

CITY OF FRANKLIN
COMMON COUNCIL MEETING
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*

6:45 P.M. FOR SUCH LATER TIME AS REQUIRED TO IMMEDIATELY FOLLOW THE
COMMITTEE OF THE WHOLE MEETING SCHEDULED TO BEGIN AT 6:30 P.M. ALL ON
MONDAY, JUNE 4, 2012

- A. Call to Order and Roll Call

- B.
 - 1. Citizen Comment Period
 - 2. Announcements from Mayor Taylor of upcoming community events & news items:
 - a. Brian C. Sajdak elected to the Board of Directors of the State Bar of Wisconsin Administrative and Local Government Law Section.
 - b. Mayoral Proclamation which designates August as Children's Vision and Learning Month.
 - c. Letter from Chris Abele, Milwaukee County Executive regarding Fall 2012 Internship Program.
 - d. Chat with the Chair, County Board Chairwoman Marina Dimitrijevic, on June 6, 2012, from 6:00 p.m. to 7:00 p.m. in the Franklin City Hall Council Chambers.

- C. Approval of Minutes
 - 1. Approval of regular meeting of May 15, 2012.

- D. Hearings

- E. Organizational Business
 - 1. Boards and Commissions Appointments
 - a. Gene Ninnemann, Weed Commissioner/Cutting Services (rate of \$70 per hour)
 - b. Michael Karolewitz, Library Board-Dist. #2
 - c. Leary Peterson, Board of Water Commissioners-Dist. #4
 - d. Lynnea Katz-Petted-Forward Franklin Economic Development Comm.-Dist. # 5

- F. Letters and Petitions
 - 1. Letter from Andrew Pelkey, 9320 W. Grandview Ct., regarding control of invasive species and open burning permits.

- G. Reports and Recommendations
 - 1. Consent Agenda
 - a. Donation from Romey's Place in the amount of \$100 and Franklin Lions Club Foundation in the amount of \$250 to the Fair Commission.
 - b. Donation from Donald R. Barrow MAJ, USA, (RET) in the amount of \$500 to the Fire Department.
 - c. Resolution for acceptance of easements for Gordon Food Service for sanitary sewer and water main at 6919 S. 27th Street (SE ¼ of SE ¼ Section 1).
 - d. Resolution authorizing certain officials to accept a water main easement for S & C Electric Co. located at 5251 W. Franklin Drive.

2. Request from Police Chief to apply for and accept a Wisconsin Office of Justice Assistance E Referral Grant for hardware, software, and implementation of an electronic interface between the Police Department and the District Attorney's Office.
3. Report from the Public Policy Forum regarding "Exploring Shared or Consolidated Fire Services in Southern Milwaukee County".
4. Request from Franklin Fire Chief to amend Chapter 133, Franklin Municipal Code, relating to Fire Prevention, Protection, and Control Code for Fire Inspection Fees.
5. Ordinance to create the Quarry Monitoring Committee.
6. Resolution approving an expansion of a nonconforming use for William J. Malek and Joanne M. Malek for property located at 11443 W. St. Martins Road (William J. Malek and Joanne M. Malek, applicant).
7. Ordinance to amend Ordinance No. 2012-2075 pertaining to the development of a three story 30 unit senior independent living apartment building in Planned Development District No. 22, to make technical changes required by the U.S. Department of Housing and Urban Development (Franklin Senior Housing, Inc., applicant) (7704 S. 51st Street).
8. Ordinance to amend the Unified Development Ordinance Text at Table 15-3.0603 Standard Industrial Classification Title Nos. 4731 "Freight Transportation Arrangement", 6411 "Insurance Agents, Brokers, & Service", 6512 "Nonresidential Building Operators", 6419 "Real Property Lessors, not elsewhere classified", 6531 "Real Estate Agents and Managers", 6552 "Subdividers and Developers, not elsewhere classified" and 8322 "Individual and Family Services" to allow for such uses as a permitted use in the M-1 Limited Industrial District; and Standard Industrial Classification Title Nos. 782 "Lawn and Garden Services", 1711 "Plumbing, Heating, Air-conditioning", 1721 "Painting and Paper Hanging", 1731 "Electrical Work, 1751 "Carpentry Work", 1752 "Floor Laying and Floor Work, not elsewhere classified" and 1761 "Roofing, siding, and sheet metal work" to change such uses from a Special Use to a permitted use in the M-1 Limited Industrial District (Kendall Breunig, applicant)
9. Resolution authorizing certain officials to execute a replacement holding tank agreement with Conway Transportation Services, Inc. 10601 S. 27th Street, Tax Key No. 951-9996-008.
10. Resolution authorizing officials to execute an Engineering Services Agreement with Ruckert/Mielke for the design and programming of a water and sanitary sewer Supervisory Control and Data Acquisition (SCADA) System.
11. Final designation of the City of Franklin portion of Tax Increment Finance (TIF) District #2 tax increment proceeds.
12. Report from City Engineer on the status of the reconstruction of S. 76th Street (Mayor Taylor).
13. Report from City Engineer on the status of the reconstruction of S. 27th Street (Mayor Taylor).

- 14. Committee of the Whole Recommendations
 - A. Concept review for Scrub Plus Wash and Lube (7700 W. Rawson Avenue)
(Scrub Plus RA, LLC, applicant).

- H. Licenses and Permits
 - 1. Miscellaneous Licenses.

- I. Bills
 - 1. Vouchers and Payroll approval.

- J. Adjournment

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

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

REMINDERS:

June 5	Recall Election	7:00 a.m.-8:00 p.m.
June 7	Plan Commission	7:00 p.m.
June 19	Common Council	6:30 p.m.

B.2.a.

Sandi Wesolowski

From: tom2563@att.net
Sent: Monday, May 21, 2012 2:42 PM
To: Sandi Wesolowski
Cc: Jesse Wesolowski
Subject: Fwd: State Bar of Wisconsin Administrative and Local Government Law Section Board of Directors

Please place this announcement on the next Common Council agenda.

Tom Taylor
Sent from my iPad

Begin forwarded message:

From: Jesse Wesolowski <jweslaw@aol.com>
Date: May 21, 2012 1:59:49 PM CDT
To: tom Taylor <tom2563@att.net>, "Robert Ruesch (rruesch2@wi.rr.com)" <rruesch2@wi.rr.com>, dwolter@village.germantown.wi.us, Alderman <Alderman@franklinwi.gov>, "Dan Besson (djbbesson@yahoo.com)" <djbbesson@yahoo.com>, "Don Schwartz (dschwartz6@wi.rr.com)" <dschwartz6@wi.rr.com>, "Joe Mesec (jmesec@sbcglobal.net)" <jmesec@sbcglobal.net>, "Linda Teschendorf (ltsold@aol.com)" <ltsold@aol.com>, "Marge Stahl (marjoriestahl@att.net)" <marjoriestahl@att.net>, "Mary Bennett (mbennett4@wi.rr.com)" <mbennett4@wi.rr.com>, dbaum@village.germantown.wi.us, jhughes@village.germantown.wi.us, tkaminski@village.germantown.wi.us, avanderheiden@village.germantown.wi.us, jwerderman@village.germantown.wi.us, dwing@village.germantown.wi.us, azabel@village.germantown.wi.us, Department Heads <DepartmentHeads@franklinwi.gov>, Michael Weber <mweber@halescorners.org>, Michael Martin <mjmartin@halescorners.org>, dschornack@village.germantown.wi.us, eknaack@village.germantown.wi.us, Brionne Bischke <bbischke@village.germantown.wi.us>, dludwig@village.germantown.wi.us, jretzlaff@village.germantown.wi.us, krath@village.germantown.wi.us, baltergott@village.germantown.wi.us, bbeilfuss@village.germantown.wi.us
Cc: Brian Sajdak <brian@wrslegal.net>
Subject: State Bar of Wisconsin Administrative and Local Government Law Section Board of Directors

I am proud to inform you of the announcement today that Brian C. Sajdak was elected to the Board of Directors of the State Bar of Wisconsin Administrative and Local Government Law Section. The peer election process amongst lawyers working for the some 1,850 Wisconsin Municipalities and State and Federal agencies in Wisconsin provided the result. Thanks.

Jesse A. Wesolowski

Jesse A. Wesolowski
Wesolowski, Reidenbach & Sajdak, S.C.
11402 West Church Street
Franklin, Wisconsin 53132
Phone: (414) 529-8900
Facsimile: (414) 529-2121

MAYORAL PROCLAMATION:

AUGUST IS CHILDREN'S VISION AND LEARNING MONTH

WHEREAS, as children across the State of Wisconsin prepare for the start of another school year, many of them will begin their studies with undiagnosed and untreated vision problems, and

WHEREAS, research shows that vision disorders are the number one handicapping condition of children. In fact, as many as one in four school age children have vision problems, according to the College of Optometrists in Vision Development, and

WHEREAS, all children deserve the opportunity to learn and to achieve their full potential, and

WHEREAS, for the above reasons, public awareness about learning-related vision problems is necessary to ensure that young people receive the prompt vision treatment they need to enhance their lives, and

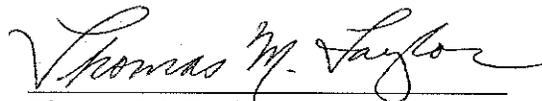
NOW, THEREFORE, I, THOMAS M. TAYLOR, Mayor of the City of Franklin, Wisconsin, in accord with the Office of the Governor of the State of Wisconsin, and in recognition of the importance of good vision to learning, do hereby proclaim August 2012

CHILDREN'S VISION AND LEARNING MONTH

and I encourage parents, educators, school nurses and all concerned adults to recognize the critical role good vision plays in the learning process and to work together to help prevent or reduce the impact untreated vision problems can have on our children's ability to read and learn.

Dated: June 4, 2012

Signed:



Thomas M. Taylor, Mayor

Is this email not displaying correctly?
[View it in your browser.](#)



OFFICE OF THE COUNTY EXECUTIVE

Chris Abele

MILWAUKEE COUNTY EXECUTIVE

**Milwaukee County Executive Chris Abele
Internship Program Announcement
Fall 2012**

County Executive Abele is currently accepting applications for the Fall 2012 Internship Program. This is an unpaid, fall semester long program and requires a minimum commitment of 10 hours per week. The program is intended to provide meaningful educational opportunities for undergraduate and graduate level students within the County government while providing support to full-time staff.

Students should be enrolled full-time or part-time in an undergraduate or higher program. Preference will be given students whose field relates directly to the activities of the County Executive's Office. These may include, but are not limited to, fields such as political science, public administration, economic development, urban studies, journalism, public relations, and communications.

Ideal applicants should exhibit the following qualities:

- strong written and verbal communication skills
- a calm and positive attitude in the face of difficult situations
- a commitment to public service
- strong work ethic
- the ability to work independently on tasks

Students may perform the internship for credit provided that any assignments pertaining to the office are approved by staff before submission to the school.

Interns will work alongside the full-time staff of the Executive Office. Interns may be involved in some or all of the following: constituent service issues, research pertaining to issues being discussed by the Executive's office and the County Board, drafting of Executive Proclamations, responding to scheduling requests, and creating briefings/talking points for the County Executive. Interns will also have the option to attend staff meetings as an opportunity to learn about County government.

Interested candidates may apply through submission of a cover letter and resume to Claire Zautke, Principal Executive Assistant, by e-mail at Claire.Zautke@milwcnty.com, via fax to (414) 223-1375, or mail to Milwaukee County Executive Office, 901 North 9th Street, Room 306, Milwaukee, WI 53233.

Applications should be submitted before 5pm on August 1 for fall semester, December 1 for spring semester and April 1 for summer. Select interviews will be conducted in person following the deadline.

View the release online: <http://county.milwaukee.gov/CountyExecutive/Internship-Program.htm>

[Follow County Executive Abele on Twitter](#)

[Follow County Executive Abele on Facebook](#)

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Thank you for your interest in the latest news and information from the Milwaukee County Executive.

Our mailing address is:

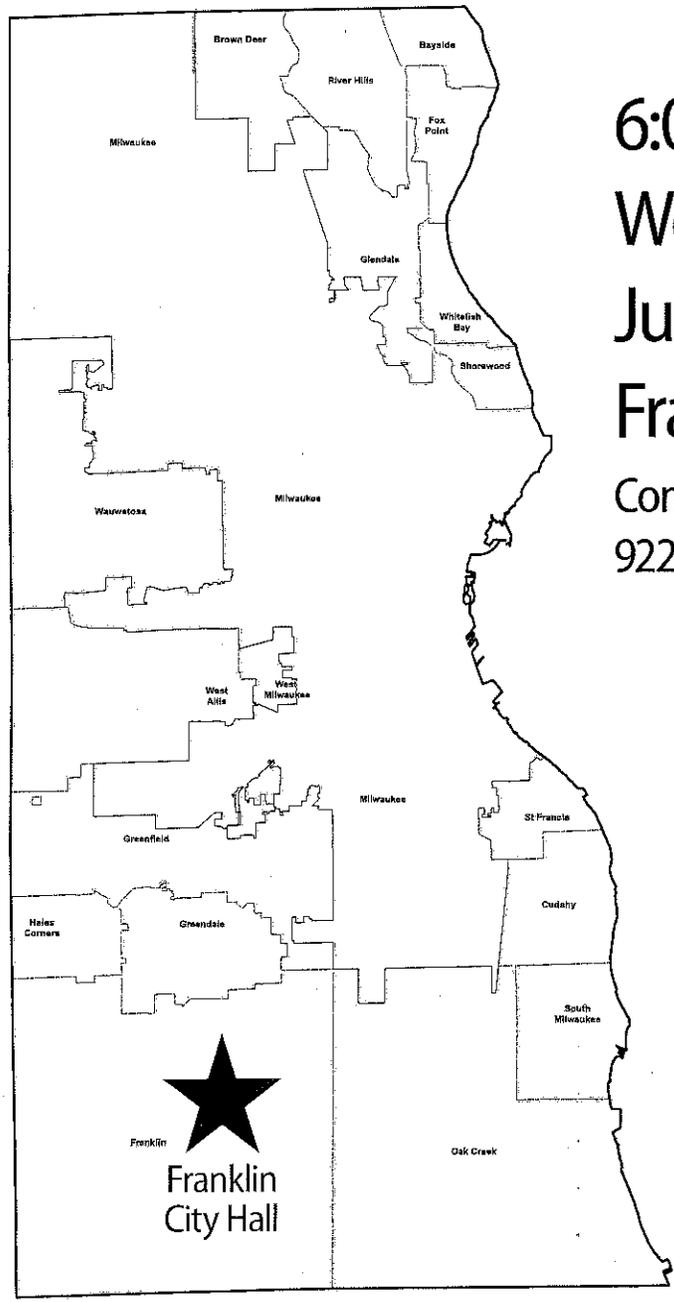
Milwaukee County Executive
901 N. 9th Street
Room 306
Milwaukee, WI 53233

B.2.d.



County Board Chairwoman Marina Dimitrijevic

6:00 - 7:00 p.m.
 Wednesday,
 June 6, 2012
 Franklin City Hall
 Common Council Chambers
 9229 W. Loomis Road



- RES. 2012-6805
SPECIAL USE-
LAQUEESHA
ROCHELLE
BLOCKTON, D/B/A
ACADEMY OF
INTEGRITY
- G.3. Alderman Taylor moved to adopt Resolution No. 2012-6805, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR AN EDUCATIONAL FACILITY USE UPON PROPERTY LOCATED AT 3900 WEST RYAN ROAD (LAQUEESHA ROCHELLE BLOCKTON, D/B/A ACADEMY OF INTEGRITY, APPLICANT). Seconded by Alderman Schmidt. All voted Aye; motion carried.
- ORD. 2012-2076
SPECIAL USE-
CLOE M. ANTON,
D/B/A TOP DOG
GROOMING &
DAYCARE
- G.4. Alderman Wilhelm moved to approve Ordinance No. 2012-2076, ADOPTING AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 752 "ANIMAL SPECIALTY SERVICES" TO ALLOW FOR SUCH USE AS A SPECIAL USE IN THE B-4 SOUTH 27TH STREET MIXED-USE COMMERCIAL DISTRICT (CLOE M. ANTON D/B/A/ TOP DOG GROOMING & DAYCARE, APPLICANT). Seconded by Alderman Solomon. All voted Aye; motion carried.
- RES, 2012-6806
SPECIAL USE-
CLOE M. ANTON,
D/B/A TOP DOG
GROOMING &
DAYCARE
- G.5. Alderman Wilhelm moved to adopt Resolution No. 2012-6806, A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE FOR A DOG GROOMING AND DAYCARE WITH PET RETAIL SALES BUSINESS USE UPON PROPERTY LOCATED AT 2735 WEST RAWSON AVENUE (CLOE M. ANTON, D/B/A TOP DOG GROOMING & DAYCARE, APPLICANT). Seconded by Alderman Skowronski. All voted Aye; motion carried.
- QUARRY
MONITORING
COMMITTEE
- G.6. Alderman Schmidt moved to adopt AN ORDINANCE TO CREATE THE QUARRY MONITORING COMMITTEE as amended. Seconded by Alderman Olson.
Alderman Schmidt withdrew his motion and Alderman Olson withdrew his second.
Alderman Wilhelm moved to adopt AN ORDINANCE TO CREATE THE QUARRY MONITORING COMMITTEE, as amended to include the selection of the Mayor with the Common Council to confirm appointments, include staff member support, and changes to the duties to remove the word "all" in the first line of Item D., and to amend the second sentence in Item D. to remove the words "recommendations, and policies" and the word "all". Seconded by Alderman Schmidt.
Alderman Wilhelm withdrew her motion and Alderman Schmidt withdrew his second.
Alderman Wilhelm moved to table to the next Common Council meeting the Ordinance to create the Quarry Monitoring Committee, and further direct the City Attorney and Director of Administration to revise language based on Common Council input from this meeting. Seconded by Alderman Schmidt. All voted Aye; motion carried.

REFUSE CONTRACT
EXPIRING 12/31/2012

G.7.

Alderman Skowronski moved to suspend the regular order of business to allow Waste Management representatives Mike Hackney and Todd Beckner to speak. Seconded by Alderman Solomon. All voted Aye; motion carried.

Alderman Wilhelm moved to return to the regular order of business. Seconded by Alderman Skowronski. All voted Aye; motion carried.

Alderman Wilhelm moved to direct staff to negotiate with John's Disposal Service, Inc. for the refuse and recycling hauling municipal/resident services relative to the contract expiring December 31, 2012, for recyclable carts specifically. Seconded by Alderman Taylor.

At 7:38 p.m. Mayor Taylor passed the gavel to Council President Taylor, who then chaired the meeting. The gavel was returned to Mayor Taylor at 7:42 p.m., who returned to chairing the meeting.

Alderman Wilhelm, seconded by Alderman Olson, moved to call the question. On roll call, Aldermen Olson, Solomon, Wilhelm, Taylor, and Schmidt voted Aye; Alderman Skowronski voted No. Motion carried.

On the main motion to direct staff to negotiate with John's Disposal Service, Inc. for the refuse and recycling hauling municipal/resident services relative to the contract expiring December 31, 2012, for recyclable carts specifically, Aldermen Schmidt, Taylor, Wilhelm, and Olson voted Aye; Aldermen Skowronski and Solomon voted No. Motion carried.

MADACC DOG BITE
POLICY

G.8.

Alderman Solomon moved to direct the Director of Administration to notify MADACC of the City's decision to opt out of the Bite Case policy. Seconded by Alderman Skowronski. Alderman Solomon withdrew motion and Alderman Skowronski withdrew his second.

Alderman Olson then moved to tab the MADACC Dog Bite Policy to the Common Council meeting of July 24, 2012. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

PAYROLL
DEDUCTIONS FOR
CHARITABLE
ORGANIZATIONS

G.9.

Alderman Skowronski moved to refer to the Personnel Committee the issue of potential payroll deductions for charitable organizations and to allow continued deductions for the Combined Giving Campaign (United Way) through 2012 subject to future Council action on this issue. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

CLAIM-
VILLAS OF
FRANKLIN

G.10.

Alderman Olson moved to deny the claim of the Villas of Franklin pursuant to Wisconsin Statute 893.80(1g), based upon and in concurrence with the insurance adjuster that the City of Franklin is not legally liable for the damages. The investigation determined that the City is not responsible for private property and the landscaping plans for the development do not include "retaining walls". Further, that upon approval by the City's insurer, that the additional conditions of failure to meet statutory time requirements for filing a claim and also statutory statutes of

CLAIM-
CONTINUED

limitations with regard to filing of action were not met. Seconded by Alderman Solomon. All voted Aye; motion carried.

