

SANITARY SEWER SERVICE AREA FOR THE CITY OF FRANKLIN

MILWAUKEE COUNTY WISCONSIN

**SOUTHEASTERN WISCONSIN
REGIONAL PLANNING COMMISSION**

KENOSHA COUNTY

Kimberly L. Breunig
Adelene Greene,
Secretary
Robert W. Pitts

RACINE COUNTY

Gilbert B. Bakke
Susan S. Greenfield

MILWAUKEE COUNTY

William R. Drew,
Vice Chairman
John Rogers
John F. Weishan, Jr.

WALWORTH COUNTY

Gregory L. Holden
Nancy Russell,
Treasurer

OZAUKEE COUNTY

Thomas H. Buestrin
William E. Johnson
Gus W. Wirth, Jr.

WASHINGTON COUNTY

Daniel S. Schmidt
Daniel W. Stoffel
David L. Stroik,
Chairman

WAUKESHA COUNTY

Jose Delgado
James T. Dwyer
Paul G. Vrakas

**SOUTHEASTERN WISCONSIN REGIONAL
PLANNING COMMISSION STAFF**

Kenneth R. Yunker, PE Executive Director
Stephen P. Adams Public Involvement and Outreach Manager
Nancy M. Anderson, AICP Chief Community Assistance Planner
Michael G. Hahn, PE, PH Chief Environmental Engineer
Christopher T. Hiebert, PE Chief Transportation Engineer
Elizabeth A. Larsen Business Manager
John G. McDougall Geographic Information Systems Manager
John R. Meland Chief Economic Development Planner
Dr. Donald M. Reed Chief Biologist
Donald P. Simon, RLS Chief Planning Illustrator
William J. Stauber Chief Land Use Planner

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

W239 N1812 ROCKWOOD DRIVE • PO BOX 1607 • WAUKESHA, WI 53187-1607 •

TELEPHONE (262) 547-6721
FAX (262) 547-1103

Serving the Counties of:

KENOSHA
MILWAUKEE
OZAUKEE
RACINE
WALWORTH
WASHINGTON
WAUKESHA



SUBJECT: Certification of Amendment to the Adopted Regional Water Quality Management Plan (Franklin Sanitary Sewer Service Area)

TO: The Legislative Bodies of Concerned Local Units of Government within the Southeastern Wisconsin Region, namely: the County of Milwaukee, the City of Franklin, and the Milwaukee Metropolitan Sewerage District.

This is to certify that at the meeting of the Southeastern Wisconsin Regional Planning Commission, held at the Washington County Courthouse Government Center, West Bend, Wisconsin, on the 15th day of June 2011, the Commission did by vote of all Commissioners present, being 12 ayes and 2 nays, and by appropriate Resolution, a copy of which is made a part hereof and incorporated by reference to the same force and effect as if it had been specifically set forth herein in detail, adopt an amendment to the regional water quality management plan, which plan was originally adopted by the Commission on the 12th day of July 1979, as part of the master plan for the physical development of the Region. Said amendment to the regional water quality management plan pertains to the revised Franklin sanitary sewer service area and consists of the documents attached hereto and made a part hereof. Such action taken by the Commission is recorded on, and is a part of, said plan, and the plan as amended is hereby transmitted to the constituent local units of government for consideration, adoption, and implementation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal and cause the Seal of the Southeastern Wisconsin Regional Planning Commission to be hereto affixed. Dated at the City of Pewaukee, Wisconsin, this 16th day of June 2011.

David L. Stroik, Chairman
Southeastern Wisconsin
Regional Planning Commission

ATTEST:

Kenneth R. Yunker, Deputy Secretary

(This page intentionally left blank)

RESOLUTION NO. 2011-09

RESOLUTION OF THE SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION AMENDING THE ADOPTED REGIONAL WATER QUALITY MANAGEMENT PLAN, THAT PLAN BEING A PART OF THE MASTER PLAN FOR THE PHYSICAL DEVELOPMENT OF THE REGION CONSISTING OF THE COUNTIES OF KENOSHA, MILWAUKEE, OZAUKEE, RACINE, WALWORTH, WASHINGTON, AND WAUKESHA IN THE STATE OF WISCONSIN (FRANKLIN SANITARY SEWER SERVICE AREA)

WHEREAS, pursuant to Section 66.0309(10) of the *Wisconsin Statutes*, the Southeastern Wisconsin Regional Planning Commission, at a meeting held on the 12th day of July 1979, duly adopted a regional water quality management plan as documented in the three-volume SEWRPC Planning Report No. 30, *A Regional Water Quality Management Plan for Southeastern Wisconsin: 2000*; and

WHEREAS, at a meeting held on the 5th day of December 1990, the Commission duly adopted an amendment to the regional water quality management plan refining and detailing the Franklin sanitary sewer service area as documented in SEWRPC Community Assistance Planning Report No. 176, *Sanitary Sewer Service Area for the City of Franklin, Milwaukee County, Wisconsin*, dated October 1990; and

WHEREAS, by letter dated April 5, 2011, the City of Franklin requested that the Commission amend the Franklin sanitary sewer service area to include certain lands located outside the currently adopted sewer service area; and

WHEREAS, the proposed amendment to the regional water quality management plan is documented in SEWRPC Community Assistance Planning Report No. 176 (2nd Edition), entitled *Sanitary Sewer Service Area for the City of Franklin, Milwaukee County, Wisconsin*, attached hereto and made a part hereof; and

WHEREAS, the proposed amendment to the regional water quality management plan, as documented in SEWRPC Community Assistance Planning Report No. 176 (2nd Edition), was the subject of a public hearing held jointly by the City of Franklin and the Regional Planning Commission on May 3, 2011; and

WHEREAS, Section 66.0309(9) of the *Wisconsin Statutes* authorizes and empowers the Regional Planning Commission, as the work of making the whole master plan progresses, to amend, extend, or add to the master plan or carry any part or subject thereof into greater detail;

NOW, THEREFORE, BE IT HEREBY RESOLVED:

FIRST: That the regional water quality management plan for the Southeastern Wisconsin Region, being a part of the master plan for the physical development of the Region and comprised of SEWRPC Planning Report No. 30, Volumes One, Two, and Three, which was adopted by the Commission as a part of the master plan on the 12th day of July 1979, and which was subsequently amended on the 5th day of December 1990 to include the refined Franklin Sanitary Sewer Service Area, as set forth in SEWRPC Community Assistance Planning Report No. 176, be and the same hereby is amended to include the revised sanitary sewer service area plan for Franklin, as set forth in SEWRPC Community Assistance Planning Report No. 176 (2nd Edition).

SECOND: That the Executive Director is authorized to submit findings to the Wisconsin Department of Natural Resources and the Wisconsin Department of Commerce that public and private sanitary sewer extensions necessary to serve the anticipated development on the lands concerned are in conformance with, and would serve to implement, the adopted regional water quality management plan as herein amended.

RESOLUTION NO. 2011-09

THIRD: That a true, correct, and exact copy of this resolution, together with a complete and exact copy of SEWRPC Community Assistance Planning Report No. 176 (2nd Edition), shall be forthwith distributed to each of the local legislative bodies of the local governmental units within the Region entitled thereto and to such other bodies, agencies, or individuals as the law may require or as the Commission, its Executive Committee, or its Executive Director, at their discretion, shall determine and direct.

The foregoing resolution, upon motion duly made and seconded, was regularly adopted at the meeting of the Southeastern Wisconsin Regional Planning Commission held on the 15th day of June 2011, the vote being: Ayes 12; Nays 2.



David L. Stroik, Chairman

ATTEST:



Kenneth R. Yunker, Deputy Secretary

COMMUNITY ASSISTANCE PLANNING REPORT
No. 176 (2nd Edition)

**SANITARY SEWER SERVICE AREA
FOR THE CITY OF FRANKLIN
MILWAUKEE COUNTY, WISCONSIN**

Prepared by the

Southeastern Wisconsin Regional Planning Commission
W239 N1812 Rockwood Drive
P.O. Box 1607
Waukesha, WI 53187-1607
www.sewrpc.org

June 2011

\$10.00

(This page intentionally left blank)

TABLE OF CONTENTS

	Page		Page
Chapter I—INTRODUCTION	1	Water Quality Impacts	12
Background	1	Sewerage System Capacity	12
Sewer Service Area		Public Reaction to the	
Planning for the City of Franklin	3	Proposed Sanitary Sewer	
		Service Area Plan	12
Chapter II—PROPOSED SANITARY		Support for the	
SEWER SERVICE AREA	5	Sewer Service Area	
Introduction	5	Plan Expressed at the Hearing	12
Currently Adopted Franklin		Concerns Regarding the	
Sanitary Sewer Service Area.....	5	Sewer Service Area	
Proposed Addition to the Franklin		Plan Amendment	
Sanitary Sewer Service Area.....	5	Expressed at the Hearing	13
Relationship to Other Plans	7	Property Taxes.....	13
City Comprehensive Plan.....	7	Root River “Loop” Area.....	13
Planning for the Ryan Creek		Ryan Creek	
Interceptor Sewer	7	Interceptor Alignment	14
Regional Land Use Plan.....	7	Other Local Concerns.....	14
Proposed Expanded Franklin		Request for Additional Meeting	15
Sanitary Sewer Service Area.....	8	Concerns About the Relationship	
Population Within the Expanded		of the Sewer Service Area Plan	
Sewer Service Area.....	8	Amendment and Regional Plans	
Environmentally Significant Lands		Expressed at the Hearing	15
Within the Expanded Sewer		Regional Land Use Plan Map.....	15
Service Area.....	8	Agricultural and Natural	
Restrictions on Sewered		Resource Preservation	15
Development in Environmentally		Concluding Remarks	
Significant Areas	10	and Recommendation	15

LIST OF APPENDICES

		Page
Appendix		
A	Summary of Procedures Used in the Identification of Environmental Corridors and Isolated Natural Resource Areas.....	29

Appendix		Page
B	Transcript of the Public Hearing on the Franklin Sanitary Sewer Service Area Plan Amendment	31
C	Written Materials Submitted into the Record of the Public Hearing on the Franklin Sanitary Sewer Service Area Plan Amendment	47

LIST OF MAPS

Map		Page
Chapter I		
1	Recommended Sanitary Sewer Service Areas in the Region: December 2010.....	2
Chapter II		
2	Proposed Changes to the Franklin Sanitary Sewer Service Area	6
3	Franklin Planned Sanitary Sewer Service Area.....	9
4	Anticipated Changes in the Environmentally Significant Lands in the Franklin Sanitary Sewer Service Area.....	11
5	Index of Maps Showing Environmentally Significant Lands and Planned Sanitary Sewer Service Area for the City of Franklin	17
5-1	Environmentally Significant Lands and Planned Sanitary Sewer Service Area for the City of Franklin U.S. Public Land Survey Sections 5, 6, 7, and 8 Township 5 North, Range 21 East.....	18
5-2	Environmentally Significant Lands and Planned Sanitary Sewer Service Area for the City of Franklin U.S. Public Land Survey Sections 3, 4, 9, and 10 Township 5 North, Range 21 East.....	19
5-3	Environmentally Significant Lands and Planned Sanitary Sewer Service Area for the City of Franklin U.S. Public Land Survey Sections 1, 2, 11, and 12 Township 5 North, Range 21 East.....	20
5-4	Environmentally Significant Lands and Planned Sanitary Sewer Service Area for the City of Franklin U.S. Public Land Survey Sections 17, 18, 19, and 20 Township 5 North, Range 21 East.....	21
5-5	Environmentally Significant Lands and Planned Sanitary Sewer Service Area for the City of Franklin U.S. Public Land Survey Sections 15, 16, 21, and 22 Township 5 North, Range 21 East.....	22
5-6	Environmentally Significant Lands and Planned Sanitary Sewer Service Area for the City of Franklin U.S. Public Land Survey Sections 13, 14, 23, and 24 Township 5 North, Range 21 East.....	23

Map		Page
5-7	Environmentally Significant Lands and Planned Sanitary Sewer Service Area for the City of Franklin U.S. Public Land Survey Sections 29, 30, 31, and 32 Township 5 North, Range 21 East.....	24
5-8	Environmentally Significant Lands and Planned Sanitary Sewer Service Area for the City of Franklin U.S. Public Land Survey Sections 27, 28, 33, and 34 Township 5 North, Range 21 East.....	25
5-9	Environmentally Significant Lands and Planned Sanitary Sewer Service Area for the City of Franklin U.S. Public Land Survey Sections 25, 26, 35, and 36 Township 5 North, Range 21 East.....	26

(This page intentionally left blank)

Chapter I

INTRODUCTION

BACKGROUND

On July 12, 1979, the Southeastern Wisconsin Regional Planning Commission adopted a regional water quality management plan for Southeastern Wisconsin. The plan is aimed at achieving clean and wholesome surface waters within the seven-county Region, surface waters that are “fishable and swimmable.”¹ The plan has five basic elements: 1) a land use element, consisting of recommendations for the location of new urban development in the Region and for the preservation of primary environmental corridors and prime agricultural lands; 2) a point source pollution abatement element; 3) a nonpoint source pollution abatement element; 4) a sludge management element, consisting of recommendations for the handling and disposal of sludges from sewage treatment facilities; and 5) recommendations for the establishment of continuing water quality monitoring efforts in the Region.

The point source pollution abatement element of the regional water quality management plan includes recommendations concerning the location and extent of sanitary sewer service areas; the location, type, and capacity of, and the level of treatment to be provided at, sewage treatment facilities; the location and configuration of intercommunity trunk sewers; and the abatement of pollution from sewer system overflows and from industrial wastewater discharges. As part of the point source pollution abatement element, the initially adopted regional water quality management plan delineated a generalized sanitary sewer service area for each sanitary sewerage system in the Region. Nearly all of the initially adopted, generalized sewer service areas have now been refined and detailed through local sewer service area planning studies in order to reflect local as well as regional planning objectives. In each case, the refined sewer service area has been adopted as part of the areawide water quality management plan. The currently adopted sanitary sewer service areas in the Region are shown on Map 1.

In Southeastern Wisconsin, local sanitary sewer service area plans are prepared through a cooperative planning process involving the local unit of government responsible for operation of the sewage treatment facility, the Regional Planning Commission as the designated areawide water quality management planning agency, and the Wisconsin Department of Natural Resources, pursuant to the provisions of Chapter NR 121 of the *Wisconsin Administrative Code*. Following initial adoption, sanitary sewer service area plans may be amended in response to changing conditions and needs, subject to Chapter NR 121.

¹The adopted areawide water quality management plan is documented in SEWRPC Planning Report No. 30, A Regional Water Quality Management Plan for Southeastern Wisconsin: 2000, dated 1978-1979, as amended.

RECOMMENDED SANITARY SEWER SERVICE AREAS IN THE REGION: DECEMBER 2010



Sanitary sewer service area plans have a direct bearing on where sanitary sewers may be provided. Under State administrative rules, sanitary sewers may be extended only to lands located within a planned sewer service area adopted as part of an areawide water quality management plan. The inclusion of land in a sanitary sewer service area enables, but does not mandate, the provision of sewer service. Sanitary sewer service area plans also identify environmentally significant lands to which the extension of sewer service is prohibited or otherwise restricted.

Section NR 110.08(4) and Section Comm 82.20(4) of the *Wisconsin Administrative Code* require that the Wisconsin Department of Natural Resources, with respect to public sanitary sewers, and the Wisconsin Department of Commerce, with respect to private sanitary sewers, make a finding that all proposed sanitary sewer extensions are in conformance with adopted areawide water quality management plans, including the sanitary sewer service areas identified in such plans. In carrying out their responsibilities in this respect, these Departments require that the Southeastern Wisconsin Regional Planning Commission, as the designated areawide water quality management planning agency for Southeastern Wisconsin, review and comment on each proposed sewer extension as to its relationship to the approved plan and sewer service areas.

SEWER SERVICE AREA PLANNING FOR THE CITY OF FRANKLIN

A sewer service area plan was first completed for the City of Franklin in 1990. Documented in SEWRPC Community Assistance Planning Report No. 176, *Sanitary Sewer Service Area for the City of Franklin, Milwaukee County, Wisconsin*, that plan was adopted by the City of Franklin on October 16, 1990 and by the Regional Planning Commission on December 5, 1990; and was approved by the Wisconsin Department of Natural Resources on July 31, 1991.

In April 2011, the City of Franklin requested that the Regional Planning Commission revise the Franklin sanitary sewer service area plan. The City-proposed plan amendment would add lands in the south central and southwestern areas of the City to the planned sanitary sewer service area. The expansion of the planned sanitary sewer service area would enable the City to move forward with the proposed Ryan Creek interceptor sewer, which would be able to serve most of the south-central and southwestern areas of the City.

In response to the request by the City of Franklin, the Regional Planning Commission assisted the City in amending its sanitary sewer service area plan. The planning process included a public hearing on the proposed sewer service area plan amendment, sponsored jointly by the City of Franklin and the Regional Planning Commission. The expanded sanitary sewer service area resulting from this planning process is presented in the second chapter of this report.

(This page intentionally left blank)

Chapter II

PROPOSED SANITARY SEWER SERVICE AREA

INTRODUCTION

A sanitary sewer service area plan is a long-range plan that is intended to serve as a guide to the extension of sanitary sewer service in a locality. A sewer service area plan identifies a planned sewer service area within which sanitary sewers may be extended. The inclusion of land within a planned sewer service area enables, but does not mandate, the provision of sanitary sewer service.

A sanitary sewer service area plan also identifies environmentally significant lands within the planned sanitary sewer service area. There are certain restrictions on the provision of sanitary sewer service within the identified environmentally significant lands, as described later in this chapter.

CURRENTLY ADOPTED FRANKLIN SANITARY SEWER SERVICE AREA

The currently adopted sanitary sewer service area plan for the City of Franklin is documented in SEWRPC Community Assistance Planning Report No. 176, dated October 1990. The currently adopted Franklin sewer service area is shown as the tan-shaded area on Map 2. That area encompasses about 26.4 square miles, representing about 76 percent of the total area of the City. The Franklin sanitary sewerage system is tributary to Milwaukee Metropolitan Sewerage District (MMSD) interceptor sewers and the MMSD South Shore wastewater treatment plant.

PROPOSED ADDITION TO THE FRANKLIN SANITARY SEWER SERVICE AREA

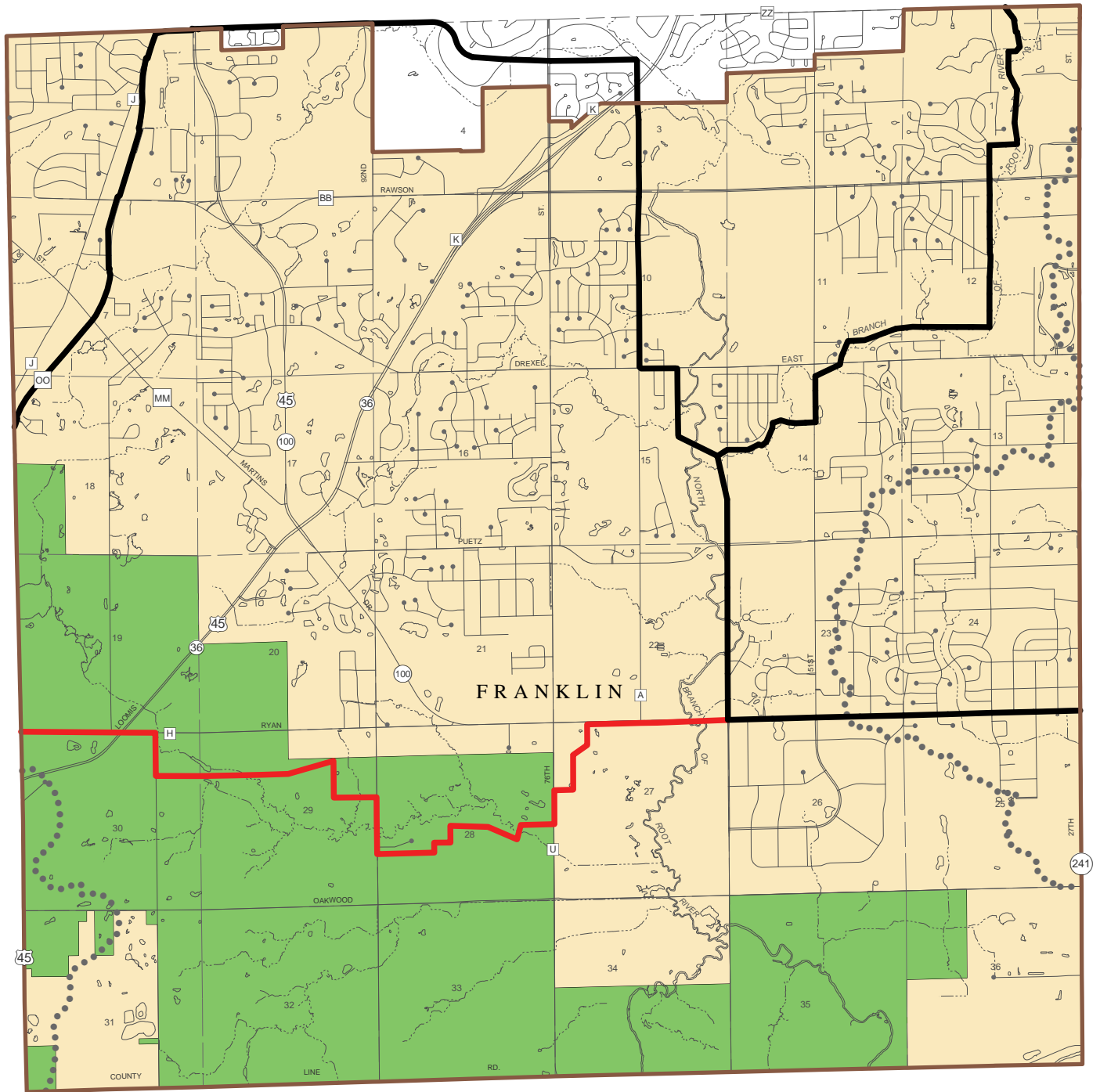
Under the proposed plan amendment, lands in the south central and southwestern area of the City of Franklin would be added to the Franklin sanitary sewer service area, as shown on Map 2. With this addition, the entire area of the City of Franklin would be in the planned sewer service area.

The area proposed to be added to the Franklin sewer service area encompasses 5,310 acres, or about 8.3 square miles. Existing (2000) urban land encompasses about 410 acres, or 8 percent of the proposed addition; these urban lands consist primarily of scattered residential lots and streets and highways, along with limited commercial and industrial land.¹ About 1,554 acres, or 29 percent of the proposed addition, are comprised of environmentally

¹The urban land area is based upon the year 2000 regional land use inventory. There was very little new urban development in the proposed sewer service area addition between 2000 and 2010.

Map 2

PROPOSED CHANGES TO THE FRANKLIN SANITARY SEWER SERVICE AREA



- FRANKLIN PLANNED SANITARY SEWER SERVICE AREA AS DEFINED IN SEWRPC COMMUNITY ASSISTANCE PLANNING REPORT NO. 176
- AREAS PROPOSED TO BE ADDED TO THE FRANKLIN SEWER SERVICE AREA

- EXISTING INTERCEPTOR SEWER
- PROPOSED RYAN CREEK INTERCEPTOR SEWER
- EXISTING CITY AND VILLAGE BOUNDARIES: 2010



GRAPHIC SCALE



Source: SEWRPC.

significant lands, consisting of environmental corridors and isolated natural resource areas along with small wetlands less than five acres in size located outside such areas. Agricultural and other open lands account for the balance—about 3,346 acres, or 63 percent of the proposed sewer service area addition.

Based upon the year 2010 census, there were an estimated 180 occupied housing units, or households, within the proposed sewer service area addition, with an estimated resident population of about 440 persons.

RELATIONSHIP TO OTHER PLANS

City Comprehensive Plan

The City of Franklin adopted a comprehensive plan meeting the requirements of the State comprehensive planning law in 2009. The following excerpt from Chapter 8, “Utilities and Community Facilities,” of the City comprehensive plan report relates to the future provision of sanitary sewer service in the City:

“It is also important to note that the Land Use chapter (of the comprehensive plan) envisions that ultimately, public sanitary sewer service will be provided throughout the entire City of Franklin. It also envisions that the timing of the provision of public sanitary sewer service to the unserved portions of the City will depend upon a combination of factors, including: market conditions; neighborhood support; local, regional and state regulations; and financial capabilities. While the exact timing of the provision of such service to the unserved portions of the City is not known at this time, it is envisioned that such service could potentially occur within the time-frame of this Comprehensive Master Plan.”

“Based upon this information, it is recommended that the City continue its long-range planning, maintenance, and funding activities to ensure that its collection system remains adequately sized and extended for the anticipated growth and development set forth in this City of Franklin 2025 Comprehensive Master Plan, and beyond. In this regard, it is also recommended that the City of Franklin continue to work with the Southeastern Wisconsin Regional Planning Commission and the Milwaukee Metropolitan Sewerage District to ensure that similar growth patterns and sanitary sewer extension policies are established within their plans and policies.”

Planning for the Ryan Creek Interceptor Sewer

The proposed addition to the sewer service area would be served primarily through a proposed major interceptor sewer—the Ryan Creek interceptor—extending from S. 124th Street to a connection with an existing MMSD interceptor sewer near S. 60th Street and W. Ryan Road (see Map 2). Planning for the Ryan Creek interceptor sewer—which would be able to serve most of the south central and southwestern portions of the City of Franklin and portions of the City of Muskego—goes back a number of years. Most recently, an advanced facilities plan prepared by MMSD concluded that the Ryan Creek interceptor would be the most cost-effective means for providing sanitary sewer service to these areas.² The City of Franklin approved the advanced facilities plan in December 2009. The City of Muskego approved the advanced facilities plan in January 2010. The Milwaukee Metropolitan Sewerage District Commission amended its year 2020 facilities plan to incorporate the advanced facilities plan for the Ryan Creek interceptor sewer in January 2010.

Regional Land Use Plan

The Regional Planning Commission’s adopted year 2035 regional land use plan envisions continued population growth and urban development in the City of Franklin. The regional plan envisions that the Franklin sewer service area would be expanded to accommodate this growth and development during the planning period (2000-2035), recognizing that any proposal to expand the sewer service area and proposals regarding the areal extent of such expansion would originate from the City of Franklin.

²The advanced facilities plan is documented in “2020 Facilities Plan—Addendum 2, Franklin/Muskego Advanced Facilities Plan,” Milwaukee Metropolitan Sewerage District.

PROPOSED EXPANDED FRANKLIN SANITARY SEWER SERVICE AREA

With the proposed addition of about 8.3 square miles, the Franklin sanitary sewer service area would encompass the entire City of Franklin, an area of about 34.7 square miles. Map 3 shows the proposed expanded sanitary sewer service area.

Population Within the Expanded Sewer Service Area

The resident population of the expanded sewer service area (the entire City of Franklin) was 35,451 in 2010. This includes an estimated 35,011 persons in the currently adopted sewer service area and an estimated 440 persons within the proposed sewer service area addition.

The ultimate size of the population of the expanded sewer service area (the entire City of Franklin) will depend to a great extent upon the amount and density of future residential development, particularly in the south central and southwestern portions of the City. An estimate of the buildout population of the City was prepared in 2006 as part of the MMSD 2020 facilities planning effort, based upon land use assumptions specified by City of Franklin officials at that time. That work identified an estimated buildout population of 57,000 persons for the City overall, including an estimated buildout population of 10,400 persons within the proposed sewer service area addition.

As part of the comprehensive plan adopted by the City of Franklin in 2009, the City scaled back the amount and intensity of planned future residential development in the south central and southwestern areas of the City relative to assumptions made in the aforementioned buildout analysis. Because of the generalized nature of the City comprehensive plan, a buildout analysis of the population under planned conditions was not undertaken. However, it would appear that implementation of the City comprehensive plan would likely result in a lower buildout population than that estimated as part of the MMSD facilities plan.

It should be noted that the Regional Planning Commission's adopted year 2035 regional land use plan envisions significant population growth in the City of Franklin in the years ahead. The year 2035 population projection for the Franklin sanitary sewer service area as set forth in the regional plan ranges from 50,700 persons under an intermediate growth scenario to 55,200 persons under a high growth scenario.

