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**\*REVISED**  
**CITY OF FRANKLIN**  
**COMMON COUNCIL MEETING**  
**FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS**  
**9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN**  
**AGENDA\*\***  
**TUESDAY, DECEMBER 19, 2023 AT 6:30 P.M.**

- A. Call to Order, Roll Call and Pledge of Allegiance.
- \*B. Citizen Comment Period.
- C. Approval of Minutes: Regular Common Council Meeting of December 5, 2023.
- D. Hearings.
- \*E. Organizational Business - The Mayor has made the following appointments for Council confirmation:
  - 1. Hotel/Motel Industry Member: Lance A. Schaefer, Everest Hospitality, LLC, 6901 S. 76th St., Ald. Dist. 2 - Tourism Commission for a 1-year term expiring 12/31/2024.
  - 2. Barbara Wesener, 7479 Carter Circle South., Ald. Dist. 5 - Tourism Commission for a 1-year term expiring 12/31/2024.
  - 3. Edward Holpfer, 8058 S. 77th Street, Ald. Dist. 1 - Tourism Commission for a 1-year term expiring 12/31/2024.
  - 4. Mark Wylie, 7468 Carter Circle S., Ald. Dist. 5 - Tourism Commission for a 1-year term expiring 12/31/2024.
  - 5. Jeffrey Kuderski, 7468 Carter Circle S., Ald. Dist. 5 - Tourism Commission for a 1-year term expiring 12/31/2024.
  - 6. Mayoral Appointments of Inspectors of Election for 2024 and 2025.
- F. Letters and Petitions.
- G. Reports and Recommendations:
  - \* 1. Updates to the ROC Ballpark Commons Noise Solutions and Enchant Christmas.
  - 2. Wisconsin State Representative Chuck Wichgers to Provide an Update to the Common Council Regarding Department of Revenue Concerns.
  - 3. Presentations of a Draft Public Facilities Needs Assessment and Impact Fee Study for Sanitary Sewer System Facilities and Water System Facilities, Setting Impact Fees for Same, and Directing a Public Hearing to be Held for Public Comment on the Needs Assessment and Impact Fees Ordinance Amendment.
  - \* 4. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use Amendment for a Fence Wholesale and Distribution Use with Indoor and Outdoor Storage, Light Fabrication, and Office Use Upon Property Located at 7407 S. 27th Street (Master Halco, Applicant).

- \* 5. An Ordinance to Amend the Unified Development Ordinance Text at Table 15-3.0603 Standard Industrial Classification Title No. 8041 “Offices and Clinics of Chiropractors” to Allow Such Use as a Special Use in the M-1 Limited Industrial District (Eleah Glander, Glander Family Chiropractic, Applicant).
- \* 6. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Chiropractic Office and Services Business Use Upon Property Located at 11217 W. Forest Home Avenue (By Eleah Glander, Glander Family Chiropractic, Applicant) (ACG Acquisitions #10 LLC (D/B/A Anderson Commercial GRP), Property Owner).
- 7. A Resolution To Amend Resolution No. 2022-7873 Imposing Conditions and Restrictions for the Approval of a Special Use for a Condominium Complex Development Use Upon Property Located at 12000 W. Loomis Road (Stephen R. Mills, President of Bear Development, LLC, Applicant, Boomtown, LLC, Property Owner).
- \* 8. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Drinking Place (Without Drive-Through Facilities) Use Upon Property Located at 10064 W. Loomis Road, (Randy Larson, On Cloud Wine; Applicant/Park Place Holdings, Property Owner).
- \* 9. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Meat Smoker Enclosure and Overnight Food Truck Parking Upon Property Located at 7740 S. Lovers Lane Rd, Suite 400. (By Thomas Green, Jr., Mr. Greens BBQ, Applicant/Franklin Wyndham LLC, Property Owner).
- \* 10. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for Liquor, Tobacco & Misc. Retail Sales Upon Property Located at 7730 S. Lovers Lane Rd. (By Dharmesh Ghelani, AK Developers LLC, Applicant/Franklin Wyndham LLC, Property Owner).
- 11. A Resolution Authorizing Certain Officials to Accept a Conservation Easement for and as Part of the Review and Approval of a Certified Survey Map (By Alex Scheler, Carma Laboratories, Inc, Applicant, Carma Laboratories, Inc, Property Owner) (9410 S. 76th Street and 7520 W. Ryan Rd)
- 12. A Resolution Authorizing Certain Officials to Accept a Landscape Bufferyard Easement for and as Part of the Review and Approval of a Certified Survey Map (By Alex Scheler, Carma Laboratories, Inc, Applicant, Carma Laboratories, Inc, Property Owner) (9410 S. 76th Street and 7520 W. Ryan Rd).
- 13. Request Council Approval of a Job Description for a Probationary Firefighter-Emergency Medical Technician (EMT) Position.
- 14. The Fire Department is Seeking Council Approval and an Emergency Contingency Appropriation and Budget Amendment for Unexpected Engine Repairs to Paramedic Ambulance MED 112.
- 15. Request Council Approval to Authorize a Budget Modification Amendment to Encumber Funds Allocated in 2023 Capital Outlay Funding for Replacement Source-Capture Diesel Exhaust Systems to the 2024 budget.
- 16. Review of the Professional Services Agreement Between the City of Franklin and Stantec Consulting Services Inc. for Quarry Monitoring Services for Calendar Year 2024.

Common Council Meeting Agenda

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17. A Resolution to be Compensated \$250.00 by Wisconsin Department of Transportation for 50 Square Feet of a Temporary Limited Easement at 7979 W. Ryan Road (TKN 896 9990 001).
18. Pathway Options for a Wisconsin Department of Transportation Project on S. Lovers Lane (USH 45) from W. St. Martins Road to W. Rawson Avenue (CTH BB).
19. A Resolution to Award Landmark Structures I, LP a Contract to Construct Elevated Water Storage Tank (Contract B) at 8120 S. Lovers Lane Road (TKN 801-9986-000) in the Amount of \$6,833,000.
20. A Resolution to Award Dorner, Inc. a Contract to Construct Water Transmission Main (Contract A) along S. Lovers Lane in the Amount of \$840,366.
21. An Ordinance to Modify the Municipal Code Section 245-5 D. (4) Designating No Parking on South Side of W. Forest Hill Avenue in the Vicinity of Forest Park Middle School (8225 W. Forest Hill Avenue) and Modify the Municipal Code Section 245-5 F. Designating Parking in School Zones for Both Sides of S. 35th Street in the Vicinity of Southwood Glen Elementary School (9090 S. 35th Street).
22. Geographic Marketing Advantage, LLC Agreement for Geographic Information System (GIS) Support and Database Maintenance Services for 2024.
23. Request Council Approval of an updated Job Description for the Administrative Assistant Position that was Formally the Secretary Position.
24. Request Council Approval of an Updated Job Description for the Permit Licensing Specialist Position that was Formally the Administrative Clerk Position.
25. Authorization to Modify the 457(b) Retirement Savings Option Plans Offered by the City of Franklin, Including Adding Roth Options.
26. An Ordinance to Amend Ordinance 2022-2521, An Ordinance Adopting the 2023 Annual Budgets for the General Fund and Capital Outlay Fund to Carry Forward Appropriations from 2022 for Specifically Identified Projects in the Amount of \$323,187.
27. 2024 Property and Casualty Insurance Coverage.
28. Authorize Staff to Solicit Equipment Considered in the 2024 Highway Equipment Replacement and Capital Outlay Funds.
29. Authorize the Director of Health and Human Services to sign the University of Wisconsin La Crosse Affiliation Agreement to Host a Volunteer Student Intern in 2024.
30. Authorize Promotion and Wage Adjustment for Marion Ecks to Principal Planner (Grade Level9; Hourly Rate of \$35) from Account 01-0621-5111.
31. Annual Market Adjustment, Market Adjustment to Wage and Salary Rates, and Progress to Market Wage Adjustment for Non-Represented Employees.
32. Authorize the Director of Administration to Enter into An Agreement with ClearGov, Which Includes a Termination at any Time without Penalty Clause to Lock in 2023 Rates for Software that would be Implemented for the City by the 2025 Budget Season or Sooner.
- \* 33. Request Council Approval and Adoption of a Newly Created Job Description for Department of Public Works Deputy Clerk Position and to Promote Andrea Stormoen to Department of Public Works Deputy Clerk.

Common Council Meeting Agenda

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- 34. A Resolution Authorizing Certain Officials to Execute an Agreement to Continue Professional Environmental Engineering Services to Monitor Compliance at the Metro Recycling & Disposal Facility to December 31, 2024, with JSA Environmental, Inc.
- \* 35. An Ordinance to Amend Ordinance 2022-2521, an Ordinance Adopting the 2023 Annual Budget for the Sewer Fund to Provide Additional Auto Equipment Appropriations Associated with the Purchase of a Utility Vehicle in the Amount of \$59,784.50.
- \* 36. A Resolution to Purchase a 2023 Ford F550 Super Chassis XL V8 Diesel with Additional Equipment from Hiller Ford, Inc. for \$119,569.00 from the Sewer and Water Utilities.
- \* 37. Evaluation and Recommendations by the Director of Administration for Proposed Tax Assessment Services. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), Considering the Deliberating or Negotiating the Purchasing of Public Properties, the Investing of Public Funds, or Conducting Other Specified Public Business, Whenever Competitive or Bargaining Reasons Require a Closed Session.

H. Licenses and Permits: License Committee Meeting of December 19, 2023.

I. Bills.

Request for Approval of Vouchers and Payroll.

J. Adjournment.

\*\*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:

December 21	Plan Commission	6:00 p.m.
December 25 & 26	Closed for Christmas	
January 1 & 2	Closed for New Years	
January 3	Common Council Meeting (Wednesday)	6:30 p.m.
January 4	Plan Commission	6:00 p.m.
January 16	Common Council Meeting	6:30 p.m.
January 19	Plan Commission	6:00 p.m.



CITY OF FRANKLIN  
COMMON COUNCIL MEETING  
DECEMBER 5, 2023  
MINUTES

- ROLL CALL                    A.        The regular meeting of the Franklin Common Council was held on December 5, 2023, and was called to order at 6:30 p.m. by Mayor John R. Nelson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were present: Alderman Ed Holpfer, Alderman Yousef Hasan, Alderwoman Courtney Day, Alderman Mike Barber, and Alderman Jason Craig. Alderwoman Michelle Eichmann was not present. Also in attendance were Director of Administration Kelly Hersh, City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski, and City Clerk Karen Kastenson.
  
- CITIZEN COMMENT        B.1.      Citizen comment period was opened at 6:31 p.m. and was closed at 7:03 p.m.
  
- FIRE CHIEF ADAM  
REMYINGTON  
PROCLAMATION            B.2.      Mayor Nelson presented a Proclamation in Recognition of the Service of Fire Chief Adam J. Remington.
  
- MINUTES  
NOVEMBER 21, 2023        C.1.      Alderman Barber moved to approve the minutes of the Common Council meeting of November 21, 2023, as presented. Seconded by Alderman Holpfer. All voted Aye; motion carried.
  
- SPECIAL COMMON  
COUNCIL MINUTES  
NOVEMBER 28, 2023        C.2.      Alderman Hasan moved to approve the minutes of the Special Common Council meeting of November 28, 2023, as presented. Seconded by Alderman Barber. All voted Aye; motion carried.
  
- ORD. 2023-2570  
AMEND ORD. 2023-  
2569 2024 ANNUAL  
BUDGET FOR  
PURCHASE OF FIRE  
APPARATUS                    G.1.      Alderman Barber moved to adopt Ordinance No. 2023-2570, AN ORDINANCE TO AMEND ORDINANCE 2023-2569, AN ORDINANCE ADOPTING THE 2024 ANNUAL BUDGET FOR THE EQUIPMENT REPLACEMENT FUND TO PROVIDE CARRYFORWARD APPROPRIATIONS TO RESTORE \$723,567.99 TO THE GL ACCOUNT #42-0221-5811 FOR THE PURCHASE OF FIRE APPARATUS. Seconded by Alderman Holpfer. On a roll call; all voted Aye. Motion carried.
  
- RES. 2023-8068  
SPECIAL USE FOR  
BEER & WINE SALES  
ESTABLISHMENT AT  
7160 S. BALLPARK            G.2.      Alderman Holpfer moved to adopt Resolution No. 2023-8068, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A BEER AND WINE SALES ESTABLISHMENT WITH AN OUTDOOR PATIO UPON PROPERTY LOCATED AT 7160 SOUTH BALLPARK

DR. (BADAX FLATS,  
LLC APPLICANT, ZIM-  
MAR PROPERTIES,  
LLC, OWNER)

DRIVE, SUITE 130 (BADAX FLATS, LLC, APPLICANT), AS PRESENTED TO THE COMMON COUNCIL IN THE DECEMBER 5, 2023 MEETING AGENDA PACKET ITEM G.2., WITH AN AMENDMENT THERETO OF THE FINAL BE IT FURTHER RESOLVED PROVISION, AS PURSUANT TO §15-9.0103G. OF THE UNIFIED DEVELOPMENT ORDINANCE, THE COMMON COUNCIL DETERMINED THE ESTABLISHMENT OF THIS SPECIAL USE, DUE TO CURRENT CONSTRUCTION CONDITIONS, SHALL BE AS SET FORTH IN THE PROVISION HEREBY AMENDED TO READ AS FOLLOWS: "BE IT FURTHER RESOLVED, PURSUANT TO §15-9.0103G. OF THE UNIFIED DEVELOPMENT ORDINANCE, THAT THE SPECIAL USE PERMISSION GRANTED UNDER THIS RESOLUTION SHALL BE NULL AND VOID UPON THE EXPIRATION OF ONE YEAR FROM THE DATE OF ADOPTION OF THIS RESOLUTION, UNLESS THE SPECIAL USE HAS BEEN ESTABLISHED BY WAY OF THE ISSUANCE OF A BUILDING PERMIT FOR SUCH USE; AND THAT THEREAFTER, UPON THE ISSUANCE OF THE BUILDING PERMIT, FORTHWITH COMMENCEMENT OF CONSTRUCTION AND COMPLETION OF SUCH CONSTRUCTION UPON THE EXPIRATION OF 20 MONTHS AFTER THE ISSUANCE OF THE BUILDING PERMIT." Seconded by Alderwoman Day. On a roll call; all voted Aye except Alderman Hasan who abstained; motion carried 4-1-1.

PURCHASE OF HP  
WARRANTY  
EXTENSIONS

G.3. Alderman Barber moved to authorize the purchase of HP warranty extensions for data center equipment in the amount of \$41,938.11 as budgeted for in the 2023 Information Services Capital Outlay Equipment Budget - Account 41-0144-5841. Seconded by Alderman Hasan. All voted Aye; motion carried.

CDC PUBLIC HEALTH  
WORKFORCE  
DEVELOPMENT  
GRANT FOR COVID-  
19 MITIGATION &  
RECOVERY EFFORTS

G.4. Alderman Hasan moved to authorize the Director of Health and Human Services to accept the modified Centers for Disease Control Public Health Workforce Development Grant for COVID-19 mitigation and recovery efforts. Seconded by Alderwoman Day. All voted Aye; motion carried.

ORD. 2023-2571  
AMEND MUNICIPAL  
CODE §169-1 LICENSE  
AND FEES FOR  
SWIMMING POOLS

G.5. Alderman Barber moved to adopt Ordinance No. 2023-2571, AN ORDINANCE TO AMEND §169-1, LICENSES REQUIRED, OF THE MUNICIPAL CODE TO AMEND THE HEALTH DEPARTMENT ADMINISTRATION SWIMMING POOL LICENSE AND FEES CATEGORY FOR COMPLIANCE WITH THE RECENTLY UPDATED WISCONSIN ADMINISTRATIVE CODE CHAPTER ATCP 76, SAFETY, MAINTENANCE, AND

OPERATION OF PUBLIC POOLS AND WATER ATTRACTIONS, TO INCREASE THE TYPES OF LICENSES REQUIRED AND FEES THEREFORE. Seconded by Alderman Holpfer. All voted Aye; motion carried.

ENVIRONMENTAL  
HEALTH  
SANITARIAN FTE'S  
FOR 2024

G.6. Alderman Barber moved to approve the Director of Health and Human Services to maintain the 2023 increase of Environmental Health Sanitarian from .1 FTE to .4 FTE for the 2024 calendar year, effective January 1, 2024, funding to be covered by a grant from the health department. Seconded by Alderman Hasan. All voted Aye; motion carried.

PURCHASE HEALTH  
DEPARTMENT  
VEHICLE WITH  
GRANT AWARD

G.7. Alderman Holpfer moved to approve the Director of Health and Human Services to purchase a Health Department vehicle to replace current 2014 Ford Taurus with Franklin Health Department American Rescue Plan Coronavirus Fiscal Recovery Grant award. Seconded by Alderman Barber. All voted Aye; motion carried.

UDO REWRITE  
AGMT-HOUSEAL  
LAVIGNE  
ASSOCIATES LLC

G.8. Alderman Holpfer moved to table to a meeting in January, 2024. Seconded by Alderman Craig. All voted Aye; motion carried.

RES. 2023-8069  
STORM WATER  
FACILITIES  
MAINTENANCE  
AGREEMENT AT  
12000 W. LOOMIS RD.

G.9. Alderman Craig moved to adopt Resolution No. 2023-8069, A RESOLUTION FOR ACCEPTANCE OF A STORM WATER FACILITIES MAINTENANCE AGREEMENT AND EASEMENTS FOR PUBLIC RECREATIONAL TRAIL, STORM DRAINAGE, STORM WATER MANAGEMENT ACCESS, AND WATER MAIN AT 12000 WEST LOOMIS ROAD (TKNS 891-9016-000 THROUGH 891-9040-000). Seconded by Alderman Hasan. All voted Aye; motion carried.

Attorney Wesolowski vacated his seat at 8:13 p.m., and returned at 8:15 p.m.

CLOSED SESSION

G.10. Alderman Hasan moved to go into closed session at 8:15 p.m., with regard to City personnel performance evaluation of Director of Administration, to enter closed session pursuant to Wis. Stat. § 19.85(1)(c), considering employment, promotion, compensation or performance evaluation data of any public employee over which the governing body has jurisdiction or exercises responsibility, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

Mayor Nelson moved for a five-minute recess at 8:15 p.m., and returned into closed session at 8:21 p.m.

Upon re-entering open session at 9:09 p.m., No action was taken.

MISCELLANEOUS  
LICENSES

H. Alderman Craig moved to approve the following licenses of the License Committee Meeting of December 5, 2023:

Grant 2023-24 Operator License to: Michele Reimann, Annamaria Robel, & Molly Tengel;  
Approve the PUBLIC (People Uniting for the Betterment of Life and Investment In the Community) Grant to: Franklin Health Dept–Community Events, Park Permits, Spring Walk/Run-5/18/24, Bike Rodeo-6/1/24, Movie Night-6/21/24, Trunk or Treat-10/24/24, Lions Legend I, Legend Dr, Schlueter Pkwy; Franklin Lioness Lions Club–St Martin’s Fair & Club Monthly Meetings, St Martin’s Fair Permit, Temporary Class “B” Beer and Operators Licenses, Park Permits, 9/1-9/2/24, Various Summer Dates, St Martin’s Labor Day Fair, Lions Legend I; Franklin Lions Foundation–Fund Raisers & Club Monthly Meetings, Park Permits–Easter Egg Hunt, Club Meetings, St Martin’s Fair Permit, Temporary Class “B” Beer, Operators Licenses, 3/30/24, 6/11/24, 7/9/24, 9/10/24, 9/1-9/2/24, Lions Legend I, Ken Windl Pavilion, St Martin’s Labor Day Fair; Franklin Park Concerts, Inc–Free Concerts, Park Permits, Band Shell Fees, 6/30/24, 7/14/24, 7/28/24, 8/11/24, & 8/25/24, Lions Legend I; Franklin Police Citizen’s Academy Alumni, St Martin’s Fair Permit, 9/1-9/2/24, St Martin’s Labor Day Fair; Franklin Police Department–National Night Out, Temporary Entertainment & Amusement, Food Licenses, 8/5/24, Franklin Public Library, 9151 W Loomis Rd; St Martin of Tours Parish–Vietnamese Lunar New Year Celebration & St Martin’s Fair, Temporary “Class B” Beer & Wine, Temporary Entertainment & Amusement, Operators Licenses, St Martin’s Fair Permit, 2/11/24, 9/1-9/2/24, St Martin of Tours Parish Hall at 7963 S 116<sup>th</sup> St, St Martin’s Labor Day Fair; and Xaverian Missionaries–Annual Mission Festival, License Fees–Extraordinary Event, Temporary Class B Beer & Wine, Operators, Temporary Food & Sign Permits, Xaverian Missionaries, 4500 W Xavier Dr, 6/22-6/23/24.

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

VOUCHERS AND  
PAYROLL

I. Alderman Barber moved to approve City vouchers with an ending date of November 30, 2023, in the amount of \$ 1,195,768.17, and payroll dated December 1, 2023, in the amount of \$ 463,191.77 and payments of the various payroll deductions in the amount of \$ 244,961.64, plus City matching payments, and estimated payroll dated

December 15, 2023 in the amount of \$ 465,000 and payments of the various payroll deductions in the amount of \$ 250,000, plus City matching payments. Seconded by Alderman Holpfer. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J.

Alderman Craig moved to adjourn the meeting of the Common Council at 9:12 p.m. Seconded by Alderwoman Day. All voted Aye; motion carried.

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<b>APPROVAL</b> K	<b>CORRECTED REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 12-19-23
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Mayoral Appointments</b>	<b>ITEM NUMBER</b> E.1.-5.

The Mayor has made the following appointments for Council confirmation:

1. Hotel/Motel Industry Member: Lance A. Schaefer, Everest Hospitality, LLC, 6901 S. 76th St., Ald. Dist. 2 - Tourism Commission for a 1 year term expiring 12/31/2024.
2. Barbara Wesener, 7479 Carter Circle S., Ald. Dist. 5 - Tourism Commission for a 1-year term expiring 12/31/2024.
3. Edward Holpfer, 8058 S. 77th Street, Ald. Dist. 1 - Tourism Commission for a 1-year term expiring 12/31/2024.
4. Mark Wylie, 7468 Carter Circle S., Ald. Dist. 5 - Tourism Commission for a 1-year term expiring 12/31/2024.
5. Jeffrey Kuderski, 8135 W. High St., Ald. Dist. 1 - Tourism Commission for a 1-year term expiring 12/31/2024.


### COUNCIL ACTION

Motion to confirm the following Mayoral appointments:

1. Hotel/Motel Industry Member: Lance A. Schaefer, Everest Hospitality, LLC, 6901 S. 76th St., Ald. Dist. 2 - Tourism Commission for a 1-year term expiring 12/31/2024.
2. Barbara Wesener, 7479 Carter Circle S., Ct., Ald. Dist. 5 - Tourism Commission for a 1-year term expiring 12/31/2024.
3. Edward Holpfer, 8058 S. 77th Street, Ald. Dist. 1 - Tourism Commission for a 1-year term expiring 12/31/2024.
4. Mark Wylie, 7468 Carter Circle S., Ald. Dist. 5 - Tourism Commission for a 1-year term expiring 12/31/2024.
5. Jeffrey Kuderski, 8135 W. High St., Ald. Dist. 1 - Tourism Commission for a 1-year term expiring 12/31/2024.

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<b>APPROVAL</b>  	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>12/19/2023</b>
<b>ORGANIZATIONAL BUSINESS</b>	<b>Appointments of Election Inspectors for 2024 and 2025.</b>	<b>ITEM NUMBER</b>  <b>E. 6.</b>
<p>Pursuant to Wisconsin State Statute §7.30(4), Stats., the following are appointments of Election Inspectors and Alternates for 2024 and 2025:</p>		
Abbott, Jody Abelmann, Rhoda Ahearn, Jody Albert, Robert Amali, Ahalam Anderson, Lucas Bartnicki, Mary Bate, Tim Behling, Norm Behrens, Sue Bellin, Bernard Bienzen, Timothy Bohn, Michael Borkenhagen, Noah Braatz, Steven Brandenburg, Douglas Brandt, John Braunstein, George Carter, Olivia Chen (Goecke), Dorothee Chen, Jesse Christie, Angela Christie, Bailey Ciche, Dennis Ciszewski, Deborah Claus, Rebecca Clausius, Joyce Colla, Mary Collins, Janice Cook, Ken Crass, Daniel Crass, Ellen Cywinski, Donald Czaplewski, Lynn Czaplewski, Richard	Czerniak, Diane Dejna, Jason Dejna, Jeff Dejna, Judy Devries, Cathy Dicks, Mary Dietrich, Claudia Ditlevson, Kathryn Donovan, Carole Donovan, Tom Dukat, Gerald Dunnington, Douglas Edwards, Wendy Ehrke, Elizabeth Eldredge, Ed Eldredge, Suzanne Elston-Works, Beverly Felhofer, Mary Felter, Terry Fisher, Ray Foreman, Sammy Freitag, Gerald Fricano, Marie Fuller, Jayne Fuller, Tom Garves, Beverly Gaulke, Cristine Golden, Mary Gorzalski, Victoria Gramza, Danica Gronland, Vicki Grove, Trevor Guzman, Eddie Hanson, Joan Hardin, Lori	Harrold, Paula Hasan, Yousef Haugh, Kathi Hazlett, David Hedrick, Roger Hedstrom, John Henderson, Melody Hilber, Robert Hintzke, Robert Hogan, Patty Honeck, Terry Hozeska, Ruth Huhn, Sue Jablonowski, Brian Janicek, Diane Jennings, Heidi Jensen, Barb Jensen, Sharon Johnson, Jo Jones, Jennifer Kehl, Bruce Kerr-Gindt, Dana Kessen, Ashley Klimo, Michele Klimo, Rick Kosler, Cathy Kovacic, Tim Kresovic, Mira Krukowski, Thaddeus Kucharski, David Kulinski, Nancy Kulinski, Veronica Ladisa, Maryann Larosa, Lynne Larosa, Paul

Larson, Earl  
Larson, Marcia (Marcy)  
Lawal, Sandra  
Lemahieu, Peggy  
Lentz, Jaqueline  
Liermann, Sue  
Lockridge, Justin  
Logsdon, Patti  
Luedtke, Glenn  
Mabrey, Andrew  
Mach, Francesca  
Magarich, Marleen  
Mainella, Ted  
Malek, Sue  
Manning, Carol  
Manti, Arrie  
Manti, Thomas  
Marso, Julie  
Marz, Peter  
Mathwig, Linda Anne  
McClure, James  
McIntyre-Kelly, Laura  
McKnight, Dennis  
McKnight, Susan  
McSherry, Mary  
Meister, Sandra  
Merritt, Judy  
Mieding, Judy  
Millet, Sonji  
Mlodzik, Maryanne  
Muelver, Donna  
Muelver, Kimberly  
Muelver, Rick  
Nerby, Pam  
Nichols, Dan  
Nichols, Lucas  
Nichols, Sandy  
Nickolaus, Roger  
Nickolaus, Sharon

Noll, John  
Nutter, Laurie  
Obermeyer, Jenny  
Ohlheiser, Wayne  
Oines, Nathan  
Ortiz, Rick  
Ortiz, Tracey  
Pagel, Matthew  
Pawlowski, Meredith  
Pelletier, Marybeth  
Peter, Mary  
Piwowarczyk, Darlene  
Plant, Jerald  
Poole, Cathy  
Poulakos, Patti  
Priestaf, Mark  
Probst, Timothy  
Pulles, Donna  
Rabiega, Richard  
Rani, Rakesh  
Rappold, Cheryl  
Reich, Mary  
Richard, Cathleen  
Richardson, Ann  
Richichi, Suzanne  
Rivedal, Dag  
Rizvi, Syed  
Roble, Renee  
Rotzenberg, Paul  
Ruffing, Lori  
Savagian, Harry  
Scalish, Kristy  
Schauer, Diane  
Schefchik, John  
Schefchik, Kathy  
Schefchik, Pam  
Schlecht, Paul  
Schlueter, Sue  
Schmidt, Daryl

Schmidt, Karen  
Schmidt, Valori  
Schnagl, Kathy  
Seizer, Charlotte  
Singh, Maharaj  
Slama, Kathy  
Sobczak, Lynne  
Sobic, Monika  
Soczka, Julie  
Sopa, Dave  
Sopa, Janet  
Sorensen, Gary  
Spars, Donna  
Stack, Jody  
Stern, Jacki  
Stinebaugh, Patsy  
Stys, Janis  
Tessler, Janet  
Thompson, Jan  
Toll, Barbara  
Tucknott, William  
Urbanek, Debbie  
Utley, Susan  
Valentine, Lynne  
VanDernoot, Linda  
Vega, Samuel  
Wall, Jerry  
Wang, Nancy  
Weber, Craig  
Welch, Robert  
Wenz, William  
White, Judith (Judy)  
Wilke, Elizabeth  
Williams, Carl  
Wittlieff, Barbara  
Wittlieff, James  
Yank, Mary  
Zimmermann, Alane  
Zwitter, Bart

## **COUNCIL ACTION REQUESTED**

**Motion to Confirm appointments of Election Inspectors and Alternates as submitted for 2024-2025.**

<p><b>APPROVAL</b></p> <p><i>JR</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p>12/19/2023</p>
<p><b>REPORTS AND RECOMMENDATIONS</b></p>	<p><b>Updates to the ROC Ballpark Commons Noise Solutions and Enchant Christmas</b></p>	<p><b>ITEM NUMBER</b></p> <p>G 1.</p>

The Mayor will provide an update on the solutions to noise issues at the ROC Ballpark Commons. Laura Nelson with Engage Franklin will provide an update on Enchant Christmas.

**COUNCIL ACTION REQUESTED**

As the Common Council may determine appropriate.

MAYOR – JRN

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>X</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;">12/19/2023</p>
<p style="text-align: center;"><b>REPORTS AND RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>Wisconsin State Representative Chuck Wichgers to Provide an Update to the Common Council Regarding Department of Revenue Concerns</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>6-2</i></p>
<p>Wisconsin State Representative Chuck Wichgers will update the Common Council on Department of Revenue Concerns.</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>As the Common Council may determine appropriate.</p>		

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>X</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b> December 19, 2023</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>Presentation of a draft Public Facilities Needs Assessment and Impact Fee Study for Sanitary Sewer System Facilities and Water System Facilities, setting Impact Fees for same, and directing a Public Hearing to be held for Public comment on the Needs Assessment and Impact Fees Ordinance Amendment</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G.3.</p>

**Background**

Attached is a draft Public Facilities Needs Assessment and Impact Fee Study. Page 1 provides the Purpose and Background for the Study. The Study addresses Water System and Sanitary Sewer System needs within the City of Franklin.

In 2020, Council approved resetting the Park, Library, Law Enforcement and Municipal Court Facilities, Transportation Systems Facilities, Fire Protection and Emergency Medical Services Facilities Fees. The Water Systems Facilities and Sanitary Sewer System Facilities fees were to be evaluated at a later date.

In 2022, Council moved to table the adoption of an Ordinance to Amend §92-9. Impact Fees, of the Municipal Code, In Part and Primarily to Update Same Pursuant to the Public Facilities Needs Assessment and Impact Fee Study dated April 27, 2022.

July 5, 2023, Council approved Resolution No. 2023-8016, approving Ruekert & Mielke, Inc. to complete a Sanitary Sewer Impact Fee Study. The need for a Water Impact Fee Study was imperative to the Water Tower Project along with the expiration of the planning period in 2020. Hence, why the Sanitary Sewer Systems Facilities and Water System Facilities are being reviewed at this time.

**Analysis**

Ed Maxwell, the City's consultant from Ruekert & Mielke, Inc. will be present at the December 19, 2023 Common Council Meeting to present this item.

A few important items to consider:

- The Water System Facilities, along with the accompanying impact fees, have not been re-evaluated since being implemented in 2002. Therefore, the planning period of 2000-2020 has expired and it is imperative to update at this time.
- The Sanitary Sewer System Facilities, along with the accompanying impact fees, have not been re-evaluated since being implemented in 2013.
- The Common Council may deviate from the study if it determines that additional costs can/should be funded through other City sources.
- There are changes recommended with regard to impact fee rates due to housing affordability.
- Best practices are to review the fees on a more regular cycle than has been done previously. Therefore, staff is recommending a 3-5-year cycle for review, unless substantial changes in planning/projects prompt specific areas to be reviewed more frequently.

The draft study establishes revised impact fees for single-family, two-family, multi-family, commercial and industrial developments. The study recommends updating the fees as follows:

Table 16 - Summary of Impact Fees \*

Type of Impact Fee	Single-family or Two-family Dwelling Unit	Multi-family Dwelling Unit	Commercial Unit (per 1,000 sq ft)	Industrial Unit (per 1,000 sq ft)
<b>Proposed Fees</b>				
<i>Water (Proposed, per equivalent meter)</i>	\$3,181	\$3,181	\$3,181	\$3,181
<i>Sanitary Sewer (Proposed, southwest only, per equivalent)</i>	\$4,276	\$4,276	\$4,276	\$4,276
Transportation (Existing Fee -- No Change)	\$824	\$536	\$278	\$136
Fire (Existing Fee -- No Change)	\$565	\$366	\$192	\$94
Law Enforcement (Existing Fee -- No Change)	\$645	\$420	\$219	\$108
Parks (Existing Fee -- No Change)	\$2,382	\$1,547	N/A	N/A
Library (Existing Fee -- No Change)	\$419	\$272	N/A	N/A
<b>Total of Proposed Fees</b>	<b>\$12,292</b>	<b>\$10,598</b>	<b>\$8,146</b>	<b>\$7,795</b>
<b>Existing Fees</b>				
Water (per equivalent meter)	\$3,341	\$3,341	\$3,341	\$3,341
Sewer (per equivalent meter)	\$3,729	\$3,729	\$3,729	\$3,729
Transportation	\$824	\$536	\$278	\$136
Fire	\$565	\$366	\$192	\$94
Law Enforcement	\$645	\$420	\$219	\$108
Parks	\$2,382	\$1,547	N/A	N/A
Library	\$419	\$272	N/A	N/A
<b>Total Existing Fees</b>	<b>\$11,905</b>	<b>\$10,211</b>	<b>\$7,759</b>	<b>\$7,408</b>
<b>Change from Existing Fees</b>	<b>\$387</b>	<b>\$387</b>	<b>\$387</b>	<b>\$387</b>
<b>Change from Existing Fees</b>	<b>3%</b>	<b>4%</b>	<b>5%</b>	<b>5%</b>

\* does not include administrative fees

### Recommendation

Staff recommends acceptance of the Public Facilities Needs Assessment and Impact Fee Study, as well as proceeding with a Public Hearing on the same.

### **COUNCIL ACTION REQUESTED**

Motion to accept the Public Facilities Needs Assessment and Impact Fee Study draft with any changes the Council deems appropriate and direct that a Public Hearing be held to consider input and adopt a revised Impact Fee Ordinance;

Finance Dept - DB



# Public Facilities Needs Assessment and Impact Fee Study



**PREPARED FOR:**

**City of Franklin**

9229 W. Loomis Rd

Franklin, WI 53132

**PREPARED BY:**

**Ruekert & Mielke, Inc.**

W233N2080 Ridgeview Pkwy

Waukesha, WI 53188

**Public Facilities Needs Assessment and Impact Fee Study**

*November 27, 2023*



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## PUBLIC FACILITIES NEEDS ASSESSMENT AND IMPACT FEE STUDY

### PURPOSE AND BACKGROUND

This study is a public facility needs assessment under Wisconsin Statutes § 66.0617(4). This study develops and recommends impact fees that comply with the impact fee standards in Wis. Stat. § 66.0617(6).

Ruekert & Mielke, Inc. (R/M) and the City of Franklin (Franklin) have prepared several impact fee studies and updates:

- 2002 Public facilities needs assessment and impact fee study for law enforcement & municipal courts, fire & emergency medical services, library, parks, transportation, and water facilities.
- 2004 Amendment to impact fees for law enforcement & municipal court, and fire & emergency medical services facilities.
- 2012 Public facilities needs assessment and impact fee study for southwest sanitary sewer service area (fees adopted in 2013).
- 2013 Public facilities needs assessment and impact fee study update for parks.
- 2015 Public facilities needs assessment and impact fee study update for parks.
- 2020 Public facilities needs assessment and impact fee study for law enforcement & municipal courts, fire & emergency medical services, library, parks, and transportation.

The level of detail meets the state statutes, which grant latitude to municipalities in how they spend impact fee funds. As the footnotes to Wis. Stat. § 66.0617 explain, the law “allows a municipality to impose impact fees for a general type of facility without committing itself to any particular proposal before charging the fees.” The footnotes to the statutes make explicit that a “municipality must be allowed flexibility to deal with the contingencies inherent in planning.” The project details that follow in this study represent Franklin’s best planning at this time, but Franklin reserves its statutory right to alter its planning to best suit evolving needs after this study is finished.

As required by the Wisconsin Statutes, each fee section contains an inventory of existing facilities, a list of future projects, the service standards, existing deficiencies, and the calculation of the impact fee. The study also contains the required analysis on the effect the proposed impact fees would have on housing affordability.

The fees contained in this study do not apply to public school facilities per Franklin’s ordinance § 92-9.K, which was amended in 2020 to exclude them.

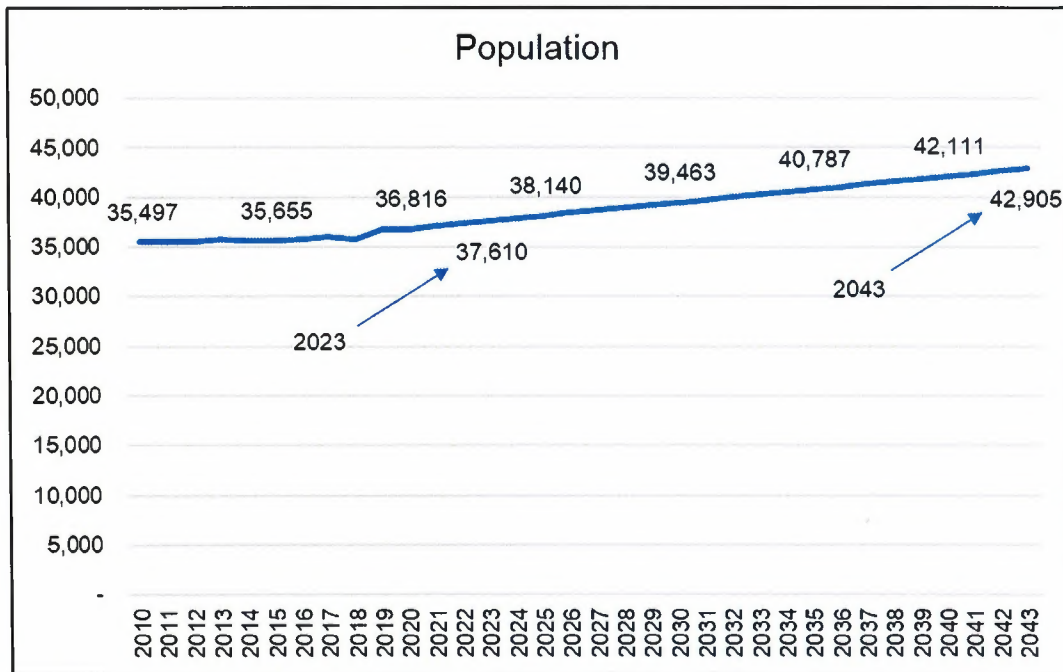


GENERAL

The growth forecast and service area give a common framework for developing impact fees for specific facility types.

Growth Forecast

We forecast the following population growth through 2043 as shown below.



The US Census Bureau number was used for the 2020 population while the population for each prior year is based on data from the Wisconsin Department of Administration (DOA) Demographics Services Center. The DOA's growth rate for 2020 to 2040 was applied to the forecast, but R/M adjusted the DOA's forecast downward by approximately 25 percent based on conversations with City staff, including the City's Planning Department.

This forecast assumes an annual growth rate of a little less than 1 percent. If Franklin grows at a significantly higher or lower rate, especially over the course of several years, Franklin should update its impact fees to reflect this change.

The population forecast is used to help confirm residential development that is based on recent customer growth rate among the single-family and multifamily residential classes. The rate of growth for nonresidential demand is based on recent growth rates in those customer classes as well. The fees for both the water and sanitary sewer departments are forecast on an equivalent-meters basis. The forecast methodology and the growth rates are explained in detail later in the study.

### Service Area

Wis. Stat. § 66.0617(4)(a)2 requires Franklin to base impact fees on an explicitly identified service area. The service area for the water fees is the entire City of Franklin. The sanitary-sewer impact fees are to be collected in southwest Franklin. See Appendix A for the map defining Franklin's sanitary-sewer service area for impact fees.

### WATER SYSTEM FACILITIES

Franklin plans to continue to impose impact fees to fund water system improvements. Franklin first imposed impact fees for its water system in 2002. Since then, several projects have been completed, and the system needs new projects to provide service for future growth.

Below is an inventory of the water system's current infrastructure.

## Public Facilities Needs Assessment and Impact Fee Study

Table 1 - Water Inventory				
Existing Water Supply Facilities		Actual Capacity (gallons/minute)	Primary Purpose	
Well 8		600	Standby	
Total		600		
Existing Booster Pump Stations		Actual Capacity (gallons/minute)	Primary Purpose	
Drexel Booster Station P1		1,600	Booster	
Drexel Booster Station P2		1,600	Booster	
Drexel Booster Station P3		900	Booster	
Drexel Booster Station P4		1,400	Booster	
Puetz Road Booster Station P1		1,750	Booster	
Puetz Road Booster Station P2		875	Booster	
Puetz Road Booster Station P3		1,750	Booster	
Puetz Road Booster Station P4		875	Booster	
Total		10,750		
Existing Storage Facilities		Total Capacity (gallons)	Type	
Tank 1		500,000	Elevated Tank	
Tank 2		2,000,000	Elevated Tank	
Total		2,500,000		
Existing Water Mains				
	Diameter (inches)	Length (ft)	Function	Material
	6	20,935	Supply	Other Metal
	6	32,698	Supply	Other Plastic
	8	23,776	Supply	Other Metal
	8	454,212	Supply	Other Plastic
	10	3,026	Supply	Other Plastic
	12	34,744	Transmission	Other Metal
	12	182,388	Transmission	Other Plastic
	16	23,241	Transmission	Other Metal
	16	120,425	Transmission	Other Plastic
	20	18,989	Transmission	Other Metal
	24	15,871	Transmission	Other Metal
Total		930,305		

Source: 2022 PSC Annual Report

Note: Reservoir 8 is no longer in use

All the projects under Phases I and II in the 2002 impact-fee study have been completed, as have several of the Phase III and Phase IV projects. The projects from the study that need to be

completed are elevated storage tanks, and oversizing of mains for new growth remains an ongoing need.

A new water system study was produced in 2009 by Kaempfer & Associates. The study recommended building three tanks to serve new growth, the same one on Puetz Road that the 2002 impact fee study had included and two on Lovers Lane instead of just one that the original study had included.

For the two towers on Lovers Lane, the 2009 study recommended a combined size of 1.5 million gallons. A storage alternatives evaluation conducted in 2018 by Kaempfer produced a different conclusion: construct two 1-million gallon-tanks and take one of Franklin's current tanks out of service, a 500,000-gallon tank. The net increase is still 1.5 million gallons of storage capacity. Since one-half of one of the new tanks is essentially replacement, one-half of that cost is excluded.

The 2009 study also included a 16-inch transmission main on St. Martins Road, 12-inch transmission main on Church Street, and a building expansion for the water and sewer utility's shared facility. However, only the building expansion was identified as being needed for servicing future growth; the other projects were deemed essential for augmenting reliability for service to existing customers. The other projects are therefore considered existing deficiencies and are not eligible for impact fees.

The project costs listed below for the storage tanks come from Franklin's five-year capital improvement plan, with 15 percent added to account for engineering and inspection. The first Lovers Lane tower is more expensive than the second one because it will include extensive site work and the oversizing costs of the water main needed to connect the towers to the rest of the system. The second tower is less because it does not include the site work or oversizing and only half the full cost since half of its capacity will replace an existing tower's capacity.

The building expansion was finished in 2015 and is listed at actual cost, but it is the cost for only the water-utility portion of the building (the facility was constructed for both the sewer utility and the water utility). The estimate for oversizing in the forecast time is based on an annual average of oversizing costs, with the costs adjusted by the Engineering News Record Cost Construction Index (ENR CCI) to 2023 dollars.

Project	Cost
Puetz Road Elevated Storage Tank	\$ 8,464,951
First Lovers Lane Elevated Storage Tank	8,185,700
Second Lovers Lane Elevated Storage Tank *	1,941,502
Oversizing for next 20 years	6,095,000
Building Expansion **	1,680,000
<b>Total</b>	<b>\$ 26,367,154</b>

\* Excludes half the cost since it is replacing existing 0.5 MG tank

\*\* Total is only for portion of expansion used for water utility



The standard applied to the storage tanks is capacity based on maximum-day demand. The most recent water system study indicates that these projects are needed exclusively to meet the capacity needs for future growth. However, the forecast for growth was based on trends that did not continue since the study was conducted. The 2009 study forecast that in 2020, average daily demand would be over 4.5 million gallons, but average daily demand in 2020 was 2.4 million gallons, or less than 60 percent of what had been forecast. Both lower-than-expected growth and increased conservation and efficiency measures have caused actuals to fall below the forecast.

R/M created a new forecast for average daily demand based on the long-term annual growth rate. For maximum day demand, a multiyear average of maximum day to average day demand ratio was used. For peak hour demand, the ratio of average day to peak hour demand from the Kaempfer study was applied. The bottom line of the table below compares the R/M forecast to the forecast for full buildout in the Kaempfer study.

Study Comparison	Average (million gallons/day)	Max Day (million gallons/day)	Peak Hour (million gallons/day)
2009 Water System Study Forecast	6.058	13.933	24.232
R/M Forecast	4.328	7.136	12.984
Current Forecast as % of Prior Forecast	71.4%	51.2%	53.6%

Only the portion of the project that will serve future needs within the forecast period – the next 20 years – can be recovered through impact fees. The Kaempfer study explained that total water storage is based on maximum-day demand, so per the adjusted forecast, 51.2 percent of the cost can be recovered using impact fees.

The standard for main oversizing is capacity to supply the greater of peak hourly demand or average demand on the maximum day plus the projected fire flow demand. Since by definition oversizing is intended solely to provide excess capacity for anticipated future growth, all oversizing costs can be attributed to future growth.

The standard applied to the building expansion is based on population compared to square footage of building space. Most of the building expansion was needed to serve the existing population, i.e., to fix an existing deficiency, but almost a fifth of it was needed to serve future growth.

Category	Standard per 1,000 Population	Current Population Estimate	Current Goal	Future Population	Future Goal
Water Building (Square Footage)	276	37,610	10,367	42,905	11,826
Facility	Prior Inventory	Existing Deficiency	Additions	Additions to Meet Future Needs	New Growth Share
Water Building (Square Footage)	3,310	7,057	8,298	1,460	17.6%



Prior Inventory refers to the building size before the expansion was completed. The Prior Inventory and Additions include only the portion of the building used by the water utility. Only 18 percent of the cost can be recovered through impact fees.

Below are the costs for the projects with the new growth share shown.

Project	Full Cost	New Growth Share	Cost to New Growth
Puetz Road Elevated Storage Tank	\$ 8,464,951	51.2%	\$ 4,335,455
First Lovers Lane Elevated Storage Tank	8,185,700	51.2%	4,192,432
Second Lovers Lane Elevated Storage Tank	1,941,502	51.2%	994,370
Oversizing	6,095,000	100.0%	6,095,000
Building Expansion	1,680,000	17.6%	295,509
<b>Total</b>	<b>\$ 26,367,154</b>		<b>\$ 15,912,766</b>

Franklin reserves the right to amend this list outside of a formal impact fee study based on court rulings regarding impact fees. As the footnotes on Wis. Stat. § 66.0617 explain, the law “allows a municipality to impose impact fees for a general type of facility without committing itself to any particular proposal before charging the fees. The needs assessment must simply contain a good-faith and informed estimate of the sort of costs the municipality expects to incur for the kind of facility it plans to provide .... A municipality must be allowed flexibility to deal with the contingencies inherent in planning.” Franklin may therefore add projects to serve new growth as needed.

To allocate the cost among new growth, impact fees have been apportioned based on meter size.

RM recommends changing methodology away from the City's current approach of apportioning fees based on residential equivalent connections for several reasons. Apportioning fees based on meter size is much easier for customers to understand, offers more consistency and predictability in fees for both customers and the City, and greatly simplifies the City's task of administering the fees.

Forecasting meter count was based on the recent historical annual customer growth rate in each customer class at each meter size. The growth among each of the meter sizes was proportioned according to their existing distribution. Below is the forecast for the two residential classes, single-family and multifamily, for the next 20 years.

Forecast increase in single-family meters						32.1%	
Forecast increase in multifamily meters						34.1%	
Meter Size	Single-family *	% Share	Incremental		% Share	Incremental	
			Single-family	Meters		Multifamily *	Meters
1/2" **	-	0.00%	-	-	0.00%	-	
3/4"	7,381	98.65%	2,372	1	0.33%	-	
1"	95	1.27%	31	119	39.67%	41	
1.25"	-	0.00%	-	-	0.00%	-	
1.5"	6	0.08%	2	110	36.67%	38	
2"	-	0.00%	-	65	21.67%	22	
2.5"	-	0.00%	-	-	0.00%	-	
3"	-	0.00%	-	2	0.67%	1	
4"	-	0.00%	-	1	0.33%	-	
6"	-	0.00%	-	2	0.67%	1	
8"	-	0.00%	-	-	0.00%	-	
10"	-	0.00%	-	-	0.00%	-	
12"	-	0.00%	-	-	0.00%	-	
	7,482	100.00%	2,405	300	100.00%	103	

\* From 2022 PSC annual report

\*\* Excludes 1/2" meters for forecasting purposes since Franklin is no longer installing them

The difference in the growth rate for population and the growth rate for residential customer classes can be attributed to the trend of fewer people per unit, both for single-family and multifamily dwellings.

For the last several years, the annual growth rates for the public-authority and irrigation classes are negligible. Coupled with a declining land-use forecast for institutional and agricultural purposes, the flat growth rate caused R/M to forecast no growth in the public-authority and irrigation meter count.

For the commercial and industrial classes, the number of new meters was projected out twenty years based on the annual growth rates for the number of customers in each class.

## Public Facilities Needs Assessment and Impact Fee Study

Table 7 - Forecast New Growth Commercial and Industrial Meters

Forecast increase in commercial meters				28.6%			
Forecast increase in industrial meters				14.0%			
Meter Size	Commercial	% Share	Incremental		% Share	Incremental	
			Commercial Meters	Industrial		Commercial Meters	Industrial Meters
1/2"	-	0.00%	-	-	0.00%	-	-
3/4"	166	48.12%	47	3	11.54%	-	-
1"	87	25.22%	25	9	34.62%	1	1
1.25"	-	0.00%	-	-	0.00%	-	-
1.5"	46	13.33%	13	6	23.08%	1	1
2"	37	10.72%	11	4	15.38%	1	1
2.5"	-	0.00%	-	-	0.00%	-	-
3"	9	2.61%	3	3	11.54%	-	-
4"	-	0.00%	-	-	0.00%	-	-
6"	-	0.00%	-	1	3.85%	-	-
8"	-	0.00%	-	-	0.00%	-	-
10"	-	0.00%	-	-	0.00%	-	-
12"	-	0.00%	-	-	0.00%	-	-
345		100.00%	99	26	100.00%	3	3

The following table sums up the forecast meters by size. Per Franklin's policy, a meter for a single-family residence will always equal the cost for a 3/4-inch meter, regardless of the house's actual meter size, so the forecast below includes all the single-family residences as having 3/4-inch meters.

Table 8 - Forecast New Growth Meter Summary

Meter Size	Single-family Residential	Multifamily Residential	Commercial	Industrial	Total
1/2"	-	-	-	-	-
3/4"	2,405	-	47	-	2,452
1"	-	63	25	1	89
1.25"	-	-	-	-	-
1.5"	-	34	13	1	48
2"	-	19	11	1	31
2.5"	-	-	-	-	-
3"	-	1	3	-	4
4"	-	-	-	-	-
6"	-	1	-	-	1
8"	-	-	-	-	-
10"	-	-	-	-	-
12"	-	-	-	-	-
Total	2,405	118	99	3	2,625

The Equivalency Factors are based on standard ratios used in the water industry, including the ones used by the Public Service Commission of Wisconsin for determining public fire protection

charges. The Equivalency Factor was then multiplied by the number of meters per size to equate the number of future connections to the total number of equivalent residential meters.

Table 9 - Equivalent Meter Count for New Growth

Meter Size	Equivalencies	Single-family	Multi-family	Commercial	Industrial	Total
3/4"	1.0	2,405.0	-	47.0	-	<b>2,452.0</b>
1"	2.5	-	157.5	62.5	2.5	<b>222.5</b>
1.25"	3.75	-	-	-	-	-
1.5"	5.0	-	170.0	65.0	5.0	<b>240.0</b>
2"	8.0	-	152.0	88.0	8.0	<b>248.0</b>
2.5"	12.5	-	-	-	-	-
3"	15.0	-	15.0	45.0	-	<b>60.0</b>
4"	25.0	-	-	-	-	-
6"	50.0	-	50.0	-	-	<b>50.0</b>
8"	80.0	-	-	-	-	-
10"	120.0	-	-	-	-	-
12"	160.0	-	-	-	-	-
<b>Total</b>		2,405.0	544.5	307.5	15.5	<b>3,272.5</b>

With the total number of equivalent meters and the total cost attributed to new growth, the impact fee per equivalent meter can be calculated. The existing balance in the water impact-fee fund is subtracted from the total cost first, and then the remaining cost is divided by the number of equivalent meters. The fee per equivalent meter is multiplied by the equivalent meter factor to arrive at the impact fee to charge each meter size. A meter for a single-family residence will always equal the cost for a 3/4-inch meter, regardless of the house's actual meter size.

Table 10 - Calculation of Impact Fee

Total New Growth Costs		\$15,912,766
Less Existing Water Fund Balance		5,501,346
Net Costs Eligible for Impact Fees	\$	10,411,420
Equivalent Meters		3,272.5
Fee per Equivalent Meter		\$3,181
	Equivalent	
Meter Size	Meter Factor	Fee per Meter
1/2"	1.00	\$3,181
3/4"	1.00	\$3,181
1"	2.50	\$7,953
1.25"	3.75	\$11,929
1.5"	5.00	\$15,905
2"	8.00	\$25,448
2.5"	12.50	\$39,763
3"	15.00	\$47,715
4"	25.00	\$79,525
6"	50.00	\$159,050
8"	80.00	\$254,480
10"	120.00	\$381,720
12"	160.00	\$508,960

The proposed fee would reduce the fee to a single-family residence by approximately 5 percent due to a substantial balance that has accumulated and due to several of the projects from the prior study having been completed and paid for.

### SEWER SYSTEM FACILITIES

Sanitary sewer impact fees were first implemented in 2013 for the southwest area of Franklin served by the Ryan Creek Interceptor (RCI).

For the purposes of this study, the entire area is undeveloped with regard to municipal sanitary sewerage facilities except for those residences within developments such as Ryan Meadows, Park Circle, Briarwood, and Ryanwood Manor that have connected to adjacent facilities and have paid impact fees already. Therefore, all future development within this area is new development with respect to Franklin's sanitary sewerage system, and all the costs are eligible for impact fees.

However, as described in Franklin's Sanitary Sewer Extension Cost Recovery Policy, a portion of the cost of each segment will be charged to abutting properties, either through developer



contributions or special assessments. The impact fees must therefore be reduced by the anticipated contributions from abutting property owners. Franklin's policy is to charge a maximum amount per foot of abutting frontage, with the maximum amount determined by the land use of the abutting property and the minimum diameter main (8-inch) required. Certain types of property, such as wetlands and transportation rights-of-way, cannot be assessed. The contributions, along with the remaining costs, are shown in the table below.

The total that excludes Trunks 12R, 24, and 35 is the amount used for calculating impact fees, since those trunks are not likely to be built during the forecast period or may be built by developers. Approximately \$260,000 will be recovered from abutting property owners, leaving approximately \$12.7 million to be recovered through impact fees.

Public Facilities Needs Assessment and Impact Fee Study

Table 11 - Project Costs						
Sewer Segment	Land Use	Frontage (feet)	Segment Cost	Maximum Assessable Cost / Foot	Maximum Assessable Cost	Remaining Cost
Trunk 6	Commercial/Mixed Use	3,370	\$ 978,100	\$201	\$ 67,646	\$ 910,454
	<u>Non-assessable</u>	460	133,509	\$0	-	133,509
	Subtotal	3,830	\$ 1,111,609		\$ 67,646	\$ 1,043,963
Trunk 12	Residential	1,020	711,988	\$164	16,683	695,305
	<u>Non-assessable</u>	7,439	5,192,625	\$0	-	5,192,625
	Subtotal	8,459	\$ 5,904,612		\$ 16,683	\$ 5,887,929
Trunk 12K	Mixed Use	2,648	1,496,810	\$201	53,153	1,443,657
	Residential	1,023	578,262	\$164	16,732	561,529
	<u>Non-assessable</u>	706	399,074	\$0	-	399,074
	Subtotal	4,377	\$ 2,474,146		\$ 69,885	\$ 2,404,260
Trunk 12R	Residential	7,705	4,253,413	\$164	126,023	4,127,390
	<u>Non-assessable</u>	2,455	1,355,241	\$0	-	1,355,241
	Subtotal	10,160	\$ 5,608,654		\$ 126,023	\$ 5,482,631
Trunk 24	Residential	250	45,111	\$164	4,089	41,022
	<u>Non-assessable</u>	5,090	918,451	\$0	-	918,451
	Subtotal	5,340	\$ 963,562		\$ 4,089	\$ 959,473
Trunk 25	Residential	340	133,485	\$164	5,561	127,923
	<u>Non-assessable</u>	120	47,112	\$0	-	47,112
	Subtotal	460	\$ 180,597		\$ 5,561	\$ 175,036
Trunk 26	Residential	1,120	811,558	\$164	18,319	793,239
	<u>Non-assessable</u>	1,660	1,202,845	\$0	-	1,202,845
	Subtotal	2,780	\$ 2,014,403		\$ 18,319	\$ 1,996,085
Trunk 32	<u>Non-assessable</u>	140	39,838	\$0	-	39,838
	Subtotal	2,780	\$ 39,838		\$ -	\$ 39,838
Trunk 34	Residential	5,080	1,174,452	\$164	83,088	1,091,364
	<u>Non-assessable</u>	220	50,862	\$0	-	50,862
	Subtotal	5,300	\$ 1,225,315		\$ 83,088	\$ 1,142,226
Trunk 35	Business Park	4,510	4,470,545	\$201	90,529	4,380,016
	<u>Non-assessable</u>	5,598	5,549,027		-	5,549,027
	Subtotal	10,108	\$ 10,019,573		\$ 90,529	\$ 9,929,043
<b>Total</b>		<b>53,594</b>	<b>\$ 29,542,308</b>		<b>\$ 481,824</b>	<b>\$ 29,060,484</b>
Total less Trunks 12R, 24, & 35		<b>27,986</b>	<b>\$ 12,950,519</b>		<b>\$ 261,183</b>	<b>\$ 12,689,336</b>

Notes

Sources: City of Franklin Comprehensive Plan, Ruekert & Mielke.

Costs updated w/ ENR's Construction Cost Index for annual inflation; index average in 2012 was 9,308 and in January 2023 was 13,175

Per City Engineer, assumed assessable portion of trunks = 10%

Appendix B shows the updated trunk sewer basin map. Trunks 11, 14, 39, 40, and 41 from the 2012 study have been removed from this study. Trunks 40 and 41 have been constructed. These trunks comprise the trunk inventory for the southwest area. Trunks 11 and 14 are no longer needed. A recent Foth study recommended replacing Trunk 14 with 2 segments. The segment the Foth study referred to as Trunk 14 East Alternate is called Trunk 6 in the table above and on the map in Appendix B. The other segment of what was formerly called Trunk 14

is now sized too small to be considered a trunk anymore, so it is no longer on the map. Costs for Trunk 25 were updated per the Foth study. Costs for Trunks 6, 12R, and 35 were updated due to recommended pipe size changes for some segments of those trunks per revised service area details. Future land-use classifications, land-use segment measurements, and sewage flow routings were updated from the prior study using the latest land-use map and City staff assumptions. Appendix C contains the revised future land use map for the RCI area.

(Note: The RCI sanitary sewer service area sewer impact fee established as part of this study applies to new land development as defined by Wisc. Stat. § 66.0617. An identical fee in the same amount, called a sanitary sewer collection fee, will be applied to any existing residential dwelling units and any existing nonresidential development that connect to the city's sanitary sewerage system. As opposed to the sanitary sewer impact fee, which is collected upon issuance of a building permit by Franklin, the sanitary sewer collection fee will be collected upon issuance of a plumbing permit by Franklin for the connection of these existing facilities to Franklin's sanitary sewerage system.)

Franklin has been charging impact fees for sanitary sewer on an equivalent-meters basis, with capacity used to determine the equivalencies. R/M developed an estimate of equivalent meters that equals the number of new single-family residential units that are being forecast because most of the residential growth is assumed to occur in the southwest section of Franklin. A meter for a single-family residence will always equal the cost for a ¾-inch meter, regardless of the house's actual meter size, so the forecast below includes all the single-family residences as having ¾-inch meters.

Based on the expertise provided by Franklin's Planning Department, R/M estimates that approximately 30 percent of the nonresidential development will occur in this area within the study period. Therefore, all the meters for residential development and thirty percent of the nonresidential meters from the water section are included in the total number of equivalent meters below.

Meter Size	Commercial *	Industrial *	Single-family	Multifamily	Total
¾"	14	0	2,201	0	<b>2,215</b>
1"	8	0	0	35	<b>43</b>
1.25"	0	0	0	0	-
1.5"	4	0	0	32	<b>36</b>
2"	3	0	0	19	<b>22</b>
2.5"	0	0	0	0	-
3"	1	0	0	1	<b>2</b>
4"	0	0	0	0	-
6"	0	0	0	1	<b>1</b>
8"	0	0	0	0	-
10"	0	0	0	0	-
12"	0	0	0	0	-
<b>Total</b>	<b>30</b>	<b>-</b>	<b>2,201</b>	<b>88</b>	<b>2,319</b>



R/M recommends moving away from existing methodology for charging multifamily development. Existing methodology allocates the same charge for the first unit in a multifamily building as a single-family residence and one-half of the charge to a single-family residence for the remaining units in the building. For consistency, R/M recommends using the same equivalencies for multifamily as what Franklin uses for all other development besides single family.

Meter Size	Equivalencies	Commercial	Industrial	Single-family	Multi-family	Total
3/4"	1.0	14.0	-	2,201.0	-	<b>2,215.0</b>
1"	2.5	20.0	-	-	157.5	<b>177.5</b>
1.25"	3.75	-	-	-	-	-
1.5"	5.0	20.0	-	-	170.0	<b>190.0</b>
2"	8.0	24.0	-	-	152.0	<b>176.0</b>
2.5"	12.5	-	-	-	-	-
3"	15.0	15.0	-	-	15.0	<b>30.0</b>
4"	25.0	-	-	-	-	-
6"	50.0	-	-	-	50.0	<b>50.0</b>
8"	80.0	-	-	-	-	-
10"	120.0	-	-	-	-	-
12"	160.0	-	-	-	-	-
<b>Total</b>		<b>93.0</b>	<b>-</b>	<b>2,201.0</b>	<b>544.5</b>	<b>2,838.5</b>

Once the forecast for equivalent meters has been established, we can divide the total eligible costs among the equivalent meters to arrive at an impact fee per meter.

Total Costs less Assessable Costs		\$ 12,689,336
<u>Less Existing SW Sanitary Sewer Fund Balance</u>		<u>552,475</u>
Net Costs Eligible for Impact Fees		\$ 12,136,861
Equivalent Meters		2,838.5
Fee per Equivalent Meter		\$4,276
	Equivalent	Fee per
	Meter Factor	Meter
Meter Size		
5/8"	1.0	\$4,276
3/4"	1.0	\$4,276
1"	2.5	\$10,690
1.25"	3.8	\$16,035
1.5"	5.0	\$21,380
2"	8.0	\$34,208
2.5"	12.5	\$53,450
3"	15.0	\$64,140
4"	25.0	\$106,900
6"	50.0	\$213,800
8"	80.0	\$342,080
10"	120.0	\$513,120
12"	160.0	\$684,160

This new proposed fee is approximately 15 percent higher than the current fee. Although several projects have been completed, the forecast for equivalent meters has declined significantly.

### HOUSING AFFORDABILITY

Most households in Franklin find housing affordable. Franklin's median household income of \$90,000 exceeds Wisconsin's median household income of \$67,000. However, housing costs overburden many Franklin households. Data from the US Census Bureau shows that of the families that make less than \$50,000 per year, 72 percent, or nearly three-quarters, pay more than 30 percent of their income for housing. These families alone make up approximately 20 percent of Franklin's total number of households.

The ordinance that Franklin passed reducing impact fees for low-cost housing on April 6, 2020 provides relief to those from lower incomes who are looking to purchase homes within the community. However, implementing this reduction may prove difficult since it is based on a certain percentage of average home cost. It also may not apply to much if any new housing since the

ordinance sets eligibility at 40 percent of the average home cost from the year before. This threshold may be too low for new housing units to qualify.

Franklin may want to consider changing the ordinance to apply the reduction to homes that are less than 75 percent of the average square footage of homes from the prior year. Basing on the reduction on average square footage would simplify administering a policy that makes housing more affordable, and setting the size at 75 percent would likely make more new housing units eligible for the reduction. The impact fees for these housing units could be set at 75 percent. For new homes that are 50 percent or less of the average square footage, the fees could be set at 50 percent.

This reduction in fees will likely still not apply to many future homes in Franklin. Therefore, there is no need to adjust the forecast.

The information above provides context for evaluating the effect of impact fees on housing affordability. The table below shows the annual cost of a \$400,000 home, the estimated average value of a new house in Franklin.

	No Impact Fee	Impact Fee**
Home Price*	\$ 400,000	\$ 412,292
Principal and Interest	\$ 23,132	\$ 23,843
Taxes	\$ 8,880	\$ 9,153
Annual Housing Cost	\$ 32,012	\$ 32,996
Income Required	\$ 114,329	\$ 117,842
Additional Income Required		\$ 3,513
Required Percent Increase		3.1%

\* Typical new house price estimate provided by City staff

\*\* Includes both proposed and other existing fees except admin fee

## SUMMARY AND NEXT STEPS

To fund the facilities needed by growth in the near future, we recommend revising the City's impact fees. The table below summarizes both the existing fees and the proposed fees.

Type of Impact Fee	Single-family or Two-family Dwelling Unit	Multi-family Dwelling Unit	Commercial Unit (per 1,000 sq ft)	Industrial Unit (per 1,000 sq ft)
<b>Proposed Fees</b>				
<i>Water (Proposed; per equivalent meter)</i>	\$3,181	\$3,181	\$3,181	\$3,181
<i>Sanitary Sewer (Proposed; southwest only; per equivalent)</i>	\$4,276	\$4,276	\$4,276	\$4,276
Transportation (Existing Fee -- No Change)	\$824	\$536	\$278	\$136
Fire (Existing Fee -- No Change)	\$565	\$366	\$192	\$94
Law Enforcement (Existing Fee -- No Change)	\$645	\$420	\$219	\$108
Parks (Existing Fee -- No Change)	\$2,382	\$1,547	N/A	N/A
Library (Existing Fee -- No Change)	\$419	\$272	N/A	N/A
<b>Total of Proposed Fees</b>	<b>\$12,292</b>	<b>\$10,598</b>	<b>\$8,146</b>	<b>\$7,795</b>
<b>Existing Fees</b>				
Water (per equivalent meter)	\$3,341	\$3,341	\$3,341	\$3,341
Sewer (per equivalent meter)	\$3,729	\$3,729	\$3,729	\$3,729
Transportation	\$824	\$536	\$278	\$136
Fire	\$565	\$366	\$192	\$94
Law Enforcement	\$645	\$420	\$219	\$108
Parks	\$2,382	\$1,547	N/A	N/A
Library	\$419	\$272	N/A	N/A
<b>Total Existing Fees</b>	<b>\$11,905</b>	<b>\$10,211</b>	<b>\$7,759</b>	<b>\$7,408</b>
<b>Change from Existing Fees</b>	<b>\$387</b>	<b>\$387</b>	<b>\$387</b>	<b>\$387</b>
<b>Change from Existing Fees</b>	<b>3%</b>	<b>4%</b>	<b>5%</b>	<b>5%</b>

\* does not include administrative fees

According to state statute, municipalities must now provide developers with detailed explanations of how the impact fees being collected will be spent. R/M recommends that Franklin provides a written or electronic copy of this study to satisfy this statutory requirement.

To move forward with new impact fees, the following steps need to take place:

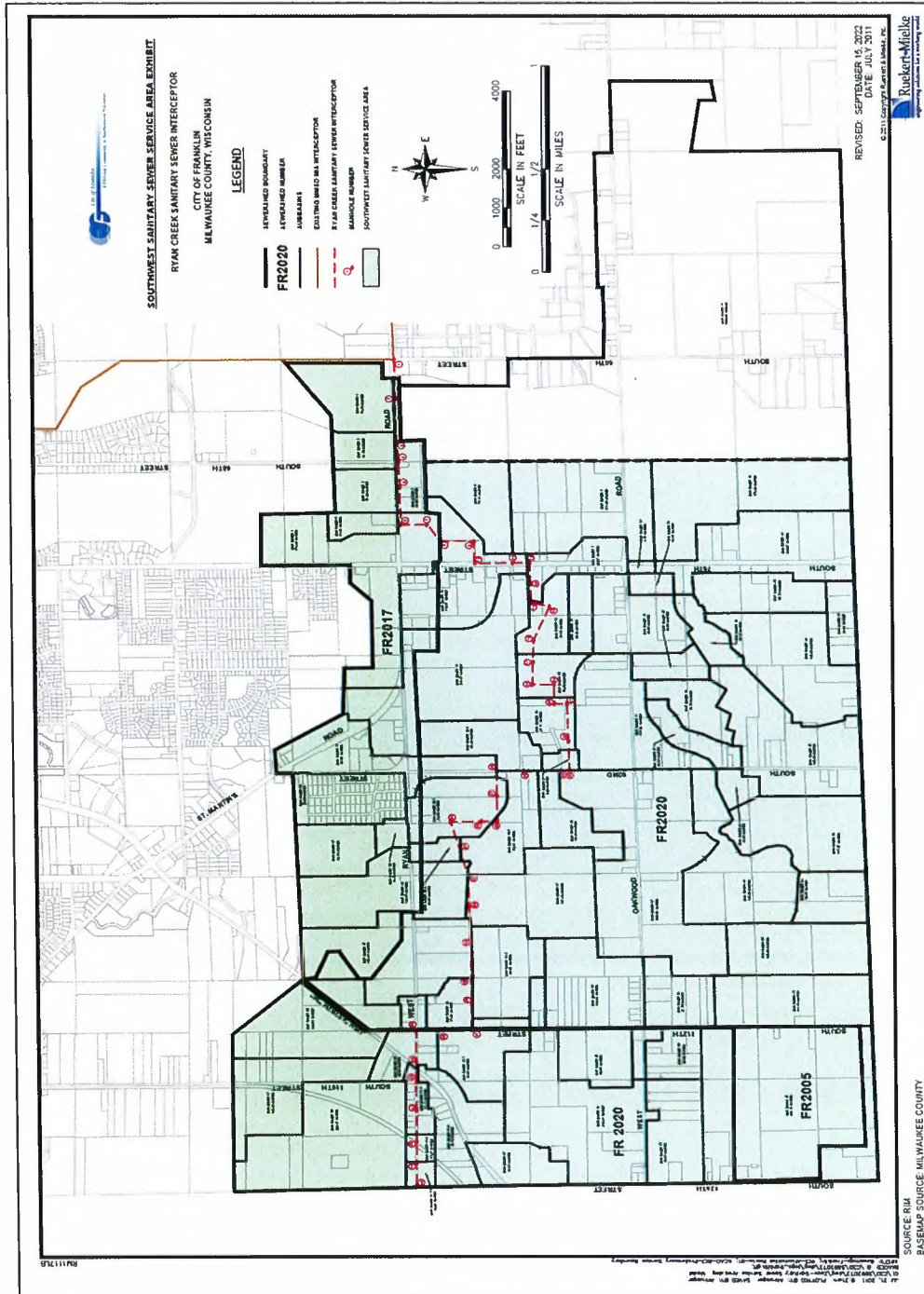
- 1) This study is presented to Franklin's Common Council.
- 2) The Common Council directs that a public hearing be held to hear public comment on this public facilities needs assessment and the proposed impact fees.
- 3) An ordinance is drafted to implement the recommended impact fees.
- 4) A Class 1 notice is published in the newspaper to provide the public 20 days' notice prior to the public hearing as required under Wisconsin Statutes 66.0617(4)(3)(b). The needs assessment must be available 20 days prior to the public hearing to allow the public sufficient time to review.

- 5) A public hearing is held to hear public comment on the needs assessment and the proposed ordinance to impose public facilities impact fees.
- 6) After the public hearing, the Common Council may adopt the proposed ordinance as recommended or adopt the ordinance with amendments.

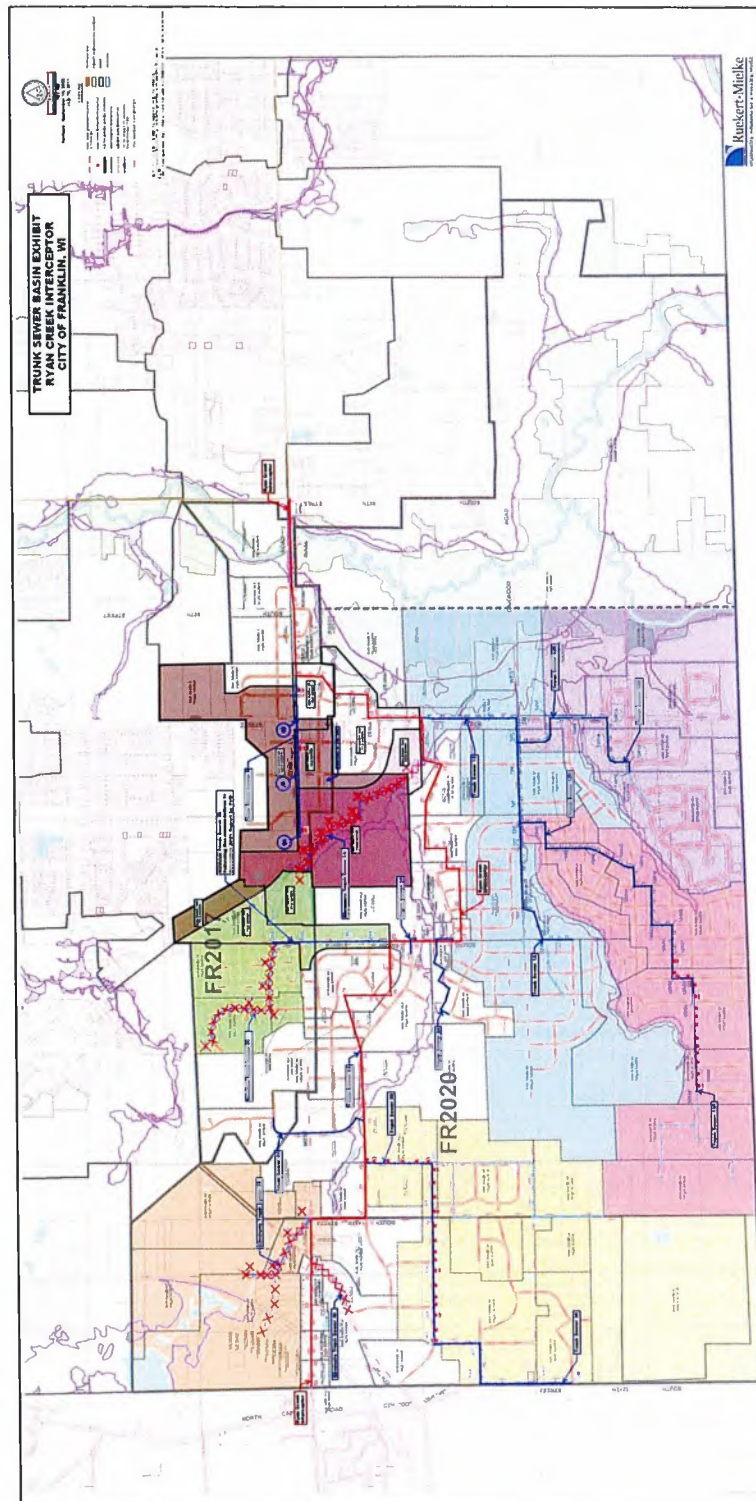
R/M encourages Franklin to periodically update its impact fees to ensure they reflect the best growth forecasts, as well as the best capital cost and project estimates. Revisiting the fees every 5 years or as projects substantially change can help a community adjust its plans for new growth to provide the correct level of funding and avoid changing rates as drastically as would be the case if the community waited longer to update its fees.



