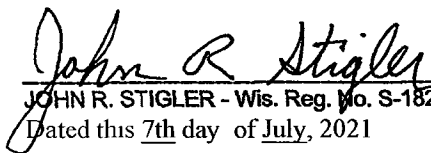
Notary Public - _____
State of Wisconsin
My commission expires _____

COMMON COUNCIL APPROVAL

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

STEPHEN R. OLSON - MAYOR

SANDRA L. WESOLOWSKI - CITY CLERK



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

OWNER MLG DEVELOPMENT, INC

This instrument was drafted by John R. Stigler

P S Milwaukee 1692



Natural Resource Protection Plan

MLG Development
Franklin Parcel
City of Franklin, Milwaukee
County, Wisconsin
Stantec Project #: 193708336
Lead Investigator: Sarah
Majerus

Prepared for:
Joe A. Bukovich
MLG Development
19000 W Bluemound
Road Brookfield, WI
53045

Prepared by:
Stantec Consulting
Services Inc. 12075
Corporate Parkway,
Suite 200
Mequon, Wisconsin 53092
Phone: (414) 218-4450
Fax: (262) 241-4901

May 20, 2021

NATURAL RESOURCE PROTECTION PLAN

MLG Development
TABLE OF CONTENTS
May 20, 2021

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2.3	WOODLANDS AND FORESTS.....	2.1
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NATURAL RESOURCE PROTECTION PLAN

MLG Development
INTRODUCTION
May 20, 2021

1.0 INTRODUCTION

Stantec Consulting Services Inc (Stantec) performed an investigation of natural resources per the City of Franklin's Unified Development Ordinance (UDO) for an approximately 7.66-acre parcel (the "Property") on behalf of MLG Development (the "Client"). The Property is located in Section 26, Township 15 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin. Specifically, the Property is located south of W Oakwood Park Drive within the Franklin Industrial Park (Figure A)

The purpose and objective of the investigation was to 1) determine the type, location, and extent of natural resources within the Property, and 2) delineated the boundaries of each natural resource type present. Field work was completed by Sarah Majerus and Michaela Zuelke of Stantec on May 5, 2021. Sarah Majerus is an assured delineator qualified via the Wisconsin Department of Natural Resources (WDNR) Wetland Delineation Assurance Program (see Appendix A in Stantec's Wetland Delineation Report for Delineator Qualifications). Four wetland communities and an area of mature woodland were identified within the Property.

The wetlands identified in this report may be subject to federal regulation under the jurisdiction of the U.S. Army Corps of Engineers (USACE), state regulation under the jurisdiction of the Wisconsin Department of Natural Resources (WDNR), and local jurisdiction under the City of Franklin. The remaining natural resources are subject to the City of Franklin's UDO. Stantec recommends Stantec's wetland delineation report (provided as a separate report) be submitted to City planning staff, the WDNR, and USACE for final jurisdictional review and concurrence.

NATURAL RESOURCE PROTECTION PLAN

MLG Development
METHODS
May 17, 2021

2.0 METHODS

2.1 FEATURE DETERMINATIONS

The following natural resource features were investigated for presence on the Property per Section 15-4 0102 of the UDO: Steep Slopes, Woodlands and Forests, Lakes and Ponds, Streams, Shore Buffers, Floodplain/Floodway, Wetlands and Shoreland Wetlands, Wetland Buffers, and Wetland Setbacks.

2.2 STEEP SLOPES

Steep slopes as defined in the UDO are greater than or equal to 10 percent. The protection standard varies for slopes steeper than 20 percent, and additionally for slopes steeper than 30 percent.

Contours available through the United States Digital Service / Natural Resource Conservation Service (USDS/NRCS) National Elevation Data 30 meter (NED) for Milwaukee County were obtained and slopes were identified using GIS, and calculated from the NED.

2.3 WOODLANDS AND FORESTS

The UDO defines woodlands and forests as either "Mature" or "Young".

Mature An area or stand of trees whose total combined canopy covers an area of one (1) acre or more and at least fifty (50) percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least ten (10) inches, or any grove consisting of eight (8) or more individual trees having a DBH of at least twelve (12) inches whose combined canopies cover at least fifty (50) percent of the area encompassed by the grove. However, no trees planted and grown for commercial purposes should be considered a mature woodland.

Young An area or stand of trees whose total combined canopy covers an area of one-half (0.50) acre or more and at least fifty (50) percent of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three (3) inches. However, no trees planted and grown for commercial purposes shall be considered a young woodland.

Once determined as either young or mature based on the above definitions, the vertical plane of the outer drip-line of the exterior trees defines the edges of the woodland. All trees greater than eight inches in diameter are to be marked in the field.

2.4 LAKES AND PONDS

Determinations of navigability and jurisdiction of waterbodies such as lakes or ponds, was beyond the scope of the investigation. However, if observed, waterbodies and/or other connections to off-site wetland or aquatic features that may be under federal or state authority were identified.

NATURAL RESOURCE PROTECTION PLAN

MLG Development
METHODS
May 20, 2021

2.5 STREAMS

Determinations of navigability and jurisdiction of waterways such as rivers, streams, and ditches, was beyond the scope of the investigation. However, if observed, waterways and/or other connections to off-site wetland or aquatic features that may be under federal or state authority were identified.

2.6 SHORE BUFFERS

The UDO defines shore buffers as All of that land area located within seventy-five (75) feet landward of the ordinary high water mark (OHWM) of all ponds, streams, lakes, and navigable waters (as determined by the Wisconsin Department of Natural Resources) and parallel to that ordinary high water mark, which is to remain undisturbed as a Natural Resource Feature (including undisturbed natural vegetation). Shore buffers do not include any area of land adjacent to any stream enclosed within a drainage structure, such as a pipe or culvert. The area of shore buffers (in square feet and acres) shall be measured and graphically delineated on the "Natural Resource Protection Plan." A shore buffer is also a setback.

2.7 FLOODPLAIN/FLOODWAY

Floodplain boundaries were identified based on the Federal Emergency Management Agency (FEMA) Flood Hazard Zone Mapping per the Flood Insurance Rate Map for the City of Franklin, obtained from FEMA.

2.8 WETLANDS AND SHORELAND WETLANDS

Wetland determinations and delineations on the Property were based on the methods described in Stantec's "Wetland Delineation Report" (dated May 18, 2021). Wetlands identified and delineated on the Property are located primarily within areas mapped with non-hydric soils and appear to have formed in isolated depressions left on site after previous filling and grading activities.

The uppermost wetland boundaries were surveyed with a Global Positioning System (GPS) capable of sub-meter accuracy and mapped using Geographical Information Systems (GIS) software.

2.9 WETLAND BUFFERS

The UDO defines the buffer for wetlands and shoreland wetlands as 30 feet out from the wetland boundary.

2.10 WETLAND SETBACKS

The UDO defines the setbacks for wetlands and shoreland wetlands as 50 feet out from the wetland boundary. This is also defined as 20 feet out from the wetland buffer.

NATURAL RESOURCE PROTECTION PLAN

MLG Development
METHODS
May 20, 2021

3.0 RESULTS

3.1 SITE DESCRIPTION

The Property is comprised of two previously graded and relatively flat lots within the Franklin Industrial Park. The two lots are separated by a steep fill slope which creates a 12-foot elevation change within the middle of the Study Area. The west portion of the Study Area is relatively flat except for a linear spoil pile that extends west to east. Several small wetlands have formed in shallow depressions, which appear to have been created as a result of grading activities, throughout this area. The east portion of the Study Area is also relatively flat and consists of recently graded soil material to the east and mown vegetation to the west. One small depressional wetland was observed in the southeast corner. Upland habitat along the perimeter of the Study area consists of mesic riparian woodland along an unnamed waterway located outside the west project boundary and fallow field with scattered trees and shrubs along the south project boundary. Elevations range between approximately 700-742 feet mean sea level (msl) with the lowest part of the Property in the southwest corner and the highest elevation along the eastern Property boundary. Residential properties lie to the south and southwest, and commercial properties are present to the north, west, and east.

3.2 STEEP SLOPES

Areas identified through LiDAR GIS mapping as having slopes greater than ten percent include the swale along the western and southern Property boundaries, a steep grade changed in the central portion of the Property, and the berm located at the eastern edge of the Property. Slopes greater than ten percent on the Property total 0.47-acres. Contours are depicted on Figure B in Appendix A and Figure 5 of Stantec's Wetland Delineation Report.

3.3 WOODLANDS AND FORESTS

Mature, mesic riparian woodland areas were identified along the western and southern perimeter of the Property (Figure B, Appendix A). The canopy trees in this woodland averaged approximately 13-15 inches in diameter at breast height (DBH). The portions of mature woodlands on the Property total 0.94-acres, and the tree canopy is dominated by box elder (*Acer negundo*, FAC), American basswood (*Tilia americana*, FACU), and eastern black walnut (*Juglans nigra*, FACU). Other woody species (smaller than eight-inch diameter at breast height) observed in these woodlands included burr oak (*Quercus macrocarpa*, FAC), American elm (*Ulmus americana*, FACW), and downy hawthorn (*Crataegus mollis*, FAC). Mature trees and the woodland buffer are shown on Figure 2 and representative photographs are included in Appendix B.

3.4 LAKES AND PONDS

There are no lakes or ponds located on the Property.

NATURAL RESOURCE PROTECTION PLAN

MLG Development
METHODS
May 20, 2021

3.5 STREAMS

No waterways were identified within the Property, however, an unnamed stream (WW-1, Figure B) was identified immediately adjacent to the west Property boundary. WW-1 is an unnamed tributary to the Root River, which is located about 0.5 miles south of the Property. The approximate location of the waterway, as identified by WDNR 24K Hydrography, is depicted on Figure B.

3.6 SHORE BUFFERS

A 75-foot shore buffer was generated based on the DNR 24K Hydrography centerline which aligns with field observations and topographic contours. The shore buffer totals 0.23-acres and is shown on Figure 2 in Appendix B.

3.7 FLOODPLAIN/FLOODWAY

Per the Federal Emergency Management Agency (FEMA) map panel #55079C0226E, there are no areas of mapped floodplain and floodway associated with the unnamed waterway located adjacent to the western Property boundary.

3.8 WETLANDS AND SHORELAND WETLANDS

Four wetland communities were identified and delineated within the Property. Details on the wetlands and how they were delineated may be viewed in Stantec's Assured Wetland Delineation Report. The wetlands delineated by Stantec are summarized in Table 1 below.

Table 1 Summary of Wetlands Identified within the Property

Wetland	Wetland Classification (WWI Type)	Adjacent Surface Waters	Acreage (in Property)
Wetland 1 (W1)	Wet Meadow	Isolated from adjacent surface waters	0.48
Wetland 2 (W2)	Wet Meadow	Isolated from adjacent surface waters	0.03
Wetland 3 (W3)	Wet Meadow	Isolated from adjacent surface waters	0.01
Wetland 4 (W4)	Wet Meadow	Isolated from adjacent surface waters	0.01
		Total Acres	0.53

NATURAL RESOURCE PROTECTION PLAN

MLG Development

METHODS

May 20, 2021

3.9 WETLAND BUFFERS

Wetland buffers are depicted on Figure B, which are 30 feet out from the edges of all delineated wetlands and totals 1.61 acres.

3.10 WETLAND SETBACKS

Wetland setbacks are also depicted on Figure B, which are 20 feet further out from the edges of the wetland buffers. This is an additional 0.93 acres.

NATURAL RESOURCE PROTECTION PLAN

MLG Development
CONCLUSION
May 20, 2021

4.0 CONCLUSION

Stantec identified and delineated natural resources that must be protected and mitigated per the City of Franklin's UDO on the Property on behalf of MLG Development. This work was completed based on the field work completed by Sarah Majerus and Michaela Zuelke of Stantec on May 5, 2021.

The Property is comprised of previously graded lots within the Franklin Industrial Park. Woodlands are located along the south and west perimeters, with one waterway identified immediately adjacent to the western Property boundary. The Property is approximately 7.66 acres in size and located in Section 26, Township 15 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin. Specifically, the Property is located south of W. Oakwood Park Drive within the Franklin Industrial Park (Figure A). The purpose and objective of the natural resource investigation was to identify the extent and spatial arrangement of natural resources as defined by the City of Franklin's UDO within the Property.

The following natural resources were identified and delineated on the Property: mature woodland, four wet meadow wetland communities, and their associated wetland buffers and setbacks. One waterway was identified immediately adjacent to the western Property boundary and the associated 75 ft shore buffer extends onto the southwest corner of the Property. It is likely that the four delineated wetlands may qualify for a WDNR artificial wetland exemption and or not be regulated by the USACE.

Prior to beginning work on the Property or disturbing or altering identified natural resources in any way, Stantec recommends that the owner obtain the necessary permits or other agency regulatory review and concurrence regarding the proposed work to comply with applicable regulations. Stantec can assist with identification and/or assessment of additional regulated resources at your request, to the extent that the work is within our range of expertise.

NATURAL RESOURCE PROTECTION PLAN

MLG Development
REFERENCES
May 20, 2021

5.0 REFERENCES

Federal Emergency Management Agency (FEMA) Flood Insurance Rate Mapping (FIRM) floodplain mapping City of Franklin, Milwaukee County, WI.

USDS/NRCS – National Cartography & Geospatial Center National Elevation Data 30 meter (NED), Milwaukee County, WI

United States Geological Survey (USGS) *Wisconsin 7.5 Minute Series (Topographic) Maps*. 1:24,000 Reston, VA: United States Department of the Interior, USGS

WDNR, Division of Water (2010) [24k hydrography geospatial data layer] Available online: ftp://dnrftp01.wi.gov/geodata/hydro_24k/

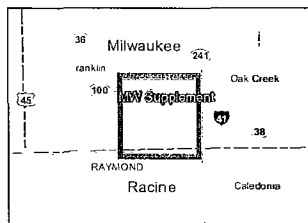
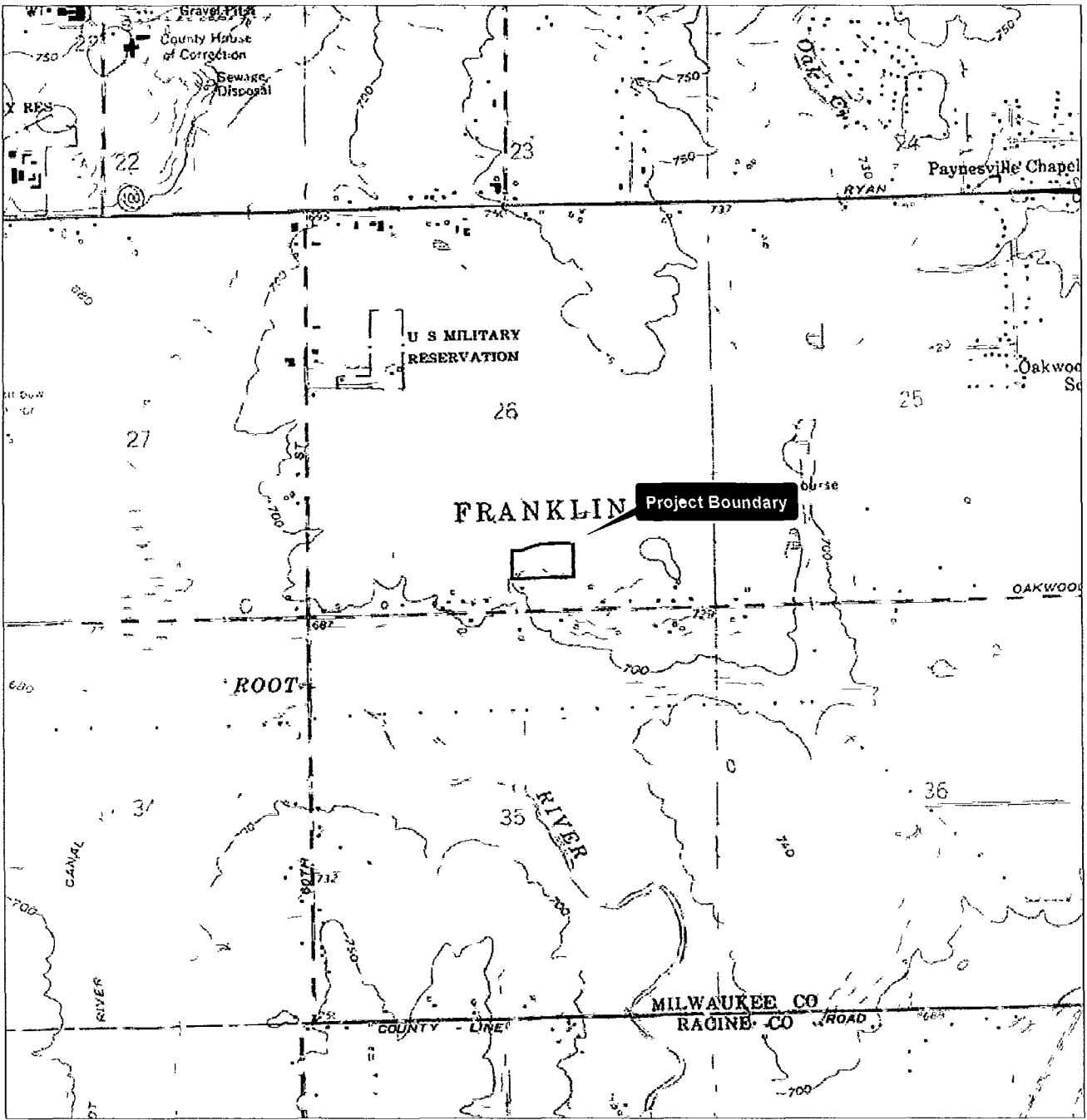
NATURAL RESOURCE PROTECTION PLAN

MLG Development
Appendix A - Figures
May 20, 2021

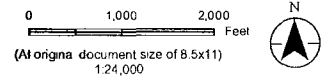
Appendix A – Figures

Figure A. Project Location and Topography

Figure B. Natural Resource Protection Plan



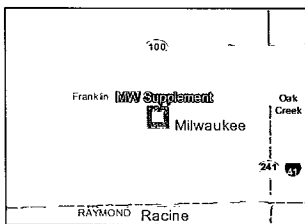
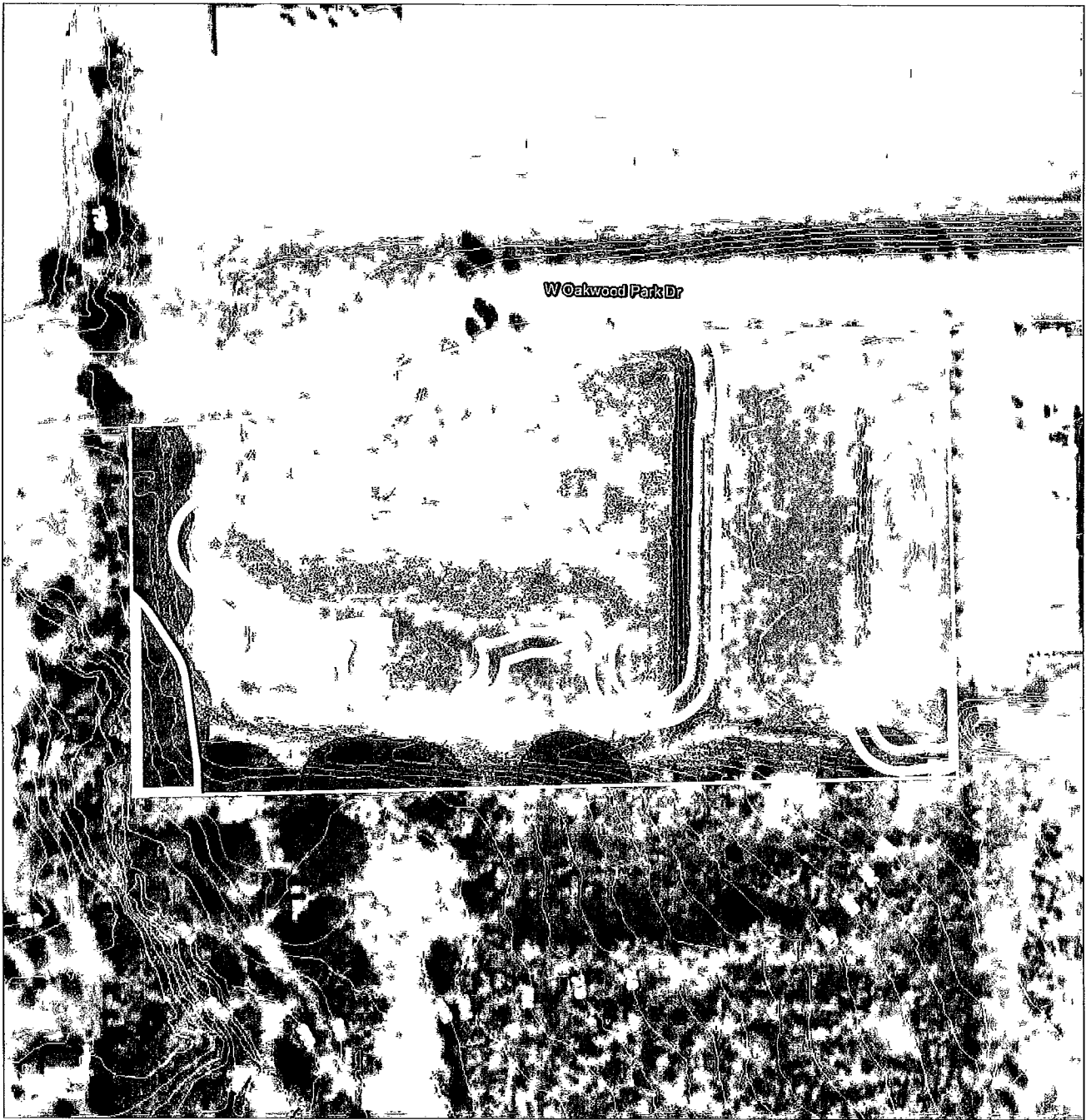
Legend
 Project Boundary



Project Location Prepared by AIS on 2021-05-29
 T15N R21E S26 TR by MP on 2021-05-29
 C of Franklin, Milwaukee Co. WI IR by BL on 2021-05-19
Client/Project 193708336
 MLG Development
 Franklin Parcel

Figure No.
A
Title
 Project Location and Topography

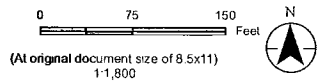
- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
 2. Data Sources: Stantec, SCOT, WisDOT, WDNR
 3. Background: USGS 7.5' Topographic Quadrangles



Notes
 1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
 2. Data Sources: Stantec; Milwaukee Co. SCO; WisDOT; WDNR
 3. Orthophotography: NAIP 2018

Legend

- Project Boundary
- Field Delineated Wetlands
- 75ft Shore Buffer
- 30ft Wetland Setback
- 50ft Wetland Setback
- Mature Woodland
- Areas of slope equal or greater than 10 percent
- 2ft Elevation Contour
- DNR 24k Hydrography
- Perennial Stream*
- Intermittent Stream
- Waterbody*



Project Location
 T15N R21E, S26
 C. of Franklin, Milwaukee Co., WI

Prepared by: AJS on 2021-05-29
 TR by MP on 2021-05-29
 IR by BL on 2021-05-19

Client/Project
 MLG Development
 Franklin Parcel

193708336

Figure No.
B

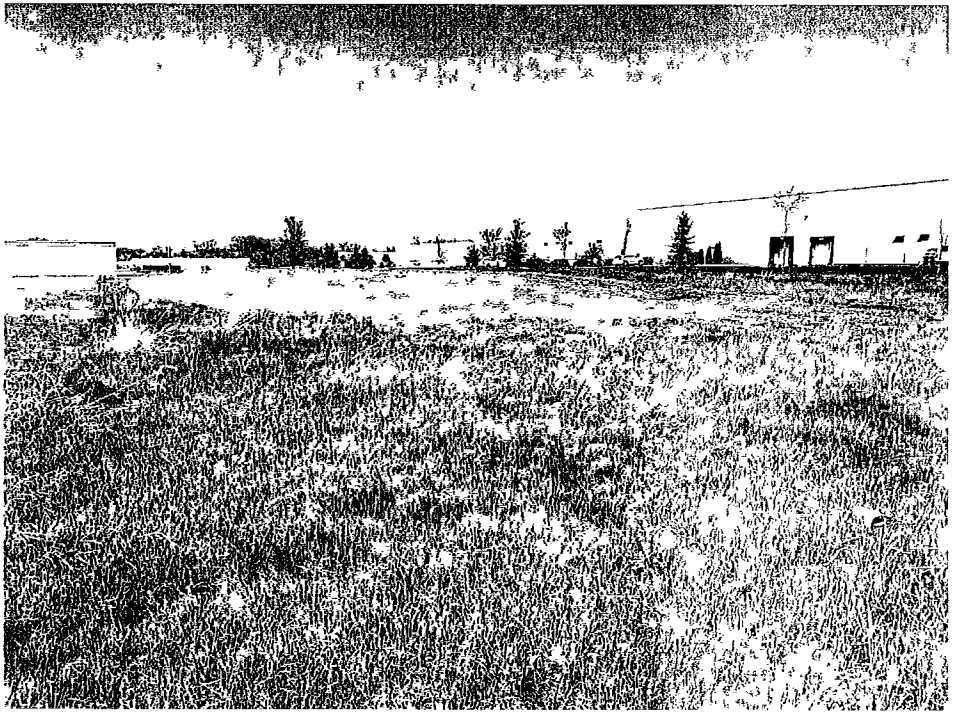

Title
Natural Resources Protection Plan



*No features within data frame



NATURAL RESOURCE PROTECTION PLAN


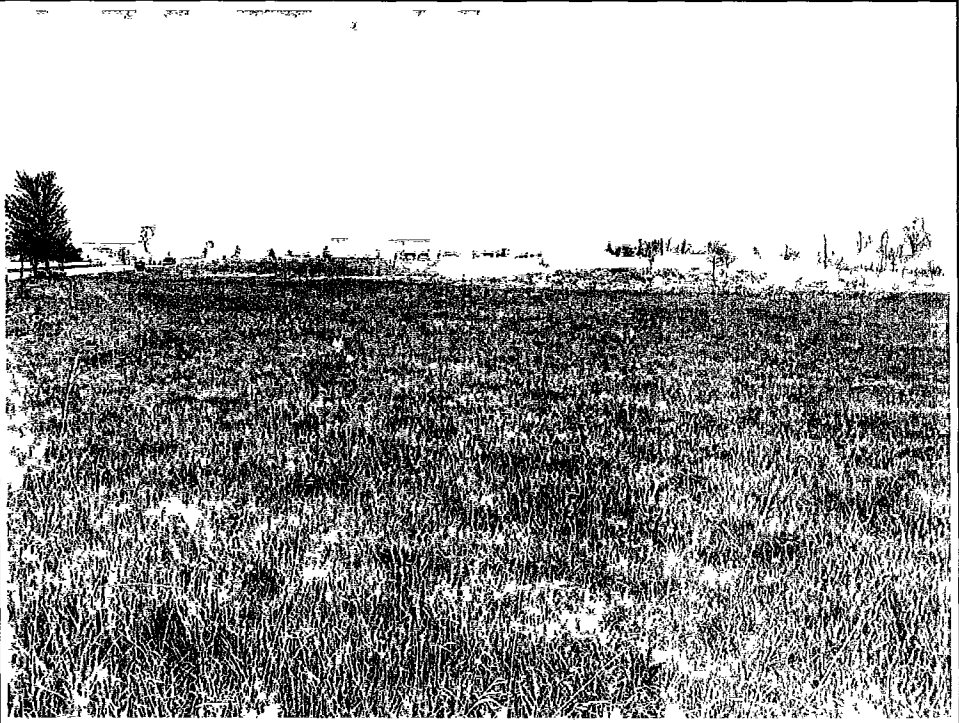
MLG Development
Appendix B- Site Photographs
May 20, 2021



Appendix B Site Photographs



Client:	MLG Development	Project:	193708336
Site Name:	Franklin Parcel	Site Location:	Franklin, Wisconsin
Photograph ID: 1			
Photo Location: Eastern portion of Property			
Direction: North			
Survey Date: 5/5/2021			
Comments: View of recently graded area in eastern portion of the Property			
Photograph ID: 2			
Photo Location: Eastern portion of Property			
Direction: West			
Survey Date: 5/5/2021			
Comments: Overview of W1 (right) and W2 (left) from top of fill slope			



Client:	MLG Development	Project:	193708336
Site Name:	Franklin Parcel	Site Location:	Franklin, Wisconsin
Photograph ID: 3			
Photo Location: Southeastern portion of Property			
Direction: East			
Survey Date: 5/5/2021			
Comments: View of southeast portion of Property			
Photograph ID: 4			
Photo Location: Southeastern portion of Property			
Direction: North			
Survey Date: 5/5/2021			
Comments: View of W1 and fill slope in central portion of the Property			

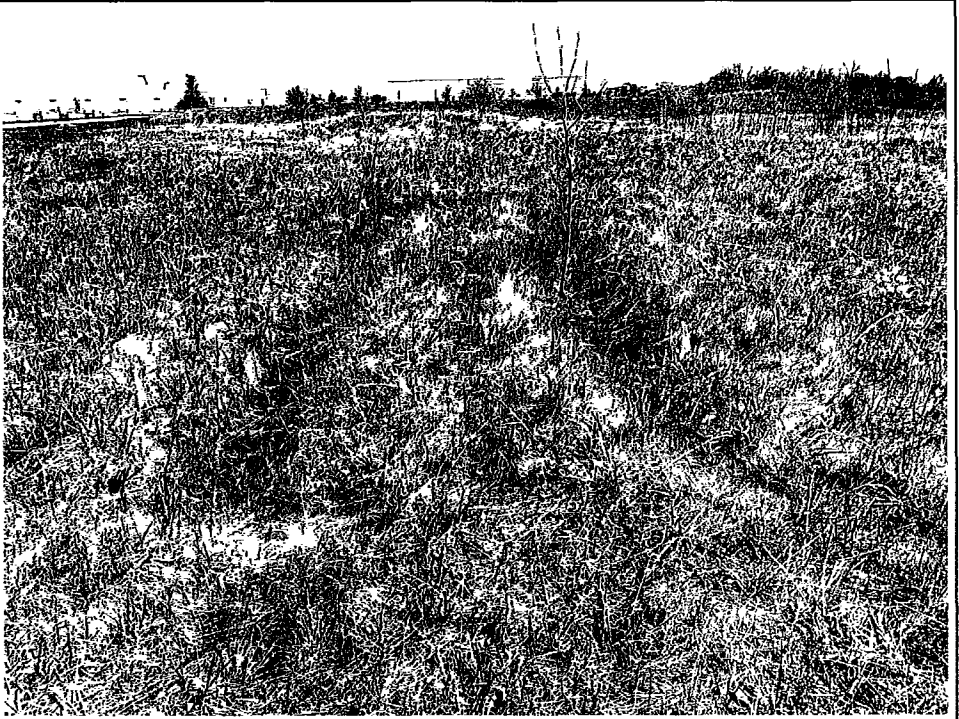

Client:	MLG Development	Project:	193708336
Site Name:	Franklin Parcel	Site Location:	Franklin, Wisconsin
Photograph ID: 5			
Photo Location: North central portion of Property			
Direction: South			
Survey Date: 5/5/2021			
Comments: Overview of W1 from W Oakwood Park Drive			
Photograph ID: 6			
Photo Location: North central portion of Property			
Direction: Southeast			
Survey Date: 5/5/2021			
Comments: View of northeast corner of W1 in the north central portion of the Property			

Client:	MLG Development	Project:	193708336
Site Name:	Franklin Parcel	Site Location:	Franklin, Wisconsin
Photograph ID: 7			
Photo Location: South central portion of Property			
Direction: West			
Survey Date: 5/5/2021			
Comments: Overview of W2			
Photograph ID: 8			
Photo Location: Northwest corner of Property			
Direction: East			
Survey Date: 5/5/2021			
Comments: View of northern portion of Property			

Client:	MLG Development	Project:	193708336
Site Name:	Franklin Parcel	Site Location:	Franklin, Wisconsin
Photograph ID: 9			
Photo Location: Southern boundary of Property			
Direction: East			
Survey Date: 5/5/2021			
Comments: View of southern boundary of the Property from the southwest corner			
Photograph ID: 10			
Photo Location: Southwestern portion of Property			
Direction: West			
Survey Date: 5/5/2021			
Comments: View of southwestern portion of Property			

Client:	MLG Development	Project:	193708336
Site Name:	Franklin Parcel	Site Location:	Franklin, Wisconsin
Photograph ID: 11			
Photo Location: Western boundary of Property			
Direction: Southwest			
Survey Date: 5/5/2021			
Comments: Average sized box elder tree found within the Property			
Photograph ID: 12			
Photo Location: Western boundary of Property			
Direction: South			
Survey Date: 5/5/2021			
Comments: View of upland area within mature wooded area along western Property boundary			

Client:	MLG Development	Project:	193708336
Site Name:	Franklin Parcel	Site Location:	Franklin, Wisconsin
Photograph ID: 13			
Photo Location: Outside of western boundary of Property			
Direction: Northwest			
Survey Date: 5/5/2021			
Comments: View of waterway located outside the west boundary of the Property			
Photograph ID: 14			
Photo Location: Outside of western boundary of Property			
Direction: Southwest			
Survey Date: 5/5/2021			
Comments: View of waterway located outside the west boundary of the Property			

Client:	MLG Development	Project:	193708336
Site Name:	Franklin Parcel	Site Location:	Franklin, Wisconsin
Photograph ID: 15			
Photo Location: Western portion of Property			
Direction: East			
Survey Date: 5/5/2021			
Comments: View of west end of W1 and tire tracks			
Photograph ID: 16			
Photo Location: Northwestern corner of Property			
Direction: South			
Survey Date: 5/5/2021			
Comments: View of western portion of Property			

**U S ARMY CORPS OF ENGINEERS, CHICAGO DISTRICT
REQUEST FOR A JURISDICTIONAL DETERMINATION**
For use of this form, see ER 405-1-12, the proponent agency is CELRC-TS-R

PRIVACY ACT STATEMENT

AUTHORITIES The Department of the Army permit program is authorized by Section 10 of the Rivers and Harbors Act (RHA) of 1899, 33 CFR Section 404 of the Clean Water Act, and Section 103 of the Marine Protection, Research, and Sanctuaries Act
PRINCIPAL PURPOSE These laws require permits authorizing activities in or affecting navigable waters of the United States, the discharge of dredged or fill material into water of the United States, and the transportation of dredged material for the purpose of dumping it into ocean waters
ROUTINE USE(s) Information provided on this form will be used in determining Department of the Army jurisdictional boundaries. Information in this application is made a matter of public record
DISCLOSURE OF THE INFORMATION REQUESTED IS VOLUNTARY however, the data requested are necessary in order to establish Federal regulatory jurisdiction. If the necessary information is not provided, the jurisdictional determination cannot be completed.

This form can be used when you want to determine if areas on your property fall under regulatory requirements of the U S Army Corps of Engineers (USACE). Please supply the following information and supporting documents described below. This form can be filled out online and then printed. It must be **SIGNED BY THE PROPERTY OWNER** to be considered a formal request. Submitting this request authorizes the US Army Corps of Engineers to field inspect the property site, if necessary, to help in the determination process. The printed form and supporting documents should be mailed to:

U S ARMY CORPS OF ENGINEERS, CHICAGO DISTRICT
 REGULATORY BRANCH
 231 SOUTH LASALLE STREET, SUITE 1500
 CHICAGO, ILLINOIS 60604
 FAX NUMBER 312 353 4110
 E-MAIL ChicagoRequests@usace.army.mil

Additionally, you may either call our branch telephone at 312 846 5530 or view our website at <http://www.lrc.usace.army.mil/Portals/36/docs/Regulatory/newapps.pdf> to determine which number and project manager has been assigned to your request. Project Manager contact information can be found here <http://www.lrc.usace.army.mil/Missions/Regulatory/ContactInfo.aspx>. Please contact us if you need any assistance with filling out this form.

SECTION I - LOCATION AND INFORMATION ABOUT PROPERTY TO BE SUBJECT TO A JURISDICTIONAL DETERMINATION

1 PROPERTY ADDRESS / LOCATION
 W. Oakwood Park Drive (Franklin Business Park)

2 CITY (Name) OR UNINCORPORATED Franklin	3 STATE Wisconsin	4 ZIP CODE 53132
---	----------------------	---------------------

5 COUNTY Milwaukee	6 TOWNSHIP NAME
-----------------------	-----------------

7 QUARTER SE	8 SECTION 26	9 TOWNSHIP 5 N	10 RANGE 21 E.	11 PRINCIPAL MERIDIAN (PM)
-----------------	-----------------	-------------------	-------------------	----------------------------

12a LATITUDE IN DECIMAL DEGREES °NORTH	b LONGITUDE IN DECIMAL DEGREES °WEST
--	--------------------------------------

13 SIZE OF PROPERTY IN ACRES 7.65	14 TAX PERSONAL IDENTIFICATION NUMBER (PIN) 930-0007-002
--------------------------------------	---

15 PRIOR OR RELATED USACE PROJECT NUMBER

16 IS THE PROPERTY SUBJECT TO A CONSERVATION EASEMENT OR DEED RESTRICTION? YES NO. IF YES, PLEASE EXPLAIN AND SUBMIT DETAILS OF THE PROJECT AREA.

17 WAS THE PROPERTY A SITE FOR MITIGATION PURSUANT TO A PROJECT PREVIOUSLY PERMITTED BY USACE? YES NO. IF YES, PLEASE EXPLAIN AND SUBMIT DETAILS OF THE PROJECT AREA.

18 IS THE PROPERTY NEIGHBORING / ADJACENT TO / BORDERING A PROJECT PREVIOUSLY PERMITTED BY USACE? YES NO
IF YES, PLEASE EXPLAIN AND SUBMIT THE NAME OF THE PROJECT, THE PERMITTEE'S NAME AND / OR ADDRESS, AND CORPS PERMIT NUMBER, IF AVAILABLE

SECTION II - PROPERTY OWNER CONTACT INFORMATION

1 PROPERTY OWNER NAME (Last, First MI) (must be an individual)

Bukovich, Joseph, A

2 PROPERTY OWNER COMPANY (if applicable)

MLG Development, Inc.

3 MAILING ADDRESS (Post Office Box, Street, City, State and Zip Code)

19000 W. Bluemound Rd , Brookfield, WI 53045

4 DAYTIME TELEPHONE NUMBER

262-424-5997

5 FAX NUMBER

414-908-9157

6 E-MAIL ADDRESS

jbukovich@pointre.com

SECTION III - REQUESTOR NON-PROPERTY OWNER CONTACT INFORMATION

IF THE PERSON REQUESTING THE JURISDICTIONAL DETERMINATION IS NOT THE PROPERTY OWNER, PLEASE ALSO SUPPLY THE REQUESTOR'S CONTACT INFORMATION HERE

1 REQUESTOR'S NAME (Last, First MI)

Lennie, Brian

2 REQUESTOR'S COMPANY (if applicable)

Stantec

3 MAILING ADDRESS (Post Office Box, Street, City, State and Zip Code)

12075 N. Corporate Parkway, Suite 200, Mequon, WI 53092

4 DAYTIME TELEPHONE NUMBER

262-617-9114

5 FAX NUMBER

262-241-4901

6 E-MAIL ADDRESS

brian.lennie@stantec.com

SECTION IV - OTHER DATA AND SIGNATURE CERTIFICATION

1 OTHER DATA / INFORMATION THAT MAY ASSIST WITH DETERMINATION

Please provide a map and / or copy of the plat of survey identifying the physical boundaries of the property

Additionally, if you have any of the following information, please include it with your request wetland delineation, relevant maps, drain tile survey, topographic survey, and site photographs

If you are considering doing work on the property, please identify on the required site map, plat of survey, or in a separate drawing the footprint, location, and type of potential work It will assist us in the determination process and reduce unnecessary delays of processing subsequent permits, if required

I hereby certify that the information contained in the Request for a Jurisdictional Determination is accurate and complete

2a PROPERTY OWNER (Last, First MI)

Bukovich, Joseph A.

b DATE (YYYYMMDD)

2021/05/18

c PROPERTY OWNER'S SIGNATURE

Joseph A. Bukovich

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
1155 Pilgrim Rd
Plymouth, WI, 53073

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



June 16th, 2021

EXE-SE-2021-41-02101

MLG Development Inc
Joe Bukovich
19000 W. Bluemound Road
Brookfield, WI 53045

RE Artificial Wetland Exemption Determination for an area described as Wetland 1, 2, 3, and 4 located in the SW1/4 of the SE1/4 of Section 26, Township 05 North, Range 21 East, City of Franklin, Milwaukee County

Dear Mr Bukovich

This letter is in response to your request for an artificial wetland exemption determination for the above-mentioned wetlands.

According to 281 36 (4n), State Statutes, a landscape feature where hydrophytic vegetation may be present as a result of human modification to the landscape or hydrology and for which no definitive evidence exists showing a prior wetland or stream history before August 1, 1991, may be exempt from state wetland regulations. The following types of artificial wetlands cannot be exempted from state wetland regulation

- 1) a wetland that serves as a fish spawning area or that is passage to a fish spawning area
- 2) a wetland created as a result of a wetland mitigation requirement

In addition, DNR must also consider whether the artificial wetland is providing significant flood protection to adjacent or downstream properties and infrastructure, and/or significant water quality functions to adjacent or downstream water bodies

The Department reviewed the following materials to aid in our exemption determination

- The request narrative
- Historic Maps, including the Original Land Survey Plat, Bordner Survey, USGS topographic Quad maps, and soil mapping
- Aerial photographs, including the 1937/8 era photograph, a pre-construction photograph, and a post-construction photograph.
- Site photographs that show different angles and views of the wetland
- Wetland delineation report

Below is a summary of our findings:

Request Narrative

According to the request narrative, wetland 1 (0.48 acres), wetland 2 (0.03 acres), wetland 3 (0.01 acres), and wetland 4 (0.01 acres) are the focus of this artificial wetland exemption request. These wetlands are isolated fresh wet meadow depressions on a vacant lot in an existing business park. These areas are proposed to be disturbed for the construction of development in a business park. The requested wetlands were filled/graded during a mass grading event around 1996-1997, left vacant for some time, and graded/filled/excavated again around 2010. From 2010 to present day, the site remains vacant and has been allowed to revegetate, and wetlands areas can be clearly seen on aerial photos. Wetlands formed out of fill material or were the result of impounded water from this event. Wetlands are isolated, don't exhibit persistent surface water, and are not anticipated to provide fish spawning habitat. The applicant indicated that future development would include stormwater management facilities as determined necessary by other state/local officials.

Historic Map Review

- Original Land Survey Plat The original land survey indicates a small stream in nearby
- Bordner Survey The Bordner survey is not applicable to Milwaukee county
- USGS Topographic Quad map The 1891 thru 1950 USGS Quad maps indicate no wetland or stream history. In 1960 and subsequent topo maps, a small stream is present nearby, and on the 2013 Topo map, the business park has developed around the parcel.
- The 1919 soils map indicate that there is a waterway near the parcel.
- Soil Maps The soil maps indicate that the area is mostly mapped in Ozaukee silt loam, 2-6% slopes that is a moderately well drained soil that is predominantly non-hydric, with hydric soil inclusions in certain landforms. The western side of the site is mapped in Blount silt loam, 1-3% slopes that is a somewhat poorly drained, predominantly non-hydric with hydric soil inclusions in depressions

Aerial Photograph Review

- 1937/38 era aerial photograph The 1937/38 aerial photograph shows that there is a stream/ditch near the west side of the parcel-mostly offsite. The parcel is crop field with no distinct wetland signatures
- aerial photograph review.
 - The 1951-1995 era aerial photographs show the same conditions as the 37/38 photo, the area is a crop field without any distinct or consistent wetland signatures over that time
 - The 1996-1997 era aerial photos show that the entire site had been filled/graded. Wetlands features are completely disturbed, and under graded fill material
 - The 1998-2009 aerial photos show that the site is now vacant, allowed to revegetate.
 - The 2010 aerial photo shows that the majority of the site has been graded/filled/excavated again.
 - The 2011-present day aerial photos show that mass grading concludes around 2010, and the site remains vacant. It appears that wetlands have formed in these areas, as surface water/wetland signatures become more evident. The lot is left vacant until present day and the areas are left to naturalize. A building is constructed to the east around 2015, and additional grading occurs

Site Photographs, and LIDAR

The site photographs show these areas are on a vacant, unmaintained lot in a business park setting, with berms and other man-made features. Contour mapping and LIDAR shows the extent of fill material from the filling/grading/excavation extent, which left berms and other manmade features

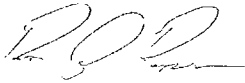
Conclusion

- Based upon the information provided above, the wetland identified as Wetland 1, 2, 3, and 4, lacked a wetland history prior to August 1, 1991, and fulfills all artificial wetland exemption standards **Therefore, Wetlands 1, 2, 3, and 4 are exempt from state wetland regulations.** Please see the attached figure for reference.