Environmentally Significant Lands Within the Expanded Sewer Service Area

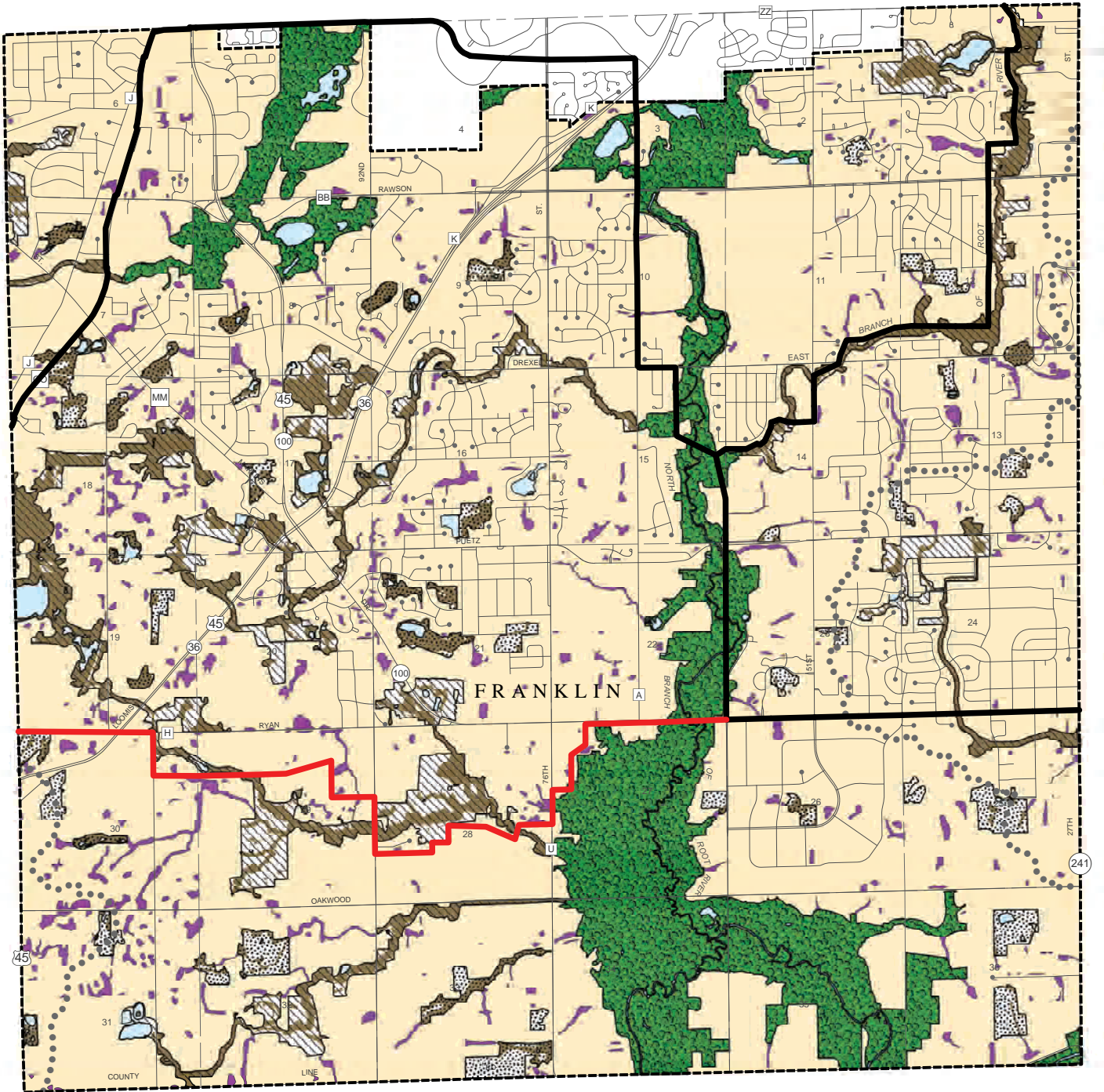
Environmentally significant lands identified under this sewer service area plan include areas designated as primary and secondary environmental corridors, isolated natural resource areas, and small wetlands and surface water areas less than five acres in size located outside the environmental corridors and isolated natural resource areas. The environmental corridors and isolated natural resource areas were delineated by the Regional Planning Commission as part of its continuing regional planning program. They encompass concentrations of wetlands, woodlands, wildlife habitat, surface water, and other natural resource and resource-related features. Primary environmental corridors are the largest of these, by definition being at least 400 acres in area, two miles in length, and 200 feet in width. Secondary environmental corridors are by definition at least 100 acres in area and one mile in length. Isolated natural resource areas are by definition at least five acres in area and 200 feet in width. The methodology used in the identification of these areas is explained in Appendix A of this report.

The extent of these environmentally significant lands within the expanded sewer service area is shown on Map 3. More detailed mapping of these areas is provided on the series of maps presented as Map 5. The mapping of environmentally significant areas as presented in this report is based upon the most recent available natural resource base information.³ The maps in this report revise and update the maps of environmentally significant lands presented in the initial, first-edition Franklin sewer service area plan report, published in 1990.

³The environmentally significant lands were delineated on 2010 orthophotographs, taking into account the 2005 Wisconsin Wetlands Inventory; current FEMA floodplain delineations; the Regional Planning Commission's update of natural area sites and critical species habitat sites; and recent environmental field survey work conducted by the Regional Planning Commission staff.

Map 3

FRANKLIN PLANNED SANITARY SEWER SERVICE AREA



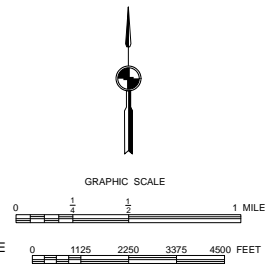
- PRIMARY ENVIRONMENTAL CORRIDOR
- SECONDARY ENVIRONMENTAL CORRIDOR
- ISOLATED NATURAL RESOURCE AREA
- WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE LOCATED OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS
- FRANKLIN PLANNED SANITARY SEWER SERVICE AREA
- PLANNED SANITARY SEWER SERVICE AREA BOUNDARY

- EXISTING INTERCEPTOR SEWER
- PROPOSED RYAN CREEK INTERCEPTOR SEWER

RESTRICTIONS ON SEWERED DEVELOPMENT

- PRIMARY ENVIRONMENTAL CORRIDORS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IS CONFINED TO LIMITED RECREATIONAL AND INSTITUTIONAL USES AND RURAL-DENSITY RESIDENTIAL DEVELOPMENT IN AREAS OTHER THAN WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES.
- PORTIONS OF SECONDARY ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA WHICH ARE COMPRISED OF WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IN THESE AREAS IS NOT PERMITTED.

Source: SEWRPC.



The proposed expanded sanitary sewer service area encompasses 2,369 acres of primary environmental corridors (11 percent of the sewer service area); 1,576 acres of secondary environmental corridors (7 percent of the sewer service area); and 697 acres of isolated natural resource areas (3 percent of the sewer service area). The sewer service area also encompasses a total of 541 acres of small wetlands and surface water areas less than five acres in size located outside the environmental corridors and isolated natural resource areas, accounting for 2 percent of the sewer service area.

Included in the environmental corridors and isolated natural resource areas shown on Map 3 are certain floodland areas which do not currently have the resource features to be classified as environmental corridors or isolated natural resource areas, but which may be expected to eventually revert to more natural conditions and become part of the system of environmental corridors and isolated natural resource areas. These areas are shown in a blue color on Map 4; together they encompass a total of 359 acres. As those floodplains revert to more natural conditions, the resource classification of certain small adjacent areas would change, as shown on Map 4.

Restrictions on Sewered Development in Environmentally Significant Areas

The regional land use and water quality management plans recommend the preservation of primary environmental corridors in essentially natural, open use and recommend that County and local units of government consider protecting and preserving secondary environmental corridors and isolated natural resource areas. Consistent with regional plans, policies adhered to by the Wisconsin Department of Natural Resources and Department of Commerce in their regulation of sanitary sewerage systems prohibit or otherwise limit the extension of sanitary sewers to serve development in such areas. The following restrictions apply:

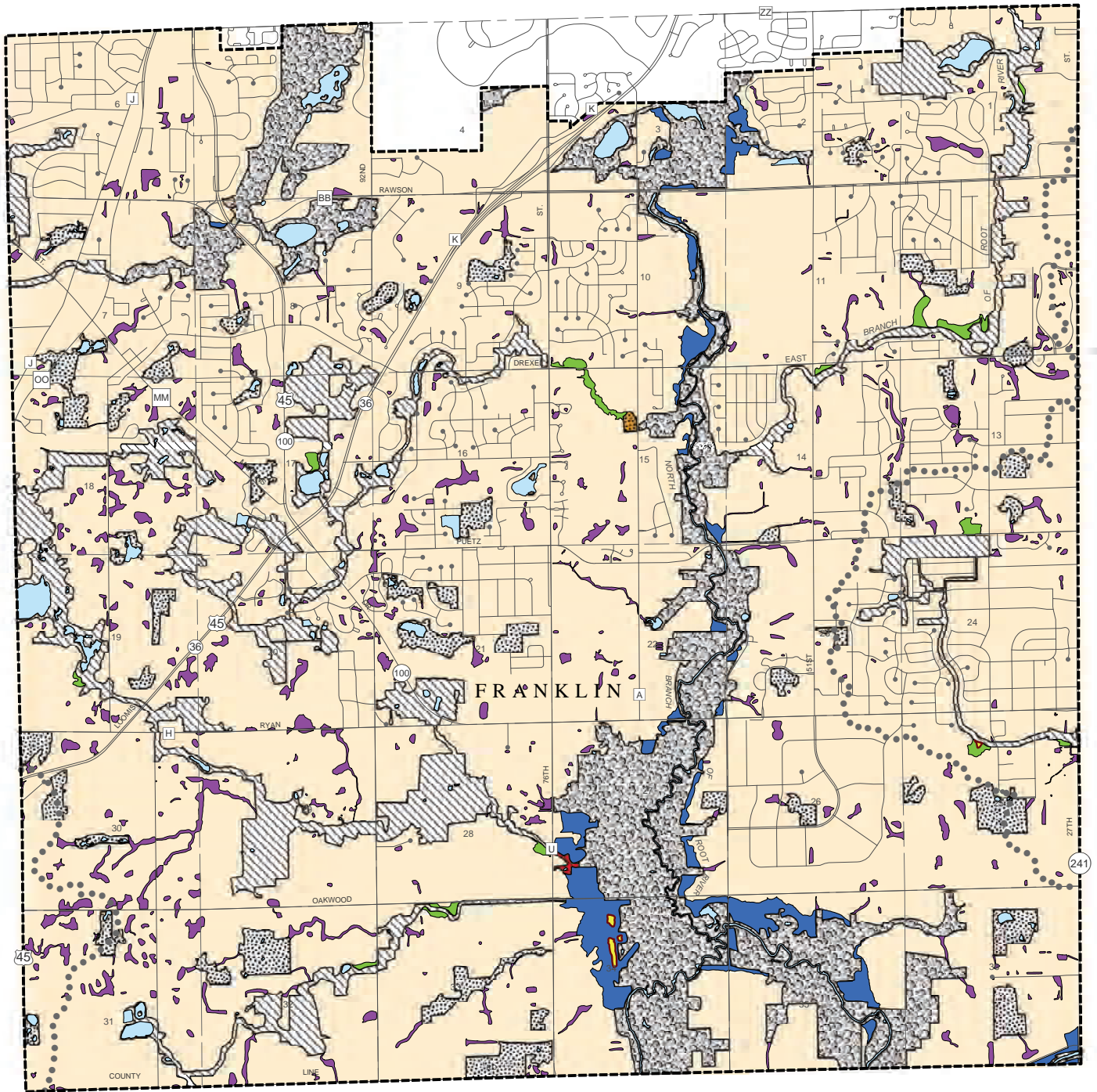
1. The extension of sanitary sewers to serve new development in primary environmental corridors is confined to limited recreational and institutional uses and rural-density residential development (maximum of one dwelling unit per five acres) in areas other than wetlands, floodlands, shorelands, and steep slopes. Primary environmental corridors within the proposed Franklin sewer service area are shown with a green background color on Map 3.⁴
2. The extension of sanitary sewers to serve development in portions of secondary environmental corridors and isolated natural resource areas comprised of wetlands, floodlands, shorelands, or steep slopes is not permitted. The portions of secondary environmental corridors and isolated natural resource areas comprised of wetlands, floodlands, shorelands, or steep slopes within the proposed sewer service area are identified with a brown background color on Map 3.

As previously indicated, the mapping of environmentally significant areas as presented in this report is a representation of conditions based upon the most recent available natural resource base information. It is expected that in many cases, as specific development proposals arise, a field survey will be necessary to more precisely identify the boundaries of environmental corridors and isolated natural resource areas in the vicinity of the proposed development. In such cases, the detailed field delineations serve as the basis for the review of proposed sewer extensions.

⁴*Consistent with the year 2035 regional land use plan, in lieu of recreational or rural density residential development, up to 10 percent of the upland corridor area in a parcel may be disturbed in order to accommodate urban residential, commercial, or other urban development under the following conditions: 1) the area to be disturbed is compact rather than scattered in nature; 2) the disturbance area is located on the edge of a corridor or on marginal resources within a corridor; 3) the development does not threaten the integrity of the remaining corridor; 4) the development does not result in significant adverse water quality impacts; and 5) development of the remaining corridor lands is prohibited by conservation easement or deed restriction. Each such proposal must be reviewed on a case-by-case basis.*

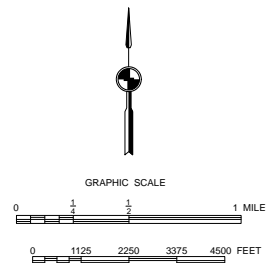
Map 4

**ANTICIPATED CHANGES IN THE ENVIRONMENTALLY SIGNIFICANT
LANDS IN THE FRANKLIN SANITARY SEWER SERVICE AREA**



- PRIMARY ENVIRONMENTAL CORRIDOR
- SECONDARY ENVIRONMENTAL CORRIDOR
- ISOLATED NATURAL RESOURCE AREA
- WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE LOCATED OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS
- FRANKLIN PLANNED SANITARY SEWER SERVICE AREA
- PLANNED SANITARY SEWER SERVICE AREA BOUNDARY

- UNDEVELOPED FLOODLANDS TO BE ADDED TO THE PRIMARY ENVIRONMENTAL CORRIDOR
- UNDEVELOPED FLOODLANDS TO BE ADDED TO THE SECONDARY ENVIRONMENTAL CORRIDOR
- PORTION OF EXISTING SECONDARY ENVIRONMENTAL CORRIDOR TO BE RECLASSIFIED AS PRIMARY ENVIRONMENTAL CORRIDOR
- EXISTING ISOLATED NATURAL RESOURCE AREA TO BE RECLASSIFIED AS SECONDARY ENVIRONMENTAL CORRIDOR
- OTHER OPEN LAND TO BE RECLASSIFIED AS PRIMARY OR SECONDARY ENVIRONMENTAL CORRIDOR



Source: SEWRPC.

WATER QUALITY IMPACTS

Under the regional water quality management plan and the Franklin sanitary sewer service area plan presented in this report, it is envisioned that all new urban development within the planned sewer service area would receive sanitary sewer service. The restrictions on sewer urban development in environmentally significant areas, described in the previous section, are intended to avoid significant adverse water quality impacts attendant to the extension of sanitary sewer service. In addition, public sanitary sewer service may be provided to those lands within the planned sanitary sewer service area which are already developed and served by private onsite wastewater sewage systems. This may be expected to reduce pollutant loadings from the existing onsite wastewater treatment systems to both surface and ground waters. Assuming that any applicable Federal, State, and local permits are obtained and that proper site development and construction practices are employed, there should be no significant adverse water quality impacts attributable to the development of the planned sewer service area.

SEWERAGE SYSTEM CAPACITY

The area that is proposed to be added to the Franklin sanitary sewer service area was included in the planning area for the MMSD 2020 facilities plan and the SEWRPC regional water quality management plan update for the greater Milwaukee watersheds. The MMSD evaluation of planned flows from the proposed addition to the sewer service area and the analyses of the MMSD conveyance system conducted for the 2020 facilities plan indicate that the metropolitan interceptor sewer (MIS) at S. 60th Street and W. Ryan Road, the location of the proposed connection, would have adequate capacity to convey the additional peak flows from Franklin. However, the existing hydraulic capacity of a downstream segment of the MIS, beginning west of the intersection of S. Howell Avenue and W. Ryan Road and extending to the east in W. Ryan Road and then north in S. Pennsylvania Avenue, is not sufficient to prevent surcharging of the S. 60th Street and W. Ryan Road MIS under planned land use conditions in the MMSD planning area. The 2020 facilities plan recommends that the downstream MIS capacity be increased according to an adaptive implementation schedule, which involves the periodic monitoring of population growth and development to determine the timing of system upgrades. As development proceeds in the proposed addition to the Franklin sewer service area, the adaptive implementation schedule approach should be applied by MMSD to assess conveyance upgrades to the MIS.

PUBLIC REACTION TO THE PROPOSED SANITARY SEWER SERVICE AREA PLAN

A public hearing was held on May 3, 2011, at the Franklin City Hall to receive public comment on, and reaction to, the proposed sewer service area amendment. The hearing was sponsored by the City of Franklin and the Regional Planning Commission. Regional Planning Commission staff presided over the hearing. The Commission staff described the proposed amendment to the Franklin sanitary sewer service area prior to receiving public comment. The results of the hearing are summarized in this section. A complete transcript of the hearing is presented as Appendix B.

Support for the Sewer Service Area Plan Expressed at the Hearing

Two individuals spoke in favor of the sewer service area plan amendment. The City of Franklin Mayor submitted a September 20, 2005, article from the *Milwaukee Journal Sentinel*, describing an effort to move the Ryan Creek interceptor project forward at that time, noting in his remarks that the interceptor project and the expansion of sewer service in the southwest part of the City has been under consideration for some time. The Mayor indicated that the City has a goal of a property tax base of 70 percent residential/30 percent commercial. He noted that this goal grew out of an economic development planning study prepared for the City by Ticknor & Associates and was an integral part of the City comprehensive plan, both of those planning efforts having been carried out with extensive public participation. He indicated that the Ryan Creek interceptor and expansion of sewer service in the southwest is integral to achieving this goal. He indicated that he believes that, without sewer service, there will be a push for development using onsite wastewater disposal systems in the southwest and that it is his understanding that, from a water quality perspective, it is better to rely on professionally designed and maintained sewerage

systems than private onsite systems. The Mayor also submitted into the hearing record the following, all of which are included in Appendix C: the Franklin Common Council resolution adopting a public participation plan for the City comprehensive planning effort; the Franklin Plan Commission resolution recommending adoption of the City comprehensive plan; the Franklin Common Council ordinance adopting the City comprehensive plan; a letter from Milwaukee County Board Supervisor Mark A. Borkowski expressing support for proceeding with the Ryan Creek interceptor; and a letter from the former City planner (and current City resident) expressing support for the sewer service area amendment and the Ryan Creek interceptor.

A city resident speaking in favor of the sewer service area plan amendment noted that the discussion regarding the extension of sewer service to the southwest area of the City is nothing new and that it has been going on for decades. He displayed several related engineering plan reports dating back to 1967. He indicated that there are very few properties that are served by sewer and actually available for development in the City. He indicated that, without sewer service in the southwest, economic development in the City will be held back, hindering the effort to achieve the City's 70/30 property tax base goal. He indicated that having sewers will help provide for more quality services, economic development, and jobs in the City.

Concerns Regarding the Sewer Service Plan Amendment Expressed at the Hearing

Property Taxes

Concern: Potential property tax impacts were a frequently expressed concern at the hearing. The concern stated was that property owners should not have to pay for sewer service if they are some distance away from the proposed interceptor and will not receive sewer service for a lengthy period of time. There was a common theme that those who benefit by sewer service should pay for it.

At the public hearing, the City Attorney explained the sewer-related property tax matters on several occasions. His remarks are summarized below:

- Inclusion of land in a sewer service area allows sewers to be extended. By itself, inclusion in the sewer service area has no property tax impact.
- There is a property tax impact on land that is included in the Milwaukee Metropolitan Sewerage District (MMSD). Property within the Sewerage District is subject to the MMSD capital improvements property tax levy.
- The MMSD will be taking steps to expand the Sewerage District in the City of Franklin. That is a separate process from expanding the sewer service area; that process is carried out by MMSD and involves a separate public hearing held by MMSD. It is not necessary to be included in the sewer service area to be brought into the Sewerage District, under the State statute and rule applicable in this matter.
- Under State law, expansion of the Sewerage District is subject to a determination based on fact as to whether or not an area is likely to receive sewer service from the District within 10 years.
- In addition to the property tax, a quarterly sewer service fee is imposed only on property actually connected to and served by the sanitary sewerage system.

In response to a question raised at the hearing, the City Attorney indicated that the City had not consented to having the entire City brought into the Sewerage District.

Root River "Loop" Area

Concern: Several landowners from the Root River "Loop" area—the area south of the Root River and Root River Canal, in the southeastern portion of the City—opposed the inclusion of that area in the sewer service area. The concerns they raised include the following:

- Existing homes in that area are served by functioning onsite systems.
- Extending sewer service to that area would be difficult and expensive.

- The extension of sewer service to that area would be years away, given the location and physical constraints of serving that neighborhood. They expressed doubt that sewer service would ever be provided. They should not have to pay property taxes for a service they do not receive.
- The City comprehensive plan indicates no change in this area, and it does not envision new land divisions there. Sewer service would be inconsistent with the City comprehensive plan for the Loop area.

Related City staff comments from a meeting with Regional Planning Commission staff held subsequent to the hearing on May 6, 2010, are summarized as follows:⁵

- The City comprehensive plan envisions that this neighborhood would remain residential in nature. It does not address the density of residential development. The City comprehensive plan does not preclude the extension of sewer service to this area.
- To serve the Loop neighborhood would require two lift stations and force mains in addition to gravity sewers. This would be more expensive than gravity sewers alone.
- Including the Loop neighborhood in the sewer service area would allow for the extension of sewers as a remedy for failing onsite wastewater treatment systems, if needed. Ever since sewer service became available to the City from MMSD, many residents once served by onsite systems have requested sewer service, and about 90 percent have now been converted to sewer service, due in part to heavy clay soils in the City.

Ryan Creek Interceptor Alignment

Concern: The Ryan Creek interceptor would traverse farm fields, making farming more difficult. There may be manholes in the middle of some farm fields. It would be better to route the interceptor along existing road rights-of-way.

Related City staff comments from the May 6, 2011, meeting with Regional Planning Commission staff are summarized as follows:

- The proposed Ryan Creek interceptor alignment is designed to accomplish a number of objectives. To the extent possible, it avoids environmentally significant lands; it follows the pattern of proposed local streets set forth in the City comprehensive plan; and it follows topography as appropriate for a gravity sewer.

Other Local Concerns

In addition to the above, a number of other local concerns were voiced at the hearing. Among the expressed concerns are the following: concern as to whether the Ryan Creek interceptor is needed at this time; concern whether the City will be able to achieve its stated property tax base goal (70 percent residential/30 percent commercial) by accommodating sewer development in the southwest; concern that the City's plans for development in the southwest will be hindered by the impacts of the landfill on the surrounding areas; concern that farmers in the southwest are not interested in having their property developed; concern that the City should preserve more farmland; concern about the financial obligations that the City may be assuming attendant to the Ryan Creek interceptor project; and concern for potential increased stormwater problems attendant to additional development in the southwest. These and other expressed local concerns can be found in the hearing transcript in Appendix B.

⁵SEWRPC staff requested a meeting with City staff to discuss key concerns raised at the hearing. Held at the Franklin City Hall on May 6, 2011, the meeting was attended by the City Engineer, City Attorney, City Administrator, City Senior Planner, the City's engineering consultant for the Ryan Creek interceptor, and SEWRPC staff.

Request for Additional Meeting

Three speakers suggested an additional meeting between property owners/residents in the southwest, who are most directly affected, and the Mayor and other City officials as appropriate in order to get a better understanding of the Ryan Creek interceptor project. At the hearing, the Mayor indicated that such a meeting could be scheduled.

Concerns About the Relationship of the Sewer Service Area Plan Amendment and Regional Plans Expressed at the Hearing *Regional Land Use Plan Map*

Concern: The year 2035 regional land use plan map does not show the Loop neighborhood as a planned urban area; rather, it shows that neighborhood as rural.

In response to this concern, the Regional Planning Commission staff reviewed the regional use plan and confirmed that the Loop neighborhood is shown as rural on the year 2035 regional land use plan map. However, the Commission staff notes that—as stated in the regional land use plan report—the regional plan is a systems-level plan and, as such, includes only generalized boundaries for future urban service areas. The regional plan indicates that the identification of precise urban service area boundaries and the actual design of neighborhood units is beyond the scope of the regional planning process and is properly accomplished through detailed local planning within the framework of the regional plan.⁶

Agricultural and Natural Resource Preservation

Concern: The proposed expansion of the sewer service area appears inconsistent with some of the basic elements of the regional water quality management plan—the preservation of primary environmental corridors and prime agricultural lands—as stated on page 1 of this sewer service area plan report.

In response to this concern, the Regional Planning Commission staff notes that primary environmental corridors within the planned sewer service area would be substantially preserved, as recommended under the regional plan, through the protective policies set forth on page 11 of this sewer service area plan report.

The Commission staff further notes that, under the regional plan, some agricultural land, potentially including prime agricultural land, is expected to be converted to urban use to accommodate the orderly expansion of urban service areas within the Region. The orderly expansion of existing urban service areas into adjacent agricultural lands is considered preferable to scattered urban development within the interior of large blocks of farmland, where new urban development often conflicts with surrounding farming operations.

CONCLUDING REMARKS AND RECOMMENDATION

The record of the public hearing on the sewer service area plan amendment includes testimony both for and against the proposed sewer service area amendment.

As previously noted, potential property tax impacts was a frequently expressed concern at the hearing. There was a common theme that those who benefit by having sewer service should pay for it, and that those who may not receive service for an extended period of time should not have to pay in the interim. In this regard, it is important to note that the inclusion of land in the planned sewer service area only allows for sewer service to be provided, under State *Administrative Code*. The sewer service area plan does not address the manner in which the future sewer facilities should be paid for, that being beyond the scope of regional planning.

It is the Commission's understanding that MMSD, which operates the sewage treatment plant and major interceptor sewers that serve the City of Franklin, will consider revising the Sewerage District boundary in the

⁶See “Nature of the Regional Plan,” on page 123 of SEWRPC Regional Planning Report No. 48, A Regional Land Use Plan for Southeastern Wisconsin: 2035, June 2006.

City. Lands within the Sewerage District are subject to the MMSD capital improvements property tax levy. The process of revising the Sewerage District boundary is a separate process from this sewer service area plan amendment. The process of revising the Sewerage District boundary is carried out by MMSD and requires a public hearing to be held by MMSD.

Many of the other concerns expressed by those opposed to the sewer service area plan amendment are essentially local in nature. These include, among others, concerns regarding future land use in the City, the feasibility of achieving a balanced tax base by accommodating sewered development, and whether or not the entire balance of the City should be included in the sewer service area or whether certain lands should be excluded. From the Regional Planning Commission's perspective these are City issues that are best addressed by the City's elected officials with input from its residents and its professional staff.

The Commission's evaluation of proposed sewer service amendments focuses on three considerations: 1) Is the amendment generally consistent with projected future population levels? 2) Is there treatment plant capacity and major conveyance capacity for the area? and, 3) Are environmentally significant lands identified and protected as recommended in the regional plan? The Commission staff finds the following:

- The proposed amendment of the Franklin sewer service area is generally consistent with population growth envisioned for the City under the Commission-adopted year 2035 regional land use plan. As previously noted, the regional plan projects a population of about 50,700 to 55,200 persons for the City by the year 2035.
- Based upon a review of the MMSD year 2020 facilities plan and the plans for the Ryan Creek interceptor sewer prepared to date, there is adequate planned wastewater treatment plant capacity and planned major sewer conveyance capacity to serve the proposed sewer service area.
- Environmentally significant lands have been appropriately identified in this planning report documenting the proposed sewer service area amendment, and the report includes policies for the protection of environmentally significant lands that are consistent with regional plans.