APPENDIX A: SOUTHWEST SANITARY SEWER SERVICE AREA MAP



APPENDIX B: TRUNK SEWER BASIN MAP











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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>JK</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;">12/19/23</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE AMENDMENT FOR A FENCE WHOLESALE AND DISTRIBUTION USE WITH INDOOR AND OUTDOOR STORAGE, LIGHT FABRICATION, AND OFFICE USE UPON PROPERTY LOCATED AT 7407 SOUTH 27TH STREET</b></p> <p style="text-align: center;"><b>(MASTER HALCO, APPLICANT)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G.4.</p> <p style="text-align: center;">Ald. Dist. #4</p>

At its December 7, 2023, regular meeting, the Plan Commission recommended approval of the attached special use amendment resolution for a fence wholesale and distribution use with indoor and outdoor storage, light fabrication, and office use upon property located at 7407 South 27th Street. The vote was 4-1-1, five 'ayes', no 'noes' and no absents.

**COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2023-\_\_\_\_, imposing conditions and restrictions for the approval of a special use for a fence wholesale and distribution use with indoor and outdoor storage, light fabrication, and office use upon property located at 7407 South 27th Street.

(Master Halco, applicant)

RESOLUTION NO. 2023-\_\_\_\_\_

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR  
THE APPROVAL OF A SPECIAL USE AMENDMENT FOR A FENCE  
WAREHOUSE, DISTRIBUTION, AND FABRICATION BUSINESS USE WITH  
OUTDOOR STORAGE UPON PROPERTY LOCATED AT 7407 SOUTH 27TH

STREET

(BY MASTER-HALCO, INC. APPLICANT,  
PLATT CONSTRUCTION INC., PROPERTY  
OWNER)

---

WHEREAS, Master-Halco, Inc., having petitioned the City of Franklin for the approval of a Special Use Amendment for a fence warehouse, distribution, and fabrication business use with outdoor storage upon property located at 7407 South 27th Street, such Special Use having been approved on February 4, 1992 by Resolution No. 92-3753, zoned B-4 South 27th Street Mixed Use Commercial District. The property which is the subject of the application bears Tax Key No. 761 9994 006 and is more particularly described as follows:

PARCEL 1 OF CERTIFIED SURVEY MAP NO. 5794, RECORDED ON JANUARY 14, 1993 ON REEL 2948, IMAGE 745 TO 749 AS DOCUMENT NO. 6715343, BEING A DIVISION OF LANDS IN THE SOUTHEAST ¼ AND SOUTHWEST ¼ OF THE NORTHEAST ¼ OF SECTION 12, TOWN 5 NORTH, RANGE 21 EAST, EXCEPTING THEREFROM LANDS CONVEYED IN WARRANTY DEED RECORDED AUGUST 21, 2014 AS DOCUMENT NO. 10387598, SAID LAND BEING IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15- 9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 9th day of November, 2023 and continued to and held on the 7th day of December, 2023, and the Plan Commission thereafter having determined to recommend that the proposed Special Use Amendment be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use Amendment upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that they will not have an undue adverse impact upon adjoining property; that they will not interfere with the development of neighboring property; that they will be served adequately by essential public facilities and services; that they will not cause undue

MASTER-HALCO, INC. – SPECIAL USE AMENDMENT  
RESOLUTION NO. 2023-\_\_\_\_\_

Page 2

traffic congestion; and that they will not result in damage to property of significant importance to nature, history or the like; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Master-Halco, Inc. for the approval of a Special Use Amendment for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use Amendment is approved only for the use of the subject property by Master-Halco, Inc., successors and assigns, for a fence warehouse and distribution use with light fabrication and outdoor storage, which shall be developed in substantial compliance with, and owned and operated and maintained by Master-Halco, Inc., pursuant to those plans City file-stamped October 23, 2023 and annexed hereto and incorporated herein as Exhibit A.
2. Master-Halco, Inc., successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Master-Halco, Inc. Special Use Amendment, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon Master-Halco, Inc. Special Use Amendment for the property located at 7407 South 27th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. Outdoor storage shall be limited to the concrete and gravel area located to the west of the principal building and shall be kept in an orderly manner. No overnight parking of commercial vehicles shall be allowed outside of the storage yard located behind or to the west of the principal building.

MASTER-HALCO, INC. – SPECIAL USE AMENDMENT  
RESOLUTION NO. 2023-\_\_\_\_\_

Page 3

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

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

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this 19th day of December, 2023.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 19th day of December, 2023.

APPROVED:

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John R. Nelson, Mayor

MASTER-HALCO, INC. – SPECIAL USE AMENDMENT  
RESOLUTION NO. 2023-\_\_\_\_\_

Page 4

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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

EXHIBIT A

PLANS CITY FILE-STAMPED OCTOBER 23, 2023

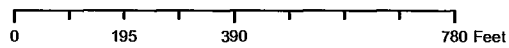
ATTACHED HERETO



7407 S. 27th Street  
TKN: 761 9994 006



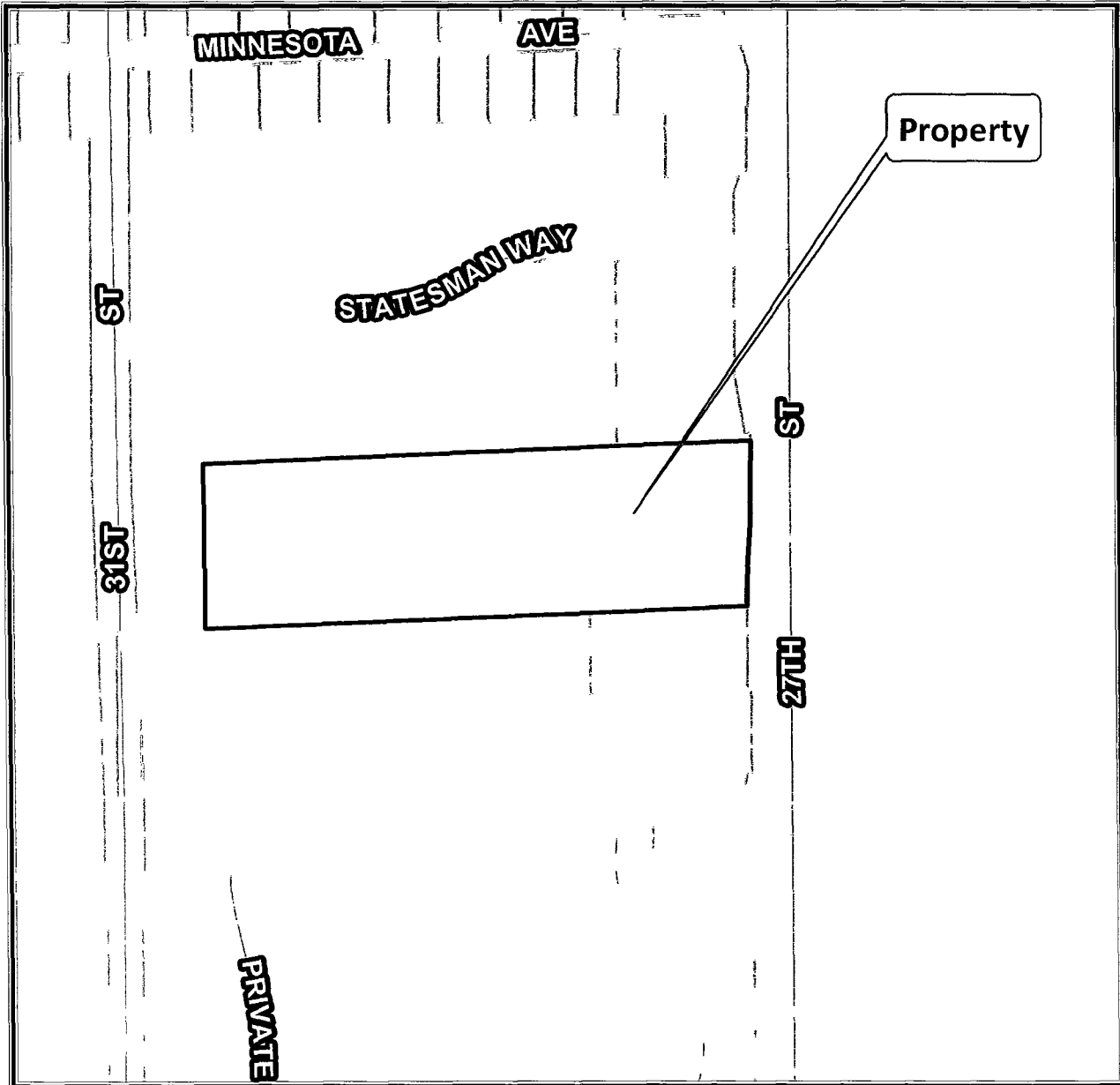
Planning Department  
(414) 425-4024



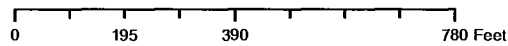
2021 Aerial Photo

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

7407 S. 27th Street  
TKN: 761 9994 006



Planning Department  
(414) 425-4024



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



2021 Aerial Photo

 **CITY OF FRANKLIN** 

**REPORT TO THE PLAN COMMISSION**

**Meeting of December 7, 2023**

**Special Use Amendment, Miscellaneous Application, and Site Plan Amendment**

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**RECOMMENDATION:** City Development Staff recommends the Plan Commission forward the Special Use application to the Common Council for decision based upon the recommended draft Resolution and approve the Site Plan Amendment Application.

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<b>Project Name:</b>	Master Halco
<b>Property Owner:</b>	Platt Construction Inc.
<b>Applicant:</b>	Mike Uhl, Master Halco
<b>Property Address/Tax Key Number:</b>	7407 S 27 <sup>th</sup> St./ 761 9994 006
<b>Aldermanic District:</b>	District 4
<b>Agent:</b>	Luke Sebald, Keller Inc.
<b>Zoning District:</b>	B-4 South 27 <sup>th</sup> St Mixed Use Commercial District
<b>Use of Surrounding Properties:</b>	B-4 S. 27 <sup>th</sup> St Mixed Use Commercial District (north), BP Business Park and OL-1 Office Overlay (south), R-6 Suburban Single-Family Residence and OL-1 Office Overlay (west), City of Oak Creek (east)
<b>Application Request:</b>	To allow for a fence wholesale and distribution use with light fabrication and outdoor storage and associated site changes.
<b>Staff Planner:</b>	Nick Fuchs, Planning Associate

---

**Background**

The applicant, Master Halco, is seeking Special Use Amendment/Miscellaneous Application and Site Plan Amendment approval to operate a fence wholesale and distribution use with light fabrication and outdoor storage. The Special Use and Site Plan Amendment are described in detail further below.

The site is currently being utilized by Platt Construction, which first obtained Special Use approval in 1992 via Resolution No. 92-3753. This Special Use allowed for an “outdoor construction yard and storage in conjunction with an office building and indoor storage building.”

The proposed use is similar in nature and will utilize the site and building in manner consistent with the original special use approval

**SPECIAL USE**

The subject property is zoned B-4 South 27<sup>th</sup> Street Mixed Use Commercial District. Master Halco anticipates approximately 12 to 15 employees and hours of operation between 7:00 a.m. and 4:30 p.m. Monday through Friday.

The applicant has indicated that the business is not generally open to the public and sales are business to business. The majority of the product is stored outside within the storage yard located to the west of the

main building. This building will contain space for light fabrication of gates, racked storage, and office space.

The applicant has provided responses to the Special Use standards listed within Section 15-3.0701 of the UDO for Plan Commission and Common Council review.

## **SITE PLAN**

The applicant is proposing a variety of site modifications. The building is also proposed to be painted as illustrated on the attached elevations.

The site changes include, but are not limited to:

- Relocating light poles, removing a walkway, and removing trees to construct a new 27-stall parking lot in front of the principal building adjacent to South 27<sup>th</sup> Street.
  - Parking spaces are 9' wide and 19' in length (171 square feet). It appears a 20' long parking space could be achieved with adjustments to the design, in part by reducing the drive aisle to 24-feet. *Staff recommends parking spaces be a minimum of 9' wide and 180 square feet in compliance with Section 15-5 0202 of the UDO.* It can be noted that allowance for slightly shorter parking spaces has been allowed in past developments with the consideration of an overhang when parking spaces are abutting a curb.
- Removing parking lot landscape islands that are located to the north of the building.
- Adding 18 deciduous trees, 8 evergreen trees, and 127 shrubs, which is in conformance with landscaping quantity requirements of the UDO.
- Adding building lighting, including lighting on the multiple sheds located to the west of the main building and to the rear of the main building.
- Adding parking lot lighting for the new parking lot.
- Construction of a storm water pond at the southwest corner of the property.
- Proposing to add crushed gravel and concrete on the west side of the property.
  - The site plan indicates an existing impervious area of 6.168 acres and greenspace of 2.186 acres. The proposed improvements will result in a total impervious area of 5.753 acres and greenspace of 2.601 acres. Staff finds that the increase in greenspace is due to the proposed storm water pond. With a site size of 8.354 acres, about 2.51 acres of greenspace is required per the 0.30 minimum LSR standard of the B-4 District.
  - It can be noted that, in review of historical aerial photography, it is difficult to determine the extent of the existing graveled areas over the years. It does appear the existing fence location was in place and defined at the time of development. All proposed improvements are within this area.

The applicant also provided a Natural Resource Protection Plan indicating that no protected natural resources exist onsite. WDNR mapping was also reviewed and did not show any mapped wetlands onsite.

All B-4 District Development Standards are met. Note South 27<sup>th</sup> Street Design Overlay District Standards do not apply as no new buildings are proposed and no building addition that increases floor area by 50% is proposed.

Staff also finds the proposed modifications are in conformance with Part 5 Design Standards of the UDO, except for the parking space size as noted above.

## **STAFF RECOMMENDATION**

The Plan Commission may recommend, and the Common Council may impose, conditions and limitations on a Special Use application related to use, design and operation (§15-3 0701.D).

The Department of City Development staff recommends the Plan Commission forward the Special Use application to the Common Council for decision based on the recommended draft Resolution as attached. The resolution reflects recommended conditions of approval.

The Department of City Development staff recommends the Plan Commission approve the Site Plan Amendment application for the proposed site modifications as depicted on the attached plans.

### **Recommended Conditions of Approval**

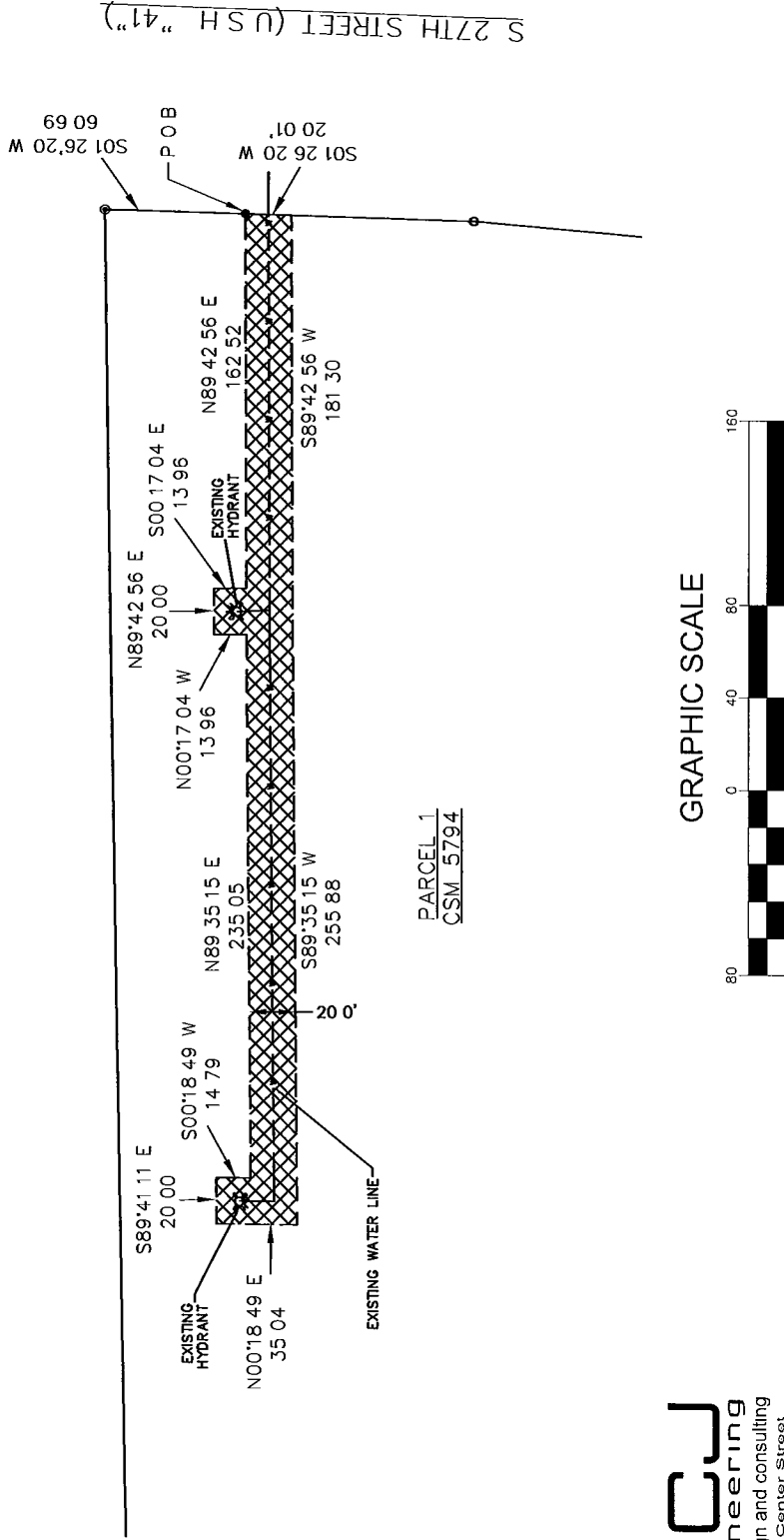
- Special Use
  - Outdoor storage shall be limited to the fenced-in concrete and gravel area located to the west of the principal building and shall be kept in an orderly manner as determined by the Zoning Administrator or Plan Commission
  - No overnight parking of commercial vehicles shall be allowed outside of the storage yard located behind or to the west of the principal building
- Site Plan
  - Final grading, erosion control, and stormwater management plans shall be approved by the Engineering Department prior to any land disturbance activities
  - Parking spaces shall be a minimum of 9' wide and 180 square feet in compliance with Section 15-5 0202 of the UDO. [This condition must be added to the attached draft resolution]

# CITY OF FRANKLIN

## WATER MAIN EASEMENT

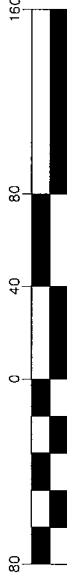
PARCEL 1 OF CERTIFIED SURVEY MAP NO. 5794, RECORDED ON JANUARY 14, 1993 ON REEL 2948, IMAGE 745 TO 749 AS DOCUMENT NO. 6715343, BEING A DIVISION OF LANDS IN THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 12, TOWN 5 NORTH, RANGE 21 EAST, EXCEPTING THEREFROM LANDS CONVEYED IN WARRANTY DEED RECORDED AUGUST 21, 2014 AS DOCUMENT NO. 10387598, SAID LAND BEING IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN

**EASEMENT DESCRIPTION**  
 COMMENCING AT THE NORTHEAST CORNER OF PARCEL 1 CSM 5794, THENCE S 01°26'20" W, 60.69 FEET TO THE POINT OF BEGINNING, THENCE S 01°26'20" W, 20.01 FEET, THENCE S 89°42'56" W, 181.30 FEET, THENCE S 89°35'15" W, 255.88 FEET, THENCE N 00°18'49" E, 35.04 FEET, THENCE S 89°41'11" E, 20.00 FEET, THENCE S 00°18'49" W, 14.79 FEET, THENCE N 89°35'15" E, 235.05 FEET, THENCE N 00°17'04" W, 13.96 FEET, THENCE N 89°42'56" E, 20.00 FEET, THENCE S 00°17'04" E, 13.96 FEET, THENCE N 89°42'56" E, 162.52 FEET TO THE POINT OF BEGINNING

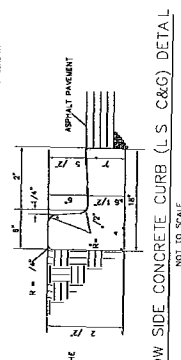
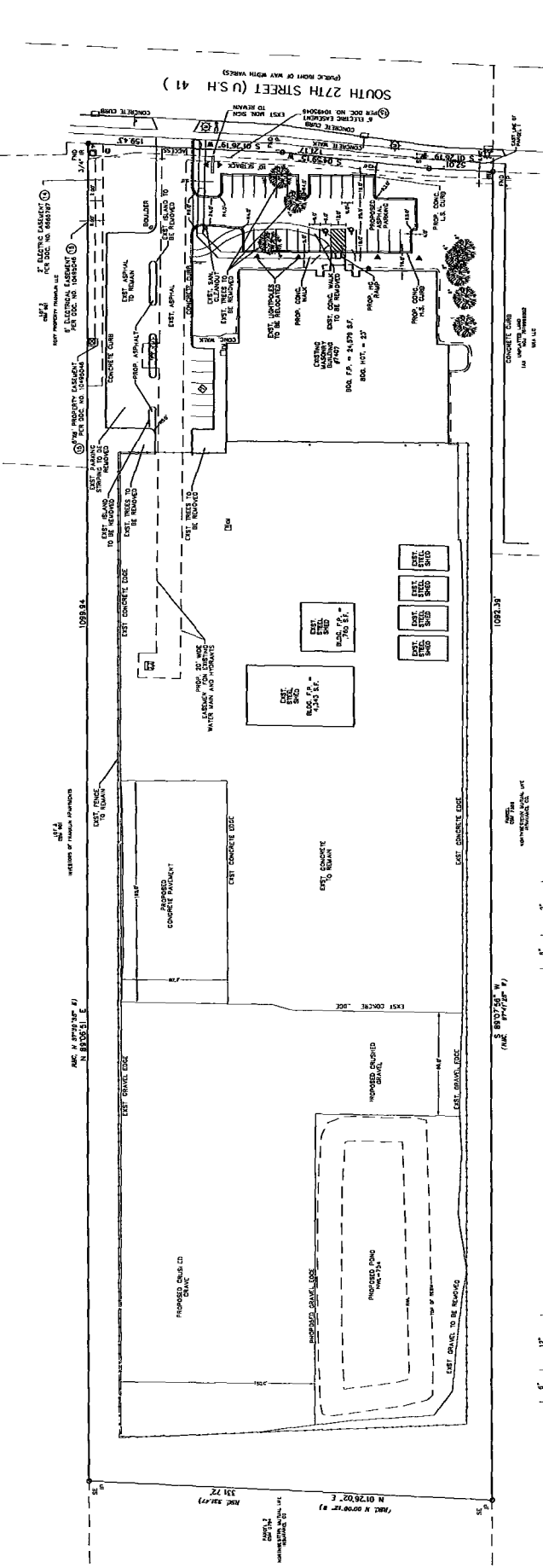
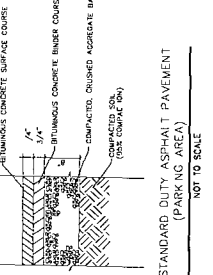
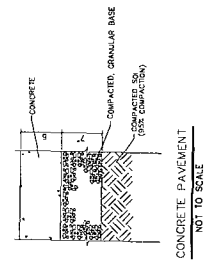
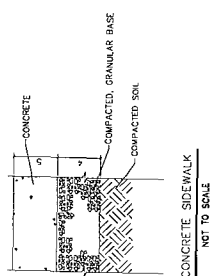
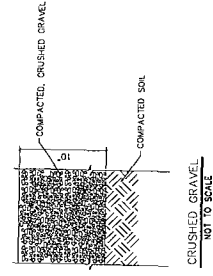


**CJE**  
 engineering  
 civil design and consulting  
 9205 W. Center Street  
 Milwaukee, WI 53222  
 PH: (414) 443-1312  
 www.cj-engineering.com

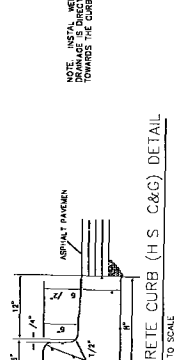
GRAPHIC SCALE



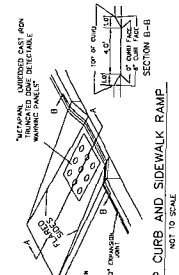
1 inch = 80 ft



LOW SIDE CONCRETE CURB (L.S. C&G) DETAIL  
NOT TO SCALE



HIGH SIDE CONCRETE CURB (H.S. C&G) DETAIL  
NOT TO SCALE

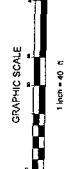


HANDICAP CURB AND SIDEWALK RAMP  
NOT TO SCALE

**SITE AREAS**

EXISTING GRAVEL	3.144 S. (2.50 ACRES)
EXISTING ASPHALT	3.333 S. (0.77 ACRES)
EXISTING DRIVE	2.274 S. (2.18 ACRES)
PROPOSED DRIVE	4.218 S. (.79 ACRES)
PROPOSED DRIVE	3.153 S. (1.79 ACRES)
PROPOSED DRIVE	13.316 S. (6.00 ACRES)
<b>TOTAL SITE AREA</b>	<b>26.838 S. (8.24 ACRES)</b>

- NOTES:**
- EXISTING CONDITIONS BASED ON SURVEY BY C&G.
  - DEVELOPED AREA = 2.684 ACRES.
  - STORM WATER MANAGEMENT SYSTEMS AS THE RESULT OF DEVELOPMENT AND THE USE OF THE SOUTHWEST CORNER OF THE PROPERTY.



CJE NO. 22362Z  
OCTOBER 23 2023

**MASTER HALCO**  
7407 S 27TH ST FRANKLIN WI

**SITE PLAN**  
**C1.0**

www.DiggersOnThe.com  
**DIGGERS ON THE HOTLINE**  
DIAL 811 OR (800) 242-8511





**CONSTRUCTION SPECIFICATIONS**

1. EXCAVATE BELOW DRAINAGE OUTLET AND WASH CHANNEL TO THE REQUIRED RIP RAP THICKNESS FOR EACH PAPER. FOUNDATION TO BE CUT TO ZERO GRADE AND SMOOTHED.

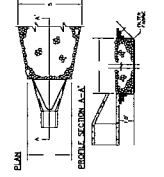
2. PLACE RIP RAP ON 2700 GRADE. TOP OF RIP RAP TO BE LEVEL WITH EXISTING OUTLET.

3. EXISTING GROUND IN RIP RAP PLACEMENT TO AVOID DAMAGE TO IT. THE FABRIC.

4. PLACE RIP RAP ON 2700 GRADE. TOP OF RIP RAP TO BE LEVEL WITH EXISTING OUTLET.

5. RIP RAP TO BE HARD, ANGULAR, WELL DRAINED STONE OF 2" TO 4" DIA.

6. IMMEDIATELY AFTER CONSTRUCTION, STABILIZE ALL EXPOSED AREAS WITH VEGETATION.



**INLET GRATE SCREEN CONSTRUCTION SPECIFICATIONS**

1. EXCAVATE INLET CHUTE AND PLACE A SINGLE SHEET OF FILTER FABRIC ACROSS THE GUTTER TO THE VERTICAL CURB. THE FABRIC SHALL BE SECURED TO PREVENT SLIDING.

2. PLACE RIP RAP ON 2700 GRADE. TOP OF RIP RAP TO BE LEVEL WITH EXISTING OUTLET.

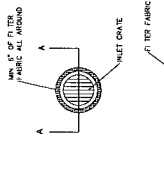
3. IN FILTER FABRIC SHALL HAVE THE FOLLOWING SPECIFICATIONS:

- A. SHALL BE 200 TO 300 PERCENT (2-3 TIMES) THE SIZE OF THE PARTICLES TO BE FILTERED.
- B. SHALL BE 200 TO 300 PERCENT (2-3 TIMES) THE SIZE OF THE PARTICLES TO BE FILTERED.
- C. SHALL BE 200 TO 300 PERCENT (2-3 TIMES) THE SIZE OF THE PARTICLES TO BE FILTERED.

4. THE FABRIC SHALL BE 2" TO 4" THICK.

5. THE FABRIC SHALL BE 2" TO 4" THICK.

6. THE FABRIC SHALL BE 2" TO 4" THICK.



**CONSTRUCTION SPECIFICATIONS**

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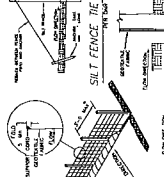
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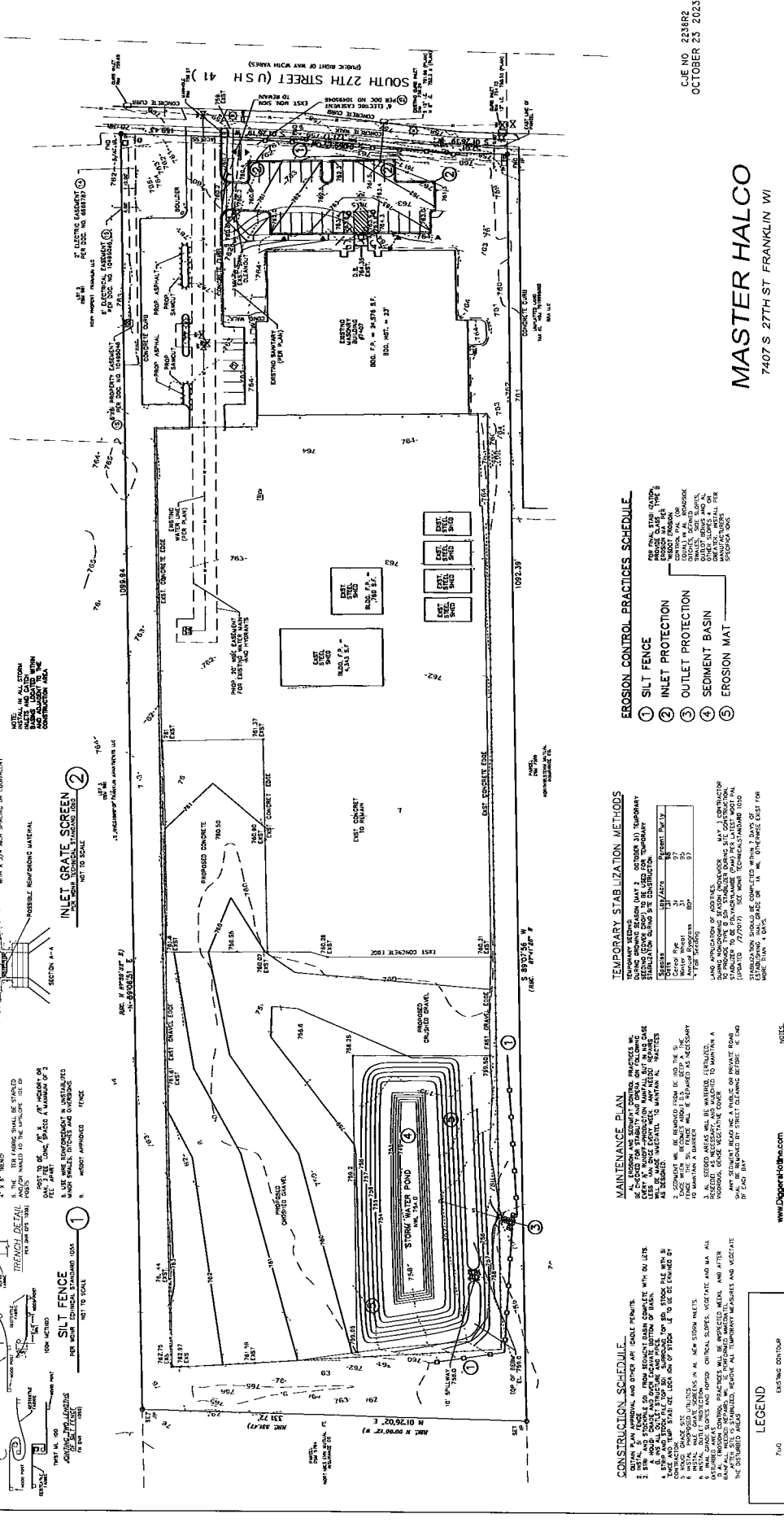
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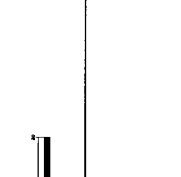
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**MASTER HALCO**  
7407 S 27TH ST. FRANKLIN WI

**EROSION CONTROL PLAN**



**EROSION CONTROL PRACTICES SCHEDULE**

- 1 SILT FENCE
- 2 INLET PROTECTION
- 3 OUTLET PROTECTION
- 4 SEDIMENT BASIN
- 5 EROSION MAT

**TEMPORARY STABILIZATION METHODS**

1. EXCAVATE AND WASH CHANNEL TO THE REQUIRED RIP RAP THICKNESS FOR EACH PAPER. FOUNDATION TO BE CUT TO ZERO GRADE AND SMOOTHED.

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**MAINTENANCE PLAN**

1. EXCAVATE AND WASH CHANNEL TO THE REQUIRED RIP RAP THICKNESS FOR EACH PAPER. FOUNDATION TO BE CUT TO ZERO GRADE AND SMOOTHED.

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**CONSTRUCTION SCHEDULE**

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**LEGEND**

- EXISTING OUTLINE
- EXISTING FENCE
- EXISTING SANITARY
- EXISTING WATER
- EXISTING SEWER
- PROPOSED EROSION MAT
- PROPOSED SILT FENCE

**NOTES**

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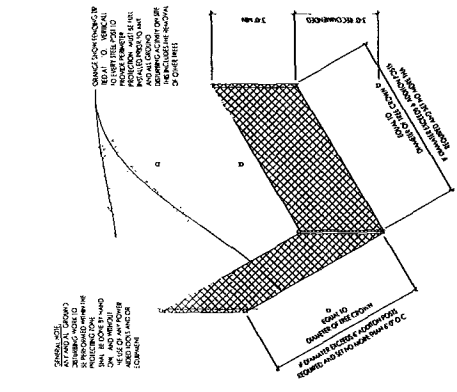
NOT FOR CONSTRUCTION - PRELIMINARY - FOR ESTIMATING AND REVIEW ONLY - DO NOT SCALE THESE DRAWINGS - THESE DRAWINGS REPRESENT PROPOSED PLANTING AND DESIGN. THERE ARE NO FIELD CONDITIONS SHOWN AND SHOULD NOT BE USED FOR CONSTRUCTION PURPOSES.

**PROJECT:**  
**MASTER HALCO**  
7407 South 27th Street  
Friesland, WI 53132

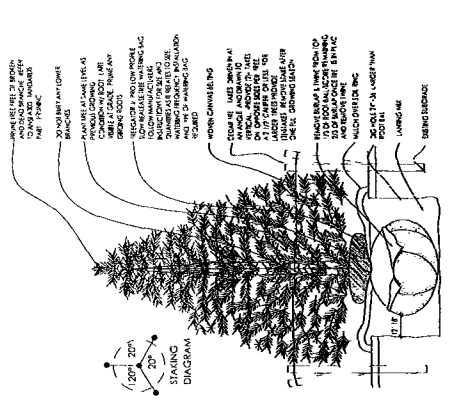
Date	Number	Description
12/12/22		Client Review Summary
01/05/23		Per Comments and Revisions
07/23		Revisions Issued on 07/23 Comments

**Sheet Title:**  
**PROPOSED LANDSCAPE PLAN, PLANTING DETAILS**

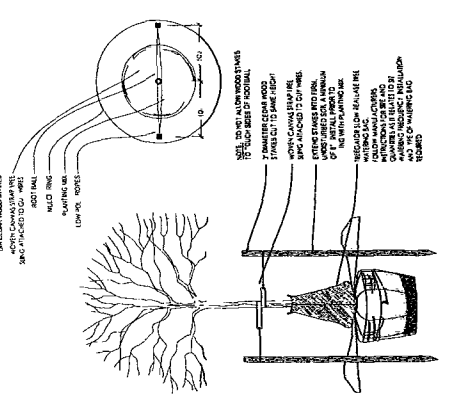
**Date of Drawing:** 10/27/23  
**Scale:** AS SHOWN  
**Drawn By:** MOD  
**JOB Number:** 122-079  
**Sheet Number:** LSP1.4



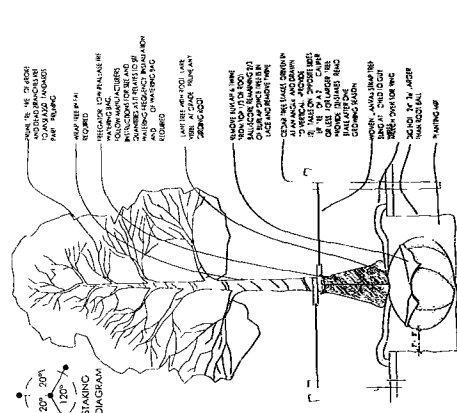
1 EXISTING TREE PROTECTION DETAIL



2 CONIFEROUS TREE PLANTING DETAIL

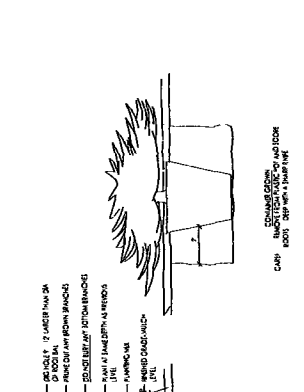


3 DECIDUOUS TREE PLANTING DETAIL

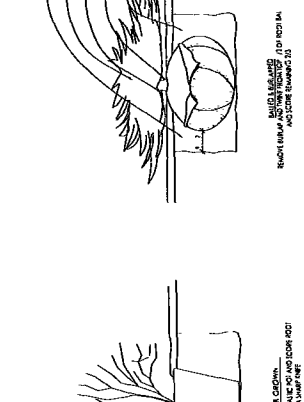


4 DECIDUOUS TREE PLANTING DETAIL

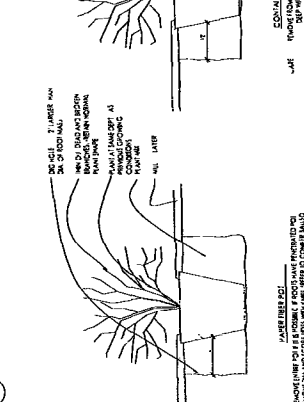
5 SLOPE PLANTING DETAIL



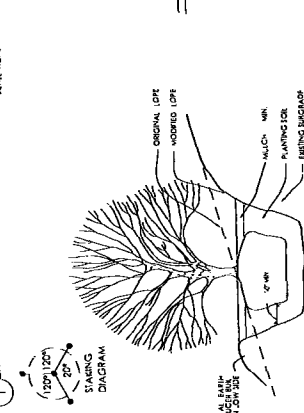
6 CONIFEROUS SHRUB PLANTING DETAIL



7 DECIDUOUS SHRUB PLANTING DETAIL



8 SPADE EDGE PLANT BED EDGE DETAIL



9 PERENNIAL BED PLANTING DETAIL

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**PROJECT:**  
**MASTER HALCO**  
7407 South 27th Street  
Franklin, WI 53132

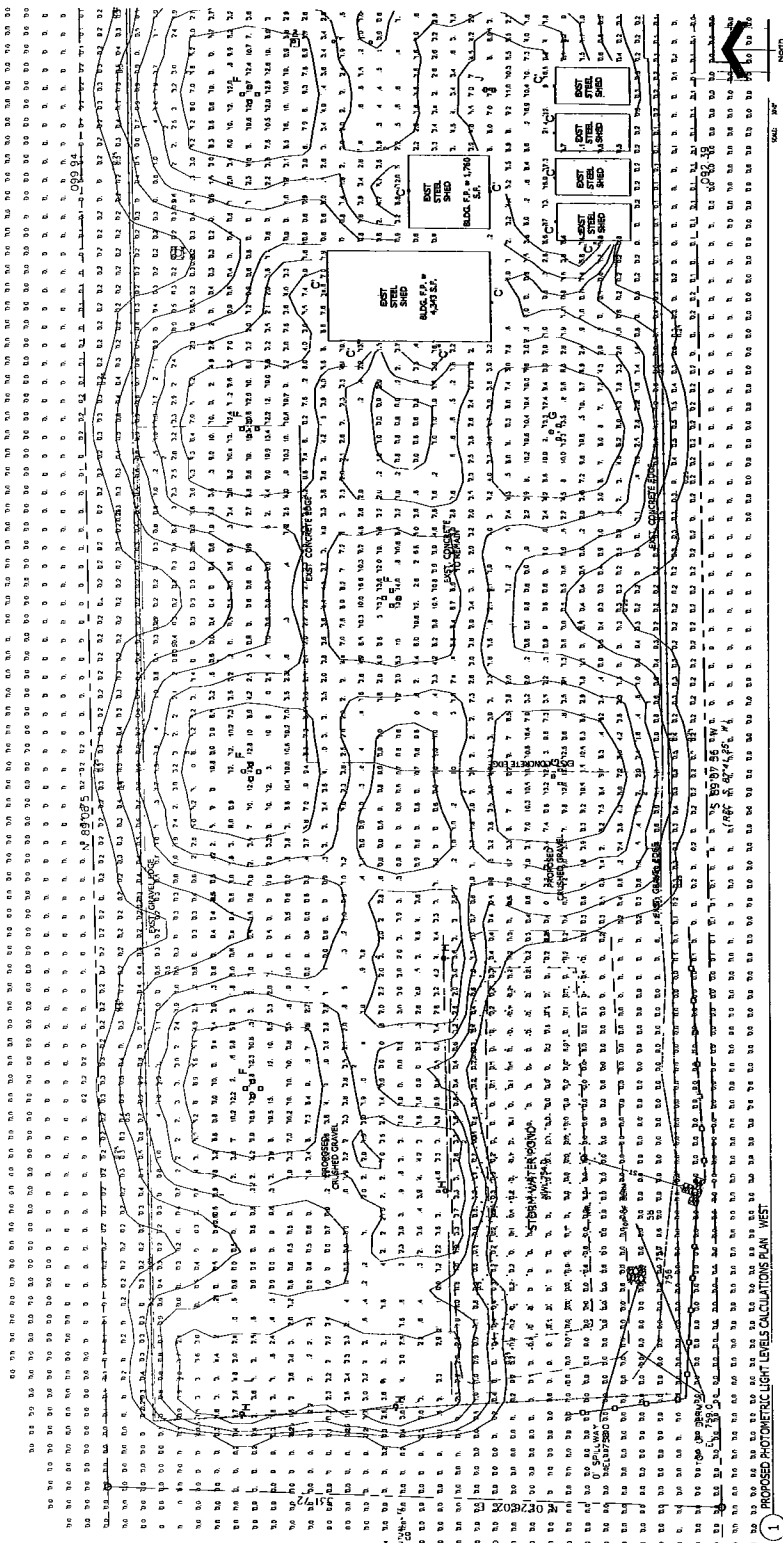
**ISSUES AND REVISIONS:**

Date	Number	Description
12/12/22	01	Client Review Comments
01/04/23	02	Per Comments Re-submission
10/27/23	03	Revisions Based on Staff Comments

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**DATE OF DRAWING:** 10/27/23  
**SCALE:** 1" = 20'-0"  
**DOWN BY:** MCD  
**JOB NUMBER:** 1232973  
**SHEET NUMBER:** PH01.2

**PH01.2**

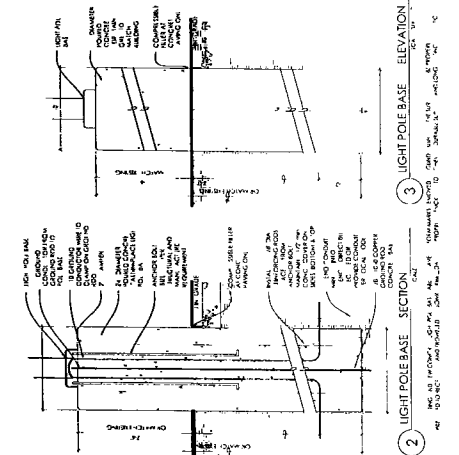


**LUMINAIRE NOTES**

1. ALL LUMINAIRE FIXTURES SHALL BE INSTALLED AT THE HEIGHTS SHOWN UNLESS OTHERWISE NOTED. ALL FIXTURES SHALL BE INSTALLED ON THE SIDE OF THE ROAD OR SIDEWALK UNLESS OTHERWISE NOTED.  
2. ALL LUMINAIRE FIXTURES SHALL BE INSTALLED ON THE SIDE OF THE ROAD OR SIDEWALK UNLESS OTHERWISE NOTED.  
3. ALL LUMINAIRE FIXTURES SHALL BE INSTALLED ON THE SIDE OF THE ROAD OR SIDEWALK UNLESS OTHERWISE NOTED.  
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**LUMINAIRE SCHEDULE**

Symbol	Qty	Capacity (lumens)	Description	Light Type	Foot Candles	LF	Watts
A	3	3000	Street Light Pole with 150W LED Luminaire	Street Light Pole with 150W LED Luminaire	150	150	150
B	1	1000	Street Light Pole with 50W LED Luminaire	Street Light Pole with 50W LED Luminaire	50	50	50
C	1	1000	Street Light Pole with 50W LED Luminaire	Street Light Pole with 50W LED Luminaire	50	50	50
D	1	1000	Street Light Pole with 50W LED Luminaire	Street Light Pole with 50W LED Luminaire	50	50	50



THIS PROJECT IS A PRELIMINARY DESIGN. IT IS NOT TO BE USED FOR CONSTRUCTION. ALL DIMENSIONS AND NOTES ARE SUBJECT TO CHANGE WITHOUT NOTICE. THESE ARE NOT FINAL CONTRACT DOCUMENTS AND SHOULD BE USED FOR INFORMATIONAL PURPOSES ONLY. NOT FOR CONSTRUCTION. PRELIMINARY - FOR ESTIMATING AND REVIEW ONLY - DO NOT SCALE THESE DRAWINGS.

**PROJECT:**  
**MASTER**  
**HALCO**  
7407 South 27th Street  
Franklin, WI 53132

Date	Number	Description	Client Review	Revised	Comments
12/12/22			Submittal		
01/26/23				Re-Submittal	
10/27/23				Revised	Comments

**EXCEL LINE**  
**PROPOSED LIGHT FIXTURES**

Date of Drawing: 10/27/23  
Scale: NONE  
Drawn by: MCD  
JOB Number: L23-079  
Sheet Number

**PH01.3**

**250 LED AREA FLOOD LIGHT**

Product Specifications:  
- 250 LED AREA FLOOD LIGHT  
- 120V AC  
- 150W  
- 1200LM  
- 120° Beam Angle  
- 50,000 Hours Life  
- 5 Year Warranty

**CREE**

**150 LED AREA FLOOD LIGHT**

Product Specifications:  
- 150 LED AREA FLOOD LIGHT  
- 120V AC  
- 100W  
- 1000LM  
- 120° Beam Angle  
- 50,000 Hours Life  
- 5 Year Warranty

**CREE**

**OSO Series**

Product Specifications:  
- OSO Series  
- 120V AC  
- 100W  
- 1000LM  
- 120° Beam Angle  
- 50,000 Hours Life  
- 5 Year Warranty

**CREE**

**PS Series**

Product Specifications:  
- PS Series  
- 120V AC  
- 100W  
- 1000LM  
- 120° Beam Angle  
- 50,000 Hours Life  
- 5 Year Warranty

**CREE**

**Brackets and Tenons**

Product Specifications:  
- Brackets and Tenons  
- 1/2" x 1/2" x 1/2" x 1/2"  
- 1/2" x 1/2" x 1/2" x 1/2"  
- 1/2" x 1/2" x 1/2" x 1/2"

**CREE**

**PS Series LED AREA/FLOOD**

Product Specifications:  
- PS Series LED AREA/FLOOD  
- 120V AC  
- 100W  
- 1000LM  
- 120° Beam Angle  
- 50,000 Hours Life  
- 5 Year Warranty

**CREE**

4 PS SERIES SQUARE STEEL POLE

5 PS SERIES SQUARE STEEL POLE BRACKET















<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>[Signature]</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;">12/19/23</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 8041 "OFFICES AND CLINICS OF CHIROPRACTORS" TO ALLOW SUCH USE AS A SPECIAL USE IN THE M-1 LIMITED INDUSTRIAL DISTRICT (ELEAH GLANDER, GLANDER FAMILY CHIROPRACTIC, APPLICANT)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G.5.</p>

At its December 7, 2023, regular meeting, the Plan Commission recommended approval of the attached ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 8041 "Offices and Clinics of Chiropractors" to allow such use as a Special Use in the M-1 Limited Industrial District (Eleah Glander, Glander Family Chiropractic, Applicant). The vote was 5-0-1, five 'ayes', no 'noes' and one absent.

**COUNCIL ACTION REQUESTED**

A motion to adopt Ordinance No. 2023-\_\_\_\_\_, an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 8041 "Offices and Clinics of Chiropractors" to allow such use as a Special Use in the M-1 Limited Industrial District (Eleah Glander, Glander Family Chiropractic, Applicant).

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

ORDINANCE NO. 2023-\_\_\_\_\_

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 8041 “OFFICES AND CLINICS OF CHIROPRACTORS” TO ALLOW SUCH USE AS A SPECIAL USE IN THE M-1 LIMITED INDUSTRIAL DISTRICT (ELEAH GLANDER, GLANDER FAMILY CHIROPRACTIC, APPLICANT)

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WHEREAS, Table 15-3.0603 of the Unified Development Ordinance sets forth the permitted and special uses in the nonresidential zoning districts; and

WHEREAS, Eleah Glander having applied for a text amendment to Table 15-3.0603 to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification (SIC) Title No. 8041 “Offices and Clinics of Chiropractors”, to allow for such use as a Special Use in the M-1 Limited Industrial District.

WHEREAS, the Plan Commission having reviewed the proposed amendment to change SIC Code No. 8041 “Offices and Clinics of Chiropractors” to a Special Use in the M-1 Limited Industrial District, and having held a public hearing on the proposal on the 7th day of December, 2023 and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendment is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

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

SECTION 1: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains to: Standard Industrial Classification Title No. 8041 “Offices and Clinics of Chiropractors”, is hereby amended as follows: insert “S” (Special Use) in the M-1 column

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

ORDINANCE NO. 2023-\_\_\_\_\_

Page 2

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this 19th day of December, 2023.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 19th day of December, 2023.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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

 **CITY OF FRANKLIN** 

**REPORT TO THE PLAN COMMISSION**

**Meeting of December 7, 2023**

**Unified Development Ordinance Text Amendment and Special Use Applications**

---

**RECOMMENDATION:** City Development Staff recommends the Plan Commission forward the Unified Development Ordinance and Special Use application to the Common Council for decision based upon the recommended draft Ordinance and Resolution with conditions as attached.

---

<b>Project Name:</b>	Glander Family Chiropractic
<b>Property Owner:</b>	ACG ACQUISITIONS #10 LLC D/B/A ANDERSON COMMERCIAL GRP
<b>Applicant:</b>	Eleah Glander, Glander Family Chiropractic
<b>Property Address/Tax Key Number:</b>	11217 West Forest Home Avenue/748 9961 001
<b>Aldermanic District:</b>	District 6
<b>Agent:</b>	Eleah Glander, Glander Family Chiropractic
<b>Zoning District:</b>	M-1 Limited Industrial District
<b>Use of Surrounding Properties:</b>	M-1 zoned property to the north and south, Woodland Prairie Condominiums to the east and B-3 zoned property and single-family residential to the west
<b>Application Request:</b>	To allow SIC Code No. 8041 Offices and clinics of Chiropractors within the M-1 District as a Special Use and approval of a Special Use Permit for Glander Family Chiropractic.
<b>Staff Planner:</b>	Nick Fuchs, Planning Associate

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**Project Description and Analysis**

The applicant has filed a Unified Ordinance Text Amendment and Special Use applications to allow for Glander Family Chiropractic to locate and operate within Unit 3 of 11217 West Forest Home Avenue.

More specifically, the applicant is requesting to amend Table 15-3.0603 to add Standard Industrial Classification Title No. 8041 “Offices and Clinics of Chiropractors” as a Special Use in the M-1 Limited Industrial District. Currently SIC Code No. 8041 is not allowed within the M-1 District.

The applicant also concurrently filed a Special Use Application specifically for Glander Family Chiropractic.

Glander Family Chiropractic is a chiropractic offering chiropractic services and massage therapy. The tenant space is approximately 2,000 square feet. Staff does not anticipate any parking issues with the existing shared parking lot consisting of about 90 parking spaces. Hours of operations vary as outlined



within the applicant's project narrative, but are not anticipated to begin earlier than 9:00 a.m. or later than 7:00 p.m.

There are no exterior building or site changes proposed at this time.

### **Staff Recommendation**

City Development Staff recommends approval of the Unified Development Ordinance Text Amendment to amend Table 15-3.0603 to add Standard Industrial Classification Title No. 8041 "Offices and Clinics of Chiropractors" as a Special Use in the M-1 Limited Industrial District.

The Plan Commission may recommend, and the Common Council may impose, conditions and limitations on a Special Use application related to use, design and operation (§15-3.0701.D).

The Department of City Development staff recommends the Plan Commission forward the Special Use application to the Common Council for decision based on the recommended draft Resolution as attached. The resolution reflects recommended conditions of approval.



<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>H</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;">12/19/23</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A CHIROPRACTIC OFFICE AND SERVICES BUSINESS USE UPON PROPERTY LOCATED AT 11217 WEST FOREST HOME AVENUE (BY ELEAH GLANDER, GLANDER FAMILY CHIROPRACTIC, APPLICANT) (ACG ACQUISITIONS #10 LLC (D/B/A ANDERSON COMMERCIAL GRP), PROPERTY OWNER)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G.l.e.</i></p> <p style="text-align: center;">Ald. Dist. #6</p>

At its December 7, 2023, regular meeting, the Plan Commission recommended approval of the attached special use resolution for a chiropractic office and services business use upon property located at 11217 West Forest Home Avenue (By Eleah Glander, Glander Family Chiropractic, Applicant) (ACG Acquisitions #10 LLC (d/b/a Anderson Commercial Grp), Property Owner). The vote was 5-0-1, five 'ayes', no 'noes' and no absents.

**COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2023-\_\_\_\_\_, imposing conditions and restrictions for the approval of a special use for a chiropractic office and services business use upon property located at 11217 West Forest Home Avenue (By Eleah Glander, Glander Family Chiropractic, Applicant) (ACG Acquisitions #10 LLC (d/b/a Anderson Commercial Grp), Property Owner).

## RESOLUTION NO. 2023-\_\_\_\_\_

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR  
THE APPROVAL OF A SPECIAL USE FOR A CHIROPRACTIC OFFICE AND  
SERVICES BUSINESS USE UPON PROPERTY LOCATED AT 11217 WEST FOREST  
HOME AVENUE (BY ELEAH GLANDER, GLANDER FAMILY CHIROPRACTIC,  
APPLICANT, ACG ACQUISITIONS #10 LLC (D/B/A ANDERSON COMMERCIAL  
GRP, PROPERTY OWNER)

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WHEREAS, Eleah Glander, Glander Family Chiropractic having petitioned the City of Franklin for the approval of a Special Use for a chiropractic office business use upon property located at 11217 West Forest Home Avenue, zoned M-1 Limited Industrial District. The property which is the subject of the application bears Tax Key No. 748 9961 001 and is more particularly described as follows:

Parcel A:

Parcel 1 of Certified Survey Map No. 4982, recorded on July 21, 1987, on Reel 2121, Images 1575 to 1577 inclusive, as Document No. 6086366, being a part of the Northwest 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 6, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin

Parcel B:

Parcel 2 of Certified Survey Map No. 4076, recorded on August 10, 1981, on Reel 1394, Images 1488 to 1490 inclusive, as Document No. 5493488, being a part of the Southeast 1/4 of Section 6, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin.

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 7th day of December, 2023, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that they will not have an undue adverse impact upon adjoining property; that they will not interfere with the development of neighboring property; that they will be served adequately by essential public facilities and services; that they will not cause undue traffic congestion; and that they will not result in damage to property of significant importance to nature, history or the like; and

ELEAH GLANDER, GLANDER FAMILY CHIROPRACTIC – SPECIAL USE  
RESOLUTION NO. 2023-\_\_\_\_\_

Page 2

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Eleah Glander, Glander Family Chiropractic, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by Eleah Glander, Glander Family Chiropractic, successors and assigns, for a chiropractic office business use, which shall be developed in substantial compliance with, and operated and maintained by Eleah Glander, Glander Family Chiropractic, pursuant to the project narrative dated October 31, 2023 and associated plan submittal annexed hereto and incorporated herein as Exhibit A.
2. Eleah Glander, Glander Family Chiropractic, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Eleah Glander, Glander Family Chiropractic Special Use, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon the Eleah Glander, Glander Family Chiropractic Special Use for the property located at 11217 West Forest Home Avenue: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

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

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19 of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than

ELEAH GLANDER, GLANDER FAMILY CHIROPRACTIC – SPECIAL USE  
RESOLUTION NO. 2023-\_\_\_\_\_

Page 3

\$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this 19th day of December, 2023.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 19<sup>th</sup> day of December, 2023.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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

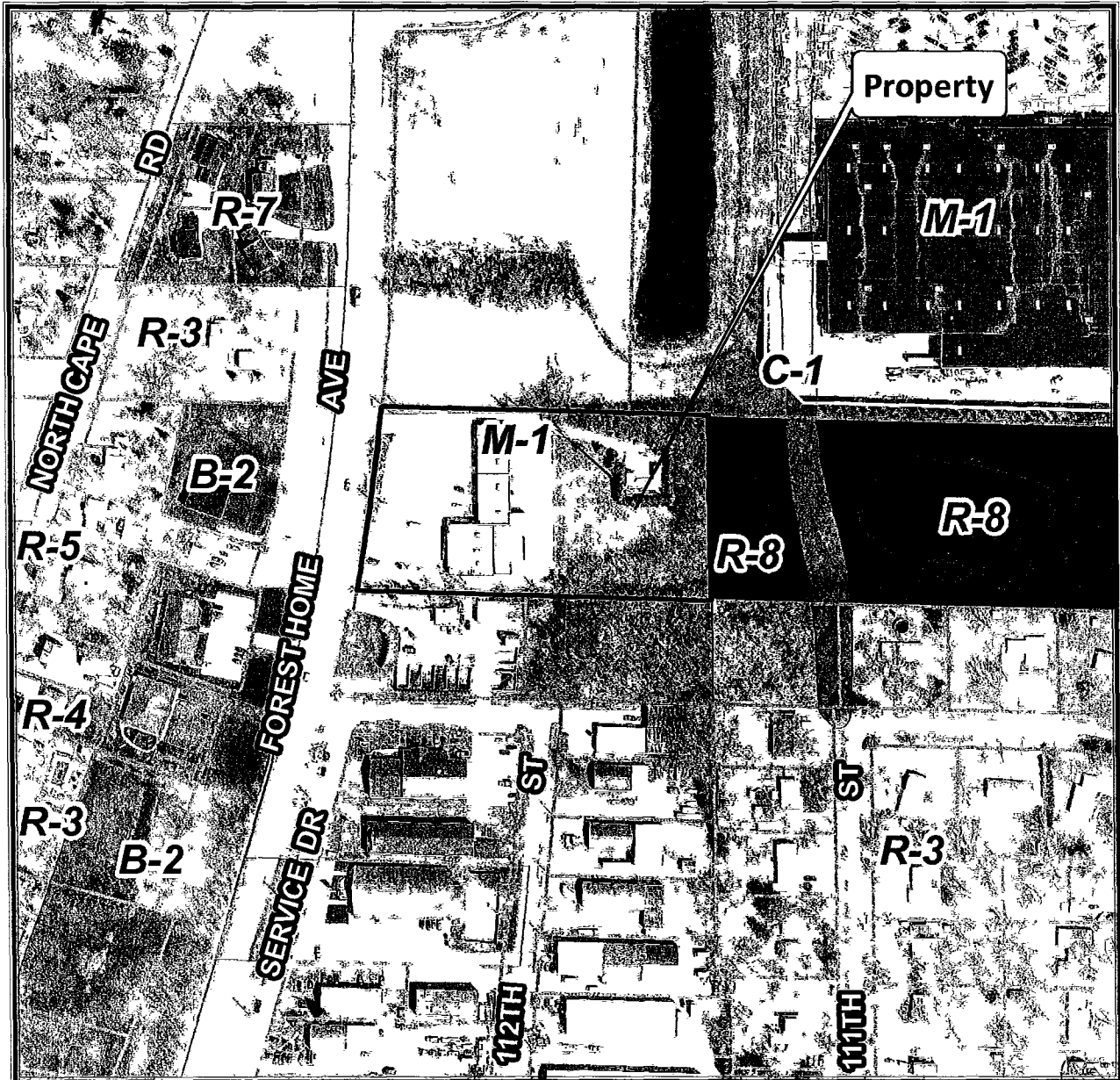
ELEAH GLANDER, GLANDER FAMILY CHIROPRACTIC – SPECIAL USE  
RESOLUTION NO. 2023-\_\_\_\_\_

Page 4

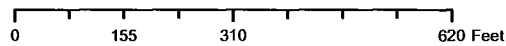
EXHIBIT A

ATTACHED HERETO

11217 W. Forest Home Ave.  
TKN: 748 9961 001



Planning Department  
(414) 425-4024

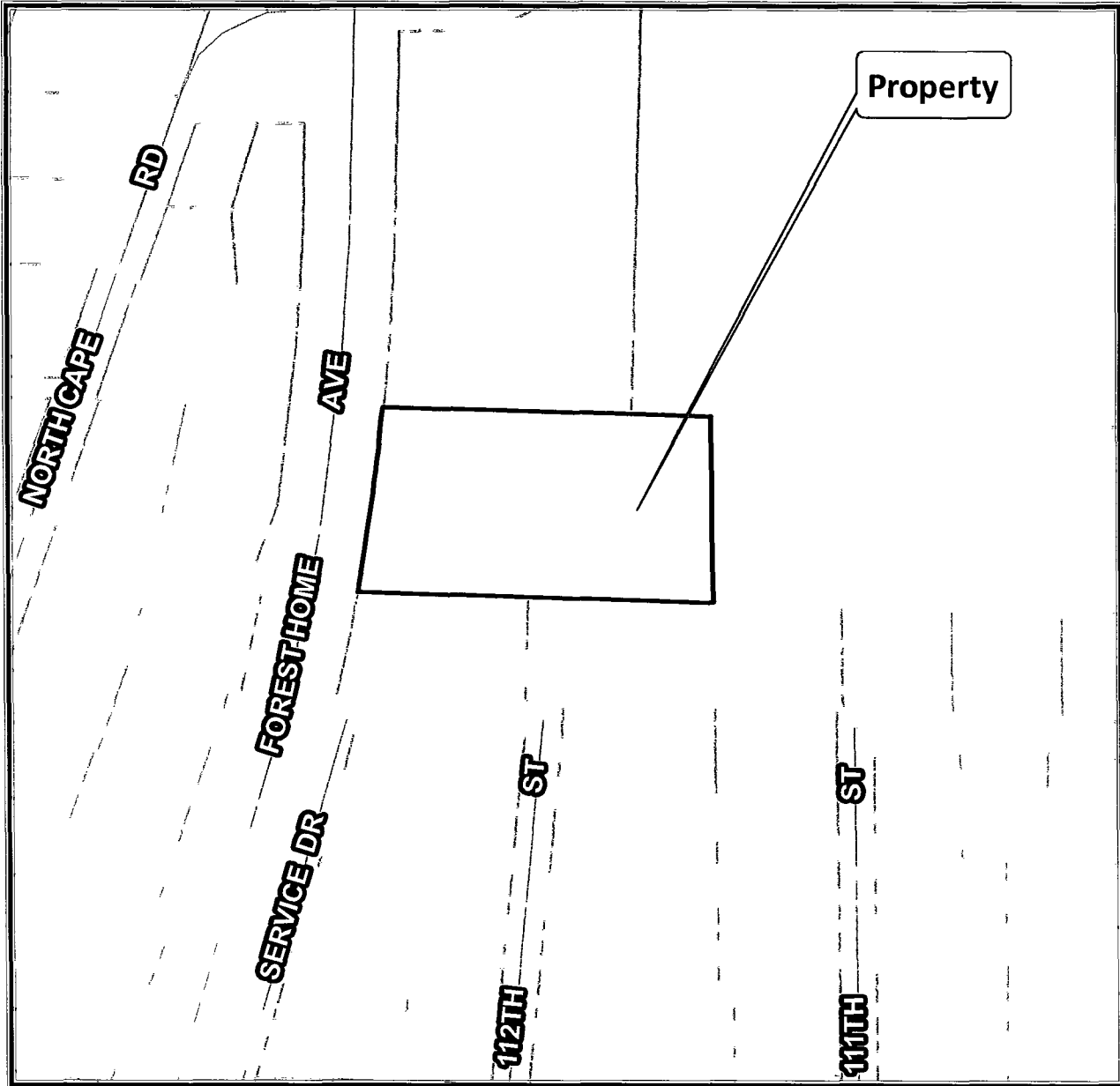


2021 Aerial Photo

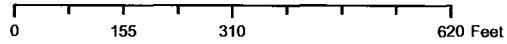
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal engineering or surveying purposes.*



11217 W. Forest Home Ave.  
TKN: 748 9961 001



Planning Department  
(414) 425-4024



2021 Aerial Photo

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

 **CITY OF FRANKLIN** 

**REPORT TO THE PLAN COMMISSION**

**Meeting of December 7, 2023**

**Unified Development Ordinance Text Amendment and Special Use Applications**

---

**RECOMMENDATION:** City Development Staff recommends the Plan Commission forward the Unified Development Ordinance and Special Use application to the Common Council for decision based upon the recommended draft Ordinance and Resolution with conditions as attached.

---

<b>Project Name:</b>	Glander Family Chiropractic
<b>Property Owner:</b>	ACG ACQUISITIONS #10 LLC D/B/A ANDERSON COMMERCIAL GRP
<b>Applicant:</b>	Eleah Glander, Glander Family Chiropractic
<b>Property Address/Tax Key Number:</b>	11217 West Forest Home Avenue/748 9961 001
<b>Aldermanic District:</b>	District 6
<b>Agent:</b>	Eleah Glander, Glander Family Chiropractic
<b>Zoning District:</b>	M-1 Limited Industrial District
<b>Use of Surrounding Properties:</b>	M-1 zoned property to the north and south, Woodland Prairie Condominiums to the east and B-3 zoned property and single-family residential to the west
<b>Application Request:</b>	To allow SIC Code No. 8041 Offices and clinics of Chiropractors within the M-1 District as a Special Use and approval of a Special Use Permit for Glander Family Chiropractic.
<b>Staff Planner:</b>	Nick Fuchs, Planning Associate

---

**Project Description and Analysis**

The applicant has filed a Unified Ordinance Text Amendment and Special Use applications to allow for Glander Family Chiropractic to locate and operate within Unit 3 of 11217 West Forest Home Avenue.

More specifically, the applicant is requesting to amend Table 15-3.0603 to add Standard Industrial Classification Title No. 8041 “Offices and Clinics of Chiropractors” as a Special Use in the M-1 Limited Industrial District. Currently SIC Code No. 8041 is not allowed within the M-1 District.

The applicant also concurrently filed a Special Use Application specifically for Glander Family Chiropractic.

Glander Family Chiropractic is a chiropractic offering chiropractic services and massage therapy. The tenant space is approximately 2,000 square feet. Staff does not anticipate any parking issues with the existing shared parking lot consisting of about 90 parking spaces. Hours of operations vary as outlined

within the applicant's project narrative, but are not anticipated to begin earlier than 9:00 a.m. or later than 7:00 p.m.

There are no exterior building or site changes proposed at this time.

### **Staff Recommendation**

City Development Staff recommends approval of the Unified Development Ordinance Text Amendment to amend Table 15-3.0603 to add Standard Industrial Classification Title No. 8041 "Offices and Clinics of Chiropractors" as a Special Use in the M-1 Limited Industrial District.

The Plan Commission may recommend, and the Common Council may impose, conditions and limitations on a Special Use application related to use, design and operation (§15-3.0701.D).

The Department of City Development staff recommends the Plan Commission forward the Special Use application to the Common Council for decision based on the recommended draft Resolution as attached. The resolution reflects recommended conditions of approval.

## Exhibit A

October 31, 2023

City of Franklin

9229 W. Loomis Road

Franklin, WI 53132

To Whom It May Concern,

Glander Family Chiropractic is a chiropractic office that is run by Dr. Eleah Glander. Dr. Glander has been practicing for almost 12 years and has been practicing at her current location in Hales Corners for 8 years.

Chiropractic is a gentle, non-invasive healthcare technique performed by a licensed Doctor of Chiropractic; the technique emphasizes the body's ability to heal itself. This is done through manual manipulation of joints in the spinal column to remove spinal misalignments, which in turn removes nerve interference allowing the body to function to the best of its ability.

Glander Family Chiropractic also utilizes electrical stimulation therapy, therapeutic ultrasound, neuromuscular re-education and intersegmental traction to address adhesions in the soft tissue that may be inhibiting spinal recovery.

Glander Family Chiropractic currently employs a doctor of chiropractic, an office manager/chiropractic technician and a second chiropractic technician that specializes in neuromuscular re-education.

Glander Family Chiropractic is looking to move the office to a new location at 11217 W. Forest Home Ave, Suite 3, Franklin WI. This location is currently M-1. Glander Family Chiropractic is looking to amend the UDO to add SIC 8041, "Offices and Clinics of Chiropractors" to be a special use in the M-1 district.

The 11217 W Forest Home Ave, Suite 3 location is 2000 square feet. There is an attached parking lot that has 90 parking spaces. Although there will not be dedicated parking spaces for Glander Family Chiropractic, there should be ample parking for patients of the clinic, as no more than 10 spaces, including for staff parking, are needed at any given time during the day. Additionally, the hours of operation for the clinic are Monday 2pm-6-7pm, Tuesday 9am-12pm and 2pm-6pm, Wednesdays 9:30am-12 and 2pm-4:30pm, Thursdays 9am-12pm and 2pm-7pm and Friday 9am-12pm.

Respectfully,

Dr. Eleah Glander DC

Glander Family Chiropractic

## Exhibit A

### **DIVISION 15-3.0700      SPECIAL USE STANDARDS AND REGULATIONS**

#### **SECTION 15-3.0701      GENERAL STANDARDS FOR SPECIAL USES**

A. ***General Standards.*** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

*Response: correct. The proposed chiropractic office would join a number of businesses located along that stretch of Forest Home.*

2. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.

*Response: correct. Glander Family Chiropractic's operating hours are Monday 2pm-6-7pm, Tuesday 9am-12pm and 2pm-6pm, Wednesdays 9:30am-12 and 2pm-4:30pm, Thursdays 9am-12pm and 2pm-7pm and Friday 9am-12pm. No patients will be at the location outside of those operating hours.*

3. **No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.

*Response: correct. There is already a freestanding building at the proposed chiropractic office location, and minimal changes are required to the outside of the building. The office would simply be joining a stretch of the road along which a variety of businesses are already located.*

4. **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.

*Response: correct. Patients will be able to take a main street to the office, and there is a*

*parking lot off the road for patients to park in. Additionally, the parking lot has easy access in and out of the road. The office will not put undue strain on resources along that stretch of Forest Home Ave.*

5. **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

*Response: correct. The office is not located on a residential street, and patients will be able to drive to the location without taking any residential streets. Additionally, there is ample off street parking available onsite at the proposed location.*

6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

*Response: correct. No construction outside of the building is required, so the environmental impact of the proposed location is minimal.*

7. **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

*Response: correct. All regulations for the special use will be met.*

- B. **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

*Response: correct. All compliance with special standards will be met.*

- C. **Considerations.** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:

1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of

the neighborhood or community.

***Response: The proposed location is for a chiropractic office. The doctor currently sees a number of patients in the Franklin area. Practicing at this location will allow the wellness and healthcare needs of the community to continue to be met.***

2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

***Response: After an exhaustive search, no better location has been found that would be a more appropriate space for a chiropractic office. Any other properties for sale in the area require extensive renovations, or are extremely close to existing chiropractic offices. The proposed site does not have another chiropractor nearby. Operating in the proposed space would give residents and workers in the area a closer location to go for their health and wellness needs.***

3. **Mitigation of Adverse Impacts.** Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

***Response: The exterior building requires no renovations before the chiropractic office would be able to start operations. There is already a parking lot sufficiently large enough to accommodate parking for employees and patients. The space is also already wheelchair accessible. No changes to the current site design or landscaping are required.***

4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

***Response: There are already a number of businesses operating along the requested location. Allowing a chiropractic office to operate in the proposed space will not place undue stress or traffic in the neighborhood due to the number of already functioning businesses surrounding the requested location for the chiropractic office.***



## Exhibit A

September 15, 2023

City of Franklin  
9229 W Loomis Road  
Franklin, WI 53132

To Whom It May Concern,

### Special Use Permit Legal Description of the property

#### Parcel A:

Parcel 1 of Certified Survey Map No 4982, recorded on July 21, 1987, on Reel 2121, Images 1575 to 1577 inclusive, as Document No 6086366, being a part of the Northwest 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 6, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin

#### Parcel B

Parcel 2 of Certified Survey Map No 4076, recorded on August 10, 1981, on Reel 1394, Images 1488 to 1490 inclusive, as Document No 5493488, being a part of the Southeast 1/4 of Section 6, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin

*For informational purposes only*

*Property Address 11217 West Forest Home Avenue (Parcel A) and Vacant Land situated on South 112th Street (Parcel B), Franklin, WI 53132*

*Tax Key Number 748-9961-001 (Parcel A) and 748-9959-003 (Parcel B)*

Respectfully,

Dr Eleah Glander DC  
Glander Family Chiropractic  
10920 W Forest Home Ave  
Hales Corners, WI



# ALTA/ACSM Land Title Survey

SURVEYOR'S CERTIFICATE

# Exhibit A

I HEREBY CERTIFY TO Robert Yunker Citizens Bank, its successors and/or assigns and Chicago Title Insurance Company Commitment No. CO-3972 dated May 17, 2016

That this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys as jointly established and adopted by ALTA and NSPS and includes Tables A Items 1 through 10 and 11 observed evidence 16 and 17. Pursuant to the Accuracy Requirements of the National Standard Detail Requirements for ALTA/ACSM Land Title Surveys, the relative positional accuracy of this survey does not exceed that which is specified therein.

June 17, 2016

Professional Land Surveyor S 2421

DEBBIE C. SCHMIDT

### LEGAL DESCRIPTION

Parcel 1 of Certified Survey Map No. 4982 recorded on July 21, 1987 on Reel 2121. Tracts 1575 to 1577 inclusive as Document No. 608556, being a part of the Northwest 1/4 and the Northeast 1/4 of the Southeast 1/4 of Section 6, Town 3 North, Range 2 East, City of Franklin, County of Milwaukee, State of Wisconsin. Address: 1121 W. Forest Home Avenue Franklin, Wisconsin

The above legal description describes the same property as insured in the title commitment referenced in the certification shown herein

### SCHEDULE B - II

- Reservation for easement set forth in Warranty deed recorded as Document No. 2577046 is general in nature and not plottable
- Easement(s) for the purpose(s) and rights incidental thereto as granted in a document granted to Wisconsin Electric Power Company for utility purposes recorded on December 18, 1962 as Document No. 3944355 is plotted herein
- Easement(s) for the purpose(s) and rights incidental thereto as granted in a document granted to Wisconsin Electric Power Company and Wisconsin Telephone Company for utility purposes recorded on May 22, 1970 as Document No. 4824674 to east of subject property and not plotted herein
- Rights of the public in portion of the subject premises lying within the limits of Forest Home Avenue as plotted herein
- Public utility easement and reservation for future use set forth on Cert Litled Survey Map No. 4982 recorded as Document No. 608556 are plotted herein
- Resolution Imposing Conditions and Restrictions for Approval of Special Use recorded as Document No. 6039273 describes entire parcel and is plotted herein
- Resolution Imposing Conditions and Restrictions for Approval of Special Use recorded as Document No. 6109584 describes entire parcel and is plotted herein
- Easement(s) for the purpose(s) and rights incidental thereto as granted in a document granted to Wisconsin Electric Power Company for utility purposes recorded on December 31, 2005 as Document No. 6193919 is plotted herein
- Easement agreement by and between Erasmia Family Corporation, a Wisconsin corporation, and SBA Structures, Inc., a Florida corporation, recorded as Document No. 608556 and Appointment of Successors, Trustee and Assignments of Interest recorded as Document No. 6017018 is plotted herein
- Memorandum of Assignment recorded as Document No. 966947 is general in nature and not plottable
- Memorandum of Assignment recorded as Document No. 1022037 is general in nature and not plottable

### SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY TO Robert Yunker Citizens Bank, its successors and/or assigns and Chicago Title Insurance Company Commitment No. CO-3972 dated May 17, 2016

That this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys as jointly established and adopted by ALTA and NSPS and includes Tables A Items 1 through 10 and 11 observed evidence 16 and 17. Pursuant to the Accuracy Requirements of the National Standard Detail Requirements for ALTA/ACSM Land Title Surveys, the relative positional accuracy of this survey does not exceed that which is specified therein.