This letter describes DNR's decision regarding the jurisdictional status of Wetland 1, 2, 3, and 4 and is only valid for state jurisdictional purposes. For decisions regarding the federal jurisdictional status of Wetland 1, 2, 3, and 4 you will need to contact the U.S. Army Corps of Engineers

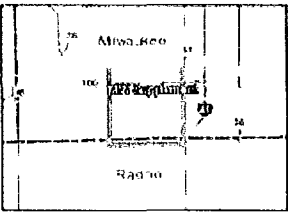
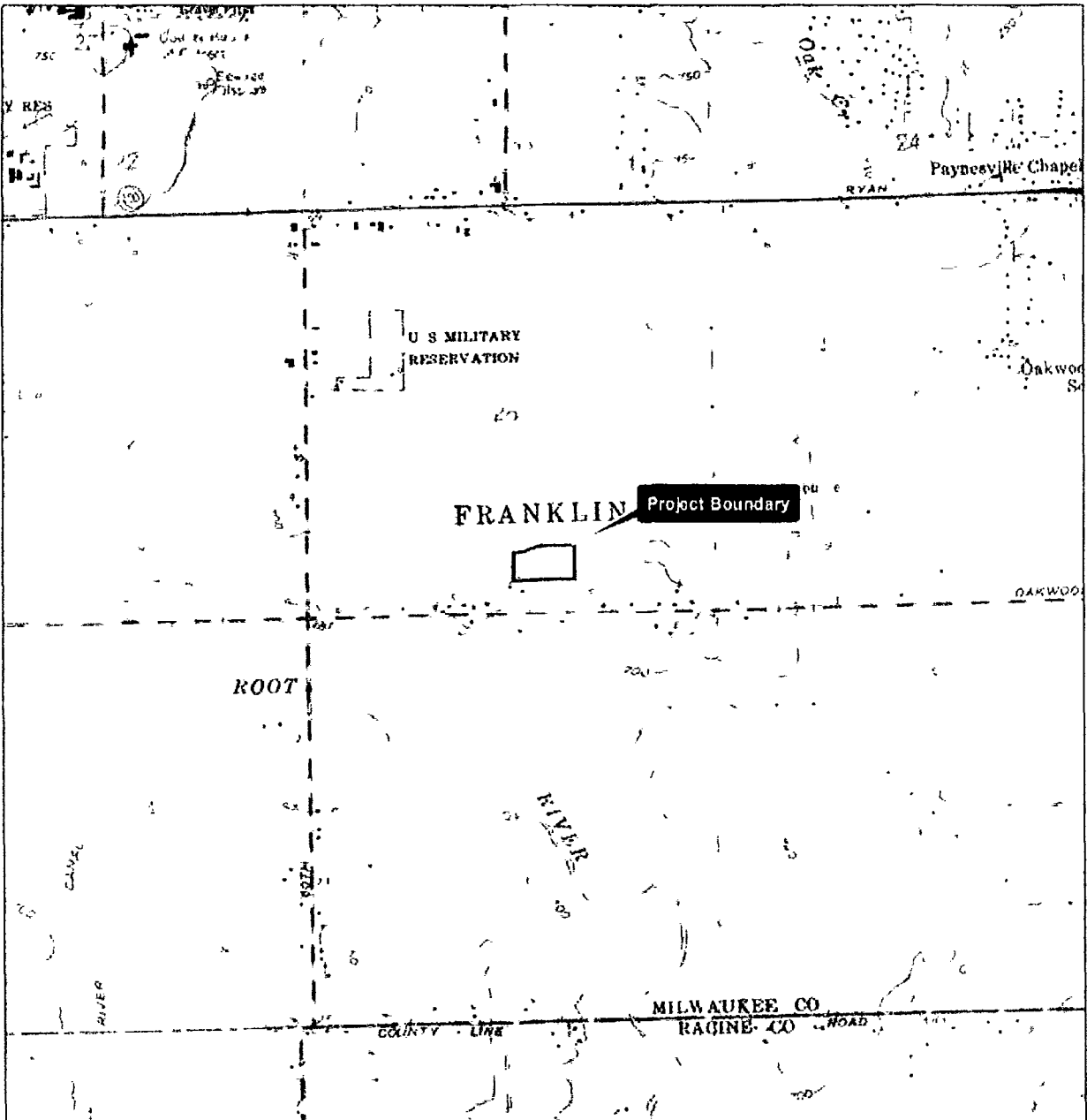
If you have any questions about this determination, please contact me at (715) 492-0200 or email Ryan Pappas@wisconsin.gov

Sincerely,

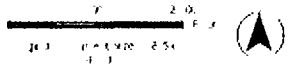


Ryan Pappas
Wetland Exemption Specialist

cc: U S Army Corps of Engineers
Consultant



Legend
 [] Project Boundary



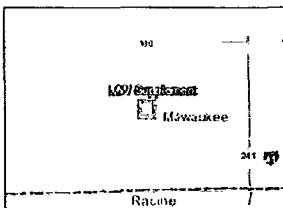
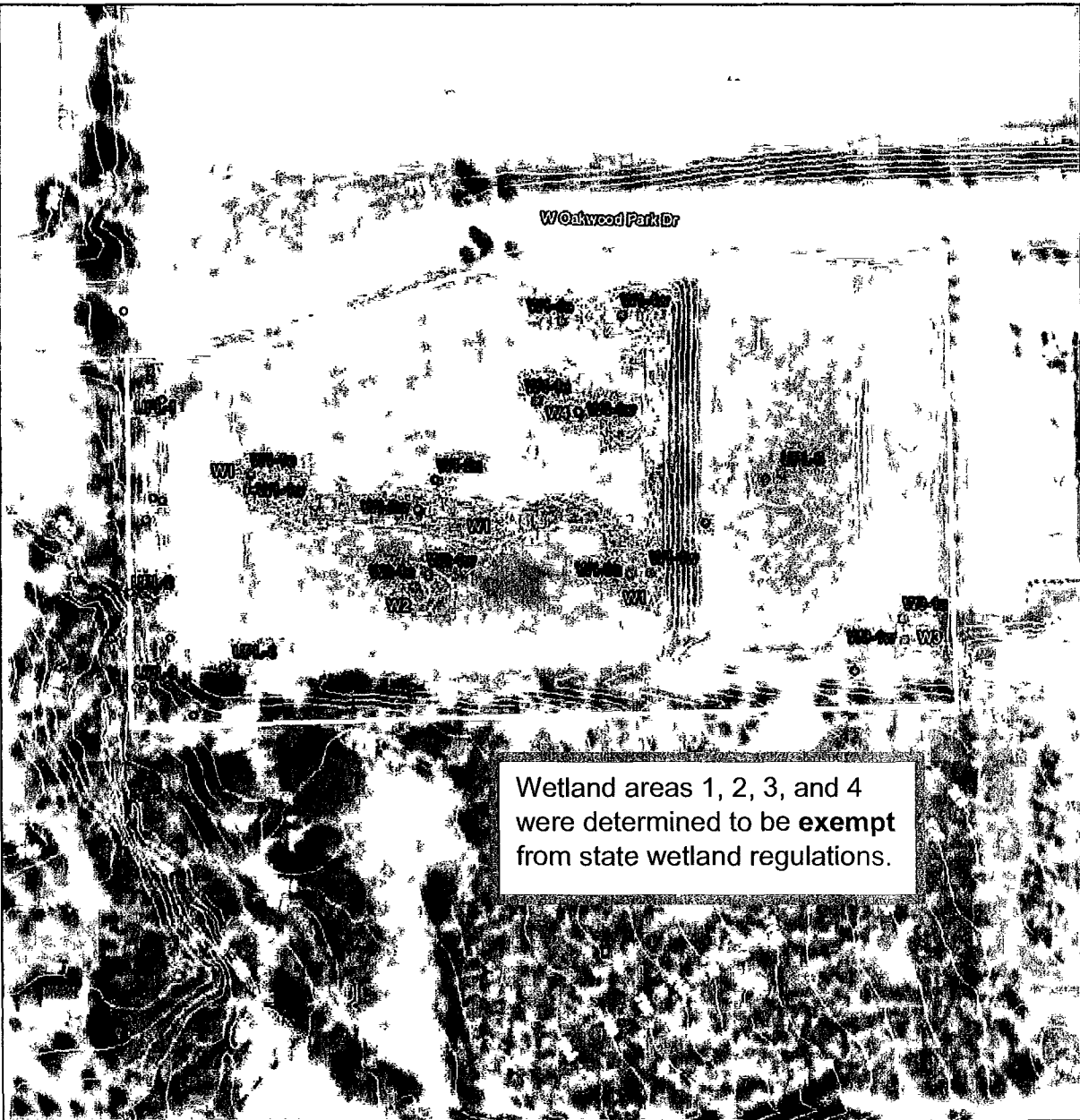
Stantec

Project: 2008-0000
 Title: M&G Development
 Date: 11/11/11

- Notes**
1. Contour interval is 5 feet and the datum is NAVD83.
 2. All elevations are in feet unless otherwise noted.

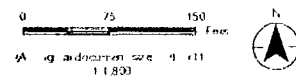
Project Location and Topography

This document is the property of Stantec. It is to be used only for the project and location specified. It is not to be distributed, copied, or otherwise used for any other purpose without the written consent of Stantec.



Legend

- Project Boundary
- Field Delineated Wetlands
- 2ft Elevation Contour
- Sample Point
- DNR 24k Hydrography
- Perennial Stream*
- Intermittent Stream
- Waterbody*



Project location: 11101 Rte 56, Franklin, WI 53121
 Client: MLG Development, Franklin, WI
 Date: 12/15/2021

Project Name: MLG Development
 Project Number: 2021-01-1
 Date: 12/15/2021
 Title: Field Collected Data

Notes
 1. Client: MLG Development
 2. Data Source: Survey, Milwaukee, WI
 3. DNR Hydrography: NAD 2011

*No features within data frame

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CONSERVATION EASEMENT

Lots 1 and 2, CSM _____, Franklin Business Park

This Conservation Easement is made by and between the City of Franklin, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and MLG Development, Inc, a Wisconsin Corporation, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to § 700 40(2)(b) of the Wisconsin Statutes

WITNESSETH

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

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

WHEREAS, Grantee is a 'holder', as contemplated by § 700 40(1)(b)1 of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under § 62 23 and § 236 45 of the Wisconsin Statutes, the conservation of land, natural areas, open space and water areas, and

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

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

WHEREAS, there is no mortgage on the protected property

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

Grantee's rights hereunder shall consist solely of the following

- 1 To view the protected property in its natural, scenic, and open condition,
- 2 To enforce by proceeding at law or in equity the covenants subsequently set forth, including, and in addition to all other enforcement proceedings, proceedings to obtain all penalties and remedies set forth under Division 15-9 0500 of the Unified Development Ordinance of the City of Franklin, as amended from time to time, any violation of the covenants subsequently set forth being and constituting a violation of such Unified Development Ordinance, as amended from time to time, or such local applicable ordinance as may be later adopted or in effect to enforce such covenants or the purposes for which they are made, it being agreed that there shall be no waiver or forfeiture of the Grantee's right to insure compliance with the covenants and conditions of this grant by reason of any prior failure to act, and
- 3 To enter the protected property at all reasonable times for the purpose of inspecting the protected property to determine if the Grantor is complying with the covenants and conditions of this grant

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

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

Acceptance

The undersigned does hereby consent to and accepts the Conservation Easement granted and conveyed to it under and pursuant to the foregoing Grant of Conservation Easement. In consideration of the making of such Grant Of Conservation Easement, the undersigned agrees that this acceptance shall be binding upon the undersigned and its successors and assigns and that the restrictions imposed upon the protected property may only be released or waived in writing by the Common Council of the City of Franklin, as contemplated by § 236.293 of the Wisconsin Statutes.

In witness whereof, the undersigned has executed and delivered this acceptance on the ____ day of _____, 20__

CITY OF FRANKLIN

By _____
Stephen R. Olson, Mayor

By _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

Personally came before me this _____ day of _____, 20__, the above named Stephen R. Olson, Mayor and Sandra L. Wesolowski, City Clerk, of the above named municipal corporation, City of Franklin, to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers as the Deed of said municipal corporation by its authority and pursuant to Resolution No _____, adopted by its Common Council on the _____ day of _____, 20__

Notary Public

My commission expires _____

This instrument was drafted by the City of Franklin

Approved as to contents

Régulo Martínez-Montilva
Principal Planner
Department of City Development

Date

Approved as to form only

Jesse A. Wesolowski
City Attorney

Date

Exhibit A
Protected Property
(See Attached)



DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
180 FIFTH STREET EAST, SUITE 700
ST PAUL, MN 55101-1678

July 19, 2021

Regulatory File No 2009-03276-AJK

Joseph Bukovich
MLG Capital
19000 W Bluemound Road
Brookfield, WI 53045

Dear Mr Bukovich

This letter regards an approved jurisdictional determination for the Franklin Business Park site in Franklin. The project site is in Section 26, Township 5 North, Range 21 East, Milwaukee County, Wisconsin. The review area for our jurisdictional determination is identified on the enclosed figures, labeled 2009-03276-AJK Figures 1-2 of 2.

The review area contains no waters of the United States subject to Corps of Engineers (Corps) jurisdiction. Therefore, you are not required to obtain Department of the Army authorization to discharge dredged or fill material within this area. The rationale for this determination is provided in the enclosed Approved Jurisdictional Determination form. This determination is only valid for the review area described. You are also cautioned that the area of waters described on the enclosed Jurisdictional Determination form is approximate and is not based on a precise delineation of aquatic resources.

If you object to this approved jurisdictional determination, you may request an administrative appeal under Corps regulations at 33 CFR 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination, you must submit a completed RFA form to the Mississippi Valley Division Office at the address shown on the form.

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR 331.5, and that it has been received by the Division Office within 60 days of the date of the enclosed NAP. It is not necessary to submit an RFA form to the division office if you do not object to the determination in this letter.

This approved jurisdictional determination may be relied upon for five years from the date of this letter. However, the Corps reserves the right to review and revise the determination in response to changing site conditions, information that was not considered during our initial review, or off-site activities that could indirectly alter the extent of wetlands and other resources on-site. This determination may be renewed at the end of the five year period provided you submit a written request and our staff are able to verify that the limits established during the original determination are still accurate.

Regulatory Branch (File No 2009-03276-AJK)

If you have any questions, please contact me in our Brookfield office at (651) 290-5729 or anthony.j.kitchen@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

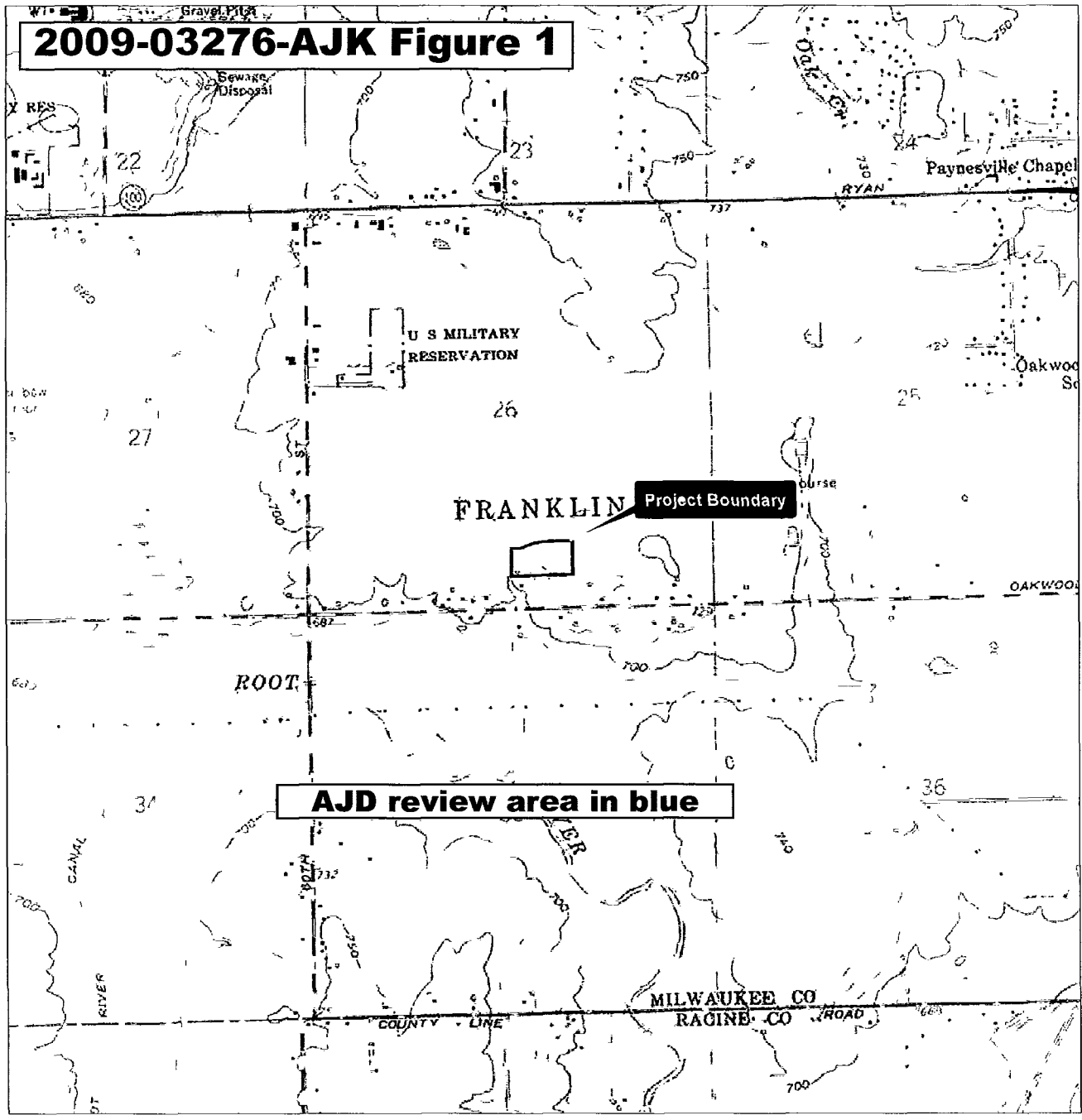
A handwritten signature in black ink, appearing to be 'AJK', written in a cursive style.

for A J Kitchen
Project Manager

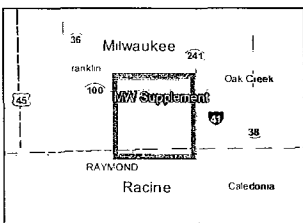
Enclosures

cc Brian Lennie, Stantec
Ryan Pappas, WI DNR

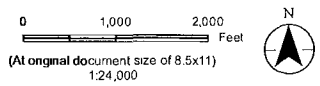
2009-03276-AJK Figure 1



AJD review area in blue



Legend
 Project Boundary



Project Location Prepared by AJJ on 2021-04-29
 115N R21E, S26 TR by MP on 2021-04-29
 C. of Franklin, Milwaukee Co WI IR by SM on 2021-05-18

Client/Project
 M.I.G Development
 Franklin Parcel
 Wetland Delineation

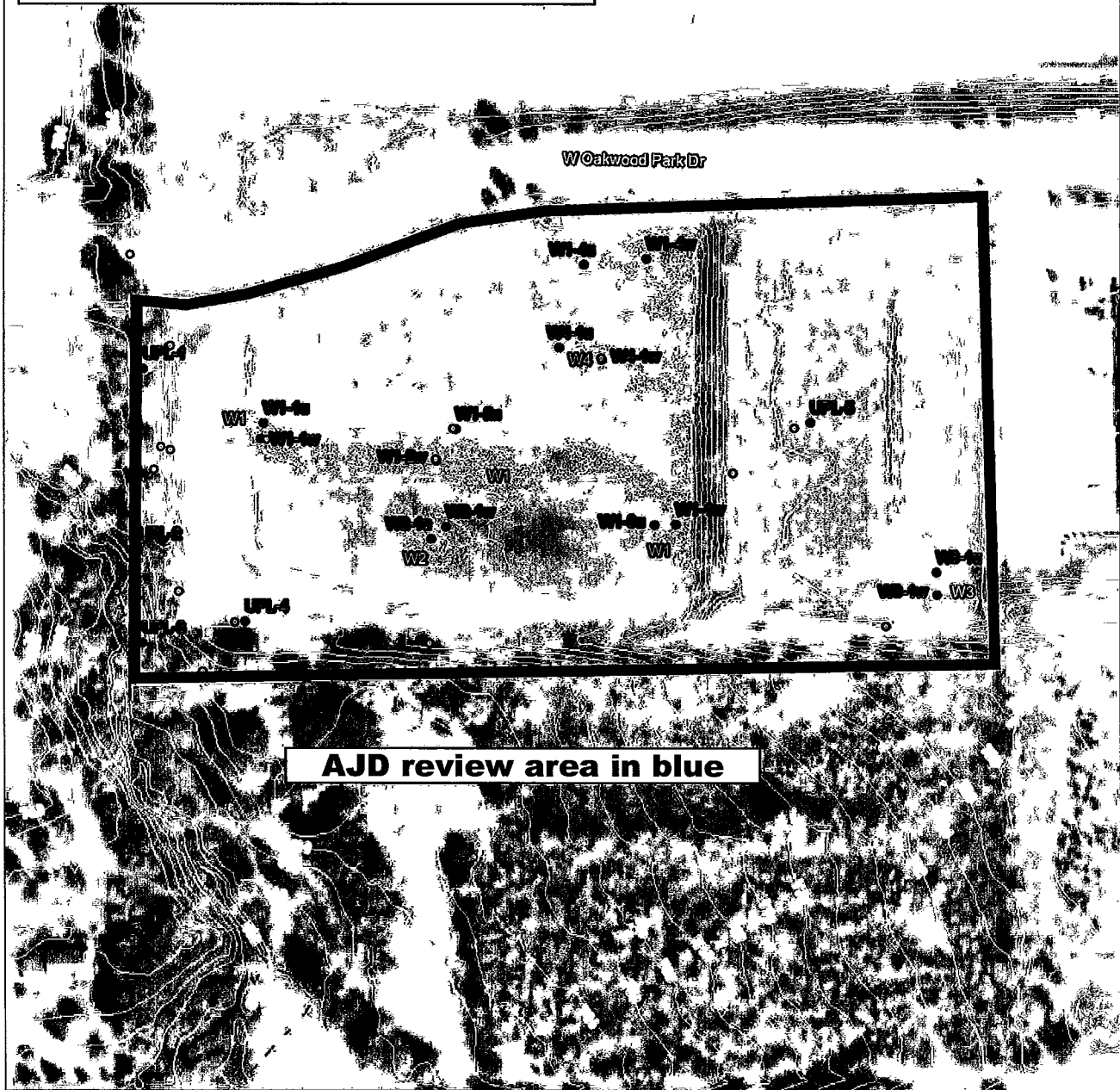
Figure No.
 1

Title
 Project Location and Topography

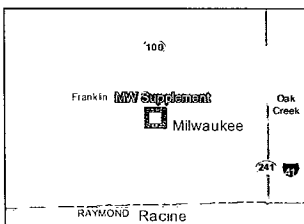
- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
 2. Data Sources: Stantec, SCOWISDOT, WDNR
 3. Background: USGS 7.5' Topographic Quadrangles

Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated hereinafter as a result. Stantec assumes no responsibility for data supplied in electronic format and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.

2009-03276-AJK Figure 2

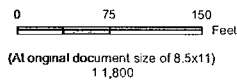


AJD review area in blue



Legend

- Project Boundary
- Field Delineated Wetlands
- 2ft Elevation Contour
- Sample Point
- DNR 24k Hydrography
 - Perennial Stream*
 - Intermittent Stream
 - Waterbody*



Project Location: T15N R21E, S26
 Prepared by AJS on 2021-04-29
 C. of Franklin Milwaukee Co. WI
 IR by MP on 2021-04-28
 IR by SM on 2021-05-18

Client/Project: 193708336

MLG Development
 Franklin Parcel
 Wetland Delineation

Figure No.
5

Title
Field Collected Data

- Notes**
1. Coordinate System: NAD 1983 StatePlane Wisconsin South FIPS 4803 Feet
 2. Data Sources: Stantec, Milwaukee Co. SCO WisDOT WDNR
 3. Orthophotography: NAIP 2018

*No features within data frame



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD) 7/19/2021
 ORM Number MVP-2009-03276-AJK
 Associated JDs N/A
 Review Area Location¹ State/Territory WI City Franklin County/Parish/Borough Milwaukee
 Center Coordinates of Review Area Latitude 42 85969 Longitude -87 98063

II. FINDINGS

A. Summary: Check all that apply At least one box from the following list **MUST** be selected Complete the corresponding sections/tables and summarize data sources

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area) Rationale N/A or describe rationale
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II B)
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II C)
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II D)

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size		§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters) ³				
(a)(1) Name	(a)(1) Size		(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters)				
(a)(2) Name	(a)(2) Size		(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	N/A	N/A

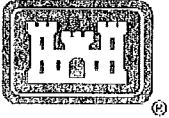
Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters)				
(a)(3) Name	(a)(3) Size		(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A	N/A

Adjacent wetlands ((a)(4) waters)				
(a)(4) Name	(a)(4) Size		(a)(4) Criteria	Rationale for (a)(4) Determination
N/A	N/A	N/A	N/A	N/A

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list do NOT use this document to make the determination The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination

³ A stand alone TNW determination is completed independently of a request for an AJD A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody such as a lake where upstream or downstream limits or lake borders are established A stand alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)) ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
W-1	0 48	acre(s)	(b)(1) Non-adjacent wetland	<p>These wetlands are depressions surrounded by upland likely created by historical grading, as shown by the May 2021 delineation report and confirmed by 1) aerial photos showing clear wet signatures in most recent years, 2) topographic contours showing steep slopes inconducive to wetland formation surrounding the wetlands, and 3) the soil map showing predominately non-hydric soils surrounding them</p> <p>The nearest tributary to any of the wetlands is unnamed to the Root River, approximately 168 feet to the west of the west edge of W-1 and at least 14 feet lower in elevation (716 to 702) Based on FEMA's National Flood Hazard Layer all four wetlands are in the Area of Minimal Flood Hazard, therefore, they would not be flooded by an (a)(1)-(a)(3) water in a typical year</p> <p>The delineation report documented no culverts, drain tile, or other artificial or natural features that would connect any of the four wetlands to an (a)(1)-(a)(3) water Aerial and ground photos also do not show any artificial or natural features associated with the wetlands</p>
W-2	0 03			
W-3	0 01			
W-4	0 01			

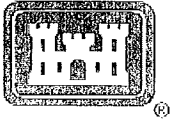
III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate

- Information submitted by, or on behalf of, the applicant/consultant May 2021 Wetland Delineation Report by Stantec
 - This information is sufficient for purposes of this AJD
 - Rationale N/A
- Data sheets prepared by the Corps Title(s) and/or date(s)
- Photographs Aerial and Other Historic aerial photos (2011-2021), ground level site photographs from delineation report
- Corps site visit(s) conducted on Date(s)
- Previous Jurisdictional Determinations (AJDs or PJDs) ORM Number(s) and date(s)
- Antecedent Precipitation Tool *provide detailed discussion in Section III B*
- USDA NRCS Soil Survey Milwaukee County

⁴ Some excluded waters such as (b)(2) and (b)(4) may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so Corps districts may in case-by-case instances choose to identify some or all of these waters within the review area

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

- USFWS NWI maps Title(s) and/or date(s)
- USGS topographic maps Franklin quadrangles

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A
USDA Sources	N/A
NOAA Sources	N/A
USACE Sources	N/A
State/Local wetland inventory maps	Wisconsin Wetland Inventory
FEMA/FIRM maps	National Flood Hazard Layer
Other Sources	Milwaukee County 2-ft contours

B. Typical year assessment(s): N/A

C. Additional comments to support AJD: N/A

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND
REQUEST FOR APPEAL**

Applicant: Joseph Bukovich (MLG Capital)		File No.: 2009-03276-AJK	Date: 7/19/2021
Attached is			See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)		A
	PROFFERED PERMIT (Standard Permit or Letter of permission)		B
	PERMIT DENIAL		C
X	APPROVED JURISDICTIONAL DETERMINATION		D
	PRELIMINARY JURISDICTIONAL DETERMINATION		E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

- A INITIAL PROFFERED PERMIT** You may accept or object to the permit
- **ACCEPT** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
 - **OBJECT** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.
- B PROFFERED PERMIT** You may accept or appeal the permit
- **ACCEPT** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
 - **APPEAL** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- C PERMIT DENIAL** You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- D APPROVED JURISDICTIONAL DETERMINATION** You may accept or appeal the approved JD or provide new information
- **ACCEPT** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
 - **APPEAL** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- E PRELIMINARY JURISDICTIONAL DETERMINATION** You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record)

ADDITIONAL INFORMATION The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record Neither the appellant nor the Corps may add new information or analyses to the record However, you may provide additional information to clarify the location of information that is already in the administrative record

POINT OF CONTACT FOR QUESTIONS OR INFORMATION

If you have questions regarding this decision and/or the appeal process you may contact

A J Kitchen
U S Army Corps of Engineers
Brookfield Field Office
250 N Sunny Slope Road, Ste 296
Brookfield, WI 53005
(651) 290-5729

If you only have questions regarding the appeal process you may also contact the Division Engineer through

Administrative Appeals Review Officer
Mississippi Valley Division
P O Box 80 (1400 Walnut Street)
Vicksburg, MS 39181-0080
601-634-5820 FAX 601-634-5816

RIGHT OF ENTRY Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations

Signature of appellant or agent

Date

Telephone number

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<p>APPROVAL <i>slu</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE 08/03/2021</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>CONCEPT REVIEW FOR A SINGLE-FAMILY RESIDENTIAL SUBDIVISION WITH 115 LOTS TO BE LOCATED WEST OF THE FRANKLIN SAVANNA NATURAL AREA.</p> <p>(PROPERTIES BEARING TAX KEY NUMBERS 892-9999-002, 937-9999-004 & 938-9999-011)</p> <p>(BEAR DEVELOPMENT, LLC, APPLICANT)</p>	<p>ITEM NUMBER</p> <p>G.2.</p>

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

The documents attached for this item include

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

COUNCIL ACTION REQUESTED

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



CITY OF FRANKLIN



REPORT TO THE COMMON COUNCIL

Meeting of August 3, 2021

Concept Review

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

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

Introduction

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

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

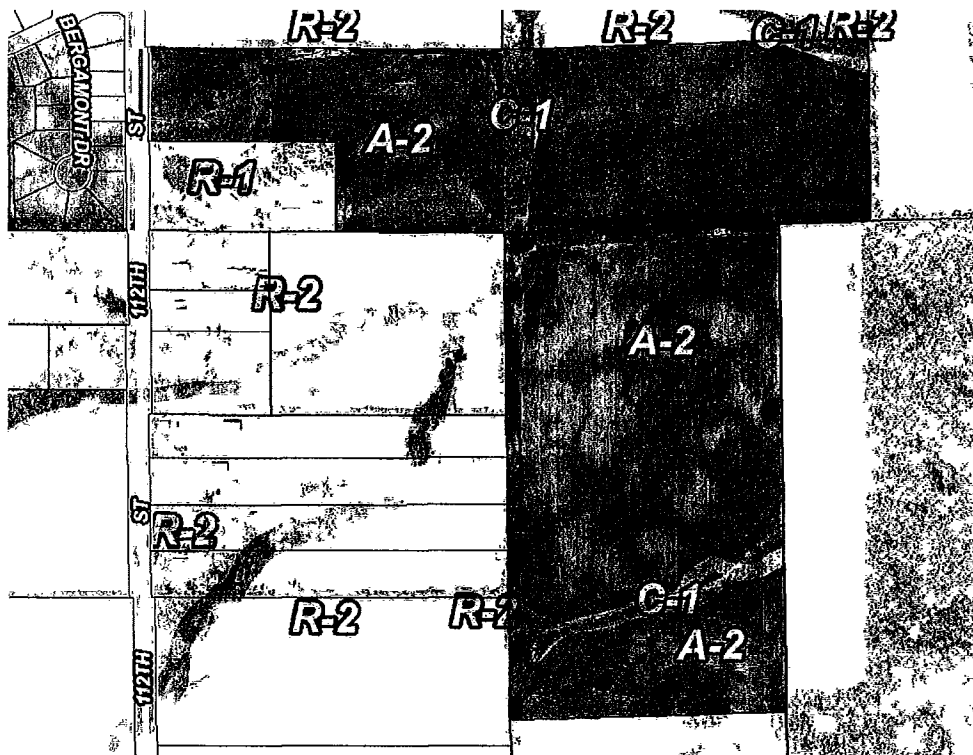
Project Description/Analysis

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

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

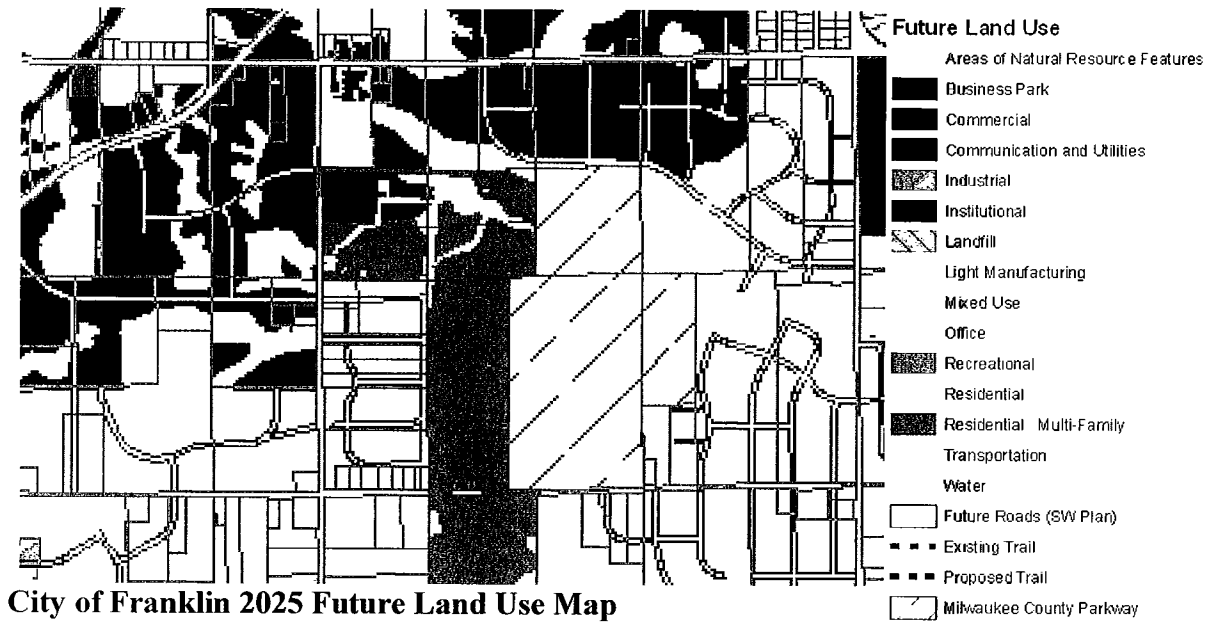
City Development staff has the following concerns about this proposal:

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



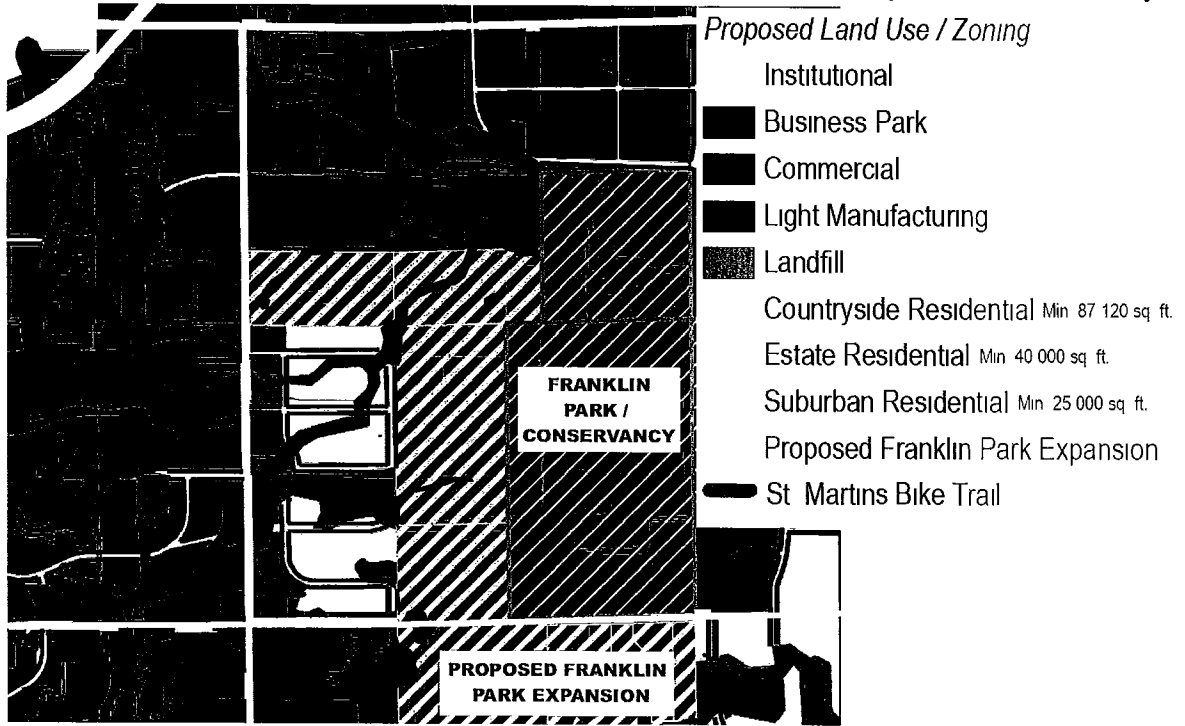
City of Franklin zoning map

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



City of Franklin 2025 Future Land Use Map

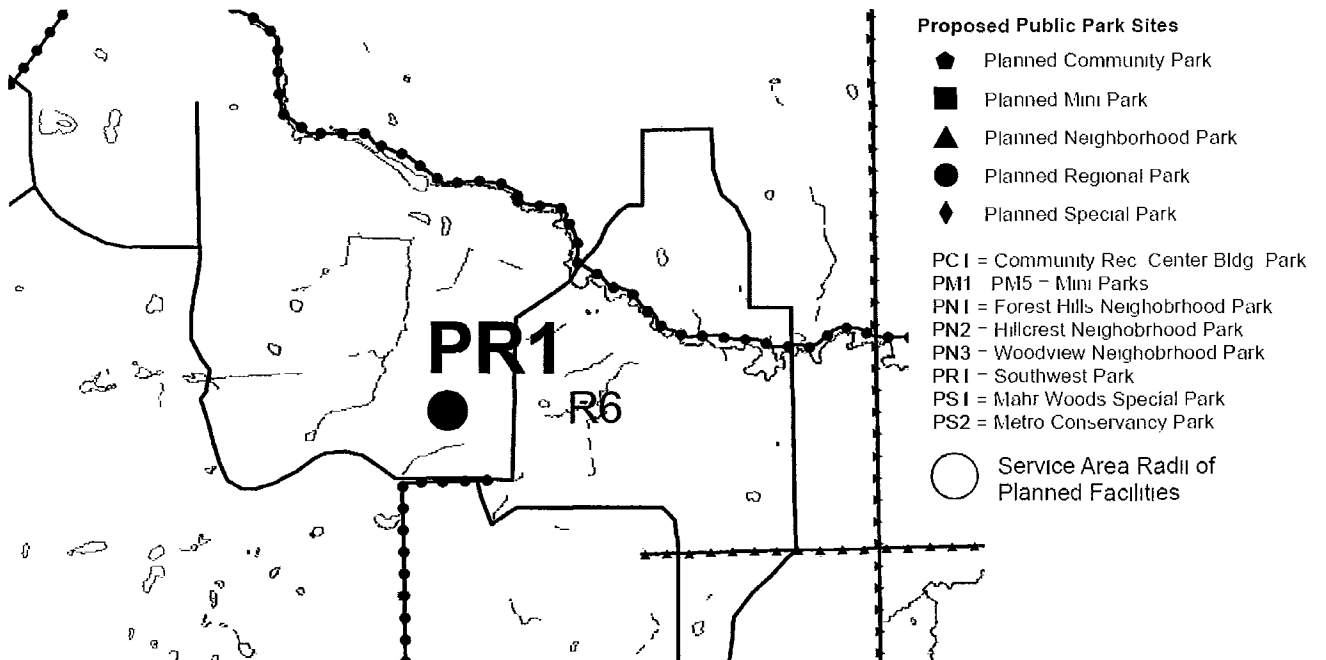
- c. **Not consistent with the southwest subarea plan.** According the Post-Sanitary Sewer Scenario Map for the southwest portion of the city, the area that is designated as Recreational in the comprehensive plan is identified as “Proposed Franklin Park Expansion”. This designation as park expansion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



Post-Sanitary Sewer Scenario Map (2009)

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

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



Existing and Planned Public Outdoor Recreation Sites map

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

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

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



City of Franklin Comprehensive Master Plan, Map 3.1 Linkages

Natural resources

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

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

Staff Recommendation:

