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CITY OF FRANKLIN
COMMON COUNCIL MEETING*
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA**
TUESDAY, JULY 20, 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 6, 2021.
- D. Hearings.
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
 - 1. Consent Agenda:
 - (a) 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.
 - (b) 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.
 - (c) 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.
 - (d) City of Franklin’s Community Development Block Grant Program Projects for 2022.
 - (e) List of Donations for May and June, 2021.
 - 2. 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.
 - 3. 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.
 - 4. Purchase of Additional Data Storage for WatchGuard In-Squad Video System.

Common Council Meeting Agenda

July 20, 2021

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5. Request Common Council Approval to Purchase a Pro-Phoenix Wireless Data Assistant Site License Using Existing Fire Department Grant Funding.
6. A Resolution for Inclusion of Pedestrian Access for W. Forest Home Avenue (CTH 00) in a 2023 Milwaukee County Department of Transportation (MCDOT) Road Reconditioning Project.
7. Procedure for Filling the Vacancy in the First Aldermanic District.
8. A Resolution Conditionally Approving a 2 Lot Certified Survey Map, Being a Part of the Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (Stephen R. Mills, President of Bear Development, LLC, Applicant (Boomtown, LLC, Property Owner)) (at 12000 West Loomis Road and 12204 West Loomis Road).
9. A Resolution to Amend Resolution 2021-7743 and to Reimburse Veit & Company, Inc. and Stark Pavement Corp to Construct a Portion of the Ryan Creek Trail in the Ryan Meadows Subdivision for \$69,662.50.
10. A Resolution to Authorize GRAEF-USA Inc to Design a Portion of Ryan Creek Trail Through the Ryan Meadows Subdivision (W. Chicory Street to S. 112th Street) for \$50,000.
11. An Ordinance to Amend the Municipal Code Section 245-5. D. (4) Designating Parking Restrictions in and Around the Hawthorne Subdivision Including Portions of W. Hawthorne Lane, W. Hawthorne Court, W. Meadow Lane, S. 90th Street, S. 92nd Street, and W. Rawson Avenue.
12. Construct Stairs at 7044 S. Ballpark Drive for \$3,500.
13. A Resolution to Authorize Foth Infrastructure & Environment, LLC to Perform a Ryan Road/76th Street Area Master Sewer Planning for \$14,700.
14. Consideration of a Resolution Adopting the City of Franklin Code of Conduct for Elected and Appointed Officials and the Rules of the Common Council.
15. An Ordinance to Amend Ordinance 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 2020 Marquette Avenue Road Project Costs.
16. Report on Vandewalle & Associates, Inc. Support for Parkland Acquisition Services.
17. 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).
18. Sam's Real Estate Business Trust v. City of Franklin, Milwaukee County Circuit Court, Case No. 2020CV006103 and Wal-Mart Real Estate Business Trust v. City of Franklin, Milwaukee County Circuit Court, Case No. 2020CV006148. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.
19. Parks Commission Request to Common Council to Dedicate Staff Time to Negotiations for Potential Land Acquisition for a Property Located Immediately West of 6855 S. 27th Street (Tax Key No. 738-9974-005). Common Council May Enter Closed Session Pursuant to Wis. Stat. § 19.85(1)(e), for Market Competition and Bargaining Reasons, to

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Consider the Potential Acquisition of Property to be Used for Public Dog Park Purposes in the City, and to Reenter Open Session at the Same Place Thereafter to Act on Such Matters Discussed Therein as it Deems Appropriate.

H. Licenses and Permits.

Miscellaneous Licenses - License Committee Meeting of July 20, 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:

July 22	Plan Commission Meeting	7:00 p.m.
August 2	National Night Out	6:00 p.m. to 9:00 p.m.
To Be Determined	August Committee of the Whole	
August 3	Common Council Meeting	6:30 p.m.
August 5	Plan Commission Meeting	7:00 p.m.
August 17	Common Council Meeting	6:30 p.m.
August 19	Plan Commission Meeting	7:00 p.m.

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CITY OF FRANKLIN
COMMON COUNCIL MEETING
JULY 6, 2021
MINUTES

C.

- ROLL CALL A. The regular meeting of the Common Council was held on July 6, 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.
- A Moment of Silence was held for Mildred Perry.
- CITIZEN COMMENT B. Citizen comment period was opened at 6:33 p.m. and closed at 6:33 p.m.
- MINUTES
JUNE 15, 2021 C. Alderman Dandrea moved to approve the minutes of the regular Common Council Meeting of June 15, 2021 as presented at this meeting. Seconded by Alderman Mayer. All voted Aye; motion carried.
- ORD. 2021-2469 G.1. Alderwoman Wilhelm moved to adopt Ordinance No. 2021-2469, AN ORDINANCE TO AMEND ORDINANCE 2020-2453, AN ORDINANCE ADOPTING THE 2021 ANNUAL BUDGETS FOR THE CAPITAL IMPROVEMENT FUND TO PROVIDE ADDITIONAL \$50,000 APPROPRIATIONS FOR THE MARQUETTE ROAD EXTENSION PROJECT. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.
- RES. 2021-7741 G.2. Alderwoman Wilhelm moved to adopt Resolution No. 2021-7741, A RESOLUTION TO RELOCATE A WE ENERGIES POLE AND CONNECTED SERVICE FOR 7475 S. 49TH STREET FOR \$6,343.27 AS PART OF THE W. MARQUETTE AVENUE ROAD EXTENSION PROJECT. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2021-7742 G.3. Alderman Mayer moved to approve Resolution No. 2021-7742, A RESOLUTION TO ACQUIRE WATER MAIN EASEMENT FROM 8000 S. SCEPTER DRIVE (WAB HOLDINGS KWL, LLC) KNOLLWOOD LEGACY APARTMENTS TAX KEY 795-9999-008, subject to minor changes to the resolution and the easement approved by the City Engineer and the City Attorney. Seconded by Alderman Dandrea. All voted Aye; motion carried.

- LETTER OF CREDIT
KNOLLWOOD
LEGACY
APARTMENTS (7888 S.
SCEPTER DR.)
- G.4. Alderman Mayer moved to authorize the release of Letter of Credit No. 20004518687 from Old National Bank for Knollwood Legacy Apartments located at 7800-7888 S. Scepter Drive as recommended by the Engineering Department. Seconded by Alderman Dandrea. All voted Aye; motion carried.
- CONSULTING
SERVICE FOR FUTURE
TIDS
- G.5. Alderman Nelson moved to authorize a Consulting Services Agreement with SB Friedman for Financial Analysis Services for Existing and Future TID Agreements; authorize the City Attorney to make technical corrections as needed; and authorize the Director of Administration to execute and administer the appropriate, related contract. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2021-7743
RYAN CREEK TRAIL
RYAN MEADOWS
SUBDIVISION
- G.6. Alderman Nelson moved to approve Resolution No. 2021-7743, A RESOLUTION TO REIMBURSE MILLS HOTEL WYOMING, LLC TO CONSTRUCT A PORTION OF THE RYAN CREEK TRAIL IN THE RYAN CREEK MEADOWS SUBDIVISION FOR \$69,662.50. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2021-7744
RYAN CREEK
BICYCLE/PEDESTRIAN
TRAIL MASTER PLAN
- G.7. Alderwoman Hanneman moved to approve Resolution No. 2021-7744, A RESOLUTION FOR GRAEF-USA INC. TO PREPARE A RYAN CREEK BICYCLE/PEDESTRIAN TRAIL MASTER PLAN FOR \$57,000. Seconded by Alderman Mayer. All voted Aye; motion carried.
- RES. 2021-7745
RA SMITH, INC.
ASSURED WETLAND
DELINEATION
- G.8. Alderman Nelson moved to approve Resolution No. 2021-7745, A RESOLUTION FOR RA SMITH, INC. TO PREPARE AN ASSURED WETLAND DELINEATION OF 151 ACRES AT A POTENTIAL PARK ON S. 112TH STREET FOR \$17,400. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.
- SERVICE SANITATION
2021 ST. MARTINS
FAIR
- G.9. Alderman Mayer moved to approve the 2021 Event Service Agreement with Service Sanitation in the amount of \$14,607 with funding from the St. Martins Fair Fund, subject to review and approval of the City Attorney, and the potential increase in Agreement cost for Damage Waiver Fees, and the potential changes in Agreement terms akin to the terms of the City standard form services agreement. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
- RES. 2021-7746
ISSUE CHANGE
- G.10. Alderman Barber moved to approve Resolution No. 2021-7746, A RESOLUTION TO ISSUE CONTRACT CHANGE ORDER NO. 1

ORDER NO. 1 TO
PAYNE & DOLAN, INC.
FOR 2021 LOCAL
STREET
IMPROVEMENT

TO PAYNE & DOLAN, INC FOR THE 2021 LOCAL STREET
IMPROVEMENT PROGRAM (LSIP) IN THE AMOUNT OF
\$49,577.70. Seconded by Alderman Nelson. All voted Aye; motion
carried.

RES. 2021-7747
GRANT
UNDERGROUND
ELECTRIC AT 10200 S.
52ND ST.

G.11. Alderwoman Hanneman moved to approve Resolution No. 2021-7747, A RESOLUTION TO GRANT AN UNDERGROUND ELECTRIC DISTRIBUTION EASEMENT TO WISCONSIN ELECTRIC POWER COMPANY FOR CITY OF FRANKLIN COMMUNITY DEVELOPMENT AUTHORITY-OWNED PARCEL AT 10200 S. 52ND ST. AND W. OAKWOOD PARK DR. (PARCEL NO. 931-0022-000), subject to potential changes to the resolution and the easement upon the land ownership review by the Engineering Department, as may be approved by the City Engineer and the City Attorney, and potential referral to the Community Development Authority for review and approval based upon the land ownership. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2021-7748
CHANGE ORDER 2
AND NO. 3 FRANKLIN
CORPORATE PARK
WASTEWATER
PUMPING STATION

G.12. Alderwoman Hanneman moved to approve Resolution No. 2021-7748, A RESOLUTION TO ISSUE CHANGE ORDER NO. 2 AND NO. 3 TO STAAB CONSTRUCTION CORPORATION FOR THE FRANKLIN CORPORATE PARK WASTEWATER PUMPING STATION PROJECT FOR IN INCREASE OF \$18,031.73. Seconded by Alderman Dandrea. All voted Aye; motion carried.

ENGINEERING
VEHICLES

G.13. Alderman Barber moved to authorize Staff to dispose of two engineering vehicles with Auction Associates. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

HEALTH DEPT.
PUBLIC HEALTH
PROGRAM MANAGER

G.14. Alderman Barber moved to approve the new job description for the Health Department Public Health Program Manager Position and authorize Human Resources to update the Employee Handbook as needed. Seconded by Alderman Dandrea. All voted Aye; motion carried.

ADMIN. DEPT.
HUMAN RESOURCES
MANAGER

G.15. Alderman Barber moved to approve the new job description for the Administration Department Human Resources Manager Position, and authorize Human Resources to update the Employee Handbook as needed, as amended. Seconded by Alderman Mayer. All voted Aye; motion carried.

EMPLOYEE
RECRUITMENT AND
RETENTION

G.16. Alderman Barber moved to approve the Employee Recruitment and Retention Tool Policy. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2021-7749
POST EMPLOYMENT
BENEFIT
INVESTMENT POLICY

G.17. Alderman Barber moved to approve Resolution No. 2021-7749, A RESOLUTION TO AMEND THE INVESTMENT POLICY STATEMENT FOR THE CITY OF FRANKLIN POST EMPLOYMENT BENEFITS TRUST. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

MAY 2021 MONTHLY
FINANCIAL REPORT

G.18. Alderwoman Hanneman moved to receive and place on file the May 2021 Monthly Financial Report. Seconded by Alderman Nelson. All voted Aye; motion carried.

LICENSES AND
PERMITS

H. Alderman Nelson moved to approve the following:

Hold the 2021-2022 Operator License of: Jessica Hogan, for appearance; Brandon Hamilton-Smith for a complete record check; Heather Flores for appearance;

Grant 2021-2022 Operator License to: Jonah Bertram, Terrance Cantwell, Madeline Gernhauser, Calvin Giese, Shelby Gilbert, Pamela Le Houillier, Julia Martinez, Ann Moehlenpah, Nicholas Nolte, Tyler Okrzesik, William Pengelly IV, Michelle Rocha, Jeffrey Terp, Hayley Toman, Katie Weiss, Michelle Blue, Barbara Davison, Dennis Fons, David Goehring, Gloria Grabarczyk, Miranda Peters;

Grant Change of Agent to: Milwaukee Burger Company, Ralph Hornaday; Marcus Showtime Cinema, Dawn Majewski;

Grant 2021-2022 Class B Beer and Class C Wine to: Lover Lane Buffet, Inc., Agent Jingduan Jiang, 6514 S. Lovers Lane Rd.;

Grant the PUBLIC (People Uniting for the Betterment of Life and Investment in the Community) Grant to the following: Franklin Lioness Club – St Martins Fair, St Martins Fair Permit, Temporary Class B Beer and Wine License, Operator’s Permit, September 5, 6, 2021; and

Grant Extraordinary Entertainment & Special Event License to: Victory of the Lamb, Samantha Goodger, 11120 W Loomis Rd., August 14, 2021, 5:30 pm to 9:00 pm.

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

VOUCHERS AND
PAYROLL

- I. Alderman Barber moved to approve the following:
City vouchers with an ending date of July 1, 2021 in the amount of \$3,268,178.37; Payroll dated June 18, 2021 in the amount of \$427,042.97 and payments of the various payroll deductions in the amount of \$449,344.88 plus City matching payments; Estimated payroll dated July 2, 2021 in the amount of \$414,151.51 and payments of the various payroll deductions in the amount of \$233,851.09, plus City matching payments; Estimated payroll dated July 16, 2021 in the amount of \$410,000 and payments of the various payroll deductions in the amount of \$454,000, plus City matching payments; Release WE Energies check not to exceed \$6,500 for light pole move. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Dandrea moved to adjourn the meeting at 7:06 p.m. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE July 20, 2021
Reports & Recommendations	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	ITEM NO. G.1.(a)

BACKGROUND

Graef-USA, Inc. was awarded a contract to design the “S. 116th Street Trail” project. This project has morphed into two design tasks with the second task now known as the “St. Martin of Tours Trail” project.

Graef is managing this project well and it is anticipated that the ultimate hourly charges will be at least \$15,000 less than anticipated inclusive of both tasks.

ANALYSIS

Issuing a reduction change order is advantageous so that those funds may be applied to other city projects.

\$150,000.00 Original Contract Price
 (~~\$ 15,000.00~~) This Change Order
 \$135,000.00 New contract price after this Change Order

OPTIONS

Approve or Deny

FISCAL NOTE

The \$15,000 savings will be credited to the Fund 46 account for use in other city projects.

RECOMMENDATION

Authorize Resolution 2021-____ 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.

Engineering: GEM

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2021 - _____

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

WHEREAS, GRAEF-USA, Inc. was awarded an engineering contract to provide design services for the "S. 116th Street Trail" project; and

WHEREAS, it is anticipated that GRAEF will not need as much budget allocated in the hourly contract; and

WHEREAS, it is advantageous to reallocated the unneeded budget to other city projects.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that GRAEF-USA, Inc. be issued Change Order No. 1 in the reduction amount of \$15,000.00.

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 _____

CHANGE ORDER
CITY OF FRANKLIN
DEPARTMENT OF ENGINEERING

Change Order No: 01

Dated: July 20, 2021

PROJECT NAME S. 116th Street Trail

PROJECT LOCATION S. 116th Street and W. Ryan Road, including St. Martin of Tours Church

CONTRACTOR: GRAEF-USA, Inc.

Nature of the Changes: Reduction of design services

These changes result in the following adjustment of Contract Price and Contract Time: (CITY CONTRACT ONLY)

Original Contract Price \$150,000.00

Contract price prior to this Change Order \$150,000.00

Net **DECREASE** resulting from this Change Order \$15,000.00

Current contract price including this Change Order \$135,000.00

Net (Increase/Decrease) in time resulting from this Change Order Increase 0 calendar days

The above changes are Approved by:

Mayor

City Clerk

Contractor:

By: Stephen R. Olson

By: Sandra L. Wesolowski

By: _____

Date: _____

Date: _____

Date: _____

Director of Finance & Treasurer

City Attorney

By: Paul Rotzenberg

By: Jesse A. Wesolowski

Date: _____

Date: _____

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE July 20, 2021
Reports & Recommendations	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	ITEM NO. G.1.(b)

BACKGROUND

The “2020 Marquette Avenue Road” was designed by Lynch & Associates- Engineering Consultants, LLC and Lynch was also contracted to provide onsite construction inspection and construction management services. On April 5, 2021, as DF Tomasini, the contractor, was starting work, a change order was issued and at the time, the council action noted “*Another change order will follow to reduce engineering fees from Lynch Engineering of approximately \$58,000.00 to establish a contingency budget. The City will perform inspection services.*”

This council action is to formalize the change order previously discussed.

ANALYSIS

Lynch has verified that Ali Alqayyim, Franklin Engineering Tech IV has been performing very well on the construction inspection services and is requiring less construction management oversight than anticipated. Lynch’s forecast suggests that his final invoices may even be less than the anticipated \$65,410 resulting contract. Lynch’s contract is an hourly contract and they will invoice as hours are spent on the project.

- \$123,410.50 Original and current contract price
- (\$58,000.00) This change order to remove construction inspection services
- \$65,410.50 Current contract price after this change order to include construction management services

OPTIONS

Approve or Deny

FISCAL NOTE

The \$58,000 savings will be credited to the Fund 46 account for this expenditure and assist in other expenses, such as moving power poles.

RECOMMENDATION

Authorize Resolution 2021- ____ 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.

Engineering: GEM

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2021 - _____

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

WHEREAS, Lynch & Associates- Engineering Consultants, LLC was awarded an engineering contract to provide construction inspection and construction management services for the construction of the “2020 Marquette Avenue Road” project; and

WHEREAS, budget concerns shifted construction inspection services to the City of Franklin Engineering staff.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that Lynch & Associates- Engineering Consultants, LLC be issued Change Order No. 1 in the reduction amount of \$58,000.00.

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 _____

CHANGE ORDER
CITY OF FRANKLIN
DEPARTMENT OF ENGINEERING

Change Order No: 01

Dated: July 20, 2021

PROJECT NAME Marquette Avenue Construction Engineering

PROJECT LOCATION W. Marquette Avenue between S. 51st Street and S. 49th Street

CONTRACTOR: Lynch & Associates- Engineering Consultants, LLC

Nature of the Changes: Reduction of on-site inspection services

These changes result in the following adjustment of Contract Price and Contract Time: (CITY CONTRACT ONLY)

Original Contract Price \$123,410.50

Contract price prior to this Change Order \$123,410.50

Net **DECREASE** resulting from this Change Order \$58,000.00

Current contract price including this Change Order \$65,410.50

Net (Increase/Decrease) in time resulting from this Change Order Increase 0 calendar days

The above changes are Approved by:


Mayor

City Clerk

Contractor:

By: Stephen R. Olson

By: Sandra L. Wesolowski


By: Timothy C. Lynch

Date: _____

Date: _____

Date: 7/9/2021

Director of Finance & Treasurer

City Attorney

By: Paul Rotzenberg

By: Jesse A. Wesolowski

Date: _____

Date: _____

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APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE July 20, 2021
Reports & Recommendations	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	ITEM NO. G.1.(c)

BACKGROUND

During discussion of a new private property inflow/infiltration policy, Staff noted that the municipal code is silent on ownership of utilities. This issue is addressed in many municipal codes and Legal Staff prepared the attached ordinance to comply with past practice in Franklin, as confirmed by former City Engineer John M. Bennett, PE.

ANALYSIS

This ordinance essentially places the responsibility to repair sewer and water laterals within the public right-of-way. With few exceptions, it is a city contractor, or a developer working under the supervision of a city inspector that installs the services within the public right-of-way. Utility services on private property are typically installed by the homeowner's plumber/contractor.

OPTIONS

Approve or Deny

FISCAL NOTE

Not applicable.

RECOMMENDATION

Authorize Ordinance 2021-____ 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.

Engineering: GEM

ORDINANCE NO. 2021-_____

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

WHEREAS, the Municipal Code is currently silent on defining ownership of water and sewer services infrastructure facilities between the City of Franklin, the Franklin Water Utility and private property owners connected or to be connected to the public sewer and water services systems, and

WHEREAS, the City of Franklin wishes to codify ownership of water and sewer services infrastructure in the Municipal Code by reflecting the historical practices of how these services have been defined.

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

SECTION 1: Chapter 190 Article V Connections to Water Mains; Water Supply Systems, of the Municipal Code of the City of Franklin, Wisconsin, is hereby amended to create and add the following after the existing text: “§190-21.1 Ownership of connections to water mains and water main systems infrastructure. For all water services infrastructure within the boundary limits of the City, ownership shall vest in the City at the point of connection to the water main and the service pipe up to, and including the curb box. These services shall be maintained and repaired by the City without expenses to the property owner, except for damage caused to them as a result of negligence on the part of the property owner or occupant or for any leaks on the property owner’s side of the curb box, in which case they will be repaired at the expense of the property owner. Ownership of all water services and laterals located from the point of connection of the private property at the curb box, including if in the public right-of-way or easement from the point of connection, and thereafter upon the private property to serve the property and all facilities throughout the premises served shall vest in the property owner(s), and must be maintained free of defective conditions by and at the expense of the owner(s) of the property served. All other water supply systems services infrastructure not specifically identified herein as being owned by a property owner(s) shall be and are owned by the City.”

SECTION 2: Chapter 190 Article VI Connections to Sewer Mains; Sewer Laterals; Inside Plumbing, of the Municipal Code of the City of Franklin, Wisconsin, is hereby amended to create and add the following after the existing text: “§190-26.1 Ownership of connections to sewer main, sewer laterals and inside plumbing infrastructure. For all sewer services infrastructure within the boundary limits of the City, ownership shall vest in the City at the point of connection to the street main and all service pipes up to the property line and these services infrastructure shall be maintained and repaired by the City without expenses to the property owner, except when they are damaged as a result of negligence on the part of the property owner or occupant, in which case they will be repaired at the expense of the property owner. Ownership of all sewers and laterals located in the public right-of-way or easement from the point of connection to the sewer main, and thereafter upon the private property to serve the property and all facilities throughout the premises served shall vest in the property owner(s), and must be maintained free of defective conditions by and at the expense of the owner of the property served. All other sewer system services infrastructure not specifically identified herein as being owned by a property owner(s) shall be and are owned by the City.”

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

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

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

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

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">7/20/2021</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">City of Franklin's Community Development Block Grant Program Projects for 2022</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.1.(d)</p>

Per Milwaukee County, the timeline for the 2022 Community Development Block Grant (CDBG) applications is as follows:

July 19-27, 2021: 2022 CDBG Training Sessions for Applicants (one training is required per applicant and will be attended by Department of Administration staff).

July 23, 2021: 2022 CDBG application available online.

August 25, 2021: CDBG applications due to Milwaukee County Housing by Noon.

October 2021: (Tentative) 2022 applications are presented to the Milwaukee County Economic & Community Development Committee Meeting.

2021 CDBG PROJECT ALLOCATIONS

For its 2021 CDBG allocations, the City of Franklin issued a letter of support in the amount of \$5,000 to Eras Senior Network, Inc. for their Faith in Action Milwaukee County Program; a letter of support in the amount of \$3,000 to Oak Creek Salvation Army for its Homelessness Program; applied and received notice of award in the amount of \$5,000 for the Senior Community Health Educational Program (Health Department); and applied and received notice of award in the amount of \$42,000 for the 2021 Franklin Home Repair Grant Program.

2022 CDBG APPLICATION IDEAS

As a refresher, the Milwaukee County CDBG program has had increasing pressure from HUD to ensure approved projects meet the federal requirement that no more than 15% of project dollars go towards Public Service projects, social service type programs not involving construction (per federal law, the focus of the CDBG program is for construction related projects). Note that the County considers those projects that receive a letter of support as using a portion of our allocation.

The size of Franklin's allocation limits its reasonable application for major construction projects, which is the primary intent of the Federal CDBG program. Efforts to generate public input and ideas in recent years have not been very successful largely in part to the limitations of the funds in relation to Franklin's demographic makeup. Our current allocation strategy supports beneficial services and can be very helpful in maintaining a small portion of the City's older housing stock (through the Franklin Home Repair Grant Program), while targeting CDBG-eligible participants.

For 2022, staff recommends continuing to fund the current Public Service Projects: 1) The Senior Health-Related Educational Programming by the Franklin Health Department (\$5,000), 2) letter of support for the Oak Creek Salvation Army – Homelessness Program (\$3,000), and 3) letter of support for the Eras Senior Network Faith in Action Milwaukee County Program (\$5,000). If the Common Council agrees, the City will forward letters of support to Eras Senior Network, Inc. and the Oak Creek Salvation Army, and those agencies will then proceed to prepare and submit the necessary 2022 application to Milwaukee County. Both agencies have confirmed that they will again be applying for 2022 Milwaukee County CDBG funding and greatly thank the City for their

continued support for their crucial programs. Note that it is possible that the County could reduce the total of available funds for Franklin Public Service projects to approximately \$8,000-\$9,000, which is 15% of a typical allocation between \$50,000-\$60,000.

Also for 2022, staff recommends that the City once again apply for funding towards a "Franklin Home Repair Grant Program" as it had applied for and was awarded funding for the years 2018 through 2021. The current 3-year Cooperation Agreement with the County includes language that allows a community to submit proposed projects for funding "and/or have all or some of its allotment for that year applied to the Home Repair Program". The Milwaukee County Home Repair Program is administered directly through Milwaukee County and provides grants to low-income owner-occupants of single-family homes to make necessary repairs to their homes. Typical repairs include making accessibility accommodations, repairing electrical systems, water/sewer service, and/or porches; replacing roofs, siding, trim, and/or windows. The application for the Home Repair Grant Program is set up to help as many income-eligible, single-family homeowners in Franklin as possible – with grants being up to one-half the project cost, no greater than \$10,000. This \$10,000 amount is flexible and can be modified (increased/decreased) by Milwaukee County depending on how many income-eligible applications are received and the amount of the repairs.

Staff recommends completing and submitting final 2022 Milwaukee County CDBG applications by the deadline date of August 25, 2021 for the following City of Franklin projects and amounts:

2022 Recommended Franklin CDBG Applications:	Amount:
Senior Health-Related Educational Programming (Health Department)	\$5,000
Eras Senior Network Faith in Action Milwaukee Co. Program (Letter of Support-\$5,000)	5,000
Oak Creek Salvation Army – Homelessness (Letter of Support-\$3,000)	3,000
Franklin Home Repair Grant Program (Remaining amount)	<u>37,000-47,000</u>
Total 2022 Franklin Application Submittal	\$50,000-\$60,000

NOTE: A public hearing by the City of Franklin is not required as the Milwaukee County Board schedules/holds a public hearing on all project recommendations, typically in September.

COUNCIL ACTION REQUESTED

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

<p>APPROVAL <i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE July 20, 2021</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>List of Donations for May & June, 2021</p>	<p>ITEM NUMBER G.1.(e)</p>

Background

Various residents and businesses contribute to City. Donations were designated for several purposes, Police K-9 Unit, the Civic Celebration and Kayla's Playground. A list of the donors and amounts follows:

Date	Description	CREDIT
06/24/2021	BARTELS, MICHAEL	1,000.00
06/24/2021	KOSTRZEWA, JEFFREY	250.00
06/24/2021	WINTERS, KEITH	250.00
06/24/2021	MLG DEVELOPMENT, INC.	250.00
06/30/2021	MURRY, MICHAEL	250.00
05/04/2021	SIEVERT, ELAINE	200.00
06/24/2021	KALLIO-MIELKE, RUTH	200.00
06/24/2021	CARSTENSEN, MARK	200.00
06/24/2021	FRANKLIN CHIROPRACTIC CENTER	125.00
05/26/2021	KIEFFER, SANDRA	100.00
06/03/2021	CARMAL CATHOLIC HIGH SCHOOL	100.00
06/08/2021	SAUER, DENNIS & LORI	100.00
06/24/2021	PRECOUR, NANCY	100.00
06/24/2021	COENEN, JANICE	100.00
06/24/2021	WOLFE, MICHAEL	100.00
06/24/2021	MALEK, DARREL	100.00
06/24/2021	ZUNFT, CARY	100.00
06/24/2021	SCHMIDLIN, PENNY	100.00
06/24/2021	CYGANIAK, BONITA	100.00
06/24/2021	SLEIN, LAURA	100.00
06/24/2021	DIETZ, JEFFREY	100.00
06/24/2021	PAGE, WILLIAM	100.00
06/24/2021	MENDINI, GAYLEN	100.00
06/24/2021	LEHMAN, JUDITH	100.00
06/24/2021	HUTTS, LISA	100.00
06/28/2021	WELCH, THOMAS & CHERYL	100.00
06/24/2021	KNAPP, NANCY	75.00
05/26/2021	VISINTAINER, SHARON	50.00
05/27/2021	RICHTER, MARTIN	50.00
05/27/2021	DONOVAN, CAROLE	50.00
06/08/2021	BODE FINANCIAL GROUP, LTD	50.00
06/15/2021	VAN BECK, RALPH & MARY ANN	50.00

06/24/2021	SCHWANKE JR., DONALD	50.00
06/24/2021	CHRISTIANSEN, GERALD	50.00
06/24/2021	MASTROSTEFANO, MARK	50.00
06/24/2021	HAMMERLUND, JAMES	50.00
06/24/2021	KRIESEL, DAVID	50.00
06/24/2021	BAUERSCHMIDT, BRIAN	50.00
06/24/2021	MEYERS, GERALD	50.00
06/24/2021	TEIGEIRO, JOSE	50.00
06/24/2021	TROLLER, RONALD	50.00
06/24/2021	MCFAUL, ROBERT	50.00
06/24/2021	SIEVERT, ELAINE	50.00
06/24/2021	BOELTER-MUNDT, PATRICIA	50.00
06/24/2021	CHASE, THOMAS	50.00
06/24/2021	FRANK, DAVID	50.00
06/24/2021	MARTINEZ, DANIEL	50.00
06/24/2021	EDER, FRANK	50.00
06/24/2021	SCHABOWSKI, RICHARD	50.00
06/24/2021	SMETEK, NANCY	50.00
06/24/2021	DEATON, DENNIS	50.00
06/24/2021	BAUMERT, BRIAN	40.00
06/24/2021	UHEN, CYNTHIA	40.00
05/27/2021	SCHWARTZ, ALAN	35.00
05/26/2021	GILL, DANIEL	25.00
05/26/2021	SCHMIDT, VICTORIA	25.00
05/26/2021	GILMEISTER, SHARI	25.00
06/24/2021	CLINTON, JAMES	25.00
06/24/2021	SMITS, KENNETH	25.00

Journal Totals - Police K-9 Unit **5,940.00**

06/08/2021	PERRIGO, STEVEN	2,200.00
05/13/2021	GREENDALE WOMAN'S CLUB	400.00
04/29/2021	TRUMP, MELISSA	32.60

Journal Totals - Other Police **2,632.60**

06/02/2021	GRANDSARD, LEANN & DAVID	170.00
07/12/2021	FRANKLIN LIONESS CLUB	100.00
04/27/2021	MIEDING, JUDY	80.00
04/14/2021	FRANCAVIGLIA, LINDA	40.00
04/28/2021	FRANKLIN NOON LIONS CLUB	40.00
04/28/2021	FRANKLIN NOON LIONS CLUB	40.00
04/28/2021	FRANKLIN NOON LIONS CLUB	40.00
05/19/2021	ROMERO, CARLISA	40.00
06/07/2021	KLINGER MATHWIG, TAMARA	40.00
06/07/2021	KLINGER-MATHWIG, TAMARA	40.00
06/07/2021	KLINGER-MATHWIG, TAMARA	40.00

06/17/2021	CABREZA, JEFFREY	40.00
	Journal Totals - Kayla's Playground	710.00
06/02/2021	PAYNE & DOLAN INC	5,000.00
06/02/2021	ON THE BORDER	3,000.00
05/27/2021	MAX A. SASS & SONS FUNERAL HOMES	1,500.00
06/02/2021	ROC VENTURES LLC	1,500.00
06/02/2021	HILLER FORD INC	1,000.00
06/14/2021	SENDIK'S FOOD MARKETS LLC	1,000.00
06/17/2021	CENTRAL AQUATICS	1,000.00
06/18/2021	WILLIAMS FINANCIAL, LLC	1,000.00
05/27/2021	SORCE SERVICES LLC	500.00
06/17/2021	VICTORY CREEK ACCOUNTING LLC	500.00
06/17/2021	LANDMARK CREDIT UNION	500.00
06/29/2021	CAR WASH PARTNERS, INC.	500.00
06/17/2021	PEN & INC OF MILWAUKEE INC	300.00
05/27/2021	JUJHAR LLC	250.00
06/02/2021	OLSON, STEPHEN	250.00
06/02/2021	FRANK-DALE EXTERIORS INC	250.00
06/18/2021	BIG BANG, LLC	250.00
06/18/2021	TEWCO, INC.	250.00
06/22/2021	DURGHHA LLC	250.00
06/22/2021	VICKI STRAM KIPFMUELLER	250.00
06/08/2021	ST. MARTINS INN LLC	200.00
06/10/2021	AMERICAN MOTEL INC.	200.00
06/25/2021	FRANKLIN OVERHEAD DOORS LLC	125.00
05/27/2021	BARTZ'S FLOOR COVERING INC	100.00
05/27/2021	SUBURBAN ASPHALT CO., INC.	100.00
05/27/2021	HOLZ MOTORS, INC.	100.00
05/28/2021	EASLEY, JOHN	100.00
06/02/2021	MATUS EYECARE	100.00
06/04/2021	FRANK MATH LLC	100.00
06/04/2021	HALES CORNERS-FRANKLIN POST #10394	100.00
06/08/2021	DAWN'S TAILOR SHOP LLC	100.00
06/10/2021	RAWSON PUB INC	100.00
06/10/2021	HANH N TRAN DBA CN NAILS	100.00
06/10/2021	ABR PRODUCTS, INC	100.00
06/28/2021	ENTHUSIAST APPROVED LLC	100.00
05/27/2021	SPELLMAN TRAILERS, INC,	75.00
05/27/2021	WENGELEWSKI, HENRY, JR., D.D.S.	50.00
05/27/2021	KEN'S CUSTOM AUTO LLC	50.00
05/27/2021	NISENBAUM HOMES & REALTY INC	50.00
06/02/2021	POLONIA SPORT CLUB INC	50.00
06/17/2021	CREATIVE HOMES INC	50.00
06/18/2021	KARWEIK PLUMBING CO	50.00
06/17/2021	KLIMETZ, FREDERICK	30.00
	Journal Totals - Civic Celebrations	21,180.00

06/07/2021	CENTRAL SPECIALTY 09280	1,000.00
06/07/2021	LANDMARK CREDIT UNION 07278	500.00
06/18/2021	MISTER CAR WASH 09299	500.00
06/07/2021	Foresthill Highlands Senior Apts 08904	250.00
06/18/2021	BMO HARRIS BANK 09298	100.00
	Journal Totals - Civic Celebrations	2,350.00
	Total All Donations	32,812.60

COUNCIL ACTION REQUESTED

Motion to acknowledge and accept donations received for May & June, 2021 from from various Franklin residents and businesses.

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">7/20/2021</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p style="text-align: center;">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</p>	<p>ITEM NUMBER</p> <p style="text-align: center;">G.2.</p>

See attached. The Chief of Police will be present for discussion and to answer any questions.

COUNCIL ACTION REQUESTED

Motion to adopt 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.

CHIEF OF POLICE- Chief Oliva

ORDINANCE NO. 2021-_____

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

WHEREAS, Chapter 961 of the Wisconsin Statutes, the Uniform Controlled Substances Act, provides for the regulation of controlled substances, in part for the manufacture, distribution, dispensing, and possession of controlled substances, controlled substance meaning a drug, substance or immediate precursor as set forth within the Chapter included in schedules I to V of subch. II, and the Chapter providing for criminal penalties for violations of thereof; and

WHEREAS, Wis. Stat. §961.44 Penalties under other laws, provides: “[a]ny penalty imposed for violation of this chapter is in addition to, and not in lieu of, any civil or administrative penalty or sanction otherwise authorized by law”; and

WHEREAS, Wis. Stat. §961.53 Violations constituting public nuisance, provides: “[v]iolations of this chapter constitute public nuisances under ch. 823, irrespective of any criminal prosecutions which may be or are commenced based on the same acts”; and

WHEREAS, the City of Franklin Police Department upon its experience and review of the regulation of controlled substances and violations thereof, and the work intention toward reducing violations of thereof, having recommended an amendment to the Municipal Code to provide for civil penalties upon such violations, including for circumstances whereunder the process for criminal prosecution may not proceed; and

WHEREAS, the Common Council having considered the circumstances and the recommendation of the Police Department and having determined that enforcement of violations involving the manufacture, distribution, dispensing, and possession of controlled substances pursuant to provisions in the Municipal Code, in addition to the Wisconsin Statutes, is reasonable and necessary to protect the health, safety and welfare of the Community.

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

SECTION 1: §178-3 Public nuisances affecting health, of the Municipal Code of the City of Franklin, Wisconsin, is hereby amended to create and add the following after the existing text:

K. Manufacture, distribution, dispensing, and possession of controlled substances. Manufacture, distribution, dispensing, or possession of a controlled substance or any related offense as set forth in the Wisconsin Statutes Chapter 961 Uniform Controlled Substances Act, as amended from time to time.

SECTION 2: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

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

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

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

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<p>APPROVAL <i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE July 20, 2021</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>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</p>	<p>ITEM NUMBER G.3.</p>

Background

The Police Chief is requesting additional storage equipment for the in-squad video recording equipment. That equipment will cost \$56,599.

Included in the 2021 Capital Improvement Fund is a \$125,000 appropriation for the NextGen 9-1-1 project. The project cost ended up being completed for \$15,000 less than the appropriation. That NextGen 9-1-1 project also became eligible for a \$65,672 grant. The \$15,000 cost savings and the \$65,000 grant more than cover the cost of the requested storage equipment.

Analysis

The Capital Improvement Fund project appropriations can be modified to accommodate this new request without additional resources, as the new Grant and NextGen 9-1-1 project savings are more than the cost of the new equipment.

Recommendation

The Finance Director recommends the attached proposed Capital Improvement Fund budget amendment including the NextGen 9-1-1 grant resources to fund the requested in-squad video recording equipment.

COUNCIL ACTION REQUESTED

Motion adopting 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 the Police video recording system using savings on the NextGen 9-1-1 project

Roll Call Vote Required

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

ORDINANCE NO. 2021_____

AN ORDINANCE TO AMEND ORDINANCE 2020-2453, AN ORDINANCE ADOPTING THE 2021 ANNUAL BUDGETS FOR THE CAPITAL IMPROVMENT 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

WHEREAS; the Common Council of the City of Franklin adopted the 2021 Annual Budgets for the City of Franklin on November 17, 2020;

WHEREAS; the Police Chief is requesting \$56,599 for additional storage for the in-squad video recording equipment that was not included in the 2021 Capital Improvement appropriations;

WHEREAS; an existing \$125,000 2021 Police NextGen 9-1-1 project has \$15,000 of cost savings;

WHEREAS the Next Gen 9-1-1 project also qualifies for a \$65,672 grant that was not included in the 2021 Capital Improvement Budget; and

WHERE AS; the combined NextGen 9-1-1 project savings and Grant exceed the cost of the requested additional video storage equipment.

NOW, THEREFORE, the Common Council of the City of Franklin does hereby ordain as follows:

Section 1	That the 2021 Budget for the Capital Improvement Fund be amended as follows:		
	Grant Resources	Increase	\$65,000
	Police Video Equipment	Increase	\$58,000

Section 2 Pursuant to §65.90(5)(a), Wis. Stats., the City Clerk is directed to post a notice of this budget amendment within fifteen days of adoption of this ordinance on the city’s web site.

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

APPROVED:

Stephen R Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES ___ NOES ___ ABSENT ___

<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>7/20/2021</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p>Purchase of Additional Data Storage for WatchGuard In-Squad Video System</p>	<p>ITEM NUMBER</p> <p>G.4.</p>

The Police Department is in immediate need of additional data storage for the WatchGuard In-Squad Video Recording System. (The department began installing WatchGuard during new squad set up in 2019 and plans to have the entire fleet converted by the end of 2024). We have recently learned that the amount of data storage required for these recordings has exceeded what had originally been anticipated. The cost estimate for an additional 72TB of storage is \$48,735 and an additional \$7,864 for the corresponding backup storage for a total of \$56,600. This will provide adequate storage through the end of 2022 based on the vendor's and City IT staff calculations.

A potential source of funding are the unexpended funds budgeted for the NextGen 9-1-1 project approved in the 2021 Capital Budget.

\$125,000 was budgeted for the project. It will come under budget at \$109,454. A grant of \$65,672 will be applied to the project, leaving a balance of \$81,218.

COUNCIL ACTION REQUESTED

Motion 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.

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;"><i>7/20/2021.</i></p>
<p style="text-align: center;">REPORTS AND RECOMMENDATIONS</p>	<p style="text-align: center;">Request Common Council Approval to Purchase a Pro-Phoenix Wireless Data Assistant Site License using existing Fire Department grant funding.</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.5.</p>

In planning for the 2022 Budget, the fire department solicited quotes for two additional Wireless Digital Assistant (WDA) licenses. WDAs are the interactive I-pad based application by which emergency response vehicles receive emergency call information, including route mapping and specific call and patient information that is not appropriate to give over radio. It also lets the unit more accurately time-stamp response benchmarks and unit status (i.e., "responding," "on scene," "at hospital," etc.).

Cost of the two additional licenses was anticipated to be \$3,900; however, the vendor extended a special offer to upgrade to a "Site" license for essentially the same cost, which would allow unlimited WDA installation on department devices, rather than the purchase of future individual licenses separately. Terms of the special offer requires that the department act by August 2021.

The Fire Department is requesting appropriation of existing donation funding in the amount of \$1,990 into the Fire Department grant operating expenditure line (28-0221-5329-7081) for the one-time purchase of a Pro-Phoenix WDA Site License, at a total cost of \$3,990.

COUNCIL ACTION REQUESTED

Motion to approve Fire Department special purchase of a Pro-Phoenix WDA Site License at a cost of \$3,990 using existing Fire Department grant funding.



ProPhoenix Corporation

502 Pleasant Vallev Ave.
Moorestown, NJ 08057
Phone: 609-953 6850
Fax: 609-953-5311
Web www.prophoenix.com

Proposal For: Update to Fire WDA Site License

Franklin Fire Department

Attention: Asst Chief James Mayer
8901 W Drexel Avenue
Franklin, WI 53132
Phone# 414-425-1420

Proposal# 21-000160

Date: 05/05/2021

Valid Until: 08/03/2021

Submitted By:

Reit, Jeff
Phone# 609-953-6850 x1251
E-Mail. jeff@prophoenix.com

Dear Asst Chief James Mayer,

On behalf of ProPhoenix Corporation, we are pleased to present this proposal for various components of the Phoenix Public Safety Solution Suite. The attached proposal details the required software modules and associated support services in order to successfully implement the proposed solution. If hardware is being proposed and/or recommended, please take note of the specific operating requirements outlined in the Proposal Notes and/or Terms section.

Phoenix represents a major "paradigm shift" in the value provided to Public Safety agencies throughout the United States. There are several differentiating benefits realized by an agency when implementing Phoenix Software. Highlights include:

- ✓ Deep horizontal and vertical integration throughout the entire software suite
- ✓ Integration of 3rd party tools which are transparent to the end user
- ✓ A complete, end-to-end, Public Safety lifecycle suite deployable throughout the entire agency
- ✓ Complete design, development, deployment, and maintenance conducted by ProPhoenix personnel
- ✓ Fiscal responsibility for both the initial procurement as well as ongoing sustainability
- ✓ An "all-inclusive" module philosophy within the major application offerings, e.g., CAD, RMS, Mobile, Fire, Corrections
- ✓ Continual incorporation of the latest in tools and technology to stay ahead of the technology curve
- ✓ Business Intelligence (BI) capabilities providing "actionable insight" for enhancing decision making in support of Intelligence Led Policing (ILP) initiatives
- ✓ Adherence to National information sharing standards, e.g. National Information Exchange Model (NIEM) based of Global Justice Extensible Mark-up Language (GJXML)

The Phoenix Public Safety Software Suite embraces our "i3" design philosophy of "Integrated, Intuitive, Innovative". By implementing these tenets, our goal is to maximize an agency's effectiveness and optimize its efficiency through the use of our software. We are confident in our ability to exceed your operational expectations, and are grateful for the opportunity to compete for, and earn your business. Should you have any questions, please do not hesitate to contact us.

Please have an authorized officer sign below and return a copy to me. Upon execution by both parties, this proposal and its terms and conditions will become a binding agreement.

Acceptance:

By: Franklin Fire Department

ProPhoenix Corporation

Signature

Date

Signature

Date

Print Name

Title

Print Name

Title

ProPhoenix Corporation ("Company") proposal contains information and data, which are privileged, confidential and/or proprietary to the Company. This information and data is commercially sensitive and/or financial in nature and is not made available for public review. This information is submitted on a confidential basis only in response to a specific customer request. The information contained herein is protected, among other things by the Trade Secrets Act, as codified, and any improper use, distribution, or reproduction is specifically prohibited unless otherwise required by law. No license or right of any kind whatsoever is granted to any third party to use the information contained herein unless a written agreement exists between Company and the third party which desires access to the information. The information contained herein is submitted for purposes of review and evaluation in connection with Company's response to the specific request denoted herein. No other use of the information and data contained herein is permitted without the express written permission of the Company. Under no condition should the information contained herein be provided in any manner whatsoever to any third party without first receiving the express written permission from the Company unless otherwise required by law.



Total Solution Cost:

Final Proposal Amount **\$3,990.00**

Annual Support and Maintenance **\$598.50**

Cost Summary:

*A.S.M Annual Support & Maintenance

Category	Total Price	A.S.M
ProPhoenix Items		
Application Software	3,990.00	598.50
ProPhoenix Items total	3,990.00	598.50
Proposal total	3,990.00	598.50

Customer Signature

Date

Item Details:

Item Name	Qty
<u>Application Software</u>	
WDA-CLI-FIR-SITE WDA (Mobile) Client - Fire (Site License) Upgrade based on past and current WDA client additions	1



Terms & Conditions

Application Software

WDA (Mobile) Client - Fire (Site License)

WDA works with IP based communication link. Customer is required to procure the necessary hardware, software and service to establish the secure TCP/IP communication channel between wireless client and the Phoenix WDA server. ProPhoenix recommends NetMotion Mobility Software.

Any GPS device that can be connected via serial port or USB which outputs data in NMEA2 format can be used with WDA. WDA will automatically detect the GPS existence with no configuration.

Minimum system requirements change frequently due to technological improvements by ProPhoenix and other Hardware and Software Manufacturers. Please check with your Sales Representative or Account Manager for the most current requirements.

To use third party Map functions, the appropriate Mapping licenses are required.

If applicable, on-site will require travel costs that are the responsibility of the customer and will be billed upon completion.

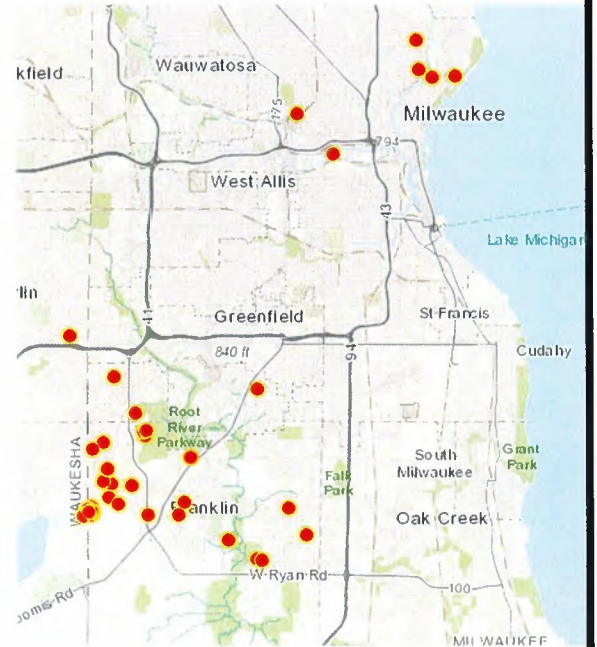
APPROVAL <i>Slow</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE July 20, 2021
Reports & Recommendations	A RESOLUTION FOR INCLUSION OF PEDESTRIAN ACCESS FOR W. FOREST HOME AVENUE (CTH 00) IN A 2023 MILWAUKEE COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT) ROAD RECONDITIONING PROJECT	ITEM NO. G.6.

