

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

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

CITY OF FRANKLIN
COMMON COUNCIL MEETING
FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
TUESDAY AUGUST 20, 2024 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 August 6, 2024.
- D. Hearings.
- E. Organizational: Mayoral and Aldermanic Appointments:
 - Mayoral Appointment:
 1. Carl Budnik, 7642 W. Norwood Ln., Ald. Dist. 1-Civic Celebrations, 3 year unexpired term expiring 06/30/27.
 - Aldermanic Appointment:
 2. Alderman Hasan appointment of Edward Ping, 4811 W. Madison Ave., Ald. Dist. 3-Quarry Monitoring Committee, 3 year unexpired term expiring 05/31/26.
- F. Letters.
- G. Reports and Recommendations:
 1. Informational Council Update from City Assessors, Forward Appraisal.
 2. Federal Emergency Management Agency's Floodplain Insurance Rate Maps (FIRM) and City of Franklin Floodplain Ordinance.
 3. 2025 Mayor's Recommended Budget Challenges.
 4. An Ordinance to amend Section 15-3.0444 of the Unified Development Ordinance Planned Development District No. 39 (Mixed Use Business Park) to allow truck terminals and freight transfer facilities as a Special Use and to revise Design Standards (Saia Motor Freight Line, LLC, Applicant) (10613 S. 27th Street).
 5. A Resolution imposing conditions and restrictions for the approval of a Special Use for a truck terminal and freight transfer facility business use with outdoor storage and parking of vehicles, trailers, and equipment upon property located at 10613 S. 27th Street (Saia Motor Freight Line, LLC, Applicant) (Franklin Tech Center LLC A Delaware, LLC, Property Owner).
 6. A Resolution Approving a Partial Property Tax Rescission and Refund for 10152 S. Ryan Creek Ct., TKN 934-0120-000.

7. A Resolution Conditionally approving a Preliminary Plat for Ridgewood Reserve Subdivision (generally located to the north of W. Drexel Avenue, east of S. Ridgewood Drive, and west of S. 76th Street) (Creative Homes, Inc., Property Owner/Applicant).
8. A Resolution Approving a Partial Property Tax Rescission and Refund for 0 S. 51st St., TKN 759-9054-000.
9. A Resolution Authorizing the Execution of a Tax-Exempt Lease-Purchase Agreement and Related Documents and Award the Sale for the Johnson Controls Municipal Project.
10. Authorize certain City Officials to enter into an agreement with ADP for Carrier Connections Service.
11. Stafford Rosenbaum LLP Request for Potential Conflict of Interest Informed Consent Waiver with Regard to its Representation of the City Upon Appointments by the City's Insurer, Currently for *Polish Heritage Alliance, Inc. v City of Franklin*, Milwaukee County Case No. 23-CV-9073, and Requested Representation of Smith's Property Services LLC Upon a Zoning Violation Unrelated to City Representation Services Matter.
12. City Personnel Performance Evaluation-City Engineer. The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(l)(c), considering Employment, Promotion, Compensation or Performance Evaluation Data of any Public Employee over which the Governing Body has jurisdiction or exercises responsibility, Wis. Stat. §19.85(l)(f), Considering Financial, Medical, Social, or Personal Histories or Disciplinary Data of Specific Persons, Preliminary Consideration of Specific Personnel Problems, or the Investigation of Charges Against Specific Persons Except Where Par. (b) Applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data or involved in such problems or investigations, and Wis. Stat. § 19.85(l)(g), Conferring with Legal Counsel for the Governmental Body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is likely to become involved, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.
13. Wholesale Water Purchase and Sale Agreement Between Oak Creek and Franklin. The Common Council may enter closed session pursuant to Wis. Stat § 19.85(1)(e) to deliberate upon the information, terms and provisions of the Wholesale Water Purchase and Sale Agreement Between Oak Creek and Franklin, the provision of public water supply to the City of Franklin as related to the City, the Franklin Municipal Water Utility and its customers in 2024 and beyond; and the potential negotiation of terms in relation thereto, and the investing of public funds and governmental actions in relation thereto, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

H. Licenses and Permits: License Committee Meeting of August 20, 2024.

Common Council Meeting Agenda

August 20, 2024

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I. Bills.
Request for Approval of Vouchers and Payroll.

J. Adjournment.

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

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

REMINDERS:

August 22	Plan Commission	6:00 p.m.
September 2	City Hall Closed-Labor Day	
September 3	Common Council	6:30 p.m.
September 5	Plan Commission	6:00 p.m.
September 17	Common Council	6:30 p.m.
September 19	Plan Commission	6:00 p.m.
September 28	City Shredding Event (City Hall)	9:00 a.m.-1:00 p.m.

CITY OF FRANKLIN
COMMON COUNCIL MEETING
AUGUST 6, 2024
MINUTES

- ROLL CALL A. The regular meeting of the Franklin Common Council was held on August 6, 2024, 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 Peccarelli, Alderwoman Eichmann, Alderman Hasan, Alderwoman Day, Alderman Barber and Alderman Craig. Also, in attendance were Director of Administration Kelly Hersh, City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski and City Clerk Shirley Roberts.

- CITIZEN COMMENT B.1. Citizen comment period was opened at 6:30 p.m. and was closed at 6:30 p.m.

- JACK H. TAKERIAN
PROCLAMATION B.2. Mayor Nelson presented a Proclamation in Recognition of the Service of Jack H. Takerian.

- MINUTES
JULY 16, 2024 C. Alderman Barber moved to approve the minutes of the Regular Common Council Meeting of July 16, 2024, as presented. Seconded by Alderman Craig. All voted Aye; motion carried.

- MAYORAL
APPOINTMENTS E. Alderwoman Day moved to confirm the following Mayoral appointment:
 - 1. Joe Mercado, 10162 S. 34th St., Ald. Dist. 4-Civic Celebrations, 3 year unexpired term expiring 06/30/27.

Seconded by Alderman Craig. On roll call, all voted Aye. Motion carried.

Alderwoman Day moved to confirm the following Mayoral appointment:

 - 2. Mira Kresovic, 8810 S. 51st St., Ald. Dist. 4-Finance Committee, 1 year unexpired term expiring 04/30/25.

Seconded by Alderwoman Eichmann. On roll call, all voted Aye. Motion carried.

- FRANKLIN FIRE
DEPART.
COMMUNITY
INTERNSHIP AGMT G.1. Alderman Barber moved to approve the Fire Department to participate in the Franklin High School Community Internship Agreement to host volunteer student Fire Cadets during the 2024-2025 school year. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.

- RES. 2024-8190
VACATE SERVICE RD
SPELLMAN
TRAILERS 5921 W.
RYAN RD
- G.2. Alderwoman Day moved to adopt Resolution No. 2024-8190, A RESOLUTION TO VACATE A SERVICE ROAD FROM S. 60TH STREET TO S. 58TH STREET LOCATED ON THE SOUTH SIDE OF W. RYAN ROAD BETWEEN S. 60TH STREET AND S. 58TH STREET (PART OF THE NW ¼ OF SECTION 26, TOWNSHIP 5, RANGE 21 EAST IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN). Seconded by Alderman Hasan. All voted Aye; motion carried.
- EXTERNAL AND
INTERNAL TESTING
AND REPORTING
SERVICES FROM
FORESITE CYBER
SECURITY
- G.3. Alderman Barber moved to approve a Professional Services Agreement Between the City of Franklin and Foresite Cybersecurity, Inc. to Provide External and Internal Penetration Testing and Reporting Services - Funded by Account Numbers 01-0144-5299 and 01-0144-5214. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- ORD. 2024-2628
AMEND UDO
ADMINISTRATIVE,
ZONING AND LAND
DIVISION
APPLICATION FEES
- G.4. Alderman Barber moved to adopt Ordinance No. 2024-2628, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT IN §15-9.0401 ADMINISTRATIVE FEES, §15-9.0401A. FEE SCHEDULE, TO INCREASE THE ZONING AND LAND DIVISION APPLICATION FEES AND TO PROVIDE FOR REQUIRING A DEVELOPER'S DEPOSIT FOR NEW PLANNED DEVELOPMENT DISTRICT AND PRELIMINARY PLAT APPLICATIONS. Seconded by Alderman Hasan. All voted Aye; motion carried.
- FOX GLEN NATURAL
RESOURCE SPECIAL
EXCEPTION
- G.5. Alderwoman Eichmann moved to table the Standards, Findings and Decision of the City of Franklin Common Council upon the application of John Spitz, Fox Glen Corporate Centre, LLC, applicant, for a Special Exception to Certain Natural Resource Provisions of the City of Franklin Unified Development Ordinance until staff brings it back to the common council. Seconded by Alderman Hasan. All voted Aye; motion carried.
- RES. 2024-8191
WE ENERGIES
ELECTRIC SERVICE
S. LOVERS LANE
PROJECT
- G.6. Alderman Craig moved to adopt Resolution No. 2024-8191, A RESOLUTION TO AUTHORIZE WE ENERGIES TO PROVIDE ELECTRIC SERVICE FOR LIGHTING CABINETS ON THE S. LOVERS LANE PROJECT (W. VENTURE DRIVE AND W. CORTEZ CIRCLE). Seconded by Alderman Hasan. All voted Aye; motion carried.
- ORD. 2024-2629
PARKING WHICH
PROHIBITS,
OBSTRUCTS, BLOCKS
- G.7. Alderman Barber moved to adopt Ordinance No. 2024-2629, AN ORDINANCE TO AMEND §245-5 PARKING, STOPPING AND STANDING REGULATED, OF THE MUNICIPAL CODE, TO CREATE AN ADDITIONAL PROVISION THAT PROHIBITS

- OR IMPEDES TRAFFIC
- RES. 2024-8192
20 FT PRIVATE PLANTING SCREEN
7524 S. 77TH ST
- RES. 2024-8193
WE ENERGIES ELECTRIC SERVICE
ON S. 51ST ST. AND W. PRESERVE WAY
- WATERMAIN EASEMENT FOR POLISH HERITAGE ALLIANCE
- WATER SERVICE TO HALE PARK HIGHLANDS AREA
- ORD. 2024-2630
REMOTE ATTENDANCE OF AN ALDERPERSON
- ORD. 2024-2631
REMOTE ATTENDANCE OF A BOARD OR COMMITTEE MEMBER
- PARKING WHICH OBSTRUCTS, BLOCKS OR IMPEDES TRAFFIC. Seconded by Alderman Hasan. All voted Aye; motion carried.
- G.8. Alderwoman Eichmann moved to adopt Resolution No. 2024-8192, A RESOLUTION AUTHORIZING THE INSTALLATION OF A FENCE WITHIN THE 20 FOOT PRIVATE PLANTING SCREEN PLAT RESTRICTION, UPON LOT 12 IN BLOCK 1 OF TUCKAWAY GREEN SUBDIVISION (7524 S. 77TH STREET) (CINDY DAWES, APPLICANT). Seconded by Alderman Hasan. On roll call, all voted Aye. Motion carried.
- G.9. Alderman Barber moved to adopt Resolution No. 2024-8193, A RESOLUTION TO AUTHORIZE WE ENERGIES TO PROVIDE ELECTRIC SERVICE FOR SIGNAL CABINET ON S. 51ST STREET AND W. PRESERVE WAY. Seconded by Alderwoman Eichmann. All voted Aye; motion carried.
- G.10. Alderwoman Eichmann moved to authorize the execution by the Mayor and City Clerk of a water main easement for the Polish Heritage Alliance, Inc. development property in the general form and content as presented at this meeting, with such additions and changes as approved by the City Engineer and the City Attorney. Seconded by Alderman Hasan. All voted Aye; motion carried.
- G.11. Alderman Craig moved to postpone water service to Hale Park Highlands area indefinitely based on the community survey results and resident feedback which indicated the residents believe it is not the best use of the City's resources. Seconded by Alderman Hasan. All voted Aye; motion carried.
- G.12. Alderman Hasan moved to adopt Ordinance No. 2024-2630, AN ORDINANCE TO AMEND §19-1E. REMOTE MEETING ATTENDANCE PERMITTED, OF THE MUNICIPAL CODE, TO AUTHORIZE THE REMOTE ATTENDANCE OF AN ALDERPERSON AT COMMON COUNCIL MEETINGS UPON TEMPORARY HEALTH CIRCUMSTANCES PERTAINING TO THE ALDERPERSON NOT ALLOWING FOR PHYSICAL MOBILITY TO ATTEND THE MEETING IN PERSON. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.
- G.13. Alderwoman Day moved to adopt Ordinance No. 2024-2631, AN ORDINANCE TO CREATE §10-26 REMOTE MEETING ATTENDANCE PERMITTED, OF THE MUNICIPAL CODE, TO AUTHORIZE THE REMOTE ATTENDANCE OF A MEMBER AT BOARD, COMMISSION AND/OR COMMITTEE MEETINGS UPON TEMPORARY HEALTH CIRCUMSTANCES PERTAINING

TO THE MEMBER NOT ALLOWING FOR PHYSICAL MOBILITY TO ATTEND THE MEETING IN PERSON. Seconded by Alderman Hasan. All voted Aye; motion carried.

CITY OF FRANKLIN
PLANNING
MANAGER
APPOINTMENT

G.14. Alderman Barber moved to confirm Mr. Regulo Martinez-Montilva's appointment as the City of Franklin's Planning Manager. Seconded by Alderman Hasan. On roll call, all voted Aye. Motion carried.

CLOSED SESSION
POTENTIAL
DEVELOPMENT AT
3303 W. OAKWOOD
ROAD

G.15. Alderwoman Eichmann motion to enter closed session at 7:32 p.m. pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to potential commercial/industrial/ manufacturing/ development(s) and proposal(s) and the investing of public funds and governmental actions in relation thereto and to effect such development(s), including the terms and provisions of potential development agreement(s) for, including, but not limited to the propert(ies) at 3303 W. Oakwood Road, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Hasan. On roll call, all voted Aye. Motion carried.

Mayor Nelson called a recess at 7:33 p.m.

Mayor Nelson reconvened at 7:36 p.m.

Upon reentering open session at 7:55 p.m., no action taken.

CLOSED SESSION
POTENTIAL
DEVELOPMENT AT
THE SOUTHEAST
CORNER OF SOUTH
OAKWOOD PARK
DRIVE AND WEST
RYAN ROAD

G.16. Alderwoman Eichmann motion to enter closed session at 7:56 p.m. pursuant to Wis. Stat. § 19.85(1)(e), for market competition and bargaining reasons, to deliberate and consider terms relating to potential commercial/industrial/manufacturing development(s) and proposal(s) and the investing of public funds and governmental actions in relation thereto and to effect such development(s), including the terms and provisions of potential development agreement(s) for, including, but not limited to the propert(ies) at the southeast corner of S. Oakwood Park Drive and W. Ryan Road, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate. Seconded by Alderman Hasan. On roll call, all voted Aye. Motion carried.

Upon reentering open session at 7:59 p.m., no action taken.

LICENSES AND
PERMITS

H. Alderman Day moved to approve License Committee Meeting Minutes of August 6, 2024.

Grant Extraordinary Entertainment & Special Event to: Mulligan's Irish Pub & Grill, Half Way to St Patricks Day Party, Brian Francis,

8933 S27th St, 8/24/24, 6-10:30 p.m. band, 55 dbl @ property line; Elf Run 2024, Ryan Griessmeyer, Boerner Botanical Gardens, 11/24/24;
Grant 2024-25 Class B Combination, Entertainment & Amusement to Ricky's Harrisburg Inn LLC, DBA Ricky's Double Barrel Inn, Nathan Fabry, 11318 W St Martins Rd;
Grant Temporary Class "B" Beer & Temporary Entertainment & Amusement to VFW Post 10394, St Martin's Labor Day Fair, Andrew Hushek, St Martins Rd & Church St, 9/1-9/2/24;
Grant Temporary Class B Beer to Knights of Columbus Trinity Council, St Martin's Labor Day Fair, Kenneth Keefer, 9/1-9/2/24, St Martin of Tours Church Lot, 7963 S 116th St;
Hold for Appearance PUBLIC Grant to: Franklin Public Library Foundation, Temporary Class B License, 10/3/24 (Fall Literary Fundraiser), Franklin Public Library-Fadrow Mtg Room;
Grant New 2024-25 Operator License to: Bria Altamore, Mikayla Baird, Megan Bock, Attilio Cavaiani, Antonio Chapa, Rebecca Deall, Janel Deprey, John Felden, Cristina Ivaschin, Joseph Johnson, Brandon Kitchner, Eric Kneir, Kim Kuklinski, Chad Lehrke, Isabelle Luther, Harvinder Makkar, Mandy Mayrand, Kerri McCracken, Janet Miller, Micah Modic, Meghan Pavlic, Samantha Piszczek, Jazmine Richter, Julie Sobanski, Sean Sonnen, Brenda Stroud, Amir Trammell, Denise Widenski;
Grant Renewal 2024-25 Operator License to David Lindner & Rajendra Patel;
Hold New 2024-25 Operator License for Appearance to Amanda Fecteau; and
Hold New 2024-25 Operator License Upon Correction of Application to: Jose Amriz, Lindsay Brieske, & Daniel Mackie.

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

VOUCHERS AND
PAYROLL

- I. Alderman Hasan moved to approve City vouchers with an ending date of August 1, 2024, in the amount of \$ 3,055,202.18 and payroll dated July 26, 2024 in the amount of \$ 496,117.59 and payments of the various payroll deductions in the amount of \$ 517,081.03, plus City matching payments and estimated payroll dated August 9, 2024 in the amount of \$ 466,000 and payments of the various payroll deductions in the amount of \$ 265,000, plus City matching payments. Seconded by Alderman Barber. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

- J. Alderman Hasan moved to adjourn the meeting of the Common Council at 8:06 p.m. Seconded by Alderman Craig. All voted Aye; motion carried.

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APPROVAL	REQUEST FOR COMMON COUNCIL ACTION	MEETING DATE 8-20-2024
ORGANIZATIONAL BUSINESS	Mayoral and Aldermanic Appointments	ITEM NUMBER E. 1, 2

Mayoral Appointment:

1. Carl Budnik, 7642 W. Norwood Ln., Ald. Dist. 1-Civic Celebrations, 3 year unexpired term expiring 06/30/27.

Aldermanic Appointment:

2. Alderman Hasan appointment of Edward Ping, 4811 W. Madison Ave., Ald. Dist. 3-Quarry Monitoring Committee, 3 year unexpired term expiring 05/31/26.

COUNCIL ACTION

Motion to confirm the following Mayoral and Aldermanic Appointments:

Mayoral Appointment:

1. Carl Budnik, 7642 W. Norwood Ln., Ald. Dist. 1-Civic Celebrations, 3 year unexpired term expiring 06/30/27.

Aldermanic Appointment:

2. Alderman Hasan appointment of Edward Ping, 4811 W. Madison Ave., Ald. Dist. 3-Quarry Monitoring Committee, 3 year unexpired term expiring 05/31/26.

ROLL CALL VOTE

CLERKDEPT

Shirley Roberts

From: volunteerfactsheet@franklinwi.info
Sent: Monday, July 10, 2023 4:33 PM
To: Lisa Huening; Shirley Roberts; Karen Kastenson
Subject: Volunteer Fact Sheet

Name: carl budnik
PhoneNumber:
EmailAddress: cbudnik@wi.rr.com
YearsasResident: 40
Alderman: 1
ArchitecturalBoard: no
CivicCelebrations: yes
CommunityDevelopmentAuthority: no
EconomicDevelopmentCommission: no
EnvironmentalCommission: no
FinanceCommittee: no
FairCommission: no
BoardofHealth: no
FirePoliceCommission: no
ParksCommission: no
LibraryBoard: no
PlanCommission: no
PersonnelCommittee: no
BoardofReview: no
BoardofPublicWorks: no
QuarryMonitoringCommittee: no
TechnologyCommission: no
TourismCommission: no
BoardofZoning: no
WasteFacilitiesMonitoringCommittee: no
BoardWaterCommissioners: no
CompanyNameJob1: Retired
CompanyAddressJob1: 7642 W Norwood Ln
TelephoneJob1: 4144258145
StartDateandPositionJob1: May 2010
EndDateandPositionJob1:
CompanyNameJob2: BMO Harris Bank
AddressJob2: Milwaukee
TelephoneJob2:
StartDateandPositionJob2: 1996 customer service

EndDateandPositionJob2: 2010
CompanyNameJob3: US Bank/Firstar
AddressJob3: Milwaukee
TelephoneJob3:
StartDateandPositionJob3: 1977 Collections
EndDateandPositionJob3: 1996 Recovery Supervisor
Signature: Carl Budnik
Date: July 10, 2023
Signature2: Carl Budnik
Date2: Carl Budnik July 10, 2023
SourceDocID: 9278
SourceNavName: Volunteer Fact Sheet
Address: 7642 W Norwood Ln
PriorityListing:
WhyInterested: I have been volunteering in the beer tent and ticket booth since 1994, so I feel I can add something to the group.
DescriptionofDutiesJob1:
DescriptionofDutiesJob2: Collections of loans and overdrafts
DescriptionofDutiesJob3: Supervised 13 people in recovery of charged off credit card balances
AdditionalExperience:
[See Current Results](#)

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<p style="text-align: center;">APPROVAL</p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE 8/20/2024</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">INFORMATIONAL COUNCIL UPDATE FROM CITY ASSESSORS, FORWARD APPRAISAL</p>	<p style="text-align: center;">ITEM NUMBER G.1.</p>

Analysis

This informational update is intended to introduce the Council to Forward Appraisal, the City's assessors. This council agenda item provides the Council with an opportunity to ask questions directly of our assessors and gain insight into the challenges they have encountered during this year's assessment process. Forward Appraisal will also share any applicable updates on the current year's assessments.

The meeting aims to foster transparency and ensure that the Council is well-informed about the assessment process. It will also serve as a platform for Forward Appraisal to address any concerns and clarify the methodologies and procedures used in determining property assessments. This interaction is crucial for maintaining a shared understanding of the assessment process and ensuring that the Council can make informed decisions based on accurate and up-to-date information.

Conclusion

This meeting is purely informational and serves as an essential touchpoint between the Council and Forward Appraisal. We encourage all Council members to actively participate by asking questions and engaging with our assessors to better understand the complexities of the assessment process and any potential implications for the City.

COUNCIL ACTION REQUESTED

This document is informational only. Please receive and place it on file.

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APPROVAL	REQUEST FOR COUNCIL ACTION	MTG. DATE 08/20/24
REPORTS & RECOMMENDATIONS	Federal Emergency Management Agency's Floodplain Insurance Rate Maps (FIRM) and City of Franklin Floodplain Ordinance	ITEM No. All Ald. Dist. A. 2.

At the July 2, 2024 Common Council meeting, Planning introduced the Floodplain Zoning Ordinance Update (Item G.8), to comply with Federal Emergency Management Agency (FEMA) requirements for the community to participate in the National Flood Insurance Program. Planning staff sought policy direction on two elements of the draft Ordinance: Participation in Act 175, which removes cost-based requirements for nonconforming structures in the floodplain, and the Community Rating System, which allows for discounts on flood insurance rates if the City conducts additional work to educate the public and regulate the floodplain.

A public hearing of the Draft Ordinance was held at Plan Commission on August 8, 2024. There were no public comments. Commissioners inquired about questions from the general public regarding this update: the Planning Department has not had any comment or question from the public on this item. The Plan Commission then adopted a motion to recommend approval of an ordinance to repeal and replace the Unified Development Ordinance UDO City of Franklin, Wisconsin Floodplain Zoning Ordinance [Adopted 9-11-2008].

A full report on the proposed ordinance including discussion of updates to incorporate Common Council direction, and a copy of the draft, are attached here.

The deadline for adoption of the ordinance in order to meet FEMA requirements for this update is September 10, 2024.

Attachments

- Plan Commission Report
- DNR letter to City of Franklin, with required timeline for review and adoption
- DNR Act 175 Guidance
- Draft Ordinance

Fiscal Note

Generally, the costs are Staff time and future possible changes to permitting software. Costs to be determined.

COUNCIL ACTION REQUESTED

A motion to approve of an ordinance to repeal and replace the Unified Development Ordinance UDO City of Franklin, Wisconsin Floodplain Zoning Ordinance [Adopted 9-11-2008].



REPORT TO THE PLAN COMMISSION

Meeting of July 18, 2024
Natural Resource Special Exception

RECOMMENDATION: City Development staff recommends approval of the proposed Draft Ordinance.

Table with 2 columns: Field Name and Value. Fields include Project Name, Applicant, Property Address/Tax Key Number, Aldermanic District, and Staff Planner.

The City of Franklin Unified Development Ordinance includes a Floodplain Zoning Ordinance that complies with Federal Emergency Management Agency (FEMA) requirements for the community to participate in the National Flood Insurance Program.

- The current City of Franklin Floodplain Zoning Ordinance is available online as Attachment 1 of the Unified Development Ordinance: https://ecode360.com/33224107
• Information about floodplain management including Federal and State requirements; the DNR website has extensive resources: https://dnr.wisconsin.gov/topic/FloodPlains

This City's ordinance, including the maps that outline the areas subject to regulation, require occasional updates. FEMA completed their review and public comment period for these maps in 2023, and notified the City that such an update is needed.

The project was initially presented to Common Council on July 2, 2024 for feedback. Common Council commented on possible participation in two new options for the ordinance: Act 175, and the Community Rating System.

Staff revised the model ordinance to concord with the City's policies and requirements for natural resource protection and administrative procedures. The areas protected by the updated maps within the Franklin corporate boundary have not changed from the current FIRMs. The draft ordinance was posted for review on the City website beginning July 24, 2024 (https://www.franklinwi.gov/Departments/Planning.htm) and is appended here.

Major Changes

The proposed Draft Ordinance differs from the existing ordinance primarily in that it allows for Franklin to participate in WI Act 175. In 2020 the State of Wisconsin enacted Act 175, which allows communities to establish standards for nonconforming structures in the floodplain that do not rely on a calculation of the structure's value – the “50 percent rule.” Under this rule, structures that are improved beyond 50 percent of their value must either come into conformity with the ordinances or be removed. With the proposed update, property owners instead have the option to update structures to floodproof them to the minimum Federal standards, and the structures are then no longer subject to cost-based regulation. Broadly speaking, this is a less restrictive requirement than state and local ordinances, while still requiring flood safety measures of property owners.

Franklin may opt to participate in this provision by adopting the necessary language in the updated ordinance. The draft ordinance reflects this language, primarily through the addition of language to section 6.1 (4) Nonconforming Uses. Guidance from WI DNR regarding Act 175 is attached for additional information.

Staff also reviewed for the option to participate in the Community Rating System (CRS) program for possible discounted rates to homeowners on flood insurance. Because the City has open floodplain violations requiring a Community Assistance Visit (CAV), we are not eligible for this program until the CAV is resolved. Staff recommends revisiting this discussion at the conclusion of the CAV. Updating the ordinance would require a text amendment.

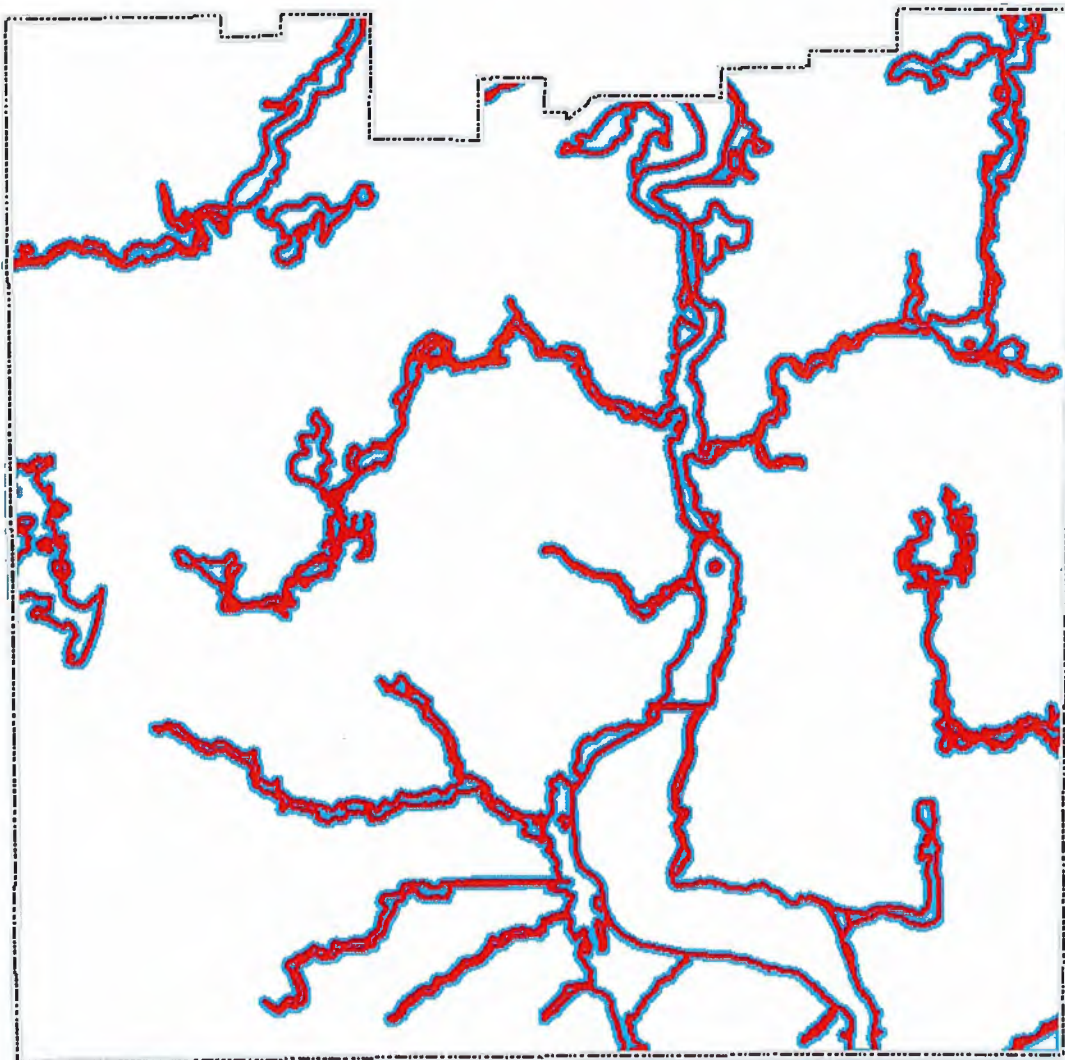
The deadline for adoption of the ordinance in order to meet FEMA requirements for this update is September 10, 2024. An approximate timeline for the project is attached, along with the DNR letter initiating the project.

Attachments

- Map of existing and proposed FIRM boundaries
- DNR letter to City of Franklin, with required timeline for review and adoption
- DNR Act 175 Guidance
- Draft Floodplain Ordinance

Date: July 31, 2024
To: City of Franklin Plan Commission
From: Marion Ecks, AICP
RE: Federal Emergency Management Agency's Floodplain Insurance Rate
Maps (FIRM) and City of Franklin Floodplain Ordinance

The City of Franklin GIS team conducted a comparison of the 100 year proposed FEMA 2024 A and AE zones (in red) vs the 2028 A and AE zones (in blue). No changes have been made.

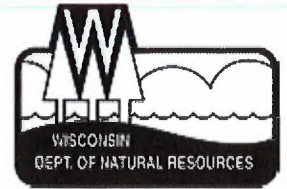


MX

State of Wisconsin
DEPARTMENT OF NATURAL RESOURCES
101 S Webster Street
Madison WI 53703

Tony Evers, Governor

Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



Monday, April 29, 2024

The Honorable Mr. John Nelson, Mayor
City of Franklin
9229 W LOOMIS RD
FRANKLIN WI 53132-9630

Electronic delivery via email: jnelson@franklinwi.gov

Subject: Ordinance adoption notice for City of Franklin. FEMA Community ID: 550273.

Dear Mr. John Nelson,

Recently, the City of Franklin received a Letter of Final Determination (LFD) date of October 24, 2024, from the Federal Emergency Management Agency (FEMA) notifying the City that updated Flood Insurance Rate Maps (FIRMs) and the Flood Insurance Study (FIS) for Milwaukee County must be adopted into the local floodplain ordinance within six months. The City ordinance must be updated and approved by DNR and FEMA no later than **October 24, 2024, or your community will be suspended from the National Flood Insurance Program (NFIP).**

This letter, and the information listed below explain how to set up the ordinance and the ordinance adoption process. This information was provided as attachments to the same email that contained this letter.

- FIRM and FIS Information – lists out the FIRM panels, FIS numbers and the effective dates needed for the official maps section of the local floodplain ordinance.
- Checklist for standard model ordinance – used to match local sections to state model sections, to ensure all applicable text is included. Completing this document is required if the local ordinance has language that varies from the state model. An editable version in Word format is attached.
- WDNR current standard model ordinance – to be used for the update of your community ordinance. The state standard model meets the minimum requirements of the NFIP and Chapter NR116, Wisconsin Administrative Code. An editable version in Word format is attached.
- [Adopting an ordinance](#)- a step-by-step guide quick guide outlining the adoption process.
- [Checklist for ordinance updates](#)– a checklist describing what is needed for the ordinance adoption process and to receive the DNR approval.
- Ordinance adoption timeline – an outline of steps, with timeframe for each, to receive the DNR approval before the FEMA deadline.

DNR staff are prepared to assist you in the ordinance review and adoption process, provide example public notices and explain state and federal regulatory requirements. Communities are encouraged to have DNR staff review the draft local floodplain ordinance well before the ordinance is presented to the local governing body for adoption in order to ensure compliance with the NFIP and Chapter NR116, Wisconsin Administrative Code. We advise you to start on this process as soon as possible to allow for the time necessary to complete the adoption process and to allow for any unintentional delays. FEMA will not permit extensions beyond the October 24, 2024, deadline. **If the ordinance is not legally adopted by the community and approved by the DNR and FEMA, the community will be immediately suspended from the NFIP.**

The federal consequences of being suspended from the NFIP are

- 1 No resident will be able to purchase a federal flood insurance policy Those that may have had policies will no longer have coverage after the current policy renewal date, however no flood claims would be paid out until the community rejoins the program
- 2 Federal officers and agencies are prohibited from approving any financial assistance for acquisition, construction, repair, or maintenance purposes in an area of special flood hazard in the community
- 3 Public facilities and citizen owned structures, during a federally declared flood disaster, are not eligible for the full assistance that normally would be available to communities that are members of the NFIP
- 4 Development potential may be affected in your community FEMA will not approve a Letter of Map Revision based on Fill (LOMR-F) because the community acknowledgement form cannot be signed if the community is not a participant in the NFIP

The process for amending a local floodplain ordinance is

- **Ordinance amendment draft (recommended)**- submit draft ordinance to your DNR Floodplain Management contact for review 2-4 weeks prior to the public hearing to ensure it is compliant with the minimum standards of the NFIP and Chapter NR116, Wisconsin Administrative Code before adoption We advise the Community to adopt the DNR model as it does meet current minimum standards for the NFIP and Chapter NR116 However, the community may be more restrictive than the minimum standards, if desired
- **Notice of public hearing (Class2)** - the publication or posting of a public hearing notice for two consecutive weeks with the final notice being published or posted **no less than seven (7) days** prior to the public hearing It is critical that the notice is published/posted correctly because if it is not, it may not be valid, and the community would be required to go through the adoption process again
- **Decision of governing body**– once an amended floodplain ordinance has been adopted, please submit the following information in electronic format PDF to your DNR Floodplain Management contact within ten (10) days after adoption
 - 1 A certified copy of the adopted ordinance
 - 2 An affidavit of publication of the notice of public hearing from the newspaper with the notice If the notice was posted, a notarized affidavit by the local official (usually the clerk) stating that the notice of public hearing was posted in three public places (with date and location), together with the notice, or posted in one public place and placed electronically on the municipality internet site per s 985 02(2)(a)
 - 3 An affidavit of publication of the notice of the enacted ordinance from the newspaper with the notice If the notice was posted, a notarized affidavit by the local official (usually the clerk) stating that the notice of public hearing was posted in three public places (with date and location), together with the notice, or posted in one public place and placed electronically on a municipality internet site per s 985 02(2)(a)
- Upon receipt DNR staff will review the documents to issue the approval and coordinate the FEMA approval for the community

If you have any questions concerning this letter or need further information on the ordinance adoption process or the Wisconsin model ordinance, please reach out to the Floodplain Management Program contact identified in the email sent to you

Sincerely,

A handwritten signature in black ink, appearing to read 'Mia Van Horn', with a stylized flourish at the end.

Mia A Van Horn
Floodplain Zoning Ordinance Coordinator
Wisconsin Department of Natural Resources
Madison office

Copy to Ms Marion Ecks - City of Franklin, via mecks@franklinwi.gov
 Shirley J Roberts - City of Franklin, via sroberts@franklinwi.gov
 Michelle M Hase, P E - Wisconsin DNR, via michelle.hase@wisconsin.gov

Ordinance Adoption Steps	Who is responsible	Deadlines from the start date of LFD	Date Completed
LFD begin date	FEMA	4/24/2024	
DNR sends letter to community to follow up on letter from FEMA	DNR	5/1/2024	
DNR reaches out to community to offer assistance for Community's choice to either (1) draft updated ord using model -- OR -- (2) creates own format with completed crosswalk	DNR	5/1/2024 - 5/4/2024	
If community wants DNR assistance, DNR to provide community with first draft using MODEL including all Official Maps info (leaving only a few areas for community to complete and opportunity to discuss with Corporate Counsel) -- OR -- Community provides DNR with draft ordinance and a completed Crosswalk worksheet.	Community and DNR		
If not using model: DNR reviews crosswalk and community draft	DNR		
Finalized and approvable draft ordinance to be complete and ready for public hearing	Community and DNR	5/24/24-7/24/24	
Publish/Post Class 2 notice (for 2 consecutive weeks with 2nd week being a minimum of 7 days before the date of the public hearing) for public hearing no later than 14 days prior to scheduled hearing date (recommended to be completed earlier to provide more than 14 days between notice and hearing date)	Community		
Complete Public Hearing for ordinance review and adoption	Community		
Official adoption of Ordinance by the community (should be minimum of 30 days before the deadline in cell 16C)	Community		
Publish/post Class 1 notice of enacted ordinance	Community		
Community receives Class 1 notice Affidavit	Community		
Community submits all final documents to DNR for review and compiling state approval packet	Community	9/24/2024	

DNR completes approval letter and sends to community, closes out DNR records (FAD) and uploads packet into FEMA database	DNR		
State approval packet must be provided to FEMA with enough time for FEMA to review and approve	DNR	10/10/2024	
Final Approval	FEMA	10/24/2024	

DNR sends state letter to community to follow up with LFD from FEMA
DNR reaches out to community to offer assistance for Community's choice to either (1) draft updated ord using model -- OR -- (2) creates own format with completed crosswalk
DNR to provide community with first draft using MODEL including all Official Maps info (only a few areas for community to complete and opportunity to discuss with Corporate Counsel) -- OR -- Community provides DNR with draft ordinance and a completed Crosswalk worksheet.
If not using model: DNR reviews crosswalk and community draft
Finalized and approvable draft ordinance to be complete and ready for public hearing
Publish/Post Class 2 notice for public hearing no later than 14 days prior to scheduled hearing date (can be completed earlier to provide more than 14 days between notice and hearing date)
Complete Public Hearing for ordinance review and adoption
If separate board/council meeting for official adoption, hold special meeting for community approval to adopt
Publish/post Class 1 notice of enacted ordinance
Community receives Class 1 notice Affidavit
Community submits all final documents to DNR for review and compiling state approval packet
FEMA deadline - state approval packet must be received by FEMA on or before this date

ACT 175 (s. 87.30 (1d)(d) Stats.) Guidance

The WDNR floodplain model ordinance includes the acceptable regulatory standards required in Ch. NR116, Wis. Admin. Code with supplemental wording intended to ensure that the minimum requirements for participation in the National Flood Insurance Program (44 C.F.R. §§59-72) are met or exceeded in all circumstances. The floodplain model ordinance now includes language for communities choosing to adopt changes consistent with 2019 Act 175.

Act 175 was enacted March 2020 and created § 87.30 (1d) (d), Wis. Stats. This Act changes how Ch. NR116, Wis. Admin. Code may require local governments to regulate nonconforming structures in the floodplain. To participate in the National Flood Insurance Program, however, communities must still adopt and enforce regulations that meet the NFIP's minimum standards, which are unchanged. § 87.30 (1d) (d) creates an exception to the state's "50% rule" for structures in the floodplain. The state's "50% rule" says no modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of the local floodplain ordinance.

Essentially, in a floodplain zoning ordinance that has incorporated Act 175, if a nonconforming structure is altered to meet the federal minimum standards applicable to new construction and substantial improvements, and the living quarters in the nonconforming building are elevated to be at or above the flood protection elevation, then the Department is prohibited from imposing cost-based regulation or restrictions to the structure (i.e., "50% Rule"). It is important to note that structures modified to meet the requirements of § 87.30 (1d) (d) are not transformed into conforming structures. They are still considered nonconforming structures and are subject to all other non-cost-based regulations and restrictions applicable to nonconforming structures.

The NFIP minimum standards require a participating community to regulate all development, including all improvements to all structures in special flood hazard areas. The appropriate minimum standards must be applied to substantial improvements, modifications, additions, and repair or other improvement of substantially damaged buildings, without regard for whether such buildings are "nonconforming" with regard to ordinances adopted to meet Ch. NR116 regulations or other state or local zoning regulations.

Act 175 did not change any city, village, or county floodplain ordinance authority and communities are able to maintain their current ordinance and incorporate higher standards into their floodplain zoning ordinance.

Communities should decide whether to incorporate Act 175 into the floodplain ordinance or maintain their current framework for regulating nonconforming structures based on an assessment of local flood risks. Once the local flood risks are identified and an appropriate zoning approach is determined, some communities may choose to maintain existing floodplain zoning and implement higher standards, while others may modify their ordinances to adopt this new minimum standard. (see [WDNR floodplain model ordinance.](#))

1. When Act 175 is incorporated into an ordinance there is a potential for the community to allow modifications, additions, substantial improvements, maintenance and repairs to existing nonconforming structures in excess of the State's 50% Rule once the minimum requirements of **Appendix A** are met. This creates two classifications of nonconforming structures:
 - a. Class 1: Nonconforming structures that do not meet Appendix A minimum requirements and continued to be subject to the State's 50% Rule.
 - b. Class 2: Nonconforming structures meeting Appendix A minimum requirements and no longer subject to the State's 50% Rule.

2. For ordinances without Act 175 – repair/maintenance/modification/substantial improvement of structures in the floodplain is limited by the 50% rule as expressed in NR116.
 - a. No modification, addition, maintenance, or repair can be made on a structure in the floodway if the cost exceeds 50% of the present equalized assessed value of the structure;
 - b. If a structure in the floodway is substantially damaged by a flood, it must be removed from the floodway;
 - c. No modification, addition, maintenance, or repair can be made on a structure in the floodfringe if the cost exceeds 50% of the present equalized assessed value of the structure unless the structure is modified to conform to the floodplain ordinance;
 - d. In addition all standards for nonconforming structures in the floodplain, listed in Nonconforming Uses in Section 6.0 of the state model, must be followed

Appendix A

For communities incorporating Act 175 into its ordinance, non-conforming structures not subject to the State 50% Rule must meet the following minimum standards:

- (1) Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation;
- (2) The lowest floor of the nonconforming building, including the basement, is elevated to or above the regional flood elevation;
- (3) The nonconforming building is permanently changed to conform to the applicable requirements of the general standards applicable to all floodplain districts,
- (4) The building is permanently changed to conform to all applicable requirements in the community's floodplain zoning ordinance such as Hydraulic and Hydrologic Analyses (H & H), lowest floor elevations, anchoring, mechanical and utility equipment elevations, floodproofing standards, and must not obstruct flow of floodwater or cause any increase in flood levels.

NOTE: Incorporating Act 175 into the local ordinance still requires the zoning administrator to carefully review and apply applicable portions of Nonconforming Uses in section 6.0 of the model ordinance because the structure is still a nonconforming structure.

- (5) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of the floodfringe district.
- (6) New construction and substantial improvements of residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation.
- (7) New construction and substantial improvements of non-residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation, or (together with attendant utility and sanitary facilities) be designed so that below the base flood elevation the building is watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - a. Where a non-residential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of paragraph vii above.
 - b. The community must maintain a record of such certification including the specific elevation to which each such structure is floodproofed.
- (8) Fully enclosed areas below the lowest floor of new construction and substantial improvements in zones A1-30, AE, and AH that are usable solely for parking of vehicles, building access, or storage, must be designed to adequately equalize hydrostatic forces on exterior walls by allowing for the

entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet the following criteria:

- a. A minimum of two openings into each enclosed area must be located below the base flood elevation and provide a total net area of not less than one square inch for every square foot of enclosed area;
 - b. The bottom of all openings must be no higher than one foot above the adjacent grade;
 - c. Openings may be equipped with screens, louvers, valves, or other coverings if they permit the automatic entry and exit of floodwaters
- 9) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- 10) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH on existing sites in an existing manufactured home park that is not undergoing expansion and on which a manufactured home has not incurred substantial damage as a result of flood must be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- 11) Recreational vehicles placed on sites within zones A1-30, AH, and AE must either
- a. Be on site for fewer than 180 consecutive days; or
 - b. Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or
 - c. Meet the elevation and anchoring requirements for manufactured homes in paragraph ix above
- 12) In a regulatory floodway that has been delineated on the FIRM in zone A1-30 or AE, encroachments, including new construction, substantial improvement, or other development (including fill) must be prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- 13) In zone A, the community must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring new construction, substantial improvement, and other development to meet paragraphs (6) through

(12) (inclusive) above If floodway data are available, the community must select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one foot at any point.

- 14) In zones A1-30 or AE where a regulatory floodway has not been delineated on the FIRM, no new construction, substantial improvement, or other development (including fill) may be permitted unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
- 15) Notwithstanding the requirements of paragraphs (12) and (14) above, the community may permit certain development in zones A1-30 and AE where a floodway has not been delineated, which will increase the water surface elevation of the base flood by more than one foot, or in a regulatory floodway, which will result in an increase in base flood elevations, if the community first obtains a Conditional Letter of Map Revision (CLOMR) from FEMA and fulfills the requirements of Section 65.12 of Title 44, Code of Federal Regulations
- 16) In zone AO, new construction and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified).
- 17) In zone AO, new construction and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (together with attendant utility and sanitary facilities) be structurally dry-floodproofed to that level according to the standard specified in paragraph vii above.

Floodplain Ordinance for City of Franklin, WI
 Effective Proposed for September 10, 2024

A cooperative effort of
 WI Department of Natural Resource (DNR)
 and
 Federal Emergency Management Agency (FEMA)

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1.0 STATUTORY AUTHORIZATION, FINDING OF FACT, STATEMENT OF PURPOSE, TITLE, AND GENERAL PROVISIONS

1.1 STATUTORY AUTHORIZATION

This ordinance is adopted pursuant to the authorization in s 61 35 and 62 23, for villages and cities, and the requirements in s 87 30, Stats

1.2 FINDING OF FACT

Uncontrolled development and use of the floodplains and rivers of this municipality would impair the public health, safety, convenience, general welfare, and tax base

1.3 STATEMENT OF PURPOSE

This ordinance is intended to regulate floodplain development to

- (1) Protect life, health and property,
- (2) Minimize expenditures of public funds for flood control projects,
- (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers,
- (4) Minimize business interruptions and other economic disruptions,
- (5) Minimize damage to public facilities in the floodplain,
- (6) Minimize the occurrence of future flood blight areas in the floodplain,
- (7) Discourage the victimization of unwary land and homebuyers,
- (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners, and
- (9) Discourage development in a floodplain if there is any practicable alternative to locate the activity, use or structure outside of the floodplain

1.4 TITLE

This ordinance shall be known as the Floodplain Zoning Ordinance for the City of Franklin, Wisconsin

1.5 GENERAL PROVISIONS

(1) **AREAS TO BE REGULATED**

This ordinance regulates all areas of special flood hazard identified as zones A, AO, AH, A1-30, AE, on the Flood Insurance Rate Map Additional areas identified on maps approved by the Department of Natural Resources (DNR) and local community may also be regulated under the provisions of this ordinance, where applicable

(2) **OFFICIAL MAPS & REVISIONS**

Special Flood Hazard Areas (SFHA) are designated as zones A, A1-30, AE, AH, AO, on the Flood Insurance Rate Maps (FIRMs) based on flood hazard analyses summarized in the Flood Insurance Study (FIS) listed in subd (a) below Additional flood hazard areas subject to regulation under this ordinance are identified on maps based on studies approved by the DNR and listed in subd (b) below These maps and revisions are on file in the office of the City Clerk, City of Franklin, WI

(a) **OFFICIAL MAPS** Based on the Flood Insurance Study (FIS)

- 1 Flood Insurance Rate Map (FIRM), panel number 55079C0137F, 55079C0139F, 55079C0141F, 55079C0142F, 55079C0143F, 55079C0144F, 55079C0161F, 55079C0162F, 55079C0163F, 55079C0164F, 55079C0206F, 55079C0207F, 55079C0209F, 55079C0226F, 55079C0227F, 55079C0228F, 55079C0229F, dated 10/24/2024
- 2 Flood Insurance Study (FIS) for **Milwaukee County** here, dated 10/24/2024

- 3 (If applicable) Letter of Map Revision (case number and effective date)
7. (If applicable) Conditional Letter of Map Change (case number and issue date)

Approved by The DNR and FEMA

(3) ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS

The flood hazard areas regulated by this ordinance are divided into districts as follows

- a) The Floodway District (FW), is the channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional floodwaters, within AE Zones as shown on the FIRM, or within A Zones shown on the FIRM when determined according to s 5 1(5)
- b) The Floodfringe District (FF) is that portion of a riverine special flood hazard area outside the floodway within AE Zones on the FIRM, or, when floodway limits have been determined according to s 5 1(5), within A Zones shown on the FIRM
- c) The General Floodplain District (GFP) is those riverine areas that may be covered by floodwater during the regional flood in which a floodway boundary has not been delineated on the FIRM and also includes shallow flooding areas identified as AH and AO zones on the FIRM

(4) LOCATING FLOODPLAIN BOUNDARIES

Discrepancies between the exterior boundaries of zones A1-30, AE, AH, or A on the official floodplain zoning map and actual field conditions may be resolved using the criteria in subd (a) or (b) below. If a significant difference exists, the map shall be amended according to s 8 0 *Amendments*. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a land use permit, whether or not a map amendment is required. The zoning administrator shall be responsible for documenting actual pre-development field conditions and the basis upon which the district boundary was determined. Disputes between the zoning administrator and an applicant over the district boundary line shall be settled according to s 7 3(3) and the criteria in (a) and (b) below. Where the flood profiles are based on established base flood elevations from a FIRM, FEMA must approve any map amendment or revision pursuant to s 8 0 *Amendments*.

- a) If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
- b) Where flood profiles do not exist for projects, including any boundary of zone A, AO, the location of the boundary shall be determined by the map scale.

(5) REMOVAL OF LANDS FROM FLOODPLAIN

- a) Compliance with the provisions of this ordinance shall not be grounds for removing land from the floodplain unless it is filled at least two feet above the regional or base flood elevation, the fill is contiguous to land outside the floodplain, and the map is amended pursuant to s 8 0 *Amendments*.

- b) The delineation of any of the Floodplain Districts may be revised by the community where natural or man-made changes have occurred and/or where more detailed studies have been conducted. However, prior to any such change, approval must be obtained from the Wisconsin Department of Natural Resources and Federal Emergency Management Agency. A completed Letter of Map Revision is a record of this approval. The floodplain administrator shall not sign a community acknowledgement form unless all criteria set forth in the following paragraphs are met:
 - 1 The land and/or land around the structure must be filled at least two feet above the regional or base flood elevation,
 - 2 The fill must be contiguous to land outside the floodplain, Applicant shall obtain floodplain development permit before applying for a LOMR or LOMR-F,
- c) Removal of lands from the floodplain may also occur by operation of §87.30(1)(e), Wis. Stat. if a property owner has obtained a letter of map amendment from the federal emergency management agency under 44 C.F.R. 70.

(6) COMPLIANCE

- a) No structure or use within areas regulated by this ordinance shall hereafter be located, erected, constructed, reconstructed, repaired, extended, converted, enlarged, or altered without full compliance with the terms of these regulations and all other applicable regulations that apply to uses within the jurisdiction of these regulations.
- b) Failure to obtain a floodplain development permit shall be a violation of these regulations and shall be punishable in accordance with s. 9.0.
- c) Floodplain development permits issued on the basis of plans and applications approved by the Floodplain Administrator authorize only the use, and arrangement, set forth in such approved plans and applications, or amendments thereto if approved by the Floodplain Administrator. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of these regulations and punishable in accordance with s. 9.0.

(7) MUNICIPALITIES AND STATE AGENCIES REGULATED

Unless specifically exempted by law, all cities, villages, towns, and counties are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if s. 13.48(13), Stats., applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when s. 30.2022, Stats., applies. Although exempt from a local zoning permit and permit fees, DOT must provide sufficient project documentation and analysis to ensure that the community is in compliance with Federal, State, and local floodplain standards. If a local transportation project is located within a Zone A floodplain and is not a WisDOT project under s. 30.2022, then the road project design documents (including appropriate detailed plans and profiles) may be sufficient to meet the requirements for issuance of a local floodplain permit if the following apply: The applicant provides documentation to the Floodplain Administrator that the proposed project is a culvert replacement or bridge replacement under 20' span at the same location, the project is exempt from a DNR permit under s. 30.123(6)(d), the capacity is not decreased, the top road grade is not raised, and no floodway data is available from a federal, state, or other source. If floodway data is available in the impacted area from a federal, state, or other source that existing data must be utilized by the applicant in the analysis of the project site.

(8) ABROGATION AND GREATER RESTRICTIONS

- a) This ordinance supersedes all the provisions of any municipal zoning ordinance enacted

under s 62.23 for cities, or s 87.30, Stats, which relate to floodplains. A more restrictive ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

- b) This ordinance is not intended to repeal, abrogate, or impair any existing deed restrictions, covenants, or easements. If this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail.

(9) **INTERPRETATION**

In their interpretation and application, the provisions of this ordinance are the minimum requirements liberally construed in favor of the governing body and are not a limitation on or repeal of any other powers granted by the Wisconsin Statutes. If a provision of this ordinance, required by ch. NR 116, Wis. Adm. Code, is unclear, the provision shall be interpreted in light of the standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(10) **WARNING AND DISCLAIMER OF LIABILITY**

The flood protection standards in this ordinance are based on engineering experience and research. Larger floods may occur, or the flood height may be increased by man-made or natural causes. This ordinance does not imply or guarantee that non-floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance does not create liability on the part of, or a cause of action against, the municipality or any officer or employee thereof for any flood damage that may result from reliance on this ordinance.

(11) **SEVERABILITY**

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(12) **ANNEXED AREAS FOR CITIES AND VILLAGES**

The Milwaukee County floodplain zoning provisions in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of ch. NR 116, Wis. Adm. Code and 44 CFR 59-72, *National Flood Insurance Program (NFIP)*. These annexed lands are described on the municipality's official zoning map. County floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and the floodway location.

2.0 GENERAL STANDARDS APPLICABLE TO ALL FLOODPLAIN DISTRICTS

The community shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding and assure that all necessary permits have been received from those governmental agencies whose approval is required by federal or state law.

- 1) If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall
 - a) be designed and anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
 - b) be constructed with flood-resistant materials,
 - c) be constructed by methods and practices that minimize flood damages, and
 - d) Mechanical and utility equipment must be elevated to or above the flood protection elevation.

- 2) If a subdivision or other proposed new development is in a flood-prone area, the community shall assure that
 - a such proposed subdivision or other proposed new development is consistent with the need to minimize flood damage within the flood-prone area,
 - b public utilities and facilities such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - c adequate drainage is provided to reduce exposure to flood hazards

All subdivision proposals (including manufactured home parks) shall include regional flood elevation and floodway data for any development that meets the subdivision definition of this ordinance and all other requirements in s 7 1(2)

2.1 HYDRAULIC AND HYDROLOGIC ANALYSES

- 1) No floodplain development shall
 - a Obstruct flow, defined as development which blocks the conveyance of floodwaters by itself or with other development, causing any increase in the regional flood height, or
 - b Cause any increase in the regional flood height due to floodplain storage area lost
- 2) The zoning administrator shall deny permits if it is determined the proposed development will obstruct flow or cause any increase in the regional flood height, based on the officially adopted FIRM or other adopted map, unless the provisions of s 8 0 *Amendments* are met

2.2 WATERCOURSE ALTERATIONS

No land use permit to alter or relocate a watercourse in a mapped floodplain shall be issued until the local official has notified in writing all adjacent municipalities, the Department and FEMA regional offices, and required the applicant to secure all necessary state and federal permits The standards of s 2 1 must be met and the flood carrying capacity of any altered or relocated watercourse shall be maintained

As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation and pursuant to s 8 0 *Amendments*, the community shall apply for a Letter of Map Revision (LOMR) from FEMA Any such alterations must be reviewed and approved by FEMA and the DNR through the LOMC process

2.3 CHAPTER 30, 31, WIS. STATS., DEVELOPMENT

Development which requires a permit from the Department, under chs 30 and 31, Stats , such as docks, piers, wharves, bridges, culverts, dams, and navigational aids, may be allowed if the necessary permits are obtained and amendments to the floodplain zoning ordinance are made according to s 8 0 *Amendments*

2.4 PUBLIC OR PRIVATE CAMPGROUNDS

Public or private campgrounds shall not be permitted in flood hazard areas

3.0 FLOODWAY DISTRICT (FW)

3.1 APPLICABILITY

This section applies to all floodway areas on the floodplain zoning maps and those identified pursuant to s 5 1(5)

3.2 PERMITTED USES

The following open space uses are allowed in the Floodway District and the floodway areas of the General Floodplain District, if

- they are not prohibited by any other ordinance,
 - they meet the standards in s 3 3 and 3 4, and
 - all permits or certificates have been issued according to s 7 1
- 1) Agricultural uses, such as farming, outdoor plant nurseries, horticulture, viticulture, and wild crop harvesting
 - 2) Nonstructural industrial and commercial uses, such as loading areas, parking areas and airport landing strips
 - 3) Nonstructural recreational uses, such as golf courses, tennis courts, archery ranges, picnic grounds, boat ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap, and skeet activities, hunting and fishing areas and hiking and horseback riding trails, subject to the fill limitations of s 3 3(4)
 - 4) Uses or structures accessory to open space uses or classified as historic structures that comply with s 3 3 and 3 4
 - 5) Extraction of sand, gravel or other materials that comply with s 3 3(4)
 - 6) Functionally water-dependent uses, such as docks, piers or wharves, dams, flowage areas, culverts, navigational aids and river crossings of transmission lines, and pipelines that comply with chs 30 and 31, Stats
 - 7) Public utilities, streets and bridges that comply with s 3 3(3)
 - 8) Portable latrines are not permitted in flood hazard zones
 - 9) Public or private wells used to obtain potable water for recreational areas are not permitted in flood hazard zones
 - 10) Wastewater treatment ponds or facilities permitted under s NR 110 15(3)(b), Wis Adm Code
 - 11) Sanitary sewer or water supply lines to service existing or proposed development located outside the floodway that complies with the regulations for the floodplain area occupied

3.3 STANDARDS FOR DEVELOPMENT IN THE FLOODWAY

1) GENERAL

- a Any development in the floodway shall comply with s 2 0 and have a low flood damage potential
- b Applicants shall provide an analysis calculating the effects of this proposal on the regional flood height to determine the effects of the proposal according to s 2 1 and 7 1(2)(c) The analysis must be completed by a registered professional engineer in the state of Wisconsin
- c Any encroachment in the regulatory floodway is prohibited unless the data submitted for

subd 3 3(1)(b) above demonstrates that the encroachment will cause no increase in flood elevations in flood events up to the base flood at any location or removes the encroached area from the regulatory floodway as provided in s 1 5(5)

2) STRUCTURES

Structures accessory to permanent open space uses, including utility and sanitary facilities, or functionally dependent on a waterfront location may be allowed by permit if the structures comply with the following criteria

- a Not designed for human habitation, does not have a high flood damage potential and is constructed to minimize flood damage,
- b Shall either have the lowest floor elevated to or above the flood protection elevation or shall meet all the following standards
 - 1 Have the lowest floor elevated to or above the regional flood elevation and be dry floodproofed so that the structure is watertight with walls substantially impermeable to the passage of water and completely dry to the flood protection elevation without human intervention during flooding,
 - 2 Have structural components capable of meeting all provisions of Section 3 3(2)(g) and,
 - 3 Be certified by a registered professional engineer or architect, through the use of a Federal Emergency Management Agency Floodproofing Certificate, that the design and methods of construction are in accordance with Section 3 3(2)(g)
- c Must be anchored to resist flotation, collapse, and lateral movement,
- d Mechanical and utility equipment must be elevated to or above the flood protection elevation, and
- e Must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood
- f For a structure designed to allow the automatic entry of floodwaters below the Regional Flood Elevation, the applicant shall submit a plan that meets s 3 3(2)(a) through 3 3(2)(e) and meets or exceeds the following standards
 - 1 The lowest floor must be elevated to or above the regional flood elevation,
 - 2 a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding,
 - 3 the bottom of all openings shall be no higher than one foot above the lowest adjacent grade, openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters, otherwise must remain open
 - 4 The use must be limited to parking, building access or limited storage
- g Certification Whenever floodproofing measures are required, a registered professional engineer or architect shall certify that the following floodproofing measures will be utilized, where appropriate, and are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the regional flood

- 1 Reinforcement of floors and walls to resist rupture, collapse, or lateral movement caused by water pressures or debris buildup,
 - 2 Construction of wells, water supply systems and waste treatment systems so as to prevent the entrance of flood waters in such systems and must be in accordance with provisions in Sections 3 4(4) and 3 4(5),
 - 3 Subsurface drainage systems to relieve external pressures on foundation walls and basement floors,
 - 4 Cutoff valves on sewer lines or the elimination of gravity flow basement drains, and
 - 5 Placement of utilities to or above the flood protection elevation
- 3) **PUBLIC UTILITIES, STREETS AND BRIDGES**
Public utilities, streets and bridges may be allowed by permit, if
- a Adequate floodproofing measures are provided to the flood protection elevation, and
 - b Construction meets the development standards of s 2 1
- 4) **FILLS OR DEPOSITION OF MATERIALS**
Fills or deposition of materials may be allowed by permit, if
- a The requirements of s 2 1 are met,
 - b No material is deposited in navigable waters unless a permit is issued by the Department pursuant to ch 30, Stats , and a permit pursuant to s 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U S C 1344 has been issued, if applicable, and all other requirements have been met,
 - c The fill or other materials will be protected against erosion by riprap, vegetative cover, sheet piling or bulkheading, and
 - d The fill is not classified as a solid or hazardous material

3.4 PROHIBITED USES

All uses not listed as permitted uses in s 3 2 are prohibited, including the following uses

- 1) Habitable structures, structures with high flood damage potential, or those not associated with permanent open-space uses,
- 2) Storing materials that are buoyant, flammable, explosive, injurious to property, water quality, or human, animal, plant, fish or other aquatic life,
- 3) Uses not in harmony with or detrimental to uses permitted in the adjoining districts,
- 4) Any private or public sewage systems,
- 5) Any public or private wells which are used to obtain potable water,
- 6) Any solid or hazardous waste disposal sites,
- 7) Any wastewater treatment ponds or facilities, except those permitted under s NR 110 15(3)(b), Wis Adm Code, and

- 8) Any sanitary sewer or water supply lines, except those to service existing or proposed development located outside the floodway which complies with the regulations for the floodplain area occupied

4.0 FLOODFRINGE DISTRICT (FF)

4.1 APPLICABILITY

This section applies to all floodfringe areas shown on the floodplain zoning maps and those identified pursuant to s 5 1(5)

4.2 PERMITTED USES

Any structure, land use, or development is allowed in the Floodfringe District if the standards in s 4 3 are met, the use is not prohibited by this, or any other ordinance or regulation and all permits or certificates specified in s 7 1 have been issued

4.3 STANDARDS FOR DEVELOPMENT IN THE FLOODFRINGE

Section 2 0 shall apply in addition to the following requirements according to the use requested. Any existing structure in the floodfringe must meet the requirements of s 6 0 *Nonconforming Uses*,

(1) RESIDENTIAL COMMERCIAL, MANUFACTURING AND INDUSTRIAL USES

Residential, commercial, manufacturing and industrial uses are prohibited in floodfringe areas. See s 7 3(4) for variance information

(2) ACCESSORY STRUCTURES OR USES

In addition to s 2 0, new construction and substantial improvements of Accessory structures shall be constructed on fill with the lowest floor at or above the regional flood elevation

(3) STORAGE OF MATERIALS

Storage of materials is prohibited in floodfringe areas

(4) PUBLIC UTILITIES, STREETS AND BRIDGES

All utilities, streets and bridges shall be designed to be compatible with comprehensive floodplain development plans, and

- a) When failure of public utilities, streets and bridges would endanger public health or safety, or where such facilities are deemed essential, construction or repair of such facilities shall only be permitted if they are designed to comply with s 7 5
- b) Minor roads or non-essential utilities may be constructed at lower elevations if they are designed to withstand flood forces to the regional flood elevation

(5) SEWAGE SYSTEMS

All sewage disposal systems shall be designed to minimize or eliminate infiltration of flood water into the system, pursuant to s 7 5(3), to the flood protection elevation and meet the provisions of all local ordinances and ch SPS 383, Wis Adm Code

(6) WELLS

All wells shall be designed to minimize or eliminate infiltration of flood waters into the system, pursuant to s 7 5(3), to the flood protection elevation and shall meet the provisions of chs NR 811 and NR 812, Wis Adm Code

- (7) SOLID WASTE DISPOSAL SITES
Disposal of solid or hazardous waste is prohibited in floodfringe areas
- (8) DEPOSITION OF MATERIALS
Any deposited material must meet all the provisions of this ordinance
- (9) MANUFACTURED HOMES
Manufactured homes are prohibited in floodfringe areas. See s. 7 3(4) for variance standards.
- (10) MOBILE RECREATIONAL VEHICLES
Mobile recreational vehicles are prohibited in floodfringe areas. See s. 7.3(4) for variance standards.