June 17, 2016

Professional Land Surveyor S-2421

DEBBIE C. SCHMIDT

### LEGAL DESCRIPTION

Parcel 2 of Certified Survey Map No. 4076 recorded on August 10, 1981 on Reel 1394. Tracts 1488 to 1490 inclusive as Document No. 549388, being part of the Southeast 1/4 of section 6, Town 3 North Range 2 East, City of Franklin, County of Milwaukee, State of Wisconsin

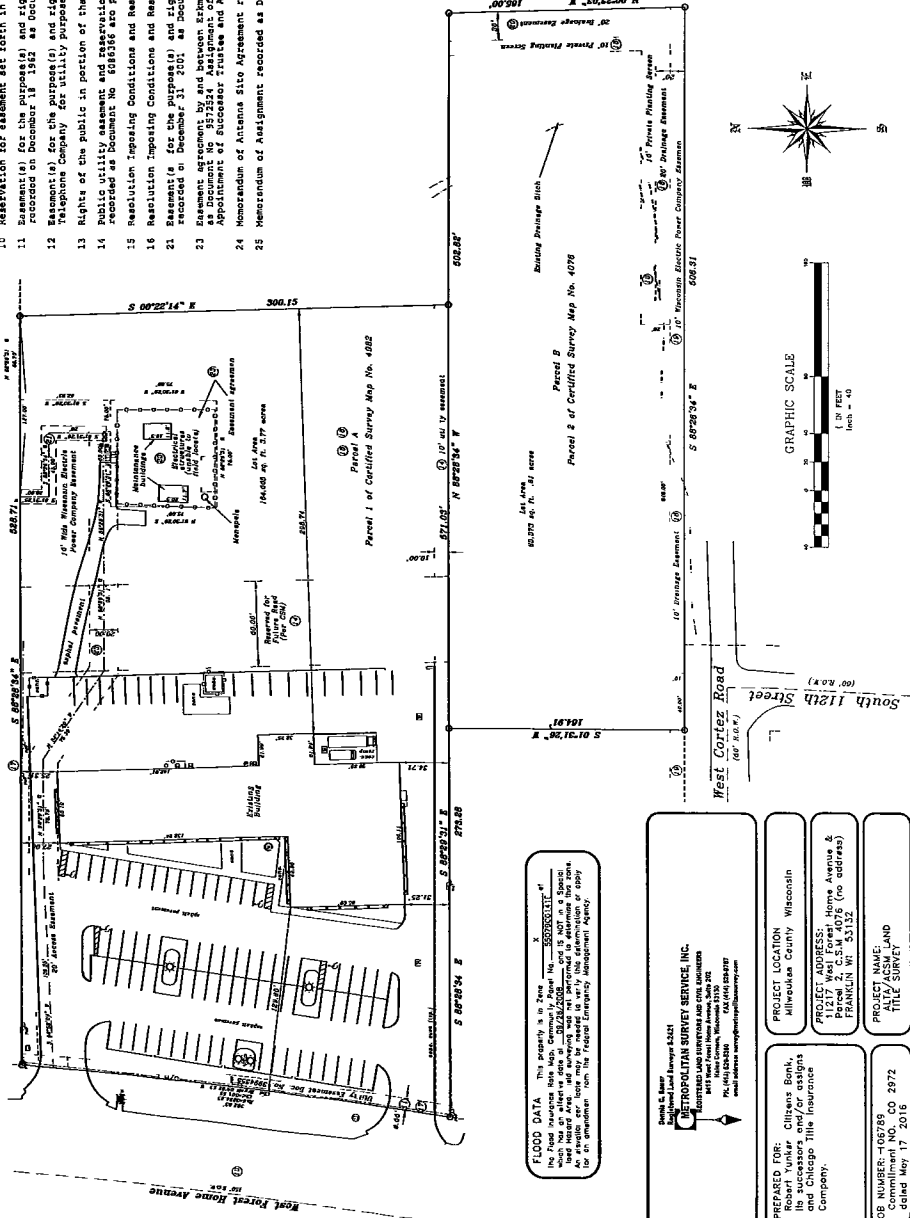
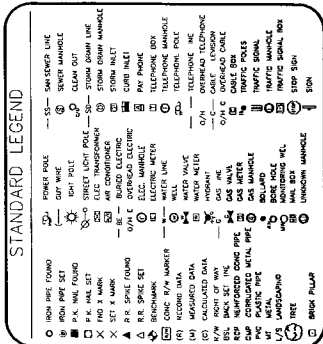
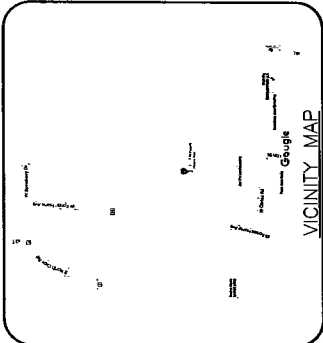
T&A Map No. 748-9559-003

Address: South 12th Street Franklin Wisconsin

The above legal description describes the same property as insured in the title commitment referenced in the certification shown herein

### SCHEDULE B - II

- Easement(s) for the purpose(s) and rights incidental thereto as granted in a document granted to Wisconsin Electric Power Company for utility purposes recorded on December 18, 1962 as Document No. 3944355 is plotted herein
- Easement(s) for the purpose(s) and rights incidental thereto, as granted in a document, granted to Wisconsin Electric Power Company for utility purposes recorded on May 22, 1970 as Document No. 4824674 to east of subject property and not plotted herein
- Easement(s) for the purpose(s) and rights incidental thereto as granted in a document granted to Wisconsin Electric Power Company for utility purposes recorded on April 26, 1962 as Document No. 3944355 is plotted herein
- Private platting areas and utility easements set forth on Certified Survey Map No. 4076 as recorded as Document No. 549388 is plotted herein
- Easement(s) for the purpose(s) and rights incidental thereto as granted in a document granted to Wisconsin Electric Power Company for utility purposes recorded on June 21, 1990 as Document No. 6359531 is plotted herein
- Agreement to Convey Statement recorded as Document No. 6468520 is plotted herein



**PREPARED FOR:** Robert Yunker, Citizens Bank, and Chicago Title Insurance Company

**PROJECT LOCATION:** Milwaukee County Wisconsin

**FILED ADDRESS:** 1121 W. Forest Home Avenue & Parcel 2, C.S.M. 4076 (no address) Franklin, WI 53132

**PROJECT NAME:** ALTA/ACSM LAND TITLE SURVEY

**DATE:** June 17, 2016

**COMMITMENT NO. CO 2972**

**DATE:** May 17, 2016

**FLOOD DATA:** This property is to have a "SEVERE" flood hazard. The Flood Hazard Map, Community Flood No. 500000011E, has been used to determine the flood hazard area and any other information that is pertinent to determine the flood hazard for an improvement from the Federal Emergency Management Agency.

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>X</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;">12/19/23</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>A RESOLUTION TO AMEND RESOLUTION NO. 2022-7873 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A CONDOMINIUM COMPLEX DEVELOPMENT USE UPON PROPERTY LOCATED AT 12000 WEST LOOMIS ROAD</b></p> <p style="text-align: center;"><b>(STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC, APPLICANT, BOOMTOWN, LLC, PROPERTY OWNER)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G.7.</p> <p style="text-align: center;">Ald. Dist. #6</p>

At its December 7, 2023, regular meeting, the Plan Commission recommended approval of the attached resolution to amend a previously granted special use permit from 26 dwelling units arranged in 13 duplex structures to 13 single-family detached dwelling units. The vote was 5-0-1, five 'ayes', no 'noes' and one absent.

**COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2023-\_\_\_\_\_, to amend Resolution No. 2022-7873 imposing conditions and restrictions for the approval of a special use for a condominium complex development use upon property located at 12000 West Loomis Road (Stephen R. Mills, President of Bear Development, LLC, applicant, Boomtown, LLC, property owner).

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

*[Draft 12-13-23]*

RESOLUTION NO. 2023-\_\_\_\_\_

A RESOLUTION TO AMEND RESOLUTION NO. 2022-7873 IMPOSING  
CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR  
A CONDOMINIUM COMPLEX DEVELOPMENT USE UPON PROPERTY LOCATED  
AT  
12000 WEST LOOMIS ROAD  
(STEPHEN R. MILLS, PRESIDENT OF BEAR DEVELOPMENT, LLC,  
APPLICANT, BOOMTOWN, LLC, PROPERTY OWNER)

---

WHEREAS, Stephen R. Mills, President of Bear Development, LLC having petitioned the City of Franklin for the approval of an amendment to Resolution No. 2022-7873, to allow for the development of a condominium complex (“Woodfield Trail”), consisting of 26 dwelling units arranged in 13 side-by-side duplex structures, property located at 12000 West Loomis Road, bearing Tax Key No. 891-9011-000, more particularly described as follows:

Condominium Plat of Woodfield Trail, a Condominium. Being a part of the Southwest ¼ of the Northwest ¼ of the Northwest ¼ of Section 30, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin.; and

WHEREAS, such proposed amendment being from 26 dwelling units arranged in 13 side-by-side duplex structures to 13 single-family detached dwelling units; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 7th day of December, 2023, and the Plan Commission thereafter having determined to recommend that the proposed Special Use amendment be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

WOODFIELD TRAIL CONDOMINIUMS – SPECIAL USE AMENDMENT

RESOLUTION NO. 2023-\_\_\_\_\_

Page 2

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Stephen R. Mills, President of Bear Development, LLC, for the approval of a Special Use amendment from 26 dwelling units arranged in 13 side-by-side duplex structures to 13 single-family detached dwelling units for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use amendment is approved only for the use of the subject property by Stephen R. Mills, President of Bear Development, LLC, successors and assigns, as a condominium complex development use, which shall be developed in substantial compliance with, and operated and maintained by Stephen R. Mills, President of Bear Development, LLC, pursuant to those plans dated March 8, 2023 and annexed hereto and incorporated herein as Exhibit A.
2. Stephen R. Mills, President of Bear Development, LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Stephen R. Mills, President of Bear Development, LLC condominium complex development, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon Stephen R. Mills, President of Bear Development, LLC, and the condominium complex development use, for the property located at 12000 West Loomis Road: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. The pedestrian path on the south side of Ryan Road, between the future Woodfield Court and the east boundary of this development, should be included in the development agreement.
5. The applicant must submit revised utility plans depicting 13 single-family detached units to the Engineering Department for review and approval.

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

WOODFIELD TRAIL CONDOMINIUMS – SPECIAL USE AMENDMENT

RESOLUTION NO. 2023-\_\_\_\_\_

Page 3

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

BE IT FURTHER RESOLVED, that this Resolution shall be construed to be an amendment to such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance, and that all of the terms and conditions of 2022-7873, not specifically and expressly amended by or in direct conflict with this Resolution, shall remain in full force and effect.

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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



# Exhibit "A"



**Pinnacle Engineering Group**  
 1500 W. Wisconsin Ave., Suite 100  
 Franklin, WI 53132  
 (414) 255-1100  
 www.pinnacle-engr.com

**WOODFIELD TRAIL**  
 WEST RYAN ROAD, FRANKLIN, WI 53132

**SITE PLAN OVERVIEW**

NO.	REVISIONS	DATE
1	ADDITIONAL DIMENSIONS	12/20/22
2	ADDITIONAL DIMENSIONS	12/20/22
3	ADDITIONAL DIMENSIONS	12/20/22
4	ADDITIONAL DIMENSIONS	12/20/22
5	ADDITIONAL DIMENSIONS	12/20/22
6	ADDITIONAL DIMENSIONS	12/20/22
7	ADDITIONAL DIMENSIONS	12/20/22
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97	ADDITIONAL DIMENSIONS	12/20/22
98	ADDITIONAL DIMENSIONS	12/20/22
99	ADDITIONAL DIMENSIONS	12/20/22
100	ADDITIONAL DIMENSIONS	12/20/22



CITY OF FRANKLIN  
REPORT TO THE PLAN COMMISSION

Item C.5.

Meeting of December 7, 2023

Special Use Amendment

---

**RECOMMENDATION:** City Development Staff recommends approval of this Special Use amendment subject to the conditions set forth in the attached resolution.

---

<b>Project name:</b>	<b>Boomtown, LLC – Special Use Amendment</b>
<b>Property Owner:</b>	Boomtown, LLC
<b>Applicant:</b>	S.R. Mills. Boomtown, LLC
<b>Property Address/TKN:</b>	12000 W. Loomis Road / 891 9011 000
<b>Aldermanic District:</b>	District 6
<b>Zoning District:</b>	R-8 Multiple-Family Residence District
<b>Staff Planner:</b>	Régulo Martínez-Montilva, AICP, CNUa, Principal Planner

---

Please note:

- Recommendations are *underlined, in italics* and are included in the draft resolution.
- Suggestions are only underlined and are not included in the draft resolution.

**Project Description/Analysis**

The applicant received a special use permit for a condominium development consisting of 26 dwelling units arranged in 13 duplex structures (Resolution 2022-7873). This request is to amend said special use permit to allow for a condominium development with 13 single-family homes.

This special use amendment doesn't require an amendment to the approved site plan as the applicant is only requesting to build single-family homes within approved building footprints. It's worth noting that in the R-8 zoning district, single-family and two-family dwellings are subject to the same development standards, such as setbacks, lot coverage, building height, etc.

**Background**

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

The special use permit for 13 duplex structures (26 dwelling units) was granted on June 21, 2022, Resolution No. 2022-7873 and the Site Plan on June 9, 2022, Plan Commission Resolution 2022-016.

A condominium plat for 26 residential units was approved on September 6, 2022, Resolution No. 2022-7895. In November 2023, a condominium plat addendum was recorded depicting 13 single-family dwellings as presented in this special use permit request. The cul-de-sac street "Sophia Court" was dedicated to the city for right-of-way purposes by a warranty deed.

**General standards for Special Uses (§15-3.0701)**

Summary of Standard	Staff's Finding
<p><b>1. <i>Harmony with UDO and Comprehensive Plan purposes and intent.</i></b></p>	<p>The northern portion of this site is designated as residential-multifamily in the future land use map of the <i>City of Franklin 2025 Comprehensive Master Plan</i>. The southern portion is designated as commercial but it is constrained by an access restriction to Loomis Road.</p> <p>It is worth noting that per Wisconsin Statutes §66.1001(2m)(b) “<i>A conditional use permit that may be issued by a political subdivision does not need to be consistent with the political subdivision's comprehensive plan</i>”</p>
<p><b>2. <i>No Undue Adverse Impact.</i></b></p>	<p>City Development staff does not anticipate any “undue adverse impact” to adjacent properties because conservation and landscape were approved. The conservation easement area is located to the west and east of the proposed development, as well as a landscape bufferyard with a berm to the south along Loomis Road.</p>
<p><b>3. <i>No Interference with Surrounding Development.</i></b></p>	<p>The proposed dwellings are designed to meet the maximum permitted height for single-family and two-family homes in the R-8 zoning district. This standard is not impacted by this amendment as this site is previously approved for two-family dwellings.</p>
<p><b>4. <i>Adequate Public Facilities.</i></b></p>	<p>The proposed development will be served by public water supply and sanitary sewer service. It is noted that access to public water and sewer is a requirement for residential development in the R-8 zoning district per UDO Section 15-3.0209.A “District Intent”.</p>
<p><b>5. <i>No Traffic Congestion.</i></b></p>	<p>Since this amendment is to reduce the quantity of dwellings, staff is not requesting a Traffic Impact Analysis.</p>
<p><b>6. <i>No Destruction of Significant Features.</i></b></p>	<p>The western portion is designated as Areas of Natural Resource Features in the comprehensive plan, the wetland areas located on this site are protected by a conservation easement required as condition of approval of previous special use and site plan. This request is not amending the previously approved site plan, no further impact to natural resources is being proposed.</p> <p>A Natural Resource Special Exception (NRSE) was granted with conditions on February 1, 2022, to allow for after-the-fact impacts to wetland buffers. This special use amendment is not altering the conditions of approval of this NRSE.</p>
<p><b>7. <i>Compliance with Standards.</i></b></p>	<p>The previously approved special use complied with the requirements of the R-8 Multiple-Family Residence District for single-family and two-family residential use, including: building setbacks, building</p>

	<p>height, required parking and landscaping. This amendment is not impacting compliance with these standards.</p> <p>The Board of Zoning and Building Appeals granted a variance on January 19, 2022, for a reduced front setback of 20 feet in this development, while the minimum front setback in the R-8 district is 25 feet.</p>
--	---

**Fire Department comments**

1. Development must include satisfactory water supply infrastructure for firefighting operations.
2. Road constructed to accepted standards for fire department access.
3. Area not well served by existing fire station locations and staffing. Response times for Effective Response Force for fire and EMS calls-for-service, and emergency incident types will likely exceed accepted industry standards.

**Engineering Department comments**

No comment.

**Staff Recommendation:**

City Development Staff recommends approval of this Special Use application subject to the conditions set forth in the attached resolution.

12000 W. Loomis Road  
TKN: 891 9011 000



Planning Department  
(414) 425-4024

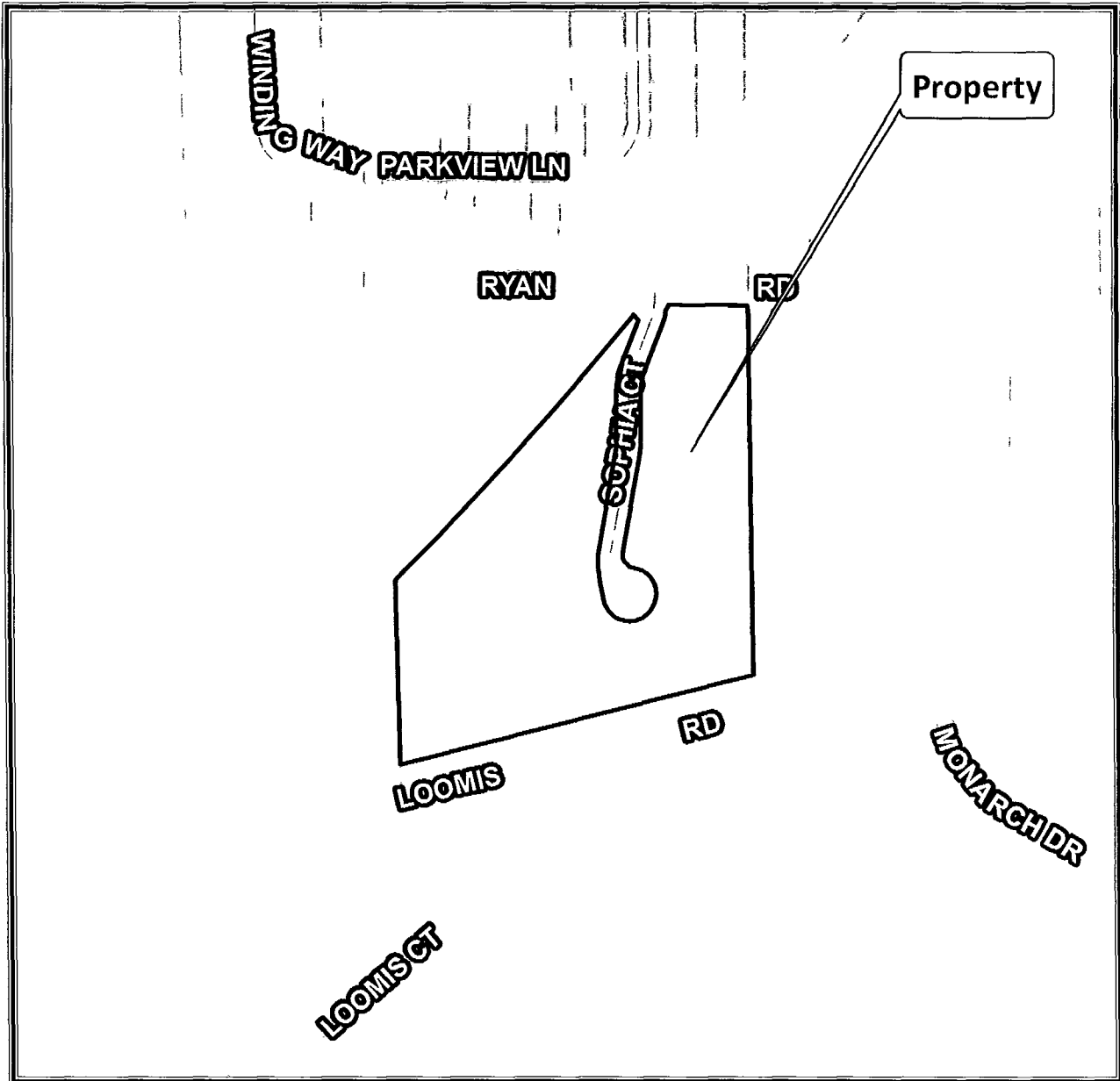
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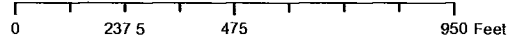
2021 Aerial Photo

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

12000 W. Loomis Road  
TKN: 891 9011 000



Planning Department  
(414) 425-4024



2021 Aerial Photo

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



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: \_\_\_\_\_

## COMMON COUNCIL REVIEW APPLICATION

### PROJECT INFORMATION [print legibly]

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

### PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS	12000 W. Loomis Road	TAX KEY NUMBER	891-9011-000
PROPERTY OWNER	Boomtown, LLC	PHONE	(262) 949-3788
MAILING ADDRESS	4011 80th Street	EMAIL ADDRESS	dan@beardevelopment.com
CITY/STATE	Kenosha, WI	DATE OF COMPLETION	
	ZIP 53142		

### 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
DATE <b>08/20/2023</b>	DATE <b>8/29/2023</b>
NAME & TITLE	NAME & TITLE
S R Mills	Daniel Szczap
PROPERTY OWNER SIGNATURE	APPLICANT REPRESENTATIVE SIGNATURE
NAME & TITLE	NAME & TITLE
DATE	DATE

## 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

**SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION MATERIALS**

- 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]
  - \$1,500: New Special Use > 4000 square feet
  - \$1,000: Special Use Amendment.
  - \$750: New Special Use < 4000 square feet.
- Word Document legal description of the subject property.
- Word Document legal description of the subject property
- One copy of a response to the General Standards, Special Standards, and Considerations found in Section 15-3.0701(A), (B), and (C) of the UDO available at [www.franklinwi.gov](http://www.franklinwi.gov).
- Three (3) complete collated sets of application materials to include . .
  - Three (3) project narratives.
  - Three (3) folded copies of the Site Plan package, drawn to scale at least 24" X 36", The submittal should include only those plans/items as set forth in Section 15-7.0101, 15-7.0301 and 15-5.0402 of the UDO that are impacted by the development. (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc.
- One (1) colored copy of the building elevations on 11" X 17" paper, if applicable
- Email or flash drive with all plans / submittal materials.
- Additional information as may be required
  - Special Use/Special Use Amendment requests require Plan Commission review, a Public Hearing and Common Council approval

**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT APPLICATION MATERIALS**

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$200 Application fee payable to the City of Franklin.
- Three (3) project narratives, including description of the proposed text amendment.
  - Requires a Class II Public Hearing notice at Plan Commission.
  - The City's Unified Development Ordinance (UDO) is available at [www.franklinwi.gov](http://www.franklinwi.gov)

**August 28, 2023**

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

Dear Mr. Martinez-Montilva:

Bear Development is pleased to submit this letter and the enclosed submittal materials as formal application for a Special Use Amendment. Bear Development is acting on behalf the record owner, Boomtown, LLC.

On June 21, 2022 the City of Franklin Common Council passed Resolution 2022-7873 which approved a Special Use for a condominium development consisting of 26 dwelling units arranged in 13 duplex buildings. Based on a variety of factors including site conditions, site restraints and market demand, Boomtown, LLC is requesting that the Special Use be amended to allow a condominium development consisting of 13 single family homes.

**Current Entitlements/Approvals**

<b>Zoning Classification:</b>	<b>R-8 Multiple Family Residence District</b>
<b>Special Use:</b>	<b>Resolution 2022-7873 (Duplex Condo Development)</b>
<b>Site Plan:</b>	<b>Plan Commission Resolution 2022-016</b>
<b>Landscape Buffer Easement:</b>	<b>Resolution 2022-7880</b>
<b>Conservation Easement:</b>	<b>Recorded Document No. 11296973 (Wetlands)</b>
<b>Final Engineering:</b>	<b>Construction Drawings dated 10/3/2022</b>
<b>Condominium Plat:</b>	<b>Condominium Plat dated 9/29/2022 (not recorded)</b>
<b>NRSE:</b>	<b>Recorded Findings, Document No. 11224509</b>

**Project Summary**

The property in question, consists of Lot 1 of Certified Survey Map #9338. Certified Survey Map No. 9338 was recorded on August 6, 2021, as Document Number 11148158. Bear Development is respectfully requesting a Special Use Amendment in the R-8 Multiple Family Residence District to allow a condominium neighborhood consisting of thirteen (13) residential dwelling units.



Phone: 262.694.2327



[beardevelopment.com](http://beardevelopment.com)



4011 80<sup>th</sup> Street, Kenosha, WI 53142



DEVELOPMENT

*Providing Creative Real Estate Solutions to Build Better Communities*

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**Parcel 1**

Tax Key Number: 891-9011-000  
Acreage: 15.61 Acres  
Current Use: Vacant  
Proposed Use: Single-Family Condominiums  
Zoning: R-8 Multiple Family Residence District  
Special Use Request: Special Use to allow a condominium neighborhood consisting of thirteen (13) residential units.

Responses to General Standards, Special Standards and Considerations, Section 13.3.0701 (A) of the City of Franklin Unified Development Ordinance are enclosed.

We feel the Special Use requests meets the Standards set forth in the Unified Development Ordinance and will allow the site to be developed to the property's highest and best use.

The requested Amendment does not require any revisions to the approved Site Plan or Design Engineering. The Applicant is simply requesting a modification to the existing Special Use to construct thirteen (13) single family dwelling units within the approved project rather than duplex units.

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

Thank you for your time and consideration.

Respectfully,

Daniel Szczap  
Bear Development, LLC



Phone: 262.694.2327



[beardevelopment.com](http://beardevelopment.com)



4011 80<sup>th</sup> Street, Kenosha, WI 53142

A **BEAR** GROUP COMPANY  
REAL ESTATE

**General Standards** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following

1

**Ordinance and Comprehensive Master Plan Purposes and Intent** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof

The proposed use and development are consistent and compatible with the existing zoning classification of R-8 Multiple Family Residential

2

**No Undue Adverse Impact** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood

The proposed use and development will have no adverse or detrimental impacts on adjacent lands

- The project has been designed using the City Engineering Standards and in compliance with the established bulk regulations of the R-8 Zoning District
- The project includes adequate buffers from adjacent lands and STH 36

The proposed use and development will have no adverse or detrimental impacts on the character of the area

- The general area is comprised on residential land use on W Ryan Road from STH 36 to 124<sup>th</sup> Street
- A significant residential development, Cape Crossing, was recently approved directly across W Ryan Road

The proposed use and development will have no adverse or detrimental impacts on the public health, safety, morals, comfort and general welfare

- The proposed condominium neighborhood will be served with public sanitary sewer and water, which is available at the property lines
- The proposed use will generate minimal traffic Per City Engineering, a Traffic Impact Analysis is not warranted
- The proposed use is consistent with other established uses in the general area
- The project accommodates pedestrian connectivity and the future City Trail

The proposed use and development will not diminish and impair property values within the community or neighborhood

- The development will have a positive impact on adjacent property values

3

No Interference with Surrounding Development The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations

The proposed condominium neighborhood is relatively small, with 13 total units The development will not dominate the immediate vicinity

The proposed use and development will not interfere with adjacent lands or impair their ability to develop in the future

4

Adequate Public Facilities The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities

The proposed use and development will be served with public sanitary sewer (existing) and public water (being extended on W. Ryan Road) A new public street will be constructed to serve the neighborhood

The site location is well served by City Services

5

No Traffic Congestion The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets

The proposed condominium neighborhood will generate very little traffic The impact to W Ryan Road traffic operations will be minimal

The project ingress/egress has been designed with input from City Engineering to ensure safe traffic operations

6

No Destruction of Significant Features The proposed use and development will not result in the destruction, loss or damage of any natural, scenic, or historic feature of significant importance

The proposed development has been designed in a manner that will not impact any of the natural resources on the site No wetlands will be impacted, and no tree clearing is proposed

7

Compliance with Standards The special use shall in all other respects conform to the applicable regulations of the district in which it is located except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission The proposed



use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use

The proposed neighborhood has been designed using the R-8 Multiple Family Residential bulk regulations and Standards. In fact, it is less dense than what is allowed as a matter of right. Please see approved Site Intensity Calculations which calculate an allowed density of 48 residential dwelling units.

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>AK</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;">12/19/23</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A DRINKING PLACE (WITHOUT DRIVE-THROUGH FACILITIES) USE UPON PROPERTY LOCATED AT 10064 W. LOOMIS ROAD, (RANDY LARSON, ON CLOUD WINE; APPLICANT // PARK PLACE HOLDINGS, PROPERTY OWNER)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G 8</i></p> <p style="text-align: center;">Ald. Dist. #6</p>
<p>At its December 7, 2023, regular meeting, the Plan Commission recommended approval of the attached special use resolution for a wine bar use upon property located at 10064 W. Loomis Rd. (By Randy Larson, On Cloud Wine, Applicant) (Park Place Holdings, Property Owner). The vote was 5-0-1, five 'ayes', no 'noes' and one absent.</p> <p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p>A motion to adopt Resolution No. 2023-____, imposing conditions and restrictions for the approval of a special use for a wine bar use upon property located at 10064 W. Loomis Rd. (By Randy Larson, Applicant) (Park Place Holdings, Property Owner).</p>		

Department of City Development: AMK

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS  
FOR THE APPROVAL OF A SPECIAL USE FOR A DRINKING PLACE (WITHOUT  
DRIVE-THROUGH FACILITIES) USE UPON PROPERTY LOCATED  
AT 10064 W. LOOMIS ROAD,  
(RANDY LARSON, ON CLOUD WINE; APPLICANT)

---

WHEREAS, Randy Larson, On Cloud Wine, having petitioned the City of Franklin for the approval of a Special Use within the Planned Development District 26 – Deerwood Woodlake Towering Oaks, under Standard Industrial Classification Title No. 5813 “Drinking Place (without drive-through facilities)”, to operate an wine bar facility with proposed hours of operation Wednesday through Friday, from 3:00 p.m. to 9:00 p.m. and Saturdays 3:00 p.m. to 10:00 p.m., located at 10064 W. Loomis Rd., bearing Tax Key No. 841-0073-000, more particularly described as follows:

Lot 1, Deerwood Preserve Addition No. 1, being a redivision of Lot 1 and Outlots 1, 2, 3, and 5 of Deerwood Preserve, also being a redivision of Parcels 1 and 2 and Outlot 1 of Certified Survey Map No. 5228, all lands being a part of the Northeast 1/4, Southeast 1/4, Southwest 1/4, and Northwest 1/4 of the Southwest 1/4 of Section 17 and in part of the Northeast 1/4 of the Northwest 1/4 of Section 20, Town 5 North, Range 21 East. Said land being in the City of Franklin, County of Milwaukee, and State of Wisconsin.

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 7th day of December, 2023, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

RANDY LARSON, ON CLOUD WINE – SPECIAL USE

RESOLUTION NO. 2023-\_\_\_\_\_

Page 2

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Randy Larson, On Cloud Wine, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property On Cloud Wine, successors and assigns, as a drinking place (without drive-through facilities) use, which shall be developed in substantial compliance with, and operated and maintained by On Cloud Wine, pursuant to the application materials City file-stamped October 20, 2023 and annexed hereto and incorporated herein as Exhibit A.
2. Randy Larson, On Cloud Wine, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the On Cloud Wine drinking place (without drive-through facilities) use, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon On Cloud Wine and the drinking place (without drive-through facilities) use for the property located at 10064 W. Loomis Road: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. All signage shall comply with the requirements of Chapter 210 of the Municipal Code and must receive a Sign Permit from the City Development Department prior to installation.
5. The hours of operation for the wine bar shall be limited to no later than 10:00 PM, Wednesday through Saturday, and for special events no later than 9:00 PM on Sunday.

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

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the

RANDY LARSON, ON CLOUD WINE – SPECIAL USE  
RESOLUTION NO. 2023-\_\_\_\_\_

Page 3

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

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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



CITY OF FRANKLIN  
REPORT TO THE PLAN COMMISSION

Item C.8.

Meeting of December 7, 2023

Special Use

---

**RECOMMENDATION:** City Development Staff recommends approval of this Special Use application subject to the conditions set forth in this staff report and the attached resolution.

---

<b>Project name:</b>	<b>On Cloud Wine – Special Use</b>
<b>Property Owner:</b>	Park Place Holdings
<b>Applicant:</b>	Randy Larson, On Cloud Wine
<b>Property Address/TKN:</b>	10064 W. Loomis Rd. / 841 0073 000
<b>Aldermanic District:</b>	District 6
<b>Zoning District:</b>	PDD 26 – Deerwood Woodlake Towering Oaks
<b>Staff Planner:</b>	Anna Kissel, Planning Intern

---

**Project Description/Analysis**

Special Use request to allow for a wine bar in the multi-tenant building located in the PDD 26 zoning district. Wine bars are classified as “drinking places (without drive-through facilities)” under Standard Industrial Classification (SIC) Title No. 5813, which requires a special use permit in the PDD 26 zoning district.

The proposed use would be located in one of the central tenant spaces in the building. According to the project narrative, the applicant is not proposing any exterior improvements at this time.

The applicant has submitted a substantially complete application for a special use permit, allowing for Section § 15-3.0701 of the Unified Development Ordinance sets out the General Standards for Special Uses.

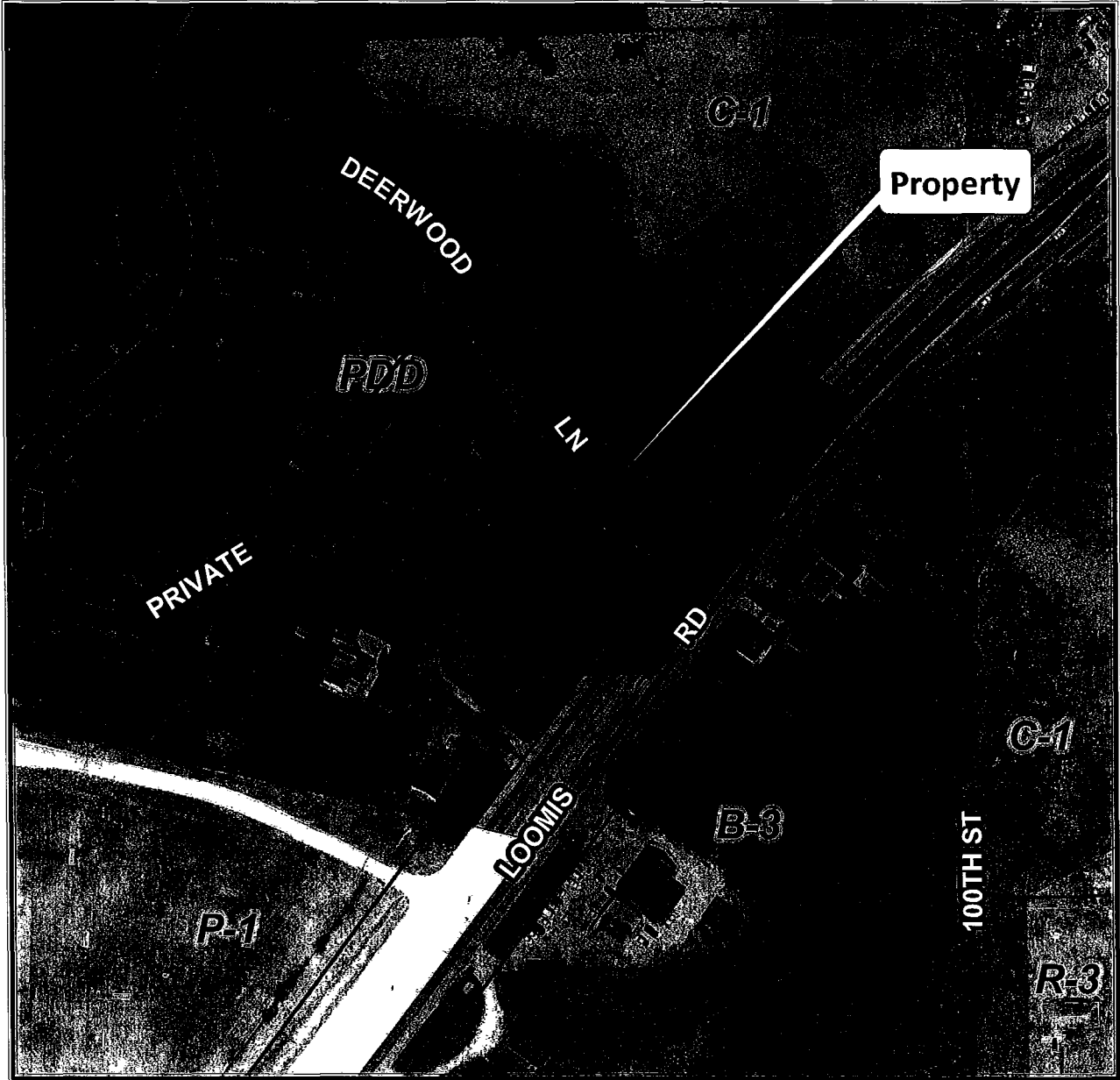
City Development staff does not anticipate adverse impacts to adjacent properties.

**Staff Recommendation:**

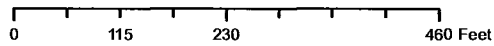
City Development Staff recommends approval of this Special Use application subject to the following conditions:

- The hours of operation be limited to no later than 10:00 p.m. Wednesdays through Saturdays.

10064 W. Loomis Road  
TKN: 841 0073 000



Planning Department  
(414) 425-4024

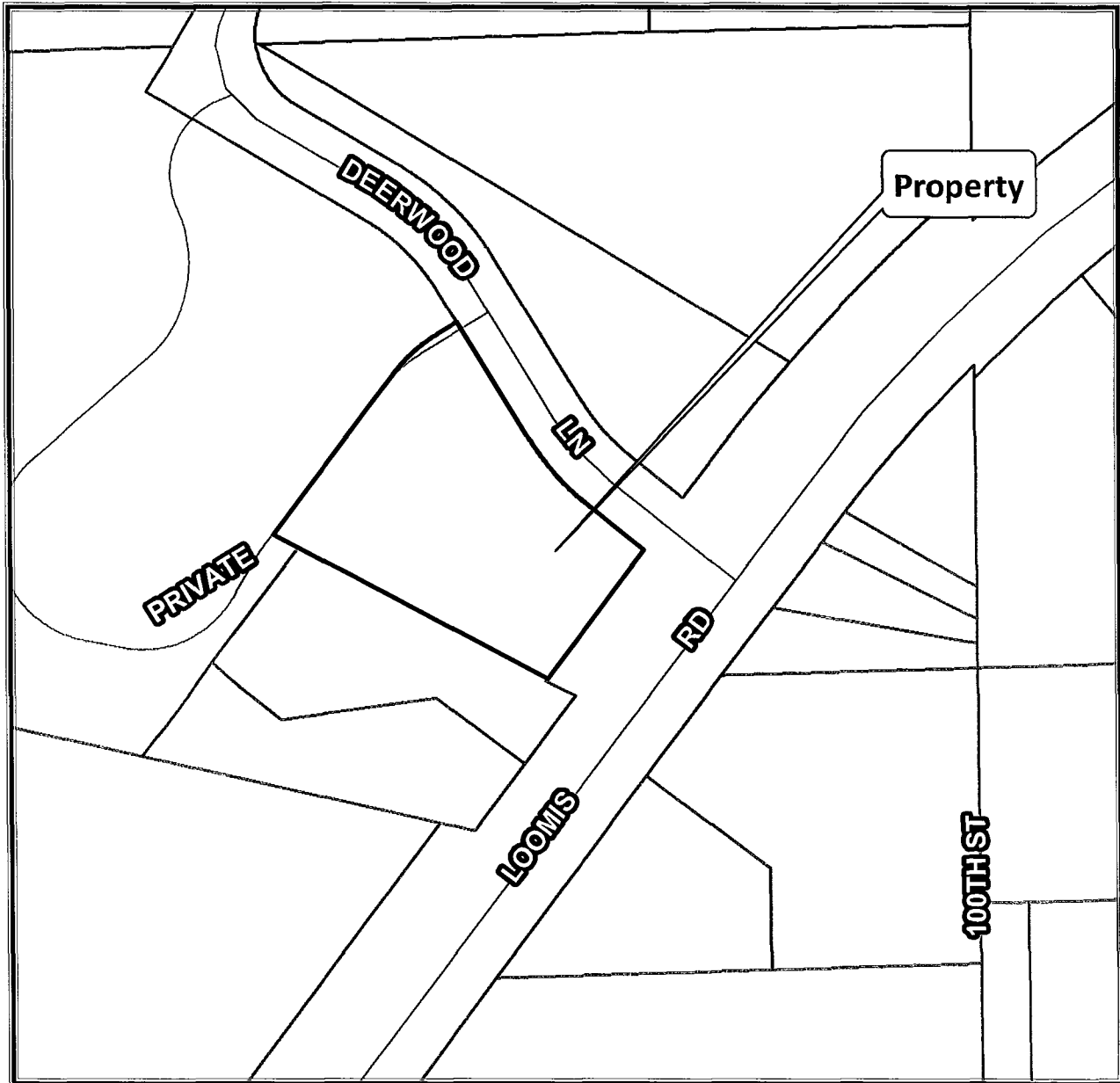


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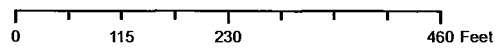




10064 W. Loomis Road  
TKN: 841 0073 000



Planning Department  
(414) 425-4024



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



2021 Aerial Photo

# COPY

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: \_\_\_\_\_

STAMP DATE: \_\_\_\_\_

## COMMON COUNCIL REVIEW APPLICATION

### PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]		APPLICANT IS REPRESENTED BY [CONTACT PERSON]	
NAME	RANDY LARSON	NAME	
COMPANY:	ON Cloud Wine	COMPANY:	
MAILING ADDRESS	22200 W. 6 Mile Rd	MAILING ADDRESS:	
CITY/STATE	FRANKSVILLE WI	CITY/STATE	ZIP:
	53126		
PHONE	414-430-5020	PHONE:	
EMAIL ADDRESS:	RANDY@SPIRITSOFNORWAYVINEYARD.COM	EMAIL ADDRESS:	

### PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS	10064 W. LOOMIS RD	TAX KEY NUMBER.	
PROPERTY OWNER:	PARK PLACE HOLDINGS	PHONE:	
MAILING ADDRESS	1677 EISENHOWER RD	EMAIL ADDRESS:	
CITY/STATE	De Pere WI	DATE OF COMPLETION	
	54115		

### 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	Caleb Hayes, Manager	NAME & TITLE	President
DATE:	9/1/2023	DATE:	8-31-23
PROPERTY OWNER SIGNATURE		APPLICANT REPRESENTATIVE SIGNATURE	
NAME & TITLE		NAME & TITLE	
DATE:		DATE:	

### SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION MATERIALS

- 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]
  - \$1,500: New Special Use > 4000 square feet.
  - \$1,000: Special Use Amendment.
  - \$750: New Special Use < 4000 square feet
- Word Document legal description of the subject property.
- Word Document legal description of the subject property.
- One copy of a response to the General Standards, Special Standards, and Considerations found in Section 15-3.0701(A), (B), and (C) of the UDO available at [www.franklinwi.gov](http://www.franklinwi.gov).
- Three (3) complete collated sets of application materials to include .
  - Three (3) project narratives.
  - Three (3) folded copies of the Site Plan package, drawn to scale at least 24" X 36", The submittal should include only those plans/items as set forth in Section 15-7 0101, 15-7 0301 and 15-5.0402 of the UDO that are impacted by the development. (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc.
- One (1) colored copy of the building elevations on 11" X 17" paper, if applicable.
- Email or flash drive with all plans / submittal materials.
- Additional Information as may be required.
  - Special Use/Special Use Amendment requests require Plan Commission review, a Public Hearing and Common Council approval

### UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT APPLICATION MATERIALS

- This application form accurately completed with signatures or authorization letters (see reverse side for more details).
- \$200 Application fee payable to the City of Franklin
- Three (3) project narratives, including description of the proposed text amendment.
  - Requires a Class II Public Hearing notice at Plan Commission.
  - The City's Unified Development Ordinance (UDO) is available at [www.franklinwi.gov](http://www.franklinwi.gov)

## Executive Narrative

Introduction: This narrative is a correlation between our existing business and new business.

## Business Overview

Spirits of Norway Vineyard & Winery is a boutique style winery, offering high-quality, all natural, locally produced wine from locally grown grapes. Spirits of Norway Vineyard farmstead is located in the Town of Norway, Wisconsin on 13.9 acres of land zoned agricultural. The agricultural crop is cold climate hybrid wine grapes. The winery has a reputation as an upscale destination with a down to earth attitude and has been in business for 13 years

## Product Offerings

Whether you're a wine connoisseur or a novice alike, Spirits of Norway currently offers 124 different wines to appeal to every wine palate. We also offer our ever so admired signature cheeses which are the perfect pairing with our wide selection of wines. Spirits of Norway is the ultimate choice for their popular Tour N Taste Experience where guests are guided for a quick tour of the vineyard, a brief stop inside the winery is next, providing an explanation of the wine making process, and then it's off to the tasting room where guests are treated to samples of their award winning wines.

## Success Factors

Spirits of Norway Vineyard & Winery has been recognized as the Top Ten Winery in Wisconsin by Choice Wineries and has achieved great success by offering the following competitive advantages:

- Highly qualified team of winemakers, wine tasters, who are experts on wine selection and food pairings suggestions.
- Friendly, knowledgeable sales and tasting room staff to ensure each guest receives personalized and attentive service which will enhance their experience.
- Spirits of Norway sells its wine, cheese products, and wine accessories in-store and online, giving their customers more flexibility in the way they can shop.
- The winery works with 5 local vineyards that grow exclusively for Spirits of Norway, and we source strawberries, cherries and apples from local growers for our fruit wines.

## On Cloud Wine

Due to weather related limitations, the tasting room is only open May through August. To ensure continued economic growth, we feel the need to be open all year round. This is the conception for **On Cloud Wine**. **On Cloud Wine** will be an upscale wine bar offering a relaxed

atmosphere for our guests. Our intended hours of operation are: open Wednesday thru Friday 3 pm to 9 pm and Saturdays 3 pm to 10 pm. Sundays are reserved for private gatherings. We will serve appetizers, charcuterie boards, heat & eat sandwiches, and personal pizzas. We plan to have occasional entertainment in the form of an acoustic set.

#### Guest Experience

**On Cloud Wine** has a strong focus on hospitality, communication, and providing educational and positive tasting experience for guests and VIP Wine Club members. The wine bar will offer a tasting room as well as a spacious seating area to meet up with friends or relax with a glass of wine. Additional special events include Sip N Paint, Sip N Clay, Sip N Cookie Decorating, and Sip N Carve pumpkin carving.

#### Marketing Plan

**On Cloud Wine** will offer a unique value proposition to their guests with friendly and knowledgeable staff that ensures each guest has an exceptional experience. This ensures word of mouth and referral business. Social media campaigns have been very successful.

#### Economic Impact

The U.S. Wine Industry boosts the American economy by \$276.07 Billion in 2022. The Wisconsin Wine Industry creates a \$3.6 Billion total economic impact in Wisconsin.

#### Trade Associations

Spirits of Norway and **On Cloud Wine** are proud to be advocating members of the following trade associations.

- Wisconsin Agricultural Tourism Association
- Wisconsin Grape Growers Association WGGA
- Wisconsin Winery Association WWA
- Wine America
- Craft Wine Association
- Wisconsin Vintners Association WVA
- Prairie Home Vintners
- Racine County Farm Bureau
- Tichigan Lake Lions Club
- South Milwaukee Lions Club
- South Milwaukee Humane Concerns
- Union Grove Chamber of Commerce

## SCHEDULE C

File No EA-21-0438-P

Policy No 273064800-224464780

The land referred to in this Policy is described as follows

Lot 1, Deerwood Preserve Addition No 1, being a redivision of Lot 1 and Outlots 1, 2, 3, and 5 of Deerwood Preserve, also being a redivision of Parcels 1 and 2 and Outlot 1 of Certified Survey Map No 5228, all lands being a part of the Northeast 1/4, Southeast 1/4, Southwest 1/4, and Northwest 1/4 of the Southwest 1/4 of Section 17 and in part of the Northeast 1/4 of the Northwest 1/4 of Section 20, Town 5 North, Range 21 East Said land being in the City of Franklin, County of Milwaukee, and State of Wisconsin

Tax Key No 841-0073-000

Address 10058-10068 W Loomis Rd

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AMERICAN  
LAND TITLE  
ASSOCIATION



ALTA Owner's Policy (06-17-06)  
Schedule C

EA-21-0438-P

**DIVISION 15-3.0700      SPECIAL USE STANDARDS AND REGULATIONS**

**SECTION 15-3.0701      GENERAL STANDARDS FOR SPECIAL USES**

A. **General Standards.** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following

1      **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof

*Response: I Agree with This STATEMENT*

2      **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.

*Response: I Agree with This STATEMENT*

3      **No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations

*Response: I Agree with this STATEMENT*

4      **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities

*Response: I Agree with this STATEMENT*

5      **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets

*Response: I Agree with This STATEMENT*

- 6 **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance

Response: *I Agree with this STATEMENT*

- 7 **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use

Response: *I Agree with this STATEMENT*

- B. **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3 0702 and 15-3 0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards

Response: *I Agree with this STATEMENT*

- C **Considerations** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following

- 1 **Public Benefit** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community

Response: *I Agree with this STATEMENT*

- 2 **Alternative Locations** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site

Response: *I Agree with this STATEMENT*

- 3 **Mitigation of Adverse Impacts** Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening



*Response: I Agree with this STATEMENT*

- 4 **Establishment of Precedent of Incompatible Uses in the Surrounding Area** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area

*Response: I Agree with this STATEMENT*

*Randy Larson 10-20-23*

**City of Franklin**  
**Department of City Development**

Date: November 15, 2023

To: Randy Larson, On Cloud Wine

From: Department of City Development  
Anna Kissel, Planning Intern

RE: Application for Special Use – On Cloud Wine – 10064 W. Loomis Rd.

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Below are staff comments regarding your Special Use application submitted on October 20, 2023:

**Department of City Development comments**

How many employees will work at this location?

We will start with (4) employees

**Health Department comments**

This establishment will require a retail food license to be issued by the Health Dept. Franklin Health Department will require a full menu, equipment list and specs as well as a set of plans to be submitted. A full plan review and pre-inspection will be conducted prior to licensing.

I have met with Angela Bayen AND completed the application for license. Angela was very helpful in explaining all requirements, which were forwarded to my architect and incorporated into the floor plan. I will provide her with all equipment specifications when that time comes.

Respectfully,

Randy Larson



Franklin Health Department  
 9229 W. Loomis Rd  
 Franklin, WI 53132

- (414) 425-9101
- Fax (414) 427-7539
- www.franklinwi.gov

Licensing Year: \_\_\_\_\_

### APPLICATION FOR LICENSE

**INSTRUCTIONS:** please complete and return it to the above address with your remittance Payable to the CITY OF FRANKLIN

#### NAME AND ADDRESS OF ESTABLISHMENT

NAME OF ESTABLISHMENT/ BUSINESS/ (DBA) <b>ON Cloud Wine LLC</b>		
STREET <b>10064 W. Loomis Rd</b>		
CITY <b>FRANKLIN</b>	STATE <b>WI</b>	ZIP CODE <b>53132</b>
PHONE NUMBER OF ESTABLISHMENT <b>414-430-5020</b>		
EMAIL/WEB SITE <b>RANDYSONV6@gmail.com</b>		

In making this application, I understand this business is subject to the provisions of CH. 138 of the Franklin Municipal Code.

**If Partnership, list all Partners. OR If Corporation, list Corporation Name & Registered Agent**

BUSINESS/LEGAL LICENSEE NAME <b>ON Cloud Wine LLC</b>			
CONTACT LAST NAME <b>RANDY</b>	FIRST NAME <b>LARSON</b>	MIDDLE INITIAL	PHONE NUMBER <b>414-430-5020</b>
ADDRESS <b>22200 W. 6 mile Rd</b>			
CITY <b>FRANKSVILLE</b>	STATE <b>WI</b>	ZIP CODE <b>53126</b>	
EMAIL			
FOOD MANAGER'S NAME <b>JULIE SCHRAMM</b>		FOOD MANAGER'S CERTIFICATION #	EXPIRATION DATE
EMAIL <b>JULIE.SCHRAMM@AHH.ORG</b>			

NAME OF FORMER BUSINESS	INTENDED DATE OF OPENING BUSINESS
YEARLY GROSS SALES	TOTAL FEES DUE FROM PAGE 2

SIGNATURE OF APPLICANT: *Randy Larson* DATE: 8-23-23

In making this application, I understand this business is subject to the provisions of CHAPTER 40 of the Franklin Municipal Code Effective January 9, 2018. The City of Franklin will be charging a \$25.00 fee for checks which are returned to us as uncollectible by our bank

**NOTE: A 48 HOUR NOTICE is required to make an appointment for a FINAL INSPECTION**

Permit Expires on June 30 of the licensing year

PLEASE INFORM THE FRANKLIN HEALTH DEPARTMENT OF ANY CHANGES



Wisconsin Department of Agriculture, Trade and Consumer Protection  
 Division of Food and Recreational Safety  
 P.O. Box 93586, Milwaukee, WI 53293-0586  
[datcpfrbsupport@wisconsin.gov](mailto:datcpfrbsupport@wisconsin.gov)

## How to Determine Retail Food Establishment - Serving Meals: License Complexity Category

### Establishment Name:

Retail food establishments serving meals are placed into four categories based on food safety risks. A retail food establishment serving meals that are prepackaged and TCS only prepares individually wrapped, single food servings, which are packaged off-premises by a licensed processor, with the on premise activity limited to heating and serving. EXAMPLE—whole frozen pizzas. The other three categories (simple, moderate and complex) use a point system to determine the license complexity category. Use the chart below to calculate your license complexity category..

<input type="checkbox"/>	Establishment has a self-service salad bar or food bar. Does not include condiments, bakery or toppings	1
<input type="checkbox"/>	Establishment processes fresh or frozen raw poultry, meat, seafood, or eggs	1
<input type="checkbox"/>	Establishment operates using a variance or HACCP plan	1
<input type="checkbox"/>	Establishment operates using a Bare Hand Contact or Time as a Public Health Control Plan	1
<input type="checkbox"/>	Establishment offers catering or preordered meals in bulk quantity for events	1
<input checked="" type="checkbox"/>	Establishment cold holds, hot holds, or reheats time/temperature control for safety (TCS) foods.	1
<input checked="" type="checkbox"/>	Establishment does cooling of cooked or reheated time/temperature control for safety (TCS) foods	1
<input type="checkbox"/>	Establishment wholesales foods that requires refrigeration	1
<input checked="" type="checkbox"/>	Establishment chops, dices, mixes, slices, blanches, boils, cooks, packages, or assembles product.	1
<input type="checkbox"/>	Establishment has an additional area(s), other than the main kitchen, where food preparation activities occur	1
<input type="checkbox"/>	Establishment prepares food specifically for a highly susceptible population, such as a nursing home or day care	1
<input type="checkbox"/>	Establishment has a customer seating capacity greater than 75, or has a drive-through window	1
Total Points (0 – 2.5, simple), (2.75 – 4.5, moderate), (Greater than 4.5, complex)		
<input type="checkbox"/> 0 – 2.5, simple <input checked="" type="checkbox"/> 2.75 – 4.5, moderate <input type="checkbox"/> Greater than 4.5, complex		

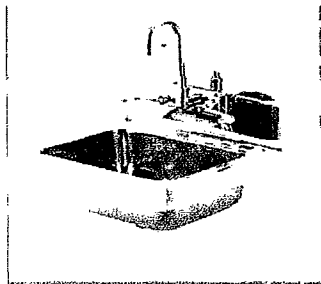
Please review Wis Admin Code § ATCP 75.08 for specific rule language regarding category assignment



# Retail Food Establishment Construction Guidance



## Handwashing Sinks



Must be conveniently located for employees in the following areas

- Preparation and dispensing areas
- Warewashing areas
- In or immediately adjacent to toilet rooms

Faucets must be non-hand operated; wrist/elbow paddles, foot/knee pedals, photo-eye, or a self-closing metered faucet that provides water for at least 15 seconds. May require splashguards to limit cross contamination on clean surfaces and equipment

*Kitchen AND BAR AREAS*

## Warewashing Facilities *(only one method required)*



### Three-Compartment Sink

- All compartments must be interconnected and large enough to allow adequate immersion of the largest piece of equipment.
- Self-draining drain boards are required at each end to accommodate soiled and clean items. Drain/drying racks may also be used

### Warewashing Machine

- Must be certified for sanitation by an American National Standards Institute (ANSI)-accredited certification program.
- May use heat or chemical sanitizing
- Without a three-compartment sink, your facility may need to stop food service if the warewashing machine fails

*ice machine / Air gap / Drain*

## Utility or Mop Sink Area



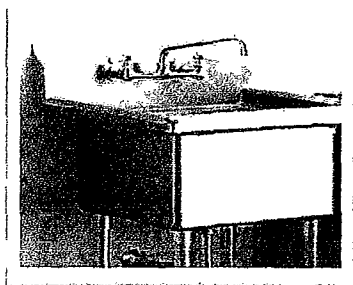
One mop sink or curbed cleaning facility with a floor drain is required to clean mops and for the disposal of liquid wastes

A designated area for the storage of cleaning equipment and air-drying of mops is required

*FLOOR PLAN  
MENU*

*Equipment Spec Sheets*

## Food Preparation Sink

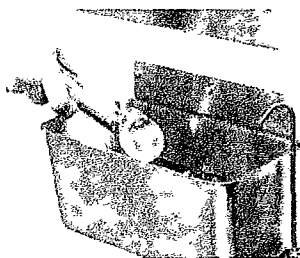


A designated food preparation sink is required if food must be placed below the flood rim for washing or thawing

Food preparation sinks must be certified for sanitation by an ANSI-accredited certification program.

*Need  
in Kitchen*

## Other Sinks/Basins



Other common sinks used in a food establishment may include:

- **Dump Sink/Fourth Compartment:** For pre-washing/scraping or as an area to empty drink glasses
- **Dipper well** for in-use utensils such as ice cream scoops.

## Equipment

Certifying Group	Mark
NSF International (NSF)	
Intertek Marked "ETL Sanitation"	
Underwriters Laboratory (UL) Marked "Classified UL EPH"	
Canadian Standards Association (CSA) Marked "CSA Sanitation to NSF/ANSI"	
Baking Industry Sanitation Standards Committee (BISSC) Marked "Certified BISSC."	

Equipment must be certified for sanitation by an ANSI-accredited program. This requirement applies to sinks, refrigeration, hot-holding units, ice machines and cooking equipment. It does not apply to small appliances, such as microwave ovens and toasters

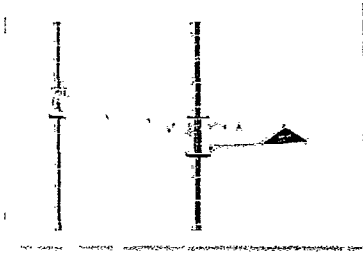
### Refrigeration

- Units must be capable of maintaining cold food at an internal temperature of 41°F or below when used for time/temperature control for safety foods.
- Includes salad bars, prep top cooler, and reach-in refrigeration.
- Units can only be used for the purpose for which they were built and must be certified for sanitation by an ANSI-accredited certification program.

### Freezers

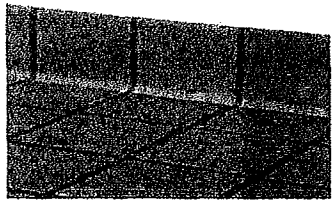
- Units used to receive food from ambient or hot temperatures must be certified for sanitation by an ANSI-accredited program.
- Units that only hold commercial frozen product until use may be a domestic type

## Storage



Food, clean utensils, linens and single-service articles must be stored at least 6 inches above the floor. They may not be stored in mechanical rooms, restrooms, or other areas in which contamination may occur

## Floors, Walls and Ceilings

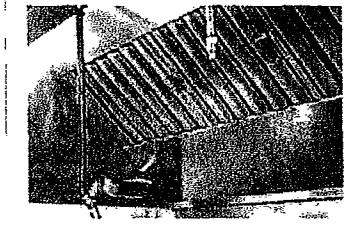


All floors, walls and ceilings in processing areas shall be smooth, nonabsorbent, durable and easily cleanable

- **Floors:** quarry tile, terrazzo, ceramic tile, sealed concrete, commercial grade sheet vinyl. Floors must have coving where they meet the walls.
- **Wall:** stainless steel, fiberglass reinforced plastic (FRP), ceramic tile, gloss or semi-gloss enamel painted drywall. Painted drywall is not durable in high-moisture areas such as behind sinks
- **Ceiling:** washable vinyl tiles, FRP, gloss or semi-gloss painted drywall

*Smooth Finish*

## Ventilation, Hoods and Ducts



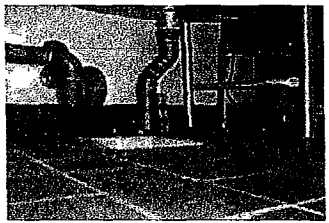
Adequate ventilation and make-up air is required to remove steam, condensation, vapors, obnoxious odors, smoke and fumes.

Information on installation requirements and inspections can be obtained by contacting the Wisconsin Department of Safety and Professional Services (DSPS) at [dsps@wisconsin.gov](mailto:dsps@wisconsin.gov) or your local fire code enforcement agency.

*NO GREASE PRODUCING  
\* SPECS OF OVEN prep  
Area*

## Backflow Prevention by Air Gaps or Preventive Devices

*Food Prep*



Air gaps installed in wastewater lines of food preparation sinks, dipper wells, ice bins and warewash machines

Backflow or backsiphonage prevention devices installed on a water supply system per DSPS requirements. Email [DspsSbPlbgTech@wi.gov](mailto:DspsSbPlbgTech@wi.gov) for more info

For complete requirements, please review the Wisconsin Food Code

# Untitled Map

Write a description for your map.

## Legend

- 10064 W Loomis Rd
- Feature 1

10064 W Loomis Rd

Colleen E. Connor, DDS, MS

Deerwood Orthodontics Franklin





A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS  
FOR THE APPROVAL OF A SPECIAL USE FOR A DRINKING PLACE (WITHOUT  
DRIVE-THROUGH FACILITIES) USE UPON PROPERTY LOCATED  
AT 10064 W. LOOMIS ROAD,  
(RANDY LARSON, ON CLOUD WINE; APPLICANT)

---

WHEREAS, Randy Larson, On Cloud Wine, having petitioned the City of Franklin for the approval of a Special Use within the Planned Development District 26 – Deerwood Woodlake Towering Oaks, under Standard Industrial Classification Title No. 5813 “Drinking Place (without drive-through facilities)”, to operate an wine bar facility with proposed hours of operation Wednesday through Friday, from 3:00 p.m. to 9:00 p.m. and Saturdays 3:00 p.m. to 10:00 p.m., located at 10064 W. Loomis Rd., bearing Tax Key No. 841-0073-000, more particularly described as follows:

Lot 1, Deerwood Preserve Addition No. 1, being a redivision of Lot 1 and Outlots 1, 2, 3, and 5 of Deerwood Preserve, also being a redivision of Parcels 1 and 2 and Outlot 1 of Certified Survey Map No. 5228, all lands being a part of the Northeast 1/4, Southeast 1/4, Southwest 1/4, and Northwest 1/4 of the Southwest 1/4 of Section 17 and in part of the Northeast 1/4 of the Northwest 1/4 of Section 20, Town 5 North, Range 21 East. Said land being in the City of Franklin, County of Milwaukee, and State of Wisconsin.

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 7th day of December, 2023, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

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

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>[Signature]</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;">12/19/23</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A MEAT SMOKER ENCLOSURE AND OVERNIGHT FOOD TRUCK PARKING UPON PROPERTY LOCATED AT 7740 S LOVERS LANE RD, SUITE 400. (BY THOMAS GREEN, JR., MR. GREENS BBQ, APPLICANT// FRANKLIN WYNDHAM LLC, PROPERTY OWNER)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G.9.</p> <p style="text-align: center;">Ald. Dist. #2</p>

At its December 7, 2023, regular meeting, the Plan Commission recommended approval of the attached special use resolution for a meat smoker enclosure and overnight food truck parking upon property located at 7740 S. Lovers Lane Rd (By Thomas Green, Jr., Mr. Greens BBQ, Applicant) (Franklin-Wyndham LLC, Property Owner). The vote was 5-0-1, five 'ayes', no 'noes' and one absent.

**COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2023-\_\_\_\_, imposing conditions and restrictions for the approval of a special use for a meat smoker enclosure and overnight food truck parking upon property located at 7740 S. Lovers Lane Rd (By Thomas Green, Jr., Mr. Greens BBQ, Applicant) (Franklin-Wyndham LLC, Property Owner).

## RESOLUTION NO. 2023-\_\_\_\_\_

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR  
THE APPROVAL OF A SPECIAL USE FOR A MEAT SMOKER ENCLOSURE AND  
OVERNIGHT FOOD TRUCK PARKING UPON PROPERTY  
LOCATED AT 7740 S LOVERS LANE RD, SUITE 400.  
(BY THOMAS GREEN, JR., MR. GREENS BBQ, APPLICANT//  
FRANKLIN WYNDHAM LLC, PROPERTY OWNER)

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WHEREAS, Thomas Green, Jr., Mr Greens BBQ, having petitioned the City of Franklin for the approval of a Special Use for a meat smoker enclosure and overnight food truck parking, upon property located at 7730 S Lovers Lane Rd., zoned CC Civic Center. The property which is the subject of the application bears Tax Key No. 794 9001 000 and is more particularly described as follows:

Certified Survey Map No. 9322, SE 1/4 SEC 8-5-21, Lot 1; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 7th day of December, 2023, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that they will not have an undue adverse impact upon adjoining property; that they will not interfere with the development of neighboring property; that they will be served adequately by essential public facilities and services; that they will not cause undue traffic congestion; and that they will not result in damage to property of significant importance to nature, history or the like; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Thomas Green, Jr., Mr. Greens BBQ, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by Thomas Green, Jr., Mr. Greens BBQ, successors and assigns, for a meat smoker enclosure and overnight food truck parking use, which shall be developed in substantial compliance

with, and operated and maintained by Thomas Green, Jr., Mr. Greens BBQ, pursuant to those plans City file-stamped August 28, 2023 and annexed hereto and incorporated herein as Exhibit A.

2. Thomas Green, Jr., Mr. Greens BBQ, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Thomas Green, Jr., Mr. Greens BBQ, meat smoker enclosure and overnight food truck parking Special Use, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon the Thomas Green, Jr., Mr. Greens BBQ, meat smoker enclosure and overnight food truck parking Special Use for the property located at 7740 S Lovers Lane Rd., Suite 400: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. The hours of operation for the meat smokers shall be limited to 5:00 AM to 6:00 PM, Tuesday through Saturday.

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

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

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

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

THOMAS GREEN, JR., MR. GREENS BBQ – SPECIAL USE

RESOLUTION NO. 2023-\_\_\_\_\_

Page 3

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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

 **CITY OF FRANKLIN** 

**REPORT TO THE PLAN COMMISSION**  
**Meeting of December 7, 2023**  
**Special Use**

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**RECOMMENDATION:** City Development Staff recommends the Plan Commission forward the Special Use application to the Common Council for decision based on the recommended draft Resolution with conditions as attached.

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<b>Project Name:</b>	<b>Mr. Greens BBQ Special Use</b>
<b>Property Owner:</b>	Franklin Wyndham LLC
<b>Applicant:</b>	Thomas Green, Jr., Mr. Greens BBQ
<b>Property Address/Tax Key Number:</b>	7740 S Lovers Lane Rd, Suite 400 / 794 9001 000
<b>Aldermanic District:</b>	District 2
<b>Agent:</b>	Peter Ogorek, Perspective Design, Inc.
<b>Zoning District:</b>	CC Civic Center
<b>Use of Surrounding Properties:</b>	CC Civic Center (east, south, and west), R-3E Suburban/Estate Single-Family Residence District (south)
<b>Application Request:</b>	To allow for a meat-smoker enclosure and overnight parking for a food truck
<b>Staff Planner:</b>	Anna Kissel, Planning Intern, & Marion Ecks, Associate Planner, AICP

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**Background**

The applicant is seeking a Special Use Permit for an approximately 440 sq. ft. meat-smoker enclosure and overnight parking for a food truck.

This site is part of the Shoppes at Wyndham Village. There is an existing outdoor seating area that the applicant intends to use; the meat-smoker enclosure will be adjacent to the building and outdoor seating area. The applicant plans to operate the smokers from 5am to 2pm, Tuesday through Saturday.

The food truck will serve food at off-site locations.

**SPECIAL USE**

The lot is zoned CC Civic Center.

- Eating places (without drive-thru facilities) is a permitted use in the CC district and the smoker enclosure is accessory to that use but may impact surrounding properties, and this requires the Special Use approval
- Overnight parking is an accessory use that needs approval from the Plan Commission

The Health Department issues the licenses for the food truck and the Retail Food Establishments. They reviewed this application and note that:

“The Retail Food Establishment is intended to be used as the service base for the food truck. Logistically, this would be the ideal place to park the truck to facilitate the food truck operation.

The outdoor smoker is approved by the Health Department with the condition that it is made of approved materials and no food processing other than smoking/cooking is conducted in this outdoor space.”

The Fire Department did not have any comment on the application.

#### **STAFF RECOMMENDATION**

The Plan Commission may recommend, and the Common Council may impose, conditions and limitations on a Special Use application related to use, design and operation (§15-3 0701.D).

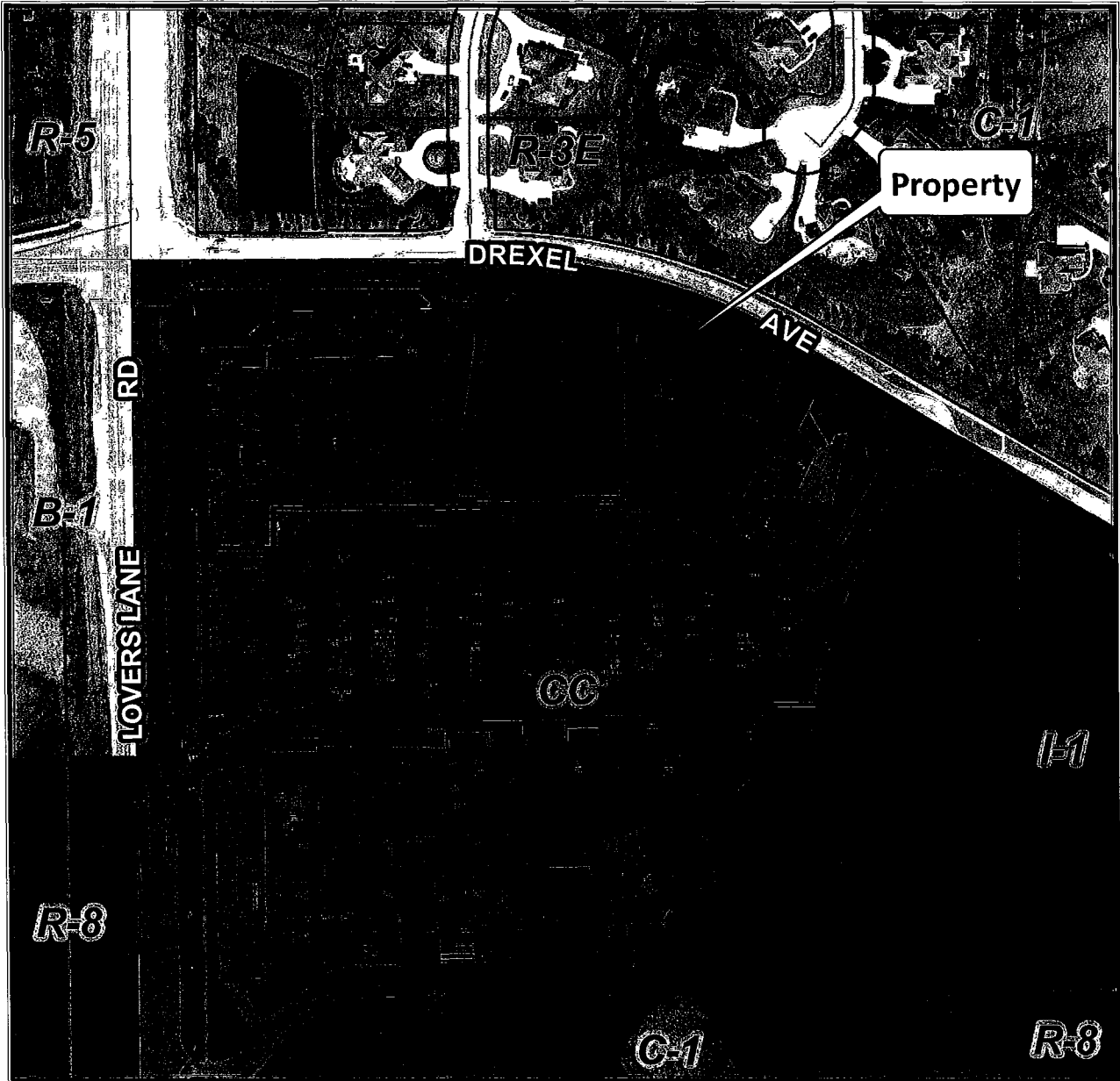
The Department of City Development staff recommends the Plan Commission forward the Special Use application to the Common Council for decision based on the recommended draft Resolution as attached. The resolution reflects recommended conditions of approval.

#### ***Recommended Conditions of Approval***

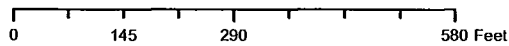
- The hours of operation for the meat-smokers shall be 5am to 2pm, Tuesday through Saturday.



7740 S. Lovers Lane Road  
TKN: 794 9001 000



Planning Department  
(414) 425-4024



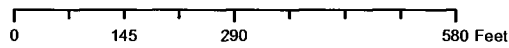
2021 Aerial Photo

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

7740 S. Lovers Lane Road  
TKN: 794 9001 000



Planning Department  
(414) 425-4024



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



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



APPLICATION DATE: \_\_\_\_\_  
 STAMP DATE \_\_\_\_\_ city use only

## COMMON COUNCIL REVIEW APPLICATION

### PROJECT INFORMATION [print legibly]

APPLICANT [FULL LEGAL NAMES]	APPLICANT IS REPRESENTED BY [CONTACT PERSON]
NAME: Thomas Green Jr	NAME Peter Ogorek
COMPANY: MR GREENS BBQ	COMPANY Perspective Design, Inc.
MAILING ADDRESS 149 E Ontario St	MAILING ADDRESS: 11525 W North Ave
CITY/STATE: Oak Creek/ Wisconsin ZIP: 53154	CITY/STATE: Wauwatosa, WI ZIP 53226
PHONE: (414) 305-1444	PHONE: 414-302-1780 x203
EMAIL ADDRESS mrgreens@mrgreenstd.com	EMAIL ADDRESS pogorek@pdi-arch.com

### PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS 7740 S Lovers Lane Road, Suite 400	TAX KEY NUMBER: 794-9001-000
PROPERTY OWNER Franklin-Wyndham LLC	PHONE (847) 272-3300
MAILING ADDRESS 666 Dundee Road, Suite 901	EMAIL ADDRESS: rec@cleafgroup.com
CITY/STATE Northbrook / IL ZIP 60062	DATE OF COMPLETION: office use only

### 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 Franklin-Wyndham, LLC By: The Cloverleaf Real Estate Group, Inc., Manager	APPLICANT SIGNATURE 
NAME & TITLE Ross Cosyns, VP      DATE 8/15/2023	NAME & TITLE Thomas Green/owner      DATE 8-15-23
PROPERTY OWNER SIGNATURE 	APPLICANT REPRESENTATIVE SIGNATURE 
NAME & TITLE      DATE	NAME & TITLE Peter Ogorek, Pres      DATE 8/15/23

**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

**SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION MATERIALS**

- 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]
  - \$1,500: New Special Use > 4000 square feet.
  - \$1,000: Special Use Amendment.
  - \$750: New Special Use < 4000 square feet.
- Word Document legal description of the subject property.
- One copy of a response to the General Standards, Special Standards, and Considerations found in Section 15-3.0701(A), (B), and (C) of the UDO available at [www.franklinwi.gov](http://www.franklinwi.gov).
- Three (3) complete collated sets of application materials to include ...
  - Three (3) project narratives.
  - Three (3) folded copies of the Site Plan package, drawn to scale at least 24" X 36", The submittal should include only those plans/items as set forth in Section 15-7.0101, 15-7.0301 and 15-5.0402 of the UDO that are impacted by the development. (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc.
- One (1) colored copy of the building elevations on 11" X 17" paper, if applicable
- Email or flash drive with all plans / submittal materials.
- Additional information as may be required.
  - Special Use/Special Use Amendment requests require Plan Commission review, a Public Hearing and Common Council approval

**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT APPLICATION MATERIALS**

- This application form accurately completed with signatures or authorization letters (see reverse side for more details)
- \$200 Application fee payable to the City of Franklin.
- Three (3) project narratives, including description of the proposed text amendment.
  - Requires a Class II Public Hearing notice at Plan Commission.
  - The City's Unified Development Ordinance (UDO) is available at [www.franklinwi.gov](http://www.franklinwi.gov).



