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CITY OF FRANKLIN
COMMON COUNCIL MEETING
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
TUESDAY, JUNE 21, 2022, AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Approval of Minutes: Regular Common Council Meeting of June 7, 2022.
- D. Hearings.
- E. Organizational Business - Mayoral appointment: Joe Mercado, 10162 S. 34th St., Ald. Dist. 4 to the Finance Committee for a 1 year unexpired term expiring 04/30/23.
- F. Letters and Petitions.
- G. Reports and Recommendations:
 - 1. A Resolution to Accept Donation of Outlot 3 (TKN 891-1087-000) from Loomis & Ryan, Inc. in Ryan Meadows Subdivision Along W. Chicory Street and Dedicate a Pond #2 Access and Maintenance Agreement to Ryan Meadows Owners Association, Inc. [n.b.: this matter was entitled with “Dedication” instead of “Donation” for item G.17. on the June 7, 2022 Common Council meeting agenda].
 - 2. An Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to Change the City of Franklin 2025 Future Land Use Map for Property Bearing Tax Key Number 892-9999-002 from Recreational Use and Areas of Natural Resource Features to Residential Use (by Stephen R. Mills, President of Bear Development, LLC, Applicant, Ignasiak Investment Company, LLC, Property Owner).
 - 3. An Ordinance to Amend the Unified Development Ordinance (Zoning Map) to Rezone a Certain Parcel of Land Bearing Tax Key Number 892-9999-002 from A-2 Prime Agricultural District and C-1 Conservancy District to R-5 Suburban Single-Family Residence District (by Stephen R. Mills, President of Bear Development, LLC, Applicant, Ignasiak Investment Company, LLC, Property Owner).
 - 4. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Condominium Complex Development Use Upon Property Located at 12000 West Loomis Road (Stephen R. Mills, President of Bear Development, LLC, Applicant, Boomtown, LLC, Property Owner).

Common Council Meeting Agenda

June 21, 2022

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5. A Resolution to Adopt the Ryan Creek Pedestrian/Bicycle Trail.
6. Request to Approve the Transfer of Public Health Manager to Public Health Specialist in the 2022 Budget and Approve the Hiring of a Public Health Specialist.
7. Business View Magazine Franklin Feature Supported by Key Vendor Advertising.
8. A Resolution Approving the Wisconsin Department of Natural Resources NR-208 Compliance Maintenance Report for 2021.
9. Review and Consideration to Clarify or Amend the Code of Conduct and Ethics and Rules of the Common Council and Adopt a Resolution Affirming such Amendments (Alderman Nelson).
10. A Resolution Affirming the City of Franklin Code of Conduct and Ethics (Alderman Hanneman).
11. Consideration of an Intern Approval/Authorization Policy.
12. Review of the Director of Clerk Services Position and Timing of Hiring Due to Impending Retirement/Upcoming Position Posting.

H. Licenses and Permits.

Miscellaneous Licenses from License Committee Meeting of June 21, 2022.

I. Bills.

Request for Approval of Vouchers and Payroll.

J. Adjournment.

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

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

REMINDERS:

June 23	Plan Commission Meeting	7:00 p.m.
July 4	City Hall Closed-Fourth of July	
July 5	Common Council Meeting	6:30 p.m.
July 7	Plan Commission Meeting	7:00 p.m.
July 19	Common Council Meeting	6:30 p.m.
July 21	Plan Commission Meeting	7:00 p.m.

CITY OF FRANKLIN
COMMON COUNCIL MEETING
JUNE 07, 2022
MINUTES

- | | | |
|---------------------------------------|------|---|
| ROLL CALL | A. | The regular meeting of the Common Council was held on June 7, 2022 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were present: Alderman Ed Holpfer, Alderwoman Michelle Eichmann, Alderwoman Wilhelm, Alderwoman Shari Hanneman, Alderman Mike Barber and Alderman John R. Nelson. Also in attendance were Dir. of Administration Peggy Steeno, Planning Manager Heath Eddy, City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski and City Clerk Sandra Wesolowski. |
| CITIZEN COMMENT | B.1. | Citizen comment period was opened at 6:31 p.m. and closed at 6:42 p.m. |
| MAYORAL
ANNOUNCEMENTS | B.2. | (a) Mayor Olson introduced John Regetz, Director of Economic Development.

(b) Mayor Olson introduced the New Officers of Franklin Senior Citizens, John Bieganski and Roger McKay. |
| MINUTES
MAY 17, 2022 | C. | Alderman Barber moved to approve the minutes of the regular Common Council meeting of May 17, 2022, as presented at this meeting. Seconded by Alderwoman Hanneman. All voted Aye; motion carried. |
| IMPACT FEE
PUBLIC HEARING | D. | A public hearing was called to order at 6:57 p.m. on Proposed Amendments to §92-9 of the Municipal Code Pertaining to Impact Fees for Transportation System Facilities, Sanitary Sewer System Facilities, Water System Facilities, and Fire and Emergency Medical Service Facilities. The public hearing was closed at 6:58 p.m. |
| AMEND §92-9. TO
UPDATE IMPACT FEES | G.1. | Alderman Holpfer moved to table at the call of the Chair an Ordinance to Amend §92-9. Impact Fees, of the Municipal Code, In Part and Primarily to Update Same Pursuant to the Public Facilities Needs Assessment and Impact Fee Study dated April 27, 2022. Seconded by Alderwoman Hanneman. All voted Aye; motion carried. |
| BALLPARK COMMONS
UPDATE | G.2. | No action was taken following the presentation of project updates by Mike Zimmerman, Ballpark Commons. |

Alderman Nelson vacated his seat at 7:50 p.m. and returned at 7:57 p.m.

CONCEPT REVIEW S 31ST ST, HORIZON DEVELOPMENT GROUP INC., APPLICANT G.3. No action was taken following the presentation of a Concept Review for multifamily residential development located on S. 31st St. (Lot 2 of 7219 S. 27th St., TKN 761-9955-004), (Horizon Development Group Inc., Applicant).

FIRE DEPT. SOFTWARE AGREEMENT WITH CENTRAL SQUARE TECHNOLOGIES, LLC G.4. Alderman Barber moved to approve a Fire Department request of Consent to Assignment of Software Agreement, and an Access and Use Agreement with Central Square Technologies, LLC., for Franklin PSAP access to a Countywide CAD-2-CAD software platform. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

Alderwoman Wilhelm vacated her seat at 8:17 p.m.

RES. 2022-7864 RATIFY AND REAPPROVE RES. 2019-7537, FINAL APPROVAL OF CSM NO. 3411, BALISTRERI AND BURGE, APPLICANTS G.5. Alderman Nelson moved to adopt Resolution No. 2022-7864, A RESOLUTION TO RATIFY AND REAPPROVE RESOLUTION NO. 2019-7537, A RESOLUTION CONDITIONALLY APPROVING A 2 LOT CERTIFIED SURVEY MAP, BEING PART OF PARCEL "A" OF CERTIFIED SURVEY MAP NO. 3411, AND UNPLATTED LANDS, BEING A PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 6, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN (DENIS J. AND SHARON L. BALISTRERI/MELISSA M. AND CHRISTOPHER D. BURGE, APPLICANTS) (AT 6708 AND 6720 SOUTH NORTH CAPE ROAD), to provide the final and last approval of the certified survey map and to allow for the recording of the certified survey map. Seconded by Alderman Holpfer. All voted Aye; motion carried.

Alderwoman Wilhelm returned to her seat at 8:20 p.m.

RES. 2022-7865 SPECIAL USE FOR BEAUTY SALON AT 11113 W. FOREST HOME AVE., SUITE 240, GARMAN, APPLICANT G.6. Alderman Nelson moved to adopt Resolution 2022-7865, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A BEAUTY SALON USE UPON PROPERTY LOCATED AT 11113 WEST FOREST HOME AVENUE, SUITE 240 (ANASTASIA E. GARMAN, OWNER, D/B/A ANASTASIA SKIN ATELIER, LLC, APPLICANT). Seconded by Alderwoman Eichman. All voted Aye; motion carried.

ORD. 2022-2512 AMEND PDD NO. 18 - G.7. Alderwoman Hanneman moved to adopt Ordinance No. 2022-2512, AN ORDINANCE TO AMEND PLANNED DEVELOPMENT

SIGN PERMITS

DISTRICT NO. 18 AS IT PERTAINS TO THE ADMINISTRATION OF SIGN PERMITS. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2022-7866
FENCE AT 3018 W.
BRIARWOOD DR.,
HESSLING, APPLICANT

G.8. Alderwoman Hanneman moved to adopt Resolution No. 2022-7866, A RESOLUTION AUTHORIZING THE INSTALLATION OF A FENCE WITHIN THE 5-FOOT DRAINAGE & UTILITY EASEMENT IN LOT 5 IN BLOCK 4 OF SOUTHWOOD EAST SUBDIVISION (3018 W. BRIARWOOD DRIVE) (TKN 879-0065-000) (PATRICK HESSLING, APPLICANT). Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

HEALTH DEPT. TO
HOST WESTERN
GOVERNORS
UNIVERSITY INTERN

G.9. Alderman Barber moved to authorize Director of Health and Human Services to sign the contract to host a Western Governors University intern during June and July of 2022. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

HEALTH DEPT. TO
HOST CHIP INTERN

G.10. Alderwoman Eichmann moved to authorize Director of Health and Human Services to sign the contract to host a Community Health Internship Program intern during June and July of 2022. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

RECORD CSM FOR TID
#6 AND FEASIBILITY
STUDY

G.11. Alderman Nelson moved to authorize the recording of the 3-lot CSM, approved on February 15, 2022, in advance of the TID #6 territory amendment being executed, and direct staff to complete the feasibility study on the proposed territory amendment options and bring a recommendation to the Common Council as soon as practicable. Seconded by Alderman Barber. All voted Aye; motion carried.

TRAIL PROJECTS

G.12. Alderwoman Eichmann vacated her seat at 8:39 p.m. and returned at 8:43 p.m.

Alderman Nelson moved to direct GRAEF to proceed with field work for the St. Martin of Tours Trail. Seconded by Alderman Barber. On roll call, Alderman Holpfer, Alderwoman Eichmann, Alderwoman Hanneman, Alderman Barber, and Alderman Nelson voted Aye; Alderwoman Wilhelm voted No. Motion carried.

Alderman Barber vacated his seat at 8:54 p.m.

Alderwoman Hanneman moved to direct staff to include a flagpole and bench amenities to Market Square Park for the W. Church Street Trail. Seconded by Alderman Nelson. All voted Aye; motion carried.

Alderman Barber returned to his seat at 8:57 p.m.

Alderman Barber moved to direct staff to resubmit the entire Cascade Trail project to Milwaukee County Parks for reconsideration. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

Alderwoman Wilhelm moved to pursue a grant for the Cascade Trail project or any trail projects. Seconded by Alderman Barber. All voted Aye; motion carried.

No action was taken following the discussion of Trail Projects including: S. 116th Street, W. Forest Home Avenue, STH 100, Ryan Creek, Ryan Meadows, and Franklin Schools property between S. 80th and S. 92nd Streets.

RES. 2022-7867
FINANCIAL
AGREEMENT WITH
STATE FOR S. 116TH
ST. TRAIL

G.13. Alderman Nelson moved to adopt Resolution No. 2022-7867, A RESOLUTION TO EXECUTE A STATE/MUNICIPAL FINANCIAL AGREEMENT FOR THE S. 116TH STREET TRAIL (W. RYAN ROAD TO W. MAYERS DRIVE) CONGESTION MITIGATION & AIR QUALITY PROJECT IN THE AMOUNT OF \$832,000. Seconded by Alderman Holpfer. All voted Aye; motion carried.

PROFESSIONAL
AGREEMENT WITH
GRAEF-USA, INC FOR S.
116TH ST TRAILHEAD

G.14. Alderwoman Wilhelm moved to table to August 2, 2022 a Resolution for a Professional Services Agreement with GRAEF-USA, Inc. for engineering and architecture services related to the S. 116th Street trailhead at approximately 11950 W. Ryan Road (TKN 890-9991-001) in the amount of \$86,800. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

BUDGET DISCUSSION
RELATED TO RES. 2022-
7833, AGREEMENT
WITH STATE FOR WI
DOT PROJECT ON S.
LOVERS LANE/W.
RYAN RD.

G.15. Alderwoman Wilhelm moved forward with the \$1,181,108 amount, Amending the amount in Resolution No. 2022-7833, A RESOLUTION TO EXECUTE STATE/MUNICIPAL FINANCIAL AGREEMENT AND A STATE/MUNICIPAL MAINTENANCE AGREEMENT FOR IMPROVEMENTS RELATED TO A WISCONSIN DEPARTMENT OF TRANSPORTATION PROJECT ON S. LOVERS LANE/W. RYAN ROAD (USH 45/STH 100) FROM S. 60TH STREET TO W. ST. MARTINS ROAD IN THE AMOUNT OF \$624,700. On roll call, Alderman Nelson, Alderman Barber, Alderwoman Wilhelm and Alderman Holpfer voted Aye; Alderwoman Hanneman and Alderwoman Eichmann voted No. Motion carried.

- FRANKLIN PUBLIC SCHOOL NEGOTIATION FOR TRAIL AT W. RYAN RD. BETWEEN S. 80TH AND S. 92ND STS. G.16. Alderman Nelson moved to direct Staff to enter negotiations with Franklin Public Schools for construction, maintenance, and ownership of a trail and trailhead across a parcel south of W. Ryan Road between S. 80th Street and S. 92nd Street. Seconded by Alderman Barber. All voted Aye; motion carried.
- ACCEPT OUTLOT 3 FROM LOOMIS & RYAN, INC. IN RYAN MEADOWS SUBDIVISION G.17. Alderwoman Wilhelm moved to table to June 21, 2022, A Resolution to Accept Dedication of Outlot 3 (TKN 891-1087-000) from Loomis & Ryan, Inc. in Ryan Meadows Subdivision Along W. Chicory Street and Dedicate a Pond #2 Access and Maintenance Agreement to Ryan Meadows Owners Association, Inc. Seconded by Alderman Nelson. All voted Aye; motion carried.
- RES. 2022-7868 WE ENERGIES TO RELOCATE ELECTRIC FACILITIES NEAR S. HICKORY ST. G.18. Alderwoman Hanneman moved to adopt Resolution No. 2022-7868, A RESOLUTION TO AUTHORIZE STAFF TO DIRECT WE ENERGIES TO RELOCATE ELECTRIC FACILITIES IN THE VICINITY OF S. HICKORY STREET FOR \$92,666.25 as revised. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES. 2022-7869 CONTRACT FOR S. HICKORY ST. IMPROVEMENTS WITH PROFESSIONAL SERVICES, INC. G.19. Alderwoman Hanneman moved to adopt Resolution No. 2022-7869, A RESOLUTION TO AWARD CONTRACT FOR CONSTRUCTION MATERIALS TESTING SERVICES ON THE FRANKLIN CORPORATE PARK SOUTH HICKORY STREET IMPROVEMENTS TO PROFESSIONAL SERVICES INDUSTRIES, INC. IN THE AMOUNT OF \$46,110 as amended by the City Attorney. Seconded by Alderman Nelson. All voted Aye; motion carried.
- RES. 2022-7870 AGREEMENT WITH FOTH-S. LOVERS LANE RD. WATER RELOCATIONS G.20. Alderman Nelson moved to adopt Resolution No. 2022-7870, A RESOLUTION FOR A PROFESSIONAL SERVICES AGREEMENT WITH FOTH INFRASTRUCTURE & ENVIRONMENT, LLC FOR ENGINEERING SERVICES RELATED TO S. LOVERS LANE RD. WATER RELOCATIONS AND EXTENSIONS IN THE AMOUNT OF \$74,800, as revised. Seconded by Alderman Barber. All voted Aye; motion carried.
- RES 2022-7870 AMEND RES. 2022-7816 CONTRACT WITH HAUSCH DESIGN AGENCY, LLC FOR MESSAGING PROGRAM FOR SEWER UTILITIES PROJECT G.21. Alderwoman Hanneman moved to adopt Resolution No. 2022-7870, A RESOLUTION TO ENTER INTO A CONTRACT WITH HAUSCH DESIGN AGENCY, LLC TO DEVELOP A MESSAGING PROGRAM FOR FRANKLIN SEWER UTILITIES PROJECT/PRIVATE PROPERTY INFILTRATION & INFLOW REDUCTION PROJECT FOR \$32,383.03, AMENDING RESOLUTION 2022-7816, A RESOLUTION TO ENTER INTO A CONTRACT WITH HAUSCH DESIGN AGENCY, LLC TO

DEVELOP A MESSAGING PROGRAM FOR FRANKLIN SEWER UTILITIES PROJECT/PRIVATE PROPERTY INFILTRATION & INFLOW REDUCTION PROJECT NOT TO EXCEED AMOUNT OF \$31,000. Seconded by Alderman Barber. All voted Aye; motion carried.

FINANCIAL REPORT
JAN. – MAR., 2022

G.22. Alderman Holpfer moved to receive and place on file the Monthly Financial Report for January through March, 2022. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

NEWSLETTER
DISTRIBUTION

G.23. Alderman Nelson moved to receive and place on file the notification of change in distribution frequency of the City Newsletter from five to four per year. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

ORD. 2022-2513
AMEND ST. MARTINS
FAIR LICENSE FEES

G.24. Alderman Nelson moved to adopt Ordinance No. 2022-2513, AN ORDINANCE TO AMEND THE MUNICIPAL CODE AS IT PERTAINS TO LICENSE FEES FOR THE ST. MARTINS FAIR. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

LICENSES AND
PERMITS

H. Alderwoman Hanneman moved to approve the following from the Special License Committee Meeting of May 20, 2022:

Hold 2021-22 & 2022-23 Operator License for appearance to: Aarion Gonzalez; Damien Cortes;
Hold 2022-23 Operator License for appearance to Andrew Page;
Grant 2021-22 & 2022-23 Operator License with a warning letter to Brandon Hamilton-Smith;
Grant 2021-22 & 2022-23 Operator License with warning letter and contingency proof of most recent Court record to Megan Peiffer;
Grant 2021-22 Operator License to Jason Leidle;
Grant New 2022-23 Operator License to: Antonio Chapa, Krystal Coey, Kaitlyn Connolly, Arturo Juarez Jr, Kristen Menzel, Micah Modic, Meghan Pavlic, Julie Sobanski, Taylor Takerian;
Grant 2021-22 & 2022-23 Operator License to: Ryan Blum, Matthew Holtz, Christina Kessler;
Grant Renewal 2022-23 Operator License to: Sandra Albert, Cathy Anderson, Daniel Bartels, Bradley Bautch, Leesa Bearder, Genine Behning, Tanya Bielinski, William Canales, Tyler Cherek, Eric Cottman, Barbara Davison, Rebecca Deall, Susan DeGeorge, Kristy Delaney, Ava Dresdow, Richard Elliott, Kathleen Galipo, Dawn Gottschalk, Susan Grainer, Haley Jenna, Lisa Hansen, Patti Hartung, Kimberly Henzig, Kimberly Hill, Lisa Hutts, Jai Jensen, Adam Jubeck, Michael Klamecki, Danielle Knox, Kailey Kowalski, Miranda Krasinski, Apolonia Kust, Michael Lloyd, Thomas Manske,

Julia Martinez, Mark Matecki, Riley May, Brianna Mayer, Ciara McMillan, Janet Miller, Susan Mlynczak, Camille Nicolai, Tyler Okrzesik, Derek Olszewski, Amy Ottaviani, Denise Popp, Eric Ramos, Debra Reichart, Jean Risacher, Michelle Rocha, Ryan Scheffler, Erica Schwebe, Linda Steeves, Alexis Steltz, Molly Tengal, Jaiden Thiem, Tiffany Torres, Katiana Valle, Juan Villa, Melissa Waulters, Kathleen Wegner, Michael Williams, Matthew Wisniewski, Alyssa Zacher, Sandra Zimmer, Remy Ziolkowski;

Approve the PUBLIC (People Uniting for the Betterment of Life and Investment in the Community) Grant to Franklin Lioness Club, St Martin's Fair Permit, Temporary Class B Beer and Wine License, Operator Permits, 9/4 – 9/5/22;

Grant 2022-23 Day Care License pending Planning Department approval and all State and Local Regulations to Cadence Education LLC, Manager Tanya Graser, 9758 S Airways Ct;

Grant 2022-23 Day Care License pending all State and Local Regulations to: Faith Community Church Inc, Manager Caitlin Arterburn, 7700 W Faith Dr; KinderCare Education LLC, Manager Michelle Swikert, 7363 S 27th St;

Grant 2021-22 & 2022-23 Sundance Kids of Franklin LLC, Manager Anna Keaton, 9651 W Drexel Ave;

Grant 2022-23 Entertainment & Amusement License pending all State and Local Regulations to: Milwaukee County Parks, Manager Andrea Wallace at Sports Complex, 6000 W Ryan Rd; Oakwood Park Golf Course, 3600 W Oakwood Rd; Whitnall Golf Course, 6751 S 92nd St;

Grant 2022-23 Class A Combination licenses pending All State and Local Regulations to: Dairyland Retail Group LLC, Agent Elizabeth Evans, 7610 W Rawson Ave; Ryan Fuel LLC, Agent Kavita Khullar, 5120 W Ryan Rd; Wisconsin CVS Pharmacy LLC, Agent Richard Verdoni, 5220 W Rawson Ave; Andyone Inc, Agent Sunny Patel, 6507A S 27th St; New Liquor & Food Inc, Agent Gurjeet Singh, 8305 S 27th St; Kwik Trip Inc, Agent Jill Le Clare, 5040 W Rawson Ave; Kwik Trip Inc, Agent Andrew Wichmann, 10750 W Speedway Dr; Nerankar LLC, Agent Vinder Kumar, 7158 S 76th St; Jujhar LLC, Agent Hardeep Singh Bhatti, 11123 W Forest Home Ave; Ultra Mart Foods LLC, Agent Ricky Kloth, 7201 S 76th St; Mega Marts LLC, Agent Mark Waraska, 7780 S Lovers Lane Rd; Sam's East Inc, Agent Michelle Peterson, 6705 S 27th St; Sendik's Franklin LLC, Agent Theodore Balistreri, 5200 W Rawson Ave; Target Corporation, Agent Daniel Olsen, 7800 S Lovers Lane Rd; Walgreen Co, Agent Kayla Priebe, 9909 W Loomis Rd; Walgreen Co, Agent Brian Hilber, 9527 S 27th St; Walgreen Co, Agent Elaine Blumreiter, 7130 S 76th St; Wal-Mart Stores East LP, Agent Heather Burns, 6701 S 27th St;

Grant 2022-23 Class B Beer licenses pending All State and Local

Regulations to: M Squared Inc, Agent Michael Falk, 11357 W St Martins Rd; Marcus Cinemas of Wisconsin LLC, Agent David Metz, 8910 S 102 St;

Grant 2022-23 Class B Beer & Class C Wine licenses pending All State and Local Regulations to: Dhiman LLC, Agent Deepak Dhiman, 7107 S 76th St; Lover Lane Buffet Inc, Agent Jiangduan Jiang, 6514 S Lovers Lane Rd; Sweet Basil MKE LLC, Agent Kenneth Sithy, 6509 S 27th St;

Grant 2022-23 Class B Combination licenses pending All State and Local Regulations to: The Bowery LLC, Agent Roger Hein, 3023 W Ryan Rd; RLGIDI Inc, Agent Rex Idrizi, 3137 W Rawson Ave; Brinker Restaurant Corporation, Agent Alexandra Mather, 6439 S 27th St; M&W Lueng LLC, Agent May Lueng, 7236 S 76th St; Pantheon of Wisconsin Inc, Agent Debbie Koutromanous, 7221 S 76th St; Robley Tech Inc, Agent Dennis Rau, 8330 W Puetz Rd; Enthusiast Approved LLC, Agent Apostolos Evreniadis, 9405 S 27th St; Romey's Place LLC, Agent Nathan Fabry, 7508 S North Cape Rd; Kriton & Ermira LLC, Agent Ermira Lazaj, 8405 S 27th St; St Martins Inn LLC, Agent Dennis Wegner, 11318 W St Martins Rd;

Grant 2022-23 Class B Combination and Entertainment & Amusement and Bowling licenses pending All State and Local Regulations to: Country Lanes Bowling LLC, Agent Kevin Meier, 11231 W Forest Home Ave; Root Group LLC, Agent David Church, 7220 W Rawson Ave;

Grant 2022-23 Reserve Class B Combination licenses pending All State and Local Regulations to: FF&E LLC, Agent Jefferson Calimlim, 6901 S 76th St; Hudson Burger LLC, Agent Ralph Hornaday, 6421 S 27th St;

Grant 2022-23 Reserve Class B Combination and Entertainment & Amusement licenses pending All State and Local Regulations to: Federation of Croatian Societies Inc, Agent Josip Veber, 9100 S 76th St; BPC Golf Entertainment LLC, Agent Thomas Johns, 7065 S Ballpark Dr; Rock Snow Park LLC, Agent Michael R Schmitz, 7011 S Ballpark Dr; Franklin Hotel Company LLC, Agent Vicki Jesson, 9575 S 27th St;

Grant 2022-23 Class B Combination, Entertainment & Amusement and Drive-In Movie Theater licenses pending All State and Local Regulations to: The Rock Sports Complex LLC, Agent Thomas Johns, 7005 S Ballpark Drive;

Grant 2022-23 Class B Combination, Entertainment & Amusement licenses pending All State and Local Regulations to: Christopher Matecki (Individually Owned), 9461 S 27th St; Franklin Food & Beverage LLC, Agent Frank Orcholski, 9643 S 76th St; Irish Cottage of Franklin LLC, Agent Jenny Jennings, 11433 W Ryan Rd; Jax on 27th LLC, Agent William Rushman, 6357 S 27th St; The Landmark of

Franklin LLC, Agent Lorie Beth Knaack-Helm, 11401 W Swiss St; Little Cancun LLC, Agent Veronica Cervera, 7273A S 27th St; B S T LLC, Agent Brian Francis, 8933 S 27th St; H B & H LLC, Agent Gerald Hay, 10741 S 27th St; Polish Heritage Alliance Inc, Agent Jeffrey Kuderski, 6941 S 68th St; Polonia Sport Club Inc, Agent Irene Hawkinson, 10200 W Loomis Rd; Rawson Pub Inc, Agent Steven Schweitzer, 5621 W Rawson Ave; R&C PUB & GRUB LLC, Agent Chrystal Rausch, 11430 W Swiss Street;
Grant 2022-23 Class B Combination, Country Club and Entertainment & Amusement licenses pending All State and Local Regulations to: Tuckaway Country Club, Agent Jennifer Jacobi, 6901 W Drexel Ave;
Hold for appearance 2022-23 Class B Combination, Entertainment & Amusement licenses: Point After LLC, Agent Darryl Malek, 7101 S 76th St.

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

Alderwoman Eichmann moved to approve the following from the License Committee Meeting of June 7, 2022:

Grant Extraordinary Entertainment & Special Event License Pending Compliance with all Departments' Requirements & copy of Certificate of Insurance to: Victory of the Lamb-Community Outreach Event, Robina Biesterfield, 111200 W Loomis Rd, 7/16/2022; Croatian Eagles Soccer Club-Soccer Banquet, Josip Jaskie, 9140 S 76th St, 8/13/2022;
Hold Class B Combination, Entertainment & Amusement for Appearance, Point After LLC, 7101 S 76th St, Agent Darryl Malek;
Grant 2021-22 & 2022-23 Operator License with a warning letter to: Damian Cortes, Andrew Page;
Hold 2021-22 & 2022-23 Operator License to Aarion Gonzalez pending opinion from the city attorney;
Grant 2022-23 Operator License with correction of Application to Alyssa Anderson;
Grant 2021-22 & 2022-23 Operator License with correction of Application to Kimberly Boyce, Farrah Rodriguez;
Grant 2021-22 Operator License to Tiffany Jones;
Grant 2022-23 Operator License to Sukhminder Bhatti, Brittany Brandon, Jennifer Deputy, Douglas Holste, Cassidy Kramp, Lauren Rodriguez;
Hold 2021-22 & 2022-23 Operator License for appearance to: Kenneth Burks, Shaun Chisom, Adriana Murillo;
Hold 2021-22 & 2022-23 Operator License pending background check to Michael Fisher, Madeline Gernhauser;

Grant 2021-22 & 2022-23 Operator License to Jalen Blake, Claudia Blue, Ivan Camargo, Cornissa Collins, Joel Dyre, Kelly Gehrke, Juanzel Hill, Selena Krohn, Marilu Marcano, Justin Miller, Dennis Mohammed, Ruth Nieves, Heidi Reese, Brent Schultz, Joshua Smith, Ann Thaler, Laurence Walkowiak, Timmothy Winters,
Grant 2022-23 Operator License to Brandon Bhatti, Tammy Bresette, Deanna Bucher, Marcus Drewk, Nicole Gaus, Jessica Hogan, Gavin Ingebrigtsen, Lillian Krieger, Sara Maglio, Mandy Mayrand, Lillian Nogalski, Julie Palivoda, Annamaria Robel, Christine Rozewicz, James Seehausen, Rebekah Shallow, Daniel Stadler, Natalie Stubalski, Mckenna Surma, Jennifer, Teske, Jeffrey Zarka;
Grant Mobile Home License Pending Inspections to Franklin Mobile, LLC, Manager David Steinberger 6361 S 27th St; and
Grant Class A Beer & Liquor Change of Agent Pending Inspections to Sam;s East LLC, Agent Tiffany Jones, 6705 S 27th St.

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

VOUCHERS AND
PAYROLL

- I. Alderman Barber moved to approve City vouchers with an ending date of June 2, 2022 in the amount of \$1,800,528.91; payroll dated May 20, 2022 in the amount of \$419,577.13 and payments of the various payroll deductions in the amount of \$432,997.23, plus City matching payments and payroll dated June 3, 2022 in the amount of \$416,308.90 and payments of the various payroll deductions in the amount of \$219,445.88, plus City matching payments and estimated payroll dated June 17, 2022 in the amount of \$417,000 and payments of the various payroll deductions in the amount of \$442,000, plus City matching payments and approval to release payment to Velo Village Apartments LLC in the amount of \$459,000 and approval to release payment to First American Title Insurance Co in the amount of \$750,000 and approval to release 2022 Franklin Civic Celebration deposits and prepayments as needed, not to exceed \$94,700. Seconded by Alderwoman Eichmann. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
TID NO. 8 POTENTIAL
DEV. AGREEMENT
WITH SFT FRANKLIN
OAKWOOD, LLC AT
3303 W. OAKWOOD RD.

- G.25. Alderwoman Hanneman moved to enter closed session at 9:42 p.m. pursuant to Wis. Stat. § 19.85(l)(e), for competitive and bargaining reasons, to deliberate and consider terms relating to a Tax Incremental District No. 8 Potential Development Agreement Between the City of Franklin and SFT Franklin Oakwood, LLC, Spec Industrial Buildings Mixed Use Development (Public and Private Property Improvements), and the investing of public funds and governmental actions in relation thereto and to effect such development, including the terms and provisions of the potential development agreement for the development of property located at 3303 W. Oakwood Road,

consisting of approximately 17.445 acres, and to re-enter open session at the same place thereafter to act on such matters discussed therein as

it deems appropriate. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

The Common Council re-entered open session at 10:06 p.m.

ADJOURNMENT

J. Alderman Holpfer moved to adjourn the meeting at 10:06 p.m. Seconded by Alderman Barber. All voted Aye; motion carried.

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<p>APPROVAL</p>	<p>REQUEST FOR COMMON COUNCIL ACTION</p>	<p>MEETING DATE 06-21-22</p>
<p>ORGANIZATIONAL BUSINESS</p>	<p>Mayoral Commission Appointment</p>	<p>ITEM NUMBER E.</p>

Mayoral appointment: Joe Mercado, 10162 S. 34th St., Ald. Dist. 4 to the Finance Committee for a 1 year unexpired term expiring 04/30/23.

COUNCIL ACTION REQUESTED

Motion to confirm the Mayoral appointment: Joe Mercado, 10162 S. 34th St., Ald. Dist. 4 to the Finance Committee for a 1 year unexpired term expiring 04/30/23.

Shirley Roberts

Subject: FW: Volunteer Fact Sheet-Mercado

From: volunteerfactsheet@franklinwi.info <volunteerfactsheet@franklinwi.info>

Sent: Wednesday, April 6, 2022 8:26 PM

To: Lisa Huening <LHuening@franklinwi.gov>; Shirley Roberts <SRoberts@franklinwi.gov>; Sandi Wesolowski <SWesolowski@franklinwi.gov>

Subject: Volunteer Fact Sheet

Name: Joe Mercado
PhoneNumber:
EmailAddress: joemercado13@icloud.com
YearsasResident: 2
Alderman:
ArchitecturalBoard: no
CivicCelebrations: no
CommunityDevelopmentAuthority: no
EconomicDevelopmentCommission: yes
EnvironmentalCommission: no
FinanceCommittee: yes
FairCommission: no
BoardofHealth: no
FirePoliceCommission: yes
ParksCommission: no
LibraryBoard: no
PlanCommission: no
PersonnelCommittee: no
BoardofReview: no
BoardofPublicWorks: no
QuarryMonitoringCommittee: no
TechnologyCommission: no
TourismCommission: no
BoardofZoning: no
WasteFacilitiesMonitoringCommittee: no
BoardWaterCommissioners: no
CompanyNameJob1: Novartis AG
CompanyAddressJob1: 1 Health Plaza East Hanover, NJ
TelephoneJob1: 4143333712
StartDateandPositionJob1: April 2009
EndDateandPositionJob1:

CompanyNameJob2: Pfizer Inc
AddressJob2: New York, NY
TelephoneJob2:
StartDateandPositionJob2: July 2001
EndDateandPositionJob2: April 2009
CompanyNameJob3:
AddressJob3:
TelephoneJob3:
StartDateandPositionJob3:
EndDateandPositionJob3:
Signature: Joe Mercado
Date: 04-06-2022
Signature2: Joe Mercado
Date2: April, 6, 2022
Address: 10162 S 34th Street
PriorityListing: Economic Commission Finance Committee Police and Fire
WhyInterested: Serving the community and help shaping the future of Franklin.
DescriptionofDutiesJob1: Business Analyst, Strategic Accounts, Corporate Training, Sales and Marketing, Medicare
DescriptionofDutiesJob2: Similar as above
DescriptionofDutiesJob3:
AdditionalExperience: UW Madison - Bachelors, International Relations, Global Economics MATC - Police Science
See Current Results

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APPROVAL	REQUEST FOR COUNCIL ACTION	MTG. DATE June 21, 2021
Reports & Recommendations	<p align="center"> A Resolution to Accept <u>Donation</u> of Outlot 3 (TKN 891-1087-000) from Loomis & Ryan, Inc. In Ryan Meadows Subdivision Along W. Chicory Street and Dedicate a Pond #2 Access and Maintenance Agreement to Ryan Meadows Owners Association, Inc. [n.b.: this matter was entitled with “Dedication” instead of “Donation” for item G.17. on the June 7, 2022 Common Council meeting agenda] </p>	<p align="center">ITEM NO.</p> <p align="center">G.1.</p>

BACKGROUND

On October 19, 2021, the Common Council accepted Outlot 3 in the Ryan Meadows subdivision as a donation for a City parkland that would include a portion of the Ryan Meadows Trail. However the pond on this outlot serves as a stormwater maintenance facility for the subdivision and the necessary documents keeping the maintenance of the pond as the responsibility of the homeowners association did not follow and on December 30, 2021, the City filed a Disclaimer of Interest to essentially negate the donation.

ANALYSIS

This land donation is needed for the completion of the trail project under design by GRAEF.

OPTIONS

Approve or Deny

FISCAL NOTE

There are minimal costs associated with the closing of the property. GRAEF has used approximately \$8,600 of the \$50,000 trail project (46-0551-5219.5141) design budget.

RECOMMENDATION

Resolution 2021-_____ a resolution to accept donation of Outlot 3 (TKN 891-1087-000) in Ryan Meadows subdivision from Loomis & Ryan, Inc. along W. Chicory Street and dedicate a Pond #2 Access and Maintenance Agreement to Ryan Meadows Owners Association, Inc.

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2022 - _____

RESOLUTION TO ACCEPT DONATION OF OUTLOT 3 (TKN 891-1087-000) FROM
LOOMIS & RYAN, INC. IN RYAN MEADOWS SUBDIVISION
ALONG W. CHICORY STREET AND DEDICATE A
POND #2 ACCESS AND MAINTENANCE AGREEMENT
TO RYAN MEADOWS OWNERS ASSOCIATION, INC.

WHEREAS, Loomis & Ryan, Inc. has agreed to donate Outlot 3 in the Ryan Meadows Subdivision to the City of Franklin; and

Whereas, the City of Franklin Common Council agreed to accept the donation of Outlot 3 on October 19, 2021 by adopting Resolution 2021-7789; and

WHEREAS, there are stormwater facilities located on Outlot 3 that will remain the responsibility and upkeep of the homeowner's association per the stormwater facilities maintenance agreement for Ryan Meadows; and

WHEREAS, the necessary easement documentation was not prepared nor accepted by the City of Franklin and the City disclaimed the donation of property on December 30, 2021; and

WHEREAS, an easement document has been prepared that gives the Ryan Meadows Owners Association, Inc. the rights and responsibilities to maintain the stormwater facilities in accordance with their stormwater maintenance agreement.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that it would be in the best interest of the City to accept donation of such easement on Lot 84 and land parcel Outlot 3 of the Ryan Meadows subdivision. And therefore, the Mayor and City Clerk are hereby authorized and directed to execute the property transfer and the easement with the stormwater agreement, accepting both on behalf of the City.

BE IT FURTHER RESOLVED, that the City Clerk is directed to record said easement with the Register of Deeds for Milwaukee County.

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

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2022.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Document Number	CORRECTION INSTRUMENT — DISCLAIMER OF INTEREST Wis Stat. § 706 085(1)(d)	
Document Name		
<p>Undersigned hereby states that a certain document (“conveyance”) titled as Quit Claim Deed (type of document), and executed between Loomis and Ryan, Inc., a Wisconsin corporation, Grantor, and City of Franklin, a Wisconsin municipal corporation, Grantee, was recorded in Milwaukee County, Wisconsin, on October 18, 2021, as document number 11176218, and contained the following error:</p> <p>Grantor intended to donate the Property therein described to the Grantee, however, Grantee did not agree to accept said donation.</p> <p>Undersigned makes this Correction Instrument for the purpose of correcting the conveyance as follows:</p> <p>Grantee hereby disclaims its interest in the property subject to the above-described Quit Claim Deed pursuant to Wis. Stat. § 706.085(1)(d) and title shall remain with the Grantor.</p> <p>The basis for Undersigned’s personal knowledge is (check one):</p> <p><input type="checkbox"/> Undersigned is the Grantor/Grantee of the property described in the conveyance.</p> <p><input type="checkbox"/> Undersigned is the drafter of the conveyance that is the subject of the Correction Instrument</p> <p><input type="checkbox"/> Undersigned is the settlement agent in the transaction that is the subject of this Correction Instrument</p> <p><input checked="" type="checkbox"/> Other (Explain): Undersigned is the Mayor of the Grantee City of Franklin with authority pursuant to Common Council direction with respect to the donation intended by Grantor.</p> <p>A copy of the conveyance (in part or whole) <input checked="" type="checkbox"/> is <input type="checkbox"/> is not attached to this Correction Instrument (if a copy of the conveyance is not attached, attach the legal description).</p> <p>Undersigned has sent notice of the execution and recording of this Correction Instrument by 1st class mail to all parties to the transaction that was the subject of the conveyance at their last known addresses.</p>		<p>Recording Data</p> <p>Name and Return Address City Clerk City of Franklin 9229 W. Loomis Road Franklin, WI. 53132</p> <hr/> <p>Parcel Identification Number</p> <p style="text-align: center;">891-1087-000</p>

[SIGNATURE PAGES FOLLOW]

Dated this 30th day of December, 2021.

CITY OF FRANKLIN

By: *Stephen R. Olson*
Stephen R. Olson, Mayor

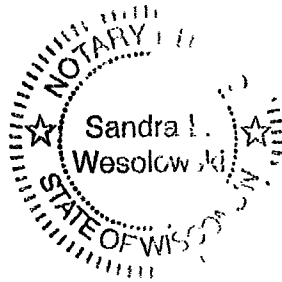
ACKNOWLEDGMENT

STATE OF WISCONSIN)
)
MILWAUKEE COUNTY)

Personally, came before me this 30th day of December, 2021, the above-named, Stephen R. Olson, to me known to be the Mayor of the City of Franklin and also as the person(s) who executed the foregoing instrument and acknowledged the same.

Sandra L. Wesolowski
Notary Public, Milwaukee County, Wisconsin
My commission expires 5/23/2025.

DRAFTED BY:
Brian C. Sajdak, Assistant City Attorney



State Bar of Wisconsin Form 3-2003
QUIT CLAIM DEED

Document Number

Document Name

THIS DEED, made between Loomis and Ryan, Inc., a Wisconsin corporation

("Grantor," whether one or more), and City of Franklin, a Wisconsin municipal corporation

("Grantee," whether one or more). Grantor quit claims to Grantee the following described real estate, together with the rents, profits, fixtures and other appurtenant interests, in Milwaukee County, State of Wisconsin ("Property") (if more space is needed, please attach addendum):

Outlot 3, Ryan Meadows, according to the recorded plat thereof, recorded on March 20, 2020 as Document No. 10962414 in the Office of the Register of Deeds for Milwaukee, County, Wisconsin. Said land being in the City of Franklin, County of Milwaukee, State of Wisconsin.

DOC # 11176218
 RECORDED
 10/18/2021 01:43 PM
 ISRAEL RAMON
 REGISTER OF DEEDS
 Milwaukee County, WI
 AMOUNT: 30.00
 TRANSFER FEE:
 FEE EXEMPT #: 77.25 (2G)
 ***This document has been electronically recorded and returned to the submitter ***

Recording Area

Name and Return Address

**Bear Real Estate Group
 4011 80th Street
 Kenosha, WI 53142**

891-1087-000

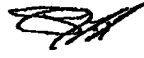
Parcel Identification Number (PIN)

This is not homestead property.
 (is) (is not)

Dated 10/15/2021

Loomis and Ryan, Inc.

 (SEAL)



 (SEAL)

* _____

* **Stephen R. Mills, Authorized Member**

 (SEAL)

* _____

AUTHENTICATION

Signature(s) _____

authenticated on _____

* _____

TITLE: MEMBER STATE BAR OF WISCONSIN
 (If not, _____
 authorized by Wis. Stat. § 706.06)

THIS INSTRUMENT DRAFTED BY:
Bear Real Estate Group
John E. Holvedt, Vice President - General Counsel

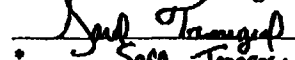
ACKNOWLEDGMENT

STATE OF Wisconsin)

Kenosha COUNTY)

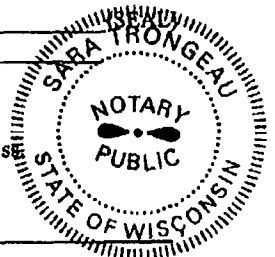
Personally came before me on 10/15/21
 the above-named **Stephen R. Mills**

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.



Notary Public, State of Wisconsin

My commission (is-permanent) (expires: 8/25/2025)



(Signatures may be authenticated or acknowledged. Both are not necessary.)

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATION TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.

QUIT CLAIM DEED

©2003 STATE BAR OF WISCONSIN

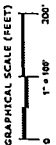
FORM NO. 3-2003

*Type name below signatures.

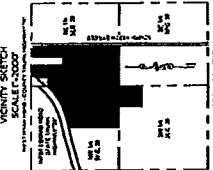
INFO-PRO™ Legal Forms • (800)855-2021 • info@proforma.com

RYAN MEADOWS

Being Lot 1, Lot 2, Lot 3 and Center of Certified Survey Map No. 2008-0001, as shown on the South 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County Wisconsin.



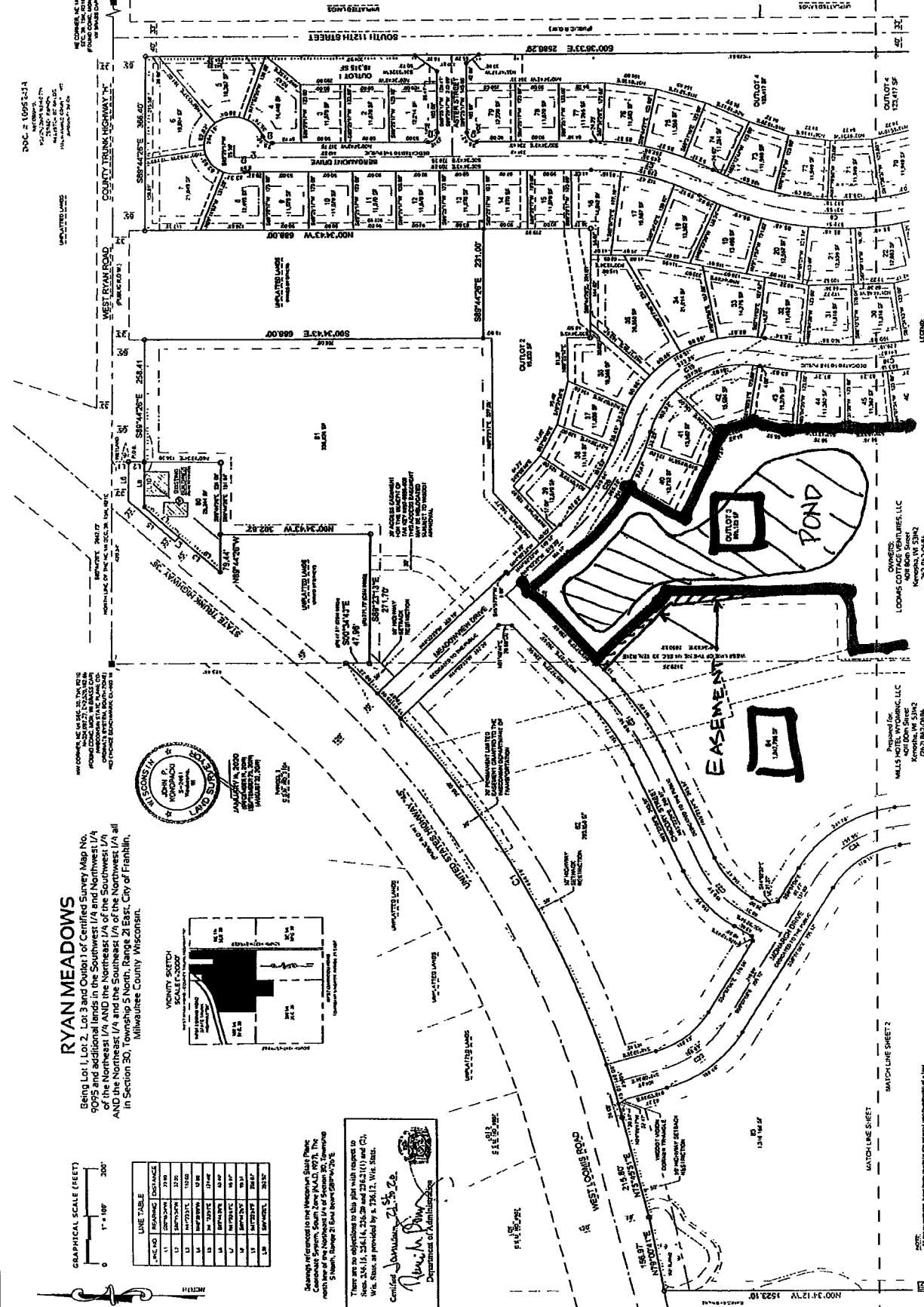
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100	S 89° 47' 26" E	274.00'



Drawings referenced to the Wisconsin State Plane Coordinate System, South Zone (NAD 83). The north arrow is oriented to true North. True North is 2° 11' West of Magnetic North. True North is 2° 11' West of Magnetic North.

There are no adjustments to this plan with respect to Wisconsin State Plane Coordinate System, South Zone (NAD 83). The north arrow is oriented to true North. True North is 2° 11' West of Magnetic North. True North is 2° 11' West of Magnetic North.

Certified *John P. Konepach*
 Department of Administration



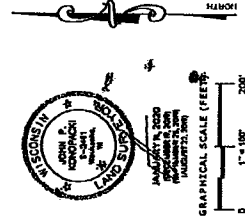
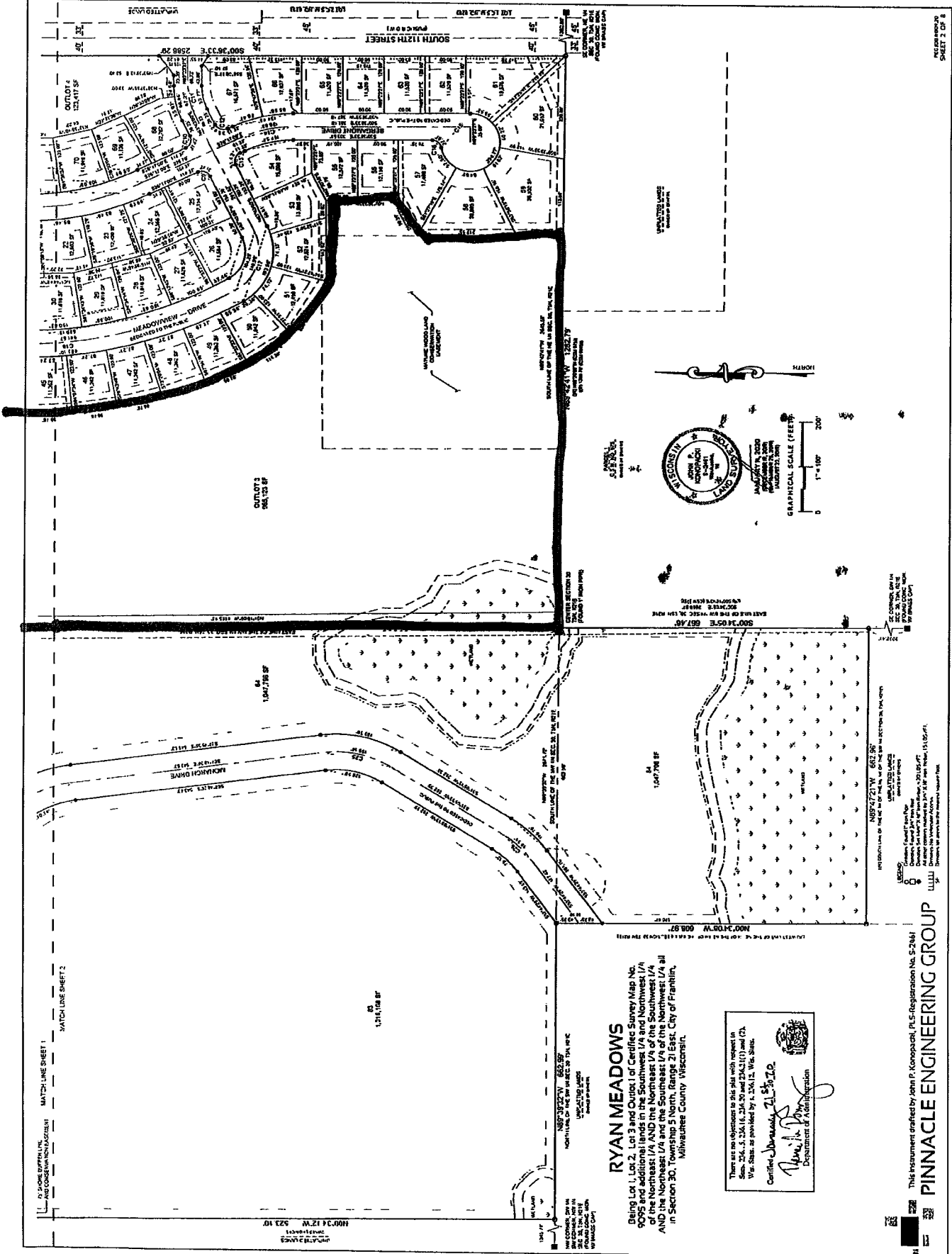
Prepared for: **MILLS HOTEL WYOMING, LLC**
 40100 W. WYOMING
 KATHLEEN W. WYOMING
 CHS) 840 0184

Prepared by: **PINNACLE ENGINEERING GROUP**
 5950 TOWNSHIP ROAD, SUITE 200
 BROOKFIELD, WI 53005
 OFFICE (262) 751-8888

OWNER: **LOOMIS COTTAGE VENTURES, LLC**
 40100 W. WYOMING
 KATHLEEN W. WYOMING
 CHS) 840 0184

OWNER: **STRANUS INVESTMENTS, LLC**
 40100 W. WYOMING
 KATHLEEN W. WYOMING
 CHS) 840 0184

DATE: 10/20/2011
 SHEET: 1 OF 8



RYAN MEADOWS
 Being Lot 1, Lot 2, Lot 3 and Outlot 1 of Certified Survey Map No. 9095 and additional lands in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 AND the Northeast 1/4 of the Southwest 1/4 of the Northeast 1/4 and the Southeast 1/4 of the Northwest 1/4 all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County Wisconsin.

There are no objections to this plat, with respect to Secs. 226, 5, 236, 16, 249, 20 and 234(1)(i) and (j), Wis. Stats. as provided by s. 236, 15, Wis. Stats.
 Certified Surveyor *John P. Konojacki*
 Department of Administration

UNLAWFUL TO REPRODUCE OR TRANSMIT IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM Pinnacle Engineering Group, Inc. All Rights Reserved.

This instrument drafted by John P. Konojacki, P.L.S. (Registration No. 5-2461)

PINNACLE ENGINEERING GROUP

17.2 QUOTE EASTERN TIME AND COMMERCE AGREEMENT MATCH LINE SHEET 1 MATCH LINE SHEET 2

100° 34' 12" W 523.10'

N 89° 33' 02" W 652.97'

SECTION 30, T5N, R21E, S151567

UNLAWFUL TO REPRODUCE OR TRANSMIT IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM Pinnacle Engineering Group, Inc. All Rights Reserved.