5.0 OTHER FLOODPLAIN DISTRICTS

5.1 GENERAL FLOODPLAIN DISTRICT (GFP)

- 1) APPLICABILITY
The provisions for the General Floodplain District shall apply to development in all floodplains mapped as A, AO, AH, and in AE zones within which a floodway is not delineated on the Flood Insurance Rate Maps identified in s 1 5(2)(a)
- 2) FLOODWAY BOUNDARIES
For proposed development in zone A, or in zone AE within which a floodway is not delineated on the Flood Insurance Rate Map identified in s 1 5(2)(a), the boundaries of the regulatory floodway shall be determined pursuant to s 5 1(5) If the development is proposed to encroach upon the regulatory floodway, the development is subject to the standards of s 3 0 If the development is located entirely within the floodfringe, the development is subject to the standards of s 4 0
- 3) PERMITTED USES
Pursuant to s 5 1(5) it shall be determined whether the proposed use is located within the floodway or floodfringe Those uses permitted in the Floodway (s 3 2) and Floodfringe (s 4 2) Districts are allowed within the General Floodplain District, according to the standards of s 5 1(4) provided that all permits or certificates required under s 7 1 have been issued
- 4) STANDARDS FOR DEVELOPMENT IN THE GENERAL FLOODPLAIN DISTRICT
Section 3 0 applies to floodway areas, determined to pursuant to 5 1(5), Section 4 0 applies to floodfringe areas, determined to pursuant to 5 1(5)
 - a) New construction and substantial improvement of structures in zone AO shall have the lowest floor, including basement, elevated
 - 1 To or above the depth, in feet, as shown on the FIRM above the highest adjacent natural grade, or
 - 2 If the depth is not specified on the FIRM, two feet (2) above the highest adjacent natural grade or higher

- b) New Construction and substantial improvement of structures in zone AH shall have the lowest floor, including basement, elevated to or above the flood protection elevation
- c) In AO/AH zones, provide adequate drainage paths to guide floodwaters around structures
- d) All development in zones AO and zone AH shall meet the requirements of s 4 0 applicable to flood fringe areas

5) **DETERMINING FLOODWAY AND FLOODFRINGE LIMITS**

Upon receiving an application for development within zone A, or within zone AE where a floodway has not been delineated on the Flood Insurance Rate Maps, the zoning administrator shall

- a) Require the applicant to submit two copies of an aerial photograph or a plan which shows the proposed development with respect to the general floodplain district limits, stream channel, and existing floodplain developments, along with a legal description of the property, fill limits and elevations, building floor elevations and flood proofing measures and the flood zone as shown on the FIRM
- b) Require the applicant to furnish any of the following information deemed necessary by the Department to evaluate the effects of the proposal upon flood height and flood flows, regional flood elevation and to determine floodway boundaries
 - 1 A Hydrologic and Hydraulic Study as specified in s 7 1(2)(c)
 - 2 Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill or storage elevations, size, location, and layout of all proposed and existing structures on the site, location and elevations of streets, water supply, and sanitary facilities, soil types and other pertinent information
 - 3 Specifications for building construction and materials, floodproofing, filling, dredging, channel improvement, storage, water supply and sanitary facilities

6.0 NONCONFORMING USES

6.1 GENERAL

1) Applicability

- a) The standards in this section shall apply to all uses and buildings that do not conform to the provisions contained within a floodplain zoning ordinance or with s 87 30, Stats and §§ NR 116 12-14, Wis Adm Code and 44 CFR 59-72 , these standards shall apply to all modifications or additions to any nonconforming use or structure and to the use of any structure or premises which was lawful before the passage of this ordinance or any amendment thereto A party asserting existence of a lawfully established nonconforming use or structure has the burden of proving that the use or structure was compliant with the floodplain zoning ordinance in effect at the time the use or structure was created
- b) As permit applications are received for additions, modifications, or substantial improvements to nonconforming buildings in the floodplain, municipalities shall develop a list of those nonconforming buildings, their present equalized assessed value, and a list of the costs of those activities associated with changes to those buildings

- 2) The existing lawful use of a structure or its accessory use which is not in conformity with the provisions of this ordinance may continue subject to the following conditions
- a) No modifications or additions to a nonconforming use or structure shall be permitted unless they comply with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, addition, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Maintenance is not considered a modification, this includes painting, decorating, paneling and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Any costs associated with the repair of a damaged structure are not considered maintenance.

The construction of a deck that does not exceed 200 square feet and that is adjacent to the exterior wall of a principal structure is not an extension, modification, or addition. The roof of the structure may extend over a portion of the deck in order to provide safe ingress and egress to the principal structure.

- b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance,
- c) The municipality shall keep a record which lists all nonconforming uses and nonconforming structures, their present equalized assessed value, the cost of all modifications or additions which have been permitted, and the percentage of the structure's total current value those modifications represent,
- d) No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s 4 3(1). The costs of elevating the lowest floor of a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph,
- e) No maintenance on a per event basis to any nonconforming structure or any structure with a nonconforming use, the cost of which would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s 4 3(1). Maintenance to any nonconforming structure, which does not exceed 50% of its present equalized assessed value on a per event basis, does not count against the cumulative calculations over the life of the structure for substantial improvement calculations.
- f) If on a per event basis the total value of the work being done under (d) and (e) equals or exceeds 50% of the present equalized assessed value, the work shall not be permitted unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with s 4 3(1).
- g) Except as provided in subd (h), if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed, or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the

structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value

- h) For nonconforming buildings that are substantially damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming building shall be permitted in order to restore it to the size and use in effect prior to the damage event, provided that the following minimum requirements are met, and all required permits have been granted prior to the start of construction

1 Residential Structures

- a) Shall have the lowest floor, including basement, elevated to or above the base flood elevation using fill, pilings, columns, posts, or perimeter walls. Perimeter walls must meet the requirements of s 7 5(2)
- b) Shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and shall be constructed with methods and materials resistant to flood damage
- c) Shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or elevated so as to prevent water from entering or accumulating within the components during conditions of flooding
- d) In A Zones, obtain, review, and utilize any flood data available from a federal, state or other source
- e) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s 5 1(4)
- f) In AO Zones, shall have adequate drainage paths around structures on slopes to guide floodwaters around and away from the structure

2 Nonresidential Structures

- a) Shall meet the requirements of s 6 1(2)(h)1a-f
 - b) Shall either have the lowest floor, including basement, elevated to or above the regional flood elevation, or, together with attendant utility and sanitary facilities, shall meet the standards in s 7 5 (1) or (2)
 - c) In AO Zones with no elevations specified, shall have the lowest floor, including basement, meet the standards in s 5 1(4)
- 3) A nonconforming historic structure may be altered if the alteration will not preclude the structure's continued designation as a historic structure, the alteration will comply with s 3 3 (1), flood resistant materials are used, and construction practices and floodproofing methods that comply with s 7 5 are used. Repair or rehabilitation of historic structures shall be exempt from the development standards of s 6 1 (2)(h)1 if it is determined that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and is the minimum necessary to preserve the historic character and design of the structure
- 4) Notwithstanding anything in this chapter to the contrary, modifications, additions, maintenance, and repairs to a nonconforming building shall not be prohibited based on cost and the building's nonconforming use shall be permitted to continue if

- a) Any living quarters in the nonconforming building are elevated to be at or above the flood protection elevation,
- b) The lowest floor of the nonconforming building, including the basement, is elevated to or above the regional flood elevation,
- c) The nonconforming building is permanently changed to conform to the applicable requirements of 2 0,
- d) If the nonconforming building is in the floodway, the building is permanently changed to conform to the applicable requirements of 3 3(1), 3 3(2)(b) through (e), 3 3(3), 3 3(4), and 6 2. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 5 1(5). If the encroachment is in the floodway, it must meet the standards in section 3 3(4),
- e) If the nonconforming building is in the floodfringe, the building is permanently changed to conform to the applicable requirements of 4 3 and 6 3,
- f) Repair or reconstruction of nonconforming structures and substantial improvements of residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation,
- g) Repair or reconstruction of nonconforming structures and substantial improvements of non-residential buildings in zones A1-30, AE, and AH must have the lowest floor (including basement) elevated to or above the base flood elevation, or (together with attendant utility and sanitary facilities) be designed so that below the base flood elevation the building is watertight with walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy
 - i) Where a non-residential structure is intended to be made watertight below the base flood elevation, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction, and must certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of s 6 1(4)(g) above
 - ii) The community must maintain a record of such certification including the specific elevation to which each such structure is floodproofed,
- h) Fully enclosed areas below the lowest floor of repair or reconstruction of nonconforming structures and substantial improvements in zones A1-30, AE, and AH that are usable solely for parking of vehicles, building access, or storage, must be designed to adequately equalize hydrostatic forces on exterior walls by allowing for the entry and exit of floodwaters. Subsequent improvements to repaired or reconstructed nonconforming structures must not increase the degree of their nonconformity. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or meet the following criteria
 - i) A minimum of two openings into each enclosed area must be located below the base flood elevation and provide a total net area of not less than one square inch for every square foot of enclosed area

- ii The bottom of all openings must be no higher than one foot above the adjacent grade
 - iii Openings may be equipped with screens, louvers, valves, or other coverings if they permit the automatic entry and exit of floodwaters,
- i) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH outside of a manufactured home park or subdivision, in a new manufactured home park or subdivision, in an expansion to an existing manufactured home park or subdivision, or in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as a result of flood, must be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement,
- j) Manufactured homes that are placed or substantially improved within zones A1-30, AE, and AH on existing sites in an existing manufactured home park that is not undergoing expansion and on which a manufactured home has not incurred substantial damage as a result of flood must be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation, or the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade, and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement,
- k) Recreational vehicles placed on sites within zones A1-30, AH, and AE must either
 - i Be on site for fewer than 180 consecutive days, or
 - ii Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions), or
 - iii Meet the elevation and anchoring requirements for manufactured homes in s 6.1(4)(i) above,
- l) In a regulatory floodway that has been delineated on the FIRM in zone A1-30 or AE, encroachments, including repair or reconstruction of nonconforming structures, substantial improvement, or other development (including fill) must be prohibited unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity,
- m) In zone A, the community must obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for requiring repair or reconstruction of nonconforming structures, substantial improvement, and other development to meet ss 6.1(4)(f) through (l) (inclusive) above. Any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 5.1(5). If the encroachment is in the floodway, it must meet the standards in section 3.3(4). Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity,

- n) In zones A1-30 or AE where a regulatory floodway has not been delineated on the FIRM, repair or reconstruction of nonconforming structures, substantial improvement, or any development that adds additional fill or creates an encroachment in the floodplain from beyond the original nonconforming structure's 3-D building envelope must determine the floodway in accordance with section 5 1(5) If the encroachment is in the floodway, it must meet the standards in section 3 3(4) Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity,
- o) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of residential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified) Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity, or
- p) In zone AO, repair or reconstruction of nonconforming structures and substantial improvements of nonresidential structures must have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or (together with attendant utility and sanitary facilities) be structurally dry-floodproofed to that level according to the standard specified in s 6 1(4)(g) above Subsequent improvements to repair or reconstructed nonconforming structures must not increase the degree of their nonconformity

6.2 FLOODWAY DISTRICT

- 1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use in the Floodway District, unless such modification or addition
 - a) Has been granted a permit or variance which meets all ordinance requirements,
 - b) Meets the requirements of s 6 1,
 - c) Shall not increase the obstruction to flood flows or regional flood height,
 - d) Any addition to the existing structure shall be floodproofed, pursuant to s 7 5, by means other than the use of fill, to the flood protection elevation, and,
 - e) If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply
 - 1 The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area The lowest part of the opening can be no more than 12 inches above the adjacent grade,
 - 2 The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials,
 - 3 Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation, and
 - 4 The use must be limited to parking, building access or limited storage

- 2) No new on-site sewage disposal system, or addition to an existing on-site sewage disposal system, except where an addition has been ordered by a government agency to correct a hazard to public health, shall be allowed in the Floodway District. Any replacement, repair or maintenance of an existing on-site sewage disposal system in a floodway area shall meet the applicable requirements of all municipal ordinances, s 7 5(3) and Ch SPS 383, Wis Adm Code
- 3) No new well or modification to an existing well used to obtain potable water shall be allowed in the Floodway District. Any replacement, repair, or maintenance of an existing well in the Floodway District shall meet the applicable requirements of all municipal ordinances, s 7 5(3) and chs NR 811 and NR 812, Wis Adm Code

6.3 FLOODFRINGE DISTRICT

- 1) No modification or addition shall be allowed to any nonconforming structure or any structure with a nonconforming use unless such modification or addition has been granted a permit or variance by the municipality and meets the requirements of s 4 3 except where s 6 3(2) is applicable
- 2) Where compliance with the provisions of subd (1) would result in unnecessary hardship and only where the structure will not be used for human habitation or be associated with a high flood damage potential, the Board of Zoning and Building Appeals, using the procedures established in s 7 3, may grant a variance from those provisions of subd (1) for modifications or additions using the criteria listed below. Modifications or additions which are protected to elevations lower than the flood protection elevation may be permitted if
 - a) No floor is allowed below the regional flood elevation for residential or commercial structures,
 - b) Human lives are not endangered,
 - c) Public facilities, such as water or sewer, shall not be installed,
 - d) Flood depths shall not exceed two feet,
 - e) Flood velocities shall not exceed two feet per second, and
 - f) The structure shall not be used for storage of materials as described in s 4 3(5)
- 3) All new private sewage disposal systems, or addition to, replacement, repair or maintenance of a private sewage disposal system shall meet all the applicable provisions of all local ordinances, s 7 5 (3) and ch SPS 383, Wis Adm Code
- 4) All new wells, or addition to, replacement, repair, or maintenance of a well shall meet the applicable provisions of this ordinance, s 7 5 (3) and ch NR 811 and NR 812, Wis Adm Code

7.0 ADMINISTRATION

Where a zoning administrator, planning agency or a board of appeals has already been appointed to administer a zoning ordinance adopted under ss 59 69, 59 692 or 62 23(7), Stats , these officials shall also administer this ordinance

1.1 ZONING ADMINISTRATOR

1) DUTIES AND POWERS

The zoning administrator is authorized to administer this ordinance and shall have the following duties and powers

- a) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for the proposed development is shown on all permit applications
- b) Issue permits and inspect properties for compliance with provisions of this ordinance and issue certificates of compliance where appropriate
- c) Inspect and assess all damaged floodplain structures to determine if substantial damage to the structures has occurred
- d) Keep records of all official actions such as
 - 1 All permits issued, inspections made, and work approved,
 - 2 Documentation of certified lowest floor and regional flood elevations,
 - 3 Floodproofing certificates
 - 4 Water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures including changes, appeals, variances and amendments
 - 5 All substantial damage assessment reports for floodplain structures
 - 6 List of nonconforming structures and uses
- e) Submit copies of the following items to the Department Regional office
 - 1 Within 10 days of the decision, a copy of any decisions on variances, appeals for map or text interpretations, and map or text amendments,
 - 2 Copies of case-by-case analyses and other required information
 - 3 Copies of substantial damage assessments performed and all related correspondence concerning the assessments
- f) Investigate, prepare reports, and report violations of this ordinance to the municipal zoning agency and attorney for prosecution. Copies of the reports shall also be sent to the Department Regional office
- g) Submit copies of amendments to the FEMA Regional office

2) LAND USE PERMIT

A land use permit shall be obtained before any development, repair, modification, or addition to an existing structure, or change in the use of a building or structure, including sewer and water facilities, may be initiated. Application to the zoning administrator shall include

- a) GENERAL INFORMATION
 - 1 Name and address of the applicant, property owner and contractor,
 - 2 Legal description, proposed use, and whether it is new construction or a modification,
- b) SITE DEVELOPMENT PLAN

A site plan drawn to scale shall be submitted with the permit application form and shall contain

 - 1 Location, dimensions, area and elevation of the lot,
 - 2 Location of the ordinary highwater mark of any abutting navigable waterways,

- 3 Location of any structures with distances measured from the lot lines and street center lines,
 - 4 Location of any existing or proposed on-site sewage systems or private water supply systems,
 - 5 Location and elevation of existing or future access roads,
 - 6 Location of floodplain and floodway limits as determined from the official floodplain zoning maps,
 - 7 The elevation of the lowest floor of proposed buildings and any fill using the vertical datum from the adopted study – either National Geodetic Vertical Datum (NGVD) or North American Vertical Datum (NAVD),
 - 8 Data sufficient to determine the regional flood elevation in NGVD or NAVD at the location of the development and to determine whether or not the requirements of s 3 0 or 4 0 are met, and
 - 9 Data to determine if the proposed development will cause an obstruction to flow or an increase in regional flood height or discharge according to s 2 1 This may include any of the information noted in s 3.3(1)
- c) **HYDRAULIC AND HYDROLOGIC STUDIES TO ANALYZE DEVELOPMENT**
 All hydraulic and hydrologic studies shall be completed under the direct supervision of a professional engineer registered in the State The study contractor shall be responsible for the technical adequacy of the study All studies shall be reviewed and approved by the Department
- 1 Zone A floodplains and in AE zones within which a floodway is not delineated
 - a Hydrology
 - i The appropriate method shall be based on the standards in ch NR 116 07(3), Wis Admin Code, *Hydrologic Analysis Determination of Regional Flood Discharge*
 - b Hydraulic modeling
 The regional flood elevation shall be based on the standards in ch NR 116 07(4), Wis Admin Code, *Hydraulic Analysis Determination of Regional Flood Elevation* and the following
 - i determination of the required limits of the hydraulic model shall be based on detailed study information for downstream structures (dam, bridge, culvert) to determine adequate starting WSEL for the study
 - ii channel sections must be surveyed
 - iii minimum four-foot contour data in the overbanks shall be used for the development of cross section overbank and floodplain mapping
 - iv a maximum distance of 500 feet between cross sections is allowed in developed areas with additional intermediate cross sections required at transitions in channel bottom slope including a survey of the channel at each location

- v the most current version of HEC-RAS shall be used
 - vi a survey of bridge and culvert openings and the top of road is required at each structure
 - vii additional cross sections are required at the downstream and upstream limits of the proposed development and any necessary intermediate locations based on the length of the reach if greater than 500 feet
 - viii standard accepted engineering practices shall be used when assigning parameters for the base model such as flow, Manning's N values, expansion and contraction coefficients or effective flow limits. The base model shall be calibrated to past flooding data such as high-water marks to determine the reasonableness of the model results. If no historical data is available, adequate justification shall be provided for any parameters outside standard accepted engineering practices
 - ix the model must extend past the upstream limit of the difference in the existing and proposed flood profiles in order to provide a tie-in to existing studies. The height difference between the proposed flood profile and the existing study profiles shall be no more than 0.00 feet
- c Mapping
- A work map of the reach studied shall be provided, showing all cross-section locations, floodway/floodplain limits based on best available topographic data, geographic limits of the proposed development and whether the proposed development is located in the floodway
- i If the proposed development is located outside of the floodway, then it is determined to have no impact on the regional flood elevation
 - ii If any part of the proposed development is in the floodway, it must be added to the base model to show the difference between existing and proposed conditions. The study must ensure that all coefficients remain the same as in the existing model, unless adequate justification based on standard accepted engineering practices is provided

2 Zone AE Floodplains

a Hydrology

If the proposed hydrology will change the existing study, the appropriate method to be used shall be based on ch. NR 116.07(3), Wis. Admin. Code, *Hydrologic Analysis Determination of Regional Flood Discharge*

b Hydraulic model

The regional flood elevation shall be based on the standards in ch. NR 116.07(4), Wis. Admin. Code, *Hydraulic Analysis Determination of Regional Flood Elevation* and the following

i Duplicate Effective Model

The effective model shall be reproduced to ensure correct transference of the model data and to allow integration of the revised data to provide a continuous FIS model upstream and downstream of the revised reach. If data from the effective model is available, models shall be generated that duplicate the FIS profiles and the elevations shown in the Floodway Data Table in the FIS report to within 0.1 foot

- ii **Corrected Effective Model**
The Corrected Effective Model shall not include any man-made physical changes since the effective model date but shall import the model into the most current version of HEC-RAS for Department review
 - iii **Existing (Pre-Project Conditions) Model**
The Existing Model shall be required to support conclusions about the actual impacts of the project associated with the Revised (Post-Project) Model or to establish more up-to-date models on which to base the Revised (Post-Project) Model
 - iv **Revised (Post-Project Conditions) Model**
The Revised (Post-Project Conditions) Model shall incorporate the Existing Model and any proposed changes to the topography caused by the proposed development. This model shall reflect proposed conditions
 - v **All changes to the Duplicate Effective Model and subsequent models must be supported by certified topographic information, bridge plans, construction plans and survey notes**
 - vi **Changes to the hydraulic models shall be limited to the stream reach for which the revision is being requested. Cross sections upstream and downstream of the revised reach shall be identical to those in the effective model and result in water surface elevations and top widths computed by the revised models matching those in the effective models upstream and downstream of the revised reach as required. The Effective Model shall not be truncated**
- c **Mapping**
Maps and associated engineering data shall be submitted to the Department for review which meet the following conditions
- i **Consistency between the revised hydraulic models, the revised floodplain and floodway delineations, the revised flood profiles, topographic work map, annotated FIRMs and/or Flood Boundary Floodway Maps (FBFMs), construction plans, bridge plans**
 - ii **Certified topographic map of suitable scale, contour interval, and a planimetric map showing the applicable items. If a digital version of the map is available, it may be submitted in order that the FIRM may be more easily revised**
 - iii **Annotated FIRM panel showing the revised 1% and 0.2% annual chance floodplains and floodway boundaries**
 - iv **If an annotated FIRM and/or FBFM and digital mapping data (GIS or CADD) are used, then all supporting documentation or metadata must be included with the data submission along with the Universal Transverse Mercator (UTM) projection and State Plane Coordinate System in accordance with FEMA mapping specifications**
 - v **The revised floodplain boundaries shall tie into the effective floodplain boundaries**
 - vi **All cross sections from the effective model shall be labeled in accordance with the effective map and a cross section lookup table shall be included to relate to the model input numbering scheme**

- vii Both the current and proposed floodways shall be shown on the map
- viii The stream centerline, or profile baseline used to measure stream distances in the model shall be visible on the map

d) EXPIRATION

All permits issued under the authority of this ordinance shall expire no more than 180 days after issuance. The permit may be extended for a maximum of 180 days for good and sufficient cause. If the permitted work has not started within 180 days of the permit date, the development must comply with any regulation, including any revision to the FIRM or FIS, that took effect after the permit date.

3) CERTIFICATE OF COMPLIANCE

No land shall be occupied or used, and no building which is hereafter constructed, altered, added to, modified, repaired, rebuilt, or replaced shall be occupied until a certificate of compliance is issued by the zoning administrator, except where no permit is required, subject to the following provisions:

- a) The certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the provisions of this ordinance,
- b) Application for such certificate shall be concurrent with the application for a permit,
- c) If all ordinance provisions are met, the certificate of compliance shall be issued within 10 days after written notification that the permitted work is completed,
- d) The applicant shall submit a certification signed by a registered professional engineer, architect, or land surveyor that the fill, lowest floor and floodproofing elevations are in compliance with the permit issued. Floodproofing measures also require certification by a registered professional engineer or architect that the requirements of s 7.5 are met.
- e) Where applicable pursuant to s 5.1(4), the applicant must submit a certification by a registered professional engineer or surveyor of the elevation of the bottom of the lowest horizontal structural member supporting the lowest floor (excluding pilings or columns), and an indication of whether the structure contains a basement.
- f) Where applicable pursuant to s 5.1(4), the applicant must submit certifications by a registered professional engineer or architect that the structural design and methods of construction meet accepted standards of practice as required by s 5.1(4).

4) OTHER PERMITS

Prior to obtaining a floodplain development permit the applicant must secure all necessary permits from federal, state, and local agencies, including but not limited to those required by the U.S. Army Corps of Engineers under s 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344.

7.2 ZONING AGENCY

- 1) The Plan Commission shall
 - a) oversee the functions of the office of the zoning administrator, and
 - b) review and advise the governing body on all proposed amendments to this ordinance, maps, and text.

- c) publish adequate notice pursuant to Ch 985, Stats , specifying the date, time, place, and subject of the public hearing
- 2) The Plan Commission shall not
- a) grant variances to the terms of the ordinance in place of action by the Board of Zoning and Building Appeals, or
 - b) amend the text or zoning maps in place of official action by the governing body

7.3 BOARD OF APPEALS

The Board of Appeals, created under 62 23(7)(e), Stats , for cities or villages, is hereby authorized or shall be appointed to act for the purposes of this ordinance The Board shall exercise the powers conferred by Wisconsin Statutes and adopt rules for the conduct of business The zoning administrator shall not be the secretary of the Board

1) POWERS AND DUTIES

The Board of Appeals shall

- a) Appeals - Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this ordinance,
- b) Boundary Disputes - Hear and decide disputes concerning the district boundaries shown on the official floodplain zoning map, and
- c) Variances - Hear and decide, upon appeal, variances from the ordinance standards

2) APPEALS TO THE BOARD

- a) Appeals to the board may be taken by any person aggrieved, or by any officer or department of the municipality affected by any decision of the zoning administrator or other administrative officer Such appeal shall be taken within 30 days unless otherwise provided by the rules of the board, by filing with the official whose decision is in question, and with the board, a notice of appeal specifying the reasons for the appeal The official whose decision is in question shall transmit to the board all records regarding the matter appealed

b) NOTICE AND HEARING FOR APPEALS INCLUDING VARIANCES

1 Notice - The board shall

- a) Fix a reasonable time for the hearing,
- b) Publish adequate notice pursuant to Wisconsin Statutes, specifying the date, time, place, and subject of the hearing, and
- c) Assure that notice shall be mailed to the parties in interest and the Department Regional office at least 10 days in advance of the hearing

2 Hearing - Any party may appear in person or by agent The board shall

- a) Resolve boundary disputes according to s 7 3(3),
- b) Decide variance applications according to s 7 3(4), and
- c) Decide appeals of permit denials according to s 7 4

c) DECISION The final decision regarding the appeal or variance application shall

- 1 Be made within a reasonable time,

- 2 Be sent to the Department Regional office within 10 days of the decision,
- 3 Be a written determination signed by the chairman or secretary of the Board,
- 4 State the specific facts which are the basis for the Board's decision,
- 5 Either affirm, reverse, vary or modify the order, requirement, decision, or determination appealed, in whole or in part, dismiss the appeal for lack of jurisdiction or grant or deny the variance application, and
- 6 Include the reasons for granting an appeal, describing the hardship demonstrated by the applicant in the case of a variance, clearly stated in the recorded minutes of the Board proceedings

3) BOUNDARY DISPUTES

The following procedure shall be used by the Board in hearing disputes concerning floodplain district boundaries

- a) If a floodplain district boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary
- b) The person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the Board, and
- c) If the boundary is incorrectly mapped, the Board should inform the zoning committee or the person contesting the boundary location to petition the governing body for a map amendment according to s 8 0 *Amendments*

4) VARIANCE

- a) The Board may, upon appeal, grant a variance from the standards of this ordinance if an applicant convincingly demonstrates that
 - 1 Literal enforcement of the ordinance will cause unnecessary hardship,
 - 2 The hardship is due to adoption of the floodplain ordinance and unique property conditions, not common to adjacent lots or premises In such case the ordinance or map must be amended,
 - 3 The variance is not contrary to the public interest, and
 - 4 The variance is consistent with the purpose of this ordinance in s 1 3
- b) In addition to the criteria in subd (a), to qualify for a variance under FEMA regulations, the Board must find that the following criteria have been met
 - 1 The variance shall not cause any increase in the regional flood elevation,
 - 2 The applicant has shown good and sufficient cause for issuance of the variance,
 - 3 Failure to grant the variance would result in exceptional hardship,

- 4 Granting the variance will not result in additional threats to public safety, extraordinary expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances,
 - 5 The variance granted is the minimum necessary, considering the flood hazard, to afford relief
- c) A variance shall not
- 1 Grant, extend or increase any use prohibited in the zoning district,
 - 2 Be granted for a hardship based solely on an economic gain or loss,
 - 3 Be granted for a hardship which is self-created
 - 4 Damage the rights or property values of other persons in the area,
 - 5 Allow actions without the amendments to this ordinance or map(s) required in s 8 0 *Amendments*, and
 - 6 Allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure
- d) When a floodplain variance is granted, the Board shall notify the applicant in writing that it may increase risks to life and property and flood insurance premiums could increase up to \$25 00 per \$100 00 of coverage A copy shall be maintained with the variance record

7.4 TO REVIEW APPEALS OF PERMIT DENIALS

- (1) The Zoning Agency (s 7 2) or Board shall review all data related to the appeal This may include
- a Permit application data listed in s 7 1(2),
 - b Floodway/floodfringe determination data in s 5 1(5),
 - c Data listed in s 3 3(1)(b) where the applicant has not submitted this information to the zoning administrator; and
 - d Other data submitted with the application or submitted to the Board with the appeal
- (2) For appeals of all denied permits the Board shall
- a Follow the procedures of s 7 3,
 - b Consider zoning agency recommendations, and
 - c Either uphold the denial or grant the appeal
- (3) For appeals concerning increases in regional flood elevation the Board shall
- a Uphold the denial where the Board agrees with the data showing an increase in flood elevation Increases may only be allowed after amending the flood profile and map and all appropriate legal arrangements are made with all adversely affected property owners as per the requirements of s 8 0 *Amendments*, and

- b Grant the appeal where the Board agrees that the data properly demonstrates that the project does not cause an increase provided no other reasons for denial exist

7.5 FLOODPROOFING STANDARDS

- (1) No permit or variance shall be issued for a non-residential structure designed to be watertight below the regional flood elevation until the applicant submits a plan certified by a registered professional engineer or architect that the floodproofing measures will protect the structure or development to or above the flood protection elevation and submits a FEMA Floodproofing Certificate. Floodproofing is not an alternative to the development standards in ss 2 0, 3 0, 4 0, or 5 1
- (2) For a structure designed to allow the entry of floodwaters, no permit or variance shall be issued until the applicant submits a plan either
 - a certified by a registered professional engineer or architect, or
 - b meeting or exceeding the following standards
 - 1 a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding,
 - 2 the bottom of all openings shall be no higher than one foot above grade, and
 - 3 openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters
- (3) Floodproofing measures shall be designed, as appropriate, to
 - a Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors,
 - b Protect structures to the flood protection elevation,
 - c Anchor structures to foundations to resist flotation and lateral movement,
 - d Minimize or eliminate infiltration of flood waters,
 - e Minimize or eliminate discharges into flood waters,
 - f Placement of essential utilities to or above the flood protection elevation, and
 - g If any part of the foundation below the flood protection elevation is enclosed, the following standards shall apply
 - 1 The enclosed area shall be designed by a registered architect or engineer to allow for the efficient entry and exit of flood waters without human intervention. A minimum of two openings must be provided with a minimum net area of at least one square inch for every one square foot of the enclosed area. The lowest part of the opening can be no more than 12 inches above the adjacent grade,
 - 2 The parts of the foundation located below the flood protection elevation must be constructed of flood-resistant materials,
 - 3 Mechanical and utility equipment must be elevated or floodproofed to or above the flood protection elevation, and
 - 4 The use must be limited to parking, building access or limited storage

7.6 PUBLIC INFORMATION

- (1) Place marks on structures to show the depth of inundation during the regional flood
- (2) All maps, engineering data and regulations shall be available and widely distributed
- (3) Real estate transfers should show what floodplain district any real property is in

8.0 AMENDMENTS

Obstructions or increases may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s 8 1

- (1) In AE Zones with a mapped floodway, no obstructions or increases shall be permitted unless the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain zoning maps, floodway lines and water surface profiles, in accordance with s 8 1 Any such alterations must be reviewed and approved by FEMA and the DNR
- (2) In A Zones increases equal to or greater than 1 0 foot may only be permitted if the applicant receives a Conditional Letter of Map Revision from FEMA and amendments are made to this ordinance, the official floodplain maps, floodway lines, and water surface profiles, in accordance with s 8 1

8.1 GENERAL

The governing body shall change or supplement the floodplain zoning district boundaries and this ordinance in the manner outlined in s 8 2 below Actions which require an amendment to the ordinance and/or submittal of a Letter of Map Change (LOMC) include, but are not limited to, the following

- (1) Any fill or floodway encroachment that obstructs flow causing any increase in the regional flood height,
- (2) Any change to the floodplain boundaries and/or watercourse alterations on the FIRM,
- (3) Any changes to any other officially adopted floodplain maps listed in s 1 5 (2)(b),
- (4) Any floodplain fill which raises the elevation of the filled area to a height at or above the flood protection elevation and is contiguous to land lying outside the floodplain,
- (5) Correction of discrepancies between the water surface profiles and floodplain maps,
- (6) Any upgrade to a floodplain zoning ordinance text required by s NR 116 05, Wis Adm Code, or otherwise required by law, or for changes by the municipality, and
- (7) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodway or the floodfringe that is based on a base flood elevation from a FIRM requires prior approval by FEMA

8.2 PROCEDURES

Ordinance amendments may be made upon petition of any party according to the provisions of s 62 23, Stats The petitions shall include all data required by s 5 1(5) and 7 1(2) The Land Use Permit shall not be issued until a Letter of Map Revision is issued by FEMA for the proposed changes

- (1) The proposed amendment shall be referred to the zoning agency for a public hearing and recommendation to the governing body. The amendment and notice of public hearing shall be submitted to the Department Regional office for review prior to the hearing. The amendment procedure shall comply with the provisions of s 62 23, Stats
- (2) No amendments shall become effective until reviewed and approved by the Department
- (3) All persons petitioning for a map amendment that obstructs flow causing any increase in the regional flood height, shall obtain flooding easements or other appropriate legal arrangements from all adversely affected property owners and notify local units of government before the amendment can be approved by the governing body

9.0 ENFORCEMENT AND PENALTIES

Any violation of the provisions of this ordinance by any person shall be unlawful and shall be referred to the municipal attorney who shall expeditiously prosecute all such violators. A violator shall, upon conviction, forfeit to the municipality a penalty of not more than \$50 00 (fifty dollars), together with a taxable cost of such action. Each day of continued violation shall constitute a separate offense. Every violation of this ordinance is a public nuisance, and the creation may be enjoined, and the maintenance may be abated by action at suit of the municipality, the state, or any citizen thereof pursuant to s 87 30, Stats

10.0 DEFINITIONS

Unless specifically defined, words and phrases in this ordinance shall have their common law meaning and shall be applied in accordance with their common usage. Words used in the present tense include the future, the singular number includes the plural and the plural number includes the singular. The word "may" is permissive, "shall" is mandatory and is not discretionary.

- 1 A ZONES – Those areas shown on the Official Floodplain Zoning Map which would be inundated by the regional flood. These areas may be numbered or unnumbered A Zones. The A Zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.
- 2 AH ZONE – See "AREA OF SHALLOW FLOODING"
- 3 AO ZONE – See "AREA OF SHALLOW FLOODING"
- 4 ACCESSORY STRUCTURE OR USE – A facility, structure, building or use which is accessory or incidental to the principal use of a property, structure or building. An accessory structure shall not be used for human habitation.
- 5 ALTERATION – An enhancement, upgrade or substantial change or modification other than an addition or repair to a dwelling or to electrical, plumbing, heating, ventilating, air conditioning and other systems within a structure.
- 6 AREA OF SHALLOW FLOODING – A designated AO, AH, AR/AO, AR/AH, or VO zone on a community's Flood Insurance Rate Map (FIRM) with a 1 percent or greater annual chance of flooding to an average depth of 1 to 3 feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flood may be evident. Such flooding is characterized by ponding or sheet flow.
- 7 BASE FLOOD – Means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

- 8 BASEMENT – Any enclosed area of a building having its floor sub-grade on all sides
- 9 BUILDING – See STRUCTURE
- 10 BULKHEAD LINE – A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department pursuant to s 30 11, Stats , and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance
- 11 CAMPGROUND – Any parcel of land which is designed, maintained, intended, or used for the purpose of providing sites for nonpermanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area
- 12 CAMPING UNIT – Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck, or tent that is fully licensed, if required, and ready for highway use
- 13 CERTIFICATE OF COMPLIANCE – A certification that the construction and the use of land or a building, the elevation of fill or the lowest floor of a structure is in compliance with all of the provisions of this ordinance
- 14 CHANNEL – A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water
- 15 CRAWLWAYS or CRAWL SPACE – An enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities
- 16 DECK – An unenclosed exterior structure that has no roof or sides and has a permeable floor which allows the infiltration of precipitation
- 17 DEPARTMENT – The Wisconsin Department of Natural Resources
- 18 DEVELOPMENT – Any artificial change to improved or unimproved real estate, including, but not limited to, the construction of buildings, structures or accessory structures, the construction of additions or alterations to buildings, structures or accessory structures, the repair of any damaged structure or the improvement or renovation of any structure, regardless of percentage of damage or improvement, the placement of buildings or structures, subdivision layout and site preparation, mining, dredging, filling, grading, paving, excavation or drilling operations, the storage, deposition or extraction of materials or equipment, and the installation, repair or removal of public or private sewage disposal systems or water supply facilities
- 19 DRYLAND ACCESS – A vehicular access route which is above the regional flood elevation, and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above regional flood elevation and wide enough for wheeled rescue and relief vehicles
- 20 ENCROACHMENT – Any fill, structure, equipment, use or development in the floodway
- 21 FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) – The federal agency that administers the National Flood Insurance Program
- 22 FLOOD INSURANCE RATE MAP (FIRM) – A map of a community on which the Federal Insurance Administration has delineated both the floodplain and the risk premium zones applicable to the community This map can only be amended by the Federal Emergency Management Agency

- 23 **FLOOD or FLOODING** – A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions
- The overflow or rise of inland waters,
 - The rapid accumulation or runoff of surface waters from any source,
 - The inundation caused by waves or currents of water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior, or
 - The sudden increase caused by an unusually high-water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event
- 24 **FLOOD FREQUENCY** – The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average once in a specified number of years or as a percent (%) chance of occurring in any given year
- 25 **FLOODFRINGE** – That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water
- 26 **FLOOD HAZARD BOUNDARY MAP** – A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A-Zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a Flood Insurance Study and a Flood Insurance Rate Map
- 27 **FLOOD INSURANCE STUDY** – A technical engineering examination, evaluation, and determination of the local flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-Zones. Flood Insurance Rate Maps, that accompany the Flood Insurance Study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program
- 28 **FLOODPLAIN** – Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe and may include other designated floodplain areas for regulatory purposes
- 29 **FLOODPLAIN ISLAND** – A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood
- 30 **FLOODPLAIN MANAGEMENT** – Policy and procedures to ensure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations
- 31 **FLOOD PROFILE** – A graph or a longitudinal profile line showing the relationship of the water surface elevation of a flood event to locations of land surface elevations along a stream or river
- 32 **FLOODPROOFING** – Any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage
- 33 **FLOOD PROTECTION ELEVATION** – An elevation of two feet of freeboard above the Regional Flood Elevation (Also see FREEBOARD)
- 34 **FLOOD STORAGE** – Those floodplain areas where storage of floodwaters has been taken into account during analysis in reducing the regional flood discharge

- 35 FLOODWAY – The channel of a river or stream and those portions of the floodplain adjoining the channel required to carry the regional flood discharge
- 36 FREEBOARD – A safety factor expressed in terms of a specified number of feet above a calculated flood level Freeboard compensates for any factors that cause flood heights greater than those calculated, including ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of watershed urbanization, loss of flood storage areas due to development and aggregation of the river or stream bed
- 37 HABITABLE STRUCTURE – Any structure or portion thereof used or designed for human habitation
- 38 HEARING NOTICE – Publication or posting meeting the requirements of Ch 985, Stats For appeals, a Class 1 notice, published once at least one week (7 days) before the hearing, is required For all zoning ordinances and amendments, a Class 2 notice, published twice, once each week consecutively, the last at least a week (7 days) before the hearing Local ordinances or bylaws may require additional notice, exceeding these minimums
- 39 HIGH FLOOD DAMAGE POTENTIAL – Damage that could result from flooding that includes any danger to life or health or any significant economic loss to a structure or building and its contents
- 40 HIGHEST ADJACENT GRADE – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure
- 41 HISTORIC STRUCTURE – Any structure that is either
- Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register,
 - Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district,
 - Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior, or
 - Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program, as determined by the Secretary of the Interior, or by the Secretary of the Interior in states without approved programs
- 42 INCREASE IN REGIONAL FLOOD HEIGHT – A calculated upward rise in the regional flood elevation greater than 0 00 foot, based on a comparison of existing conditions and proposed conditions which is directly attributable to development in the floodplain but not attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge
- 43 LAND USE – Any nonstructural use made of unimproved or improved real estate (Also see DEVELOPMENT)
- 44 LOWEST ADJACENT GRADE – Elevation of the lowest ground surface that touches any of the exterior walls of a building
- 45 LOWEST FLOOR – The lowest floor of the lowest enclosed area (including basement)
- 46 MAINTENANCE – The act or process of ordinary upkeep and repairs, including redecorating, refinishing, nonstructural repairs, or the replacement of existing fixtures, systems or equipment with equivalent fixtures, systems, or structures

- 47 MANUFACTURED HOME – A structure transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities. The term "manufactured home" includes a mobile home but does not include a "mobile recreational vehicle."
- 48 MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION – A parcel (or contiguous parcels) of land, divided into two or more manufactured home lots for rent or sale.
- 49 MOBILE/MANUFACTURED HOME PARK OR SUBDIVISION, EXISTING – A parcel of land, divided into two or more manufactured home lots for rent or sale, on which the construction of facilities for servicing the lots is completed before the effective date of this ordinance. At a minimum, this would include the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads.
- 50 MOBILE/MANUFACTURED HOME PARK, EXPANSION TO EXISTING – The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed. This includes installation of utilities, construction of streets and either final site grading, or the pouring of concrete pads.
- 51 MOBILE RECREATIONAL VEHICLE – A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including park model homes, do not fall within the definition of "mobile recreational vehicles."
- 52 MODEL, CORRECTED EFFECTIVE – A hydraulic engineering model that corrects any errors that occur in the Duplicate Effective Model, adds any additional cross sections to the Duplicate Effective Model, or incorporates more detailed topographic information than that used in the current effective model.
- 53 MODEL, DUPLICATE EFFECTIVE – A copy of the hydraulic analysis used in the effective FIS and referred to as the effective model.
- 54 MODEL, EFFECTIVE – The hydraulic engineering model that was used to produce the current effective Flood Insurance Study.
- 55 MODEL, EXISTING (PRE-PROJECT) – A modification of the Duplicate Effective Model or Corrected Effective Model to reflect any man-made modifications that have occurred within the floodplain since the date of the effective model but prior to the construction of the project for which the revision is being requested. If no modification has occurred since the date of the effective model, then this model would be identical to the Corrected Effective Model or Duplicate Effective Model.
- 56 MODEL, REVISED (POST-PROJECT) – A modification of the Existing or Pre-Project Conditions Model, Duplicate Effective Model or Corrected Effective Model to reflect revised or post-project conditions.
- 57 MUNICIPALITY or MUNICIPAL – The county, city or village governmental units enacting, administering, and enforcing this zoning ordinance.
- 58 NAVD or NORTH AMERICAN VERTICAL DATUM – Elevations referenced to mean sea level datum, 1988 adjustment.

- 59 NGVD or NATIONAL GEODETIC VERTICAL DATUM – Elevations referenced to mean sea level datum, 1929 adjustment
- 60 NEW CONSTRUCTION – Structures for which the start of construction commenced on or after the effective date of a floodplain zoning regulation adopted by this community and includes any subsequent improvements to such structures
- 61 NON-FLOOD DISASTER – A fire or an ice storm, tornado, windstorm, mudslide, or other destructive act of nature, but excludes a flood
- 62 NONCONFORMING STRUCTURE – An existing lawful structure or building which is not in conformity with the dimensional or structural requirements of this ordinance for the area of the floodplain which it occupies (For example, an existing residential structure in the floodfringe district is a conforming use. However, if the lowest floor is lower than the flood protection elevation, the structure is nonconforming.)
- 63 NONCONFORMING USE – An existing lawful use or accessory use of a structure or building which is not in conformity with the provisions of this ordinance for the area of the floodplain which it occupies (Such as a residence in the floodway.)
- 64 OBSTRUCTION TO FLOW – Any development which blocks the conveyance of floodwaters such that this development alone or together with any future development will cause an increase in regional flood height
- 65 OFFICIAL FLOODPLAIN ZONING MAP – That map, adopted and made part of this ordinance, as described in s. 15(2), which has been approved by the Department and FEMA
- 66 OPEN SPACE USE – Those uses having a relatively low flood damage potential and not involving structures
- 67 ORDINARY HIGHWATER MARK – The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic
- 68 PERSON – An individual, or group of individuals, corporation, partnership, association, municipality, or state agency
- 69 PRIVATE SEWAGE SYSTEM – A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the Department of Safety and Professional Services, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure
- 70 PUBLIC UTILITIES – Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer, and storm sewer
- 71 REASONABLY SAFE FROM FLOODING – Means base flood waters will not inundate the land or damage structures to be removed from the floodplain and that any subsurface waters related to the base flood will not damage existing or proposed buildings
- 72 REGIONAL FLOOD – A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or

exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE

- 73 **START OF CONSTRUCTION** – The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond initial excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling, nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For an alteration, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- 74 **STRUCTURE** – Any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lakebed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- 75 **SUBDIVISION** – Has the meaning given in s. 236.02(12), Wis. Stats.
- 76 **SUBSTANTIAL DAMAGE** – Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50 percent of the equalized assessed value of the structure before the damage occurred.
- 77 **SUBSTANTIAL IMPROVEMENT** – Any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds 50 percent of the equalized assessed value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the work performed. The term does not include either any project for the improvement of a building required to correct existing health, sanitary or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions, or any alteration of a historic structure provided that the alteration will not preclude the structure's continued designation as a historic structure.
- 78 **UNNECESSARY HARDSHIP** – Where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height, or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.
- 79 **VARIANCE** – An authorization by the board of adjustment or appeals for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the floodplain zoning ordinance.
- 80 **VIOLATION** – The failure of a structure or other development to be fully compliant with the floodplain zoning ordinance. A structure or other development without required permits, lowest floor elevation documentation, floodproofing certificates or required floodway encroachment calculations is presumed to be in violation until such time as that documentation is provided.
- 81 **WATERSHED** – The entire region contributing runoff or surface water to a watercourse or body of water.
- 82 **WATER SURFACE PROFILE** – A graphical representation showing the elevation of the water surface of a watercourse for each position along a reach of river or stream at a certain flood flow.

A water surface profile of the regional flood is used in regulating floodplain areas

- 83 WELL – means an excavation opening in the ground made by digging, boring, drilling, driving or other methods, to obtain groundwater regardless of its intended use

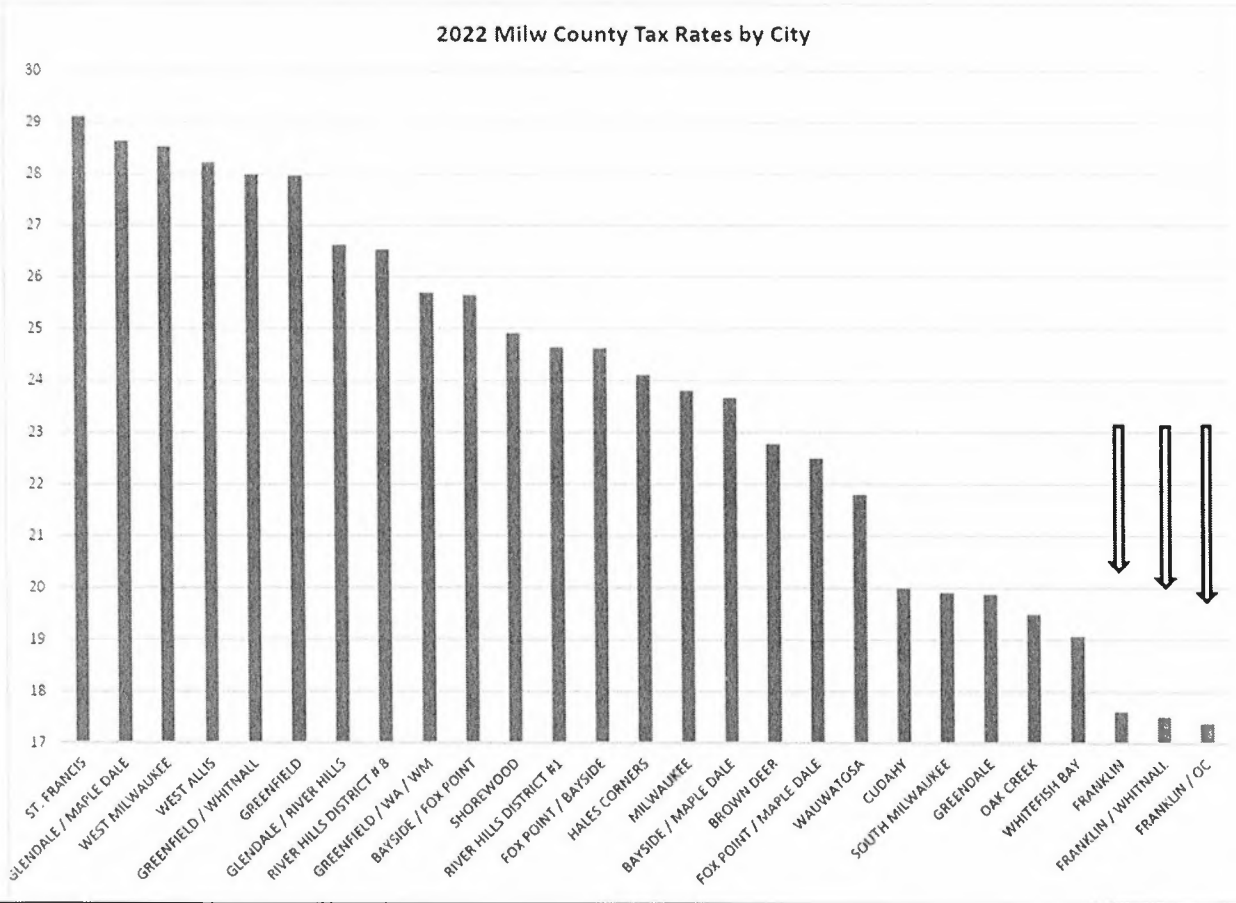
APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE August 20, 2024
REPORTS & RECOMMENDATIONS	2025 Mayor's Recommended Budget Challenges	ITEM NUMBER B.3.

Analysis

As we approach the 2025 Mayor's Recommended Budget, the Director of Finance & Treasurer, the Director of Administration, and the Mayor face significant challenges. The City of Franklin has historically strived to maintain a flat budget compared to prior years. However, there are pressing concerns that must be addressed. It is essential to recognize that the Mayor's Recommended Budget is a preliminary representation of the final budget. Changes will be discussed over the next 8-12 weeks, and decisions will be made to refine the budget.

Challenge #1: Tax Rate and Developable Land

The City of Franklin has the lowest tax rate in Milwaukee County and possesses the most developable land. The City remains committed to maintaining a high level of public safety and public works services, always prioritizing the needs of its citizens and promoting community growth. Franklin, as one of the largest communities in Milwaukee County, offers significant development opportunities. However, with growth comes the challenge of infrastructure. Increasing infrastructure costs have driven up project expenses, prompting businesses and developers to request additional incentives. Addressing these challenges will be crucial as we move forward.



Challenge #2: Revenues & Expenditures

The State of Wisconsin imposes strict limits on how much cities can raise property taxes and other revenues. As inflation and rising costs occur, these restrictions prevent revenues from increasing proportionately. Although Act 12 allows for an additional shared revenue increase, with restrictions on public safety services, the increased revenues barely cover the rise in expenditures. Over the past five years, the Consumer Price Index (CPI) has averaged a 4% increase, yet the City of Franklin has maintained a relatively flat budget. It is important to note that Franklin is not alone in facing these challenges; it is a statewide issue in Wisconsin. Nevertheless, Franklin remains committed to maintaining a high level of service to the community. Ensuring we have sufficient staff to continue providing these services will be a challenge in the 2025 budget.

Challenge #3: Aging Infrastructure and Equipment

As Franklin strives to maintain our high level of service to the community, significant investment in equipment and infrastructure is required. Over the years, the City has struggled to secure sufficient funding for these needs. Tax levy constraints have made funding Department of Public Works (DPW) equipment and fire safety apparatus challenging. The City has recently entered into an agreement with Enterprise Fleet to reduce the cost of most City vehicles. However, financing will still be required to fund the replacement of aging, costly apparatus beyond its useful life.

Franklin also faces challenges with aging infrastructure, which has led to unexpected expenditures beyond the City's budget. To update the aging infrastructure, the city has engaged Johnson Controls in a performance agreement and energy-saving contract to minimize the impact on residents. Moving forward into the 2025 Budget, the City will continue to pursue agreements that facilitate infrastructure updates to serve residents at the highest possible capacity.

Challenge #4: Assessments and Levy Limits

The City of Franklin has engaged Forward Appraisal to reevaluate the 2024 assessment year. Despite their hard work, ensuring accurate tax assessments and determining final assessment values remains challenging. The 2025 Mayor's Recommended Budget will be extremely preliminary due to revenue projections based on assumptions from the Department of Revenue and the assessors. Balancing the budget will be ongoing, with adjustments likely necessary until the final stages.

Conclusion

The City of Franklin will continue to take the necessary steps to maintain a balanced budget over the next 8-12 weeks. The City is committed to passing a balanced budget while ensuring the highest level of service to its residents and safeguarding its financial interests. As the Mayor, Director of Finance, and Director of Administration work through these challenges, we encourage solutions and recommendations that prioritize the city's needs and safety.

COUNCIL ACTION REQUESTED

This document is informational only. Please receive and place it on file.

Finance Dept - DB

<p style="text-align: center;">APPROVAL</p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE 8/20/2024</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">An Ordinance to amend Section 15-3.0444 of the Unified Development Ordinance Planned Development District No. 39 (Mixed Use Business Park) to allow truck terminals and freight transfer facilities as a Special Use and to revise Design Standards (Saia Motor Freight Line, LLC, Applicant) (10613 South 27th Street)</p>	<p style="text-align: center;">ITEM NUMBER 9.4. Ald. Dist. #4</p>

At its August 8, 2024, regular meeting, the Plan Commission unanimously recommended approval of an ordinance to amend Section 15-3.0444 of the Unified Development Ordinance Planned Development District No. 39 (Mixed Use Business Park) to allow truck terminals and freight transfer facilities as a Special Use and to revise Design Standards (Saia Motor Freight Line, LLC, Applicant) (10613 South 27th Street).

COUNCIL ACTION REQUESTED

A motion to adopt Ordinance No. 2024-_____, to amend Section 15-3.0444 of the Unified Development Ordinance Planned Development District No. 39 (Mixed Use Business Park) to allow truck terminals and freight transfer facilities as a Special Use and to revise Design Standards (Saia Motor Freight Line, LLC, Applicant) (10613 South 27th Street).

ORDINANCE NO. 2024-_____

AN ORDINANCE TO AMEND SECTION 15-3.0444 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 39 (MIXED USE BUSINESS PARK) TO ALLOW TRUCK TERMINALS AND FREIGHT TRANSFER FACILITIES AS A SPECIAL USE AND TO REVISE DESIGN STANDARDS (SAIA MOTOR FREIGHT LINE, LLC, APPLICANT) (10613 SOUTH 27TH STREET)

WHEREAS, Section 15-3.0444 of the Unified Development Ordinance provides for and regulates Planned Development District No. 39 (Mixed Use Business Park), same having been created by Ordinance No. 2016-2238, with such District primarily being located within the South 27th Street corridor area lying south of West Oakwood Road;

WHEREAS, Planned Development District No. 39 (Mixed Use Business Park) includes those lands more particularly described below; and

That part of the Northeast 1/4, Southeast 1/4 and all that part of Northeast 1/4, Southeast 1/4, and the Southwest 1/4 of Section 36, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the Northeast corner of Northeast 1/4 of Section 36 also the place of beginning of the land to be described; thence S 00° 11' 55" E, along the East line of said 1/4 Section, 2658.94 feet to the East 1/4 corner section monument; thence S 00° 25' 34" E, along the East section line of the Southeast 1/4 of said Section, 2655.53 to the Southeast corner section monument; thence S 88° 57' 44" W along the South section line of Southeast 1/4 of said Section, 2619.46 to the South 1/4 corner section monument; thence S 88° 35' 08" W along the South section line of the Southwest 1/4 of said Section, 42.90 feet to the section corner monument; thence S 88° 35' 08" W along the South line of the Southwest 1/4 of said Section, 2588.10 feet to the Southwest corner section monument; thence N 00° 21' 45" W along the West section line of the Southwest 1/4 of said Section, 2644.21 feet to the West 1/4 corner section monument; thence N 88° 36' 18" E, along the North section line of the Southwest 1/4 of said Section, 1808.39 feet to West line of the East fifty (50) acres of the Northwest 1/4 of said Section; thence N 00° 20' 45" W, along the West line of the East fifty (50) acres of the Northwest 1/4 of said Section, 2651.28 feet to the North section line of the Northwest 1/4 of said Section; thence N 88° 27' 28" E along the North section line of the Northwest 1/4 of said Section, 821.90 feet to the North 1/4 corner section

monument; thence N 88° 34' 33" E, along the North section line of the Northeast 1/4 of said Section, 2624.35 feet to the point of beginning.

Containing in all 504 acres of land, more or less.

WHEREAS, Saia Motor Freight Line, LLC having petitioned for an amendment to Planned Development District No. 39 (Mixed Use Business Park), to allow Truck Terminals and Freight Transfer Facilities as a Special Use and to revise PDD No. 39 Design Standards; and

WHEREAS, the City of Franklin Plan Commission having considered the application on the 8th day of August, 2024, and the Plan Commission having determined that the proposed amendment was a major amendment and having recommended to the Common Council that the proposed amendment to Planned Development District No. 39 (Mixed Use Business Park) be approved; and

WHEREAS, the Common Council having considered the application and having concurred with the recommendation of the Plan Commission and having determined that the proposed amendment to Planned Development District No. 39 (Mixed Use Business District) is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and that it will promote the health, safety and welfare of the Community.

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

SECTION 1: §15-3.0444 Planned Development District No. 39 (Mixed Use Business District), of the Unified Development Ordinance of the City of Franklin, Wisconsin, specifically Section 15-3.0444A.B.3. of Ordinance No. 2016-2238, is hereby amended to add a new sub “k. Truck terminals and freight transfer facilities with outdoor storage and parking of vehicles, trailers, and equipment.” and re-letter accordingly.

SECTION 2: §15-3.0444 Planned Development District No. 39 (Mixed Use Business District), of the Unified Development Ordinance of the City of Franklin, Wisconsin, specifically Section 15-3.0444A.B.4. of Ordinance No. 2016-2238, is hereby amended to delete sub “d. Truck terminals and freight transfer facilities.” and re-letter accordingly.

- SECTION 3: §15-3.0444 Planned Development District No. 39 (Mixed Use Business District), of the Unified Development Ordinance of the City of Franklin, Wisconsin, specifically Section 15-3.0444A.D. of Ordinance No. 2016-2238, is hereby amended to revise Planned Development District No. 39: Design Standards as proposed by the applicant, Saia Motor Freight Line, LLC, attached hereto, and presented to the Plan Commission on the 8th day of August, 2024.
- SECTION 4: §15-3.0444 Planned Development District No. 39 (Mixed Use Business District), of the Unified Development Ordinance of the City of Franklin, Wisconsin, specifically Section 15-3.0444B.B.3. of Ordinance No. 2016-2238, is hereby amended to add a new sub “i. Truck terminals and freight transfer facilities with outdoor storage and parking of vehicles, trailers, and equipment.” and re-letter accordingly.
- SECTION 5: §15-3.0444 Planned Development District No. 39 (Mixed Use Business District), of the Unified Development Ordinance of the City of Franklin, Wisconsin, specifically Section 15-3.0444B.B.4. of Ordinance No. 2016-2238, is hereby amended to delete sub “d. Truck terminals and freight transfer facilities.” and re-letter accordingly.
- SECTION 6: All other applicable terms and provisions of §15-3.0444 Planned Development District No. 39 (Mixed Use Business District) not inconsistent with the terms of this Ordinance, and the Unified Development Ordinance of the City of Franklin, as amended from time to time, shall apply to the Saia Motor Freight Line, LLC development, and all terms and provisions of §15-3.0444 Planned Development District No. 39 (Mixed Use Business District) as existing immediately prior to the adoption of this Ordinance and not amended by this Ordinance, shall remain in full force and effect.
- SECTION 7: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.
- SECTION 8: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

ORDINANCE NO. 2024-____
Page 4

SECTION 9: 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 20th day of August, 2024.