**PERSPECTIVE  
DESIGN, INC.**

11325 W North Avenue  
Wauwatosa, WI 53226  
Tel (414) 302 1780 Fax (414) 302-1781

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## **Project Narrative**

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**Date:** 08/15/23  
**Project Name:** Mr. Greens BBQ  
**Address:** 7740 S Lovers Lane Road, Suite 400  
Franklin, WI 53132

**Project Narrative:**

This project includes a special use approval to a previously approved outdoor dining area adjacent to suite 400 (restaurant). We are proposing an exterior fenced-in smoker enclosure for screening and security, with a double barrel and single barrel smoker inside. In addition, we are requesting approval for overnight parking in a designated parking location for the operator's food truck/trailer. The food truck/trailer will serve food at off-site locations.

**DIVISION 15-3.0700**

**SPECIAL USE STANDARDS AND REGULATIONS**

**SECTION 15-3.0701**

**GENERAL STANDARDS FOR SPECIAL USES**

A. **General Standards.** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

*Response: The proposed use will be in compliance with the general and specific purposes of the zoning district and the Comprehensive Master Plan. This use will be an outdoor dining with linking indoor/outdoor spaces. The highest ranked preferred commercial businesses in the Comprehensive Master Plan were dining, specialty shops, and small privately owned businesses. These preferred commercial businesses would all be satisfied by this use. The proposed use will be mixed-use and pedestrian orientated, which would provide urban characteristics in a suburban area.*

2. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.

*Response: This use will not cause any undue adverse impacts on adjacent properties or the surrounding area. It will be enclosed and screened.*

3. **No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.

*Response: The construction of the proposed site development will not interfere with surrounding developments.*

4. **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities

*Response: The proposed use is currently served by adequate public facilities & services, and will continue to have adequate facilities.*

5. **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

*Response: This use will not impact existing traffic. The proposed layout operates using the same existing traffic pattern and ingress/egress that was previously established without any increase in flow / congestion.*

6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

*Response: The proposed use is located on a previously approved outdoor area and will not affect anything outside of that area. It will also be screened to maintain visual appeal and security.*

7. **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

*Response: The proposed use will conform with all other respects of the Zoning Ordinance, as may-be modified by the common council.*

- B. **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

*Response: There are no special standards for the specialized use.*



C. ***Considerations.*** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:

1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

***Response: There is an unmet need for a BBQ restaurant in this area of the city. Th proposed use is consistent with the public's desire as shown by the Comprehensive Master Plan priorities.***

2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

***Response: The proposed location is the best place to achieve the goals of the function due to its location in a large shopping area as well as it being a previous BBQ restaurant.***

3. **Mitigation of Adverse Impacts.** Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

***Response: This use is being proposed in a previously approved outdoor area where there is existing landscape screening on site. There will also be additional screening provided with an enclosure for the smokers in a fenced area that provides both screening and security.***

4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

***Response: The proposed use is appropriate at this location and will not promote or encourage incompatible uses in surrounding areas.***



**PERSPECTIVE  
DESIGN, INC.**

11525 W North Avenue  
Wauwatosa, WI 53226  
Tel (414) 302-1780 Fax (414) 302-1781

## Legal Description

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**Project Name:** Mr. Greens BBQ  
**Address:** 7740 S Lovers Lane Road, Suite 400  
Franklin, WI 53132

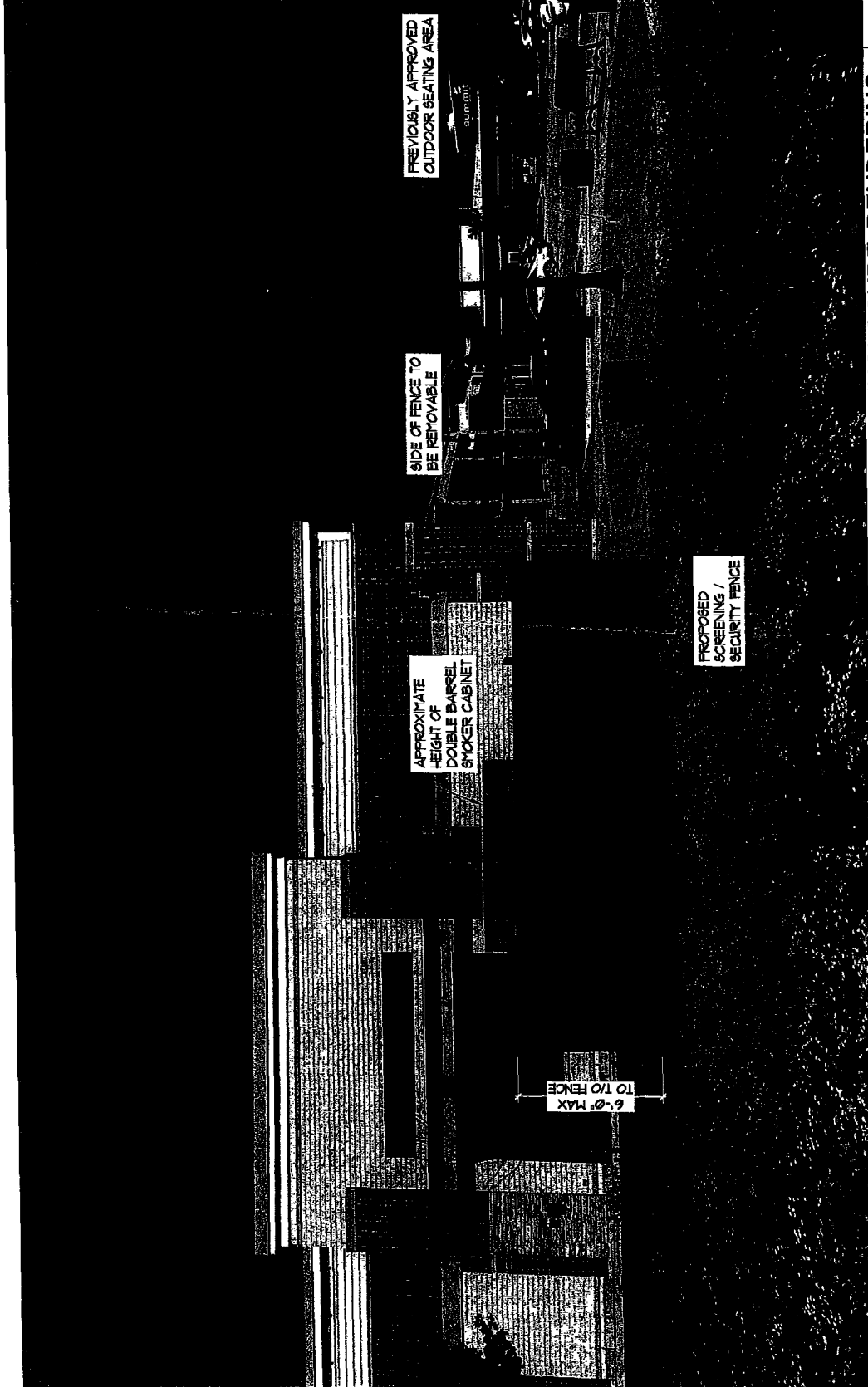
**Parcel Number:** 794-9001-000

**Municipality:** City of Franklin

**Owner Name:** Franklin-Wyndham LLC

**Owner Address:** 666 Dundee Rd Suite 901

**Legal Description:** Certified survey map no. 9322, SE 1/4 SEC 8-5-21, Lot 1



PROPOSED FENCE ENCLOSURE RENDERING 1

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Mr. Greens BBQ  
7740 S Lovers Lane, Suite 400  
Franklin, WI 53132



Drawing Title:  
NEW FENCE  
RENDERING  
Date: 8/15/23  
Scale: NONE  
Drawn: MJ  
Job: 23-063  
Sheet:

R1.0



**PERSPECTIVE  
DESIGN, INC.**

11525 W North Avenue  
Wauwatosa, WI 53226  
Tel (414) 302-1780 Fax (414) 302-1781

**Mr. Greens BBQ**

7740 S Lovers Lane Road, Suite 400  
Franklin, WI 53132

**Site Development**

August 15, 2023

**Supporting Documents**

### View of Existing Site from the North:



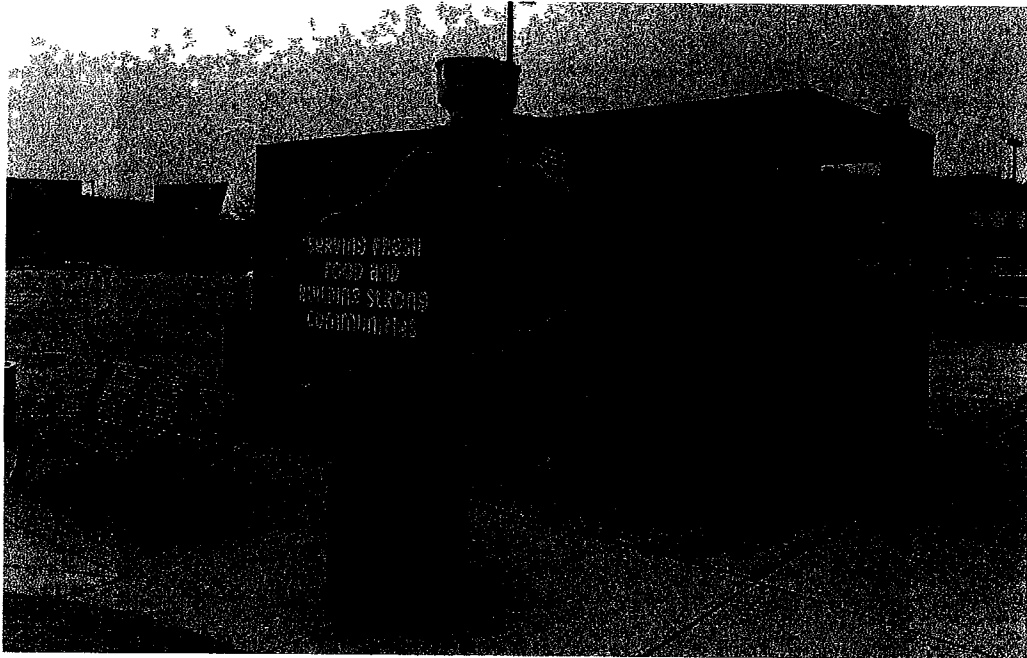
Looking towards proposed fenced in smoker location

### View of Existing Site from the Northwest:



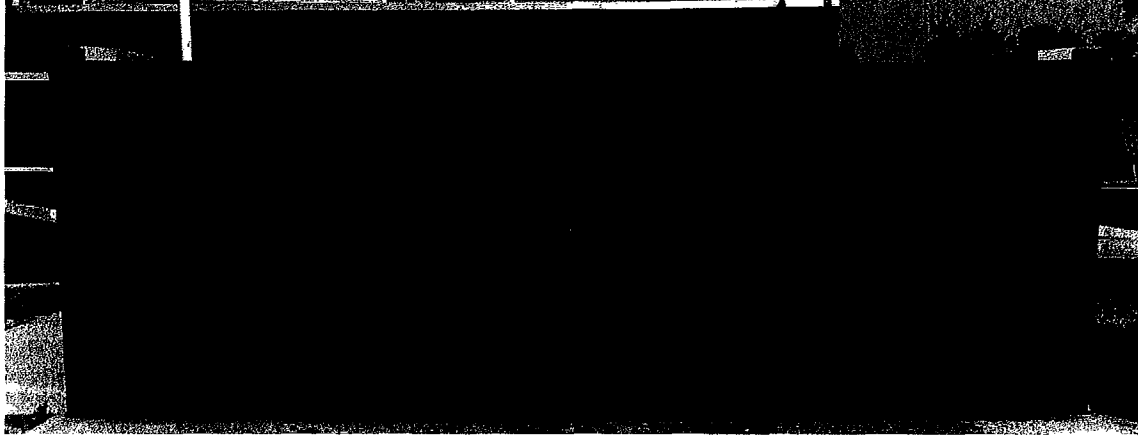
Looking towards proposed fenced in smoker location

## Food Truck:



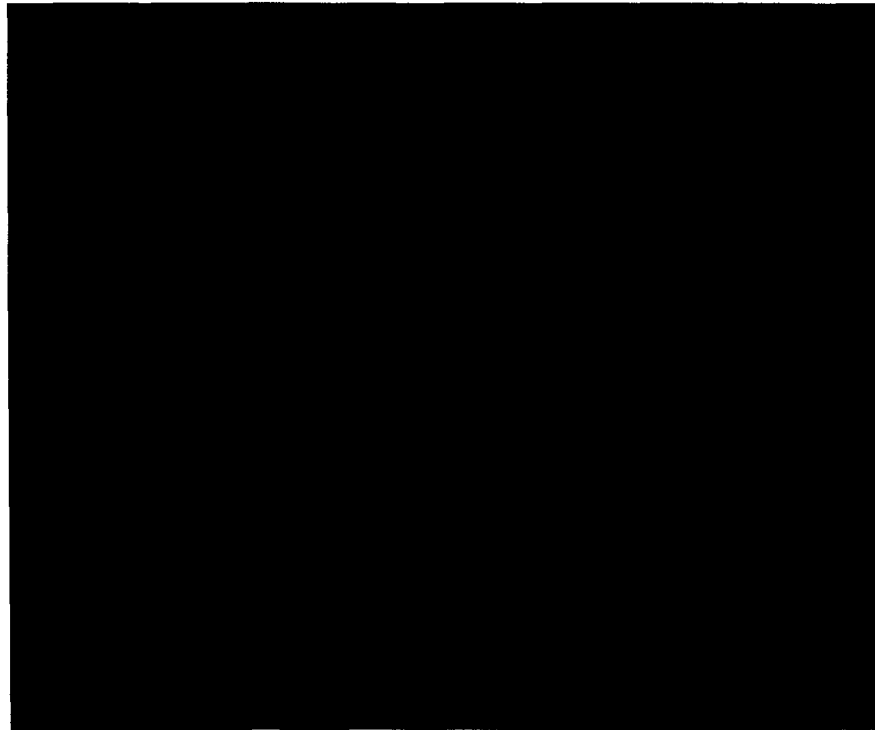
Mr. Greens food truck where it would be place on-site

### Existing Trash Enclosure:



Existing trash enclosure fencing / gate (Proposed fence enclosure to be similar)

### New Smoker Enclosure Fencing:



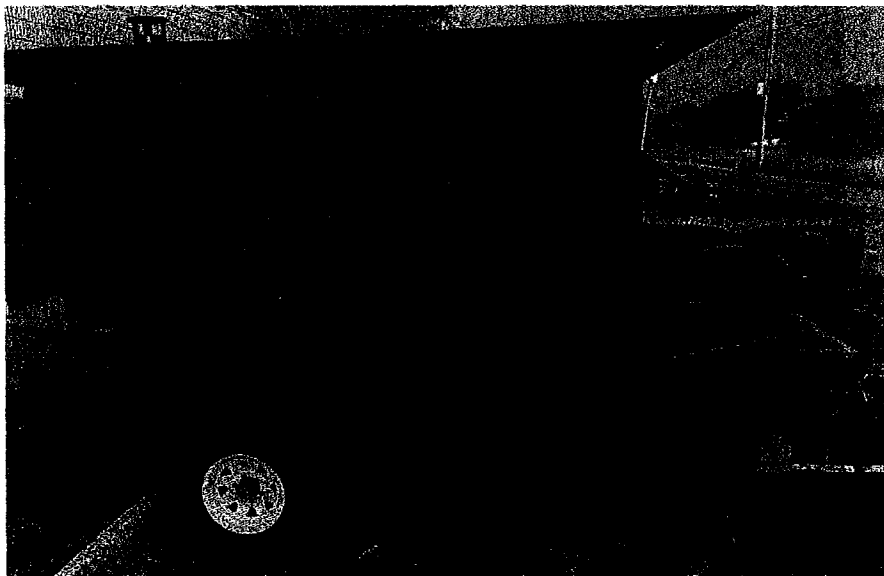
New Trex composite fencing around smokers (Similar to trash enclosure gate)

### Single Barrel Smoker:



Single smoker to be located inside the enclosure

### Double Barrel Smoker:



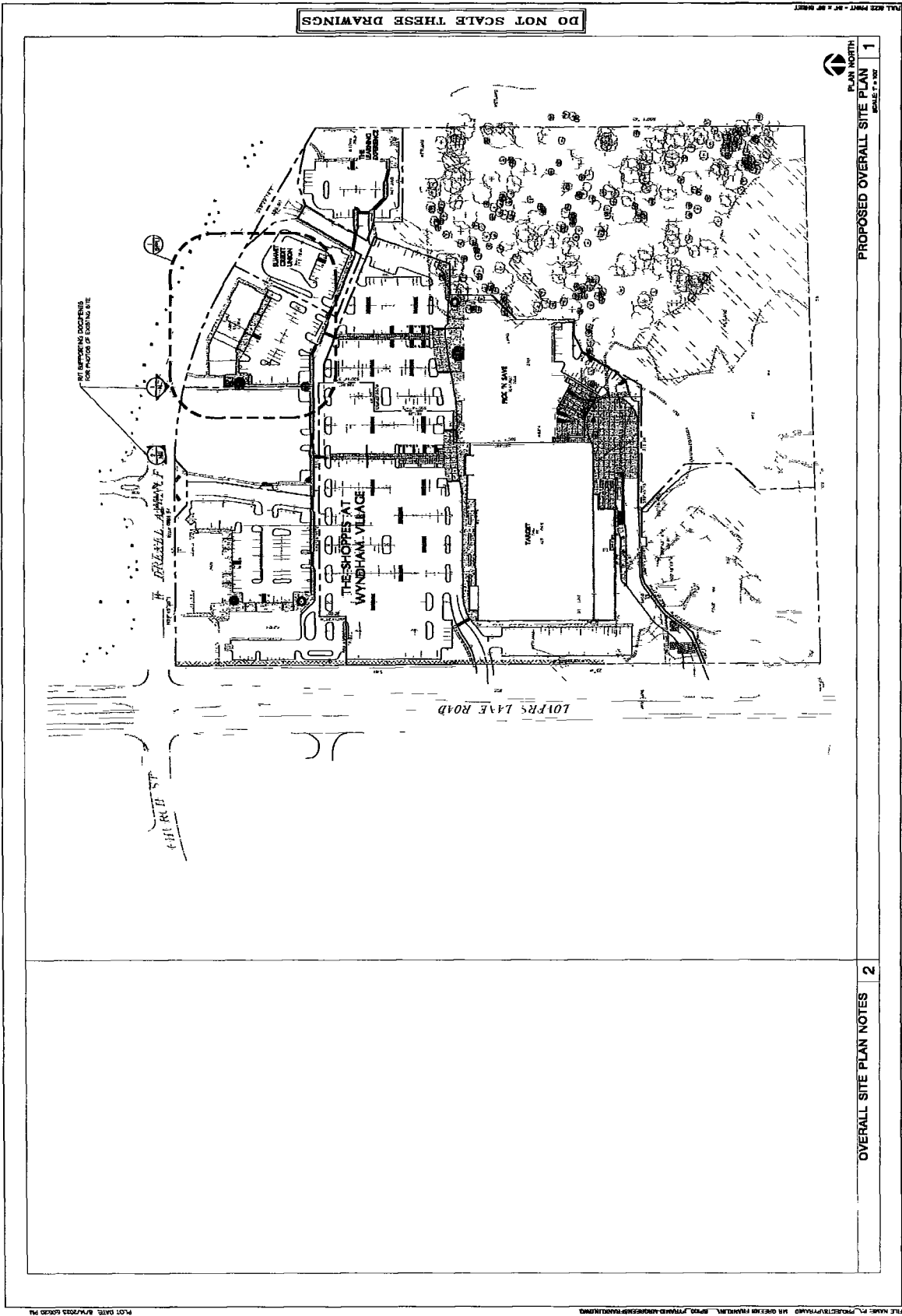
Double smoker to be located inside the enclosure



<b>SP10</b> SHEET NO. 10 OF 10 DATE: 08/15/03 SCALE: NOTED DRAWN: JAJ CHECK: SJS-DJS PROJECT:		<b>PERSPECTIVE DESIGN, INC.</b> 11525 W. TRAILS AVENUE WASHINGTON, WI 53238 TEL: (414) 302-1790 FAX: (414) 302-1781 WWW.PERSPECTIVEDESIGN.COM	<b>Mr. Greens BBQ</b> 7740 S. LOWERS LANE RD. SUITE 400 FRANKLIN, WI 53132
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CONTRACTOR'S RESPONSIBILITY: THE DRAWING IS NOT TO BE REPRODUCED, COPIED OR ADAPTED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF PERSPECTIVE DESIGN, INC. THE CLIENT AGREES TO HOLD THE ARCHITECT HARMLESS FROM AND AGAINST ALL SUCH REPRODUCTION, COPIES OR ADAPTATIONS. THE ARCHITECT ASSUMES NO LIABILITY FOR COSTS INCURRED BY ANY OTHER PARTY IN CONNECTION WITH THE PROJECT.

- PRELIMINARY -  
FOR ESTIMATING AND REVIEW ONLY  
NOT FOR CONSTRUCTION



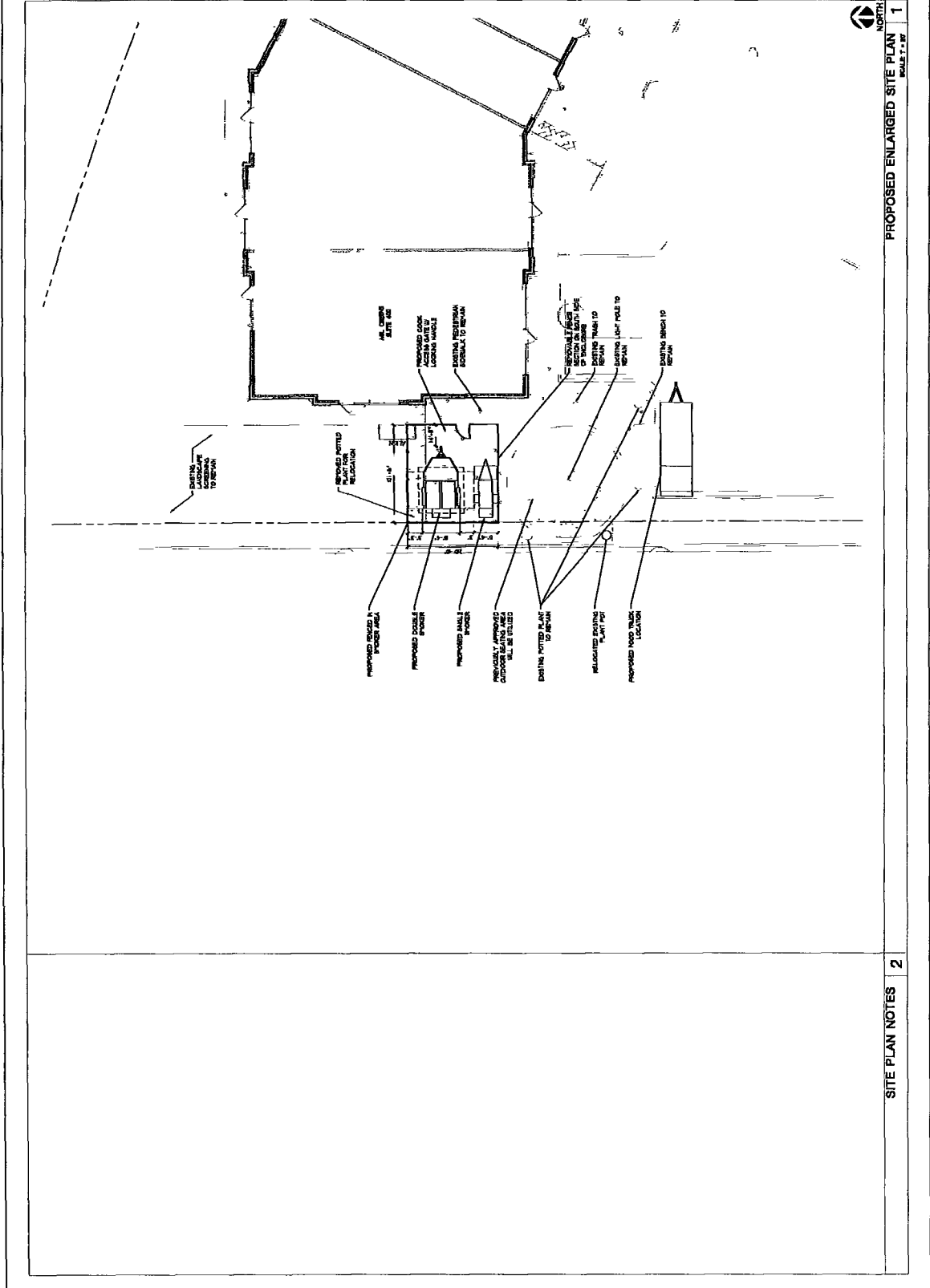
DATE: 08/15/03 08:00 PM  
 FILE NAME: P:\PROJECTS\WYNHAM\_VILLAGE\WYNHAM\_VILLAGE\_SITES.PLT  
 PLOT DATE: 08/15/03 08:00 PM

PROPOSED OVERALL SITE PLAN  
 SHEET NO. 10 OF 10  
 PLAN NORTH  
 1


OVERALL SITE PLAN NOTES  
 2



ALL RIGHTS RESERVED. NO PART OF THIS DRAWING IS TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF PERSPECTIVE DESIGN, INC. THE CLIENT AGREES TO HOLD THE ARCHITECT HARMLESS FROM ANY DAMAGES, LOSSES, OR COSTS, INCLUDING REASONABLE ATTORNEY'S FEES AND COSTS OF SUIT, ARISING FROM ANY BREACH OF THIS AGREEMENT. THE ARCHITECT HAS BEEN ADVISED OF THE PROVISIONS OF THE ARCHITECT ACT AND HAS AGREED TO ACCEPT THE RESPONSIBILITY FOR THE DESIGN AND CONSTRUCTION OF THE PROJECT.



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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"></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;">12/19/23</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR LIQUOR, TOBACCO, &amp; MISC. RETAIL SALES UPON PROPERTY LOCATED AT 7730 S. LOVERS LANE RD. (BY DHARMESH GHELANI, AK DEVELOPERS LLC, APPLICANT// FRANKLIN WYNDHAM LLC, PROPERTY OWNER)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G. 10.</p> <p style="text-align: center;">Ald. Dist. #2</p>

At its December 7, 2023, regular meeting, the Plan Commission recommended approval of the attached special use resolution for liquor, tobacco, and miscellaneous retail sales upon property located at 7730 S. Lovers Lane Rd (By Dharmesh Ghelani, AK Developers, LLC, Applicant) (Franklin-Wyndham LLC, Property Owner). The vote was 5-0-1, five ‘ayes’, no ‘noes’ and one absent.

**COUNCIL ACTION REQUESTED**

A motion to adopt Resolution No. 2023-\_\_\_\_\_, imposing conditions and restrictions for the approval of a special use for liquor, tobacco, & miscellaneous retail sales upon property located at 7740 S. Lovers Lane Rd (By Dharmesh Ghelani, AK Developers, LLC, Applicant) (Franklin-Wyndham LLC, Property Owner).

## RESOLUTION NO. 2023-\_\_\_\_\_

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR  
THE APPROVAL OF A SPECIAL USE FOR LIQUOR, TOBACCO, & MISC. RETAIL  
SALES UPON PROPERTY LOCATED AT 7730 S. LOVERS LANE RD.  
(BY DHARMESH GHELANI, AK DEVELOPERS LLC, APPLICANT//  
FRANKLIN WYNDHAM LLC, PROPERTY OWNER)

---

WHEREAS, Dharmesh Ghelani, AK Developers, LLC, having petitioned the City of Franklin for the approval of a Special Use for liquor, tobacco, and miscellaneous retail sales, upon property located at 7730 S Lovers Lane Rd., zoned CC Civic Center. The property which is the subject of the application bears Tax Key No. 794 9999 007 and is more particularly described as follows:

Lot 3 of Certified Survey Map No. 8567, recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on November 21, 2013. As Document No. 10315111; being a Redivision of Lot 1 of Certified Survey Map No. 8000, being a Redivision of Parcel 1 of Certified Survey Map 5762, Certified Survey Map No. 377, and lands in the Southwest Quarter and the Northwest Quarter of the Southeast Quarter of Section 8, Township 5 North, Range 21 East; said lands being in the City of Franklin, County of Milwaukee, State of Wisconsin; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 7th day of December, 2023, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that they will not have an undue adverse impact upon adjoining property; that they will not interfere with the development of neighboring property; that they will be served adequately by essential public facilities and services; that they will not cause undue traffic congestion; and that they will not result in damage to property of significant importance to nature, history or the like; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of Dharmesh Ghelani, AK Developers, LLC, for the approval of a Special Use for the property particularly described in the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

1. That this Special Use is approved only for the use of the subject property by Dharmesh Ghelani, AK Developers, LLC, successors and assigns, for a liquor, tobacco, & miscellaneous retail sales use, which shall be developed in substantial compliance with, and operated and maintained by Dharmesh Ghelani, AK Developers, LLC, pursuant to those plans City file-stamped October 27, 2023 and annexed hereto and incorporated herein as Exhibit A.
2. Dharmesh Ghelani, AK Developers, LLC, successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Dharmesh Ghelani, AK Developers, LLC liquor, tobacco, & miscellaneous retail sales Special Use, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19 of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
3. The approval granted hereunder is conditional upon the Dharmesh Ghelani, AK Developers, LLC liquor, tobacco, & miscellaneous retail sales Special Use for the property located at 7730 S Lovers Lane Rd.: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
4. The hours of operation for business(es) with any of the approved Special Uses shall be limited to no later than 10:00 P.M.

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

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19 of the

Municipal Code, the penalty for such violation shall be a forfeiture of no more than \$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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



 **CITY OF FRANKLIN** 

**REPORT TO THE PLAN COMMISSION**  
**Meeting of December 7, 2023**  
**Special Use**

---

**RECOMMENDATION:** City Development Staff recommends the Plan Commission forward the Special Use application to the Common Council for decision based on the recommended draft Resolution with conditions as attached.

---

**Project Name:** AK Developers Special Use  
**Property Owner:** Franklin Wyndham LLC  
**Applicant:** Dharmesh Ghelani, AK Developers LLC  
**Property Address/Tax Key Number:** 7730 S Lovers Lane Rd, Suite 200 / 794 9999 007  
**Aldermanic District:** District 2  
**Agent:** Nick Fuchs, Wrayburn Consulting  
**Zoning District:** CC Civic Center  
**Use of Surrounding Properties:** CC Civic Center (east, south, and west), R-3E  
Suburban/Estate Single-Family Residence District (south)  
**Application Request:** To allow for liquor, tobacco, & misc. retail sales  
**Staff Planner:** Anna Kissel, Planning Intern, & Marion Ecks, Associate Planner, AICP

---

**Background**

The applicant is seeking a Special Use Permit for an approximately 3,500 sq. ft. liquor, tobacco, & miscellaneous retail sale use. This site is part of the Shoppes at Wyndham Village; it is currently vacant. The site plan included in the meeting packet is a conceptual plan for a development with three businesses: a previously approved Dairy Queen and two future tenant spaces. The proposed hours of operation for tenant space(s) and Special Uses are no later than 9:00pm.

**SPECIAL USE**

The lot is zoned CC Civic Center.

- Liquor stores (SIC code: 5921) is a Special Use in this district.
- Tobacco stores (SIC code: 5993) is a Special Use in this district.
- Miscellaneous retail sales (SIC code: 5999) is a Special Use in this district.

Staff notes the following:

- The applicant has provided required responses to, and complies with, the standards of §15-3.0701: General Standards for Special Uses
- The development is consistent with the existing zoning requirements, and Future Land Use Comprehensive Master Plan intent for the district (§15-7 0102.M)

**STAFF RECOMMENDATION**

The Plan Commission may recommend, and the Common Council may impose, conditions and limitations on a Special Use application related to use, design, and operation (§15-3.0701.D).

The Department of City Development staff recommends the Plan Commission forward the Special Use application to the Common Council for decision based on the recommended draft Resolution as attached. The resolution reflects recommended conditions of approval.

***Recommended Conditions of Approval***

- *The hours of operation for business within the development shall be limited to no later than 9:00 P.M*

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



APPLICATION DATE: \_\_\_\_\_

STAMP DATE \_\_\_\_\_ city use only \_\_\_\_\_

## COMMON COUNCIL REVIEW APPLICATION

### PROJECT INFORMATION (print legibly)

<b>APPLICANT [FULL LEGAL NAMES]</b>		<b>APPLICANT IS REPRESENTED BY [CONTACT PERSON]</b>	
NAME <b>DHARMESH GHELANI</b>		NAME <b>NICHOLAS FUCHS</b>	
COMPANY <b>AK DEVELOPERS LLC</b>		COMPANY <b>WRAYBURN CONSULTING</b>	
MAILING ADDRESS <b>5514 W RIVER PARK CT</b>		MAILING ADDRESS <b>2000 Fairhaven Boulevard</b>	
CITY/STATE <b>FRANKLIN, WI</b> ZIP <b>53132</b>		CITY/STATE <b>Elm Grove, WI</b> ZIP <b>53122</b>	
PHONE <b>6306243545</b>		PHONE <b>262-442-4327</b>	
EMAIL ADDRESS <b>DGHELANI@YAHOO.COM</b>		EMAIL ADDRESS <b>nfuchs@wrayburnconsulting.com</b>	

### PROJECT PROPERTY INFORMATION

PROPERTY ADDRESS <b>7730 S Lovers Ln Rd, Ste 200</b>	TAX KEY NUMBER <b>794-9999-007</b>
PROPERTY OWNER <b>AK Developers LLC</b>	PHONE <b>6306243545</b>
MAILING ADDRESS <b>5514 W River Park Ct</b>	EMAIL ADDRESS <b>dghelani@yahoo.com</b>
CITY/STATE <b>Franklin, WI</b> ZIP <b>53132</b>	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 <b>Dharmesh Ghelani, President</b> DATE <b>9/07/23</b>	NAME & TITLE <b>Nicholas Fuchs, Consultant</b> DATE <b>09/07/23</b>
PROPERTY OWNER SIGNATURE	APPLICANT REPRESENTATIVE SIGNATURE
NAME & TITLE	NAME & TITLE
DATE	DATE

### 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

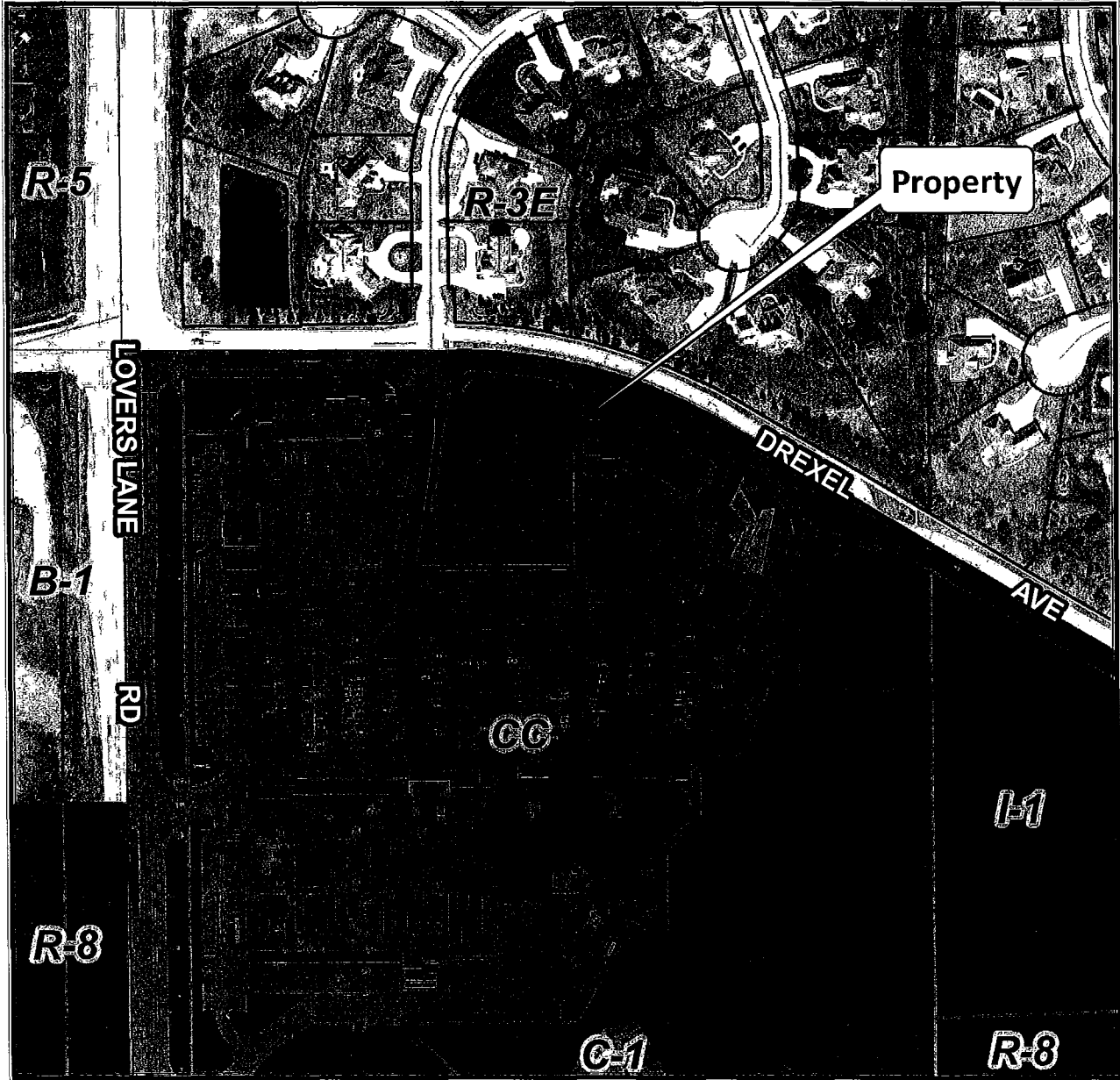
**SPECIAL USE / SPECIAL USE AMENDMENT APPLICATION MATERIALS**

- 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]
  - \$1,500 New Special Use > 4000 square feet
  - \$1,000 Special Use Amendment.
  - \$750. New Special Use < 4000 square feet
- Word Document legal description of the subject property.
- One copy of a response to the General Standards, Special Standards, and Considerations found in Section 15-3 0701(A), (B), and (C) of the UDO available at [www.franklinwi.gov](http://www.franklinwi.gov)
- Three (3) complete collated sets of application materials to include
  - Three (3) project narratives
    - Three (3) folded copies of the Site Plan package, drawn to scale at least 24" X 36", The submittal should include only those plans/items as set forth in Section 15-7 0101, 15-7 0301 and 15-5 0402 of the UDO that are impacted by the development (e.g., Site Plan, Building Elevations, Landscape Plan, Outdoor Lighting Plan, Natural Resource Protection Plan, Natural Resource Protection Report, etc
- One (1) colored copy of the building elevations on 11" X 17" paper, if applicable
- Email or flash drive with all plans / submittal materials
- Additional information as may be required
  - Special Use/Special Use Amendment requests require Plan Commission review, a Public Hearing and Common Council approval

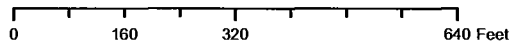
**UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT APPLICATION MATERIALS**

- This application form accurately completed with signatures or authorization letters (see reverse side for more details)
- \$200 Application fee payable to the City of Franklin
- Three (3) project narratives, including description of the proposed text amendment
  - Requires a Class II Public Hearing notice at Plan Commission
  - The City's Unified Development Ordinance (UDO) is available at [www.franklinwi.gov](http://www.franklinwi.gov)

7730 S. Lovers Lane Road  
TKN: 794 9999 007

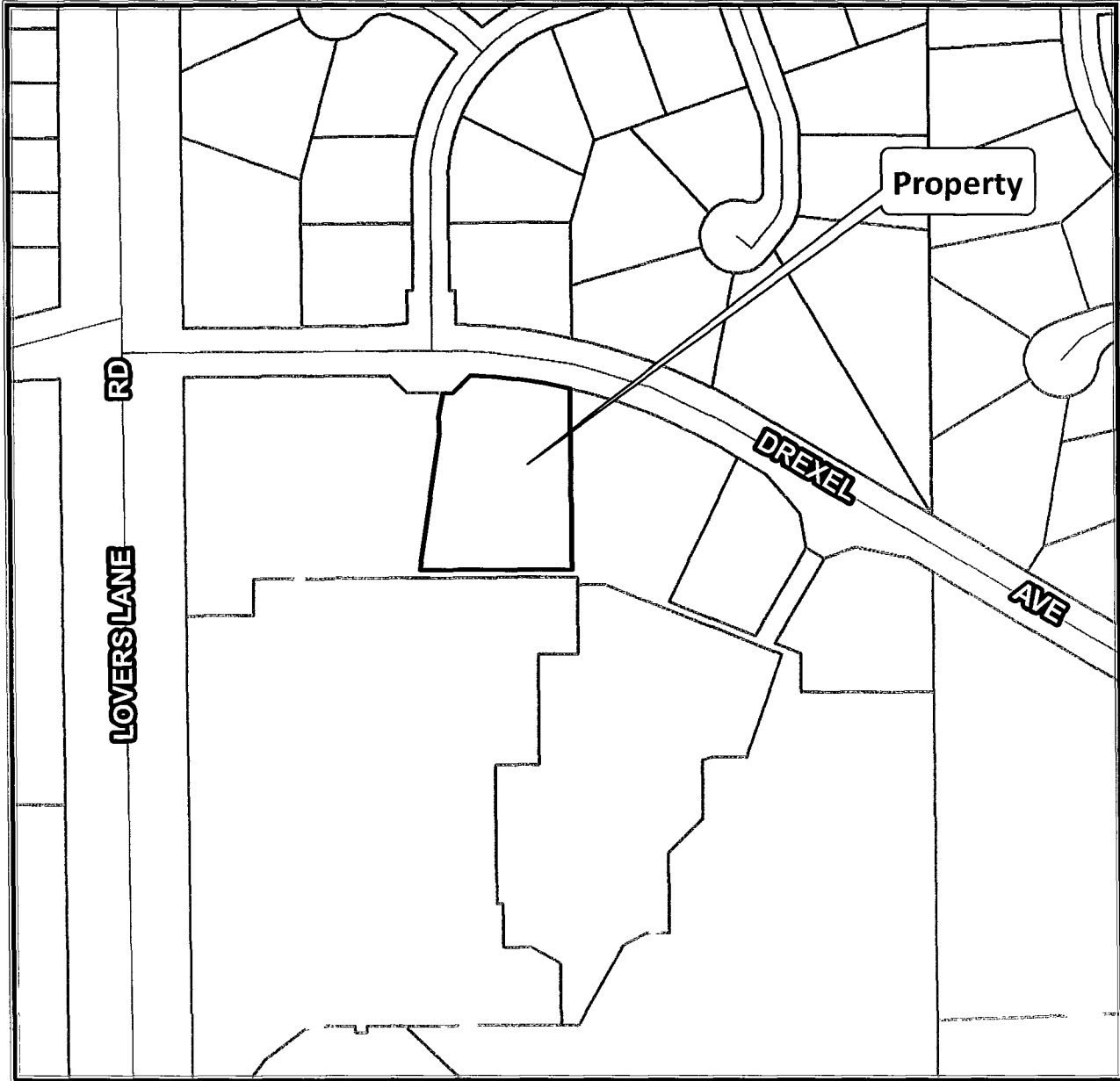


Planning Department  
(414) 425-4024

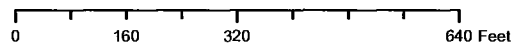


*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal engineering or surveying purposes.*

7730 S. Lovers Lane Road  
TKN: 794 9999 007



Planning Department  
(414) 425-4024



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





**Wrayburn Consulting, LLC**

[info@wrayburnconsulting.com](mailto:info@wrayburnconsulting.com)  
2000 Fairhaven Boulevard  
Elm Grove, WI 53122  
262-442-4327

October 27, 2023

**Project Narrative: Special Use Application for a proposed retail use**

We are proposing to construct an approximately 8,298 square foot multi-tenant retail building upon property located at 7730 S. Lovers Lane Road within the Shoppes at Wyndham Village development.

Two specific tenants are currently anticipated, and a third tenant is yet to be determined. One tenant is a Dairy Queen Grill and Chill. A Special Use Permit was submitted for the proposed drive-through associated with the restaurant. The drive-through use received a recommendation of approval at the September 7, 2023 Plan Commission meeting and final approval by the Common Council at their September 19, 2023 meeting.

The second use, which is the subject of this application, is a retail store, primarily selling liquor and tobacco products. Below is a table of Standard Industrial Classification Codes that this use falls under, which are allowed as a Special Use within the City Civic Center District.

<b>SIC Code Classification</b>	<b>Allowance within the CC District</b>
SIC Code No. 5921 Liquor Stores	Special Use
SIC Code No. 5993 Tobacco Stores	Special Use
SIC Code No. 5999 Miscellaneous Retail	Special Use

The proposed business is expected to have 3 employees and hours of operations from 9:00 a.m. to 9:00 p.m. It is also anticipated that about 70% of sales will be from the liquor store operation, about 25% from tobacco, and about 5% from miscellaneous items.

The owner intends to apply for a Class A Liquor License, which is the same license acquired by Pick 'N Save for liquor and tobacco sales and Target for liquor sales. The proposed retail use fits in and is consistent with the other retail uses within the Shoppes at Wyndham Village development.

Responses to Section 15-3.0701, General Standards for Special Uses, have been provided as well as a conceptual site and floor plans.





**Wrayburn Consulting, LLC**

[info@wrayburnconsulting.com](mailto:info@wrayburnconsulting.com)  
2000 Fairhaven Boulevard  
Elm Grove, WI 53122  
262-442-4327

It should be noted that it is our intent to maintain and preserve the existing landscape buffer along the north property line. Moreover, hours of operations will be limited to 9:00 p.m. for this retail use, which is earlier than concurrently proposed restaurant and drive-through use. Furthermore, any illumination and illuminated signage will be shut off within the same timeframe as the other tenants within the development.

Sufficient parking will be provided as demonstrated on the site plan, and lighting will be designed and consistent with the existing lighting at the shopping center. As such, there are no adverse impacts to the surrounding area. Detailed site and building plans will be submitted following approval of the Special Use.

We have also provided information and addressed all comments contained within the City's comment letter dated October 25, 2023. This includes the Fire Department comments which are understood and will be met.

Sincerely,

*Nick Fuchs*

Nick Fuchs

**DIVISION 15-3.0700**

**SPECIAL USE STANDARDS AND REGULATIONS**

**SECTION 15-3.0701**

**GENERAL STANDARDS FOR SPECIAL USES**

A. **General Standards.** No special use permit shall be recommended or granted pursuant to this Ordinance unless the applicant shall establish the following:

1. **Ordinance and Comprehensive Master Plan Purposes and Intent.** The proposed use and development will be in harmony with the general and specific purposes for which this Ordinance was enacted and for which the regulations of the zoning district in question were established and with the general purpose and intent of the City of Franklin Comprehensive Master Plan or element thereof.

*Response: The subject property is zoned CC City Civic Center District, which is intended to serve as the new “downtown” of the City. The district promotes mixed-use development, including retail uses. The proposed use fits in and is consistent with existing uses located within the Shoppes at Wyndham Village development. Furthermore, the site design and building architecture will be consistent with the characteristics of the developed areas of the shopping center as well as the intent of the CC District.*

*The zoning and this proposed use is consistent with the City’s Comprehensive Master Plan and future land use designation of Mixed Use. There are many goals and objectives of the Comprehensive Master Plan met by this development including #1, #2, #5, #6, #7, #8, #9, #10, #11, #12, #14, #15, #19, and #22 of Chapter 2 of said plan.*

2. **No Undue Adverse Impact.** The proposed use and development will not have a substantial or undue adverse or detrimental effect upon or endanger adjacent property, the character of the area, or the public health, safety, morals, comfort, and general welfare and not substantially diminish and impair property values within the community or neighborhood.

*Response: The proposed use will be located within a multi-tenant retail building. The proposed site plan and architecture of the building will be consistent with the existing developments within the shopping center. Furthermore, bufferyards have already been established and will be maintained and improved as part of this development.*

3. **No Interference with Surrounding Development.** The proposed use and development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the use and development of neighboring property in accordance with the applicable zoning district regulations.

*Response: The proposed use will be located within a multi-tenant retail building, which is designed to match and be consistent with the existing buildings and sites within the Shoppes at Wyndham Village shopping center.*

*The subject property is planned for retail uses, similar to that of the surrounding properties within the development. As such, the proposed use*

*and development will not interfere with surrounding developments, but rather fill a vacant outlot within an existing development.*

*Furthermore, all zoning district regulations will be met, and the use and development will not impact the use and development of any adjacent properties, which are currently fully developed and improved.*

4. **Adequate Public Facilities.** The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities including public water supply system and sanitary sewer, police and fire protection, refuse disposal, public parks, libraries, schools, and other public facilities and utilities or the applicant will provide adequately for such facilities.

*Response: The Shoppes at Wyndham Village is a fully developed and serviced shopping center, except for this last outlot. The development already has all the amenities and public facilities listed above, including public sewer and water.*

5. **No Traffic Congestion.** The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets. Adequate measures will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.

*Response: There will be a minimum of two points of ingress and egress to the outlot, which allows customers and traffic to safely and adequately enter and exit the site. The access to the site is within the development itself. There is no direct access to a public street.*

*The site plan illustrates sufficient queuing for the other restaurant use, which is located around the building and in a manner not to block parking stalls or cause any congestion onsite for this use or any other future tenants.*

*The Shoppes at Wyndham Village is accessible from major roadways, S. Lovers Lane Road (HWY 100) and West Drexel Avenue. No traffic is required to enter or exit through residential streets.*

6. **No Destruction of Significant Features.** The proposed use and development will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance.

*Response: The proposed use and development is located within an outlot of the Shoppes at Wyndham Village development. This is a ready to build site within this existing development. The site has been planned for development since the shopping center was originally constructed. As such, there is no destruction or loss or damage to any protected natural resources.*

7. **Compliance with Standards.** The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified by the Common Council pursuant to the recommendations of the Plan Commission. The proposed use and development shall comply with all additional



standards imposed on it by the particular provision of this Division and Ordinance authorizing such use.

**Response:** *The proposed use and development of the site will comply with all City Civic Center District standards as well as all other applicable standards of the Unified Development Ordinance.*

- B.** **Special Standards for Specified Special Uses.** When the zoning district regulations authorize a special use in a particular zoning district and that special use is indicated as having special standards, as set forth in Section 15-3.0702 and 15-3.0703 of this Division, a Special Use Permit for such use in such zoning district shall not be recommended or granted unless the applicant shall establish compliance with all such special standards.

**Response** *No special standards are listed within Section 15-3.0702 as these are for uses located within Residential Districts.*

*The proposed retail use is not a specifically listed special use within Section 15-3.0703. As such, there are no additional standards to address. With that said, the proposed use and development will comply with all applicable standards of the Unified Development Ordinance.*

- C.** **Considerations.** In determining whether the applicant's evidence establishes that the foregoing standards have been met, the Plan Commission and the Common Council shall consider the following:

1. **Public Benefit.** Whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or a facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community.

**Response:** *The proposed use is a retail use that is compatible with the other retail uses within the shopping center. Moreover, the additional customer base and traffic will benefit the other uses within the development.*

*It is also a benefit to the community and this development to improve the subject vacant outlot and to add to the mix of tenants and uses within the existing shopping center. The use provides additional options for residents to purchase liquor, tobacco, and other products sold at this location.*

*The development also adds to the Community's tax base and positively contributes to the City's 70/30 tax goal.*

2. **Alternative Locations.** Whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site.

**Response:** *There may be other possible retail locations; however, this site lends itself to this proposed use as it is a retail use locating within a well-established retail shopping center. There is no reason to believe that a similar retail*

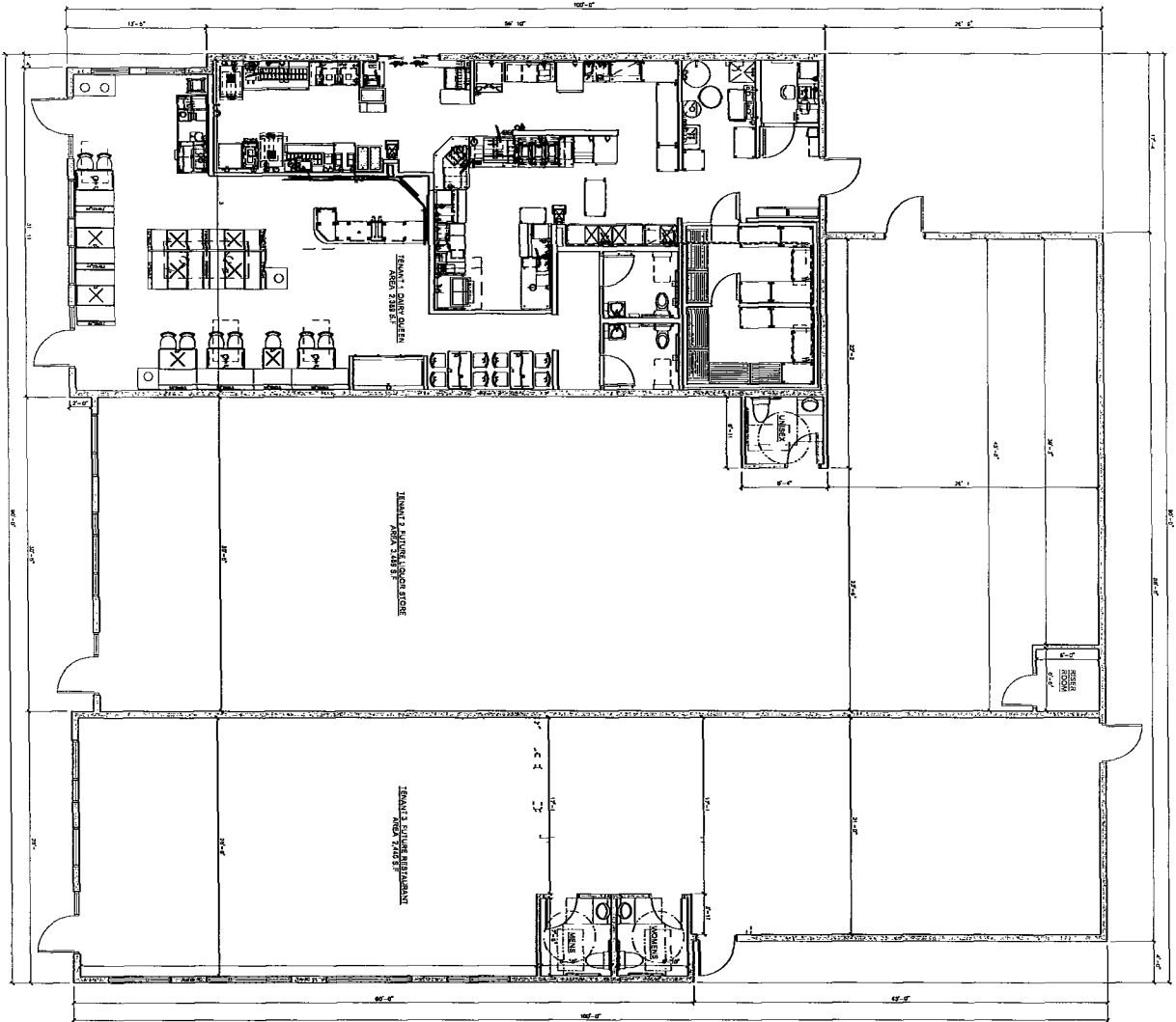
*development would provide any more or less benefits than the subject property. This development and, in part the proposed use, will finally complete and result in the full development of the Shoppes at Wyndham Village.*

3. **Mitigation of Adverse Impacts.** Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed use and development on the immediate vicinity through building design, site design, landscaping, and screening.

*Response: The proposed development will maintain and improve upon the existing landscape buffer by adding landscaping to the site. Site lighting will be designed in a manner consistent with the existing lighting of the development and will consider the residential uses to the north. Hours of operations will be kept within a timeframe that will not adversely impact any surrounding uses, including the residential subdivision to the north. Ingress and egress to the site is internal to the development with no direct access to public streets. Moreover, the adjacent arterial streets are more than adequate to support any additional traffic to the site.*

4. **Establishment of Precedent of Incompatible Uses in the Surrounding Area.** Whether the use will establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area.

*Response: The proposed use is a retail use within an existing retail development. It is consistent and compatible with all uses within this development. It is not a use that is more intense than other uses. The proposed use will rather have a positive impact to the shopping center by bringing more people and customers to the development and other businesses.*



1 FLOOR PLAN  
 SCALE 3/4" = 1'-0"  
 DATE 09.08.2023

**A2.1**

REVISIONS	NO.	DATE	DESCRIPTION
00000000	01	09.08.2023	SCHEMATIC
00000000	02	09.08.2023	
00000000	03	09.08.2023	
00000000	04	09.08.2023	

SHEET TITLE  
 FIRST FLOOR PLAN

**FRANKLIN TENANT BUILDING**  
 W. DREXEL AVE  
 FRANKLIN, WI

**envision design**  
 ARCHITECTURE



**BLANK PAGE**



<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>A</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b> December 19, 2023</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP (BY ALEX SCHELER, CARMA LABORATORIES, INC, APPLICANT, CARMA LABORATORIES, INC, PROPERTY OWNER) (9410 S 76TH STREET AND 7520 W RYAN RD)</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G 11</i></p> <p style="text-align: center;"><b>District 1</b></p>

This easement is a requirement of approval for the subject property as noted in Common Council Resolution No. 2023-8057, conditionally approving a Certified Survey Map (CSM) on November 7, 2023.

The CSM divides these lots to allow for development of Carma Laboratories Inc.

The Conservation Easement, and the related Landscape Bufferyard Easement are configured to allow future cross-access between Lots 1, 2, and 3 of this CSM, and do not overlap with each other.

**COUNCIL ACTION REQUESTED**

A motion to adopt Resolution 2023-\_\_\_\_\_, authorizing certain officials to accept a Conservation Easement from Carma Laboratories Inc., for and as part of the review and approval of a Certified Survey Map, with the condition that any minor technical corrections may be made by the City Attorney and Department of City Development staff (BY ALEX SCHELER, CARMA LABORATORIES, INC, APPLICANT, CARMA LABORATORIES, INC, PROPERTY OWNER) (9410 S 76TH STREET AND 7520 W RYAN RD)

RESOLUTION NO. 2023-\_\_\_\_\_

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP (BY ALEX SCHELER, CARMA LABORATORIES, INC, APPLICANT, CARMA LABORATORIES, INC, PROPERTY OWNER) (9410 S 76TH STREET AND 7520 W RYAN RD)

WHEREAS, the City of Franklin Common Council having approved a Certified Survey Map upon the application of Alex Scheler, Carma Laboratories, Inc., on November 7, 2023, conditioned in part upon Common Council approval of a Conservation Easement to protect the woodland, wetland buffers and wetlands on the site; and

WHEREAS, 15-4.0103.B.1.d, §15-7.0201.H, and §15-4.0102.K of the Unified Development Ordinance requires the submission of a Conservation Easement and Natural Resource Protection Plan in the review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Certified Survey Map; and

WHEREAS, the City Engineering Department, Department of City Development and the Office of the City Attorney having reviewed the proposed Conservation Easement and having recommended approval thereof to the Common Council; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by Saputo Cheese, USA, in the form and content as annexed hereto, subject to any changes consistent with this Resolution and as may approved upon further review by the City Engineering Department, Department of City Development and the Office of the City Attorney, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of this Resolution and the Conservation Easement in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO  
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW  
AND APPROVAL OF A CSM FOR CARMA LABORATORIES INC.

Page 2

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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

**CONSERVATION EASEMENT**

Carma Laboratories, Inc.

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

WITNESSETH

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

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property including, without limitation, young woodlands, wetlands, wetland buffers and steep slopes based on the NRPP report prepared by Kapur and Associates in October of 2023, which Plan is on file in the office of the City of Franklin Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems, and

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

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

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

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

Grantee's rights hereunder shall consist solely of the following:

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

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

- 1 Construct or place buildings or any structure,
- 2 Construct or make any improvements, unless, notwithstanding Covenant 1. above, the improvement is specifically and previously approved by the Common Council of the City of Franklin, upon the advice of such other persons, entities, and agencies as it may elect, such improvements as may be so approved being intended to enhance the resource value of the

- protected property to the environment or the public and including, but not limited to animal and bird feeding stations, park benches, the removal of animal blockage of natural drainage or other occurring blockage of natural drainage, and the like;
- 3 Excavate, dredge, grade, mine, drill or change the topography of the land or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees;
  - 4 Conduct any filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste or other landscape materials, ashes, garbage, or debris;
  5. Plant any vegetation not native to the protected property or not typical wetland vegetation,
  - 6 Operate snowmobiles, dune buggies, motorcycles, all-terrain vehicles or any other types of motorized vehicles

To have and to hold this conservation easement unto the Grantee forever Except as expressly limited herein, the Grantor reserves all rights as owner of the protected property, including, but not limited to, the right to use the protected property for all purposes not inconsistent with this grant. Grantor shall be responsible for the payment of all general property taxes levied, assessed or accruing against the protected property pursuant to law.

The covenants, terms, conditions and restrictions set forth in this grant shall be binding upon the Grantor and the Grantee and their respective agents, personal representatives, heirs, successors, and assigns, and shall constitute servitudes running with the protected property in perpetuity This grant may not be amended, except by a writing executed and delivered by Grantor and Grantee or their respective personal representatives, heirs, successors, and assigns Notices to the parties shall be personally delivered or mailed by U S Mail registered mail, return receipt requested, as follows

To Grantor  
 Carma Laboratories, Inc  
 Attn Rich Malin  
 9750 S Franklin Drive  
 Franklin, WI 53132

To Grantee  
 City of Franklin  
 Office of the City Clerk  
 9229 West Loomis Road  
 Franklin, Wisconsin 53132

In witness whereof, the Grantor has set its hand[s] on this date of \_\_\_\_\_, 20\_\_

Carma Laboratories, Inc

By \_\_\_\_\_  
 Rich Simonson, COO

STATE OF WISCONSIN        )  
   ) ss  
 MILWAUKEE COUNTY        )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Rich Simonson, as COO of Carma Laboratories, Inc, a corporation, to me known to be the person who executed the foregoing conservation easement and acknowledged the same as the voluntary act and deed of said \_\_\_ Carma Laboratories, Inc \_\_\_

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

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

**Acceptance**

The undersigned does hereby consent to and accepts the Conservation Easement granted and conveyed to it under and pursuant to the foregoing Grant of Conservation Easement In consideration of the making of such Grant Of Conservation Easement, the undersigned agrees that this acceptance shall be binding upon the undersigned and its successors and assigns and that the restrictions imposed upon the protected property may only be released or waived in writing by the Common Council of the City of Franklin, as contemplated by § 236 293 of the Wisconsin Statutes

In witness whereof, the undersigned has executed and delivered this acceptance on the \_\_\_ day of \_\_\_\_\_, 20\_\_



# EXHIBIT A DESCRIPTION OF PROPERTY

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of the part of the West 1/2 of the SW1/4 of Section 22, Township 05 North,  
Range 21 East, situated in the City of Franklin, Milwaukee County, Wisconsin.

CONSERVATION EASEMENT PROPERTY DESCRIPTION:

Lot 1, of Certified Survey Map No. \_\_\_\_\_, of Certified Survey Maps of the Milwaukee County Registry.

PLOT DATE: 12/16/2023 3:50 PM

SAVE DATE: 12/16/2023 3:28 PM

S:\SineDun\Open Companies\200159\_Corno\_Laba\_76th\_Street\Survey\DWG\200159\_SR\_CSM.dwg



226 W. WISCONSIN AVE.  
APPLETON, WI 54911  
kapurinc.com

# EXHIBIT B DEPICTION OF EASEMENT

SHEET 1 OF 2 SHEETS

## CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of the part of the West 1/2 of the SW1/4 of Section 22, Township 05 North, Range 21 East, situated in the City of Franklin, Milwaukee County, Wisconsin.

NORTH REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM SOUTH ZONE NAD 27, THE SOUTH LINE OF THE SW 1/4 OF SECTION 22 T.5N., R.21E. BEARING N88°35'30"E.

WEST 1/4 CORNER SEC. 22-05-21 CONC. MON. N. 327,040.58  
W/ SEWRPC BRASS CAP E. 2,533,379.47

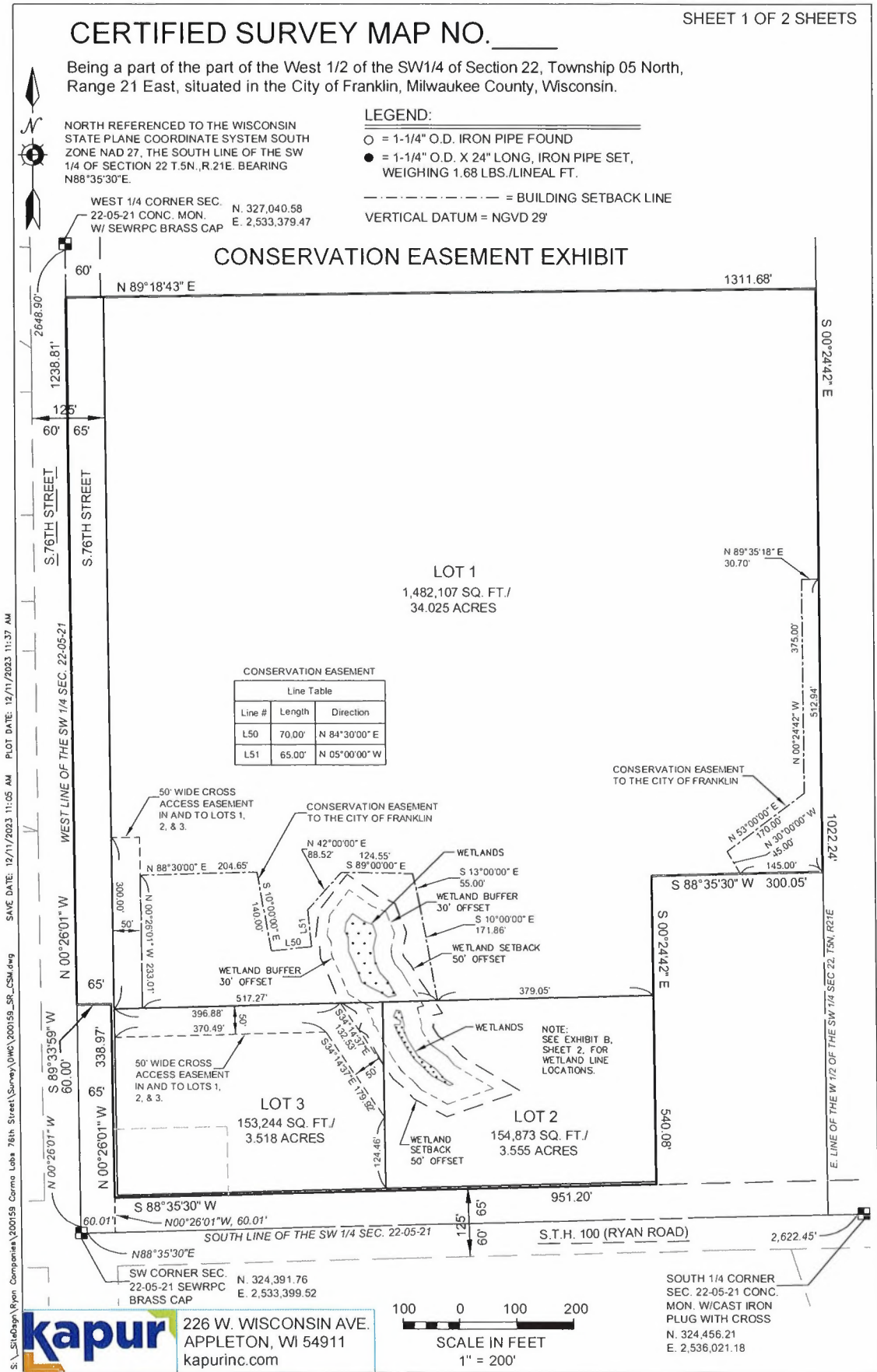
### LEGEND:

- = 1-1/4" O.D. IRON PIPE FOUND
- = 1-1/4" O.D. X 24" LONG, IRON PIPE SET, WEIGHING 1.68 LBS./LINEAL FT.
- = BUILDING SETBACK LINE
- VERTICAL DATUM = NGVD 29'

## CONSERVATION EASEMENT EXHIBIT

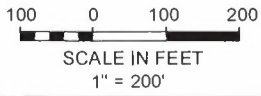
**LOT 1**  
1,482,107 SQ. FT./  
34.025 ACRES

Line Table		
Line #	Length	Direction
L50	70.00'	N 84°30'00" E
L51	65.00'	N 05°00'00" W



S:\Siv\Bpp\Ryan Companies\200159\_Corno Loba 76th Street\Survey\DWG\200159\_SR\_CSM.dwg SAVE DATE: 12/11/2023 11:05 AM PLOT DATE: 12/11/2023 11:37 AM

**kapur** 226 W. WISCONSIN AVE.  
APPLETON, WI 54911  
kapurinc.com



SOUTH 1/4 CORNER SEC. 22-05-21 CONC. MON. W/CAST IRON PLUG WITH CROSS  
N. 324,456.21  
E. 2,536,021.18



# EXHIBIT B DEPICTION OF EASEMENT

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

SHEET 2 OF 2 SHEETS

Being a part of the part of the West 1/2 of the SW1/4 of Section 22, Township 05 North, Range 21 East, situated in the City of Franklin, Milwaukee County, Wisconsin.



NORTH REFERENCED TO THE WISCONSIN STATE PLANE COORDINATE SYSTEM SOUTH ZONE NAD 27, THE SOUTH LINE OF THE SW 1/4 OF SECTION 22 T.5N., R.21E. BEARING N88°35'30"E.

**LEGEND:**

- = 1-1/4" O.D. IRON PIPE FOUND
  - = 1-1/4" O.D. X 24" LONG, IRON PIPE SET, WEIGHING 1.68 LBS./LINEAL FT.
  - = BUILDING SETBACK LINE
- VERTICAL DATUM = NGVD 29'

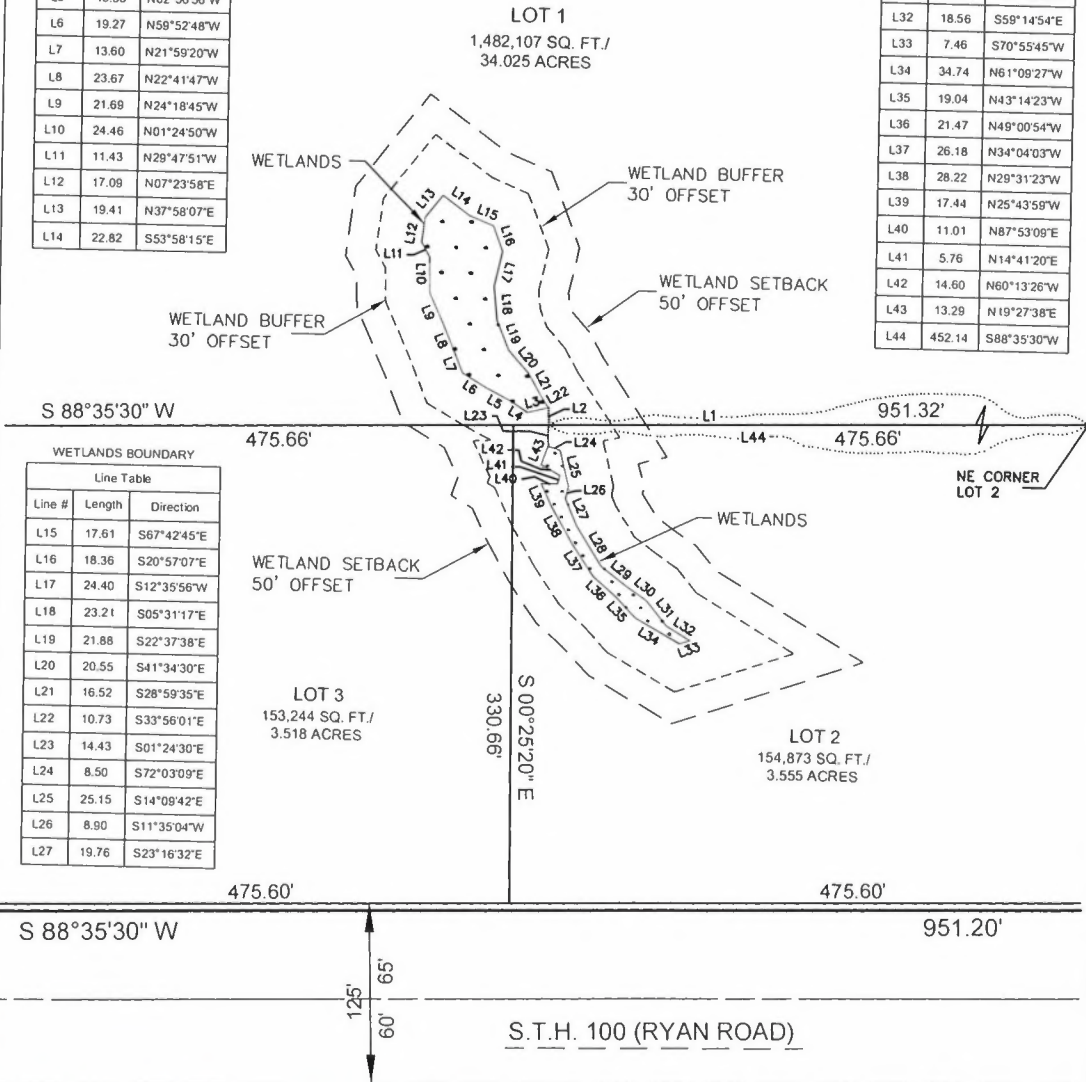
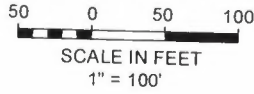
WETLANDS BOUNDARY

Line Table		
Line #	Length	Direction
L1	451.68	S88°35'30"W
L2	11.59	N01°24'30"W
L3	14.60	S76°09'00"W
L4	12.89	N56°09'50"W
L5	19.58	N62°56'56"W
L6	19.27	N58°52'48"W
L7	13.60	N21°59'20"W
L8	23.67	N22°41'47"W
L9	21.69	N24°18'45"W
L10	24.46	N01°24'50"W
L11	11.43	N29°47'51"W
L12	17.09	N07°23'58"E
L13	19.41	N37°58'07"E
L14	22.82	S53°58'15"E

WETLANDS BOUNDARY

Line Table		
Line #	Length	Direction
L28	31.99	S31°59'33"E
L29	21.73	S53°42'48"E
L30	16.90	S55°17'21"E
L31	22.09	S39°38'35"E
L32	18.56	S59°14'54"E
L33	7.46	S70°55'45"W
L34	34.74	N61°09'27"W
L35	19.04	N43°14'23"W
L36	21.47	N49°00'54"W
L37	26.18	N34°04'03"W
L38	28.22	N29°31'23"W
L39	17.44	N25°43'59"W
L40	11.01	N87°53'09"E
L41	5.76	N14°41'20"E
L42	14.60	N60°13'26"W
L43	13.29	N19°27'38"E
L44	452.14	S88°35'30"W

## WETLANDS, WETLANDS BUFFERS & WETLANDS SETBACKS



WETLANDS BOUNDARY

Line Table		
Line #	Length	Direction
L15	17.61	S67°42'45"E
L16	18.36	S20°57'07"E
L17	24.40	S12°35'56"W
L18	23.21	S05°31'17"E
L19	21.88	S22°37'38"E
L20	20.55	S41°34'30"E
L21	16.52	S28°59'35"E
L22	10.73	S33°56'01"E
L23	14.43	S01°24'30"E
L24	8.50	S72°03'09"E
L25	25.15	S14°08'42"E
L26	8.90	S11°35'04"W
L27	19.76	S23°16'32"E

S:\SiteDgn\Ryan Companies\200159 Corneo Loop 76th Street\Survey\DWG\200159\_SR\_CSM.dwg SAVE DATE: 12/11/2023 11:05 AM PLOT DATE: 12/11/2023 11:38 AM

**Kapur** 226 W. WISCONSIN AVE.  
APPLETON, WI 54911  
kapurinc.com

**NOTE:**  
\*WETLAND DELINEATION PER WETLAND DELINEATION REPORT PREPARED BY RASMITH, PROJECT No. 1200217, DATED MAY 27, 2020.

# EXHIBIT C DESCRIPTION OF EASEMENT

## CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of the part of the West 1/2 of the SW1/4 of Section 22, Township 05 North, Range 21 East, situated in the City of Franklin, Milwaukee County, Wisconsin.