BACKGROUND

On June 1, 2021, Common Council discussed a Milwaukee County Department of Transportation (MCDOT) 2023 road reconditioning (not a full reconstruction) project for W. Forest Home Avenue (CTH 00) from W. Jefferson Terrace (Hi View Drive / Muskego city limits) to W. Speedway Drive. Staff was directed to solicit input and draft a resolution for future Common Council action reflecting the desired segments for sidewalk, if any, for W. Forest Home Avenue in a Milwaukee County Department of Transportation Road Reconditioning Project

ANALYSIS

Staff used the City’s GIS software (ESRI) to create a web-based survey. In addition, some paper ballots were distributed included 125 that were sent out with the senior lunch program. See attached paper version of the survey. A total of 89 surveys were received with two of those were paper copies. 72 responses had Franklin addresses. To the right is a map of the responses. Note that the responses are weighted for areas that live near this project.



Except for five Franklin residents who appear to be opposed to any segment of a pathway (addresses on Coronado Court, W. Forest Home Avenue, W. Parkedge Circle, W. Forest Hill Avenue, and Unknown) almost all respondents were in favor of a pathway for the entire segment. Number of votes are shown for each answer below:

I currently walk and/or bicycle along parts of W. Forrest Home Avenue now

- 33 yes, I currently walk and/or bicycle in these areas
- 34 yes, and I would walk and/or bicycle in these areas more if there were a pathway
- 6 no, I don’t currently walk and/or bicycle in these areas
- 15 no, I don’t currently walk and/or bicycle in these areas but would if there were a pathway

My primary use of a pathway along W. Forest Home Avenue would be (choose one):

- 13 walking/running
- 24 bicycling
- 48 both walking/running and bicycling
- 4 neither walking/running nor bicycling

For each segment shown on the map, indicate your preference for a pathway.

Segment	Yes	Good Idea	Bad Idea	No Preference
A. Jefferson to Hike-Bike Trail	78	4	5	2
B. Hike-Bike Trail to St. Martins	76	5	5	3
C. St. Martins to Hike-Bike Trail	78	4	5	2
D. Hike-Bike Trail to Sunnybrook	74	7	5	3
E. Sunnybrook to Rawson	76	5	5	3
F. Rawson to Cortez	74	7	4	4
G. Cortez to Speedway	71	9	4	5

- Yes: I would use a pathway on this segment
- Good Idea: I would not use a pathway on this segment, but believe a pathway here is a good idea
- Bad Idea: I would not use a pathway on this segment and believe a pathway here is a bad idea
- No preference: I have no opinion either way if a pathway is provided

36 respondents submitted comments for the Common Council's consideration:

- 1 We live in New Berlin and bike the oak leaf trail more than any We bike in winter also This will be a wonderful addition If there is a way you could put a bathroom along the way it would be most helpful too Maybe there could even be a way to apply with your phone number and get a passcode to get into a bathroom so that it is used for the people that truly need it and make the use accountable Thank you*
- 2 We currently take our kids from Jefferson Terrace across forest home to north cape and then up to the Muskego Lakes Middle School to connect to the bike trail Forest home is so dangerous to bike on to get to the trail and north cape is so narrow and the cars go way more than 30mph and it dangerous to bike on there too We would love to have a safe path to connect our subdivision to the bike path!*
- 3 Until bicyclists start paying for a yearly license like other vehicles, we should not use tax payer money on bike trails Also, as far as walking is concerned, if anything like in my neighborhood, where there are sidewalks, people don't use them they still walk in the streets! Stop wasting tax payer money!*
- 4 This is a wonderful idea! Walking / biking trails provide a great outlet for the community for exercise, sense of community and beauty I am ALL for it! We bike and walk regularly and this would be great*
- 5 The road has been a mess for years I can't believe they are waiting until 2023 to do something with it Can't it be pushed up?*
- 6 save taxpayer money the expense is not worth the few who would use it*
- 7 Save Franklin money! Don't do anything Bulldoze "The Rock" and even save more taxpayer dollars The mayor and aldermen in Franklin think their only purpose is to spend taxpayer funds on useless ideas Knock it off!*
- 8 Please schedule the road construction sooner in 2022 because the road needs it severely, thank you*
- 9 Please do in 2022! I walk and run all the time My family would love this and it would be a great safety feature*
- 10 Please consider performing road reconditioning and earlier than 2023 And adding a bike path along the route would be a great addition that would be used by many in our community, no different than the paths in other parts of Franklin*
- 11 Please complete in 2022 The road is unsafe alternative to getting to the path Road is very damaged*
- 12 Plan for connection to the Oak Leaf Trail*
- 13 My family enjoys biking along the existing path near Ken Windl Park. With younger children we aren't able to go as far as we'd like, due to the forest home traffic*

- 14 *Make the pathway go all the way to HWY 100*
- 15 *Lighted pathways so they can be used more year round when the early mornings are dark.*
- 16 *It would be nice if Franklin became more pedestrian/bicycle friendly*
- 17 *I'm very happy that Franklin is considering these amenity for walkers, runners, and cyclists*
- 18 *I would not use any of these trails to bike if they don't link up with other trails*
- 19 *I would like to see the existing WE Energies bike/hike trail from St Martin of Tours Church to CTH OO*
- 20 *I walk frequently Any pathway that is safe from motor vehicles would be great'*
- 21 *I seldom see anyone biking or running and on occasion see someone walking There are better ways to spend tax dollars*
- 22 *I hope the plan is a paved walk/bike path*
- 23 *I highly recommend the City of Franklin create this pathway for myself and my family for safety reasons We use the surrounding trails in almost a daily basis for running and biking Also the condition of Forest Home Avenue has been very frustrating and sometimes unsafe to drive on Is it possible to get this started in 2022 instead of 2023? Sooner the better for all of us who live in the area, and also for the City of Franklin*
- 24 *I eagerly look forward to more paths (and by paths I mean either off street or physically protected on street bike lanes, paint lines do absolutely nothing for me as a dedicated bicyclist) and would definitely ride further southwest of Milwaukee My current terminus is Whitnall Park, I'd love to go further if I had good quality & safe bike infrastructure to explore on*
- 25 *I currently live in Shadwell circle my family enjoys the bike path however there is no safe/easy way to get to it without traveling on Forrest home with busy traffic and large dump trucks*
- 26 *I am in favor of this project The sooner the better Hwy OO W Forest home is in bad need of resurfacing/repair it takes a pounding daily from the garbage trucks heading out to the landfills After the project is completed it would be nice if Local, County & State law enforcement could get together to enforce trucking/weight limits laws along this section of the roadway????*
- 27 *great idea*
- 28 *Full reconstruction The road and shoulder is horrible! Push into FY22'*
- 29 *Doing in 2022*
- 30 *Do it sooner 2022*
- 31 *Do it*
- 32 *Completion of oak leaf trail segment on Drexel would be appreciated (off road or bike lanes)*
- 33 *Clearly marking trails and making connections to the oak leaf trail would be even better Thank you for considering making this project possible- it will improve safety for those of us who like to give active! I have used these trails for running and plan to do more biking knowing I could go farther safely*
- 34 *All of the trails in franklin are lovely BUT bicyclists need to be checked They think they own the trails and I've almost gotten hit as well as my dog*
- 35 *A bridge over Forrest Home for the multi-use trail that extends into Muskego Crossing can be dangerous with the speeds of vehicles on Forrest Home*
- 36 *A bike/walking path along Loomis Road from Hey 100 to the Muskego bike path it's very nerve wrecking biking to the gym/theater with cars flying by*

52 respondents entered an email address to receive updates on this project and were emailed a copy of this council action prior to the meeting.

OPTIONS

- A. Select a 5-foot sidewalk for some or all segments. And/or
- B. Select a 10-foot trail for some or all segments. Or
- C. Decline to participate with pedestrian/bicycle accommodations

FISCAL NOTE

Milwaukee County would include the sidewalk segment(s) in the plans but would also require Franklin to pay 100% of the cost for the construction of the sidewalk. Considering design costs, contractor mobilization costs, and other incidentals, this option is cheaper than Franklin initiating this project and constructing it with our contractor.

As previously noted, a cost estimate based from a WisDOT project indicates that a 10-pathway, end to end, should have a budget of \$732k. 62% of this cost (\$454k) is eligible for reimbursement from the Park Impact Fees. Actual costs will be provided by MCDOT.

RECOMMENDATION

Considering the overwhelming support for full accommodations along the entire study area-
OPTION B.

A motion to adopt Resolution 2021-_____ a resolution for inclusion of one 10-pathway for W. Forest Home Avenue (CTH OO) from W. Jefferson Terrace to W. Speedway Drive in a 2023 Milwaukee County Department of Transportation (MCDOT) Road Reconditioning Project.

Engineering Department: GEM

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2021 - _____

A RESOLUTION FOR INCLUSION OF PEDESTRIAN ACCESS FOR
W. FOREST HOME AVENUE (CTH OO) IN A
2023 MILWAUKEE COUNTY DEPARTMENT OF TRANSPORTATION (MCDOT)
ROAD RECONDITIONING PROJECT

WHEREAS, Milwaukee County Department of Transportation (MCDOT) is planning a 2023 road reconditioning project for W. Forest Home Avenue (CTH OO) from W. Jefferson Terrace (Hi View Drive / Muskego city limits) to W. Speedway Drive; and

WHEREAS, Public input was solicited for input on use and preferences of a pedestrian and/or bicycle accommodations for seven segments along this route; and

WHEREAS, an overwhelming majority of the 89 responses expressed a desire for full accommodations for all seven segments; and

WHEREAS, 62% of the construction costs are eligible for reimbursement from accumulated Park Impact Fees; and

WHEREAS, the City of Franklin Common Council is supportive of park amenities, including trails.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that Milwaukee County Department of Transportation include a 10-foot pathway/trail on one side of W. Forest Home Avenue (CTH OO) from W. Jefferson Terrace (Hi View Drive / Muskego city limits) to W. Speedway Drive.

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 _____



The Franklin Common Council desires your input for providing a bicycle/pedestrian pathway on W. Forest Home Avenue. Survey responses are needed by Friday July 9, 2021. Please submit to the Engineering Department.

My address is _____

I currently walk and/or bicycle along parts of W. Forrest Home Avenue now (choose 1):

- yes, I currently walk and/or bicycle in these areas
- yes, and I would walk and/or bicycle in these areas more if there were a pathway
- no, I don't currently walk and/or bicycle in these areas
- no, I don't currently walk and/or bicycle in these areas but would if there were a pathway

My primary use of a pathway along W. Forest Home Avenue would be (choose one):

- walking/running
- bicycling
- both walking/running and bicycling
- neither walking/running nor bicycling

For each segment shown on the map, indicate your preference for a pathway.

- | | |
|-----------------------------------|--|
| A. Jefferson to Hike-Bike Trail | Yes / Good Idea / Bad Idea / No Preference |
| B. Hike-Bike Trail to St. Martins | Yes / Good Idea / Bad Idea / No Preference |
| C. St. Martins to Hike-Bike Trail | Yes / Good Idea / Bad Idea / No Preference |
| D. Hike-Bike Trail to Sunnybrook | Yes / Good Idea / Bad Idea / No Preference |
| E. Sunnybrook to Rawson | Yes / Good Idea / Bad Idea / No Preference |
| F. Rawson to Cortez | Yes / Good Idea / Bad Idea / No Preference |
| G. Cortez to Speedway | Yes / Good Idea / Bad Idea / No Preference |
- Yes: I would use a pathway on this segment
 - Good Idea: I would not use a pathway on this segment, but believe a pathway here is a good idea
 - Bad Idea: I would not use a pathway on this segment and believe a pathway here is a bad idea
 - No preference: I have no opinion either way if a pathway is provided

(optional) **Other Comments the City should consider:** _____

(optional) Please email me updates on this survey and project. **My email is:** _____

(optional) **My Name is:** _____

Thank you for your response, the Engineering Department will compile the data and bring to the Common Council for a final decision on Tuesday July 20, 2021.

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">7/20/2021</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p style="text-align: center;">Procedure for Filling the Vacancy in the First Aldermanic District</p>	<p>ITEM NUMBER</p> <p style="text-align: center;">G.7.</p>

Alderman Dandrea has submitted his resignation as representative of the First Aldermanic District, effective July 21, 2021. (This three-year term will expire April 18, 2022, with the date of the Spring Election for the next succeeding term being April 5, 2022.)

Pursuant to Wis. Stat. § 17.23, vacancies in the office of Alderperson of cities operating under the general law or special charter may be filled by the Common Council, by majority vote, appointing a successor to serve for the residue of the unexpired term or until a special election is held, as ordered by the Common Council under Wis. Stat. § 8.50 Special Elections, or an office may remain vacant until an election is held.

The Council may wish to discuss and direct the procedures to fill the vacancy, if so desired. Prior vacancies have been filled by appointment by the Council following submittal of letters of interest to the City Clerk and presentations at a Common Council meeting. The method of appointment is to be determined within the discretion of the Common Council, except that pursuant to Wis. Stat. § 19.88, a secret ballot may not be used.

If the Council desires to fill the vacancy by appointment, attached is a draft notice. It is recommended that the following timeline, with dates set by the Common Council and any other amendments that they may wish to include, be adopted:

Accept letters from residents interested in filling the First District Aldermanic position, with the deadline for filing letters of intent with the City Clerk to be August 12, 2021. The official notice will be placed on the City's website, and published in the *South NOW* on July 28 and August 4, 2021. The date for presentations of interested residents and appointing an Alderperson will be August 17, 2021 at the Common Council meeting.

COUNCIL ACTION REQUESTED

Motion 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 filing letters of intent with the Director of Clerk Services/City Clerk be 5:00 p.m. on August 12, 2021, with interested residents listed for presentations at the Common Council meeting of August 17, 2021.

CITY OF FRANKLIN
OFFICIAL NOTICE
TO RESIDENTS OF THE FIRST ALDERMANIC DISTRICT

The Franklin Common Council hereby announces that it will accept letters of interest until 5:00 p.m. on August 12, 2021, from persons seeking appointment to the position of Alderperson, First District. Pursuant to Wis. Stat. § 17.23, the Common Council may fill the vacancy in the office of Alderperson, First District, by appointment until a successor may be elected at the April 5, 2022, Spring Election.

Letters of interest should be submitted to the Common Council in care of the City Clerk, 9229 West Loomis Road, Franklin, Wisconsin 53132, prior to 5:00 p.m. on August 12, 2021. All applications will be considered by the Common Council on August 17, 2021, at 6:30 p.m. in the Council Chambers at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132. Applicants will be given an opportunity to make a presentation to the Common Council at that time.

The description of the boundary of the First Aldermanic District may be obtained at the Office of the City Clerk. Questions may be directed to the City Clerk at (414)427-7503.

Dated July 21, 2021.

Sandra L. Wesolowski
City Clerk

Mark A. Dandrea
8041 S Meadowcreek Ct.
Franklin, WI 53132
414-427-3587

July 14, 2021

Residence of the 1st Aldermanic District
Honorable Stephen R. Olson, Mayor
Common Council Members
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

Dear Residents, Mayor Olson, and Council Members:

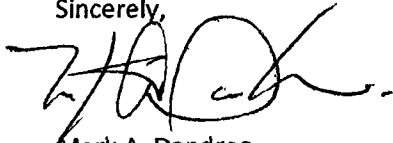
I am an Honorable individual and I honor my commitments in my business and daily life; but at times, timing is not always perfect. A couple of months ago, my wife accepted a new position in the Fort Lauderdale area, so we have decided to sell our home in Franklin and relocate out of State. Today I am announcing my resignation as Alderman of Franklin's 1st Aldermanic District effective July 21, 2021.

I have been truly honored to serve the residents of the 1st District for almost 8 and half years and the entire city for a decade. The constituents of the 1st District have been supportive, civic minded, involved, and respectful, truly making my position as Alderman easier than most.

I will miss being involved with the City of Franklin, but more importantly the great staff that I have had the opportunity to work with, get to know and support throughout my 3 terms as Alderman of the 1st District and as Common Council President. I truly wish to express my gratitude to the staff for their knowledge and assistance in my efforts to serve the 1st District and the entire City of Franklin.

Please accept my best wishes for the future to each one of you, the City of Franklin, and I extend my support to my successor.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Dandrea', with a stylized flourish at the end.

Mark A. Dandrea
Alderman 1st District
Common Council President

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<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">07/20/21</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN</p> <p style="text-align: center;">(STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT (BOOMTOWN, LLC, PROPERTY OWNER))</p> <p style="text-align: center;">(AT 12000 WEST LOOMIS ROAD AND 12204 WEST LOOMIS ROAD)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.8.</p>

At its July 8, 2021, regular meeting, the Plan Commission carried a motion to recommend approval of a Resolution conditionally approving a 2 lot Certified Survey Map, being a part of the Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (at 12000 West Loomis Road and 12204 West Loomis Road), subject to the additional language provided by the City Attorney relative to the recording. The vote was 4-0-2, four affirmative votes and two absents.

Condition No. 9 was redrafted to allow for recording of this Certified Survey Map before rezoning the C-1 (Conservancy District) portion of Lot 1 to R-8 (Multiple-Family Residence District), this rezoning is still required prior to any special use or site plan approval for Lot 1.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution 2021-_____, conditionally approving a 2 lot Certified Survey Map, being a part of the Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin (at 12000 West Loomis Road and 12204 West Loomis Road).



REPORT TO THE PLAN COMMISSION

Meeting of July 8, 2021

Certified Survey Map

RECOMMENDATION: City Development Staff recommends approval of this Certified Survey Map (CSM) application submitted by Boomtown, LLC, subject to the conditions 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 submitted on May 28, 2021, to reconfigure the three (3) following properties:

- TKN 891 9993 000, 8.58 acres, 12000 W Loomis Rd, with access to Ryan Road.
TKN 891 9996 000, 6.68 acres, 0 W Loomis Rd.
TKN 891 9997 000, 3.54 acres, 12204 W Loomis Rd.

Project Description and Analysis

The purpose of this CSM is to create 2 lots: Lot 1 with 15.06 acres north of Loomis Rd and access to Ryan Road, and Lot 2 with 0.91 acre south of Loomis Rd and access to West Loomis Court. A Concept Review was presented before the Common Council on April 5, 2021, for the "Ryan Road Duplexes", a two-family residential condominium development with 26 units on the area designated as Lot 1 in this CSM.

It is worth noting that Lot 2 does not meet the minimum area required for multi-family developments in the R-8 zoning district of 1 acre. Therefore, Lot 2 will be limited to only 1 single-family or two-family dwelling subject to special use approval and conservation easement recording (condition #6).

It should also be noted that any future development on Lot 1 will require special use and site plan approval by the City as well as conservation and landscape bufferyard easements as indicated in conditions of approval #6 and #7. Further, additional information related to the site plan, landscaping, lighting, signage, storm water, grading, etc. will be required at that time.

This site is adjacent to the 116th Street trail, it is likely that a portion of the Ryan Creek trail would cross this site to connect to the 116th Street trail, the exact location has not yet been determined. The provision of a restriction or easement to allow for the future trail will be part of the special use and site plan review.

Recommendation

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

City Development sent a memorandum with review comments to the applicant on June 15. Some of the items have been addressed while others have not been fully addressed and are outlined in the attached resolution for consideration by the Plan Commission, specifically:

- **Condition #6**, the conservation easement recording to be deferred to the time of development, prior to issuance of building or land disturbance permits.

Staff recommends that the conservation easement be provided as part of, and recorded simultaneously with, the Certified Survey Map (CSM) as required by Section 15-7.0702P. of the UDO. However, staff acknowledges that the applicant is providing graphical delineation and coordinates of present wetland boundaries and associated buffers and setbacks (sheets 2-6). Young woodlands are indicated in the Natural Resource Protection Plan but not in the CSM. It is noted that Table 15-4.0100 of the UDO allows up to 50% impact of young woodlands for residential development.

- **Condition #7**, the landscape bufferyard easement requirement to be deferred to the time of development, prior to issuance of building or land disturbance permits.

Staff is not objecting to deferring this requirement because the landscape bufferyard strip is clearly indicated in the CSM, Sheet 3.

- **Condition #9**, a rezoning to remove the C-1 zoning district is required prior to recording of this CSM.

RESOLUTION NO. 2021-_____

A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING A PART OF THE SOUTHWEST 1/4 AND NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 30, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT (BOOMTOWN, LLC, PROPERTY OWNER)) (AT 12000 WEST LOOMIS ROAD AND 12204 WEST LOOMIS ROAD)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a certified survey map, such map being a part of the Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, more specifically, of the properties located at 12000 West Loomis Road and 12204 West Loomis Road (Tax Key No. 891-9993-000 (8.58 acres) and 891-9997-000 (3.54 acres)) and Tax Key No. 891-9996-000, generally located between 12000 and 12204 West Loomis Road (6.68 acres), Stephen R. Mills, President of Bear Development, LLC, applicant, Boomtown, LLC, property owner; said certified survey map having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed 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 Stephen R. Mills, President of Bear Development, LLC, as described above, be and the same is hereby approved, subject to the following conditions:

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

STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC – CERTIFIED SURVEY MAP

RESOLUTION NO. 2021-_____

Page 2

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. Stephen R. Mills, President of Bear Development, LLC, successors and assigns, and any developer of the Stephen R. Mills, President of Bear Development, LLC 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, 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 Stephen R. Mills, President of Bear Development, LLC and the 2 lot certified survey map project for the properties located at 12000 West Loomis Road and 12204 West Loomis Road (Tax Key No. 891-9993-000 (8.58 acres) and 891-9997-000 (3.54 acres)) and Tax Key No. 891-9996-000, generally located between 12000 and 12204 West Loomis Road (6.68 acres): (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 applicant shall add the following note on the face of the Certified Survey Map: ‘Recording of conservation easements for protected natural resources present on lots 1 and 2 are required prior to the issuance of building or land disturbance permits.’
7. The applicant shall add the following note on the face of the Certified Survey Map: ‘Recording of a landscape bufferyard easement and associated landscape plan for the area designated as “30’ landscape bufferyard easement” is required prior to the issuance of building or land disturbance permits on Lot 1. This requirement does not apply to Lot 2 due to the presence of young woodlands in such area as identified in the Natural Resource Protection Plan dated June 28, 2021.’
8. The applicant shall add the following label to the Certified Survey Map as required by Section 15-5.0102.A of the Unified Development Ordinance: ‘Landscape Bufferyard

Easement: This strip is reserved for the planting of trees and shrubs; the building of structures hereon is prohibited.’

9. The applicant shall obtain approval of a rezoning from the Common Council to remove the existing C-1 Conservancy District zoning, prior to any special use or site plan approval for Lot 1.
10. The technical corrections noted by the Engineering Department in memorandum dated June 15, 2021, and Milwaukee County Register of Deeds in letter dated May 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, Boomtown, LLC, 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 of the Certified Survey Map, certified by owner, Boomtown, LLC, 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

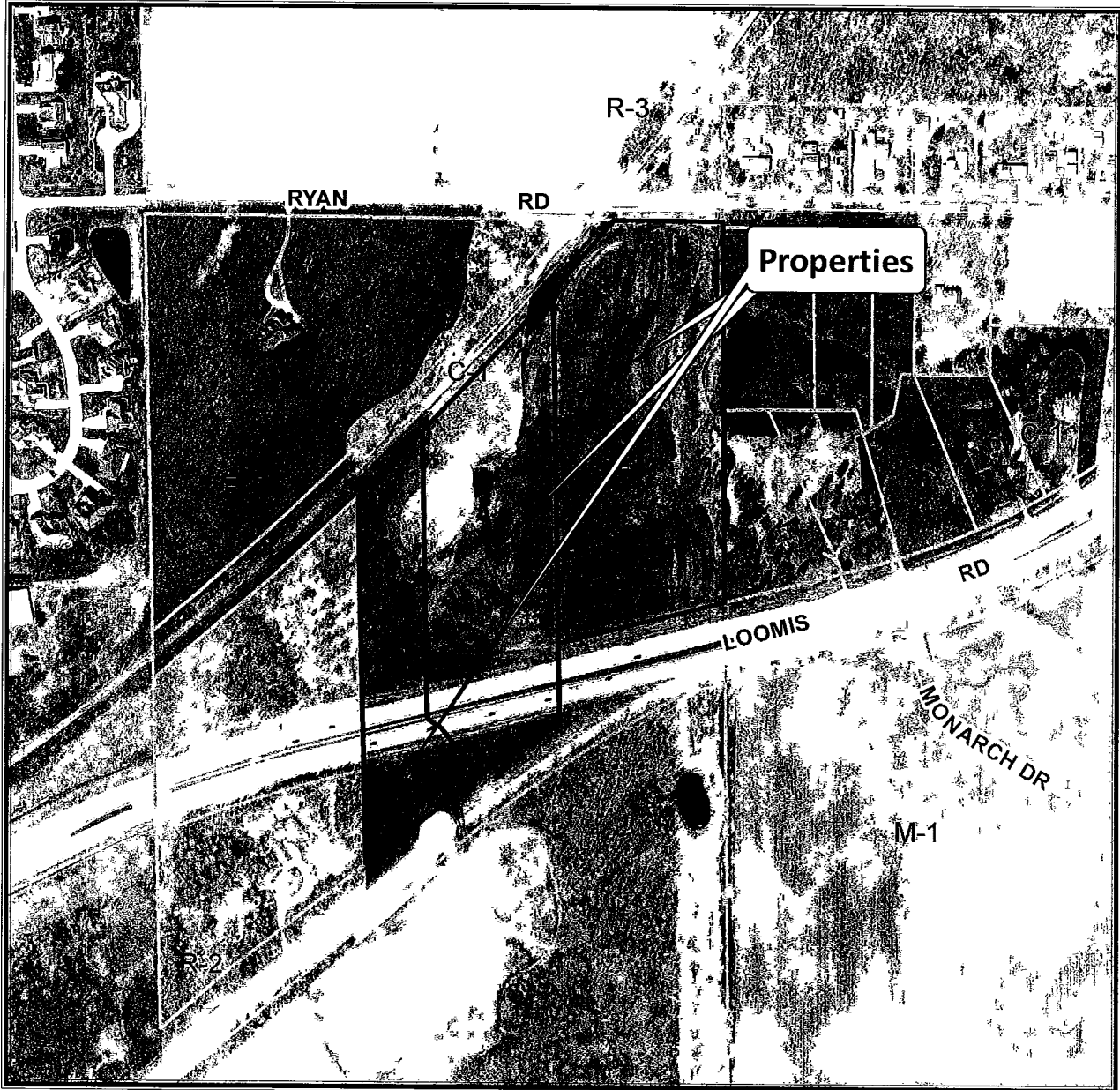
ATTEST:

Sandra L. Wesolowski, City Clerk

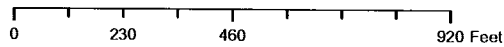
AYES _____ NOES _____ ABSENT _____

12000 & 12204 W. Loomis Rd.

TKN: 891 9993 000, 891 9996 000 & 891 9997 000



Planning Department
(414) 425-4024



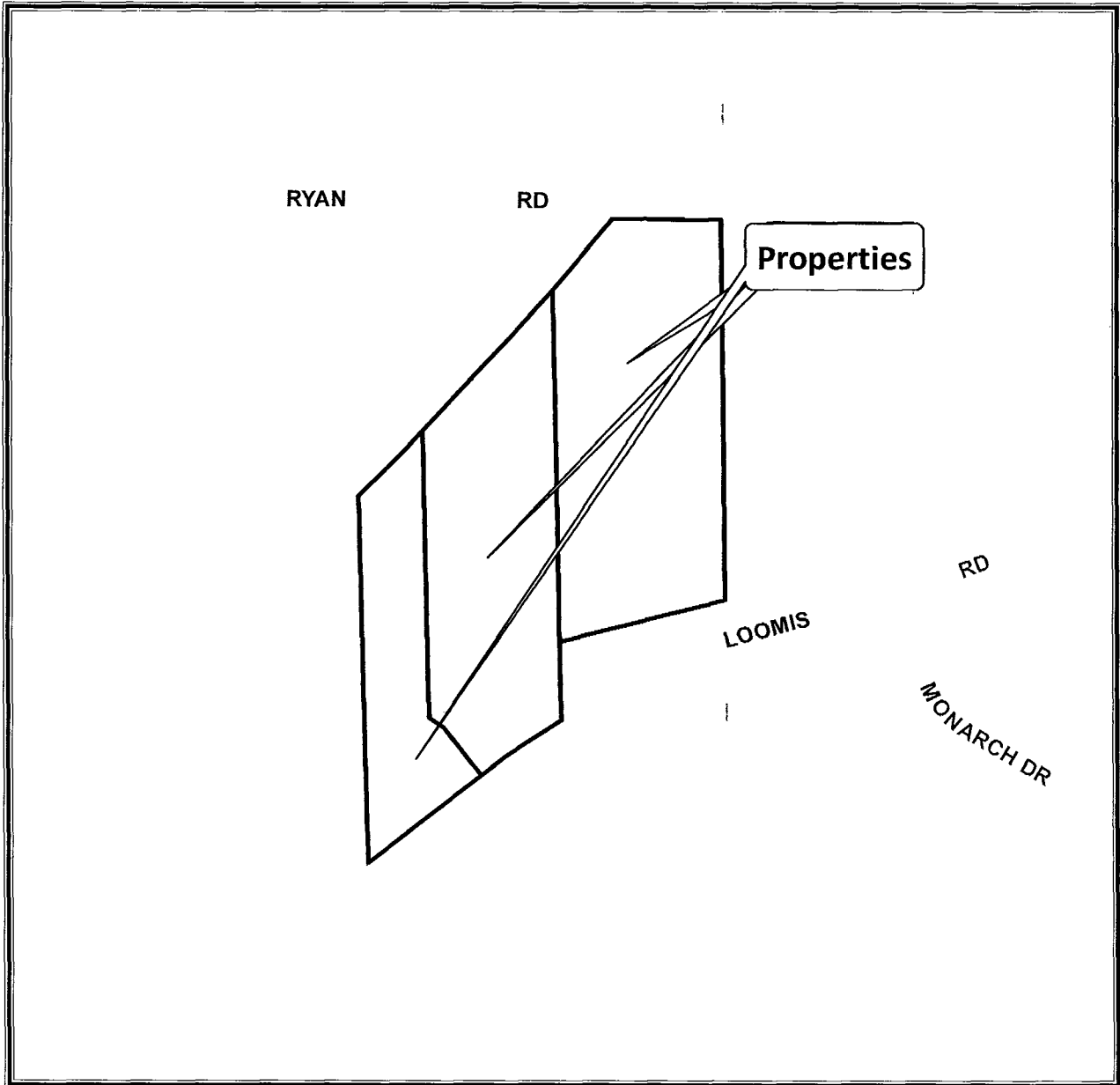
This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal engineering or surveying purposes.



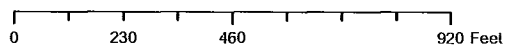
2021 Aerial Photo

12000 & 12204 W. Loomis Rd.

TKN: 891 9993 000, 891 9996 000 & 891 9997 000



Planning Department
(414) 425-4024



2021 Aerial Photo

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

MEMORANDUM

Date: June 15, 2021

To: Daniel Szczap, Bear Development, LLC

From: Régulo Martínez-Montilva, Principal Planner
City of Franklin, Department of City Development

RE: Comments and Recommendations for Certified Survey Map application,
12000 W Loomis Rd, Tax Key Nos. 891-9993-000, 891-9996-000 and 891-9997-000.

Below are comments and recommendations for the Certified Survey Map application submitted by Boomtown, LLC and deemed complete for review on May 28, 2021. for properties bearing Tax Key Nos. 891-9993-000, 891-9996-000 and 891-9997-000.

Department of City Development comments

1. **Required information for Certified Survey Maps.** Per Section 15-7.0702 of the Unified Development Ordinance (UDO), please show correctly on the face of the CSM, in addition to the information required by § 236.34 of the Wisconsin Statutes, the following:
 - j. Owner, Subdivider, Land Surveyor. Name and address of the owner, Subdivider, and Land Surveyor. – Property owner must be labeled Boomtown, LLC.

Bear Development: This has been addressed on the revised CSM submitted on 6/29/2021.

2. **Wetland delineation.** The wetland delineation dated October 30, 2014, is no longer valid for the purpose of the UDO. "No wetland delineation shall be valid for any purpose required under this Ordinance after the expiration of five years from the date the delineation was performed" per UDO Section 15-4.0102 G. Please submit a current wetland re-delineation.

Bear Development Updated wetland delineation linework is shown on the revised CSM submitted on 6/29/2021.

3. **Conservation easement.** The location of conservation easements shall be graphically indicated and clearly delineated and dimensioned on the face of the Certified Survey Map. The location and extent of conservation easements should be directly related to the "Natural Resource Protection Plan." All protected natural resources on the proposed lots must be made part of a Conservation Easement. This boundary must be shown on the CSM. Attached is the city's conservation easement template.

Bear Development: Per our recent meeting (Heath, Regulo, and Dan) it was agreed that the Conservation Easement would be recorded as a separate document, at a later date and based on Site Intensity Calculations and allowed natural resource impact shown on the condominium Site Plan. The natural resource impact in question is related to the Young Woodlands shown on the NRPP. Bear Development would like to reserve the right for permitted impacts to Young Woodlands, per the UDO and accommodations for the City of Franklin proposed bike trail. Recording a Conservation Easement at this point would

impact the ability to develop the site or trail system.

4. **Landscape bufferyard easement.** Pursuant to UDO § 15-5.0102, a landscape bufferyard easement with a minimum width of 30 feet is required along both sides of Loomis Rd (STH 36), excluding any areas required for utility easements or conservation. Landscape easements must be graphically indicated and clearly delineated on the face of the Certified Survey Map and recorded with a separate easement document. Attached is the city's landscape bufferyard easement template.

Bear Development: Per our recent meeting (Heath, Regulo, Dan) it was agreed that the 30' Landscape Bufferyard Easements would be shown on the revised CSM on each side of Loomis Road.

5. **Landscape Plan.** A landscape plan as described in UDO Division 15-7.0300 is required for the landscape bufferyard easement areas noted above. See landscape plan standards attached.

Bear Development: Per our recent meeting (Heath, Regulo, Dan) it was agreed that the Landscape Plan on the north side of Loomis Road shall be submitted with the duplex condominium site plan. It was further agreed that a specific Landscape Plan is not needed on the south side of Loomis Road as the 30' Landscape Bufferyard is existing natural vegetation, The revised CSM has been revised accordingly.

6. An Isolated Natural Resource Area identified by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) is present on site, this natural resource should be indicated in the Natural Resource Protection Plan. See green hatched area for reference:



Bear Development: The revised CSM and NRPP identifies and notes the limits of the Isolated Natural Resource Area as identified by SEWRPC.

7. The Plan Commission approval certificate (Sheet 9 of 9) is not necessary, please remove it. The Common Council approval certificate must remain.

Bear Development: The revised CSM, submitted on 6/29/2021 has been revised accordingly.

8. Please add middle name initial to the Mayor's name, it should read Stephen R. Olson.

Bear Development. The revised CSM, submitted on 6/29/2021 has been revised accordingly.

9. **CSM review time frame.** Pursuant to Wisconsin Statutes 236.34(1m)(f), the approval authority shall take action within 90 days of submittal unless the time is extended by agreement with the subdivider, therefore, the Common Council shall take action before August 26. If you are not able to address staff comments #1-8 timely for the provided meeting dates (7/8, 7/22 or 8/5 Plan Commission), you can extend the review time in writing.

Bear Development: The applicant will work to meet the timelines as outlined and will cooperate with a review extension if required.

10. **C-1 zoning district.** Staff recommends rezoning the existing C-1 Conservancy District portion of the site to R-8 Multiple-Family Residence District. The C-1 is a zoning district that is no longer utilized. Instead, the City protects natural resource features within conservation easements. A Rezoning Application is attached for your review. Please note that a public hearing is required at Plan Commission, prior to final review and approval by the Common Council. City Development staff informed you of this requirement during the Concept Review.

Bear Development: The applicant will file appropriate zoning applications to eliminate the C-1 Conservancy District.

Police Department comments

11. The PD has no comment regarding this request.

Engineering Department comments

12. See separate letter.

Date: June 15, 2021
Owner: Boomtown LLC
Address: 12000 W Loomis Road & 12204 W Loomis Road

Application Type: Certified Survey Map

Comments:

Must resolve all technical issues identified by Milwaukee County. Upon receipt of the comments from the County, the City comments, below, may be revised to reflect changes required by the County;

- On page 2 of 9, show the N & E coordinates of the monuments.
- On page 7 of 9, under description # 1, the 2nd line-bearing should be read North-West instead of South-East.
- On page 7 of 9, under description # 1, the line-bearing for closing the loop must be changed from North-West to South-East.
- On page 8 of 9, under the City of Franklin Common Council Approval, insert the sentence "and Accepted" after the sentence "Approved by".

Must include the right of way in the legal description then dedicate it for public road purposes
May need to encompass the two parcels in one legal description.

Thank you,

Ronnie Asuncion
Engineering Lead Tech
Rasuncion@Franklinwi.gov
(414) 425-7510

REGISTER OF DEEDS



Milwaukee County

June 14, 2021

ISRAEL RAMÓN • Register of Deeds

City of Franklin Planning Department
Attn: Gail M. Olsen, City Development Secretary
9229 W. Loomis Road
Franklin, WI 53132-9728

\$75.00 Review Fee Paid

RE: Preliminary Review of Certified Survey Map
That Part of SW ¼ & NE of NW ¼ of SEC 30 T 5N, R21E, City of Franklin, County of
Milwaukee, State of Wisconsin

Tax Key Number (s): 891-9993, 891-9996, 891-9997

Owners(s): Boomtown LLC

Comment: Correct bearing directions listed on sheet 7 in the legal description.

Comment: CSM 8907 abutting proposed CSM is now CSM 9050 lot 1

Comment: Milwaukee County is reviewing the Preliminary Plat for closure issues and to verify ownership. Please refer to Wisconsin State Stats 236 and the local municipalities ordinances for further questions.

Sincerely,

Handwritten signature of Rosita Ross in black ink.

Rosita Ross

Real Property Supervisor

Rosita.Ross@MilwaukeeCountywi.gov

414-278-4047

Cc file

Ronnie Asuncion, Engineering Technician
John P. Konopacki/Pinnacle Engineering Group

Franklin

JUN 18 2021

City Development



Date of Application _____

CERTIFIED SURVEY MAP (CSM) APPLICATION

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

Applicant (Full Legal Name[s])

Name SR Mills
 Company Boomtown, LLC
 Mailing Address 4011 80th Street
 City / State Kenosha, WI Zip 53142
 Phone (262) 949-4788
 Email Address dan@beardevelopment.com

Applicant Is Represented by (contact person)(Full Legal Name[s])

Name Daniel Szczap
 Company Bear Development, LLC
 Mailing Address 4011 80th Street
 City / State Kenosha, WI Zip 53142
 Phone (262) 949-3788
 Email Address dan@beardevelopment.com

Project Property Information

Property Address Loomis Road
 Property Owner(s) Boomtown, LLC
 Mailing Address 4011 80th Street
 City / State Kenosha, WI Zip 53142
 Email Address dan@beardevelopment.com

Tax Key Nos 891-9993-000, 891-9996-000, 891-9997-000
 Existing Zoning R-8 and C-1
 Existing Use Vacant
 Proposed Use Two-Family Residential Condominiums
 CMP Land Use Identification Commercial/Multi-Family/Natural Resources

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

Certified Survey Maps shall be prepared as provided in § 236.34 (1m) (c) Wis Stats and Division 15-7.0700 of the Unified Development Ordinance

Certified Survey Map submittals **for review** must include and be accompanied by the following

- Milwaukee County Review Fee, payable to Milwaukee County Register of Deeds \$75
 - Two (2) original map copies for Milwaukee County review, prepared at 8-1/2" wide by 14" long on durable white paper
- This Application form accurately completed with original signature(s) Facsimiles and copies will not be accepted
- Application Filing Fee, payable to City of Franklin \$1,500
- Seven (7) complete sets of Application materials, for City of Franklin review to include
 - Project Summary *a written detailed description of the project* One (1) original and six (6) copies
 - Map Copies One (1) original map copy and six (6) map copies prepared at 8 1/2" wide by 14" long and must be clearly legible
- As may be required, seven (7) copies of a "Natural Resource Protection Plan and "Landscape Plan" for any landscape bufferyard easement areas
- If applicable, three (3) copies of the Natural Resource Protection report (see Division 15-9 0309D of the UDO)
- If applicable, one copy of the Site Intensity and Capacity Calculations (see Division 15-3 0500 of the UDO)
- Email (or CD ROM) with all plans and submittal materials in Adobe PDF (May be waived by City Planner)

- Upon receipt of a complete submittal, staff review will be conducted within ten business days
- All Certified Survey Map requests require Plan Commission review and Common Council approval
- All Certified Survey Map requests shall comply with Chapter 236 of the Wisconsin State Statutes

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
 DANIEL J. SZCZAP
 Name & Title (PRINT)
 Date 4.20.21

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



DEVELOPMENT

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

May 19, 2021

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

Dear Regulo.

Bear Development is pleased to submit this letter and the enclosed submittal materials as formal application for Certified Survey Map review and approval. Bear Development is acting on behalf of the owner of record, Boomtown, LLC.

Project Summary

The property in question, consists of approximately 15.69 acres and is identified as Tax Key Numbers 891 9933 000, 891-9996-000 and 891 9997-000. The subject property is located on the south side of West Ryan Road, approximately 1600 feet west of Loomis Road. The property also has public road frontage on STH 36. The property is currently vacant and zoned R-8.

We respectfully request approval of a Certified Survey Map to create two (2) individual lots as shown on the enclosed maps, with the intention of developing the Lot 1 as a duplex condominium project. A Conceptual Plan for the residential project was presented to the City Council with favorable feedback.

In accordance with City of Franklin requirements, we have completed a Natural Resource Protection Plan. A copy has been included in this submittal.

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.

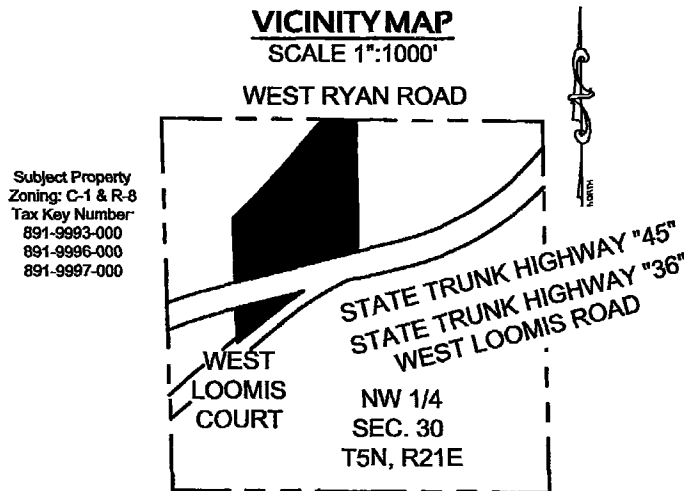
Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Szczap".

Daniel Szczap
Bear Development, LLC

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 30,
Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

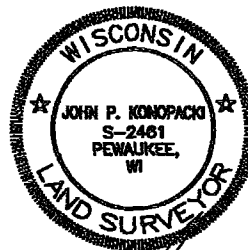


NOTES:

1. All measurements have been made to the nearest one-hundredth of a foot.
2. All angular measurements have been made to the nearest one second.
3. Flood Zone Classification: The property lies within Zone "X" of the Flood Insurance Rate Map Community Panel No. 55079C0205E. Zone "X" areas are determined to be outside the 0.2% annual chance floodplain.
4. Vertical Datum: National Geodetic Vertical Datum of 1929 (NGVD29). Contours are shown at a 2' interval based on actual ground survey of the current ground terrain. Reference Benchmark: Concrete monument with brass cap at the Northwest corner of the Northeast 1/4 Section 30, Town 5 North, Range 21 East, Elevation = 803.18.
5. Conservation Easements to be recorded via separate documents.
6. The boundary for the Wisconsin Electric Power Company is based on Quit Claim Deed recorded in Vol 1395, Page 367. The right of way of West Loomis Road is based on TPP RW Project 2240-07-21.
7. Bearings referenced to the Wisconsin State Plane Coordinate System, South Zone (N.A.D. 1927). The north line of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East has a bearing of S89°31'45"E.
8. Lot 1 is served by public sanitary sewer only.
9. Lot 2 is not served by public sanitary sewer and public water.
10. Wetlands delineated by Heartland Ecological Group, Inc. June, 2021.