PEDESTRIAN ACCESS AND BICYCLE PATH EASEMENT

(RYAN MEADOWS/LOOMIS BUSINESS PARK)

THIS EASEMENT is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "City," and Loomis & Ryan, Inc., as Grantor (including successors and assigns of the City as may become applicable and including the heirs, executors, administrators, successors and assigns of above Grantor as may be or may become applicable)

WITNESSETH

WHEREAS, Grantor is the owner and holder of record Title to certain real property particularly described on Exhibit "A" which is attached hereto and incorporated herein (the Property); and

WHEREAS, the City desires to acquire a perpetual easement with the right of entry in and across a portion of the property as the same is more particularly herein described only for the following use: A recreational path (sometimes herein referred to as the "Facilities") for the benefit of the public for walking, jogging, bicycling, and other non-motorized outdoor activities which do not unreasonably disturb the Grantor; and the City shall have the right to build and construct and operate, maintain, repair, reconstruct and inspect (but not to enlarge or relocate) said path. The dimensions of the path describe the dimensions of the easement, which are more particularly set forth as Exhibit "C"; and

WHEREAS, the construction and installation of the Facilities shall be made by City at City's expense and the Facilities shall be the property of the City (recognizing that the property interest of the City is only that as arises under this easement), subject to the terms and conditions set forth below:

NOW, THEREFORE, in consideration of the grant of the easement hereinafter described, and the payment of One Dollar (\$1.00) and other valuable consideration to the Grantor, the receipt whereof is hereby acknowledged, said Grantor, being the owner and person interested in the land hereinafter described, does hereby grant unto the City a perpetual easement on that part of the _____ of Section _____ (), Township Five (5) North, Range Twenty-one(21) East, in the City of Franklin, Milwaukee County, Wisconsin, more particularly described on Exhibit B attached hereto (the "Easement Area").

1. That said recreational path shall be maintained and kept in good order and condition by the City at the sole cost and expense of the City. In the event the Grantor believes that the path is not kept in suitable repair, it shall by written informal petition advise the City Council of same and request a reply or remediation within 60 days. In the event the City does not respond or the parties do not reach agreement on the necessity for repair, the Grantor may apply to the circuit court for relief, without the necessity of a Notice of Claim or Notice of Injury; provided, however, that either the City or the Grantor may, with respect to any disagreement, require that both parties submit to binding arbitration.
2. That in and during whatever construction, reconstruction or repair work is or becomes necessary in constructing or maintaining of said Facilities, so much of the surface or subsurface of the easement area or the Grantor's property adjacent to the easement area as may be disturbed will, at the expense of the City, be replaced in substantially the same condition as it was prior to such disturbance. The City shall indemnify and defend the Grantor and its officers, agents, employees and members from all liability, suits, actions, claims, costs, damages and expenses of every kind and description, including court costs and legal fees, for claims of any character arising out of construction, maintenance or use of the recreational path, including liability and expenses in connection with the loss of life, personal injury, or damage to property, or any of them, brought because of any injuries or damages received or sustained by any person, persons or property on account of or arising out of the use of the easement property; excepting where proximately caused by the intentional, wanton or willful act or omission of Grantor, its officers, agents, employees and/or members.
3. That no structure may be placed within the limits of the easement area by the City or the Grantor, except for the Facilities.
4. That no charges will be made against the property for the cost of maintenance or operation of said Facilities in the property.

5. The Facilities shall be accessible for maintenance by the City at all times. The Grantor shall submit plans for approval to the City for any underground installation within the easement area, which approval shall not unreasonably be withheld, conditioned or delayed. The Grantor makes no representation or warranty with respect to any other easements which may exist at the time of the granting of this easement which may encroach upon or interfere with the use contemplated in this easement. In the event there is a conflict, this easement shall be subordinate to previously granted easements and the City shall hold the Grantor harmless from any conflict.
6. That the Grantor shall not alter the surface elevation within the limits of said Easement Area.
7. The City and Grantor shall each use, and take reasonable measures to cause their employees, officers, customers, agents, contractors and assigns to use, the Basement Area in a reasonable manner and so as not to obstruct or otherwise use the Basement Area in a manner that would unreasonably interfere with the use thereof by the other party hereto or its employees, officers, customers, agents, contractors and assigns.
8. Either party hereto may enforce this easement by appropriate action, and should it prevail in such litigation, that party shall be entitled to recover, as part of its costs, reasonable attorneys' fees.
9. This easement may not be modified or amended, except by a writing executed and delivered by the City and Grantor or their respective successors and assigns.
10. No waiver of, acquiescence in, or consent to any breach of any term, covenant, or condition hereof shall be construed as, or constitute, a waiver of, acquiescence in, or consent to any other, further, or succeeding breach of the same or any other term, covenant, or condition.
11. If any term or provision of this easement shall, to any extent, be invalid or unenforceable under applicable law, then the remaining terms and provisions of this easement shall not be affected thereby, and each such remaining term and provision shall be valid and enforceable to the fullest extent permitted by applicable law.
12. This easement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.
13. In the event that the recreational path (the 'Facilities') is discontinued or abandoned by the City, the the City shall, at its expense, remove all asphalt, concrete or other structural improvement related to the path and restore the property in conformity with adjacent landscaping.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seals this

ON THIS DATE OF: October 13, 2021

[Signature]
LOOMIS & RYAN, INC

By: Stephen R. Mills

By: Resident

CITY OF FRANKLIN

By: Stephen R. Olson, Mayor

By: Sandra L. Wesolowski, City Clerk

STATE OF Wisconsin
COUNTY OF Kenosha ss

Before me personally appeared on the 13th day of October, A.D. 2021.

Stephen R. Mills
President or Name printed
Resident
Secretary or Name printed

to me known to be the person(s) who executed the foregoing EASEMENT and acknowledged the same as the voluntary act and deed of said corporation.



[Signature]
NOTARY PUBLIC
My commission expires 02/10/2024

STATE OF WISCONSIN
COUNTY OF MILWAUKEE ss

On this _____ day of _____ A.D. 201__ before me personally appeared Stephen R. Olson and Sandra L. Wesolowski who being by me duly sworn, did say that they are respectively the Mayor and City Clerk of the City of Franklin, and that the seal affixed to said instrument is the corporate seal of said municipal corporation, and acknowledged that they executed the foregoing assignment as such officers as the deed of said municipal corporation by its authority, and pursuant to resolution file No. _____ adopted by its Common Council on _____, 201__.

Notary Public, Milwaukee County, Wisconsin

My commission expires _____

This instrument was drafted by the City of Franklin

Approved as to contents
Date:

City Engineer

Approved as to form only
Date:

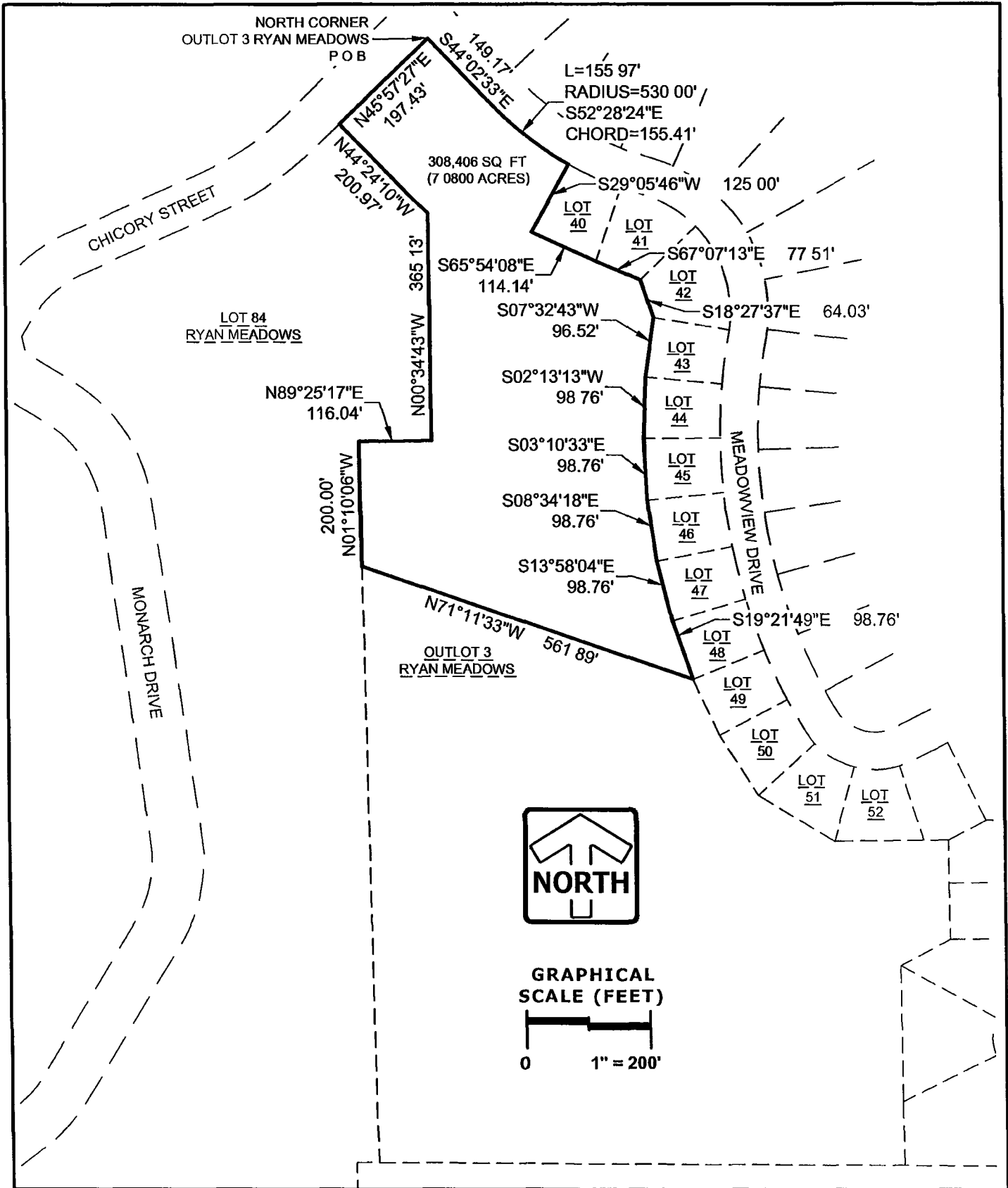
City Attorney

Exhibit A

(Description of the Property)

Being all of Lot 84 of Ryan Meadows, located in the Southwest $\frac{1}{4}$ and Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ AND the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ AND the Northeast $\frac{1}{4}$ and the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ all in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.

**EXHIBIT B
(DEPICTION OF THE EASEMENT)**



LEGAL DESCRIPTION:

Being a part of Outlot 3 of Ryan Meadows in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, described as follows:

Beginning at the north corner of said Outlot 3, thence the following courses along said Outlot 3:

South 44°02'33" East, 149.17 feet to a point of curvature; Southeasterly 155.97 feet along the arc of said curve to the left, whose radius is 530.00 feet and whose chord bears South 52°28'24" East, 155.41 feet; South 29°05'46" West, 125.00 feet; South 65°54'08" East, 114.14 feet; South 67°07'13" East, 77.51 feet; South 18°27'37" East, 64.03 feet, South 07°32'43" West, 96.52 feet; South 02°13'13" West, 98.76 feet; South 03°10'33" East, 98.76 feet; South 08°34'18" East, 98.76 feet; South 13°58'04" East, 98.76 feet; South 19°21'49" East, 98.76 feet;

Thence North 71°11'33" West, 561.89 feet to the west line of said Outlot 3; thence the following courses along said west line:

North 01°10'06" West, 200.00 feet; North 89°25'17" East, 116.04 feet; North 00°34'43" West, 365.13 feet; North 44°24'10" West, 200.97 feet to the south right of way line of Chicory Street;

Thence North 45°57'27" East along said south right of way line, 197.43 feet to the Point of Beginning.



EXHIBIT

PINNACLE ENGINEERING GROUP

20725 WATERTOWN ROAD | SUITE 100 | BROOKFIELD, WI 53186

WWW.PINNACLE-ENGR.COM

04/13/2022

PLAN | DESIGN | DELIVER

PEG JOB# 809.90

Exhibit C

(Description of Easement Area)

Being a part of Lot 84 in Ryan Meadows, a subdivision recorded in the Register of Deeds office for Milwaukee County as Document No. 10962414, located in the Southwest 1/4 and Northwest 1/4 of the Northeast 1/4 in Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County Wisconsin, described as follows:

Beginning at the northeasterly corner of said Lot 84; thence South 44°24'10" East along an easterly line of said Lot 84, 200.97 feet; thence South 00°34'43" East along said easterly line, 273.27 feet; thence North 15°44'30" West, 2.43 feet to a point of curvature; thence northwesterly 128.98 feet along the arc of said curve to the right, whose radius is 510.00 feet and whose chord bears North 08°29'48" West, 128.63 feet; thence North 01°15'06" West, 99.84 feet to a point of curvature; thence northwesterly 67.78 feet along the arc of said curve to the left whose radius is 90.00 feet and whose chord bears North 22°49'38" West, 66.19 feet; thence North 44°24'10" West, 157.54 feet to the south right of way line of Chicory Street; thence North 45°57'27" East along said south right of way line, 20.00 feet to the Point of Beginning.

Document Number

Document Title
2
POND ACCESS AND
MAINTENANCE EASEMENT
AGREEMENT

ON OUTLOT 3 IN RYAN MEADOWS SUBDIVISION

SEE ATTACHED

After recording return to:

Bear Real Estate Group
4011 80th Street
Kenosha, WI 53142

See Exhibit A

Parcel Identification Number

891 1087 000

POND ACCESS AND MAINTENANCE EASEMENT AGREEMENT

THIS POND ACCESS AND MAINTENANCE EASEMENT AGREEMENT (this "Agreement") made this ___ day of April, 2022, from **City of Franklin** ("City"), its successors and assigns to the **Ryan Meadows Owners Association, Inc.** ("Association").

RECITALS

WHEREAS, City is the Owner of the real property legally described on the attached Exhibit A (the "**City Property**");

WHEREAS, the Association is charged with the obligation to preserve and maintain a retention pond located on the City Property pursuant to the terms of a Storm Water Facilities Maintenance Agreement dated April 23rd, 2021 and recorded in the Office of the Milwaukee County Register of Deeds on May 5, 2021 as Document Number 11110566 (the "**Maintenance Agreement**"); and

WHEREAS, in connection with the Maintenance Agreement, the City desires to grant certain easements to the Association, in and to a portion of the City Property legally described and depicted on the attached Exhibit B (the "**Pond Easement Area**").

WITNESSETH

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereby agree as follows:

1. **Grant of Easement:** City does hereby grant, bargain, sell, convey, transfer and deliver to the Association, nonexclusive maintenance and access easement in, to and over the Pond Easement Area to maintain, use and repair certain Pond and Storm Water Facilities as described in the Maintenance Agreement.
2. **Use of Easement:** City shall not construct, place, grant, allow, or maintain any structures or impediments of any kind within the Easement Area including, but not limited to, buildings, fences, gardens, and other landscaping that would inhibit access by the Association and/or members of the public, such that Association shall have the full enjoyment and use of the rights herein granted, including but not limited to, the rights to remove and to clear all structures and obstructions which might interfere with the rights herein contained and the free and full right of ingress and egress over and across the Easement Area and other adjacent lands of the City to and from said Easement Area and the use of said Easement Area and other adjacent lands of the City as necessary or convenient for the full enjoyment and use of the rights herein granted. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with Association's use of the Easement Area. Subject to the above, City reserves the right to use the Easement Area for purposes that will not interfere with the Association's full enjoyment of the Easement rights granted

in this Agreement. If City, upon reasonable notice to the Association, initiates improvements on the Property which would interfere with the use of the Easement Area, the Association agrees to pay for the relocation of the Easement Area to accommodate said improvements.

3. **Restoration and Maintenance:** Upon completion of any use of its rights under this Agreement, the Association will promptly restore the City Property to its prior condition.

4. **Notice:** The Association shall provide the City with not less than 14 days written notice prior to accessing the City Property for any scheduled maintenance within the Easement Area.

5. **Indemnification:** To the fullest extent permitted by law, Association shall indemnify and hold harmless City and its officers, directors, partners, and employees from and against costs, losses, and damages caused solely by the negligent acts or omissions of Association or Association's officers, directors, partners, employees, agents, and consultants in the performance activities called for under the Restoration provision of Paragraph 2 above. However, nothing contained within this Agreement is intended to be a waiver or estoppel of the Association or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including but not limited to those contained within Wis. Stat. §§ 893.80, 895.52, and 345.05. To the extent that indemnification is available and enforceable, the Association 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.

6. **Authority:** The City, for itself and for its successors and assigns, does hereby covenant with the Association, its successors and assigns forever, that City is lawfully seized and possessed of the real estate above described, and that City has good and lawful right to convey it or any part thereof.

7. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until some time in the future and that none of the rights herein granted shall be lost by non-use.

8. **Waiver:** No delay or omission by any party in exercising any right or power arising out of any default under any of the terms or conditions of this Agreement shall be construed to be a waiver of the right or power. A waiver by a party of any of the obligations of the other party shall not be construed to be a waiver of any breach of any other terms or conditions of this Agreement.

9. **Enforcement:** Enforcement of this Agreement may be proceedings at law or in equity against any person or persons violating or attempting or threatening to violate any term or condition in this Agreement, either to prevent a violation or to obtain any other relief. Should a party enforcing this Agreement by appropriate action prevail in litigation, that party shall be entitled to recover, as part of its costs, reasonable attorney's fees.

10. **Entire Agreement; Amendment:** This Agreement contains the entire agreement between the parties relating to the rights granted and obligations assumed. Any modifications to this Agreement must be in writing and signed by both parties.

11. **Termination:** This Agreement may be terminated only by a written agreement signed by all owners of record and other successors to the respective interests of City and Association. Association, its successors, and assigns may execute and record a release of this Agreement at any time. This Agreement shall also terminate if the purposes of the Agreement cease to exist, are abandoned by Association, or become impossible to perform.

12. **Governing Law:** This Agreement shall be construed and enforced in accordance with the internal law of the State of Wisconsin.

13. **Covenants Run with Land:** All of the terms and conditions in this Agreement, including the benefits and burden, shall run with the land and shall be binding upon, inure to the benefit of, and be enforceable by the City and the Association and their respective successors and assigns. City shall cooperate with Association in recording any instrument deemed necessary by Association to address the provisions of Wis. Stat. § 893.33(6).

[signature page follows]

IN WITNESS WHEREOF, the parties have duly executed this Agreement to be effective as of the day and year first above written.

City of Franklin

Attest:

By: _____
Stephen R. Olson, Mayor

Sandra L. Wesolowski, City Clerk

ACKNOWLEDGMENT

STATE OF WISCONSIN)
)
MILWAUKEE COUNTY)

Personally, came before me this _____ day of _____, 2022, the above-named Stephen R. Olson and Sandra L. Wesolowski, Mayor and City Clerk of the City of Franklin respectively, to me known to be such officers and acknowledge that they executed the foregoing instrument in such capacity.

Notary Public, Milwaukee County, Wisconsin
My commission (expires) (is) _____.

[signatures continue on following page]

Ryan Meadows Owners Association, Inc.

By: _____
Stephen R. Mills, President

STATE OF WISCONSIN)
) SS.
COUNTY OF _____)

Personally came before me this ____ day of _____, 2022, the above-named Stephen R. Mills, the President of Ryan Meadows Owners Association, Inc., who executed the foregoing instrument and acknowledged that he executed the same for the purposes therein contained on behalf of Ryan Meadows Owners Association, Inc.

[seal]

Printed Name: _____
Notary Public, State of Wisconsin
My commission: _____

This instrument was drafted by:
John E. Hotvedt, Vice President – General Counsel
Bear Real Estate Group

EXHIBIT A

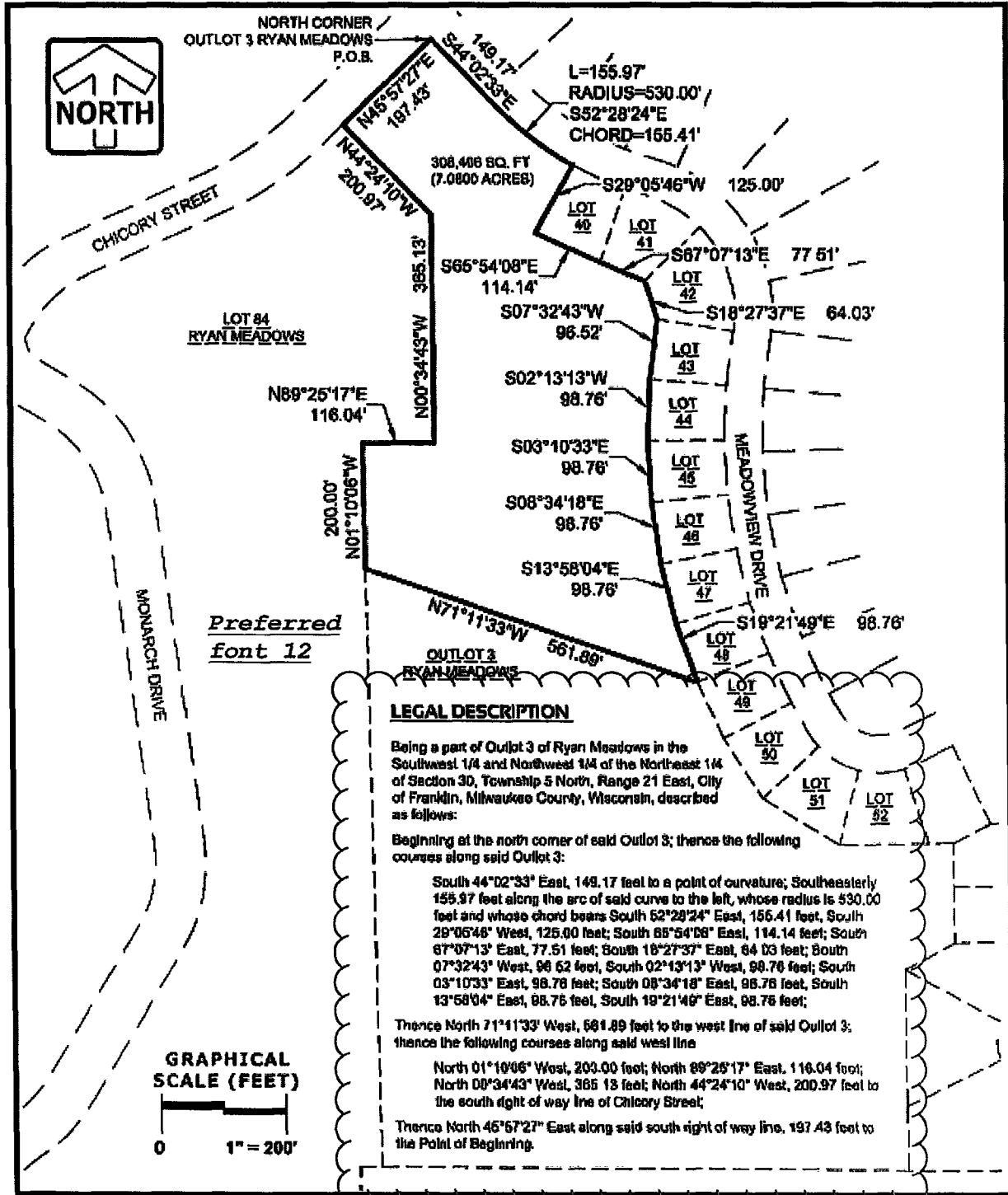
Legal Description of City Property

Outlot 3, Ryan Meadows, according to the recorded plat thereof, recorded on March 20, 2020 as Document No. 10962414 in the Office of the Register of Deeds for Milwaukee, County, Wisconsin. Said land being in the City of Franklin, County of Milwaukee, State of Wisconsin.

Parcel Identification Number:
891-1087-000

EXHIBIT B

2
Pond Easement Area



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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE June 21, 2022
REPORTS & RECOMMENDATIONS	AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTY BEARING TAX KEY NUMBER 892-9999-002 FROM RECREATIONAL USE AND AREAS OF NATURAL RESOURCE FEATURES TO RESIDENTIAL USE (BY STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT, IGNASIAK INVESTMENT COMPANY, LLC, PROPERTY OWNER)	ITEM NUMBER G.2.

At the Common Council regular meeting of March 1, 2022, the Common Council elected to table the Comprehensive Master Plan Amendment Ordinance (as a prerequisite to a Rezoning Ordinance, which was also tabled, for the same property) to May 3, 2022 so that staff could provide further evaluation of options to approving the change in the Plan, which would have been altered via approval of an Ordinance to amend the *City of Franklin 2025 Comprehensive Master Plan* to change the City of Franklin 2025 Future Land Use Map for property bearing Tax Key Number 892-9999-002 from “Recreational” use and “Areas of Natural Resource Features” to “Residential” use, in order to provide consistency with a Rezoning Application also recommended for approval by the Plan Commission.

The change to the Comprehensive Master Plan would have triggered further changes to other adopted Plan policies (including the Southwest Area Sewer Plan, the Comprehensive Outdoor Recreation Plan, etc.) to match this action. Common Council instructed staff to review potential alternatives as part of the motion to Table to the May 3, 2022 meeting. As a result of this action on the Plan Amendment Ordinance, the Rezoning Application was also tabled to the May 3, 2022 meeting. On May 3, 2022, the Common Council tabled this item again to June 21, 2022.

COUNCIL ACTION REQUESTED

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

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 01-24-22]

ORDINANCE NO. 2022-_____

AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN
2025 FUTURE LAND USE MAP FOR PROPERTY BEARING TAX KEY NUMBER 892-
9999-002, GENERALLY LOCATED ON THE EAST SIDE OF SOUTH 112TH STREET,
EAST OF THE RYAN MEADOWS SUBDIVISION AND WEST OF THE FRANKLIN
SAVANNA NATURAL AREA FROM RECREATIONAL USE AND AREAS OF
NATURAL RESOURCE FEATURES USE TO RESIDENTIAL USE
(TOTALING APPROXIMATELY 35 ACRES)
(STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC
(IGNASIAK INVESTMENT CO., LLC, PROPERTY OWNER)

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

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

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on February 3, 2022, recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the Ordinance to Amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map for three properties generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area, from Recreational Use and Areas of Natural Resource Features Use to Residential Use; and

WHEREAS, the City of Franklin held a public hearing upon this proposed Ordinance, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d); the Common Council having received input from the public at a duly noticed public hearing on March 1, 2022; and

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

SECTION 1: The City of Franklin 2025 Comprehensive Master Plan is hereby

amended to change the City of Franklin 2025 Future Land Use Map designation for the property bearing Tax Key Number 892-9999-002, generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area, from Recreational Use and Areas of Natural Resource Features Use to Residential Use. Such property is more particularly described within Resolution No. 2022 _____ of even-date herewith.

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

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

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

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

STATE OF WISCONSIN

CITY OF FRANKLIN
PLAN COMMISSION

MILWAUKEE COUNTY

RESOLUTION NO. 2022-002

A RESOLUTION RECOMMENDING THE ADOPTION OF AN
ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025
COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN
2025 FUTURE LAND USE MAP FOR PROPERTY BEARING TAX KEY NUMBER 892-
9999-002, GENERALLY LOCATED ON THE EAST SIDE OF SOUTH 112TH STREET,
EAST OF THE RYAN MEADOWS SUBDIVISION AND WEST OF THE FRANKLIN
SAVANNA NATURAL AREA FROM RECREATIONAL USE AND AREAS OF
NATURAL RESOURCE FEATURES USE TO RESIDENTIAL USE,
PURSUANT TO WIS. STAT. § 66.1001(4)(b)

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

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

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

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

WHEREAS, the Plan Commission having determined that the proposed amendment, in form and content as presented to the Commission on February 3, 2022, is consistent with the Comprehensive Master Plan's goals, objectives and policies and in proper form and content for adoption by the Common Council as an amendment to the 2025 Comprehensive Master Plan, subject to such modifications the Common Council may consider reasonable and necessary, following public hearing, in order to protect and promote the health, safety

RESOLUTION NO. 2022 -002

Page 2

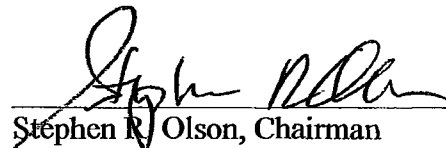
and welfare of the City of Franklin.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the application for and the proposed ordinance to amend the City of Franklin 2025 Comprehensive Master Plan to change the City of Franklin 2025 Future Land Use Map designation for property bearing Tax Key Number 892-9999-002, generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area, from Recreational Use and Areas of Natural Resource Features Use to Residential Use, be and the same is hereby recommended for adoption and incorporation into the 2025 Comprehensive Master Plan by the Common Council.

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


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

APPROVED:



Stephen R. Olson, Chairman

ATTEST:



Sandra L. Wesolowski, City Clerk

AYES 4 NOES 2 ABSENT 0

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



APPLICATION DATE: _____

STAMP DATE: _____ (city use only)

COMMON COUNCIL REVIEW APPLICATION

PROJECT INFORMATION [print legibly]

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

PROJECT PROPERTY INFORMATION

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

APPLICATION TYPE

Please check the application type that you are applying for

- Concept Review
 Comprehensive Master Plan Amendment
 Planned Development District
 Rezoning
 Special Use / Special Use Amendment
 Unified Development Ordinance Text Amendment

Most requests require Plan Commission review and Common Council approval.
 Applicant is responsible for providing Plan Commission resubmittal materials up to 12 copies pending staff request and comments.

SIGNATURES

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

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

- I, the applicant, certify that I have read the following page detailing the requirements for plan commission and common council approval and submittals and understand that incomplete applications and submittals cannot be reviewed.

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



August 18, 2021

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


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

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

Dated: 8/18 2021

Owner:

Ignasiak Investment Company, LLC



(Authorized Signature)



December 27, 2021

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

Re: Franklin Expansion Lands- Comprehensive Plan Amendment

Dear Mr. Martinez-Montilva:

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

Project Summary

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

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

Current Plan Designation- Ignasiak Investment Company, LLC

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

Proposed Comprehensive -Ignasiak Investment Company, LLC

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

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

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

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

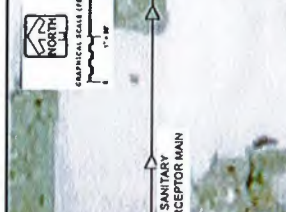
Thank you for your time and consideration.

Respectfully,

Daniel Szczap
Bear Development, LLC

SITE DATA TABLE

ZONING	R-5
TOTAL SITE	35.1 AC
MINIMUM LOT SIZE	12,000 S.F.
FRONT SETBACK	35 FT
SIDE SETBACK	10 FT
REAR SETBACK (CORNER)	25 FT
R.O.W. FRONTAGE	30 FT
R.O.W. FRONTAGE (CORNER)	90 FT
TOTAL LOTS	63
PROPOSED ROADWAY LENGTH	4,443 LF



M.I.S. SANITARY INTERCEPTOR MAIN

POND

POND OUTLET 91145 SF 2.09 AC

RESERVED R.O.W. DEDICATION AREA

WETLAND IMPACTS NECESSARY

POND

POND OUTLET 27426 SF 7.80 AC

RESERVED R.O.W. DEDICATION AREA

WETLAND IMPACTS NECESSARY

POND

POND OUTLET 18207 SF 7.80 AC

RESERVED R.O.W. DEDICATION AREA

WETLAND IMPACTS NECESSARY

POND

POND OUTLET 13889 SF 13719 SF 13740 SF 13704 SF 13738 SF 13797 SF 13665 SF 13625 SF 13603 SF 20410 SF

RESERVED R.O.W. DEDICATION AREA

WETLAND IMPACTS NECESSARY

POND

POND OUTLET 13889 SF 13719 SF 13740 SF 13704 SF 13738 SF 13797 SF 13665 SF 13625 SF 13603 SF 20410 SF

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WETLAND IMPACTS NECESSARY

POND

POND OUTLET 13889 SF 13719 SF 13740 SF 13704 SF 13738 SF 13797 SF 13665 SF 13625 SF 13603 SF 20410 SF

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WETLAND IMPACTS NECESSARY

POND

POND OUTLET 13889 SF 13719 SF 13740 SF 13704 SF 13738 SF 13797 SF 13665 SF 13625 SF 13603 SF 20410 SF



LAND USE = SF RESIDENTIAL / AGRICULTURE
ZONING = R2 RESIDENTIAL

LAND USE = PARK
ZONING = PI PARK

LAND USE = AGRICULTURE
ZONING = A2 AGRICULTURE

LAND USE = AGRICULTURE
ZONING = R2 RESIDENTIAL

LAND USE = SF RESIDENTIAL
ZONING = R1 RESIDENTIAL

LAND USE = SF RESIDENTIAL
ZONING = R2 RESIDENTIAL

SOUTH 112TH STREET

PROPOSED POND 5

PUTURE DEVELOPMENT (FOR REFERENCE ONLY)

RESERVED R.O.W. DEDICATION AREA

WETLAND IMPACTS NECESSARY

MS SUBDIVISION



REPORT TO THE PLAN COMMISSION

Meeting of February 3, 2022

Comprehensive Master Plan Amendment and Rezoning

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

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

Introduction

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

Prior Actions

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

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

Comprehensive Master Plan Amendment

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

Rezoning

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

Project Description/Analysis

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

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

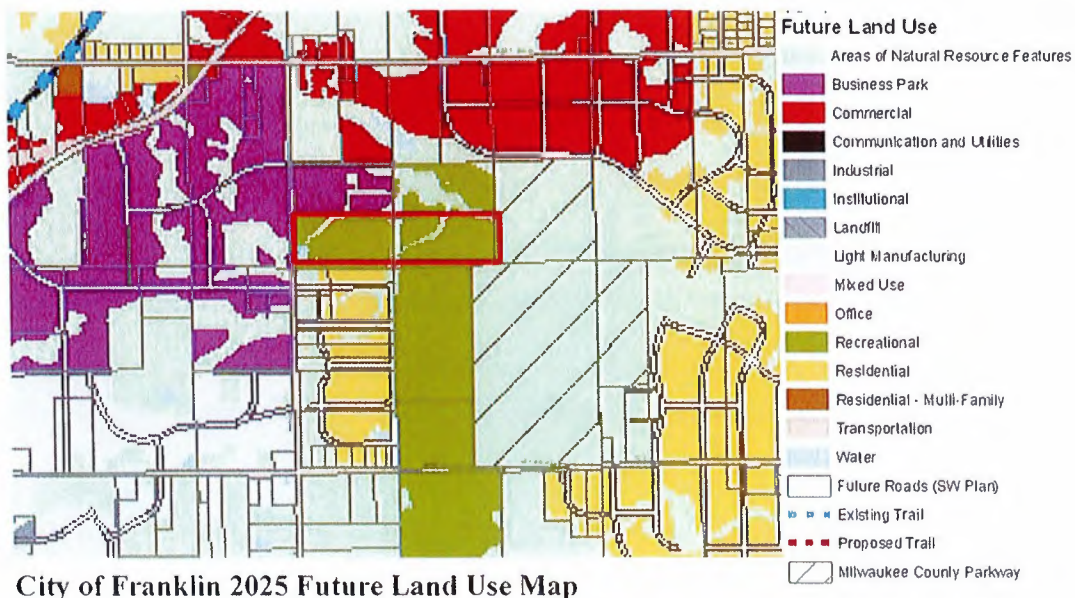
Current zoning

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

Consistency with adopted planning policies

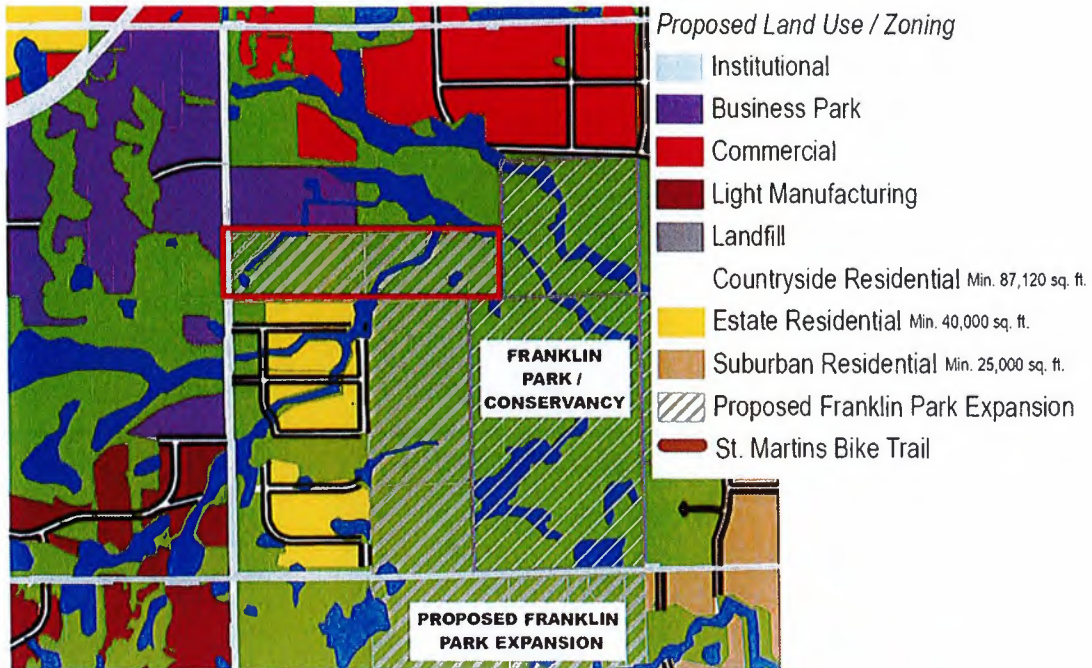
As part of the Concept Review last August, City Development staff informed the applicant that residential development at this location is not “consistent with” any of the adopted city plans, specifically the City of Franklin 2025 Comprehensive Master Plan, the Post Sanitary Sewer Scenario for the Southwest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

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



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

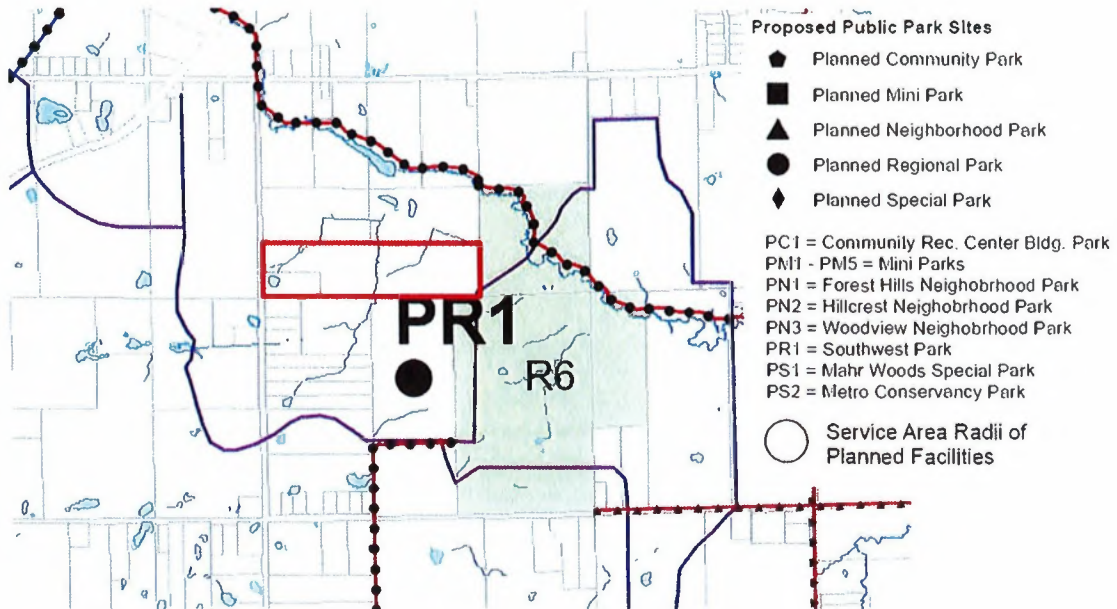
designation as park expansion area is related to the fact that this site is immediately adjacent to the Franklin Savanna Natural Area owned by Milwaukee County and labeled as “Franklin Park/Conservancy”.



Post-Sanitary Sewer Scenario Map (2009)

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

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

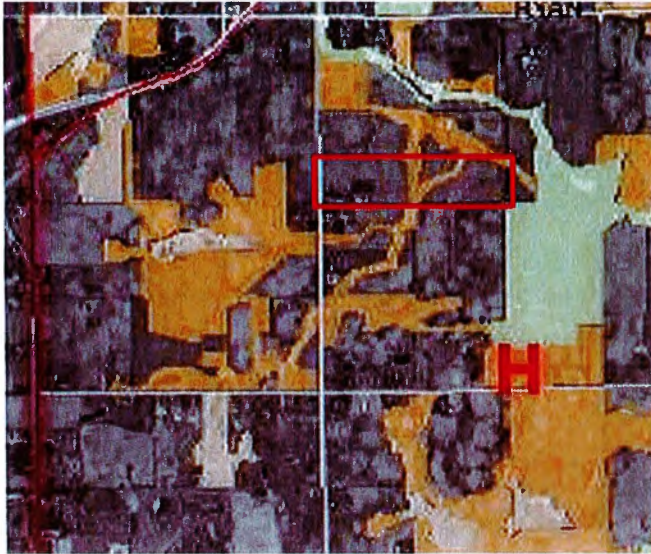


Existing and Planned Public Outdoor Recreation Sites map

Natural resources

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

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



City of Franklin Comprehensive Master Plan, Map 3.1 Linkages

Additional information

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

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

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

City Departments comments

Comprehensive Master Plan amendment

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

Rezoning

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

Staff Recommendation:

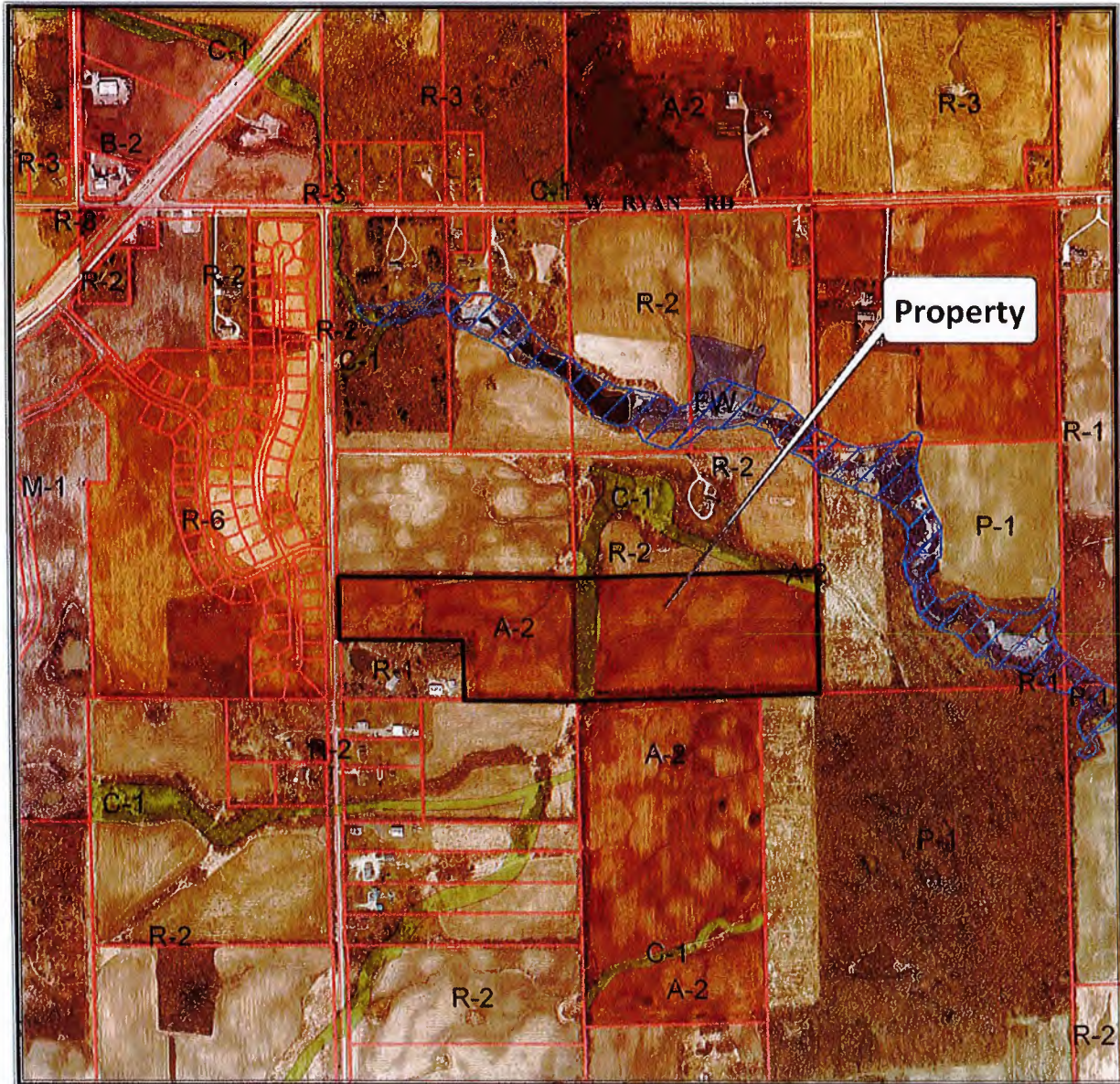
City Development staff recommends denial of the proposed Comprehensive Master Plan Amendment and Rezoning Application requests by Bear Development, LLC. The development as proposed appears to require significant additional follow-up applications just to make any development feasible on the subject property,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

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

Exhibits:

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

0 S. 112th Street
TKN: 892 9999 002

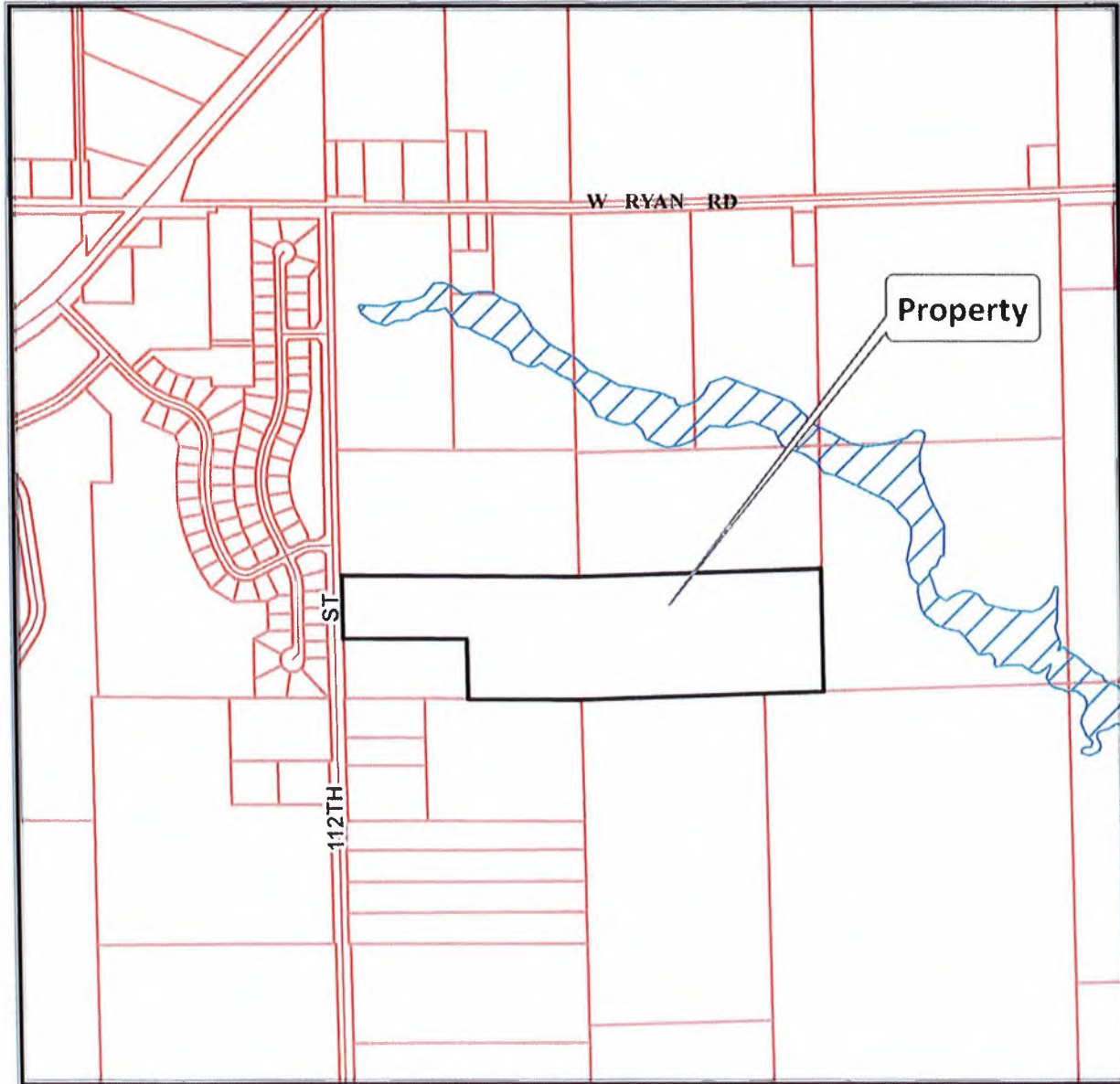


Planning Department
(414) 425-4024



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

0 S. 112th Street
TKN: 892 9999 002



Planning Department
(414) 425-4024

0 500 1,000 2,000 Feet

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



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<p style="text-align: center;">APPROVAL</p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE June 21, 2022</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND BEARING TAX KEY NUMBER 892-9999-002 FROM A-2 PRIME AGRICULTURAL DISTRICT AND C-1 CONSERVANCY DISTRICT TO R-5 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT (BY STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT, IGNASIAK INVESTMENT COMPANY, LLC, PROPERTY OWNER)</p>	<p style="text-align: center;">ITEM NUMBER G.3.</p>

At the Common Council regular meeting of March 1, 2022, the Common Council elected to table the Rezoning Application (as a secondary motion to tabling the Comprehensive Master Plan Amendment Application for the same property) to May 3, 2022 so that staff could provide further evaluation of options to approving the change in the Plan, and subsequently the Zoning Map to rezone the property bearing Tax Key Number 892-9999-002 from A-2 Prime Agricultural District and C-1 Conservancy District to R-5 Suburban Single-Family Residence District. On May 3, 2022, the Common Council tabled this item again to June 21, 2022.

COUNCIL ACTION REQUESTED

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

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 01-24-22]

ORDINANCE NO. 2022-_____

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

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

WHEREAS, a public hearing was held before the City of Franklin Plan Commission on the 3rd day of February, 2022, upon the aforesaid petition and the Plan Commission thereafter having determined that the proposed rezoning would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed rezoning is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and would promote the health, safety and welfare of the Community.

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

SECTION 1: §15-3.0102 (Zoning Map) of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to provide that the zoning district designation for land generally located on the east side of South 112th Street, east of the Ryan Meadows subdivision and west of the Franklin Savanna Natural Area, described below, be changed from A-2 Prime Agricultural District and C-1 Conservancy District to R-5 Suburban Single-Family Residence District:

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

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

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

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

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



December 27, 2021

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

Re: Rezoning – Franklin Expansion Lands

Dear Mr. Martinez Montilva:

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

Project Summary

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

Current Use

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

Current Zoning- Ignasiak Investment Company, LLC

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

Adjacent Zoning

North: R-2 Residential

South: R-1 and R-2 Residential

East: P1 Parks (Franklin Savanna)

West: R-6, R-1 and R-2 Residential

Adjacent Land Use

North: Agriculture

South: Agriculture

East: Public Lands

West: Residential and Agriculture

Proposed Zoning

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

Proposed Land Use

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

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

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

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

Thank you for your time and consideration.

Sincerely,

Daniel Szczap
Bear Development, LLC

SITE DATA TABLE	
ZONING	R-5
TOTAL SITE	35.1 AC
MINIMUM LOT SIZE	33,000 S.F.
FRONT SETBACK	35 FT
SIDE SETBACK	10 FT
REAR SETBACK	25 FT
R.O.W. FRONTAGE	30 FT
R.O.W. FRONTAGE (CORNER)	50 FT
TOTAL LOTS	63
PROPOSED ROADWAY LENGTH	4,443 LF



M.I.S. SANITARY INTERCEPTOR MAIN

LAND USE = SF RESIDENTIAL / AGRICULTURE
ZONING = R2 RESIDENTIAL

LAND USE = PARK
ZONING = P1 PARK

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LAND USE = SF RESIDENTIAL
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ZONING = R2 RESIDENTIAL

LAND USE = SF RESIDENTIAL
ZONING = R1 RESIDENTIAL



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



APPLICATION DATE: _____
 START DATE: _____ City use only

COMMON COUNCIL REVIEW APPLICATION

PROJECT INFORMATION [print legibly]

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

PROJECT PROPERTY INFORMATION

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

APPLICATION TYPE

Please check the application type that you are applying for

- Concept Review
 Comprehensive Master Plan Amendment
 Planned Development District
 Rezoning
 Special Use / Special Use Amendment
 Unified Development Ordinance Text Amendment

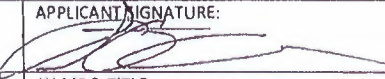
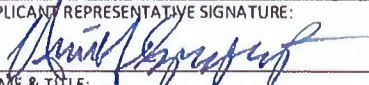
Most requests require Plan Commission review and Common Council approval.
 Applicant is responsible for providing Plan Commission resubmittal materials up to 12 copies pending staff request and comments.

SIGNATURES

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

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

- I, the applicant, certify that I have read the following page detailing the requirements for plan commission and common council approval and submittals and understand that incomplete applications and submittals cannot be reviewed.

