

The YouTube channel “City of Franklin WI” will be live streaming the Common Council meeting so that the public will be able to view and listen to the meeting.

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

**\*\*\*Revised Items G.1.,  
G.2., G.3. and H.4.**

CITY OF FRANKLIN  
COMMON COUNCIL MEETING\*  
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS  
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN  
AGENDA\*\*  
TUESDAY, OCTOBER 4, 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 September 20, 2022.
- D. Hearings.
- E. Organizational Business.
- F. Letters and Petitions.
- G. Reports and Recommendations:
  - 1.\*\*\* Concept Review for the M1 Mixed-Use Building at Ballpark Commons (SE Corner of Rawson Avenue and Ballpark Drive/TKN 754 9006 000) (Mandel Group, Inc., Agent) (Amended Council Action Sheet and Staff Report).
  - 2.\*\*\* Concept Review for the Retreat, a Retail and Multi-Family Residential Development (8301 W. Old Loomis Road) (Mandel Group, Inc., Agent) (Amended Council Action Sheet and Staff Report).
  - 3.\*\*\* Concept Review for the Public Square, Redevelopment of the Orchard View Shopping Center (7154 S. 76th Street) (Mandel Group, Inc., Agent) (Amended Council Action Sheet and Staff Report).
  - 4. Authorize the Purchase of VMWare Server Hardware Replacements for City Hall and Police Department.
  - 5. Authorize the Purchase of the Annual Palo Alto Maintenance, Licensing, and Support Subscription Renewal for the Period 10/5/2022 through 10/5/2023.
  - 6. The City of Franklin Fire Department is Seeking Permission to Accept a Wisconsin Department of Health Services (DHS) Flex Grant in the Amount of \$12,630 with other Escrowed Grant Funding to Purchase a Utility Terrain Vehicle (UTV), EMS Cot Skid-Load, Trailer and Other Associated Items.
  - 7. Presentation of the Mayor’s 2023 Recommended Budget.
  - 8. A Resolution for Agreement Between the City of Franklin and Franklin Public Schools to Jointly Develop a Public Recreational Trail, Trail Head Parking Lot and Restroom Facilities on Franklin Public Schools Properties Between South 80th Street and South 92nd Street (TKNs 896-9996-001 and 895-9999-000).

9. S. 116th Street Trailhead at Approximately 11950 W. Ryan Road (TKN 890-9991-001).
10. A Resolution to Award Contract for the W. Minnesota Avenue and S. 50th Street Water Main Extension to Willkomm Excavating and Grading, Inc. in the Amount of \$398,897.75.
11. Results of Hawthorne Neighborhood Pavement and Utilities Survey.
12. A Resolution for WE Energies to Remove Standard and Non-Standard Street Lights on S. Lovers Lane Road from W. Rawson Avenue to W. College Avenue to Accommodate the Wisconsin Department of Transportation STH 100 Reconstruction Project for \$4,881.08.
13. A Resolution to Grant Distribution Easement Underground to Wisconsin Electric Power Company on the City of Franklin Owned Parcel Described as the North Twelve (12) Feet of the West One-Hundred (100) Feet of Lot 2 of CSM No. 9369 (TKN 931-0006-001) 10100 S. 60th Street.
14. A Resolution Approving Third Amendment to Antenna Site Location Agreement for a Cellular Phone Antenna on the Water Tower Located at 8901 W. Drexel Avenue.
15. A Resolution to Execute Change Order No. 1 to Parking Lot Maintenance, LLC for the City of Franklin Facility Renovations—Hardscape Renovations Project in the Amount of \$840.
16. An Ordinance to Amend Ordinance 2021-2486, an Ordinance Adopting the 2022 Annual Budget for the Capital Improvement Fund to Increase the Appropriation by \$377,651.20 for the Southwest Park Purchase and Appropriate Additional Impact Fees of \$47,654.32, League of Wisconsin Municipalities Mutual Insurance Funds of \$24,368, and TID #3 Remainder Funds of \$305,628.88.

H. Licenses and Permits.

License Committee Meeting of October 4, 2022:

1. Miscellaneous Licenses.
2. Fireworks Display Process for License Committee Consideration and Discussion for Recommendation to the Common Council (Referred from 9/6/2022 Common Council Meeting).
3. Health Department Review of 2022 Season - Milkmen Concession Stands at Franklin Field.
- \*\*\* 4. Review and Recommendation Regarding Current Alcohol Beverage Licenses Enforcement Policy Guidelines and License Committee Administrative Rules and Procedures (Alderwoman Wilhelm).

I. Bills.

Request for Approval of Vouchers and Payroll.

J. Adjournment.

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

**Common Council Meeting Agenda**

October 4, 2022

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**\*\*Supporting documentation and details of these agenda items are available in the Common Council Meeting Packet on the City of Franklin website [www.franklinwi.gov](http://www.franklinwi.gov)**

[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:**

October 6	Plan Commission Meeting	7:00 p.m.
October 13	Special Common Council Meeting	6:30 p.m.
October 18	Common Council Meeting	6:30 p.m.
October 30	Trick or Treat	4:00-7:00 p.m.

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CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
SEPTEMBER 20, 2022  
MINUTES

C.

- ROLL CALL                    A.        The regular meeting of the Franklin Common Council was held on September 20, 2022, and was called to order at 6:30 p.m. by Mayor 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 Kristen Wilhelm, Alderwoman Hanneman, Alderman Barber, and Alderman John R. Nelson. Also in attendance were Dir. of Administration Peggy Steeno, City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski, and City Clerk Sandra Wesolowski.
- CITIZEN COMMENT            B.1.        Citizen comment period was opened at 6:32 p.m. and was closed at 6:52 p.m.
- MAYORAL  
ANNOUNCEMENT  
RES. 2022-7901  
RECOGNITION OF  
GAIL SUMI AND  
CURT WITYNSKI                B.2.        Alderwoman Wilhelm moved to adopt Resolution No. 2022-7901, A RESOLUTION IN RECOGNITION AND HONOR OF GAIL SUMI AND CURT WITYNSKI OF THE LEAGUE OF WISCONSIN MUNICIPALITIES FOR THEIR YEARS OF SERVICE AS LEAGUE WORKERS TO THE HUNDREDS OF CITIES AND VILLAGES IN THE STATE AND FOR THE MILLIONS OF PEOPLE DWELLING THEREIN. Seconded by Alderman Holpfer. All voted Aye; motion carried.
- MINUTES  
SEPTEMBER 6, 2022            C.1.        Alderman Barber moved to approve the minutes of the regular Common Council meeting of September 6, 2022, as presented. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- MINUTES  
SEPTEMBER 14, 2022        C.2.        Alderman Holpfer moved to approve the minutes of the special Common Council meeting of September 14, 2022, as presented. Seconded by Alderman Barber. All voted Aye; motion carried.
- MAYORAL  
APPOINTMENTS                E.        Alderwoman Hanneman moved to confirm the Mayoral appointments of Saralyn Emmons, 9339 S. 44th Ct., Ald. Dist. 4, to the Personnel Committee for a 3-year unexpired term expiring 4/30/2024; and Thomas P. Klusman, 4606 W. Woodward Dr., Ald. Dist. 4, to the Police and Fire Commission for a 5-year unexpired term expiring 4/30/2026. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.
- TRICK OR TREAT  
OBSERVANCE                    G.1.        Alderwoman Wilhelm moved to reconsider action taken on September 6, 2022, to establish October 31, 2022, from 4:00 p.m. to 7:00 p.m. as Halloween Trick or Treat observance in the City of Franklin. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

On the vote for the motion to establish October 31, 2022, from 4:00 p.m. to 7:00 p.m. as Halloween Trick or Treat observance in the City of Franklin. All voted No; motion failed.

Alderwoman Hanneman then moved to establish the date of Sunday, October 30, 2022, from 4:00 p.m. to 7:00 p.m. for Halloween Trick or Treat observance in the City of Franklin. Seconded by Alderwoman Eichmann. On roll call, all voted Aye. Motion carried.

CIVIC  
CELEBRATIONS  
EVENTS

G.2. Alderman Holpfer moved to select Option B, three full day event the weekend before July 4, 2023, consisting of Friday, June 30, Saturday, July 1, and Sunday, July 2, 2023, as outlined in the Common Council Request for Action Sheet included in the packet for this meeting, and to allow John Bergner to execute contracts and agreements for the 2023 Franklin Civic Celebration event. Seconded by Alderwoman Wilhelm. On roll call, all voted Aye. Motion carried.

TID 6 PROJECT  
DEVELOPMENT  
AGREEMENT  
AMENDMENT WITH  
BEAR  
DEVELOPMENT, LLC  
AT LOOMIS AND  
RYAN ROAD

G.3. Alderman Holpfer moved to approve the Project Development Agreement Amendment with Bear Development, LLC; Loomis and Ryan, Inc. Developers for Tax Incremental District No. 6 Mixed-Use Industrial, Commercial, Retail, Single-Family Residential and Open Space Uses of an approximate 233-acre site generally located north and south of West Loomis Road, south of West Ryan Road, west of South 112th Street, east of South 124th Street, and north of West Oakwood Road, with the finalizations of the exhibits and technical corrections to be made by the Director of Administration and City Attorney in advance of final execution. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

RES. 2022-7902  
TID 6 PROJECT  
DEVELOPMENT  
AGREEMENT

G.4. Alderman Nelson moved to adopt Resolution No. 2022-7902, A RESOLUTION APPROVING AN AMENDMENT TO THE PROJECT PLAN AND BOUNDARIES OF TAX INCREMENTAL DISTRICT NO. 6, CITY OF FRANKLIN, WISCONSIN. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2022-7903  
AMEND RES. 2021-  
7788 TO AMEND RES.  
2020-7681  
SPECIAL USE FOR  
STRAUSS BRANDS  
LLC TO EXTEND  
COMMENCEMENT  
FOR SPECIAL USE  
DEVELOPMENT

G.5. Alderman Barber moved to adopt Resolution No. 2022-7903, A RESOLUTION TO AMEND RESOLUTION NO. 2021-7788, A RESOLUTION TO AMEND RESOLUTION NO. 2020-7681, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A MEAT PROCESSING FACILITY USE UPON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF WEST LOOMIS ROAD AND THE NEW MONARCH DRIVE (LOT 83 OF RYAN MEADOWS SUBDIVISION) (STRAUSS BRANDS LLC, APPLICANT), TO EXTEND THE TIME FOR COMMENCEMENT

OF THE SPECIAL USE DEVELOPMENT. Seconded by Alderwoman Hanneman. On roll call, Alderman Holpfer, Alderwoman Hanneman, and Alderman Barber voted Aye; Alderwoman Eichmann, Alderwoman Wilhelm, and Alderman Nelson voted No. Mayor Olson broke the tie by voting in the affirmative. Motion carried.

RES. 2022-7904  
FINAL PLAT VILLAS  
AT CAPE CROSSING  
AT 12200 W. RYAN  
RD., CAPE CROSSING,  
LLC, APPLICANT

G.6. Alderman Nelson moved to adopt Resolution No. 2022-7904, A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR THE VILLAS AT CAPE CROSSING/THE ESTATES AT CAPE CROSSING SUBDIVISION (AT 12200 WEST RYAN ROAD) (CAPE CROSSING, LLC, APPLICANT). Seconded by Alderman Barber. Alderman Nelson withdrew his motion and Alderman Barber withdrew his second.

Alderman Nelson then moved to adopt Resolution No. 2022-7904, A RESOLUTION CONDITIONALLY APPROVING A FINAL PLAT FOR THE VILLAS AT CAPE CROSSING/THE ESTATES AT CAPE CROSSING SUBDIVISION (AT 12200 WEST RYAN ROAD) (CAPE CROSSING, LLC, APPLICANT) with Condition No. 10 amended to provide that wetland setbacks and wetland buffers, under current times and circumstances, shall not enter into the W-3 wetland area exempted by the Wisconsin Department of Natural Resources with the terms and provisions of the condition to be as approved by staff. Seconded by Alderman Barber. All voted Aye; motion carried.

Alderwoman Wilhelm moved that in regard to Item 17 for the Cape Crossing final plat, Outlot 4 dedication, that staff recognize the need for further review and conditions and bring it back to the Common Council for discussion and recommendation within 60 days. Seconded by Alderman Nelson. All voted Aye; motion carried.

PURCHASE OF  
RAPID7 SECURITY  
INFORMATION &  
EVENT  
MANAGEMENT

G.7. Alderwoman Wilhelm moved to authorize the purchase of Rapid7 InsightIDR MDR Elite Client through CDW-G for the period October 2022 through December 2022 at a total cost of \$19,275 being charged to General Fund Sundry Contractors IT Budget, Account Number 01-0144-5299, and the 2023 cost will be included in the 2023 budget; and the Rapid7 Services Agreement is hereby approved subject to changes to the Agreement form as may be approved by the Director of Administration, the IT Director, and the City Attorney. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2022-7905  
2023 GRANT  
APPLICATION FROM  
WI DNR FOR

G.8. Alderwoman Wilhelm moved to adopt Resolution No. 2022-7905, A RESOLUTION TO SUBMIT A 2023 GRANT APPLICATION REQUEST FROM THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES URBAN FORESTRY GRANT

CATASTROPHIC  
STORM EVENTS

PROGRAM AND UNSPECIFIED AMOUNTS FOR YET TO BE DETERMINED CATASTROPHIC STORM EVENTS. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2022-7906  
INSTALLATION OF  
FENCE IN STORM  
DRAINAGE  
EASEMENT 9138 S.  
29TH ST.

G.9. Alderwoman Hanneman moved to adopt Resolution No. 2022-7906, A RESOLUTION AUTHORIZING THE INSTALLATION OF A FENCE WITHIN THE 20-FOOT PUBLIC STORM DRAINAGE EASEMENT UPON LOT 4 IN BLOCK 19 IN SOUTHWOOD EAST ADD'N. NO. 1 (9138 S. 29TH STREET) (TKN 879-0293-000) (JUAN DANIEL & LINDSEY B. APONTA-MORA, APPLICANTS). Seconded by Alderman Holpfer. All voted Aye; motion carried.

RES. 2022-7907  
DEV. AGREEMENT  
KARLY AND JACOB  
MUTTER 8973 W.  
LAKE POINTE DR.

G.10. Alderwoman Eichmann moved to adopt Resolution No. 2022-7907, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A DEVELOPMENT AGREEMENT WITH KARLEY J. BLAKE MUTTER AND JACOB W. MUTTER FOR 8973 W. LAKE POINTE DRIVE (TKN 839-9996-007). Seconded by Alderman Nelson. All voted Aye; motion carried.

PLANNING SERVICES  
AGREEMENT WITH  
FOTH  
INFRASTRUCTURE  
AND ENVIRONMENT  
LLC

G.11. Alderwoman Hanneman moved to authorize a Consulting Services Agreement with Foth Infrastructure and Environment LLC for general planning services; utilizing 2022 budgeted personnel finds in the planning division budget; and authorize the Mayor to execute and administer the appropriate, related contract. Seconded by Alderman Barber. All voted Aye; motion carried.

RES. 2022-7908  
ACCEPT WATER  
MAIN EASEMENTS  
AT 6868 S. BALLPARK  
DR.

G.12. Alderwoman Wilhelm moved to adopt Resolution No. 2022-7908, A RESOLUTION TO ACCEPT WATER MAIN EASEMENTS AND, UPON APPROVAL OF THE CITY ENGINEER, VACATE AN EXISTING WATER MAIN EASEMENT FOR SLEEP INN & MAINSTAY SUITES HOTEL AT 6868 SOUTH BALLPARK DRIVE (TKN 744-1010-000). Seconded by Alderman Nelson. All voted Aye; motion carried.

RES. 2022-7909  
RECREATIONAL  
TRAIL EASEMENT AT  
6868 S. BALLPARK  
DR.

G.13. Alderman Nelson moved to adopt Resolution No. 2022-7909, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A PUBLIC RECREATIONAL TRAIL EASEMENT AT 6868 SOUTH BALLPARK DRIVE (TKN 744-1010-000). Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

LICENSE COMM.  
RECOMMENDATIONS

H. Alderwoman Wilhelm moved to approve the following licenses:

Grant 2022-23 Class B Beer License to Splatter Paint Studio LLC, DBA Splatter Paint Studio, Sajia Randolph, Agent, 11217 W Forest Home Ave, #2 Pending Inspections;  
Grant Extraordinary Entertainment & Special Event to Gujarati Samaj



of Wisconsin Inc – Navratri Celebration, Jalpesh Kanu Patel, 7095 S Ballpark Dr, 10/1/2022 and 10/8/2022;

Following a Review by the License Committee, the recommendation regarding Hotel/Motel Licensing, Building Code, Health and Zoning Issues and Enforcement Plan/Letter was approved to send the letter from the Mayor as presented, and for department heads to provide comments and impedances per the Municipal Code to the License Committee and have that sent out for comments to the License Committee;

Fireworks Display Process for License Committee Consideration and Discussion for Recommendation to the Common Council (Referred from 9/6/22 Common Council Meeting) was referred to the 10/4/22 License Committee with the City Clerk to provide documents including Wisconsin Law and permit examples from other municipalities;

Hold 2022-23 Operator’s License for appearance to Hanna Wallace;

Denied 2022-23 Operator’s License to Molina Jewell based on arrest or conviction record substantially related to the license activity; and

Grant 2022-23 Operator’s License to: Andrea Herber, Alyssa Dama, Kian Dillon, Amber Helm, Jessica Hendren, Natalie Scanlan, and Maren Wendt.

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

3151 W ELM ROAD,  
LLC V CITY OF  
FRANKLIN

G.14. Alderman Holpfer moved to approve and accept the Full and Final Settlement Agreement and Release of All Claims with respect to *3151 W. Elm Road, LLC v City of Franklin*, Milwaukee County Circuit Court, Case No. 20-CV-3637, in such form and content as presented to the Common Council at this meeting, including the execution and delivery thereof by the Releasing Parties. Seconded by Alderwoman Hanneman. All voted Aye; motion carried.

TID 8 DEV.  
AGREEMENT SFT  
FRANKLIN  
OAKWOOD, LLC

G.15. Alderwoman Hanneman moved to approve the Project Development Agreement for Tax Incremental District No. 8 between the City of Franklin and SFT Franklin Oakwood, LLC, Spec Industrial Buildings Mixed Use Development at 3303 W. Oakwood Road bearing Tax Key No. 951-9994-002. Seconded by Alderman Holpfer. All voted Aye; motion carried.

PUBLIC PARK  
PURCHASE IN  
SOUTHWEST AREA  
OF FRANKLIN

G.16. Alderwoman Hanneman moved to authorize the purchase of property for a public park in the southwest area of the City of Franklin, and direct staff to draft a budget amendment for the same to be returned to the Common Council on October 4, 2022; and further to authorize the execution of all necessary agreements and documentation to finalize the purchase. Seconded by Alderman Holpfer. All voted Aye; motion carried.

VOUCHERS AND  
PAYROLL

- I. Alderwoman Holpfer moved to approve City vouchers with an ending date of September 15, 2022, in the amount of \$1,056,244.20; Property Tax disbursements with an ending date of September 15, 2022, in the amount of \$3,716.42; payroll dated September 9, 2022, in the amount of \$430,882.63 and payments of the various payroll deductions in the amount of \$235,227.07, plus City matching payments; estimated payroll dated September 23, 2022, in the amount of \$460,000 and payments of the various payroll deductions in the amount of \$445,000 plus City matching payments; and approval to release payment to Hudock Law Group IOLTA in the amount of \$51,500. Seconded by Alderwoman Eichmann. On roll call, all voted Aye. Motion carried.

CLOSED SESSION

- G.17 Alderman Holpfer moved to enter closed session at 9:27 p.m. pursuant to Wis. Stat. § 19.85(1)(f), to consider financial, medical, social, or personal histories or disciplinary data of specific persons, preliminary investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data, or involved in such problems or investigations, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderwoman Hanneman. On roll call, all voted Aye. Motion carried.

The Common Council reentered open session at 10:25 p.m.

ADJOURNMENT

- J. Alderman Holpfer moved to adjourn the meeting of the Common Council at 10:25 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

<p align="center"><b>APPROVAL</b></p>	<p align="center"><b>AMENDED* REQUEST FOR COUNCIL ACTION</b></p>	<p align="center"><b>MEETING DATE</b> 10/04/2022</p>
<p align="center"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p align="center"><b>CONCEPT REVIEW FOR THE M1 MIXED-USE BUILDING AT BALLPARK COMMONS</b></p> <p align="center"><b>(SE CORNER OF RAWSON AVE AND BALLPARK DR / TKN 754 9006 000)</b></p> <p align="center"><b>(MANDEL GROUP, INC., AGENT)</b></p>	<p align="center"><b>ITEM NUMBER</b></p> <p align="center">3.1.</p>

The applicant is seeking Concept Review comments for a proposed mixed-use building at Ballpark Commons. The proposal includes a 4-story structure with 78 apartment units, 6,000 sf of retail in the first floor, and residential amenities, clubhouse and outdoor pool, as well as underground parking, surface parking and a potential drive-through lane.

**COUNCIL ACTION REQUESTED**

\*No action requested, no action to be taken.

Department of City Development: RMM



CITY OF FRANKLIN  
REPORT TO THE COMMON COUNCIL

Meeting of October 4, 2022

Concept Review

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**RECOMMENDATION:** No action requested, no action to be taken.

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<b>Project name:</b>	<b>M1 mixed-use building at Ballpark Commons</b>
<b>Property Owner:</b>	ZIM-MAR PROPERTIES LLC
<b>Applicant:</b>	M1 at Ballpark Commons LLC
<b>Agent:</b>	Emily Cialdini. Mandel Group, Inc.
<b>Property Address/TKN:</b>	SE corner of Rawson Ave and Ballpark Dr / 754 9006 000
<b>Aldermanic District:</b>	District 2
<b>Zoning District:</b>	PDD-37 – The Rock Sports Complex/Ballpark Commons
<b>Staff Planner:</b>	Régulo Martínez-Montilva, AICP, Principal Planner
<b>Submittal date:</b>	08-19-2022
<b>Application number:</b>	PPZ22-0148

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The applicant is seeking Concept Review comments for a proposed mixed-use building at Ballpark Commons. The proposal includes a 4-story structure with 78 apartment units, 6,000 sf of retail in the first floor, and residential amenities, clubhouse and outdoor pool, as well as underground parking, surface parking and a potential drive-through lane.

This site is located in the Ballpark Commons Mixed Use area of Planned Development District (PDD) No. 37, this area allows for “Mixed-use buildings up to four stories in height, with residential apartments on the upper three floors” (Ord. 2019-2368, Section 15-3.0442C). Therefore, ground floor apartments are not allowed, only office, commercial and retail uses are allowed on the ground floor. The intent of this area is to “provide single-story retail buildings and multi-story mixed use buildings with ground floor office/commercial/retail uses, and upper story residential apartments, roof-top and/or outdoor seating, fountains, gardens, plazas...”.

The applicant can redesign this project to meet the requirement above or request a major amendment of the PDD, subject to approval by the Common Council as well as recommendation and public hearing before the Plan Commission. A Special Use permit may be required if a drive-through lane is proposed.

As this is only a concept plan, compliance with UDO standards will be reviewed upon a detailed project plan submittal. City Development staff sent preliminary review comments to the agent on September 28, 2022.

**Staff Recommendation:**

No action requested, no action to be taken.

## MEMORANDUM

Date: September 28, 2022  
To: Emily Cialdini. Mandel Group, Inc.  
From: Department of City Development  
Régulo Martínez-Montilva, AICP, Principal Planner  
RE: Staff comments for Concept Review, M1 Building at Ballpark Commons (BPC)  
SE corner of Rawson Ave and Ballpark Dr / 754 9006 000

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Staff comments are as follows for the above-referenced application received on August 19, 2022:

### **City Development Department comments**

1. This site is located in the Ballpark Commons Mixed Use area of Planned Development District (PDD) No. 37, this area allows for “Mixed-use buildings up to four stories in height, with residential apartments on the upper three floors” (Ord. 2019-2368, Section 15-3.0442C). Therefore, ground floor apartments are not allowed, only office, commercial and retail uses are allowed on the ground floor. Note that the intent of this area is to “provide single-story retail buildings and multi-story mixed use buildings with ground floor office/commercial/retail uses, and upper story residential apartments, roof-top and/or outdoor seating, fountains, gardens, plazas...”.

You can redesign your project to meet the requirement above or you can request a major amendment of the Planned Development District (PDD), subject to approval by the Common Council as well as recommendation and public hearing before the Plan Commission. You can apply for the Site Plan concurrently with the PDD amendment application or after approval of the PDD amendment.

2. Please provide an estimate of the project value (optional).
3. Preliminary comments regarding the Site Plan for your reference, not all inclusive, you do not need to address these comments for this concept review application:
  - a) The parking ratio for miscellaneous retail use is 5 parking spaces per 1,000 sf of gross floor area, therefore, 30 parking spaces are required for the 5,884 sf of retail while 48 parking spaces are proposed. Similarly, 101 parking spaces are required for the apartments (1 for each studio or 1 bedroom, 2 for each 2 bedroom apartment), while 149 parking spaces are proposed. A parking increase above 10% of the standard parking ratio is subject to approval by the Plan Commission (UDO Section 15-5.0203).
  - b) For buildings with apartments, the minimum Landscape Surface Ratio (LSR) must be 0.35 for the entire site. LSR calculations of the entire PDD are not required for this use.
  - c) The minimum front yard setback along S. Ballpark Drive is 25 feet, the proposed building does not comply with this setback. You can redesign or request a waiver to Plan Commission, the waiver request should include a written justification.

**Engineering Department comments**

4 *No comments on the proposed mixed-use on this site. However, the full Engineering submittal is required to complete our review, and our conditions/comments must be satisfied to proceed with the said proposal.*

**Inspection Services Department comments**

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

**Police Department comments**

6 *The PD has no comment regarding this request.*

August 19, 2022

Régulo Martínez-Montilva, AICP  
Principal Planner - Department of City Development  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

Dear Mr. Martinez-Montilva:

Mandel Group, Inc. ("Mandel") in conjunction with Roc Ventures LLC is pleased to present our concept development plans for Concept Review by the Common Council. We respectfully request to be placed on the September 6<sup>th</sup>, 2022 Common Council meeting agenda to receive preliminary commentary from the Common Council. We understand further coordination with City Staff will be required prior to submitting for the subsequent applications. Enclosed you will find our signed applications, project narrative, concept plans and precedent imagery for the three following redevelopments:

1. Loomis & Rawson | Franklin Farms – The Retreat
2. 76<sup>th</sup> & Rawson | Franklin Farms – The Public Square
3. M1 at Ballpark Commons

We are grateful for the opportunity to again partner with the City of Franklin on these exciting redevelopments and we thank you for your time in reviewing our concept plans. We welcome the chance to answer any questions you have regarding our redevelopment concepts.

Very Truly Yours,



Emily Cialdini  
Senior Development Associate  
[ecialdini@mandelgroup.com](mailto:ecialdini@mandelgroup.com)  
262-305-2940

**Franklin**  
AUG 19 2022  
**City Development**

Planning Department  
 9229 West Loomis Road  
 Franklin, Wisconsin 53132  
[generalplanning@franklinwi.gov](mailto:generalplanning@franklinwi.gov)  
 (414) 425-4024  
[franklinwi.gov](http://franklinwi.gov)



APPLICATION DATE: 8/19/2022

**Franklin**  
 AUG 19 2022  
**City Development**

**COMMON COUNCIL REVIEW APPLICATION**

**PROJECT INFORMATION [print legibly]**

APPLICANT [FULL LEGAL NAMES]		APPLICANT IS REPRESENTED BY [CONTACT PERSON]	
NAME	M1 at Ballpark Commons LLC	NAME	Emily Cialdini
COMPANY	An affiliate of Mandel Group, Inc.	COMPANY	Mandel Group, Inc.
MAILING ADDRESS	330 E Kilbourn Ave, Ste 600 South	MAILING ADDRESS	330 E Kilbourn Ave, Ste 600 South
CITY/STATE	Milwaukee, WI ZIP 53202	CITY/STATE	Milwaukee, WI ZIP 53202
PHONE	414-270-2764	PHONE	414-270-2764
EMAIL ADDRESS	ecialdini@mandelgroup.com	EMAIL ADDRESS	ecialdini@mandelgroup.com

**PROJECT PROPERTY INFORMATION**

PROPERTY ADDRESS	8240 W Old Loomis Road, Franklin, WI	TAX KEY NUMBER	754-9006-000
PROPERTY OWNER	ZIM-MAR PROPERTIES LLC	PHONE	(414) 224-9283
MAILING ADDRESS	7044 S Ballpark Dr	EMAIL ADDRESS	tomj@rocventures.org
CITY/STATE	Franklin, WI ZIP 53132	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	Thomas Johns, CFO	NAME & TITLE	Ian Martin, Authorized Signatory
DATE	08/18/2022	DATE	8/18/2022
PROPERTY OWNER SIGNATURE		APPLICANT REPRESENTATIVE SIGNATURE	
NAME & TITLE		NAME & TITLE	Emily Cialdini, Senior Developer
DATE		DATE	8/18/2022



**CITY OF FRANKLIN APPLICATION CHECKLIST**

If you have questions about the application materials please contact the planning department.

**CONCEPT REVIEW APPLICATION MATERIALS**

- This application form accurately completed with signatures or authorization letters (see reverse side for more details)
- \$250 Application fee payable to the City of Franklin
- Three (3) complete collated sets of application materials to include
  - Three (3) project narratives
  - Three (3) copies of the Preliminary Site/Development Plan of the subject property(ies) and immediate surroundings on 8 1/2" X 11" or 11" X 17" paper (i.e., a scaled map identifying the subject property and immediate environs, including existing and proposed parcels, existing and proposed structures, existing and proposed land uses, existing and proposed zoning, existing and proposed infrastructure and utilities[approximate locations only], and existing and proposed site conditions/site constraints [i.e. approximate locations of public road access, rights-of way, natural resources/green space and drainage issues/concerns, etc.])
  - Three (3) colored copies of building elevations on 11" X 17" paper if applicable
- Email or flash drive with all plans / submittal materials

**COMPREHENSIVE MASTER PLAN AMENDMENT APPLICATION MATERIALS**

- This application form accurately completed with signatures or authorization letters (see reverse side for more details)
- \$125 Application fee payable to the City of Franklin
- Word Document legal description of the subject property
- Three (3) complete collated sets of application materials to include
  - Three (3) project narratives
  - Three (3) folded copies of a Site Development Plan / Map, drawn to reasonable scale, at least 11" X 17" paper or as determined by the City Planner or City Engineer, identifying the subject property and immediate environs, including parcels, structures, land use, zoning, streets and utilities, and natural resource features, as applicable
- Email or flash drive with all plans / submittal materials
- Additional information as may be required
  - Requires a Class I Public Hearing Notice at least 30 days before the Common Council Meeting

**PLANNED DEVELOPMENT DISTRICT (PDD)**

- This application form accurately completed with signatures or authorization letters (see reverse side for more details)
- Application fee payable to the City of Franklin [select one of the following]
  - \$6,000 New PDD
  - \$3,500 PDD Major Amendment
  - \$500 PDD Minor Amendment
- Word Document legal description of the subject property
- Three (3) complete collated sets of application materials to include
  - Three (3) project narratives
  - Three (3) folded full size, of the Site Plan Package, drawn to scale copies, on 24" x 36" paper, including Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc (See Sections 15-7 0101, 15-7 0301, and 15 5 0402 of the UDO for information that must be denoted or included with each respective plan.)
- One (1) colored copy of the building elevations on 11" X 17" paper, if applicable
- One (1) copy of the Site Intensity and Capacity Calculations, if applicable (see division 15-3 0500 of the UDO)
- Email or flash drive with all plans / submittal materials
  - PDD and Major PDD Amendment requests require Plan Commission review, a public hearing, and Common Council approval
  - Minor PDD Amendment requests require Plan Commission review and Common Council approval

**REZONING**

- This application form accurately completed with signatures or authorization letters (see reverse side for more details)
- Application fee payable to the City of Franklin [select one of the following]
  - \$1,250
  - \$350 one parcel residential
- Word Document legal description of the subject property
- Three (3) complete collated sets of application materials to include
  - Three (3) project narratives
  - Three (3) folded copies of a Plot Plan or Site Plan, drawn to reasonable scale, at least 11" X 17" paper or as determined by the City Planner or City Engineer, and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned
- Email or flash drive with all plans / submittal materials
- Additional information as may be required
  - Additional notice to and approval required for amendments or rezoning in the FW, FC, FFO, and SW Districts
  - Requires a Class II Public Hearing notice at Plan Commission

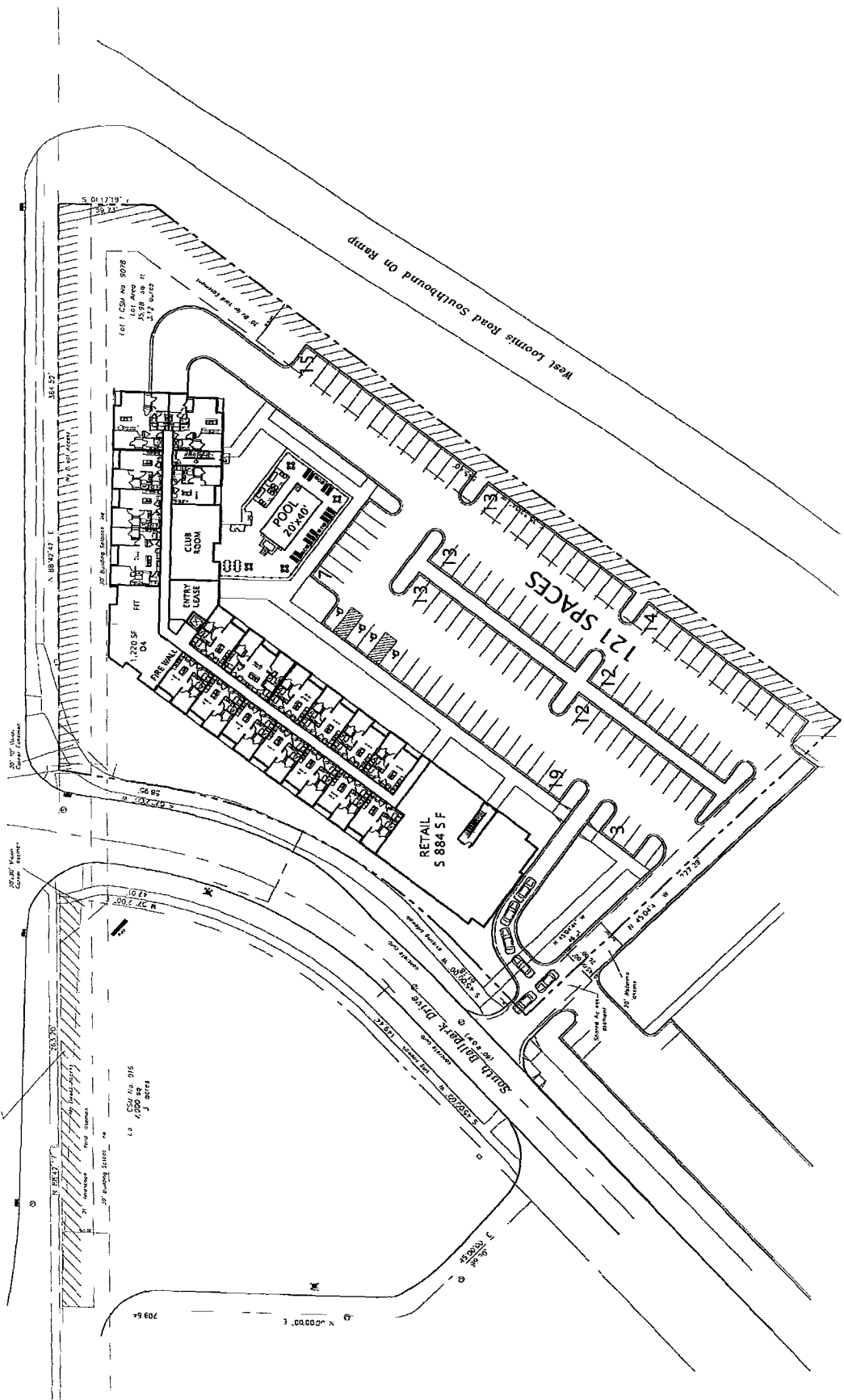
**M1 at Ballpark Commons Project Narrative**

Site Address: 8240 W Old Loomis Road, Franklin, WI, 53132

Tax Key ID: 754 9006 000

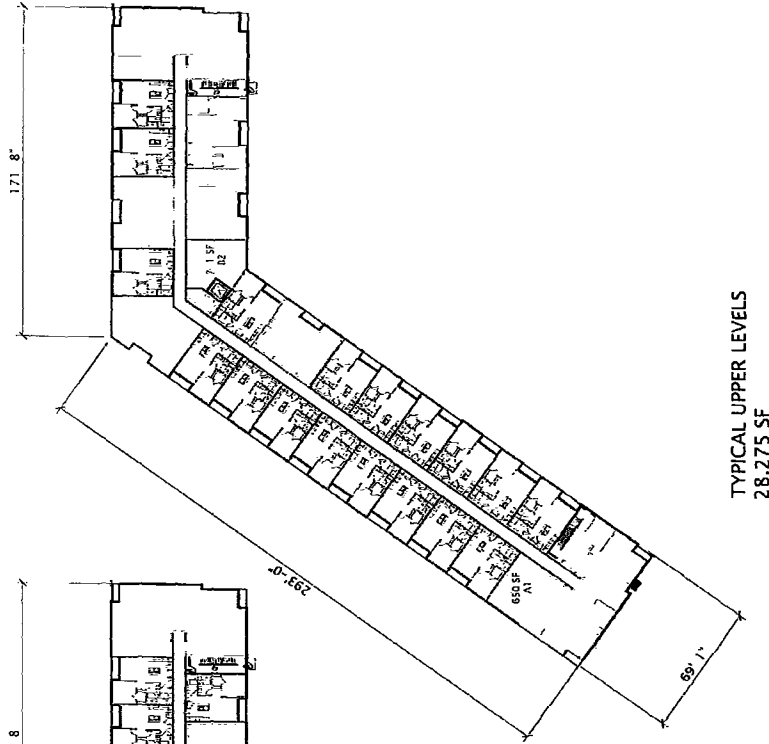
Site Acreage: 3.118 acres

M1 at Ballpark Commons completes one of the last remaining sites in the Ballpark Commons active lifestyle and entertainment district. Our concept includes seventy-eight (78) apartment units in a four-story structure with roughly one-to-one underground parking and approximately 6,000 square feet of first floor commercial space. Resident amenities will include a resident clubhouse and outdoor pool along with associated leasing offices. The uses are approved within the existing PDD 37.

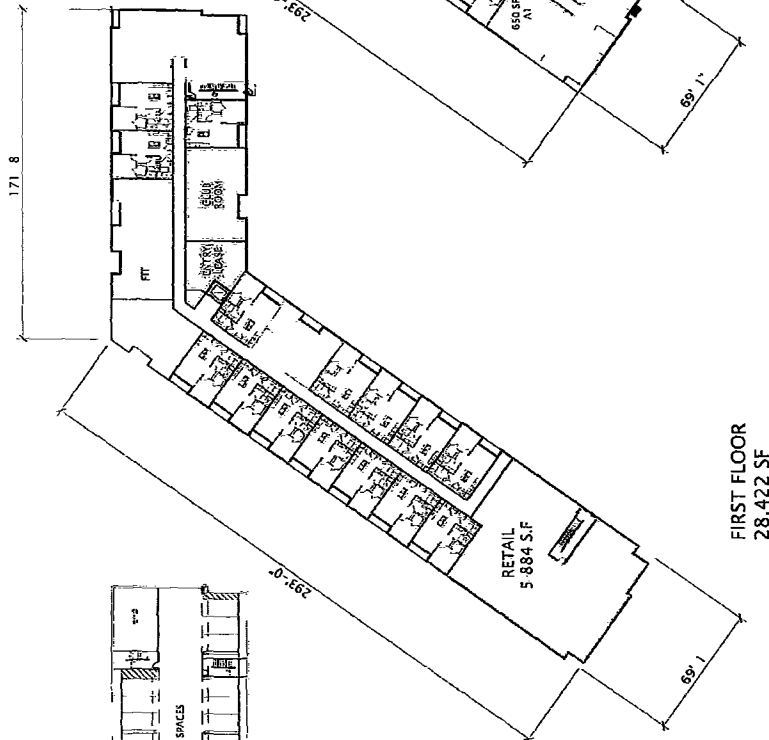


**JLA**  
ARCHITECTS

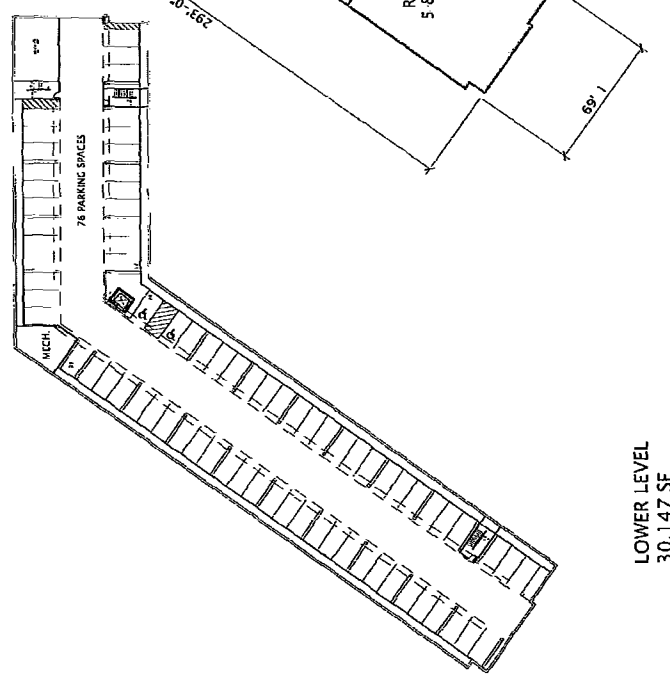
**BPC MIXED USE - M1 SITE**  
CONCEPTUAL MASTERPLAN



TYPICAL UPPER LEVELS  
28,275 SF



FIRST FLOOR  
28,422 SF



LOWER LEVEL  
30,147 SF

BPC MIXED USE - M1 SITE  
FLOOR PLANS

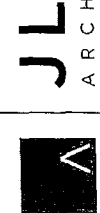
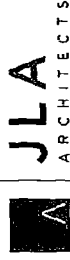


# BPC MIXED USE - CONCEPTUAL PROJECT DATA

May 27 2022

UNIT NAME	STUDIO	1 BED				2 BEDROOMS				TOTAL UNITS	TOTAL BEDROOMS	NET LEASABLE COMMERCIAL	NET LEASABLE RESIDENTIAL	GROSS AREA	EFFICIENCY	PARKING AREA	COVERED PARKING	SURFACE PARKING RESIDENTIAL	SURFACE PARKING COMMERCIAL	PARKING RATIO
		B1	B2	D1	D2	D3	D4													
BEDROOMS	A1	1	0	2	2	2	2	2	2	36		25,069	28,275	88.7%						
AREA (S F)	650	740	721	1,117	1,145	1,200	1,220			36		25,069	28,275	88.7%						
	1	18	1	4	2	2	1			29		16,899	28,422	80.2%						
	2	18	1	4	2	2	1			29		16,899	28,422	80.2%						
	0	15	0	2	1	1	1			20	5,884				30,147	76	73	48	80.7 (k. Retail)	
	11									78	5,884	67,037	84,972	85.8%	30,147	76	73	48	1.91	
TOTALS	2	51	2	10	5	5	3			78	5,884	67,037	84,972	85.8%	30,147	76	73	48	1.91	
PERCENT	2.6%	65.4%	2.6%	12.8%	6.4%	6.4%	3.8%													
	2.6%	67.9%		29.5%																

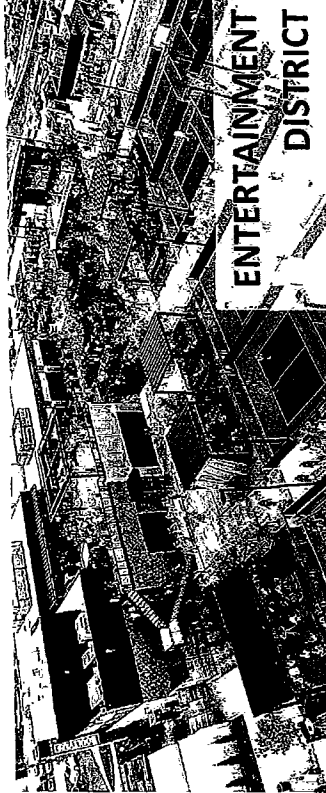
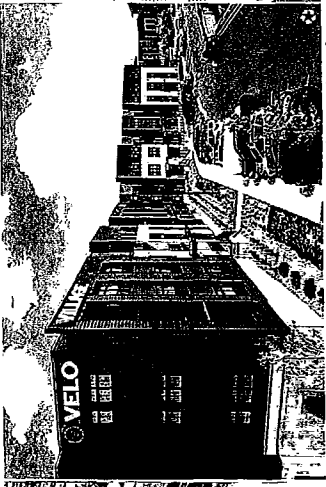
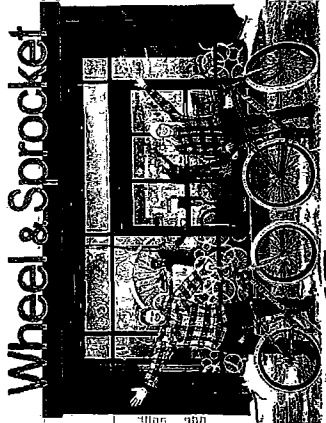
859 Average N.S.F per unit  
1,014 Average G.S.F per unit (not including commercial area)



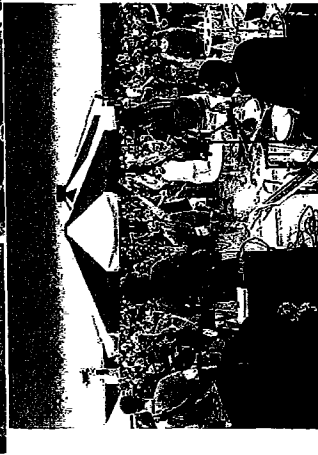
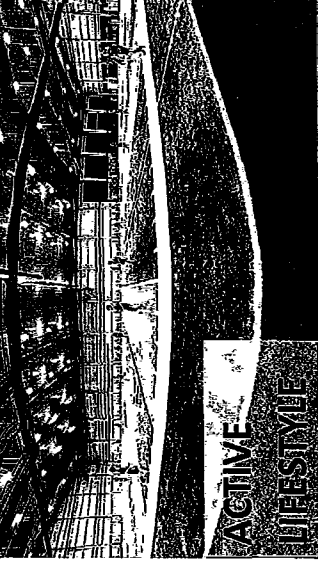
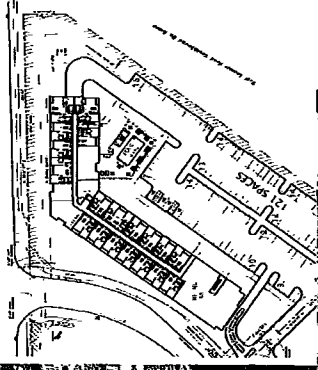
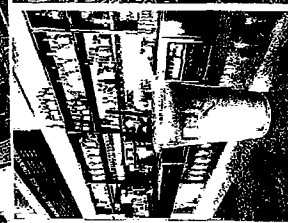
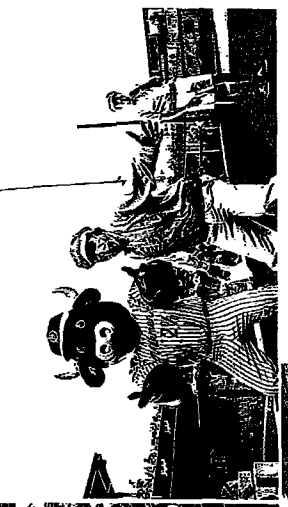
JLA ARCHITECTS BPC MIXED USE - M1 SITE SITE DATA

MAY 27 2022

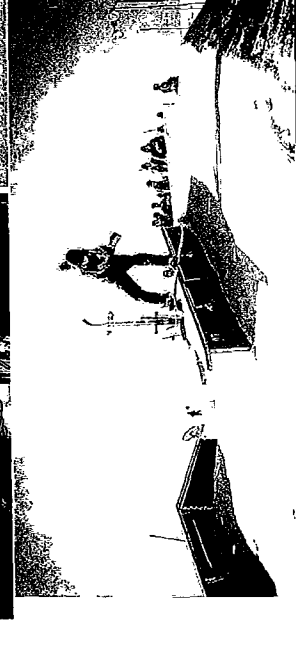
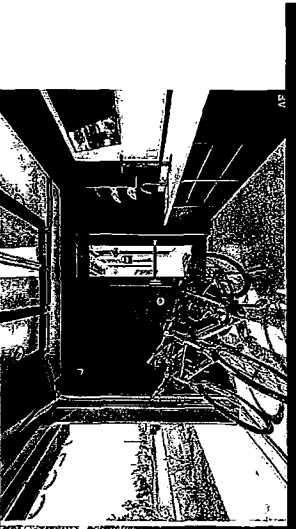
Wheel & Sprocket



ENTERTAINMENT DISTRICT



ACTIVE LIFESTYLE



<p style="text-align: center;"><b>APPROVAL</b></p>	<p style="text-align: center;"><b>AMENDED* REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b> 10/04/2022</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>CONCEPT REVIEW FOR THE RETREAT, A RETAIL AND MULTI-FAMILY RESIDENTIAL DEVELOPMENT</b>  (8301 W OLD LOOMIS RD)  (MANDEL GROUP, INC., AGENT)</p>	<p style="text-align: center;"><b>ITEM NUMBER</b>  A. 2.</p>

The applicant is seeking Concept Review comments for a proposed retail and multi-family residential development. The retail component consists of 4-5 lots to be served by a proposed street parallel to Loomis Road. The multi-family residential part of this development is partially buffered from Loomis Road by such retail lots, and includes 430 apartments in 14 buildings and 16 townhome units.

**COUNCIL ACTION REQUESTED**

\*No action requested, no action to be taken.



CITY OF FRANKLIN  
REPORT TO THE COMMON COUNCIL

Meeting of October 4, 2022

Concept Review

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**RECOMMENDATION:** No action requested, no action to be taken.