MUNICIPAL ZONING:

C-1 Conservancy District
R-8 Multiple-Family Residence District
Single Family and Two Family Structures:
Front Yard Setback = 25 feet
Side Yard Setback = 5 feet
Rear Yard Setback = 25 feet
Multiple-Family Structures:
Front Yard Setback = 30 feet
Side Yard Setback = 20 feet
Rear Yard Setback = 30 feet



JUNE 28, 2021

Prepared for
Boomtown, LLC
4011 80th Street
Kenosha, WI 53142

Prepared By

PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD | SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

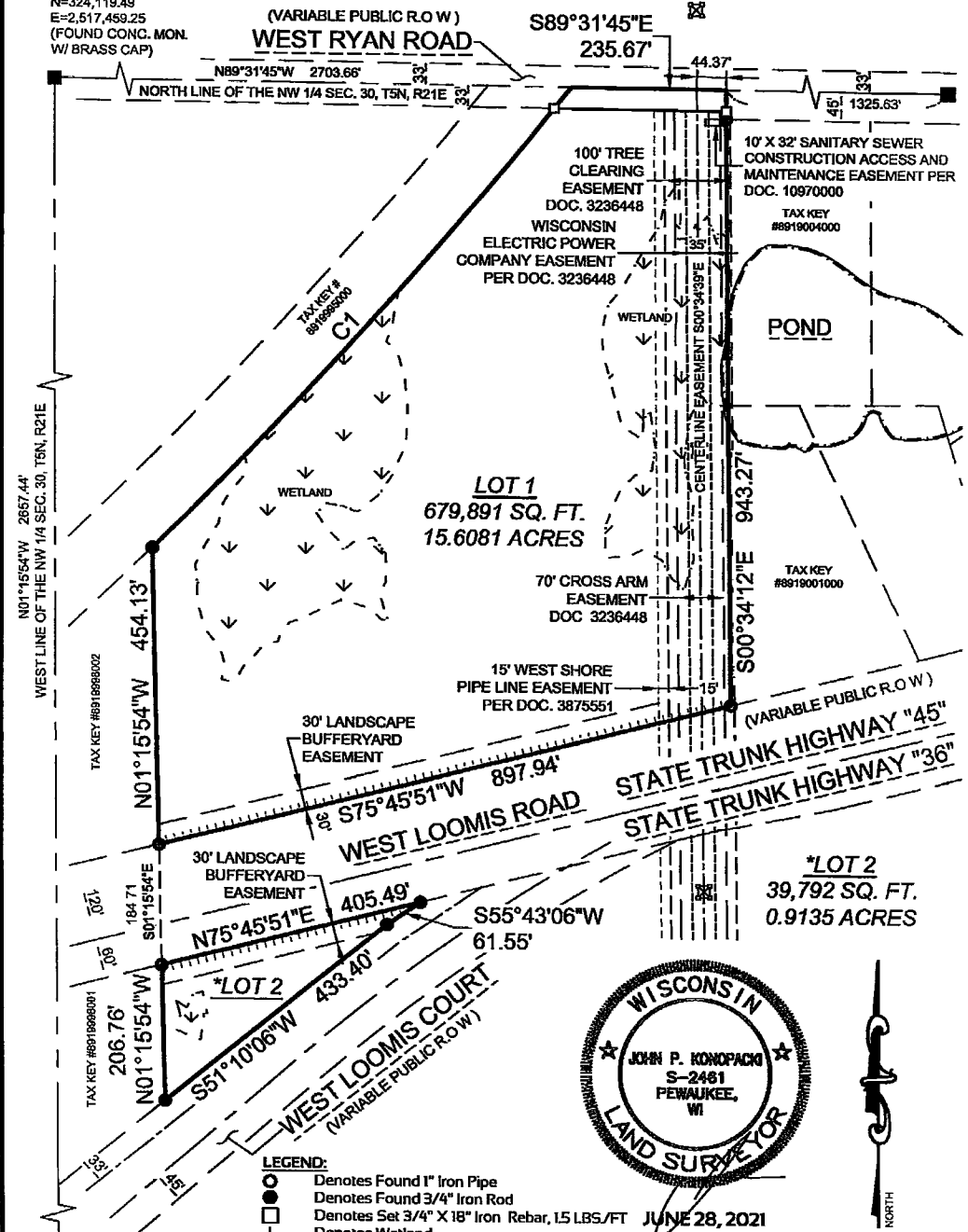
This Instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#809.60
SHEET 1 OF 9

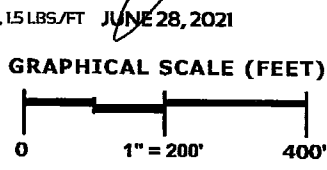
CERTIFIED SURVEY MAP NO. _____

Being a part of the Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 30,
Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

SEC. 30, T5N R21E
N=324,119.49
E=2,517,459.25
(FOUND CONC. MON.
W/ BRASS CAP)



- LEGEND:**
- Denotes Found 1" Iron Pipe
 - Denotes Found 3/4" Iron Rod
 - Denotes Set 3/4" X 18" Iron Rebar, 15 LBS./FT
 - Denotes Wetland
 - ⊗ Denotes High Tension Tower
 - ⊘ Denotes Restricted Access



SW CORNER, NW 1/4
SEC. 30, T5N, R21E
(FOUND CONC. MON.
W/ BRASS CAP) N=321,462.85
Prepared By E=2,517,517.91

PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD 1 SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

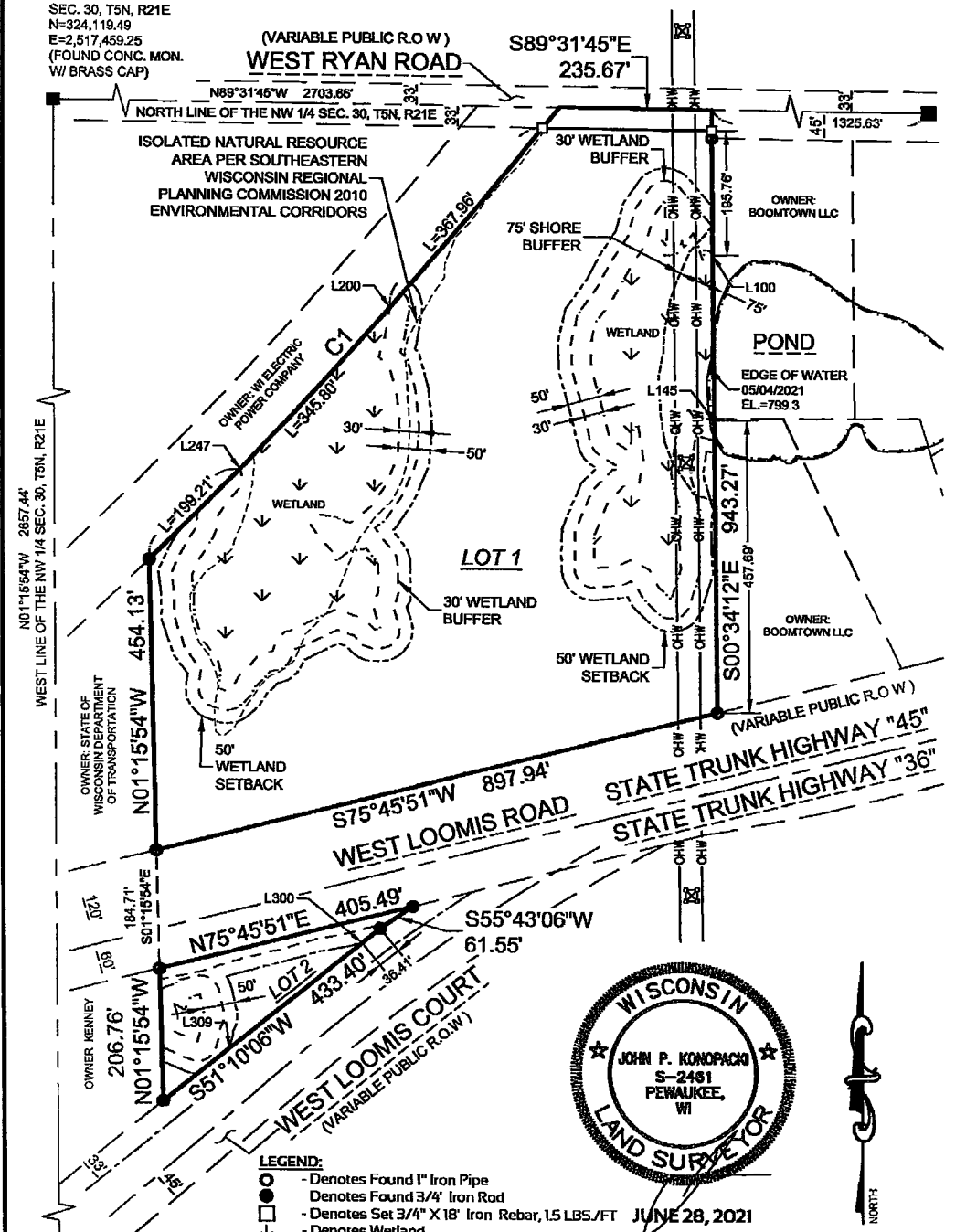
This Instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB# 809.60
SHEET 3 OF 9

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 30,
Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

SEC. 30, T5N, R21E
N=324,119.49
E=2,517,459.25
(FOUND CONC. MON.
W/ BRASS CAP)



(VARIABLE PUBLIC R.O.W)
WEST RYAN ROAD

N89°31'45"W 2703.66'
NORTH LINE OF THE NW 1/4 SEC. 30, T5N, R21E

ISOLATED NATURAL RESOURCE
AREA PER SOUTHEASTERN
WISCONSIN REGIONAL
PLANNING COMMISSION 2010
ENVIRONMENTAL CORRIDORS

OWNER:
BOOMTOWN LLC

POND

EDGE OF WATER
05/04/2021
EL.=739.3

LOT 1

OWNER:
BOOMTOWN LLC

S75°45'51"W 897.94'
WEST LOOMIS ROAD

(VARIABLE PUBLIC R.O.W)
STATE TRUNK HIGHWAY "45"

STATE TRUNK HIGHWAY "36"

OWNER: STATE OF
WISCONSIN DEPARTMENT
OF TRANSPORTATION

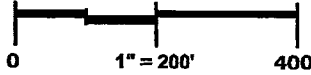
OWNER: KENNEY

WEST LOOMIS COURT
(VARIABLE PUBLIC R.O.W)



- LEGEND:**
- - Denotes Found 1" Iron Pipe
 - - Denotes Found 3/4" Iron Rod
 - - Denotes Set 3/4" X 18" Iron Rebar, 1.5 LBS./FT
 - ← - Denotes Wetland
 - ⊗ - Denotes High Tension Tower

GRAPHICAL SCALE (FEET)



SW CORNER, NW 1/4
SEC. 30, T5N, R21E
(FOUND CONC. MON.
W/ BRASS CAP) N=321,462.85
E=2,517,517.91

Prepared By
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD | SUITE 100
BROOKFIELD, WI 53186
OFFICE: [262] 754-8888

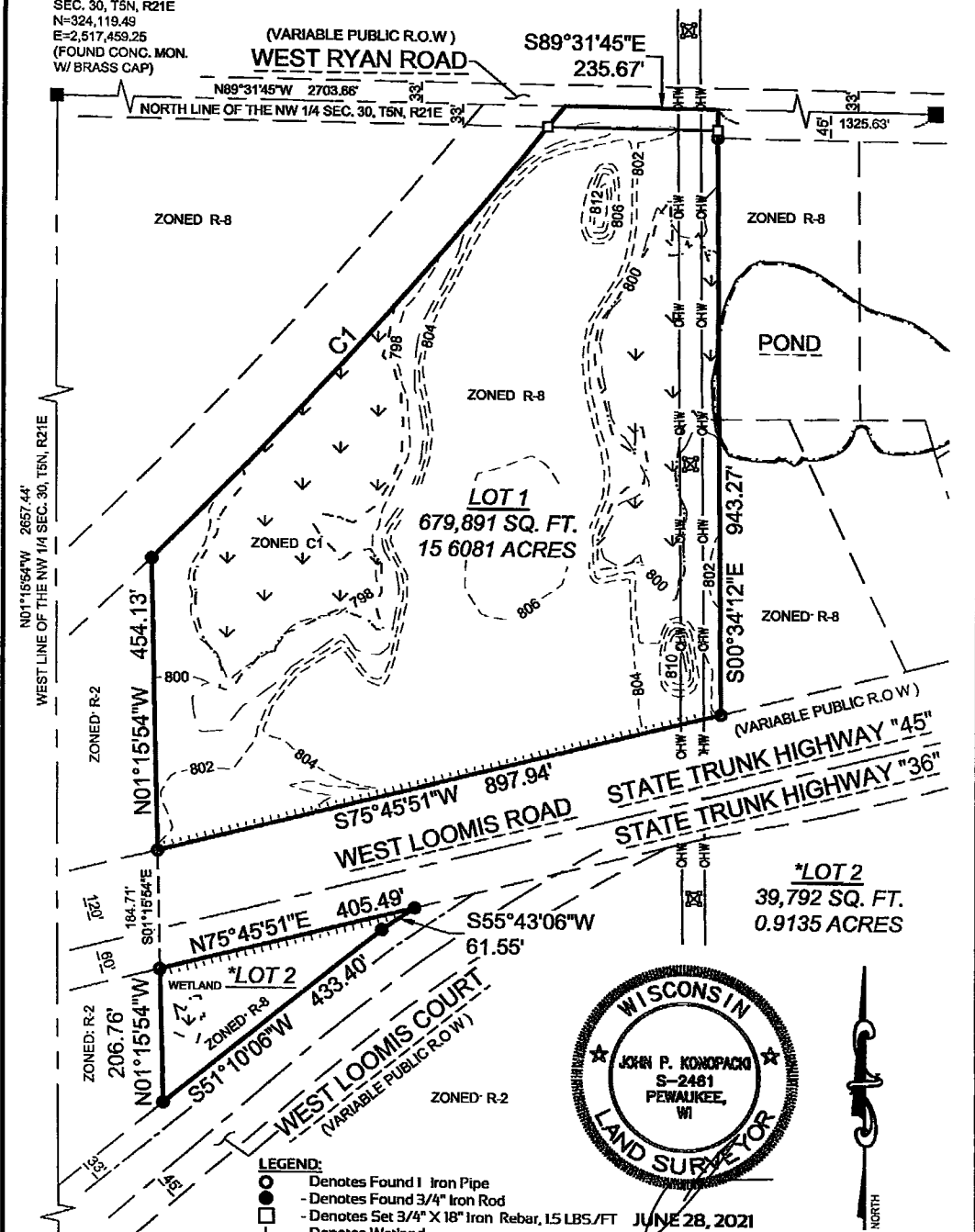
This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#809.60
SHEET 4 OF 9

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 30,
Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

SEC. 30, T5N, R21E
N=324,119.49
E=2,517,459.25
(FOUND CONC. MON.
W/ BRASS CAP)



WEST LINE OF THE NW 1/4 SEC. 30, T5N, R21E

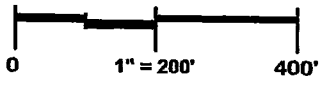
WEST LINE OF THE NW 1/4 SEC. 30, T5N, R21E

SW CORNER, NW 1/4
SEC. 30, T5N R21E
(FOUND CONC. MON.
W/ BRASS CAP) N=321,462.85
Prepared By E=2,517,517.91

- LEGEND:**
- Denotes Found 1" Iron Pipe
 - Denotes Found 3/4" Iron Rod
 - Denotes Set 3/4" X 18" Iron Rebar, 15 LBS/FT
 - ▨ Denotes Wetland
 - ⊕ Denotes High Tension Tower
 - ⊘ Denotes Restricted Access



GRAPHICAL SCALE (FEET)



PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD | SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

This Instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#809.60
SHEET 5 OF 9

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 30,
Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

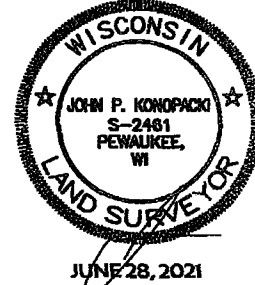
WETLAND LINE TABLE		
LINE NO.	BEARING	DISTANCE
L100	N31°22'06"W	7.57'
L101	N69°19'25"W	9.42'
L102	S50°03'35"W	1.53'
L103	S05°32'23"W	15.94'
L104	N17°43'35"W	21.28'
L105	N20°56'47"W	23.15'
L106	S39°00'36"W	9.11'
L107	S27°19'59"W	18.27'
L108	N15°56'24"W	11.33'
L109	S22°50'02"W	22.68'
L110	S82°58'30"W	18.90'
L111	N07°07'28"E	34.00'
L112	N05°21'44"W	22.97'
L113	N02°37'17"W	31.60'
L114	S34°31'29"W	32.45'
L115	S14°40'02"W	44.83'
L116	S32°40'32"W	48.08'
L117	S28°51'56"W	51.14'
L118	S35°38'98"W	46.51'
L119	S12°33'35"W	37.27'

WETLAND LINE TABLE		
LINE NO.	BEARING	DISTANCE
L120	S03°19'10"E	35.78'
L121	S15°23'30"E	65.66'
L122	S12°51'48"E	48.96'
L123	S57°18'58"E	39.17'
L124	N00°57'50"E	31.89'
L125	N41°46'56"E	15.74'
L126	S08°31'29"E	56.23'
L127	S08°49'55"W	35.23'
L128	S74°00'29"W	27.14'
L129	S44°05'46"W	31.85'
L130	S22°34'59"W	58.58'
L131	S00°35'11"W	51.04'
L132	N83°59'13"E	36.99'
L133	N63°28'17"E	24.03'
L134	S59°11'02"E	32.53'
L135	S28°08'00"E	30.84'
L136	S45°58'06"E	26.59'
L137	N17°37'07"E	48.96'
L138	N02°22'38"W	61.03'
L139	N04°46'42"E	29.79'

WETLAND LINE TABLE		
LINE NO.	BEARING	DISTANCE
L140	N15°48'47"W	48.42'
L141	N04°25'57"W	17.85'
L142	N07°54'24"E	65.19'
L143	N29°23'17"E	37.11'
L144	S32°43'54"E	11.30'
L145	S77°23'56"E	34.34'
L200	S08°45'58"W	48.24'
L201	S17°32'14"W	31.35'
L202	S42°38'53"E	25.89'
L203	S14°48'49"E	40.24'
L204	S05°06'29"E	50.50'
L205	S03°41'24"W	49.12'
L206	S22°52'21"W	49.42'
L207	S34°20'31"W	38.71'
L208	S50°52'07"W	41.70'
L209	N69°30'52"W	22.97'
L210	N78°05'58"W	25.32'
L211	S44°47'59"W	22.08'
L212	S34°01'33"E	24.68'
L213	S43°03'52"E	27.32'

WETLAND LINE TABLE		
LINE NO.	BEARING	DISTANCE
L214	S28°01'56"E	18.10'
L215	N50°25'04"E	23.68'
L216	N81°05'39"E	28.24'
L217	S37°13'57"E	30.56'
L218	S00°00'26"W	42.76'
L219	S26°48'56"W	21.80'
L220	S17°42'14"E	40.75'
L221	S86°48'08"W	9.59'
L222	N42°58'22"W	21.23'
L223	N70°32'05"W	46.38'
L224	S65°08'47"W	37.47'
L225	S63°06'25"W	34.93'
L228	S72°39'08"W	18.72'
L227	S41°25'51"W	21.22'
L228	S16°37'57"W	14.54'
L229	S78°32'58"W	21.07'
L230	S39°50'22"W	21.76'
L231	S46°10'41"W	23.98'
L232	S28°44'28"W	16.93'
L233	S46°59'57"W	15.13'

WETLAND LINE TABLE		
LINE NO.	BEARING	DISTANCE
L234	N72°25'03"W	14.45'
L235	N07°15'10"E	28.99'
L236	N17°18'10"W	17.40'
L237	N37°25'15"W	36.83'
L238	N17°51'01"W	42.69'
L239	N00°53'29"W	33.58'
L240	N06°42'32"W	26.99'
L241	N25°11'44"E	26.08'
L242	N30°59'11"E	48.65'
L243	N06°19'25"E	23.99'
L244	N32°44'40"E	24.61'
L245	N38°15'26"E	37.92'
L246	N05°46'31"E	20.43'
L247	N22°38'15"W	8.07'



50' WETLAND SETBACK		
LINE NO.	BEARING	DISTANCE
L300	S74°35'48"W	18.46'
L301	S79°06'19"W	48.36'
L302	S73°54'42"W	58.13'
L303	S75°28'28"W	61.16'
L304	S73°47'49"W	31.88'
L306	S11°53'14"E	33.90'
L308	S08°20'59"W	8.45'
L309	S14°44'51"W	18.88'

50' WETLAND SETBACK CURVE TABLE				
CURVE NO.	LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
C305	20.14'	50.00'	N23°25'45"W	20.01'
C307	35.16'	50.00'	N8°15'31"E	34.44'

Prepared By
PINNACLE ENGINEERING GROUP
 20725 WATERTOWN ROAD | SUITE 100
 BROOKFIELD, WI 53186
 OFFICE: (262) 754-8888

This instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#809.60
SHEET 6 OF 9

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 30,
Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

I, John P. Konopacki, Professional Land Surveyor, do hereby certify

That I have surveyed, mapped and divided that part of the Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 30,
Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Commencing at the northeast corner of the Northwest 1/4 of said Section 30;
Thence North 89°31'45" West along the north line of said Northwest 1/4, 1325.63 feet to the North 1/8 Section Corner as
described by the Original 1857 Section Survey of Township 5 North Range 21 East and the Point of Beginning 1,

Thence South 00°34'12" East and then along the west line of Certified Survey Map No. 8907, 943.27 feet to the
north right of way line of West Loomis Road - State Trunk Highway "45" - State Trunk Highway "36";
Thence South 75°45'51" West along said north right of way line, 897.94 feet;
Thence North 01°15'54" West, 454.13 feet to the south line of the Wisconsin Electric Power Company right of way, as recorded
in the Register of Deeds office for Milwaukee County in Volume 1395, Page 367, and a point on a curve;
Thence northeasterly 954.82 feet along the arc of said curve to the left, whose radius is 7877.60 feet and whose
chord bears North 41°44'44" East, 954.24 feet;
Thence South 89°31'45" East, 235.87 feet to the Point of Beginning 1

ALSO

Commencing at the southwest corner of the Northwest 1/4 of said Section 30;
Thence North 01°15'54" West along the west line of said Northwest 1/4, 677.66 feet to the north right of way line of Old Loomis Road,
Thence North 47°14'06" East along said north right of way line, 235.82 feet;
Thence North 50°44'06" East along said north right of way line, 398.85 feet to the Point of Beginning 2,

Thence North 01°15'54" West, 206.76 feet to the south right of way line of West Loomis Road - State Trunk Highway "45" - State Trunk
Highway "36";
Thence North 75°45'51" East along said south right of way line, 405.49 feet to the aforesaid north right of way line of Old Loomis Road;
Thence South 55°43'06" West along said north right of way line, 81.55 feet;
Thence South 51°10'06" West along said north right of way line, 433.40 feet to the Point of Beginning 2.

Dedicating the Northerly portion of subject property as graphically shown for public right of way purposes.

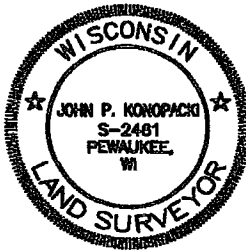
Containing 727,895 Square Feet (16.7102 Acres) of land Gross and 719,684 square feet (16.5217 acres) of land Net more or less.

That I have made such survey, land division and map by the direction of BOOMTOWN, LLC, owner of said land.

That such map is a correct representation of all the exterior boundaries of the land surveyed and the land division thereof made

That I have fully complied with the provisions of s.236.34 of the Wisconsin State Statutes and the City of Franklin Unified Development
Ordinance Division - 15 in surveying, mapping and dividing the same

Date: JUNE 28, 2021



John P. Konopacki
John P. Konopacki
Professional Land Surveyor S-2461

CURVE DATA

CURVE NO	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH	TANGENT IN	TANGENT OUT
C1	954.82'	7877.60'	006°56'41"	N41°44'44"E	954.24'	N45°13'05"E	N38°16'24"E
C2	912.97'	7877.60'	006°38'25"	N41°53'52"E	912.46'		
C3	41.85'	7877.60'	000°18'16"	N38°25'32"E	41.85'		

Prepared By
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD 1 SUITE 100
BROOKFIELD, WI 53186
OFFICE (262) 754-8888

This Instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#809.60
SHEET 7 OF 9

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 30,
Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

OWNER'S CERTIFICATE OF DEDICATION

BOOMTOWN, LLC, a Limited Liability Company duly organized and existing under and by virtue of the laws of the State of _____, as owner, does hereby certify that said limited liability company caused the land described on this certified survey map to be surveyed, divided, mapped and dedicated as represented on this certified survey map.

BOOMTOWN, LLC, as owner, does further certify that this certified survey map is required by Chapter 236 of the Wisconsin State Statutes to be submitted to the following for approval or objection:

1 City of Franklin

IN WITNESS WHEREOF, the said BOOMTOWN, LLC, has caused these presents to be signed by (name - print) _____, (title) _____, at _____ (city) _____, _____ County, Wisconsin, on this _____ day of _____, 2021

In the presence of BOOMTOWN, LLC,

Name (signature) - Title

STATE OF _____)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 2021, (name) _____, (title) _____, of the above named limited liability company, to me known to be the person who executed the foregoing instrument, and to me known to be such _____ (title) of said limited liability company, and acknowledged that they executed the foregoing instrument as such officer as the deed of said limited liability, by its authority

Notary Public
Name: _____
State of Wisconsin
My Commission Expires: _____

CONSENT OF CORPORATE MORTGAGEE

_____, a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying dividing, mapping and dedication of the land described in the foregoing affidavit of John P. Konopacki surveyor, and does hereby consent to the above certification of owners.

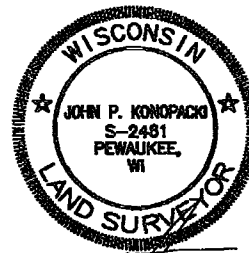
IN WITNESS WHEREOF, the said _____, has caused these presents to be signed by _____, its President, and its corporate seal to be hereunto affixed this _____ day of _____, 2021

Date _____ President

STATE OF WISCONSIN)
_____ COUNTY) SS

Personally came before me this _____ day of _____, 2021, to me known to be the person who executed the foregoing instrument and to me known to be such officer of said corporation and acknowledged the same.

Notary Public
Name: _____
State of Wisconsin
My Commission Expires: _____



JUNE 28, 2021

Prepared By
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD | SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

This Instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#809.60
SHEET 8 OF 9

CERTIFIED SURVEY MAP NO. _____

Being a part of the Southwest 1/4 and Northwest 1/4 of the Northwest 1/4 of Section 30,
Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin

CITY OF FRANKLIN COMMON COUNCIL APPROVAL

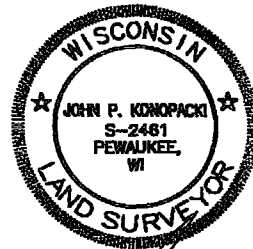
Approved and Accepted by the Common Council of the City of Franklin by Resolution No _____
Signed this _____ day of _____, 2021

Date

Stephen R. Olson, Mayor

Date

Sandra L. Wesolowski, City Clerk

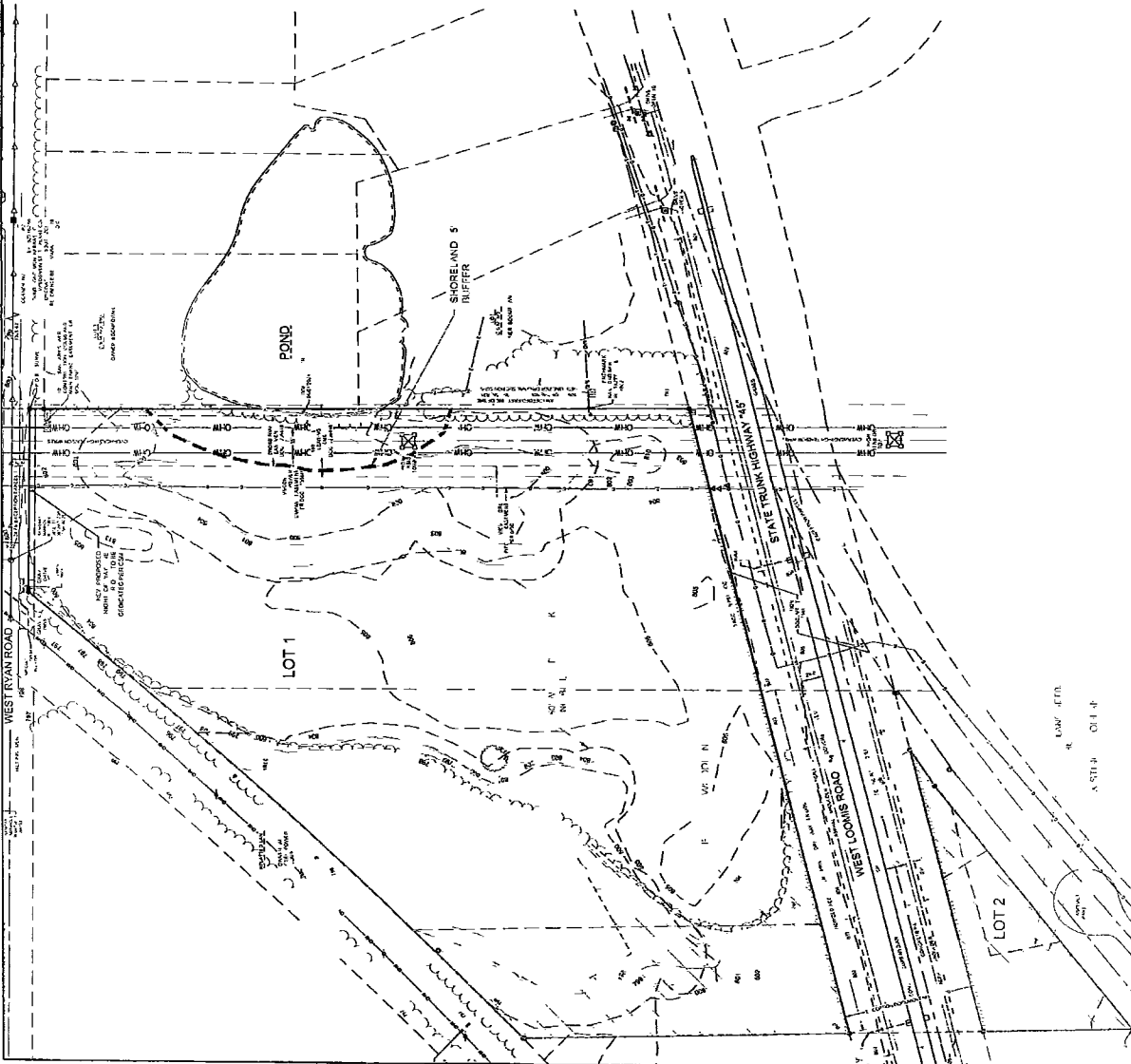


[Signature]
JUNE 28, 2021

 Prepared By
PINNACLE ENGINEERING GROUP
20725 WATERTOWN ROAD | SUITE 100
BROOKFIELD, WI 53186
OFFICE: (262) 754-8888

This Instrument drafted by John P. Konopacki, PLS-License No. S-2461

PEG JOB#809.60
SHEET 9 OF 9



SITE DATA	
PROJECT NAME	LOOMIS ROAD NORTH DUPLEX DEVELOPMENT
LOCATION/ADDRESS	FRANKLIN, WI 53113
OWNER CONTACT INFORMATION	DAVE SCOPAS 4011 5011ST DUNBAR, WI 53113 DUNBARDEVELOPMENT.COM

RESOURCE TYPE	AREAS OF RESOURCE	
	LOT 1	LOT 2
WETLANDS (WETLANDS)	N/A	N/A
WETLANDS (WETLANDS)	N/A	N/A
WETLANDS (WETLANDS)	164,559 SF (3.73 AC)	2,175 SF (0.05 AC)
WETLANDS (WETLANDS)	84,895 SF (1.92 AC)	15,362 SF (0.35 AC)
WETLANDS (WETLANDS)	53,880 SF (1.22 AC)	9,037 SF (0.21 AC)
WETLANDS (WETLANDS)	1,021 SF (0.02 AC)	N/A
WETLANDS (WETLANDS)	27,137 SF (0.62 AC)	N/A
WETLANDS (WETLANDS)	74,284 SF (1.70 AC)	58,799 SF (1.34 AC)
WETLANDS (WETLANDS)	N/A	N/A
WETLANDS (WETLANDS)	N/A	N/A
WETLANDS (WETLANDS)	108,944 SF (2.50 AC)	N/A
WETLANDS (WETLANDS)	N/A	N/A

ADDITIONAL INFORMATION IS INCLUDED IN THE ATTACHED SITE INTENSITY CALCULATIONS.
 *WETLANDS DELINEATED BY HEARTLAND ECOLOGICAL GROUP, INC ON 6-24-2021
 STEEPER SLOPES EXIST ON SITE DUE TO RECENT FILL GRADING THAT WAS COMPLETED DUE TO THIS (AND BEING MANMADE) THEY ARE NOT INCLUDED IN THIS NRP

FRANKLIN DEVELOPMENT - NATURAL RESOURCES PROTECTION PLAN

06/28/21

PLAN | DESIGN | DELIVER PEG JOB# 809 60

20725 WATERTOWN ROAD | SUITE 100 | BROOKFIELD, WI 53005 | WWW.FRANKLIN-ENGINEERING.COM

FRANKLIN DEVELOPMENT - NATURAL RESOURCES PROTECTION PLAN

FRANKLIN ENGINEERING GROUP

LOT 1

City of Franklin, WI
Monday, May 3, 2021

Chapter UDO. Unified Development Ordinance

Part 3. Zoning Districts: District Establishment, Dimensional, and Use Regulations

Division 15-3.0500. Site Intensity and Capacity Calculations

§ 15-3.0502. Calculation of Base Site Area.

The base site area shall be calculated as indicated in Table 15-3 0502 for each parcel of land to be used or built upon in the City of Franklin as referenced in § 15-3 0501 of this Ordinance.

Table 15-3.0502			
Worksheet for the Calculation of Base Site Area for Both Residential and Nonresidential Development			
STEP 1:	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property.		15.66 acres
STEP 2:	Subtract (-) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area.	-	0.05 acres
STEP 3:	Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space	-	0 acres
STEP 4:	In the case of "Site Intensity and Capacity Calculations" for a proposed residential use, subtract (-) the land proposed for nonresidential uses, or In the case of "Site Intensity and Capacity Calculations" for a proposed nonresidential use, subtract (-) the land proposed for residential uses	-	0 acres
STEP 5:	Equals "Base Site Area"	=	15.61 acres

§ 15-3.0503. Calculation of the Area of Natural Resources to Be Protected.

All land area with those natural resource features as described in Division 15-4.0100 of this Ordinance and as listed in Table 15-3 0503 and lying within the base site area (as defined in § 15-3.0502), shall be measured relative to each natural resource feature present. The actual land area encompassed by each type of resource is then entered into the column of Table 15-3.0503 titled "Acres of Land in Resource Feature " The acreage of each natural resource feature shall be multiplied by its respective natural resource protection standard (to be selected from Table 15-4 0100 of this Ordinance for applicable agricultural, residential, or nonresidential zoning district) to determine the amount of resource protection land or area required to be kept in open space in order to protect the resource or feature. The sum total of all resource protection land on the site equals the total resource protection land The total resource protection land shall be calculated as indicated in Table 15-3 0503

Table 15-3.0503						
Worksheet for the Calculation of Resource Protection Land						
Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)				Acres of Land in Resource Feature	
	Agricult- ural District	Residential District	Non- Residential District			
Steep Slopes						
10-19%	0.00	0.60	0.40		X <u>0</u>	<u>0</u>
					=	
20-30%	0.65	0.75	0.70		X <u>0</u>	<u>0</u>
					=	
+ 30%	0.90	0.85	0.80		X <u>0</u>	<u>0</u>
					=	
Woodlands & Forests						
Mature	0.70	0.70	0.70		X <u>0</u>	<u>0</u>
					=	
Young	0.50	0.50	0.50		X <u>0.96*</u>	<u>0.48</u>
					=	
Lakes & Ponds	1	1	1		X <u>0*</u>	<u>0</u>
					=	
Streams	1	1	1		X <u>0</u>	<u>0</u>
					=	
Shore Buffer	1	1	1		X <u>0.02*</u>	<u>0.02</u>
					=	
Floodplains	1	1	1		X <u>0</u>	<u>0</u>
					=	
Wetland Buffers	1	1	1		X <u>1.95</u>	<u>1.95</u>
					=	
Wetlands & Shoreland Wetlands	1	1	1		X <u>3.78</u>	<u>3.78</u>
					=	<u>6.23</u>
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)						

*AREAS SMALLER THAN SHOWN ON NRPP ARE DUE TO OVERLAP BETWEEN NATURAL RESOURCES
 Note. In conducting the calculations in Table 15-3.0503, if two or more natural resource features are present on the same area of land, only the most restrictive resource protection standard shall be used. For example, if floodplain and young woodlands occupy the same space on a parcel of land, the resource protection standard would be 1.0 which represents the higher of the two standards

§ 15-3.0504. Calculation of Site Intensity and Capacity for Residential Uses.

In order to determine the maximum number of dwelling units which may be permitted on a parcel of land zoned in a residential zoning district, the site intensity and capacity calculations set forth in Table 15-3.0504 shall be performed.

Table 15-3.0504		
Worksheet for the Calculation of Site Intensity and Capacity for Residential Development		
STEP 1:	CALCULATE MINIMAL REQUIRED ON-SITE OPEN SPACE	0 acres
	Take Base Site Area (from Step 5 in Table 15-3 0502) <u>15.61</u>	
	Multiple by Minimum Open Space Ratio (OSR) (see specific residential zoning district OSR standard). X <u>0</u>	
	Equals MINIMUM REQUIRED ON-SITE OPEN SPACE =	
STEP 2:	CALCULATE NET BUILDABLE SITE AREA:	9.38 acres
	Take Base Site Area (from Step 5 in Table 15-3.0502). <u>15.61</u>	
	Subtract Total Resource Protection Land from Table 15-3.0503) or Minimum Required On-Site Open Space (from Step 1 above), whichever is greater:- <u>6.23</u>	
	Equals NET BUILDABLE SITE AREA =	
STEP 3:	CALCULATE MAXIMUM NET DENSITY YIELD OF SITE:	46.90 D.U.s
	Take Net Buildable Site Area (from Step 2 above) <u>9.38</u>	
	Multiple by Maximum Net Density (ND) (see specific residential zoning district ND standard) X <u>5.00</u> R-8	
	Equals MAXIMUM NET DENSITY YIELD OF SITE =	
STEP 4:	CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE	78.05 D U s
	Take Base Site Area (from Step 5 of Table 15-3.0502) <u>15.61</u>	
	Multiple by Maximum Gross Density (GD) (see specific residential zoning district GD standard) X <u>5.00</u> R-8	
	Equals MAXIMUM GROSS DENSITY YIELD OF SITE =	
STEP 5:	DETERMINE MAXIMUM PERMITTED D.U.s OF SITE:	46.90 D.U s
	Take the lowest of Maximum Net Density Yield of Site (from Step 3 above) or Maximum Gross Density Yield of Site (from Step 4 above):	

LOT 2

City of Franklin, WI
Monday, May 3, 2021

Chapter UDO. Unified Development Ordinance

Part 3. Zoning Districts: District Establishment, Dimensional, and Use Regulations

Division 15-3.0500. Site Intensity and Capacity Calculations

§ 15-3.0502. Calculation of Base Site Area.

The base site area shall be calculated as indicated in Table 15-3 0502 for each parcel of land to be used or built upon in the City of Franklin as referenced in § 15-3.0501 of this Ordinance.

Table 15-3.0502			
Worksheet for the Calculation of Base Site Area for Both Residential and Nonresidential Development			
STEP 1:	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property		0.91 acres
STEP 2:	Subtract (-) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area.	-	0 acres
STEP 3:	Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space	-	0 acres
STEP 4:	In the case of "Site Intensity and Capacity Calculations" for a proposed residential use, subtract (-) the land proposed for nonresidential uses, or In the case of "Site Intensity and Capacity Calculations" for a proposed nonresidential use, subtract (-) the land proposed for residential uses	-	0 acres
STEP 5:	Equals "Base Site Area"	=	0.91 acres

§ 15-3.0503. Calculation of the Area of Natural Resources to Be Protected.

All land area with those natural resource features as described in Division 15-4.0100 of this Ordinance and as listed in Table 15-3.0503 and lying within the base site area (as defined in § 15-3.0502), shall be measured relative to each natural resource feature present. The actual land area encompassed by each type of resource is then entered into the column of Table 15-3 0503 titled "Acres of Land in Resource Feature " The acreage of each natural resource feature shall be multiplied by its respective natural resource protection standard (to be selected from Table 15-4.0100 of this Ordinance for applicable agricultural, residential, or nonresidential zoning district) to determine the amount of resource protection land or area required to be kept in open space in order to protect the resource or feature. The sum total of all resource protection land on the site equals the total resource protection land. The total resource protection land shall be calculated as indicated in Table 15-3 0503.

Table 15-3.0503						
Worksheet for the Calculation of Resource Protection Land						
Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature		
	Agricultural District	Residential District	Non-Residential District			
Steep Slopes						
10-19%	0.00	0.60	0.40	X 0	0	
				=		
20-30%	0.65	0.75	0.70	X 0	0	
				=		
+ 30%	0.90	0.85	0.80	X 0	0	
				=		
Woodlands & Forests:						
Mature	0.70	0.70	0.70	X 0	0	
				=		
Young	0.50	0.50	0.50	X 0.28*	0.14	
				=		
Lakes & Ponds	1	1	1	X 0	0	
				=		
Streams	1	1	1	X 0	0	
				=		
Shore Buffer	1	1	1	X 0	0	
				=		
Floodplains	1	1	1	X 0	0	
				=		
Wetland Buffers	1	1	1	X 0.35	0.35	
				=		
Wetlands & Shoreland Wetlands	1	1	1	X 0.05	0.05	
				=	0.55	
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)						

*AREAS SMALLER THAN SHOWN ON NRPP ARE DUE TO OVERLAP BETWEEN NATURAL RESOURCES
 Note: In conducting the calculations in Table 15-3.0503, if two or more natural resource features are present on the same area of land, only the most restrictive resource protection standard shall be used. For example, if floodplain and young woodlands occupy the same space on a parcel of land, the resource protection standard would be 1.0 which represents the higher of the two standards.

§ 15-3.0504. Calculation of Site Intensity and Capacity for Residential Uses.

In order to determine the maximum number of dwelling units which may be permitted on a parcel of land zoned in a residential zoning district, the site intensity and capacity calculations set forth in Table 15-3 0504 shall be performed

Table 15-3.0504		
Worksheet for the Calculation of Site Intensity and Capacity for Residential Development		
STEP 1:	CALCULATE MINIMAL REQUIRED ON-SITE OPEN SPACE	
	Take Base Site Area (from Step 5 in Table 15-3.0502): <u>0.91</u>	
	Multiple by Minimum Open Space Ratio (OSR) (see specific residential zoning district OSR standard) X <u>0</u>	0
	Equals MINIMUM REQUIRED ON-SITE OPEN SPACE =	acres
STEP 2:	CALCULATE NET BUILDABLE SITE AREA:	
	Take Base Site Area (from Step 5 in Table 15-3.0502). <u>0.91</u>	
	Subtract Total Resource Protection Land from Table 15-3.0503) or Minimum Required On-Site Open Space (from Step 1 above), whichever is greater:- <u>0.55</u>	0.36
	Equals NET BUILDABLE SITE AREA =	acres
STEP 3:	CALCULATE MAXIMUM NET DENSITY YIELD OF SITE:	
	Take Net Buildable Site Area (from Step 2 above): <u>0.36</u>	
	Multiple by Maximum Net Density (ND) (see specific residential zoning district ND standard) X <u>5.00</u> R-8	1.80
	Equals MAXIMUM NET DENSITY YIELD OF SITE =	D U s
STEP 4:	CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE:	
	Take Base Site Area (from Step 5 of Table 15-3.0502) <u>0.91</u>	
	Multiple by Maximum Gross Density (GD) (see specific residential zoning district GD standard) X <u>5.00</u> R-8	4.55
	Equals MAXIMUM GROSS DENSITY YIELD OF SITE =	D.U.s
STEP 5.	DETERMINE MAXIMUM PERMITTED D.U.s OF SITE:	
	Take the lowest of Maximum Net Density Yield of Site (from Step 3 above) or Maximum Gross Density Yield of Site (from Step 4 above).	1.80 D.U.s

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE July 20, 2021
Reports & Recommendations	A RESOLUTION AMEND RESOLUTION 2021-7743 AND TO REIMBURSE VEIT & COMPANY, INC. AND STARK PAVEMENT CORP TO CONSTRUCT A PORTION OF THE RYAN CREEK TRAIL IN THE RYAN MEADOWS SUBDIVISION FOR \$69,662.50	ITEM NO. G.9.

BACKGROUND

On July 6, 2021, Common Council passed Resolution 2021-7743, a resolution to reimburse Mills Hotel Wyoming, LLC to construct a portion of the Ryan Creek Trail in the Ryan Meadows Subdivision for \$69,662.50.

Upon implementation of the project with the developer, Mills Hotel Wyoming, LLC, and the contractors asked that the City reimburse the contractors directly for the work.

ANALYSIS

Both contractors publicly bid their respective work and have performed throughout the construction of the Ryan Meadows subdivision.

Veit & Company, Inc. is performing the earthwork and will add the stone for the expanded sidewalk section. To complete this work, the quote is \$27,810.00.

Stark Pavement Corp is performing pavement work and will add the concrete and detectable ramps for the expanded sidewalk section. To complete this work, the quote is \$41,852.50.

OPTIONS

Approve or Deny.

FISCAL NOTE

Finances are unchanged from the July 6, 2021 discussion.

RECOMMENDATION

Resolution 2021-_____ a resolution to amend resolution 2021-7743 and reimburse Veit & Company, Inc. and Stark Pavement Corp to construct a portion of the Ryan Creek Trail in the Ryan Meadows Subdivision for \$69,662.50.

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2021 - _____

RESOLUTION AMEND RESOLUTION 2021-7743 AND TO REIMBURSE
VEIT & COMPANY, INC. AND STARK PAVEMENT CORP TO CONSTRUCT A
PORTION OF THE RYAN CREEK TRAIL IN THE RYAN MEADOWS
SUBDIVISION FOR \$69,662.50

WHEREAS, the City is planning a Ryan Creek Trail to connect a future 116th Street Trail with an extended Root River Trail; and

WHEREAS, there is an immediate opportunity to construct a portion of this 10-foot trail by widening 5-foot sidewalks on portions of S. Monarch Drive and W. Chicory Street through the Ryan Meadows Subdivision currently under construction; and

WHEREAS, the work in Ryan Meadows subdivision was publicly bid and the expense of this new trail work may be added within the guidelines and statutes for public work.

WHEREAS, Resolution 2021-7743 authorized that Mills Hotel Wyoming, LLC, the developer of Ryan Meadows, be reimbursed for constructing this work; and

WHEREAS, the developer and the contractors requested that payment be made directly to the contractors.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, to amend Resolution 2021-7743 and to reimburse Veit & Company, Inc. and Stark Pavement Corp to construct a portion of the Ryan Creek Trail in the Ryan Meadows subdivision for \$69,662.50

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



Mike Mahn
Senior Project Manager
2445 S. 179th Street Suite E
New Berlin, WI 53416-2151
VeitUSA.com

Office 414.372.9803
Direct 262.901.2704
Mobile 414.704.0818
MMahn@VeitUSA.com

June 30, 2021

City of Franklin

RE: Additional Sidewalk work Loomis Road / Ryan Meadows

Earthwork: \$ 27,810.00

Includes:

Mobilization

Supervision

Strip area for additional sidewalks

Furnish, install & finish grade 4" of stone for new sidewalks to +/- .10

Excludes:

Survey or control points

AsBuilts

Private locates

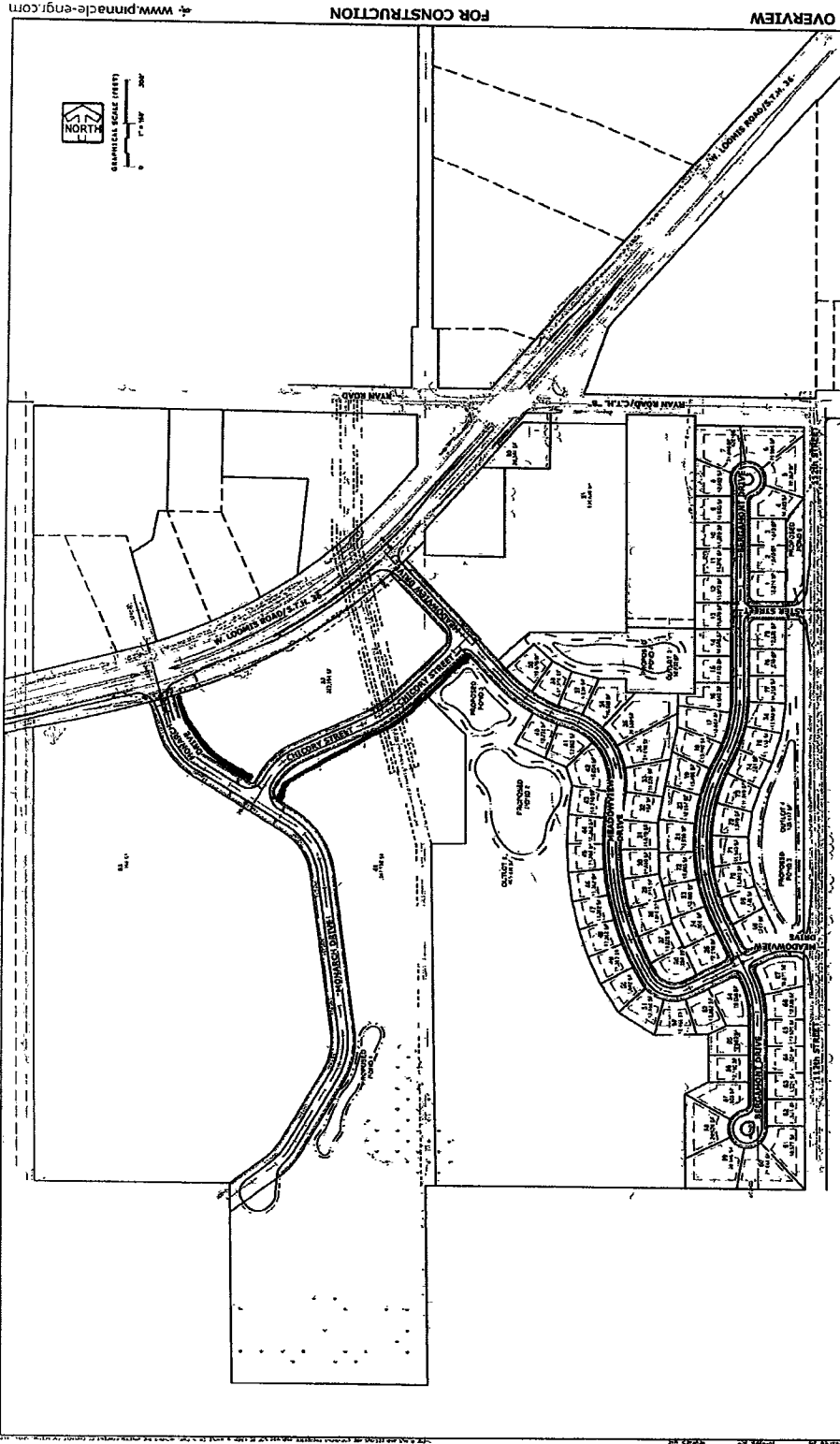
Soil or compaction testing

Pavement of any kind

Restoration of any kind

Sincerely,

Mike Mahn
Senior Project Manager / Earthwork
Veit & Company, Inc
414-704-0818



FOR CONSTRUCTION

SITE PLAN OVERVIEW

RYAN MEADOWS & LOOMIS BUSINESS PARK
FRANKLIN, WI

PINNACLE ENGINEERING GROUP
1000 W. WISCONSIN AVENUE, SUITE 200
FRANKLIN, WI 53120
TEL: 414.251.1000 FAX: 414.251.1001

PLAN DESIGN / DELIVER

DATE: 08/14/13

SHEET C-5
C-73

NO.	DATE	DESCRIPTION	BY	CHKD.
1	08/14/13	ISSUED FOR PERMITTING	JL	ML
2	08/14/13	ISSUED FOR CONSTRUCTION	JL	ML

REVISIONS

APPROVED FOR CONSTRUCTION: JL
APPROVED FOR PERMITTING: ML
DESIGNED: JL
CHECKED: ML
DATE: 08/14/13

SCALE: 1" = 200'

NORTH

WWW.PINNACLE-ENGR.COM

**ASPHALT / CONCRETE
PAVING CONTRACTOR**

12845 W Burleigh Rd
Brookfield, Wisconsin 53005
Telephone 414-466-7820
FAX 262-784-6840

An Equal Opportunity Employer



To:	City Of Franklin	Contact:	
Address:	Franklin, WI	Phone:	
		Fax:	
Project Name:	Ryan Meadows & Loomis Business Park - 10' Walk Change	Bld Number:	
Project Location:	STH 36 (W. Loomis Rd.) & CTH "H" (W. Ryan Rd.), Franklin, WI	Bld Date:	6/24/2021
Addendum #:	1		
Line #	Item #	Item Description	Estimated Quantity Unit Unit Price Total Price

10' Walk Alternate

10		5" Concrete Sidewalk - East Side Of Monarch; Chicory - Loomis & Sout Side Of Chicory; Monarch - Meadowview	6,725.00	SF	\$4.90	\$32,952.50
20		Mobilization	1.00	LS	\$1,500.00	\$1,500.00
30		Additional Detectable Warning Fields For 10' Wide Opening @ Four (4) H.c. Ramps	40.00	SF	\$40.00	\$1,600.00
40		Saw, Remove & Replace 30" C&g For 10' Wide Openings @ Four (4) H c. Rmaps	100.00	LF	\$58.00	\$5,800.00

Total Price for above 10' Walk Alternate Items: \$41,852.50

Notes:

- As required by the Wisconsin Lien law, Stark Pavement Corporation, Inc., hereby notifies you that persons or companies furnishing labor or material for construction on your land may have lien rights on your land and buildings if not paid. Those entitled to lien rights, in addition to the undersigned, are those who contract directly with you or those who give you notice within 60 days after they first furnished labor or material for the construction. Accordingly, you will probably receive notice from those who furnish labor or material for the construction, you should give a copy of each notice received to your mortgage lender, if any. We agree to cooperate with you and your lender, if any, to see that all potential lien claimants are duly paid.
- INSURANCE:**
Our proposal includes the attached certificate of liability coverage and contractors blanket additional insured endorsement. If the contract requires higher limits of coverage as listed below, add accordingly to our proposal.
CG2010 & CG2037 (07/04) ADD: \$500.00
CG2010 & CG2037 (10/01) ADD: \$1,000.00
Umbrella to be primary/non-contributory ADD: \$1,000.00
Waiver of subrogation ADD. \$100.00
- Price reflects asphalt placement in temperatures at or above 40°F; If required by the Prime Contractor's schedule to place asphalt in temperatures lower than 40°F, Stark Pavement Corporation, Inc., will not be held liable for damage or defects attributed to temperature or other weather conditions.