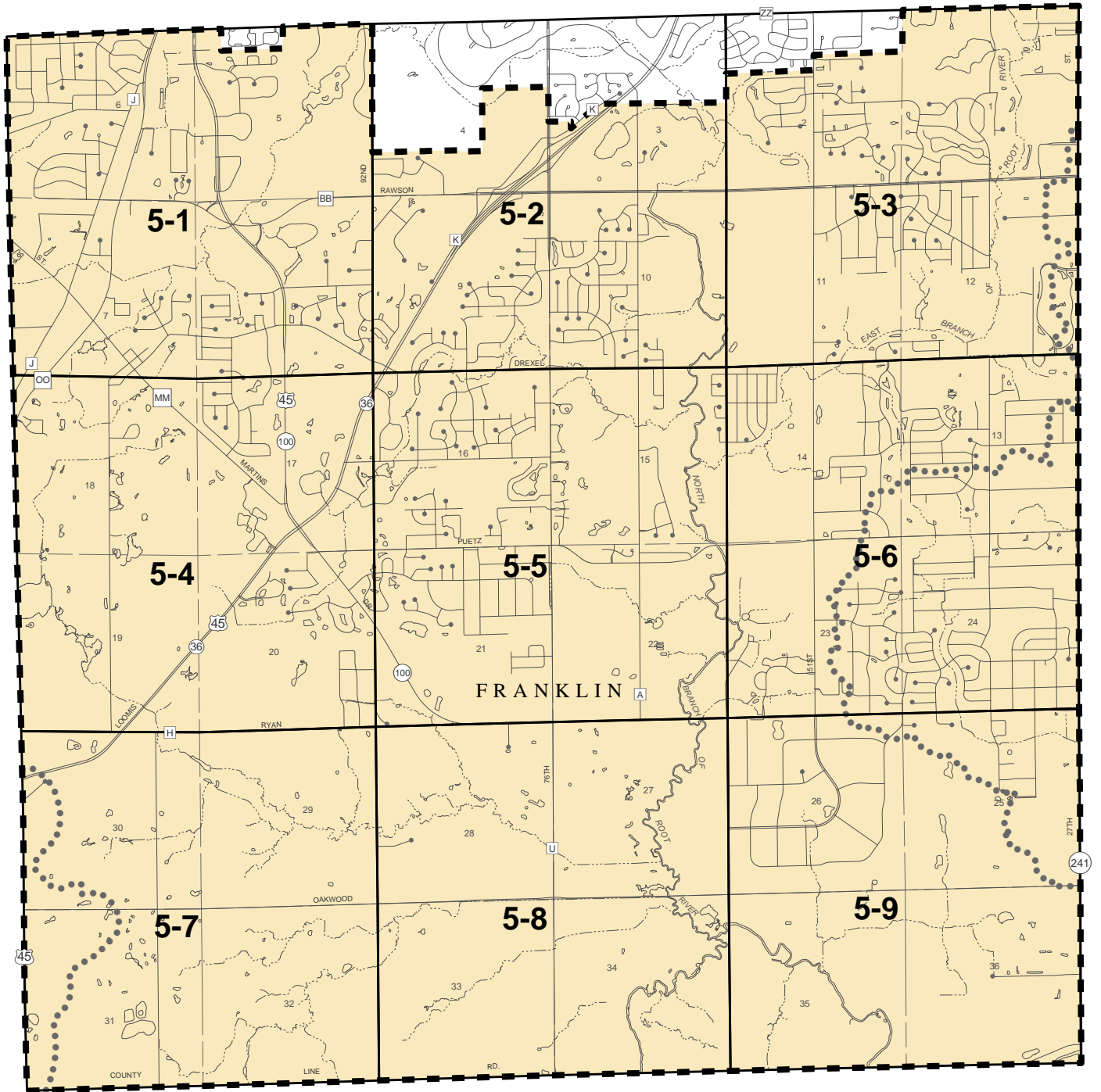
Sewer service area planning as carried out by the Commission is a joint regional/local planning process. The Commission's function is to ensure that locally proposed sewer service areas are consistent with provisions of Chapter NR 121 of the *Wisconsin Administrative Code* pertaining to sewer service area plans, including provisions regarding the overall size of the service area and the protection of environmentally significant lands, cited above. Nothing in the proposed sewer service area amendment violates those provisions. The Commission takes the position that the determination of specific boundaries of a sewer service area is largely a local matter that should take into account local objectives.

On April 4, 2011, the City of Franklin Common Council passed a resolution, on a six to zero vote, authorizing the City Engineer to request that the Regional Planning Commission process an amendment of the Franklin sewer service area plan which would add the balance of the City of Franklin to the planned sanitary sewer service area. In response to the request from the City Engineer, the Regional Planning Commission staff prepared a preliminary report documenting the proposed sewer service area plan amendment and worked with the City in conducting a public hearing on the proposed plan amendment as set forth in the draft report. Common Council members attended the hearing and heard the testimony from the public regarding the proposed sewer service area plan amendment. The Common Council passed a resolution adopting the sewer service area plan amendment, on a five to one vote, at its meeting on May 3, 2011, following the public hearing.

Given the foregoing, it is recommended that the Southeastern Wisconsin Regional Planning Commission amend the City of Franklin sanitary sewer service area in the manner shown on Map 2 of this report.

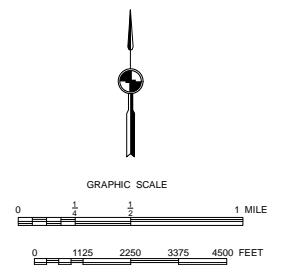
Map 5

INDEX OF MAPS SHOWING ENVIRONMENTALLY SIGNIFICANT LANDS AND PLANNED SANITARY SEWER SERVICE AREA FOR THE CITY OF FRANKLIN



- FRANKLIN PLANNED SANITARY SEWER SERVICE AREA
- PLANNED SANITARY SEWER SERVICE AREA BOUNDARY

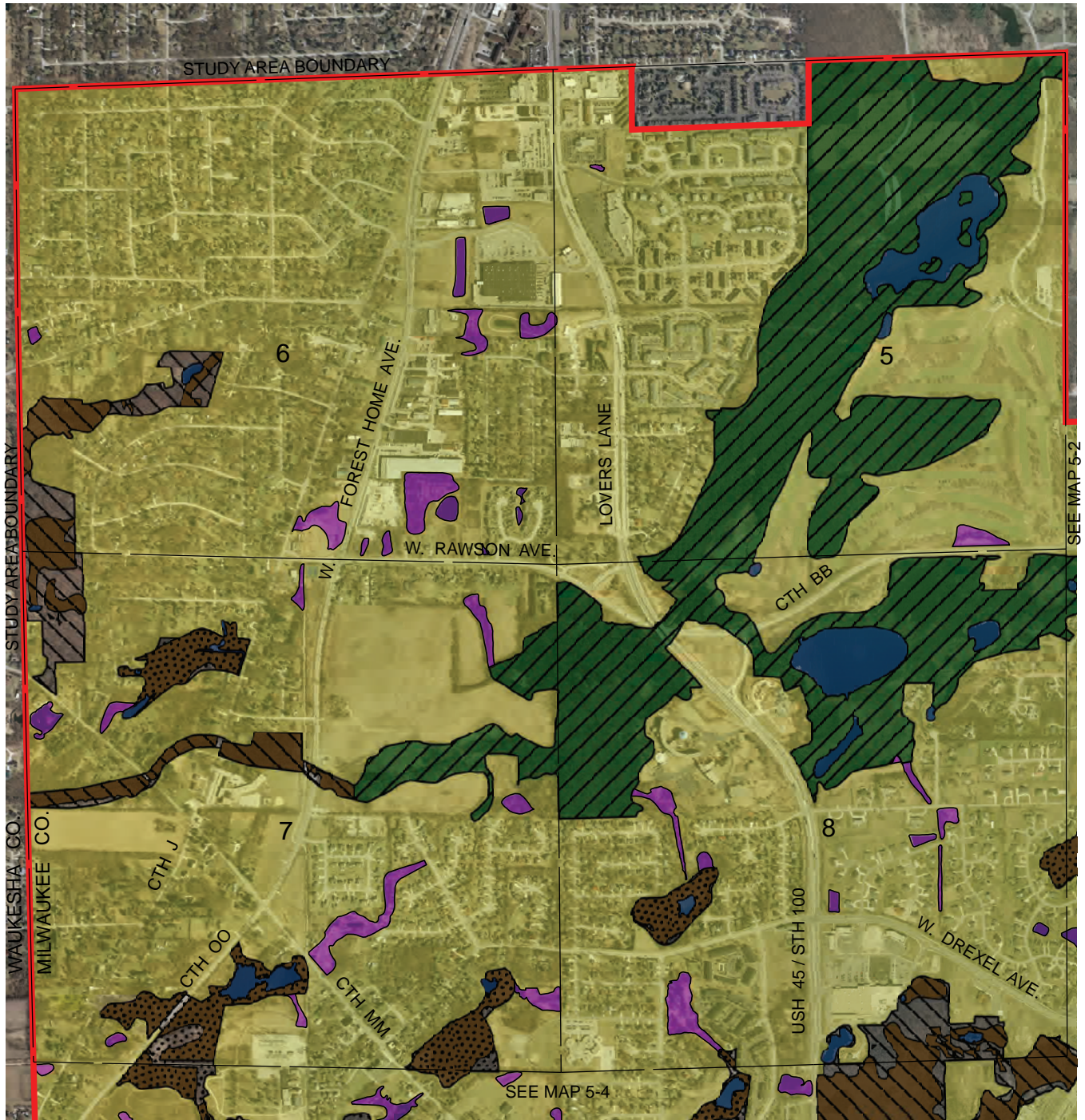
Source: SEWRPC.










Map 5-1

ENVIRONMENTALLY SIGNIFICANT LANDS AND PLANNED
SANITARY SEWER SERVICE AREA FOR THE CITY OF FRANKLIN



U.S. Public Land Survey Sections 5, 6, 7, and 8
Township 5 North, Range 21 East



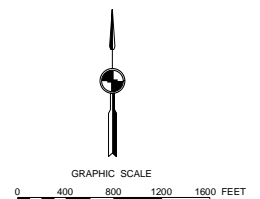
-  PRIMARY ENVIRONMENTAL CORRIDOR
-  SECONDARY ENVIRONMENTAL CORRIDOR
-  ISOLATED NATURAL RESOURCE AREA
-  WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE LOCATED OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS
-  SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

-  PLANNED SANITARY SEWER SERVICE AREA
-  GROSS SANITARY SEWER SERVICE AREA BOUNDARY

RESTRICTIONS ON SEWERED DEVELOPMENT

-  PRIMARY ENVIRONMENTAL CORRIDORS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IS CONFINED TO LIMITED RECREATIONAL AND INSTITUTIONAL USES AND RURAL-DENSITY RESIDENTIAL DEVELOPMENT IN AREAS OTHER THAN WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES.
-  PORTIONS OF SECONDARY ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA WHICH ARE COMPRISED OF WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IN THESE AREAS IS NOT PERMITTED.

Photography Date: April 2010

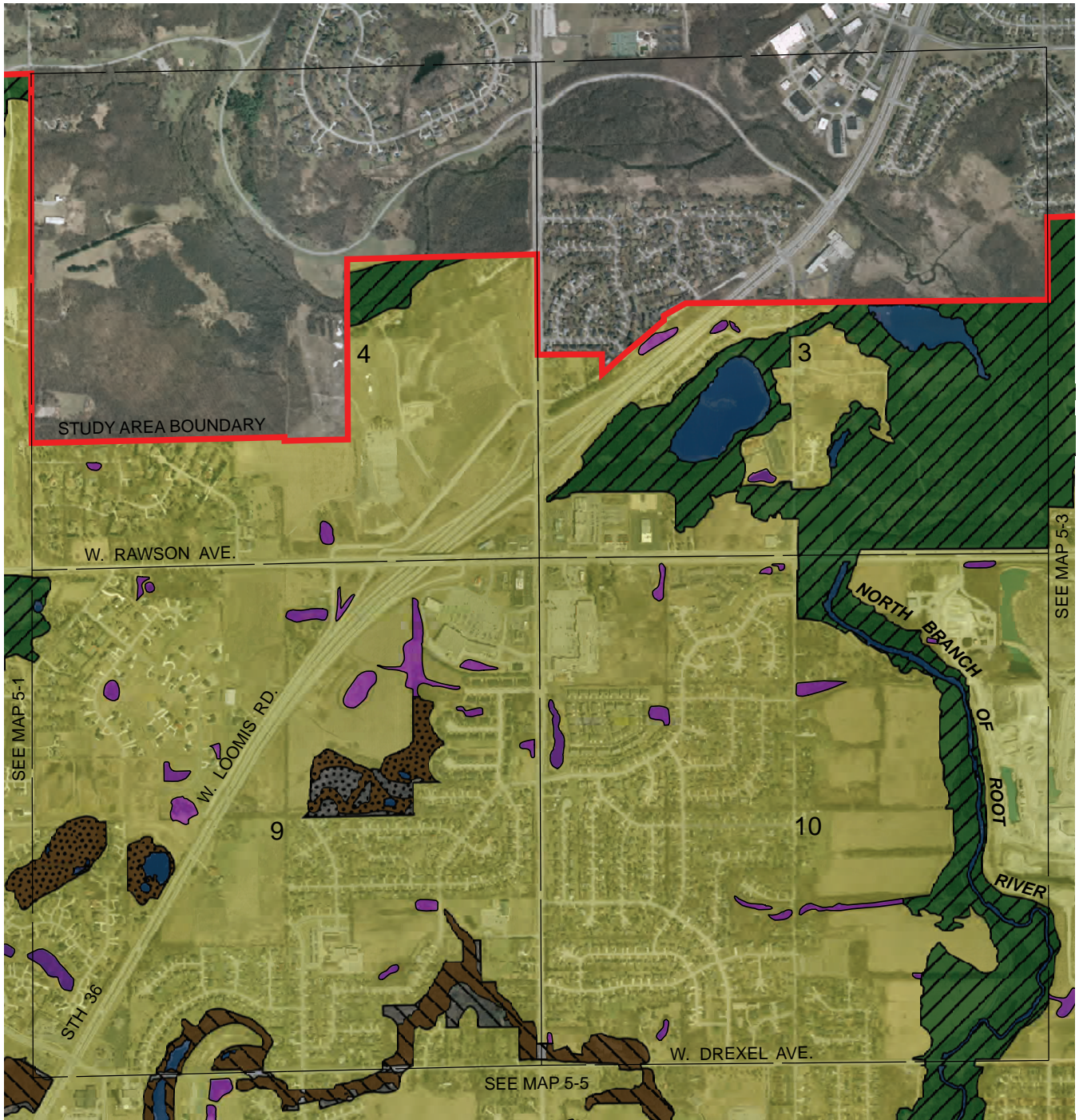


Source: SEWRPC.

Map 5-2

**ENVIRONMENTALLY SIGNIFICANT LANDS AND PLANNED
SANITARY SEWER SERVICE AREA FOR THE CITY OF FRANKLIN**

**U.S. Public Land Survey Sections 3, 4, 9, and 10
Township 5 North, Range 21 East**



Photography Date: April 2010

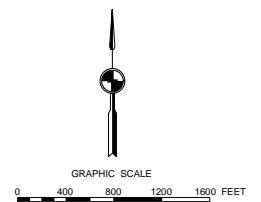
- PRIMARY ENVIRONMENTAL CORRIDOR
- SECONDARY ENVIRONMENTAL CORRIDOR
- ISOLATED NATURAL RESOURCE AREA

- WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE LOCATED OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS
- SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

- PLANNED SANITARY SEWER SERVICE AREA
- GROSS SANITARY SEWER SERVICE AREA BOUNDARY

RESTRICTIONS ON SEWERED DEVELOPMENT

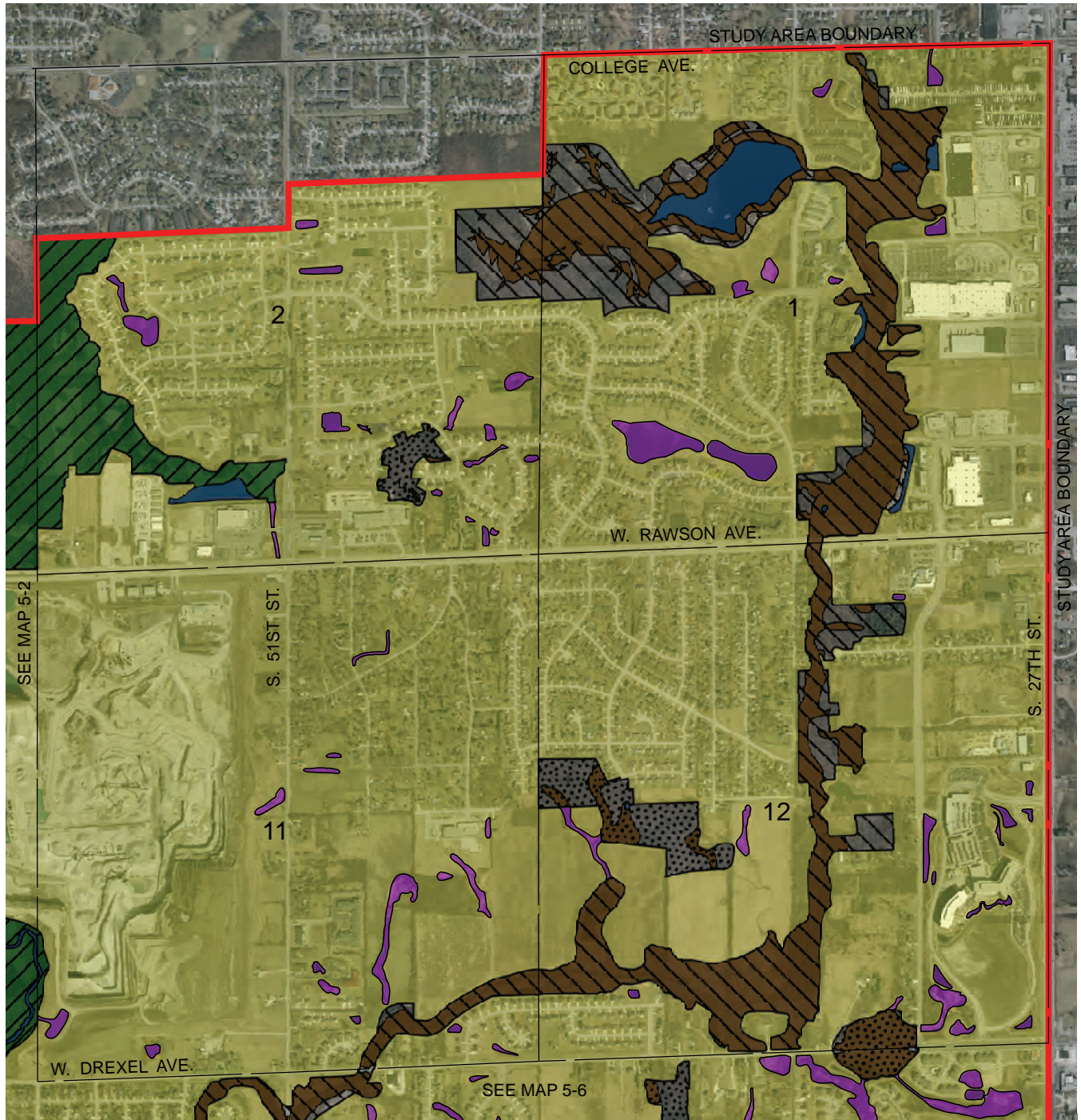
- PRIMARY ENVIRONMENTAL CORRIDORS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IS CONFINED TO LIMITED RECREATIONAL AND INSTITUTIONAL USES AND RURAL-DENSITY RESIDENTIAL DEVELOPMENT IN AREAS OTHER THAN WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES.
- PORTIONS OF SECONDARY ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA WHICH ARE COMPRISED OF WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IN THESE AREAS IS NOT PERMITTED.








Source: SEWRPC.



**ENVIRONMENTALLY SIGNIFICANT LANDS AND PLANNED
SANITARY SEWER SERVICE AREA FOR THE CITY OF FRANKLIN**

**U.S. Public Land Survey Sections 1, 2, 11, and 12
Township 5 North, Range 21 East**





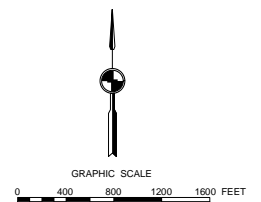
Photography Date: April 2010

-  PRIMARY ENVIRONMENTAL CORRIDOR
-  SECONDARY ENVIRONMENTAL CORRIDOR
-  ISOLATED NATURAL RESOURCE AREA
-  WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE LOCATED OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS
-  SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

-  PLANNED SANITARY SEWER SERVICE AREA
-  GROSS SANITARY SEWER SERVICE AREA BOUNDARY

RESTRICTIONS ON SEWERED DEVELOPMENT

-  PRIMARY ENVIRONMENTAL CORRIDORS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IS CONFINED TO LIMITED RECREATIONAL AND INSTITUTIONAL USES AND RURAL-DENSITY RESIDENTIAL DEVELOPMENT IN AREAS OTHER THAN WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES.
-  PORTIONS OF SECONDARY ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA WHICH ARE COMPRISED OF WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IN THESE AREAS IS NOT PERMITTED.

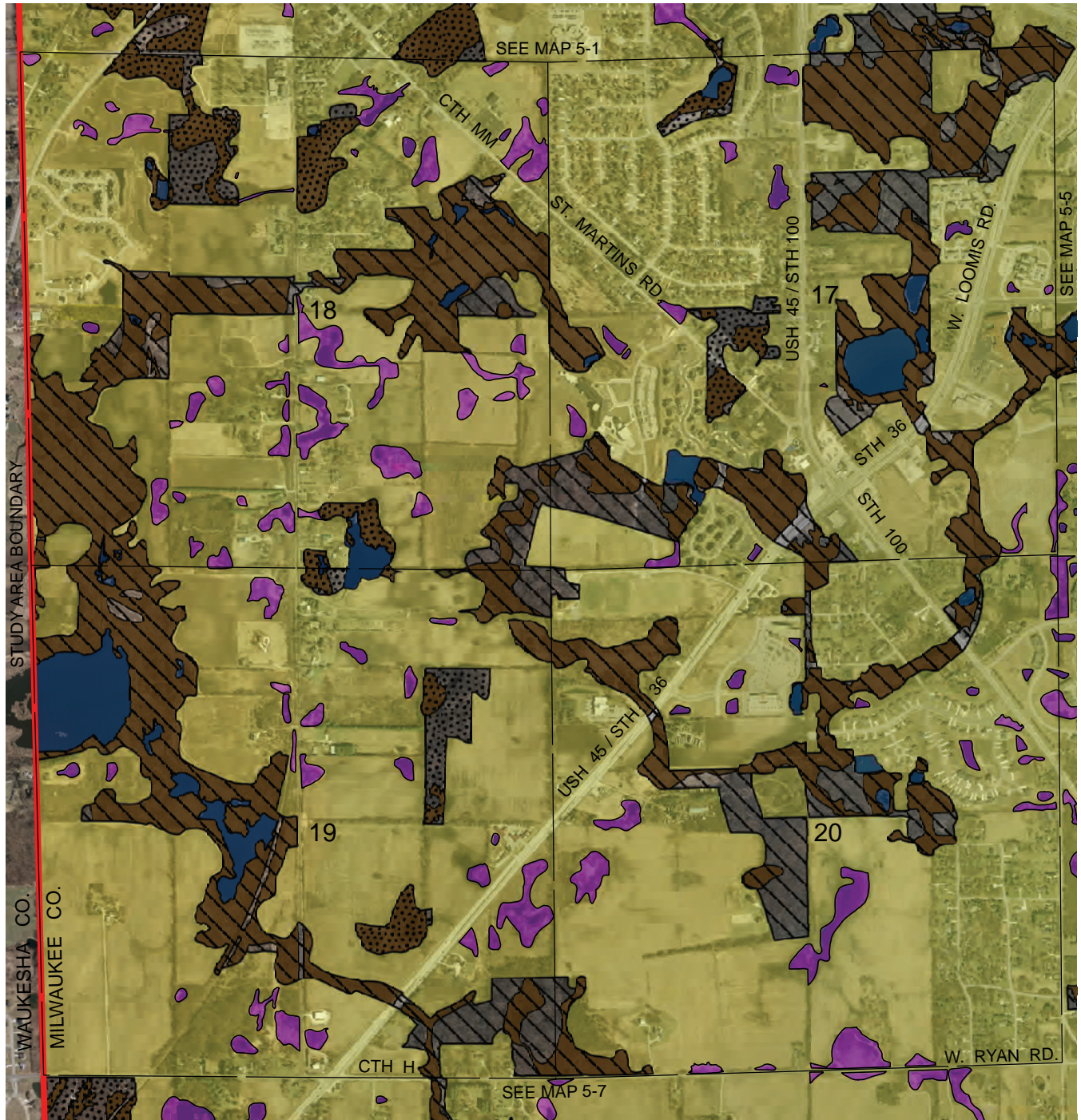







Source: SEWRPC.

Map 5-4



**ENVIRONMENTALLY SIGNIFICANT LANDS AND PLANNED
SANITARY SEWER SERVICE AREA FOR THE CITY OF FRANKLIN**

**U.S. Public Land Survey Sections 17, 18, 19, and 20
Township 5 North, Range 21 East**





-  PRIMARY ENVIRONMENTAL CORRIDOR
-  SECONDARY ENVIRONMENTAL CORRIDOR
-  ISOLATED NATURAL RESOURCE AREA
-  WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE LOCATED OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS
-  SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

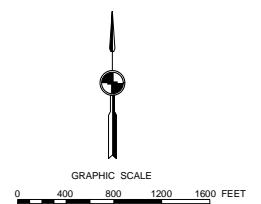
Source: SEWRPC.

-  PLANNED SANITARY SEWER SERVICE AREA
-  GROSS SANITARY SEWER SERVICE AREA BOUNDARY

RESTRICTIONS ON SEWERED DEVELOPMENT

-  PRIMARY ENVIRONMENTAL CORRIDORS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IS CONFINED TO LIMITED RECREATIONAL AND INSTITUTIONAL USES AND RURAL-DENSITY RESIDENTIAL DEVELOPMENT IN AREAS OTHER THAN WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES.
-  PORTIONS OF SECONDARY ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA WHICH ARE COMPRISED OF WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IN THESE AREAS IS NOT PERMITTED.

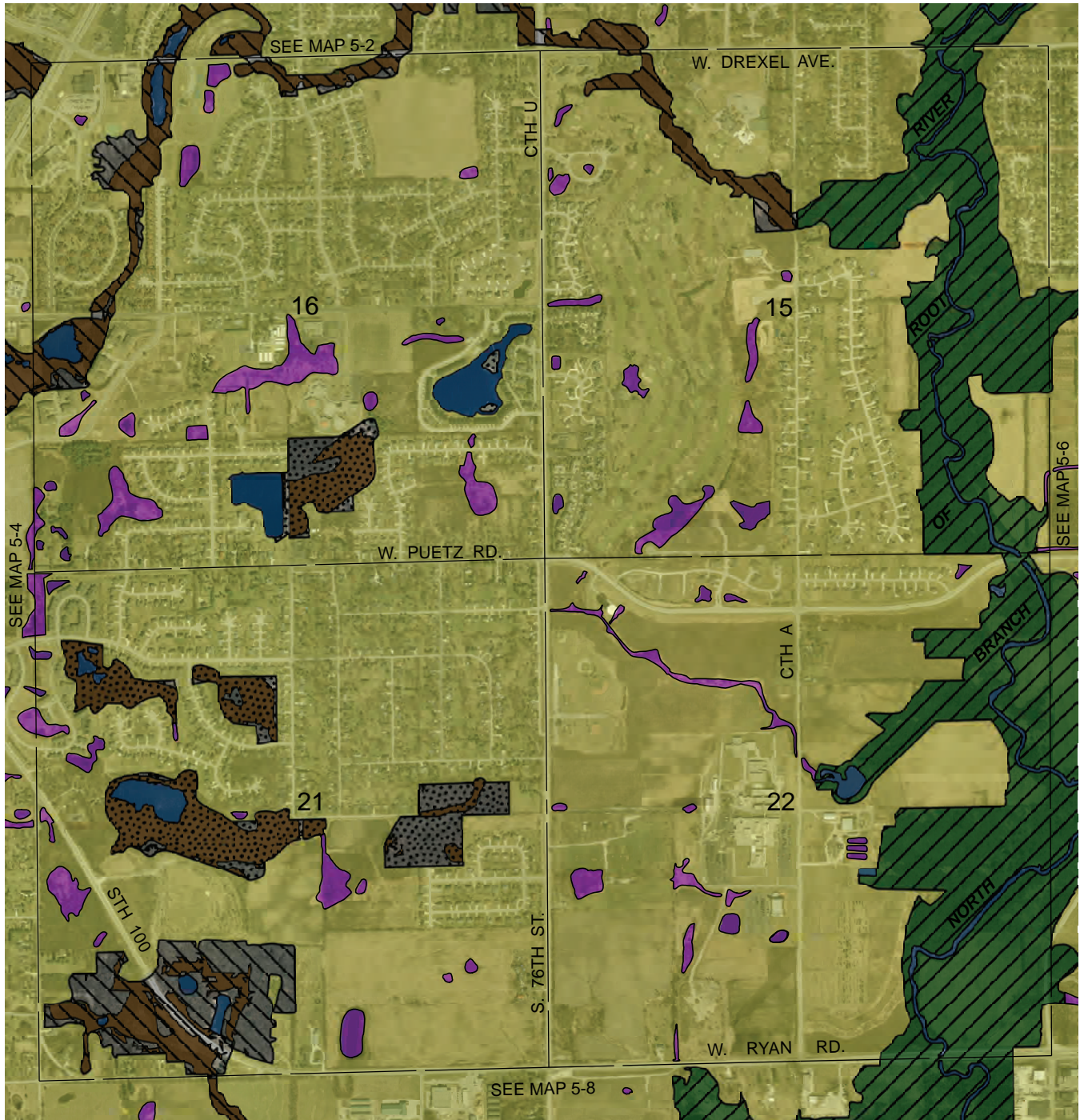
Photography Date: April 2010








Map 5-5



ENVIRONMENTALLY SIGNIFICANT LANDS AND PLANNED SANITARY SEWER SERVICE AREA FOR THE CITY OF FRANKLIN

U.S. Public Land Survey Sections 15, 16, 21, and 22
Township 5 North, Range 21 East





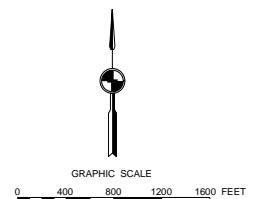
Photography Date: April 2010

-  PRIMARY ENVIRONMENTAL CORRIDOR
-  SECONDARY ENVIRONMENTAL CORRIDOR
-  ISOLATED NATURAL RESOURCE AREA
-  WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE LOCATED OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS
-  SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

-  PLANNED SANITARY SEWER SERVICE AREA
-  GROSS SANITARY SEWER SERVICE AREA BOUNDARY

RESTRICTIONS ON SEWERED DEVELOPMENT

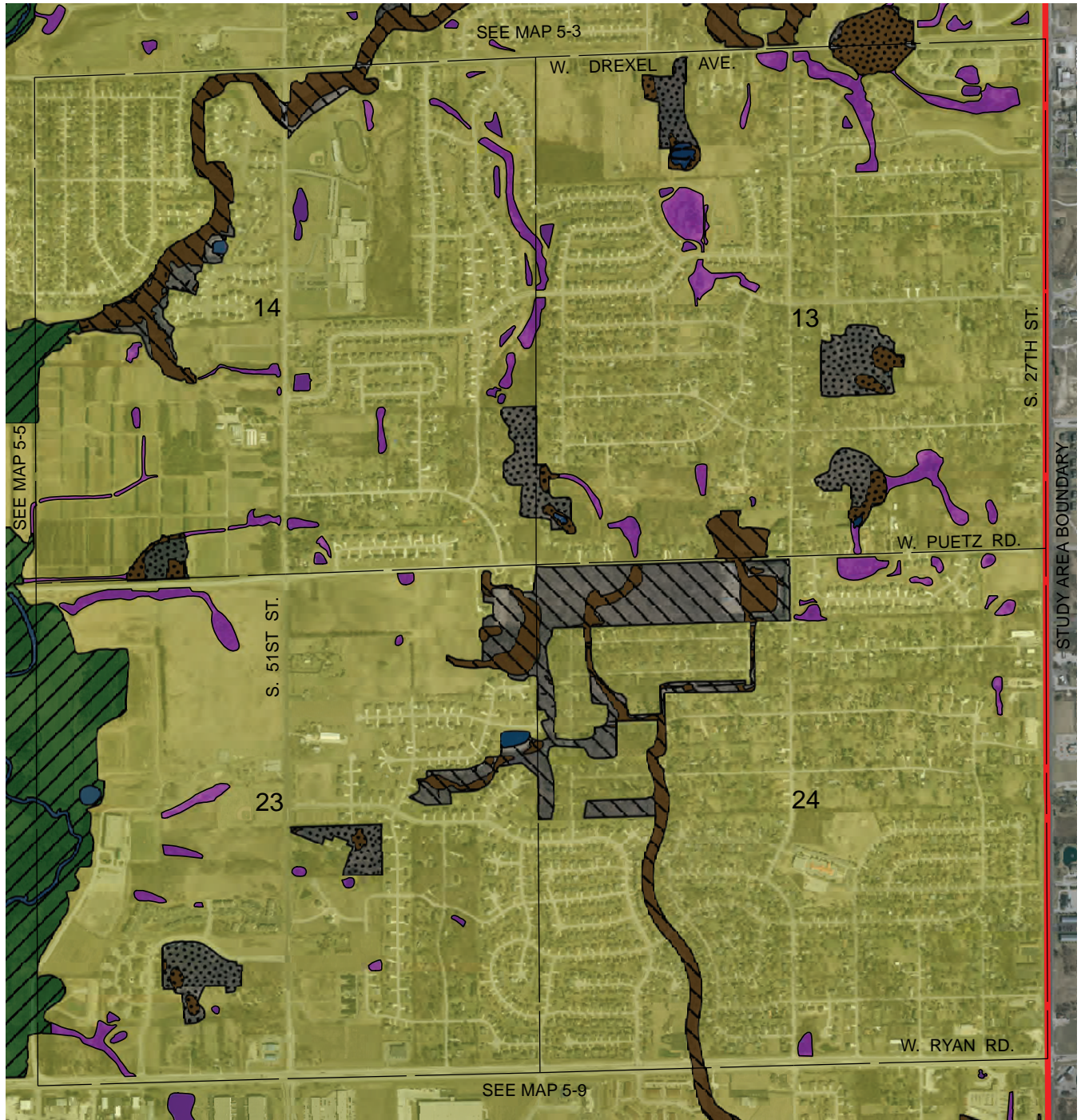
-  PRIMARY ENVIRONMENTAL CORRIDORS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IS CONFINED TO LIMITED RECREATIONAL AND INSTITUTIONAL USES AND RURAL-DENSITY RESIDENTIAL DEVELOPMENT IN AREAS OTHER THAN WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES.
-  PORTIONS OF SECONDARY ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA WHICH ARE COMPRISED OF WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IN THESE AREAS IS NOT PERMITTED.