REJECT AND REBID
WATER TOWER
PAINTING PROJECT

G.11.

Alderman Solomon moved to reject all bids for the painting of the Drexel Avenue Water Tower and authorize rebidding using a flexible containment system. Seconded by Alderman Taylor. All voted Aye; motion carried.

MISCELLANEOUS
LICENSES

H.1.

Alderman Solomon moved to grant the following licenses:

Temporary Operator-Fourth of July Festival, John E. Bergner, 8501 Parkland Dr.; Robert A. Knackert, 9049 S. 83rd St.; Wendy C. Knackert, 9049 S. 83rd St.; Anthony Megna, 10321 W. Church St.; Micahel R. Reichl, 7557 Drake Ln. and Brian Sawinski, 6707 S. Parkedge Cir.;

2011-12 and 2012-13 Operator License to Wendy K. Barbian, 8875 Greenhill Ln., Greendale and Jason R. Miller, 6200 W. Ohio Ave., Milwaukee;

Operator License to Dawn M. Berndt, 12320 W. Oakwood Rd.;

People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant for Franklin Historical Society, Person in Charge: James Luckey, fees waived for park permit and St. Martins Fair Permit on July 28, 2012 park and St. Martins Fair dates;

Extraordinary Entertainment & Special Event and Temporary Class B Beer to Xaverian Missionaries, Person in Charge: Fr. Mark Marangone at 4500 Xavier Dr. at annual festival on 6/23/12 to 6/24/12;

Further moved to hold Operator License for Kelly Ann Clausing-Tolar, 5937 W. Beacon Hill Dr. and Amy L. Mast, 8349 S. Newbury Dr. #1708, Oak Creek subject to appearing before the License Committee.

Further moved to refer to a future meeting the Class A Beer, Combination Class A, Class B Beer and Combination Class B as listed on the attachment included in the Common Council agenda packet of 5/15/12. Seconded by Alderman Taylor. All voted Aye; motion carried.

VOUCHERS AND
PAYROLL

- I.1. Alderman Olson moved to approve net City vouchers in the range of Nos. 142747 through 142904 in the amount of \$ 3,466,311.20. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.

Alderman Schmidt moved to approve the net payroll of May 4, 2012 in the amount of \$345,680.34. Seconded by Alderman Olson. On roll call, all voted Aye; motion carried.

ADJOURNMENT

- J. Alderman Taylor moved to adjourn the meeting at 8:09 p.m. Seconded by Alderman Wilhelm. All voted Aye; motion carried.

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 6/04/12
REPORTS AND RECOMMENDATIONS	Boards and Commissions Appointments	ITEM NUMBER <i>E.1.</i>

Several terms of offices on various Boards and Commissions have or will be expiring. The Mayor may have appointments for Council confirmation:

Weed Commissioner/Cutting Services
Gene Ninnemann

Library Board
Michael Karolewitz, 8208 W. Coventry Dr., term expires 07/01/15

Board of Water Commissioners
Leary Peterson, 9231 S. 41st Street, term expires 9/30/17

Forward Franklin Economic Development Commission
Lynnea Katz-Petted, 3613 W. Drexel Avenue, term expires 7/1/13

NINNEMANN TRUCKS & EQUIPMENT LLC
287-27TH STREET
CALEDONIA, WI 53108

2/3/02

City of Franklin
9229 W Loomis Rd.
Franklin, WI 53132
City Clerk Office

Dear Sandra Wesolowski

I would once again like to take is time to extend my services with the City of Franklin by continuing to serve as the City's Weed Commissioner/ cutter for the up coming season of 2012. As always I have enjoyed the privilege to help server the City and its residence and look forward to the opportunity again. The rates for the 2012 season will not change from the past year but will remain at \$70.00 per hour.

Sincerely,
Gene Ninnemann

A handwritten signature in cursive script that reads "Gene Ninnemann". The signature is written in dark ink and is positioned below the typed name.

To:
City of Franklin
9229 W. Loomis Rd
Franklin WI 53132

City Clerks office
Bid for Weed Commissioner/ Cutter

Weed Commissioner / Cutter Services

Qualifications:

I have the experiences of being Franklin's Weed Commissions / Cutter for the past 5 years along with experience of dealing with the general public through my own small business for the past 20 years. Both of which will help me perform these duties. I believe that it is not the work of one person that makes a success, but the workings of a team together to ensure that success.

As in the past my approach is to still work with the people to come to a solution that is acceptable to the city, reasonable for the property owner and the least costly for both parties. In order to do this I do have longer office hours to be reached at for questions. All calls are welcome. 7:00 am to 6:00 pm Monday – Friday and 8:00 am to 1:00 pm Saturday.

I am a Resident of the City of Franklin, and have lived or worked in the city most all my life. I am currently a business owner of a truck equipment and repair service along with the sales of Lawn equipment. This I consider to be a benefit to the position as I can perform the duties needed of the commissioner at any time during the day as called upon. Also my equipment is always available at all times, unlike other lawn services where the jobs must be scheduled into the work load. The equipment below will be solely for the use of City cutting first and any other personal use second.

Equipment to be used:

Model 618 zero turn Grasshopper mower with 52 in deck
Model 325 zero turn Grasshopper mower with a 62 in deck and collection Vac. system.
Case JX1075 tractor with a 72 inch brush hog rough cut mower deck
Qty 3 Weed trimmers one with a sickle end for heavy duty cutting
Qty 2 leaf blowers
Two trailers and trucks to transport equipment to site

Insurance :

Insurance Carrier is Erie Insurance Co. Inc. with a Liability coverage of 1 Million dollars
And a certificate of insurance can be provide upon request.

Personnel

I Gene Ninnemann will be performing all the duties of the weed commissioner

Debra Ninnemann will be performing the clerical duties of researching the tax key code, owners name and mailing addresses, along with typing all paperwork and invoicing. She has three year experience with the City billings and 25 years experience in office management.

I will be performing the cutting duties along with the help of any one of my employees listed below all of which have 3 to 5 years grass cutting experience.

Matthew Ninnemann
Joshua Ninnemann
Jason Koelhert

Hourly rate for the 2012 season will be \$70.00 per hour.

This will be for all work performed. Weather this be cutting, trimming, or clean up of debris. If a dumpster is needed for any job this will be billed for at the cost of the container as invoiced from the local company supplying the service plus \$15.00.

Thank you for consideration of my proposal for this position


Gene Ninnemann

City of Franklin
9229 West Loomis Road
Franklin, Wisconsin 53132

VOLUNTEER FACT SHEET

Thank-you for your interest in serving on a City Board, Commission, or Committee. In order that consistent information be provided to the Common Council, you are asked to complete the following:

PERSONAL:

Name LYNNEA KATZ-PETED
Address 3613 W DREYEL AVE
Phone Number 414-704-1581
E-Mail lynnea@rtrimilwaukee.org
Length of Time a Franklin Resident 12 yrs
Alderman or District Number _____

AREA OF INTEREST: Please check the line next to the Board, Commission or Committee or area of greatest interest. If listing more than one, please prioritize your top three choices (3 being least priority).

- | | |
|---|---|
| <input type="checkbox"/> Architectural Board | <input type="checkbox"/> Civic Celebrations Commission |
| <input type="checkbox"/> Community Development Authority | <input type="checkbox"/> Ethics Board |
| <input type="checkbox"/> Environmental Commission | <input type="checkbox"/> Finance Committee |
| <input type="checkbox"/> Fair Commission | <input checked="" type="checkbox"/> Forward Franklin Economic Development Comm. |
| <input type="checkbox"/> Fire and Police Commission | <input type="checkbox"/> Board of Health |
| <input type="checkbox"/> Library Board | <input type="checkbox"/> Parks Commission |
| <input type="checkbox"/> Personnel Committee | <input type="checkbox"/> Plan Commission |
| <input type="checkbox"/> Board of Public Works | <input type="checkbox"/> Board of Review |
| <input type="checkbox"/> Technology Commission | <input type="checkbox"/> Board of Water Commissioners |
| <input type="checkbox"/> Board of Zoning and Building Appeals | <input type="checkbox"/> Waste Facilities Monitoring Committee |

Why are you interested in joining this (these) particular Board and/or Commission?

I am very interested in the growth & development of the community I live in. I believe I have talents & skills that would be of value to the city.

VOLUNTEER OR WORK EXPERIENCE

(Begin each page with correct emphasis and continue with all past 10 years of employment. Please attach additional pages or include reasons if available.)

Please see attached resume.

Company Name:	Address:	Telephone:
Date started:	Starting Position:	
Date left:	Position upon leaving:	
Description of duties:		

Company Name:	Address:	Telephone:
Date started:	Starting Position:	
Date left:	Position upon leaving:	
Description of duties:		

Company Name:	Address:	Telephone:
Date started:	Starting Position:	
Date left:	Position upon leaving:	
Description of duties:		

ADDITIONAL EXPERIENCE OR QUALIFICATIONS: List any other experience, skills, or other qualifications, including hobbies, which you believe should be considered in evaluating your qualifications for volunteering.

I have a significant ^{time} come to make things better, celebrate, where we have been and as not afford to work hard.

I am aware that all of the information provided and this document itself is a public record which will be released to a requestor; that I authorize such release and that I waive any right to any notice of such release and/or any right of notice to augment the information provided upon this document upon such request or release.

Signature: *[Signature]* Date: *Jan 10/12*

PROFESSIONAL PROFILE

Multifaceted and resourceful professional with over 24 years experience in corporate & nonprofit management, financial services, marketing and sales. Strong background & experience in training, performance improvement, change management, organizational development, and coaching.

KEY STRENGTHS

- ◆ Hands on team-oriented management
 - ◆ Proven accountability and follow through
 - ◆ Strong business acumen
 - ◆ Strong ethical values
 - ◆ Excellent project management skills
 - ◆ Proven ability to prioritize responsibilities and manage multiple projects simultaneously
 - ◆ Polished presentation and training abilities
 - ◆ Driven by results
-
-

PROFESSIONAL POSITIONS AND RESPONSIBILITIES

COMMISSIONER ◆ DEPARTMENT OF AGING Milwaukee, Wisconsin April 2010 – present

As a Commissioner appointed by the County Executive and confirmed by the County Board of Supervisors, responsibilities include developing and implementing a coordinated human service system of community-based services for Milwaukee County residents aged 60 and older.

CEO ◆ REBUILDING TOGETHER GREATER MILWAUKEE Milwaukee, Wisconsin May 2005 – present

As Chief Executive Officer of Rebuilding Together Greater Milwaukee, increased organizational funds over 1000% in 5 years; increased diversity of projects, funding sources and in-kind donations. Added staff and solidified stability of organization through increased professionalism, transparency and development of board members.

BOARD MEMBER ◆ COMMUNITY ADVOCATES Milwaukee, Wisconsin September 2009 – November 2011

Previously Board Chair of Horizon's Inc., merged Horizon's organization into Community Advocates. Served as a Board Member and member Advancement Committee and Capital Campaign Cabinet.

BOARD PRESIDENT ◆ COMMUNITY SHARES OF GREATER MILWAUKEE Milwaukee, Wisconsin July 2004 – June 2007 (Board member since September 2003)

Starting as Volunteer Director and then elected to two-terms as Board President; oversaw the most successful fund raising event ever held by this organization to-date. Instituted new reporting systems for multiple committees; Developed cash management system that resulted in double digit percent increase in return on investment; Facilitated new business initiative designed to increase growth of income.

CENTRAL DIVISION MANAGER ◆ PERFORMANCE AND TRAINING US BANCORP, (formerly FIRSTAR BANK) Milwaukee, Wisconsin, August 2000 – February 2002

Promoted to Manager of the Central Division, covered a nine multi-state area. Managed and supported conversion and integration of newly acquired markets through the delivery of IT systems, operations, and sales training. Also managed annual Division training budget of \$360,000 for a staff of 15 and implemented cost reduction procedures resulting in over \$50,000 of yearly savings.

REGIONAL MANAGER ♦ PERFORMANCE IMPROVEMENT AND TRAINING

FIRSTAR BANK, Milwaukee, Wisconsin, August 2000 – February 2002

Served as Key Performance Improvement Consultant to the Retail Group for the state of Wisconsin, Partnered with Regional/District/Branch Managers to identify performance needs. Led the team, through leadership coaching, in exceeding client expectations relative to performance improvement interventions and the delivery of training resulting in attainment of multiple business goals.

PRINCIPLE ASSOCIATE

PUBLIC ADMINISTRATION SERVICE, McLean Virginia, May 1998 - December 1999

Senior management position responsible for headquarters and on-site management of classification, compensation, human resource consulting and research projects ranging in size from 140 employees to over 2000 employees. Traveled extensively throughout the 50 United States.

SENIOR VARIABLE COMPENSATION CONSULTANT

PUBLIC ADMINISTRATION SERVICE, McLean Virginia, December 1997 - May 1998

Identified purpose of variable compensation plans and designed systems for measuring performance. Recommended how to fund variable and bonus pay plans. Consulted with domestic and international clients to determine needs, assess problems and provide effective and efficient solutions.

FINANCIAL ADVISOR ♦ REGISTERED REPRESENTATIVE

MERRILL LYNCH, Vancouver, British Columbia, December 1996 - April 1998

Responsible for establishing, managing, and maintaining clientele. Traded securities and mutual funds, long and short term financial planning, designed retirement benefits plans and financial investment products and systems.

FINANCIAL CONSULTANT ♦ REGISTERED MUTUAL FUND REPRESENTATIVE

RICHMOND SAVINGS, Vancouver, British Columbia, May 1992 - December 1996

As Financial Consultant, consistently ranked 2nd in sales and assets under administration; Increased sales and productivity 262% in a two-year time frame; Managed and guided client base of financial assets of over \$60 million; Strengthened and promoted inter-branch relationships; developed referral program; increased staff moral through training, leadership and teamwork.

EDUCATION & LICENSES

Alverno College, B.A. Business and Management

American Compensation Association, Job Analysis, Documentation and Design

Securities License; Registered Representative

Canadian Securities Course CSC Institute

Registered Compensation & Financial Planner Course BCIT

Mutual Funds Investment License

Continuous Professional Development including: APF International Conferences, PPW Education, Dale Carnegie Management and Sales Training; Toastmasters; Context Associated; Superhost Program; Skills Plus Dimensional Training; Financial seminars and training; NACG conferences, NeighborWorks Conference, Planned Giving Seminar, Franklin Covey What Matters Most, and various skill and communication development courses.

ASSOCIATIONS AND OTHER PROFESSIONAL EXPERIENCE

- ◆ President, Women's Society at the University Club
- ◆ Milwaukee County Department of Aging
 - ◆ Commissioner
 - ◆ Wellness Committee
- ◆ Tempo (Milwaukee and Waukesha Chapters)
- ◆ Professional Dimensions
- ◆ Healthy Neighborhoods
- ◆ Association of Fundraising Professionals
- ◆ Milwaukee Rotary Club
 - ◆ Membership Committee
- ◆ Partnership for Philanthropic Planning of Eastern Wisconsin
- ◆ Walker's Point Association
- ◆ Past Board Chair – Horizon's Inc. (merged into Community Advocates in 2009 & joined the CA Board)
- ◆ Past Board President of Community Shares of Greater Milwaukee. Past Chair of Special Events and Development Committees.
- ◆ Past Board President of School Factory Inc./Bucketworks.
- ◆ Past President of International Youth Group.
- ◆ Past Member – Executive Committee CR21 Wisconsin Foundations for Independent Colleges
- ◆ Published co-Author of paper presented at the International Conference on Aging, Disability and Independence.
- ◆ Community Center- Assisted in planning, organizational development and fundraising functions.
- ◆ Nonprofit Center/ Volunteer Center of Greater Milwaukee –Member of Business Advisory Council
- ◆ Fundraising for Variety Club Telethon; Variety Club Lottery.
- ◆ Alverno College – Volunteer Assessor working with current Alverno students.
- ◆ Milwaukee Center for Independence –Assisted various events including Food, Music and Art; Human Resource projects, past member of Business Advisory Committee.
- ◆ Summerfest – paid staff position working to ensure security policies and procedures are followed on the grounds during the festival.

Lynnea Katz-Petted

Chief Executive Officer

Rebuilding Together Greater Milwaukee

414.704.1581

www.rtmilwaukee.org

<http://www.linkedin.com/in/lynneakatzpetted>



F.I.

Andrew Pelkey
9320 W Grandview Ct
Franklin, WI 53132

May 24, 2012

Mayor Tom Taylor
City of Franklin
9229 W Loomis Rd
Franklin, WI 53132

Dear Mr. Mayor:

I am writing this letter to follow up on my concerns presented to the common council regarding invasive species on neighboring properties. To be clear, the most limited problem that I am trying to solve is that my neighbor has invasive species growing right up to the border between our properties, which has left me with the time and expense of controlling the spread of these species on to my property.

Some of these invasive species (like garlic mustard) are required to be destroyed (they are categorized as noxious weeds in § 178-3 Public nuisances affecting health). Others (like buckthorn) are only recommended they be destroyed (they are categorized as sub-noxious weeds). Regardless of their categorization, if the city is going to allow property owners to have any invasive species on their property, those property owners should also be responsible for ensuring that such plants do not spread to adjoining properties.

It is not appropriate for any citizen to spend their time and money to control invasive species coming from their neighbor's property.

Simply stated, I am asking the city to change § 178-3 Public nuisances affecting health to require that all invasive species (regardless of the categorization) be destroyed from the perimeter of each property. I would further recommend that the depth of such a buffer zone be between 50 and 100 feet. This would mean changing Chapter 179-3 subsection F (Noxious weeds) part 3 (destruction required) from:

Destruction required. Every person shall destroy all noxious weeds on land which such person owns, occupies or controls

to:

Destruction required. Every person shall destroy all noxious weeds on land which such person owns, occupies or controls. Every person shall destroy all sub-noxious weeds within 100 feet of the border on land which such person owns, occupies or controls.

By keeping invasive species away from the border of each property, any invasive species remaining on a property could be reasonably contained to its interior space. The larger the buffer area, the better the containment (which makes a 100 foot buffer more effective than a 50 foot buffer).

A 100 foot buffer would effectively eliminate all invasive species from lots that are 200 feet by 200 feet or smaller. Most of the area in these subdivided lots is already consumed by structures, driveways, grass and plant beds, so the time and expense of complying with such an ordinance would be small. A 100 foot buffer would also ensure that, as parcels get divided (creating more border area), the number of invasive species city-wide would be automatically reduced.

I also believe that once people figure out what an invasive species is (because they are required to remove them from the border of their property, they will want to remove them from the interior of their property (because they detract from the value of the property). As a result, the amendment I am proposing may just be the nudge we need to significantly reduce the number of invasive species city wide.

Best Regards,

Andrew Pelkey
(414)801-8555

p.s. As a small housekeeping item, some of the language in Chapter 179-3 subsection F (Noxious weeds) part 4 (Enforcement) will need to be changed to include sub-noxious weeds within the 100 foot buffer zone where references to 'noxious weeds' are made.

Andrew Pelkey
9320 W Grandview Ct
Franklin, WI 53132

May 24, 2012

Mayor Tom Taylor
City of Franklin
9229 W Loomis Rd
Franklin, WI 53132

Dear Mr. Mayor:

I am writing this letter to follow up on my concerns presented to the common council regarding open burning permits issued by the City of Franklin under Chapter 133-17.E.(3) of the Franklin Municipal Code. These permits are issued for the sole purpose of burning leaves, brush and other garden refuse. There is ample scientific evidence that concludes that the burning of leaves and brush is a health hazard. It is not my opinion, it is a well-documented fact. This hazard affects my daughter's health and the fact that the City is issuing the permit that allows it should be a concern to the City.

Both the federal and state governments recognize that burning leaves and brush is a health hazard. They have both published articles about it (see appendix A and B or just google 'health hazards of burning leaves'). If you read the information provided in the appendices, you cannot come to any conclusion other than burning leaves and brush is a public nuisance affecting health.

In addition, the city's current open burning permits issued under Chapter 133-17.E.(3) have at least two problems. They are:

1. The permits do not communicate the state limitations on burning.
2. The permits are impossible to comply with if you live in an urban area. 133-17.E.(3)(l) states "Smoke shall be limited and shall not become a nuisance to neighbors or public roads." People are obtaining these permits to burn large amounts of leaves. In an urban setting, it is impossible to keep the smoke from becoming a nuisance to neighbors as it will eventually spread beyond the property borders even if there is little or no wind.