The above work excludes the following:

- 1) More than one (1) mobilization - add \$1,500 for each additional
- 2) Cold weather work - work prior to 4/15 or after 10/31
- 3) High early concrete/ Access gaps
- 4) Concrete stoops, footings, foundations, steps, stairs, walls or bollards
- 5) Base to be provided by others within +/- .10'
- 6) Weekend work
- 7) Utility adjustments
- 8) Joint sealing/ caulking
- 9) Bond -- add 1% to total if needed
- 10) Testing
- 11) Pavement marking & signage
- 12) Barricades or traffic control
- 13) Concrete washout box/ pit

**ASPHALT / CONCRETE
PAVING CONTRACTOR**

12845 W Burleigh Rd
Brookfield, Wisconsin 53005
Telephone 414-466-7820
FAX 262 784-6840


An Equal Opportunity Employer



To: City Of Franklin	Contact:
Address: Franklin, WI	Phone:
	Fax:
Project Name: Ryan Meadows & Loomis Business Park - 10' Walk Change	Bid Number:
Project Location: STH 36 (W. Loomis Rd.) & CTH "H" (W. Ryan Rd.), Franklin, WI	Bid Date: 6/24/2021
Addendum #: 1	

Payment Terms:

Payment terms of net 30 days from the date of invoice. A 1.5% service charge will be added on all past due outstanding balances. All prices are valid for no greater than 30 days.

ACCEPTED: The above prices, specifications and conditions are satisfactory and hereby accepted. Buyer: _____ Signature: _____ Date of Acceptance: _____	CONFIRMED: Stark Pavement Corporation Authorized Signature:  Estimator: Mark Pichler (414) 466-7820 markp@starkcorp.us
---	---

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE July 20, 2021
Reports & Recommendations	A RESOLUTION TO AUTHORIZE GRAEF-USA INC TO DESIGN A PORTION OF RYAN CREEK TRAIL THROUGH THE RYAN MEADOWS SUBDIVISION (W. CHICORY STREET TO S. 112TH STREET) FOR \$50,000	ITEM NO. G.10.

BACKGROUND

On July 6, 2021, Common Council authorized GRAEF-USA Inc. to perform planning on the Ryan Creek Trail (from the S. 116th Street Trail to the future extension of the Milwaukee County's Oak Leaf Root River Trail). At the same meeting, Common Council also agreed to reimburse Mills Hotel Wyoming, LLC to construct a portion of this trail along S. Monarch Drive and W. Chicory Street to take advantage of current construction efforts in the Ryan Meadows Subdivision.

In the Ryan Meadows subdivision, all the residential lots have been purchased by homebuilders and several lots are under construction. It is anticipated that there will be occupancy permits issued for many homes in early 2022.

Mills Hotel Wyoming, LLC is willing to donate an out lot for the construction of this trail. This out lot has a stormwater facility that would remain the maintenance responsibility of the homeowner's association.

Staff has approached an adjacent property (9917 S. 112th Street) about purchasing a strip of land for this trail to extend to S. 112th Street and they are inclined to participate. Staff is currently obtaining an appraisal for this land and discussing the conditions required to accommodate a friendly purchase. Note that if a purchase with this property owner is not negotiated, there are alternate paths to S. 112th Street.

After discussions with 9917 S. 112th Street commenced, Staff was contacted by another neighbor (9880 S. 112th Street) who expressed interest in also selling needed land for the extension of the Ryan Creek Trail. This would allow the connection of the trail to another development of Mills Hotel Wyoming, LLC currently under concept review where they would construct the trail through their development. There are also considerations that may direct the trail to stay on the west side of S. 112th Street. Final Recommendation of a route will be part of this design effort.

ANALYSIS

To ensure that new homeowners in Ryan Meadows are not surprised with a new trail running through their neighborhood and to provide an added feature for the subdivision, Staff would like to proceed with construction of the Ryan Creek Trail as soon as practicable.

GRAEF has performed well with other Franklin Trail projects and is intimately familiar with the overall Ryan Creek Trail, granted they are just starting the master plan.

The enclosed agreement with GRAEF would provide the environmental, design, and construction document bidding for a trail connecting W. Chicory Street to S. 112th Street, and north for one property along S. 112th Street.

This is an hourly contract. The efforts assigned to "Survey and ROW" are estimated high for this budget.

OPTIONS

- A. Authorize GRAEF to perform the design of the trail, and/or
- B. Authorize this trail project to be publicly bid in 2021, or
- C. Decide to wait for the Ryan Creek Trail masterplan to be finished before anymore portions are designed or constructed.

FISCAL NOTE

This \$50,000 expenditure is unbudgeted.

62% of \$50,000 is \$31,000 and is eligible for park impact fees reimbursement. The remaining 38% (\$19,000) is not eligible for park impact fee expenditures.

RECOMMENDATION

Resolution 2021-_____ a resolution to authorize GRAEF-USA Inc to design a portion of Ryan Creek Trail through the Ryan Meadows Subdivision (W. Chicory Street to S. 112th Street) for \$50,000.

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2021 - _____

RESOLUTION TO AUTHORIZE GRAEF-USA INC TO DESIGN A PORTION OF RYAN CREEK TRAIL THROUGH THE RYAN MEADOWS SUBDIVISION (W. CHICORY STREET TO S. 112TH STREET) FOR \$50,000

WHEREAS, the City is planning a Ryan Creek Trail to connect a future 116th Street Trail with an extended Root River Trail; and

WHEREAS, there is an opportunity to construct a portion of this trail through the Ryan Meadows Subdivision currently under construction; and

WHEREAS, GRAEF-USA Inc. is a qualified engineering firm to provide trail designs and has intimate knowledge of this trail section.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, to authorize GRAEF-USA Inc to design a portion of Ryan Creek Trail through the Ryan Meadows Subdivision (W. Chicory Street to S. 112th Street) for \$50,000.

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

A G R E E M E N T

between

the City of Franklin

and

Graef-USA Inc

For

Professional Architectural and Engineering Services

This AGREEMENT, made and entered into this ___ day of _____, between the City of Franklin, 9229 West Loomis Road, Franklin, Wisconsin 53132 (hereinafter "CLIENT") and Graef-USA Inc (hereinafter "CONSULTANT"), whose principal place of business is 275 W Wisconsin Avenue, Suite 300, Milwaukee, WI 53203

W I T N E S S E T H

WHEREAS, the CONSULTANT is duly qualified and experienced as a municipal services consultant 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 CONSULTANT to provide the **Ryan Meadows Trail**, as described in **Attachment A**,

NOW, THEREFORE, in consideration of these premises and the following mutual covenants, terms, and conditions, CLIENT and CONSULTANT agree as follows

- A This AGREEMENT may only be amended by written instrument signed by both CLIENT and CONSULTANT

I. BASIC SERVICES AND AGREEMENT ADMINISTRATION

- A CONSULTANT shall provide services to CLIENT for the Ryan Meadows Trail Project, as described in CONSULTANT's proposal to CLIENT dated July 29, 2020, annexed hereto and incorporated herein as **Attachment A**.
- B CONSULTANT shall serve as CLIENT's professional representative in matters to which this AGREEMENT applies CONSULTANT may employ the services of outside consultants and subCONSULTANTS when deemed necessary by CONSULTANT to complete work under this AGREEMENT following approval by CLIENT
- C CONSULTANT is an independent CONSULTANT and all persons furnishing services hereunder are employees of, or independent subCONSULTANTS to, CONSULTANT 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 CONSULTANT as employer CLIENT understands that express AGREEMENTS may exist between CONSULTANT 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 CONSULTANT, for and in consideration of the performance of Basic Services further described in **Attachment A**, for a time and materials as a time and material contract with a not-to-exceed fee of **\$50,000.00**, subject to the terms detailed below:

- A CONSULTANT may bill CLIENT and be paid for all work satisfactorily completed hereunder on a monthly basis CLIENT agrees to pay CONSULTANT's invoice within 30 days of invoice date for all approved work
- B Total price will not exceed budget of **\$50,000.00** 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, plus reimbursable expenses
- C In consideration of the faithful performance of this AGREEMENT, the CONSULTANT 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 CONSULTANT in writing within thirty (30) days of receipt of invoice and related report and the CONSULTANT 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 CONSULTANT 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, CONSULTANT shall submit a "Change Order Request Form" to CLIENT for authorization and notice to proceed signature and return to CONSULTANT Should any such actual changes be made, an equitable adjustment will be made to compensate CONSULTANT or reduce the fixed price, for any incremental or decremental labor or direct costs, respectively Any claim by CONSULTANT for adjustments hereunder must be made to CLIENT in writing no later than forty-five (45) days after receipt by CONSULTANT of notice of such changes from CLIENT

IV. ASSISTANCE AND CONTROL

- A Glen Morrow will coordinate the work of the CONSULTANT 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 CONSULTANT with all available information concerning PROJECT as deemed necessary by CONSULTANT
- C CONSULTANT will appoint, subject to the approval of CLIENT, Paul R Eiring, PE, CONSULTANT'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 CONSULTANT This AGREEMENT may be terminated by CONSULTANT upon thirty (30) days written notice Upon such termination by CLIENT, CONSULTANT shall be entitled to payment of such amount as shall fairly compensate CONSULTANT 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, CONSULTANT shall deliver to CLIENT all data, reports, summaries, correspondence, and other written, printed, or tabulated material pertaining in any way to Basic Services that CONSULTANT may have accumulated. Such material is to be delivered to CLIENT whether in completed form or in process. CLIENT shall hold CONSULTANT harmless for any work that is incomplete due to early termination
- C The rights and remedies of CLIENT and CONSULTANT 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 CONSULTANT 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	\$1,000,000
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, CONSULTANT 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, CONSULTANT 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 CONSULTANT or CONSULTANT'S officers, directors, partners, employees, and consultants in the performance of CONSULTANT'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

CONSULTANT shall commence work immediately having received a Notice to Proceed from CLIENT on or before August 5, 2020 and complete contract documents on or before February 26, 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 litigation, including reasonable attorney fees

X. RECORDS RETENTION

CONSULTANT 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 CONSULTANT 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 CONSULTANT under this AGREEMENT shall be in compliance with applicable governmental laws, statutes, decisions, codes, rules, orders, and ordinances, be they Federal, State, County or Local

- C Conflict of Interest CONSULTANT 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 CONSULTANT warrants that it will immediately notify the CLIENT if any actual or potential conflict of interest arises or becomes known to the CONSULTANT 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 CONSULTANT

XII. CONTROLLING TERMS AND PROVISIONS

The aforesaid terms and provisions shall control over any conflicting term or provision of any CONSULTANT 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

GRAEF-USA INC

BY _____
Stephen R Olson, Mayor

BY _____
PRINT NAME Mary Beth Pettit

DATE _____

TITLE Vice President

BY _____
Sandra L Wesolowski, City Clerk

DATE July 14, 2021

DATE _____

BY _____
Paul Rotzenberg, Director of Finance and
Treasurer

DATE _____

APPROVED AS TO FORM

Jesse A Wesolowski, City Attorney

DATE _____



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July 14, 2021

Mr Glen E Morrow, PE
Deputy Director of Public Works / City Engineer
City Engineer / Director of Public Works / Utility Manager
City of Franklin
9229 W. Loomis Rd
Franklin, WI 53132

Subject Ryan Meadows Trail, W. Chicory Street to S 112th Street

Dear Mr. Morrow

Per your request, Graef-USA Inc (GRAEF) is pleased to provide this proposal for services to the City of Franklin (Client) This proposal is for professional services for Ryan Meadows Trail (Project) between Chicory Street & 112th Street located in the City of Franklin.

The "Project" is the reconstruction of approximately 0.6 miles of trail design that would extend from Chicory Street line through an out lot of the Ryan Meadows subdivision, along the north side of 9917 S 112th Street and the west side of 9880 S 112th Street. The "Basic Services" to be provided by Graef for the Project are Survey, Data Gathering, 30% Design Plan Development, 60% Design Plan Development, 90% Design Plan Development, and Bidding Documents & Permits, and all other services described herein other than those designated as "additional services, which Basic Services also include agency coordination, preliminary and final roadway design, and the preparation of plans, specifications, and estimates for the urban roadway

Survey

- Perform topographic and utility survey along the 0.6 mile trail corridor needed for design of the trail
- Date, scale, legend and north arrow
- Description of ground surfaces (concrete, bituminous asphalt, grass, etc.)
- Spot elevations on an approximate 25' grid including break lines so as to accurately generate 1-foot contour intervals
- Existing ground contours
- Datum for elevations
- All existing utilities including overhead and underground, hydrants and valves for sanitary, storm, gas, water, electric and telephone with utility size and type
- Benchmarks and control points (location and description)
- Property and right-of-way lines using GIS mapping and locating property irons in the field
- Field Investigation

Environmental Resources

- Review existing natural resource map provided by the City and overlay approximate boundaries of proposed trail,
- Complete a site reconnaissance with the City forester to identify potential natural resource impediments or other constraints within the proposed trail boundaries,

- After completing the survey of the route, identify the impacts to natural resources and prepare an impact table, and
- Prepare a summary memo

60% Design Plan Development

- Plans will include title sheet, general notes, project overview; typical sections, alignments, 40' scale plan and profiles sheets with slope intercepts, and cross sections.
- Real Estate Acquisition
 - GRAEF shall prepare easement documentation to obtain trail easement from Mills Hotel Wyoming, LLC for trail construction and maintenance
 - GRAEF shall prepare a quit claim deed for 20' strip of fee acquisition at 9917 S 112th Street.
 - GRAEF shall prepare a temporary easement for grading purposes at 9917 S 112th Street
 - GRAEF shall prepare a quit claim deed for 20' strip of fee acquisition at 9880 S 112th Street.
- Landscaping
 - GRAEF to prepare two options for screening the proposed trail location from 9917 S. 112th Street
- GRAEF shall prepare a 60% construction cost estimate.
- GRAEF shall conduct weekly conference calls with the city to review design progress (2)

90% Design Plan Development

- Preparation of permits and final concurrence from agencies for the project. Permits to include a Water Resources Application for Project Permits (WRAPP), Wetland Permit and Chapter 30 permit as required.
- Plans will include title sheet, general notes, typical sections, construction details using WisDOT details), alignment plans with control point information, 40' scale plan and profiles sheets with slope intercepts, erosion control, earthwork summary, and cross sections.
- GRAEF shall prepare a 90% construction cost estimate
- GRAEF shall conduct weekly conference calls with the city to review design progress. (3)

Bidding Documents & Permits

- GRAEF shall finalize plans incorporating all comments received on the 90% plans from the client
- Prepare roadway drawings on 11"x 17" sheets, drawings will comprise the following items
 - Title sheet
 - General notes
 - Project overview
 - Typical sections



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- o Construction details
- o Landscaping Plans
- o Erosion control drawings
- o Permanent signing drawings
- o Alignment drawings
- o Control point location drawing
- o Plan and profile drawings
- o Misc Quantity Sheets
- o Earthwork summary
- o Cross sections
- o All other information necessary to construct the road
- GRAEF will prepare the Official Notice, Special Provisions, and Proposal form. These documents will be provided to the City and the City will assemble the Manual
- The Client will advertise the project for construction. GRAEF will provide electronic documents (plans and items of the project manual listed above) for use in the advertisement of the project
- WisDOT pay items and clients specified SPVs will be used on the project
- All CADD files in a format that can be provided to bidders for use in construction.

GRAEF will perform the proposed Basic Services per the following schedule

Survey	July 2021
60% Plans	August 6, 2021
90% Plans	August 20, 2021
Final Plans	August 27, 2021
Advertisement for use by Client	September 2021
Let/Award	September 2021
Construction	October 2021

For this Project, it is our understanding Client will provide the following services, items and/or information

- Existing natural resource map for the Ryan Meadows Subdivision
- Acquisitions of construction\right-of-entry permits as needed.
- R/W, plats, easement information for the corridor
- Record drawings for existing utilities
- Permit fees

For all Basic Services, Client agrees to compensate GRAEF as follows as a time and material contract with a not-to-exceed fee of \$50,000.00 as outlined in the attached fee estimate

The total contract limit shall not exceed \$50,000.00 without written amendment and approval by the Client



collaborāte / formulāte / innovāte

To accept this proposal, please sign and date the proposal and return to GRAEF. Upon receipt of an executed copy, GRAEF will commence work on the Project.

Graef-USA Inc looks forward to providing services to City of Franklin

Sincerely,

Graef-USA Inc.

A handwritten signature in black ink that reads "Mary Beth Pettit".

Mary Beth Pettit, P.E.
Vice President, Principal

Attachment GRAEF Fee Summary & Consultant Effort Summary



GENERAL INFORMATION	
Project Name:	S. 116th Street
Client Name:	City of Franklin
Date:	7/14/21

Ryan Meadows Trail, City of Franklin, Cost Summary

DISCIPLINE SUMMARY		
Task	Estimated Hours	Estimated Fee
Management	12	\$2,200
Survey & ROW	112	\$10,800
Design	184	\$13,800
Landscaping	84	\$7,500
Specs & Bidding	64	\$5,900
Meetings	18	\$2,700
Environmental & Permitting	84	\$7,200
Total Fee	558	\$50,000

DESIGN PHASE SUMMARY		
Design Phase	Total Hours	Total Labor*
Preliminary 60%	225	\$21,000
Final 100%	333	\$29,000
Total Fee	558	\$50,000

Proposed Time & Materials Fee for the Design of Ryan Meadows Trail, City of Franklin:

\$50,000

Total Contract, Not to Exceed Fee

\$50,000

Ryan Meadows Trail, City of Franklin, Consultant Effort Summary Per Task

CONSULTANT EFFORT SUMMARY								
Task	Project Manager (P8)	Senior Engineer (P6 & P5)	Project Engineer (P4 & P3)	Design Engineer (P2 & P1)	Senior Technician	Technician	Admin	Total Hours
Management	12							12
Survey & ROW		2	44		34	32		112
Design			22	114		48		184
Landscaping		12		64	8			84
Specs & Bidding	2		34	8			20	64
Meetings	9		9					18
Environmental & Permitting		8		64	12			84
Total	23	22	109	250	54	80	20	558

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE July 20, 2021
Reports & Recommendations	AN ORDINANCE TO AMEND THE MUNICIPAL CODE SECTION 245-5. D. (4) DESIGNATING PARKING RESTRICTIONS IN AND AROUND THE HAWTHORNE SUBDIVISION INCLUDING PORTIONS OF W. HAWTHORNE LANE, W. HAWTHORNE COURT, W. MEADOW LANE, S. 90TH STREET, S. 92ND STREET, AND W. RAWSON AVENUE	ITEM NO. G.11.

BACKGROUND

For the past year, the Board of Public Works (BOPW) has been discussing parking issues concerning the Hawthorne Subdivision- bounded by W. Rawson Avenue to the south, S. 92nd Street to the west, and W. Hawthorne Lane to the east. The attached memorandum to the BOPW discusses the background in detail.

ANALYSIS

The BOPW last discussed this item on July 13, 2021, and recommend to the Common Council that Section 245-5. D. (4) of the Municipal Code of the City of Franklin be amended as follows (see attached Exhibit of Locations for Parking Restrictions):

- For Segments A (W. Hawthorne Lane- west leg) and B (W. Meadow Lane- west leg), restrict parking for the inside loop and select corners on the outside loop. Specifically, no-parking for:
 - W. Hawthorne Lane, south side from S. 92nd Street to S. 90th Street.
 - W. Hawthorne Lane, north side from S. 92nd Street east to 50 feet from S. 92nd Street eastern right-of-way.
 - W. Hawthorne Lane, north side from driveway of 8980 W. Hawthorne Lane to the east around corner of S. 90th Street intersection.
 - W. Meadow Lane, north side from S. 92nd Street to S. 90th Street
 - W. Meadow Lane, south side from S. 92nd Street east to 50 feet from S. 92nd Street eastern right-of-way.
 - W. Meadow Lane, south side from 9011 W. Meadow Lane to the east around the corner of S. 90th Street intersection.
 - S. 90th Street, west side from W. Hawthorne Lane to W. Meadow Lane.
 - S. 90th Street, east side from driveway of 8940 W. Hawthorne Lane south 50 feet.
 - S. 90th Street intersection of W. Meadow Lane, northeast and southeast radii and extending 50 feet north and south of each radius.
 - S. 90th Street, east side from intersection with W. Meadow Lane going north to driveway of 8925 W. Meadow Lane.

- For Segments C (Meadow Lane - middle leg) and D (Hawthorne Lane - east leg) - remove temporary parking restrictions needed- no changes to Municipal Code.

- For Segment E (W. Rawson Avenue), no parking restrictions except for areas within the turn lane and acceleration lane related to W. Hawthorne Lane. In addition, amend other references to no-parking on W. Rawson Avenue east and west of S. 76th Street.

- For Segment F (S. 92nd Street), restrict parking. Specifically, no-parking for:
 - S. 92nd Street, both sides from W. Rawson Avenue north to corporate boundary.

OPTIONS

- A. Establish parking restrictions as recommended by the BOPW; or
- B. Other parking restrictions as deemed appropriate by Common Council.

FISCAL NOTE

The cost to post signage is within current DPW budget.

RECOMMENDATION

(OPTION A) Ordinance-_____ an ordinance to amend the Municipal Code Section 245-5. D. (4) designating parking restrictions in and around the Hawthorne Subdivision including portions of W. Hawthorne Lane, W. Hawthorne Court, W. Meadow Lane, S. 90th Street, S. 92nd Street, and W. Rawson Avenue.

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

ORDINANCE NO. 2021-_____

ORDINANCE TO AMEND THE MUNICIPAL CODE SECTION 245-5. D. (4)
DESIGNATING PARKING RESTRICTIONS IN AND AROUND
THE HAWTHORNE SUBDIVISION INCLUDING PORTIONS OF
W. HAWTHORNE LANE, W. HAWTHORNE COURT, W. MEADOW LANE,
S. 90TH STREET, S. 92ND STREET, AND W. RAWSON AVENUE

WHEREAS, an area commonly known as Hawthorne Subdivision that consists of Whitnall View Addition, Tess Acres, and several individual parcels created with certified survey maps encompasses some or all of W. Hawthorne Lane, W. Hawthorne Court, W. Meadow Lane, S. 90th Street, S. 92nd Street, and W. Rawson Avenue; and

WHEREAS, this neighborhood has experienced some historical concerns with on-street parking; and

WHEREAS, the Board of Public Works considered the matter in 2020, surveyed the residents, and posted “no-parking” on all streets except W. Rawson Avenue as a temporary condition; and

WHEREAS, the Board of Public Works reconsidered the matter in 2021 after resurveying the residents; and

WHEREAS, comments and opinions from the Alderman of the District, the Franklin Police Chief, the Franklin Fire Chief, the Public Works Superintendent, and the City Engineer/Public Works Director were considered in the 2020 and 2021 Board of Public Works’ discussions and considerations; and

WHEREAS, both-side parking restrictions were found to be warranted on portions of the collector S. 92nd Street due to support from adjacent property owners; and

WHEREAS both-side parking restrictions were found to be warranted on portions of the arterial W. Rawson Avenue due to recent construction on W. Rawson Avenue and developments to the east; and

WHEREAS, there is some conflicting and overlapping language in the Municipal Code Section 245-5. D. (4) related to parking restrictions on W. Rawson Avenue east and west of S. 76th Street; and

WHEREAS, no parking restrictions were found to be warranted on the eastern areas of Hawthorne Subdivision that include portions of local roads W. Hawthorne Lane, W. Hawthorne Court, and W. Meadow Lane due to the 24+/- feet road width and lack of support from adjacent property owners.

WHEREAS, one-side parking restrictions were found to be warranted on the western areas of Hawthorn Subdivision that include portions of local roads W. Hawthorne Lane, W. Meadow Lane, and S. 90th Street due to the 20+/- feet road width and lack of fire protection infrastructure; and

WHEREAS, the side of the parking restrictions on the western areas of Hawthorne Subdivision were selected to minimize the number of affected homes; and

WHEREAS, additional limited parking restrictions on the western areas of Hawthorne Subdivision were selected near the corners.

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

SECTION I. Section 245-5. D. (4) of the Municipal Code of the City of Franklin is hereby amended as follows:

Name of Street	Sides	Location
Add: <u>S. 90th Street</u>	<u>West</u>	<u>From W. Meadow Lane (west leg) to W. Hawthorne Lane</u>
Add: <u>S. 90th Street</u>	<u>East</u>	<u>From driveway of 8940 W. Hawthorne Lane to south 50 feet</u>
Add: <u>S. 90th Street</u>	<u>East</u>	<u>Intersection of W. Meadow Lane, northeast and southeast radii and extending 50 feet north and south of each radius</u>
Add: <u>S. 90th Street</u>	<u>East</u>	<u>From intersection with W. Meadow Lane going north to driveway of 8925 W. Meadow Lane.</u>
Add: <u>S. 92nd Street</u>	<u>Both</u>	<u>From W. Rawson Avenue to Franklin corporate Limits (approximately 200 feet north of centerline of W. Hawthorne Lane)</u>
Add: <u>W. Hawthorne Lane</u>	<u>South</u>	<u>From S. 90th Street to S. 92nd Street</u>
Add: <u>W. Meadow Lane</u>	<u>North</u>	<u>From S. 90th Street to S. 92nd Street</u>
Repeal: W. Rawson Avenue	Both	East of S. 76th Street to a point east of the east boundary of Orchard View Shopping Center (from S. 76th Street to a point 500 feet west of S. 76th Street)
Repeal: W. Rawson Avenue	Both	From a point 2,200 feet west to a point 1,200 feet east of the center line of S. 76th Street
Repeal: W. Rawson Avenue	Both	West of S. 76th Street to the Loomis Road overpass (from S. 76th Street to a point 700 feet west of S. 76th Street)
Add: <u>W. Rawson Avenue</u>	<u>Both</u>	<u>East of S. 76th Street to a point 1,200 feet east of the center line of S. 76th Street</u>

Add: <u>W. Rawson Avenue</u>	<u>Both</u>	<u>West of S. 76th Street to a point 150 feet west of the centerline of W. Hawthorne Lane.</u>
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INTRODUCED at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2021, by Alderman _____.

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

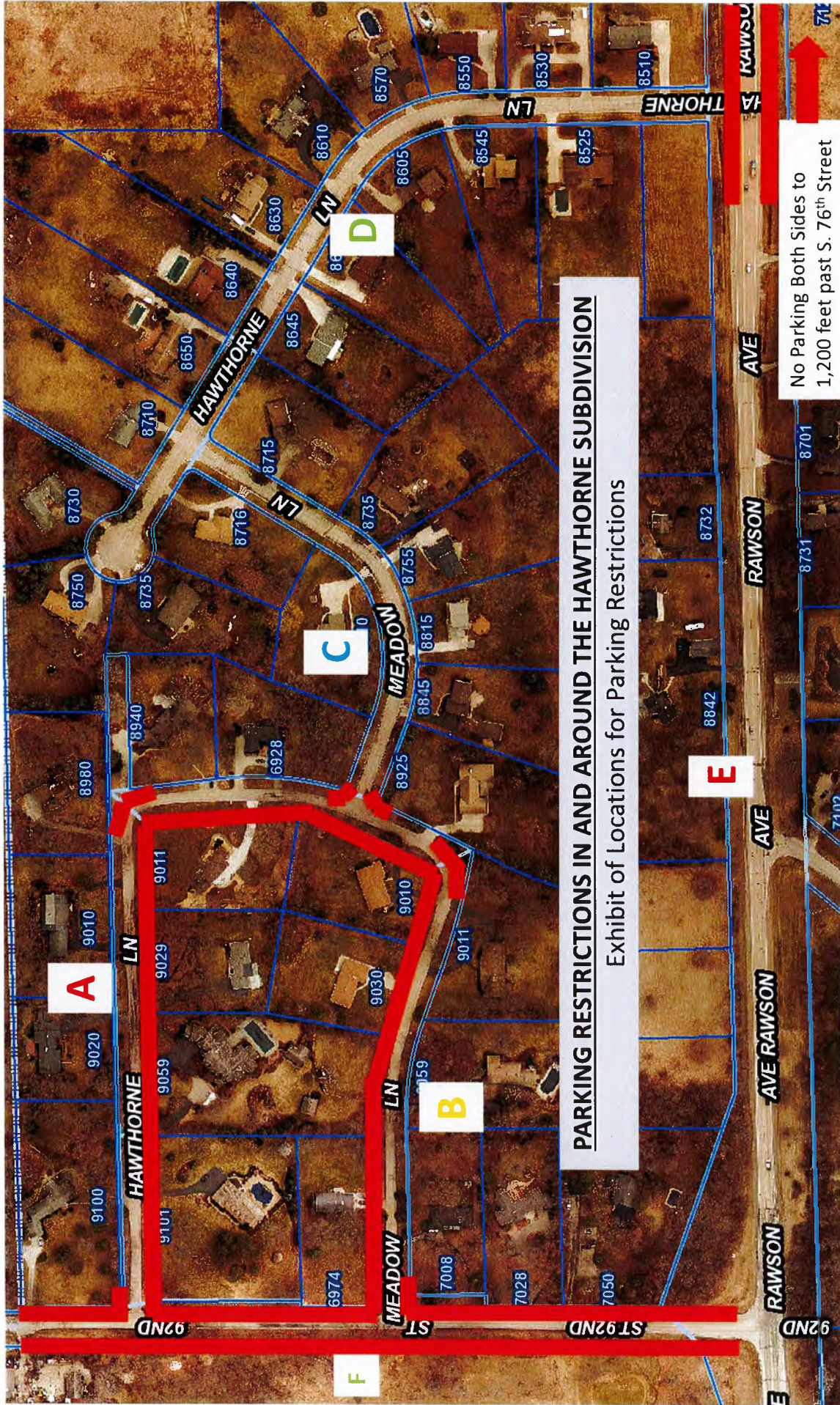
APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES ____ NOES ____ ABSENT ____



A

B

C

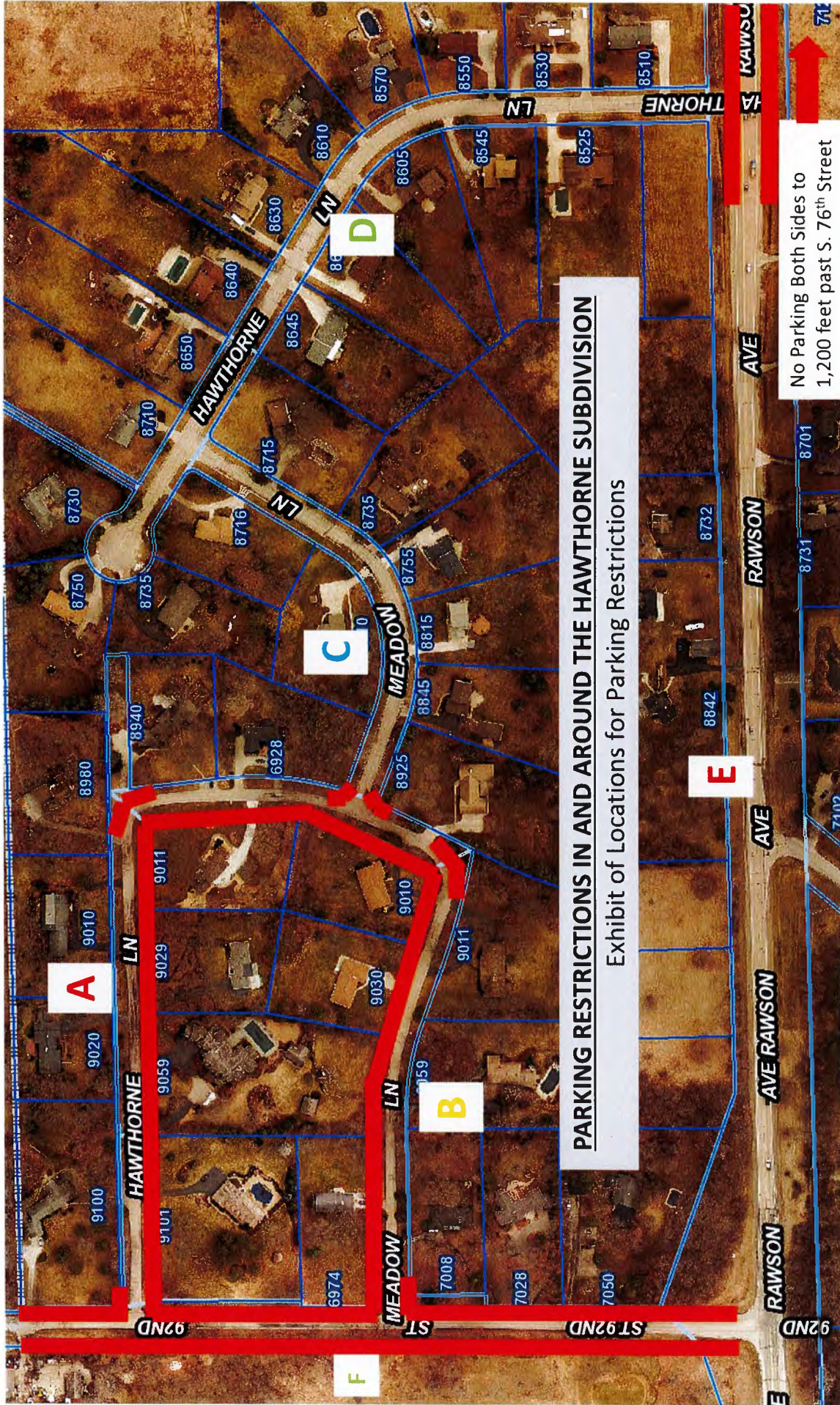
D

E

F

PARKING RESTRICTIONS IN AND AROUND THE HAWTHORNE SUBDIVISION
Exhibit of Locations for Parking Restrictions

No Parking Both Sides to
1,200 feet past S. 76th Street



DATE: July 8, 2021

TO: Board of Public Works

COPY: Dan Mayer- Alderman
Stephen R. Olson, Mayor
Kevin Schlueter- Street Superintendent

FROM: Glen E. Morrow, PE- City Engineer, Director of Public Works, & Utility Manager

SUBJECT: Results for 2021 Follow-up Hawthorne “No Parking” Survey

BACKGROUND

In 2020, we sent out 50 surveys to the property owners in the Hawthorne neighborhood and received 35 responses. The responses were primarily in favor of parking restrictions for all or most of the neighborhood. In July 2020, the Board of Public Works discussed this issue and decided to post the entire neighborhood as “no-parking” both-sides as a temporary measure until the summer of 2021. Specifically, we posted no-parking on all sections, both-sides of W. Hawthorne Lane, W. Meadow Lane, and S. 92nd Street. Parking restrictions did not include W. Rawson Avenue. After the Board decision, a memo was sent to the property owners in the entire neighborhood and they were encouraged to save the memo and return it prior to July 2021 as a survey if they would prefer a different permanent decision. We did not plan to survey again and a non-response would assume that they liked the decision.

This spring, Staff received some returned memos and some phone calls to suggest that the consensus of many residents may be altered. So, Staff sent out a new survey (attached) and received 29 responses.

ANALYSIS

A tabulation of the 29 responses were received by the deadline as follows:

Segment (see map)	Road Segment	I support keeping “No-Parking” restrictions
A (Red)	Hawthorne LN- west leg	2 Yes / 19 No
B (Yellow)	Meadow LN- west leg	4 Yes / 16 No
C (Blue)	Meadow LN- middle leg	2 Yes / 18 No
D (Green)	Hawthorne LN- east leg	5 Yes / 18 No
E (Red)	Rawson Ave	6 Yes / 12 No
F (Green)	92 nd Street	8 Yes / 9 No

Eighteen of the responses included comments. Seventeen of the comments (with Segment designated) are below and one letter (Segment B) is attached.

- (A) We'd prefer "No Parking" on one side of the street if possible because the streets get narrow when cars are parked on both sides.
- (A) Please remove ASAP. Thank you.
- (A) Parking has never been a problem during China Lights or with the rock nearby. Please remove the signs.
- (A) I feel they should post no parking during the events at their expense.
- (A) The Fire Department should be consulted. Parking should be restricted on one side at least to ensure emergency vehicle access. Please keep the sign in my yard. I do not want it removed.

- (B) If the residents on other streets than Meadow Lane want No Parking, I have no objection just don't want it on my street.

- (C) I am undecided on 92nd St & defer to those who's driveway is on the street.
- (C) If necessary (due to special events like China Lights) temporary No Parking signs would be fine. There is no need for permanent signage.

- (D) I feel that temporary restrictions in some areas of the neighborhood may be adequate for specific events.
- (D) May need temporary "No- Parking" signs if there are music venues at the stadium.
- (D) Beneficial for keeping cars off on street while events are taking place.
- (D) Since our property is close to Rawson, we would like to retain the "No Parking" to prevent future "Rock" parking near our property. Please do not remove the sign by our property. Please note that a sign is in front of our vacant land next to our house. Please do not remove it.
- (D) Reconsideration may be needed when concerts & future development and activities are added.
- (D) If anything, have one side no parking.
- (D) Absolutely no need for signs.

- (F) A, B, C, D- I support "No parking" signs but I would be okay if it was only one side of the street. "No parking" on 1 side would allow for parties/guests easily.
- (F) Thank You.

The 2021 version of the survey indicated that many property owners had indeed changed their minds after living with the temporary restrictions this past year. Most property owners are now not in favor of parking restrictions. From this tabulation, it appears that Segment F is the only Segment that has strong support for parking restrictions and Segment E has marginal support.

Some responses only voted for Segments that they live on. To consider that most of the responses were voting on restrictions for other Segments that others need to live with, I summarized the responses for how homes voted on their Segment:

Segment (see map)	Road Segment	I support keeping "No-Parking" restrictions
A (Red)	Hawthorne LN- west leg	1 Yes / 6 No
B (Yellow)	Meadow LN- west leg	2 Yes / 2 No
C (Blue)	Meadow LN- middle leg	0 Yes / 5 No
D (Green)	Hawthorne LN- east leg	2 Yes / 8 No
E (Red)	Rawson Ave	0 Yes / 0 No
F (Green)	92 nd Street	2 Yes / 0 No

*Notes:

- One respondent did not enter their address but voted “no” on all Segments except Segment E (no vote on that Segment). Their vote was not included in this tally.

Like the first tabulation, this tabulation indicates that only Segment F has full support for parking restrictions.

For the other Segments that received “yes” votes, I considered if the properties might be appropriate for some sort of “no parking from here to corner” restrictions that would affect them only and wouldn’t adversely affect their neighbors.

- Segment B is mixed with two “yes” votes and two “no” votes. One “yes” vote is on the corner of S. 92nd Street and W. Meadow Lane- there are no “no” votes conflicting this location. The other “yes” vote is mid-block on the south side of W. Meadow Lane and there is a “no” vote that conflicts with this location.
- Segment D had 2 “yes” votes on the south end of W. Hawthorne Lane close to the intersection of W. Rawson Avenue. A neighbor across the street with a driveway closer to the intersection conflicted with a “no” vote.

One comment stated that the “Fire Department should be consulted.” Staff did receive an email from Franklin Fire Chief Adam Remington:

“ .. concern for emergency access, particularly in the western A and B sections where the road is very narrow, is valid. This area is non-hydranted, which necessitates very different firefighting operations because we have to set up a tanker shuttle to bring in water. Normally, we would park the primary engine on the fire side of the street, with a portable tank in front of the engine, and then keep the opposite side open for the tanker trucks to pull past and dump into the portable tank. In this section of Hawthorn, that would be very difficult to do with existing conditions and no parking. It would be even more difficult to conduct firefighting operations with parking limited to one side or the other. In the eastern part of the development, where the road is wider, this is not as much of a concern. I think that allowing parking on one side or the other in that area might be a compromise. If you would like a demo of drafting operations, let me know. .”

I considered the Chief’s comment concerning the western A and B sections. On the surface, parking restrictions are not fully supported by the residents as described in the analysis paragraphs above. However, I did review the “no” votes for these Segments and many of them are supportive of one-sided parking restrictions. The Chief’s comments are consistent to the street width measurements

presented last year. The widths of Segments A and B are 20+/- feet wide and Segments C and D are 24 +/- feet wide.

If one-sided parking restrictions are implemented for skinnier Segments A and B, the number of driveways appear to be a consideration of which side to choose no-parking. For Segment A, there are five driveways on the north/east sides (i.e. outside lane) and four driveways on the south/west sides (i.e. inside lane). For Segment B, there are four driveways on the south/east sides (i.e. the outside lane) and three driveways on the north/west sides (i.e. the inside lane). Note that two driveways for a single home were counted as one drive. Therefore, the inside lane for Segments A and B has seven homes affected by driveways and the outside lane has nine homes affected.

No property owners along Segment E responded to the 2021 survey. It should be noted that with the recent road construction and developments to the east on W. Rawson Avenue, no parking restrictions should be extended to include the turn lane and acceleration lane for W. Hawthorne Lane. Current municipal code 245-5 restricts parking on W. Rawson Avenue on both sides *“From a point 2,200 feet west to a point 1,200 feet east of the center line of S. 76th Street.”* Essentially from S. Ball Park Drive to the Root River Center. The 2,200 feet west measurement should be changed to 3,300 feet as other changes to the municipal code are made.

RECOMMENDATIONS:

The Board of Public Works recommends to the Common Council to pass an ordinance to amend the Franklin Municipal Code 245-5 as follows:

- For Segments A and B, restrict parking for the inside loop. Specifically no-parking for:
 - W. Hawthorne Lane, south side from S. 92nd Street to S, 90th Street
 - W. Meadow Lane, north side from S. 92nd Street to S. 90th Street
 - S. 90th Street, west side from W. Hawthorne Lane to W. Meadow Lane
- For Segments C and D- remove temporary parking restrictions needed- no changes to Municipal Code.
- For Segment E, no parking restrictions except for areas within the turn lane and acceleration lane related to W. Hawthorne Lane. Specifically modify municipal code 245-5 as follows:
 - W. Rawson Avenue on both sides *“From a point ~~2,200~~ 3,300 feet west to a point 1,200 feet east of the center line of S 76th Street.”*
- For Segment F, restrict parking. Specifically, no-parking for:
 - S. 92nd Street, both sides from W. Rawson Avenue north to corporate boundary.

DATE: June 14, 2021

TO: Hawthorne Neighborhood Property Owners

COPY: Alderman Dan Mayer

FROM: Glen E. Morrow, PE- City Engineer, Director of Public Works, & Utility Manager

SUBJECT: 2021 Follow-Up Survey for Hawthorne “No Parking”

My office has received multiple phone calls concerning the temporary “no parking” restrictions throughout your neighborhood. As such, I am asking you again for your input on this issue. I need your response by July 6, 2021. This item will be discussed again at the Board of Public Works meeting on July 13, 2021 at 6:00 pm.