Source: SEWRPC.



**ENVIRONMENTALLY SIGNIFICANT LANDS AND PLANNED
SANITARY SEWER SERVICE AREA FOR THE CITY OF FRANKLIN**

**U.S. Public Land Survey Sections 13, 14, 23, and 24
Township 5 North, Range 21 East**





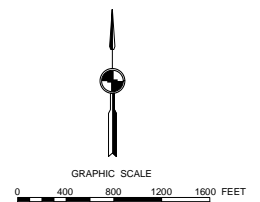
Photography Date: April 2010

-  PRIMARY ENVIRONMENTAL CORRIDOR
-  SECONDARY ENVIRONMENTAL CORRIDOR
-  ISOLATED NATURAL RESOURCE AREA
-  WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE LOCATED OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS
-  SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

-  PLANNED SANITARY SEWER SERVICE AREA
-  GROSS SANITARY SEWER SERVICE AREA BOUNDARY

RESTRICTIONS ON SEWERED DEVELOPMENT

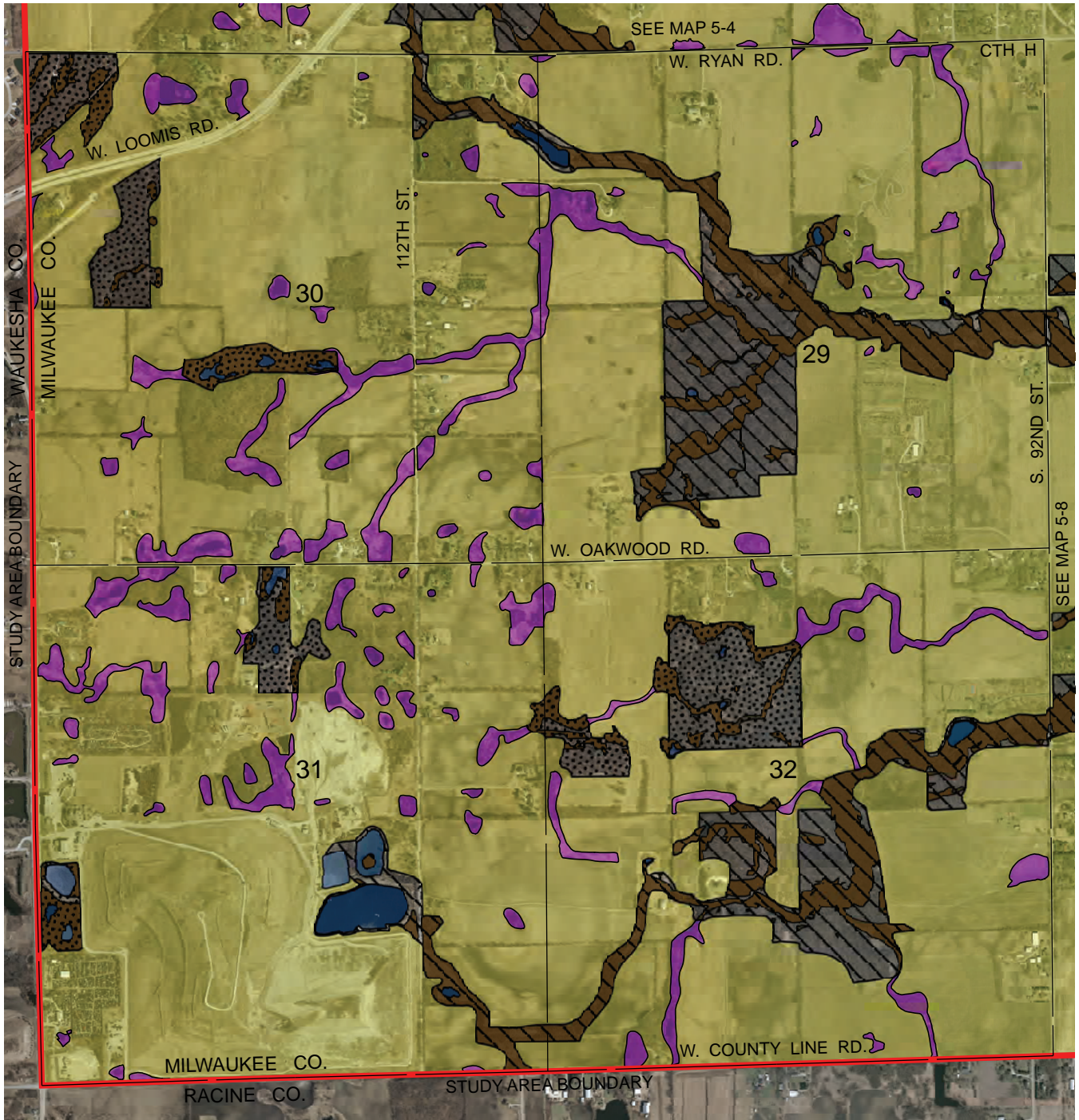
-  PRIMARY ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IS CONFINED TO LIMITED RECREATIONAL AND INSTITUTIONAL USES AND RURAL-DENSITY RESIDENTIAL DEVELOPMENT IN AREAS OTHER THAN WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES.
-  PORTIONS OF SECONDARY ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA WHICH ARE COMPRISED OF WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IN THESE AREAS IS NOT PERMITTED.








Source: SEWRPC.



**ENVIRONMENTALLY SIGNIFICANT LANDS AND PLANNED
SANITARY SEWER SERVICE AREA FOR THE CITY OF FRANKLIN**

**U.S. Public Land Survey Sections 29, 30, 31, and 32
Township 5 North, Range 21 East**





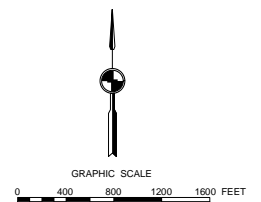
Photography Date: April 2010

-  PRIMARY ENVIRONMENTAL CORRIDOR
-  SECONDARY ENVIRONMENTAL CORRIDOR
-  ISOLATED NATURAL RESOURCE AREA
-  WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE LOCATED OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS
-  SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

-  PLANNED SANITARY SEWER SERVICE AREA
-  GROSS SANITARY SEWER SERVICE AREA BOUNDARY

RESTRICTIONS ON SEWERED DEVELOPMENT

-  PRIMARY ENVIRONMENTAL CORRIDORS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IS CONFINED TO LIMITED RECREATIONAL AND INSTITUTIONAL USES AND RURAL-DENSITY RESIDENTIAL DEVELOPMENT IN AREAS OTHER THAN WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES.
-  PORTIONS OF SECONDARY ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA WHICH ARE COMPRISED OF WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IN THESE AREAS IS NOT PERMITTED.

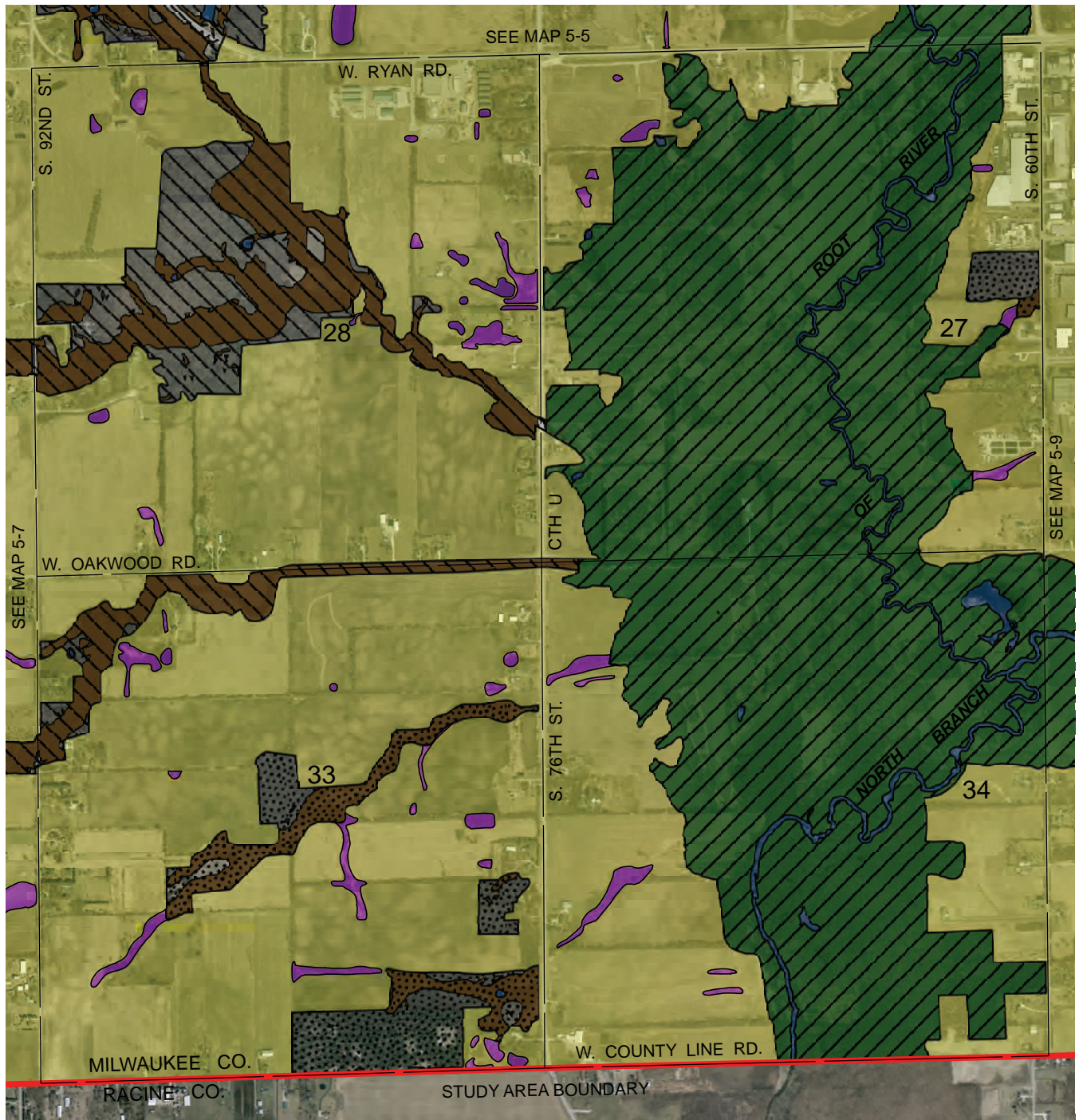


Source: SEWRPC.

Map 5-8

ENVIRONMENTALLY SIGNIFICANT LANDS AND PLANNED SANITARY SEWER SERVICE AREA FOR THE CITY OF FRANKLIN

U.S. Public Land Survey Sections 27, 28, 33, and 34
Township 5 North, Range 21 East



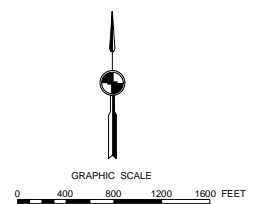
Photography Date: April 2010

- PRIMARY ENVIRONMENTAL CORRIDOR
- SECONDARY ENVIRONMENTAL CORRIDOR
- ISOLATED NATURAL RESOURCE AREA
- WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE LOCATED OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS
- SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

- PLANNED SANITARY SEWER SERVICE AREA
- GROSS SANITARY SEWER SERVICE AREA BOUNDARY

RESTRICTIONS ON SEWERED DEVELOPMENT

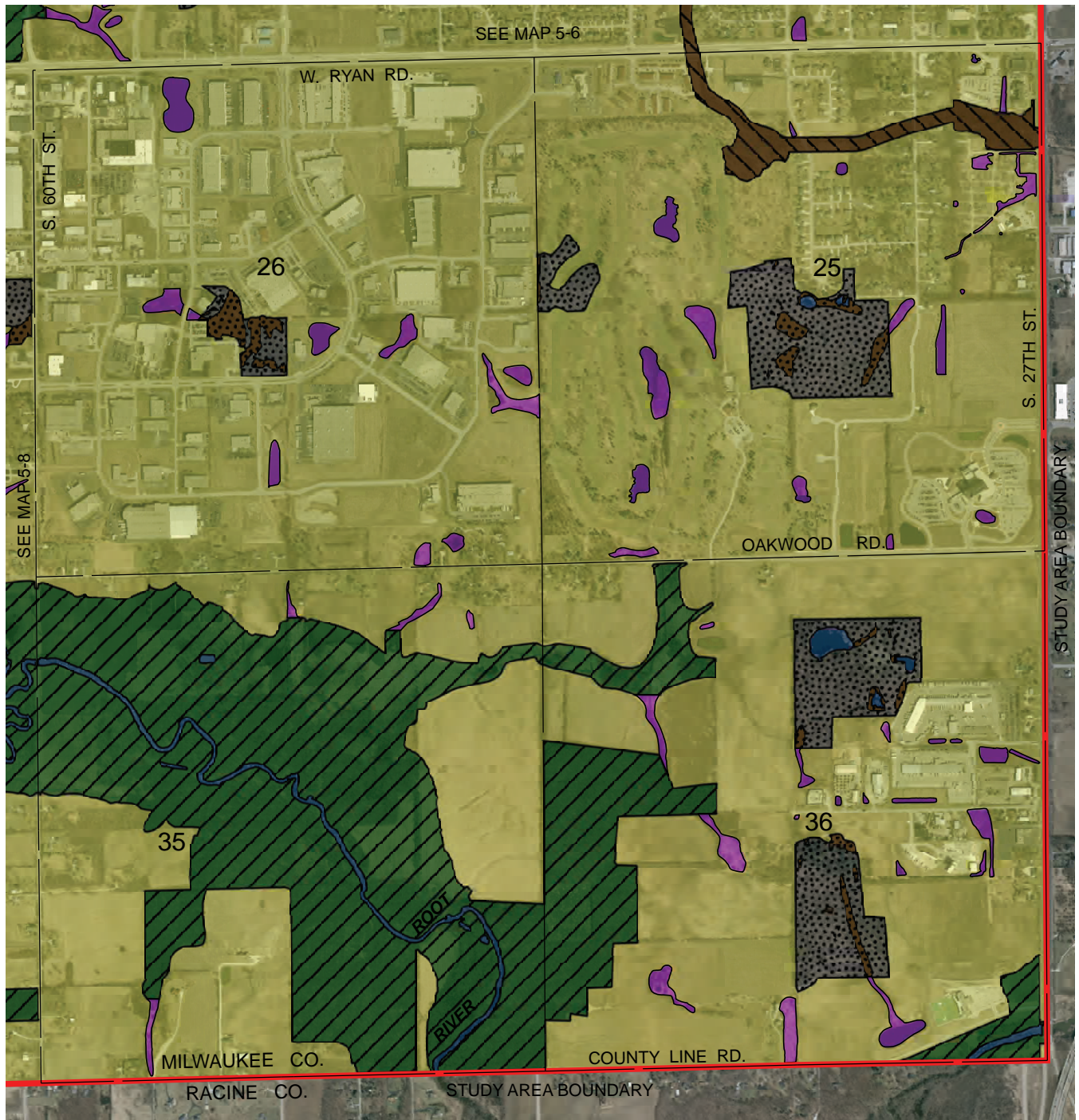
- PRIMARY ENVIRONMENTAL CORRIDORS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IS CONFINED TO LIMITED RECREATIONAL AND INSTITUTIONAL USES AND RURAL-DENSITY RESIDENTIAL DEVELOPMENT IN AREAS OTHER THAN WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES.
- PORTIONS OF SECONDARY ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA WHICH ARE COMPRISED OF WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IN THESE AREAS IS NOT PERMITTED.



Source: SEWRPC.

**Map 5-9
ENVIRONMENTALLY SIGNIFICANT LANDS AND PLANNED
SANITARY SEWER SERVICE AREA FOR THE CITY OF FRANKLIN**

**U.S. Public Land Survey Sections 25, 26, 35, and 36
Township 5 North, Range 21 East**



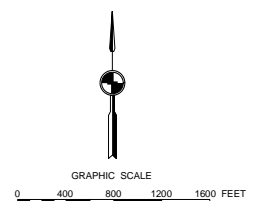
- PRIMARY ENVIRONMENTAL CORRIDOR
- SECONDARY ENVIRONMENTAL CORRIDOR
- ISOLATED NATURAL RESOURCE AREA
- WETLANDS AND SURFACE WATER AREAS LESS THAN FIVE ACRES IN SIZE LOCATED OUTSIDE ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS
- SURFACE WATER WITHIN ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

- PLANNED SANITARY SEWER SERVICE AREA
- GROSS SANITARY SEWER SERVICE AREA BOUNDARY

RESTRICTIONS ON SEWERED DEVELOPMENT

- PRIMARY ENVIRONMENTAL CORRIDORS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IS CONFINED TO LIMITED RECREATIONAL AND INSTITUTIONAL USES AND RURAL-DENSITY RESIDENTIAL DEVELOPMENT IN AREAS OTHER THAN WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES.
- PORTIONS OF SECONDARY ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS WITHIN THE PLANNED SANITARY SEWER SERVICE AREA WHICH ARE COMPRISED OF WETLANDS, FLOODLANDS, SHORELANDS, AND STEEP SLOPES: THE EXTENSION OF SEWERS TO SERVE NEW DEVELOPMENT IN THESE AREAS IS NOT PERMITTED.

Photography Date: April 2010



Source: SEWRPC.

APPENDICES

(This page intentionally left blank)

Appendix A

SUMMARY OF PROCEDURES USED IN THE IDENTIFICATION OF ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS

One of the most important tasks completed by the Commission under the regional planning program for Southeastern Wisconsin is delineation of environmental corridors. Environmental corridors are linear areas in the landscape containing concentrations of natural resource and resource-related amenities. These corridors generally lie along the major stream valleys, around major lakes, and in the Kettle Moraine area of southeastern Wisconsin. Almost all the remaining high-value wetlands, woodlands, wildlife habitat areas, major bodies of surface water, and delineated floodlands and shorelands are contained within these corridors. In addition, significant groundwater recharge and discharge areas, many of the most important recreational and scenic areas, and the best remaining potential park sites are located within the environmental corridors. Such corridors are, in effect, a composite of the most important individual elements of the natural resource base in southeastern Wisconsin, and have immeasurable environmental, ecological, and recreational value.

The process of delineating environmental corridors began with the mapping of individual natural resource and resource-related elements on aerial photographs at a scale of one inch equals 400 feet. The various natural resource and resource-related elements were assigned a numeric rating intended to reflect the value of their natural characteristics. The types of natural resource and resource-related features that were mapped and the point values assigned are indicated in Table A-1.

Areas having a total point value of 10 or more based upon this mapping were identified as having “significant” natural resource value. These areas were, in turn, classified as primary environmental corridors, secondary environmental corridors, or isolated natural resource areas based upon the following criteria:

- Primary environmental corridors encompass at least 400 acres and have a minimum length of at least two miles and a minimum width of at least 200 feet.
- Secondary environmental corridors encompass at least 100 acres and have a minimum length of at least one mile.
- Isolated natural resource areas encompass at least five acres and have a minimum width of at least 200 feet.

The resulting definitions are held out as subject to field verification where appropriate. The Commission staff is frequently called upon by county and local units of government to verify and stake in the field the boundaries of these environmentally significant lands.

Table A-1

**VALUES ASSIGNED TO NATURAL RESOURCE BASE AND RESOURCE BASE-RELATED ELEMENTS IN
THE PROCESS OF DELINEATING ENVIRONMENTAL CORRIDORS AND ISOLATED NATURAL RESOURCE AREAS**

Natural Resource Base Element	Point Value	Natural Resource Base Related Element	Point Value
Lake		Existing Park or Open Space Site	
Major (50 acres or more).....	20	Rural Open Space Site.....	5
Minor (5-49 acres).....	20	Other Park and Open Space Site.....	2
Rivers or Streams (perennial).....	10	Potential Park Site	
Shoreland		High-Value.....	3
Lake or Perennial River or Stream.....	10	Medium-Value.....	2
Intermittent Stream.....	5	Low-Value.....	1
Floodland (100-year recurrence interval).....	3	Historic Site	
Wetland.....	10	Structure.....	1
Woodland.....	10	Other Cultural.....	1
Wildlife Habitat		Archaeological.....	2
Class I.....	10	Scenic Viewpoint.....	5
Class II.....	7	Natural Area	
Class III.....	5	State Scientific Area.....	15
Steep Slope		Statewide or Greater Significance.....	15
20 Percent or More.....	7	County or Regional Significance.....	10
12-19 Percent.....	5	Local Significance.....	5
Prairie.....	10		

Source: SEWRPC.

Additional documentation regarding the environmental corridor delineation process is presented in an article titled “Refining the Delineation of Environmental Corridors in Southeastern Wisconsin” published in SEWRPC *Technical Record*, Volume Four, Number Two, dated 1981, which may be viewed on the Regional Planning Commission website.

Appendix B

**TRANSCRIPT OF THE PUBLIC HEARING ON THE
FRANKLIN SANITARY SEWER SERVICE AREA
PLAN AMENDMENT**

(This page intentionally left blank)

PUBLIC HEARING HELD ON MAY 3, 2011
SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION
FRANKLIN SANITARY SEWER SERVICE AREA AMENDMENT

Bill STAUBER: "I'll call this public hearing to order. My name is Bill Stauber with the Southeastern Wisconsin Regional Planning Commission. I'm representing SEWRPC tonight and leading you in this public hearing. I'll begin by reading the notice of the hearing. This was published in your official City newspaper. 'A public hearing will be held on Tuesday, May 3, 2011, at 6:30 p.m. or as soon thereafter as the matter may be heard, in the Common Council Chambers at the Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin 53132, for the purpose of receiving public comment on, and reaction to, a proposed amendment to the sanitary sewer service area plan for the City of Franklin. This public hearing is being sponsored by the City of Franklin and the Southeastern Wisconsin Regional Planning Commission.

The proposed sewer service area plan amendment would add the south central and southwestern portions of the City of Franklin to the planned sanitary sewer service area. The inclusion of land in the sewer service area permits, but does not require, sewer service to be provided. Under State Code, sewers may be extended only to areas located within a planned sewer service area.

A draft report describing the proposed sanitary sewer service area, including a map of the area, will be on file at the offices of the City Clerk and SEWRPC by April 13, 2011. A related fact sheet has been posted on the City's website.

Subsequent to the public hearing, the City and SEWRPC will determine whether any changes should be made to the sewer service area plan as presented at the hearing. The City and SEWRPC will then consider formal adoption of the plan report. Following adoption, the plan would be forwarded to the Wisconsin Department of Natural Resources for use by that Department in reviewing and approving sanitary sewer extensions in accordance with the

1

square miles, or about 76% of the total area of the City. The City proposed amendment, which is the subject of this hearing, involves the addition of the south central and southwestern portions of Franklin to the sewer service area. Under this proposal the entirety of the City of Franklin would be included within the planned service area. The areas to be added to the sewer service area are shown in the green shade on the same map. These areas encompass about just over 8 square miles including about .7 square miles of existing urban land, largely in the form of scattered residential lots, but also some limited commercial and industrial types of uses, about 2.4 square miles of environmentally significant lands, and about 5.2 square miles of agricultural and other open land.

Much of the area to be added to the sewer service area would be able to be served by the proposed Ryan Creek interceptor sewer. The general alignment for that sewer is shown as the red line, again on the first map to my left. Existing and planned interceptor sewers would have sufficient capacity to convey wastewater. Wastewater flows from the City of Franklin to the MMSD Wastewater Treatment Plant under planned development conditions.

This plan identifies several types of environmentally significant areas. These are spelled out in more detail than I'll provide in the document and plan report that is available near the entrance way. The environmentally sensitive areas that we have identified are referred to as primary and secondary environmental corridors, isolated natural resource areas. We've also on the map shown small wetlands less than 5 acres in size that are not of sufficient size to even be considered as an isolated natural resource area.

Under the sewer service area plan the strongest protection is provided for primary environmental corridors where sewer development is generally limited to rural residential development with a density of no more than one dwelling unit per 5 acres, and that only in upland areas not comprised of steep slopes. Under the plan, sewer development may not occur in portions of secondary environmental corridors or isolated natural resources that are comprised of wetlands, shore lands, floodplains, and steep slopes. The restricted secondary environmental corridors and isolated natural resource areas are shown in the brown shading, a bit difficult to see, but this is the same. The second map on my left shows the

3

provisions of Chapter 283 of the Wisconsin Statutes. Interested citizens are encouraged to attend the public hearing. Further information about this matter may be obtained by contacting the City of Franklin or the offices of SEWRPC.'

So that is the notice for the hearing. Repeating a little bit but just for background purposes, the purpose of this hearing, that is to obtain public comment on the proposed amendment to the Franklin sewer service area plan. The amendment was proposed by the City of Franklin. The Franklin sewer service area plan is part of the original Water Quality Management Plan. It is SEWRPC's responsibility to maintain the original Water Quality Management Plan and to assist communities like Franklin in establishing their planned sewer service areas. That is why SEWRPC is involved in this effort and conducting this hearing. As far as a hearing format, at the outset I will make a brief presentation on just what a sanitary sewer service area is, the significance of the section area, and then describe the amendment to the Franklin sewer service area. This will be followed by a public comment period, during which individuals may comment on the proposed amendment to the service area.