Leaves and brush are organic materials. Those living in rural areas have land over which leaves can be tilled back into the ground. This is what the DNR and EPA recommend. In short, there is no setting where open burning of leaves and brush is a good way to dispose of them.

I realize people have been doing this for decades. However, they did so out of ignorance and habit not because it is a sound practice. I am asking the City to look at the science and consider the impact these permits have on people's right to enjoy their own property free from interference of their neighbors burning habits.

The solution to this problem is to change Chapter 133-17.E.(3) to read:

(3) Open burning. There shall be no open burning of any combustible waste material including building materials, leaves, brush and other garden refuse.

Please do read the two appendices in their entirety before making a decision. These articles are short and are a good summarization of the issue. All of the information presented is relevant.

Best Regards,

Andrew Pelkey
(414)801-8555

p.s. Another resource is the Decision Maker's Guide to Solid Waste Management published by the Environmental Protection Agency. It is available free of charge at <http://www.epa.gov/osw/nonhaz/municipal/dmg2/> Chapter 7 covers composting which includes proper handling of leaves and brush.

Appendix A

Source: <http://www.epa.gov/ttn/atw/burn/leafburn2.html>:

Residential Leaf Burning

An Unhealthy Solution to Leaf Disposal

Q: Why should I be concerned about leaf burning?

A: Leaf burning leads to air pollution, health problems, and fire hazards. Each autumn, homeowners across the United States rake up fallen leaves from their lawns. In the past, people routinely took leaves and other yard trimmings to landfills or relied on waste pick-up services for disposal of the leaves. Because of increasingly scarce landfill space, many State and local governments now ban leaves and other yard trimmings from landfills. With this option removed, there is a growing concern that homeowners may be tempted to burn the leaves in their yards.

Q: What types of air pollutants are emitted from burning leaf piles?

A: The open burning of leaves produces particulate matter and hydrocarbons, which contain a number of toxic, irritant, and carcinogenic (cancer-causing) compounds. Leaf smoke also contains carbon monoxide.

Q: What is particulate matter and why is it a health concern?

A: The visible smoke from leaf burning is composed of tiny particles that contain a number of pollutants. If inhaled, these microscopic particles can reach the deepest regions of the lung and remain there for months or even years. Breathing particulate matter can increase the chances of respiratory infection, reduce the volume of air inhaled and impair the lungs' ability to use that air. Particulate matter can also trigger asthma attacks in some people.

Q: What are hydrocarbons and why are they harmful?

A: Hydrocarbons are chemicals that can exist as both gases and solid particles. Because leaves are often moist and burn without proper air circulation, they often burn poorly, producing high levels of hydrocarbons. Some of these hydrocarbons, such as aldehydes and ketones, cause irritation of the eyes, nose, throat, and lungs. A substantial portion of the hydrocarbons in leaf smoke consists of polynuclear aromatic hydrocarbons, some of which are known carcinogens.

Q: What is carbon monoxide and what are its health effects?

A: Carbon monoxide is an invisible gas that results from incomplete combustion, and burning leaf piles are ideal for creating carbon monoxide emissions. Carbon monoxide is absorbed into the bloodstream through the lungs and combines with red blood cells. This reduces the amount of oxygen the red blood cells can absorb and supply to body tissues. Unborn children, newborn infants, smokers, the elderly, and persons with heart and chronic lung disease are more susceptible to carbon monoxide than the general population.

Hydrocarbons Particulate Matter Carbon Monoxide

COUGH!
HACK!
COUGH!
WHEEZE!

Q: Are there any other reasons homeowners should not burn leaves?

A: Yes. In many communities open burning of leaves is illegal. Furthermore, the total health, financial, and environmental costs of leaf burning can be quite high. These costs include: (1) higher incidences of health problems and increased health care costs; (2) higher incidences of home and forest fires and associated property loss and need for increased fire protection; and (3) the clean-up costs associated with soiling of personal property.

Q: Is there a better alternative for homeowners to dispose of their leaves?

A: Yes! Composting is a safe and environmentally sound method of managing leaves and other yard trimmings. Proper composting does not cause health or fire hazards and, in fact, can be beneficial to gardens and lawns. Composting is a simple process that involves placing yard trimmings and other organic materials in a pile or bin, maintaining adequate moisture, and turning the pile periodically to mix in air. Microorganisms gradually break down the yard trimmings into a humus-like product called compost. Composting can be practical at home or at community operated compost sites. Community-wide programs are already in place in over 2,200 communities in the United States.

COMPOST

Q: What materials can I compost?

A: It is fine to compost only leaves, but other materials such as grass clippings, manure, coffee grounds, and vegetable and fruit peelings may be composted as well. Meat, grease, and dairy products should not be composted, however, because they can cause odors and attract pests.

Q: What can I do with compost?

A: Compost can serve many purposes in your own yard. It can be used as a mulch in flowerbeds and around shrubs, or it can be added to the garden or to potting soils as a soil conditioner. It can also be spread on lawns as a top dressing.

Q: What are the benefits of composting?

A: Composting is a form of recycling and helps reduce soil compaction and erosion. It helps soil retain moisture and nutrients as well as increasing soil fertility. When leaves are composted along with grass clippings, which contain nitrogen, the resulting compost can also serve as an organic fertilizer.

Q: How can I learn more about composting?

A: Several EPA publications are available free to the public. The Environmental Consumer's Handbook describes how to set up a backyard compost pile. The Decision-Maker's Guide to Solid Waste Management, which is targeted at local government decision makers, contains information on composting and other solid waste management issues at the community level. These and other publications can be obtained by calling EPA's RCRA Hotline Monday through Friday, 8:30 am to 7:30 pm EST: call toll free (800) 424-9346 or, for the hearing impaired, (800) 553-7672.

Appendix B

Source: <http://dnr.wi.gov/air/ag/burning/leaves.htm>:

The Health Hazards of Burning Leaves

Now that the state recycling law prohibits sending yard waste to landfills, Wisconsin residents need to know how they can manage yard waste, including leaves and brush.

Open burning **IS NOT** an environmentally sound way to dispose of leaves and plant clippings at your home. State law currently allows people to burn *small* amounts of dry leaves and brush on their own property so long as leaf burning is not prohibited by local ordinances. However, *you should try to avoid burning leaves whenever possible.*

The smoke generated by a large number of simultaneous leaf fires can cause significant health problems. Leaf smoke can irritate the eyes, nose and throat of healthy adults. But it can be much more harmful to small children, the elderly, and people with asthma or other lung or heart diseases. This is because the visible smoke from leaf fires is made up almost entirely of tiny particles that can reach deep into lung tissue and cause symptoms such as coughing, wheezing, chest pain and shortness of breath-- symptoms that might not occur until several days after exposure to large amounts of leaf smoke.

Besides being an irritant, leaf smoke contains many hazardous chemicals, including carbon monoxide and benzo(a)pyrene. Carbon monoxide binds with hemoglobin in the bloodstream and thus reduces the amount of oxygen in the blood and lungs. So carbon monoxide can be very dangerous for young children with immature lungs, smokers, the elderly, and people with chronic heart or lung diseases.

Benzo(a)pyrene is known to cause cancer in animals and is believed to be a major factor in lung cancer caused by cigarette smoke. It is found in cigarette smoke and coal tar as well as leaf smoke.

According to U.S. Environmental Protection Agency studies, sometimes concentrations of air pollutants resulting from leaf burning can be so high that the air does not meet federal health standards. In fact, in some areas burning of leaves and brush sometimes causes much higher levels of air pollution than all other forms of air pollution combined (such as factories, vehicles, and lawn and garden equipment).

Leaf burning can also reduce visibility, create safety hazards, cause a nuisance, soil buildings and other property, and create additional demands on local police and fire protection.

Even though leaf burning may be legal in many localities, it is not a good way to dispose of fallen leaves. Instead of burning your leaves, you can:

- **Compost** leaves and plant clippings. You can reduce the volume of leaves significantly by shredding them before composting.
- **Chip** brush and clean wood to make mulch or decorative chips.
- **Use municipal collection services** if available, or ask your local municipality to offer such a service or a drop-off center.

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 6/04/12
Reports and Recommendations	Donation from Romey's Place in the amount of \$100 and Franklin Lions Club Foundation in the amount of \$250 to the Fair Commission	ITEM NUMBER <i>G.I.a.</i>

The City of Franklin Fair Commission has received a donation from Romey's Place in the amount of \$100 and Franklin Lions Club Foundation in the amount of \$250 to be used for the promotion of the St. Martin's Fair.

COUNCIL ACTION REQUESTED

Motion to accept the donation of \$100 from Romey's Place and Franklin Lions Club Foundation in the amount of \$250 to the Fair Commission to be used for the promotion of the St. Martin's Fair.



May 14, 2012

Romey's Place
Mr. Nathan Fabry
7508 S. North Cape Road
Franklin, WI 53132

Dear Mr. Fabry:

Since 1958 the St. Martin's Fair has been a staple in the community, offering arts, crafts, produce and fun. Generations have had the opportunity to enjoy this living piece of Franklin's history.

On behalf of the St. Martin's Fair Commission we would like to take this opportunity to thank you for your generous financial contribution. Your gift will help ensure that the St. Martins Fair will be properly promoted, safe, and fun for all.

We would like to thank you again. Your contribution is appreciated and will help in advertising all of the great offerings of the Fair. Your contribution is ONLY used for advertising of the St. Martin's Fair.

We look forward to your continued support for the success and continuation of the St. Martins Fair. Future contributions can be picked up personally by Chairman Nelson or they can be submitted to the Director of Clerk Services to the attention of the Fair Commission.

Sincerely,

Tom Taylor
Mayor

John R. Nelson
Chairman, Fair Commission

<p>APPROVAL</p> <p><i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>06/04/12</p>
<p>Reports and Recommendations</p>	<p>Donation from Donald R. Barrow MAJ, USA, (RET) in the amount of \$500 to the Fire Department</p>	<p>ITEM NUMBER</p> <p><i>G.I.B.</i></p>

The City of Franklin Fire Department has received a donation from Donald R. Barrow in the amount of \$500 to the Fire Department for the Fire Prevention and Education Fund.

COUNCIL ACTION REQUESTED

Motion to accept the donation of \$500 from Donald R. Barrow to the Fire Department.



May 18, 2012

Donald R. Barrow MAJ, USA, (RET)
7332 South 92nd Street
Franklin, WI 53132

Dear Mr. Barrow,

On behalf of the City of Franklin and the members of the Franklin Fire Department, thank you for the generous donation of \$500.00 to our department. It was not necessary for you to do this. Just the fact that you are safe and feeling better is thanks enough. Per your request the money will go in to our Fire Prevention and Education Fund which provides resources for teaching fire safety, and provide information on what to do in an emergency situation. My hope is that you will feel satisfaction in knowing you have contributed to this extremely important effort.

Mr Barrow again, thank you very much. Our best to you and your family.

Sincerely,

A handwritten signature in cursive script, appearing to read 'James Martins', written in black ink.

James Martins
Fire Chief

APPROVAL	REQUEST FOR COUNCIL ACTION	MTG. DATE
<i>slw</i> Reports & Recommendations	SUBJECT: Resolution for acceptance of easements for Gordon Food Service for sanitary sewer and water main at 6919 S. 27 th Street (SE ¼ of SE ¼ Section 1)	6/4/12 ITEM NO. <i>G.I.C.</i>

Pursuant to the development of Gordon Food Service, please be advised that it is necessary to accept easements for sanitary sewer and water main.

RECOMMENDATION

Motion to adopt Resolution 2012-_____, a resolution accepting sanitary sewer and water main easements for Gordon Food Service.

ML/db

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2012 - _____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
ACCEPT PERMANENT SANITARY SEWER AND WATER MAIN EASEMENTS
FOR GORDON FOOD SERVICE AT 6919 S. 27TH STREET

WHEREAS, easements are required to construct, maintain and operate a sanitary sewer and water main in Gordon Food Service property, and

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that it would be in the best interest of the City to accept such easements and therefore the Mayor and City Clerk are hereby authorized and directed to execute the easement accepting it on behalf of the City.

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

Introduced at a regular meeting of the Common Council of the City of Franklin the _____ day of _____, 2012, by Alderman _____.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2012.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

ML/db

SANITARY SEWER EASEMENT

Gordon Food Service

THIS EASEMENT is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "City," and GFS Marketplace Realty Five, LLC a Mich. Limited Liability, as owner (including successors and assigns of the City as may become applicable including the heirs, executors, administrators, successors and assigns of above owner(s) as may be or may become applicable), hereinafter called "Grantor," (if more than one grantor is listed above, said language herein referring thereto shall be interpreted in the plural and refer jointly and severally to such grantors).

WITNESSETH

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

WHEREAS, the City desires to acquire a non-exclusive easement with the right of entry in and across a portion of the property as the same is more particularly hereinafter described, with the right to build and construct and/or operate, maintain, repair, enlarge, reconstruct, relocate and inspect as may be or may become applicable the following facilities and appurtenances thereto, hereinafter collectively called the "Facilities," in, upon and across said portion of the Property: a sanitary sewer, associated manholes, all as shown on the plan attached hereto as Exhibit "B."; any Lift Station with auxiliary power enclosed in an above ground enclosure.

NOW, THEREFORE, in consideration of the grant of the easement hereinafter described, the initial installation and maintenance of the Facilities by the Grantor, and the City, and the payment of One Dollar (\$1.00) and other valuable considerations to the Grantor, the receipt whereof is hereby acknowledged, said Grantor, being the owner and person interested in the land hereinafter described, does hereby grant unto the City a perpetual, non-exclusive easement on that part of the SE 1/4 quarter Section One (1), Township Five (5), North, Range Twenty-one (21) East", in the City of Franklin, Milwaukee County, Wisconsin, more particularly described on Exhibit C attached hereto (the "Easement Area").

1. That said Facilities shall be maintained and kept in good order and condition by the City, at the sole cost and expense of the City. Responsibility for maintaining the ground cover and landscaping within the Easement area shall be that of the Grantor (including heirs, executors, administrators, successors, and assigns.).
2. That in and during whatever construction, reconstruction, enlargement or repair work is or becomes necessary in constructing and/or maintaining of said Facilities, so much of the surface or subsurface of the Easement Area on the Property as may be disturbed will, at the expense of the City, be replaced in substantially the same condition as it was prior to such disturbance. However, the City shall indemnify and save harmless the Grantor from and against any loss, damage, claim, cost, injury or liability resulting from negligence or willful acts or omissions on the part of the City, its agents or employees in connection with said work involved in constructing and/or maintaining of said Facilities; provided that if the above loss, claim, cost, damage, injury or liability results from the joint negligence of parties hereto, then the liability therefore shall be borne by them in proportion to their respective degree of negligence; provided further, however, that these provisions are subject to the legal defenses available under law which the City or Grantor are entitled to raise, excepting the defense of so-called "sovereign immunity."
3. That no structure may be placed within the limits of the Easement Area by the Grantor except that improvement such as walks, pavements for driveways and parking lot surfacing and landscaping may be constructed or placed with the Easement Area.
4. That, in connection with the construction by the Grantor of any structure or building abutting said Easement Area, the Grantor will assume all liability for any damage to the Facilities in the above described Easement Area. The Grantor will also save and keep the City clear and harmless from any claims for personal injuries or property damage caused by any negligence or willful acts or omissions of the Grantor or persons acting on behalf of the Grantor, arising out of the construction by the Grantor of any structure or building abutting the said Easement Area, and shall reimburse the City for the full amount of such loss or damage.
5. That no charges will be made against the property for the cost of maintenance or operation of said Facilities in the property. Whenever the Grantor makes application for a service connection associated with the services provided by virtue of the Facility, the regular and customary service connection charge in effect at the time of the application shall be charged and paid. The Grantor shall be responsible for the routine maintenance of land on which the easement is located.

6. The Facilities shall be accessible for maintenance by the City at all times. The owner shall submit plans for approval to the City Engineer for any underground installation within the Easement Area, which approval shall not be unreasonably withheld, conditioned or delayed.
7. That the Grantor shall submit plans for all surface alterations of plus or minus 1 foot or greater within the limits of said Easement Area. Said alterations shall be made only with the approval of the City Engineer of the City of Franklin, which approval shall not be unreasonably withheld, conditioned or delayed.
8. The City and Grantor shall each use, and take reasonable measures to cause their employees, officers, customers, agents, contractors and assigns to use, the Easement Area in a reasonable manner and so as not to obstruct or otherwise use the Easement Area in a manner that would unreasonably interfere with the use thereof by the other party hereto or its employees, officers, customers, agents, contractors and assigns.
9. The City and Grantor each hereby waives all rights of subrogation that either has or may hereafter have against the other for any damage to the Easement Area or any other real or personal property or to persons covered by such party's insurance, but only to the extent of the waiving party's insurance coverage; provided, however, that the foregoing waivers shall not invalidate any policy of insurance now or hereafter issued, it being hereby agreed that such a waiver shall not apply in any case which would result in the invalidation of any such policy of insurance and that each party shall notify the other if such party's insurance would be so invalidated.
10. Either party hereto may enforce this easement by appropriate action, and should it prevail in such litigation, that party shall be entitled to recover, as part of its costs, reasonable attorneys' fees.
11. This easement may not be modified or amended, except by a writing executed and delivered by the City and Grantor or their respective successors and assigns.
12. No waiver of, acquiescence in, or consent to any breach of any term, covenant, or condition hereof shall be construed as, or constitute, a waiver of, acquiescence in, or consent to any other, further, or succeeding breach of the same or any other term, covenant, or condition.
13. If any term or provision of this easement shall, to any extent, be invalid or unenforceable under applicable law, then the remaining terms and provisions of this easement shall not be affected thereby, and each such remaining term and provision shall be valid and enforceable to the fullest extent permitted by applicable law.
14. This easement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.
15. Upon completion of use of the Easement Area for the specific use as a sanitary sewerage lift station, the City shall remove the lift station, manholes, piping and the enclosure and cause the prompt restoration to a smooth surface contour and neat condition restoring the Easement Area into a condition similar to the remaining parcel as described in Exhibit "A".
16. Upon completion of use of the Easement Area for the specific use as a sanitary sewerage lift station and the restoration of the Easement Area by the City, the Easement Area, the easement shall be terminated by recording a release in recordable form with directions for delivery of same to Grantor at his last address given pursuant hereto, whereupon all rights, duties and liabilities created shall terminate.

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

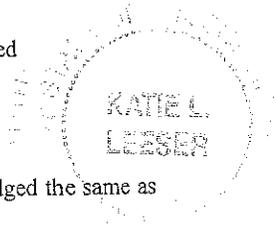
ON THIS DATE OF: APRIL 30th, 2002

BOURAXIS ANDREAS IRREVOCABLE TRUST
Company Name

By: [Signature]
Name and Title

STATE OF WISCONSIN ss
COUNTY OF MILWAUKEE

Before me personally appeared on the 30th day of April, 2002 the above named
Andreas Bouraxis of _____
(Name printed) (Title) (Development)



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

Kate L. Leser
NOTARY PUBLIC

My commission expires 2/3/13

CITY OF FRANKLIN

By: _____
Thomas M. Taylor, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN
ss
COUNTY OF MILWAUKEE

On this _____ day of _____, 200_ before me personally appeared Thomas M. Taylor and Sandra L. Wesolowski who being by me duly sworn, did say that they are respectively the Mayor and City Clerk of Franklin, and that the seal affixed to said instrument is the corporate seal of said municipal corporation, and acknowledged that they executed the foregoing assignment as such officers as the deed of said municipal corporation by its authority, and pursuant to resolution file No. _____ adopted by its Common Council on _____, 200_.

Notary Public

My commission expires _____

EXHIBIT "A"
LEGAL DESCRIPTION
(OF OVERALL PROPERTY)

PER CHICAGO TITLE INSURANCE COMPANY COMMITMENT
NO. 1283439 WITH AN EFFECTIVE DATE OF OCT. 10, 2011

PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6810, RECORDED ON MAY 9, 2000, AS DOCUMENT NO. 7907705, BEING A REDIVISION OF PARCELS 1, 2, 3 AND 4 OF CERTIFIED SURVEY MAP NO. 5346, REEL 2395, IMAGE 1001; PARCEL 1 OF CERTIFIED SURVEY MAP NO. 136, REEL 540, IMAGE 283; LOT 209 OF "HIDDEN LAKES NO. 4"; VACATED STREET RIGHT OF WAY AND UNPLATTED LANDS IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHEAST 1/4, THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, AS AMENDED BY AFFIDAVIT OF CORRECTION RECORDED AS DOCUMENT NO. 8671410. CONTAINS 138,694 SF OR 3.18398 ACRES.