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<b>Project name:</b>	<b>The Retreat</b> , a multi-family and retail development
<b>Property Owner:</b>	RAWSON-LOOMIS LLC
<b>Applicant:</b>	Wetland Treehouse LLC.
<b>Agent:</b>	Emily Cialdini. Mandel Group, Inc.
<b>Property Address/TKN:</b>	8301 W Old Loomis Rd / 755 9997 000
<b>Aldermanic District:</b>	District 2
<b>Zoning District:</b>	R-6 Suburban Single-Family Residence District and C-1 Conservancy District
<b>Staff Planner:</b>	Régulo Martínez-Montilva, AICP, Principal Planner
<b>Submittal date:</b>	08-19-2022
<b>Application number:</b>	PPZ22-0149

---

The applicant is seeking Concept Review comments for a proposed multi-family and retail development. The retail component consists of 4-5 lots to be served by a proposed street parallel to Loomis Road. The multi-family residential part of this development is partially buffered from Loomis Road by such retail lots, and includes 430 apartments in 14 buildings and 16 townhome units.

The proposed multi-family and retail uses are not consistent with the R-6 suburban single-family residence zoning district, so a zoning map amendment or Planned Development District (PDD) would be required. Additionally, the multi-family residential component is not consistent with the commercial designation of Future Land Use Map (FLUM) 2025, so a comprehensive master plan amendment would be required.

As this is only a concept plan, compliance with UDO standards will be reviewed upon a detailed project plan submittal. City Development staff sent preliminary review comments to the agent on September 28, 2022.

**Staff Recommendation:**

No action requested, no action to be taken.



## MEMORANDUM

Date: September 28, 2022  
To: Emily Cialdini, Mandel Group, Inc.  
From: Department of City Development  
Régulo Martínez-Montilva, AICP, Principal Planner  
RE: Staff comments for Concept Review, The Retreat  
8301 W Old Loomis Road / 755 9997 000

---

Staff comments are as follows for the above-referenced application received on August 19, 2022:

### City Development Department comments

1. The subject property is zoned R-6 Single-Family Residence District and C-1 Conservancy District. The Comprehensive Master Plan recommends the property for Commercial and Areas of Natural Resource Features. The local review process with the Department of City Development for the proposed commercial and multi-family development is as follows:
  - a. A **Comprehensive Master Plan Amendment** is recommended to change the future land use designation from Commercial to Residential – Multi-Family for the residential component of this project. The Areas of Natural Resource Features should be amended to match field delineations once completed.
  - b. A **Rezoning** is recommended to change the current zoning to a combination of business zoning districts (B-1, B-2, etc.) and residential multi-family (R-8), or the establishment of a **Planned Development District**. Please review Section 15-3.0400 of the Unified Development Ordinance pertaining to Planned Development Districts.
  - c. If the property is to be subdivided, a **Preliminary Plat Application** followed by a **Final Plat Application** will be required. Please be aware that installation of streets and utilities is required prior to approval of a Final Plat (see Section 15-2.0303A. of the UDO). Alternatively, an improvement guarantee may be provided per Section 15-2.0303B of the UDO. Alternatively, a **Certified Survey Map** is sufficient for less than 4 lots.
  - d. A **Special Use Application** to permit multi-family dwellings and apartments if property is rezoned to R-8. Please be aware of the State requirement to provide “substantial evidence” to support your request, per Wis. Stat. § 62.23(7)(de).
  - e. **Site Plan** approval for each building and apartment complex.
2. It is not clear which of the proposed streets would be dedicated as public streets. It is recommended to indicate proposed public and private streets for this Concept Review.
3. The Comprehensive Master Plan recommends this site for Commercial land use, given its location along Loomis Road, an arterial road. For this reason, staff suggests commercial uses along the Loomis Road frontage and residential uses in the interior of the property as proposed.
4. Upon submittal of the Preliminary Plat Application or Certified Survey Map, note that detailed plans will be required, such as the Natural Resource Protection Plan, draft conservation easements, storm water management, grading, erosion control, etc.

5. Wetland delineations should be completed as soon as possible. There may or may not be other wetlands on the property, which could affect the design and layout of the development. Please be aware of the natural resource protection standards of the Unified Development Ordinance (UDO), see Part 4 of the UDO for more information.
6. Landscape bufferyard easements are required between different zoning districts and along arterial roadways (i.e., Loomis Road). Refer to UDO Division 15-5.0300.
7. Note that a separate Landscaping Plan must be provided in compliance with Division 15-7.0300.
8. Chapter 7 of the Comprehensive Master Plan recommends that bicycle/pedestrian trails be provided to connect residential areas with City activity centers. For this reason, staff suggests a trail connection to the grocery store to the northeast of the subject property.
9. In order to promote interconnectivity, staff suggests that the site plan include future road access on the northeast part of the property to accommodate a future road connection to Terrace Drive, if feasible due to the presence of wetlands. If public streets are proposed to serve the apartment buildings #1 and #3, City Development staff recommend a connection to 82<sup>nd</sup> street.
10. Note that a separate Lighting Plan must be provided in compliance with Division 15-5.0400 for Plan Commission review and approval. Also, see Section 15-8.0115 of the UDO.
11. Note that signage sign will require a separate application as well as review and approval by the Plan Commission.
12. Will the project be constructed in phases?
13. Please be aware of City impact fees. The impact fee schedule can be found on the City's website at: <https://www.franklinwi.gov/Departments/Inspection-Services/Impact-Fees.htm>
14. Please note the location of the West Shore Pipeline along the frontage of the property.

#### **Engineering Department comments**

*15 No comments However, the full Engineering submittal is required to complete our review, and our conditions/comments must be satisfied to proceed with the said proposal The West Loomis Road is Milwaukee County's right of way Therefore, County's review comments or conditions must also be satisfied to proceed with this proposal*

#### **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*

August 19, 2022

Régulo Martínez-Montilva, AICP  
Principal Planner - Department of City Development  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

Dear Mr. Martinez-Montilva.

Mandel Group, Inc. ("Mandel") in conjunction with Roc Ventures LLC is pleased to present our concept development plans for Concept Review by the Common Council. We respectfully request to be placed on the September 6<sup>th</sup>, 2022 Common Council meeting agenda to receive preliminary commentary from the Common Council. We understand further coordination with City Staff will be required prior to submitting for the subsequent applications. Enclosed you will find our signed applications, project narrative, concept plans and precedent imagery for the three following redevelopments:

1. Loomis & Rawson | Franklin Farms – The Retreat
2. 76<sup>th</sup> & Rawson | Franklin Farms – The Public Square
3. M1 at Ballpark Commons

We are grateful for the opportunity to again partner with the City of Franklin on these exciting redevelopments and we thank you for your time in reviewing our concept plans. We welcome the chance to answer any questions you have regarding our redevelopment concepts.

Very Truly Yours,



Emily Cialdini  
Senior Development Associate  
[ecialdini@mandelgroup.com](mailto:ecialdini@mandelgroup.com)  
262-305-2940

**Franklin**  
AUG 19 2022  
**City Development**

**Loomis & Rawson | Franklin Farms – The Retreat Project Narrative**

Site Address: 8301 W LOOMIS RD, FRANKLIN, WI 53132

Tax Key ID: 755-9997-000

Site Acreage: 51.61 acres

The site is located at the southeast corner of Rawson and Loomis and includes roughly 52 acres. The redevelopment concept consists of approximately four (4) to five (5) retail outlots fronting Loomis Road with roughly 430 apartments organically positioned around significant ecological features found on the site. The units will be contained in a variety of slab of grade garden style buildings including two-story and three-story structures with 20 to 40 units per building and approximately 40% attached garages. Units will include studios, one-bedroom, two-bedroom and three-bedroom unit styles. We also plan to include roughly sixteen (16) two-bedroom and three-bedroom townhome units which will include two-car attached garages. The variety of building and unit styles will appeal to a wide demographic of potential renters.

Resident amenities for the apartments will include outdoor and nature focused features including pickle ball courts, golf putting greens, dog parks, natural play zones and gardens. The development will also include a roughly 5,000 square foot clubhouse which offers a clubroom with full kitchen and outdoor pool and deck. The clubhouse will house our 24/7 leasing and maintenance staff. Furthermore, the site planning was designed to preserve the existing natural resources found on site including wetlands and woods. The buildings are positioned in a manner to reduce any impacts to the ecological features, but also highlight and enhance them. We envision over a mile-long walking trail that breaks out into picnic areas and meanders the woods and wetlands. We have received preliminary feedback from engineering on road placement and connections to adjacent streets. We plan to incorporate staff comments as we refine our concept plans.

The vision behind the Loomis & Rawson development is a wellness focused, mindful habitation that enhances the natural environment and encourages spaces to connect, wander and explore. Representative imagery of wetland and woodland preservation, native landscaping, and resident amenities is included subsequent to the site plan.

Planning Department  
 9229 West Loomis Road  
 Franklin, Wisconsin 53132  
[generalplanning@franklinwi.gov](mailto:generalplanning@franklinwi.gov)  
 (414) 425-4024  
[franklinwi.gov](http://franklinwi.gov)



APPLICATION DATE: 8/19/2022

## COMMON COUNCIL REVIEW APPLICATION

### PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]	APPLICANT IS REPRESENTED BY [CONTACT PERSON]
NAME: Wetland Treehouse LLC	NAME: Emily Cialdini
COMPANY: An affiliate of Mandel Group, Inc.	COMPANY: Mandel Group, Inc.
MAILING ADDRESS: 330 E Kilbourn Ave, Ste 600 South	MAILING ADDRESS: 330 E Kilbourn Ave, Ste 600 South
CITY/STATE: Milwaukee, WI ZIP: 53202	CITY/STATE: Milwaukee, WI ZIP: 53202
PHONE: 262-305-2940	PHONE: 262-305-2940
EMAIL ADDRESS: <a href="mailto:ecialdini@mandelgroup.com">ecialdini@mandelgroup.com</a>	EMAIL ADDRESS: <a href="mailto:ecialdini@mandelgroup.com">ecialdini@mandelgroup.com</a>

### PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS: 8301 W LOOMIS RD, FRANKLIN, WI 53132	TAX KEY NUMBER: 55-9997-000
PROPERTY OWNER: RAWSON-LOOMIS LLC	PHONE:
MAILING ADDRESS: 8412 FOX RIVER RD	EMAIL ADDRESS:
CITY/STATE: WATERFORD, WI ZIP: 53185	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  
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### 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. 5943.13.

*(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: Ronald L. Lewis      DATE: 9-6-22	NAME & TITLE: Ian Martin, Authorized Signatory      DATE: 8/18/2022
PROPERTY OWNER SIGNATURE:	APPLICANT REPRESENTATIVE SIGNATURE: 
NAME & TITLE:	NAME & TITLE: Emily Cialdini, Senior Dev Associate      DATE: 8/18/2022

## CITY OF FRANKLIN APPLICATION CHECKLIST

If you have questions about the application materials please contact the planning department.

### CONCEPT REVIEW APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$250 Application fee payable to the City of Franklin.
- Three (3) complete collated sets of application materials to include ...
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  - Three (3) copies of the Preliminary Site/Development Plan of the subject property(ies) and immediate surroundings on 8 1/2" X 11" or 11" X 17" paper (i.e., a scaled map identifying the subject property and immediate environs, including existing and proposed parcels, existing and proposed structures, existing and proposed land uses, existing and proposed zoning, existing and proposed infrastructure and utilities (approximate locations only), and existing and proposed site conditions/site constraints [i.e. approximate locations of public road access, rights-of-way, natural resources/green space and drainage issues/concerns, etc.])
  - Three (3) colored copies of building elevations on 11" X 17" paper if applicable.
- Email or flash drive with all plans / submittal materials.

### COMPREHENSIVE MASTER PLAN AMENDMENT APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
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- Email or flash drive with all plans / submittal materials.
- Additional Information as may be required.
  - Requires a Class I Public Hearing Notice at least 30 days before the Common Council Meeting

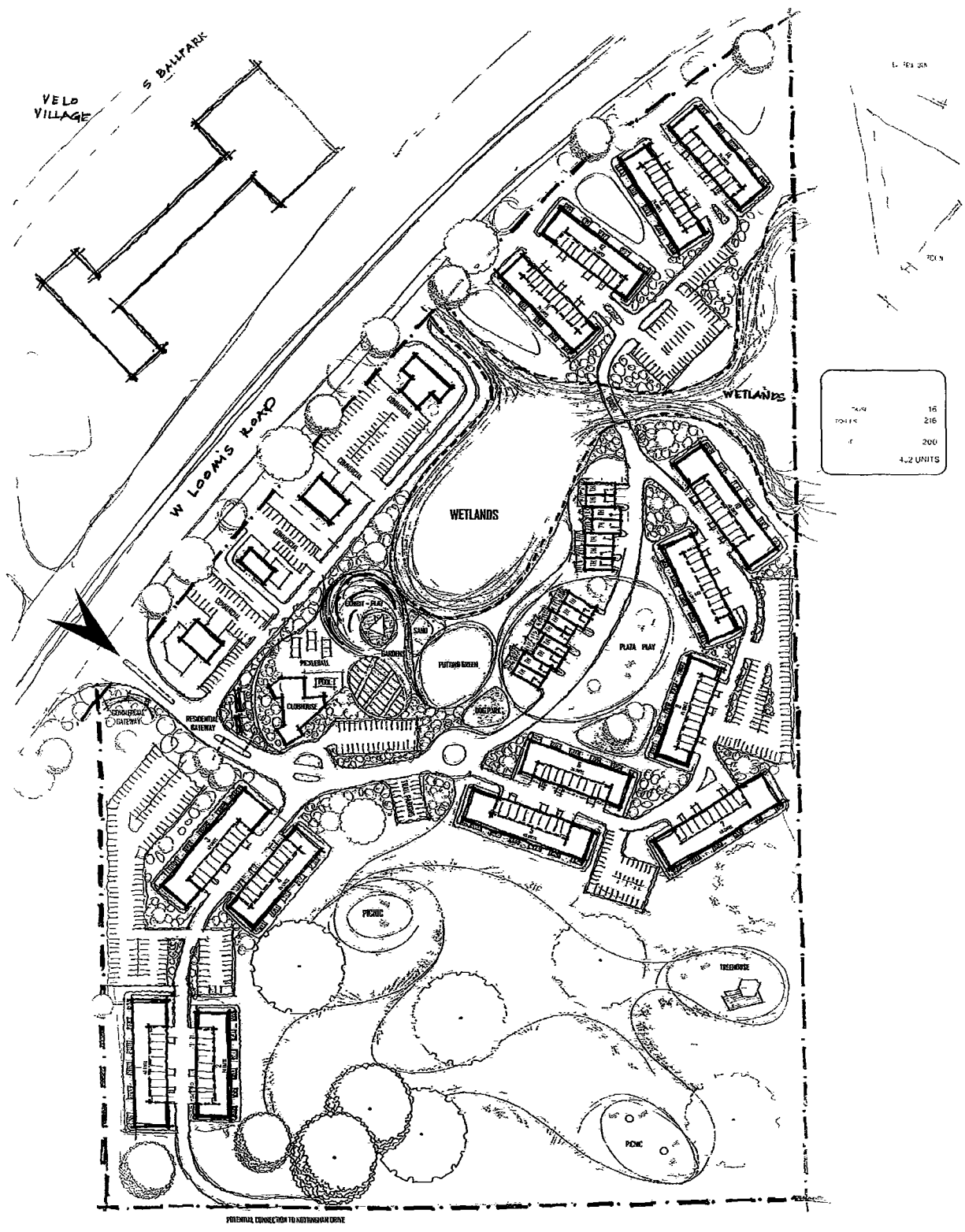
### PLANNED DEVELOPMENT DISTRICT (PDD)

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- Application fee payable to the City of Franklin... [select one of the following]
  - \$6,000: New PDD
  - \$3,500: PDD Major Amendment
  - \$500: PDD Minor Amendment
- Word Document legal description of the subject property.
- Three (3) complete collated sets of application materials to include ...
  - Three (3) project narratives
  - Three (3) foiled full size, of the Site Plan Package, drawn to scale copies, on 24" x 36" paper, including Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc. (See Sections 15-7.0101, 15-7.0301, and 15-5.0402 of the UDO for information that must be denoted or included with each respective plan.)
- One (1) colored copy of the building elevations on 11" X 17" paper, if applicable.
- One (1) copy of the Site Intensity and Capacity Calculations, if applicable (see division 15-3.0500 of the UDO)
- Email or flash drive with all plans / submittal materials.
  - PDD and Major PDD Amendment requests require Plan Commission review, a public hearing, and Common Council approval
  - Minor PDD Amendment requests require Plan Commission review and Common Council approval

### REZONING

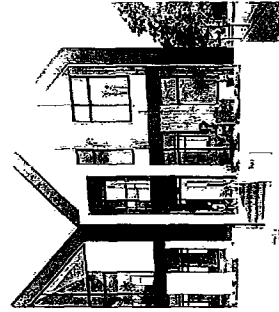
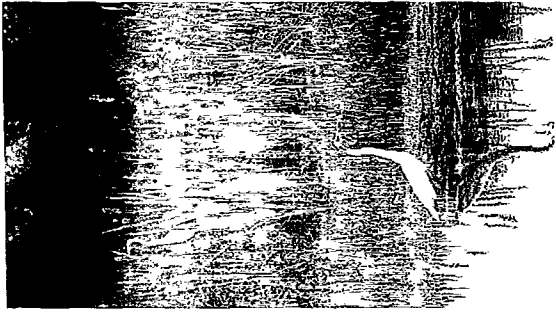
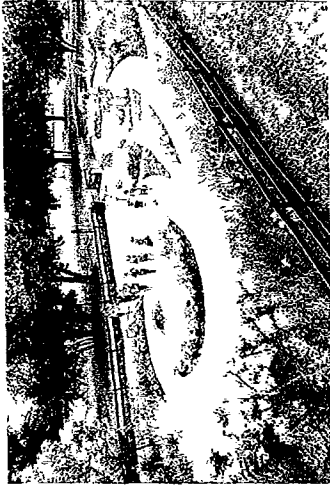
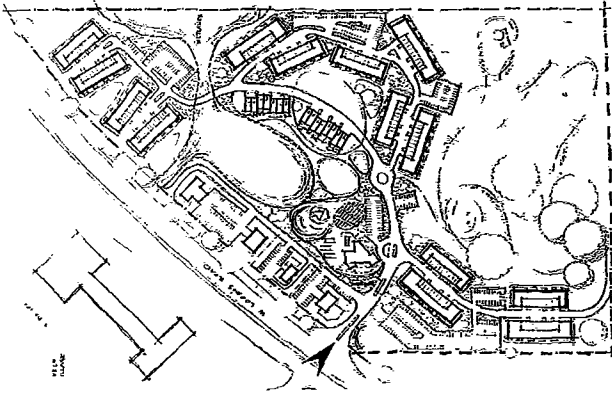
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  - \$1,250
  - \$350: one parcel residential.
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  - Three (3) folded copies of a Plot Plan or Site Plan, drawn to reasonable scale, at least 11" X 17" paper or as determined by the City Planner or City Engineer, and fully dimensioned showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the location and existing use of all properties within 200 feet of the area proposed to be rezoned
- Email or flash drive with all plans / submittal materials.
- Additional information as may be required.
  - Additional notice to and approval required for amendments or rezoning in the FW, FC, FFO, and SW Districts
  - Requires a Class II Public Hearing notice at Plan Commission





TOTAL	16
TOTAL	216
TOTAL	200
TOTAL	4.2 UNITS

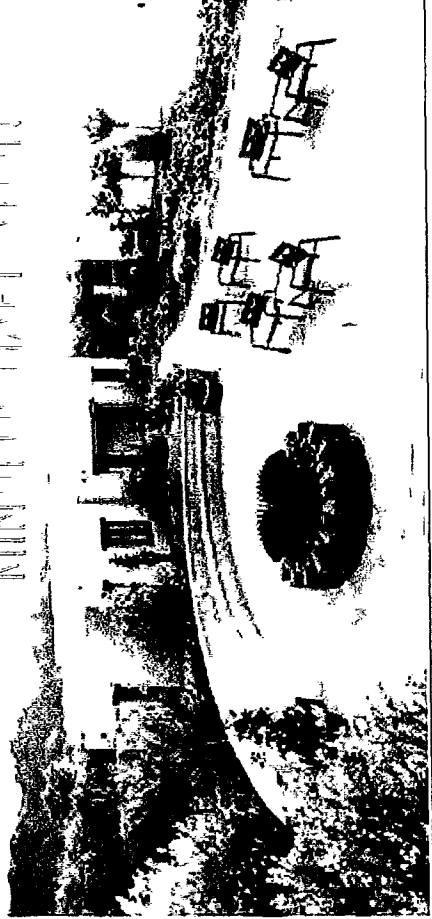




CONNECT + WANDER  
**RETREAT**



MINUTE TAKEAWAY



FRANKLIN FARMS - THE RETREAT

CON PROJECT #110324-01 | 07/14/2022

**continum**  
MULTIFAMILY

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<p align="center"><b>APPROVAL</b></p>	<p align="center"><b>AMENDED* REQUEST FOR COUNCIL ACTION</b></p>	<p align="center"><b>MEETING DATE</b> 10/04/2022</p>
<p align="center"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p align="center"><b>CONCEPT REVIEW FOR THE PUBLIC SQUARE, REDEVELOPMENT OF THE ORCHARD VIEW SHOPPING CENTER</b></p> <p align="center"><b>(7154 S. 76TH STREET)</b></p> <p align="center"><b>(MANDEL GROUP, INC., AGENT)</b></p>	<p align="center"><b>ITEM NUMBER</b></p> <p align="center">A.3.</p>

The applicant is seeking Concept Review comments for the redevelopment of the Orchard View Shopping Center, according to the applicant this concept is designed to create a “thriving town center”. This proposal consists of a center of public amenities surrounded by commercial use, a hotel, apartment buildings with a clubhouse and public parking. The public amenities include the commons, ice skating rink, plaza and food truck plaza. The main access to the development is from S. 76th Street with an entry boulevard. The Orchard View Shopping Center is planned to be demolished, except the Ace Hardware Store.

**COUNCIL ACTION REQUESTED**

\*No action requested, no action to be taken.



CITY OF FRANKLIN  
REPORT TO THE COMMON COUNCIL

Meeting of October 4, 2022

Concept Review

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**RECOMMENDATION:** No action requested, no action to be taken.

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**Project name:** The Public Square, redevelopment of the Orchard View Shopping Center

**Property Owner:** INITECH LLC

**Applicant:** Gibbons & Bolton LLC

**Agent:** Emily Cialdini. Mandel Group, Inc.

**Property Address/TKN:** 7154 S. 76<sup>th</sup> Street / 756 9993 021, 005, 012 & 016

**Aldermanic District:** District 2

**Zoning District:** B-3 Community Business District and R-6 Suburban Single-Family Residence District

**Staff Planner:** Régulo Martínez-Montilva, AICP, Principal Planner

**Submittal date:** 08-19-2022

**Application number:** PPZ22-0150

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The applicant is seeking Concept Review comments for the redevelopment of the Orchard View Shopping Center, according to the applicant this concept is designed to create a “thriving town center”. This proposal consists of a center of public amenities surrounded by commercial use, a hotel, apartment buildings with a clubhouse and public parking. The public amenities include the commons, ice skating rink, plaza and food truck plaza. The main access to the development is from S. 76<sup>th</sup> Street with an entry boulevard. The Orchard View Shopping Center is planned to be demolished, except the Ace Hardware Store.

The proposed multi-family use does not comply with the R-6 suburban single-family residence zoning district standards on the east portion of this site, so a zoning map amendment or Planned Development District (PDD) would be required. Additionally, the multi-family component is not consistent with the commercial designation of Future Land Use Map (FLUM) 2025, so a comprehensive master plan amendment would be required.

As this is only a concept plan, compliance with UDO standards will be reviewed upon a detailed project plan submittal. City Development staff sent preliminary review comments to the agent on September 28, 2022.

**Staff Recommendation:**

No action requested, no action to be taken.

## MEMORANDUM

Date: September 28, 2022  
To: Emily Cialdini, Mandel Group, Inc.  
From: Department of City Development  
Régulo Martínez-Montilva, AICP, Principal Planner  
RE: Staff comments for Concept Review, The Public Square  
7154 S. 76<sup>th</sup> Street / 756 9993 021, 005, 012 & 016

---

Staff comments are as follows for the above-referenced application received on August 19, 2022:

### City Development Department comments

1. The subject property is zoned B-3 Community Business District and R-6 Single-Family Residence District. The Comprehensive Master Plan recommends the entire property for Commercial. The local review process with the Department of City Development is as follows:
  - a. A **Comprehensive Master Plan Amendment** is recommended to change the future land use designation from Commercial to Residential – Multi-Family for the residential component of this project.
  - b. A **Rezoning** is recommended to change the current R-6 zoning to residential multi-family (R-8), or the establishment of a **Planned Development District**. Please review Section 15-3.0400 of the Unified Development Ordinance pertaining to Planned Development Districts.
  - c. If the property is to be subdivided, a **Preliminary Plat Application** followed by a **Final Plat Application** will be required. Please be aware that installation of streets and utilities is required prior to approval of a Final Plat (see Section 15-2.0303A. of the UDO). Alternatively, an improvement guarantee may be provided per Section 15-2.0303B of the UDO. Alternatively, a **Certified Survey Map** is sufficient for less than 4 lots.
  - d. A **Special Use Application** to permit multi-family dwellings and apartments if property is rezoned to R-8; and to allow for hotel use in the B-3 zoning district. Please be aware of the State requirement to provide “substantial evidence” to support your request, per Wis. Stat. § 62.23(7)(de).
  - e. **Site Plan** approval for each building and apartment complex.
2. It is not clear which of the proposed streets and amenities would be dedicated to the city. It is recommended to indicate the proposed public streets and spaces, as well as private streets and amenities for this Concept Review.
3. Upon submittal of the Preliminary Plat Application or Certified Survey Map, note that detailed plans will be required, such as the Natural Resource Protection Plan, draft conservation easements, storm water management, grading, erosion control, etc.
4. Wetland delineations should be completed as soon as possible. There may or may not be other wetlands on the property, which could affect the design and layout of the development. Please be

aware of the natural resource protection standards of the Unified Development Ordinance (UDO), see Part 4 of the UDO for more information.

5. Landscape bufferyard easements are required between different zoning districts, for example along the south and east property lines. Refer to UDO Division 15-5.0300.
6. Note that a separate Landscaping Plan must be provided in compliance with Division 15-7.0300.
7. Note that a separate Lighting Plan must be provided in compliance with Division 15-5.0400 for Plan Commission review and approval. Also, see Section 15-8.0115 of the UDO.
8. Note that signage sign will require a separate application as well as review and approval by the Plan Commission.
9. Will the project be constructed in phases?
10. Please be aware of City impact fees. The impact fee schedule can be found on the City's website at: <https://www.franklinwi.gov/Departments/Inspection-Services/Impact-Fees.htm>

#### **Engineering Department comments**

*11 No comments However, the full Engineering submittal is required to complete our review, and our conditions/comments must be satisfied to proceed with the said proposal. The West Rawson Ave and South 76th Street are Milwaukee County's right of way Therefore, County's review comments or conditions must also be satisfied to proceed with this proposal*

#### **Fire Department comments**

*12 Fire Department Construction and Alteration Requirements (2021-2022)*

1. Follow all relevant WI DSPS and IBC code requirements for fire protection systems for given occupancy, use, and construction types.
2. Pre-existing fire alarm and fire sprinkler systems shall be maintained in compliance with relevant code.
3. Fire Extinguisher placement as per NFPA 10.
4. Fire Department Connection (FDC), and hydrant placement and density must be acceptable to AHJ (applies to new construction).
5. At no time may any Hazardous, Combustible, or Flammable Materials exceed allowable quantities.
6. Master Key set required for placement in Knox Box (if required).
7. Permitting and submittal instructions for fire protection system review and inspection can be found at: <https://www.franklinwi.gov/Departments/Fire.htm>

*13 NOTE The Fire Department is NOT adequately staffed to absorb the impact on emergency and non-emergency call volume associated with an additional 1,030 residences, associated commercial and vehicle traffic, and required fire inspection work-load, in addition to the ongoing high-density single family development in the southwest quadrant and multifamily development along the south 27th Street corridor*

**Inspection Services Department comments**

*14 Inspection Services has no comments on the proposal at this time*

**Police Department comments**

*15 The PD has no comment regarding this request*

August 19, 2022

Régulo Martínez-Montilva, AICP  
Principal Planner - Department of City Development  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

Dear Mr. Martinez-Montilva:

Mandel Group, Inc. ("Mandel") in conjunction with Roc Ventures LLC is pleased to present our concept development plans for Concept Review by the Common Council. We respectfully request to be placed on the September 6<sup>th</sup>, 2022 Common Council meeting agenda to receive preliminary commentary from the Common Council. We understand further coordination with City Staff will be required prior to submitting for the subsequent applications. Enclosed you will find our signed applications, project narrative, concept plans and precedent imagery for the three following redevelopments.

1. Loomis & Rawson | Franklin Farms – The Retreat
2. 76<sup>th</sup> & Rawson | Franklin Farms – The Public Square
3. M1 at Ballpark Commons

We are grateful for the opportunity to again partner with the City of Franklin on these exciting redevelopments and we thank you for your time in reviewing our concept plans. We welcome the chance to answer any questions you have regarding our redevelopment concepts.

Very Truly Yours,



Emily Cialdini  
Senior Development Associate  
[ecialdini@mandelgroup.com](mailto:ecialdini@mandelgroup.com)  
262-305-2940

**Franklin**  
AUG 19 2022  
**City Development**



**76th & Rawson | Franklin Farms – The Public Square Project Narrative**

Site Addresses. 7230 S 76TH ST; 0 W RAWSON AVE; 0 W RAWSON AVE

Tax Key ID 756-9993-021, 756-9993-016; 756-9993-012

Site Acreage: 24.566 acres

The site is located at the southeast corner of 76<sup>th</sup> and Rawson which currently includes the Orchard View Shopping Center and two additional vacant parcels east of the shopping center. In total, the site measures roughly 24.56 acres. The redevelopment concept is designed to create a high-energy, thriving town center adjacent to commercial and residential uses. The concept includes a roughly 50-key boutique hotel, exterior enhancements to the existing Harry's Ace Hardware, approximately 520 apartment units contained in 4-story buildings with roughly 15,000 square feet of commercial space adjacent to public amenities arranged to create a City of Franklin "town center". The town center will include an open green space available for farmers markets or programmed with a large outdoor screen or small amphitheater for community movie nights and concert series, an ice-skating rink to create four seasons destination, a permanent food truck court and outdoor plazas adjacent to the first-floor commercial uses. The commercial spaces are ideally positioned for a uses like a brewery, restaurant and coffee or ice cream shop. Necessity uses like public restrooms and 300 parking stalls have also been identified. The residential apartment buildings will include studio through three-bedroom units and roughly one-to-one underground parking.

Resident amenities for the apartments will include a standalone clubhouse which will include a clubroom, full kitchen, outdoor pool and deck and leasing and management offices. Roof deck terraces on several of the apartment buildings are also planned. We have received and are working to incorporate preliminary feedback from planning and engineering staff which includes a suggestion to relocate some of the public uses toward the 76<sup>th</sup> Street to create a true public, town center feel. As the design advances, we will continue to incorporate feedback we receive.

The 76<sup>th</sup> & Rawson development was designed to create a new, exciting front door to the City of Franklin that draws in the community to this vibrant corner of the City and serves as a complementary use to the Ballpark Commons entertainment district. Representative imagery of commercial and public uses is attached to the concept site plan.

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



APPLICATION DATE: 8/19/2022

**Franklin**  
 AUG 19 2022  
 City Development

**COMMON COUNCIL REVIEW APPLICATION**

**PROJECT INFORMATION [print legibly]**

<b>APPLICANT [FULL LEGAL NAMES]</b>		<b>APPLICANT IS REPRESENTED BY [CONTACT PERSON]</b>	
NAME	Gibbons & Bolton LLC	NAME	Emily Cialdini
COMPANY	An affiliate of Mandel Group, Inc	COMPANY	Mandel Group, Inc.
MAILING ADDRESS	330 E Kilbourn Ave, Ste 600 South	MAILING ADDRESS	330 E Kilbourn Ave, Ste 600 South
CITY/STATE	Milwaukee, WI ZIP 53202	CITY/STATE	Milwaukee, WI ZIP 53202
PHONE	414-270-2764	PHONE	414-270-2764
EMAIL ADDRESS	ecialdini@mandelgroup.com	EMAIL ADDRESS	ecialdini@mandelgroup.com

**PROJECT PROPERTY INFORMATION**

PROPERTY ADDRESS	7154 S 76TH ST, FRANKLIN, WI 53132	TAX KEY NUMBER	756-9993-021, 756-9993-016, 756-9993-017
PROPERTY OWNER	INITECH LLC	PHONE	(414) 224-9283
MAILING ADDRESS	7044 S Ballpark Dr	EMAIL ADDRESS	tomj@rocventures.org
CITY/STATE	Franklin, WI ZIP 53132	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	Thomas Johns, CFO DATE 08/18/2022	NAME & TITLE	Ian Martin, Authorized Signatory DATE 8/18/2022
PROPERTY OWNER SIGNATURE		APPLICANT REPRESENTATIVE SIGNATURE	
NAME & TITLE		NAME & TITLE	Emily Cialdini, Senior Developer DATE 8/18/2022

**CITY OF FRANKLIN APPLICATION CHECKLIST**

If you have questions about the application materials please contact the planning department

**CONCEPT REVIEW APPLICATION MATERIALS**

- This application form accurately completed with signatures or authorization letters (see reverse side for more details)
- \$250 Application fee payable to the City of Franklin
- Three (3) complete collated sets of application materials to include .
  - Three (3) project narratives
  - Three (3) copies of the Preliminary Site/Development Plan of the subject property(ies) and immediate surroundings on 8 1/2 " X 11" or 11" X 17" paper (i.e., a scaled map identifying the subject property and immediate environs, including existing and proposed parcels, existing and proposed structures, existing and proposed land uses, existing and proposed zoning, existing and proposed infrastructure and utilities[approximate locations only], and existing and proposed site conditions/site constraints [i.e. approximate locations of public road access, rights-of way, natural resources/green space and drainage issues/concerns, etc.])
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- Email or flash drive with all plans / submittal materials

**COMPREHENSIVE MASTER PLAN AMENDMENT APPLICATION MATERIALS**

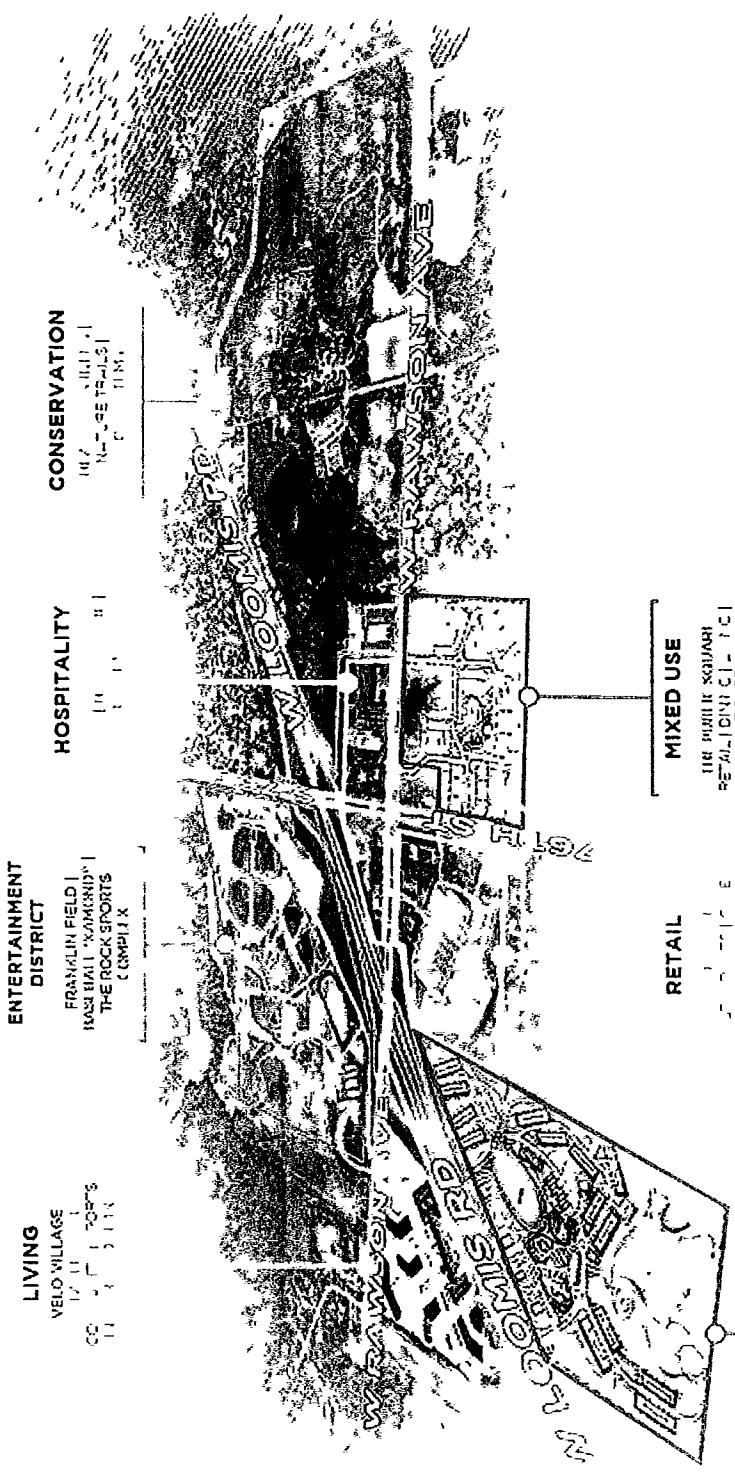
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- Additional information as may be required
  - Requires a Class I Public Hearing Notice at least 30 days before the Common Council Meeting

**PLANNED DEVELOPMENT DISTRICT (PDD)**

- This application form accurately completed with signatures or authorization letters (see reverse side for more details)
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  - \$3,500 PDD Major Amendment
  - \$500 PDD Minor Amendment
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**REZONING**

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**LIVING**  
 VELO VILLAGE  
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**ENTERTAINMENT DISTRICT**  
 FRANKLIN FIELD |  
 BASEBALL | AMMUNITION |  
 THE ROCKSPORTS  
 COMPLEX

**HOSPITALITY**  
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**CONSERVATION**  
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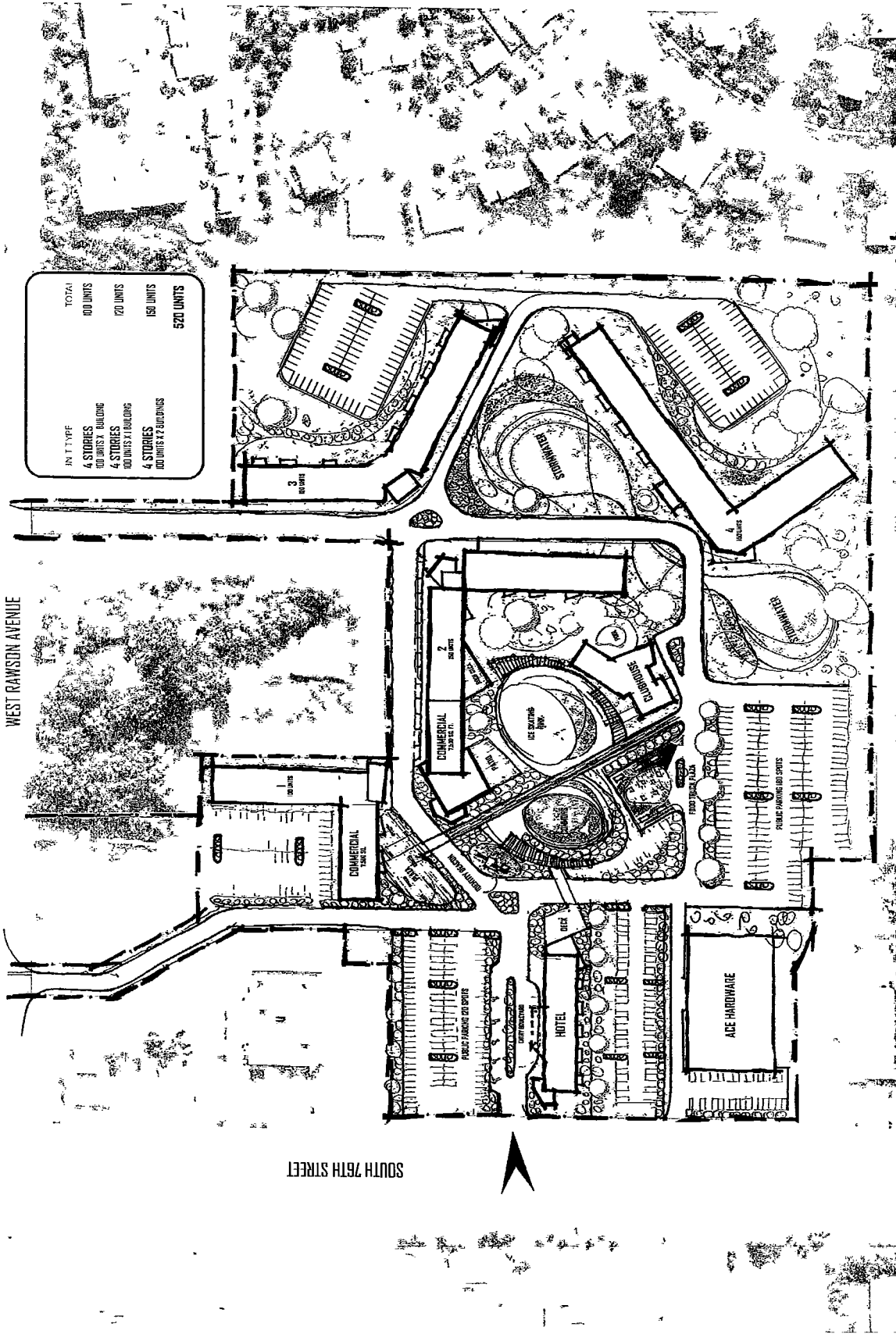
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**LIVING**  
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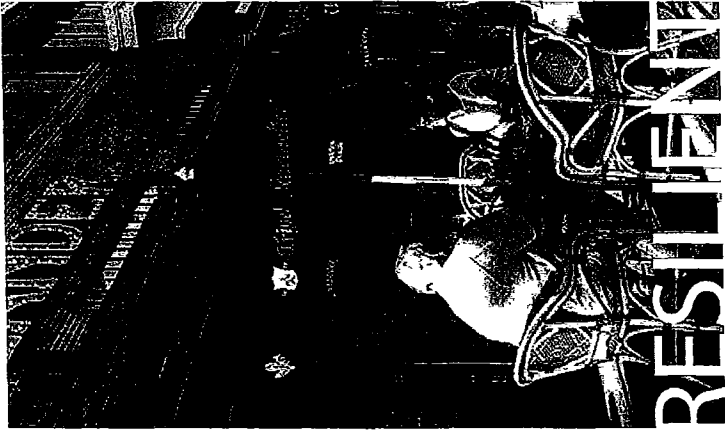
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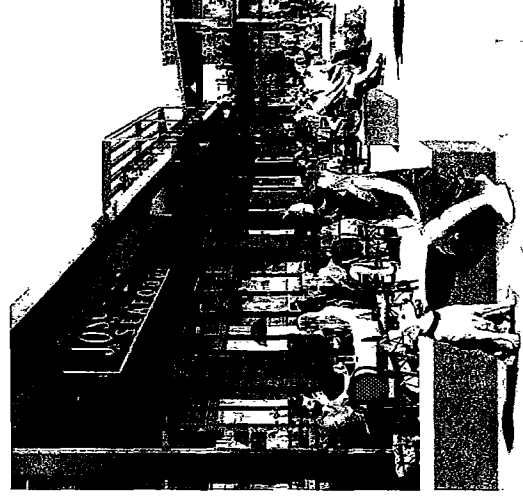
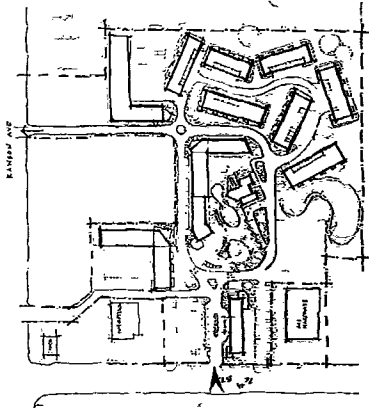
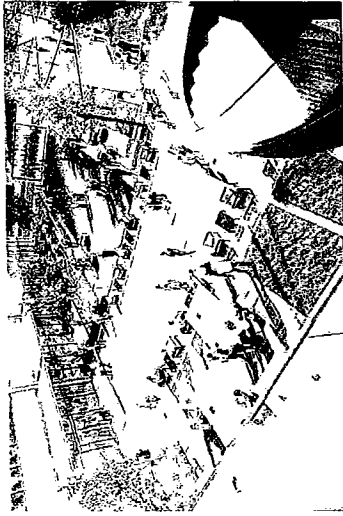
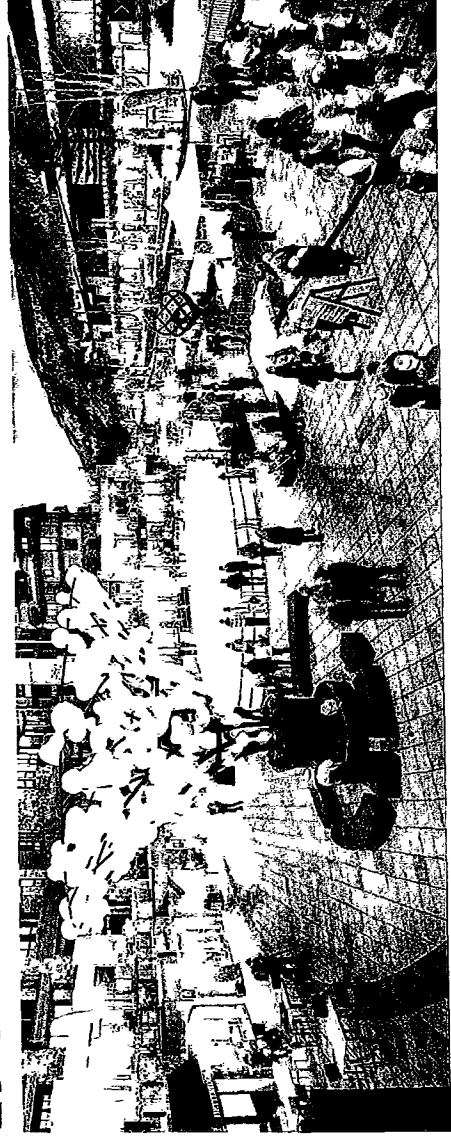
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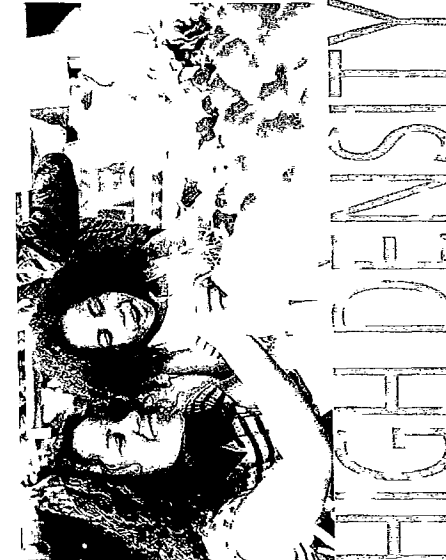
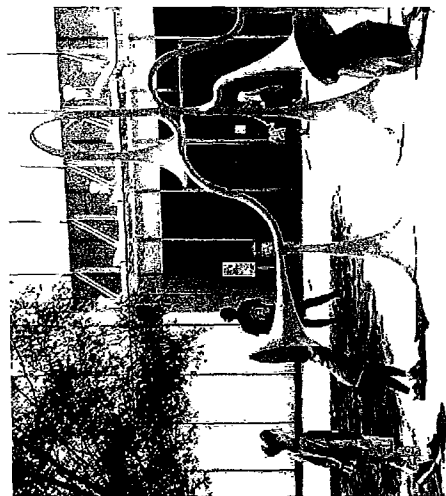
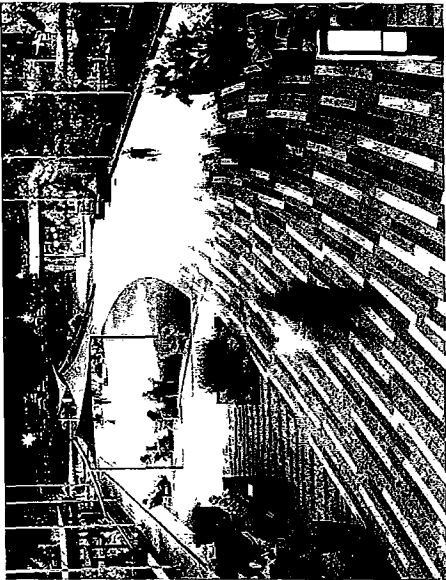
**FRANKLIN FARMS - THE PUBLIC SQUARE**

CAP PROJECT # R-2220-C01 T 02/14/2022



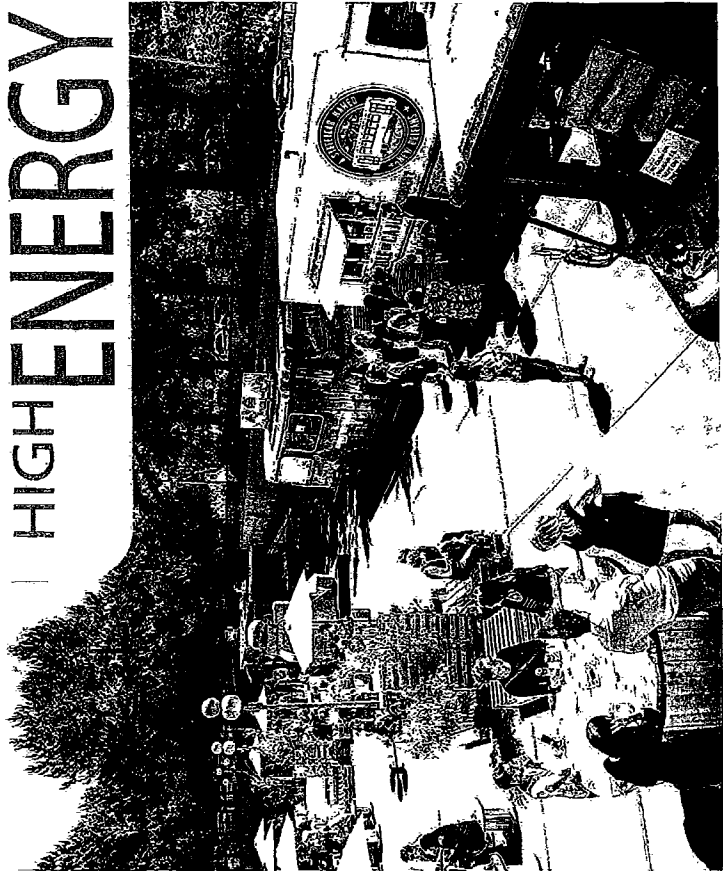
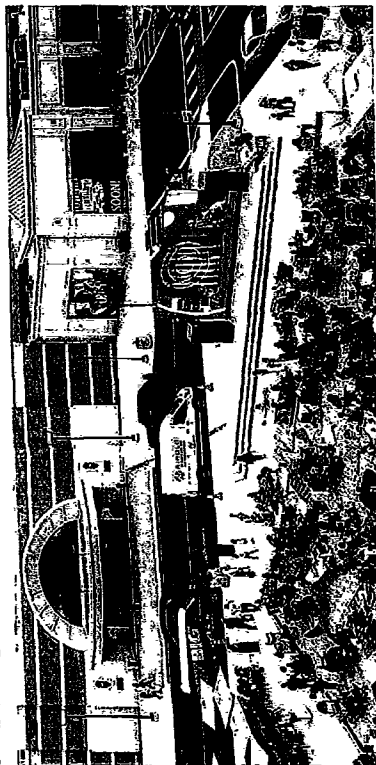
# RESILIENT COMMUNITY





HIGH DENSITY

HIGH ENERGY




FRANKLIN FARMS - THE PUBLIC SQUARE  
CSP PROJECT # 112202-07 | 09/07/2022

contin<sup>sm</sup>  
CONSTRUCTION MANAGEMENT

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<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>10/4/2022</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Authorize the Purchase of VMWare Server Hardware Replacements for City Hall and Police Department</b>	<b>ITEM NUMBER</b> <b>G.4.</b>

**Background**

In 2016 a major infrastructure project was undertaken to replace all data center equipment. This project included the installation of new data center uninterruptible power supplies (UPS), upgrading power cabling to 220v/30amps, replacing Dell PowerEdge servers with HP ProLiant, replacing Dell Power Vault SANs with HP 3PAR fiber channel SANs, replacing Cisco and Dell core and access switches to HP/Aruba, migrating from Microsoft Hyper-V to VMWare virtualization servers, and upgrading all Microsoft licenses to Windows 2016 Data Center licenses. To date, this was the largest infrastructure upgrade ever undertaken by the City, and it was one borne of necessity due to a failing and unreliable infrastructure. Since the infrastructure upgrade, all data center equipment has been placed on full vendor warranty and maintenance schedules. Systems are regularly patched and updated with the latest firmware and security fixes as standard "service pack" releases. The regular maintenance and updates have increased server and network reliability and has created an infrastructure that is always available and secure. Major server or network outages of the past, due to hardware failures, have been fully eliminated.