So, just what is a sanitary sewer service area? It's not as familiar with too many of you as a zoning area or a land division ordinance. A sanitary sewer service area is a plan. It's a plan that is required of each sewer system in the State under Chapter NR 121 of the Wisconsin Administrative Code. A sewer service area plan identifies an area within which sewers may be extended. A sewer service area plan does not require that sewers be extended. It only allows for the extension of sewer service. Under State Code, sewers may be extended only to areas that are located within a planned sewer service area. The sewer service area plan is a long-range plan that looks ahead 20 years or more. A sewer service area plan includes provisions which protect certain environmentally significant lands from sewer development.

Now, regarding the Franklin sewer service area, the currently adopted sewer service area for the City of Franklin was prepared in 1991. It is summarized and documented in this report, published way back in 1991. The sewer service area, the currently adopted sewer service area, is the tan shaded area on the first map to my left. That area encompasses about 26

2

environmentally sensitive areas, and that's an enlargement of Map 3 in the plan report which you have at your disposal.

In conclusion, I'd note that SEWRPC's regional plans envision significant population growth and urban development in the City in the coming decades. The regional plan envisions that the Franklin sewer service area would be expanded to accommodate this growth and development in the City, recognizing that any proposal to add specific areas to the sewer service area would originate from the City of Franklin. And, as I've noted, the proposal under consideration forwarded by the City would include the entire City in the planned sewer service area.

With that said, we will begin the public comment period. Just some common sense ground rules, I'd ask you to raise your hand to be recognized if you want to make a comment. If you want to speak please come to the microphone, state your name, your address. If you do have questions, please direct those questions to me. I will answer questions that are relevant to the Regional Planning Commission's, SEWRPC's, position on the sewer service area. Questions that are better answered by the City, I will direct to City staff who are present in the front row in the audience. Also, with respect to, I'm not sure how many speakers we have here tonight that are here for the public hearing or for other business. I'm not going to set a time limit on the amount of time you take for your comments, but I would just ask that you be considerate of others so that everybody has a chance to make their comments. So, make your comments as concisely as possible. So, with that, Mayor."

Mayor Tom TAYLOR: "First of all, Mr. Stauber, I want to thank you for being here today and for honoring our request. As a Mayor that represents a little over 35,000 people in the City of Franklin whose boundaries go from South 27th and College to 124th and County Line Road, which encompasses I think about 34 square miles, I have to take into account what I think is in the best interest of the City of Franklin and all 35,000 residents. With that, I wanted to give you, introduce some things into the record, whether you have them or not and I will try and be brief with my statements, one is a letter from Supervisor Mark Borkowski who in essence is in support of the proposal for the Ryan Creek Interceptor. Milwaukee County

4

would be one of the beneficiaries of any new development and the revenue that would be generated from such revenue. I'd like to give you this in one second...this is a letter, I'm sorry, this is an article dated September 20, 2005, titled 'Franklin wants major sewer expansion \$42.5 million. MMSD investment would spur development, the City says'. Not to go into the two page letter, but I led a contingency of I believe State Senator Lazich, Jeff Stone State Representative, a number of business developers, the staff of the City, and many interested parties in trying to acquire the Ryan Creek Interceptor back in 2005. The article speaks for itself, but I just want to, sometimes we lose sight of history and first I want to point out this is not a new item. It is not something that has not come to public light. In fact I believe this was a front page article. But, it says 'Franklin officials said the sewer would benefit all Milwaukee County taxpayers. It is estimated that \$1.2 billion in new growth would generate about \$2 million annually for MMSD, \$6 million for Milwaukee County, and \$2.5 for the Milwaukee Area Technical College.' And, it goes into, Mayor Bell, who was then the Chairman of MMSD, at that time said that she didn't really think that her constituents in West Allis should have to pay for a sewer system and thought that the people in Franklin probably should have to pay for that same sewer system. So at that time if the City had gone forward and wanted to pursue this on their own, the City may have been faced with an obligation of \$42.5 million. The proposal that we currently have is that we are seeking a Clean Water Fund loan, some \$31 million. This is a joint venture between the City of Franklin and Muskego, and we are doing so with the proviso that the MMSD is going to pick up almost the entire cost. I believe the Finance Director for the City said that the cost to the City of Franklin would be nil. So I give you this as an example of one, this is not something new and that it has not been something that took place behind closed doors. It was in full view. In fact, I think it made the front page of the *Journal-Sentinel*. I also want to give you a resolution approving a public participation plan for the City of Franklin's Comprehensive Master Plan where, I want to say we had approximately 49 meetings that took place regarding the assembly and passage of the Comprehensive Master Plan for the City. When this was originally contracted, I want to say the original contract was

every issue they could. I also want to say that the Plan Commissioners went to great lengths to try and protect as many of the natural resources in the community as possible, both primary and secondary environmental corridors and we spent an enormous amount of time looking at making sure we were preserving the special wetlands, the primary wetlands for the City. Here again is an ordinance to adopt the 2025 Comprehensive Master Plan by the City of Franklin. This document was approved, and I want to say it was approved the 21st of October, 2009. There were four votes in favor, no votes against. Two Aldermen were absent, but a majority of the Aldermen moved approval of the Plan. But, again, all based on a Ryan Creek Interceptor plan being in place and trying to achieve a 70/30 goal of the City. Last is a letter I received today from our former Planning Manager, Bruce Kaniewski. It is a three page letter. I am not going to get into it. But Bruce, who is a resident of Franklin and very, very active in the community I believe with the Little League and the Sabers group, says he strongly urges the Common Council and the Southeastern Wisconsin Regional Planning Commission to approve the amendment allowing construction of the Ryan Creek Interceptor Sewer. His quote is 'It's time.' And he goes on to say 'After 20-1/2 years, both as a planner and a property owner in the City, this is the time to do so.' I believe the last thing I'll leave you with, because I know there is a lot of people who would like to speak, and that is that I think you are here today to talk about and to listen to water quality. And I bring that up because I believe there is a misconception out there that people are thinking, some people are thinking, that if there is no Ryan Creek Interceptor then there will not be any development in the southwest quadrant of the City, and that is not correct. There is a pre-sanitary sewer plan that is in place. It's policy. But, nonetheless, the Common Council could revert back to that zoning plan and that would allow for landowners to subdivide their property, in fact some of them have been able to do that, and primarily because you don't have a large sanitary sewer you probably would have to have septic systems built, mound systems. And, I'm not that familiar with Comm 83 but I believe that there could be a very large push for these types of septic systems in that area. And, again, I'm not a plumber or engineer, but from what little I've read it is much better for a community, if

\$240,000. The Planning Manager reminds me all the time that it came in under budget. But the report, nonetheless, was around \$216,000 in taxpayers' money. And in here, the plan is trying to achieve one of the major objectives of the City of Franklin, whether it be this Council or former Councils, and that is to try and achieve a 70/30 tax base, commercial/residential tax base. The whole purpose is to try and alleviate some of the taxes, the tax burden from the people of the City of Franklin. And, given that the Ryan Creek Interceptor is primarily in the Franklin School District, the Franklin School District I believe would be one the largest recipients of this type of change in the tax base. So, I put that forward. One of the things that generated the idea of, or the vision and the mission statement for the City of Franklin on achieving 70/30, was the Economic Development Commission spent weekend upon weekend, actually in these chambers, and they selected a consulting group called Ticknor and Associates, I am not sure if you are familiar with them. But they did an entire economic development study of the City with the proviso of trying to achieve again the 70/30 balance. I have, this document I want to say goes back to March of 2000, and this report along with the accompanying implementation report which was the R.A. Smith report, was extremely costly and was again in the hundreds of thousands of dollars. Again, this report and the public hearings surrounding this report were held at the High School's--I want to say the Green Room. I was in attendance at the time. So I don't know if you could say hundreds of people showed up, but a great many people with a great interest showed up for these hearings. I also want to give you a resolution that was passed 6-0 on the 20th day of August, 2009, by the City of Franklin's Plan Commission, which recommended to the Common Council the adoption of the 2025 Comprehensive Master Plan for the City. Again, that plan and its goals was to try and achieve a 70/30 tax base ratio. In order to do so, there were many, many, many discussions about how important it was for us to acquire and achieve the implementation of the Ryan Creek Interceptor. So I give you this as more evidence. And, we had a working group that met separately for the Plan Commission, where the public was invited to speak on

they are interested in protecting their groundwater and their lakes and streams, etc., to have a professionally built interceptor sewer that is going to be maintained and monitored by professionals and to have a, let's say, Franklin sewer system that is also going to be maintained, built, constructed, and maintained by professionals, versus having septic systems that could be constructed by individual vendors and maintained at different standards by different property owners. I think the likelihood of leakage or seepage of pollutants and hazardous chemicals is far greater with those septic systems than it would be with a interceptor sewer. So I strongly urge you to honor our request, and again I thank you for being here today."

Bill STAUBER: "I would invite the next speaker."

Jim O'MALLEY: "Hi. My name is Jim O'Malley, 8536 River Terrace Drive in Franklin. My family has been involved in the City for a very long time and we keep a lot of the old documents. This was the first sanitary sewer design back by Zimmerman in November of 1967. How they designed the southwest, the one from Zimmerman in 1991, again, revised in 1996. Another one looked at was a sewer to service parts of the southwest, was in 2003, which included the Briarwood Subdivision. And, most recently a more detailed one in 2006. Point being is this discussion is not a new discussion. It has been going on for decades. And, by many, many different Common Council and Plan Commission members, spending hundreds of thousands of dollars trying to resolve the issue, many of times finding obstacles that gave one reason or another why it shouldn't be able to happen. The City of Franklin right now, and has been for some years, one of the fastest growing cities in the County. With the economic situation as it is right now, there hasn't been any real growth in anywhere. But, we are up against a wall because in the City there are very few pieces of property in the City that are actually sewered right now that are actually available to develop. And, we're in a situation that without an expansion of the sewer in the southwest, the economic development growth of the City is going to be held back and our financial being, to be able to achieve goals such as the 70/30 program and to be able to, you know, provide for

even our businesses, the growing population and such to be able to give them growth for their businesses. Even the industrial businesses, to have their employees and people moving into the area, having options for being able to live and build new homes and such in the City. The value of these homes and our new developments have been exceeding minimum cost and what it costs to be able to basically have services on our City. So, in effect, whenever there is a new home being built, it doesn't add as an impact that is going to be hindering our City services and City schools and so forth. You know over the so many years that we've been discussing it and so forth, if the idea is somehow we're not going forward with this would be better because we want to keep the rural look and such, again, knowing how development is going to occur, lots of developments and such are going to be in a sense, again you're not going to have large developments being developed. You might have six, seven, eight lot developments. And, with our maximum cul de sac lengths of only 900 feet, it is practically impossible to develop most of these areas and such. But, also being in commercial development and in real estate development myself, I know that one of the biggest hindrances that we have in our City is the lack of future growth. Specifically, with any of the commercial development interests that we have, without having the sewer we continue to have the issue by all of the commercial developers and commercial realtors saying, 'You're the very south end. Everything is to the north of you' and thus, it's harder to get more development. So, having the sewer will obviously have a huge impact on getting us more quality services, restaurants, stores, and jobs to our community. So, I absolutely am interested in the sewer. I just want to read a letter, back in 1998, that was sent to me by the Planner, Bruce Kaniewski, at that time, which pointed out that 'In a response to your request, the City of Franklin continues to proceed towards the extension of public sanitary sewer to the intersection of South 76th and Ryan Road.' It goes on to explain that they've been working with Milwaukee County. It can be difficult because they were not in a position to be able to take on the cost of the special assessment. But it goes on to say that, well, I'm missing my place on here. But basically it goes on to say that it is the City's dire interest to be able to get sewer to this area of the City. So, alright, thank you so much."

be a fundamental unfairness in drawing this in a way where you are going to include areas where there is really no plan at all to provide sewer service. It's just a plan to take tax dollars from people that already have to pay for their own sewer systems. That's all I have to say."

Bill STAUBER: "Thank you. Next."

Rick BARWA: "My name is Rick Barwa. I live at 10052 South 112th Street. I see many problems with the proposed sewer that is coming through. Number one, we had a mayor many years ago by the name of Mr. Fadrow. Mr. Fadrow charged the City a tax for sewers that were going to come to this area. And, people like myself and my father and my grandfather who lived in Franklin for well over 100 years, never saw the sewer and paid taxes on it for many years. We finally, a few years back, got that fought off so we don't have to pay that tax anymore. I, too, am on a mound system. I paid \$15,000 to have the mound put in and at that point in time, I am responsible for the mound. I pay to have my tanks pumped, just like the gentleman prior to me. What I see is we have a MMSD system that is over taxed already. They're dumping millions of gallons of raw sewage into Lake Michigan every time it rains. And, now we're talking about adding on another lateral to that which is going to be dumping more wastewater into it, more rainwater because with the sewer comes the street sewer and things like that, and it's going to cause potentially more flooding. I see something that is going to try to cost people in this room lots of money who have no opportunity to hook into it to benefit a very few. There are a few individuals who want to develop areas and the reason they can't develop those areas is because they don't have the sewer to their property. I would say, rather, if these individuals want sewer to these properties that they want to develop, allow them to pay to have that development made. Don't tax the rest of us. You know, they say that the Mayor stated in his comments that they want to do a 70/30 on the tax. Every business that has come into Franklin recently in the Franklin Industrial Park, including Northwestern Mutual, has come in on a TIF. So, as far as raising the tax dollars and off-setting the costs of the services, it's not happening right now. So something else has to be done in order to off-set these costs to us. So I would have to say that if you want to bring the sewer through, the circuitous route that it is running makes absolutely no sense, why not come

Bill STAUBER: "Next speaker."

Bruce GRINDELAND: 5224 West South County Line Road, "What I'd like to say is I'm not necessarily for or against the sewer itself, but I'd like to address the map of the sewer service area. My house is on County Line Road. It is east of 60th Street, which is kind of in the bottom right corner of your green area there. It's kind of a sparsely populated area. We moved there, to the City of Franklin, about 10 years ago. Shortly after moving into that house, unfortunately the septic system there failed. So I went and got an estimate to put in one of those new mound systems. I thought I'd feel a little silly if I did that and sewer showed up any time soon. At that time I spoke to John Bennett, the City Engineer, and John's a nice guy and a straight shooter. And, I said 'John, any plans to bring sewer to my area any time soon?'. That was about 10 years ago. And, John's answer at that time was 'Bruce, my best estimate is that there will never be sewer where your house is.' I can see why. Between the branches of the Root River there, it's kind of very isolated. There's not many houses there. You'd have to pump uphill and in the wrong direction there to get to your new pipe. More recently, when I heard about this I contacted Joe Eberle at Ruekert-Mielke, apparently doing the design on this. I saw his name and email address in here, and I emailed him and asked him a question. I said 'Joe, is the proposed Ryan Creek Interceptor designed or planned that will provide service to 5224 County Line Road or adjacent properties?'. And Joe gave me a nice straight answer, 'No.' Now, I've paid \$14,000 for a mound system. I paid for all the operations for that. If a pump goes out I replace it. I pay for the electricity to pump. I pay to have the solids tanks pumped on a regular basis, filters cleaned. I'm paying for sewer service to my property and apparently always will be. So, I guess my point is I'd like to urge that the Common Council to when you draw this map of what this service area is, try and make it representative of areas where sewer service is planned to be provided at some point. Because otherwise, folks like me are paying double and I still will always have to maintain my mound system and all of the costs that go with that. But, additionally I'd have an extra charge on my property tax bill for sewer that I don't have access to, and I hear potentially a quarterly charge also for the sewer service that I don't have access to. I just think there would

straight down Ryan Road instead of cutting back through properties, like you are doing. I mean you are adding footage, you are adding yardage, you are adding homes, you are adding everything else to make those turns. It would make more sense to me to run straight up Ryan Road if you want to do it. And, make sure there's provisions within this plan that surrounding homeowners are not going to be taxed until the laterals are run to their home. Thank you."

Bill STAUBER: "Thank you. Next."

Greg SEPTON: "My name is Greg Septon. I live at 11100 West Ryan Road. And, I have to say I agree with everything the gentleman here just said. But I'm looking at this from another standpoint. And that is, all this development that is going to happen out here in the southwest, what's happened on South 27th Street? How's the Boomgaard doing? What's happening on Rawson where we've got Fountains of Franklin? We got all this area that already has sewer that's not being developed to full potential. Why the rush to come out here and develop. That I don't understand. It's a question I never had answered. I don't understand that. And, if there is sewer going to come out here, again there's relatively a small handful of us that do live out here in the southwest corner, the southwest quadrant, excuse me. If someone wants sewer to come out here that badly, it's been said before, let them pay for it. Don't tax us. We're quite happy. We have our own septic systems, our mound systems. We maintain them, we care for them, we pay our taxes. That's all I have to say. Thank you."

Bill STAUBER: "Next speaker."

Scott MAYER: "I'm Scott Mayer. 9733 West Ryan Road. I want to start by saying I care about this City. This has been my City and my family's City. My family is one of the founding members of the City. I care deeply about Mayor Taylor. He's been phenomenal to work with, very much of a straight shooter. Ken, my alderman. What I'm asking, you know I don't like these settings where I feel like I'm talking to the wall because nobody is going to talk back. I feel like I'm with my wife, where nobody is going to listen to what I'm saying. Since she's not here I can say that. But, Mr. Mayor, what we need to do and not to keep dragging this on, is we really need to have at least one more meeting. You're at 49, let's go for an even 50. And, the reason I say this is you got a lot of angry people, or a small group of

1 angry people, but it's the people that are directly affected by this deal. I want the greater good
2 for the City, and you know I'm on the fence whether this is necessary now. It's irrelevant.
3 What matters to me is that, kind of representing my neighbors, the people that this is directly
4 going through want a little bit more time with you and maybe the appropriate people, to talk.
5 And again, what I'm doing now, I'm talking and I know you're listening to me, but we need
6 where we can talk and banter back and forth and in a civil manner, and talk through some
7 stuff. And maybe you're going to say no to it. You never say no to me, but maybe this time
8 you should say no because it's done and we got to take it. But, you're not that kind of a guy.
9 And, I assume we can have one more meeting and maybe, you know, reason and understand
10 some things. Make it more palatable. I'm not asking for a big meeting like this. I'm just
11 talking about it being approximately 20-30 landowners that this is directly going through as
12 well as the people right around that are going to be impacted by this cost from a landscape
13 standpoint, from a manhole-jumping-out-in-my-backyard standpoint. If we could have one
14 more meeting because I know that there's some people that have been to my house that have
15 some questions that are unanswered. And I'm not saying that I'm not one that isn't in favor
16 of it or in favor of it, but I know that I've got a group of my neighbors that are really
17 concerned about this and have some legitimate questions. And, maybe if we could sit down
18 again with the Mayor and Alderman Skowronski and just a couple of the key people and
19 that we could try to talk some stuff out. And again, maybe it doesn't matter but I think to let
20 these people be heard again in a situation where we can talk back and forth versus just me
21 talking and you looking nice and shaking your head. I think that would be really helpful
22 because there's some people, a group of people, that aren't horribly thrilled and I don't like to
23 see that. I care about the City. I care about, I think, the Mayor and my alderman have done a
24 phenomenal job for me and for the City. And, I'm hearing stuff that I don't like to hear. I
25 think for our own good and for the good of the City we need to be able to have at least one
26 more meeting with the people that are directly impacted and let them speak and not hear it
27 through me. And, hopefully we can all come to some kind of resolution and move on from
28 there. So, with that being said, I'll go home and apologize to my wife. Thank you."

13

1 years? And when do you envision, as mentioned on page 7, this to receive this high amount
2 of hookup and when do you envision the people that live out there to be able to hook up,
3 because this is only a pipe in the ground? It's not near their home. And so without further
4 development, the pipes will be too far away for them to hook up to, and they will be most
5 likely taxed sewage rates because they will be in the taxing unit of the Sewerage District
6 without being able to be hooked up to it. And, I think that's a concern for some of the people
7 here. And, also it was brought out that, by the Mayor, he talked about 70/30 tax base. I don't
8 see any water extended out here. And, I don't see much being able to come out here except
9 housing until there is water extension. So to achieve the 70/30 tax base, which is 70 percent
10 business and 30 percent, or 70 percent housing and 30 percent business, which they keep
11 talking about, I don't see how this is going to help that. In fact, I see that this is going to hurt
12 that, because what I see without water is you are not going to be able to support businesses
13 without having water. And, what's going to happen is you are going to get a lot of housing
14 development. And the housing development is going to put a burden on the tax--or the
15 schools, which are already overtaxed. And, the next thing you know is we're going to have to
16 build another high school, and then we're going to have to buy land to build another high
17 school. And then our school taxes, which is a large portion of our tax pie right now, are going
18 to go up further than they are now. And, this is a great opportunity for me to let the people
19 know that the City Council does not vote on taxes of the school, because a lot of people get
20 that confused."

21 Mayor TAYLOR: "Would you say that again."

22 Alderman WILHELM: "The other thing that was mentioned that there were 49 or so
23 meetings. These, in my opinion, were fast-paced with piecemeal information and only
24 recently, from going to the Finance Committee and asking the City Attorney, was I given the
25 figures that we have actually spent so far on this project that we're committed to if we do not
26 get the Clean Water Fund. So, and I didn't bring that up but it's somewhere around eight
27 hundred and some thousand dollars we have already spent that if we don't get the Fund, we'll
28 be on the hook for as far as the taxpayers that are sitting in this room and the rest of the

15

1 Bill STAUBER: "Next."
2 Alderman Kristen WILHELM: "Kristen Wilhelm, 3851 West College Avenue. I
3 apologize, my notes are kind of scattered all over the place. I wasn't expecting this type of
4 format. You'll have to bear with me. First of all, I want to make the point that this is step one
5 for the people on the Council tonight and for what's going to happen with this plan as far as
6 the Council goes. It's your hearing, which is SEWRPC's determination in taking the
7 comments. But the next step is the two items on the Common Council meeting tonight which,
8 one is acquisition of easements for the Ryan Creek Interceptor. And, then also Item 16, which
9 is a resolution to adopt the service sewer area, your plan that has been presented here at this
10 hearing, and that would be ahead of your decision. And, it seems to me like it's a backwards,
11 before we get your comments back, that we're going to move to adopt a plan that we haven't
12 gotten your decision on yet. So, that's the one thing. And then, the next set of questions talk
13 about the build out. And, on page 7 of your 176 and this is revised 176 that's in front of us
14 tonight, it talks about its envisioned. And, I'll have to turn to that page to get to that, page 7.
15 It's envisioned that such service would potentially occur within the timeframe of this
16 Comprehensive Master Plan. And, the Comprehensive Master Plan goes out to 2035. So,
17 there was a resolution that was passed by the Common Council that talked about the
18 immediate need for this, and I questioned and asked the Council to strikeout the word
19 'immediate'. And, they said no, that I had voted on that previously and it's in there, which I
20 did not vote on it previously because I was not at that meeting. So I still stand by the fact that
21 I don't see the immediate need for this. So, that talks about the build out and it says, on page
22 10 of your document that a build out analysis was not completed. You would expect that this
23 would be done. That if we're going to do this we need to have some kind of needs analysis on
24 this. And, what I see is that we really haven't been able to take care of what we have. We
25 have empty buildings, as some of the people talked about previously, that need to be filled.
26 And, so it comes back to, is this really important for the 440 people that are out there or are
27 we pushing something ahead of what needs to be done. I understand we need to prepare for
28 the future. I'm not opposed to that. But what about today? And what about the future of five

14

1 community. So, along with that is the Item 15 where we would be incurring, possible if it
2 passes, some sort of acquisition for easements, which would be ahead of knowing that we
3 have the Clean Water Fund. I think both of these things are going to jump ahead of
4 themselves and I believe Scott Mayer spoke about wanting for one more meeting. And, I
5 think all of these things might justify another meeting. While there were these plenty of
6 meetings and there has been no spreadsheet of the cost breakdown, it was very difficult for me
7 to determine even as sitting up here on the Council with getting all of the information, the
8 complete breakdown of the cost from Muskego and the costs from the 40 percent funding.
9 All these years there's been no clean spreadsheet for the people to really get a grasp on the
10 cost to the taxpayer. And, of those 49 meetings, I was at those for the Comprehensive Master
11 Plan. I don't believe that there was 49. But, the people were given two maps. They were
12 given a map that showed without the sewer. Then they were given a map that showed if
13 sewer came in. And then they were told that if sewer came in, in 10 to 15 years. So, there
14 wouldn't have been a real big concern for the people in that area to stand up and speak out at
15 those meetings because they were saying, this is only a 'just because' map, if it comes in. So
16 they go away thinking, well so that's only 'if. We've been told it's not coming.' We had a
17 gentleman that spoke here, you know, a couple of them that said they even asked that question
18 and spent, what did they say \$15,000 maybe \$14,000 on their sewer upgrades for their mound
19 systems and stuff. So, apparently they didn't think it was going to come there. So, it seems
20 to me like it was a little bit misled for that. Then, you have on page 3, it talks about most
21 areas will be served. I'm wondering if you could answer my question about what is excluded
22 in the area. And, on page 7 it also talks about 8 percent. So page 3 on 176, it's the very last
23 line on that document where it says 'would be able to serve most of the south central and
24 southwestern', so I'm wondering what would be excluded in those? And then on page 7 it
25 goes further on to say that the existing urban land comes to about 4 to 10 acres, or about 8
26 percent of the proposed addition. So, I guess I'm just wondering how many acres or so would
27 not be served?"
28

16

1 Bill STAUBER: "We wrote that cautiously because, frankly it was my understanding
2 initially when I first started working with the City on this project that the entirety of that
3 addition would be served by the Franklin--the Ryan Creek Interceptor. That was incorrect.
4 So, from that point on once we learned that we made sure that, it is my understanding that the
5 Ryan Creek Interceptor would serve a lot of the green area. Now, I think I would ask John
6 Bennett, John can you comment maybe on the general areas within the green that might not be
7 served."

8 City Engineer John BENNETT: "The Ryan Creek Interceptor basically would serve
9 everything west of the Root River and the Root River Canal. This is the Root River Canal,
10 this is the Root River."

11 From Audience: "Stand off to the side, John, so we can see."

12 City Engineer BENNETT: "This is the Root River, this is the Root River Canal that
13 flows north out of the Town of Raymond. The Ryan Creek Interceptor serves basically the
14 area west of the Root River."

15 Alderman WILHELM: "So, on the map here if you include those areas that are in
16 green that are part of that Root River area which you said wouldn't be in there because it
17 would be west, now, are those people going to end up being taxed possibly by the MMSD
18 Sewerage District because they would now be included in the service area and they are in a
19 taxable area now? So, that's a consideration that if they can't be attached to it and never will
20 be attached to it because of the Root River probably, then should we be including them in
21 there?"

22 Bill STAUBER: "And, just as a matter of clarity, there are two separate processes that
23 deal with areas of the City. One is the sewer service area that we are dealing with tonight and
24 that inclusion of land in the sewer service area simply allows, under State Code, allows
25 sewers to be extended. Once they are in the sewer service area they no longer have to ask
26 SEWRPC to change the sewer service area to allow for future expansion of sewers. The other
27 area that will come into play is the Milwaukee Metropolitan Sewerage District boundary.
28 That is a separate action and will require a separate hearing. And, it is my understanding that

17

1 determination on the significance of the environmental impact before we go and purchase
2 that?"

3 Bill STAUBER: "Yes."

4 Alderman WILHELM: "So, are you the one to look at that document?"

5 Bill STAUBER: "Well, two things. First of all, the Regional Planning Commission
6 staff has already done extensive field work in the Ryan Creek corridor. Extensive work that
7 we've been able to incorporate into the maps in this report. Secondly, it is permissible for
8 sanitary sewers to traverse environmentally sensitive areas. It is not desirable, but sometimes
9 unavoidable, to run a sewer through a segment of hopefully the narrowest portion of a
10 wetland. That sewer cannot serve development within the wetland, but this plan and DNR
11 guidelines, or actually policy, would allow the sanitary sewer to be extended through an
12 environmentally sensitive area."

13 Alderman WILHELM: "And, so you have reviewed those plans already on our
14 behalf?"

15 Bill STAUBER: "We have not. What I do know is the Regional Commission staff,
16 our staff biologists, have done extensive field work. I know that some of the engineering, the
17 layout of the Ryan Creek Interceptor, has taken those into account. In this particular case, I'm
18 not sure if you would have something to add to that, John? That is, to the way the SEWRPC
19 material has been used to date."

20 John BENNETT: "The City has requested that SEWRPC delineate the wetlands in the
21 Ryan Creek corridor and a consultant has worked to avoid as much as possible and the
22 wetlands, some of the stream crossings are going to be jack and bore so they won't affect the
23 streams and to avoid as much wetlands as possible, so we have used SEWRPC's information
24 for the delineation for that. The plans have not been submitted yet to the DNR, because
25 actually it goes to the DNR before we can do anything."

26 Alderman WILHELM: "Okay, so I guess that brings me to my question. So, you
27 would be, the DNR and not you would be the one reviewing that, or both?"
28

19

1 MMSD, the Commission, can add whatever areas of the City it likes, or it chooses, regardless
2 of what is included in the sewer service area. And it is with the inclusion in the MMSD that
3 the property taxes are impacted."

4 Alderman WILHELM: "Right, so, I guess my thought is just initially wouldn't it make
5 sense for you just to not put in that section and not lead MMSD to think that that's an area
6 that could get it because it might not. We can move on to the next thing. But the last things I
7 have are my favorite, colleagues', environmental issues. I hope they can bear with me on this.
8 On page 13 you talk about a detailed field delineation and that serves as a basis for the
9 extension of this. And, since we're so far along with, you know, we're about ready to go
10 purchase land as a possibility yet tonight, would you be reviewing this detailed survey and I
11 guess we'll start with that question."