 Passed and adopted at a regular meeting of the Common Council of the City of
Franklin this 20th day of August, 2024.

APPROVED:

John R. Nelson, Mayor

ATTEST:

Shirley J. Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____

Planned Development District No. 39: Mixed Use Business Park
Design Standards

Purpose. The Mixed Use Business Park Design Standards are intended to create a high quality, attractive, office/light industrial/commercial mixed use development, and are adopted by reference in Ordinance No. 2016-____ Planned Development District No. 39 (Mixed Use Business Park). These Design Standards are intended to:

- apply whenever new principal and/or accessory buildings are constructed in the District;
- apply whenever building additions in the District result in an increase in floor area of 50 percent or more;
- allow existing structures to otherwise remain conforming with regard to this Ordinance;
- incorporate the design standards as set forth within the Unified Development Ordinance Part 5 as mandatory standards;
- incorporate certain additional design standards as herein set forth; and
- allow the Plan Commission to waive any of the additional design standards as herein set forth provided that supplemental design elements or improvements (as set forth below in the Supplemental Design Guidelines) are incorporated into the project (over and above those which are otherwise required) which compensate for the waiver of the particular standard.

SECTION 15-3.0444A.D. Gateway Area Design Standards. The Gateway Area Design Standards are intended to create a high quality, attractive, primarily office and commercial mixed use development adjacent to South 27th Street. Mixed use buildings with commercial and office uses layered vertically, horizontally, or among multiple buildings are encouraged. Efficient land use is also encouraged by facilitating developments that minimize the amount of land needed for surface parking through creative design, lessened setbacks, and shared parking among complimentary uses.

1. PARKING STANDARDS

Off-street parking, loading, and unloading shall be provided as set forth in Division 15-5.0200 of the Unified Development Ordinance. The following additional standards also apply:

a. Parking required and location regulated

Not more than fifty (50) percent of the off-street parking spaces shall be located directly between the front façade of the building and the public street, unless additional buildings in the overall development are or will be located between the main building and the public street, and/or additional

enhanced landscaping or decorative fencing is used to screen such parking. Such additional buildings and/or landscaping or fencing must be sufficient in size, location, and number to provide an effective visual break between the public street and the parking lot. This requirement applies to all new developments but expressly excepting Truck Terminals and Freight Transfer Facilities constructed prior to 2016.

2. GENERAL SITE DESIGN STANDARDS

The following additional site furnishings and bicycle and pedestrian amenities standards apply:

- a. Site furnishings required and coordination regulated

Lighting and site furnishings (benches, trash receptacles, bicycle racks, etc.) shall complement the character of the building, and provide an attractive and strong relationship with adjoining properties and the public sidewalk.
- b. Bicycle and pedestrian amenities required
 - i. New streets proposed as part of new developments shall provide “bicycle and pedestrian friendly” streetscapes.
 - ii. Large parking areas shall include walkways to allow safe pedestrian access to the building entrance and to connect the site to adjacent streets and properties. Pedestrian walkways shall be designed with amenities such as special paving treatments (colored paver blocks or textured concrete), lighting (see lighting discussion below) and furnishings to create a pedestrian-friendly character. Where the building entrance of an existing building is facing a private roadway and is not adjacent to a public street, pedestrian walkways shall connect to off-street vehicle and bicycle parking areas and shall be designed with identifiable walkway striping.
 - iii. Sidewalks shall be provided along the entire length of any façade containing a public entrance, leaving room for foundation planting beds, and shall connect to existing or planned public sidewalks or pedestrian/bike facilities. Where the façade containing a public entrance is facing a private roadway and is not adjacent to a public street, pedestrian walkways shall connect to off-street vehicle and bicycle parking areas and shall be designed with identifiable walkway striping.

3. LANDSCAPE STANDARDS

Landscaping shall be provided as set forth in Division 15-5.0300 of the Unified Development Ordinance. The following additional standards also apply:

- a. Landscaping required and location regulated
 - i. Each new development which contains a building over forty-thousand (40,000) square feet in area shall provide extensive building foundation landscaping for all building frontages facing public streets or parking lots to provide visual breaks in the mass of the building.

b. Central Areas/Features required

Each new development which contains a building over forty-thousand (40,000) square feet in area shall provide central area(s) or feature(s) such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal

points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and maintained over the life of the building and project.

4. ARCHITECTURAL STANDARDS

The following additional building character and design standards apply:

- a. Building Character and Design regulated
 - i. All principal buildings shall be multi-story and exhibit quality architectural design. Corner buildings shall also serve as landmarks with distinctive architectural character, including such features as towers, rounded walls, recessed entries, or other unique features. This requirement applies to all new developments but expressly excepting existing buildings that face a private roadway and that are not adjacent to a public street.
 - ii. All exterior materials shall be durable, of high-quality, utilized true to form (such as stone below wood rather than the opposite), and appropriate for external use. This requirement applies to all new developments but expressly excepting existing buildings that face a private roadway and that are not adjacent to a public street.
 - iii. Brick and stone are preferred primary materials for the solid (non-window) portion of new buildings or additions. This requirement applies to all new developments but expressly excepting existing buildings that face a private roadway and that are not adjacent to a public street.
 - iv. Precast concrete, cast stone, concrete masonry units, terra cotta, stucco, and wood siding are acceptable accent and secondary materials for the solid portion of new buildings or additions. This requirement applies to all new developments but expressly excepting existing buildings that face a private roadway and that are not adjacent to a public street.
 - v. Other materials may be allowed subject to Plan Commission approval. This requirement applies to all new developments but expressly excepting existing buildings that face a private roadway and that are not adjacent to a public street.
 - vi. Color choice shall complement the style and materials of the building's facade and provide a pleasing relationship with adjoining buildings. This requirement applies to all new developments but expressly excepting existing buildings that face a private roadway and that are not adjacent to a public street.
 - vii. Trash, service, and mechanical areas shall be entirely screened from view and located on the side or rear of properties. This requirement applies to all new developments but expressly excepting existing buildings that face a private roadway and that are not adjacent to a public street.
 - viii. Roof mounted equipment shall be so located and/or screened to minimize visibility from adjacent streets and sites. This requirement

applies to all new developments but expressly excepting existing buildings that face a private roadway and that are not adjacent to a public street.

- ix. All visible sides of the building shall be designed with details that complement the front facade. Side facades that are visible from the public street shall receive equal design attention. This requirement applies to all new developments but expressly excepting existing buildings that face a private roadway and that are not adjacent to a public street.
- x. For each new building more than 40,000 square feet in area, building massing that creates modulation and articulation is required.
- xi. Commercial buildings shall have at least 60% of their ground floor front elevation with transparent windows.

5. SIGNAGE STANDARDS

All signs must be in accordance with the Municipal Code, as amended, approved by the Plan Commission, and be subject to issuance of a Sign Permit through the Inspection Department. On-site directional signage may be allowed in any area needed to control traffic or parking provided such signage has received approval from the Department of City Development.

6. LIGHTING STANDARDS

All exterior lighting shall be provided as set forth in Division 15-5.0400 of the Unified Development Ordinance.

7. SUPPLEMENTAL DESIGN GUIDELINES

It is intended that the applicable design guidelines set forth in the South 27th Street Corridor Plan, and the applicable design standards in the South 27th Street Design Overlay District, be utilized—as a supplemental guide-- to the mandatory design standards set forth elsewhere in this Ordinance pertaining to the Gateway Area portion of Planned Development District No. 39. The purpose of these supplemental guidelines are to serve as general recommendations to further encourage good quality design in new building and site design, which in turn will support an attractive, interesting, safe, and sustainable District. It is also intended that these supplemental guidelines serve as the supplemental design elements or improvements to be incorporated into any project which requires compensation for any waiver of the additional design standard as set forth in this Ordinance. In particular, it is encouraged that the design standards set forth in Section 153.0355B. and Section 15-3.0355C. of the South 27th Street Design Overlay District be considered. This requirement applies to all new developments but expressly excepting Truck Terminals constructed prior to 2016.

SECTION 15-3.0444B.D. Business Park Area Design Standards. The Business Park Area Design Standards are intended to create a high quality, attractive, primarily office and light industrial business park development (excluding the Gateway Area adjacent to South 27th Street).

1. PARKING STANDARDS

Off-street parking, loading and unloading shall be provided as set forth in Division 15-5.0200 of the Unified Development Ordinance. The following additional standards also apply:

- a. Parking required and location regulated
 - i. No parking will be permitted on any street, driveway, or any place in the District other than in approved parking spaces.
 - ii. Overnight parking of campers, mobile homes, boats, trailers, and similar vehicles is prohibited.
 - iii. Overnight parking of trucks and service vehicles over 8,000 pounds manufactured Gross Vehicle Weight shall be allowed only with a Special Use. Overnight parking of trucks and service vehicles under 8,000 pounds Gross Vehicle Weight shall be behind landscape screening so as to minimize visibility from adjacent roadways.

- iv. Parking in front of buildings shall be designed primarily for visitors and high turnover usage, with employee parking to be located to the side-yard or rear-yard.
- v. Loading and unloading areas shall be located to the side-yard or rear-yard and screened so as to minimize their view from adjacent streets and sites.
- vi. All parking, loading, and unloading areas shall be screened from adjacent streets and sites utilizing landscaping, berms, and/or decorative fences.

2. GENERAL SITE DESIGN STANDARDS

The following additional open space, site maintenance, and bicycle and pedestrian amenities standards apply:

- a. Open Spaces required and location regulated
 - i. Not less than one-half of the required building setback area from any dedicated street shall be devoted solely to lawns, trees, shrubs, and other landscaping.
 - ii. Significant woodlands, wetlands, and other protected natural resource features, as defined by the Unified Development Ordinance, exist within the District. All such resources shall be protected as set forth in Division 15-4.0100 of the Unified Development Ordinance.
- b. General Site Maintenance required
 - i. The owner of any site shall have the duty and responsibility for keeping the buildings, paving, landscaping, lighting, and other improvements on the site in a well-maintained, safe, clean, and attractive condition at all times.
 - ii. Each owner shall be responsible for removal of any weeds, rubbish, or trash of any character which may accumulate on the site.
 - iii. Damaged or cracked areas of parking lots, sidewalks, and other hard surfaces shall be promptly repaired or replaced.
- c. Bicycle and pedestrian amenities required
 - i. New streets proposed as part of new developments shall provide “bicycle and pedestrian friendly” streetscapes.
 - ii. Large parking areas shall include walkways to allow safe pedestrian access to the building entrance and to connect the site to adjacent streets and properties.
 - iii. Sidewalks shall be provided along the entire length of any façade containing a public entrance, leaving room for foundation planting beds, and shall connect to existing or planned public sidewalks or pedestrian/bike facilities.

3. LANDSCAPE STANDARDS

Landscaping shall be provided as set forth in Division 15-5.0300 of the Unified Development Ordinance. The following additional standards also apply:

- a. Landscaping required and location regulated
 - i. Each development which contains a building over forty-thousand (40,000) square feet in area shall provide extensive building foundation landscaping for all building frontages facing public streets or parking lots to provide visual breaks in the mass of the building.
 - ii. A minimum landscape buffer of 10 feet is required between paved areas and all sides of the building except at entrances and loading areas.

4. ARCHITECTURAL STANDARDS

The following additional building character and design standards apply:

- a. Building Character and Design regulated
 - i. All buildings shall incorporate the design principles of composition, detail, proportion, rhythm, scale and unity within the architectural design of all exterior facades, to achieve design integrity and coherence.
 - ii. All exterior materials shall be durable, of high-quality, utilized true to form (such as stone below wood rather than the opposite), and appropriate for external use.
 - iii. Brick, stone, tile, and custom architectural masonry units are preferred primary materials for the solid (non-window) portion of new buildings or additions.
 - iv. Precast concrete, cast stone, plain/smooth concrete masonry units, and EIFS are acceptable accent and secondary materials for the solid portion of new buildings or additions.
 - v. Aluminum framed doors, windows and skylights are preferred.
 - vi. Metal copings, fascia, soffits, exposed structural elements, and architectural canopies are only permitted as an accent material.
 - vii. Other materials may be allowed subject to Plan Commission approval.
 - viii. Color choice shall complement the style and materials of the building's facade and provide a pleasing relationship with adjoining buildings.
 - ix. Trash, service, and mechanical areas shall be entirely screened from view and located on the side or rear of properties.
 - x. Roof mounted equipment shall be so located and/or screened to minimize visibility from adjacent streets and sites.

- xi. Outside loading docks shall be located to the side-yard or rear-yard and screened from view from adjacent streets and sites by extended building walls, berms, decorative fencing, and/or landscaping.
- xii. All utility connections, including all electrical and telephone connections and other installation of wires to buildings, shall be made underground from the nearest available source. No transformer, electric, gas, or other meter of any type or other apparatus shall be located on any power pole nor hung on the outside of any building. All transformers and meters shall be placed on or below the surface of the property and where placed on the surface shall be screened and/or landscaped so as to minimize visibility from adjacent streets and sites. No electric utility boxes or transformers shall be located between a building and an abutting street.
- xiii. All visible sides of the building shall be designed with details that complement the front facade.

5. SIGNAGE STANDARDS

All signs must be in accordance with the Municipal Code, as amended, approved by the Plan Commission, and be subject to issuance of a Sign Permit through the Inspection Department. On-site directional signage may be allowed in any area needed to control traffic or parking provided such signage has received approval from the Department of City Development. The following additional standards also apply:

- a. Wall signs are prohibited.

6. LIGHTING STANDARDS

All exterior lighting shall be provided as set forth in Division 15-5.0400 of the Unified Development Ordinance.

7. SUPPLEMENTAL DESIGN GUIDELINES

It is intended that the applicable design guidelines set forth in the South 27th Street Corridor Plan, and the applicable design standards in the South 27th Street Design Overlay District, be utilized—as a supplemental guide-- to the mandatory design standards set forth elsewhere in this Ordinance pertaining to the Business Park Area portion of Planned Development District No. 39. The purpose of these supplemental guidelines are to serve as general recommendations to further encourage good quality design in new building and site design, which in turn will support an attractive, interesting, safe, and sustainable District. It is also intended that these supplemental guidelines serve as the supplemental design elements or improvements to be incorporated into any project which requires compensation for any waiver of the additional design standard as set forth in this Ordinance. In particular, it is encouraged that the design standards set forth in Section 153.0355B. and Section 15-3.0355C. of the South 27th Street Design Overlay District be considered.



**CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION**

Meeting of August 8, 2024

Planned Development District Amendment, Special Use, and Site Plan

RECOMMENDATION: City Development Staff recommends denial of the Planned Development District Amendment, Special Use, and Site Plan applications related to the Saia Motor Freight Line, LLC use and development project.

Project Name:	Saia Motor Freight Line Planned Development District Amendment, Special Use, and Site Plan
Project Address/Tax Key:	10613 South 27 th Street / 951 9996 019
Property Owner:	Franklin Tech Center LLC A Delaware LLC
Applicant:	Chris Burgum, Saia Motor Freight Line, LLC
Aldermanic District:	District 4
Zoning District:	Planned Development District No. 39
Staff Planner:	Nick Fuchs, Planning Associate

Introduction/Background

Please note:

- Recommendations are underlined, in italics and are included in the draft resolution.

The applicant has filed a Major Planned Development District Amendment, Special Use, and Site Plan Application related to the Saia Motor Freight Line, LLC use and development project located at 10613 S. 27th Street.

Planned Development District (PDD) Amendment

The requested PDD Amendment proposes to amend Section 15-3.0444 of the Unified Development Ordinance Planned Development District No. 39 (Mixed Use Business Park) to allow “truck terminals and freight transfer facilities with outdoor storage and parking of vehicles, equipment, and trailers” as a Special Use.

To not be in conflict, the draft ordinance also removes truck terminals and freight transfer facilities as a prohibited use within the PDD.

The subject property is located within the Gateway Area of the PDD; however, the draft ordinance makes this same change for both the Gateway Area and the Business Park Area of the PDD. The Common Council could elect to continue to prohibit this use in the Business Park Area of the PDD as it is not a required change to allow this proposed use.

Note the attached ordinance is drafted based upon staff’s recommendations.

The PDD amendment also revises PDD No. 39 Design Standards as proposed by the applicant. See attached.

Note that this is being proposed as a Major Amendment. Staff concurs that this should be a major amendment as it includes a change of use.

Special Use

The Special Use is specific to Saia Motor Freight Line, LLC, a truck terminal and freight transfer facility business use with outdoor storage and parking of vehicles, trailers, and equipment, to locate and operate upon property located at 10613 South 27th Street.

Site Plan

The proposed site plan changes generally consist of the following:

- Painting of the buildings
- Maintenance, repairs, and potential re-paving of drives and parking lot areas
- Installation of new landscape plantings

Project Description/Analysis

Site Plan

As noted above, the applicant is not proposing significant changes to the site or buildings. The applicant intends to paint the buildings, perform general maintenance and repairs of the buildings and paved areas onsite, and install new landscaping. The existing fencing onsite will remain, but the main entry gate will be replaced with an automated gate.

Staff recommends that a minimum 10-foot parking setback be established throughout the site, prior to issuance of an Occupancy Permit.

Parking

According to the applicant, 118 parking spaces are provided. In addition, there are 10 bicycle spaces and 4 motorcycle spaces as well as parking for 18 tractor trailers, 32 tractor cabs, and 102 pup or shorter semi-trailers.

Parking spaces vary in size throughout the site, but all meet or exceed the minimum required size of 9' wide and 180 square feet.

Landscape Plan

The Landscape Plan identifies 19 existing canopy trees, 6 existing decorative trees, and 9 existing evergreen trees. The applicant is proposing to add 8 canopy trees, 9 decorative trees, 12 evergreen trees, and 36 shrubs.

Combined, the total plantings onsite consist of 27 canopy trees, 15 decorative trees, 21 evergreen trees, and 36 shrubs.

PDD No. 39 refers to Division 15-5.0300 of the UDO regarding landscape requirements. The UDO requires one planting of each type per 10 provided parking spaces for industrial uses. Considering the passenger vehicle, bicycle, and motorcycle parking, there are 132 parking spaces provided, which require 14 plantings of each type. If trailer and cab parking were included, there are a total of 286 parking spaces provided, which would require 29 plantings of each type.

Lighting Plan

No exterior lighting changes are proposed.

Architecture

The applicant is proposing to paint the exterior of the buildings onsite.

The overhead doors will all remain. The applicant has noted that any damaged doors will be replaced as needed.

Signage

Building signage is anticipated as depicted in the renderings provided by the applicant. Signage will require separate sign review and sign permits prior to installation. All signage must comply with the City's sign regulations.

Engineering and Storm Water Management

It is recommended that final approval of grading, erosion control, storm water management, and utilities, as may be applicable, be granted by the Engineering Department prior to any land disturbance activities.

Staff Recommendation:

City Development Staff recommends denial of the PDD Amendment, Special Use, and Site Plan applications for Saia Motor Freight Line. LLC.

Staff recommends that the City maintain its original vision for this area when creating and adopting the Ordinance and Design Standards for PDD No. 39. The proposed use and development are a significant deviation from that vision and plan. Staff expects that the site will be redeveloped in the future in a manner more consistent with the requirements of PDD No. 39.

With that said, it is also recommended that the Plan Commission and Common Council consider the recommendation below by John Regetz, Director of Economic Development.

The proposed SAIA project will improve the aesthetics of the existing, cross-dock-facility in question and the planned landscaping will also improve the appearance of the whole site. Currently, the proposed SAIA project is the only method to improve appearances of its intended parcel without spending substantial TID funds, that are not available, to tear down the existing building and foundation.

To make this happen the Plan Commission and Common Council should permit the special use, approve the site plan amendment and remove the prohibition on truck terminals, or freight transfer facilities, in PDD 39. The project approvals could also help us address similar parking considerations for other proposed projects in PDD 39, by setting precedent.

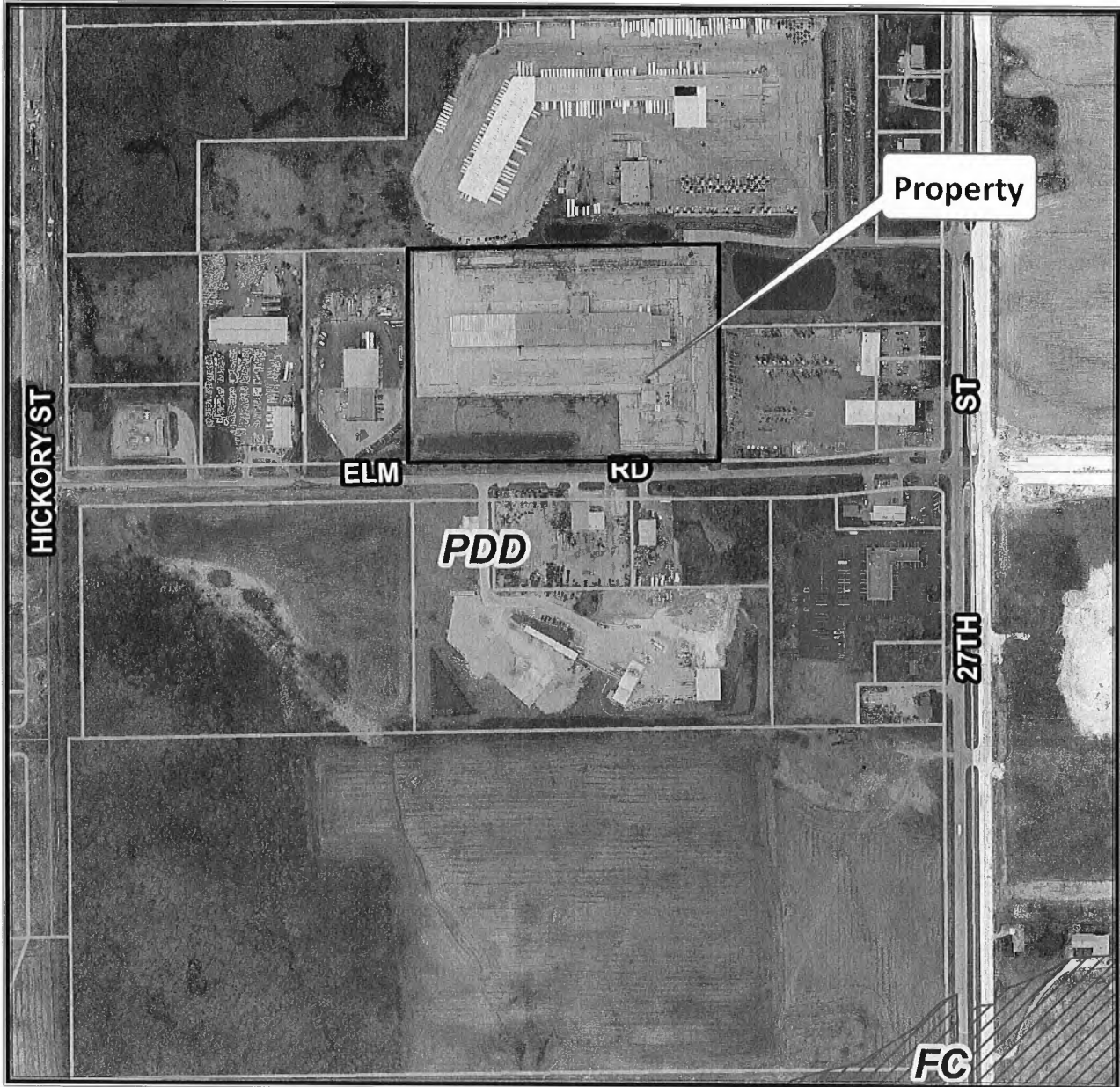
The proposed SAIA parcel is the largest on Elm Road (12.941) acres, therefore having the most impact on uses of any parcel on the street. While it may not attract targeted business to the Franklin Corporate Park, the remodeled building will help discourage degrading land uses on Elm Road. Extensive facade renovations and landscaping will also improve the aesthetics of the street.

The 100 jobs and freight services that SAIA provides will benefit the Milwaukee region.

Sincerely,

John G. Regetz
Director, Economic Development

10613 S. 27th Street
TKN: 951 9996 019



Planning Department
(414) 425-4024

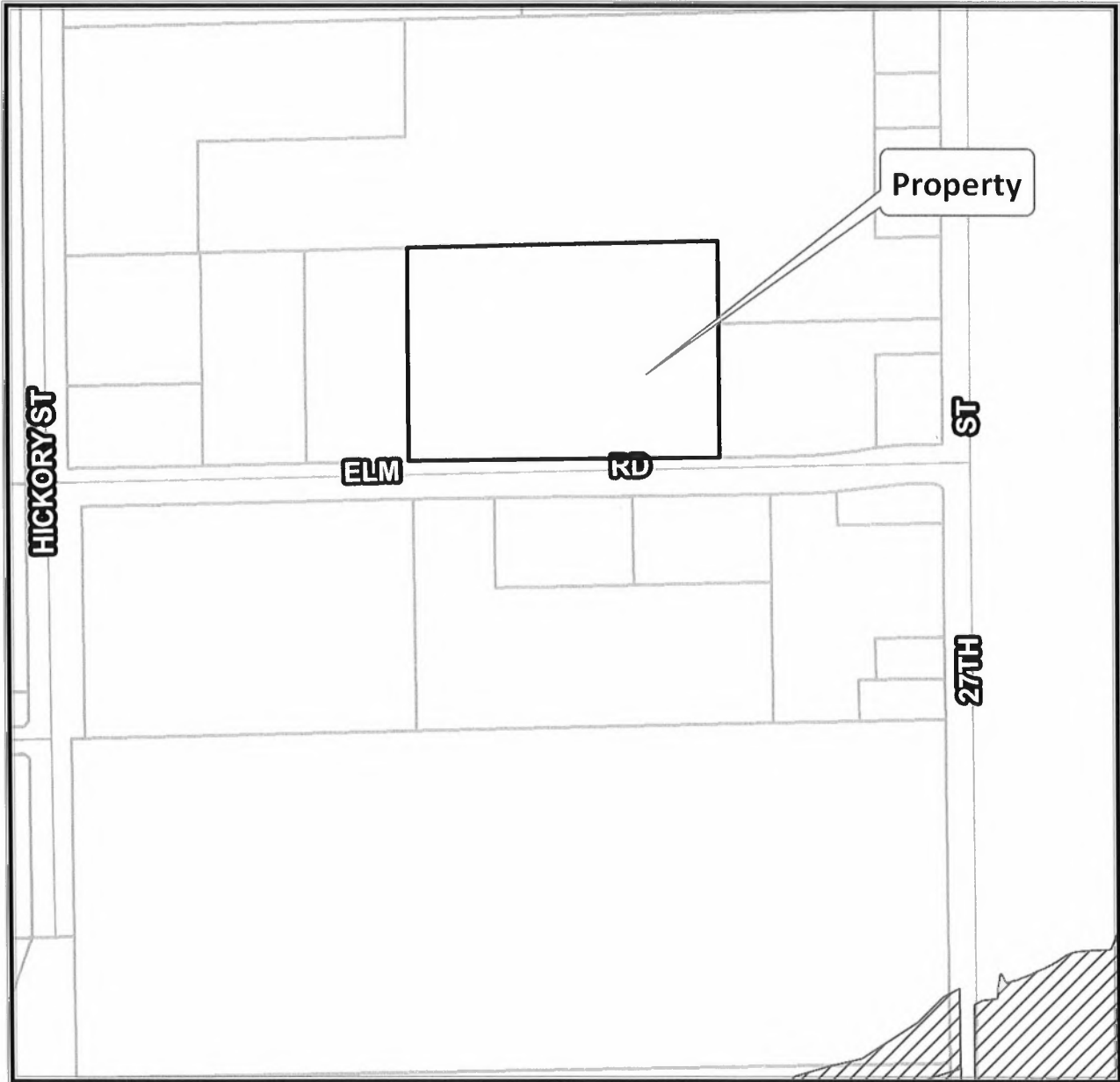
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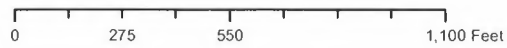
2021 Aerial Photo

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.

10613 S. 27th Street
TKN: 951 9996 019



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.



**Application Narrative for
Planned Development District Amendment, Special Use Request, and Site Plan Review
at 10613 South 27th Street**

May 24, 2024 (Restated July 31, 2024)

This narrative is submitted for a Planned Development District Amendment and Special Use Request (Common Council Review Application), as well as a Site Plan Review (Plan Commission Review Application), filed by SAIA Motor Freight Line, LLC (“Saia” or “Applicant”) through its attorneys Amundsen Davis, architects Design 3 Architecture, and civil engineers Kimley-Horn.

1. Introduction

1.1 Saia History & Industry

1.1.1 Saia is a nearly 100 year old company that is publicly traded and employs over 14,000 people and has over 190 facilities throughout the continental United States. Saia is a freight carrier and transportation logistics company that has outgrown its current facility in the City of Milwaukee.

1.2 Location & History of the Property

1.2.1 The parcel is located at 10613 South 27th Street (Tax Key No. 951 9996 019) (the “Property”). The Property consists of a single parcel that totals approximately 13 acres with an existing 47,000 square foot structure located near the center of the Property.

1.2.2 The Property is within the 500+ acre Franklin Commerce Park and it is located to the west of South 27th Street and adjacent to West Elm Road. The primary access to the Property is via a private roadway to South 27th Street shared with XPO Logistics at 10601 South 27th Street. An emergency-only access to Elm Road is at the southeast corner of the Property.

1.2.3 For decades the Property served as a truck terminal for American Freightways and FedEx. The site and cross-dock building remain configured for a truck terminal operation. The Property has been variously listed for sale since FedEx moved out approximately 6 years ago. Saia is now under contract to purchase the Property and invest in substantial updates.



1.3 Land Use Designation, Zoning, and Surrounding Uses

- 1.3.1 The Property is designated by the 2025 Comprehensive Master Plan as “Mixed Use.”
- 1.3.2 The Property is zoned Planned Development District (“PDD”) 39 and is located in the “Gateway” area of the PDD, which is tailored to office and administrative uses, and excludes most industrial uses. PDD 39 was adopted in 2016.
- 1.3.3 Areas within the Franklin Commerce Park – particularly vacant land or previous agricultural uses – have been sequentially developed since PDD 39 was adopted in 2016. The City and its development partners have also installed and improved infrastructure and roadways. However, the Property itself is surrounded by longtime uses that are owner-occupied and many of which are essential/supportive services to local and regional industry and businesses forming an “Existing Services Cluster.” The surrounding uses include the XPO Logistics truck terminal, a Waste Management facility for storing and dispatching garbage trucks, an auto body shop, an adult entertainment facility, a Waste Management facility for storing dumpsters, roller bins, and trucks, a Schmitz Redi-Mix concrete plant, the BTL Pallet production and storage facility, and the WE Energies Root River Substation.



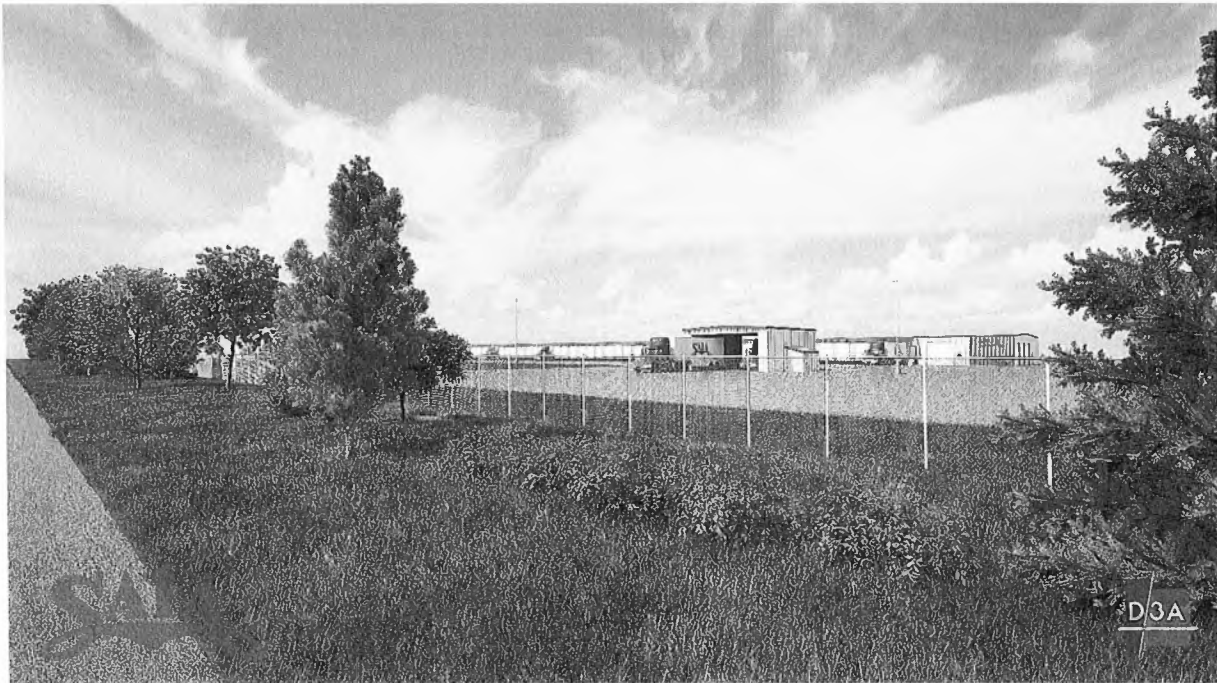
2. Project Summary

- 2.1 The Property has been vacant for approximately 6 years when FedEx moved out. Saia is under contract to purchase the Property and it will make a multi-million dollar investment in the purchase, substantial updates at the site, and renovations of the building.

2.2 Saia will retain a significant number of mature plants at the Property, add approximately 20 trees within the site at the north edge of the stormwater pond, plant significantly enhanced perimeter landscaping along Elm Road, and comply with ordinance requirements by adding 8 interior trees in the off-street vehicle and bicycle parking area. In total, 31 existing trees will be preserved, 41 new trees will be planted, and 51 shrubs will be planted.



Elm Road – From Southwest



Elm Road – From Southeast

- 2.3 Saia will resurface the terminal yard paved surface to accommodate the trucking operations and it will renovate the existing building including HVAC upgrades, LED lighting, clean and professional-style office environment, and exterior metal building repairs and refreshed paint.



- 2.4 Terminal operations will be 24/7 with peak truck traffic between 7 am – 10 pm. Saia will have site security including the existing security fence around the Property, 24-hour monitored security, and state-of-the-art cameras.
- 2.5 Although the Property is in Tax Incremental District No. 8, Saia does not require any new infrastructure or services from the City. Saia is not asking the City for any development incentive payment. However, the current assessment for the Property of \$3,958,800 will likely increase to benefit the City generally and TID 8 specifically.
- 2.6 Saia will relocate 60+ jobs to the City, pay \$3 million per year in total wages, and is expected to grow to 100 jobs within 10 years.

3. PDD 30 Major Amendment

- 3.1 For the project to proceed with Saia’s substantial investment, a Major Amendment to PDD 39 is required to allow for the uses and to accommodate the design as proposed.



3.2 Use Amendments

- 3.2.1 A “Truck Terminal” is a permitted use.
- 3.2.2 “Outdoor Storage” is a permitted use but limited to Truck Terminal vehicles and equipment; outdoor stockpiles of materials are prohibited.

3.3 Gateway Area Design Standards

- 3.3.1 The following amendments to the Gateway Area Design Standards are necessary to accommodate the design as proposed. The amendments are identified in red within the existing ordinance sections as copied below
- 3.3.2 *§ 15-3 0444A D 1 a* Not more than fifty (50) percent of the off-street parking spaces shall be located directly between the front façade of the building and the public street, unless additional buildings in the overall development are or will be located between the main building and the public street, and/or additional enhanced landscaping or decorative fencing is used to screen such parking. Such additional buildings and/or landscaping or fencing must be sufficient in size, location, and number to provide an effective visual break between the public street and the parking lot. This requirement applies to all new developments but expressly excepting Truck Terminals constructed prior to 2016.
- 3.3.3 *§ 15-3 0444A D 2.b ii.* Large parking areas shall include walkways to allow safe pedestrian access to the building entrance and to connect the site to adjacent streets and properties. Pedestrian walkways shall be designed with amenities such as special paving treatments (colored paver blocks or textured concrete), lighting (see lighting discussion below) and furnishings to create a pedestrian-friendly character. Where the building entrance of an existing building is facing a private roadway and is not adjacent to a public street, pedestrian walkways shall connect to off-street vehicle and bicycle parking areas and shall be designed with identifiable walkway striping.
- 3.3.4 *§ 15-3 0444A.D.2.b iii* Sidewalks shall be provided along the entire length of any façade containing a public entrance, leaving room for foundation planting beds, and shall connect to existing or planned public sidewalks or pedestrian/bike facilities. Where the façade containing a public entrance is facing a private roadway and is not adjacent to a public street, pedestrian walkways shall connect to off-street vehicle and bicycle parking areas and shall be designed with identifiable walkway striping.
- 3.3.5 *§ 15-3 0444A D.3 a.1* Each new development which contains a building over forty-thousand (40,000) square feet in area shall provide extensive building foundation landscaping for all building frontages facing public streets or parking lots to provide visual breaks in the mass of the building.
- 3.3.6 *§ 15-3 0444A D 3 b.* Each new development which contains a building over forty-thousand (40,000) square feet in area shall provide central area(s) or feature(s)

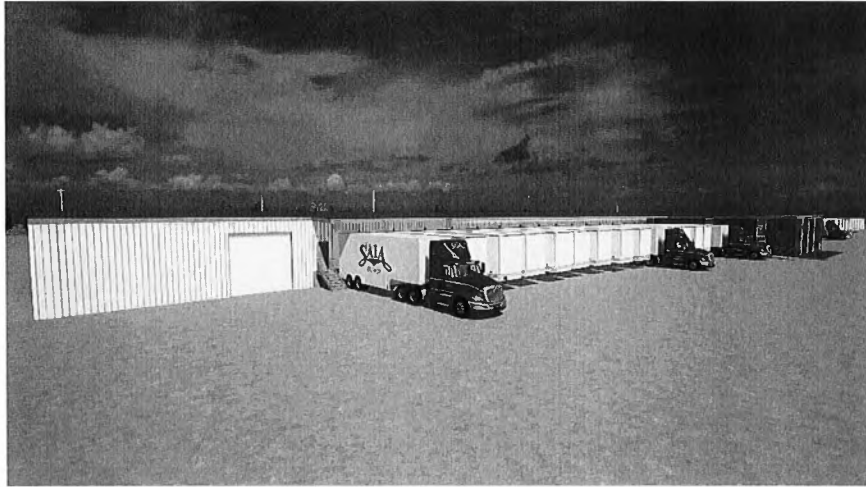
such as a patio/seating area, pedestrian plaza with benches, outdoor playground area, water feature, and/or other such deliberately designated areas or focal points that adequately enhance the development or community. All such areas shall be openly accessible to the public, connected to the public and private sidewalk system, designed with materials compatible with the building and remainder of the site, and maintained over the life of the building and project.

- 3.3.7 § 15-3 0444A D 4 a i. All principal buildings shall be multi-story and exhibit quality architectural design. Corner buildings shall also serve as landmarks with distinctive architectural character, including such features as towers, rounded walls, recessed entries, or other unique features. This requirement applies to all new developments but expressly excepting existing buildings that face a private roadway and that are not adjacent to a public street.
- 3.3.8 § 15-3 0444A D 4 a ii All exterior materials shall be durable, of high-quality, utilized true to form (such as stone below wood rather than the opposite), and appropriate for external use. This requirement applies to all new developments but expressly excepting existing buildings that face a private roadway and that are not adjacent to a public street.
- 3.3.9 § 15-3 0444A D 4 a iii Brick and stone are preferred primary materials for the solid (non-window) portion of new buildings or additions. This requirement applies to all new developments but expressly excepting existing buildings that face a private roadway and that are not adjacent to a public street.
- 3.3.10 § 15-3 0444A D.4 a iv. Precast concrete, cast stone, concrete masonry units, terra cotta, stucco, and wood siding are acceptable accent and secondary materials for the solid portion of new buildings or additions. This requirement applies to all new developments but expressly excepting existing buildings that face a private roadway and that are not adjacent to a public street.
- 3.3.11 § 15-3 0444A.D.4 a v Other materials may be allowed subject to Plan Commission approval. This requirement applies to all new developments but expressly excepting existing buildings that face a private roadway and that are not adjacent to a public street.
- 3.3.12 § 15-3 0444A.D 4 a vi Color choice shall complement the style and materials of the building's facade and provide a pleasing relationship with adjoining buildings. This requirement applies to all new developments but expressly excepting existing buildings that face a private roadway and that are not adjacent to a public street.
- 3.3.13 § 15-3 0444A D 4 a vii Trash, service, and mechanical areas shall be entirely screened from view and located on the side or rear of properties. This requirement applies to all new developments but expressly excepting existing buildings that face a private roadway and that are not adjacent to a public street.

- 3.3.14 § 15-3 0444A D.4 a viii Roof mounted equipment shall be so located and/or screened to minimize visibility from adjacent streets and sites. This requirement applies to all new developments but expressly excepting existing buildings that face a private roadway and that are not adjacent to a public street.
- 3.3.15 § 15-3 0444A D.4 a ix All visible sides of the building shall be designed with details that complement the front facade. Side facades that are visible from the public street shall receive equal design attention. This requirement applies to all new developments but expressly excepting existing buildings that face a private roadway and that are not adjacent to a public street.
- 3.3.16 § 15-3 0444A.D 4 a x For each new building more than 40,000 square feet in area, building massing that creates modulation and articulation is required.
- 3.3.17 § 15-3 0444A D 7 It is intended that the applicable design guidelines set forth in the South 27th Street Corridor Plan, and the applicable design standards in the South 27th Street Design Overlay District, be utilized – as a supplemental guide – to the mandatory design standards set forth elsewhere in this Ordinance pertaining to the Gateway Area portion of Planned Development District No. 39. The purpose of these supplemental guidelines are to serve as general recommendations to further encourage good quality design in new building and site design, which in turn will support an attractive, interesting, safe, and sustainable District. It is also intended that these supplemental guidelines serve as the supplemental design elements or improvements to be incorporated into any project which requires compensation for any waiver of the additional design standard as set forth in this Ordinance. In particular, it is encouraged that the design standards set forth in Section 15-3.0355B. and Section 15-3.0355C. of the South 27th Street Design Overlay District be considered. This requirement applies to all new developments but expressly excepting Truck Terminals constructed prior to 2016.

4. Special Use Request – Truck Terminal and Freight Transfer Facility

- 4.1 Operations at the Property will involve a truck terminal and freight transfer facility business use with outdoor storage and parking of vehicles, trailers, and equipment. Saia therefore requests that a special use be approved.



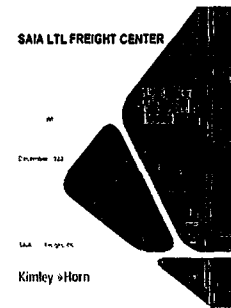
4.2 General Standards for Special Uses under Sec. 15-3.0701.A.

- 4.2.1 Ordinance and Comprehensive Master Plan Purposes and Intent: Saia's use will be consistent with the Franklin Commerce Park and PDD 39 general and specific purposes where the use is located within the Existing Services Cluster and whereby freight services support the existing and future businesses in the City thereby allowing new developments to reduce loading docks and outdoor storage areas. Further, Saia will make a multi-million dollar investment in the purchase, substantial updates at the site, and renovations of the building without asking the City for any new infrastructure or services or a development incentive payment.
- 4.2.2 No Undue Adverse Impact: Saia's use will not have a substantial or undue adverse impact on adjacent properties or their property values where the use is located within the Existing Services Cluster and because Saia will make a multi-million dollar investment in the purchase, substantial updates at the site, and renovations of the building without asking the City for any new infrastructure or services or a development incentive payment. For the same reasons, the use will not endanger the public health, safety, morals, comfort, and general welfare within the community or neighborhood. To the contrary, Saia will enhance the community by relocating 60+ jobs to the City, paying \$3 million in total annual wages, and growing to 100 jobs within 10 years.
- 4.2.3 No Interference with Surrounding Development: Saia's use will not dominate the immediate vicinity or interfere with the use and development of neighboring property where it is reactivating an existing purpose-built facility within the Existing Services Cluster that will not expand such services uses to other areas of Franklin Commerce Park. To the contrary, Saia's freight services will support the existing and future businesses in the area and the City overall thereby allowing

new developments to reduce loading docks and outdoor storage areas. Further, Saia will make a multi-million dollar investment in the purchase, substantial updates at the site, and renovations of the building without asking the City for any new infrastructure or services or a development incentive payment thereby leaving more capacity in TID 8 for other projects. Yet following Saia's significant investment, the current assessment for the Property of \$3,958,800 will likely increase to benefit the City generally and TID 8 specifically.

4.2.4 Adequate Public Facilities: Saia does not need any new infrastructure or services to operate its facility.

4.2.5 No Traffic Congestion: Saia's use will not cause undue traffic congestion nor will it draw traffic through residential streets because the Property has easy access to the freeway system and there are not any residential streets in close proximity. In fact, for decades the Property served as a truck terminal for American Freightways and FedEx. The primary access is via a private roadway to South 27th Street that is shared with XPO Logistics, a similar use. The private roadway access and South 27th Street (STH 241) route are suitable for the use. Further, Saia previously submitted a traffic study to the City following the Wisconsin DOT 2023 traffic impact analysis guidelines (submitted again herewith).



4.2.6 No Destruction of Significant Features: The use will not result in the destruction, loss, or damage of any natural, scenic, or historic feature of significant importance where it is reactivating a purpose-built facility that has existed in the same site layout for decades serving as a truck terminal for American Freightways and FedEx. Rather than destroying any features, Saia will make a multi-million dollar investment in the purchase and substantial updates at the site including retaining a significant number of mature plants at the Property, adding approximately 20 trees within the site at the north edge of the stormwater pond, planting significantly enhanced perimeter landscaping along Elm Road, and complying with ordinance requirements by adding 8 interior trees in the off-street vehicle and bicycle parking area.

4.2.7 Compliance with Standards: The special use shall, in all other respects, conform to the applicable regulations of PDD 39, as amended herewith, and as approved by the Common Council and/or the Plan Commission.

4.3 Special Standards for Specified Special Uses under Sec. 15-3.0701.B.

4.3.1 Not applicable.

4.4 Considerations for Special Uses under Sec. 15-3.0701.C.

4.4.1 Public Benefit: Saia's use is necessary or desirable to provide a service that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community where it is reactivating an existing purpose-built facility within the Existing Services Cluster that will not expand such services uses to other areas of Franklin Commerce Park. Further, Saia's freight

services will support the existing and future businesses in the area and the City overall thereby allowing new developments to reduce loading docks and outdoor storage areas. Finally, Saia will make a multi-million dollar investment in the purchase, substantial updates at the site, and renovations of the building providing a public benefit and without asking the City for any new infrastructure or services or a development incentive payment from TID 8.

- 4.4.2 **Alternative Locations:** Recognizing that the City has previously discouraged truck terminals in PDD 39 and other areas of the Comprehensive Master Plan, limiting such a use to the Property and not any alternative location will serve several public goals including (i) reactivating an existing purpose-built facility and not establishing such a use in a new location, (ii) limiting the use to the Existing Services Cluster that will not expand such services uses to other areas of Franklin Commerce Park, and (iii) the freight services use will be proximately located to support the existing and future businesses in the City thereby allowing new developments to reduce loading docks and outdoor storage areas.
- 4.4.3 **Mitigation of Adverse Impacts:** Saia's use will minimize any adverse effects on the immediate vicinity through building design, site design, landscaping, and screening where the use is located within the Existing Services Cluster and because Saia will make a multi-million dollar investment in the purchase, substantial updates at the site, and renovations of the building without asking the City for any new infrastructure or services or a development incentive payment. Saia's multi-million dollar investment in the purchase and substantial updates at the site will include retaining a significant number of mature plants at the Property, adding approximately 20 trees within the site at the north edge of the stormwater pond, planting significantly enhanced perimeter landscaping along Elm Road, and complying with ordinance requirements by adding 8 interior trees in the off-street vehicle and bicycle parking area. Finally, Saia previously submitted a traffic study to the City following the Wisconsin DOT 2023 traffic impact analysis guidelines demonstrating that no adverse traffic impacts will occur or that cannot be reasonably mitigated (submitted again herewith).
- 4.4.4 **Establishment of Precedent of Incompatible Uses in the Surrounding Area:** The use will not establish a precedent of, or encourage, more intensive or incompatible uses in the surrounding area because it will be limited to reactivating an existing purpose-built facility in the Existing Services Cluster that was constructed prior to 2016. The approval will not result in such a facility being established in a new location and the proximity of freight services will enable the City to continue its precedent of requiring new developments to reduce loading docks and outdoor storage areas.

5. Site Plan Review

- 5.1 Upon approval of the Planned Development District Amendment and the Special Use Request, for the project to proceed with Saia's substantial investment, a Site Plan Review approval is required to accommodate the design as proposed, as discussed herein, and as shown in the project plans.

- 5.2 Again, although the Property is in TID No. 8, Saia does not require any new infrastructure or services from the City and Saia is not asking the City for any development incentive payment. However, the current assessment for the Property of \$3,958,800 will likely increase to benefit the City generally and TID 8 specifically.
- 5.3 With respect to timing, Saia is under contract to purchase the Property and it will proceed swiftly upon approval. While the facility was purpose-built as truck terminal, Saia will need several months to make its multi-million dollar investment in the renovations of the building (HVAC upgrades, LED lighting, buildout of a clean and professional-style office environment, and exterior metal building repairs and refreshed paint) and substantial updates at the site (retaining a significant number of mature plants at the Property, adding approximately 20 trees within the site at the north edge of the stormwater pond, planting significantly enhanced perimeter landscaping along Elm Road, and complying with ordinance requirements by adding 8 interior trees in the off-street vehicle and bicycle parking area).

6. Conclusion

- 6.1 Beginning with our Concept Review application and February 21, 2024 presentation – and together with the accompanying Planned Development District Amendment, Special Use Request, and Site Plan Review application and support materials – and as supplemented by the information to be presented at the City’s meetings – Saia respectfully requests that the PDD Major Amendment, Special Use, and Site Plan Review be granted.

Respectfully Submitted,

SAIA Motor Freight Line, LLC

Brett Rabe, Cris Burgum, Jeannie Kennedy

Amundsen Davis LLC

Brian C. Randall, Esq.

John F. D’Jock, Esq.

Design 3 Architecture, P.C.

Kimley-Horn and Associates, Inc.

Attachments: Site Plan EX-00; Landscape Plan (LX-01 and LX-02); Site Renderings (SAIA Elm Road from SW Rendering and SAIA Elm Road from SE Rendering); and Building Renderings (SAIA Building from East NE Rendering, SAIA Building from NE Rendering, SAIA Building from North Rendering, and SAIA Building from SE Rendering)



July 29, 2024

VIA E-MAIL

NFuchs@franklinwi.gov

Mr. Nick Fuchs

Planning Associate

City of Franklin

9229 West Loomis Road

Franklin, WI 53132

Re: Saia – Application for Planned Development District Amendment, Special Use Request, and Site Plan Review (10613 South 27th Street - Parcel 951-9996-019)

Dear Nick:

It is our understanding that Kimley-Horn, the civil engineers for our project, have had recent dialogue with you regarding the Development Department staff review comments shared in response to our original application. We further understand that Kimley-Horn will file revised plans (Site Plan and Landscaping Plan) under separate cover.

However, this is to provide written replies (inline below in *italics*) to all of the staff comments including those questions that we received from you via email.

Emailed Questions

1. Will the entire building exteriors be painted? *Yes.*
2. Will the overhead doors be replaced? *No but damaged doors to be replaced as needed*
3. Will the smaller building near Elm Road be retained and used? *Yes, the building will be used for safety inspections and fluid checks.*
4. Will the exterior fencing be changed? *No but the main entry gate on the north to the private roadway will be replaced with an automated roll gate*

City Development Department comments*

1. General
 - a. As previously mentioned, the project narrative lists amendments to the South 27th Street Design Overlay District standards. Please be aware that these are not necessary. ... *Acknowledged and understood*

* Please be advised that certain of the staff review comments are excerpted to reduce the length of this letter

2. Planned Development District Amendment and Special Use
 - a. Please be aware that staff anticipates including multiple recommendations in the staff report for Plan Commission consideration. Planning Staff anticipates recommending denial of the PDD Amendment.... Alternatively, the Economic Development Director is recommending approval.... *Acknowledged and understood*
 - b. Also note that staff is recommending and proposing a draft ordinance that would allow truck terminals and freight transfer facilities with outdoor storage and parking of vehicles, equipment, and trailers as a Special Use. *Acknowledged and understood.*
3. Site Plan
 - a. Please complete and submit the Site Intensity and Capacity Calculations worksheets found in Division 15-3.0500 of the Unified Development Ordinance (UDO). *Not applicable per follow up by Kimley-Horn*
 - b. Are there any proposed exterior lighting changes? If so, please submit a Lighting Plan in compliance with Division 15-5.0400 of the UDO. *No exterior lighting changes are proposed so a Lighting Plan is not required*
 - c. Please indicate the amount of existing and proposed impervious surfaces (in square feet) on the site plan. *Quantities of existing and proposed impervious surfaces will be shown on the Site Plan in the "Landscaping Summary" note.*
 - d. Please indicate the Landscape Surface Ratio on the site plan. Note that a 25% LSR is required. This does not appear to be met. Staff recommends adding sufficient greenspace to the site to comply with this standard. *25% LSR will be shown on the revised plans*
 - e. Staff recommends that a minimum 10-foot parking setback be established throughout the entire site. *The proposed parking area will only require maintenance and rehabilitation so the existing setbacks may be maintained. If during the project design phase it is determined that a full depth replacement of pavement is needed, a revised plan will be submitted to staff*
 - f. Note that 5 ADA spaces are required per Table 15-5.0202(I)(1) of the UDO, not 4 as indicated on the site plan. *The "Parking Summary" site plan table will be updated for 5 ADA spaces being required and 5 ADA spaces will continue to be shown on the plans*

- g. How was the required quantity of parking calculated? What ratio and square footage were utilized? *The parking requirements were calculated as indicated in the site plan table under the "Parking Summary," City standard is for 99 spaces (94 spaces/5 accessible spaces) and 118 spaces are provided, under the "Zoning Information" summary, parking requirements for Trucking (No Loading or Warehousing) are 1 5/1,000 square feet of gross floor area so with 49,709 square feet of total building area, 74 56 spaces are required and 118 spaces are provided Finally, the number of parking spaces are provided in accordance with Saia's operational experience for similar facilities and what is sufficient.*
- h. How was the landscaping quantity determined? The PDD No. 39 Design Standards refer to Division 15-5.0300 of the UDO. Table 15-5.0302 requires 1 planting of each type (Canopy Tree, Evergreens, Decorative Trees, and Shrubs) per 10 provided parking spaces. Please update the site plan table accordingly. *Landscaping quantity has been updated and will be shown on the revised plans in the site plan table.*
- i. Please ensure all new plantings are located within the property, and not located in City right-of-way. *The location of the plantings are within the property and will be shown on the revised plans*
- j. It is recommended to provide irrigation in accordance with Section 15-5.0303D of the UDO. *Irrigation is not proposed because the site is currently serviced by well water*
- k. Staff recommends providing a minimum 2-year plant replacement guaranty for all landscaping provided. *Acknowledged and understood, the scope of work for the selected contractor will include this guaranty*
- l. It is recommended that a snow storage plan in compliance with Section 15-5.0210 of the UDO be provided. Note snow storage areas should not interfere with landscaping. *Snow storage is planned to be provided onsite in the "assumed septic drain field" location that is believed not to be operational If during the project design phase it is confirmed that the drain field is still active, the snow storage area will be relocated and a revised plan will be submitted to staff*
- m. Are dumpsters located onsite? Staff recommends that dumpsters be kept within an enclosure. If a dumpster enclosure is planned onsite, please show the location on the site plan and also provide elevations and material details. *No dumpsters are planned but a trash compactor will be located next to the building and will be shown on the revised plans*

- n. Note that site plan approval will be conditioned upon final utility, grading, erosion control, and storm water management plans being reviewed and approved by the Engineering Department. *Acknowledged and understood*

Fire Department Comments

5. Follow all relevant WI DSPS and IBC code requirements for fire protection systems for given occupancy, use, and construction types. *Acknowledged and understood*
6. Pre-existing fire alarm and fire sprinkler systems shall be maintained in compliance with relevant code. *Acknowledged and understood*
7. Fire Extinguisher placement as per NFPA 10. *Acknowledged and understood.*
8. At no time may any Hazardous, Combustible, or Flammable Materials exceed allowable quantities. *Acknowledged and understood*
9. Master Key set required for placement in Knox Box. *Acknowledged and understood*

Please do not hesitate to contact us should you or any other City official or staff member have immediate questions, wish to discuss these replies or the forthcoming revised plans filed by Kimley-Horn, or need anything further from us.

Very truly yours,

Amundsen Davis, LLC

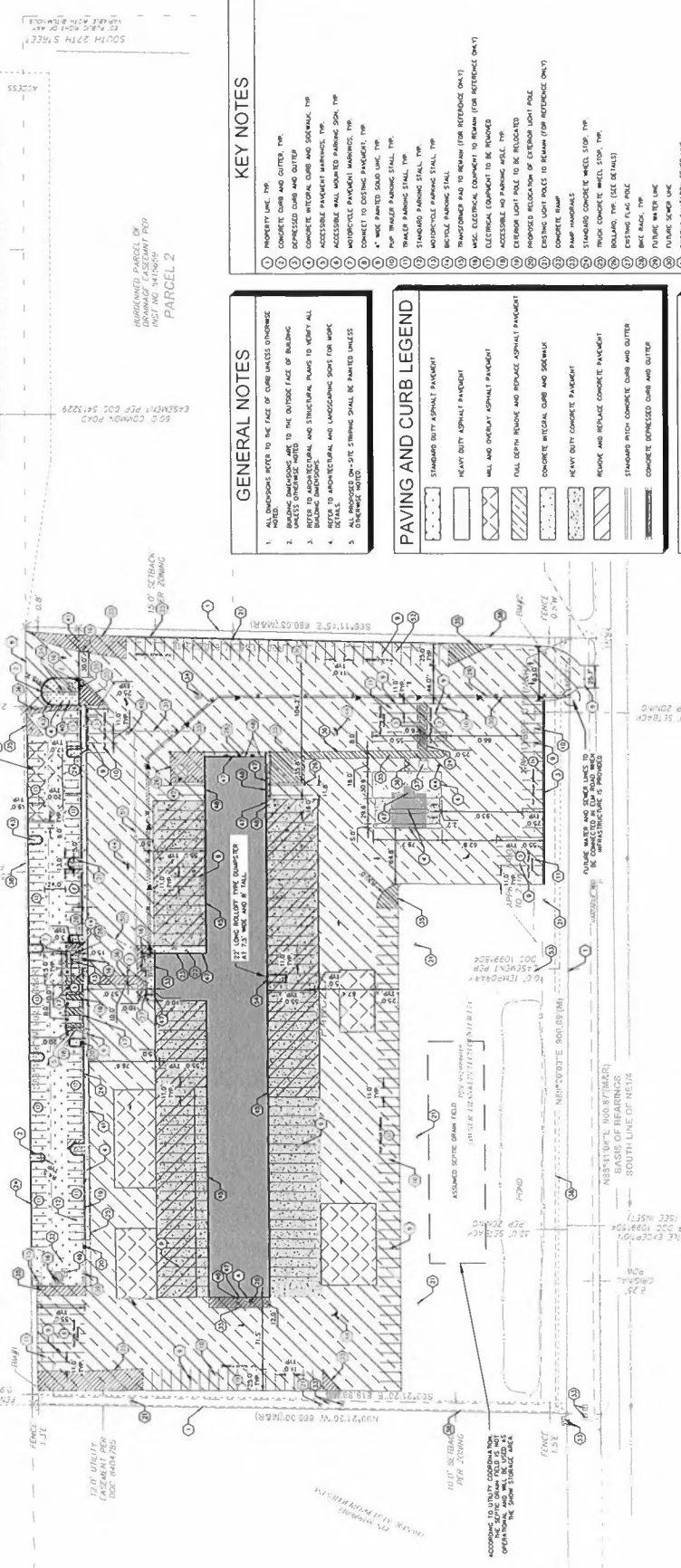


Brian C. Randall

cc: (All via Email)
generalplanning@franklinwi.gov
Ms. Gail Olsen, Department of City Development / Planning
Mr. John Regetz, Economic Development Director
Mr. Brett Rabe, Director of Real Estate
Mr. Cris Burgum, Vice President
Ms. Jeannie Kennedy, Real Estate Manager
Mr. David Lane
John F. D'Jock, Esq.



NOTES:
1. EXISTING UTILITY MARKINGS AND ANY NOT TO SCALE.



KEY NOTES

1. PROPERTY LINE, TYP.
2. CONCRETE CURB AND GUTTER, TYP.
3. CONCRETE WALKWAY TO THE OUTSIDE FACE OF BUILDING
4. CONCRETE WALKWAY TO THE OUTSIDE FACE OF BUILDING
5. ACCESSIBLE PARKING MARKINGS, TYP.
6. ACCESSIBLE HALL MARKED PARKING SIGN, TYP.
7. ACCESSIBLE HALL MARKED PARKING SIGN, TYP.
8. MOTORCYCLE PARKING MARKINGS, TYP.
9. CONCRETE TO EXISTING PARKING, TYP.
10. 4" WIDE PAVED ROAD UIC, TYP.
11. PUP TRAILER PARKING STALL, TYP.
12. TRAILER PARKING STALL, TYP.
13. STANDARD PARKING STALL, TYP.
14. MOTORCYCLE PARKING STALL, TYP.
15. WALKWAY TO REMAIN (FOR REFERENCE ONLY)
16. WALKWAY TO REMAIN (FOR REFERENCE ONLY)
17. ELECTRICAL EQUIPMENT TO REMAIN (FOR REFERENCE ONLY)
18. ELECTRICAL EQUIPMENT TO BE REMOVED
19. EXISTING AND TO BE REMOVED
20. EXISTING AND TO BE REMOVED
21. EXISTING LIGHT POLES TO REMAIN (FOR REFERENCE ONLY)
22. CONCRETE PAUP
23. PAUP MARKINGS
24. STANDARD CONCRETE WHEEL STOP, TYP.
25. TRACK CONCRETE WHEEL STOP, TYP.
26. BOLLARD, TYP. (SEE DETAIL)
27. EXISTING FLARE POLE
28. BERT RACK, TYP.
29. FUTURE WATER USE
30. FUTURE SUMP USE
31. EXISTING SANITATION SEWER LINE
32. EXISTING WATER UNDER TO REMAIN
33. EXISTING UTILITY TO REMAIN
34. EXISTING MANHOLE TO REMAIN
35. NO PARKING ZONE
36. CROSSLINK HATCH
37. EXISTING SCALE TO REMAIN
38. EXISTING FENCE TO REMAIN
39. EXISTING FENCE TO BE REMOVED
40. EXISTING SEWER MAIN TO REMAIN
41. PROPOSED FUTURE BICYCLE AREA
42. PROPOSED LANDSCAPE GRADE AREA
43. DIAGONAL AREA PARKING MARKING, TYP.
44. EXISTING FOOTING
45. EXISTING FOOTING TO REMAIN
46. EXISTING CONCRETE DOOR
47. EXISTING FIRE DETECTOR CONNECTION
48. EXISTING UNDERGROUND ELECTRICAL LINE
49. EXISTING GAS LINE
50. TRACTOR CAB PARKING STALL, TYP.
51. BUILDING SETBACKS, TYP.
52. PROPOSED PULLOFF TYPE DUMPER

GENERAL NOTES

1. ALL DIMENSIONS REFER TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
2. VERIFY CONCRETE MARKINGS TO THE OUTSIDE FACE OF BUILDING.
3. REFER TO ARCHITECTURAL AND STRUCTURAL PLANS TO VERIFY ALL BUILDING DIMENSIONS.
4. REFER TO ARCHITECTURAL AND LANDSCAPING NOTES FOR MORE DETAIL.
5. ALL DIMENSIONS ON-SITE SHALL BE PAVED UNLESS OTHERWISE NOTED.