### CONSERVATION EASEMENT DESCRIPTION:

Being a part of Lot 1, of Certified Survey Map No. \_\_\_\_\_, of Certified Survey Maps of the Milwaukee County Registry and described as follows:

Beginning at the southwest corner of said Lot 1; thence North 88°35'30" East, along the south line of said Lot 1, 50.00 feet to the Point of Beginning; thence North 00°26'01" West, parallel with the west line of said Lot 1, 233.01 feet; thence North 88°30'00" East, 204.65 feet; thence South 10°00'00" East, 140.00 feet; thence North 84°30'00" East, 70.00 feet; thence North 05°00'00" West, 65.00 feet; thence North 42°00'00" East, 88.52 feet; thence South 89°00'00" East, 124.55 feet; thence South 13°00'00" East, 55.00 feet; thence South 10°00'00" East, 171.86 feet to said south line of Lot 1; thence South 88°35'30" West, along said south line, 517.27 feet to the Point of Beginning.

Also; beginning at a southeast corner of Lot 1; thence South 88°35'30" West, along a south line of said Lot 1, 145.00 feet; thence North 30°00'00" West, 45.00 feet; thence North 53°00'00" East, 170.00 feet; thence North 00°24'42" West, parallel with the east line of said Lot 1, 375.00 feet; thence North 89°35'18" East, at a right angle, 30.70 feet to said east line of Lot 1; thence South 00°24'42" East, along said east line, 512.94 feet to a said southeast corner of Lot 1, and the Point of Beginning.

Containing 129,838 square feet / 2.981 acres of land, more or less.

PLDT DATE: 12/6/2023 3:53 PM

SAVE DATE: 12/6/2023 3:29 PM

S:\S:\Subapp\Ryan Companies\200159 Cormo Loba 76th Street\Survey\DWG\200159\_SR\_CSM.dwg



226 W. WISCONSIN AVE.  
APPLETON, WI 54911  
kapurinc.com

<p><b>APPROVAL</b></p> <p><i>HS</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p>December 19, 2023</p>
<p><b>REPORTS AND RECOMMENDATIONS</b></p>	<p><b>A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A LANDSCAPE BUFFERYARD EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP (BY ALEX SCHELER, CARMA LABORATORIES, INC, APPLICANT, CARMA LABORATORIES, INC, PROPERTY OWNER) (9410 S 76TH STREET AND 7520 W RYAN RD)</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G1 12.</i></p>

This easement is a requirement of approval for the subject property as noted in Common Council Resolution No. 2023-8057, conditionally approving a Certified Survey Map (CSM) on November 7, 2023.

The CSM divides these lots to allow for development of Carma Laboratories Inc.

The Landscape Bufferyard Easement is configured to allow future cross-access between Lots 1, 2, and 3 of this CSM, and does not overlap with the related Conservation Easement.

**COUNCIL ACTION REQUESTED**

A motion to adopt A Resolution Authorizing Certain Officials to Accept a Landscape Bufferyard Easement for and as Part of the Review and Approval of a Certified Survey Map with the condition that any minor technical corrections may be made by the City Attorney and Department of City Development staff (BY ALEX SCHELER, CARMA LABORATORIES, INC, APPLICANT, CARMA LABORATORIES, INC, PROPERTY OWNER) (9410 S 76TH STREET AND 7520 W RYAN RD)

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2023-\_\_\_\_\_

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO  
ACCEPT A LANDSCAPE BUFFERYARD EASEMENT FOR AND AS PART  
OF THE REVIEW AND APPROVAL OF A CERTIFIED SURVEY MAP (BY ALEX  
SCHELER, CARMA LABORATORIES, INC, APPLICANT, CARMA LABORATORIES,  
INC, PROPERTY OWNER)  
(9410 S 76TH STREET AND 7520 W RYAN RD)

---

WHEREAS, the City of Franklin Common Council having approved a Certified Survey Map upon the application of Alex Scheler, Carma Laboratories, Inc., on November 7, 2023, conditioned in part upon requiring each and any easement shown on the Certified Survey Map shall be the subject of separate written grant of easement instrument in such form as provided within the City of Franklin Design Standards and Construction Specifications and such form and content as may otherwise be reasonably required by the City Engineer or designee to further and secure the purpose of the easement; such landscape bufferyard easement having been depicted upon the Certified Survey Map approved by the Common Council on November 7, 2023; and

WHEREAS, the Department of City Development and the Office of the City Attorney having reviewed the proposed Landscape Bufferyard Easement and having recommended approval thereof to the Common Council.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Landscape Bufferyard Easement submitted by The Boldt Company, in the form and content as annexed hereto, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

BE IT FURTHER RESOLVED, that the City Clerk be and the same is hereby directed to obtain the recording of the Landscape Bufferyard Easement in the Office of the Register of Deeds for Milwaukee County, Wisconsin.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS  
TO ACCEPT A LANDSCAPE BUFFERYARD EASEMENT  
CARMA LABORATORIES, INC  
RESOLUTION NO. 2023-\_\_\_\_\_

Page 2

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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

**LANDSCAPE BUFFERYARD EASEMENT**

Carma Laboratories, Inc

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

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located within the City of Franklin, Milwaukee County, Wisconsin, at 9410 South 76<sup>th</sup> Street, described in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor is required by Section 15-5.0102A of the City of Franklin Unified Development Ordinance to provide a thirty (30) foot-wide planting strip adjacent to 9220 South 76<sup>th</sup> Street

WHEREAS, Carma Laboratories, Inc was the applicant for a proposed Site Plan Review as set forth in City of Franklin Division 15-7 0100 Site Plan conditionally approving a Site Plan Review for Carma Laboratories, Inc and the City Plan Commission adopted \_\_\_\_\_ [ordinance and/or resolution number], on \_\_\_\_\_ [date] [if applicable] Condition \_\_\_\_\_ of \_\_\_\_\_ [ordinance and/or resolution number] thereof providing \_\_\_\_\_ [condition text], and

WHEREAS, Grantee is a "holder", as contemplated by §700.40(1)(b)1 of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under §62 23 and §236 45 of the Wisconsin Statutes, the conservation of land, natural areas, open space, and water areas; and

WHEREAS, the Grantor and Grantee, by the conveyance to the Grantee of the Landscape Bufferyard Easement on, over, and across the protected property, desire to reserve the area for the planting of trees and shrubs and prevent the use or development of the protected property for any purpose or in any manner inconsistent with the terms of this Landscape Bufferyard Easement, and

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

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

Grantee's rights hereunder shall consist solely of the following

1. To establish and ensure the continuance of an area reserved for the planting of trees and shrubs for the private use by the owners of the underlying fee simple interests, to the exclusion of all others, for the purpose of buffering the properties adjoining 9410 South 78<sup>th</sup> Street by requiring this protected property to be open space in perpetuity, the protected property shall consist of natural existing vegetation and approved landscaping of trees, shrubs, fences, and/or berms, designed to provide a screen and buffer between 9410 South 76<sup>th</sup> Street and 9220 South 76<sup>th</sup> Street
2. To enforce by proceeding at law or in equity the covenants subsequently set forth, including, and in addition to all other enforcement proceedings, proceedings to obtain all penalties and remedies set forth under Division 15-9 0500 of the Unified Development Ordinance of the City of Franklin, as amended from time to time, any violation of the covenants subsequently set forth being and constituting a violation of such Unified Development Ordinance, as amended from time to time, or such local applicable ordinance as may be later adopted or in effect to enforce such covenants or the purposes for which they are made, it being agreed that there shall be no waiver or forfeiture of the Grantee's right to insure compliance with the covenants and conditions of this grant by reason of any prior failure to act, and
3. To enter the protected property at all reasonable times for the purpose of inspecting the protected property to determine if the Grantor is complying with the covenants and conditions of this grant



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

In witness whereof, the undersigned has executed and delivered this acceptance on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

CITY OF FRANKLIN

By \_\_\_\_\_  
John Nelson, Mayor

By \_\_\_\_\_  
Karen Kastenson, City Clerk

STATE OF WISCONSIN        )  
  ) ss  
COUNTY OF MILWAUKEE    )

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

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

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

This instrument was drafted by the City of Franklin

Approved as to contents

\_\_\_\_\_  
Régulo Martínez-Montilva, Principal Planner  
Department of City Development

\_\_\_\_\_  
Date

Approved as to form only

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

\_\_\_\_\_  
Date





# EXHIBIT B DEPICTION OF EASEMENT

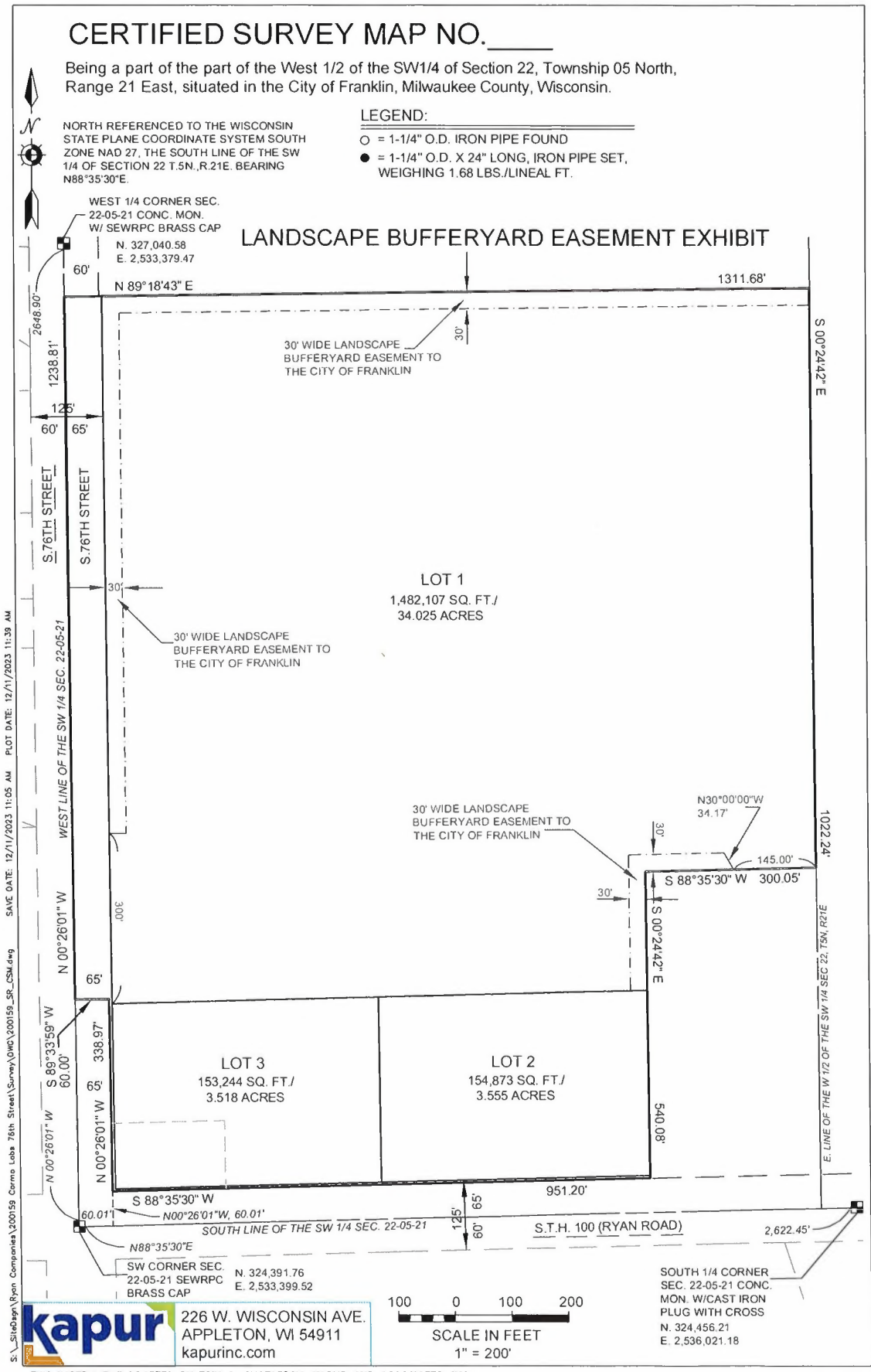
CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of the part of the West 1/2 of the SW1/4 of Section 22, Township 05 North,  
Range 21 East, situated in the City of Franklin, Milwaukee County, Wisconsin.

NORTH REFERENCED TO THE WISCONSIN  
STATE PLANE COORDINATE SYSTEM SOUTH  
ZONE NAD 27, THE SOUTH LINE OF THE SW  
1/4 OF SECTION 22 T.5N., R.21E. BEARING  
N88°35'30"E.

**LEGEND:**

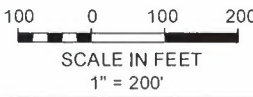
- = 1-1/4" O.D. IRON PIPE FOUND
- = 1-1/4" O.D. X 24" LONG, IRON PIPE SET,  
WEIGHING 1.68 LBS./LINEAL FT.



S:\\_Site\Bpp\Ryan Companies\200159\_Cermo Loba 76th Street\Survey\DWG\200159\_SR\_CSM.dwg SAVE DATE: 12/11/2023 11:05 AM PLOT DATE: 12/11/2023 11:39 AM



226 W. WISCONSIN AVE.  
APPLETON, WI 54911  
kapurinc.com



SOUTH 1/4 CORNER  
SEC. 22-05-21 CONC.  
MON. W/CAST IRON  
PLUG WITH CROSS  
N. 324,456.21  
E. 2,536,021.18

# EXHIBIT C DESCRIPTION OF EASEMENT

## CERTIFIED SURVEY MAP NO. \_\_\_\_\_

Being a part of the part of the West 1/2 of the SW1/4 of Section 22, Township 05 North,  
Range 21 East, situated in the City of Franklin, Milwaukee County, Wisconsin.

### LANDSCAPE BUFFERYARD EASEMENT DESCRIPTION:

Being a part of Lot 1, of Certified Survey Map No. \_\_\_\_\_, of Certified Survey Maps of the Milwaukee County Registry and described as follows:

The North 30.00 feet of said Lot 1, the West 30.00 feet of the North 947.32 feet of said Lot 1, along with the following described land: beginning at the southeast corner of said Lot 1; thence South 88°35'30" West, along the south line of said Lot 1, 30.00 feet; thence North 00°24'42" West, parallel with an east line of said Lot 1, 239.42 feet; thence North 88°35'30" East, parallel with a southerly line of said Lot 1, 168.18 feet; thence South 30°00'00" East, 34.17 feet to a said southerly line of Lot 1; thence South 88°35'30" West, along a said southerly line of Lot 1, 155.05 feet to a corner of said Lot 1; thence South 00°24'42" East, along a said east line, 209.42 feet to the southeast corner of said Lot 1, and the Point of Beginning. Containing 76,503 square feet / 1.756 acres of land, more or less.

PLOT DATE: 12/6/2023 3:57 PM

SAVE DATE: 12/6/2023 3:29 PM

S:\\_SiteData\Ryan\_Compactas\200159\_Cornie\_Labs\_76th\_Street\Survey\DWG\200159\_SR\_CSM.dwg



226 W. WISCONSIN AVE.  
APPLETON, WI 54911  
kapurinc.com

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;">JK</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>12-19-23</b></p>
<p style="text-align: center;"><b>REPORTS AND RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>Request Council Approval of a Job Description for a Probationary Firefighter-Emergency Medical Technician (EMT) Position.</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G.13</p>
<p><b>Background:</b> The Franklin Fire Department currently has minimum employment requirements that far exceed those of many other career fire departments in the region. While these enhanced requirements contribute to FFD's operational performance and professional reputation, they have become a barrier to recruitment efforts in today's extremely difficult employment market. Most applicants coming through the technical school system are being offered internships or employment with career departments well before the point in which they achieve FFD's minimum qualification requirements (WI Firefighter II and Paramedic).</p> <p><b>Requested Action:</b> The Fire Department is requesting approval of a job description for a temporary (probationary) Firefighter-EMT position. This position is strictly a recruitment tool, and the Department has no intention of restoring the EMT level of practice in the field, nor of diminishing professional requirements for permanent employment. A candidate would either complete their probationary period and achieve FFII and Paramedic status, or would not be offered continued employment past the probationary period if not meeting expectations.</p> <p>The Department expects that this position will be an extremely effective recruitment tool, as most departments offer only an educational stipend, and possibly room and board to intern/apprentice firefighters. This position is different and expected to be extremely attractive to potential candidates due to it being a full-time position including compensated time off, health care insurance, Wisconsin Retirement System (WRS) and other benefits as defined in the Collective Bargaining Agreement.</p>		
<p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p style="text-align: center;"><b>Request Council Approval of a Job Description for the position of Probationary Firefighter-EMT, being a temporary status position for the purposes of employee recruitment.</b></p>		

**November 8, 2023**

**Memorandum from the Fire Department**

**TO:** City of Franklin Personnel Committee

**CC:** City of Franklin Police and Fire Commission

**FROM:** Fire Chief Adam Remington

**RE: Job Description, new position of Probationary Firefighter/EMT**

**Background:**

The Franklin Fire Department is the only 100% Paramedic municipal fire department in Milwaukee County, and likely the entire state. Many other departments can staff at least one paramedic on every apparatus 24/7; however, FFD is the only department where all personnel staffing every apparatus 24/7 are licensed paramedics. The difference is evident on a critical medical call, such as a cardiac arrest. When all personnel on scene are trained to the highest levels in patient assessment, and when all can perform every necessary critical task, procedure, and intervention simultaneously, the stress level for the responder decreases, and the likelihood of a positive outcome for the patient is enhanced (FFD has among the highest cardiac arrest resuscitation rates in the County).

The Department has worked extremely hard for well over a decade to achieve this level of training, dedication, and commitment; and both administration and bargaining unit leadership are extremely proud of the accomplishment, and in the reputation and status of the department.

Unfortunately, despite the Department's performance level and reputation, it's extremely high qualification requirements for applicants has become a barrier to recruitment. In a time when fire departments across the country struggle to recruit and retain public safety employees, Franklin is particularly affected due to the requirement that applicants have to have both Wisconsin Firefighter II certification, and licensure at the paramedic practice level in order to apply. Most other departments in the region require only EMT (a considerably lower practice level and training commitment). Candidates coming through the Technical College system are being offered intern/apprentice type positions while still in school, that potentially transition to full-time positions in the future. At the time of the writing of this memorandum, the department has had a standing vacancy since June, and will have a second vacancy in January. The current recruitment and hiring paradigm is broken, and FFD has identified changes that must be made in order to be competitive against these other departments.

**Proposal:**

The department has identified a course forward that allows for a greater applicant pool, while not compromising its high standards or 100% paramedic status. FFD Administration does not and will not propose lowering its employee qualification requirement standards; however, FFD staff proposes creation of a new position that would allow for hiring candidates who possess only

Firefighter I and EMT-Basic certification, and would allow them to work towards FFD's minimum standards (Paramedic and Firefighter II) over the course of their probationary period, which would be extended to a term of 18 months. The employee would be able to complete all required ambulance ride-time and patient contacts during the course of employment, and would be allowed to attend required classes (Fire II and paramedic) that fall on their scheduled workday.

The Probationary Firefighter-EMT position would allow students that are actively enrolled in an accredited paramedic training cohort (e.g. MATC, WCTC, Gateway, or Madison College) to be eligible for hire by the Franklin Fire Department. These would be full-time, 56-hour/week career positions, with wages, benefits, and employee rights defined in the bargaining agreement. Although wages would be expected to be 5-7% below the rate of entry-level Firefighter/Paramedic, they would be well above what other departments offer for intern/apprentice programs, and most do not offer benefits or compensated time off for those positions.

The Probationary Firefighter/EMT position is envisioned as both a potentially effective recruitment tool, as well as an employee development pathway. The longer probationary period, along with earlier career intervention would mean that FFD would have more time and opportunity to develop the employee to FFD performance standards and stated Department values. Employees who do not meet Department standards or display and promote Department values would not be retained, and could be released at any time during the probationary period. Employees who display department values, compatibility, and motivation, could have their probationary period extended on a case-by-case basis if they are showing adequate progress toward benchmark objectives.

**Conclusion:**

The Probationary Firefighter-EMT position is not intended to replace the existing entry-level Firefighter/Paramedic position, and the Department would continue to post and advertise for both positions in the hope of attracting further future lateral transfers of currently licensed and qualified Firefighter/Paramedics. Rather, the Probationary Firefighter-Position is intended as an alternative recruitment pathway intended to expand and diversify the applicant pool from which FFD can draw in order to develop the next generation of the "best and brightest" according to its own terms, standards, and values.

**CITY OF FRANKLIN**  
Job Description

**Job Title:** Probationary Fire Fighter/EMT

**Department:** Fire

**Appointing Authority:** Fire Chief/Fire & Police Commission

**Reports To:** Battalion Chief

**Salary Level:** Per Collective Bargaining Agreement

**Prepared By:** Adam J. Remington, Fire Chief

**Prepared Date:** November XX, 2023

**Approved By:**

**Approved Date:**

**Summary:**

Under the general direction of the Battalion Chief, the Probationary Firefighter/EMT protects life and property by performing firefighting, providing emergency medical care and treatment, hazardous materials, and fire prevention duties; and maintains fire equipment, apparatus, and facilities.

The Purpose of the Probationary Firefighter Position is to function as a recruitment tool and career development pathway that would allow an employee to begin employment as an EMT and complete paramedic education while employed in a full-time capacity by the Franklin Fire Department.

**Application Requirements:**

- State of Wisconsin (WI) Firefighter I
- Valid WI EMT License or National Registry
- Must be actively enrolled in an accredited Paramedic training program, with an expected completion date of less than one year (12 Months) from date of hire.
- Must have valid Candidate Physical Ability Test (CPAT) at time of appointment
- Must obtain WI Firefighter II within 18 months of date of hire.



**Term of Probationary Period:**

Probationary period will a minimum of 18 months from date of hire. Probationary period may be extended at the discretion of the Fire Chief, and the Department may extend deadlines for obtaining benchmarks on a case-by-case basis for individuals demonstrating adequate progress toward requirement objectives.

**Essential Duties and Responsibilities:**

Perform firefighting activities including operating pumps and related equipment; laying hose; and performing fire combat, containment and extinguishment tasks.

Perform emergency medical care and transport as a licensed EMT-Basic while training as a Paramedic, to the standards established by the Department, the Milwaukee County EMS Medical Director, and the State of Wisconsin.

Participate in fire drills, attend classes in firefighting, emergency medical care and treatment, hazardous materials response, and a variety of related subjects.

Receive and relay fire calls and alarms. Operate radio and other communications equipment.

Participate in the inspection of buildings, hydrants, and other structures as required by in State Statutes and Department community safety initiatives.

Maintain fire equipment, apparatus and facilities. Perform minor repairs to departmental equipment.

Perform general maintenance work in the upkeep of fire facilities and equipment; clean and wash walls and floors; care for grounds around station; make minor repairs; wash, hang and dry hose; wash, clean, polish, maintain and test apparatus and equipment.

Must meet all department requirements for training.

Assist in developing plans for special assignments such as emergency preparedness, hazardous communications, training programs, firefighting, hazardous materials, and emergency aid activities.

Present programs to the community on safety, First Aid, CPR/AED, Stop-the Bleed, fire prevention, and other topics as assigned.

Perform salvage operations such as throwing salvage covers, sweeping water, and removing debris.

Assists in department administrative activities as assigned.

Other duties as assigned by supervisors.

**Minimum Qualifications:**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required.

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**Education, Experience, and Licensure:**

Must be 18 years old and possess a valid WI Driver's License.

High School Diploma or Equivalent.

State of Wisconsin Firefighter I

Wisconsin state licensed EMT-B or current NREMT.

Ability to learn the operation of fire suppression and other emergency services response equipment.

Ability to perform strenuous or peak physical activity during emergency, training or station maintenance activities for prolonged periods of time and under conditions of extreme heights, intense heat, cold or smoke.

Ability to perform in team-based activities and in a frequently stressful environment.

**Language Skills:**

Ability to follow verbal and written instructions.

Ability to effectively communicate in writing and verbally.

**Reasoning Ability:**

Ability to learn to apply standard fire fighting, emergency aid, hazardous materials, and fire prevention techniques.

Ability to act effectively in emergency and stressful situations.

Ability to make independent judgements which have considerable impacts on the organization.

**Tools and Equipment Used:**

Personal computer, laptop computer, tablet, fax machine; cell phone; measuring devices; camera; power tools; hand tools; chainsaws; shovels; brooms; ladders; exhaust fans; automobile; fire apparatus; ambulance; patient restraints; first aid equipment; oxygen; environmental meters and other electronic test equipment; general medical equipment; patient lifting devices; breathing apparatus; steel-tip boots; hearing and eye protection; structural firefighting turnout gear.

**Physical Demands:**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Must successfully pass medical exam consistent with NFPA 1582 prior to hire date.

While performing the duties of this job, the employee is frequently required to stand; walk; use hands and fingers to feel, handle, or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to sit; climb and balance; stoop, kneel, crouch, and crawl; talk and hear; and taste and smell.

The employee must frequently lift and/or move up to ten pounds and occasionally lift and/or move up to 130 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus.

**Work Environment:**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job.

Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee regularly works in outdoor weather conditions including temperature extremes, during day and night shifts. Work is often performed in emergency and stressful situations. Individuals are exposed to hearing alarms and hazards associated with fighting fires and rendering emergency medical assistance, including smoke, noxious odors, fumes, chemicals, liquid chemicals, solvents and oils. The noise level in the work environment is usually moderate, except during certain firefighting activities when noise levels may be high.

**Job Responsibilities Related to Patient Privacy:**

It is expected to protect the privacy of all patient information in accordance with the City of Franklin Fire Department's privacy policies, procedures, and practices, as required by federal [and state] law, and in accordance with general principles of professionalism as a health care provider. Failure to comply with The City of Franklin Fire Department's policies and procedures on patient privacy may result in disciplinary action up to and including termination of employment.

The Probationary Firefighter/EMT may access protected health information and other patient information only to the extent that is necessary to complete their job duties. The Firefighter/EMT may only share such information with those who have a need to know specific patient information you have in your possession to complete their job responsibilities related to treatment, payment or other Fire department operations.

The Probationary Firefighter/EMT is encouraged and expected to report, without the threat of retaliation, any concerns regarding The City of Franklin Fire Department's policies and procedures on patient privacy and any observed practices in violation of that policy to the designated Privacy Officer.

**Disclaimer:**

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>[Signature]</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;">12/19/23</p>
<p style="text-align: center;"><b>REPORTS AND RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>The Fire Department is seeking Council approval and an emergency contingency appropriation and budget amendment for unexpected engine repairs to paramedic ambulance MED 112.</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G.14</p>

**Introduction**

During routine inspection of MED 112, the Fire Department’s frontline paramedic ambulance assigned to Fire Station 2, a significant fluid leak from the engine was identified. The unit is a 2015 Ford/Lifeline that has served the department for 8 years and has over 154,000 miles. Diagnosis by the fire department mechanic and DPW mechanic were inconclusive as to the source of the fluid leaks. Additionally, the unit had an ongoing issue of a “Check Engine” light due to a misfire of one of the cylinders.

In order to assure operational readiness, the unit was sent to an authorized Ford service center for repair. Because of the design of the Ford van-type chassis, which offer limited access to the engine compartment, extensive labor was required to complete definitive repairs. This major, year-end repair invoice will more than completely exhaust the Fire Department’s Auto Maintenance budget line.

Instead of deferring this repair to 2024, the repair was completed immediately in order to ensure a paramedic ambulance will be available at all three fire stations through the onset of severe winter weather and the holiday season when access to repair services are limited.

**Financial Impact**

The fire department is requesting authorization for an emergency appropriation through a budget amendment transferring \$11,578.38 from the 2023 General Fund - Unrestricted Contingency, Account Number 01-0199-5499 which currently has \$114,000 in available funding, to Account Number 01-0221-5241, Auto Maintenance.

**COUNCIL ACTION REQUESTED**

**Request Common Council approval/authorization for an emergency appropriation through a budget amendment for engine repairs to MED 112, transferring funds from 2023 General Fund - Unrestricted Contingency (Account Number 01-0199-5499) to the Auto Maintenance operating budget (Account 01-0221-5241) to fund the repairs in the amount of \$11,578.38.**

CUSTOMER #: FF245  
 UNIT# MED112

1002128



CITY OF FRANKLIN  
 7979 W RYAN ROAD  
 FRANKLIN, WI 53132  
 HOME: 414-425-7510 CONT: 414-425-7510  
 BUS: 414-425-2592 CELL: 414-425-7500

INVOICE

2326 WEST ST. PAUL AVENUE  
 P.O. BOX 1530  
 MILWAUKEE, WISCONSIN 53201  
 (414) 344-9500 1-800-242-8762

PAGE 1

SERVICE ADVISOR: 2665 MARK SETTJE

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/ OUT	TAG	
	15	FORD E450	1FDXE4FS0FDA26840	90374	154565/154565	T1344	
DEL DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
01JUN15 DL			18:00 17NOV23		0.00	CHG	29NOV23
R.O. OPENED	READY	OPTIONS: W-COMP:G					
09:21 13NOV23	11:03 29NOV23						

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
------	--------	------	------	-------	------	-----	-------

A CUSTOMER STATES THAT THERE IS AN OIL LEAK. PLEASE DIAGNOSE.

OILPAN RESEAL OIL PAN

876 CPLT

1	F6TZ*7A191*A	GASKET	54.17	50.38	50.38
8	XO*5W20*Q1SP	MOTORCRAFT SAE 5W-20 API GF-6A	6.92	3.14	25.12
1	FL*820*S	FILTER ASY - OIL	10.89	6.29	6.29
1	FC2Z*6710*A	GASKET - OIL PAN	58.17	54.10	54.10

PARTS: 135.89 LABOR: 495.00 OTHER: 0.00 TOTAL LINE A: 630.89

154565 876- INSPECT FOR CUSTOMER CONCERN AND VERIFIED OIL LEAK.

FOUND OIL PAN GASKET LEAKING. 876- REPAIRED OIL LEAK REPLACED GASKET WHILE ENGINE WAS OUT FOR EXHAUST REPAIR.

\*\*\*\*\*

B CUSTOMER STATES THAT THERE IS A TRANSMISSION FLUID LEAK. PLEASE DIAGNOSE.

LEAK STEERING GEAR LEAKING

876CPMAN

PARTS:	0.00	LABOR:	0.00	OTHER:	0.00	TOTAL LINE B:	0.00
--------	------	--------	------	--------	------	---------------	------

154565 876- INSPECT FOR CUSTOMER CONCERN COULD NOT LOCATE TRANS LEAK DID FIND STEERING GEAR LEAKING FORM INPUT SHAFT. 876- REPLACED STEERING GEAR WHILE ENGINE WAS OUT FOR EXHAUST LEAK.

\*\*\*\*\*

C CUSTOMER WOULD LIKE A TUNE UP.

SPARKPLUGS REPLACE SPARK PLUGS

876 CPLT

2	4C2Z*9439*AA	GASKET - INTAKE MANIFOLD	44.09	41.00	82.00
1	3W7Z*12029*AA	COIL ASY - IGNITION	87.64	74.71	74.71
1	8F9Z*9F472*H	SENSOR - HEGO	144.18	122.92	122.92
10	AGSF*22F1*X	SPARK PLUG	8.09	6.90	69.00

PARTS: 348.63 LABOR: 495.00 OTHER: 0.00 TOTAL LINE C: 843.63

154565 876- REPLACED 10 SPARK PLUGS CEL ON. RETRIEVED P0308 FOR #8 MISFIRE AND P2240 CODE FOR O2S 21. 876- R/R #8 COP AND BANK 2 SENSOR 1 O2. CLEAR CODES RUN R/T & RECHECK ALL PASS.

\*\*\*\*\*

D QUALITY CARE MULTI POINT INSPECTION. SEE SERVICE ADVISOR FOR

**SERVICE DEPARTMENT HOURS:**

**MONDAY - FRIDAY**  
 7:00AM TO MIDNIGHT  
**SATURDAY**  
 8:00 A.M. to 12:00 P.M.

**THANK YOU!**

STATEMENT OF DISCLAIMER  
 The factory warranty constitutes all of the warranties with respect to the sale of this item/items. The Seller hereby expressly disclaims all warranties either express or implied, including any implied warranty of merchantability or fitness for a particular purpose. Seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item/items

CUSTOMER SIGNATURE

DESCRIPTION	TOTALS
LABOR AMOUNT	
PARTS AMOUNT	
GAS, OIL, LUBE	
SUBLET AMOUNT	
MISC. CHARGES	
TOTAL CHARGES	
LESS INSURANCE	
SALES TAX	
PLEASE PAY THIS AMOUNT	

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CUSTOMER INVOICE COPY

CUSTOMER #: FF245  
 UNIT# MED112

1002128



INVOICE

2326 WEST ST. PAUL AVENUE  
 P.O. BOX 1530  
 MILWAUKEE, WISCONSIN 53201  
 (414) 344-9500 1-800-242-8752

CITY OF FRANKLIN  
 7979 W RYAN ROAD  
 FRANKLIN, WI 53132

PAGE 2

HOME: 414-425-7510 CONT: 414-425-7510  
 BUS: 414-425-2592 CELL: 414-425-7500

SERVICE ADVISOR: 2665 MARK SETTJE

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/ OUT	TAG	
	15	FORD E450	1FDXE4FS0FDA26840	90374	154565/154565	T1344	
DEL DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
01JUN15 DD			18:00 17NOV23		0.00	CHG	29NOV23
R.O. OPENED	READY	OPTIONS: W-COMP:G					
09:21 13NOV23	11:03 29NOV23						

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
------	--------	------	------	-------	------	-----	-------

INSPECTION RESULTS.

99P QUALITY CARE MULTI POINT INSPECTION. SEE SERVICE ADVISOR FOR INSPECTION RESULTS.

876CPMAN

0.00 0.00

GTIRE MPVI: TIRE TREAD GREEN (NOTATION ONLY - NO WORK NEEDED)

876CPMAN

0.00 0.00

GBK REAR BRAKES REPLACED THIS SERVICE FRONT BRAKES ARE IN THE GREEN

876CPMAN

0.00 0.00

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE D: 0.00  
 154565 876- PERFORM INSPECTION AND RECORD RESULTS.

\*\*\*\*\*

E\*\* REPLACE POWER STEERING GEAR

GEAR REPLACE POWER STEERING GEAR

876 CPLT

330.00 330.00

1 GU2Z\*3504\*A GEAR ASY - STEERING

1247.27 1063.30 1063.30

CORE CHARGE C

281.25 281.25

1 XT\*10\*QLVC OIL - AUTOMATIC TRANSMISSION

10.34 10.34 10.34

-1 GU2Z\*3504\*A CORE RETURN

1247.27 281.25 -281.25

PARTS: 1073.64 LABOR: 330.00 OTHER: 0.00 TOTAL LINE E: 1403.64  
 154565 876- REMOVED STEERING GEAR WHILE ENGINE WAS OUT.

\*\*\*\*\*

F\*\* PERFORM REAR BRAKE PAD AND ROTOR REPLACEMENT

RBJ PERFORM REAR BRAKE PAD AND ROTOR REPLACEMENT

876 CPLT

825.00 825.00

2 NC2Z\*2C026\*A ROTOR ASY - BRAKE

220.00 220.00 440.00

1 8C2Z\*2200\*B KIT - BRAKE LINING

100.00 93.00 93.00

2 CC3Z\*1S175\*A SEAL

26.00 22.17 44.34

2 EOTZ\*1001\*A GASKET - REAR AXLE SHAFT

5.60 4.77 9.54

PARTS: 586.88 LABOR: 825.00 OTHER: 0.00 TOTAL LINE F: 1411.88  
 154565 876- PERFORM RBJ NEW ROTORS AND PADS. PERFORM WHEEL TORQUE

PROCEDURE.

\*\*\*\*\*

SERVICE DEPARTMENT HOURS:

MONDAY - FRIDAY  
 7:00AM TO MIDNIGHT  
 SATURDAY  
 8:00 A.M. to 12:00 P.M.

THANK YOU!

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CUSTOMER SIGNATURE

DESCRIPTION	TOTALS
LABOR AMOUNT	
PARTS AMOUNT	
GAS, OIL, LUBE	
SUBLET AMOUNT	
MISC. CHARGES	
TOTAL CHARGES	
LESS INSURANCE	
SALES TAX	
PLEASE PAY THIS AMOUNT	

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CUSTOMER #: FF245  
 UNIT# MED112

1002128



CITY OF FRANKLIN  
 7979 W RYAN ROAD  
 FRANKLIN, WI 53132

INVOICE

2326 WEST ST. PAUL AVENUE  
 P.O. BOX 1530  
 MILWAUKEE, WISCONSIN 53201  
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PAGE 3

SERVICE ADVISOR: 2665 MARK SETTJE

COLOR	YEAR	MAKE/MODEL	VIN	LICENSE	MILEAGE IN/OUT	TAG	
	15	FORD E450	1FDXE4FS0FDA26840	90374	154565/154565	T1344	
DEL DATE	PROD. DATE	WARR. EXP.	PROMISED	PO NO.	RATE	PAYMENT	INV. DATE
01JUN15 DL			18:00 17NOV23		0.00	CHG	29NOV23
R.O. OPENED	READY	OPTIONS: W-COMP:G					
09:21 13NOV23	11:03 29NOV23						

LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL
------	--------	------	------	-------	------	-----	-------

G\*\* REPLACE EXHAUST MANIFOLDS PER QUOTE  
 MANIFOLD REPLACE EXHAUST MANIFOLDS  
 876 CPLT  
 1413 CPLT

						5445.00	5445.00
25	7/16NUTW	7/16	NUT WELD		0.78	0.78	19.50
1	YC2Z*9430*AA		MANIFOLD ASY - EXHAUST		560.00	520.80	520.80
1	YC2E*9431*A9D		MANIFOLD ASY - EXHAUST		803.33	747.10	747.10
1	BC2Z*9448*A		GASKET		43.50	40.46	40.46
2	BC2Z*9448*C		GASKET		33.17	30.85	61.70
20	*W703902*S403		STUD		4.00	3.10	62.00
20	*W701706*S2		NUT - HEX.		1.38	1.07	21.40
2	*W712670*S900		STUD		11.00	8.53	17.06
2	*W705374*S901		STUD		9.00	6.98	13.96
4	*W705443*S900		NUT		3.75	2.91	11.64
PARTS: 1515.62 LABOR: 5445.00 OTHER: 0.00					TOTAL LINE G:		6960.62

154565 876- DRAIN OIL AND COOLANT. DISASSEMBLE FRONT END TO REMOVE ENGINE. TEAR DOWN TO LONG BLOCK AND REMOVE ENGINE FOUND 5 BROKEN EXHAUST MANIFOLD STUDS3 ON BANK #1 AND 2 ON BANK #2. EXTRACT BROKEN STUDS AND REPLACE ALL. REPLACE MANIFOLDS AND REINSTALL ENGINE. REBUILD ENGINE AND RESTORE FRONT END. REFILL OIL AND COOLANT RUN R/T & RECHECK TOP OFF COOLANT.

\*\*\*\*\*

H\*\* REPAIR CLEARANCE LIGHTS  
 LIGHTS REPAIR CLEARANCE LIGHTS  
 876 CPLT

2	BULB BULB				6.36	6.36	12.72
PARTS: 12.72 LABOR: 165.00 OTHER: 0.00					TOTAL LINE H:		177.72

\*\*\*\*\*  
 CUSTOMER PAY SHOP SUPPLIES FOR REPAIR ORDER 150.00

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**SATURDAY**  
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LABOR AMOUNT	
PARTS AMOUNT	
GAS, OIL, LUBE	
SUBLET AMOUNT	
MISC. CHARGES	
TOTAL CHARGES	
LESS INSURANCE	
SALES TAX	
PLEASE PAY THIS AMOUNT	

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R.O. OPENED	READY	OPTIONS: W-COMP:G					
09:21 13NOV23	11:03 29NOV23						
LINE	OPCODE	TECH	TYPE	HOURS	LIST	NET	TOTAL

\*\*\*\*\*

VISIT OUR WEBSITE  
 FOR  
 PARTS AND SERVICE SPECIALS  
 WWW.BADGERTRUCK.COM

\*\*\*\*\*

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**SATURDAY**  
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CUSTOMER SIGNATURE

DESCRIPTION	TOTALS
LABOR AMOUNT	7755.00
PARTS AMOUNT	3673.38
GAS, OIL, LUBE	0.00
SUBLET AMOUNT	0.00
MISC. CHARGES	150.00
TOTAL CHARGES	11578.38
LESS INSURANCE	0.00
SALES TAX	0.00
PLEASE PAY THIS AMOUNT	11578.38

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;">JK</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;">12/19/23</p>
<p style="text-align: center;"><b>REPORTS AND RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>Request Council Approval to authorize a Budget Modification Amendment to encumber funds allocated in 2023 capital outlay funding for replacement source-capture diesel exhaust systems to the 2024 budget.</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G.15.</p>

**Introduction:**

On September 20, 2022 the Council authorized the fire department to accept a Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) to replace the aging diesel exhaust source-capture systems at the city's three fire stations. These systems are specifically designed to attach to fire apparatus and remove toxic diesel exhaust particulates from the interior of the fire stations.

**Financial Impact:**

The FEMA grant will fund 90% of the \$234,700 project, with a required local match of \$21,336.37. This project will not be completed in 2023 and the fire department is requesting that the funds allocated in 2023 be encumbered to the 2024 budget (account 41-0221-05822).

**COUNCIL ACTION REQUESTED**

**Request Common Council approval to authorize a Budget Modification Amendment encumbering \$234,700 from 2023 Capital Outlay Fund (Account 41-0221-5822) to the 2024 budget to allow project completion in 2024.**

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<b>APPROVAL</b>  H	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  12/19/2023
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>REVIEW OF THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF FRANKLIN AND STANTEC CONSULTING SERVICES INC. FOR QUARRY MONITORING SERVICES FOR CALENDAR YEAR 2024</b>	<b>ITEM NUMBER</b>  Gr. 16.

Since 2012, the City has hired a consultant to conduct monitoring of the quarry located in Planned Development Districts (PDD) No. 23 and 24. Pursuant to the PDD ordinances, certain expenditures for quarry monitoring may be off-set by matching revenues from the Payne and Dolan quarry operator. In the 2024 City's budget, the funds allocated for Quarry Monitoring Services are \$55,000 (GL number 01-0621-5218).

The Quarry Monitoring Committee (QMC) recommended approval of the attached scope of work at the October 24, 2023, regular meeting.

The proposed draft Professional Services Agreement with Stantec Consulting Services, Inc. is hereby included in this packet along with Attachment "A" Quarry Monitoring Services Scope of Work and Associated Cost.

It can be noted that this would be the 12th consecutive year such a contract has been entered into with Stantec Consulting Services, Inc. for quarry monitoring services. Similar to previous years, this contract includes blast monitoring services, onsite operations monitoring, presentations before the Quarry Monitoring Committee and reports. The funds allocated for this item have been increased from \$45,000 to \$55,000, the maximum amount shall be adjusted annually by any increase or decrease in the Consumer Price Index pursuant to the PDD ordinances. For reference, the maximum amount was increased from \$43,300 in 2018 to \$46,000 in 2019, then decreased to \$45,000 in 2021.

Note: in section VI Insurance, the minimum Umbrella coverage is \$5,000,000, as this is an agreement for quarry monitoring services only and not for building contractor services which typically requires a minimum coverage of \$10,000,000.

**COUNCIL ACTION REQUESTED**

Motion to approve the Quarry Monitoring Professional Services Agreement for calendar year 2024 with Attachment A containing service details and costs as provided by Stantec Consulting Services Inc , and to authorize staff to enter into said agreement not to exceed \$55,000; subject to technical corrections by staff and submittal of certificate of insurance

-or

Such other action as the Common Council may determine.

## **A G R E E M E N T**

This AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, between the City of Franklin, 9229 West Loomis Road, Franklin, Wisconsin 53132 (hereinafter "CLIENT") and Stantec Consulting Services Inc. (hereinafter "CONTRACTOR"), whose principal place of business is 12075 Corporate Parkway, Suite 200, Mequon, Wisconsin 53092.

### **W I T N E S S E T H**

WHEREAS, the CONTRACTOR is duly qualified and experienced as a municipal services contractor and has offered services for the purposes specified in this AGREEMENT; and

WHEREAS, in the judgment of CLIENT, it is necessary and advisable to obtain the services of the CONTRACTOR to provide quarry monitoring services, as described in Attachment A, for the City of Franklin;

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

#### **I. BASIC SERVICES AND AGREEMENT ADMINISTRATION**

- A. CONTRACTOR shall provide services to CLIENT for quarry monitoring services, as described in CONTRACTOR's proposal to CLIENT dated October 16, 2023, annexed hereto and incorporated herein as Attachment A.
- B. CONTRACTOR shall serve as CLIENT's professional representative in matters to which this AGREEMENT applies. CONTRACTOR may employ the services of outside consultants and subcontractors when deemed necessary by CONTRACTOR to complete work under this AGREEMENT following approval by CLIENT.
- C. CONTRACTOR is an independent contractor and all persons furnishing services hereunder are employees of, or independent subcontractors to, CONTRACTOR and not of CLIENT. All obligations under the Federal Insurance Contribution Act (FICA), the Federal Unemployment Tax Act (FUTA), and income tax withholding are the responsibility of CONTRACTOR as employer. CLIENT understands that express AGREEMENTS may exist between CONTRACTOR and its employees regarding extra work, competition, and nondisclosure.
- D. During the term of this AGREEMENT and throughout the period of performance of any resultant AGREEMENT, including extensions, modifications, or additions thereto, and for a period of one (1) year from the conclusion of such activity, the parties hereto agree that neither shall solicit for employment any technical or professional employees of the other without the prior written approval of the other party.

#### **II. FEES AND PAYMENTS**

CLIENT agrees to pay CONTRACTOR, for and in consideration of the performance of Basic Services further described in Attachment A, with a not-to-exceed budget of \$55,000, subject to the terms detailed below:

- A. CONTRACTOR may bill CLIENT and be paid for all work satisfactorily completed hereunder on a monthly basis. CLIENT agrees to pay CONTRACTOR's invoice within 30 days of invoice date for all approved work.
- B. Total price will not exceed budget of \$55,000. For services rendered, monthly invoices will include a report that clearly states the hours and type of work completed and the fee earned during the month being invoiced.
- C. In consideration of the faithful performance of this AGREEMENT, the CONTRACTOR will not exceed the fee for Basic Services and expenses without written authorization from CLIENT to perform work over and above that described in the original AGREEMENT.
- D. Should CLIENT find deficiencies in work performed or reported, it will notify CONTRACTOR in writing within thirty (30) days of receipt of invoice and related report and the CONTRACTOR will remedy the deficiencies within thirty (30) days of receiving CLIENT's review. This subsection shall not be construed to be a limitation of any rights or remedies otherwise available to CLIENT.

### **III. MODIFICATION AND ADDITIONAL SERVICES**

- A. CLIENT may, in writing, request changes in the Basic Services required to be performed by CONTRACTOR and require a specification of incremental or decremental costs prior to change order agreement under this AGREEMENT. Upon acceptance of the request of such changes, CONTRACTOR shall submit a "Change Order Request Form" to CLIENT for authorization and notice to proceed signature and return to CONTRACTOR. Should any such actual changes be made, an equitable adjustment will be made to compensate CONTRACTOR or reduce the fixed price, for any incremental or decremental labor or direct costs, respectively. Any claim by CONTRACTOR for adjustments hereunder must be made to CLIENT in writing no later than forty-five (45) days after receipt by CONTRACTOR of notice of such changes from CLIENT.

### **IV. ASSISTANCE AND CONTROL**

- A. Régulo Martínez-Montilva, Principal Planner, will coordinate the work of the CONTRACTOR, and be solely responsible for communication within the CLIENT's organization as related to all issues originating under this AGREEMENT.
- B. CLIENT will timely provide CONTRACTOR with all available information concerning PROJECT as deemed necessary by CONTRACTOR.
- C. CONTRACTOR will appoint, subject to the approval of CLIENT, Michael Roznowski, Senior Principal, CONTRACTOR's Project Manager and other key

providers of the Basic Services. Substitution of other staff may occur only with the consent of CLIENT.

## V. TERMINATION

- A. This AGREEMENT may be terminated by CLIENT, for its convenience, for any or no reason, upon written notice to CONTRACTOR. This AGREEMENT may be terminated by CONTRACTOR upon thirty (30) days written notice. Upon such termination by CLIENT, CONTRACTOR shall be entitled to payment of such amount as shall fairly compensate CONTRACTOR for all work approved up to the date of termination, except that no amount shall be payable for any losses of revenue or profit from any source outside the scope of this AGREEMENT, including but not limited to, other actual or potential agreements for services with other parties.
- B. In the event that this AGREEMENT is terminated for any reason, CONTRACTOR shall deliver to CLIENT all data, reports, summaries, correspondence, and other written, printed, or tabulated material pertaining in any way to Basic Services that CONTRACTOR may have accumulated. Such material is to be delivered to CLIENT whether in completed form or in process. CLIENT shall hold CONTRACTOR harmless for any work that is incomplete due to early termination.
- C. The rights and remedies of CLIENT and CONTRACTOR under this section are not exclusive and are in addition to any other rights and remedies provided by law or appearing in any other article of this AGREEMENT.

## VI. INSURANCE

The CONTRACTOR shall, during the life of the AGREEMENT, maintain insurance coverage with an authorized insurance carrier at least equal to the minimum limits set forth below:

A. General/Commercial Liability	\$2,000,000 per each occurrence for bodily injury, personal injury, and property damage \$4,000,000 per general aggregate,  <i>CITY shall be named as an additional insured on a primary, non-contributory basis</i>
B. Automobile Liability	\$1,000,000 combined single limit  <i>CITY shall be named as an additional insured on a primary, non-contributory basis</i>
C. Contractor's Pollution Liability	\$1,000,000 per occurrence \$2,000,000 aggregate  <i>CITY shall be named as an additional insured on a primary, non-contributory basis</i>



D. Umbrella or Excess Liability Coverage for General/Commercial, Automobile Liability, and Contractor's Pollution Liability	\$5,000,000 per occurrence for bodily injury, personal injury, and property  <i>CITY shall be named as an additional insured on a primary, non-contributory basis</i>
E. Worker's Compensation and Employers' Liability	Statutory  <i>Contractor will provide a waiver of subrogation and/or any rights of recovery allowed under any workers' compensation law.</i>
F. Professional Liability (Errors & Omissions)	\$2,000,000 single limit

Upon the execution of this AGREEMENT, CONTRACTOR shall supply CLIENT with a suitable statement certifying said protection and defining the terms of the policy issued, which shall specify that such protection shall not be cancelled without thirty (30) calendar days prior notice to CLIENT, and naming CLIENT as an additional insured as required above.

**VII. INDEMNIFICATION AND ALLOCATION OF RISK**

- A. To the fullest extent permitted by law, CONTRACTOR shall indemnify and hold harmless CLIENT, CLIENT'S officers, directors, partners, and employees from and against costs, losses, and damages (including but not limited to reasonable fees and charges of engineers, architects, attorneys, and other professionals, and reasonable court or arbitration or other dispute resolution costs) caused solely by the negligent acts or omissions of CONTRACTOR or CONTRACTOR'S officers, directors, partners, employees, and consultants in the performance of CONTRACTOR'S services under this AGREEMENT.
- B. Nothing contained within this AGREEMENT is intended to be a waiver or estoppel of the contracting municipality CLIENT or its insurer to rely upon the limitations, defenses, and immunities contained within Wisconsin law, including those contained within Wisconsin Statutes §§ 893.80, 895.52, and 345.05. To the extent that indemnification is available and enforceable, the municipality CLIENT or its insurer shall not be liable in indemnity or contribution for an amount greater than the limits of liability for municipal claims established by Wisconsin Law.

**VIII. TIME FOR COMPLETION**

CONTRACTOR shall commence work immediately having received a Notice to Proceed as of \_\_\_\_\_.

The term of this agreement shall be from January 1 to December 31, 2024, regardless of the receipt date of the Notice to Proceed. The term anticipates monitoring and at-quarry work occurs for the twelve calendar months of 2024. In addition, the terms also anticipate the 4th quarter 2024 (October – December) report and presentation be provided during February 2025.

## **IX. DISPUTES**

This AGREEMENT shall be construed under and governed by the laws of the State of Wisconsin. The venue for any actions arising under this AGREEMENT shall be the Circuit Court for Milwaukee County. The prevailing party shall be awarded its actual costs of any such litigation, including reasonable attorney fees.

## **X. RECORDS RETENTION**

CONTRACTOR shall maintain all records pertaining to this AGREEMENT during the term of this AGREEMENT and for a period of 3 years following its completion. Such records shall be made available by the CONTRACTOR to CLIENT for inspection and copying upon request.

## **XI. MISCELLANEOUS PROVISIONS**

- A. Professionalism. The same degree of care, skill and diligence shall be exercised in the performance of the services as is possessed and exercised by a member of the same profession, currently practicing, under similar circumstances, and all persons providing such services under this AGREEMENT shall have such active certifications, licenses and permissions as may be required by law.
- B. Pursuant to Law. Notwithstanding anything to the contrary anywhere else set forth within this AGREEMENT, all services and any and all materials and/or products provided by CONTRACTOR under this AGREEMENT shall be in compliance with all applicable governmental laws, statutes, decisions, codes, rules, orders, and ordinances, be they Federal, State, County or Local.
- C. Conflict of Interest. CONTRACTOR warrants that neither it nor any of its affiliates has any financial or other personal interest that would conflict in any manner with the performance of the services under this Agreement and that neither it nor any of its affiliates will acquire directly or indirectly any such interest. CONTRACTOR warrants that it will immediately notify the CLIENT if any actual or potential conflict of interest arises or becomes known to the CONTRACTOR. Upon receipt of such notification, a CLIENT review and written approval is required for the CLIENT to continue to perform work under this Agreement.
- D. This AGREEMENT may only be amended by written instrument signed by both CLIENT and CONTRACTOR.

## **XII. CONTROLLING TERMS AND PROVISIONS**

The aforesaid terms and provisions shall control over any conflicting term or provision of any CONTRACTOR proposal, Attachment, Exhibit, and standard terms and provisions annexed hereto.

IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed on the day and year first above written.

CITY OF FRANKLIN, WISCONSIN

BY \_\_\_\_\_

PRINT NAME John R Nelson

TITLE Mayor

DATE \_\_\_\_\_

BY \_\_\_\_\_

PRINT NAME Danielle L Brown

TITLE Director of Finance and Treasurer

DATE \_\_\_\_\_

BY \_\_\_\_\_

PRINT NAME Karen L. Kastenson

TITLE City Clerk

DATE \_\_\_\_\_

Approved as to form

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

DATE \_\_\_\_\_

\_\_\_\_\_

BY \_\_\_\_\_

PRINT NAME \_\_\_\_\_

TITLE \_\_\_\_\_

DATE \_\_\_\_\_


## ATTACHMENT A - QUARRY MONITORING SERVICES

### SCOPE OF WORK AND ASSOCIATED COST

The following scope of work items, each with their own associated professional fee, is offered to the City by Stantec for calendar year 2024.

DESCRIPTION	EVENT PERIOD	COST PER EVENT	# OF EVENTS	SUBTOTAL	NOTES REGARDING SCOPE OF SERVICES
Operations Monitoring	daily	\$880	16	\$14,080	Visual assessments around quarry perimeter, concentrating on Rawson Avenue adjacent to the quarry entrances. Will include weather data as part of observation summary, along with photos and short duration videos during periods of high winds. A percentage of the visits will also include on-site observations and records review
Blast Monitoring	monthly	\$2,000	12	\$24,000	Stantec will provide remote vibration monitoring by using Nomis Seismographs. We plan to subcontract Sauls Seismic to assist with this scope of work. Two separate seismographs will be installed, each co-located with two existing Payne & Dolan (Vibra-Tech) monitors located at 7301 S. 51st Street and 5800 W. Allwood Drive. Each monitor will be provided with an enclosure and will either be pole mounted or located in a short-stack weatherproof enclosure. Power will be provided via an internal battery and an external battery connected to a solar panel. All maintenance/repair and annual calibration of seismographs are included. This type of configuration will provide continuous (24/7) remote monitoring (except during calibrations & maintenance actions), allowing Stantec to have access to data anytime via the internet. No written reports or summaries will be provided monthly.
Exceptional Blast Complaint Evaluation	Per City request	\$1,200	1	\$1,200	For unusual blast events (e.g., resulting in multiple complaints), at the City's request, Stantec will prepare a brief summary report describing seismic data from both Stantec/Payne & Dolan placed monitors; wind direction and speed the day of the complaint, a figure showing blast and complaint locations. (Note: If no exceptional blast complaints occur, this portion of the budget may be used for another purpose as requested by the City.)
Quarterly Reports and Presentation	Quarterly (May, August, November 2024, and February 2025)	\$3,930	4	\$15,720	Stantec will prepare a quarterly report (to be distributed/presented as part of the regularly scheduled Quarry Monitoring Committee meetings) describing <ul style="list-style-type: none"> <li>• Operations monitoring completed in prior quarter</li> <li>• Blast monitoring completed in prior quarter (summary of blasting data, comparing the Payne &amp; Dolan unit recordings, to the Stantec unit recordings)</li> <li>• Citizen complaints received by the City of Franklin in prior quarter                             <ul style="list-style-type: none"> <li>o For off-site dust complaints                                     <ul style="list-style-type: none"> <li>▪ weather conditions (wind direction and speed) the day of the complaint</li> </ul> </li> <li>o For off-site seismic complaints                                     <ul style="list-style-type: none"> <li>▪ seismic data from both Stantec and Payne &amp; Dolan placed monitors</li> <li>▪ weather conditions (wind direction and speed, temp, humidity, precipitation) the day of the complaint</li> </ul> </li> </ul> </li> <li>▪ a figure showing locations of blasts along with location of complaints</li> <li>▪ a short summary of the nature of any complaints</li> </ul> The quarterly report and presentation in February 2025 will also present highlights of the operations, blast monitoring, and complaint evaluations, completed during calendar year 2024. This annual report is not meant to repeat what has already been provided in the prior quarterly reports, rather, it is intended to be a brief summary.
<b>TOTAL (compared to budget: \$55,000)</b>				<b>\$55,000</b>	

**Note.** The number of Exceptional Blast Complaint Evaluations is estimated since the exact number cannot be determined at this time. In addition, based on prior years Stantec is estimating approximately 25 different blasts will result in complaints needing to be evaluated as part of the quarterly reports and presentations. Stantec agrees to be flexible with the City regarding this scope of work as the year progresses as the actual number of events are determined and agrees not to exceed the approved budget without prior approval.

<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MTG. DATE</b> Dec. 19, 2023
Reports & Recommendations	<b>A Resolution to be Compensated \$250.00 by  Wisconsin Department of Transportation for 50 Square Feet of a  Temporary Limited Easement at  7979 W. Ryan Road (TKN 896 9990 001)</b>	<b>ITEM NO.</b> Ald. Dist. 1 G.17.

**BACKGROUND**

The Wisconsin Department of Transportation (WisDOT) is planning a highway safety project 2040-15-23 for W. Ryan Road / W. St. Martins Road (STH 100). As part of that project, a small triangular shaped area on the southeast corner of W. Ryan Road and S. 80<sup>th</sup> Street is needed. This small parcel is owned by the City on the Department of Public Works campus at 7979 W. Ryan Road.

**ANALYSIS**

The area is a nominal 50 square feet and will not need to be permanently acquired. Staff recommends that the City waive the right for a second appraisal and accept the minimum compensation of \$250.00.

*“A temporary limited easement (TLE) is a right for construction purposes... including the right to operate necessary equipment thereon, the right of ingress and egress as long as required for such public purpose including the right to preserve, protect, remove, or plant thereon any vegetation that the highway authorities may deem desirable.”* The TLE will terminate one year after the project is completed.

An appraisal report prepared March 15, 2023 is available for viewing in the Engineering Office during normal business hours.

**FISCAL NOTE**

The received funds will be deposited in the General Fund , Property Sale.

**RECOMMENDATION**

Motion to adopt Resolution No. 2023 - \_\_\_\_\_, a resolution to be compensated \$250.00 by Wisconsin Department of Transportation for 50 square feet of a temporary limited easement at 7979 W. Ryan Road (TKN 896 9990 001).

Engineering Department: GEM

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2023 - \_\_\_\_\_

A RESOLUTION TO BE COMPENSATED \$250.00 BY  
WISCONSIN DEPARTMENT OF TRANSPORTATION FOR 50 SQUARE FEET OF A  
TEMPORARY LIMITED EASEMENT AT 7979 W. RYAN ROAD (TKN 896 9990 001)

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WHEREAS, pursuant to accommodate a Wisconsin Department of Transportation (WisDOT) project 2040-15-23 along W. Ryan Road / W. St. Martins Road (STH 100); and

WHEREAS, a portion of the needed real estate is located on the City-owned land that houses the Department of Public Works campus at 7979 W. Ryan Road; and

WHEREAS, a general certified appraiser has computed the value of a temporary limited easement to be \$38.97 and rounded up to the minimum \$250.00.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that it would be in the best interest of the City to be compensated \$250.00 by Wisconsin Department of Transportation for 50 square feet of a Temporary Limited Easement at 7979 W. Ryan Road (TKN 896 9990 001).

BE IT FURTHER RESOLVED, that the Mayor and City Clerk are hereby authorized and directed to execute the agreement and easements, granting the temporary limited easement on behalf of the City.

Introduced at a regular meeting of the Common Council of the City of Franklin the \_\_\_\_\_ day of \_\_\_\_\_, 2023, by Alderman \_\_\_\_\_.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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

WisDOT Division of Transportation  
 System Development  
 Southeast Region  
 141 NW Barstow Street  
 PO Box 798  
 Waukesha WI 53187-0798

Governor Tony Evers  
 Secretary Craig Thompson  
[wisconsindot.gov](http://wisconsindot.gov)  
 Telephone (262) 548-5903  
 FAX (262) 548-5888  
 Email [serdtsd@dot.wi.gov](mailto:serdtsd@dot.wi.gov)



September 14, 2023

CERTIFIED MAIL  
 7020 1910 0000 5169 5513

CITY OF FRANKLIN  
 ATTN GLEN E MORROW  
 9229 W LOOMIS RD  
 FRANKLIN, WI 53132

Reference Initiation of Negotiations-AS  
 Project ID 2040-15-23, Parcel No 102  
 C FRANKLIN, RYAN RD/ST MARTINS RD  
 STH - 100, Milwaukee County

*Handwritten notes:*  
 City of Franklin  
 Loomis Rd / St Martins Rd

Dear CITY OF FRANKLIN

As you may know, the Wisconsin Department of Transportation (WisDOT) is planning a highway safety project in your area. This project will affect your property and I look forward to working with you to answer your questions.

In compliance with Wisconsin statutes and federal regulations, I am writing to initiate negotiations to acquire property and/or property interests needed for the above highway project.

To explain the process, I ask you to review the following documents:

- Agreement for Purchase and Sale of Real Estate (RE1895)
- Legal description of the land and/or interest(s) needed for the project
- Names of neighboring landowners affected by the project (listed on ROW plat)
- Highlighted Right of Way Plat
- Appraisal Report
- Appraisal Guidelines and Agreement
- "The Rights of Landowners Under Wisconsin Eminent Domain Law" pamphlet

Based on the enclosed real estate appraisal report the allocation of damages is

Allocation	Description	Size	Unit	Per Unit	Value (\$)
Temporary Limited Easement (TLE)		50.00	Sq Ft	\$0.78	\$38.97
Appraiser Rounding					\$61.03
Other	Admin Increase to Reach SE Region Minimum				\$150.00

Total Allocation \$250.00

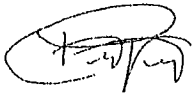
If you agree with the values in the appraisal report, please sign the enclosed Agreement for Purchase and return in the enclosed envelope for final review and approval. Once WisDOT is satisfied that the negotiations are complete, we will send you a fully executed (signed) copy of the agreement and I will contact you to arrange for payment and closing. Please note that your signature alone on the Agreement for Purchase and Sale of Real Estate is not sufficient to result in an enforceable contract for the purchase of the needed property.

If you are not satisfied with the compensation offered for your property, you have 60 days and no later than 11/16/2023 to obtain a second appraisal from a qualified appraiser of your choice. Please see the enclosed Appraisal Guidelines and Agreement document for requirements for reimbursement of another appraisal. If your appraisal report is submitted to my office after the 60-day statutory date, the department may consider it for negotiation purposes, but it will not be eligible for reimbursement.

I want you to be satisfied that the Wisconsin Department of Transportation treated you fairly, we answered your questions, addressed your concerns, and fully considered your property and property interests. I am happy to provide any additional information requested, if available, or discuss any additional concerns. Please contact me at 262-548-6457 or email [dean.veling@dot.wi.gov](mailto:dean.veling@dot.wi.gov)

Thank you for your part in contributing to safer Wisconsin roadways.

Sincerely,

A handwritten signature in black ink, appearing to read 'Dean Veling', enclosed within a circular scribble.

Dean Veling  
Real Estate Specialist

Enclosures: Initiation of Negotiation Letter, Agreement for Purchase, Legal Description, ROW Plat Sheet 4 06, Color Key to RE Interests, Appraisal Report, Appraisal Guidelines and Agreement, The Rights of Landowners Under Wisconsin Eminent Domain Law, Return Envelope, Business Cards



# AGREEMENT FOR THE PURCHASE OF REAL ESTATE INTERESTS - SHORT FORM

Wisconsin Department of Transportation  
RE1895 05/2023

THIS AGREEMENT, made and entered into by and between City of Franklin, herein after called Seller, and the Wisconsin Department of Transportation, herein after called Buyer. Once accepted, this offer creates a legally enforceable contract. Both parties should read this document carefully and understand it before signing.

Seller and the Wisconsin Department of Transportation agree that the Wisconsin Department of Transportation is purchasing this property for transportation related purposes, within the meaning of Chapter 84 of the Wisconsin Statutes.

Seller warrants and represents to the Wisconsin Department of Transportation that Seller has no notice or knowledge of any of the following:

- 1) Planned or commenced public improvements which may result in special assessments which would otherwise materially affect the property other than the planned transportation facility for which the Wisconsin Department of Transportation is purchasing this property,
- 2) Government agency or court order requiring repair, alteration, or correction of any existing condition,
- 3) Shoreland or special land use regulations affecting the property, and,
- 4) Underground storage tanks and the presence of any dangerous or toxic materials or conditions affecting the property.

DESCRIPTION: The Seller agrees to sell and the Wisconsin Department of Transportation agrees to buy, upon the terms and conditions hereinafter named, the following described real estate situated in Milwaukee County, Wisconsin.

**Legal description is attached hereto and made a part hereof by reference.**

The purchase price of said real estate shall be the sum of Two Hundred Fifty and 0/100 Dollars (\$250.00) payable in full by check at closing.

~~General taxes shall be prorated at the time of closing based on the net general taxes for the current year, if known, otherwise on the net general taxes for the preceding year.~~ N/A – Temporary Limited Easement (TLE)

Seller shall, upon payment of purchase price, convey the property by ~~warranty deed~~, or other conveyance (temporary limited easement - TLE). Legal possession of premises shall be delivered to the Wisconsin Department of Transportation on the date of closing.

Physical occupancy shall be given to the Wisconsin Department of Transportation on the date of closing. Seller may not occupy property after closing unless a separate lease agreement is entered into between the Wisconsin Department of Transportation and Seller.

SPECIAL CONDITIONS: None

This agreement is binding upon acceptance by the Wisconsin Department of Transportation as evidenced by the signature of an authorized representative of the Wisconsin Department of Transportation. If this agreement is not accepted by the Wisconsin Department of Transportation within 30 days after Seller's signature, this agreement shall be null and void.

This transaction is to be closed at the office of TBD on or before TBD or at such other time and place as may be agreed to in writing by the Seller and the Wisconsin Department of Transportation.

No representations other than those expressed here, either oral or written, are part of this sale.



Project ID  
2040-15-23

This instrument was drafted by  
Wisconsin Department of Transportation

Parcel No  
102

Seller and the Wisconsin Department of Transportation agree to act in good faith and use diligence in completing the terms of this agreement. This agreement binds and inures to the benefit of the parties to this agreement and their successors in interest, assigns, personal representatives, heirs, executors, trustees, and administrators.

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

\_\_\_\_\_  
Print Name Title

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

\_\_\_\_\_  
Print Name Title

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

\_\_\_\_\_  
Print Name Title

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

\_\_\_\_\_  
Print Name Title

\_\_\_\_\_  
City of Franklin, a municipal corporation  
Owner of Record

The above agreement is accepted

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

Nicole Mauch  
\_\_\_\_\_  
Print Name

Real Estate Supervisor  
\_\_\_\_\_  
Title

Must be signed by an authorized representative of the Wisconsin Department of Transportation

## LEGAL DESCRIPTION

A **Temporary Limited Easement (TLE)** is a right for construction purposes as defined herein, including the right to operate necessary equipment thereon, the right of ingress and egress as long as required for such public purpose including the right to preserve, protect, remove or plant thereon any vegetation that the highway authorities may deem desirable.

That part of the owner's interest in land contained within the following described tract in Parcel 1 of CSM 6114, Reel 3566, Image 754-757, document number 7092949 located in part of the Northeast 1/4 of the Northeast 1/4 of Section 28, Town 5 North, Range 21 East, City of Franklin, more fully described as follows:


Commencing at the Northeast corner of said Section 28; thence South 01°11'34" West, 60.04 feet along the east line of said Northeast 1/4 of the Northeast 1/4 of Section 28; thence North 89°59'13" West, 60.01 feet; thence South 89°59'29" West, 612.92 feet along the southerly right-of-way line of STH 100; thence North 00°00'31" West, 10.00 feet; thence South 89°59'29" West, 132.00 feet; thence South 00°00'31" East, 9.97 feet; thence South 89°59'17" West, 483.51 feet along the southerly right-of-way line of STH 100 to the point of beginning; thence South 45°31'57" West, 14.28 feet to the easterly right-of-way line of S. 80th Street; thence North 01°04'25" East, 10.00 feet along said easterly right-of-way line to the southerly right-of-way line of STH 100; thence North 89°59'29" East, 10.00 feet along said southerly right-of-way line to the point of beginning.

This parcel contains **50 square feet, more or less.**

The above Temporary Limited Easement is to terminate upon the completion of this project or on the day the highway is open to the traveling public, whichever is later.

Subject to all other easements and restrictions, recorded and unrecorded.

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<b>APPROVAL</b>  	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MTG. DATE</b> December 19, 2023
<b>Reports &amp; Recommendations</b>	<b>Pathway Options for a Wisconsin Department of Transportation Project on S. Lovers Lane (USH 45) from W. St. Martins Road to W. Rawson Avenue (CTH BB)</b>	<b>ITEM NO.</b> Ald. Dist. 2 & 6 G.18.

**BACKGROUND**

Wisconsin Department of Transportation (WisDOT) is planning a project on S. Lovers Lane (USH 45 / STH 100) from W. St. Martins Road to W. Rawson Avenue (CTH BB) [WisDOT project 2040-21-00]. Construction could be bid as early as February 2026; however, construction is anticipated in 2027. On May 2, 2023, Common Council authorized a State/Municipal Financial Agreement and a State/Municipal Maintenance Agreement for improvements related to this project in the amount of \$307,500.

The improvements included a include sidewalk (multi-use pathway) that the City of Franklin will need to reimburse at 50% cost. There is also a crosswalk and flashing beacon system planned at the monastery that the City will need to reimburse at 100% (if it is unwarranted). The total cost to the City of Franklin was previously expected to be \$307,500.

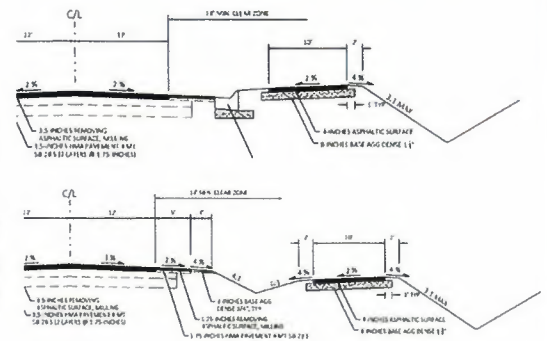
Staff has met with WisDOT engineers on the options for the location of the path. **WisDOT would like confirmation on path location(s) decision before the design is advanced and presented to the public at a Public Information Meeting scheduled for January 30, 2024 (4:00-6:00 pm) at the Franklin Public Library.**



**ANALYSIS**

There are two options for constructing a pathway:

1. Urban cross section includes curb and guttering with a storm sewer system. Typically, this section is used when there are limitations on the width of right-of-way.
2. Rural cross section includes ditches to convey stormwater runoff. Typically, this section is less expensive but involves more width to accommodate road side ditches and a reverse slope to meet the pathway.



There are five segments progressing from W. St. Martins Road to W. Rawson Avenue.

1. Undivided two-lane section from W. St. Martins to the south edge of the Wyndham Village Shopping Center (Target). There are approximately 18 properties on the west side and 16 on the east side. The east side includes the new Water Tower Park and several of the properties on the east side are likely to redevelop in the future (sidewalks could be required as part of the redevelopment).
2. Divided four-lane section adjacent to Target to the W. Drexel Avenue / W. Church Street intersection. This section includes a stop light for Target with a cross walk for pedestrians from the new multifamily complex. The west side contains three multi-family and commercial zoned properties and the east side includes one residential property and Target-all zoned commercial. Target has a 5-foot sidewalk along the property north of the stoplight. There are pedestrian crosswalks at all legs of the W. Drexel Avenue- / W. Church Street intersection.



3. W. Drexel Avenue / W. Church Street intersection to W. Woelfel Avenue / W. Friar Lane intersection. There are ten residential parcels on the west side that face S. Bishops Way. Likewise, there are five residential parcels on the east side (including a stormwater management pond) that face other streets.
4. Between W. Woelfel Road and the Sacred Heart Monastery entrance, the monastery and associated living quarters border both side of the road. The monastery has long requested a pedestrian crossing at this location.
5. The monastery entrance to W. Rawson Avenue. Both sides are similar wide-open spaces owned by the Sacred Heart Monastery and interchange right-of-way owned by WisDOT. The bridge over W. Rawson Avenue is equipped with bicycle accommodation on the east side, however the east side route is complicated by the interchange road entrance/exit.

From a financial standpoint, WisDOT staff has not advanced the plans to a point where a meaningful cost estimate may be generated, but alternatives may be evaluated in comparison to each other. In the table below, each option considers the least expensive alternative to be 1.0 and the other options are comparatively more expensive.

	1. St. Martins to Target	2. Target	3. Drexel to Woelfel	4. Woelfel to Monastery	5. Monastery to Rawson
Urban Section on West	1.91	3.22	1.30	1.33	Not Recommended
Urban Section on East	1.85	1.27	1.33	1.16	1.73
Rural Section on West	1.00	1.00	1.00	1.00	Not Recommended
Rural Section on East	1.08	1.08	1.21	1.02	1.00

Fortunately, it appears that there is sufficient right-of-way on both sides of the road so one assumes that the rural section may be constructed without requiring additional permanent right-of-way. However, less expensive temporary easements for grading would be required.

After discussions with WisDOT staff, considering the comparative cost analysis and the discussion in the descriptions of the five segments, Staff recommends a rural section path on the west side from W. St Martins Road up to the Monastery entrance then cross over and continue up the east side over the bridge. The west side is not recommended because it does not match the bridge section. This crossing at the monastery will also help warrant the crossing for the monastery use.

### **OPTIONS**

- A. Direct WisDOT to design the project with the pathway as a rural section path on the west side from W. St Martins up to the Monastery entrance then the east side over the bridge. Or
- B. Other direction to Staff.

### **FISCAL NOTE**

The \$307,500 commitment was added to the Fund 46 Capital Improvement Plan for 2026. This will be adjusted as the estimate is refined.

### **RECOMMENDATION**

(Option A) Direct Staff to work with WisDOT on a pathway project as a rural section path on the west side from W. St Martins up to the Monastery entrance then the east side over the bridge.

<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MTG. DATE</b> December 19, 2023
Reports & Recommendations  ✕	<b>A Resolution to Award Landmark Structures I, LP a Contract to Construct Elevated Water Storage Tank (Contract B) at 8120 S. Lovers Lane Road (TKN 801-9986-000) In the Amount of \$6,833,000</b>	<b>ITEM NO.</b> Ald. Dist. 2  G.19

**BACKGROUND**

The Franklin Water Utility has designed a new elevated 1.0-million-gallon water storage tower in the vicinity of 8120 S. Lovers Lane Road (TKN 801-9986-000) currently known as Water Tower Park. This tower is needed to address inadequate storage in the western pressure zone and all of Franklin.

On June 20, 2023, Common Council directed Staff to receive bids on this project. Bids were received on November 16, 2023.

Elsewhere on this agenda is an item to award the construction of the connecting watermain.

**ANALYSIS**

Four bids were received. The engineer's estimate was \$6,868,476. The received bids were as follows:

<b>Water Tower Bidder</b>	<b>Total Bid</b>
Landmark Structures	\$6,833,000
Phoenix Fabricators	\$7,011,367
CB&I STS LLC	\$7,124,645
Caldwell Tanks	\$7,651,000

The Board of Water Commissioners discussed this on November 21, 2023 and are recommending to the Common Council to award the project to Landmark Structures.

**OPTIONS:**

- A. Award project to Landmark Structures, Inc., or
- B. Other direction to Staff.