“No Parking” Follow-up Survey for Hawthorne Neighborhood

My Name is: _____

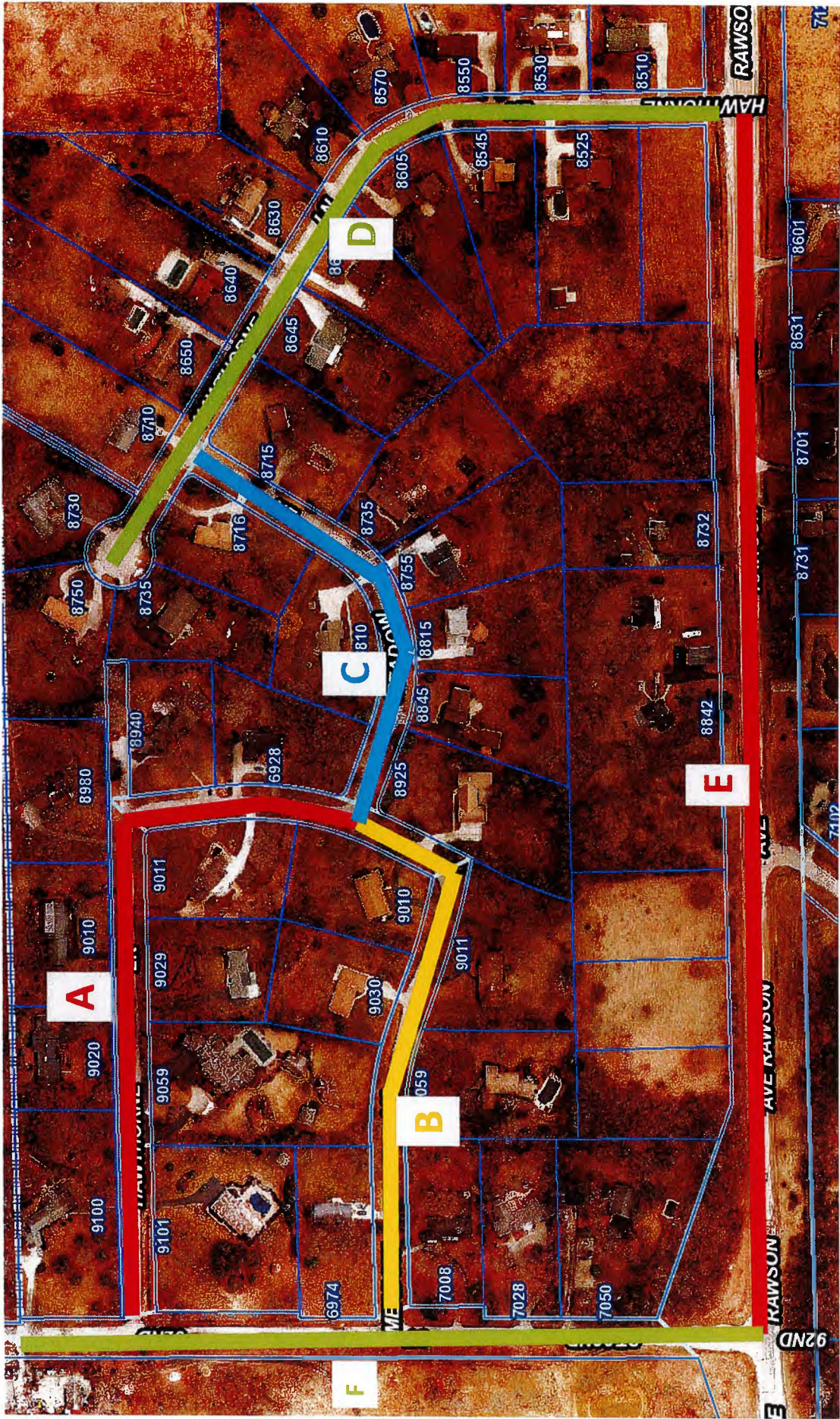
My Property Address is: _____

Segment (see map)	Road Segment	I support keeping “No-Parking” restrictions (circle one)
A (Red)	Hawthorne LN- west leg	Yes/No
B (Yellow)	Meadow LN- west leg	Yes/No
C (Blue)	Meadow LN- middle leg	Yes/No
D (Green)	Hawthorne LN- east leg	Yes/No
E (Red)	Rawson Ave	Yes/No
F (Green)	92 nd Street	Yes/No

Other Comments:

You may return this survey in the attached self-addressed stamped envelope on or before July 6, 2021.

Thank you for your input.



APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE July 20, 2021
Reports & Recommendations	CONSTRUCT STAIRS AT 7044 S. BALL PARK DRIVE FOR \$3,500	ITEM NO. G.12.

BACKGROUND

Since the construction of S. Ball Park Drive, there have been complaints regarding an area between the curbing and the sidewalk for 7044 S. Ball Park Drive (Wheel and Sprocket building). Specifically, pedestrians do not want to walk to the provided curb ramps at each end of the building and attempt to access the coffee shop by walking through landscaping.

Staff was asked to consider installing stairs to accommodate the chosen path through the landscaping.

ANALYSIS

Note that this location does not need to meet ADA standards as ADA accommodations are available on the sidewalk at each end to of the building.

Staff has prepared a plan for an 8-foot wide stair step that would be positioned between two parking spaces. The parallel parking spaces on the south side (east bound) would be shortened to accommodate "compact car parking only" to provide a walking space between cars.

The step would require three custom handrails. One for each end and one in the middle. Staff has obtained quotes from a local custom fabricator to make the handrails.

Considering the cost of the handrails, concrete, and other incidentals to provide steps, a budget of \$3,500 is needed.

OPTIONS

Approve or Deny.

FISCAL NOTE

This is an unbudgeted item and Staff proposes that Tax Increment (TID 5) funding be used.

RECOMMENDATION

Direct Staff to provide stairs and associated appurtenances at 7044 S. Ball Park Drive for a budget of \$3,500.

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE July 20, 2021
Reports & Recommendations	A RESOLUTION TO AUTHORIZE FOTH INFRASTRUCTURE & ENVIRONMENT, LLC TO PERFORM A RYAN ROAD / 76TH STREET AREA MASTER SEWER PLANNING FOR \$14,700	ITEM NO. G.13.

BACKGROUND

The Ryan Creek Interceptor has planned sewer shed basins and sub-basins. Recent developments such as the Park Circle Condominiums on S. 76th Street and the Franklin Schools purchase of the several acres from the Archdiocese of Milwaukee west of S. 81st Street have altered the probable development of an area near S. 76th Street.

In addition to a WisDOT road project in the next few years, Franklin is planning an expansion of the DPW Facility at 7979 W. Ryan Road and relocating a Fire Station to this site (the current DPW site has no sewer service and pays \$125/week for a storage tank to be pumped and hauled). There have also been several speculative developments discussed for the southeast, northeast, and northwest corners of S. 76th Street and W. Ryan Road.

It is time to proceed with serving this area of Franklin with sanitary sewer. The connection to the Ryan Creek Interceptor located approximately 1,000 feet east of the 76th/Ryan intersection must happen soon.

ANALYSIS

To determine the scope of the design for a sewer along W. Ryan Road to connect to the Ryan Creek Interceptor, a small study should be conducted to determine a modified Ryan Creek Interceptor sewer shed map that considers the recent area developments as described above.

Once the sewer shed map is corrected, a sewer of appropriate size, depth, and slope may be laid out considering topography and flows. This study would include a cost estimate for the project and opinions on how the costs may be assessed to benefited properties.

Foth is the engineering firm located in Franklin and their staff has the capabilities to design this project. They also understand the area and potential projects that have been discussed.

OPTIONS

- A. Approve the enclosed contract with Foth, or
- B. Modify scope of a contract with Foth to perform a full design, or
- C. Other direction to Staff.

FISCAL NOTE

This expenditure is unbudgeted. However, 100% of this cost is eligible for reimbursement from the Southwest Sewer Impact Fees.

RECOMMENDATIONS

(Option A) Resolution 2021-_____ a resolution to authorize Foth Infrastructure & Environment, LLC to perform a Ryan Road / 76th Street area master sewer planning for \$14,700.

Engineering Department: GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2021 - _____

RESOLUTION TO AUTHORIZE
FOTH INFRASTRUCTURE & ENVIRONMENT, LLC TO PERFORM A
RYAN ROAD / 76TH STREET AREA MASTER SEWER PLANNING FOR \$14,700

WHEREAS, the City is planning to construct trunk sewers that will feed the Ryan Creek Interceptor; and

WHEREAS, there is anticipated development near W. Ryan Road and S. 76th Street that will require public sanitary sewer service; and

WHEREAS, previous sewer shed masterplans for the Ryan Creek Interceptor near W. Ryan Road and S. 76th Street need to be adjusted based on recent developments to the south; and

WHEREAS, Foth Infrastructure & Environment, LLC is a qualified engineering firm to provide sanitary sewer designs and has intimate knowledge of this area.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, to authorize Foth Infrastructure & Environment, LLC To Perform A Ryan Road / 76th Street Area Master Sewer Planning for \$14,700

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

A G R E E M E N T

This AGREEMENT, made and entered into this ___ day of _____, between the City of Franklin, 9229 West Loomis Road, Franklin, Wisconsin 53132 (hereinafter "CLIENT") and ___ Foth Infrastructure and Environment, LLC (hereinafter "CONTRACTOR"), whose principal place of business is 2121 Innovation Court, De Pere, WI 54115

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 Sanitary Sewer Master Planning for the Ryan Road/S. 76th Street Area.

NOW, THEREFORE, in consideration of these premises and the following mutual covenants, terms, and conditions, CLIENT and CONTRACTOR agree as follows:

- A. This AGREEMENT may only be amended by written instrument signed by both CLIENT and CONTRACTOR.

I. BASIC SERVICES AND AGREEMENT ADMINISTRATION

- A. CONTRACTOR shall provide services to CLIENT for the Ryan Road/S. 76th Street Area Master Sanitary Sewer Planning, as described in CONTRACTOR's proposal to CLIENT dated July 15, 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 \$14,700.00, 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 \$14,700, that shall only be exceeded upon CLIENT approval.
- 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. Dan Snyder 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, Dan Snyder 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. To the fullest extent permitted by law, CLIENT shall indemnify and hold harmless CONTRACTOR, CONTRACTOR'S officers, directors, partners, employees, and consultants 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 CLIENT or CLIENT'S officers, directors, partners, employees, and consultants with respect to this AGREEMENT.
- C. To the fullest extent permitted by law, CONTRACTOR'S total liability to CLIENT and anyone claiming by, through, or under CLIENT for any injuries, losses, damages and expenses caused in part by the negligence of CONTRACTOR and in part by the negligence of CLIENT or any other negligent entity or individual, shall not exceed the percentage share that CONTRACTOR'S negligence bears to the total negligence of CLIENT, CONTRACTOR, and all other negligent entities and individuals.
- D. In addition to the indemnity provided under Paragraph VII.B, and to the fullest extent permitted by law, CLIENT shall indemnify and hold harmless CONTRACTOR and CONTRACTOR'S officers, directors, partners, employees, and consultants from and against injuries, losses, damages and expenses (including but not limited to all fees and charges of engineers, architects, attorneys, and other professionals, and all court or arbitration or other disputes resolution costs) caused by, arising out of, or resulting from an unexpected Hazardous Environmental Condition, provided that (i) any such injuries, losses, damages and expenses is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property, including the loss of use resulting therefrom, and (ii) nothing in this Paragraph shall obligate CLIENT to indemnify any individual or entity from and against the consequences of that individual or entity's own negligence or willful misconduct.
- E. 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 after having received a Notice to Proceed.

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.

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. _____

BY _____
Stephen R. Olson, Mayor

PRINT NAME: Thomas J. Ludwig

TITLE: State Operations Director

DATE _____

DATE: _____

BY. _____
Sandra L. Wesolowski, City Clerk

DATE _____

BY. _____
Paul Rotzenberg, Director of Finance and
Treasurer

DATE. _____

APPROVED AS TO FORM:

Jesse A. Wesolowski, City Attorney

DATE. _____

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">07/20/2021</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.14.</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.

In addition to the two noted documents above, Council and staff have used this opportunity to establish a Council Reference Manual which includes additional valuable information to assist Council in the discharge of their duties. The items in the reference manual, in addition to the two documents noted above, are as follows:

- League of WI Municipalities - Handbook for Wisconsin Municipal Officials
- Franklin Form of Government Details
- Wisconsin State Statutes – Ethics Section
- Franklin Municipal Code – Chapter 19, Council Proceedings
- City of Franklin Anti-Harassment Policy
- Franklin Municipal Code – Chapter 55, Officers and Employees
- City of Franklin Organizational Chart
- City of Franklin Boards/Commissions/Committees Details
- City of Franklin Municipal Code – Table of Contents
- Draft Policy Format for the City of Franklin
- Various Additional Resources

ANALYSIS

Beginning with a substantial amount of research, including: a review of best practices, a review of a substantial amount of League of Wisconsin Municipalities and other related resource information; contacts with other, similar entities; sample policies and reference material from other entities; and detailed readings of the existing City of Franklin Municipal Code, the Reference Manual, including the first draft of the Code of Conduct and Rules of the Common Council were assembled and introduced to the Common Council on April 19, 2021.

Since then, the entire Council, along with staff, has spent many hours, inside and outside of meetings, reading, reviewing, deliberating, editing, improving, and customizing the documents to ensure that they make sense for Franklin, and are able to assist all officials in putting our best foot forward to serve our Community and Citizens.

The two documents have progressed substantially, over the course of the past three months, to get them to their current state. While the documents will likely continue to evolve over time, staff believes that the documents are ready for Council consideration as attached.

Please note it is anticipated that the entire Reference Manual will be utilized by City Officials on a regular basis, which will bring about ideas and suggestions for future changes and updates. A suggested review timeframe is annually, each April at the Organization Meeting of the Council (two out of every three years due to the Franklin election cycle). This will provide an opportunity for new Officials to become familiar with the Manual and continuing Officials to have a refresher on the material.

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

Motion to authorize a Resolution adopting the City of Franklin Code of Conduct for Elected and Appointed Officials and the Rules of the Common Council.

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2021-_____

A RESOLUTION ADOPTING THE CITY OF FRANKLIN CODE OF CONDUCT FOR ELECTED AND APPOINTED OFFICIALS AND THE RULES OF THE COMMON COUNCIL

WHEREAS, it is desirous that city government operate in the most professional, open, transparent and efficient method practicable; and

WHEREAS, it is recognized that the purpose of the meetings of the Franklin Common Council is to conduct the business of the City, contemplate business and legal decisions properly put before the Council, and to provide direction to the Mayor for administration of policies and decisions;

WHEREAS, it is desirous that a City of Franklin Code of Conduct for all Elected Officials, Boards/Commissions/Committees Members, and Appointed Officials, to uphold, promote, and demand the highest standards of ethics be established as is detailed in *Attachment A*; and

WHEREAS, it is desirous that Rules of the Common Council are established to promote consistency and orderly meetings of the Common Council as is detailed in *Attachment B*.

NOW, THEREFORE, BE IT RESOLVED by the City of Franklin Common Council and Mayor to adopt the following: (1) City of Franklin Code of Conduct for all Elected Officials, Boards/Commissions/Committees Members and Appointed Officials, and (2) Rules of the Common Council, in conjunction with the ordinance currently authorized through the City of Franklin Municipal Code, Chapter 19, Council Proceedings.

BE IT FURTHER RESOLVED THAT, both the City of Franklin Code of Conduct and the Rules of the Common Council are to be reviewed periodically, as needed, and at the Organizational Meetings of each newly seated Council.

Introduced at a regular meeting of the Common Council of the City of Franklin this 20th day of July, 2021 by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 20th day of July, 2021.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES ___ NOES ___ ABSENT ___

**CITY OF FRANKLIN CODE OF CONDUCT
ELECTED AND APPOINTED OFFICIALS
July 20, 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 utmost 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 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 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. 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.

E. 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.

F. 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, on recommendation from professional staff and volunteer Boards/Commissions/Committees, recommend from time to time various aspects of personnel management including policies and procedures, 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. 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.

Council Members 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.

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 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 convey to the public their respect and appreciation for 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 and non-verbal expressions are to be appropriate, 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 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 the Council per Roberts 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 allowed to request a Conflict of Interest Opinion from the City Attorney.

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 clear their attendance in closed sessions with the Chair in advance of attending a closed session of that Commission/Board/Committee.

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 under penalty of perjury. 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 $6 * .75 = 4.5$, 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 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
July 20, 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, Section 19-1, Sub-Sections A – D, as attached hereto.

In addition to the codified criteria for Special Meetings, per the City of Franklin Municipal Code, Section 19-1, Sub-Section 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 absent 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 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 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,

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, Section 19-3, Sub-Section 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, Section 19-7, Sub-Sections 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, Section 19-7, Sub-Section 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 without confirming motion.
- 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 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.
 - iv. A Member who wishes to abstain must do so in accordance with the City of Franklin Municipal Code, Section 19-7, Sub-Section D, as attached hereto, and announce the same at the start of debate or the point in time during the debate in which the Member determines that he/she has a conflict with the matter, including reason(s) for abstaining to be included in the minutes and should consider leaving the room during the

debate. A Member who participates in debate, but does not voice that he/she is abstaining and provide the reason, is strongly 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 additional information 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, Section 19-7, Sub-Section C, as attached hereto. (A motion to call the question does not require a second.)
- 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 without debate, pursuant to Roberts Rules of Order.
- l. **RECONSIDERATION** - Reconsiderations are allowed through the process included in the City of Franklin Municipal Code, Section 19-7, Sub-Section 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 and committee meetings' purpose is 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, 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 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

- a. Citizen comments shall be conducted per the City of Franklin Municipal Code, Section 19-2, Section 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, Section 19-2, Sub-Section 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 harm an individual, company, or group's reputation, or financial position, or diminish the City's negotiating position. Wisconsin Statutes, Section 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.

Chapter 19. Council Proceedings

[HISTORY Adopted by the Common Council of the City of Franklin 8-5-1997 by Ord No 97-1461 as Ch 2 of the 1997 Code Amendments noted where applicable]

§ 19-1. Meeting time and date.

- A Regular meetings Regular meetings of the Council shall be held on the first and third Tuesdays of each calendar month at 6 30 p m , except when otherwise scheduled by majority vote of the Council to accommodate summer schedules, holidays, election days and the like
[Amended 3-5-2002 by Ord No 2002-1708, 7-1-2003 by Ord No 2003-1755]
- B Special meetings Special meetings of the Council may be called by two Alderpersons by filing a written request with the Clerk at least 24 hours prior to the time specified for such meeting The Clerk shall immediately notify each Alderperson of the time and purpose of such meeting The notice shall be delivered to each Alderperson personally or left at his or her usual place of abode The Clerk shall cause an affidavit of service of such notice to be filed in his or her office prior to the time fixed for such special meeting Special meetings may be held without notice when all members of the Council are present or consent in writing to the holding of such meeting Unless all Alderpersons are in attendance, no business shall be transacted at a special meeting except for the purpose stated in the notice thereof
- C Place of meetings All meetings of the Council, including special and adjourned meetings, shall be held in the City Hall, except where a meeting is attended by a number of persons in excess of that number for which the facility may provide reasonable public access for the meeting or where the City Clerk, upon the advice and consent of the Mayor, has determined in advance of a meeting that such a large attendance is anticipated, and in either such event, the meeting may be adjourned to or scheduled at, respectively, a larger facility
[Amended 3-5-2002 by Ord No 2002-1708]
- D Quorum Four Alderpersons shall constitute a quorum, but a lesser number may adjourn from time to time or compel the attendance of absent members A call of the house may be ordered by majority vote
[Amended 8-18-2009 by Ord No 2009-1976]

§ 19-2. Order of business.

- A Agenda The business of the Council shall be conducted according to the agenda prepared by the Clerk All matters intended to be placed upon a regular meeting agenda shall be submitted to the Clerk no later than 9 00 a m on the Friday during the week preceding the regular Tuesday meeting, and the Clerk shall distribute the agenda to Common Council members no later than 5 00 p m on the Friday during the week preceding the regular Tuesday meeting No matters may be otherwise added to the agenda excepting those which are emergency in nature and could not have been submitted to the Clerk prior to the aforesaid deadline The Clerk shall determine whether an item is emergency in nature, which determination shall consider whether absent the consideration of such matter at the forthcoming meeting, harm may result to the health, safety and welfare of the community, irreparable harm may result to the applicant or some other individual or

entity or whether the subject matter being appropriate for Council determination would become moot, unavailable or preempted
[Amended 12-16-1997 by Ord No 97-1482 3-5-2002 by Ord No 2002-1708]

B Citizen comment period

- (1) Every agenda of City Council meetings shall include, immediately following roll call an agenda item entitled "citizen comment period " Such agenda item shall authorize any person to address the City Council
- (2) During the citizen comment period, no person shall speak for longer than three minutes at each Council meeting, unless the City Council shall direct otherwise to an individual City Council direction may take the form of unanimous consent
[Amended 3-5-2002 by Ord No 2002-1708, 8-18-2009 by Ord No 2009-1976]
- (3) Nothing contained in this subsection is intended to limit in any way the right of the electorate to petition or in any manner contact City government officials

- C Committee of the Whole The Common Council members shall regularly meet as a Committee of the Whole on the first Monday of each calendar month at 6 30 p m , except when otherwise scheduled by majority vote of the Common Council or the Committee of the Whole to accommodate summer schedules, holidays, election days and the like All meetings of the Committee of the Whole shall be held in the City Hall, except where a meeting is attended by a number of persons in excess of that number for which the facility may provide reasonable public access for the meeting or where the City Clerk, upon the advice and consent of the Mayor, has determined in advance of a meeting that such a large attendance is anticipated, and in either such event, the meeting may be adjourned to or scheduled at, respectively, a larger facility The Mayor shall preside over meetings of the Committee of the Whole, unless absent, in which case the Common Council President shall preside, in the further absence of the Council President, the Alderperson designated upon the rotation calendar for such service pursuant to § 33-1C of this Code shall call the meeting to order and preside until the Committee selects one of its members to preside for that meeting
[Added 3-5-2002 by Ord No 2002-1708, amended 8-18-2009 by Ord No 2009-1976]

§ 19-3. Presiding officer.

- A Control of meeting The Mayor shall preserve order and conduct the meeting A member may appeal from the decision of the presiding officer Such appeal is not debatable and must be sustained by a majority of the members present, exclusive of the presiding officer
- B Absence of Mayor If the Mayor is absent at any meeting, the Council President shall preside In the absence of both the Mayor and Council President, the Clerk shall call the meeting to order and preside until the Council selects an Alderperson to preside for that meeting
- C Participation in debate The presiding officer may speak upon any question

§ 19-4. Committees.

- A Committee appointments At the first regular Council meeting in May, the Mayor shall appoint the following committees, subject to Council confirmation

(1) Finance Committee

(2) (Reserved)^[1]

[1] *Editor's Note Former Subsection A(2) Labor Negotiations Committee was repealed 12-4-2001 by Ord No 2001 1687 and 3-5-2002 by Ord No 2002-1708*

- (3) License Committee The Committee shall review applications for business applications and submit its recommendations to the Council
- B Committee reports Each committee shall, at the next regular meeting of the Council, submit or provide a written or verbal report on all matters specifically referred to it by separate action of the Council Such report shall recommend a definite action on each item and be approved by a majority of the committee Any committee may require any City officer to confer with it and supply information in connection with any matter pending before it
[Amended 8-18-2009 by Ord No 2009-1976]

§ 19-5. Ordinances and resolutions.

- A Ordinances, resolutions, bylaws, communications and other matters submitted to the Council shall be read by title and author and referred to the appropriate committee by the Mayor No ordinance, resolution or bylaw shall be considered unless presented in writing and submitted to the Clerk Unless requested by an Alderperson before final vote is taken, no ordinance, resolution or bylaw need be read in full Before taking effect, all ordinances passed by the Council shall be signed by the Mayor, countersigned by the Clerk and published in the Official Newspaper
- B All acts subject to the veto power of the Mayor shall be submitted to him or her by the Clerk and be in force upon his or her approval, evidenced by his or her signature or upon his or her failing to approve or disapprove within five days, which fact shall be certified thereon by the Clerk If the Mayor disapproves, he or she shall file his or her objections with the Clerk, who shall present them to the Council at its next meeting A two-thirds vote of all members of the Council shall then make the act effective, notwithstanding the objections of the Mayor

§ 19-6. General rules.

Deliberations of the Council shall be conducted in accordance with the parliamentary rules in Robert's Rules of Order, Revised, incorporated herein by reference No person other than a member shall address the Council, except by majority vote of the members present

§ 19-7. Method of voting.

- A Voting shall be as follows When a motion is made and seconded, it shall be stated by the member making the same or by the Mayor or be read by the Clerk before being debated No motion shall be discussed or acted upon unless and until it has been seconded No motion shall be withdrawn without the consent of the person making the same and the person seconding it
- B When a question is under discussion, no action shall be in order except the following, which shall have precedence in the order in which they stand
- (1) To adjourn
 - (2) To lay on the table
 - (3) The previous question
 - (4) To postpone to a certain date
 - (5) To refer to a standing or special committee
 - (6) To amend

- (7) To postpone indefinitely
- C Any member desirous of terminating the debate may move the previous question, in which event the Mayor shall announce the question as "Shall the main question now be put?" If a majority of the members present vote in the affirmative, the main question shall be taken without further debate its effect being to put an end to all debate and bring the question to a direct vote, first upon any pending amendments and then upon the main question
- D Every member shall have the right to abstain from voting on any given matter Any vacancy on the Common Council shall not diminish the number of votes required to take action where the voting requirement is for the concurrence of a majority or otherwise specified proportion of all the members of the Common Council, however, where the voting requirement is for the concurrence of a specified proportion of the Common Council or other phrase indicating its membership at the time action is taken, the required number is reduced by any vacancy When a board member abstains upon any matter, such abstention shall not diminish the number required to take action where the requirement is for the concurrence of a majority or other specified proportion of all of the members of the Common Council, however, where the voting requirement is for the concurrence of a specified proportion of the Common Council or other phrase indicating its membership at the time action is taken, the required number shall be reduced by such abstention, in all cases, an abstention being treated as neither an affirmative nor a negative vote
[Amended 2-15-1999 by Ord No 99-1536, 2-16-2004 by Ord No 2004-1782]
- E A majority of votes cast when a quorum is present shall be necessary for passage, adoption or approval of any proposed ordinance, motion, resolution or appointment, unless a larger number is required by statute
- F It shall be in order for any member who voted in the affirmative on any question which was adopted or for any member who voted in the negative when the number of affirmative votes was insufficient for adoption to move a reconsideration of such vote, at the same or next succeeding regular meeting of the Council A motion to reconsider having been lost shall not be again in order
- G Roll call votes of the Aldermanic Common Council members shall be taken in a continuing alternating method per vote of the Common Council, alternating from a vote in order of numerical district designation (from District 1 through District 6), to a vote in reverse order of numerical district designation (from District 6 through District 1), to a vote in order of numerical district designation, and so on Failure to comply with this subsection shall not affect the validity of any vote or Council action resulting therefrom
[Added 5-7-2002 by Ord No 2002-1713]

§ 19-8. Suspension of rules.

These rules or any part thereof may be temporarily suspended by a recorded vote of two-thirds of the members present at any Council meeting

§ 19-9. Procedures for commencing projects.

[Amended 3-5-2002 by Ord No 2002-1708, 7-18-2017 by Ord No 2017-2285]

When specifically authorized for a proposed project or projects by a resolution approved by at least 2/3 of the members-elect of the Common Council and to maintain orderly development within the financial limitations of the community and to weigh the financial impact of the project on the short- and long-term basis

- A Initiation of projects Proposed projects shall be initiated by the following methods at a regular meeting of the Council
- (1) Recommendation of the City Engineer and/or the Board of Public Works

- (2) Request of Alderperson
 - (3) Petition of property owners
- B City Council action on adoption of motion to consider project Refer project to respective committee for recommendation, as follows
- (1) To Board of Public Works all public works projects
 - (2) To committee of the whole all public buildings and grounds
 - (3) To Finance Committee all projects for finance impact studies and methods of financing
- C Procedural steps by Board of Public Works
- (1) Determine area affected by the proposed drainage project
 - (2) Determine if proposed project can be feasibly done with City labor or if a private contractor would be required or both
 - (3) Estimate cost of labor, materials and rental equipment required with the use of City labor forces
 - (4) Provide alternate cost of labor and materials, if a private contractor would be required
 - (5) Submit a unit cost on the basis of area assessment benefits assessing
 - (a) Cost of material and rental equipment
 - (b) Entire costs
 - (6) Propose alternate methods of assessment, if appropriate
 - (7) Consider and recommend a project priority and start date
 - (8) Incorporate the above determination into writing and submit the same along with recommendations to the Council via the City Clerk, who shall submit the same to the Finance Committee for its consideration and recommendations
- D Procedural steps by the committee of the whole
- (1) Determine the short-term or long-term need for the public building or grounds with input from all interested departments, civic groups and citizens, where appropriate
 - (2) Select site for proposed building
 - (3) Solicit architectural design proposals from architectural or engineering firms along with estimated costs and estimated time for project completions
 - (4) Review proposed designs and qualifications of the respective architectural and engineering firms and submit recommendations of the site, design and architectural or engineering firm, as well as estimated costs, to the City Clerk, who shall forward the same to the Finance Committee for its study and recommendations
- E Procedural steps for the Finance Committee
- (1) Determine if funds are available for the proposed budget in the current budget on the basis of estimated costs of the project

- (2) Prepare a financial impact study on the basis of short- and long-term effects of the cost of the project on the debt limitations of the City and the community's ability to meet its obligations when due. Consider the effect of the project on the real estate property tax if the project is to be funded from the general fund rather than by special assessments
- (3) Solicit additional input from department heads, boards or committees as required
- (4) Consider and recommend method of financing project
- (5) Consider repayment schedules of existing debts and recommend a project start date which will have the least financial impact on the City's debt repayment schedules
- (6) Submit recommendations to Council, including method of financing, proposed start date on the basis of available financing and effect of project costs in the City debt to the Council. If the project is recommended for reject, submit reasons

F Action upon committee recommendations

- (1) Committee recommendations shall be referred to the Council committee of the whole, which shall
 - (a) Accept, reject or modify recommendation of said committees
 - (b) Consider and recommend an assessment policy for drainage projects
 - (c) Determine if the project is financially feasible
 - (d) Recommend proposed project commencement date
 - (e) If a determination has been made to recommend proceeding with the project, recommend commencement of financial arrangements, if necessary
 - (f) Order the preparation of the appropriate resolutions for special assessments if the project is to be assessed
- (2) Where the committee of the whole was directed to make a study and submit recommendations, it shall incorporate in its recommendations the requirements of Subsection **F(1)** above

G Final determination by the Council. The Council, on receipt of recommendation from the committee of the whole, shall determine whether to proceed or not to proceed with the proposed project. If determination is made to proceed with the project, the Council shall direct that all necessary steps be taken by the appropriate officials to finance, schedule and complete the project.

§ 19-10. City participation in public construction projects.

[Added 7-18-2017 by Ord No 2017-2285]

In accordance with § 62.15, Wis Stats, any class of public construction or any part thereof may be done directly by the City without submitting the same for bids.

§ 19-11 Letting of bids for public construction projects

[Added 11-5-2018 by Ord No 2018-2344]

No public construction project shall be let for bid unless the Common Council has previously authorized the solicitation of bids for such public construction project. This section does not apply to a

public emergency as set forth in § 62 15(1b) Wis Stats , and it does not apply to a public construction for which the cost does not exceed \$25,000 as set forth in § 62 15(1), Wis Stats

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE July 20, 2021
REPORTS & RECOMMENDATIONS	AN ORDINANCE TO AMEND ORDINANCE 2020-2453, AN ORDINANCE ADOPTING THE 2021 ANNUAL BUDGETS FOR THE 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 AVE PROJECT COSTS	ITEM NUMBER G.15.

Background

On July 6, 2021, the Common Council awarded three recreation facility contracts totaling \$144,063 from Capital Improvement Fund contingency.

- The first was a \$69,663 contract with Bear Development to construct a trail near W Ryan Road Rd and W Loomis Rd.
- Another was a \$57,000 contract to Graef to create a master Ryan Creek trail system, and
- the last a \$17,400 contract with RA Smith to delineate wetlands in a planned recreation area along S 112th Street south of Oakwood Rd.

The Council also awarded a \$6,343 contract to WE Energies to move a light pole related to the Marquette Ave construction project.

Since the recreation project costs qualify for Park Impact fees City funds required for the projects is \$84,795, which will become a new resource in the Capital Improvement Fund.

Total Capital Improvement Fund contingency was \$150,000 prior to these contract awards.

Analysis

The costs will be charged to the Recreation and Public Works projects. The proposed Budget Amendment will move the Contingency appropriations to Recreation and Public Works projects and authorize the transfer out of the Development Fund of Park Impact fees creating additional resources in the Capital Improvement Fund.

With the new Park Impact Fee resource, \$84,795 of Capital Improvement Fund Contingency will be restored.

Recommendation

Staff recommends adoption of the attached 2021 Capital Improvement and Development Funds budget amendments for the above noted projects.

COUNCIL ACTION REQUESTED

Motion adopting an ordinance to amend Ordinance 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 Ave project costs

Roll Call Vote Required

Finance Dept - Paul

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

ORDINANCE NO. 2021 _____

AN ORDINANCE TO AMEND ORDINANCE 2020-2453, AN ORDINANCE ADOPTING THE 2021 ANNUAL BUDGETS FOR THE CAPITAL IMPROVEMENT AND DEVELOPMENT FUNDS TO PROVIDE ADDITIONAL \$1444,400 RECREATION FACILITIES APPROPRIATIONS AND TRANSFERS OF RELATED PARK IMPACT FEES AND \$6,500 OF MARQUETTE AVE PROJECT COSTS

WHEREAS; the Common Council of the City of Franklin adopted the 2021 Annual Budgets for the City of Franklin on November 17, 2020;

WHEREAS; the Council awarded \$144,063 of contracts on three recreation facility projects on July 6, 2021 from Capital Improvement Fund contingency;

WHEREAS; the Council awarded a \$6,343 contract to WE Energies to move a light pole related to the Marquette Avenue construction project using Capital Improvement Fund contingency;

WHEREAS; the recreation facility projects are expected to qualify \$84,795 of Park Impact fees; and

WHERE AS; the Capital Improvement and Development Funds budgets should be amended to reflect these aforementioned project costs.

NOW, THEREFORE, the Common Council of the City of Franklin does hereby ordain as follows:

Section 1 That the 2021 Budget for the Development Fund be amended as follows:

Development Fund

Park Impact fee transfer out	Increase	\$84,795
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Section 2 That the 2021 Capital Improvement Fund resources and expenditure appropriations be amended as follows:

Marquette Ave Construction project	Increase	6,500
Bear Development trail	Increase	70,000
Ryan Creek Trail planning	Increase	57,000
112 th Street Recreation Area	Increase	17,400
Contingency	Decrease	150,900
Park Impact Fee Resources	Increase	\$84,795
Contingency	Increase	84,795

Section 3 Pursuant to §65.90(5)(a), Wis. Stats., the City Clerk is directed to post a notice of this budget amendment within fifteen days of adoption of this ordinance on the city's web site.

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

APPROVED:

Stephen R Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE July 6, 2021
Reports & Recommendations	RESOLUTION TO REIMBURSE MILLS HOTEL WYOMING, LLC TO CONSTRUCT A PORTION OF THE RYAN CREEK TRAIL IN THE RYAN MEADOWS SUBDIVISION FOR \$69,662.50	ITEM NO. G.6.

BACKGROUND

Ryan Meadows is nearing completion for installation of the public infrastructure. Construction of the sidewalks in the commercial/industrial area is imminent.

During the recent discussions of a potential Ryan Creek Trail from S. 116th Street Trail to a future Root River Trail extension, Staff observed that constructing a trail through the development is easier now than when lots are developed. Homes and businesses may be constructed and occupied with the knowledge that a trail does exist.

Elsewhere on this agenda is an item for a consultant to assist with master planning a Ryan Creek Trail.

ANALYSIS

Staff asked Mills Hotel Wyoming, LLC, the developer of Ryan Meadows Subdivision, to postpone construction of a 5-foot sidewalk so that Common Council may consider paying to construct a 10-foot trail. The developer provided a quote from his contractors that have previously publicly bid the concrete work. VEIT has quoted preparation of the earthwork and adding stone base for \$27,810.00. Stark Pavement has quoted the extra 5-feet of walk with the ADA accessible ramps for \$41,852.50. Total cost for the City to expand the developer provided 5-foot sidewalk to a 10-foot trail is \$69,662.50.

Note that this work would be 100% in the public right-of-way for S. Monarch Drive and W. Chicory Street so no additional land acquisition is needed for this construction. This public right-of-way location is one method for the City controlling the land as required to use Park Impact Fees.

See attached exhibit for how this portion of trail fits into a Ryan Creek Trail system.

OPTIONS

Approve or Deny. The developer's contractors need an answer on which option is selected.

FISCAL NOTE

This expenditure is unbudgeted. 62% of \$69,662.50 is \$43,190.75 and is eligible for using park impact fees.

For the remaining 38% (\$26,471.75), Staff recommends that appropriation be authorized from Fund 46 Contingency.

*AO. 44 0551. 5833
74702*

RECOMMENDATION

Resolution 2021-_____ a resolution to reimburse Mills Hotel Wyoming, LLC to construct a portion of the Ryan Creek Trail in the Ryan Meadows Subdivision for \$69,662.50.

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE July 6, 2021
Reports & commendations	RESOLUTION FOR GRAEF-USA INC. TO PREPARE A RYAN CREEK BICYCLE/PEDESTRIAN TRAIL MASTER PLAN FOR \$57,000	ITEM NO. G.7.

BACKGROUND

At the June 15, 2021, Common Council meeting, a Ryan Creek Trail project was discussed. The Comprehensive Outdoor and Recreation Plan (CORP) discusses a trail along Ryan Creek in the southwest portion of the City that touches the northern portion of Franklin Savannah conservation area, as well as potentially providing access to lands identified in the CORP for future recreation. Such a trail would be a significant connection from the proposed S. 116th Trail to the future extension of the Milwaukee County's Oak Leaf Root River trail, as well as the existing terminus of the trail at the Franklin Sports Complex. Staff was directed to develop a scope for a master plan of a trail along the southern portion of Franklin.

The Franklin Parks Commission discussed this project at the June 21, 2021, meeting and were supportive of this project.

ANALYSIS

Graef-USA Inc. has been performing excellent service for Franklin on the S. 116th Street and St. Martin of Tours trail projects. Staff has met with GRAEF and GRAEF has a good understanding of the project. Enclosed is a proposed contract with a detailed project scope for a master planning project.

GRAEF's project schedule anticipates authorization to proceed on July 6, 2021 and will have a final product on September 30, 2021 for the Parks Commission to discuss on October 11, 2021, and be ready for Common Council approval on October 19, 2021.

OPTIONS

- A. Authorize GRAEF to prepare a master plan for the Ryan Creek Trail. Or
- B. Refer back to Staff with further direction.

*PO 46. 0321 5216, 5140
~~551~~ ~~5833~~*

FISCAL NOTE

Staff is asking to spend \$57,000 from Fund 46 Contingency.

62% of this cost is eligible for reimbursement from the Park Impact Fees. 62% of \$57,000 is \$35,340 and will be brought forward in the future to reimburse the contingency fund.

RECOMMENDATION

(Option A) Resolution 2021-____, a resolution to authorize GRAEF-USA Inc. to Prepare a Ryan Creek Bicycle/Pedestrian Trail Master Plan for \$57,000 plus direct expenses.

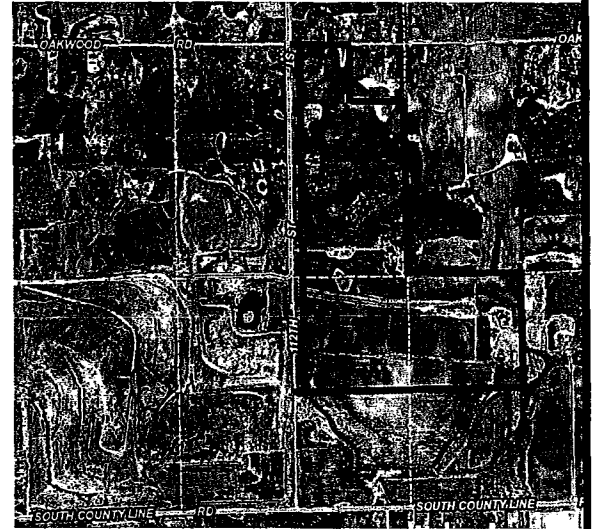
Engineering Department: GEM

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE July 6, 2021
Reports & recommendations	RESOLUTION FOR RA SMITH, INC. TO PREPARE AN ASSURED WETLAND DELINEATION OF 151 ACRES AT A POTENTIAL PARK ON S. 112TH STREET FOR \$17,400	ITEM NO. <i>G.8.</i>

BACKGROUND

In 2010, a Franklin Expansion Agreement was executed between Waste Management of Wisconsin, Inc. and the City of Franklin, Town of Raymond, Town of Norway, City of Muskego, Waukesha County, Milwaukee County, and Racine County. Item 11 (page 8) of this agreement provides for properties to be transferred to the City of Franklin as a conservation Greenbelt:

11 In order to facilitate the Conservation Greenbelt becoming a reality, Operator [Waste Management] agreed to transfer to the City of Franklin, or to The Conservation Fund or to the DNR (or to a similar entity selected by the City), the Frey Property (Parcel 2 — 99.5 acres), other property Operator owns to the east of South 112th Street (Parcel 3 — 68.6 acres) and the 112.6 acres Operator owns to the south of County Line Road (Parcel 4), provided that (i) it retains certain rights to use a portion of Parcels 2 and 3 for soil and water management purposes, and (ii) the DNR confirmed that it would allow the taking of certain wetlands within the Active Fill Area so that the landfill could add 10,000,000 or more tons of disposal capacity beyond that provided in the Northern Footing Active Filling Area



Staff has met with Waste Management concerning a transfer of these properties. Staff believes that the parcels would be suited for a park use or wetland bank mitigation. To fully explore how these parcels may be used, some exploratory work, including wetland delineations, is needed.

These lands are identified in the 2030 Comprehensive Outdoor Recreation Plan park as the “Metro Conservancy Special Park,” intended to be a site for recreation, natural resource enhancement and mitigation, and also serve as a greenway connection between the existing Franklin Park, the proposed Southwest Park, and conservancy lands nearby. Many of these lands have been placed under a conservation easement that allows for trails. The amount of land available for possible improvements for the park will be determined by the location of these easements, and of wetlands on the property. The CORP further proposes that these lands be used for “the creation of a continuous, integrated environmental greenbelt that will provide flood protection and preserve wildlife and native habitat through the Ryan Creek and Root River watersheds (Chapter 7),” including land set aside to allow for off-site mitigation of natural resource impacts such as woodland or wetland impacts resulting from development elsewhere in the City. It should be noted that, even if a fully certified DNR mitigation bank is not feasible, other types of mitigation areas may be appropriate.

PO 46. 0321 5216. 5145

ANALYSIS

RA Smith has a WDNR assured delineator and they performed excellent for the water tower park land that the City purchased this past year on S. Lovers Lane. Enclosed is a contract for RA Smith to delineate wetlands for approximately 151 acres on the east side of S. 112th Street between W. Oakwood Road and W. South County Line Road as shown in the exhibit.

OPTIONS

- A. Authorize RA Smith to perform wetland delineation for this potential parkland. Or
- B. Refer back to Staff with further direction.

FISCAL NOTE

Staff is asking to spend \$17,400 from Fund 46 Contingency.

36% of this cost is eligible for reimbursement from the Park Impact Fees. 36% of \$17,400 is \$6,264 and will be brought forward in the future to reimburse the contingency fund.

RECOMMENDATION

(Option A) Resolution 2021-____, a resolution to authorize RA Smith, Inc. to prepare an assured wetland delineation of 151 acres at a potential community park on S. 112th street for \$17,400.

Engineering Department: GEM

APPROVAL <i>Stw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE July 20, 2021
REPORTS & RECOMMENDATIONS	REPORT ON VANDEWALLE & ASSOCIATES, INC. SUPPORT FOR PARKLAND ACQUISITION SERVICES	ITEM NUMBER G.16.

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 final product of this work will be a Parkland Acquisition Strategy Report, based on the goals identified by the Comprehensive Outdoor Recreation Plan and prioritized by stakeholders including Parks Commission, the Plan Commission and Common Council. The report will make recommendations as to options for the timing of purchases to appropriately use Park Impact Fees, provide estimates as to matching requirements, and include other information to assist in purchasing parkland. A copy of the 2030 CORP is available to council members from the Planning department upon request.

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

STATUS

At the May 10, 2021 Parks Commission meeting, Vandewalle and Associates presented a draft outline of the Study to the Parks Commission for their review and feedback. Jackie Mich of Vandewalle and Associates moderated a discussion of the draft, and solicited additional input which has been incorporated into this subsequent draft of the report. *The Parks Commission adopted a motion to send recommendation of the Parkland Acquisition Study to Plan Commission to purchase a parcel in southwest corner of the City for future use.* Additional feedback from that session includes

- Concerns regarding balancing necessary maintenance of existing parks with the need to plan for future growth in the city and park facilities
- Concerns regarding the City's ability to allocate necessary matching funds for impact fees

A copy of the draft report is provided here for review

As part of their initial analysis, Vandewalle and Associates identified spending horizons for park impact fees: limits to how long the City may hold those fees without spending them. When the fees expire, they will need to be rebated. This included an immediate need to spend those funds expiring at the end of 2022. Subsequently, staff has undertaken efforts to plan for how best to allocate those funds appropriately within the 2022 budget, which has been discussed at Parks Commission and incorporated into the Capital Improvement Planning currently underway. The draft Study therefore looks further into the future, to consider how to accomplish the goals of the CORP including possible acquisitions of larger parks, trails, and development of public lands to be donated to the City.

Vandewalle and Associates will moderate an input session with the Plan Commission this Thursday, July 22, 2021. Plan Commission feedback will be incorporated into the draft report, and the item will come to Common Council for 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 item is a status update on the project. No action is required at this time.

Lead Staff/Planning - SH/MX

Franklin Parkland Acquisition Strategy

Vandewalle & Associates

Draft July 2, 2021

Introduction

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

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

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

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

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

Goals for Parkland Acquisition

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

- A. Utilize accumulated park impact fees in order to offset the impact of development and provide adequate parkland for the City's current and future population.
- B. Utilize park impact fees to acquire land for a Neighborhood Park or Community Park of 20 acres or more. This would fulfill the City's need for additional parkland in the southwest portion of the City, where future residential growth is planned. A park of this size is desirable, because it could accommodate a wide range of recreation uses, and because it is more cost effective to maintain than several Mini Parks.
 - The new park should provide a space for special events, as the City currently does not have many open areas suitable for large public or private events and festivals.

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

Parkland Acquisition Strategy

The process for determining how best utilize park impact fees involve three main steps, with several sub-steps. It is an iterative process, meaning that it repeats or restarts as needed. Continual review of this process and updating of assumptions is important throughout. Refer to the graphic on page for a summary of this process.

Step One: Fund Analysis

1.) Review Existing Park Fee Collection/Expiration Schedule

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

2.) Develop Plan for Utilization for Expiring Funds

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

As plans to utilize impact fee funds are developed, determine match requirement and coordinate with the annual City budgeting process to ensure that matching funds are available when needed. The City's match requirement is described on page .

3.) Reserve Other Park Fees for Larger-Scale Acquisitions

Park fees with later expiration dates can be targets for larger-scale acquisitions through accumulation over time. These funds can form the base matching funds for grant applications and local matching requirements.

Step Two: Project Concept and Partnerships

1.) Develop Park Concept/Program

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

2.) Leverage Grant and Partnership Opportunities

The City should work to identify any complementary partnerships (Franklin School District, club sports, community agencies) along with local, state, and federal grant programs that could offer an opportunity to bring additional funds to a given project through matching grants or partnerships. Grant funds or partner funds cannot be used to reduce the City's required matching funds, but such funds can be used to increase the size or scope of a park project. Additionally, the City's funds and impact fees can be used as a match required by grant programs, so the City should explore opportunities for local, state, and federal grants that could be used to enhance desired park projects. For example, the Knowles-Nelson Stewardship grant program could be use considered to allow the City to acquire additional acres of natural area that it would not have had the ability to purchase with City fund and impact fees alone.

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

Step Three: Property Acquisition and New Recreational Facility Installation

1.) Investigate Property Opportunities in Southwest Quadrant

Utilizing the park concept/program developed in Step Two as a basis for property targets within the Southwest quadrant, the City should begin a detailed property search to

align potential acreage, environmental conditions, and adjoining land uses. Specific tasks include:

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

2.) **Begin Property Owner Outreach**

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

3.) **Acquire Property**

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

4.) **New Recreational Facility Installation**

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

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

Approximate Value:

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

City of Franklin PARKLAND ACQUISITION STRATEGY



Review Existing Park Fee Collection/Expiration Schedule

Identify all funds that are nearing the reversion deadline. Development of a year-by-year summary of collection and expiration of funds will help determine overall cash flow and budgets for park acquisition.

Develop Plan for Utilization for Expiring Funds

Utilization of funds with an expiration date within the next year and half will be key to avoid reversion of funds due to the utilization requirement for impact fees. Determine match requirement and coordinate with budgeting process.

Reserve Other Park Fees for Larger-Scale Acquisitions

Utilization of funds with an expiration date within the next year and half will be key to avoid reversion of funds due to the utilization requirement for impact fees. Determine match requirement and coordinate with budgeting process.