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



August 18, 2021

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

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

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

Dated 8/18 2021

Owner:
Ignasiak Investment Company, LLC

(Authorized Signatory)



REPORT TO THE PLAN COMMISSION

Meeting of February 3, 2022

Comprehensive Master Plan Amendment and Rezoning

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

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

Introduction

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

Prior Actions

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

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

Comprehensive Master Plan Amendment

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

Rezoning

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

Project Description/Analysis

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

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

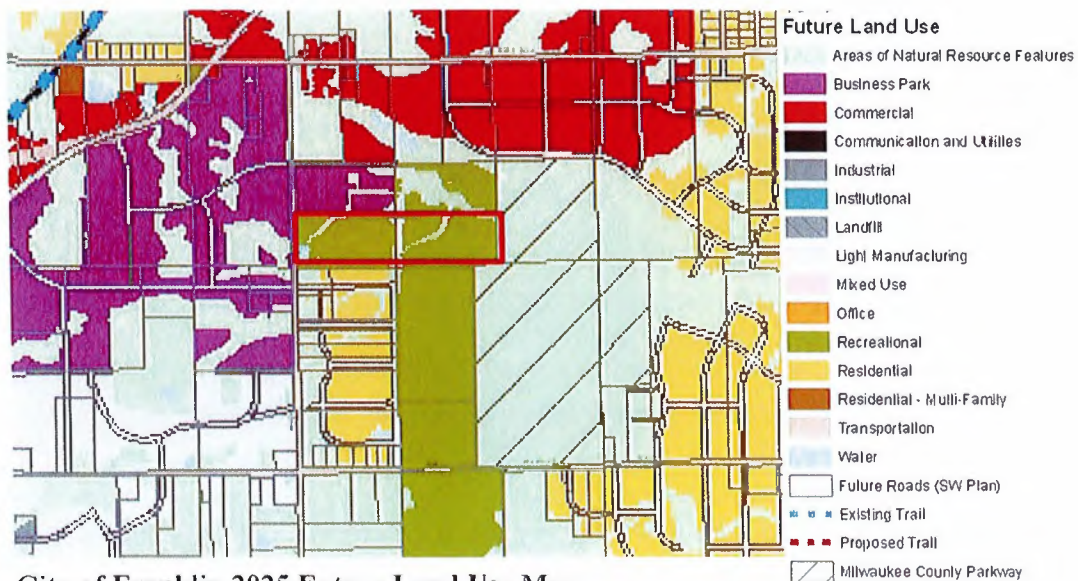
Current zoning

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

Consistency with adopted planning policies

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

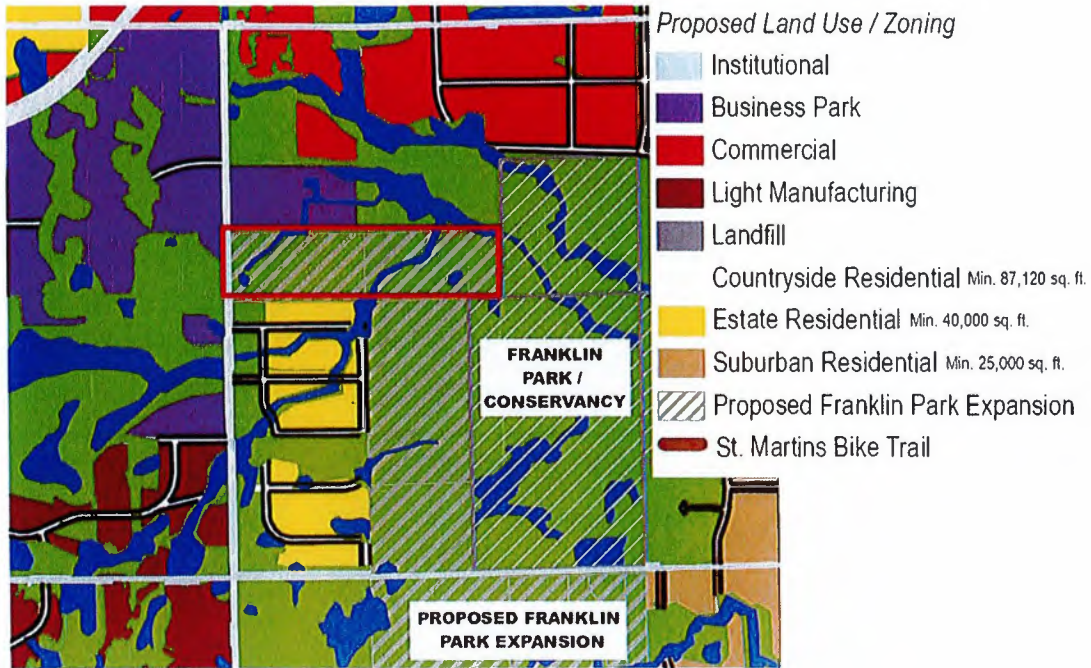
- a. **Not consistent with the city’s Comprehensive Plan.** The same area that it is currently zoned A-2 as noted above, it is designated as Recreational in the future land use map of the City of Franklin 2025 Comprehensive Master Plan. Therefore, this proposal is not consistent with the comprehensive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



City of Franklin 2025 Future Land Use Map

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

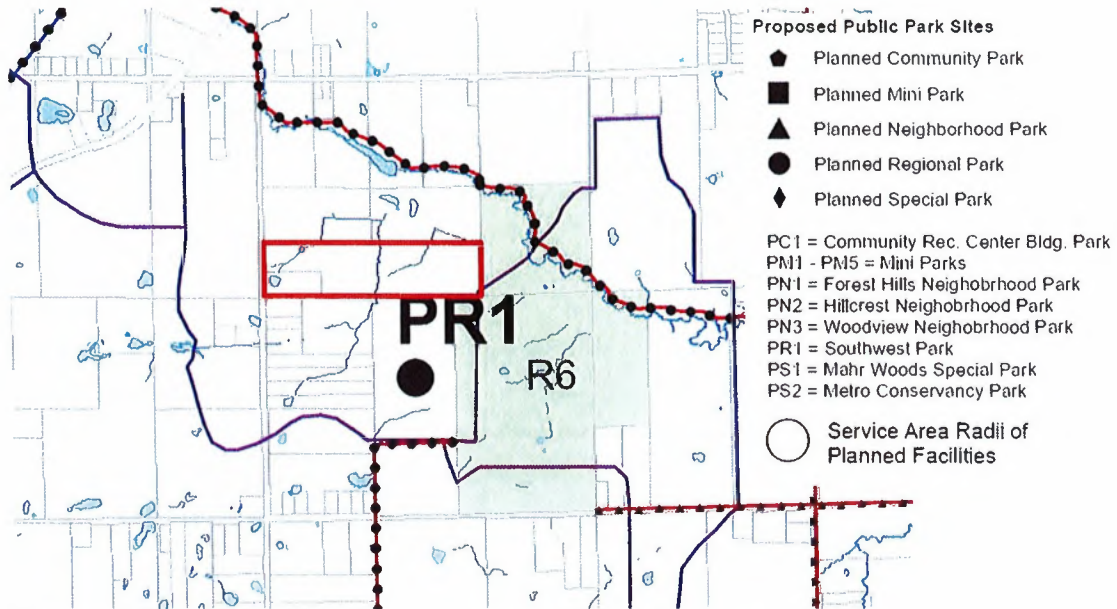
designation as park expansion area is related to the fact that this site is immediately adjacent to the Franklin Savanna Natural Area owned by Milwaukee County and labeled as “Franklin Park/Conservancy”.



Post-Sanitary Sewer Scenario Map (2009)

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

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

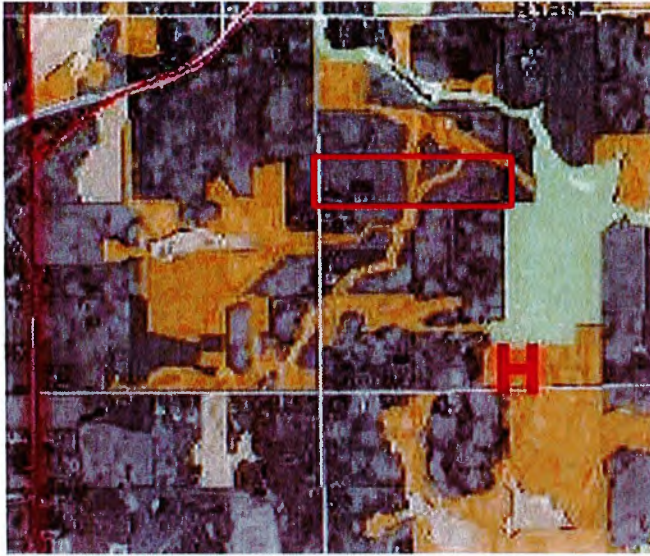


Existing and Planned Public Outdoor Recreation Sites map

Natural resources

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

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



City of Franklin Comprehensive Master Plan, Map 3.1 Linkages

Additional information

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

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

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

City Departments comments

Comprehensive Master Plan amendment

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

Rezoning

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

Staff Recommendation:

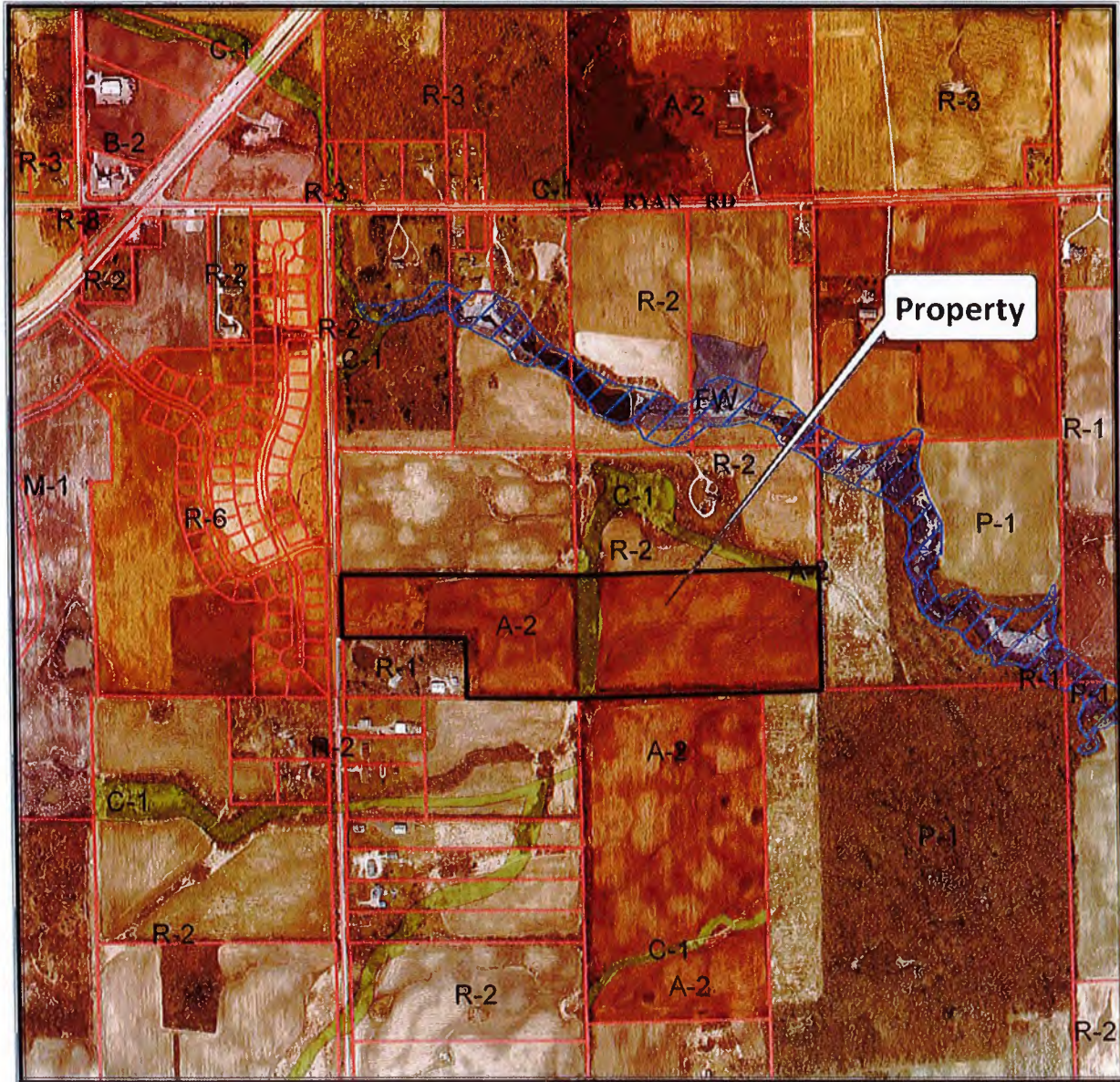
City Development staff recommends denial of the proposed Comprehensive Master Plan Amendment and Rezoning Application requests by Bear Development, LLC. The development as proposed appears to require significant additional follow-up applications just to make any development feasible on the subject property,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

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

Exhibits:

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

0 S. 112th Street
TKN: 892 9999 002

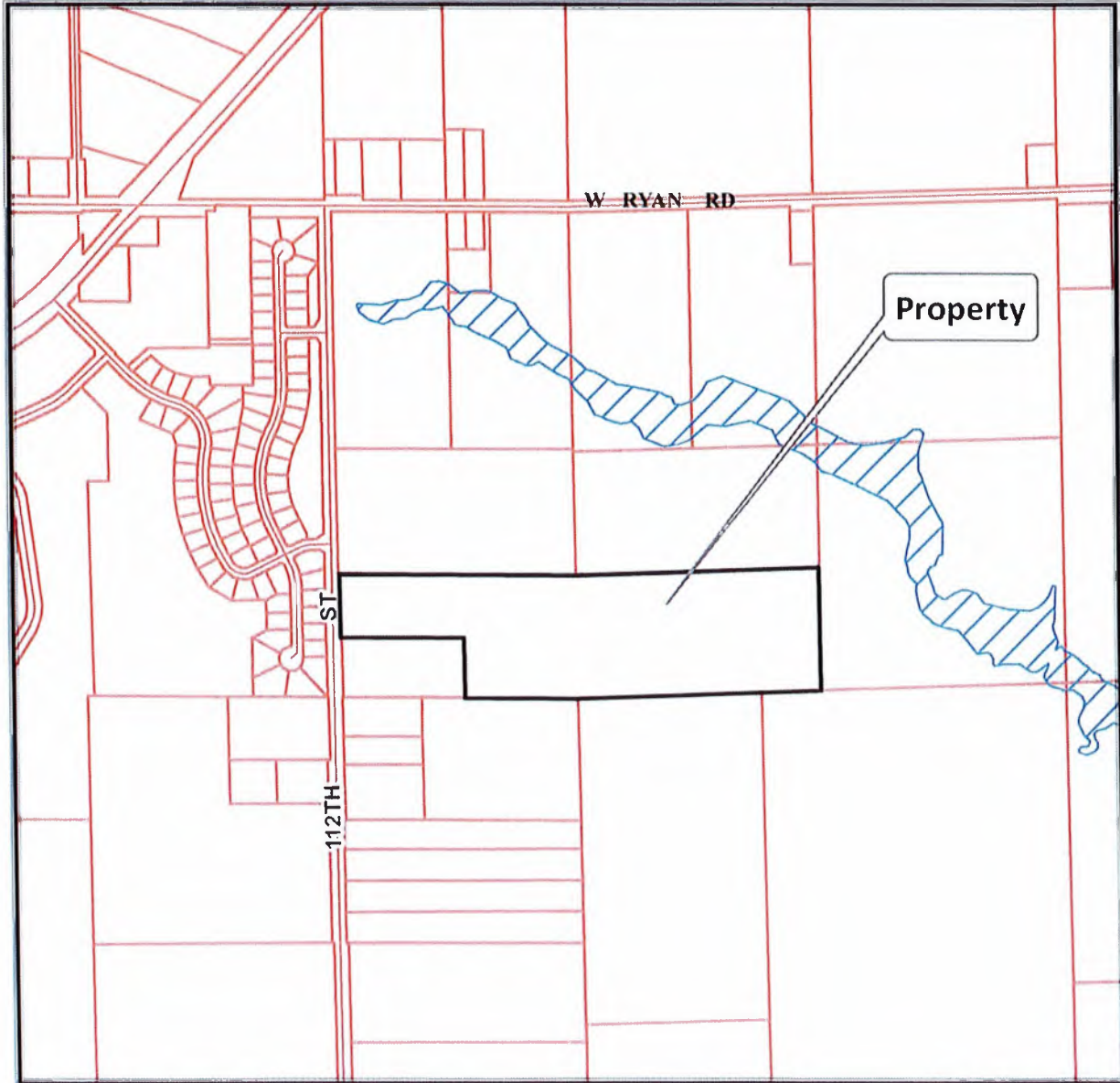


Planning Department
(414) 425-4024



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

0 S. 112th Street
TKN: 892 9999 002



Planning Department
(414) 425-4024



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



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<p style="text-align: center;">APPROVAL</p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE 06/21/22</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A CONDOMINIUM COMPLEX DEVELOPMENT USE UPON PROPERTY LOCATED AT 12000 WEST LOOMIS ROAD (STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT, BOOMTOWN, LLC, PROPERTY OWNER)</p>	<p style="text-align: center;">ITEM NUMBER G.4.</p>
<p>At the June 9, 2022, regular meeting, the Plan Commission carried a motion to recommend approval of this Special Use resolution and to remove former condition of approval #6 which stated as follows:</p> <p style="text-align: center;"><i>The applicant must submit a geotechnical report to attest that the soil bearing pressure capacity of the engineered fill soils and the underlying natural soils is adequate for the proposed development, prior to any land disturbance activity</i></p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>A motion to adopt Resolution 2022-_____, imposing conditions and restrictions for the approval of a Special Use for a condominium complex development use upon property located at 12000 West Loomis Road (Stephen R. Mills, President of Bear Development, LLC, applicant, Boomtown, LLC, property owner).</p>		

RESOLUTION NO. 2022-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE
APPROVAL OF A SPECIAL USE FOR A CONDOMINIUM COMPLEX
DEVELOPMENT USE UPON PROPERTY LOCATED AT
12000 WEST LOOMIS ROAD
(STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC,
APPLICANT, BOOMTOWN, LLC, PROPERTY OWNER)

WHEREAS, Stephen R. Mills, President of Bear Development, LLC having petitioned the City of Franklin for the approval of a Special Use in an R-8 Multiple-Family Residence District, to allow for the development of a condominium complex (“Woodfield Trail”), consisting of 26 dwelling units arranged in 13 side-by-side duplex structures, property located at 12000 West Loomis Road (15.6 acres), bearing Tax Key No. 891-9011-000 [a Special Use permit is required in the R-8 Multiple-Family Residence District for all residential uses, either single-family, two-family or multi-family], more particularly described as follows:

PARCEL 1: A part of the Northwest 1/4 of Section 30, Township 5 North, Range 21 East in the City of Franklin, County of Milwaukee, State of Wisconsin bounded and described as follows: Beginning at the 1/8 post of the North line of said Northwest 1/4 which post is 1325.63 feet West of the Northeast corner of said Northwest 1/4, thence West on and along said North line of said Northwest 1/4, 223.1 feet to the point in the right of way of the Milwaukee Electric Railway and Light Company, thence on and along the line of said right of way, 260.01 feet to a point on the arc of the curve of said right of way, said curve being to the convex Southeasterly center radius of 7877.6 feet and said point in said arc being on the long chord 260 feet and South 39°21' West from the intersection of said line of said right of way and the North line of said Northwest 1/4, South 0°17' East 1094.52 feet to a point in the centerline of the Loomis Road, thence Northeasterly on a 2° curve along said centerline 463.83 feet to a point, said point being on the long chord of 463.52 feet and North 59°29' East from the first mentioned point on the centerline of the Loomis Road; thence North 0°47' West, 1055.3 feet to the place of beginning. The 24.75 feet along the North line of said Northwest 1/4 being excepted therefrom and the 45 feet perpendicular to the center line of the Loomis Road being excepted therefrom further excepting therefrom that part hereof described in Deed recorded as Document 7391120; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan

WOODFIELD TRAIL CONDOMINIUMS – SPECIAL USE
RESOLUTION NO. 2022-_____

Page 2

Commission on the 9th day of June, 2022, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

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

1. That this Special Use is approved only for the use of the subject property by Stephen R. Mills, President of Bear Development, LLC, successors and assigns, as a condominium complex development use, which shall be developed in substantial compliance with, and operated and maintained by Stephen R. Mills, President of Bear Development, LLC, pursuant to those plans City file-stamped May 31, 2022 and annexed hereto and incorporated herein as Exhibit A.
2. Stephen R. Mills, President of Bear Development, LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Stephen R. Mills, President of Bear Development, LLC condominium complex development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon Stephen R. Mills, President of Bear Development, LLC, and the condominium complex development use, for the property located at 12000 West Loomis Road: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii)

WOODFIELD TRAIL CONDOMINIUMS – SPECIAL USE
RESOLUTION NO. 2022-_____

Page 3

obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

4. The applicant must submit a conservation easement for City staff review, Common Council approval, and recording with the Milwaukee County Register of Deeds Office, prior to the issuance of building permits.
5. The applicant must submit a landscape bufferyard easement for City staff review, Common Council approval, and recording with the Milwaukee County Register of Deeds Office, prior to the issuance of building permits.
6. The pedestrian path on the south side of Ryan Road, between the future Woodfield Court and the east boundary of this development, should be included in the development agreement.
7. This Special Use is not accepting any dedication of land for right-of-way purposes. A separate instrument, such as Certified Survey Map, shall be required for dedication of land for right-of-way purposes.
8. Pursuant to the Unified Development Ordinance Section 15-7.0601, a condominium plat shall be required for the establishment of a condominium.

BE IT FURTHER RESOLVED, that in the event Stephen R. Mills, President of Bear Development, LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

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

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

WOODFIELD TRAIL CONDOMINIUMS – SPECIAL USE
RESOLUTION NO. 2022-_____

Page 4

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

BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Exhibit A

THESE PLANS AND SPECS ARE COPYRIGHT PROTECTED AND MAY NOT BE REPRODUCED OR IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF PINNACLE ENGINEERING GROUP, INC.

PINNACLE ENGINEERING GROUP
 2100 COUNTY ROAD 400 SOUTH, SUITE 100, WEST RYAN, WI 53132
 TEL: 262.651.1234 FAX: 262.651.1235
 WWW.PINNACLE-ENGR.COM

PINNACLE ENGINEERING GROUP
 ENGINEERING | DESIGN | SURVEYING
 1200 WEST RYAN ROAD, SUITE 100, WEST RYAN, WI 53132
 TEL: 262.651.1234 FAX: 262.651.1235
 WWW.PINNACLE-ENGR.COM

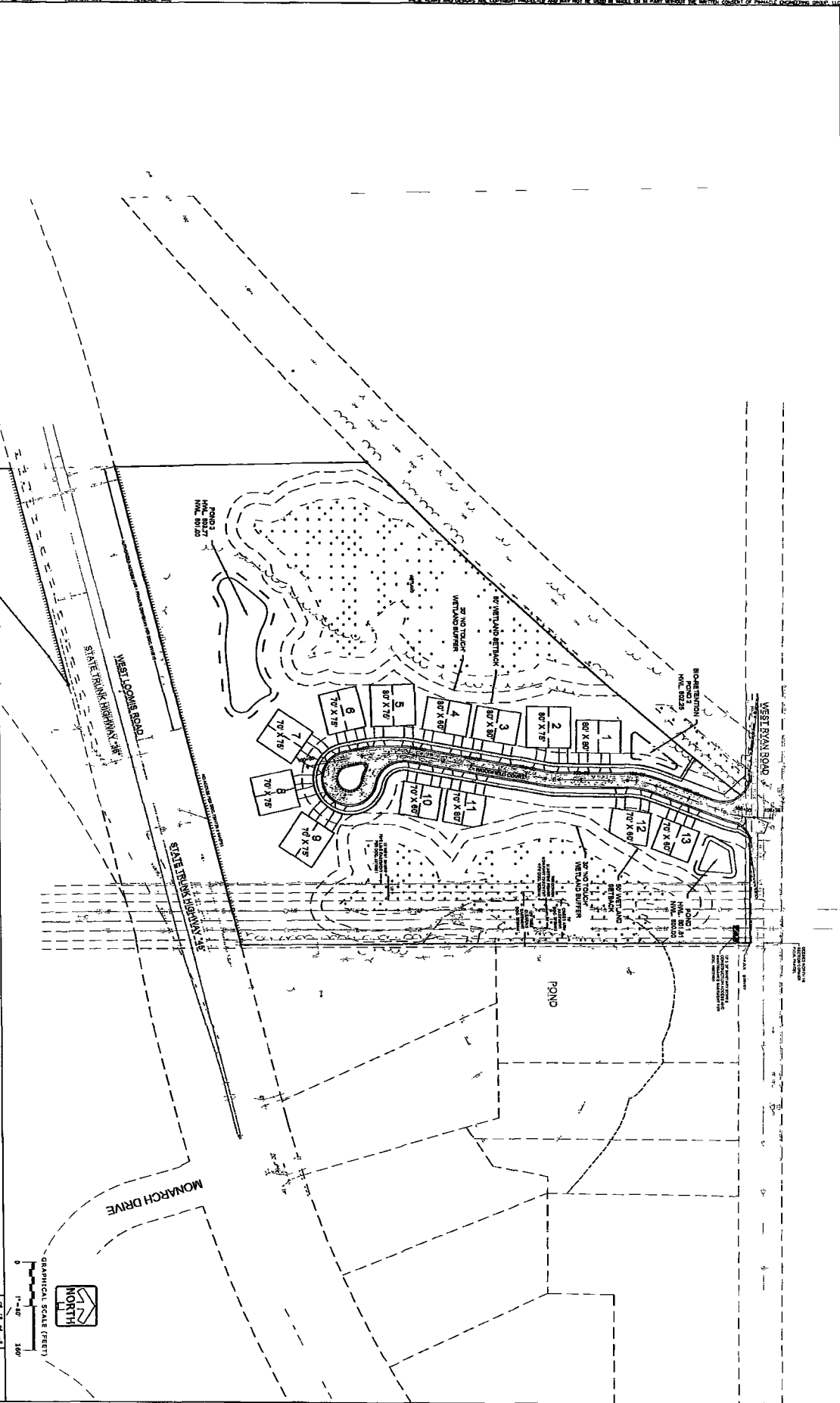
PLAN | DESIGN | DELIVER
 PROJECT NO. 2024-001
 DATE: 08/20/24
 DRAWN BY: JLD
 CHECKED BY: MGC
 APPROVED BY: NLS

WOODFIELD TRAIL
 WEST RYAN ROAD, FRANKLIN, WI 53132

SITE PLAN OVERVIEW

NO.	DATE	DESCRIPTION

REVISIONS
 ADDRESS: CITY/COUNTY - SULLY, IA
 PROJ. NO. 2024-001
 DES. BY MGC
 START DATE 08/20/24
 SCALE N.T.S.
 SHEET C-3
 OF C-20



SITE PLAN OVERVIEW

FOR REVIEW ONLY

www.pinnacle-engr.com

REPORT TO THE PLAN COMMISSION

Meeting of June 9, 2022

SPECIAL USE & SITE PLAN

RECOMMENDATION: City Development Staff recommends to table this Special Use and Site Plan until the applicant submits a geotechnical report to attest that the soil bearing pressure capacity of the engineered fill soils and the underlying natural soils is adequate for the proposed development.

Property Owner:	Woodfield Trail condominium, Special Use & Site Plan
Applicant:	S.R. Mills. Boomtown, LLC
Property Address/Tax Key Number:	12000 W Loomis Rd.
Aldermanic District:	District 6
Agent:	Daniel Szczap. Bear Development, LLC
Zoning District:	R-8 – Multiple-Family Residence District
Use of Surrounding Properties:	North: Planned Development District No. 40 (Cape Crossing), single-family residential. South: Vacant properties zoned residential, R-2 and R-8. East: Vacant and single-family residential zoned R-8 West: We-energies right-of-way and vacant land owned by the State of Wisconsin.
Proposal:	Two-family residential condominium with 26 dwelling units served by a cul-de-sac street.
Staff Planner:	Régulo Martínez-Montilva, AICP, Planning Manager

INTRODUCTION

The proposed Woodfield Trail condominium would have 26 dwelling units arranged in 13 duplex structures, side-by-side. Major improvements include a new cul-de-sac street connecting to Ryan Road with sidewalks on both sides, street trees, a landscaped berm along Loomis Road, 3 stormwater management areas and public water and sewer service to all dwelling units.

This development was presented before the Common Council on April 5, 2021, as a Concept Review. Then, this 15.6-acre site was created by Certified Survey Map No. 9338 recorded on August 6; and the C-1 Conservancy District zoning was removed from such site by rezoning Ordinance No. 2021-2480 on September 21. This development received a variance by the Board of Zoning and Building Appeals to allow for a reduced 20-foot front setback on January 19, 2022; and a Natural Resource Special Exception (NRSE) was granted on February 1 to allow for after-the-fact impacts to wetland buffers.

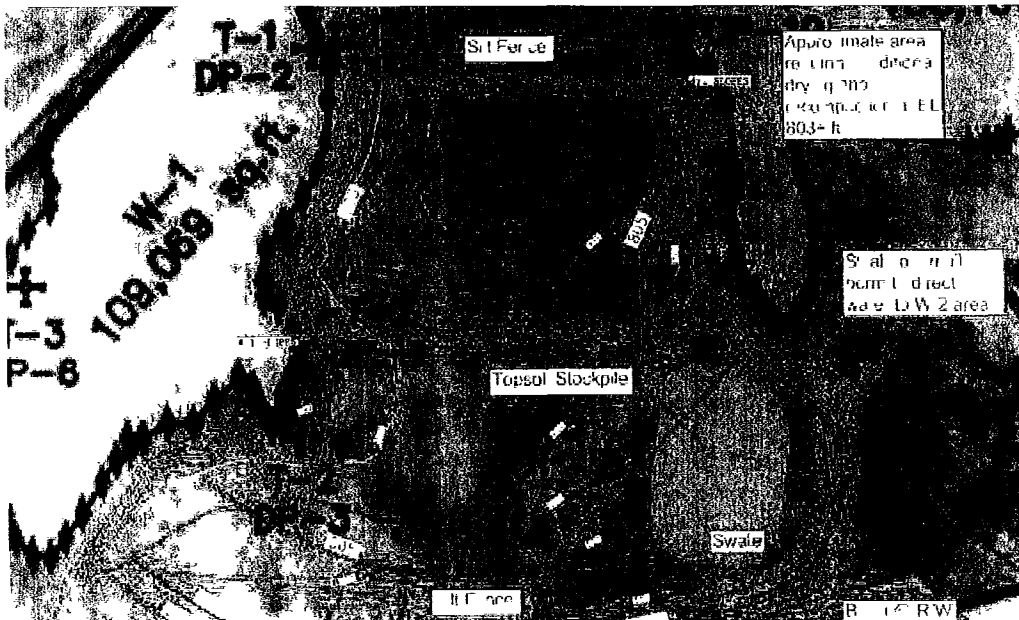
It is worth noting that a Special Use permit is required in the R-8 Multiple-Family Residence District for all residential uses, either single-family, two-family or multi-family.

PROJECT ANALYSIS:

There are a few existing constraints to the property that impact the design and development of this project.

1. **Wetland buffers and setbacks.** Most of the proposed residential structures are located between the future Woodfield Court and wetland areas. The UDO does not allow structures to encroach into the 50-foot wetland setback and the 30-foot wetland buffer must remain undisturbed. This property was a WISDOT fill site and areas of wetland buffers (0.58 acres) have been previously impacted by grading activities, this wetland buffer impact is depicted in the Natural Resource Protection Plan (NRPP). A Natural Resource Special Exception was granted on February 1, 2022, (appendix #1). It is worth noting that none of the proposed residential structures will encroach into the 50-foot wetland setback
2. **Soil borings and geotechnical report still recommended.** The applicant submitted a report titled “Construction Testing Services Summary Report No. 1” dated March 11, 2019 (appendix #2). As mentioned above, this property was a fill site for Wisconsin DOT project and this report stated that “with the exception of the fill placed within the central portion of the site, that the engineered fills tested by CGC were compacted satisfactorily and in general agreement with the project requirements” (page 4). Per Figure 1 – Proposed fill area, the referenced central area requires additional drying and recompaction, the applicant has not provided documentation confirming that this has been completed. Note that approximately 5 residential structures and a segment of Woodfield Court is proposed in this area. Furthermore, this report states that “It should be recognized, however, that this report and its findings/results, is not intended to be and should not be used as a substitute for a subsurface exploration and foundation subgrade evaluation which is required to determine the soil bearing pressure capacity of the engineered fill soils and the underlying natural soils”.

City Development staff recommends that the applicant must submit a geotechnical report to attest that the soil bearing pressure capacity of the engineered fill soils and the underlying natural soils is adequate for the proposed development.



Proposed fill area, figure 1 in Construction Testing Services Summary Report No 1 prepared by CGC, Inc Appendix #2

UNIFIED DEVELOPMENT ORDINANCE REQUIREMENTS

Special Use and Site Plan Applications are subject to the following provisions of the UDO:

- §15-3.0701 General Standards for Special Uses
- §15-7.0102 Principles and Standards of Review, Site Plans

General standards for Special Uses (§15-3.0701)

Summary of Standard	Staff's Finding
1. <i>Harmony with UDO and Comprehensive Plan purposes and intent.</i>	<p>The northern portion of this site is designated as residential-multifamily in the future land use map of the <i>City of Franklin 2025 Comprehensive Master Plan</i>. The southern portion is designated as commercial but it is constrained by an access restriction to Loomis Road. The western portion is designated as Areas of Natural Resource Features, the wetland areas located on this site would be protected by conservation easements as indicated in the Natural Resource Protection Plan.</p> <p>It is worth noting that per Wisconsin Statutes §66 1001(2m)(b) “A conditional use permit that may be issued by a political subdivision does not need to be consistent with the political subdivision's comprehensive plan”</p>
2. <i>No Undue Adverse Impact.</i>	City Development staff does not anticipate any “undue adverse impact” to adjacent properties because conservation easements would be provided to the west and east of the proposed development, as well as a landscape bufferyard with a berm to the south along Loomis Road
3. <i>No Interference with Surrounding Development.</i>	The proposed dwellings are designed to meet the maximum permitted height for single-family and two-family homes in the R-8 zoning district
4. <i>Adequate Public Facilities.</i>	<p>The proposed development will be served by public water supply and sanitary sewer service. It is noted that access to public water and sewer is a requirement for residential development in the R-8 zoning district per UDO Section 15-3 0209 A “District Intent”</p> <p>Per Fire Department comments “this area is not well-served by existing fire stations and staffing, and that effective response force (ERF) response times may exceed industry and department benchmarks for both EMS and fire calls. The City is in planning to relocate Station #2 to the West, and enhance staffing at that station, which will serve to remedy this situation in the future, but even as this continues to move forward, it is still years out”</p>
5. <i>No Traffic Congestion.</i>	The proposed 26 dwelling units would be served by a new cul-de-sac street connecting to Ryan Road. A Traffic Impact Analysis has not been prepared for this development proposal. City staff did not request a Traffic Impact Analysis for this development.
6. <i>No Destruction of Significant Features.</i>	Wetland buffer areas (0.58 acres) have been previously impacted by mass grading as a result of fill permits for a Wisconsin DOT project.

	<p>Grading within the wetland setback is also proposed, the UDO allows grading in the wetland setback provided a permanent vegetative cover is installed afterwards</p> <p>These impacts to natural resources are subject to the conditions set forth in the Standards, Findings and Decision as part of the Natural Resource Special Exception granted on February 1, 2022 (appendix #1)</p>
7. <i>Compliance with Standards.</i>	<p>The proposed development complies with the requirements of the R-8 Multiple-Family Residence District for single-family and two-family residential use, including: building setbacks, building height, required parking and landscaping.</p> <p>The Board of Zoning and Building Appeals granted a variance on January 19, 2022, for a reduced front setback of 20 feet in this development, while the minimum front setback in the R-8 district is 25 feet</p> <p>All residential structures must comply with the 50-foot wetland setback</p>

Principles and standards of review of Site Plans (§15-7.0102)

Summary of Standard	Staff's Finding
<i>A. Conformity of Use to Zoning District.</i>	Two-family residential use requires a Special Use permit in the R-8 zoning district. All residential uses require a Special Use permit in this zoning district, either single-family, two-family or multi-family
<i>B. Dimensional Requirements.</i>	<p>The proposed development complies with the dimensional requirements for the R-8 zoning district set forth in UDO Table 15-3.0209A</p> <ul style="list-style-type: none"> • Net Density. Proposed 27 dwelling units/acre, Maximum. 50 du/ac The net buildable site area is 9.38 acres • All residential structures must comply with the side, rear and wetland setbacks. • The front setback has been reduced to 20 feet per variance previously granted
<i>C. Site Intensity and Site Capacity Calculations to be Reviewed.</i>	<p>Site Intensity and Capacity Calculations were reviewed as part of the Certified Survey Map approved by Resolution 2021-7754 on July 20, 2021</p> <p>Per the Site Intensity and Capacity Calculations, the maximum density yield of this site is 46 dwelling units, while the applicant is proposing 26 units.</p>
<i>D. Use and Design Provisions.</i>	The proposed location for residential structures conforms to the development standards for the R-8 zoning district set forth in UDO Section 15-3.0209.
<i>E. Relation to Existing and Proposed Streets and Highways.</i>	This development would be connected to Ryan Road through the proposed Woodfield Court. The street design for Woodfield Court meets the minimum width for a typical minor street of 60 feet and the street length is 769 feet, which is under the maximum permitted length for cul-de-sac streets of 800 feet

	<p>However, a Site Plan does not allow for dedication of public right-of-way to the city, dedication will require a separate Certified Survey Map since a condominium plat cannot be used for dedication of public right-of-way.</p> <p>Based on the Comprehensive Master Plan, Map 7.4 Bicycle and Pedestrian Circulation Facilities City Development staff recommends the installation of a pedestrian path per City of Franklin specifications on the south side of Ryan Road The applicant is working with Engineering Department on the location of this pedestrian facility, location within the right-of-way is preferred, or within an easement on private property as a second option This pedestrian path should be included in the developer's agreement (condition of approval #7)</p> <p>It is worth noting that direct access to Loomis Road is restricted as indicated in the Site Plan</p>
F. Impacts on Surrounding Uses.	City Development staff does not anticipate major adverse impacts to surrounding uses because the developer will be required to provide conservation easements to the west and east, and a landscape bufferyard easement to the south
G. Natural Resource Features Protection.	<p>This Site Plan would not approve any impacts to natural resource features as defined in the UDO, including but not limited to encroachments of residential structures into the wetland buffers and wetland setbacks Recording of the conservation easement document will be required prior to the issuance of building permits (condition of approval #4)</p> <p>See separate Natural Resource Special Exception (appendix #1)</p>
H. Required Landscaping and Landscape Bufferyards.	<p>This development includes a 30-foot landscape bufferyard easement along Loomis Road as required by UDO Section 15-5 0102.</p> <p>Recording of the landscape bufferyard easement document will be required prior to the issuance of building permits (condition of approval #5)</p>
I. Provision of Emergency Vehicle Accessibility.	See comment from the Fire Department in Special Use standard #4, page 3.
J. Building Location.	The location of residential structures meets required building setbacks and are outside the existing easements on this property
K. Location and Design of On-Site Waste Disposal and Loading Facilities.	Not applicable as no on-site waste disposal and loading facilities are proposed
L. Consistency with Intent of UDO.	<p>The proposed residential development is consistent with the intent of the R-8 zoning district (UDO Section 15-3.0209), specifically</p> <ul style="list-style-type: none"> • It would be served by public sanitary sewer and water supply facilities • It would serve as a transition between the M-1 limited manufacturing zoning to the southeast in the Ryan Meadows subdivision and single-family residential zoning to the north

<i>M. Consistency with Intent of Comprehensive Plan.</i>	The northern portion of this site is designated as residential-multifamily in the future land use map of the City of Franklin 2025 Comprehensive Master Plan. The southern portion is designated as commercial but it is constraint by an access restriction to Loomis Road.
<i>N. Determination of "Suitability" of Site.</i>	As noted previously in this staff report (page #2), City Development staff recommends that the applicant must submit a geotechnical report to attest that the soil bearing pressure capacity of the engineered fill soils and the underlying natural soils is adequate for the proposed development

STAFF RECOMMENDATION

City Development Staff recommends to table this Special Use and Site Plan until the applicant submits a geotechnical report to attest that the soil bearing pressure capacity of the engineered fill soils and the underlying natural soils is adequate for the proposed development.

Alternatively, should the Plan Commission recommend approval of the Special Use and approve the Site Plan request, City Development staff recommends the submission of the referenced geotechnical report as condition of approval #6

Appendices

1. Standards, Findings and Decision as part of Natural Resource Special Exception granted on February 1, 2022, excluding exhibits.
2. Construction Testing Services Summary Report No 1 dated March 11, 2019, and prepared by CGC, Inc , excluding appendices B & C

RESOLUTION NO. 2022-_____

A RESOLUTION APPROVING A SITE PLAN FOR THE
DEVELOPMENT OF A CONDOMINIUM COMPLEX WITH ASSOCIATED
CUL-DE-SAC STREET CONSTRUCTION, SIDEWALKS, LANDSCAPING,
STORMWATER MANAGEMENT AND PUBLIC WATER AND SEWER SERVICE
(12000 WEST LOOMIS ROAD)
(STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT,
BOOMTOWN, LLC, PROPERTY OWNER)

WHEREAS, Stephen R. Mills, President of Bear Development, LLC having applied for approval of a proposed site plan for the development of a condominium complex (“Woodfield Trail”), consisting of 26 dwelling units arranged in 13 side-by-side duplex structures, which will include a new cul-de-sac street connecting to West Ryan Road, with sidewalks on both sides, street trees, a landscaped berm along West Loomis Road, 3 stormwater management areas and public water and sewer service to all dwelling units, property located at 12000 West Loomis Road (15.6 acres), zoned R-8 Multiple-Family Residence District, and

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

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the Site Plan for the development of a condominium complex (“Woodfield Trail”), consisting of 26 dwelling units arranged in 13 side-by-side duplex structures, which will include a new cul-de-sac street connecting to West Ryan Road, with sidewalks on both sides, street trees, a landscaped berm along West Loomis Road, 3 stormwater management areas and public water and sewer service to all dwelling units, property located at 12000 West Loomis Road (15.6 acres), zoned R-8 Multiple-Family Residence District, as depicted upon the plans dated May 31, 2022, attached hereto and incorporated herein, is hereby approved, subject to approval of the application for a Special Use, and subject to the following terms and conditions:

1. The property subject to the Site Plan shall be developed in substantial compliance with and operated and maintained pursuant to the Site Plan for the Stephen R. Mills, President of Bear Development, LLC condominium complex development (“Woodfield Trail”) dated May 31, 2022
2. Stephen R. Mills, President of Bear Development, LLC, successors and assigns, and

STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC – SITE PLAN
RESOLUTION NO. 2022-_____

Page 2

any developer of the Stephen R. Mills, President of Bear Development, LLC condominium complex development (“Woodfield Trail”) project, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Stephen R. Mills, President of Bear Development, LLC condominium complex development (“Woodfield Trail”) project, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.

3. The approval granted hereunder is conditional upon the Stephen R. Mills, President of Bear Development, LLC condominium complex development (“Woodfield Trail”) project (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
- 4 That the Stephen R. Mills, President of Bear Development, LLC condominium complex development (“Woodfield Trail”) shall be developed and constructed pursuant to such Site Plan within one year from the date of adoption of this Resolution, or this Resolution and all rights and approvals granted hereunder shall be null and void, without any further action by the City of Franklin.
- 5 This Site Plan is subject to the conditions set forth in the Special Use resolution for the Woodfield Trail condominiums.

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

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

APPROVED

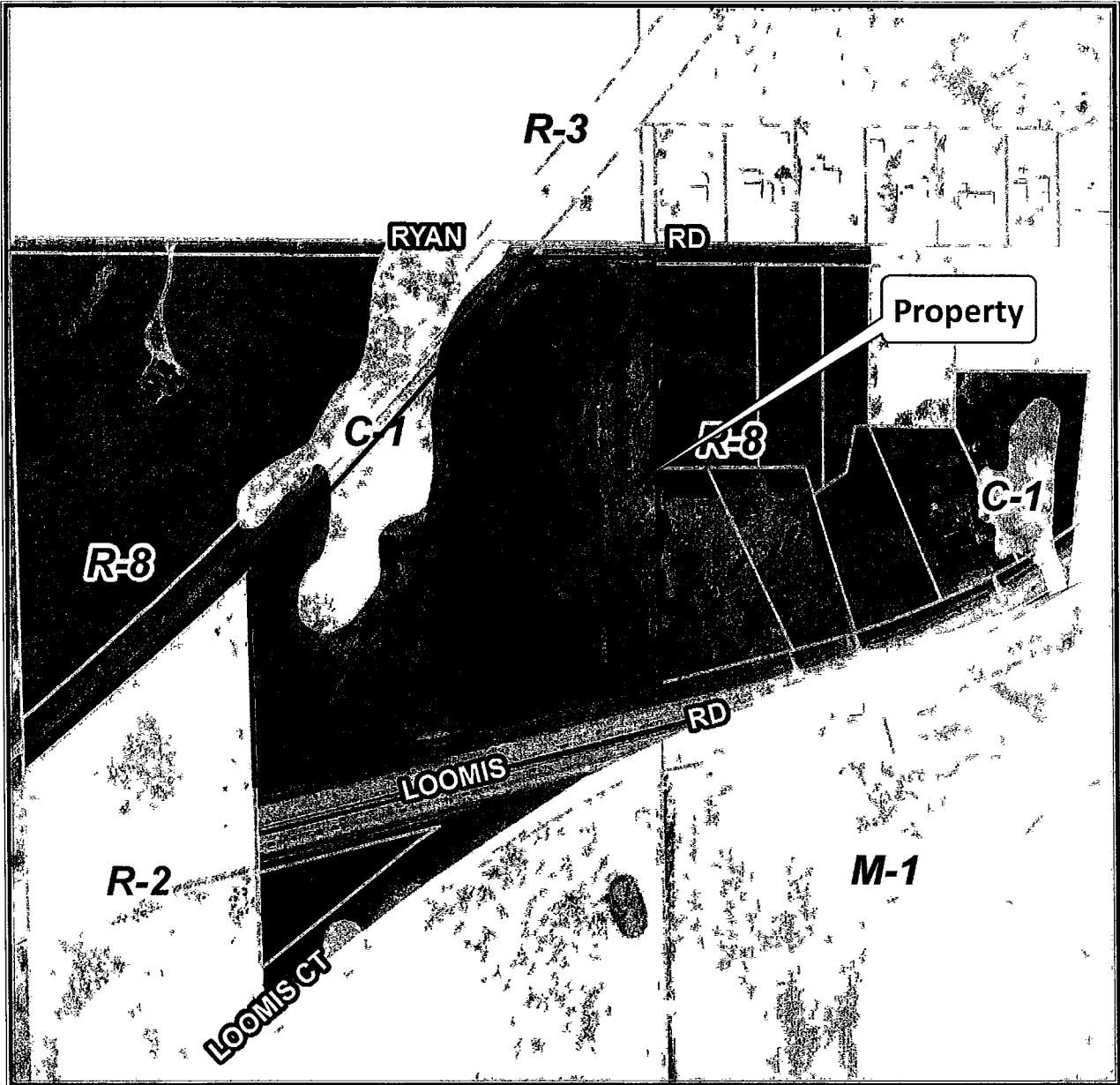
ATTEST

Stephen R. Olson, Chairman

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

12000 W. Loomis Road
TKN: 891 901 000



Planning Department
(414) 425-4024

0 210 420 840 Feet



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.

54

**STANDARDS, FINDINGS & DECISION-
BEAR DEVELOPMENT**

Document Number



8 1 7 5 8 3 1 8

Tx:40865595

DOC # 11224509

RECORDED *

03/07/2022 01:56 PM

ISPHEL PHND

REGISTER OF DEEDS

MILWAUKEE COUNTY, WI

AMOUNT: 30.00

FEE EXEMPT #:

TRANSFER FEE *

Recording Area

Name and Return Address

Shirley J. Roberts, Deputy City
Clerk
City of Franklin
9229 West Loomis Road
Franklin, Wisconsin 53132

891-9011-000 & 891-9012-
000

Parcel Identification Number (PIN)

This information must be completed by submitter document title, name & return address, and PIN (if required) Other information such as the granting clause legal description, etc., may be placed on this first page of the document or may be placed on additional pages of the document

Standards, Findings and Decision
of the City of Franklin Common Council upon the Application of Stephen R. Mills,
President of Bear Development, LLC, applicant, for a Special Exception
to Certain Natural Resource Provisions of the City of Franklin
Unified Development Ordinance

Whereas, Stephen R. Mills, President of Bear Development, LLC, applicant, having filed an application dated September 3, 2021, for a Special Exception pursuant to Section 15-9.0110 of the City of Franklin Unified Development Ordinance pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature; a copy of said application being annexed hereto and incorporated herein as Exhibit A; and

Whereas, the application having been reviewed by the City of Franklin Environmental Commission and the Commission having made its recommendation upon the application, a copy of said recommendation dated January 12, 2022 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated January 20, 2022 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the property which is the subject of the application for a Special Exception is located at 12000 West Loomis Road, zoned R-8 Multiple-Family Residence District and C-1 Conservancy District, and such property is more particularly described upon Exhibit D annexed hereto and incorporated herein; and

Whereas, Section 15-10.0208B. of the City of Franklin Unified Development Ordinance, as amended by Ordinance No. 2003-1747, pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature, provides in part: "The decision of the Common Council upon any decision under this Section shall be in writing, state the grounds of such determination, be filed in the office of the City Planning Manager and be mailed to the applicant."

Now, Therefore, the Common Council makes the following findings pursuant to Section 15-10.0208B.2.a., b. and c. of the Unified Development Ordinance upon the application for a Special Exception dated September 3, 2021, by Stephen R. Mills, President of Bear Development, LLC, applicant, pursuant to the City of Franklin Unified Development Ordinance, the proceedings heretofore had and the

recitals and matters incorporated as set forth above, recognizing the applicant as having the burden of proof to present evidence sufficient to support the following findings and that such findings be made by not less than four members of the Common Council in order to grant such Special Exception.

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *but rather, the applicant notes that the site is already impacted by fill. Wetland delineations from 2014 show the existing wetland complexes in the same general locations as 2021; the development cannot proceed as designed without impacts to wetland setback and buffer.*

2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

a. be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives: *The applicant notes that the site is already impacted by fill. The zoning classification (R-8 Multifamily) and allowable site intensity for the property allow for greater intensity of use, however the site access and configuration, and required setbacks create constraints on the placement of buildings and other infrastructure; or*

b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives: *The applicant notes that the site is already impacted by fill. The parcel is currently vacant; the proposed use has been affirmed through a rezoning to R-8 Multifamily (ORD 2021-2480), and the applicant has completed a Concept Review and Certified Survey Map approval in seeking this development approval.*

3. The Special Exception, including any conditions imposed under this Section will:

a. be consistent with the existing character of the neighborhood: *the proposed development with the grant of a Special Exception as requested will be consistent with the existing character of the neighborhood; and the applicant states that "The proposed impact and resulting development will be consistent with the neighborhood and consistent with the existing zoning and Comprehensive Plan." Surrounding properties include future industrial and developing residential uses; and*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *The applicant states that "The situation and conditions related to this project are unique as the affected property was a properly permitted to impact the wetland buffer/setback. Applying the wetland setback/buffer at this point serves no purpose and does not protect the actual wetland resources. Other properties seeking the same relief would need to meet similar standards."*

Placement of fill on site was at the request of Bear Development to “raise the sites and help with future development plans (Ruffing, A. 2018, January 14).”

According to the Natural Resource Protection Plan (NRPP) submitted on January 10, 2022, fill was placed in the wetland setback and buffer under City of Franklin Permit I20180438. Fill permits for Wisconsin DOT project were approved by the City of Engineering Department. City approvals for fill impacts to wetland setback and buffer were not sought by the applicant at that time.

The limits of impacts proposed for this Special Exception align with impacted areas under the fill permit

The site has since experienced significant degradation and impacts by invasive species. Fill permits for Wisconsin DOT project were approved by the City of Engineering Department.

The Council finds that this NRSE does allow for a degree of noncompliance under §UDO-15-10-10.0208B2.d.v. that will effectively undermine the ability of the City of Franklin to apply or enforce the requirement with respect to other properties (§UDO-15-10.0208B2.c.ii).

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *Applicant represents that the unique circumstances involved with this request is what the NRSE process was intended for; and*

d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development: *(this finding only applying to an application to improve or enhance a natural resource feature): not applicable.*

The Common Council considered the following factors in making its determinations pursuant to Section 15-10.0208B.2.d. of the Unified Development Ordinance.

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: *The applicant states that “The improvements will not negatively affect surrounding properties.” Proposed impacts will occur within the site and do not extend past the property line.*

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: *The applicant states that “The exceptional, extraordinary or unusual circumstance is that the resource being impacted has*

already been impacted and the property has been included in a TID Project Plan whereby the resulting improvements are necessary to generate tax increment.” Tax Increment Districts must include a residential component.

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The proposed use has been affirmed through a rezoning to R-8 Multifamily (ORD 2021-2480), and the applicant has completed a Concept Review and Certified Survey Map approval in seeking this development approval.*

4. Aesthetics: *The applicant states that “There will be no negative impact to aesthetics. The resulting development will be a residential neighborhood with required street trees and significant green space.”*

5. Degree of noncompliance with the requirement allowed by the Special Exception: *The applicant states that “Considering the that the area of impact was previously disturbed, the NRSE is not over-reaching.”*

Placement of fill on site was at the request of Bear Development to “raise the sites and help with future development plans (Ruffing, A. 2018, January 14).”

According to the NRPP submitted on January 10, 2022, fill was placed in the wetland setback and buffer under City of Franklin Permit I20180438. Fill permits for Wisconsin DOT project were approved by the City of Engineering Department. City approvals for fill impacts to wetland setback and buffer were not sought by the applicant at that time.

The limits of impacts proposed for this NRSE align with impacted areas under the fill permit.

The site has since experienced significant degradation and impacts by invasive species.

The Council finds that this NRSE does allow for a degree of noncompliance under §UDO-15-10-10 0208B2.d.v. that will effectively undermine the ability of the City of Franklin to apply or enforce the requirement with respect to other properties (§UDO-15-10.0208B2 c.ii).

6. Proximity to and character of surrounding property: *Proposed impacts will occur within the site and do not extend past the property line. The applicant notes that “Applicant owns the adjacent properties to the east and south. W. Ryan Road separates neighboring land to the north, a WE Energies ROW separates neighboring land to the west and a remnant WDOT parcel is located to the west.”*

7. Zoning of the area in which property is located and neighboring area: *Surrounding zoning consists of Single and Multifamily Residential. There is an area of M-1 Limited Industrial District to the southeast.*

8. Any negative affect upon adjoining property: *No negative affect upon adjoining property is perceived. Proposed impacts will occur within the site and do not extend past the property line.*

9. Natural features of the property: *The applicant does not propose impacts to natural resource features beyond those included in this request*

10. Environmental impacts: *The applicant states that "There are no other environmental impacts associated with the NRSE."*

11. A recommendation from the Environmental Commission as well as a review and recommendation prepared by an Environmental Commission-selected person knowledgeable in natural systems: *The Environmental Commission recommendation and its reference to the report of January 12, 2022 is incorporated herein.*

12. The practicable alternatives analysis required by Section 15-9.0110C.4. of the Unified Development Ordinance and the overall impact of the entire proposed use or structure, performance standards and analysis with regard to the impacts of the proposal, proposed design solutions for any concerns under the Ordinance, executory actions which would maintain the general intent of the Ordinance in question, and other factors relating to the purpose and intent of the Ordinance section imposing the requirement: *The Plan Commission recommendation and the Environmental Commission recommendation address these factors and are incorporated herein*

Decision

Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Common Council hereby grants a Special Exception for such relief as is described within Exhibit C, upon the conditions:

- 1) that the natural resource features and mitigation areas upon the properties to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any development within the areas for which the Special Exception is granted prior to the issuance of any Occupancy Permits,*
- 2) that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted;*
- 3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for Stephen R. Mills,*

President of Bear Development, LLC, applicant, and all other applicable provisions of the Unified Development Ordinance.