**FISCAL NOTE**

Funds are in the 2023 and 2024 Capital Improvement Fund 46 budgets and all borrowing has been completed.

**RECOMMENDATION**

(Option A) Authorize Resolution 2023-\_\_\_\_\_, a resolution to award Landmark Structures I, LP a contract to construct Elevated Water Storage Tank (Contract B) at 8120 S. Lovers Lane Road (TKN 801-9986-000) in the amount of \$6,833,000.

Department of Engineering GEM

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2023- \_\_\_\_\_

A RESOLUTION TO AWARD LANDMARK STRUCTURES I, LP  
A CONTRACT TO CONSTRUCT  
ELEVATED WATER STORAGE TANK (CONTRACT B) AT  
8120 S. LOVERS LANE ROAD (TKN 801-9986-000)  
IN THE AMOUNT OF \$6,833,000

-----  
WHEREAS, the City of Franklin advertised and solicited bids for the Elevated Water Storage Tank (Contract B) at 8120 S. Lovers Lane Road (TKN 801-9986-000); and

WHEREAS, four bids were received on November 16, 2023, and Landmark Structures, Inc. was the lowest responsive and responsible bidder; and

WHEREAS, Landmark Structures, Inc. is a responsible and qualified public works contractor; and

WHEREAS, Funds are in the 2023 and 2024 Capital Improvement Fund 46 budgets and all borrowing has been completed; and

WHEREAS, it is in the best interest of the City as recommended by the City's Staff to award the contract for the Elevated Water Storage Tank (Contract B) at 8120 S. Lovers Lane Road, in the amount of \$6,833,000 to Landmark Structures I, LP.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, Wisconsin, to award the Elevated Water Storage Tank (Contract B) at 8120 S. Lovers Lane Road to Landmark Structures I, LP.

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023 by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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





November 16, 2023

Board of Water Commissioners  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132

Subject: Evaluation of Bids and Recommendation for Award  
Contract B-Elevated Water Storage Tank

Dear Board Members:

We have completed our evaluation of the bids opened on November 16, 2023, for the Elevated Water Storage project. As detailed on the attached Tabulation of Bids, the four bids received ranged from \$6,833,000 to \$7,651,000.

The low bid was submitted by Landmark Structures from Fort Worth, Texas and did not contain any irregularities or informalities.

We recommend that the contract for the Elevated Water Storage Tank project be awarded to the low bidder, Landmark Structures, in the amount of \$6,833,000 based on further action by the Common Council.

As you may recall, the original estimated construction cost presented in October was \$6,868,476. As such, we feel that the low bid represents a fair price for the work to be performed.

Following Award of the Contract from the Common Council, we will send a Notice of Award to the contractor along with copies of the Contract Documents for execution. The Contractor will return the Contract Documents to the City for execution, after which we will issue a Notice to Proceed and schedule a preconstruction conference.



Village Board  
November 16, 2023  
Page 2 of 2

Please review the attached information and contact our office with any questions or comments at (262) 784-7690. Thank you for your consideration.

Sincerely,  
Applied Technologies, Inc.

James J. Smith, P.E.  
President

William A. Hein, P.E., P.L.S  
Project Manager

Attachments


cc: Glen Morrow, P.E.-Water Utility Manager  
Mike Roberts-Water/Sewer Superintendent

**BID TAB**  
**ELEVATED WATER STORAGE TANK**  
**CONTRACT B**

Elevated Water Storage Tank (#8757751)  
 Owner: Franklin, City of  
 Solicitor: Applied Technologies, Inc.  
 11/16/2023

Detailed Bid Tabulation - Elevated Storage Tank		Engineer Estimate		LANDMARK STRUCTURES		PHOENIX FABRICATORS		CB&I STS LLC		Caldwell Tanks, Inc.		
Line Item	Item Code	Item Description	UoM	Quantity	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
1	1	Composite Elevated Storage Tank, appurtenances & accessories	LS	1	\$5,767,665	\$5,767,665	\$5,795,890	\$5,795,890	\$6,061,363	\$6,061,363	\$6,635,649	\$6,635,649
2	2	Allowances - Section 01200A2	LS	1	\$232,586	\$232,586	\$232,586	\$232,586	\$232,586	\$232,586	\$232,586	\$232,586
3		Civil Site Work, including storm sewer, grading, aggregate base course, erosion control @ restoration	LS	1	\$250,000	\$250,000	\$255,375	\$255,375	\$58,753	\$58,753	\$55,375	\$55,375
4	4	HMA Site Pavement, Detail 02131	LF	675	\$175	\$118,125	\$122	\$82,350	\$129	\$87,075	\$122	\$82,350
5	5	Driveway Grading, HMA Binder & Surface, North Entrance	LF	420	\$80	\$33,600	\$93	\$39,186	\$99	\$41,580	\$93	\$39,060
6	6	Connect to existing water main	EA	2	\$15,000	\$30,000	\$11,900	\$11,900	\$6,313	\$12,626	\$5,950	\$11,900
7	7	20-inch AWWA Ductile Iron Water Main	LF	860	\$325	\$279,500	\$485	\$417,100	\$515	\$442,900	\$485	\$417,100
8	8	20-inch fPVC HDD water main	LF	100	\$550	\$55,000	\$970	\$97,000	\$1,029	\$102,900	\$970	\$97,000
9	9	20-inch butterfly valves	EA	6	\$15,000	\$90,000	\$10,500	\$63,000	\$11,141	\$66,846	\$10,500	\$63,000
10	10	Hydrant assemblies including splash pad, anchor tee, lead and valve	EA	1	\$12,000	\$12,000	\$16,980	\$16,980	\$18,016	\$18,016	\$16,980	\$16,980
<b>Base Bid Total-</b>						<b>\$6,868,476</b>		<b>\$7,011,367</b>		<b>\$7,124,645</b>		<b>\$7,651,000</b>

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<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MTG. DATE</b> December 19, 2023
Reports & Recommendations	<b>A Resolution to Award Dorner, Inc. a Contract to Construct Water Transmission Main (Contract A) along S. Lovers Lane in the Amount of \$840,366</b>	<b>ITEM NO.</b> Ald. Dist. 2 <i>G. 20.</i>

**BACKGROUND**

The Franklin Water Utility has designed a new elevated 1.0-million-gallon water storage tower in the vicinity of 8120 S. Lovers Lane Road (TKN 801-9986-000) currently known as Water Tower Park. This tower is needed to address inadequate storage in the western pressure zone and all of Franklin. The tower will be fed from a water distribution system extension from a connection point to the north (south end of the Wyndham Shopping Village- aka Target).

On June 20, 2023, Common Council directed Staff to receive bids on this project. Staff was also directed to have a neighborhood meeting. The neighborhood meeting was held on October 12, 2023 and the residents were informed of the new municipal code that gives deferments until a property is rezoned or sub-divided. An assessment will be forthcoming at a future meeting.

Bids for the watermain were received on November 16, 2023.

Elsewhere on this agenda is an item to award the construction of the water tower.

**ANALYSIS**

Six bids were received. The engineer's estimate was \$1,200,000. The received bids were as follows:

<b>Water Tower Bidder</b>	<b>Total Bid</b>
Dorner, Inc.	\$840,366.00
PTS Contractors	\$859,460.00
Veith & Company	\$875,561.70
AW Oakes & Son	\$921,740.00
Wanasek Corp	\$988,775.00
Genesis Excavators	\$1,105,450.00

Dorner was the apparent low bidder. However, unlike the other bidders, Dorner submitted an electronic copy of the bid bond without providing a hard copy of the bond. Although this is acceptable for most of the projects that the City of Franklin bids today, the specifications were based on an older version that required either Surety2000 electronic bid bond, or provide a hard copy of the bid bond to the City prior to opening the bids. The specifications also allow the City to waive irregularities in the bidding process.

The Board of Water Commissioners discussed this on November 21, 2023 and are recommending to the Common Council to award the project to Dorner, Inc in the amount of \$840,366.

**OPTIONS:**

- A. Waive bidding irregularities and award project to Dorner, Inc., or
- B. NOT waive bidding irregularities and award project to PTS Contractors
- C. Other direction to Staff.

**FISCAL NOTE**

Funds are in the 2023 and 2024 Capital Improvement Fund 46 budgets and all borrowing has been completed.

**RECOMMENDATION**

(Option A) Motion to waive bidding irregularities and authorize Resolution 2023-\_\_\_\_\_ a resolution to award Dorner, Inc, Inc. a contract to construct Water Transmission Main (Contract A) along S. Lovers Lane in the amount of \$840,366.

Department of Engineering GEM

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2023- \_\_\_\_\_

A RESOLUTION TO AWARD DORNER, INC. A CONTRACT TO CONSTRUCT  
WATER TRANSMISSION MAIN (CONTRACT A) ALONG S. LOVERS LANE  
IN THE AMOUNT OF \$840,366

-----  
WHEREAS, the City of Franklin advertised and solicited bids for the Water Transmission Main (Contract A) along S. Lovers Lane; and

WHEREAS, six bids were received on November 16, 2023, and Dorner, Inc. was the lowest responsive and responsible bidder; and

WHEREAS, Dorner, Inc. is a responsible and qualified public works contractor; and

WHEREAS, Funds are in the 2023 and 2024 Capital Improvement Fund 46 budgets and all borrowing has been completed; and

WHEREAS, it is in the best interest of the City as recommended by the City's Staff to award the contract for the Water Transmission Main (Contract A) along S. Lovers Lane, in the amount of \$840,366.00 to Dorner, Inc.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, Wisconsin, to award the Water Transmission Main (Contract A) along S. Lovers Lane to Dorner, Inc.

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023 by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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

November 16, 2023  
Revised December 12, 2023

Board of Water Commissioners  
City of Franklin  
9229 W. Loomis Road  
Franklin, WI 53132



Subject: Evaluation of Bids and Recommendation for Award  
Contract A-Water Transmission Main

Dear Board Members:

We have completed our evaluation of the bids opened on November 16, 2023, for the Water Transmission Main project. As detailed on the attached Tabulation of Bids, the six bids received ranged from \$840,366 to \$1,105,450.

The low bid was submitted by Dorner, Inc. from Luxemburg, Wisconsin. However, the low bid did not include the required bid surety as described in the contract documents.

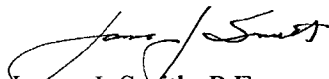
The City Board of Water Commissioners has waived this irregularity. As a result, we recommend that the contract for the Water Transmission Main project be awarded to Dorner, Inc., in the amount of \$840,366 based on further action by the Common Council.

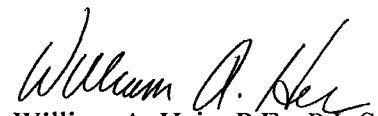
As you may recall, the original estimated construction cost presented in October was \$894,525. As such, we feel that the low bid represents a fair price for the work to be performed.

Following award of the Contract from the Common Council, we will send a Notice of Award to the contractor along with copies of the Contract Documents for execution. The Contractor will return the Contract Documents to the City for execution, after which we will issue a Notice to Proceed and schedule a preconstruction conference.

Please review the attached information and contact our office with any questions or comments at (262) 784-7690. Thank you for your consideration.

Sincerely,  
Applied Technologies, Inc.

  
James J. Smith, P.E.  
President

  
William A. Hein, P.E., P.L.S  
Project Manager

**Attachments**

cc: Glen Morrow, P.E.-Water Utility Manager  
Mike Roberts-Water/Sewer Superintendent




BID TAB  
 WATER TRANSMISSION MAIN CONTRACT A

Line	Item Description	Unit	Quantity	Engineer Estimate Unit Price	Extension	PTS Contractors, Inc. Unit Price	Extension	Veith & Company, Inc. Unit Price	Extension	A.W. Oakes & Son, Inc. Unit Price	Extension
<b>Base Bid - (STA 30+00 to STA 50+00)</b>											
1	Furnish and Install Silt Fence	LF	600	\$5.00	\$3,000.00	\$2.50	\$1,500.00	\$2.30	\$1,380.00	\$3.00	\$1,800.00
2	Clearing and Grubbing	LS	1	\$25,000.00	\$25,000.00	\$12,000.00	\$12,000.00	\$12,060.00	\$12,060.00	\$12,500.00	\$12,500.00
3	Connect to existing water main	EA	1	\$14,995.00	\$14,995.00	\$5,900.00	\$5,900.00	\$8,335.00	\$8,335.00	\$7,700.00	\$7,700.00
4	16-inch AWWA C-900 water main	LF	1005	\$285.00	\$286,625.00	\$345.00	\$345,725.00	\$278.00	\$279,390.00	\$320.00	\$321,600.00
5	16-inch fPVC HDD water main	LF	1050	\$500.00	\$525,000.00	\$275.00	\$288,750.00	\$317.79	\$333,679.50	\$340.00	\$357,000.00
6	16-inch butterfly valves	EA	8	\$12,500.00	\$100,000.00	\$4,725.00	\$37,800.00	\$5,980.50	\$47,684.00	\$5,400.00	\$43,200.00
Connection Coordination with Contract B											
7	(including 20"x16" reducer and end cap)	EA	2	\$20,415.00	\$40,830.00	\$8,000.00	\$16,000.00	\$9,588.50	\$19,177.00	\$7,900.00	\$15,800.00
8	Hydrant assemblies, including anchor tee,	EA	5	\$15,000.00	\$75,000.00	\$13,125.00	\$65,625.00	\$11,811.00	\$59,055.00	\$13,800.00	\$69,000.00
9	Topsoil, seed, and erosion mat	5Y	5500	\$15.00	\$82,500.00	\$9.50	\$52,250.00	\$12.29	\$67,595.00	\$10.00	\$55,000.00
10	Ditch Checks	EA	10	\$435.00	\$4,350.00	\$90.00	\$900.00	\$84.14	\$841.40	\$35.00	\$350.00
11	Gravel Driveway Replacement	5Y	410	\$25.00	\$10,250.00	\$11.00	\$4,510.00	\$36.98	\$15,161.80	\$14.00	\$5,740.00
12	HMA Driveway Replacement	5Y	350	\$65.00	\$22,750.00	\$50.00	\$17,500.00	\$60.58	\$21,203.00	\$63.00	\$22,050.00
13	Testing and Inspecting Allowance	LS	1	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
<b>Base Bid Total:</b>					<b>\$1,200,000.00</b>		<b>\$859,460.00</b>		<b>\$875,561.70</b>		<b>\$921,740.00</b>
<b>Alternate Bid 1 - PVC Water Main (STA 30+00 to STA 50+00)</b>											
A1	8-inch AWWA C-900 water main	LF	1005	\$285.00	\$286,625.00	\$268.00	\$269,340.00	\$198.80	\$199,794.00	\$240.00	\$241,200.00
<b>Alternate Bid 2 - 8-inch Water Main (STA 30+00 to STA 50+00)</b>											
A2	8-inch Ductile Iron Pipe, Class 52, water main	LF	1005	\$175.00	\$175,875.00	\$240.00	\$241,200.00	\$169.40	\$170,247.00	\$190.00	\$190,950.00
A3	8-inch fPVC HDD water main	LF	1050	\$375.00	\$388,750.00	\$170.00	\$178,500.00	\$144.47	\$151,695.50	\$210.00	\$220,500.00
A4	8-inch butterfly valves	EA	8	\$7,500.00	\$60,000.00	\$2,700.00	\$21,600.00	\$3,024.30	\$24,194.40	\$3,200.00	\$25,600.00
<b>Alternate Bid 3 - Water Services (STA 30+00 to STA 50+00)</b>											
A5	1-1/4-inch water service (long)	EA	4	\$10,000.00	\$40,000.00	\$11,215.00	\$44,860.00	\$7,746.20	\$30,984.80	\$6,500.00	\$26,000.00
A6	1-1/4-inch water services (short)	EA	1	\$5,000.00	\$5,000.00	\$4,375.00	\$4,375.00	\$4,419.00	\$4,419.00	\$3,600.00	\$3,600.00
A7	2-inch water service (long)	EA	1	\$15,000.00	\$15,000.00	\$12,625.00	\$12,625.00	\$8,508.00	\$8,508.00	\$7,300.00	\$7,300.00
A8	2-inch water service (short)	EA	1	\$5,000.00	\$5,000.00	\$4,700.00	\$4,700.00	\$4,905.00	\$4,905.00	\$4,200.00	\$4,200.00

BID TAB  
 WATER TRANSMISSION MAIN CONTRACT A

Line #	Item Description	Unit	Quantity	Engineer Estimate		The Wanasek Corp		Genesis Excavators, Inc.		Dorner, Inc. (No Bid Security Provided)	
				Unit Price	Extension	Unit Price	Extension	Unit Price	Extension	Unit Price	Extension
<b>Base Bid - STA 30+00 to STA 50+00</b>											
1	Furnish and Install Silt Fence	LF	600	\$5.00	\$3,000.00	\$3.00	\$1,800.00	\$3.00	\$1,800.00	\$2.30	\$1,380.00
2	Clearing and Grubbing	LS	1	\$25,000.00	\$25,000.00	\$12,020.00	\$12,020.00	\$13,750.00	\$13,750.00	\$11,570.00	\$11,570.00
3	Connect to existing water main	EA	1	\$14,995.00	\$14,995.00	\$8,950.00	\$8,950.00	\$12,500.00	\$12,500.00	\$5,408.00	\$5,408.00
4	16-inch AWWA C-900 water main	LF	1005	\$286.425	\$286,425.00	\$355.00	\$356,775.00	\$340.00	\$341,700.00	\$271.350	\$271,350.00
5	16-inch fPVC HDD water main	LF	1050	\$500.00	\$525,000.00	\$355.00	\$372,750.00	\$370.00	\$388,500.00	\$341.00	\$358,050.00
6	16-inch butterfly valves	EA	8	\$12,500.00	\$100,000.00	\$5,590.00	\$44,720.00	\$8,000.00	\$64,000.00	\$4,678.00	\$37,424.00
7	Connection Coordination with Contract B (including 20"x16" reducer and end cap)	EA	2	\$20,415.00	\$40,830.00	\$10,700.00	\$21,400.00	\$22,500.00	\$45,000.00	\$6,094.00	\$12,188.00
8	Hydrant assemblies, including anchor tee, lead, and valve	EA	5	\$15,000.00	\$75,000.00	\$15,790.00	\$78,950.00	\$24,500.00	\$122,500.00	\$11,597.00	\$57,985.00
9	Topsoil, seed, and erosion mat	SY	5500	\$15.00	\$82,500.00	\$10.00	\$55,000.00	\$12.00	\$66,000.00	\$9.50	\$52,250.00
10	Ditch Checks	EA	10	\$425.00	\$4,250.00	\$90.00	\$900.00	\$85.00	\$850.00	\$91.50	\$915.00
11	Gravel Driveway Replacement	SY	410	\$25.00	\$10,250.00	\$11.00	\$4,510.00	\$95.00	\$14,350.00	\$10.60	\$4,346.00
12	HMA Driveway Replacement	SY	350	\$65.00	\$22,750.00	\$60.00	\$21,000.00	\$70.00	\$24,500.00	\$50.00	\$17,500.00
13	Testing and Inspecting Allowance	LS	1	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00	\$10,000.00
<b>Base Bid Total</b>					\$1,200,000.00		\$988,775.00		\$1,105,450.00		\$840,366.00
<b>Alternate Bid 1 - PVC Water Main (STA 30+00 to STA 50+00)</b>											
A1	8-inch AWWA C-900 water main	LF	1005	\$285.00	\$286,425.00	\$315.00	\$316,575.00	\$286.00	\$287,430.00	\$192.00	\$192,960.00
<b>Alternate Bid 2 - 8-inch Water Main (STA 30+00 to STA 50+00)</b>											
A2	8-inch Ductile Iron Pipe, Class 52, water main	LF	1005	\$175.00	\$175,875.00	\$205.00	\$206,025.00	\$240.00	\$241,200.00	\$155.00	\$155,775.00
A3	8-inch fPVC HDD water main	LF	1050	\$275.00	\$288,750.00	\$205.00	\$215,250.00	\$250.00	\$262,500.00	\$172.00	\$180,600.00
A4	8-inch butterfly valves	EA	8	\$7,500.00	\$60,000.00	\$3,570.00	\$28,560.00	\$4,500.00	\$36,000.00	\$2,239.00	\$17,912.00
<b>Alternate Bid 3 - Water Services (STA 30+00 to STA 50+00)</b>											
A5	1-1/4-inch water service (long)	EA	4	\$10,000.00	\$40,000.00	\$9,010.00	\$36,040.00	\$8,500.00	\$34,000.00	\$6,899.00	\$27,596.00
A6	1-1/4-inch water services (short)	EA	1	\$5,000.00	\$5,000.00	\$7,890.00	\$7,890.00	\$7,000.00	\$7,000.00	\$3,345.00	\$3,345.00
A7	2-inch water service (long)	EA	1	\$15,000.00	\$15,000.00	\$9,800.00	\$9,800.00	\$9,000.00	\$9,000.00	\$7,542.00	\$7,542.00
A8	2-inch water service (short)	EA	1	\$5,000.00	\$5,000.00	\$6,550.00	\$6,550.00	\$8,000.00	\$8,000.00	\$3,805.00	\$3,805.00

APPROVAL 	REQUEST FOR COUNCIL ACTION	MTG. DATE December 19, 2023
Reports & Recommendations	<p align="center"><b>An Ordinance to Modify the Municipal Code Section 245-5 D. (4) Designating No Parking on South Side of W. Forest Hill Avenue in the Vicinity of Forest Park Middle School (8225 W. Forest Hill Avenue) and Modify the Municipal Code Section 245-5 F. Designating Parking in School Zones for Both Sides of S. 35th Street in the Vicinity of Southwood Glen Elementary School (9090 S. 35th Street)</b></p>	<p><b>ITEM NO.</b> Ald. Districts 1, 2, 3, 4 &amp; 6</p> <p align="right">Gr. 21.</p>

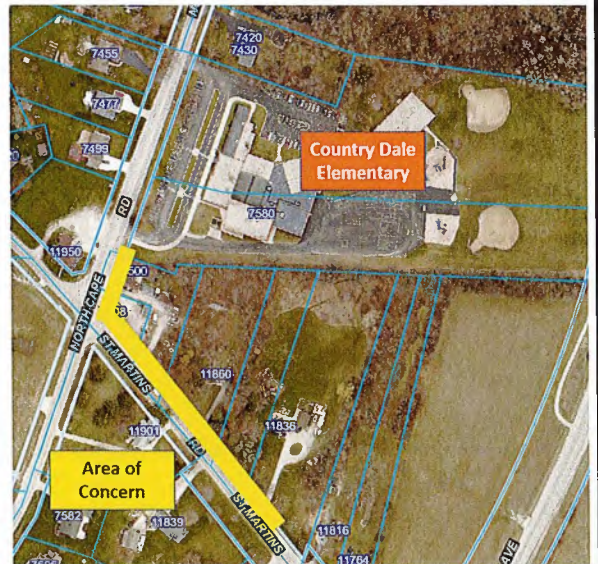
**BACKGROUND**

During the 2022-2023 school year, Staff received many complaints and concerns concerning various traffic congestion patterns surrounding several Franklin Public Schools, including Country Dale Elementary, Pleasant View Elementary, Robinwood Elementary, Southwood Glen Elementary, and Forest Park Middle Schools. Staff met with many school officials and implemented several temporary fixes. The temporary fixes were evaluated in December 2023 and all are found to have a positive effect. The Board of Public Works discussed these fixes at the December 12, 2023 meeting and are recommending that the temporary fixes be made permanent, including two fixes that require changes to the municipal code section 245-5 D “No Parking.”

**ANALYSIS**

Country Dale Elementary (7380 S. North Cape Road) had an issue with parents/grandparents lining up along W. St. Martins Road and S. North Cape Road at the end of the school day. Adjacent businesses and homeowners would be blocked in/out of their driveway during these times.

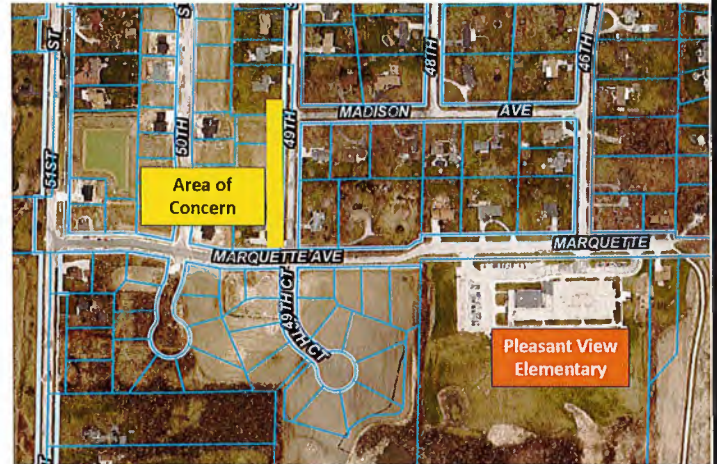
Discussions with the Police Department resulted in posting signage that references State Statute 346-53 “*Parking prohibited in certain specified places. No person shall stop or leave any vehicle standing in any of the following places except temporarily for the purpose of and while actually engaged in loading or unloading or in receiving or discharging passengers and while the vehicle is attended by a licensed operator so that it may promptly be moved in case of an emergency or to avoid obstruction of traffic: ... (2) In an alley in a business district ....(4) Within 4 feet of the entrance to an alley or a private road or driveway...*”



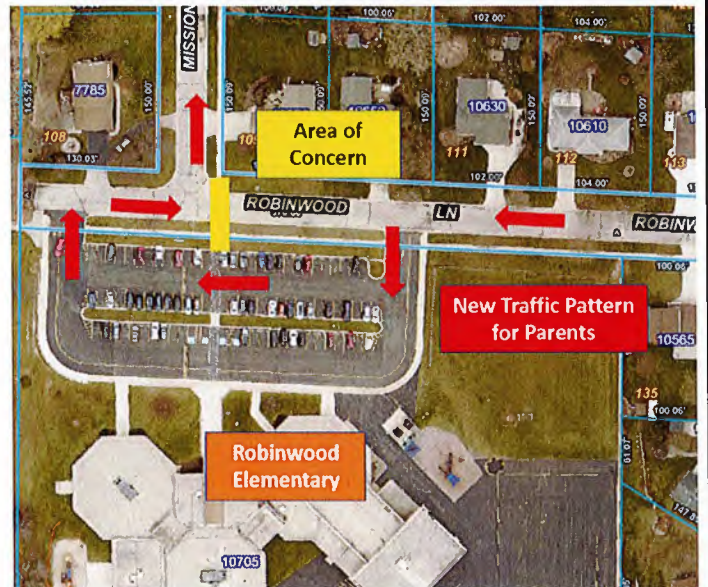
Posting of these signs appear to have greatly alleviated the issues and no change to the Franklin municipal code is needed.



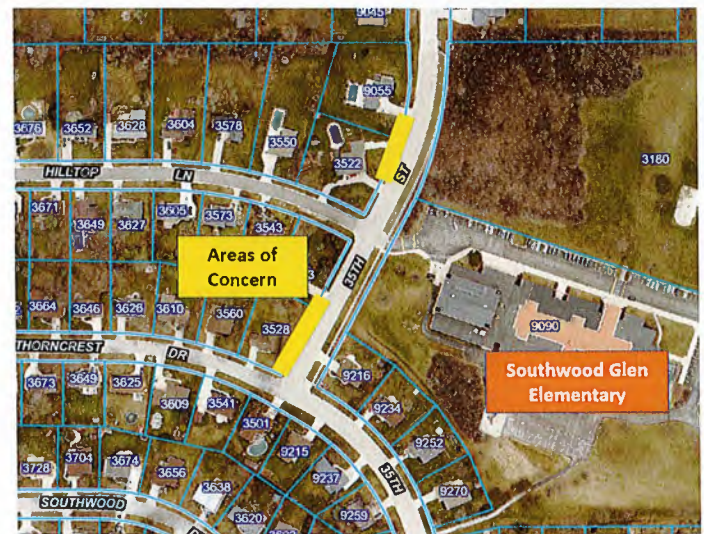
Pleasant View Elementary (4601 W. Marquette Avenue) also had issues with end of day blocking of driveways. The construction of the W. Marquette Avenue extension has helped, but many parents/grandparents still line up along S. 49<sup>th</sup> Street. The 346-53 signs were of assistance for this location also. Staff received very positive feedback from the Pleasant View Elementary principal. No change to the Franklin municipal code is needed.



Robinwood Elementary (10705 W. Robinwood Lane) had issues with safety in the crosswalk at W. Robinwood Lane near S. Mission Drive. Traffic patterns were changed for parent/grandparent pickup/drop-off (no changes for the school busses). In addition, portable signage in the crosswalk is now used during the pickup/drop off times to caution the drivers and make the crossing location more noticeable. Staff received very positive feedback from the Robinwood Elementary principal. No change to the Franklin municipal code is needed.



Southwood Glen Elementary (9090 S. 35<sup>th</sup> Street) had some issues with waiting cars causing vision restrictions and turning patterns for the school busses. No Parking zones during morning and afternoons on school days was adopted by Ordinance 2018-2347. The temporary signage extended these zones to the north and to the south on the west side of S. 35<sup>th</sup> Street. Very positive feedback from the Southwood Glen Elementary principal.



Restrictions during school times only was not discussed at the Board of Public Works meeting. This extension of the parking restrictions requires an ordinance change to the Franklin municipal code section 245-5 F. Parking in School Zones.

Forest Park Middle School (8225 W. Forest Hill Avenue) had parents/grandparents waiting for children along W. Forest Hill Avenue. At 22-feet +/- width, W. Forest Hill Avenue is not made to accommodate parking and allowing ample two-way traffic. The area east of S. Forest Meadows Drive has been posted no-parking and has helped immensely. The School is planning an expansion to the administration building (8255 W. Forest Hill Avenue) and athletic fields to the west, so the Board of Public Works debated the benefit of allowing parking to be a problem to the west then

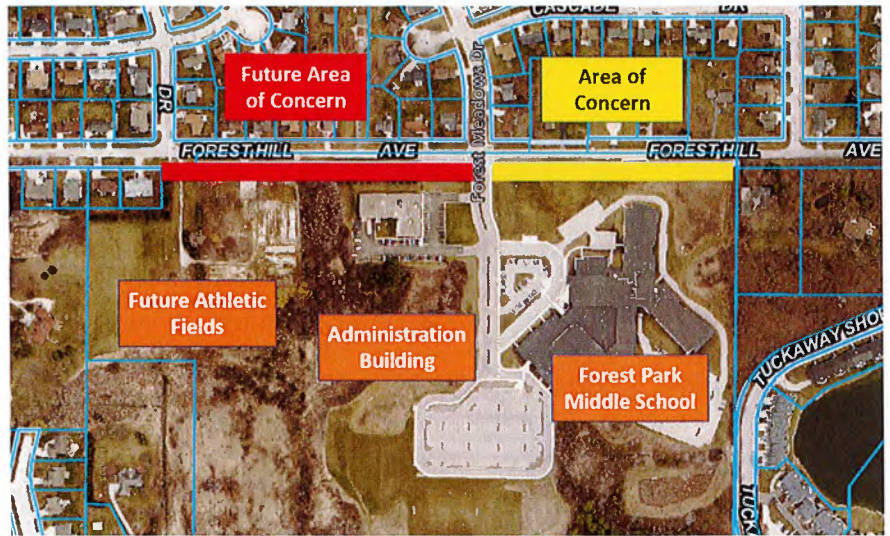


restricting parking, or restricting parking before the construction of the athletic fields and don't allow it to ever be a problem. The decision was made to restrict parking now along the entirety of the school property and avoid the inevitable future problems.

The Board of Public Works did not discuss the hours of restrictions. Staff recommends that because of the varied times for the use of the athletic fields, the parking restrictions be implemented at all times. Changes to W. Forest Hill Avenue does require an ordinance change to the Franklin

municipal code section 245-5 D. (4) no parking at any time.

An alternate consideration might be to implement full time restrictions east of S. Forest Meadows Drive (§ 245-5 D. (4)) and only parking restrictions morning and afternoon times west of S. Forest Meadows Drive (§ 245-5 F.) to S. Four Oaks Drive.



### **OPTIONS**

- A. Time restricted parking on S. 35<sup>th</sup> Street in the vicinity of Southwood Glen Elementary School north and south of W. Hilltop Lane during morning and afternoon times as illustrated herein; and/or
- B. Full time restricted parking on W. Forest Hill Avenue in the vicinity of Forest Park Middle School; or
- C. Full time restricted parking on W. Forest Hill Avenue east of S. Forest Meadows Drive and time restricted parking west of S. Forest Meadows Drive (to S. Four Oaks Drive).
- D. Other direction to Staff.

### **FISCAL NOTE**

No impact to the budget. DPW can handle the additional signs in the existing operating budget.

### **RECOMMENDATION**

(Options A & B) Adopt Ordinance 2023-\_\_\_\_ an ordinance to modify the municipal code section 245-5 D. (4) designating no parking on south side of W. Forest Hill Avenue in the vicinity of Forest Park Middle School (8225 W. Forest Hill Avenue) and modify the municipal code section 245-5 F. designating parking in school zones for both sides of S. 35<sup>th</sup> Street in the vicinity of Southwood Glen Elementary School (9090 S. 35<sup>th</sup> Street).

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

ORDINANCE NO. 2023-\_\_\_\_\_

AN ORDINANCE TO MODIFY THE MUNICIPAL CODE SECTION 245-5 D. (4)  
DESIGNATING NO PARKING ON  
SOUTH SIDE OF W. FOREST HILL AVENUE IN THE  
VICINITY OF FOREST PARK MIDDLE SCHOOL (8225 W. FOREST HILL AVENUE)  
AND MODIFY THE MUNICIPAL CODE SECTION 245-5 F.  
DESIGNATING PARKING IN SCHOOL ZONES FOR  
BOTH SIDES OF S. 35TH STREET IN THE VICINITY OF  
SOUTHWOOD GLEN ELEMENTARY SCHOOL (9090 S. 35TH STREET)

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WHEREAS, traffic congestion patterns were occurring around various Franklin Public Schools before and after the school day; and

WHEREAS, some temporary parking restrictions seemed to eliminate the traffic congestion patterns; and

WHEREAS, the Board of Public Works discussed the traffic patterns and the found effect of the temporary parking restrictions; and

WHEREAS, the Board of Public Works recommended to the Common Council that the temporary parking restrictions be made permanent.

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

SECTION I. Section 245-5 D. (4) of the Municipal Code of the City of Franklin is hereby amended as follows [note deletions appear in strike-through text, additions appear in double-underlined text]:

ADD:

Name of Street	Sides	Location
<u>W. Forest Hill Avenue</u>	<u>South</u>	<u>From a point 795 feet east of S. Forest Meadows Drive to S. Four Oaks Drive</u>

SECTION II. Section 245-5 F. of the Municipal Code of the City of Franklin is hereby amended as follows [note deletions appear in strike-through text, additions appear in double-underlined text]:

AMEND:

Name of Street	Sides	Location
S. 35 <sup>th</sup> Street	East <b>and</b> west	100 feet south of W. Hilltop Lane right-of-way
<del>S. 35<sup>th</sup> Street</del>	<del>West</del>	<del>50 feet north of W. Hilltop Lane right-of-way</del>
<u>S. 35<sup>th</sup> Street</u>	<u>West</u>	<u>Commencing from W. Thorncrest Drive to a point 225 feet north of the W. Hilltop Lane right-of-way</u>

INTRODUCED at a regular meeting of the Common Council of the City of Franklin this  
\_\_\_\_\_ day of \_\_\_\_\_, 2023, by Alderman \_\_\_\_\_.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the  
\_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>[Signature]</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>12/19/2023</b></p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>Geographic Marketing Advantage, LLC Agreement for Geographic Information System (GIS) Support and Database Maintenance Services for 2024</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;"><i>G 22</i></p>

Geographic Marketing Advantage, LLC has served as the City's primary consultant and business partner for GIS services for several years. City staff is very pleased with this company's and its employees' performance and recommends continuing this relationship for an additional year. The owner, Todd Niedermeyer, and his employee, Brian Fausel, have been extremely responsive in addressing the City's needs and remaining dedicated to continuing to move GIS forward.

Staff seeks authority to execute a contract, extending the term through 2024, with the same rates and contract amount as the current 2023 agreement:

- GIS Project Manager (Todd): \$104.69 per hour
- Technical/Mapping Support (Brian): \$73.66 per hour

This contract is funded as follows: approximately 78% by the General Fund and about 22% split between the Sewer and Water Enterprise Funds.

The total contract amount of \$145,860 includes \$3,180 for "additional services" that would be required to be authorized in writing if needed. This allows for some discretionary hours for the Director of Administration to draw on this resource if needed. This 2024 contract is in the same form as the 2023 and prior contracts. A marked-up copy of the current contract is attached for your reference.

Staff recommends approval.

**COUNCIL ACTION REQUESTED**

Motion to approve the agreement with Geographic Marketing Advantage, LLC for Geographic Information System (GIS) Support and Database Maintenance Services for 2024 and authorize the Director of Administration to execute and administer the contract effective January 1, 2024.

**PROFESSIONAL SERVICES AGREEMENT**

This AGREEMENT, made and entered into this \_\_\_\_ day of \_\_\_\_\_, 2023, between the City of Franklin, 9229 West Loomis Road, Franklin, Wisconsin 53132 (hereinafter "CLIENT") and Geographic Marketing Advantage, LLC, a Wisconsin Limited Liability Corporation (hereinafter "CONSULTANT"), whose principal place of business is 8757 W Elm Ct, Franklin, WI 53132

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**WITNESSETH**

WHEREAS, CONSULTANT is duly qualified and experienced as a consultant and has offered services for the purposes specified in this AGREEMENT, and

WHEREAS, in the judgment of CLIENT, it is necessary and advisable to employ CONSULTANT in connection with outsourcing the design, development, and operation of an enterprise GIS for the City of Franklin.

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

**I. BASIC SERVICES AND AGREEMENT ADMINISTRATION**

- A CONSULTANT shall provide services to CLIENT for the continuation of services for operation and support of the City of Franklin's GIS and for performing updates and maintenance to the GIS database. Services to be provided under this AGREEMENT are provided in Attachment A.
- B CONSULTANT shall serve as CLIENT's professional representative in matters to which this AGREEMENT applies, and will give consultation and advice to CLIENT during the performance of said services. CONSULTANT may employ the services of outside consultants and subcontractors when deemed necessary by CONSULTANT to complete work under this AGREEMENT.
- C CONSULTANT is an independent contractor and all persons furnishing services hereunder are employees of, or independent subcontractors to, CONSULTANT and not of CLIENT. All obligations under the Federal Insurance Contribution Act (FICA), the Federal Unemployment Tax Act (FUTA), and income tax withholding are the responsibility of CONSULTANT as employer. CLIENT understands that express AGREEMENTS may exist between CONSULTANT and its employees regarding extra work, competition, and nondisclosure.
- D During the term of this AGREEMENT and throughout the period of performance of any resultant AGREEMENT, including extensions, modifications, or additions thereto, and for a period of one (1) year from the conclusion of such activity, the parties hereto agree that neither shall solicit for employment any technical or professional employees of the other without the prior written approval of the other party.

E CONSULTANT maintains certain copyrighted source documents that are subject to periodic independent evaluation and updates CONSULTANT reserves the right to use copyrighted source documents and be compensated for such use, in an amount as mutually agreed upon, when it is necessary or convenient to accomplish the Basic Services covered by this AGREEMENT, and the fee for such use would be less than or equal to the cost of providing the same service through the creation of original source documents For all copyrighted works provided to CLIENT, CONSULTANT grants CLIENT permission to reproduce such works in any manner; prepare derivative works, and lend, lease, rent, or transfer ownership to any private or public entity involved with the operation, financing, and use of the City of Franklin GIS CLIENT agrees that the use of materials prepared from copyrighted source documents will be limited to the project needs encompassed by this AGREEMENT Use of materials prepared from copyrighted source documents for other purposes shall be limited to reproduction for criticism, comment, news reporting, teaching, scholarship, research, or similar activities covered by the "fair use" principles of the copyright law All copyrighted source documents will be clearly marked by the CONSULTANT

## II. FEES AND PAYMENTS

CLIENT agrees to pay CONSULTANT, for and in consideration of the performance of Basic Services further described in Attachment A for a total not-to-exceed cost in the amount of \$145,860, in accordance with Attachment "B" and subject to the terms detailed below

A CONSULTANT may bill CLIENT and be paid for all work satisfactorily completed hereunder on a monthly basis CLIENT agrees to pay undisputed CONSULTANT's invoice within 30 days of invoice date for all approved work.

B CONSULTANT will invoice CLIENT on an hourly basis for tasks identified in Attachment A Total cost will not exceed \$145,860 unless changes to the project budget are specifically agreed upon by CONSULTANT and CLIENT and documented in writing. For services rendered, invoices will clearly state the percentage of work completed and the fee earned.

C In consideration of the faithful performance of this AGREEMENT, the CONSULTANT will not exceed the fee for Basic Services and expenses without written authorization from CLIENT to perform work over and above that described in the original AGREEMENT

D Should CLIENT find deficiencies in draft and final reports, it will notify CONSULTANT in writing within thirty (30) days of receipt of report and the CONSULTANT will remedy the deficiencies within thirty (30) days of receiving CLIENT's review

E CONSULTANT shall not initiate any services prior to January 1, 2024 and shall complete all services covered by this AGREEMENT by December 31, 2024, excepting for delays caused through no fault of the CONSULTANT or except when continued month-to-month as provided for herein.

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### III. MODIFICATION AND ADDITIONAL SERVICES

- A CLIENT may, in writing, request changes in the Basic Services required to be performed by CONSULTANT under this AGREEMENT. Upon acceptance of the request of such changes, CONSULTANT shall submit a "Change Order Request Form" to CLIENT for authorization and notice to proceed signature and return to CONSULTANT. Should any such actual changes be made, an equitable adjustment as mutually agreed upon will be made to compensate CONSULTANT for any incremental labor or direct costs. Any claim by CONSULTANT for adjustments hereunder must be made to CLIENT in writing no later than forty-five (45) days after receipt by CONSULTANT of notice of such changes from CLIENT.
- B CLIENT and CONSULTANT reserve the right to subsequently amend this AGREEMENT to include additional services. Compensation and schedule for completion for additional services will be as agreed by CLIENT and CONSULTANT prior to the start of work on said additional services and may be incorporated as an Addendum to this AGREEMENT.

### IV. ASSISTANCE AND CONTROL

- A Todd Niedermeyer, or designee, will perform the work of the CONSULTANT, and be solely responsible for communication within the CLIENT's organization as related to all issues originating under this AGREEMENT.
- B CLIENT will timely provide CONSULTANT with all available information concerning PROJECT as deemed necessary by CONSULTANT.
- C CONSULTANT will appoint, subject to the approval of CLIENT, Todd Niedermeyer as CONSULTANT's Project Manager and other key providers of the Basic Services. Substitution of other staff may occur only with the consent of CLIENT.
- D CONSULTANT shall maintain all records pertaining to this AGREEMENT until at least three (3) years following its completion of the services hereunder and CLIENT shall have the right to inspect and copy such records upon request.

### V. TERMINATION

- A This AGREEMENT may be terminated by either party to this AGREEMENT upon thirty (30) days written notice. Upon such termination by CLIENT, CONSULTANT shall be entitled to payment of such amount as shall fairly compensate CONSULTANT for all work performed and expenses incurred up to the date of termination, except that no amount shall be payable for any losses of revenue or profit from any source outside the scope of this AGREEMENT, including but not limited to, other actual or potential AGREEMENTs for services with other parties.
- B In the event that this AGREEMENT is terminated for any reason, CONSULTANT shall deliver to CLIENT all data, reports, summaries, correspondence, and other

written, printed, or tabulated material pertaining in any way to Basic Services that CONSULTANT may have accumulated. Such material is to be delivered to CLIENT whether in completed form or in process CLIENT shall hold CONSULTANT harmless for any work that is incomplete due to early termination.

- C The rights and remedies of CLIENT and CONSULTANT under this section are not exclusive and are in addition to any other rights and remedies provided by law or appearing in any other article of this AGREEMENT

## **VI. INSURANCE**

The CONSULTANT shall, during the life of the AGREEMENT, maintain insurance coverage with an authorized insurance carrier at least equal to the minimum limits set forth below

A. Limit of General/Commercial Liability	\$1,000,000
B Automobile Liability: Bodily Injury/Property Damage	\$1,000,000
C Workers' Compensation and Employer's Liability	Per Statute
D Professional Liability	\$1,000,000

Upon the execution of this AGREEMENT, CONSULTANT shall supply CLIENT with a suitable statement certifying said protection and defining the terms of the policy issued, which shall specify that such protection shall not be cancelled without thirty (30) calendar days written notice to CLIENT

The CONSULTANT agrees, to the fullest extent permitted by law, to indemnify, defend, and hold harmless the CLIENT from any damage, liability or cost, including reasonable attorney's fees and costs of defense, arising from any negligent or intentional and wrongful act or omission of CONSULTANT

## **VII. TIME FOR COMPLETION**

Subject to the conditions of Section II E , CONSULTANT shall commence immediately upon receipt of a Notice to Proceed to complete all work required herein. The CONSULTANT shall exert all reasonable effort to adhere to the services in Attachment A except that the services may be notified with the approval of CLIENT and shall be extended day for day for any delay introduced during CLIENT's review of products or in the general conduct of the project.

## **VIII. DISPUTES**

This AGREEMENT shall be construed under and governed by the laws of the State of Wisconsin. The venue for all actions arising under this AGREEMENT shall be the circuit Court for Milwaukee County The prevailing party shall be awarded its actual costs of any such litigation, including reasonable attorney fees

## **IX. CONFIDENTIALITY**

CONSULTANT shall keep confidential, except as may be required to perform its obligations under this AGREEMENT, any and all confidential information of the CLIENT of which the

CONSULTANT has knowledge, possession, or to which the CONSULTANT has access This confidentiality obligation shall survive the termination of this AGREEMENT

**X. TERM**

This AGREEMENT shall cover a period including all of calendar year 2024 and shall continue thereafter on a month-to-month basis, at the fixed hourly rates provided for herein, until such time that the AGREEMENT is terminated, as provided for herein, or modified or extended by a separate, future AGREEMENT

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**XI. AMENDMENTS TO THE AGREEMENT**

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

IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed on the day and year first above written.

City of Franklin, Wisconsin

Geographic Marketing Advantage, LLC

BY \_\_\_\_\_

BY \_\_\_\_\_

PRINT NAME. Kelly Hersh

PRINT NAME. Todd Niedermeyer

TITLE. Director of Administration

TITLE. President, Sole Member

DATE. \_\_\_\_\_

DATE. \_\_\_\_\_

**Attachment A**

**Continued GIS Support and Services for 2024**

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**On-Site Management and Technical Support of GIS Operation**

- Continue communications and coordination with the City's Administration and Information Technology Support Providers
- Provide GIS technical and programming services as needed by the City
- Setup login parameters for ArcGIS licenses
- Support GIS database management.
- Evaluate data quality and data errors.
- Provide GIS user support
- Produce product to support special requests, including but not limited to map development.
- Provide continued documentation, instruction and training related to GIS
- Installation of GIS related software and software updates
- Load new and revised GIS data.
- Provide other applicable support as needed by the City
- Provide training on GIS applications and tools, including website tools
- Perform GIS database updates and maintenance, including related applications.
- Work with ESRI Products and Services
- Help develop, support, and promote additional GIS applicability and use throughout City Departments
- Maintenance and continued development, with approval of the Director of Administration, of the web-based GIS portal used for public access to mapping services

**Attachment B**

**Geographic Marketing Advantage, LLC  
TOTAL "NOT-TO-EXCEED" BUDGET  
for  
Continued On-Site Support Services And  
GIS Database Updates and Maintenance**

<b>Service</b>	<b>Approx. Number of Hours Per Week</b>	<b>Approx. Number of Weeks</b>	<b>Approx. Total Hours</b>	<b>Fixed Hourly Rate</b>	<b>Budget</b>
On-Site Administrative and Project Management Support of GIS Operations (Project Manager)	16	50	800	\$104 69	\$83,752
Technical and Mapping Support	16	50	800	\$73 66	\$58,928
<b>Total Estimated Expenditure</b>					\$142,680
<b>Available for Additional Services Authorized in Writing</b>					\$3,180
<b>Total "Not to Exceed"</b>					\$145,860



<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;">HK</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>12/19/2023</b></p>
<p style="text-align: center;"><b>REPORTS AND RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>Request Council Approval of an updated Job Description for the Administrative Assistant Position that was formally the Secretary Position.</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G 23</p>

**Background:**

The Franklin Clerk's Department currently has been updating old, outdated job descriptions within the department. The Clerk's Secretary position job description has not been updated since December 2008. Since the job description was 15 years old and grossly outdated, I worked with staff and Human Resources to update the job description and salary level.

After careful consideration and in alignment with the evolving needs of the City and Clerk's Department, we have made certain modifications to better reflect the responsibilities and expectations associated with this role.

I have included the old job description as well as a draft of the new job description and title change to be effective immediately after approval by Common Council.

The main reason for the changes is due to the ever-evolving list of duties created over time with changes in election laws, as well as changing practices within the City and additional duties involved in preparing for fairs/festivals throughout the City. There will be little impact on the staff currently performing these job duties as she has continually taken on the extra duties as they have arisen over time including additional responsibilities while there is an open position within the Department. The changes that have occurred are being reflected in the updated job description and title change.

We believe that these updates will contribute to the continued success of our team and the overall achievement of the City's goals

**Requested Action:**

The Clerk's Department is requesting approval of the updated job description for an Administrative Assistant position. This position would replace the Clerk's Secretary position. This position will also be used as a recruitment tool for the open position within the Clerk's Department.

**COUNCIL ACTION REQUESTED**

**Request to Approve the updated Job Description for the Administrative Assistant Position that  
was formally the Secretary Position.**



Date: 12/12/2023

To: Personnel Committee

From: Dana Zahn, Human Resources Manager

RE: Revised Job Descriptions for 2 Clerk's Department Positions

Karen Kastenson, Director of Clerk Services, has updated the job descriptions for her current Secretary and Administrative Clerk positions. Although some of the updated job duties were incorporated into the salary grade determinations when the Classification and Compensation Study were done in December 2015, the job descriptions were never formally updated.

Karen did request an upgrade of both positions to be 2 salary grades higher than the current positions, however, Kelly Hersh and I evaluated the job duties along with the submitted Job Analysis Questionnaires, and determined the change in duties warrant an increase of only 1 salary grade. (It would be quite rare for a position to change so drastically to warrant a change of 2 salary grades.)

We propose the Secretary title be changed to Administrative Assistant – Clerk's Dept. to be consistent with other Administrative positions, and the Administrative Clerk position to be retitled as a Permit/Licensing Specialist.

Staff has agreed that these positions needed to be re-evaluated and believe we also need to review our Secretary positions in the Inspections Department and the Planning Department as well. Department Heads have also requested that a few other positions be reviewed. These will be done in the near future.

The Clerk's Department Job Descriptions are being brought forward at this time as we currently have a vacant position which needs to get posted. Having an accurate job description and commensurate salary is important to attract the best qualified applicant.

Karen will be in attendance at the Personnel Committee meeting to answer any specific questions regarding the revisions to the job descriptions.

**Requested Motion: Motion to approve the 2 revised job descriptions for positions in the Clerk's Department, including the Job Titles and Salary Grades.**

**CITY OF FRANKLIN**  
**Job Description**

**Job Title:** Secretary

**Department:** City Clerk

**Appointing Authority:** Director of Clerk Services

**Reports To:** Director of Clerk Services

**Salary Level:** Non-Supervisory Level 15

**FLSA Status:** Non-Exempt

**Prepared By:** Sandra L. Wesolowski, Director of Clerk Services

**Prepared Date:** December 2008

**Approved By:** Resolution 2008-

**Approved Date:** **December 16, 2008**

**Summary**

Provides secretarial support with the daily activities of the City Clerk's Office through a broad range of clerical duties.

**Essential Duties and Responsibilities** include the following:

Perform routine clerical and administrative work in answering phones, receiving the public, and providing customer assistance including answering the central telephone system and directing calls accordingly.

Compose, type and edit a variety of correspondence including letters, reports, memoranda, and other material requiring judgment as to content, accuracy and completeness.

Establish and maintain filing systems, records, and indexes.

Use Statewide Voter Registration System to assist with registering new voters, handling absentee voters and ballots, and answering voter questions at the counter and via phone.

Assist in processing license applications including using Govern software.

Enter records into various computer databases.

Prepare agendas and minutes.

Assist in the procurement of and maintaining inventories of department materials and supplies.

Receive and distribute incoming mail and process outgoing mail.

Other duties as assigned by the Director of Clerk Services.

**Supervisory Responsibilities**

None

### **Qualifications**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

### **Education and/or Experience**

Graduation from high school or GED equivalent with specialized course work in general office practices such as typing, filing, and two (2) to three (3) years of increasingly responsible related experience.

### **Language Skills**

Ability to read and interpret general business periodicals, professional journals, technical procedures, or governmental regulations. Ability to write reports, business correspondence, and procedure manuals. Ability to effectively present information and respond to questions from groups of managers, clients, customers, and the general public.

### **Mathematical Skills**

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

### **Reasoning Ability**

Ability to apply common sense understanding to carry out detailed written or oral instructions. Ability to deal with problems involving a few concrete variables in standardized situations.

### **Computer Skills**

To perform this job successfully, an individual should have knowledge of Microsoft Excel Spreadsheet software, Microsoft Word and Outlook, and Internet Explorer software. Ability to work with and proficiently learn various computer software/hardware and other computer related equipment.

### **Certificates, Licenses, Registrations**

Maintains user certification for Statewide Voter Registration System.

### **Physical Demands**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit, walk, talk, and hear. The employee is occasionally required to use hands and fingers to operate, handle, or feel objects, tools, or controls; and reach with hands and arms.

The employee must occasionally lift and/or move up to 15 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

### **Work Environment**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable

accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed primarily in an office setting. The noise level in the work environment is usually quiet to moderate.

### **Other Qualifications**

May be required to work additional hours to assist with election and licensing duties.

Ability to type 45 words per minute.

Ability to work under pressure with frequent interruptions.

Working knowledge of government operations desired.

Some knowledge of accounting principles and practices.

Skill in operation of personal computer including word processing software, telephone, copy machine, shredder, fax machine, calculator, and other office machines.

Ability to effectively meet and deal with the public and communicate in writing and verbally.

Ability to make independent judgments which have moderate impacts on the organization and exercises rational judgment in all job responsibilities.

### **Other Skills and Abilities**

Ability to maintain strict confidentiality.

Responsible for implementation of new department equipment and contact with vendors for support.

Serve on various employee or other committees as assigned.

### **Miscellaneous**

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

CITY OF FRANKLIN  
Job Description

**Job Title:** ~~Confidential Clerk~~ Administrative Assistant – Clerk's Dept.  
**Department:** Clerk's Office  
**Appointing Authority:** Director of Clerk Services ~~/City Clerk~~  
**Reports To:** Director of Clerk Services ~~/City Clerk~~  
**Salary Level:** Salary Range 4-3  
**FLSA Status:** Non-Exempt  
**Prepared By:** Karen L. Kastenson, Director of Clerk Services ~~/City Clerk &~~  
Dana Zahn, Human Resources Manager

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**Prepared Date:** November 1, 2023

**Approved By:** Common Council

**Approved Date:**

**Summary**

Providing administrative support to Clerk's office staff and other City Staff when deemed necessary. Performs a variety of confidential, complex and routine clerical, secretarial and administrative work in the keeping of elections and licensing related documents, reports and records. Assists in administration of the operating policies and procedures of the department.

**Essential Duties and Responsibilities** include the following.

Performs routine clerical and administrative work in answering phones, receiving the public and providing customer assistance and refers, when necessary, to appropriate persons, data processing, ordering/purchasing office/miscellaneous supplies, duplicating and distributing materials, and maintain office files.

Schedules appointments for Director of Clerk Services and Deputy Clerk.

Composes, types and edits a variety of confidential correspondence including, reports, memoranda, background reports, and other classified material requiring judgment as to content, accuracy and completeness.

Coordinates the office operations, including miscellaneous supplies, duplicating and distributing materials, and maintain~~ing~~ office files.

Develops and maintains office forms and procedures and assists with administrative tasks involving licensing, meetings preparation and elections.

Prepares required Wisconsin Department of Justice background checks for all operators, transient merchants, and vendors for all City related events.

Prepares outgoing mail, sorts and distributes incoming mail and parcel packages and travels to and from the post office for daily mail runs and special mailings.

Remains current on election laws.

Receives in-coming telephone calls for the entire City, and provides information as needed and routes callers to appropriate personnel throughout the City.

Assists the Director of Clerk Services with processing requests for open record requests for residents, staff, and the District Attorney's office, the news media, and Wisconsin Elections Commission.

Acts as one of the system administrators for WisVote.

Reviews, coordinates and processes licenses and permits in BS&A software.

Enters and updates voter information into WisVote for all elections.

Assists with supplemental reports for the annual budget preparation.

Works directly with the Treasurer's office in processing payments for licensing, permits, transient vendors, and merchants for community events and fairs.

Assists with meeting agendas and minutes for various committee meetings. Prepares agendas and minutes for License Committee and St. Martins Fair meetings.

Assists Deputy Clerk in preparing agendas, minutes, and the meeting shell for Common Council meetings.

Researches and collects price quotes for comparison on department equipment (furniture, copiers, faxes, electronic screens, postage machine, etc.) in order to obtain a quality product at the best possible price. Maintains inventory and order office supplies, materials, and forms.

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Arranges for maintenance on department equipment as necessary (printers, mail room equipment, etc.)

Assists the public with the use of City facilities and processing park rentals and issuing deposit refunds.

Assists City staff with brochures, newsletters, mailings, etc.

~~Assists with City events by sending out correspondence and performing background checks on all vendors for Civic Celebrations and St. Martins Fair through the Department of Justice.~~

Assists with voter registrations, in-person voting, and set-up and take down of election equipment.

~~Assists with meeting agendas and minutes for various committee meetings.~~

Inputs data to standard office and department forms, and compiles tabulated data for elections, licensing and City-wide events.

~~Maintains inventory and order office supplies and materials.~~

~~Maintains inventory of printed materials and forms, and recreates or order as necessary.~~

Prepares Property Assessment letters in the absence of the Permit ~~Coordinator~~/ License Specialist.

Processes Ordinances and Resolutions after approval at Common Council Meeting.

Performs other administrative and clerical duties.

~~Exercises rational judgment in all job responsibilities.~~

~~Maintains the confidence and trust of peers, subordinates, superiors, and citizens.~~

Runs departmental errands as needed.

Any and all other duties as assigned by the Director of Clerk Services or Deputy Clerk.

**Supervision Received:**

Works under the general supervision of the Director of Clerk Services.

**Supervision Exercised:**

None.

**Qualifications**

To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

**Education and/or Experience**

Graduation from high school or GED equivalent with specialized course work in general office practices such as typing, filing, accounting and bookkeeping, and two (2) years of increasingly responsible related experience.

**Language Skills**

Ability to read, analyze, and interpret general business periodicals, professional journals, technical procedures, or governmental regulations. Ability to write reports, business correspondence, and procedure manuals. Ability to effectively present information and respond to questions from groups of managers, clients, customers, and the general public.

**Mathematical Skills**

Ability to add, subtract, multiply, and divide in all units of measure, using whole numbers, common fractions, and decimals. Ability to work with mathematical concepts such as probability and statistical inference. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

**Reasoning Ability**

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

**Computer Skills**



To perform this job successfully, an individual should have knowledge of Windows and the Microsoft Office Suite (Excel, Word, Outlook, Access, and PowerPoint). Ability to work with a variety of computer hardware and other computer related equipment.

**Certificates, Licenses, Registrations**

Driver's license required.

Certification within 6 months of hire by the Wisconsin Elections Commission is required.

Notary Public within 6 months of hire is required.

**Physical Demands**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit, walk, talk, and hear. The employee is occasionally required to use hands and fingers to operate, handle, or feel objects, tools, or controls; and reach with hands and arms.

The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

**Work Environment**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed primarily in an office setting. ~~It may be expected that the individual will be exposed to blood or other potentially infectious materials.~~—The noise level in the work environment is usually quiet to moderate.

**Other Qualifications**

Ability to maintain strict confidentiality.

~~Ability to type 45 wpm.~~

Working knowledge of computers and electronic data processing.

Working knowledge of modern office practices and procedures.

Working knowledge of Clerk's Department operations.

Working knowledge of Elections.

Some knowledge of accounting principles and practices.

Skill in operation personal computer including word processing software, telephone switchboard, copy machine, shredder, fax machine, calculator, typewriter, and telephone.

Ability to effectively meet and deal with the public.

Exercises rational judgment in all job responsibilities.

Maintains the confidence and trust of peers, subordinates, superiors, and citizens.

Ability to multi-task.

Ability to effectively communicate in writing and verbally.

Ability to handle stressful situations.

~~Ability to make logical decisions under imminent situations.~~

Ability to make independent judgments which have ~~moderate~~ minor impacts on the organization.

**Other Skills and Abilities**

Shared responsibility for implementation of new department equipment and software, and contact with vendors for support.

Serve on various employee or other committees as assigned.

Assist with performance duties of other department personnel as required.

**Miscellaneous**

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;">K</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>12/19/2023</b></p>
<p style="text-align: center;"><b>REPORTS AND RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>Request Council Approval of an updated Job Description for the Permit Licensing Specialist Position that was formally the Administrative Clerk Position.</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G.24.</p>
<p><b>Background:</b> The Franklin Clerk's Department currently has been updating old, outdated job descriptions within the department. The Administrative Clerk position job description has not been updated since September 2002. Since the job description was 21 years old and grossly outdated, I worked with staff and Human Resources to update the job description and salary level.</p> <p>After careful consideration and in alignment with the evolving needs of the City and Clerk's Department, we have made certain modifications to better reflect the responsibilities and expectations associated with this role.</p> <p>I have included the old job description as well as a draft of the new job description and title change to be effective immediately after approval by Common Council.</p> <p>The main reason for the changes is due to the ever-evolving list of duties created over time with changes in election laws, as well as changing practices within the City and at the State level with regard to licensing and fairs/festivals. There will be little impact on the staff currently performing these job duties as she has continually taken on the extra duties as they have arisen over time. The changes that have occurred are being reflected in the updated job description and title change.</p> <p>We believe that these updates will contribute to the continued success of our team and the overall achievement of the City's goals</p> <p><b>Requested Action:</b> The Clerk's Department is requesting approval of the updated job description for a Permit Licensing Specialist position. This position would replace the Administrative Clerk position.</p>		
<p style="text-align: center;"><b>COUNCIL ACTION REQUESTED</b></p> <p style="text-align: center;"><b>Motion to Approve the updated Job Description for the Permit Licensing Specialist Position that was formally the Administrative Clerk Position.</b></p>		

CLERK/KK



Date: 12/12/2023

To: Personnel Committee

From: Dana Zahn, Human Resources Manager

RE: Revised Job Descriptions for 2 Clerk's Department Positions

Karen Kastenson, Director of Clerk Services, has updated the job descriptions for her current Secretary and Administrative Clerk positions. Although some of the updated job duties were incorporated into the salary grade determinations when the Classification and Compensation Study were done in December 2015, the job descriptions were never formally updated

Karen did request an upgrade of both positions to be 2 salary grades higher than the current positions, however, Kelly Hersh and I evaluated the job duties along with the submitted Job Analysis Questionnaires, and determined the change in duties warrant an increase of only 1 salary grade (It would be quite rare for a position to change so drastically to warrant a change of 2 salary grades.)

We propose the Secretary title be changed to Administrative Assistant – Clerk's Dept. to be consistent with other Administrative positions, and the Administrative Clerk position to be retitled as a Permit/Licensing Specialist

Staff has agreed that these positions needed to be re-evaluated and believe we also need to review our Secretary positions in the Inspections Department and the Planning Department as well. Department Heads have also requested that a few other positions be reviewed. These will be done in the near future.

The Clerk's Department Job Descriptions are being brought forward at this time as we currently have a vacant position which needs to get posted. Having an accurate job description and commensurate salary is important to attract the best qualified applicant

Karen will be in attendance at the Personnel Committee meeting to answer any specific questions regarding the revisions to the job descriptions.

**Requested Motion: Motion to approve the 2 revised job descriptions for positions in the Clerk's Department, including the Job Titles and Salary Grades.**

**CITY OF FRANKLIN**  
**Job Description**

**Job Title:** Administrative Clerk

**Department:** City Clerk

**Reports To:** City Clerk

**Salary Level:** Teamsters Union Contract

**FLSA Status:** Union Non Exempt

**Prepared By:** Becky Schermer, Human Resources Coordinator

**Prepared Date:** September 10, 2002

**Approved By:** Resolution 2002-5456

**Approved Date:** September 24, 2002

**Summary** provides support with the daily activities of the City Clerk's Office through a broad range of clerical duties including telephone coverage, providing customer and citizen assistance, data entry, and filing by performing the following duties.

**Essential Duties and Responsibilities** include the following:

Answers central telephone system and either responds to inquiry or directs caller to appropriate personnel.

Provides citizen and customer assistance to walk-in customers and answers questions; respond to inquiries from employees, citizens and others and refer, when necessary, to appropriate persons. Assist citizens with concern and empathy; respect their confidentiality and privacy and communicate with them in a courteous and respectful manner.

Type and edit a variety of correspondence, reports, memoranda, and other material requiring moderate judgment as to content, accuracy, and completeness. This includes the assistance in the preparation of committee agendas.

Assist in creation of forms for documentation and systems for organization as appropriate for operation of the department.

Assist City staff members with brochures, newsletters, mailings, etc.

Establish and maintain filing systems and indexes.

Maintain inventory and documentation of office supplies, including ordering and purchase orders.

Prepare outgoing mail; sort and distribute incoming mail.

Duplicate and distribute various materials.

Assist with voter registration processing or license application and processing.

Other duties as assigned by City Clerk.

### **Peripheral duties**

Operate a vehicle to perform errands.

Keep well informed and proficient in computer skills and applications.

### **Supervisory Responsibilities**

This position has no supervisory responsibilities.

**Qualifications** To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

### **Education and/or Experience**

High school diploma or general education degree (GED); two to four years related experience and/or training; or equivalent combination of education and experience. At least two years of customer service experience is required.

### **Language Skills**

Ability to read and comprehend simple instructions, short correspondence, and memos. Ability to write simple correspondence. Ability to effectively present information in one-on-one and small group situations to citizens and other employees of the organization.

### **Mathematical Skills**

Ability to add and subtract two digit numbers and to multiply and divide with 10's and 100's. Ability to perform these operations using units of American money and weight measurement, volume, and distance. Ability to compute rate, ratio, and percent.

### **Reasoning Ability**

Ability to apply common sense understanding to carry out detailed written or oral instructions. Ability to deal with problems involving a few concrete variables in

standardized situations.

### **Computer Skills**

To perform this job successfully, an individual must become knowledgeable and proficient at Microsoft Word. Working knowledge of electronic data processing is required. Microsoft Excel experience is preferred.

### **Certificates, Licenses, Registrations**

Valid WI Drivers License

**Physical Demands** The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to sit; use hands to finger, handle, or feel and talk or hear. The employee is frequently required to stand; walk and reach with hands and arms. The employee is occasionally required to stoop, kneel, crouch, or crawl. The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision, color vision, peripheral vision, depth perception and ability to adjust focus.

**Work Environment** The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

The employee is occasionally required to work in outdoor weather conditions.

The noise level in the work environment is usually moderate.

### **Other Skills and Abilities**

Working knowledge of computers and electronic data processing; working knowledge of modern office practices and procedures.

Ability to type 45 words per minute.

Ability to work in a high customer contact area.

Ability to protect confidentiality and right to privacy of all customers.

Ability to organize daily tasks for efficiency, to meet all requirements.

Ability to utilize communication skills in interactions with telephone callers, visitors to the department, and co-workers.

Ability to make independent judgments which have moderate impacts on the organization.

**Other Qualifications**

May be required to work additional hours to assist with voter registration processing or license application and processing.

Ability to work under pressure with frequent interruptions.

**Miscellaneous**

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.



**CITY OF FRANKLIN  
Job Description**

**Job Title:** Permit ~~Coordinator~~/ Licensing Specialist  
**Department:** Clerk's Department  
**Reports To:** Director of Clerk Services  
**Salary Level:** Salary Grade ~~54~~  
**FLSA Status:** Non-Exempt  
**Prepared By:** Karen L. Kastenson, Director of Clerk Services & Dana Zahn, Human Resources ~~Coordinator~~Manager  
**Prepared Date:** November 1, 2023  
**Approved By:** **Common Council**  
**Approved Date:**

**Summary:**

Coordinates the issuance of all new and renewal licenses and permits issued by the department. Coordinates all election processes and training of department staff. Processes Property Status reports. Maintains the City's Sign and Calendar for City-wide meetings. Provides clerical support and training for the department.

**Essential Duties and Responsibilities:**

~~Reports to the Director of Clerk Services:~~

Coordinates from start to finish the issuance of all permits and licenses issued by the Department. including:

- Acts as a "lead" staff person for annual license management.
- Issues annual licenses for the annual review and renewal process which included Cigarette, Amusement, Temporary Class B, Liquor, Coin Operated Machines, Daycares, Salvage Yards, Mobile Homes, Animal Fancier, Christmas Tree Sales, and Entertainment as authorized by the Director of Clerk Services.
- Enters license and permit records into department software and various computer databases such as Operator, Burn, Alarm, Park Rental and Transient Merchant permits.

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- Receives and performs preliminary checks of Extraordinary Event applications, Annual Licenses and Election materials for Special Events and Annual Licensing. Ensures that application submittals are complete and routed to the proper City Departments and staff for review.
- Works as staff liaison between the Clerk's Office and other City Departments for processing Extraordinary Events, Temporary Events and Fair Applications as well as all annual licenses and operator licenses.
- Attends License Committee meetings as needed.

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Corresponds with applicants, owners, and the public to answer general questions regarding elections, special events, licensing, and department procedures.

~~Attends License Committee meetings as needed.~~

Remains current on election laws.

Conducts set up and take down of Badger Books for both in-person and election day voting which includes knowledge of the electronic ballot processing equipment.

Conducts set up of election equipment for all polling locations, and prepares all election day materials for those locations.

Conducts processing, scanning and counting of ballots for all elections.

Assists Deputy Clerk with election set-up and testing of all election equipment.

Prepares applications and enters information into the computer system for elections.

Coordinate in-person absentee voting with front office staff for all elections.

Assists Franklin residents with registration, absentee applications, and all other election related questions and concerns.

Processes Property Status Reports by receiving, invoicing, gathering appropriate information from the City's Property Tax Web Portal, the Assess Web Portal, or the Property Viewer Portal, creates special assessment report documents, communicates with other departments to gather information and sends report via email or fax.

~~Receives and performs preliminary checks of Extraordinary Event applications, Annual Licenses and Election materials for Special Events, Annual Licensing and Elections.~~

~~Accepts Extraordinary Event Applications from City-wide residents and submits applications to the appropriate City Department for review.~~

~~Works as staff liaison between the Clerk's Office and other City Departments for processing Extraordinary Events, Temporary Events and Fair Applications as well as all annual licenses and operator licenses.~~

~~Works as a staff liaison for Civic Celebrations and St. Martins Fair and oversees staff in Clerk's office regarding processing applications and permit for such events.~~

Responds to Extraordinary Events, Licensing and Elections open records requests.

Provides support to other departments on special events.

Provides backup support to the Deputy Clerk including coordinating the agenda for the Common Council meetings, mail and fax required notices, and transcribe minutes.

Maintains and updates City sign via Watchfire Ignite OP software to ensure City meetings and events are posted promptly.

Maintains and updates the Franklin Meetings Calendar for City-wide scheduling.

Prepares various detailed monthly and yearly reports for federal and state governments, such as tax-exempt parcel filings and weights and measures reports, Milwaukee County Election Commission reports, and material for the annual budget

Acts as Notary Public for all City staff and Franklin residents.

Assists as back-up to front office staff (~~Confidential Clerk~~ Administrative Assistants and Deputy Clerk) answering phones, servicing customers at counter, processing incoming and outgoing mail, and covering during the absence of other front office staff.

Assists ~~Confidential Clerk~~ Administrative Assistants with establishing standardized office procedures and plan reviews.

Assists in preparing newsletter articles.

Trains front office staff.

Compose, type, and edit a variety of correspondence, reports, memoranda, and other materials.

Maintain filing systems, control records, and indexes.

Maintain department records.

Other duties as assigned by the Director of Clerk Services.

**Peripheral Duties:**

~~Process permits and licenses as directed by the Director of Clerk Services.~~

**Minimum Qualifications:****Education and Experience:**

Graduation from high school or GED equivalent with 2-4 years of related experience in Administering Elections required. Experience administering elections and experience with licensing is preferred. Municipal experience preferred.

**Language Skills:**

Ability to read, analyze, and interpret general business periodicals, professional journals, technical procedures, or governmental regulations. Ability to write reports, business correspondence, and procedure manuals. Ability to effectively present information and respond to questions from groups of managers, clients, customers, and the general public. Strong interpersonal skills are required.

**Mathematical Skills:**

Ability to calculate figures and amounts such as discounts and interest. Ability to apply concepts of basic algebra and geometry. Ability to prepare and maintain spreadsheets for balancing election day ballot counts.

**Reasoning Ability:**

Ability to interpret State Statutes in regards to elections and liquor licensing. Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited information exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

**Necessary Knowledge, Skills, and Abilities:**

Working knowledge of State Statutes and the ability to explain in general terms their requirements.

Ability to acquire advanced knowledge of the Clerk's Office computer programs and teach the operation of the systems to others.

Skill in operation of listed tools and equipment.

Ability to present and communicate ideas and concepts to the public, verbally and in writing.

Ability to be accurate, organized and able to multi-task.

Ability to maintain effective working relationships and other departments, appointed officials, elected officials, and the public.

Ability to make independent judgments which have moderate impacts on the organization.

**Certificates, Licenses, and Registrations:**

Certification by the Wisconsin Election Commission within 6 months of hire required.



Notary Public within 6 months of hire required.

Valid Driver's license required.

**Supervision Received:**

Works under the general supervision of the Director of Clerk Services.

**Supervision Exercised:**

Does not supervise other employees, but does designate work to other employees in the department and temporary election pollworkers.

**Responsibility for Public Contact:**

Daily contact requiring courtesy, discretion, and sound judgment.

**Tools and Equipment Used:**

Personal computer including word processing, business licensing, complaint tracking, election software, Fire software, GIS, database and spreadsheet software, copy machine, fax machine, folding machine, calculator, radio, and telephone.

**Physical Demands:**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Hand-eye coordination is necessary to operate computers and various pieces of office equipment. While performing the duties of this job, the employee is occasionally required to stand; walk; use hands and fingers to handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to sit, climb, balance, stoop, kneel, crouch, crawl, talk and hear.

The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision and the ability to adjust focus.

**Work Environment:**

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed in an office setting. (The employee is primarily in the office setting but will perform election site inspections when needed, up to 5% of the work time.)

The noise level in the work environment is usually quiet in the office.

The duties listed above are intended only as illustrations of various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

|

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>X</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;">12/19/2023</p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>Authorization to Modify the 457(b) Retirement Savings Option Plans Offered by the City of Franklin, Including Adding Roth Options</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G 25</p>

The City of Franklin has offered 457(b) Deferred Compensation programs for decades, allowing employees to save a portion of their wages on a pre-tax basis for their future retirement needs. A resolution was approved many years ago (2005-5942) that allows for a maximum of 3 deferred compensation vendors, and they must meet certain participation guidelines.

The City currently has agreements with three vendors:

1. Mission Square (formerly ICMA) - approximately 59 participants
2. North Shore – approximately 12 participants
3. AXA/Equitable – only 3 participants

Employees have been asking to add Roth accounts (where you can put money into your deferred compensation retirement fund on an after-tax basis) for many years. There is a letter of understanding in the Fire labor agreement whereby the City agreed to try to add Roth accounts back in about 2013. This has never been accomplished.

Mark Luberda, former Director of Administration, did not want to adjust 457(b) plans without having an attorney develop an “umbrella” policy and have the selected 457(b) vendors sign off on our umbrella policy. I believe the request to have these vendors sign “outside their norm” contracts were a catalyst in this project falling apart. (See the attached 7/14/14 memo explaining Mr. Luberda’s reasoning.)

Many employees have requested that we add the WI Deferred Compensation Program through the WI Department of Employee Trust Funds (ETF), which also handles the WI State Retirement System (WRS) pension plan. The WI Deferred Comp Plan takes over all plan fiduciary responsibilities and makes sure legal updates and changes occur.

I did reach out to the HR Manager or Director in both Oak Creek and Greenfield to see if they have special “umbrella” policies. Both Cities offer the WI Deferred Comp Plan and Nationwide, along with a few other vendors, and utilize the vendors' standardized plan documents.

The Federal Secure 2.0 Act will require plans to add Roth post-tax options, or employers will be unable to allow Catch-up provisions for employees close to retirement age. This provision was to be enacted on 1/1/24 but has been postponed for two years. The Secure 2.0 Act is another reason for the push to add the Roth accounts.

I recommend ending contributions for AXA/Equitable accounts in January of 2024 to use those existing payroll codes to implement the WI Deferred Compensation program. The attached Resolution of Inclusion form must be approved and signed to apply to the State program. Implementation of the plan will then take a few months.