For 2022, the existing HP ProLiant Generation 9 servers will hit the end-of-support lifecycle and vendor support will not be available. Updates to system firmware and drivers will no longer be published for equipment past the support lifecycle. In order to maintain an environment of high reliability, it is recommended that all computer systems be upgraded to HP ProLiant Generation 10 servers. Existing hardware can continue to be used, but only for testing or development systems. Software licensing for the current version of VMWare vSphere 7.x should be upgraded, and recently purchased Microsoft Data Center licenses should be upgraded for Microsoft Windows Servers. Once the new VMWare v7.x is in place, virtual machines can be upgraded to the latest version of Window Server 2022 edition.

**Analysis**

Hewlett Packard has announced that ongoing support for the 3PAR SANs will cease in August of 2026. Extended warranties can be purchased two years prior to the end-of-life release date, hence the intention is to continue to use the existing fiber channel storage systems from 2023 into 2025. The 3PAR systems will be integrated with the new DL380 Gen 10 servers, but the storage systems are scheduled for depreciation in the future.

The computer environment, at City Hall, will be upgraded first. After a successful migration of that system, the computer environment at the Police Department, which is an exact copy of the City Hall hardware platform, will be performed using the same processes and procedures. For each environment, the anticipated project milestone will be:

1. The vCenter appliance is upgraded to the latest version of software v7.x software.
2. One VMWare server will be removed from the cluster and all virtual machines will run on the opposite paired host.
3. VMWare 7.x will be installed on the new DL380 Gen 10 server and the server added to vCenter and the cluster. Storage networking setting will be revised to allow the new system access to existing 3PAR storage volume. Contractor assistance may be needed with the storage reassignment.

4. The new server is added to the cluster and testing is performed. Virtual machines have the ability to be transferred back and forth to both nodes of the cluster.
5. All VMs are transferred over to the new HP DL380 server. The old server is removed from the server cluster and rebuilt in similar fashion.

The most complex portion of the project is the setup and readdressing of the Host Bus Adapter (HBA) cards for each server, and presenting the storage volumes (LUNs) on each fabric. It is estimated that it will take 4-8 hours to fully install and test each DL380 server replacement. Assistance may be needed in readdressing the storage fabric. Once complete, the paired node will require another 4-8 hours for racking and installation. It is estimated that it will take 3-5 business days to upgrade all systems at City Hall and the Police Department and confirm everything is functional.

### **Fiscal Impact**

Attached is CDW-G Quote MZTG261 for two (2) HP DL380 Gen 10 Servers for City Hall and two (2) HP DL380 Gen 10 Servers for the Police Department, for a total cost of \$59,327.92

The approved 2022 IS Computer Equipment Capital Outlay Budget, Account 41-0144-5841, includes \$134,723 for VMWare Server Replacement and corresponding licenses. Back in July of this year, the Microsoft data center licenses were purchased at a cost of \$33,537.71, leaving a balance of \$101,185.29 to cover the cost for the VMWare Server Replacements as quoted by CDW-G. The already purchased Windows Server 2022 Data Center licenses will be utilized as part of the upgrade. VMWare vCenter and vSphere v7.x are already entitled under the existing annual service contract agreements. Both the OS and hosting software can be upgraded at no additional cost.

Note: Capital funding for 2022 includes the replacement of the City Hall rack mount UPS. This portion of the project is being deferred until 2023. Eaton has acquired both Schneider APC and Tripp-Lite and is creating completely new product lines based upon the acquisition. The new UPS models are not due out until Quarter 2 of 2023.

### **Recommendation**

Staff recommends approval to purchase two (2) VMWare server replacements for City Hall and two (2) VMWare server replacements for the Police Department through CDW-G at a total cost of \$59,327.92.

## **COUNCIL ACTION REQUESTED**

Motion to authorize the purchase of two (2) HP DL380 Gen 10 Servers for City Hall and two (2) HP DL380 Gen Servers for the Police Department through CDW-G at a total cost of \$59,327.92, being charged to IS Computer Equipment Capital Outlay Budget, Account Number 41-0144-5841.



Thank you for choosing CDW We have received your quote

Hardware Software Services IT Solutions Brands Research Hub

# Review and Complete Purchase

**JAMES MATELSKI,**

Thank you for considering CDW•G for your technology needs. The details of your quote are below. **If you are an eProcurement or single sign on customer, please log into your system to access the CDW site.** You can search for your quote to retrieve and transfer back into your system for processing

For all other customers, click below to convert your quote to an order

**Convert Quote to Order**

QUOTE #	QUOTE DATE	QUOTE REFERENCE	CUSTOMER #	GRAND TOTAL
MZTG261	9/29/2022	HPE DL380 SERVERS	0929696	\$59,327.92

QUOTE DETAILS				
ITEM	QTY	CDW#	UNIT PRICE	EXT. PRICE
<b>HPE ProLiant DL380 Gen10 - rack-mountable - no CPU - 0 GB - no HDD</b> Mfg Part# 868703 B21 UNSPSC 43211501 Contract Wisconsin Counties Association	4	4723429	\$1,120 97	\$4,483 88
<b>HPE ProLiant DL380 Gen10 Base - rack-mountable - no CPU - 0 GB - no HDD</b> Mfg Part# 868703-B21#ABA Contract Wisconsin Counties Association	4	6689159	\$0 00	\$0 00
<b>Intel Xeon Gold 5218 2 3 GHz processor</b> Mfg Part# P02498 L21 UNSPSC 43201503 Contract Wisconsin Counties Association	4	5617103	\$1,997 29	\$7,989 16
<b>Intel Xeon Gold 5218 2 3 GHz processor</b> Mfg Part# P02498-B21 UNSPSC 43201503 Contract Wisconsin Counties Association	4	5616975	\$2,034 96	\$8,139 84
<b>HPE SmartMemory - DDR4 - module - 32 GB - DIMM 288-pin - 2933 MHz PC4-234</b> Mfg Part# P38446 B21 Contract Wisconsin Counties Association	64	6430358	\$344 58	\$22,053 12
<b>HPE StoreFabric SN1100Q 16Gb Dual Port - host bus adapter PCIe 3 0 - 16Gb</b> Mfg Part# P9D94A Contract Wisconsin Counties Association	4	6346600	\$1,226 11	\$4,904 44
<b>HPE 96W Smart Storage - storage device battery - Li-Ion</b> Mfg Part# P01366-B21	4	6550591	\$44 11	\$176 44



<b>APPROVAL</b> <i>Slur</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>10/4/2022</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Authorize the Purchase of the Annual Palo Alto Maintenance, Licensing, and Support Subscription Renewal for the Period 10/5/2022 through 10/5/2023</b>	<b>ITEM NUMBER</b> <b>G.5.</b>

**Background**

The City of Franklin uses Palo Alto firewalls for perimeter detection that contain Next Generation (NG) technology to perform analysis of all inbound packets. All firewalls are currently using three Artificial Intelligence (AI) services that require an annual subscription:

- Threat Management – antivirus, vulnerability, and malware detection services in order to determine if an inbound stream contains malicious documents.
- Advanced Threat Management – this service blocks malicious websites from being accessed, file blocking and data filtering.
- Wildfire Analysis – this advanced AI service examines all traffic to known threats being encountered within a data lake analysis. The service is able to detect both emergent and zero-day threats.

Initially three years of services were subscribed when the firewalls were originally purchased. In 2020, the original subscription expired and the City of Franklin moved to renewing the support and maintenance agreement on an annual basis. This is an annual cost found in the IT Equipment Maintenance budget 01-0144-5242 and estimated for 2022 to be \$18,577.

**Fiscal Impact**

Attached is a quote from Heartland Business Systems (HBS) for the annual Palo Alto maintenance, licensing, and support subscription renewal for the period 10/5/2022 through 10/5/2023 in the amount of \$20,061.84.

Charges are summarized as follows:

- City Hall and Police Department PA-820 clustered firewalls (4 units)
  - Maintenance and Support \$920 x 4 \$3,680.00
  - Threat Management Service \$694.71 x 4 \$2,778.84
  - Advance Threat Management Service \$1,211.71 x 4 \$4,846.84
  - Wildfire AI Analysis Service \$694.71 x 4 \$2,778.84
- City Hall & Police Global Protect VPN Client \$289.30 x 2 \$578.60
- City Hall Panorama Management Console Support \$1,940 x 1 \$1,940
- DWP, FD2, FD3, Water Utility PA-220 firewalls (4 units)
  - Maintenance and Support \$210 x 4 \$840
  - Threat Management Service \$173.68 x 4 \$694.72
  - Advance Threat Management Service \$307.32 x 4 \$1,229.28
  - Wildfire AI Analysis Service \$173.68 x 4 \$694.72

Again, this annual renewal is funded within the IS Equipment Maintenance Operating Budget, Account 01-0144-5242, which came in \$1,484.84 higher than last year's cost, which will be covered by unused funding within other line items within the IS operating budget.

**Recommendation**

Staff recommends approval to execute the HBS Quote 283107 v2 for this annual renewal at a total cost of \$20,061.84.

**COUNCIL ACTION REQUESTED**

Motion to authorize the execution of Heartland Business Systems (HBS) Quote 283107 v2 in the amount of \$20,061.84 for the annual Palo Alto maintenance, licensing, and support subscription renewal for the period 10/5/2022 through 10/5/2023 funded by IS Equipment Maintenance Operating Budget, Account 01-0144-5242.

Palo Alto Renewals - October 2022

Quote #283107 v2

Prepared For  
**Franklin, City of**  
 James Matelski  
 9229 W Loomis Road Campus Network-OC1 fiber  
 between offices  
 Franklin, WI 53132  
 P: (414) 427-7645  
 E: JMatelski@franklinwi.gov

Prepared By  
**Milwaukee Wisconsin Area Office**  
 Greg Borchard  
 N28 W23050 Roundy Drive Suite 200  
 Pewaukee, WI 53072  
 P: 262-650-6500 ext. 1222  
 E: gborchard@hbs.net

Date Issued  
**09.26.2022**  
 Expires  
**10.05.2022**

Coverage Dates: 10/5/22-5/6/24	* Optional	Price	Qty	Ext. Price
Serial #'s: 012001004572, 012001004660, 012001005303, 012001004615				
Palo Alto WildFire for PA-820 - Subscription License Renewal - 1 Device in HA Pair - 1 Year		\$1,100.12	4	\$4,400.48
Palo Alto Threat Prevention for PA-820 - Subscription License Renewal - 1 Device in HA Pair - 1 Year		\$1,100.12	4	\$4,400.48
Palo Alto Advanced Threat Prevention - Subscription License Renewal - 1 Device In HA Pair - 1 Year		\$1,918.82	4	\$7,675.28
Palo Alto Networks Premium Support Program - 1 Year Extended Service (Renewal) - Service - Service Depot - Exchange - Parts - Physical Service		\$1,456.88	4	\$5,827.52
Global Protect for Serial #'s: 012001004615 & 012001005303				
Palo Alto GlobalProtect Gateway for PA-820 - Subscription License Renewal - 1 Device in HA Pair - 1 Year		\$694.71	2	\$1,389.42
Serial #000702189725				
Palo Alto Premium Support Program - 1 Year Renewal - Service - 24 x 7 - Technical - Electronic		\$3,072.11	1	\$3,072.11
Serial #'s: 012801017899, 012801018166, 012801017880, 012801017793				
Palo Alto WildFire for PA-220 - Subscription License Renewal - 1 Device - 1 Year		\$275.04	4	\$1,100.16
Palo Alto Threat Prevention for PA-220 - Subscription License Renewal - 1 Device - 1 Year - Prepaid		\$275.04	4	\$1,100.16
Palo Alto Advanced Threat Prevention - Subscription License Renewal - 1 Device - 1 Year		\$486.66	4	\$1,946.64
Palo Alto Premium Support Program - 1 Year Extended Service (Renewal) - Service - 24 x 7 Next Business Day - Service Depot - Exchange - Parts - Electronic and Physical		\$332.55	4	\$1,330.20
* Optional Subtotal				<b>\$32,242.45</b>

1 Full Year Coverage (10/5/22-10/5/23)	* Optional	Price	Qty	Ext. Price
Serial #'s: 012001004572, 012001004660, 012001005303, 012001004615				
Palo Alto WildFire for PA-820 - Subscription License Renewal - 1 Device in HA Pair - 1 Year		\$694.71	4	\$2,778.84
Palo Alto Threat Prevention for PA-820 - Subscription License Renewal - 1 Device in HA Pair - 1 Year		\$694.71	4	\$2,778.84
Palo Alto Advanced Threat Prevention - Subscription License Renewal - 1 Device In HA Pair - 1 Year		\$1,211.71	4	\$4,846.84
Palo Alto Networks Premium Support Program - 1 Year Extended Service (Renewal) - Service - Service Depot - Exchange - Parts - Physical Service		\$920.00	4	\$3,680.00
Global Protect for Serial #'s: 012001004615 & 012001005303				

1 Full Year Coverage (10/5/22-10/5/23)	* Optional	Price	Qty	Ext. Price
<b>Palo Alto GlobalProtect Gateway for PA-820 - Subscription License Renewal - 1 Device in HA Pair - 1 Year</b> Serial #000702189725		\$289 30	2	\$578 60
<b>Palo Alto Premium Support Program - 1 Year Renewal - Service - 24 x 7 - Technical - Electronic</b> Serial #'s: 012801017899, 012801018166, 012801017880, 012801017793		\$1,940 00	1	\$1,940 00
<b>Palo Alto WildFire for PA-220 - Subscription License Renewal - 1 Device - 1 Year</b>		\$173 68	4	\$694.72
<b>Palo Alto Threat Prevention for PA-220 - Subscription License Renewal - 1 Device - 1 Year - Prepaid</b>		\$173.68	4	\$694 72
<b>Palo Alto Advanced Threat Prevention - Subscription License Renewal - 1 Device - 1 Year</b>		\$307 32	4	\$1,229.28
<b>Palo Alto Premium Support Program - 1 Year Extended Service (Renewal) - Service - 24 x 7 Next Business Day - Service Depot - Exchange - Parts - Electronic and Physical</b>		\$210 00	4	\$840 00
* Optional Subtotal				<b>\$20,061.84</b>

*Optional Expenses	One-Time
Coverage Dates 10/5/22-5/6/24	\$32,242 45
<b>1 Full Year Coverage (10/5/22-10/5/23)</b>	<b>\$20,061.84</b>

This quote may not include applicable sales tax, shipping handling and/or delivery charges. Final applicable sales tax, shipping, handling and/or delivery charges are calculated and applied at invoice. The above prices are for hardware/software only and do not include delivery setup or installation by Heartland ("HBS") unless otherwise noted. Installation by HBS is available at our regular hourly rates, or pursuant to a prepaid HBSFlex Agreement. This configuration is presented for convenience only. HBS is not responsible for typographical or other errors/omissions regarding prices or other information. Prices and configurations are subject to change without notice. HBS may modify or cancel this quote if the pricing is impacted by a tariff. A 15% restocking fee will be charged on any returned part. Customer is responsible for all costs associated with return of product and a \$25.00 processing fee. No returns are accepted by HBS without prior written approval. This quote expressly limits acceptance to the terms of this quote, and HBS disclaims any additional terms. By providing your "E-Signature," you acknowledge that your electronic signature is the legal equivalent of your manual signature, and you warrant that you have express authority to execute this agreement and legally bind your organization to this proposal and all attached documents. Any purchase that the customer makes from HBS is governed by HBS' Standard Terms and Conditions ("ST&Cs") located at <http://www.hbs.net/standard-terms-and-conditions>, which are incorporated herein by reference. The ST&Cs are subject to change. When a new order is placed the ST&Cs on the above-stated website at that time shall apply. If customer has signed HBS ST&Cs version 2018.v2 0 or later or the parties have executed a current master services agreement, the signed agreement shall supersede the version on the website. Any order(s) that exceeds the credit limit assigned by HBS shall require upfront payment from customer in an amount determined by HBS. HBS shall make this determination at the time of the order unless customer has previously submitted the required onboarding paperwork. In such event, HBS shall make this determination at the time of quoting QT.2021 v1 0

**Acceptance**
**Milwaukee Wisconsin Area Office**
**Franklin, City of**

Greg Borchard

Signature / Name

09/26/2022

Date

Signature / Name

Initials

Date

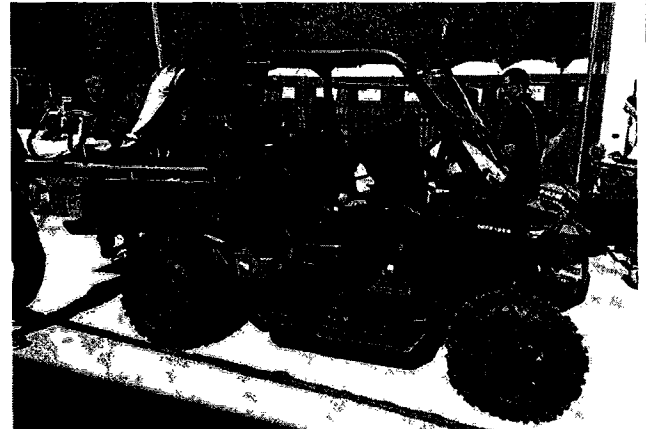


<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;"><i>10/04/2022</i></p>
<p style="text-align: center;"><b>REPORTS AND RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>The fire department is seeking permission to accept a Wisconsin Department of Health Services (DHS) flex grant in the amount of \$12,630, to combine with other escrowed grant funding, to purchase a Utility Terrain Vehicle (UTV), EMS cot skid-load, trailer, and other associated items.</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><b>G.6.</b></p>

**Background:**

The fire department receives a modest annual grant fund annually from the DHS Funding Assistance Program (FAP) to support EMS training and operations throughout the state. The funding can be used to purchase non-disposable equipment, vehicles, radios, and computers, among other things. In July, the department was notified that DHS would also be disbursing additional Federal American Recovery Plan Act (ARPA) funding to Franklin through the FAP, in the amount of \$24,390.23.

Additionally, in June, DHS announced the availability of further ARPA grant funding available through a one-time flex grant. The fire department took this opportunity to apply for the flex grant in order to fund a badly-needed UTV for use at events such as the St. Martins Fair, the Franklin Civic Celebration, parades and other events, as well as responses to portions of the Oak Leaf trail that are not accessible to a full-sized vehicle. The department requested \$24,500 in order to purchase the UTV, EMS cot skid-load, trailer, minimal emergency lighting, and other related items. The department was notified that it would be awarded \$12,630.



**Approvals Requested:**

The department is seeking approval to accept the flex grant in the amount \$12,630; and with the balance of funding available in other existing fire grant accounts, to move forward with the order and purchase of the UTV, EMS cot skid-load, trailer, and other related items. Total cost for this project is expected to amount to approximately \$25,000, and will be fully funded through grant programs with no local matching funding.

**COUNCIL ACTION REQUESTED**

**Request Common Council approval to accept a DHS flex grant, and authorization to move forward with purchase of a Utility Terrain Vehicle, EMS cot skid-load, trailer, and other associated items at an anticipated cost of approximately \$24,500, with the entirety of funding coming from the flex grant and other existing and available grant programs.**

Tony Evers  
Governor



**State of Wisconsin**  
**Department of Health Services**

**DIVISION OF PUBLIC HEALTH**

1 WEST WILSON STREET  
PO BOX 2659  
MADISON WI 53701-2659

Telephone 608-266-1251  
Fax 608-267-2832  
TTY 711 or 800-947-3529

Karen E Timberlake  
Secretary

July 12, 2022

Franklin Fire Department (6000192)  
9229 W Loomis Rd  
Franklin, WI 53132

**RE: Emergency Medical Services Funding Assistance Program Award**

Dear Service Director:

The Wisconsin Department of Health Services, Division of Public Health, EMS Section is pleased to notify you of your Emergency Medical Services Funding Assistance Program (FAP) award based on your ambulance service's application for state fiscal year (SFY) 2023. Governor Tony Evers on February 15, 2022, stated that the EMS Funding Assistance Program for the state fiscal year (SFY) 2023 year will receive a one-time increase from the annual yearly \$2.2 million state budget amount to a \$10.0 million budget amount through funds provided by the American Rescue Plan Act(ARPA).

All services which applied for FAP will receive an allotment of the ARPA money in addition to the normal annual funding. Please retain this letter for your records as it contains the breakdown of your award. If you or your designated municipal payee requested payment via automated clearing house (ACH) payment, funds will be transferred electronically to the designated account. If you or your designated municipal payee did not request ACH payment, your payment is enclosed. If you receive this letter without an accompanying payment, please check with your municipality as the letter and payment may have been sent directly to the designated municipal payee before being forwarded to your ambulance service.

Your service has been deemed eligible for funding under Wis. Stat. §§ 256.12(4) and (5) and is also deemed eligible for the FAP ARPA Supplement. All three funding pools have different equations based on the referenced statutes.

- **Support and Improvement.** This amount fulfills Wis. Stat. § 256.12(4) and includes the base amount of \$3,588 plus \$0.05 per capita. Your ambulance service may use support and improvement funds for the purchase of ambulance service vehicles, vehicle equipment, emergency medical service supplies or equipment, or emergency medical training for personnel. Per Wis. Stat. § 256.12(4), support and improvement funds shall supplement existing, budgeted moneys of, or provided to, an ambulance service and may not be used to replace, decrease or release for alternative purposes the existing, budgeted moneys of, or provided to, the ambulance service provider.
- **Training and Examination Aid:** This amount fulfills Wis. Stat. § 256.12(5) and is determined by subtracting the total of all awards made under Support and Improvement funds from the original appropriation. The remaining amount is then divided equally among all qualified services applying for Emergency Medical Responder (EMR) and Emergency Medical Technician (EMT) Training and Examination Aid. This allotment is to be used only for EMT or EMR expenses related to initial and refresher training, as well as examination costs. Services that did not request Training and Examination Aid funds in their application or services ineligible to receive Training and Examination funds (i.e. private-for-profit services) will not have a second amount listed.
- **American Rescue Plan Act (ARPA):** The FAP ARPA Supplement is an \$8.0 million one-time allocation divided equally among all EMS services receiving FAP funding. This can be spent on all eligible FAP items, both equipment and education, as stated in the FAP Purchasing Guide. The EMS Service awarded funds will receive half of the money with this letter and the remaining half is contingent on reporting expenses on a fiscal report which shows adequate spend-down of initial funds. This initial expense report will be due on February 28, 2023. This award cannot not be escrowed and will need to be spent and a final

expense report be turned in by August 31<sup>st</sup> of 2023, unless the service requests an extension. Extension eligibility will be determined by program staff and will not exceed June 30, 2024.

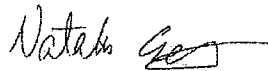
<b>GPR Support and Improvement per § 256.12 (4)</b>	<b>Amount:</b>	<b>\$ 5428.80</b>
<b>GPR Training and Examination aid per § 256.12 (5)</b>	<b>Amount:</b>	<b>\$ 2431.74</b>
<b>American Rescue Plan Act (ARPA) Allotment</b>	<b>Amount:</b>	<b>\$ 24390.23</b>

Initial and subsequent expense reporting will happen in E-Licensing. Your service will have one section to report your GPR support and improvement and GPR training and examination aid, and a second section to report on the FAP ARPA allotment. Please make sure to keep track of accurate spending for your service.

*Regarding the treatment of the ARPA FAP on the Schedule of Expenditures of Federal and State Awards (SEFSA), the provider is not required to list this funding source on the SEFSA since the provider is determined to be a beneficiary. For full transparency and disclosure, DHS requests that providers include any CAPP payment information in the footnotes to the SEFSA or Financial Statements.*

Please direct any questions regarding the EMS Funding Assistance Program to [DFSFAP@dhs.wisconsin.gov](mailto:DFSFAP@dhs.wisconsin.gov).

Sincerely,



Natalie Easterday  
Director  
Office of Preparedness and Emergency Health Care  
Wisconsin Department of Health Services

State of Wisconsin

52427292

Check Date: 7/11/2022

Supplier Number: 000072072

Check No: 1002512571

HC: AP

AP Unit	Voucher ID	Invoice Number	Invoice Date	Gross Amount	Discount Amount	Paid Amount
DHS	00509240 Franklin FD (EMS FAP SFY2023)	EMS-APPR123-173	7/7/2022	\$7,860.54	\$0.00	\$7,860.54
<b>QUESTIONS? Contact wivendors@wi.gov or 608-264-6600 with check and amt</b>						
Check Number	Date	Total Gross Amount	Total Discounts	Total Paid Amount		
1002512571	7/11/2022	\$7,860.54	\$0.00	\$7,860.54		

1002512571  
 Dept of Administration - State Controller  
 PO Box 7932  
 Madison WI 53707-7932

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

State of Wisconsin  
General Operations

1002512571  
 US Bank, Milwaukee, N.A. 12-2780

Void one year after date  
 July 11, 2022

Pay to the order of: CITY OF FRANKLIN

Pay Exactly: \*\*\*SEVEN THOUSAND EIGHT HUNDRED SIXTY AND 54/100 DOLLAR

\$ \*\*\* 7,860.54

*Kathy K. Bluminfeld*

Secretary of Administration

*Sarah Jodkowski*  
 State Treasurer

001150  
 CITY OF FRANKLIN  
 9229 WEST LOOMIS ROAD  
 FRANKLIN WI 53132-9630

52427292

DOCUMENT CONTAINS WATERMARK - HOLD AT AN ANGLE TO VIEW

1002512571 075000022 182380581401

State of Wisconsin

52427291

Check Date: 7/11/2022

Supplier Number: 0000072072

Check No: 1002512570

HC: AP

AP Unit	Voucher ID	Invoice Number	Invoice Date	Gross Amount	Discount Amount	Paid Amount
DHS	00508910	EMS-SUPP123-173 Franklin FD (EMS SUPP SFY2023)	7/7/2022	\$12,195.12	\$0.00	\$12,195.12

Check Number	Date	Total Gross Amount	Total Discounts	Total Paid Amount
1002512570	7/11/2022	\$12,195.12	\$0.00	\$12,195.12

QUESTIONS? Contact wivendors@wi.gov or 608-264-6600 with check and amt

1002512570  
Dept of Administration - State Controller  
PO Box 7932  
Madison WI 53707-7932

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State of Wisconsin  
General Operations

1002512570  
US Bank, Milwaukee N.A. 12-2750

Void one year after date  
July 11, 2022

\$ \*\*\* 12,195.12

Pay to the order of: CITY OF FRANKLIN

Pay Exactly: \*\*\*\*TWELVE THOUSAND ONE HUNDRED NINETY FIVE AND 12/100 DOLLAR

*Kathy K. Blumenfeld*

Secretary of Administration

*Sarah Godwin*  
State Treasurer

001149  
CITY OF FRANKLIN  
9229 WEST LOOMIS ROAD  
FRANKLIN WI 53132-9630

52427291

DOCUMENT CONTAINS WATERMARK - HOLD AT AN ANGLE TO VIEW

⑈ 100 25 1 25 70 ⑈ ⑆ 0 7 50000 2 2 ⑆ 18 238058 140 1 ⑈

**Adam Remington**

---

**From:** Parker, Mia M - DHS (Medasource) <mia.parker@dhs.wisconsin.gov>  
**Sent:** Monday, September 19, 2022 10:39 AM  
**To:** Adam Remington  
**Subject:** EMS Flex Grant Award

RE: Emergency Medical Services (EMS) Flex Grant Award

Dear Service Director:

The Wisconsin Department of Health Services is pleased to notify you of your EMS Flex Grant award in the amount of **\$12,630.00**

You will be receiving your official Notice of Award (NOA) through the Service E- License account by close of business on Friday, September 23, 2022.

The NOA will contain important grant information including conditions of award, funding, budget instructions and expense reporting.

Thanks,  
Mia Parker  
Grant Manager, EMS Flex Grant  
608-266-7782 office  
EMS Section, Office of Preparedness and Emergency Health Care  
Division of Public Health

*Wisconsin Department of Health Services*



\*\*\*\*\*

NOTICE: [Get the most up to date confidentiality statement here.](#)

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;"><b>10/4/2022</b></p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>Presentation of the Mayor's 2023 Recommended Budget</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><b>G.7.</b></p>

The Mayor's 2023 Recommended Budget will be presented to the Common Council on October 4, 2022. The Director of Administration will present an overview of the budget and major budget initiatives. The presentation will primarily consist of a PowerPoint presentation on the budget and review of the budget timetable through Council consideration of the budget on November 15, 2022.

In accordance with Section 13-2, "Preparation of Budget" of the City of Franklin Municipal Code, the Mayor's 2023 Recommended Budget will be submitted to the Finance Committee for its review. The Finance Committee shall review the Recommended Budget and submit its recommended changes to the Common Council at a special meeting of October 13, 2022. The Finance Committee will review the Mayor's Recommended Budget at the following planned meetings:

- Wednesday, October 5, 2022, at 4 p.m. - Capital and Operating Budgets Related to Planning; Public Safety – Inspection Services, Police/Dispatch, Fire/Fire Protection; Clerk – Aldermen, Elections, Weights & Measures, St. Martins Fair, Weed Control; Animal Control; Recreation; and Overview of the 2023 Budget for all funds, revenues and expenditures, cost allocations, personnel head counts and additions.
- Thursday, October 6, 2022, at 4 p.m. - Capital and Operating Budgets Related to Health; Economic Development; Engineering/Public Works – Highway & Parks, Street Lighting, Solid Waste, Sanitary Sewer; General Government – Mayor, Municipal Court, Information Services, Administration/Human Resources, Finance/Audit, Assessor, Legal Services, Municipal Buildings, Insurance, Unclassified & Contingency; and Overview of the 2023 Budget for all funds, revenues and expenditures, cost allocations, personnel head counts and additions.
- Tuesday, October 11, 2022 at 4 p.m. - Overall Capital Funds – Capital Outlay, Equipment Replacement, Capital Improvement, Street Improvement, Utility Development, Development Fund; Tax Incremental Financing Districts; Debt Service; Self-Insurance Fund; and Total Tax Levy and Tax Rates.

Following the presentations, the Finance Committee and/or Common Council may determine or identify additional materials or information needed for the October 13, 2022, Special Common Council Meeting where the Council will discuss/decide regarding the Finance Committee's recommendations and initial changes to the budget.

A copy of the Mayor's 2023 Recommended Budget document will be provided at the October 4, 2022 Council meeting.

### **COUNCIL ACTION REQUESTED**

Motion to forward the Mayor's 2023 Recommended Budget to the Finance Committee for its review and submission of its recommended changes to the Common Council at their special meeting of October 13, 2022 and to further provide other direction to staff, as appropriate, relative to additional materials or information needed for the October 13, 2022 Special Common Council Meeting budget discussions.

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<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>October 4, 2022</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Resolution for Agreement Between the City of Franklin and Franklin Public Schools to Jointly Develop a Public Recreational Trail, Trail Head Parking Lot and Restroom Facilities on Franklin Public Schools Properties Between South 80th Street and South 92nd Street (TKNs 896-9996-001 and 895-9999-000)</b>	<b>ITEM NUMBER</b>  <b>G.8.</b>

**BACKGROUND**

On June 7, 2022, (Item G. 16) Common Council *directed Staff to enter negotiations with Franklin Public Schools for construction, maintenance and ownership of a trail and trail head across a parcel south of W Ryan Road between S. 80<sup>th</sup> Street and S 92<sup>nd</sup> Street* An exhibit of the trail location is attached.

Staff met with Andy Chomry, the new Assistant Superintendent of Business and Operations for Franklin Public Schools and now have a draft document that both City and School Staff are amiable to execute. This is now being presented to the Common Council and is expected to be submitted to the Franklin Public Schools Board for consideration on October 12 and approval on October 26, 2022.

**ANALYSIS**

This section of trail is consistent with the Ryan Creek Trail Plan adopted by Common Council on June 21, 2022. A significant portion of the Ryan Creek Trail would extend through a parcel formerly known as the Archdiocese Property and is now owned by Franklin Public Schools. The parcels consist of approximately 224 acres (TKN 896-9996-001, TKN 895-9999-000) bounded by STH 100 (W. Ryan Road) to the north, Ryan Creek to the south, S. 80th Street to the east, and S. 92nd Street to the west, not including the Zuern Building Products parcels and the old Covenant Community Church cemetery parcel.

To summarize the agreement,

- Items 1-7: The City of Franklin is responsible for design and construction of the trail. The City of Franklin has 2 years to start construction but no time-frame to complete the construction. The City of Franklin will assume all ownership and maintenance of trail facilities.
- Items 8-13: The City of Franklin is responsible for design and construction of a small parking lot and restroom facility (trailhead Phase 1). An easement will be negotiated and executed with Franklin Public Schools. The City of Franklin will have two years to start construction. The City of Franklin will assume all maintenance and ownership of trailhead.
- Items 14-17: The Franklin Public Schools, no time frame, may expand parking and restroom facilities (trailhead Phase 2) and then Franklin Public Schools will assume ownership and maintenance responsibilities. The City of Franklin may keep family restrooms open outside of Franklin Public School hours but would need to provide cleaning and maintenance for just the family restrooms.
- Item 18: The agreement is contingent that Franklin Public Schools can obtain land combination and rezoning for the properties through the City of Franklin's normal planning processes.

This agreement has been reviewed by the City Attorney who provided technical corrections.

Common Council may authorize execution of the agreement as presented, or may make changes. If Franklin Schools is acceptable to the agreement with/without the changes or changes that are non-substantive and technical in nature, Staff will execute and record the agreement. If Franklin Public Schools has additional, non-technical or substantive modifications, the modifications will be presented at a future Common Council for continued discussion.

Upon execution of agreement, Staff will bring a professional services contract for the design of the trail and trailhead.

### **OPTIONS**

1. Authorize execution of agreement, as presented.
2. Authorize execution of agreement, with changes.
3. Further Direction to Staff

### **FISCAL NOTE**

The 2022 budget Fund 46- Capital Improvement Fund includes Ryan Creek Trail Sections (\$200,000) and Trailhead on School Property (\$400,000). However, these funds were reallocated for the purchase of the Southwest Park. Common Council could recommend a budget amendment to the 2022 Budget or a revision to the current draft of the 2023 Budget to include funding for this purpose, or edit the agreement from 2-year deadlines to 4-year deadlines.

There are no estimates for construction of the trail or trailhead at this time. Those estimates will be part of the request for Council to approve a professional services contract in the near future.

As presented, the City may execute this agreement and not expend any monies. If that were to occur, the agreement would become null and void.

### **COUNCIL ACTION REQUESTED**

A motion to adopt Resolution 2022-\_\_\_\_\_, a resolution for agreement between the City of Franklin and Franklin Public Schools to jointly develop a public recreational trail, trail head parking lot and restroom facilities on Franklin Public Schools properties between South 80th Street and South 92nd Street (TKNs 896-9996-001 and 895-9999-000).

Engineering: GEM

RESOLUTION NO. 2022 - \_\_\_\_\_

RESOLUTION FOR AGREEMENT BETWEEN THE  
CITY OF FRANKLIN AND FRANKLIN PUBLIC SCHOOLS TO  
JOINTLY DEVELOP A PUBLIC RECREATIONAL TRAIL, TRAIL HEAD PARKING LOT  
AND RESTROOM FACILITIES ON FRANKLIN PUBLIC SCHOOLS PROPERTIES  
BETWEEN SOUTH 80TH STREET AND SOUTH 92ND STREET

-----  
WHEREAS, the City of Franklin (FRANKLIN) is developing a public recreational trail system throughout the community and specifically in the southern portion of the City following the Ryan Creek; and

WHEREAS, Franklin Public Schools (SCHOOL) owns approximately 224 acres (Tax Key No. 896-9996-001 and Tax Key No. 895-9999-000) bounded by STH 100 (West Ryan Road) to the north, Ryan Creek to the south, South 80th Street to the east, and South 92nd Street to the west, collectively known as the PROPERTY, as legally described upon Exhibit A annexed hereto; and

WHEREAS, SCHOOL intends to locate at least one school on these parcels, with athletic fields; and

WHEREAS, a trail with a trail head parking lot and restroom facilities serving the Franklin community would also serve students commuting to school and the athletic fields; and

WHEREAS, a trail head would serve public users of a trail and users of the athletic fields; and

WHEREAS, FRANKLIN is agreeable to design, construct, and maintain a public recreational trail generally along the southern and eastern portions of the PROPERTY; and

WHEREAS, FRANKLIN and SCHOOL are both interested in a parking lot and restroom pavilion to serve the trail and the athletic fields.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that the Mayor and City Clerk are authorized to execute an Agreement with Franklin Public Schools concerning the development, construction and maintenance of a recreational trail and trail head facility on Franklin Public Schools property between South 80<sup>th</sup> Street and South 92<sup>nd</sup> Street; and

BE IT FURTHER RESOLVED that the City Clerk is directed to send the signed agreement to the Franklin Public Schools Board President for recording.

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:

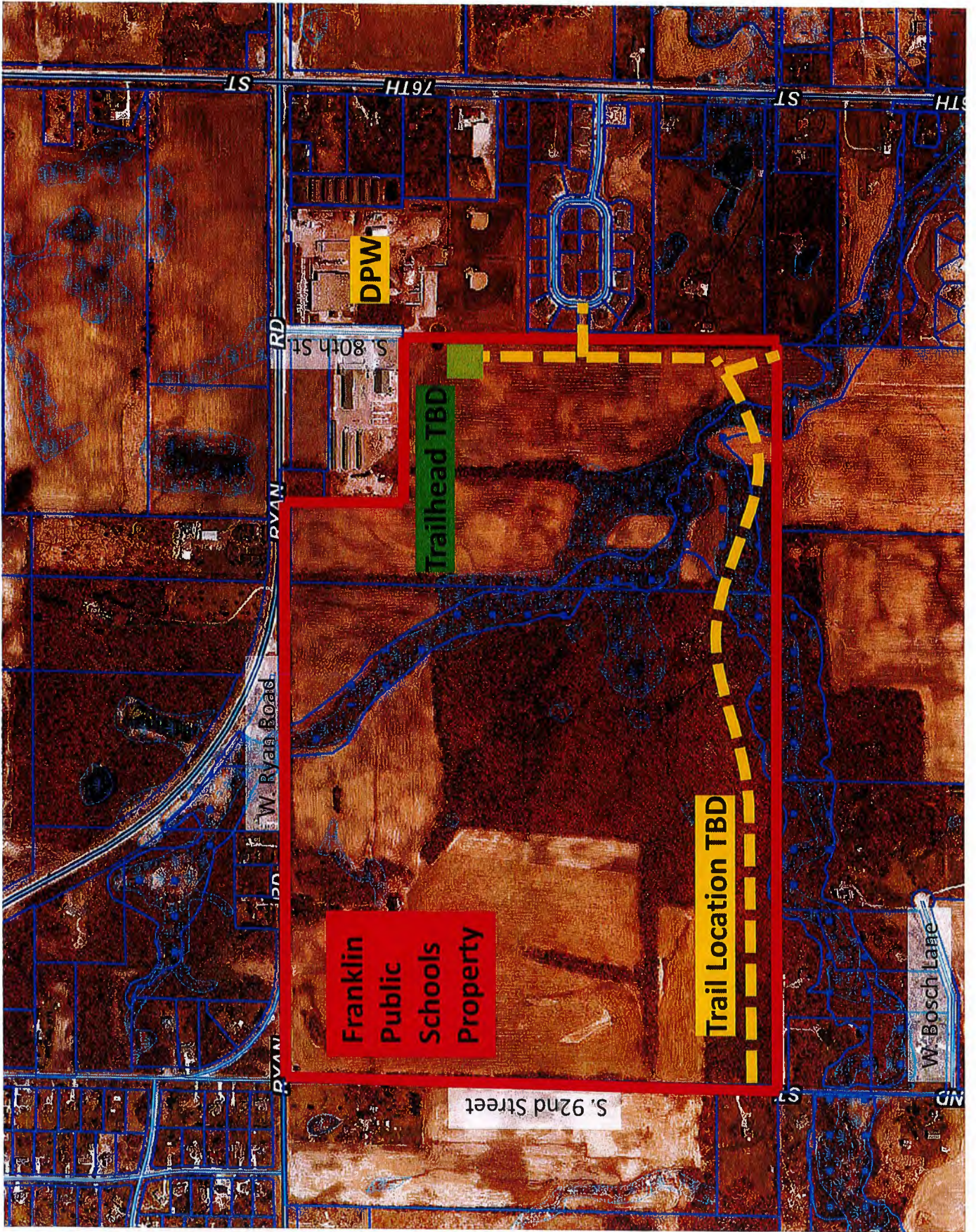
\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

GEM



Franklin  
Public  
Schools  
Property

Trail Location TBD

Trailhead TBD

DPW

S. 92nd Street

S. 80th St

W. Ryan Road

W. Bosch Lane

S. 76th St

S. 76th St

S. 75th St

S. 75th St

S. 75th St

S. 75th St

AGREEMENT BETWEEN THE CITY OF FRANKLIN AND FRANKLIN PUBLIC SCHOOLS TO JOINTLY DEVELOP A PUBLIC RECREATIONAL TRAIL, TRAIL HEAD PARKING LOT AND RESTROOM FACILITIES ON FRANKLIN PUBLIC SCHOOLS PROPERTIES BETWEEN SOUTH 80TH STREET AND SOUTH 92ND STREET

THIS AGREEMENT is made and entered into, effective \_\_\_\_\_, 2022, by and between the City of Franklin, 9229 West Loomis Road, Franklin, Wisconsin 53132 (FRANKLIN), a municipal corporation organized and existing under and by virtue of the laws of the State of Wisconsin, and Franklin Public Schools, 8255 West Forest Hill Avenue, Franklin, Wisconsin 53132 (SCHOOL), a public school district organized and existing under and by virtue of the laws of the State of Wisconsin, collectively, FRANKLIN and SCHOOL are the PARTIES.

WHEREAS, FRANKLIN is developing a public recreational trail system throughout the community and specifically in the southern portion of the City following the Ryan Creek; and

WHEREAS, SCHOOL owns approximately 224 acres (Tax Key No. 896-9996-001 and Tax Key No. 895-9999-000) bounded by STH 100 (West Ryan Road) to the north, Ryan Creek to the south, South 80th Street to the east, and South 92nd Street to the west, collectively known as the PROPERTY, as legally described upon Exhibit A annexed hereto; and

WHEREAS, SCHOOL intends to locate at least one school on these parcels, with athletic fields; and

WHEREAS, a trail with a trail head parking lot and restroom facilities serving the Franklin community would also serve students commuting to school and the athletic fields, and

WHEREAS, a trail head would serve public users of a trail and users of the athletic fields; and

WHEREAS, FRANKLIN is agreeable to design, construct, and maintain a public recreational trail generally along the southern and eastern portions of the PROPERTY, and

WHEREAS, FRANKLIN and SCHOOL are both interested in a parking lot and restroom pavilion to serve the trail and the athletic fields

NOW, THEREFORE, IT IS HEREBY AGREED, by and between the PARTIES, in consideration of the above recitals, which are incorporated herein in their entirety, and the mutual benefits of furthering the interests of FRANKLIN and SCHOOL, together, as follows

- 1 FRANKLIN will undertake full responsibility to design a 10-foot wide asphalt public recreational trail with bridges along the southern and eastern boundary lines of the PROPERTY. Location and design will incorporate SCHOOL and permitting requirements to avoid and/or minimize impacts to wetlands, floodplains, mature woodlands, and maximize preferences of SCHOOL. Route of trail will be staked for SCHOOL representatives to walk and approve, which approval shall not be unreasonably withheld or denied

2. SCHOOL will cooperate with FRANKLIN to establish a route of the trail and not unreasonably prohibit a route along the southern and eastern borders of the PROPERTY.
3. Upon SCHOOL's approval of the route, FRANKLIN will undertake full responsibility to prepare and record a public recreational trail easement SCHOOL will sign said easement for recording by FRANKLIN
4. FRANKLIN will undertake full responsibility for the construction of the trail without any financial participation from SCHOOL.
5. Should FRANKLIN not commence the construction of the trail within two years of the date of the fully executed easement, SCHOOL may notify FRANKLIN in writing to the City Clerk's office that this AGREEMENT is null and void. SCHOOL may allow the AGREEMENT to remain in effect beyond two years until such a written notice is provided.
6. After commencement of construction, FRANKLIN has no time constraints on construction of PROJECT, but the PROJECT shall not be open to public use until the trail with all amenities is constructed, including, but not limited to, pavement, bridges, signage and fences
7. FRANKLIN shall assume all ongoing ownership and maintenance responsibilities for the trail and the appurtenances thereto, including, and related to, but not limited to pavement, vegetation, bridges, fences, and signage.
8. FRANKLIN will undertake full responsibility to design a phased trail head restroom, parking lot, and associated amenities on the PROPERTY in the vicinity of the South 80th Street cul-de-sac, for Phase 1 thereof.
9. SCHOOL will cooperate with FRANKLIN on design for trail head restroom, parking lot, and associated amenities for Phase 1 thereof.
10. The trail head restroom, parking lot, and associated amenities will be phased. Phase 1 will include accommodations suitable for the public recreational trail estimated to be a total of four stalls in the men's restroom, and four stalls in the women's restroom and two-family restrooms with adult changing tables Phase 1 will also include a parking area with ten parking spaces. Phase 2 will include building and parking lot additions to accommodate a yet to be determined SCHOOL athletic facilities.
11. Upon SCHOOL's approval of a phased Phase 1 trail head design, FRANKLIN will undertake full responsibility to prepare and record an easement for the Phase 1 trail head facilities. SCHOOL will sign said easement for recording by FRANKLIN.
12. Should FRANKLIN not commence with construction of the Phase 1 trail head facilities within two years of the date of the fully executed easement therefore, SCHOOL may notify FRANKLIN in writing to the City Clerk's office that the trail head easement is null and void and the trail head easement may be vacated SCHOOL may allow the trail head easement to remain in effect beyond two years until such a written notice is provided.
13. FRANKLIN will assume all ongoing ownership and maintenance responsibilities for the Phase 1 trail head restroom facility, including, and related to, but not limited to utility bills, cleaning, building repairs, pavement repairs, and landscaping

maintenance. Obligations of FRANKLIN to own and maintain the Phase 1 trail head facilities shall cease if and when SCHOOL reasonably expands facilities to accommodate SCHOOL needs, and such cessation is reasonably required therefore.

- 14. SCHOOL will undertake full responsibility for final design and construction of a Phase 2 expansion of restroom facility and parking lot at the trail head on the PROPERTY in general conformance with the approved conceptual site plan without any financial participation from FRANKLIN.
- 15. Upon completion of construction of the Phase 2 trail head restroom facilities, SCHOOL will assume all ongoing ownership and maintenance responsibilities for the entirety, including the Phase 1 as constructed and developed, of the trail head facilities, including, and related to, but not limited to utility bills, cleaning, building repairs, pavement repairs, and landscaping maintenance, and shall be responsible for all the costs thereof
- 16. SCHOOL may close/open the men's / women's restroom facilities to the public as it deems necessary.
- 17. FRANKLIN may open the family restrooms to accommodate City Park uses beyond the SCHOOL's open times. Should FRANKLIN choose to open the family restrooms beyond the SCHOOL's open times, FRANKLIN will assume cleaning and maintenance responsibilities for the family restroom portions of the trail head restroom facility for those days.
- 18. SCHOOL intends to make application to the City for a land combination, a comprehensive master plan amendment and a rezoning for the PROPERTY. SCHOOL may nullify this AGREEMENT should any full and complete applications be denied. Should SCHOOL choose to nullify this AGREEMENT for a denial of any full and complete application, SCHOOL shall give written notice to FRANKLIN to the City Clerk's office, within six months of denial. Absent such notice, this AGREEMENT shall remain in full force and effect.
- 19. All notices required or permitted by this AGREEMENT shall be in writing and shall be deemed to have been given (i) upon delivery to an officer or designated representative of the person entitled to such notice, if hand delivered, or (ii) two business days following deposit in the United States mail, postage prepaid, or with a nationally recognized overnight commercial carrier that will certify as to the date and time of delivery, airbill prepaid, or (iii) upon transmission if by facsimile, and each such communication or notice shall be addressed as follows, unless and until any of such parties notifies the other in accordance with this paragraph 19. of a change of address:

If to FRANKLIN

City of Franklin  
9229 West Loomis Road  
Franklin, WI 53132  
Attention: Glen E Morrow, City Engineer  
Facsimile No : 414-425-3106

With a Copy to:

City of Franklin  
9229 West Loomis Road  
Franklin, WI 53132  
Attention: Sandra L Wesolowski, City Clerk  
Facsimile No 414-425-6428



If to SCHOOL:

Franklin Public Schools  
8255 West Forest Hill Avenue  
Franklin, Wisconsin 53132  
Attention: Annalee Bennin, Superintendent  
Facsimile No : 414-529-8230

20. The PARTIES agree that this AGREEMENT will be recorded in the Milwaukee County Register of Deeds Office.

21. The above stated conditions and terms are accepted and agreed to by the PARTIES and the PARTIES have set their hands and seals as follows:

Franklin Public Schools

By: \_\_\_\_\_  
\_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Personally appeared before me this \_\_\_\_ day of \_\_\_\_\_, 2022, the above named \_\_\_\_\_, the \_\_\_\_\_ of Franklin Public Schools to me known to be the person who executed the foregoing agreement on behalf of Franklin Public Schools and by its authority

\_\_\_\_\_  
Notary Public State of Wisconsin  
My commission expires: \_\_\_\_\_

City of Franklin

By: \_\_\_\_\_  
Stephen R. Olson, Mayor  
Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Sandra L Wesolowski, City Clerk  
Date \_\_\_\_\_

By: \_\_\_\_\_  
Denise Gilbert, Director of Finance and  
Treasurer  
Date \_\_\_\_\_

STATE OF WISCONSIN    )  
  )ss.  
MILWAUKEE COUNTY    )

Personally appeared before me this \_\_\_\_ day of \_\_\_\_\_, 2022, the above-named Stephen R. Olson, Sandra L. Wesolowski and Denise Gilbert, Mayor, City Clerk and Director of Finance and Treasurer, respectively, of the City of Franklin, Wisconsin, to me known to be the persons who executed the foregoing agreement on behalf of the City and by its authority.