PAVING AND CURB LEGEND

- STANDARD CITY ASPHALT PAVEMENT
- HEAVY DUTY ASPHALT PAVEMENT
- WELL AND OVERLAY ASPHALT PAVEMENT
- FULL DEPTH RESURF AND REPLACE ASPHALT PAVEMENT
- CONCRETE INTERLOCK CURB AND SEWER
- HEAVY DUTY CONCRETE PAVEMENT
- RESURF AND REPLACE CONCRETE PAVEMENT
- STANDARD MICH CONCRETE CURB AND GUTTER
- CONCRETE EXPRESSED CURB AND GUTTER

ZONING INFORMATION

ZONING DISTRICT: PLANNED DEVELOPMENT DISTRICT PD-38
 SETBACKS: CATERWAY AREA = 40 FEET; BUSINESS PARK AREA = 20 FEET; DRIVEWAY AREA = 10 FEET
 COMMERCIAL TRUCK AREA = 30 FEET; BUSINESS PARK AREA = 20 FEET
 LIGHT RAIL CATERWAY AREA = 30 FEET; BUSINESS PARK AREA = 20 FEET
 TRACTOR TRAILER PARKING SPACES PROVIDED
 MOTORCYCLE PARKING SPACES PROVIDED
 PUP TRAILER PARKING SPACES PROVIDED

LANDSCAPING SUMMARY

SITE AREA	95,543 SF	CONCRETE/CONCRETE	2,120 SF
IMPERVIOUS AREA	63,522 SF	ASPHALT/CONCRETE	19,401 SF
POROUS AREA	31,222 SF	GRASS	4,139 SF

PARKING SUMMARY

PARKING SPACES PROVIDED (CITY STANDARD)	115 SPACES
TRACTOR TRAILER PARKING SPACES PROVIDED	18 SPACES
MOTORCYCLE PARKING SPACES PROVIDED	3 SPACES
PUP TRAILER PARKING SPACES PROVIDED	2 SPACES
TOTAL PARKING SPACES PROVIDED	138 SPACES

LANDSCAPE NOTES

LANDSCAPING REQUIREMENTS FOR OFF-STREET PARKING AREAS:
 1. MINIMUM OF 10% OF TOTAL AREA TO BE PLANTED WITH PERENNIALS.
 2. PERENNIALS SHALL BE 10% OF TOTAL PLANTING MATERIAL.
 3. PERENNIALS SHALL BE 10% OF TOTAL PLANTING MATERIAL.
 4. PERENNIALS SHALL BE 10% OF TOTAL PLANTING MATERIAL.
 5. PERENNIALS SHALL BE 10% OF TOTAL PLANTING MATERIAL.

<p style="text-align: center;">APPROVAL</p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE 8/20/24</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">A Resolution imposing conditions and restrictions for the approval of a Special Use for a truck terminal and freight transfer facility business use with outdoor storage and parking of vehicles, trailers, and equipment upon property located at 10613 South 27th Street (Saia Motor Freight Line, LLC, Applicant) (Franklin Tech Center LLC A Delaware, LLC, Property Owner)</p>	<p style="text-align: center;">ITEM NUMBER H.5. Ald. Dist. #4</p>

At its August 8, 2024, regular meeting, the Plan Commission unanimously recommended approval of a resolution imposing conditions and restrictions for the approval of a Special Use for a truck terminal and freight transfer facility business use with outdoor storage and parking of vehicles, trailers, and equipment upon property located at 10613 South 27th Street (Saia Motor Freight Line, LLC, Applicant) (Franklin Tech Center LLC A Delaware, LLC, Property Owner).

Note the staff report and applicant’s narrative have been included with the PDD Amendment materials.

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2024-____, imposing conditions and restrictions for the approval of a Special Use for a truck terminal and freight transfer facility business use with outdoor storage and parking of vehicles, trailers, and equipment upon property located at 10613 South 27th Street (Saia Motor Freight Line, LLC, Applicant) (Franklin Tech Center LLC A Delaware, LLC, Property Owner).

RESOLUTION NO. 2024-_____

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR
THE APPROVAL OF A SPECIAL USE FOR A TRUCK TERMINAL AND FREIGHT
TRANSFER FACILITY BUSINESS USE WITH OUTDOOR STORAGE AND PARKING
OF VEHICLES, TRAILERS, AND EQUIPMENT UPON PROPERTY LOCATED AT
10613 SOUTH 27TH STREET (SAIA MOTOR FREIGHT LINE, LLC, APPLICANT)
(FRANKLIN TECH CENTER LLC A DELAWARE, LLC, PROPERTY OWNER)

WHEREAS, Saia Motor Freight Line, LLC, having petitioned the City of Franklin for the approval of a Special Use for a truck terminal and freight transfer facility business use with outdoor storage and parking of vehicles, trailers, and equipment upon property located at 10613 South 27th Street, zoned Planned Development District No. 39. The property which is the subject of the application bears Tax Key No. 951 9996 019 and is more particularly described as follows:

All that part of the Northeast 1/4 of Section 36, Town 5 North, Range 21 East, in the City of Franklin, County of Milwaukee, State of Wisconsin, bounded and described as follows: Commencing at the Southeast corner of the Northeast 1/4 of Section 36; thence South 88°41'08" West along the South line of said Northeast 1/4 , 726.00 feet to the place of beginning of the lands herein to be described; thence 0°11'45" West 660.03 feet; thence South 88°41'08" West 902.71 feet; thence South 0°21'20" East 660.00 feet to a point on the South line of said Northeast 1/4; thence North 88°41'08" East along said South line 900.87 feet to the place of beginning and containing 13.661 acres.

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 8th day of August 2024, 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

SAIA MOTOR FREIGHT LINE, LLC – SPECIAL USE
RESOLUTION NO. 2024-_____

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 Saia Motor Freight Line, 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 Saia Motor Freight Line, LLC, successors and assigns, for a truck terminal and freight transfer facility business use with outdoor storage and parking of vehicles, trailers, and equipment, which shall be developed in substantial compliance with, and operated and maintained by Saia Motor Freight Line, LLC, pursuant to those plans dated _____, 2024 and annexed hereto and incorporated herein as Exhibit A.
2. Saia Motor Freight Line, 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 Saia Motor Freight Line, LLC, 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 Saia Motor Freight Line, LLC, Special Use for the property located at 10613 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.

BE IT FURTHER RESOLVED, that in the event Saia Motor Freight Line, 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

SAIA MOTOR FREIGHT LINE, LLC – SPECIAL USE
RESOLUTION NO. 2024-_____

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 20th day of August, 2024.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 20th day of August, 2024.

APPROVED:

John R. Nelson, Mayor

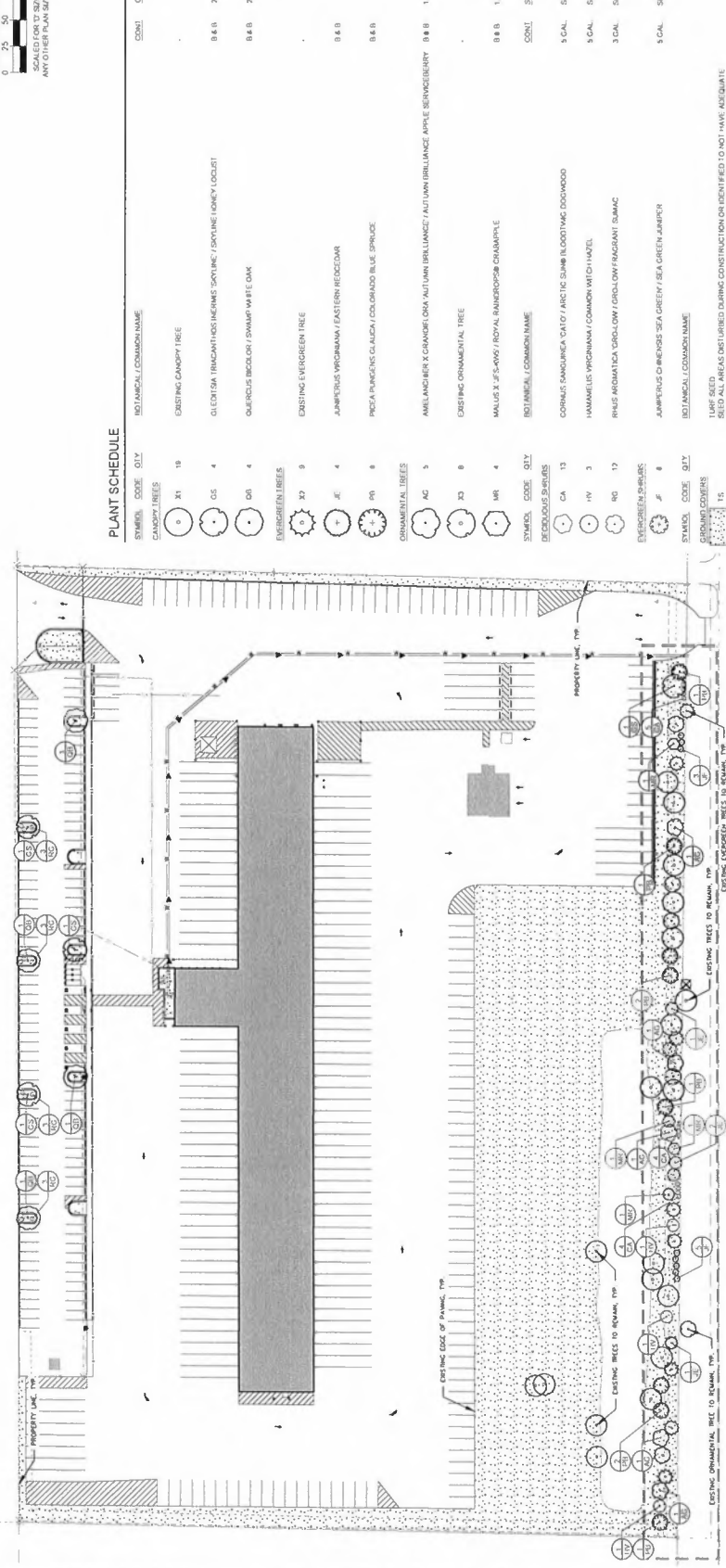
ATTEST:

Shirley J. Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____



GRAPHIC SCALE IN FEET
 0 25 50 100
 NORTH
 SCALED FOR 17' SIZE (PAPER) PLANS ONLY
 ANY OTHER PLAN SIZE MAY NOT BE TO SCALE



PLANT SCHEDULE

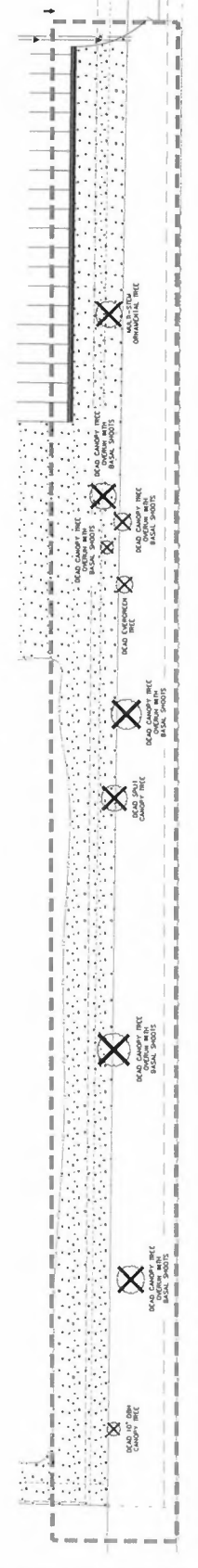
SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONT.	CAL.	SIZE
CANDY TREE						
○	X1	18	EXISTING CANDY TREE			
○	OS	4	OLEOSTA TRICANTHOS (ORANGE SORTING) / (SPOKANE HONEY LOCUST)	B & B	2 1/2	3 CAL. MIN.
○	OR	4	QUERCUS Bicolor / (SHARP LEAF OAK)	B & B	2 1/2	3 CAL. MIN.
EVERGREEN TREES						
○	X2	9	EXISTING EVERGREEN TREE			
○	JE	4	JUNIPERUS PROBYNANA / (LACTON RED CEDAR)	B & B		4 FT. MIN.
○	PR	8	PRUNUS PARENZIS CALIFORNIANA / (COLORADO BLUE SPRUCE)	B & B		4 FT. MIN.
ORNAMENTAL TREES						
○	AC	5	AMELANIER X GAMBELI ORN. / (AUTUMN BRILLIANCE) / (AUTUMN BRILLIANCE) / (APPLE SERVICE BERRY)	B & B		1 1/2 CAL. MIN.
○	X3	8	EXISTING ORNAMENTAL TREE			
○	MR	4	MALUS X JEFFERSON / (ROYAL RAINBOW) / (CHAMPAGNE)	B & B		1 1/2 CAL. MIN.
DECIDUOUS SHRUBS						
○	CA	13	CORNUS PANICULATA / (ATLANTIC DOGWOOD)	5 CAL.		18 FT. MIN.
○	IV	3	HAMAMELIS VIRGINIANA / (COMMON WITCH HAZEL)	5 CAL.		18 FT. MIN.
○	RO	12	RHUS AROMATICA / (SMOKELOW) / (SMOKELOW) / (FRAGRANT SUMAC)	3 CAL.		SEE PLAN
EVERGREEN SHRUBS						
○	JE	8	JUNIPERUS PROBYNANA / (LACTON RED CEDAR)	5 CAL.		SEE PLAN
GROUND COVERS						
○		15	EXISTING ORNAMENTAL TREE TO REMAIN			

LANDSCAPE PLAN

KHA PROJECT	15863029
DATE	02/27/2024
SCALE	AS SHOWN
DRAWN BY	DT
CHECKED BY	JTP

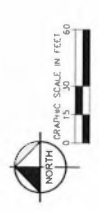
Kimley»Horn
 2024 KIMLEY-HORN AND ASSOCIATES, INC.
 4201 WINTHROP DRIVE, SUITE 600, WASHINGTON, NC 27585
 WWW.KIMLEY-HORN.COM

NO.	REV.	DATE	DESCRIPTION



STREET FRONTAGE GREENBELT - TREE REMOVAL PLAN

EXISTING TREE TO BE REMOVED



GRAPHIC SCALE IN FEET
 0 25 50 100
 NORTH

SAIA
 FRANKLIN, WI



April 8th, 2024

Jeannie Kennedy
Real Estate Manager
Saia LTL Freight, Inc.
11465 Johns Creek Parkway
Johns Creek, GA 30097

RE: Natural Resource Summary – 10613 S. 27th Street, Franklin, WI

We understand that Saia LTL Freight, Inc. (the "Client") is applying to re-zone their property at 10613 S. 27th Street in Franklin, WI to an updated PDD Zoning. The City of Franklin requires all development to comply with their natural resource protection ordinance 15-4.0100 as part of the Zoning review. Ordinance 15-4.0100 identifies the following Natural Resources to be protected and which Kimley-Horn does not believe are present on the site:

Natural Resource Protection Standards						
Natural Resource Feature	Zoning District Type					
	Agricultural (g)		Residential (a), (g)		Nonresidential (b), (g)	
	Protection Standard	Mitigation Permitted	Protection Standard	Mitigation Permitted	Protection Standard	Mitigation Permitted
Steep Slopes:	0%	N/A	60% (d)	No	40% (d)	No
10-19%	65% (d)	No	75% (d)	No	70% (d)	No
20-30%	90% (d)	No	85% (d)	No	80% (d)	No
+30%						
Woodlands & Forests:	70% (d)(e)	No	70% (d)(e)	No	70% (e)	Yes
Mature	50% (d)(e)	No	50% (e)	Yes	50% (e)	Yes
Young						
Lakes & Ponds	100% (d)	No	100%	Yes	100%	Yes
Streams	100% (c)(d)	No	100% (c)(d)	No	100% (c)(d)	No
Shore Buffers	100% (c)(d)	No	100% (c)(d)	No(f)	100% (c)(d)	No(f)
Flood- plains/ ^f Flood- ways	100% (c)(d)	No	100% (c)(d)	No	100% (c)	Yes
Wetlands & Shoreland Wetlands	100% (c)(d)	No	100% (c)(d)	No	100% (c)	Yes
Wetland Buffers	100% (c)(d)	No	100% (c)(d)	No	100% (c)	Yes

1. Steep Slopes – Kimley-Horn has reviewed the topographic survey data provided by Xcel Consultants and dated November 7th, 2023 and has confirmed that the only large area with steep slopes is the storm water detention pond side slopes. Per the City, storm water detention ponds are not applicable to the Natural Resource Protection Ordinance.


Kimley»Horn

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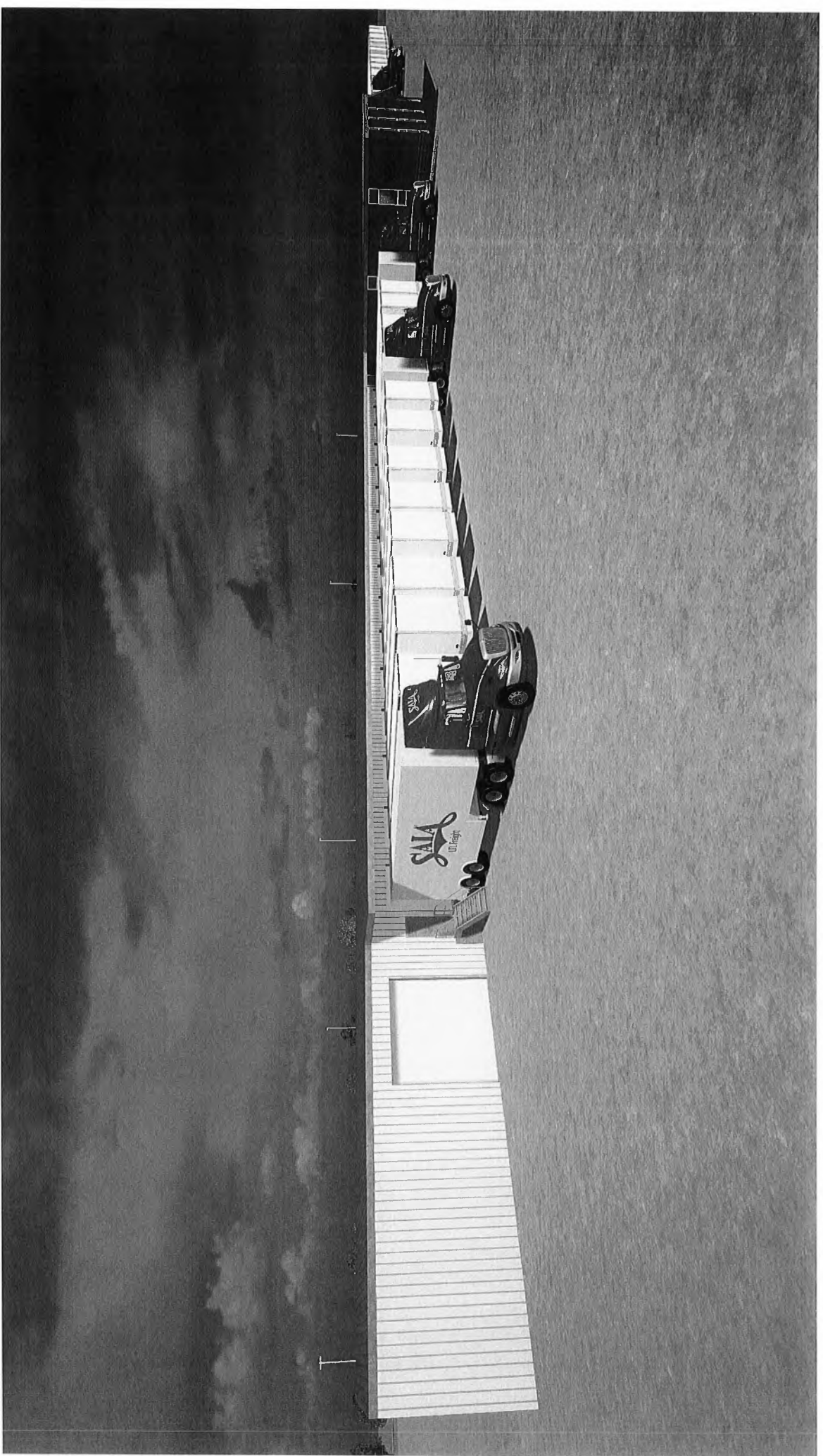
2. Woodlands & Forests – Kimley-Horn has verified that no woodlands or forests exist on site through a review of aerial photography and a site visit on March 13th, 2024.
3. Lakes & Ponds – Kimley-Horn has verified that no lakes or ponds exist on site through a review of aerial photography and a site visit on March 13th, 2024. A storm water detention pond does exist on site, and Kimley-Horn confirmed with the City that a detention pond is not applicable to Natural Resource Protection.
4. Streams – Kimley-Horn has verified that no streams exist on site via desktop research and a site visit on March 13th, 2024.
5. Flood-plains – Kimley-Horn has verified through desktop research of the FEMA Flood Map Service Center that the site lies within Zone X of the FEMA Flood Map 55079C0227E dated 9/26/2008.
6. Wetlands - Kimley-Horn has verified through desktop research of the USFWS Wetland Mapper that no wetlands exist on site.
7. Wetland Buffers – Kimley-Horn has verified through desktop research of the USFWS that existing wetlands are more than 30' away.

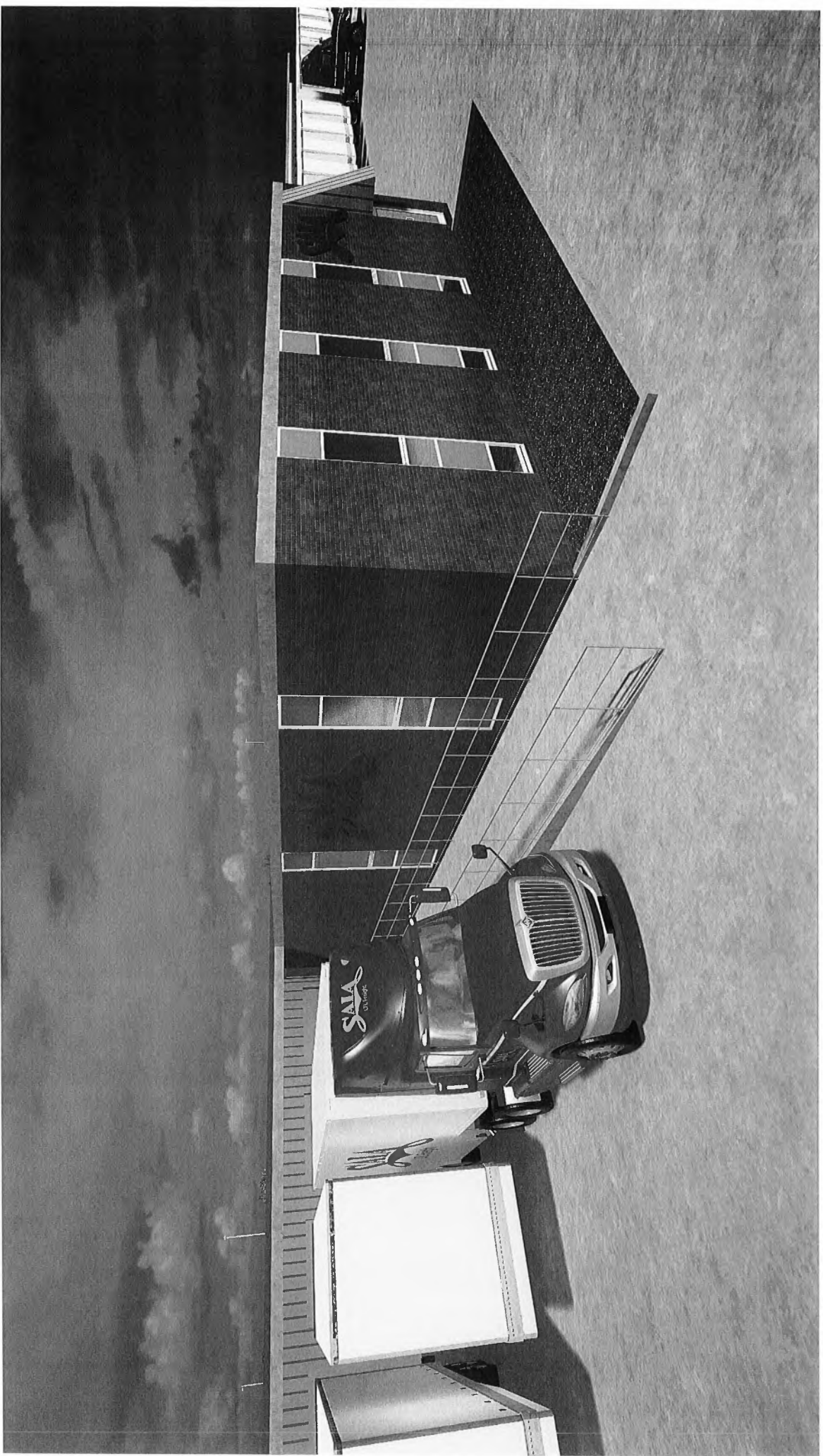
Kimley-Horn has not been contracted to complete a Natural Resource Determination of the site, but we do believe that based on our desktop review and a previous site visit that no natural resources exist on the site.

Sincerely,

DocuSigned by:

B4E8ADE86B7D410...

Eric Tracy, P.E.











D3A



D3A

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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE August 20, 2024
REPORTS & RECOMMENDATIONS	A Resolution Approving a Partial Property Tax Rescission and Refund for Parcel #934-0120-000	ITEM NUMBER 2.6.

BACKGROUND

Per Wisconsin State Statutes, the removal of property taxes needs to be authorized by the Common Council. Statutes enumerate specific conditions under which a rescission/refund is appropriate and necessary. There is currently one property that was incorrectly assessed for the 2022 tax year. Back in 11/2021, the property owner received a building permit for a new house on this parcel. The previous City Assessor determined the house was 100% complete for the 2022 tax year – which is only 6 weeks after the building permits were issued. In the assessment system, our current assessor determined that the “Date Visited” field was blank, leaving the current assessor to believe there was no true confirmation in person by the previous assessor that the parcel was 100% complete.

ANALYSIS

Parcel: 934-0120-000
 Owner: Venkata & Raghuram Hari
 Address: 10152 Ryan Creek Ct. S

The current City Assessor has reviewed inspection records and photos that were supplied by the home owner of the construction process around 1/1/22. Based on this evidence, it is the recommendation of the current City Assessor to suggest that the 2022 assessed value should be only 25% and approve this rescinded tax and refund request.

FISCAL NOTE

The impact of the above rescission/refund is likely a bad debt expense for the City in the amount of \$1,344.53. There is a formal process that allows the City to notify the Department of Revenue (DOR) of rescissions in October of each year, and, as long as the total of all rescissions, for the tax year, for the City of Franklin, meet the statutory dollar threshold, \$250 or more per any single property, the chargeback will be authorized, and the other taxing entities will be responsible for their share. Staff will complete the statutory submittal and make the request to be reimbursed by the other taxing entities for their prorated shares totaling approximately \$4,497.68.

The resident did not pay their 2022 tax bill in full. The Director of Finance reached out to the Department of Revenue and determined that the City needs to send a property tax payment to the Milwaukee County Treasurer and refund the resident the remaining chargeback amount.

Total Chargeback Request - \$5,842.21
 Check to Milwaukee County Treasurer - \$4,974.02
 Refund check to resident - \$868.19

RECOMMENDATION

Staff recommends that Council authorize this resolution to partially rescind and refund the above noted taxes as outlined.

COUNCIL ACTION REQUESTED

Motion to approve Resolution No. 2024-_____, A Resolution Approving a Partial Property Tax Rescission and Refund for Parcel #934-0120-000; and direct staff to file the chargeback request with the DOR to seek compensation from the other taxing authorities.

Finance Dept - DB

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2024-_____

RESOLUTION APPROVING A PARTIAL PROPERTY TAX RESCISSION AND REFUND FOR PARCEL #934-0120-000

WHEREAS, the following property taxes were assessed improperly, per Wisconsin State Statutes 74.33 (1) (b), which states that the assessment included real property improvements that did not exist on the assessment date, and a partial rescission and refund of the tax due is appropriate:

Raghuram & Venkata Hari 10152 Ryan Creek Ct. S Franklin, WI 53132 (Parcel #934-0120-000)	\$5,842.21
---------------------------------------------------------------------------------------------------	------------

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, that the proper City Officials are hereby authorized and directed to rescind and refund the sum of \$5,842.21 with Milwaukee County Treasurer’s Office receiving \$4,974.02 and the resident receiving \$868.19; and

BE IT FURTHER RESOLVED, that the proper City Officials authorized and directed to seek compensation from the other taxing authorities, if applicable, per Wisconsin State Statutes 74.41.

Funds for this purpose are appropriated from the following Account Numbers:

01-0000-1415	Milwaukee County	\$1,183.50
01-0198-5543	City of Franklin	\$1,344.53
01-0000-1412	MATC	\$277.10
01-0000-1411	Franklin School District	\$2,617.32
01-0000-1413	MMSD	\$419.76

Resolution introduced at a regular meeting of the Common Council of the City of Franklin this ____ day of _____, 2024.

Passed at a regular meeting of the Common Council of the City of Franklin this ____ day of _____, 2024.

APPROVED:

John R Nelson, Mayor

ATTEST:

Shirley J. Roberts, City Clerk

AYES ____ NOES ____ ABSENT ____

Name	Venkata & Raghuram Hari		
Parcel ID	934-0120-000 equated		
Assessed Value -	Original	\$568,600	
Assessed Value -	Revised	\$237,100	
Payments Due		-331,500	
Lottery Credit		0.00	0.00 0.00
1/31		5,010.38	2,089.28 2,921.11
3/31		2,505.19	1,044.64 1,460.55
5/31		2,505.19	1,044.64 1,460.55
		<u>10,020.76</u>	<u>4,178.55 5,842.21</u>

			2022	Original	Adjusted		GL Entry
			Rate	Amount	Amount	Difference	Report
GL A/R Acct							Difference
State Tax		0.0000000	0.00	0.00	0.00	0.00	0.00
Milwaukee County	01 0000 1415	3.8525531	2,190.56	913.44	1,277.12	1,183.50	
Sales Tax Credit		0.0000000	0.00	0.00	0.00		
City of Franklin	01 0198 5543	4.3767079	2,488.60	1,037.72	1,450.88	1,344.53	
MATC (VTAE)	01 0000 1412	0.9020463	512.90	213.88	299.02	277.10	
1 Franklin Schools	01 0000 1411	8.5199369	4,844.44	2,020.08	2,824.36	2,617.32	
State School Levy credit		-1.3940767	-792.67	-330.54	-462.13		
1 MMSD	01 0000 1413	1.3663933	776.93	323.97	452.96	419.76	
			<u>17.6235608</u>	<u>10,020.76</u>	<u>4,178.55</u>	<u>5,842.21</u>	<u>5,842.21</u>

Milwaukee County is entitled to the Sales tax credit

The School levy credit is proportioned among all taxing districts

The State when calculating the amounts will calculate the TIF impact and include that with the City total

Franklin Schools	01 0000 1411	8.5199369
Oak Creek/Franklin School	01 0000 1418	8.2934600
Whitnall Schools	01 0000 1419	8.4144050
No Sewer		0.0000000

TOTAL

Accurate Assessor database information

Parcel	Year Built	Percent Complete	Permit Date	Permit Number	Permit Notes	Permit Purpose	Date Visited	Dwelling Value Total	Land Value Total	Total Improvement	Total Value
934-0120-000	12/31/2021	100	11/17/2021	21-0793	NEWDWLG	Building New		442000	126600	442000	568600

Summary

The permit for a new house on this parcel was taken out 11/2021. The assessor of record determined the house was 100% complete for 2022 that is, 6 weeks after permit was issued. Note that the Date Visited field is blank, so I don't believe the assessor confirmed the status in person when setting Percent Complete.

The Dwelling Value Total and the Total Improvement are identical numbers, so the house comprised all of the 2022 improvement value. Based on inspection records in BS&A and photos (supplied by the owner) of the construction process around 1/1/2022, we believe the house to have been approximately 25% complete as of 1/1/2022. The suggested 2022 Improvement value below is simply 25% of the Total Improvement value shown above.

Suggested 2022 values			
Land	Improvement	Total	Difference
\$126,600	\$110,500	\$237,100	-\$331,500

Relevant statutes (emphasis added)

74.33 Sharing and charging back of taxes due to palpable errors

- (1) Grounds. After the tax roll has been delivered to the treasurer of the taxation district under s. 74.03, the governing body of the taxation district may refund or rescind in whole or in part any general property tax shown in the tax roll, including agreed-upon interest, if
 - (b) The assessment included real property improvements which did not exist on the date under s. 70.10 for making the assessment.

70.43 Correction of errors by assessors

- (1) in this section, "palpable error" means an error under s. 74.33 (1)
- (2) if the assessor discovers a palpable error in the assessment of a tract of real estate or an item of personal property, for personal property assessments made before January 1, 2024, that results in the tract or property having an inaccurate assessment for the preceding year, the assessor shall correct that error by adding to or subtracting from the assessment for the preceding year. The result shall be the true assessed value of the property for the preceding year. The assessor shall make a marginal note of the correction on that year's assessment roll
 - (3) The dollar amount of the adjustment determined in the correction under sub (2) shall be referred to the board of review and, if certified by that board, shall be entered in a separate section of the current assessment roll, as prescribed by the department of revenue, and shall be used to determine the amount of additional taxes to be collected or taxes to be refunded. The dollar amount of the adjustment may be appealed to the board of review in the same manner as other assessments. The taxes to be collected or refunded shall be determined on the basis of the net tax rate of the previous year, taking into account credits under s. 79.10. The taxes to be collected or refunded shall be reflected on the tax roll in the same manner as omitted property under s. 70.44, but any such adjustment may not be carried forward to future years. The governing body of the taxation district shall proceed under s. 74.41.

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<p style="text-align: center;">APPROVAL</p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE 8/20/2024</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">A Resolution Conditionally approving a Preliminary Plat for Ridgewood Reserve Subdivision (generally located to the north of West Drexel Avenue, east of South Ridgewood Drive, and west of South 76th Street) (Creative Homes, Inc., Property Owner/Applicant)</p>	<p style="text-align: center;">ITEM NUMBER B.7. Ald. #2</p>

At its August 8, 2024, regular meeting, the Plan Commission unanimously approved a motion to recommend approval of a resolution conditionally approving a Preliminary Plat for the Ridgewood Reserve subdivision (generally located to the north of West Drexel Avenue, east of South Ridgewood Drive, and west of South 76th Street) (Creative Homes, Inc., Property Owner/Applicant).

COUNCIL ACTION REQUESTED

A motion to adopt Resolution 2024-_____, conditionally approving a Preliminary Plat for the Ridgewood Reserve subdivision (generally located to the north of West Drexel Avenue, east of South Ridgewood Drive, and west of South 76th Street) (Creative Homes, Inc., Property Owner/Applicant)

RESOLUTION NO. 2024-_____

A RESOLUTION CONDITIONALLY APPROVING A
PRELIMINARY PLAT FOR RIDGEWOOD RESERVE SUBDIVISION
(GENERALLY LOCATED TO THE NORTH OF WEST DREXEL AVENUE, EAST OF
SOUTH RIDGEWOOD DRIVE, AND WEST OF SOUTH 76TH STREET)
(CREATIVE HOMES, INC., PROPERTY OWNER/APPLICANT)

WHEREAS, the City of Franklin, Wisconsin, having received an application for approval of a preliminary plat for Ridgewood Reserve subdivision, such plat being Outlot A of Certified Survey Map No. 3410, as recorded in the Register of Deeds Office for Milwaukee County as Document No. 5239312, Outlot 1 of Certified Survey Map No. 9456, as recorded in the Register of Deeds Office for Milwaukee County as Document No. 11306731, Outlot 1 of Certified Survey Map No. 9457, as recorded in the Register of Deeds Office for Milwaukee County as Document No. 11306732, and additional lands, all being a part of the Southeast 1/4 of the Southeast 1/4 of Section 9, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the southeast corner of the Southeast 1/4 of said Section 9; thence South 88°35'08" West along the south line of said Southeast 1/4, 990.40 feet; thence North 00°15'17" West along the west line of Parcel 1 of Certified Survey Map No. 9456, 200.49 feet to the Point of Beginning; thence continuing North 00°15'17" West, 681.33 feet; thence North 88°37'15" East, 330.40 feet to the west line of Parcel 1 of Certified Survey Map No. 3416; thence South 00°15'13" East along said west line, 220.00 feet to the south line of said Parcel 1; thence North 88°37'15" East along said south line of said Parcel 1, 165.00 feet to the east line of Outlot 1 of Certified Survey Map No. 9457; thence South 00°15'17" East along said east line, 421.51 feet to the north line of Parcel 1 of said Certified Survey Map No. 9457; thence South 88°35'08" West along said north line and then along the north line of Parcel 1 of Certified Survey Map No. 3410, 290.00 feet; thence South 77°44'20" West along the north line of Parcel 1 and Parcel 2 of Certified Survey Map No. 9456, 209.95 feet to the Point of Beginning. Containing 285,580 square feet (6.5560 acres) of land., more specifically, of the properties bearing Tax Key Nos. 792-9003-000, 792-9005-000, 792-9994-000, and 792-9996-003, Creative Homes, Inc., applicant; and

WHEREAS, said preliminary plat having been reviewed by the City Plan Commission and the Plan Commission having recommended approval thereof at its meeting on August 8, 2024, pursuant to certain conditions; and

WHEREAS, the Common Council having reviewed such application and Plan Commission recommendation and the Common Council having determined that such proposed preliminary plat is appropriate for approval pursuant to law upon certain conditions.

RICK J. PRZYBYLA, CREATIVE HOMES, INC. – PRELIMINARY PLAT
RESOLUTION NO. 2024-_____

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NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Preliminary Plat of Ridgewood Reserve subdivision, as submitted by Rick J. Przybyla, Creative Homes, Inc., as described above, be and the same is hereby approved, subject to the following conditions:

1. That any and all objections made and corrections required by the City of Franklin, by Milwaukee County, and by any and all reviewing agencies, shall be satisfied and made by the applicant.
2. That all land development and building construction permitted or resulting under this Resolution shall be subject to impact fees imposed pursuant to §92-9 of the Municipal Code or development fees imposed pursuant to §15-5.0110 of the Unified Development Ordinance, both such provisions being applicable to the development and building permitted or resulting hereunder as it occurs from time to time, as such Code and Ordinance provisions may be amended from time to time.
3. Creative Homes, Inc., successors and assigns and any developer of the Ridgewood Reserve nine lot and one outlot subdivision development 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 Ridgewood Reserve nine lot and one outlot subdivision 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.
4. The approval granted hereunder is conditional upon Rick Przybyla, Creative Homes, Inc. and the Ridgewood Reserve nine lot and one outlot subdivision development project for the properties generally located to the north of West Drexel Avenue, east of South Ridgewood Drive, and west of South 76th Street, bearing Tax Key Nos. 792-9003-000, 792-9005-000, 792-9994-000, and 792-9996-003: (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.
5. The Ridgewood Reserve nine lot and one outlot subdivision development project shall be developed in substantial compliance with the terms and provisions of this Resolution.

RICK J. PRZYBYLA, CREATIVE HOMES, INC. – PRELIMINARY PLAT
RESOLUTION NO. 2024-_____

Page 3

6. A written conservation easement shall be submitted as part of the Final Plat Application for Common Council review and approval, and recording with the Milwaukee County Register of Deeds Office at the time of recording the Final Plat.
7. A “Conservation Easement Restrictions” note shall be depicted on the face of the plat as part of the Final Plat application.
8. A draft of the declaration of deed restrictions, protective covenants, and the legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners association) whereby the subdivider intends to regulate land uses in the proposed subdivision and otherwise protect the proposed development shall be submitted to the City as part of the Final Plat for review and approval solely as to form and as such may pertain to existing city rules and regulations.
9. Any proposed subdivision monument sign(s) shall be subject to review and approval by the Plan Commission and issuance of a Sign Permit. Other signage, such as conservation easement signs, shall comply with Chapter 210 of the Municipal Code and be subject to Planning Department review and approval and issuance of a Sign Permit.
10. The Final Plat shall be in full compliance with all pertinent City of Franklin Design Standards and Construction Specifications.

Introduced at a regular meeting of the Common Council of the City of Franklin this 20th day of August, 2024.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 20th day of August, 2024.

APPROVED:

John R. Nelson, Mayor

ATTEST:

Shirley J. Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____


CITY OF FRANKLIN


REPORT TO THE PLAN COMMISSION

Meeting of August 8, 2024

Preliminary Plat

RECOMMENDATION: City Development staff recommends approval of the Ridgewood Reserve Preliminary Plat, subject to the conditions set forth in the attached resolution.

Project Name:	Ridgewood Reserve Preliminary Plat
Project Address:	Not Assigned
Applicant:	Rick Przybyla, Creative Homes, Inc.
Agent:	Anthony Zanon, Pinnacle Engineering
Property Owner:	Creative Homes, Inc.
Zoning:	R-6 Suburban Single-Family Residence District and FW Floodway District
2025 Comprehensive Plan:	Residential and Areas of Natural Resource Features
Use of Surrounding Properties:	Single-family residential to the north, south, east, and west
Applicant's Action Requested:	Approval of the proposed Preliminary Plat
Planner:	Nick Fuchs, Associate Planner

Project Description/Analysis

The applicant filed a Preliminary Plat Application for the creation of nine single-family residential lots and one outlot upon four existing parcels generally located to the north of West Drexel Avenue, east of South Ridgewood Drive, and west of South 76th Street.

The four parcels have an area of approximately 6.56 acres. The proposed subdivision consists of an extension and dedication of South Ridgewood Drive into a cul-de-sac with nine single-family lots around the new street. Lot sizes range from 13,918 square feet to 35,896 square feet with an average lot size of 19,866 square feet. The proposed subdivision will be served by municipal water and public sanitary sewer.

A stormwater pond is proposed within Outlot 1. The applicant must submit a Stormwater Management Plan and calculations to the Engineering Department for review, and final Engineering Department approval will be required as part of the review of the future Final Plat Application.

R-6 Suburban Single-Family Residence District

The R-6 District allows a gross and net density of 2.972. This equates to a potential allowed density of 19 and 16 dwelling units for this development, respectively. As such, the development of nine lots conforms to this standard. Furthermore, all lots exceed the minimum lot size requirement of 11,000 square feet and all lots have a lot width at the building setback line of at least 90 feet.

In review of the Preliminary Plat, staff finds that all development standards of the R-6 District are met.

Natural Resource Protection Plan (NRPP)

The property contains a mature woodland, a stream and associated shore buffer, floodplain, wetlands, wetland buffers, and wetland setbacks. The wetlands were delineated by Dave Meyer of Wetland & Waterway Consulting, LLC on January 31, 2022.

The applicant is proposing to temporarily disturb portions of the wetland setback; however, these areas will be restored to their natural state.

The applicant is also disturbing 22% of the mature woodland onsite. Part 4 of the UDO requires that 70% of mature woodlands be protected. As such, the development complies with that standard.

All other natural resources will be protected. The majority of protected natural resources onsite are located within Outlot 1 of the Preliminary Plat, except for portions of floodplain located in the northwest corner of Lot 1 and the northeast corner of Lot 4. These areas are outside of the required minimum building setbacks for these lots.

Staff recommends that a separate written Conservation Easement be submitted for Common Council review and approval at the time of Final Plat. The Conservation Easement boundary is shown on the Preliminary Plat.

Signage:

Currently, a subdivision monument sign is not anticipated.

The applicant may propose signage to demarcate the conservation easement boundary and no trespassing.

Any proposed signage will require separate City review and approval.

Other required documents

§15-7.0603 requires submittal of any Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowners' Association prior to approval of the Final Plat. The applicant has provided draft Covenants and Declarations of Restrictions.

Improvements including streets and utilities must be installed prior to recording of the Final Plat (§15-2.0303.A). If complete construction is not practicable, the applicant may enter into a Subdivider's ("Developer's") agreement with the City of Franklin, and provide a letter of credit for improvements (§15-2.0303.B). It is not anticipated, but should the final plat be recorded in two phases, the applicant would need to provide the financial guaranty in the amount required for each phase of the final plat prior to the recording of that phase.

Recommendation

City Development staff recommends approval of the Ridgewood Reserve Preliminary Plat, subject to the conditions set forth in the attached resolution.

City of Franklin Property Viewer



7/23/2024, 10:28:54 AM

Parcel

1:4,514

0 0.03 0.06 0.11 mi
0 0.04 0.09 0.17 km

SEWRPC, Maxar, City of Franklin, WI



7/16/2024

Nick Fuchs
Planning Associate
City of Franklin
9229 West Loomis Road
Franklin, WI 53132

Re. Preliminary Plat Submittal for Plan Commission
Ridgewood Reserve
PEG #5407.00-WI

Dear Mr Fuchs,

For your review and distribution please find the following for the Ridgewood Reserve preliminary plat submittal for Plan Commission

- 1 Project Narrative
- 2 Legal Description of property
- 3 Site Intensity Calculations
4. Response letter to City review comments
- 5 Response letter to Milwaukee County review comments
- 6 DOA plat review form
- 7 Natural Resources Protection Plan
- 8 Preliminary civil plans
9. Preliminary Plat

The application and associated application fees were submitted to the City with the first submittal to staff

In addition to the documents attached, Creative Homes is requesting a model home permit for either Creative Homes or another builder. Please include this request with the preliminary plat approval request

Please free to contact me if you have any questions.

Sincerely,

PINNACLE ENGINEERING GROUP

Anthony S. Zanon, P.E.
Senior Project Manager | Principal

PROPOSED RIDGEWOOD RESERVE

PROJECT SUMMARY

- Located just east of Ridgewood Drive and behind 7832 W. Drexel Avenue
- Site Area of Proposed Subdivision is 6.55 Acres
- All lots serviced by municipal sewer and water
- 9 single family, with some estate sized lots
- Architecturally controlled community
- Anticipated minimum square foot requirements – Ranch 1,900sq. ft / 2-story 2,300 sq.ft
- Lot sizes ranging from approximately 13,918-35,896 square feet with an average lot size of approximately 20,000 sq. ft

DEVELOPER / COMPANY PROFILE

Creative Homes, Inc., is a small family owned and operated business, located in the City of Franklin, which has been a builder of quality homes and developments for over 41 years. Creative Homes, Inc. has developed over 500 lots throughout the communities of Franklin, Muskego, and Greenfield, with significant concentration in the City of Franklin. Creative Homes, Inc. also builds semi-custom homes.

MARKET ANALYSIS / FINANCIAL PLAN

- 9 single family sized lots
- Packages starting at approximately \$ 750,000, with an average of \$ 750,000 - \$ 950,000
- 9 lot/home packages x \$ 850,000 = \$ 7,650,000 (approximate assessed)
- School impact = less than .5 / lot X 9 lots = 4/5 students

BENEFITS

- High demand for single family lots in Franklin, especially those open to other builders
- Tax benefit to the City of Franklin with higher priced homes

SCHEDULE FOR PROPOSED TIME FRAME

- Development for installing all utilities will be approximately 6-8 months
- Total sales completion will take approximately 12-18 months
- Approximate development costs of \$ 600,000

DRAFT

COVENANTS AND DECLARATIONS OF RESTRICTIONS

PROPOSED RIDGEWOOD RESERVE FRANKLIN, WI

KNOW ALL MEN BY THESE PRESENTS that the undersigned, CREATIVE HOMES, INC., being the owner of lots 1-9 being described as

LEGAL DESCRIPTION TO FOLLOW WITH NEW TITLE

And intending to establish a general plan for the use, occupancy and enjoyment of said Subdivision, does hereby declare that all lots therein shall be subject to the following restrictions and covenants, which shall remain in force for a period of thirty (30) years from the date of recording hereof

1 **GENERAL PURPOSES.** The purpose of this Declaration is to insure the best use and most appropriate development and improvement of each building site thereof; to protect owners of building sites against such use of surrounding building sites as will detract from the residential value of their property; to preserve as far as is practical, the natural beauty of said property, to guard against the erection thereon of poorly designed or poorly proportioned structures; to obtain harmonious use of material and color scheme; to insure the highest and best residential development of said property, to encourage and secure the erection of attractive homes hereon with appropriate locations thereof on building sites; to prevent haphazard and inharmonious improvements of building sites, to secure and maintain proper setbacks from street and adequate free spaces between structures, and in general, to provide adequately for a high quality of improvement in said property, and thereby to preserve and enhance the value of investments made by purchasers of building sites therein

2 **STRUCTURES.** No lot shall be used for anything other than single-family residence purposes. All structures shall be designed by a registered architect or professional engineer or designer, experienced in residential design. The plans shall show the square footage for both first floor and second floor if a two story. Each dwelling shall have a minimum of two full baths. Each dwelling shall have a minimum roof pitch of 7/12, however actual roof pitch shall be at the developer's discretion and may vary depending on the type of home. Roof color shall be limited to that of weathered-wood, driftwood, black, deep browns, or similar color tones. Roof color must be approved by Developer. There shall be no bare walls allowed. It is at the sole discretion of the Developer to add windows, brick, shutters, trim boards, vents or any item that will enhance said dwelling. Vinyl windows will be allowed only when accompanied with trim boards and/or shutters around each vinyl window, or at Developer's discretion. All siding, corner boards and fascia boards must be of natural material, Hardi Plank LP or equal. Soffit material may be vinyl or aluminum. It shall be solely at Developer's discretion to require front elevation of home to include some type of brick or stone.

Please note: Developer would like to see some brick or stone on the front elevation of homes, with the exception of a salt-box style home. Additional restrictions may be required for that of a salt-box style home. Please contact Developer for further information on such. Exterior of all homes shall be of a traditional, colonial, French, country, or Tudor design. No contemporary or Spanish style homes will be allowed. All exterior color selections, including, but not limited to siding, trim, gutters, roof, front door, shutters, garage door, etc. MUST be approved by Developer PRIOR to submitting plans to the City of Franklin for architectural approval.

Lot owner is encouraged to get approval prior to purchasing said Lot if there is a doubt about home to be constructed

The following items MUST be submitted to Developer/Creative Homes, Inc. PRIOR to obtaining any approvals, (this includes architectural approval), from the City of Franklin

- A. Three (3) sets of final home plans
- B. Three (3) copies of final survey showing location of home on said lot
- C. Final Color Selections indicating all final color selections for siding, trim, roof, front door, etc

**** Creative Homes, Inc. will not grant any approvals unless all of the required information is submitted ****

**** Creative Homes, Inc. will process and conduct an architectural review, within 30 Days, once all required information is submitted ****

**** Creative Homes, Inc. encourages buyer(s) to plan ahead in the submission of required information ****

3 **RESTRICTION ON SUBDIVISION.** There shall be no further division or subdivision of lots in this Subdivision without approval of the Plan Commission of the City of Franklin

4 **DWELLING STRUCTURE.** No Dwelling shall exceed two stories in height, excluding exposed areas. The ground area within the perimeter of the building at grade exclusive of porches, garages, bays, patios, breezeways and similar additions, shall not be less than the following schedule: (a) Not less than 1,900 square feet in the case of a one-story dwelling, (b) Not less than 2,300 square feet total in the case of a dwelling of one and one-half stories; (c) Not less than 2,300 square feet in the case of a dwelling of two stories, and the floor area of the first floor shall not be less than 1,100 square feet (d) Not less than 2,300 square feet total in the case of a dwelling of one and one-half stories,

For purposes of figuring total area, the undersigned, in his sole discretion, shall determine what constitutes a two-story or a one and one-half story dwelling. All buildings shall be completed within the allotted time set by the City of Franklin in its ordinance. **Three (3) sets of plans, and three (3) copies of the survey, showing the location of the homes, and naming the roof color, trim color, and the siding color, shall be submitted to Creative Homes, Inc., / Developer 9244 W Grandview Court, Franklin, WI 53132, of which one set will be signed by owner if it meets numbers 1, 2 and 4 above.**

5 **GARAGES.** No garage shall be larger than necessary to accommodate four (4) cars and all garages shall be attached to the dwelling either forming an integral part with the dwelling house or by connection of porch or breezeway. Garage design at Developer's discretion

6 **TEMPORARY STRUCTURES.** No structures of any kind shall be moved onto any lot and no living quarters of temporary character shall be permitted at any time, it being the intention that only permanent, private dwellings and garages shall be permitted. All garages shall be built at the same time as the private dwellings and shall be large enough to accommodate a minimum of two (2) cars. No boats, trailers, mobile homes, RV's, or commercial trucks may be parked on the premises outside the garage other than for the delivery of materials or merchandise, except during the construction or remodeling periods

7. **STORAGE.** No lot shall be used in whole or in part for the storage of rubbish of any character whatsoever, nor for the storage of any property that will cause such lots to appear in an unclean or untidy condition, or that will be obnoxious to the eye, nor shall any substance be kept upon any lot that will emit foul or obnoxious odor. Also prohibited is anything that will cause any noise that will or might disturb the peace, quiet, comfort or serenity of the occupants of surrounding properties. Storage sheds which are constructed, must comply with City requirements. These said sheds must match the home constructed on said lot in color, roof material and siding material and be approved by developer prior to obtaining approval from the City of Franklin (See No 12)

8 **UTILITY LINES.** All electric, cable and telephone lines shall be placed underground

9 **CONCRETE APPROACH.** No curb cuts have been installed on any lots within the Ridgewood Reserve development. It shall be solely the lot owner(s) responsibility to install a curb cut per City of Franklin requirements. This requirement includes maintaining the flow line in the curb and gutter per the City of Franklin requirements and standards. It is the sole responsibility of the lot owner(s) to work directly with the City of Franklin regarding obtaining any necessary guidelines. If curb and gutter are installed incorrectly, it shall be the sole responsibility of the lot owner(s) to correct and pay for any and all fees incurred to make any and all corrections that the City of Franklin requires. If Creative Homes, Inc. / Developer is required to make any corrections to the lot owner(s) installed curb cut per the City of Franklin requirements and instruction, lot owner(s) shall reimburse Creative Homes, Inc / Developer the cost of repair plus 30% administrative fee within 3 days of receipt of invoice. Also, if curb, gutter, and/or sidewalks are damaged and the city requires replacement, it shall be paid for by the owner of the lot. Buyer and Developer to inspect curb, gutters, and sidewalks prior to closing and to ensure they meet City of Franklin standards

10 **ANIMALS.** No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot except two dogs, two cats, and other small household pets such as canaries or parakeets, provided they are not kept, bred or maintained for any commercial purposes.

11 **GRADES.** The undersigned reserves the right to set finished yard grades. It is the sole responsibility of the lot owner to remove the excess dirt from excavation that is not needed. All dirt from excavation of any lot which is not used on the premises shall be deposited in such place in the Subdivision as shall be directed by the undersigned, or if not needed in the Subdivision, within a three (3) mile radius of said Subdivision, if and only if the undersigned specifies and approves a need for the dirt. Trucking of such dirt shall be solely at the cost of the lot owner. If the undersigned does not want or need the excess dirt, it shall be the sole responsibility of the lot owner to remove the excess dirt from excavation

11a **SPLIT LEVEL LOTS** To be determined per final master plan. Any change from said plan must be approved by Developer and the City of Franklin Engineering Department.

11b **LOT GRADES.** Some of the lots within the Subdivision may have been filled and graded to different elevations than that of the original topography to satisfy the master grading plan

11c **DRIVEWAY GRADES.** The City of Franklin recommends grades less than 6%, however they do allow driveway grades up to 10%. All driveway grades shall be at the sole discretion of the City of Franklin. A waiver from the City of Franklin is required to be signed by the homeowner at the time of building permit processing. Homeowners have the option, and are recommended and encouraged by Developer / Creative Homes, Inc. to add an additional step(s) in the garage from the garage floor to dwelling. With each additional step added, the grade percentage is lowered. All subdivision grading has been specifically designed for driveways to be located on the high side of the lot.

Buyer(s) are to solely follow the master grading plan, which specifies this information. Any desired change from said plan must be submitted to Developer / Creative Homes, Inc. in the form of a grading plan completed by a registered engineering firm, for review by Developer. Changes from master grading plan must be approved first by Developer, and second from the City of Franklin Engineering Department. **Approval from both is required.**

11d **BASEMENT GUIDELINE.** Seller advises Buyers that some of the lots within the Subdivision may have been filled and graded to different elevations than that of the original topography. Seller does not guarantee topsoil / subsoil conditions on any lot, against any abnormal soil conditions or those which may add additional building costs. Seller has made no representations as to the soil conditions to Buyers. Buyers are also aware that an excess or shortage of soil may be generated by such factors such as the size of the home, required drainage patterns, or other factors. Buyers are aware that responsibility of acquisition of or disposal of soil is the sole responsibility of the Buyers. Seller encourages Buyers to perform whatever soil tests Buyers deem necessary to verify subsoil conditions, at Buyers expense. Buyers are therefore granted permission to enter upon the lot for soil testing purposes. The tests shall be at the sole expense of the Buyers.

12 **CONTROL.** In order to maintain harmony in appearance and to protect the owners of the lots in the Subdivision, no building, fence, sign, wall, solar panels, satellite dish, 24" or larger, cyclone fences (landscape fences, open rail type, are the exception) or other structure shall be erected, constructed or maintained upon any lot, nor shall any change or alteration be made thereon unless the complete plans and specifications, thereof (a plot plan showing the exact location of such buildings, garage, fence, wall or other structure, the elevation thereof and the grade of the lot and sketch or view of such building or structures or changes), shall have been submitted to and approved in writing by the undersigned or his assigns as herein provided. The decision of the undersigned with respect to any such matter shall be final and binding upon all parties. **(Upon the undersigned owner being divested of all rights, will, and interest in and to any lot in said Subdivision, control hereunder shall be passed to a committee, to be designed by a majority of the owners of record of the lots of the Subdivision.) See # 18**

(In-ground swimming pools shall be allowed, but must be located as close as possible to rear of home, with extensive landscaping and/or privacy fence surrounding swimming pool, per Developer's approval. A plan showing the exact location of the swimming pool, and landscape and/or privacy fence specifications must be submitted to Developer / Creative Homes, Inc. PRIOR to construction or installation.)

13 **LANDSCAPE - ARCHITECTURAL CONTROL.** All landscaping, including driveway, must be completed within 18 months after the completion of the residence, or, if home is completed during the winter season, landscaping shall be completed at the earliest opportunity season permits, and should conform to the grading as set forth by the City of Franklin Engineering Department. Landscaping is the sole responsibility of the homeowner. Driveway shall consist of concrete or similar material. No permanent gravel drive will be permitted. Developer will select and approve a mailbox and post which shall be purchased by Developer and the cost charged to buyer at time of closing (\$795.00). Installation shall be the sole responsibility of the lot owner and installed per Postal Service requirements. At least two trees, minimum caliper of 1-1/2 to 2 inches shall be installed on each lot at time of landscaping. Also, developer will install a city tree (per city requirements) at a cost to the lot owner of \$ 500.00 per tree, to be paid at the time of closing. Note: Corner lots may require 2 trees per the City of Franklin requirements. **It is the sole responsibility of the lot owner to cut grass and/or noxious weeds per city requirements.**

14 **VIOLATION.** Any violations of these restrictions, which exist for a period of three years without a written protest thereof being received by the owner of the lot involved, shall not be considered a violation thereafter. These restrictions shall be deemed and construed to run with the land and shall be binding upon the respective owners of each of said lots and upon all persons holding or claiming under or through them. Upon the violation of any one or all of these restrictions by any owner or owners of said lots, their heirs, executors, administrators or assigns, the owner shall have the right to proceed at law or inequity against the person or persons violating or attempting to violate any such covenant or restrictions and shall be entitled to both equitable and legal relief. Invalidation of any one of these covenants and restrictions by judgment of Court order shall be construed and deemed severable and all of which are not so invalidated, shall remain in full force.

15 **UTILITIES.** Developer reserves the right for a period of three months after the execution of this document hereof, to grant easements to WE Energies and SBC, or other similar applicable companies, for utility purposes over, upon, under and across **ALL** lots in this Subdivision, whether owned by the developer or third parties. Such easements shall, so far as is reasonably possible, be confined to areas within 20 feet of all lot lines and be granted on standard utility forms.

16 **CONSTRUCTION.** The owner's builder and/or owner of said lot, shall be responsible for cleaning up the debris that has blown from their building site under construction. The owner's builder and/or owner of said lot, shall also be responsible for cleaning up the mud and dirt on the roadways caused by their construction. The owner's builder and/or owner, shall clean roadway of debris and dirt within twelve (12) hours after receiving verbal

or written notice. Owner/builder is to advise Developer of any cracks or damage to curbs, gutters, and/or sidewalks prior to closing of lot. The owner's builder and/or owner shall be responsible for any damage done to curbs and/or gutters after closing

17 **BUILDING CONSTRUCTION.** Owner and/or builder shall begin construction within two (2) years from date of closing, unless otherwise approved in writing by Developer. Owner and/or builder shall complete dwelling within one (1) year from start of construction. It is the sole responsibility of the lot owner to cut grass and/or noxious weeds per city requirements.

18. **HOMEOWNERS' MEMBERSHIP / ASSOCIATION.** Each Homeowner / Lot-owner shall be a Member of the Association. Such membership shall be appurtenant to and may not be separated from ownership of any Lot. Every member of the association shall have one vote for each Lot owned by the Member. When more than one person or entity holds an interest in a Lot, who votes shall be determined among themselves. So long as Developer, or its successors, shall own 1 or more Lots, the authority and functions of the Board of Directors of the Membership Association shall remain in and be exercised solely by the Developer, or its successors. When Developer, or its successors no longer own 1 or more Lots, Developer shall select two Homeowners to serve as the temporary Board of Directors of the Association until an annual meeting of Members is held. At that time the Board of Directors shall be elected. After Developer appoints the temporary Board of Directors of the Association, it is the sole responsibility for this temporary Board of Directors to act on behalf of the Members. The Members of the Board of Directors shall not be entitled to any compensation for their services. Any Member who is delinquent in the payment of assessments charged against his Lot shall not be entitled to vote until all such assessments have been paid in full. It shall be the sole responsibility of the homeowners to form such association upon Developer and/or its successors divesting their rights.

19 **GENERAL PROVISIONS: TERMS & EXTENSIONS.** The restrictions and covenants herein contained shall be binding upon all persons, parties, and entities having an interest in the land affected thereby, claiming under them for a period of thirty (30) years from the date hereof, at which time these Declarations of Restrictions shall be automatically renewed for successive periods of ten (10) years, unless, prior to the end of the initial or any successive period, a document signed by the owners of at least seventy-five percent (75%) of the lots has been recorded terminating or amending these Declarations of Restrictions either in whole or in part.