TAX KEY NO: 738-9978-005

EXHIBIT "B"

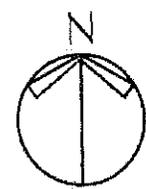
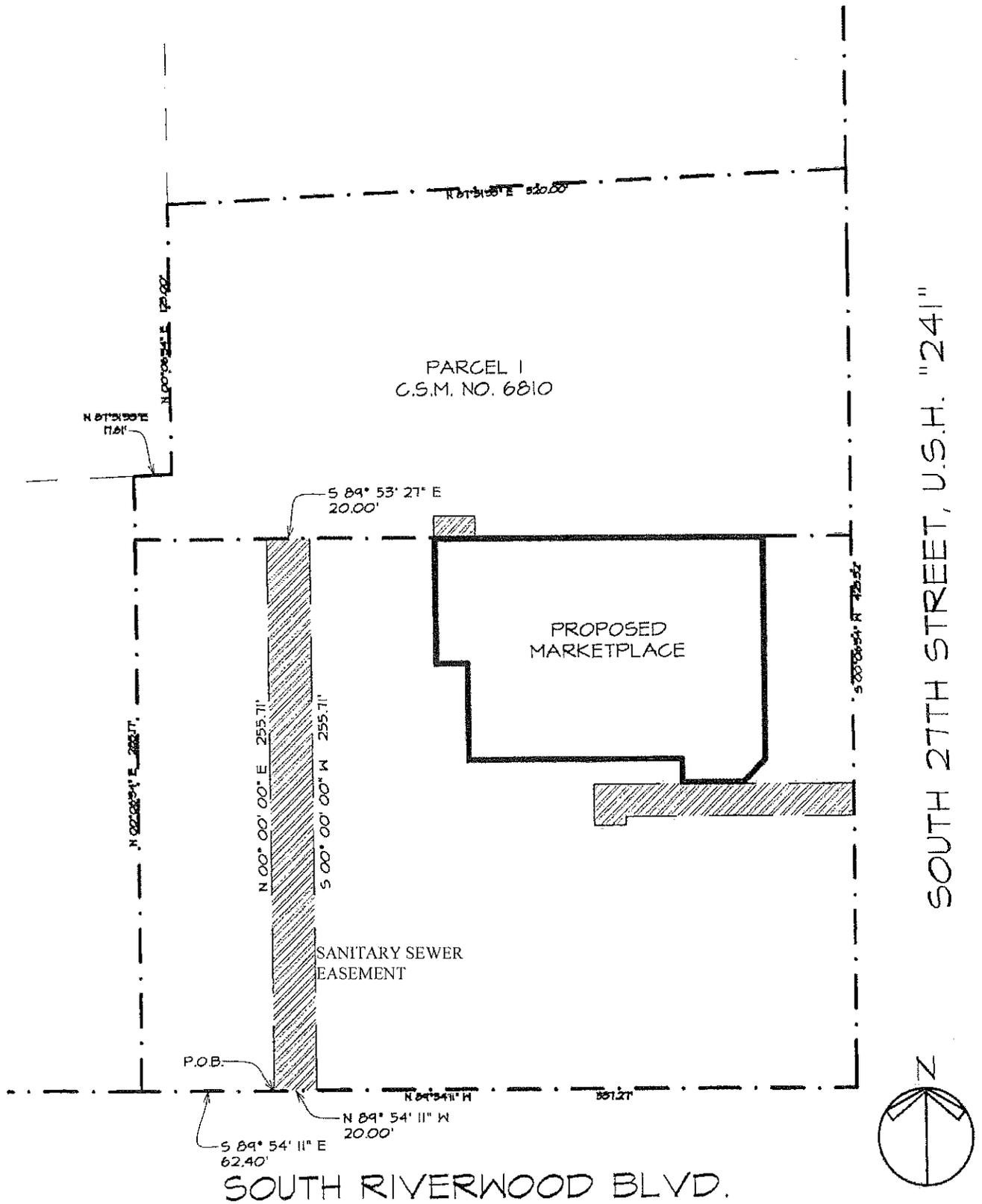


EXHIBIT "C"

PROPOSED SANITARY SEWER EASEMENT

PART OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6810

COMMENCING AT THE SOUTHWEST CORNER OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6810; THENCE SOUTH 89 DEGREES 54 MINUTES 11 SECONDS EAST 62.40 FEET ALONG THE SOUTH LINE OF SAID PARCEL TO THE POINT OF BEGINNING OF THIS EASEMENT; THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 255.71 FEET; THENCE SOUTH 89 DEGREES 53 MINUTES 27 SECONDS EAST 20.00 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS WEST 255.71 FEET TO SAID SOUTH LINE; THENCE NORTH 89 DEGREES 54 MINUTES 11 SECONDS WEST 20.00 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

WATER MAIN EASEMENT

Gordon Food Service

THIS INDENTURE, made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "City," and GFS Marketplace Realty Five, LLC, a Michigan Limited Liability Corporation, owner, (including heirs, executors, administrators, successors and assigns of above owner(s) as may be or may become applicable), hereinafter called "Grantor," (If more than one grantor is listed above, said language herein referring thereto shall be interpreted in the plural and refer jointly and severally to such grantors).

WITNESSETH

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

WHEREAS, the City desires to acquire a permanent easement with the right of entry in and across the property hereinafter described with the right to build and construct and/or operate, maintain, repair, enlarge, reconstruct, relocate and inspect as may be or may become applicable the following facilities and appurtenances thereto, hereinafter called "Facilities," in, upon and across said portion of the property; a water main and associated fire hydrants, all as shown on the plan attached hereto as Exhibit "B"; and

WHEREAS, the initial construction and installation of the Facilities shall be made by Grantor at Grantor's expense and the Facilities shall be the property of the city and be deemed dedicated to the City upon the City's inspection and approval of the Facilities as installed, subject to the terms and conditions set forth below:

NOW, THEREFORE, in consideration of the grant of the easement hereinafter described and the payment of One Dollar (\$1.00) and other valuable considerations to the Grantor, receipt whereof is hereby acknowledged, said Grantor, being the owner and person interested in the land hereinafter described does hereby grant unto the City a permanent easement in that part of the SE 1/4 of Section One (1), Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, Milwaukee County, Wisconsin, more particularly described on Exhibit C attached hereto (the "Easement Area").

UPON CONDITION

1. That said Facilities shall be maintained and kept in good order and condition by the City. Responsibility for maintaining the ground cover and landscaping within the easement area shall be that of the Grantor (including heirs, executors, administrators, successors and assigns).
2. That in and during whatever construction, reconstruction, enlargement or repair work is or becomes necessary in constructing and/or maintaining of said Facilities, so much of the surface or subsurface of the property as may be disturbed, will at the expense of the City be replaced in substantially the same condition as it was prior to such disturbance; except that the City will in no case be responsible for replacing or paying for replacing any aesthetic plantings or improvements other than ordinary lawns or standard walks, roadways, driveways and parking lot surfacing which were required to be removed in the course of doing the above work. However, the City shall save harmless the Grantor from any loss, damage, injury or liability resulting from negligence on the part of the City in connection with said work involved in constructing and/or maintaining of said Facilities; provided that if above loss, damage, injury or liability results from the joint negligence of parties hereto, then the liability therefore shall be borne by them in proportion to their respective degree of negligence; provided further, however, that these provisions are subject to the legal defenses with under law the City is entitled to raise excepting the defense of so-called "sovereign immunity."
3. That no structure may be placed within the limits of the easement by the Grantor except that improvements such as walks, pavements for driveways and parking lot surfacing may be constructed or placed within the Easement Area.
4. That, in connection with the construction by the grantor of any structure or building abutting said easement defined limits, the Grantor will assume all liability for any damage to the Facilities in the above described property. The Grantor will also save and keep the City clear and harmless from any claims for personal injuries or property damage caused by any negligence of the Grantor or person other than the Grantor, arising out of the construction by the Grantor of any structure or building abutting the said easement defined limits, and shall reimburse the City for the full amount of such loss or damage.
5. That no charges will be made against said lands for the cost of maintenance or operation of said Facilities in the afore-described property. Whenever the Grantor makes application for a service connection, the regular and customary service connection charge in effect at the time of the application shall be charged and paid. The Grantor shall be responsible for the routine maintenance of land on which the easement is located.

6. All conditions pertaining to the "Maintenance of Water Service Piping" as set forth in Chapter 5.12 of the "Rules and Regulations Governing Water Service" dated and subsequent amendments thereto shall apply to all water services which are within the easement defined limits and also within the limits of any adjoining easements; except that the City of Franklin Water Works, a utility owned by the City of Franklin shall in no case be responsible for maintaining at its expense any portion of said water services outside of the easement defined limits and outside the limits of any adjoining easements regardless of any statement to the contrary in said "Rules and Regulations Governing Water Service."
7. The Facilities shall be accessible for maintenance by the City at all times. The owner shall submit plans for approval to the City Engineer for any underground installation within the easement area, which approval shall not be unreasonably withheld, conditioned or delayed.
8. That the Grantor shall submit plans for all surface alterations of plus or minus 1 foot or greater within the limits of said easement. Said alterations shall be made only with the approval of the City Engineer of the City of Franklin, which approval shall not be unreasonably withheld, conditioned or delayed.
9. The City and Grantor shall each use, and take reasonable measures to cause their employees, officers, customers, agents, contractors and assigns to use, the Easement Area in a reasonable manner and so as not to obstruct or otherwise use the Easement Area in a manner that would unreasonably interfere with the use thereof by the other party hereto or its employees, officers, customers, agents, contractors and assigns.
10. The City and Grantor each hereby waives all rights of subrogation that either has or may hereafter have against the other for any damage to the Easement Area or any other real or personal property or to persons covered by such party's insurance, but only to the extent of the waiving party's insurance coverage; provided, however, that the foregoing waivers shall not invalidate any policy of insurance now or hereafter issued, it being hereby agreed that such a waiver shall not apply in any case which would result in the invalidation of any such policy of insurance and that each party shall notify the other if such party's insurance would be so invalidated.
11. Either party hereto may enforce this easement by appropriate action, and should it prevail in such litigation, that party shall be entitled to recover, as part of its costs, reasonable attorneys' fees.
12. This easement may not be modified or amended, except by a writing executed and delivered by the City and Grantor or their respective successors and assigns.
13. No waiver of, acquiescence in, or consent to any breach of any term, covenant, or condition hereof shall be construed as, or constitute, a waiver of, acquiescence in, or consent to any other, further, or succeeding breach of the same or any other term, covenant, or condition.
14. If any term or provision of this easement shall, to any extent, be invalid or unenforceable under applicable law, then the remaining terms and provisions of this easement shall not be affected thereby, and each such remaining term and provision shall be valid and enforceable to the fullest extent permitted by applicable law.
15. This easement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.
16. It is understood that in the event the above described Real Estate may become portions of public streets; in which event, in the proceedings for the acquisition of the property needed for such streets by purchase, dedication or by condemnation, said lands shall be considered the same as though this easement had not been executed or any rights granted thereby exercised.
17. That the Grantor shall submit as-built drawings of the installed facilities on mylar for approval to the City Engineer, which approval shall not be unreasonably withheld, conditioned, or delayed.

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

ON THIS DATE OF: APRIL 30th, 2012

BOURAXIS ANDREAS IRREVOCABLE TRUST
Company Name

By: [Signature]
Name and Title



STATE OF WISCONSIN SS
COUNTY OF MILWAUKEE

Before me personally appeared on the 30th day of April, 2012 the above named

ANDREAS BOURAXIS of _____
(Name printed) (Title) (Development)

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

Katie L. Leeser
NOTARY PUBLIC

My commission expires 2/3/13

CITY OF FRANKLIN

By: _____
Thomas M. Taylor, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN
SS
COUNTY OF MILWAUKEE

On this _____ day of _____, 200_ before me personally appeared Thomas M. Taylor and Sandra L. Wesolowski who being by me duly sworn, did say that they are respectively the Mayor and City Clerk of Franklin, and that the seal affixed to said instrument is the corporate seal of said municipal corporation, and acknowledged that they executed the foregoing assignment as such officers as the deed of said municipal corporation by its authority, and pursuant to resolution file No. _____ adopted by its Common Council on _____, 200_.

Notary Public

My commission expires _____

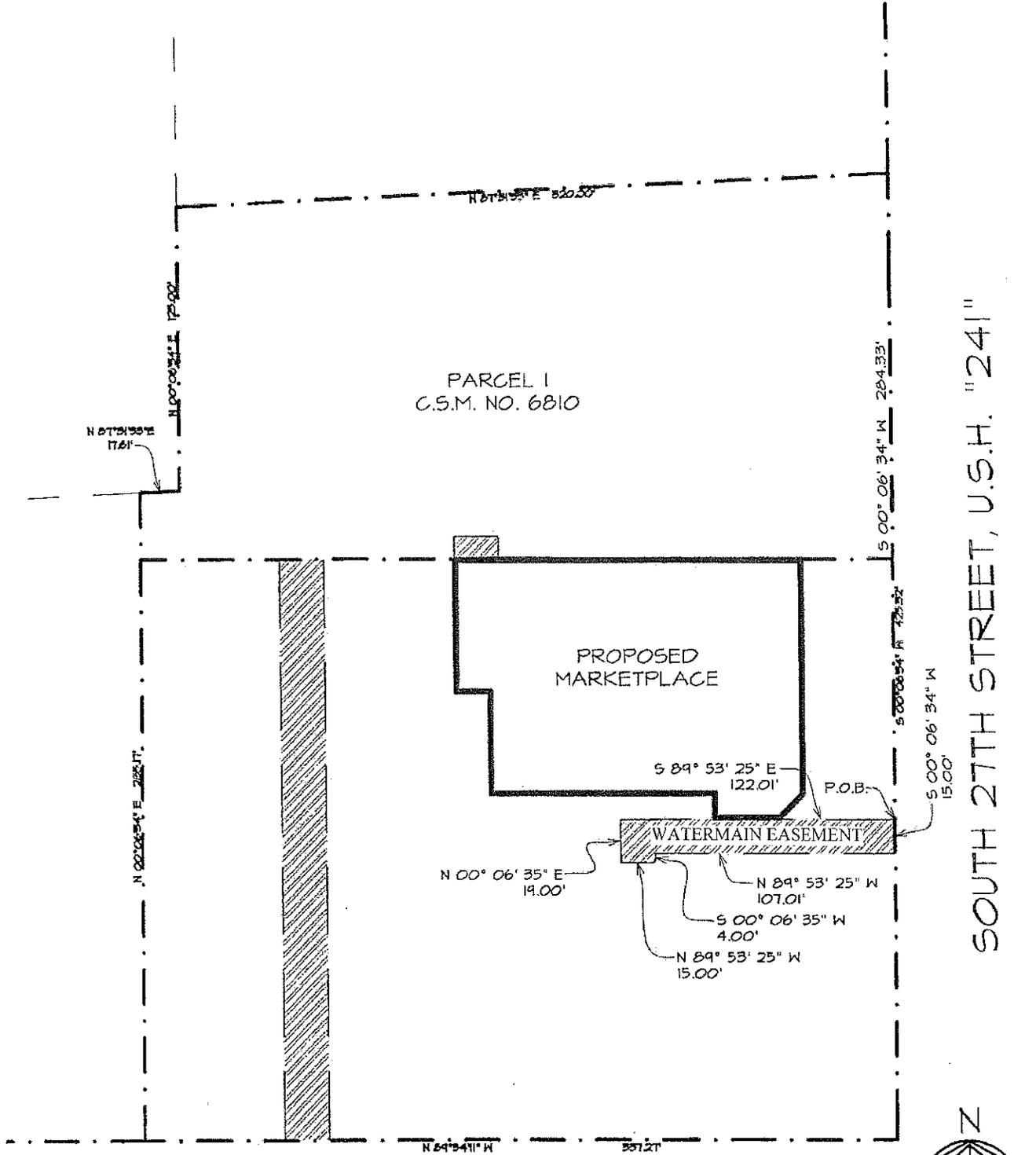
EXHIBIT "A"
LEGAL DESCRIPTION
(OF OVERALL PROPERTY)

PER CHICAGO TITLE INSURANCE COMPANY COMMITMENT
NO. 1283439 WITH AN EFFECTIVE DATE OF OCT. 10, 2011

PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6810, RECORDED ON MAY 9, 2000, AS DOCUMENT NO. 7907705, BEING A REDIVISION OF PARCELS 1, 2, 3 AND 4 OF CERTIFIED SURVEY MAP NO. 5346, REEL 2395, IMAGE 1001; PARCEL 1 OF CERTIFIED SURVEY MAP NO. 136, REEL 540, IMAGE 283; LOT 209 OF "HIDDEN LAKES NO. 4"; VACATED STREET RIGHT OF WAY AND UNPLATTED LANDS IN THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4 AND THE NORTHEAST 1/4, THE SOUTHEAST 1/4 AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, COUNTY OF MILWAUKEE, STATE OF WISCONSIN, AS AMENDED BY AFFIDAVIT OF CORRECTION RECORDED AS DOCUMENT NO. 8671410. CONTAINS 138,694 SF OR 3.18398 ACRES.

TAX KEY NO: 738-9978-005

EXHIBIT "B"



SOUTH 27TH STREET, U.S.H. "241"

SOUTH RIVERWOOD BLVD.

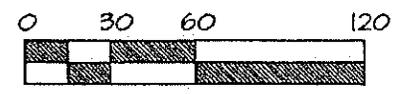
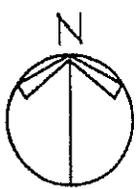


EXHIBIT "C"

PROPOSED WATER LINE EASEMENT

PART OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6810

COMMENCING AT THE NORTHEAST CORNER OF PARCEL 1 OF CERTIFIED SURVEY MAP NO. 6810; THENCE SOUTH 00 DEGREES 06 MINUTES 34 SECONDS WEST 284.33 FEET ALONG THE EAST LINE OF SAID PARCEL TO THE POINT OF BEGINNING OF THIS EASEMENT; THENCE CONTINUING SOUTH 00 DEGREES 06 MINUTES 34 SECONDS WEST 15.00 FEET ALONG SAID EAST LINE; THENCE NORTH 89 DEGREES 53 MINUTES 25 SECONDS WEST 107.01 FEET; THENCE SOUTH 00 DEGREES 06 MINUTES 35 SECONDS WEST 4.00 FEET; THENCE NORTH 89 DEGREES 53 MINUTES 25 SECONDS WEST 15.00 FEET; THENCE NORTH 00 DEGREES 06 MINUTES 35 SECONDS EAST 19.00 FEET; THENCE SOUTH 89 DEGREES 53 MINUTES 25 SECONDS EAST 122.01 FEET TO THE POINT OF BEGINNING.

APPROVAL	REQUEST FOR COUNCIL ACTION	MTG. DATE
<i>slw</i>		6/4/12
Reports & Recommendations	SUBJECT: A resolution authorizing certain officials to accept a water main easement for S & C Electric Co. located at 5251 W. Franklin Drive	ITEM NO. <i>G.I.D.</i>

As part of the development of S & C Electric Co. building addition, a water main needs to be installed. An easement is needed to allow the City access and maintenance rights to the utility. This easement provides for the rights of grantor and grantee.

RECOMMENDATION

Motion to adopt Resolution 2012-_____, a resolution accepting this permanent water main easement.

ML/sg

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

RESOLUTION NO. 2012 - _____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A WATER MAIN EASEMENT FOR S & C ELECTRIC CO.
LOCATED AT 5215 W. FRANKLIN DRIVE

WHEREAS, an easement is required to construct, maintain and operate a water main in the S & C Electric Co. building addition and;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that it would be in the best interest of the City to accept such easement and therefore the Mayor and City Clerk are hereby authorized and directed to execute the easement accepting it on behalf of the City.

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

INTRODUCED at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012 by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

ML/sg

WATER MAIN EASEMENT

(Development Name)

THIS INDENTURE, made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "City," and S & C ELECTRIC CO., a DELAWARE Corporation, owner, (including heirs, executors, administrators, successors and assigns of above owner(s) as may be or may become applicable), hereinafter called "Grantor," (If more than one grantor is listed above, said language herein referring thereto shall be interpreted in the plural and refer jointly and severally to such grantors).