\_\_\_\_\_  
Notary Public State of Wisconsin  
My commission expires: \_\_\_\_\_

Accepted by

\_\_\_\_\_  
Glen E. Morrow, City Engineer/Public Works Director  
Date: \_\_\_\_\_

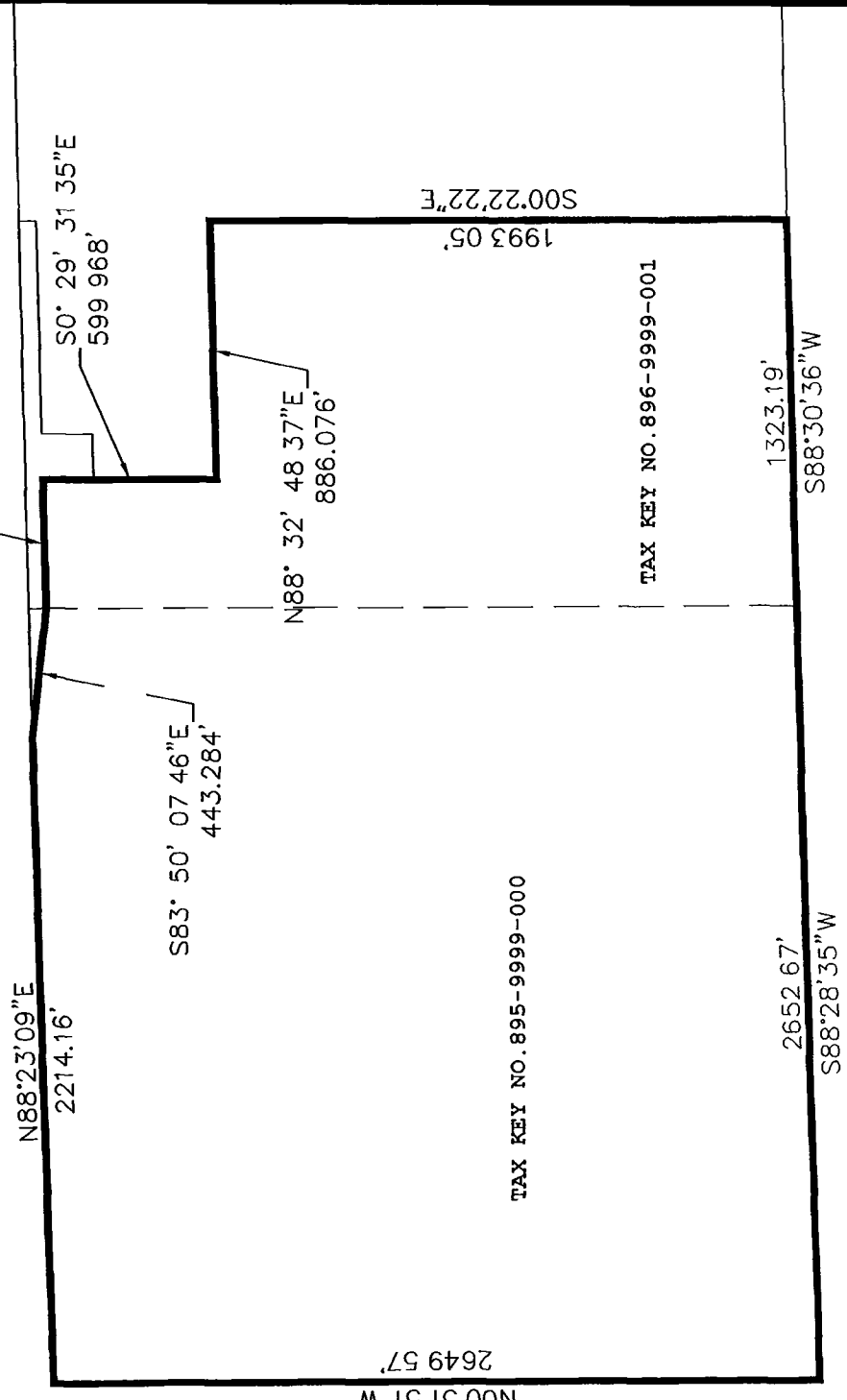
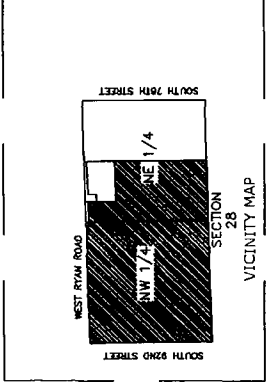
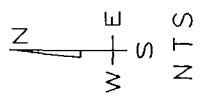
Approved as to form

\_\_\_\_\_  
Jesse A. Wesolowski, City Attorney  
Date. \_\_\_\_\_

Exhibit A

Legal Description of Property

# EXHIBIT "A"



N88°23'09"E  
2214.16'

S83° 50' 07 46"E  
443.284'

N00°31'51"W  
2649.57'

TAX KEY NO. 895-9999-000

N88° 32' 48.37"E  
441 250'

S0° 29' 31 35"E  
599 968'

N88° 32' 48 37"E  
886.076'

1993 05'  
S00.22'22"E

TAX KEY NO. 896-9999-001

1323.19'  
S88°30'36"W

2652.67'  
S88°28'35"W



**LEGAL DESCRIPTION  
TAX KEY NOS.  
895-9999-000 & 896-9996-00**

**Legal description per the recorded Document # 11007700, Recorded on August 10, 2020, in the Milwaukee County Register of Deeds**

Parcel A:

The North West One-quarter (¼) of Section numbered Twenty-eight (28) in Township numbered Five (5) North, Range numbered Twenty-one (21) East, in the Town of Franklin, County of Milwaukee and State of Wisconsin, EXCEPTING THEREFROM a triangular parcel of land in said North West ¼ of said Section bounded and described as follows: Beginning at the North East corner of said ¼ Section, running thence Westerly along the North line of said ¼ Section 440.38 feet to a point, thence Southeasterly 444.44 feet, more or less, to a point in the East line of said ¼ Section, said point being 60 feet South of (at right angles) the North line of said ¼ Section, thence Northerly along the East line of said ¼ Section to the point of beginning, as described in Awaive of Damages recorded March 16, 1960 as Document No. 3797170.

Parcel B:

That part of the West One-half (½) of the North East One-quarter (¼) of Section numbered Twenty-eight (28), in Township numbered Five (5) North, Range numbered Twenty-one (21) East, in the Town of Franklin, which is bounded and described as follows: Commencing at a point on the West line of said ¼ Section 60.01 feet South 0° 14' 00" East of the North West corner of the said ¼ Section; thence North 88° 48' 00" East and parallel to the North line of said ¼ Section 441.25 feet to a point; thence South 0° 14' 00" East and parallel to the West line of said ¼ Section 170.00 feet to a point; thence North 88° 48' 00" East and parallel to the North line of said ¼ Section 177.75 feet to a point; thence North 0° 14' 00" West and parallel to the West line of said ¼ Section 170.00 feet to a point; thence North 88° 48' 00" East and parallel to the North line of said ¼ Section 709.25 feet to a point on the North and South 1/8 line; thence South 0° 07' 00" East on the North and South 1/8 line 2592.76 feet to a point in the South line of said ¼ Section; thence South 88° 46' 00" West on and along the South line of said ¼ Section 1322.98 feet to the South West corner of said ¼ Section; thence North 0° 14' 00" West on and along the West line of said ¼ Section 2593.43 feet to the place of commencement. Excepting therefrom those lands described in Certified Survey Map No. 6113 recorded June 16, 1995 in Reel 3566, Image 750 as Document No. 7092947.

ALSO DESCRIBED AS (surveyed legal description):

PARCEL A:

ALL OF THE NORTHWEST 1/4 OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, EXCEPTING LANDS DESCRIBED IN DOCUMENT NO. 3470259, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 28, BEING THE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED; THENCE N 88°23'09" E ALONG THE NORTH LINE OF THE NORTHWEST 1/4 OF SAID SECTION 28, 2214.33 FEET; THENCE S 83°50'08" E, 443.28 FEET TO THE EAST LINE OF SAID NORTHWEST 1/4; THENCE S 00°21'31" E ALONG SAID EAST LINE, 2593.96 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST 1/4; THENCE S 88°28'35" W ALONG THE SOUTH LINE OF SAID NORTHWEST 1/4, 2652.83 FEET TO THE WEST 1/4 CORNER OF SAID SECTION 28; THENCE N 00°31'51" W ALONG THE WEST LINE OF SAID NORTHWEST 1/4, 2649.74 FEET TO THE POINT OF BEGINNING.

**LEGAL DESCRIPTION**  
**TAX KEY NOS.**  
**895-9999-000 & 896-9996-00**

PARCEL B:

BEING PART OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SECTION 28, TOWNSHIP 5 NORTH, RANGE 21 EAST, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SAID SECTION 28; THENCE S 00°29'31" E ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 28, 60.01 FEET TO THE POINT OF BEGINNING OF THE PARCEL TO BE DESCRIBED; THENCE N 88°32'48" E AND PARALLEL TO THE NORTH LINE OF SAID NORTHEAST 1/4, 441.25 FEET; THENCE S 00°29'31" E AND PARALLEL WITH THE WEST LINE OF SAID NORTHEAST 1/4, 599.97 FEET TO THE SOUTHWEST CORNER OF PARCEL 2 OF CERTIFIED SURVEY MAP NO. 6113; THENCE N 88°32'48" E ALONG THE SOUTH LINE OF SAID PARCEL 2, 886.07 FEET TO THE EAST LINE OF THE WEST 1/2 OF SAID NORTHEAST 1/4, THENCE S 00°22'22" E ALONG SAID EAST LINE OF THE WEST 1/2 OF NORTHEAST 1/4, 1993.21 TO THE SOUTH LINE OF SAID NORTHEAST 1/4; THENCE S 88°30'36" W ALONG SAID SOUTH LINE OF NORTHEAST 1/4, 1323.19 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST 1/4, THENCE N 00°29'31" W ALONG THE WEST LINE OF SAID NORTHEAST 1/4, 2593.96 FEET TO THE POINT OF BEGINNING.

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<b>APPROVAL</b> <i>Shw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MTG. DATE</b> October 4, 2022
<b>Reports &amp; Recommendations</b>	<b>Status for the S. 116th Street Trailhead at Approximately 11950 W. Ryan Road (TKN 890-9991-001)</b>	<b>ITEM NO.</b> <b>G.9.</b>

**BACKGROUND**

During a September 20, 2022, discussion concerning the final plat for the Villas at Cape Crossing (Item G.6), Common Council passed an additional motion *“that in regard to Item 17 for the Cape Crossing final plat, Outlot 4 dedication, that staff recognize the need for further review and conditions and bring it back to the Common Council for discussion and recommendation within 60 days.”* Item 17 of the resolution was that *“The subdivider must revise sheet 2, not 5, to indicate dedication of Outlot 4 to the City of Franklin. The subdivider may obtain a credit or credit refund of the total park impact fee obligation per UDO Section 15-5.0110F 4.b.”*

This issue is related to a June 7, 2022, item (Item G.14) that Common Council tabled concerning a professional services agreement with GRAEF for a S. 116th Street trailhead at approximately 11950 W. Ryan Road.

**ANALYSIS**

To answer the implied question within the September 20, 2022, Common Council motion, nothing has progressed on this issue since the matter was tabled on June 7, 2022.

Enclosed are some preliminary exhibits prepared in March 2022 to illustrate how parking and a restroom facility could fit on the Outlot 4. The site is heavily encumbered with easements and wetland setbacks.

Staff and the Plan Commission desired to obtain Outlot 4 of Villas at Cape Crossing for the following reasons:

1. The possibility that the project may someday continue as conceptualized on the March 2022 exhibits with parking and a restroom. Or
2. The possibility that the project may someday continue as conceptualized on the March 2022 exhibits with parking but without a restroom. Or
3. The site may be procured so that DPW may park equipment as the trail is maintained. In addition, the site may be used as a field office during the construction of the 116<sup>th</sup> Street Trail.

Staff is still waiting for clear direction on how this area should be developed.

This location, specifically the 116th Street Trail, was identified in Ryan Creek Pedestrian/Bicycle Trail Plan as a key location to connect the two trails.

It should also be noted that Mr. Patrick Dempsey, owner of the property that sold it to Neumann Development (subdivider), had a provision in the sale that this portion of land would be donated to the City of Franklin for the purposes of a trailhead. In honor of his mother who was instrumental in the adjoining Muskego Trail system, Mr. Dempsey has offered to add funding to make the trail head nicer than the City funding would allow.

### **OPTIONS**

- A. Do nothing at this time. The property (Outlot 4) will become the City's ownership. The site may be used for a contractor's field office and DPW's consequent access area for trail maintenance. Or
- B. Decide to construct only a parking area. Staff would recommend that the parking be configured to allow for a future restroom facility with minimal pavement cuts. A restroom facility could be added in the future should a future Common Council desire.
- C. Decide to construct a restroom with a parking area as previously discussed.

Options B or C would require a professional services contract. This contract could be ready for execution in the near future.

### **FISCAL NOTE**

Staff had previously assumed a \$200,000 construction budget for the trailhead. There was also a \$86,800 design fee (includes permitting and architectural efforts) resulting in a \$286,800 project budget, not including additional features that may be provided by Mr. Dempsey. As a trail amenity, this capital improvement (Fund 46-0551-5833) project is eligible for reimbursement from the accumulated park impact fees.

Concerning the credit or credit refund to the subdivider for the total park impact fee obligations, park impact fees are paid by the homebuilder. There are 63 lots in the subdivision and the current charge for park impact fees for a single-family home is \$212. So, at build-out using the current rates, the City will collect \$13,356 of park impact fees. The subdivider has provided their purchase price of \$22,619 per acre, and using 26,309 square feet of Outlot 4, the credit or credit refund would be \$13,680.

This project is not in the 2022 budget nor placed in the proposed 2023 budget. The original intent of adding the project involved impending deadlines for the park impact spending. Regardless, there is a desire to have direction on this trailhead project prior to the full design completion of the S. 116th Street Trail. Staff can provide a fuller picture of fiscal impact should Common Council desire Options B or C.

### **RECOMMENDATION**

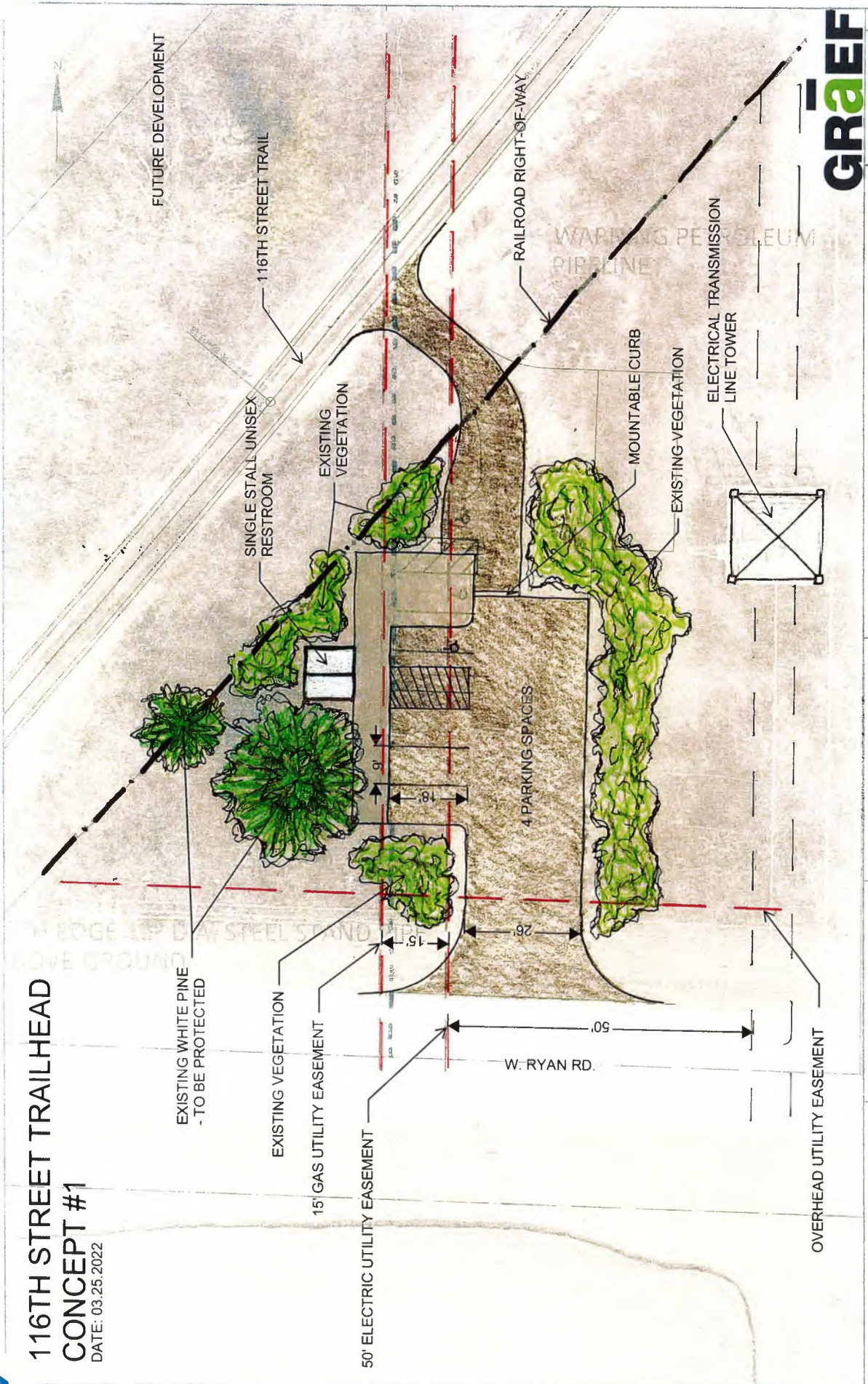
At the will of the Common Council.

Engineering: GEM

# 116TH STREET TRAILHEAD

## CONCEPT #1

DATE: 03.25.2022



# 116TH STREET TRAILHEAD CONCEPT #2

DATE: 03.25.2022

FUTURE DEVELOPMENT

EXISTING WHITE PINE

15' GAS UTILITY EASEMENT

50' ELECTRIC UTILITY EASEMENT

W. RYAN RD.

OVERHEAD UTILITY EASEMENT

2 STALL UNISEX RESTROOM

116TH STREET TRAIL

BIKE RACKS WITH  
FIX IT STATION

9 PARKING SPACES

RAILROAD RIGHT-OF-WAY

TRAILHEAD PLAZA

MOUNTABLE CURB

BENCHES

ELECTRICAL TRANSMISSION  
LINE TOWER

<b>APPROVAL</b>  <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MTG. DATE</b> October 4, 2022
<b>Reports &amp; Recommendations</b>	<b>A Resolution to Award Contract for the W. Minnesota Avenue and S. 50<sup>th</sup> Street Water Main Extension to Willkomm Excavating and Grading, Inc. in the Amount of \$398,897.75</b>	<b>ITEM NO.</b>  <b>G.10.</b>

**BACKGROUND**

On February 1, 2022, Common Council adopted Resolution No. 2022-7819, a preliminary resolution declaring *“intent to exercise special assessment powers ... for installation of a water main along W. Minnesota Avenue from a point of connection at the intersection of S. 51st Street to the intersection of S. 49th Street and then to a point of termination approximately 50 feet north of W. Minnesota Avenue, and set the public hearing date for April 4, 2022, at 6:30 p.m.”*

On March 1, 2022, Common Council adopted Resolution No. 2022-7832, a resolution to sign a professional services agreement with Excel Engineering, Inc. for engineering services related to S. 50th Street reconstruction and water main from W. Minnesota Avenue to Pleasant View Reserve and water main extension in W. Minnesota Avenue from S. 51st Street to S. 49th Street in the amount of \$52,500. Included with the resolution was an authorization to bid the project.

A public hearing was held on April 4, 2022. The project was advertised for bid starting on August 24, 2022 and five (5) construction bids were received on September 8, 2022.

**ANALYSIS**

The project was bid as follows:

- **Base Bid No. 1-** Option to Construct Project in 2022
- **Alternate No. 1-** Water laterals for 7267 S. 49<sup>th</sup> Street, 4909 W. Minnesota Avenue, 4913 W. Minnesota Avenue (in conjunction with 2022 or 2023 construction)
- **Alternate No. 2-** Option to Construct Project in 2023

Alternate No. 1 is additive to Base Bid No. 1 or Alternate No. 2.

The bids received were as follows:

<b>Bidder</b>	<b>Base Bid No. 1</b>	<b>Alternate No. 1</b>	<b>Alternate No. 2</b>
Willkomm Excavating and Grading, Inc.	\$361,959.75	\$27,190.00	\$371,707.75
Globe Contractors, Inc.	\$0.00	\$29,450.00	\$473,164.50
A.W. Oakes & Son, Inc.	\$417,854.50	\$30,460.00	\$417,854.50
The Wanasek Corp.	\$0.00	\$22,392.00	\$382,964.00
MJ Construction, Inc.	\$566,076.00	\$37,710.00	\$550,756.00

A \$0.00 Base Bid No. 1 indicates that contractors are not bidding on construction in 2022. The contract stipulates that *“the City of Franklin reserves the right to reject any and/or all proposals, waive irregularities, or to select other than the lowest bid proposal, if in its judgement, the best interests of the City of Franklin would be served.”* To analyze the bids in regards to the best interest of the City of Franklin, the bids are shown, per bidder, to total the amounts needed for 2022 or 2023 construction in the next table:

<b>Bidder</b>	<b>2022 Construction</b>	<b>2023 Construction</b>
Willkomm Excavating and Grading, Inc.	\$389,149.75	\$398,897.75
Globe Contractors, Inc.	-	\$502,614.50
A.W. Oakes & Son, Inc.	\$448,314.50	\$448,314.50
The Wanasek Corp.	-	\$405,356.00
MJ Construction, Inc.	\$603,786.00	\$588,466.00

In either scenario, the Willkomm bid is the best interest for the City of Franklin- \$389,149.75 (2022 Construction) and \$398,897.75 (2023 Construction). Willkomm has completed many utility projects in Franklin before and Staff has no issues with their workmanship.

There were no bidding irregularities. All bids appeared to be complete. Excel Engineering provided a review of the bids and are also recommending that the contract be awarded to Willkomm Excavating and Grading, Inc. for Base Bid No. 1 plus Alternate No. 1 in the amount of \$389,149.75, for construction in 2022. However, some questions were unresolved for the September 20, 2022 meeting thus Willkomm lost two weeks into an already tight schedule.

To consider a contract award at the October 4, 2022 meeting, Willkomm proposed a 2022 schedule but reminded Staff that asphalt plants are scheduled to be closed starting 11/15/22. They could not get the watermain installed and the asphalt driveways and street crossings done prior to the asphalt plant closing. Willkomm offered a unit price of \$67/square yard as measured in the field for cold patch that would have to be installed in 2022, removed and replaced with hot mix asphalt in the spring of 2023. Cold patch is a temporary material and requires maintenance, especially throughout an entire winter, that they would need DPW to maintain. Staff suggests that DPW does not have sufficient time or road patching material in the winter to maintain Minnesota Avenue multiple times so recommends that the 2023 schedule be selected.

### **OPTIONS**

- A. Award bid to Willkomm Excavating and Grading, Inc. for Base Bid No. 1 plus Alternate No. 1 plus a new unit price for temporary cold patch, as needed, or
- B. Award bid to Willkomm Excavating and Grading, Inc. for Alternate 1 and 2 only (2023 construction); or
- C. Provide other direction to Staff.

### **FISCAL NOTE**

The project (considering a 2023 construction) is as follows:

\$ 52,500.00	Excel Design Contract
\$398,897.75	2023 Construction Willkomm Contract
\$451,397.75	Project that needs to be financed (no contingencies)
<b>\$460,000.00</b>	<b>Rounded up project to allow for contingencies</b>

Note that Staff will provide construction inspection services.

There is \$200,000 identified in the 2022 budget in 50<sup>th</sup> Street @ Minnesota (Fund 47-0331-5823.3050). The \$200,000 budget was established before the water main was expanded by almost 500 feet. With the expanded service area, it is anticipated that the City will recover over

\$166,000 in special assessments. This amount is not included in the budget as some repayment could take as much as 22 years if someone were to take a 10-year deferment and take a payment plan of 12 years.

To make up the remainder of the needed funds, Staff will bring back a budget amendment on October 20, 2022 moving \$260,000 from the Design Highway Building (Fund 46-0331-5216.9620) of which there is \$412,125 net City funding. It is not anticipated to start design of the DPW highway building in 2022.

**COUNCIL ACTION REQUESTED**

(Option B) Motion to adopt Resolution No. 2022 - \_\_\_\_\_, a resolution to award contract for the W. Minnesota Avenue and S. 50<sup>th</sup> Street Water Main Extension to Willkomm Excavating and Grading, Inc. in the amount of \$398,897.75 and direct Staff to return with a budget amendment to move \$260,000 from the Design Highway Building (Fund 46-0331-5216.9620).

Engineering: GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2022 - \_\_\_\_\_

A RESOLUTION TO AWARD CONTRACT FOR THE  
W. MINNESOTA AVENUE AND S. 50TH STREET WATER MAIN EXTENSION TO  
WILLKOMM EXCAVATING AND GRADING, INC. IN THE AMOUNT OF \$398,897.75  
-----

WHEREAS, the City of Franklin is extending water main on W. Minnesota Avenue between S. 51<sup>st</sup> Street and S. 49<sup>th</sup> Street, and including a section on S. 50<sup>th</sup> Street; and

WHEREAS, Excel Engineering prepared construction documents for the project and it was publicly bid in accordance with applicable City of Franklin policies and Wisconsin Statutes; and

WHEREAS, five bids were received on September 8, 2022; and

WHEREAS, Willkomm Excavating and Grading, Inc. was the lowest responsive and responsible bidder in all scenarios; and

WHEREAS, the City would prefer to construct the project in the spring of 2023; and

WHEREAS, it is in the best interest of the City as recommended by Excel Engineering to award the base bid of the contract to Willkomm Excavating and Grading.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, to award the W. Minnesota Avenue and S. 50th Street Water Main Extension contract to Willkomm Excavating and Grading, Inc.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized and directed to execute a contract with A Willkomm Excavating and Grading, Inc on behalf of the City.

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 \_\_\_\_\_





September 15, 2022

City of Franklin  
Attn: Glen Morrow, PE, City Engineer  
9229 W. Loomis Rd  
Franklin, WI 53132

**Re: W Minnesota Ave. and S. 50<sup>th</sup> Street Watermain Extension – Contractor Recommendation**

Dear Mr. Morrow,

Excel Engineering has qualified the bids that were received and opened on September 8<sup>th</sup>, 2022 for the above stated project. Bids were received from The Wanasek Corporation, Globe Contractors, Inc., Willkomm Excavating and Grading, Inc., A.W. Oaks & Son, Inc., and MJ Construction, Inc. After review of these bids, Willkomm Excavating and Grading, Inc. has submitted the low qualified bid at a cost of \$361,959.75 for fall 2022 construction (Base Bid) and \$371,707.75 for spring 2023 construction (Alternate Bid 2).

Given the current supply chain issues and asphalt plants not committing to paving projects after mid-November, there is risk associated with project completion during fall construction. In addition, poor fall weather could exacerbate the construction schedule with delays. No contractor was confident that the project could be completed this fall in entirety given our current supply market. It is likely that the water main installation could be completed in the fall of 2022 with the 50<sup>th</sup> Street reconstruction commencing in the spring of 2023. The bids were higher than the engineer's estimate mainly due to the cost of street construction. All street construction unit prices are significantly higher than the estimate due to the small scope of work proposed; economies of scale are not able to be captured and mobilization costs are high per unit cost.

Based on the information submitted, Excel recommends Willkomm Excavating and Grading, Inc. for this project with fall 2022 construction (Base Bid) knowing that portions of the project may be delayed until spring 2023. Furthermore, Excel recommends accepting Alternate 1 – Additional water laterals on the basis of installing future infrastructure while a contractor is mobilized. Please feel free to contact me with any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Grant Duchac", with a long horizontal stroke extending to the right.

Grant Duchac, P.E.  
Project Manager

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APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE October 4, 2022
Reports & Recommendations	Results of Hawthorne Neighborhood Pavement and Utilities Survey	ITEM NO. <b>G.11.</b>

**BACKGROUND**

On August 16, 2022, Common Council moved to “direct staff to survey properties within the Hawthorne neighborhood for pavement and utilities and return to the Common Council when completed.” [ Item G.6]

49 properties were mailed a survey and 38 responded (77.6%). Below is a summary of the responses:

#	Responses
2	1. I am in favor of providing water/sewer utilities to the Hawthorne Neighborhood in the near future.
12	2. I am NOT in favor of providing water/sewer utilities to the Hawthorne Neighborhood for at least 25-30 years.
4	3. I am in favor of the roads in the Hawthorne neighborhood being prioritized in the near future.
1	Combination 1 & 2
16	Combination 2 & 3
1	Combination 1, 2 & 3 (sewer only)
2	Returned with no answer
38	Total Responses

**ANALYSIS**

18 of the responses included comments. The comments, in no particular order are:

- *However, we are not in favor of having to redo our culvert.*
- *We are retirement age but CANNOT afford to retire. We cannot afford this cost. This is my family home & do not wish to sell. We just can't afford this.*
- *We are opposed to this Cost estimates seem very high. Additionally, we have just this year replaced our water softener system which works with our well water, and our septic system is only 7 years old Logistically it is very unclear where the lines would even be able to connect to our house. We do not want our property torn up. Also, this is an extremely high proposed 'tax' on top of already very HIGH property taxes. We are a NO. We will be voicing our opposition to our Alderman.*
- *I am not in favor of providing water/sewer utilities under the conditions of the special assessment, as outlined in the letter that accompanied the survey. Additionally, it is unreasonable to ask for a preference on the water/utility installation, without providing each homeowner an estimate of the expense for their specific property. 2. I do not agree that homeowners should be responsible for the cost of installing the sewer mains, these should be covered by the City. I do agree that residents would be responsible for the sewer & water laterals from their home to the main connection a.) In a scenario in which residents were responsible for some portion of the main installation, the expense should not be the sole burden of the current homeowners, nor should it be spread over a rather short period of time. Rather, this should be spread over 30+ years, or the estimated lifespan of the main, that would be billed through taxes, to whoever owns the property within the payoff period. b. It is unreasonable to ask residents to pay an additional \$5,000 -\$20,000 per year, in addition to the cost of laterals and related installation expenses. c. Restating my main point, the city/municipality should be responsible for the cost of installing & maintaining the mains 3. While I have noticed the streets in the neighborhood could use repair, I do not understand the need for widening...what is driving this? 4. While I understand the preference to not make a significant expenditure on a road project only to tear it up shortly, 25-30 years is an unreasonable time frame to defer the utility project.*

*Is there not a middle of the ground where the roads could be top-coated, without widening, to minimize the road project expense? 5 While I would like to see the streets improved, I am not in support if it forces the hand to proceed with water/sewer utilities, at the estimated financial impact to homeowners.*

- We built our dream home in 1975 We have not had any problems with either our well or septic systems "Zero " Please just repave the streets. Please also take care of the Rock noise problems we have. We cannot enjoy the quality of life we had before the Rock opened. We cannot sit on our back deck or have friends over because of the loud obnoxious music and ball park announcers. Thank you..*
- Just fix these 3rd world roads. Do not make them wider No sewer. No sidewalk. No water*
- Streets are in very poor condition Many bumps!!*
- 25 - 30 years is a very long time to do nothing. What happens if wells go bad? If we are not going to be connected to the sewer/water utilities for 25 - 30 years continuing to be charged an MMSD fee on our property taxes does not seem fair or equitable*
- For Road - Not if sewer & water are part of the work.*
- The roads need an overlay/resurfacing. Roads on west section of subdivision have been in terrible shape for over 6 years*
- We are retired and could not afford to pay for any increase in our taxes. Our septic system is fine and our water is better than Franklins public water.*
- I am in favor of the roads being serviced, but not providing water and sewer utilities. The timing of this is poor, considering current inflation rate and market for plumbers/contractors.*
- I am not in favor of repairing roads in the near future.*
- I am in favor of providing sewer utilities to the Hawthorne Neighborhood in the near future. If the project was to be done, I think 6% is an unfair amount to charge. The way our government gives away money our City should be able to do the same and help home owners who already pay taxes.*
- Rough up the surface and add new asphalt 3-4", no sidewalks or curbs needed.*
- Absolutely against water/sewer installation. Our costs would be in excess of \$104,000, at the road plus \$10-\$15,000 lateral, re-plumbing basement to front of house, septic and well removal to probable loss of valuable trees and other landscaping. We have spoken with many neighbors who report they would suffer similar financial hardship and many would risk losing their homes as would we. Similarly, we favor re-surfacing our road, at most, but not widening because we would risk losing 3 to 4 Maples, one Black Walnut and an Oak tree that is likely over 200 years old.*
- We can't afford this and the loan rate is absolutely ridiculous.*
- This will financially ruin our family and force us to move (if water and sewer is installed). We have 2 young children and cannot afford to get into debt that we won't be able to recover from.*

Including the response that marked multiple answers and ignoring the responses with no answers there were four (11.1%) responses that are in favor of a utility project. 32 responses (88.9%) did not indicate a desire for a utility project. Two of the utility "yes" responses were in the central area of the subdivision and the other two did not note their address. To restate, it is not possible to serve the homes that desire utilities without providing utilities to the properties that do not want a utility project.

If Common Council decides to perform a road project without an accompanying utility project, Staff would appreciate a moratorium on future projects for "X" years. A resolution concerning this may be placed on the October 18, 2022 Common Council agenda.

**OPTIONS**

- A. Direct Staff to prepare preliminary utility designs and proceed with special assessment process; or
- B. Direct Staff to plan for a near-future repaving project without any accompanying utility project; and/or
- C. Instruct Staff to prepare a resolution for a moratorium on utility projects within this subdivision for "X" years for the October 18, 2022 Common Council agenda; or
- D. Other direction to Staff.

**FISCAL NOTE**

Staff has submitted a \$400,000 request in the 2023 budget to include these roads in addition to the 2023 Local Road Improvement Program [GL No. 47-0331-5823]. During the budget process, Common Council will have decision on when to fund these roads.

**RECOMMENDATION**

At the direction of the Common Council.

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<b>APPROVAL</b> <i>Slw.</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MTG. DATE</b> October 4, 2022
<b>Reports &amp; Recommendations</b>	<b>Resolution for We Energies to Remove Standard and Non-standard Street Lights on S. Lovers Lane Road from W. Rawson Avenue to W. College Avenue to Accommodate the Wisconsin Department of Transportation STH 100 Reconstruction Project for \$4,881.08</b>	<b>ITEM NO.</b>  <b>G.12.</b>

**BACKGROUND**

To accommodate the Wisconsin Department of Transportation (WisDOT) reconstruction project of S. Lovers Lane Road (STH 100) from W. Rawson Avenue to W. College Avenue, current lighting facilities provided by WE Energies need to be removed. WisDOT will be adding a new decorative lighting system for the City in their project as directed by Common Council on October 5, 2021 (Item G.9) to upgrade the lighting system using the context-sensitive solution funds.

Note that removal of these lights will leave some areas un-lit until the new lights are installed by WisDOT.

**ANALYSIS**

There are two enclosed documents need to be submitted to We Energies authorizing them to remove two standard lighting fixtures and another to remove seven non-standard lighting fixtures. The standard lighting removal authorization will not cost the City anything but removal of the non-standard lighting will cost \$4,881.08.

**OPTIONS**

This work must occur to accommodate the WisDOT project.

**FISCAL NOTE**

\$4,881.08 is currently within available budgeted funds of the DPW account maintenance services (GL 01-0351-5246). Note that this account also covers everything with street lights and is subject to unforeseen issues such as knock-downs- of which we are exceeding previous years knock-downs.

As calculated from the attached letters from We Energies, (\$36.54 + \$114.08 / month) \$1,807.44 / year will be reduced from the rental charge of We Energies owned lights. Note that these charges will be offset by similar charges for meter and electrical use of the future lights that will be owned by the City of Franklin once they are installed by WisDOT.

A \$4,881.08 check for We Energies is included in the voucher list for the October 4, 2022 Common Council approval.

**RECOMMENDATION**

Authorize Resolution 2022-\_\_\_\_ a resolution for We Energies to remove standard and non-standard street lights on S. Lovers Lane Road from W. Rawson Avenue to W. College Avenue to accommodate the Wisconsin Department of Transportation STH 100 reconstruction project for \$4,881.08.

Engineering: GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2022 - \_\_\_\_\_

RESOLUTION FOR WE ENERGIES TO REMOVE  
STANDARD AND NON-STANDARD STREET LIGHTS ON  
S. LOVERS LANE ROAD FROM W. RAWSON AVENUE TO W. COLLEGE AVENUE TO  
ACCOMMODATE THE WISCONSIN DEPARTMENT OF TRANSPORTATION  
STH 100 RECONSTRUCTION PROJECT FOR \$4,881.08

-----  
WHEREAS, the Wisconsin Department of Transportation (WisDOT) is reconstructing S. Lovers Lane Road (STH 100) from W. Rawson Avenue to W. College Avenue; and

WHEREAS, We Energies has standard and non-lighting fixtures leased to the City of Franklin along this corridor; and

WHEREAS, the WisDOT project will replace these lighting fixtures with decorative lighting fixtures to be owned by the City of Franklin; and

WHEREAS, We Energies will need to remove the exiting lighting fixtures at an expense of \$4,881.08.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that the City Engineer is authorized to direct We Energies to remove standard and non-standard lighting fixtures on S. Lovers Lane Road from W. Rawson Avenue to W. College Avenue to accommodate the Wisconsin Department of Transportation STH 100 reconstruction project for \$4,881.08.

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 \_\_\_\_\_

GEM





**We Energies**  
 231 W. Michigan St  
 Milwaukee, WI 53203  
 www.we-energies.com

August 23, 2022

City of Franklin  
 9229 W Loomis Rd  
 Franklin, WI 53132

**Subject: Work Request 4780842; Lighting at S Lovers Lane Rd - Standard Street Light Removals**

Dear City of Franklin:

This letter details a work request for We Energies Outdoor Lighting. The upfront charge for this work, which expires 90 days from the date of this letter, is \$0.00, and does not include site restoration. Net monthly charges will initially decrease by \$36.54, which is subject to future rate changes as approved by the Public Service Commission of Wisconsin.

Review the following prior to providing authorization and payment:

- Luminaires are controlled to provide dusk to dawn operation.
- Customer must contact We Energies for lighting maintenance.
- Fixtures are warranted until removed.
- Non-Standard poles and conductors are warranted for 15 years.
- Customer must locate private underground facilities and grant or obtain, without expense to We Energies, access to property, necessary permissions, easements, ordinance satisfaction and permits for installation, removal and maintenance of lighting facilities.
- Termination or change requests after installation and prior to conclusion of the initial term result in customer charges. Monthly rates for fixtures on the LED rate are reduced after the initial term.
- All applicable lighting tariff terms and conditions are available at we-energies.com.
- We Energies does not guarantee this installation meets AASHTO or the Illuminating Engineering Society's minimum recommended standards for lighting.

Please sign the enclosed documents and return them, along with payment for the upfront charge (payable to We Energies) in the envelope provided. Material will be ordered upon receipt of required authorizations and payment. Work request will be scheduled when all contingencies are met. If you have any questions, please call me at 414-588-4366. We look forward to working with you on your lighting project.

Sincerely,

*Vicki Tadych*

Vicki Tadych  
 Energy Services Representative

By signing this letter, you authorize us to do this work and acknowledge acceptance of the rates and conditions of the specified tariffs as approved by the Public Service Commission of Wisconsin.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print name: \_\_\_\_\_ Title: \_\_\_\_\_

Enclosures





**We Energies**  
 231 W. Michigan St  
 Milwaukee, WI 53203  
 www.we-energies.com

August 23, 2022

City of Franklin  
 9229 W Loomis Rd  
 Franklin, WI 53132

**Subject: Work Request 4780842; Lighting at S Lovers Lane Rd - Non-Standard Street Light Removals**

Dear City of Franklin:

This letter details a work request for We Energies Outdoor Lighting. The upfront charge for this work, which expires 90 days from the date of this letter, is \$4,881.08, and does not include site restoration. Net monthly charges will initially decrease by \$114.08, which is subject to future rate changes as approved by the Public Service Commission of Wisconsin.

Review the following prior to providing authorization and payment:

- Luminaires are controlled to provide dusk to dawn operation.
- Customer must contact We Energies for lighting maintenance.
- Fixtures are warranted until removed.
- Non-Standard poles and conductors are warranted for 15 years.
- Customer must locate private underground facilities and grant or obtain, without expense to We Energies, access to property, necessary permissions, easements, ordinance satisfaction and permits for installation, removal and maintenance of lighting facilities.
- Termination or change requests after installation and prior to conclusion of the initial term result in customer charges. Monthly rates for fixtures on the LED rate are reduced after the initial term.
- All applicable lighting tariff terms and conditions are available at we-energies.com.
- We Energies does not guarantee this installation meets AASHTO or the Illuminating Engineering Society's minimum recommended standards for lighting.

Please sign the enclosed documents and return them, along with payment for the upfront charge (payable to We Energies) in the envelope provided. Material will be ordered upon receipt of required authorizations and payment. Work request will be scheduled when all contingencies are met. If you have any questions, please call me at 414-588-4366. We look forward to working with you on your lighting project.

Sincerely,

*Vicki Tadych*

Vicki Tadych  
 Energy Services Representative

By signing this letter, you authorize us to do this work and acknowledge acceptance of the rates and conditions of the specified tariffs as approved by the Public Service Commission of Wisconsin.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Print name: \_\_\_\_\_ Title: \_\_\_\_\_

Enclosures











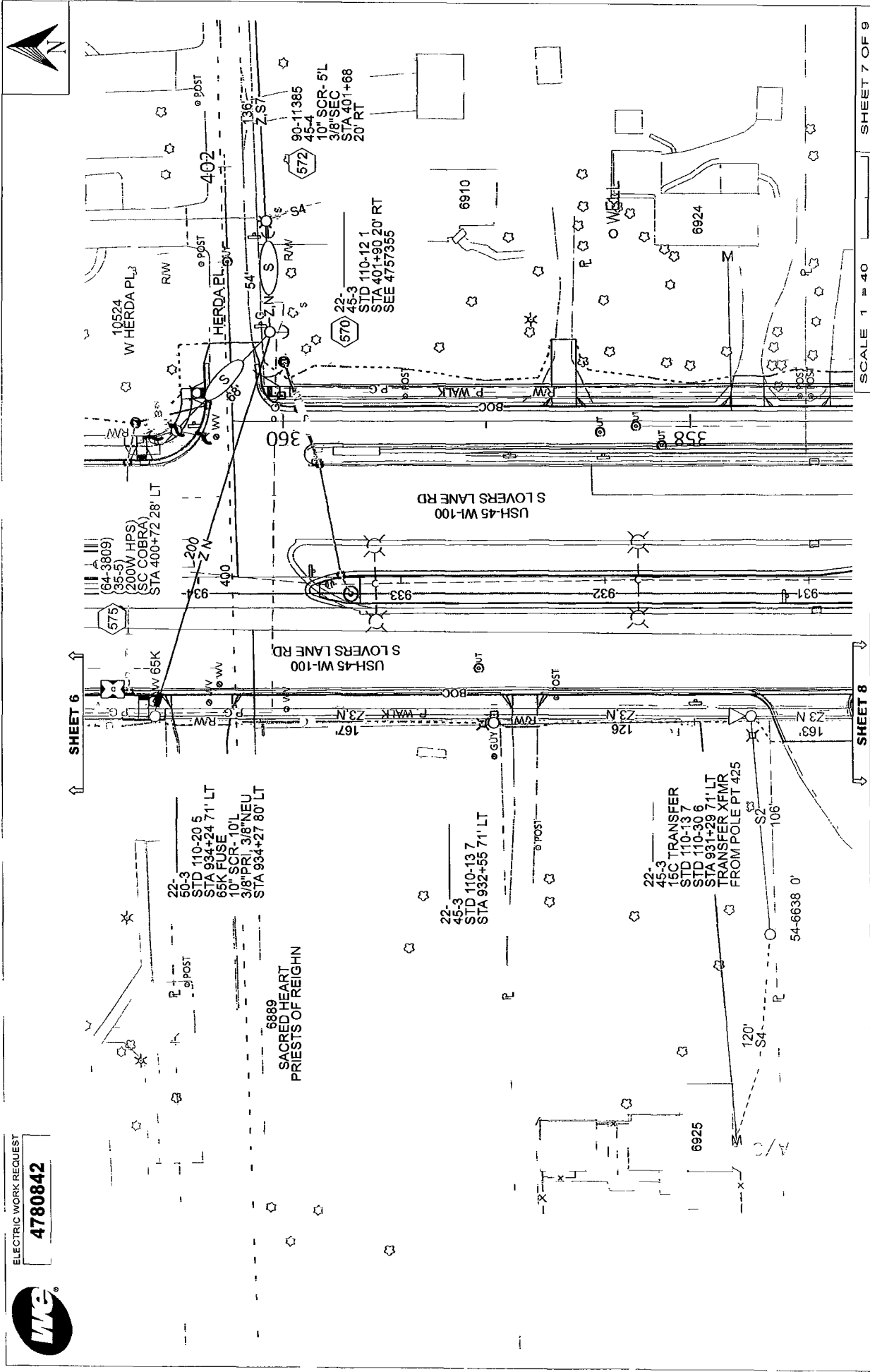








ELECTRIC WORK REQUEST  
4780842



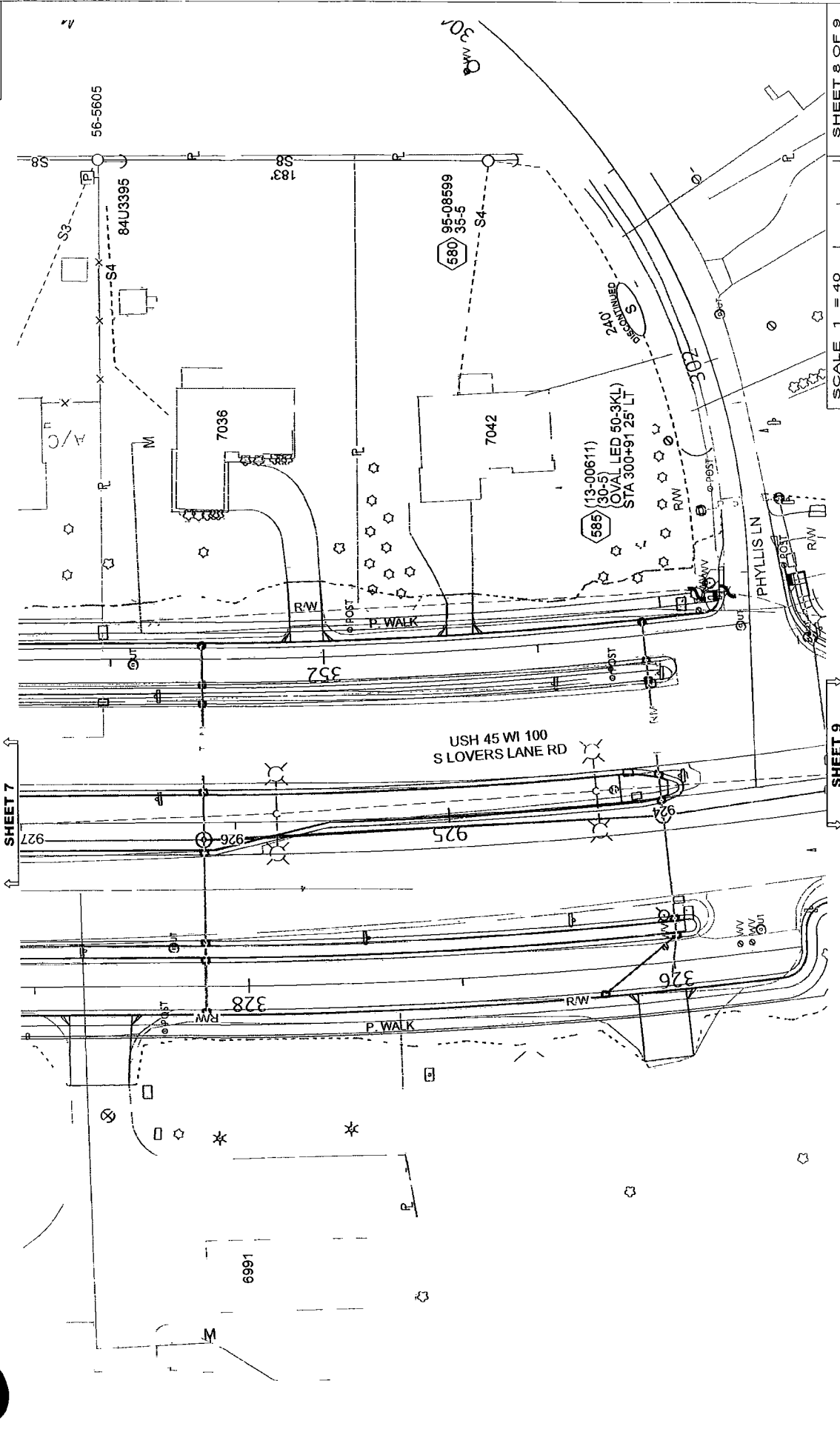
SHEET 7 OF 9

SCALE 1 = 40

SHEET 8



ELECTRIC WORK REQUEST  
4780842



SHEET 7

SHEET 8 OF 9

SCALE 1" = 40'

SHEET 9



WE ENERGIES - ELECTRIC OPERATIONS		STANDARD WIRE KEY		NEUTRAL		SECONDARY - 1PHASE		SECONDARY - 3PHASE	
CLEARANCE NOTES		OVERHEAD PRIMARY E, F, H, Q, R, W, X or Z		DIRECT BURY PRIMARY - E, F, H, Q, R, W, X or Z		S		\$	
-LOCATION OF OBSTRUCTIONS ARE FROM RECORDS AND MUST BE VERIFIED IN THE FIELD	Z 1 #2 ACSR	Z13 1 #1 AL 25KV	X22 1 #2 Cu 15KV	N 1 #2 ACSR	6DX	1/0 TXF			
-MAINTAIN 2' MIN CLEARANCE BETWEEN OUTSIDE FACE OF MANHOLE & BELL OF PIPE	Z1 1 #1/0 ACSR	Z14 3 #1 AL 25KV	X23 3 #2 Cu 15KV	N1 1 #4/0 ACSR	S 4 TX	4/0 TXF			
-THIS APPLIES TO GAS AND WATER MAINS	Z2 1 #3/0 ACSR	Z15 3 #500 AL 28KV	Z24 1 #2 Cu 25KV	N2 1 #3/0 ACSR	S2 2 TX	3/0 TXF			
-MAINTAIN 2' MIN VERTICAL CLEARANCE AT CROSSINGS OF SEWER OR WATER MAINS.	Z3 3 #2 ACSR	Z16 1 #2 AL 15KV	Z25 3 #2 Cu 25KV	N3 1 #4/0 AL	S3 1/0 TXR	3/0 TX			
-MAINTAIN 5' MIN HORIZONTAL DIST BETWEEN CONDUIT AND WATER MAINS	Z4 3 #1/0 ACSR	Z17 3 #2 AL 15KV	Z26 3 #500 Cu 15KV	N4 1 #4336 ACSR	S4 3/0 TXR	350 TX			
-MAINTAIN 3' MIN HORIZONTAL DIST BETWEEN CONDUIT AND WATER MAINS	Z5 3 #3/0 ACSR	Z18 3 #500 AL 15KV	Z27 3 #500 Cu 28KV	N5 REMOVAL	S5 350 TXR	750 TXR			
NOTE CLEARANCES SHOWN ARE MINIMUM DISTANCES REFERENCE PERMITS FOR	Z6 3 #336 ACSR	Z19 SPECIAL LIST ON SKETCH	Z28 3 #750 AL 35KV	GUYING	S6 750 TXR	1/0 QXF			
SPECIFIC CLEARANCE REQUIREMENTS ADDITIONAL UNDERGROUND INFORMATION ON	Z7 3 #536 ACSR	Z20 1 WIRE REMOVAL	Z29 SPECIAL - LIST	G 1/4" ARM GUY	S7 1/0 TXF	3/0 QXF			
EXCAVATION BACKFILLING AND CLEARANCES CAN BE FOUND IN STD 281-02.	Z8 1 WIRE REMOVAL	Z21 3 #750 AL 28KV	ON SKETCH	G 5/16" ARM GUY	S8 4/0 TXF	350 QXR			
	Z9 SPECIAL LIST ON SKETCH			G2 3/8" ARM GUY	S9 336 TXR	750 QXR			
	Z10 1 WIRE REMOVAL			G3 5/16" POLE GUY	S10 750 TXF	110 QXR			
	Z11 2 WIRE REMOVAL			G4 3/8" POLE GUY	S11 3 WIRE REMOVAL	110 QXR			
	Z12 3 WIRE REMOVAL			G5 7/16" POLE GUY	S12 3 WIRE MAIN	110 QXR			
					S14 6DX CIC	110 QXR			
					S15 1/0TX CIC	110 QXR			

**WE ENERGIES - ELECTRIC OPERATIONS**

CLEARANCE NOTES

- LOCATION OF OBSTRUCTIONS ARE FROM RECORDS AND MUST BE VERIFIED IN THE FIELD
- MAINTAIN 2' MIN CLEARANCE BETWEEN OUTSIDE FACE OF MANHOLE & BELL OF PIPE
- THIS APPLIES TO GAS AND WATER MAINS
- MAINTAIN 2' MIN VERTICAL CLEARANCE AT CROSSINGS OF SEWER OR WATER MAINS.
- MAINTAIN 5' MIN HORIZONTAL DIST BETWEEN CONDUIT AND WATER MAINS
- MAINTAIN 3' MIN HORIZONTAL DIST BETWEEN CONDUIT AND WATER MAINS

NOTE CLEARANCES SHOWN ARE MINIMUM DISTANCES REFERENCE PERMITS FOR SPECIFIC CLEARANCE REQUIREMENTS ADDITIONAL UNDERGROUND INFORMATION ON EXCAVATION BACKFILLING AND CLEARANCES CAN BE FOUND IN STD 281-02.