20 **AMENDMENT.** It shall be understood that the contents found within these Declarations of Restrictions, or any provisions to these Declaration of Restrictions, may be annulled, waived, changed, modified, or amended, at any time, by a written declaration, executed in such manner as to be recordable, setting forth such annulment, waiver, change, modification, or amendment, as executed,

- a Solely by Developer / Creative Homes, Inc., or its successors or assigns, until such time the Developer / Creative Homes, Inc shall no longer own 1 or more Lots
- b Thereafter, by the owners of at least seventy-five percent (75%) of the Lots.

21 **ANNUAL GENERAL ASSESSMENT FOR MEMBERSHIP.** There will be an annual Homeowners Membership Assessment each year, which shall be used exclusively for the care, maintenance, operation, and preservation of the common lands of Faithway Reserve. The assessed fee shall include, but shall not be limited to, the cost of labor, equipment, materials, insurance, management, and supervision thereof, and fees paid for auditing the books of the Membership, and for necessary legal services and counsel fees to the Board of Directors. No lot owner shall be responsible for more than one eighth (1/8) of the total cost of upkeep and maintenance of any common areas, if applicable. Payment may be made by special assessment or annual assessment, as the Membership determines. The Homeowners Membership shall have the power to levy assessments against the owners of individual lots for the purposes of carrying on the business of the Membership, and for payment of expenses properly incurred by the Members. There shall be an annual assessment added to the Homeowners Membership each year, which shall be payable to Faith Community Church for the use and maintenance of their storm water pond. See recorded document; First amendment to Agreement Document #10852881, Recorded 3-6-2019

21a **DETERMINATION OF THE MEMBERSHIP.** The Board of Directors of Faithway Reserve, once appointed by Developer, shall prepare and annually submit to Homeowners a budget of expenses for the coming year listing all costs contemplated within the purposes of the annual general assessment described in # 18 above. Upon adoption and approval of the annual budget by a majority of the Members, the Board shall determine the assessments by dividing the amount of the budget among the Lots equally.

22b. **METHOD OF ASSESSMENT.** The assessment for each lot shall be levied at approximately the same time each year. The Board shall declare the assessments so levied due and payable within 30 days from the date of such levy. The Secretary or other officer shall notify the Homeowner of each lot as to the amount of the assessment and the date such assessment becomes due and payable. Such notice shall be mailed to the Homeowners at the last known post office address by United States mail, postage prepaid.

22c **INTEREST ON UNPAID ASSESSMENTS.** Any assessment which is not paid when due shall thereafter until paid in full, bear interest at the rate of 12% per annum or the highest rate permitted by law, whichever is higher.

23 **CITY OF FRANKLIN** . In the event that the Association fails to maintain the Common Area as required hereunder, the Common Council of the City of Franklin may serve written notice upon the Association and/or upon the owners of the Property subject to this Declaration, setting forth the manner in which the Association has failed to maintain the Common Area as required, and demanding that such deficiencies be remedied within thirty (30) days thereof. The notice shall specify a date and place for hearing thereon, to be held within fourteen (14) days of the notice date. At such hearing the Common Council may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be remedied. If the deficiencies set forth in the original notice or in any modification thereof, shall not be remedied as required, the City, in order to preserve taxable values in the area and to preserve the Common Area from becoming a public nuisance, may enter upon said Common Area and maintain the same for a period not to exceed one year. Said entry and maintenance shall not vest in the public any rights to use the Common Area except in the event same is voluntarily dedicated to the public. If the Common Council shall determine that the Association is ready and able to maintain said Common Area as required hereunder, the City shall then cease to maintain said Common Area and give notice thereof to the Association and/or Property owners. If the Common Council shall determine that the Association is not ready or willing or able to maintain said Common Area as required hereunder, the Common Council may, in its discretion, continue to maintain said Common Area subject to a similar hearing and determination in the next succeeding year and in each year thereafter. The cost of such maintenance by the City shall be assessed ratably against the Lots subject to this Declaration and shall become a tax lien on said Lots, which may be enforced and collected by all methods available under the laws of the State of Wisconsin pertaining to such liens. The City at the time of entry upon said Common Area for the purpose of maintenance, shall file a notice of lien against the Lots in the office of the Milwaukee County Register of Deeds and/or the Milwaukee County Clerk of Circuit Court, as may be required. Nothing contained herein nor any act or omission of the City of Franklin hereunder, shall be construed to create any obligation or liability on the part of the City of Franklin, its agents or designees, whatsoever.

24. **MODEL HOMES**. "MODEL HOMES" or "SPEC HOMES" will be allowed ONLY with written permission by **CREATIVE HOMES, INC** on any lot in the subdivision except those as may be constructed by **CREATIVE HOMES, INC**. No owner, therefore, of any lot may construct thereon a home, which is not going to be occupied as a principal residence by the owner of said lot without written permission by **CREATIVE HOMES, INC**. For the purposes of this paragraph, a model home and/or spec home are defined as any home constructed on any lot with the intent, purpose, or result of being displayed, presented, and/or advertised as a home which is capable of being duplicated and/or constructed again elsewhere, and is advertised as a model or spec for such purposes. This clause may be enforced by injunction against any such use of the lot.

25 **STORM WATER / IMPERVIOUS** Each property owner's impervious area for their lot is estimated at 5,000 square feet. When surveying lot at time of building, surveyor **MUST** include on survey all impervious areas with percentages. At developer's discretion, if unused impervious area in excess of 5,000 square feet is able to be used on another person's lot, the developer, at his discretion, may allow the excess to be used, but **ONLY** with developer's signed acceptance as well as the City of Franklin's engineering department.

26. **EXCROW FOR DAMAGE CURB, ISLAND AND ROAD** At time of closing, developer will withhold \$1,500.00 to insure that upon inspection of the final lift, no damage has been incurred per the City Inspectors. If damage has been incurred, Developer will refund part or all of the initial \$1,500.00 to the lot owner.

THIS INSTRUMENT DRAFTED BY

CREATIVE HOMES, INC
Rick J Przybyla

PLEASE RETURN TO

RICK J PRZYBYLA
CREATIVE HOMES, INC
9244 West Grandview Court
Franklin, WI 53132

Signature of Rick J Przybyla authenticated the _____ day of _____, 2024

Notary Public

My commission expires _____

RIDGEWOOD RESERVE
LEGAL DESCRIPTION
05/09/2024

Outlot A of Certified Survey Map No. 3410, as recorded in the Register of Deeds Office for Milwaukee County as Document No. 5239312, Outlot 1 of Certified Survey Map No. 9456, as recorded in the Register of Deeds Office for Milwaukee County as Document No. 11306731, Outlot 1 of Certified Survey Map No. 9457, as recorded in the Register of Deeds Office for Milwaukee County as Document No. 11306732, and additional lands, all being a part of the Southeast 1/4 of the Southeast 1/4 of Section 9, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the southeast corner of the Southeast 1/4 of said Section 9; thence South 88°35'08" West along the south line of said Southeast 1/4, 990.40 feet; thence North 00°15'17" West along the west line of Parcel 1 of Certified Survey Map No. 9456, 200.49 feet to the Point of Beginning; thence continuing North 00°15'17" West, 681.33 feet; thence North 88°37'15" East, 330.40 feet to the west line of Parcel 1 of Certified Survey Map No. 3416; thence South 00°15'13" East along said west line, 220.00 feet to the south line of said Parcel 1; thence North 88°37'15" East along said south line of said Parcel 1, 165.00 feet to the east line of Outlot 1 of Certified Survey Map No. 9457; thence South 00°15'17" East along said east line, 421.51 feet to the north line of Parcel 1 of said Certified Survey Map No. 9457; thence South 88°35'08" West along said north line and then along the north line of Parcel 1 of Certified Survey Map No. 3410, 290.00 feet; thence South 77°44'20" West along the north line of Parcel 1 and Parcel 2 of Certified Survey Map No. 9456, 209.95 feet to the Point of Beginning.
Containing 285,580 square feet (6.5560 acres) of land.

SECTION 15-3.0502

CALCULATION OF BASE SITE AREA

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

Table 15-3.0502

**WORKSHEET FOR THE CALCULATION OF BASE SITE AREA
 FOR BOTH RESIDENTIAL AND NONRESIDENTIAL DEVELOPMENT**

STEP 1:	Indicate the total gross site area (in acres) as determined by an actual on-site boundary survey of the property	6.55 acres
STEP 2:	Subtract (-) land which constitutes any existing dedicated public street rights-of-way, land located within the ultimate road rights-of-way of existing roads, the rights-of-way of major utilities, and any dedicated public park and/or school site area.	- 0.00 acres
STEP 3:	Subtract (-) land which, as a part of a previously approved development or land division, was reserved for open space	- 0.00 acres
STEP 4:	In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed residential use, subtract (-) the land proposed for nonresidential uses, <i>or</i> In the case of " <i>Site Intensity and Capacity Calculations</i> " for a proposed nonresidential use, subtract (-) the land proposed for residential uses	- 0.00 acres
STEP 5:	Equals "Base Site Area"	= 6.55 acres

SECTION 15-3.0503

**CALCULATION OF THE AREA OF NATURAL
 RESOURCES TO BE PROTECTED**

All land area with those natural resource features as described in Division 15-4.0100 of this Ordinance and as listed in Table 15-3.0503 and lying within the *base site area* (as defined in Section 15-3 0502), shall be measured relative to each natural resource feature present. The actual land area encompassed by each type of resource is then entered into the column of Table 15-3 0503 titled "Acres of Land in Resource Feature " The acreage of each natural resource feature shall be multiplied by its respective *natural resource protection standard* (to be selected from Table 15-4 0100 of this Ordinance for applicable agricultural, residential, or nonresidential zoning district) to determine the amount of resource protection land or area required to be kept in open space in order to protect the resource or feature The sum total of all resource protection land on the site equals the *total resource protection land* The *total resource protection land* shall be calculated as indicated in Table 15-3 0503.

Table 15-3.0503

WORKSHEET FOR THE CALCULATION OF RESOURCE PROTECTION LAND

Natural Resource Feature	Protection Standard Based Upon Zoning District Type (circle applicable standard from Table 15-4.0100 for the type of zoning district in which the parcel is located)			Acres of Land in Resource Feature	
	Agricultural District	Residential District	Non-Residential District		
Steep Slopes				X _____	_____
10-19%	0 00	0 60	0 40	= _____	_____
20-30%	0 65	0 75	0 70	X _____	_____
+ 30%	0 90	0 85	0 80	= _____	_____
Woodlands & Forests				X 0.40	0.28
Mature	0 70	0 70	0 70	= _____	_____
Young	0 50	0 50	0 50	X _____	_____
Lakes & Ponds	1	1	1	= _____	_____
Streams	1	1	1	X 0.01	0.01
Shore Buffer	1	1	1	= _____	0.21
Floodplains	1	1	1	X 0.53	0.53
Wetland Buffers	1	1	1	= _____	0.10
Wetlands & Shoreland Wetlands	1	1	1	X 0.03	0.03
TOTAL RESOURCE PROTECTION LAND (Total of Acres of Land in Resource Feature to be Protected)					1.16

Note In conducting the calculations in Table 15-3 0503, if two or more natural resource features are present on the same area of land, only the most restrictive resource protection standard shall be used For example, if floodplain and young woodlands occupy the same space on a parcel of land, the resource protection standard would be 1 0 which represents the higher of the two standards

SECTION 15-3.0504

CALCULATION OF SITE INTENSITY AND CAPACITY FOR RESIDENTIAL USES

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

Table 15-3.0504

WORKSHEET FOR THE CALCULATION OF SITE INTENSITY AND CAPACITY FOR RESIDENTIAL DEVELOPMENT

<p>STEP 1:</p>	<p>CALCULATE MINIMAL REQUIRED ON-SITE OPEN SPACE</p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3 0502) <u>6.55</u></p> <p>Multiple by Minimum <i>Open Space Ratio (OSR)</i> (see specific residential zoning district OSR standard) X <u>0.00</u> (TABLE 15-3.0207)</p> <p>Equals MINIMUM REQUIRED ON-SITE OPEN SPACE =</p>	<p>0.00 acres</p>
<p>STEP 2:</p>	<p>CALCULATE NET BUILDABLE SITE AREA:</p> <p>Take <i>Base Site Area</i> (from Step 5 in Table 15-3 0502) <u>6.55</u></p> <p>Subtract <i>Total Resource Protection Land</i> from Table 15-3 0503) or <i>Minimum Required On-Site Open Space</i> (from Step 1 above), whichever is greater <u>- 1.16</u></p> <p>Equals NET BUILDABLE SITE AREA =</p>	<p>5.39 acres</p>
<p>STEP 3:</p>	<p>CALCULATE MAXIMUM NET DENSITY YIELD OF SITE:</p> <p>Take <i>Net Buildable Site Area</i> (from Step 2 above) <u>5.39</u></p> <p>Multiple by Maximum <i>Net Density (ND)</i> (see specific residential zoning district ND standard) X <u>2.972</u> (TABLE 15-3.0207)</p> <p>Equals MAXIMUM NET DENSITY YIELD OF SITE =</p>	<p>16 D U s</p>
<p>STEP 4:</p>	<p>CALCULATE MAXIMUM GROSS DENSITY YIELD OF SITE:</p> <p>Take <i>Base Site Area</i> (from Step 5 of Table 15-3 0502) <u>6.55</u></p> <p>Multiple by Maximum <i>Gross Density (GD)</i> (see specific residential zoning district GD standard) X <u>2.972</u> (TABLE 15-3.0207)</p> <p>Equals MAXIMUM GROSS DENSITY YIELD OF SITE =</p>	<p>19 D U s</p>
<p>STEP 5:</p>	<p>DETERMINE MAXIMUM PERMITTED D.U.s OF SITE:</p> <p>Take the <i>lowest</i> of Maximum Net Density Yield of Site (from Step 3 above) or Maximum Gross Density Yield of Site (from Step 4 above)</p>	<p>16 D U s</p>

calculated gross density = proposed 9 lots / 6.55 ac (base site area)= 1.37
 calculated net density = proposed 9 lots / 5.39 ac (net buildable area) = 1.67
 calculated open space = 1.81 ac (open space is outlot 1) / 6.55 ac (base site area) = 0.27

City of Franklin

Department of City Development

Date: June 14, 2024

Pinnacle Engineering Group responses 6/25/24

To: Rick Przybyla, Creative Homes, Inc.
Anthony Zanon, Pinnacle Engineering

From: Nick Fuchs, Planning Associate

RE: Staff Comments – Ridgewood Reserve Preliminary Plat

Below are review comments and recommendations for the above-referenced application submitted by Creative Homes, Inc.

Department of City Development

1. Does the Building Setback line encroach into the floodplain on Lot 4? The building setback line should not encroach into protected natural resource features. No, the floodplain line does not impact the building setback. The 2-ft above 100-yr floodplain line is on the lot but that does not impact the building setback.
2. Is any signage anticipated? No subdivision sign. The developer may put conservation signs and “no trespassing signs” along the conservancy and pond area.
3. What is the length of the cul de sac? Please confirm it does not exceed 800 feet in length. The length from the centerline of W Drexel Ave to the centerline of the cul-de-sac is 800'. The centerline is 531.84' within Tuckaway Brook to the west (this is labeled along the centerline of South Ridgewood Drive) and 268.16' in the proposed Ridgewood Reserve subdivision. This distance is now labeled on the centerline of the road in the proposed subdivision.
4. On the NRPP Exhibit, is the wetland delineation date correct? Should the year be 2022, not 2021? The NRPP Exhibit was revised to note 2022.
5. As discussed, please address all Milwaukee County Department of Administration comments. See the attached County review letter with the responses noted.

Engineering Department Comments

6. There are no comments on the proposed preliminary plat. The construction plan is under Engineering review.

Inspection Services Department Comments

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

Fire Department Comments

8. No Fire Department comments

Health Department Comments

9. Health Dept has no comments on this development

DEPARTMENT OF ADMINISTRATIVE SERVICES

Milwaukee County



June 7, 2024

Dept of Administration
Plat Review
101 East Wilson St FL 9
Madison, WI 53703
P O. Box 1645
Madison, Wisconsin 53701

Pinnacle Engineering Group responses 6/25/24

RE: Ridgewood Reserve
Preliminary Plat - File C-12-788
State File: 121933

Dear WI Dept of Administration – Plat Review

A copy of the Preliminary Plat of Ridgewood Reserve located in the SE ¼ of Section 9, Township 5 North, Range 21 East, in the City of Franklin has been reviewed by Milwaukee County in accordance with Section 236.12 of the Wisconsin Statutes

We object to the above preliminary plat. This objection may be rescinded if certain conditions are met by the developer. The special conditions are as follows:

The following comments are from the Register of Deeds Office:

- 1. Review fee of \$150 does not appear to have been paid. Please remit by sending to the attention of Kristine Kampa at 901 N. Ninth Street; Rm 103, Milwaukee, Wisconsin 53233 to avoid delay in recording/processing. The City of Franklin mailed the check on 6/12/24.
2. Plat is made up of multiple recorded CSMs and unplatted lands. Three of those lots are owned by Creative Homes Inc, and one (792-9005) is owned by Rick J Przybyla and Mary A Przybyla. All lots that make up this plat should have the exact same owner to avoid delay in processing. Deed(s) should be recorded to correct this prior to recording the plat.
3. We are reviewing the preliminary plat for closure issues and verify ownership. Please refer to Wisconsin State Statutes and local ordinances for any further requirements. Comment only, no change.

See the attached Quit Claim Deed 11428932 Creative Homes Inc owns all the property

If you require additional information or clarification on the above comments, please contact Ms. Kristine Kampa at Milwaukee County Register of Deeds office at 414-278-4048 or via email at kristine.kampa@milwaukeecountywi.gov

The following comments are from the Economic Development Office:

- 1. There should be language that the Outlots of this plat are owned and shall be maintained by the homeowner's association of this plat and each individual lot owner shall have an undividable fractional ownership of Outlots and that Milwaukee County and the City of Franklin shall not be liable for any fees or special assessments in the event Milwaukee County or the City of Franklin should become the owner of any lot in the subdivision by reason of delinquency. The homeowner's association shall maintain said Outlots in an unobstructed condition so as to maintain its intended purpose. This note was shown on the plat as General Note 13.

Final Plat - File C-12-788
State File 121933

If you require additional information or clarification on the above comments, please contact Ms Emily Streff at Milwaukee County Economic Development office at 414-897-2384 or via email at emily_streff@milwaukeecountywi.gov

Very truly yours,

Max Saचेk

Max Saचेk

cc Sarah Toomsen, Parks
Emily Streff, Economic Development
Kristine Kampa, Register of Deeds
John Konopacki, Surveyor
City of Franklin Planning

O:\WPDOC\SITEDEV\DSGDOC\SUBDIVIS\C12788\Submittal_05-23-2024\C12788ltr1.doc

State Bar of Wisconsin Form 3-2003
QUIT CLAIM DEED

DOC # 11428932

RECORDED

06/21/2024 11:25 AM

ISRAEL RAMON

REGISTER OF DEEDS

Milwaukee County, WI

AMOUNT: 30.00

TRANSFER FEE:

FEE EXEMPT #: 77.25 (15)

This document has been electronically recorded and returned to the submitter.

Document Number

Document Name

THIS DEED, made between Rick J Przybyla and Mary A Przybyla, husband and wife
 _____ ("Grantor," whether one or more),
 and Creative Homes, Inc

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

Outlot 1 of Certified Survey Map No. 9457, recorded in the Register of Deeds Office for Milwaukee County on December 16, 2022, as Document No 11306732 being all that part of the Southeast 1/4 of the Southeast 1/4 of Section 9, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin

Recording Area

Name and Return Address

Creative Homes, Inc
 9244 W Grandview Ct.
 Franklin, WI 53132

792-9005-000

Parcel Identification Number (PIN)

This is not _____ homestead property
 (is) (is not)

Dated June 21, 2024

Rick J Przybyla (SEAL) Mary A Przybyla (SEAL)
 *Rick J Przybyla *Mary A Przybyla
 _____ (SEAL) _____ (SEAL)
 * _____ *

AUTHENTICATION

Signature(s) _____

authenticated on _____

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

THIS INSTRUMENT DRAFTED BY
Rick J Przybyla

ACKNOWLEDGMENT

STATE OF WISCONSIN)

WAUKESHA) COUNTY) ss

Personally came before me on June 21, 2024
 the above-named Rick J Przybyla and Mary A Przybyla

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

Shawn Armstrong
 Notary Public, State of Wisconsin
 My Commission (is permanent) (expires 07/17/2027)

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

NOTE: THIS IS A STANDARD FORM. ANY MODIFICATIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED
 QUIT CLAIM DEED © 2003 STATE BAR OF WISCONSIN FORM NO 3-2003

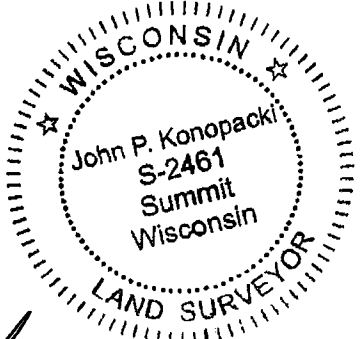
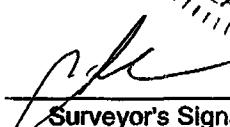
* Type name below signatures

Request for Land Subdivision Plat Review

Plat Review – DOA
Mailing Address: PO Box 1645
 Madison WI 53701
Phone: 608-266-3200
Email: plat.review@wi.gov
Web: <https://doa.wi.gov/platreview>

Department of Administration

Online Submittal and Payment: Instead of this form go to <https://appengine.egov.com/apps/wi/DIR/PlatReview>
 Mailing a check adds about a week to the process

Subdivision Name: <u>Ridgewood Reserve</u>	
<p style="text-align: center;">Surveyor, Company & Street Address:</p> <p>License #: <u>2461</u></p> <p>Name: <u>John P. Konopacki</u></p> <p>Company: <u>Pinnacle Engineering Group, LLC</u></p> <p>Street address: <u>20725 Watertown Road, Suite 100</u></p> <p>(no PO boxes): <u>Waukesha, WI 53186</u></p> <p>Phone: <u>262-754-8888</u></p> <p>Email: <u>john.konopacki@pinnacle-engr.com</u></p>	<p style="text-align: center;">Surveyor's Seal</p>  <p style="text-align: center;">  Surveyor's Signature </p> <p style="text-align: center;"> <u>5/9/2024</u> Date </p>

Complete: 1-7 for FINAL Plats; 3-7 for PRELIMINARY Plats; 4 & 6 for ASSESSOR'S Plats; or 3-4 & 6 for CSMs

I certify that, as the Wisc. Professional Land Surveyor responsible for the field survey & preparation of this plat:

1. All monuments have been set per s. 236.15 (1), Wis. Stats.
 OR
 All exterior boundary monuments have been set, but the town, village or city has temporarily waived placing interior monuments per s. 236.15 (1)(h), Wis. Stats.

2. Preliminary plat name: _____

3. Subdivider's name, Creative Homes Inc and Rick & Mary Przybyla
 and email: rickprzybyla@hotmail.com

4. Email plat PDF (not scanned) and this form to plat.review@wi.gov. Number of sheets 1
5. Is this plat served by public sewer? Yes No
6. Mail a check or money order covering the Department of Administration, Plat Review fee with this form.
7. DOT: Not abutting a S.T.H., U.S.H. or I.H., OR DOT form enclosed.

Surveyor's Receipt & Transmittal Record		Shaded Area for Office Use Only	
Date Received:	Date Time Limit Expires:	Preliminary	
DOT:	Date Copies Sent: County:	Final	
By:	Plat Review Officer	Assessor	CSM

Fee Schedule

A Guide for Calculating the Fee Required by Adm 49, Wis. Admin. Code

PRELIMINARY PLAT

\$ ¹²⁵ \$125 Filing Fee
\$ ¹⁰⁰ \$100 Review Fee
\$ ⁴⁰ Reprographics & Postage Fee - \$40/sheet x ¹ sheets (required for all plats)

FINAL PLAT

\$ _____ \$125 Filing Fee ***
*** (Required unless a preliminary plat has been previously submitted. Also required for subsequent additions or phases of a plat.)
\$ _____ Parcel Fee - \$30/parcel x _____ parcels (outlots + lots) (\$120 minimum) (required for all plats)
\$ _____ Reprographics & Postage Fee - \$40/sheet x _____ sheets (required for all plats)

ASSESSOR'S PLAT

\$ _____ \$125 Filing Fee
\$ _____ Parcel Fee - \$30/parcel x _____ parcels (outlots + lots) (\$120 minimum) (required for all plats)
\$ _____ Reprographics & Postage Fee - \$40/sheet x _____ sheets (required for all plats)

REVISED PLAT (not certified)

\$ _____ \$120 Review Fee
\$ _____ Reconfiguration Fee (add/remove lots/outlots or move streets)-\$30/parcel x _____ parcels

RESUBMITTED PLAT (previously certified or withdrawn)

\$ _____ \$120 Review Fee. Includes 2 sheets, additional sheets \$40/sheet x _____ sheets
\$ _____ Reconfiguration Fee (add/remove lots/outlots or move streets)-\$30/parcel x _____ parcels

MISC

\$ _____ \$100 Certified Survey Map
\$ _____ \$ 50 Written pre-submission consultation request.

\$ ²⁶⁵ **TOTAL FEE DUE**

Mail this form with check or money order, payable to: **Department of Administration**

DON'T use staples or tape on the check.

Shaded Area for Office Use Only

Date fee received: _____

Payer: _____ Check Number: _____

Check Date: _____

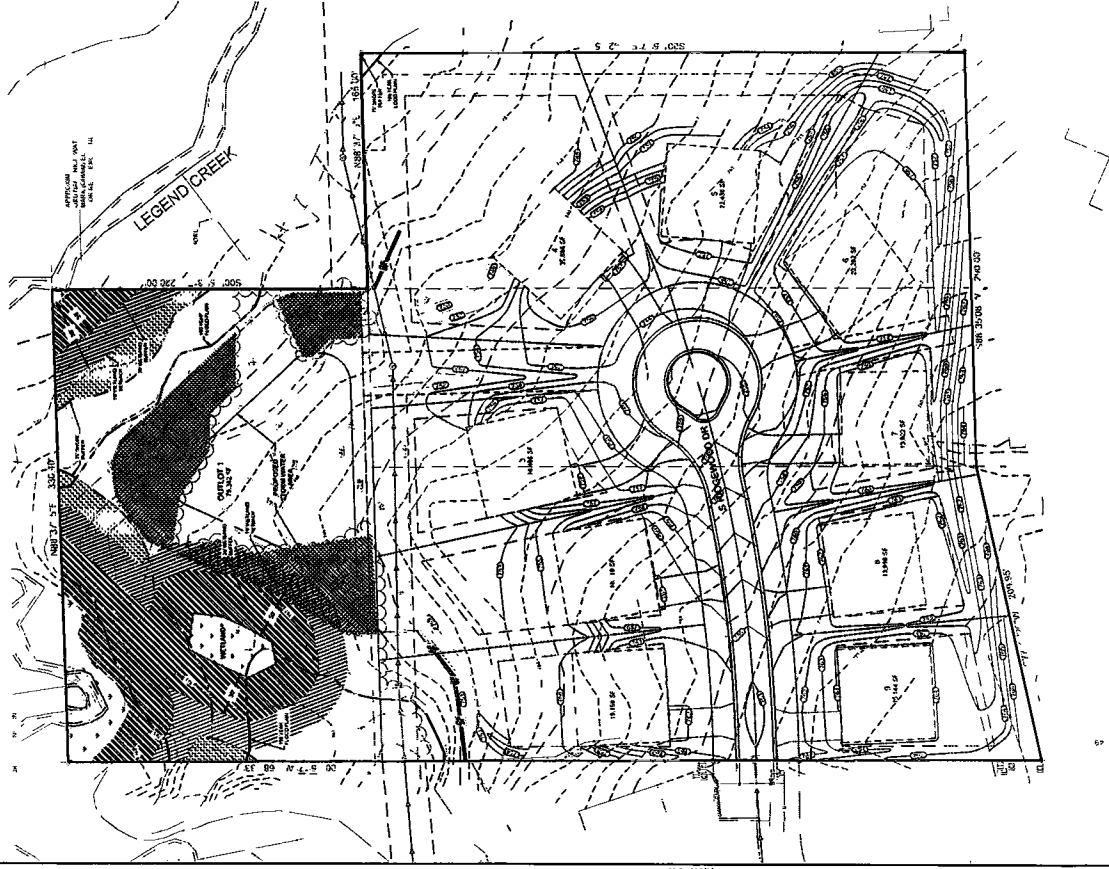
Amount: _____

NATURAL RESOURCE FEATURE AREAS

RESOURCE TYPE	TOTAL AREA	NATURAL RESOURCE AREAS TO BE DISTURBED	NATURAL RESOURCE MITIGATION
STEP SLOPES AREA (60-10% SLOPES) FILL/EROSION	N/A	N/A	N/A
STEP SLOPES AREA (20-60% SLOPES) FILL/EROSION	N/A	N/A	N/A
PONDS	N/A	N/A	N/A
WETLANDS	867 SF (0.02 AC)	N/A	N/A
WETLAND BUFFER (50 FT)	18,708 SF (0.43 AC)	N/A	N/A
WETLAND SETBACK (60 FT) (INCLUDES 50 FT SET)	8,477 SF (0.19 AC)	DISPLACEMENT ONLY	N/A

RESOURCE TYPE	TOTAL AREA	NATURAL RESOURCE AREAS TO BE DISTURBED	NATURAL RESOURCE MITIGATION
SIGNAGE	877 SF (0.02 AC)	N/A	N/A
YOUNG WOODLAND	N/A	N/A	N/A
MATURE WOODLAND	50,795 SF (1.17 AC)	8,734 SF (0.20 AC)	NATURE MODEL AND MITIGATION MATURE WOODLANDS ARE NOT DISTURBED AND ARE TO BE PRESERVED
SHORELAND BUFFER (30 FT)	28,345 SF (0.65 AC)	N/A	N/A
FLOODPLAIN	27,795 SF (0.64 AC)	N/A	N/A
TOTAL LAND AREAS CONTAINING NATURAL RESOURCE FEATURES	62,127 SF (1.42 AC)	N/A	N/A

-WETLANDS DELINEATED BY WETLAND AND WATERWAY CONSULTING, LLC (01/11/2022)



PROPERTY LOCATION
 OUTLOT OF C.S.M. 3410, OUTLOT 1 OF C.S.M. NO. 3456, OUTLOT 1 OF C.S.M. NO. 9457 AND ADDITIONAL LANDS IN THE SE 1/4 OF THE SE 1/4 OF SEC 9, T5N, R21E IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN.

OWNER
 CREATIVE HOMES INC. and
 RICK & MARY PRZYBYLA
 9244 W GRANDVIEW CT
 FRANKLIN, WI 53132

APPLICANT
 CREATIVE HOMES INC. and
 RICK & MARY PRZYBYLA
 9244 W GRANDVIEW CT
 FRANKLIN, WI 53132

ENGINEERING IMPROVEMENT PLANS
FOR

RIDGEWOOD RESERVE

CITY OF FRANKLIN, WI
PLANS PREPARED FOR
CREATIVE HOMES INC AND
RICK & MARY PRZYBYLA
9244 W. GRANDVIEW CT.
FRANKLIN, WI 53132
PHONE: 414-529-0958



GENERAL NOTES

1. THE INTENTION OF THESE PLANS AND SPECIFICATIONS IS TO SET FORTH PERFORMANCE AND CONSTRUCTION MATERIAL STANDARDS FOR THE PROPER EXECUTION OF WORK. ALL WORKS CONTAINED WITHIN THESE PLANS AND SPECIFICATIONS SHALL BE COMPLETED IN ACCORDANCE WITH ALL REQUIREMENTS FROM LOCAL, STATE, FEDERAL OR OTHER GOVERNING AGENCIES' LAWS, REGULATIONS, JURISDICTIONAL ORDINANCES, CODES, STATUTES, AND THE OWNER'S DIRECTION.
2. THE CONTRACTOR SHALL PROBABLY REPORT ANY ERRORS OR AMBIGUITIES LEARNED AS PART OF THEIR REVIEW OF PLANS, SPECIFICATIONS, REPORTS AND FIELD INVESTIGATIONS.
3. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE COMPUTATION OF QUANTITIES AND WORK REQUIRED TO COMPLETE THIS PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND DATA PROVIDED ON THESE PLANS AND SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND DATA PROVIDED ON THESE PLANS AND SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DIMENSIONS AND DATA PROVIDED ON THESE PLANS AND SPECIFICATIONS.
4. QUESTIONS/CLARIFICATIONS WILL BE INTERPRETED BY ENGINEER/OWNER PRIOR TO THE AWARD OF CONTRACT. ENGINEER/OWNER WILL SUBMIT OFFICIAL RESPONSES IN WRITING. INTERPRETATIONS PRESENTED IN OTHER MEDIUMS SHALL BE THE PROPERTY OF THE CONTRACTOR. ENGINEER/OWNER WILL NOT BE RESPONSIBLE FOR ANY MISTAKEN INTERPRETATIONS.
5. PRIOR TO START OF WORK, CONTRACTOR SHALL BE COMPLETELY FAMILIAR WITH ALL CONDITIONS OF THE SITE, AND SHALL ACCOUNT FOR CONDITIONS THAT AFFECT OR MAY AFFECT CONSTRUCTION INCLUDING, BUT NOT LIMITED TO, LIMITATIONS OF ACCESS, EGRESS, AND UTILITIES. CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES PRIOR TO COMMENCEMENT OF CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES PRIOR TO COMMENCEMENT OF CONSTRUCTION.
6. CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
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CIVIL ENGINEERING CONTACTS

MICHAEL J. TANNON, P.E.
20724 WHITE DUNN ROAD, SUITE 100
FRANKLIN, WI 53138
PH: (262) 734-8888

DESIGN-BUILD GROUP, LLC
TEL: (608) 842-1459
WWW.OVERBERGHOTLINE.COM
3000 N. RIVER ST., SUITE 200
MILWAUKEE, WI 53212

PREPARED BY: MICHAEL J. TANNON, P.E.
DATE: JULY 23, 2024

PROJECT: RIDGEWOOD RESERVE, LLC (C) NOT RESPONSIBLE FOR CONSTRUCTION SAFETY OR THE PERMS AND/OR RECORDS CONTRACTORS.

FOR INFORMATION ONLY: ENGINEER/OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES PRIOR TO COMMENCEMENT OF CONSTRUCTION. ENGINEER/OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES PRIOR TO COMMENCEMENT OF CONSTRUCTION. ENGINEER/OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES PRIOR TO COMMENCEMENT OF CONSTRUCTION.

COVER SHEET

REVISIONS	DATE	BY	DESCRIPTION

SHEET	NO.	TOTAL
C-1	1	3
C-2		
C-3		

- TRAFFIC CONTROL NOTES**
1. CONTRACTOR SHALL PROVIDE TRAFFIC CONTROL MEASURES IN ACCORDANCE WITH WISDOT STANDARD DETAIL DRAWINGS TO COMPLETE WORK ON WEST RYAN ROAD.
 1.1. SDD 15C12 - 05B, FOR TRAFFIC CONTROL FOR LANE CLOSURE WITH FLAGGING OPERATION.
 1.2. SDD 15D28 - 04, FOR ANY WORK ON THE ROADWAY SHOULDER.
 2. ANY LANE CLOSURE AND/OR FLAGGING OPERATION NEEDS TO BE APPROVED BY THE CITY OF FRANKLIN, WITH A MINIMUM 72-HOURS ADVANCED NOTICE.

LEGEND

EXISTING	PROPOSED
SANITARY SEWER MAIN HOLE	(Symbol)
STORM SEWER MAIN HOLE	(Symbol)
STORM SEWER CATCH BASIN (ROUND CASTING)	(Symbol)
STORM SEWER CATCH BASIN (RECTANGULAR CASTING)	(Symbol)
PRECAST FLARED END SECTION	(Symbol)
VALVE BOX	(Symbol)
FIRE HYDRANT	(Symbol)
CLEANOUT	(Symbol)
SANITARY SEWER	(Symbol)
STORM SEWER	(Symbol)
WATER MAIN	(Symbol)
ELECTRICAL CABLE	(Symbol)
GAS MAIN	(Symbol)
TELEPHONE LINE	(Symbol)
UTILITY CROSSING	(Symbol)
LIGHTING	(Symbol)
UTILITY TRANSFORMER	(Symbol)
SUBSTATION	(Symbol)
POWER POLE	(Symbol)
POWER POLE WITH LIGHT	(Symbol)
OUT WIRE	(Symbol)
STREET SIGN	(Symbol)
SPOT ELEVATION	(Symbol)
WETLANDS	(Symbol)
FLOODPLAIN	(Symbol)
HIGH WATER LEVEL (HWL)	(Symbol)
NORMAL WATER LEVEL (NWL)	(Symbol)
DIRECTION OF SURFACE FLOW	(Symbol)
DITCH OR SWALE	(Symbol)
DIVERSION SWALE	(Symbol)
OVERFLOW RELIEF ROUTING	(Symbol)
TREE WITH TRUNK SIZE	(Symbol)
SOIL BORING	(Symbol)
TOPSOIL PROBE	(Symbol)
FENCE LINE, TEMPORARY SLT	(Symbol)
FENCE LINE, WIRE	(Symbol)
FENCE LINE, CHAIN LINK OR IRON	(Symbol)
FENCE LINE, WOOD OR PLASTIC	(Symbol)
CONCRETE SIDEWALK	(Symbol)
CURB AND GUTTER	(Symbol)
DEPRESSED CURB	(Symbol)
REVERSE PITCH CURB & GUTTER	(Symbol)
BASEMENT LINE	(Symbol)

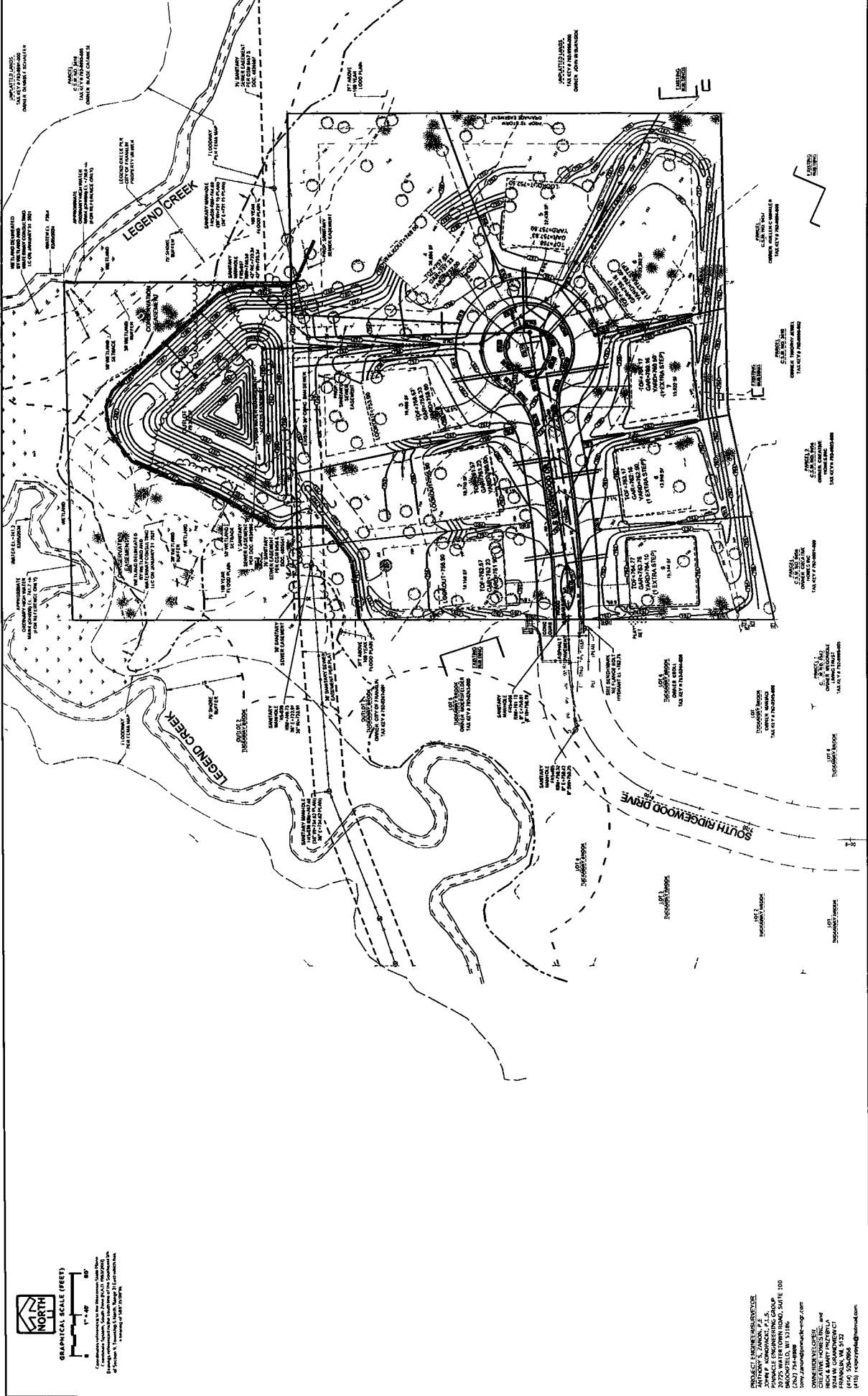
ABBREVIATIONS

BH	BASE HOLE	MH	MANHOLE
BP	BOTTOM OF PIPE	NWL	NORMAL WATER LEVEL
C & G	CURB AND GUTTER	PT	POINT OF TANGENCY
C/B	CATCH BASIN	PVI	POINT OF VERTICAL INTERSECTION
D	DITCH OR SWALE	R/SW	RIGHT-OF-WAY
DE	DEPRESSED CURB	SI	STORM SEWER
FF	FINISHED FLOOR	SW	STORM WATER
FG	FINISHED GRADE	T	TANGENCY OF CURVE
FL	FLOODPLAIN	TC	TOP OF CURB
FW	FLOODWAY	TD	TOP OF DRAIN
PC	PROPOSED CURB & GUTTER	TP	TOP OF PILE
PIC	PROPOSED INVERT	TW	TOP OF SIDEWALK OR CURB WALL
PIV	PROPOSED WATER MAIN	WFL	WATER MAIN
L	LENGTH OF CURVE	A	ANGLE

PLANNING DESIGN | DELIVER

PINNACLE ENGINEERING GROUP

1000 WISCONSIN AVENUE, SUITE 200
FRANKLIN, WI 53138
PHONE: 414-529-0958 | FAX: 414-529-0957



GRAPHICAL SCALE (FEET)
 1" = 40'
 0 20 40 60 80
 NORTH

Construction of this plan is based on the following data: 1. Aerial photographs of the site; 2. Topographic maps of the site; 3. Field notes and measurements; 4. Other data as shown on this plan. The engineer is not responsible for the accuracy of the data provided by others.

PROJECT: RIDGEWOOD RESERVE
 ADDRESS: 3410, OUTLOT 1 OF C.S.M. NO. 9456, OUTLOT 1 OF C.S.M. NO. 9457, AND ADDITIONAL LANDS IN THE SE 1/4 OF THE SE 1/4 OF SEC. 9, T5N, R21E, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN
 PREPARED BY: Pinnacle Engineering Group
 DATE: 10/20/11
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

PLAN | DESIGN | DELIVER

PINNACLE ENGINEERING GROUP
 ENGINEERING, SURVEYING, PLANNING, DESIGN, CONSTRUCTION

1111 W. WISCONSIN AVENUE
 SUITE 200
 MILWAUKEE, WI 53233
 TEL: 414.224.8888
 FAX: 414.224.8889
 WWW.PINNACLE-ENGR.COM

RIDGEWOOD RESERVE
 OUTLOT A OF C.S.M. 3410, OUTLOT 1 OF C.S.M. NO. 9456, OUTLOT 1 OF C.S.M. NO. 9457, AND ADDITIONAL LANDS IN THE SE 1/4 OF THE SE 1/4 OF SEC. 9, T5N, R21E, CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

MASTER GRADING PLAN

REVISIONS

NO.	DATE	DESCRIPTION

SHEET

C-2	C-3
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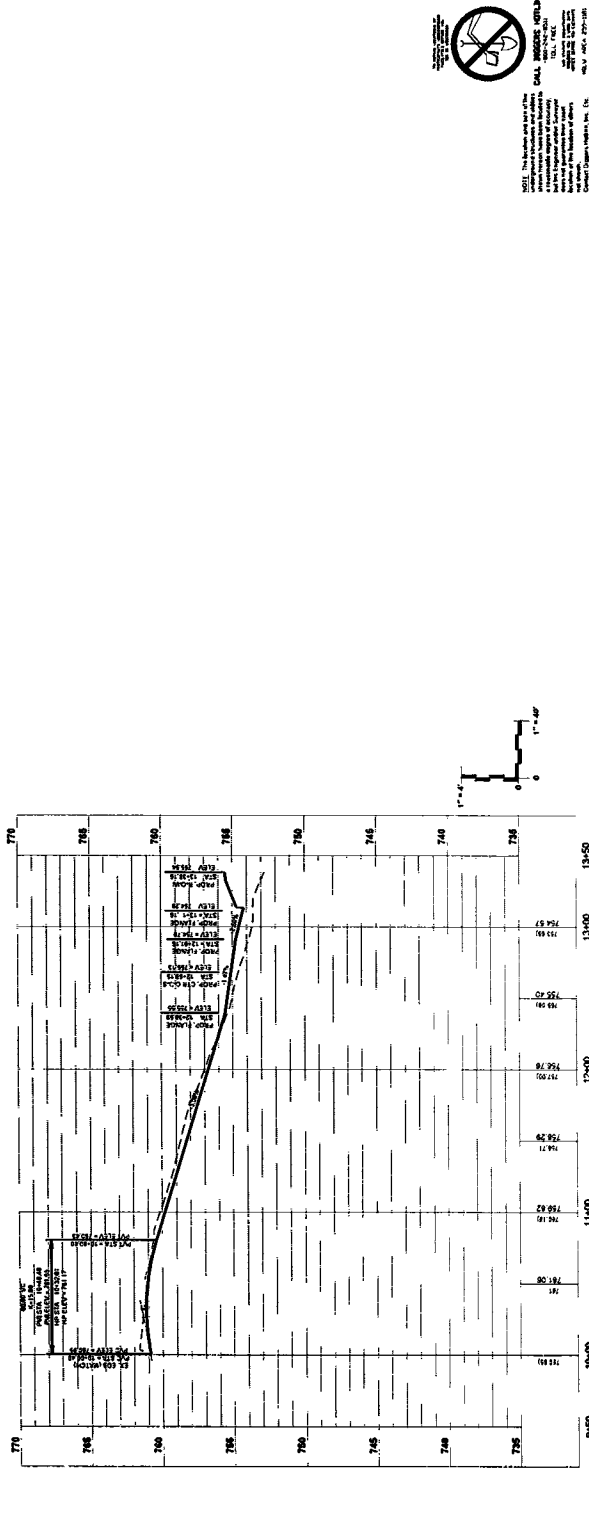
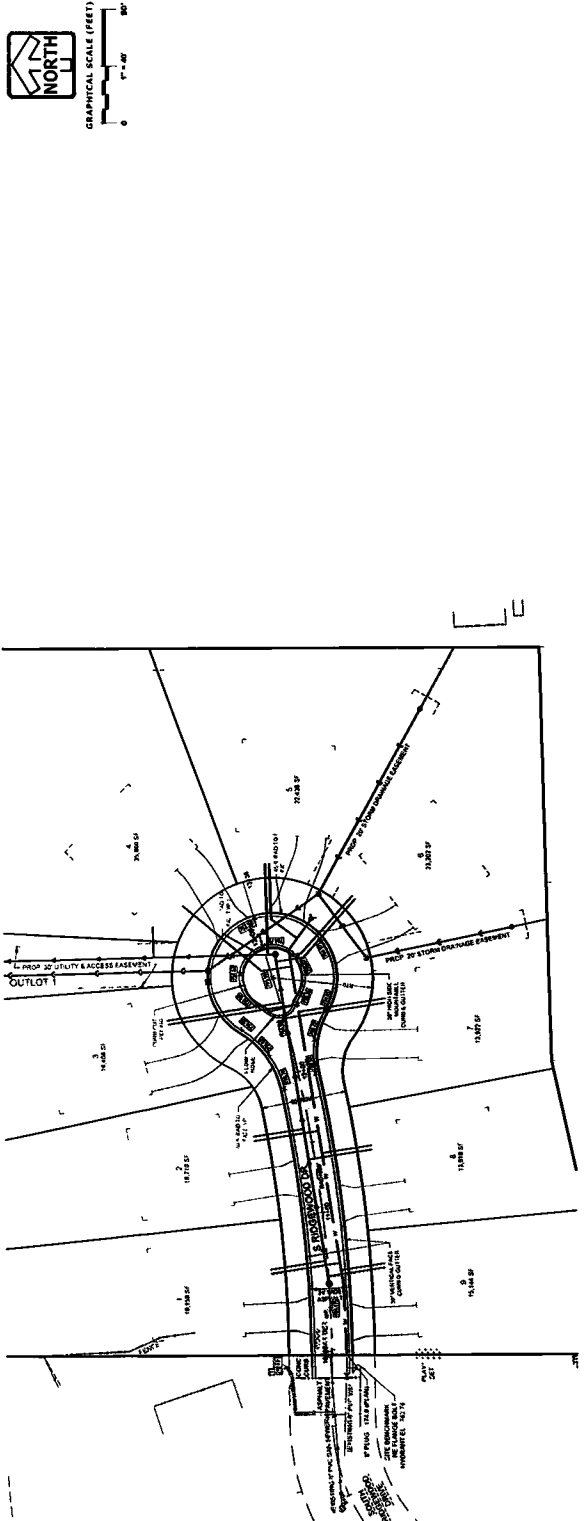
SCALE
 1" = 40'

DATE
 10/20/11

BY
 [Name]

CHECKED
 [Name]

APPROVED
 [Name]



REVISIONS

NO.	DESCRIPTION

PLAN & PROFILE

RIDGEWOOD RESERVE
CITY OF FRANKLIN, MILWAUKEE CO., WISCONSIN

PLANNING DESIGN DELIVER

PINNACLE ENGINEERING GROUP
INCORPORATED, MILWAUKEE, WISCONSIN

PROJECT NO. 2024-001

DATE: 10/20/24

SCALE: 1" = 40'

SHEET C-3

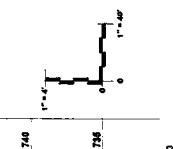
DATE: 10/20/24

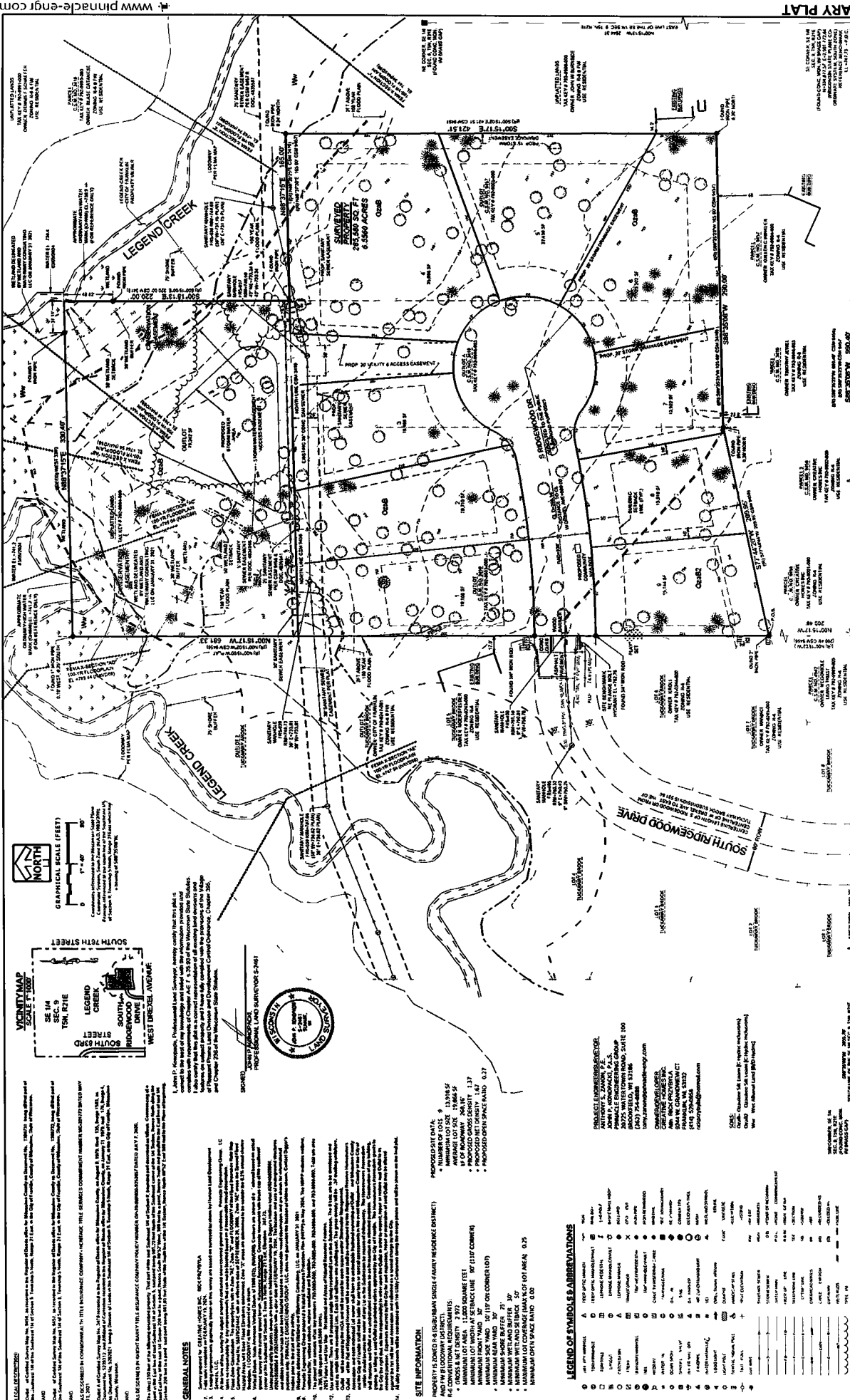
SCALE: 1" = 40'

PROJECT NO. 2024-001

DATE: 10/20/24

SCALE: 1" = 40'





LEGEND

1	Proposed Residential
2	Proposed Commercial
3	Proposed Industrial
4	Proposed Office
5	Proposed Retail
6	Proposed Entertainment
7	Proposed Community
8	Proposed Institutional
9	Proposed Public
10	Proposed Agricultural
11	Proposed Forest
12	Proposed Open Space
13	Proposed Conservation
14	Proposed Wetland
15	Proposed Water
16	Proposed Utility
17	Proposed Other

REVISIONS

NO.	DATE	DESCRIPTION
1	11/17/23	Initial Submission
2	11/21/23	City Comments
3	12/05/23	City Comments
4	12/12/23	City Comments
5	12/19/23	City Comments
6	12/26/23	City Comments
7	1/02/24	City Comments
8	1/09/24	City Comments
9	1/16/24	City Comments
10	1/23/24	City Comments
11	1/30/24	City Comments
12	2/06/24	City Comments
13	2/13/24	City Comments
14	2/20/24	City Comments
15	2/27/24	City Comments
16	3/06/24	City Comments
17	3/13/24	City Comments
18	3/20/24	City Comments
19	3/27/24	City Comments
20	4/03/24	City Comments
21	4/10/24	City Comments
22	4/17/24	City Comments
23	4/24/24	City Comments
24	5/01/24	City Comments
25	5/08/24	City Comments
26	5/15/24	City Comments
27	5/22/24	City Comments
28	5/29/24	City Comments
29	6/05/24	City Comments
30	6/12/24	City Comments
31	6/19/24	City Comments
32	6/26/24	City Comments
33	7/03/24	City Comments
34	7/10/24	City Comments
35	7/17/24	City Comments
36	7/24/24	City Comments
37	7/31/24	City Comments
38	8/07/24	City Comments
39	8/14/24	City Comments
40	8/21/24	City Comments
41	8/28/24	City Comments
42	9/04/24	City Comments
43	9/11/24	City Comments
44	9/18/24	City Comments
45	9/25/24	City Comments
46	10/02/24	City Comments
47	10/09/24	City Comments
48	10/16/24	City Comments
49	10/23/24	City Comments
50	10/30/24	City Comments

PRELIMINARY PLAT

RIDGEWOOD RESERVE

OUTLOT A OF C.S.M. 3410, OUTLOT 1 OF C.S.M. NO. 9456, OUTLOT 1 OF C.S.M. NO. 9457
AND ADDITIONAL LANDS IN THE SE 1/4 OF SEC. 9, T2N, R21E, CITY OF
FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

PLAN DESIGN DELIVER

PROJECT ENGINEER/EXPERIENCED
JOHN P. MURPHY, P.E., P.L.S.
20225 WAUSAU CENTER ROAD, SUITE 100
FRANKLIN, WI 53186
tel: 920.733.1100
www.pinnacleengr.com

OWNER/DEVELOPER
CREATIVE INDUSTRIES
1000 W. GRANDVIEW CT
FRANKLIN, WI 53132
tel: 920.733.1100
www.pinnacleengr.com

SCALE: AS SHOWN
SCALE: 1" = 40'

REVISIONS

1. CITY COMMENTS

GENERAL NOTES

1. All work shall be in accordance with the City of Franklin, Wisconsin, Ordinance No. 10.01, which is hereby adopted by reference as if fully set forth herein.
2. All work shall be in accordance with the City of Franklin, Wisconsin, Ordinance No. 10.02, which is hereby adopted by reference as if fully set forth herein.
3. All work shall be in accordance with the City of Franklin, Wisconsin, Ordinance No. 10.03, which is hereby adopted by reference as if fully set forth herein.
4. All work shall be in accordance with the City of Franklin, Wisconsin, Ordinance No. 10.04, which is hereby adopted by reference as if fully set forth herein.
5. All work shall be in accordance with the City of Franklin, Wisconsin, Ordinance No. 10.05, which is hereby adopted by reference as if fully set forth herein.
6. All work shall be in accordance with the City of Franklin, Wisconsin, Ordinance No. 10.06, which is hereby adopted by reference as if fully set forth herein.
7. All work shall be in accordance with the City of Franklin, Wisconsin, Ordinance No. 10.07, which is hereby adopted by reference as if fully set forth herein.
8. All work shall be in accordance with the City of Franklin, Wisconsin, Ordinance No. 10.08, which is hereby adopted by reference as if fully set forth herein.
9. All work shall be in accordance with the City of Franklin, Wisconsin, Ordinance No. 10.09, which is hereby adopted by reference as if fully set forth herein.
10. All work shall be in accordance with the City of Franklin, Wisconsin, Ordinance No. 10.10, which is hereby adopted by reference as if fully set forth herein.

GENERAL NOTES

1. All work shall be in accordance with the City of Franklin, Wisconsin, Ordinance No. 10.01, which is hereby adopted by reference as if fully set forth herein.
2. All work shall be in accordance with the City of Franklin, Wisconsin, Ordinance No. 10.02, which is hereby adopted by reference as if fully set forth herein.
3. All work shall be in accordance with the City of Franklin, Wisconsin, Ordinance No. 10.03, which is hereby adopted by reference as if fully set forth herein.
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10. All work shall be in accordance with the City of Franklin, Wisconsin, Ordinance No. 10.10, which is hereby adopted by reference as if fully set forth herein.

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<p style="text-align: center;">APPROVAL</p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE August 20, 2024</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">A Resolution Approving a Partial Property Tax Rescission and Refund for Parcel #759-9054-000</p>	<p style="text-align: center;">ITEM NUMBER H.8.</p>

BACKGROUND

Per Wisconsin State Statutes, the removal of property taxes needs to be authorized by the Common Council. Statutes enumerate specific conditions under which a rescission/refund is appropriate and necessary. There is currently one property that was incorrectly assessed for the 2023 tax year. This parcel is a retention pond for a homeowner's association. The 2023 assessment valued the lot as if it were a buildable lot rather than a pond, which the current City Assessor confirmed with the previous City Assessor by phone.

ANALYSIS

Parcel: 759-9054-000
 Owner: Pleasant View Reserve HOA, Inc.
 Address: 51st St. S

The current City Assessor has had contact with the previous City Assessor by phone. For retention ponds, the City Assessor typically use the land model for the neighborhood it's in, but then make a negative adjustment to account for the are underwater. The adjustment is usually anywhere between -90% to -99%, with the most typical being -95% Based on the phone conversation and assumptions, it is the recommendation of the current City Assessor to suggest that the 2023 assessed value should be a -95% reduction and approve this rescinded tax and refund request.

FISCAL NOTE

The impact of the above rescission/refund is likely a bad debt expense for the City in the amount of \$1,137.77. There is a formal process that allows the City to notify the Department of Revenue (DOR) of rescissions in October of each year, and, as long as the total of all rescissions, for the tax year, for the City of Franklin, meet the statutory dollar threshold, \$250 or more per any single property, the chargeback will be authorized, and the other taxing entities will be responsible for their share. Staff will complete the statutory submittal and make the request to be reimbursed by the other taxing entities for their prorated shares totaling approximately \$3,855.83.

RECOMMENDATION

Staff recommends that Council authorize this resolution to partially rescind and refund the above noted taxes as outlined.

COUNCIL ACTION REQUESTED

Motion to approve Resolution No. 2024-_____, A Resolution Approving a Partial Property Tax Rescission and Refund for Parcel #759-9054-000; and direct staff to file the chargeback request with the DOR to seek compensation from the other taxing authorities.

Finance Dept - DB

STATE OF WISCONSIN; CITY OF FRANKLIN; MILWAUKEE COUNTY

RESOLUTION NO. 2024-_____

RESOLUTION APPROVING A PARTIAL PROPERTY TAX RESCISSION AND REFUND FOR PARCEL #934-0120-000

WHEREAS, the following property taxes were assessed improperly, per Wisconsin State Statutes 74.33 (1) (b), which states that the assessment included real property improvements that did not exist on the assessment date, and a partial rescission and refund of the tax due is appropriate:

Pleasant View Reserve HOA, Inc
51st St. S
Franklin, WI 53132
(Parcel #759-9054-000) \$4,993.60

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, that the proper City Officials are hereby authorized and directed to rescind and refund the sum of \$4,993.60; and

BE IT FURTHER RESOLVED, that the proper City Officials authorized and directed to seek compensation from the other taxing authorities, if applicable, per Wisconsin State Statutes 74.41.

Funds for this purpose are appropriated from the following Account Numbers.

Table with 3 columns: Account Number, Name, and Amount. Rows include Milwaukee County (\$947.01), City of Franklin (\$1,137.77), MATC (\$241.90), Franklin School District (\$2,295.63), and MMSD (\$371.29).

Resolution introduced at a regular meeting of the Common Council of the City of Franklin this ___ day of _____, 2024.

Passed at a regular meeting of the Common Council of the City of Franklin this ___ day of _____, 2024.

APPROVED:

John R Nelson, Mayor

ATTEST:

Shirley J. Roberts, City Clerk

AYES ___ NOES ___ ABSENT ___

Accurate Assessor database information

Parcel	Acres	Soft	Land Value	Imprv. Value	Total Value
759-9054-000	1.494	65079	325000	0	325000

Summary

This parcel is a retention pond for a homeowners association. The 2023 assessment valued the lot as if it were a buildable lot rather than pond (confirmed by previous assessment firm representative Jim Danielson, 920-850-1384)

For retention ponds, we typically use the land model for the neighborhood its in, but then we make a negative adjustment to account for its underwater-ness. The adjustment is usually anywhere from -90% to -99%, with the most typical being -95%. This is how we calculated the suggested 2023 value shown below

Suggested 2023 values		
Land	Improvement	Total
\$16,300	\$0	\$16,300
		Difference
		-\$308,700

Relevant statutes (emphasis added)

74 33 Sharing and charging back of taxes due to palpable errors.