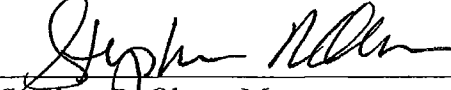
- 4) that the applicant shall provide plans for management of wetland setback that conforms to the standards of §15-4.0102I for appropriate plantings. Turf grasses are prohibited. Other grasses or native plantings are acceptable. Non-vegetative cover is permitted in areas subject to erosion. Management and implementation information shall be included on development plans including landscape plans subject to the review of the Department of City Development.*
- 5) that the applicant shall place boulders or other markers to demarcate the wetland setback on the property.*
- 6) that the applicant shall make required technical corrections (UDO §15-4.0102 and §15-7.0200) to Natural Resource Protection Plans including information about the limits of fill and related grading from fill permit I20201541, subject to staff approval, prior to the commencement of any land disturbance.*
- 7) that the applicant shall clarify the amount of temporary grading impacts.*
- 8) that the applicant incur only temporary impacts to wetland setback and buffer, which shall be restored to the standards of UDO §15-4 0102I for wetland setback and UDO §15-4 0103B5 for wetland buffer.*
- 9) That the applicant provide for repair of the pond drainage tile/pipe between the pond edge and the outlet at Ryan Road, subject to a revised conservation easement; and for the removal of buckthorn with a minimum expenditure of \$10,000.*

The duration of this grant of Special Exception is permanent

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

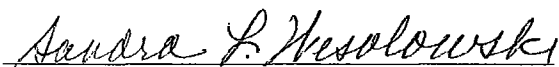
Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 1st day of February, 2022.

APPROVED:



Stephen R. Olson, Mayor

ATTEST:



Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0



Construction • Geotechnical
Consulting Engineering/Testing

Appendix #2

March 11, 2019
CM18048

Mr. Andy Ruffing
Musson Brothers, Inc.
4215 N. 124th Street
Brookfield, WI 53005

Re: Construction Testing Services Summary Report No. 1
Bear North Site
West Loomis Road
Franklin, Wisconsin

Dear Mr. Ruffing

This report summarizes Construction • Geotechnical Consultants, Inc (CGC) field observations and results of the intermittent compaction testing program completed to-date within the Bear North site in Franklin, Wisconsin. The services were provided on an intermittent basis between March 19 and September 27, 2018. During this time period a total of twenty-seven (27) separate visits were made to complete the prescribed testing program. More specific details regarding CGC's field observations and the results of the field-testing program are presented in the following paragraphs and attachments.

1. General

The site is located on the north side of State Highway 36 (West Loomis Road), between US Highway 45 (North Cape Road) to the west and Ryan Road to the east, in Franklin, Wisconsin. We understand that no specific development is planned for the site at this time. Filling of the site was performed to take advantage of the fill soils available from the nearby Highway 100 roadway reconstruction project and was performed in accordance with the Site Use and Agreement document between Musson Brothers, Inc (Musson) and Mills Hotel Wyoming, LLC dated March 16, 2018. Based on review of a grading plan, dated March 7, 2018, provided by Musson Brothers, Inc. the site grades prior to site preparation (i.e., topsoil stripping) ranged between about EL 801 to 804 ft and the planned (fill-to) grade is generally EL 805 ft, although swales were proposed along the southern edge of the property for site drainage purposes. Therefore, after site stripping, about 2 to 5 ft of new fill was anticipated to raise the site. Specifically, our efforts for the services covered by this report were focused on the following:

- **Subgrade Observations:** Following stripping of surficial topsoil, confirm the suitability of the exposed subgrade conditions prior to engineered fill placement within those areas of the site that required fill to raise the areas to the planned site grades. Subgrade



Mr. Andy Ruffing
Musson Brothers, Inc.
March 11, 2019
Page 2

evaluation within the fill areas were completed by proof-rolling with fully-loaded haul and/or triaxial dump trucks

- **Field Density Testing:** Performed field density tests on an intermittent basis, as scheduled by representatives of Musson to check the adequacy of compaction achieved on fill materials placed during mass grading activities.
- **Laboratory Testing:** Performed laboratory testing (i.e., Proctors) on the soils utilized during fill placement
- **Reporting:** Developed this summary report which details the results of the field and laboratory testing programs completed to-date; and

More specific details regarding our field observations and results of the testing program are outlined in the following paragraphs

2. Subgrade Observations Prior to Fill Placement

Subgrade proof-roll operations were observed on an ongoing basis as structural fill areas were prepared on the dates of March 19, March 23, March 28, April 11 and May 1, 2018. The results of the proof-rolls overall indicated the subgrades were generally suitable for fill placement and compaction, excluding one approximate 50 ft by 50 ft area northeast of the southern entrance to the site which contained saturated clayey soils that exhibited moderate rutting (6 to 8 in.) and instability. To prepare this area for fill placement the saturated clays were undercut approximately 12 in. to a suitable brown lean clay subgrade.

3. Fill Placement

The March 7, 2018 grading plan showing the approximate extent of the fill areas for the project is included as Figure 1 – Proposed Fill Area enclosed in Appendix A. Fill soils throughout the planned future development area consisted of imported lean clay, silty clay with variable sand and gravel content and clayey to silty sand with gravel soils from Musson's Highway 100 project identified as Specimen Nos. 1 through 3. A summary of the specimen soil descriptions, maximum dry densities and optimum moisture contents, and accompanying Laboratory Compaction Tests completed in our laboratory per modified Proctor (ASTM D1557) test methods are attached with this report in Appendix B.



Mr. Andy Ruffing
Musson Brothers, Inc.
March 11, 2019
Page 3

During this reporting period, a series of one hundred thirty-five (135) field density tests were performed on the fills placed within the development areas of the site with a nuclear density gauge to check the adequacy of compaction. The fills were typically placed in 8- to 12- in. thick loose lifts, spread with a dozer, then compacted with a sheepsfoot compactor. The modified Proctor maximum dry density values ranged between 125.0 to 135.5 pcf for the imported soils. A targeted minimum compaction level of 95 percent of the maximum dry density values was established for this project. Due to wet, rainy weather conditions during the intermittent filling operations, difficulty with obtaining adequate compaction was routinely experienced. Where initial compaction levels fell below 95%, predominantly due to elevated moisture contents, the soils were aerated and recompact until they met the minimum required compaction level. Following the performance of retests (where required), the field density testing program performed generally resulted in a level of compaction ranging between 95% to 100%, generally meeting and/or exceeding the targeted 95% minimum level of compaction established for the project.

An exception was, however, encountered within the central portion of the site, the approximate limits of which are indicated on Figure 1 enclosed in Appendix A. Within this area, fill soils were placed and adequately compacted to, on average, about EL 802 to 802.5 ft. However, subsequent lifts placed to about EL 803 ft were too wet to properly compact and perform subsequent density tests. It was our recommendation at the time, as communicated to Musson field personnel, and in a subsequent meeting with Musson and Bear Development, that the soils in this area be aerated to promote drying and recompact until the targeted compaction levels are obtained. However, further site preparation within the central portion of the site has not been performed to-date, due to project scheduling and weather conditions.

We understand that placement of a surficial topsoil layer has been performed by Musson throughout the majority of the southern and northern portions of the site, where passing density tests have generally been achieved, to the planned subgrade elevations. However, we understand that it is currently proposed to document the lateral extent and the existing site grades within the central area of the site where adequate compaction has not been achieved to-date. Following those documentation activities, we understand the current plan is to raise the central area of the site with non-engineered fill and surficial topsoil to promote surface runoff from this area. Undercutting and full removal of the non-engineered fill materials placed above EL 803 ft and further drying and recompact of the underlying soils (at about EL 803 ft) will then be performed in the future, possibly dependent on future development plans. We recommend documentation of the area be included in site documents to illustrate the need to perform additional/remedial site preparation activities within the central portion of the site to provide proper support for future structures and/or pavements.



Mr. Andy Ruffing
Musson Brothers, Inc
March 11, 2019
Page 4

Results of the field density testing program performed to-date are presented in Field Density Test Report No. 1 attached in Appendix C. The test locations (northing and easting) and test elevations were provided to CGC by the on-site Musson personnel and are included in the Field Density Test Report No. 1. Laboratory compaction (Proctor) test reports are also attached in Appendix B for your review

* * * * *

In summary, based on our intermittent field observations and results of the field-testing program as outlined above and in the enclosed information, it is our opinion, *with the exception of the fill placed within the central portion of the site*, that the engineered fills tested by CGC were compacted satisfactorily and in general agreement with the project requirements. It should be recognized, however, that this report and its findings/results, is not intended to be and should not be used as a substitute for a subsurface exploration and foundation subgrade evaluation which is required to determine the soil bearing pressure capacity of the engineered fill soils and the underlying natural soils. The conditions contained in this report and previously discussed with the project team, represent our professional opinion, based on our review of available information, described above, part-time intermittent site observations and interpretations. These opinions were developed consistent with the level of care and skill ordinarily exercised by members of the engineering profession currently practicing in the same locality under similar conditions. No other representation is expressed or implied, and no warranty or guarantee is included, or intended.

It has been a pleasure to serve you during this phase of the project. If you have any questions or need additional consultation or testing services, please give us a call.

Sincerely,

CGC, Inc.

Paul Giese, P E

Senior Consulting Professional

Nathan I. Springstead, P E
Senior Staff Engineer



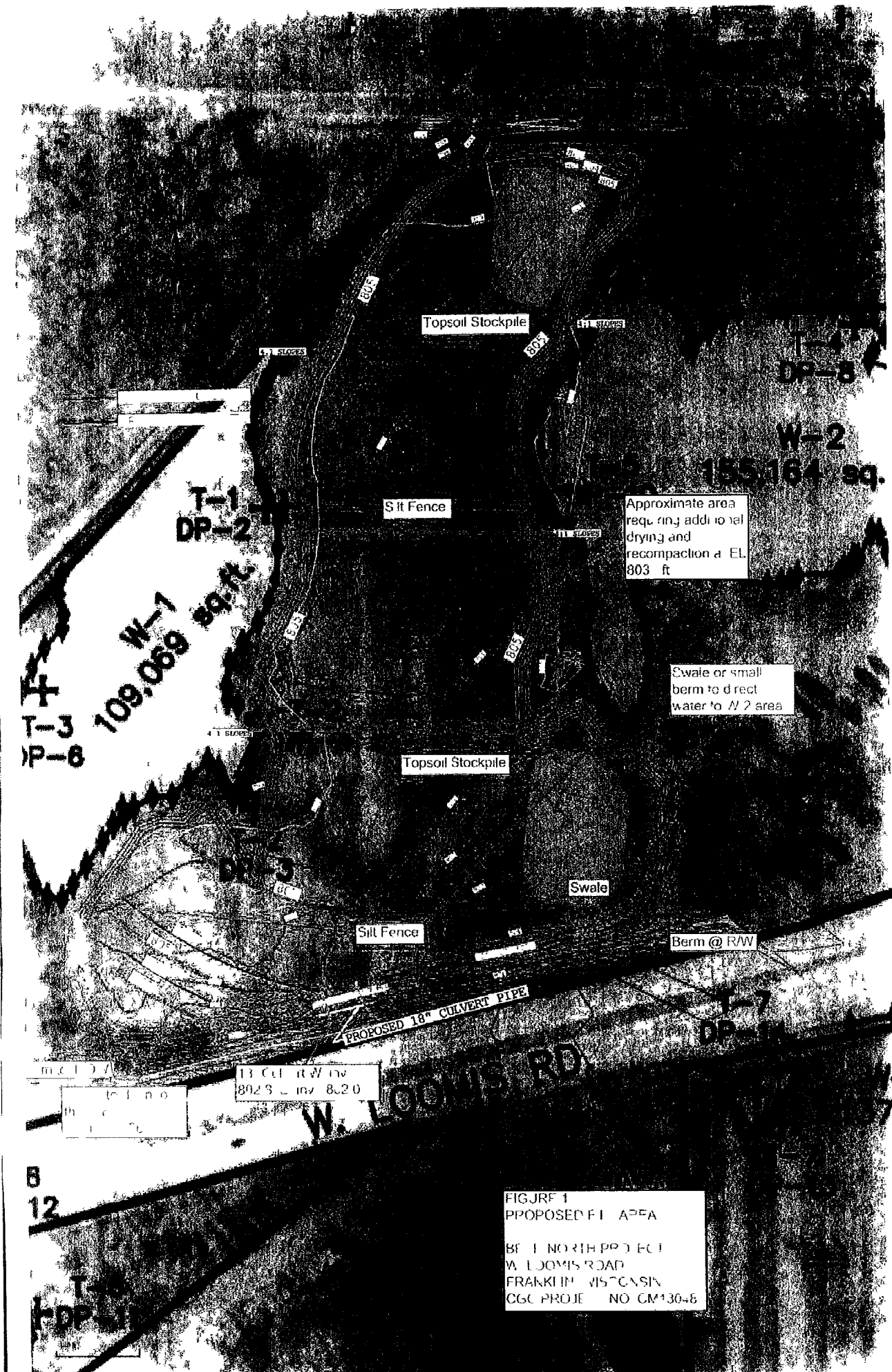
Mr. Andy Ruffing
Musson Brothers, Inc.
March 11, 2019
Page 5

Encl: Appendix A - Figure 1 – Proposed Fill Area
Appendix B - Summary of Laboratory Compaction (Proctor) Test Results
Appendix C - Field Density Test Report – No. 1

cc via email: Bear Development - Mr. Dan Szczap (dszczap@beardevelopment.com)

APPENDIX A

FIGURE 1 – PROPOSED FILL AREA



T-1
DP-2
W-1
109,069 sq. ft.
T-3
DP-6

W-2
155,164 sq.

Topsoil Stockpile

Silt Fence

Approximate area
requiring additional
drying and
recompaction at
EL. 803 ft

Swale or small
berm to direct
water to W-2 area

Topsoil Stockpile

Silt Fence

Swale

Berm @ R/W

PROPOSED 18" CULVERT PIPE

13' Culvert W/inv
802.9 - inv. 802.0

W. LOOMIS RD.

8
12

FIGURE 1
PROPOSED F.I. AREA
BE T-NORTH PROJECT
W. LOOMIS ROAD
FRANKLIN WISCONSIN
CGC PROJECT NO. CM13048

May 31, 2022

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

RE: Woodfield Trail Site Plan

Dear Mr. Martinez-Montilva:

Bear Development is pleased to submit this letter and the enclosed re-submittal materials as formal application for Site Plan Approval for Woodfield Trail Condominiums. Bear Development is acting on behalf the record owner, Boomtown, LLC.

Project Summary

The property in question, consists of Lot 1 of Certified Survey Map #9338. Certified Survey Map No. 9338 was recorded on August 6, 2021, as Document Number 11148158. The property is currently vacant and includes public road frontage on W. Ryan Road and STH 36 (Loomis Road). The property is located within City of Franklin TID #6.

Parcel 1

Tax Key Number: 891-9011-000
Acreage: 15.61 Acres
Current Use: Vacant
Proposed Use: Ranch Condominiums
Zoning: R-8 Multiple Family Residence District
Site Plan Request: Condominium neighborhood consisting of twenty-six (26) residential units arranged in two-family structures.

Special Use Permit

- Under a separate application, Bear Development has also submitted a Special Use Application in the R-8 Multiple Family Residence District to allow a condominium neighborhood consisting of twenty-six (26) residential dwelling units on the referenced parcels. The units will be arranged in 2 family buildings
-

Previous Approvals

- Certified Survey Map, Land Division
- Variance to allow a front yard setback of 20 feet
- Natural Resources Special Exception to allow limited impacts to the Wetland Buffer and Setback

Woodfield Trail Ranch Condominiums

Woodfield Trail is a planned condominium neighborhood consisting of twenty-six (26) homes arranged in 2-family, ranch style buildings. The neighborhood will be served with full public utilities and roadway. The project has been designed in accordance with the City of Franklin Construction Specification and R-8 Multiple Family Zoning District Standards.

The project was specifically designed to minimize impact to the natural resource features as identified in the City of Franklin Unified Development Ordinance. The building pads vary in size and exact home plans will need to be designed and finalized for several building pads to eliminate any encroachment into the Wetlands Setback

The neighborhood drainage is served by a series of engineered stormwater basins and is adequately buffered from STH 36. Woodfield Trail includes public sidewalks and proposed connection to the future City multi-use trail. The enclosed submittal includes Design Engineering Plans and Stormwater Management Report.

The project plans are currently being reviewed by WE Energies for natural gas, electric and street lighting design. The applicant is also in correspondence with the United States Postal Service to finalize mail delivery plans.

Project Schedule

The project schedule is dependent on final municipal approvals/Entitlements. At this point, we anticipate an August 2022 start for site development. Completion of all public improvements should be complete in early November.

Estimate of Site Improvement Costs:

Bear Development, LLC recently received Engineering review comments on May 27, 2022. Based on the engineering comments, the construction plans will need to be revised and re-bid. However, based on previous projects and the volatile construction material market, we *estimate* the following site improvement costs:

Soft Costs:	\$65,000.00
Earthwork:	\$330,700.00
Utilities:	\$660,500.00
Paving & Concrete:	\$210,500.00
Street Trees/Landscaping:	\$35,000.00
Contingency:	\$229,711.00
Total:	\$1,531,411.00



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

Thank you for your time and consideration.

Sincerely,



Daniel Szczap
Bear Development, LLC



Phone 262.694 2327



beardevelopment.com



4011 80th Street, Kenosha, WI 53142



DEVELOPMENT

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

May 31, 2022

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

RE: Woodfield Trail- Revised Submittal

Regulo:

Bear Development, LLC is in receipt of the City Development Review Comments dates, May 3, 2022.
Please find our responses below in Red.

Staff comments are as follows for the above-referenced applications received on April 12, 2022:

City Development Department comments

1. **Site Plan.** Pursuant to the Unified Development Ordinance (UDO) Section 15-7.0103 "Applications for Site Plan Review", please add or revise the following:
 - C. "Architect and/or Engineer's Name and Address. Architect and/or engineer's name, address, and seal noted".

The revised Civil Engineering Infrastructure Plans, dated 5/11/2022 have been revised to include the Civil Engineer's name , address and seal
 - G. "Soils Data. The characteristics and types of soils related to contemplated specific uses. Soil borings may be required by the City Engineer, Zoning Administrator, and/or Plan Commission". Since subject property was recently used as a WDOT Fill site, City Development staff recommends soil borings and geotechnical report as part of these Special Use and Site Plan applications.

Bear Development, LLC previously submitted a Summary Report of the WDOT Select Fill project including geotechnical testing. Per our telephone conversation, this report was sufficient to address this comment

- I. **“Type, Size, and Location of All Structures and Signs”**. It is not clear whether the numbered rectangles are the home pads or the building footprints, please clarify. The proposed building footprints are required to attest compliance with wetland setbacks.

The revised Civil Engineering Infrastructure Plans include building envelopes showing the maximum size building footprint for each building. The building envelopes are limited due to various setbacks. We understand the restrictions placed on the project due to wetland setbacks.

- CC. **“Project summary”**. Please add building schedule and estimate of all site improvement costs to the project summary.

Please see revised project summary

2. **Wetland setback**. Per Natural Resource Special Exception (NRSE); Standards, Findings & Decisions (Doc. 11224509), decision #8 states that “the applicant incurs only temporary impacts to wetland setback and buffer”. In other words, the NRSE did not approve any permanent impact or structures into the 50-foot wetland setback. Please indicate the building footprint of all structures and dwellings to attest compliance with the wetland setback.

The revised Civil Engineering Infrastructure Plans depict the size, location and orientation of proposed building footprints in relation to the wetlands. All building footprints are in compliance with the approved Natural Resource Special Exception

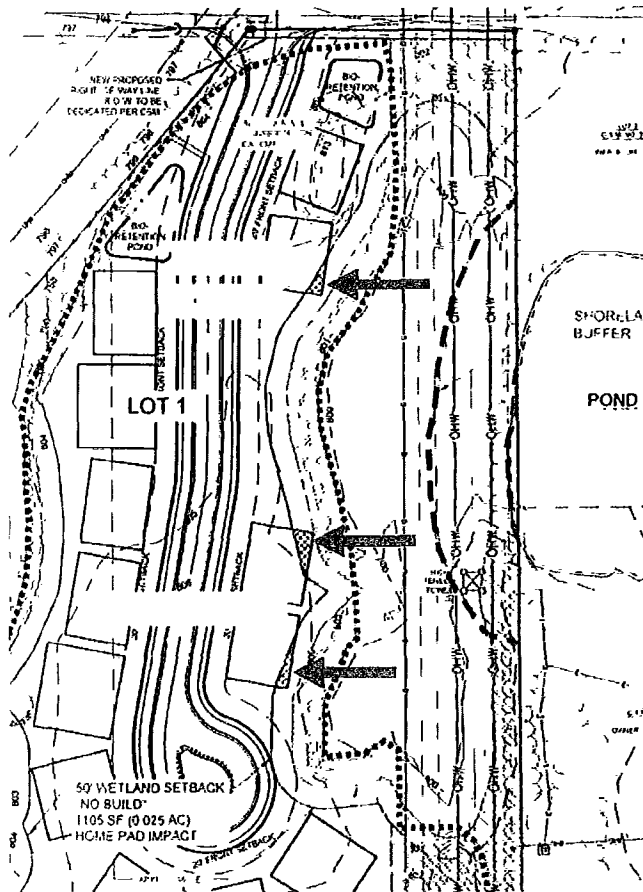
3. **Wetland setback markers**. Per the above-referenced NRSE, decision #5 states that “the applicant shall place boulders or other markers to demarcate the wetland setback on the property”. Please indicate the location of the wetland setback markers on the Site Plan and add a detail of the typical marker.

The revised Civil Engineering Infrastructure Plans depict Wetland Setback Sign locations on Sheets C-7 and C-8. Bear Development will finalize marking method (signs or boulders) as we approach site development and will submit a plan for Staff review/approval.

4. **Amount of temporary grading impacts**. Per the NRSE, decision #7 states that “the applicant shall clarify the amount of temporary grading impacts”. Please provide the amount of wetland setback area to be impacted by grading activities, measured in acres and square feet.

The revised Civil Engineering Infrastructure Plans, Sheet C-10 include the grading impact area calculation.

5. **Wetland setback impact.** Please label the green crosshatched areas in the Natural Resource Protection Plan. Per staff comment #2, please confirm that this impact to the wetland setback is for grading only, not for placing new structures.



A revised Natural Resource Protection Plan is included in the re-submittal. Bear Development understands that permanent structures cannot be located in the Wetlands Setback.

6. **New wetland buffer impact not approved.** The NRSE did not approve any new impacts to the wetland buffer. Please add a label to the NRPP and Landscape Plan stating that the wetland buffer impact areas have already been disturbed. City Development has no comments about the proposed ground cover, Agrecol Shortgrass Prairie.

Noted: The revised NRPP and Landscape Plans identify the City restrictions to the Wetland Buffer and Setback.

7. **Conservation easement.** Recording of the conservation easement document will be required prior to the issuance of building permits.

Noted

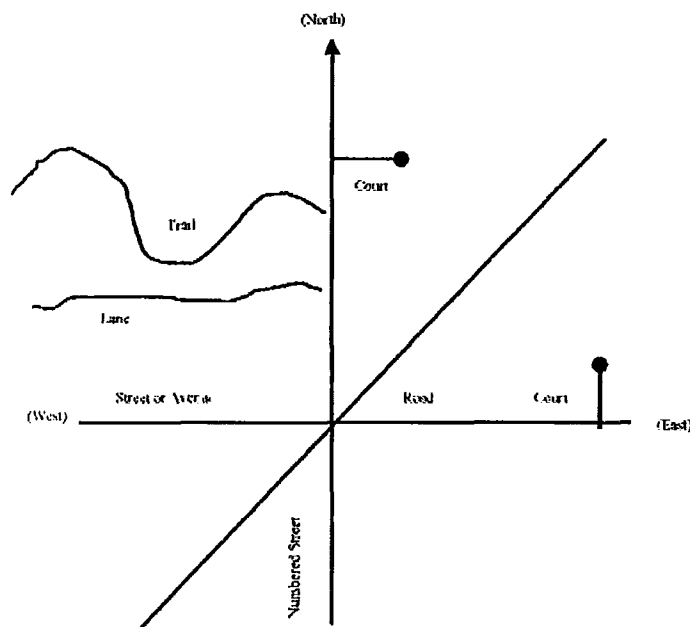
8. **Landscape bufferyard easement.** Pursuant to UDO § 15-5.0102, a landscape bufferyard easement with a minimum width of 30 feet is required along Loomis Rd (STH 36). The easement line is indicated on the Landscape Plan but it is not labeled, please add label. Recording of the landscape bufferyard easement document will be required prior to the issuance of building permits.

Noted Please see revised Landscape Plans

9. **Cul-de-sac street.** Please add length of the proposed cul-de-sac street, measured from the Ryan Road centerline to the center of the island. This length cannot exceed 800 feet per UDO Section 15-5.0103A. Please indicate the name for this street, "Court" is recommended for cul-de-sac streets per the street naming system (UDO Figure 15-5.0101).

Figure 15-5.0101

STREET NAMING SYSTEM

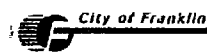
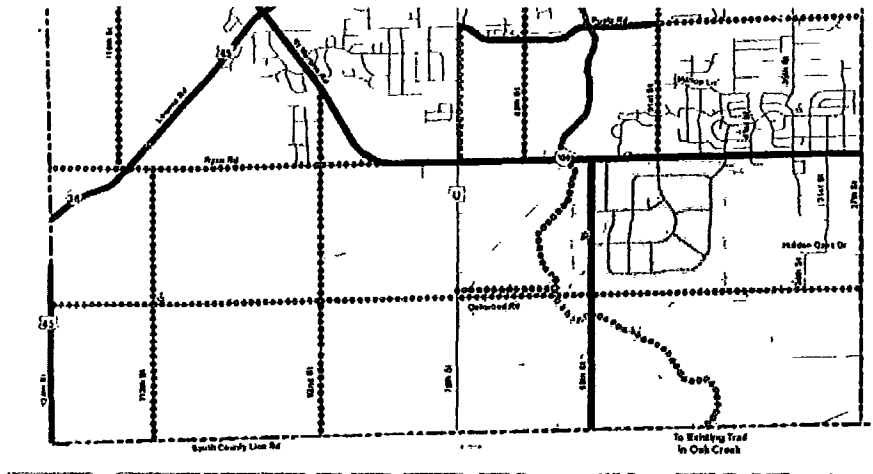


Please see page C-10 of the Revised Civil Engineering Infrastructure Plans. The cul-de-sac has a total length of 769 feet and has been named Woodfield Court.

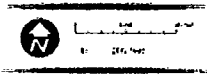
10. **Pedestrian Facility along Ryan Road.** Based on the Comprehensive Master Plan, Map 7.4 Bicycle and Pedestrian Circulation Facilities. City Development staff recommends the installation of a pedestrian path per City of Franklin specifications on the south side of Ryan Road, from the new sidewalk on the east side of the proposed cul-de-sac street to the eastern boundary of the subject site.

Please see page C-16 of the Revised Civil Engineering Infrastructure Plans. Bear Development seeks direction from the City as to whether the future trail is to be shown in

the W Ryan Road Right of Way or shown as an easement on private lands



Bicycle and Pedestrian Circulation Facilities



R.A. Smith National
Professional Engineers

- Existing Bicycle/Pedestrian Facility
- ON STREET
- OFF STREET
- Future Bicycle/Pedestrian Facility
- ON STREET
- OFF STREET

11. Approval of a Condominium Plat by Common Council will be required, see submittal requirements in application form available at: <https://www.franklinwi.gov/Files/Planning/PermitApplications/Land-Division-Review-Application-20211.pdf>. Condominium Plat recording will be required prior to the issuance of building permits.

Noted The Condominium Plat will be submitted once we receive and address City Engineering comments

12. Any monument sign will be subject to a separate sign permit.

Noted

13. Per city's parking schedule (UDO Table 15-5.0203), a two-car attached garage per dwelling unit is required. Please confirm that the proposed garages are able to accommodate two cars.

All future dwelling units will include a two-car attached garage

Engineering Department comments

14. *No comments on the Site Plan application Engineering aspects will follow once we receive the Engineering plans for review and recommendations*

Fire Department comments

15. The fire code is pretty silent on 1-2 family residences, so our main concern in the water infrastructure, which appears satisfactory for this development I will again mention that this area is not well-served by existing fire stations and staffing, and that effective response force (ERF) response times may exceed industry and department benchmarks for both EMS and fire calls The City is in planning to relocate Station #2 to the West, and enhance staffing at that station, which will serve to remedy this situation in the future, but even as this continues to move forward, it is still years out.

Inspection Services Department comments

16 Inspection Services has no comments on the proposal at this time

Police Department comments

17 The PD has no comment regarding this request.

ONSITE CIVIL ENGINEERING INFRASTRUCTURE PLANS

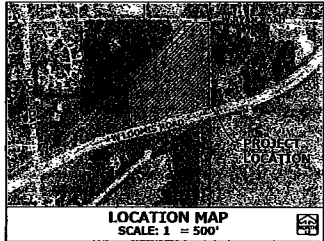
WOODFIELD TRAIL

FRANKLIN, MILWAUKEE COUNTY, WI

PLANS PREPARED FOR



LEGEND		EXISTING	PROPOSED
SANITARY SEWER MANHOLE	○	○	○
STORM SEWER MANHOLE	○	○	○
STORM SEWER CATCH BASIN (ROUND CASTING)	○	○	○
STORM SEWER CATCH BASIN (RECTANGULAR CASTING)	○	○	○
PROPOSED FLARED END SECTION	○	○	○
CONCRETE HEADWALL	—	—	—
VALVE BOX	—	—	—
FIRE HYDRANT	—	—	—
CELESTIAL	—	—	—
SANITARY SEWER	—	—	—
FORCE MAIN	—	—	—
STORM SEWER	—	—	—
BRICK TILE	—	—	—
WATER MAIN	—	—	—
FIRE PROTECTION	—	—	—
ELECTRICAL CABLE	—	—	—
OVERHEAD WIRES	—	—	—
GAS PIPES	—	—	—
TELEPHONE LINE	—	—	—
UTILITY CROSSING	—	—	—
CAUTION EXISTING UTILITIES NEARBY	—	—	—
GRAVELLAR TRAVEL BACKFILL	—	—	—
LIGHTING	—	—	—
ELECTRICAL TRANSFORMER OR PADMOUNT	—	—	—
POWER POLE	—	—	—
POWER POLE WITH LIGHT	—	—	—
GUY WIRE	—	—	—
STREET SIGN	—	—	—
CONTOUR	—	—	—
SPOT ELEVATION	—	—	—
WETLANDS	—	—	—
PRIMARY ENVIRONMENTAL CORRIDOR	—	—	—
FLOODPLAIN	—	—	—
FLOODPLAIN	—	—	—
HIGH WATER LEVEL (HWL)	—	—	—
NORMAL WATER LEVEL (NWL)	—	—	—
DIRECTION OF SURFACE FLOW	—	—	—
DITCH OR SWALE	—	—	—
DIVERSION SWALE	—	—	—
OVERFLOW RELIEF ROUTING	—	—	—
TREE WITH TRUNK SIZE	—	—	—
SCALE BORING	—	—	—
TOPSOIL PROBE	—	—	—
FENCE LINE, TEMPORARY SB	—	—	—
FENCE LINE, WOOD OR PLASTIC	—	—	—
FENCE LINE, CHAIN LINK OR IRON	—	—	—
FENCE LINE, WOOD OR PLASTIC	—	—	—
CONCRETE SIDEWALK	—	—	—
CURB AND GUTTER	—	—	—
CORRODED CURB	—	—	—
ADVERSE FITCH CURB & GUTTER	—	—	—
BASEMENT LEVEL	—	—	—



REFERENCE BENCHMARKS:

BENCHMARK = BALDWIN SPIKE IN UTILITY POLE
ELEVATION=402.71

VERTICAL DATUM: UNIVERSAL GEODETIC VERTICAL DATUM OF 1989 (NGVD89)
HORIZONTAL DATUM: WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE, NORTH AMERICAN DATUM OF 1983 (NAD83)

ABBREVIATIONS

BL	BLADE LINE	NH	MANHOLE
BR	BRIERION PIPE	NPL	NORMAL WATER LEVEL
CC	LONG CURVES OF CURVE	OC	POINT OF CURVATURE
CB	CATCH BASIN	PV	POINT OF VERTICAL INTERSECTION
CL	CONCRETE	RI	RADIUS
CD	SECTOR OF CURVE	ROW	RIGHT-OF-WAY
CL	CENTERLINE	SS	SANITARY SEWER
EP	EDGE OF PAVEMENT	ST	STORM SEWER
FF	FINISHED FLOOR	T	TANGENCY OF CURVE
EP	EDGE OF PAVEMENT	TS	TOP OF BANK
FL	FLOW LINE	UC	TOP OF CURB
FR	FRAME	CF	TOP OF FOUNDATION
FR	FOUNDATION	ES	TOP OF EARTH
FG	FINISHED HARD GRADE	TS	TOP OF SIDEWALK
SG	ROUGH SURFACE LEVEL	TW	TOP OF WETLAND WALL
SW	SWITCH	WM	WATER MAIN
LC	LENGTH OF CURVE	A	INTERSECTION ANGLE

PROJECT TEAM CONTACTS	
CIVIL ENGINEER: PAUL CASEY, PE FORMER ENGINEERING GROUP 2000 BLUEBERRY ROAD, SUITE 210 BROOKFIELD, WI 53005 (262) 754-8888	OWNER: BEAR DEVELOPMENT, LLC ONE EGGSP KOSKOVIC, WI 53142 (262) 345-2008
SURVEYOR: JOHN KOPONICKI, R.L.S. Pinnacle Engineering Group 13000 BLUEBERRY ROAD, SUITE 210 BROOKFIELD, WI 53005 (262) 754-8888	

Professional Engineer Seal for Paul Casey, PE, No. 511122, State of Wisconsin.

Professional Engineer Seal for John Koponicki, R.L.S., No. 511122, State of Wisconsin.

Professional Engineer Seal for Pinnacle Engineering Group, Inc., No. 1000000000, State of Wisconsin.

Professional Engineer Seal for Pinnacle Engineering Group, Inc., No. 1000000000, State of Wisconsin.

INDEX OF SHEETS	
C-1	COVER SHEET
C-2	EXISTING CONDITIONS PLAN
C-3	SITE PLAN OVERVIEW
C-4	PROPOSED TYPICAL SECTIONS
C-5	UTILITY PLAN OVERVIEW
C-6 - C-8	ROADWAY & STORM SEWER P&P
C-9	WATER AND SANITARY PLAN AND PROFILE
C-10 - C-12	GRADING PLAN
C-13 - C-15	EROSION CONTROL PLAN
C-16	INTERSECTION DETAILS
C-17 - C-20	CONSTRUCTION DETAILS

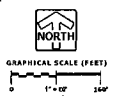
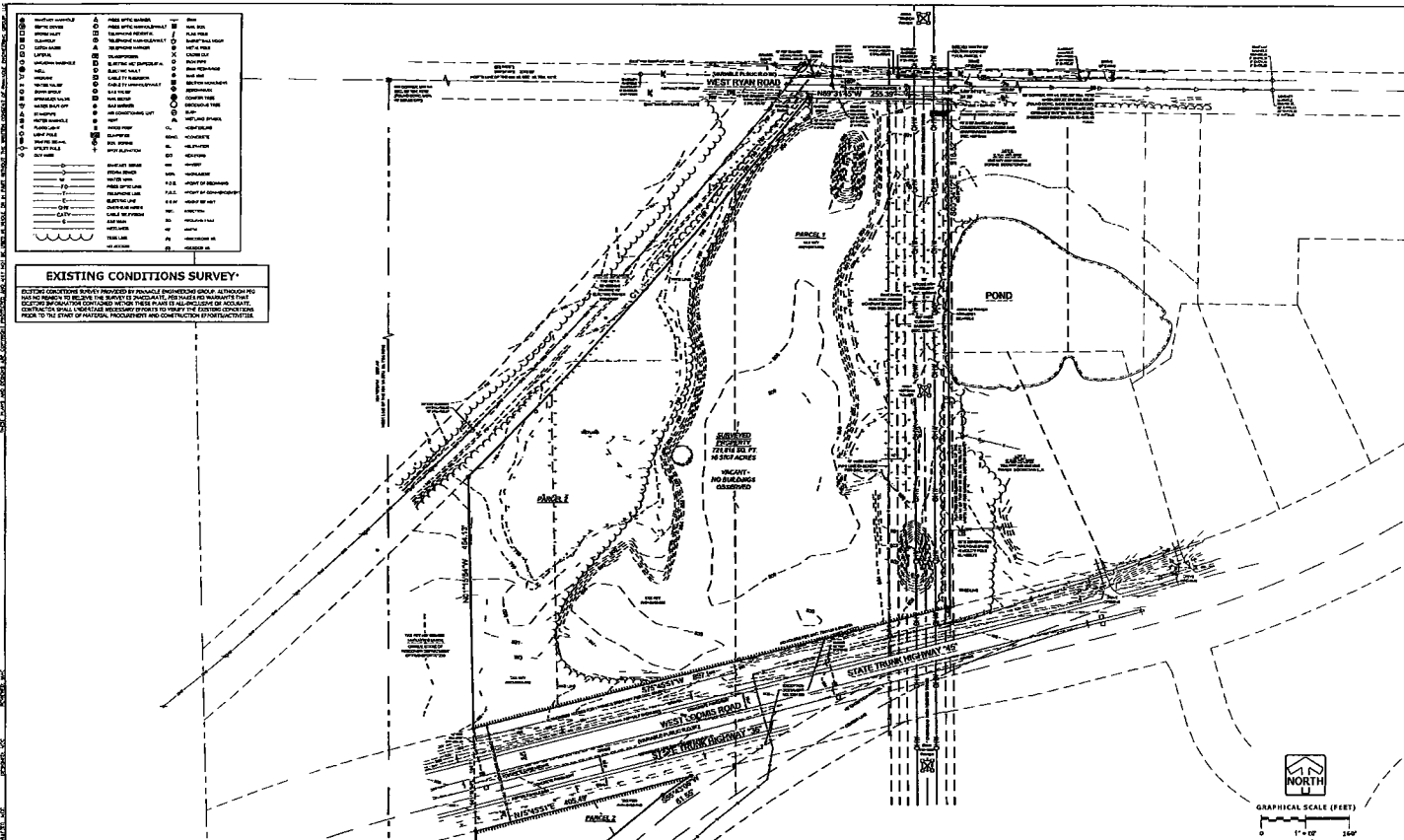
GENERAL NOTES

- THE INTENT OF THE PLANS AND SPECIFICATIONS IS TO SET FORTH PERFORMANCE AND QUALITY STANDARDS FOR THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE PLANNING AND ZONING DEPARTMENT AND THE PUBLIC WORKS DEPARTMENT OF THE CITY OF FRANKLIN, WISCONSIN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE PLANNING AND ZONING DEPARTMENT AND THE PUBLIC WORKS DEPARTMENT OF THE CITY OF FRANKLIN, WISCONSIN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE PLANNING AND ZONING DEPARTMENT AND THE PUBLIC WORKS DEPARTMENT OF THE CITY OF FRANKLIN, WISCONSIN.
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FOR REVIEW ONLY www.pinnacle-engr.com

Symbol	Description	Symbol	Description
...

EXISTING CONDITIONS SURVEY:
 EXISTING CONDITIONS WERE PROVIDED BY PINNACLE ENGINEERING GROUP. APPROXIMATE
 LOCATION TO BE USED BY THE SURVEYOR TO LOCATE THE PROPERTY. THE SURVEYOR SHALL
 BE RESPONSIBLE FOR VERIFYING THE LOCATION AND ACCURACY OF THE SURVEY DATA.
 THE SURVEYOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND
 RECORDS TO THE STATE OF WISCONSIN, INCLUDING RECORDING AND CONSTRUCTION OF THE PROJECT.



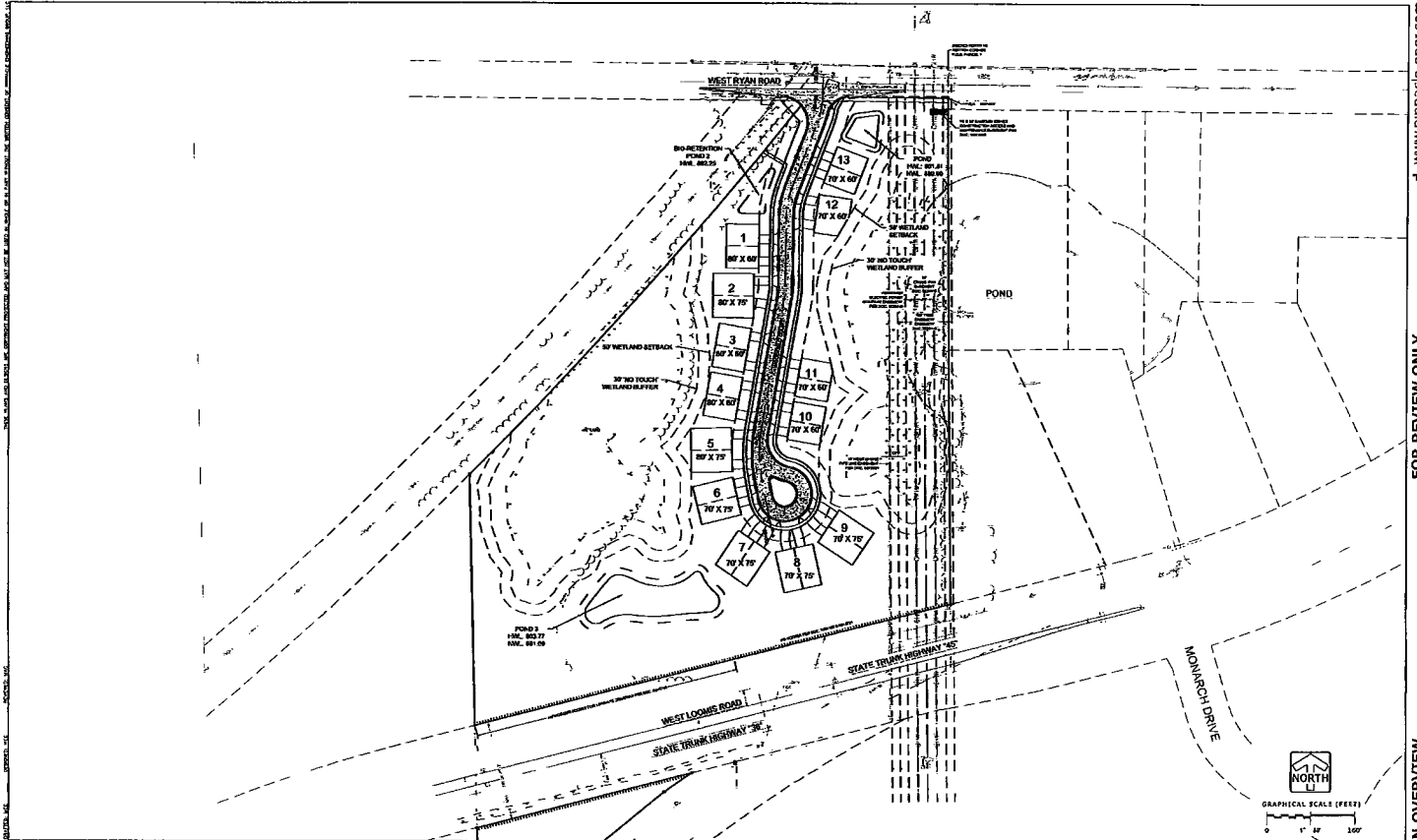
PINNACLE ENGINEERING GROUP
 PLAN | DESIGN | DELIVER
 1000 W. WISCONSIN AVENUE, SUITE 200, WEST RYAN, WI 53132
 TEL: 262.888.8888 FAX: 262.888.8889
 WWW.PINNACLE-ENGR.COM

WOODFIELD TRAIL
 WEST RYAN ROAD, FRANKLIN, WI 53132

EXISTING CONDITIONS PLAN

REVISIONS	
1.	AMERICAN CITY CORP. 5/11/22

SHEET
 C-2
 C-20



www.pinnacle-engr.com

FOR REVIEW ONLY

SITE PLAN OVERVIEW

PLAN | DESIGN | DELIVER

PINNACLE ENGINEERING GROUP
 6150 WISCONSIN AVENUE, SUITE 200
 WEST BEND, WI 53091
 TEL: 761.222.1111 FAX: 761.222.1112
 WWW.PINNACLE-ENGR.COM

WOODFIELD TRAIL
 WEST RYAN ROAD, FRANKLIN, WI 53132

SITE PLAN OVERVIEW

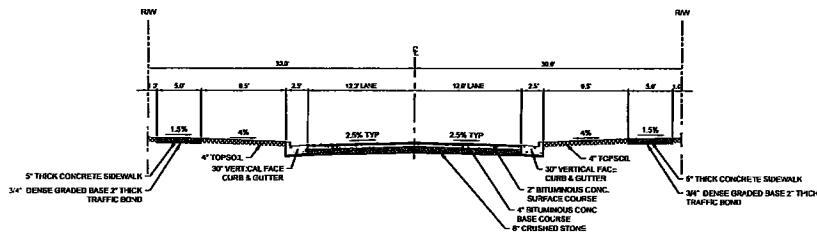
REVISIONS	
1.	ADDRESS CITY COMMENTS 5/11/22

GRAPHICAL SCALE (FEET)
 0 1" = 100'

SHEET
 C-3
 C-20

23/06/2022 10:16:45 AM C:\PROJECTS\WOODFIELD TRAIL\DWG\SP01.DWG

THE CLIENT HAS REVIEWED THE INFORMATION CONTAINED HEREIN AND HAS APPROVED THE INFORMATION FOR THE PROJECT. THE CLIENT'S REVIEW IS LIMITED TO THE INFORMATION PROVIDED AND DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY OR COMPLETENESS.



PROPOSED RESIDENTIAL STREET TYPICAL SECTION 60' R.O.W.
 WOODFIELD COURT
 STA 101+50.00 TO 107+50.00

NOTE: CRUSHED STONE BASE SHALL CONSIST OF THE BOTTOM 4 INCHES OF 1/2" TO 3/4" AND THE TOP 4 INCHES OF 3/4" TO 1 1/2" IS.
 NOTE: BITUMINOUS CONC. BASE COURSE TO HAVE A NO. 3 (19.0mm) GRADATION (S.M. 58-28.5) BITUMINOUS CONC. SURFACE COURSE TO HAVE A NO. 4 (12.5mm) GRADATION (S.M. 58-28.10)

FOR REVIEW ONLY www.pinnacle-engr.com

PLAN | DESIGN | DELIVER
PINNACLE ENGINEERING GROUP
 1000 W. WISCONSIN AVENUE, SUITE 200
 WEST RYAN ROAD, FRANKLIN, WI 53132

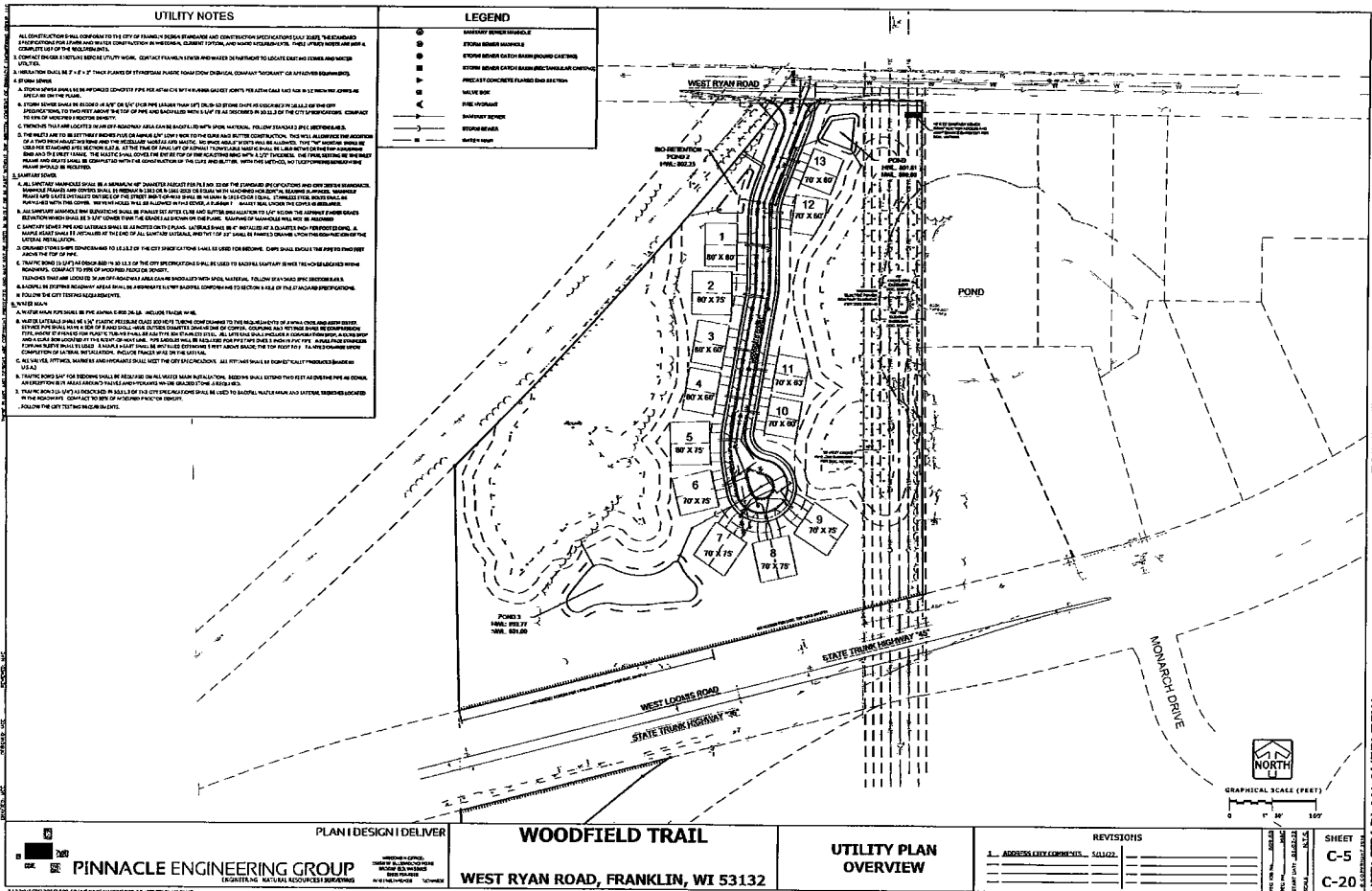
WOODFIELD TRAIL
 WEST RYAN ROAD, FRANKLIN, WI 53132