12 Bill STAUBER: "What this is referring to--"

13 From Audience: "Could you use the mic, we can't hear you."

14 Bill STAUBER: "I'm sorry. What this is referring to is what often happens as sewers
15 are actually extended. In other words, local collector sewers. I'm not talking about the
16 interceptor sewer but just the collection system. As those sewers are extended, they are
17 subject to review for as to whether they are going to intrude on an environmentally significant
18 area. What this paragraph is saying is that it often happens that the lines are so sensitive, that
19 is to say a development needs certain space to move ahead and the precise line delineating the
20 wetland or the environmental area is in that case often field surveyed and staked and captured
21 in a public grant survey."

22 Alderman WILHELM: "So, in that process would you be, your department be the one
23 to oversee that as, you know, the plan we're looking for right now on the agenda, are lands
24 that could possibly have these areas in them. And, if we move forward with anything on
25 those, I mean it's a closed session so I can't discuss it or anything beyond that, but let's say
26 there was a property even in the future that has significant lands on them and we, as a
27 municipality, go out and purchase our temporary easement, wouldn't we want to know your
28

18

1 Bill STAUBER: "Well, we as staff will review the detailed facilities plan once it is
2 completed, that's part of our job responsibility as the area wide Water Quality Measurement
3 Plan."

4 Alderman WILHELM: "But, you have authority to protect the primary corridors, I
5 mean basically, you, well I don't know if authority is the right word because I know how that
6 works at SEWRPC, the recommending body, but I guess what I'm saying is you have these
7 recommendations that say you shouldn't go beyond a certain amount and without your review
8 to determine that, is that strictly a DNR determination then and not SEWRPC's?"

9 Bill STAUBER: "These regulations pertain more to actual urban development,
10 residential or commercial or industrial, that's going to be served by the sewer system.
11 Again, the sewer system as I understand it is that the interceptor sewer is being, has been,
12 tentatively laid out in a manner that minimizes the impacts on the environmental areas that
13 our staff has identified."

14 Alderman WILHELM: "Right."

15 Bill STAUBER: "And again I'll just have to repeat what I said before that essentially
16 the environmental policies in this plan, or of the Regional Planning Commission which are
17 advisory, allow for the extension of sewers without serving--"

18 Alderman WILHELM: "Right, just let me break this down more simply, I want to
19 make sure someone is overseeing this before we go and spend money on buying land. That's,
20 you know, if there's these provisions about, you know, that SEWRPC has these guidelines and
21 DNR is suppose to do this, and it says that a detailed field delineation that serves as a basis for
22 the extension but yet we are going to go out and buy some land, all that should be done ahead
23 of time. And, I'll just leave that. So, would the extension of this because Federal funds are
24 involved, is there going to be any NEPA documents required on this?"

25 Bill STAUBER: "That is a question I'll have to refer to City staff."

26 Alderman WILHELM: "With Federal funds? Do we have NEPA on this with Federal
27 funds?"
28

20

1 John BENNETT: "No, they're State funds, to my knowledge they are State funds, but
2 there are no Federal funds."
3 Alderman WILHELM: "Okay, Clean Water doesn't come from any Federal funds?"
4 John BENNETT: "There borrowing of the State, I believe, to my best knowledge."
5 Alderman WILHELM: "Okay, and so that brings me, I'm glad you answered that,
6 because that brings me to the fact that the cuts coming down from the State and I understand
7 that those cuts are going to be coming forward in June so that's part of the reason maybe the
8 people need to know that there might be a sort of a rush on this because the eight hundred and
9 some thousand dollars that we've already put into this and if we don't at this point now get the
10 loan by June then we are on the hook for that, and that's why I am really reluctant to continue
11 to spend money before we know about that and the last time they were, Ruekert Mielke was
12 before the Council they hadn't even applied and just approved a letter of or an intent to apply
13 and then they were working on the application so I'm not sure if the application has been
14 completed and put in yet."
15 Bill STAUBER: "And John, would you care to answer or address that as well?"
16 John BENNETT: "The application has been put in for the loan. We do have some
17 criteria that needs to be met because with the Governor's new budget the loan will change, I
18 think it's at the end of July, and at that time the interest rate, it is not as highly subsidized so
19 our plan is to try to continue to get all the information into the DNR so we qualify for the
20 interest rate and will be grandfathered in."
21 Alderman WILHELM: "Okay, and this is not a SEWRPC issue, but because you
22 brought up the application answer to my question, if you remember at the Council meeting I
23 talked about the grants and loan applications that even as low as \$2,000 when I did the Safe
24 Routes for Schools, how the Commission always requires these things to come back for
25 review and I said I want this to come back and I want to read the application and come back
26 and I was told that it would come back, and now I just heard you say that we put in the
27 application. So I guess I would like a copy of that application provided to me for my review
28 if we're not going to put it in front of the Council. And then how does SEWRPC determine

21

1 Bill STAUBER: "Yes, sir."
2 Nick IODER: "Nick Ioder, 10338 West Ryan Road, people have made several
3 comments on those of us that now live in a non-sewer district, when this interceptor goes
4 through we will be living in a sewer district. And, can you tell me if this sewer goes through
5 on the schedule it's on now at what point the residents will be taxed as being in the sewer
6 district and how much this tax would be?"
7 Bill STAUBER: "I think you're referring to the tax that would be levied by MMSD."
8 Nick IODER: "Yes."
9 Bill STAUBER: "As areas are added to MMSD, to their District."
10 Nick IODER: "Well, once this interceptor goes through, we will, am I not correct, we
11 will be in a sewer district then?"
12 Bill STAUBER: "You will be in the sewer district when, and I'm not sure of the exact
13 timing, and I'll eventually have to ask the City for some help on this but my understanding is
14 that MMSD even prior to the actual construction of the district would, would begin the
15 process, hold a public hearing, and so on of adding lands to the district. And again, bear in
16 mind and I know that they are closely related but you're dealing with two entities here, and
17 one is the sewer service area which is just permission in effect to be able to install sewers, and
18 the other is MMSD and it's taking action and the taxing facts of that."
19 Nick IODER: "Can you tell, would you venture a figure as to how much it would
20 reflect in actual taxes toward us?"
21 Bill STAUBER: "I should have done my homework on this, I didn't. I am reluctant to
22 say, to indicate because it's here say, I wonder if the City has any insight."
23 Jesse WESOLOWSKI, "Jesse Wesolowski, City Attorney. Number one, I think
24 earlier, Mr. Stauber, you said this is a separate process, and that the District determines
25 whether or not it adds areas to its sewerage district, and I think you used the words likes or
26 chooses, and there has been some discussion that perhaps the District can just say 'yeah, let's
27 bring it in', and that's the beginning and the end of it and my answer has been 'no, the District
28 like all other governmental agencies and entities has to comply with the law' and there is a

23

1 that this meets the Regional Water Quality Plan when it's related to an already overburdened
2 MMSD system. And, someone alluded to this earlier, and this is actually my last question so
3 then you're off the hook but I just see this, the MMSD system is not handling what they have
4 and hooking up to that is going to put more water into an overburdened system. And, it
5 mentions we want to protect our water quality because we want to protect our drinking water,
6 but our drinking water is Lake Michigan water and if we're causing more sewer overflows
7 we're not helping our drinking water, we're harming our drinking water. So I was wondering
8 how the determination was made that actually extending this helps that situation and meets
9 the Water Quality Plan."
10 Bill STAUBER: "Well, it's my understanding and I'm not an engineer or an expert on
11 the sewerage system planning for MMSD, but it's my understanding based on reading the
12 addendum, as its known, to the MMSD Facility Plan that they have provided capacity at the
13 Treatment Plant, and as well, it's my understanding that the interceptor downstream closer to
14 the Treatment Plant is slated to be improved or enlarged on an as-needed basis subject to
15 continuous monitoring or flows coming from not just Franklin here but areas near the South
16 Shore Treatment Plant."
17 Alderman WILHELM: "Is that the one on page 13 where it talks about the existing
18 hydraulic capacity of the downstream segment of MIS is not sufficient to prevent
19 surcharging? Is that the section you're talking about?"
20 Bill STAUBER: "Yes."
21 Alderman WILHELM: "Is that, you don't know who might cover those costs if we're
22 going to hook into it and we're causing that to happen or--"
23 Bill STAUBER: "I don't know who would cover the cost of that. I can't speak to that."
24 Alderman WILHELM: "Okay, so there could possibly be another cost if it's not to the
25 taxpayers, or MMSD, or the taxpayers?"
26 Bill STAUBER: "I can only speculate, and that won't help you."
27 Alderman WILHELM: "Okay, it's just something that people should keep in mind if
28 we're going to be spending more money. Thank you."

22

1 one paragraph law in effect in this particular case and it's where the Sewerage District decides
2 that it may want to reestablish the boundaries, in this case to push the boundaries south from
3 its current existence, and what the District does is holds public hearings on that subject matter
4 and the standard under the statute which allows for this is that the District may include such
5 areas of land which are likely to receive sanitary sewer service from the District within ten
6 years. Now, when you said earlier 'likes or chooses' that's kind of what I've been hearing
7 from citizens and it's not just a 'well we'll say that this area is likely to receive sewerage
8 service from us within ten years'. That's a factual standard that the District holds hearings on.
9 And, since I was getting that question and frankly this is a Wisconsin Supreme Court case that
10 I received a cite from a long time ago from the District when first starting the discussions on
11 this project and it's *Thielan vs. Metropolitan Sewerage Commission*, July 8, 1922. This was a
12 Supreme Court case decided about a year after the first law which created the Metropolitan
13 Sewerage Commission and the statute involved that allowed for the Commission and
14 described how boundaries are created. And, the Supreme Court went to some length
15 repeatedly noting that the Commission in that case and its members exercised their judgment
16 and acted in good faith in terms of obtaining and reviewing maps and surveys and factual
17 evidence in reaching their conclusions as to how these boundaries are to be set. And, again,
18 the Supreme Court said the Commission exercised their best judgment and acted in good
19 faith, and ultimately that the Metropolitan Sewerage Commission evidently followed with as
20 much fidelity as is reasonably possible the legislative command. So in other words, you have
21 to follow the statute when you're making these decisions in establishing the boundaries of the
22 District. And their determination is in the last analysis, a determination of fact. So, I looked
23 this up because I was catching this question. So that's the answer to that separate process.
24 And in this particular case, this sanitary sewer service area by SEWRPC is not a precondition
25 as to whether or not a property is brought into the Milwaukee Metropolitan Sewerage District.
26 It can be brought in if it is in the SEWRPC SSA approved by DNR or even if it's not. It's a
27 separate process created by, commenced by Milwaukee Metropolitan Sewerage District under
28 Section 200.29(1)(c)5. And that's the determination that has to be made, whether or not the

24

1 area is likely to receive sanitary sewer service from the District within ten years. The District
2 has to make the fact findings and if they so decide, that's the answer. If a property owner
3 disagrees with that finding, the property owner as I read it, has the ability to challenge that in
4 Circuit Court as well as potentially in front of the Public Service Commission. So that's a
5 separate answer to that and that's a separate process.

6 The question that Mr. Ioder just asked about tax value, I thought of that today too and I called
7 the Finance Director, and I understand that last year the Sewerage District tax, the mill rate
8 was \$1.45 per \$1,000 of property value. So, based on last year's tax rate and \$100,000 worth
9 of property, it would be \$145."

10 From the Audience, "What's the quarterly rate?"

11 City Attorney WESOLOWSKI: "My understanding is the quarterly charges are for
12 sewer service and the City Engineer can correct me if I'm wrong, but if you are within the
13 Sewerage District and not connected, you're not receiving service at that point in time so you
14 don't have to pay a sewer service charge. So you wouldn't pay the quarterly. Is that correct?"

15 City Engineer BENNETT: "That's absolutely correct."

16 City Attorney WESOLOWSKI: "And in terms of timing, Mr. Eberle is one the
17 consultants for the City on this project. Correct me if I'm wrong on this, but I'm recalling that
18 the Sewerage District may commence its process for public hearings and determinations and
19 the like before December 1 of this year with those determinations I believe by their Rules,
20 having to occur in March of a calendar year. So the determination if that occurs, would be
21 next March, 2012 which could place that property on the tax roll in the year 2013. And Mr.
22 Eberle is shaking his head 'yes'. That answers your questions."

23 Bill STAUBER: "I think that's very helpful. Thank you."

24 Nick IODER: "That's helpful. So point being, those who live in the District, if this
25 process continues the way it is and when this separate decision is made as to when to tax,
26 there will be those of us living in the district who will not have an opportunity to use it that
27 had fairly new homes with mound systems and we will be paying additional five to six
28 hundred dollars a year. So, I don't know what can be done, but I think if the interceptor goes

25

1 for the people. So that is not something that's been ruled out. And then there is also an issue
2 of looking at when the sewers would reach various areas and whether the Common Council
3 would want to entertain, I don't know, things regarding impact fees or trying to understand
4 what some of the people in the district may not get sewer for some time or therefore there
5 might be a price for doing business. The way that this is structured right now, there's a,
6 you're going to get the sewer that was \$42.5 million in 2005 literally as the Director of
7 Finance said for nil. So, this may be very much in the best interest of all the people of the
8 City of Franklin and maybe the Common Council wants to entertain how they would assist
9 the property owners. Now, I can only say that we've had developments in the past where
10 people have been impacted by that development and the City has gone to some lengths to try
11 and meet their needs. Just one last thing, and that's Scott Mayer, who I've got a lot of respect
12 for, I don't know how anybody like him gets in those Indy cars and drives at those speeds.
13 One more meeting, that's fine, you know, and at the meeting listen to all the concerns and see
14 if we can resolve those."

15 Nick IODER: "Thank you."

16 Bill STAUBER: "Next."

17 Basil RYAN: "Basil Ryan, 5250 West South County Line Road, and, this will take me
18 to sort through this only because on the way here I had to get glasses from Walgreens. My
19 wife yelled at me I didn't have the light on and the doctor said that probably made sense why
20 you're reading so much. Bear with me if I can't figure out how these darn things work. Just to
21 address with a few of the questions I had heard earlier, but then I'm going to focus on I think
22 why we're here today. But, I was a little disturbed to hear, I too am quite familiar with the
23 Ticknor Report, the Franklin First Report. Had first hand conversations with Tom Ticknor.
24 So I'm very familiar. And I'm also familiar with Randy Ritter's 70-30 projections. We've
25 never had an independent consultant confirm those numbers. Randy Ritter is a citizen of the
26 City of Franklin who works on those numbers. So, to enlighten people with that. Also, I find
27 it interesting is that, and I don't dispute but I've asked for numbers, I believe the article that
28 the Mayor talked about I also read, it was--the article articulated that the City was going to

27

1 through and it's not available to you, I don't think we should be taxed as being in the Sewer
2 District. I don't think the tax should apply. Many of us are paying five figure taxes right now.
3 If you add another \$500 on that, that's a lot of money just because you know there's a pipe in
4 the ground that you can't use. Now, the City is doing its due diligence in planning, and there's
5 an opportunity now for this money. But would that opportunity not be available at a later
6 date?"

7 Bill STAUBER: "As I understand it, what is at stake is the rate of interest and that's
8 subject to change in the near term and again I'm going to have to refer more specifics to the
9 City staff, John, talking about the--"

10 City Engineer BENNETT: "I don't know if I understand the question."

11 Bill STAUBER: "What is the urgency of proceeding with the planning for the
12 interceptor at this point and actually going ahead with the interceptor sewer?"

13 City Engineer BENNETT: "I think that's a question that the elected officials will have
14 to answer. It's not a question for staff to answer."

15 Nick IODER: "I don't question the City's interest in doing the planning. I'm just
16 saying I think there is a heightened interest right now because it's my understanding after the
17 sewer is built, a three year period time or whatever, then the City will be paid off by MMSD.
18 Is that something that's a onetime deal or is that something that can be done in the future,
19 too?"

20 Bill STAUBER: "This is beyond our area of involvement in the planning of the
21 interceptor. I would invite the City staff to respond to that if they feel they should or if that is
22 a Common Council consideration."

23 Mayor TAYLOR: "I'll deal with that."

24 Bill STAUBER: "Sure."

25 Mayor TAYLOR: "The City Attorney can correct me if I'm wrong. I think that the
26 agreement that is currently in place would allow for the public hearing before MMSD.
27 When? Yet to be set. No determination as we sit here right now has been made as to anyone
28 being taxed. I believe that the Aldermen, the elected officials, have the ability of advocating

26

1 spend \$31 million on a sewer and then it was going to sell that sewer system to the
2 Metropolitan Sewerage District for \$41 million and during that time it was going to generate
3 \$1.2 billion in tax revenue. A lot of people have to understand the 1.2 billion isn't really a
4 reflection of what the City would get. The City roughly would get maybe \$15 million back.
5 Our total budget for the City is roughly \$25 to \$28 million that we spend on everything to run
6 this City. I've always asked to see the numbers, as the Mayor and I'll address the Mayor, I
7 used to call him Tom and we sat together for a long time and did battle on the Council but we
8 always, I thought, walked away with the ability that we could disagree, you know, on it. My
9 question has always been as he's alluded to is, I have a septic system, too. I come just as
10 clean as anybody else and I don't have a smell problem or anything like that. In fact, my
11 septic system as other people pointed out, is a mound system. Solids get put in a holding
12 tank, it gets pumped, the liquids get put in a mound system which is a big pile of sand and the
13 air dries it out. So really as far as any environmental issues of going into the ground or
14 contamination or that, it's a pretty effective system. There's older systems that are leach
15 systems, where basically it's a hole in the ground where they dump rock in and those things
16 there. So, we've never had a comparable study, and I'm just going to move around a little bit
17 here. To determine whether or not, based upon this area what's more feasible. As the Mayor
18 alluded to, if we were to develop this area with mound systems, what is the return to the City
19 and also what's the expenditure to the City versus putting in a sewer system. We never
20 determined the feasibility of doing any impact on this dump. This dump, my understanding,
21 will be expanding this way. If it does and keeps the same elevation, does that hinder
22 development in there? Would businesses that are currently in our current Business Park put
23 and build a nice facility or would they say, I can take that same facility to another City and I
24 don't have to worry about a dump. You know, make the determination yourself. I think we're
25 all intelligent to figure out what we do with your business and where you would place it. But
26 that's got to be an element that distracts from the City. It doesn't help the City. But I can't
27 comment, I'm not here to comment whether or not I think one is better than the other. But I
28 think to make an intelligent decision, we should have facts that support that, and we should

28

1 have had some type of comparison. I'll allude to that earlier with numbers, because I'm going
2 to use the facts that the City...I don't want to guess and I don't want to use things that I can't
3 support or document, so that was just one of my brief comments on some of the things I had
4 heard earlier. I know Bruce too, great guy, he also works for the same company that's doing
5 the work out there, too. I just thought people should know that. Unless he doesn't work
6 anymore for there? Okay, but he did? Okay. Alright, I apologize, but the last time I seen
7 Bruce he had worked for the company.
8 Just one other thing, too, many of you aren't aware, but the City has a problem when we
9 reference business, I don't know if many of you are aware of but we had a business just
10 recently come in last year. It hasn't even been a year, and the City raised their value of their
11 property to 2.8 million. They came into open book, had it lowered to 2.5. It recently sold for
12 9.6 million. We have a problem in this City when we say that business is here to help us if
13 we're getting businesses that have that large of evaluation differences. But getting back to
14 what we're here for today and staying focused on this. I just want to make sure is that the
15 relationship, we're here, you're an independent body that basically gathers all of the
16 information that is being presented today to then make a determination. I'd like to understand
17 the process. Where does this go back to? Who makes the determination?"

18 Bill STAUBER: "Myself, the staff, will summarize, actually there will be a
19 transcription of the hearing included in the report. But we will prepare a summary of the
20 comments for our SEWRPC Commission, twenty-one Commissioners throughout the seven-
21 county area. They formally act on proposed sewer service area amendments and tentatively
22 this could be acted upon or considered on I believe its June 10th. I'm sorry, June 15th. There
23 is a subcommittee of the Commission that would meet to consider that on a preliminary basis
24 on May 10th. So ultimately, it's not, ultimately a determination to adopt or not adopt the
25 sewer service area plan is that twenty-one member Commission.
26 Just in terms of what the Commission's roll and what it looks at, and I want to make clear that
27 we do look at certain things. One is the population projection and how does that population
28 projection compare to the area that is going to be or proposed to be added to the service area.

29

1 Basil RYAN: "If I would point out some discrepancies with the overall plan, you
2 would investigate it independently and help solve the problem rather than ignoring it?"

3 Bill STAUBER: "We would think we would consult with the City because they have
4 the expertise and staff that we don't have to devote to each of the communities. We would
5 consult with the City and try to determine whether based on sound engineering, based on cost
6 effectiveness and, well primarily those two, whether areas should be included in the service
7 area."

8 Basil RYAN: "Okay, let me start diving into that. The area that I'm going to make
9 reference to is because I was going by your website where you had said that, you know you
10 provide objective information and help solve problems, that you like to see the community get
11 involved, that your goals are to get early communications to the public as far as notification
12 for programs and activities and in doing so provide meaningful information with opportunities
13 to achieve. So, that's why I was just curious. I'm going to highlight one of the areas that I
14 want to focus on. And, I believe it's one of the areas that doesn't service or has no benefit
15 from the Ryan Creek Interceptor Sewer. Looking at the City's plan, of its future land use
16 which is a 2025 flood map and also based upon page 26 of your plan, I call it a SEWRPC Plan
17 2035, this area that I'm going to highlight right here, basically never changes. It has no
18 growth. In fact, the dividing lines for the lots stay consistent so there is no land division.
19 There hasn't been any land division in that area for a long period of time. This whole area
20 around here is considered a primary corridor, which I will get to and allude to, but it's
21 protected. Can't be any development, so we literally have an area that I'm going to focus on
22 and I haven't taken any other parts of the City and evaluated those, those same arguments
23 could be made there so I don't want to represent that I've thought all of this out, I've
24 concentrated in here. I have concentrated with this particular land because obviously I live
25 there. I own a good chunk of it, so there's no deception, but these are my woods. I own, you
26 know, basically all of this area in here with other homeowners that are here and present that
27 own along here. But I think we all can agree we're protected. Well, also it's interesting that if
28 you look on the City's map of 2025, it shows the land division. In that particular area, nothing

31

1 The Regional Commission projects significant growth in Franklin, possibly a population level
2 of 50,000 to 55,000 by the year 2035. That's significant growth. That growth would warrant
3 a significant increase in the sewer service area to accommodate the growth at development.
4 So that's one thing we look at. Is the future population logically related, reasonable related to
5 the size of the service area? The answer so far is yes. Is the facility capacity available?
6 Certainly we look at that, and interceptor capacity would be available and treatment plant
7 capacity would be available. Another thing we look at are, and we're required to do this under
8 the Statutes and the Administrative Code, are the environmental significant lands well
9 identified and are there policies in the sewer service area plan that will provide protection to
10 the sewer evolution. The answer there is yes. The Commission does--the Regional
11 Planning Commission does--has long held that urban development, residential, commercial
12 and industrial should be on or served by sanitary sewer systems rather than by private on-site
13 systems and particularly in cases where the development could be up to scale that could be
14 accommodated in the City of Franklin, so--"

15 Basil RYAN: "So you're like a rubber stamp for the City. Right? You take these
16 objectively and--"

17 Bill STAUBER: "We look at the criteria I've just mentioned and, as well, there is a
18 difference though in terms of our role and the City's role. Our role is, and I think you can
19 kind of characterize it, is a macro look at this. We look at, as I said, the size of the service
20 area relative to the population projections. Are the environmentally significant areas
21 identified and so on. That's kind of a broad view of things but that's our job, that's our
22 responsibility as the water quality management planner--to do just that. The City, I should
23 say, SEWRPC does rely on communities to formulate the details of a planned sewer service
24 area. We are not in the best position to do that. We think that local officials supported by
25 their planning and engineering staff, are in much better positions to specify exactly what areas
26 should or should not be included in the sewer service area. So we do rely heavily on the
27 communities that we work with for their recommendations as to what the sewer service area
28 should be and then, we then in turn evaluate that in terms of the those kind of macro criteria."

30

1 has changed. Those lot lines are consistently the same as they are right now today. If you
2 look at other areas to the west of the City including 76th and that, you can see all these extra
3 roads that were put in there. Obviously that's development. So my focus for the rest of this
4 meeting will be on here to point out that I want to hold the City accountable for what they are
5 preaching, and I'm going to do it with their own literature and then I would ask anyone from
6 the City to disprove or discredit any of the information that I'm going to provide because I
7 believe that there is an area in the City that growth has not and will not take place, and will
8 not occur. I met with Mr. Bennett, I will comment in a few minutes, sewer as one gentleman
9 pointed out, Mr. Bennett has always told people that it's going to be impossible to bring sewer
10 and it may not be in our time. In fact Mr. Bennett and I recall and as he calls it God's country
11 cause he says it's one of the remote places in the City of Franklin that's going to stay that way,
12 undeveloped, agricultural with good size homes. In fact, for a lot of you that don't realize
13 there are three log cabins that are currently in there that people live in. Three log cabins. So,
14 if we're trying to keep history. As I read in the Comprehensive Master Plan, Chapter 3, under
15 Agricultural, Natural and Cultural Resources, it says that the chapter contains information
16 about agricultural, natural cultural resources within the City. It also says that Chapter 2 also
17 stated that the community character is very important to the citizens who participated in two
18 surveys undertaken in 2005. As part of this planning effort this chapter contains goals,
19 objectives, policies, programs that enhance the principle that maintaining the character of the
20 community is considerably dependent upon. So we have a Master Plan, that the Mayor has
21 alluded to, and in that Master Plan we would say we want to keep part of the City the way it is
22 currently. It goes on to even say that as part of the Comprehensive Master Plan there's five
23 goals, and one of them is protecting agricultural resources, environmental concerns. It also
24 says is that the Wisconsin Comprehensive Planning legislation recognizes that those three are
25 primary element for a city to keep in mind for developing. It goes on, I'm going to be
26 jumping around in there so, it talks about Area G. And Area G, I'm sorry I don't have a map
27 of Area G but I will outline pretty close to Area G. Area G pretty much covers this area right
28 here, which would be this area and I'm going draw kind of a straight line. Basically from here

32

to here. This is Area G, give or take. You know it's interesting with Area G, it's a model. It's a model for this City. Whether or not people realize it, obviously when I was an Alderman I did, but in our Plan G, planning area under agricultural resource, page 50 of Chapter 3, Planning Area G does not contain as much agricultural land as Planning Area H does. But now remember in planning Area H you're losing a lot of it because as I reflected in the City's plan of 2025 we show a lot of roads and that's on prime agricultural land. As much land covers is commercial and industrial. So it tells us that there is a mixture in this Area G. However, sizeable portions of the planning area land cover approximately 27% consist of agricultural land. Most of this land is owned by Milwaukee County, the dominant agricultural use in Area G is soybeans and corn. The area that they're talking about, again, or I apologize I don't have my map, but, if we just stay focused in this area. This green area is a lot of the land, that's in the down here, a lot of the land is in agricultural. In fact there's a gentleman that's in the audience who's farmed it, who's farmed it for years. If I remember correctly his original farmstead was originally in that area. The red here is a Business Park, a new business park. Over here is an Industrial Park and over here is more development opportunities. The pink indicates mixed use. If we were to take this section right here, you'd have your perfect model of Franklin. You have the old, the brand new with the Industrial Park, you have agricultural, you have recreational areas and you have future mixed use. You can't ask for a better mixture in Area G for what the City should be striving to do. As it talks about in a Master Comprehensive Plan it alludes to the fact that it's bordered by a primary corridor. This is it. That's protected. In fact, it talks about how it extends basically from the Root River canal, following the Root River, down to 27th Street, it actually it doesn't border but it comes close to it. It's been that way for years and years. The interesting part is the definition for a primary environmental corridor which is one of the goals in which SEWRPC is supposed to protect by not allowing development, is that correct?"

Bill STAUBER: "That is correct."