- (1) Grounds After the tax roll has been delivered to the treasurer of the taxation district under s 74.03, the governing body of the taxation district may refund or rescind in whole or in part any general property tax shown in the tax roll, including agreed-upon interest, if:
 - (f) **An arithmetic, transpositional or similar error has occurred.**

70 43 Correction of errors by assessors.

- (1) In this section, "palpable error" means an error under s 74.33 (1)
- (2) **If the assessor discovers a palpable error in the assessment of a tract of real estate or an item of personal property, for personal property assessments made before January 1, 2024, that results in the tract or property having an inaccurate assessment for the preceding year, the assessor shall correct that error by adding to or subtracting from the assessment for the preceding year. The result shall be the true assessed value of the property for the preceding year. The assessor shall make a marginal note of the correction on that year's assessment roll.**
- (3) The dollar amount of the adjustment determined in the correction under sub. (2) shall be referred to the board of review and, if certified by that board, shall be entered in a separate section of the current assessment roll, as prescribed by the department of revenue, and shall be used to determine the amount of additional taxes to be collected or taxes to be refunded. The dollar amount of the adjustment may be appealed to the board of review in the same manner as other assessments. **The taxes to be collected or refunded shall be determined on the basis of the net tax rate of the previous year, taking into account credits under s. 79.10. The taxes to be collected or refunded shall be reflected on the tax roll in the same manner as omitted property under s 70 44, but any such adjustment may not be carried forward to future years. The governing body of the taxation district shall proceed under s 74.41.**

Name	Pleasant View HOA Inc.		
Parcel ID	759-9054-000 equated		
Assessed Value -	Original	\$325,000	
Assessed Value -	Revised	\$16,300	does not match the resolution
Payments Due		-308,700	
Lottery Credit		0.00	0.00 0.00
1/31		2,628.64	131.84 2,496.80
3/31		1,314.32	65.92 1,248.40
5/31		1,314.32	65.92 1,248.40
		<u>5,257.27</u>	<u>263.67 4,993.60</u>

	2023 Rate	Original Amount	Adjusted Amount	Difference	GL Entry State Report Difference
State Tax	0.0000000	0.00	0.00	0.00	0.00
Milwaukee County	01 0000 1415	3.3711542	1,095.63	54.95	1,040.68 947.01
Sales Tax Credit		0.0000000	0.00	0.00	0.00
City of Franklin	01 0198 5543	4.0502260	1,316.32	66.02	1,250.30 1,137.77
MATC (VTAE)	01 0000 1412	0.8611245	279.87	14.04	265.83 241.90
1 Franklin Schools	01 0000 1411	8.1719422	2,655.88	133.20	2,522.68 2,295.63
State School Levy credit		-1.5999288	-519.98	-26.08	-493.90
1 MMSD	01 0000 1413	1.3217058	429.55	21.54	408.01 371.29
		<u>16.1762239</u>	<u>5,257.27</u>	<u>263.67</u>	<u>4,993.60 4,993.60</u>

Milwaukee County is entitled to the Sales tax credit

The School levy credit is proportioned among all taxing districts

The State when calculating the amounts will calculate the TIF impact and include that with the City total

Franklin Schools	01 0000 1411	8.1719422
Oak Creek/Franklin Schools	01 0000 1418	8.2508137
Whitnall Schools	01 0000 1419	7.4508424
No Sewer		0.0000000

TOTAL

APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE August 20, 2024
REPORTS & RECOMMENDATIONS	RESOLUTION AUTHORIZING THE EXECUTION OF A TAX-EXEMPT LEASE-PURCHASE AGREEMENT AND RELATED DOCUMENTS AND AWARD THE SALE FOR THE JOHNSON CONTROLS MUNICIPAL PROJECT	ITEM NUMBER H.9.

Analysis

The Common Council adopted Resolution No. 2024-8186, which authorized certain officials to execute a Performance Contract, Schedule 5 Supplemental Terms & Conditions Agreements, and Master Energy Service Agreement with Johnson Controls, Inc. Furthermore, that resolution added a provision that the above be contingent upon and subject to terms of Financing determination to be undertaken and approved by the Director of Finance. It was further resolved that the funding for the provision of the services and products agreements shall be administered by the Director of Finance and Treasurer.

The total project costs for the work being performed in this contract is \$3,025,616.00 Prior to the execution of the Agreements, the Financing Structure was reviewed with the Director of Finance, Director of Administration and Mayor.

On July 16, 2024, the Common Council approved Ordinance No. 2024-2627, an Ordinance amending the 2024 Annual Budget to transfer and repurpose unused appropriations for the Johnson Controls Comprehensive Efficiency Program Project. The total 2024 capital contribution is \$896,050.

After further consideration on the debt issuance of the remaining \$2,129,586.00, a few options were available.

1. General Obligation Bonds
2. Tax-Exempt Lease-Purchase (“TELP”)
3. Contingent Payment Funding Structure

Comparison | Performance Contract Funding Options

Topic	GO Bonds	TELP	Contingent Payment
Rate	Baseline	GO Bonds + 50 BP	TELP + 120 BP
Closing costs	50 BP + \$100k legal	\$12k legal	None
Pledge	Tax revenues	Equipment lien	Equipment lien
Max term	40 years	20 years	25 years
Obligated term	Full term	1 budget cycle	1 budget cycle
Commitment	Full term commitment	Budget appropriation	Budget appropriation
Termination	0-2% after 10 years	1-3% anytime	3-4% after construction
Issuance	Public issuance	Private placement	Direct with JCI
Approval	Voter referendum*	Governing body	Governing body

* Some states have "home rule" laws that allow local governments to issue LTGO debt without voter approval

The Director of Finance met with Johnson Controls, Inc. finance team and deemed the TELP was the best option for the City of Franklin. There are a few factors that were considered in making this decision:

1. Rate: extremely comparable to the TID 9 GO Bond taken out in July. Due to timing of bond issuance and contract approvals, we were not able to add this funding to the July 16th Bond sale.
2. Closing costs: As noted in the proposals, most offers have \$0 closing costs except City's legal costs to execute the necessary agreements and documents.
3. Obligation Term/Commitment: As noted in the cash flow, an annual budget cycle contribution is all that's needed to appropriate annual funding.

In speaking with the City's Financial Advisor, the downside to a TELP would be there is no tax pledge. That means the City cannot levy for the debt service. However, based on the cash flow of the project, and the significant utility savings, it was determined that this concern was very low risk and not a significant factor in determining the best financing option.

The City of Franklin Finance Team has worked extremely close with JCI Finance team to prepare an RFP and that was distributed to financial institutions that actively finance Performance Contract projects for governmental customers. The contemplated transaction involves a TELP between the City, as the lessee, and the financial institution, as the lessor. The financial institutions were asked to submit proposals for a Bank Qualified ("BQ") assumption. All other details on the proposed transaction can be found in the RFP document. The financial institutions were asked to submit proposals based upon project data that was provided in the RFP. The RFP asked bidders to assume a financed project amount of \$3,025,636.00 (+/- 10%), \$896,050.00 provided capital from the City, resulting in a financed amount of \$2,129,586.00, a 20-year financing term with a six-month construction phase, and a financing close date of 8/30/2024. Interest during construction would either accrue to the balance or be capitalized upfront.

RFP proposals were due 7/31/24.

There were 3 banks that submitted a response.

1. Bank of America
2. Huntington Bank
3. Webster Bank

Due to the expiration date being 10 days (due to volatile market conditions) on these proposals and approval requirements, the banks are submitting updated proposals by August 19, 2024. The updated proposals will have updated rates locked in. Market conditions have been favorable compared to 3 weeks ago. Each proposal will be directly emailed to each Council member and given a paper copy at August 20, 2024 Council meeting.

The Finance Committee was set to review this debt issuance plan; however, the July 23, 2024 Finance Committee meeting was cancelled due the Finance Department finalizing the 2023 Financial Audit and Municipal Financial Report due on July 31, 2024.

Staff is recommending the Common Council adopt a resolution to authorize the execution of a Tax-Exempt Lease-Purchase Agreement and related documents. Furthermore, after reviewing the proposals, staff is recommending the Common Council award the sale to the lowest rated bank. After award of the sale, a meeting will be set up with the Director of Finance, Director of Administration, City Attorney and the Lessor's team to finalize all documents and bring forward the proper closing documents and resolutions for Council approval.

Fiscal Note

The Common Council previously awarded a Performance Contract with Johnson Controls in the amount of \$3,025,636 on July 16, 2024. Funding in the 2024 Annual Budget appropriates \$896,050, resulting in a financed amount of \$2,129,586.

A sample cash flow is attached, but will be updated with each proposal. Measured total utility savings and rebates are expected to be roughly \$2.6 million over the 20-year life of the TELP.

COUNCIL ACTION REQUESTED

Motion to adopt Resolution No. 2024 - _____, a Resolution Authorizing the Execution of a Tax-Exempt Lease-Purchase Agreement and Related Documents and Award the Sale for the Johnson Controls Municipal Project.

Finance Dept - DB

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2024-_____

RESOLUTION AUTHORIZING THE EXECUTION OF A TAX-EXEMPT LEASE-PURCHASE AGREEMENT AND RELATED DOCUMENTS AND AWARD THE SALE FOR THE JOHNSON CONTROLS MUNICIPAL PROJECT

WHEREAS, the City of Franklin, Milwaukee County, Wisconsin (the "City") is presently in need of approximately \$2,129,586.00 for improvements and positive additions to the City's facilities, including, but not limited to, facilities lighting, boiler replacement, installation of new solar photovoltaic systems, water heater replacement, furnace replacement, air cooled condensing unit replacement, City Hall interior remodel and replacement of fixtures to provide for water conservation (the "Project"); and

WHEREAS, it is desirable to borrow said funds through the issuance of a structured Tax-Exempt Equipment Lease-Purchase Agreement between the City of Franklin (Lessee) and the Tax-Exempt Leasing Corporation (Lessor) chosen by the Common Council; and

WHEREAS, the Common Council has determined that the Master Lease Purchase Agreement and Schedules approved on July 16th, 2024, are in the best interests of the Lessee for the acquisition of such equipment; and

WHEREAS, the Director of Finance has performed extreme due diligence in determining the best financing option for the City and present competitive proposals of a Tax-Exempt Lease-Purchase Agreement to the Common Council; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that:

- Section 1. Issuance of the Tax-Exempt Lease-Purchase Agreement. The City shall issue the Agreement in the approximate amount of 2,129,586.00 for the Project.
- Section 2. Approval and Authorization. The Common Council approves the entering into of the Agreement and Schedule by the Lessee and hereby designates the Director of Finance and Treasurer, Mayor, City Clerk and with review by the City Attorney, to execute and deliver the Agreement and Schedule of the Lessee's behalf. The Director of Finance and City Attorney will bring forth closing documents and resolutions for proper approvals when finalized and appropriate.
- Section 3. Reimbursement. The Common Council hereby officially declares its intent pursuant to Treasury Regulation Section 1.150-2 to reimburse any expenditures made in connection with the Project prior to the issuance of the Tax-Exempt Lease-Purchase with the proceeds in an amount not to exceed \$2,129,586.00.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2024.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin
this _____ day of _____, 2024.

APPROVED:

John R Nelson, Mayor

ATTEST:

Shirley J. Roberts, City Clerk

AYES ___ NOES ___ ABSENT ___

X
RESOLUTION NO. 2024-____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A PERFORMANCE CONTRACT AND SCHEDULE 5 SUPPLEMENTAL TERMS & CONDITIONS AGREEMENTS WITH JOHNSON CONTROLS, INC. IN FURTHERANCE OF THE MASTER ENERGY SERVICES AGREEMENT PREVIOUSLY ENTERED INTO WITH JOHNSON CONTROLS, INC., TO IMPLEMENT ENERGY EFFICIENCY, SAFETY, SECURITY AND RENEWABLE ENERGY MEASURES AT VARIOUS CITY BUILDINGS AND INFRASTRUCTURE

WHEREAS, the Common Council previously sought to create and now is working to continue a Comprehensive Efficiency Program to benefit the City’s municipal buildings and infrastructure and create cost-saving efficiencies and safe and secure facilities; and

WHEREAS, the Common Council adopted Resolution No. 2024-8133 on April 3, 2024, approving a Master Energy Services Agreement with Johnson Controls, Inc., to create and commence the Program, which Agreement provides for a number of further actions and activities to occur in the furtherance and operation of the Program, including a Performance Contract which provides for improvements and positive additions to City facilities, including, but not limited to, facilities lighting, boiler replacement, installation of new solar photovoltaic systems, water heater replacement, furnace replacement, air cooled condensing unit replacement, City Hall interior remodel, and replacement of fixtures to provide for water conservation; and

WHEREAS, Schedule 4 Price and Payment Terms of the Performance Contract provides for the price to be paid for the work to be performed in the total amount of \$3,070,548.00, to be paid in increments over time; and

WHEREAS, the Department of Administration and the Department of Finance and Treasury have reviewed and conferred with City staff regarding the provision of the subject improvements in furtherance and operation of the Program and recommend the approval of the Performance Contract and Schedule 5 Supplemental Terms & Conditions Agreements, with provision from the Department of Finance and Treasury that approval be contingent upon and subject to the terms of financing determination to be undertaken and approved by the Director of Finance and Treasurer; and

WHEREAS, the Common Council having reviewed the Performance Contract and Schedule 5 Supplemental Terms & Conditions Agreements with Johnson Controls, Inc., and having determined same to be reasonable and in the public interest.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Performance Contract and Schedule 5 Supplemental

Terms & Conditions Agreements with Johnson Controls, Inc., in the form and content as annexed hereto, subject to changes approved by the Director of Administration, Director of Finance and Treasurer and the City Attorney, be and the same are hereby approved, contingent upon and subject to the terms of financing determination to be undertaken and approved by the Director of Finance and Treasurer.

BE IT FURTHER RESOLVED, that the Mayor, City Clerk and Director of Finance and Treasurer be and the same are hereby authorized to execute and deliver such agreements.

BE IT FINALLY RESOLVED, that funding for the provision of the services and products agreements hereunder shall be administered by the Director of Finance and Treasurer.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2024.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2024.

APPROVED:

ATTEST:

John R. Nelson, Mayor

Shirley J. Roberts, City Clerk

AYES _____ NOES _____ ABSENT _____

PRICE AND PAYMENT TERMS

Customer shall make payments to JCI pursuant to this Schedule 4

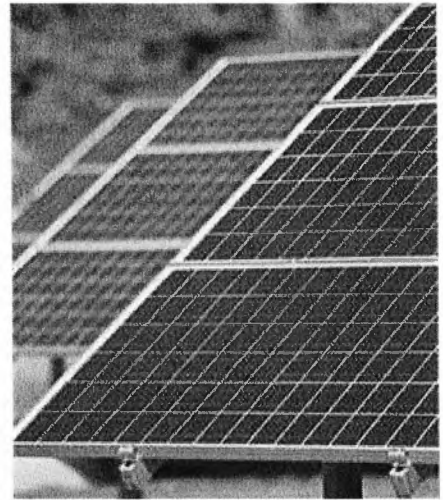
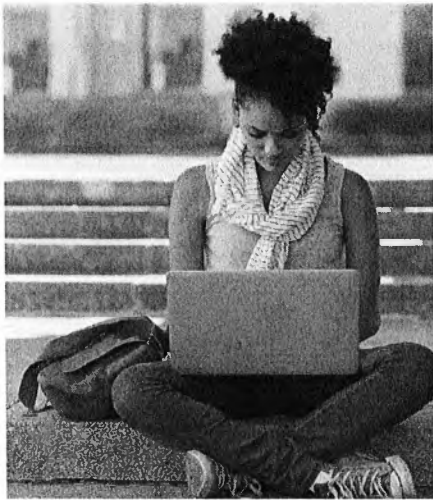
- 1 Work The price to be paid by Customer for the Work shall be \$ 3,025,636 Payments (including payment for materials delivered to JCI and work performed on and off-site) shall be made to JCI as follows

First payment due	\$1,512,818	8/30/24
Second payment due	\$302,564	9/30/24
Third payment due	\$302,564	10/30/24
Fourth payment due	\$302,564	11/30/24
Fifth payment due	\$302,564	12/30/24
Final payment due	\$302,562	2/30/25

- 2 M&V Services The total price for JCI's M&V Services, as detailed on Schedule 2 of this Agreement, is \$44,912 This amount will be paid to JCI in annual installments per the schedule below These payments will be due and payable when Customer receives JCI's invoice and in advance of the services JCI is to provide, and shall be made throughout the 3 year Guarantee Term The total price for JCI's M&V Services is not included in the Work price above

Annual amount due Year 1	\$14,530	Due Date 3/1/2025
Annual amount due Year 2	\$14,966	Due Date 3/1/2026
Annual amount due Year 3	\$15,416	Due Date 3/1/2027

First payment due Upon project Substantial Completion



Tax-Exempt Lease/Purchase Financing Proposal For:

City of Franklin, WI
August 15, 2024

Bank of America has committed to deploying and mobilizing \$1 trillion by 2030 in our Environmental Business Initiative in order to accelerate the transition to a low-carbon, sustainable economy. Through lending, investing, capital raising, advisory services and developing financing solutions for clients around the world, the bank has deployed more than \$200 billion since 2007 in support of environmental business efforts across the globe.



David J. ...
Senior Vice President
Senior Capital Specialist

Freg Services
MA5 08 08 1
100 Federal Street Boston MA 02110
617 434 7700 M61 260 9266
Holy and ...

TRANSMITTAL VIA EMAIL

Attn: Mr. Steve Goldberg
Lead Financial Associate
Johnson Controls Capital

Date: August 15, 2024

**Re: Tax-Exempt Lease-Purchase Agreement for the City of Franklin, WI
("CITY")**

Thank you for the opportunity to present to you the attached terms and conditions for the financing of the above private placement transaction for the City of Franklin, WI ("City", or "Lessee"). Banc of America Public Capital ("BAPCC" or "Lessor") looks forward to the opportunity to provide our tax-exempt equipment lease financing services for this important energy efficiency project.

BAPCC offers unique financing features and qualifications that can be leveraged on behalf of CITY to complete this transaction at a low interest cost and in a smooth and efficient manner. These features and qualifications include:

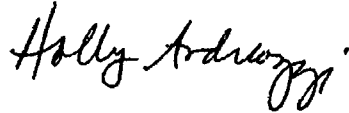
1. **TAX-EXEMPT PRIVATE PLACEMENT EXPERIENCE:** We are a leading provider of private placement capital to the state government, municipal local government, K-12, housing authority, and higher education tax-exempt markets. Our team is highly experienced in documenting and closing tax-exempt lease purchase transactions;
2. **ENERGY EFFICIENCY FINANCING EXPERIENCE:** The Energy Services group is a leading provider of financial solutions for energy efficiency, renewable energy, water system, and energy generation equipment and assets;
3. **PRIVATE PLACEMENT:** The proposed transaction is a private placement that will not require (i) any additional public ongoing disclosure requirements, (ii) any additional public offering document generation requirements, or (iii) any underwriting or related fees

This cover letter and term sheet include only a brief description of the principal terms of the proposed transaction. Please understand that this proposal is not a commitment or offer to lend, and does not create any obligation for Lessor or BAPCC. Lessor and BAPCC will not be responsible or liable for any damages, consequential or otherwise, that may be incurred or alleged by any person or entity, including Lessee, as a result of this letter. Lessor will notify you in writing of its decision if Lessor agrees to proceed with the proposed transaction after completing its review and analysis.

Please feel free to contact me at 617.434.7760 to discuss the proposed transaction, or to accept this proposal, please sign the enclosed copy of this letter **within ten (10) business days** and return it to **Banc of America Public Capital Corp. Attention: Holly Andreozzi** at holly.andreozzi@bofa.com.

I look forward to the opportunity to work with you on the proposed transaction for the City

Very truly yours,



Global Leasing Energy Services

By: Holly Andreozzi
Senior Vice President

The undersigned, by its authorized representative below, accepts the above proposal, agrees to furnish Lessor, its successors and assigns, any information relating to the business or financial condition of borrower or its affiliates, and authorizes Lessor, Bank of America and their affiliates to disclose to, discuss with and distribute such information (and any information they may already have) to any other affiliates or proposed assignees or successors of Lessor.

City of Franklin, WI

By: _____

Title. _____

Date _____

Tax ID: _____

“Bank of America” is the marketing name used by certain Global Banking and Global Markets businesses of Bank of America Corporation. Lending, leasing, equipment finance and other commercial banking activities, and trading in certain financial instruments are performed globally by banking affiliates of Bank of America Corporation, including Bank of America, N.A., Member FDIC. Banc of America Public Capital Corp, a wholly-owned subsidiary of Bank of America, National Association, is not a municipal advisor and is not subject to the fiduciary duty established in Section 15B(c)(1) of the Securities Exchange Act of 1934, as amended, with respect to any municipal financial product or issuance of municipal securities. The information provided in this document is not intended to be and should not be construed as “advice” within the meaning of Section 15B of the Securities Exchange Act of 1934 and the municipal advisor rules of the SEC. © 2024 Bank of America Corporation. All rights reserved.

SUMMARY OF TERMS AND CONDITIONS

I. Lessee, Lessor and Project Information - Introduction

Lessee: City of Franklin, WI (the "City")

Lessor: Banc of America Public Capital Corp or its affiliate or designee

Lessor Background: Our Energy Services team has extensive experience in funding tax-exempt equipment lease transactions for energy efficiency projects that benefit governmental entities, K-12, and public higher education institutions throughout the country.

Commitment to energy efficiency and the environment: Bank of America is a proud supporter of energy efficiency and initiatives that have a positive impact on the environment.

Financial profile and strength. As mentioned, Bank of America is one of the nation's largest financial holding companies. Our annual report can be found on the following internet link:

<http://investor.bankofamerica.com/phoenix.zhtml?c=71595&p=irol-reportsannual>

II. Lease Structure, Project Description

Purpose: The purpose of this transaction is to provide financing for the acquisition, construction and installation of energy conservation equipment (collectively, the "Equipment") by Johnson Controls ("Vendor") under an energy performance contract with the City.

Structure: This transaction will be structured as a tax-exempt equipment lease purchase agreement ("*Lease/Purchase*") between Lessee and Lessor. Repayments under the Lease/Purchase shall be absolute and unconditional, subject only to annual appropriation of funds by the Lessee's governing body and in accordance with the laws of the State of Wisconsin. The lease will be a net financial lease, and all expenses, including but not limited to insurance, maintenance, and taxes, will be for the account of Lessee.

Security: Upon acceptance of the Equipment, title to the Equipment shall be vested in Lessee. The Lessor will obtain, a first priority perfected security interest in the Equipment under the Lease Purchase that shall be evidenced by the filing of UCC financing statements and fixture filings. At maturity of the Lease/Purchase, upon payment of all outstanding amounts under the Lease/Purchase, Lessor's security interest in the Equipment shall be released and Lessee shall retain the Equipment. Lessee shall be required to maintain the Equipment free and clear of other liens, to insure the Equipment (public liability and property damage insurance), to promptly repair or replace any damaged or destroyed Equipment and to pay any applicable taxes.

Proceeds:

Estimated Project Cost	\$2,129,586
------------------------	-------------

III. Funding, Interest Rate, Closing

Funding: Proceeds from the Lease will be deposited into an Escrow fund account ("Escrow Fund") acceptable to Lessor. Lessee will be required to direct investments in the Escrow Fund and any interest earned will be for the benefit of Lessee. Disbursements will be made from the Escrow Fund to pay for project costs upon delivery by Lessee of a disbursement request subject to compliance by Lessee with all applicable regulations under the Internal Revenue Code, including but not limited to arbitrage reporting.

Anticipated Escrow Agent: BOKF or other mutually acceptable bank

Closing Date: TBD

Indicative Interest Rate: 3.97%

If this proposal is signed and returned to Lender within ten (10) business days:

The Tax-Exempt Interest Rate is locked until September 30, 2024 and will be locked so long as the transaction is funded on or before such date. If closing of the transaction occurs after such rate lock expiration, the respective Interest Rate for the transaction is subject to repricing *at the discretion of Lessor* seven (7) business days prior to the scheduled closing date.

PLEASE NOTE THAT THE PRICING AND RATE ABOVE ARE BASED ON THE AVERAGE LIFE OF THE ATTACHED DRAFT AMORTIZATION SCHEDULES. TO THE EXTENT THAT THE AVERAGE LIFE OF THE FINAL SELECTED AMORTIZATION SCHEDULE CHANGES FROM THE ATTACHED, THE RESPECTIVE RATE ABOVE IS SUBJECT TO MODIFICATION BY LENDER TO ACCOUNT FOR ANY LENGTHENING OF THE AVERAGE LIFE OF THE FINAL SCHEDULE.

Closing Costs: Lessee will be responsible for its own closing costs, including its own legal costs for provided any legal opinions for the transaction. Lessee may include legal and financing costs in the transaction amount.

Lessee will need to obtain a validity opinion from counsel

Lessor's Counsel: Lessor will responsible for Lessor's outside attorney fees, if any.

IV. Repayment, Prepayment and Other Terms

Payments: Lessee shall make rental payments per the attached amortization schedule.

Prepayment: Beginning in year 3, on any periodic rental payment date and following 30 days advance written notice, Lessee shall have the option to prepay its

obligations (in whole and NOT in part) under the Lease/Purchase upon payment of the then-applicable Purchase Price, which will be calculated as 103% of the outstanding principal balance.

Documentation: Lessor will use its standard form of lease documentation; such terms and conditions in Lessor's lease documentation.

**Payment and
Performance
Bonds:**

Lessee shall secure from Vendor directly employed by Lessee in connection with the acquisition, construction, installation, improvement or equipping of the Equipment, a payment and performance bond ("Surety Bond") executed by a surety company authorized to do business in the State, having a financial strength rating by A.M. Best Company of "A-" or better, and otherwise satisfactory to Lessor and naming Lessor as a co-obligee in a sum equal to the entire amount to become payable under the Vendor Agreement

Bank Qualification: This transaction will NOT be considered Bank-Qualified.

**Opinion of
Counsel:**

Counsel to Lessee shall deliver an opinion to Lessor at closing in form and substance satisfactory to Lessor. The opinion of counsel will provide, among other matters:

- (a) counsel has examined, approved and attached the text of the enabling resolution of Lessee's governing body authorizing Lessee to enter into the Lease/Purchase, and
- (b) the Lease/Purchase has been duly executed by Lessee and is a valid, binding and enforceable obligation against Lessee.

**Tax Exempt
Lease/Purchase:**

The rental payments have been calculated on the following assumptions and representations by Lessee that Lessee

1. is a state or political subdivision of a state within the meaning of Section 103(c) of the Internal Revenue Code (the "Code") and duly created and validly existing under the laws of the State of Wisconsin;
4. is authorized under the laws of the State of Wisconsin to enter into the Lease/Purchase and the transactions contemplated thereby and to perform all of Lessee's obligations thereunder; and
5. has duly authorized the execution and delivery of the Lease/Purchase under the terms of a resolution of its governing body or by other appropriate official approval, and all requirements and procedures have been satisfied in order to ensure the enforceability of the Lease/Purchase, and Lessee has complied with all applicable public bidding requirements; and

Lessee shall provide Lessor with such evidence as Lessor may request to substantiate and maintain such tax status, and shall make such further

representations and certifications as are customary in tax exempt transactions.

Final Approval: This proposal and the terms set forth herein are an indication of interest in the transaction, and are not and should not be construed as a commitment nor obligation of Lessor or its affiliates to provide any financing. The proposed transaction and the terms set forth herein are subject to all credit, risk, documentation and legal approvals of Lessor as well as execution and delivery of documentation acceptable to all parties. All disbursements are subject to no material adverse change in the financial condition of Lessee from the time of approval.

Assignment: Lessor shall be entitled to assign its right, title and interest in the Lease and leased equipment on a private placement basis to qualified purchasers. In addition, Lessor shall be entitled to assign its right, title and interest in the Lease/Purchase to a trustee for the purpose of issuing certificates of participation or other forms of certificates evidencing an undivided interest in such Lease, provided such certificates are sold only on a private placement basis (and not pursuant to any "public offering") to a purchaser(s) who represent that (i) such purchaser has sufficient knowledge and experience in financial and business matters to be able to evaluate the risks and merits of the investment (ii) such purchaser understands neither the Lease or certificates will be registered under the Securities Act of 1933, (iii) such purchaser is either an "accredited investor" within the meaning of Regulation D under the Securities Act of 1933, or a qualified institutional buyer within the meaning of Rule 144A, and (iv) that it is the intention of such purchaser to acquire such certificates (A) for investment for its own account or (B) for resale in a transaction exempt from registration under the Securities Act of 1933. At any time, Lessor may sell, assign or encumber all or any part of its right title and interest in the Lease/Purchase, however, in no event shall the Lessor assign this agreement as a public offer of participation. Lessee consents to a private placement transaction within the meaning of applicable federal securities laws

Proposal Expiration Date: This proposal must be accepted within ten (10) business days to be valid.

Market Disruption: NOTWITHSTANDING ANYTHING CONTAINED HEREIN TO THE CONTRARY, IN THE EVENT ANY MATERIAL CHANGE SHALL OCCUR IN THE FINANCIAL MARKETS AFTER THE DATE OF THIS PROPOSAL LETTER, INCLUDING BUT NOT LIMITED TO ANY GOVERNMENTAL ACTION OR OTHER EVENT WHICH MATERIALLY ADVERSELY AFFECTS THE EXTENSION OF CREDIT BY BANKS, LEASING COMPANIES OR OTHER LENDING INSTITUTIONS, LESSOR MAY MODIFY THE INDEX PRICING DESCRIBED ABOVE.

USA Patriot Act Compliance: The Lessee acknowledges that pursuant to the requirements of the USA Patriot Act (Title III of Pub. L. 107-56 (signed into law October 26, 2001)) (the "Patriot Act"), the Lessor is required to obtain, verify and record information that identifies the Lessee, which information includes the name and address of the Lessee and other information that will allow the Lessor to identify the Lessee in accordance with the Patriot Act.

Standard Disclosures and Disclaimers

The transaction described in this document is an arm's length, commercial transaction between you and Banc of America Public Capital Corp ("BAPCC") in which: (i) BAPCC is acting solely as a principal (i.e., as Lender) and for its own interest, (ii) BAPCC is not acting as a municipal advisor or financial advisor to you, (iii) BAPCC has no fiduciary duty pursuant to Section 15B of the Securities Exchange Act of 1934 to you with respect to this transaction and the discussions, undertakings and procedures leading thereto (irrespective of whether BAPCC or any of its affiliates has provided other services or is currently providing other services to you on other matters); (iv) the only obligations BAPCC has to you with respect to this transaction are set forth in the definitive transaction agreements between us; and (v) BAPCC is not recommending that you take an action with respect to the transaction described in this document, and before taking any action with respect to the this transaction, you should discuss the information contained herein with your own legal, accounting, tax, financial and other advisors, as you deem appropriate. If you would like a municipal advisor in this transaction that has legal fiduciary duties to you, you are free to engage a municipal advisor to serve in that capacity

This proposal is submitted in response to your Request for Proposal. The contents of this proposal and any subsequent discussions between us, including any and all information, recommendations, opinions indicative pricing, quotations and analysis with respect to any municipal financial product or issuance of municipal securities, are provided to you in reliance upon the exemption provided for responses to requests for proposals or qualifications under the municipal advisor rules (the "Rules") of the Securities and Exchange Commission (240 CFR 15Ba1-1 et seq.)

The Staff of the SEC's Office of Municipal Securities has issued guidance which provides that, in order for a request for proposals to be consistent with this exemption, it must (a) identify a particular objective, (b) be open for not more than a reasonable period of time (up to six months being generally considered as reasonable), and (c) involve a competitive process (such as by being provided to at least three reasonably competitive market participants) or by being publicly posted to your official website. In submitting this proposal, we have relied upon your compliance with this guidance.

In submitting this proposal, we are not undertaking to act as a "municipal advisor" to you or any other person within the meaning of the Rules. In connection with this proposal and the transactions described herein, we are not subject to, and we hereby disclaim, any fiduciary duty to you or to any other person. We understand that you will consult with and rely on the advice of your own municipal, financial, tax, legal and other advisors as and to the extent you deem necessary in connection with your evaluation of this proposal and the transactions described herein.

Sample Amortization

Lease Proceeds	2,129,586.00
Interest Rate	3.970%
Closing/Funding Date (est.)	8/30/24
Average Life	10.741

Pmt. No.	Year No.	Payment Date	Funding Amount	Payment Amount	Interest Portion	Principal Portion	Outstanding Balance
0		8/30/2024	2,129,586 00				2,129,586 00
1	1	2/1/2025		140,581.00	35,461.75	105,119 25	2,024,466 75
2	2	2/1/2026		114,233 00	80,371 33	33,861 67	1,990,605 08
3	3	2/1/2027		285,162 00	79,027 02	206,134 98	1,784,470 10
4	4	2/1/2028		137,107 00	70,843 46	66,263 54	1,718,206 56
5	5	2/1/2029		129,132.00	68,212 80	60,919.20	1,657,287 36
6	6	2/1/2030		133,005 00	65,794 31	67,210 69	1,590,076 67
7	7	2/1/2031		137,032 00	63,126 04	73,905 96	1,516,170 71
8	8	2/1/2032		141,220.00	60,191 98	81,028 02	1,435,142 69
9	9	2/1/2033		145,577.00	56,975 16	88,601 84	1,346,540 85
10	10	2/1/2034		150,107 00	53,457 67	96,649 33	1,249,891.52
11	11	2/1/2035		154,819 00	49,620 69	105,198 31	1,144,693 21
12	12	2/1/2036		159,721 00	45,444 32	114,276 68	1,030,416 53
13	13	2/1/2037		164,820 00	40,907 54	123,912 46	906,504 07
14	14	2/1/2038		170,124 00	35,988 21	134,135 79	772,368 28
15	15	2/1/2039		153,580 00	30,663 02	122,916 98	649,451 30
16	16	2/1/2040		158,437 00	25,783 22	132,653 78	516,797 52
17	17	2/1/2041		163,492 00	20,516 86	142,975 14	373,822 38
18	18	2/1/2042		168,750 00	14,840 75	153,909 25	219,913 13
19	19	2/1/2043		174,223 00	8,730 55	165,492 45	54,420 68
20	20	2/1/2044		56,581.18	2,160 50	54,420 68	-
			2,129,586.00	3,037,703.18	908,117.18	2,129,586.00	

Sample Cash Flow *

Year	Measured Utility Savings	Utility Savings	Operational Savings	Capital Contribution	Rebates	Program Savings	M&V Cost	Available for Debt Service	Debt Service	Net Savings
0										
1	59,338	12,782	23,350	30,000	29,641	155,111	14,530	140,581	140,581.00	-
2	61,613	13,302	24,284	30,000	-	129,199	14,966	114,233	114,233.00	-
3	63,976	13,844	25,256	30,000	167,501	300,577	15,415	285,162	285,162.00	-
4	66,433	14,408	26,266	30,000	-	137,107	-	137,107	137,107.00	-
5	68,985	14,997	15,150	30,000	-	129,132	-	129,132	129,132.00	-
6	71,638	15,611	15,756	30,000	-	133,005	-	133,005	133,005.00	-
7	74,396	16,250	16,386	30,000	-	137,032	-	137,032	137,032.00	-
8	77,262	16,917	17,041	30,000	-	141,220	-	141,220	141,220.00	-
9	80,241	17,613	17,723	30,000	-	145,577	-	145,577	145,577.00	-
10	83,338	18,337	18,432	30,000	-	150,107	-	150,107	150,107.00	-
11	86,557	19,093	19,169	30,000	-	154,819	-	154,819	154,819.00	-
12	89,904	19,881	19,936	30,000	-	159,721	-	159,721	159,721.00	-
13	93,383	20,703	20,734	30,000	-	164,820	-	164,820	164,820.00	-
14	97,000	21,561	21,563	30,000	-	170,124	-	170,124	170,124.00	-
15	100,761	22,455	364	30,000	-	153,580	-	153,580	153,580.00	-
16	104,672	23,387	378	30,000	-	158,437	-	158,437	158,437.00	-
17	108,738	24,360	394	30,000	-	163,492	-	163,492	163,492.00	-
18	112,966	25,375	409	30,000	-	168,750	-	168,750	168,750.00	-
19	117,363	26,434	426	30,000	-	174,223	-	174,223	174,223.00	-
20	121,936	27,539	-	30,000	-	179,475	-	179,475	58,581.18	122,893.82
	1,740,500	384,849	283,017	600,000	197,142	3,205,508	44,911	3,160,597	3,037,703	122,894

*Uses savings from RFP



July 31, 2024

Mr. Steve Goldberg
Johnson Controls, Inc.
507 East Michigan Street
Milwaukee, WI 53201
steve.1.goldberg@jci.com

Subject: TELP Financing Proposal

Dear Mr. Goldberg,

In response to your Request for Proposal (RFP) dated July 17, 2024, I am pleased to present this proposal subject to the terms and conditions set forth below.

LENDER INFORMATION

Lender Name: The Huntington National Bank
Address: 525 Vine Street
14th Floor
Cincinnati, OH 45202
Contact: Thomas Rath
Telephone: (404) 445-8935
Email: thomas.rath@huntington.com

FINANCING STRUCTURE

Contract: Tax-Exempt Lease Purchase Agreement (the "Lease")
Borrower: City of Franklin, Wisconsin (the "City")
Lender: Huntington Public Capital Corporation ("Huntington")
Vendor: Johnson Controls (the "Contractor")
Purpose: To finance equipment (the "Equipment") for energy-efficiency and water conservation improvements designed and installed in City-owned facilities by Contractor under an Energy Performance Contract with the City.

Energy Performance Contract: Contractor and the City shall enter into an Energy Performance Contract (the "Project Agreement"), pursuant to which Contractor shall, among other things, (1) guarantee to the City the completion of the Project at a maximum cost by the date specified in the Project Agreement, (2) provide to the City the measurement & verification and other services specified in the Project Agreement, (3) guarantee to the City the achievement of a minimum amount of energy and/or operational savings each year during the term of the Project Agreement, and (4) agree to make payments to the City to the extent actual, realized savings

calculated on an annual basis are less than guaranteed by Contractor in the Project Agreement.

Project: Contractor shall implement the Energy Conservation Measures ("ECMs") as identified in the RFP, located at various City-owned facilities (the "Project").

Project Ownership: Title to the Project will vest immediately with the City, and the City shall remain the owner of the Project during the Lease Term.

Security: The Lease shall be payable from legally available funds of the City Pursuant to the documentation of the Lease, title shall vest with the City and the City shall grant Huntington a continuing, first-priority security interest in all the Equipment.

Lease Commencement Date: On or before September 1, 2024. The Financed Amount will be deposited with the Escrow Agent on the Lease Commencement Date for the benefit of the City. Disbursements will be made by the Escrow Agent at the direction of the City with approval from Huntington.

OPTION #1

Financed Amount: \$2,087,086.00
Term: Twenty (20) years
Payments: Twenty (20) annual principal and interest payments that will commence on February 1, 2025. Please see Attachment A for the estimated debt schedule.
Final Maturity Date: On or about February 1, 2044
Fixed Interest Rate: 4.53% (Non-Bank Qualified)

OPTION #2

Financed Amount: \$2,153,586.00
Term: Twenty-one (21) years
Payments: Twenty-one (21) annual principal and interest payments that will commence on February 1, 2025. Please see Attachment A for the estimated debt schedule.
Final Maturity Date: On or about February 1, 2045
Fixed Interest Rate: 4.57% (Non-Bank Qualified)

Pre-payment Option: Estimated prepayment schedule is provided in Attachment A. With 30 days prior written notice, the Lease may be pre-paid in whole or in part, on any payment date, as follows.

- On or before February 1, 2039 - 102% of the outstanding balance, plus accrued interest.
- On or after February 1, 2040 - 100% of the outstanding balance, plus accrued interest.

Rate Lock Expiration Date: The rate lock for the Fixed Interest Rate will expire on September 28, 2024. If the Lease Commencement Date occurs after the Rate Lock Expiration Date, the Final Interest Rate will be set (10) days prior to the Lease Commencement Date in accordance with the following formula:

$(10\text{-year SOFR swap rate} + 2.20\%) \times 79\%$

<https://www.theice.com/marketdata/reports/180>

Origination Fees: None

Additional Transaction Fees: Any additional transaction fees, including those of Contractor, a municipal advisor or legal/bond counsel to the City, shall be the responsibility of the City.

Escrow Agent: The Huntington National Bank

Escrow Account Fee: None

Escrow Investment Interest: During the construction period, the undrawn balance in the Escrow Account may be invested in interest bearing financial securities in accordance with the Contractor's draw schedule. When Project construction is completed and the Escrow Account is closed, Escrow Investment Returns will be applied toward City's outstanding principal balance.

Documentation: Documents shall be prepared by in-house counsel for Huntington and will contain customary representations and warranties for transactions similar in amount and type.

Tax Opinion: Huntington will require the City to obtain a tax opinion letter from bond counsel.

Payment and Performance Bonds: Contractor shall provide payment and performance bonds in connection with the Project from a surety company with an A.M. Best rating of at least "A". Huntington shall be named as dual obligee on each policy.

Warranties: Huntington will make no warranties expressed or implied. The City's sole warranty rights are any provided by Contractor and/or the manufacturers of the Equipment.

Maintenance, Taxes and Insurance: All maintenance, taxes, and insurance in connection with the Project and the Lease are the responsibility of the City. The City shall bear all risk of loss or damage to the Project and shall be responsible for keeping the Project insured with companies satisfactory to and for such amounts as required by Huntington. Huntington and its affiliates, successors and assigns must be named as loss payee and additional insured as applicable on all insurance policies. Evidence of such insurance must be satisfactory to Huntington.

Subject to Final Credit Approval: The terms set forth herein reflect a proposed, preliminary structure and are subject to final credit approval by Huntington and the negotiation of

mutually acceptable documentation. The City has already been pre-screened by Huntington and there are no perceived issues with a formal credit approval for this proposed financing. There is no additional information required at this time. Final credit approval is expected within ten business days of proposal acceptance.

Assignment: Huntington may assign its rights to receive payments, but each assignment must specifically mention the City's rights regarding prepayment

Private Placement: Huntington shall represent that it is a Qualified Institutional Buyer or an Accredited Investor and shall fund the Lease on a private-placement basis.

Expiration: These terms shall expire at Huntington's option if (a) Huntington has not received the City's acceptance by August 14, 2024, and (b) if closing on the Lease does not occur on or before October 1, 2024.

Thank you for the opportunity to offer a proposal on this request. I appreciate your consideration and look forward to your favorable response. Should you have any questions regarding this proposal, please do not hesitate to contact me.

Respectfully submitted,



Thomas J. Rath
The Huntington National Bank
Vice President – Energy Finance

ACCEPTED BY:
City of Franklin, WI

Signature

Title

Name

Date

Huntington Public Capital® ("HPC"), a division of The Huntington National Bank (the "Bank"), is providing the information contained in this document for discussion purposes only in connection with an arm's-length transaction under discussion between you and HPC. If you are a "municipal entity" or "obligated person" within the meaning of the municipal advisor rules (the "Rules") of the Securities and Exchange Commission Rule 15Ba1-1 et seq this information is provided to you pursuant to and in reliance upon the "bank exemption" and/or other exemptions and/or the "general information" exclusion provided under the Rules. HPC is acting for its own interest and has financial and other interests that differ from yours. HPC is not acting as a municipal advisor or financial advisor, and has no fiduciary duty to you or any other person pursuant to the Rules. The information provided in this document is not intended to be and should not be construed as "advice" within the meaning of the Rules. HPC is not recommending that you take or refrain from taking any action with respect to the information contained in this document. Before acting on this information, you should discuss it with your own financial and/or municipal, legal, accounting, tax and other advisors as you deem appropriate. As used in this notice the "Rules" means Section 15B of the Securities Exchange Act of 1934, the Securities and Exchange Commission's Rule 15Ba1-1, et seq and any related municipal advisor rules of the Municipal Securities Rulemaking Board, all as they may be amended from time to time.

**ATTACHMENT A
EXAMPLE DEBT SERVICE SCHEDULE - OPTION #1**

Year Funding	Date	Days	Interest Rate	Available for TELP Payment	Project Cashflow	Total Payment	Interest Portion	Principal Portion	Outstanding Balance	Prepayment Premium	Total Prepayment
	9/1/2024			\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,087,086.00	\$ -	\$ -
1	2/1/2025	150	4.53%	\$ 140,591.00	\$ -	\$ 140,591.00	\$ 39,393.75	\$ 101,197.25	\$ 1,985,888.75	\$ 39,717.77	\$ 2,166,197.52
2	2/1/2026	360	4.53%	\$ 114,233.00	\$ -	\$ 114,233.00	\$ 89,960.76	\$ 24,272.24	\$ 1,961,616.51	\$ 39,232.33	\$ 2,115,081.84
3	2/1/2027	360	4.53%	\$ 285,161.00	\$ -	\$ 285,161.00	\$ 88,861.23	\$ 196,299.77	\$ 1,765,316.74	\$ 35,306.33	\$ 2,085,784.07
4	2/1/2028	360	4.53%	\$ 137,107.00	\$ -	\$ 137,107.00	\$ 79,968.85	\$ 57,138.15	\$ 1,708,178.58	\$ 34,163.57	\$ 1,879,449.16
5	2/1/2029	360	4.53%	\$ 129,132.00	\$ -	\$ 129,132.00	\$ 77,380.49	\$ 51,751.51	\$ 1,656,427.07	\$ 33,128.54	\$ 1,818,687.62
6	2/1/2030	360	4.53%	\$ 133,005.00	\$ -	\$ 133,005.00	\$ 75,036.15	\$ 57,968.85	\$ 1,598,458.22	\$ 31,969.16	\$ 1,763,432.39
7	2/1/2031	360	4.53%	\$ 137,032.00	\$ -	\$ 137,032.00	\$ 72,410.16	\$ 64,621.84	\$ 1,533,836.38	\$ 30,676.73	\$ 1,701,545.11
8	2/1/2032	360	4.53%	\$ 141,221.00	\$ -	\$ 141,221.00	\$ 69,482.79	\$ 71,738.21	\$ 1,462,098.17	\$ 29,241.96	\$ 1,632,561.13
9	2/1/2033	360	4.53%	\$ 145,577.00	\$ -	\$ 145,577.00	\$ 66,233.05	\$ 79,343.95	\$ 1,382,754.21	\$ 27,655.08	\$ 1,555,986.30
10	2/1/2034	360	4.53%	\$ 150,107.00	\$ -	\$ 150,107.00	\$ 62,538.77	\$ 87,568.23	\$ 1,295,285.98	\$ 25,905.72	\$ 1,471,298.70
11	2/1/2035	360	4.53%	\$ 154,820.00	\$ -	\$ 154,820.00	\$ 58,676.45	\$ 96,143.55	\$ 1,199,142.43	\$ 23,982.85	\$ 1,377,945.28
12	2/1/2036	360	4.53%	\$ 159,721.00	\$ -	\$ 159,721.00	\$ 54,321.15	\$ 105,399.85	\$ 1,093,742.59	\$ 21,874.85	\$ 1,275,338.44
13	2/1/2037	360	4.53%	\$ 164,820.00	\$ -	\$ 164,820.00	\$ 49,546.54	\$ 115,273.46	\$ 978,469.13	\$ 19,569.38	\$ 1,162,858.51
14	2/1/2038	360	4.53%	\$ 170,124.00	\$ -	\$ 170,124.00	\$ 44,324.65	\$ 125,799.35	\$ 852,669.78	\$ 17,053.40	\$ 1,039,847.17
15	2/1/2039	360	4.53%	\$ 153,580.00	\$ -	\$ 153,580.00	\$ 38,625.94	\$ 114,954.06	\$ 737,715.72	\$ 14,754.31	\$ 906,050.03
16	2/1/2040	360	4.53%	\$ 158,437.00	\$ -	\$ 158,437.00	\$ 33,418.52	\$ 125,018.48	\$ 612,697.24	\$ -	\$ 771,134.24
17	2/1/2041	360	4.53%	\$ 163,492.00	\$ -	\$ 163,492.00	\$ 27,755.18	\$ 135,736.82	\$ 476,960.42	\$ -	\$ 640,452.42
18	2/1/2042	360	4.53%	\$ 168,751.00	\$ -	\$ 168,751.00	\$ 21,606.31	\$ 147,144.69	\$ 329,815.73	\$ -	\$ 498,566.73
19	2/1/2043	360	4.53%	\$ 174,223.00	\$ -	\$ 174,223.00	\$ 14,940.65	\$ 159,282.35	\$ 170,533.38	\$ -	\$ 344,756.38
20	2/1/2044	360	4.53%	\$ 179,475.00	\$ 1,216.45	\$ 178,258.55	\$ 7,725.16	\$ 170,533.38	\$ -	\$ -	\$ 178,258.55
Totals				\$ 3,160,609.00	\$ 1,216.45	\$ 3,159,392.55	\$ 1,072,306.55	\$ 2,087,086.00	\$ -	\$ -	\$ -

**ATTACHMENT A
EXAMPLE DEBT SERVICE SCHEDULE – OPTION #2**

Year	Date	Days	Interest Rate	Available for TELP Payment	Project Cashflow	Total Payment	Interest Portion	Principal Portion	Outstanding Balance	Prepayment Premium	Total Prepayment
Funding	9/1/2024			\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,153,586.00	\$ -	\$ -
1	2/1/2025	150	4.57%	\$ 140,591.00	\$ -	\$ 140,591.00	\$ 41,007.87	\$ 99,583.13	\$ 2,064,002.87	\$ 41,080.06	\$ 2,235,673.92
2	2/1/2026	360	4.57%	\$ 114,233.00	\$ -	\$ 114,233.00	\$ 93,867.93	\$ 20,365.07	\$ 2,033,637.80	\$ 40,672.76	\$ 2,188,543.55
3	2/1/2027	360	4.57%	\$ 285,161.00	\$ -	\$ 285,161.00	\$ 92,937.25	\$ 192,223.75	\$ 1,841,414.05	\$ 96,828.28	\$ 2,183,403.33
4	2/1/2028	360	4.57%	\$ 137,107.00	\$ -	\$ 137,107.00	\$ 84,152.62	\$ 52,954.38	\$ 1,788,459.67	\$ 35,769.19	\$ 1,961,335.86
5	2/1/2029	360	4.57%	\$ 129,132.00	\$ -	\$ 129,132.00	\$ 81,732.61	\$ 47,399.39	\$ 1,741,060.27	\$ 34,821.21	\$ 1,905,013.48
6	2/1/2030	360	4.57%	\$ 133,005.00	\$ -	\$ 133,005.00	\$ 79,566.45	\$ 53,438.55	\$ 1,687,621.73	\$ 33,752.43	\$ 1,854,379.16
7	2/1/2031	360	4.57%	\$ 137,032.00	\$ -	\$ 137,032.00	\$ 77,124.31	\$ 59,907.69	\$ 1,627,714.04	\$ 32,554.28	\$ 1,797,300.32
8	2/1/2032	360	4.57%	\$ 141,221.00	\$ -	\$ 141,221.00	\$ 74,386.53	\$ 66,834.47	\$ 1,560,879.57	\$ 31,217.59	\$ 1,733,318.16
9	2/1/2033	360	4.57%	\$ 145,577.00	\$ -	\$ 145,577.00	\$ 71,332.20	\$ 74,244.80	\$ 1,486,634.77	\$ 29,732.70	\$ 1,661,944.46
10	2/1/2034	360	4.57%	\$ 150,107.00	\$ -	\$ 150,107.00	\$ 67,939.21	\$ 82,167.79	\$ 1,404,466.98	\$ 28,089.34	\$ 1,582,663.32
11	2/1/2035	360	4.57%	\$ 154,820.00	\$ -	\$ 154,820.00	\$ 64,184.14	\$ 90,635.86	\$ 1,313,831.12	\$ 26,276.62	\$ 1,494,927.74
12	2/1/2036	360	4.57%	\$ 159,721.00	\$ -	\$ 159,721.00	\$ 60,042.08	\$ 99,678.92	\$ 1,214,152.20	\$ 24,283.04	\$ 1,398,156.25
13	2/1/2037	360	4.57%	\$ 164,820.00	\$ -	\$ 164,820.00	\$ 55,486.76	\$ 109,333.24	\$ 1,104,818.96	\$ 22,096.38	\$ 1,291,735.34
14	2/1/2038	360	4.57%	\$ 170,124.00	\$ -	\$ 170,124.00	\$ 50,490.23	\$ 119,633.77	\$ 985,185.18	\$ 19,703.70	\$ 1,175,012.89
15	2/1/2039	360	4.57%	\$ 153,580.00	\$ -	\$ 153,580.00	\$ 45,022.96	\$ 108,557.04	\$ 876,628.15	\$ 17,532.56	\$ 1,047,740.71
16	2/1/2040	360	4.57%	\$ 158,437.00	\$ -	\$ 158,437.00	\$ 40,061.91	\$ 118,375.09	\$ 758,253.05	\$ -	\$ 916,690.05
17	2/1/2041	360	4.57%	\$ 163,492.00	\$ -	\$ 163,492.00	\$ 34,652.16	\$ 128,839.84	\$ 629,413.22	\$ -	\$ 792,905.22
18	2/1/2042	360	4.57%	\$ 168,751.00	\$ -	\$ 168,751.00	\$ 28,764.18	\$ 139,986.82	\$ 489,426.40	\$ -	\$ 658,177.40
19	2/1/2043	360	4.57%	\$ 174,223.00	\$ -	\$ 174,223.00	\$ 22,366.79	\$ 151,856.21	\$ 337,570.19	\$ -	\$ 511,793.19
20	2/1/2044	360	4.57%	\$ 179,475.00	\$ -	\$ 179,475.00	\$ 15,426.96	\$ 164,048.04	\$ 173,522.15	\$ -	\$ 352,997.15
21	2/1/2045	360	4.57%	\$ 184,859.25	\$ 3,407.14	\$ 181,452.11	\$ 7,929.96	\$ 173,522.15	\$ -	\$ -	\$ 181,452.11
Totals				\$ 3,160,609.00	\$ -	\$ 3,160,609.00	\$ 1,180,545.15	\$ 1,980,063.85	\$ -	\$ -	\$ -



Webster®

Troy Grasinger
Managing Director
Webster Bank, N.A.

310 415 1791
Email tgrasinger@websterbank.com
Website. www.websteronline.com

TERM SHEET

TYPE OF FINANCING: An annually appropriated lease-purchase agreement (the "Lease") in an amount not to exceed \$2,130,000.

LESSEE: The City of Franklin, WI (the "City")

ASSIGNEE: Webster Bank, N.A. or an affiliated entity ("Webster")

AMOUNT: Not to exceed \$2,130,000

TAX-EXEMPT INTEREST RATE: 4.645% - Fixed through Maturity Date

FINAL MATURITY DATE: 2/1/2044

ANTICIPATED CLOSE DATE: On or around September 10, 2024.

INTEREST RATE LOCK: The Interest Rate quoted above is valid for a closing on or before September 10, 2024.

SECURITY: The Lease will be secured by lease payments made by the City as well as a security interest in the financed equipment.

ESCROW FUNDS: Lease proceeds can be funded into an escrow account ("Escrow Fund") at Webster Bank, N.A. with disbursements made as the equipment is accepted by the City. Should the Escrow account be established at Webster there will be no fees charged for this service.

PREPAYMENT: The City shall have the right to pre-pay the Bonds in whole but not in part on any date by paying the Purchase Price, provided that the City gives the Lender at least thirty (30) days prior written notice of its intent to do so. The Purchase Price, as a percentage of the then-outstanding balance, shall be equal to:

Year:	Percentage:
Close – 1/31/2027	No Call
2/1/2027 – 1/31/2029	103%
2/1/2029 – 1/31/2031	102%
2/1/2031 – 1/31/2033	101%
2/1/2033 – Maturity	100%

FEES OF LENDER: **\$3,400** required by Webster. The costs of issuance incurred by the City, such as fees for legal counsel or escrow services if provided by other than Webster, are payable by the City.

DOCUMENTATION:	Webster understands that documents will be prepared by counsel to the City. It is assumed that these documents shall include an opinion of legal counsel attesting to the legal, valid, binding and enforceable nature of the Lease as well as a tax opinion.
IRS CIRCULAR 230 DISCLOSURE:	Webster and its affiliates do not provide tax advice. Accordingly, any discussion of U.S. tax matters contained herein (including any attachments) is not written or intended to be used, and cannot be used, in connection with the promotion, marketing or recommendation by anyone unaffiliated with the Lender of any of the matters addressed herein or for the purpose of avoiding U.S. tax-related penalties.
DIRECT BANK LOAN:	<p>Webster intends to classify the obligation as a privately placed obligation. As such, the obligation will feature (but will not be limited to) the following restrictions:</p> <ul style="list-style-type: none"> • The obligation will not be assigned a CUSIP • The obligation will not be registered with the DTC; • The obligation will feature transfer restrictions such that transfer is restricted to Bank affiliates, or to Qualified Institutional Buyers, each of which is a commercial bank with minimum capital, etc.; • The obligation cannot be marketed pursuant to an offering document; • The obligation will be issued as a single obligation in an authorized denomination equal to the amount of the borrowing.
ADVISORY DISCLOSURE:	Webster is <u>not</u> a registered municipal advisor as defined under the Dodd-Frank Wall Street Reform and Consumer Protection Act and its related rules and regulations. In providing this Term Sheet, Webster is <u>not</u> providing any advice, advisory services, or recommendations with respect to the structure, timing, terms, or similar matters concerning an issuance of municipal securities. This Term Sheet is a commercial, arms-length proposal that does <u>not</u> create a fiduciary duty by Webster to the City. The City may engage, separately and at its own cost, an advisor to review this Term Sheet and the proposed transaction on the City's behalf.
CREDIT APPROVAL:	This Term Sheet is subject to formal credit approval by Webster and the negotiation of mutually acceptable documentation.
PROPOSAL EXPIRATION:	Unless accepted by the City or extended in writing by Webster at its sole discretion, this Term Sheet shall expire on August 7, 2024. Once accepted by the City, this Term Sheet shall expire if the Lease is not funded by September 10, 2024.

Upon receipt of the signed Term Sheet, we will endeavor to provide you with a timely commitment and we will use good faith efforts to negotiate and finance the Lease based on the terms herein. It is a pleasure to offer this financing proposal to the City, and we look forward to your favorable review.

Respectfully,

Troy Grasinger
Managing Director
tgrasinger@websterbank.com

**Agreed to and Accepted by:
The City of Franklin, WI**

_____ (Name)

_____ (Title)

_____ (Date)

Sample Amortization

Sample Amortization - Franklin, WI				
Date	Payment	Interest	Principal	Balance
9/10/2024				2,130,000.00
2/1/2025	152,032.78	39,032.78	113,000.00	2,017,000.00
2/1/2026	128,710.23	95,710.23	33,000.00	1,984,000.00
2/1/2027	300,144.32	94,144.32	206,000.00	1,778,000.00
2/1/2028	136,369.25	84,369.25	52,000.00	1,726,000.00
2/1/2029	128,901.76	81,901.76	47,000.00	1,679,000.00
2/1/2030	132,971.53	79,671.53	53,300.00	1,625,700.00
2/1/2031	136,642.35	77,142.35	59,500.00	1,566,200.00
2/1/2032	141,118.97	74,318.97	66,800.00	1,499,400.00
2/1/2033	145,149.19	71,149.19	74,000.00	1,425,400.00
2/1/2034	149,637.76	67,637.76	82,000.00	1,343,400.00
2/1/2035	154,246.71	63,746.71	90,500.00	1,252,900.00
2/1/2036	158,952.33	59,452.33	99,500.00	1,153,400.00
2/1/2037	163,830.87	54,730.87	109,100.00	1,044,300.00
2/1/2038	169,553.89	49,553.89	120,000.00	924,300.00
2/1/2039	152,859.67	43,859.67	109,000.00	815,300.00
2/1/2040	158,187.43	38,687.43	119,500.00	695,800.00
2/1/2041	163,016.94	33,016.94	130,000.00	565,800.00
2/1/2042	167,848.21	26,848.21	141,000.00	424,800.00
2/1/2043	173,657.51	20,157.51	153,500.00	271,300.00
2/1/2044	284,173.67	12,873.67	271,300.00	0.00
Total	3,298,005.37	1,168,005.37	2,130,000.00	

APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 8/20/2024
REPORTS & RECOMMENDATIONS	AUTHORIZE CERTAIN CITY OFFICIALS TO ENTER INTO AN AGREEMENT WITH ADP FOR CARRIER CONNECTIONS SERVICE	ITEM NUMBER 9.10.

Analysis

Staff seek authorization for City officials to enter into an agreement with ADP to implement the Carrier Connections service. This service enables secure transmission of new enrollments, terminations, and other benefits-related changes directly from our ADP system to our insurance carriers. ADP will collaborate closely with the City and our carriers to configure, test, and validate these connections, ensuring seamless integration.

ADP Carrier Connections enhances employee benefits management by automating data transmission between the City and its insurance carriers. This service streamlines benefits administration and supports compliance with state and federal mandates, such as ACA reporting and state-mandated retirement plans.

ADP Carrier Connections can significantly reduce the City’s liability by automating and streamlining benefits administration. The service enhances accuracy, minimizes the risk of overbilling, reduces administrative burden, and ensures secure data handling. Collectively, these benefits contribute to greater efficiency, compliance, and cost-effectiveness in managing the City’s benefits programs.

Key Benefits of ADP Carrier Connections:

- **Automation of Benefits Enrollment:** This process automates sending new enrollments, terminations, and other changes directly to insurance carriers, reducing manual tasks and the potential for errors.
- **Improved Accuracy:** Ensures accurate election and dependent information, which helps avoid overcharges and reduces the likelihood of costly duplication and errors.
- **Time Savings:** Automating the process significantly reduces the time spent submitting benefits data to carriers.
- **Cost Reduction:** Minimizes unnecessary benefit premium payments by avoiding errors, missteps, and oversights.

Implementing ADP Carrier Connections aligns with the City’s strategic goals of enhancing operational efficiency and managing costs. By reducing the administrative burden on our HR department and minimizing errors, the service allows for more effective resource allocation and supports the City’s broader strategic initiatives.

Fiscal Impact

The ADP Carrier Connections service is a capital outlay fund (Fund 41) request from the Department of Administration and Human Resources. The attached proposal includes a potential savings of \$1,725 annually, contingent upon Council approval before the end of August.

Conclusion

Adopting ADP Carrier Connections represents a significant step in modernizing and optimizing the City's benefits administration processes. By authorizing this agreement, the Council will enable the City to enhance efficiency, reduce costs, and ensure the highest standards of accuracy and compliance in managing employee benefits.

COUNCIL ACTION REQUESTED

Motion to authorize certain City officials to enter into an agreement with ADP for Carrier Connections.



Financial review



Investment Summary

Quote Number 02-2024-391171 2



Company Information

City Of Franklin
9229 W Loomis Rd
Franklin, WI 53132-9630
United States

Executive Contact

Kelly Hersh
Director of Administration
khersh@franklinwi.gov
(414) 427-7504



250

Total
Employees



\$3,750.00

Implementation
Costs



\$6,900.00

Total Annual
Investment



(\$1,725.00)

Total Annual Savings during
promotional period; See Terms

Expiration

8/30/2024

ADP Sales Associate

Kyle Schaefer
UMDM
kyle.schaefer@adp.com
2623880899

** The Implementation Costs and Total Annual Investment listed out on this Investment Summary are estimates based on the services, frequencies, recurring rates and pay counts outlined on the sales order and are shown for illustrative purposes only. These numbers are not binding amounts and shall not become incorporated into or made a part of any sales order or services agreement governing the services contemplated therein.