**EROSION CONTROL LEGEND**

APPROXIMATE LOCATION FOR UNDERGROUND FACILITY EXCAVATION	INLET PROTECTION TYPE
12. WATTLE or 12 /20 SRDIMENT LOG or 9.5 /20 EROSION EEL	12. WATTLE or 12 /20 SRDIMENT LOG or 9.5 /20 EROSION EEL
STONE DITCH CHICK	STONE DITCH CHICK
ROCK BAG	ROCK BAG
MULCH	MULCH
SOIL STABILIZER, TYPE B	SOIL STABILIZER, TYPE B
EROSION MAT CLASS I, TYPE A	EROSION MAT CLASS I, TYPE A
EROSION MAT CLASS I, TYPE B	EROSION MAT CLASS I, TYPE B
EROSION MAT CLASS I, TYPE A URBAN	EROSION MAT CLASS I, TYPE A URBAN
EROSION MAT CLASS I, TYPE B URBAN	EROSION MAT CLASS I, TYPE B URBAN
EROSION MAT CLASS II	EROSION MAT CLASS II
EROSION MAT CLASS III	EROSION MAT CLASS III
VEGETATIVE BUFFER	VEGETATIVE BUFFER
TRACKING PAD	TRACKING PAD
TIMBER MAT	TIMBER MAT
SILT FENCE	SILT FENCE
APPROXIMATE DEWATERING BASIN LOCATION	APPROXIMATE DEWATERING BASIN LOCATION
SURFACE WATER FLOW	SURFACE WATER FLOW

**WE ENERGIES WORK REQUEST ENVIRONMENTAL NOTES (Notes 1 through 7 apply to ALL work requests)**

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14 Trenching and pit excavations within wetlands shall include soil segregation to facilitate restoration or pre-construction soil stratification and restoration to pre-construction elevations

15 Poles scheduled to be removed and that occur within a wetland shall be cut at the ground surface

**Waterways**

16 No work can be performed within the banks or below the ordinary high watermark of any navigable waterways/streams

17 No crossing of navigable waterways with equipment can occur Foot traffic is allowed

18 Any disturbed soil within 75-feet of the ordinary high water mark of any navigable waterways/streams shall be stabilized within 24 hours of construction completion

**Threatened and Endangered Species**

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**Cultural and Historical Resources, cont.**

24 The project is within or adjacent to an area that is identified by the State of Wisconsin as potentially having Native American artifacts burial mounds or burial sites which could be encountered during construction

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26 A qualified archaeologist, as specified under Wis. Stats 167.10 (1) and Wis. Admin Code HS 2.04 (6) must be present to monitor all ground disturbing activities

**Fract-out Contingency Plan**

27 A fract-out contingency plan shall be on-site and implemented accordingly The contingency plan shall incorporate the following components

- Continuously inspect the bore paths for fract-outs in order to respond quickly and appropriately
- Containment materials (e.g. silt fence straw bales sand bags etc.) shall be on site and available should a fract-out occur
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**General**

1 If WDNR and/or USACE permits were obtained for the project all permit conditions shall be met during construction of the project.

**Erosion Control**

2 If soil disturbance occurs on slopes or channels/ditches leading to wetlands or waterways or within wetlands the disturbed areas shall be stabilized and appropriate erosion control Best Management Practices (BMP's) shall be implemented

3 Erosion Control BMP's shall meet or exceed the approved WDNR Storm Water Management Technical Standards ([http://dmr.wisconsin.gov/topic/water/standards/cons\\_standards.htm](http://dmr.wisconsin.gov/topic/water/standards/cons_standards.htm))

4 Refer to We Energies Construction Site Sediment and Erosion Control Standards

5 Inspect installed erosion control BMP's at least one time per week and after 1/2" rain events repair as necessary

6 When temporary stabilization is required (e.g. for winter or short-term construction) prior to final restoration soil stabilizer shall be installed wherever possible Erosion mat shall be used temporarily only where appropriate in accordance with state standards and when approved by the Operations Supervisor

**Contaminated Soils**

7 Whenever soil exhibiting obvious signs of contamination (e.g. discoloration petroleum or solvent odor free liquids other than water buried containers or tanks or other obvious signs of environmental impacts) is encountered during excavation or installation cease work immediately take appropriate immediate precautions to ensure worker health and safety and contact the Operations Supervisor or inspector

**Spills**

8 If an oil spill occurs during construction call the Environmental Incident Response Team (EIRT) at 414-430-3478

- Any quantity of oil is spilled into surface water
- Any oil spill greater than 50 ppm PCB into a sewer vegetable garden or grazing land
- Any oil spill containing greater than 500 ppm PCB
- Five gallons or more of oil spilled to the ground
- Any oil spill involving a police department, fire department, DNR or concerned property owner

**Notes 8 through 27 apply as noted at specific points within each work request**

**Dewatering**

8 Dewatering of pits or trenches shall be done in accordance with state standards Use an approved sediment bag a straw bale dewatering basin a combination of both or equivalent

**Wetlands**

9 As much as practicable the majority of the work shall be staged from the public roadways and road shoulders keeping equipment out of adjacent wetlands

10 All work shall be conducted to minimize soil disturbance No rutting will be allowed within the wetlands

11 If soils are not frozen or stable to a point that avoids rutting timber mats mud tracks or equivalent shall be utilized to access pole locations

12 Excavated soils cannot be stockpiled in wetlands

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Appendix A

<b>APPROVAL</b> <i>Stu</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>October 4, 2022</b>
<b>REPORTS AND RECOMMENDATIONS</b>	<b>Resolution to Grant Distribution Easement Underground to Wisconsin Electric Power Company On the City of Franklin Owned Parcel Described as the North Twelve (12) Feet of the West One-Hundred (100) Feet of Lot 2 of CSM No. 9369 (TKN 931-0006-001) 10100 S. 60<sup>th</sup> Street</b>	<b>ITEM NUMBER</b>  <b>G.13.</b>

**BACKGROUND**

Wisconsin Electric Power Company, doing business as We Energies needs a Distribution Easement Underground to facilitate the installation of utility services on the City of Franklin property at 10100 S. 60<sup>th</sup> Street where the Industrial Park Lift station is being constructed. The requested easement is on Lot 2 of CSM No. 9369 (TKN 931-0006-001).

**ANALYSIS**

The purpose of this easement is to construct, install, operate, maintain, repair, replace and extend underground utility facilities, conduit and cables, electric pad-mounted transformers, manhole, electric pad-mounted switch-fuse units, electric pad-mounted vacuum fault interrupter, concrete slabs, power pedestals, riser equipment, terminals and markers, together with all necessary and appurtenant equipment under and above ground as deemed necessary by Grantee, all to transmit electric energy, signals, television and telecommunication services, including the customary growth and replacement thereof.

This is needed to facilitate the current construction project.

**FISCAL NOTE**

There is no fiscal impact for this easement.

**OPTIONS**

Authorize Staff to execute the enclosed easement or refer back to Staff with further direction.

**COUNCIL ACTION REQUESTED**

Adopt Resolution 2022- \_\_\_\_\_ a Resolution to Grant Distribution Easement Underground to Wisconsin Electric Power Company on the City of Franklin Owned Parcel Described as the north twelve (12) feet of the west one-hundred (100) feet of Lot 2 of CSM No. 9369. Tax Key Number 931-0006-001. 10100 S. 60<sup>th</sup> Street.

Engineering: GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2022 - \_\_\_\_\_

RESOLUTION TO GRANT DISTRIBUTION EASEMENT UNDERGROUND TO  
WISCONSIN ELECTRIC POWER COMPANY ON THE  
CITY OF FRANKLIN OWNED PARCEL DESCRIBED AS THE  
NORTH TWELVE (12) FEET OF THE WEST ONE-HUNDRED (100) FEET OF  
LOT 2 OF CSM NO. 9369 (TKN 931-0006-001) 10100 S. 60<sup>TH</sup> STREET

---

WHEREAS, Wisconsin Electric Power Company, doing business as We Energies is proposing to transmit electric energy, signals, television and telecommunication services, including the customary growth and replacement thereof; and

WHEREAS, We Energies needs the north 12-feet of the west one-hundred feet of Lot 2 of CSM No. 9369, the easement on the City of Franklin owned parcel to serve a new sewage lift station at 10100 S. 60<sup>th</sup> Street.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Mayor and City Clerk may execute a document to grant an easement to Wisconsin Electric Power Company at the City-owned parcel, Lot 2 of CSM #9369. Tax Key Number 931-0006-001.

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 \_\_\_\_\_

GEM



**DISTRIBUTION EASEMENT  
UNDERGROUND**

Document Number

WR NO. 4778818 IO NO. 76253

For good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, **CITY OF FRANKLIN, a municipal corporation**, hereinafter referred to as "Grantor", owner of land, hereby grants and warrants to **WISCONSIN ELECTRIC POWER COMPANY, a Wisconsin corporation doing business as We Energies**, hereinafter referred to as "Grantee", a permanent easement upon, within, beneath, over and across a part of Grantor's land hereinafter referred to as "easement area".

The easement area is described as the north twelve (12) feet of the west one-hundred (100) feet of **Lot 2** of that certain **Certified Survey Map No. 9369**, as recorded in the office of the Register of Deeds for Milwaukee County on December 2<sup>nd</sup>, 2021, as **Document No. 11192889**; also being a part of the **Southwest ¼ of Section 26, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin**

RETURN TO.  
We Energies  
PROPERTY RIGHTS & INFORMATION GROUP  
231 W. MICHIGAN STREET, ROOM P129  
PO BOX 2046  
MILWAUKEE, WI 53201-2046

931-0006-001  
(Parcel Identification Number)

1. **Purpose:** The purpose of this easement is to construct, install, operate, maintain, repair, replace and extend underground utility facilities, conduit and cables, electric pad-mounted transformers, manhole, electric pad-mounted switch-fuse units, electric pad-mounted vacuum fault interrupter, concrete slabs, power pedestals, riser equipment, terminals and markers, together with all necessary and appurtenant equipment under and above ground as deemed necessary by Grantee, all to transmit electric energy, signals, television and telecommunication services, including the customary growth and replacement thereof. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with Grantee's use of the easement area.
2. **Access:** Grantee or its agents shall have the right to enter and use Grantor's land with full right of ingress and egress over and across the easement area and adjacent lands of Grantor for the purpose of exercising its rights in the easement area.
3. **Buildings or Other Structures:** Grantor agrees that no structures will be erected in the easement area or in such close proximity to Grantee's facilities as to create a violation of all applicable State of Wisconsin electric codes or any amendments thereto.
4. **Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of Grantee's facilities within the easement area will not be altered by more than 4 inches without the written consent of Grantee.
5. **Restoration:** Grantee agrees to restore or cause to have restored Grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry by Grantee or its agents. This restoration, however, does not apply to any trees, bushes, branches or roots which may interfere with Grantee's use of the easement area.
6. **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
7. **Binding on Future Parties:** This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto
8. **Easement Review.** Grantor acknowledges receipt of materials which describe Grantor's rights and options in the easement negotiation process and furthermore acknowledges that Grantor has had at least 5 days to review this easement document or voluntarily waives the five day review period.

**Grantor:**

**CITY OF FRANKLIN, a municipal corporation**

By \_\_\_\_\_

**STEPHEN R. OLSON, MAYOR**

By \_\_\_\_\_

**SANDRA L. WESOLOWSKI, CITY CLERK**

Personally came before me in Milwaukee County, Wisconsin on \_\_\_\_\_, 2022,  
the above named STEPHEN R. OLSON, the MAYOR, and SANDRA L. WESOLOWSKI, the CITY CLERK,  
of the CITY OF FRANKLIN, a municipal corporation, for the municipal corporation, by its authority, and pursuant to Resolution  
File No. \_\_\_\_\_ adopted by its \_\_\_\_\_  
on \_\_\_\_\_, 2022.

\_\_\_\_\_  
Notary Public Signature, State of Wisconsin

\_\_\_\_\_  
Notary Public Name (Typed or Printed)

(NOTARY STAMP/SEAL)

My commission expires \_\_\_\_\_

This instrument was drafted by Paul Mallas on behalf of Wisconsin Electric Power Company, PO Box 2046, Milwaukee, Wisconsin 53201-2046.

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>Slu</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b></p> <p style="text-align: center;">10/4/2022</p>
<p style="text-align: center;"><b>REPORTS AND RECOMMENDATIONS</b></p>	<p style="text-align: center;">Resolution Approving Third Amendment to Antenna Site Location Agreement for a Cellular Phone Antenna on the Water Tower Located At 8901 W. Drexel Avenue</p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><b>G.14.</b></p>

**BACKGROUND**

A lease consultant with AT&T has approached the City regarding an amendment of the current contract cell site at the City's water tower at 8901 West Drexel Avenue. The proposed amendment reflects the use of additional ground space to install a backup generator on site.

Staff has reviewed all current lease contracts, contacted neighboring communities for their experience with similar contracts and believes that the proposed amendment is appropriate and provides additional rental income.

**ANALYSIS**

After negotiations between the City Attorney's office and the lease consultant and AT&T directly, the proposed resolution accepts the attached lease amendment which authorizes the installation of a 4' x 10" concrete pad upon which the generator will be installed. In exchange, the rent will be increased by an additional \$400 per month. The following comments are made with respect to the amendment:

1. \$400 per month is reasonable and consistent with other leases within the City and surrounding communities. Most other communities report an increase in rent for this type of expansion to be in the range of \$200 to \$300 dollars. The City of West Allis recently approved a similar amendment at the same \$400 per month, which became the comparable that drove the price negotiations.
2. AT&T identified this site as a high priority given its close proximity to City Hall and the Police and Fire Stations (all less than ½-mile from the tower) to ensure critical emergency services continue to have access to cellular service in the event of a power failure.

**FISCAL NOTES**

City owns the land so any revenue is split between the City General Fund and the Water Utility.

**COUNCIL ACTION REQUESTED**

1. A motion to adopt Resolution Approving Third Amendment to Antenna Site Location Agreement for a Cellular Phone Antenna on the Water Tower Located At 8901 W. Drexel Avenue.

RESOLUTION NO. 2022-\_\_\_\_\_

RESOLUTION APPROVING THIRD AMENDMENT TO ANTENNA SITE LOCATION AGREEMENT FOR A CELLULAR PHONE ANTENNA ON THE WATER TOWER LOCATED AT 8901 W. DREXEL AVENUE

WHEREAS, The City and AT&T Wireless have an existing lease agreement for cellular antenna equipment located on the City’s water tower located at 8901 W. Drexel Avenue; and

WHEREAS, AT&T has identified the site to be a high priority for critical emergency services and would like to amend the lease to allow for the installation of a backup generator to ensure continue cellular service availability in the event of a power outage; and

WHEREAS, the City Attorney and AT&T representatives have finalized the specifics of the various terms;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Third Amendment to Antenna Site Location Agreement for the AT&T lease at 8901 W. Drexel Avenue be approved in the form as attached subject to any typographical or technical changes deemed necessary and appropriate by the City Attorney.

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized and directed to execute the same.

Introduced by Ald. \_\_\_\_\_ at a regular meeting of the Common Council of the City of Franklin the 4th day of October, 2022.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 4th day of October, 2022.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

Market: RCHI  
Cell Site Number: WI0042  
Cell Site Name: Franklin  
Fixed Asset Number: 10011899

### **THIRD AMENDMENT TO ANTENNA SITE LOCATION AGREEMENT**

THIS THIRD AMENDMENT TO ANTENNA SITE LOCATION AGREEMENT dated as of the latter of the signature dates below, is by and between the City of Franklin Water Utility, having a mailing address of 9229 W. Loomis Road, Franklin, WI 53132 (“**Landlord**”) and New Cingular Wireless PCS, LLC, a Delaware limited liability company, having a mailing address of 1025 Lenox Park Blvd., NE, 3<sup>rd</sup> Floor, Atlanta, GA 30319 (“**Tenant**”).

WHEREAS, Landlord and Tenant entered into an Antenna Site Location Agreement dated December 4, 1990, as amended by an Amendment to Antenna Site Location Agreement dated August 8, 1995, as amended by a Second Amendment to Antenna Site Location Agreement dated January 23, 2018, (hereinafter, collectively the “Agreement”), whereby Landlord leased to Tenant certain Premises, therein described, that are a portion of the Property located at 8901 West Drexel Ave., Franklin, WI 53132 (“Agreement”); and

WHEREAS, Landlord and Tenant desire, in their mutual interest, wish to amend the Agreement as set forth below.

NOW THEREFORE, in consideration of the foregoing and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree as follows:

1. **New Premises Area.** Landlord agrees to increase the size of the Premises leased to Tenant to accommodate Tenant’s needs. Upon the execution of this Amendment, Landlord leases to Tenant the additional premises described on attached Exhibit C (“New Premises Area”). Landlord’s execution of this Amendment will signify Landlord’s approval of Exhibit C. The Premises under the Agreement prior to this Amendment in addition to the New Premises Area under this Amendment shall be the Premises under the Agreement.
2. **Generator.** Tenant shall have the right to install, repair, maintain, modify, replace, remove, utilize, and operate (including but not limited to operate as may be required by applicable law) equipment within the New Premises Area, including without limitation a 4’x10’ concrete pad and generator thereon, including back-up power supply. Tenant shall have the right to access the New Premises Area, and any provisions in the Agreement governing access shall apply to such access. The generator shall remain the property of Tenant, and Tenant shall have the right to remove or modify it at any time.

3. **Rent.** Commencing the first day of the month following commencement of installation within the New Premises Area (“Increase Commencement Date”), Rent shall be increased by Four Hundred and No/100 Dollars (\$ 400.00) per month, subject to further adjustments, if any, as provided in the Agreement; provided that the first such increased payment shall not be due until sixty (60) days after such commencement date and provided further that, any partial month occurring after the Increase Commencement Date, the increased Rent amount shall be pro-rated.

4. **Other.** Landlord represents and warrants that, to its knowledge, no conditions exist within the New Premises Area or otherwise on the property where the Premises and New Premises Area are located that would adversely impact Tenant’s permitting and/or installation of a generator within the New Premises Area. Landlord authorizes Tenant to prepare, execute and file all required applications to obtain any government approvals for Tenant’s use of the New Premises Area under this Agreement and agrees, at Tenant’s request, to reasonably assist Tenant with such applications and with obtaining and maintaining the government approvals. Where applicable law governs how the generator will be used, Tenant may use the generator in the manner set forth in applicable law. Tenant may terminate this Amendment by written notice to Landlord at any time, and the rent increase set forth in Section 3 shall not take effect or shall be cancelled, as applicable, following any such termination. Within one hundred twenty 120 days after termination of this Amendment, Tenant shall remove its equipment from the New Premises Area; provided that any portions of the equipment that Tenant fails to remove within such period and cessation of Tenant’s operations at the New Premises Area shall be deemed abandoned. Tenant shall repair any damage, less ordinary wear and tear, to the New Premises Area caused by its removal activities.

5. Section 22 of the Agreement is hereby deleted in its entirety and replaced with the following:

**Notices.** All notices, requests, demands and communications hereunder will be given by first class certified or registered mail, return receipt requested, or by a nationally recognized overnight courier, postage prepaid, to be effective when properly sent and received, refused or returned undelivered. Notices will be addressed to the parties as follows.

If to LANDLORD	<u>City of Franklin</u>	If to TENANT	New Cingular Wireless PCS, LLC
	<u>Water Utility</u>		Attn TAG - LA
	<u>9229 W Loomis Rd</u>		Re Cell Site # WI0042
			Cell Site Name Franklin
	<u>Franklin, WI 53132</u>		
	_____		Fixed Asset # 10011899
	_____		1025 Lenox Park Blvd NE
	_____		3rd Floor
	_____		Atlanta, GA 30319

With copy to New Cingular Wireless PCS, LLC  
Attn Legal Department  
Re Cell Site # WI0042  
Cell Site Name Franklin  
Fixed Asset #. 10011899  
208 S Akard Street  
Dallas, Texas, 75202-4206

The copy sent to the Legal Department is an administrative step which alone does not constitute legal notice. Either party hereto may change the place for the giving of notice to it by thirty (30) days prior written notice to the other as provided herein.

**6. Other Terms and Conditions Remain.** In the event of any inconsistencies between the Agreement and this Third Amendment, the terms of this Third Amendment shall control. Except as expressly set forth in this Third Amendment, the Agreement otherwise is unmodified and remains in full force and effect. Each reference in the Agreement to itself shall be deemed also to refer to this Third Amendment. The rights granted to Tenant herein are in addition to and not intended to limit any rights of Tenant in the Agreement. Unless otherwise specified herein or unless the context requires otherwise, the terms in the Agreement shall apply to the New Premises Area.

**7. Capitalized Terms.** All capitalized terms used but not defined herein shall have the same meanings as defined in the Agreement.

**IN WITNESS WHEREOF**, the parties have caused their properly authorized representatives to execute and seal this Third Amendment on the dates set forth below.

**LANDLORD:**  
City of Franklin Water Utility

**TENANT:**  
New Cingular Wireless PCS, LLC,

a Delaware limited liability  
company

By: AT&T Mobility Corporation  
Its: Manager

By: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Name: \_\_\_\_\_

Its: \_\_\_\_\_

Its: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_



TENANT ACKNOWLEDGEMENT

STATE OF Pennsylvania)

)ss:

COUNTY OF \_\_\_\_\_)

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ before me personally appeared \_\_\_\_\_, and acknowledged under oath that he is the \_\_\_\_\_ of \_\_\_\_\_, the \_\_\_\_\_ named in the attached instrument, and as such was authorized to execute this instrument on behalf of the \_\_\_\_\_.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

LANDLORD ACKNOWLEDGEMENT

STATE OF \_\_\_\_\_)

) ss:

COUNTY OF \_\_\_\_\_)

BE IT REMEMBERED, that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_ before me, the subscriber, a person authorized to take oaths in the State of \_\_\_\_\_, personally appeared \_\_\_\_\_ who, being duly sworn on his/her/their oath, deposed and made proof to my satisfaction that he/she/they is/are the person(s) named in the within instrument; and I, having first made known to him/her/them the contents thereof, he/she/they did acknowledge that he/she/they signed, sealed and delivered the same as his/her/their voluntary act and deed for the purposes therein contained.

Notary Public: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

**EXHIBIT C**

**Additional Premises Area**

**See attached**



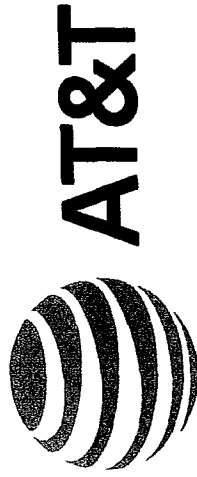
**GENERAL DYNAMICS**  
9400 WILLIAMSBURG PLAZA  
LOUISVILLE, KY 40222

SITE # 784529  
FA. 10011899  
2 6601 1 X 5216 WITH 2 X XMU  
8901 WEST DREXEL AVENUE  
FRANKLIN, WI 53132  
EXISTING WATER TANK

PROJECT NO.	146344/0101		
CHECKED BY:	PWP		
ISSUED FOR:			
REV	DATE	BY	DESCRIPTION
1	2/2/21	EJE	PRELIMINARY REVIEW
2	3/2/21	PWP	CONSTRUCTION

B&T ENGINEERING, INC.  
  
 CHAD E. TUTTLE  
 503349-006  
 TULSA, OK  
 PROFESSIONAL ENGINEER  
 STATE OF WISCONSIN  
 LICENSE NO. 503349-006  
 EXPIRES 5/31/21  
 I am a duly licensed professional engineer under the laws of the State of Wisconsin. I am not providing engineering services to the public.

SHEET NUMBER: **T-1**  
 REVISION: **0**



**GENERATOR PROJECT**  
 SITE NAME: 2 6601 1 X 5216 WITH 2 X XMU  
 SITE #: 784529  
 AT&T FA: 10011899  
 NEW STANDBY GENERATOR AT  
 AN EXISTING WIRELESS FACILITY

**PROJECT SUMMARY**

SITE LOCATION: 8901 WEST DREXEL AVENUE  
MILWAUKEE, WI 53132  
 COUNTY: MILWAUKEE  
 SITE NUMBER: 10011899 (784529)  
 TAX PARCEL NUMBER: N/A  
 JURISDICTION: CITY OF FRANKLIN  
 NABES: 83

LATITUDE: 42.900781  
 LONGITUDE: -88.025954  
 CUSTOMER/APPLICANT: AT&T MOBILITY CORPORATION  
 1876 DATA DR.  
 HOOVER, AL 35244

AREA OF CONSTRUCTION: 4'x10'  
 OCCUPANCY TYPE: UNMANNED  
 FACILITY IS UNMANNED AND NOT  
 FOR HUMAN HABITATION  
 A.D.A. COMPLIANCE:  
 SETBACKS: T.B.D.

**CONTACT INFORMATION**

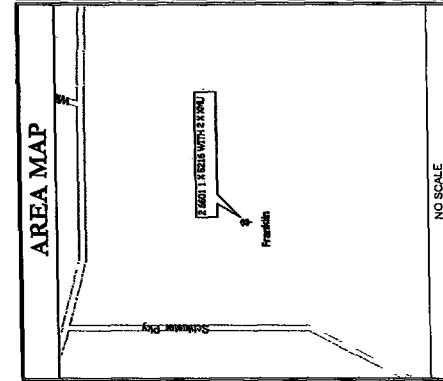
AAE FIRM: B+T GROUP  
 1717 S. BOULDER STE. 300  
 PUEBLO, KUYKENDALL  
 (918) 587-4630

PROJECT MANAGER: GENERAL DYNAMICS  
 9400 WILLIAMSBURG PLAZA, SUITE 220  
 LOUISVILLE, KY 40222  
 CONTACT: DANNIE HENSLEY  
 PHONE: (502) 396-8870

**CODE COMPLIANCE**

ALL WORK SHALL BE PERFORMED AND MATERIALS INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE IBC, IBCS, AND OTHER CODES AS ADOPTED BY THE JURISDICTION. NOTHING SHALL BE CONSIDERED TO BE CONSTRUCTED TO PERMIT WORK NOT CONFORMING TO THESE CODES:

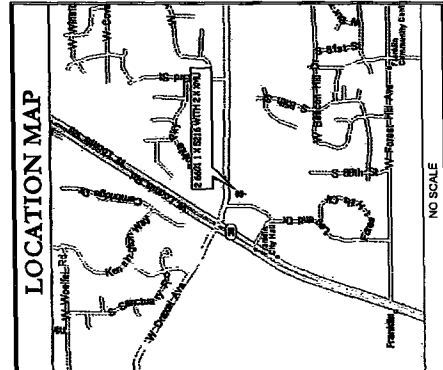
CODE TYPE: IBC 2015  
 BUILDING/DWELLING: IBC 2015  
 STRUCTURAL: IBC 2015  
 ELECTRICAL: NEC 2020



**SCOPE OF WORK**

THE S.O.W FOR THIS PROJECT IS TO INSTALL A STANDBY EMERGENCY GENERATOR AT AN EXISTING TOWER SITE ON THE GROUND ON A Poured-in-place CONCRETE PAD. THERE WILL BE NO CHANGE IN THE SIZE OR HEIGHT OF THE WATER TANK.

- GENERATOR DIMENSIONS: 94.8" L x 38" W x 62.5" H
- INSTALL NEW AIS W/ GROUNDING
- INSTALL (2) NEW ZOA BREAKERS.



**DO NOT SCALE DRAWINGS**

ALL DRAWINGS CONTAINED HEREIN ARE FORMATED FOR 11x17. CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY ADVISE BEFORE PROCEEDING WITH OF THE WORK OR BE RESPONSIBLE FOR SAME.

SEE SHEET T-1 FOR ADDITIONAL CONSTRUCTION NOTES

**DRAWING INDEX**

SHEET #	TITLE SHEET	REVISION
T-1	GENERAL NOTES	0
GN-1	FOUNDATION DETAILS	0
A-1	ELECTRICAL DETAILS	0
E-1	ELECTRICAL & GROUNDING DETAILS	0
E-2	GENERATOR SPEC SHEETS	-

**A/E DOCUMENT REVIEW STATUS**

TITLE	SIGNATURE	DATE
CARRIER CONST. MGR:		
TURF VENDOR CONST. MGR:		
SITE ACQUISITION:		
PROPERTY OWNER:		
CONTRACTOR:		

1  ACCEPTED - WITH OR NO COMMENTS. CONSTRUCTION MAY PROCEED  
 2  NOT ACCEPTED - RESOLVE COMMENTS AND RESUBMIT  
 ACCEPTANCE DOES NOT CONSTITUTE APPROVAL OF ANY DESIGN OR CONSTRUCTION. CONTRACTOR AND DOES NOT RELIEVE SUBCONTRACTOR FROM FULL COMPLIANCE WITH CONTRACTUAL OBLIGATIONS.

CALL WISCONSIN ONE CALL  
 (800) 242-8511  
 CALL 3 WORKING DAYS  
 BEFORE YOU DIG!





**GENERAL DYNAMICS**  
 9400 WILLIAMSBURG PLAZA  
 LOUISVILLE, KY 40222

**SITE #:** 784529  
 FA. 10011899  
 22601 1 X 5216 WITH 2 X XMU  
 8901 WEST DREXEL AVENUE  
 FRANKLIN, WI 53132  
 EXISTING WATER TANK

PROJECT NO:	146545.003.01		
CHECKED BY:	FVP		
ISSUED FOR:			
REV	DATE	BY	DESCRIPTION
1	3/27/91	BLB	PRELIMINARY REVIEW
2	3/27/91	FVP	CONSTRUCTION

B&T ENGINEERING, INC.  
 CKADE LITTLE  
 36349-006  
 TULSA, OK  
 PROFESSIONAL ENGINEER  
 57531/21

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS A LICENSED PROFESSIONAL ENGINEER, TO ADD THIS DOCUMENT.

SHEET NUMBER: **A-1** REVISION: **0**

- POWER ROUTING KEYED NOTES.**
- (E) AT&T A/C BREAKER PANEL/MANUAL TRANSFER SWITCH INTERCEPT (E) CONDUIT AND CONDUCTORS AND RE-ROUTE THROUGH NEW ATS (±30'-0"). COORDINATE PATH WITH CONSTRUCTION MANAGER
  - (E) AT&T AC LOAD CENTER
  - NEW AT&T UNDERGROUND GENERATOR CONDUIT ROUTE (±40'-0") CONTRACTOR TO LOCATE (E) UTILITIES PRIOR TO EXCAVATION.
  - (E) AT&T 100A SUB-PANEL
- GENERATOR KEYED NOTES.**
- NEW AT&T 30KW DIESEL GENERATOR W/ SOUND ATTENUATED ENCLOSURE. NOTIFY ALL AGENCIES AND PERMITS ON A CONCRETE PAD. SEE ATTACHED SHEETS & S-1
  - FUEL FILL SHALL BE PROVIDED WITH SPILL CONTROL WITH A SOLID FILL CONNECTION, AND WITH OVERFILL PREVENTION
  - FUEL TANK NORMAL AND EMERGENCY VENTS SHALL TERMINATE AT LEAST 12'-0" ABOVE THE ADJACENT GRADE.
  - NFPA 704 PLACARD AND OTHER SIGNAGE.
- ATS/EQUIPMENT KEYED NOTES.**
- FIRE EXTINGUISHER, (2A-20BC OR APPROVED EQUAL) PER IFC 908.3 IN FIRE EXTINGUISHER CABINET (BFC-7009 OR APPROVED EQUAL), MOUNTED TO BUILDING WALL OR UTILITY FRAME PER IFC 908.9 (3'-0" MAX ABOVE GRADE)
  - EMERGENCY SHUTOFF SWITCH, MOUNT TO BUILDING WALL OR UTILITY FRAME PER IFC 908.9 (3'-0" MAX ABOVE GRADE)
  - NEW ATS W/ CAMLOCK MOUNTED ON NEW UTILITY FRAME UNISTRUT RAILS WITH 36" FRONT CLEARANCE. SEE SHEET E-1
  - NEW UTILITY FRAME WITH UNISTRUT RAILS. SEE SHEET E-1

**NOTES:**

CONTRACTOR TO CALL 811 OR OTHER LOCAL JOINT UTILITY CONTRACTOR SERVICE TO VERIFY THE LOCATION OF EXISTING UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.

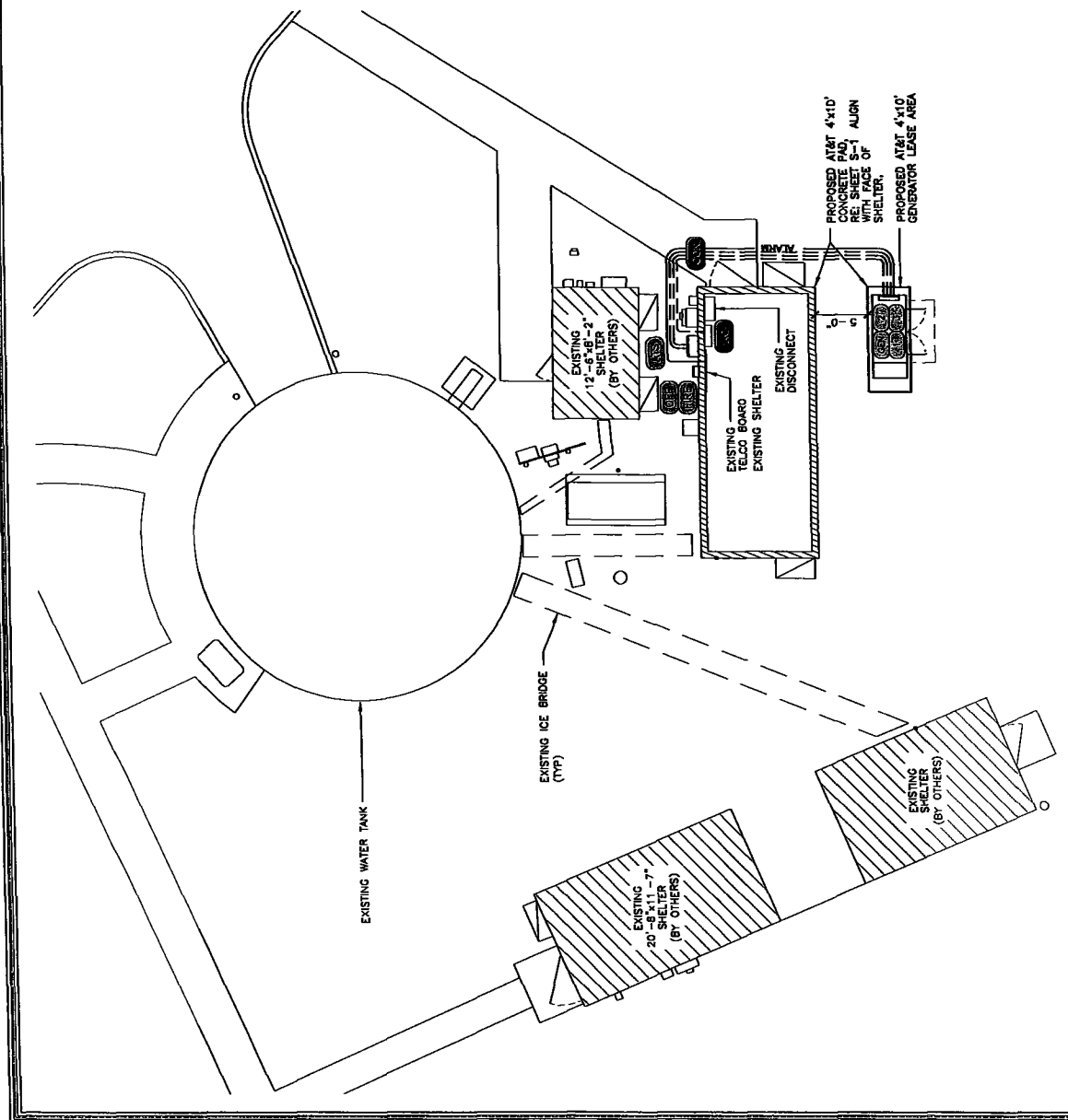
SEE SHEETS E-1 & E-2 FOR CONDUIT & WIRING SPECIFICATIONS/SINGLE LINE DIAGRAM.

CHANGE ORDERS WILL NOT BE ACCEPTED FOR UNAPPROVED WORK.

R 3/E-1 FOR UTILITY TRENCH DETAILS.

CONTRACTOR TO PURCHASE THE EXCEL SIGN DIESEL GENERATOR COMBO PACK P/N: AT-DCGP-DC-8KIT AND SHALL PLACE THEM ON THE SITE PER AT&T STANDARDS.

ALL BELOW GRADE CONDUIT TO BE SCHEDULE 40 PVC UNLESS NOTED OTHERWISE.



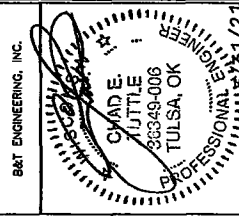


**GENERAL DYNAMICS**  
8400 WILLIAMSBURG PLAZA  
LOUISVILLE, KY 40228

SITE # 784529  
FA 10011899  
2 6601 1 X 5 216 WITH 2 X XMU  
8901 WEST DREXEL AVENUE  
FRANKLIN, WI 53132  
EXISTING WATER TANK

PROJECT NO: 146346.003.001  
CHECKED BY: PWP

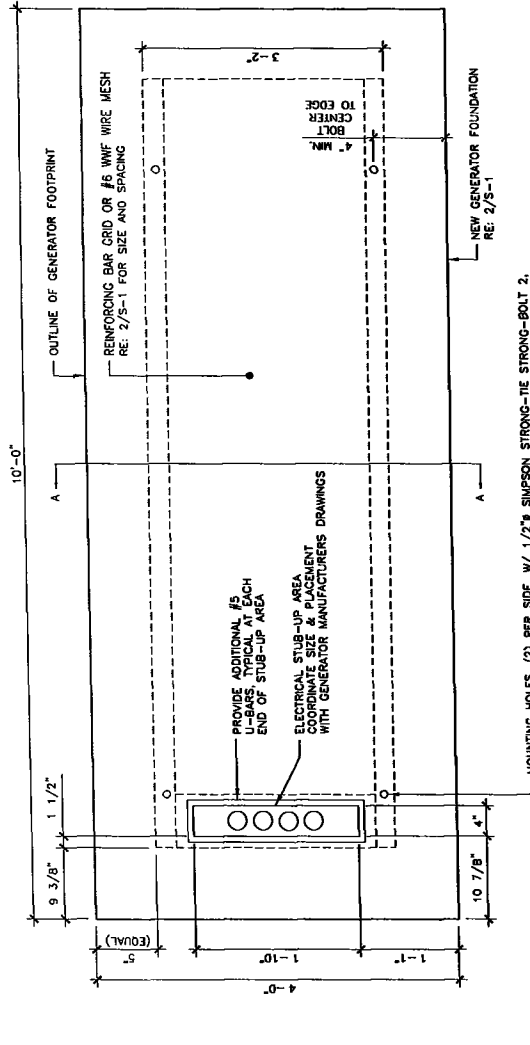
ISSUED FOR:	
REV	DATE
A	5/27/91
B	5/27/91
C	5/27/91
D	5/27/91
E	5/27/91
F	5/27/91
G	5/27/91
H	5/27/91
I	5/27/91
J	5/27/91
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N	5/27/91
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P	5/27/91
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R	5/27/91
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Z	5/27/91



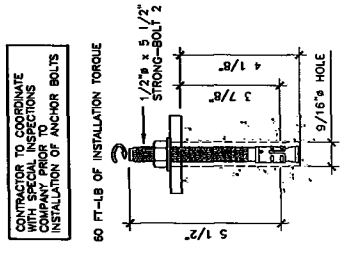
IT IS A VIOLATION OF LAW FOR ANY PERSON TO REPRODUCE OR TRANSMIT THIS DOCUMENT OR TO ALTER THIS DOCUMENT.

SHEET NUMBER: **S-1**  
REVISION: **0**

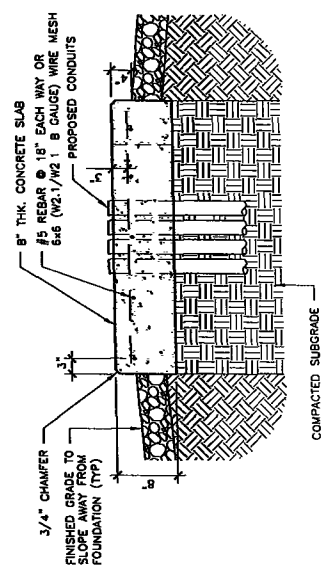
- NOTES:**
- FINAL SITE DESIGN IS THE RESPONSIBILITY OF THE SITE CONTRACTOR.
  - UNLESS NOTED OTHERWISE, CONCRETE SHALL REACH A MINIMUM COMPRESSIVE STRENGTH OF 2700 PSI IN 28 DAYS FOR FOUNDATIONS, SLABS AND CONDUIT ENCASMENTS. CONCRETE SHALL HAVE A NOMINAL SLUMP AND 4.5-6.5% AIR CONTENT. COMPRESSIVE STRENGTH TEST TO BE PERFORMED ON CONCRETE USED FOR FOUNDATION ONLY.
  - UNLESS NOTED OTHERWISE, ALL REINFORCING STEEL SHALL BE ASTM A-615, GRADE 60 DEFORMED BARS.
  - UNLESS NOTED OTHERWISE ALL DETAILING, FABRICATION AND PLACING OF REINFORCING STEEL SHALL CONFORM TO THE MANUAL OF STANDARD PRACTICE FOR DETAILING REINFORCED CONCRETE STRUCTURES (ACI 318)
  - ALL BAR SPICES SHALL BE CLASS "B" TENSION SPICED, UNLESS NOTED OTHERWISE.
  - CHAMFER ALL EXPOSED EXTERNAL CORNERS OF CONCRETE WITH A 3/4"x45" CHAMFER, UNLESS NOTED OTHERWISE.
  - FINISHED SLAB TO BE LEVEL ± 1/4"
  - FLEXIBLE UTILITY CONNECTIONS WILL BE USED AT UNDERGROUND TO GENERATOR INTERACTIONS.
  - SLAB FOUNDATION DESIGNED ASSUMING ALLOWABLE SOIL BEARING PRESSURE OF 1500 PSF. SLAB FOUNDATIONS BEARING ON CLAY SOILS SHALL HAVE A MAXIMUM SOIL PLASTICITY INDEX OF 27. TESTING AGENCY SHALL FIELD VERIFY CONDITIONS BEFORE PLACEMENT OF CONCRETE.
  - DO NOT USE CHLORIDE CONTAINING ADMIXTURES. READY MIX CONCRETE SUPPLIERS TO BE MRCA CERTIFIED. HOT WEATHER CONCRETE TO COMPLY WITH ACI 308R. NO ADDITIONAL WATER SHALL BE ADDED TO CONCRETE AT THE JOB SITE.
  - CONCRETE TO BE NORMAL DENSITY WITH A MAXIMUM SLUMP OF 4" INCHES. MAXIMUM AGGREGATE SIZE 3/4"
  - ALL FROM WORK OFFSET TOLERANCES. (PER ACI 117) TO BE CLASS A.
  - INSTALL EQUIPMENT ANCHORAGE PER MANUFACTURER'S WRITTEN RECOMMENDATIONS.



**1** TYPICAL GENERATOR FOUNDATION PLAN  
SCALE N.T.S.



**3** MOUNTING HOLE DETAIL  
SCALE: N.T.S.



**2** SECTION A-A  
SCALE N.T.S.



**GENERAL DYNAMICS**

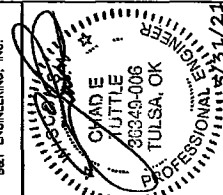
9400 WILLIAMSBURG PLAZA  
LOUISVILLE, KY 40228

SITE # 784529  
FA 10011899  
2 6601 1 X 5216 WTH 2 X KMU  
8901 WEST DREXEL AVENUE  
FRANKLIN, WI 53132  
EXISTING WATER TANK

PROJECT NO: 146345.003.01  
CHECKED BY: FWP

REV	DATE	BY	DESCRIPTION
A	2/27/91	BLS	PRELIMINARY REVIEW
B	2/27/91	FWP	CONSTRUCTION

B+T ENGINEERING, INC.



IT IS A VIOLATION OF LAW FOR ANY PERSON UNLESS A LICENSED PROFESSIONAL ENGINEER TO ALTER THIS DOCUMENT.

SHEET NUMBER: E-1

REVISIONS: 0

**GENERATOR ALARM ID CHART**

NAME	DESCRIPTION
CF	CRITICAL FAILURE
FLO	FUEL LEAK OVERFILL
GR	GENERATOR RUNNING
LF	LOW FUEL
MAF	MAJOR FAULT
MMF	MINOR FAULT
FL	GEN FUEL LEAK TANK WHY/SLATE

NOTE: CONTRACTOR TO LABEL WIRES W/ P-TOUCH OR SIMILAR LABELS ONLY. ABSOLUTELY NO HANDWRITTEN LABELS.

**ALARM REQUIREMENTS**

AT&T REQUIRED FOUR (4) CONTACTS - FREE CONTACT FOR:

1. GENERATOR RUN
2. GENERATOR FAIL
3. GENERATOR FAULT
4. FUEL LEAK

**CABLE COLOR CODE**

- A. CABLE - FOUR 12-PAIR DIRECT BURIAL
- A. CABLE CODE

1. GENERATOR RUN - ALARM PORT #14 (ORANGE & WHITE)
2. GENERATOR FAIL - ALARM PORT #15 (BLUE & WHITE)
3. GENERATOR FAULT - ALARM PORT #16 (GREEN & WHITE)
4. FUEL LEAK - P32 ON I/O BOARD (BROWN & WHITE)

**AUTOMATIC TRANSFER SWITCH (IF APPLICABLE)**

- A. CABLE - CATSE
- A. CABLE CODE

**COMMERCIAL POWER FAIL (IF REQUIRED) (BLUE WHITE)**

1. COMMERCIAL POWER FAIL SWITCH POSITION (BROWN WHITE)

**PORTABLE GENERATOR RUNNING (ORANGE WHITE) (IF REQUIRED)**

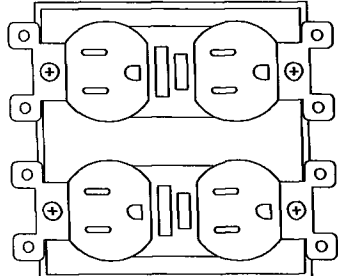
- A. CABLE - CATSE
- A. CABLE CODE

NOTE: PLEASE LEAVE ABOUT 6" OF CATSE FOR SERVICE LOOP AND GROOMING

**ALARM PIN-OUT**

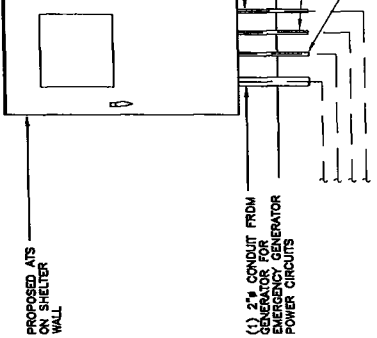
SCALE: N.T.S.