WITNESSETH

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

WHEREAS, the City desires to acquire a permanent easement with the right of entry in and across the property hereinafter described with the right to build and construct and/or operate, maintain, repair, enlarge, reconstruct, relocate and inspect as may be or may become applicable the following facilities and appurtenances thereto, hereinafter called "Facilities," in, upon and across said portion of the property; a water main and associated fire hydrants, all as shown on the plan attached hereto as Exhibit "B"; and

WHEREAS, the initial construction and installation of the Facilities shall be made by Grantor at Grantor's expense and the Facilities shall be the property of the city and be deemed dedicated to the City upon the City's inspection and approval of the Facilities as installed, subject to the terms and conditions set forth below:

NOW, THEREFORE, in consideration of the grant of the easement hereinafter described and the payment of One Dollar (\$1.00) and other valuable considerations to the Grantor, receipt whereof is hereby acknowledged, said Grantor, being the owner and person interested in the land hereinafter described does hereby grant unto the City a permanent easement in that part of the SW 1/4 of Section 35 (), Township Five (5) North, Range Twenty-one (21) East, in the City of Franklin, Milwaukee County, Wisconsin, more particularly described on Exhibit C attached hereto (the "Easement Area").

UPON CONDITION

1. That said Facilities shall be maintained and kept in good order and condition by the City. Responsibility for maintaining the ground cover and landscaping within the easement area shall be that of the Grantor (including heirs, executors, administrators, successors and assigns).
2. That in and during whatever construction, reconstruction, enlargement or repair work is or becomes necessary in constructing and/or maintaining of said Facilities, so much of the surface or subsurface of the property as may be disturbed, will at the expense of the City be replaced in substantially the same condition as it was prior to such disturbance; except that the City will in no case be responsible for replacing or paying for replacing any aesthetic plantings or improvements other than ordinary lawns or standard walks, roadways, driveways and parking lot surfacing which were required to be removed in the course of doing the above work. However, the City shall save harmless the Grantor from any loss, damage, injury or liability resulting from negligence on the part of the City in connection with said work involved in constructing and/or maintaining of said Facilities; provided that if above loss, damage, injury or liability results from the joint negligence of parties hereto, then the liability therefore shall be borne by them in proportion to their respective degree of negligence; provided further, however, that these provisions are subject to the legal defenses with under law the City is entitled to raise excepting the defense of so-called "sovereign immunity."
3. That no structure may be placed within the limits of the easement by the Grantor except that improvements such as walks, pavements for driveways and parking lot surfacing may be constructed or placed within the Easement Area.
4. That, in connection with the construction by the grantor of any structure or building abutting said easement defined limits, the Grantor will assume all liability for any damage to the Facilities in the above described property. The Grantor will also save and keep the City clear and harmless from any claims for personal injuries or property damage caused by any negligence of the Grantor or person other than the Grantor, arising out of the construction by the Grantor of any structure or building abutting the said easement defined limits, and shall reimburse the City for the full amount of such loss or damage.
5. That no charges will be made against said lands for the cost of maintenance or operation of said Facilities in the afore-described property. Whenever the Grantor makes application for a service connection, the regular and customary service connection charge in effect at the time of the application shall be charged and paid. The Grantor shall be responsible for the routine maintenance of land on which the easement is located.

6. All conditions pertaining to the "Maintenance of Water Service Piping" as set forth in Chapter 5.12 of the "Rules and Regulations Governing Water Service" dated and subsequent amendments thereto shall apply to all water services which are within the easement defined limits and also within the limits of any adjoining easements; except that the City of Franklin Water Works, a utility owned by the City of Franklin shall in no case be responsible for maintaining at its expense any portion of said water services outside of the easement defined limits and outside the limits of any adjoining easements regardless of any statement to the contrary in said "Rules and Regulations Governing Water Service."
7. The Facilities shall be accessible for maintenance by the City at all times. The owner shall submit plans for approval to the City Engineer for any underground installation within the easement area, which approval shall not be unreasonably withheld, conditioned or delayed.
8. That the Grantor shall submit plans for all surface alterations of plus or minus 1 foot or greater within the limits of said easement. Said alterations shall be made only with the approval of the City Engineer of the City of Franklin, which approval shall not be unreasonably withheld, conditioned or delayed.
9. The City and Grantor shall each use, and take reasonable measures to cause their employees, officers, customers, agents, contractors and assigns to use, the Easement Area in a reasonable manner and so as not to obstruct or otherwise use the Easement Area in a manner that would unreasonably interfere with the use thereof by the other party hereto or its employees, officers, customers, agents, contractors and assigns.
10. The City and Grantor each hereby waives all rights of subrogation that either has or may hereafter have against the other for any damage to the Easement Area or any other real or personal property or to persons covered by such party's insurance, but only to the extent of the waiving party's insurance coverage; provided, however, that the foregoing waivers shall not invalidate any policy of insurance now or hereafter issued, it being hereby agreed that such a waiver shall not apply in any case which would result in the invalidation of any such policy of insurance and that each party shall notify the other if such party's insurance would be so invalidated.
11. Either party hereto may enforce this easement by appropriate action, and should it prevail in such litigation, that party shall be entitled to recover, as part of its costs, reasonable attorneys' fees.
12. This easement may not be modified or amended, except by a writing executed and delivered by the City and Grantor or their respective successors and assigns.
13. No waiver of, acquiescence in, or consent to any breach of any term, covenant, or condition hereof shall be construed as, or constitute, a waiver of, acquiescence in, or consent to any other, further, or succeeding breach of the same or any other term, covenant, or condition.
14. If any term or provision of this easement shall, to any extent, be invalid or unenforceable under applicable law, then the remaining terms and provisions of this easement shall not be affected thereby, and each such remaining term and provision shall be valid and enforceable to the fullest extent permitted by applicable law.
15. This easement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.
16. It is understood that in the event the above described Real Estate may become portions of public streets; in which event, in the proceedings for the acquisition of the property needed for such streets by purchase, dedication or by condemnation, said lands shall be considered the same as though this easement had not been executed or any rights granted thereby exercised.
17. That the Grantor shall submit as-built drawings of the installed facilities on mylar for approval to the City Engineer, which approval shall not be unreasonably withheld, conditioned, or delayed.

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

ON THIS DATE OF: APRIL 17, 2012

S+C ELECTRIC Co

Company Name

By: [Signature]

Name and Title

JOHN L. BWMENSHINE V.P.-FACILITIES

STATE OF ILLINOIS

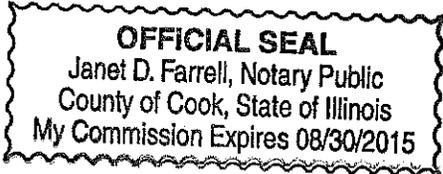
SS

COUNTY OF COOK

Before me personally appeared on the 17th day of APRIL, 2012, the above named

JOHN L. BWMENSHINE VP-FACILITIES of S+C ELECTRIC Co.
(Name printed) (Title) (Development)

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



[Signature]
NOTARY PUBLIC

My commission expires 8/30/2015

CITY OF FRANKLIN

By: _____
Thomas M. Taylor, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN

SS

COUNTY OF MILWAUKEE

On this ___ day of _____, 200_ before me personally appeared Thomas M. Taylor and Sandra L. Wesolowski who being by me duly sworn, did say that they are respectively the Mayor and City Clerk of Franklin, and that the seal affixed to said instrument is the corporate seal of said municipal corporation, and acknowledged that they executed the foregoing assignment as such officers as the deed of said municipal corporation by its authority, and pursuant to resolution file No. _____ adopted by its Common Council on _____, 200_.

Notary Public

My commission expires _____

MORTGAGE HOLDER CONSENT

The undersigned, _____, a Wisconsin banking corporation ("Mortgagee"), as Mortgagee under that certain Mortgage encumbering the Property and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on _____, 200_, as Document No. _____, hereby consents to the execution of the foregoing easement and its addition as an encumbrance against title to the Property.

IN WITNESS WHEREOF, Mortgagee has caused these presents to be signed by its duly authorized officers, and its corporate seal to be hereunto affixed, as of the day and year first above written.

_____ a Wisconsin Banking Corporation

By: _____

Name: _____

Title: _____

STATE OF WISCONSIN)
 s.s.
COUNTY OF MILWAUKEE)

On this, the _____ day of _____, 200_, before me, the undersigned, personally appeared _____, the _____ of _____, a Wisconsin banking corporation, and acknowledged that (s)he executed the foregoing instrument on behalf of said corporation, by its authority and for the purposes therein contained.

Name: _____
Notary Public _____
State of _____
County of _____
My commission expires on: _____

This instrument was drafted by the City of Franklin.

Approved as to contents

Manager of Water Works of Franklin

Date:
Approved as to form only

City Attorney

Date:

**NO MORTGAGE
HOLDER**

Exhibit A
(Description of the Property)

LEGAL DESCRIPTION:

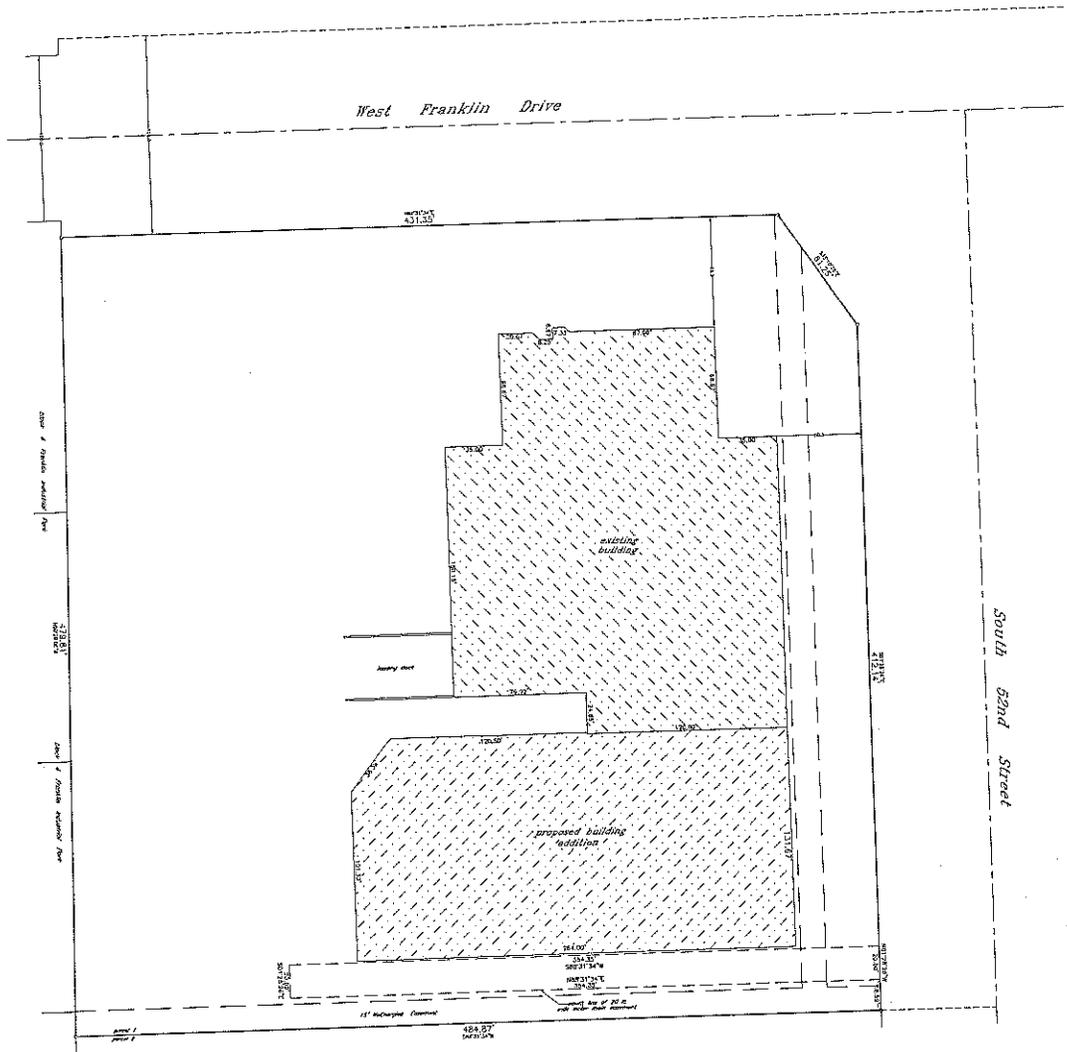
Parcel 1 of Certified Survey Map No. 6382, a plat of record; lying and being in part of the Southwest Quarter of Section 35, Town 5 North, Range 21 East of the Fourth Principal Meridian and lying and being in the City of Franklin, Milwaukee County, Wisconsin.

Exhibit C
(Description of Easement Area)

LEGAL DESCRIPTION OF 20 FOOT WATER MAIN EASEMENT:

Part of Parcel 1 of Certified Survey Map No. 6382, a plat of record; lying and being in part of the Southwest Quarter of Section 35, Town 5 North, Range 21 East of the Fourth Principal Meridian, lying and being in the City of Franklin, Milwaukee County, Wisconsin and being more particularly described as: Commencing at the southeast corner of said Parcel 1; thence N01degree28'26"W along the east line of said parcel 18.59 feet to the point of beginning of the easement to be herein described; thence continue N01degree28'26"W along said east line 20.00 feet; thence S88degrees31'34"W parallel to the south line of said parcel 354.35 feet; thence S01degree28'26"E parallel to aforesaid east line 20.00 feet; thence N88degrees31'34"E parallel to the south line of said parcel 354.35 feet to the point of beginning.

address: 5251 W. Franklin Drive



LEGAL DESCRIPTION OF 20 FOOT WATER MAIN EASEMENT: Part of Parcel 1 of Certified Survey Map No. 6382, a part of record; lying and being in part of the Southeast Quarter of Section 35, Town 5 North, Range 21 East of the Fourth Principal Meridian (lying and being in the City of Franklin, Milwaukee County, Wisconsin and being more particularly described as: Commencing at the southeast corner of said Parcel 1; thence N01°28'30\"/>

Refer to a current title report for easements or restrictions which may affect the use of this site that are not shown on the recorded certified survey map.

J.R.R. SURVEYING, INC.
3121 22ND AVENUE
MILWAUKEE, WI 53143



I hereby certify that this property was surveyed under my direction and this plat is a true representation thereof.

Reg. Land Surveyor
January 23, 2012
Signed 4/5/12

tax key no.: 9310013002

denotes iron pipe

Scale
1" = 30'



Plat of Survey of
PARCEL 1 OF
CERTIFIED SURVEY MAP NO. 6382

in SW1/4 Section 35-5-21

CITY OF FRANKLIN
MILWAUKEE COUNTY, WIS.

-for-
Nielsen Building Systems

<p>APPROVAL</p> <p><i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>06/04/2012</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>E Referral Grant for Police Department</p>	<p>ITEM NUMBER</p> <p><i>6.2.</i></p>

BACKGROUND AND ANALYSIS:

The police department is requesting authority to apply for and accept a grant which would pay for the hardware, software and implementation of an electronic interface between the police department and District Attorney's Office.

The system will allow police officers to submit selected criminal cases for review electronically to the District Attorney's Office instead of having to physically drive to downtown Milwaukee and present the case in person. This ability will greatly increase the effectiveness and efficiency of police operations.

The Wisconsin Office of Justice Assistance is the grant provider. They will pay \$18,000.00 toward this project. The police department must commit 25% of the cost, but the commitment can be in manpower and/or resources. It is anticipated the department's cost will be satisfied by the IT assistance we would provide to link the systems. In addition, the police department would need to commit \$1,800 a year for maintenance costs for the system. This sum is extremely low compared to the anticipated personnel savings.

COUNCIL ACTION REQUESTED:

Move to allow the police department to apply for and accept the OJA grant.

APPROVAL <i>Slw</i>	REQUEST FOR COMMON COUNCIL RECOMMENDATION	MEETING DATE 06/04/2012
REPORTS AND RECOMMENDATIONS	REPORT FROM THE PUBLIC POLICY FORUM REGARDING "EXPLORING SHARED OR CONSOLIDATED FIRE SERVICES IN SOUTHERN MILWAUKEE COUNTY"	ITEM NUMBER <i>G.3.</i>

Mayor Tom Taylor has requested that this item be placed on the agenda for referral to the Fire Chief, Finance Committee of the City, Personnel Committee, and the Fire and Police Commission for their review and consideration and potential recommendations. It is further recommended that the aforementioned entities provide their recommendations to the Common Council no later than September 1, 2012.

COUNCIL ACTION REQUESTED

Motion to refer the report from the Public Policy Forum regarding "Exploring Shared or Consolidated Fire Services in Southern Milwaukee County" to the Fire Chief, Finance Committee, Personnel Committee, and the Fire and Police Commission for their review, consideration, and potential recommendations back to the Common Council no later than September 1, 2012.

<p>APPROVAL</p> <p><i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>6-4-12</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p>Approve change in City of Franklin Chapter 133 Fire Prevention, Protection, and Control Code for Fire Inspection Fees.</p>	<p>ITEM NUMBER</p> <p><i>6.4.</i></p>

BACKGROUND:

Over the past several years the time commitment for re-inspecting state required fire inspections continues to be a problem. Fact of the matter is, some facilities resist or delay compliance for long periods of time causing multiple visits to check on correcting violations. At some point we are forced to issue citations. Even this step proves to delay compliance even longer. We have done some research on the issue and found that implementation of a re-inspection fee encourages cooperation. At times we have the same issues with license re-inspection. I am asking for your approval to begin charging a \$75.00 fee after the second re-inspection for regular fire safety inspections and a \$50.00 fee for the second re-inspection when inspecting for licenses.

In addition, we get requests for some testing of sprinkler and fire alarm systems after normal business hours. We have no provision in our policies to charge for this service. Usually the contractor has no problem compensating our Fire Marshal but we have no legal method to charge. I am requesting under Table 133.21 in Chapter 133 that the contractor know that if testing or inspection services are needed during off hours overtime costs will be added to the bill.

Finally I am requesting adding a clean inspection fee of \$75.00 per hour to our list of "Types of Inspections". We always felt this was implied, but since, have decided to make it more specific. When all construction is completed a clean inspection is required prior to smoke alarm installation. These devices can be damaged by dust that is produced during the construction process. To make sure smoke alarms will perform as expected, inspection is necessary making sure they are installed in a clean environment.

COUNCIL ACTION REQUESTED

Motion to adopt necessary fees added to the City of Franklin Chapter 133 Fire Prevention, Protection, and Control Code Section 133-20 and Table 133.21(2) of \$75.00 for second re-inspection and subsequent re-inspections, a \$50.00 fee for second license re-inspection and subsequent re-inspections, a \$75.00 per hour clean inspection fee prior to installing smoke alarms, and a notice there will be additional costs for overtime if requesting testing/inspections outside of normal working hours.

§ 133-18. Flammable, combustible, and hazardous materials.

- A. The following items shall not be stored in any multi-family dwelling in the community.
- (1) Charcoal, except in a metal container equipped with a metal cover.
 - (2) Oily rags or oily dust mops.
 - (3) Flammable liquids.
 - (4) Bottle gases. Propane, acetylene, oxygen or other substances of a similar nature.
 - (5) Gasoline motors and gasoline power equipment.
 - (6) Dangerous or hazardous amounts of flammable, combustible or explosive material as determined by the AHJ.
 - (7) Hazardous conditions arising from defective or improperly installed equipment for handling or using flammable, combustible or explosive material.
 - (8) Dangerous accumulations of rubbish, waste paper, boxes, shavings, or other highly flammable materials as determined by the AHJ
 - (9) Dangerous accumulations of dust or waste materials in air conditioning systems.
- B. Flammable, Combustible and Hazardous material shall be identified in accordance with NFPA 704.

§ 133-19. Special inspections required.

At the adoption of this Code all CBRF's, Adult Family Homes, Adult Day Care Centers and Child Day Care Centers (Group) will be inspected not less then once a year by the Fire Department. A courtesy fire inspection is recommended for all Family Child Day Care.

§ 133-20. Fire Inspection Fees.

- A. *An annual fire inspection fee shall be charged to the property owner for required fire inspections of each building, structure, and premises.*
- B. *The annual fee shall constitute a special charge against the property inspected and shall be entered upon the tax roll as a charge against the property unless previously paid, and all proceedings in relation to the collection, return, and sale of the property for delinquent real estate taxes shall apply to the collection of any unpaid inspection fee.*
- C. *The fee for the required fire inspections shall be charged to and paid by the owners of multi-family residential property, mixed use property, commercial property, industrial property, health care facility property, schools, churches, child day care centers, rooming houses, community based residential facility property, adult family home property, adult day care facility property, nursing home property and assisted living home property. Inspection fees to be charged and paid under this Section shall be in the amount of \$20 for an inspection which does not exceed 20 minutes in duration; \$30 for an inspection which does not exceed 40 minutes in duration; \$40 for each inspection which does not exceed 60 minutes in duration; and \$40 prorata for each portion of an inspection hour in addition to and immediately following an initial hour of inspection. Total inspection fees charged to any single property or facility subject to inspection shall not exceed \$500 in a calendar year.*

Table 133.20

(a) Second re-inspection and subsequent re-inspections	\$75.00 per re-inspection
(b) License re-inspections (2 nd re-inspection and subsequent re-inspection)	\$50.00 per re-inspection

§ 133-21. Fees.