Sales Order

Quote Number 02-2024-391171 2



Company Information


City Of Franklin
 9229 W Loomis Rd
 Franklin, WI 53132-9630
 United States


Executive Contact


Kelly Hersh
 Director of Administration
khersh@franklinwi.gov
 (414) 427-7504

Recurring Fees and Considerations

Number of Employees: 250 on City Of Franklin , Company Code XDD

	Monthly Processing	Count	Min	Base	Rate	Monthly	Annual
	Workforce Now HCM Solutions	250	-	-	\$2.30	\$575.00	\$6,900.00
	<ul style="list-style-type: none"> Onboarding Health & Welfare Carrier Connections 						

	Total Annual Investment	Total Annual
	Workforce Now Services	<u>\$6,900.00</u>

	Other Considerations	Count	Rate	Total
	Hardware and Other Fees			
	<ul style="list-style-type: none"> Standard Connections - UMR (United Medical Resources) Standard Connections - Vision Service Plan (VSP) Standard Connections - Delta Dental Standard Connections - Care Plus Dental Standard Connections - NICE Healthcare 	1	\$750.00	\$750.00
		1	\$750.00	\$750.00
		1	\$750.00	\$750.00
		1	\$750.00	\$750.00
		1	\$750.00	\$750.00

Implementation

	Total Other Considerations	Total Setup
	Implementation and One-Time Fees	\$7,000.00
	Discount Value	(\$3,250.00)
	Total Net Implementation and One-Time Fees	<u>\$3,750.00</u>



Important Project and Billing Information

Billing for all modules bundled under HCM Solutions will begin on the date the ADP Product or Service is available for use by the CLIENT in a production environment. The billing count is based on all unique lives in the database paid in the previous calendar month. Any non-terminated employees based outside the United States will be billed separately as International Employees

Promotion

Client will receive 6 months free spread over 2 years, applying to months 7-9 and 19-21 from each product/controls billing start date (also referred to as the Promotional Period). Items specifically excluded: implementation, tax and banking (including reverse wire), jurisdiction, year-end, maintenance and professional Services fees. Actual promotional value may vary based on a number of reasons, including but not limited to: start date, number of processings and employees paid during the promotional month(s). Services added after the date hereof are not eligible for the Promo.

Other

ADP Fees for service frequency and method will follow that of the parent company code. ADP will send all invoices to khersh@franklinwi.gov
Expiration Date: 8/30/2024

Summary			
Estimated Annual Net Investment:	<u>\$6,900.00</u>	Total Net Implementation	<u>\$3,750.00</u>
Estimated Annual Net Investment during promotional period:	<u>\$5,175.00</u>		

The ADP Services Listed on this Sales Order are provided at the prices set forth herein and in accordance with the ADP Master Services Agreement (or other similar agreement governing ADP's services), which shall include any appendix, exhibit, addendum, schedule or other similar document attached thereto or accompanying this Sales Order. By signing below you are acknowledging and agreeing to such terms and conditions and to the listed prices

ADP, Inc

Client City Of Franklin

Signature: _____

Signature: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____



Workforce Now Included Services

Onboarding

- Customizable new hire experience for desktops, tablets and phones
- Practitioner and manager workflow
- Collection and acknowledgement of required information
- Electronic Form I-9 with E-Verify Integration (optional)

Health & Welfare Carrier Connections

- Integration with insurance carriers for enrollment and eligibility
- Real-time API integration with strategic carrier partners
- Pass changes tied to new hires, life events, open enrollment and terminations
- EDI integration for enrollment and eligibility with more than 700 carrier partners

Thank you for your consideration

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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE August 20, 2024
REPORTS AND RECOMMENDATIONS	Stafford Rosenbaum LLP Request for Potential Conflict of Interest Informed Consent Waiver with Regard to its Representation of the City Upon Appointments by the City's Insurer, Currently for <i>Polish Heritage Alliance, Inc. v. City of Franklin</i> , Milwaukee County Case No. 23-CV-9073, and Requested Representation of Smith's Property Services LLC Upon a Zoning Violation Unrelated to City Representation Services Matter	ITEM NUMBER 2.11.
<p>Annexed hereto is a copy of an informed consent request from Attorney Ryan Braithwaite (currently representing the City for <i>Polish Heritage Alliance, Inc. v. City of Franklin</i>, Milwaukee County Case No. 23-CV-9073). The City Attorney's office does not see any conflict of interest problem occurring from the requested representation on totally unrelated matter(s).</p> <p style="text-align: center;">COUNCIL ACTION REQUESTED</p> <p>A motion to authorize the Mayor and the City Attorney to execute the informed consent letter in the form and content as annexed hereto and with the Mayor's signature provision to be added.</p>		



Ryan Braithwaite

222 West Washington Avenue, Suite 900
P O Box 1784
Madison, WI 53701-1784
RBraithwaite@staffordlaw.com
608.259.2638

July 24, 2024

Jesse Wesolowski
City Attorney - City of Franklin
Wesolowski, Reidenbach &
Sajdak, S.C.
11402 W. Church Street
Franklin, WI 53132

VIA EMAIL

RE: Smith's Property Services LLC – Zoning Violation

Dear Atty. Wesolowski:

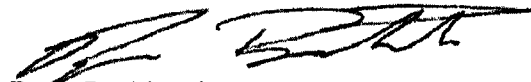
One of my colleagues at Stafford Rosenbaum LLP, Olivier Reiher, has been asked by Smith's Property Services LLC ("Smith's") to represent it in connection with a zoning violation (the "Violation") from the City of Franklin (the "City"). We currently represent the City in *Polish Heritage Alliance, Inc. v. City of Franklin*, Milwaukee County Case No. 23-CV-9073.

We believe that our representation of Smith's related to the Violation would not adversely affect our ability to represent you in other unrelated matters, current and future. However, in situations like this, which happen from time to time, we are allowed to represent both clients in unrelated matters only if both clients consent. We, therefore, ask you whether you will consent to our representation of Smith's related to the Violation while we continue to represent the City in other unrelated matters. If you consent, please confirm this by signing this letter and returning it to me.

Thank you. Please call if you have any questions.

Best regards,

STAFFORD ROSENBAUM LLP



Ryan Braithwaite

RGB:nkb

Madison Office

222 West Washington Avenue 608.256.0226
P O Box 1784 888.655.4752
Madison Wisconsin Fax 608.259.2600
53701 1784 www.staffordlaw.com

Milwaukee Office

1200 North Mayfair Road 414.982.2850
Suite 430 888.655.4752
Milwaukee, Wisconsin Fax 414.982.2889
53226-3282 www.staffordlaw.com

July 24, 2024
Page 2

CONSENT GRANTED:

CITY OF FRANKLIN

By: _____
Jesse Wesolowski, City Attorney

Date

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<p align="center">APPROVAL</p>	<p align="center">REQUEST FOR COUNCIL ACTION</p>	<p align="center">MEETING DATE 8/20/2024</p>
<p align="center">REPORTS & RECOMMENDATIONS</p>	<p align="center"> City Personnel Performance Evaluation-City Engineer. The Common Council May Enter Closed Session Pursuant To Wis. Stat. § 19.85(l)(c), Considering Employment, Promotion, Compensation Or Performance Evaluation Data Of Any Public Employee Over Which The Governing Body Has Jurisdiction Or Exercises Responsibility, Wis. Stat. §19.85(l)(f), Considering Financial, Medical, Social, Or Personal Histories Or Disciplinary Data Of Specific Persons, Preliminary Consideration Of Specific Personnel Problems, Or The Investigation Of Charges Against Specific Persons Except Where Par. (b) Applies Which, If Discussed In Public, Would Be Likely To Have A Substantial Adverse Effect Upon The Reputation Of Any Person Referred To In Such Histories Or Data Or Involved In Such Problems Or Investigations, and Wis. Stat.§ 19.85(l)(g), Conferring With Legal Counsel For The Governmental Body Who Is Rendering Oral Or Written Advice Concerning Strategy To Be Adopted By The Body With Respect To Litigation In Which It Is Likely To Become Involved, And To Reenter Open Session At The Same Place Thereafter To Act On Such Matters Discussed Therein As It Deems Appropriate. </p>	<p align="center">ITEM NUMBER 9.12.</p>

COUNCIL ACTION REQUESTED

A motion to enter closed session pursuant to Wis. Stat. § 19.85(l)(c), considering employment, promotion, compensation or performance evaluation data of any public employee over which the governing body has jurisdiction or exercises responsibility, Wis. Stat. § 19.85(l)(f), considering financial, medical, social, or personal histories or disciplinary data of specific persons, preliminary consideration of specific personnel problems, or the investigation of charges against specific persons except where par. (b) applies which, if discussed in public, would be likely to have a substantial adverse effect upon the reputation of any person referred to in such histories or data or involved in such problems or investigations, and Wis. Stat. § 19.85(l)(g), conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is likely to become involved, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE August 20, 2024
REPORTS AND RECOMMENDATIONS	Wholesale Water Purchase and Sale Agreement Between Oak Creek and Franklin. The Common Council may enter closed session pursuant to Wis. Stat § 19.85(1)(e) to deliberate upon the information, terms and provisions of the Wholesale Water Purchase and Sale Agreement Between Oak Creek and Franklin, the provision of public water supply to the City of Franklin as related to the City, the Franklin Municipal Water Utility and its customers in 2024 and beyond; and the potential negotiation of terms in relation thereto, and the investing of public funds and governmental actions in relation thereto, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate	ITEM NUMBER A.13.

Annexed hereto is a copy of a draft Wholesale Water Purchase and Sale Agreement Between Oak Creek and Franklin. Also annexed is a draft A Resolution Authorizing Certain Officials to Execute a Wholesale Water Purchase and Sale Agreement Between Oak Creek and Franklin.

COUNCIL ACTION REQUESTED

A motion to enter closed session pursuant to Wis. Stat § 19.85(1)(e) to deliberate upon the information, terms and provisions of the Wholesale Water Purchase and Sale Agreement Between Oak Creek and Franklin, the provision of public water supply to the City of Franklin as related to the City, the Franklin Municipal Water Utility and its customers in 2024 and beyond; and the potential negotiation of terms in relation thereto, and the investing of public funds and governmental actions in relation thereto, for competitive and bargaining reasons, and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

Draft 8/16/24

RESOLUTION NO. 2024-_____

**A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A
WHOLESALE WATER PURCHASE AND SALE AGREEMENT BETWEEN OAK
CREEK AND FRANKLIN**

WHEREAS, the City has been receiving public water supply from the City of Oak Creek and the Oak Creek Water and Sewer Utility pursuant to an Agreement for Oak Creek to Provide Water at Wholesale to Franklin entered into with them by the City of Franklin and the Franklin Water Utility on April 4, 1994, for a period of thirty years; and

WHEREAS, the City has reviewed the provision of public water service to all persons, uses, and properties in the City for a number of years, considering a number of sources, various services to be provided including alternatives thereof, and receiving the benefits from consultants contracted to provide detailed studies and recommendations with regard to the future public water supply in the City; and

WHEREAS, the conclusion reached after the number of years of study and review and the evolution and changes of some of the factual circumstances over the years, is that the proposed Wholesale Water Purchase and Sale Agreement Between Oak Creek and Franklin, to provide the City with public water service public health and safety, and the basic human existence needs and benefits to the public receiving such service, for the next forty years, is in the best interests of the City.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Wholesale Water Purchase and Sale Agreement Between Oak Creek and Franklin, in such form and content as annexed hereto, subject to minor and/or technical changes approved by the Director of Administration, the Superintendent of the Sewer & Water Department, and the City Attorney, be and the same is hereby approved.

BE IT FURTHER RESOLVED, that the Mayor, the City Clerk and the City Attorney be and the same are hereby authorized to execute and deliver the Wholesale Water Purchase and Sale Agreement Between Oak Creek and Franklin.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2024.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2024.

RESOLUTION NO. 2024-____
Page 2

APPROVED:

ATTEST:

John R. Nelson, Mayor

Shirley J. Roberts, City Clerk

AYES ____ NOES ____ ABSENT ____

**WHOLESALE WATER PURCHASE AND SALE AGREEMENT
BETWEEN OAK CREEK AND FRANKLIN**

THIS AGREEMENT, made this ___ day of _____, 2024, by and between the City of Oak Creek, including its Water and Sewer Utility, (hereinafter referred to "Oak Creek") and the City of Franklin, including its Water Utility, (hereinafter referred to as "Franklin"). Oak Creek and Franklin are hereinafter collectively referred to as the "Parties" or individually as a "Party".

WHEREAS, Oak Creek and Franklin entered into a wholesale water purchase and sale agreement dated April 4, 1994 ("1994 Agreement") at rates approved by the Public Service Commission of Wisconsin, (hereinafter referred to as "PSC") and at standards of service prescribed by the PSC; and

WHEREAS, Oak Creek has constructed and will continue to construct facilities within the City of Oak Creek to ensure that all Oak Creek customers receive an adequate water supply; and

WHEREAS, in order to plan for its future capital facility needs, Oak Creek seeks Franklin's contractual commitment to continue purchasing wholesale water from Oak Creek; and

WHEREAS, Franklin is willing to extend its contractual commitment to purchase wholesale water from Oak Creek in accordance with the terms of this Agreement; and

WHEREAS, Oak Creek and Franklin, on March 19, 2024, individually approved a term sheet containing items to be included in a new wholesale water agreement.

NOW, THEREFORE, in consideration of the mutual promises and agreements set forth in this Agreement, Franklin and Oak Creek agree as follows:

1 PROVISION OF WATER

- 1.1 Oak Creek as Sole Provider.** Franklin agrees to obtain water supply from Oak Creek to serve the entire City of Franklin that is not, as of the Effective Date of this Agreement, receiving retail water service from the City of Milwaukee. Oak Creek shall be the sole, exclusive provider of water supply for all areas of Franklin that are not receiving retail water service from the City of Milwaukee on the Effective Date of this Agreement.
- 1.2 Uniform Treatment.** Oak Creek shall not discriminate or differentiate in quality of service or in its method of establishing rates between Franklin and its other wholesale customers.

2 SERVICE AREA

- 2.1 **Service Area.** Oak Creek agrees to provide wholesale water to the City of Franklin which will in turn provide retail water service to the entire City of Franklin that is not, as of the Effective Date of this Agreement, receiving retail water service from the City of Milwaukee. The corporate boundaries of the City of Franklin as of the Effective Date of this Agreement are shown on Exhibit A. The area in Franklin that is receiving retail water service from the City of Milwaukee as of the Effective Date of this Agreement is also shown on Exhibit A. Oak Creek's agreement to provide wholesale water is based upon the City of Franklin's corporate limits as they exist on the Effective Date of this Agreement. Oak Creek shall have no duty or obligation under this Agreement to provide wholesale water for any area other than the service area described in this Article 2.
- 2.2 **Franklin Expansion.** In the event that the City of Franklin's corporate limits are extended or enlarged as a consequence of any consolidation or merger of Franklin with any other municipality entity or political subdivision, Oak Creek may, but is not required to, provide wholesale water supply for any extended area of Franklin. Oak Creek shall have the first option to provide wholesale water supply for any expanded area of Franklin.
- 2.3 **Franklin Limited Retail Service to the Village of Raymond.** If Franklin obtains all necessary approvals from the PSC and the Village of Raymond, Oak Creek agrees that the City of Franklin may use wholesale water purchased from Oak Creek to provide retail water service to the I-94 corridor in the Village of Raymond. For purposes of this Section, the Village of Raymond's I-94 corridor extends from I-94 to the west for one (1) mile and from W. South County Line Road to the south for 6-miles and is shown on Exhibit B. This corridor may be expanded with the approval of Oak Creek.

3 WATER QUALITY AND QUANTITY

- 3.1 **Water Quality.** Oak Creek shall provide Franklin water which meets all primary drinking water quality standards established by the State of Wisconsin and Federal governments.
- 3.2 **Water Pressure.** Beginning on the Effective Date, Oak Creek will provide Franklin with water at a minimum hydraulic grade equivalent (hge), at the meter locations, of 870 (USGS datum). Hydraulic grade equivalent is the sum of the water pressure, expressed in feet above sea level, plus the ground elevation at any given location.
- 3.3 **Franklin's 5-Year Water Demand Plan.** To enable Oak Creek to meet future water service demands, Franklin shall develop a five (5) year water demand plan which shall be reviewed and updated by Franklin on an annual basis. By April 1 of each calendar year, Franklin shall provide Oak Creek its updated five (5) year plan. Oak Creek agrees to meet the water demand identified in the plan. If Franklin does not provide Oak Creek an update of its five (5) year plan by April 1st, Year 1 of the prior year's plan will become Year 1 of the updated plan.

3.4 **Maximum Flow Limit.** At no time during the initial term of this Agreement shall the total flow of water to Franklin exceed 12.3 MGD measured at any point in time without the approval of Oak Creek. At no time after the initial term of this Agreement shall the total flow of water to Franklin exceed 13.0 MGD measured at any point in time without the approval of Oak Creek.

3.5 **Emergencies.** Notwithstanding Sections 3.2 through 3.4, Oak Creek may restrict use of water by Franklin as a result of the occurrence of any emergency, including but not limited to major firefighting, extraordinary hydrant flushing, major water main breaks or drought, which will affect the water pressure or other performance capabilities of the water system within Oak Creek. Oak Creek shall notify Franklin whenever it is unable to supply water service in accordance with the terms of this Agreement and Franklin may obtain emergency water service from any other source without violating the terms of this Agreement but only for the specific period of time in which Oak Creek is unable to provide such supply.

4 **METERING**

4.1 **Connection Locations.** Franklin's system connects to Oak Creek's system at four connection points, the locations of which are shown on Exhibit A. The connection points are located near the intersection of 27th Street (i) at Ryan Road, (ii) at Puetz Road, (iii) at Drexel Avenue, and (iv) at Rawson Avenue.

4.2 **Metering Stations.**

4.2.1 Franklin has furnished metering stations, complete with meter setting but without the meter, at the connection points between Oak Creek's system and Franklin's system.

4.2.2 If new or replacement metering stations are required in the future, Franklin shall construct such metering stations located in Franklin. The plans and specifications for such meter stations must conform to Oak Creek standards and be approved by Oak Creek. All construction work incidental to construction of metering stations may be inspected by Oak Creek in accordance with Oak Creek inspection standards.

4.3 **Meters.** The meters, including total recording and measuring devices, to be installed in the metering stations shall be supplied, operated and maintained by the Oak Creek Water and Sewer Utility. The wholesale meters shall be tested for accuracy as required by the PSC. Franklin shall provide access to Oak Creek for meter reading and equipment maintenance/repair.

4.4 **Meter Malfunctions or Inaccuracies.** If a wholesale meter is found to be inoperative or inaccurate, Oak Creek shall bill by estimating Franklin's usage based on the best available information including, but not limited to, duration of flow, and the average of volume sold at the affected meter station for the same month over the last 4 years.

4.5 **SCADA.** The meter stations shall accommodate Oak Creek's SCADA equipment to monitor flow, pressure, access, and other water quality and quantity items as Oak Creek

determines from time to time. Both parties shall meet from time to time to discuss changes, additions, or deletions to the SCADA information that might be shared by both parties.

- 4.6 **Flow Control Equipment.** Oak Creek grants Franklin authority to install, operate and maintain flow control equipment at the connection points between the Oak Creek system and the Franklin system. All flow control stations shall be set to unrestricted flow, unless Franklin is actively controlling the flow. If Franklin intends to actively control the flow, Franklin shall provide to Oak Creek the operational procedures detailing how Franklin intends to operate the flow control stations. Franklin shall provide 48-hour notification to Oak Creek of any deviations from the operational plan for the flow control stations. Franklin shall grant Oak Creek access to real time flow control SCADA information.

5 INDIVIDUAL WATER SYSTEMS

5.1 Oak Creek Water Supply and Transmission System.

- 5.1.1 The Oak Creek water supply and transmission system includes the intake, raw water pump station, raw water mains, treatment plant, high lift pump station, chlorine contact tank and treatment plant storage, booster pump stations, transmission mains, and appurtenances. The transmission mains shall include mains larger than 12" in diameter.
- 5.1.2 Oak Creek shall be solely responsible for constructing, operating, maintaining, repairing and replacing all parts of its water supply and transmission system located in the City of Oak Creek which provides wholesale water to Franklin as set forth in this Agreement.
- 5.1.3 Oak Creek water supply and transmission system costs shall be recoverable in its rates charged to all customers.

5.2 Oak Creek Distribution System.

- 5.2.1 The Oak Creek distribution system includes water mains that are 12" and smaller, distribution system storage, fire hydrants, valves, retail services and meters, and appurtenances.
- 5.2.2 Oak Creek shall be responsible for constructing, operating, maintaining, repairing and replacing all parts of its water distribution system used to provide water to its retail customers.
- 5.2.3 Oak Creek's costs related to its distribution system shall not be recoverable in its rates charged to Franklin.

- 5.3 **Franklin Distribution System.** Franklin shall be responsible for constructing, operating, maintaining, repairing and replacing all parts of its water distribution system used to provide water to its retail customers in Franklin. Franklin's costs related to its distribution system shall be recoverable in its rates charged to Franklin's retail customers. Oak Creek shall not be responsible for any costs related to Franklin's distribution system.

6 OAK CREEK WATER SUPPLY AND TRANSMISSION CAPITAL PROJECTS

6.1 Underground Facilities Rehabilitation Project.

- 6.1.1 The Oak Creek Board of Public Works and Capital Assets selected an Underground Facilities Rehabilitation (UFR) project on February 13, 2024 to resolve code compliance issues with the existing treatment plant. The proposed UFR project includes a new intermediate pump station, new ultraviolet disinfection facility, new above ground chlorine contact tank, new high lift pump station and associated appurtenances such as fluoride storage and feed equipment, electrical feed and equipment, building access control and security, and SCADA equipment. The UFR project is anticipated to be online in 2029.
- 6.1.2 Franklin agrees not to intervene in Oak Creek’s PSC construction authorization process for the UFR project, as long as it remains substantially similar to the alternative selected by the Oak Creek Board of Public Works and Capital Assests on February 13, 2024. Oak Creek acknowledges Franklin’s right to intervene in a PSC proceeding related to other Oak Creek construction projects.
- 6.1.3 Oak Creek agrees to share the payment in lieu of taxes (“PILOT”) calculated on its UFR project with Franklin as described in this subsection. After all UFR project expenses are capitalized as additions to Utility Plant In Service on Schedule W-08 of Oak Creek’s latest PSC annual report (PSC report), the amount of PILOT shared with Franklin will be based on the percentage formula set forth below:
- i. For Years 1 – 9, the percentage of the PILOT payment from the UFR project shared with Frankin is determined by dividing the total gallons sold to Franklin by the total gallons of finished water pumped from the treatment plant. Both figures would be sourced from Oak Creek’s latest PSC report. In 2023, total gallons sold to Franklin and finished water pumped are listed on Schedules W-14 and W-03, respectively of the PSC report.
 - ii. In year 10 the percentage of the PILOT payment from the UFR project shared with Frankin would equal 75% of the calculation in (i).
 - iii. In year 11 the percentage of the PILOT payment from the UFR project shared with Frankin would equal 50% of the calculation in (i).
 - iv. In year 12 the percentage of the PILOT payment from the UFR project shared with Frankin would equal 25% of the calculation in (i).
 - v. In year 13 and beyond, no further PILOT sharing payment would be made to Franklin.
- 6.1.4 The UFR project is not subject to review by the Capital Improvement Committee under Section 6.2.

6.2 **Capital Improvement Committee.** Oak Creek will form a Capital Improvement Committee consisting of representatives from Oak Creek and its wholesale water customers. Oak Creek will schedule a meeting of the Capital Improvement Committee to review and discuss any Oak Creek water supply and/or transmission system capital project anticipated to cost more than \$1 million or the minimum threshold for PSC oversight whichever is greater. The Committee meeting shall be held prior to beginning the design of a capital project with an estimated cost above this cost threshold. The Capital Improvement Committee will provide a recommendation on the capital project. If a Committee vote is taken on the recommendation, each representative's vote will be weighted by its percentage of water purchased from Oak Creek compared to the total volume of water leaving the treatment plant and entering the transmission mains averaged over the previous four (4) years. Oak Creek shall consider the Committee's recommendation on the capital project before taking final action to approve or reject the project. Oak Creek distribution system projects are not subject to Capital Improvement Committee review.

6.3 **Capital Improvement Plan Presentation.**

6.3.1 Oak Creek will provide an annual presentation to the Franklin Board of Water Commissioners regarding Oak Creek's 5-year capital improvement plan.

6.3.2 Oak Creek agrees to attend a regular or special meeting with the Franklin Board of Water Commissioners to discuss an Oak Creek water supply and/or transmission system capital project exceeding \$1 million or the minimum threshold for PSC oversight whichever is greater. Oak Creek distribution system capital projects are not subject to this Section.

6.4 **No Tax on Facilities.** Neither party will tax or charge payments in lieu of taxes on owned capital facilities located in the other's jurisdiction.

7 **RATES**

7.1 **Wholesale Supply.** Franklin shall be a wholesale customer of Oak Creek.

7.2 **Wholesale Rates Subject to PSC Approval.** Oak Creek's rates and charges for the provision of wholesale water to Franklin shall be established by the PSC on a cost of service basis. Oak Creek's rate schedule may be modified during the term of this Agreement provided such change is approved by the PSC.

7.3 **Timing of Full Rate Cases.** Oak Creek will not file an application with the PSC for a full rate case unless (i) its realized rate of return is less than its cost of debt (on a percentage basis), or (ii) five years have elapsed since the last PSC rate order. In 2023, the realized rate of return ("net operating income as a percent of average net rate base") is listed on Schedule F-23 of the PSC report. Cost of debt is the total interest charges (PSC report Schedule F-01) divided by the total long-term debt (PSC report Schedule F-07). If Oak

Creek has no debt, then the current market rate of Wisconsin's safe drinking water loan program under Wis. Stat. § 281.61 shall be used in the above calculation as the cost of debt.

- 7.4 **Rate Making Methodology.** The Parties agree for the term of this Agreement that they will mutually support and request that the PSC establish water rates in accordance with the methodology described in Exhibit C.
- 7.5 **Billing and Due Date.** Oak Creek shall submit invoices to Franklin on a quarterly or monthly basis. All such invoices shall be payable to Oak Creek within twenty (20) days. If payments are not received within thirty (30) days a penalty of 1% per month on any delinquency shall be due and payable by Franklin.
- 7.6 **Franklin Retail Customers.** Franklin provides retail water service to its customers within Franklin. Franklin shall be solely responsible for billing and collecting all fees or charges from its retail customers for water service. If Oak Creek receives payments for services provided by Franklin from Franklin retail customers, Oak Creek shall promptly deliver and endorse such payments to Franklin.
- 7.7 **Wheeling Charges.** If Oak Creek proposes to serve additional wholesale customers utilizing Franklin's water system for water transmission, Oak Creek acknowledges Franklin shall be entitled to receive PSC-determined wheeling charges.

8 RECORDS

- 8.1 **Maintenance of Records.** Franklin and Oak Creek shall create and maintain records relating to the 1994 Agreement and this Agreement.
- 8.2 **Record Access.** Each Party agrees to allow representatives of the other Party to evaluate and inspect information, documents, and records regarding any matters relating to the subject matter of this Agreement. This Article 8 shall not be construed to eliminate (i) any requirement for public record keeping in conformance with Wisconsin state statutes, or (ii) any record inspection or record access restrictions under Wis. Stat. § 19.35, as may be amended from time to time.

9 RISK MANAGEMENT

- 9.1 **Insurance.** During the term of this Agreement each Party shall maintain comprehensive general liability insurance in the minimum amount of \$1,000,000. Upon request each Party shall provide evidence to the other Party of the existence of an effective policy and the policy limits. Each Party shall be named as additional insured on the insurance policy of the other Party hereto. Each Party shall properly notify the other if the policy limits are reduced or the policy is canceled or not renewed. In addition, each Party shall obtain and maintain worker's compensation insurance covering its employees performing the services for that Party in at least the minimum amounts required from time to time by applicable State of Wisconsin statutory requirements.

9.2 **Indemnification.** The Parties understand and agree that this Agreement is not one to ensure or indemnify the other and shall not be construed as such. Each Party is solely responsible for its own negligence, acts or omissions.

10 **EFFECTIVE DATE; TERMINATION**

10.1 **Effective Date.** This Agreement shall take effect on the date the last Party duly approves and signs this Agreement. This date is the Effective Date.

10.2 **Term of this Agreement.** The term of the Agreement shall be forty (40) years from the Effective Date of this Agreement. After the initial term, the Agreement shall automatically renew for another forty (40) years, unless a Party (i) provides written notice to the other Party no later than ten (10) years prior to the end of the Agreement's term of its intent to not renew; and (ii) timely submits an application to the PSC to approve service discontinuation at the end of the Agreement's term. If the application to the PSC for service discontinuation is withdrawn, rejected or denied, this Agreement will automatically renew.

11 **MISCELLANEOUS**

11.1 **Regional Water Authority.** Both Parties agree to engage in discussions related to the creation of a Regional Water Authority ("RWA"), the purpose of which would be to own and operate a treatment facility and the facility's related infrastructure. Such discussions would investigate the potential for the RWA to serve Oak Creek and its wholesale customers and the ownership and governing structure of the potential RWA. If such RWA purchases Oak Creek's existing water treatment facility and the facility's related infrastructure, Oak Creek will receive fair and equitable monetary compensation for the sale. Both parties agree to discuss other future regional opportunities.

11.2 **Applicability of PSC Rules and Regulations.** This Agreement shall be subject to applicable rules and regulations of Oak Creek which are on file with the PSC as such rules and regulations may be amended from time to time.

11.3 **No Waiver.** The failure of either Party to insist on strict performance of any of the terms or conditions of this Agreement shall not be construed as a waiver or relinquishment of any right granted under this Agreement.

11.4 **Severability.** In the event that any portion of this Agreement is held invalid or unenforceable such invalidity or unenforceability shall not affect the other portions of this Agreement.

11.5 **No Third-Party Rights.** This Agreement shall be binding upon and inure to the benefit of and be enforceable by the Parties, their agents, employees, officers and directors. However, it is not intended by the Parties that this Agreement in any way inure to the benefit of any third party.

- 11.6 **Successors and Assigns.** This Agreement shall be binding upon any successor organization or entity assigns or other successor political entity of either Party to this Agreement.
- 11.7 **Assignment.** This Agreement shall not be assigned by any of the Parties without the prior written consent of the other Party.
- 11.8 **Legal Relationship.** Nothing in this Agreement shall be construed to create an employer/employee relationship, a joint venture relationship or a principal/agent relationship.
- 11.9 **Notices.** Notices required by this Agreement shall be in writing unless an emergency exists and shall be deemed given upon delivery in person or by first class mail postage prepaid to the other Party at the following address:

City of Franklin Water Utility
9229 West Loomis Road
Franklin, WI 53132

Oak Creek Water & Sewer Utility
170 West Drexel Avenue
Oak Creek, WI 53114

- 11.10 **Amendment.** This Agreement may be modified only by a written amendment signed by both Parties.
- 11.11 **Applicable Law.** This Agreement shall be governed and interpreted under the laws of the State of Wisconsin.
- 11.12 **Entire Agreement.** This Agreement constitutes the entire agreement between the Parties relating to the subject matter of this Agreement. All prior understandings, agreements, correspondence and discussions of the Parties are merged into and made a part of this Agreement.

[SIGNATURES ON NEXT PAGE]

CITY OF OAK CREEK

By: _____
Mayor Daniel J. Bukiewicz

Dated: _____

By: _____
Catherine Roeske, City Clerk

Dated: _____

CITY OF FRANKLIN

By: _____
Mayor John R. Nelson

Dated: _____

By: _____
Shirley J. Roberts, City Clerk

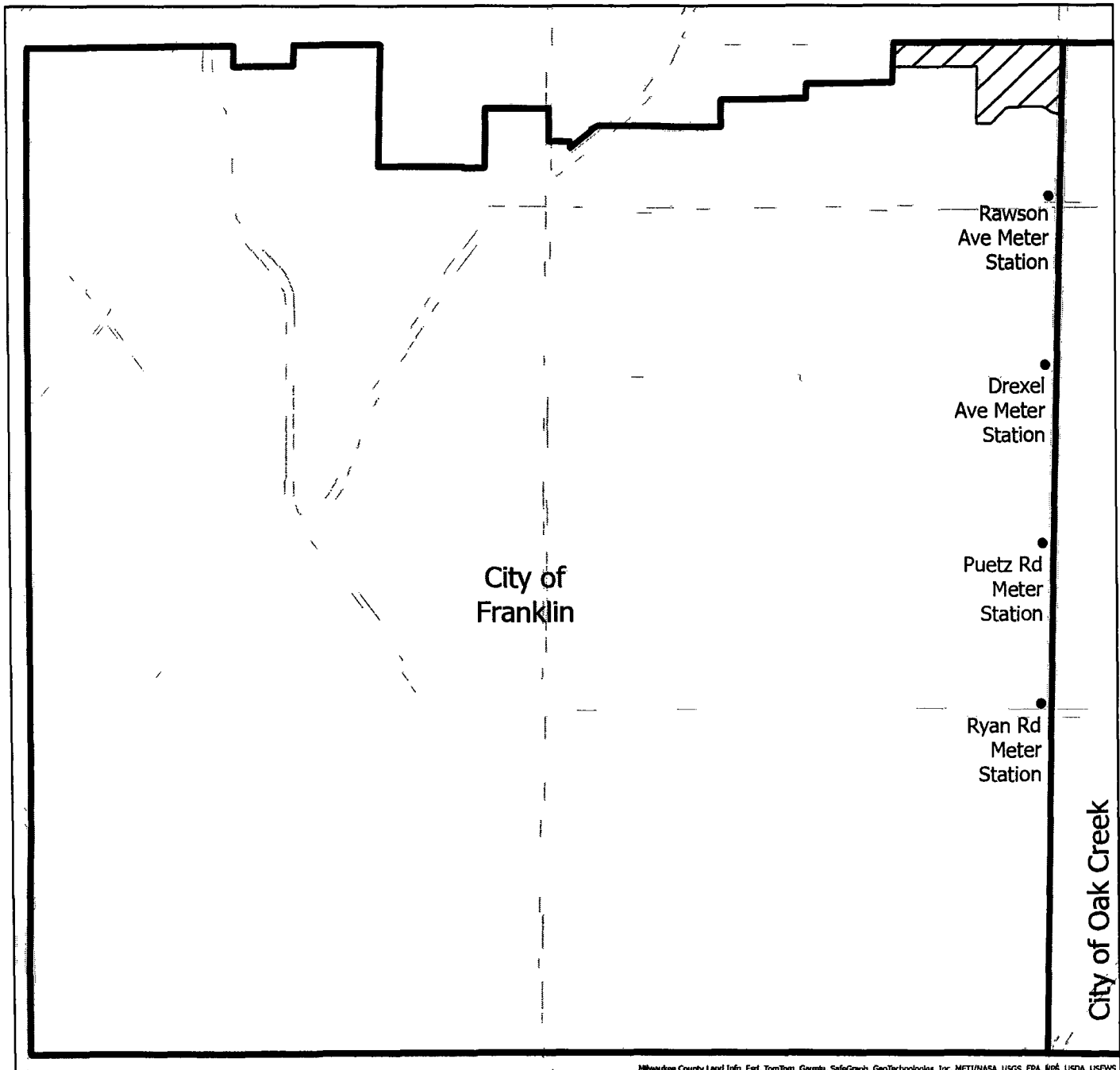
Dated: _____

APPROVED:

City Attorney, City of Franklin


City Attorney, City of Oak Creek

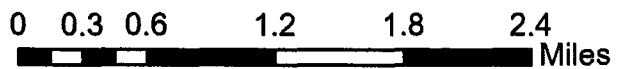
Exhibit A: Oak Creek Wholesale Service Area



Milwaukee County Land Info. Eri, TomTom, Garmin, SafeGraph, GeoTechnology, Inc, METI/NASA, USGS, EPA, R06, USDA, USFWS

Legend:

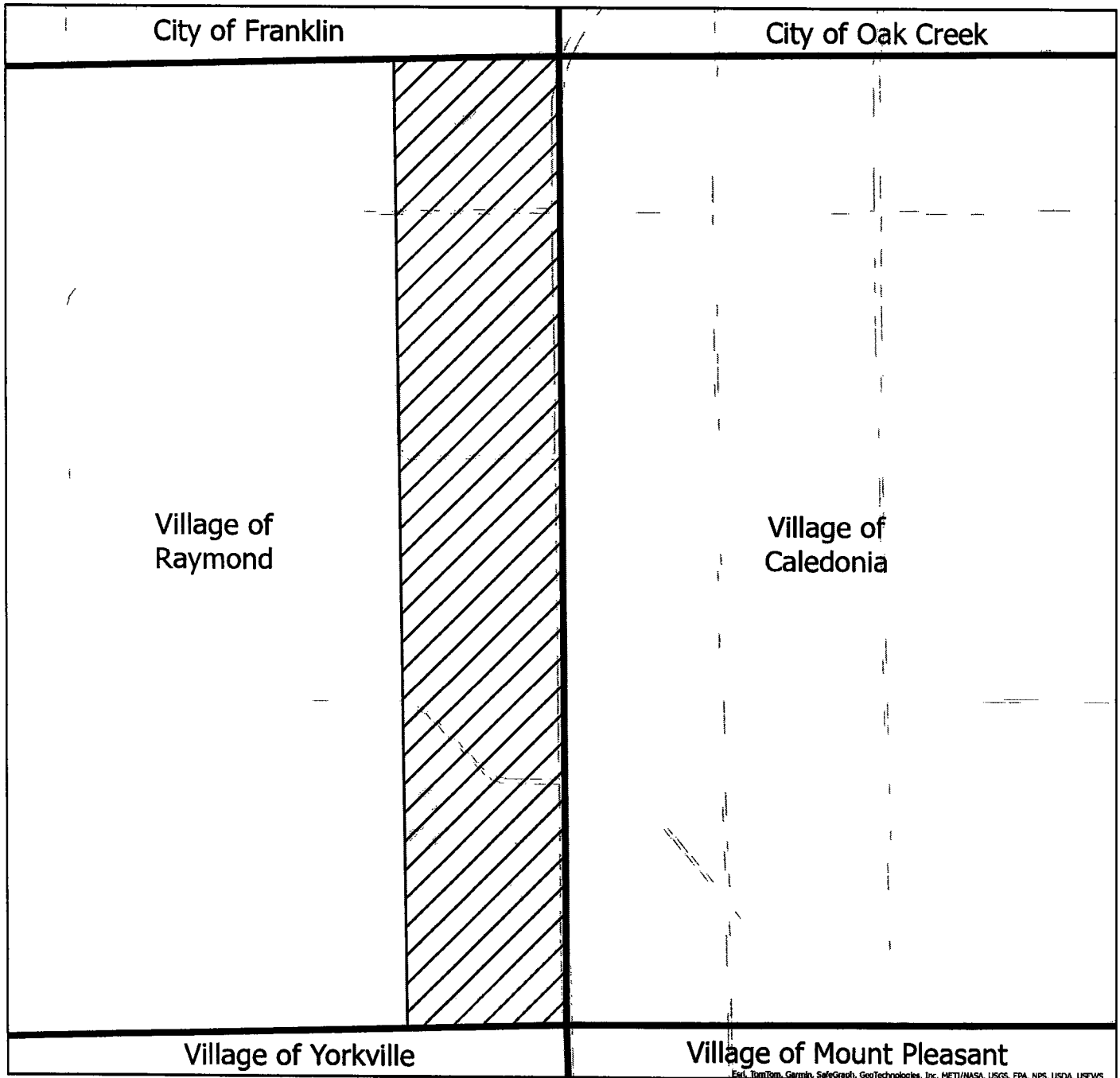
-  Milwaukee Retail Water Service Area
-  Corporate Boundaries of City of Franklin
-  Meter Station





Spatial Reference
PCS NAD 1983 2011 StatePlane Wisconsin South FIPS 4803 Ft US
GCS GCS NAD 1983 2011
Datum NAD 1983 2011
Projection Lambert Conformal Conic

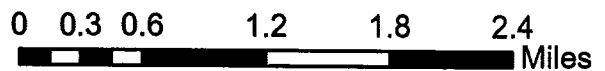


Exhibit B: Limited Raymond Retail Service Area



Legend:

-  Limited Retail Service Area
-  Municipal Boundaries



Spatial Reference
PCS, NAD 1983 2011 StatePlane Wisconsin South FIPS 4803 Ft US
GCS GCS NAD 1983 2011
Datum, NAD 1983 2011
Projection Lambert Conformal Conic



EXHIBIT C
RATE METHODOLOGY

The Parties agree to support and request the PSC establish rates in accordance with the rate methodology described in this Exhibit C. Exhibit C-1 is an example of a rate study that applies the methodology described in this Exhibit. Exhibit C-1 will be updated with the most recent available data at the time Oak Creek files its next application to PSC, and any subsequent applications.

DESCRIPTION OF RATE METHODOLOGY

A. Revenue Requirement

Oak Creek's total revenue requirement will be developed using the methodology currently used by the PSC at the time the rate application is filed. If Oak Creek or its treatment plant is no longer regulated by the PSC, Oak Creek's revenue requirements will be developed using guidance from the American Water Works Association's Manual of Water Supply Practices M1.

Oak Creek, in a rate application, will request a lower rate of return (ROR) than the PSC benchmark ROR if it determines such lower ROR will be sufficient for its financial management. Oak Creek will not request a rate of return for Franklin higher than the rate of return requested for Oak Creek.

B. Cost-Of-Service Allocation

Revenue requirements will be allocated to different utility functions using the Base-Extra Capacity method described in more detail in the Section on "*Cost-of-Service Allocation.*"

C. Distribution of Costs to Customers

After the functional cost-of-service allocation is complete, costs will be allocated between customers in two steps. In Step One, costs will be allocated between Oak Creek and each of Oak Creek's wholesale customers. In Step One, Oak Creek is treated as one municipal entity. In Step Two, the costs attributed to Oak Creek in Step One will be allocated to Oak Creek's individual retail customer classes. These customer allocations are described in more detail in the Section on "*Distribution of Costs to Customers.*"

COST-OF-SERVICE ALLOCATION

Oak Creek's total revenue requirements will be allocated to utility functional cost categories using the Base-Extra Capacity method described in the American Water Works Association's Manual of Water Supply Practices M1 as applied by the Public Service Commission of Wisconsin. The Parties also agree to request that at a minimum the provisions described in this Section be followed in the allocation to functional costs.

A. Separating Transmission and Distribution Plant

Oak Creek's plant records include both transmission and distribution mains in the same account. For the purposes of developing rates, transmission and distribution main plant will be separated as described below and associated transmission and distribution main costs will be separately allocated.

Mains larger than 12 inches in diameter will be considered transmission mains. Mains of 12 inches or less in diameter will be considered distribution mains.

Transmission and distribution main *total plant* will be divided between transmission and distribution on the basis of the original cost of total mains (whether utility financed or contributed). Transmission and distribution main *utility financed plant* and depreciation expense will be divided between the transmission and distribution based on the original cost of all utility financed mains.

B. Utility Functional Cost Categories

Costs will be allocated to System Base, System Max Day, Distribution Base, Distribution Max Hour, Storage, Consumer Costs, and Public Fire Protection Costs.

References to any of the functional cost categories in this document refer to all costs included in that column in any of the spreadsheets within Exhibit C-1. For example, Base Distribution costs include all costs allocated to the columns labeled Base Distribution with the cost-of-service allocation. Storage costs include all costs allocated to the columns labeled Storage within the cost-of-service allocation.

C. Costs by Categories

1. System Base and System Max Day Costs

Costs allocated to System Base and System Max Day will include the following costs:

- Operation and maintenance (O&M) expenses associated with Source of Supply, Pumping, Water Treatment, and Transmission Mains, other than \$64,300 of Fuel or Power Purchased for Pumping (Account 623), allocated to Distribution, allocated as described in Paragraphs D.1 and D.2.
- Depreciation expense on utility financed plant associated with Source of Supply, Pumping, Water Treatment, and Transmission Mains, allocated as described in Paragraph D.2.
- Return on Investment on utility financed plant associated with Source of Supply, Pumping, Water Treatment, and Transmission Mains, allocated as described in Paragraph D.12.
- Payment in lieu of taxes (PILOT) and other taxes on total plant associated with Source of Supply, Pumping, Water Treatment, and Transmission Mains, determined as described in Paragraph D.13.

- A share of certain other expenses and costs described in Paragraph C.6., allocated between all cost categories as described in Paragraphs D.8 through D.13.

2. Distribution Base and Distribution Max Hour Costs

Costs allocated to Distribution Base and Distribution Max Hour will include the following costs:

- \$64,300 of Fuel or Power Purchased for Pumping (Account 623), allocated to Base as described in Paragraph D.3.
- A share of O&M expenses associated with Distribution Mains, determined as described in Paragraph D.4.
- A share of depreciation expense on utility financed plant associated with Distribution Mains, allocated between Base, Max Day and Public Fire Protection as described in Paragraph D.4.
- A share of Return on Investment on utility financed plant associated with Distribution Mains determined as described in Paragraph D.12.
- A share of PILOT and other taxes on total plant associated with Distribution Mains determined as described in Paragraph D.13.
- A share of certain other expenses and costs described in Paragraph C.6., allocated between all cost categories as described in Paragraphs D.8 through D.13.

3. Storage Costs

Costs allocated to Storage will include the following costs:

- A share of O&M expenses associated with distribution system reservoirs and standpipes, allocated between Storage and Public Fire Protection as described in Paragraph D.5.
- A share of depreciation expense on utility financed plant associated with distribution system reservoirs and standpipes, allocated between Storage and Public Fire Protection as described in Paragraph D.5.
- A share of Return on Investment on utility financed plant associated with distribution system reservoirs and standpipes, allocated as described in Paragraph D.12.
- A share of PILOT and other taxes on total plant associated with distribution system reservoirs and standpipes, determined as described in Paragraph D.13.
- A share of certain other expenses and costs described in Paragraph C.6., allocated between all cost categories as described in Paragraphs D.8 through D.13.

4. Consumer Costs

Costs allocated to Consumer Costs will include the following costs:

- O&M expenses associated with billing, meters, and services, allocated as described in Paragraph D.6.

- Depreciation expense and Return on Investment on utility financed plant associated with meters and services, allocated as described in Paragraphs D.6 and D.12.
- PILOT and other taxes on total plant associated with meters and services, allocated as described in Paragraph D.13.
- A share of certain other expenses and costs described in Paragraph C.6., allocated between all cost categories as described in Paragraphs D.8 through D.13.

5. Public Fire Protection Costs

Costs allocated to Public Fire Protection Costs will include the following costs:

- O&M expenses and depreciation expense associated with hydrants as described in Paragraph D.7.
- A share of O&M expenses associated with (i) distribution mains, allocated between Distribution Base, Distribution Max Hour and Public Fire Protection as described in Paragraph D.4 and (ii) distribution system reservoirs and standpipes allocated between Public Fire Protection and Storage as described in Paragraph D.5.
- Return on Investment on utility financed hydrants allocated as described in Paragraph D.12.
- A share of depreciation expense on utility financed plant associated with (i) distribution mains allocated between Distribution Base, Distribution Max Hour and Public Fire Protection as described in Paragraph D.4 and (ii) distribution system reservoirs and standpipes allocated between Public Fire Protection and Storage as described in Paragraph D.5.
- A share of Return on Investment on utility financed plant associated with (i) distribution mains allocated as described in Paragraph D.12 and (ii) distribution system reservoirs and standpipes allocated as described in Paragraph D.12.
- PILOT and other taxes on total hydrant plant, determined as described in Paragraph D.13.
- A share of PILOT and other taxes on total plant associated with (i) distribution mains, and (ii) distribution system reservoirs and standpipes (costs shared with Distribution and Storage) determined as described in Paragraph D.13.
- A share of certain other expenses and costs described in Paragraph C.6., allocated between all cost categories as described in Paragraph D.8 through D.13.

6. Other Expenses and Costs

All the above cost categories will be allocated a share of:

- O&M expenses associated with other transmission and distribution (T&D)
- expenses not directly allocated, allocated as described in Paragraph D.8.¹

¹ Account 660 (Operation supervision and engineering); Account 665 (Miscellaneous expenses); Account 666 (Rents); Account 670 (Maintenance supervision and engineering); Account 671 (Maintenance of structures and improvements), and Account 678 (Maintenance of miscellaneous plant).

- General and Administrative expenses allocated as described in Paragraph D.9.²
- Depreciation expense, Return on Investment , and PILOT and other taxes associated with other T&D Plant not directly allocated, allocated as described in Paragraphs D.10, D.12, and D.13.³
- Depreciation expense, Return on Investment , and PILOT and other taxes associated with General Plant, allocated as described in Paragraphs D.11, D.12, and D.13.⁴

D. Allocation Methods

1. Allocation to System Base Only

Operation and maintenance expenses for Fuel or power purchased for pumping (Account 623)(except for the \$64,300 allocated to Distribution Base), and Chemicals (Account 641) will be allocated entirely to System Base.

2. Allocation between System Base and System Max Day⁵

System costs to be allocated under this method will be allocated between System Base and System Max Day based on the Oak Creek total system's most recent four-year average of Average Day pumpage and Maximum Day system pumpage.

The percentage of costs allocated to System Base will be equal to the Average Day system pumpage as a percentage of Maximum Day system pumpage.

The percentage of costs allocated to System Max Day will be equal to the percentage of Maximum Day Extra Capacity system pumpage (over and above Average Day system pumpage) as a percentage of Maximum Day system pumpage.

Average Day system pumpage is the Finished Water pumped for each year divided by 365 days. Maximum Day system pumpage is the maximum amount of Finished Water pumped by the Oak Creek System during any given day of each calendar year. For purposes of this methodology, a day is a 24-hour period beginning at midnight.

² All 900-level Accounts.

³ Account 340 (Land and land rights); Account 341 (Structures and improvements); and Account 349 (Other transmission and distribution plant).

⁴ General Plant includes Accounts 389 through 398

⁵ See Exhibit C-1, System Demand Factors tab, Allocation Method 1

3. Allocation to Distribution Base Only

Operation and maintenance expenses for Fuel or power purchased for pumping (Account 623), in the amount of \$64,300 will be allocated to Distribution Base.

4. Allocation between Distribution Base, Distribution Max Hour, and Public Fire Protection⁶

Costs to be allocated under this method will be allocated between Distribution Base, Distribution Max Hour and Public Fire Protection based on the Oak Creek total system's most recent four-year average of Average Day pumpage, Maximum Hour system pumpage, and estimated Fire Flow demands based on Insurance Services Office (ISO) demands.

The percentage of costs allocated to Distribution Base will be equal to Average Day system pumpage as a percentage of the sum of Maximum Hour system pumpage and estimated Fire Flow Demands (both converted to a 24-hour day pumpage).

The percentage of costs allocated to Distribution Max Hour will be equal to the percentage of Maximum Hour Extra Capacity system pumpage (over and above Average Day system pumpage) as a percentage of the sum of Maximum Hour system pumpage and estimated Fire Flow Demands (both converted to a 24-hour day pumpage).

The percentage of costs allocated to Public Fire Protection will be equal to the estimated Fire Flow Demands as a percentage of the sum of Maximum Hour system pumpage and estimated Fire Flow Demands (both converted to a 24-hour day pumpage).

Average Day system pumpage is the Finished Water pumped for each year divided by 365 days. Maximum Hour system pumpage is the maximum amount of Finished Water pumped by the Oak Creek system during any given hour in each calendar year.

5. Allocation between Storage and Public Fire Protection⁷

Costs to be allocated under this method will be allocated between Storage and Public Fire Protection based on the Oak Creek total system's most recent four-year average of Maximum Hour system pumpage , and estimated Fire Flow demands based on Insurance Services Office (ISO) demands.

The percentage of costs allocated to Storage will be equal to the percentage of Maximum Hour system pumpage as a percentage of the sum of Maximum Hour system pumpage and estimated Fire Flow Demands (both converted to a 24-hour day pumpage).

⁶ See Exhibit C-1, System Demand Factors tab, Allocation Method 5.

⁷ See Exhibit C-1, System Demand Factors tab, Allocation Method 4

The percentage of costs allocated to Public Fire Protection will be equal to the estimated Fire Flow Demands as a percentage of the sum of Maximum Hour system pumpage and estimated Fire Flow Demands (both converted to a 24-hour day pumpage).

Total system maximum hour is the one hour each calendar year during which the maximum amount of Finished Water is pumped by the Oak Creek system.

6. Allocation of Consumer Costs

Consumer Costs as listed in Paragraph C.2.d. above will be allocated as follows:

- Customer Accounts expenses will be allocated to Billing costs
- Meter expenses and plant will be allocated to Equivalent Meter costs
- Customer installation expenses, and services expenses and plant will be allocated to Equivalent Services costs.

7. Allocation to Public Fire Protection Only

Hydrant expenses and plant will be allocated entirely to Public Fire Protection.

8. Allocation of Other T&D Operation and Maintenance Expenses not Directly Allocated

Other T&D operation and maintenance expenses not directly allocated will be allocated to System, Distribution, Storage, Consumer, and PFP categories in proportion to the percentage of T&D expenses allocated to each category.

9. Allocation of General and Administrative Expenses

General and Administrative expenses will be allocated to System, Distribution, Storage, Consumer, and PFP categories in proportion to the percentage of all other expenses, except for Chemicals (Account 641) and Fuel or power purchased for pumping (Account 623), allocated to each category.

10. Allocation of Other T&D Depreciation Expense and Plant not Directly Allocated

Other T&D depreciation expenses and plant not directly allocated will be allocated to System, Distribution, Storage, Consumer, and PFP categories in proportion to the percentage of T&D expenses or plant allocated to each category.

11. Allocation of General Plant

General Plant and depreciation expense on General Plant will be allocated to System, Distribution, Storage, Consumer, and PFP categories in proportion to the percentage of all other depreciation expense and plant allocated to each category.

12. Allocation of Return on Investment

After Oak Creek’s total Return on Investment is determined, that amount will be allocated to each utility function in proportion to the amount of utility financed plant allocated to each utility function. The Return on Investment allocated to each utility function will reflect each function’s appropriate share of Return on Investment consistent with Paragraph C.2. above.

13. Allocation of PILOT and Other Taxes

After the total amount of PILOT and other taxes is determined, that amount will be allocated to each utility function in proportion to the amount of total plant allocated to each utility function. The amount of PILOT and other taxes allocated to each utility function will reflect each function’s appropriate share of PILOT of and other taxes consistent with Paragraph C.2. above.

DISTRIBUTION OF COSTS TO CUSTOMERS

A. First Step of Customer Allocation

1. Allocation of System Base Costs between Oak Creek and its Wholesale Customer

a. Allocation

System Base Costs will be allocated between Oak Creek and each of Oak Creek’s wholesale customers based on each entity’s allocated share of Total System Base Demands.

b. Total System Base Demands

Total System Base Demands equal the annual volume of Finished Water, less Unbilled Authorized Consumption, averaged over the last four years.

Finished Water in this Exhibit means the amount of treated water entering the Oak Creek Transmission System. For the 2023 Annual Report, this amount was reported on Schedule W-14 as ‘Finished Water Pumped’.

Unbilled Authorized Consumption in this Exhibit means both unbilled metered and unbilled unmetered water reported as Unbilled Authorized Consumption. In the 2023 Annual Report, this amount was reported on Schedule W-15 as ‘Unbilled Authorized Consumption’.

c. Wholesale Customer Base Demands

A wholesale customer’s annual water pumpage equals Oak Creek’s annual water sales to the wholesale customer averaged over the last four years. A wholesale customer’s share of Total System Base Demands equals the wholesale customer’s annual water pumpage divided by the Total System Base Demand.

Actual individual wholesale customer master metered data will be used to determine each wholesale customer's pumpage.

d. Oak Creek Base Demands

Oak Creek's annual water pumpage equals Total System Base Demands, less pumpage attributed to Oak Creek's wholesale customers. Oak Creek's share of Total System Base Demands equals Oak Creek's annual water pumpage divided by Total System Base Demands.

2. Allocation of System Max Day Costs between Oak Creek and its Wholesale Customer

a. Allocation

System Max Day Costs will be allocated between Oak Creek and each of Oak Creek's wholesale customers based on the percentage of maximum day extra capacity pumpage (over and above average day pumpage) attributable to each entity. Average day pumpage equals annual water pumpage divided by 365.

b. Wholesale Customer Max Day Demands

The amount of maximum day pumpage attributable to a wholesale customer each year is calculated by taking the maximum amount of water pumped to that wholesale customer on any one day of a calendar year. A day is a 24-hour period beginning at midnight. A wholesale customer's maximum day pumpage will be calculated annually and averaged over the last four years.

The maximum day extra capacity demand for a wholesale customer equals that wholesale customer's maximum day pumpage based on a four-year average, less the average day pumpage allocated to that wholesale customer based on a four-year average.

The wholesale customer's percentage share of System Max Day Extra Capacity Demand is determined by dividing the maximum day extra capacity demand for the wholesale customer by the maximum day extra capacity demand of the combined maximum day extra capacity demand of Oak Creek and each wholesale customer.

c. Oak Creek Max Day Demands

The amount of maximum day pumpage attributable to Oak Creek each year is calculated by taking the amount of water pumped to each of the wholesale customers on each day, subtracting this amount from the total system pumpage, and taking the maximum of this amount on any one day of a calendar year. A day is a 24-hour period beginning at midnight. Oak Creek's maximum day pumpage will be calculated annually and averaged over the last four years.

The maximum day extra capacity demand for Oak Creek equals the Oak Creek maximum day pumpage based on a four-year average, less the average day pumpage allocated to Oak Creek based

on a four-year average. Oak Creek's percentage share of System Max Day Extra Capacity Demand is determined by dividing the maximum day extra capacity demand for Oak Creek by the maximum day extra capacity demand of the combined maximum day extra capacity demand of Oak Creek and each wholesale customer.

d. Adjustments

The Parties agree that maximum day demands caused by unusual and uncontrollable events, such as large water main breaks may be excluded from the calculations below for purposes of Step One, but that maximum day demands caused by fire events or flushing will not be excluded.

3. Allocation of Distribution Costs

In Step One, 100% of Distribution Base and Max Hour costs will be allocated to Oak Creek.

4. Allocation of Storage Costs

In Step One, 100% of Storage costs will be allocated to Oak Creek.

5. Allocation of Consumer Costs

Costs allocated to the Customer category will be allocated between Oak Creek and each of its wholesale customers in Step One based on the forecasted number of meters, equivalent meters, and equivalent services for each entity for the test year.

6. Allocation of Public Fire Protection Costs

Costs allocated to the functional category of Public Fire Protection will be allocated between Oak Creek and each wholesale customer who relies upon Oak Creek's public fire protection in Step One.

The Parties agree that Franklin does not rely on Oak Creek's public fire protection.

Public Fire Protection costs associated with hydrants shall be allocated to Oak Creek only. All other costs allocated to the Public Fire Protection category will be allocated between Oak Creek and each wholesale customer who relies on Oak Creek's public fire protection based on the estimated fire flow demands of each entity.

B. Second Step of Customer Allocation

1. Allocation To Oak Creek Retail Customers

Costs allocated to Oak Creek in Step One will be allocated to Oak Creek's individual retail customer classes in Step Two on the basis of test year forecast sales and non-coincident Max Day and Max Hour demand ratios for those retail customer classes. Demand ratios will be determined by Oak Creek based on its customer demand study, as updated from time to time.

2. Allocation To Oak Creek Wholesale Customers

Costs allocated to Wholesale Customers in Step One will not be allocated any differently among the wholesale customers in Step Two. Regardless of the method of allocation for wholesale customers, wholesale water rates will be calculated based on each customer's allocated costs divided by projected test year water sales, for proper cost recovery.