NOTE:  
CONTRACTOR TO LABEL GFCI RECEPTACLES  
INSIDE PROPOSED GENERATOR ENCLOSURE.



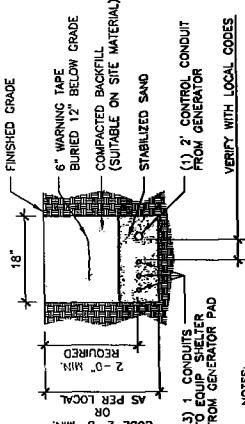
**RECEPTACLE DETAIL**

SCALE: N.T.S.



**PROPOSED WALL MOUNTED ATS**

SCALE: N.T.S.



- NOTES:
1. SEPARATION DIMENSION TO BE VERIFIED WITH LOCAL UTILITY CO. REQUIREMENTS.
  2. PROVIDE PVC CONDUIT BELOW GRADE EXCEPT AS NOTED BELOW
  3. PROVIDE RGS CONDUIT AND ELBOWS AT STUB UP LOCATIONS (I.E. SERVICE POLE, BITS EQUIPMENT ETC.).
  4. INSTALL UTILITY PULLBOXES PER NEC.
  5. FOLLOW MINIMUM COVER REQUIREMENTS PER NEC TABLE 300-5

**UTILITY TRENCH DETAIL**

SCALE: N.T.S.



**GENERAL DYNAMICS**  
9400 WILLIAMSBURG PLAZA  
LOUISVILLE, KY 40222

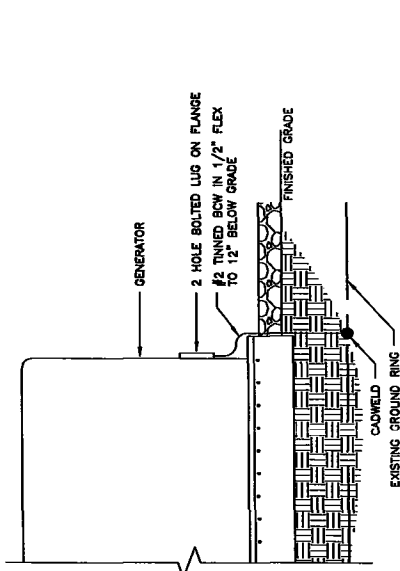
SITE # 784529  
FA. 10011899  
2 6601 1 X 5216 WITH 2 X XMU  
8901 WEST DREXEL AVENUE  
FRANKLIN, WI 53132  
EXISTING WATER TANK

PROJECT NO:	14644.00.01	
CHECKED BY:	PWP	
ISSUED FOR:		
REV	DATE	DESCRIPTION
A	2/2/71	B.L. PRELIMINARY REVIEW
G	3/23/71	PWP CONSTRUCTION

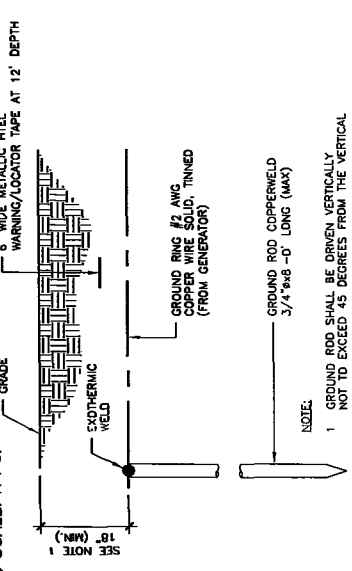
BBT ENGINEERING, INC.  
CHAD E. TUTTLE  
36349-006  
TULSA, OK  
PROFESSIONAL ENGINEER  
5751/21  
I, CHAD E. TUTTLE, REGISTERED PROFESSIONAL ENGINEER, STATE OF OKLAHOMA, LICENSE NO. 5751, DO HEREBY CERTIFY THAT I AM THE DESIGNER OF THE ABOVE PROJECT AND THAT I AM A MEMBER IN GOOD STANDING OF THE PROFESSIONAL ENGINEERS SOCIETY OF OKLAHOMA.

SHEET NUMBER: **E-2**  
REVISION: **0**

- NOTES:**
1. NEW GENSET PROVIDED BY AT&T AND INSTALLED BY CONTRACTOR. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO FURNISH AND INSTALL ALL MATERIALS, COMPONENTS, ETC. WHICH ARE NOT PROVIDED BY AT&T GENSET MANUFACTURER OR EQUIPMENT MANUFACTURER AND TO FURNISH A COMPLETE AND OPERATIONAL SYSTEM.
  2. ROUTE NEW UNDER GROUND POWER CONTROL, AND INDICATION CONDUITS FROM GENSET TO EXISTING AT&T EQUIPMENT CABINETS.
  3. MAINTAIN ALL CLEARANCES AS REQUIRED BY THE NATIONAL ELECTRICAL CODE.
  4. PROVIDE AND INSTALL TWO GROUND RODS WITH INSPECTION SLEEVES (ONE AT EACH END OF GENSET FRAME USING AN APPROVED TWO HOLE CONNECTOR. BOND GROUND ROD TO NEAREST SITE BURIED GROUNDING SYSTEM RING. PROVIDE INSPECTION SLEEVE AT CONNECTION POINT. SEE INSPECTION SLEEVE DETAILS.
  5. BOND METALLIC CONDUITS TO BURIED GROUND RING (SYSTEM) AS THEY CROSS USING PIPE CLAMP DO NOT EXOTHERMICALLY WELD TO CONDUIT.
  6. BOND ALL EXTERIOR CONDUITS, PIPES AND CYLINDRICAL METALLIC OBJECTS WITH A BONDING AND GROUNDING SERIES CLAMP BLACKBURN GLV SERIES CLAMP OR A BURNDY GAR 36008BU SERIES CLAMP ONLY NO SUBSTITUTES ACCEPTED.
  7. BOND FENCE POST TO GROUND RING (WHERE APPLICABLE) USING AN EXOTHERMIC WELD.

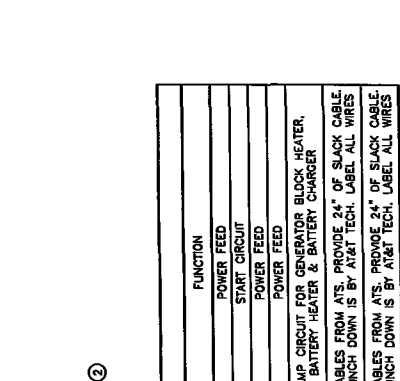


**3** GENERATOR GROUND DETAIL  
SCALE: N.T.S.

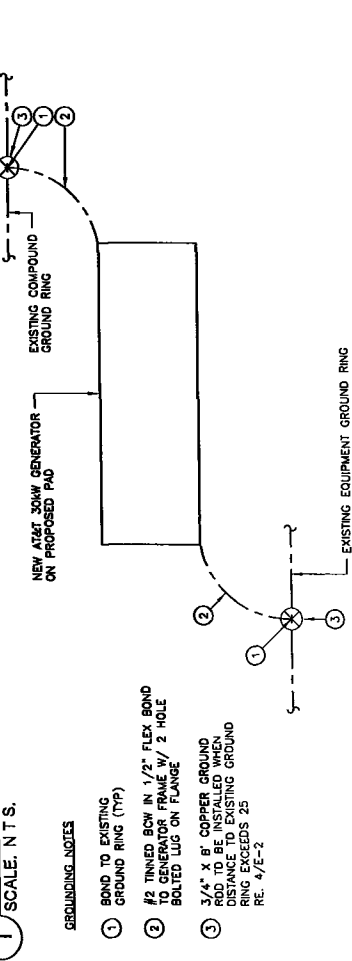


**4** GROUND ROD DETAIL (IF REQUIRED)  
SCALE: N.T.S.

- ONE LINE DIAGRAM NOTES:**
1. CONTRACTOR SHALL FURNISH AND INSTALL CONDUITS AND POWER CONDUCTORS AS INDICATED FROM GENERATOR TO POWER CABINET.
  2. CONTRACTOR SHALL PROVIDE AND INSTALL FEEDS FROM POWER CABINET TO GENERATOR FOR BATTERY CHARGER AND BLOCK HEATER AS INDICATED.
  3. AUTOMATIC TRANSFER SWITCH (ATS) FURNISHED BY CUSTOMER AND INSTALLED BY CONTRACTOR. ATS IS 120/240V 3 POSITION, ZODIA, NEMA 3R WITH SINGLE PHASE SENSING, AUTOMATIC ENGINE STARTING, UL LISTED 100B.
  4. DO NOT BOND GENERATOR NEUTRAL TO GROUND OR GENERATOR FRAME. GENERATOR NEUTRAL IS BONDED TO SERVICE ENTRANCE NEUTRAL. BOND VIA SOLIDLY GROUNDING ATS (OPEN TRANSITION FLOATING NEUTRAL AT GENERATOR).



**1** ONE LINE DIAGRAM  
SCALE: N.T.S.



**2** TYPICAL GROUNDING PLAN  
SCALE: N.T.S.

NO.	FROM	TO	WIRES	GROUND SIZE	CONDUIT	FUNCTION
1	SERVICE PROVIDER	PROPOSED ATS	(3) 3/0	(1) #4	2	POWER FEED
2	PROPOSED ATS	GENERATOR	(2) #14	(1) #14	1"	START CIRCUIT
3	GENERATOR	PROPOSED ATS	(3) 1/0	(1) #6	2"	POWER FEED
4	PROPOSED ATS	EXISTING CIRCUIT PANEL	(3) 3/0	(1) #4	2"	POWER FEED
5	EXISTING CIRCUIT PANEL	GENERATOR	(4) #12	(2) #12	1"	20 AMP CIRCUIT FOR GENERATOR BLOCK HEATER, BATTERY HEATER & BATTERY CHARGER
6	PROPOSED ATS	EXISTING ALARM	4-PAIR 24 AWG	N/A	1"	ALARM CABLES FROM ATS. PROVIDE 24" OF SLACK. CABLE FINAL PUNCH DOWN IS BY ASET TECH. LABEL ALL WIRES
7	GENERATOR	EXISTING ALARM	12-PAIR 24 AWG	N/A	1"	ALARM CABLES FROM ATS. PROVIDE 24" OF SLACK. CABLE FINAL PUNCH DOWN IS BY ASET TECH. LABEL ALL WIRES

**GROUNDING NOTES**

1. BOND TO EXISTING GROUND RING (TYP)
2. #2 TINNED BCW IN 1/2" FLEX BOND TO GENERATOR FRAME W/ 2 HOLE BOLTED LUG ON FLANGE
3. 3/4" X 8" COPPER GROUND ROD TO BE INSTALLED WITH BONDING AND GROUNDING SERIES CLAMP EXCEEDS 25 RE. 4/E-2



EPA Certified Stationary Emergency

## CONFIGURABLE OPTIONS

---

### ENGINE SYSTEM

- Oil Heater
- Critical Silencer (Open Set Only)
- Radiator Stone Guard
- Level 1 Fan and Belt Guards (Enclosed Units Only)

### FUEL SYSTEM

- NPT Flexible Fuel Line

### ELECTRICAL SYSTEM

- 10A UL Listed Battery Charger
- Battery Warmer

### ALTERNATOR SYSTEM

- Alternator Upsizing
- Anti-Condensation Heater
- Tropical Coating
- Permanent Magnet Excitation

### GENERATOR SET

- Extended Factory Testing
- 8 Position Load Center
- Pad Vibration Isolation

### CIRCUIT BREAKER OPTIONS

- Main Line Circuit Breaker
- 2nd Main Line Circuit Breaker
- Shunt Trip and Auxiliary Contact
- Electronic Trip Breakers

### ENCLOSURE

- Weather Protected Enclosure
- Level 1 Sound Attenuation
- Level 2 Sound Attenuation
- Level 2 Sound Attenuation with Motorized Dampers
- Steel Enclosure
- Aluminum Enclosure
- Up to 200 MPH Wind Load Rating (Contact Factory for Availability)
- AC/DC Enclosure Lighting Kit
- Door Open Alarm Switch
- Enclosure Heater
- Damper Alarm Contacts

### WARRANTY (Standby Gensets Only)

- 2 Year Extended Limited Warranty
- 5 Year Limited Warranty
- 5 Year Extended Limited Warranty
- 7 Year Extended Limited Warranty
- 10 Year Extended Limited Warranty

### CONTROL SYSTEM

- NFPA 110 Compliant 21-Light Remote Annunciator
- Remote Relay Assembly (8 or 16)
- Oil Temperature Indication and Alarm
- Remote E-Stop (Break Glass-Type, Surface Mount)
- Remote E-Stop (Red Mushroom-Type, Surface Mount)
- Remote E-Stop (Red Mushroom-Type, Flush Mount)
- 100 dB Alarm Horn
- Ground Fault Annunciation
- 120V GFCI and 240V Outlets
- Remote Communication - Modem
- 10A Engine Run Relay

### FUEL TANKS (Size On Last Page)

- 8 in (203.2 mm) Fill Extension
- 13 in (330.2 mm) Fill Extension
- 19 in (482.6 mm) Fill Extension
- Overfill Protection Valve
- 5 Gallon Spill Box Return Hose
- 5 Gallon Spill Box
- Tank Risers
- Fuel Level Switch and Alarm
- 12' Vent System
- Fire Rated Stainless Steel Fuel Hose

## ENGINEERED OPTIONS

---

### ENGINE SYSTEM

- Coolant Heater Isolation Ball Valves
- Fluid Containment Pan

### CONTROL SYSTEM

- Spare Inputs (x4) / Outputs (x4)
- Battery Disconnect Switch

### ALTERNATOR SYSTEM

- 3rd Breaker System

### GENERATOR SET

- Special Testing

### FUEL TANKS

- UL2085 Tank
- Stainless Steel Tanks
- Special Fuel Tanks
- Vent Extensions

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**APPLICATION AND ENGINEERING DATA**

**ENGINE SPECIFICATIONS**

General

Make	Perkins
EPA Emissions Compliance	Stationary Emergency
EPA Emissions Reference	See Emission Data Sheet
Cylinder #	4
Type	In-Line
Displacement - in <sup>3</sup> (L)	135 (2 22)
Bore - in (mm)	3 3 (84)
Stroke - in (mm)	3 9 (100)
Compression Ratio	23 3 1
Intake Air Method	Turbocharged
Cylinder Head	Cast Iron
Piston Type	Aluminum
Crankshaft Type	Forged Steel

Engine Governing

Governor	Electronic Isochronous
Frequency Regulation (Steady State)	±0 5%

Lubrication System

Oil Pump Type	Gear
Oil Filter Type	Full-Flow
Crankcase Capacity - qt (L)	11 2 (10 6)

Cooling System

Cooling System Type	Closed Recovery
Water Pump Type	Pre-Lubed, Self Sealing
Fan Type	Pusher
Fan Speed - RPM	1,980
Fan Diameter - in (mm)	18 (457)

Fuel System

Fuel Type	Ultra Low Sulfur Diesel Fuel #2
Fuel Specifications	ASTM
Fuel Filtering (Microns)	5
Fuel Inject Pump	Distribution Injection Pump
Fuel Pump Type	Engine Driven Gear
Injector Type	Mechanical
Fuel Supply Line - in (mm)	0 31 (7 9) ID
Fuel Return Line - in (mm)	0.2 (4 8) ID

Engine Electrical System

System Voltage	12 VDC
Battery Charger Alternator	Standard
Battery Size	See Battery Index 0161970SBY
Battery Voltage	12 VDC
Ground Polarity	Negative

**ALTERNATOR SPECIFICATIONS**

Standard Model	K0035124Y21
Poles	4
Field Type	Revolving
Insulation Class - Rotor	H
Insulation Class - Stator	H
Total Harmonic Distortion	<5% (3-Phase Only)
Telephone Interference Factor (TIF)	< 50

Standard Excitation	Synchronous Brushless
Bearings	Single Sealed
Coupling	Direct via Flexible Disc
Load Capacity - Standby	100%
Prototype Short Circuit Test	Yes
Voltage Regulator Type	Digital
Number of Sensed Phases	All
Regulation Accuracy (Steady State)	±0 25%

# SD030 | 2.2L | 30 kW

## INDUSTRIAL DIESEL GENERATOR SET

**GENERAC** INDUSTRIAL

EPA Certified Stationary Emergency

### OPERATING DATA

#### POWER RATINGS

		Standby
Single-Phase 120/240 VAC @1 0pf	30 kW	Amps 125
Three-Phase 120/208 VAC @0 8pf	30 kW	Amps 104
Three-Phase 120/240 VAC @0 8pf	30 kW	Amps 90
Three-Phase 277/480 VAC @0 8pf	30 kW	Amps 45
Three-Phase 346/600 VAC @0 8pf	30 kW	Amps 36

#### MOTOR STARTING CAPABILITIES (skVA)

skVA vs. Voltage Dip					
120/240 VAC 1Ø	30%	277/480 VAC 3Ø	30%	208/240 VAC 3Ø	30%
A0035044N21	20	K0035124Y21	61	K0035124Y21	46
A0040044N21	24	K0040124Y21	76	K0040124Y21	58
A0050044N21	31	K0050124Y21	98	K0050124Y21	75

#### FUEL CONSUMPTION RATES\*

Fuel Pump Lift- ft (m)	Diesel - gph (Lph)	
	Percent Load	Standby
3 (1)	25%	1 0 (3 7)
	50%	1 4 (5 2)
	75%	2 0 (7 5)
	100%	2 8 (10 5)
Total Fuel Pump Flow (Combustion + Return) - gph (Lph)		
16 6 (63)		

\* Fuel supply installation must accommodate fuel consumption rates at 100% load

#### COOLING

		Standby
Coolant Flow	gpm (Lpm)	14 9 (56.2)
Coolant System Capacity	gal (L)	2 5 (9 5)
Heat Rejection to Coolant	BTU/hr (kW)	128,638 (136)
Inlet Air	cfm (m³/hr)	2,800 (4,757)
Maximum Operating Ambient Temperature	°F (°C)	122 (50)
Maximum Operating Ambient Temperature (Before Derate)	See Bulletin No 0199280SSD	
Maximum Additional Radiator Backpressure	m H <sub>2</sub> O (kPa)	0 5 (0 12)

#### COMBUSTION AIR REQUIREMENTS

	Standby
Flow at Rated Power - cfm (m³/min)	88 (2.5)

#### ENGINE

		Standby
Rated Engine Speed	RPM	1,800
Horsepower at Rated kW**	hp	49
Piston Speed	ft/min (m/min)	1,181 (360)
BMEP	psi (kPa)	159 (1,096)

#### EXHAUST

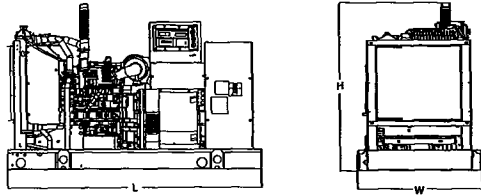
		Standby
Exhaust Flow (Rated Output)	cfm (m³/min)	296 6 (8 4)
Max Allowable Backpressure (Post Turbocharger)	inHg (kPa)	1.5 (5 1)
Exhaust Temperature (Rated Output)	°F (°C)	892 (478)

\*\* Refer to "Emissions Data Sheet" for maximum bHP for EPA and SCAQMD permitting purposes.

Deration – Operational characteristics consider maximum ambient conditions. Derate factors may apply under atypical site conditions  
 Please contact a Generac Power Systems Industrial Dealer for additional details All performance ratings in accordance with ISO3046, BS5514, ISO8528, and DIN6271 standards  
 Standby - See Bulletin 018750SSB  
 Prime - See Bulletin 018751OSSB

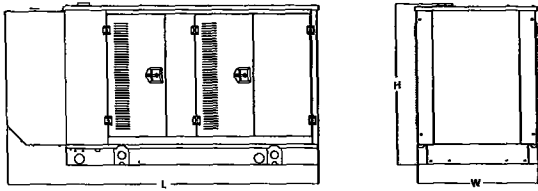
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**DIMENSIONS AND WEIGHTS\***



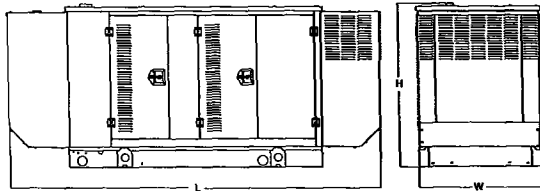
**OPEN SET**

Run Time - Hours	Usable Capacity - Gal (L)	L x W x H - in (mm)	Weight - lbs (kg)
No Tank	-	76 0 (1,930) x 37 4 (950) x 44 8 (1,138)	1,456 - 1,641 (661 - 745)
19	54 (204)	76 0 (1,930) x 37 4 (950) x 57 8 (1,468)	1,936 - 2,121 (879 - 963)
47	132 (500)	76.0 (1,930) x 37 4 (950) x 69 8 (1,773)	2,166 - 2,351 (983 - 1,067)
67	190 (719)	76 0 (1,930) x 37 4 (950) x 79 3 (2,014)	2,380 - 2,565 (1,081 - 1,165)
75	211 (799)	76 0 (1,930) x 37 4 (950) x 81 8 (2,078)	2,375 - 2,560 (1,078 - 1,162)
107	300 (1,136)	92 9 (2,360) x 37 4 (950) x 85 3 (2,167)	2,438 - 2,623 (1,106 - 1,190)



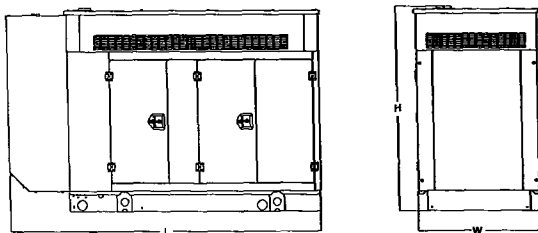
**WEATHER PROTECTED ENCLOSURE**

Run Time - Hours	Usable Capacity - Gal (L)	L x W x H - in (mm)	Weight - lbs (kg) Enclosure Only	
			Steel	Aluminum
No Tank	-	94 8 (2,409) x 38 0 (965) x 49 5 (1,258)		
19	54 (204)	94 8 (2,409) x 38 0 (965) x 62 5 (1,588)		
47	132 (500)	106 0 (2,692) x 38 0 (965) x 84 0 (2,134)	372 (169)	241 (109)
67	190 (719)	94 8 (2,409) x 38 0 (965) x 84 0 (2,134)		
75	211 (799)	76 0 (1,930) x 38 0 (965) x 86 5 (2,198)		
107	300 (1,136)	92 9 (2,360) x 38 0 (965) x 90 0 (2,287)		



**LEVEL 1 SOUND ATTENUATED ENCLOSURE**

Run Time - Hours	Usable Capacity - Gal (L)	L x W x H - in (mm)	Weight - lbs (kg) Enclosure Only	
			Steel	Aluminum
No Tank	-	112 5 (2,857) x 38 0 (965) x 49 5 (1,258)		
19	54 (204)	112 5 (2,857) x 38 0 (965) x 62 5 (1,588)		
47	132 (500)	112 5 (2,857) x 38 0 (965) x 74 5 (1,893)	505 (229)	338 (153)
67	190 (719)	112 5 (2,857) x 38 0 (965) x 84 0 (2,134)		
75	211 (799)	112 5 (2,857) x 38 0 (965) x 86 5 (2,198)		
107	300 (1,136)	112.5 (2,857) x 38 0 (965) x 90 0 (2,287)		



**LEVEL 2 SOUND ATTENUATED ENCLOSURE**

Run Time - Hours	Usable Capacity - Gal (L)	L x W x H - in (mm)	Weight - lbs (kg) Enclosure Only	
			Steel	Aluminum
No Tank	-	94 8 (2,409) x 38 0 (965) x 49 5 (1,258)		
19	54 (204)	94 8 (2,409) x 38 0 (965) x 62 5 (1,588)		
47	132 (500)	94 8 (2,409) x 38 0 (965) x 74 5 (1,893)	510 (231)	341 (155)
67	190 (719)	106 0 (2,692) x 38 0 (965) x 84 0 (2,134)		
75	211 (799)	94 8 (2,409) x 38 0 (965) x 86 5 (2,198)		
107	300 (1,136)	94 8 (2,409) x 38 0 (965) x 90 0 (2,287)		

\* All measurements are approximate and for estimation purposes only. Specification characteristics may change without notice. Please contact a Generac Power Systems Industrial Dealer for detailed installation drawings.

# Automatic Transfer Switch

200 Amps

Telecom Transfer Switch - TAS200

- Model G0063103-120/240V, Two Pole, Single Phase
- Model G0063113-120/240V, Two Pole, Single Phase with Camlock Component
- Model G0063123-120/208V, Three Pole, Three Phase
- Model G0063133-120/208V, Three Pole, Three Phase with Camlock Component

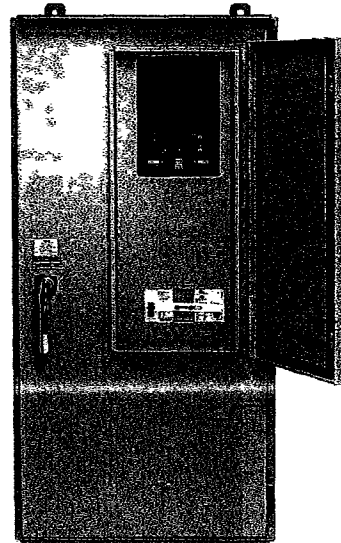


Image used for illustration purposes only

## FEATURES

### CODES AND STANDARDS



ETL Listed



NEC700, 701, 702



NEMA 250

### STANDARD FEATURES

- Flexibility for Multiple Application Installations
- Multiple Generator Support with Three Source Panel
- LCD Display with Mimic Diagram
- Camlock Functionality for Mobile Generator Sources
- Steel Construction
- NEMA 3R Enclosure with Hinged "Padlocking" Doors
- Stainless Steel Hardware
- Camlock "Quick Connect" Capability
- Optional Status View via Controller
- Three-position Test Mode: Fast Test, Auto and Normal Test
- UL1008 Listed
- USB Port for Easy Updates and Data Collection
- Programmable Relay Option

### CONFIGURABLE OPTIONS

- Extended Warranty
- Three Phase Voltage Configurations

### CONTROLLER INTERFACE

#### Display

- 2.9 Inch Graphical LCD

#### Indicators

- Standby Operating Indicator
- Utility Available Indicator
- Generator/Utility Switch Position Indicator
- Auto/Manual Status
- Normal Test and Fast Test Functions
- Return to Normal Button on HMI
- Reset Button on HMI
- Exercising Indicator Alarm

#### Exercise Settings

- Time of Day
- Day of Week
- Exercise Options
  - With or without Load
  - Daily, Weekly, Bi-monthly or Monthly
  - Duration 0 - 10 Hours

#### Diagnostic

- Digital I/O Bits Status (via Modbus Only)
- Voltage A/D Readings

#### Mimic Diagram

- Transfer Switch Position
- Utility Available
- Standby Available
- Generator Source TS Position

#### USB Port

- Easy Firmware Updates
- Download Historical Data

# Automatic Transfer Switch

200 Amps

Telecom Transfer Switch - TAS200

## SETTINGS

### SYSTEM SETTINGS

System Voltage/Phases	120/240 VAC Single Phase (Standard)
	120/208 VAC Three Phase (Optional)
	120/240 VAC Three Phase (Optional)
Utility Fail Monitor	
Drop Out	Over Voltage 105 - 120%
	Under Voltage 50 - 97%
Pickup	Over Voltage Drop Out Setting -2%
	Under Voltage Drop Out Setting +2%
Under Frequency	54 - 58 Hz
Over Frequency	61 - 66 Hz
Utility Interrupt Delay	0 - 120 Seconds
Return to Utility Timer	0 - 30 Minutes
Transfer	Inphase or Time Delay Neutral
	0 0 - 120 0 Seconds in 1 Second Increments
Generator Load Accept	
Voltage	85 - 95% of Nominal
Frequency	51 - 57 Hz

### ENGINE SETTINGS

Engine Warm-up Time	0 - 30 Minutes
Engine Minimum Run Timer	5 - 30 Minutes
Engine Cooldown Timer	0 - 30 Minutes

### ELECTRICAL SPECIFICATIONS

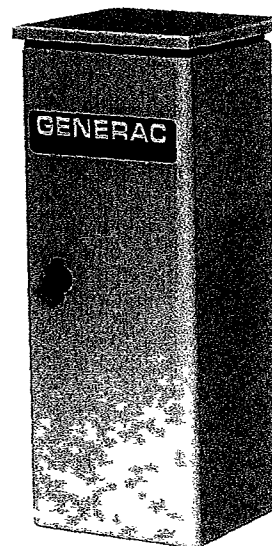
Voltage/Phase/Amps	120/240 Single Phase, 200A
	120/208 Three Phase, 200A
	120/240 Three Phase, 200A
Utility Breaker	Eaton 200A
Generator Breaker	Eaton 200A
Maximum RMS Symmetrical Fault Current - Amps	25k AIC Rated
Protective Device Continuous Rating (Max) Amp	200
Input to Generator	350 MCM - #6 AWG
Output to Site	350 MCM - #6 AWG
Generator Annunciator Connector	Deutsch DTM04-12PA-LD12
Alarm Terminal Board	Generator Run Alarm
	Generator Fail - Shutdown Alarm
	Generator Fail - Non-shutdown Alarm
	Low Fuel Alarm
	Generator Theft Alarm
	AC Utility Fail Alarm

### CABINET SPECIFICATIONS

Dimensions (W x D x H)	24 in (609.6 mm) x 12 in (304.8 mm) x 48 in (1,219.2 mm)
Weight	210 lbs (95 kg)
Construction	Single Chamber with Main Door, with 3-Point Latching System with Padlockable Handles
Material	Steel
Rating	ETL Type/NEMA 3R
Finish	Powder Coat for Corrosion Resistance
Listing	ETL-US - Automatic Transfer Switch
Hardware	Stainless Steel
Mounting Options	Wall or H-Frame
Installed	Pre-wired Alarm Terminal Strip

### CAMLOCK COMPONENT

Shipped Loose for Multiple Installation Options	
Dimensions (W x D x H)	9 in (228.6 mm) x 9.4 in (238.8 mm) x 24 in (609.6 mm)
Rating	200A
Generator Connections	
Single Phase	Black L1, Red L2, White-Neutral, Green-Ground
Three Phase	Black L1, Red L2, Blue L3, White-Neutral, Green-Ground
Uses 4 CH E1016 Male Connectors	
Mating Connector - CH E1016 Female	



\* All measurements are approximate and for estimation purposes only. Specification characteristics may change without notice. Please contact a Generac Power Systems Industrial Dealer for detailed installation drawings.

<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 10/4/2022
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>A Resolution to Execute Change Order No. 1 to Parking Lot Maintenance, LLC for the City of Franklin Facility Renovations—Hardscape Renovations Project in the Amount of \$840</b>	<b>ITEM NUMBER</b> <b>G.15.</b>

**Background**

On May 3, 2022, the Common Council awarded a construction contract to Parking Lot Maintenance, LLC for the 2021-2022 City of Franklin Facility Renovations—Hardscape Renovations project in the amount of \$69,265.30.

**Analysis**

Attached is Change Order No. 1 for this project in the amount of \$840. While at the parking lot of the Franklin Police Department, it was determined that 400 square feet of soft subgrade needed to be undercut at \$2.10 per square foot.

An undercut area is often not a planned procedure as soft subgrade areas are usually not discovered until the construction process. It is beneficial to stabilize the unstable subgrade area to aid in the longevity of the pavement and protect the investment. Our representative from Industrial Roofing Services did confirm the need for the additional work.

**Fiscal Impact**

The funds for this project were part of the 2021 Budget. That appropriation was then carried forward to 2022, as authorized by the Common Council on December 21, 2021, along with the accompanying budget amendment that was approved on April 4, 2022. In addition, there is a 2022 appropriation for the Library portions of the project in the Library Budget. The project is being charged to Account Number 46-0181-5822, General Fund Building Improvements.

**Recommendation**

Staff recommends approval of the change order.

**COUNCIL ACTION REQUESTED**

Motion to adopt Resolution No. 2022-\_\_\_\_\_, A Resolution to Execute Change Order No. 1 to Parking Lot Maintenance, LLC for the City of Franklin Facility Renovations—Hardscape Renovations Project in the Amount of \$840.

# CHANGE ORDER FORM

# IRS

CHANGE ORDER #	1
OWNER	City of Franklin
PROJECT NAME	City Wide Hardscape Repairs
IRS PROJECT #	17774
CONTRACTOR NAME	Parking Lot Maintenance
Address:	W225 N3178
City, State Zip	Pewaukee, WI 53072

CHANGES IN THE WORK: <i>(Other than Unit Prices)</i>	Change to Contract Amount	
Description:	Addition	Deduction
Undercut soft subgrade 400 Sf @\$2.10/SF	\$840 00	
<b>Subtotal:</b>	\$840 00	\$0.00

UNIT PRICING: <i>(Attach verified Field Forms)</i>			Change to Contract Amount	
Item	Unit Price	Quantity	Addition	Deduction
<b>Subtotal:</b>			\$0.00	\$0.00

**TOTAL CHANGE TO CONTRACT AMOUNT: \$840 00**

Submitted by (Contractor)

9/27/22  
Date  
9/27/22

Approved by (IRS)

Date

Approved by (Owner)

Date



STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2022-\_\_\_\_\_

A RESOLUTION TO EXECUTE CHANGE ORDER NO. 1 TO PARKING LOT  
MAINTENANCE, LLC FOR THE CITY OF FRANKLIN FACILITY RENOVATIONS—  
HARDSCAPE RENOVATIONS PROJECT IN THE AMOUNT OF \$840

---

WHEREAS, the City of Franklin awarded a contract to Parking Lot Maintenance, LLC for the 2021-2022 City of Franklin Facility Renovations—Hardscape Renovations project; and

WHEREAS, the project was a unit price contract totaling \$69,265.30 per the bid quantities; and

WHEREAS, Change Order No. 1 is needed to undercut 400 square feet of soft subgrade at the Franklin Police Department parking lot; and

WHEREAS, undercut areas are often not a planned procedure as they are usually not discovered until the construction process; however, it is beneficial to stabilize the area to aid in the longevity of the pavement and protect the investment. Staff is recommending to Common Council that the change order be executed.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, to execute Change Order No. 1 in the amount of \$840 to Parking Lot Maintenance, LLC for the Facility Renovations—Hardscape Renovations project.

Introduced at a regular meeting of the Common Council of the City of Franklin this 4th day of October, 2022 by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 4th day of October, 2022.

APPROVED:

\_\_\_\_\_  
Stephen R. Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

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<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 10/4/2022
<b>REPORTS &amp; RECOMMENDATIONS</b>	An Ordinance to Amend Ordinance 2021-2486, an Ordinance Adopting the 2022 Annual Budget for the Capital Improvement Fund to Increase the Appropriation by \$377,651.26 for the Southwest Park Purchase and Appropriate Additional Impact Fees of \$47,654.45, LWMMI Funds of \$24,368, and TID #3 Remainder Funds of \$305,628.81	<b>ITEM NUMBER</b>  G.16.

**BACKGROUND**

At the Council meeting on September 20, 2022, the Common Council authorized the purchase of property for a public park in the southwest area of the City of Franklin for an estimated \$1,505,000. The final closing paperwork has now been received, and the final amount to be paid is \$1,507,651.26.

Of the \$1,507,651.26, \$1,130,000 is already appropriated in the 2022 Capital Improvement Fund Budget for the purpose of parks, as noted below:

<u>Item Description</u>	<u>Net City Share</u>	<u>Impact Fee Share</u>	<u>Total</u>
Southwest Park	\$224,000	\$126,000	\$350,000
School Trailhead	\$152,000	\$248,000	\$400,000
Ryan Creek Trail Sections	\$66,500	\$108,500	\$175,000
Froemming Park Tennis Courts	\$150,000	\$0	\$150,000
Cricket Pitch Field	\$12,800	\$7,200	\$20,000
Frisbee Disc Golf Course	\$20,000	\$0	\$20,000
Dog Park Amenities	<u>\$9,600</u>	<u>\$5,400</u>	<u>\$15,000</u>
<i>Total:</i>	\$634,900	\$495,100	\$1,130,000

Because the percentage of Impact Fees to be used changed based on the type of park project, an additional appropriation is needed for the Impact Fees, for a total of \$542,754.45, or 36% of the total purchase, as well as the other approved funding sources that have not yet been appropriated. The budget amendments needed, in the amount of \$377,651.26, are as follows:

TID #3 Remainder Funds	\$305,628.81
LWMMI Funds	\$24,368.00
Additional Impact Fees	\$47,654.45

**RECOMMENDATION**

Staff recommends the attached proposed Capital Improvement Fund Budget Amendment.

**COUNCIL ACTION REQUESTED**

Motion to adopt Ordinance No. 2022-\_\_\_\_\_, An Ordinance to Amend Ordinance 2021-2486, an Ordinance Adopting the 2022 Annual Budget for the Capital Improvement Fund to increase the appropriation by \$377,651.26 for the Southwest Park Purchase and appropriate additional Impact Fees of \$47,654.45, LWMMI Funds of \$24,368.00, and TID #3 Remainder Funds of \$305,628.81 for the purchase.

Roll Call Vote Required.

ORDINANCE NO. 2022-\_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE 2021-2486, AN ORDINANCE ADOPTING THE 2022 ANNUAL BUDGET FOR THE CAPITAL IMPROVEMENT FUND TO INCREASE THE APPROPRIATION BY \$377,651.26 FOR THE SOUTHWEST PARK PURCHASE AND APPROPRIATE ADDITIONAL IMPACT FEES OF \$47,654.45, LWMMI FUNDS OF \$24,368, AND TID #3 REMAINDER FUNDS OF \$305,628.81

WHEREAS, the Common Council of the City of Franklin adopted the 2022 Annual Budgets for the City of Franklin on November 16, 2021; and

WHEREAS, the Common Council authorized spending of \$1,507,651.26 for the Southwest Park Purchase; and

WHEREAS, \$1,130,000 is already authorized in the 2022 Capital Improvement Budget for Parks Purpose; and

WHEREAS, an additional \$377,651.26 is needed to complete the Southwest Park Purchase; and

WHEREAS, staff is requesting to amend the Capital Improvement Fund budget to increase it by \$377,651.26, which was approved by the Common Council on September 20, 2022; and

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

Section 1 That the 2022 Budget for the Capital Improvement Fund be amended as follows:

*Appropriation / Source*

Park Impact Fees	\$47,654.45
City Share of TID #3 Remainder Funds	\$305,628.81
LWMMI Grant Funds Received	\$24,368.00

*Appropriation / Expenditure*

Capital Improvement Fund	Increase	\$377,651.26
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Section 2 Pursuant to §65.90(5)(a), Wis. Stats., the City Clerk is directed to post a notice of this budget amendment within fifteen days of adoption of this Ordinance on the City's website.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 4th day of October, 2022.

APPROVED:

\_\_\_\_\_  
Stephen R Olson, Mayor

ATTEST:

\_\_\_\_\_  
Sandra L. Wesolowski, City Clerk

AYES \_\_\_\_\_ NOES \_\_\_\_\_ ABSENT \_\_\_\_\_

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 10/04/2022
LICENSES AND PERMITS	MISCELLANEOUS LICENSES	ITEM NUMBER H.

See attached listing from meeting of October 4, 2022.

**COUNCIL ACTION REQUESTED**

As recommended by the License Committee.

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414-425-7500

**License Committee**

**Agenda\***

**Franklin City Hall Hearing Room**

**9229 W. Loomis Rd**

**Franklin, WI**

**October 4, 2022 – 5:15 p.m.**

1.	Call to Order & Roll Call	Time:
2.	Applicant Interviews & Decisions	
<b>License Applications Reviewed</b>		<b>Recommendations</b>

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 2022-2023 New 5:20 p.m.	<b>Wallace, Hanna J</b> The Rock Sports Complex			
Operator 2022-2023 New	<b>Johnson, Hadi L M</b> Swiss Street Pub & Grill			
Operator 2022-2023 New	<b>Lesser, Colleen L</b> On The Border			
Operator 2022-2023 New	<b>Morgan, James R</b> Luxe Golf			
Operator 2022-2023 New	<b>Zoromskis, Eric L</b> Swiss Street Pub & Grill			
3. Fireworks Display Process – 5:30 p.m.	<b>Fireworks Display Process for License Committee Consideration and Discussion for Recommendation to the Common Council (Referred from 9/6/2022 Common Council Meeting)</b>			
4. Milkmen Concession Stands at Franklin Field – 5:45 p.m.	<b>Health Department Review of 2022 Season - Milkmen Concession Stands at Franklin Field</b>			
5. License Procedure Review	<b>*Review and Recommendation Regarding Current Alcohol Beverage Licenses Enforcement Policy Guidelines and License Committee Administrative Rules and Procedures (Alderwoman Wilhelm)</b>			

Type/ Time	Applicant Information	Approve	Hold	Deny
6.	Adjournment			
		Time		

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



## Wisconsin Fireworks Law 2021

Wisconsin Department of Justice

This memorandum is intended as an **advisory** to law enforcement to address recurring issues with respect to the possession, sale and use of fireworks in Wisconsin. It summarizes Wisconsin fireworks law, answers common questions and corrects common misunderstandings about the law. The applicable statute is *Wisconsin Statute § 167.10*. <https://docs.legis.wisconsin.gov/statutes/statutes/167#/statutes/statutes/167/5>

The statutes do not give the Department of Justice direct authority to enforce the fireworks law. Enforcement responsibility and authority rest with local law enforcement and district attorneys, or municipal prosecutors in the case of local ordinance violations. **Therefore, law enforcement should consult their local district attorney and municipal prosecutors with respect to specific enforcement questions in their jurisdiction.**

Local ordinances may also regulate fireworks and may be stricter than state law, but cannot be less strict. This advisory discusses only state law, so some devices or materials described as legal in this advisory may be prohibited by a local ordinance.

### Legal Without A Permit

State law allows the sale, possession and use, without a permit, of sparklers not exceeding 36 inches in length, stationary cones and fountains, toy snakes, smoke bombs, caps, noisemakers, confetti poppers with less than  $\frac{1}{4}$  grain of explosive mixture, and novelty devices that spin or move on the ground. *Wis. Stat. § 167.10(1)*. There is no age restriction on sale, possession or use of these devices and the statute does not classify them as fireworks. Local ordinances may be more restrictive than state statutes and may prohibit any of these items or limit their sale or use. **These are the only kinds of “fireworks,” as that word is commonly used, that a person may use or possess without a permit or that may be sold to a person who does not have a permit.**

### Illegal Without A Permit

**Possessing or using any other fireworks, including, for example, firecrackers, roman candles, bottle rockets and mortars, in Wisconsin without a valid permit is illegal. *Wis. Stat. § 167.10(3)*. A commonly used rule of thumb is that a permit is required if the device explodes or leaves the ground. The sale of these restricted fireworks to a resident of this state without a valid permit is also illegal. *Wis. Stat. § 167.10(2)*.**

## **Conditions For A Valid Permit**

The requirements for a valid permit are contained in *Wis. Stat. § 167.10(3)(a), (c) and (f)* and are detailed below.

**A permit may be issued by a mayor, village president or town chair or any person designated by the mayor, village president or town chairperson.** *Wis. Stat.*

*§ 167.10(3)(a)*. If a city, village, or town requires that a user's permit be signed or stamped, a person who is authorized to issue the permit under par. (a) may sign or stamp the permit before the permit is issued rather than signing or stamping the permit at the time that it is issued. *Wis. Stat. § 167.10(3)(fm)*.

**A permit is valid only in the city, village or town of the official who issued it.** A mayor, village president, town chair, or a person they have designated can only authorize possession or use of fireworks within their jurisdiction. *Wis. Stat. § 167.10(3)(a)*. For example, a permit issued by the town chair of one town cannot and does not authorize possession or use of the fireworks in another town. **Transportation Exception:** A person who has a valid permit from one municipality may purchase fireworks in another municipality and transport them to the municipality in which the person has a permit. *Wis. Stat. § 167.10(3)(b)7*.

**A permit may require a bond or insurance.** *Wis. Stat. § 167.10(3)(e)*. An official issuing a permit may require a bond or insurance policy to indemnify the issuing municipality for any damages that may result from the possession or use of the fireworks.

**A permit may be issued to an individual or group of individuals.** Permits, other than for crop protection, may be issued to a public authority, a fair association, an amusement park, a park board, a civic organization, an individual, or a group of individuals. *Wis. Stat. § 167.10(3)(c)*.

**Although individuals may obtain permits, a group may also obtain a permit in the group's name.** A group with a permit may authorize an individual to make purchases on its behalf, but the permit must be in the name of the group. A person buying for a group should have both a copy of the group's permit and the authorization of the group. A group may not issue a blanket authorization to all of its members to purchase on behalf of the group. *City of Wisconsin Dells v. Dells Fireworks, Inc.*, 197 Wis. 2d 1, 21, 539 N.W.2d 916 (Ct. App. 1995). <http://www.wicourts.gov/ca/opinions/94/pdf/94-1999.pdf>. *Wis. Stat § 167.10* creates "strict regulations" on the sale and use of fireworks. *Id.* Based on all the circumstances the organization must actually exercise control over the purchase or use of the fireworks by its members. *Id.*

The authorized buyer may only buy the kind of fireworks specified in the group's permits. The total quantity purchased by all authorized buyers on behalf of the group cannot exceed the quantity of fireworks authorized by the permit. The fireworks purchased on

behalf of the group may only be possessed in the municipality which issued the group's permit, except while being transported from the point of sale to that municipality. The fireworks may only be used by the group on the date and location specified on the permit and subject to any other conditions on the permit.

**A valid permit must specify the general kind and approximate quantity of fireworks which may be purchased.** *Wis. Stat. § 167.10(3)(f)3.*

**A permit must specify the location at which the fireworks may be possessed or used.** *Wis. Stat. § 167.10(3)(f)4.* As noted above, this location must be within the jurisdiction of the official who issued the permit. It must be a specific location within that jurisdiction, rather than the entire jurisdiction. The statute uses "location" in the singular. A permit that specifies multiple locations is not valid.

**The permit must specify the date of the permitted use.** *Wis. Stat. § 167.10(3)(f)4.* The word "date" is in the singular in the statute. A permit that specifies multiple dates or a range of dates of permitted use is not valid. This, in combination with the specification of location, means that a separate permit is required for each date and location for which use is permitted.

**The permit must specify the date on and after which the fireworks can be purchased.** *Wis. Stat. § 167.10(3)(f)2.* Once a permit is issued, the permittee may purchase fireworks up to the date of the permitted use.

**A copy of a permit for large fireworks *displays* must be given to a fire or law enforcement official in the municipality which issued the permit at least two days before the date of use.** *Wis. Stat. § 167.10(3)(g).* This requirement does not apply to smaller *consumer* fireworks which require a permit, i.e. those classified as Division 1.4 explosives under CFR 173.50, or those items which fall outside the definition of fireworks e.g. those identified in *Wis. Stat. §167.10(1)(a)-(n)*. (Display fireworks are those classified as Division 1.3 explosives under CFR 173.50.)

**The permit may contain additional restrictions.** *Wis. Stat. § 167.10(3)(f)5.* A municipality may adopt ordinances imposing special restrictions, e.g., times or manner of use, distances from buildings or spectators, etc. and a permit may specify these additional restrictions.

**Permits may not be issued to minors.** *Wis. Stat. § 167.10(3)(h).* Since minors may not be issued fireworks permits, there are no conditions under which it is legal for a minor to possess or use any fireworks except those allowed without a permit, e.g., sparklers, snakes, fountains, etc.

**Fireworks vendors rather than only wholesalers or jobbers are now permitted to sell fireworks to a person who is not a resident of this state.** *Wis. Stat. § 167.10(2)(bg).*

However, a nonresident person may not **possess or use fireworks** in Wisconsin without a valid Wisconsin permit. *Wis. Stat. § 167.10(3)(a)*. See also *State v. Victory Fireworks, Inc.*, 230 Wis. 2d 721, 726-27, 602 N.W.2d 128 (Ct. App. 1999). A nonresident who lawfully purchases fireworks under a permit can possess and use those fireworks in Wisconsin pursuant to the terms of the permit or may transport them out of state. A nonresident without a valid Wisconsin permit may order fireworks from a fireworks vendor for shipping out-of-state. *Wis. Stat. § 167.10(4)*, or may transport those fireworks from Wisconsin to another state. (See below)

**Persons may transport fireworks from the place they were purchased to the city, town or village where their possession or use is authorized under a permit or ordinance.** *Wis. Stat. § 167.10(3)(b)7*. However, persons transporting fireworks may not possess them in a city, town or village without a permit from that jurisdiction if they remain there for more than 12 hours. *Wis. Stat. § 167.10(3)(bm)*.

### Penalties

A person who possesses or uses fireworks without a valid permit, or who sells fireworks to a person who does not have a valid permit, is subject to a forfeiture of up to \$1,000 per violation. *Wis. Stat. § 167.10(9)(b)*. Each firework illegally possessed, used or sold may be a separate violation.

A parent or guardian who allows a minor to possess or use fireworks (not including those for which no permits are required) is subject to a forfeiture of up to \$1,000 per violation. *Wis. Stat. § 167.10(9)(c)*.

A city, village or town may obtain an injunction prohibiting a person from violating *Wis. Stat. § 167.10(8)(a)*. Violations of such an injunction are criminal misdemeanors, subject to up to 9 months in jail and a \$10,000 fine. *Wis. Stat. § 167.10(9)(a)*.

### Enforcement

The statutes do not give the Department of Justice direct authority to enforce the fireworks law. Enforcement responsibility and authority rest with local law enforcement and district attorneys, or municipal prosecutors in the case of local ordinance violations.

Therefore, law enforcement should consult their local district attorney and municipal prosecutors with respect to specific enforcement questions in their jurisdiction.