Develop Park Concept/Program for Future Park(s)

Develop a programmatic concept plan for a hypothetical future park to define programmatic goals, desired environmental characteristics, and acreage needs. Consider desire for active and/or passive recreation, desired park facilities (ballfields, playgrounds, structures, parking, etc.) and conceptual acreage needs.

Leverage Matching and Partnership Opportunities

- Explore opportunities for local, state and federal matching fund programs
- Identify local, regional, and state level partnership opportunities
- Coordinate with Franklin School District on school facility plans and timelines

Investigate Property Opportunities in Southwest Quadrant

Using the park concept/program developed in Step Two, begin a detailed property search to align potential acreage, environmental conditions, and adjoining land uses.

Begin Property Owner Outreach

Identify potential target properties and begin outreach to determine availability and potential price requirements. Determine which property (or properties) to target for acquisition.

Acquire Property

Negotiate a price and made a formal offer. Expend park impact fees, using expiring fees first.

New Recreational Facility Installation

Design and construct new park facility (or facilities). Expend park impact fees, using expiring fees first.

Projects Eligible for Park Impact Fees and Required Matching Funds

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

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

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

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

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

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

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

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

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

The amount/percent of total project costs that are eligible for park fees varies significantly, and so this becomes a primary driver in the City’s near-term parkland acquisition strategy. Because the City wishes to spend over \$1.2 million in park impact fees in a short amount of time, the best approach is to target park projects with a relatively high rate of impact fee eligibility (and therefore lower match requirement). Otherwise, the City will be in the challenging position of coming up with a large amount of matching funds in order to use the expiring park impact fees.

Time Limits for Utilizing Impact Fees

Wis. Stat. 66.55 requires that municipalities spend accumulated impact fees within a “reasonable period of time” or else they must be rebated to the current owner of the property. In 2015, the City of Franklin adopted an ordinance establishing a ten-year timeframe for using impact fees with the authority to extend the time limit by an additional three years if needed due to extenuating circumstances or hardship. In 2016, the City adopted Resolution 2016-7177, which utilized the three-year extension for fees collected after April 10, 2006 and established a deadline of December 31, 2022 for expenditure of these funds. It was determined that an extension was needed due to fact that the global economic recession created an extenuating circumstances that could be reasonably expected to create a hardship in meeting the 10-year time limit. There is no provision in City ordinance for further extensions, so the new deadline must be met. In 2020, the City of Franklin adopted an ordinance stating that impact fees collected after April 10, 2013 but prior to April 5, 2018 shall have a time limit of 10 years.

Preliminary Timeline for Expenditure of Funds

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

and several will likely be eliminated due to the significant amount of City match required. However, at this stage, this Report does not endorse any one scenario over another.

Each scenario avoids rebating funds by utilizing accrued funds ahead of the monthly and yearly rebating deadline. Each scenario also reflects the short-term need to spend over \$1.2 million in park impact fees by December 31, 2022 to avoid rebating the fees. All scenarios assume a land value of \$40,000 per acre. This figure is a conservative estimate based on land values in spring of 2021.

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

Figure 3 shows the amount of funds that will expire on or before December 31 of each year. When park impact fees are spent, the fund balances by year in Figure 3 will need to be updated to reflect funds spent. The City has been successful at spending older funds at risk of expiring first and tracking accordingly, and this practice should continue.

Figure 3 Funds Expiring by Year

	Funds Expiring By Year	Cumulative	Year Collected	Term
2022	\$1,204,889	\$1,204,889	2010-2015	8-13 years*
2023	\$0	\$1,204,889	n/a**	8 years
2024	\$209,983	\$1,414,872	2016	8 years
2025	\$66,591	\$1,481,463	2017	8 years
2026	\$869,037	\$2,350,500	2018	8 years
2027	\$948,902	\$3,299,402	2019	8 years
2028	\$259,254	\$3,558,656	2020	8 years
Total	\$3,558,656			

(Need City Staff input on 2022 amounts to be used here and in scenarios.)

*In 2016, the City of Franklin extended the time limit for accumulated impact fees through December 31, 2022.

**No impact fees expire in 2023 due to the changes in time limits for park fee expenditures. Fees collected in 2016 and later are bound by the 8-year expenditure timeline.

Figure 4: Scenario A

Scenario A - Trails Only				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
		100%	62%	38%
Trails	Land Acquisition & Trail Improvement	\$ 5,700,000	\$ 3,534,000	\$ 2,166,000
	Total	\$5,700,000	\$ 3,534,000	\$2,166,000

Park Impact Fees Remaining: \$24,656
(of \$3.5M available as of March 2021)

- Utilize all funds on land acquisition and improvement of trails

Figure 5: Scenario B

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

Park Impact Fees Remaining: \$1,182,656

- Previously planned Community Park, Southwest quadrant
- Covers impact fees expiring through 2026
- Future projects needed to utilize remaining park fee balance
- Large match requirement (\$4.2M)

Figure 6: Scenario C

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

Park Impact Fees Remaining: \$462,656

- Previously planned Community Park, Southwest quadrant – acquisition and improvements
- Covers impact fees expiring through 2026
- Future projects needed to utilize remaining park fee balance
- Large match requirement (\$5.5M)

Figure 7: Scenario D

Scenario D - Implement CORP by Improving Waste Management Property as Community Park				
Park Type (Size)	Activity	Total Project Cost	Impact Fee	Required City Match
		100%	36%	64%
Community Park, Waste Management Property (380.2 acres)	Park Improvements	\$ 5,400,000	\$ 1,944,000	\$ 3,456,000
	Total	\$5,400,000	\$ 1,944,000	\$3,456,000

Park Impact Fees Remaining: \$1,614,656

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

Figure 8: Scenario E

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

Park Impact Fees Remaining: \$834,656

- Previously planned Community Park, Southwest quadrant – acquisition only
- Previously planned Trails – acquisition and/or improvement
- Future projects needed to utilize remaining park fee balance

Figure 9: Scenario F

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

Park Impact Fees Remaining: \$14,656

- Previously planned Community Park, Southwest quadrant – acquisition only (land bank for future improvement)
- Add new facilities to existing Neighborhood Parks (new growth)

Figure 10: Scenario G

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

Park Impact Fees Remaining: \$1,558,656

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

Figure 11: Scenario H

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

Park Impact Fees Remaining: \$101,656

- New (not previously planned) Neighborhood Park, Southwest quadrant – acquisition and improvements
- Previously planned Trails – acquisition and/or improvement
- Neighborhood Park match requirement of \$500K; smaller total match requirement due to higher percentage eligible for impact fees

Figure 12: Scenario I

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

Park Impact Fees Remaining: -\$11,344

New (not previously planned) Neighborhood Park, Southwest quadrant – acquisition only (land bank for future improvement)

- Add new facilities to existing Neighborhood Parks (new growth)
- Previously planned Trails – acquisition and/or improvement
- Neighborhood Park match requirement of \$660K; smaller total match requirement due to higher percentage eligible for impact fees

Figure 13: Scenario J

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

Park Impact Fees Remaining: -\$9,344

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

The “Do Nothing” Scenario

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

Staffing and Maintenance Needs

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

Fig. 6 Parks Dept. Budget, 2017-2021

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

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

Recommendations for the Future Consideration

- Consider updating City's Subdivision Ordinance to include a parkland dedication ordinance, fee in lieu of dedication, and park improvement impact fee. Consider a policy that places preference on the dedication of land (rather than payment of park fees) in order to acquire parkland as development occurs.
- Update the Comprehensive Outdoor Recreation Plan, particularly to understand needs for specific recreational facilities within the City and to maintain eligibility for state and federal recreational grants.
- Update the City's Official Map (Chapter 58) to reserve land for future parks and recreation trails recommended in the Comprehensive Outdoor Recreation Plan.
- Considering that trail development is a priority, the City should require developers to dedicate trails on an outlot as development occurs or as land is platted. A comprehensive map of desired trails such as an Official Map will be important to achieve this. To ensure implementation, the City will need communicate this policy to all department heads involved in the development review process.

Maps: Citywide Existing Park/Service Area

Citywide Park Service Area & Adopted Land Use Plan

Cityside Park Service and Environmental Constraints

Southwest Quadrant Environmental Constraints

Southwest Quadrant Environmental Constraints & Existing Land Use

Southwest Quadrant Environmental Constraints & Adopted Land Use Plan

Appendix:

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

Appendix A. Franklin School District Recreational Facilities

Existing Facilities:

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

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

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

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

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

Appendix B: Table of Funding Resources

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

Program	Purpose	Funding Details	Deadline (Check Agency Guidelines)	Notes	Admin. Agency	Contact
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- Awards may not exceed \$45,000

Statewide Multi-Modal Improvement Program

Transportation Alternatives Program (TAP)	Bicycle and pedestrian facilities (on and off street), Safe Routes to School, safe routes for non-drivers; rails to trails conversion, construction of turnouts, overlooks, and viewing areas, historic preservation/rehab of historic transportation facilities	<ul style="list-style-type: none"> ▪ 20% local match per project ▪ Federal minimum of \$300,000 including design 	<ul style="list-style-type: none"> ▪ January typically ▪ Every other year 	<ul style="list-style-type: none"> ▪ Federal funds administered through WisDOT ▪ Incorporates three WisDOT multimodal transportation improvement programs Safe Routes to School (SRTS), Transportation Enhancements (TE), and the Bicycle & Pedestrian facilities program (BPPF). 	WisDOT Regional Office	Southeast Region Jacob Varnes (262) 548-8789
Surface Transportation Program (STP)	Road improvement funds, which can be spent on a wide variety of projects, including roadway projects, bridges, transit facilities, and bicycle and pedestrian facilities.	<ul style="list-style-type: none"> ▪ Funded through FAST Act ▪ 80%/20%. ▪ 20% required match (funds are not awarded upfront but are reimbursed). 	<ul style="list-style-type: none"> ▪ July – 6-year project cycle 	<ul style="list-style-type: none"> ▪ Facilities for pedestrians and bicycles. ▪ System-wide bicycle planning. ▪ Three sub-programs: Urban; Rural; Bridges 	WisDOT	Southeast Region Jacob Varnes (262) 548-8789

Federal Transit Administration Grants

Capital Investment Grants	Transit capital projects; includes intermodal facilities such as bicycle racks on buses and bicycle parking at transit stations; most funds are to be directed toward transit itself.	<ul style="list-style-type: none"> ▪ Discretionary local match 	Early spring	<ul style="list-style-type: none"> ▪ Funding for this program is allocated on a discretionary basis and requires a multi-year process 	WisDOT	Aileen Switzer (608)266-5791
Congestion Mitigation and Air Quality (CMAQ) Improvement Program	Funds projects which will reduce vehicle trips and miles, reduce emissions due to traffic congestion; or reduce the per mile rate of vehicle emissions.	<ul style="list-style-type: none"> ▪ 20% local match per project (funds are not awarded upfront but are reimbursed) 	April - June	<ul style="list-style-type: none"> ▪ Limited to Milwaukee, Kenosha, Racine, Ozaukee, Waukesha, Washington, Sheboygan, Kewaunee, Manitowoc, Walworth, and Door Counties 	Federal Transit Authority WisDOT SEWRPC	Southeast Region Jacob Varnes (262) 548-8789

Federal Highway Administration Safety Funds

Highway Safety Improvement Program (HSIP)	Funds safety projects at sites that have experienced a high crash history. Emphasis is on low-cost options that can be implemented quickly, including intersection improvements	<ul style="list-style-type: none"> ▪ 10% local match per project 	August	<ul style="list-style-type: none"> ▪ Communities must include 5 years of crash data 	WisDOT	Southeast Region Jacob Varnes (262) 548-8789
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US Department of Transportation

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

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

Aquatic Restoration Programs

Surface Water Grant Program	Supports education and planning projects as well as management projects to help communities understand surface water conditions and protect and improve water quality and aquatic habitat	<ul style="list-style-type: none"> Funding caps and match requirements vary by project type Over \$6 million provided annually 	November 1	<ul style="list-style-type: none"> Some projects require an approved recommendation in a management plan to be eligible. 	Wisconsin DNR	Alison Miklyuk (608) 264-8947
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APPROVAL 	REQUEST FOR COUNCIL ACTION	MTG. DATE July 20, 2021
Reports & Recommendations	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)	ITEM NO. G.17.

BACKGROUND

On March 2, 2021, while discussing a proposal to develop a dog park on property located immediately west of 6855 South 27th Street (Tax Key No. 738-9974-005), Common Council moved to enter an agreement with *The Sigma Group, Inc. for environmental consulting services (potential dog park) for a not to exceed fee of \$6,600 with funding provided by the General Fund Contingency Account.*

After an unanticipated significant increase in the level of effort to obtain data from regulatory agencies, Sigma completed the report on May 5, 2021. A copy of the report is available by contacting the Engineering Department.

ANALYSIS

To complete the report, Sigma encountered unforeseen and unanticipated obstacles to obtain data. Below is a summary of that extra effort. In addition, Staff needed budget scenarios for discussion with the Parks Commission.

1. Communication with the Wisconsin Department of Natural Resources (WDNR) Project Manager on several occasions including March 25, April 20 and April 28 discussing project status, monitoring and case closure requirements and historical documents for Fadrowski site.
2. After review of available documentation, it was determined that several historical reports critical for the site condition review which were missing from the United States Environmental Protection Agency (USEPA) archive. Sigma therefore worked with the WDNR to have these critical documents scanned and uploaded and given the volume of information significant extra effort was spent to review the additional reports.
3. Additional effort was spent reviewing documents not available at the WDNR or USEPA websites. The activities completed included multiple communications with the current environmental consultant for the site to obtain site remediation report, as-built plans, and other relevant reports which were missing from the WDNR and USEPA archives.
4. At the request of the City (not previously scoped) an environmental related budget cost estimate associated with the potential development scenarios was prepared.

Staff has firsthand knowledge of the unusual and extra efforts that were required to obtain the needed information from regulatory agencies. Despite the extra efforts, the report was completed and found useful by the Parks Commission.

OPTIONS

Approve or Deny

FISCAL NOTE

Staff recommends that the \$3,035 additional funds are also provided by the General Fund Contingency Account.

RECOMMENDATION

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).

Engineering: GEM

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE July 20, 2021
REPORTS AND RECOMMENDATIONS	<i>Sam's Real Estate Business Trust v. City of Franklin, Milwaukee County Circuit Court, Case No. 2020CV006103 and Wal-Mart Real Estate Business Trust v. City of Franklin, Milwaukee County Circuit Court, Case No. 2020CV006148. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate</i>	ITEM NUMBER G.18.
<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.</p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>A motion to enter closed session pursuant to Wis. Stat. § 19.85(1)(g), to confer with legal counsel for the Common Council who is rendering advice concerning strategy to be adopted by the body with respect to the subject litigation, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.</p>		

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APPROVAL <i>Shw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE July 20, 2021
Reports & Recommendations	PARKS COMMISSION REQUEST TO COMMON COUNCIL TO DEDICATE STAFF TIME TO NEGOTIATIONS FOR POTENTIAL LAND ACQUISITION FOR A PROPERTY LOCATED IMMEDIATELY WEST OF 6855 S. 27TH STREET (TAX KEY NO. 738-9974-005). COMMON COUNCIL MAY ENTER CLOSED SESSION PURSUANT TO WIS. STAT. § 19.85(1)(E), FOR MARKET COMPETITION AND BARGAINING REASONS, TO CONSIDER THE POTENTIAL ACQUISITION OF PROPERTY TO BE USED FOR PUBLIC DOG PARK PURPOSES IN THE CITY, AND TO REENTER OPEN SESSION AT THE SAME PLACE THEREAFTER TO ACT ON SUCH MATTERS DISCUSSED THEREIN AS IT DEEMS APPROPRIATE.	ITEM NO. G.19.

BACKGROUND

At the September 15, 2020 meeting of the Common Council, at the request of the District 3 Alderwoman Wilhelm, the Council heard a request by Ms. Shelly Tessmer to consider the creation of a dog park on property located at 6855 S. 27th St. (TKN 738-9974-005). The property is a vacant 11.45 acre parcel owned by Menard Inc. At that meeting, Council directed staff to look into the option to lease the property, and report back to Parks Commission. The Parks Commission had reviewed the initial proposal on September 14, 2021. Upon review, the City Attorney determined that impact fees may not be used for leasing. The Parks Commission has continued to review the proposal and hear testimony from Ms. Tessmer.

The site, also known as “Fadowski Drum Disposal Site,” is listed as an Environmental Protection Agency (EPA) Superfund Site, due to past contamination. At the request of the Parks Commission, the Common Council commissioned a review of the environmental conditions of the site by The Sigma Group engineering firm, via an agreement approved at the March 2, 2021 meeting. A copy of the report is included here for reference; Parks Commission has also reviewed the report.

At the July 12, 2021 Parks Commission meeting, Ms. Shelley Tessmer provided a proposal for “Franklin’s Friendly Dog Park” to the Parks Commission for consideration. A copy of the proposal is attached here for reference. The Commission has yet to make a recommendation on the overall proposal, as they believe the cost to acquire the property is key to understanding the viability of the proposal.

At that meeting, the Parks Commission *recommended to Common Council that Staff time be allocated to enter discussions with Menards on potential property acquisition* so that staff can identify the cost to purchase the parcel

The Commission also took up a motion to ask Council to direct staff to evaluate Ms. Tessmer’s business plan and financial information; this motion was not adopted.

ANALYSIS

The 2030 Comprehensive Outdoor Recreation Plan (the “CORP”) is the adopted plan for future park facilities in the City of Franklin. It identifies locations for desired parks and trails, as well as the amenities to program those parks such as playgrounds and sports fields. The CORP does not identify a dedicated dog park, although it provides generally for dog amenities in existing and planned parks. The CORP does not identify this parcel (TKN 738-9974-005) or the 27th street corridor for a new park. The CORP contemplates one future park in this general area of the City – a “mini park” of 5 acres in the residential area near Grobschmidt Park. An amendment to the CORP would be necessary to develop a park at this location, along will other development review.

The site is zoned B-2 General Business District, and has B-2 zoning to the east. PDD 13 is to the north and west, and PDD 10 is to the south; both are generally commercial in nature. The Comprehensive Master Plan Future Land Use Map identifies this parcel for Commercial uses.

The property has been vacant for many years, due initially to contamination. The site has subsequently been capped and requires ongoing monitoring. Current conditions may not permit for an enclosed structure on the site, due to the possibility of “vapor intrusion” or gasses accumulating from contamination; further study would be needed to determine the degree of this risk ((2021) *(tech) Environmental Conditions Report, Fadrowski Drum Disposal Site, 6801 S 27th Street, Franklin, Wisconsin (p 8)*)

With regard to approaching Menard Inc. about the property, Legal, Administrative, Engineering, and Planning staff all have full workload but could reallocate priorities if desired by Common Council and directed by the Mayor.

FISCAL NOTE

Since there is no 2021 Budget Appropriation to purchase parkland, any land identified in this search will need to be part of future Capital Improvement Budgeting.

SUGGESTED MOTION

Direct Staff to contact Menards, Inc. and commence negotiations for potential land acquisition for a property located immediately west of 6855 S. 27th Street (tax key no. 738-9974-005);

or,

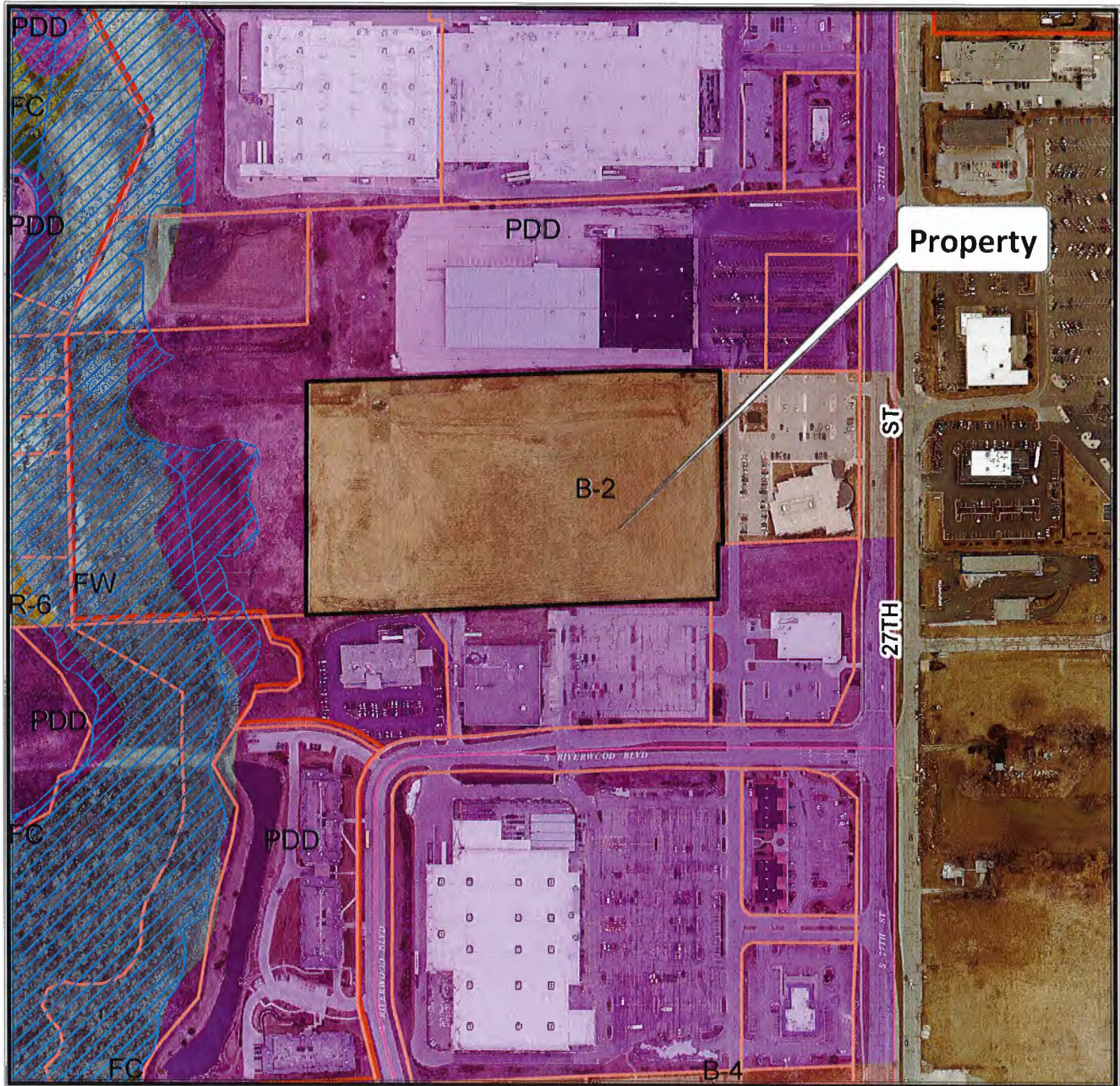
A motion to enter closed session pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to consider the potential acquisition of property to be used for public dog park purposes in the City, and to reenter open session at the same place thereafter to act on such matters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

or,

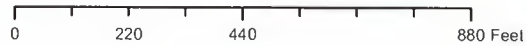
such motion as the Common Council deems appropriate.



TKN: 738 9974 005



Planning Department
(414) 425-4024



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



2017 Aerial Photo

Franklin's Friendly Dog Park

By Volunteer: Shelley
Tessmer



Franklin's Friendly Dog Park



This park is created to provide the long time request from our residents to have a large fenced in area for a Dog Park. The location of this Dog Parks allows residents to safely walk their dog to the park via a sidewalk. It provides a paved parking lot for residents to park their car. Residents will be able to access the Dog Park by taking a new trail off of the existing Oak Leaf Trail. This location will enhance new commercial businesses to the area (ie.. a Bark and Brew that allows residents to get a coffee or alcoholic beverage with their dog).

This Dog Park will have special features such as a key fob entry, solar lights, security cameras, and grass reseeding areas that will be fence around the 9 existing wells.

This park will have one additional requirement for dogs that use it. DNA testing on each Dog for a one time fee for the life of each dog will be required to obtain a key fob to enter park.

This park is created to provide maintenance funding for the City of Franklin's Public Works Department for park development and median road garbage and berm maintenance (pickleball courts as well as median area mulch removal of garbage/weeds off of 27th Street between College and Rawson Avenue up to City Hall).



Q: Why did you decide to do DNA testing for the dogs?

A: As a department, we want to make sure we provide the cleanest parks, greenways, and facilities we can for the community. Dog feces is extremely harmful to the environment, and according to a NY Times post, 40% of Americans do not pick up after their dogs, and of those individuals, 44% indicated they would not pick up even if asked. Dog feces carry dangerous pathogens. With Franklin's Dog Park lying in a watershed, these pathogens would pollute our freshwater supply. Did you know dog waste is the No. 3 cause of water pollution? The goal of DNA testing is to eliminate a known problem from occurring so that the dogs, humans, and environment are all protected.

PooPrints, by BioPet Vet Lab - mitigate un-scooped dog waste and improve cleanliness and sanitation inside the park. Below lists the valid reasons for DNA testing.



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The Pet Waste Problem



In the last 30 years, the dog population has doubled as more people seek the companionship of a dog. With up to 40% of pet waste left un-scooped, the problem ranks at #6 on America's Top Grievances list, according to a January 2010 Consumer Reports survey. The greater impact, however, occurs when the droppings wash into lakes, rivers, and streams, bringing a host of bacteria with them. "Pick it up today, or drink it tomorrow." Major cities such as New York, Los Angeles, Mexico City, Prague and Sydney, have conducted public awareness campaigns over the past five years. Clearly dog waste is no longer seen as an inevitable annoyance, it is globally recognized as a problem. DNA Registration enables the city to manage this problem with modern technology.

Health and Safety



Just one pile of dog waste contains over 3 billion fecal coliform bacteria, including E.coli and Salmonella. These bacteria constitute a nonpoint source pollutant which enters the water supply through several means, including stormwater runoff . Fecal coliform presence in drinking water contains disease causing strains of bacteria, viruses, and protozoa which can result in nausea, vomiting, fever, diarrhea and, in rare instances, death. According to the U.S. Centers for Disease Control and Prevention (CDC), waste is one vehicle from which zoonotic diseases passed from pets to humans. Other pathogens from pet waste (including roundworms and their eggs) can survive in the soil for several years, and can transfer to other pets and to humans as well. Anyone gardening, playing sports or walking barefoot is at risk, but children are the most vulnerable.

Environmental Impact



In 1991, the EPA placed pet waste in the same high risk category as oil and toxic chemical spills, and has since listed pet waste management as the top priority in their publication Pollution Prevention: Good Housekeeping for Municipal Operations . They estimate that a 100-dog community droppings can close a 20 mile watershed in just 2 to 3 days. Throughout the country dog waste has been responsible for the closings of swimming, fishing, and recreational areas in lakes and rivers. Further studies confirm that 20% or more of the fecal coliform bacteria found in contaminated water can be traced back to dog waste alone. This causes phytoplankton “blooms” whereby the growing plant biomass depletes the water of oxygen (hypoxia), resulting in large fish kills and danger to all wildlife.

Tailwinds



Approving canine DNA registration is the beginning of positioning Carmel Clay Parks & Recreation as the CLEANEST pet-friendly parks department. Not only does canine DNA registration immediately address the pet waste problem and reduce many costs, but it can create a host of downstream tailwind solutions to other problems: There are approximately 5-7 million reported dog bites in the United States each year, with over 800,000 requiring medical attention. Only about 15,000 of these cases are paid out by insurance, meaning hundreds of thousands of dog bite cases are never solved for the victim. Unfortunately, obtaining evidence is typically last on the list of activities after a dog bite occurs. Canine DNA registration serves two purposes in maintaining public safety from dog bites. First, registration via a simple cheek swab provides a quick and reliable way to obtain DNA evidence BioPet Vet Lab © March 1st, 2015 3 after a bite has occurred. Secondly, registration creates a reference database of all city dogs to compare the obtained evidence and provide undeniable accountability. Canine DNA registration will effectively put a STOP to puppy mills and sale of poorly treated animals. This is accomplished in two major ways. First, a new ordinance barring pets bought or sold without prior registration will force out poor breeding practices and eliminate the market for puppy mill breeders. Also, puppies with registered DNA will have their health, vaccines, and proper breeding verified so that consumers can ensure no maltreatment of the pet they purchase. In addition to canines, DNA registration of livestock animals has the potential to drastically improve herd management, settle animal ownership and theft cases, and expedite food recalls when contaminated meat is in question.

Waste Disposal and Digestion

Through a partnership with UK-based StreetKleen Bio, LTD, a dog waste digestion unit has been developed with suitable capacity for disposing of up to 2,000 lbs. of dog waste daily. This digestion unit sustainably converts the dog waste into renewable energy, and can be placed at the bark park for patrons to utilize. In addition to dog waste, these units are capable of converting food waste and/or green refuse such as grass cuttings and tree leaves into renewable energy. This technology allows PooPrints to provide a complete pet waste solution to Carmel Clay Parks & Recreation, from pet waste identification to sanitary and sustainable disposal. Registering canine DNA with the goal of reducing pet waste, demonstrates program success in our new Central Bark Park. We are hoping other parks departments and apartment complexes use this effective method.

Cost Savings for the City

The goal is to reduce pet waste violations to zero. This end result has been proven in communities throughout the United States. Dog waste is reduced by 75-100% in communities and public areas in the PooPrints program. Current cost to maintain the city's clean water and green parks/public areas far exceeds the cost to implement the DNA registration program; reduced spending on water treatment sanitation and public landscaping will fully cover the program. Creating a cleaner, greener, healthier living environment for all citizens will in-turn reduce costs, rather than expect revenue from penalizing violators.

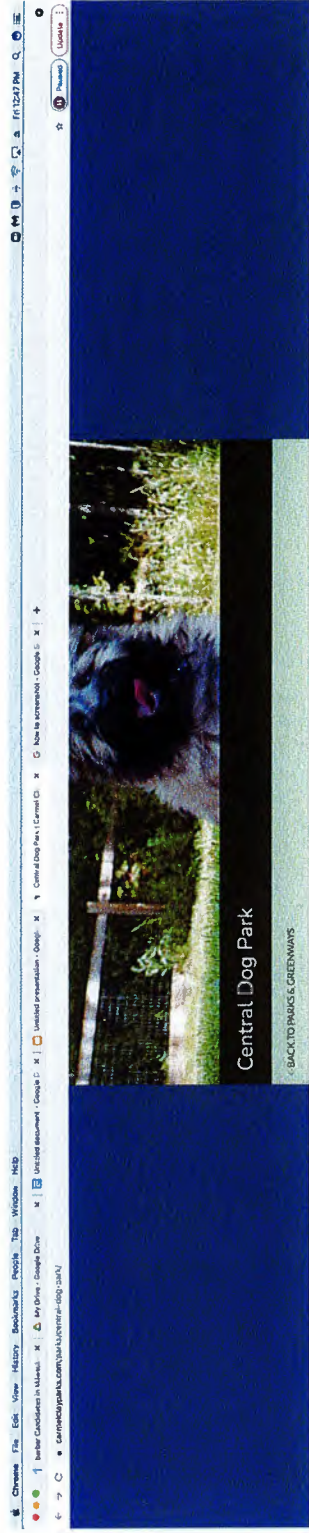
Effective Implement



Registration occurs via a simple, non-invasive DNA Cheek Swab. Swabs can be collected by: During Pet Registration Day hosted by volunteers and one staff member hired by the City of Franklin to work out of the Milwaukee County Sport Complex Rented Office or within one of the Municipality's buildings at no cost. Swabs are mailed to BioPet Vet Lab where a genetic profile is created and stored securely online. City officials are given administrative access to this secure, central database. Pet owners also enjoy free access to medical and vaccine records stored online. Each registered dog will receive a Franklin Logo Identification Tag with a unique code linked to that pet's genetic profile. This Dog Tag is visible proof of registration to citizens, other pet owners and animal services staff.



Dog Park Model for Online Features to be Linked to City Website



Central Dog Park

Wood would be our two-legged friends, that translates to, "Welcome! Central Dog Park is Central's new dog park just for four-legged friends. This park features an off-leash and leash dogs, green waste disposal, benches, water stations, and a look-see dog entry system.

The new location within the dog park provides a shaded, central gathering place for both dogs and owners. Other amenities within the Central Park Norm Campus include an open meadow, picnic shelter, and restroom facility. The Mason Greenway, Ironwood Trail, and all trails within Central Park are easily accessible to about connecting trails.

The Central Dog Park currently has 600-hour dog memberships. Membership is currently full, but interested applicants are welcome to apply for the waitlist.

Membership

Spring 2021 registration spots are now filled. The next possible registration period will be Fall 2021. Please contact the City of Salem, Parks & Recreation Director for more information. Once in the Spring and/or Fall, Questions for new members are determined by available spots left by cancelled membership within that period. Please add yourself to the waitlist by filling out our "Waitlist Application Form" if you are interested in joining our park in the future.

Memberships to the Central Dog Park is \$3 (threemonth). At the time of initial registration a \$45 fee is required for the first year. This fee covers the dog park membership, including a dog tag, a dog tag holder, a known problem dog collar, a dog tag, a dog tag holder, and the environment are all protected. Click here to read more on how DNA testing can mitigate un-leashed dog, locate and improve identification and sanitation inside the park.

Frequently Asked Questions

Q: Why are there set hours and time changes?

A: We wanted to maximize the amount of time the park would be open during all seasons without having to take daylight savings into account. In 2019 we finished the last phase of lighting installation. To properly maintain the space, we have set earlier daylight hours for our

Location

1425 14th Street
GET DIRECTIONS

Features

- Large dog area
- Small dog area
- Seasonal restrooms
- Shelter

Questions?

Our park is located at 1425 14th Street, SE, Salem, OR 97302. Contact us at info@centraldogpark.com or call 503.573.4031.

Resources

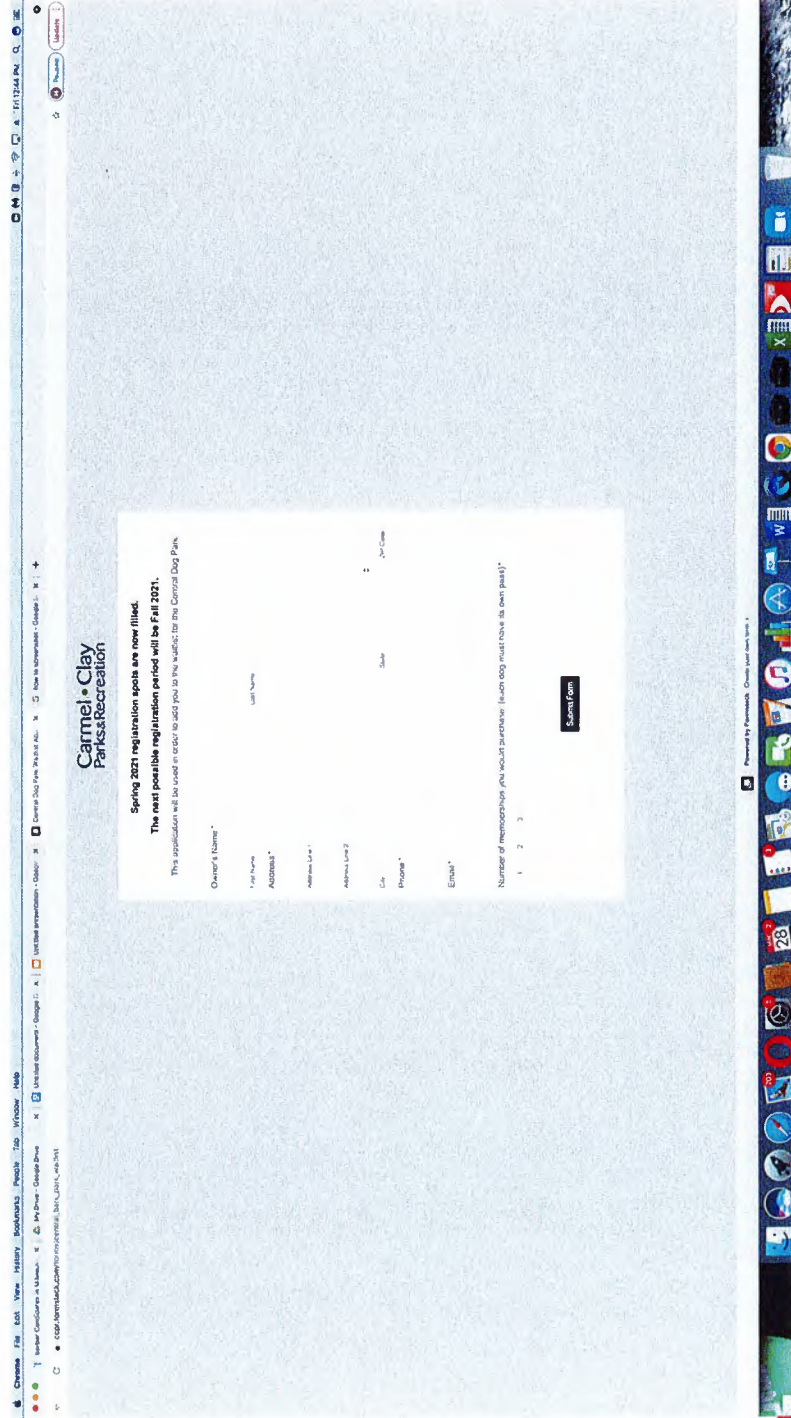
WAITLIST REQUEST

INCIDENT REPORT

CENTRAL DOG PARK MAP

RULES - HOURS

Example of Online Registration Form Linked to City's Website



Develop A Budget For the Revenue of the Dog Park

Items for Revenue:

Monthly passes will cost \$8 for one dog per household and limited to 975 residents with a wait list. An option for an annual pass will be given at a cost of \$60 but will be non-refundable. An additional family dog will cost \$2 per month and \$75 for an annual pass non-refundable.

Daily Passes will cost \$5 and limited to 100 pass per day for non residents.

Banners for sponsors will be displayed for an annual cost of \$50 for 3ft by 5 ft. and 25 banners will be allowed per year with a wait list.

Training classes will be provided at a cost of \$10 per hour by the trainer with a limit of 2 classes per day (morning and evening) with 3 days during the week of Sat, Tue Thurs, and a limit of 10 to 20 dogs/puppies per class. Classes offered May 1st through Oct 1st (six months)

Fine for not picking up dog waste will be \$80 per sample.

Trespassing Fine is \$185.00 and the City of Franklin receives \$50 from it.



Projected Revenue of the Dog Park

975 Resident Memberships on an annual basis with one dog =	\$58,500
Daily passes for 365 days with 50 passes sold per day =	\$91,250
25 Sponsored Banners =	\$1,250
Puppy Classes 2 per day x 3 days x 24 weeks =	\$1,440
Swab Testing Charge \$50 x 975 = \$48,750 + (100x\$50x30)	\$148,750
Fine for Trespassing one per month (12 x \$50) =	\$600
Fines for dog waste pick up 1 sample per day (365 x \$80) =	\$29,200
<u>Charge for DNA swab test kit is (\$50 x 18,975) =</u>	<u>\$948,750</u> paid by Residents for profit of \$94,875
Total Projected Start Up Revenue	\$1,279,440
	\$



Projected Start Up Expenses of the Dog Park

One Part Time 15 hour Staff Member = \$10,000

Grass Cutting for the Year by KEI = \$3,000

Grass cutting schedule included with quote, and 3 acres per hour for tractor cutting

Garbage pickup and Road maintenance by KEI = \$2,000

Computer Program Fees \$500 per month = \$6,000

Credit Card Fees = \$3,252

Dog Sample Testing Fees 1 sample/day = \$27,375

Annual WDNR Well Monitoring = \$9,000 until 2027

Dog Park Start Up Expenses Continued

Dog Tags Purchase at \$0.60 each x 1000	= \$600
Plastic Bags for dog waste 60 rolls \$18.99(1080) plus container installed for recycle plastic bag program	= \$240 per year for a case of 60
Key Fobs per case of 100 is \$16.99 x 20	= \$339.80
Paper for forms and reports Case (4000 sheets)	= \$29.78
Office Rental for the Milwaukee Sports Complex	= \$38,016 <small>(\$52.80 x 3)x 5 days x 4 x 12</small>
Purchase Dog DNA Test Kits (\$45 each x 18,975)	= <u>\$853,875</u> <small>one time cost paid by City</small>
Total Projected Start Up Expenses	= \$963,727.58

Revenue Benefit of the Dog Park for City's Public Works Dept.

Projected Start Up Revenue = \$1,279,440.00

Projected Start Up Expenses = \$963,727.58

Positive Gain in Revenue = \$315,712.42

Carmel, IN Positive Gain in Revenue = \$84,000 per year for 3 acre dog park

Additional Revenue to go toward Park Improvements such as Pickleball Courts, Road Maintenance of 27th and Rawson for garbage pick up in the median area, install fresh mulch, remove weeds, replace dead plants with alive plants and install stone bases for new Franklin signs as well as install new median stone plant beds.

WISCONSIN READY FOR REUSE LOAN AND GRANT PROGRAM

Ready for Reuse loans and grants are used for environmental cleanup of hazardous substances or petroleum at brownfields throughout Wisconsin.

The DNR has received \$11.054 million in traditional EPA revolving loan funds (RLF) since 2004, which DNR administers through the Ready for Reuse Program.

AVAILABLE FUNDING

The Ready for Reuse Program has two different types of funding currently available.

1. [Hazardous substance loans and grants](#)
2. [Petroleum loans and grants](#)

FUNDING STATUS AND AWARDS

- [List of Awards: 2004-2019 traditional hazardous substance and petroleum funds](#) [\[PDF\]](#)

PROGRAM FACT SHEETS

- [Wisconsin Ready for Reuse Program - Hazardous substance loans and grants \(RR-753\)](#) [\[PDF\]](#)
- [Wisconsin Ready for Reuse Program - Petroleum loans and grants \(RR-867\)](#) [\[PDF\]](#)

RECOVERY ACT BROWNFIELDS FUNDING

In 2009, the RR Program received \$2 million in Recovery Act revolving loan funds (RLF) from EPA, which was used for brownfield cleanups as part of the DNR's Ready for Reuse Loan & Grant Program. The RR Program awarded eight grants totaling \$1.8 million in two competitive rounds. Remaining grant funds were allocated to existing grant recipients, in order to cover additional costs. All of these grants are now closed.

HAZARDOUS SUBSTANCE FUNDING

READY FOR REUSE LOAN AND GRANT PROGRAM

The RR Program accepts applications for traditional hazardous substance grants and loans year-round. There is no application deadline. We recommend that anyone interested in applying for funding first discuss your project with DNR staff. Please contact [Gena Larson](#) to discuss your project.

- Fact sheet: [Wisconsin Ready for Reuse Loan and Grant Program Fact Sheet \(RR-753\)](#) [PDF]
- Checklist: [Checklist for Ready for Reuse Grantees & Borrowers \(RR-105\)](#) [PDF]

ELIGIBILITY

In order to qualify for this program, an applicant must meet all of the following criteria.

- The site must meet the federal definition of an [eligible brownfield site](#).
- Grants: The [applicant](#) must be an eligible governmental entity, tribe (or other eligible tribal entity) or an eligible non-profit organization. Also, the applicant must own the site.
- Loans: The applicant must be an eligible governmental entity.
- The applicant must have no CERCLA liability for the site. (see Liability tab)
- Cleanup is for hazardous substance contamination only.
- The ch. NR 716 Site Investigation for the site is complete, and has been at least submitted to the DNR, if not approved.
- The applicant has secured financing in place to complete the cleanup and redevelopment.
- A municipal resolution authorizing the governmental entity to apply for and receive Ready for Reuse funding has been passed. (not applicable to non-profits)



ELIGIBLE SITES For Hazardous Substance Funds

An eligible site must meet the federal definition of an eligible brownfield, which is "...real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant." Brownfield sites include all "real property," including residential, as well as commercial and industrial properties.

There are a number of types of sites that are not eligible for funding without a property-specific determination, and other types of sites that are never eligible for funding or a property-specific determination.

SITES NEEDING A PROPERTY-SPECIFIC DETERMINATION

If you have a site that meets one of these definitions, please contact [Gena Larson](#), who will work with EPA.

- Facilities subject to planned or ongoing CERCLA removal actions.
- Facilities that are subject to unilateral administrative orders, court orders, administrative orders on consent or judicial consent decree or to which a permit has been issued by the United States or an authorized state under the Solid Waste Disposal Act (as amended by the Resource Conservation and Recovery Act (RCRA)), the Federal Water Pollution Control Act (FWPCA), the Toxic Substances Control Act (TSCA), or the Safe Drinking Water Act (SDWA).
- Facilities subject to corrective action orders under RCRA (sections 3004(u) or 3008(h)) and to which a corrective action permit or order has been issued or modified to require the implementation of corrective measures.
- Facilities that are land disposal units that have filed a closure notification under subtitle C of RCRA and to which closure requirements have been specified in a closure plan or permit.
- Facilities where there has been a release of polychlorinated biphenyls (PCBs) and are subject to remediation under TSCA.
- Portions of facilities for which funding for remediation has been obtained from the Leaking Underground Storage Tank (LUST) Trust Fund.

Grant/Funds Available to Develop Site into a Dog Park

Superfund Grant = \$300,000 grant funds go toward engineering costs, etc...

Brownfields into Green Spaces Grant = \$100,000 moving contaminated dirt

Park Trail Grants = \$50,000

Public & Business Sponsor Funds working with the Southeastern Chamber of Commerce for the City of Franklin for donations toward this Dog Park = \$100,000

Impact Funds for Land Acquisitions Matching Requirement = \$550,000

Total Funds to Develop the Park = \$1,100,000.00

Budget Carmel, IN Dog Park 2022

CENTRAL PARK DOG PARK

ACCOUNT	TITLE	2023 BUDGET	2022 BUDGET	FROM	CHANGE 2023 BUDGET	NOTES
OPERATING REVENUES						
313000	Sales Tax Collected					
345040	Park Department Fees	\$76,500.00	\$90,000.00		\$13,500.00	Max memberships = 700 dogs; fees for DNA kit
346020	Facility Rentals		\$500.00		(\$500.00)	Dog Park Fees
360030	Miscellaneous Revenues	\$1,000.00	\$1,000.00		\$0.00	
361030	Interest					
367000	Contributions, Gifts & Grants	\$1,000.00	\$1,000.00		\$0.00	
TOTAL REVENUES		\$79,500.00	\$93,500.00		\$13,700.00	
PERSONAL SERVICES						
4110000	Full Time Regular					
4111000	Part Time	\$8,827.00	\$9,000.00			Part-time PRH staff needed to maintain dog park
4112000	Overtime					
4120000	Deferred Compensation					
4121000	Employer's Share of FICA	\$548.00	\$558.00			
4122000	Employer's Share of H-ins					
4122100	Disability Insurance					
4122200	Life Insurance					
4123002	Civilian PERE					
4124000	Employer's Share of Medicare	\$128.00	\$131.00		\$0.00	
TOTAL PERSONAL SERVICES		\$9,503.00	\$9,689.00		\$0.00	
SUPPLIES						
4237000	Repair Parts	\$950.00	\$950.00		\$0.00	
4238000	Small Tools & Minor Equip.					
4239000	Other Maint. Supplies	\$2,000.00	\$2,000.00		\$0.00	Sample kits
4239099	Other Miscellaneous	\$10,000.00	\$10,000.00		\$0.00	
TOTAL SUPPLIES		\$12,950.00	\$12,950.00		\$0.00	

Budget Carmel, IN Dog Park 2022

OTHER SERVICES & CHARGES			
4340000	Legal Fees	\$0.00	\$0.00
4341355	Info Sys Maint/Contracts	\$500.00	\$400.00
4341991	Marketing & Promotions	\$400.00	\$400.00
4341999	Other Professional Fees	\$4,000.00	\$4,000.00
4344000	Telephone Line Charges		
4347500	General Insurance	\$2,400.00	\$2,000.00
4348000	Electricity	\$200.00	\$200.00
4348500	Water & Sewer		
4349000	Gas		
4350100	Building Repairs & Maint.	\$1,000.00	\$1,000.00
4350101	Trash Collection		
4350400	Grounds Maintenance	\$31,000.00	\$0.00
4350600	Cleaning Services		
4350900	Other Cont. Services	\$1,400.00	\$0.00
4358400	Refunds, Awards & Indemnities	\$100.00	\$100.00
4359200	Sales Tax Paid		
	TOTAL OTHERS SERVICES & CHARGES	\$41,000.00	(\$410.00)
CAPITAL OUTLAY			
4463000	Furniture & Fixtures		
4463200	Computer Equipment		
	TOTAL CAPITAL OUTLAY	\$0.00	\$0.00
TOTAL EXPENSES		\$63,453.00	(\$100.00)
NET INCOME		\$14,847.00	\$13,600.00

Items to Purchase Using Impact Funds

Landscape Design by KEI Quote = \$5000

Equipment Purchased for Park Total include dog waste scoops, golf cart, shelves, dirt for wholes = \$15,000

Install Waste Bag Stations with Recycle bags below = \$2000

Grass Seed=\$500

Installation of Security Cameras for the IP Camera system at the Park all in with 10 multisensory cameras throughout and NVR would be \$35,000 - this would include a data rack or network set up to store NVR and Access Control panels

Installation of Electrical for Park to cover about 4,000 linear feet of pathway with solar lighting | you can estimate about \$50,000 using the weather resistant, not lower costs lights.