EXHIBIT C-1

Historical Utility Demands

	2020 (gallons)	2021 (gallons)	2022 (gallons)	2023 (gallons)	4 Year Average (gallons)	Trend 2024 (gallons)	Use (gallons)
Total Annual Pumpage	2,865,950,000	2,993,495,000	3,058,120,000	3,297,754,000	3,053,829,750	3,023,166,213	3,256,625,137
Finished Water Pumpage	2,792,288,000	2,923,261,000	2,969,971,000	3,211,836,000	2,974,339,000	3,023,166,213	2,974,339,000
Total Water Sold	2,613,027,000	2,740,399,000	2,787,255,000	3,009,617,000	2,787,574,500	2,836,652,280	2,972,630,000
Sales as % of Pumpage	93.6%	93.7%	93.8%	93.7%	93.7%	93.8%	91.3%
Maximum Day Pumpage	11,660,000	13,740,000	13,400,000	13,860,000	13,165,000	12,671,666	13,172,288
Maximum Day Date	8/22/2020	8/16/2021	8/6/2022	5/31/2023			
Average Day Pumpage	7,629,202	8,008,934	8,136,907	8,799,551	8,148,874	8,282,647	8,148,874
Max Day/Average Day Ratio	1.53	1.72	1.65	1.58	1.62	1.53	1.62
Maximum Hour Pumpage (MGD)	14,627,000	16,656,000	16,088,000	23,005,000	17,594,000		729,020
Max Hour/Average Day Ratio	1.92	2.08	1.98	2.61	2.15		2.15
Water Used for Fire Protection							
Residential Water Sales	452,636,000	463,797,000	438,579,000	452,460,000	451,868,000	447,196,499	447,196,499
Residential Customers	8,218	8,299	8,329	8,391	8,309	8,424	8,424
Sales / Customer	55,079	55,886	52,657	53,922	54,381	53,086	53,086
Multi-Family Water Sales	261,920,000	262,950,000	266,305,000	269,025,000	265,050,000	296,467,776	272,618,265
Multi-Family Customers	454	455	464	475	462	503	475
Sales / Customer	576,916	577,912	573,933	566,368	573,701	589,804	573,933
Commercial Water Sales	226,333,000	249,787,000	247,824,000	274,620,000	249,641,000	243,449,711	247,824,000
Commercial Customers	660	671	673	683	672	679	683
Sales / Customer	342,929	372,261	368,238	402,079	371,628	358,599	362,846
Industrial Water Sales	494,969,000	539,093,000	628,400,000	700,350,000	590,703,000	673,826,991	700,350,000
Industrial Customers	42	42	42	42	42	41	42
Sales / Customer	11,784,976	12,835,548	14,961,905	16,675,000	14,064,357	16,521,152	16,675,000
Public Authority Water Sales	10,967,000	15,287,000	19,830,000	19,581,000	16,416,250	18,602,764	19,581,000
Public Authority Customers	35	35	35	35	35	37	35
Sales / Customer	313,343	436,771	566,571	559,457	469,036	501,809	559,457
Irrigation Water Sales					#DIV/0!		
Irrigation Customers					#DIV/0!		
Sales / Customer					#DIV/0!		
Total Retail Sales	1,446,825,000	1,530,914,000	1,600,938,000	1,716,036,000	1,573,678,250	1,679,543,741	1,687,569,764
Oak Creek Retail Combined							
Total Annual Pumpage	1,699,748,000	1,784,010,000	1,871,803,000	2,012,693,000	1,842,063,500		1,842,063,500
Average Day Pumpage	4,644,120	4,887,699	5,128,227	5,514,227	5,046,749		5,046,749
Maximum Day Pumpage	7,058,600	9,191,000	8,794,266	8,405,100	8,362,242		8,362,242
Max Day/Average Day Ratio	1.52	1.88	1.71	1.52	1.66		1.66
Maximum Hour Pumpage					#DIV/0!		14,900,101
Max Hour/Average Day Ratio					#DIV/0!		2.95
Franklin	1,019,131,000	1,048,355,000	1,022,077,000	1,111,546,000	1,050,277,250	1,017,169,115	1,111,546,000
Average Day Pumpage	2,784,511	2,872,205	2,800,211	3,045,332	2,877,472	2,786,765	3,045,332
Maximum Day Pumpage	4,752,000	5,846,000	5,227,664	5,566,000	5,347,916	4,821,112	5,659,891
Maximum Day Date	6/17/2020	7/25/2021	7/1/2022	6/2/2023			
Max Day/Average Day Ratio	1.71	2.04	1.87	1.83	1.86	1.73	1.86
Maximum Hour Pumpage	8,736,000	9,288,000	7,512,000	9,048,000	8,646,000		9,150,371
Max Hour/Average Day Ratio	3.14	3.23	2.68	2.97	3.00		3.00
Caledonia	147,071,000	161,130,000	164,240,000	173,515,000	161,489,000	139,939,423	173,515,000
Average Day Pumpage	401,833	441,452	449,973	475,384	442,436	383,396	475,384
Maximum Day Pumpage	863,900	954,670	764,900	886,000	867,368		931,960
Maximum Day Date	7/5/2020	6/6/2021	6/2/2022	7/23/2023			
Max Day/Average Day Ratio	2.15	2.16	1.70	1.86	1.96		1.96
Maximum Hour Pumpage	2,484,000	1,426,968	1,228,800	1,305,600	1,611,342		1,731,338
Max Hour/Average Day Ratio	6.18	3.23	2.73	2.75	3.64		3.64
Total Wholesale	1,166,202,000	1,209,485,000	1,186,317,000	1,285,061,000	1,211,766,250	1,157,108,538	1,285,061,000
Unsold Water Analysis							
Water Used During Treatment	73,662,000	70,234,000	88,149,000	85,918,000	79,490,750	79,061,193	84,767,811
Unbilled Authorized Uses	7,553,000	18,506,000	10,443,000	20,187,000	14,172,250	8,823,607	15,177,393
Total Losses	171,708,000	164,356,000	172,273,000	182,032,000	172,592,250	181,144,758	184,049,933
Total Unsold Water	252,923,000	253,096,000	270,865,000	288,137,000	266,255,250	269,029,558	283,995,137
Water Used During Treatment as % of Total Sales	2.8%	2.6%	3.2%	2.9%	2.9%	2.8%	2.9%
Unbilled Authorized Uses as % of Retail Sales	0.5%	1.2%	0.7%	1.2%	0.9%	0.5%	0.9%
Total Losses as % of Total Sales	6.6%	6.0%	6.2%	6.0%	6.2%	6.4%	6.2%

System Demand Ratios and Allocation Methods

	<u>Maximum Day System Demand</u>	<u>Allocation Method 1</u>	<u>Allocation Method 2</u>	<u>Allocation Method 3</u>	<u>Allocation Method 4</u>	<u>Allocation Method 5</u>	<u>Allocation Method 6</u>
Total Annual Pumpage	2,974,339,000 Gallons	8,148,874	8,148,874	8,148,874	-	8,148,874	8,148,874
Average Daily Pumpage	8,148,874 Gallons	5,023,414	-	5,023,414	-	-	5,023,414
Maximum Day Pumpage	13,172,288 Gallons	-	9,347,610	4,324,196	17,496,484	9,347,610	4,324,196
Fire Flow Gal/Min	5,000	-	-	-	7,200,000	7,200,000	7,200,000
Duration (hours)	4.0	13,172,288	17,496,484	17,496,484	24,696,484	24,696,484	24,696,484
Average Day Plus Fire Flow	9,348,874 Gallons	61.86%	46.57%	46.57%	0.00%	33.00%	33.00%
<u>Maximum Hour System Demand</u>							
Average Hour	339,536 Gallons	38.14%	0.00%	28.71%	0.00%	0.00%	20.34%
Average Hour on Max Day	548,845 Gallons	0.00%	53.43%	24.71%	70.85%	37.85%	17.51%
Maximum Hour Pumpage	729,020 Gallons	0.00%	0.00%	0.00%	29.15%	29.15%	29.15%
Average Hour Plus One Hour Fire Flow	639,536 Gallons	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Allocation of Transmission and Distribution Mains

Utility-Financed ⁽¹⁾			Inside Municipality Inch-Feet			Book Cost		
Function	Size (Inches)	Quantity (Feet)	Total	Distribution	Transmission	Total	Distribution	Transmission
D	6	25	151	151	-	\$ 13,055.11	13,055	-
D	8	38,393	307,145	307,145	-	\$ 5,597,004.02	5,597,004	-
D	10	75	75	75	-	\$ 359.56	360	-
D	12	45,683	548,199	548,199	-	\$ 3,658,656.52	3,658,657	-
D	12	45,683	548,199	548,199	-	\$ 3,658,656.52	3,658,657	-
T	16	45,703	731,249	-	731,249	\$ 2,755,497.89	-	2,755,498
T	18	118	2,078	-	2,078	\$ 3,214.41	-	3,214
T	20	47,941	958,815	-	958,815	\$ 3,371,729.74	-	3,371,730
T	24	23,061	719,067	-	719,067	\$ 3,062,154.99	-	3,062,155
T	30	18,574	557,216	-	557,216	\$ 3,127,911.17	-	3,127,911
T	36	9,068	326,438	-	326,438	\$ 2,406,500.47	-	2,406,500
		281,154	4,698,632	1,403,769	3,294,863	\$ 27,654,740.39	\$ 12,927,731.72	\$ 14,727,008.67
				29.88%	70.12%		46.75%	53.25%
Contributed ⁽¹⁾			Inside Municipality Inch-Feet			Book Cost		
Function	Size (Inches)	Quantity (Feet)	Total	Distribution	Transmission	Total	Distribution	Transmission
D	4	1,264	5,057	5,057	-	\$ 8,697.25	8,697	-
D	6	66,224	397,344	397,344	-	\$ 1,001,012.49	1,001,012	-
D	8	428,068	3,424,546	3,424,546	-	\$ 14,956,344.46	14,956,344	-
D	10	38,362	38,362	38,362	-	\$ 199,727.51	199,728	-
D	12	94,547	1,134,563	1,134,563	-	\$ 5,143,135.61	5,143,136	-
D	12	94,547	1,134,563	1,134,563	-	\$ 5,143,135.61	5,143,136	-
T	16	81,251	820,020	-	820,020	\$ 3,552,927.97	-	3,552,928
T	18	93	1,667	-	1,667	\$ 2,578.58	-	2,579
T	20	91,700	634,008	-	634,008	\$ 2,078,752.79	-	2,078,753
T	24	340	8,165	-	8,165	\$ 495,194.89	-	495,195
T	30	896	26,875	-	26,875	\$ 121,143.34	-	121,143
T	36	60	60	-	60	\$ 4,751.95	-	4,752
		772,768	7,625,229	6,134,434	1,490,795	\$ 32,707,402.44	\$ 26,452,052.92	\$ 6,255,349.52
				80.45%	19.55%		80.87%	19.13%
Combined		1,053,923	12,323,862	7,538,203	4,785,658	60,362,143	39,379,785	20,982,358
Use for Allocation			O&M	UF Plant / Dep	Total Plant			
Transmission Mains			22.36%	33.25%	24.76%			
Distribution Mains			77.64%	46.75%	75.24%			

(1) All values as of year end 2023

Allocation of Operation and Maintenance Expenses to Service Cost Functions

Acct No.	Account Description	2020	2021	2022	2023	4-Year Average	Trend	Budget	Use for Test
							2024	2024	Year
		(\$)	(\$)	(\$)	(\$)	(\$)			(\$)
SOURCE OF SUPPLY EXPENSES									
600	Operation supervision and engineering	24,663	25,148	25,780	27,018	25,652	25,891		29,003
601	Operation labor and expenses	23,993	25,509	27,130	28,591	26,306	27,593		30,440
602	Purchased water	0	0	0	0	0	0		0
603	Miscellaneous expenses	363	180	180	195	230	0		230
604	Rents	0	0	0	0	0	0		0
610	Maintenance supervision and engineering	0	0	0	0	0	0		0
611	Maintenance of structures and improvements	288	0	0	0	72	0		0
612	Maint. of collecting and impounding reservoirs	0	0	0	0	0	0		0
613	Maintenance of lake, river and other intakes	0	3,793	3,910	4,490	3,048	246		3,910
614	Maintenance of wells and springs	0	0	0	0	0	0		0
616	Maintenance of supply mains	0	0	0	0	0	0		0
617	Maintenance of misc. water source plant	0	0	0	0	0	0		0
SUBTOTAL SOURCE OF SUPPLY EXPENSES		49,307	54,630	57,000	60,294	55,308	53,731	56,500	63,582
PUMPING EXPENSES									
620	Operation supervision and engineering	41,027	41,358	44,294	43,977	42,664	43,544		48,723
621	Fuel for power production	0	0	0	0	0	0		0
622	Power production labor and expenses	46	1,217	791	2,769	1,206	1,771		1,206
623	Fuel or power purchased for pumping	378,925	416,315	420,582	521,407	434,307	456,579		462,640
624	Pumping labor and expenses	93,493	95,716	94,394	108,526	98,032	103,855		107,835
625	Expenses transferred - credit	0	0	0	0	0	0		0
626	Miscellaneous expenses	92,620	112,887	145,664	126,475	119,412	131,597		160,230
627	Rents	0	0	0	0	0	0		0
630	Maintenance supervision and engineering	11,851	10,842	12,829	12,180	11,926	11,742		14,112
631	Maintenance of structures and improvements	2,443	6,620	6,737	6,148	5,487	11,458		7,411
632	Maintenance of power production equipment	9,025	10,654	17,982	14,973	13,159	13,807		19,780
633	Maintenance of pumping equipment	188,084	175,831	207,153	221,301	198,092	197,428		229,940
SUBTOTAL PUMPING EXPENSES		817,514	871,440	950,426	1,057,756	924,284	971,782	931,000	1,051,878
WATER TREATMENT EXPENSES									
640	Operation supervision and engineering	33,714	37,380	35,685	33,196	34,994	30,550		41,038
641	Chemicals	153,561	176,532	245,947	283,527	214,892	241,263		281,609
642	Operation labor and expenses	303,913	310,851	317,176	329,653	315,398	324,251		364,752
643	Miscellaneous expenses	105,211	131,618	127,545	139,028	125,851	0		146,677
644	Rents	0	0	0	0	0	0		0
650	Maintenance supervision and engineering	23,250	24,398	24,806	26,984	24,860	24,905		28,527
651	Maintenance of structures and improvements	3,334	3,809	32,514	7,998	11,914	0		13,701
652	Maintenance of water treatment equipment	228,334	211,476	249,042	263,572	238,106	245,957		286,398
SUBTOTAL WATER TREATMENT EXPENSES		851,317	896,064	1,032,715	1,083,958	966,014	866,927	1,033,600	1,162,702
TRANSMISSION AND DISTRIBUTION EXPENSES									
660	Operation supervision and engineering	237,540	228,379	224,666	198,863	222,362	224,958		258,366
661	Storage facilities expenses	9,659	11,523	13,459	13,784	12,106	14,592		15,478
662	Transmission and distribution lines expenses	330,218	306,956	317,737	306,718	315,407	343,778		381,284
663	Meter expenses	9,239	5,620	21,583	18,402	13,711	12,461		24,820
664	Customer installations expenses	15,140	23,184	27,001	30,512	23,959	20,549		31,051
665	Miscellaneous expenses	24,441	15,574	19,360	41,600	25,244	24,397		22,264
666	Rents	0	0	0	0	0	0		0
670	Maintenance supervision and engineering	45,507	41,195	44,792	43,844	43,835	44,913		51,511
671	Maintenance of structures and improvements	987	0	33	0	255	208		0
672	Maintenance of distr. reservoirs and standpipes	11,473	2,162	11,472	14,022	9,782	5,925		13,199
673	Maintenance of trans. and dist. mains	188,828	231,781	121,243	76,575	154,607	137,939		151,554
675	Maintenance of services	9,006	8,155	19,333	24,222	15,179	8,400		22,233
676	Maintenance of meters	15,401	13,262	14,725	21,217	16,151	18,081		16,934
677	Maintenance of hydrants	33,643	71,085	94,366	127,748	81,711	50,912		116,542
678	Maintenance of miscellaneous plant	1,043	2,249	4,646	10,093	4,508	5,949		5,343
SUBTOTAL TRANSMISSION AND DISTRIBUTION EXPENSES		932,125	961,125	934,416	927,600	938,817	913,063	986,700	1,110,573
CUSTOMER ACCOUNTS EXPENSES									
901	Supervision	0	0	0	0	0	0		0
902	Meter reading labor	10,876	12,704	11,832	13,339	12,188	11,863		13,015
903	Customer records and collection expenses	115,965	112,889	110,521	123,389	115,686	117,767		119,473
904	Uncollectible accounts	0	0	0	0	0	1,332		0
905	Miscellaneous customer accounts expenses	0	0	0	0	0	0		0
906	Customer service and information expenses	0	0	0	0	0	0		0
SALES EXPENSES									
910	Sales expenses	0	0	0	0	0	0		0
SUBTOTAL CUSTOMER ACCOUNTS AND SALES EXPENSES		126,841	125,573	122,353	136,728	127,874	130,963	117,700	132,488
GENERAL AND ADMINISTRATIVE EXPENSES									
920	Administrative and general salaries	125,679	128,554	109,306	131,691	123,808	125,507		175,951
921	Office supplies and expenses	67,813	50,491	43,528	46,299	52,033	50,967		94,938
922	Administrative expenses transferred - credit	0	0	0	0	0	0		0
923	Outside services employed	257,235	110,637	134,957	296,354	199,796	384,476		360,129
924	Property insurance	36,216	47,829	47,446	48,574	45,016	53,706		50,702
925	Injuries and damages	43,648	47,982	41,300	41,402	43,583	46,442		61,107
926	Employee pensions and benefits	653,574	473,296	437,855	1,029,651	648,594	681,515		999,968
928	Regulatory commission expenses	112	0	0	0	28	6,069		157
929	Duplicate charges - credit	0	0	0	0	0	0		0
930	Miscellaneous general expenses	33,035	31,540	38,760	41,464	36,200	35,767		46,249
931	Rents	0	0	0	0	0	0		0
932	Maintenance of general plant	0	645	0	0	161	172		0
SUBTOTAL GENERAL AND ADMINISTRATIVE EXPENSES		1,217,312	890,974	853,152	1,635,435	1,149,218	1,384,620	1,590,175	1,789,201
TOTAL EXPENSES		3,994,416	3,799,806	3,950,062	4,901,771	4,161,514	4,321,086	4,715,675	5,310,424

Allocation of Operation and Maintenance Expenses to Service Cost Functions

Acct No.	Alloc No.	Account Description	Total (\$)	BASE		MAX DAY		EXTRA-CAPACITY		CONSUMER COSTS															
				System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	Storage (\$)	Billing (\$)	Equivalent Meter (\$)	Equivalent Service (\$)	Fire Protection (\$)									
SOURCE OF SUPPLY EXPENSES																									
600		Operation supervision and engineering	29,003	17,942		11,060		0		0		0		0		0		0							
601		Operation labor and expenses	30,440	18,831		11,609		0		0		0		0		0		0							
602		Purchased water	0	0		0		0		0		0		0		0		0							
603		Miscellaneous expenses	290	142		88		0		0		0		0		0		0							
604		Rents	0	0		0		0		0		0		0		0		0							
610		Maintenance supervision and engineering	0	0		0		0		0		0		0		0		0							
611		Maintenance of structures and improvements	0	0		0		0		0		0		0		0		0							
612		Maint. of collecting and impounding reservoirs	0	0		0		0		0		0		0		0		0							
613		Maintenance of lakes, river and other intakes	3,910	2,419		1,491		0		0		0		0		0		0							
614		Maintenance of wells and springs	0	0		0		0		0		0		0		0		0							
615		Maintenance of supply mains	0	0		0		0		0		0		0		0		0							
617		Maintenance of misc. water source plant	0	0		0		0		0		0		0		0		0							
PUMPING EXPENSES																									
620		Operation supervision and engineering	48,723	30,142		18,581		0		0		0		0		0		0							
621		Fuel for power production	0	0		0		0		0		0		0		0		0							
622		Power production labor and expenses	1,206	746		460		0		0		0		0		0		0							
623		Fuel or power purchased for pumping	462,640	398,340		64,300		0		0		0		0		0		0							
624		Pumping labor and expenses	107,885	66,711		41,124		0		0		0		0		0		0							
625		Expenses transferred - credit	0	0		0		0		0		0		0		0		0							
626		Miscellaneous expenses	160,230	99,125		61,106		0		0		0		0		0		0							
627		Rents	0	0		0		0		0		0		0		0		0							
630		Maintenance supervision and engineering	14,112	8,790		5,382		0		0		0		0		0		0							
631		Maintenance of structures and improvements	7,411	4,585		2,826		0		0		0		0		0		0							
632		Maintenance of power production equipment	19,780	12,237		7,543		0		0		0		0		0		0							
633		Maintenance of pumping equipment	229,940	142,249		87,690		0		0		0		0		0		0							
WATER TREATMENT EXPENSES																									
640		Operation supervision and engineering	41,038	25,387		15,650		0		0		0		0		0		0							
641		Chemicals	281,609	281,609		281,609		0		0		0		0		0		0							
642		Operation labor and expenses	364,752	225,650		139,103		0		0		0		0		0		0							
643		Miscellaneous expenses	146,677	90,740		55,937		0		0		0		0		0		0							
644		Rents	0	0		0		0		0		0		0		0		0							
650		Maintenance supervision and engineering	28,527	17,648		10,879		0		0		0		0		0		0							
651		Maintenance of structures and improvements	13,701	8,476		5,225		0		0		0		0		0		0							
652		Maintenance of water treatment equipment	286,398	177,177		109,222		0		0		0		0		0		0							
SUBTOTAL			2,278,162	1,628,886		64,300		0		0		0		0		0		0							
Eligible cost for G & A allocation purposes			1,593,912	948,936		584,976		0		0		0		0		0		0							
PERCENTAGE			100.00%	61.86%		38.14%		0.00%		0.00%		0.00%		0.00%		0.00%		0.00%							
TRANSMISSION AND DISTRIBUTION EXPENSES																									
660		Operation supervision and engineering	258,366	24,631		15,184		0		0		52,331		6,788		17,808		82,050							
661		Storage facilities expenses	15,478	0		0		0		0		0		10,965		0		4,512							
662		Transmission lines expenses	85,250	52,739		32,511		0		0		112,049		24,820		0		86,306							
663		Meter expenses	24,820	24,820		24,820		0		0		0		0		0		0							
664		Customer installations expenses	31,051	31,051		31,051		0		0		0		0		0		0							
665		Miscellaneous expenses	22,264	2,123		1,308		0		0		4,509		585		1,535		7,070							
666		Rents	0	0		0		0		0		0		0		0		0							
670		Maintenance supervision and engineering	51,511	4,911		3,027		0		0		10,433		1,353		3,550		16,358							
671		Maintenance of structures and improvements	13,193	0		0		0		0		0		0		0		0							
672		Maintenance of distr reservoirs and standpipes	33,886	20,963		12,923		0		0		0		9,347		0		3,846							
673		Maintenance of transmission mains	117,668	38,826		0		0		0		44,537		0		0		34,305							

Acct No.	Alloc No.	Account Description	BASE			EXTRA-CAPACITY			CONSUMER COSTS								
			Total	System	Distribution	System	Distribution	System	Distribution	Storage	Billing	Meter	Equivalent Service	Fire Protection			
675	Serv	Maintenance of services	22,233								16,934						
676	Meter	Maintenance of meters	16,934								289				368		116,542
677	Fire	Maintenance of hydrants	116,542														1,697
678	Gen	Maintenance of miscellaneous plant	5,343	509	943	314	0	0	1,082	140							352,686
		SUBTOTAL	1,110,573	105,876	196,096	65,268	0	0	224,942	29,179	0	59,982	0	41,754	76,545	59,284	245,511
		Subtotal for allocation of supervision and misc expenses	773,089	73,702	136,506	45,434	0	0	156,596	20,312	0	5,400	0	0	6,899	0	31,765
		PERCENTAGE	100.00%	9.53%	17.66%	5.88%	0.00%	0.00%	20.25%	2.63%	0.00%	0.40%	0.00%	0.00%	0.00%	0.00%	12.70%
CUSTOMER ACCOUNTS EXPENSES																	
901	Cust	Supervision	0														
902	Cust	Meter reading labor	13,015														
903	Cust	Customer records and collection expenses	119,473														
904	Cust	Uncollectible accounts	0														
905	Cust	Miscellaneous customer accounts expenses	0														
906	Cust	Customer service and information expenses	0														
SALES EXPENSES																	
910	Cust	Sales expenses	0														
		SUBTOTAL	132,488	0	0	0	0	0	0	0	132,488	0	0	0	0	0	0
		Subtotal for allocation of G & A expenses	2,776,974	1,054,812	196,096	650,244	0	0	224,942	29,179	132,488	59,982	76,545	352,686	12,058	12,700	579,885
		PERCENTAGE		37.98%	7.06%	23.42%	0.00%	0.00%	8.10%	1.05%	4.77%	2.16%	2.76%	12.70%	0.00%	0.00%	100.00%
GENERAL AND ADMINISTRATIVE EXPENSES																	
920	Gen	Administrative and general salaries	175,951	66,833	12,425	41,200	0	0	14,252	1,849	8,395	3,800	4,850	22,346	0	0	0
921	Gen	Office supplies and expenses	94,938	36,062	6,704	22,230	0	0	7,690	998	4,529	2,051	2,617	12,058	0	0	0
922	Gen	Administrative expenses transferred credit	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
923	Gen	Outside services employed	360,129	136,792	25,430	84,326	0	0	29,171	3,784	17,182	7,779	9,927	45,738	0	0	0
924	T Plant	Property insurance	50,702	19,437	4,317	11,982	0	0	4,952	575	2,915	0	729	2,308	0	0	0
925	Gen	Injuries and damages	61,107	23,211	4,315	14,509	0	0	4,950	642	2,915	1,320	1,684	7,761	0	0	0
926	Gen	Employee pensions and benefits	999,968	379,830	70,613	234,148	0	0	81,000	10,507	47,708	21,599	27,563	127,000	0	0	0
928	Gen	Regulatory commission expenses	157	60	11	37	0	0	13	2	7	3	4	20	0	0	0
929	Gen	Duplicate charges credit	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
930	Gen	Miscellaneous general expenses	46,249	17,567	3,266	10,829	0	0	3,746	486	2,207	999	1,275	5,874	0	0	0
931	Gen	Rents	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
932	Gen	Maintenance of general plant	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
		SUBTOTAL	1,789,201	679,792	127,081	419,061	0	0	145,775	18,842	82,943	38,280	50,228	227,198	0	0	0
		TOTAL	5,310,424	2,414,554	387,476	1,069,305	0	0	370,717	48,021	215,432	98,262	126,773	579,885	0	0	0

Allocation of Depreciation Expense to Service Cost Functions

Act. No.	Misc. No.	Account Description	Depreciation Rate %	Calculated Depreciation (\$)	Actual Depreciation (\$)	BASE		MAX. DAY		EXTRA-CAPACITY		CONSUMER LOSSES		Fire Production (\$)	
						System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)		System (\$)
MISCELLANEOUS															
301		Operation	n/a	0	0	0	0	0	0	0	0	0	0	0	
302		Friction and counuts	n/a	0	0	0	0	0	0	0	0	0	0	0	
303		Miscellaneous irreplaceable plant	n/a	0	0	0	0	0	0	0	0	0	0	0	
SOURCE OF SUPPLY															
310		Land and land rights	n/a	0	0	0	0	0	0	0	0	0	0	0	
311		Structures and improvements	3.2%	0	0	0	0	0	0	0	0	0	0	0	
312		Collecting and impounding reservoirs	1.7%	0	0	0	0	0	0	0	0	0	0	0	
313		Lake, river, and other intakes	1.7%	96,432	96,432	96,432	96,432	96,432	96,432	96,432	96,432	96,432	96,432	96,432	
314		Wells and springs	2.9%	0	0	0	0	0	0	0	0	0	0	0	
315		Supply mains	1.8%	2,914	2,914	2,914	2,914	2,914	2,914	2,914	2,914	2,914	2,914	2,914	
317		Other water source plant	4.5%	0	0	0	0	0	0	0	0	0	0	0	
PUMPING PLANT															
320		Land and land rights	n/a	0	0	0	0	0	0	0	0	0	0	0	
321		Structures and improvements	3.2%	63,249	63,249	63,249	63,249	63,249	63,249	63,249	63,249	63,249	63,249	63,249	
322		Other power production equipment	4.6%	124,969	124,969	124,969	124,969	124,969	124,969	124,969	124,969	124,969	124,969	124,969	
323		Electric pumping equipment	4.6%	197,394	197,394	197,394	197,394	197,394	197,394	197,394	197,394	197,394	197,394	197,394	
325		Diesel pumping equipment	4.6%	0	0	0	0	0	0	0	0	0	0	0	
326		Other pumping equipment	4.6%	536	536	536	536	536	536	536	536	536	536	536	
328		Other pumping equipment	4.6%	0	0	0	0	0	0	0	0	0	0	0	
WATER TREATMENT PLANT															
330		Land and land rights	n/a	0	0	0	0	0	0	0	0	0	0	0	
331		Structures and improvements	3.2%	1,669,997	1,669,997	1,669,997	1,669,997	1,669,997	1,669,997	1,669,997	1,669,997	1,669,997	1,669,997	1,669,997	
332		Sand or other media filtration equipment	2.3%	487,009	487,009	487,009	487,009	487,009	487,009	487,009	487,009	487,009	487,009	487,009	
333		Membrane filtration equipment	6.0%	0	0	0	0	0	0	0	0	0	0	0	
334		Other water treatment equipment	6.0%	3,300	3,300	3,300	3,300	3,300	3,300	3,300	3,300	3,300	3,300	3,300	
SUBTOTAL PERCENTAGE															
				2,638,400	2,501,005	1,547,217	0	933,789	34,14%	0	0.00%	0	0.00%	0	0.00%
TRANSMISSION AND DISTRIBUTION PLANT															
340		Land and land rights	n/a	0	0	0	0	0	0	0	0	0	0	0	
341		Structures and improvements	3.2%	51,300	51,300	51,300	51,300	51,300	51,300	51,300	51,300	51,300	51,300	51,300	
342		Distribution reservoirs and standpipes	1.9%	214,961	214,961	214,961	214,961	214,961	214,961	214,961	214,961	214,961	214,961	214,961	
343		Transmission mains	1.3%	209,766	209,766	209,766	209,766	209,766	209,766	209,766	209,766	209,766	209,766	209,766	
344		Distribution mains	2.9%	91,008	91,008	91,008	91,008	91,008	91,008	91,008	91,008	91,008	91,008	91,008	
345		Scrubber	5.5%	135,548	135,548	135,548	135,548	135,548	135,548	135,548	135,548	135,548	135,548	135,548	
346		Meters	2.2%	82,815	82,815	82,815	82,815	82,815	82,815	82,815	82,815	82,815	82,815	82,815	
348		Hydrants	5.0%	0	0	0	0	0	0	0	0	0	0	0	
349		Other transmission and distribution plant	5.0%	0	0	0	0	0	0	0	0	0	0	0	
Cost for allocation of misc. depreciation PERCENTAGE															
				814,978	745,704	147,830	0	91,131	11.23%	0	0.00%	0	0.00%	0	0.00%
				3,453,378	3,246,710	1,495,047	0	69,215	2.13%	0	0.00%	0	0.00%	0	0.00%
Cost for allocation of General Plant depreciation PERCENTAGE															
389		Land and land rights	n/a	0	0	0	0	0	0	0	0	0	0	0	
390		Structures and improvements	2.9%	64,649	64,649	64,649	64,649	64,649	64,649	64,649	64,649	64,649	64,649	64,649	
391		Offices furniture and equipment	5.8%	9,136	9,136	9,136	9,136	9,136	9,136	9,136	9,136	9,136	9,136	9,136	
391.1		Computers	26.7%	109,220	109,220	109,220	109,220	109,220	109,220	109,220	109,220	109,220	109,220	109,220	
392		Transportation equipment	11.3%	137,115	137,115	137,115	137,115	137,115	137,115	137,115	137,115	137,115	137,115	137,115	
393		Clearing Account. Transportation equip.	5.8%	0	0	0	0	0	0	0	0	0	0	0	
394		Stores equipment	5.8%	4,936	4,936	4,936	4,936	4,936	4,936	4,936	4,936	4,936	4,936	4,936	
395		Tools, shop and garage equipment	5.8%	0	0	0	0	0	0	0	0	0	0	0	
396		Cleaning Account. Tools, shop equip.	5.8%	1,323	1,323	1,323	1,323	1,323	1,323	1,323	1,323	1,323	1,323	1,323	
397		Laboratory equipment	7.5%	34,996	34,996	34,996	34,996	34,996	34,996	34,996	34,996	34,996	34,996	34,996	
397.1		Clearing Account. Power-operated equip.	15.0%	52,834	52,834	52,834	52,834	52,834	52,834	52,834	52,834	52,834	52,834	52,834	
397.2		Clearing Account. Power-operated equip.	9.2%	125,137	125,137	125,137	125,137	125,137	125,137	125,137	125,137	125,137	125,137	125,137	
398		SCADA equipment	5.8%	19,840	19,840	19,840	19,840	19,840	19,840	19,840	19,840	19,840	19,840	19,840	
398		Miscellaneous equipment	5.8%	0	0	0	0	0	0	0	0	0	0	0	
SUBTOTAL															
				559,288	113,148	59,093	2,413	36,478	2.41%	0	0.00%	0	0.00%	0	0.00%
TOTAL				4,012,666	3,309,808	1,794,140	71,628	1,081,349	0	82,864	20,668	0	71,689	94,802	165,068

Allocation of Utility-Financed Plant to Service Cost Functions

Acct No.	Alloc No.	Asset Description	Balance First of Year (\$)	Balance End of Year (\$)	Average Balance (\$)	BASE		MAX DAY		EXTRA-CAPACITY		MAX HOUR		CONSUMER COSTS	
						System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	Storage (\$)	Billing (\$)
INTRACAPITALS															
301	Gen	Organization	0	0	0	0	0	0	0	0	0	0	0	0	0
302	Gen	Franchises and contracts	0	0	0	0	0	0	0	0	0	0	0	0	0
303	Gen	Microbusiness intralight plant	0	0	0	0	0	0	0	0	0	0	0	0	0
SOURCE OF SUPPLY															
310	Gen	Land and land rights	60,011	60,011	60,011	37,125	22,886	0	0	0	0	0	0	0	0
311	Gen	Structures and improvements	0	0	0	0	0	0	0	0	0	0	0	0	0
312	Gen	Collecting and impounding reservoirs	0	0	0	0	0	0	0	0	0	0	0	0	0
313	Gen	Lake, river and other intakes	5,672,464	5,672,464	5,672,464	3,598,200	2,184,264	0	0	0	0	0	0	0	0
314	Gen	Weirs and springs	0	0	0	0	0	0	0	0	0	0	0	0	0
316	Gen	Supply mains	1,384,112	1,384,112	1,384,112	866,264	527,848	0	0	0	0	0	0	0	0
317	Gen	Other water source plant	0	0	0	0	0	0	0	0	0	0	0	0	0
PUMPING PLANT															
320	Gen	Land and land rights	18,610	18,610	18,610	11,513	7,097	0	0	0	0	0	0	0	0
321	Gen	Structures and improvements	2,620,270	2,620,270	2,620,270	1,529,496	998,773	0	0	0	0	0	0	0	0
322	Gen	Other power production equipment	2,940,210	2,940,210	2,940,210	1,888,416	1,088,416	0	0	0	0	0	0	0	0
323	Gen	Electric pumping equipment	3,122,996	3,122,996	3,122,996	1,931,750	1,190,841	0	0	0	0	0	0	0	0
326	Gen	Diesel pumping equipment	0	0	0	0	0	0	0	0	0	0	0	0	0
328	Gen	Other pumping equipment	12,176	12,176	12,176	7,583	4,643	0	0	0	0	0	0	0	0
WATER TREATMENT PLANT															
330	Gen	Land and land rights	169,155	169,155	169,155	104,646	64,509	0	0	0	0	0	0	0	0
331	Gen	Structures and improvements	53,124,495	53,124,495	53,124,495	32,885,043	20,285,812	0	0	0	0	0	0	0	0
332	Gen	Sand or other needs filtration equipment	14,151,777	14,151,777	14,151,777	8,734,823	5,396,654	0	0	0	0	0	0	0	0
333	Gen	Membrane filtration equipment	0	0	0	0	0	0	0	0	0	0	0	0	0
334	Gen	Other water treatment equipment	55,000	55,000	55,000	34,025	20,975	0	0	0	0	0	0	0	0
SUBTOTAL			88,149,324	88,313,333	88,231,279	51,903,077	31,741,272	0	0	0	0	0	0	0	0.00%
PERCENTAGE															
TRANSMISSION AND DISTRIBUTION PLANT															
340	Gen	Land and land rights	27,856	27,856	27,856	6,701	3,137	0	0	0	0	0	0	0	0
341	Gen	Structures and improvements	0	0	0	0	0	0	0	0	0	0	0	0	0
342	Gen	Distribution reservoirs and standpipes	2,894,133	2,894,133	2,894,133	1,899,133	1,095,000	0	0	0	0	0	0	0	0
343	Gen	Distribution mains	3,158,698	3,158,698	3,158,698	1,937,546	1,221,152	0	0	0	0	0	0	0	0
345	Gen	Services	2,530,047	2,530,047	2,530,047	1,537,546	992,501	0	0	0	0	0	0	0	0
346	Gen	Meters	3,794,111	3,794,111	3,794,111	2,394,111	1,400,000	0	0	0	0	0	0	0	0
348	Gen	Hydrants	0	0	0	0	0	0	0	0	0	0	0	0	0
349	Gen	Other transmission and distribution plant	0	0	0	0	0	0	0	0	0	0	0	0	0
SUBTOTAL for allocation of misc. T&D Plant			45,820,286	47,707,426	46,793,856	11,371,546	7,010,046	0	0	0	0	0	0	0	0
SUBTOTAL for allocation of General Plant			118,997,106	131,042,215	130,022,690	62,868,254	38,755,449	0	0	0	0	0	0	0	0
PERCENTAGE															
GENERAL PLANT															
389	Gen	Land and land rights	39,717	39,717	39,717	9,334	5,377	0	0	0	0	0	0	0	0
390	Gen	Structures and improvements	2,229,380	2,229,380	2,229,380	1,077,896	913,339	0	0	0	0	0	0	0	0
391	Gen	Office furniture and equipment	158,543	158,543	158,543	76,876	69,414	0	0	0	0	0	0	0	0
391.1	Gen	Computers	409,043	409,043	409,043	257,789	151,254	0	0	0	0	0	0	0	0
392	Gen	Transportation equipment	1,161,015	1,161,015	1,161,015	571,382	484,413	0	0	0	0	0	0	0	0
393	Gen	Stores equipment	85,109	85,109	85,109	34,487	35,268	0	0	0	0	0	0	0	0
394	Gen	Tools, shop and garage equipment	22,813	22,813	22,813	11,021	6,800	0	0	0	0	0	0	0	0
395	Gen	Laboratory equipment	195,346	195,346	195,346	96,776	59,598	0	0	0	0	0	0	0	0
396	Gen	Power-operated equipment	330,228	330,228	330,228	164,325	104,648	0	0	0	0	0	0	0	0
397	Gen	Communication equipment	1,360,188	1,360,188	1,360,188	55,735	406,437	0	0	0	0	0	0	0	0
397.1	Gen	SCADA equipment	342,088	342,088	342,088	153,339	101,259	0	0	0	0	0	0	0	0
398	Gen	Miscellaneous equipment	0	0	0	0	0	0	0	0	0	0	0	0	0
SUBTOTAL			6,267,734	6,453,498	6,300,616	3,075,469	1,895,888	0	0	0	0	0	0	0	0
TOTAL			138,264,900	137,801,712	138,583,896	65,943,723	58,751,337	0	0	0	0	0	0	0	0

Allocation of Total Plant to Service Cost Functions

Act No.	Alloc No.	Account Description	Cost Plant - First of Year (\$)	Cost Plant - End of Year (\$)	Total Plant (\$)	BASE		MAX DAY		EXTRA-CAPACITY		MAX HOUR		CONSUMER COSTS	
						System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)
INTANGIBLES															
301		Organization	0	0	0	0	0	0	0	0	0	0	0	0	0
302		Franchises and consents	0	0	0	0	0	0	0	0	0	0	0	0	0
303		Miscellaneous intangible plant	0	0	0	0	0	0	0	0	0	0	0	0	0
SOURCE OF SUPPLY															
310		Land and land rights	0	60,011	60,011	37,125	22,886	0	0	0	0	0	0	0	0
311		Structures and improvements	0	0	0	0	0	0	0	0	0	0	0	0	0
312		Collecting and impounding reservoirs	0	0	0	0	0	0	0	0	0	0	0	0	0
313		Lake, river, and other intakes	0	5,672,464	5,672,464	3,509,200	2,163,264	0	0	0	0	0	0	0	0
314		Wells and springs	0	0	0	0	0	0	0	0	0	0	0	0	0
316		Supply mains	0	1,384,112	1,384,112	856,314	527,798	0	0	0	0	0	0	0	0
317		Other water source plant	0	0	0	0	0	0	0	0	0	0	0	0	0
PUMPING PLANT															
320		Land and land rights	0	16,610	16,610	11,513	7,097	0	0	0	0	0	0	0	0
321		Structures and improvements	657,265	3,277,435	3,934,700	2,027,345	1,246,890	0	0	0	0	0	0	0	0
322		Other power production equipment	288,690	1,126,900	1,415,590	1,035,656	1,153,244	0	0	0	0	0	0	0	0
323		Electric pumping equipment	294,441	3,417,038	3,711,479	2,113,309	1,303,130	0	0	0	0	0	0	0	0
326		Diesel pumping equipment	0	0	0	0	0	0	0	0	0	0	0	0	0
328		Other pumping equipment	0	11,176	11,176	7,333	4,643	0	0	0	0	0	0	0	0
WATER TREATMENT PLANT															
330		Land and land rights	0	169,155	169,155	104,646	64,569	0	0	0	0	0	0	0	0
331		Structures and improvements	0	58,124,895	58,124,895	32,865,083	20,259,812	0	0	0	0	0	0	0	0
332		Sand or other media filtration equipment	0	14,151,777	14,151,777	8,794,823	5,396,954	0	0	0	0	0	0	0	0
333		Membrane filtration equipment	0	0	0	0	0	0	0	0	0	0	0	0	0
334		Other water treatment equipment	0	55,000	55,000	34,025	20,975	0	0	0	0	0	0	0	0
			SUBTOTAL	1,240,296	84,471,575	52,297,301	32,214,274	0	0	0	0	0	0	0	0.00%
			PERCENTAGE			61.86%	38.14%								
TRANSMISSION AND DISTRIBUTION PLANT															
340	Gen	Land and land rights	0	27,556	27,556	4,536	2,790	0	0	0	0	0	0	0	6,720
341	Gen	Structures and improvements	0	0	0	0	0	0	0	0	0	0	0	0	817,532
342	Gen	Distribution reservoirs and standpipes	0	2,804,191	2,804,191	0	0	0	0	0	0	0	0	0	0
343	Gen	Transmission mains	34,751,394	24,078,383	14,895,796	9,182,588	0	0	0	0	0	0	0	13,174,791	
343	Gen	Distribution mains	0	45,190,418	45,190,418	0	0	0	0	0	0	0	0	0	0
345	Gen	Services	4,813,747	7,972,645	12,786,392	7,972,645	2,519,047	0	0	0	0	0	0	0	7,972,645
346	Meter	Meters	0	2,519,047	2,519,047	0	0	0	0	0	0	0	0	0	0
348	Fire	Hydrants	4,337,796	8,122,107	12,460,903	8,122,107	2,519,047	0	0	0	0	0	0	0	8,122,107
349	Gen	Other transmission and distribution plant	0	0	0	0	0	0	0	0	0	0	0	0	0
			SUBTOTAL	43,649,392	44,196,481	43,922,937	44,196,481	0	0	0	0	0	0	0	0
			PERCENTAGE			52.03%	47.97%								
Subtotal for allocation of misc. T&D Plant															
			PERCENTAGE			53.84%	46.16%								
Subtotal for allocation of General Plant															
			PERCENTAGE			67.15%	32.85%								
GENERAL PLANT															
369	Gen	Land and land rights	0	19,717	19,717	7,359	4,689	0	0	0	0	0	0	0	2,490
390	Gen	Structures and improvements	0	2,229,280	2,229,280	1,894,396	1,894,396	0	0	0	0	0	0	0	344,884
391	Gen	Office furniture and equipment	0	15,643	15,643	60,793	37,476	0	0	0	0	0	0	0	10,167
391.1	Gen	Computers	1,638	410,701	412,339	357,443	34,896	0	0	0	0	0	0	0	51,443
392	Gen	Transportation equipment	0	1,181,615	1,181,615	452,373	276,237	0	0	0	0	0	0	0	149,205
393	Gen	Stores equipment	0	0	0	0	0	0	0	0	0	0	0	0	0
394	Gen	Tools, shop and garage equipment	0	85,109	85,109	32,627	20,113	0	0	0	0	0	0	0	10,747
395	Gen	Laboratory equipment	0	2,615	2,615	8,746	5,322	0	0	0	0	0	0	0	3,423
396	Gen	Power-operated equipment	0	399,948	399,948	76,650	47,251	0	0	0	0	0	0	0	32,268
397	Gen	Communication equipment	0	29,989	29,989	13,027	8,401	0	0	0	0	0	0	0	4,477
397.1	Gen	SCADA equipment	34,235	1,394,423	1,428,658	1,347,213	329,528	0	0	0	0	0	0	0	176,077
398	Gen	Miscellaneous equipment	0	342,068	342,068	131,132	80,837	0	0	0	0	0	0	0	43,194
			SUBTOTAL	35,873	6,936,489	2,452,098	544,607	1,511,608	0	0	0	634,721	72,560	0	291,190
			PERCENTAGE			35.87%	45.67%	45.67%				45.67%			
			TOTAL	44,025,563	45,477,659	45,199,106	45,199,106	0	0	0	0	37,794,475	2,659,822	0	2,651,818
			PERCENTAGE			100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%

Summary of Allocation of Operating Costs to Service Cost Functions

Operating Cost	BASE		MAX DAY		EXTRA-CAPACITY		MAX HOUR		CONSUMER COSTS			
	Total (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	System (\$)	Distribution (\$)	Storage (\$)	Billing (\$)	Equivalent Meter (\$)	Equivalent Service (\$)	Fire Protection (\$)
Retail Rate of Return												
Net Investment Rate Base	92,936,945											
Operation and Maintenance	5,310,424	2,414,554	387,476	1,069,305	0	0	370,717	48,021	215,432	98,262	126,773	579,885
Depreciation Expense	3,359,898	1,754,140	71,628	1,081,349	0	0	82,164	39,063	0	71,689	94,802	165,064
Amortization Expense	0	0	0	0	0	0	0	0	0	0	0	0
Taxes and Tax Equivalent	2,490,535	954,748	212,048	588,559	0	0	243,241	28,252	0	35,823	113,378	314,486
Return on Net Investment Rate Base	2,323,424	1,123,416	95,196	692,535	0	0	109,200	35,521	215,432	45,040	56,481	166,034
Total	13,484,281	6,246,858	766,348	3,431,749	0	0	805,322	150,857	215,432	250,814	391,433	1,225,469
Wholesale Rate of Return												
Net Investment Rate Base	92,936,945											
Operation and Maintenance	5,310,424	2,414,554	387,476	1,069,305	0	0	370,717	48,021	215,432	98,262	126,773	579,885
Depreciation Expense	3,359,898	1,754,140	71,628	1,081,349	0	0	82,164	39,063	0	71,689	94,802	165,064
Amortization Expense	0	0	0	0	0	0	0	0	0	0	0	0
Taxes and Tax Equivalent	2,490,535	954,748	212,048	588,559	0	0	243,241	28,252	0	35,823	113,378	314,486
Return on Net Investment Rate Base	2,323,424	1,123,416	95,196	692,535	0	0	109,200	35,521	215,432	45,040	56,481	166,034
Total	13,484,281	6,246,858	766,348	3,431,749	0	0	805,322	150,857	215,432	250,814	391,433	1,225,469
Utility Plant in Service	136,383,306											
Materials and Supplies	105,255											
Accumulated Depreciation	13,553,617											
Regulatory Liability	17,575,019											
Net Investment Rate Base	92,936,945											
Overall Rate of Return	2.50%											
Operating Cost												
Property Tax Equivalent				2,369,332								
Tax Equity on Meters charged to Sewer				1,028,147								
Social Security Taxes				17,455								
PSC Remainder Assessment				17,455								
Other Taxes				6,232								
Total Taxes and Tax Equivalent				2,490,535								
Utility Plant, First of Year				180,190,461								
Materials and Supplies				2,369,332								
Major Plant Additions				1,028,147								
Property for Future Use & CWIP				17,455								
Less: Plant Outside Limits				17,455								
Assessment Ratio				6,232								
Net Local & School Tax Rate				2,369,332								
Calculated Tax Equivalent				2,369,332								
Operating Cost												
Operation and Maintenance	5,310,424	2,414,554	387,476	1,069,305	0	0	370,717	48,021	215,432	98,262	126,773	579,885
Depreciation Expense	3,359,898	1,754,140	71,628	1,081,349	0	0	82,164	39,063	0	71,689	94,802	165,064
Taxes and Tax Equivalent	2,490,535	954,748	212,048	588,559	0	0	243,241	28,252	0	35,823	113,378	314,486
Return on Net Investment Rate Base	2,323,424	1,123,416	95,196	692,535	0	0	109,200	35,521	215,432	45,040	56,481	166,034
Total	13,484,281	6,246,858	766,348	3,431,749	0	0	805,322	150,857	215,432	250,814	391,433	1,225,469
Retail Hydrant Share of Fire Protection												543,777
System Share of Fire Protection												681,692

Customer Class Demand Ratios

Customer Class	Billing Units - 1,000 gallons				BASE DEMAND				EXTRA-CAPACITY MAX D			
	Annual Volume	Average Day Volume	Percent (%)	Adjusted for Unsold Water (%)	System Adjust. Percentage (%)	Distribution Percent (%)	Max Day / Average Day Ratio	Extra Capacity Ratio	Extra Capacity Volume Per Day	Percent (%)	Adjusted for Unsold Water (%)	
Oak Creek	1,573,678	4,311,447	53.20%	4,784,303	59.03%	100.00%	1.355	0.66	2,832,431	49.45%	2,832,431	
Franklin	1,050,777	2,877,472	35.51%	2,877,472	35.51%	0.00%	1.36	0.86	2,470,444	43.13%	2,470,444	
Caledonia	167,489	442,436	5.46%	442,436	5.46%	0.00%	1.35	0.96	424,932	7.42%	424,932	
Unaccounted Water	172,592	472,855	5.83%		0.00%			0.00	-	0.00%		
Total	2,958,037	8,104,210	100.0%	8,104,210	100.0%	100.0%			5,727,807	100.0%	5,727,807	

Max-Day Demand = 13,832,017 Sum of General Service Average and Maximum Day Extra Capacity Demand
 Max-Hour Demand = 977,474 Sum of General Service Average and Maximum Hour Extra Capacity Demand
 1.05 = Non-Coincident / Coincident Ratio for Max Day
 1.34 = Non-Coincident / Coincident Ratio for Max Hour

4Y DEMAND

EXTRA-CAPACITY MAX HOUR DEMAND

System Adjunct. Percentage (%)	Distr Adjust. Percentage (%)	Max Hour / Average Day Ratio	Extra Capacity Ratio	Extra Capacity Volume per Hour	Percent (%)	Adjusted for Water (%)	System Adjust.		Storage Adjust.		Fire Protection Adjust.	
							Percentage (%)	Distr. Percentage (%)	Percentage (%)	Percentage (%)	Estimated Fire Flow	Receives Storage
49.45%	100.00%	2.95	1.95	350,739	54.82%	350,739	54.82%	100.00%	100.00%	S	812,581	80.40%
43.13%	0.00%	3.00	2.00	240,355	37.57%	240,355	37.57%	0.00%	0.00%			0.00%
7.42%	0.00%	3.54	2.64	48,704	7.61%	48,704	7.61%	0.00%	0.00%		198,121	19.60%
0.00%			0.00	-	0.00%		0.00%	0.00%	0.00%			
100.0%	100.0%			639,799	100.0%	639,799	100.0%	100.0%	100.0%		1,010,702	100.0%

Customer Class Demand Ratios

Customer Class	BASE DEMAND										EXTRA-CAPACITY/ MAX DAY DEMAND										EXTRA-CAPACITY/ MAX HOUR DEMAND																	
	Annual Volume		Average Day Volume		System Percent (%)		Distribution Percent (%)		Max Day / Average Day Ratio		Extra Capacity		System Adjust.		Distr. Adjust.		Max Hour / Average Day Ratio		Extra Capacity		System Adjust.		Distr. Adjust.		Max Hour / Average Day Ratio		Extra Capacity		System Adjust.		Distr. Adjust.		Storage Adjust.					
	Volume	Rate	Volume	Rate	Percent	Volume	Rate	Percent	Volume	Rate	Volume	Rate	Percent	Volume	Rate	Percent	Volume	Rate	Volume	Rate	Percent	Volume	Rate	Percent	Volume	Rate	Percent	Volume	Rate	Percent	Volume	Rate	Percent	Volume	Rate	Percent		
Urban Residential	247,596	1,725,195	26.23%	26.50%	1.03	1,761,950	27.27%	27.27%	27.27%	8.39	200,626	28.35%	28.35%	49.21%	49.21%	49.21%	8.39	200,626	28.35%	28.35%	49.21%	49.21%	49.21%	8.39	200,626	28.35%	28.35%	49.21%	49.21%	49.21%	8.39	200,626	28.35%	28.35%	49.21%	49.21%		
Urban Multi-Family	477,618	746,899	15.99%	16.15%	0.36	268,884	5.81%	5.81%	5.81%	1.07	33,299	4.71%	4.71%	8.17%	8.17%	8.17%	1.07	33,299	4.71%	4.71%	8.17%	8.17%	8.17%	1.07	33,299	4.71%	4.71%	8.17%	8.17%	8.17%	1.07	33,299	4.71%	4.71%	8.17%	8.17%		
Urban Commercial	247,624	678,970	14.54%	14.69%	0.76	516,017	11.15%	11.15%	11.15%	1.46	116,725	16.49%	16.49%	26.63%	26.63%	26.63%	1.46	116,725	16.49%	16.49%	26.63%	26.63%	26.63%	1.46	116,725	16.49%	16.49%	26.63%	26.63%	26.63%	1.46	116,725	16.49%	16.49%	26.63%	26.63%		
Urban Industrial	308,350	1,918,767	41.09%	41.50%	0.69	1,323,949	28.61%	28.61%	28.61%	7.55	16,876	2.38%	2.38%	4.14%	4.14%	4.14%	7.55	16,876	2.38%	2.38%	4.14%	4.14%	4.14%	7.55	16,876	2.38%	2.38%	4.14%	4.14%	4.14%	7.55	16,876	2.38%	2.38%	4.14%	4.14%		
Urban Public Authority	86,381	53,647	1.15%	1.16%	1.07	57,402	1.24%	1.24%	1.24%	1.24	25,934	5.93%	5.93%	10.00%	10.00%	10.00%	1.24	25,934	5.93%	5.93%	10.00%	10.00%	10.00%	1.24	25,934	5.93%	5.93%	10.00%	10.00%	10.00%	1.24	25,934	5.93%	5.93%	10.00%	10.00%		
Public Fire Protection	2,579,698	46,702	1.00%	0.00%	1.00	4,638,202	100.00%	100.00%	100.00%	4.638202	707,689	100.00%	100.00%	100.00%	100.00%	100.00%	4.638202	707,689	100.00%	100.00%	100.00%	100.00%	100.00%	4.638202	707,689	100.00%	100.00%	100.00%	100.00%	100.00%	4.638202	707,689	100.00%	100.00%	100.00%	100.00%		
Total Retail	1,704,615	4,670,178	100.00%	100.00%	1.00	4,638,202	100.00%	100.00%	100.00%	4,638,202	707,689	100.00%	100.00%	100.00%	100.00%	100.00%	4,638,202	707,689	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	4,638,202	707,689	100.00%	100.00%	100.00%	100.00%	100.00%	4,638,202	707,689	100.00%	100.00%	100.00%		
Max-Day Demand =	8,051,679	Sum of General Service Average and Maximum Day Extra Capacity Demand																																				
Max-Hour Demand =	600,343	Sum of General Service Average and Maximum Hour Extra Capacity Demand																																				
		0.96 = Non-Coincident / Coincident Ratio for Max Day																																				
		0.97 = Non-Coincident / Coincident Ratio for Max Hour																																				
Franklin	3,850,277	2,877,472	86.67%	0.00%	0.86	2,470,444	85.32%	85.32%	85.32%	2.00	240,355	83.15%	83.15%	0.00%	0.00%	0.00%	2.00	240,355	83.15%	83.15%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%		
Caledonia	363,489	442,436	13.33%	0.00%	0.96	424,932	14.68%	14.68%	14.68%	2.64	48,704	16.85%	16.85%	0.00%	0.00%	0.00%	2.64	48,704	16.85%	16.85%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%		
Total Wholesale	1,211,766	3,319,908	100.00%	0.00%	0.86	2,895,376	100.00%	100.00%	100.00%	2.64	289,060	100.00%	100.00%	50.00%	50.00%	50.00%	2.64	289,060	100.00%	100.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%	50.00%		
Max-Day Demand =	6,215,284	Sum of General Service Average and Maximum Day Extra Capacity Demand																																				
Max-Hour Demand =	427,389	Sum of General Service Average and Maximum Hour Extra Capacity Demand																																				
		0.94 = Non-Coincident / Coincident Ratio for Max Day																																				
		0.94 = Non-Coincident / Coincident Ratio for Max Hour																																				



Consumer Costs Allocation Factors

Customer Class	Number of Meters												Total Meters	Percent Total	
	5/8	3/4	1	1 1/4	1 1/2	2	2 1/2	3	4	6	8	10			12
Urban Residential	8,307	18	9	-	-	1	-	-	-	-	-	-	-	8,335	87.72%
Urban Multi-Family	1	31	205	89	151	-	-	-	-	-	-	-	-	446	4.69%
Urban Commercial	186	4	165	99	115	1	25	7	1	1	2	1	1	630	6.63%
Urban Industrial	4	2	6	10	11	8	4	1	2	2	2	3	3	47	0.49%
Urban Public Authority	2	-	8	6	13	3	3	3	2	2	2	2	2	37	0.39%
Urban Irrigation	-	-	-	-	-	-	-	-	-	-	-	-	-	0	0.00%
Subtotal Urban	8,500	49	393	0	204	291	1	36	14	3	3	0	1	9,495	
Franklin	-	-	-	-	-	-	-	-	-	-	-	-	-	4	0.04%
Caledonia	-	-	-	-	-	-	-	-	-	-	-	-	-	3	0.03%
Subtotal Wholesale	0	0	0	0	0	0	0	0	0	2	1	4	0	7	100.00%
Total	8,500	49	393	0	204	291	1	36	14	5	4	4	1	9,502	

Equivalent Meters

Customer Class	Equivalent Meters												Total Equiv. Meters	Percent Total	
	5/8	3/4	1	1 1/4	1 1/2	2	2 1/2	3	4	6	8	10			12
Urban Residential	8,307	18	23	-	-	8	-	-	-	-	-	-	-	8,356	55.73%
Urban Multi-Family	1	-	513	-	445	1,208	-	-	-	-	-	-	-	2,167	14.45%
Urban Commercial	186	31	413	-	495	920	12	375	175	80	160	-	-	2,687	17.92%
Urban Industrial	4	-	15	-	50	88	-	120	100	50	160	-	-	747	4.98%
Urban Public Authority	2	-	20	-	30	104	-	45	75	100	480	-	-	376	2.51%
Franklin	-	-	-	-	-	-	-	-	-	-	-	-	-	480	3.20%
Caledonia	-	-	-	-	-	-	-	-	-	100	80	-	-	180	1.20%
Total	8,500	49	983	0	1,020	2,328	12	540	350	250	320	480	160	14,992	100.00%

Equivalent Services

Customer Class	Equivalent Services												Total Equiv. Services	Percent Total	
	5/8	3/4	1	1 1/4	1 1/2	2	2 1/2	3	4	6	8	10			12
Urban Residential	8,307	18	12	-	-	3	-	-	-	-	-	-	-	8,340	78.25%
Urban Multi-Family	1	-	267	-	178	453	-	-	-	-	-	-	-	899	8.43%
Urban Commercial	186	31	215	-	198	345	4	100	35	7	146	-	-	1,120	10.51%
Urban Industrial	4	-	8	-	20	33	-	32	20	6	14	-	9	146	1.37%
Urban Public Authority	2	-	10	-	12	39	-	12	15	12	32	-	-	102	0.96%
Franklin	-	-	-	-	-	-	-	-	-	-	-	-	-	32	0.30%
Caledonia	-	-	-	-	-	-	-	-	-	12	7	-	-	19	0.18%
Total	8,500	49	511	0	408	873	4	144	70	30	28	32	9	10,657	100.00%

Allocation of Service Cost Functions to Customer Classes - Combined Retail and Wholesale ROI

	Total (\$)	Urban (\$)					Total Retail Fire Protection (\$)	Public Fire Protection (\$)	Private Fire Protection (\$)	Franklin (\$)	Caledonia (\$)
		Oak Creek	Residential	Family	Commercial	Industrial					
BASE COSTS:											
System	6,246,858	3,687,819	967,478	589,790	536,150	1,515,160	42,362	36,878	2,218,002	341,037	
Distribution	766,348	766,348	209,078	123,800	112,540	318,098	8,892	0	0	0	
EXTRA-CAPACITY COSTS:											
Max-Day System	3,431,749	1,697,018	462,718	98,591	189,207	485,451	21,047	440,003	1,480,138	254,593	
Max-Day Distribution	0	0	0	0	0	0	0	0	0	0	
Max-Hour System	0	0	0	0	0	0	0	0	0	0	
Max-Hour Distribution	805,322	805,322	396,293	65,776	79,352	230,566	33,336	0	0	0	
Max-Hour Storage	150,857	150,857	74,236	12,321	14,865	43,191	6,245	0	0	0	
CUSTOMER COSTS:											
Billing	215,432	215,273	188,973	10,112	14,284	1,066	839	0	91	68	
Equivalent Meters	250,814	239,772	139,791	36,246	44,946	12,498	6,291	0	8,031	3,011	
Equivalent Services	391,433	389,560	306,307	33,001	41,136	5,355	3,761	0	1,175	698	
FIRE PROTECTION	1,225,469	1,091,841	0	0	0	0	0	1,091,841	957,646	134,195	
TOTAL COST	13,484,281	9,043,810	2,738,874	969,637	1,032,481	2,611,324	122,772	1,568,722	3,707,437	733,034	
LESS OTHER REVENUE	561,861	561,861	205,566	72,892	7,606	196,279	9,728	0	0	0.00%	
COST OF SERVICES	12,922,420	8,481,949	2,533,008	896,755	954,875	2,415,045	113,544	1,568,722	3,707,437	733,034	
REVENUE AT PRESENT RATES	12,206,968	8,120,621	2,436,372	1,059,066	978,379	2,133,407	87,874	1,425,521	3,463,034	618,324	
DIFFERENCE	715,452	361,328	96,635	(162,311)	(23,505)	281,638	25,671	143,201	239,413	114,711	
PERCENT INCREASE/DECREASE	5.86%	4.45%	3.97%	-15.33%	-2.40%	13.20%	29.21%	10.05%	6.90%	18.55%	

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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 08/20/2024
LICENSES AND PERMITS	MISCELLANEOUS LICENSES	ITEM 02/NUMBER H.

See attached License Committee Meeting Minutes from the License Committee Meeting of August 20, 2024.

COUNCIL ACTION REQUESTED

Approval of the Minutes of the License Committee Meeting of August 20, 2024.



License Committee Agenda*
Franklin City Hall Aldermen Room
9229 West Loomis Road, Franklin, WI
August 20, 2024 – 5:30 p.m.

1.	Call to Order & Roll Call	Time:		
2.	Applicant Interviews & Decisions			
		Recommendations		
Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 2024-2025 New 5:30 p.m.	Amanda Fecteau Mimosa			
Operator 2024-2025 New	Nicole Anderson On Cloud Wine			
Operator 2024-2025 New	Hope Berens Crossroads II Pizza & Subs			
Operator 2024-2025 New	Roberta Fenning Romey's Place			
Operator 2024-2025 New	Kathleen Galipo Pick'n Save #6360			
Operator 2024-2025 New	Jonathan George Pick'n Save #6360			
Operator 2024-2025 New	Tamarie Homsa Pick'n Save #6360			
Operator 2024-2025 New	Christine Lawler The Landmark			

Operator 2024-2025 New	Jaclyn Ruos No Location			
Operator 2024-2025 New	Matthew Saric Croatian Park			
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	Franklin Public Library Foundation Fee Waiver: Temporary Class B License Date of the Event(s): October 3, 2024 (Fall Literary Fundraiser) Location: Franklin Public Library-Fadrow Mtg Room			
3.	Adjournment	Time:		

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

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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 8/20/2024
Bills	Vouchers and Payroll Approval	ITEM NUMBER I

Attached are vouchers dated August 2, 2024 through August 15, 2024, Nos. 198934 through Nos. 199072 in the amount of \$ 1,232,902.15. Also included in this listing are EFT Nos. 5783 through EFT Nos. 5792, Library vouchers totaling \$ 269.89, Water Utility vouchers totaling \$ 13,547.58 and Property Tax Refunds in the amount of \$ 500.00.

Early release disbursements dated August 2, 2024 through August 14, 2024 in the amount of \$ 553,570.64 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.

Attached is a list of property tax disbursements, EFT No. 522 dated August 12, 2024, in the amount of \$ 500.00. This payment has been released as authorized under Resolutions 2013-6920, 2015-7062 and 2022-7834.

The net payroll dated August 9, 2024 is \$ 486,499.99, previously estimated at \$ 466,000. Payroll deductions dated August 9, 2024 are \$ 266,222.77, previously estimated at \$ 265,000.

The estimated payroll for August 23, 2024 is \$ 473,000 with estimated deductions and matching payments of \$ 522,000.

COUNCIL ACTION REQUESTED

Motion approving the following

- City vouchers with an ending date of August 15, 2024 in the amount of \$ 1,232,902.15
- Payroll dated August 9, 2024 in the amount of \$ 486,499.99 and payments of the various payroll deductions in the amount of \$ 266,222.77 plus City matching payments and
- Estimated payroll dated August 23, 2024 in the amount of \$ 473,000 and payments of the various payroll deductions in the amount of \$ 522,000, plus City matching payments.

ROLL CALL VOTE NEEDED