Susan V. Happ  
Assistant Attorney General  
P.O. Box 7857  
Madison, WI 53707  
(608) 267-1339  
happsv@doj.state.wi.us



W182 S8200 Racine Avenue  
Muskego, WI 53150  
262-679-4100  
[www.cityofmuskego.org](http://www.cityofmuskego.org)

### INDIVIDUAL FIREWORKS APPLICATION/PERMIT FORM

- An individual user fireworks discharge permit application may be made by any owner and resident of real property in the City of Muskego for intended discharge on such applicant's property.
- Such application may be made pursuant to §167.10(3)(c) of the Wisconsin State Statutes and shall be subject to all requirements contained within §167.10 Wis. Stats.
- ~~Fee: \$35.00~~. Acceptable forms of payment include cash, check (payable to City of Muskego) and credit/debit card which includes a service charge.
- All permit applications must be filed between May 1 and June 30, unless earlier submission is required to allow for Public Works and Safety Committee review pursuant to Section 263-4(C)(4)(h) of the Muskego Municipal Code
- Such use is restricted to the following dates: July 3, 4, and 5 each year, subject to the following. If the 4<sup>th</sup> of July falls on a Monday or Tuesday, the Saturday before will be allowed. If the 4<sup>th</sup> of July falls on a Wednesday or Thursday, the Saturday after will be allowed. ~~2022 Display Dates are July 2, 3, 4, or 5~~
- The application must specify the name and address of the requested permit holder, the date on and after which fireworks may be purchased, the general kind and approximate quantity of fireworks which may be purchased, the date and location of the proposed use, and the name, address and telephone number for the individual responsible for the discharge of fireworks.
- In the interest of neighboring property owners, the applicant must further provide to the City ~~proof of Homeowner's Liability Insurance~~ covering the applicant in the case of personal injury or property damage that occurs as a result of the discharge of fireworks.
- Mail form to Attn: Fireworks Permit, City of Muskego, W182S8200 Racine Avenue, Muskego, WI 53150 or drop-off in drop box in front of City Hall.
- A copy of Section 263-4 of the Municipal Code is provided. Please read for all regulations.

\_\_\_\_\_  
Applicant (Owner & resident of real property in the City of Muskego)

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Address of Applicant

\_\_\_\_\_  
Email Address

Location of display, only if different from address of applicant: \_\_\_\_\_

STATE: State law requires this permit to list the specific date and location of where the fireworks will be used.

~~Please check the date/dates you would like to display fireworks:~~

- July 2, 2022
- July 3, 2022
- July 4, 2022
- July 5, 2022

Note: Fireworks can only be used between 4:00 p.m. and 11:00 p.m.

THE FOLLOWING FIREWORKS WILL BE DISPLAYED: State law requires this permit to specify the general kind and approximate quantity of fireworks. Please list kind and quantity below. (For example, firecrackers – 50, roman candles – 10)

General Kind of Fireworks	Approximate Quantity

I certify that I am familiar with all Federal, State, and Local laws and regulations pertaining to the display of fireworks, and if granted said permit, do agree with and obey all provisions thereof.

Applicant's signature \_\_\_\_\_ Date: \_\_\_\_\_, 2022

OFFICE USE ONLY

-----  
 Application approved by: \_\_\_\_\_ Date: \_\_\_\_\_, 2022  
 Clerk-Treasurer Staff on behalf of Mayor Petfalski \$35 00 Fee (2-216) #100 01 02 00.4265

Receipt # \_\_\_\_\_ Amount: \$ 35 00 Cash \_\_\_\_\_ Check # \_\_\_\_\_ Credit Card \_\_\_\_\_

Municipal Code Section 263-4 provided \_\_\_\_\_



# Fireworks User Application/Permit

W230 S9185 Nevins Street  
Big Bend, WI 53103  
Phone: 262.662.2747  
Fax: 262.662.3751

Date of Application: \_\_\_\_\_  
Payment & Type: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
Applicant Address: \_\_\_\_\_  
Applicant phone number: ( \_\_\_\_\_ ) \_\_\_\_\_

Date of Fireworks Display: \_\_\_\_\_  
Location of Display: \_\_\_\_\_  
Reason for Event: \_\_\_\_\_

State law requires this permit to specify the date the fireworks will be used. The State Attorney General's Office has determined that the permit must give a single specific date on which the fireworks may be used.

**THE FOLLOWING FIREWORKS WILL BE DISPLAYED:** State law requires this permit to specify the kind and quantity of fireworks. The Wisconsin Department of Justice has determined that the term "Class C" does not satisfy the requirement. Please list kind and quantity. (For example, firecrackers-50, roman candles-10, bottle rockets-20, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Location of Display: \_\_\_\_\_  
Public or Private: \_\_\_\_\_

I certify that I am familiar with all Federal, State, and Local laws and regulations pertaining to the display of fireworks, and if granted said permit, do agree with and obey all provisions thereof.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorizing Agent

\_\_\_\_\_  
Date

Fee: \$35.00

-This permit is for individual use of fireworks at the location listed and on the fireworks display date. A separate application must be completed for each day requested.

-The Village of Big Bend requires an indemnity bond or policy of liability insurance taken in the Village pursuant to Wisconsin State Statute 167.10(3)(e).

**Village of Big Bend Municipal Code**  
**Section 10.01 (3)(e)(11)(b)-(h)**

- B. Any fireworks use shall be subject to the following requirements:
  - 1. Wind velocity shall not exceed 15 miles per hour as recorded by the National Weather Service at Crites Field, Waukesha, Wisconsin.
  - 2. Wind direction at time of use shall be away from buildings or other combustible materials and structures and shall not carry fireworks onto any adjoining buildings or so as to cause annoyance or danger to other persons or property.
  - 3. Sufficient firefighting implements and personnel shall be available at the scene to control any fire which may be caused by the fireworks in use.
  
- C. No fireworks may be used between 10:00 p.m. and 8:00 a.m., with the exception of New Year's Eve/New Year's Day when additional hours of use may be established by permit.
  
- D. Only the permit holder may discharge fireworks.
  
- E. Upon the issuance of a citation to any permit holder for the violation of any of the provisions of this section, the person's permit to use fireworks within the Village of Big Bend shall be suspended. Upon conviction of any citation issued under this section, a person's permit to use fireworks shall be revoked.
  
- F. No person shall be in the possession of fireworks pursuant to this section may resell those fireworks in the Village of Big Bend.
  
- G. The permit the Village issues for the use of fireworks will be printed on bright colored paper stock and must be displayed by people taking out such permit so that it is visible from the street.
  
- H. The type of indemnity bond or liability insurance that may be required pursuant to Wisconsin Statutes 167.10 (3) (e) is required in the Village of Big Bend.

Limitation of Liability. A party requesting a user permit and/or a seller's permit has the ultimate responsibility for their own safety and for the safety of all persons who may be affected by their activity. The issuance of a user permit or a seller's permit shall not be interpreted as endorsing or condoning the activity or as ensuring that the activity will be safe. An applicant for a user permit and/or a seller's permit individually and on behalf of any entity for which the applicant submits the application, and also on behalf of the property owner where the activity will be conducted, accepts all the risks and agrees to indemnify, defend and hold harmless the Village of Big Bend, its officers, employees and agents, from any and all claims arising out of the use, sale or possession of the fireworks.

Indemnity. The Village may require an indemnity bond with good and sufficient sureties or policy of liability insurance for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks under any user's permit. The bond or policy, if required, shall be taken in the name of the Village of Big Bend and any person injured thereby may bring an action on the bond or policy in the person's own name to recover the damage the person has sustained, but the aggregate liability of the surety or insurer to all persons shall not exceed the amount of the bond or policy. The bond or policy, if required, together with a copy of the permit shall be filed in the office of the Village Clerk.



# CITY OF NEW BERLIN FIRE DEPARTMENT • PERMIT APPLICATION

16300 W National Ave New Berlin, WI 53151 • Phone 262-785-6120 • Fax 262-785-6130 • www.newberlin.org • skon@newberlin.org

Date \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Permit # M \_\_\_\_\_  
 Reviewed/Received By \_\_\_\_\_ Check # \_\_\_\_\_  
 Owner/or Occupancy \_\_\_\_\_  
 Job Site Address \_\_\_\_\_  
 Contractor \_\_\_\_\_  
 Contractor Address \_\_\_\_\_ Phone # \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Type of Permit	Fee	Amount
----------------	-----	--------

<b>Building Permits:</b>		
a) 1 - 4,999 sq ft.	\$ 60.00	Sq Ft. _____ \$ _____
b) 5,000 - 9,999 sq ft.	\$ 80.00	Sq Ft. _____ \$ _____
c) 10,000 - 24,999 sq ft.	\$ 95.00	Sq Ft. _____ \$ _____
d) 25,000 - 49,999 sq ft.	\$ 110.00	Sq Ft. _____ \$ _____
e) 50,000 - 74,999 sq ft.	\$ 135.00	Sq Ft. _____ \$ _____
f) 75,000 - 99,999 sq ft.	\$ 165.00	Sq Ft. _____ \$ _____
g) 100,000 - 149,999 sq ft.	\$ 250.00	Sq Ft. _____ \$ _____
h) 150,000 - _____ sq ft.	\$ 300.00	Sq Ft. _____ \$ _____
i) Multi-Family Buildings	\$ 20.00 / unit	# Units _____ \$ _____

<b>Rough Building Inspection.</b>		
Residential or Commercial	\$ 50.00 / unit / inspection	# Units _____ \$ _____

<b>Occupancy Inspection:</b>		
Re-Occupancy/New Occupancy	\$ 50.00 / unit / occupancy	\$ _____
Tents	\$ 50.00	\$ _____
Membrane Structures	\$ 50.00	\$ _____
Portable Seating	\$ 50.00	\$ _____
Other temporary use structures/special events	\$ 50.00	\$ _____

<b>Sprinkler Systems (Note: 20 or more joints/heads require hydrostatic test. 20 or less joints/heads does not require hydrostatic test)</b>		
Plan Review (New Construction)	\$ 135.00 / unit / based on # joints	\$ _____
Sprinkler Head Fee	\$ 2.25 / head	\$ _____
Plan Review (Residential)	\$ 125.00	\$ _____
Plan Review (Modification)	\$ 150.00	\$ _____
Master Stream Plan Review	\$ 300.00	\$ _____
Rough Construction (Residential)	\$ 20.00 / unit	\$ _____

<b>Sprinkler Testing (Note: All tests must be witnessed by a Fire Inspector)</b>		
Hydrostatic Test	\$ 100.00	\$ _____
24 Hour Flow Test	\$ 100.00	\$ _____
Hydrant Flow Test	\$ 100.00	\$ _____
Forward Flow Test	\$ 100.00	\$ _____
Back Flow Test	\$ 100.00	\$ _____

<b>Fire Alarm System:</b>		
Plan Review (New or Upgrade to NFPA 72 current standard)	\$ 135.00 / unit / based on # devices	\$ _____
Device Fee	\$ 3.25 / device	# Devices _____ \$ _____
Plan Modification or alterations to existing system	\$ 150.00	\$ _____
Rough Inspection (Residential Only)	\$ 100.00	\$ _____
Acceptance Test	\$ 125.00	\$ _____

<b>Fire Suppression Plan Review:</b>		
Non-water Based Fire Suppression System	\$ 100.00	\$ _____
Non-water Based Fire Suppression System head fee	\$ 5.00 / head	# Heads _____ \$ _____
Commercial Cooking Hood System (UL-300)	\$ 75.00	\$ _____
Other	\$ 75.00	\$ _____
Acceptance Test	\$ 100.00	\$ _____

<b>Non-ATCP 93 Regulated Storage Tanks (NOTE All ATCP 93 tank permits must use separate permit form)</b>		
Plan Review for Cryogenic/LP/all other tanks	\$ 75.00 / tank	# Tanks _____ \$ _____
Site Inspection of tank systems	\$ 50.00 / tank	# Tanks _____ \$ _____

<b>Fireworks.</b>		
Permits	\$ 75.00	\$ _____
Site Inspections	\$ 50.00	\$ _____

Variance from State or Municipal Code	\$ 75.00	\$ _____
Re-Inspection	Double Fees	\$ _____
Starting Work Without Permit or Plan Review	Double Fees	\$ _____
Plan Approval Return Fee (Note: If mailed back to contractor)	\$ 20.00	\$ _____

**TOTAL FEES \$ \_\_\_\_\_**  
 Make checks payable to City of New Berlin

Date Received \_\_\_\_\_ Approved By \_\_\_\_\_ Amount Approved \$ \_\_\_\_\_  
 Charge to Account #: \_\_\_\_\_

# Village of Rochester

300 W Spring Street, P O Box 65, Rochester, WI 53167  
(262) 534-2431 Phone, (262) 534-4084  
email. [vrochstr@wi.rr.com](mailto:vrochstr@wi.rr.com) website <http://rochesterwi.us>

Reflections of  
the Past...



Visions of  
the Future

## FIREWORKS APPLICATION/PERMIT FORM

- Individual applicant must be an owner or resident of real property in the Village of Rochester
- Fee- \$15.00, cash or check payable to the Village of Rochester
- All permit applications must be filed between May 1 and June 30
- This permit is for individual use of fireworks at the location listed below and on the fireworks display date (July 3 through July 5 only)
- A separate application must be completed for each day requested.
- Mail form to: Village of Rochester, P.O. Box 65, Rochester WI 53167 or apply in person
- A copy of Section 9-8 of the Municipal Code is provided. Please read all regulations.

Applicant: \_\_\_\_\_ Telephone: \_\_\_\_\_  
*(Owner or resident of real property in the Village of Rochester)*

Person(s) Discharging Fireworks \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

Location of display only if different from address of applicant: \_\_\_\_\_

\_\_\_\_\_, 2016 Note: Fireworks can only be used between 4:00 p.m. and 10:30 p.m.

**STATE:** State law requires this permit to specify the date the fireworks will be used. The State Attorney General's Office has determined that the permit must give a single specific date on which the fireworks may be used.

**THE FOLLOWING FIREWORKS WILL BE DISPLAYED:** State law requires this permit to specify the kind and quality of fireworks. The Wisconsin Department of Justice has determined that the term "Class C" does not satisfy the requirement.

Please list kind and quantity below. *(For example, firecrackers - 50, roman candles - 10)*

Specific Kind of Fireworks	Approximate Quantity

*(List on a separate sheet if more space is needed)*

I certify that I am familiar with all Federal, State and Local laws and regulations pertaining to the display of fireworks, and if granted said permit, do agree with and obey all provisions thereof.

I as the applicant, agree to indemnify and hold harmless the Village of Rochester from and against all liabilities, claims, demands, judgements, losses, and all suits at law or in equity, costs and expenses, including reasonable attorney fees, for injury or death of any person or loss or damage to the property of any person, including both parties hereto and their employees, arising from the ignition and use of fireworks.

Applicant's Signature \_\_\_\_\_ Date: \_\_\_\_\_, 2016

-----  
Application Approved by: \_\_\_\_\_ Date: \_\_\_\_\_, 2016  
*(Clerk-Treasurer, on behalf of Village President)*

\$15.00 Fee \_\_\_\_\_ Municipal Code Section 9-8 provided to applicant \_\_\_\_\_

***Municipal Code of the Village of Rochester, Racine County, Wisconsin***

- H. Penalty. Any person who violates any provision of this Section or who shall transport passengers in a horse-drawn carriage within the Village of Rochester without first obtaining a license as required herein shall, upon conviction thereof, be subject to the penalties set forth in s. 9-50. Each day of continued violation of the provisions of this Section shall be considered a separate offense.

**9-8. SALE AND DISCHARGE OF FIREWORKS RESTRICTED<sup>1</sup>**

A. State Laws Adopted. The statutory provisions of Wis. Stat. s. 167.10, as may be amended from time to time, regulating the sale and use of fireworks, except in so far as this ordinance is more restrictive as to use, are hereby adopted by reference and made part of this Section as though fully set forth herein. This Section is adopted pursuant to Wis. Stat. s. 167.10(5).

B. Definitions. As used in this section, the following terms shall have the meanings indicated:

1. "Novelty Fireworks" means the following types of fireworks:
  - A cap containing not more than 1/4 grain of explosive mixture, if the cap is used or possessed or sold for use in a device which prevents direct bodily contact with a cap when it is in place for explosion.
  - A toy snake which contains no mercury.
  - A sparkler on a wire or wood stick not exceeding 36 inches in length that is designed to produce audible or visible effects or to produce audible and visible effects.
  - A device designed to spray out paper confetti or streamers and which contains less than 1/4 grain of explosive mixture.
  - A fuseless device that is designed to produce audible or visible effects or audible and visible effects, and that contains less than ¼ grain of explosive mixture.
  - A device that is designed primarily to burn pyrotechnic smoke-producing mixtures, at a controlled rate, and that produces audible or visible effects, or audible and visible effects.
  - A cylindrical fountain that consists of one or more tubes and that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
  - A cone fountain that is classified by the Federal Department of Transportation as a Division 1.4 explosive, as defined in 49 CFR 173.50.
2. "Novelty Fireworks, Commercial" means the sale and storage of novelty fireworks for commercial purposes, for which a temporary use permit is required under s. 35-21.G.10.
3. "Statutory Fireworks" means anything manufactured, processed or packaged for exploding, emitting sparks or combustion which does not have another common use, inclusive of pyrotechnics, but not including any of the following:
  - Fuel or a lubricant.
  - A firearm cartridge or shotgun shell.
  - A flare used or possessed or sold for use as a signal in an emergency or in the operation of a railway, aircraft, watercraft or motor vehicle.
  - A match, cigarette lighter, stove, furnace, candle, lantern or space heater
  - A model rocket engine.
  - Tobacco and a tobacco product.
  - Anything defined herein as "novelty fireworks."

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<sup>1</sup> Ordinance #2016-4 Adopted May 9, 2016

***Municipal Code of the Village of Rochester, Racine County, Wisconsin***

**C. Sale and Storage of Fireworks.**

1. The sale and storage of statutory fireworks is prohibited within the Village of Rochester unless such sale or storage is part of a permanent use of land duly authorized under Chapter 35, Planning and Zoning.
2. The sale and storage of novelty fireworks for commercial purposes is prohibited within the Village without a Temporary Use Permit under s. 35-21.G.10. unless such sale or storage is part of a permanent use of land duly authorized under Chapter 35, Planning and Zoning .

**D. Use of Statutory Fireworks.**

1. Use prohibited without a permit. The use of statutory fireworks is prohibited in the Village of Rochester unless the fireworks are used pursuant to a user permit issued by the Village of Rochester, according to the provisions of Wis. Stat. s. 167.10(3) and all of the requirements and limitations of this Section 9-8.
2. User permit. A user permit application for the discharge of statutory fireworks may be made by any owner or resident of real property in the Village of Rochester, for intended discharge on such applicant's property in the Village. Such application may be made pursuant to Wis. Stat. s. 167.10(3)(c), and shall be subject to all applicable terms of this Section 9-8. Such use is restricted to the following dates: July 3, 4 or 5 each year, subject to the following. If the 4th of July falls on a Monday or Tuesday, the Saturday before will be allowed. If the 4th of July falls on a Wednesday or Thursday, the Saturday after will be allowed. The application must specify the name and address of the requested permit holder, the date on and after which fireworks may be purchased, the general kind and approximate quantity of fireworks which may be purchased, the date and location of the proposed use, and the name, address and telephone number for the individual responsible for the discharge of fireworks. All permit applications under this subsection must be filed between May 1 and June 30.
3. Restrictions and limitations. In addition to all other requirements of this Section 9-8 and applicable State laws, any use of statutory fireworks shall be subject to the following requirements:
  - a. Wind velocity. Wind velocity at the time of use shall not be more than 15 miles per hour as recorded or forecast by the National Weather Service Forecast Office, Milwaukee/Sullivan, Wisconsin.
  - b. Wind direction. Wind direction at the time of use shall be away from buildings or other combustible materials and structures and shall not carry fireworks onto any adjoining buildings or cause annoyance or danger to other persons or property.
  - c. The storage, use or display of permitted statutory fireworks shall conform to the standards set forth in NFPA 1, Chapter 65, Explosives, Fireworks and Model Rocketry, as may be amended from time to time. Every display shall be handled by a competent adult operator. After the permit is issued, possession, and use of fireworks shall be lawful for that purpose only. No permit granted hereunder is transferable.
  - d. Storage and handling of statutory fireworks.
    - (1) No person may store or handle statutory fireworks on any premises unless the premises are equipped with fire extinguishers

***Municipal Code of the Village of Rochester, Racine County, Wisconsin***

- (2) No person may smoke where statutory fireworks are stored or handled.
  - (3) A person who stores or handles statutory fireworks shall immediately notify the Fire Chief or Fire Inspector of the location, description and quantity of the fireworks.
  - (4) No person may store statutory fireworks closer than the separation distances required in NFPA 1 Chapter 65 to a dwelling.
  - (5) No person may store statutory fireworks closer than the separation distances required in NFPA 1 Chapter 65 to public assemblages or places where gasoline or volatile liquid is sold in quantities exceeding one gallon.
  - (6) No person may use statutory fireworks for which a permit was not issued while attending a fireworks display for which a permit has been issued under this section.
- e. **Parental liability.** A parent, foster, or family-operated group home parent or legal guardian of a minor who consents to the use of any fireworks by the minor who is under the age of 18 years of age is liable for damages caused by the minor's use of the fireworks, and in addition shall be subject to the penalty provided in this Municipal Code.
  - f. **Fire prevention.** Sufficient firefighting implements and personnel shall be available at the scene to control any fire that may be caused by the statutory fireworks.
  - g. **Hours.** Statutory fireworks may only be used between 4.00 P.M. and 10.30 P.M.
  - h. **Responsibility on Permitted Property.** For property that is subject to a statutory fireworks permit, only the individuals designated on the permit application may discharge fireworks. Such individual is responsible in case of a violation, jointly and severally with the permit holder and property owner, and any or all of these parties may be cited for the violation. Any damage or personal injury as a result of the ignition of fireworks shall be the responsibility of the permit holder.
  - i. **Responsibility on non-permitted property.** For property that is not permitted for the discharge of statutory fireworks, if fireworks are discharged the actual person that caused the illegal discharge is responsible for the violation if such person is identified to the Village's satisfaction. If the Village cannot determine to its satisfaction the actual person that caused the illegal discharge, the owner or occupant of the property where the discharge occurred will be presumed to have caused the discharge, or to have aided or abetted the discharge, and shall be held responsible for the illegal discharge and may be cited for the violation. Such presumption may be rebutted only by credible evidence to show that the owner or occupant of the property had no knowledge of the fireworks being on the property at any time prior to the discharge, and that the owner or occupant of the property fully cooperated with the Village in trying to identify the actual person who caused the illegal discharge.
  - j. **No sale.** No person in the possession of statutory fireworks pursuant to this section may resell those fireworks in the Village of Rochester.
  - k. **Permit availability.** The permit issued for the use of fireworks must be made available upon request of a law enforcement officer

***Municipal Code of the Village of Rochester, Racine County, Wisconsin***

4. **Fee.** A fee for statutory fireworks permits shall be established by the Village Board and placed on the Fee Schedule, and must be submitted at the time of application and shall be non-refundable.
  5. **Acceptance of risk.** All fireworks discharge permits issued in the Village are issued subject to the possibility that discharge may be prohibited, even if the permit is issued, due to the restrictions and limitations of this Section. All applicants accept this risk and shall be solely responsible for all consequences of the same, by their submittal of the application.
  6. **Statutory fireworks may be possessed and used by the Village without a permit, but Village fire and law enforcement officials must be notified of the proposed use of fireworks at least two days in advance.**
- E. Possession of statutory fireworks.**
1. **Statutory fireworks may be possessed while transporting the fireworks to a city, town, village or county where the possession of the fireworks is authorized by permit or ordinance, but the person doing the transporting may not remain in the Village for more than 12 hours.**
  2. **Statutory fireworks may be sold or possessed by persons delivering the fireworks to a person granted a permit under this Section.**
- F. Use of Novelty Fireworks.** Individuals may possess and use novelty fireworks on private property with the permission of the owner or person in charge thereof. Novelty fireworks may be used in Village rights-of-way, but not in the paved portion of streets. Novelty fireworks may not be used in Village parks or in or on other Village property.
- G. Temporary ban on all fireworks.** The Village President, upon recommendation of the Fire Chief because of extreme dryness or drought, may in the President's discretion declare a temporary ban on fireworks, whether statutory or novelty. No fireworks of any kind may be discharged during a declared ban. Any permit which would otherwise allow discharge on a date during such ban is automatically revoked, subject to the following. Such permittee may apply for a new discharge date after the ban is lifted without incurring a new fee. If any of the possible discharge dates of Section 9-8.D.2. are during the ban, the Village Board shall have the authority, but not the obligation, to establish additional discharge dates which would apply only to those permittees who were not able to discharge fireworks on their permitted dates due to the ban.
- H. Seizure and destruction of fireworks; Revocation of permit.**
1. **In addition to, and not to the prejudice or exclusion of such other penalties and remedies as may apply, any fireworks stored, handled, sold, possessed or used by a person who violates the terms of this Section may be seized and held as evidence of the violation. In the event a person is convicted of violating this section all fireworks seized shall be destroyed pursuant to the provisions of Wis. Stat. s. 167.10(8)(b), provided that, if storage after seizure but prior to resolution of the charges is deemed too dangerous, the seized fireworks may be destroyed pursuant to statute. Fireworks seized as evidence of a violation for which no conviction results shall be returned to the owner if they have not been destroyed pursuant to statute.**
  2. **Any permit issued to the person under this Section shall be revoked upon conviction for a violation of this Section.**

**Municipal Code of the Village of Rochester, Racine County, Wisconsin**

**I. Application for and issuance of permit.**

1. **Application.** The application for a permit hereunder for statutory fireworks be submitted to the Village Clerk and shall include the date of the display, and shall specify the name and address of the permit holder, the kind and quantity of fireworks that will be displayed, and the date and location of the display. The owner or person in authority of the site of the display shall consent in writing to the use of the site.
2. **Review and issuance.** The application shall be reviewed by the Village Clerk, who may seek the advice of the Fire Chief. The Clerk, under the authority of the Village President, shall issue the permit only if the requirements of this Section are met.
  - (a) No permits shall be issued to minors.
  - (b) No permit shall be issued unless the applicant acknowledges in writing that he or she understands and accepts that he or she is fully liable for all bodily injury and property damage that may result from the issuance of the permit, and the applicant indemnifies the Village for the same.
  - (c) No permit shall be issued for the storage of statutory fireworks, except as that storage may be necessary in preparation for a display permitted hereunder, and then only for the period set forth in this Section.
  - (d) No permit shall be issued for the indoor display or use of statutory fireworks.
3. **In accordance with state statute, the Village Clerk shall provide copies of the permits issued to the municipal fire and law enforcement officials at least 2 days before the date of authorized use.**

- J. Penalties.** See Wis. Stat. s. 167.10(9)(b), which provides that a penalty for violation of an ordinance adopted pursuant to Wis. Stat. s. 167.10(5) may not exceed \$1,000. The penalties for violation of this Section shall be set forth in the Village Deposit Schedule and shall not exceed \$1000 per violation.

**9-50 PENALTIES.**

In addition to any penalty specifically set forth in this chapter, any person who violates any provision of this chapter or any regulation or rule, or order made hereunder shall be subject to a penalty as provided in Chapter 50 of this Municipal Code. Nothing in this section shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this Chapter by injunction or other equitable relief.

# City of Medford

## Fireworks Display Permit

639 S Second Street • Medford, WI 54451 • Phone (715) 748-4321

**This application, and \$100 fee must be received by the City no less than 45 days prior to the requested date of fireworks display.**

Permit Applicant: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Applicant Address: \_\_\_\_\_ Email: \_\_\_\_\_

Time of day at which display is to be held: \_\_\_\_\_ (No later than 11:00 PM)

The exact address/ location planned for display: \_\_\_\_\_

Date fireworks purchased: \_\_\_\_\_ Date of actual display: \_\_\_\_\_

Fireworks Contractor/Operator: \_\_\_\_\_

Address: \_\_\_\_\_

Event Pyrotechnics/Operator Name: \_\_\_\_\_

Event Pyrotechnics Assistant Name(s): \_\_\_\_\_

Address and location fireworks will be stored at: \_\_\_\_\_

Please Include:

- Certificate of Liability Insurance (\$1,000,000 bodily injury to one person; \$2,000,000 for injury to more than one person; and \$1,000,000 for damage to property) naming City of Medford as additional insured.
- Map of display area and spectator area

I HERBY AGREE AND CERTIFY the above information is correct, and I am 18 years of age or older. I understand this permit is valid only for the date(s) of display and the requirement to comply with all Wisconsin Statutes and the City of Medford Municipal Code now in effect. A violation of any of the above shall be cause for permit to be immediately revoked by the Medford Area Fire Department or the Medford Police Department/Taylor County Sherriff Department.

\_\_\_\_\_  
Signature of Permit Applicant

\_\_\_\_\_  
Date Signed

The permit applicant agrees to indemnify and hold the City of Medford harmless for any lawsuit or liability which may result in the applicant's use or possession of fireworks. The City is not liable for damage caused by fireworks for the sole reason of issuing a fireworks permit.

**\*\* Medford Area Fire Department reserves the right to rescind this permit should weather conditions prove unfavorable. \*\***



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**FOR OFFICE USE ONLY**

- Applicant qualifies for receiving permit, must not be a minor.
- \$100.00 License Fee paid.
- Certificate of Insurance. Attach copy.
- Map of Area. Attach copy.
- Fire Chief has reviewed and approved the application.
- Police Chief has reviewed and approved the application.

This permit is valid for the following dates:

Approved by Fire Chief/Police Chief or Designee	
Signature	Date Signed
Title	

A copy of this permit shall be given to Medford Area Fire Department and the Medford Police Department at least 2 days before the date of authorized use.

**PYROTECHNIC DISPLAY PERMIT APPLICATION**

To: City of Council  
City of Fond du Lac

Authority: s.347-21 FDL Municipal Code

**I. APPLICANT**

- Public Authority
- Fair Association
- Park Board
- Civic Organization
- Resident Individuals Group
- Nonresident Individuals Group

Name: \_\_\_\_\_  
Agents Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
Date of Birth: \_\_\_\_\_  
Social Security No. \_\_\_\_\_

**II. DISPLAY**

Date: _____	Time: From _____ to _____
Location: _____	

**Persons Igniting Fireworks:**

Name	Address	DOB
_____	_____	_____
_____	_____	_____

Inventory: Attach list (including range of individual items)

Delivery Date: \_\_\_\_\_

Storage location address: \_\_\_\_\_ (Note Wisconsin Law prohibits storage in a dwelling or within 50 feet of a dwelling):  
\_\_\_\_\_

Fire Fighting Apparatus: \_\_\_\_\_

**III. SITE**

Attach scale site plan showing perimeter lines of location, house and out buildings on site and within range of rockets, area of ignition, location of mortars, location of display area storage, fire fighting apparatus, viewer seating.

Type of fire fighting apparatus: \_\_\_\_\_  
\_\_\_\_\_

**IV. INSURANCE - (Attach Certificate of Insurance or Indemnity Bond)**

Company Name: \_\_\_\_\_ Policy Number: \_\_\_\_\_  
Agent Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_  
Agent Address: \_\_\_\_\_  
Coverage Limits: Liability - \$ \_\_\_\_\_ Medical - \$ \_\_\_\_\_

I understand that the application must be filed a minimum of (15) fifteen days prior to the display. I hereby swear or affirm that the information is true and correct. That fireworks may not be purchased or delivered prior to granting of the permit.

Subscribed & sworn to before me  
this \_\_\_\_ day of \_\_\_\_\_, 2 \_\_\_\_.

\_\_\_\_\_  
Applicants Signature

\_\_\_\_\_  
(Clerk/Notary Public)  
My commission expires \_\_\_\_\_

PYROTECHNIC DISPLAY PERMIT APPLICATION

Permit No.: \_\_\_\_\_

Date: \_\_\_\_\_

**Granted To:** \_\_\_\_\_

Granted pursuant to Section 347-21, Fond du Lac Municipal Code of Ordinances for the storage and display of fireworks. This permit may be revoked at any time for non compliance with any conditions to its approval listed below:

1.) **Date after which fireworks may be purchased** \_\_\_\_\_, 2 \_\_\_\_\_ .

2.) **Type and quantity of fireworks which may be purchased:**

See attached list.

Delivery: Fireworks may not be delivered prior to \_\_\_\_\_, 2 \_\_\_\_\_ .

Storage: Fireworks may not be stored in a dwelling or structure located within fifty (50) feet of dwelling.

3.) **Storage location must be locked.**

Fire extinguishers must be located adjacent to storage location door:

Class \_\_\_\_\_ Number \_\_\_\_\_ Size \_\_\_\_\_

4.) **Smoking prohibited in and signs posted.**

- Display:
- 1.) Agent must personally ignite fireworks or be on site during display.
  - 2.) The agent may designate one (1) or two (2) ignites over eighteen (18) years of age.
  - 3.) The fire extinguishers from the storage site must be in the ignition display area at time of display.
  - 4.) Location, date, time: \_\_\_\_\_

**Other: Clean up deposit: \$100.00**

**CITY OF KALAMAZOO, MICHIGAN  
FIREWORKS DISPLAY APPLICATION**

The undersigned organization or group of individuals (from two or more families) hereby apply to the City Commission of Kalamazoo for a permit to publicly display fireworks. We guarantee that the display will be conducted by a qualified person under our immediate supervision in adequate open space. A certificate of comprehensive general or personal liability insurance for a least \$1,000,000, protecting the applicant against property or personal injury damages during the display and naming the City of Kalamazoo, its agents, officials, and employees as additionally insured parties accompanies the application. Preliminary approval of the application has been given by the Fire Marshal.

Location of the display:\* \_\_\_\_\_  
(\*Location of display may not be changed after approved by Fire Marshal)

Date of Display: \_\_\_\_\_

Name of Qualified Operator \_\_\_\_\_

Name, Address and Phone of applicants:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant

I endorse this application

Approved by the City Commission

\_\_\_\_\_  
Fire Marshal

\_\_\_\_\_  
City Clerk

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**\*PERMIT ISSUED SUBJECT TO COMPLIANCE WITH THE CONDITIONS AND SAFETY GUIDELINES SPECIFIED BY THE FIRE CODE. Change in location or safety guidelines automatically voids this permit.**

Date of Notification  
to FAA: \_\_\_\_\_

\_\_\_\_\_  
Fire Marshal

Date: \_\_\_\_\_



# FIREWORKS PERMIT

**PERMIT ISSUED TO:** \_\_\_\_\_

\*Permits only issued to the following.

- |                       |   |
|-----------------------|---|
| 1. A public authority | 5. A civic organization                             |
| 2. A fair association | 6. Any individual or group of individuals           |
| 3. An amusement park  | 7. An agricultural producer for protection of crops |
| 4. A park board       |   |

**PERMIT ISSUED FOR THE PURPOSE OF: (check all that apply)**

- \_\_\_\_\_ Possess and use display fireworks within the City of Chippewa Falls  
(Proof of current federal permit required)
- \_\_\_\_\_ Possess, sell, and/or use consumer fireworks within the City of Chippewa Falls
- \_\_\_\_\_ Other (specify) \_\_\_\_\_

**PERMIT IS VALID FOR THE FOLLOWING:**

Date: \_\_\_\_\_

Time of Day: \_\_\_\_\_ am/pm to \_\_\_\_\_ am/pm

Location: \_\_\_\_\_

**LIST THE TYPES (CLASS/DIVISION) AND QUANTITY (APPROXIMATE WEIGHT OR NUMBER) IN POSSESSION OR ATTACH A LIST OF SUCH TO PERMIT APPLICATION:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CONTACT INFORMATION:**

Applicant Name, Business Name or Company Authorized to Conduct Fireworks Display/Stand:

\_\_\_\_\_

Permit Holder Address: \_\_\_\_\_

Permit Holder Telephone: \_\_\_\_\_

Permit Holder Email: \_\_\_\_\_

This permit is used pursuant to s. 167.10 Wisconsin State Statutes, and on the condition that the City of Chippewa Falls shall not be held liable for accident or injury occasioned during the transportation, handling, storage, or use of the fireworks or pyrotechnic devices. **A copy of this permit must be submitted to the Chippewa Falls Fire and Emergency services Department at least two days prior to the date of authorized use. Applications for the sale of fireworks will also be referred to the City of Chippewa Falls Zoning Inspector for consideration.**

Permit Holder Signature \_\_\_\_\_ Date \_\_\_\_\_

Mayor Signature \_\_\_\_\_ Date \_\_\_\_\_

City of Chippewa Falls Fireworks Permit # \_\_\_\_\_

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RESOLUTION NO. 2010- 6636

A RESOLUTION ESTABLISHING ALCOHOL BEVERAGE LICENSES ENFORCEMENT POLICY GUIDELINES

WHEREAS, the Common Council having directed the License Committee, upon the Committee's recommendation, to prepare policy guidelines for use by the Committee and the Common Council in reviewing alcohol license matters which may involve the consideration of a denial, non-renewal or revocation of a license, to assist the Committee and the Common Council in those deliberations; and

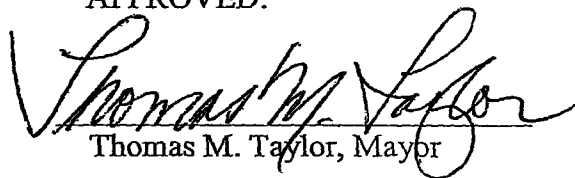
WHEREAS, the License Committee having reviewed other municipal and state alcohol beverage license enforcement policy guidelines and having prepared a policy thereafter and having recommended its adoption at its special meeting on March 15, 2010 and the Common Council having considered such recommendation and having determined that the proposed policy guidelines will serve to protect the health, safety and welfare of the Community.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the City of Franklin Alcohol Beverage Licenses Enforcement Policy Guidelines, in the content as annexed hereto, be and the same are hereby approved.


Introduced at a regular meeting of the Common Council of the City of Franklin this 16th day of March, 2010.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 16th day of March, 2010.

APPROVED:

  
Thomas M. Taylor, Mayor

ATTEST:

  
Sandra L. Wesolowski, City Clerk

AYES 5 NOES 1 ABSENT 0  
(Ald. Sohns)

CITY OF FRANKLIN  
ALCOHOL BEVERAGE LICENSES  
ENFORCEMENT POLICY GUIDELINES

**Intent.** As it is the responsibility of the License Committee (“Committee”) of the Franklin Common Council to screen applications for alcohol beverage licenses within the City of Franklin and to make recommendations thereupon to the Common Council for its decision under the licensing authority granted by Chapter 125 of the Wisconsin Statutes and Chapters 158 and 169 of the Municipal Code of the City of Franklin, the Committee recommends and the Common Council adopts the following guidelines in order to specify the reasons for denying, non-renewing or revoking an alcohol beverage license. If a decision is made to deny, revoke, suspend or non-renew a license, the Council is required to provide that person with a written reason for the denial. These guidelines are adopted to assist the Committee in its reviews and recommendations and the Common Council in its decision-making, to meet that requirement.

The following guidelines are established by the Common Council to provide a framework for which persons are eligible for issuance of an alcohol beverage license (*i.e.* grounds for denial) and a framework for suspension, revocation or non-renewal. **There is broad discretion retained on behalf of the Committee and the Common Council to consider each case on an individual basis. Deviation from the guidelines may be allowed if unusual, exaggerated or mitigating circumstances exist, which may include, but are not limited to, the particular circumstances documented or the length of time that has expired since the offense.**

Since alcohol beverage license holders must act in cooperation with law enforcement to enforce the alcohol beverage laws, drunk driving laws, and assist with minimizing disturbances of the peace and maintaining the safety of the community, individuals with a past history of negative or uncooperative contacts with police agencies should be scrutinized; provided, however, that the Committee and the Common Council shall not discriminate against such applicants based on a prior arrest or conviction record, pursuant to Wis. Stat. §§ 111.321, 111.322, 111.335 and 125.12(1)(b), unless said arrest or conviction record substantially relates to the circumstances of the particular licensed activity. It is with these goals in mind, as well, that these guidelines are adopted.

For purposes of these guidelines, an “alcohol beverage license,” “license” or “permit” constitutes a retail license or an operators license. Additionally, the definition of “person” shall be as defined in Wis. Stat. § 125.02(14) of the Wisconsin Statutes and §158-1. of the Municipal Code of the City of Franklin. Therefore, these guidelines also apply to corporations, limited liability companies, agents, and partnerships. A corporation or limited liability company with an arrest or conviction record may be issued a license if the corporation or limited liability company has terminated its relationship with all the individuals whose actions directly contributed to the conviction [§ 125.04(5)(C) and §158-1.]. **Furthermore, to the extent Wis. Stat. Ch. 125 or Franklin Ordinances provide additional grounds for denial, suspension, revocation or non-renewal, the Committee may also rely on such provisions.**



**The Common Council will only deny renewal of, suspend or revoke a current alcohol beverage license under these guidelines, or other justification provided by law, if the person committed an offense substantially related to the licensed activity within the license year period immediately preceding the year for which the person is seeking renewal or within the license year period in which suspension or revocation is sought, unless the Police Chief demonstrates that previous offenses were not considered in the approval of the current license. In the event the person is considered for non-renewal, suspension or revocation as the result of such an offense, the Committee and Common Council shall consider all offenses, regardless of when they occurred, to determine application of these guidelines.**

Additionally, with respect to a non-natural person, such person's license may be revoked, suspended or non-renewed in the event a new officer, director, member, or manager, is named and such person does not qualify under these guidelines; with the exception that a corporation or limited liability company may retain its license if it terminates its relationship with all the individuals whose actions directly contributed to the conviction. With respect to successor agents, see Wis. Stat. § 125.04(6).

Notwithstanding the above, the following violations may not be used as grounds for suspension, revocation or non-renewal of an existing license:

1. furnishing alcohol beverages to underage persons (unless the licensee has committed two (2) violations within a one (1) year period), or
2. Violations punishable under Wis. Stat. § 945.03(2m), 945.04(2m) or 945.05(1m) (relating to commercial gambling and gambling devices).

**A copy of these guidelines shall be provided to each person who applies for a license.**

## GUIDELINES

**Guideline 1.** Provided the offense is **substantially related to the circumstances of the licensed activity**, any person who has been convicted of any felony, unless duly pardoned, does not qualify for an alcohol beverage license. (To the extent the other guidelines reference a specific offense, this guideline shall apply if the offense constitutes a felony.)

**Guideline 2.** Provided the offense is **substantially related to the circumstances of the licensed activity**, any person who has been convicted of, released from incarceration in a State or Federal Prison System, or a county jail for, or released from parole or probation status, or has a current charge pending, for two (2) or more offenses, **arising out of separate incidents**, within the last ten (10) years in the following subcategories, does not qualify for an alcohol beverage license:

- (a) Violent crimes against the person of another, including but not limited to homicide, aggravated battery, sexual assault, injury by negligent use of a weapon, injury by negligent use of a vehicle, or injury by intoxicated use of a vehicle.
- (b) Crimes involving cooperation (or lack thereof) with law enforcement officials, including but

not limited to, obstructing a police officer, resisting arrest, bribery of public officers or employees, misconduct in public office, bomb scares, or acts or threats of terrorism.

- (c) Manufacturing, distributing, delivering a controlled substance or a controlled substance analog; possessing with intent to manufacture, distribute or deliver, a controlled substance or a controlled substance analog.

**Guideline 3.** Provided the offense is **substantially related to the circumstances of the licensed activity**, any person who has been convicted of, released from incarceration in a State or Federal Prison System, or a county jail for, or released from parole or probation status, or has a current charge pending, for two (2) or more offenses, **arising out of separate incidents**, within the last seven (7) years in the following subcategories, does not qualify for an alcohol beverage license:

- (a) Disorderly conduct, criminal damage to property, solicitation of prostitution or other prostitution related offenses, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stat. Ch. 125.
- (b) Alcohol beverage offenses (under Wis. Stat. Ch. 125 or Franklin Ordinance Chs. 158 or 169 - excluding administrative violations such as “failure to post license under glass”) (furnishing alcohol beverages to underage persons shall not be used as grounds for suspension, revocation, or non-renewal of an existing license unless the licensee has committed two (2) violations within a one (1) year period).
- (c) Perjury or false swearing, wherein the offense involves an incident at a place that is, or should have been licensed under Wis. Stat. Ch. 125.
- (d) Possessing a controlled substance, controlled substance analog or drug paraphernalia.
- (e) Operating a motor vehicle while under the influence of intoxicants or drugs.
- (f) Operating a motor vehicle with a BAC in excess of .08% by weight.
- (g) Open intoxicants in public places or in a motor vehicle.

**Guideline 4.** Provided the offenses are **substantially related to the circumstances of the licensed activity**, any person who is an habitual law offender does not qualify for an alcohol beverage license. To constitute an habitual law offender there need not have been a trial or conviction for each or any offense. What is required is that the offenses were committed, that the law has been violated, and that the fact of such violations can be shown. *See Smith v. City of Oak Creek*, 139 Wis. 2d 788 (1987). For purposes of these guidelines, an habitual offender includes, but is not limited to a person who has committed two (2) or more offenses, each a separate incident, within the immediately preceding five (5) years.

**Guideline 5.** In addition to the other provisions under these guidelines, pursuant to Wis. Stat § 125.12, a person’s alcohol beverage license may be denied, non-renewed, suspended or revoked if the person:

- (a) Keeps or maintains a disorderly or riotous, indecent or improper house.
- (b) Sold or has given away alcohol beverages to known habitual drunkards.
- (c) Does not possess the qualifications under Chapter 125 of the Wisconsin Statutes and Chapters 158 and 169 of the Municipal Code of the City of Franklin to hold a license.
- (d) Was issued a license in conjunction with a warning letter as to any future law violations, regardless of whether the basis for the warning letter was conduct occurring earlier or outside of any of the time limits set forth in Guidelines 2., 3. and 4. above, and has committed a law violation subsequent to the issuance of the warning letter.

**Guideline 6.** Any person who materially falsifies an application for an alcohol beverage license will not be eligible to re-apply for an alcohol beverage license for a period of six (6) months from the date of denial of such application. The Committee within its review and recommendation process

and the Common Council may waive the provisions of this paragraph, allow the applicant to submit a corrected application, with the appropriate fee, and grant an alcohol beverage license to the person, if it appears to the Common Council that any falsifications on the application were the result of inadvertence, excusable neglect or mistake.

**Severability.** If any section, subsection, sentence or phrase of this Policy is for any reason held to be invalid or unconstitutional by reason of a decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase.

**Conflict.** Any impermissible conflict between Wis. Stat. Ch. 125, Chs. 158 and 169 of the Municipal Code of the City of Franklin and this policy shall be decided on the order of precedence which shall be the order listed in this sentence.

This policy will go into effect on the 1st day of May, 2010.

# Notice to All Licensees:

Be sure you read and understand this publication. You are held responsible for obeying Wisconsin's Alcohol Beverage and Tobacco Laws. Failure to follow these laws may result in criminal prosecution, with penalties resulting in fines, imprisonment and/or loss of license.

## City of Franklin Restrictions – Hours of Sale for Intoxicating Liquor

Excerpt from **Franklin's City Municipal Code Book:**

(Chapter 158 Section 8-C)

- C. Class A Retail and Class A Combination Licenses; sale for consumption away from Class B premises. Class A premises and premises operating under a Class A Combination License may remain open for the conduct of their regular business but may not sell fermented malt beverages between 9:00 p.m. and 8:00 a.m. Between 9:00 p.m. and 6:00 a.m., no person may sell fermented malt beverages on Class B premises in an original unopened package, container or bottle or for consumption away from the premises.

# Information for Wisconsin Alcohol Beverage and Tobacco Retailers

**Includes information on:**

- **Licenses and permits**
- **Prohibited activities**
- **Underage persons and minors**
- **Cigarette and tobacco products**
- **Vapor products**
- **Video gambling**

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### IMPORTANT CHANGES

- **Publication Reorganization.** The publication has been revised to group similar topics into sections. Substantive changes to the publication follow.
- **Liquor Sales Limits.** Effective June 26, 2019, the sale of intoxicating liquor for off-premises consumption by "Class B" licensees is no longer limited to four liters at one time. Municipalities may enact ordinances allowing retail "Class B" (liquor) license holders to sell intoxicating liquor in the original package or container in any quantity for consumption off the licensed premises. Pages 8 and 9.
- **Vapor Products.** Effective October 1, 2019, an excise tax is imposed on the sale of liquid, gel, or other substances used in e-cigarettes at the rate of 5 cents per milliliter of the liquid or other substance producing vapor or aerosol for inhalation from the application of a heating element, regardless of whether the liquid contains nicotine.  
  
Vapor product retailers without a tobacco products distributor permit purchasing untaxed vapor products must obtain a vapor products distributor's permit and file tax returns. For additional information see Fact Sheet 3501. Pages 20 and 21.
- **Music Festivals.** Effective May 26, 2017, unaccompanied underage persons are allowed on the alcohol licensed premises of a music festival venue during an event with a projected attendance of at least 2,500 persons. Page 12.
- **Permit Listings.** The Department of Revenue (DOR) now publishes on its website lists of permittees from whom retailers may purchase beer, cigarettes, and tobacco. Go to [www.revenue.wi.gov](http://www.revenue.wi.gov), click on Reports and then search "permit". Page 22.
- **False Information Penalty.** Effective July 1, 2018, a penalty of not more than \$1,000 may be imposed on any person who knowingly provides materially false information in an alcohol beverage, cigarette or tobacco product license or permit application. Page 8.

### Applicable Laws and Rules

This document provides statements or interpretations of Wisconsin and federal laws and regulations enacted as of November 1, 2021. Laws enacted and in effect after this date, new administrative rules, and court decisions may supersede the interpretations in this document. Guidance issued prior to this date, that is contrary to the information in this document is superseded by this document, according to sec. 73.16(2)(a), Wis. Stats.

## 1. INTRODUCTION

This publication provides information about Wisconsin's alcohol beverage, tobacco, and vapor products laws that affect retailers. The information summarizes laws in chs. 125, 134, 139, and 945 Wis. Stats.

Municipal ordinances may also affect retailers. Contact your municipal clerk if you have questions about local ordinances.

## 2. DEFINITIONS

The following terms are used for purposes of this publication.

**Adult** – A person 18 years of age or older.

**Alcohol Beverages** – A statutory term which includes beer, wine, and liquor.

**Beer** – A fermented malt beverage under chapter 125, Wis. Stats.





**Cider** – An alcohol beverage obtained by fermentation of the juice of apples or pears that contains 0.5 to 7.0 percent alcohol by volume. "Cider" may be flavored, sparkling, and/or carbonated.

**Class "A" Beer License** – Authorizes the retail sale of beer in the original sealed containers for consumption off the licensed premises.

**"Class A" Liquor License** – Authorizes the retail sale of liquor, including wine and cider, in the original containers for consumption off the licensed premises.