Fees shall be established for permits, certificates, conditional approvals, plan reviews, inspections and other functions performed under this code and shall be payable to the Municipality. Such fees shall accompany each application for such approval, certificate, permit or other fee related code provision. FEES ARE SUBJECT TO CHANGE. All fees pertain to new construction, the remodeling of existing building or occupancies and/or the modification of any fire protection of control system and/or any other permit required by this code.

- (1) PERMIT FEES. The fees in table 133.21(1) and table 133.21(2) apply to permits required by this code.

Table 133.21(1)

a. Bonfires:	\$50 per fire.
b. Open Burning:	\$15 per year.
c. Fireworks:	\$50 per event.
d. High piled storage permits:	\$300 per permit*

*Hourly fire protection consulting fee may also be charged. (See table 133.21(2)16.)

- (2) OTHER FEES. The fees in table 133.21(2) apply to all new installations and/or the modification of any fire protection, fire alarm, fire detection, fire suppression, or fire control system, all types of fire protection, fire alarm, fire detection, fire suppression, or fire control system submittal reviews, inspections, witnessing of tests and/or other work described in this Code:

Table 133.21(2)

Type of Inspection, Review, Modification, Consulting or Witness Fee	NO.	Fee Per Unit	Total Fee
1. Fire sprinkler, fire control and/or fire suppression system basic plan review per system and per review (This fee is charged for systems without hydraulic calculations)		\$250.00	
2. Fire sprinkler, fire control and/or fire suppression system plan review with one set of hydraulic calculations (This fee is charged for each separate floor and/or area of a building and each standpipe) per system and per review including all additional reviews of the same system		\$325.00	
3. Verification of additional hydraulic calculations: Excluding all calculations utilizing the Darcy-Weisbach calculation method. (This fee is charged for each additional set of hydraulic calculations required by the AHJ) per calculation and per review including all additional reviews of the same calculation		\$175.00	
4. Verification of additional hydraulic calculations utilizing the Darcy-Weisbach calculation method which is required for all anti-freeze systems. (This fee is charged for each additional set of hydraulic		\$210.00	

	calculations required by the AHJ)			
5.	Site inspection of all types of fire protection systems during installation NOTE: Fire protection systems may NOT be concealed prior to inspection. Inspections are required for all installations.		\$75.00/hour	
6.	Witness final acceptance tests of fire protection systems (2 hour min)		\$75.00/hour	
7.	Modifications to existing sprinkler systems			
	7a. The base fee for a system modification without hydraulic calculations		\$100.00	
	7b. The fee per sprinkler head up to 15 sprinkler heads without hydraulic calculations		\$10.00	
	7c. The fee for up to 15 sprinkler heads with hydraulic calculations		\$325.00	
	7d. Modifications of existing systems with 16 or more sprinkler heads		\$325.00	
8.	Fire pumps per review		\$300.00	
9.	Fire sprinkler system underground mains including combination mains			
	9a. 0 to 999 feet		\$150.00	
	9b. 1,000 feet or more		\$300.00	
10.	Fire hose and/or standpipe hose connections		\$10.00/outlet	
11.	Other fire protection fire control and/or fire suppression systems		\$300.00	
12.	Fire alarm systems per control panel per review including all additional reviews of the same system		\$250.00	
13.	Fire alarm system alarm notification devices, (both audible and visual) manual pull stations, initiating devices; this includes smoke, heat, flame, ionization, photoelectric detectors, water flow devices and all monitoring devices per review including all additional reviews of the same system		\$50.00 up to 3 \$10.00/additional	
14.	Witnessing of all required tests (2 hour minimum per test)		\$75.00/hour	
15.	Inspections during installation (2 hour minimum per system)		\$75.00/hour	
16.	Fire Protection Consulting on systems and/or for occupancies or permits (2 hour minimum)		\$75.00/hour	
17.	<i>Clean inspection prior to smoke alarm installation</i>		<i>\$75.00/hour</i>	
	<i>**There will be additional costs for overtime if inspections/testing is scheduled outside of normal working hours**</i>			

§ 133-98. Penalties.

Any person who violates any of the provisions of this Code, or who fails to comply with any order made hereunder, or who builds in violation of any detailed statement of specifications or plans submitted and conditionally approved hereunder, or any certificate or permit herein from which no such appeal has been taken, or who fails to comply with such an order as affirmed or modified by a court of competent jurisdiction within the time fixed herein, shall for each and every violation and noncompliance be subject to the following:

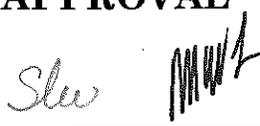
- (1) Imposition by forfeiture of no more than \$500.00 per day by the Municipal Court.
- (2) Imposition of a penalty for each such violation shall not excuse the violation or permit it to continue and such violations or defects shall be corrected or remedied within the time stated in the order. Each and every day that a violation of this Code occurs constitutes a separate offense.
- (3) False Alarms. If the fire department responds to three or more false alarms as described in 133.02(28),a.,b.,c. in one calendar year, the fire department may:
 - a. Fine to the building owner or occupant the amount as per City of Franklin Ordinance 76-7 to reimburse the fire department for the cost of equipment and personnel that was used to respond to the alarm.

- b. Require that the fire alarm be serviced, upgraded, or replaced to bring the alarm system into compliance with current code in order to prevent future false alarms.
- (4) Any contractor that begins installation and/or alteration of any system regulated by this code prior to obtaining the required permit will be double the review fee in addition to their original review fee.
- ~~(5) If after the fire inspector returns to re-inspect and violations are not corrected after the second re-inspection, you will be charged an additional inspection fee for each subsequent re-inspection.~~
- (6) *Whoever intentionally interferes with the proper functioning of a fire alarm system or the lawful efforts of firefighters to extinguish a fire is guilty may be guilty of a Class 1 felony per Wisconsin Statute 941.12.*

§ 133-99. Appeals.

- A. Whenever the ~~AHJ~~ Fire Department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provision of this Code do not apply or that the true intent and meaning of this Code has been misconstrued or wrongly interpreted, the applicant may appeal the decision of the AHJ.
- B. Appeals shall be submitted in writing, to the Chief of the Fire Department for a review of the initial determination within 30 days from the date of the decision of the AHJ.
- C. All appeals shall follow Wisconsin Statute Chapter 68, Municipal Administrative Procedure.

Note: The following is from the existing Franklin Fire Code. Whenever the Fire Official shall disapprove an application or refuse to grant a license or permit applied for, or when it is claimed that the provisions of this chapter do not apply or the true intent and meaning of this section have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Official to the Board of Zoning and Building.

APPROVAL 	REQUEST FOR COUNCIL ACTION	MEETING DATE June 4, 2012
REPORTS AND RECOMMENDATIONS	An Ordinance to Create the Quarry Monitoring Committee	ITEM NUMBER 6.5,

Pursuant to the direction of the Common Council at its meeting on May 15, 2012, the Director of Administration and the City Attorney, in consultation with Alderman Wilhelm, have revised the draft ordinance creating the Quarry Monitoring Committee as attached. The following changes have been incorporated.

A. The language addressing duties was significantly shortened as requested. For your convenience the original and proposed revised language is set forth below.

May 15th version: D. Duties. The Committee shall undertake all actions reasonably necessary to assist the City in monitoring the operations and activities of the quarry operators for compliance with the regulations set forth under Planned Development District No. 23 and Planned Development District No. 24, and all matters related thereto, including, but not limited to all other applicable governmental laws, rules, orders, codes, statutes and ordinances, to consider applicable matters of science and technology which may advance the promotion of efficient monitoring and of public safety and the lessening of any quarry operational impacts upon persons, the environment and the community, and to address citizen concerns. The Committee shall review and provide comment and recommendation to the Common Council on performance and monitoring data, reports, complaints, recommendations, and policies and procedures related to all aspects of quarry extraction operations and control procedures, particularly as they may affect the public health, safety and welfare of the citizens of Franklin and particularly to the extent they are applicable to the performance standards set forth in Planned Development District No. 23 and Planned Development District No. 24.

Proposed Revision: D. Duties. The Committee shall undertake actions reasonably necessary to assist the City in reviewing the monitoring of the operations and activities of the quarry operators for compliance with the regulations set forth under Planned Development District No. 23 and Planned Development District No. 24, and matters related thereto, and shall review and provide comment and recommendation to the Common Council on performance and monitoring data, reports, and complaints related to quarry extraction operations and control procedures.

B. The revised ordinance also incorporates the appointment language as Alderman Wilhelm indicates was the intent of her motion prior to the item being tabled. The original proposed text, with each of the various alternatives previously offered, is attached following the resolution in the event it is needed for further discussion or consideration.

C. Section 1 F was added, as follows, based upon the Common Council's discussion and upon the motion under consideration immediately prior to the determination to table the item to allow for preparation of revised text: "F. The Planning Department, operating under the general direction and supervision of the Mayor, shall provide staff support to the Quarry Monitoring Committee."

COUNCIL ACTION REQUESTED

A motion to adopt An Ordinance to Create the Quarry Monitoring Committee.

ORDINANCE NO. 2012-_____

AN ORDINANCE TO CREATE THE QUARRY MONITORING COMMITTEE

WHEREAS, the Common Council having previously authorized a quarry monitoring committee primarily for the purpose of reviewing consultant proposals to assist the City in the monitoring of quarry operations in 2001, and while the committee continued for a time thereafter to monitor quarry activities, it no longer exists as an active committee; and

WHEREAS, the Common Council having determined that it is reasonable and necessary to create a permanent quarry monitoring committee to promote and protect the health, safety and welfare of the Community.

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

SECTION 1: §10-19. of the Municipal Code of Franklin, Wisconsin, is hereby created to read as follows:

“§10-19. Quarry Monitoring Committee.

A. Composition. The Quarry Monitoring Committee shall consist of five members, two of who shall be Aldermen and three of who shall be citizens.

B. Appointment. The members of the Committee shall be appointed as follows: the Aldermen members and one citizen member shall be appointed by the Mayor and confirmed by the Common Council and each of the other two citizen members shall be separately appointed by the two Aldermen within whose districts the quarry is located, each of the two Aldermen separately appointing one citizen, which appointments shall be confirmed by the Common Council. At least one of the citizen members shall not be a member of any other City board, commission, or committee.

C. Term. The initial appointment shall be made as follows: one citizen member shall serve for one year; one citizen member shall serve for two years; and one citizen member shall serve for three years; the Aldermen members shall serve for two years and only during his or her tenure in office, from June 1, in the year of his or her appointment. Thereafter, each citizen appointment shall be made for a term of three years, and each Aldermen appointment shall be for a term of two years.

D. Duties. The Committee shall undertake actions reasonably necessary to assist the City in reviewing the monitoring of the operations and activities of the quarry operators for compliance with the regulations set forth under Planned Development District No. 23 and Planned Development District No. 24, and matters related thereto, and shall review and provide comment and recommendation to the Common Council on performance and monitoring data, reports, and complaints related to quarry extraction operations and control procedures.

E. Common Council retains jurisdiction. The Committee shall be subject to the authority of the Common Council. All determinations of the Committee shall be advisory only to the Common Council.”

F. The Planning Department, operating under the general direction and supervision of the Mayor, shall provide staff support to the Quarry Monitoring Committee.

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

APPROVED:

ATTEST:

Thomas M. Taylor, Mayor

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

EXCERPT FROM THE ORIGINAL 5/15/2012 PROPOSED LANGUAGE

AN ORDINANCE TO CREATE THE QUARRY MONITORING COMMITTEE

SECTION 1:

B. Appointment. The members of the Committee shall be appointed [by the Mayor and confirmed by the Common Council] [appointed by the Common Council] [as follows: the Aldermen members and one citizen member shall be [appointed by the Mayor and confirmed by the Common Council] [appointed by the Common Council] and each of the other two citizen members shall be separately appointed by the two Aldermen within whose districts the quarry is located, each of the two Aldermen separately appointing one citizen, which appointments shall be confirmed by the Common Council]. [At least one of the citizen members shall not be a member of any other City board, commission or committee.]

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">06/04/12</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION APPROVING AN EXPANSION OF A NONCONFORMING USE FOR WILLIAM J. MALEK AND JOANNE M. MALEK FOR PROPERTY LOCATED AT 11443 WEST ST. MARTINS ROAD (WILLIAM J. MALEK AND JOANNE M. MALEK, APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.6.</i></p>

At its May 16, 2012, meeting the Board of Zoning and Building Appeals recommended approval of a resolution approving an expansion of a nonconforming use for William J. Malek and Joanne M. Malek for property located at 11443 West St. Martins Road (William J. Malek and Joanne M. Malek, Applicant).

This expansion of a nonconforming use consists of a 16 foot by 28 foot single-story addition to the north side of the two-family home. The addition will include a bedroom and hallway, expanding the first floor unit from a two-bedroom to a three-bedroom apartment. Additional details can be found in the May 16, 2012 staff report (attached).

COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2012-_____, a resolution approving an expansion of a nonconforming use for William J. Malek and Joanne M. Malek for property located at 11443 West St. Martins Road (William J. Malek and Joanne M. Malek, Applicant).

RESOLUTION NO. 2012-_____

A RESOLUTION APPROVING AN EXPANSION OF A NONCONFORMING USE FOR
A TWO-FAMILY ATTACHED DWELLING LOCATED AT 11443 WEST ST. MARTINS
ROAD (WILLIAM J. MALEK AND JOANNE M. MALEK, APPLICANTS)

WHEREAS, an application having been filed by William J. Malek and Joanne M. Malek, 11443 West St. Martins Road, Franklin, WI 53132 for the expansion of an existing nonconforming use at approximately 11443 West St. Martins Road to allow an addition to the existing two-family attached dwelling, expanding the first floor unit from a two-bedroom to a three-bedroom apartment; and

WHEREAS, the existing and proposed use is upon lands zoned VB Village Business District, owned by William J. Malek and Joanne M. Malek, more particularly described as follows:

Lots 30 and 31, in Block 7 and the 15 foot vacated alley adjacent to said lots on the southwest, in the Village of St. Martin (second recording), being a subdivision of a part of the West 1/2 of the Southeast 1/4 of Section 7, in Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

WHEREAS, a public hearing was held before the Board of Zoning and Building Appeals on May 16, 2012, pursuant to §15-3.1010E. of the Unified Development Ordinance and the Board having recommended approval thereof upon certain Findings, a copy of which is annexed hereto and incorporated herein as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the application of William J. Malek and Joanne M. Malek for the expansion of an existing non-conforming use at 11443 West St. Martins Road to allow an addition to the existing two-family attached dwelling, expanding the first floor unit from a two-bedroom to a three-bedroom apartment, be and the same is hereby granted, upon the Findings of the Board of Zoning and Building Appeals set forth in Exhibit A which are hereby approved, subject to the following conditions:

1. That the applicant obtains all required Building Permits through the Inspection Department, prior to construction.

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

Malek – Expansion of a Nonconforming Use

RESOLUTION No. 2012 - _____

Page 2

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Project Narrative

APR 10 2012

Proposal: A 16'x28' single story addition to the north side of the property located at 11443 West St. Martins Road

In the village of St. Martins, city of Franklin, Milwaukee County, state of Wisconsin.

This addition would upgrade the residence (duplex) from a Two to a three bedroom lower Unit. A hall way would also be included inside the addition.

Construction:

Partial foundation (Block) with cement floor.

Wood frame/slat siding

Slant roof/asphalt shingles

Windows and door

Siding /windows/shingles to match existing structure so that the aesthetics of the surrounding area would be maintained or enhanced.

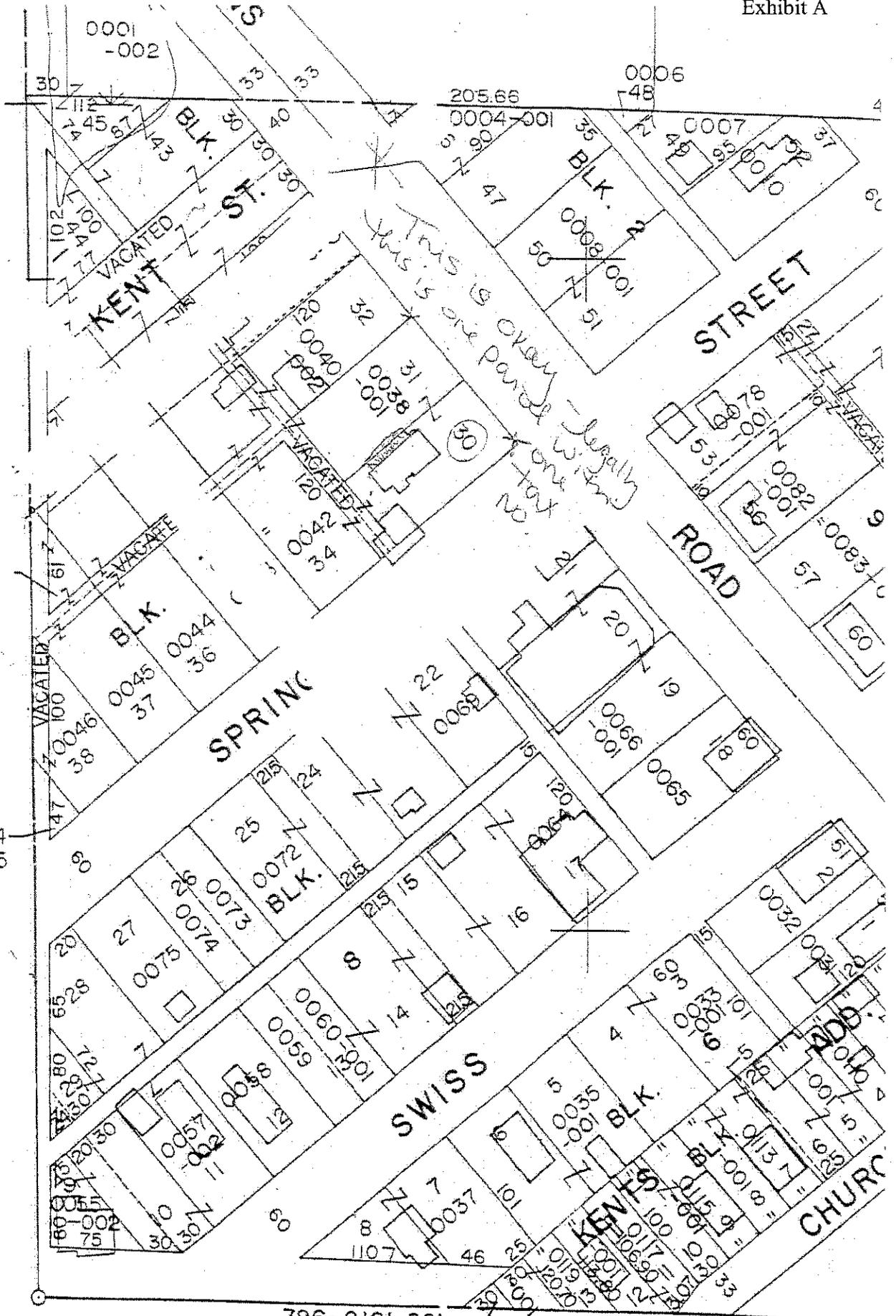
Time Table: Construction would begin as soon as all necessary permits are taken.

Work such as but not limited to Foundation/heating/cooling/electrical/plumbing,etc.

Will be performed by licensed professionals as needed.

Foundation, framing, roofing and siding to be completed by December of 2012.

Interior work to follow. Thank you William and Joanne malek



794

N00° - 41' - 47" W

0054
105

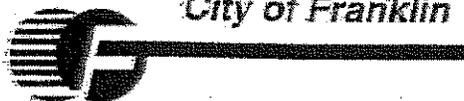
334,727.42 N
2,520,078.71 E

796-0121-001

N88° - 47' - 56" W

NOTE: ALL LOTS IN...