PROPOSED TYPICAL SECTIONS

REVISIONS	
1.	APPROXIMATE QUANTITIES - 5/11/22

SHEET
 C-4
 C-20

22\FRANKF022016\424614\WOODFIELDTRAIL\PROPOSED TYPICAL SECTIONS.DWG



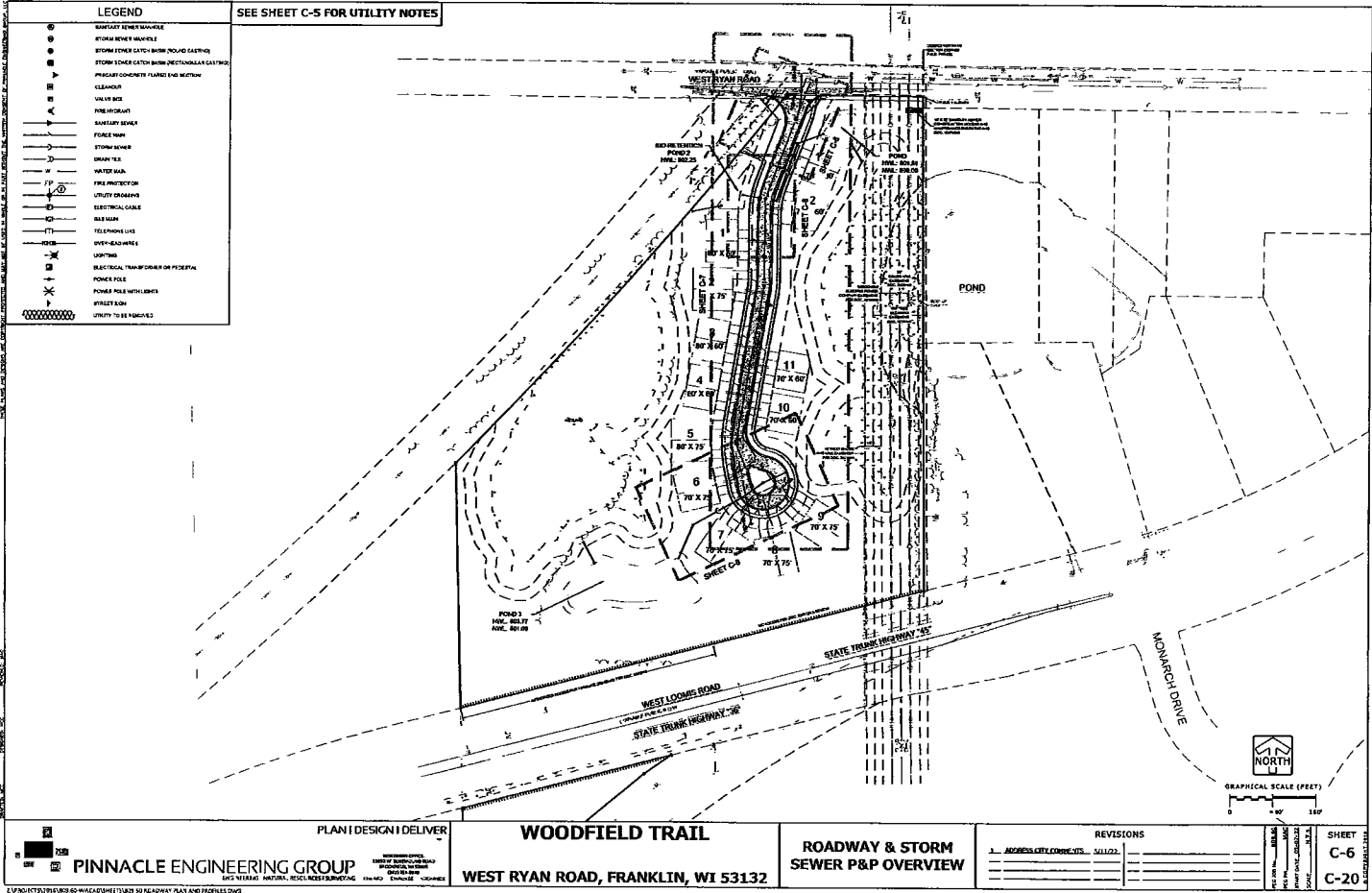
UTILITY NOTES

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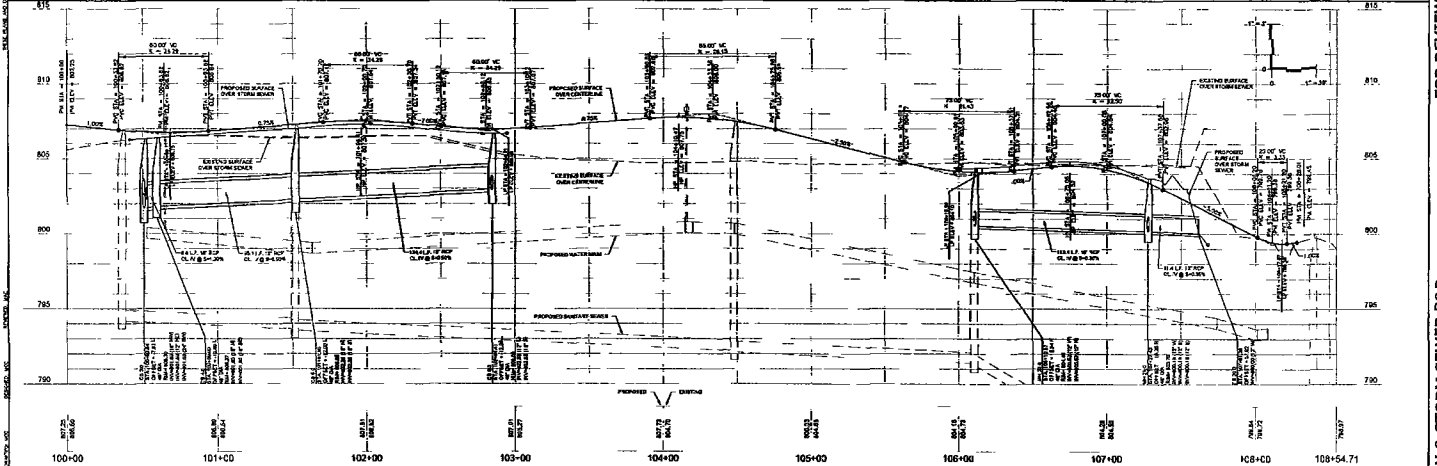
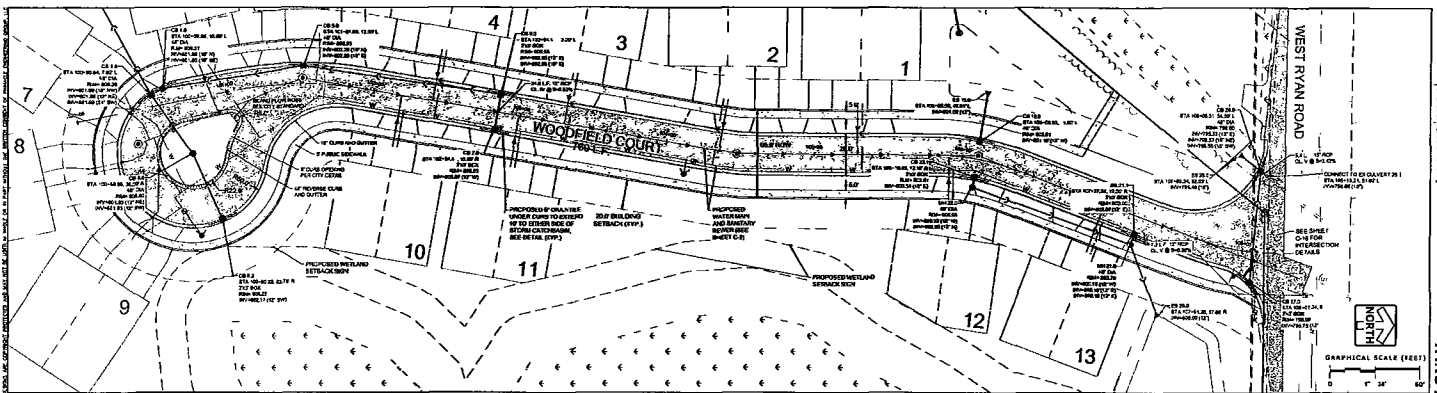
- ALL CONSTRUCTION SHALL CONFORM TO THE CITY OF FRANKLIN ZONING ORDINANCE AND CONSTRUCTION SPECIFICATIONS. SEE THE STANDARD SPECIFICATIONS FOR SANITARY AND WATER CONSTRUCTION IN THE LOCAL, COUNTY, STATE AND FEDERAL SPECIFICATIONS. THESE SPECIFICATIONS ARE THE COMPLETE LIST OF REQUIREMENTS.
- CONTACT ENGINEER IMMEDIATELY BEFORE ANY WORK. CONTACT FRANKLIN ZONING ORDINANCE DEPARTMENT TO LOCATE EXISTING UTILITIES AND RECORD UTILITIES.
- INSTALLATION SHALL BE 7" x 8" 2" THICK PLANS OF STRENGTH PLASTIC ROAD SHOW CHANGING COMPANY "ROADMARK" OR EQUIVALENT EQUIPMENT.
- STORM SEWER
 - A STORM SEWER SHALL BE INSTALLED TO THE CITY OF FRANKLIN ZONING ORDINANCE AND CONSTRUCTION SPECIFICATIONS. THE SEWER SHALL BE 18" DIA. AND SHALL BE 12" DEEP TO THE TOP OF THE MAINLINE. THE SEWER SHALL BE 12" DIA. AND SHALL BE 12" DEEP TO THE TOP OF THE MAINLINE. THE SEWER SHALL BE 12" DIA. AND SHALL BE 12" DEEP TO THE TOP OF THE MAINLINE.
 - STORM SEWER SHALL BE 18" DIA. AND SHALL BE 12" DEEP TO THE TOP OF THE MAINLINE. THE SEWER SHALL BE 12" DIA. AND SHALL BE 12" DEEP TO THE TOP OF THE MAINLINE. THE SEWER SHALL BE 12" DIA. AND SHALL BE 12" DEEP TO THE TOP OF THE MAINLINE.
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- SANITARY SEWER MANHOLE
- STORM SEWER MANHOLE
- STORM SEWER EXPOSED MANHOLE COVERING
- PRECAST CONCRETE FURNISH AND SETTING
- VALVE BOX
- FIRE HYDRANT
- ROADWAY SIGN
- FUTURE ROAD
- WATER MAIN

<p>PLAN DESIGN DELIVER</p> <p>PINNACLE ENGINEERING GROUP</p> <p>1000 W. MONARCH DRIVE, SUITE 200 FRANKLIN, WI 53132 TEL: 608.785.1234</p>	<p>WOODFIELD TRAIL</p> <p>WEST RYAN ROAD, FRANKLIN, WI 53132</p>	<p>UTILITY PLAN OVERVIEW</p>	<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 5%;">NO.</td> <td style="width: 70%;">DESCRIPTION</td> <td style="width: 25%;">DATE</td> </tr> <tr> <td>1</td> <td>ISSUED FOR CITY REVIEW</td> <td>5/11/22</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DESCRIPTION	DATE	1	ISSUED FOR CITY REVIEW	5/11/22									
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1	ISSUED FOR CITY REVIEW	5/11/22																
<p>DATE: 5/11/22</p> <p>PROJECT: WOODFIELD TRAIL</p> <p>CLIENT: WEST RYAN ROAD, FRANKLIN, WI 53132</p>		<p>SHEET</p> <p>C-5</p> <p>C-20</p>																



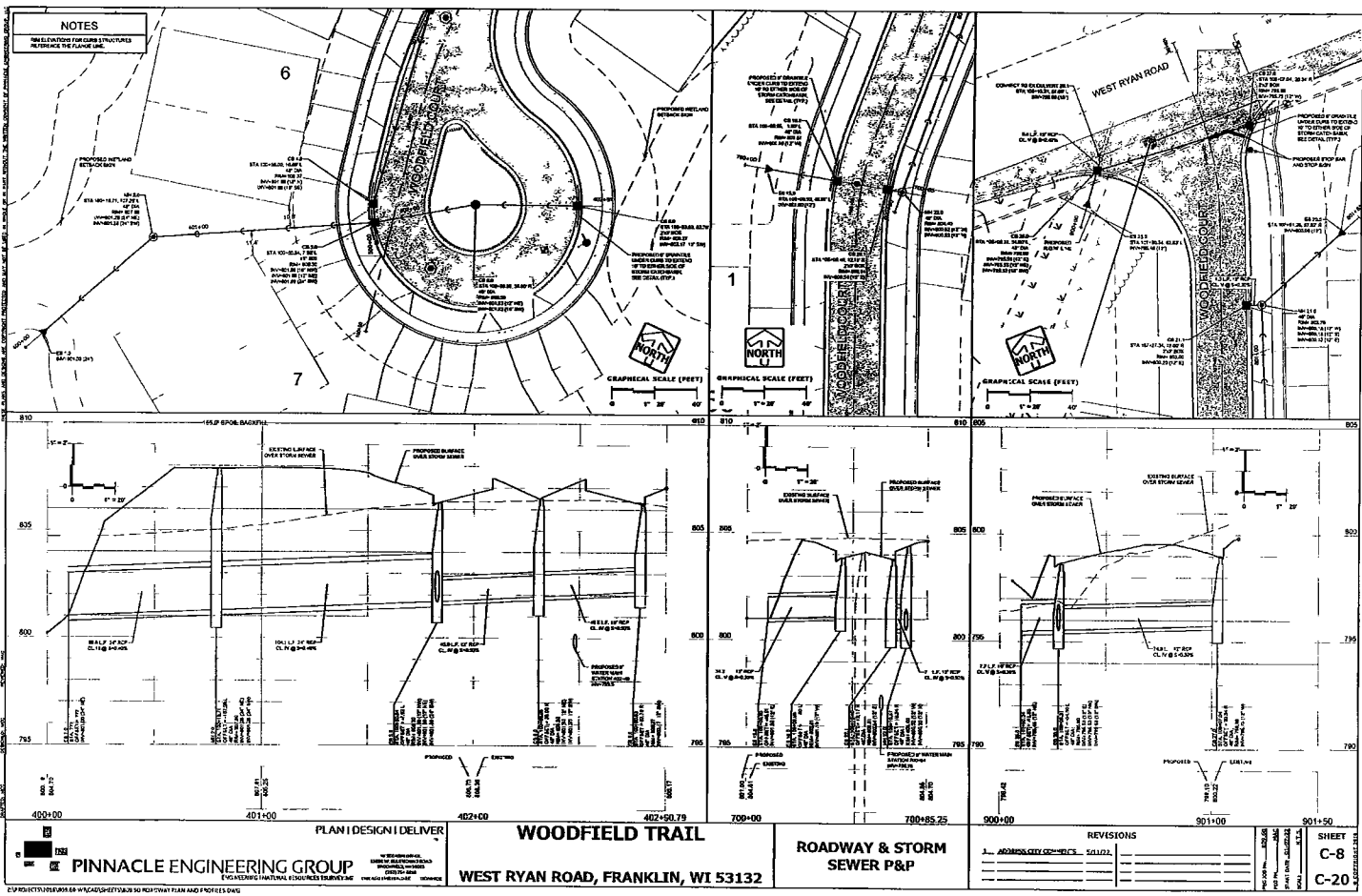
1. VERIFY ALL UTILITIES AND RECORDS TO BE SHOWN ON ROADWAY PLAN AND PROFILE DOW

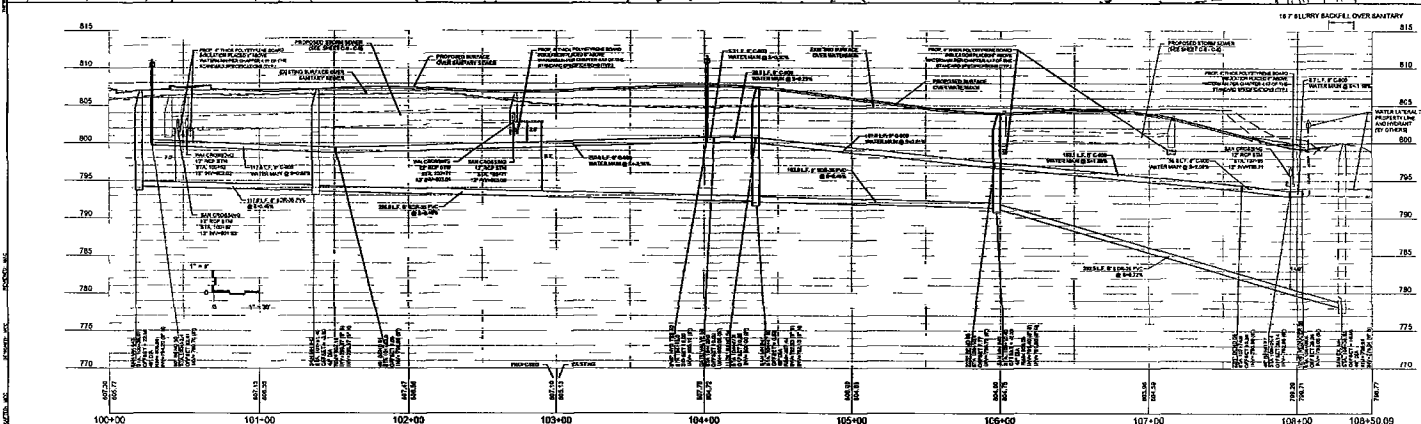
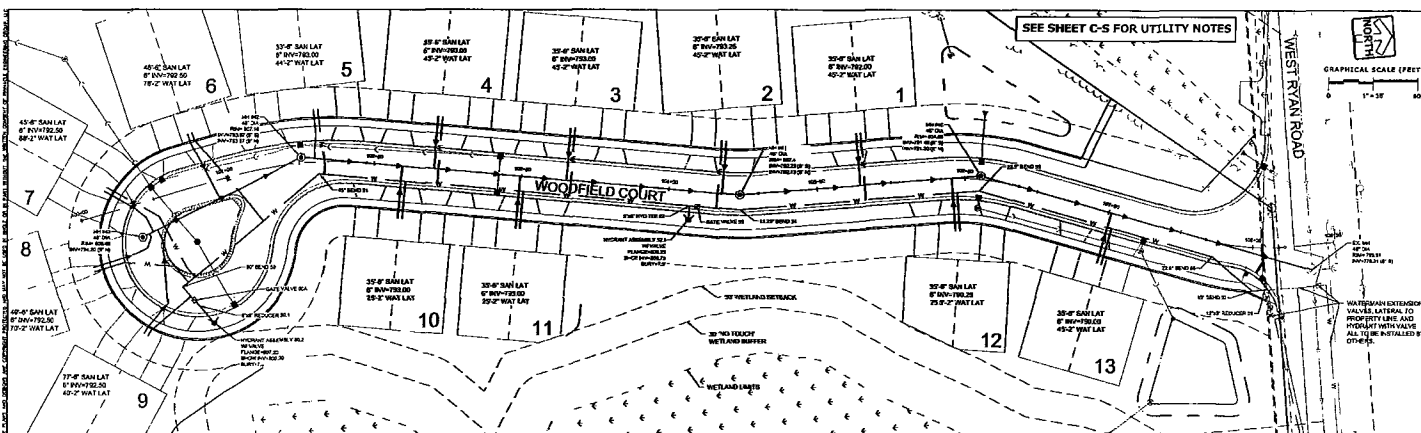


<p>PLANNING DESIGN & DELIVERY</p> <p>PINNACLE ENGINEERING GROUP</p> <p>ENGINEERING, ARCHITECTURE, SURVEYING</p> <p>WEST RYAN ROAD, FRANKLIN, WI 53132</p>	<p>WOODFIELD TRAIL</p> <p>ROADWAY & STORM SEWER P&P</p>	REVISIONS	<p>SHEET</p> <p>C-7</p> <p>C-20</p>
		<p>A. ADDRESS CITY COMMENTS. SKILLZ</p>	

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ROADWAY & STORM SEWER P&P





PLAN | DESIGN | DELIVER

PINNACLE ENGINEERING GROUP
ENGINEERS ARCHITECTS SURVEYORS

17 WILSON DRIVE SUITE 50 WILSON DR FRANKLIN, WI 53132
TEL: 734.755.8500 FAX: 734.755.8501

WOODFIELD TRAIL

WEST RYAN ROAD, FRANKLIN, WI 53132

WATER AND SANITARY PLAN AND PROFILE

REVISIONS	
NO.	DESCRIPTION

SHEET
C-9
C-20

LEGEND

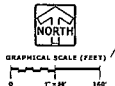
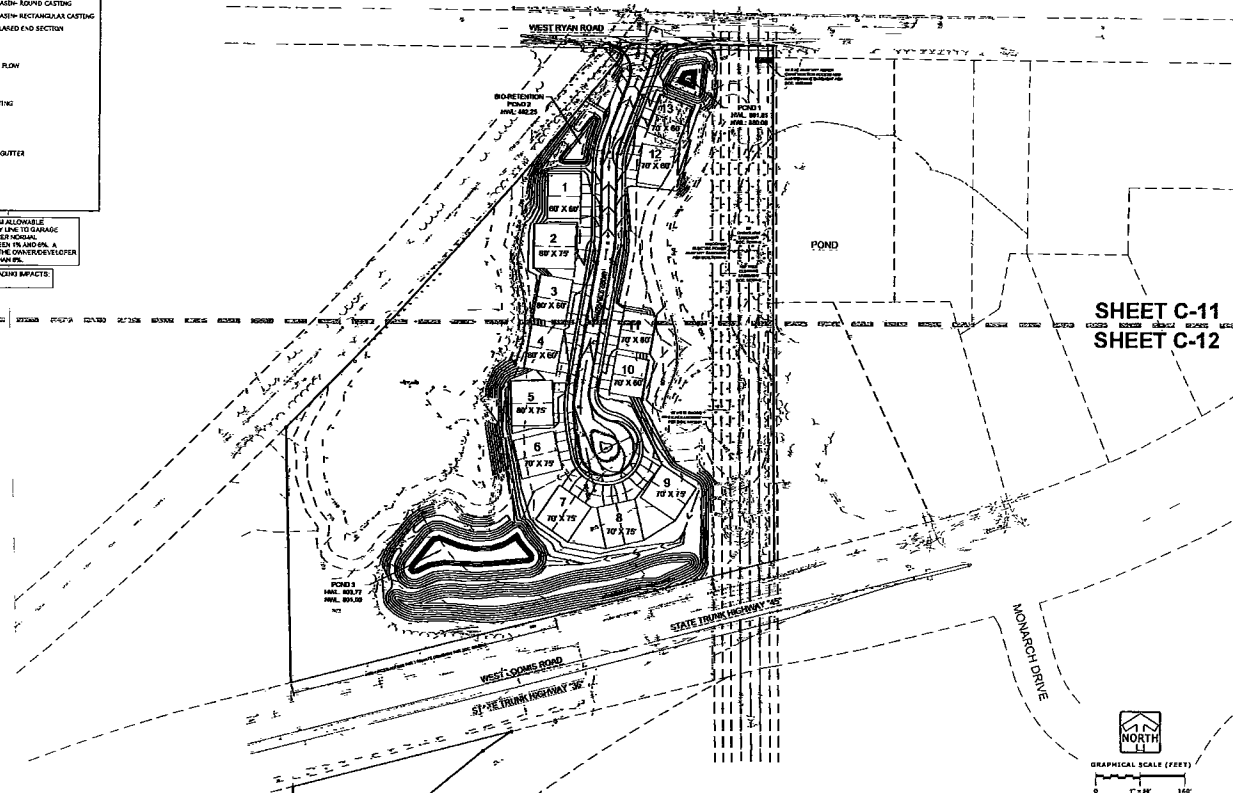
- STORM SEWER MANHOLE
- STORM SEWER CATCH BASIN- ROUND CASTING
- STORM SEWER CATCH BASIN- RECTANGULAR CASTING
- ▬ PROPOSED CONCRETE FINISHED END SECTION
- PROPOSED CONTOUR
- + 780.00 SPOT ELEVATION
- DIRECTION OF SURFACE FLOW
- DITCH OR SWALE
- DIVERSION SWALE
- OVERFLOW RELIEF ROUTING
- ▬ CONCRETE SIDEWALK
- ▬ CURB AND GUTTER
- ▬ DEPRESSED CURB
- ▬ REVERSE PITCH CURB & GUTTER
- EP EDGE OF PAVEMENT
- FF FINISHED FLOOR
- FW TOP OF WALK
- VG VALED EDGE

RESIDENTIAL DRIVEWAY SLOPES: THE MAXIMUM ALLOWABLE DRIVEWAY FROM BACK OF MAJOR RIGHT OF WAY LINE TO GARAGE FLOOR FOR THE CITY OF FRANKLIN IS 8% UNLESS OTHER CONDITIONS. SUGGESTED GRADERS ARE BETWEEN 1% AND 5%. A NUMBER OF ACCESSWAYS MUST BE OWNED BY THE OWNER/DEVELOPER FOR ANY DRIVEWAY WITH A SLOPE GREATER THAN 5%.

PROPOSED TEMPORARY WETLAND BUFFER GRADING IMPACTS: 14,320 SF (0.31 AC)

MATCH LINE
MATCH LINE

SHEET C-11
SHEET C-12



<p>PLAN DESIGN DELIVER</p> <p>PINNACLE ENGINEERING GROUP</p> <p>1210 NORTH WISCONSIN AVENUE, SUITE 200 FRANKLIN, WI 53132 TEL: 608.785.8800 WWW.PINNACLE-ENGR.COM</p>	<p>WOODFIELD TRAIL</p> <p>WEST RYAN ROAD, FRANKLIN, WI 53132</p>	<p>GRADING PLAN OVERVIEW</p>	<p>REVISIONS</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">1. ADDRESS CITY CONCPTS - 5/11/22</td> <td style="width: 50%;"></td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	1. ADDRESS CITY CONCPTS - 5/11/22								<p>SHEET</p> <p>C-10</p> <p>C-20</p>
1. ADDRESS CITY CONCPTS - 5/11/22												

2/1/2025 10:25:00 AM 100% W/CA/04/25/25/000 10 GRADING PLAN OVERVIEW

RESIDENTIAL DRIVEWAY SLOPE: THE MAXIMUM ALLOWABLE DRIVEWAY (FROM BACK OF WALKWAY) OF WAY LINE TO GARAGE FLOOR FOR THE CITY OF FRANKLIN IS 0.1% UNDER NORMAL CONDITIONS. STEEPENED GRADERS ARE BETWEEN 1% AND 6%. A MAJOR OF ACCEPTANCE MUST BE OBTAINED BY THE OWNER/OWNER FOR ANY DRIVEWAY WITH A SLOPE GREATER THAN 6%.

PROPOSED TEMPORARY WETLAND BUFFER GRADING IMPACTS (25.310 SF @ 2:1-1:1)

SEE SHEET C-16 FOR INTERSECTION IMPROVEMENTS

WEST RYAN ROAD

12" X 32" SANITARY SEWER CONSTRUCTION ACCESS AND MAINTENANCE EASEMENT PER DOC. 1657000

POND

WOODFIELD TRAIL

MATCH LINE

SHEET C-12



PLAN | DESIGN | DELIVER

PINNACLE ENGINEERING GROUP

1100 W. WISCONSIN AVENUE, SUITE 200, FRANKLIN, WI 53132
 (608) 785-1100
 WWW.PINNACLE-ENG.COM

WOODFIELD TRAIL

WEST RYAN ROAD, FRANKLIN, WI 53132

GRADING PLAN

REVISIONS	
1	ADDRESS CITY COMMENTS

DATE	BY	CHECKED	SCALE

SHEET C-11
C-20

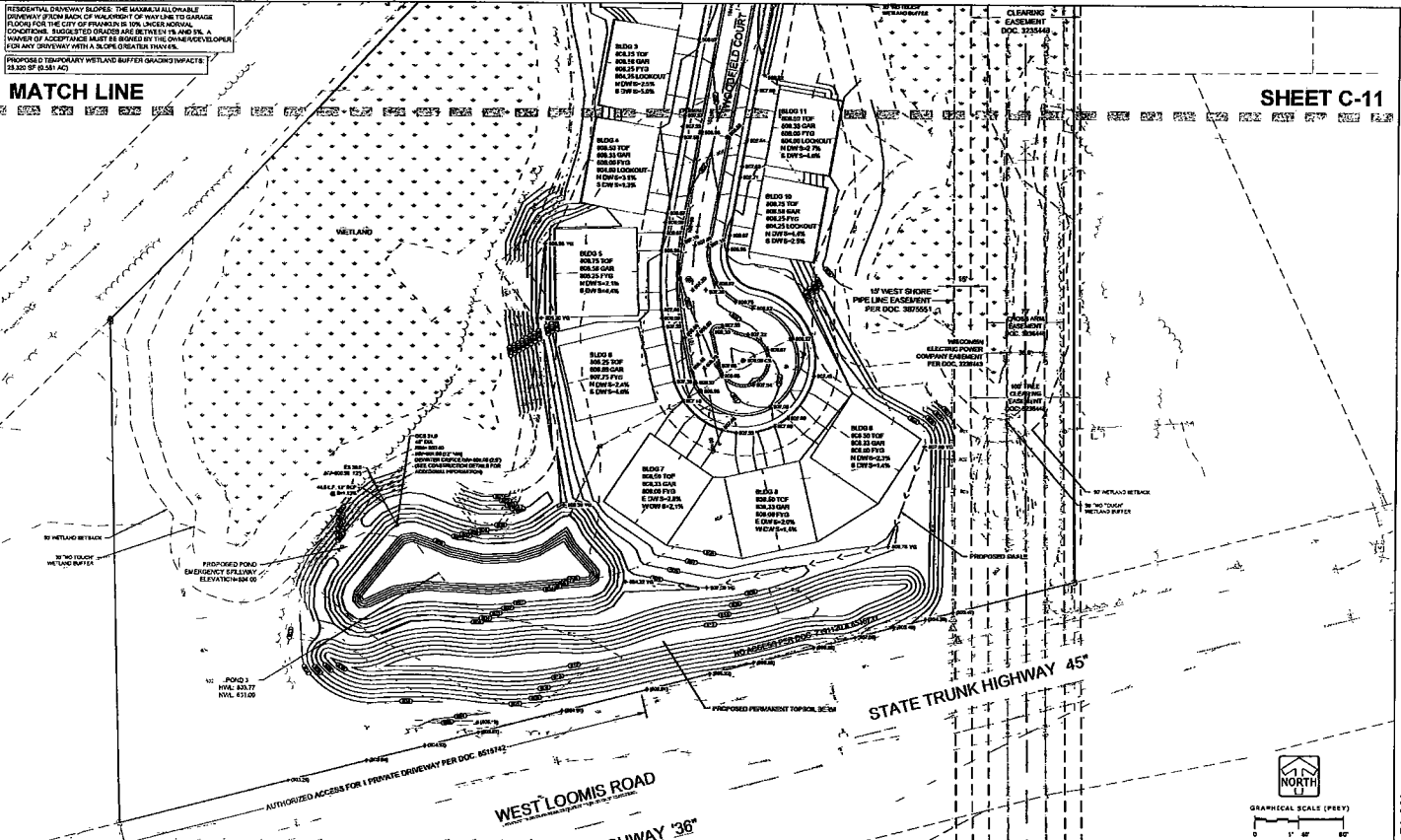
www.pinnacle-engr.com FOR REVIEW ONLY GRADING PLAN

RESIDENTIAL DRIVEWAY SLOPES: THE MAXIMUM ALLOWABLE DRIVEWAY SLOPE FROM BACK OF WALKWAY/TOP OF WAYLINE TO GARAGE FLOOR FOR THE CITY OF FRANKLIN IS 1% UNDER NORMAL CONDITIONS. SUGGESTED GRADES ARE BETWEEN 1% AND 2%. A MINIMUM OF ACCEPTANCE MUST BE OBTAINED BY THE OWNER/DEVELOPER FOR ANY DRIVEWAY WITH A SLOPE GREATER THAN 1%.

PROPOSED TEMPORARY WETLAND BUFFER GRADING IMPACTS: 33.20% OF 30.28 AC.

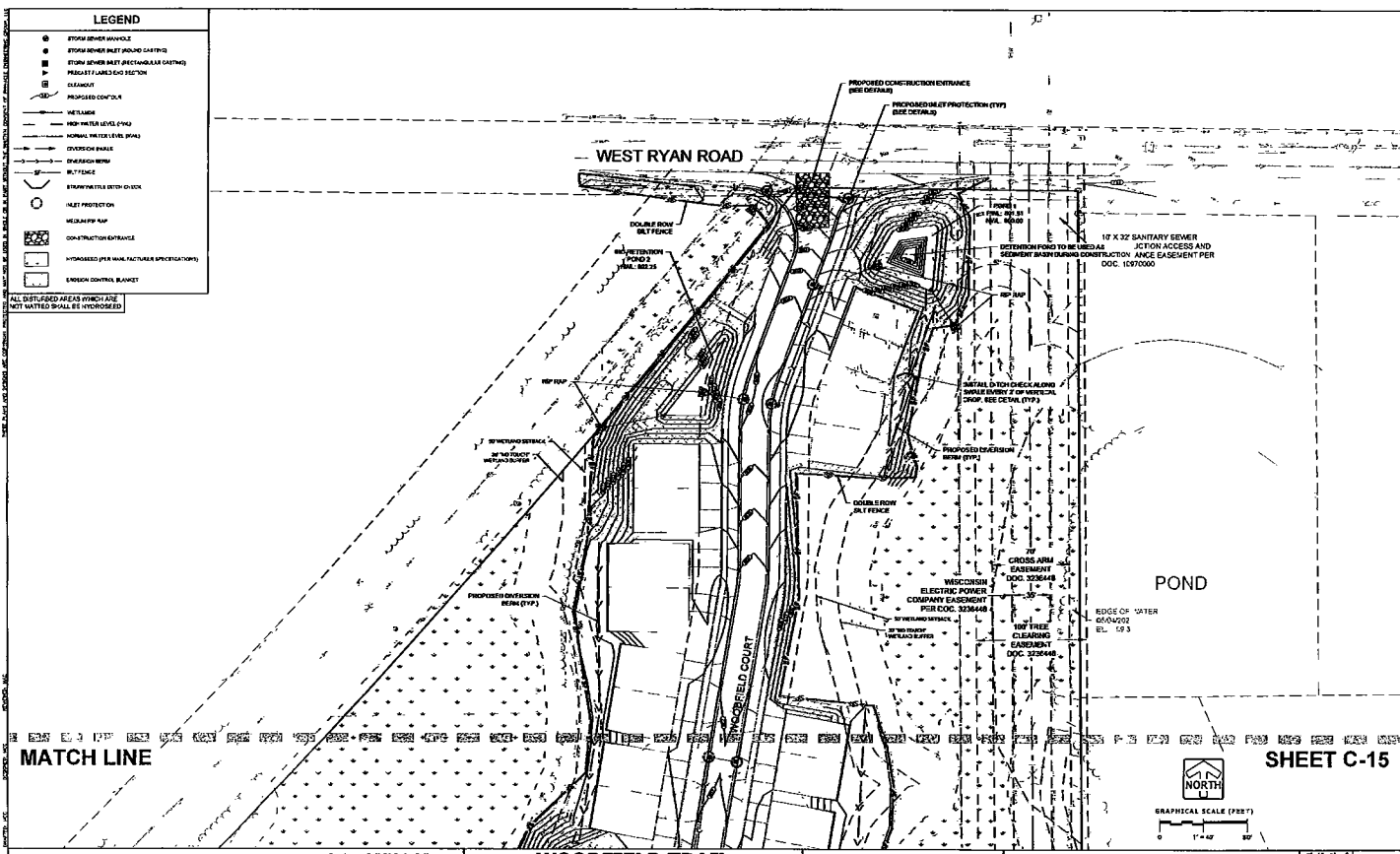
MATCH LINE

SHEET C-11



<p>PINNACLE ENGINEERING GROUP 540 W. MENDOTA AVENUE, SUITE 200, WEST BEND, WI 53091 TEL: 762-1111 FAX: 762-1112 WWW.PINNACLE-ENG.COM</p>	<p>PLAN DESIGN DELIVER</p>	<p>WOODFIELD TRAIL</p>	<p>GRADING PLAN</p>	<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DESCRIPTION	DATE							<p>SHEET C-11</p>
	NO.	DESCRIPTION	DATE											
<p>WEST RYAN ROAD, FRANKLIN, WI 53132</p>	<p>PROJECT NO. 2011-001</p>	<p>DATE: 08/11/11</p>	<p>SCALE: AS SHOWN</p>	<p>DATE: 08/11/11</p>	<p>SHEET C-20</p>									

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MATCH LINE

SHEET C-15

PLAN | DESIGN | DELIVER

PINNACLE ENGINEERING GROUP

1500 W. WISCONSIN AVENUE, SUITE 200, WEST BEND, WI 53591

TEL: 762-1000 FAX: 762-1001

WWW.PINNACLE-ENGR.COM

WOODFIELD TRAIL

WEST RYAN ROAD, FRANKLIN, WI 53132

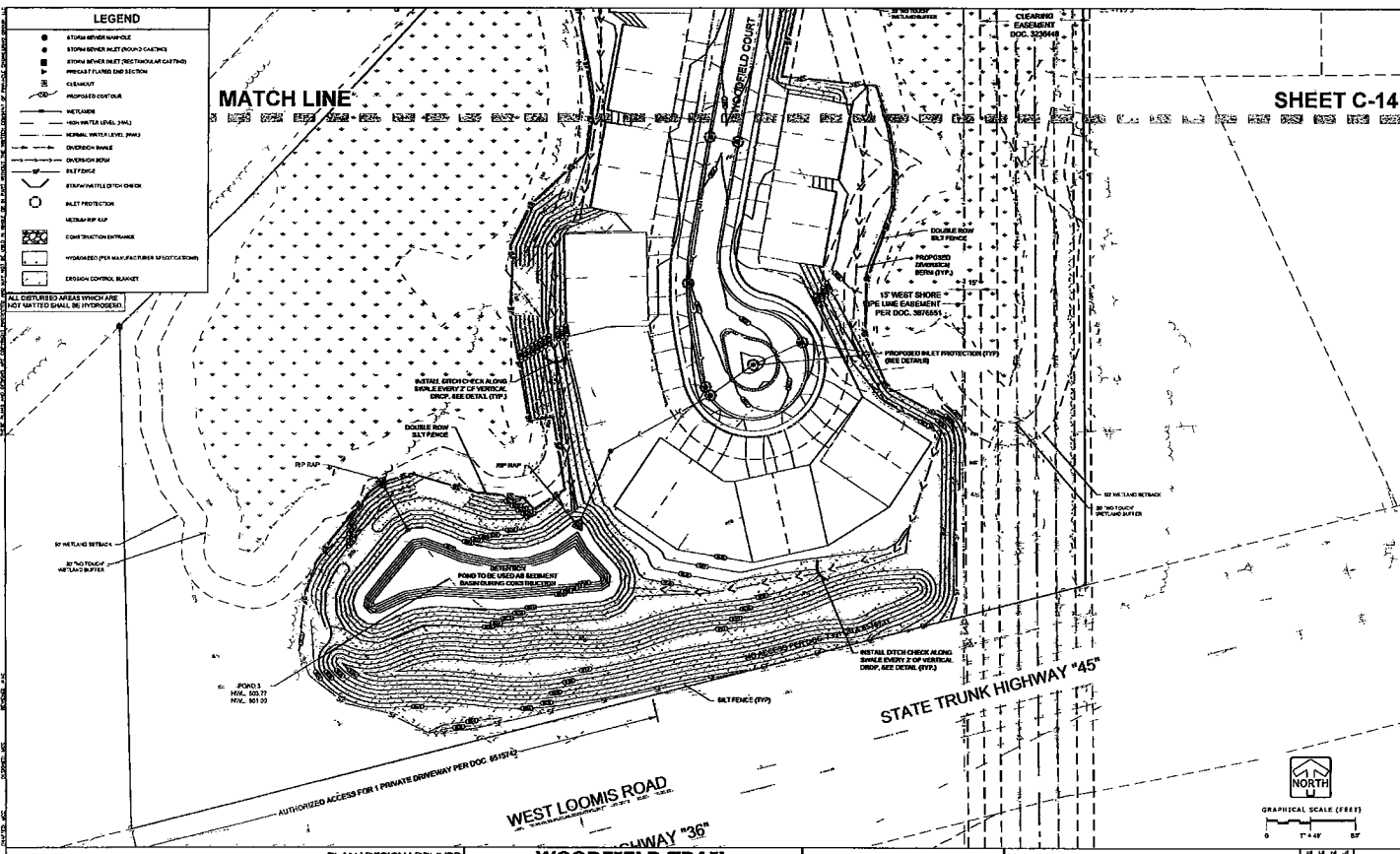
EROSION CONTROL PLAN

REVISIONS	
1.	ISSUE FOR PERMITTING

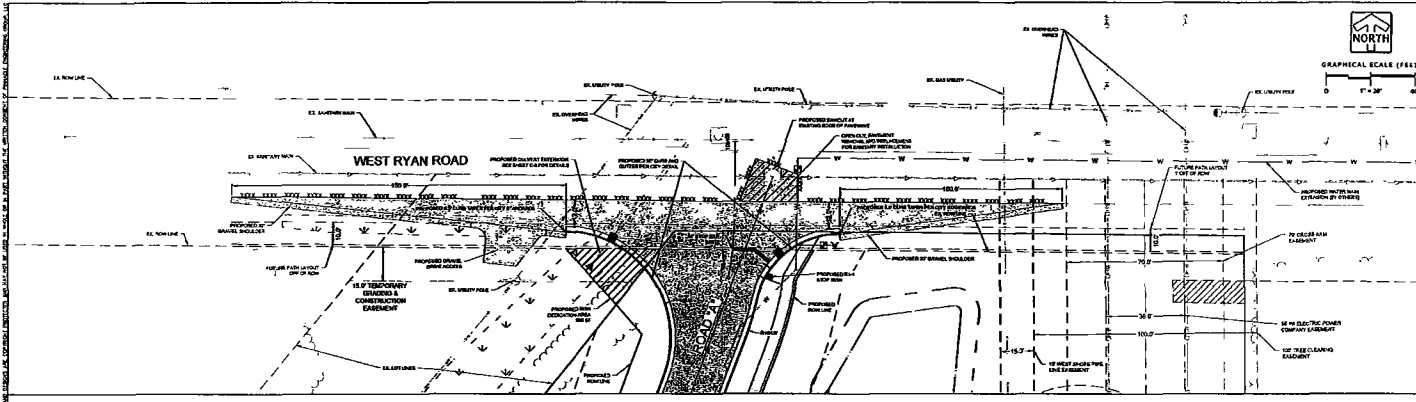
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ALL DISTURBED AREAS WHICH ARE NOT HATCHED SHALL BE HYDROSEED

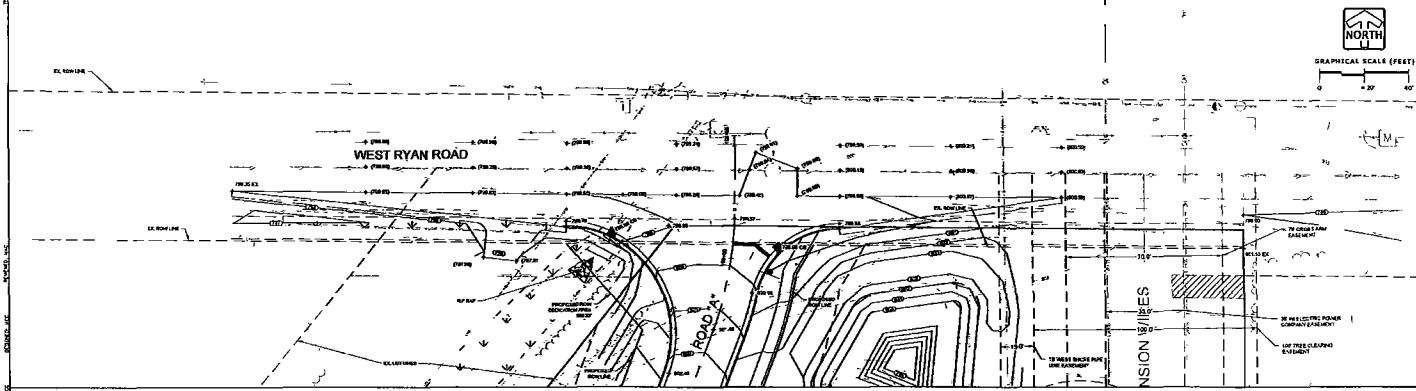
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EROSION CONTROL PLAN



<p>PINNACLE ENGINEERING GROUP</p> <p>1000 W. WISCONSIN AVENUE, SUITE 1000, FRANKLIN, WI 53132</p> <p>TEL: 414.407.1234 FAX: 414.407.1235</p> <p>WWW.PINNACLE-ENGR.COM</p>	<p>PLAN DESIGN DELIVER</p>	<p>WOODFIELD TRAIL</p> <p>WEST RYAN ROAD, FRANKLIN, WI 53132</p>	<p>EROSION CONTROL PLAN</p>	<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION										<p>PROJECT NO. 2012-001</p> <p>DATE: 10/15/12</p> <p>SCALE: AS SHOWN</p> <p>GRAPHICAL SCALE (FEET)</p> <p>0 1' 4" 8'</p>	<p>SHEET</p> <p>C-15</p> <p>C-20</p>
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ROAD A - WEST RYAN ROAD: PROPOSED PAVING AND UTILITY PLAN

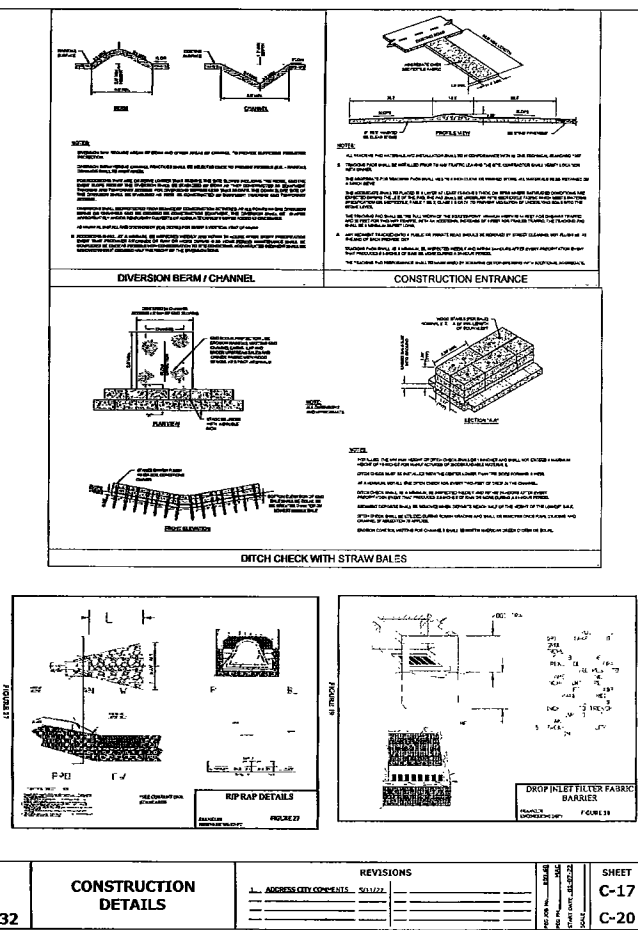


ROAD A - WEST RYAN ROAD: PROPOSED GRADING PLAN

 PINNACLE ENGINEERING GROUP <small>ENGINEERS ARCHITECTS SURVEYORS LANDSCAPE ARCHITECTS</small>	WOODFIELD TRAIL WEST RYAN ROAD, FRANKLIN, WI 53132	INTERSECTION DETAILS	REVISIONS NO. DESCRIPTION DATE _____ _____	SHEET C-16 C-20
			PLAN DESIGN DELIVER	

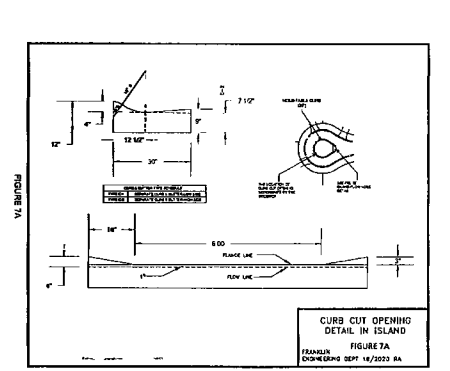
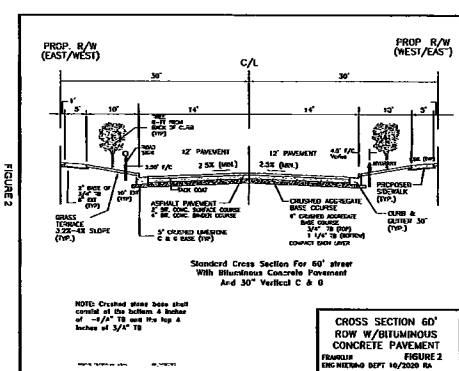
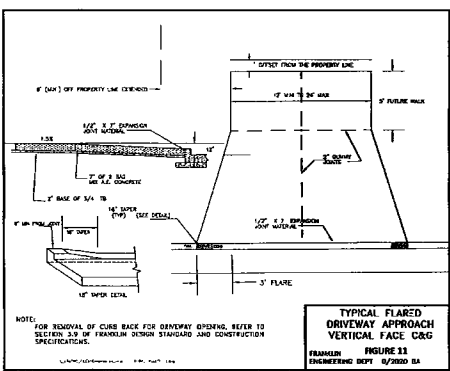
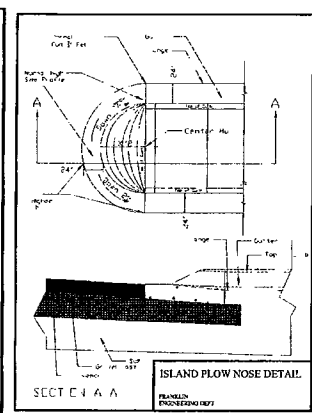
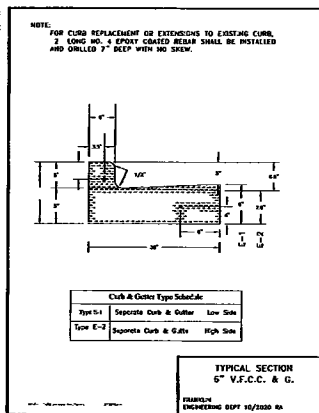
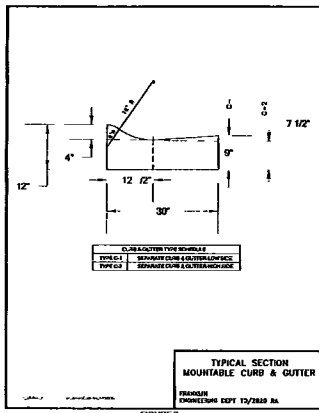
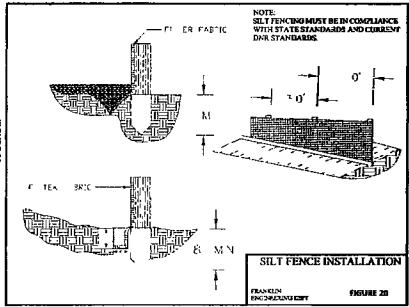
TYPICAL GRADING DIMENSIONS SHOWN ON THIS SHEET ARE TO BE USED IN CONSTRUCTION.

1.4 MATERIALS, METHODS AND FINISHES
1.5 GENERAL NOTES
1.6 CONSTRUCTION AND PROTECTION REQUIREMENTS
1.7 EROSION CONTROL
1.8 STABILIZATION METHODS
1.9 EROSION CONTROL
1.10 EROSION CONTROL
1.11 EROSION CONTROL
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PINNACLE ENGINEERING GROUP EXCELLENCE. INTEGRITY. RESOURCES. INNOVATION.	PLAN DESIGN DELIVER	WOODFIELD TRAIL	CONSTRUCTION DETAILS	REVISIONS	SHEET
	WEST RYAN ROAD, FRANKLIN, WI 53132				C-17 C-20

2/24/2024 10:54 AM PROJECT SHEET 50 CONSTRUCTION DETAILS DWG



PLAN | DESIGN | DELIVER

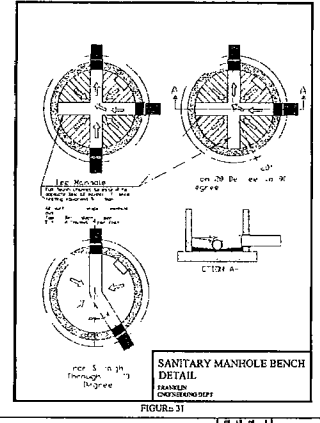
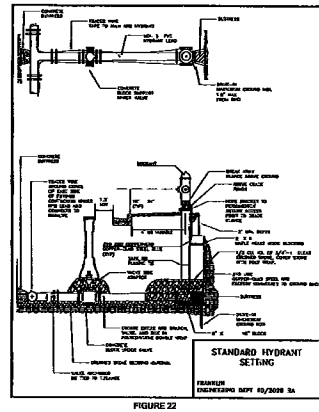
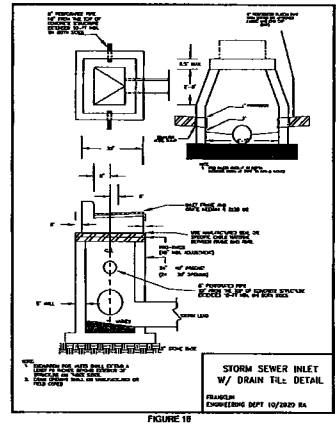
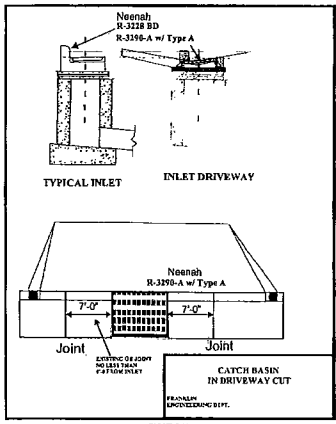
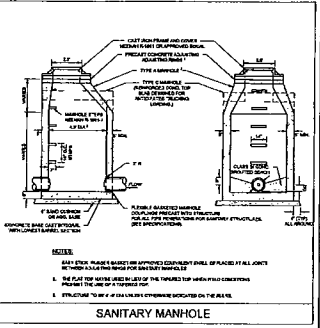
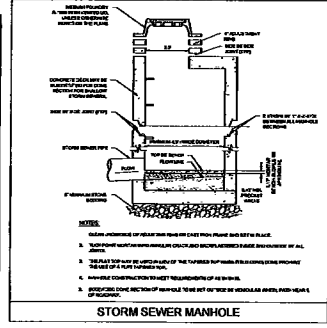
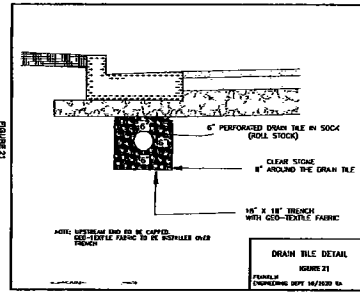
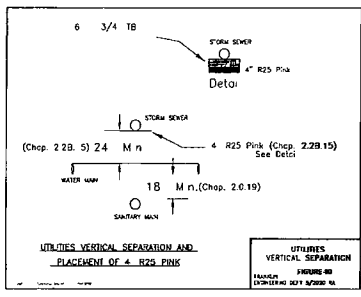
PINNACLE ENGINEERING GROUP
REGISTERED PROFESSIONAL ENGINEERS
REGISTERED PROFESSIONAL SURVEYORS
REGISTERED PROFESSIONAL LANDSCAPE ARCHITECTS

WOODFIELD TRAIL
WEST RYAN ROAD, FRANKLIN, WI 53132

CONSTRUCTION DETAILS

REVISIONS	
1	ADDRESS CITY COMMENTS 5/11/22

SHEET C-18
C-20



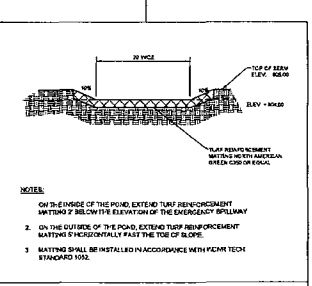
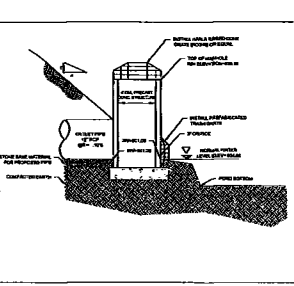
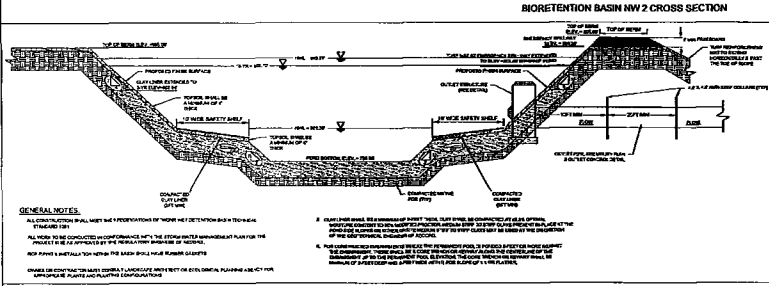
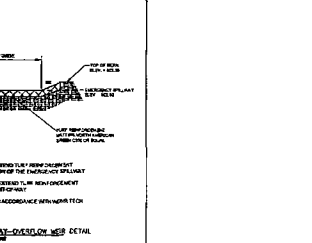
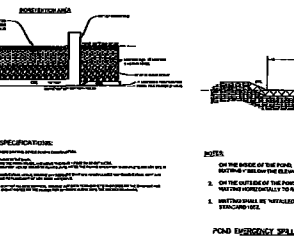
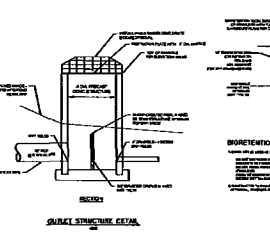
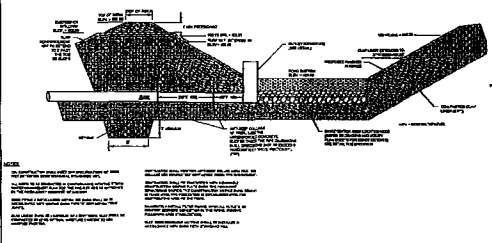
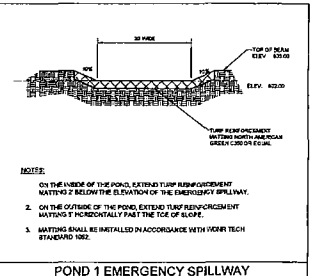
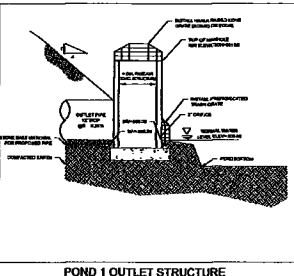
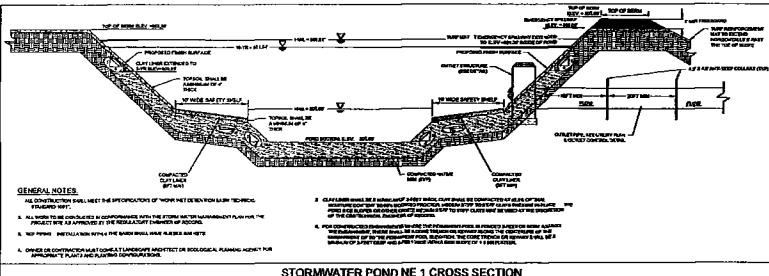
PLAN | DESIGN | DELIVER
PINNACLE ENGINEERING GROUP
 ENGINEERING • NATURAL RESOURCES • SURVEYING

WOODFIELD TRAIL
 WEST RYAN ROAD, FRANKLIN, WI 53132

CONSTRUCTION DETAILS

REVISIONS	
1. ADDRESS CITY COMMENTS	5/11/22

FOR REVIEW ONLY
 CONSTRUCTION DETAILS
 www.pinnacle-engr.com



PLAN 1 DESIGN | DELIVER

PINNACLE ENGINEERING GROUP
ENGINEERING | ARCHITECTURE | INTERIORS | LANDSCAPE ARCHITECTURE

WOODFIELD TRAIL
WEST RYAN ROAD, FRANKLIN, WI 53132

CONSTRUCTION DETAILS

REVISIONS	
1. ADDITIONAL REVISIONS	DATE

SHEET C-20
C-20

2.19 10/20/2019 10:00 AM 10/20/2019 10:00 AM 10/20/2019 10:00 AM

PLANT SCHEDULE

SYMBOLOGY	QTY	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
AD	3	Amelanchier canadensis	Shadbush	4" x 6"	20' T x 10' W
PS	3	Prunella serotina	Blackberry	4" x 6"	20' T x 10' W
STREET TREES					
PL	7	Platanus occidentalis	Sycamore	2" Cal	20' T x 10' W
AND	5	Acer rubrum 'Red Sunset'	Red Maple	2" Cal	20' T x 10' W
QDS	7	Quercus macrocarpa	White Oak	2" Cal	20' T x 10' W
TDS	4	Tilia cordata	Orange Leaf Linden	2" Cal	20' T x 10' W
GROUND COVER					
AG	24,185 sq ft	Agrostis hyemalis	Winter Grass		
PH		Phlox pilularis	Phlox		

LANDSCAPE IMPROVEMENT TABLE	REQUIRED	PROVIDED
PLANTING	14	14
100% TREE PLANTING	14	14

NATIVE PLANTINGS

SPECIFICATIONS FOR HAND BROADCASTING

SEEDING SHALL BE CONDUCTED IN LATE FALL (SEPTEMBER - SOIL FREEZE) SO THAT SEEDS MAY LIE DORMANT DURING THE WINTER, ALLOWING FOR STRATIFICATION, OR SPRING (MARCH - JUNE 1) TO ALLOW A COMPLETE GROWING SEASON TO BECOME ESTABLISHED.