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

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

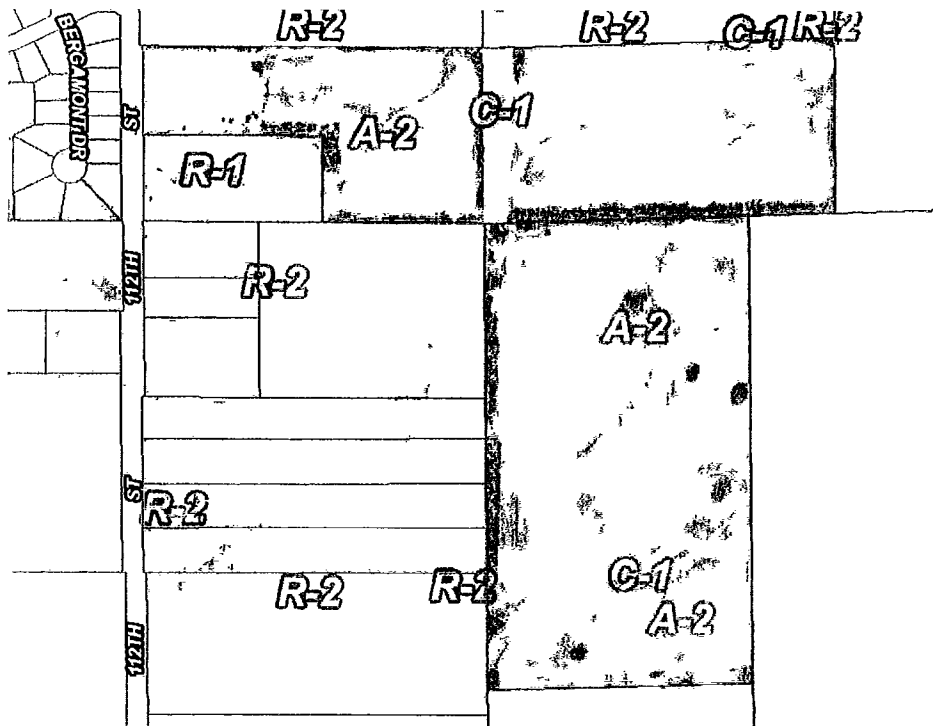
MEMORANDUM

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

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

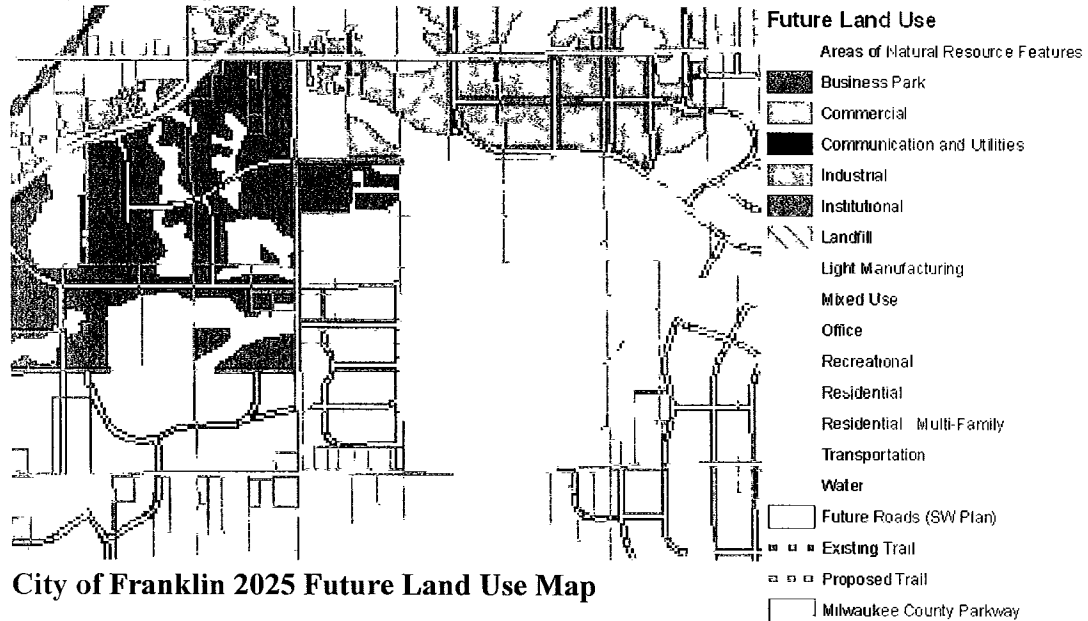
City Development Department comments

1. Below is a list of required approvals for this proposal as presented:
 - a. Amendment to the Future Land Use Map of the 2025 City of Franklin Comprehensive Master Plan from Recreational to Residential, specifically for properties bearing TKN 892-9999-002 and 937-9999-004 (Igsaniak properties)
 - b. Rezoning of all properties to R-5 Suburban Single-Family Residence District.
 - c. Preliminary and Final Plat with associated easements.
 - d. Natural Resource Protection Plan NRPP (UDO Division 15-7.0200), site intensity and capacity calculations for residential uses (UDO §15-3.0504), Landscape Plan (UDO Division 15-7.0300) and Lighting Plan (UDO 15-5.0402) will be required as part of the plat submittal.
 - e. Natural Resource Special Exception to allow for impact of protected natural resources.
 - f. Any subdivision monument sign will require a separate application as well as review and approval by the Plan Commission.
 - g. Stormwater management, grading, utility and erosion control plans must be submitted separately to the Engineering Department (414-425-7510).
 - h. Other approvals required by other city departments and other agencies.
2. Note that City Development staff has the following concerns about this proposal:
 - a. **Not compatible with current zoning.** Approximately 80 % (74 acres) of the site is currently zoned A-2 Prime Agricultural District. According to the Unified Development Ordinance Section 15-3 0315, this district's intent is to "prevent the premature conversation of agricultural land to scattered Urban and Suburban uses such as residential, commercial and industrial uses. It is noted that the A-2 district is limited to "prime agricultural lands"



City of Franklin zoning map

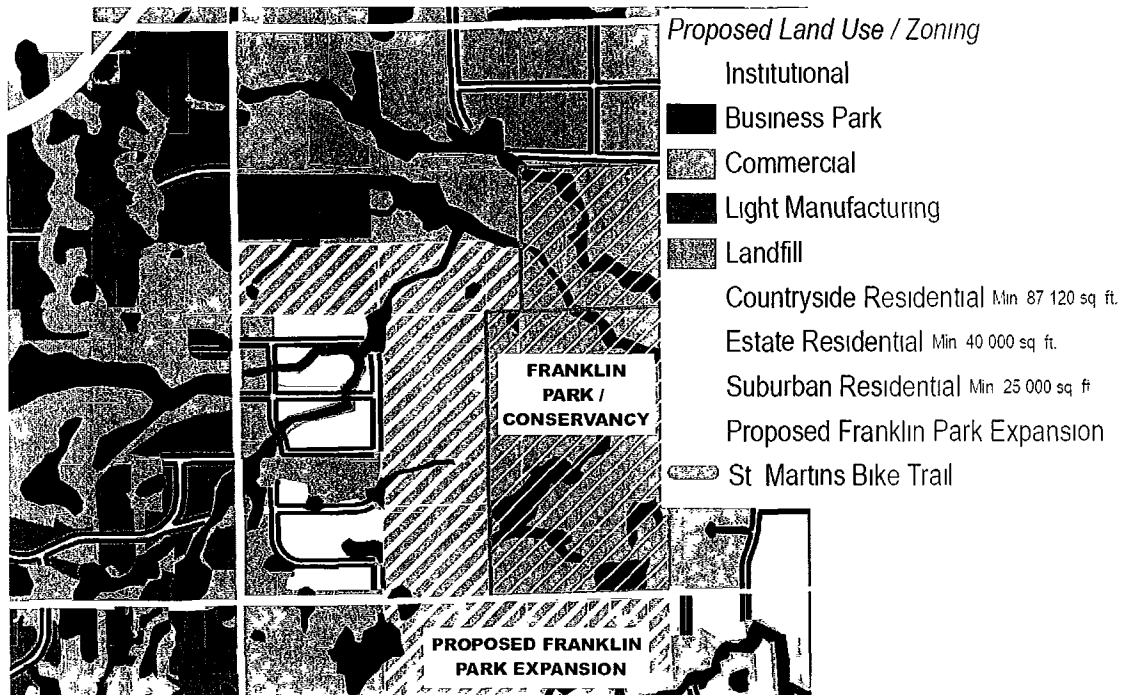
- b. **Not consistent with the city’s Comprehensive Plan.** The same area that it is currently zoned A-2 as noted above, it is designated as Recreational in the future land use map of City of Franklin 2025 Comprehensive Master Plan. Therefore, this proposal does not consistent with the comprehensive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



City of Franklin 2025 Future Land Use Map

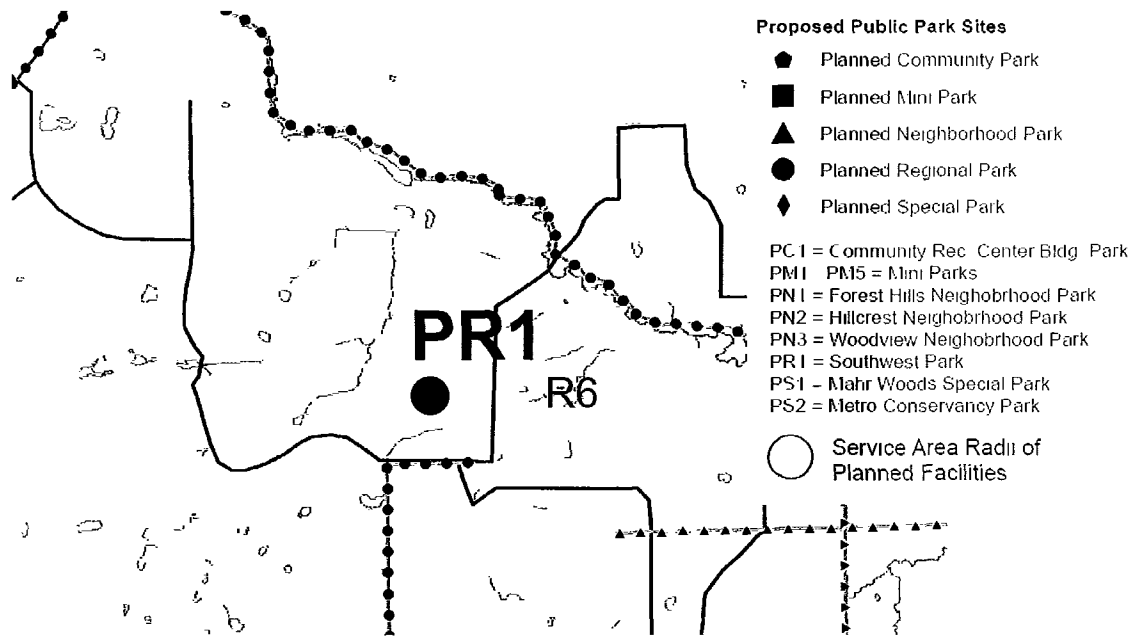
- c. **Not consistent with the southwest subarea plan.** According the Post-Sanitary Sewer Scenario Map for the southwest portion of the city, the area that is designated as Recreational in the comprehensive plan is identified as “Proposed Franklin Park Expansion”. This designation as park expansion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

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



Post-Sanitary Sewer Scenario Map

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



Existing and Planned Public Outdoor Recreation Sites map

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



City of Franklin Comprehensive Master Plan, Map 3.1 Linkages

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

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

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

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



Fire Department comments

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

Inspection Services Department comments

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

Engineering Department comments

6. No comments at this time.

Police Department comments

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

Date of Application: _____

CONCEPT REVIEW APPLICATION

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

Applicant (Full Legal Name[s]):		Applicant is Represented by: (contact person)(Full Legal Name[s])	
Name: <u>S. R. Mills</u>	Company: <u>BEAR Development, LLC</u>	Name: <u>DANIEL SECZAR</u>	Company: <u>BEAR DEVELOPMENT, LLC</u>
Mailing Address: <u>4011 80th Street</u>	City / State: <u>Kenosha WI</u> Zip: <u>53142</u>	Mailing Address: <u>4011 80th Street</u>	City / State: <u>Kenosha WI</u> Zip: <u>53142</u>
Phone: <u>(262) 949-3788</u>	Email Address: <u>dan@beardevelopment.com</u>	Phone: <u>(262) 949-3788</u>	Email Address: <u>dan@beardevelopment.com</u>
Project Property Information:		Tax Key Nos <u>892-9999-002, 937-9999-004</u> <u>938-9999-011</u>	
Property Address: <u>112th Street, City of Franklin</u>	Property Owner(s): <u>Ignastuk Investment Co, LLC</u> <u>Cher Vang</u>	Existing Zoning: <u>A-2, R-2, C-1</u>	Existing Use: <u>AGRICULTURE</u>
Mailing Address: _____	City / State: _____ Zip: _____	Proposed Use: <u>SINGLE FAMILY RESIDENTIAL</u>	CMP Land Use Identification: <u>PERPETUAL, RESIDENTIAL</u>
Email Address: _____	*The 2025 Comprehensive Master Plan Future Land Use Map is available at: http://www.franklinwi.gov/Home/Resources/Documents/Maps.htm		

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

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

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

The applicant and property owner(s) hereby certify that: (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge; (2) the applicant and property owner(s) has/have read and understand all information in this application, and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7 00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat §943.13

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

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

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

Signature - Applicant S. R. Mills Managing Member
 Name & Title (PRINT) _____ Date: 6/22/2021

Signature - Applicant's Representative Daniel Seczar
 Name & Title (PRINT) DANIEL J. SECZAR PROJECT MGR Date: 6/18/2021

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

June 21, 2021

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

Re: Conceptual Review- 112th Street Properties

Dear Mr. Martinez-Montilva

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

Project Summary

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

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

Adjacent Zoning Classifications

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

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

Adjacent Land Use

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

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

Proposed Land Use: *Single Family Residential Neighborhood*

Existing Comprehensive Plan Designation: *Recreational and Residential*

Proposed Comprehensive Plan Designation: *Residential*

Site Challenges

Comprehensive Plan Designation:

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

Comprehensive Outdoor Recreation Plan:

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

Conservation Easement

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

Wetland Crossings

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

Isolated Wetlands (Vang Parcel)

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

Proposed Concept Plan

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

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

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

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

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

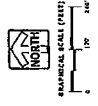
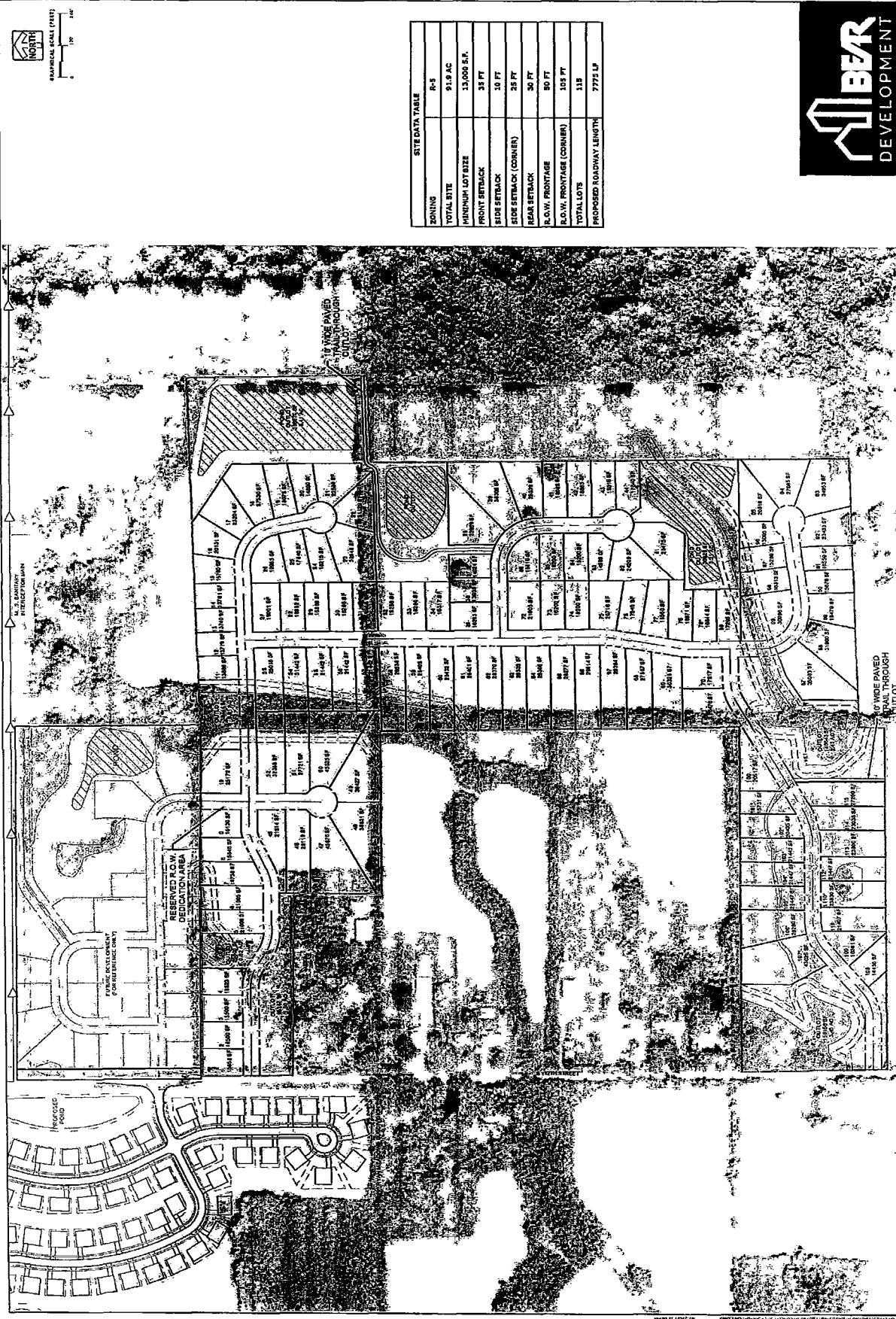
Should you have any questions regarding this request, please do not hesitate to contact me. I can be reached at (262) 842-0556 or by email, dan@beardevelopment.com

Thank you for your time and consideration

Sincerely,



Daniel Szczap
Bear Development, LLC



SITE DATA TABLE	
ZONING	R-5
TOTAL SITE	91.9 AC
MINIMUM LOT SIZE	13,000 S.F.
FRONT SETBACK	35 FT
SIDE SETBACK	10 FT
REAR SETBACK (CORNER)	25 FT
R.O.W. FRONTAGE (CORNER)	50 FT
R.O.W. FRONTAGE (CORNER)	100 FT
TOTAL LOTS	119
PROPOSED ROADWAY LENGTH	2772 LF



FRANKLIN EXPANSION LANDS - CONCEPT SITE PLAN (OPTION E)

6/18/21

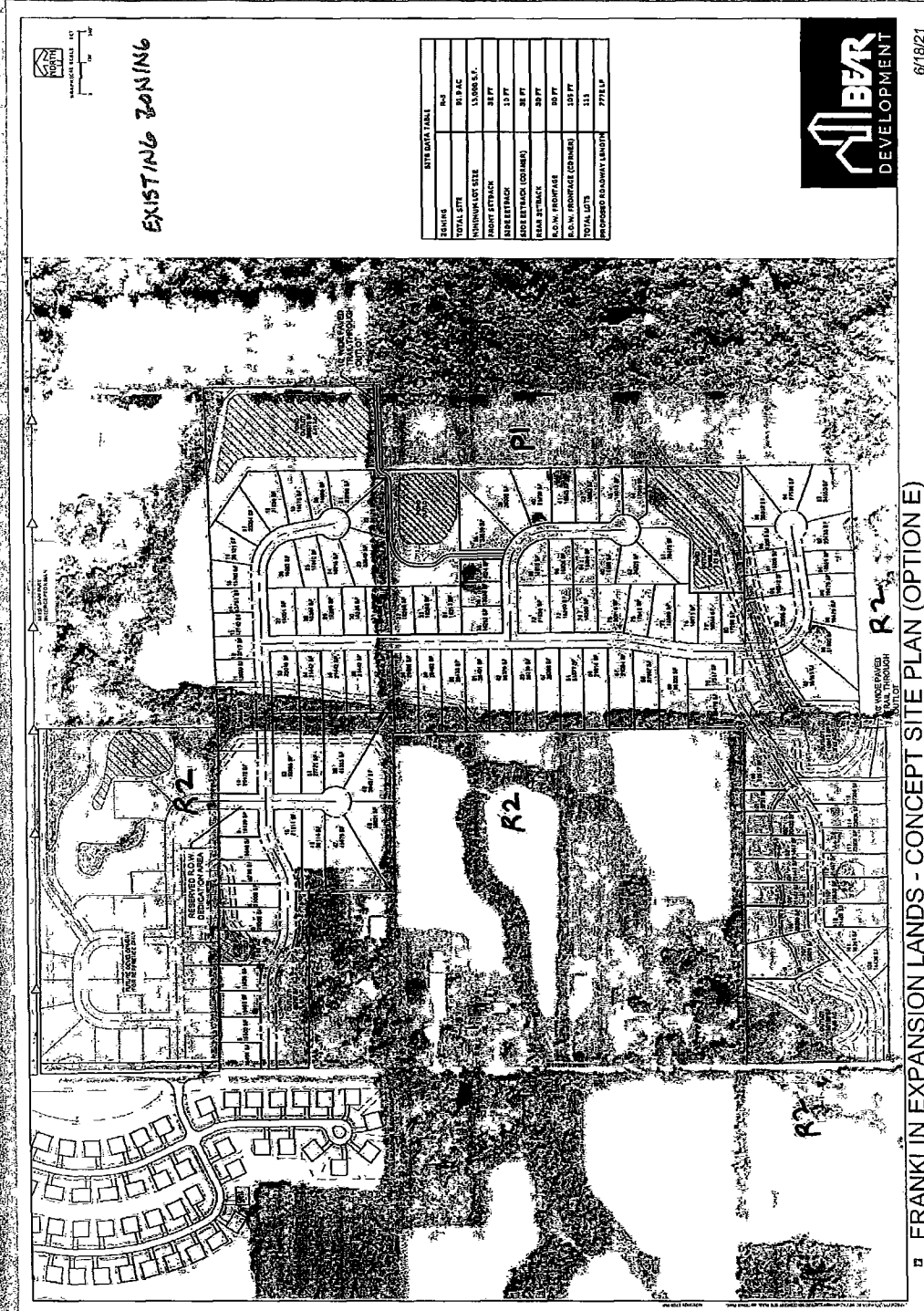
PEG JOB# 809 80

PLAN | DESIGN | DELIVER

20725 WATERTOWN ROAD | SUITE 100 | BROOKFIELD, WI 53061 | WWW.PINNACLE-ENG.COM

PINNACLE ENGINEERING GROUP

13
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EXISTING ZONING

SITE DATA TABLE	
ZONING	R-2
TOTAL SITE	81.8 AC
NONIMPALE SIZE	13,908 S.F.
PAVING CTS. AC	28.77
IMPALE CTS. AC	12.77
BOULEVARD (CONCR)	28.77
ROAD STRIPES	19.77
R.O.W. FRONTAGE	139.77
TOTAL LOTS	111
PROPOSED ROADWAY LENGTH	2711.14'



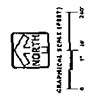
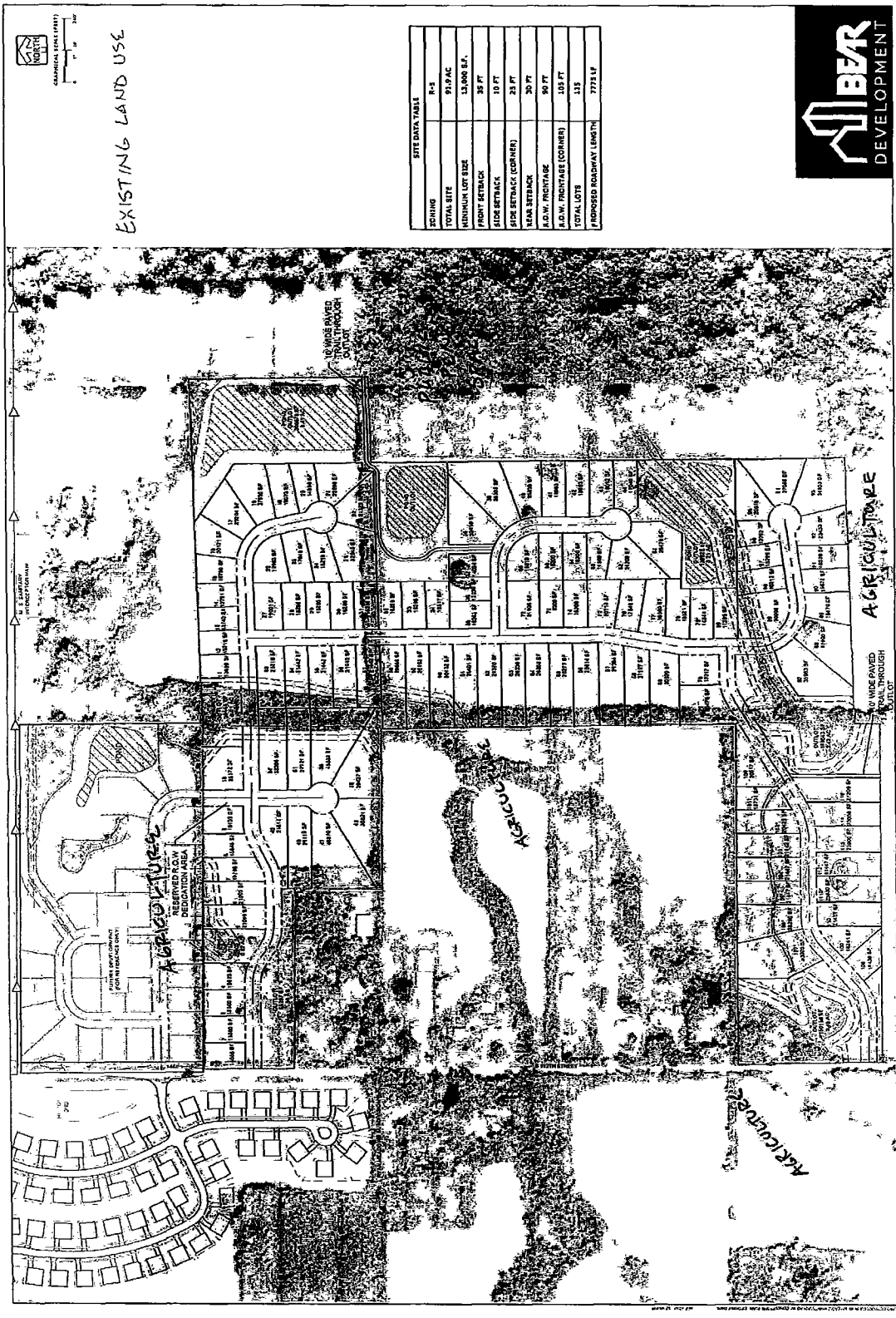
6/18/21
 PEG/IDE # 809 80

PLAN | DESIGN | DELIVER

FRANKLIN EXPANSION LANDS - CONCEPT SITE PLAN (OPTION E)

20725 WATERLOO ROAD | SUITE 200 | BROOKFIELD, MA 01501 | WWW.PINNACLE-ENGINE.COM

PINNACLE ENGINEERING GROUP



EXISTING LAND USE

SITE DATA TABLE	
ITEM	VALUE
SECTING	R-2
TOTAL SITE	91.9 AC
MINIMUM LOT SIZE	13,000 S.F.
FRONT SETBACK	35 FT
SIDE SETBACK	10 FT
REAR SETBACK (CORNER)	25 FT
REAR SETBACK	30 FT
A.O.W. FRONTAGE	90 FT
A.O.W. FRONTAGE (CORNER)	105 FT
TOTAL LOTS	112
PROPOSED ROADWAY LENGTH	7775 LF



6/18/21
PLAN | DESIGN | DELIVER
PEG JOB# 809.80

FRANKLIN EXPANSION LANDS - CONCEPT SITE PLAN (OPTION E)

20235 WATERTOWN ROAD | SUITE 200 | BROOKFIELD, WISCONSIN | WWW.PINNACLE-ENG.COM

PINNACLE ENGINEERING GROUP

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<p>APPROVAL <i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE 08/03/2021</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>CONCEPT REVIEW FOR A SINGLE-FAMILY RESIDENTIAL SUBDIVISION WITH 87 LOTS TO BE LOCATED AT 9732 W. RYAN ROAD. (9732 W RYAN ROAD) (NEUMANN DEVELOPMENTS, INC., APPLICANT)</p>	<p>ITEM NUMBER G.3.</p>

On June 30, 2021, Neumann Developments, Inc. submitted 2 Concept Review applications to obtain input from the city about proposals for single-family residential developments at Ryan Road. (1) a subdivision west of Briarwood subdivision near 92nd Street and (2) another subdivision next to Muskego city limits.

Before is you is the 1st proposal for a 79-acre single-family residential subdivision with 87 home sites designed to the R-5 Suburban Single-Family Residence district standards, specifically a net density of 1.55 dwelling units per acre and a minimum lot size of 13,000 square feet. According to the applicant, the total estimated project value is 50 million dollars (\$632,000 per acre) and this subdivision would be similar to the Ryanwood Manor subdivision

The documents attached for this item include.

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

COUNCIL ACTION REQUESTED

Provide direction to the applicant regarding the proposed 87-lot single-family residential subdivision to be located at 9732 W Ryan Road (9732 W. Ryan Road) (Neumann Developments, Inc., applicant)



CITY OF FRANKLIN



REPORT TO THE COMMON COUNCIL

Meeting of August 3, 2021

Concept Review

RECOMMENDATION: Provide direction to the applicant regarding the proposed residential subdivision with 87 lots to be located at 9732 W. Ryan Road.

Project Name:	Neumann Developments, 9732 W Ryan Rd
Applicant:	Neumann Developments, Inc.
Agent:	Ryan Fritsch
Project Address/Tax Key:	9732 W. Ryan Road, TKN 887-9998-000
Property Owner:	James Kupfer
Current Zoning:	R-3 – Suburban-Estate Single-Family Residence District
Proposed Zoning:	R-5 Suburban Single-Family Residence
2025 Comprehensive Plan:	Residential
Action Requested:	No action requested
Staff:	Régulo Martínez-Montilva, Principal Planner

Introduction

Neumann Developments, Inc. submitted 2 Concept Review applications to obtain input from the city about proposals for single-family residential developments at Ryan Road: (1) a subdivision west of Briarwood subdivision near 92nd Street and (2) another subdivision next to Muskego city limits.

Before is you is the 1st proposal for a 79-acre single-family residential subdivision with 87 home sites designed to the R-5 Suburban Single-Family Residence district standards, specifically a net density of 1.55 dwelling units per acre and a minimum lot size of 13,000 square feet. According to the applicant, the total estimated project value is 50 million dollars (\$632,000 per acre) and this subdivision would be similar to the Ryanwood Manor subdivision.

This property is currently zoned R-3, so a rezoning would be required to allow for the proposed density and lot sizes. It is noted that the south portion of the site adjacent to Ryan Road is designated as Commercial in the future land use map of the City of Franklin Comprehensive Master Plan, so this proposal as presented is not consistent with the comprehensive plan.

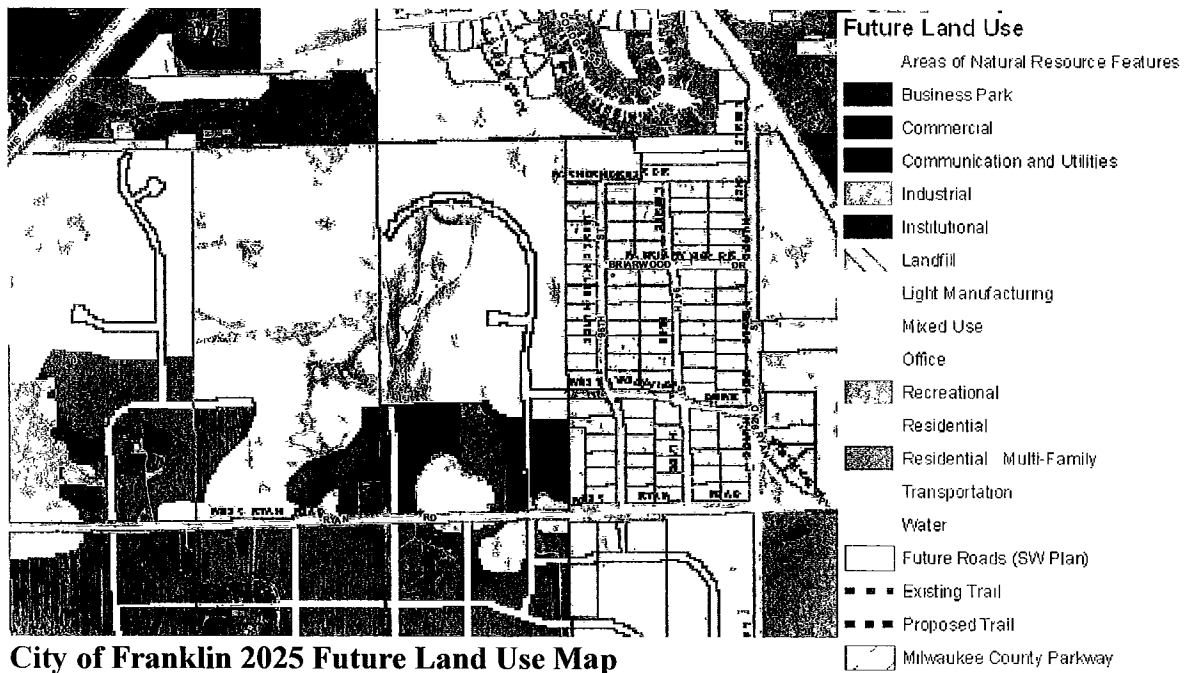
Project Description/Analysis

City Development staff has the following concerns about this proposal:

- a. **Not consistent with the Comprehensive Plan.** The southern portion of this site is designated as Commercial in the future land use map of City of Franklin 2025 Comprehensive Master Plan, this Commercial designation covers approximately 22 acres and faces Ryan Road. Therefore, this residential subdivision as presented is not consistent with the city’s comprehensive plan. City Development staff recommends commercial development in the area adjacent to Ryan Road and residential development to the north.

- b. **Not compatible with current zoning.** The subject property is currently zoned R-3 Suburban-Estate Single Family Residence District with a minimum lot area of 20,000 sf, while the proposed subdivision is designed to the R-5 Suburban Single-Family Residence District development standards with a minimum lot area of 13,000 sf. As noted previously, this proposal is not consistent with comprehensive plan and a rezoning ordinance is required to be consistent with the local comprehensive plan per Wisconsin Statutes §66.1001(3), “consistent with” means “furthers or does not contradict the objectives, goals, and policies contained in the comprehensive plan”.

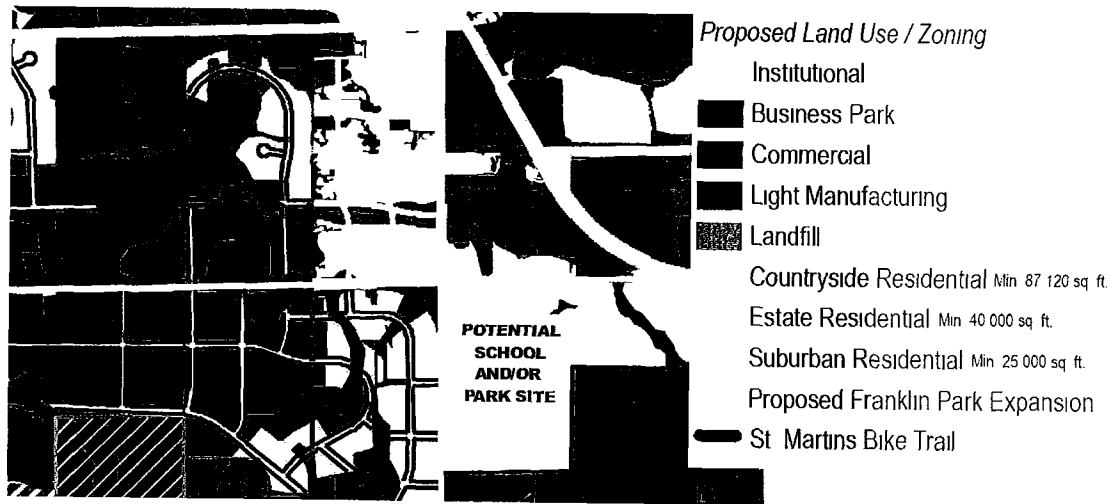
City Development staff recommends to rezone the area designated as commercial in the future land use map to a business zoning district (B) and the rest to remain as R-3 for consistency with the comprehensive plan.



City of Franklin 2025 Future Land Use Map

- c. **Smaller lot size is not consistent with the southwest subarea plan.** The applicant is proposing a minimum lot size of 13,000 sf, which is not consistent with minimum lot size

standard of 25,000 sf for suburban residential set forth in the Post-Sanitary Sewer Scenario Map of the Southwestern portion of the City of Franklin. Therefore, City Development staff does not recommend an upzoning from R-3 to R-5.



Post-Sanitary Sewer Scenario Map

- d. **Proposed road connection to the west would end into an environmental corridor.** The northwest corner of this site abuts a secondary environmental corridor identified by the Southeast Wisconsin Regional Planning Commission. The road “A” connection to the adjacent environmental corridor is not recommended.



Secondary environmental corridor, green hatched area

- e. **Road “A” is too long for a cul-de-sac.** Given that a road connection to the northwest is not

recommended, Road “A” would exceed the maximum length of 800 feet for cul-de-sac streets. According to the concept plan, Road “A” extends approximately 1,800 feet from the roads A-B intersection.

In summary, this residential subdivision concept plan as presented is not “consistent with” the City of Franklin 2025 Comprehensive Master Plan and the Post Sanitary Sewer Scenario. However, changes to the road layout, larger lot size to R-3 standards and adding commercial development areas may further consistency with these plans.

Staff Recommendation:

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

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

MEMORANDUM

Date: July 20, 2021
To: Ryan Fritsch. Neumann Developments, Inc.
From: Department of City Development
Régulo Martínez-Montilva, Principal Planner
RE: Concept Review for residential subdivision
9732 W Ryan Rd.

Please be advised that city staff has reviewed this Concept Review application received on June 30, 2021. Department comments are as follows:

City Development Department comments

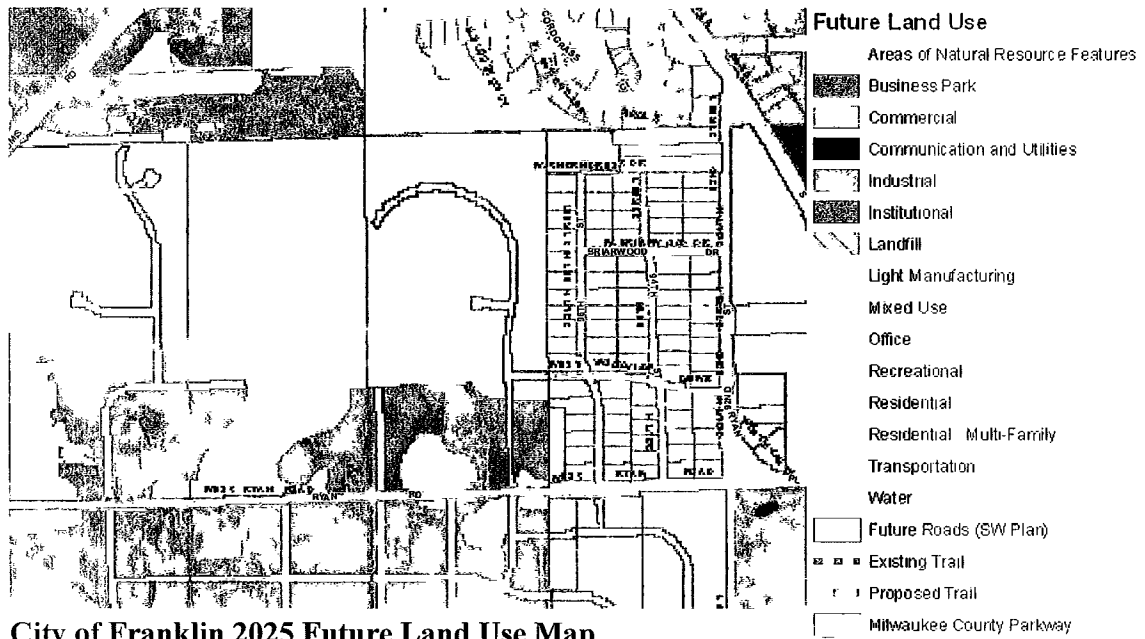
1. Below is a list of required approvals for this proposal as presented:
 - a. Rezoning to R-5 Suburban Single-Family Residence District
 - b. Preliminary and Final Plat with associated easements.
 - c. Natural Resource Protection Plan NRPP including wetland delineations (UDO Division 15-7.0200), site intensity and capacity calculations for residential uses (UDO §15-3.0504), Landscape Plan (UDO Division 15-7.0300) and Lighting Plan (UDO 15-5.0402) will be required as part of the plat submittal
 - d. Natural Resource Special Exception to allow for impact of protected natural resources.
 - e. Any subdivision monument sign will require a separate application as well as review and approval by the Plan Commission.
 - f. Stormwater management, grading, utility and erosion control plans must be submitted separately to the Engineering Department (414-425-7510).
 - g. Other approvals required by other city departments and other agencies.

2. Note that City Development staff has the following concerns about this proposal:
 - a. **Not consistent with the Comprehensive Plan.** The southern portion of this site is designated as Commercial in the future land use map of City of Franklin 2025 Comprehensive Master Plan, this Commercial designation covers approximately 22 acres and faces Ryan Road. Therefore, this residential subdivision as presented is not consistent with the city's comprehensive plan. City Development staff recommends commercial development in the area adjacent to Ryan Road and residential development to the north.

 - b. **Not compatible with current zoning.** The subject property is currently zoned R-3 Suburban-Estate Single Family Residence District with a minimum lot area of 20,000 sf, while the proposed subdivision is designed to the R-5 Suburban Single-Family Residence District development standards with a minimum lot area of 13,000 sf. As noted previously, this proposal is not consistent with comprehensive plan and a rezoning ordinance is required to be consistent with the local comprehensive plan per Wisconsin Statutes §66 1001(3), "consistent with" means "furthers or does not contradict the objectives, goals, and policies contained in

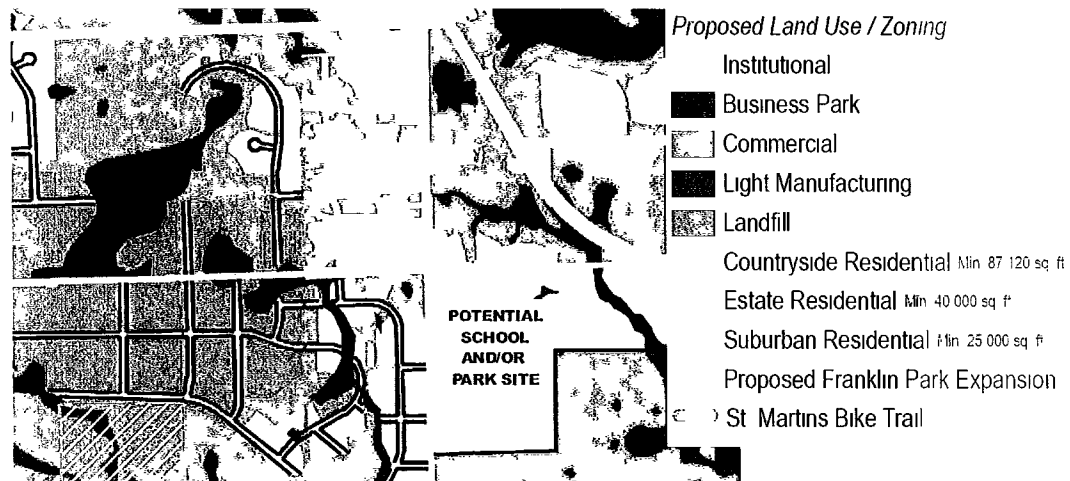
the comprehensive plan”

City Development staff recommends to rezone the area designated as commercial in the future land use map to a business zoning district (B) and the rest to remain as R-3 for consistency with the comprehensive plan.



City of Franklin 2025 Future Land Use Map

- c. **Smaller lot size is not consistent with the southwest subarea plan.** The applicant is proposing a minimum lot size of 13,000 sf, which is not consistent with minimum lot size standard of 25,000 sf for suburban residential set forth in the Post-Sanitary Sewer Scenario Map of the Southwestern portion of the City of Franklin. Therefore, City Development staff does not recommend an upzoning from R-3 to R-5.



Post-Sanitary Sewer Scenario Map

- d. **Proposed road connection to the west would end into an environmental corridor.** The northwest corner of this site abuts a secondary environmental corridor identified by the Southeast Wisconsin Regional Planning Commission. The road “A” connection to the adjacent environmental corridor is not recommended.



Secondary environmental corridor, green hatched area

- e. **Road “A” is too long for a cul-de-sac.** Given that a road connection to the northwest is not recommended, Road “A” would exceed the maximum length of 800 feet for cul-de-sac streets. According to the concept plan, Road “A” extends approximately 1,800 feet from the roads A-B intersection.
- Alternatively, a road connection to Thorncrest Drive may be explored to avoid the long cul-de-sac. However, this area is also considered an environmental corridor and natural resources are likely present, so a natural resource special exception and state/federal permits would be required for this alternative.
- 3 In summary, this residential subdivision concept plan as presented is not “consistent with” the City of Franklin 2025 Comprehensive Master Plan and the Post Sanitary Sewer Scenario. However, changes to the road layout, larger lot size to R-3 standards and adding commercial development abutting Ryan Road may further consistency with these plans.