Planning Department
Phone: (414) 425-4024
9229 West Loomis Road
Franklin, Wisconsin 53132
Web Site: www.franklinwi.gov,
Email: generalplanning@franklinwi.gov



Franklin

MAY - 1 2012

City Development

Findings and Factors in the Review of Enlargement or Extension of a Nonconforming Use

Date: 05/01/12 Property Owner(s): WILLIAM + JOANNE MALEK
Property Address: 11443 W. ST. MARTINS

Section 15-3.1010E. of the City of Franklin Unified Development Ordinance titled Enlargement or Extension of a Nonconforming Use May be Allowed by the Common Council, the enlargement or extension of a nonconforming use may be allowed by the Common Council, following a public hearing duly noticed and held by the Board of Zoning Appeals, provided that the Board shall determine and set forth in writing: The Findings are:

1. Such enlargement or extension is consistent with the public interest.

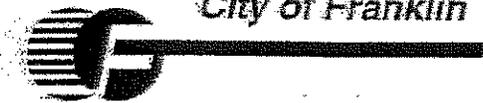
Improvements to the property (built in 1900) would serve to help the overall appearance of the area by making the property more consistent with the Newer Home on the East side of St. Martins

2. Such enlargement or extension will not have an "adverse" effect on property in the surrounding neighborhood on account of visual appearance, increased traffic (pedestrian or vehicular), noise, smoke, odor, or other factors:

Visual appearance would match existing property occupancy would remain the same with no added porches, pets or Autos

3. Further, no such enlargement or extension of a nonconforming use shall be permitted unless all building height, yard, coverage, and off-street parking and loading requirements of this ordinance for the district in which such use is located are adhered to. In the event that a written protest against any enlargement or extension of a nonconforming use, signed and acknowledged by the owners of twenty (20) percent of the property immediately adjoining or across an alley therefrom, or by the owners of twenty (20) percent of the frontage directly across the street therefrom, is filed with the Zoning Board of Appeals, such enlargement or extension shall not be allowed, except by a three-fourths (3/4) vote of the Common Council.

Planning Department
Phone: (414) 425-4024
9229 West Loomis Road
Franklin, Wisconsin 53132
Web Site: www.franklinwi.gov
Email: generalplanning@franklinwi.gov



City of Franklin

16' x 28' single story addition to a two story
Existing property.
All set backs + Height restrictions would be
met (Refer to map)

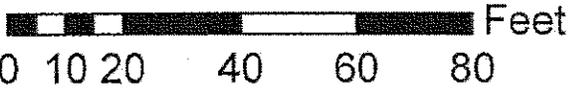
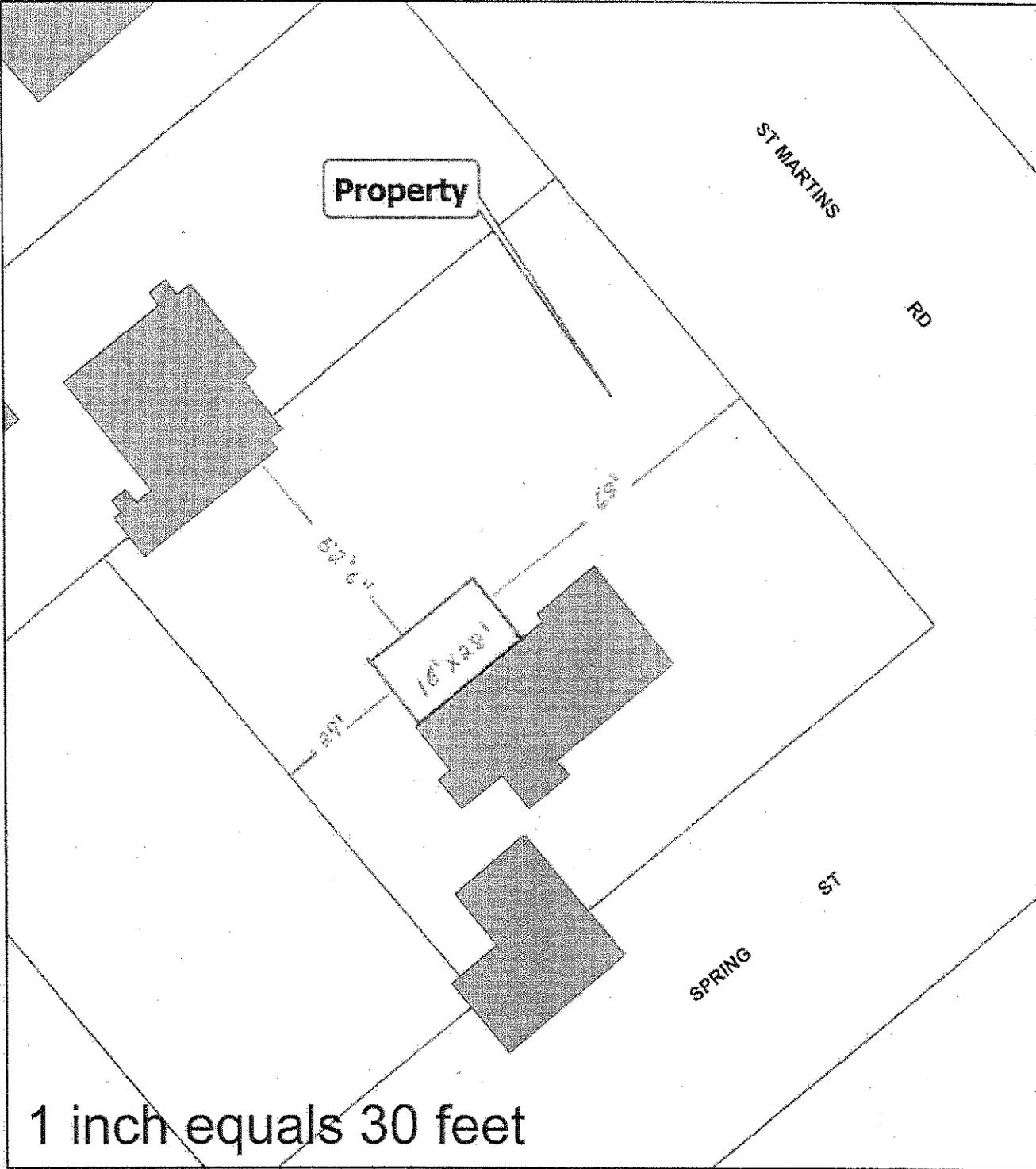
4. No nonconforming use may be enlarged or expanded in floor area or lot area by more than fifty (50) percent in the aggregate, based upon its size or scope on the effective date of this amendatory ordinance, whether or not such aggregate enlargement or expansion occurs at one time or at successive times.

400 square foot addition
Existing property is 1780 square foot.
This would be approx 22% and would meet requirements

5. Enlargements or extensions permitted under the provisions of this section to building and structures located on floodlands shall include floodproofing to a height two (2) foot above the elevation of the one hundred (100) year recurrence interval flood as delineated on largescale topographic maps prepared by the City or by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) under the Root River Watershed study or as determined through the use of flood profiles and accompanying hydrologic and hydraulic engineering data, to those portions of the building or structure involved in such enlargements or extensions. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one hundred (100) year recurrence interval flood level for the particular area.

Property is NOT located in a Flood Plain, but
Foundation would be (2) foot above elevation
this would match up with Existing Foundation.

William J. and Joanne. M. Malek
11443 West St. Martins Road
796 0038 001 0.36 acres





CITY OF FRANKLIN



REPORT TO THE BOARD OF ZONING AND BUILDING APPEALS

Meeting of May 16, 2012

Expansion of a Nonconforming Use

RECOMMENDATION: Department of City Development staff recommends approval of the expansion of the nonconforming use and further recommend that the Board of Zoning and Building Appeals take into account all public comment, consider the applicant's comments, and proposed findings and factors, and thereafter provide documentation to the Common Council specifically addressing the projects compliance with Section 15-3.1010(E) of the Unified Development Ordinance.

Project Name:	Malek Building Addition
Project Address:	11443 West St. Martins Road
Applicant:	William J. and Joanne M. Malek
Owners (property):	William J. and Joanne M. Malek
Current Zoning:	VB Village Business District
Use of Surrounding Properties:	Single-family residential to the north and east, commercial building to the south and vacant land zoned VR Village Residence District to the west
Action Requested:	Approval of the proposed expansion to expand the first floor unit from a two-bedroom to a three-bedroom apartment.

Project Description/Analysis:

On April 11, 2012, the applicants submitted a request to allow for an expansion of a legal nonconforming use. The Malek's own a two-family attached dwelling located at 11443 West St. Martins Road and are proposing to construct an addition, which would add a bedroom to the first floor unit, expanding it from a two-bedroom to a three-bedroom apartment.

The subject two-family structure was constructed in 1900. The property was rezoned in 1970 from R-2 to B-2 via Ordinance No. 0267 and then rezoned in 1999 from B-2 to VB via Ordinance No. 1999-1579. The property owners are proposing to construct a 16-foot by 28-foot (448 square feet) single-story addition to the north side of the two-family home. The addition will include a bedroom and hallway. The property owner has indicated that siding, windows and shingles will match that of the existing building. All setback, VB District standards and Unified Development Ordinance requirements will be met.

Table 15-3.0602 of the Unified Development Ordinance (UDO) lists permitted and special uses, such as two-family attached dwellings, in residential zoning districts. As a nonresidential zoning district, the VB Village Business District is not included in Table 15-3.0602. Table 15-3.0603 of the UDO lists permitted and special uses in all nonresidential districts; however, this Table does not include two-family attached dwellings as a use classification. Consequently, two-family attached dwellings are not currently allowed in the VB Village Business District.

BZBA Review Criteria:

Per the Unified Development Ordinance Section 15-3.1010(E) titled *Enlargement or Extension of a Nonconforming Use May be Allowed by the Common Council*, the enlargement or extension of a nonconforming use may be allowed by the Common Council, following a public hearing duly noticed and held by the Board of Zoning Appeals, provided that the Board shall determine and set forth in writing the following: (Applicant's proposed findings and factors are in italics).

- Such enlargement or extension is consistent with the public interest.

Improvements to the property (built in 1900) would serve to help the overall appearance of the area by making the property more consistent with the newer home on the east side of St. Martins Road.

- Such enlargement or extension will not have an "adverse" effect on property in the surrounding neighborhood on account of visual appearance, increased traffic (pedestrian or vehicular), noise, smoke, odor, or other factors.

Visual appearance would match existing property occupancy would remain the same with no added persons, pets or auto 's.

- Further, no such enlargement or extension of a nonconforming use shall be permitted unless all building height, yard, coverage, and off-street parking and loading requirements of this ordinance for the district in which such use is located are adhered to. [In the event that a written protest against any enlargement or extension of a nonconforming use, signed and acknowledged by the owners of twenty (20) percent of the property immediately adjoining or across an alley therefrom, or by the owners of twenty (20) percent of the frontage directly across the street therefrom, is filed with the Zoning Board of Appeals, such enlargement or extension shall not be allowed, except by a three-fourths (3/4) vote of the Common Council].

16' x 28' single story addition to a two-story existing property. All setbacks and height restrictions would be met (refer to map).

- No nonconforming use may be enlarged or expanded in floor area or lot area by more than fifty (50) percent in the aggregate, based upon its size or scope on the effective date of this amendatory ordinance, whether or not such aggregate enlargement or expansion occurs at one time or at successive times.

400 square foot addition. Existing property is 1,780 square feet. This would be approximately 22% and would meet requirements.

- Enlargements or extensions permitted under the provisions of this section to building and structures located on floodlands shall include floodproofing to a height two (2) foot above the elevation of the one hundred (100) year recurrence interval flood as delineated on largescale topographic maps prepared by the City or by the Southeastern Wisconsin

Regional Planning Commission (SEWRPC) under the Root River Watershed study or as determined through the use of flood profiles and accompanying hydrologic and hydraulic engineering data, to those portions of the building or structure involved in such enlargements or extensions. Certification of floodproofing shall be made to the Building Inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the one hundred (100) year recurrence interval flood level for the particular area.

Property is not located in a floodplain, but foundation would be (2) foot above elevation. This would match up with existing foundation.

These standards are also attached in your packet. Prior to proceeding to the Common Council for final action, the Board of Zoning and Building Appeals must provide, in writing to the Common Council, statements relating to compliance with Section 15-3.1010(E)(1-3) of the UDO. The applicant has provided statements relating to the above standards, which, if deemed acceptable by the Board of Zoning and Building Appeals, may be forwarded to the Common Council.

Staff Recommendation:

Department of City Development staff recommends approval of the expansion of the nonconforming use and further recommend that the Board of Zoning and Building Appeals take into account all public comment, consider the applicant's comments, and proposed findings and factors, and thereafter provide documentation to the Common Council specifically addressing the projects compliance with Section 15-3.1010(E) of the Unified Development Ordinance.

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE June 4, 2012
REPORTS AND RECOMMENDATIONS	An Ordinance to Amend Ordinance No. 2012-2075 Pertaining to the Development of a Three Story 30 Unit Senior Independent Living Apartment Building in Planned Development District No. 22, to Make Technical Changes Required by the U.S. Department Of Housing and Urban Development (Franklin Senior Housing, Inc., Applicant) (7704 South 51st Street)	ITEM NUMBER <i>6.7.</i>

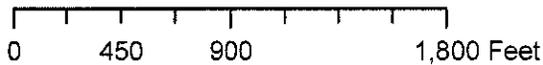
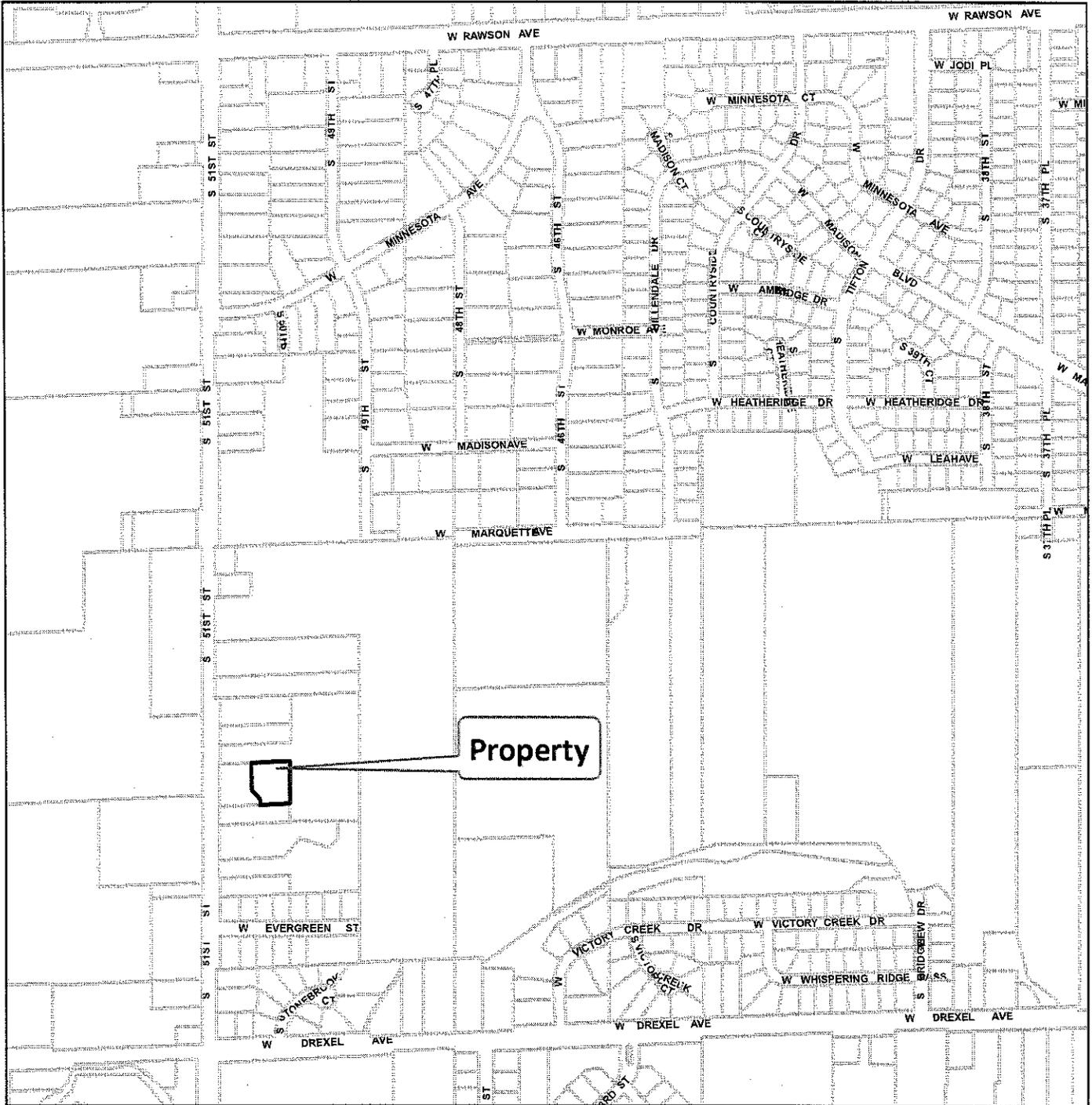
At its May 15, 2012, meeting the Common Council approved an ordinance to amend No. 2011-2046, an ordinance to amend Section 15-3.0427 of the Unified Development Ordinance Planned Development District No. 22 (Clare Meadows) to allow for and add a three story 30 unit senior independent living apartment building (CommonBond Acquisition LLC, Applicant) (7704 South 51st Street), to provide for the payment to the City of a fixed sum estimated to pay for the cost of city services to be provided to the property, to be adjusted annually by the Consumer Price Index and to be reviewable every five years (Franklin Senior Housing, Inc., Applicant).

The applicant is requesting revisions to the approved ordinance. The requested modifications are shown in red in the attached copy of the draft of what was otherwise adopted as Ordinance No. 2012-2075 for review. The applicant has indicated the requested revisions are required by the United States Department of Housing and Urban Development, which is financing the development. Staff understands that a representative of the applicant will be present at the meeting to address any questions the Council may have.

COUNCIL ACTION REQUESTED

A motion to adopt An Ordinance to Amend Ordinance No. 2012-2075 Pertaining to the Development of a Three Story 30 Unit Senior Independent Living Apartment Building in Planned Development District No. 22, to Make Technical Changes Required by the U.S. Department Of Housing and Urban Development.

Franklin Meadows Senior Apts PDD 22 Franciscan Sisters of St Clare



City Development 2011
(2010 Aerial Layer)



STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

[Draft 6/1/12]

ORDINANCE NO. 2012-____

AN ORDINANCE TO AMEND ORDINANCE NO. 2012-2075 PERTAINING TO THE DEVELOPMENT OF A THREE STORY 30 UNIT SENIOR INDEPENDENT LIVING APARTMENT BUILDING IN PLANNED DEVELOPMENT DISTRICT NO. 22, TO MAKE TECHNICAL CHANGES REQUIRED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
(FRANKLIN SENIOR HOUSING, INC., APPLICANT)
(7704 SOUTH 51ST STREET)

WHEREAS, the Common Council adopted Ordinance No. 2012-2075 on May 15, 2012, and the applicant having informed the Council that the U. S. Department of Housing and Urban Development required further technical changes to the Ordinance and the Common Council having accepted such changes as reasonably required for the development.

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

SECTION 1: Ordinance No. 2012-2075 is hereby amended as follows: delete: "Franklin Senior Housing, LLC" wherever it appears and in place thereof, insert: "Franklin Senior Housing, Inc."; in SECTION 1: insert: "in lieu of taxes" immediately following "annual payment"; delete: "sole" and in place thereof, insert: "reasonable" immediately prior to "discretion of the City"; and add at the end of the existing text: "However, should the United States Department of Housing and Urban Development acquire title to the property or become the mortgagee in possession of the property said agreement and this ordinance shall no longer be in effect."