Installation of Gate entrance and Key Fob with Access Control = \$24,500 . Plus power and data to be run to the gate area, which should be estimated at about \$5,000 to run the conduit. Plus

Installation of Park Signs = \$3500

Installation of Garbage Corrals = \$1000

Install Wifi for the network to work the key Fob in a Waterproof shed. Options are a Shelter to sit down with the electric panel and wifi by the entrance of the park. = \$7000

Monument Sign for Dog Park = \$5000 to \$10.

*Note Carmel IN Dog Park original bid amount was \$1,067,500.00. There were multiple change orders during the project and the total amount paid to the contractor was \$1,109,797.48 million to develop. Eric Mehl informed me that their Dog Park was paid for by Impact Fees alone. No Donations. There is no match requirement in IN to use Impact fees. Within the 1.1 million cost includes the following items: an irrigation system for the 3 acre turf, a shelter with benches, activity equipment, water station for large dog run, water station for small dog run, bathrooms, garbage containers, dog stations, solar lights, 3 acres is completely fenced in, paved parking lot with permeable pavers used in a wishbone pattern, bicycle station, trails to other parts of the park, maps and signs for rules, a key fob entrance, and a large monument sign with grand stone base.

Carmel IN Dog Park for \$1,109,797.48



Items to Purchase for the Park Using Impact Funds

Purchase the Land for the assessed value of \$100 or ask for the land to be donated to Habitat for Humanities, The Milwaukee Humane Society or the City of Franklin from Menards.

50 to 100 feet of Black Entrance Fencing plus 32 feet of garbage corral fencing= \$5500

1250 feet of Black Chain Link Fencing = \$12,500

10 Solar Panel Street Lights = \$50,000 installed

Printer/Scanner/Fax Machine = \$150

Bookshelves for storing Test Kits, Key Fobs = \$400

File Cabinet for storing forms, incident reports = \$1000

10 Security Cellular Cameras = \$10,000

Monitor(S) for Security Camera = \$600

DVR to record activity at the park in case there is an incident = \$150

Desk at the Milwaukee Sport Complex unless one is provided = \$450

Gas Golf Cart for employee to get to the park as well as store dog waste samples= \$12,000



Continued Items to Purchase for the Park Using Impact Funds

Computer Portal Software for Staff to collect funds from City Website =

Dedicated Fiber Internet Services	60 Months Monthly Reoccurring	60 Months Monthly Reoccurring	60 Months Monthly Reoccurring
100M x 100M	\$185.00	\$285.00	\$350.00
IP Addresses	\$20.00	\$20.00	\$20.00
One-Time Install	\$30,000.00	\$25,000.00	\$17,500.00



Items to Purchase for the Park Continued

Gate Installation of security KeyFob System / My access control, or the FOB system to tie into the gate would be \$4,500, that is running back to an Equipment Cabinet nearby

Electrical Work to connect the Solar Panels to the Key Fob Entrance = \$4500

Grading the Park to Shed Water = \$30,000.00

2 benches placed within the Park = \$1000

6 dog bag containers for residents to clean up after their dog = \$3500

2 large garbage cans with wheels on them for dog waste= \$600

2 large recycle garbage cans with wheels on them = \$600

One 20 feet by 30 feet concrete pad five inches thick to enter park with the key fob gate = \$6000

10 Concrete post footings for new fence, garbage corrals and gate = \$ 3000

Two small concrete pads (for garbage corral) 32 inches by 60 inches = \$1000

Two stone brick for entrance and garbage corrals 3 feet high = \$3000

Stone gate with black aluminum fencing key fob entrance = \$15,000

Legal Items to Purchase for the Park

- *Remediation and Reuse Permits RR-753 Quote = \$15,000.00 (SIGMA report quote)
- *Remediation and Reuse Permits RR-683 Quote = included in above cost
- *Remediation and Reuse Permits RR-684 Quote = included in above cost
- *Application Form 4400-226 and 226-A Quote = included in above cost
- *Cost Share Agreement with Habitat for Humanity Restore for Half of the Cost for Snow removal on the parking lot annual cost share = \$2000.00
- *Donation of land from Menards or Purchase Land from Menards = \$100.00
- *Cost Share with Milwaukee County Sport Complex for Office Space = \$15,000.00 instead of full \$38,000.00. Would request WiFi be available to use for free for the cameras around the dog park.
- *Grant Writer for Superfund Grant, Brown Space to Green Space Grant & Park Trails Grant = \$2000.00
- *Concept Landscape Design work to shed water from within the Dog Park (KEI Quote) = \$4000.00

Why This Location?

Tax Revenue Loss is \$2.30 per year for 11.45 acres. One Quarter of an acre of residential property cost \$7,000. No other parcel is this inexpensive for the City to place this dog park. The last park land purchased cost the City \$33,000 per acre for the new Water Tower. This parcel meets all of the requirements for a Dog Park from Milwaukee County.

Criteria of parcel matches an existing dog park Exactly with ALL five elements being present:

1. Side walk for residents to walk their dog to the park. The City of Franklin only has a few sidewalks within it. Streets within Franklin that have sidewalks are located on College Avenue, Sycamore, Riverwood, Rawson and Briarwood.
2. Noise impact shows high traffic noise buffers the noise of barking dogs. Residents will not be annoyed by the sound of barking dogs throughout the day.
3. Park is completely fenced in. Residents are able to use an asphalt parking lot for residents to park. Residents can use Hobby Lobby's lot on Sundays as well as Wal-Mart's overflow parking lots.
4. Park is close to commercial property that brings in other businesses to support the tax base with a new "Bark & Brew" from Green Bay, WI for residents to bring their dog to have a cup of coffee or a beer
5. There is a creek and wetland behind the dog park that needs to be protected, since dog waste can contaminate a wetland and creek.

There are EPA grants available for a Superfund Site in the amount of \$300,000. No other parcel can obtain this funding to help meet the requirement of matching funds for Impact Funds to be used.

This parcel may be a donation by Menards to Habitat for Humanities or the city itself. No other parcel of land would be donated to a nonprofit neighbor or to the City.

The well monitoring cost for this parcel is \$9,000.00 per year and ends in 2027. Total cost for monitoring from 2022 until 2027 is \$45,000 or roughly the price of one acre for the new Water Tower land. This parcel's water quality data shows it is continuously improving each year. Therefore after 2027 and once the WDNR approves the Water Quality for this parcel, in the future we would be able to offer resident's dogs a water station within each dog run (large and small dog runs).

Since Drexel Town Square has been established, the businesses off of 27th street have suffered a loss of clients. This Dog Park will be similar to the City of Denver, CO where there are many areas of their City that allow dogs to go to Pubs and Restaurants. Within Denver, CO there is a new market of "Dog Loving People" for the existing restaurants and businesses to cater toward. Some of the names of these establishments are Bark Bar, Watering Bowl, Spot Bar & Grill, Ugly Dog Sports Cafe, Barker Lounge, Stella's Coffee House.

This Dog Park would provide a revenue stream for the City's Department of Public Works and Park System by turning a vacant lot into a vibrant, elite Dog Park, which could also be used as an example to other cities within Wisconsin.

There is a thriving membership based business a half a block away from this dog park location called Sam's Club. There are 957 register dog licenses in the City of Franklin alone. If you look within a 3 mile radius there are 5,000 register dogs. It may be possible to add memberships once we know what the total number of dogs are allowed within the 10 acre size requirement for a dog park by Milwaukee County Parks Department. They have 5 dog parks and may know how many dogs visit each day and what is the damage to the grass turf from those dogs.

This location has roughly 5,000 registered dogs within a 3 mile radius. No other parcel within Franklin could produce that large of a market. If this market was stretched out to 5 miles the number would increase.

Why are Cameras Important for this Dog Park?

Carmel, IN Central Dog Park has cameras installed throughout their park in order to ensure resident incident reports match what was reported. Park employees only involvement with incidents is to provide video from a time and date. This video is only given to residents upon request with an incident report.

Cameras prevent residents from sneaking in their friends dogs into the park.

Normally cameras show the Key Fob entrance of each resident even if their dog did not have their ID tag on. On the registration form all residents note the breed of their dog. If a resident thinks there is a dog that has been sneaking into the park because it is not wearing our membership ID tag, they can report it. The resident reports what breed of dog did not have their ID tag showing on their collar. A notice is sent via email to all of those residents who have a "German Shepard/Mix" and are warned of a possible violation that happened on this date at this time. Then a reminder is sent out via email for your dog's ID tags to be visible on their collar while visiting the dog park.

Cameras help show whose dog reacted to whose dog for any type of bad behavior while visiting the dog park.

Cameras prove that a resident has 1 or 2 family dogs registered for entrance into the park per the park rules.

Eric Mehl the Park director informed me that his residents behave while under camera surveillance. I asked Eric how many incidents in a year did residents try sneaking in other friends dogs? His answer was none. However, he stated at their grand opening period of the park they had a few, but all of them were caught on camera. He permanently revoked those resident's membership. There is a one year waiting list to obtain a key fob to his dog park. The residents of Central Dog Park follow the rules of the dog park in order to enjoy it.



Support by Motion from the Park's Commission

The residents of Franklin have wanted a Dog Park for a long, long time. This is the opportunity to give them what they want at a reasonable price. This dog park gives us an opportunity to construct an effectively run a Dog Park by following the model of an existing dog park.

Please support this location for Franklin's First Dog Park. I ask that the Park Commission motion to include this parcel of land into the CORP Plan as "Green Space".

Please support this location for Franklin's First Dog Park with a Motion to the Common Council to request a Memorandum of Understanding be drafted between Habitat for Humanities and the City of Franklin to ask Menards to donate this parcel of land for the purpose of using it as "Green Space" for an Elite Dog Park, with a possible restriction of not to be sold or rezoned.

If Menards will not donate this parcel of land I would ask the Park Commission to motion that the City of Franklin offers to purchase the land for the assessed value of \$100.00 and go into negotiations with Menards to obtain this parcel of land to be used as "Green Space" for an Elite Dog Park with a possible restriction of not to be sold or rezoned and with the benefit of Naming Rights (ie Menard's Meadow for Dogs).

May 5, 2021

Project #19840

Glen E. Morrow, PE
City Engineer / Director of Public Works / Utility Manager
City of Franklin
9229 W. Loomis Rd.
Franklin, WI 53132

**RE.: Environmental Conditions Report
Fadrowski Drum Disposal Site
6801 S. 27th Street, Franklin, Wisconsin**

Dear Mr. Morrow:

At the request of the City of Franklin, The Sigma Group, Inc. (Sigma) has completed a review of the subsurface environmental information available for the former Fadrowski Drum Disposal (FDD) Site (the "Site") in Franklin, Wisconsin. The review was completed to evaluate the existing environmental conditions and identify data gaps relative to the proposed development of the site as a dog park. Available information obtained from the following sources were reviewed:

1. City of Franklin
2. WDNR files
3. USEPA Region 5 files
4. Ayres Associates

BACKGROUND

The site investigation and remedial activities conducted at the FDD Site in early 1990's included a 22-acre parcel of land. In 2001 the original 22-acre parcel was sub-divided into three separate parcels following site remedial activities reducing the size of the FDD Site to an 11-acre parcel containing the current capped landfill (see attached **Figures 1 and 2** of Ayres Associates letter report dated August 17, 2018). The area of the current 11-acres FDD Site (fenced to control access) is bounded to the north and south by commercial properties, to the east by a medical facility and South 27th Street further beyond, and to the west by a tributary of the Root River and residential properties further west.

Historically, the entire FDD Site was owned and operated by Edward J. Fadrowski as an unlicensed, unregulated disposal facility between 1970 and 1982, that accepted materials such as construction and demolition debris which were exempt from regulation. In the early 1980's the Wisconsin Department of Natural Resources (WDNR) received reports of illegal dumping of non-exempt waste materials including contaminated soil and drummed waste at the Site. The WDNR issued warnings and requests for compliance with disposal regulations.

In December 1982 Menard, Inc. purchased the Site and adjacent parcels to develop a lumber retail store. During construction of the retail facility in the summer of 1983, Menard, Inc. excavated soil from the Site to use as fill material and uncovered buried drums containing unknown liquids and sludges. Several drums were ruptured during excavation releasing liquid waste, prompting response actions from WDNR.

As documented in the Record of Decision (ROD) issued by the USEPA¹ the initial sampling performed by WDNR indicated that the drum contents were hazardous. Samples were found to contain high concentrations of lead (32,700 ppm), chromium (6,800 ppm), the pesticide DDT (1,450 ppm) and arsenic (less than 5 ppm). The samples were also analyzed for volatile organic compounds (VOCs) and were also found to contain petroleum related compounds. Additional testing demonstrated that select samples collected from the drums were identified as characteristically hazardous due to ignitability.

The USEPA and the State of Wisconsin signed an Administrative Order by Consent with Acme Printing Ink Company (a named Potential Responsible Party (PRP)) in May 1987, which outlined the Statement of Work (SOW) for completion a Remedial Investigation and Feasibility Study (RI/FS) to be performed under the supervision of the USEPA and WDNR. The RI/FS was completed in 1991 followed by the June 1991 Record of Decision (ROD) outlining the selected remedial alternative for the FDD Site issued by the USEPA.

Remedial actions were completed at the Site in 1994 by the identified responsible parties, and the Site was removed from the National Priority List in 2006. In 2008, the USEPA issued a Site-Wide Ready for Anticipated Use Determination, which concluded that a) all cleanup goals in the ROD have been achieved for media that may affect future commercial or industrial uses, b) there are no unacceptable human health risks, and c) institutional controls are in place.

SUMMARY OF SITE INVESTIGATION AND REMEDIAL ACTIVITIES

Site Investigation

Remedial Investigation/Feasibility Study (RI/FS) activities were initiated in 1988 in compliance with the Administrative Order by Consent. The RI was completed in February 1991, followed by the FS in May 1991 by Warzyn Inc. (Warzyn). The objective of the RI was to determine site conditions, define the nature and extent of potential contamination originating from the Site and characterize source materials improperly disposed of at the Site. The following provides a summary of investigation activities completed by Warzyn as part of the RI. The attached **Figure 7** of the Final Remedial Investigation Report (prepared by Warzyn) presents sampling points completed during the RI.

¹ Superfund Record of Decision Fadowski Drum Disposal, Wisconsin, June 1991 EPA/ROD/R05 91/164

- **Geophysical Investigation** – In August 1988 electromagnetic (EM) and magnetic (MAG) surveys were conducted over the approximate 22-acre FDD Site to identify potential fill/waste areas. The survey identified general geophysical anomalies which were assigned to three classes and defined groups: Class 1) fill area, Class 2) buried metal and Class 3) deep metal or highly conductive clays. The geophysical results were used to select locations of test pits to determine the approximate waste limits at the Site.
- **Test Pit Installation** – In November and December 1988 nine test pits (TP-1 through TP-9) were excavated at the Site in an effort to exhume buried waste and collect soil samples. The test pits were excavated at depths ranging from approximately 5 feet to 16 feet below ground surface (bgs).
- **Soil Boring and Monitoring Well Installation** – From November 1988 to January 1989, 25 shallow soil borings (SB-1 through SB-25) to depths ranging from approximately 2 to 14 feet bgs, five monitoring wells (MW-1 through MW-5), to depths ranging from approximately 17 to 21 feet bgs, and three piezometers (PW-1 through PW-3), to depths ranging from approximately 45 to 55 feet bgs were installed at the Site. Soil and groundwater samples were collected and submitted for laboratory analysis. Surface water, sediment and surface soil samples were also collected at the Site.

Subsurface Conditions

Based on a review of the RI Report², the results of the geophysical investigation, test pits and soil borings defined the fill materials at the Site into four groups:

- Type 1 Fill: Construction Debris – Fill materials consisting of construction debris (concrete, asphalt, bricks etc.), foundry sand and other debris at depths ranging from ground surface to approximately 8 to 16 feet below ground surface (bgs) were predominantly observed south-central portion of the site;
- Type 2 Fill: Containerized waste – Fill materials described as containerized waste covered by and intermixed with miscellaneous construction rubble and debris observed during test pit investigation;
- Type 3 Fill: Construction debris and native soil mix – Fill materials described as a mixture of construction rubble and the disturbed native clay material and was encountered over most of the eastern two-thirds of the site; and,

² Final Remedial Investigation Report, Fadowski Drum Disposal Site, Franklin, Wisconsin Warzyn, Inc, dated January 1991

- Type 4 Fill: Disturbed native soil – Disturbed native clay observed within the vicinity of the storm sewer line along the northern boundary on the western portion of the Site.

The RI indicated the native material encountered below the fill generally consists of glacial till (medium to stiff brown and gray lean clay with trace dolomite gravel and shale fragments) underlain by undifferentiated sand, gravel, silt and clay. The depth to bedrock on the western portion of the Site is approximately 130 feet bgs decreasing to 175 feet bgs towards the east. The bedrock unit, the primary source of groundwater for domestic wells in the vicinity of the site, was not investigated as part of the RI as the bedrock was noted to be overlain by 80 to 110 ft of low permeability clay till materials.

Soil Quality

A total of 43 soil samples were collected during the RI through test pit excavation, soil boring installation, sediment, and surface soil sampling activities representing fill, sub-fill soil, and surface and subsurface soil. Soil samples were submitted for laboratory analysis of Volatile Organic Compounds (VOCs), Semi-VOCs, Pesticides/Polychlorinated Biphenyls (PCBs), Metals and total cyanide.

Based on the results presented in the RI, two VOCs (toluene and tetrachloroethene), several semi-VOCs (bis[2-ethylhexyl]phthalate and polycyclic aromatic hydrocarbons (PAHs)), select Pesticides/PCBs, select metals and total cyanide were detected within the fill materials. The presence of toluene, a petroleum VOC, was widespread at the Site, with the highest reported concentration detected at 1,800 milligrams per kilogram (mg/kg). In contrast, tetrachloroethene, a chlorinated VOC, was detected within five samples at relatively low concentrations (the highest reported concentration detected was 0.13 mg/kg). No other VOCs were detected at the site. No Pesticides/PCBs were detected in the sub-fill soil or native soil samples.

The Semi-VOC bis(2-ethylhexyl)phthalate was detected within soil samples at relatively low levels across the site. Considering bis(2-ethylhexyl)phthalate is a common laboratory contaminant, the RI concluded that the detection of low level bis(2-ethylhexyl)phthalate in all soil samples was likely a result of laboratory artifact and not actually present at the FDD Site.

Total PAH concentrations, ranging from 19.8 to 30.6 mg/kg, were detected within soil samples collected from the north-central part of the FDD Site where fill materials were encountered. Many of the detected PAH compounds are commonly associated with coal tar/asphaltic materials and the presence of these compounds in the fill samples is indicative of asphalt materials placed at the site.

Only three metals (cadmium, copper and magnesium) were detected within soil samples collected at the Site. As stated in the RI, the detected metal concentrations were not

unreasonably high when compared to the common range of metals in natural soil and therefore, likely represent natural soil conditions.

Total cyanide was detected only in one fill soil sample at 6.36 mg/kg. Due to matrix interference problems the results of the other fill samples were considered unusable by the data validation process and reportedly not used. Each of the soil and sub-fill soil samples analyzed for cyanide were reported as non-detect.

Groundwater Conditions

Shallow groundwater in the on-site monitoring wells was observed at depths ranging from approximately 3 to 10 feet bgs with a westward flow towards the Root River. Shallow groundwater occurs in the clay till unit which is reported to be 80 to 110 ft thick and of relatively low permeability. The shallow groundwater flow velocity in the clay till as reported in the RI was estimated to range between 0.2 to 2 ft/year. Considering the thickness of the clay till unit and the documented low flow velocity, contaminant migration potential in the clay unit is considered very low.

Two rounds of groundwater samples were collected from five monitoring wells and three piezometers and analyzed for VOCs, semi-VOCs, pesticides/PCBs, inorganics (metals and total cyanide) and indicator parameters (alkalinity, sulfate and chloride). Based on the discussion presented in the RI, it is unlikely the organic compounds detected in the fill have had an impact on the groundwater at the FDD Site, however, groundwater may have been affected by some inorganic compounds. For example, the reported cyanide concentrations in groundwater exceeded its NR 140 Preventive Action Limit (PAL) and low-level mercury, chromium, and barium were also detected within groundwater samples. Sampling of the nearby residential water supply wells showed no impacts to potable wells.

Remedial Activities

Based on the results of the remedial investigation it was determined that the presence of buried drums at the site posed a potential future threat to human health and the environment. Therefore, a site remedy was designed to eliminate or reduce migration of contaminants to the groundwater and to reduce the risks associated with potential exposure. The USEPA and WDNR selected the following remedial action as outlined in the Record of Decision:

- Excavation of previously identified drums and associated characteristically hazardous soils;
- Construction of trenches to find and excavate additional containerized waste and associated characteristically hazardous soils;
- Off-site treatment and disposal of drummed waste;
- Treatment and disposal of contaminated soil;
- Construction of a landfill cover (cap) in compliance with the Wisconsin Administrative Code Chapter NR 504.

- Use of institutional controls on the landfill property to limit land and groundwater use; and,
- Monitoring of groundwater and surface water to ensure effectiveness of the remedial action and evaluate the need for future groundwater treatment.

The Record of Decision also included USEPA statutory review of the site conditions five years after completion of the remedial action to ensure that the remedy continues to provide adequate protection of human health and the environment.

The Remedial Action (RA) activities were initiated in September 1993 and construction completed in August 1995. The RA activities performed at the Site are summarized in the Remedial Action Construction Completion Report (Ayres 1995) and the Remedial Action Construction Completion Report Addendum (Ayres 1995).

The RA activities completed at the Site included the following: excavation and identification of 167 buried drums; excavation and stockpile of approximately 100 cubic yards (CY) of visually impacted soils; removal and closure of the 2.6-million gallon manmade pond; consolidation of approximately 18,000 CY of construction and demolition waste; installation of a multi-layer clay cap over the waste placement area; construction of a leachate collection system; abandonment of investigation monitoring wells and installation of a new monitoring well network at various depths around the perimeter of the waste Site.

As documented in the remedial action completion report, samples were collected from each of the excavated containers and one composite soil sample from the stockpiled soil and submitted for laboratory analysis. Based on the results, the stockpiled soil was found to be not characteristically hazardous and was replaced on site, within the limits of the final cover system with the approval from the USEPA. The results of the excavated container analysis indicated the waste contained concentrations of benzene, chlorine, chloroform, carbon tetrachloride, methyl-ethyl-ketone, tetrachloroethene, 2-methylphenol, 3&4-methylphenol and various metals. The excavated containerized waste was segregated into six different groups based on their chemical characteristics and transported off-site for treatment and/or disposal.

Following the on-site consolidation of construction and demolition debris the waste relocation areas were backfilled with silty clay soil obtained from a nearby quarry. A layer of soil, approximately 6-in thick, was placed per the USEPA approved remedial design to provide a uniform surface (a grading layer) for clay cap placement. The low permeability clay cap material was obtained from a local source (Emerald Park Landfill), placed over the grading layer, and compacted to meet the design specifications. The as-built clay cap thickness varies between 24 and 30 inches (**Figure F-3**, Ayers 1995 RA Completion Report). Above the clay cap an 18-inch rootzone soil layer and 6-inches of topsoil was placed to complete the landfill cover (remedial action record drawings prepared by Ayers is included as attachment).

ONGOING OPERATION, MONITORING AND MAINTENANCE ACTIVITIES

Groundwater monitoring has been conducted at the Site since November 1995. Initial groundwater and leachate sampling demonstrated elevated levels of select VOCs, metals, cyanide and indicator parameters at the site. In November 2000, following the five-year review by USEPA, the groundwater and leachate monitoring frequency were reduced from quarterly to semi-annually and analysis of PAHs, pesticides and PCBs was also no longer required. Surface and sediment sampling was also eliminated due to the absence of site related contaminants.

In July 2003, NR 140 PAL and ES exemptions were granted for fluoride, iron and manganese and Wisconsin Alternative Concentration Limits (WACLs) were approved by the WDNR for select monitoring wells. In September 2003 the USEPA found that, with the established WACLs for fluoride, iron and manganese, the Site had been brought into full compliance with NR 140 Wis. Adm. Code groundwater quality standards. The USEPA concluded that the FDD Site no longer presented a risk to human health and the environment and the Site was subsequently removed from the National Priority List in 2006.

A review of the May 2017 and May 2020 groundwater analytical results indicate that concentrations of chloride, fluoride, iron and manganese were detected above their respective NR 140 PALs established for Groundwater Quality Public Health. No other contaminants of concern were identified in the recent groundwater samples collected at the Site. In accordance with the WDNR Consent Order No. 2004-SEEE-167, dated March 2005, the groundwater monitoring, leachate monitoring, and site O & M activities are to continue until such time the WDNR and the USEPA determines that no further activities are required or case closure is obtained.

POTENTIAL ENVIRONMENTAL CONCERNS

Containerized waste materials removed from the Site were found to contain elevated concentrations of benzene, chlorine, chloroform, carbon tetrachloride, methyl-ethyl-ketone, tetrachloroethene, 2-methylphenol, 3&4-methylphenol and various metals. Soil surrounding the drums was initially stockpiled for off-site disposal but was later determined to be suitable for on-site disposal within the landfill cap area. Residual soil impacts containing low level PAHs, VOCs, DDT, PCBs, cyanide, numerous metals in addition to fill material containing foundry sand, scrap metal, asphalt and other miscellaneous debris is still present at the Site under the landfill cap.

The landfill cap is constructed with a minimum of two feet of clay and two feet of soil with some additional soil to grade the fill. In the event that subsurface soils are disturbed or excavated in the future prior approval from the USEPA and WDNR would be required for appropriate management of impacted soil and other materials excavated.

Based on our review of subsurface contaminants, the low-level volatile compounds detected at the Site do not pose a significant risk for vapor intrusion to nearby buildings and residences. However, vapor intrusion may be a concern if an enclosed structure is constructed at the site. A vapor/soil gas assessment will be necessary to evaluate the potential on-site vapor intrusion concern prior to construction of structures at the site.

Although groundwater contaminants historically associated with the disposal activities at the FDD Site are no longer present, a groundwater use restriction is still in place for the Site. As Lake Michigan is the principal source for the municipal water supply for the City of Franklin, the groundwater use restriction is not anticipated to negatively impact or impede future development.

PROPOSED SITE DEVELOPMENT PLAN

The City of Franklin is considering a proposal for developing the 11-acre FDD Site into a dog park. A dog park typically is not expected to have enclosed structure or require excavation of the cap. Therefore, development of a typical dog park would meet the restrictions stipulated in the "Declaration of Restriction on Use of Real Property" dated July 1993 and would likely receive approval from the regulatory agencies.

Prior to development of the FDD Site, approval from both the USEPA and the WDNR is necessary. Specifically, the following approval will be required: a) exemption to construct on a landfill and b) approval for cap modification. The long-term obligation associated with the property use as a dog park will also include proper maintenance of the cap and operation and maintenance (O & M) of the leachate control system.

POTENTIAL ENVIRONMENTAL COST LIABILITY

As discussed, development of a historic landfill will require obtaining the necessary approvals from the regulators, implementing environmental compliance activities, and fulfilling the long-term site maintenance obligations. Therefore, an initial capital investment and annual operation and maintenance (O & M) cost would be incurred depending upon the extent of the development activities. Sigma considered two development scenarios for the FDD Site and evaluated the environmental cost implications associated with each scenario.

Attached **Table 1** summarizes the development scenarios, environmental compliance activities necessary for the development, and an order-of-magnitude budget estimate to implement those activities. Please note, the budget estimate presented in the attached table is developed using two hypothetical scenarios without detailed plans and is based on Sigma's experience at similar landfill development project sites, current regulatory requirements, approved monitoring and O&M plan, average O&M costs provided in the USEPA Fifth Five Year Review report, and several assumptions as listed in the table. The actual costs may vary significantly depending upon the actual development plan and associated regulatory requirements.

Please feel free to give us a call if you would like to discuss the development plan and potential concerns mentioned above.

Sincerely,

THE SIGMA GROUP, INC.



Chelsea Corson
Senior Project Manager



Mafizul Islam, P.E.
Senior Engineer



Kristin Kurzka, P.E., P.G.
Geoscience Manager

/attachments

TABLE 1
SUMMARY OF POTENTIAL ENVIRONMENTAL COST LIABILITY
FODROWSKI DRUM DISPOSAL SITE DEVELOPMENT
FRANKLIN, WISCONSIN

DEVELOPMENT SCENARIO	ASSOCIATED ASSUMED ACTIVITIES	REGULATORY COMPLIANCE	POTENTIAL BUDGET FOR REGULATORY COMPLIANCE ⁽¹⁾	COMMENTS
A. Recreational Public Dog park	<ul style="list-style-type: none"> It is assumed development of the FDD Site into a recreational public dog park may involve some of the following activities Interior fence enclosure(s) for separating dogs Woodchip or gravel surface trail construction Parking area with stone or traffic bond cover Park bench or open shelter construction 	<p>The following approvals, monitoring, and maintenance activities would be required</p> <ul style="list-style-type: none"> Historic landfill exemption request to develop on a landfill Post-closure cap modification request Emerging Contaminant Evaluation Required by WDNR for case closure Groundwater monitoring and reporting as required by the WDNR Consent Order Leachate system operation & maintenance (MMSD discharge and electric pump operation) Maintenance of the landfill cap (mowing twice a year and seeding, if needed) Maintenance of the perimeter fence (assumed minor repair work as needed) 	<p>Estimated budget to complete the activities required for regulatory compliance</p> <ul style="list-style-type: none"> \$15,000 \$10,000 \$25,000 \$15,000 \$15,000 to \$30,000 \$3,000 \$5,000 	<p>Assumes no additional investigation or remediation will be required.</p> <ul style="list-style-type: none"> One time cost One time cost One time cost ⁽²⁾ Yearly cost ⁽³⁾ Yearly cost ⁽⁴⁾ Yearly cost Every five years
<p align="right">Total One Time Cost \$50,000 \$38,000 to \$53,000</p>				
B. Commercial Facility	<p>Development of the FDD Site to a commercial facility with building structures may involve some of the following activities</p> <ul style="list-style-type: none"> Geotechnical Evaluation Removal of a portion of the cap Removal of a portion of the fill materials for off-site landfill disposal Sub-surface vapor/gas assessment to evaluate vapor intrusion potential Installation of vapor/gas mitigation systems 	<p>The following approvals, monitoring, and maintenance activities need to be performed</p> <ul style="list-style-type: none"> Historic landfill exemption request to develop on a landfill Post-closure cap modification request Emerging Contaminant Evaluation Required by WDNR for case closure Waste removal from the primary fill area (assumed 100-ft by 100-ft by 6-ft thick 3,500 tons) Vapor assessment Groundwater monitoring and reporting as required by the WDNR Consent Order Leachate system operation & maintenance (MMSD discharge and electric power) Maintenance of the landfill cap Maintenance of the perimeter fence and the access road 	<p>Estimated cost to complete the activities required for regulatory compliance</p> <ul style="list-style-type: none"> \$15,000 \$10,000 \$25,000 \$265,000 to \$750,000 \$20,000 to \$30,000 ⁽⁴⁾ \$15,000 \$15,000 to \$30,000 \$0 \$0 	<p>Assumes no additional investigation or remediation will be required</p> <ul style="list-style-type: none"> One time cost One time cost One time cost ⁽²⁾ One time cost, cost range depends upon type of waste encountered (non-hazardous vs hazardous) One time cost Yearly cost ⁽³⁾ Yearly cost ⁽⁴⁾ Yearly cost ⁽⁵⁾ Every five years ⁽⁵⁾
<p align="right">Total One Time Cost \$335,000 to \$830,000 Total Yearly Cost \$30,000 to \$45,000</p>				

NOTE:

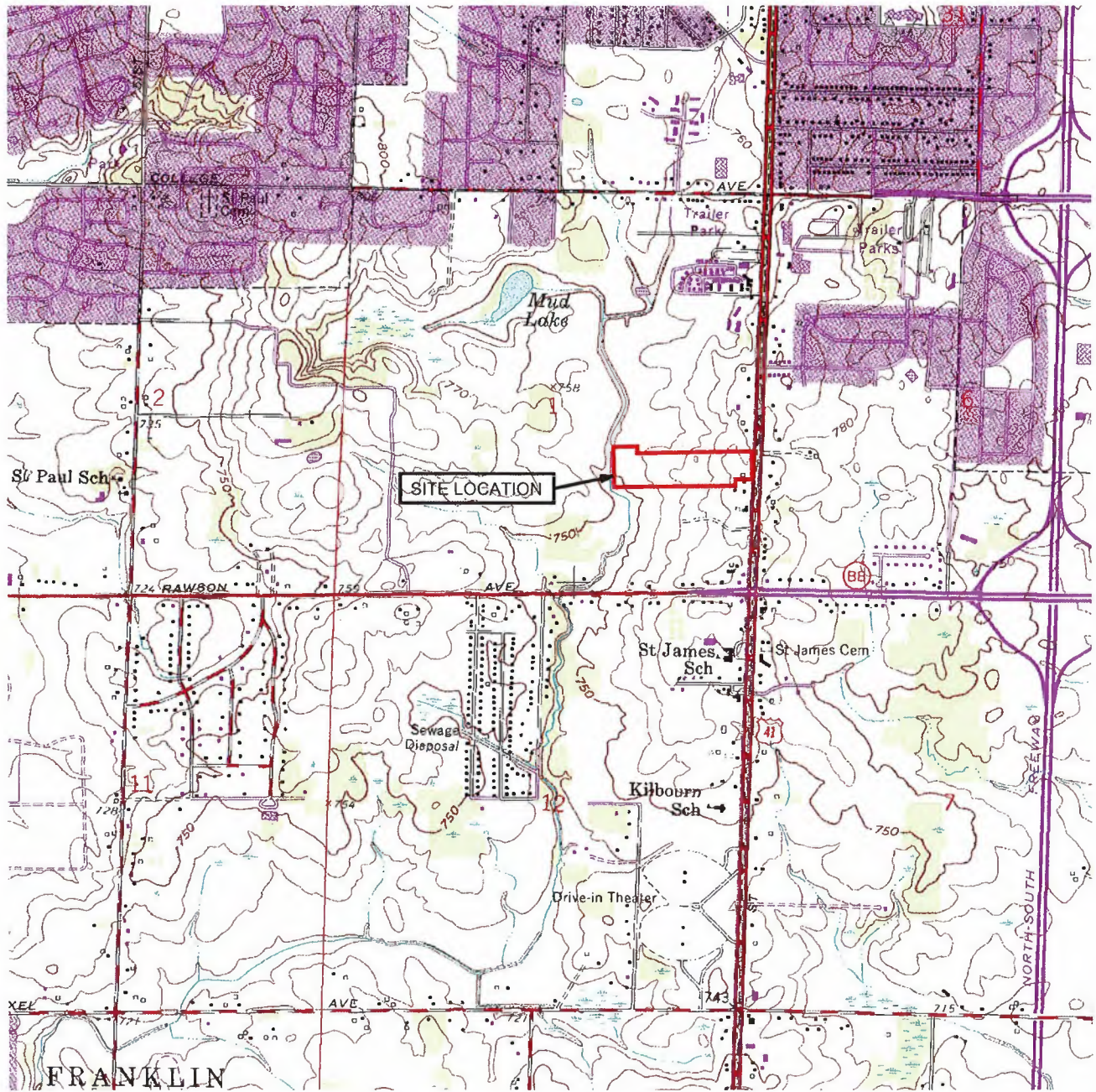
- 1) WDNR Consent Order requires groundwater monitoring, leachate control system O & M, and maintenance of the landfill cap and perimeter fence until 2027. If the WDNR/USEPA grant case closure at the end of 2027 some of the monitoring/maintenance activities may be eliminated and the yearly environmental compliance cost will decrease. The budget estimated presented does not include costs for construction related activities.
- 2) Budget estimate assumed one time groundwater sampling of emerging contaminants (PFAS and 1,4-Dioxane) using the existing monitoring wells would be needed to meet the WDNR closure criteria. It is also assumed that no additional investigation or remediation activities for the emerging contaminants would be required to position the site for case closure.
- 3) Groundwater monitoring budget estimate is based on currently approved sampling and analysis plan
- 4) Yearly O & M budget range estimated based on average yearly leachate system O & M cost included in the USEPA's Fifth Five Year Review Report.
- 5) It is assumed that the commercial facility will maintain the site as approved by the WDNR Grant of Exemption and will perform these activities as part of their routine site maintenance. No additional budget is needed
- 6) One time vapor/gas assessment activities will be performed to evaluate the subsurface gas generation potential. Budget estimate does not include design and installation of a vapor mitigation system

ATTACHMENTS

ATTACHMENT 1

FIGURE 1 AND FIGURE 2

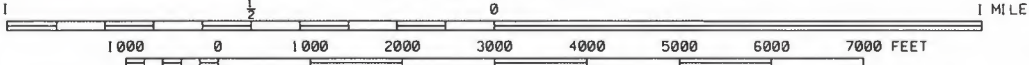
AYERS ASSOCIATES LETTER REPORT DATED AUGUST 17, 2018



NOTE: THIS DRAWING WAS PREPARED IN COLOR. REPRODUCTION BY MEANS OTHER THAN EQUIVALENT COLOR COPYING MAY CAUSE SOME DATA TO BE LOST OR MISREPRESENTED.

USGS MAP: GREENDALE QUADRANGLE(1958)
PHOTOREVISED(1971 AND 1976)

SCALE 1:24000



NORTH

K:\WASTE\FADROSKI\2018\TITLE.DGN

2018 MONITORING
FADROWSKI DRUM DISPOSAL SITE
FRANKLIN , WISCONSIN

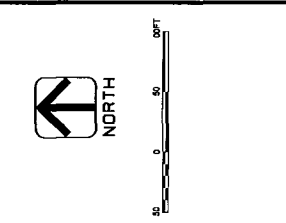
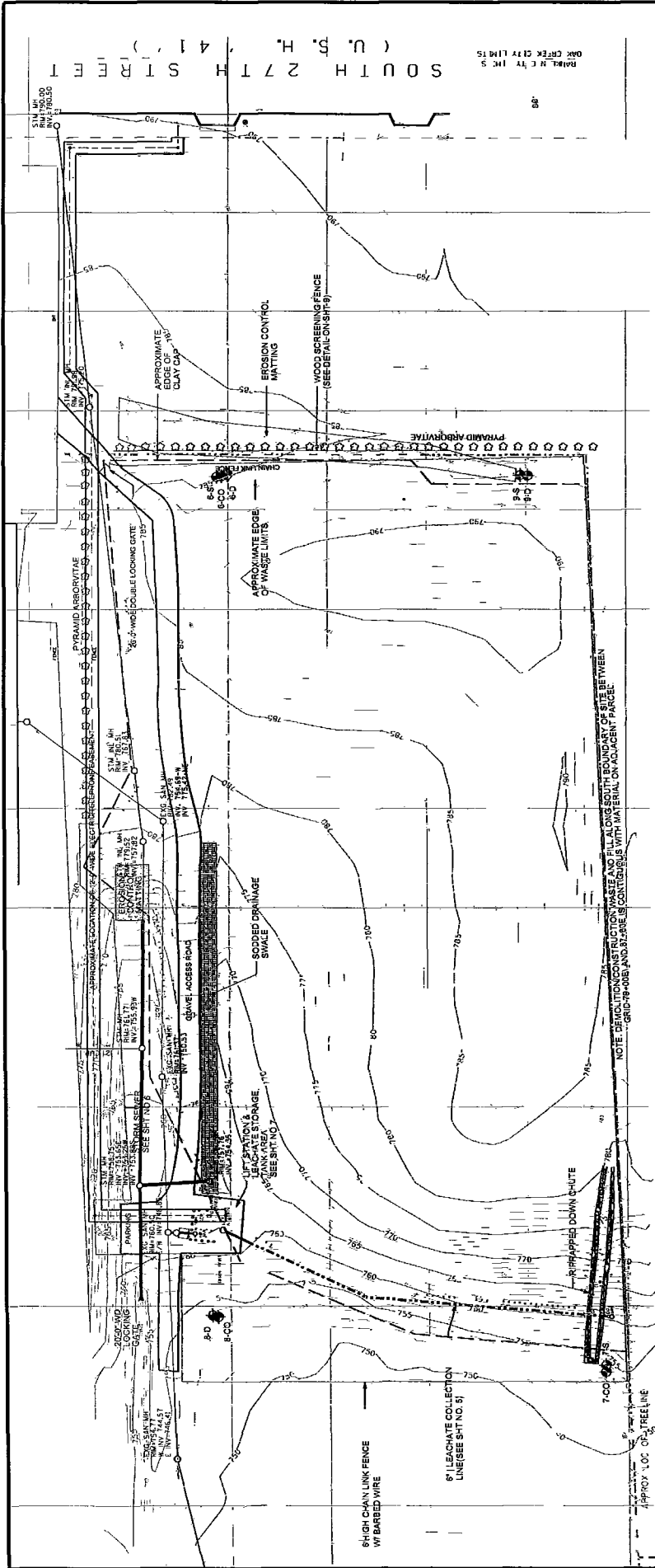
DRN. BY: TJS
CHK. BY: NAB
DATE: JULY 2018



LOCATION MAP

FIGURE
1

7/31/2018
 V:\env\workspace\standards\plc\g\avres_pdf.plt\c
 W:\Bentley_V8\workspace\projects\Engineering_Services\plc\g\ES_Standard.tbl
 V:\ENV\CAD\WASTE\FADROSKI\2018_Titlo.dgn



- LEGEND**
- △ CP-2
 - SAN
 - SM
 - SH
 - ST
 - PP
 - 9-D
- CONTROL POINT #2**
- SAN
 - SM
 - SH
 - ST
 - PP
- MONITORING WELL**
- C CLAY OBSERVATION
 - S SAND & GRAVEL
 - D DOLOMITE

HORIZONTAL AND VERTICAL CONTROL

STATE PLANE COORDINATES

MONUMENT	LOCATION	NORTH/EAST	ELEVATION	DESCRIPTION
●	BENCHMARK	342801.28, 254927.163	750.70	TOP NUT OF FIRE HYDRANT
△	CONTROL PT 2	342179.15, 2548075.46	791.82	1" IRON PIPE

TO OBTAIN STATE PLANE COORDINATE ADD 340,000 FEET TO PLAN GRID NORTHING
TO OBTAIN STATE PLANE COORDINATE ADD 2,540,000 FEET TO PLAN GRID EASTING

NOTES

EDGE OF WASTE ON EAST END OF SITE
IS ESTIMATED TO BE 20'-4" N TO 22'-4" S N BASED ON LIMITS
OF WASTE RELOCATION EXCAVATION; EDGE
OF WASTE IN OTHER AREAS IS ESTIMATED
BASED ON LOCATION INFORMATION AND
REMEDIAL DESIGN INFORMATION.

EDGE OF CLAY CAP IS FLUSH WITH SOUTH
PROPERTY LINE.

DATE: JULY 2018

SCALE: AS SHOWN

NO. DATE

REVISION

AVRES ASSOCIATES
Civil, Survey, Remedial

2018 MONITORING
FADOWSKI DRUM DISPOSAL SITE

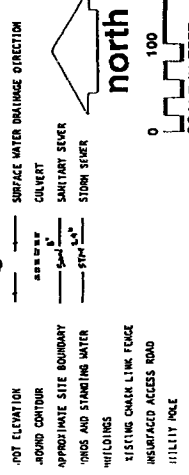
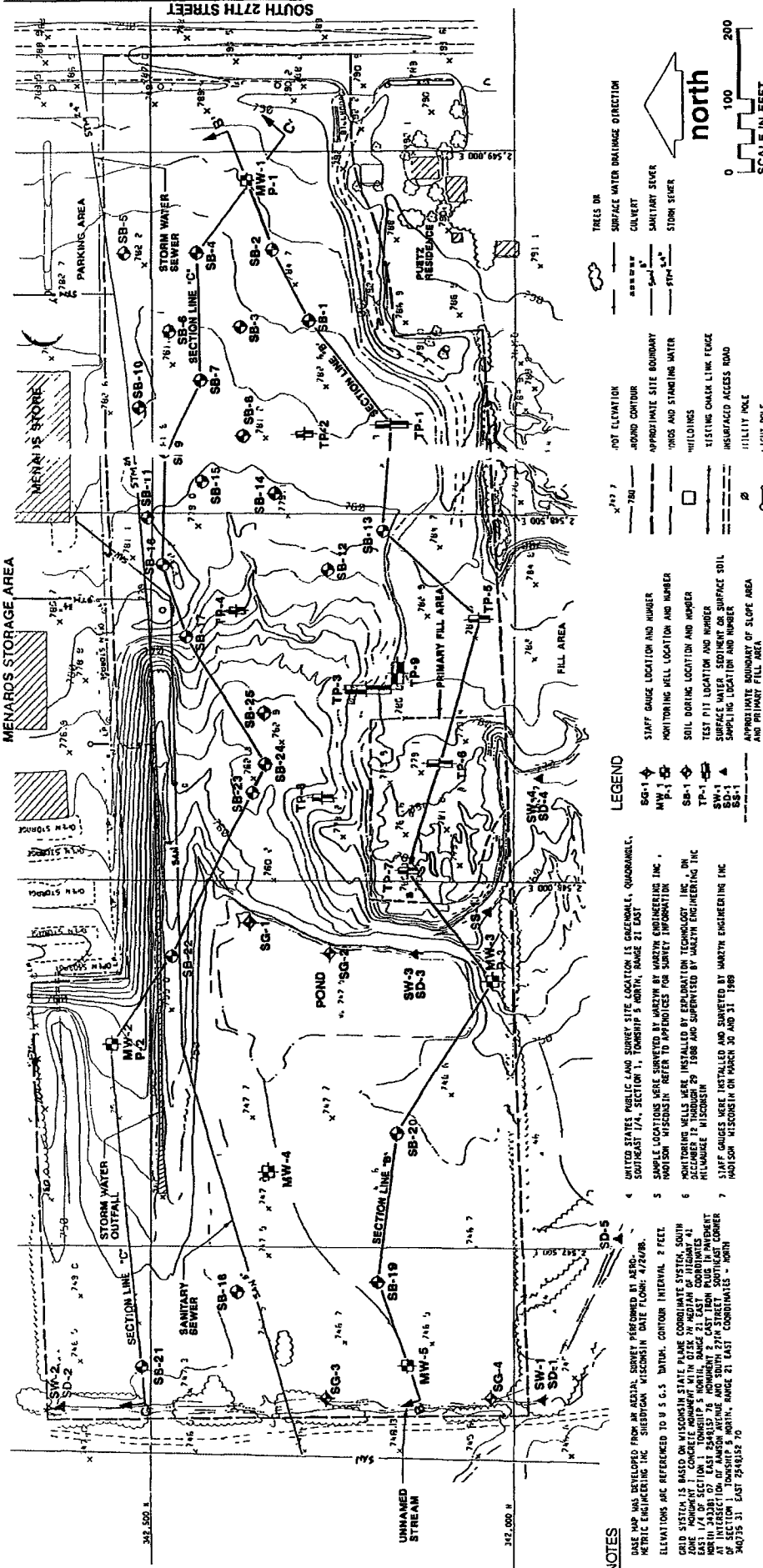
SITE PLAN

FIGURE NO. 2

ATTACHMENT 2

FIGURE 7

**FINAL REMEDIAL INVESTIGATION REPORT
DATED JANUARY 1991 BY WARZYN, INC.**



- LEGEND**
- SG-1 \diamond STAFF GAUGE LOCATION AND NUMBER
 - MW-1 \square MONITORING WELL LOCATION AND NUMBER
 - TP-1 \square TEST PIT LOCATION AND NUMBER
 - SW-1 \square SURFACE LOCATION AND NUMBER
 - SD-1 \square SAMPLING LOCATION AND NUMBER
 - APPROXIMATE BOUNDARY OF SLOPE AREA AND PRIMARY FILL AREA
 - POT ELEVATION
 - GROUND CONTOUR
 - APPROXIMATE SITE BOUNDARY
 - POND AND STANDING WATER
 - WILDLINGS
 - EXISTING ONKER LINK FENCE
 - UNSURFACED ACCESS ROAD
 - UTILITY POLE
 - LIGHT POLE
 - TREES OR SURFACE WATER DRAINAGE DIRECTION
 - CULVERT
 - SANITARY SEWER
 - STORM SEWER

- NOTES**
1. DATA MAP WAS DEVELOPED FROM AN AERIAL SURVEY PERFORMED BY AEROPHOTOMETRIC ENGINEERING INC. SHEBOYGAN, WISCONSIN DATE FLOWN: 4/2/68.
 2. ELEVATIONS ARE REFERENCED TO U.S.C.S. DATUM. CONTOUR INTERVAL: 2 FEET.
 3. GRID SYSTEM IS BASED ON WISCONSIN STATE PLANE COORDINATE SYSTEM SOUTH. COMPLETELY ADJACENT WITH GLENN W. MEDIAN OF HIGHWAY 41 EAST 1/4 OF SECTION 1 TOWNSHIP 5 NORTH, RANGE 21 EAST COORDINATES NORTH 24200.00' ON EAST 24200.00' AND 24200.00' ON EAST 24200.00' CORNER OF SECTION 1, TOWNSHIP 5 NORTH, RANGE 21 EAST COORDINATES - NORTH 340756.31' EAST 2548152.70'
 4. UNITED STATES PUBLIC LAND SURVEY SITE SECTION IS OCCASIONAL, QUADRAMBLE, SOUTH-EAST 1/4, SECTION 1, TOWNSHIP 5 NORTH, RANGE 21 EAST.
 5. SAMPLE LOCATIONS WERE SURVEYED BY WORTHEN ENGINEERING INC. WISCONSIN WISCONSIN. REFER TO APPENDICES FOR SURVEY INFORMATION.
 6. MONITORING WELLS WERE INSTALLED BY EPIDEMIATION TECHNOLOGY INC. IN MILWAUKEE, WISCONSIN. REFER TO APPENDICES FOR SURVEY INFORMATION.
 7. STAFF GAUGES WERE INSTALLED AND SURVEYED BY WORTHEN ENGINEERING INC. WISCONSIN WISCONSIN ON MARCH 20 AND 31, 1968.