Basil RYAN: "Okay. That area, a definition of a prime environmental corridor is defined by SEWRPC. These include natural resources that are at least 400 acres in size, 2

33

miles long and 200 feet wide. So when you look at that, if the City ever wanted a model and it wanted something to try to achieve where it could bring everything into the City--parks, recreational, a business park, and an industrial park, a mixed use, agricultural--there it is. Why would the City want to change that? Why would you want to take on and put sewer in that area because now I'm going to point out, based upon the City's own diagrams, there's roughly twenty homeowners in this area, twenty. Years ago this section of land here was owned by Towne Realty, they do a lot of development, in fact they've done a lot of development in the Muskego area. They approached the City and asked the City if sewer would ever be run to that area. The City told them no. What they ended up doing was dividing that up into four 10 acre parcels. Then they sold them because they were speculating. They didn't speculate anymore because the City told them that the likelihood wasn't there. So they sold it off in size of lots that would be feasible for septic system and also the ability to have a home. The front portion is still agricultural and still farmed, which keeps basically the tradition of the City when you drive down in that particular area. So what I find curious is that we have a Master Comprehensive Plan which says that we have these goals we want to achieve, we want to work towards. We have done that there. There is no need to run sewer because I'm going to now give you a formula. Just say for, in fact, that it costs you \$1 million and I talked with Mr. Bennett and I think we are in agreement based on a map that he had given me that shows that that area would require two lift stations. Two lift stations that would be required to service this area. One approximately in this area, and one approximately in this area which would divert sewerage this way to get to Ryan Road and this way and then eventually if sewer comes down 27th Street and would tie in there. Now let's just say for the fact of argument that those two lift stations cost \$1/2 million apiece, that'd be \$1 million. Now if we use the rate of the quarterly rate that the City would charge homeowners in that area at its current rate of \$52.01 a quarter, those twenty homes would generate \$4,160.80 a year. You know how many years it would take to pay off \$1 million based on those numbers? Two hundred forty years. Now, let's say for the sake of argument we add five more homes into that area, even though there are no plans to divide any of that

34

land or add it. Adding five homes at a rate of \$52.01 quarterly, generates to a yearly figure of \$52.01 (sic). It would take you 192 to pay off that \$1 million. That's just \$1 million for two pumping stations. That's not considering the cost of the laterals, the other sewer work or anything like that, that would take place, the cost of that once you rip the road up that you have to put it back and replace it and all of that. It's an area that doesn't make any sense economically either to put sewer in that area. It's not feasible. So trying to stick with the meaning of what we are here for tonight, I believe that's an area that should not have sewer. It's not feasible. If you try to put it in there you're going to have to displace some of the primary corridor with construction and that. Dealing with some of the concerns now of this public notice, the purpose is to receive public comment. I hope I'm making an argument, and if anybody wants any of this information I would be more than happy to provide it because that's what I think we're here. I don't think we are here to argue about 70/30, whether or not somebody worked for this company, you know, or anything like that. We are staying focused with what this gentleman is here to gather information on whether or not the entire part of the City would be welcome in a sanitation sewer service area and whether or not the City has actually has shown that they have plans for sewer in that area. Based upon our forecast and even, I'm going to put this gentleman on the spot and I'm sorry to do that, but based upon their map, I think I can better articulate it on literature that was passed out. They basically come to the same conclusion the City does but they take their forecast out--I'm sorry here it is--they take their forecast out to 2035, and I'll pass this around if anybody is interested and only because I didn't have a picture and I'm trying to use theirs. White area which is the bottom of this here considered the rural area. The charts are here, but again we're talking about this little area right in here. That's SEWRPC's map. It almost perfectly matches the City's map. So the City took theirs out to 2025, that's 2035."

Bill STAUBER: "If I could just comment on--"

Basil RYAN: "Could you wait until after because otherwise I'm going to lose my train of thought here. That's easy to do for me because then we could really start talking about

35

something else. Ask anybody here, they know I get sidetracked. So it says that this notice is here and that would, you know, will determine whether any changes should be made and that interested citizens are encouraged to attend. I hope that I'm trying to articulate this and provide meaningful information. But now when I go onto the fact sheet I'm a little concerned because some of the information contained in the fact sheet I have, you know, questions on. And first of all so I understand this, this fact sheet was put together with the help of the City and also with your organization and also with the help of the Metropolitan Sewerage District?"

Bill STAUBER: "They reviewed the portions that were relevant to the District, yes."

Basil RYAN: "Okay. I requested an open records. Boy, did I have a lot of reading to do. In there, so everybody had a hand in articulating this so there was no misunderstanding of what was trying to be said so when it says a sewer service area plan is a long-range plan for the future, it may be many years before sewer service is actually extended to some portion of the planned sewer service area. Couldn't we even go further to say that there may be some parts of the City that never ever receive it. And I am trying to point that out with there. So I'd want to go one step, you know, further. It says like, also, is that the expansion of the sewer service area is consistent with the City adopting a long range comprehensive plan. As I articulated in the City's Comprehensive Master Plan it says that that area basically, should be left intact. It shows no development taking place there. It shows the character that it mentions that it wants to see as, you know, the agricultural use, the primary corridor. We go to the next part where it is says the sewer service area plan provides which services substantial protection to the environmental that is consistent with not only your plan, but the City is to protect that large green horseshoe area. It further it goes on to say that the expansion of the Franklin sewer service is necessary for the City to move forward with the proposed Ryan Creek Intercept Sewer. Long short, if we weren't here talking about the Ryan Creek Intercept Sewer, we wouldn't be talking about running sewer into that area either.

36

1 So, we bring up a problem, or not a problem--strike that. We bring up an issue. That issue,
2 we're being told has no impact on residents, but in that particular area it has an impact. It has
3 a serious impact and not only does it have an impact with the residents, but it runs a conflict
4 with the City's Comprehensive Master Plan is for that area.

5 So, I don't agree with, you know, when they talk about, you know, the Ryan Creek Intercept
6 Sewer and all parts of the City are going to be serviced by that. I think earlier Mr. Bennett
7 pointed out that anything east of 60th will not be serviced by this. And so we understand
8 where 60th runs, Root River Canal, that's even further back. 60th is here. This is the Root
9 River Canal. So, basically this area is not affected by that.

10 Now it says the expansion of the sewer service area is consistent with the Milwaukee
11 Metropolitan Sewerage District's long range Master Plan. Again, I haven't seen that plan, nor
12 do I, have seen anything worth facilitates putting sewers right into that area. I'm just trying to
13 take...

14 What I'm concerned with is now, I am going to get into some issues with the taxation of the
15 sewer. It says in the fact sheet, and granted that we all agree that Milwaukee Metropolitan
16 Sewerage District had a hand in crafting this also. So we had three bodies of government that
17 put this fact sheet together. The City of Franklin, the Milwaukee Metropolitan Sewerage
18 District and SEWRPC. So it states in two separate spots, as discussed under the next tax
19 section of this fact sheet, the property would then be subject to District property taxation. It
20 even goes on to say on the another part of it is that, and this is interesting because I am going
21 to give some evidence that I don't think a lot of people are aware of, but this is what is going
22 to drive a shock to a lot of people. It says that the Metropolitan Sewerage District
23 Commission taxable property included within the District is subject to the Metropolitan
24 Sewerage District's capital improvement property tax levy. Very, very important. We'll
25 come back to that in a few minutes.

26 I am sorry, I had an email here. I didn't understand why you didn't want the Sewerage
27 District to be part of this fact sheet. I got an email that it said you were asking that there be no
28 reference to the Sewage District on there. Are you aware of that?"

37

1 because we exactly don't know what they could be. And based on future numbers they
2 haven't proven to be accurate. Close, but that only counts in horseshoes.

3 The map showing, also we also have maps in this old one, that basically shows that this whole
4 area or their goals was, at least, keep in mind when this was done back in 1979, they
5 anticipated this whole area here would have sewer and that's what was going to service the
6 36,000 people. Today, we actually have an area up by 92nd and Rawson, by Whitnall Golf
7 Course, that still has septic. Those people are on the septic system as far of an area up to this.
8 We have people that are down in this area that are on septic. So we don't have a consistent
9 program. In fact, what our program is in developing sewer in the City of Franklin, we have
10 no capital improvement. It's basically by need. If you live in the area and you want sewer,
11 you petition the City. And the City will then do a survey for your area and then if it
12 determines that there is enough people that want sewer in that area, you will get sewer. We
13 don't have any master plan to show. And that's why the City has been developing the way it
14 is because people up on 92nd and Rawson, they don't want sewer. That area is surveyed and
15 the majority said 'no'. Other areas of the City, the same thing.

16 So, consistency is not here for this. So based upon the old report it shows us two things. It
17 talked about having the whole City sewered that's in brown, that never occurred. And it
18 showed numbers in population that it didn't achieved. It was a guide, I don't doubt that. It
19 was helpful. It was also interesting that a guy made a comment on the back of it about the
20 'sneaky City'. But that's irrelevant, but I thought it was important back then that somebody
21 from the City wrote 'sneaky'. Little humor there. Okay, so I think I've covered this.

22 I'm going to go into the new one that we have passed out and why again I am pointing out to
23 this is because this also depends on numbers based on population. So I'm saying there's
24 nobody with that crystal ball that can accurately predict growth in this City and growth in
25 population or business growth.

26 Again, I'm going to page 1 of Chapter 1 where we allude to as it was in 1979 where we say
27 that we want to preserve primary environmental corridors and prime agricultural land. I'm
28 trying to tie this back into my example of that little horseshoe area. It talks about also on

39

1 Bill STAUBER: "No."

2 Basil RYAN: "Oh yeah, it says, 'SEWRPC is expressing a request from the City of
3 Milwaukee to expand its planned sewer service area, part of the area wide. In anticipation
4 SEWRPC staff is assisting the City of Milwaukee in drafting a fact sheet and explaining the
5 sewer service. The draft sheet should include a brief description of the relationship of the
6 planning sewer service area Metropolitan Sewerage District. Would you or your staff review
7 this.' You wrote this to Kevin Schaefer. Or, I'm sorry. He wrote that to you. When I find I
8 have another one in here in just a minute but I want to show you where, I was just puzzled but
9 we'll get that in just a second. But that's you, right?"

10 Bill STAUBER: "Yes."

11 Basil RYAN: "Okay. Alright, let me get that in a second, just following up. Now, so
12 everybody understands the Metropolitan Sewerage District on Monday, April 18, 2011; and I
13 attended that meeting; had on their agenda Item Number 4, 11-065-4, authorizing a public
14 hearing on the expansion of the District boundaries in the City of Franklin. It's in the works.
15 The Metropolitan Sewerage District is moving to extend those boundaries. And I'll supply
16 some additional stuff in a few minutes here.

17 Now, I'm going to try to do a comparison if I can. And the point that I want to make is, this is
18 the old one, this 176 Sanitary Sewer Service Area for the City of Milwaukee that was back in
19 the, what was this, the 70s, 80s. One of the points that makes reference in there, July 12,
20 1979, it makes reference in this one going back to '79 is that we should, we should keep a
21 consistent element and the consistent element in this is agricultural land in environmental
22 corridors, primary environmental corridors. So back in '79 they talked about exactly what
23 they're talking about in the new one. The other point of interest with the old one is
24 population. We're guessing on what the population is going to be in the City of Franklin. In
25 fact in this report they guessed by 2000 that the population of the City of Franklin would be
26 38,000. Out of the 38,000, 36,600 people would be using sewer. 1,400 would have no sewer.
27 So numbers, as far as being thrown around today, I feel are going to be a little bit irrelevant
28

38

1 there is that on the bottom part on that same page is that it says that now have been refined in
2 detail through local sewer service area planning studies in order to reflect local as well as
3 regional planning objectives. I allude to that to say is that it's consistent. The Metropolitan--
4 the SEWRPC and the City's terms even although there is a difference between 2025 and
5 2035, is consistent with that area over there for development. I'm just disturbed that it seems
6 like that area is being sacrificed, even though it's coming all within the criteria that the City is
7 trying to achieve in its overall perspective of what the City should look like in preserving the
8 character. And by that, I say when it says sanitary sewer area plans have direct bearings on
9 whether sanitary sewer may be provided. So, if there is a direct bearing of what we're doing
10 tonight on that area, it should be that that area should be carved out because there is nothing
11 here to indicate that this area is going to get sewer. It goes on as, it talks about, I believe Bill
12 you straighten me out on there, is, I had a part where it says that SEWRPC is a consultant,
13 you know, in design for other organizations as far as the DNR. And that pertains to some
14 areas but not all.

15 The other interesting part on the bottom of page 3 is that it says that the expansion of the
16 planned sanitary sewer service area would enable the City to move forward with the proposed
17 Ryan Creek. Now I'm going to drop this, and I'll support it in a few minutes, of this. You
18 people that are dozing off in the back this may be of interest to you. There appears there is
19 some kind of communications that the District basically is saying that they want the entire
20 City of Franklin to be incorporated into the District. They don't want any exceptions, even
21 though the City could make an argument that there should be at least one area, maybe two,
22 that should not be incorporated into there. The District doesn't want that. And I'll supply
23 those documents in a few minutes. The District wants all or none. Now that could be an
24 interesting factor because if this, and elected officials should be honest and tell us this, if that
25 means that this project goes away; if they don't get all of this, we should be up front with
26 people and let them know because then we should be working on a solution to deal with that
27 problem. I don't think there's anyone that wants to sacrifice a plan if it's a good plan, and it's
28 been well thought out that benefits the City. I've made a considerable investment in this City.

40

1 I've raised my family. I like it when people ask me where I'm from, I don't say Milwaukee.
2 You know that irritates me when somebody always says that even though they live in
3 Franklin. It's like, they don't live in Milwaukee, they're from Franklin. What did you say
4 that for. Well, they don't know where Franklin is. Well, let them learn there are Google map
5 search, let them figure it out.
6 So I look at this and I say is that reading the proposed long range the intent sanitary sewer
7 areas, you know, identifying the environmental again, you know, why, if no sewer that the
8 entire City would be in the planned sewer service area. Does that mean that if tonight
9 SEWRPC recommends that that area get carved out, that the deal with the Milwaukee
10 Metropolitan Sewerage District is going south? And that there is no deal? I'll let you be the
11 judge in a little bit when I supply some information.
12 I'm going to stay focused on this because as it was pointed out earlier and I think Kristin had
13 pointed that out, is that, the City never really did any thorough planning to determine the
14 growth rate or that, and yet in here it says, 'it is envisioned that such service could potentially
15 occur within the timeframe of this Comprehensive Master Plan'. And then it says, 'based on
16 this information it is recommended that the City'. Well, my area over there does not show
17 any growth. It does not show any development. So, and that's contained within the
18 Comprehensive Master Plan. So it shouldn't be an area to be put in there.
19 Let's see. This is another interesting factor, using numbers out of here that now relate to
20 there. It says that the City numbers predict that the population in 2010 is 35,451 and that that
21 green area, the population is 440 residents. In 2020 it says that the entire, the brown area will
22 have a population of 45,992 and that the green area will have a population of 10,840. The
23 brown area grew more than the green area, but yet we're going to put a large sewer system in
24 here to accommodate this when it would make more sense to be developing this area and
25 tying this area into the sewer and completing it. Because you are only talking about a small
26 number of growth that's occurring in that area, and these are the numbers that come out of
27 this book so anybody can verify that. And this is where we go to the question here that says,
28 'Population under planned conditions were not undertaken; however, it would appear that

41

1 area. It was interesting and its Alderman Bergmann moved to approve the request from the
2 Fire Chief to purchase a 2000 gallon water tanker for the Fire Department, with a payment
3 structure determined by the Common Council. Seconded by Alderman Kosovich. On roll call
4 Aldermen Bergmann, Kosovich. Voting no, Alderman Solomon, Gardner, Sohns, Olson.
5 Motion failed.
6 But yeah, when some nice people donated to pay and donated that truck so there could be
7 protection in that area, Alderman Olson moved to accept with great gratitude the donation of
8 approximately \$130,000 truck and 2200 gallon pumper tanker and everybody agreed to that.
9 So, I'm just trying to say, and I'm going to get to this, but there was a precedence."
10 Bill STAUBER: "Mr. Ryan, I am going to ask you to summarize and wrap it up."
11 Basil RYAN: "Okay, but I'm just saying there was a precedence. We weren't, as the
12 people living in the green area, we were told that we weren't going to be subsidized by the
13 entire City to buy a truck but yet now we are being asked to subsidize the sewer system. Here
14 is what I am going to allude to quickly. It says a communications from Kevin Schaefer to an
15 individual at R and M, and anybody's welcome. It says the short time frame for the project
16 was driven by the completion date of the MMSD's selection. Bill, don't take this the wrong
17 way, but on the issue about the short timetable the entire schedule has been driven by the City
18 of Franklin, not MMSD. It also says that Franklin has agreed to all the financial guarantees,
19 Clean Water loan requirements, environmental liability, construction timetable, Chapter 30
20 permits, and insurance coverage, and as they will be their own operator in sewer for 20 years.
21 My question is, based upon this communications, it says that the City is going to own that
22 sewer for 20 years. So if we own the sewer for 20 years why don't we get to dictate who
23 becomes part of the area and that, and who gets to hook up and who doesn't. According to
24 this, it's our sewer. I'll hurry through this stuff, but I'm leaving.
25 Another interesting point, another communications I received, the Commission is requesting
26 an amendment to the 2010 Capital Budget to create Project Number blah, blah, blah, Ryan
27 Creek Int. The total project of \$1,428,400.05. This amount represents the project
28 management cost agreed to by the District, including the cost of residential engineering,

43

1 implications of the City's Comprehensive Plan would likely result in lower build-out
2 population than that estimated by part of the Milwaukee Metropolitan Sewerage District.'
3 Again, it says the City never did any figuring. The numbers that we're getting is basically
4 from the Metropolitan Sewerage District. They're coming up with those numbers, not the
5 City. If we go on to read, and I don't want to bore everybody but I am probably starting to do
6 so. Here is some interesting, and I don't know how to deal with this. I think I've made my
7 argument of why that area should not be part of the sewer system. It should not be an area
8 that should be put into a type of a deal. And, if it was part of a deal, the City needs to come
9 up with a solution and a remedy because it's not fair to the people in this area. And again, I
10 will say, I never researched the other ones. I only focused on this one. It's not fair to those
11 people who have to pay for the City to get sewer. And I'm going tell you a little story before
12 I get too far down."

13 Bill STAUBER: "Mr. Ryan, in fairness to any other individuals who want to speak, I
14 want to be fair to you, I want to be fair to anybody else in the audience, too. You've had
15 about 45 minutes, and I guess I would ask you--"

16 Basil RYAN: "I can wrap this up fast."

17 Bill STAUBER: "Wrap it up fast. You've made your points fairly clear and if you
18 want to wrap it up, I'd appreciate it."

19 Basil RYAN: "Well, I think now the general public needs to be educated on what's
20 really going on."

21 Bill STAUBER: "Well, if you would, wrap it up."

22 Basil RYAN: "Alright, just one thing quickly. The minutes from the Common
23 Council. In 2005, Mr. Olson left but Mr. Solomon is still here, the City wanted to get a tanker
24 truck. What that means is that green portion doesn't have water. So the Fire Department,
25 whenever there's a water (sic), has to transport water in a fire truck to that area. The City did
26 not want to pay for a truck to go in there because they said that basically the problem with
27 people that live there, they should live in an area that has water then they would have it. The
28 people from Carmex donated that truck. They paid for that truck because they live in that

42

1 resident inspection, and so forth. The District will reimburse, will be reimbursed by Franklin
2 for this amount. This basically says that the Sewerage District is getting paid for their
3 engineering study and all of that, and the City of Franklin is paying that. But here is the
4 interesting part. From the District's--sorry, I got to get a break pretty soon, my voice is
5 going--from the District's perspective the most critical matter is that all of the City of Franklin
6 will be included within the District immediately following the completion of the statutory
7 requirement hearing. Nobody's talking about money. The District is saying the most
8 important thing to them is that Franklin gets incorporated within their boundaries. This was
9 the service, sanitary service agreement, I won't go into this but one of the interesting parts is
10 there was a discussion about islands. I guess I'd have to rely on Jesse on another date. But,
11 there was a discussion about islands. The Sewerage District didn't want any islands to be
12 represented in this portion. I guess what I am trying to say my area that I've been talking
13 about today represents an island. Here is the interesting one that I can't explain. But it's
14 interesting. And people can draw their own conclusion and I was hoping that someone from
15 the Sewerage District could explain this to me. But, the District has a policy. It says the
16 adoption of a policy requiring properties added into the District or to the sanitary sewer
17 service area after the adoption of a facility plan to pay capital costs. What it goes on to say is
18 that this policy establishes that the District should recover capital costs from properties,
19 regardless of when the property is formally added into the District, are included in the District
20 sanitary sewer area, will be required to contribute towards capital cost of system
21 improvements. It also says that in the background basically why this was put in place is that
22 they didn't want something like this to occur, where the community sits out there, allows an
23 area to be developed, and then once it's developed then decides to join Sewerage District and
24 has to pay nothing. It says in order to recover the cost of additional improvements to the
25 entire system service area in an equitable manner, it is appropriate to establish a capital cost
26 recover policy that eliminates the free-riders, I guess that's what they call people, while
27 insuring properties are charged an appropriate amount for capital cost. I think that goes back
28 to the gentleman that was asking the questions earlier.

44

1 Bill STAUBER: "Mr. Ryan, I think I am going to have to ask you to wind this up."
2 Basil RYAN: "I will, I just have a couple more and then I'm done."
3 Bill STAUBER: "I think you've made a number of points, and you've made them
4 repeatedly."
5 Basil RYAN: "Then let me make this point here."
6 Bill STAUBER: "One more point and then I've got to move on to the next one."
7 Basil RYAN: "It says, 'Notice of a Public Hearing to be held by the Milwaukee
8 Metropolitan Sewerage District concerning inclusion of the City of Franklin within the
9 District boundaries.' They had it set for June of this year and in there they talk about, and this
10 is a point that is of interest, because there is apparently an argument between, well not an
11 argument, but a problem between the District. They say in this public meeting solution a
12 proposed resolution to perform a biennial review of its boundaries including exclusively all of
13 the City of Franklin as described, and that the purpose is for taxation. What the City Attorney
14 alluded to earlier was the City made an agreement to give the Sewerage District the entire
15 area of the City of Franklin because before, the Commission and this is right in the same
16 statutes where Jesse was quoting, before the Commission can adopt the final resolution to add
17 an area to the District, the Commission shall first obtain the consent of the governing body of
18 the City. The City of Franklin gave consent for that entire area to be incorporated in there.
19 Had they not, the people in that area would have an argument that their elected represented
20 officials could fight for them. In fact, there was a communications from Jesse just the other
21 day where he alluded to the fact to make sure, again I confirm that elected officials working
22 with these property owners who may have an objection to being considered for public sewer
23 service under all the circumstances presented, was not in any way a problem under the
24 agreement between the City and the District. So, the City and the District made an agreement
25 that they gave the District that whole area and that they won't object to it, because what the
26 law says that in order to, and this is where the language comes in, exclusive of the land within
27 the District. That's in reference to the Article 7 of the contact between the City and the
28 District to incorporate and to include all lands in Franklin that are not within the District as of

45

1 City Attorney WESOLOWSKI: "Excuse me...read the section that's in the contract
2 that I told all of these people here is what governs in this particular case. The last line of it
3 which I didn't read says, 'Additions to the District under this subdivision 5 are not subject to
4 paragraph d.' And, what you just read is subsection 2 under paragraph d, City consent is
5 required."
6 Basil RYAN: "No. No, what I read and I will point out to you, is what I'm reading is
7 4. And if you look at 4 within the same section, the language is identical. So, I will read 4 for
8 you."
9 Bill STAUBER: "No. Thank you very much."
10 Basil RYAN: "No. He made a point and I want to clarify it."
11 City Attorney WESOLOWSKI: "Wrong."
12 Basil RYAN: "Here, Jesse. There, 4. Not d. Read it. That's 4. Same language."
13 (Inaudible)
14 Bill STAUBER: "Are there any other--"
15 Basil RYAN: "(inaudible) from the Sewerage District. They said they want all of the
16 City of Franklin."
17 City Attorney WESOLOWSKI: "I'm not going to argue about whether or not the
18 District from time to time or over time has been interested since that original area was part of
19 a large litigation in 1980 to 1982 when the major argument was whether or not all of the
20 municipalities in the Milwaukee area should pay for combined sewer issues in Milwaukee and
21 Shorewood, and Franklin was a leading municipality in fighting that. As I understand it, Mr.
22 Bennett was part of that. And, the City's consultant William Mielke was part of that. I
23 understand the basic war was lost because all municipalities now shared capital costs
24 including contract communities. So, there's 28 municipalities covering the cost, but part of
25 that was that southern area of Franklin was taken out. That's when this law changed. And, it
26 doesn't require municipal consent under 200.29(1)(c)5. I'm not going to read the statute, but
27 that's what it says. Now, read--"
28

47

1 the effective date of this agreement. And, this was part of the agreement that the City of
2 Franklin made with the District. And, no consent or authority. So, when you look at what
3 that is saying in a sense is all the District would have to do, reading what Jesse said, is the
4 Commission shall perform a biennial review of the redefinition of the boundaries under
5 Section 4. That's what they're calling for in June. And I am finishing, this is the last point.
6 So, if they make that determination, all they have to do is find the likelihood that sewer will
7 be available within 10 years to the people in that area. And if they make that determination,
8 sewer, then those people will be taxed. And, that's it. In fact, the law was changed, and I
9 have reference to the old statute and all that, but what people were asking about earlier, is the
10 District apparently wants to incorporate that. Once it incorporates it, all they have to
11 determine the likelihood within the next 10 years is that sewer can be provided. I brought
12 along, I had a conversation with--"
13 Bill STAUBER: "Mr. Ryan--"
14 Basil RYAN: "I'm finishing, this is my last point. I did bring a conversation along
15 with Kevin Schaefer, and I did play it as a courtesy, because he left a message on my machine
16 and we kept playing phone tag, to the City Attorney and to Mr. Bennett. So there's a clear
17 understanding, they get that area, the City has signed off on it. Had the City not done that, we
18 probably wouldn't get the Ryan Creek Intercept Sewer because other documents that I had
19 here...I know, I'm just summarizing."
20 Bill STAUBER: "I'm going to say thank you very much for your comment, and I'm
21 going to ask whether there are any other speakers. Mr. Wesolowski, I'm sorry."
22 City Attorney WESOLOWSKI: "Mr. Wesolowski, not Mr. Jesse. Just in terms of Mr.
23 Ryan's comment on the City's consent, there was no City consent. Read the agreement, as I
24 have said before. There's no City's consent that properties be brought into the District. The
25 statute you were reading from was probably 200.29, but I'll bet you were in sub 1, sub c...sub
26 d or sub d instead of sub c, sub 5. Sub c, sub 5 says, not sub d. You're under sub d. Your
27 highlighting d. I don't need the whole thing. I know what is says--"
28 Basil RYAN: "But if you go to --"

46

1 Bill STAUBER: "Thank you, Jesse. I am asking one more time if there is anybody
2 else who would like to speak. Yes, sir."
3 John NAPIENTEK: "I'm John Napientek."
4 (Applause from audience)
5 Bill STAUBER: "I've been very tolerant of the applause this evening. I often speak
6 up earlier about not applauding. I've been very tolerant about that. I wish you could just
7 continue in a level, even-handed manner, and listen to the next speaker."
8 John NAPIENTEK, "I'm John Napientek at 10233 West Ryan Road. Sanitary sewer
9 is supposed to go through my property. And, I'm a farmer in the area. I've talked to the
10 Project Engineer, Joe Eberle, and I'm in question to the root of the sewer. Milwaukee County
11 doesn't have a lot of agricultural land. This is the primary area for it. But, yet, it runs straight
12 across a lot of the farm fields. And, I know a lot of farmers in the area that farm those fields.
13 There will be manholes sticking--I know from my property and Mr. Mayer's to the east of me,
14 that I'm going to be working 40 acre fields with manholes in the middle of them. And, I
15 noticed that they moved the boundary lines in the other fields that do not go down 112th. I
16 think they go along the west side of it. So, it's going to be in another farm field. I know over
17 on Bosch Lane it's been moved to the south, so it's going to be in somebody else's farm field.
18 And, it might be easy for you people to put it out there, but a more feasible way to put the
19 Ryan Creek Interceptor Sewer if you are going to do it, is put it down the road. We also look
20 at the cost. I mean, I understand the Clean Water Fund, that you are seeking a total of \$31
21 million. And, with the fact of the State, and a matter of fact the Country, and a whole \$14
22 trillion in debt, you know, I question the viability of the project. And, the Clean Water Fund,
23 from what the City's standpoint, what I understand, to seek that kind of money was a chance
24 and a risk to take. The City takes the responsibility of the money up front for the project and
25 to pay the project, or the preliminary study, and that's the chance they take. So, that's just my
26 comment."
27 Bill STAUBER: "Thank you. Anybody else? Yes, sir."
28 Unidentified from the Audience: "I just have a question here for Jesse--"

48

1 City Attorney WESOLOWSKI: "Microphone. It becomes part of the record, you
2 know. It get's attached to whatever report, if any, gets adopted."
3 Unidentified from the Audience: "Jesse, you said MMSD will kind of draw their own
4 map separately from this one that might include things outside of that green area or not in that
5 area. If I understood you right?"
6 City Attorney WESOLOWSKI: "That's correct. When they do their District
7 determination, they can move the District boundary beyond where it is into areas even though
8 it's not within this particular sanitary sewer service area approved by SEWRPC and DNR."
9 Unidentified from the Audience: "My question is, from what I gather--"
10 City Attorney WESOLOWSKI: "But, before, and then you read in the report that you
11 can't extend sewer without being in a sanitary sewer service area of SEWRPC and DNR
12 because that is part of the Regional Water Quality Area Plan. You know, the whole bottom
13 line."
14 Unidentified from the Audience: "This is like the permission map sort of?"
15 City Attorney WESOLOWSKI: "In general, yes. But this is that one subsection in the
16 statute where it's not. And, before a shovel could ever go in the ground to install sewer pipe,
17 then, yes. Then the SEWRPC service area has to be approved. So in other words, for all of
18 the Ryan Creek area here, which would be subject to, pretty soon in a couple of months I
19 think, submission of construction plans, that approval by SEWRPC and DNR is necessary
20 because a shovel would be going in the ground as well as inclusion in the District for the
21 actual piping."
22 Unidentified from the Audience: "What I was trying to understand was, so they looked
23 at their own facts and made their own determination. But, this map is definitely one of the
24 facts they would be looking at, right?"
25 City Attorney WESOLOWSKI: "Oh I'm not a sanitary sewer service area lawyer.
26 Whether it's at SEWRPC or at the Sewerage District or at DNR, they, I'm sure--I'll take a
27 good guess and be relatively sure that MMSD looks at SEWRPC maps."
28 Unidentified from the Audience: "Okay."