Fire Department comments

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

Inspection Services Department comments

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

Police Department comments

6. The PD has no comment regarding this request.

Engineering Department comments

7. No comments.

Date of Application 6/14/2021

CONCEPT REVIEW APPLICATION

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

Applicant (Full Legal Name[s]) Name <u>Ryan Fritsch</u> Company <u>Neumann Developments, Inc</u> Mailing Address <u>N27 W24025 Paul Court Suite 100</u> City / State <u>Pewaukee / WI</u> Zip <u>53072</u> Phone <u>262-542-9200</u> Email Address <u>blindgren@neumanncompanies.com rfritsch@neumanndevelopments.com</u>		Applicant is Represented by. (contact person)(Full Legal Name[s]) Name _____ Company _____ Mailing Address _____ City / State _____ Zip _____ Phone _____ Email Address _____	
Project Property Information Property Address <u>5732 W Ryan Road</u> Property Owner(s) <u>Mr James Kupfer</u> Mailing Address <u>4707 W Jenna Court</u> City / State <u>Franklin / WI</u> Zip <u>53132</u> Email Address <u>jk5300@hotmail.com</u>		Tax Key Nos <u>8879998000</u> Existing Zoning <u>R-3</u> Existing Use <u>Agricultural</u> Proposed Use <u>Residential</u> CMP Land Use Identification <u>Residential & Commercial</u>	

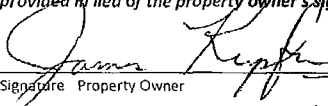
*The 2025 Comprehensive Master Plan Future Land Use Map is available at <http://www.franklinwi.gov/Home/Resources/Documents/Maps.htm>

- Concept Review submittals for review must include and be accompanied by the following**
- This Application form accurately completed with original signature(s) Facsimiles and copies will not be accepted
 - Application Filing Fee, payable to City of Franklin \$250
 - Three (3) complete collated sets of Application materials to include
 - One (1) original and two (2) copies of a written Project Summary, including description of any new building construction and site work, interior/exterior building modifications or additions to be made to property, site improvement costs, estimate of project value and any other information that is available
 - Three (3) 8.5 x 11 inch or 11 x 17 inch copies of the Preliminary Site/Development Plan of the subject property(ies) and immediate surroundings (i.e., a scaled map identifying the subject property and immediate environs, including existing and proposed parcels, existing and proposed structures, existing and proposed land uses, existing and proposed zoning, existing and proposed infrastructure and utilities[approximate locations only], and existing and proposed site conditions/site constraints [i.e. approximate locations of public road access, rights of way, natural resources/green space and drainage issues/concerns, etc.])
 - Three colored copies (11"x17") of the building elevations, if applicable
 - Email (or CD ROM) with all plans/submittal materials Plans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable).

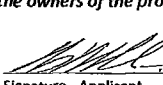
- Upon receipt of a complete submittal, staff review will be conducted within five business days
- Concept Review requests are reviewed by the Committee of the Whole Meetings are held the first Monday of every month

The applicant and property owner(s) hereby certify that (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge, (2) the applicant and property owner(s) has/have read and understand all information in this application, and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis Stat §943.13

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


 Signature Property Owner
 Name & Title (PRINT) James Kupfer
 Date 6-29-2021

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


 Signature Applicant
 Name & Title (PRINT) Steve DeCicco President, Neumann Developments, Inc
 Date 6/14/2021

Signature Applicant's Representative
 Name & Title (PRINT) _____
 Date _____



June 14, 2021

City of Franklin
Attn: Planning Department
9229 West Loomis Road
Franklin, WI 53132

Neumann Developments, Inc. is proposing a single-family residential development on an approximately 78-acre site located at 9732 W Ryan Road, west of State HWY 100. Enclosed herewith are materials for conceptual review by the City, including an overall site plan and examples of the architectural style and scale of homes envisioned for the community.

The general characteristics of the proposed development are as follows

- Number of Single-Family Lots: 87 Lots
- Total Area: 80.37 Acres
 - Right-of-Way Dedication: 1.97 Acres
 - Wetland & Buffer/Setbacks: 17.85 Acres
- Proposed Net Density: 1.44 Units/Acre
- Minimum Lot Size: 13,000 SF
- Minimum Lot Width: 90'
- Lineal Feet of Public Roadway: 5,914'

The City of Franklin's 2025 Future Land Use Map designates both commercial and residential uses for this parcel, therefore, an amendment to the comprehensive plan would be necessary for a strictly-residential use to be permitted for this property. Additionally, a petition for a zoning change from R-3 Suburban/Estate Single-Family Residence District to R-5 Suburban Single-Family Residence District would be submitted. This would allow for a community similar to the Ryanwood Manor subdivision recently developed.

Benefits of bringing housing to this site include, but are not limited to, the following

- Facilitates growth needs for the City given the finite availability of future lands for development.
- Promotes efficient development and relatively low municipal, state, governmental, and utility costs
- Provides convenient access to the City's businesses and amenities
- Preserves wetlands and green space while encouraging passive use of open areas
- Supplies attainable housing options appealing to a wider range of future home buyers
- Balances individual property rights with community interests

NEUMANN DEVELOPMENTS, INC * N27 W24025 PAUL CT SUITE 100 * PEWAUKEE, WI 53072
262-542-9200 * FAX 262-349 9324 * NEUMANNDEVELOPMENTSINC.COM



- Stabilizes and protects property values.

The site is identified and designed for public infrastructure and services with publicly dedicated right-of-way. Proposed streets and utilities would meet the minimum standards and administrative regulations of the City. Stormwater facilities and common green space would be located within designated outlots with shared ownership by future residents. Recorded deed restrictions would regulate minimum home size, construction materials, and other pertinent details regarding community standards.

An additional \$50 million in property values is expected to be generated once construction is complete.

Thank you for your time and consideration. We look forward to hearing your feedback and working in Franklin once again.

Respectfully submitted,

Ryan Fritsch

Ryan Fritsch
Neumann Developments, Inc.



Example residences depict anticipated architectural style and scale within the community



NEUMANN DEVELOPMENTS, INC * N27 W24025 PAUL CT SUITE 100 * PEWAUKEE, WI 53072
262-542-9200 * FAX 262-349-9324 * NEUMANNDEVELOPMENTSINC.COM

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 08/03/2021
REPORTS & RECOMMENDATIONS	CONCEPT REVIEW FOR A SINGLE-FAMILY RESIDENTIAL SUBDIVISION WITH 183 LOTS TO BE LOCATED AT 12200 W. RYAN ROAD. (12200 W RYAN ROAD) (NEUMANN DEVELOPMENTS, INC., APPLICANT)	ITEM NUMBER G.4.

On June 30, 2021, Neumann Developments, Inc. submitted 2 Concept Review applications to obtain input from the city about proposals for single-family residential developments at Ryan Road (1) a subdivision west of Briarwood subdivision near 92nd Street and (2) another subdivision next to Muskego city limits.

Before is you is the 2nd proposal for an 80-acre single-family residential subdivision with 183 home sites. The proposed lot size (8,500 square feet) and lot width (70 feet) are below the minimum permitted in any residential zoning district (except VR Village Residential), therefore, the applicant would propose a new Planned Development District to allow for these lot standards. According to the applicant, the total estimated project value is \$85 million (\$1.06 million per acre).

The documents attached for this item include:

- Staff report prepared by the City Development Department, staff reviewed this proposal for compliance with the current Unified Development Ordinance and consistency with the adopted City of Franklin 2025 Comprehensive Master Plan.
- Memorandum with comments from several city departments.
- Applicant's submittal project summary and concept plans.
- Concept plans for the subdivision entrance.

COUNCIL ACTION REQUESTED

Provide direction to the applicant regarding the proposed 183-lot single-family residential subdivision to be located at 12200 W Ryan Road (12200 W Ryan Road) (Neumann Developments, Inc , applicant)



CITY OF FRANKLIN



REPORT TO THE COMMON COUNCIL

Meeting of August 3, 2021

Concept Review

RECOMMENDATION: Provide direction to the applicant regarding the proposed residential subdivision with 183 lots to be located at 12200 W. Ryan Road.

Project Name:	Neumann Developments, 12200 W Ryan Rd
Applicant:	Neumann Developments, Inc.
Agent:	Ryan Fritsch
Project Address/Tax Key:	12200 W Ryan Road, TKN 890-9991-001
Property Owner:	Franklin DC Land LLC
Current Zoning:	R-3 – Suburban-Estate Single-Family Residence District
Proposed Zoning:	New Planned Development District
2025 Comprehensive Plan:	Residential and Areas of Natural Resource Features
Action Requested:	No action requested
Staff:	Régulo Martínez-Montilva, Principal Planner

Introduction

Neumann Developments, Inc. submitted 2 Concept Review applications to obtain input from the city about proposals for single-family residential developments at Ryan Road: (1) a subdivision west of Briarwood subdivision near 92nd Street and (2) another subdivision next to Muskego city limits.

Before is you is the 2nd proposal for an 80-acre single-family residential subdivision with 183 home sites. The proposed lot size (8,500 square feet) and lot width (70 feet) are below the minimum permitted in any residential zoning district (except VR Village Residential), therefore, the applicant would propose a new Planned Development District to allow for these lot standards. According to the applicant, the total estimated project value is \$85 million (\$1.06 million per acre).

Project Description/Analysis

City Development staff has the following concerns about this proposal:

- a. **Second access point strongly recommended.** The proposed subdivision with 183 lots would only be served by a single access point. City Development staff strongly recommends a second access point to Ryan Road.

In response to this concern, the applicant submitted a concept plan for the subdivision entrance. The applicant is proposing an 80-foot wide right-of-way with an 8-foot median

and two 24-foot driving lanes, no information provided regarding sidewalks or bike lanes.

Per input received from the City of Muskego Community Development Department, no future roads are planned in the official map that could connect to the proposed development along the city limit. Additionally, the properties abutting to the north and east are designated as areas of naturales resources in the future land use map, the property to the north is owned by the Wisconsin Department of Natural Resources (DNR) and the Milwaukee Metropolitan Sewage District (MMSD) owns the property to east. Therefore, future development is not anticipated to the north and east.

- b. **Density increase not recommended in underserved area.** The Fire Department is pointing out that this area is not well served by existing fire stations. The proposed gross density of 2.23 units/acres is exceeding the maximum gross density of 1.71 units/acre in the R-3 Suburban/Estate Single-Family Residence zoning district. Therefore, a density increase is not recommended in this area.

The future land use map designates some areas of this property as areas of natural resource features, a detailed natural resource protection plan will be required as part of the Planned Development District review for the adequate delineation and protection of present natural resources in accordance with the Unified Development Ordinance, Part 4 “Natural Resource Protection”.

Staff Recommendation:

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

MEMORANDUM

Date: July 20, 2021
To: Ryan Fritsch. Neumann Developments, Inc.
From: Department of City Development
Régulo Martínez-Montilva, Principal Planner
RE: Concept Review for residential subdivision
12200 W Ryan Rd.

Please be advised that city staff has reviewed this Concept Review application received on June 30, 2021. Department comments are as follows:

City Development Department comments

1. Below is a list of required approvals for this proposal as presented:
 - a. Planned Development District (PDD).
 - b. Preliminary and Final Plat with associated easements
 - c. Natural Resource Protection Plan NRPP including wetland delineations (UDO Division 15-7.0200), site intensity and capacity calculations for residential uses (UDO §15-3.0504), Landscape Plan (UDO Division 15-7.0300) and Lighting Plan (UDO 15-5.0402) will be required as part of the plat submittal.
 - d. Natural Resource Special Exception to allow for impact of protected natural resources.
 - e. Any subdivision monument sign will require a separate application as well as review and approval by the Plan Commission.
 - f. Stormwater management, grading, utility and erosion control plans must be submitted separately to the Engineering Department (414-425-7510).
 - g. Other approvals required by other city departments and other agencies.
2. Note that City Development staff has the following concerns about this proposal:
 - a. **Second access point strongly recommended.** The proposed subdivision with 183 lots would only be served by a single access point. City Development staff strongly recommends a second access point to Ryan Road.
 - b. **Density increase not recommended in underserved area.** The Fire Department is pointing out that this area is not well served by existing fire stations. The proposed gross density of 2.23 units/acre is exceeding the maximum gross density of 1.71 units/acre in the R-3 Suburban/Estate Single-Family Residence zoning district. Therefore, a density increase is not recommended in this area.
3. **Trails.** City Development staff recommends a trail connection to the planned S. 116th St trail. What is being proposed on outlot 7? City Development staff also recommends dedication of this outlot for a future trail head.

Fire Department comments

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

Police Department comments

5. The Police Department has concerns with this development, which includes 183 lots, being served by a single road access. In the event of an emergency at or near the one entry/exit point to the development residents would have no way to access/leave their residence until the emergency could be resolved

The Police Department would suggest the development include a second access point to West Ryan Road.

Engineering Department comments

6. No comments.

Inspection Services Department comments

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

Date of Application 6/14/2021

CONCEPT REVIEW APPLICATION

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

Applicant (Full Legal Name[s]) Name <u>Ryan Fritsch</u> Company <u>Neumann Developments, Inc</u> Mailing Address <u>N27 W24025 Paul Court Suite 100</u> City / State <u>Pewaukee / WI</u> Zip <u>53072</u> Phone <u>262-542-9200</u> Email Address <u>blindgren@neumanncompanies.com rfritsch@neumanndevelopments.com</u>		Applicant is Represented by (contact person)(Full Legal Name[s]) Name _____ Company _____ Mailing Address _____ City / State _____ Zip _____ Phone _____ Email Address _____	
Project Property Information Property Address <u>12200 W Ryan Road</u> Property Owner(s) <u>Franklin DC Land LLC</u> Mailing Address <u>142 E Capitol Drive #200</u> City / State <u>Hartland / WI</u> Zip <u>53029</u> Email Address _____		Tax Key Nos <u>8909991001 8909991002</u> Existing Zoning <u>R-3</u> Existing Use <u>Agricultural</u> Proposed Use <u>Residential</u> CMP Land Use Identification <u>Residential</u>	

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

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

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

The applicant and property owner(s) hereby certify that (1) all statements and other information submitted as part of this application are true and correct to the best of applicant's and property owner(s)' knowledge, (2) the applicant and property owner(s) has/have read and understand all information in this application, and (3) the applicant and property owner(s) agree that any approvals based on representations made by them in this Application and its submittal, and any subsequently issued building permits or other type of permits, may be revoked without notice if there is a breach of such representation(s) or any condition(s) of approval. By execution of this application, the property owner(s) authorize the City of Franklin and/or its agents to enter upon the subject property(ies) between the hours of 7:00 a.m. and 7:00 p.m. daily for the purpose of inspection while the application is under review. The property owner(s) grant this authorization even if the property has been posted against trespassing pursuant to Wis. Stat. §943.13.

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

Paul Dougherty, member
 Signature: Property Owner
Franklin DC Land, LLC
 Name & Title (PRINT)
 Date 6-30-21

[Signature]
 Signature: Applicant
Steve DeCleene - President, Neumann Developments, Inc
 Name & Title (PRINT)
 Date 6/14/2021

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

 Signature: Applicant's Representative
 Name & Title (PRINT)
 Date _____



June 14, 2021

City of Franklin
Attn: Planning Department
9229 West Loomis Road
Franklin, WI 53132

Neumann Developments, Inc. is proposing a single-family residential development on an approximately 80-acre site located at 12200 W Ryan Road, west of Loomis Road. Enclosed herewith are materials for conceptual review by the City, including an overall site plan and examples of the architectural style and scale of homes envisioned for the community.

The general characteristics of the proposed development are as follows:

- Number of Single-Family Lots: 183 Lots
- Total Area: 82.05 Acres
- Proposed Gross Density: 2.23 Units/Acre
- Minimum Lot Size: 8,500 SF
- Minimum Lot Width: 70'
- Lineal Feet of Public Roadway: 9,018

The proposed residential use for this location is consistent with the City of Franklin's 2025 Future Land Use Map and appropriate for the Ryan Road corridor.

An application for a Planned Development District would be submitted. Permitting a Planned Development District for this site will allow for efficiencies in the overall community layout that helps support neighborhood amenities, including a swimming pool, playgrounds, and additional green space.

Benefits of bringing housing to this site include, but are not limited to, the following:

- Facilitates growth needs for the City given the finite availability of future lands for development.
- Promotes efficient development and relatively low municipal, state, governmental, and utility costs.
- Provides convenient access to the City's businesses and amenities.
- Preserves wetlands and green space while encouraging passive use of open areas.
- Supplies attainable housing options appealing to a wider range of future home buyers.
- Balances individual property rights with community interests.
- Stabilizes and protects property values.

NEUMANN DEVELOPMENTS, INC * N27 W24025 PAUL CT SUITE 100 * PEWAUKEE, WI 53072
262-542-9200 * FAX 262 349-9324 * NEUMANNDEVELOPMENTSINC.COM



The site is identified and designed for public infrastructure and services with publicly dedicated right-of-way. Proposed streets and utilities would meet the minimum standards and administrative regulations of the City. Stormwater facilities and common green space would be located within designated outlots with shared ownership by future residents. Recorded deed restrictions would regulate minimum home size, construction materials, and other pertinent details regarding community standards.

An additional \$85 million in property values is expected to be generated once construction is complete.

Thank you for your time and consideration. We look forward to hearing your feedback and working in Franklin once again.

Respectfully submitted,

Ryan Fritsch

Ryan Fritsch
Neumann Developments, Inc

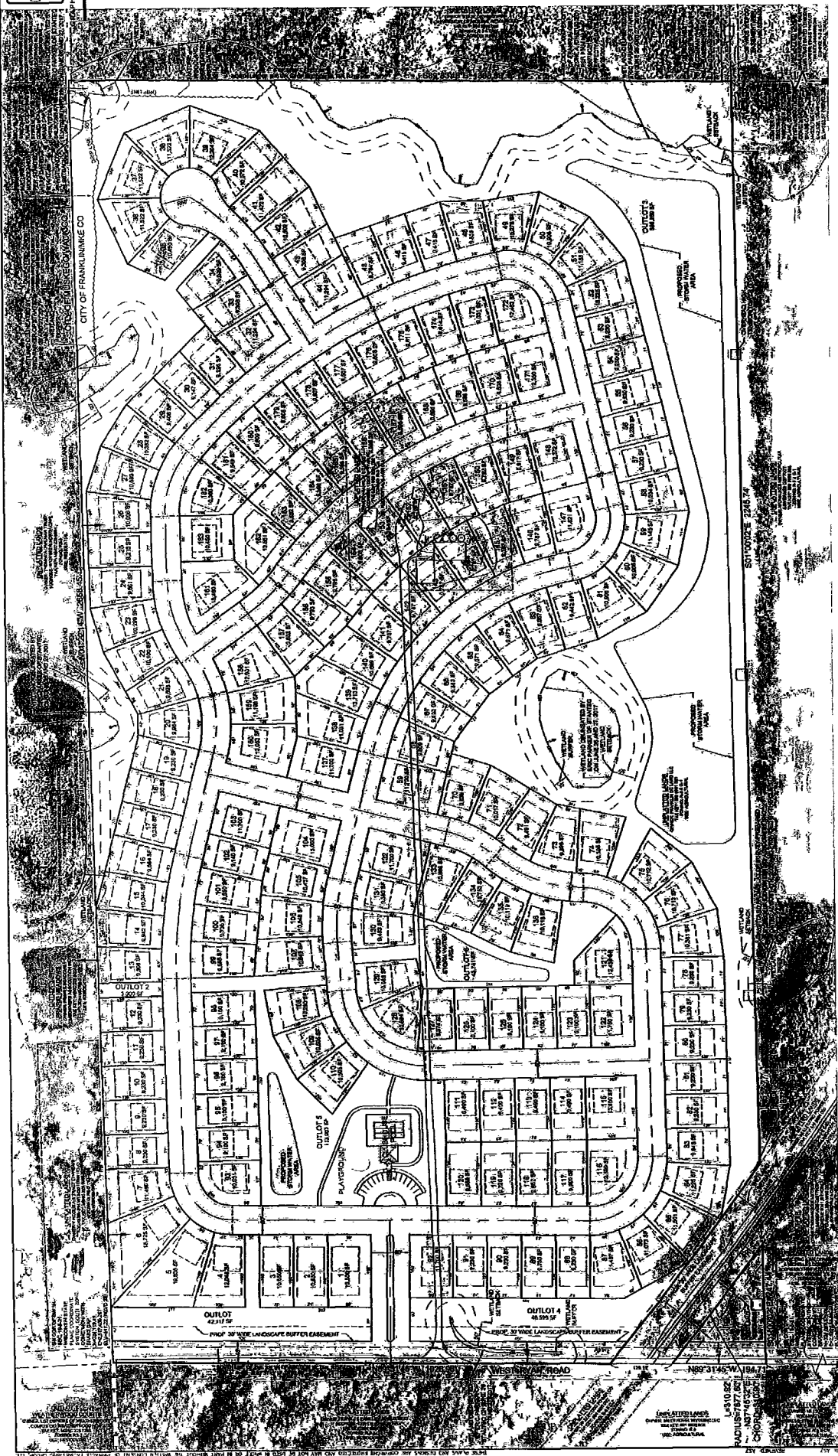
Example residences depict anticipated architectural style and scale within the community





VERTICAL SCALE (FEET)

1" = 10'
 1" = 300' (HORIZONTAL)



- 6 MIN LOT SIZE = 4,500 SF
- 7 MIN LOT WIDTH = 30'
- 8 MIN FRONT YARD SETBACK = 25'
- 9 MIN REAR YARD SETBACK = 25'
- 10 MIN SIDE YARD SETBACK = 25'
- 11 TOTAL NUMBER OF LOTS = 100
- 12 TOTAL NUMBER OF 50% 100'

NOTES

1. PROPERTY FROM MILWAUKEE COUNTY, GIS
2. EASEMENTS FROM A PLAT OF SURVEY PREPARED BY INCLURE ENGINEERING ASSOCIATES, INC ON AUGUST 4, 2005 PROVIDED ON THE CITY'S STATUTE, ON JUNE 24 AND 2017 AND COMPARED WITH BY THE ALCONSON
3. DWA ON DECEMBER 18, 2017. THE 6669 HIGHLIGHTS THE WETLAND, WETLAND
4. STATUTE PREPARED A BARRIERS, WETLAND, WETLAND AND FLOODPLAIN AS SHOWN
5. PROPERTY IS TAX NET NUMBER 8909991001 AND 8909991002. TOTAL SITE AREA = 3,573,231 SF. (81.61-39 AC)

ENGINEER: Pinnacle Engineering Group
 2075 WATERLOO ROAD, SUITE 100
 FORT MADISON, IA 52625
 PH: 319-374-8888
 EMAIL: TORV.TAND@PINNACLE-ENG.COM

DEVELOPER: Pinnacle Developments, Inc
 8775 2625 PAUL COURT, SUITE 120
 FORT MADISON, IA 52625
 PH: 319-374-8888
 EMAIL: BUILDING@PINNACLE-ENG.COM

REVISIONS

NO.	DESCRIPTION

CONCEPT PLAN

12200 W. RYAN ROAD
 CITY OF FRANKLIN, MILWAUKEE CO.

PLAN / DESIGN / DELIVER

PROJECT NO: 12200 W. RYAN ROAD, WI
 SHEET NO: 02-2313

PINNACLE ENGINEERING GROUP
 2075 WATERLOO ROAD, SUITE 100
 FORT MADISON, IA 52625
 PH: 319-374-8888
 EMAIL: TORV.TAND@PINNACLE-ENG.COM

ONEILMANN

PROFESSIONAL ENGINEER
 LICENSE NO. 100400
 STATE OF IOWA

SHEET **C-1**

PINNACLE ENGINEERING GROUP
 2075 WATERLOO ROAD, SUITE 100
 FORT MADISON, IA 52625
 PH: 319-374-8888
 EMAIL: TORV.TAND@PINNACLE-ENG.COM

BY: PIERRE, NATALIE, RICHARDSON, WILSON, AND PRAHL, DANIEL

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE August 3, 2021
REPORTS & RECOMMENDATIONS	REPORT ON VANDEWALLE & ASSOCIATES, INC. SUPPORT FOR PARKLAND ACQUISITION SERVICES	ITEM NUMBER G.5.

This memo is an update on the status of the Parkland Acquisition Study currently being developed by the Department of City Development, with assistance from planning firm Vandewalle & Associates.

BACKGROUND

The first of the additional stakeholder input sessions for this project was held at the March 8, 2021 meeting of the Parks Commission. At that meeting, initial goals were identified to assist with prioritizing accumulated funds. A second input session was held at the May 10, 2021 Parks Commission meeting. The Parks Commission adopted a motion at that meeting to send recommendation of the Parkland Acquisition Study to Plan Commission to purchase a parcel in southwest corner of the City for future use.

The Council has previously been updated on the progress of the Parkland Acquisition Study by report on April 20, 2021, and on July 20, 2021.

STATUS

At the July 22, 2021 Plan Commission meeting, Vandewalle and Associates presented a draft of the Study for review and feedback (this draft was provided to Council on July 20, 2021). Jackie Mich and Brian Munson of Vandewalle and Associates moderated a discussion of the draft, and solicited additional input which will be incorporated into a subsequent draft of the report. The Commission did not take any action on the item, but did provide several key pieces of feedback:

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

A copy of the adopted 2030 CORP can be viewed at:

<https://www.franklinwi.gov/Departments/Planning/Comprehensive-Outdoor-Recreation-Plan-2030.htm>

This item will come to Common Council for an input with a session moderated by Vandewalle and Associates, currently scheduled for August 17, 2021. Input from that session will then be incorporated into the final draft of the report, which will then be reviewed again by Parks Commission and the Plan Commission before returning to Common Council.

This is a status update on the project. No action is required at this time.

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>See</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;">August 3, 2021</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">AN ORDINANCE TO AMEND MUNICIPAL CODE CHAPTER 210 SIGNS, TO PROVIDE INTERIM AMENDMENTS FOR CHANGEOVER OF ADMINISTRATION</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.6.</p>

BACKGROUND

At the June 1, 2021 Common Council meeting, Council approved an agreement for the comprehensive rewrite of the Unified Development Ordinance (UDO) which incorporated a rewriting of the Sign Code, which is currently located in Chapter 210 of the Municipal Code of the City of Franklin.

Staff is working toward a changeover in the administration of Chapter 210, which is currently being done by the Department of Inspection Services. Part of the changeover required certain amendments to the existing Sign Code to provide for more efficient administration, and for correctly authorizing the Department of City Development as the lead department. Inspection Services will continue to issue permits for signs for electrical service, but otherwise will turn over the remainder of the administration to City Development.

The attached Ordinance reflects the various interim amendments as proposed by staff from both departments. As noted in the Plan Commission memorandum dated June 24, 2021, the proposed amendments are for the following:

- Replacing most references to “Building Inspector” and “Inspections Department” (excepting maintenance complaints and technical building code references) with “Department of City Development”;
- Eliminating Architectural Review Board review of Sign Permit Applications, including the review fee; and
- Minor clarifications and adjustments for ease of administration;

PLAN COMMISSION RECOMMENDATION

At their July 8, 2021 meeting, the Plan Commission reviewed the proposed amendments and recommended forwarding the proposed Ordinance to the Common Council for their consideration by a vote of 4-0-2 (2 members absent from the meeting).

COUNCIL ACTION REQUESTED

Staff recommends approval of the attached Ordinance (draft date 07/12/21) amending Chapter 210 of the Municipal Code.

ORDINANCE NO. 2021-_____

AN ORDINANCE TO AMEND CHAPTER 210 OF THE MUNICIPAL CODE TO REVISE CERTAIN MINOR ELEMENTS OF THE EXISTING SIGN CODE

WHEREAS, the Plan Commission having reviewed the Municipal Code as it pertains to the requirements for sign permits and administrative provision, and having recommended to the Common Council to amend the Municipal Code to incorporate various minor amendments to Chapter 210 of the Municipal Code.

WHEREAS, the Common Council having considered the recommendation and having determined same to be reasonable and in the public interest.

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

SECTION 1: §210-3C. Issuance of permits, of the Municipal Code of the City of Franklin, Wisconsin, is hereby amended as follows: delete existing subsections (2) and (3), renumber (4) as (2), and amend new subsection (2) to read as follows: “Upon his or her determination that the proposed structure conforms with the ordinances of the City, Department of City Development staff shall issue the permit. If the work authorized under the sign permit has not been completed within one year after the date of issuance, the permit shall become null and void.”

SECTION 2. §210-3D. Permit fees, of the Municipal Code of the City of Franklin, Wisconsin, is hereby amended as follows:

- A. Revise the fee under subsection (1)(a)[3] from \$150 to \$250;
- B. Change the title of subsection (2)(b) from “Mobile signs” to read: “Mobile and Temporary signs”;
- C. Delete subsection (2)(c) and renumber subsequent subsections, accordingly.

SECTION 3: §210-4A. Permissible areas for signs, of the Municipal Code of the City of Franklin, Wisconsin, is hereby amended as follows: amend subsection (1) to read as follows: “Other than residential districts. In nonresidential districts, signs and billboards shall be permitted and any electrical service shall be regulated under by Chapter 118, Electrical Standards.”

SECTION 4: §210-4C. Standards for the design and erection of signs and billboards, of the Municipal Code of the City of Franklin, Wisconsin, is hereby amended as follows: amend subsection (5)(c) to read as follows:

“Area. The area of a monument sign shall not exceed 120 square feet total sign face which shall include the aggregate sign face area of a multi-sided sign.”

SECTION 5: §210-5 Maintenance and removal of signs, of the Municipal Code of the City of Franklin, Wisconsin, is hereby amended as follows: amend subsections A.(1) and A.(2) to read as follows:

“(1) If the Planning Manager or, at his or her request, the Director of Inspection Services, shall find that any sign or other advertising structure regulated herein is unsafe or insecure or is a menace to the public or has been constructed or erected or is being maintained in violation of the provisions of this Chapter, he or she shall give written notice to the licensee thereof. If the licensee fails to remove or alter the structure so as to comply with the standards herein set forth within 10 days after such notice, such sign or other advertising structure may be removed or altered to comply by the Department of City Development or the Department of Inspection Services at the expense of the licensee or owner of the property upon which it is located. The Department of City Development shall refuse to issue a license to any licensee or owner who refuses to pay costs so assessed.

(2) The Planning Manager or, at his or her request, the Building Inspector may cause any sign or other advertising structure which is, in his or her opinion, an immediate peril to persons or property to be removed summarily and without notice.”

SECTION 6: §210-9 Master sign program, of the Municipal Code of the City of Franklin, Wisconsin, is hereby amended as follows: delete subsection G.(9) and renumber subsequent subsections, accordingly.

SECTION 7: Chapter 210 of the Municipal Code of the City of Franklin, Wisconsin, is hereby amended as follows: replace all references to “Building Inspector” and “Inspection Department” with “Department of City Development”, which shall apply to the following subsections: 210-3A.(1); 210-3B.; 210-3C.(1) and (2); 210-3D.(2)(c) and both Notes under 210-3D.; 210-3E.; 210-5B.(1); 210-5C.(4); 210-9B.; and 210-9C.

SECTION 8: 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 9: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 10: 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 _____, 2021, by Alderman _____.

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

MEMORANDUM

Date: June 24, 2021

To: Mayor Steve Olson
City of Franklin Plan Commission
Scott Satula, Director, Department of Inspection Services

From: Heath Eddy, AICP, Planning Manager
Planning Department Staff

Subject: **Sign Code Revisions**

Planning Department staff have been working with the Department of Inspection Services to prepare a changeover of the administration of the current Sign Code (Chapter 210 of Municipal Code) from Inspection Services to the Planning Department. As part of this transition, staff has prepared an interim Sign Code amendment to remove and/or replace certain existing provisions in order to effect the change now, while the UDO Rewrite consultant prepares an eventual replacement sign code.

As such, the proposed interim amendment is designed to address only the most pressing needs to effect a fairly seamless change between the two departments. To wit, staff is recommending the following proposed amendments to Chapter 210.

Reorient the Sign Code

Specifically, except with respect to maintenance complaints or technical building code issues, Chapter 210 needs to be redirected so that the Planning Department leads on the sign code. Staff recommends amendments from “Building Inspector” or “Inspections Department” to “Planning Department.”

Eliminate Architectural Review Board Review

The ARB functions as a “rubber stamp” on sign permits. They act merely as an administrative check-off, and serve no important function. Inspection Services staff actually proposed this change (though Planning staff were similarly aligned).

This would require a change to Section 210-3C to delete two subsections and then renumbering the remaining sections, and a revision to Section 210-3D (Permit Fees) to remove the ARB review fee.

Minor Interim Changes

Staff further proposes a few clean-up changes, as follows:

1. The current code requires a \$500 fee for Master Sign Programs but \$150 for amendments to MSPs. Staff recommends raising that to \$250 consistent with other provisions that amendments are half of the original fee.
2. Adding a basic provision to require fees for Temporary Signs in addition to Mobile Signs.
3. Clarify a provision in Section 210-4A (Permissible areas for signs) that states that signs and billboards are permitted in nonresidential districts and any electrical service is regulated under Chapter 119 (Electrical Standards). Currently, this section incorrectly infers that the electrical code defines nonresidential districts, which it doesn't.
4. Clarify that the maximum sign area of a monument sign is the total sign area of all sign faces of a multi-sided sign, in Section 210-4C(5)(c). This isn't stated outright currently.
5. Eliminate Common Council review of reviews of "development identification signs" that are proposed to be located over or above a private entry drive. It's a review sign-off that is unnecessary and should be left to the Plan Commission.

Staff has attached a draft Ordinance for Plan Commission review. We have already vetted this draft amendment with Inspection Services.

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Skw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/3/2021</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Consideration of an Electronic Meeting Recording Policy</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.7.</p>

BACKGROUND

Alderman Mayer and staff received a request from a citizen to publish the audio recordings of all City Meetings. In addition, a couple other citizens requested the same during Citizen Comments at Council Meetings.

ANALYSIS

After receiving the request staff brought the request to the Technology Commission, who by City Ordinance is charged with assisting the City Clerk in developing a policy for open records, the collection, distribution, and release of information to the public via the web site and other electronic means and the retention of such information on appropriate storage media.

The Technology Commission discussed a number of important issues surrounding this request at their February 2021 Meeting, the first meeting held by the Commission after the request was received and researched by staff, including: storage requirements and limitations; equipment needed for quality recordings for all of the thirty (30) Council/Board/Committee/Commission Meetings; the logistics of using a third party site, i.e. YouTube, to store the large files; staff time to format, manage, and post the electronic meetings; the sensitive/personal nature of some of the Boards/Committees/Commissions; and other ancillary considerations. As part of those discussions, staff recommended the creation of a policy to detail all of the important issues and considerations, as well as to respond to the request. The Commission discussed and revised the draft policy at their March and July Meetings, and made a recommendation to forward draft policy, as attached, to the Council for consideration.

Please note that the City's existing procedure is to post the audio recordings of only: (1) Common Council Meetings, (2) Plan Commission Meetings, and (3) Quarry Monitoring Committee Meetings on the City's website. However, all other meetings that are currently recorded are provided to whomever asks for these meetings in a prompt manner.

RECOMMENDATION

Staff recommends that the Common Council adopt the attached Electronic Meeting Recording Policy.

COMMON COUNCIL ACTION REQUESTED

Motion to adopt the Electronic Meeting Recording Policy.



DRAFT

Electronic Meeting Recordings: Collection, Distribution, and Retention of
Boards/Commissions/Committees Meeting Proceedings

1.00 **POLICY PURPOSE**

To ensure open and transparent communications of Boards/Commissions/Committees Meeting proceedings, providing information to the public in a responsible manner

2.00 **ORGANIZATIONS AND PERSONS AFFECTED**

This policy applies to all City of Franklin Boards, Commissions, Committees identified herein.

3.00 **REFERENCES**

3.01 Technology Commission Charter/Enabling Ordinance

3.02 Municipal Ordinance – Official Meeting Records

4.00 **DEFINITIONS**

- A. Official Meeting Record: The official record of all meetings held by the City of Franklin are the written minutes of the official actions of the body, detailing the motions and actions of the body, as approved by the body by vote, which are retained permanently.

Common Council and Board of Zoning and Building Appeals meeting minutes are required by law to be retained permanently and all minutes for all other meetings are required to be retained for 7 years.

- B. Recording Failure: An occurrence whereby a meeting recording is not successful, through technology or human error, and therefore unable to be posted.

- C. Recording Devices: Any electronic or similar device used to capture audio/visual information and photographs. This includes, but is not limited to: computers, cell phones, tape recorders, and video cameras.

5.00 **CITY BOARDS/COMMISSIONS/COMMITTEES**

5.01 Active Boards/Commissions/Committees

- 1) Architectural Review Board
- 2) Board of Health
- 3) Board of Public Works
- 4) Board of Review

- 5) Board of Water Commissioners
- 6) Board of Zoning and Building Appeals
- 7) Civic Celebrations Commission
- 8) Civil Service Sub-Committee
- 9) Committee of the Whole
- 10) Common Council
- 11) Community Development Authority
- 12) Economic Development Commission
- 13) Environmental Commission
- 14) Fair Commission
- 15) Finance Committee
- 16) Fire & Police Commission
- 17) Joint Review Board
- 18) Library Board
- 19) License Committee
- 20) Parks Commission
- 21) Personnel Committee
- 22) Plan Commission
- 23) Quarry Monitoring Committee
- 24) Technology Commission
- 25) Tourism Commission
- 26) Waste Facilities Monitoring Committee

5.02 Inactive Boards/Commissions/Committees

- 1) 27th Street Steering Committee
- 2) Franklin Complete Streets & Connectivity Committee
- 3) Mayoral Ad Hoc Development Process Review Committee
- 4) Waste Facility Siting Committee

6.00 **PROCEDURE FOR THE BOARDS/COMMISSIONS/COMMITTEE MEETING PROCEEDINGS**

- 6.01 Audio/video recordings are made to prepare the meeting minutes; however, in the interest of open and transparent government and for the convenience of the citizens, it is the policy of the City of Franklin to record by audio or audio/video all active Boards/Commissions/Committee Meetings, with the standard being audio recordings, and publish the recordings on the City's website within 3 business days of the meeting date.
- 6.02 Recordings may be stored directly on the City's website or linked to the City's website with the recording being stored on another approved medium acceptable to the City.
- 6.03 Private Tape Recording and Videotaping - The open meetings law grants citizens the right to attend and observe meetings of governmental bodies that are held in open session. The open meetings law also grants citizens the right to tape record or videotape open session meetings, as long as doing so does not disrupt the meeting. The law explicitly states that a governmental body must make a reasonable effort to accommodate anyone who wants to record, film, or photograph an open session meeting, as long as the activity does not interfere

with the meeting. In contrast, the open meetings law does not require a governmental body to permit recording of an authorized closed session. If a governmental body wishes to record its own closed meetings, it should arrange for the security of the records to prevent their improper disclosure.

7.00 **POLICY EXCEPTIONS**

The following exceptions shall apply.

7.01 Exception 1: Although business is completed in an open meeting, because of the individualized nature discussed by the following Boards/Commissions/Committees, the proceedings of these meetings will not be published on the City website. However, the meetings will be recorded and will be made available upon specific request of the same.

- 1) Architectural Review Board
- 2) Board of Review
- 3) Board of Zoning and Building Appeals
- 4) Civil Service Sub-Committee
- 5) License Committee
- 6) Police and Fire Commission

7.02 Exception 2: Recording Failures – It is understood that unplanned recording failures occur, even with the best plans and efforts in place. Therefore, there may be times when meeting recordings are not successful and therefore unable to be posted. In the event that this occurs, the failure will be noted, and the meeting minutes will be posted where the recording would typically be posted.

8.00 **RETENTION**

8.01 Although under state law audio recordings are only required to be maintained for ninety (90) days after the minutes from the meeting have been approved and published, it is the policy of the City of Franklin to retain meeting recordings for a minimum of seven (7) years.

8.02 Due to storage restrictions and the reduced likelihood of requests for meetings long after the meeting is held, recordings of meetings will be maintained on the City's website for a minimum of three (3) years.

Policy Effective Date/Implementation: This Policy shall be effective upon Common Council approval. Implementation of this Policy shall be within 14 days of passage for meetings which occur on or after Common Council approval.

Policy Review Period: This Policy shall be reviewed at least every three (3) years. Established in 2021, next review period no later than 2024.

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Stu</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">08/3/2021</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Consideration of a Resolution Adopting the City of Franklin Code of Conduct for Elected and Appointed Officials and the Rules of the Common Council</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.8.</p>

BACKGROUND

Based on the outcome of an investigation in early 2021 regarding an employee complaint, the Attorney representing the City's Liability Insurance Provider recommended that the City make efforts to create proper, respectful, and effective communication protocols and initiate leadership improvements. To that end, over the past six months, staff and the Council have been working very hard on creating two valuable documents. The first, the City of Franklin Code of Conduct, is being recommended to ensure that all City Officials have clear guidelines for carrying out the responsibilities they are charged with, while maintaining high standards of integrity, trustworthiness, honesty, and fairness; and the second, the Rules of the Common Council, is being recommended to promote consistency and orderly City of Franklin Meetings.

This item was last discussed at the July 20, 2021 Council Meeting, when Council directed staff to update the same based on: (1) technical corrections from the City Attorney, (2) items discussed at the July 20, 2021 Meeting, and (3) input from Alderwoman Wilhelm at a meeting to be held in the near future, and bring the documents back for consideration on September 7, 2021.

ANALYSIS

Updates were made to the July 20, 2021 versions of the drafts City of Franklin Code of Conduct and the Rules of the Common Council based on: (1) technical corrections from the City Attorney, which have been confirmed with him, (2) the discussion held at the July 20, 2021 Meeting, (3) a meeting held on July 22, 2021, with Alderwoman Wilhelm and myself, and (3) another review from the City Attorney.

The current version of each of the documents are included with this item so that Council Members have ample time to review prior to Council consideration on September 7, 2021.

RECOMMENDATION

Staff recommends that the Common Council establish the City of Franklin Code of Conduct for Elected and Appointed Officials and the Rules of the Common Council and include these documents in the newly created Council Reference Manual.

COMMON COUNCIL ACTION REQUESTED

No action required at this time. Consideration of this item will be requested at the September 7, 2021 Council Meeting.

**CITY OF FRANKLIN CODE OF CONDUCT
ELECTED AND APPOINTED OFFICIALS
August 3, 2021**

SECTION 1: PURPOSE

It is the policy of the City of Franklin to uphold, promote, and demand the highest standards of ethics from its elected and appointed officials. Accordingly, the Mayor; Common Council Members; Commission/Board/Committee Members; and Appointed Officials shall maintain the standards of personal integrity, trustworthiness, honesty, and fairness in carrying out their public duties, avoid improprieties in their roles as public servants, comply with all applicable laws, and shall not use their City position or authority improperly or for personal gain.

This Code of Conduct exists to ensure that all officials have clear guidelines for carrying out their responsibilities in their relationships with each other, with the City staff, with the citizens of Franklin, and with all other private and governmental entities. It is understood that all City Officials aspire to maintain these standards. In the event that these shared objectives are not met, self-correction is the goal, with enforcement occurring when necessary.

All officials recognize that an action may be legal but may also be unprofessional, inappropriate, or perceived as a form of harassment or abuse.

This Code of Conduct works in conjunction with the City of Franklin Municipal Code and State of Wisconsin Statutes.

SECTION 2: ELECTED OFFICIALS AND COMMISSION/BOARD/COMMITTEE MEMBERS CONDUCT WITH ONE ANOTHER

The Common Council and Mayor (hereinafter the "Council") have a responsibility to set policy for the City. In doing so, certain types of conduct foster positive debate while other types do not. The Council is responsible for treating one another as they wish to be treated. The same expectation is in place for Commission/Board/Committee Members.

The Council, as well as Commissions/Boards/Committees, is composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Understanding the diversity which exists, all who choose to serve in public office have the obligation to preserve and protect the well-being of the community and its citizens. In all cases, this common goal is to be acknowledged, and all officials must recognize that certain behavior will lead to success while other behavior is counterproductive.

A. Use of Formal Titles

All officials will make every effort to refer to one another and City staff formally during public meetings as Mayor, Council President, Alderperson, Board/Commission/Committee Member, followed by the individual's last name.