ATTACHMENT 3

**FIGURE 3 AND REMEDIAL ACTION RECORD DRAWINGS
AYERS 1995 REMEDIAL ACTION COMPLETION REPORT**

FADROWSKI DRUM DISPOSAL SITE REMEDIAL ACTION - RECORD DRAWINGS MILWAUKEE COUNTY, WISCONSIN

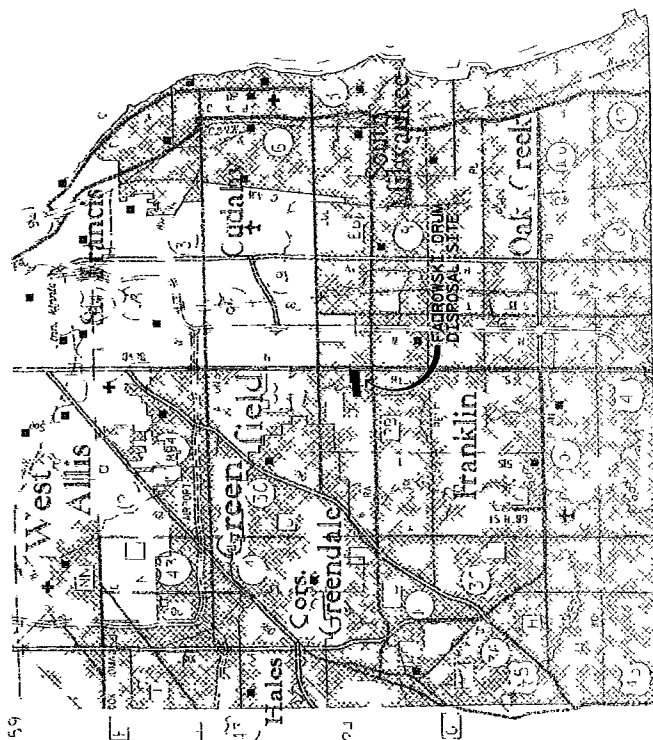
MARCH 1995

**MARCH 1995
RECORD DRAWINGS**

**APPROVED REMEDIAL
DESIGN DRAWINGS
(FOR REFERENCE ONLY - NOT
INCLUDED HEREIN)**

JANUARY 1993

**REVISED AUGUST 30, 1993
REVISED JULY 25, 1994**

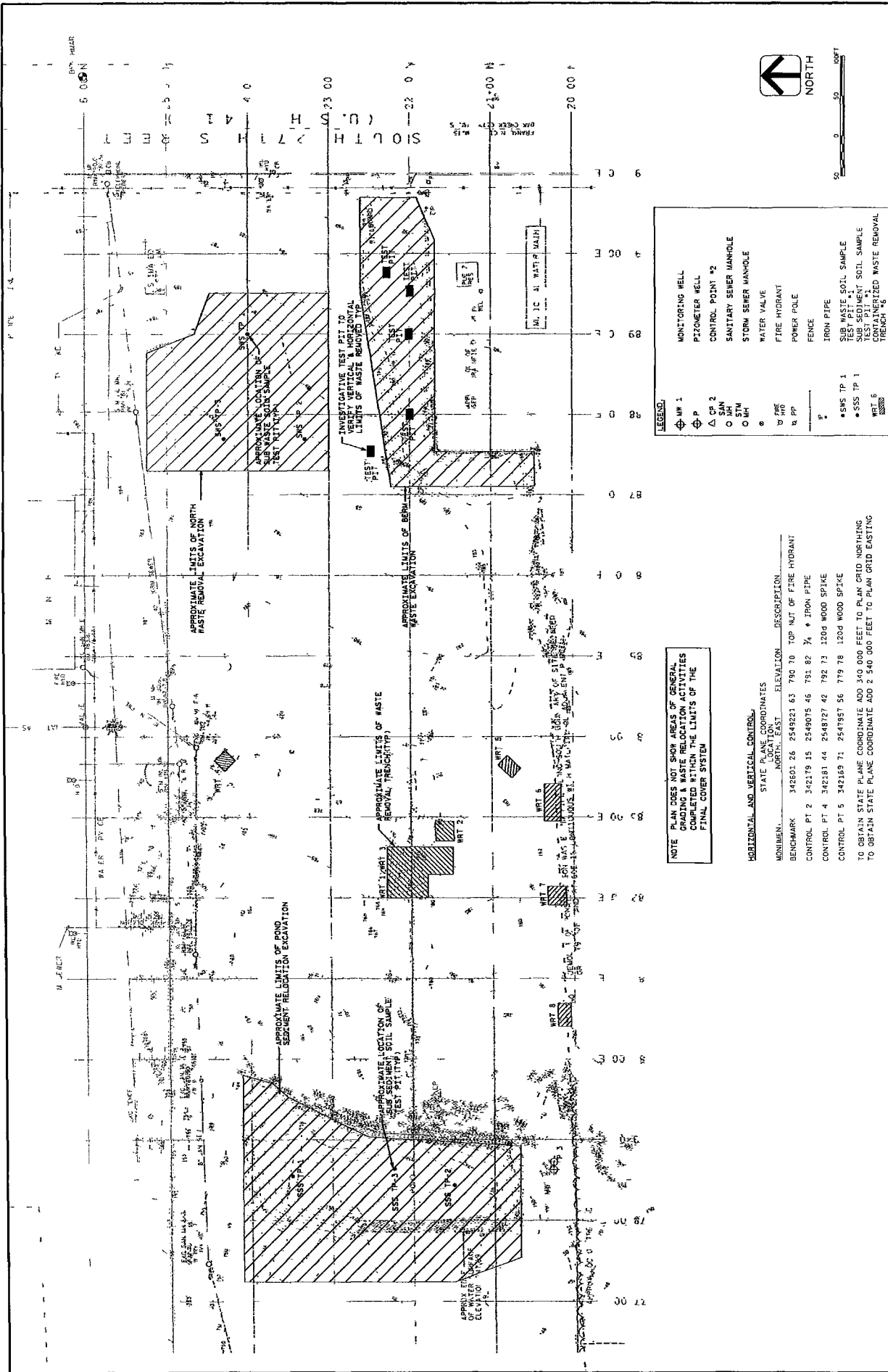


SHT NO	DESCRIPTION
1	COVER SHEET
2	PREVIOUS CONDITIONS SITE PLAN
3	WASTE REMOVAL SITE PLAN
4	FINAL SITE PLAN
5	LEACHATE COLLECTION SYSTEM PLAN & PROFILE
6	STORM SEWER PLAN & PROFILE
7	LEACHATE COLLECTION SYSTEM DETAILS
8	DETAILS
9	DETAILS
10	NORTH-SOUTH FINAL CROSS SECTIONS
11	EAST-WEST FINAL CROSS SECTION STA 21+50N
12	EAST-WEST FINAL CROSS SECTION STA 23+50N

NOTE: THESE RECORD DRAWINGS ARE A SUBSET OF THE APPROVED REMEDIAL DESIGN DRAWINGS. IT IS NOTED THAT DESIGN DRAWINGS THAT INCLUDE TEMPORARY REQUIREMENTS OR INFORMATION TO THE CONTRACTOR ARE NOT INCLUDED WITH THIS SET. IT IS ALSO NOTED THAT THESE RECORD DRAWINGS SHOW ONLY THE REMEDIAL DESIGN DRAWINGS TO CORRELATE DESIGN LAYOUT AND DESIGN ELEVATIONS CHANGES THAT OCCURRED DURING CONSTRUCTION ARE DISCUSSED IN THE CONSTRUCTION COMPLETION REPORT (DATED MAR 24, 1995). PLEASE NOTE THAT THE APPROVED REMEDIAL DESIGN DRAWINGS SCHEDULE LISTED IN THESE RECORD DRAWINGS CORRELATE THE RECORD DRAWINGS WITH THE APPROVED REMEDIAL DESIGN DRAWINGS.

REVISION	DATE	BY	DESCRIPTION
1	JUL 5	994	OVER SHEET
2	AUG 30	1993	EXISTING CONDITIONS SITE PLAN EAST
3	AUG 30	1993	EXISTING CONDITIONS SITE PLAN WEST
4	AUG 30	1993	REMEDIAL ACTION SITE PLAN
5	JUN 15	994	WASTE REMOVAL AND RELOCATION SITE PLAN
6	AUG 30	1993	FINAL SITE PLAN EAST
7	JUN 75	99	LEACHATE COLLECTION PLAN & PROFILE
8	AUG 30	1993	STORM SEWER PLAN & PROFILE
9	JUN 15	994	LEACHATE COLLECTION SYSTEM DETAILS
10	MAY 8	99	DETAILS
11	MAY 1	1993	DETAILS
12	AUG 30	1993	NORTH-SOUTH FINAL CROSS SECTIONS
13	AUG 30	1993	EAST-WEST FINAL CROSS SECTION STA 21+50N
14	AUG 30	1993	EAST-WEST FINAL CROSS SECTION STA 23+50N

PLANS PREPARED BY
AYRES Engineers/Architects
Scientists/Surveyors
Associates
Owen, Ayres & Associates Inc
Eau Claire, Wisconsin



NOTE: PLAN DOES NOT SHOW AREAS OF GENERAL GRADING & WASTE RELOCATION ACTIVITIES COMPLETED WITHIN THE LIMITS OF THE FINAL COVER SYSTEM

HORIZONTAL AND VERTICAL CONTROL

MONUMENT	STATE PLANE COORDINATES		ELEVATION	DESCRIPTION
	NORTH	EAST		
BENCHMARK	342601.26	2549221.63	790.70	TOP NUT OF FIRE HYDRANT
CONTROL PT 2	342119.15	2549075.46	791.82	1/4" IRON PIPE
CONTROL PT 4	342181.44	2548727.42	792.73	1200 WOOD SPKAE
CONTROL PT 5	342169.71	2547957.56	779.78	1200 WOOD SPKAE

TO OBTAIN STATE PLANE COORDINATE ADD 340 000 FEET TO PLAN GRID NORTHING
TO OBTAIN STATE PLANE COORDINATE ADD 2 540 000 FEET TO PLAN GRID EASTING

LEGEND

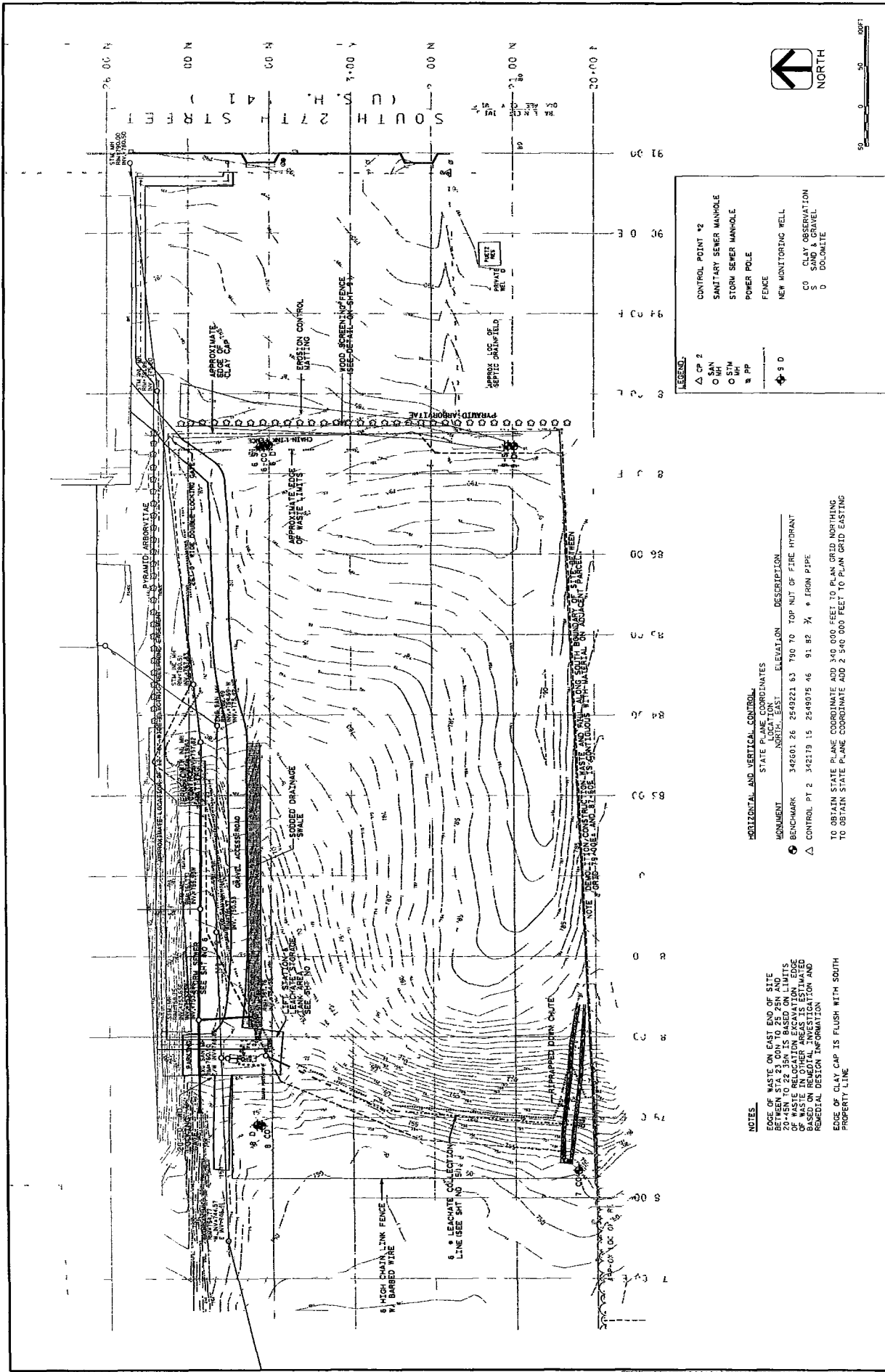
- MW 1 MONITORING WELL
- P PIZOMETER WELL
- CP 1 CONTROL POINT #1
- CP 2 CONTROL POINT #2
- SAN SAN
- TM TM
- WM WM
- WATER VALVE
- FIRE HYDRANT
- POWER POLE
- FENCE
- IRON PIPE
- SUB WASTE SOIL SAMPLE
- SSS TP 1 SUB SEDIMENT SOIL SAMPLE
- TEST PIT #1 TEST PIT #1
- TEST PIT #2 TEST PIT #2
- TEST PIT #3 TEST PIT #3
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- TEST PIT #99 TEST PIT #99
- TEST PIT #100 TEST PIT #100

**REMEDIAL DESIGN
FADOWSKI DRUM DISPOSAL SITE**

WASTE REMOVAL SITE PLAN

PREPARED BY
AVRES
ASSOCIATES
Environmental Services
2000 North 10th Street
Tulsa, Oklahoma 74103

DATE	NO. 1	DATE	NO. 2
10/15/93	1	11/15/93	2
12/15/93	3	01/15/94	4
02/15/94	5	03/15/94	6
04/15/94	7	05/15/94	8
06/15/94	9	07/15/94	10
08/15/94	11	09/15/94	12
10/15/94	13	11/15/94	14
12/15/94	15	01/15/95	16
02/15/95	17	03/15/95	18
04/15/95	19	05/15/95	20
06/15/95	21	07/15/95	22
08/15/95	23	09/15/95	24
10/15/95	25	11/15/95	26
12/15/95	27	01/15/96	28
02/15/96	29	03/15/96	30
04/15/96	31	05/15/96	32
06/15/96	33	07/15/96	34
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04/15/01	91	05/15/01	92
06/15/01	93	07/15/01	94
08/15/01	95	09/15/01	96
10/15/01	97	11/15/01	98
12/15/01	99	01/15/02	100



LEGEND:

△ CP 2	CONTROL POINT #2
△ SAN	SANITARY SEWER MANHOLE
○ STM	STORM SEWER MANHOLE
⊕ PP	POWER POLE
—	FENCE
◆ S D	NEW MONITORING WELL
○	CLAY OBSERVATION
S	SAND & GRAVEL
D	DOLOMITE

HORIZONTAL AND VERTICAL CONTROL

MONUMENT	STATE PLANE COORDINATES NORTH, EAST	ELEVATION	DESCRIPTION
⊕ BENCHMARK	342601.26 2549221.63	790	TOP NUT OF FIRE HYDRANT
△ CONTROL PT 2	342179.15 2549075.46	91.82	1/4" x 1/4" IRON PIPE

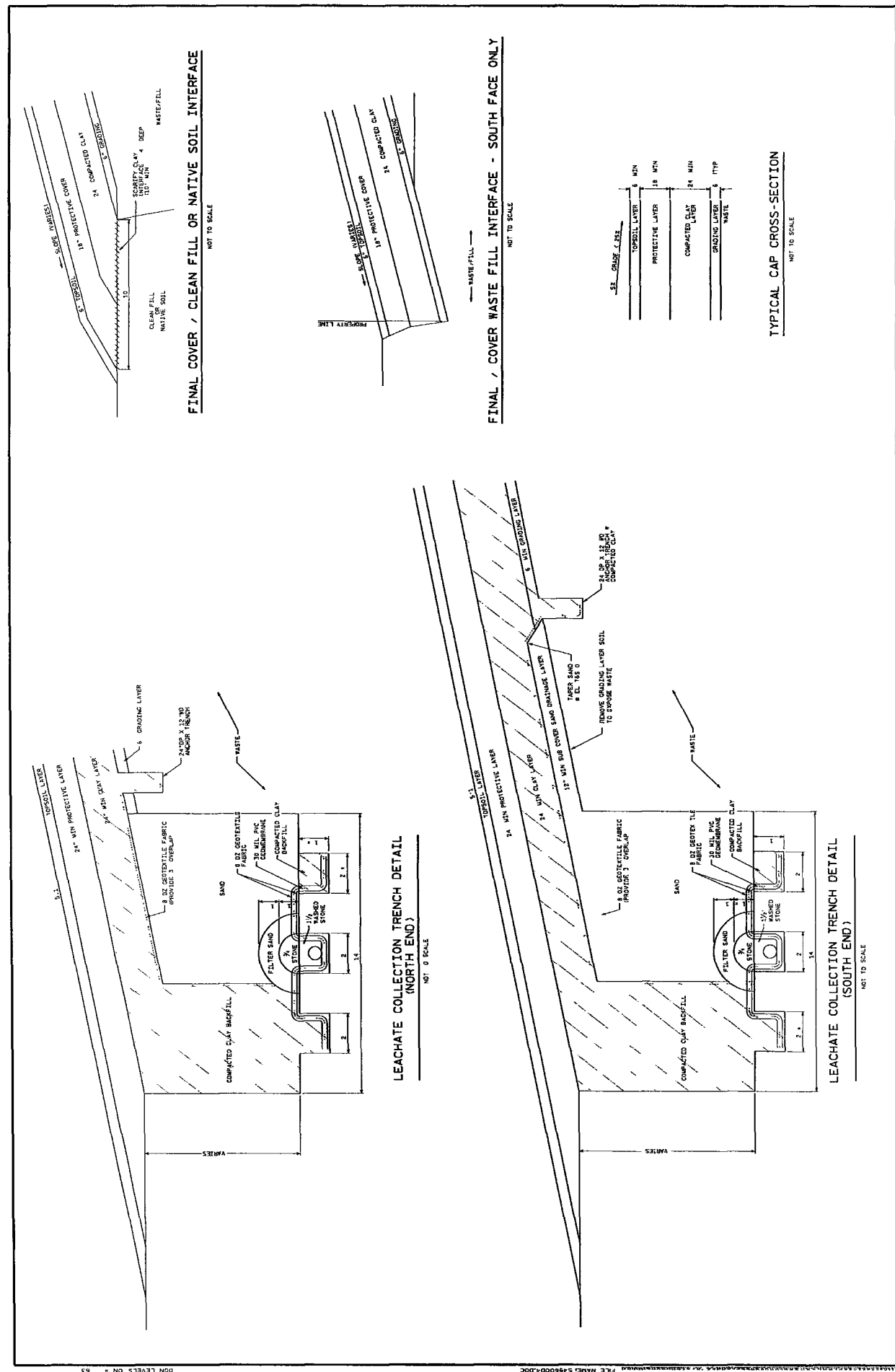
TO OBTAIN STATE PLANE COORDINATE ADD 340 000 FEET TO PLAN GRID NORTHING
TO OBTAIN STATE PLANE COORDINATE ADD 2 340 000 FEET TO PLAN GRID EASTING

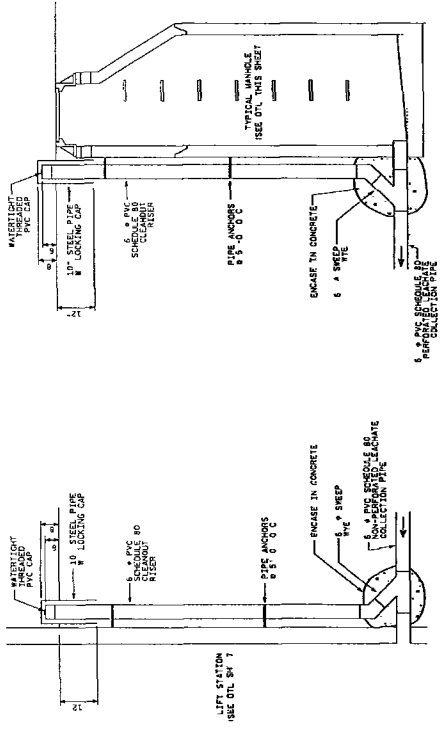
NOTES

EDGE OF WASTE ON EAST END OF SITE BETWEEN STA 23+00 TO 25+25 AND 27+45 TO 28+00 IS ESTIMATED. LIMITS OF WASTE ON WEST END AND SOUTH END OF WASTE IN OTHER AREAS IS ESTIMATED BASED ON REMEDIAL INVESTIGATION AND REMEDIAL DESIGN INFORMATION.

EDGE OF CLAY CAP IS FLUSH WITH SOUTH PROPERTY LINE.

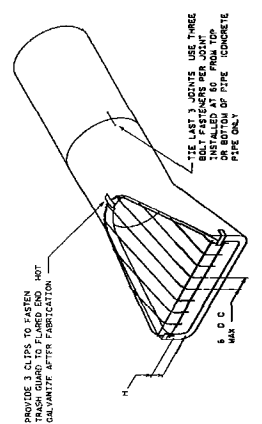
SHEET NO. 4	FINAL SITE PLAN	RECORD DRAWING - MARCH 1995
REMEDIATION DESIGN FADOWSKI DRUM DISPOSAL SITE		
PREPARED BY AVRES ASSOCIATES <small>Environmental Engineers & Scientists, Inc. 10000 14th Avenue, Suite 200, Boulder, Colorado 80501</small>		
DATE: _____ DRAWN BY: _____ CHECKED BY: _____ SCALE: _____ AS SHOWN		





(A) CLEANOUT RISER DETAILS
 (B) TYPICAL MANHOLE ANTI-SEEP COLLAR
 NOT TO SCALE

1. JOINT MATERIAL - SEE SPEC
 2. PIPE SPALL - SEE SPEC
 3. INSET ELEV
 4. BENCH SLOPE TO BE 1 : FT

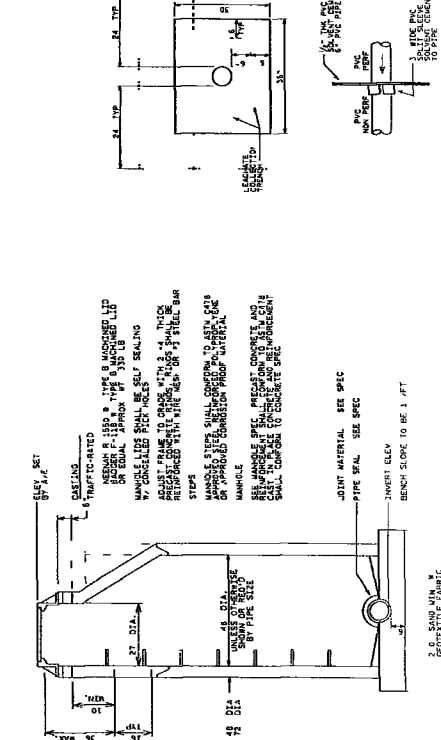


FLARED END SECTION AND TRASH GUARD
 NOT TO SCALE

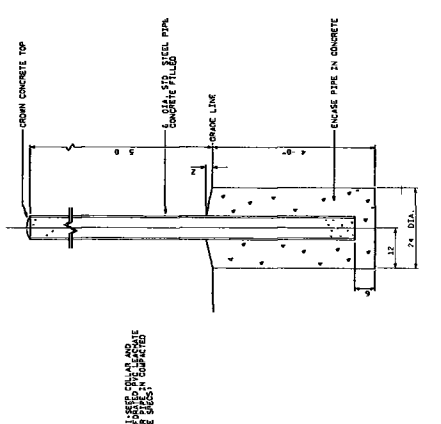
SIZE OF TYPE	DIA OF BARS	H	BOLTS
48	1/2"	12	1

PROVIDE 3 CLIPS TO FASTEN TRASH GUARD TO FLARED END. HOT GALVANIZE AFTER FABRICATION.

USE 1/2" DIA. BARS. USE THREE (3) 1/2" DIA. BARS PER 12" DIA. SECTION. INSTALL AT 6" FROM TOP OR BOTTOM OF PIPE (CONCRETE PIPE ONLY).



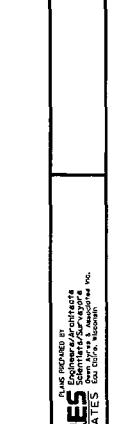
WOOD SCREENING FENCE
 NOT TO SCALE



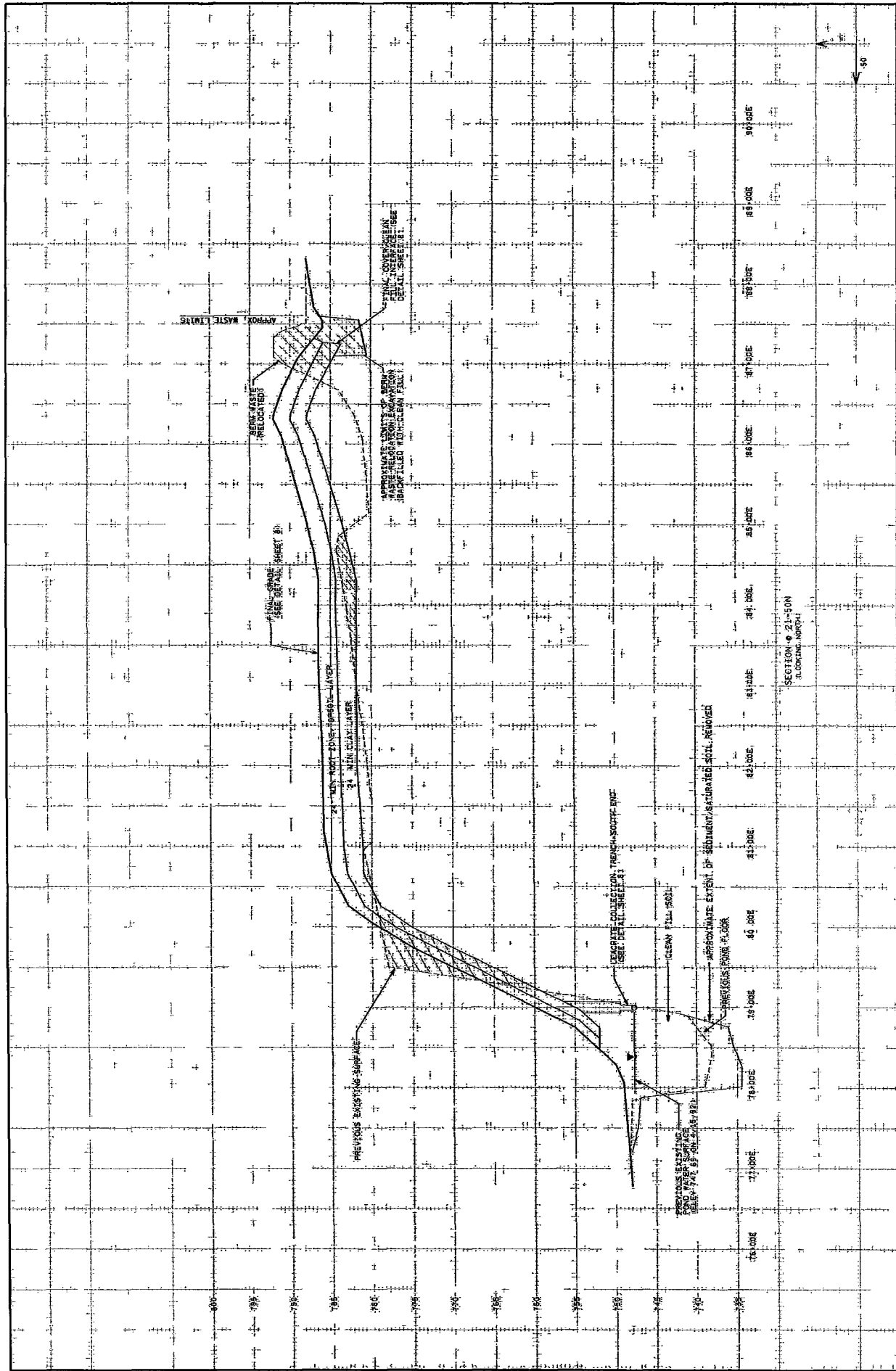
PIPE GUARD POST
 NOT TO SCALE



LEACHATE COLLECTION SYSTEM ANTI-SEEP COLLAR
 NOT TO SCALE

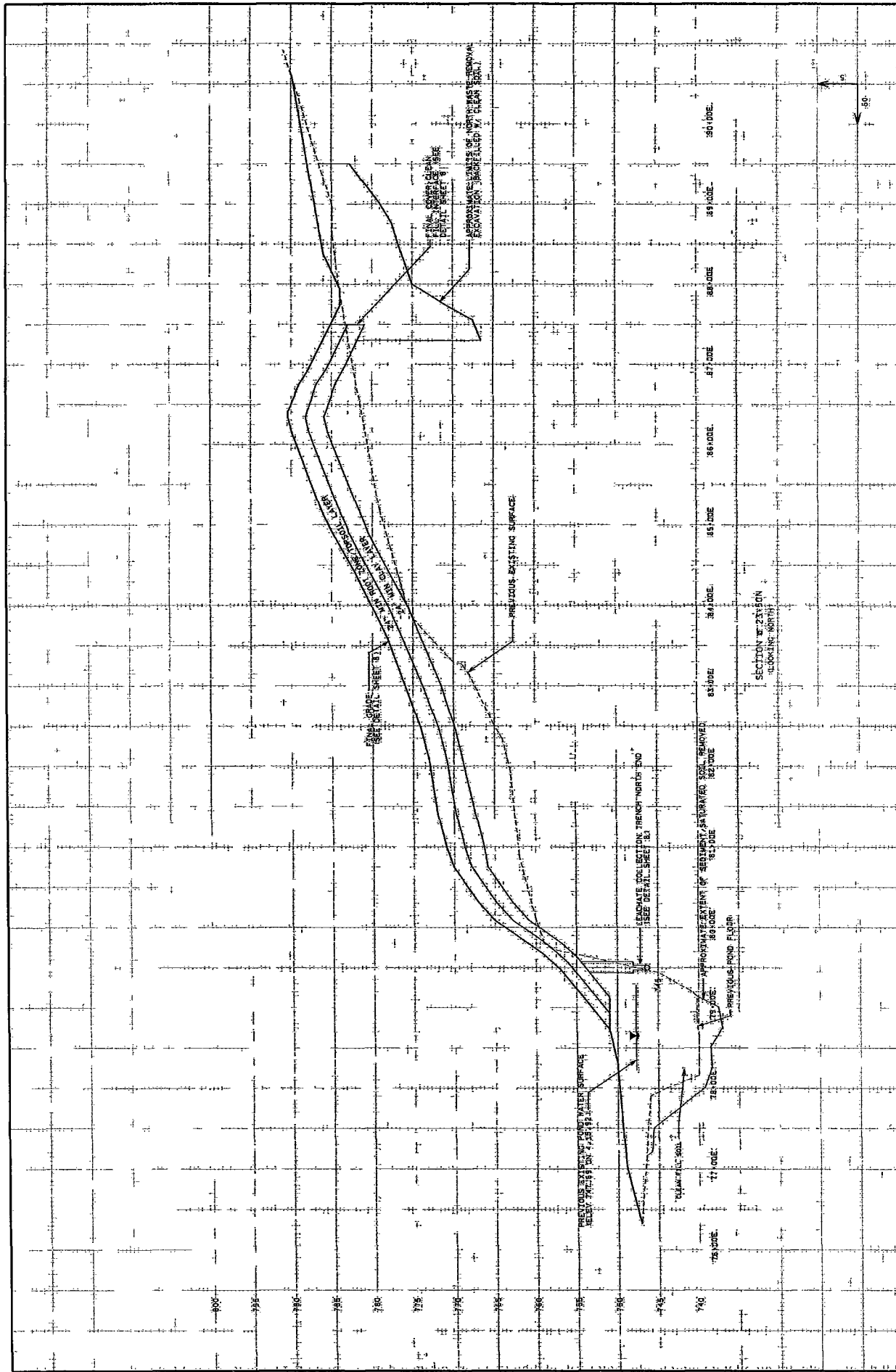


LEACHATE COLLECTION MANHOLE
 NOT TO SCALE



FILE NAME: 546090.DOC DATE OF PLOT: 07/22/95 DESIGNER: MRS. M. J. ... DRAWN BY: ... CHECKED BY: ... DATE: ...	REMEDIATION DESIGN FADROWSKI DRUM DISPOSAL SITE	AVRES ASSOCIATES 1000	EAST-WEST FINAL CROSS-SECTION @ STA 21+50N SHEET NO. 10
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RECORD DRAWING - MARCH - 1995



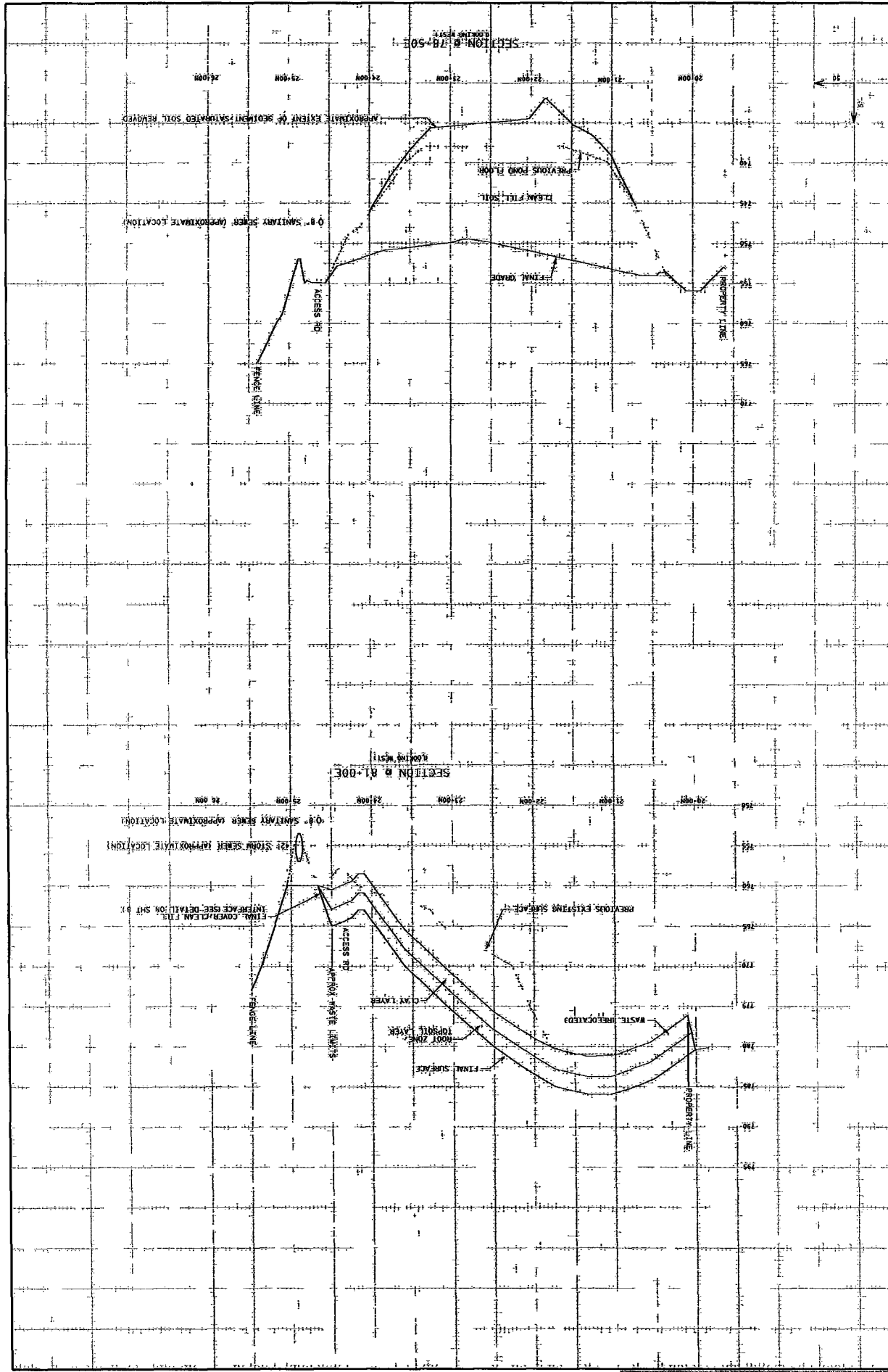
SHEET NO. 11	
EAST-WEST FINAL CROSS-SECTION @ STA 23+50N	
REMEDIAL DESIGN FADROWSKI DRUM DISPOSAL SITE	
ALSO PREPARED BY AVRES ASSOCIATES ENGINEERS/ARCHITECTS 1000 W. 10TH ST. SUITE 100 DENVER, CO 80202	
DATE OF PLOT 03/22/99	DATE OF SHEET 03/22/99
DESIGN FILE IS NRSR15E1438X30V.DWG	FILE NAME IS 11
PLOT FILE IS NRSR15E1438X30V.DWG	DATE OF SHEET 03/22/99

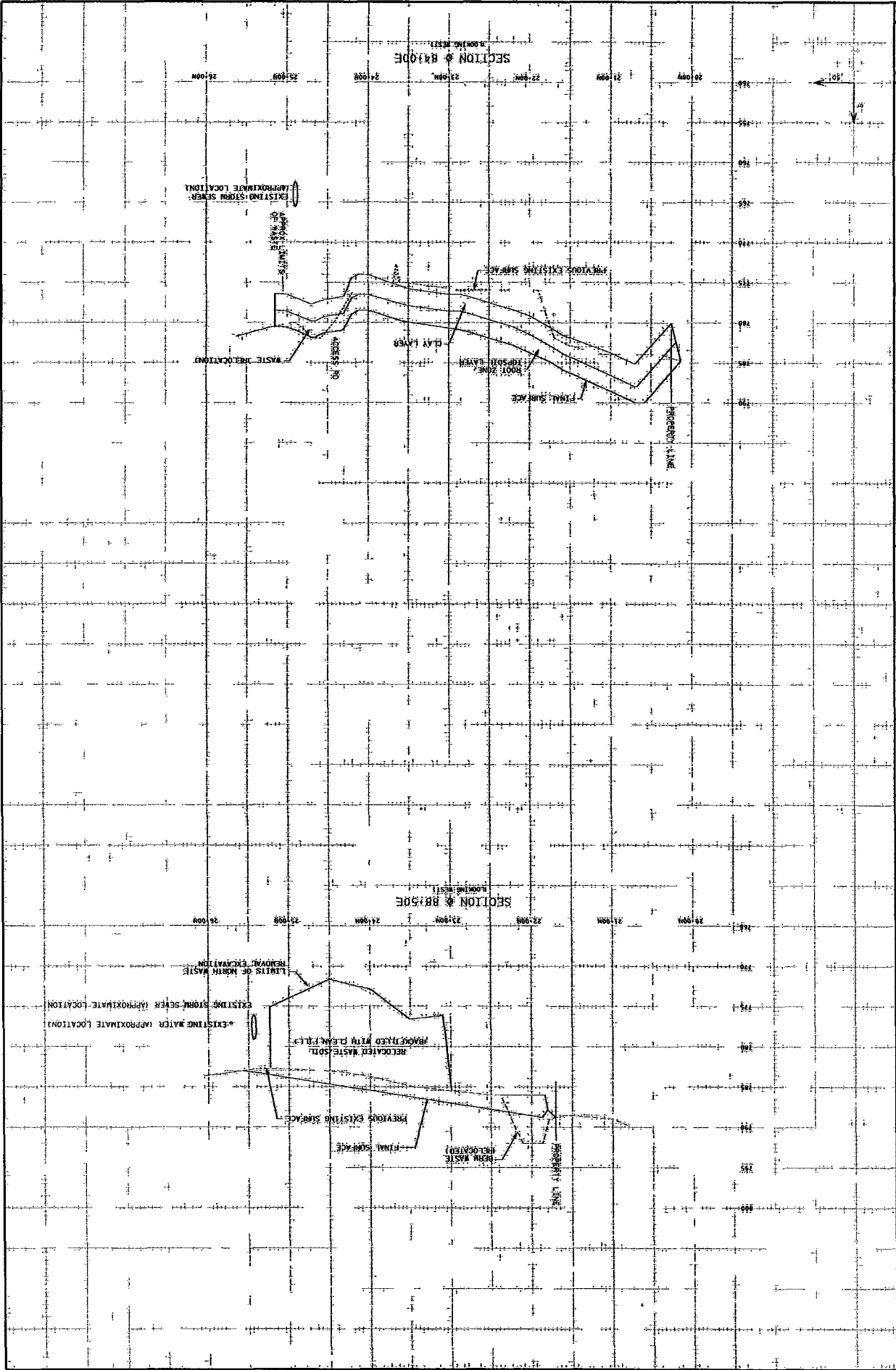
RECORD DRAWING - MARCH, 1995

PLOT FILE IS NRSR15E1438X30V.DWG
 DESIGN FILE IS NRSR15E1438X30V.DWG
 DATE OF PLOT 03/22/99
 DATE OF SHEET 03/22/99

5490090.DWG
 2460000.DWG
 01-1-83

SUBJECT: FADROWSKI DRUM DISPOSAL SITE
 FILE NAME: 11





SHEET NO. 13 NORTH-SOUTH FINAL CROSS-SECTIONS	REMEDIAL DESIGN FADROWSKI DRUM DISPOSAL SITE	DRAWN BY: JAS CHECKED BY: JAS DATE: 03/05/95
		SCALE: AS SHOWN DATE: 03/05/95

PREPARED BY:
AVRES ASSOCIATES
 ENGINEERING CONTRACTORS
 2000 W. 10th Street
 Denver, CO 80202

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 07/20/2021
LICENSES AND PERMITS	MISCELLANEOUS LICENSES	ITEM NUMBER H.

See attached listing from meeting of July 20, 2021.

COUNCIL ACTION REQUESTED




414-425-7500

**License Committee
Agenda*
Alderman Room
July 20, 2021 – 5:40 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 5:45 p.m.	Flores, Heather M No Location			
Operator 2021-2022 New 5:50 p.m.	Hogan, Jessica A Walmart #1551			
Operator 2021-2022 New	Bhatti, Brandon S Midtown Gas & Liquor			
Operator 2021-2022 New	Danowski, Samuel L Kwik Trip #287			
Operator 2021-2022 New	Deak, Tracey R Irish Cottage			
Operator 2021-2022 New	Hamilton-Smith, Brandon J Point After Pub & Grille			
Operator 2021-2022 New	Klafka, Taylor I Rawson Pub			
Operator 2021-2022 New	Lindner, David P Franklin Lions Club – St Martins Fair			
Operator 2021-2022 New	Mayer, Brianna M Point After Pub & Grille			
Operator 2021-2022 New	Petroske, Troy A Swiss Street Pub & Grill			
Operator 2021-2022 New	Stadler, Daniel V Polonia Sport Club			
Operator 2021-2022 New	Stewart, Reilly W Sendik's Food Market			

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APPROVAL 	REQUEST FOR COUNCIL ACTION	MEETING DATE 7/20/2021
Bills	Vouchers and Payroll Approval	ITEM NUMBER I

Attached are vouchers dated July 2, 2021 through July 15, 2021 Nos 183781 through Nos 183936 in the amount of \$ 852,802 07. Also included in this listing are EFT's Nos. 4638 through Nos 4650, Library vouchers totaling \$ 5,983 71 and Water Utility vouchers totaling \$ 25,470 58

Early release disbursements dated July 2, 2021 through July 14, 2021 in the amount of \$ 440,617 30 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 16, 2021 is \$ 430,409 40, previously estimated at \$ 410,000 Payroll deductions dated July 16, 2021 are \$ 241,460 04 previously estimated at \$ 454,000.

The estimated payroll for July 30, 2021 is \$ 457,000 with estimated deductions and matching payments of \$ 455,000.

There were no property tax disbursements

COUNCIL ACTION REQUESTED

Motion approving the following

- City vouchers with an ending date of July 15, 2021 in the amount of \$ 852,802 07 and
- 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 of City matching payments and
- Estimated payroll dated July 30, 2021 in the amount of \$ 457,000 and payments of the various payroll deductions in the amount of \$ 455,000, plus City matching

ROLL CALL VOTE NEEDED