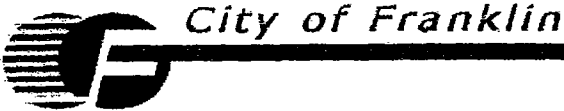
Continued participation in the Mission Square and North Shore plans will be determined once we see how many participants move their funds to the State plan. Staff recommends that the Council authorize the approval for staff to cancel vendors as they deem appropriate (Mission Square or North Shore). We will also be considering implementing a Nationwide plan per the request of the fire department personnel. If staff believe Nationwide would be a good option, we can bring that back for Council approval if the Council wishes.

To ease administration and provide the benefits employees desire, the goal would be to end up with 2 457(b) vendors, with both plans offering pre-tax and Roth options.

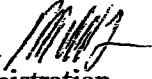
### **COUNCIL ACTION REQUESTED**

Recommended Motion: Motion to authorize a Resolution for Inclusion Under the State of Wisconsin Deferred Compensation plan, allowing staff to implement plans (including Roth options), terminate contributions through AXA/Equitable, and to terminate other current 457(b) vendors, or add the Roth option, as determined by staff to be appropriate.





## MEMORANDUM

Date: July 14, 2014  
To: Personnel Committee Members  
From: Mark W. Lubberda   
Director of Administration  
RE: 457(b) Plan Changes and Recommendations

The Common Council approved a labor agreement with the Franklin Professional Firefighters Association Local 2760, I.A.F.F. which included a letter of understanding relative to the following:

The purpose of this side-letter is to acknowledge that, prior to the end of 2013, the City of Franklin will increase the number of deferred compensation plans to include the Wisconsin Deferred Compensation Program (ETF) and Nationwide, unless 1) the provisions of the plan would restrict the City's participation in the plan in a manner similar to the current plans, 2) the plan has fee or administrative requirements substantially more burdensome than the current plans, or 3) the plan requires termination of any of the City's existing plans.

Related to this same topic, the City previously adopted Resolution 2005-5942 relative to "Limiting the Number of Deferred Compensation 457 Savings and Retirement Plan Vendors To a maximum of Three and Requiring Each Vendor to Maintain a 10% Participation Rate." The City currently has arrangements with ICMA-RC, North Shore Bank, and The Equitable.

This issue has been slightly more complex than anticipated, and due to the IRS implications and details, I have been working together with employee benefits Attorney Matthew Flanary of Buelow Vetter with respect to the City's desire to add the new 457(b) plan providers as contemplated by the agreement with the Union. The process of reviewing the documents from Nationwide Retirement Solutions has uncovered another question and prompted an additional recommendation from Attorney Flanary.

By way of additional background, the City, as noted above, has established arrangements with multiple investment providers that allow employees to defer compensation, on a tax-preferred basis, into eligible deferred compensation plan arrangements as defined by Internal Revenue Code Section 457(b). Under IRS rules, every 457(b) plan is required to have a "plan document" which details the terms of the plan and outlines certain provisions regarding the administration of the plan. Historically, the City has relied upon the different investment providers to provide the City with appropriate documentation for their own products. Under those same IRS rules, however, the City is ultimately responsible for ensuring that the different plan documents remain current with applicable IRS requirements and, more importantly, implementing certain administrative safeguards regarding the various different providers. To the extent that any of these 457(b) arrangements fail to satisfy the IRS requirements, the City would be responsible to the IRS for having failed to properly report and withhold income taxes from the participating employees.

The applicable IRS regulations are somewhat unclear with regard to whether the IRS would view the City as having multiple 457(b) plans (i.e., with each investment provider) or one 457(b) plan (i.e., one plan with multiple investment providers). Certain IRS requirements, such as the annual limit on contributions, would always apply as if all of the different providers were part of a single plan. On the other hand, some provisions such as allowing employees to transfer money from one investment provider to another would not be allowed if the IRS were to view the City as having multiple 457(b) plans.

Attorney Flanary has recommended that the City adopt an “umbrella” or “wrap” plan document which would serve to memorialize the fact that the City views all of the different investment providers as though they operate under one 457(b) plan. As such, the document would clearly limit employee contributions to the maximum amount allowed by IRS rules. It would also more clearly allow employees to transfer money from one investment provider to another. The wrap document would provide the City with more authority to enforce uniform obligations on the different investment providers and it would simplify the process of adding new investment providers or removing current investment providers in the future.

Additionally, the IRS has made it allowable to incorporate access to Roth IRAs as part of the Plan. The City has elected not, to this date, to incorporate the necessary amendments related to Roth IRAs. I would look to add this provision to make them available to the extent allowable under the law.

Prior to investing in Attorney Flanary’s time to create the wrap plan document as a preliminary step to adding the additional investment providers, **I am seeking the Committee’s concurrence that the effort and cost does not amount to “administrative requirements substantially more burdensome.”** This is the standard used in the Memorandum of Understanding. Attorney Flanary has provided an estimate of \$1,500-\$2,500 to prepare the wrap plan document, to review and coordinate the terms of that wrap plan document with the various current investment providers, and to provide guidance regarding possible changes that would need to be made to accommodate the current investment providers. The Administration Department has available and budgeted appropriations sufficient to address this cost. Attorney Flanary would likely be able to provide us with a draft wrap plan document such that it could be reconsidered at your next meeting. At that time we can address any additional details such as modifying the attached resolution, evaluating vendor volume levels and the 10% standard, and addressing any special requirements that the Wisconsin Retirement System might have for participation. We do not anticipate any significant opposition from the current investment providers, but would need to deal with any such opposition individually as we proceed with this process.

I recommend approval of a motion from the Committee as follows: **“Move that the Personnel Committee supports the clarification of the 457(b) plans by the creation of a single ‘umbrella’ or ‘wrap’ plan document with the intent that the process provide for the additional providers as per the Memorandum of Understanding and the inclusion of access to Roth IRAs, subject to further review of steps and requirements as to be provided at a future meeting.”**



# Resolution for Inclusion Under the State of Wisconsin Deferred Compensation Program

Wisconsin Department  
of Employee Trust Funds  
PO Box 7931  
Madison WI 53707-7931  
1-877-533-5020 (toll free)  
Fax 608-267-4549  
etf.wi.gov

Be it resolved by the \_\_\_\_\_ of the \_\_\_\_\_ that  
(Governing body) (Employer)  
pursuant to the provisions of Section 40.81(1), Subchapter VII of Chapter 40 of the Wisconsin Statutes which  
provides in part as follows:

An employer other than the State may provide for its employees the Deferred  
Compensation Plan established by the Board under Section 40.80. Any employer, including this  
state, who makes the Plan under Section 40.80 available to any of its employees, shall make it  
available to all its employees under procedures established by the department under this  
subchapter.

Such \_\_\_\_\_ hereby determines to be included under the State of Wisconsin Deferred  
(Governing body)  
Compensation Program ("the Plan") provided by Subchapter VII of Chapter 40 of the Wisconsin Statutes and  
regulated by Chapter ETF 70 of the Wisconsin Administrative Code for its eligible personnel, and

Be it further resolved, the proper officers are herewith authorized and directed to take all actions and make  
such reductions and submit such deferrals as are required by the Department of Employee Trust Funds of  
the State of Wisconsin pursuant to Subchapter VII of Chapter 40 of the Wisconsin Statutes, and

Be it further resolved, that \_\_\_\_\_ agrees to be bound by the Terms and  
(Employer)  
Conditions of the contracts between the State, its investment providers, and its Plan Administrator, and the  
"Plan and Trust Document" and the "Employer Guide" as amended from time to time. The employer certifies  
it has received a copy of the Plan and Trust document.

Be it further resolved, that the \_\_\_\_\_ representative submits a certified copy of  
(Employer)  
this Resolution and "Designation of Agent" to the State of Wisconsin, Department of Employee Trust Funds  
and the Plan Administrator.

Be it further resolved, that the \_\_\_\_\_ recognizing the Deferred Compensation  
(Governing body)  
Board's responsibility for maintaining the integrity of the Plan, the \_\_\_\_\_ hereby resolved  
(Governing body)  
that the proper officers of \_\_\_\_\_ are hereby authorized and directed to cooperate fully with  
(Employer)  
the Plan Administrator in accordance with procedures established by the Department of Employee Trust  
Funds.

Be it further resolved, that the \_\_\_\_\_ of the \_\_\_\_\_ acknowledges  
(Governing body) (Employer)  
and submits that the Plan offered under Section 40.80 et seq., Subchapter VII of Chapter 40 of the  
Wisconsin Statutes is not and cannot be used as an alternative or replacement plan for purposes of FICA  
taxes. The Plan is meant to act as a supplemental retirement benefit in addition to social security (FICA)  
benefits.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Employer: \_\_\_\_\_ Governing body: \_\_\_\_\_

\_\_\_\_\_  
Authorized signature

\_\_\_\_\_  
Authorized signature

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Print name

## Designation of Agent

The person in the following position is hereby designated as the agent in matter pertaining to the State of Wisconsin Deferred Compensation Program.

Note: Employer email addresses will be automatically subscribed to ETF E-mail Updates, an ETF email service providing employers with important ETF benefits administration information. It is your responsibility to read, forward to others in your agency as necessary, and take the necessary action related to information in each ETF E-mail Update. Add [etfwi@public.govdelivery.com](mailto:etfwi@public.govdelivery.com) to your email address book to prevent news from ETF from ending up in a SPAM folder. If you have questions, please call the Employer Communication Center at 1-877-533-5020.

Agent: \_\_\_\_\_

Title of position of designated agent: \_\_\_\_\_

Alternate agent: \_\_\_\_\_

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

Telephone, including area code: \_\_\_\_\_

Email: \_\_\_\_\_

Office hours: \_\_\_\_\_

Federal employer ID number: \_\_\_\_\_

WRS ID number (if applicable): \_\_\_\_\_

## Certification

I hereby certify that the foregoing Resolution is a true, correct, and complete copy of the

Resolution duly and regularly passed by the \_\_\_\_\_ of  
(Governing body)

\_\_\_\_\_ of \_\_\_\_\_ on the \_\_\_\_\_ day of  
(Employer name) (City)

\_\_\_\_\_, 20\_\_\_\_, and that this Resolution has not been repealed or amended, and is now in full force and effect.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Employer representative title

\_\_\_\_\_  
Employer representative signature

Number of eligible employees \_\_\_\_\_



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# **┌ Adopting the Wisconsin Deferred Compensation Program (WDC)**



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## About the Wisconsin Deferred Compensation Program (WDC)

The WDC Program is a supplemental retirement savings plan available to public employees in Wisconsin. It is authorized under Section 457 (S457) of the Internal Revenue Code and is designed to help your employees reach their retirement goals by providing before-tax and after-tax (Roth) savings opportunities, similar to other employer-sponsored retirement savings plans.

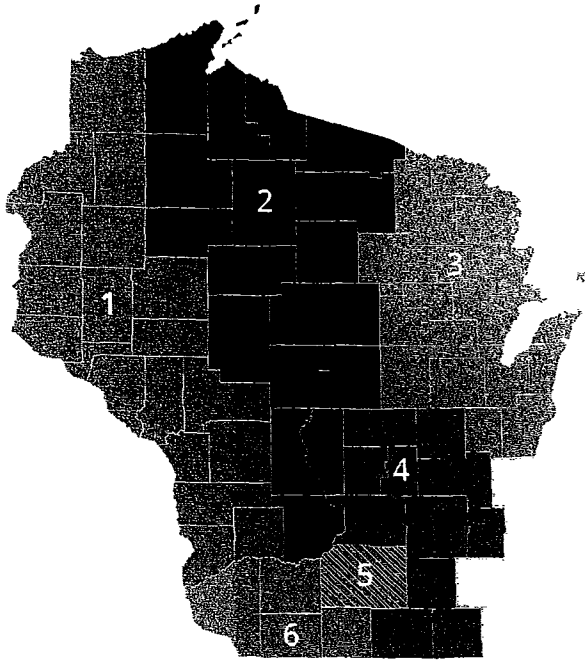
Offering this valuable benefit to your employees gives them a wide variety of investment options. A governing board and the State of Wisconsin Department of Employee Trust Funds (ETF) are responsible for WDC administration and selecting and monitoring the investments offered in the plan. Many improvements to WDC participant services and enhanced features have been implemented over the past several years.

### No cost to employers

There are currently no costs to employers interested in joining the WDC, and no minimum number of employees is needed. Employees can participate in the WDC as soon as you hire them. They can contribute on a before-tax basis or on an after-tax basis through a Roth option. Employees may also be eligible to roll over savings from other qualified retirement plans into the WDC.

### Easy to set up

Processing employees' contributions to the WDC is easy. The WDC's recordkeeper, Empower, works with your payroll staff to establish payroll procedures with you. The entire initial setup process takes approximately 60 days from the date the WDC's signed resolution is received until the first contribution can be processed. Once the process is established, ongoing maintenance is minimal (15-30 minutes per pay period). You will be able to view important participant information and manage your data whenever you choose through the Plan Service Center (PSC). The PSC also provides access to a library of WDC reports, forms, and other features, including daily fund value graphs and email notifications.



## Help is available

The WDC has a fully staffed office in Madison, open weekdays from 8:00 a.m. to 4:30 p.m.

Seven local, salaried WDC representatives are available to meet with employers and participants throughout the state. One-on-one or group meetings are available at no cost to employers or employees to help with topics, including budgeting, enrolling in the WDC and investment basics.

As the employer, you also have access to a comprehensive lineup of educational materials designed to help employees easily understand the benefits of investing in the WDC and planning for retirement.

Participants may access their WDC account information and make changes 24/7 on the website or through the interactive voice response system.


### 1 West Region

### 2 North Central Region


### 3 Northeast Region


### 4 Southeast/Central Region

### 5 State Agencies in Dane County

 State Agencies in Dane County

### 6 Southwest/Central Region

 Local Employers in Dane County, Dane County, UW, UWHC, Madison College

 Grant, Green, Lafayette, and Iowa

### 7 Southeast Region

*Please note Regions are subject to change Visit the website for the most up-to-date information*

## Board responsibilities

The Deferred Compensation Board consists of five members, appointed by the governor, and confirmed by the state Senate. They serve four-year overlapping terms. Board members serve as trustees for the WDC and select and approve investment options for the plan, as well as maintain quality services and features. The board contracts with a third-party recordkeeper for day-to-day administration of the WDC through a competitive bid process. Additional board responsibilities include:

- Establishing investment policies and objectives for the WDC as a whole and for each investment
- Selecting investment options that are consistent with the prudent investor rule
- Overseeing, monitoring, and evaluating the performance of investment options
- Adding or replacing investment options as circumstances change
- Monitoring the reasonableness and competitiveness of the fees that investment options charge
- Appointing, monitoring, and replacing, if necessary, persons whose expertise the board deems appropriate and necessary for it to properly discharge its obligations and responsibilities, including auditors, consultants, and other professionals

## Fiduciary oversight

The WDC is administered by ETF. The Deferred Compensation Board has fiduciary oversight, taking the burden off your personnel. For additional details about the WDC's fiduciary responsibilities, please refer to the *Employer fiduciary responsibilities overview page*.<sup>1</sup>

## Competitive fees

Ongoing WDC expenses are paid by participants via a monthly asset-based fee to participant accounts. State funds are not used for administration of the WDC. It is a self-supporting program. Because the WDC is a large, well-established 457 plan, it is able to successfully negotiate competitive program administrative fees. The current fees (as of 1/1/2023) are noted in the table to the right.

Participant Account Balance	Monthly Fee/ Annual Fee
\$0 - \$5,000	\$0/\$0
\$5,001 - \$25,000	\$1.25/\$15.00
\$25,001 - \$50,000	\$3.00/\$36.00
\$50,001 - \$100,000	\$6.50/\$78.00
\$100,001 - \$150,000	\$8.25/\$99.00
\$150,001 - \$250,000	\$11.75/\$141.00
Over \$250,000	\$17.25/\$207.00

## Empower Advisory Services<sup>2</sup>

The WDC offers additional investment services called Empower Advisory Services. These optional services, provided by Empower Advisory Group, LLC, a registered investment adviser, can provide participants with investment help and professional account management for an additional fee. Please note: There is no guarantee provided by any party that participation in any of the advisory services will result in a profit.

## About Empower

Headquartered in Colorado, with a dedicated local WDC office in Wisconsin, Empower is a business unit of Empower Annuity Insurance Company of America focused on providing high-quality retirement plan services to employers and their employees. Empower is one of the leading service providers of employer-sponsored deferred compensation retirement programs for government, healthcare, and nonprofit entities.

**Learn more today!**

For more information about the WDC, visit the WDC website at **wdc457.org** or call the Madison office at **(608) 241-6604**.

<sup>1</sup> For additional copies of this overview, please contact the WDC at wdcquestions@empower.com or (608) 241-6604

<sup>2</sup> Online Advice and My Total Retirement™ are part of the Empower Advisory Services suite of services offered by Empower Advisory Group, LLC, a registered investment advisor

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## The benefits of offering

*The Wisconsin Deferred Compensation Program (WDC),*

### Partnership with the WDC

#### Education and communication

Local WDC representatives are available to provide education and investment services at no cost to employers or participants. Representatives are salaried, and they do not sell other products. Participants can schedule meetings with retirement plan advisors by phone or online using the Online Meeting Scheduler tool.

There is no guarantee provided by any party that participation in any of the advisory services will result in a profit.<sup>2</sup>

### What's in it for public employers?

#### Lower costs

As a state-sponsored benefit, the WDC is non-profit and is usually a lower cost provider when compared to other plans, while offering the same services and features. There are no separate employer fees for the WDC; all administrative costs are paid by participants.<sup>1</sup>

#### Relief from fiduciary responsibilities

By joining the WDC, public employers are relieved of many of the fiduciary responsibilities associated with funding and managing a deferred compensation plan. For additional details about the WDC's fiduciary responsibilities, please refer to the *Employer fiduciary responsibilities overview page*.<sup>1</sup>

#### More options for employees

When participating in the WDC, employees have the opportunity to access expanded in-person and online resources, advisory services, and plan features.

### Onboarding made simple

The WDC's onboarding checklist makes it easy for a public employer to take the next step:

- Governing board or committee adopts Resolution for Inclusion Under the WDC
- Receive access to the online account service portal
- Submit banking forms for online debits
- Schedule kickoff meetings with employees
- Payroll center receives notification to begin deferral process

<sup>1</sup> For additional copies of this overview, please contact the WDC at [wdcquestions@empower.com](mailto:wdcquestions@empower.com) or (608) 241-6604

<sup>2</sup> Online Advice and the managed account service are part of the Empower Advisory Services suite of services offered by Empower Advisory Group LLC a registered investment adviser

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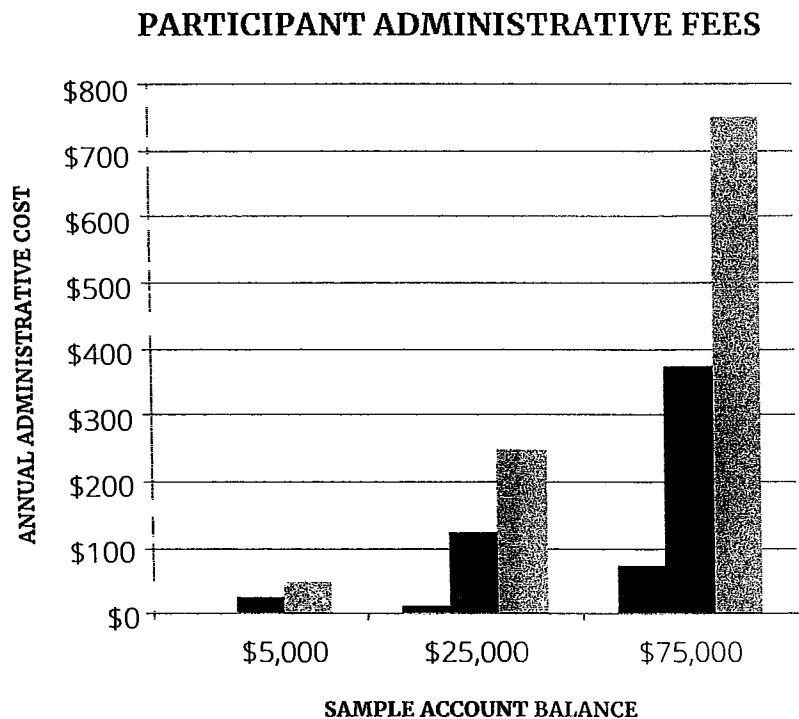
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## Participant administrative cost comparisons

Wisconsin Deferred Compensation Program (WDC) administrative expenses for participants are low compared to what you could be charged in another plan or an outside account. This is important because all fees diminish potential returns. The higher the fee, the larger the impact. The illustration below shows how fees can affect how much you have saved for your retirement.

- WDC (varied on account value)
- 0.5% of account value
- 1% of account value

FOR ILLUSTRATIVE PURPOSES ONLY This hypothetical illustration doesn't represent specific administrative fees. Other fees may apply. It shows the WDC Program administrative costs versus higher program administrative costs at 0.5% and 1%, respectively.



Compare the costs of similar plans with the WDC. As a large state plan, we are able to use our scale to negotiate highly competitive costs for your employees. Use the chart on the next page to determine if the costs are lower with the WDC.

# Compare the WDC's fees with another plan or IRA

Description of Fees/Expenses	WDC	Other Plan or IRA																
<p><b>Annual Fee</b> Also known as a recordkeeping fee</p>	None																	
<p><b>Mortality and Expense Fee (M&amp;E)</b> Fee charged by insurance companies to cover the cost of death benefits and other expenses for variable annuities</p>	None																	
<p><b>Contingent Deferred Sales Charge (CDSC)</b> Back-end load sales charge that is incurred if funds are withdrawn or transferred before the end of the holding period. Also called a redemption fee</p>	None																	
<p><b>Investment Management Fee</b> A mutual fund or variable annuity fee, also known as an expense ratio, that pays the fund company for its services. This is deducted from investment returns, so you will not see it on your account statement.</p>	Vary by investment option, WDC's average expense ratio is 0.20% <sup>1</sup>																	
<p><b>Administrative Fee</b> Annual fee, assessed to participants monthly. These fees pay for administration of the program. No state funds are used to pay for this self-sufficient program.</p>	<p>The fee, charged monthly, varies based on account balance</p> <table border="1"> <thead> <tr> <th>Account Balance</th> <th>Monthly Fee</th> </tr> </thead> <tbody> <tr> <td>\$0 - \$5,000</td> <td>\$0</td> </tr> <tr> <td>\$5,001 - \$25,000</td> <td>\$1.25</td> </tr> <tr> <td>\$25,001 - \$50,000</td> <td>\$3.00</td> </tr> <tr> <td>\$50,001 - \$100,000</td> <td>\$6.50</td> </tr> <tr> <td>\$100,001 - \$150,000</td> <td>\$8.25</td> </tr> <tr> <td>\$150,001 - \$250,000</td> <td>\$11.75</td> </tr> <tr> <td>Over \$250,000</td> <td>\$17.25</td> </tr> </tbody> </table>	Account Balance	Monthly Fee	\$0 - \$5,000	\$0	\$5,001 - \$25,000	\$1.25	\$25,001 - \$50,000	\$3.00	\$50,001 - \$100,000	\$6.50	\$100,001 - \$150,000	\$8.25	\$150,001 - \$250,000	\$11.75	Over \$250,000	\$17.25	
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<p><b>Empower Advisory Services<sup>2</sup></b> <i>There is no guarantee provided by any party that participation in any of the advisory services will result in a profit.</i></p>	<p>Online Advice. Available at no additional cost to participants.</p> <p>My Total Retirement™ annual fee (assessed quarterly) based on a percentage of assets under management.</p> <table border="1"> <tbody> <tr> <td>Up to \$100,000</td> <td>0.45%</td> </tr> <tr> <td>Next \$150,000</td> <td>0.35%</td> </tr> <tr> <td>Next \$150,000</td> <td>0.25%</td> </tr> <tr> <td>Greater than \$400,000</td> <td>0.15%</td> </tr> </tbody> </table>	Up to \$100,000	0.45%	Next \$150,000	0.35%	Next \$150,000	0.25%	Greater than \$400,000	0.15%									
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Greater than \$400,000	0.15%																	

Not intended to show all fees. Other fees may apply.

<sup>1</sup> Average gross expense ratio for mutual funds and collective investment trust options available in the WDC as of June 30, 2022.

<sup>2</sup> Online Advice and My Total Retirement are part of the Empower Advisory Services suite of services offered by Empower Advisory Group, LLC, a registered investment adviser.

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# Employer fiduciary responsibilities

Wisconsin Deferred Compensation Program (WDC)



wdc457.org



(877) 457-9327

## Maintaining your own supplemental retirement savings plan versus participating in the WDC

The Wisconsin Deferred Compensation Program (WDC) is a public employee deferred compensation plan authorized under Section 457 (S457) of the Internal Revenue Code. The WDC helps public employees in Wisconsin complement their Wisconsin Retirement System pension for a more sound retirement income.

### Employer versus fiduciary functions

Employers sponsoring a deferred compensation plan act in a dual capacity — both as the employer and as a fiduciary to the plan. Acting as a fiduciary means you are legally and ethically obligated to act in the best interest of plan participants.

#### Employer functions

Employers determine the benefits to offer to their employees. Certain functions are the employer's responsibility and do not rise to the level of fiduciary duties. For example, each employer decides whether to offer health insurance, a defined benefit plan, life insurance, a defined contribution plan, or other benefits.

You are acting with your "employer hat" on with respect to a deferred compensation plan when you:

- Design the plan's benefits and features
- Determine who is eligible to participate
- Amend the plan to add or remove optional provisions, such as loans or Roth accounts
- Terminate the plan

If you decide to establish and maintain your own separate plan, you will be charged with all of the plan fiduciary functions in addition to these employer functions.

## Fiduciary functions

You are a plan fiduciary acting with your "plan sponsor hat" when you implement and administer plan decisions made by an employer. Prudently performing each of the many duties required of fiduciaries requires a significant amount of time and effort, but it can also result in a well-maintained plan that benefits your employees.

Fiduciary duties that you must perform on an ongoing basis include, but are not limited to:

- Establishing policies and procedures for your plan
- Administering and operating your plan in compliance with the plan document by ensuring plan policies, procedures, and forms match plan provisions
- Keeping your plan document compliant and updated for all required changes in law
- Developing a formal written Investment Policy Statement to detail the criteria you will follow in selecting, monitoring, and replacing your plan's investment options
- Monitoring the fees being charged by each investment option to ensure they are reasonable
- Selecting and monitoring service providers, trustees, consultants, and others who assist with your plan to ensure compliance with their contracts and ensure they have no conflicts of interest
- Monitoring each vendor's fees periodically and benchmarking them to fees paid by plans of similar size and complexity
- Creating and distributing participant communications to educate participants about the benefits of your plan and encouraging participation
- Educating participants about your plan's investment options and providing tools that can help them save for a secure retirement

- Maintaining all signed documents as well as minutes of all meetings describing the decision-making process used in every plan-related decision in a safe, accessible place — multiplied by the number of recordkeepers or other service providers assisting with your plan

## Adopting the WDC 457 plan

Fortunately, Wisconsin allows cities, counties, and other political subdivisions to adopt the state's 457 plan, the Wisconsin Deferred Compensation Program (WDC). You, as the employer, can decide to adopt the state's plan (the WDC). Note: The WDC is meant to act as a supplemental retirement benefit. The WDC is not eligible for and should not be used as a replacement or alternative plan to Social Security (FICA) taxes. Contact ETF or your local WDC representative for more information.

### WDC fiduciary functions

The WDC's board serves as the plan fiduciary. Its members have the duty to amend the plan to comply with federal or state requirements and may also make discretionary amendments when deemed to be in the best interest of plan participants. The fiduciary duties the WDC's board is responsible for include, but are not limited to:

- Implementing the plan
- Administering and operating the plan
- Establishing policies and procedures for the plan
- Selecting and monitoring plan investments
- Selecting and monitoring the plan trustee
- Selecting and monitoring plan service providers and ensuring such providers are free from conflicts of interest
- Ensuring all fees paid by the plan for investments and services are reasonable

## Employer responsibilities under the WDC

When you adopt the WDC, you agree to be subject to all the terms, provisions, and conditions of the WDC's Resolution for Inclusion Under the WDC. You also agree to comply with the important adopting employer functions in that agreement, which typically includes following the WDC's plan and trust document and the Internal Revenue Code §457. For example, with respect to your employees in the WDC, you must ensure compliance with, among other provisions, the:

- First-day-of-the-month rule for participant deferral agreements
- Maximum contribution/deferral level limits
- Special catch-up eligibility, timing, and limits
- Requirement to transmit participant deferrals into the plan as soon as practicable

It is your responsibility as an employer to provide all information about your employees that the WDC needs to administer the plan, such as birth dates and employment status. It will also be your responsibility as the adopting employer to correct any mistakes you make that violate any provisions of the Internal Revenue Code with respect to your employees. Employers should also review the WDC from time to time (just as you do with your other employee benefits) to determine that the WDC continues to be a valuable benefit to your employees.

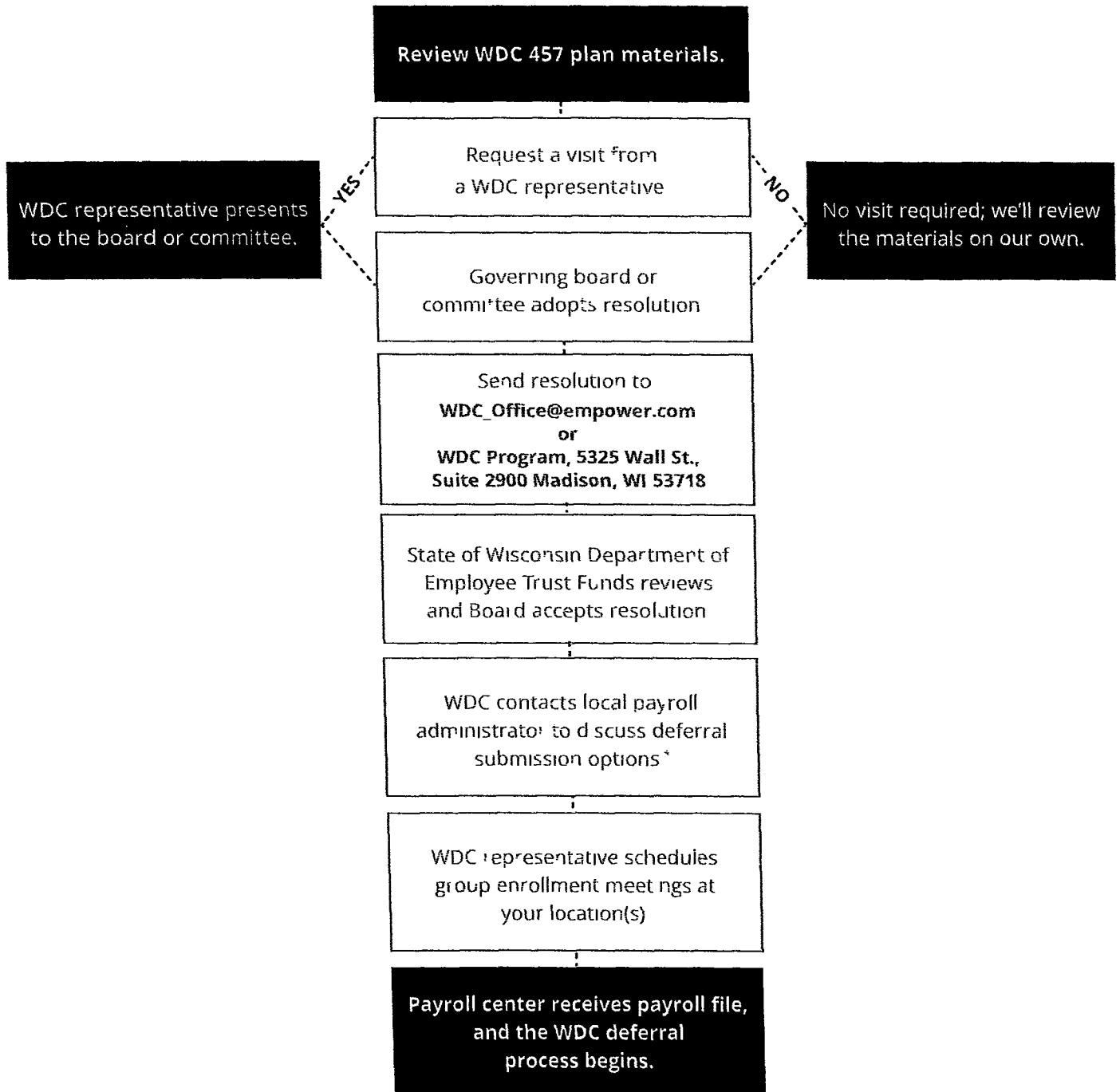
***Additional information, including the WDC's Plan and Trust Document and Resolution for Inclusion, can be found at [wdc457.org](http://wdc457.org) under the Employer tab. For more information, email [wdcquestions@empower.com](mailto:wdcquestions@empower.com) or contact your local WDC Retirement Plan Advisor at (877) 457-9327.***

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# Steps to adopting the WDC

If you are ready to adopt the WDC for your employees, simply follow the steps outlined in the flowchart below.



\*WDC must receive and process enrollments prior to payroll submitting first deferrals.

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**Wisconsin Deferred Compensation Program**

5325 Wall St., Suite 2900 | Madison, WI 53718

Phone: (608) 241-6604 | Toll free: (877) 457-9327 | Fax: (608) 241-6045

Email: [wdcquestions@empower.com](mailto:wdcquestions@empower.com) | Website: [wdc457.org](http://wdc457.org)





APPROVAL <i>X</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE December 19, 2023
Reports & Recommendations	<b>An Ordinance to Amend Ordinance 2022-2521, An Ordinance Adopting the 2023 Annual Budgets for the General Fund and Capital Outlay Fund to Carry Forward Appropriations from 2022 for Specifically Identified Projects in the Amount of \$323,187</b>	ITEM NUMBER  G 26

**Background**

On January 17, 2023, Common Council authorized the carry forward of unused 2022 appropriations, for use in 2023, in the amount of \$2,917,899 and directed staff to prepare a 2023 Budget modification (item G.21). Within that carry forward request, the following specifically identified projects were included and continue to be outstanding:

Website Development	\$18,600	41-0144-5843	Capital Outlay Fund – Information Services -Software
Inspections Limited-Term Temporary Help	\$66,000	01-0231-XXXX (Various Payroll Accounts)	General Fund – Inspection Services - Personnel
Merit Pay Pool	\$36,600	01-0199-5111	General Fund – Various Functions – Salaries FT
Senior Travel Program	\$6,611	01-0521-5721	General Fund – Recreation – Senior Citizen Travel
Franklin Senior Citizens, Inc.	\$5,466	01-0521-5723	General Fund – Recreation – Senior Citizen Activities
City Phone System Replacement	\$185,000	41-0181-5812	Capital Outlay Fund – Municipal Buildings – Furniture/Fixtures
Furniture/Fixtures – City Hall Lobbies/Council Chambers	\$4,910	41-0181-5812	Capital Outlay Fund – Municipal Buildings – Furniture/Fixtures
<b>TOTAL Carry Forward</b>	<b>\$323,187</b>		

**Analysis**

This budget amendment is needed to appropriate the funds to support the purchases already made in 2023.

- Merit Pay Pool – On 1/17/23, \$73,200 was requested to be carried forward into 2023. Staff was requesting that \$36,600 that was budgeted for 2021 and \$36,600 that was budgeted in 2022, to be used for merit increases, be carried forward. After further investigation, there was a previous budget amendment prepared for the Common Council Meeting on 4/4/22 where council approved the \$36,600 that was budgeted for 2021 be carried forward into 2022. The request on 1/17/23 was duplicating the 2021 budgeted amount. Therefore, the Director of Finance & Treasurer is only requesting a budget amendment for the \$36,600 that was budgeted in 2022 and was unused.

- Senior Travel Program – On 1/17/23, \$17,811 was requested to be carried forward into 2023. Staff was requesting that \$5,711 of unspent 2021 funds and all \$12,000 of the budgeted 2022 funds be carried forward. After further investigation, there was a previous budget amendment prepared for the Common Council Meeting on 4/4/22 where council approved the total unspent 2021 funds in the amount of \$6,815 be carried forward to 2022. There were multiple charges throughout 2022 that caused the total budgeted amount of \$12,000 to be depleted down to \$6,611. The Director of Finance & Treasurer is requesting the unspent funds in 2022 to be carried forward to 2023 totaling \$6,611.

**Fiscal Note**

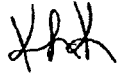
The fiscal impact of the carry forwards is that unused 2022 funds, as specifically identified by account number in the carry forward request, will be used to fund these items which were all authorized in the 2022 Adopted Budget.

**COUNCIL ACTION REQUESTED**

A motion to adopt Ordinance 2023-\_\_\_\_, an Ordinance to amend Ordinance 2022-2521, an Ordinance adopting the 2023 Annual Budgets for the General Fund and Capital Outlay Fund to provide carry forward appropriations from 2022 for specifically identified projects in the amount of \$323,187.

**Roll Call Vote Required**

Finance Dept - DB

<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 1/17/2023
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Request to Authorize Carry Forward of Unused 2022 Appropriations, for Use in 2023, in the Amount of \$2,917,899</b>	<b>ITEM NUMBER</b> G. 21.

The following items, currently included in the 2022 Budget, are being requested for carryover into 2023, so that the initiatives may be completed in 2023 with the authorized 2023 budgeted funds:

1) Initiative: Website Redevelopment

Amount: \$18,600

Account: 41-0144-5843, Capital Outlay Fund-Information Services, Software

Reason: Staff is requesting carryover of these funds to make improvements to the website including: the addition of an urgent alert message panel, the addition of a banner allowing for rotating images, the expansion of authors and editors for the site to be able to improve managing content and keeping data fresh, addition of subscription management to allow interested parties to sign up for notifications of website information, training on the Google Analytics functionality, some auditing for content and accessibility, reorganization of pages, and other improvements as needed. It was expected that this would be a 2022 project, however other projects/initiatives took more precedence and this project will be re-initiated when possible in 2023.

2) Initiative: Ken Windl Pavilion Repairs

Amount: \$65,000

Account: 41-0551-5822, Capital Outlay Fund-Parks, Building Improvements

Reason: Staff is requesting to carryover \$65,000 for this initiative that has been needed for some time, and was approved and budgeted in 2021, and carried over to 2022. With the Buildings and Facilities Survey that was completed in 2020, staff re-evaluated citywide facility needs in 2021, and engaged with a business partner, Industrial Roofing Services, Inc. (IRS), to move this, and other facility related projects, forward. This project will be included in the next round of IRS projects, with the work being completed as soon as possible in 2023.

3) Initiative: Inspections Limited-Term Temporary Help

Amount: \$66,000

Account: 01-0231-XXXX, General Fund – Inspection Services, Various Payroll Accounts

Reason: Staff is requesting to carryover the remaining \$66,000 to preserve the option of hiring limited-term temporary help for the Inspection Services Department to use and assign as needed. This includes various, appropriately-licensed, commonly-retired individuals to supplement our response in the Department. These funds have been carried over in previous years, used sparingly, and will not be replaced when spent.

4) Initiative: Merit Pay Pool

Amount: ~~\$73,200~~ \$36,600

Account: 01-XXXX-XXXX, General Fund-Variou Functions, Appropriate Payroll Accounts

Reason: Staff is requesting to carryover the \$36,600 that was budgeted for 2021 and \$36,600 that was budgeted in 2022, to be used for merit increases, and was not spent due to not having developed the merit plan in 2021/2022. As discussed at budget time, the classification and compensation plan that was approved and implemented approximately six years ago, includes a merit element that allows employees to achieve placement over the 65% level in their pay grade; however, no merit plan has been developed to date, which is creating an issue with retention as

\* \$36,600 already transferred in 2022.

approved  
7/18/23

employees progress in their positions. This carry over will allow the implementation of the merit portion of the pay plan only after such plan is approved by the Council. Staff will be working on this project as staffing and priorities allow in 2023.

5) *Initiative.* Security Improvements

*Amount:* \$350,000 (City Hall) and \$247,000 (Police Department)

*Account:* 46-XXXX-XXXX, Capital Improvement Fund-Variou Functions, Various Accounts

*Reason:* Staff is requesting to carryover \$350,000 that was budgeted for security improvements at City Hall, as well as \$247,000 that was budgeted for the replacement of the video surveillance system at the Police Department. This initiative is just getting back on track after having other projects supersede it priority wise in 2021/22; the actual improvements will be completed in 2023. There are a number of needed improvements, including: cameras, interior and exterior; door access control; alarm availability, access, and management; electronic timekeeping; hallway safety; security glass; an emergency plan; training; and other related improvements as needed. Since the \$350,000 may not suffice for all needed improvements at City Hall, staff will monitor the year end numbers and consider an additional request depending on the project needs, available funding, and other City priorities.

approved  
7/18/23

6) *Initiative.* Senior Travel Program

*Amount.* \$17,811

*Account:* 01-0521-5721, General Fund-Recreation, Senior Citizen Travel

*Reason:* Basil Ryan is requesting to carryover ~~\$5,711 of unspent 2021 funds~~ and all ~~\$12,000 of the budgeted 2022 funds~~ for this purpose, to be used in 2023. The request is due to not having the ability to use all the funds in 2022 because many venues continue to operate with limited hours and limited attendance capacity, and some not at all. Since he is unable to predict when venues will return to full operating hours and full attendance capacity, he asks that all previously allocated funds continue to be carried over. Because of the success of the program, the majority of the trips in 2023 required three buses. At this successful pace, when more venues open up, the carry over funds along with the current allocation, a total of \$29,811, will be exhausted.

\$6,815 unspent in 2021 carried forward in 2022

\$6,611 left over in 2022 unused funds

7) *Initiative:* Franklin Senior Citizens, Inc.

*Amount:* \$5,466

*Account:* 01-0521-5723, General Fund-Recreation, Senior Citizen Activities

*Reason:* The Franklin Senior Citizens, Inc. Board is requesting to carryover \$5,466 of unspent 2022 funds for this purpose, to be used in 2023, in addition to the \$10,000 budgeted in 2023. The request is due to the group reorganizing midway through 2022 and not utilizing any funds in the beginning of the year. The renewed initiative for Franklin Seniors, currently 125 plus members strong, will utilize the funds to function financially without raising the cost of annual dues and monthly meal costs in 2023.

8) *Initiative.* IT Security

*Amount.* \$54,287

*Account.* 01-0144-XXXX, General Fund-Information Services, Data-Processing/Telephone and 41-0144-XXXX, Capital Outlay Fund, IT Replacement Servers

*Reason:* Staff is requesting to carryover \$54,287 of unspent 2022 funds for needed IT security initiatives that were identified as high priority in 2022, to be used in 2023. This includes the continuation of the Security Information and Event Management System approved in September of 2022.

approved  
9/19/23

9) *Initiative:* City Facilities - Improvements

*Amount:* \$350,000

*Account:* 4X-XXXX-XXXX, Capital Funds, Various Departments

*Reason:* Staff is requesting to carryover the \$350,000 of 2022 funds for this purpose. With the Buildings

approved  
7/18/23

and Facilities Survey that was completed in 2020, staff re-evaluated citywide facility needs in 2021, and engaged with a business partner, Industrial Roofing Services, Inc., in September of 2021, to move forward this and other facility related projects. The 2021 carried over funds were used in 2022 for the first round of projects. Note that the City infrastructure needs far exceed this amount, however, with the funds approved through the budget, the highest priority projects will be completed.

10) Initiative: Build City Fiber Infrastructure Network

Amount: \$1,190,630

Account: 46-0181-5846.9650, Capital Improvement Fund-Buildings

Reason: Staff is requesting to carryover these budgeted and approved funds to complete the design and bidding, and construct the City's fiber optic network to be used for City business purposes. The funding source for this project is the Federal ARPA Funding. Specifications are currently being finalized so that bids may be obtained on the same in the near future; this work will be completed as soon as possible in 2023.

11) Initiative: City Phone System Replacement

Amount: \$185,000

Account: 41-0181-5812, Capital Outlay Fund-Municipal Buildings, Furniture/Fixtures

Reason: Staff is requesting to carryover these budgeted funds to move forward with the much-needed replacement of the City Phone System. The replacement will provide current technology, lower annual maintenance costs by more than \$20,000, incorporate all City facilities, and be able to be administered by City staff. Research on the project commenced in 2022, with the project ready to go to RFP in early 2023.

12) Initiative: Furniture/Fixtures -- City Hall Lobbies/Council Chambers

Amount: \$4,910

Account: 41-0181-5812, Capital Outlay Fund-Municipal Buildings, Furniture & Fixtures

Reason: Staff is requesting to carryover the unspent 2022 funds that have been earmarked to freshen up the lobbies/Council Chambers at City Hall.

13) Initiative: Health Department Vehicle

Amount: \$30,000

Account: 41-0411-5811, Capital Outlay Fund-Health Department, Auto Equipment

Reason: Staff is requesting to carryover these funds due to vehicle ordering parameters. When communicating with the automotive company to prepare quotes prior to purchase in early fall of 2022, it was indicated that the vehicle ordering window for 2023 model years was closed and quotes and purchases would need to occur for 2024 vehicle models in late spring of 2023. Based on this provided timeline, the Health Department will begin the purchasing process in the near future.

14) Initiative: DPW -- Curb & Gutter Replacements

Amount: \$35,000

Account: 47-0331-5823, Street Improvement Fund-Highway, Street Extension/Improvement/Construction

Reason: Staff is requesting to carryover the unspent 2022 funds due to a combination of supply chain issues, along with labor shortage at our known vendors.

15) Initiative: DPW -- Street Lighting

Amount: \$91,690

Account: 46-0331-5834.9693, Street Improvement Fund-Highway, Lighting

Reason: Staff is requesting to carryover the unspent 2022 funds due to a combination of supply chain issues, along with labor shortage at our known vendors.

approved  
5/14/23

approved  
8/15/23

approved  
5/14/23

approved  
5/14/23

16) *Initiative.* DPW – Guardrail Replacements

*Amount.* \$60,000

*Account:* 41-0331-5823, Capital Outlay Fund-Highway, Street Extension/Improvement/Construction

*Reason.* Staff is requesting to carryover the unspent 2022 funds due to a combination of supply chain issues, along with labor shortage at our known vendors.

approved  
5/16/23

17) *Initiative:* DPW – 2 6,000 De-Icer Tanks

*Amount.* \$19,980

*Account.* 01-0331-5364, General Fund-Highway, Salt / De-Icer

*Reason.* Staff is requesting to carryover the unspent 2022 funds due to the timeframe required to custom make these tanks.

approved  
5/16/23

18) *Initiative.* DPW – Blower Units/Chainsaws/High-Speed Chargers

*Amount:* \$3,325

*Account:* 01-0551-5247, General Fund-Parks, Parks Maintenance

*Reason:* Staff is requesting to carryover the unspent 2022 funds due to supply chain issues.

approved  
5/16/23

19) *Initiative:* Vehicle – Water/Sewer

*Amount:* \$50,000

*Account:* Fund 61/65, \$25,000 each, Asset Purchase, Vehicle

*Reason:* Staff is requesting to carryover these funds to add to the 2023 budgeted funds to purchase this F-350 Pick-Up Truck.

approved  
7/18/23

As noted above, each of the detailed initiatives was part of the authorized 2022 budget that was not able to be completed during the year, so the request is being made to carry the initiatives forward into 2023 so that the funds can be used during 2023 for the identified purpose, in the same manner as previously authorized.

In addition, staff will be analyzing 2022 budgeted capital projects in the near future and submit carryover requests as needed, prior to the 2022 fiscal year being closed, for those items that are not yet complete, or perhaps temporarily delayed, yet still need to be completed.

### COUNCIL ACTION REQUESTED

Motion to authorize the carry forward of unused 2022 appropriations, for use in 2023, in the amount of \$2,917,899, and direct staff to prepare a 2023 Budget modification for the same, for Council consideration.

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

ORDINANCE NO. 2023-\_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE 2022-2521, AN ORDINANCE ADOPTING THE 2023 ANNUAL BUDGET FOR THE GENERAL FUND AND CAPITAL OUTLAY FUND TO PROVIDE CARRY FORWARD APPROPRIATIONS FROM 2022 FOR SPECIFICALLY IDENTIFIED PROJECTS IN THE AMOUNT OF \$323,187

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WHEREAS, the Common Council of the City of Franklin adopted Ordinance No. 2022-2521, the 2023 Annual Budgets for the City of Franklin on November 15, 2022; and

WHEREAS, the Common Council has carried forward, into 2023, \$323,187 from the General Fund and Capital Outlay Fund for specifically identified projects and expenditures which were not completed in 2022; and

WHEREAS, the Common Council directed on January 17, 2023 that staff prepare a carry forward 2023 budget amendment to bring these projects and expenditures forward to 2023 appropriations in the General Fund and Capital Outlay Fund.

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

Section 1 That the 2023 Budget for the General Fund be amended as follows:

General Fund

0211	Inspection Services	Various Personnel Accounts	Increase	\$66,000
0199	Contingency	Salaries FT	Increase	\$36,600
0521	Recreation	Senior Citizen Travel	Increase	\$6,611
0521	Recreation	Senior Citizen Activities	Increase	\$5,466

Section 2 That the 2023 Budget for the Capital Outlay Fund be amended as follows:

Capital Outlay Fund

0144	Information Services	Software	Increase	\$18,600
0181	Municipal Buildings	Furniture/Fixtures	Increase	\$185,000
0181	Municipal Buildings	Furniture/Fixtures	Increase	\$4,910

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

Section 4 The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, or otherwise be legally invalid or fail under the applicable rules of law to take effect and be in force, the remaining terms and provisions shall remain in full force and effect.

Section 5 All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

\_\_\_\_\_  
John R Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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



<b>APPROVAL</b>  XX	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  12/19/2023
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>2024 Property and Casualty Insurance Coverage</b>	<b>ITEM NUMBER</b>  6 27

The City of Franklin currently obtains its liability insurance plans from the League of Wisconsin Municipalities Mutual Insurance Plan (LWMMI), with R&R Insurance serving as the agent, and its property insurance plans from Chubb. LWMMI has served the City since 2004. The City's property insurance policies have been with Chubb since 2016. For 2024, R&R Insurance is recommending the City remain with the same carriers EXCEPT move the City's property and inland marine to MPIC and switch our Cyber-crime policy to LWMMI instead of Cowbell. All coverages are summarized below.

**Liability**

The City carries a \$10 Million limit of liability with LWMMI, with a \$5,000 deductible. LWMMI began offering the increased limit of liability option of \$10 Million, up from the previous \$6 Million limit, in 2019; this increase in coverage eliminates the City's need to purchase an additional Umbrella policy. LWMMI also provides Terrorism liability coverage automatically at no additional cost (up to the \$10M limit). LWMMI coverages for the City include General Liability, Police Professional Liability, Public Officials Liability, Auto Liability, and Auto Physical Damage. With all of these combined, the total proposed liability package premium for 2024 is \$275,433; a \$2,829 increase (+1.04%) from 2023.

For the 2024 Workers Compensation, the City's premium will **decrease** by \$57,998 from the 2023 premium, for a total proposed 2024 premium of \$256,671, subject to reconciliation of final salaries and wages. Workers Compensation is based on the State-calculated experience modification ratio for the last 3 years of claims history, which for 2024 the City's experience modification ratio decreased from .81 to .68. LWMMI continues to use United Heartland as its administrator for the Workers Compensation policy. Please note that LWMMI will not write a policy without Workers Compensation. In addition, the workers compensation rates are statutorily set and the full amount of LWMMI premiums are subject to potential annual dividends. The 2022 policy dividend, received in 2023, was \$22,012 and the 2021 policy dividend, received in 2022, was \$37,425. Worker's Compensation premiums for the past five years were: \$314,669 in 2023, \$427,936 in 2022, \$453,645 in 2021, \$397,760 in 2020, and \$425,971 in 2019.

The City also carries a Storage Tank liability policy with ACE American Insurance Company, with coverage of \$1,000,000 per incident / \$2,000,000 total policy aggregate limit, at a renewing cost of \$4,838, which is up \$151 from the prior year. For Crime coverage, the City contracts with Hanover due to their expanded coverage that includes Employee Theft, Forgery or Alteration, Inside the Premises Theft of Money & Securities, Outside the Premises, Computer Fraud, Funds Transfer Fraud, and False Pretense. The proposed crime renewal policy rate for 2024 with Hanover is \$2,801, which is a \$4 increase over the 2023 policy rate.

**Property**

R&R Insurance received two property quotes for the City's property policies; one from MPIC and one from Chubb, who has been the City's property policy provider since 2016. R&R recommends the City bind its 2024 property policies with MPIC. MPIC provided a 2024 property quote for the City's buildings and contents, property in the open, and contractor's equipment of \$91,439, an increase of \$1,303 from 2023. Chubb's 2024 property quote was \$96,161; a \$6,025 increase over the 2023 premium. MPIC's property premium is based on a \$10,000 deductible for buildings/contents, a \$5,000 deductible for property in the

open, and a \$1,000 deductible for contractor's equipment; the same deductibles as the City's expiring policy. For the Inland Marine policy, MPIC provided a 2024 premium of \$9,677, a \$3,667 decrease from the 2023 premium, compared to Chubb's 2024 premium quote of \$14,508.

Due to the considerable cost savings, the Director of Administration agrees with R&R's recommendation to move the City's property policies over to MPIC for 2024. Below are some coverage highlights provided by MPIC:

- Blanket Plus coverage - Coverage up to 125% of your Total Insured Value for any loss
- Contactor's Equipment coverage included for all items up to \$25,000 - Additional coverage in excess of \$25,000 is provided if scheduled and endorsed to the policy.
- Valuable Records coverage with full coverage limits, once deductible is met
- \$10,000,000 extra expense coverage; Additional coverage available
- \$5,000,000 for Asbestos Cleanup, Abatement and Removal from a covered loss
- \$5,000,000 Ordinance and Law Coverage
- \$1,000,000 Coverage for Unscheduled Buildings and Property in the Open
- Newly Acquired Property – Included at no charge during the current policy period. Property must be scheduled before the next renewal for continued coverage in future policy periods
- Coverage for Police Dogs and Horses up to \$25,000; a \$1,000 deductible applies to this coverage
- Automatic Builder's Risk coverage for projects up to \$2,500,000 in value
- \$2,000,000 coverage for Pollutants from a covered peril
- \$5,000,000 Flood Coverage of for property not located in an "A" zoned flood plain per policy period
- \$5,000,000 Earthquake Coverage per policy period
- \$50,000 coverage per Fine Art item or collection included. Additional coverage available
- \$2,500,000 in Builders Risk Coverage; Coverage up to \$30,000,000 available by endorsement
- \$50,000 coverage for Excavation, Grading and Filling
- \$100,000 coverage Building Foundations and Footings
- Coverage for Trees and Shrubs damaged by any covered peril within 100' of a building
- \$25,000 coverage for Fire Department Service Charges
- \$50,000 coverage for Documentation of Loss Coverage
- \$100,000 coverage for Architectural and Engineering Design
- Include \$25,000 coverage for Computer Service Interruption
- Direct Damage from Utilities is a covered peril for Buildings, Personal Property and PITO
- \$50,000 limited coverage for Fungus related to a covered peril, per policy period
- Emergency support equipment contained in/on emergency response vehicles subject to a \$1,000 deductible.
- Coverage available for scheduled Pedestrian Bridges and piers and wharfs
- Terrorism Coverage Included

### **Cyber Crime Insurance**

The City's Cyber-crime policy is currently with Cowbell Cyber Insurance which includes both first-party and third-party cyber coverage. Cowbell was the only option for the City in 2023. LWMMI has advocated for taking more ownership of this coverage and advanced their coverage form and pricing. Thus, R&R Insurance is recommending the City move its Cyber-crime policy to LWMMI at a cost of \$22,072, which is \$9,704 less than the 2023 premium. Cowbell's premium proposal for 2024 was \$38,091, which is \$6,315 more than the 2023 premium and \$16,019 more than LWMMI's proposed premium quote. The Director of Administration recommends binding the 2024 Cyber-crime insurance policy with LWMMI.

## Summary

The Director of Administration recommends keeping the City's current liability and auto insurance policies with LWMMI/R&R Insurance and subsidiary providers, moving the property and inland marine policies over to MPIC, and moving the City's cyber-crime insurance policy to LWMMI.

The following table shows a summary of the 2023 premium costs and proposed 2024 premiums through R&R Insurance/LWMMI and MPIC for the City's liability, property, and cyber-crime insurance policies. The 2024 total estimated cost for all liability, property, and cyber-crime coverages is \$662,931, a **decrease of \$67,082** from 2023.


Coverage	2023 Cost	2024 Cost	Carrier
<b>Property Insurance</b>			
Buildings/BPP/PITO/Mobile Equipment/ Boiler & Machinery/Inland Marine	\$103,480 w/Terrorism	\$101,116 w/Terrorism	2024 MPIC
<b>Liability Insurance</b>			
	<i>\$10M Limit</i>	<i>\$10M Limit</i>	
General Liability	91,350	86,591	R&R Ins./LWMMI
Police Professional	42,638	43,325	R&R Ins./LWMMI
Public Officials	52,612	55,447	R&R Ins./LWMMI
Auto Liability	28,102	29,843	R&R Ins./LWMMI
Auto Physical Damage	57,902	60,227	R&R Ins./LWMMI
Crime & Monies/Securities	2,797	2,801	R&R Ins./Hanover
Storage Tank	4,687	4,838	R&R Ins./ACE
Workers Compensation	314,669	256,671	R&R Ins./United Heartland
Cyber Insurance Policy	31,776	22,072	2024 LWMMI
<b>Subtotal–Liability Insurance</b>	<b>\$626,533</b>	<b>\$561,815</b>	R&R Ins./LWMMI
<b>Total - Property &amp; Liability</b>	<b>\$730,013</b>	<b>\$662,931</b>	R&R/LWMMI & MPIC

The 2024 Insurance budget includes a total amount of \$778,850 for insurance coverage. Furthermore, note that the City annually receives a dividend check from the League of Wisconsin Municipalities, which was \$22,012 for the 2022 policy dividend. The 2023 policy year dividend check will be received in July/August of 2024. As such, it is expected that there are sufficient appropriations to fund the proposed policies as noted in the above table. Please note that final costs for the year will vary as, for example, new vehicles and equipment are added or removed from coverage throughout the year.

## COUNCIL ACTION REQUESTED

Motion to authorize the Director of Administration to renew and execute the City's casualty insurance plans with R&R Insurance/League of Wisconsin Municipalities Mutual Insurance (LWMMI), MPIC, Hanover, and ACE American Insurance Company for 2024, as noted in the table above, for an estimated total annual premium of \$662,931, and to further authorize the payment of premiums in accordance with or as required by said policy documents.

Insured Name City of Franklin Scott Huibregtse / Karlie Davis Effective 01/01/2024-01/01/2025		<h2>Premium Comparison</h2>	
Company Year Coverages	Prior Year <b>LWMMI</b> 2023	Current Year - By Companies Quoting <b>LWMMI</b> 2024	Difference
General Liability	\$91,350 00	\$86,591 00	-\$4,759 00
Police Prof Liability	\$42,638 00	\$43,325 00	\$687 00
Public Officials Liability	\$52,612 00	\$55,447 00	\$2,835 00
Auto Liability	\$28,102 00	\$29,843 00	\$1,741 00
Auto Physical Damage	\$57,902 00	\$60,227 00	\$2 325 00
<b>Package Total</b>	<b>\$272,604.00</b>	<b>\$275,433.00</b>	<b>\$2,829.00</b>
Property	\$90,136 00 <i>Chubb</i>	\$91,439 00 <i>MPIC</i>	\$1,303 00
Inland Marine	\$13,344 00 <i>Chubb</i>	\$9,677 00 <i>MPIC</i>	-\$3,667 00
Cyber	\$31 776 00 <i>Cowbell</i>	\$22,072 00 <i>LWMMI</i>	-\$9,704 00
Crime	\$2,797 00 <i>Hanover</i>	\$2,801 00 <i>Hanover</i>	\$4 00
Tank	\$4,687 00 <i>ACE</i>	\$4,838 00 <i>ACE</i>	\$151 00
<b>Other Coverages Subtotal</b>	<b>\$142,740.00</b>	<b>\$130,827.00</b>	<b>-\$11,913.00</b>
Workers Compensation	\$314,669 00	\$256,671 00	-\$57,998 00
<b>Estimated Premium</b>	<b>\$730,013.00</b>	<b>\$662,931.00</b>	<b>-\$67,082.00</b>
<b>Exposure changes</b>			
	<b>2023</b>	<b>2024</b>	<b>Difference</b>
<b>Package Changes</b>			
Total Payroll	\$19,001,000	\$19,658,000	657,000
# of Full Time Police Officers	64	64	-
Number of Vehicle	123	128	5
Total Vehicle Values	\$9,818,939	\$10 278,743	459 804
Population	36646	35,785	-861
<b>Property (See Additional Page)</b>			
<b>Chubb</b>			
Property Annual premium \$96 161			
Inland Marine Annual premium \$14 508			
<b>Work Comp (See additional page)</b>			
<b>Cyber</b>			
Cowbell Annual premium \$38,091			

<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 12/19/23
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>AUTHORIZE STAFF TO SOLICIT EQUIPMENT CONSIDERED IN THE 2024 HIGHWAY EQUIPMENT REPLACEMENT AND CAPITAL OUTLAY FUNDS</b>	<b>ITEM NUMBER</b> G. 28

**BACKGROUND**

Within the approved 2024 Public Works Department budget, in the Capital Outlay and Equipment Replacement Funds, is the replacement of the following pieces of equipment:

- Front End Loader (1)
- One-Ton Dump Truck with Plow & Salt Spreader (1)

Price quotes will be solicited by Department of Public Works staff and approved by both the Board of Public Works and Common Council

Due to the anticipated increases in pricing and current delays in manufacturing expected in 2024, we would like to begin the process of securing quotes in early January in hopes of receiving the equipment by Summer 2024.

**OPTIONS**

Authorize Department of Public Works staff to solicit quotes for the above equipment. Quotes will be sent to the Board of Public Works for review & approval, and the recommendation will be sent to the Common Council for approval.

**FISCAL NOTE**

These purchases are included in the 2024 approved budget as indicated above. The total amount budgeted for these items is approximately \$600,000.00.

**RECOMMENDATION**

Authorize Department of Public Works staff to solicit quotes for equipment considered in the 2024 Highway budgets for the Board of Public Works to review and approve, and send to Common Council for final approval.

**COUNCIL ACTION REQUESTED**

Authorization for Department of Public Works staff to solicit equipment considered in the 2024 Highway Equipment Replacement and Capital Outlay Funds

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>JK</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>12/19/2023</b></p>
<p style="text-align: center;"><b>Reports and Recommendations</b></p>	<p style="text-align: center;">A motion to approve the Director of Health and Human Services to sign the University of Wisconsin La Crosse affiliation agreement to host a volunteer student intern in 2024.</p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G 29</p>

**Background:** The City of Franklin Health Department finds value in educational partnerships for student internship and volunteer experiences benefiting both students and the city directly. This education affiliation agreement outlines the Franklin Health Department to serve as the host site for a 560 hour UW La Crosse student internship experience. The internship will take place in January of 2024 through May of 2024.

The student workplan focuses on and will lend enhancement to Franklin Health Department priorities as identified in the Franklin Community Health Improvement Plan.

**Fiscal Note:** The student internship will consist of 560 volunteer hours by a UW La Crosse student enrolled in their final semester of the Public Health and Community Health Education Bachelor Program.

The affiliation agreement has been sent to the City of Franklin legal counsel for review with no changes recommended.

**COUNCIL ACTION REQUESTED**

A motion to approve the Director of Health and Human Services to sign the University of Wisconsin La Crosse affiliation agreement to host a volunteer student intern in 2024.

Health Department: LG

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>[Signature]</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>12/19/2023</b></p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>Authorize Promotion and Wage Adjustment for Marion Ecks to Principal Planner (Grade Level 9; Hourly Rate of \$35) - Account 01-0621-5111</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G 30.</p>

Marion Ecks, an Associate Planner for the City, has demonstrated exceptional skill and unwavering commitment to the role of Planner over the past four years. Marion is grateful for the support received and appreciates the promotion consideration.

Attached are relevant documents, including job descriptions for Marion's current role and the Principal Planner position, for reference.

Marion has illustrated the ability to work independently and constructively, which is especially noteworthy as the department operated without a dedicated planning manager for more than half of her tenure. This sustained demonstration of expertise and skills has significantly contributed to the overall stability of the department.

Notably, Marion has continued to pursue professional development, obtaining certifications as a member of the American Institute of Certified Planners (AICP) and National Charette Institute Certified Charette Planner and Manager.

Currently, Marion is undertaking many responsibilities associated with the Principal Planner position. Examples include drafting new ordinances and revising the UDO for development applications, contributing to the UDO update, and supporting the Environmental and Parks Commissions in proposing changes to the UDO and Municipal Code.

Marion's contributions to the Parkland Acquisition Study with Vandewalle and Associates are key accomplishments. Overseeing the contract, working through drafts, coordinating data input, and leading the adoption process through the Parks Commission up to Common Council showcase her comprehensive skills.

Beyond Marion's current responsibilities, she consistently goes above and beyond to support the department and the City. She plays an instrumental part in maintaining team efficiency, providing valuable ideas and feedback, training interns and administrative staff, and supporting the group in their work. Marion has also taken on special projects like the "CAV" to assist the City in maintaining good standing with FEMA, involving behind-the-scenes work with GIS to optimize BS & A for floodplain review and developing procedures to address floodplain encroachments and resolve violations.

The Director of Administration believes that Marion is well-prepared for the additional responsibilities of a Principal Planner, and Marion looks forward to contributing further to Franklin's success.

**Fiscal Impact**

The Planning Department has had unfilled positions within their department on and off for a few years, including a Planning Manager currently. As a result, the department has a surplus in its full-time salary account (01-0621-5111). The surplus is enough to cover the additional money.

Marion's hourly rate is currently \$32.33. This promotion would increase her hourly rate to \$35 an hour, bringing her to the bottom range of the grade level 9.

**Assumptions**

Changes may be made in 2024 based on the results of a city-wide comprehensive study.

**COUNCIL ACTION REQUESTED**

Motion to authorize the promotion and increase in grade levels for Marion Ecks from Associate Planner Grade Level 7 (\$28.21/hr.) to Principal Planner Grade Level 9 (\$35/hr.). The annual increase is estimated at \$5,553, with a yearly salary of \$72,800.

**CITY OF FRANKLIN**  
**Job Description**

**Job Title:** Planner II

**Department:** Community Development

**Reports To:** Planning Manager

**Salary Level:** 17

**FLSA Status:** Exempt

**Prepared By:** Joel Dietl, Planning Manager

**Prepared Date:** February 12, 2009

**Approved By:** Common Council Resolution 2009-6527

**Approved Date:** 3/3/2009

**Summary** Under the general direction and supervision of the Planning Manager, plans, reviews and designs development of land areas for projects such as parks and other recreational facilities, highways, and parkways, hospitals, schools, land subdivisions, and commercial, industrial, and residential sites by performing the following duties.

**Essential Duties and Responsibilities**

Generally performs such duties and responsibilities as indicated below relative to issues and topics of standard to moderate complexity, requiring interpretation and application of general rules, standards, policies and codes.

Provides technical assistance in responding to inquiries of citizens, developers and builders.

Reviews development plans in accordance with City plans, policies and codes, and proper planning principles.

Compiles and analyzes data on such site conditions as geographic location; soil, vegetation, and rock features; drainage; and location of structures for preparation of environmental impact report and development of landscaping plans.

Inspects construction work in progress to ensure compliance with approved plans.

Provides staff support for code enforcement in accordance with City code enforcement policies.

Provides input toward preparing and updating development and land use related plans, policies and ordinances.

Attends meetings of boards, commissions, and committees as directed. Provide technical assistance as needed.

Accomplishes planning and zoning studies, as assigned, and provide recommendations when necessary.

Updates and maintain the City Development section of the Franklin City website, as directed.

Provides technical support for economic development projects.

### **Supervisory Responsibilities**

This job has no supervisory responsibilities.

**Qualifications** To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

### **Education and Experience**

Bachelor's degree in Urban Planning or a related field and a minimum of 2 years related professional planning experience is required. A Master's degree in a related field or AICP certification, along with 1 year of related professional planning experience, would be considered equivalent.

### **Language Skills**

Ability to read, analyze, and interpret general business periodicals, professional journals, technical procedures, maps, or governmental regulations. Ability to write reports, business correspondence, and procedure manuals. Ability to effectively present information and respond to questions from groups of managers, clients, customers, and the general public.

### **Mathematical Skills**

Ability to work with mathematical concepts such as fundamentals of plane and solid geometry and trigonometry. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

### **Reasoning Ability**

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

### **Technical Skills**

Ability to read, analyze and interpret maps, aerial photographs, site plans, engineering drawings, etc.

### **Computer Skills**

To perform this job successfully, an individual should have knowledge of Geographic Information Systems software, Microsoft Word, and Microsoft Excel software.

### **Other Skills and Abilities**

Ability to exercise knowledge of general principles, practices and techniques of municipal planning.

Ability to demonstrate general knowledge of planning and zoning legislation.

Ability to understand environmental awareness and issues, and the ability to determine an estimated wetland and woodland boundary by Corp of Engineers or Department of Natural Resources guidelines preferred.

**Certificates, Licenses, Registrations**

A valid driver's license is required.

**Physical Demands** The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed mostly in office settings. Some outdoor work is required in the inspection of various land use properties, developments, and construction sites. Hand-eye coordination is necessary to operate computers and various pieces of office equipment.

While performing the duties of this Job, the employee is regularly required to talk; hear; sit; use hands and fingers to handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus.

**Work Environment** The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works in outside weather conditions. The employee is occasionally exposed to warm and/or humid conditions, and fumes or airborne particles. The noise level in the work environment is usually quiet in the office, and moderate in the field.

**Miscellaneous** The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

CITY OF FRANKLIN  
Job Description

**Job Title:** Senior Planner  
**Department:** Community Development  
**Reports To:** Planning Manager  
**Salary Level:** 19  
**FLSA Status:** Exempt  
**Prepared By:** Joel Dietl, Planning Manager  
**Prepared Date:** February 12, 2009  
**Approved By:** Common Council Resolution 2009-6527  
**Approved Date:** 3/3/2009

**Summary** Under the general direction and supervision of the Planning Manager, plans, reviews and designs development of land areas for projects such as parks and other recreational facilities, highways, and parkways, hospitals, schools, land subdivisions, and commercial, industrial, and residential sites by performing the following duties.

**Essential Duties and Responsibilities**

Performs such duties and responsibilities as indicated below on complex issues and topics requiring interpretation and application of rules, standards, policies and codes.

Provides technical assistance in responding to inquiries of citizens, developers and builders.

Drafts new ordinances and ordinance amendments in accordance with City policy and adopted plans, as directed.

Reviews development plans in accordance with City plans, policies and codes, and proper planning principles.

Compiles and analyzes data on such site conditions as geographic location; soil, vegetation, and rock features; drainage; and location of structures for preparation of environmental impact report and development of landscaping plans.

Inspects construction work in progress to ensure compliance with approved plans.

Provides staff support for code enforcement in accordance with City code enforcement policies.

Prepares and updates development and land use related plans, policies and ordinances.

Attends meetings of boards, commissions, and committees as directed. Provides technical assistance as needed.

Accomplishes planning and zoning studies, as assigned, and provides recommendations when necessary.

Provides technical support for economic development projects.

### **Supervisory Responsibilities**

Responsible for coordinating the work activities and work load for the Planning Intern.

**Qualifications** To perform this job successfully, an individual must be able to perform each essential duty satisfactorily. The requirements listed below are representative of the knowledge, skill, and/or ability required. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

### **Education and Experience**

Master's degree in Urban Planning or a related field and a minimum of 4 years related professional planning experience required. A Bachelor's degree in Urban Planning or a related field with AICP certification is considered equivalent to a Masters degree.

### **Language Skills**

Ability to read, analyze, and interpret general business periodicals, professional journals, technical procedures, maps, or governmental regulations. Ability to write reports, business correspondence, and procedure manuals. Ability to effectively present information and respond to questions from groups of managers, clients, customers, and the general public.

### **Mathematical Skills**

Ability to work with mathematical concepts such as fundamentals of plane and solid geometry and trigonometry. Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.

### **Reasoning Ability**

Ability to solve practical problems and deal with a variety of concrete variables in situations where only limited standardization exists. Ability to interpret a variety of instructions furnished in written, oral, diagram, or schedule form.

### **Technical Skills**

Ability to read, analyze and interpret maps, aerial photographs, site plans, engineering drawings, etc.

### **Computer Skills**

To perform this job successfully, an individual should have knowledge of Geographic Information Systems software, Microsoft Word and Microsoft Excel software.

### **Other Skills and Abilities**

Ability to exercise knowledge of general principles, practices and techniques of municipal planning.

Ability to demonstrate general knowledge of planning and zoning legislation.

Ability to understand environmental awareness and issues, and the ability to determine an estimated wetland and woodland boundary by Corp of Engineers or Department of Natural Resources guidelines preferred.

### **Certificates, Licenses, Registrations**

A valid driver's license is required.

**Physical Demands** The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed mostly in office settings. Some outdoor work is required in the inspection of various land use properties, developments, and construction sites. Hand-eye coordination is necessary to operate computers and various pieces of office equipment.

While performing the duties of this Job, the employee is regularly required to talk; hear; sit; use hands and fingers to handle, feel or operate objects, tools, or controls; and reach with hands and arms. The employee is occasionally required to stand and walk. The employee must occasionally lift and/or move up to 10 pounds. Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perception and the ability to adjust focus.

**Work Environment** The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee occasionally works in outside weather conditions. The employee is occasionally exposed to warm and/or humid conditions, and fumes or airborne particles. The noise level in the work environment is usually quiet in the office, and moderate in the field.

**Miscellaneous** The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.



<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>[Signature]</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>12/19/2023</b></p>
<p style="text-align: center;"><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>Annual Market Adjustment, Market Adjustment to Wage and Salary Rates, and Progress to Market Wage Adjustment for Non-Represented Employees</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G 31.</p>

***BACKGROUND***

Franklin’s Classification and Compensation Plan, which was implemented at the end of 2015, identified the following three potential annual adjustments to employee wage rates:

1. Market Adjustment to Wage and Salary Rates: The Annual Market Adjustment changes the overall pay plan structure. Individual wage rates then need to be adjusted at a rate equal to the Annual Market Adjustment to allow each employee to maintain their position in the market. This action does not advance employees within their range but attempts to keep employees at an equitable wage to the cost of living and with our comparable cities.

2. Progress-to-Market-Rate Adjustments: Identifies the portion of a merit increase that an employee is eligible for annually unless otherwise directed by the Common Council, based upon where the employees are within their applicable Salary Range.

Note: This is conceptually similar to a step increase in some plans. Franklin’s increases are graduated, as follows, depending upon an employee’s current position in the range:

- Below 30% in the applicable salary range = 2.25% adjustment,
- Below the Midpoint, from 30% up to less than 50% in the range = 1.5% adjustment, and
- From Midpoint up to Market Rate, from 50% up to less than 65% in the range = .75% adjustment

3. Merit Performance Increases: With the upcoming implementation of an improved performance evaluation system, additional funding would be available, based upon the performance evaluation results, to those individuals performing above a satisfactory level.

Funding included in the 2024 budget for the above-noted pay adjustments for categories #1 and #2 is approximately \$317,020, including the corresponding benefit costs. The planned breakdown is (1) Approximately \$251,074 for the 3% market adjustment for non-represented employees and (2) approximately \$65,946 for the progress-to-market-rate adjustment. Additional funds are budgeted in 2024 and carryover from 2023 and 2022 for the merit performance increases; however, those funds are not part of this approval request. Rather, the funds will be requested when the Common Council authorizes the merit program.

***ANALYSIS***

Comparable City Wage Increases

A five-year review of our comparable communities, as determined in our Classification & Compensation Study, has been completed yearly except for 2023. The recommended increase for 2024 is a little below the average of the comparable municipalities of approximately 3.21% and a median of 3.5%. Most communities are also implementing their increases in January 2024. Franklin is still lagging somewhat on a five-year rolling average for the increase and the overall wages paid.

Franklin needs to consider the pay of comparable cities, as the pool of employees drawn upon by the majority of these cities are the same as those Franklin works to attract vacancies, and, with the workforce becoming more mobile, competition for staff is more competitive than ever.

#### Classification and Compensation Plan-Continued Implementation

Regarding the Classification and Compensation Plan, which was implemented in late 2015, the execution of the plan did not immediately place employees at their designated market rate if they were below it, even if they were productive, longstanding employees while allowing those over their market rate to retain their current level of pay. Instead, it laid out a plan for those employees to progress slowly to their market rate, based on the details in the second item in the Background section above, which makes this piece of the increase critical to continue moving those employees toward their established market rate.

#### Merit Increases

As noted above, merit increases were part of the planned wage increase mix for 2021. However, there was not an established, approved merit-based plan in place, so these budgeted funds were requested and approved for carryover to 2022 and again to 2023, and a carryover request will be forthcoming in 2024 to allow staff time to create a prudent merit program. With several competing priorities, this initiative was not accomplished in 2022 or 2023 but is high on the priority list for 2024, along with a refresh to the 2015 Classification and Compensation Study, which is already in progress. Staff will bring a draft plan forth when it is ready for the Personnel Committee and Common Council consideration. Please note that there is flexibility with this item, and it will be structured to work within the confines of the 2024 Budget Plan.