B. Use of Civility and Decorum in Discussions and Debate

Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. Every official has the right to an individual opinion, without interruption, which is to be respected by the other officials. Officials shall not be hostile, degrading, or defamatory when debating a contentious issue. Each official is to work under the premise that all other officials are acting with appropriate motives

and keeping the interest of the public in mind, and are not to be criticized for differing opinions because they believe them to be lacking in judgment or are improperly motivated.

However, this does not allow any official to make belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments in public meetings or during individual encounters. Shouting, attacking, or other actions that could be construed as threatening or demeaning will not be tolerated. If an official is personally offended by the remarks of another official, the offended official should voice the concern promptly and afford the other official the opportunity to either explain the comment or apologize. If that is not successful, the offended official should call for a "point of personal privilege".

C. Honor the Role of the Chair in Maintaining Order

It is the responsibility of the Mayor, as Chair of the Council, as well as Commission/Board/Committee Chairs, to keep the discussion of all members on track during meetings. Members are to respect the efforts by the Mayor/Chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's/Chair's actions, those objections are to be voiced respectfully and with reason, following commonly recognized parliamentary procedure.

D. Dissemination of Information

Out of courtesy to all Members, new information regarding appropriate City Business/Communications will be disseminated to the Body prior to disseminating on social media.

E. Use of Electronic Devices

Respect for one another, constituents, and those appearing before the Council and Commissions/Boards/Committees is paramount, and full attention to the matters before the Body is the purpose of meetings. The use of electronic devices to communicate regarding City business during meetings is prohibited since it presents an opportunity for violation of open meetings and open records laws. Personal use of electronic devices is strongly discouraged and is to be reserved only for emergency situations. However, it is acknowledged that occasional use of electronic devices occurs for business purposes within the context of meetings and is acceptable.

F. Social Media

Social media presence by those officials covered under this code is to be informative in nature and positively reflect on the community and City staff, and promote local activities. All officials shall avoid expressing opinions or bias regarding City business or issues that may come before the Council/Commission/Board/Committee when it may be construed that they are acting on behalf of the City.

G. Newsletters by Council Members

Council Members are allowed to create newsletters; however, all Members must ensure that in expressing their own opinion, they do not mislead any reader/listener into believing that their individual opinion is that of the entire Council/Commission/Board/Committee unless the Council/Commission/Board/Committee has taken a vote of the Body on that specific issue and the Member's opinion is the same as the result of the vote of the Body on the matter.

H. Discrimination and Other Harassment

The Council is committed to providing an environment that is free from discrimination and harassment, even if the identified behavior is not targeting a protected class. Harassment consists of unwelcome conduct, sexual or otherwise, whether verbal, physical, or visual. Harassing conduct includes, but is not limited to: slurs or negative stereotyping; bullying, threatening, intimidating or other hostile acts; degrading jokes and display or circulation of graphic material that degrades or shows hostility; and physical touching.

SECTION 3: ELECTED OFFICIALS AND COMMISSION/BOARD/COMMITTEE MEMBERS CONDUCT WITH CITY STAFF

Governance of the City relies on the cooperative efforts of elected officials who set policy and City staff who implement and administer the Council's policies. Therefore, every effort is to be made to be cooperative and show mutual respect for the contributions made by each other for the good of the community.

The City of Franklin, through its form of government and Municipal Code, charges the Mayor as the responsible person for all staff in the City, except as may be otherwise provided by law pursuant to the Wisconsin Statutes.

The Common Council, upon recommendation from individual members, professional staff, and volunteer Boards/Commissions/Committees, authorizes various aspects of personnel management including policies, pay plans, benefit plans and other related items. On Council direction, the Mayor is charged with implementing these items while working with the executive team. This provides for a single manager to direct our staff.

Members of the Common Council must be diligent in maintaining this "chain of command". Council Members shall not engage in directing employees in their tasks and/or injecting themselves into tasks and projects. Council Members are encouraged to get to know and support the City's 240+ employees, and treat them with respect and professionalism.

Should an individual Council Member see a deficiency, need a project or task performed, have a special request for service, or any other directive for staff, he/she is to communicate that, in writing, including the specific issue as well as a requested resolution, to the Mayor or Director of Administration. (This does not include Council Members' need for additional information needed for Council agenda items, which is covered in the Rules of the Common Council.) In the event that the matter is not resolved within a reasonable amount of time after communications with the Mayor and the Director of Administration, the matter may be discussed at a Council or Committee of the Whole Meeting at the call of two Council Members by filing a written request with the Clerk.

All elected and appointed officials must constantly be aware of their impact on the morale and reputation of our employees in their statements and interactions.

A. Treat Staff as Professionals

Council Members and Commission/Board/Committee Members shall treat all staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. Poor behavior toward staff is not acceptable. Members should refer to staff by their title followed by the individual's last name in public meetings when first introduced.

B. Never Publicly Demean or Personally Attack an Individual Employee

Members shall never demean or personally attack an employee regarding the employee's job performance in public. All employee performance issues shall be directed to the Mayor or the Director of Administration through private correspondence or conversation.

C. Do not Supersede Administrative Authority

Unless otherwise provided in this Code, neither the Council, nor any of Commission/Board/Committee Members, shall attempt to supersede the administration's powers and duties. Neither the Council nor any Commission/Board/Committee Member thereof shall give orders to any of the Department Heads or their subordinates, either publicly or privately. Council Members and Commission/Board/Committee Members shall not attempt to unethically influence or coerce City staff concerning either their actions or recommendations to awarding contracts, selection of consultants, processing of development proposals, the granting of City licenses and permits, or any other similar City function.

Nothing in this section shall be construed, however, as prohibiting a Council Member or Commission/Board/Committee Member in an open meeting from fully and freely discussing with or suggesting to the Department Heads anything pertaining to City affairs or the interests of the City. And, it is also noted that there may be limited occasions when Council Members need to communicate with staff outside public meetings, not related to questions on agenda matters.

D. Do Not Solicit Political or Business Support from Staff

Council Members and Commission/Board/Committee Members shall not solicit any type of political support, including: financial contributions, display of posters or lawn signs, name on support list, collection of petition signatures, etc., from City staff. City staff may, as private citizens within their constitutional rights, support political candidates, however all such activities must be done away from the workplace and be the will of the staff member. Photographs of uniformed City employees shall not be used in political ads.

Council Members and Commission/Board/Committee Members should refrain from soliciting personal business, i.e. services, patronage, etc. that are not offered to the general public, from staff members.

**SECTION 4: ELECTED OFFICIALS AND COMMISSION/BOARD/COMMITTEE MEMBERS
CONDUCT TOWARDS THE PUBLIC**

In Public Meetings

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice, or disrespect are to be evident on the part of individual Council/Commission/Board/Committee Members toward an individual participating in a public forum. Every effort is to be made to be fair and impartial in listening to public testimony or input. All Members are to demonstrate, both publicly and privately, their honesty and integrity, and to be an example of appropriate and ethical conduct. And, all Members are to respect and appreciate the public's participation, input, and opinions.

A. Be Welcoming to Speakers and Treat Them with Care and Respect

For many citizens, speaking in front of a governing body is a new and difficult experience; under such circumstances, many are nervous. Members are expected to treat citizens with care and respect. (See section 2 D.) All Members are to commit full attention to the speakers or any materials relevant to the topic at hand. Comments, when appropriate, and non-verbal expressions are to be respectful and professional.

B. Be Fair and Equitable in Allocating Public Hearing Time to Individual Speakers

The Mayor/Chair will determine and announce time limits on speakers at the start of the Public Hearing process. Generally, each speaker will be allocated three minutes, with applicants, appellants, or their designated representatives allowed additional time. If a substantial number of speakers are anticipated, the Mayor/Chair may shorten the time limit and/or ask speakers to limit themselves to new information and points of view not already covered by previous speakers.

Each speaker may only speak once during a Public Hearing unless the Body requests additional clarification later in the process. After the close of the Public Hearing, no additional public testimony will be accepted unless the Body reopens the Public Hearing for a limited and specific purpose.

C. Ask for Clarification, but Avoid Debate and Argument with the Public

Only the Mayor/Chair (no other Members), shall be allowed to interrupt a speaker during a presentation if needed to clarify, keep on topic, or similar. Members may ask the Mayor/Chair to have the speaker repeat or clarify if there is an audio issue, hallway noise, or other similar matter. And, Members may ask the Mayor/Chair for a point of order if the speaker is off the topic, exhibiting behavior or language that the Member finds disturbing or out of line, or if there are inaccurate statements made that the Member would like corrected. Member questions, regarding public input, to seek, clarify, or expand information are to be directed to the Mayor/Chair.

D. Follow Parliamentary Procedure in Conducting Public Meetings

The City Attorney serves as advisory parliamentarian for the City and is available to answer questions or interpret situations according to parliamentary procedures. Final rulings on parliamentary procedure are made by the Mayor, subject to the appeal of and to the Council, per Robert's Rules of Order.

Outside Public Meetings

A. Make no Promise or Statement on Behalf of the City or Common Council in an Unofficial Setting

Council Members and Commission/Board/Committee Members will frequently be asked to explain a Council/Commission/Board/Committee Action or to provide their opinion regarding an issue as they meet and talk with constituents in the community. It is appropriate to provide a brief overview of City Policy and to refer the constituents to City staff or the Mayor for further information. Overt or implicit promises of specific Council/Commission/Board/Committee Action or promises that City staff will take some specific action shall be refrained from.

All Members must ensure that in expressing their own opinions, they do not mislead any listener into believing that their individual opinion is that of the entire Council/Commission/Board/Committee unless the Council/Commission/Board/Committee has taken a vote on that specific issue and the Member's opinion is the same as the result of the vote of the Body on the matter. Likewise, no Council/Commission/Board/Committee Member shall state in writing that Member's position in a way that implies it is the position of the entire Body. A member has the right to state a personal opinion and has the right to indicate that he/she is stating such as a member of the Body but must always clarify that he/she is not speaking on behalf of the City or the Common Council/Commission/Board/Committee unless specifically authorized by that Council/Commission/Board/Committee to do so.

SECTION 5: ELECTED OFFICIALS AND COMMISSION/BOARD/COMMITTEE MEMBERS CONDUCT WITH PUBLIC AGENCIES

Since members act as a single Body during official City Meetings, such members should curb individual communications with other agencies. Any such interactions would simply be as a citizen, NOT as a Council/Commission/Board/Committee Member.

All Members must remember that, at most times, they are perceived in public as a representative of the City and should act and speak with that responsibility in mind.

A. Be Clear about Representing the City or Personal Interests

If a Council/Commission/Board/Committee Member appears before another governmental agency or organization to provide a statement on an issue, the Member must clearly state whether his or her statement reflects a personal opinion or is the official position of the City.

All Members must inform the applicable Body of their involvement in an outside organization if that organization is or may become involved in any issue within the City's jurisdiction. If an individual Council/Commission/Board/Committee Member publicly represents or speaks on behalf of another organization whose position differs from the City's official position on any issue, the Member must clearly communicate the organization upon whose behalf he/she is speaking and must withdraw from voting as a Council/Commission/Board/Committee Member upon any action that has bearing upon the conflicting issue.

B. Representation of the City on Intergovernmental Commissions and Other Outside Entities

Council Members serving on Boards, Commissions, or Committees as a City Representative for outside entities or agencies shall properly communicate with all other Council Members on issues pertinent to the City.

C. Conflict of Interest

Council Members are encouraged to request a Conflict of Interest Opinion from the City Attorney if unsure whether a personal conflict exists on specific matters.

D. Mayor's Role Representing the City

The Mayor is charged with representing the City, speaking on its behalf, and communicating with the Council regarding these matters when appropriate.

SECTION 6: ELECTED OFFICIALS CONDUCT WITH COMMISSIONS/BOARDS/COMMITTEES

A. Attendance at Commission/Board/Committee Meetings

Council Members may attend any City of Franklin Commission/Board/Committee Meeting which is open to the public.

B. Assigned Commission/Board/Committee Duties

Council Members are assigned to Boards/Commissions/Committees to provide a line of communication between the specific Commission/Board/Committee and the Common Council. As such, Council Members are to fully participate in the activities and meetings of the Commission/Board/Committee.

Regular attendance at meetings and activities is expected.

Council Members, along with City staff, shall advise the Commissions/Boards/ Committees that they serve on regarding policies and procedures of the City, and proper conduct of meetings.

C. Be Respectful of Diverse and Opposing Opinions

A primary role of Commissions/Boards/Committees is to represent many points of view in the community and to provide the Council with advice based on a full spectrum of concerns, experience, and perspectives. Council Members must be fair and respectful to all citizens serving on Commissions/Boards/Committees without regard to their backgrounds, residence, and political views.

D. Closed Session Participation

Out of courtesy for the Commission/Board/Committee, Council Members not on such Commission/Board/Committee shall inform the Commission/Board/Committee Chair of their attendance in closed session in advance of attending such closed session whenever possible.

SECTION 7: ELECTED OFFICIALS AND COMMISSION/BOARD/COMMITTEE MEMBERS CONDUCT WITH THE MEDIA

A. Expression of Positions on Issue

When communicating with the media, all members must clearly state that their comments are the official position of themselves alone, and not from the Council/Commission/Board/Committee unless specifically authorized by that Council/Commission/Board/Committee. Each Council Member represents one vote of the total and until a vote on any issue is taken, Members' positions are merely their own. Members recognize that the Mayor, or his/her designee, is the only authorized voice for the City.

B. Discussions Regarding City Staff

Council/Commission/Board/Committee Members shall not discuss personnel issues or other matters regarding individual City staff in public or with the media. Any issues pertaining to City staff shall only be addressed directly to the Mayor or the Director of Administration.

SECTION 8: ENFORCEMENT OF THIS CODE OF CONDUCT

A. Filing of Complaints (Excluding Ethics, which is addressed as **Attachment A to this Code of Conduct and contains separate remedies)**

Any person who believes a City Official has violated a requirement, prohibition or guideline set out herein may file a sworn complaint with the City Clerk identifying: (1) the complainant's name, address and contact information; (2) position of the City official who is the subject of the complaint; (3) the nature of the alleged violation, including the specific provision of Municipal Code, Policy, Rule allegedly violated, and (4) a statement of fact constituting the alleged violation and the dates on which, or period of time during which, the alleged violation occurred.

The person making the complaint shall provide the following with the complaint: (1) all documents or other materials in the complainant's possession that are relevant to the allegation, (2) a list of all documents or other materials relevant to the allegation that are available to the complainant but not in the complainant's possession, (3) a list of all other documents or other materials relevant to the allegation but unavailable to the complainant, including the location of the documents if known, and (4) a list of witnesses, what they may know, and information to contact those witnesses.

The complaint shall include an affidavit at the end of the complaint stating that the "information contained in the complaint is true and correct, or that the complainant has good reason to believe and does believe that the facts alleged are true and correct and that they constitute a violation of the Municipal Code, Policy, or Rule". If the complaint is based on information and belief, the complaint shall identify the basis of the information and belief, including all sources, contact information for those sources, and how and when the information and/or belief was conveyed to the complainant by those sources. The complainant shall swear to the facts by oath before a notary public, or before the City Clerk. A notary public or City Clerk shall verify the signature.

If a complaint filing is determined to be complete by the City Clerk, the City Clerk shall forward the matter to the Mayor or the Mayor's Designee. If the complaint filing is determined incomplete, the City Clerk shall notify the complainant of the deficiency.

If the complaint is filed against the Mayor, the City Clerk shall submit the complaint filing to the Council President to work with the appropriate parties to process the complaint appropriately on behalf of the City.

B. Confidential Nature of Complaint

While complete confidentiality cannot be maintained, each complaint will be considered judiciously and as discreetly as possible, respecting both the complainant and the accused, throughout the investigation.

C. Time for Filing

A complaint under this Code must be filed no later than sixty (60) days from the date of discovery of the alleged violation. However, anyone having information on which a complaint is based is encouraged to file the complaint as soon as the information is obtained so that immediate action may be taken by the Council, the appropriate staff member or agency. The delay in filing a complaint may be considered in determining the sanction to be imposed.

D. False or Frivolous Complaints

A person who knowingly makes a false, misleading, or unsubstantiated statement in a complaint is subject to criminal prosecution for perjury and possible civil liability. If, after reviewing a complaint, it is determined that a sworn complaint is groundless and appears to have been filed in bad faith or for the purpose of harassment, or that intentionally false or malicious information has been provided, the subject shall be referred to the Chief of Police for referral to the District Attorney's Office for prosecution under penalty of perjury or as the District Attorney may determine. A City Official who seeks to take civil action regarding any such complaint shall do so at his or her expense.

E. Complaint Procedure

(1) Investigation

If the complaint is complete, it will be investigated by the City through its representative which may be the City's Risk Provider, Outside Counsel, or other appropriate party acting as the Investigative Officer, in a reasonable period of time.

(2) Failure to Comply

All City Officials, whether elected and appointed, are required to cooperate with any such investigations. Failure to cooperate in an investigation, or making false statements, could subject the Official to sanctions or removal from office/position.

(3) Recommendations

At the conclusion of the investigation, the Investigating Officer, following deliberation in open or closed session, shall submit a report to the Council, including findings of fact, conclusions of law, and a recommendation as to what action, if any, the Council should consider with respect to the individual charged. The Investigating Officer shall provide the complainant and the individual charged with a copy of the report. Either the complainant or the person charged may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the Council.

(4) Council Action

The Council shall consider and take action on the recommendation of the Investigating Officer within sixty (60) days after the Investigating Officer provides its findings. Upon review of the report and following deliberation, if the Council, by motion, concludes that there is a violation of the Code, the Council may direct mediation or impose a sanction or penalty. The Council may adopt, reject, or modify the recommendation made by the Investigating Officer. In resolving the complaint, the totality of the circumstances shall be taken into consideration, including the intent of the person accused of the wrongdoing.

(5) Penalties and Sanctions Policy

It is the intent of the Council to educate and, when necessary, discipline City Officials who violate this Code. Discipline shall be progressive, from the least punitive to the most punitive measures, unless the Council believes that progressive discipline does not provide the appropriate sanction due to the gravity of the offense, or because the Council does not believe the sanction would deter future misconduct. In all instances, the totality of the circumstances shall be taken into consideration in resolving the matter, including the intent of the one accused of wrongdoing.

(6) Possible Penalties and Sanctions

- i. An informal censure by the Council, which would only be made as part of a motion in a public meeting.
- ii. A formal censure by the Council, which would be made by motion in a public meeting and then published in the City newspaper.
- iii. Mandatory community service. [Wis. Stat. § 62.11(3)(e)]
- iv. Attendance at counseling or mediation sessions. [Wis. Stat. §62.11(3)(e)]
- v. Imposition of a dollar fine of up to \$500.00. [Wis. Stat. §§ 62.11(3)(a) &(c)]
- vi. Removal from Office. [Wis. Stat. § 62.11]
- vii. Discipline, up to and including termination (for Appointed Officials).
- viii. Any other sanction available by law.

The imposition of any of these penalties or sanctions will require an affirmative vote of $\frac{3}{4}$ of all members of the Council (with six (6) voting Council Members, $\frac{3}{4}$ is calculated as $6 \times .75 = 4.5$, rounded up to 5 votes).

(7) Notice

The Mayor, or his/her designee, shall provide notice of the Council's decision to the person charged within ten (10) days of decision.

Acknowledgement Statement / Signature Required

By signing below, the Elected Official/Commission, Board, Committee Member/Appointed Official agrees to the principles and rules set forth in this document and will abide by them to the best of his/her abilities throughout his/her term of office/employment:

Official Signature

Date

Official Printed Name

Office Held by Official

ETHICS

The state ethics code applicable to local government officials is found in Wisconsin Statutes § 19.59. *(This is affirmed by the CHARTER ORDINANCE change that was passed on March 1, 2005 Ordinance 2005-1835 repealed the Code of Ethics of the Municipal Code and provided for the filing of financial disclosure statements by elected officials, candidates and other specified officials of the City.)* Many of the terms used therein are defined in Wisconsin Statutes § 19.42.

The state ethics code establishes minimum standards of ethical conduct that prohibit local public officials from using their public office to benefit or enrich themselves, their immediate families, or organizations with which they are associated. Local officials must understand these standards to avoid violations of the law. Specifically, this code prohibits local public officials from engaging in the following conduct:

- Using their office to obtain financial gain, any type of employment including consulting or similar roles, or anything of substantial value for the private benefit of themselves, their immediate families, or organizations with which they are associated.
- Receiving “anything of value” if it could be reasonably expected to influence the local public official’s vote, official action or judgement, or could reasonably be considered as a reward for any official action or inaction.
- Taking official action substantially affecting a matter in which the official, an immediate family member, or an organization with which the official is associated has a substantial financial interest or using his or her office in a way that produces or assists in the production of a substantial benefit for the official, an immediate family member, or an organization with which the official is associated.
- Offering or providing influence in exchange for campaign contributions.

An official who is uncertain about a potential conflict with this section may want to seek advice from the City Attorney.

The state ethics code is enforced by the local district attorney (in Milwaukee County, this is Corporation Counsel) upon verified complaint of any person. If the district attorney fails to commence an action within twenty (20) days after receiving such complaint or refuses to commence an action, the person making the complaint may petition the attorney general to act on it.

The ethics code provides civil and criminal penalties for violations. A local official who intentionally violates any part of § 19.59, except § 19.59(1)(br), may be fined not less than \$100 nor more than \$5,000 or imprisoned not more than one year in the county jail or both. In the alternative, a civil forfeiture of up to \$1,000 may be imposed against a local official for violating any part of the state ethics code. Intentional violation of § 19.59(1)(br), offering or providing influence in exchange for campaign contributions, is a Class I felony.

RULES OF THE COMMON COUNCIL
August 3, 2021

These rules are established by the Common Council to promote consistency and orderly meetings of the Common Council. The rules will be reviewed periodically, as needed, and at the Organizational Meeting of each newly established Common Council.

These rules are established in conjunction with the ordinance authorized through the City of Franklin Municipal Code, Chapter 19 Council Proceedings. It is the intent of these rules to compliment, not replace, Municipal Code.

1) MEETINGS

Regular and Special Meetings of the Common Council are held per the City of Franklin Municipal Code, §§ 19-1 A. – D., as attached hereto.

In addition to the codified criteria for Special Meetings, per the City of Franklin Municipal Code, § 19-1 B., as attached hereto, a Special Meeting may be called with a minimum of 6 hours' notice for emergency business of the Common Council. The notice shall specify the time, place, and purpose of the meeting.

2) NOTIFICATION OF ABSENCE OF COUNCIL MEMBERS

- a. Any Council Member who is unable to attend a Council Meeting shall notify the Mayor or City Clerk in advance if he/she is unable to attend such meeting, except in the case of an emergency. If an emergency causes a Council Member to miss a Common Council Meeting, that Council Member shall notify the Mayor or City Clerk as soon as practicable. Members shall be recorded as 'present' or 'not present' on the official minutes.
- b. It shall be noted in the official meeting minutes if a Member enters a meeting after the meeting convenes, or leaves before the meeting adjourns.

3) SPECIAL RECOGNITION

The City of Franklin will consider requests for moments of silence or other appropriate recognition at the beginning of Common Council Meetings that relate to persons or events of community-wide, state-wide, or national significance involving Franklin residents. All requests shall be made to the Mayor or presiding officer prior to the meeting and the Member making the request shall be recognized by the Mayor or presiding officer at the appropriate point within the agenda.

4) PRESIDING OFFICER TO MAINTAIN AND PRESERVE ORDER

- a. It shall be the duty of the Mayor or presiding officer to maintain and preserve order during Common Council Meetings, including: keeping the discussion of Council Members on track and relevant to the agenda items and preserving decorum; and if any Member transgresses the rules of the Common Council, the Mayor or presiding officer shall, on his or her own or at any Members' request, 1

call such offending Member to order. The Common Council, if appealed to, shall decide the matter by majority vote, per the City of Franklin Municipal Code, § 19-3 A., as attached hereto.

- b. When a question is pending, a Member is allowed to speak against the nature of likely consequences of the proposed measure in strong terms, but the Member must avoid personalities and under no circumstances shall the Member attack or question the motives of another Member or the entire Common Council
- c. Points of Order may be used to draw attention to a breach in rules, an irregularity in procedure, the irrelevance or continued repetition of a speaker, the breaching of established practices, or contradiction of previous decision. The chair shall immediately acknowledge the Point of Order and rule on it. A Point of Order is non-debatable, however, may be overruled by a two-thirds vote of the Body. Points of Order which are recognized shall be recorded in the official minutes.

5) **RULES PERTAINING TO CONDUCT OF THE COUNCIL MEETING/MOTIONS/VOTING**

- a. **ORDER** - The most recent version of Roberts Rules of Order shall be used for conduct of City of Franklin meetings. The City Attorney shall be the Parliamentarian.
- b. **MOTIONS/VOTING** - Motions and voting shall occur per the City of Franklin Municipal Code, §§ 19-7 A. – G., as attached hereto.
- c. **MOTIONS** - When a motion is made and seconded, it shall be deemed to be in possession of the Common Council and shall be stated by the presiding officer.
- d. **WITHDRAWING MOTIONS** - Withdrawing motions shall occur per the City of Franklin Municipal Code, § 19-7 A., as attached hereto.
- e. **DIVISION OF QUESTION** - Any Member may call for a division of the question when the question is one that may be divided, per Robert's Rules of Order.
- f. **DEBATE**
 - i. In the debate, each Member has the right to speak and shall be offered the opportunity by the Mayor or presiding officer before a Member may speak a second, or subsequent, time.
 - ii. Members shall be succinct in their statements on an item and shall not dominate debate.
 - iii. Members shall at all times be aware the Council meetings are a place for debate of the item at hand and for decisions on that matter. Additional information requested by a Member should be addressed to the responsible Department Head prior to the Council meeting. Upon the request of a Common Council Member for any staff member to supply the Body such information as requested, the Member must first be recognized by the presiding officer for that person to speak. (This does not apply to deficiencies, the desire to have a project or task performed, having a special request for service, or any other directive for staff, as these matters are addressed in the Code of Conduct.)
 - iv. A Member who wishes to abstain must do so in accordance with the City of Franklin Municipal Code, § 19-7 D., as attached hereto, and announce the same at the start of debate due to a conflict or other basis upon

which to abstain, or the point in time during the debate in which the Member determines that he/she has a conflict with the matter, and consider leaving the room during the debate. Such abstention shall be included in the minutes. A Member who participates in debate, but does not voice that he/she is abstaining due to a conflict is discouraged from abstaining from voting.

- v. No officer, elected official or staff member may distribute, hold aloft, or place on the dais for public view information not previously available to the public, during or the day of a Common Council meeting.
- g. **CALLING THE QUESTION** - Any Member wishing to terminate the debate may move the previous question as detailed in the City of Franklin Municipal Code, § 19-7 C., as attached hereto, per Robert's Rules of Order.
- h. **MOTIONS TO TABLE SHALL INCLUDE DATE OR TIME FRAME FOR ACTION** - Motions to table shall include a specific date to be returned to the Council or shall require return to the Council upon a specific occurrence within a specified time frame. Except for matters which may be approved by operation of law if not acted upon by Council, if the occurrence shall not happen within the specified time frame, the City Clerk shall notify the Council at the end of the time frame that the matter shall not be brought forward and make appropriate notation to the minutes of the meeting during which the matter was laid over. Upon notice of non-action by the City Clerk, any Council Member may request that the matter be placed upon the next Council agenda for report or official action.
- i. **VOTE CHANGE** - A Member shall only be permitted to change his/her vote up until the point all votes are in and the Mayor reports the results of the vote; no Member shall be permitted to change his/her vote on a matter once the Body moves on to another item of business.
- j. **MOTION TO RECESS** - Any Member or the chair may move to recess at any point during the meeting with a majority vote with a stated time for such recess to reconvene.
- k. **MOTION TO ADJOURN** - A motion to adjourn shall always be in order unless the Common Council is engaged in voting, and shall be decided pursuant to Robert's Rules of Order.
- l. **RECONSIDERATION** - Reconsiderations are allowed through the process included in the City of Franklin Municipal Code, § 19-7 F., as attached hereto.
- m. **USE OF UNANIMOUS CONSENT** - Unanimous Consent shall only be used for termination of debate, motions to adjourn, motions to recess and for elections for Common Council President or Temporary Chair when there shall be only one Member put forward for election.

6) **ATTIRE, PROXY, AND ELECTRONIC COMMUNICATIONS AND DEVICES**

- a. **ATTIRE** - Common Council Meetings are to conduct official business of the City of Franklin, therefore, business casual attire or better is expected out of respect for our constituents and the Body. Except for the City's logo, business casual attire does not include apparel with advertising or logos of specific businesses, hats, shorts, flip flops, clogs, or similar. However, the Council may designate certain meetings to allow for clothing to support specific events.

- b. **PROXY** - No Member shall be allowed to vote by proxy.
- c. **ELECTRONIC DEVICES** - Respect for each other, constituents, and those appearing before the Council and Commissions/Boards/Committees is paramount, and full attention to the matters before the Body is the purpose of the meetings. The use of electronic devices to communicate regarding City business during meetings is prohibited since it presents an opportunity for violation of open meetings and open records laws. Personal use of electronic devices is strongly discouraged and is to be reserved only for emergency situations. However, it is acknowledged that occasional use of electronic devices occurs for business purposes within the context of meetings, and is acceptable.

7) **CONFIDENTIAL INFORMATION**

Common Council Members are frequently provided information that is confidential. The information could be relating to personnel matters, which is the responsibility of the Mayor; development matters; legal matters; or other information.

Holding confidential information private, when appropriate, is a foundation of trust that is very difficult to earn and easy to lose. Losing trust forever impairs a Council Member from doing his/her job in representing their constituents.

- a. No official may use or disclose confidential information, including knowledge imparted orally, recordings, and written documents or records, concerning the property, government or affairs of the City gained in the course of or by reason of such official position or activities unless the release is ordered by a court or the informed consent of the subject, as applicable; or authorized by the legal custodian or other proper legal authorization is given. This includes confidential information received in a Closed Session of the governmental Body.
- b. Inappropriate disclosure of such confidential information may subject the official to penalties, including a fine or public censure. Other potential consequences for violating this restriction is criminal prosecution under §946.12, Wisconsin State Statutes, misconduct in public office, or removal from office under Chapter 17 of the Wisconsin State Statutes for cause.

Any questions regarding confidential information, its' restrictions, and any release of confidential information should be privately addressed with the City Attorney.

8) **GENERAL RULES OF DECORUM**

No person shall personally attack a Council Member, city official, city employee or any other person. For purposes of this section, personal attacks shall include comments directed at a particular person or persons which pertain to any matter that is unrelated to the performance of official duties or the conduct of city business, are threatening, slanderous, defamatory or obscene or are of such a nature that the comments disrupt the meeting or cause a disturbance.

No person shall make irrelevant, unduly repetitious, offensive, threatening, slanderous, defamatory, or obscene remarks or act in such a manner as to disrupt or disturb the orderly conduct of any meeting, including handclapping,

stomping of feet, whistling, shouting or other demonstrations.

Any person violating this provision shall be called to order by the Mayor or presiding officer. If the conduct continues, the Mayor or presiding officer may order the person, other than a Body Member, removed and the Council may make a finding of fact whether such behavior was outside the scope and content of the Council rules and, if applicable, whether the behavior was of a character to cause a breach of the peace.

9) SOCIAL MEDIA

Social media presence by those officials covered under this code should be informative in nature and positively reflect on the community and City staff, and promote local activities. All officials shall avoid expressing opinions or bias regarding City business or issues that may come before the Council/Commission/Board/Committee when it may be construed that they are acting on behalf of the City.

10) RULES PERTAINING TO INDIVIDUALS ADDRESSING THE COUNCIL DURING A CITIZEN COMMENT PERIOD (NOT APPLICABLE FOR PUBLIC HEARINGS)

- a. Citizen comments shall be conducted per the City of Franklin Municipal Code, § 19-2 B., as attached hereto, allowing any person to address the Common Council.
- b. No person shall personally attack a Council Member, City Official, City Employee or any other person. For purposes of this section, personal attacks shall include comments directed at a particular person or persons which pertain to any matter that is unrelated to the performance of official duties or the conduct of city business, are threatening, slanderous, defamatory or obscene or are of such a nature that the comments disrupt the meeting or cause a disturbance.
- c. Questions posed by the speaker may be answered by the Mayor or presiding officer, or referred to city staff for a future reply in a timely manner. Council Members will refrain from commenting or attempting to answer questions during Citizen Comment Period unless authorized by the Mayor.
- d. Statements must not include endorsements of any candidates or other electioneering; but if a citizen speaking is a candidate for office, he/she must identify him/herself as such.
- e. Speakers shall refrain from presenting unduly repetitious, offensive, threatening, slanderous, defamatory, or obscene remarks or act in such a manner as to disrupt or disturb the orderly conduct of any meeting.
- f. Statements made by the public during Citizen Comment Period orally or in writing become part of the meeting record via audio recording or paper statements but will not be included in the official minutes or postings of the meeting.
- g. Written statements provided to the Common Council regarding an agenda item or as a citizen comment must be received by the Clerk's office at least 24 hours prior to the start of the Common Council Meeting. Such comments will be provided to the Council and appropriate staff but will not be read out loud at the meeting.

11) RULES PERTAINING TO THE TIMING OF SUBMISSIONS FOR INCLUSION ON THE COUNCIL AGENDA AND INFORMATION REQUESTED FOR MEETINGS

- a. Agenda items for submittal must follow the City of Franklin Municipal Code, § 19-2 A., as attached hereto.

Council Members should keep in mind that additional time may be needed to work with staff to convert items into resolution or ordinance form or provide clarifications as necessary; and that items submitted at the last minute may need to be delayed until the following regular Council meeting.

Should a requested agenda item not be placed on an agenda as submitted it shall be automatically placed on the next scheduled agenda unless withdrawn by the submitter. The Council Action Sheet for that item shall contain a statement by the Mayor as to the reason for the delay.

- b. Council Members shall work with the Mayor or his designee to obtain any additional information needed prior to the Common Council meeting.

12) RULES PERTAINING TO STAFF/APPLICANT PRESENTATIONS

The Mayor or presiding officer may call appropriate staff or outside party to present additional information on any agenda item to the Common Council without notice or restriction on time.

13) CLOSED SESSION

Closed Sessions are the legal opportunity for the Common Council to discuss matters that, if done in an open meeting, would potentially debilitate or negatively impact persons and/or matters otherwise protected by privileged and confidentiality provisions under the law, the closed session being held in the interest of such persons and/or matters and in the interest of the public. Wisconsin Statutes, § 19.85, provides the only reasons a common council may enter closed session.

The Common Council must recognize the confidential nature of discussions held in Closed Session and understand the importance of confidentiality of ALL conversations and information discussed and/or distributed in a Closed Session.

Disclosing any of this information inappropriately, or prematurely in some cases, not only will potentially harm the City, but it will forever break any trust between the person disclosing the information and everyone else who participated in the Closed Session. Regaining that trust may not be possible and may have ramifications for the discloser far past the subject of one particular Closed Session.

Violating Closed Session confidentiality exposes the Common Council Member to potential legal action as well as sanctions as outlined in Wisconsin State Statutes, City of Franklin Ordinances, and the Code of Conduct.

As a practice, only parties with direct information on a Closed Session matter in support of the City, will be included in any Closed Session. The Mayor will make the decision on

attendance, other than the Members. The Common Council may, on motion and second of Members, vote to include a participant while still in open session.

All personal electronic devices are prohibited while in Closed Session.

Documents and information distributed while in Closed Session should be returned to the distributing party unless the distributing party releases the information or the receiving party is able to guarantee confidentiality of such documents and information. That information remains confidential until Council action, and in some cases indefinitely.

14) AMENDMENT AND SUSPENSION OF RULES

- a. REVIEW OF THESE RULES** - These Rules will be reviewed periodically, but not less than at the installation of each new Council.
- b. AMENDMENT OF THESE RULES** - These Rules may be amended, and/or new rules adopted upon proper notice by a majority of all Members at any meeting of the Common Council.
- c. SUSPENSION OF THE RULES** - A vote of two-thirds of the Members present will suspend any Rule of the Council.

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Jim</i></p>	<p style="text-align: center;">REQUEST FOR COMMON COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE Aug 3, 2021</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Resolution Engaging Milliman, Inc to perform Actuarial Study on the City of Franklin Other Post Employment Benefit Plan for 2021 and 2022</p>	<p style="text-align: center;">ITEM NUMBER G.9.</p>

Background

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

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

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

Staff received quotes from three firms:

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

Recommendation

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

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

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

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

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

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

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

Fiscal Impact

Milliman, Inc provided a multi-year quote for their services. The cost of the project will be born by the OPEB Trust.

COMMON COUNCIL ACTION REQUESTED

Motion adopting Resolution 2021-xxxx engaging Milliman, Inc to perform actuarial study on the City of Franklin Other Post Employment Benefit Plan for 2021 and 2022.

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2021-_____

A RESOLUTION TO AUTHORIZE ENGAGING MILLIMAN INC TO PERFORM
ACTUARIAL STUDY ON THE CITY OF FRANKLIN OTHER POST EMPLOYMENT
BENEFIT PLAN FOR 2021 AND 2022

WHEREAS, the City of Franklin sponsors a post-employment health benefit plan for eligible employees;

WHEREAS, that plan requires an actuarial study of the City's liability for those benefits accruing to both active and retired employees;

WHEREAS, the actuary performing the study is no longer available to provide the study related to their retirement;

WHEREAS, City staff solicited three quotes for actuarial services from qualified providers; and

WHEREAS, the Finance Committee recommends engaging Milliman, Inc for an initial fee not to exceed \$8,000 for the 2021 report paid from the OPEB Trust.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin authorize the execution of an agreement with Milliman, Inc to perform an actuarial study on the City of Franklin Other Post Employment Benefit plan for 2021.

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

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

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 August, 2021, between the City of Franklin, 9229 West Loomis Road, Franklin, Wisconsin 53132 (hereinafter "CLIENT") and Milliman (hereinafter "CONTRACTOR"), whose principal place of business is 15800 Bluemound Road Ste 100, Brookfield, WI 53005-6043.

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 actuarial services on the City of Franklin Other Post Employment Benefit Plan;

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

- A. CONTRACTOR shall provide services to CLIENT for actuarial services on the City of Franklin Other Post Employment Benefit Plan, as described in CONTRACTOR's proposal to CLIENT dated June 17, 2021, 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, [at our standard billing rates] [with a not-to-exceed budget of \$8,000 for the GASB 75 Report for January 1, 2022, 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 \$8,000. 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. John Chmielewski, FSA, EA, MAAA 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, John Chmielewski 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:

A. Limit of General/Commercial Liability	\$3,000,000
B. Automobile Liability: Bodily Injury/Property Damage	\$1,000,000
C. Excess Liability for General Commercial or Automobile Liability	\$10,000,000
D. Worker's Compensation and Employers' Liability	\$500,000
E. Professional Liability	\$2,000,000

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 for General Liability.

VII. INDEMNIFICATION AND ALLOCATION OF RISK

- 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 solely 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. 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 ___ August, 2021.

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

BY: _____

PRINT NAME Stephen R Olson
EATITLE Mayor

DATE. _____

BY: _____

PRINT NAME: John M Chmielewski, FSA,
TITLE Principal and Consulting Actuary

DATE. _____

BY: _____

PRINT NAME Paul Rotzenberg
TITLE Director of Finance and Treasurer

DATE. _____

BY _____

PRINT NAME Sandra L Wesolowski
TITLE City Clerk

DATE: _____

Approved as to form

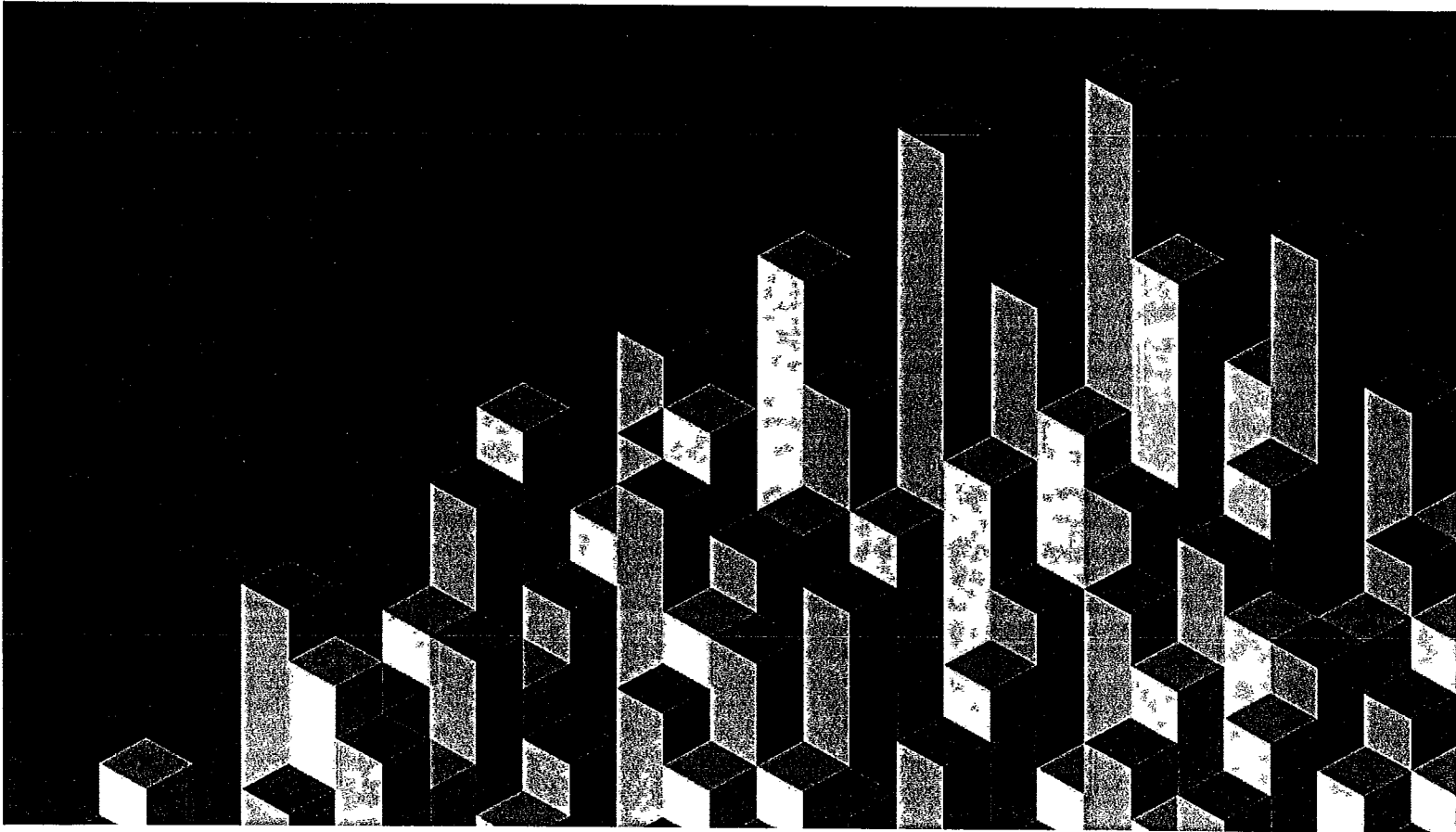
Jesse A. Wesolowski, City Attorney

DATE _____

Proposal for OPEB Actuarial Services

City of Franklin

June 17, 2021



Submitted by

John (Jack) M. Chmielewski, FSA, EA, MAAA
Principal and Consulting Actuary
15800 W Bluemound Road, Suite 100
Brookfield, WI 53005-6043
Tel +1 262 784 2250

 **Milliman**



15800 Bluemound Road
Suite 100
Brookfield, WI 53005-6043
USA

Tel +1 262 784 2250

www.milliman.com

June 17, 2021

Mr. Paul Rotzenberg
City of Franklin
9229 W. Loomis Road
Franklin, Wisconsin 53132
PRotzenberg@franklinwi.gov

RE: Actuarial Consulting Services for City of Franklin

Dear Mr. Rotzenberg:

We are pleased to present Milliman's proposal to provide actuarial consulting services for the City of Franklin's Other Post Employee Benefit (OPEB) plan. We understand that the City wishes to retain high quality, experienced actuarial professionals to provide OPEB valuations, prepare financial reporting information, and provide strategic administrative and technical support. We believe that Milliman is the right choice for the City.