PRIOR TO SEEDING: ALL WEEDS AND EXISTING VEGETATION SHALL BE REMOVED. EXISTING VEGETATION SHALL BE TREATED WITH GLYPHOSATE OR SIMILAR HERBICIDE BY A LICENSED PROFESSIONAL. TREATMENT SHALL OCCUR A MINIMUM OF 10 DAYS PRIOR TO SEEDING/PLANTING. VEGETATION STILL ALIVE AFTER INITIAL HERBICIDE TREATMENT SHALL BE TREATED A SECOND TIME PRIOR TO TILLING INTO THE SOIL. TREATED VEGETATION SHALL BE TILLED INTO THE SOIL NO EARLIER THAN 1 DAY PRIOR TO SEEDING.

A. PREPARATION OF SOIL PRIOR TO SEEDING

- REFER TO CIVIL PLANS FOR SOIL MIX.
- ALL FOREIGN MATERIAL LARGER THAN 1-INCH SHALL BE REMOVED FROM THE SOIL PRIOR TO SEEDING OR PLANTING.
- AREA SHOULD BE FREE FROM UNDESIRABLE VARIATIONS, RIDGES, AND DEPRESSIONS.
- AVOID DRIVING OVER THE SPECIFIED AREA WITH MACHINERY.

B. COVER CROP

- ANNUAL RYE SHALL BE SPREAD AT A DENSITY OF 20 POUNDS PER ACRE DURING THE PLANTING OR SEEDING OF THE NATIVE PLANT SPECIES TO STABILIZE THE SOIL AND REDUCE THE GROWTH OF UNWANTED VEGETATION. THIS ANNUAL GRASS GROWS RAPIDLY WITHOUT COMPETING WITH THE WILDFLOWERS AND GRASSES THAT ARE PLANTED IN THE TARGET AREAS.
- WINTER WHEAT OR PERENNIAL RYE SHALL NOT BE USED AS A COVER CROP. THESE GRASSES MAY OUTCOMPETE PRIMAIRE SEEDINGS, LEADING TO A REDUCTION IN THE SUCCESS OF THE PLANTINGS.

C. SEED MIX AND PRIMAIRE SEED WITH VERNACULITE ACCORDING TO AGRICULTURE RECOMMENDATIONS AND INSTALLATION GUIDELINES

- BROADCAST HALF THE SEED OVER THE ENTIRE SITE OR TARGET AREA.
- BROADCAST THE OTHER HALF OF SEED PERPENDICULAR TO THE DIRECTION THAT THE FIRST HALF OF THE SEED WAS BROADCAST.
- COVER SEED WITH 1-INCH TO 1.5-INCH OF SOIL. USE ANY EXCESS SOIL FROM THE SITE WITH RAKE OR DRAG.
- ROLL SITE TO ENSURE FIRM SEED-TO-GROUND CONTACT.
- KEEP SEED CONSTANTLY WET THROUGH GERMINATION PERIOD, GENERALLY 3 WEEKS.

ALL SEEDING SHALL BE COVERED WITH 1-INCH OF CLEAN, NON-INVASIVE STRAW (NO MARSH HAY, OR REED CANARY GRASS) WITHOUT SEEDS WITHIN SEVEN DAYS. WHEAT, RYE, GRASS, OR BARLEY ARE ACCEPTABLE FORBIDS IF DRAINAGE THOSE AREAS OF SLOPES STEEPER THAN 8:1 (EIGHT FEET HORIZONTAL TO ONE FOOT VERTICAL) SHALL BE PLANTED NO LATER THAN OCTOBER 1 AND STAKED WITH AN EROSION CONTROL BLANKET TO PREVENT EROSION.

NATIVE PLANTINGS:

WEED SUPPRESSION MEASURES:

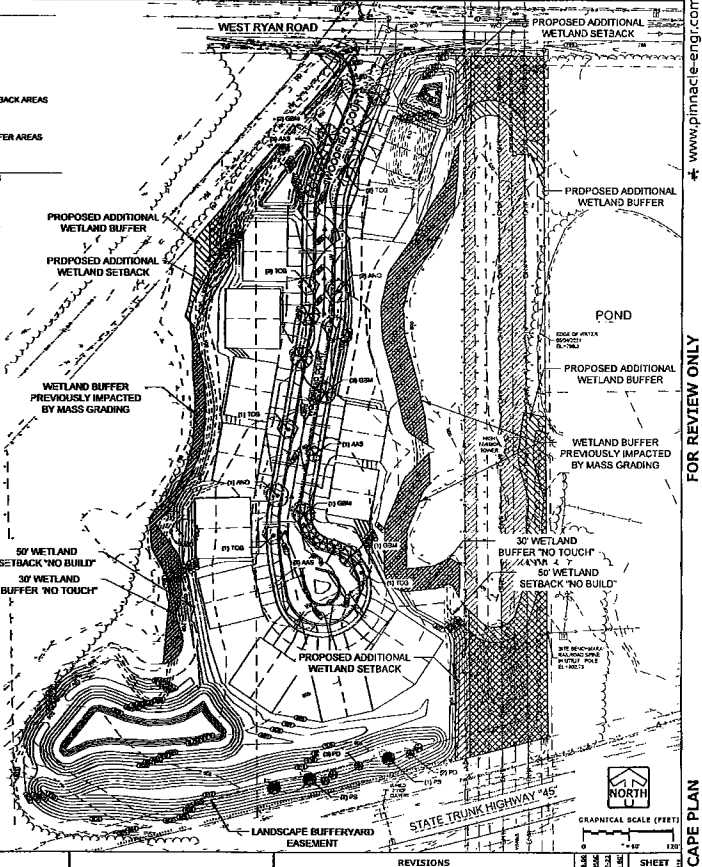
- 1st YEAR - PERFORM SPOT SPRAY WITH HERBICIDE TO SUPPRESS WEEDS. THIS SHOULD OCCUR APPROXIMATELY EVERY MONTH OF THE GROWING SEASON AFTER NATIVE PLANTINGS HAVE BEEN ROUGH GRADED.
- 2nd YEAR - IN MAY/JUNE MOW NATIVE PLANTINGS AT 8" HEIGHT TO SUPPRESS THE WEEDS. PERFORM SPOT SPRAY WITH HERBICIDE TO SUPPRESS WEEDS. HAVE PROFESSIONAL ASSESS PLANTINGS. REPEAT MOWING NATIVE PLANTINGS AND SPOT-SPRAY IN EARLY JULY.
- 3rd YEAR - IN MAY/JUNE MOW NATIVE PLANTINGS AT 8" HEIGHT TO SUPPRESS THE WEEDS. PERFORM SPOT SPRAY WITH HERBICIDE TO SUPPRESS WEEDS.
- 4th YEAR - DO NOT PERFORM A PRESCRIBED BURN. IN JUNE HAVE A QUALIFIED PROFESSIONAL ASSESS PLANTINGS. IF A PRESCRIBED BURN CAN NOT BE UTILIZED, NATIVE PLANTINGS SHALL BE CUT TO THE GROUND AND ALL CUT MATERIAL SHALL BE REMOVED AND DISPOSED OF OFF SITE.

SITE KEY

- 50' WETLAND SETBACK IMPACT AREAS (1,165 SF)
- 30' WETLAND BUFFER IMPACT AREAS (25,830 SF)
- PROPOSED ADDITIONAL WETLAND SETBACK AREAS (29,210 SF)
- PROPOSED ADDITIONAL WETLAND BUFFER AREAS (29,210 SF)

NOTE:

- AREAS OF IMPACT WITHIN WETLAND SETBACKS SHALL BE RESEEDING USING NATIVE SEEDING. REFER TO PLANT SCHEDULE AND NOTES FOR FURTHER DETAIL.
- EXISTING VEGETATION TO REMAIN IN AREAS SHOWN AS ADDITIONAL BUFFER AND SETBACK.



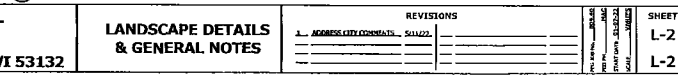
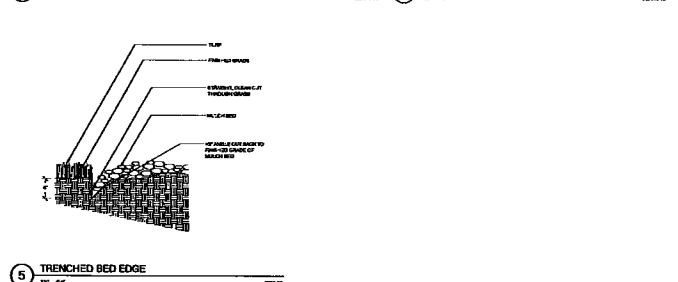
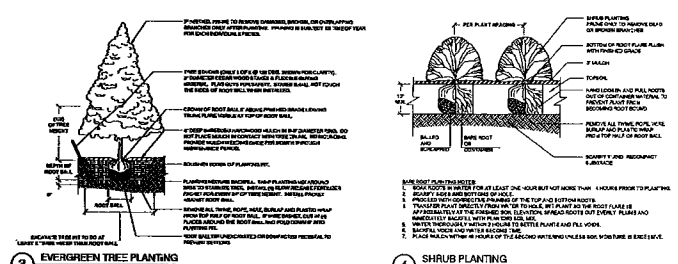
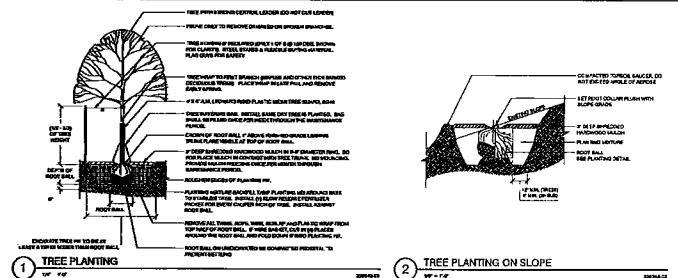
<p>PINNACLE ENGINEERING GROUP 1000 W. WISCONSIN AVENUE, SUITE 200 MADISON, WI 53706 TEL: 608.261.1100 FAX: 608.261.1101 WWW.PINNACLE-ENG.COM</p>	<p>PLAN DESIGN DELIVER</p>	<p>WOODFIELD TRAIL</p> <p>WEST RYAN ROAD, FRANKLIN, WI 53132</p>	<p>LANDSCAPE PLAN</p>	<p>REVISIONS</p> <table border="1"> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	NO.	DATE	DESCRIPTION							<p>GRAPHICAL SCALE (FEET)</p> <p>0 10 20 30 40 50</p>	<p>SHEET</p> <p>L-1</p> <p>L-2</p>
	NO.	DATE	DESCRIPTION												
<p>FOR REVIEW ONLY</p> <p>www.pinnacle-eng.com</p>															

GENERAL PLANTING NOTES

- THE LAYOUT OF ALL INDIVIDUAL TREES SHALL BE STAKED BY THE CONTRACTOR IN ADVANCE OF INSTALLATION. FLAGGING, STAKES, OR PAINS MAY BE USED TO DELINEATE LOCATIONS AS SOILED FROM THE PLANS. AN APPROVED REPRESENTATIVE WILL REVIEW THESE LOCATIONS WITH THE CONTRACTOR AND MAKE MINOR ADJUSTMENTS AS NECESSARY.
- THE CONTRACTOR IS RESPONSIBLE FOR INDEPENDENTLY DETERMINING THE PLANT MATERIAL QUANTITIES REQUIRED BY THE LANDSCAPE ARCHITECT. REPORT ANY DISCREPANCIES TO THE LANDSCAPE ARCHITECT.
- NO PLANT MATERIAL OR PLANT SIZE SUBSTITUTIONS WILL BE ACCEPTED UNLESS APPROVAL BY THE LANDSCAPE ARCHITECT. ANY CHANGES SHALL BE SUBMITTED TO THE LANDSCAPE ARCHITECT IN WRITING PRIOR TO INSTALLATION.
- ALL B&B STOCK SHALL BE NURSERY GROWN IN A CLAY LOAM SOIL FOR A MINIMUM OF THREE GROWING SEASONS WITHIN 200 MILES OF PROJECT LOCATION, IN A ZONE COMPATIBLE WITH USDA HARDINESS ZONE 5A. EXISTING SOIL SHALL BE AMENDED PER SOIL ANALYSIS REPORT TO ENSURE A PROPER GROWING MEDIUM IS ACHIEVED.
- ALL PLANT MATERIAL SHALL COMPLY WITH STANDARDS DESCRIBED IN AMERICAN STANDARDS OF NURSERY STOCK. 200 ANHS. LANDSCAPE ARCHITECT OR OWNERS AUTHORIZED REPRESENTATIVE RESERVES THE RIGHT TO INSPECT AND POTENTIALLY REJECT ANY PLANT MATERIAL DEEMED TO NOT MEET THE REQUIRED STANDARDS.
- ALL STOCK SHALL BE FREE OF DISEASES AND HARMFUL INSECTS, DAMAGE, DISORDERS AND DEFORMITIES.
- TREES SHALL HAVE SINGLE, STRAIGHT TRUNKS AND WELL-BALANCED BRANCH SYSTEMS. MULTI-STEM TREES SHALL HAVE 3-4 STRAIGHT TRUNKS AND WELL-BALANCED BRANCH SYSTEMS. HEIGHT-TO-CANOPY RATIOS SHALL BE CONSISTENT WITH THE LATEST EDITION OF ANSI Z60.1.
- ROOT SYSTEMS SHALL BE LARGE ENOUGH TO ALLOW FOR FULL RECOVERY OF THE TREE, AND SHALL CONFORM TO STANDARDS AS THEY APPEAR IN THE MOST CURRENT EDITION OF THE AMERICAN ASSOCIATION OF NURSERYMEN'S AMERICAN STANDARD OF NURSERY STOCK AND Z60.1.
- B&B TREES SHALL BE DUG WITH A BALL OF SOIL, NOT SOFT BALLED OR POTTED, AND SHALL BE FROM THEIR ROOTBALL. ROOT BALL SHALL BE WRAPPED WITH BIODEGRADABLE MATERIAL. THE TREE ROOT BALL OR COLLAR SHALL BE AT OR WITHIN THE TOP THREE INCHES OF GRADE.
- ALL SPRING TREES MUST BE FRESHLY DUG IN THE MOST RECENT SPRING.
- ALL AUTUMN TREES MUST BE FRESHLY DUG IN THE MOST RECENT AUTUMN.
- TREES SHALL BE ALIVE, HEALTHY AND APPROPRIATELY MOST AT TIME OF DELIVERY. TREES SHALL BE SUBJECT TO INSPECTION FOR CONFORMITY TO SPECIFICATION REQUIREMENTS AND APPROVAL BY THE LANDSCAPE ARCHITECT OR OWNERS REPRESENTATIVE. THE LANDSCAPE ARCHITECT OR OWNERS REPRESENTATIVE RESERVES THE RIGHT TO REJECT ANY TREES THAT DO NOT MEET THE SPECIFICATIONS OR THAT HAVE BEEN DAMAGED DURING SHIPMENT. THE LANDSCAPE INSTALLER MUST RECEIVE APPROVAL FROM LANDSCAPE ARCHITECT FOR ANY SUBSTITUTIONS OR ALTERATIONS.
- ALL PLANT MATERIAL SHALL BE INSTALLED IN ACCORDANCE WITH PLANTING DETAILS.
- WHILE PLANTING TREES & SHRUBS, BACKFILL OF PLANTING HOLE AND WATER TREE THOROUGHLY BEFORE INSTALLING THE REMAINDER OF SOIL MIXTURE. AFTER ALL SOIL HAS BEEN PLACED INTO THE PLANTING HOLE WATER THOROUGHLY AGAIN.
- THE CONTRACTOR MUST LABEL ALL TREES WITH THE COMMON AND SO BOTANICAL NAMES PRIOR TO FINAL INSPECTION.
- ALL TREES PLANTED IN TURF AREAS SHALL RECEIVE A 3" DEEP SHROUDED HARDWOOD MULCHED RING AS SHOWN IN PLANTING DETAILS.
- ALL TREE RINGS SHALL HAVE A 6" DEEP TRENCHED BED EDGE CREATED BY EITHER A FLAT LANDSCAPE SPADER OR MECHANICAL EDGER. BED EDGES ARE TO BE CUT CLEAN AND SMOOTH AS SHOWN ON LANDSCAPE PLANS WITH A CLEAR DEFINITION BETWEEN TURF AND PLANTING AREAS.
- ALL FINISH GRADING AND LAWN AREAS TO BE INSTALLED BY LANDSCAPE CONTRACTOR.
- ALL DISTURBED AREAS WITHIN THE PROJECT SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION.
- ALL DISTURBED AREAS OUTSIDE THE LIMITS OF WORK SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION AT NO ADDITIONAL COST TO THE OWNER.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING UTILITIES, INCLUDING ANY IRRIGATION LINES, PRIOR TO DIGGING. CONSULT DIGGERS HOTLINE.
- TREES SHALL BE INSTALLED NO CLOSER THAN
 - 10 FEET FROM ANY FIRE HYDRANT
 - 7 FEET FROM STORM SEWER, SANITARY SEWER LATERALS, AND WATER SERVICE
 - 5 FEET FROM DRIVEWAYS
 - 3 FEET FROM SIDEWALKS
- THE CONTRACTOR SHALL ENSURE THAT SOIL CONDITIONS AND COMPACTIION ARE ADEQUATE TO ALLOW FOR PROPER DRAINAGE AROUND THE CONSTRUCTION SITE. UNDESIRABLE CONDITIONS SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT PRIOR TO BEGINNING OF WORK. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO ENSURE PROPER SURFACE AND SUBSURFACE DRAINAGE IN ALL AREAS.
- THE CONTRACTOR IS RESPONSIBLE FOR ALL PERMITS, FEES, AND LICENSES NECESSARY FOR THE INSTALLATION OF THIS PLAN.
- THE CONTRACTOR IS TO REVIEW ALL SITE ENGINEERING DOCUMENTS PRIOR TO INSTALLATION. ANY COMMENTS MUST BE REPORTED TO THE LANDSCAPE ARCHITECT. THESE LANDSCAPE DRAWINGS ARE FOR THE INSTALLATION OF PLANT MATERIALS ONLY UNLESS OTHERWISE STATED.
- THE CONTRACTOR SHALL PROVIDE WATERING AND MAINTENANCE SERVICES FOR A PERIOD OF 90 DAYS TO ENSURE VEGETATIVE ESTABLISHMENT. UPON COMPLETION OF THE PROJECT, CONTRACTOR SHALL SUPPLY THE OWNER IN WRITING WITH DRAINAGE AND MAINTENANCE INSTRUCTIONS.
- PLANT MATERIALS SHALL BE GUARANTEED FOR A PERIOD OF ONE (1) YEAR FROM TIME OF OWNER ACCEPTANCE. ONLY ONE REPLACEMENT PER PLANT WILL BE REQUIRED DURING THE WARRANTY PERIOD EXCEPT IN THE EVENT OF FAILURE TO COMPLY WITH THE SPECIFIED REQUIREMENTS.
- THE CONTRACTOR IS RESPONSIBLE TO CONDUCT A FINAL WALK THROUGH WITH THE LANDSCAPE ARCHITECT AND/OR OWNERS REPRESENTATIVE TO ANSWER QUESTIONS, PROVIDE INSTRUCTIONS, AND ENSURE THAT PROJECT REQUIREMENTS HAVE BEEN MET.

SOIL PLACEMENT NOTES

- LOOSEN SUBGRADE TO A MINIMUM DEPTH INDICATED IN PLANTING NOTES USING A CULTIVATOR OR SIMILAR EQUIPMENT AND REMOVE STONES MEASURING OVER 1-1/2 INCHES IN ANY DIMENSION. STICKS, RUBBER AND OTHER EXTRANEIOUS MATTER. AREAS ADJACENT TO WALKS AND PAVEMENT SHALL BE FREE OF EXCESS STONE AND PAVING MATERIALS SO AS TO PROVIDE AN UNINTERRUPTED CROSS SECTION OF SOIL.
- THOROUGHLY BLEND PLANTING SOIL MIX FOR PLANTING BED AREAS. (1 PART EXISTING SOIL, 1 PART TOPSOIL, 1 PART ORGANIC SOIL AMENDMENT 2:3:70 POUNDS PER CUBIC YARD OF 4-4-4 ANALYSIS BLOWN/BALE FERTILIZER)
- TREE AND SHRUB HOLES SHALL BE FILLED WITH A PREPARED PLANTING MIXTURE OF 1 PART TOPSOIL, 2 PARTS PLANTING SOIL MIX.
- SPREAD SOIL AND SOIL AMENDMENTS TO DEPTH INDICATED ON DRAWINGS, BUT NOT LESS THAN REQUIRED TO MEET FINISH GRADES AFTER NATURAL SETTLEMENT. (FINISH GRADE OF PLANTING BEDS SHALL BE 3" BELOW ALL ADJACENT SURFACES. FINISH GRADE OF TURF SEEDING AREAS SHALL BE 1" BELOW ALL ADJACENT HARD SURFACES, WALKS AND CURBS)
- PLACE APPROXIMATELY 1/2 OF TOTAL AMOUNT OF SOIL REQUIRED. WORK INTO TOP OF LOOSENED SUBGRADE TO CREATE A TRANSITION LAYER, THEN PLACE REMAINDER OF THE SOIL. SOIL TRANSITION LAYER SHALL BE FILLED TO A MINIMUM DEPTH OF 6" BELOW THE DEPTH OF NEWLY PLACED SOIL. PARKING LOT ISLANDS SHALL BE GROUND TO A HEIGHT OF 6" TO PROVIDE PROPER DRAINAGE UNLESS OTHERWISE NOTED.
- DO NOT SPREAD IF PLANTING SOIL OR SUBGRADE IS FROZEN, MUDDY OR EXCESSIVELY WET.
- FINISH GRADING GRADE SOIL TO A SMOOTH, UNIFORM SURFACE PLANE WITH LOOSE, UNIFORM FINE TEXTURE.
- ROLL AND RAKE, REMOVE RIDGES, AND FILL DEPRESSIONS TO MEET FINISH GRADES.
- RESTORE PLANTING BEDS IF ERODED OR OTHERWISE DISTURBED AFTER FINISH GRADING AND BEFORE PLANTING.



LANDSCAPE ARCHITECT

PLAN DESIGN | DELIVER

PINNACLE ENGINEERING GROUP
ENGINEERS | NATURAL RESOURCES MANAGERS

WOODFIELD TRAIL

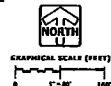
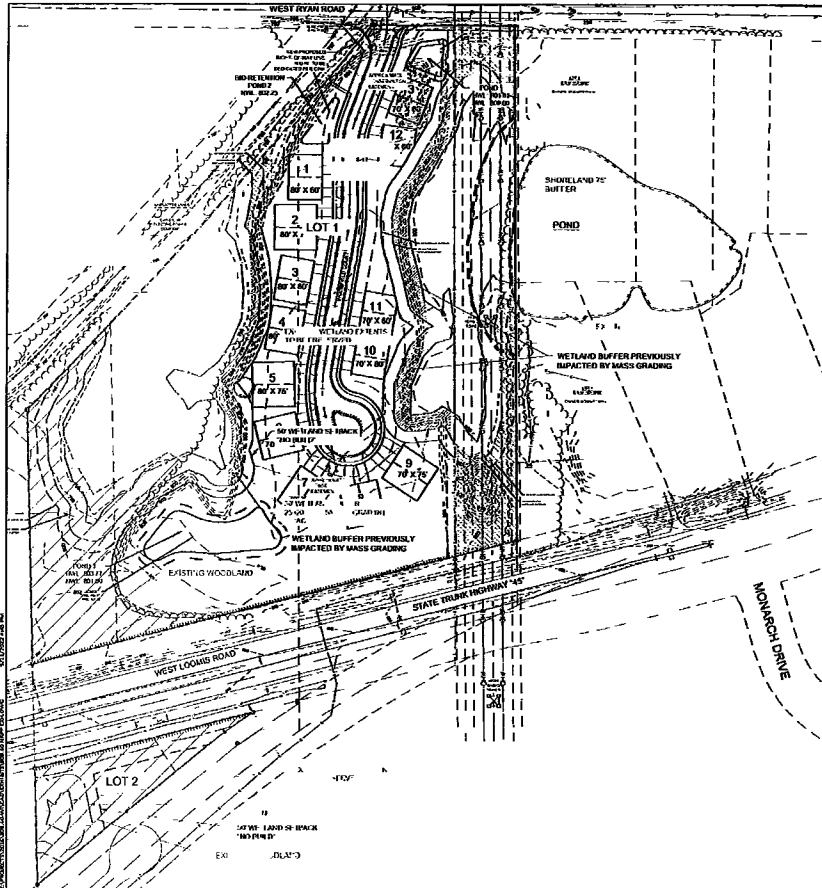
WEST RYAN ROAD, FRANKLIN, WI 53132

LANDSCAPE DETAILS & GENERAL NOTES

REVISIONS

NO.	ADDRESS CITY COUNTY STATE	DATE
1	514122	

SHEET L-2 OF 2



SITE DATA	
PROJECT NAME	FRANKLIN DEVELOPMENT
LOCAL ADDRESS	FRANKLIN, WI 53110
OWNER CONTACT INFORMATION	DAVID ELLIOTT FRANKLIN DEVELOPMENT 1411 80TH STREET GREENFIELD, WI 53110 delliott@franklindevelopment.com
DESIGNER CONTACT INFORMATION	PAUL CANNY Pinnacle Engineering Group 20725 WATERLOO AVENUE BROOKFIELD, WI 53005 pcanny@pinnacleeng.com

NATURAL RESOURCE FEATURE AREAS

RESOURCE TYPE	AREAS OF RESOURCE LOT 1 (15.81 AC)	AREAS OF RESOURCE LOT 2 (0.91 AC)
1. BEEF SLACKS AREA AS PER MAPS AND FIELD OBSERVATIONS	N/A	N/A
2. BEEF SLACKS AREA AS PER MAPS AND FIELD OBSERVATIONS	N/A	N/A
3. WETLANDS AS PER MAPS AND FIELD OBSERVATIONS	84,509 SF (1.91 AC)	2,175 SF (0.05 AC)
4. WETLANDS WITH BUFFER AS PER MAPS AND FIELD OBSERVATIONS	48,085 SF (1.09 AC)	15,362 SF (0.35 AC)
5. WETLANDS WITH BUFFER AS PER MAPS AND FIELD OBSERVATIONS	63,089 SF (1.42 AC)	9,977 SF (0.23 AC)
6. LINES & POINTS WETLANDS PER TOPO GRAPHY & VISUAL SURVEY	1,021 SF (0.02 AC)	N/A
7. WATER BUFFER AS PER MAPS AND FIELD OBSERVATIONS	22,137 SF (0.51 AC)	N/A
8. WETLANDS WITH BUFFER AS PER MAPS AND FIELD OBSERVATIONS	75,284 SF (1.73 AC)	35,759 SF (0.81 AC)
9. WETLANDS AS PER MAPS AND FIELD OBSERVATIONS	N/A	N/A
10. FLOODPLAINS AS PER MAPS AND FIELD OBSERVATIONS	N/A	N/A
11. WETLANDS AS PER MAPS AND FIELD OBSERVATIONS	109,844 SF (2.50 AC)	N/A

ADDITIONAL INFORMATION IS INCLUDED IN THE ATTACHED SITE INTENSITY CALCULATIONS
 * WETLANDS DELIMITED BY HEARTLAND ECOLOGICAL GROUP INC ON 8-22-2021
 ** STEEPER SLOPES EXIST ON SITE DUE TO RECENT PILL GRADING THAT WAS COMPLETED DUE TO THIS POND BEING MANMADE) THEY ARE NOT INCLUDED IN THIS NRPP

WETLAND IMPACTS DATA TABLE	
TOTAL WETLAND BUFFER IMPACT:	75,305 SF (1.66 AC)
RECOVERABLE WETLAND IMPACT:	37,169 SF (0.82 AC)
TOTAL WETLANDS BUFFER IMPACT:	81,000 AC
RECOVERABLE WETLAND IMPACT:	9,977 SF (0.23 AC)

APPROVAL	REQUEST FOR COUNCIL ACTION	MTG. DATE June 21, 2022
Reports & Recommendations	A Resolution to Adopt the Ryan Creek Pedestrian / Bicycle Trail	ITEM NO. G.5.

BACKGROUND

At the July 6, 2021 Common Council meeting, GRAEF-USA Inc. was authorized to prepare a Ryan Creek Bicycle/Pedestrian Trail Plan. This plan was presented to the Parks Commission on January 10, 2022, and those comments were incorporated into the attached final version of the “Ryan Creek Pedestrian / Bicycle Trail Plan”

The Ryan Creek Trail is the next large trail segment contemplated by the 2030 City Comprehensive Outdoor Recreation Plan, and its design and construction are eligible for Impact Fees.

ANALYSIS

The Franklin Parks Commission is expected to discuss this issue on June 20, 2022 and Staff will bring any recommendations to the Common Council’s June 21, 2022 meeting.

On June 6, 2022, Staff was directed to start discussions with the Franklin Public Schools for a large portion of this trail that would extend from S. 92nd Street to S. 80th Street.

OPTIONS

Adopt the plan, or provide comments that need to be incorporated in the document.

FISCAL NOTE

The contract to perform this work was for \$57,000 and it is anticipated the project (46-0321-5216.5140) will be \$30,000 under budget (assuming no additional changes are requested or needed). A budget amendment will follow soon after the project is finalized.

Adoption of this plan has no direct impact on the budget. Pieces will be discussed and budgeted as appropriate.

RECOMMENDATION

Adopt Resolution 2022-_____ a resolution to adopt the Ryan Creek Pedestrian / Bicycle Trail Plan.

Engineering Department: GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2022 - _____

A RESOLUTION TO ADOPT THE
RYAN CREEK PEDESTRIAN / BICYCLE TRAIL PLAN

WHEREAS, the City is planning for parks and trails in accordance with the 2030 Comprehensive Outdoor Recreation Plan; and

WHEREAS, the southern portion of Franklin is anticipating much development in the near future; and

WHEREAS, it is advantageous to plan for connecting trails and parks in advance of individual developments; and

WHEREAS, The Ryan Creek Trail is the next large trail segment contemplated by the 2030 City Comprehensive Outdoor Recreation Plan; and

GRAEF-USA, Inc has prepared a plan dated _____ for the Ryan Creek Pedestrian / Bicycle Trail plan; and

WHEREAS, the Franklin Parks Commission has reviewed the final report and are recommending that this report be adopted as the Ryan Creek Pedestrian / Bicycle Trail plan.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the June 2022 report titled "Ryan Creek Pedestrian / Bicycle Trail plan" and prepared by GRAEF-USA, Inc. be adopted as the guideline for trails in the southern portion of Franklin.

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

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2022.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

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RYAN CREEK PEDESTRIAN/BICYCLE TRAIL MASTER PLAN

CITY OF FRANKLIN

Prepared by:

GRÄEF

JUNE 2022



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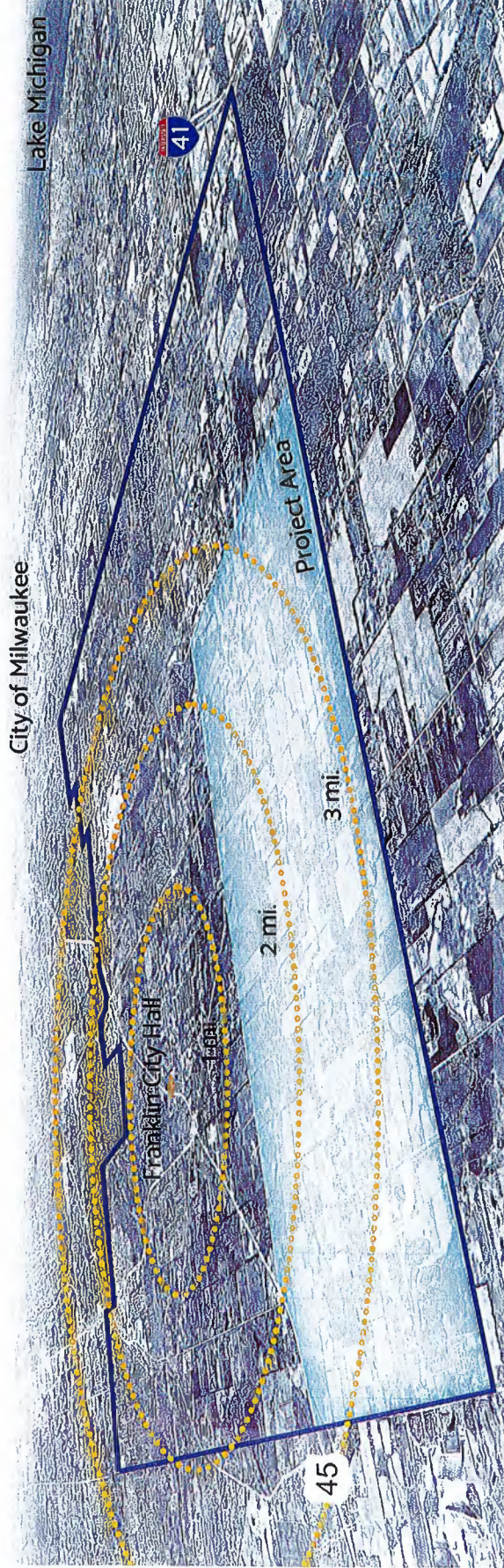
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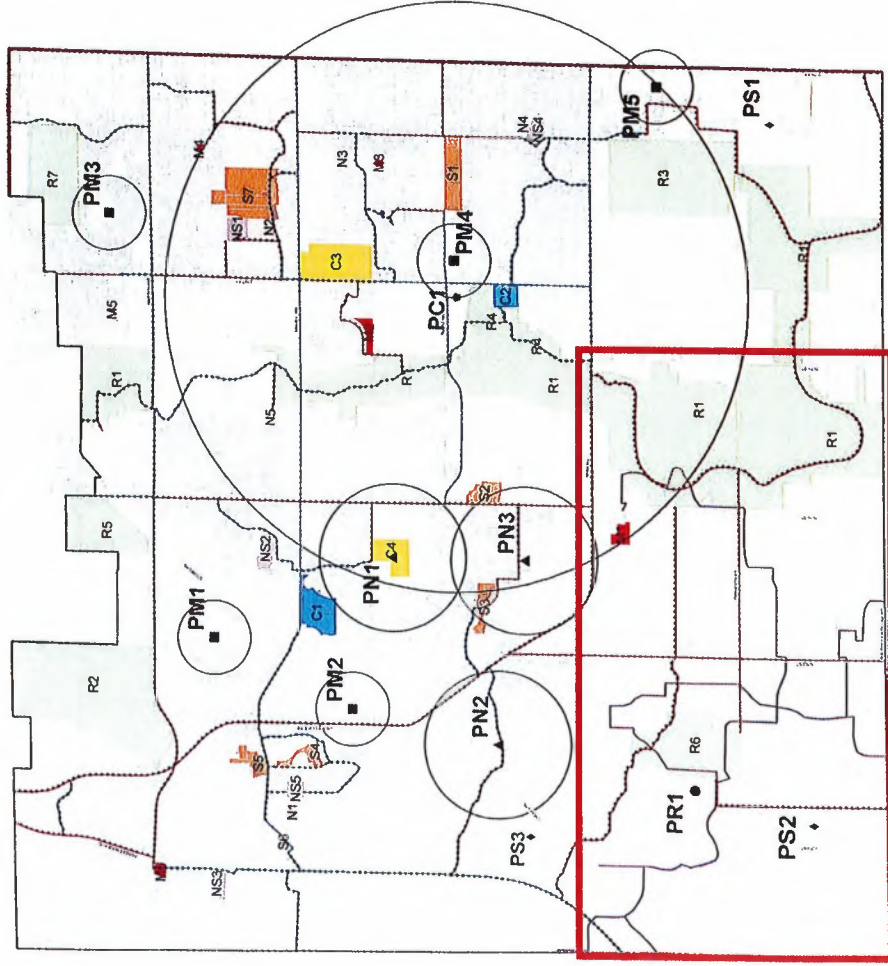
PROJECT OVERVIEW

Encompassing approximately eight square miles, this trail master plan aims at identifying and locating preferred locations for new bicycle and pedestrian infrastructure. These new facilities would work with the current regional network to offer better connectivity for the City of Franklin, as well as the county wide network. Master planning services for this project are bound by the limits of South 116th Street on the West, South 60th Street on the East, West Ryan Road to the North and West County Line Road to the South. The diagram below graphically indicates the area described above.

As the City continues to grow, constructing new public access routes for both bicycles and pedestrians will establish Franklin as a leader in walkability, which is a major element to attracting future growth.



The City's Comprehensive Outdoor Recreation Plan (CORP) was adopted in April of 2011. The below map identifies multiple trail facilities that were used as a baseline for this master planning study. The "Trail Route Recommendations" section of this report include references to CORP-identified trails that are still relevant.



COMPREHENSIVE OUTDOOR RECREATION PLAN UPDATE: 2030
 MAP 7.1
 EXISTING AND PLANNED PUBLIC OUTDOOR RECREATION
 SITES: 2010

LEGEND

EXISTING PUBLIC PARK SITES

REGIONAL AND MULTI-COMMUNITY PARKS

- R1 Roof River Parkway
- R2 Whitnall Park
- R3 Oakwood Park and Golf Course
- R4 Milwaukee Co Sports Park
- R5 Crystal Ridge
- R6 Franklin Park
- R7 Grobschmidt Park

COMMUNITY PARKS (at Park Sites):

- C1 Lion's Legend Park
- C2 Froemming Park
- C3 Franklin High School
- C4 Forest Park Middle School

NEIGHBORHOOD PARKS (at Park Sites):

- N1 St Martin's (Robitwood)
- N2 Pleasant View
- N3 Jack Workman Park
- N4 Southwood Glen
- N5 Christine Raehle Memorial Park

NEIGHBORHOOD PLAYFIELDS (at ES Sites):

- NS1 Pleasant View Elementary School
- NS2 Ban Franklin Elementary School
- NS3 County Dale Elementary School
- NS4 Southwood Glen Elementary School
- NS5 Robinwood Elementary School

MINI PARKS (at Park Sites):

- M1 Lion's Baseball Field
- M2 Cascade Creek Park
- M3 Friendship Park
- M4 Glenn Meadows Park
- M5 Dr Lyetta Fox Memorial Park
- M6 Ken Wind Park

SPECIAL PARKS:

- S1 Franklin Woods Nature Center
- S2 Franklin Little League Complex
- S3 Meadows Park
- S4 Emile Lake Park
- S5 Mission Hills Neighborhood Wetlands
- S6 Menker Square
- S7 Victory Creek Park

Proposed Public Park Sites

- PC1 = Community Rec. Center Bldg. Park
- PC2 = Community Rec. Center Bldg. Park

Planned Community Park

- PM1 = Mini Parks
- PM2 = Forest Hills Neighborhood Park
- PM3 = Hillcrest Neighborhood Park
- PM4 = Woodside Neighborhood Park
- PM5 = Southwest Park

Planned Mini Park

- PN1 = Hillcrest Neighborhood Park
- PN2 = Woodside Neighborhood Park
- PN3 = Southwest Park

Planned Regional Park

- PS1 = Metro Woods Special Park
- PS2 = Metro Corridor Community Park
- PS3 = All-Accessible Park

Planned Special Park

- PS1 = Metro Woods Special Park
- PS2 = Metro Corridor Community Park
- PS3 = All-Accessible Park

Service Area Radii of Planned Facilities

Trail Type

- Road Shoulder
- Sidewalk
- Trail
- Unknown

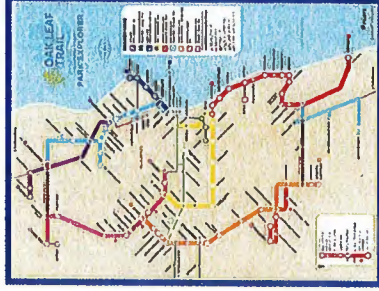
Trail System Status

- Existing Snowmobile Trail System*
- Existing
- Proposed

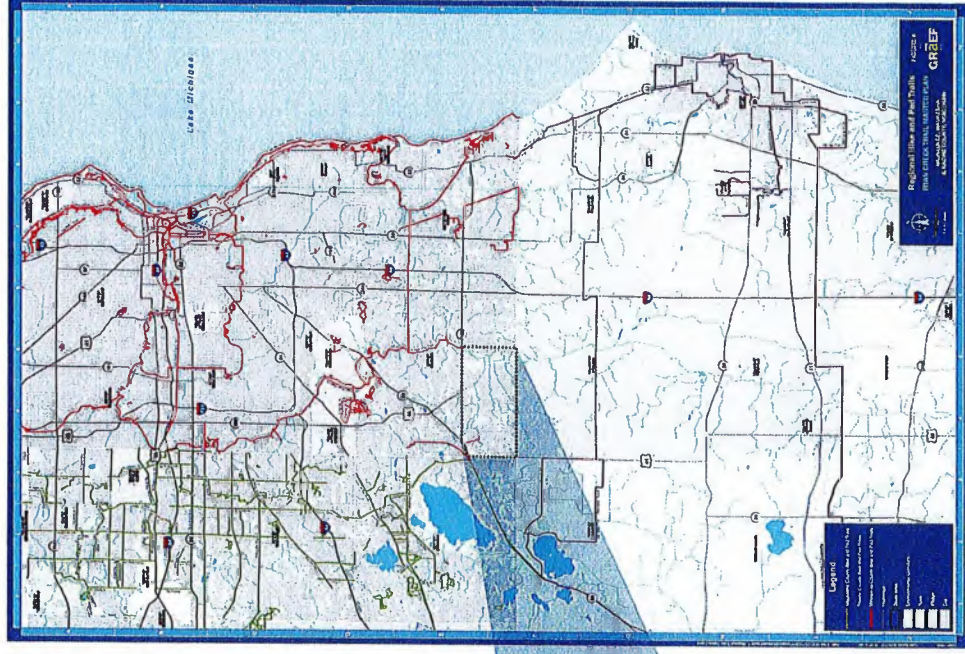
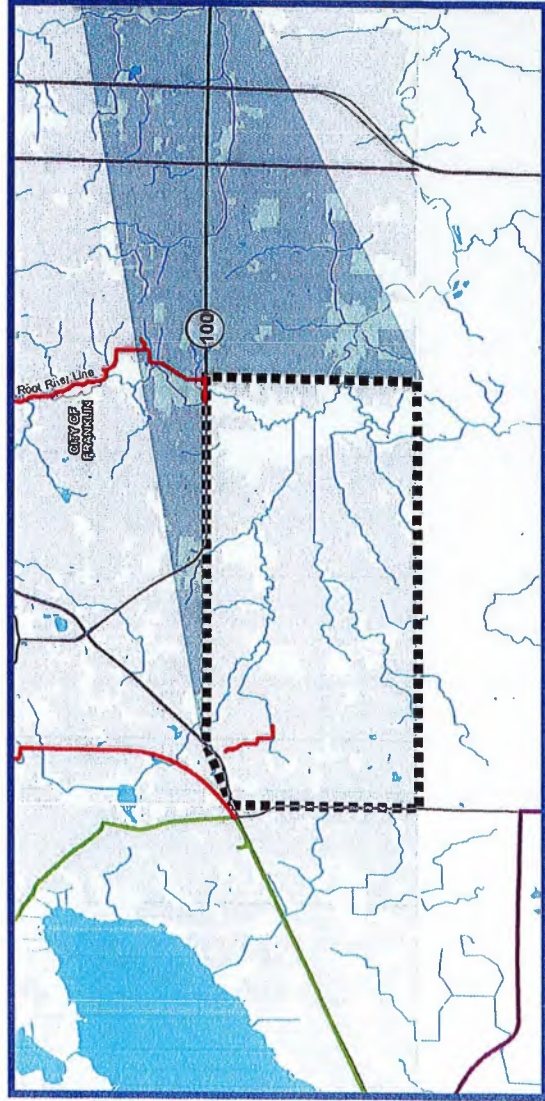
REGIONAL CONNECTIONS

The map below helps to illustrate the need for additional pedestrian infrastructure within the study area. From the map it can be identified that there are not many existing facilities within the area, which limits the overall connectivity of the City.

As the master planning process evolved, the team noticed some attractive connections to the regional network such as the Oak Leaf Trail (Root River Line) in the northeast corner, and the Muskego Recreational Trail to the northwest. There is also the 116th Street Trail that is currently under construction. Capitalizing on these existing trails will greatly increase the connectivity within Franklin and to the entire region.

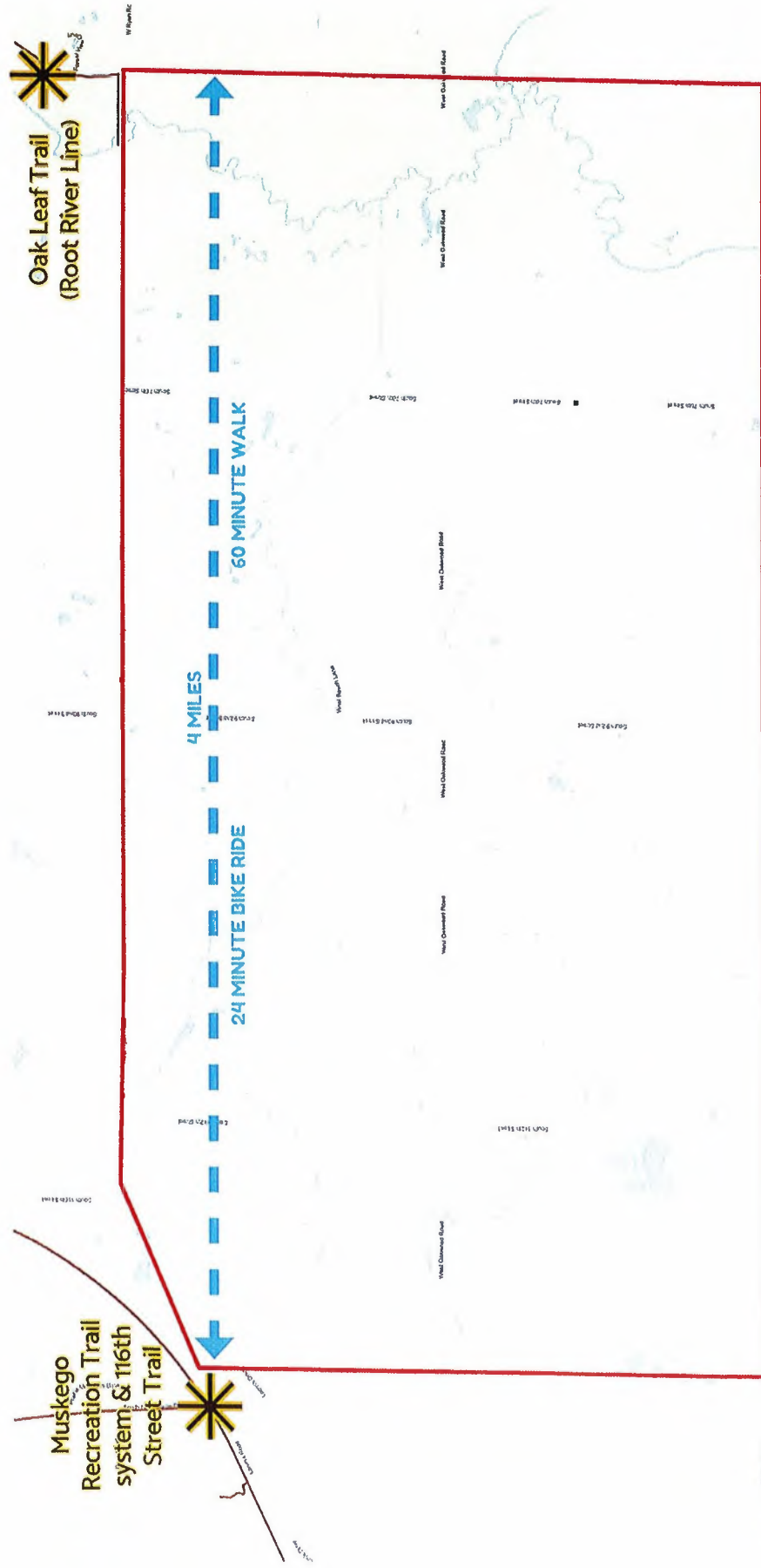


Source: Milwaukee County



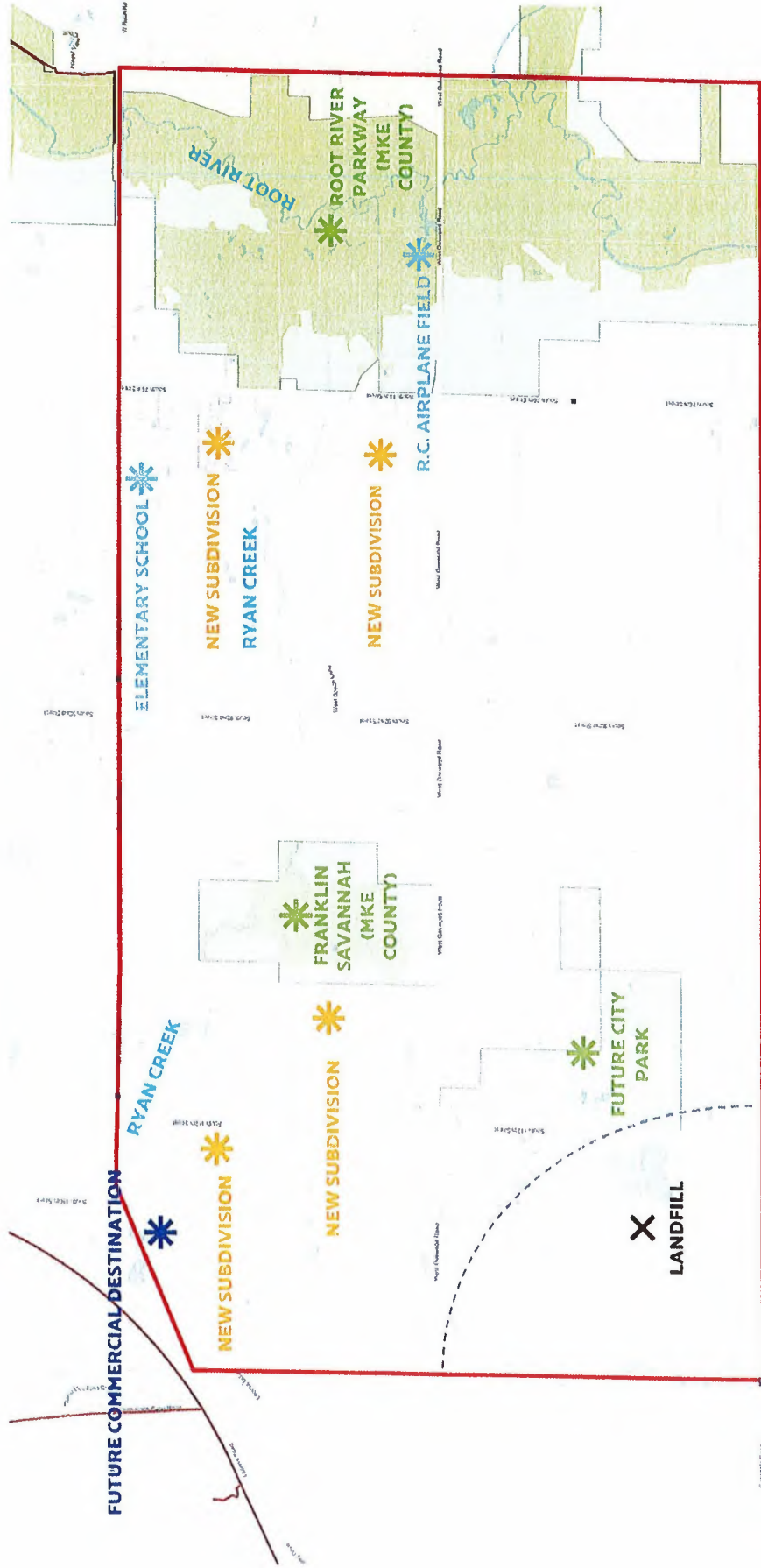
REGIONAL CONNECTIONS

The trail route is intended to connect the east and west ends of the study area, outlined in red, along environmental features of the Ryan Creek watercourse and other features. The mapped distance from point A to B is approximately 4 miles in a straight line, which would take about 24 minutes to bike or 60 minutes to walk. The actual trail would take longer as it would meander to different destinations.