49

1 Unidentified from the Audience: "I don't see the downside of leaving areas where
2 there's no intention of running sewer, right? I don't understand that. My question to you is
3 just is this something that MMSD uses as one of their factors to decide this, or their map?"
4 City Attorney WESOLOWSKI: "I gave you my best answer on that."
5 Bill STAUBER: "Thank you. Anybody else? Yes, sir."
6 Doug FOREMAN: "Doug Foreman, 10722 South 60th Street. I live in that same area
7 that Mr. Ryan was talking about. But I won't be as long-winded. I didn't bring as much
8 paper along with me. But, going with the Master Plan, that was one of the areas that I didn't
9 think we'd have to deal with whole lot of development. Things were going to be left the
10 same. A couple of years ago when we talked about the Master Plan, that's what was going to
11 happen. It was going to be left alone. We got no sewer, no water. No cable even comes
12 down the street. Time Warner doesn't even come down there. So, we're kind of left alone.
13 We kind of like it that way. Along with poor phone service that we also get because we can't
14 even get a decent DSL signal. But, that was when I bought the property, you know, 20-some
15 years ago, that is what was told to me, that there would be no sewer and no water. At the
16 time, we take the expense of, you know, pumping out, maintaining our septic systems or be it
17 the mound system or leach bed, and also provide whatever has to be done with the well water
18 and that. Being included in this, I know we're going to be subject to some type of something
19 that we're never going to benefit from the services from, as far as the sewer coming through
20 there. I guess that's pretty much, I just wanted to kind of make a point that we were told with
21 the Master Plan that we weren't going to be getting, you know, we weren't going to be
22 touched with anything. Kind of keeping our tree lines and that, kind of keeping our natural
23 corridor. And, some of my land, you know, was on the Master Plan as being a natural
24 corridor because of the woods and that. So, we're being taxed as far as the woods, it's not
25 tilled up land and that. And, so we're paying for the woods and trying to keep it that way.
26 But then also being taxed for some services that we're not going to be getting. It just doesn't
27 seem to be fair. Thank you."
28 Bill STAUBER: "Thank you. Anybody else? Yes, sir."

51

1 City Attorney WESOLOWSKI: "But the email that Mr. Ryan read, in part got
2 confirmation because this question came up. I wanted to hear from the Legal Department of
3 MMSD that it's not necessary to be within the SEWRPC and DNR mapped-in service area in
4 order to be considered or be brought into the District. It's really a shovel-in-the-ground
5 question."
6 Unidentified from the Audience: "So, I wasn't talking about that email or anything--"
7 City Attorney WESOLOWSKI: "But that's what it says."
8 Unidentified from the Audience: "I guess my main question here would be, what's the
9 downside if there's areas that Franklin knows because of the geography or whatever, there's
10 really no intention of running sewer to, what's the downside of leaving those off of that green
11 there?"
12 City Attorney WESOLOWSKI: "Downside? You probably want to talk to a planner
13 or an engineer on that. I gave you the technical answer if it's not in the plan. If the objective
14 is to somehow prevent further inclusion in the Sewerage District by Milwaukee, that's not
15 going to be a factor. I learned pretty much, in terms of sanitary sewer service area planning
16 and the like, as probably people in the room that read the fact sheet and the report and looked
17 online on the DNR site. I don't know, I was listening to Mr. Ryan and thinking 'okay, this is
18 Water Quality area. It's not a necessary precondition for District.' I don't know, maybe
19 someday there's sewer, maybe there already is a sewer treatment plant, public treatment plant
20 or private, that serves many in Caledonia that could serve it. And then you'd have to be in the
21 SEWRPC area."
22 Unidentified from the Audience: "Raymond is right below that line there, and if
23 someday they wanted to put us in a sanitary district because they're actually running a
24 pipeline there, would this make it harder for them to do that?"
25 City Attorney WESOLOWSKI: "If it's not in there?"
26 Unidentified from the Audience: "Otherwise they've got to take it out of MMSD--"
27 City Attorney WESOLOWSKI: "Oh that way? I don't know, that's an engineering--"
28

50

1 Rick BARWA: "I've already identified myself as I talked once before. I just have a
2 question. Alluding to the Master Plan, I came to the meeting when we were talking about the
3 new Master Plan. I live along 112th Street. I was told at that point in time that as long as we
4 did not sell the property, nothing would change with the designation of our property. The
5 majority of that property in that area that they are looking to develop for the Sewerage District
6 is agricultural land. It is owned by individuals, it is owned by farmers who have absolutely no
7 intention of selling their land and subdividing it. The other thing we're looking at is we have
8 the landfill down there. So, anything south of Oakwood Road from 76th Street to the west to
9 County Line, anytime the wind blows from the west you get to smell the dump. There's not
10 going to be a whole lot of people there that want to move into that area. They've just
11 approved expanding the landfill and keeping it going for many more years. So, you have to
12 look at that as far as your expansion plan. People aren't going to move into an area where
13 Waste Management is building a huge landfill. I mean anytime we get a southwest wind, I
14 get to smell it right up, live and in person. I'm less than a mile from it. So, that area up there
15 is not going to be developed. I've already had my taxes lowered twice by the State, because
16 the State says that the landfill is detrimental to that area and the development of that area. So,
17 even the State agrees that people aren't going to develop into that area. So, I think we're
18 being a little bit optimistic on our 10,000 people in that green area. I think that's real
19 optimistic over the next 25 years.
20 Most of the farmers that I grew up with in this area, I've lived out here, my family's been in
21 this area over 100 years, I've been out here over 50. I know a lot of these folks. They're old
22 farmers. Their families that are here are here to stay. They're not going anywhere. I just
23 built a new house in the area 10 years ago, because it's on family land and we want to stay
24 here. And, paid, like I said earlier, \$15,000 for a mound system. I've got my own well. I'm
25 500 feet deep on my well, you know. Am I worried about contaminating my well with my
26 mound system? Not in a million years. Not with the clay out here. And that's all things we
27 have to look at. The other thing we have to look at is, I don't know all the logistics because
28 I'm not an engineer, I'm an airline pilot, you're looking at running sewer line through clay

52

1 where the hydraulics snap concrete walls. So, I don't know what it's going to do with a sewer
2 line coming through this area with the clay that we have out here and the hydraulics that are
3 present with that clay. So, my question would be--I've never been approached--has anybody
4 ever done anything, come to the farmers and said, 'What are your plans? Are you looking at
5 subdividing this? You know, do you want to get rid of your agricultural land?' And, I think
6 in this day and age, the last thing you want to do is encourage people to get rid of their
7 agricultural land. It's starting to dry up everywhere. Building is taking over. We have issues
8 in the Franklin Industrial Park. When that went in, we're flooding neighbors to the south of
9 them because we have massive runoff from all of the concrete that's gone into the area that
10 used to be green space. This are all of the kinds of things we have to look at. If we start
11 developing these areas, we're going to be dumping mass amounts of water back into the
12 MMSD sewer system, which is already overtaxed. So, I just ask that these kind of things be
13 looked at very carefully before a decision is made. And, I really respectfully ask, Mr. Mayor,
14 that we do have a session where we can all sit down and talk about this and get answers one-
15 on-one. Thank you."

16 Bill STAUBER: "Anybody else? Yes."

17 Karen RYAN: "Karen Ryan, my address is 5250 West South County Line Road. And
18 I'm just going to read this so it is read into the record. This is on MMSD letterhead.
19 Commission File Number 11-065-4. Dated April 4, 2011. And, it was introduced by the
20 Executive Director. Relating to authorizing public hearings on the extension of District
21 boundary in the City of Franklin. This Commission is requested to adopt the attached
22 resolution which authorizes the Executive Director to schedule one or more public hearings to
23 solicit public comment on the proposed incorporation into the District of all lands in the City
24 of Franklin that are not currently within the District's boundary. These lands were excluded
25 when the District redefined it's boundary in 1984 pursuant to then 66.888(1)(c)4.a., Statutes,
26 now renumbered as Wisconsin Statute 200.29(1)(c)4.a. This boundary established in 1984
27 under subparagraph 4 was to be reviewed biennially pursuant to then 66.888(1)(c)5. to include
28 any area likely to receive sewer service from the District within the next 10 years. The City

53

1 of Franklin proposes to construct the Ryan Creek Interceptor through southern Franklin,
2 which will provide an infrastructure needed to provide sewerage service to all of the City of
3 Franklin within the next 10 years. The District agreed to purchase the Interceptor Sewer as
4 provided in an Intergovernmental Cooperation Agreement in Commission file 10-125-9. The
5 project has a qualifying Wisconsin Clean Water Fund Program loan priority. The project has
6 been adopted by the Commission as amendment to 2020 Facilities Plan. It has been approved
7 by SEWRPC and has been approved by the Wisconsin Department of Natural Resources. An
8 Intergovernmental Cooperation Agreement (ICA) between the District and the City of
9 Franklin addresses this most critical element of the ICA. That is, that all of the City of
10 Franklin be included within the District boundary. This resolution sets in motion the public
11 hearing process for including those lands within the District's boundary. Thank you."

12 City Attorney WESOLOWSKI: "Just so people understand, because I know Mr. Ryan
13 was referencing sub 4, and sub 4 is in there. What that says is the area was excluded under an
14 old statutory subsection back in 1982, which was numbered whatever it was, and now is sub 4
15 of 200.29. That's not what is being used here. It goes on to say, what is considered to be
16 brought in under 200.29(1)(c)5., which is whether or not sewer service is likely in 10 years.
17 And, like I said before, it's no secret that the District would like--I think they've expressed
18 that publicly--to have the entire City of Franklin, the last remaining part in the entire
19 Milwaukee County outside of South Milwaukee which has its own system, within the District.
20 The City did not agree to that. And, whether or not the entire City gets brought in is subject
21 to the hearings and a determination based on facts as to whether or not an area is likely to
22 receive sewer service from the District within 10 years."

23 Basil RYAN: "Can I just ask one quick question. And Jesse and I we've gone back a
24 way long time."

25 City Attorney WESOLOWSKI: "I say quick."

26 Basil RYAN: "Quick. I made a point. Here's 5, what we're talking about."

27 City Attorney WESOLOWSKI: "You're pointing at 4. Number 4, not 5."

28 Basil RYAN: "What I'm saying is...there's 5. 5 points to 4 there."

54

1 City Attorney WESOLOWSKI: "A redefinition of the boundary. You know what 4.a.
2 is? The original boundary of 1982."

3 Basil RYAN: "All I'm just saying is 4.a. then talks about. So my question is this right
4 here, 4.a., not b., did the City give permission to incorporate, because this section says
5 whether it's in b. or a., before the Commission can adopt a final resolution that would redefine
6 the boundaries, the Commission shall first obtain consent of the governing body of the City.
7 Did the City of Franklin give consent--"

8 Bill STAUBER: "Mr. Ryan--"

9 City Attorney WESOLOWSKI: "No."

10 Bill STAUBER: "Alright, thank you. Anybody else? Then I will thank you very
11 much for your comments. I'm sure that the City officials will take your comments into
12 consideration before taking any action on the sewer service area amendment. And, I know I
13 can assure you that we as staff will summarize these comments and convey the comments to
14 our Commissioners, who will take those comments into consideration as they consider the
15 proposed amendment. So, again, thank you very much."

16 (This hearing was closed at 9:17 p.m.)
17
18
19
20
21
22
23
24
25
26
27
28

55

Appendix C

**WRITTEN MATERIALS SUBMITTED INTO
THE RECORD OF THE PUBLIC HEARING
ON THE FRANKLIN SANITARY SEWER
SERVICE AREA PLAN AMENDMENT**

(This page intentionally left blank)

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2008- 6470

A RESOLUTION APPROVING A PUBLIC PARTICIPATION PLAN
FOR THE CITY OF FRANKLIN COMPREHENSIVE MASTER PLAN UPDATE

WHEREAS, Wisconsin's Comprehensive Planning Legislation, as set forth in Wisconsin State Statutes 66.1001, states in part that before a comprehensive plan may take effect, that the governing body of a local governmental unit shall adopt written procedures that are designed to foster public participation, and

WHEREAS, the City of Franklin has expressed its intent to update its Comprehensive Master Plan, as indicated by the Common Council's adoption of Resolution No. 2005-5835, A Resolution Approving an Agreement with Planning & Design Institute for Updating the City of Franklin Comprehensive Master Plan, and

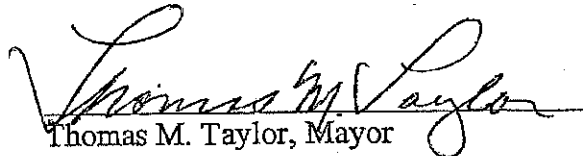
WHEREAS, the City of Franklin Common Council has reviewed the subject Public Participation Plan intended to address the provisions of Wisconsin State Statutes 66.1001.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Public Participation Plan, be and the same is hereby approved.


Introduced at a regular meeting of the Common Council of the City of Franklin this 5th day of August, 2008.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 5th day of August, 2008.

APPROVED:


Thomas M. Taylor, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0

STATE OF WISCONSIN

CITY OF FRANKLIN
PLAN COMMISSION

MILWAUKEE COUNTY

RESOLUTION NO. 2009-015

A RESOLUTION RECOMMENDING THE ADOPTION OF
THE 2025 COMPREHENSIVE MASTER PLAN
TO THE COMMON COUNCIL
PURSUANT TO WIS. STAT. § 66.1001(4)(b)

WHEREAS, the City of Franklin Plan Commission, together with the Citizens of the City of Franklin by way of public informational meetings, City staff, and the City's comprehensive master plan consultant, Planning and Design Institute, Inc., as the Plan Commission and also as the Comprehensive Master Plan Project Committee, consisting of the Plan Commission membership, has prepared a 2025 Comprehensive Master Plan, a copy of which is annexed hereto and incorporated herein, consisting of the requisite elements as are set forth under Wis. Stat. § 66.1001(2), being more particularly described as follows: Chapter 1 Introduction; Chapter 2 Community Issues & Opportunities; Chapter 3 Agricultural, Natural & Cultural Resources; Chapter 4 Economic Development; Chapter 5 Land Use; Chapter 6 Housing; Chapter 7 Transportation; Chapter 8 Utilities & Community Facilities; Chapter 9 Intergovernmental Coordination; Chapter 10 Implementation; and

WHEREAS, the aforesaid 2025 Comprehensive Master Plan preparation being the result of four years of study and review; and the contents of the Plan including numerous maps of the City, as well as regional areas, depicting matters including, but not limited to existing zoning, environmentally sensitive areas, transportation facilities, and future land use; and numerous other studies and reports prepared locally and by regional and state agencies, including, but not limited to the Franklin First report and reports by the Southeastern Wisconsin Regional Planning Commission; and

WHEREAS, the Plan Commission having determined that the 2025 Comprehensive Master Plan, in form and content as is annexed hereto, is in proper form and content for adoption by the Common Council, subject to such modifications the Common Council may consider reasonable and necessary, following public hearing, in order to protect and promote the health, safety and welfare of the City of Franklin.

NOW, THEREFORE, BE IT RESOLVED, by the Plan Commission of the City of Franklin, Wisconsin, that the 2025 Comprehensive Master Plan be and the same is hereby recommended for adoption by the Common Council.

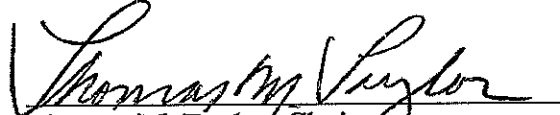
Introduced at a regular meeting of the Plan Commission of the City of Franklin this 20th day of August, 2009.

RESOLUTION NO. 2009-015

Page 2

Passed and adopted at a regular meeting of the Plan Commission of the City of Franklin this 20th day of August, 2009.

APPROVED:


Thomas M. Taylor, Chairman

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 6 NOES 0 ABSENT 0

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

ORDINANCE NO. 2009-1986

AN ORDINANCE TO ADOPT THE 2025 COMPREHENSIVE MASTER PLAN OF THE
CITY OF FRANKLIN, WISCONSIN

WHEREAS, the City of Franklin Plan Commission, together with the Citizens of the City of Franklin by way of public informational meetings, City staff, and the City's comprehensive master plan consultant, PDI/GRAEF, as the Plan Commission and also as the Comprehensive Master Plan Project Committee, consisting of the Plan Commission membership, has prepared a 2025 Comprehensive Master Plan, a copy of which is annexed hereto and incorporated herein, consisting of the requisite elements as are set forth under Wis. Stat. § 66.1001(2), the contents of which are more particularly described as follows: Chapter 1 Introduction; Chapter 2 Issues & Opportunities; Chapter 3 Agricultural, Natural & Cultural Resources; Chapter 4 Economic Development; Chapter 5 Land Use; Chapter 6 Housing; Chapter 7 Transportation; Chapter 8 Utilities & Community Facilities; Chapter 9 Intergovernmental Coordination; Chapter 10 Implementation; and

WHEREAS, the aforesaid 2025 Comprehensive Master Plan preparation being the result of four years of study and review; and the contents of the Plan including numerous maps of the City, as well as regional areas, depicting matters including, but not limited to existing zoning, environmentally sensitive areas, transportation facilities, and future land use; and numerous other studies and reports prepared locally and by regional and state agencies, including, but not limited to the Franklin First report and reports by the Southeastern Wisconsin Regional Planning Commission; and

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

WHEREAS, the Common Council has adopted written procedures designed to foster public participation in every stage of the preparation of the Plan as required by Wis. Stat. §§ 66.1001(4)(a), and numerous public informational meetings have been held and activities conducted to obtain public input during the course of the preparation of the Plan; and

WHEREAS, the Plan Commission of the City of Franklin by a majority vote of the entire Commission on August 20, 2009, recorded in its official minutes, has adopted a resolution recommending to the Common Council the adoption of the 2025 Comprehensive Master Plan, containing all of the elements specified in Wis. Stat. § 66.1001(2); and

WHEREAS, the City of Franklin has held at least one public hearing upon this proposed Ordinance, in compliance with the requirements of Wis. Stat. § 66.1001(4)(d); the

ORDINANCE NO. 2009-1986

Page 2

Common Council having received input from the public at a duly noticed public hearing on October 6, 2009.

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

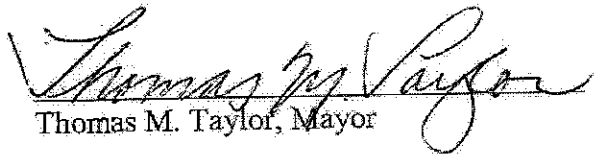
SECTION 1: The 2025 Comprehensive Master Plan, in the form and content as annexed hereto and incorporated herein, be and the same is hereby adopted, pursuant to Wis. Stat. § 66.1001(4)(c).

SECTION 2: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a special meeting of the Common Council of the City of Franklin this 21st day of October, 2009, by Alderman Skowronski.

Passed and adopted by a majority vote of the members-elect of the Common Council at a special meeting of the Common Council of the City of Franklin this 21st day of October, 2009.

APPROVED:


Thomas M. Taylor, Mayor

ATTEST:


Sandra L. Wesolowski, City Clerk

AYES 4 NOES 0 ABSENT 2 (Ald. Taylor)
(Ald. Sohns)

SUBMITTED INTO THE HEARING RECORD
BY FRANKLIN MAYOR THOMAS M. TAYLOR

Milwaukee Journal Sentinel (WI)

September 20, 2005

Franklin wants major sewer expansion \$42.5 million MMSD investment would spur development, city says

ANNYSA JOHNSON Staff Milwaukee Journal Sentinel

Franklin — The city on Monday asked the Milwaukee Metropolitan Sewerage District to consider a \$42.5 million sewer expansion that would enable Franklin to develop the largely rural southwest corner of the city.

Franklin development officials made a brief presentation to MMSD's Policy, Finance and Personnel Committee, a preliminary step, they hope, toward getting the sewer placed in the district's 2010 or 2020 plan, Mayor Tom Taylor said.

"If there's going to be any development of the southern quadrant of Franklin, we need to broach MMSD with a proposal," Taylor said. "We don't see build-out until about 2009 or later, depending on whether we can slow the growth. But there's no time like now to ask."

Franklin is proposing MMSD extend the **Ryan Creek interceptor** sewer that runs west along W. Ryan Road past S. 60th St., where it currently ends, continuing it to the county line. That sewer would enable Franklin to develop an additional 8.6 square miles of the city, creating an estimated \$1.25 billion in new growth, city officials said.

Sewerage Commission Chairman and West Allis Mayor Jeannette Bell said MMSD would evaluate the cost of studying the proposal but questioned whether member communities would want to underwrite Franklin's development efforts.

"Generally, you create a TIF district or businesses pay for that," said Bell, whose community has used tax-incremental financing districts to fund West Allis' redevelopment. "I don't know if West Allis taxpayers will want to pay for a huge sewer out in Franklin when they've had to invest in their own economic development."

Franklin officials said the sewer would benefit all Milwaukee County taxpayers. They estimated that \$1.2 billion in new growth would generate about \$2 million annually for MMSD, \$6 million for Milwaukee County and \$2.5 million for Milwaukee Area Technical College.

"Twenty-three percent of Franklin residents' tax bills go to Milwaukee County," said Common Council President Lyle Sohns, who did not attend the meeting.

Longtime MMSD Commissioner Dennis Grzezinski said the request would not be dismissed out of hand but that the more appropriate venue would be the Southeastern Wisconsin Regional Planning Commission.

Any formal request by Franklin to change MMSD's boundaries would have to be approved by the Planning Commission and DNR, Grzezinski said.

Franklin, whose residents pay some of the highest taxes in Milwaukee County, has been pushing economic development in recent years as a way to expand its tax base.

http://nl.newsbank.com/nl-search/we/Archives?p_action=print&p_docid=10CC12F6997A5... 5/3/2011

One area expected to benefit from the proposed sewer expansion is S. 76th St. and W. Ryan Road, identified as a prime commercial corridor in a 1999 study by the city.

Several developers have expressed interest in that intersection over the years, and Franklin has asked Milwaukee County to consider selling adjacent land at the House of Correction for development.

But nothing's likely to fly without an expanded sewer, said Sohns, the Common Council president.

"We can't do anything on that corner at the moment," he said, "because the sewer is of paramount importance."

Copyright 2005, Journal Sentinel Inc. All rights reserved. (Note: This notice does not apply to those news items already copyrighted and received through wire services or other media.)

Copyright. All Rights Reserved.



Mark A. Borkowski

Milwaukee County Supervisor - 11th District

May 2, 2011

Kenneth R. Yunker, PE
Executive Director
W239 N1812 Rockwood Dr.
P.O. Box 1607
Waukesha, WI 53187-1607

Dear Mr. Yunker,

I have had the honor of representing part of Franklin since 2004. Early on I realized the vast importance that sewer and water would be for Ryan Road.


As such, I am encouraged that significant progress has been made to consider the construction of the Ryan Creek interceptor and lend my full support for all Milwaukee County easements to be made to cooperate on this important project.

Franklin has tremendous growth potential and this improvement will greatly enhance that development.

I look forward to being a cheerleader and lobbyist from Milwaukee County to champion this renaissance.

Please call on me if I can be of any further assistance.

Sincerely,



Mark Borkowski
County Supervisor
District 11

c.c. Mayor Tom Taylor
John Bennett, P.E. City Engineer

County Responsibilities: Chairman of Milwaukee County Council on Emergency Medical Services, Personnel Committee Member, Intergovernmental Relations Committee Member, Transportation, Public Works and Transit Committee Member

May 3, 2011

**Thomas Taylor, Mayor
City of Franklin
9229 West Loomis Road
Franklin, WI 53132**

**Re: Sanitary Sewer Service Area Amendment
Public Hearing Comment**

Dear Mayor Taylor and Members of the Common Council:

I appreciate the opportunity to place the following comments into the record of the public hearing to consider amendment of Franklin's Sanitary Sewer Service Area (SSSA). Required attendance at a public meeting of a client will not allow me to be present at the hearing. My comments are based as a municipal planning professional, as a city resident and taxpayer, and as a person raised in a neighborhood of this community that was the first to enjoy the benefits of sanitary sewer.

I strongly urge the Common Council and the Southeastern Wisconsin Regional Planning Commission to approve the amendment allowing construction of the Ryan Creek Interceptor Sewer. It's time.

Soon after becoming the City's first fulltime City Planner 20 ½ years ago, I received many questions from property owners within the southwest side of the city about the status of sanitary sewer. City Engineer John Bennett advised me to say sewers will be extended in 20 years. For the next 10+ years I told people 20 years to wait for sewer, and we often chuckled when Mr. Bennett said he was advising citizens of 20 years since he started with the city in the late 1960's. The reality of the matter was that there was not a definite plan for sewer extension, as evidenced by the various denied proposals to extend sewer to 76th Street and Ryan Road. Now, allowing the extension of sanitary sewer via this amendment and constructing the Ryan Creek Interceptor Sewer will allow the hundreds of property owners I tried to properly advise to finally plan for the future of their property.

Expansion of the SSSA conforms to the regional plan. For decades the regional plan has recommended growth facilitated by sewer to naturally extend into southwest Franklin. Growth in Franklin is much better than leap frog development into Racine County. The south side of Oak Creek has been developing for many years. Franklin's mirror image, the former Town of Granville now part of northwest Milwaukee, is near to full development. It's now time to plan to gain the benefits of growth opportunities within Milwaukee County as opposed to elsewhere.

There are very limited opportunities for growth on in-fill sites within the current SSSA. During the 1990's I annually mapped the remaining potential development sites for city planning purposes and planning for Franklin Public Schools. The remaining sites are now few as opposed to plentiful, and the sites have economical development obstacles with inadequate access, poor soils, steep slopes, etc. The best sites for development within the current SSSA have been developed a long time ago. During late in my tenure with the city, Mr. Bennett and I would often discuss that the development political battles were a result of remaining sites that were not truly suitable for development in the same class that residents and developers had grown accustomed to. Many of these sites will still remain vacant long after the Ryan Creek Interceptor is completed.

Many people compare Franklin to Oak Creek; with our neighbor to the east gaining the upper hand with extensive commercial growth (although Oak Creek planners tell me their citizens are jealous of our quality growth, especially Sendik's). To develop our in-fill sites with planned commercial and to keep current shopping centers full of tenants, Franklin must create its own market by adding more roof tops via the amended SSSA. Just a few minutes south of Oak Creek along Howell Avenue, the Village of Caledonia has 24,705 people. Plus, Oak Creek draws from nearby South Milwaukee (21,256 population) without any substantial shopping locations. Here in Franklin, down 76th Street there is the Town of Raymond with only 3,870 people and along Loomis Road, the Town of Norway has 7,948 people. Unlike in Oak Creek, Franklin citizens have ample nearby shopping options in Greendale, Greenfield and Hales Corners. The difference between the market areas of Franklin and Oak Creek is staggering.

Within the current SSSA where will the next business park be constructed to benefit the next generation of Franklin residents for both jobs and tax base? I often thought the area north of the landfill provided the best location for a business park with great access to Highways 36 and 45. The amended SSSA will allow the city to start long term implementation of the new comprehensive plan to create the next business park for industrial style uses compatible with a nearby landfill that is consistent with the recommended growth pattern of the regional plan.

The expansion of the SSSA will economically benefit Franklin Public Schools (FPS) by equalizing the non-residential tax base available to them that has favored the other two districts over the city's history. From an enrollment standpoint, for at least the past 20 years FPS has factored southwest city growth into their projections. As City Planner, I annually provided FPS with growth projections and served on several FPS Citizen's Long Range Planning Committees both as a planner and a parent. I chaired the 2006 committee. In fact, the southwest city residential growth projections presented to FPS were always a best guess and greater than the densities recommended within the new



PLANNING STRATEGIES

Sustainable Strategies for Community Development

www.bkplanning.com

Ph: 414.339.4105

7719 W Coventry Dr.

Franklin, WI 53132

comprehensive plan. Therefore, now having the knowledge of the comprehensive plan and an expanded SSSA will allow FPS to more clearly plan for its future.

Of course, within the current economic environment it is a difficult decision to allocate funds to the Ryan Creek Interceptor Sewer. All indicators lead to the conclusion there will be a "new normal". The city will never again experience the high rate growth of the 1990's extending into the early 2000's. However, development will rebound to a reasonable level. Now is the time to plan and be ahead of the curve when the economy recovers. The city cannot afford to not go forward.

My former employer has been actively assisting the city with the amended SSSA and design of the interceptor sewer. While working for them, I provided some assistance leading to this point in the process. For the record, I do not have any financial ties to or obligations with my former employer. My only motivation in writing this letter results from a young Kaniewski family moving to Franklin in 1960 shaping my thoughts and ideals within an infant city that later allowed me to work toward the best interests of an economically and environmentally balanced community reaching adulthood. It's time.

Thank you for your time and consideration of the points within this letter.

Sincerely,

Bruce S. Kaniewski

Bruce S. Kaniewski, AICP