- **We are serious about the public sector.** We are the actuary for more than 1,000 public pension and OPEB plans across the country. We understand the unique administrative and budgetary concerns facing governmental plan sponsors.
- **No cookie cutter approaches.** We serve your specific needs, with sophisticated tools to help you understand and manage your retirement programs.
- **No actuarial techno-jargon.** We are experienced problem solvers who are able to effectively communicate complex subjects to our clients in straightforward, easy to understand terms. We have failed if we just give our clients numbers.
- **Demonstrated reliability.** Ask our clients – we get the job done!

Please let us know if you have any questions or need any further information. We look forward to the prospect of working with you!

Sincerely,

John M. Chmielewski, FSA, EA, MAAA*
Principal and Consulting Actuary
jack.chmielewski@milliman.com

** As a Principal of Milliman, Inc. the above-signed individual is authorized to bind Milliman*

Submission of Milliman's proposal is not an acceptance of the City's terms and conditions, and Milliman will not be obligated to perform any services until a mutually acceptable contract is executed.

What sets Milliman apart from the competition?

ACKNOWLEDGED PUBLIC SECTOR EXPERTS

Milliman provides pension and OPEB actuarial services to more than 1,000 governmental plans across the country, from small fire districts to state-wide pension plans covering hundreds of thousands of members. We publish an annual study, with quarterly updates, of the funded status of the 100 largest U.S. public pension plans.

A DEEP BENCH

Milliman has over 30 senior consultants, supported by dozens of staff actuaries, who specialize in providing actuarial consulting services to a wide range of public sector pension and OPEB clients. We have best-in-class actuarial systems, research resources, and publications all geared towards the work we do with public plans. Milliman employs more health actuaries than any firm in the world, making our OPEB capabilities unmatched anywhere. When you hire one of us, you tap into a wealth of collective knowledge and experience. Ask our clients – we get the job done.

CUSTOMIZED SOLUTIONS

Milliman does not provide cookie-cutter, pre-packaged answers. We deliver customized, thoughtful and flexible solutions tailored to each client and each project. Our mission is to serve our clients to protect the health and financial well-being of people everywhere.

FORWARD THINKING INSIGHT

Our valuation reports start with an executive summary that puts the valuation results in a historical context and discusses the factors that contributed to the current state of affairs. We also include long range forecasts in our valuation reports so that you can anticipate what may happen down the road, and analysis of the risks the plans face. In addition, we monitor legislation / regulations and provide ideas for you to consider.

OUTSTANDING COMMUNICATION ABILITY

Many actuaries just provide numbers to their clients. Milliman's approach is different. We believe it is our job to take the technical aspects of our actuarial work and translate them into straightforward terms. We educate you about the financial complexities of your retirement program so that you are in a position to make informed decisions without needing an advanced degree in actuarial science. We provide explanations that everyone in the room can understand.

MILLIMAN'S INDEPENDENCE AND INDEPENDENT VIEW

Milliman is owned by our employees. There is no parent organization, no outside shareholders, no hidden agendas, no investments, no hidden ways to earn additional fees, and no financial stake in your decisions. We also tell you what we feel is important, even if different from what you are currently thinking, so you can make informed decisions. We work only in the interests of our clients.

Background

Milliman is wholly owned and managed by approximately 450 Principals, who have been elected in recognition of their technical, professional and business achievements. Our sole business is providing independent consulting services and products. We are not affiliated with any public accounting or brokerage firms.

Milliman was founded in 1947 by Wendell Milliman and Stuart Robertson, who made independence, leading edge professional expertise, and quality control the firm's guiding principles. We are a highly respected, privately owned actuarial consulting firm providing actuarial, administration, communication, compensation, and risk management services.

Milliman's 2020 revenue was \$1.3 billion. Milliman employs more than 4,500 people in more than 60 major cities globally, including a professional staff of over 1,600 qualified actuaries and consultants. In the US, we have offices in the following locations:

Albany NY	Denver CO	New York NY	San Francisco CA
Anaheim CA	Hartford CT	Omaha NE	Seattle WA
Atlanta GA	Houston TX	Philadelphia PA	St. Louis MO
Boise ID	Indianapolis IN	Phoenix AZ	Tampa FL
Boston MA	Little Falls NJ	Portland ME	Walnut Creek CA
Burlington VT	Los Angeles CA	Portland OR	Washington DC
Chicago IL	Milwaukee WI	Salt Lake City UT	
Dallas TX	Minneapolis MN	San Diego CA	

Staff from the retirement plan group within Milliman's Milwaukee office, will provide services for the City. Our Milwaukee office employs over 450 total employees in all consulting areas and consults both locally and nationally. We provide services for well over 60 government entities in Wisconsin, Michigan, Iowa, Kansas, Nebraska and South Dakota for stipend benefit or OPEB plans.

Experience

The City's project team provides stipend benefit or OPEB actuarial services to the following governmental clients

Cities / Villages

Cudahy, WI
Eau Claire, WI
Glendale, WI
Greendale, WI
Hibbing, MN
Holly, MI
Horicon, WI
Little Chute, WI
Manhattan, KS
Manitowoc, WI
Oak Creek, WI
Oshkosh, WI
Pleasant Prairie, WI
Racine, WI
Rapid City, SD
Rochester, MI
Saginaw Charter Township, MI
Salina, KS
Waupun, WI
Wauwatosa, WI
West Branch, MI
West Milwaukee, WI
Whitefish Bay, WI

Counties

Calumet, WI
Door, WI
Hennepin, MN
Iron, WI
Kenosha, WI
Lafayette, WI
Monroe, MI
Newaygo, MI
Oconto, WI
Ogemaw, MI
Taylor, WI
Washburn, WI

School Districts

Appleton Area Schools, WI
Brookings, SD
Cudahy, WI
Dubuque, IA
Elmbrook, WI
Helena School District No 1, MT
Jefferson, WI
Kenosha Unified School District, WI
Madison Metro School District, WI
Maple, WI
Neenah, WI
Three Lakes, WI
Waukesha, WI
West Allis/West Milwaukee, WI

Other

Conway Corporation, WI
Hennepin County Health Care System, MN
Kansas KPERS, KS
Madison College, WI
Mason District Hospital, IL
Michigan County Road Commission, MI
North Shore Fire Dept , WI
Northeast Wisconsin Technical College, WI
Oakland University, MI
Ogemaw County Road Commission, MI
Pathways, MI
Schuyler County Hospital District, IL
State Bar of Michigan, MI
Stoughton Volunteer Fire Retirement Fund, WI
Wisconsin ETF, WI
WPPI Energy WO

References

Shown below is contact information for references. Additional information is available upon request.

Client	City of Wauwatosa
Name	Mr. John Ruggini
Title	Finance Director
Address	7725 W. North Ave Wauwatosa, WI 53213
Email	jruggini@wauwatosa.net
Phone	(414) 479-8962
Most Recent Services	GASB 74/75 valuation for fiscal years ending December 31, 2020 and December 31, 2021

Client	School District of Elm Brook
Name	Ms. Amy McBan
Title	Director of Finance
Address	3555 North Calhoun Road Brookfield, WI 53005
Email	mcbaina@elmbrookschoools.org
Phone	(262) 781-3030 ext. 1141
Most Recent Services	GASB 74/75 valuation for fiscal year ending June 30, 2020

Client	Madison Metropolitan School District
Name	Ms. Rachelle Hady
Title	Director of Benefits
Address	545 West Dayton Street Madison, WI 53703
Email	RDHady@madison.k12.wi.us
Phone	(608) 663-1795
Most Recent Services	GASB 73 and 74/75 valuation for fiscal year ending June 30, 2020


Price Proposal

Milliman proposes a complete and firm price for this project based upon

- Receipt of accurate, complete data prepared exactly in accordance with the data request
- Results are communicated in our standard written report format, without customization, and an onsite presentation of the results is not necessary
- Valuation of the current plan design, without alternatives
- Report to be completed within thirty days of the later of the approval of the proposal and the date that the City provides the data

Service	Fee
GASB 75 Report as of January 1, 2022 including results for the fiscal year ending December 31, 2021	\$8,000
Roll-forward of the January 1, 2022 valuation for the fiscal year ending December 31, 2022	\$2,400
GASB 75 Report as of January 1, 2024 using updated data, but rolling forward the health analysis including results for the fiscal year ending December 31, 2023	\$4,500
Roll-forward of the January 1, 2024 valuation for the fiscal year ending December 31, 2024	\$2,500
GASB 75 Report as of January 1, 2026 including results for the fiscal year ending December 31, 2025	\$8,400
Roll-forward of the January 1, 2026 valuation for the fiscal year ending December 31, 2026	\$2,600

Additional requested services would be billed at time and expense based upon our hourly rates and travel expenses billed at cost

APPROVAL 	REQUEST FOR COUNCIL ACTION	MEETING DATE August 3, 2021
REPORTS & RECOMMENDATIONS	Resolution to Amend the City of Franklin Investment Policy Statement – Reserve & Liquidity Investments	ITEM NUMBER G.10.

The City of Franklin Investment Policy requires a periodic review. The last time this policy was reviewed was in May, 2019. The policy provides the framework in which the Director of Finance & Treasurer invests City funds. Safety and liquidity are the primary principals enshrined in this policy and State Statutes surrounding investment of Public funds. The portfolio typically has balances ranging from \$25-\$50 million.

The Finance Committee reviews the policy and when changes are recommended, bring those changes forward to the Common Council for consideration. The Finance Committee reviewed the changes recommended by the Director of Finance & Treasurer to this investment policy statement.

The updated policy will affect funds under management either with our fixed income investment manager or managed by the Finance Department.

Changes to the policy are highlighted in the attached draft of the policy. The changes include:

1. Remove the Accounting Supervisor as a backup manager of the portfolio. That staff member is not trained or skilled in this function.
2. Reduce the maximum maturity on mortgaged back securities to five years (was seven).
3. Make the primary investment objective as quality and liquidity, with income as secondary.
4. Cause annual performance reviews and policy review at least every three years.

The monthly financial report to Common Council provides a summary of City Investment portfolios, including a maturity schedule for each portfolio. This provides transparency on compliance with the Investment policy.

RECOMMENDATION

The Finance Committee is recommending approval of the changes to the investment policy.

COUNCIL ACTION REQUESTED

Motion to approve Resolution 2021 _____ amending the City of Franklin Investment Policy Statement – Reserve & Liquidity Investments.

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2021-_____

A RESOLUTION TO AMEND THE CITY OF FRANKLIN INVESTMENT POLICY
STATEMENT – RESERVE & LIQUIDITY INVESTMENTS

WHEREAS, the City of Franklin amended its City Investment Policy for the Reserve and Liquidity Portfolios with Resolution 2019-7472;

WHEREAS, it is desirable to further modify parts of that investment policy; and

WHEREAS, the Common Council has reviewed the Investment Policy Statement dated August 3, 2021 presented by the Director of Finance & Treasurer and reviewed by the Finance Committee.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin that the City of Franklin Investment Policy dated August 3, 2021 is approved.

Introduced at a regular meeting of the Common Council of the City of Franklin this ___th day of August 3, 2021.

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES ___ NOES ___ ABSENT ___

CITY OF FRANKLIN INVESTMENT POLICY STATEMENT

All City of Franklin investible funds excluding those under management by Principal Financial Advisors for the DPW Pension program or the Principal Defined Contribution Plan and those OPEB Funds held in a trust set up for that purpose are subject to this investment policy statement. The portfolio of investments for this policy are the reserve and liquidity investments ~~except for those associated with fiduciary funds used to finance the City's governmental and business type funds.~~

RESERVE INVESTMENTS

1. SCOPE

This investment policy applies to funds not needed during an annual operating cycle. The determination as to the funds applicable to this category will be made by the Director of Finance & Treasurer based upon the projected cash flow needs of the City of Franklin from time to time. The Director of Finance & Treasurer will authorize transfers between the various investment types. Investment decisions for funds under management will be made for the City by the Investment Manager under the terms of this policy on a non-discretionary basis. A non-discretionary basis allows the investment manager to make investment decisions on behalf of the City after specific investment approval in advance of each investment transaction. City input and approval on investment decisions will be through overall investment strategy and input and approval provided by the Director of Finance & Treasurer or the Deputy Treasurer. ~~In the event they are not available the Accounting Supervisor may provide the investment decision.~~

2. INVESTMENT OBJECTIVE

The investment objective is to generate current income, consistent with safety and reasonable risk as defined under the "Prudent Person Rule". Because these funds represent operating reserves, quality of the issues, liquidity, and maturity structure of the portfolio are most important.

3. DIVERSIFICATION REQUIREMENTS

Total holdings of any one issuer may not exceed 10% of the market value of the portfolio under management. Total holdings of any one asset class may not exceed 50% of the market value of the portfolio under management at time of purchase. However not more than 30% of the market value of that asset class can have maturities of eighteen months or more to their stated maturities. Exception to the diversification requirements are made for:

- U.S. Government Treasury issues
- U.S. Government Agency issues (excluding mortgage backed securities)
- Issues that are rated AAA and have the full faith guarantee of the U.S. Government.

4. MATURITIES

Maturities of portfolio additions are to be selected consistent with the City's anticipated cash flow needs. For purposes of this Policy Statement, "maturity" is defined as final payment in the case of conventional debt securities, or "average life" in the case of securities that have periodic principal pay downs throughout the life of the security.

- A. The maximum cash reserve shall not exceed \$500,000 without specific approval of the Director of Finance & Treasurer.
- B. The portfolio, at all times, shall have a minimum of \$500,000 inclusive of cash reserves, maturities within 60 days and securities that can be sold at 99.5% of par.
- C. The average maturity of the portfolio shall not exceed 2 1/2 years with no individual issue maturity exceeding 5 years (7 years for treasury and agency issues) from date of purchase.
- D. Floating rate securities, the coupons of which adjust to market interest rates with a minimum frequency of four times annually, shall not be subject to the maturity constraint outlined above.
- E. The portfolio shall strive to maintain a laddered maturity structure in line with the City's cash flow needs.

5. LIQUIDITY

Liquidity and marketability should be prime considerations in the selection of individual securities.

6. ACCEPTABLE INVESTMENTS (Subject to WI Statutes Sec 66.0603 and Diversification Requirements)

- A. Securities of the U.S. Government or agencies thereof.
- B. Fixed income securities that carry a minimum rating of AA by either Moody's or Standard & Poor's at date of purchase.
- C. Investments in commercial paper and variable rate demand notes are restricted to corporations rated A-1 or P-1, or if unrated, restricted to those issuers whose long-term debt is rated AA or higher by one of the major rating agencies.
- D. Investments in Certificates of Deposit and Bankers Acceptances are restricted to Banks with a short-term debt rating of A-1 or P-1 and long-term debt ratings of AA or Aa by one of the major rating agencies.
- E. Government repurchase agreements with a minimum of 100% or more collateralization with respect to its estimated market value plus accrued interest in direct U.S. Government securities and guaranteed Small Business Administration securities (pools and loans).
- F. Money market funds adhering to the quality guidelines described above are acceptable.
- G. Mortgage backed and asset backed securities that carry a final maturity not more than ~~seven (7)~~ five (5) years

- H. Securities with a rating of AA+, AA or AA- (Aa1, Aa2, Aa3) are considered to have the same rating for purposes of this policy.

7. RESTRICTIONS

- A. No security restricted in WI Statutes Sec 66.0603 will be purchased. For any security that has a rating decline to A by both Moody's and Standard and Poor's the investment manager on a case by case basis must either sell the investment or recommend to the Finance Committee at their next meeting the rationale for retention of the investment.
1. Securities which fall to Baa or lower (by Moody's) shall be sold within 60 days of the downgrade.
- B. No derivative type investments such as collateralized mortgage obligations, strips, mortgage backed, asset backed, etc. that carry a final maturity greater than ~~seven (7) years~~ five (5) years.
- C. No foreign-denominated securities will be purchased.
- D. No Certificate of Deposits, Bankers Acceptances or other securities issued by corporations affiliated with the Investment Manager are to be purchased.
- E. No investment will be purchased outside of the range of 98% to 102% of par value without approval of the Director of Finance & Treasurer or the Deputy Treasurer.

8. POLICY AND PERFORMANCE REVIEW AND PERFORMANCE MEASUREMENT

~~This investment policy and~~ the performance of the funds under management shall be reviewed each year during the first quarter. This investment policy shall reviewed at least every three years. The management benchmark for comparing portfolio performance shall be the Merrill Lynch 1-5 year Government index with the understanding that priority will be given to matching portfolio maturities to anticipated cash flow needs.

LIQUIDITY INVESTMENTS

9. SCOPE

This investment policy applies to funds needed during an annual operating cycle and other funds invested on a short term basis. The determination as to the funds applicable to this category will be made by the Director of Finance & Treasurer based upon the projected cash flow needs of the City of Franklin. The Director of Finance & Treasurer will authorize any transfers between the reserve and liquidity investment types. Investment decisions for liquidity funds for the City will be made by the Director of Finance & Treasurer or the Deputy Treasurer.

10. INVESTMENT OBJECTIVE

~~The investment objective is to generate current income.~~ Because these funds represent liquidity reserves, quality of the issues and liquidity of the portfolio are most important. The secondary investment objective is to generate current income.

11. DIVERSIFICATION REQUIREMENTS

Investments with greater than daily availability are subject to a diversification requirement of not exceeding 10% per institution and 20% per investment type of the portfolio under management. Exception to the diversification requirements are made for:

- U.S. Government Treasury issues
- U.S. Government Agency issues (excluding mortgage backed securities)
- Issues that are rated AAA and have the full faith guarantee of the U.S. Government.

12. MATURITIES

Maturities of investments shall be selected to match the need for funding during the annual operating cycle. Maturities in the Reserve Investments within the current annual operating cycle can be considered part of the Liquidity investments.

13. LIQUIDITY

Liquidity and marketability should be prime considerations in the selection of individual securities.

14. ACCEPTABLE INVESTMENTS

- A. Money Market funds of authorized depositories
- B. Money Market funds from authorized depositories, not exceeding \$250,000 per institution, assembled by an agent of the City where the City provides the funds to the agent and the agent invests the funds in various money market funds on behalf of the City.
- C. Funds invested in the State of Wisconsin Local Government Investment Program
- D. Certificates of Deposit of local financial institutions that are authorized depositories with preference, when possible, to financial institutions located in the City of Franklin.
- E. Government repurchase agreements with a minimum of 100% or more collateralization with respect to its estimated market value plus accrued interest where the underlined securities are U.S. Government Treasury issues, U.S. Government Agency issues (excluding mortgage backed securities), and Issues that are rated AAA and have the full faith guarantee of the U.S. Government including guaranteed Small Business Administration security issues (pools and loans).

15. RESTRICTIONS

- A. No security restricted in WI Statutes Sec 66.0603 will be purchased.
- B. No securities other than money market, government repurchase agreements, certificates of deposit, savings accounts or checking accounts are acceptable.
- C. All investment maturities shall be in less than 365 days.
- D. Investments that do not have either FDIC coverage or the full faith guarantee of the U.S. Government shall require a written credit analysis of the offering institution prior to making the investment.

Allocation of Reserve Investments

16. The Reserve Investments shall be allocated to funds based upon the individual fund longer term cash requirements. Generally, the prior year fund balance can be considered for investment in the Reserve Investment Portfolio. Those funds with deficit operations the prior year of budgeted for the current year should have those deficit considered when allocating Reserve Investment balances to the fund.

a. Investment earnings and unrealized gains or losses for any given month shall be allocated to funds based upon that fund's reserve investment balance as it relates to the entire reserve investment portfolio.

b. the Director of Finance & Treasurer shall review cash balances monthly for purposes of allocating balances to the reserve investment portfolio.

Allocation of Liquidity Investments

17. The Liquidity Investment portfolio shall be allocated to individual funds in \$25,000 blocks so as to retain positive cash balances.

a. Investment earnings for any given month shall be allocated to funds based upon that fund's liquidity investment balance as it relates to the entire liquidity investment portfolio

b. the Director of Finance & Treasurer shall review cash balances monthly for purposes of allocating balances to the reserve investment portfolio.

18. POLICY AND PERFORMANCE REVIEW AND PERFORMANCE MEASUREMENT

This investment policy shall be reviewed at least every third year. Investment performance shall be reviewed every year in the first quarter. There is no management benchmark for comparing portfolio performance of these funds.

Policy Revised	August xx, 2021	Resolution 2021-xxxx
Policy Revised	March 5, 2019	Resolution 2019-7472
Policy Revised:	May 3, 2016	Resolution 2016-7196
Policy Revised:	May 6, 2014	Resolution 2014-6985
Policy Revised:	March 6, 2012	Resolution 2012-6789
Policy Revised	March 1, 2011	Resolution 2011-6697
Policy Revised:	February 2, 2010	Resolution 2010-6625
Policy Revised:	February 6, 2009	Resolution 2009-6520
Policy Revised:	September 9, 2008	Resolution 2008-6480
Policy Established:	September 9, 2003	Resolution 2003-5584

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE Aug 3, 2021
REPORTS & RECOMMENDATIONS	June, 2021 Monthly Financial Report	ITEM NUMBER G.11.

Background

The June, 2021 Financial Report is attached.

The Finance Committee reviewed this report at its July 27, 2021 meeting and recommends its acceptance.

The Director of Finance & Treasurer will be available to answer any questions.

COUNCIL ACTION REQUESTED

Receive and place on file.

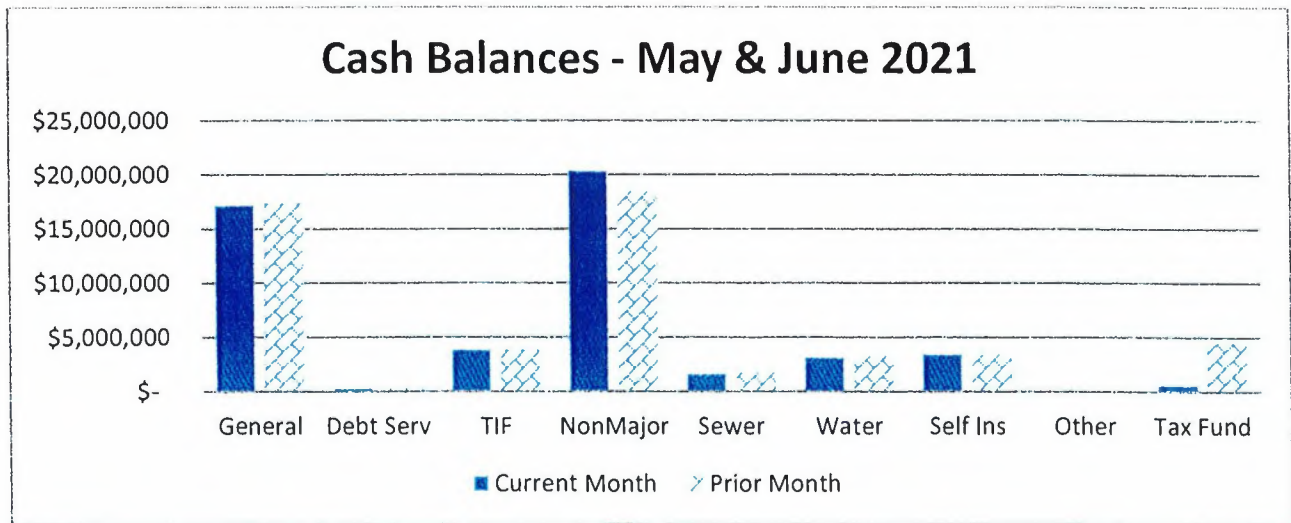


Date: July 13, 2021
 To: Mayor Olson, Common Council and Finance Committee Members
 From: Paul Rotzenberg, Director of Finance & Treasurer
 Subject: June 2021 Financial Report

The June, 2021 financial reports for the General Fund, Debt Service Fund, TID Funds, Library Fund, Tourism Commission Fund, Solid Waste Fund, Capital Outlay Fund, Equipment Replacement Fund, Street Improvement Fund, Capital Improvement Fund, Development Fund, Utility Development, Sanitary Sewer Fund, Water Utility Fund, Self Insurance Fund, and Post Employment Insurance Fund are attached.

The budget allocation is completed using an average of the last five years actual spending against the Original Budget. Caution is advised in that spending patterns may have changed. Comments on specific and trending results are provided below to aid the reader in understanding or explaining current year financial results.

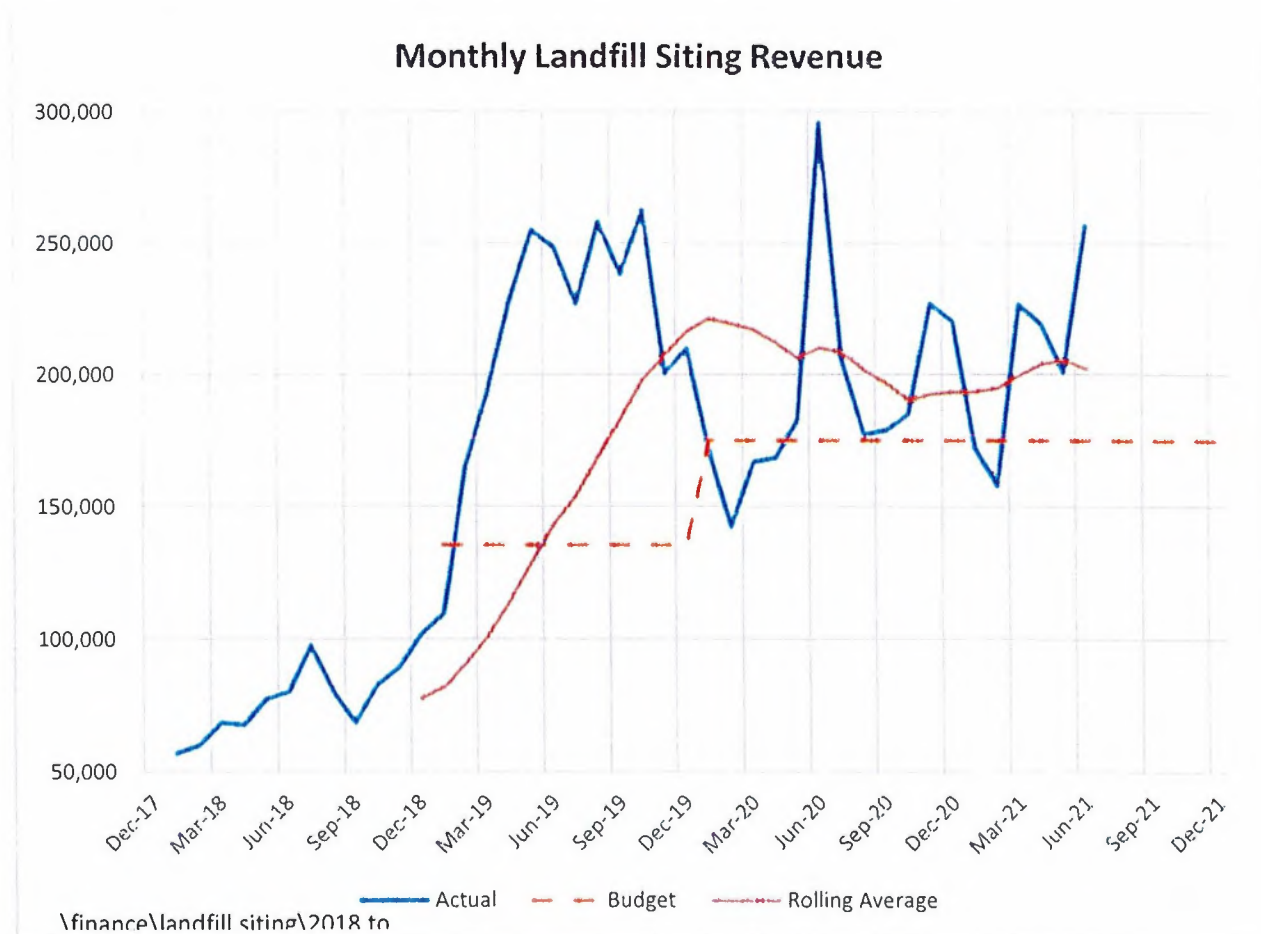
Cash & Investments Summary – is provided to aid in understanding the resources available to meet current activities. Cash & investments are positions with safety and liquidity as primary objectives as stated in the City’s Investment policy. Investment returns are secondary in the investment decisions, while return potential is not ignored. Cash & Investments in the Governmental Funds totaling \$41.4 million increased \$1.7 million since last month. The receipt of the American Rescue Plan \$1.7 million grant generated the increase.



Investment balances have been reduced at Institutional Capital Management. As the returns on short term investments have declined, Certificates of Deposit have become more attractive. Our relationship with American Deposit Management has provided the environment to tap the bank CD market. However, in anticipation that the yield curve will steepen, CD's have been limited to 24 months or less.

The decline in the Property Tax Fund resulted from the June settlement of taxes collected thru May 31, 2021

Landfill Siting Resources – are spread across multiple capital funds and the General Fund. This resource is currently performing approximately 15% better than the \$2.1 million budget. June's receipt of \$256,000 is \$39,000 less than last June's, lowering the run rate. The current annualized run rate is \$2.4 million. The accompanying chart illustrates the current trend. Most of this resource is credited to the Capital funds. Resources in excess of budget will be evenly credited to Equipment Replacement and Street Improvement Funds absent other direction.



GENERAL FUND revenues of \$20.7 million are \$650,000 over budget. Tax collections were a little faster this year than prior years. That \$271,000 favorable variance will disappear. Ambulance resources are rather strong this year (\$183,000 over budget). Investment income was \$127,000 less than budget with continued very low rates of return.

Year to Date expenditures of \$13.2 million are \$109,000 over budget. Digging deeper, the YTD Budget is understated. Vacancies in several departments have held Personnel costs below where they might be expected at this time. Labor costs are reported over budget however, YTD Budget should be 50% of the Amended Budget, but was lower due to the payroll dates. The salt purchase commitment has pushed Public Works over budget, but that is a timing issue.

A \$7.5 million surplus is \$541,000 favorable to budget – pretty equally related to advance resources.

DEBT SERVICE – Debt payments were made March 1 as required.

TIF Districts – The TID's collected the \$3.7 million increment in January as expected. Debt service represents the bulk of the activity in the TID's so far this year.

TID 3 – The 2021 increment was collected and the TID retired \$965,000 of debt along with \$1,006,000 Municipal Revenue Obligation. The TID has a \$436,000 fund balance.

TID 4 – The \$1.1 million 2021 increment was collected. \$1.2 million of Advances were repaid. The TID has a \$405,000 deficit related to the \$1.3 remaining Advance outstanding. The TID does have \$850,000 of encumbrances that will likely get paid in 2021, raising the deficit back to the interfund advance.

TID 5 – The \$648,000 2021 Increment was collected. \$300,000 of debt service was paid. The TID has an \$834,000 fund balance related to capitalized interest.

TID 6 – There is no 2021 Increment. \$120,000 of debt service was made from capitalized interest. The TID has a \$436,000 fund balance.

TID 7 – There is no activity in TID7 at this time. The \$1.2 million deficit represents the \$1.5 million advance to partially fund the developer mortgage.

TID 8 – There is no activity in TID8 at this time.

LIBRARY FUND – The Library Fund is performing as expected.

TOURISM COMMISSION – Resources from Hotel Taxes are received AFTER the General Fund receives its annually allowed amount. The \$150,000 payment on the stadium license was made.

SOLID WASTE FUND – Tippage resources are running stronger than budget and prior years. 2020 missed the accrual of the December tippage which ended up in January 2021. That is part of the reason for the overage. Other activity is occurring as budgeted.

CAPITAL OUTLAY FUND – Resources are as expected. As noted earlier, the April landfill siting resources arrived in June, temporarily depressing resources.

The Police have ordered several squads, and Highway has ordered much of the equipment budgeted for 2021.

EQUIPMENT REPLACEMENT FUND – Resources are as expected so far in 2021.

The Fire department has ordered the radios planned for 2021. The highway department has begun the snow plow orders.

STREET IMPROVEMENT FUND – The 2021 street improvement program has been awarded \$150,000 less than budget.

CAPITAL IMPROVEMENT FUND – Resources have not been received as yet.

Most of the expenditures relate to projects started in 2020, most significantly, Marquette Ave construction. The same can be said for park projects. A project listing is also attached.

DEVELOPMENT FUND – The \$359,000 of resources relate to new housing starts in Aspen Woods and Ryan Wood Manor.

Transfers to Debt Service account for all the use of Public Safety resources. While the park expenditures relate to commitments to developers on new subdivisions as well as qualifying 2021 qualifying park expenditures.

There are Fire, Library, Police and Transportation fees that can be transferred out, however, Common Council has not directed where they should go now that the Debt Service has been retired.

There are now \$5.0 million of park impact fees and \$2.9 million water impact fees on hand.

UTILITY DEVELOPMENT FUND – There has been little activity in this fund in 2021.

SANITARY SEWER FUND – the 2021 sewer rate increase was larger than budget to help fund the debt service on the Industrial Park Lift Station. That additional revenue is evident in the results.

Operating costs are as expected and similar to 2020.

The \$110,000 of operating income is caused by the increased 2021 rates.

WATER UTILITY – Water usage was greater than expected in Q2 on dry conditions. That is not fully reflected in the revenues compared to Year To Date Budget, but does show up when comparing the current year to 2020.

Operating costs are as expected. The increase in administrative costs relates to the investigation of water suppliers and the water tower project.

SELF INSURANCE FUND – Resources are as expected thru June 30.

The \$1.6 million of claims have been greater than expected and 2020. Stop Loss recoveries in June have reduced the net claims costs.

June 2021
Financial report

The fund generated a \$71,000 deficit this year compared to a \$557,000 surplus last year. The fund has a healthy \$3.2 million fund balance.

RETIREE HEALTH FUND – Benefit payments of \$218,000 are 31% greater than 2020 thru June. Still the fund is generating an underwriting surplus, which is not typically expected.

Investment results have been stellar, with a \$766,000 gain (net of \$40,000 of internal management fees), compared to a \$275,000 loss in 2020. Total Trust assets are 35% greater than 2020 at this time, investment results have truly been stellar. Markets are volatile, so put investment results into perspective with a longer view.

City of Franklin
Cash & Investments Summary
June 30, 2021

	Cash	American Deposit Management	Institutional Capital Management	Local Government Invest Pool	Total	Prior Month Total
General Fund	\$ (81,744)	\$ 13,910,994	\$ 6,750	\$ 3,287,271	\$ 17,123,272	\$ 17,330,417
Debt Service Funds	6,874	197,964	-	-	204,838	204,840
TIF Districts	40,017	3,090,708	673,293	-	3,804,019	3,815,700
Nonmajor Governmental Funds	745,145	13,213,738	6,334,525	-	20,293,408	18,388,200
Total Governmental Funds	710,293	30,413,404	7,014,568	3,287,271	41,425,536	39,739,156
Sewer Fund	496,880	1,108,434	-	-	1,605,313	1,666,232
Water Utility	12,670	2,331,722	782,414	-	3,126,806	3,273,356
Self Insurance Fund	17,674	485,600	2,878,996	-	3,382,270	3,288,800
Other Designated Funds	13,869	-	-	-	13,869	8,656
Total Other Funds	541,092	3,925,756	3,661,410	-	8,128,258	8,237,044
Total Pooled Cash & Investments	1,251,385	34,339,159	10,675,978	3,287,271	49,553,794	47,976,201
Property Tax Fund	369,701	169,383	-	-	539,083	4,411,843
Total Trust Funds	369,701	169,383	-	-	539,083	4,411,843
Grand Total Cash & Investments	1,621,085	34,508,542	10,675,978	3,287,271	50,092,877	52,388,043
Average Floating Rate of Return		0.04%	2.02%	0.04%		
Avg Weighted Rate of Return - CD's		0.76%				
Maturities:						
Demand	1,621,085	24,462,789	4,649	3,287,271	29,375,795	31,379,582
Fixed Income & Equities						
2021 - Q2	-	-	-	-	-	272,876
2021 - Q3	-	500,000	1,005,156	-	1,505,156	1,506,875
2021 - Q4	-	-	4,527,263	-	4,527,263	4,534,400
2022 - Q1	-	2,752,876	2,071,886	-	4,824,762	4,828,201
2022 - Q2	-	267,876	-	-	267,876	267,876
2022	-	2,700,000	2,553,349	-	5,253,349	5,257,973
2023	-	3,825,000	513,676	-	4,338,676	4,340,260
	1,621,085	34,508,542	10,675,978	3,287,271	50,092,877	52,388,043

City of Franklin
General Fund
Comparative Statement of Revenue, Expenses and Fund Balance
For the 6 months ended June 30, 2021

<u>Revenue</u>	<u>2021 Original Budget</u>	<u>2021 Amended Budget</u>	<u>2021 Year-to-Date Budget</u>	<u>2021 Year-to-Date Actual</u>	<u>Var to Budget Surplus (Deficiency)</u>
Property Taxes	\$ 19,196,900	\$ 19,196,900	\$ 16,483,967	\$ 16,755,026	\$ 271,059
Other Taxes	614,900	614,900	189,357	325,018	135,661
Intergovernmental Revenue	1,785,400	1,785,400	476,589	465,026	(11,563)
Licenses & Permits	1,111,150	1,111,150	593,395	670,672	77,277
Law and Ordinance Violations	490,000	490,000	284,536	243,886	(40,650)
Public Charges for Services	2,424,650	2,424,650	1,130,041	1,442,802	312,761
Intergovernmental Charges	203,200	203,200	104,967	109,332	4,365
Investment Income	359,718	359,718	195,446	68,196	(127,250)
Sale of Capital Assets	10,250	10,250	5,320	502	(4,818)
Miscellaneous Revenue	123,000	123,000	82,293	129,881	47,588
Transfers from Other Funds	1,050,000	1,050,000	554,140	540,536	(13,604)
Total Revenue	\$ 27,369,168	\$ 27,369,168	\$ 20,100,051	\$ 20,750,877 103.24%	\$ 650,826
<u>Expenditures</u>	<u>2021 Original Budget</u>	<u>2021 Amended Budget</u>	<u>2021 Year-to-Date Budget</u>	<u>2021 Year-to-Date Actual</u>	<u>Var to Budget Surplus (Deficiency)</u>
General Government	\$ 3,160,403	\$ 3,184,743	\$ 1,666,021	\$ 1,584,305	\$ (81,716)
Public Safety	18,352,063	18,472,161	8,673,713	8,905,714	232,001
Public Works	4,288,736	4,586,454	1,949,623	2,330,798	381,175
Health & Human Services	713,239	713,239	316,504	329,340	12,836
Culture & Recreation	218,343	229,486	100,830	152,953	52,123
Conservation and Development	599,884	617,258	272,463	265,369	(7,094)
Contingency & Unclassified	3,077,500	3,037,500	307,109	-	(307,109)
Anticipated Underexpenditures	(315,000)	(315,000)	(157,500)	-	157,500
Transfers to Other Funds	24,000	374,000	-	-	-
Encumbrances	-	-	-	(330,454)	(330,454)
Total Expenditures	\$ 30,119,168	\$ 30,899,841	\$ 13,128,763	\$ 13,238,025 100.83%	\$ 109,262
Excess of revenue over (under) expenditures	(2,750,000)	(3,530,673)	<u>6,971,288</u>	7,512,852	<u>\$ 541,564</u>
Fund Balance, beginning of year	<u>9,199,013</u>	<u>9,199,013</u>		<u>9,199,013</u>	
Fund Balance, end of period	<u>\$ 6,449,013</u>	<u>\$ 5,668,340</u>		<u>\$ 16,711,865</u>	

City of Franklin
General Fund
Comparative Statement of Revenue
For the 6 months ended June 30, 2021

Revenue	2021 Original Budget	2021 Amended Budget	2021 Year-to-Date Budget	2021 Year-to-Date Actual	Var to Budget Surplus (Deficiency)
Property Taxes	\$ 19,196,900	\$ 19,196,900	\$ 16,483,967	\$ 16,755,026	\$ 271,059
Other Taxes:					
Cable television franchise fees	443,000	443,000	129,332	208,904	79,572
Mobile Home	20,000	20,000	10,000	11,997	1,997
Room tax	151,900	151,900	50,025	104,117	54,092
Total Other taxes	<u>614,900</u>	<u>614,900</u>	<u>189,357</u>	<u>325,018</u>	<u>135,661</u>
Intergovernmental Revenue:					
State shared revenue-per capita	433,000	433,000	-	-	-
Expenditure restraint revenue	45,000	45,000	-	-	-
State computer aid	228,000	228,000	-	-	-
State transportation aids	540,000	540,000	307,519	403,642	96,123
Fire insurance dues	170,000	170,000	68,000	-	(68,000)
Other grants & aid	369,400	369,400	101,070	61,384	(39,686)
Total Intergovernmental Revenue	<u>1,785,400</u>	<u>1,785,400</u>	<u>476,589</u>	<u>465,026</u>	<u>(11,563)</u>
Licenses & Permits:					
Licenses	170,450	170,450	141,162	155,229	14,067
Permits	940,700	940,700	452,233	515,443	63,210
	<u>1,111,150</u>	<u>1,111,150</u>	<u>593,395</u>	<u>670,672</u>	<u>77,277</u>
Law & Ordinance Violations:					
Fines, Forfeitures & Penalties	490,000	490,000	284,536	243,886	(40,650)
Public Charges for Services:					
Planning Related Fees	75,300	75,300	42,207	68,832	26,625
General Government	8,700	8,700	4,581	7,444	2,863
Architectural Board Review	4,500	4,500	1,997	5,100	3,103
Police & Related	6,800	6,800	2,295	1,747	(548)
Ambulance Services - ALS	1,350,000	1,350,000	670,266	792,043	121,777
Ambulance Services - BLS	-	-	-	62,560	62,560
Fire Safety Training	1,500	1,500	659	1,160	501
Fire Sprinkler Plan Review	4,000	4,000	2,288	2,000	(288)
Fire Inspections	5,000	5,000	2,382	8,337	5,955
Quarry Reimbursement	45,000	45,000	5,547	12,100	6,553
Weed Cutting	7,000	7,000	896	-	(896)
Engineering Fees	260,000	260,000	97,917	198,913	100,996
Public Works Fees	36,000	36,000	19,596	24,728	5,132
Investment Mgmt Fees	71,500	71,500	35,750	40,092	4,342
Weights & Measures	7,600	7,600	7	(1)	(8)
Landfill Operations - Siting	345,000	345,000	172,500	166,120	(6,380)
Landfill Operations - Emerald Park	80,000	80,000	32,435	24,740	(7,695)
Health Department	116,750	116,750	38,718	26,887	(11,831)
Total Public Charges for Services	<u>\$ 2,424,650</u>	<u>\$ 2,424,650</u>	<u>\$ 1,130,041</u>	<u>\$ 1,442,802</u>	<u>\$ 312,761</u>

**City of Franklin
General Fund
Comparative Statement of Revenue
For the 6 months ended June 30, 2021**

<u>Revenue</u>	<u>2021 Original Budget</u>	<u>2021 Amended Budget</u>	<u>2021 Year-to-Date Budget</u>	<u>2021 Year-to-Date Actual</u>	<u>Var to Budget Surplus (Deficiency)</u>
Intergovernmental Charges:					
Milwaukee County - Paramedics	\$ 117,800	\$ 117,800	\$ 49,281	\$ 59,592	\$ 10,311
School Liaison Officer	85,400	85,400	55,686	49,740	(5,946)
Total Intergovernmental Charges	203,200	203,200	104,967	109,332	4,365
Investment Income:					
Interest on Investments	256,718	256,718	143,946	14,743	(129,203)
Market Value Change on Investments	-	-	-	(627)	(627)
Interest - Tax Roll	100,000	100,000	50,000	49,973	(27)
Other Interest	3,000	3,000	1,500	4,107	2,607
Total Investment Income	359,718	359,718	195,446	68,196	(127,250)
Sale of Capital Assets	10,250	10,250	5,320	502	(4,818)
Miscellaneous Revenue:					
Rental of Property	52,000	52,000	23,659	26,956	3,297
Refunds/Reimbursements	20,000	20,000	8,217	4,464	(3,753)
Insurance Dividend	50,000	50,000	50,000	66,975	16,975
Other Revenue	1,000	1,000	417	31,486	31,069
Total Miscellaneous Revenue	123,000	123,000	82,293	129,881	47,588
Transfer from Other Funds:					
Water Utility-Tax Equivalent	1,050,000	1,050,000	554,140	540,536	(13,604)
Total Transfers from Other Funds	1,050,000	1,050,000	554,140	540,536	(13,604)
Total Revenue	\$ 27,369,168	\$ 27,369,168	\$ 20,100,051	\$ 20,750,877	\$ 650,826
				103.24%	