LOCAL DESTINATIONS

Along the northern portion of the study area, several destinations were identified which would connect users to the trail, increase visibility, and enhance the experience along the trail for sightseeing and recreation. Connections to residential areas, shown in yellow, are noted along the study area to provide residents access to the trail as the City of Franklin grows. Environmental areas (such as the Franklin Savannah and Root River Parkway) in addition to the Ryan Creek were identified as key lands where a trail could be routed, though these areas are owned by Milwaukee County. A future city park is also identified in the south west which trail connections should consider.



TRAIL LEVELS

The following pages include descriptions of three different trail levels. The priority of this master planning study is the routing location of "primary paths". However, the interconnectivity of secondary and tertiary paths are also identified to achieve an interconnected trail system. The City should use these three levels for public trail construction as well as guiding private trail development.

Primary Paths: shared-use paths that are paved and accessible for both pedestrians and bicyclists

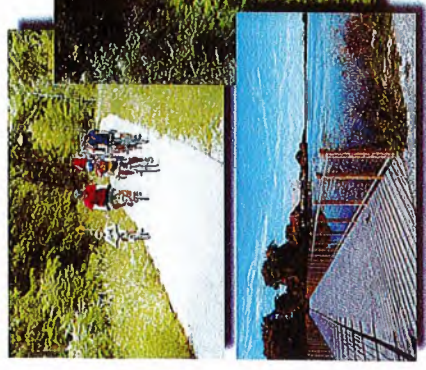
- Regional E-W route that connects the Oak Leaf Trail (Root River Line) to Waukesha County's Muskego Recreation Trail system & 116th Street Trail

Secondary Paths: single- or shared-use paths that could either be paved or natural surface trails

- Example: Sidepaths along existing roadways
- Example: Looped paths that are place-based such as riverside paths or tracked-distance loops
- Example: Speciality use paths such as off-road bmx bike paths or non-ADA accessible hiking paths

Tertiary Paths: single- or shared-use paths that could either be paved or natural surface trails

- Example: trail spur that connects to a seating area or lock-out point
- Example: Private subdivision with its own trail system that connects to public trail network



TRAIL ROUTING APPROACH

Routing Approach

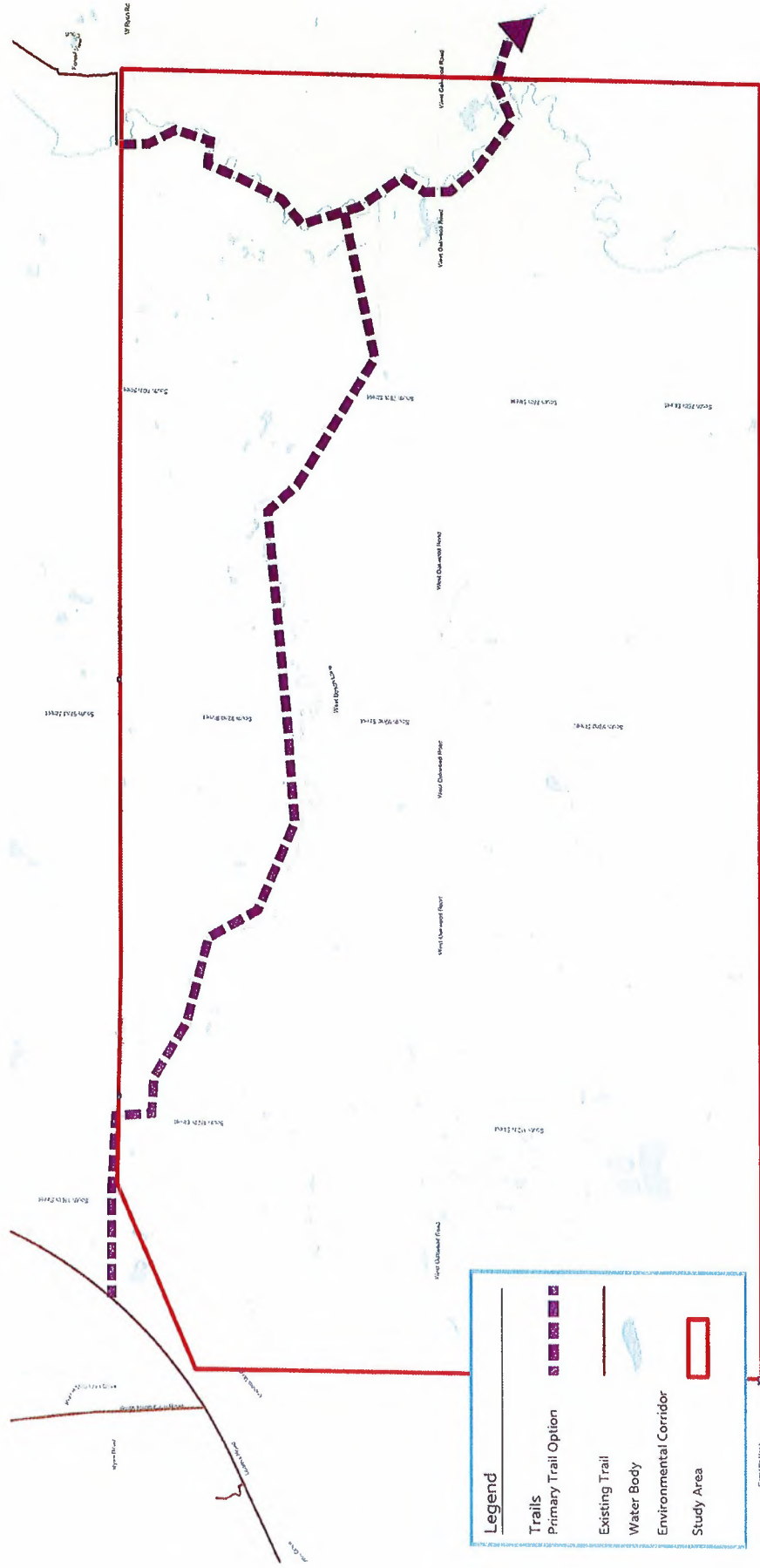
Before the planning process could identify a recommended route, it was important to identify both regional and local destinations as highlighted in earlier sections of this report. Using these destinations, the planning team analyzed elements that should be incorporated along this new pedestrian route that would make it even more attractive to its users. These elements could be open spaces, environmental features, commercial destinations, and new or planned housing developments that would connect homes with the new trail amenities. Since some of these new housing developments are only in the planning stages, they offer the unique opportunity to encourage open space agreements for further trail development.

In addition to analyzing the existing destinations, a review of the adopted CORP plan was done to align any proposed trails with the recommendations of the Comprehensive Outdoor Recreation Plan. The CORP plan also helped to identify environmental corridors, woodlands, and floodplains that would be suitable areas to incorporate the new proposed trail route.

Primary paths were identified to connect major features along the Ryan Creek watercourse and the Northeast and Northwest corners of the study area. Secondary and tertiary paths are identified as options to extend less formal connections to additional destinations as appropriate. Most of these routes are “off-road” but connect to many “on-road” facilities connecting major streets.

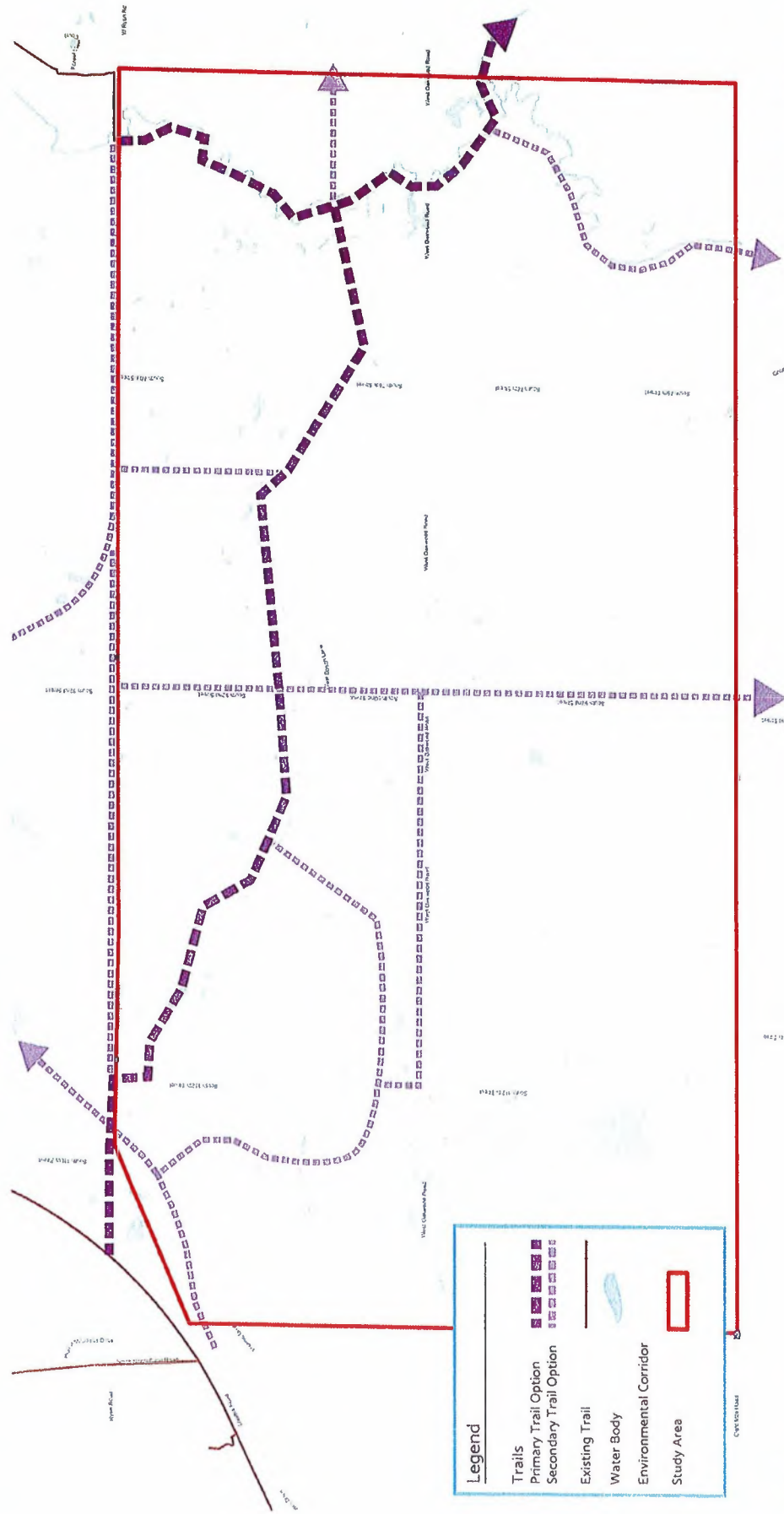
PRIMARY PATHS

Primary paths, as shown below, should be continuous routes that connect as many important destinations as possible. The route identified as part of the planning process, looks to connect the west and east side of the study area. Meandering through as many natural areas as possible, this path aims to provide a unique experience along Ryan Creek that ultimately connects up to the Oak Leaf Trail and the future 116th Street Trail.



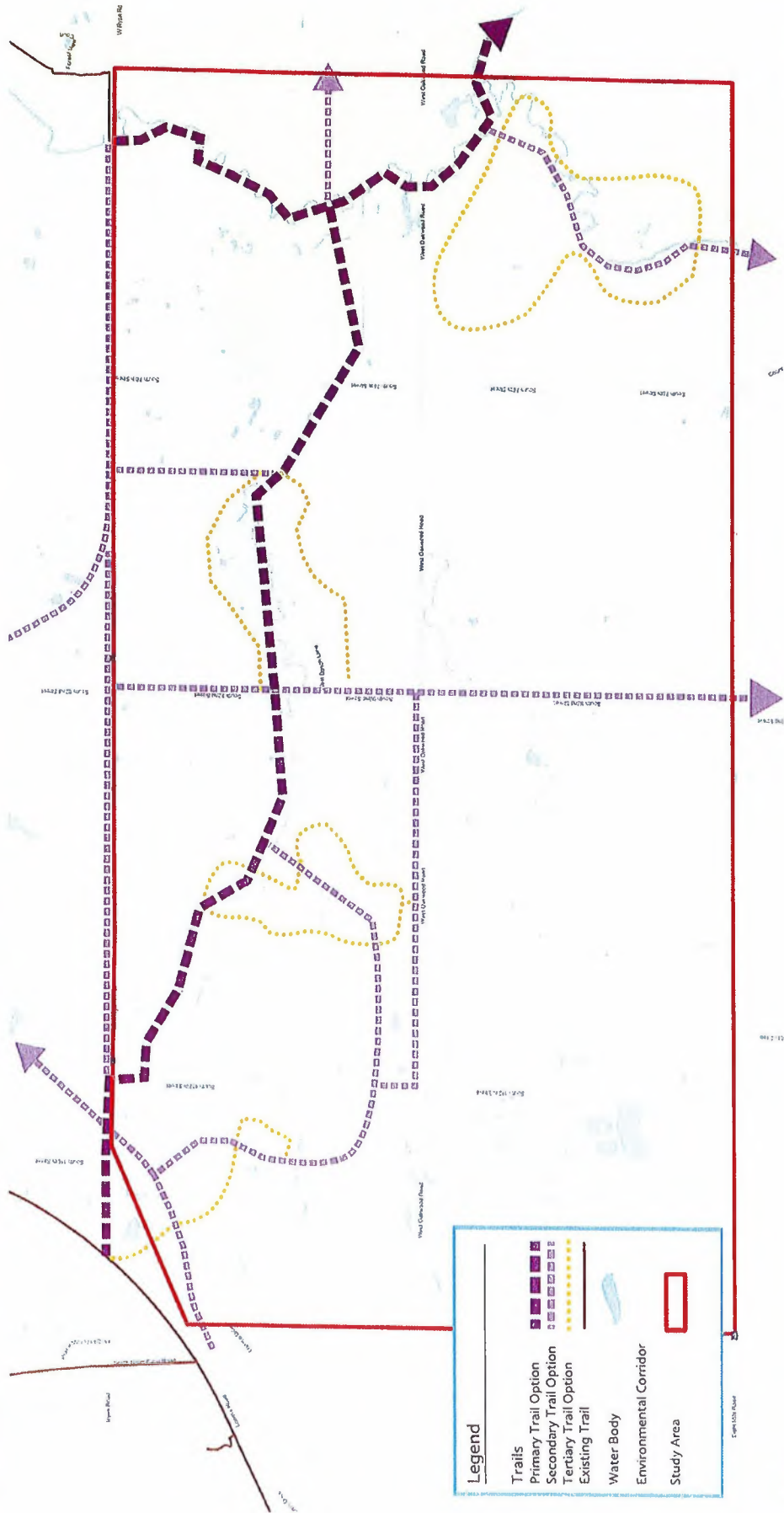
SECONDARY PATHS

Proposed secondary paths seek to include additional amenities not connected via the primary path. These might include new or existing residential developments, commercial centers or corridors, and additional environmental corridors. Secondary paths are also found along high use or direct route roadways. These routes create local connections to destinations within the study area or near each other in ways that the primary routes don't, for those are more focused on regional connectivity.



TERTIARY PATHS

Similar to secondary paths, tertiary paths connect additional facilities such as private residential developments and site specific moments. Such moments might include unique geological elements, natural overlooks, and/or historical elements within the landscape. These types of paths typically are of a smaller scale and may vary in material types. It is common that tertiary paths are constructed of crushed limestone and generally create a loop that interconnects with both primary and secondary paths. Specifics for what is shown below will further be elaborated on in the "Trail Route Recommendations" section of this report.



TRAILS

PRIMARY TRAIL DESIGN

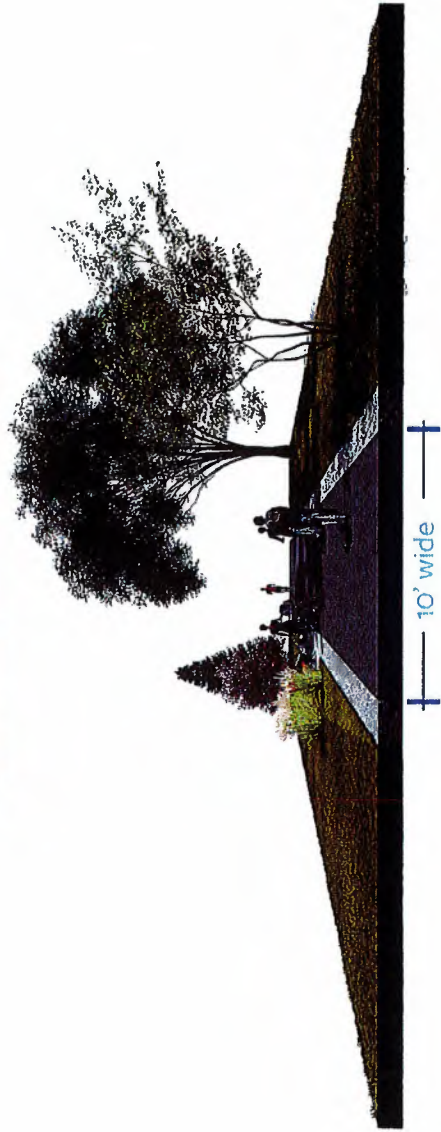
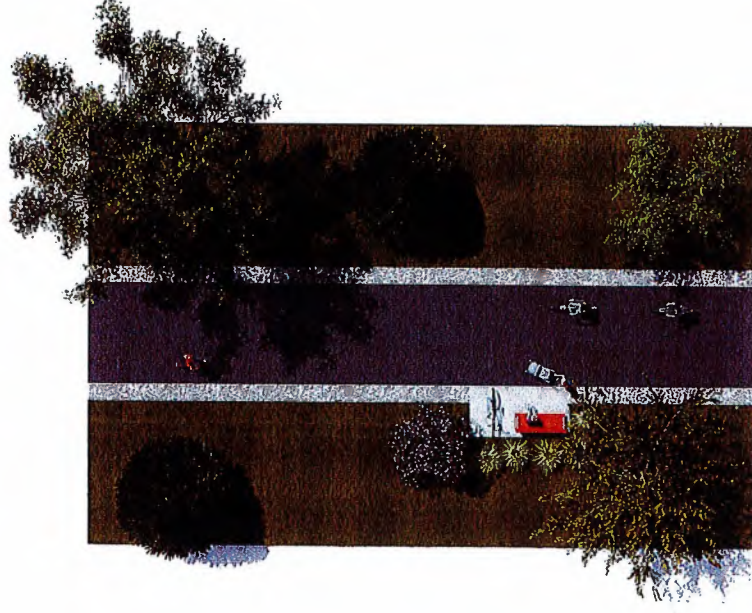
- 10' wide, paved asphalt for Primary Trail
- On Grade Trail for the majority of trail length
- Elevated boardwalks for when the trail enters an environmentally sensitive area.

TRAIL CROSSING TYPES

- At-grade intersection enhancements
- At-grade mid-block crossing
- Creekside underpass (utilize existing vehicular bridge over water)
- Ped bridge over roadway (none currently proposed)

OTHER TRAIL FEATURES

- Rest stops/seating areas/overlooks
- Wayfinding/signage
- Trailheads (parking/signage)





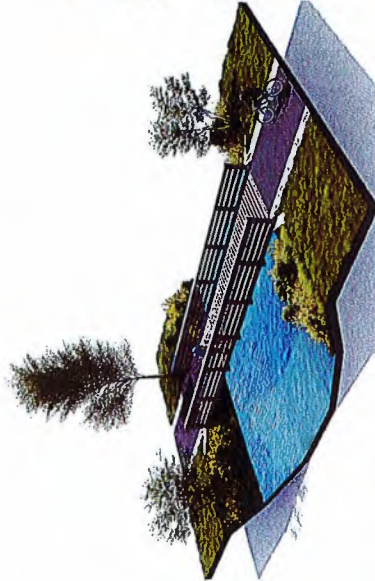
Elevated Boardwalk through Environmentally Sensitive Areas



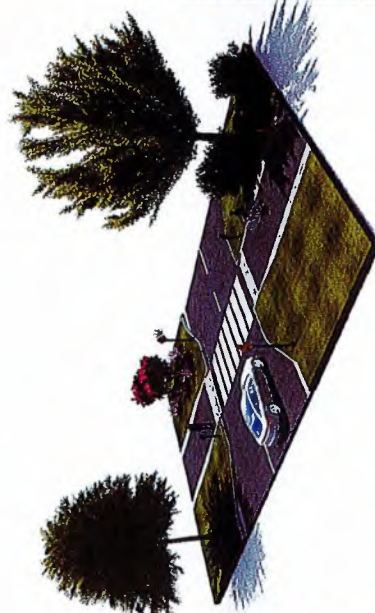
On-Grade Parallel to Wetlands or Rivers



Trail Head Example (includes signage and bathroom facilities)



Bridge Crossing



At-Grade Street Crossing

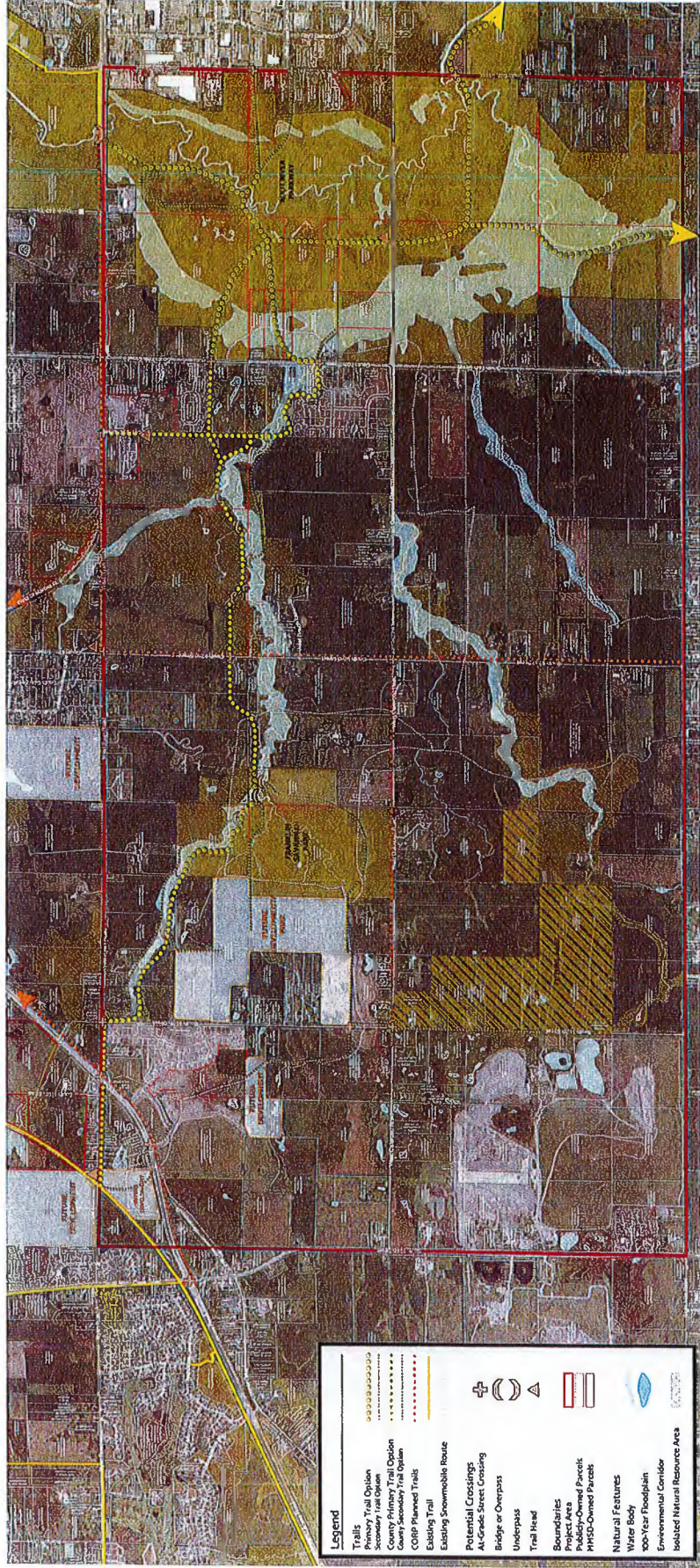


Trail Head Example (includes signage and parking)

TRAIL ROUTE RECOMMENDATIONS

The map below is an overview of the proposed trail alignments that include new and proposed trails, as well as any trails that were identified as part of the adopted CORP plan. Specific sites were chosen for the trails based on property ownership information, natural features, existing plans, and future development. The subsequent pages break down quadrants of the study area and further describe the trail alignments.

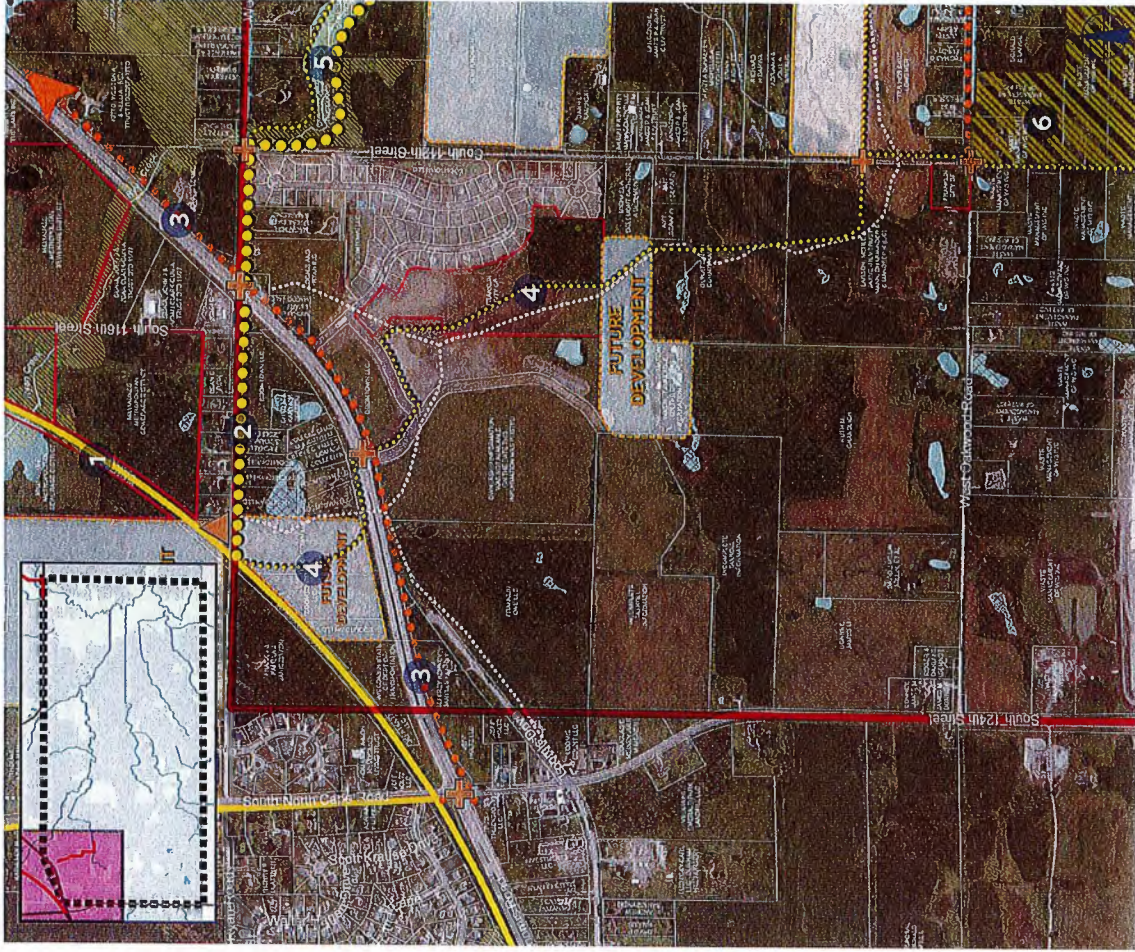
It should be stated that these trail locations are only recommendations based on all the information the planning team had access to. Further analysis and exploration will be needed as the trail projects progress. Site visits, topographical surveys, ecological exploration, and further land ownership studies will need to be conducted to ensure the constructibility of the proposed trail routes.



TRAIL ROUTE RECOMMENDATIONS

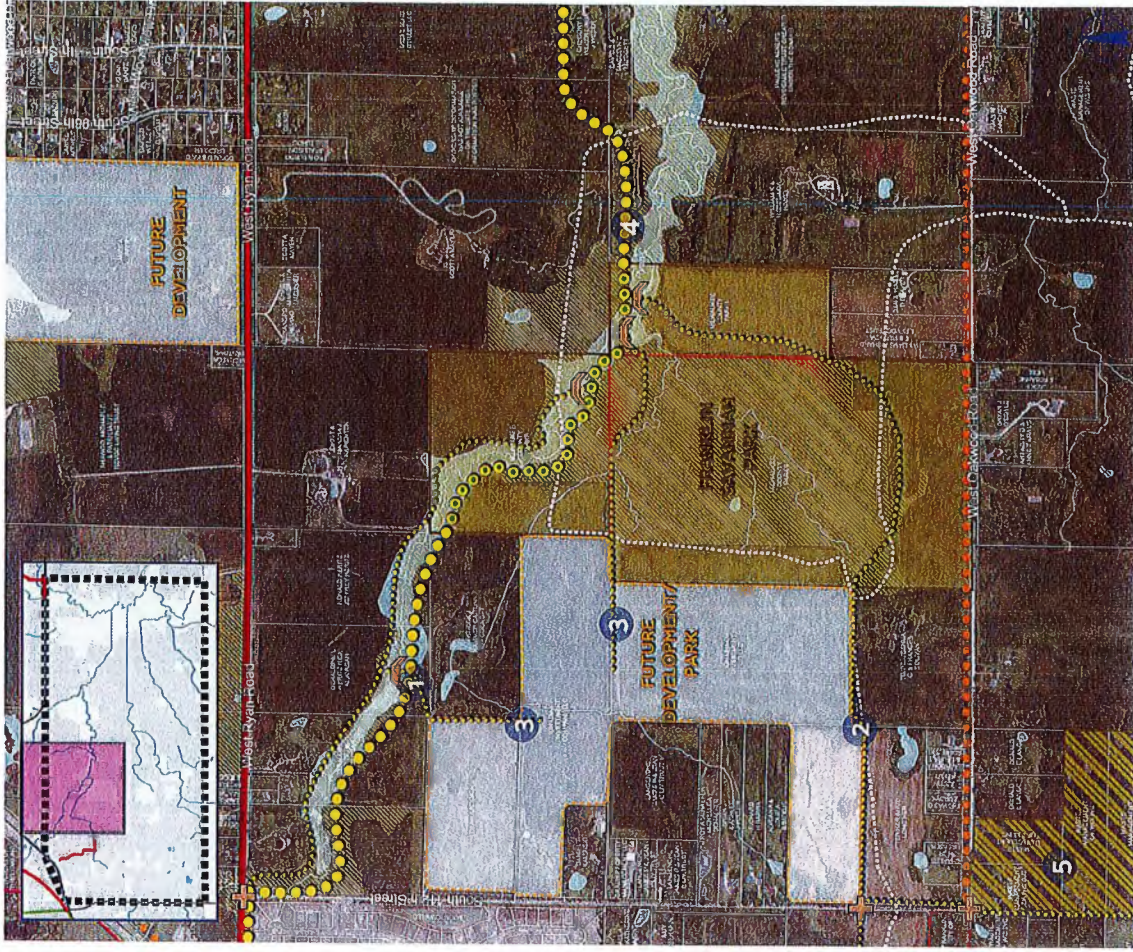
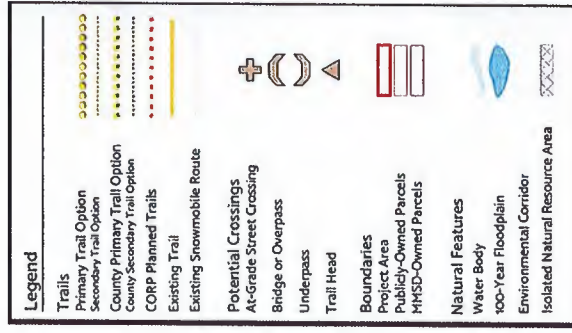
- 1 Existing 116th Street Trail
- 2 Recommended off-street sidepath trail along south side of Ryan Road (most direct route from 116th Street Trail to Ryan Creek corridor; fewer roadway crossings compared to north side of Ryan Road; fewer individual property owners compared to north side of the road)
- 3 Recommended off-street sidepath trail along south side of Loomis Road (provides bike/ped access to future mixed-use development along Loomis; 10-15 minute bike ride north to City Hall / Library)
- 4 Recommended off-street trail that connects through existing or planned development areas
- 5 Recommended Primary Trail located on south side of Ryan Creek (fewer individual property owners; more direct connection to future development lands to the south)
- 6 Future City Park

Legend	
	Primary Trail Option
	Secondary Trail Option
	County Primary Trail Option
	County Secondary Trail Option
	CORP Planned Trails
	Existing Trail
	Existing Snowmobile Route
	Potential Crossings
	At-Grade Street Crossing
	Bridge or Overpass
	Underpass
	Trail Head
	Boundaries
	Project Area
	Publicly-Owned Parcels
	MMSD-Owned Parcels
	Natural Features
	Water Body
	100-Year Floodplain
	Environmental Corridor
	Isolated Natural Resource Area



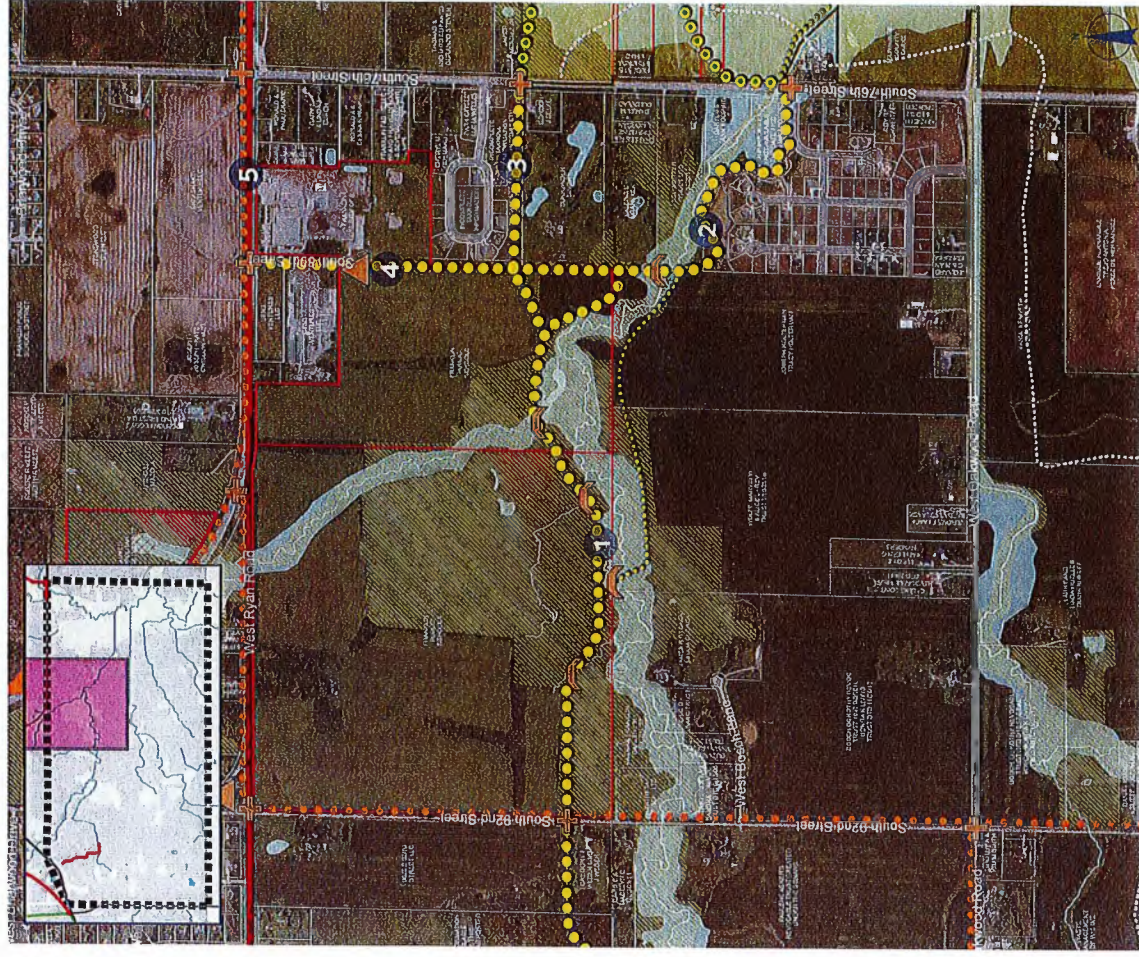
TRAIL ROUTE RECOMMENDATIONS

- 1 Existing land bridge that could act as connection to secondary trail on the north side of Ryan Creek
- 2 Recommended off-street trail that connects through existing or planned development areas (located at the edge of the property line to accommodate an easement without hindering site development plans)
- 3 Recommended off-street trail spurs that connect Primary Trail to future development
- 4 Recommended Primary Trail shifts to north side of Ryan Creek (better alignment with trail to the east where the north side of Ryan Creek is primarily publicly-owned lands)
- 5 Future City Park



TRAIL ROUTE RECOMMENDATIONS

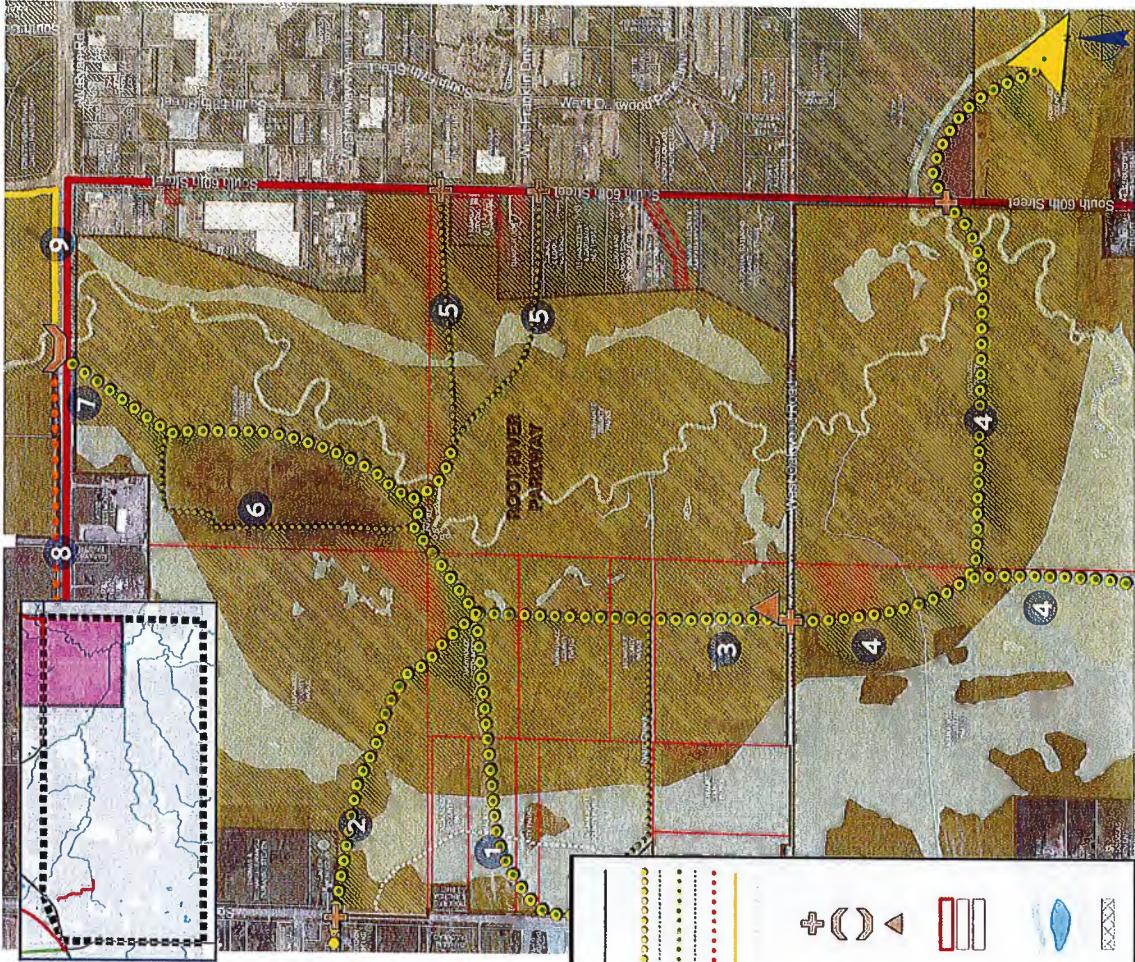
- 1 Recommended Primary Trail located on north side of Ryan Creek (primarily publicly-owned lands)
- 2 Alternate A: Recommended Primary Trail shifts from north side of Ryan Creek to south side and connects to existing residential subdivision trail
- 3 Alternate B: Recommended Primary Trail stays on the north side of Ryan Creek and utilizes a more direct route to Root River Parkway (runs through existing open space outlot of residential subdivision)
- 4 Recommended off-street trail connection to Ryan Road and planned sidepath trail
- 5 Planned off-street sidepath trail (planned trail in coordination with WisDOT)



Legend	
	Primary Trail Option
	Secondary Trail Option
	County Primary Trail Option
	County Secondary Trail Option
	CORP Planned Trails
	Existing Trail
	Existing Snowmobile Route
	Potential Crossings
	At-Grade Street Crossing
	Bridge or Overpass
	Underpass
	Trail Head
	Boundaries
	Project Area
	Publicly-Owned Parcels
	MMSD-Owned Parcels
	Natural Features
	Water Body
	100-Year Floodplain
	Environmental Corridor
	Isolated Natural Resource Area

TRAIL ROUTE RECOMMENDATIONS

- 1 Alternate A: Recommended Primary Trail utilizes the existing closed runway within County Park (land is already graded and cleared and avoids conflicts with floodplains; connects to existing residential subdivision trail on the west side of S. 76th Street)
- 2 Alternate B: Recommended Primary Trail utilizes a more direct route from Root River to the trail on the west side of S. 76th Street
- 3 Recommended Primary Trail connection to W. Oakwood Road (connects to existing park entrance, car lot, and R.C. airplane field)
- 4 Recommended Primary Trail future connections to regional County trail plans for Root River Parkway
- 5 Recommended Connections to Primary Trail from existing Business/Industrial properties east of S. 60th Street
- 6 Existing unpaved, looped path within the parkway
- 7 Possible bike/ped underpass connection to existing Oak Leaf Trail (~10' clearance height)
- 8 Planned off-street sidepath trail (planned trail in coordination with WisDOT)
- 9 Existing Oak Leaf Trail (current off-street sidepath trail ends at the bridge)



IMPLEMENTATION

Cost Opinions

The project team assembled high-level cost opinions for the recommended trails and related trail facilities recommended in the previous section. This includes primary and secondary trails along with trail heads, elevated boardwalks, at-grade street crossings, underpass, and bridges.

The total trail construction cost opinion is estimated to be somewhere between \$10 million and \$15 million. This is a high-level estimate to give a sense of what trail costs might be based on similar construction projects. Until the trail is designed and the exact placement of trail features determined, there will remain a high level of uncertainty for what the trail may cost. Advancement of trail design may change the overall estimate.

The total length of proposed primary and secondary trails equals 78,340 linear feet. Adding in the recommended trail amenities and related trail infrastructure, this equates to a construction cost opinion range between \$10-\$15 million. A little under half of the total linear feet of trail is located within lands owned by Milwaukee County. Subtracting out primary and secondary trails and ancillary trail infrastructure (bridges, underpass, boardwalk) within Milwaukee County-owned lands, the total construction cost opinion reduces to \$5.5-\$8.4 million. Assuming primary trails are prioritized for construction over secondary trails, the total construction cost opinion for primary trails (not including trails within Milwaukee County-owned lands) is approximately \$2.8-\$4.0 million.

	Number	Amount	Unit	Unit Price (Low)	Unit Price (High)	Cost Opinion (Low)	Cost Opinion (High)
Trail Heads	4		Trail Heads	\$27,000.00	\$115,000.00	\$108,000.00	\$460,000.00
At-grade crossings	12		Crossings	\$20,000.00	\$30,000.00	\$240,000.00	\$360,000.00
Underpasses	1		Underpasses	\$300.00	\$500.00	\$60,000.00	\$100,000.00
Creek Crossings (Bridges)	8	4,050-8,100	Square Feet	\$250.00	\$300.00	\$650,000.00	\$780,000.00
10' Primary LF	1	17,850	Linear Feet	\$90.00	\$115.00	\$1,606,500.00	\$2,052,750.00
10' Secondary LF	1	23,990	Linear Feet	\$90.00	\$115.00	\$2,159,100.00	\$2,758,850.00
10' County Primary	1	21,550	Linear Feet	\$90.00	\$115.00	\$1,939,500.00	\$2,478,250.00
10' County Secondary	1	14,950	Linear Feet	\$90.00	\$115.00	\$1,345,500.00	\$1,719,250.00
Elevated Boardwalk (additional cost to base trail length)		7,834-15,668	Linear Feet	\$250.00	\$300.00	\$1,958,500.00	\$4,700,400.00
TOTAL	LF	78,340				\$9,959,100.00	\$14,949,500.00

Total miles	14.837
Primary miles	7.46

Bridges	Length (ft)	Width (ft)	SF
1	15	10	150
2	45	10	450
3	40	10	400
4	20	10	200
5	50	10	500
6	20	10	200
7	30	10	300
8	40	10	400
TOTAL	260		2600

IMPLEMENTATION

The cost opinion ranges included in the table are due to the uncertainty associated with the following factors:

- Presence of restrooms at trail heads
- Presence of wetlands and floodplains within exact trail route. (Costs assume between 10-20% of total trail length would require elevated boardwalks.)
- Cost of materials and labor at the time of construction.
- Site topography and needed bridge spans.
- Design of trail widths.
- Aesthetic and informational elements.

Cost refinements will become possible following the steps outlined in the next section.

Next Steps and Phasing

Following approval of this Master Plan, the City must pursue some due diligence for the site before design and construction. Site due diligence may be performed for individual segments of trail as plans develop. More detail on phasing are included below. Each segment of trail will need to begin with a detailed site survey to identify the existing natural conditions, topography, presence of environmental features (i.e. wetland and floodplains), and any other site specific features.

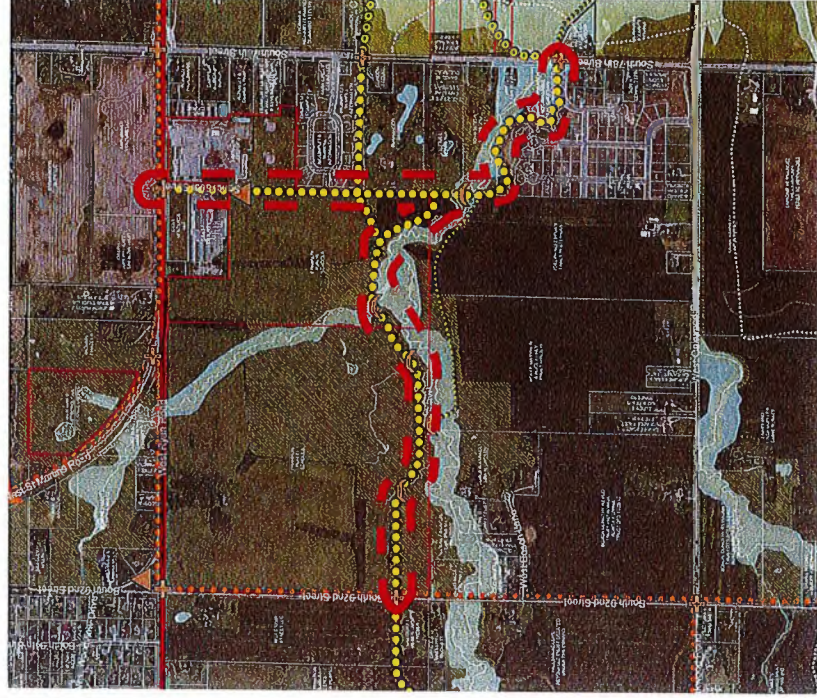
Following a site survey, the trail may undergo design development. Using site details, an exact route will need to be determined. Based on this route, the design of the trail may developed along with decisions about desired trail widths and design to accommodate different modes of active recreation (i.e. walking, bicycling, etc.). The course of the trail will determine how many bridges, elevated boardwalks, crossings, and other site-specific features will need to be built into the construction phase. More detailed cost estimates will be necessary following the trail design development.

IMPLEMENTATION

Due to the overall length, the Ryan Creek Trail is unlikely to be completed all at once. The City may choose to design and build different portions at different times based on funding availability, private sector development, and intergovernmental coordination. Generally, the trail is intended to be constructed on publicly owned lands where possible and extended into privately owned lands as they are developed. The City should make sure lands along the trail route are reserved as private development occurs (i.e. easements, dedications, reservations, etc.).

This plan identifies one segment of trail from South 92nd Street to South 76th Street along the north of Ryan Creek as a priority for Phase I. This segment includes 4 or 5 creek crossings, one trail head, and two at grade crossings. It spans approximately 9,781 linear feet (not including redundant segments, see pg. 22 for details on trail route alternatives). The estimated cost for this segment is as follows:

- Trail Phase I Cost Opinion**
- 9,781 LF = \$880,300-\$1,124,800
 - 4-5 creek crossings (bridges 4-8) = \$450,000-\$1,440,000
 - 10-20% elevated boardwalk = \$244,500-\$586,800
 - 1 trail head = \$27,000-\$115,000
 - *(dependent on presence of restrooms)*
 - 2 at-grade crossings = \$40,000-\$60,000
 - **TOTAL = \$1,541,800-\$3,326,600**



Trail Phase I

IMPLEMENTATION

Future Phases

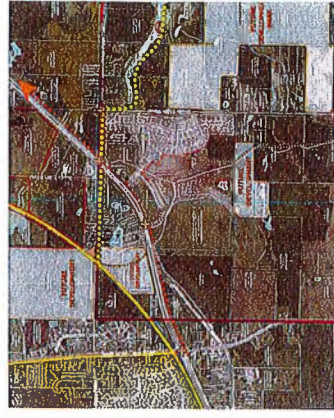
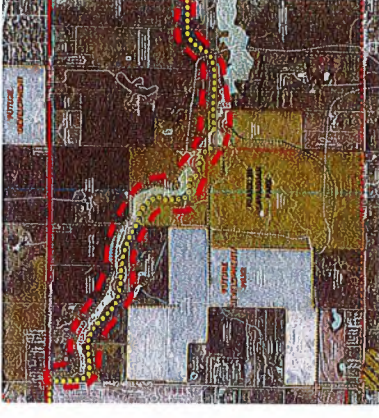
Future trail segments should be constructed as private land is developed, incorporated into or adjacent to subdivisions or commercial areas. While the primary trail route is identified on the northern bank of Ryan Creek, both edges of the creek should be reserved for trail development, either for the construction of a secondary trail segment, or in the case that the primary route becomes un-buildable in the desired completion timeline. Reservations for trail segments may be combined with designs for stormwater facilities or similar open space features. Since much of the trail is adjacent or nearby a floodplain, environmental corridor, or wetland, the route for the trail is unlikely to limit developable land in any parcel.

The development of the trail through the segment crossing Franklin Savannah should be completed as development to the east or western border of the park is developed. A coordinated location should be identified during the private development process to determine entry and exit locations to and from the trail on the park boundaries. The Franklin Savannah is currently undeveloped with unmapped footpaths and informal connections to nearby residential development. It is also a rare and sensitive environmental area which should include special attention to the preservation of natural features and local biodiversity. This will be a valuable attraction along the Ryan Creek Trail.

Similar to the Franklin Savannah, as private development occurs along the east of 76th St, opportunities to coordinate entry into the Root River Parkway area and connect the trail to Ryan Rd to the north should be identified. The routes identified through this land are more generalized as they are owned by Milwaukee County and as such are expected to be developed in partnership with the County. More details on the route through the Root River Parkway are listed on page 21.

With the construction of the 116th Street trail nearing completion, recommended trails identified between 124th Street and 112th Street may be an appropriate priority area for the City to advance. This will allow for planned commercial and residential development to have a trail connection to the larger regional trail network.