**"Class A" (Cider Only) License** – Authorizes the retail sale of cider, but no other intoxicating liquor, in the original containers for consumption off the licensed premises

**Class "B" Beer License** – Authorizes the retail sale of beer for consumption on and off the licensed premises.

**"Class B" Liquor License** – Authorizes the retail sale of liquor by the glass for consumption on or off the licensed premises and, if allowed by municipal ordinance, in the original sealed container for off-premises consumption.

**"Class C" Wine License** – Authorizes the retail sale of wine by the glass for consumption on the licensed premises.

**Intoxicating Liquor (or Liquor)** – Alcohol beverages, except beer, containing 0.5% or more alcohol by volume, including wine.

**Legal Drinking Age** – 21 years of age.

**Minor** – A person under 18 years of age.

**Painting Studio** – An establishment primarily engaged in the business of providing to customers instruction in the art of painting that offers customers the opportunity to purchase food and beverage for consumption while they paint.

**Provisional Retail License** – Authorizes activities of a regular retail licenses for 60 days or until a regular license is issued, whichever is sooner.

**Underage Person** – A person who is not of legal drinking age.

### 3. MUNICIPAL RETAIL LICENSES

#### A. General

A license is a privilege granted by a municipality (city, village, or town) to a person (e.g., natural person, partnership, limited liability company, or corporation) that authorizes the sale of alcohol beverages for a specified time period. The governing body of the municipality may, but is not required to, issue retail liquor and beer licenses. The municipality may refuse to issue retail licenses if it uses good judgment and does not discriminate between applicants.

#### B. License Requirements

License requirements and who may issue them are provided by Wisconsin statute and established by ordinance. License requirements for all retail licenses and specific licenses follow.

##### (1) All Licenses

- **Face-to-Face Sales at Licensed Premises** – With limited exceptions, alcohol beverages may only be sold to consumers who are physically at the licensed premises. (secs. 125.272 and 125.51(6), Wis. Stats.)

**Example:** The following sales of alcohol beverages are prohibited because they were not made face-to-face with the consumer on the licensed premises:

- Customer phones Pizza Parlor, which holds a Class "B" beer license. Customer orders a pizza and a six-pack of beer for delivery to their home.
- A person calls Liquor Store and requests two half-barrels of beer delivered to their home.
- A home-delivery grocery service takes an internet order for the sale and delivery of wine and beer for a holiday party, receiving payment electronically.
- **Closing Hours** – Customers must leave the premises by the closing hour noted under the specific licenses below. Internal business operations, such as counting cash, cleaning, repairs, etc., may be done after hours, but licensees must prove that anyone on the premises after hours is there for these purposes.

**Exceptions:**

- Class "A" premises may remain open for the conduct of regular business but may not sell beer between 12 midnight and 6 a.m., or at any other time during which the sale of beer is prohibited by a municipal ordinance.
- The following businesses holding "Class B" and Class "B" licenses may remain open after closing hours noted below to conduct their regular business, although they may not permit consumption of, or sell, alcohol beverages after those closing hours:
  - ✓ Hotels and restaurants whose "principal business" is furnishing lodging and food to customers  
"Principal business" means the primary activity as determined by analyzing the amount of capital, labor, time, attention, and floor space devoted to each business activity and by analyzing the sources of net income and gross income. The name, appearance, and advertising of the entity may also be considered if given less weight.
  - ✓ Bowling centers
  - ✓ Movie theaters
  - ✓ Painting studios
  - ✓ Indoor horseshoe-pitching facilities
  - ✓ Indoor golf and baseball facilities
  - ✓ Golf courses and clubhouses
  - ✓ Curling clubs
  - ✓ Racetrack grounds as defined in sec. 125.27(5)(a), Wis. Stats.

For determining closing hours, Daylight Saving Time begins at 2:00 a.m. the second Sunday in March and ends at 2:00 a.m. the first Sunday in November. Therefore:

- Clocks are set ahead one hour at 2:00 a.m. the second Sunday in March. Taverns must close at 3:30 a.m. Central Daylight Time on this date.
- On the first Sunday in November, the clocks are set back an hour at 2:00 a.m. Taverns must close at 2:30 a.m. Central Standard Time.
- **Licensed Premises Supervision** – Except in Class "A" beer premises between midnight and 6:00 a.m. (or any time when the sale of beer is prohibited by municipal ordinance), one of the following must be present on licensed premises during business hours:
  - Licensee
  - Person with an operator's or manager's license



- Adult member of licensee's immediate family (living in the licensee's household)
- Corporation's or limited liability company's agent
- Provisional operator's license holder

The holder must be enrolled in the responsible beverage server training course pending approval of the operator's license.

**Note:** "Immediate supervision" means the licensed person must be able to watch and supervise each unlicensed person's actions. The licensed person must be in the same room or area as the unlicensed person or near enough to see and talk to him or her.

An adult working under the immediate supervision of any of the above does not need an operator's license.

An operator's license is only valid in the municipality where it has been issued. It does not apply in other municipalities.

Licensees may be prosecuted for not having the required supervision on their premises.

- **Alcohol Beverage Seller/Server Training Course** – As a condition of licensing, applicants must successfully complete an approved alcohol beverage seller/server training course, unless the person:
  - Is renewing a retail or an operator's (bartender's) license
  - Was an agent within the last two years for a corporation or limited liability company that held a Class "A" beer, Class "B" beer, "Class A" liquor, "Class A" (cider only), "Class B" liquor, or "Class C" wine license
  - Held a retail license or an operator's or manager's license during the past two years
  - Completed an approved course within the past two years

Approved classroom and online courses are listed on the DOR's website at [revenue.wi.gov](http://revenue.wi.gov); search "Alcohol Seller/Server."

- **Display Framed License** – All alcohol beverage licenses must be framed and displayed in the room where the licensed activity occurs. Anyone visiting the business should easily see the licenses. Any related permits and licenses (e.g., seller's permit) should be displayed with the alcohol beverage license.

## (2) Provisional Retail License

- Issued by a designated municipal official only to a person applying for a Class "A" beer, Class "B" beer, "Class A" liquor, "Class B" liquor, or "Class C" wine licenses.
- Fee determined locally not to exceed \$15.
- Expires 60 days after issuance or when the person is issued a license, whichever occurs first.
- May be revoked and/or penalty imposed of not more than \$1,000 if issuing official discovers the holder knowingly provided false information in the application.
- "Class B" liquor license may not be issued if it would exceed the municipality's quota.
- Not more than one provisional retail license may be issued for each type of license applied for by the holder per year.

## (3) Class "A" Beer License

- Authorizes the retail sale of beer in the original sealed containers for consumption off the licensed premises in any quantity.

- Beer sales are prohibited between 12 midnight and 6:00 a.m.
- Municipalities may further restrict sales hours by local ordinance.
- May give customers two free 3-ounce taste samples between 11:00 a.m. and 7:00 p.m.

(4) "Class A" Liquor License

- Authorizes the retail sale of liquor, including wine and cider, in the original containers for consumption off the licensed premises in any quantity.
- Intoxicating liquor sales are prohibited between 9:00 p.m. – 6:00 a.m.
- Municipalities may further restrict sales hours by local ordinance.
- Unless prohibited by municipal ordinance, may give customers two free 3-ounce taste samples of wine between 11:00 a.m. and 7:00 p.m.
- May give customers one free 0.5-ounce taste sample of intoxicating liquor, except wine, between 11:00 a.m. – 7:00 p.m.

(5) "Class A" (Cider Only) Liquor License

- Authorizes the retail sale of cider in the original containers for consumption off the licensed premises in any quantity.
- Issued only to persons holding a Class "A" beer license for the same premises.
- Unless prohibited by municipal ordinance, may give customers two free 3-ounce taste samples of cider between 11:00 a.m. and 7:00 p.m.

(6) Class "B" Beer License

- Authorizes the retail sale of beer for consumption on and off the licensed premises in any quantity. The premises must be closed between the following hours:
  - Monday through Friday – 2:00 a.m. to 6:00 a.m.
  - Saturday and Sunday – 2:30 a.m. to 6:00 a.m.
  - Second Sunday in March – 3:30 a.m. to 6:00 a.m.

Closing is not required on New Year's Eve.

Municipalities may **not** further restrict the closing hours.
- Beer sales for off-premises consumption are prohibited between 12:00 midnight and 6:00 a.m. Municipalities may further restrict these sales hours by local ordinance.

(7) "Class B" Liquor License

- Authorizes the retail sale of liquor by the glass for consumption on or off the licensed premises.
- A single, open bottle of wine may be taken off the licensed premises if ordered with a meal, accompanied by a dated receipt, and re-corked prior to taking off the licensed premises.
- Wine may be sold in its original container, in any quantity, for on and off-premises consumption.
- Closing hours are the same as Class "B" beer license.



**Exception:** A winery that has a "Class B" (wine only) license issued under sec. 125.51(3)(am), Wis. Stats., must close between 9:00 p.m. and 8:00 a.m.

- A municipality may allow "Class B" licensees to make retail sales of intoxicating liquor for off-premises consumption. Check with your municipality to see if this is allowed.

(8) "Class C" Wine License

- Authorizes the retail sale of wine by the glass for consumption on the licensed premises.
- A single, open bottle of wine may be taken off the licensed premises if ordered with a meal, accompanied by a dated receipt, and re-corked prior to taking off the licensed premises.
- Closing hours are generally the same as Class "B" beer license.

## 4. OTHER LICENSES, PERMITS AND REGISTRATIONS

### A. Seller's Permit

Every individual, partnership, corporation, or other organization that sells, leases, rents, or licenses tangible personal property (e.g., alcohol beverages), taxable services and other taxable products in Wisconsin must have a seller's permit, unless all sales are exempt from Wisconsin sales or use tax.

**Example:** A nonprofit organization's sales of tangible personal property, including alcohol beverages, taxable services, and other taxable products are exempt from Wisconsin sales or use tax as occasional sales if (1) its sales of taxable products do not occur on more than 75 days during the calendar year or taxable sales do not exceed \$50,000 for the calendar year, (2) entertainment at an admission event is not paid more than \$10,000, and (3) it does not hold a seller's permit. For more information about the occasional sales exemption for nonprofit organizations, see [Wisconsin Publication 206](#), Sales Tax Exemptions for Nonprofit Organizations,

The alcohol beverage license and seller's permit must be issued in the same legal name (see exception below). If the alcohol beverage license is issued to a partnership or corporation, the seller's permit must be also. A limited liability company's (LLC) alcohol beverage license must be in the LLC's legal name, not the trade name or owner's name.

**Exception:** If an alcohol beverage license is issued to an LLC, disregarded for income tax purposes, with a single member (owner), the LLC's seller's permit may be issued in the name of the single owner. If an LLC applies for an alcohol beverage license and furnishes a seller's permit that is not in the legal name of the LLC, the municipality should call DOR at (608) 266-2776 or email [DORSalesandUse@wisconsin.gov](mailto:DORSalesandUse@wisconsin.gov) to verify whether the seller's permit is valid for the LLC.

### B. Federal Alcohol Dealer Registration

Before beginning business, every retail licensee must register as an alcohol dealer with the federal Department of Treasury, Alcohol and Tobacco Tax and Trade Bureau (TTB), using [Form 5630.5d](#). Once registered, any change to legal name, trade name, address, premises location, telephone number, business type, or FEIN should be reported before the subsequent July 1 using the same form.

## 5. PROHIBITED ACTIVITIES

### A. Unlicensed Premises Sales

The sale of alcohol beverages at an unlicensed premises is prohibited (see sec. 125.06, Wis. Stats., for a list of exceptions).

"Sale," "sold," or "sell" includes the transfer, gift, barter, trade, exchange, or any shift, device, scheme, or other transaction to obtain alcohol beverages.

## **B. Sale to Other Licensees**

Sales of alcohol beverages by an alcohol beverage licensee to another retail licensees for resale are prohibited.

**Exception:** If a licensed business is sold, it may transfer its sealed liquor, wine, and beer (alcohol beverage) inventory to another retail licensee in Wisconsin. Cigarettes and tobacco products may not be similarly transferred.

In place of invoices, list the entire sealed inventory of the stock transferred using Form AT 900, Alcohol Beverage Stock Transfer, available at [revenue.wi.gov](http://revenue.wi.gov). Make a copy for the buyer and keep the original for your records. The buyer must keep the copy on its licensed premises for two years.

## **C. Sales to Intoxicated Persons**

It is illegal to furnish alcohol beverages to an intoxicated person. The penalty for this violation is a fine of \$100 to \$500, imprisonment for not more than 60 days, or both.

## **D. Refilled Liquor Bottles**

It is illegal to refill liquor bottles with any substance, even the same brand of liquor.

When a bottle is empty, deface its label. Break the bottle unless placed in a container marked "For Recycling Only."

## **E. Corkage Fees**

If the restaurant has an alcohol beverage license, the only alcohol beverages allowed on the premises are those purchased by the restaurant from a permitted Wisconsin wholesaler. The retailer must have invoices from the wholesaler showing which products were purchased from the wholesaler.

Wisconsin alcohol beverage law does not permit "corkage fees." These fees, charged by restaurants, allow patrons to carry in their own alcohol beverages for consumption on the restaurant premises.

If the restaurant does not have an alcohol beverage license, consumption of alcohol beverages is prohibited. The restaurant owner can be criminally charged for allowing illegal consumption on the premises.

## **F. Giveaways**

Giving away alcohol beverages or using any other device to evade the law relating to its sale is illegal. Examples of these illegal transactions at unlicensed premises include:

- A "free" drink with a meal
- A cover charge where mix is furnished at a price with "no charge" for liquor
- A "free" bottle of liquor tied to the sale of some other item

Violators may be fined not more than \$10,000 or imprisoned for not more than nine months, or both.

## **G. Minimum Markup**



Alcohol beverages may not be sold at less than cost. Cost includes a presumptive 3% markup by wholesalers and 6% by retailers.

For questions on cigarette and tobacco products pricing and markup, contact the Wisconsin Department of Agriculture, Trade & Consumer Protection, Trade Practices, at (608) 224-4925 or (608) 224-4989.

## 6. UNDERAGE PERSONS AND MINORS

### A. Entering Licensed Premises

No retail licensee may allow an underage person to enter any part of the licensed premises for any purpose unless an exception applies.

Retailers should demand proof of age of anyone entering the premises who appears to be under the legal drinking age. Customers may prove age with one of the following, if valid:

- Driver's license
- State ID card
- Military ID card
- U.S. passport
- ID card issued by a federally recognized American Indian tribe or band in Wisconsin
- Any other form of identification or proof of age acceptable to the licensee

DOR recommends anyone who has shown proof of legal drinking age to sign an ID register book if the person's age is in question. Record the date of purchase, the identification used, the address, and the signature of the purchaser in the book. The book should be kept on the premises and available for inspection by any peace officer. (sec. 125.07(7), Wis. Stats.)

**Exceptions:** An underage person may enter a licensed premises if the underage person is:

- Accompanied by their parent, guardian, or spouse of legal drinking age.
- Entering a Class "A" or "Class A" licensed premises to buy items other than alcohol beverages. The underage person may not stay on the premises after the purchase.
- An employee, resident, lodger, or boarder on the premises.
- Entering to do business other than amusement or the purchase or consumption of food and beverages.
- Entering to buy food in a restaurant whose "principal business" is serving food.
- Entering and remaining in a dance hall or banquet or hospitality room attached to a Class B licensed premises to attend a banquet, reception, dance, or similar event.
- Entering the following premises:
  - bowling center
  - car operated by a railroad
  - center for visual or performing art
  - curling club
  - drug store
  - movie theater
  - painting studio
  - private tennis or soccer club
  - racetrack licensed under ch. 562, Wis. Stats.
  - regularly established athletic field

- golf course or clubhouse
  - grocery store
  - hotel
  - indoor golf simulator facility
  - billiards center having 12 or more billiards tables (not coin-operated) eight feet or longer
  - county or municipally owned public facility as defined in sec. 125.51(5)(b), Wis. Stats.
  - indoor golf and baseball facility on premises holding a Class "B" license
  - indoor (at least 9 by 18 meters) or outdoor volleyball court
  - service station
  - ski chalet
  - stadiums
  - vessel
  - music festival venues with projected attendance of at least 2,500 persons
  - privately owned fish farm that provides recreational fishing opportunities to the public for a fee and is registered under sec. 95.60(3m) (alcohol sales less than 30%)
  - State Fair Park and concessions in state park or forest, or park owned by an agricultural society
- Entering a Class "B" beer or "Class B" liquor licensed premises:
    - to do business at an auction or flea market. In this case, the underage person may not enter any room where alcohol beverages are sold, furnished, or possessed
    - room where no alcohol beverages are sold, furnished, served, or consumed by anyone when the underage person is present
 

This applies only if the municipality adopts an ordinance allowing it. The local law enforcement agency must authorize, in writing, the presence of underage persons on the date of the authorization. A separate authorization is necessary for each date on which underage persons will be on the premises. (sec. 125.07(3)(a)(8), Wis. Stats.)
    - On a date specified by the license when no alcohol beverages are consumed, sold, or given away
 

The licensee, the agent named on the license (if a corporation), or a person with an operator's license must be on the premises unless all alcohol beverages are in locked storage. The licensee must notify the local law enforcement agency, in advance, when underage persons are on the premises. (sec. 125.07(3)(a)(10), Wis. Stats.)
  - At least 18 years old and working under a contract with a licensee, permittee, or corporate agent to provide entertainment for customers on the premises.
  - Acting as a designated driver on the premises of a temporary Class "B" (picnic) beer or "Class B" (wine only) licensee authorized to permit underage persons on the premises by the official or body of the municipality that issued the license.
 

The licensee must identify the underage person using a wristband or similar item while on the premises.

## **B. Verifying Identification and Age**

### **(1) Reviewing ID Cards and Driver's Licenses**

- Ask pertinent questions about the ID presented. For example, if an ID card is presented as proof of age, ask how the driving was on the way to the establishment. If the person was driving, ask to see his or her driver's license.
- Check the card's expiration date. Only valid proof of age should be accepted.
- Look for "Under 18" or "Under 21" feature on the card.





- Look for "duplicate" stamp on the card. If a duplicate, ask what happened to the original.
- If the card is a Real ID-compliant card, look for a star in the top right corner.
- Ask for additional documentation verifying his or her identity (e.g., credit, debit, or insurance card with their name). People with false IDs rarely carry backup documentation, but most people have several forms.
- Look for laser engraved personal information, signature, and other features unique to Wisconsin ID cards.
- Ask questions about information on the card, such as address, birth date, middle initial, or spelling of last name. If the person doesn't answer to your satisfaction, you may refuse service and ask that person to leave.
- Compare presented driver's license to yours. See (2) below for characteristics of a false ID card or driver's license.
- Use an ID Checking Guide, especially in areas with a heavy out-of-state population (colleges, tourist communities). Several commercial companies publish guides that picture all states' driver's licenses.

## (2) False ID Card and Driver's License Characteristics

- Glue lines.
- Bumpy surfaces by the picture or birth date. Any surface area inconsistent with the rest of the ID usually indicates tampering.
- Overlay of reprinted numbers (and a shadowy or cloudy image). The ID card may have been opened to alter numbers.
- Missing spots on the state logo. A person who alters an ID may not pay attention to one of the most obvious clues on the card.
- Letters and numbers font type, color, and size; line spacing, or word and image placement may differ from valid ID cards and driver's licenses. How many digits for expiration and birth date? Are numbers consistent?
- Lack of security features (ultraviolet or micro printing). Use a blacklight and magnifying glass to check for security features.
- Reverse side is unfinished. Often a person altering an ID will spend significant time on reproducing an authentic-looking photo board but merely photocopy the reverse side. These are often blurred, a sure sign of photocopying.
- Weight or size is different. Bend the card, feel it. How does it feel compared to an authentic card? Does it measure the same?
- Colors vary from an authentic ID or license.
- Corners of the card are uneven and jagged rather than well-rounded and smooth. This is one of the best methods for detecting counterfeit cards.
- Shadows or glare on the picture or eye redness. Most driver licensing station cameras are set to avoid these problems.
- Laminate differs from authentic card or license. Is it clear or cloudy?

### (3) Retaining Proof of Age

No person who holds a license or permit, and no employee of such a person, is civilly liable for retaining a document presented as proof of age. The document may be retained for a reasonable length of time in a good faith effort to (a) determine whether the person who presented the document is underage or (2) notify law enforcement of a suspected violation for carrying a false ID. (sec. 125.039, Wis. Stats.)

### C. Possession by Underage Persons

An underage person may not possess alcohol beverages anywhere unless accompanied by a parent, guardian, or spouse of legal drinking age. This does not apply to underage persons employed by the following types of licensees or permittees, in the course of their employment:

- Brewers and brewpubs
- Beer wholesalers
- Liquor wholesalers
- Facilities producing alcohol fuel
- Retail licensees or permittees, under the provisions of secs. 125.32(2) and 125.68(2), Wis. Stats. (laws covering operator's licenses), or for delivery of unopened containers to the home or vehicle of a customer
- Campuses, if the underage person is at least 18 years of age and is under the immediate supervision of a person of legal drinking age

(sec. 125.07(4)(b) and (bm), Wis. Stats.)

### D. Sales and Service to Underage Persons

An underage person accompanied by their parent, guardian, or spouse of legal drinking age may be sold or served alcohol beverages in any licensed premises, if allowed by the establishment. (sec. 125.07(1), Wis. Stats.)

### E. Employing Minors

- Minors under 14 years old may not be employed where alcohol beverages are sold.  
**Exception:** Minors 12 years or older may be employed at a business owned by their parent, even though beverages are sold.
- Minors 14 years or older (including minors that are 12 or 13 years old under the exception above) may be employed where alcohol beverages are stored, sold, or served if they are not serving, selling, dispensing, or giving away alcohol beverages, or acting as bouncers, crowd controllers, or identification checkers. This applies to all places licensed to sell alcohol beverages, including stores, service stations, bars, and restaurants.
- Minors may not be employed or appear as musicians, singers, performers, or dancers at roadhouses, dance halls, night clubs, taverns, or similar places, except:
  - Minors 16 or 17 years old may be employed or appear as musicians in a hall on Friday, Saturday, or any other day not followed by a school day, or before midnight on Sunday, if the hall was rented to celebrate a special event such as a wedding, holiday, birthday, or anniversary.
  - Minors may be employed or appear at dances held solely for minors that are conducted by private clubs or civic organizations where admission is limited to the club membership or by club invitation and the general public is excluded.

(sec. 103.78, Wis. Stats., and sec. DWD 270, Wis. Adm. Code)



## F. Other

- No one may falsely represent that they are of legal drinking age to ask for or obtain alcohol beverages in any licensed premises. (sec. 125.07(4), Wis. Stats.)
- No one may possess or consume alcohol beverages in a public, parochial, or private school, through 12th grade, or in a vehicle owned by, rented, or consigned to a school or while participating in a school activity, without the express, written permission of the school administrator (sec. 125.09(2), Wis. Stats.). Permission may not be given to underage persons.
- A licensed alcohol beverage retailer may bring a civil action against a person who violates the state's underage drinking law, if the following conditions are met:
  - The conduct must occur on the retailer's premises
  - The retailer must mail notice of the intent to bring action to the underage person or the underage person's parent, as applicable, at least 15 days prior to filing the action
  - The retailer must not have been convicted of, received a citation for, or been charged with a violation of the underage drinking law
  - The retailer must have reported the suspected conduct to law enforcement at or near the time when the conduct was first discovered

This provision does not apply if the underage person was employed by or assisting a law enforcement agency in carrying out enforcement to determine compliance with or investigating potential violations of the prohibition on underage persons in licensed premises. A retailer prevailing in the civil action shall be awarded \$1,000 in damages and the costs of bringing the civil action. (sec. 125.07(4)(f), Wis. Stats.)

## G. Penalties

- **Entry** – Alcohol beverage licensees permitting unaccompanied underage persons to unlawfully enter the premises are subject to a forfeiture of not more than \$500. (sec. 125.07(3), Wis. Stats.)
- **Age Misrepresentation** – An unaccompanied underage person unlawfully entering a licensed premises or misrepresenting their age to obtain alcohol beverages is subject to a \$250 to \$500 forfeiture, suspension of motor vehicle operating privileges under sec. 343.30(6)(b)1, Wis. Stats., participation in a supervised work program, or a combination of these penalties.
- **Sale** – A person selling or furnishing alcohol beverages to an unaccompanied underage person is:
  - Required to forfeit not more than \$500 if the person has not committed a previous violation within 30 months of the violation
  - Fined not more than \$500 or imprisoned for not more than 30 days or both if the person has committed a previous violation within 30 months of the violation
  - Fined not more than \$1,000 or imprisoned for not more than 90 days or both if the person has committed 2 previous violations within 30 months of the violation
  - Fined not more than \$10,000 or imprisoned for not more than 9 months or both if the person has committed 3 or more previous violations within 30 months of the violation (sec. 125.07(1), Wis. Stats.)

If a violation occurs on a licensed premises and is detected by means of an undercover underage person employed by or assisting a law enforcement agency, only the individual responsible for providing the alcohol beverages to the underage person may be issued a citation for, or charged with, the violation.

- **School Possession** – Anyone unlawfully possessing or consuming alcohol beverages on a school premises, in a school vehicle, or while participating in a school activity is subject to a forfeiture of not more than \$200 (sec. 125.09(2)(d), Wis. Stats.)

**Exception:** A disposition in the proceedings against an underage person is provided by secs. 125.07(4)(c) and (d) and 938.344, Wis. Stats.

- **License Holder Violations** – The alcohol beverage license of any person committing a violation of sec. 125.07(1), Wis. Stats., must be suspended for:
  - Not more than 3 days if a second violation is committed within 12 months of a previous violation.
  - Not less than 3 days nor more than 10 days if a third violation is committed within 12 months of two previous violations.
  - Not less than 15 days nor more than 30 days if a fourth violation is committed within 12 months after committing three other violations.
- **False Identification Provided to Underage Person** – Anyone other than a person authorized by secs. 125.085 or 343.50, Wis. Stats., who makes, alters, or duplicates an official identification ("ID") card, provides an official ID card to an underage person, or knowingly provides other documentation to an underage person claiming that the underage person is of legal drinking age may be fined not less than \$300 nor more than \$1,250 or imprisoned not less than ten days nor more than thirty days, or both.  
If violated for money or other consideration, the person is guilty of a Class I felony.
- **False Identification by Underage Persons** – Any underage person who does any of the following may be penalized. For a first violation, a \$300 to \$1,250 forfeiture, suspension of the person's driving privileges, participation in a supervised work program, or any combination of these penalties.
  - Intentionally carries an official ID card not legally issued to him or her, an official ID card obtained under false pretenses, or an official ID card which has been altered or duplicated to give false information.
  - Makes, alters, or duplicates an official ID card.
  - Gives false information in applying for an official ID card.
  - Intentionally carries an ID card or other documentation showing that he or she is of legal drinking age, knowing that the documentation is false.
  - Provides to another underage person an official ID card or other documentation claiming that the other underage person is of legal drinking age, knowing that the documentation is false.

## 7. RECORDKEEPING

### A. Invoices

Every licensed retailer must keep paper or electronic copies of all purchase invoices for alcohol beverages on the licensed premises for two years from the date of the invoice. Invoices should be kept in chronological order and be available for inspection during all reasonable hours. (sec. 139.11(1), Wis. Stats.)

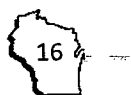
### B. Identification Register

DOR recommends that every licensee keep an identification (ID) register. Record the identity of a person who alleges they are:

- Legal drinking age.
- Underage person's parent, guardian, or spouse and of legal drinking age.

Include the date of purchase, type of identification used, address, and signature of the person. Verify the signatures in the book and on the person's ID match.

(sec. 125.07(7), Wis. Stats.)



A "Proof of Age Register" or "Identification Register Book" may be purchased from:

- Tavern League of Wisconsin, 2817 Fish Hatchery Road, Fitchburg, WI, 53713-5005, phone: (608) 270-8591, website: [tlw.org](http://tlw.org).
- Wisconsin Grocers Association, 10 West Mifflin, Ste. 205, Madison, WI, 53703, phone: (608) 244-7150, website: [wisconsin-grocers.com](http://wisconsin-grocers.com).

## 8. OTHER ALCOHOL BEVERAGE INFORMATION

### A. Payment for Alcohol Beverages

A licensee may only buy liquor or beer for cash or on credit terms for a period not to exceed:

- Beer - 15 days
- Liquor - 30 days

A licensee in debt to a wholesaler beyond the above time periods may not purchase alcohol beverages from the wholesaler. A person may not be issued a license if he or she exceeds these limits.

### B. Nonalcohol Beverages

Beverages that contain less than 0.5% alcohol by volume are not alcohol beverages regulated by ch. 125, Wis. Stats. Therefore, nonalcohol (NA) "beer," and mocktails may be sold in the same manner as water and sodas (e.g., regardless of age).

These beverages should not be confused with those labeled "low alcohol" (LA), which generally contain 3.2% alcohol, and are regulated by ch. 125, Wis. Stats.

### C. Temporary Class "B" and "Class B" Licenses

Temporary Class "B" beer and "Class B" wine only licenses (picnic licenses) are short-term authorizations that allow the following organizations to make retail sales of alcohol beverages at a particular picnic or similar gathering, at a meeting of the post, or during a fair:

- bona fide clubs and chambers of commerce
- county or local fair associations or agricultural societies
- churches, lodges, or societies that have been in existence for at least 6 months before the date of application
- posts of veterans' organizations

Temporary licenses may also be issued to authorize a "wine walk" or "beer walk." This is a single day event at which customers are served a glass of beer or wine at multiple locations (e.g., jewelry stores, art galleries, clothing boutiques, salons, furniture stores, etc.) during shopping visits.

#### (1) Requirements

Requirements that apply to other alcohol beverage licensees also apply to Temporary "Class B" wine and Temporary Class "B" beer licensees, including:

- Licensed operators (person's holding an operator's license, also known as a "bartender's license") serving the wine or beer and/or supervising serving wine or beer.

- Temporary operator's licenses may be issued to persons employed by or donating services to the qualified organization for the event. A person may hold two temporary operator's licenses per year.
- Licensees must purchase all wine and beer from liquor or beer wholesalers and breweries/brewpubs authorized to self-distribute to retail licensees.

Form AT-315, Application for Temporary Class "B" / "Class B" Retailer's License, is submitted by the qualifying organization to the municipality to apply for a Temporary Class "B" beer or Temporary "Class B" wine license. Applicants for a wine walk or beer walk should attach to the application a list of participating locations and premises descriptions or submit a separate application for each location participating in the event.

## (2) Wine Walk

A municipality may issue to the same qualified organization up to 20 Temporary "Class B" wine licenses for the same date and time. The qualified organization is the licensee and sponsor of the single-day, multiple-location event. The following requirements apply:

- Admission fees must be charged for participation in the event and no additional fees may be charged for service of alcohol beverages at the event
- Municipalities may authorize the licensee to permit unaccompanied underage persons on the licensed premises if the underage person is a designated driver and is identified by the licensee (e.g., wristband)
- No person may serve wine after 9:00 p.m. on the licensed premises
- Qualified organizations may receive Temporary "Class B" (wine) licenses for up to two events during a 12-month period
- Municipalities are limited to 2 wine walks within any 12-month period.

## (3) Beer Walk

A municipality may issue to the same qualified organization an unlimited number of Temporary Class "B" beer licenses for the same date and time. The qualified organization is the licensee and sponsor of the single-day, multiple-location event. The following requirements apply:

- Admission fees must be charged for participation in the event and no additional fees may be charged for service of alcohol beverages at the event
- Municipalities may authorize the licensee to permit underage persons on the licensed premises
- Sales for off-premises consumption must end by midnight, or earlier if required by municipal ordinance
- Municipalities may charge up to \$10 for each Temporary Class "B" beer or Temporary "Class B" wine license issued for the single-day, multiple-location event.

## D. Inspection of Licensed Premises

Licensed premises may be inspected by law enforcement officers during all reasonable hours, including business hours. All rooms connected to the barroom, sales room, or storage area may be inspected as part of the licensed premises. Refusing to permit an inspection is grounds for revocation or suspension of the license. (sec. 139.08(4), Wis. Stats.)

Alcohol beverages, cigarettes, tobacco products, and personal property identified in violation of the statutes may be seized.

## 9. CIGARETTE AND TOBACCO PRODUCTS

### A. Definitions

- Cigarette – any roll of tobacco wrapped in paper or any substance other than tobacco.
- Nicotine Product – a product that contains nicotine and is not any of the following:
  - tobacco product
  - cigarette
  - product approved by the U.S. Food and Drug Administration for sale as a smoking cessation product or for another medical purpose that is marketed and sold solely for the approved purpose.
- Tobacco products – include:
  - cavendish
  - cheroots
  - cigars
  - fine cut and other chewing tobaccos
  - granulated, plug cut, crimp cut, ready-rubbed, and other smoking tobacco
  - periques
  - plug and twist tobacco
  - refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking
  - shorts
  - snuff flour
  - snuff, including moist snuff
  - stogies

"Tobacco products" does not include cigarettes, as defined under sec. 139.30 (1m).

### B. Licenses

A license from a municipality is required to directly or indirectly sell, expose for sale, possess with intent to sell, or give away any cigarettes or tobacco products in any manner or upon any pretense or by any device.

The following provisions apply:

- **Training** – Retailers are required to provide training to employees whose duties include the sale of cigarettes, tobacco products, or nicotine products. The training must be an approved program by the Department of Health Services.
- **Inspection / Confiscation** – Licensed premises may be inspected by law enforcement officers during all reasonable hours, including business hours. Refusal to permit inspection is punishable by fine, imprisonment, or both.

All cigarettes or tobacco products kept in violation of the laws and all personal property used in connection is subject to seizure.

- **Recordkeeping** – Every licensed retailer must keep purchase invoices for cigarettes and tobacco products on the licensed premises for two years from the date of the invoice. Invoices should be kept in chronological order and be available for inspection during all reasonable hours. (sec. 134.65(4), Wis. Stats.)

### C. Purchases

Retailers must purchase cigarettes and tobacco products from a manufacturer, distributor or jobber who holds a valid permit from DOR. If a retailer purchases tobacco products from an out-of-state company that does not have a permit from DOR, the retailer must obtain a distributor permit from DOR.

### D. Sales

- **Certified Manufacturers and Brands** – Only cigarettes and Roll-Your-Own (RYO) tobacco products in Directory of Certified Tobacco Manufacturers and Brands on the Wisconsin Department of Justice's website ([www.doj.state.wi.us](http://www.doj.state.wi.us)) may be sold to Wisconsin consumers. Products not listed cannot be sold or possessed for sale after the date shown on the directory. Wholesalers and retailers that possess for sale, or sell, products in violation are subject to confiscation of that product and/or fines, forfeitures and revocation of their permits.
- **Minimum Markup** – The unfair Sales Act, commonly referred to as the Minimum Markup Law" (sec. 100.30), provides that tobacco products, including cigarettes, may not be sold at less than cost. Cost includes a presumptive 3% markup by wholesalers and presumptive 6% markup by retailers. The Wisconsin Department of Agriculture, Trade & Consumer Protection (DATCP) administers the Unfair Sales Act. For questions on cigarette and tobacco products pricing or markup, contact DATCP Trade Practices staff at (608) 224-4925 or (608) 224-4989.
- **Single Cigarettes** – Federal law prohibits sales of cigarette packages containing fewer than 20 cigarettes, including single cigarettes, known as "loosies." No retailer may sell individual cigarettes.

### E. Underage Persons

- **Sales to Underage Persons** – According to federal law (21 USC 387f(d)(5)), no retailer may sell or give away cigarettes, tobacco products, or nicotine products (including electronic cigarettes containing nicotine) to someone under 21 years of age.
- **Possession of Cigarettes/Tobacco Products/Nicotine Products by Minors** – A person under 18 years of age may possess cigarettes/tobacco products/nicotine products for the sole purpose of resale in the course of employment during their working hours if employed by a licensed retailer. (sec. 254.92(2), Wis. Stats.)

## 10. VAPOR PRODUCTS

### A. Definitions

- Vapor product – a noncombustible product that produces vapor or aerosol for inhalation from the application of a heating element, regardless of whether the liquid or substance contains nicotine.
- Distributor – any person:
  - engaged in the business of selling vapor products in Wisconsin who brings, or causes to be brought, into Wisconsin from outside Wisconsin any vapor products for sale
  - who makes, manufactures or fabricates vapor products in Wisconsin for sale in Wisconsin
  - located and selling vapor products in another state who ships or transports vapor products to Wisconsin retailers for sale by those retailers





**Note:** A distributor includes a retailer that makes sales of untaxed vapor products in Wisconsin which are brought into Wisconsin from another state.

## B. Permit

Distributors of vapor products that do not currently hold a tobacco distributor permit must apply for a permit by completing Form CTP-129, Cigarette-Tobacco/Vapor Products Permits Application. (sec. 139.79, Wis. Stats.)

Retailers that bring untaxed vapor products into Wisconsin for sale to consumers must obtain a tobacco distributor permit.

Wisconsin retailers should review the Wisconsin Tobacco Products Permit Listing at [revenue.wi.gov](http://revenue.wi.gov) for purchasing vapor products from businesses that hold a Wisconsin tobacco and vapor products distributor's permit.

## C. Taxes

An excise tax is imposed on vapor products received by distributors in Wisconsin

The tax is imposed on the sale, offering or exposing for sale, possession with intent to sell or removal for consumption or other disposition for any purpose of vapor products. The tax rate is 5 cents per milliliter of the liquid or other substance based on the volume listed by the manufacturer and at a proportionate rate for any other quantity or fractional part.

The vapor products tax is reported electronically using Form TT-100, Wisconsin Distributor's Tobacco and Vapor Products Tax Return, and supporting schedules.

## 11. VIDEO GAMBLING

The operation of video gambling machines is a violation of Wisconsin law.

A gambling machine is a contrivance which, for a consideration, affords the player an opportunity to obtain something of value, the award of which is determined by chance, even though accompanied by some skill and whether the prize is automatically paid by the machine. (sec. 945.01(3), Wis. Stats.)

A "gambling machine" does not include any of the following:

- A device used in conducting a bingo occasion or raffle event under ch. 563, Wis. Stats., used in conducting a lottery under ch. 565 or used in conducting a race under ch. 562.
- Any amusement device if it rewards the player exclusively with one or more non-redeemable free replays for achieving certain scores and does not change the ratio or record the number of the free plays so awarded.
- An amusement device involving skill, if it rewards the player exclusively with merchandise contained within the amusement device proper and limited to prizes, toys and novelties, each having a wholesale value which is not more than seven times the cost charged to play the amusement device once or \$5, whichever is less.

"Skill" means, within an opportunity provided for all players fairly to obtain prizes or rewards of merchandise, a player's precision, dexterity or ability to use his or her knowledge which enables him or her to obtain more frequent rewards or prizes than does another less precise, dexterous or knowledgeable player.

## A. Enforcement

- **DOR** – Only a DOR special agent certified as a law enforcement officer may investigate or enforce video gambling violations on premises of persons holding "Class B" liquor and/or Class "B" beer licenses with **five or fewer** video gambling machines.
- **Municipalities** – Cities, towns, and villages have the authority to prohibit by ordinance all forms of gambling and to seize anything devised solely for gambling or used for gambling. Local law enforcement investigates and enforces these ordinance violations.

(sec. 175.38, Wis. Stats.)

## B. Violations

- Having five or fewer video gambling machines on a Class B premises may result in the following:
  - Seizure of the machines
  - Seizure of money in the machines
  - Forfeiture of \$500 per machine per incident
- Having more than five video gambling machines on a Class B premises, or any number of video gambling machines on any other licensed or unlicensed premises, is a felony.

The licensee may be arrested by a DOR special agent or a law enforcement officer of the jurisdiction where the arrest is made.

(sec. 945.03(2m), Wis. Stats.)

## C. Taxes

The sales price from admissions for access to illegal video gambling machines are subject to Wisconsin sales tax and the net income is subject to Wisconsin income or franchise tax. The sales, lease, or rental of the machines is subject to Wisconsin sales and use tax.

DOR conducts audits of both machine operators and Class B establishments for income or franchise and sales and use tax compliance.

For more information about Wisconsin taxes on video gaming receipts, see [Wisconsin Tax Bulletin 209](#), page 5.

## 12. RESOURCES

### A. Wholesale Permit Holders List

Alcohol beverage, cigarette, and tobacco and vapor products retailers must purchase alcohol beverages, cigarettes, and tobacco, and vapor products only from permitted Wisconsin wholesalers. Alcohol beverage retailers may also purchase from permitted self-distributing brewers or brewpubs.

The following lists of wholesalers holding permits issued by DOR can be found at [revenue.wi.gov](http://revenue.wi.gov):

- [Wisconsin Liquor Permit Listing](#)
- [Wisconsin Fermented Malt Beverage Permit Listing](#)
- [Wisconsin Cigarette Permit Listing](#)
- [Wisconsin Tobacco/Vapor Products Permit Listing](#)



## B. Published Guidance

DOR has publications, fact sheets, newsletters, and answers to common questions that provide additional information about alcohol beverages, cigarette, tobacco, and vapor products. These resources can be found at:

- Alcohol Beverage: <https://www.revenue.wi.gov/Pages/AlcoholBeverage/home.aspx>
- Cigarette, Tobacco, and Vapor Products: <https://www.revenue.wi.gov/Pages/Businesses/Tobacco.aspx>

## C. Alcohol Beverage News

Sign up to receive email updates from DOR. Go to [revenue.wi.gov](http://revenue.wi.gov), search for "subscribe" and sign up for Alcohol Beverage News.

## D. DOR Assistance

If you are unable to find an answer to your questions about the Wisconsin alcohol beverage, cigarette, or tobacco and vapor products laws, visit the DOR's website, email, write, or call:

Visit our website . . . [revenue.wi.gov](http://revenue.wi.gov)

Email . . . [DORAlcoholTobaccoEnforcement@wisconsin.gov](mailto:DORAlcoholTobaccoEnforcement@wisconsin.gov)

Write . . .  
Wisconsin DOR  
P.O. Box 8933  
Madison, WI 53708-8933

Telephone . . . (608) 264-4573

**License Committee****Administrative Rules and Procedures****Article I. Name of Committee**

The name of this Committee shall be the “License Committee” of the City of Franklin, Wisconsin, hereinafter referred to as the “Committee”.

**Article II. Authorization**

The authorization for the establishment of the Committee is set forth in §10-22. of the Municipal Code of Franklin, Wisconsin, as amended, hereinafter referred to as “§10-22.”, which is incorporated herein by this reference and is presented in Exhibit A.

**Article III. Membership**

Section 1. The composition of the Committee shall be as established in §10-22. and as may otherwise be specified by the Common Council.

Section 2. The terms of the members shall be as established in §10-22. and as may otherwise be specified by the Common Council.

Section 3. Each member shall have one (1) vote. The Chairman votes according to Common Council policy, which follows Roberts Rules of Order. Voting by proxy is not permitted. On a tie vote, the motion is lost. In the event the Committee is comprised of co-chair status for each member, each member shall have a vote on all matters, absent any conflict of interest or any other reason for abstention.

Section 4. All members shall serve without compensation.

Section 5. A quorum shall be two (2) members.

Section 6. Actions, communications, etc. of Committee members shall be subject to the provisions of the Wisconsin Statutes, including but not limited to the Open Meetings Act, and the Municipal Code and policies of the City of Franklin, including but not limited to the Code of Ethics.

**Article IV. Duties**

Section 1. The duties of the Committee shall be as established in §10-22. of the Municipal Code of the City of Franklin, and as may otherwise be specified by the Common Council.

Section 2. The City of Franklin’s City Clerk or designee shall provide administrative staff support to the Committee.

**Article V. Officers**

- Section 1. The officers of the Committee shall be the Chair, Vice-Chair and Secretary. In the event the Committee is comprised of Co-Chair status for each member, one member shall additionally be elected Secretary and no Vic-Chair shall be elected during such status.
- Section 2. The Chair and Vice-Chair shall be elected by and from the Committee members.
- Section 3. The term of Chair and Vice-Chair shall be from election to the next election. Elections to fill these offices shall be held at the first Committee meeting and the first Committee meeting on or after May 1 of each subsequent year. Elections to fill vacancies will be held at the first Committee meeting after the vacancy occurs.
- Section 4. The Chair shall preside at all meetings and hearings of the Committee and shall have the duties normally conferred by parliamentary usage to such office. The Chair, with the assistance of the City Clerk, shall:
- a) Call meetings of the Committee as needed to fulfill the duties of the Committee and determine the time and place of such meetings.
  - b) Prepare agendas for meetings.
  - c) Prepare reports of Committee actions.
  - d) Provide notice to all Committee members.
  - e) Attend to correspondence of the Committee as approved by the Committee.
  - f) Determine that the Secretary keeps the official records of the Committee.
  - g) Determine that all Committee members have these Administrative Rules and Procedures and such other records as may be necessary for the satisfactory conduct of the duties of Committee members.
  - h) Have other duties as may from time to time be assigned by the Committee.
- Section 5. When the Chair is unable to preside or fulfill the duties of the Chair, the Vice-Chair (or Co-Chair) shall preside and assume the duties of the Chair until the Chair is able to preside.

**Article VI. Committees, Subcommittees**

- Section 1. The Committee may establish committees and subcommittees as deemed appropriate or necessary to fulfill the duties of the Committee.
- Section 2. The Chair shall appoint committee and subcommittee members and officers.

**Article VII. Meetings**

- Section 1. The Committee, its committees and subcommittees shall meet as needed to fulfill the duties of the Committee.
- Section 2. The Committee shall meet at the call of the Chairman as needed to fulfill the duties of the Committee.
- Section 3. All meetings of the Committee shall be open to the general public, subject to the provisions of the Wisconsin Statutes (Open Meetings Act).
- Section 4. Except as otherwise provided herein or specified by the Common Council, the parliamentary procedure of the Committee shall be as provided in Robert's Rules of Order Newly Revised, as approved by the Common Council.
- Section 5. A record of all Committee actions shall be kept as part of its minutes.
- Section 6. Any member of the Committee may place on a Committee agenda for consideration, discussion, action, etc. any matter that is properly within or related to the duties, rules, procedures, activities, etc. of the Committee, by notice to the Chair and the Secretary.
- Section 7. All materials and information related to matters to be considered by the Committee shall be delivered to the City Clerk not later than seven (7) working days preceding the meeting at which the matter is to be considered. Matters submitted for consideration by the Committee may be rescheduled to a subsequent Committee meeting when the Committee has determined that any required materials and information have not been received by the specified time.
- Section 8. Agendas and other materials for each meeting shall, whenever possible, be mailed to the members of the Committee not later than three (3) working days preceding the meeting.
- Section 9. Revisions or amendments to these Administrative Rules and Procedures (except items established in the statutes and regulations of the State of Wisconsin or the Municipal Code of the City of Franklin, Wisconsin, which shall be as adopted by the applicable authoritative body), shall require approval of a majority of all the members of the Committee and approval by the Common Council. All other actions shall require approval of a majority of all the members of the Committee.

**Article VIII. Order of Business**

Section 1. Each Committee agenda shall provide for the following order of business:

- I. Call to order and roll call
- II. Approval of minutes of previous meeting(s)
- III. Old business (listed)
- IV. New business (listed)
- V. Other business (e.g., items for future agendas, Committee rules and procedures, etc.)
- VI. Schedule next meeting
- VII. Adjournment

Section 2. In general, the order of business shall follow the printed agenda. The order of business may vary from the printed agenda by consensus of the Committee members present.

**Article IX. Non-member Participation**

Section 1. Letters, documents and other records relevant to matters before the Committee or within Committee duties are welcome at any time by submission to the Secretary, subject to timing requirements established elsewhere herein. Submissions related to a specific matter before the Committee will be considered when the specific matter is considered. Submissions related to other matters within the Committee duties will be considered in the Other Business section of the agenda or as otherwise deemed applicable by the Committee.

Section 2. Except for properly noticed and scheduled public hearings, non-member testimony during Committee meetings shall be limited to a) applicants with matters before the Committee, b) persons with knowledge or expertise relevant to matters before the Committee or within Committee duties and c) the Mayor and Aldermen of the City of Franklin. Such non-member testimony shall be permitted at the discretion of and upon recognition by the Chair or on consensus of the Committee members present, and upon statement of name, address and basis for testimony.

Section 3. At a properly noticed and scheduled public hearing of the Committee, any person may speak on the specified subject of the hearing upon recognition by the Chair and statement of name and primary residence address.

**Article X. Reconsideration**

Section 1. The Committee may reconsider any action taken by it during the same meeting at which the action was taken and at the next succeeding meeting.

## License Committee

### Administrative Rules and Procedures

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#### Exhibit

- A. §10-22. Of the Municipal Code of the City of Franklin, Wisconsin.

#### EXHIBIT A.

§10-22. License Committee. [Added 3-6-2001 by Ordinance No. 2001-1639]

The License Committee shall consist of three Alderpersons appointed by the Mayor and confirmed by the Common Council, each to serve a one-year term commencing May 1. (See §19-4. of this Code.)



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APPROVAL <b>DDG</b>	REQUEST FOR <b>COUNCIL ACTION</b>	MEETING DATE <b>10/04/2022</b>
<b>Bills</b>	<b>Vouchers and Payroll Approval</b>	<b>ITEM NUMBER I</b>

Attached are vouchers dated September 16, 2022 through October 1, 2022, Nos 189516 through Nos 189684 in the amount of \$ 1,019,980 12 Also included in this listing are EFT's Nos 5093 through EFT Nos 5110, Library vouchers totaling \$ 25,139 07 and Water Utility vouchers totaling \$ 31,375 02

*Included in this listing is payment to Hudock Law Group in the amount of \$ 51,500 which was approved at the Council meeting on September 6, 2022*

Early release disbursements dated September 16, 2022 through September 30, 2022 in the amount of \$ 706,909 54 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

There were no property tax distributions

The net payroll dated September 23, 2022 is \$ 461,377 52, previously estimated at \$ 460,000 Payroll deductions dated September 23, 2022 are \$ 454,763 12, previously estimated at \$ 445,000

The estimated payroll for October 7, 2022 is \$ 426,000 with estimated deductions and matching payments of \$ 245,000

Approval to release payment to WE Energies in the amount of \$ 4,881 08 for street light removal on S Lovers Lane Road

Approval to release the funds for the Southwest Park purchase via wire transfer on Friday, October 7, 2022, in the amount of \$1,507,651 26

### COUNCIL ACTION REQUESTED

Motion approving the following

- City vouchers with an ending date of October 1, 2022 in the amount of \$ 1,019,980 12 and
- Payroll dated September 23, 2022 in the amount of \$ 461,377 52 and payments of the various payroll deductions in the amount of \$ 454,763 12, plus City matching payments and
- Estimated payroll dated October 7, 2022 in the amount of \$ 426,000 and payments of the various payroll deductions in the amount of \$ 245,000, plus City matching payments and
- Approval to release payment to WE Energies in the amount of \$ 4,881 08
- Approval to release the funds for the Southwest Park purchase in the amount of \$1,507,651 26

**ROLL CALL VOTE NEEDED**