**City of Franklin
General Fund
Comparative Statement of Expenditures
For the 6 months ended June 30, 2021**

Expenditures	2021 Original Budget	2021 Amended Budget	2021 Year-to-Date Budget	2021 Year-to-Date Actual	Var to Budget Surplus (Deficiency)
General Government:					
Mayor & Aldermen - Labor	\$ 65,903	\$ 65,903	\$ 32,951	\$ 32,952	\$ (1)
Mayor & Aldermen - Non-Personnel	37,350	38,760	23,253	22,907	E 346
Municipal Court - Labor	189,109	189,109	87,281	94,081	(6,800)
Municipal Court - Non-Personnel	21,475	23,040	18,234	17,334	900
City Clerk Labor	334,272	334,272	153,886	163,410	(9,524)
City Clerk - Non-Personnel	28,500	28,500	16,235	10,742	5,493
Elections - Labor	28,922	28,922	14,431	20,894	(6,463)
Elections - Non-Personnel	25,000	25,000	16,027	3,644	12,383
Information Services - Labor	102,343	102,342	46,082	50,710	(4,628)
Information Services - Non-Personnel	432,736	454,102	254,330	182,536	E 71,794
Administration - Labor	262,816	262,816	119,000	133,684	(14,684)
Administration - Non-Personnel	129,755	129,755	60,540	50,864	9,676
Finance - Labor	424,474	424,474	192,405	184,474	7,931
Finance - Non-Personnel	122,490	122,490	65,402	64,611	791
Independent Audit	30,050	30,050	26,645	30,455	(3,810)
Assessor - Non-Personnel	237,650	237,650	118,756	99,813	18,943
Legal Services	353,600	353,600	183,153	149,364	33,789
Municipal Buildings - Labor	106,778	106,778	42,655	53,006	(10,351)
Municipal Buildings - Non-Personnel	120,615	120,615	56,933	49,842	7,091
Property/Liability Insurance	106,565	106,565	137,822	168,982	(31,160)
Total General Government	3,160,403	3,184,743	1,666,021	1,584,305	81,716
Public Safety:					
Police Department - Labor	9,133,458	9,133,458	4,215,441	4,348,237	(132,796)
Police Department - Non-Personnel	1,235,790	1,277,535	682,342	547,765	E 134,577
Pandemic Emergency - Labor	-	-	-	38,437	(38,437)
Fire Department - Labor	6,268,073	6,268,073	2,894,518	3,159,020	(264,502)
Fire Department - Non-Personnel	515,980	516,033	267,928	205,957	61,971
Public Fire Protection	283,300	283,300	143,558	140,043	3,515
Building Inspection - Labor	753,818	832,118	387,372	383,638	3,734
Building Inspection - Non-Personnel	154,044	154,044	76,474	75,017	1,457
Weights and Measures	7,600	7,600	6,080	7,600	(1,520)
Total Public Safety	18,352,063	18,472,161	8,673,713	8,905,714	(232,001)
Public Works:					
Engineering - Labor	599,419	599,419	270,678	309,047	(38,369)
Engineering - Non-Personnel	292,850	320,797	157,714	208,712	E (50,998)
Highway - Labor	2,015,467	2,015,467	929,491	907,810	21,681
Highway - Non-Personnel	1,016,750	1,221,681	428,701	699,358	E (270,657)
Street Lighting	357,200	422,040	162,175	205,871	E (43,696)
Weed Control	7,050	7,050	864	-	864
Total Public Works	\$ 4,288,736	\$ 4,586,454	\$ 1,949,623	\$ 2,330,798	\$ (381,175)

City of Franklin
General Fund
Comparative Statement of Expenditures
For the 6 months ended June 30, 2021

Expenditures	2021 Original Budget	2021 Amended Budget	2021 Year-to-Date Budget	2021 Year-to-Date Actual	Var to Budget Surplus (Deficiency)
Health & Human Services:					
Public Health - Labor	\$ 597,789	\$ 597,789	\$ 279,664	\$ 293,826	\$ (14,162)
Public Health - Non-Personnel	67,450	67,450	12,840	9,762	3,078
Animal Control	48,000	48,000	24,000	25,752	(1,752)
Total Health & Human Services	713,239	713,239	316,504	329,340	(12,836)
Culture & Recreation:					
Senior Travel & Activities	22,000	22,000	9,376	-	9,376
Parks - Labor	122,368	122,368	56,477	117,309	(60,832)
Parks - Non-Personnel	73,975	85,118	34,977	35,644	(667)
Total Culture & Recreation	218,343	229,486	100,830	152,953	(52,123)
Conservation & Development:					
Planning - Labor	367,941	367,942	169,818	178,644	(8,826)
Planning - Non-Personnel	75,650	81,673	25,613	22,525	3,088
Economic Dev - Labor	95,793	95,793	42,867	47,682	(4,815)
Economic Dev - Non-Personnel	60,500	71,850	34,165	16,518	17,647
Total Conservation & Development	599,884	617,258	272,463	265,369	7,094
Contingency & Unclassified:					
Restricted - other	2,500,000	2,500,000	-	-	-
Severance Payments	200,000	236,600	118,300	-	118,300
Unrestricted	375,000	298,400	187,500	-	187,500
Unclassified	2,500	2,500	1,309	-	1,309
Total Contingency & Unclassified	3,077,500	3,037,500	307,109	-	307,109
Anticipated Underexpenditures	(315,000)	(315,000)	(157,500)	-	(315,000)
Transfers to Other Funds:					
Capital Improvement Fund	-	-	-	-	-
Other Funds	24,000	374,000	-	-	-
Total Transfers to Other Funds	24,000	374,000	-	-	-
Total Expenditures	\$ 30,119,168	\$ 30,899,841	\$ 13,128,763	\$ 13,568,479	\$ (597,216)
Less Encumbrances				(330,454)	
Net Expenditures				\$ 13,238,025	
% of YTD Budget				100.83%	

**City of Franklin
General Fund
Balance Sheet**

	6/30/2021	6/30/2020
ASSETS		
Cash & Investments	\$ 17,123,172	\$ 16,504,110
Accounts & Taxes & Interest Receivable	3,385,627	2,977,934
Due from Other Funds & Advances	206,450	123,200
Due from Other Governments	51,808	2,822
Prepaid Expenditures & Inventories	58,216	11,562
Total Assets	<u>\$ 20,825,273</u>	<u>\$ 19,619,628</u>
LIABILITIES		
Accounts Payable	\$ 347,024	\$ 209,225
Accrued Liabilities	1,040,720	927,590
Due to Other Funds & Governments	133,700	121,092
Special Deposits	145,484	72,982
Unearned Revenue	<u>2,446,480</u>	<u>2,535,133</u>
Total Liabilities	<u>4,113,408</u>	<u>3,866,022</u>
FUND BALANCES		
Nonspendable - Inventories, Prepaids, Advances, Assigned	264,666	186,800
Unassigned	<u>16,447,199</u>	<u>12,235,658</u>
Total Fund Balances	<u>16,711,865</u>	<u>15,753,606</u>
Total Liabilities & Fund Balances	<u>\$ 20,825,273</u>	<u>\$ 19,619,628</u>

**City of Franklin
Debt Service Funds
Balance Sheet
June 30, 2021 and 2020**

	2021 Special Assessment	2021 Debt Service	2021 Total	2020 Special Assessment	2020 Debt Service	2020 Total
Assets						
Cash and investments	\$ 204,850	\$ (13)	\$ 204,837	\$ 787,485	\$ 350,966	\$ 1,138,451
Taxes receivable	-	-	-	-	-	-
Special assessment receivable	15,838	-	15,838	30,255	-	30,255
Total Assets	<u>\$ 220,688</u>	<u>\$ (13)</u>	<u>\$ 220,675</u>	<u>\$ 817,740</u>	<u>\$ 350,966</u>	<u>\$ 1,168,706</u>
Liabilities and Fund Balance						
Unearned & unavailable revenue	\$ 15,838	\$ -	\$ 15,838	\$ 30,255	\$ -	\$ 30,255
Unassigned fund balance	204,850	(13)	204,837	787,485	350,966	1,138,451
Total Liabilities and Fund Balance	<u>\$ 220,688</u>	<u>\$ (13)</u>	<u>\$ 220,675</u>	<u>\$ 817,740</u>	<u>\$ 350,966</u>	<u>\$ 1,168,706</u>

**Statement of Revenue, Expenses and Fund Balance
For the Six months ended June 30, 2021 and 2020**

	2021 Special Assessment	2021 Debt Service	2021 Year-to-Date Actual	2021 Original Budget	2020 Special Assessment	2020 Debt Service	2020 Year-to-Date Actual
Revenue							
Property Taxes	\$ -	\$ 1,100,000	\$ 1,100,000	\$ 1,100,000	\$ -	\$ 1,100,000	\$ 1,100,000
Special Assessments	2,854	-	2,854	21,000	6,221	-	6,221
Investment Income	868	400	1,268	15,000	13,634	3,247	16,881
GO Debt Issuance	-	-	-	-	-	-	-
Total Revenue	<u>3,722</u>	<u>1,100,400</u>	<u>1,104,122</u>	<u>1,136,000</u>	<u>19,855</u>	<u>1,103,247</u>	<u>1,123,102</u>
Expenditures:							
Debt Service							
Principal	-	1,480,000	1,480,000	1,480,000	-	1,425,000	1,425,000
Interest	-	77,056	77,056	137,363	-	74,962	74,962
Bank Fees	-	-	-	-	-	1,200	1,200
Total expenditures	<u>-</u>	<u>1,557,056</u>	<u>1,557,056</u>	<u>1,617,363</u>	<u>-</u>	<u>1,501,162</u>	<u>1,501,162</u>
Transfers in	-	180,900	180,900	479,895	-	397,950	397,950
Transfers out	-	-	-	(25,886)	-	-	-
Net change in fund balances	<u>3,722</u>	<u>(275,756)</u>	<u>(272,034)</u>	<u>(27,354)</u>	<u>19,855</u>	<u>35</u>	<u>19,890</u>
Fund balance, beginning of year	201,128	275,743	476,871	476,871	767,630	350,931	1,118,561
Fund balance, end of period	<u>\$ 204,850</u>	<u>\$ (13)</u>	<u>\$ 204,837</u>	<u>\$ 449,517</u>	<u>\$ 787,485</u>	<u>\$ 350,966</u>	<u>\$ 1,138,451</u>

City of Franklin
Consolidating TID Funds
Balance Sheet
June 30, 2021 and 2020

	Northwestern Mutual TID 3	Ascension Hospital TID 4	Ballpark Commons TID 5	Loomis & Ryan TID 6	Velo Village TID 7	S 27th Business Park TID 8	Total
Assets							
Cash & Investments	\$ 1,301,354	\$ 987,036	\$ 834,506	\$ 437,959	\$ 246,393	\$ (3,229)	\$ 3,804,019
Accounts Receivables	-	-	-	-	4,500,000	-	4,500,000
Taxes Receivables	(2)	-	3,000	-	-	-	2,998
Total Assets	\$ 1,301,352	\$ 987,036	\$ 837,506	\$ 437,959	\$ 4,746,393	\$ (3,229)	\$ 8,307,017
Liabilities and Fund Balance							
Accounts Payable	\$ -	\$ 92,647	\$ -	\$ 1,355	\$ -	\$ 493	\$ 94,495
Accrued Liabilities	865,126	-	-	-	-	-	865,126
Advances from Other Funds	-	1,300,000	-	-	1,500,000	100,000	2,900,000
Deferred Inflow	-	-	-	-	4,500,000	-	4,500,000
Unearned Revenue	(2)	-	3,000	-	-	-	2,998
Total Liabilities	865,124	1,392,647	3,000	1,355	6,000,000	100,493	8,362,619
Ending Fund Balance	436,228	(405,611)	834,506	436,604	(1,253,607)	(103,722)	(55,602)
Total Liabilities and Fund Balance	\$ 1,301,352	\$ 987,036	\$ 837,506	\$ 437,959	\$ 4,746,393	\$ (3,229)	\$ 8,307,017

Statement of Revenue, Expenses and Fund Balance
For the Six months ended June 30, 2021 and 2020

	Northwestern Mutual TID 3	Ascension Hospital TID 4	Ballpark Commons TID 5	Loomis & Ryan TID 6	Velo Village TID 7	S 27th Business Park TID 8	Total
Revenue							
General Property Tax Levy	\$ 2,067,581	\$ 1,160,642	\$ 478,853	\$ -	\$ 11,911	\$ -	\$ 3,718,987
Payment in Lieu of Tax	62,938	58,830	170,170	-	-	-	291,938
State Exempt Aid	61,446	69,463	25,643	-	-	-	156,552
Investment Income	1,676	866	100	383	136,125	-	139,150
Miscellaneous revenue	-	-	-	89	-	-	89
Total revenue	2,193,641	1,289,801	674,766	472	148,036	-	4,306,716
Expenditures							
Debt Service Principal	\$ 965,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 965,000
Debt Service Interest & Fees	35,100	15,625	300,315	120,544	77,570	-	549,154
Administrative Expenses	2,460	2,460	6,480	20,730	3,060	23,250	58,440
Professional Services	4,064	198,151	17,501	8,708	6,400	30,002	284,826
Capital outlay	-	809,366	-	-	-	32,525	841,891
Development Incentive & Obligation Payments	1,050,225	(850,614)	(16,279)	-	(5,900)	(45,266)	1,050,225
Encumbrances	-	174,988	308,017	149,982	81,130	40,511	(918,059)
Total expenditures	2,056,849	1,114,813	366,749	(149,510)	66,906	(40,511)	1,495,239
Excess of revenue over expenditures	136,792	(1,520,424)	467,757	586,114	(1,320,513)	(63,211)	(1,550,841)
Fund balance beginning of year	299,436	(405,611)	834,506	436,604	(1,253,607)	(103,722)	(55,602)
Fund balance end of period	\$ 436,228	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

City of Franklin
Tax Increment Financing District #3 - Northwestern Mutual
Balance Sheet
June 30, 2021 and 2020

<u>Assets</u>	2021	2020
Cash & investments	\$ 1,301,354	\$ 725,896
Taxes receivable	(2)	-
Total Assets	<u>\$ 1,301,352</u>	<u>\$ 725,896</u>
<u>Liabilities and Fund Balance</u>		
Accounts Payable	\$ -	\$ 10
Accrued Liabilities	\$ 865,126	\$ 865,126
Unearned Revenue	(2)	-
Total Liabilities	<u>865,124</u>	<u>865,136</u>
Assigned fund balance	<u>436,228</u>	<u>(139,240)</u>
Total Liabilities and Fund Balance	<u>\$ 1,301,352</u>	<u>\$ 725,896</u>

Statement of Revenue, Expenses and Fund Balance
For the Six months ended June 30, 2021 and 2020

	2021 Annual Budget	2021 Year-to-Date Budget	2021 Year-to-Date Actual	2020 Year-to-Date Actual
Revenue				
General property tax levy	\$ 2,107,000	\$ 2,107,000	\$ 2,067,581	\$ 1,401,748
Payment in Lieu of Taxes	62,000	31,000	62,938	-
State exempt aid	537,440	30,720	61,446	33,870
Bond proceeds	-	-	1,676	7,752
Total revenue	<u>2,706,440</u>	<u>2,168,720</u>	<u>2,193,641</u>	<u>1,443,370</u>
Expenditures				
Debt service principal	965,000	965,000	965,000	665,000
Debt service interest & fees	55,795	15,665	35,100	45,075
Administrative expenses	4,920	2,460	2,460	3,540
Professional services	150	75	4,064	900
Development incentive & obligation payments	1,050,225	1,050,225	1,050,225	760,005
Total expenditures	<u>2,076,090</u>	<u>2,033,425</u>	<u>2,056,849</u>	<u>1,474,520</u>
Revenue over (under) expenditures	630,350	135,295	136,792	(31,150)
Transfers In (out)	-	14,807	-	-
Fund balance, beginning of year	<u>304,981</u>	<u>299,436</u>	<u>299,436</u>	<u>(108,090)</u>
Fund balance, end of period	<u>\$ 935,331</u>	<u>\$ 449,538</u>	<u>\$ 436,228</u>	<u>\$ (139,240)</u>

City of Franklin
Tax Increment Financing District #4 - Ascension Hospital
Balance Sheet
June 30, 2021 and 2020

<u>Assets</u>	2021	2020
Cash & investments	\$ 987,036	\$ 3,201,668
Total Assets	<u>\$ 987,036</u>	<u>\$ 3,201,668</u>
<u>Liabilities and Fund Balance</u>		
Accounts Payable	\$ 92,647	\$ 519,032
Advances from Other Funds	1,300,000	-
Total Liabilities	<u>1,392,647</u>	<u>519,032</u>
Assigned fund balance	<u>(405,611)</u>	<u>2,682,636</u>
Total Liabilities and Fund Balance	<u>\$ 987,036</u>	<u>\$ 3,201,668</u>

Statement of Revenue, Expenses and Fund Balance
For the Six months ended June 30, 2021 and 2020

	2021 Annual Budget	2021 Amended Budget	2021 Year-to-Date Budget	2021 Year-to-Date Actual	2020 Year-to-Date Actual
Revenue					
General Property Tax Levy	\$ 1,183,000	\$ 1,183,000	\$ 1,183,000	\$ 1,160,642	\$ 1,138,802
Payment in Lieu of Tax	50,000	50,000	50,000	58,830	73,889
State Exempt Aid	86,060	86,060	34,730	69,463	37,145
Investment Income	-	-	-	866	70,848
Total Revenue	<u>1,319,060</u>	<u>1,319,060</u>	<u>1,267,730</u>	<u>1,289,801</u>	<u>1,320,684</u>
Expenditures					
Debt service interest & fees	36,875	36,875	18,437	15,625	-
Administrative expenses	4,920	4,920	2,460	2,460	15,060
Professional services	-	194,276	97,138	198,151	722,112
Capital outlays	-	281,557	140,778	809,366	7,249,812
Encumbrances	-	-	-	(850,614)	(5,280,996)
Total expenditures	<u>41,795</u>	<u>517,628</u>	<u>258,813</u>	<u>174,988</u>	<u>2,705,988</u>
Revenue over (under) expenditures	1,277,265	801,432	1,008,917	1,114,813	(1,385,304)
Fund balance, beginning of year	<u>(3,178,830)</u>	<u>(1,520,424)</u>	<u>(1,520,424)</u>	<u>(1,520,424)</u>	<u>4,067,940</u>
Fund balance, end of period	<u>\$ (1,901,565)</u>	<u>\$ (718,992)</u>	<u>\$ (511,507)</u>	<u>\$ (405,611)</u>	<u>\$ 2,682,636</u>

City of Franklin
Tax Increment Financing District #5
Balance Sheet
June 30, 2021 and 2020

<u>Assets</u>	2021	2020
Cash & investments	\$ 834,506	\$ 863,275
Taxes receivable	3,000	-
Total Assets	<u>\$ 837,506</u>	<u>\$ 863,275</u>
<u>Liabilities and Fund Balance</u>		
Unearned Revenue	<u>\$ 3,000</u>	<u>\$ -</u>
Total Liabilities	3,000	-
Assigned fund balance	834,506	863,275
Total Liabilities and Fund Balance	<u>\$ 837,506</u>	<u>\$ 863,275</u>

Statement of Revenue, Expenses and Fund Balance
For the Six months ended June 30, 2021 and 2020

	2021 Annual Budget	2021 Amended Budget	2021 Year-to-Date Budget	2021 Year-to-Date Actual	2020 Year-to-Date Actual
Revenue					
General Property Tax Levy	\$ 501,000	\$ 501,000	\$ 501,000	\$ 478,853	\$ 721,361
Payment in Lieu of Tax	91,600	91,600	45,800	170,170	91,560
State Exempt Aid	25,640	25,640	12,820	25,643	12,883
Investment Income	-	-	-	100	22,168
Miscellaneous revenue	220,000	220,000	110,000	-	-
Total Revenue	<u>838,240</u>	<u>838,240</u>	<u>669,620</u>	<u>674,766</u>	<u>847,972</u>
Expenditures					
Debt service principal	-	-	-	-	4,000,000
Debt service interest & fees	822,646	822,646	324,243	300,315	427,844
Administrative expenses	12,920	12,920	5,945	6,480	3,540
Professional services	150	16,429	7,847	17,501	35,185
Encumbrances	-	-	-	(16,279)	(27,160)
Total expenditures	<u>835,716</u>	<u>851,995</u>	<u>338,035</u>	<u>308,017</u>	<u>4,439,409</u>
Revenue over (under) expenditures	2,524	(13,755)	331,585	366,749	(3,591,437)
Fund balance, beginning of year	<u>541,758</u>	<u>467,757</u>	<u>467,757</u>	<u>467,757</u>	<u>4,454,712</u>
Fund balance, end of period	<u>\$ 544,282</u>	<u>\$ 454,002</u>	<u>\$ 799,342</u>	<u>\$ 834,506</u>	<u>\$ 863,275</u>

City of Franklin
Tax Increment Financing District #6 - Loomis & Ryan
Balance Sheet
June 30, 2021 and 2020

<u>Assets</u>	2021	2020
Cash & investments	\$ 437,959	\$ 5,328,551
Total Assets	<u>\$ 437,959</u>	<u>\$ 5,328,551</u>
<u>Liabilities and Fund Balance</u>		
Accounts Payable	\$ 1,355	\$ 13,119
Total Liabilities	<u>1,355</u>	<u>13,119</u>
Assigned fund balance	436,604	5,315,432
Total Liabilities and Fund Balance	<u>\$ 437,959</u>	<u>\$ 5,328,551</u>

Statement of Revenue, Expenses and Fund Balance
For the Six months ended June 30, 2021 and 2020

	2021 Annual Budget	2021 Year-to-Date Budget	2021 Year-to-Date Actual	2020 Year-to-Date Actual
Revenue				
Investment Income	\$ -	\$ -	\$ 383	\$ 25,383
Bond Proceeds	3,000,000	-	-	-
Miscellaneous revenue	-	-	89	-
Total Revenue	<u>3,000,000</u>	<u>-</u>	<u>472</u>	<u>25,383</u>
Expenditures				
Debt service interest & fees	392,850	166,400	120,544	109,850
Administrative expenses	41,480	20,740	20,730	15,060
Professional services	150	10	8,708	28,492
Capital outlays	3,000,000	1,500,000	-	-
Encumbrances	-	-	-	(1,600)
Total expenditures	<u>3,434,480</u>	<u>1,687,150</u>	<u>149,982</u>	<u>151,802</u>
Revenue over (under) expenditures	(434,480)	(1,687,150)	(149,510)	(126,419)
Fund balance, beginning of year	<u>212,851</u>	<u>586,114</u>	<u>586,114</u>	<u>5,441,851</u>
Fund balance, end of period	<u>\$ (221,629)</u>	<u>\$ (1,101,036)</u>	<u>\$ 436,604</u>	<u>\$ 5,315,432</u>

City of Franklin
Tax Increment Financing District #7 - Velo Village
Balance Sheet
June 30, 2021 and 2020

<u>Assets</u>	2021	2020
Cash & investments	\$ 246,393	\$ 394,687
Accounts receivable	4,500,000	4,500,000
Total Assets	<u>\$ 4,746,393</u>	<u>\$ 4,894,687</u>
<u>Liabilities and Fund Balance</u>		
Advances from Other Funds	\$ 1,500,000	\$ 1,745,000
Deferred Inflow	4,500,000	4,500,000
Total Liabilities	<u>6,000,000</u>	<u>6,245,000</u>
Assigned fund balance	<u>(1,253,607)</u>	<u>(1,350,313)</u>
Total Liabilities and Fund Balance	<u>\$ 4,746,393</u>	<u>\$ 4,894,687</u>

Statement of Revenue, Expenses and Fund Balance
For the Six months ended June 30, 2021 and 2020

	2021 Annual Budget	2021 Amended Budget	2021 Year-to-Date Budget	2021 Year-to-Date Actual	2020 Year-to-Date Actual
Revenue					
General Property Tax Levy	\$ 12,500	\$ 12,500	\$ 12,500	\$ 11,911	\$ -
Investment Income	270,000	270,000	135,000	136,125	14,117
Total Revenue	<u>282,500</u>	<u>282,500</u>	<u>147,500</u>	<u>148,036</u>	<u>14,117</u>
Expenditures					
Debt service interest & fees	153,271	153,271	76,636	77,570	33,507
Administrative expenses	6,120	6,120	3,060	3,060	3,540
Professional services	150	9,250	4,625	6,400	9,628
Capital outlays	-	-	-	-	166,663
Development incentive & obligation payments	-	-	-	-	4,500,000
Encumbrances	-	-	-	(5,900)	(5,900)
Total expenditures	<u>159,541</u>	<u>168,641</u>	<u>84,321</u>	<u>81,130</u>	<u>4,707,438</u>
Revenue over (under) expenditures	122,959	113,859	63,179	66,906	(4,693,321)
Fund balance, beginning of year	<u>3,378,636</u>	<u>(1,320,513)</u>	<u>(1,320,513)</u>	<u>(1,320,513)</u>	<u>3,343,008</u>
Fund balance, end of period	<u>\$ 3,501,595</u>	<u>\$ (1,206,654)</u>	<u>\$ (1,257,334)</u>	<u>\$ (1,253,607)</u>	<u>\$ (1,350,313)</u>

City of Franklin
Tax Increment Financing District #8 - S 27th Business Park
Balance Sheet
June 30, 2021 and 2020

<u>Assets</u>	2021	2020
Cash & investments	\$ (3,229)	\$ (13,400)
Total Assets	<u>\$ (3,229)</u>	<u>\$ (13,400)</u>
<u>Liabilities and Fund Balance</u>		
Accounts Payable	\$ 493	\$ 462
Advances from Other Funds	\$ 100,000	\$ -
Total Liabilities	<u>100,493</u>	<u>462</u>
Assigned fund balance	(103,722)	(13,862)
Total Liabilities and Fund Balance	<u>\$ (3,229)</u>	<u>\$ (13,400)</u>

Statement of Revenue, Expenses and Fund Balance
For the Six months ended June 30, 2021 and 2020

	2021 Annual Budget	2021 Amended Budget	2021 Year-to-Date Budget	2021 Year-to-Date Actual	2020 Year-to-Date Actual
Revenue					
Bond Proceeds	\$ 6,000,000	\$ 6,000,000	\$ -	\$ -	\$ -
Total Revenue	<u>6,000,000</u>	<u>6,000,000</u>	<u>-</u>	<u>-</u>	<u>-</u>
Expenditures					
Debt service interest & fees	100,000	100,000	50,000	-	-
Administrative expenses	46,480	46,480	23,240	23,250	-
Professional services	623,150	652,402	326,201	30,002	13,862
Capital outlays	5,150,500	5,150,500	2,575,250	32,525	-
Development incentive & obligation payments	2,500,000	2,500,000	1,250,000	-	-
Encumbrances	-	-	-	(45,266)	-
Total expenditures	<u>8,420,130</u>	<u>8,449,382</u>	<u>4,224,691</u>	<u>40,511</u>	<u>13,862</u>
Revenue over (under) expenditures	(2,420,130)	(2,449,382)	(4,224,691)	(40,511)	(13,862)
Fund balance, beginning of year	<u>(63,211)</u>	<u>(63,211)</u>	<u>(63,211)</u>	<u>(63,211)</u>	<u>-</u>
Fund balance, end of period	<u>\$ (2,483,341)</u>	<u>\$ (2,512,593)</u>	<u>\$ (4,287,902)</u>	<u>\$ (103,722)</u>	<u>\$ (13,862)</u>

**City of Franklin
Library Fund
Balance Sheet
June 30, 2021 and 2020**

Assets	Operating		Restricted	
	2021	2020	2021	2020
Cash and investments	\$ 1,207,795	\$ 1,297,580	\$ 154,502	\$ 138,513
Total Assets	\$ 1,207,795	\$ 1,297,580	\$ 154,502	\$ 138,513
Liabilities and Fund Balance				
Accounts payable	\$ 21,943	\$ 14,284	\$ 8,257	\$ -
Due to Other Governments	-	-	129	2,989
Accrued salaries & wages	37,874	29,330	-	-
Assigned fund balance	1,147,979	1,253,966	146,116	135,524
Total Liabilities and Fund Balance	\$ 1,207,796	\$ 1,297,580	\$ 154,502	\$ 138,513

**Statement of Revenue, Expenses and Fund Balance - Operating Fund
For the Six months ended June 30, 2021 and 2020**

	2021 Annual Budget	2021 Amended Budget	2021 Year-to-Date Budget	2021 Year-to-Date Actual	2020 Year-to-Date Actual
Revenue					
Property taxes	\$ 1,337,200	\$ 1,337,200	\$ 1,337,200	\$ 1,337,200	\$ 1,340,500
Reciprocal borrowing (restricted)	48,500	48,500	197	3,826	-
Landfill Siting	20,000	20,000	10,000	-	8,311
Investment income	-	-	-	960	12,287
Total Revenue	1,405,700	1,405,700	1,347,397	1,341,986	1,361,098
Expenditures:					
Salaries and benefits	1,004,686	1,004,686	463,821	489,661	466,678
Contractual services	8,200	8,200	7,250	7,859	7,112
Supplies	30,550	30,550	14,200	18,027	10,580
Services and charges	95,798	95,798	59,673	67,893	65,062
Facility charges	195,180	195,180	85,830	100,067	82,311
Capital outlay	139,000	140,515	56,510	59,128	38,816
Total Library Costs	1,473,414	1,474,929	687,284	742,635	670,559
Total expenditures	1,473,414	1,474,929	687,284	742,635	670,559
Revenue over (under) expenditures	(67,714)	(69,229)	<u>660,113</u>	599,351	690,539
Fund balance, beginning of year	<u>547,146</u>	<u>548,628</u>		<u>548,628</u>	<u>563,427</u>
Fund balance, end of period	<u>\$ 479,432</u>	<u>\$ 479,399</u>		<u>\$ 1,147,979</u>	<u>\$ 1,253,966</u>

**City of Franklin
Tourism Commission
Balance Sheet
June 30, 2021 and 2020**

<u>Assets</u>	<u>2021</u>	<u>2020</u>
Cash and investments	\$ 193,354	\$ 469,319
Accounts receivable	32,832	-
Total Assets	\$ 226,186	\$ 469,319
<u>Liabilities and Fund Balance</u>		
Accounts payable	\$ 25,000	\$ 331
Assigned fund balance	201,186	468,988
Total Liabilities and Fund Balance	\$ 226,186	\$ 469,319

**Comparative Statement of Revenue, Expenses and Fund Balance
For the Six months ended June 30, 2021 and 2020**

	2021 Original Budget	2021 Amended Budget	2021 Year-to-Date Budget	2021 Year-to-Date Actual	2020 Year-to-Date Actual
Revenue:					
Room Taxes	\$ 83,000	\$ 83,000	\$ 21,688	\$ -	\$ (961)
Investment Income	-	-	-	437	2,098
Total revenue	83,000	83,000	21,688	437	1,137
Expenditures:					
Personal Services	40,000	40,000	18,462	-	-
Legal Services	41,500	41,500	20,750	11,591	-
Sundry Contractors	190,000	190,000	-	150,375	-
Supplies & Printing	1,000	1,000	-	225	25
Training & Memberships	7,500	7,500	5,724	1,000	1,000
Marketing	-	-	-	-	2,446
Advertising	40,000	65,424	32,712	25,425	-
Encumbrances	-	-	-	(425)	(1,371)
Total expenditures	320,000	345,424	77,648	188,191	2,100
Revenue over (under) expenditures	(237,000)	(262,424)	(55,960)	(187,754)	(963)
Fund balance, beginning of year	566,951	388,940		388,940	469,951
Fund balance, end of period	\$ 329,951	\$ 126,516		\$ 201,186	\$ 468,988

City of Franklin
Solid Waste Collection Fund
Balance Sheet
June 30, 2021 and 2020

<u>Assets</u>	<u>2021</u>	<u>2020</u>
Cash and investments	\$ 1,450,373	\$ 1,452,726
Tax Receivables	46	46
Accrued Receivables	2,091	310
Total Assets	<u>\$ 1,452,510</u>	<u>\$ 1,453,082</u>
<u>Liabilities and Fund Balance</u>		
Accounts payable	\$ 161,729	\$ 162,466
Accrued salaries & wages	227	460
Restricted fund balance	1,290,554	1,290,156
Total Liabilities and Fund Balance	<u>\$ 1,452,510</u>	<u>\$ 1,453,082</u>

Statement of Revenue, Expenses and Fund Balance
For the Six months ended June 30, 2021 and 2020

<u>Revenue</u>	<u>2021 Original Budget</u>	<u>2021 YTD Budget</u>	<u>2021 Year-to-Date Actual</u>	<u>2020 Year-to-Date Actual</u>
Grants	\$ 69,000	69,000	\$ 69,357	\$ 68,834
User Fees	1,539,449	1,537,761	1,545,174	1,535,055
Landfill Operations-tippage	370,000	149,857	202,778	149,355
Investment Income	20,000	11,937	1,282	15,081
Sale of Recyclables	-	-	320	1,168
Total Revenue	<u>1,998,449</u>	<u>1,768,555</u>	<u>1,818,911</u>	<u>1,769,493</u>
Expenditures:				
Personal Services	16,384	7,561	2,949	7,766
Refuse Collection	766,300	385,054	364,779	357,680
Recycling Collection	718,000	360,507	364,545	356,408
Leaf & Brush Pickups	60,000	22,000	15,345	20,000
Tippage Fees	483,300	192,247	191,326	192,073
Miscellaneous	5,000	2,895	1,820	535
Total expenditures	<u>2,048,984</u>	<u>970,264</u>	<u>940,764</u>	<u>934,462</u>
Revenue over (under) expenditures	(50,535)	<u>798,291</u>	878,147	835,031
Fund balance, beginning of year	<u>466,131</u>		<u>412,407</u>	<u>455,125</u>
Fund balance, end of period	<u>\$ 415,596</u>		<u>\$ 1,290,554</u>	<u>\$ 1,290,156</u>

**City of Franklin
Capital Outlay Fund
Balance Sheet
June 30, 2021 and 2020**

<u>Assets</u>	<u>2021</u>	<u>2020</u>
Cash and investments	\$ 893,644	\$ 712,327
Accounts Receivables	7,600	2,727
Total Assets	<u>\$ 901,244</u>	<u>\$ 715,054</u>
<u>Liabilities and Fund Balance</u>		
Accounts payable	\$ 80,335	\$ 44,569
Assigned fund balance	820,909	670,485
Total Liabilities and Fund Balance	<u>\$ 901,244</u>	<u>\$ 715,054</u>

**Statement of Revenue, Expenses and Fund Balance
For the Six months ended June 30, 2021 and 2020**

<u>Revenue</u>	<u>2021 Original Budget</u>	<u>2021 Amended Budget</u>	<u>2021 Year-to-Date Budget</u>	<u>2021 Year-to-Date Actual</u>	<u>2020 Year-to-Date Actual</u>
Property Taxes	\$ 296,000	\$ 296,000	\$ 296,000	\$ 296,000	\$ 295,700
Grants	15,000	15,000	7,500	3,563	16,128
Landfill Siting	904,100	904,100	484,903	429,919	199,262
Investment Income	7,800	7,800	3,900	693	9,763
Miscellaneous Revenue	41,250	41,250	18,942	36,709	22,707
Notes Proceeds	542,000	542,000	271,000	-	-
Total Revenue	<u>1,806,150</u>	<u>1,806,150</u>	<u>1,082,245</u>	<u>766,884</u>	<u>543,560</u>
Expenditures:					
General Government	55,200	82,194	27,134	12,644 E	109,792
Public Safety	619,535	703,105	353,381	487,860 E	374,463
Public Works	551,000	648,849	415,811	592,713 E	68,648
Health and Human Services	-	-	-	-	900
Culture and Recreation	364,000	429,000	183,022	149,992 E	-
Conservation and Development	180,000	180,000	90,000	187,190 E	1,467
Contingency	40,650	40,650	12,260	-	-
Encumbrances			-	(792,181)	(190,484)
Total expenditures	<u>1,810,385</u>	<u>2,083,798</u>	<u>1,081,608</u>	<u>638,218</u>	<u>364,786</u>
Revenue over (under) expenditures	(4,235)	(277,648)	<u>637</u>	128,666	178,774
Fund balance, beginning of year	<u>311,711</u>	<u>692,243</u>		<u>692,243</u>	<u>491,711</u>
Fund balance, end of period	<u>\$ 307,476</u>	<u>\$ 414,595</u>		<u>\$ 820,909</u>	<u>\$ 670,485</u>

A Portion of Municipal Building, Police, Highway & Parks appropriations are contingent upon Landfill Siting revenue growth

E- Encumbrances

**City of Franklin
Equipment Replacement Fund
Balance Sheet
June 30, 2021 and 2020**

<u>Assets</u>	<u>2021</u>	<u>2020</u>
Cash and investments	\$ 2,012,937	\$ 2,535,836
Total Assets	<u>\$ 2,012,937</u>	<u>\$ 2,535,836</u>
<u>Liabilities and Fund Balance</u>		
Accounts payable	\$ -	\$ 474
Assigned fund balance	2,012,937	2,535,362
Total Liabilities and Fund Balance	<u>\$ 2,012,937</u>	<u>\$ 2,535,836</u>

**Comparative Statement of Revenue, Expenses and Fund Balance
For the Six months ended June 30, 2021 and 2020**

	<u>2021 Original Budget</u>	<u>2021 Amended Budget</u>	<u>2021 Year-to-Date Budget</u>	<u>2021 Year-to-Date Actual</u>	<u>2020 Year-to-Date Actual</u>
Revenue:					
Landfill	\$ 604,400	\$ 604,400	\$ 312,364	\$ 283,370	\$ 221,700
Investment Income	37,400	37,400	18,700	434	57,108
Grants	-	-	-	-	178,624
Property Sales	30,000	30,000	5,885	-	-
Total revenue	<u>671,800</u>	<u>671,800</u>	<u>336,949</u>	<u>283,804</u>	<u>457,432</u>
Expenditures:					
Public Safety	361,500	391,668	223,096	355,305 E	247,993
Public Works	807,000	1,047,130	499,083	846,611 E	798,334
Encumbrances	-	-	-	(541,213)	(596,195)
Total expenditures	<u>1,168,500</u>	<u>1,438,798</u>	<u>722,179</u>	<u>660,703</u>	<u>450,132</u>
Revenue over (under) expenditures	(496,700)	(766,998)	<u>(385,230)</u>	(376,899)	7,300
Fund balance, beginning of year	<u>2,130,162</u>	<u>2,389,836</u>		<u>2,389,836</u>	<u>2,528,062</u>
Fund balance, end of period	<u>\$ 1,633,462</u>	<u>\$ 1,622,838</u>		<u>\$ 2,012,937</u>	<u>\$ 2,535,362</u>

**City of Franklin
Street Improvement Fund
Balance Sheet
June 30, 2021 and 2020**

<u>Assets</u>	<u>2021</u>	<u>2020</u>
Cash and investments	\$ 1,066,133	\$ 933,850
Total Assets	\$ 1,066,133	\$ 933,850
<u>Liabilities and Fund Balance</u>		
Accounts payable	\$ 15,500	\$ 948
Assigned fund balance	1,050,633	932,902
Total Liabilities and Fund Balance	\$ 1,066,133	\$ 933,850

**Statement of Revenue, Expenses and Fund Balance
For the Six months ended June 30, 2021 and 2020**

	<u>2021 Original Budget</u>	<u>2021 Amended Budget</u>	<u>2021 Year-to-Date Totals</u>	<u>2020 Year-to-Date Totals</u>
Revenue:				
Landfill Siting	\$175,000	\$175,000	\$78,160	\$149,216
Investment Income	7,500	7,500	352	6,868
Intergovernmental Resources	1,074,500	1,074,500	403,642	300,000
Total revenue	1,257,000	1,257,000	482,154	456,084
Expenditures:				
Street Reconstruction Program - Current Year	1,000,000	1,000,000	873,536 E	753,088
Encumbrances	-	-	(839,025)	(723,699)
Total expenditures	1,000,000	1,000,000	34,511	29,389
Revenue over (under) expenditures	257,000	257,000	447,643	426,695
Fund balance, beginning of year	506,207	602,990	602,990	506,207
Fund balance, end of period	\$ 763,207	\$ 859,990	\$ 1,050,633	\$ 932,902

**City of Franklin
Capital Improvement Fund
Balance Sheet
June 30, 2021 and 2020**

<u>Assets</u>	<u>2021</u>	<u>2020</u>
Cash and investments	\$ 1,962,200	\$ 1,364,660
Accrued receivables	516,950	951,949
Total Assets	<u>\$ 2,479,150</u>	<u>\$ 2,316,609</u>
<u>Liabilities and Fund Balance</u>		
Accounts payable	\$ 37,924	\$ 20,932
Contracts Payable	51,133	208,470
Miscellaneous Payables	-	172,000
Deferred Inflow	508,000	943,000
Assigned fund balance	1,882,093	972,207
Total Liabilities and Fund Balance	<u>\$ 2,479,150</u>	<u>\$ 2,316,609</u>

**Statement of Revenue, Expenses and Fund Balance
For the Six months ended June 30, 2021 and 2020**

	<u>2021 Original Budget</u>	<u>2021 Amended Budget</u>	<u>2021 Year-to-Date Budget</u>	<u>2021 Year-to-Date Totals</u>	<u>2020 Year-to-Date Totals</u>
Revenue:					
Block Grants	\$ -	\$ -	\$ -	\$ -	\$ 173,365
Other Grants-NEXT Gen 911 Grant	-	-	-	14,327	-
DPW Charges	-	-	-	-	2,041
Landfill Siting	51,500	51,500	9,465	19,552	83,449
Transfers from Other Funds	5,000,000	5,000,000	-	-	-
Transfers from General Funds	-	350,000	-	-	-
Transfers from Impact Fees	2,209,750	2,209,750	223,392	42,608	49,079
Transfers from Connection Fees	1,140,000	1,140,000	570,000	-	-
Bond Proceeds	1,458,000	1,458,000	729,000	-	-
Donations	86,000	86,000	86,000	-	-
Investment Income	5,000	5,000	2,500	1,839	14,005
Total revenue	<u>9,950,250</u>	<u>10,300,250</u>	<u>1,620,357</u>	<u>78,326</u>	<u>321,939</u>
Expenditures:					
General Government	350,000	712,408	10,013	(56,873) E	109,270
Public Safety	499,500	636,572	106,720	209,715 E	1,202,398
Public Works	252,000	1,072,874	27,741	1,089,215 E	392,219
Culture and Recreation	410,000	622,301	198,686	230,017 E	225,420
Sewer & Water	8,140,000	8,140,000	3,820,000	-	200,289
Contingency	150,000	150,170	108,080	170 E	27,170
Bond/Note Issuance Cost	100,000	100,000	-	-	-
Encumbrances	-	-	-	(1,253,218)	(794,558)
Total expenditures	<u>9,901,500</u>	<u>11,434,325</u>	<u>4,271,240</u>	<u>219,026</u>	<u>1,362,208</u>
Revenue over (under) expenditures	48,750	(1,134,075)	<u>(2,650,883)</u>	(140,700)	(1,040,269)
Fund balance, beginning of year	396,395	2,022,793		2,022,793	2,012,476
Fund balance, end of period	<u>\$ 445,145</u>	<u>\$ 888,718</u>		<u>\$ 1,882,093</u>	<u>\$ 972,207</u>