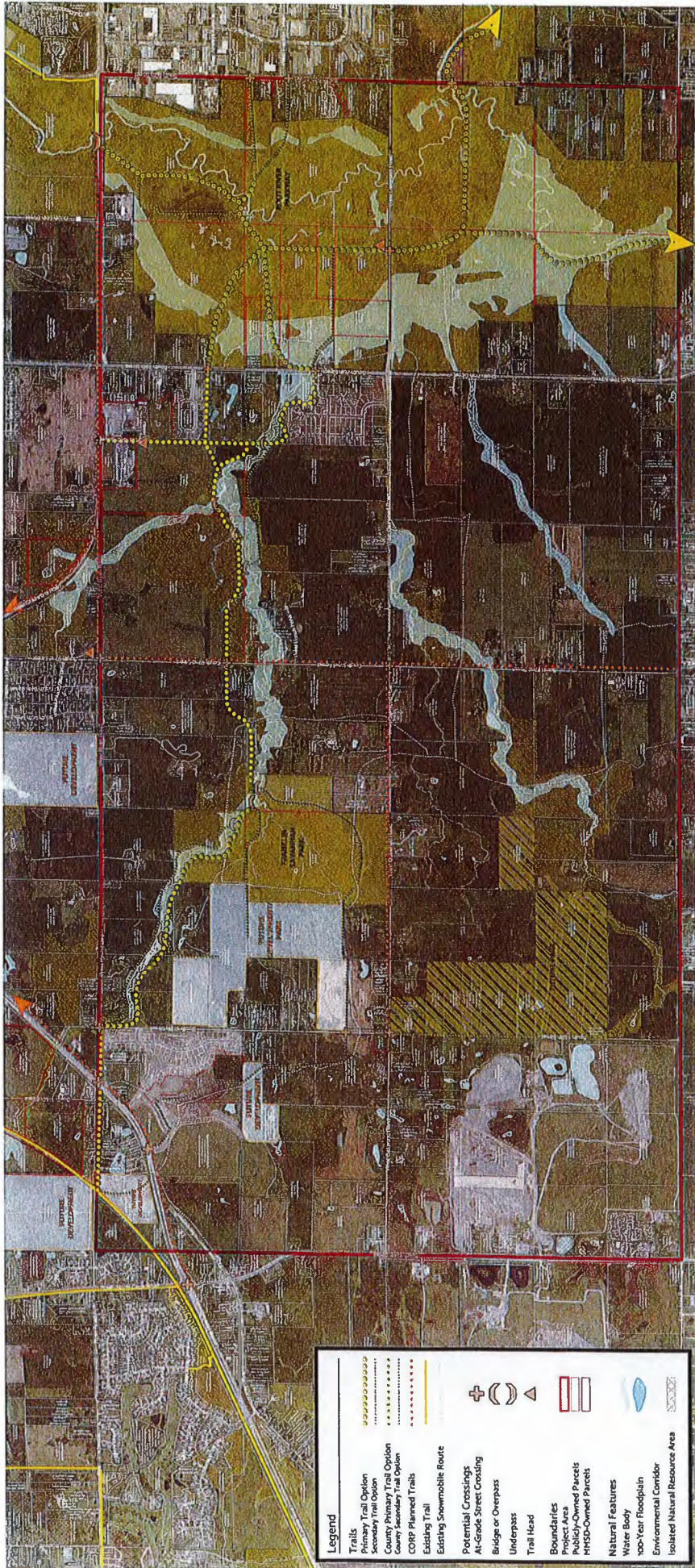
Future Trail Phases



D

C

C



Ryan Creek Pedestrian/Bicycle Trail Master Plan

CITY OF FRANKLIN
MILWAUKEE COUNTY, WISCONSIN



1" = 600'

June 10, 2022

Legend

- Trails
- Primary Trail Option
- Secondary Trail Option
- County Primary Trail Option
- County Secondary Trail Option
- CORP Planned Trails
- Existing Trail
- Existing Snowmobile Route
- Potential Crossings
- At-Grade Street Crossing
- Bridge or Overpass
- Underpass
- Trail Head
- Boundaries
- Project Area
- Publicly-Owned Parcels
- HHSO-Owned Parcels
- Natural Features
- Water Body
- 100-Year Floodplain
- Environmental Corridor
- Isolated Natural Resource Area



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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE June 21, 2021
Reports and Recommendations	Request to approve the transfer of Public Health Manager to Public Health Specialist in the 2022 budget and approval for hiring of a Public Health Specialist	ITEM NUMBER G.6.

Background: Recently, the position vacancy for the Franklin Health Department Director of Health and Human Services was filled. The candidate selected, Lauren Gottlieb, was previously in the position of Public Health Manger within the City of Franklin Health Department. This transition left a gap in current staffing. The position previously held by Lauren Gottlieb, is identified in the current 2022 budget as a Public Health Manager. Before the position being a Public Health Manager position, it was a Public Health Specialist (PHS) position. Based on current staffing needs, and department priorities, hiring a Public Health Specialist in lieu of a Public Health manager is advantageous at this time.

The PHS in Franklin will have immediate impact on continuing work on a robust and comprehensive Community Health Assessment and the subsequent Community Health Improvement Plan (as required by Wisconsin Chapter DHS 140.05 and Wisconsin Statute Chapter 251.05(3)(a)(c)) for 2021-2025, as well as assist in data collection and analysis of community health trends. They will also work closely with staff on current health education and outreach initiatives including emergency preparedness, substance misuse, mental health, and increased physical activity.

The PHS position description was approved by the Franklin Board of Health on May 13, 2019. An updated job description of the PHS was submitted and approved by the Personnel Committee on May 20, 2019. The job description was then approved by the Common Council on June 4, 2019. There are no requested changes to the position description at this time.

Fiscal Note: This full time position will fill the current budgeted vacancy within the Health Department left by a Public Health Manager. Projected Salary level is Grade 6, \$56,166- \$73,016 the vacated position salary was Grade 8, \$66,385- \$87,961. The Public Health Specialist will be responsible for a portion of the Health Department's emergency preparedness coordination and will be partially grant funded from the Public Health Emergency Preparedness Grant.

Options: 1. Approve the transfer of Public Health Manager to Public Health Specialist in the 2022 budget and approve hiring of a Public Health Specialist
2. Not approve

Recommendation: The Director of Health and Human Services recommends the approval of the transfer of Public Health Manager to Public Health Specialist in the 2022 budget and approval for hiring of a Public Health Specialist.

COUNCIL ACTION REQUESTED

The Director of Health and Human Services requests a motion (1) Approve the transfer of Public Health Manager in the 2022 budget to Public Health Specialist and approval for hiring of a Public Health Specialist.

Health Department: LG

APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE June 21, 2022
REPORTS & RECOMMENDATIONS	Business View Magazine Franklin Feature Supported by Key Vendor Advertising	ITEM NUMBER G.7.

The City of Franklin is invited to be the public sector feature in Business View Magazine with an 8-10-page spread. This feature is included in the magazine and is also packaged as a high-resolution, stand-alone brochure, complete with custom front and back covers, that we will own and can use on our website, in social media channels, emails and direct mails, and other marketing initiatives. Other Wisconsin communities that have been featured in the magazine since 2020 include: Sun Prairie, Watertown, Janesville, Plover and Manitowoc.

The Franklin feature will be part of a Wisconsin series that focuses on community and economic development and growth, with main topics that could include: neighborhood development (new construction), workforce/business development, transportation, healthcare, education infrastructure, and green initiatives. Business View Magazine has also collaborated with the International Economic Development Council, which is the leading economic credentialing organization in the US.

There is no cost to the City for Franklin to be featured. Business View Magazine generates revenue through third-party advertisements, targeting key vendors who do business with the City of Franklin. Should we move forward, these key vendors will receive an Invitation Letter with an opportunity to share in the spotlight by way of a corporate ad (sample letter attached). This keeps advertising specific to Franklin and its infrastructure development and growth.

Business View Magazine is a multi-platform source of news, profiles & opinion for executives. It is distributed monthly by email and web to over 840,000 executive subscribers throughout North America. Readership is primarily C-and VP-Level executives and finance & procurement managers in industries such as Construction, Energy, Retail, Manufacturing, Supply Chain & Logistics, Healthcare, Franchising, Energy, Food & Beverage, Public Sector and Green Business.

COUNCIL ACTION REQUESTED

Motion to approve the Business View Magazine Franklin Feature, which will be supported through Key Vendor Advertising sold by Business View Magazine.

«Company»

«Fax»

ATTN: «Name» «Surname»

Dear «Name»,

The Franklin Economic Development department is working with Business View Magazine on a 6-8-page feature in an upcoming edition. This lead Public Sector feature will showcase Franklin and what a great place it is to do business and will include some focus on the importance of our strategic suppliers and partners.

As a key supplier, I would like to extend this invitation to promote your business with an advertisement to appear within the article and subsequent marketing brochure as a preferred vendor of choice for the City of Franklin. This customized brochure can be utilized for further marketing initiatives and we will also share it you for your own marketing initiatives. Together we can gain exposure while expanding our digital footprint through enhanced search engine results, back links and social media.

Business View Magazine is a global leader in multi-platform Business to business profiles, news and opinion with more than 840,000 subscribers across North America. To view a current issue please visit their website at www.businessviewmagazine.com. Marcus VandenBrink is the Publisher of Business View Magazine and you can contact him directly at 239-220-5554 or via email at marcus@businessviewmagazine.com for additional information and pricing.

Thank you for considering this opportunity and for your ongoing support for the City of Franklin. We value our relationship with you and look forward to continuing our strategic partnership into the future.

Sincerely,

John G. Regetz
Director of Economic Development
City of Franklin

APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 06/21/22
REPORTS AND RECOMMENDATIONS	Resolution Approving the Wisconsin Department of Natural Resources NR-208 Compliance Maintenance Report for 2021	ITEM NUMBER G.8.

Each year the City is required to file a Compliance Maintenance Annual Report with the Wisconsin Department of Natural Resources. Wisconsin Administrative Code Chapter NR 208 is more commonly known as the Compliance Maintenance Annual Report (CMAR) Rule for publicly and privately owned domestic wastewater treatment works. The CMAR is a self-evaluation tool that promotes the owner's awareness and responsibility for wastewater collection and treatment needs, measures the performance of a wastewater treatment works during a calendar year, and assesses the level of compliance with permit requirements. Attached is the 2021 Annual Report.

It is important to meet the stipulation from the DNR that this report be filed electronically on or before June 30, 2022. The report requires approval by the governing body and such resolution is attached.

COUNCIL ACTION REQUESTED

Motion to adopt a Resolution Approving the Wisconsin Department of Natural Resources NR-208 Compliance Maintenance Report for Year 2021.

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2022-

A RESOLUTION APPROVING THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES NR-208 COMPLIANCE MAINTENANCE REPORT FOR YEAR 2021

WHEREAS, it is a requirement under a Wisconsin Pollutant Discharge Elimination System (WPDES) permit issued by the Wisconsin Department of Natural Resources to file a Compliance Maintenance Annual Report (CMAR) for its wastewater collection system under Wisconsin Administrative Code NR 208;

WHEREAS, it is necessary to acknowledge that the governing body has reviewed the Compliance Maintenance Annual Report (CMAR); and

WHEREAS, it is necessary to provide recommendations or an action response plan for all individual CMAR section grades (of "C" or less) and/or an overall grade point average (<3.00).

BE IT THEREFORE RESOLVED by the Common Council of City of Franklin that the following recommendations or actions will be taken to address or correct problems/deficiencies of the wastewater treatment or collection system as identified in the Compliance Maintenance Annual Report (CMAR):

- (1) Continue to identify inflow and infiltration (I & I) to the City's sanitary sewer system and take action to eliminate all I & I detected.
- (2) Continue the City record of having no bypasses or overflow.

INTRODUCED at a regular meeting of the Common Council of the City of Franklin this 21st day of June by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 21st day of June.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES NOES ABSENT

Compliance Maintenance Annual Report

Franklin Sewage Collection System

Last Updated: Reporting For:

6/14/2022

2021

Financial Management

1. Provider of Financial Information

Name:

Peggy Steeno

Telephone:

414-427-7504

(XXX) XXX-XXXX

E-Mail Address
(optional):

Psteeno@ franklinwi.gov

2. Treatment Works Operating Revenues

2.1 Are User Charges or other revenues sufficient to cover O&M expenses for your wastewater treatment plant AND/OR collection system ?

- Yes (0 points)
- No (40 points)

If No, please explain:

2.2 When was the User Charge System or other revenue source(s) last reviewed and/or revised?

Year:

2021

- 0-2 years ago (0 points)
- 3 or more years ago (20 points)
- N/A (private facility)

2.3 Did you have a special account (e.g., CWF required segregated Replacement Fund, etc.) or financial resources available for repairing or replacing equipment for your wastewater treatment plant and/or collection system?

- Yes (0 points)
- No (40 points)

REPLACEMENT FUNDS [PUBLIC MUNICIPAL FACILITIES SHALL COMPLETE QUESTION 3]

3. Equipment Replacement Funds

3.1 When was the Equipment Replacement Fund last reviewed and/or revised?

Year:

2020

- 1-2 years ago (0 points)
- 3 or more years ago (20 points)
- N/A

If N/A, please explain:

3.2 Equipment Replacement Fund Activity

3.2.1 Ending Balance Reported on Last Year's CMAR	\$	462,284.00
3.2.2 Adjustments - if necessary (e.g. earned interest, audit correction, withdrawal of excess funds, increase making up previous shortfall, etc.)	\$	0.00
3.2.3 Adjusted January 1st Beginning Balance	\$	462,284.00
3.2.4 Additions to Fund (e.g. portion of User Fee, earned interest, etc.)	+	\$ 31,497.00

0

Compliance Maintenance Annual Report

Franklin Sewage Collection System

Last Updated: Reporting For:
6/14/2022 2021

3.2.5 Subtractions from Fund (e.g., equipment replacement, major repairs - use description box 3.2.6.1 below*) -

\$ 70,988.00

3.2.6 Ending Balance as of December 31st for CMAR Reporting Year

\$ 422,793.00

All Sources: This ending balance should include all Equipment Replacement Funds whether held in a bank account(s), certificate(s) of deposit, etc.

3.2.6.1 Indicate adjustments, equipment purchases, and/or major repairs from 3.2.5 above.

2005 F450 - \$40,302
2007 Dodge Caravan - \$9,434
2001 Jeep Grand Cherokee - \$14,430
John Deere L120 Lawn Mower - \$2,199
Exmark Mower - \$4,633

0

3.3 What amount should be in your Replacement Fund? \$ 422,793.00

Please note: If you had a CWFPP loan, this amount was originally based on the Financial Assistance Agreement (FAA) and should be regularly updated as needed. Further calculation instructions and an example can be found by clicking the SectionInstructions link under Info header in the left-side menu.

3.3.1 Is the December 31 Ending Balance in your Replacement Fund above, (#3.2.6) equal to, or greater than the amount that should be in it (#3.3)?

- Yes
- No

If No, please explain.

4. Future Planning

4.1 During the next ten years, will you be involved in formal planning for upgrading, rehabilitating, or new construction of your treatment facility or collection system?

- Yes - If Yes, please provide major project information, if not already listed below.
- No

Project #	Project Description	Estimated Cost	Approximate Construction Year
1	We will be inspecting and improving force mains when needed, Lift station improvements and or replacement, Maintaining existing system. MH hole rehabilitation. Continuing working on II improvements.	175000	2017
2	We will be inspecting and improving force mains when needed, Lift station improvements and or replacement, Maintaining existing system. MH hole rehabilitation. Continuing working on II improvements.	175000	2018
3	upgrading pumping equipment & piping @ St. Martin's lift station and continuation of Man Hole rehabilitation & improving force mains when needed.	30000	2019
4	New installation of lift Station and force main at the New S/E Hickory Street Business Park.	4200	2020
5	Upgrading of SCADA system	10000	2021
6	Replacement of the Industrial Park IP lift Station.	3200000	2021
7	We will be inspecting and improving force mains when needed, Lift station improvements and or replacement, Maintaining existing system. MH hole rehabilitation. Continuing working on II improvements.	180,000	2021

5. Financial Management General Comments

Compliance Maintenance Annual Report

Franklin Sewage Collection System

Last Updated: Reporting For:

6/14/2022

2021

ENERGY EFFICIENCY AND USE

6. Collection System

6.1 Energy Usage

6.1.1 Enter the monthly energy usage from the different energy sources:

COLLECTION SYSTEM PUMPAGE: Total Power Consumed

Number of Municipally Owned Pump/Lift Stations:

	Electricity Consumed (kWh)	Natural Gas Consumed (therms)
January	10,381	293
February	11,390	383
March	18,857	187
April	10,973	54
May	9,470	54
June	10,008	17
July	9,298	
August	8,953	
September	9,287	1
October	9,597	3
November	10,500	9
December	11,374	512
Total	130,088	1,513
Average	10,841	151

6.1.2 Comments:

6.2 Energy Related Processes and Equipment

6.2.1 Indicate equipment and practices utilized at your pump/lift stations (Check all that apply):

- Comminution or Screening
- Extended Shaft Pumps
- Flow Metering and Recording
- Pneumatic Pumping
- SCADA System
- Self-Priming Pumps
- Submersible Pumps
- Variable Speed Drives
- Other:

6.2.2 Comments:

6.3 Has an Energy Study been performed for your pump/lift stations?

- No

Compliance Maintenance Annual Report

Franklin Sewage Collection System

Last Updated: Reporting For:

6/14/2022

2021

Yes

Year:

By Whom:

Describe and Comment:

6.4 Future Energy Related Equipment

6.4.1 What energy efficient equipment or practices do you have planned for the future for your pump/lift stations?

On site structure upkeep. When replacing existing older equipment we will upgrade to more efficient energy saving items.

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

Compliance Maintenance Annual Report

Franklin Sewage Collection System

Last Updated: Reporting For:
6/14/2022 2021

Sanitary Sewer Collection Systems

1. Capacity, Management, Operation, and Maintenance (CMOM) Program

1.1 Do you have a CMOM program that is being implemented?

- Yes
- No

If No, explain:

1.2 Do you have a CMOM program that contains all the applicable components and items according to Wisc. Adm Code NR 210.23 (4)?

- Yes
- No (30 points)
- N/A

If No or N/A, explain:

1.3 Does your CMOM program contain the following components and items? (check the components and items that apply)

- Goals [NR 210.23 (4)(a)]

Describe the major goals you had for your collection system last year:

Did you accomplish them?

- Yes
- No

If No, explain:

- Organization [NR 210.23 (4) (b)]

Does this chapter of your CMOM include:

- Organizational structure and positions (eg. organizational chart and position descriptions)
- Internal and external lines of communication responsibilities
- Person(s) responsible for reporting overflow events to the department and the public

- Legal Authority [NR 210.23 (4) (c)]

What is the legally binding document that regulates the use of your sewer system?

If you have a Sewer Use Ordinance or other similar document, when was it last reviewed and revised? (MM/DD/YYYY)

Does your sewer use ordinance or other legally binding document address the following:

- Private property inflow and infiltration
- New sewer and building sewer design, construction, installation, testing and inspection
- Rehabilitated sewer and lift station installation, testing and inspection
- Sewage flows satellite system and large private users are monitored and controlled, as necessary
- Fat, oil and grease control
- Enforcement procedures for sewer use non-compliance

- Operation and Maintenance [NR 210.23 (4) (d)]

Does your operation and maintenance program and equipment include the following:

- Equipment and replacement part inventories
- Up-to-date sewer system map
- A management system (computer database and/or file system) for collection system information for O&M activities, investigation and rehabilitation

Compliance Maintenance Annual Report

Franklin Sewage Collection System

Last Updated: Reporting For:
6/14/2022 **2021**

- A description of routine operation and maintenance activities (see question 2 below)
- Capacity assessment program
- Basement back assessment and correction
- Regular O&M training

Design and Performance Provisions [NR 210.23 (4) (e)]

What standards and procedures are established for the design, construction, and inspection of the sewer collection system, including building sewers and interceptor sewers on private property?

- State Plumbing Code, DNR NR 110 Standards and/or local Municipal Code Requirements
- Construction, Inspection, and Testing
- Others:

Overflow Emergency Response Plan [NR 210.23 (4) (f)]

Does your emergency response capability include:

- Responsible personnel communication procedures
- Response order, timing and clean-up
- Public notification protocols
- Training
- Emergency operation protocols and implementation procedures

Annual Self-Auditing of your CMOM Program [NR 210.23 (5)]

Special Studies Last Year (check only those that apply):

- Infiltration/Inflow (I/I) Analysis
- Sewer System Evaluation Survey (SSES)
- Sewer Evaluation and Capacity Management Plan (SECAP)
- Lift Station Evaluation Report
- Others:

0

2. Operation and Maintenance

2.1 Did your sanitary sewer collection system maintenance program include the following maintenance activities? Complete all that apply and indicate the amount maintained.

Cleaning	20	% of system/year
Root removal	.1	% of system/year
Flow monitoring	.5	% of system/year
Smoke testing	0	% of system/year
Sewer line televising	15	% of system/year
Manhole inspections	9	% of system/year
Lift station O&M	65	# per L.S./year
Manhole rehabilitation	8	% of manholes rehabbed
Mainline rehabilitation	.1	% of sewer lines rehabbed
Private sewer inspections	0	% of system/year
Private sewer I/I removal	0	% of private services

Compliance Maintenance Annual Report

Franklin Sewage Collection System

Last Updated: Reporting For:
6/14/2022 2021

River or water crossings .1 % of pipe crossings evaluated or maintained

Please include additional comments about your sanitary sewer collection system below:

3. Performance Indicators

3.1 Provide the following collection system and flow information for the past year.

<input type="text" value="24.13"/>	Total actual amount of precipitation last year in inches
<input type="text" value="34.67"/>	Annual average precipitation (for your location)
<input type="text" value="196"/>	Miles of sanitary sewer
<input type="text" value="5"/>	Number of lift stations
<input type="text" value="0"/>	Number of lift station failures
<input type="text" value="0"/>	Number of sewer pipe failures
<input type="text" value="0"/>	Number of basement backup occurrences
<input type="text" value="20"/>	Number of complaints
<input type="text" value="0.627"/>	Average daily flow in MGD (if available)
<input type="text" value="33.159"/>	Peak monthly flow in MGD (if available)
<input type="text" value="0.105"/>	Peak hourly flow in MGD (if available)

3.2 Performance ratios for the past year:

<input type="text" value="0.00"/>	Lift station failures (failures/year)
<input type="text" value="0.00"/>	Sewer pipe failures (pipe failures/sewer mile/yr)
<input type="text" value="0.00"/>	Sanitary sewer overflows (number/sewer mile/yr)
<input type="text" value="0.00"/>	Basement backups (number/sewer mile)
<input type="text" value="0.10"/>	Complaints (number/sewer mile)
<input type="text" value="52.9"/>	Peaking factor ratio (Peak Monthly:Annual Daily Avg)
<input type="text" value="0.2"/>	Peaking factor ratio (Peak Hourly:Annual Daily Avg)

4. Overflows

LIST OF SANITARY SEWER (SSO) AND TREATMENT FACILITY (TFO) OVERFLOWS REPORTED **

Date	Location	Cause	Estimated Volume
None reported			

** If there were any SSOs or TFOs that are not listed above, please contact the DNR and stop work on this section until corrected.

5. Infiltration / Inflow (I/I)

5.1 Was infiltration/inflow (I/I) significant in your community last year?

- Yes
- No

If Yes, please describe:

5.2 Has infiltration/inflow and resultant high flows affected performance or created problems in your collection system, lift stations, or treatment plant at any time in the past year?

- Yes
- No

If Yes, please describe:

Compliance Maintenance Annual Report

Franklin Sewage Collection System

Last Updated: Reporting For:
6/14/2022 2021

<p>5.3 Explain any infiltration/inflow (I/I) changes this year from previous years:</p> <p>When infiltration is found the issue is fixed. Repairing leaky manholes.</p> <p>5.4 What is being done to address infiltration/inflow in your collection system?</p> <p>In collaboration with MMSD in a PPII program. Rehabbing of manholes, laterals, pipe lining etc.</p>
--

Total Points Generated	0
Score (100 - Total Points Generated)	100
Section Grade	A

Compliance Maintenance Annual Report

Franklin Sewage Collection System

Last Updated: Reporting For:

6/14/2022

2021

Grading Summary

WPDES No: 0047341

SECTIONS	LETTER GRADE	GRADE POINTS	WEIGHTING FACTORS	SECTION POINTS
Financial	A	4	1	4
Collection	A	4	3	12
TOTALS			4	16
GRADE POINT AVERAGE (GPA) = 4.00				

Notes:

A = Voluntary Range (Response Optional)

B = Voluntary Range (Response Optional)

C = Recommendation Range (Response Required)

D = Action Range (Response Required)

F = Action Range (Response Required)

Compliance Maintenance Annual Report

Franklin Sewage Collection System

Last Updated: Reporting For:

6/14/2022

2021

Grading Summary

WPDES No: 0047341

SECTIONS	LETTER GRADE	GRADE POINTS	WEIGHTING FACTORS	SECTION POINTS
Financial	A	4	1	4
Collection	A	4	3	12
TOTALS			4	16
GRADE POINT AVERAGE (GPA) = 4.00				

Notes:

A = Voluntary Range (Response Optional)

B = Voluntary Range (Response Optional)

C = Recommendation Range (Response Required)

D = Action Range (Response Required)

F = Action Range (Response Required)

Compliance Maintenance Annual Report

Franklin Sewage Collection System

Last Updated: Reporting For:

6/14/2022

2021

Resolution or Owner's Statement

Name of Governing
Body or Owner:

City Of Franklin Sewer Utility

Date of Resolution or
Action Taken:

Resolution Number:

Date of Submittal:

ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO SPECIFIC CMAR SECTIONS (Optional for grade A or B. Required for grade C, D, or F):

Financial Management: Grade = A

Collection Systems: Grade = A

(Regardless of grade, response required for Collection Systems if SSOs were reported)

ACTIONS SET FORTH BY THE GOVERNING BODY OR OWNER RELATING TO THE OVERALL GRADE POINT AVERAGE AND ANY GENERAL COMMENTS

(Optional for G.P.A. greater than or equal to 3.00, required for G.P.A. less than 3.00)

G.P.A. = 4.00

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<p style="text-align: center;">APPROVAL</p>	<p style="text-align: center;">REQUEST FOR COMMON COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">6/21/22</p>
<p style="text-align: center;">ORGANIZATIONAL BUSINESS</p>	<p style="text-align: center;">Review and Consideration to clarify or amend the Code of Conduct and Ethics and Rules of the Common Council and adopt a Resolution affirming such amendments</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;">G.9.</p>

Background:

At the May 3, 2022 regular meeting of the Common Council and upon recommendation from the May 2, 2022 Committee of the Whole Meeting, Alderman Nelson moved to table the City of Franklin Code of Conduct to the Common Council meeting of May 17, 2022. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

At the May 17th regular meeting of the Common Council, (G7) Affirm Code of Conduct and Ethics Code was placed on the agenda by Alderwoman Hanneman. Alderwoman Hanneman moved to adopt A Resolution Affirming the City of Franklin Code of Conduct and Ethics. Seconded by Alderman Barber.

Alderman Barber moved to call the question. Motion died due to the lack of a second. Alderwoman Hanneman then withdrew her motion and Alderman Barber withdrew his second with no objections. Alderwoman Hanneman then moved to table this Resolution to the Common Council meeting of June 21, 2022, with continuation of the May 3, 2022, action taken by the Common Council to table the Code of Conduct at the request of Alderman Nelson. Seconded by Alderman Holpfer. All voted Aye; motion carried.

The item returns for review and consideration and to clarify or amend the items as presented in the information from Alderman Nelson, and other considerations the Council deems appropriate including changes that may need to be reflected within the Rules of the Common Council.

COUNCIL ACTION REQUESTED

Motion to adopt Resolution No. 2022, _____ A Resolution Affirming Amendments to the City of Franklin Code of Conduct and Ethics and Rules of the Common Council.

Or as the Council deems appropriate.

**City of Franklin Code of Conduct
Ethics Elected and Appointed Officials
October 5, 2021 - Amendments
(Prepared for the June 21, 2022 Council meeting)**

SECTION 1: PURPOSE

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

Insert proper references: These two documents are extensive. Avoid confusion and burdensome reading for compliance by inserting the reference-code numbers of the Code and Statutes. Include the Administrative Policies and Procedures as Indexed (available in the Clerk's office).

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.

Restate to: The elected Alderperson's and the Mayor (hereinafter the "Common Council") have a responsibility to set policy and carry out policies for the City. Policy setting is a function of the Legislative branch (elected alderpersons), while the Executive branch (mayor) assures policies, as set by the Council, are carried out with staff assistance.

Notes: The mayoral policy role is fulfilled by *recommending* policies to the Council, breaking ties, and through veto power. The mayor himself does not set policy.

SECTION 2: F. Social Media

No wording changes. Discussion on creating a City Page.

Notes: Posting of City news and public information is an extension of the position. Elected and appointed officials posting on unofficial-private Facebook pages (where comments can be deleted by others) creates record retention issues. Combining several existing City hosted Pages into one will free up people, not add workload. Post the rules and use it as a news release site that is public and available to all, not just those allowed to join private groups. Private groups can then carry news over individually to the conversation. Many Cities have an official City Facebook Page to avoid legal issues and for information retention.

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

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 (1*). (This does not include Council Members' need for additional information needed for Council agenda items or issues relevant to their districts, which is covered in the Rules of the Common Council.) In the event that the matter is not resolved within a reasonable amount of time after communications with the Mayor and the Director of Administration, the matter may be discussed at a Council or Committee of the Whole Meeting at the call of two Council Members by filing (2*) a written request with the Clerk.

Clarify need. Delete or Amend: The intent should not be to supersede current Municipal Code or limit the Legislative body A two Council Member procedure pertaining to calling a “Special meeting” already exists that could be used for *unresolved concerns* As written, it limits and delays an individual Council members ability to submit items to the Clerk, as allowed under current Municipal Code, for the Legislative body to act on

Notes (1*): Muni-Code 19-2 Order of business 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

Notes (2*) : Muni-Code 19-1 Meeting time and date 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

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

Since Council/Board/Commission/Committee 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 for information gathering reasons as a citizen, NOT as a Council/Commission/Board/Committee Member Council/Commission/Board/Committee. Members may state their office position with the City, but shall also state that the Member has not been authorized by the Council/Commission/Board /Committee and is not appearing or communicating with the agency on the specific subject matter(s) with Council/Commission/Board/Committee direction to do so (unless the Council/Commission /Board/Committee has so authorized and directed the Member to do so), Council/Commission/Board /Committee may then otherwise state the reason for appearing or communicating with the agency and/or office Common Council Members may use their respective City email accounts to so communicate in addition to other methods of communication

Restate to: Since Council/Board/Commission/Committee Members act as a single Body during official City Meetings, such members should curb individual communications with other agencies Such restraint is not meant to impede the ability of an elected official from access to information on matters of public concern, projects within their respective districts or to undermine the function of government officials to become informed on a subject matter to be voted upon Members shall identify themselves when communicating with other agencies by using their official position or title but shall not express or give the impression the Member is appearing or communicating with such agency with Council/Commission/Board/ Committee direction (unless the Council/Commission /Board/Committee has authorized and directed the Member to do so), Council/Commission/Board/Committee may then otherwise state the reason for appearing or communicating with the agency and/or office Council Members are allowed to use their respective City email accounts to communicate in addition to other methods of communication, as long as records are retained

RESOLUTION NO. 2022 - _____

A RESOLUTION AFFIRMING AND ADOPTING AMMENDMENTS
TO THE CITY OF FRANKLIN CODE OF CONDUCT AND ETHICS
AND RULES OF THE COMMON COUNCIL

WHEREAS, on October 5, 2021, the City of Franklin Common Council, by a vote of 5-0, with one Council Member not present, adopted and enacted its Code of Conduct and Ethics, which included Rules of the Common Council; and

WHEREAS, the purpose of the Code of Conduct and Ethics and Rules of the Common Council are to ensure all elected and appointed officials have clear guidelines for carrying out their responsibilities, and to ensure a safe and positive work environment for those who conduct the business of the City of Franklin; and

WHEREAS, the Code of Conduct details conduct of elected and appointed officials and the process by which complaints of violations to the Code of Conduct, other than ethics which follow a separate statewide process, will be investigated and resolved in a timely manner; and

WHEREAS, the Common Council has reviewed and considered changes to the above-mentioned documents and has agreed to further clarify and amend sections of the Code of Conduct and Ethics and Rules of the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the City of Franklin Code of Conduct and Ethics stands as a necessary and viable Code of Conduct to be maintained, and have been reviewed, updated and amended based on the actions and motions at the June 21, 2022 meeting of the Common Council, and are to be followed, and subscribed to by all City of Franklin elected officials, appointed board/commission/committee members, and appointed officials.

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

CITY OF FRANKLIN CODE OF CONDUCT AND ETHICS
ELECTED AND APPOINTED OFFICIALS
October 5, 2021

SECTION 1: PURPOSE

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

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

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

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

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

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

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

A. Use of Formal Titles

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

B. Use of Civility and Decorum in Discussions and Debate

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

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

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

C. Honor the Role of the Chair in Maintaining Order

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

D. Dissemination of Information

Out of courtesy to all Council Members, important safety matters, as determined by the Mayor, will be communicated to the Council Members as soon as practicable once they become available/known. In addition, new information regarding appropriate City Business/Communications will be disseminated to the Body prior to disseminating on social media.

E. Use of Electronic Devices

Respect for one another, constituents, and those appearing before the Council and Commissions/Boards/Committees is paramount, and full attention to the matters before the Body is the purpose of meetings. The use of electronic devices to communicate regarding City business during meetings is prohibited since it presents an opportunity for violation of open meetings and open records laws. Personal use (i.e. use not related to City Business) of electronic devices is strongly discouraged and is to be reserved only for urgent situations. However, it is acknowledged that occasional use of electronic devices occurs for business purposes within the context of meetings and is acceptable.

F. Social Media

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

In the use of social media, all officials are to abide by the following:

- Refrain from making belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments;
- Ensure that they do not participate in discrimination or harassment, even if the identified behavior is not targeting a protected class, consisting 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;

- Shall never demean or personally attack an employee regarding the employee's job performance in public; and
- Are to demonstrate their honesty and integrity, and to be an example of appropriate and ethical conduct.

G. Newsletters by Council Members

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

H. Discrimination and Other Harassment

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

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

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

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

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

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

Should an individual Council Member see a deficiency, need a project or task performed, have a special request for service, or any other directive for staff, he/she is to communicate that, in writing, including the specific issue as well as a requested resolution, to the Mayor or Director of Administration. (This does not include Council Members' need for additional information needed for

Council agenda items or issues relevant to their districts, which is covered in the Rules of the Common Council.) In the event that the matter is not resolved within a reasonable amount of time after communications with the Mayor and the Director of Administration, the matter may be discussed at a Council or Committee of the Whole Meeting at the call of two Council Members by filing a written request with the Clerk.

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

A. Treat Staff as Professionals

Council/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. Council/Commission/Board/Committee 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

Council/Commission/Board/Committee 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/Commission/Board/Committee Members shall not attempt to unethically influence or coerce City staff concerning either their actions or recommendations to awarding contracts, selection of consultants, processing of development proposals, the granting of City licenses and permits, or any other similar City function.

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

D. Do Not Solicit Political or Business Support from Staff

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

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 Council/Commission/Board/Committee Members are to demonstrate, both publicly and privately, their honesty and integrity, and to be an example of appropriate and ethical conduct. And, all Council/Commission/Board/Committee Members are to respect and appreciate the public's participation, input, and opinions.

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

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

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

The Mayor/Chair will determine and announce time limits on speakers at the start of the Public Hearing. 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 Council/Board/Commission/Committee Members), shall be allowed to interrupt a speaker during a presentation if needed to clarify, keep on topic, or similar. Council/Board/Commission/Committee 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, Council/Board/Commission/Committee Members may ask the Mayor/Chair for a point of order if the speaker is off the topic, exhibiting behavior or language that the Member finds disturbing or out of line, or if there are inaccurate statements made that the Member would like corrected. Member questions, regarding public input, to seek, clarify, or expand information are to be directed to the Mayor/Chair.

D. Follow Parliamentary Procedure in Conducting Public Meetings

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

Outside Public Meetings

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

Council/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 Council/Board/Commission/Committee 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 OTHER GOVERNMENTAL PUBLIC AGENCIES AND OFFICES

Since Council/Board/Commission/Committee 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. Council/Commission/Board/Committee Members may state their office position with the City, but shall also state that the Member has not been authorized by the Council/Commission/Board/Committee and is not appearing or communicating with the agency on the specific subject matter(s) with Council/Commission/Board/Committee direction to do so (unless the Council/Commission/Board/Committee has so authorized and directed the Member to do so); Council/Commission/Board/Committee may then otherwise state the reason for appearing or communicating with the agency and/or office. Common Council Members may use their respective City email accounts to so communicate in addition to other methods of communication.

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

D. Mayor's Role Representing the City

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

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

A. Attendance at Commission/Board/Committee Meetings

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

B. Assigned Commission/Board/Committee Duties

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

Regular attendance at meetings and activities is expected.

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

C. Be Respectful of Diverse and Opposing Opinions

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

D. Closed Session Participation

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

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

A. Expression of Positions on Issue

When communicating with the media, all Council/Board/Commission/Committee 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/Board/Commission/Committee Member represents one vote of the total and until a vote on any issue is taken, Council/Board/Commission/Committee Members' positions are merely their own. Council/Board/Commission/Committee 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 in Section 9 and contains separate remedies)

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

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

The complaint shall include an affidavit at the end of the complaint stating that the "information contained in the complaint is true and correct, or that the complainant has good reason to believe and does believe that the facts alleged are true and correct and that they constitute a violation of the Municipal Code, Policy, or Rule". If the complaint is based on information and belief, the complaint shall identify the basis of the information and belief, including all sources, contact information for those sources, and how and when

the information and/or belief was conveyed to the complainant by those sources. The complainant shall swear to the facts by oath before a notary public, or before the City Clerk. A notary public or City Clerk shall verify the signature.

If a complaint filing is determined to be complete by the City Clerk, the City Clerk shall forward the matter to the Mayor or the Mayor's Designee. If the complaint filing is determined incomplete, the City Clerk shall notify the complainant of the deficiency. If the complaint is filed against the Mayor, the City Clerk shall submit the complaint filing to the Council President to work with the appropriate parties to process the complaint appropriately on behalf of the City.

B. Confidential Nature of Complaint

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

C. Time for Filing

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

D. False or Frivolous Complaints

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

E. Complaint Procedure

(1) Investigation

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

(2) Failure to Comply

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

(3) Recommendations

At the conclusion of the investigation, the Investigating Officer, following deliberation in open or closed session, shall submit a report to the Council, including findings of

fact, conclusions of law, and a recommendation as to what action, if any, the Council should consider with respect to the individual charged. The Investigating Officer shall provide the complainant and the individual charged with a copy of the report. Either the complainant or the person charged may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the Council.

(4) Council Action

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

(5) Penalties and Sanctions Policy

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

(6) Possible Penalties and Sanctions

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

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

(7) Notice

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

SECTION 9: ETHICS

The state ethics code applicable to local government officials is found in Wisconsin Statutes § 19.59. *(This is affirmed by the CHARTER ORDINANCE change that was passed on March 1, 2005 Ordinance 2005-1835 repealed the Code of Ethics of the Municipal Code and provided*

for the filing of financial disclosure statements by elected officials, candidates and other specified officials of the City) Many of the terms used therein are defined in Wisconsin Statutes § 19.42.

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

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

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

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

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

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

RULES OF THE COMMON COUNCIL
October 5, 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

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

2) NOTIFICATION OF ABSENCE OF COUNCIL MEMBERS

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

3) SPECIAL RECOGNITION

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

4) PRESIDING OFFICER TO MAINTAIN AND PRESERVE ORDER

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

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

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

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

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

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

- v. No officer, elected official or staff member may distribute, hold aloft, or place on the dais for public view information not previously available to the public, during or the day of a Common Council meeting.
- g. **CALLING THE QUESTION** - Any Member wishing to terminate the debate may move the previous question as detailed in the City of Franklin Municipal Code, § 19-7 C., as attached hereto, per Robert's Rules of Order.
- h. **MOTIONS TO TABLE SHALL INCLUDE DATE OR TIME FRAME FOR ACTION** - Motions to table shall include a specific date to be returned to the Council or shall require return to the Council upon a specific occurrence within a specified time frame. Except for matters which may be approved by operation of law if not acted upon by Council, if the occurrence shall not happen within the specified time frame, the City Clerk shall notify the Council at the end of the time frame that the matter shall not be brought forward and make appropriate notation to the minutes of the meeting during which the matter was laid over. Upon notice of non-action by the City Clerk, any Council Member may request that the matter be placed upon the next Council agenda for report or official action.
- i. **VOTE CHANGE** - A Member shall only be permitted to change his/her vote up until the point all votes are in and the Mayor reports the results of the vote.
- j. **MOTION TO RECESS** - Any Member or the chair may move to recess at any point during the meeting with a majority vote with a stated time for such recess to reconvene.
- k. **MOTION TO ADJOURN** - A motion to adjourn shall always be in order unless the Common Council is engaged in voting, and shall be decided pursuant to Robert's Rules of Order.
- l. **RECONSIDERATION** - Reconsiderations are allowed through the process included in the City of Franklin Municipal Code, § 19-7 F., as attached hereto.
- m. **USE OF UNANIMOUS CONSENT** - Unanimous Consent shall only be used for termination of debate, motions to adjourn, motions to recess and for elections for Common Council President or Temporary Chair when there shall be only one Member put forward for election.
- n. **BREAKING TIES – BREAKING TIES** – Per Wisconsin State Statutes § 62.11 (1), the Mayor shall not be counted in determining whether a quorum is present at a meeting, but may vote in case of a tie. When the Mayor does vote in case of a tie the Mayor's vote shall be counted in determining whether a sufficient number of the Council has voted favorably or unfavorably on any measure. The foregoing Mayoral vote, only in case of a tie, is not applicable when the Mayor is serving as the Presiding Officer of other City Boards/Commissions/Committees, during which the Mayor can (but is not obligated) to vote whenever his/her vote will affect the result – that is, he/she can vote either to break or to cause a tie; or, in a case where a two-thirds vote is required, he/she can vote either to cause or to block the attainment of the necessary two-thirds vote.

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

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

- a. **ATTIRE** - Common Council Meetings are to conduct official business of the City of Franklin, therefore, business casual attire or better is expected out of respect for our constituents and the Body. Except for the City's logo, business casual attire does not include apparel with advertising or logos of specific businesses, hats, shorts, flip flops, clogs, or similar. However, the Council may designate certain meetings to allow for clothing to support specific events
- b. **PROXY** - No Member shall be allowed to vote by proxy.
- c. **ELECTRONIC DEVICES** - Respect for each other, constituents, and those appearing before the Council and Commissions/Boards/Committees is paramount, and full attention to the matters before the Body is the purpose of the meetings. The use of electronic devices to communicate regarding City business during meetings is prohibited since it presents an opportunity for violation of open meetings and open records laws. Personal use of electronic devices is strongly discouraged and is to be reserved only for emergency situations. However, it is acknowledged that occasional use of electronic devices occurs for business purposes within the context of meetings, and is acceptable.

7) **CONFIDENTIAL INFORMATION**

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

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

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

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

8) GENERAL RULES OF DECORUM

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

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

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

9) SOCIAL MEDIA

Social media presence by those officials covered under this code 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.

In the use of social media, all officials are to abide by the following:

- Refrain from making belligerent, impertinent, slanderous, threatening, abusive, or personally disparaging comments;
- Ensure that they do not participate in discrimination or harassment, even if the identified behavior is not targeting a protected class, consisting 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;
- Shall never demean or personally attack an employee regarding the employee's job performance in public; and
- Are to demonstrate their honesty and integrity, and to be an example of appropriate and ethical conduct.

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

- a. Citizen comments shall be conducted per the City of Franklin Municipal Code, § 19-2 B., as attached hereto, allowing any person to address the Common Council.

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

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

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

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

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

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

12) RULES PERTAINING TO STAFF/APPLICANT PRESENTATIONS

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

13) CLOSED SESSION

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

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

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

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

As a practice, only parties with direct information on a Closed Session matter in support of the City, will be included in any Closed Session. The Mayor will make the decision on attendance, other than the Members. The Common Council may, on motion and second of Members, vote to include a participant while still in open session.

All personal electronic devices are prohibited while in Closed Session.

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

14) COUNCIL APPOINTMENT OF A COUNCIL MEMBER DUE TO THE VACATION OF A COUNCIL SEAT BETWEEN ELECTIONS

Per Wisconsin State Statutes, § 17.23, vacancies in offices of mayor or 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 § 8.50, or an office may remain vacant until an election is held. Also, per § 19.88, (1) Unless otherwise specifically provided by statute, no secret ballot may be utilized to determine any election or other decision of a governmental body except the election of the officers of such body in any meeting.

In accordance with Wisconsin State Statutes, § 17.23 & § 19.88, the City of Franklin has utilized the following process to fill Council vacancies: (1) Issue and publish an Official Notice to Residents of the vacancy and accept letters of interest; (2) Invite all interested parties to a meeting of the Common Council to make a presentation to the Common

Council; and (3) The Common Council appoints by majority vote. The appointment is complete once the result of a sufficient vote is ascertained and announced, and no resolution declaring that person to be appointed is necessary. Once appointed, the governing body may not rescind its vote or reconsider its actions and elect another person. This process may be altered in the future when Council determines that it wishes to fill a vacated Council seat through an appointment process.

15) AMENDMENT AND SUSPENSION OF RULES

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

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<p>APPROVAL</p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE 6/21/2022</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>A Resolution Affirming the City of Franklin Code of Conduct and Ethics (Aldерwoman Shari Hanneman)</p>	<p>ITEM NUMBER G.10.</p>

At their May 17, 2022 meeting, the Common Council tabled this item to the June 21, 2022 Common Council Meeting to be considered with continuation of the May 3, 2022 action taken by the Common Council to table the Code of Conduct at the request of Alderman Nelson.

COUNCIL ACTION REQUESTED

Motion to adopt Resolution No. 2022-____, A Resolution Affirming the City of Franklin Code of Conduct and Ethics.

RESOLUTION NO. 2022-_____

A RESOLUTION AFFIRMING THE CITY OF FRANKLIN
CODE OF CONDUCT AND ETHICS

WHEREAS, the City of Franklin embarked on a process to improve its communications upon a recommendation from legal counsel hired by the City's risk/insurance provider that the City make efforts to create proper, respectful, and effective communication protocols; and

WHEREAS, the Common Council and staff worked together for approximately seven months, in twelve public meetings as well as additional time meeting individually with staff to discuss concerns, questions, additional information to be presented to the full Council for discussion, feedback, and decisions on what to include and not include; and

WHEREAS, advice and applicable documentation from the League of Wisconsin Municipalities, best practices from other communities, and advice and review from outside legal counsel, were all utilized to create the Code of Conduct and Ethics; and

WHEREAS, the result of that research and hard work was the creation and refining of two very important documents, a Code of Conduct and Rules of the Common Council, as well as adding an Ethics section to the Code of Conduct at Council's request; and

WHEREAS, on October 5, 2021, the City of Franklin Common Council, by a vote of 5-0, with one Council Member not present, adopted and enacted its Code of Conduct and Ethics; and

WHEREAS, the purpose of the Code of Conduct and Ethics is to ensure that all elected and appointed officials have clear guidelines for carrying out their responsibilities, and to ensure a safe and positive work environment for those who conduct the business of the City of Franklin; and

WHEREAS, the Code of Conduct details the process by which complaints of violations to the Code of Conduct, other than ethics which follow a separate statewide process, will be investigated and resolved in a timely manner; and

WHEREAS, there is a statewide established process for the enforcement of ethics violations by the local district attorney (in Milwaukee County, this is Corporation Counsel) which may be petitioned to the Attorney General if the district attorney fails to act.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the City of Franklin Code of Conduct and Ethics stands as a necessary and viable Code of Conduct to be maintained, updated as is appropriate, followed, and subscribed to by all City of Franklin elected officials, appointed board/commission/committee members, and appointed officials.

Introduced at a regular meeting of the Common Council of the City of Franklin this 21st day of June, 2022 by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin
this 21st day of June, 2022.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

YES _____ NOES _____ ABSENT _____

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<p style="text-align: center;">APPROVAL</p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE 6/21/2022</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Consideration of an Intern Approval/Authorization Policy</p>	<p style="text-align: center;">ITEM NUMBER G.11.</p>

The attached 'Intern Approval/Authorization Policy' is being reviewed by the Personnel Committee on June 20, 2022, as directed by the Common Council at their June 7, 2022 meeting; and any recommendations from the Personnel Committee will be forwarded to the Council at their meeting of June 21, 2022.

COUNCIL ACTION REQUESTED

Motion to approve the Intern Approval/Authorization Policy.



DRAFT

Intern Approval/Authorization Policy

1.00 POLICY PURPOSE

The purpose of this policy is to identify the appropriate authority to approve/authorize unpaid or paid intern/internship agreements

2.00 ORGANIZATIONS AND PERSONS AFFECTED

This policy applies to intern/internship agreements and interns hired for a limited term by any City Department for which the Mayor is the hiring authority as detailed herein.

An intern is defined as follows a limited-term, part-time employee hired during or immediately following the individual's participation in a degree program in a field related to the work performed by the department for which the individual is working.

3.00 REFERENCES

Civil Service Manual authorizes the Mayor as the hiring of temporary and casual employees.

4.00 POLICY STATEMENT

The City of Franklin recognizes the Mayor as the hiring authority of temporary and casual employees, and further authorizes the Mayor, with the concurrence of the City Attorney in regard to the agreement language, if applicable, to authorize intern agreements with outside organizations when the Mayor determines the agreements are in the best interest of the City.

Specifically, an intern is hired with the specific intent of providing benefit to the City while enhancing the individual's educational program and providing the individual with work-related experience. Employment as an intern, i.e. an internship, may continue while the individual remains active in a degree program and for up to one year following graduation. Workloads and hours

worked should be coordinated with and conducive to the individual's academic program, and the internship may include employment during summer periods or short breaks between semesters or quarters.

5.00 **POLICY SPECIFICS**

- 5.01 Department Heads recommend potential interns/internship agreements.
- 5.02 Mayor considers the following in determining whether to agree to accept the intern and enter into an agreement, if applicable:
- 1) Impact of the intern on the department;
 - 2) Role the intern will fulfill during his/her tenure with the City,
 - 3) Educational value provided by the department,
 - 4) Duration of the internship;
 - 5) Liability to the City due to taking on the intern;
 - 6) Requirements the City must follow according to any established agreement;
 - 7) Available budgetary appropriation for the position, if it is a paid position; and
 - 8) Rate of pay.
- 5.03 The Mayor obtains and reviews the draft agreement with the coordinating agency, if applicable, to ensure it is satisfactory to the City.
- If no formal agreement is required, the Mayor determines that the informal agreement is satisfactory to the City.
- 5.04 The City Attorney reviews the draft agreement, if applicable, to ensure that the exposure to the City in regard to such agreement is not too onerous to the City.

6.00 **POLICY EXCEPTIONS**

Any formal agreements which are not dually acceptable to the Mayor and the City Attorney, but still being considered by the City, will be presented to the Common Council for formal consideration.

Policy Review Period This Policy shall be reviewed at least every 5 years. Established in 2022, next review no later than 2027

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<p style="text-align: center;">APPROVAL</p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE 6/21/2022</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">Review of the Director of Clerk Services Position and Timing of Hiring Due to Impending Retirement/Upcoming Position Posting</p>	<p style="text-align: center;">ITEM NUMBER G.12.</p>

This item will be discussed by the Personnel Committee on June 20, 2022, and any recommendations will be forwarded to the Common Council on June 21, 2022.

The Director of Clerk Services position is slated to be posted as soon as feasible.

COUNCIL ACTION REQUESTED

Motion as directed by the Common Council.

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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 06/21/2022
LICENSES AND PERMITS	MISCELLANEOUS LICENSES	ITEM NUMBER H.

See attached listing from meeting of June 21, 2022.

COUNCIL ACTION REQUESTED

As recommended by the License Committee.



414-425-7500

**License Committee
Agenda***


Alderman Room

June 21, 2022 – 5:30 p.m.

1.	Call to Order & Roll Call	Time:
2.	Applicant Interviews & Decisions	
License Applications Reviewed		Recommendations

Type/ Time	Applicant Information	Approve	Hold	Deny
Extraordinary Entertainment & Special Event 5:35 p.m.	Federation of Croatian Societies – Croatian Fest Person in Charge: Thomas Krenz Location: 9100-9140 S 76 th St Date of Event: Saturday, July 16, 2022			
Class B Combination, Entertainment & Amusement 2022-2023 5:40 p.m.	DBA Point After Pub & Grille Point After LLC Darryl Malek, Agent 7101 S 76 th St			
Operator 2021-2022 New 5:45 p.m.	Burks, Kenneth D Walmart #1551			
Operator 2022-2023 Renewal	Burks, Kenneth D Walmart #1551			
Operator 2021-2022 New 5:50 p.m.	Chisom, Shaun A Pick'n Save #6431			
Operator 2022-2023 Renewal	Chisom, Shaun A Pick'n Save #6431			
Operator 2021-2022 New 5:55 p.m.	Murillo, Adriana Walmart #1551			
Operator 2022-2023 Renewal	Murillo, Adriana Walmart #1551			
Operator 2022-2023 New	Churchhill, Sydney M Sendik's Food Market			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 2022-2023 New	Daniels, Holly A Sendik's Food Market			
Operator 2022-2023 New	Fischer, Nicholas Chili's Grill & Bar			
Operator 2022-2023 New	Flores, Peggy A Mimosa			
Operator 2022-2023 New	Josephson, Sarah A Kwik Trip #857			
Operator 2022-2023 New	Neumann, Richard H Target Store T-2388			
Operator 2022-2023 New	Schultz, Kimberly A Sendik's Food Market			
Operator 2022-2023 New	Solomon, Savanna L Point After Pub & Grille			
Operator 2022-2023 New	Torbeck, Jenna E Walgreens #05459			
Operator 2021-2022 New	Boneck, Dawn J Romey's Place			
Operator 2022-2023 Renewal	Boneck, Dawn J Romey's Place			
Operator 2021-2022 New	Gonzalez, Aarion A 7-Eleven			
Operator 2022-2023 Renewal	Gonzalez, Aarion A 7-Eleven			

APPROVAL 	REQUEST FOR COUNCIL ACTION	MEETING DATE 6/21/2022
Bills	Vouchers and Payroll Approval	ITEM NUMBER I

Attached are vouchers dated June 3, 2022 through June 16, 2022, Nos 188274 through Nos 188460 in the amount of \$ 2,428,759 15 Also included in this listing are EFT's Nos 4978 through Nos 4993, Library vouchers totaling \$ 10,129 71, Tourism vouchers totaling \$ 5,365 00, Water Utility vouchers totaling \$ 10,417 61 and Property tax vouchers totaling \$ 8,018 67

Included in this listing is payment to Velo Village in the amount of \$ 459,000 and payment to First American Title Insurance in the amount of \$ 750,000 which were approved at the Common Council meeting on June 7, 2022

Early release disbursements dated June 3, 2022 through June 15, 2022 in the amount of \$ 1,721,857 14 are provided on a separate listing and are also included in the complete disbursement listing These payments have been released as authorized under Resolutions 2013-6920, 2015-7062 and 2022-7834

The net payroll dated June 17, 2022 is \$ 427,772 10, previously estimated at \$ 417,000 Payroll deductions dated June 17, 2022 are \$ 436,983 24, previously estimated at \$ 442,000

The estimated payroll for July 1, 2022 is \$ 417,000 with estimated deductions and matching payments of \$ 250,000

Attached is a list of property tax disbursements, EFT No 426 through EFT No 430 and EFT No 308(S) through EFT No 310(S) dated June 3, 2022 through June 16, 2022, in the amount of \$ 1,273,592 46 \$ 8,018 67 represents tax refund reimbursements and \$ 1,265,573 79 represents tax settlements from US Bank There is also an additional \$ 2,568,952 16 of tax settlements from American Deposits These payments have been released as authorized under Resolutions 2013-6920, 2015-7062 and 2022-7834

COUNCIL ACTION REQUESTED

Motion approving the following

- City vouchers with an ending date of June 16, 2022 in the amount of \$ 2,428,759 15 and
- Payroll dated June 17, 2022 in the amount of \$ 427,772 10 and payments of the various payroll deductions in the amount of \$ 436,983 24, plus City matching payments and
- Estimated payroll dated July 1, 2022 in the amount of \$ 417,000 and payments of the various payroll deductions in the amount of \$ 250,000, plus City matching payments and
- Property Tax disbursements with an ending date of June 16, 2022 in the amount of \$ 1,273,592 46

ROLL CALL VOTE NEEDED