Finally, as set forth within the adopted policy for the pay plan, all wage increases are subject to each employee receiving a performance review grade of at least "Standard" or better, which will be confirmed and documented by the department heads since there is not yet a formal appraisal process in place. As the plan requires, only employees who successfully complete their job duties are considered for any of the above-noted increases. A formal appraisal process will also be created.

#### ***RECOMMENDATION***

Staff recommends that the Council authorize the 3% market adjustment to both the salary schedule and wages and the progress to market adjustment, as outlined above.

### **COUNCIL ACTION REQUESTED**

Motion to approve a 2024 Annual Market Adjustment to the Pay Ranges of the Compensation Plan and a Market Adjustment to Wage and Salary Rates, both by 3%, along with a Progress to Market Wage Adjustment, for non-represented employees effective with the start of the pay period with a pay date of January 12, 2024, and authorize Human Resources to incorporate the new Salary Ranges into the Employee Handbook.

<b>APPROVAL</b> <i>X</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 12/19/2023
<b>REPORTS AND RECOMMENDATIONS</b>	<b>Authorize the Director of Administration to Enter into An Agreement with ClearGov, Which Includes a Termination at Any Time Without Penalty Clause to Lock in 2023 Rates for Software That Would Be Implemented for the City by the 2025 Budget Season or Sooner.</b>	<b>ITEM NUMBER</b> <i>G 32</i>

The Finance Department utilizes countless Microsoft Excel spreadsheets, Word documents, PowerPoint, Adobe Acrobat, and BS&A to develop and produce the annual budget. While the budget team takes great effort and care to provide an accurate budget, the current process is an arduous, time-consuming task that is manually driven and prone to possible errors. To streamline the annual budgeting process and produce a more user-friendly and approachable budget document, the budget team evaluated software options offered by ClearGov that would allow for automated workflow, centralized data, and enhanced communication of the budget to the community.

ClearGov's Budget Cycle Management software will allow the Finance Department to collaborate more effectively with other departments, centralize our data into fewer locations that will decrease the chance for mistakes, formula errors, and version confusion, and provide an interactive digital budget for our citizens. The software will also allow Finance and all departments to budget more effectively for capital projects. ClearGov's annual software subscription fee for the full Budget Cycle Management software includes five modules (Capital Budgeting, Personnel Budgeting, Operational Budgeting, Digital Budget Book, and Transparency) for \$37,100 and a one-time fee of \$11,475.

ClearGov was awarded a contract for Business/Financial Management Software by the national purchasing cooperative, BuyBoard, using a competitive procurement process that meets the City's procurement policies. Staff recommends approval of a contract with ClearGov for Budget Management Software for \$48,575. This software will dramatically reduce time and, in some cases, remove redundancy, countless spreadsheets, human error, and a belabored budget forecasting process utilized by the Directors of Finance and Administration that is currently estimated to be a 6-month process. Furthermore, ClearGov will keep the City in compliance with all laws as they pertain to the software functions and create a transparent and up-to-date snapshot and downloadable document of the City's budget, projects, departments, Capital Improvement Plans, and more at any time.

**COUNCIL ACTION REQUESTED**

Motion to Authorize the Director of Administration to Enter Into An Agreement with ClearGov, Which Includes a Termination at Any Time Without Penalty Clause to Lock in 2023 Rates for Software That Would Be Implemented for the City by the 2025 Budget Season or Sooner.



# Service Order

2 Mill & Main; Suite 630; Maynard, MA 01754

<b>Created by</b>	George Hoermann
<b>Contact Phone</b>	(203) 246-3611
<b>Contact Email</b>	ghoermann@cleargov.com

<b>Order Date</b>	Dec 1, 2023
<b>Order valid if signed by</b>	<b>Dec 31, 2023</b>

Customer Information			
<b>Customer</b>	The City of Franklin, Wisconsin	<b>Contact</b>	Kelly Hersh
<b>Address</b>	9229 W. Loomis Road	<b>Title</b>	Director of Administration
<b>City, St, Zip</b>	Franklin, WI 53132	<b>Email</b>	khersh@franklinwi.gov
<b>Phone</b>	(414) 425-7500	<b>Billing Contact</b>	Danielle Brown
		<b>Title</b>	Director of Finance
		<b>Email</b>	DBrown@franklinwi.gov
		<b>PO # (if any)</b>	

### The Services you will receive and the Fees for those Services are...

Set up Services	Tier/Rate	Service Fees
ClearGov Setup. Includes activation, onboarding and training for ClearGov solutions	Tier 2	\$ 16,200.00
ClearGov Setup: BCM Bundle Discount - Discount for bundled BCM solutions	Tier 2	\$ (4,725.00)
<b>Total ClearGov Setup Service Fee - Billed ONE-TIME</b>		<b>\$ 11,475.00</b>
Subscription Services	Tier	Service Fees
ClearGov BCM Operational Budgeting - Civic Edition	Tier 2	\$ 13,300.00
ClearGov BCM Personnel Budgeting - Civic Edition	Tier 2	\$ 12,100.00
ClearGov BCM Capital Budgeting - Civic Edition	Tier 2	\$ 9,800.00
ClearGov BCM Digital Budget Book - Civic Edition	Tier 2	\$ 8,100.00
ClearGov BCM Transparency - Civic Edition	Tier 2	\$ 7,300.00
ClearGov ClearPlans - Civic Edition	Tier 2	\$ 8,100.00
ClearGov BCM Full Suite Bundle Promotion (Offer expires on December 31, 2023)	Tier 2	\$ (21,600.00)
<b>Total ClearGov Subscription Service Fee - Billed ANNUALLY IN ADVANCE</b>		<b>\$ 37,100.00</b>

### ClearGov will provide your Services according to this schedule...

Period	Start Date	End Date	Description
<b>Setup</b>	Jan 1, 2025	Jan 1, 2025	ClearGov Setup Services
<b>Initial</b>	Jan 1, 2025	Dec 31, 2027	ClearGov Subscription Services

### To be clear, you will be billed as follows...

Billing Date(s)	Amount(s)	Notes
Jan 1, 2025	\$11,475.00	One Time Setup Fee
Jan 1, 2025	\$37,100.00	Annual Subscription Fee
Additional subscription years and/or renewals will be billed annually in accordance with pricing and terms set forth herein		
Billing Terms and Conditions		
<b>Valid Until</b>	<b>Dec 31, 2023</b>	Pricing set forth herein is valid only if ClearGov Service Order is executed on or before this date.
<b>Payment</b>	<b>Net 30</b>	All invoices are due Net 30 days from the date of invoice.
<b>Initial Period Rate Increase</b>	3% per annum	During the Initial Service Period, the Annual Subscription Service Fee shall automatically increase by this amount.
<b>Rate Increase</b>	6% per annum	After the Initial Service Period, the Annual Subscription Service Fee shall automatically increase by this amount.

## General Terms & Conditions

<b>Customer Satisfaction Guarantee</b>	During the first thirty (30) days of the Service, Customer shall have the option to terminate the Service, by providing written notice. In the event that Customer exercises this customer satisfaction guarantee option, such termination shall become effective immediately and Customer shall be eligible for a full refund of the applicable Service Fees.
<b>Statement of Work</b>	ClearGov and Customer mutually agree to the ClearGov Service activation and onboarding process set forth in the attached Statement of Work. Please note that ClearGov will not activate and/or implement services for any Customer with outstanding balance past due over 90 days for any previous subscription services.
<b>Taxes</b>	The Service Fees and Billing amounts set forth above in this ClearGov Service Order <b>DO NOT</b> include applicable taxes. In accordance with the laws of the applicable state, in the event that sales, use or other taxes apply to this transaction, ClearGov shall include such taxes on applicable invoices and Customer is solely responsible for such taxes, unless documentation is provided to ClearGov demonstrating Customer's exemption from such taxes.
<b>Term &amp; Termination</b>	Subject to the termination rights and obligations set forth in the ClearGov BCM Service Agreement, this ClearGov Service Order commences upon the Order Date set forth herein and shall continue until the completion of the Service Period(s) for the Service(s) set forth herein. Each Service shall commence upon the Start Date set forth herein and shall continue until the completion of the applicable Service Period. To be clear, Customer shall have the option to Terminate this Service Order on an annual basis by providing notice at least sixty (60) days prior to the end of the then current Annual Term.
<b>Auto-Renewal</b>	After the Initial Period, the Service Period for any ClearGov Annual Subscription Services shall automatically renew for successive annual periods (each an " <b>Annual Term</b> "), unless either Party provides written notice of its desire not to renew at least sixty (60) days prior to the end of the then current Annual Term.
<b>Cancellation Option</b>	This ClearGov Service Order is subject to the approval of the Franklin City Council (the "Board") as set forth herein. In the event that the Board does not approve this Service Order at its December 2024 meeting, Customer shall have the option to terminate this Service Order immediately by providing written notice. In the event that Customer exercises this option, Customer shall have no payment obligation under this Service Order.
<b>Agreement</b>	This ClearGov Service Order shall become binding upon execution by both Parties. The signature herein affirms your commitment to pay for the Service(s) ordered in accordance with the terms set forth in this ClearGov Service Order and also acknowledges that you have read and agree to the terms and conditions set forth in the ClearGov BCM Service Agreement found at the following URL: <a href="http://www.ClearGov.com/terms-and-conditions">http://www.ClearGov.com/terms-and-conditions</a> . This Service Order incorporates by reference the terms of such ClearGov BCM Service Agreement.

Customer	
<b>Signature</b>	
<b>Name</b>	Kelly Hersh
<b>Title</b>	Director of Administration

ClearGov, Inc.	
<b>Signature</b>	
<b>Name</b>	Bryan A. Burdick
<b>Title</b>	President

**Please e-mail signed Service Order to [Orders@ClearGov.com](mailto:Orders@ClearGov.com) or Fax to (774) 759-3045**

Customer Upgrades (ClearGov internal use only)		
<b>This Service Order is a Customer Upgrade</b>	No	<b>If Yes: Original Service Order Date</b>

# Statement of Work

This Statement of Work outlines the roles and responsibilities by both ClearGov and Customer required for the activation and onboarding of the ClearGov Service. ClearGov will begin this onboarding process upon execution of this Service Order. All onboarding services and communications will be provided through remote methods - email, phone, and web conferencing.

## ClearGov Responsibilities

- ClearGov will activate ClearGov Service subscription(s) as of the applicable Start Date(s). ClearGov will create the initial Admin User account, and the Customer Admin User will be responsible for creating additional User accounts.
- ClearGov will assign an Implementation Manager (IM) responsible for managing the activation and onboarding process. ClearGov IM will coordinate with other ClearGov resources, as necessary.
- ClearGov IM will provide a Kickoff Call scheduling link to the Customer's Primary Contact. Customer should schedule Kickoff Call within two weeks after the Service Order has been executed.
- If Customer is subscribing to any products that require data onboarding:
  - ClearGov IM will provide a Data Discovery Call scheduling link to the Customer's Primary Contact. Customer should schedule Data Discovery Call based on the availability of Customer's staff.
  - ClearGov will provide Customer with financial data requirements and instructions, based on the ClearGov Service subscription(s).
  - ClearGov will review financial data files and confirm that data is complete, or request additional information, if necessary. Once complete financial data files have been received, ClearGov will format the data, upload it to the ClearGov platform and complete an initial mapping of the data.
  - After initial mapping, ClearGov will schedule a Data Review call with a ClearGov Data Onboarding Consultant (DOC), who will present how the data was mapped, ask for feedback, and address open questions. Depending upon Customer feedback and the complexity of data mapping requests, there may be additional follow-up calls or emails required to complete the data onboarding process.
- ClearGov will inform Customer of all training, learning, and support options. ClearGov recommends all Users attend ClearGov Academy training sessions and/or read Support Center articles before using the ClearGov Service to ensure a quick ramp and success. As needed, ClearGov will design and deliver customized remote training and configuration workshops for Admins and one for End Users - via video conference - and these sessions will be recorded for future reference.
- ClearGov will make commercially reasonable efforts to complete the onboarding/activation process in a timely fashion, provided Customer submits financial data files and responds to review and approval requests by ClearGov in a similarly timely fashion. Any delay by Customer in meeting these deliverable requirements may result in a delayed data onboarding process. Any such delay shall not affect or change the Service Period(s) as set forth in the applicable Service Order.

## Customer Responsibilities

- Customer's Primary Contact will coordinate the necessary personnel to attend the Kickoff and Data Discovery Calls within two weeks after the Service Order has been executed. If Customer needs to change the date/time of either of these calls, the Primary Contact will notify the ClearGov IM at least one business day in advance.
- If Customer is subscribing to any products that require data onboarding.
  - Customer will provide a complete set of requested financial data files (revenue, expense, chart of accounts, etc.) to ClearGov in accordance with the requirements provided by ClearGov.
  - Customer's Primary Contact will coordinate the necessary personnel to attend the Data Discovery and Data Review calls. It is recommended that all stakeholders with input on how data should be mapped should attend. Based on these calls and any subsequent internal review, Customer shall provide a detailed list of data mapping requirements and requested changes to data mapping drafts in a timely manner, and Customer will approve the final data mapping, once completed to Customer's satisfaction.
- Customer will complete recommended on-demand training modules in advance of customized training & configuration workshops.
- Customer shall be solely responsible for importing and/or inputting applicable text narrative, custom graphics, performance metrics, capital requests, personnel data, and other such information for capital budget, personnel budget, budget books, projects, dashboards, etc.

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>K</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b> 12/19/2023</p>
<p style="text-align: center;"><b>REPORTS AND RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>Request Council Approval and Adoption of a Newly Created Job Description for DPW Deputy Clerk Position and to Promote Andrea Stormoen to DPW Deputy Clerk.</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b>  G.33.</p>

**Background:**

Please see the attachments, particularly the memo from DPW Superintendent Kevin Schlueter, who is attending to speak to this request.

**Requested Action:**

The Director of Administration and the Superintendent of DPW are requesting approval and adoption of the newly created job description for a DPW Deputy Clerk. We intend to fill this position immediately by promoting Andrea Stormoen. Andrea has been completing these duties and requesting this action for over five years, as documented in the attached memos, emails, appeal, and job analysis questionnaire. Director Hersh desires to compensate Andrea Stormoen for her dedication, perseverance, and hard work, going above and beyond her current classification to do what is necessary to aid the Superintendent of DPW and her coworkers.

This new position is ranked accordingly by duties that score 425 points, putting this position in line with the Deputy Clerk for Clerk Services at salary level 6.

**Fiscal Note:**

The DPW Deputy Clerk position is a salary grade 6. Staff requests Andrea Stormoen be promoted to DPW Deputy Clerk and her salary be adjusted to \$27.92 an hour from \$25 97. This is a 7.5% increase.

**COUNCIL ACTION REQUESTED**

Motion to Approve and adopt the newly created job description for a DPW Deputy Clerk Position and to Promote Andrea Stormoen into this New Position as she has been completing these duties for five or more years, as documented in the attached memos, emails, appeal, and job analysis questionnaire.

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## MEMORANDUM FROM DEPARTMENT OF PUBLIC WORKS

DATE: November 1<sup>st</sup>, 2023

TO: Board of Public Works

FROM: Kevin Schlueter, Superintendent

SUBJECT: Authorization of Re-Classification & Promotion of DPW Administrative Clerk

I would like to thank you for your time and assistance with helping the DPW Department, myself, our supervisors, and Andrea to correct an issue that has taken us approximately 5 years to resolve.

A little backstory: The original Class & Comp study was conducted in 2015. During the time of the study, the previous Secretary was out of the office intermittently on personal leave and, shortly thereafter, vacated her job with the City after 15+ years of service. We believe the original Class & Comp paperwork was submitted using outdated information at best, including a 2004 job description which was not only 11 years outdated but also highly unreflective of the job duties that this position was responsible for in 2015. We also experienced the retirement of not one, but two superintendents shortly thereafter.

Between 2018 and 2023, the request to reclassify this position to a more appropriate classification was brought to two different City Administrators. Mark Lubarda requested an appeal of the original 2015 decision, at which time he resigned shortly after, leaving this as an outstanding issue that he had not completed. We re-approached the next City Administrator, Peggy Steeno, with this task. After having Andrea and myself re-write the appeal several times (with items she preferred included/excluded), Ms. Steeno then resigned unexpectedly just short of seeing this issue all the way through fruition. We are very happy to have the new City Administrator making this issue a priority, as five years is a long time to be under-classified and under-compensated for work that is already being done by this staff member. The decision to appropriately reclassify this position has had the approval the DPW Superintendent & the City Engineering during this entire process.

In 2017, Andrea Stormoen transferred to the Department of Public Works after 10 years with the Franklin Police Department and an additional 3 years with the Franklin City



Clerk's Office. She brought with her a vast knowledge of the City itself, including infrastructure & residents, City services offered, familiarity with city departments, city officials, and City procedures, and her advanced communications abilities.

Her role is unique in the sense that she is not only an Administrative Assistant to the Public Works facility itself, but she also operates as a coordinator for the Mechanics Garage, Construction division, and Forestry & Parks divisions. She IS the City's sign shop – making all logos, street signs, park signs, and traffic signs for the entire City – from designing the signs to spec, to using a cutting machine & hydraulic press. She also operates, in part, as our account guru & Human Resource advisor for the department, as she leads all City departments in volume of invoice entry, purchase ordering, & parts ordering, as well as providing assistance to the DPW staff with their health benefits, open enrollment information, and assistance with setting up apps & log-ins.

After I took over as Superintendent in 2018, we restructured areas of our department to allow for better efficiency & service both internally and to the residents of Franklin. We were able to give Andrea more supervisory type responsibilities in-house, giving myself and the Assistant Superintendent more capability of being out in the field to supervisor DPW operations at the job sites. She sets her schedule and completes her own workload with little supervision, and is able to hand out job duties and tasks to other DPW employees. She is currently training one Equipment Operator on the sign making operations, as she is the only employee in the City with this capability, as well as training another supervisor in Accounts Payable financial modules. She has also taken on the task of creating & editing the DPW budget under my supervision, including all required documents. Andrea has taken on additional functions of a Confidential Secretary, which includes parts of the hiring & termination process & paperwork. She has spearheaded and implemented a program for DPW Employee work ID's in coordination with the Police Department (using the PD's ID equipment). Andrea operates as a DPW "public information spokesperson", especially with newer technology & social media. She is the administrator of our Facebook Page which allows us to reach out to residents & visitors to Franklin with more information than ever before. She actively monitors the Franklin and surrounding community social media pages, and will often give information to residents in the Franklin Facebook Groups both after-hours and on weekends.

I cannot express enough how having Andrea in this position, functioning in the way that it is currently functioning, is crucial to our department running smoothly. For lack of better words, we would be much less effective without her and the role she has taken on in this department & in the City. With her specialized skills in the trade of sign making, as well as the sheer volume of work she has to do as the sole administrative person in our department of 22 employees (as demonstrated in the BS&A numbers), I sincerely hope that we can rectify her position to the proper category. Thank you so much for your consideration in helping us compensate her, and this position, appropriately!

Sincerely,

Kevin Schlueter, DPW Superintendent

EMPLOYEE APPEAL FORM

City of Franklin, Wisconsin

IDENTIFICATION INFORMATION

NAME: Andrea Stormoen

JOB TITLE: Admin Asst - DPW

NAME OF IMMEDIATE SUPERVISOR:

Glen Morrow

HIS/HER TITLE:

Director of Engineering

Appeals are considered within four categories:

Internal Equity: you believe your position has been graded incorrectly compared to other positions in the organization

External Competitiveness: you believe the salary range assigned to your job grade is inappropriate compared to similar organizations

Job Title Recommendation: you believe the recommended job title for your position is inappropriate

Other: you are appealing an aspect of the study not covered by the three categories above

Please select a category for your appeal below and explain your reason(s) for making the appeal. If you are appealing in more than one category, please use the following sections as needed.

CATEGORY: Internal Equity + Other

REASON FOR APPEAL: This position has gained additional responsibility in the "information technology" category, including the following:

- 1 Administrator in the city fuel operating system
- 2 Administrator in the new GPS system for DPW fleet (Precise)
- 3 Administrator/Creator of Franklin DPW Facebook page

CATEGORY: 4. Operator of the new security camera system at DPW  
5 AED - both device + portal user - completes + logs security checks

REASON FOR APPEAL: 6. <sup>Design</sup> Creator/User of design software for city signs + logos (Corel Draw + Co CoA) + Facebook Page (Canva).

7. I am also the only clerk in the city that uses + operates machinery, including the sign/logo cutting machine and hydraulic press.

\* At this point in time, I am also the only city employee

City of Franklin with the ability to use the sign cutting machine and design software for designing the city's custom signs, door logos, stencils, etc

# Internal Equity and Job Title Recommendation

of all of the city recognized 1<sup>st</sup> Responder departments (police, fire, DPW), I am the only office staff person not in pay class #4  
CATEGORY: I am currently an Administrative Assistant in pay class #3.  
I operate in similar fashion to the staff in pay class #4 with regard to setting up purchasing accounts, paying invoices, ordering for REASON FOR APPEAL: our facility. I have access to personal forms and data, such as unredacted accident reports, employee personal data forms, social security info (fuel system), medical injury reports & other HR forms. I am also the only user of GovSpend & GovQuote that is not currently in pay class #4.

Type your name and the date below, then save this form as a Word document with your last name in the file name and email it to your supervisor. If using a printed copy of this form, sign and date it and then deliver to your supervisor.

Audrey M. Stornace  
EMPLOYEE'S SIGNATURE OR TYPED NAME

5/5/20 - updated  
DATE (original submitted in 2018)

## **THIS SECTION TO BE COMPLETED BY IMMEDIATE SUPERVISOR AND/OR DEPARTMENT HEAD**

Please provide your comments below. If using a printed copy of the form and additional space is needed, please use the back of this form or attach an additional sheet.

Do you agree with the employee's appeal(s)? Please explain.

Type your name and the date below, then email this form to your Department Head (if applicable) or to the Human Resources Coordinator. If using a printed copy of this form, sign and date it before forwarding.

\_\_\_\_\_  
SUPERVISOR'S SIGNATURE OR TYPED NAME

\_\_\_\_\_  
DATE

If Supervisor isn't Department Head, Department Head should review this form as well.

- I have read the supervisor's comments above and substantially concur.
- I have read the above and have the following comments:

Type your name and the date below, then email this form to the Human Resources Manager. If using a printed copy of this form, sign and date it before forwarding.

\_\_\_\_\_  
DEPARTMENT HEAD'S SIGNATURE OR TYPED NAME

\_\_\_\_\_  
DATE

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## EMPLOYEE JOB ANALYSIS QUESTIONNAIRE (JAQ)

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City of Franklin, Wisconsin

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### IDENTIFICATION INFORMATION

NAME: Andrea M Stormoen	DATE: 10/26/23
YEARS OF EXPERIENCE WITH EMPLOYER: 19	JOB TITLE: Administrative Assistant
YEARS OF EXPERIENCE ON THIS JOB: 6	YOUR JOB IS: FULL TIME <input checked="" type="checkbox"/> PART TIME <input type="checkbox"/>
YOUR YEARS OF EXPERIENCE IN THIS FIELD: 6	YOUR EDUCATION: <input type="checkbox"/> High Sch. <input type="checkbox"/> Assoc. Deg. <input checked="" type="checkbox"/> Bach. Deg. <input type="checkbox"/> Mas. Deg.
NAME OF IMMEDIATE SUPERVISOR: Kevin Schlueter	HIS/HER TITLE: Superintendent

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### INSTRUCTIONS

The purpose of this questionnaire is to obtain additional information about your job that may not be included in your current job description. Please answer each question thoughtfully and frankly. After you have finished your portion of the questionnaire, give it to your supervisor, who will complete his/her section.

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**Job Description:** Please review your job description. Are there any major changes (additions and/or deletions) that need to be made?  Yes  No If yes, please explain: Previous job description was last updated in 2004. Please see updated, revised job description.

If you do not have a job description, please respond to the following questions regarding the primary function and job tasks associated with your position:

Summarize the major purpose or primary function of your job in three or four sentences.

Job Tasks: Please list your job duties. Try to place your duties in their order of importance, and group "like" tasks together (e.g. "clerical duties including word processing, opening mail, filing, etc." or e.g. "front desk responsibilities including greeting visitors, answering telephones and routing calls, etc.").

Job Duty

- 1.
- 2.
- 3.
- 4.

- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.
- 13.
- 14.
- 15.

Feel free to add more numbers/duties if necessary.

.....

1. **Education and Training:** In your opinion, what kind of education and training is necessary to perform your job?

- Level of knowledge that is below what is normally attained through high school graduation.
- High school diploma (GED) or equivalent.
- High school, plus elementary technical training, acquired through one year or less of technical or business school.
- Extensive technical or specialized training such as would be acquired by an Associate's Degree or two years of technical or business school.
- Extensive technical or specialized training such as would be acquired by an Associate's Degree or two years of technical or business school, plus two or more certifications in incumbent's field.
- Completion of four-year college degree program.
- Additional professional level of education beyond a four-year college program, such as a CPA or Professional Engineer (P.E.) training.
- Completion of graduate coursework equal to a Master's Degree or higher.

If a specific certificate or license is mandated by an outside agency to perform your duties, name the certificate or license: Required initial and yearly training for CAD Graphic Design Software & sign cutting machine. Initial & yearly training, successfully passing a test & probationary period to use Digger's Hotline PropPortal, with continuing compliance monitoring.

What special skills, knowledge, and abilities are required to perform your job? Please list: Microsoft programs (Word, Excel), Computer Aided Design (CoralDraw program - signs), Sign Cutting Machine training/experience (Summa Cutter), graphic media experience. Design programs for media (Canva design software), Proficient in windows based data programs (modules for complaint processing,

budgeting, purchase order entry & invoice entry). Budget entry & accounting experience. Experience in accounts payable/receivable & tax exempt processes, basic technical experience for rebooting modem, firewall, & battery backup equipment. Experience in fuel systems & fleet management & maintenance, with ability to order & differentiate vehicle & equipment components. Supervisory skills, including ability to train others on equipment used for the above.

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2. **Years of Experience:** How much previous work experience do you feel is necessary to perform your job?

- LESS THAN 1 YEAR    1 TO 3 YEARS    4 TO 6 YEARS    7 TO 10 YEARS    MORE THAN 10 YEARS

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3. **Independent Judgment and Decision Making:** How much discretion do you have in making decisions with or without the input or direction of your supervisor?

- Little discretion or independent judgment exercised.  
 Some discretion or judgment exercised, but supervisor is normally available.  
 Job often requires making decisions in absence of specific policies and/or guidance from supervisor, but some direct guidance is received from supervisor.  
 High level of discretion with decisions restricted only by broad Organization-wide policies and little direct guidance from superiors.  
 Very high level of discretion with decisions only restricted by the broadest policies of the Organization.

If you make an erroneous decision, what impact would this decision have on your work unit, department, and/or the Organization?

- Minor: Some inconvenience and delays but little cost in terms of time, money, or public/employee good will.  
 Moderate: Significant costs in time, money, or public/employee good will would be incurred. Delays in important projects/schedules likely.  
 Serious: Important goals would not be achieved and the financial, employee, or public relations posture of the Organization would be seriously affected.  
 Very Serious: Critical goals and objectives would be adversely and very seriously affected.

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4. **Responsibility for Policy Development:** Does your job require you to participate in the development of policies for your unit/division/department/the Organization?

- Position involves only the execution of policies or use of existing procedures.  
 Position involves some participation in the development of policies and procedures for the department only.  
 Position involves some development of policies/procedures, as well as the interpretation and execution of broader policies in the department.  
 Position involves the primary responsibility for the development of policies and procedures for a division or organizational component of a department, as well as the interpretation, execution and recommendation of changes to department policies.  
 Position involves significant responsibility for major input/development of departmental policies and procedures, plus occasional participation in the development of policies which affect other departments in the organization.  
 Position involves the primary responsibility for the development of departmental policies and procedures and regular participation in the development of policies that affect other departments and occasionally involves participation in the development of organization-wide policies.

Give some examples of the types of policies you've written or been a part of creating:

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5. **Planning:** How much latitude do you have to set your own daily work schedule and priorities for a given workday?

- Position requires that my daily work load and activities are assigned to me by my supervisor.
- Position requires that I plan my own daily work load and work independently according to established procedures or standards.
- Position requires that I plan my own daily work load and those of others in the department (first-level supervision).
- Position requires an above average ability to analyze data and develop departmental plans, including plans where a number of difficult, technical and/or administrative problems must be addressed (Manager/Division level supervision).
- Position requires a high level of analytical ability to develop plans for a department or complex situation, including plans that involve integrating/involving/impacting other departments (Department Head level supervision).

How much planning do you do for others in the department?

Scheduling:  Yes  No    Assigning of Duties/Jobs:  Yes  No

6. **Contacts with Others:** In the course of performing your job, what contacts with people in your department, other departments within the organization, and/or people from outside the organization are you required to make?

- Position involves interaction with fellow workers on routine matters with relatively little public contact.
- Position involves frequent internal and external contact, but generally on routine matters such as furnishing or obtaining information.
- Position involves frequent internal contact and regular contact with outsiders generally on routine matters, including contacts with irate outsiders which require some public relations skill for taking complaints for others to follow up upon.
- Position involves frequent internal and external contacts which require public relations skills in handling complaints. Contacts involve non-routine problems and require in-depth discussion and/or persuasion in order to gain concurrence or to resolve the problem.
- Position involves frequent internal and external contacts which require skill in dealing with, and influencing others, and initiating changes in policy/procedures to address the issue so as to avoid having to deal with the issue again in the future.
- Position involves frequent internal and external contacts in which I act as the spokesperson for the department and may be authorized to make commitments on behalf of the department.
- Position involves frequent internal and external contacts where I represent the organization and am authorized to make commitments in matters of critical interest to the Organization.

With which internal individuals or groups do you have the most contact? Police Dept, Fire Dept, Engineering, S&W, Alderpersons/Mayor (all city employees for vehicle maintenance & fueling)

With which external individuals or groups do you have the most contact? Residents/Citizens, Equipment & Fleet Maintenance Vendors, Sales & Supplies personnel

7. **Supervision Given:** Do you supervise or assign work to other employees?  Yes  No

If yes:

- Position is responsible for assigning work to an employee or employees, without acting in a supervisory role.
- Position is responsible for the supervision of one full time or several part time employees.
- Position is responsible for the supervision of two to five full time (or full time equivalent) employees.

- Position is responsible for the supervision of six to 15 full time (or full time equivalent) employees.
- Position is responsible for direct and/or indirect supervision of 16 to 29 full time (or full time equivalent) employees.
- Position is responsible for direct and/or indirect supervision of 30 to 50 full time (or full time equivalent) employees.
- Position is responsible for direct and/or indirect supervision of more than 51 full time (or full time equivalent) employees.

8. **Physical Demands:** Please describe any physical demands required to perform your job.

Demand	No	Yes	How often? (rarely, occasionally or daily)
Lifting up to 20 pounds	<input type="checkbox"/>	<input checked="" type="checkbox"/>	D
Lifting 20-50 pounds	<input type="checkbox"/>	<input checked="" type="checkbox"/>	W
Lifting 50+ pounds	<input type="checkbox"/>	<input checked="" type="checkbox"/>	O
Climbing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	O
Walking	<input type="checkbox"/>	<input checked="" type="checkbox"/>	D
Kneeling	<input type="checkbox"/>	<input checked="" type="checkbox"/>	W
Crouching	<input type="checkbox"/>	<input checked="" type="checkbox"/>	D
Crawling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Bending	<input type="checkbox"/>	<input checked="" type="checkbox"/>	D
Sitting	<input type="checkbox"/>	<input checked="" type="checkbox"/>	D
Prolonged Standing	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Prolonged Visual Concentration	<input type="checkbox"/>	<input checked="" type="checkbox"/>	D

**Unpleasant or Hazardous Conditions:** Please describe any unpleasant or hazardous conditions you are exposed to in performing your job and how often you are exposed to those conditions. Include only those conditions which are directly related to your work rather than specific work area conditions.

Condition	No	Yes	How Often? (rarely, occasionally or daily)
Lighting-dimness or brightness	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Dust	<input type="checkbox"/>	<input checked="" type="checkbox"/>	D
Heat	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Cold	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Odors	<input type="checkbox"/>	<input checked="" type="checkbox"/>	D
Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>	D
Vibration	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Wetness/Humidity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Toxic Agents	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Electrical Currents	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Heavy Machinery	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Violence	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Disease	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Smoke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Other	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

9. **Use of Technology:** Please check the level of technology needed for you to perform your job:

- Position has no responsibility for, or use of, technology.



- Position has some basic use of computers for word processing/data entry and some use of the telephone, copier, etc.
- Position has daily use of computers for word processing/data entry and use of the telephone, fax machine, copier, etc.
- Position has daily use of computers, the Internet, Smartphones, etc. to create databases, spreadsheets, or reports.
- Position provides routine consultation and technology support for everyday computer programming and/or software requests/questions to others in the organization (applications super user). Or, may use/repair/troubleshoot specialized software such as GIS, SCADA or various pieces of equipment such as HVAC, lighting, gas flares, blowers, engines, heavy equipment, large vehicles (vacuum trucks, street sweepers, fire apparatus) and/or medical equipment.
- Position is responsible for advanced computer programming, maintenance, training, and purchasing of items such as computers, printers, scanners, etc., for the computer system for the organization (IT personnel).
- Position is responsible for system security, as well as the overall direction and supervision of the staff that are responsible for the computer and technology needs of the organization, including responsibility for developing technology policies for the organization (IT personnel).

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10. **Comments/Additional Information:** Feel free to add additional information below. If using a printed copy of this form, use the back of the form to add your comments.

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Type your name and the date below, then save this form as a Word document with your last name and job title in the file name and email it to your supervisor with a copy to Dana Zahn at dzahn@franklinwi.gov. If using a printed copy of this form, sign and date it and then deliver to your supervisor.

Andrea M Stormoen

10/26/2023

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**EMPLOYEE'S SIGNATURE OR TYPED NAME**

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**DATE**

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**THIS SECTION TO BE COMPLETED BY IMMEDIATE SUPERVISOR AND/OR DEPARTMENT HEAD**

Please provide your comments below. If using a printed copy of the form and additional space is needed, please use the back of this form or attach an additional sheet. Please do not mark in employee's portion of the questionnaire.

1. Do you agree with the employee's answers to all of the above questions? If not, please explain. Yes
2. List any job duties or assignments which the employee performs which are in addition to those listed on the job description or this form.
3. How long has this employee worked for you? 6 Years
4. Additional comments from the employee's immediate supervisor: None

Type your name and the date below, then email this form to your Department Head (if applicable) or to Dana Zahn in Human Resources dzahn@franklinwi.gov. If using a printed copy of this form, sign and date it before forwarding.

Kevin Schlueter

11/03/23

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**SUPERVISOR'S SIGNATURE OR TYPED NAME**

---

**DATE**

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**If Supervisor isn't Department Head, Department Head should review this form as well.**

- I have read the above and substantially concur.  
 I have read the above and have the following comments:

Type your name and the date below, and then email this form to Dana Zahn in Human Resources at [dzahn@franklinwi.gov](mailto:dzahn@franklinwi.gov). If using a printed copy of this form, sign and date it before forwarding.

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**DEPARTMENT HEAD SIGNATURE OR TYPED NAME**

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**DATE**

<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;">✱</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;">December 19, 2023</p>
<p style="text-align: center;"><b>REPORTS AND RECOMMENDATIONS</b></p>	<p style="text-align: center;">A Resolution Authorizing Certain Officials to Execute an Agreement to Continue Professional Environmental Engineering Services to Monitor Compliance at the Metro Recycling &amp; Disposal Facility to December 31, 2024, with JSA Environmental, Inc.</p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G.34.</p>

JSA Environmental, Inc. has been providing landfill monitoring services at the Metro landfill for the past 19 years. The last annual contract expires December 31, 2023. Attached is a draft contract to renew the terms of the 2023 agreement for 2024; rates therein and terms thereof have not changed from last year. Waste Management of Wisconsin, Inc. is obligated to provide reimbursement for the contract cost pursuant to Article IV.24.B. of the WWMI Metro Landfill Facility Greenspace Protection and Limited Landfill Expansion Agreement dated August 16, 2010. The contract price is a cost not to exceed \$20,000.00, as adjusted by the consumer price index as set forth in the Agreement.

**COUNCIL ACTION REQUESTED**

A motion to adopt A Resolution Authorizing Certain Officials to Execute an Agreement to Continue Professional Environmental Engineering Services to Monitor Compliance at the Metro Recycling & Disposal Facility to December 31, 2024, with JSA Environmental, Inc.



December 13, 2023

Project No: 1036.10066  
Jesse Wesolowski, Esq  
Attorney to the City of Franklin  
11402 W. Church Street  
Franklin, Wisconsin 53132

Re: 2024 JSA Environmental Professional Services for the City of Franklin

Dear Jesse;

We, JSA Environmental (JSA), would like to continue to offer our Professional Services to the City of Franklin. We consider the City of Franklin to be a Legacy Client and offer rates that are greatly reduced (~60%) from our Standard Rates. Attached is a copy of our Legacy Rates for 2024, which mirrors the rates charged since 2020; when JSA last raised its Legacy Rates. There is one exception, we are raising our mileage reimbursable fee to \$0.66 from \$0.63

Also attached, please find our "Scope of Professional Services". JSA currently audits the WMWI Metro Facility twice per month and reports directly to the Waste Facility Monitoring Committee, and its Chair; Marvin Wolff.

Our Principal Engineer supplies the majority of services to the City of Franklin. He now has more than 15 years of experience auditing the operation and reviewing the design of the WMWI Metro Facility as well as over 30 years total experience in environmental engineering and consulting.

I, as Principal Engineer, and my staff; greatly appreciate the experience and the continued opportunity to serve the City of Franklin. If you, or the City of Franklin, have any questions or comments regarding our current or future services, please do not hesitate to contact me.

Thank you,

A handwritten signature in black ink, appearing to read 'Jo-Walter Spear, Jr.', written over a horizontal line.

Jo-Walter Spear, Jr., P.E., S.C. JSA Environmental, Principal Engineer

# **STANDARD AGREEMENT FOR SERVICES TO MONITOR COMPLIANCE AT METRO RECYCLING AND DISPOSAL FACILITY DURING OPERATIONS AND CONSTRUCTION**

**This Standard Agreement for Services (the "AGREEMENT") is between JSA Environmental, Inc., a Subchapter S corporation organized pursuant to Wisconsin Law (CONSULTANT), and the City of Franklin, a municipal corporation organized pursuant to Wisconsin Law (CLIENT).**

## **ARTICLE 1. SCOPE OF SERVICES**

The CONSULTANT shall provide consulting services (the "Services") as described in Attachment A. An initial draft of the Auditor's Manual shall be provided to the Metro Recycling & Disposal Facility Monitoring Committee by CONSULTANT within 7 (all days shall be calendar days) days of the date of notice and authorization to CONSULTANT to proceed. CONSULTANT shall further respond to any Committee requirements upon such Auditor's Manual within 7 days of receipt. Odor monitoring Services shall commence within 7 days of the Monitoring Committee's approval of the Auditor's Manual. Notwithstanding anything to the contrary set forth in Attachment A, all auditing reports shall additionally be provided by CONSULTANT to the Monitoring Committee, reports to the City of Franklin shall be to the City Clerk, and all reports prepared in the ordinary course of business shall be delivered electronically, except for quarterly reports, which shall be delivered in paper form to the Monitoring Committee and the City Clerk. Electronic transmissions of all reports shall be made by CONSULTANT within 24 hours of the completions of such reports. Initial odor complaint mapping shall be completed by CONSULTANT concurrent with the completion of the Auditor's Manual. Hours budgeted for operations and construction auditing within Attachment A include and are sufficient to allow for the provision of professional advice by CONSULTANT upon the request of CLIENT, as to available remedies or available remedial action, which may be necessary to cure any occurrences or conditions disclosed upon audit.

## **ARTICLE 2. COMPENSATION**

Compensation to be paid by CLIENT to the CONSULTANT is described in Attachment A. Notwithstanding anything to the contrary set forth in Attachment A, CONSULTANT shall provide those Services and those Service hours per Task for such total compensation and expenses as shall not exceed those "TOTAL" amounts as are specifically allocated to such Tasks, respectively, in Attachment A. Such TOTAL amounts include all costs for labor, overhead, G&A, benefits, taxes, profit and all actual reasonable expenses, which shall be in such amounts and as set forth upon the "Standard Rates and Conditions" schedule contained within Attachment A. Total compensation and expenses for all landfill operations auditing Services (including odor monitoring) to be provided annually, commencing January 1, 2024, shall not exceed \$20,000.00, as adjusted by the consumer price index as set forth in the WMMI Metro Landfill Facility Greenspace Protection and Limited Landfill Expansion Agreement dated August 16, 2010, at Article IV 24 B.

# **STANDARD AGREEMENT FOR SERVICES TO MONITOR COMPLIANCE AT METRO RECYCLING AND DISPOSAL FACILITY DURING OPERATIONS AND CONSTRUCTION**

## **ARTICLE 3. TERMS OF PAYMENT**

Payment by CLIENT to CONSULTANT shall be monthly, based on the invoicing provided by CONSULTANT

### **A. INVOICING**

The CONSULTANT shall submit itemized invoices to CLIENT for progress payments once each month during the progress of the Services. Such invoices will represent the value of the completed Services, and will be prepared in such form and supported by documentation as CLIENT may reasonably require.

### **B. PAYMENTS**

CLIENT will review and approve invoices for payment. CLIENT will make payment to the CONSULTANT within thirty (30) days after receipt of the invoice. Progress payments to CONSULTANT will not constitute acceptance of the Services.

### **C. LIENS**

CONSULTANT will promptly pay for all services, labor, material, and equipment used or employed in the Services, and will maintain all materials, equipment, structures, buildings, premises, and other subject matter hereof free and clear of mechanic's or other liens.

## **ARTICLE 4. OBLIGATION OF CONSULTANT**

### **A. INDEPENDENT CONTRACTOR**

CONSULTANT is an independent contractor and will maintain complete control of and responsibility for its employees, subcontractors, and agents. The CONSULTANT shall also be solely responsible for the means and methods for carrying out the Services.

### **B. REPORTING**

CONSULTANT shall, if requested by CLIENT, submit with its monthly invoice, progress reports, in a form acceptable to CLIENT.

### **C. PERFORMANCE**

The standard of care applicable to CONSULTANT Services will be the degree of skill and diligence normally employed by others performing the same or similar Services and that of a professional engineer in Southeastern Wisconsin. The CONSULTANT will reperform any Services not meeting this standard without additional compensation.

### **D. WORKING FILES**

CONSULTANT will maintain files containing all work documentation including calculations, assumptions, interpretations of regulations, sources of information, and other raw data required in the performance of this AGREEMENT. CONSULTANT will provide copies of the information contained in its working files to CLIENT upon request of CLIENT and at the CLIENT'S cost. All copies of information and data given to CONSULTANT by CLIENT or generated by CONSULTANT in performance of the Services will be delivered by the CONSULTANT to CLIENT upon termination of the AGREEMENT. CONSULTANT may retain one copy of any documentation pertaining to the Services performed after the termination of this AGREEMENT.

### **E. HOLD HARMLESS**

CONSULTANT shall and hereby agrees to indemnify, defend, hold harmless and release CLIENT

# STANDARD AGREEMENT FOR SERVICES TO MONITOR COMPLIANCE AT METRO RECYCLING AND DISPOSAL FACILITY DURING OPERATIONS AND CONSTRUCTION

(including its directors, officers, employees, representatives and agents) for any and all losses, demands, damages, claims, costs and expenses (including reasonable attorney's fees and costs) relating to or resulting from bodily injury or death, and for damage to property during or related to the Services under this AGREEMENT, provided, however, this release shall not be effective as to the extent that any such bodily injury or death or damage to property resulted from gross negligence or willful misconduct of CLIENT

## F. CODES, LAWS, AND REGULATIONS

CONSULTANT will comply with all applicable codes, laws, regulations, standards, and ordinances in force during the term of this AGREEMENT. CLIENT shall provide copies of local ordinances and agreements pertaining to the site to CONSULTANT

## G. PERMITS, LICENSES, AND FEES

CONSULTANT will obtain and pay for all permits and licenses required by law that are associated with the CONSULTANT'S performance of the Services and will give all necessary notices

## H. INSURANCE

The CONTRACTOR shall, during the life of the AGREEMENT, maintain insurance coverage with an authorized insurance carrier at least equal to the minimum limits set forth below

A General/Commercial Liability	\$2,000,000 per each occurrence for bodily injury, personal injury, and property damage \$4,000,000 per general aggregate,  <i>CITY shall be named as an additional insured on a primary, non-contributory basis</i>
B Automobile Liability	\$1,000,000 combined single limit  <i>CITY shall be named as an additional insured on a primary, non-contributory basis</i>
C Contractor's Pollution Liability	\$1,000,000 per occurrence \$2,000,000 aggregate  <i>CITY shall be named as an additional insured on a primary, non-contributory basis</i>
D Worker's Compensation and Employers' Liability	Statutory  <i>Contractor will provide a waiver of subrogation and/or any rights of recovery allowed under any workers' compensation law</i>
E Professional Liability (Errors & Omissions)	\$2,000,000 single limit

Upon the execution of this AGREEMENT, CONTRACTOR shall supply CLIENT with a suitable statement certifying said protection and defining the terms of the policy issued, which shall

# **STANDARD AGREEMENT FOR SERVICES TO MONITOR COMPLIANCE AT METRO RECYCLING AND DISPOSAL FACILITY DURING OPERATIONS AND CONSTRUCTION**

specify that such protection shall not be cancelled without thirty (30) calendar days prior notice to CLIENT, and naming CLIENT as an additional insured as required above

## **I. ACCESS TO RECORDS**

The CONSULTANT will maintain accounting records, in accordance with generally accepted accounting principles and practices, to substantiate all invoiced amounts. Unless otherwise provided in a Task Order said records will be available for examination by CLIENT during CONSULTANT'S normal business hours for a period of three (3) years after CONSULTANT'S final invoice to the extent required to verify the costs incurred hereunder

## **J. SUSPENSION OF WORK**

The CONSULTANT will, upon written notice from CLIENT, suspend, delay or interrupt all or a part of the Services. In such event, CONSULTANT will resume the Services upon written notice from CLIENT, and an appropriate extension of time will be mutually agreed upon and added to CONSULTANT'S time of performance. CLIENT will reimburse CONSULTANT for reasonable termination and start up costs should work be suspended, interrupted or delayed unless due to the wrongful act or omission of CONSULTANT under this AGREEMENT or its duties of skill and diligence

## **K. WORKING RELATIONSHIP BETWEEN WASTE MANAGEMENT OF WISCONSIN, Inc., J Spear Associates, Inc. AND THE CITY OF FRANKLIN**

During the term of this AGREEMENT no CONSULTANT employee or subconsultant working under this AGREEMENT shall knowingly perform any work for Waste Management of Wisconsin, Inc. or any of its subsidiaries. No CONSULTANT employee or subconsultant who has done work for Waste Management of Wisconsin, Inc. within two years of this AGREEMENT shall be assigned to work under this AGREEMENT

## **L. CONFLICT OF INTEREST**

CONSULTANT warrants that neither it nor any of its affiliates, their officers, employees or agents, have any financial or other personal interest that would conflict in any manner with the performance of the services under this AGREEMENT and that neither it nor any of its affiliates, their officers, employees or agents, will acquire directly or indirectly any such interest. CONSULTANT warrants that it will immediately notify CLIENT if any actual or potential conflict of interest arises or becomes known to CONSULTANT. Upon receipt of such notification, review and written approval is required from CLIENT for the CONSULTANT to continue to perform work under this AGREEMENT

## **M. CONSULTANT'S PERSONNEL AT THE SUBJECT SITE**

The presence of duties of CONSULTANT'S personnel at the subject site, whether as onsite representatives or otherwise, do not make CONSULTANT or its personnel in any way responsible for those duties that belong to the CLIENT and/or contractors, or other entities, and do not relieve the contractors or any other entity of their obligations, duties, and responsibilities, including, but not limited to, all construction/operation methods, means, techniques, sequences, and procedures necessary for coordinating and completing all portions of work in accordance with the Contract Documents and any health and safety precautions required by such activities. CONSULTANT and its personnel have no authority to exercise control over any contractor or other entity or their employees in connection with their work or any health and safety precautions and have no duty for inspecting, noting, observing, correcting, or reporting on health and safety deficiencies of the contractor or other entity or any other persons at the site other than CONSULTANT'S own personnel



# **STANDARD AGREEMENT FOR SERVICES TO MONITOR COMPLIANCE AT METRO RECYCLING AND DISPOSAL FACILITY DURING OPERATIONS AND CONSTRUCTION**

The presence of CONSULTANT'S personnel at the subject site is for the purpose of providing CLIENT a greater degree of confidence that the complete work will conform to the applicable siting agreements and local and state laws, rules, codes, orders, and ordinances and that the integrity of the terms as reflected in the applicable siting agreements and local and state laws, rules, codes, orders, and ordinances have been implemented and preserved by the contractors. CONSULTANT neither guarantees the performance of the contractors nor assumes responsibility for contractor's failure to perform their work in accordance with the applicable siting agreements and local and state laws, rules, codes, orders, and ordinances.

## **ARTICLE 5. OBLIGATIONS OF CLIENT**

### **A. TIMELY REVIEW**

CLIENT will examine the CONSULTANT'S studies, reports, proposals, and other related documents and render decisions required by CONSULTANT a timely manner.

### **B. PROMPT NOTICE**

CLIENT will give written notice to CONSULTANT whenever CLIENT observes or becomes aware of any development that affects the scope or timing of CONSULTANT Services, or any defect in the work of the CONSULTANT.

### **C. CHANGES**

CLIENT may, by written order only, make changes, revisions, additions, or deletions (collectively hereinafter called "changes") in the Services. CONSULTANT will immediately, upon knowledge of any potential changes (including actions, inactions, and written or oral communications) that do not conform to the authorized method of directing changes specified herein, notify CLIENT of such changes and will request written disposition. The CONSULTANT will not proceed with any changes unless notified to proceed in writing by CLIENT. Nothing herein will be construed as relieving the CONSULTANT of its obligations to perform, including without limitation, the failure of the parties to agree upon the CONSULTANT entitlement to, or the amount of, any adjustment in time or compensation. Any claim by the CONSULTANT for an adjustment under this paragraph must be preceded by CONSULTANT'S written notice to CLIENT prior to performing any work or changes that such work or changes will require additional payment to that contemplated by this AGREEMENT. If the Services are reduced by changes, such action will not constitute a claim for damages based on loss of anticipated profits.

### **D. AUTHORITY OF CLIENT**

The authority and responsibility of CLIENT are limited to the provisions set forth in this AGREEMENT.

## **ARTICLE 6. GENERAL LEGAL PROVISIONS**

### **A. PROPRIETARY INFORMATION**

All prices, rates, designs, reports, data, services, specifications, and other information related to the Services contain and comprise proprietary and company confidential information of CLIENT, and potentially other teaming partners. Except for the purpose hereof, CONSULTANT shall not publish or disclose to any third party or make use of such information during or at any time following the expiration or earlier termination hereof except if such disclosure is required by CLIENT, order of a court of competent jurisdiction, or otherwise required by applicable law.

# **STANDARD AGREEMENT FOR SERVICES TO MONITOR COMPLIANCE AT METRO RECYCLING AND DISPOSAL FACILITY DURING OPERATIONS AND CONSTRUCTION**

## **B. ASSIGNMENTS**

Neither party shall have the power to or will assign any of the duties or rights or any claim arising out of or related to this AGREEMENT, whether arising in tort, contract or otherwise, without the written consent of the other party. Any unauthorized assignment is void and unenforceable. These conditions and the entire AGREEMENT are binding on the heirs, successors, and assigns of the parties hereto.

## **C. WAIVERS**

No waiver by either party of any default by the other party in the performance of any provision of this AGREEMENT will operate as, or be construed as, a waiver of any future default, whether like or different in character.

## **D. FORCE MAJEURE**

Neither party to this AGREEMENT will be liable to the other party for delays in performing the Services, or for the direct or indirect cost resulting from such delays, that may result from labor strikes, riots, war, and acts of governmental authorities, extraordinary weather conditions or other natural catastrophe, or any cause beyond the reasonable control or contemplation of either party.

## **E. AUTHORIZATION TO PROCEED**

Verbal authorization by CLIENT, followed by confirming letter to CONSULTANT will be authorization for CONSULTANT to proceed with the Services.

## **F. NO THIRD PARTY BENEFICIARIES**

This AGREEMENT gives no rights or benefits to anyone other than the CONSULTANT and CLIENT and has no third party beneficiaries.

## **G. JURISDICTION**

The laws of the State of Wisconsin shall govern the validity of this AGREEMENT its interpretation and performance, and any other claims related to it. The venue for any dispute shall be the Circuit Court for Milwaukee County. The prevailing party in any such litigation shall be entitled to be awarded its reasonable attorney's fees.

## **H. SEVERABILITY AND SURVIVAL**

If any of the Provisions contained in this AGREEMENT are held invalid, illegal, or unenforceable the unenforceability of the other remaining provisions shall not be impaired thereby. Limitations of liability, indemnities, and other express representations shall survive termination of this AGREEMENT for any cause.

## **I. TERMINATION**

### **(1) TERMINATION FOR CONVENIENCE**

CLIENT, for its convenience, may, effective forthwith upon any notice, terminate all or part of this AGREEMENT. In such event the CONSULTANT will be entitled to compensation for the Services competently performed up to the date of termination. The CONSULTANT will not be entitled to compensation for profit on the Services not performed.

### **(2) TERMINATION FOR DEFAULT**

CLIENT may, by written notice, terminate the whole or any part of the AGREEMENT for default in

# STANDARD AGREEMENT FOR SERVICES TO MONITOR COMPLIANCE AT METRO RECYCLING AND DISPOSAL FACILITY DURING OPERATIONS AND CONSTRUCTION

the event that the CONSULTANT fails to perform any of the provisions of this AGREEMENT, or fails to make progress as to endanger performance of the AGREEMENT in accordance with its terms, or, in the opinion of CLIENT, becomes financially or legally incapable of completing the Services and does not correct such to CLIENT'S reasonable satisfaction within a period of seven (7) working days after receipt of notice from CLIENT specifying such failure

If after notice of termination, it is determined for any reason that the CONSULTANT was not in default or that the default was excusable, the rights and obligations of the parties will be the same as if the notice of termination had been issued pursuant to TERMINATION FOR CONVENIENCE

In the event of termination for default, the CONSULTANT will not be entitled to termination expenses. Regardless of the cause of termination the CONSULTANT shall deliver legible copies of all completed or partially completed work products and instruments of service including, but not limited to laboratory, field or other notes, log book pages, terminal data, computations and designs.

The rights and remedies of CLIENT provided in this Article will not be exclusive and are in addition to any other rights and remedies provided by law or equity or under this AGREEMENT.

## J. DELAYS AND EXTENSION OF TIME

If the CONSULTANT is delayed in the progress of the Services by any act or neglect of CLIENT or by any separate teaming partner, or by strikes, lockouts, fire, unusual weather conditions, or unavoidable casualties, the CONSULTANT will, within twenty-four (24) hours of the start of the occurrence give notice to CLIENT of the cause of the potential delay and estimate the possible time extension involved. Due to the time sensitive nature of the Services being provided by CONSULTANT any extension or delays in CONSULTANT'S performance must be negotiated by the parties such that CLIENT can still meet deadlines which are established by entities that are not parties to this AGREEMENT. No extension of time will be granted to the CONSULTANT for delays occurring to parts of the Services that have no measurable impact on the completion of the Services under this AGREEMENT. No extension of time will be considered for weather conditions normal to the area in which the Services are being performed. Unusual weather conditions if determined by CLIENT to be of a severity that would stop all progress may be considered as cause for an extension of completion time. Delays in delivery of equipment or material purchased by the CONSULTANT or its subcontractors will not be considered as a just cause for delay. The CONSULTANT will be fully responsible for the timely ordering, scheduling, expediting, and/or delivery of all equipment, materials, and personnel.

## K. TERM OF AGREEMENT

The AGREEMENT shall extend to and expire upon December 31, 2024. This term may be extended by mutual consent of both parties.

## ARTICLE 7. NOTICES

For the purposes of this agreement, notices will be by United States Mail to

For the CLIENT

For the CONSULTANT

City of Franklin

JSA Environmental, Inc

9229 West Loomis Road

2410 N. Palmer Street

**STANDARD AGREEMENT FOR SERVICES TO MONITOR COMPLIANCE AT METRO RECYCLING AND DISPOSAL FACILITY DURING OPERATIONS AND CONSTRUCTION**

Franklin, Wisconsin 53132

Milwaukee, WI 53212

ATTN Glen E. Morrow, City Engineer

ATTN Jo-Walter Spear, Jr., P.E.

**ARTICLE 8. SIGNATURES AND ATTACHMENTS**

A. The following attachments are made part of this AGREEMENT Attachment A

B. This AGREEMENT executed in duplicate original, represents the entire AGREEMENT between the parties, supersedes all prior agreements and understandings and may be changed only by a written amendment executed by both parties

IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed on the dates set forth below and delivered and effective the \_\_\_\_ day of December, 2023

Approved for **JSA Environmental, Inc.**

Accepted for **City of Franklin**

By \_\_\_\_\_

By \_\_\_\_\_

Name Jo-Walter Spear, Jr., P.E.

Name John R. Nelson

Title Project Manager

Title Mayor

Date \_\_\_\_\_

Date \_\_\_\_\_

By \_\_\_\_\_

Name Karen L. Kastenson

Title City Clerk

Date \_\_\_\_\_

By \_\_\_\_\_

Name Danielle L. Brown

Title Director of Finance & Treasurer

Date \_\_\_\_\_

Approved as to form

By \_\_\_\_\_

Name Jesse A. Wesolowski

Title City Attorney

Date \_\_\_\_\_

# *JSA Environmental, Inc. (JSA) Scope of Professional Engineering Services to The City of Franklin, WI*

## **LANDFILL OPERATIONS AUDITING**

The scope of services has been broken down into the following tasks:

### ***Task 1 Auditor's Manual***

The auditor's manual is reviewed and updated, annually. The budget for this task assumes one hour to review and update the manual.

**Deliverables:** Auditors Manual

### ***Task 2 Operations and Construction Audit***

JSA auditors will perform audits of landfill operations and any construction activities occurring during the audit. The audit of operations will include, but not be limited to, observation of waste receipt; weigh-in, placement and compaction of wastes; the application of cover materials and cover integrity; odor monitoring (on-site and off-site ); leachate management, including leachate recirculation, evaporation, and disposal; landfill gas recovery system operations; flare stability and consistency; vegetation observations for signs of landfill gas or leachate stress; and other necessary operations for the facility. To maximize the efficiency of the audits, JSA has prepared an audit form that encompasses regulatory, permit, and contractual requirements, as well as other standards of practice in the solid waste industry. JSA has used this form, or one similar to it, at other facilities. JSA will provide the City of Franklin, Metro Waste Disposal and Recycling Monitoring Committee (Committee) and Metro Waste Disposal and Recycling Facility(Metro) with an audit report following each site visit. Particular attention will be paid to activities and procedures that do not conform the contract between Metro and the City of Franklin (City). We will provide our findings and recommendations to the Committee in writing.

Inspection of operations will be conducted during each site visit, as appropriate. Construction continues at a landfill after the major actions of building new cells. The addition of a new landfill gas recovery well, placement of incremental cap areas, erosion damage repairs and other construction activities will be observed if they are in process during the audit.

Our team has extensive experience in all aspects of landfill construction and operation and will draw upon our Project Manager's experience with landfill construction and operations, with the support of our Principal, who has over 30 years of landfill construction and operations experience. We will use our experience to anticipate problems and to keep the City fully informed of the project status.

Our budget for this task is based on the assumption that one team member will spend 3 to 4 hours at the site each week, with senior review of the audit reports.

During periods of intense or complex construction, the audits may consume more time than anticipated above. Our experience in other audit situations is that there are opportunities to manage the total budget to prevent budget over runs at the project level.

**Deliverables:** Copy of landfill operations audit report following each site visit, including a copy of the landfill construction audit report for construction activity occurring during the audit; Year End Report

### ***Task 3 Odor Monitoring***

JSA will conduct Odor Monitoring before and during every audit event at the Metro site. A course about the landfill has been defined for the limits of odor monitoring and the results of each event are recorded upon a map that is included in the Audit report. JSA also maintains an online database of all odors reported and their geographic location about the Metro site.

**Deliverables:** Copy of the Odor Monitoring Map with every Audit Report, provide and maintain database of odor complaints.

### ***Task 4 Environmental Monitoring and Data Analysis***

At the direction of the City or the Committee, JSA will review and evaluate groundwater quality and surface water quality data, groundwater elevation data, leachate quality data; and landfill gas data provided by Metro to the City or the Wisconsin Department of Natural Resources (WDNR). This evaluation will include both a general trend analysis and a trend analysis that relates to the background data.

If our team identifies significant changes or anomalies in the groundwater or surface water data, we will evaluate the impact of the landfill on those changes and notify the City. At the request of the City, we will identify appropriate mitigation actions and present these actions in a technical memorandum for the City's review.

**Deliverables:** Quarterly and Annual review of Metro's analysis of groundwater and surface water quality and an assessment of the numerical results; a memorandum summarizing the observation during a quarterly groundwater and surface water monitoring event; quarterly and annual review of Metro's sampling and analysis of landfill gas and an assessment of the numerical results; and a memorandum summarizing the observation during a landfill gas monitoring event.

### ***Task 5 Facility Closure and Post-Closure Care Monitoring***

At the direction of the City, JSA will make independent annual determinations of the funding level (+30% or -50%) necessary to close the landfill and to monitor and maintain it for a period of 30-years following closure. This level will be compared to the current balance of the facility closure, monitoring, and maintenance funds or current calculations of that fund, by Metro. We will provide a written

assessment to the City indicating whether sufficient funds have been set aside.

**Deliverable:** Annual written report assessing funding requirements for closure and post-closure monitoring.

### ***Task 6 Attendance at Landfill Committee Meetings***

JSA will attend the Committee Meetings in order to address questions from members of the committee. Typically, the Auditor and/or an engineer will attend the meeting, based on our understanding of committee concerns. We request to be placed on the agenda early in the meeting and will attend for a period of one hour at no cost to the City. If we are requested to remain after the hour, the City will be billed for the time at the regular hourly rate of our attendees. The budget for this task assumes that we will spend no more than one hour at the meetings.

**Deliverable:** Documentation as requested by the committee at prior meetings, if any.

### ***Task 7 Additional Services as Requested***

JSA is prepared to perform a variety of tasks for the duration of the contract period not specifically addressed in the scope of services. Our experience suggests that the flexibility offered by this arrangement will be extremely valuable to the City. Because of the variety of situations that are encountered in the course of landfill construction and operation, there are services that may be requested that can not be envisioned at the time the scope of services is written. The following list is not a proposal for additional services, but a short lists of examples of services we have been asked to provide during an audit contract that were not envisioned in the contract:

- Consultation regarding storm water and erosion control when problems occur,
- Consultation regarding alternative daily cover,
- Consultation regarding the Operator's plans to meet new regulations including air quality, gas management, and NPDES regulations,
- Consultation regarding Operator proposals to change environmental monitoring plans,
- Solid waste market assessment and consultation,
- Consultation on the effectiveness and selection of landfill deodorants,
- Consultation on and the preparation of comments regarding legislation or regulation that effects landfill operation or impacts the agreement between the community and the landfill

**Deliverable:** Deliverable and level-of-effort for activities under this Task will be developed on a case by case basis as requested by the City

**Rates and Conditions  
 For Legacy Clients  
 2024**

<u>Title</u>	<u>Rate</u>
Principal Engineer	\$ 95.00
Administration	\$ 55.00
Engineering Technician	\$ 55.00

Mileage is billed at \$ 0.66 per mile and travel is billed at one-half the traveler's hourly rate. Copies are billed at \$ 0.15 per page for letters, memoranda, reports, etc and \$0.85 for color letter sized. Drawings are billed at \$ 1.50 per square foot of drawing for black and white and \$ 8.00 per square foot for color All other direct expenses are itemized on our invoice. Invoicing will include any disposable supplies or special equipment, as applicable. Clients will be provided with a secure Intranet page, for the receipt and maintenance of deliverables and other documents. Our secure intranet page is also available for collaborative document development and review A 10 % surcharge will be applied to all expenses to cover administration and management. Each client invoice is assessed an hour of Administrative Services to recover accounting and billing costs.

JSA Environmental charges time on the basis of the nearest ½ hour for engineers and planners and the nearest ¼ hour for graphics, CAD, and Administrative personnel. Invoicing is done at least once each month, either around the middle of the month or the end of the month, based on client preference. Invoices will be submitted within ten (10) days of the close of the billing period and are payable upon receipt. Should invoices be issued outside of this schedule, they are due and payable upon receipt JSA reserves the right to assess late charges of 5 0% of the principal per month against all invoices not paid within 60 days of issuance. In addition, work on the project by JSA may be suspended and data, reports and/or other products withheld, should invoices not be paid within 45 days Invoices are due and payable upon receipt Invoices paid within fifteen (15) days of issuance are eligible for a 2 5% discount, which maybe taken by the client when making payment.



STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2023-\_\_\_\_\_

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT TO CONTINUE PROFESSIONAL ENVIRONMENTAL ENGINEERING SERVICES TO MONITOR COMPLIANCE AT THE METRO RECYCLING & DISPOSAL FACILITY TO DECEMBER 31, 2024, WITH JSA ENVIRONMENTAL, INC.

WHEREAS, JSA Environmental, Inc. having proposed to provide continued services as previously approved by the Common Council for the monitoring of the Metro Recycling & Disposal Facility landfill operations, for compliance with applicable state and local laws, codes, rules, orders and ordinances and siting agreements, to the end of the year 2024, the cost of such services being reimbursable to the City pursuant to Article IVB. of the WMWI Metro Landfill Facility Greenspace Protection and Limited Landfill Expansion Agreement; and

WHEREAS, the Common Council having considered such proposal and the resources currently available to obtain such monitoring services, and the benefit to the Community from the provision of such services and having found such proposal to be reasonable.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the agreement for professional environmental engineering services Standard Agreement for Services to Monitor Compliance at Metro Recycling and Disposal Facility During Operations and Construction, with JSA Environmental, Inc., as previously extended by the Common Council to December 31, 2023, be further extended to December 31, 2024, to provide services limited to bi-monthly audits, reports thereon and government meeting attendance limited to one hour each meeting, and such prior contract terms as may be applicable thereto, at cost not to exceed \$20,000.00, as adjusted by the consumer price index as set forth in the WMWI Metro Landfill Facility Greenspace Protection and Limited Landfill Expansion Agreement dated August 16, 2010, at Article IV.24.B., and all in such form and content as annexed hereto, be and the same is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor and City Clerk be and the same are hereby authorized to execute and deliver such agreement.

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

RESOLUTION NO. 2023-\_\_\_\_\_  
Page 2


APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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

<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> December 19, 2023
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>AN ORDINANCE TO AMEND ORDINANCE 2022-2521, AN ORDINANCE ADOPTING THE 2023 ANNUAL BUDGET FOR THE SEWER FUND TO PROVIDE ADDITIONAL AUTO EQUIPMENT APPROPRIATIONS ASSOCIATED WITH THE PURCHASE OF A UTILITY VEHICLE IN THE AMOUNT OF \$59,784.50</b>	<b>ITEM NUMBER</b>  G.35.

**BACKGROUND**

A Franklin Utilities vehicle was involved in an accident in September, 2023. Insurance has totaled the vehicle and the City received a payment of \$36,620 on October 12, 2023. The payment was split 50/50 in both the Water Utility Fund and the Sewer Utility Fund. A replacement vehicle has been located through Hiller Ford using the State of Wisconsin Municipal "Discount" bid contract price.

**ANALYSIS**

The vehicle involved in the accident was a 2008 diesel Ford F550 with a crane and utility boxes in the bed. The truck was purchased in June 2008 for \$70,442.

On December 19, 2023, the Board of Water Commissioners will consider the replacement as the Water Utility will pay for 50% of the expense. Common Council has control of the Sewer Utility and will pay the other 50% of the expense.

\$69,995.00	2023 Chassis
\$46,876.00	11-ft Service Body with Crane
\$2,698.00	Drawer Units Front Compartment
\$119,569.00	Total Purchase
\$59,784.50	Water Utility Cost (50%)
\$59,784.50	Sewer Utility Cost (50%)

\$18,310 has been receipted in the Sewer Utility Fund as a reimbursement from insurance.

Because of the timing of this purchase, the Board of Public Works has not considered this purchase, as is customary in Franklin.

**FISCAL NOTE**

The Sewer and Water Utilities have sufficient funds to cover the unscheduled purchase.

**COUNCIL ACTION REQUESTED**

Adopt Ordinance No. 2023-\_\_\_\_, an Ordinance to Amend Ordinance 2022-2521, an Ordinance adopting the 2023 Annual Budget for the Sewer Fund to provide additional auto equipment appropriations associated with the purchase of a utility vehicle in the amount of \$59,784.50.

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

ORDINANCE NO. 2023-\_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE 2022-2521, AN ORDINANCE ADOPTING THE 2023 ANNUAL BUDGET FOR THE SEWER FUND TO PROVIDE ADDITIONAL AUTO EQUIPMENT APPROPRIATIONS ASSOCIATED WITH THE PURCHASE OF A UTILITY VEHICLE IN THE AMOUNT OF \$59,784.50

WHEREAS, on November 15, 2022, the Common Council adopted the 2023 Annual Budget; and

WHEREAS, in September, 2023, a Franklin Utilities vehicle was involved in an accident where the City of Franklin was not at fault; and

WHEREAS, the City of Franklin Insurance has totaled the vehicle and the City received a payment of \$36,620 on October 12, 2023 and that payment was split 50/50 between the Sewer Utility Fund and the Water Utility Fund; and

WHEREAS, a replacement vehicle has been located using the State of Wisconsin Municipal "Discount" bid contract price; and

WHEREAS, timing of the purchase of a new utility vehicle is limited; and

NOW, THEREFORE, BE IT RESOLVED, by the Common Council of the City of Franklin, Wisconsin as follows:

Section 1 The 2023 Budget for the Sewer Fund shall be amended as follows:

Sewer Fund				
0731	Capital Outlay	Auto Equipment	Increase	\$59,784.50

Section 2 Pursuant to Wis. Stat. § 65.90(5)(ar), the City Clerk is hereby directed to post a notice of this budget amendment within fifteen days of adoption of this Resolution on the City's web site.

Section 3 The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, or otherwise be legally invalid or fail under the applicable rules of law to take effect and be in force, the remaining terms and provisions shall remain in full force and effect.

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

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED:

\_\_\_\_\_  
John R. Nelson, Mayor

ATTEST:

\_\_\_\_\_  
Karen L. Kastenson, City Clerk

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

APPROVAL <i>H</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 12/19/2023
REPORTS AND RECOMMENDATIONS	<b>A Resolution to Purchase a 2023 Ford F550 Super Chassis XL V8 Diesel with Additional Equipment from Hiller Ford, Inc. for \$119,569.00 from the Sewer and Water Utilities</b>	ITEM NUMBER All Districts <i>G 36</i>

**BACKGROUND**

A Franklin Utilities vehicle was involved in an accident on September 124, 2023. Insurance has totaled the vehicle and is sending payment of \$36,620. A replacement vehicle has been located through Hiller Ford using the State of Wisconsin Municipal "Discount" bid contract price.

**ANALYSIS**

The vehicle involved in the accident was a 2008 diesel Ford F550 with a crane and utility boxes in the bed. The truck was purchased in June 2008 for \$70,442.

On December 19, 2023, the Board of Water Commissioners will consider the replacement as the Water Utility will pay for 50% of the expense. Common Council has control of the Sewer Utility and will pay the other 50% of the expense.

\$69,995.00	2023 Chassis
\$46,876.00	11-ft Service Body with Crane
\$2,698.00	Drawer Units Front Compartment
<u>\$119,569.00</u>	Total Purchase
(\$36,620.00)	Insurance from totaled 2008 Vehicle
<u>\$82,949.00</u>	Net Cost of New Vehicle
\$41,474.50	Water Utility Cost (50%)
\$41,474.50	Sewer Utility Cost (50%)

Because of the timing of this purchase, the Board of Public Works has not considered this purchase, as is customary in Franklin.

**FISCAL NOTE**

The Sewer and Water Utilities have sufficient funds to cover the unscheduled purchase.

**COUNCIL ACTION REQUESTED**

Adopt Resolution 2023-\_\_\_\_\_ a resolution to purchase a 2023 Ford F550 Super Chassis XL V8 Diesel with additional equipment from Hiller Ford, Inc. for \$119,569.00 from the Sewer and Water Utilities.

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<p style="text-align: center;"><b>APPROVAL</b></p> <p style="text-align: center;"><i>X</i></p>	<p style="text-align: center;"><b>REQUEST FOR COUNCIL ACTION</b></p>	<p style="text-align: center;"><b>MEETING DATE</b> 12/19/2023</p>
<p style="text-align: center;"><b>REPORTS AND RECOMMENDATIONS</b></p>	<p style="text-align: center;"><b>Evaluation and Recommendations by the Director of Administration for Proposed Tax Assessment Services. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), Considering the Deliberating or Negotiating the Purchasing of Public Properties, the Investing of Public Funds, or Conducting Other Specified Public Business, Whenever Competitive or Bargaining Reasons Require a Closed Session.</b></p>	<p style="text-align: center;"><b>ITEM NUMBER</b></p> <p style="text-align: center;">G37.</p>

**COUNCIL ACTION REQUESTED**

A motion, with regard to the Evaluation and Recommendations by the Director of Administration for Proposed Tax Assessment Services. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), Considering the Deliberating or Negotiating the Purchasing of Public Properties, the Investing of Public Funds, or Conducting Other Specified Public Business, Whenever Competitive or Bargaining Reasons Require a Closed Session, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.



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<b>APPROVAL</b>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE 12/19/23</b>
<b>LICENSES AND PERMITS</b>	<b>MISCELLANEOUS LICENSES</b>	<b>ITEM NUMBER H.</b>

See attached License Committee Meeting Minutes from the License Committee Meeting of December 19, 2023.

**COUNCIL ACTION REQUESTED**

Approval of the minutes of the License Committee Meeting of December 19, 2023.




414-425-7500

**License Committee Agenda\***  
**Franklin City Hall Aldermen's Room**  
**9229 West Loomis Road, Franklin, WI**  
**December 19, 2023 – 6:00 p.m.**

<b>1.</b>	<b>Call to Order &amp; Roll Call</b>	<b>Time:</b>		
<b>2.</b>	<b>Applicant Interviews &amp; Decisions</b>			
		<b>Recommendations</b>		
<b>Type/ Time</b>	<b>Applicant Information</b>	<b>Approve</b>	<b>Hold</b>	<b>Deny</b>
<b>Operator 2023-2024 New</b>	<b>Michael Anders</b> Iron Mike's			
<b>Operator 2023-2024 New</b>	<b>Tracey Deak</b> Swiss Street Pub & Grille			
<b>Operator 2023-2024 New</b>	<b>Eric Johnson</b> Tuckaway Country Club			
<b>Operator 2023-2024 New</b>	<b>Meagan Kehoe</b> The Rock Sports Complex			
<b>3.</b>	<b>Adjournment</b>	<b>Time:</b>		

\*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.

<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> 12/19/2023
<b>Bills</b>	<b>Vouchers and Payroll Approval</b>	<b>ITEM NUMBER</b> I

Attached are vouchers dated December 1, 2023 through December 14, 2023, Nos. 195236 through Nos. 195433 in the amount of \$ 2,229,481.25. Also included in this listing are EFT's Nos. 5527 through EFT Nos. 5537, Library vouchers totaling \$ 1,280.33 and Water Utility vouchers totaling \$ 30,299.49. Voided checks in the amount of \$ (1,275.48) are separately listed.

Early release disbursements dated December 1, 2023 through December 13, 2023 in the amount of \$ 634,969.09 are provided on a separate listing and are also included in the complete disbursement listing. These payments have been released as authorized under Resolutions 2013-6920, 2015-7062 and 2022-7834.

The net payroll dated December 15, 2023 is \$ 490,029.56, previously estimated at \$ 465,000. Payroll deductions dated December 15, 2023 are \$ 248,060.79, previously estimated at \$ 250,000.

The estimated payroll for December 29, 2023 is \$ 468,000 with estimated deductions and matching payments of \$ 457,000.

**COUNCIL ACTION REQUESTED**

Motion approving the following

- City vouchers with an ending date of December 14, 2023 in the amount of \$ 2,229,481.25
- Payroll dated December 15, 2023 in the amount of \$ 490,029.56 and payments of the various payroll deductions in the amount of \$ 248,060.79, plus City matching payments and
- Estimated payroll dated December 29, 2023 in the amount of \$ 468,000 and payments of the various payroll deductions in the amount of \$ 457,000, plus City matching payments.

**ROLL CALL VOTE NEEDED**