City of Franklin
Capital Improvement Fund
Budget 2021

Project/Name	Activity	Amended				Actual Thru June 30, 2021			
		Total	unding Sourc	Amount	Net City Funds	Total	Funding Source	Amount	Net City Funds
Landfill Siting Revenue					\$ 51,500				\$ 19,552
Investment Income		5,000			5,000				1,839
Total Revenue		5,000			56,500	-			21,391
GENERAL GOVERNMENT									
City Hall Roof, HVAC		10,013			10,013	(59,268)			(59,268)
Historical Society - Barn		2,395			2,395	2,395			2,395
PARK DEVELOPMENT									
Pleasant View Park - Improvements	Park	300,000	Park Impact Fees	141,000	159,000		Park Impact Fees		-
Pleasant View Park pavilion	Park	19,287			19,287	23,839	Park Impact Fees	9,400	14,439
116th Street Trail - design	Park	100,762			100,762	100,454	Park Impact Fees	10,406	90,048
Park Signage	Park	20,000			20,000				-
Church Street pathway	Park	75,000	Park Impact Fees	53,250	21,750		Park Impact Fees		-
Ernie Lake aeration system	Park	15,000			15,000	13,470			13,470
Pleasant View Park - Improvement Planning	Park	88,616	Park Impact Fees		88,616	88,616	Park Impact Fees	22,802	65,814
Land Purchase - ROW - Water Tower Park	Park	3,636			3,636	3,636			3,636
Public Safety									
Replace roof @ Police Dept	Pub Safety	127,500			127,500				-
Video Surveillance Cameras - replacement @ Police Bldg	Pub Safety	247,000			247,000				-
911 Phone system - replacement	Pub Safety	125,000			125,000	109,458		14,327	95,131
Indoor Shooting Range	Pub Safety	39,054			39,054	-			-
Fire Station Specific Alerting	Pub Safety	37,313			37,313	38,089			38,089
Inspection Software	Pub Safety	60,705			60,705	62,168			62,168
Public Works									
Marquette Ave construction - 49th to 51st	Pub Wrks	924,955	Grant	101,500	823,455	964,715	Grant		964,715
S 51st/Drexel Roundabout	Pub Wrks	9,003			9,003	9,003			9,003
S 68th St/Loomis to Puetz - sight line	Pub Wrks	27,741			27,741	27,741			27,741
Water Main on W Minnesota Ave	Pub Wrks	140,000	Utility Development	140,000	-		Utility Development		-
Water Tower in Southwest Zone	Pub Wrks	4,000,000	Water Impact Fees	2,000,000	2,000,000		Water Impact Fees		-
	Pub Wrks		Water Fund	2,000,000	(2,000,000)		Water Fund		-
Highway Building addition - design work	Pub Wrks	30,000			30,000	23,375			23,375
Replace Industrial Park temporary Lift Station	Pub Wrks	3,000,000	Transfer in from Sewer Fund	3,000,000	-		Transfer in from Sewer Fund		-
Curb replacements	Pub Wrks	35,000			35,000	-			-
Traffic Signals - Emergency Veh Preemption	Pub Wrks	32,375			32,375	32,375			32,375
Rawson Homes - Storm sewer	Pub Wrks					18,207			18,207
Land purchase - ROW - 51st & Drexel	Pub Wrks	13,800			13,800	13,800			13,800
Muni Buildings Improvements		350,000			350,000				-
Total Approved Projects		9,834,155		7,435,750	2,398,405	1,472,073		56,935	1,415,138
PROJECTS PENDING APPROVAL									
Water Projects	Utility	500,000	Water	500,000	-		Water		-
Sewer Projects	Utility	500,000	Sewer Connection Fees	500,000			Sewer Connection Fees		-
Contingency		150,170			150,170	170			170
Encumbrances									
Total Projects		10,984,325		8,435,750	2,548,575	1,472,243		56,935	162,090
Net Revenue (Expenditures)					(2,492,075)				(140,699)
Loan Proceeds					1,458,000				
Transaction fees					(100,000)				
Net Rev (Expenditures)					(1,134,075)				(140,699)
Beginning Fund balance					2,022,793				2,022,793
Ending Fund Balance					\$ 888,718				\$ 1,882,094

** When contract awarded a \$58,000 reduction in an construction engineering contract was anticipated

**City of Franklin
Development Fund
Balance Sheet
June 30, 2021 and 2020**

<u>Assets</u>	<u>2021</u>	<u>2020</u>
Cash and investments	\$ 6,597,115	\$ 7,180,731
Impact fees receivable	-	232,640
Due From TID's	2,800,000	1,745,000
Total Assets	<u>\$ 9,397,115</u>	<u>\$ 9,158,371</u>
 <u>Liabilities and Fund Balance</u>		
Accounts payable	\$ -	\$ 11,673
Payable to Developers- Oversizing	337,643	221,759
Unearned Revenue - Other	-	232,640
Assigned fund balance	9,059,472	8,692,299
Total Liabilities and Fund Balance	<u>9,397,115</u>	<u>9,158,371</u>

**Comparative Statement of Revenue, Expenses and Fund Balance
For the Six months ended June 30, 2021 and 2020**

	<u>2021 Original Budget</u>	<u>2021 Amended Budget</u>	<u>2021 Year-to-Date Budget</u>	<u>2021 Year-to-Date Actual</u>	<u>2020 Year-to-Date Actual</u>
Revenue:					
Impact Fee Parks	\$ 146,117	\$ 146,117	\$ 63,668	\$ 58,971	\$ 143,284
Southwest Sewer Service Area	112,000	112,000	32,422	89,265	60,435
Administration	7,535	7,535	3,374	2,029	2,200
Water	498,000	498,000	204,730	132,254	151,050
Transportation	158,825	158,825	65,264	26,801	5,299
Fire Protection	108,875	108,875	47,369	18,368	20,456
Law Enforcement	124,750	124,750	56,378	21,031	37,715
Library	24,750	24,750	11,299	10,345	40,358
Total Impact Fees	<u>1,180,852</u>	<u>1,180,852</u>	<u>484,504</u>	<u>359,064</u>	<u>460,797</u>
Investment Income	106,250	106,250	53,125	2,634	105,878
Interfund Interest Income	79,250	79,250	39,625	29,567	2,686
Total revenue	<u>1,366,352</u>	<u>1,366,352</u>	<u>577,254</u>	<u>391,265</u>	<u>569,361</u>
Expenditures:					
Other Professional Services	15,000	18,321	8,275	3,321 E	55,184
Transfer to Debt Service					
Law Enforcement	205,182	205,182	114,382	180,900	199,856
Fire	42,941	42,941	30,945	-	39,863
Transportation	71,886	71,886	30,975	-	64,249
Library	134,000	134,000	72,124	-	93,982
Total Transfers to Debt Service	<u>454,009</u>	<u>454,009</u>	<u>248,426</u>	<u>180,900</u>	<u>397,950</u>
Transfer to Capital Improvement Fund					
Park	1,259,250	1,259,250	129,804	135,608 E	49,079
Water	2,000,000	2,000,000	1,000,000	-	-
Total Transfers to Capital Improve	<u>3,259,250</u>	<u>3,259,250</u>	<u>1,129,804</u>	<u>135,608</u>	<u>49,079</u>
Capital Improvements					
Park	-	-	-	-	25,285
Sewer Fees	75,000	75,000	37,500	-	-
Water Fees	250,000	250,000	87,515	-	528,760
Encumbrances	-	-	-	(96,321)	(345,736)
Total expenditures	<u>4,053,259</u>	<u>4,056,580</u>	<u>1,511,520</u>	<u>223,508</u>	<u>710,522</u>
Revenue over (under) expenditures	<u>(2,686,907)</u>	<u>(2,690,228)</u>	<u>(934,266)</u>	167,757	(141,161)
Fund balance, beginning of year	<u>8,528,646</u>	<u>8,891,715</u>		<u>8,891,715</u>	<u>8,833,460</u>
Fund balance, end of period	<u>\$ 5,841,739</u>	<u>\$ 6,201,487</u>		<u>\$ 9,059,472</u>	<u>\$ 8,692,299</u>

City of Franklin

Development Fund

Summary of Impact Fee Activity For the three months ended March 31, 2021 Preliminary

Cash Acct	4292	4293	4294	4295	4296	4297	4299	27 1100 1111 -27 2000 2117	
Revenue Acct								Net	
Expenditure Acct	Parks Recreation	SW Sewer	Admin Fee	* Water	Transportation	Fire Protection	Law Enforcement	Library	Cash Balance
Beginning Bal, 01/01/21	4,983,585.91	204,714.94	88,633.40	2,790,633.03	117,306.83	254,024.75	208,676.00	244,140.43	8,891,715
1st Quarter									
Impact Fees	30,362.00	35,301.00	880.00	50,604.00	10,497.00	7,183.00	8,223.00	5,325.00	148,375
Expenditures	5,013,947.91	240,015.94	89,513.40	2,841,237.03	127,803.83	261,207.75	35,999.00	249,465.43	(180,900)
	subtotal								8,859,190
Transfers									0
Investment Income	17,438.01	775.71	310.73	9,823.28	427.53	898.68	426.77	860.96	30,982
Ending balance 3/31/2021	5,031,385.92	240,791.65	89,824.13	2,851,060.31	128,231.36	262,106.43	36,425.77	250,326.39	8,890,152
2nd Quarter									
Impact Fees	28,609.00	53,964.00	1,149.00	81,650.01	16,304.00	11,185.00	12,808.00	5,020.00	210,689
Expenditures	(42,608.00)								(42,608)
	subtotal								9,058,233
Transfers									0
Investment Income	686.29	40.32	12.44	401.14	19.77	37.38	6.73	34.93	1,239
Ending balance 6/30/2021	5,018,073.21	294,795.97	90,985.57	2,932,710.32	144,535.36	273,291.43	49,233.77	255,346.39	9,059,472
2021 Impact Fees	58,971	89,265	2,029	132,254	26,801	18,368	21,031	10,345	359,064
2020 Impact Fees	259,254	113,304	6,713	570,239	69,495	61,149	89,461	60,698	1,230,313
2019 Impact Fees	948,902	48,440	21,684	1,158,186	113,102	174,135	322,218	262,058	3,048,725
2018 Impact Fees	869,037	4,689	20,625	938,441	55,533	136,410	250,076	243,988	2,518,799
2017 Impact Fees	66,591	0	2,695	122,539	19,218	17,970	33,017	19,383	281,413
2016 Impact Fees	209,983	0	4,950	210,581	8,570	30,198	56,096	57,725	578,103
2015 Impact Fees	137,670	2,928	3,630	133,352	20,533	27,116	50,222	38,526	413,977
2014 Impact Fees	184,592	17,568	5,830	235,415	51,436	48,134	88,431	51,821	683,227
2013 Impact Fees	317,206	11,712	6,160	427,429	31,829	45,110	82,280	66,179	987,905

* Funded by an Administrative Fee not an impact fee

1 Debt service payments

2 Oversizing payments made

Scheduled	73,499
Unpaid Balance @	570,450
Deferred principal & interest	270,444
	<u>896,953</u>
	Oversizing payments due in future periods

**City of Franklin
Utility Development Fund
Balance Sheet
June 30, 2021 and 2020**

<u>Assets</u>	<u>2021</u>	<u>2020</u>
Cash and investments - Water	\$ 1,045,913	\$ 1,010,544
Cash and investments - Sewer	1,359,962	1,280,460
Special Assessment - Water Current	39,388	60,216
Special Assessment - Water Deferred	127,977	136,365
Special Assessment - Sewer Current	105,205	143,426
Reserve for Uncollectible	-	(16,777)
Total Assets	<u>\$ 2,678,445</u>	<u>\$ 2,614,234</u>
 <u>Liabilities and Fund Balance</u>		
Unearned Revenue	\$ 272,570	\$ 323,231
Total Fund Balance	2,405,875	2,291,003
Total Liabilities and Fund Balance	<u>\$ 2,678,445</u>	<u>\$ 2,614,234</u>

**Comparative Statement of Revenue, Expenses and Fund Balance
For the Six months ended June 30, 2021 and 2020**

	<u>2021 Original Budget</u>	<u>2021 Year-to-Date Budget</u>	<u>2021 Year-to-Date Actual</u>	<u>2020 Year-to-Date Actual</u>
Revenue:				
Special Assessments-				
Water	\$ 45,000	\$ 15,161	\$ 12,720	\$ 48,906
Sewer	40,000	10,426	-	19,488
Connection Fees-				
Sewer	40,000	17,047	2,100	16,402
 Total Assessments & Connection Fees	 125,000	 42,634	 14,820	 84,796
Special Assessment Interest	-	-	152	634
Investment Income	17,500	8,750	2,726	10,776
Total revenue	<u>142,500</u>	<u>51,384</u>	<u>17,698</u>	<u>96,206</u>
 Transfer to Capital Improvement Fund				
Water	500,000	250,000	-	-
Sewer	500,000	250,000	-	-
Total Transfers to Capital Improven	<u>1,000,000</u>	<u>500,000</u>	<u>-</u>	<u>-</u>
Revenue over (under) expenditures	(857,500)	(448,616)	17,698	96,206
Fund balance, beginning of year	<u>2,373,797</u>	<u>2,388,177</u>	<u>2,388,177</u>	<u>2,194,797</u>
Fund balance, end of period	<u>\$ 1,516,297</u>	<u>\$ 1,939,561</u>	<u>\$ 2,405,875</u>	<u>\$ 2,291,003</u>

City of Franklin
Sanitary Sewer Fund
Statement of Revenue, Expenditures,
and Changes in Net Assets
For the Six months ended June 30, 2021 and 2020

	2021 Amended Budget	2021 Year-to-Date Budget	Current Year-to-Date Totals	Prior Year-to-Date Totals
Operating Revenue				
Residential	\$ 2,271,000	\$ 1,134,012	\$ 1,194,034	\$ 1,078,890
Commercial	630,200	300,600	319,777	289,344
Industrial	433,700	231,308	224,971	235,409
Public Authority	170,000	88,457	68,999	81,492
Penalties/Other	37,000	11,572	6,291	5,744
Multi Family	524,000	262,000	293,133	267,234
Total Operating Revenue	<u>4,065,900</u>	<u>2,027,949</u>	<u>2,107,205</u>	<u>1,958,113</u>
Operating Expenditures				
Salaries and benefits	\$ 582,437	\$ 291,064	\$ 312,276	\$ 283,693
Contractual services	152,775	104,878	69,161	110,758
Supplies	102,975	51,487	41,590	23,837
Facility charges	61,400	31,380	22,103	23,845
Shared meter costs	7,000	3,500	-	-
Sewer service - MMSD	2,515,000	1,257,500	1,284,382	1,266,937
Other operating costs	24,550	13,568	10,732	8,814
Allocated expenses	130,680	65,340	69,840	66,930
Sewer improvements	195,068	97,534	201,432	90,301
Depreciation	230,500	115,250	115,260	75,600
Encumbrances	-	-	(130,064)	(3,684)
Total operating expenditures	<u>4,002,385</u>	<u>2,031,501</u>	<u>1,996,712</u>	<u>1,947,031</u>
Operating Income (Loss)	63,515	(3,552)	110,493	11,082
Non-Operating Revenue (Expenditures)				
Miscellaneous income	-	-	1,085	795
Property sale	-	-	4,993	-
Taxes	(3,100)	(1,550)	-	-
Investment income	399,730	199,865	201,972	224,028
Interest expense	(384,730)	(192,365)	(200,408)	(216,106)
Retirement - GASB 68	-	-	-	-
Capital expenditures	(152,184)	(76,092)	(60,374)	(49,238)
Encumbrances	-	-	60,214	49,238
Total non-operating revenue (expenditures)	<u>(140,284)</u>	<u>(70,142)</u>	<u>7,482</u>	<u>8,717</u>
Income (Loss) before Capital Contributions	<u>(76,769)</u>	<u>(73,694)</u>	<u>117,975</u>	<u>19,799</u>
Retained Earnings- Beginning	1,766,134	1,766,134	1,766,134	1,725,771
Transfer (to) from Invested in Capital Assets	(1,995,217)	(997,609)	30,304	60,962
Retained Earnings- Ending	<u>(305,852)</u>	<u>694,832</u>	<u>1,914,413</u>	<u>1,806,532</u>
Capital Contributions				
Depreciation - CIAC	(2,020,000)	(1,010,000)	(1,009,980)	(1,019,520)
Transfer (to) from Retained Earnings	1,995,217	997,609	(30,304)	(60,962)
Change in Net Investment in Capital Assets	<u>(24,783)</u>	<u>(12,392)</u>	<u>(1,040,284)</u>	<u>(1,080,482)</u>
Net Investment in Capital Assets-Beginning	<u>63,253,260</u>	<u>67,404,097</u>	<u>67,404,097</u>	<u>62,463,346</u>
Net Investment in Capital Assets-Ending	<u>63,228,477</u>	<u>67,391,706</u>	<u>66,363,813</u>	<u>61,382,864</u>
Total net assets	<u>\$ 62,922,625</u>	<u>\$ 68,086,537</u>	<u>\$ 68,278,226</u>	<u>\$ 63,189,396</u>

**City of Franklin
Sanitary Sewer Fund
Comparative Balance Sheet
June 30, 2021 and 2020**

	2021	2020
<u>Assets</u>		
Current assets		
Cash and investments	\$ 1,605,313	\$ 1,595,980
Accounts receivable	1,181,674	1,088,638
Miscellaneous receivable	73,834	12,139
Total current assets	2,860,821	2,696,757
Non current assets		
Due from MMSD	14,973,399	16,280,068
Sanitary Sewer plant in service		
Land	725,594	725,594
Buildings and improvements	3,325,768	3,308,050
Improvements other than buildings	84,169,122	81,653,509
Machinery and equipment	1,263,205	1,223,803
Construction in progress	4,653,161	95,510
	94,136,850	87,006,466
Less accumulated depreciation	(27,773,037)	(25,623,602)
Net sanitary sewer plant in service	66,363,813	61,382,864
Deferred assets		
Pension assets	232,450	373,360
Total Assets	\$ 84,430,483	\$ 80,733,049
<u>Liabilities and Net Assets</u>		
Current liabilities		
Accounts payable	\$ 36,521	\$ 637,708
Accrued liabilities	694,072	37,255
Due to General Fund - non-interest bearing	61,695	72,035
Total current liabilities	792,288	746,998
Non current liabilities		
Accrued compensated absences	77,058	75,900
Pension liability (GASB 68)	(11,855)	328,016
General Obligation Notes payable - CWF	14,973,400	16,280,069
Total liabilities	15,830,891	17,430,983
Deferred inflows		
Pension liabilities	321,366	112,670
Net Assets		
Invested in capital assets, net of related debt	51,390,414	45,102,796
Restricted balances - LT receivable	14,973,399	16,280,068
Retained earnings	1,914,413	1,806,532
Total net assets	68,278,226	63,189,396
Total Liabilities and Net Assets	\$ 84,430,483	\$ 80,733,049

City of Franklin
Sanitary Sewer Fund
Statement of Cash Flows
For the Six months ended June 30, 2021 and 2020

	<u>2021</u>	<u>2020</u>
Cash Flows from Operating Activities		
Operating income (loss)	\$ 110,493	\$ 11,082
Adjustments to reconcile operating income to net cash provided by operating activities		
Depreciation	115,260	75,600
(Increase) decrease in assets		
Accounts receivable	(184,534)	(109,258)
Taxes receivable	103,387	118,953
Due from MMSD & Other Governments		
Increase (decrease) in liabilities		
Accounts payable	(738,092)	(24,357)
Accrued expenses	682,716	-
Total Adjustments	<u>(21,263)</u>	<u>60,938</u>
Net Cash Provided by Operating Activities	<u>\$ 89,230</u>	<u>\$ 72,020</u>
Cash Flows From Capital & Related Financing Activities		
Acquisition of capital assets	(85,116)	(14,638)
Net Cash Provided (Used) in Capital and Financing Activities	<u>(85,116)</u>	<u>(14,638)</u>
Cash Flows from Investing Activities		
Interest and other income	208,050	224,823
Interest expense	<u>(200,408)</u>	<u>(216,106)</u>
Net Change in Cash and Cash Equivalents	11,756	66,099
Cash and Cash Equivalents, beginning of period	1,593,557	1,529,881
Cash and Cash Equivalents, end of period	<u>\$ 1,605,313</u>	<u>\$ 1,595,980</u>

Franklin Municipal Water Utility
Statement of Revenue, Expenditures
and Changes in Net Assets
For the six months ending June 30, 2021 and 2020

Account Description	Amended Budget	Year to Date Budget	Current Year to Date	Prior Year to Date
Operating Revenue				
Metered Sales-Residential	\$ 3,077,600	1,479,082	\$ 1,574,193	\$ 1,467,105
Metered Sales-Commercial	683,500	329,005	307,469	300,875
Metered Sales-Industrial	453,300	250,965	217,298	226,847
Other Sales to Public Authority	259,000	140,379	95,708	121,234
Metered Sales-Multifamily	771,400	385,700	378,739	375,422
Metered Sales-Irrigation	140,800	70,400	59,352	33,595
Total Metered Sales	<u>5,385,600</u>	<u>2,655,531</u>	<u>2,632,759</u>	<u>2,525,078</u>
Unmetered Sales	15,000	4,943	3,116	25,131
Private Fire Protection	125,000	66,508	64,652	63,528
Public Fire Protection	545,000	281,282	275,811	273,817
Forfeited Discount	54,000	16,647	8,350	8,207
Total Operating Revenue ¹	<u>\$ 6,124,600</u>	<u>\$ 3,024,911</u>	<u>\$ 2,984,688</u>	<u>\$ 2,895,761</u>
Operating Expenditures				
Operation and maintenance expense				
Source of Supply	3,000,300	1,495,892	1,513,504	1,516,237
Pumping	185,250	90,595	85,535	76,179
Water Treatment	15,800	7,122	1,946	2,881
Transmission & Distribution	506,400	230,929	134,442	139,681
Customer Accounts	66,250	30,510	32,372	30,921
Administrative and general	587,027	280,631	263,103	189,648
Total Operation and Maintenance Expenditures	<u>4,361,027</u>	<u>2,135,679</u>	<u>2,030,902</u>	<u>1,955,547</u>
Depreciation	598,050	296,950	299,040	210,900
Taxes-Property Tax Equivalent	1,050,000	555,547	540,536	537,600
GASB Employee Benefit Costs	25,000	11,538	-	-
Capital Expenditures	35,452	17,726	-	-
Taxes-FICA	31,790	14,672	11,800	12,694
Total Operating Expenditures ²	<u>6,101,319</u>	<u>3,032,112</u>	<u>2,882,278</u>	<u>2,716,741</u>
Operating Income	<u>\$ 23,281</u>	<u>\$ (7,201)</u>	<u>\$ 102,410</u>	<u>\$ 179,020</u>
Non-Operating Revenue (Expenditures)				
Interest Income	35,000	17,500	1,932	21,133
Interest on LTD	(52,400)	(15,200)	(14,994)	(15,544)
Water Property Rent	55,000	26,562	26,956	33,482
Other Water Revenue	10,000	3,290	9,476	8,690
Interest-Debt to Municipality	(3,500)	(1,478)	-	(1,540)
Total non-operating revenue	<u>44,100</u>	<u>30,674</u>	<u>23,370</u>	<u>46,221</u>
Income before capital contributions	<u>\$ 67,381</u>	<u>\$ 23,473</u>	<u>\$ 125,780</u>	<u>\$ 225,241</u>
Retained earnings - beginning	3,462,592	3,462,592	3,462,592	2,805,630
Transfer (to) from invested in capital assets	278,100	139,050	110,676	132,654
Retained earnings - ending	<u>\$ 3,808,073</u>	<u>\$ 3,625,115</u>	<u>\$ 3,699,048</u>	<u>\$ 3,163,525</u>
Capital contributions	2,000,000	-	-	-
Depreciation - CIAC	(837,500)	(418,750)	(419,758)	(424,500)
Transfer (to) from retained earnings	(278,100)	(139,050)	(110,676)	(132,654)
Change in net investment	8,500,546	6,831,480	(530,434)	(557,154)
Net investment in capital assets - beginning	50,277,613	50,277,613	50,277,613	47,409,195
Net investment in capital assets - ending	<u>\$ 58,778,159</u>	<u>\$ 57,109,093</u>	<u>\$ 49,747,179</u>	<u>\$ 46,852,041</u>
Total net assets	<u>\$ 62,586,232</u>	<u>\$ 60,734,208</u>	<u>\$ 53,446,227</u>	<u>\$ 50,015,566</u>

Franklin Municipal Water Utility
Comparative Statement of Revenue, Expenditures,
and Changes in Net Assets
For the six months ending June 30, 2021 and 2020

Operating Revenue	2021	2020
Total metered sales	2,632,759	2,525,078
Fire protection	340,463	337,345
Forfeited discounts, penalties and other	11,466	33,338
Total Operating Revenue	2,984,688	2,895,761
Operating Expenditures		
Operation and maintenance expenses:		
Source of supply	1,513,504	1,516,237
Pumping	85,535	76,179
Water treatment	1,946	2,881
Transmission and distribution	134,442	139,681
Customers' accounts	32,372	30,921
Administrative and general	263,103	189,648
Total operation and maintenance expenses	2,030,902	1,955,547
Depreciation	299,040	210,900
Amortization and Pension Expenses	-	-
Taxes	552,336	550,294
Total Operating Expenditures	2,882,278	2,716,741
Operating Income (Loss)	102,410	179,020
Non-Operating Revenue (Expenses)		
Sundry	36,432	42,172
Interest on investments	1,932	21,133
Interest on long term debt	(14,994)	(15,544)
Interest-Debt to Municipality	-	(1,540)
Total Non-Operating Revenue (Expenses)	23,370	46,221
Income before Capital Contributions	125,780	225,241
Capital Contributions-Developer & Municipality	-	-
Depreciation - CIAC	(419,758)	(424,500)
Net change in net assets	(293,978)	(199,259)
Net Assets, beginning of period	53,740,205	50,214,825
Net Assets, end of period	\$ 53,446,227	\$ 50,015,566

**Franklin Municipal Water Utility
Comparative Balance Sheet
June 30, 2021 & 2020**

Assets	<u>2021</u>	<u>2020</u>
Current Assets:		
Cash and investments	\$ 3,126,806	\$ 2,483,432
Accounts receivable	1,735,015	1,655,998
Total current assets	<u>4,861,821</u>	<u>4,139,430</u>
Utility plant in service:		
Land	162,885	162,885
Buildings and improvements	3,414,033	3,394,166
Construction in Progress	2,061,202	1,066,083
Improvements other than buildings	63,681,798	60,725,142
Machinery and equipment	4,737,557	4,623,438
	<u>74,057,475</u>	<u>69,971,714</u>
Less accumulated depreciation	<u>23,357,616</u>	<u>22,059,026</u>
Net utility plant in service	<u>50,699,859</u>	<u>47,912,688</u>
Deferred Assets:		
Pension Assets	232,638	430,264
Deferred Costs	-	-
Total deferred assets	<u>232,638</u>	<u>430,264</u>
Total Assets	<u><u>\$ 55,794,318</u></u>	<u><u>\$ 52,482,382</u></u>
Liabilities and Net Assets		
Liabilities:		
Accounts payable	\$ 136,874	\$ 16,584
Accrued liabilities	825,518	792,252
Advance from municipality	106,450	123,200
Pension liability	(32,005)	385,222
Compensated absences reserve	77,058	75,900
Bond Payable	892,680	951,682
	<u>2,006,575</u>	<u>2,344,840</u>
Deferred Liabilities:		
Pension & OPEB Liabilities	341,516	121,976
Total liabilities	<u>2,348,091</u>	<u>2,466,816</u>
Net Assets		
Invested in capital assets, net of related debt	49,747,179	46,852,041
Retained earnings	3,699,048	3,163,525
Total net assets	<u>53,446,227</u>	<u>50,015,566</u>
Total Liabilities and Net Assets	<u><u>\$ 55,794,318</u></u>	<u><u>\$ 52,482,382</u></u>

Franklin Municipal Water Utility
Comparative Statement of Cash Flows
For the six months ending June 30, 2021 and 2020

	2021	2020
Cash Flows from Operating Activities		
Operating income (loss)	\$ 102,410	\$ 179,020
Adjustments to reconcile operating income to net cash provided by operating activities:		
Depreciation & Amortization	299,040	210,900
Depreciation-shared meters		-
(Increase) decrease in assets:		
Accounts receivable	(302,137)	(260,537)
Taxes receivable	145,647	161,985
Increase (decrease) in liabilities:		
Accounts payable	(648,778)	(926,794)
Accrued expenses	814,000	780,000
Total Adjustments	307,772	(34,446)
Net Cash Provided (Used) by Operating Activities	410,182	144,574
 Cash Flows From Capital & Related Financing Activities		
Acquisition of capital assets	(188,364)	(79,786)
Interest paid on long term debt	(14,994)	(15,544)
Principal on long term debt	(60,000)	(55,000)
Net Cash Provided (Used) in Capital and Financing Activities	(263,358)	(150,330)
 Cash Flows from Investing Activities		
Interest, property rental & other income	38,364	63,305
 Net Change in Cash and Cash Equivalents	185,188	57,549
Cash and Cash Equivalents, beginning of period	2,941,618	2,425,883
Cash and Cash Equivalents, end of period	\$ 3,126,806	\$ 2,483,432

Franklin Municipal Water Utility
Notes to the Financial Statements
For the six months ending June 30, 2021 and 2020

Water Connection Fee

Prior to May 31, 2002, the City collected a water connection fee on new construction and connections to existing properties, to be used to fund water main construction projects. The water connection fees on hand on June 30, 2021 total \$1,045,913.

Water Impact Fee

Since May 31, 2002 a water impact fee on residential and commercial construction replaced the water connection fee. Water Impact Fees collected in 2021 total \$132,254. Water Impact fees on hand at June 30, 2021 total \$ 2,933,111.

**City of Franklin
Park Commission
Statement of Revenue and Expenses
For the Six months ended June 30, 2021**

	2021 Amended Budget	2021 Year-to-Date Budget	Current Year-to-Date Totals	2020 Year-to-Date Totals
General Fund Operating Revenue:				
Park & Field Reservation	\$ 18,000	\$ 12,971	\$ 17,952	\$ 5,329
General Fund Operating Expenses:				
Personal Services	\$ 122,368	\$ 56,477	\$ 117,309	\$ 79,941
Other Professional Services	6,600	-	6,600	-
Park Maintenance	59,543	27,294	22,818	23,874
Uniforms	350	-	164	-
Allocated insurance	-	-	-	-
Mileage	3,200	713	365	74
Utilities	15,425	6,970	5,635	4,145
Building maintenance	-	-	-	-
Total Operating Fund Expenses	\$ 207,486	\$ 91,454	\$ 152,891	\$ 108,034
Capital Outlay Fund Expenses:				
Landscaping-Park/Tree Maint	\$ 42,000	\$ 21,000	\$ 1,424	\$ -
Park Improvements-Development	75,000	37,500	-	-
Building Improvements	65,000	32,500	-	-
Park Equipment & Supplies	247,000	92,022	148,568	-
Total Capital Outlay Expenditures	\$ 429,000	\$ 183,022	\$ 149,992	\$ -
Development Fund Revenue:				
Impact Fee-Parks & Recreation	\$ 146,117	\$ 63,668	\$ 58,971	\$ 143,284
Development Fund Expenses:				
Reimb to Developers & Others	\$ -	\$ -	\$ -	\$ 25,285
Transfer to Capital Improvement Fund	1,259,250	129,804	123,300	49,079
Total Capital Improvement Expenditures	1,259,250	129,804	123,300	74,364
Capital Improvement Fund Expenses:				
General Park Development	\$ 20,001	\$ 1	\$ 1	\$ 32,439
Improvements - Ken Windl Park	-	-	-	12,666
Ernie Lake Park - Park Equipment	15,000	-	13,470	-
Pleasant View Park - Pavilion	19,287	19,287	23,839	140,426
Pleasant View Park - Park Equipment	300,000	75,000	-	19,989
Pleasant View Park - Master Plan Update	88,616	-	88,615	19,900
116th Street Trail	100,761	100,762	100,454	-
Land Purchase Water Tower Park	3,636	3,636	3,636	-
Church Street Pathway	75,000	-	-	-
Total Capital Improvement Expenditures	622,301	198,686	230,015	225,420
Less Impact Fees Transfer	1,259,250	129,804	123,300	49,079
Net Expenditures (after Impact Fee contribution)	\$ (636,949)	\$ 68,882	\$ 106,715	\$ 176,341

City of Franklin
Self Insurance Fund - Actives
Balance Sheet
June 30, 2021 and 2020

<u>Assets</u>	<u>2021</u>	<u>2020</u>
Cash and investments	\$ 3,487,718	\$ 3,295,754
Accounts receivable	648	324
Total Assets	\$ 3,488,366	\$ 3,296,078
<u>Liabilities and Net Assets</u>		
Accounts payable	\$ 3,569	\$ 74,907
Claims payable	311,800	175,000
Unrestricted net assets	3,172,997	3,046,171
Total Liabilities and Fund Balance	\$ 3,488,366	\$ 3,296,078

City of Franklin Self Insurance Fund - Actives
Statement of Revenue, Expenses and Fund Balance
For the Six months ended June 30, 2021 and 2020

<u>Revenue</u>	<u>2021</u> <u>Original</u> <u>Budget</u>	<u>2021</u> <u>Year-to-Date</u> <u>Budget</u>	<u>2021</u> <u>Year-to-Date</u> <u>Actual</u>	<u>2020</u> <u>Year-to-Date</u> <u>Actual</u>
Medical Premiums-City	\$ 2,213,369	\$ 1,119,287	\$ 1,146,091	\$ 1,224,028
Medical Premiums-Employee	478,630	241,928	218,524	250,093
Other - Invest Income, Rebates	159,800	79,900	37,242	130,719
Medical Revenue	<u>2,851,799</u>	<u>1,441,115</u>	<u>1,401,857</u>	<u>1,604,840</u>
Dental Premiums-City	112,000	57,167	87,651	59,811
Dental Premiums-Retirees	3,600	2,698	1,944	1,944
Dental Premiums-Employee	60,000	30,660	30,648	29,135
Dental Revenue	<u>175,600</u>	<u>90,525</u>	<u>120,243</u>	<u>90,890</u>
Total Revenue	<u>3,027,399</u>	<u>1,531,640</u>	<u>1,522,100</u>	<u>1,695,730</u>
Expenditures:				
Medical				
Medical claims	1,848,536	852,515	1,023,223	453,362
Prescription drug claims	-	-	90,556	86,891
Refunds-Stop Loss Coverage	-	-	(77,858)	(5,394)
Total Claims	<u>1,848,536</u>	<u>852,515</u>	<u>1,035,921</u>	<u>534,859</u>
Medical Claim Fees	107,041	56,706	91,255	76,849
Stop Loss Premiums	540,610	275,716	263,777	259,245
Other - Miscellaneous	177,245	64,277	10,817	11,680
HSA Contributions	224,650	103,685	65,125	180,281
Plan Administration	-	-	23,550	-
Total Medical Costs	<u>2,898,082</u>	<u>1,352,899</u>	<u>1,490,445</u>	<u>1,062,914</u>
Dental				
Active Employees & COBRA	179,000	85,995	97,370	72,812
Retiree	5,700	3,392	4,919	2,354
Total Dental Costs	<u>184,700</u>	<u>89,387</u>	<u>102,289</u>	<u>75,166</u>
Total Expenditures	<u>3,082,782</u>	<u>1,442,286</u>	<u>1,592,734</u>	<u>1,138,080</u>
Revenue over (under) expenditures	(55,383)	<u>\$ 89,354</u>	(70,634)	557,650
Net assets, beginning of year	<u>2,488,521</u>		<u>3,243,631</u>	<u>2,488,521</u>
Net assets, end of period	<u>\$ 2,433,138</u>		<u>\$ 3,172,997</u>	<u>\$ 3,046,171</u>

City of Franklin
City of Franklin Post Employment Benefits Trust
Balance Sheet
June 30, 2021 and 2020

<u>Assets</u>	<u>2021</u>	<u>2020</u>
Cash and investments	\$ 137,058	\$ 152,524
Investments held in trust - Fixed Inc	2,850,579	2,571,504
Investments held in trust - Equities	5,629,838	3,674,373
Accounts receivable	35,699	23,907
Total Assets	\$ 8,653,174	\$ 6,422,308
<u>Liabilities and Net Assets</u>		
Accounts payable	\$ 133	\$ 15,277
Claims payable	16,600	10,000
Net assets held in trust for post emp	8,636,441	6,397,031
Total Liabilities and Fund Balance	\$ 8,653,174	\$ 6,422,308

City of Franklin Post Employment Benefits Trust
Statement of Revenue, Expenses and Fund Balance
For the Six months ended June 30, 2021 and 2020

<u>Revenue</u>	<u>2021</u> <u>Year-to-Date</u> <u>Actual</u>	<u>2020</u> <u>Year-to-Date</u> <u>Actual</u>
ARC Medical Charges - City	\$ 158,051	\$ 132,227
Medical Charges - Retirees	117,009	102,448
Medical Revenue	275,060	234,675
Expenditures:		
Retirees-Medical		
Medical claims	96,297	67,788
Prescription drug claims	61,400	51,626
Total Claims-Retirees	157,697	119,414
Medical Claim Fees	13,595	11,249
Stop Loss Premiums	46,484	35,063
Miscellaneous Expense	133	(68)
Total Medical Costs-Retirees	217,909	165,658
 Revenue over (under) expenditures	 57,151	 69,017
 Annual Required Contribution-Net	 18,324	 65,161
Other - Investment Income, etc	766,052	(275,907)
Total Revenues	784,376	(210,746)
 Net Revenues (Expenditures)	 841,527	 (141,729)
 Net assets, beginning of year	 7,794,914	 6,538,760
 Net assets, end of period	 \$ 8,636,441	 \$ 6,397,031

**COMBINING STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCE
NONMAJOR GOVERNMENTAL FUNDS FOR CITY OF FRANKLIN
Period Ending 06/30/2021**

GL Number	FIRE DEPT GRANT FUND	ST MARTINS FAIR FUND	HEALTH DEPT GRANT FUND	OTHER GRANTS	DONATIONS FUND	CIVIC CELEBRATIONS FUND	TOTAL
REVENUES							
INTERGOVERNMENTAL	-	-	180,152	-	-	-	180,152
LICENSES & PERMITS	-	-	-	-	-	300	300
MISCELLANEOUS REVENUE	-	994	330	-	24,232	23,530	49,086
Total Revenues	-	994	180,482	-	24,232	23,830	229,538
EXPENDITURES							
PERSONAL SERVICES	-	-	27,742	-	-	-	27,742
EMPLOYEE BENEFITS	-	856	175,739	-	-	16	176,611
CONTRACTUAL SERVICES	-	-	7,721	-	-	34,729	42,450
SUPPLIES	299	-	49,786	-	3,795	5,791	59,671
SERVICES & CHARGES	-	-	4,372	-	-	18,917	23,289
Total Expenditures	299	856	265,360	-	3,795	59,453	329,763
Excess (deficiency) of Revenues vs Expenditures	(299)	138	(84,878)	-	20,437	(35,623)	(100,225)
OTHER FINANCING SOURCES							
FUND TRANSFERS	-	-	-	-	-	-	-
OTHER FINANCING USES							
CAPITAL OUTLAY	659	-	-	-	2,767	-	3,426
Net Change in Fund Balance	(958)	138	(84,878)	-	17,670	(35,623)	(103,651)
Fund Balance - Beginning	27,679	3,636	239,382	5,315	235,736	69,268	581,016
Fund Balance - Ending	26,722	3,774	154,504	5,315	253,406	33,645	477,365

<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>August 3, 2021</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p><i>Orville Seymer v. City of Franklin, Milwaukee County Circuit Court, Case No. 2020CV003506. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate</i></p>	<p>ITEM NUMBER</p> <p>G.12.</p>

The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

COUNCIL ACTION REQUESTED

Motion to enter closed session pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

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APPROVAL <i>Handwritten mark</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 08/03/2021
LICENSES AND PERMITS	MISCELLANEOUS LICENSES	ITEM NUMBER H.

See attached listing from meeting of August 3, 2021.

COUNCIL ACTION REQUESTED



414-425-7500

**License Committee
Agenda*
Alderman Room
August 3, 2021 – 5:45 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 5:50 p.m.	Hamilton-Smith, Brandon J Point After Pub & Grille			
Extraordinary Entertainment & Special Event 5:55 p.m.	Southbrook Church – Fellowship and Kickoff Event Person in Charge: Mark Heckman Location: Southbrook Church, 11010 W St Martins Rd. Dates of Event: September 12 th , 12pm-3pm			
Operator 2021-2022 New	Acevedo, Jennie L Walgreens #05459			
Operator 2021-2022 New	Baird, Mikayla K Rawson Pub			
Operator 2021-2022 New	Damask, Angela M Mulligan's Irish Pub & Grill			
Operator 2021-2022 New	Ellis, Alexandra T Staybridge Suites			
Operator 2021-2022 New	Gerhard, Jennifer A Chili's Grill & Bar			
Operator 2021-2022 New	Hushek, Andrew R St Martins Fair – VFW Post			
Operator 2021-2022 New	Kukla-Lewis, Tracy R St Martins Fair – Franklin Lioness Club			
Operator 2021-2022 New	May, Riley T Rock Snowpark			
Operator 2021-2022 New	Ness, Georgia M St Martins Fair – Franklin Lioness Club			
Operator 2021-2022 New	Oliver, Lisa M Rawson Pub			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 2021-2022 New	Rivera, Naldo A Walgreens #05884			
Operator 2021-2022 New	White, Donte A Staybridge Suites			
Temporary Class "B"	Franklin Noon Lions Club Person in Charge: William Tietjen Location: St Martins Fair Dates of Event: 9/5/2021 to 9/6/2021			
Temporary Class "B"	VFW Post #10394 Hales Corners-Franklin VFW – St Martins Fair & Labor Day Weekend Person in Charge: Andrew Hushek Location: 11300 W Church St Dates of Event: 9/5/2021 to 9/6/2021			
Temporary Entertainment & Amusement	VFW Post #10394 Hales Corners-Franklin VFW – St Martins Fair & Labor Day Weekend - Live Music Person in Charge: Andrew Hushek Location: St. Martins Fair Date of Event: 9/5/2021 to 9/6/2021			
Temporary Entertainment & Amusement	Victory of the Lamb – Classic Car Show Person in Charge: Samantha Goodger Location: Victory of the Lamb parking lot Date of Event: 8/28/2021			
		Time		
3.	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.

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APPROVAL 	REQUEST FOR COUNCIL ACTION	MEETING DATE 8/03/2021
Bills	Vouchers and Payroll Approval	ITEM NUMBER I

Attached are vouchers dated July 16, 2021 through August 1, 2021 Nos. 183937 through Nos 184088 in the amount of \$ 1,383,915.43. Also included in this listing are EFT's Nos 4651 through Nos. 4661, Library vouchers totaling \$ 14,510.39 and Water Utility vouchers totaling \$ 14,665.34. Voided checks in the amount of (\$ 225.00) are separately listed

Early release disbursements dated July 16, 2021 through July 31, 2021 in the amount of \$ 531,992 53 are provided on a separate listing and are also included in the complete disbursement listing These payments have been released as authorized under Resolution 2013-6920

The net payroll dated July 30, 2021 is \$ 461,937 73, previously estimated at \$ 457,000 Payroll deductions dated July 30, 2021 are \$ 463,848.73 previously estimated at \$ 455,000.

The estimated payroll for August 13, 2021 is \$ 408,000 with estimated deductions and matching payments of \$ 239,000.

Attached is a list of property tax transfer of investments EFT's Nos. 388 dated July 16, 2021 through July 30, 2021 in the amount of \$ 8,976,000 This distribution has been released as authorized under Resolution 2013-6920.

COUNCIL ACTION REQUESTED

Motion approving the following

- City vouchers with an ending date of August 1, 2021 in the amount of \$ 1,383,915.43 and
- Payroll dated July 30, 2021 in the amount of \$ 461,937.73 and payments of the various payroll deductions in the amount of \$ 463,848 73 of City matching payments and
- Estimated payroll dated August 13, 2021 in the amount of \$ 408,000 and payments of the various payroll deductions in the amount of \$ 239,000, plus City matching and

ROLL CALL VOTE NEEDED