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

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

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

ORDINANCE NO. 2012-_____

Page 2

Introduced at a regular meeting of the Common Council of the City of Franklin this
_____ day of _____, 2012, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of
Franklin this _____ day of _____, 2012.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

ORDINANCE NO. 2012-____

AN ORDINANCE TO AMEND NO. 2011-2046, AN ORDINANCE TO AMEND SECTION 15-3.0427 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 22 (CLARE MEADOWS) TO ALLOW FOR AND ADD A THREE STORY 30 UNIT SENIOR INDEPENDENT LIVING APARTMENT BUILDING (COMMONBOND ACQUISITION LLC, APPLICANT) (7704 SOUTH 51ST STREET), TO PROVIDE FOR THE PAYMENT TO THE CITY OF A FIXED SUM ESTIMATED TO PAY FOR THE COST OF CITY SERVICES TO BE PROVIDED TO THE PROPERTY, TO BE ADJUSTED ANNUALLY BY THE CONSUMER PRICE INDEX AND TO BE REVIEWABLE EVERY FIVE YEARS (FRANKLIN SENIOR HOUSING, INC., APPLICANT)

WHEREAS, §15-3.0427 of the Unified Development Ordinance provides for and regulates Planned Development District No. 22 (Clare Meadows), same having been created by Ordinance No. 96-1389, later amended and recreated by Ordinance No. 96-1417, and later amended by Ordinance Nos. 99-1557, 2005-1855, 2005-1856, 2010-2031 and 2011-2046, with such District being located at 7704 South 51st Street; and

WHEREAS, Planned Development District No. 22 (Clare Meadows) includes those lands legally described as follows:

Part of Parcel One (1) of Certified Survey Map No. 2855, located in the NW 1/4 and SW 1/4 of the SE 1/4 of Section 11, Township 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, and being more particularly described as:

Commencing at the southwest corner of said Parcel 1; thence N 87°28'06" E, along the south line of said Parcel 1, 215.00 feet to the Point of beginning of this description; thence N 00°04'46" E, 30.00 feet; thence N44°55'14"W, 63.57 feet; thence N00°04'46"E, 146.31 feet to the north line of said Parcel 1; thence N87°28'06"E, along the North line of said Parcel 1, 205.54 feet to the northeast corner of said Parcel 1; thence S00°04'46"W, along the east line of said Parcel 1, 223.31 feet to the southeast corner of said Parcel 1; thence S87°28'06"W, along said south line, 160.54 feet to the point of beginning and the end of this description. Tax Key No.: 788-9986-013; and

WHEREAS, CommonBond Acquisition LLC and Franklin Senior Housing, **Inc.LLC**, having requested a further amendment to Planned Development District No. 22 (Clare Meadows), specifically Section 8 of Ordinance No. 2011-2046, to comply with U.S. Department of Housing and Urban Development requirements that any owner agreement with the City to pay fees to the City be related to the cost of services provided by the

City to the property and its occupants.

WHEREAS, on May 3, 2012, the Plan Commission having reviewed the proposed amendment to Planned Development District No. 22 (Clare Meadows), and having determined that the proposed amendment does not constitute a substantial change to the plans and as such is a minor amendment and thereafter having recommended approval of such amendment; and

WHEREAS, the Common Council having accepted the recommendation of the Plan Commission and having determined that the proposed amendment to Planned Development District No. 22 (Clare Meadows) is consistent with the 2025 Comprehensive Master Plan of the City of Franklin, Wisconsin and will serve to further orderly growth and development and promote the health, safety and welfare of the Community.

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

SECTION 1: §15-3.0427 Planned Development District No. 22 (Clare Meadows), of the Unified Development Ordinance of the City of Franklin, Wisconsin, specifically, only Section 8 of Ordinance No. 2011-2046, is hereby amended to read as follows:

“CommonBond Acquisition LLC and Franklin Senior Housing, ~~Inc. LLC~~ and any owner of the property, as a condition of approval of this Ordinance, shall enter into an agreement with the City providing that in the event the land and/or building to be developed hereunder be exempt from general property taxation at any time, that such property shall be subject to an annual payment in lieu of taxes to the City by the owner(s) of the property in the amount of \$8,563.00, the estimated cost of the provision of City services to the property and its occupants. Such payments to the City shall be due and payable on January 31st of each year after substantial completion of construction and such payments shall be adjusted annually by the Consumer Price Index All Urban Consumers U.S. City Average Not Seasonally Adjusted, commencing December 31, 2013. The above fixed amount of the payment shall be subject to adjustment every five years, at the reasonable sole discretion of the City for any such adjustment as to whether any adjustment shall occur, for any estimated amount of cost of services as may be evidenced by cost of service study information provided by the City to an owner of the property, with such adjustment first to occur and be effective December 31, 2016, and with such cost

of service study information to be provided to an owner of the property not less than 60 days prior to any such date of adjustment. The agreement shall be prepared by the City Attorney and executed by the property owner, the Mayor and the City Clerk and shall be recorded in the Office of the Register of Deeds for Milwaukee County prior to the issuance of a Building Permit. However, should the United States Department of Housing and Urban Development acquire title to the property or become the mortgagee in possession of the property said agreement and this ordinance shall no longer be in effect."

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

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 06/04/12
REPORTS & RECOMMENDATIONS	ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NOS. 4731 "FREIGHT TRANSPORTATION ARRANGEMENT", 6411 "INSURANCE AGENTS, BROKERS, & SERVICE", 6512 "NONRESIDENTIAL BUILDING OPERATORS", 6519 "REAL PROPERTY LESSORS, NOT ELSEWHERE CLASSIFIED", 6531 "REAL ESTATE AGENTS AND MANAGERS", 6552 "SUBDIVIDERS AND DEVELOPERS, NOT ELSEWHERE CLASSIFIED" AND 8322 "INDIVIDUAL AND FAMILY SERVICES" TO ALLOW FOR SUCH USES AS A PERMITTED USE IN THE M-1 LIMITED INDUSTRIAL DISTRICT; AND STANDARD INDUSTRIAL CLASSIFICATION TITLE NOS. 782 "LAWN AND GARDEN SERVICES", 1711 "PLUMBING, HEATING, AIR-CONDITIONING", 1721 "PAINTING AND PAPER HANGING", 1731 "ELECTRICAL WORK", 1751 "CARPENTRY WORK", 1752 "FLOOR LAYING AND FLOOR WORK, NOT ELSEWHERE CLASSIFIED" AND 1761 "ROOFING, SIDING, AND SHEET METAL WORK" TO CHANGE SUCH USES FROM A SPECIAL USE TO A PERMITTED USE IN THE M-1 LIMITED INDUSTRIAL DISTRICT (KENDALL BREUNIG, APPLICANT)	ITEM NUMBER <i>G.8.</i>
<p>At their meeting on May 17, 2012, the Plan Commission recommended approval of an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 as presented in the Plan Commission packet dated May 17, 2012, subject to Standard Industrial Classification Title Nos. 1761 "Roofing, Siding, and Sheet Metal Work" and 782 "Lawn and Garden Services" remaining a Special Use at Table 15-3.0603 with a parenthetical added after the description stating "With outdoor storage" and that those uses be repeated in the Table with a parenthetical after each one stating "Without outdoor storage" and that those uses without outdoor storage be allowed as a Permitted Use in the Table (Kendall Breunig, Applicant).</p> <p>Attached is a copy of the staff report to the Plan Commission and the draft ordinance reviewed by the Commission, as well as a redraft of the ordinance with the terms as recommended by the Plan Commission.</p>		

COUNCIL ACTION REQUESTED

A motion to approve Ordinance No. 2012-_____ adopting an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title Nos. 4731 "Freight Transportation Arrangement", 6411 "Insurance Agents, Brokers, & Service", 6512 "Nonresidential Building Operators", 6519 "Real Property Lessors, Not Elsewhere Classified", 6531 "Real Estate Agents and Managers", 6552 "Subdividers and Developers, Not Elsewhere Classified" and 8322 "Individual and Family Services" to allow for such uses as a permitted use in the M-1 Limited Industrial District; and Standard Industrial Classification Title Nos. 782 "Lawn and Garden Services", 1711 "Plumbing, Heating, Air-Conditioning", 1731 "Electrical Work", 1751 "Carpentry Work", 1752 "Floor Laying and Floor Work, Not Elsewhere Classified" and 1761 "Roofing, Siding, and Sheet Metal Work" to change such uses from a special use to a permitted use in the M-1 Limited Industrial District (Kendall Breunig, Applicant).

OR

A motion to approve Ordinance No. 2012-_____ adopting an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 as presented in the Plan Commission packet dated May 17, 2012, subject to Standard Industrial Classification Title Nos. 1761 "Roofing, Siding, and Sheet Metal Work" and 782 "Lawn and Garden Services" remaining a Special Use at Table 15-3.0603 with a parenthetical added after the description stating "With outdoor storage" and that those uses be repeated in the Table with a parenthetical after each one stating "Without outdoor storage" and that those uses without outdoor storage be allowed as a Permitted Use in the Table (Kendall Breunig, Applicant).



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Meeting of May 17, 2012

Unified Development Ordinance Text Amendment

RECOMMENDATION: City Development Staff recommends approval of the proposed Unified Development Ordinance Text Amendment to Table 15-3.0603 to include Standard Industrial Classification Title Nos. 1711, 1721, 1731, 1751, 1752, and 1761 as permitted uses (as requested by the applicant), and SIC Title Nos. 4731 6512, 6519 and 6552 as special uses in the M-1 Limited Industrial District (the applicant had requested that these also be permitted uses). However, Staff recommends denial of the proposed Unified Development Ordinance Text Amendment to Table 15-3.0603 to include Standard Industrial Classification Title Nos. 782, 6411, 6531, and 8322 as permitted uses in the M-1 Limited Industrial District.

Project Name:	M-1 District Additions & Changes UDO TA
Project Address:	City-wide
Applicant:	Kendall Breunig
Applicant Action Requested:	Recommendation of approval for the proposed Unified Development Ordinance Text Amendment

Please note that:

- Staff recommendations are underlined, in italics and are included in the draft ordinance.

INTRODUCTION & BACKGROUND:

On April 6, 2012, Kendall Breunig submitted a Unified Development Ordinance (UDO) Text Amendment application requesting to amend the UDO text at Table 15-3.0603 Permitted and Special Uses in the Nonresidential Zoning Districts to allow the following Standard Industrial Classification (SIC) Title Nos. as permitted uses (which are currently prohibited within the M-1 Limited Industrial District):

- 4731 “Freight Transportation Arrangement”;
- 8322 “Individual and Family Services”;
- 6411 “Insurance Agents, Brokers, & Service”;
- 6512 “Nonresidential Building Operators”;
- 6519 “Real Property Lessors, Not Elsewhere Classified”;
- 6531 “Real Estate Agents and Managers”; and
- 6552 “Subdividers and Developers, Not Elsewhere Classified”.

And to allow the following SIC Title Nos. as permitted uses (which currently are special uses in the M-1 Limited Industrial District):

- 1711 Plumbing , Heating, Air-Conditioning”;
- 1721 “Painting and Paper Hanging”;
- 1731 “Electrical Work”;
- 1751 “Carpentry Work”;

- 1752 “Floor Laying and Floor Work, Not Elsewhere Classified”;
- 1761 “Roofing, Siding, and Sheet Metal Work”; and
- 782 Lawn and Garden Services”.

Please note, the proposed text amendment, if granted, would apply to all properties in the City of Franklin zoned M-1 Limited Industrial District. Please see the locator map of areas in the City of Franklin zoned M-1 Limited Industrial District.

In 2008, the Plan Commission recommended approval of a Unified Development Ordinance (UDO) Text Amendment to amend Table 15-3.0603 of the UDO to allow Standard Industrial Classification Title No. 4731 “Freight Transportation Arrangement” as a special use in the M-1 Limited Industrial District. However, on March 31, 2008, the Common Council tabled the item.

Also in 2008, Staff proposed a conversion from the 1987 Standard Industrial Classification (SIC) system to the 2007 North American Industry Classification System (NAICS). At that time, staff had recommended the addition of many uses as special uses (including some of the uses noted above), but did not recommend any as permitted uses, to the M-1 district. The Plan Commission reviewed uses, made suggestions and tabled the item for a period of six months. At their October 23, 2008, meeting the Plan Commission reviewed the item, but took no action at that time. On June 4, 2009, this item was back before the Plan Commission with a request from staff to table the item to the July 9, 2009, Plan Commission meeting to allow for input from businesses located within the City. However, no further action was taken on this item.

PROJECT DESCRIPTION AND ANALYSIS:

Table 15-3.0603 of the Unified Development Ordinance (UDO) sets forth those uses which are permitted and special uses in all nonresidential zoning districts in the City of Franklin. Use designations are based on the Standard Industrial Classification Manual (1987, or latest edition) published by the Executive Office of the President, Office of Management and Budget. The description and example of uses of the SIC codes which are the subject of this proposed Text Amendment have been included in the Plan Commission packets.

SIC Title Nos. 1711 Plumbing , Heating, Air-Conditioning”, 1721 “Painting and Paper Hanging”, 1731 “Electrical Work”, 1751 “Carpentry Work”, 1752 “Floor Laying and Floor Work, Not Elsewhere Classified”, 1761 “Roofing, Siding, and Sheet Metal Work” are from Division C. Construction and Major Group 17: Construction Special Trade Contractors. All of these SIC codes are currently allowed as special uses in the B-2 General Business District, B-5 Highway Business District, and M-1 Limited Industrial District. Staff agrees with Mr. Breunig’s assertion that specialty trade contractors are a better fit in the M-1 District than the City’s business districts, as they often require warehouse or shop space. The intent of the M-1 Limited Industrial District is to, “Provide for manufacturing, industrial, warehousing, and uses of a limited nature and size...”. In order to encourage construction related uses to locate within the M-1 district, it makes sense to simplify the application process to the administratively approved Zoning Compliance application associated with permitted uses. Doing so would save specialty trade contractors time and money, thus making the M-1 District a more attractive destination for

their use. Therefore, staff recommends SIC Title Nos. 1711, 1721, 1731, 1751, 1752, and 1761 be allowed in the M-1 Limited Industrial District as permitted uses.

Standard Industrial Classification (SIC) Title No. 4731 "Arrangement of Transportation of Freight and Cargo" is currently not allowed in any zoning district in the City of Franklin. In the Project Narrative (attached) the applicant points out that most businesses classified by SIC Title No. 4731 would most likely include warehousing with them. Warehousing is permitted in the M-1 Limited Industrial District. However, businesses of this nature could potentially own their own vehicles. Transportation related vehicles may range from cargo vans to semi-trucks. It is staff's opinion that the potential for truck traffic warrants the review of such uses through the special use process to ensure the proposed use will not cause undue adverse impacts upon adjacent properties or undue traffic congestion. It can also be noted that SIC Title No. 4231 "Trucking Terminal Facilities" and SIC Title No. 4214 "Local Trucking with Storage", also involve the use of trucks and subsequently are both currently allowed as special uses in the M-1 Limited Industrial District. Therefore, staff does not recommend SIC Title No. 4731 be allowed in the M-1 Limited Industrial District as a permitted use; however, staff does recommend that it be allowed as a special use.

Standard Industrial Classification Title Nos. 6512 "Non Residential Building Operators", 6519 "Real Property Operators Not Elsewhere Classified", and 6552 "Subdividers and Developers Not Elsewhere Classified" are currently prohibited in the M-1 district. SIC codes 6512 and 6552 are permitted uses in the B-6 Professional Office, VB Village Business and BP Business Park zoning districts, while SIC code 6519 is a special use in the B-6 and BP districts. These uses, while primarily office in nature, do sometimes have a relationship to the warehouse uses commonly found within the M-1 district. Staff believes the potential for conflict between essentially office uses and unrelated warehousing and manufacturing uses could result in undue adverse impacts or detrimental effects upon such office related uses. On the other hand, in some instances these uses could be compatible with certain warehousing uses. Therefore, Staff does not recommend that SIC Title Nos. 6512, 6519 and 6552 be allowed in the M-1 Limited Industrial District as permitted uses; however, staff does recommend that these be allowed as special uses.

Standard Industrial Classification Title No. 782 "Lawn and Garden Services" is currently allowed as a Special Use in the B-4 South 27th Street Mixed-Use Commercial District, B-5 Highway Business District, M-1 Limited Industrial District, A-1 Agricultural District and A-2 Prime Agricultural District. Staff has received numerous complaints in the past relating to the outdoor storage of landscaping materials and equipment associated with lawn and garden service businesses, some of which have been located in non-residential areas. In many cases, the storage of landscape material and equipment intensifies and/or spreads throughout a site, outside of the originally approved and screened areas. Staff believes the potential for conflict as a result of outdoor storage and/or display associated with this SIC code warrants the review of such uses through the special use process to ensure the proposed use will not cause undue adverse impact or detrimental effect upon adjacent properties, the character or the area, and not substantially diminish and impair property values in the area. Therefore, Staff recommends denial of the proposal to allow SIC Title No. 782 as a permitted use in the M-1 Limited Industrial District. Staff does recommend that SIC 782 remain as a special use within the M-1 district.

Standard Industrial Classification Title Nos. 6411 “Insurance Agents, Brokers and Service” and 6531 “Real Estate Agents and Managers” are currently prohibited in the M-1 district. These uses are permitted in many of the City’s business zoning districts. These uses are almost exclusively office in nature and have little need for or relationship to the warehouse or manufacturing uses commonly found within the M-1 district. Staff believes the potential for conflict between essentially office uses and unrelated warehousing and manufacturing uses could result in undue adverse impacts or detrimental effects upon such office related uses. Therefore, Staff recommends denial of the proposal to allow SIC Title Nos. 6411 and 6531 as permitted uses in the M-1 Limited Industrial District. Staff would further recommend that SIC codes 6411 and 6531 not be allowed as a special use either.

Standard Industrial Classification Title No. 8322 “Individual and Family Social Services” is currently prohibited in the M-1 district. This use is permitted in the B-2 General Business and B-3 Community Business zoning districts and is a special use in the B-6 Professional Office and BP Business Park zoning districts. This SIC code includes many uses which provide services that prefer or require few disturbances and safe environs, such as adult day care centers, treatment centers, and guidance centers. Staff believes the potential is high for conflict between essentially office uses of sometimes highly sensitive natures and unrelated warehousing and manufacturing uses and would often result in undue adverse impacts or detrimental effects upon such office related uses. Therefore, Staff recommends denial of the proposal to allow SIC Title No. 8322 as permitted uses in the M-1 Limited Industrial District. Staff would further recommend that SIC 8322 not be allowed as a special use either.

STAFF RECOMMENDATION:

In summary, City Development Staff recommends approval of a Unified Development Ordinance Text Amendment to Table 15-3.0603 to allow:

- Standard Industrial Classification Title Nos. 1711, 1721, 1731, 1751, 1752, and 1761 as permitted uses in the M-1 Limited Industrial District (as requested by the applicant).
- SIC Title Nos. 4731 6512, 6519 and 6552 as special uses in the M-1 Limited Industrial District (the applicant, however, had requested that these also be permitted uses).

However, Staff recommends denial of a Unified Development Ordinance Text Amendment to Table 15-3.0603 to allow SIC Title Nos. 782, 6411, 6531, and 8322 as permitted uses in the M-1 Limited Industrial District.

In conclusion, the attached draft ordinance reflects the Unified Development Ordinance Text Amendment as requested by the applicant. Should the Plan Commission concur with any of the changes recommended by staff, those changes would need to be incorporated into the draft ordinance.

ORDINANCE NO. 2012-____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NOS. 4731 "FREIGHT TRANSPORTATION ARRANGEMENT", 8322 "INDIVIDUAL AND FAMILY SERVICES", 6411 "INSURANCE AGENTS, BROKERS, & SERVICE", 6512 "NONRESIDENTIAL BUILDING OPERATORS", 6519 "REAL PROPERTY LESSORS, NOT ELSEWHERE CLASSIFIED", 6531 "REAL ESTATE AGENTS AND MANAGERS" AND 6552 "SUBDIVIDERS AND DEVELOPERS, NOT ELSEWHERE CLASSIFIED" TO ALLOW FOR SUCH USES AS A PERMITTED USE IN THE M-1 LIMITED INDUSTRIAL DISTRICT; AND STANDARD INDUSTRIAL CLASSIFICATION TITLE NOS. 1711 "PLUMBING, HEATING, AIR-CONDITIONING", 1721 "PAINTING AND PAPER HANGING", 1731 "ELECTRICAL WORK", 1751 "CARPENTRY WORK", 1752 "FLOOR LAYING AND FLOOR WORK, NOT ELSEWHERE CLASSIFIED", 1761 "ROOFING, SIDING, AND SHEET METAL WORK" AND 782 "LAWN AND GARDEN SERVICES" TO CHANGE SUCH USES FROM A SPECIAL USE TO A PERMITTED USE IN THE M-1 LIMITED INDUSTRIAL DISTRICT
(KENDALL G. BREUNIG, APPLICANT)

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

WHEREAS, Kendall G. Breunig having applied for a text amendment to Table 15-3.0603 so as to allow for Standard Industrial Classification Title Nos. 4731 "Freight transportation arrangement", 8322 "Individual and family services", 6411 "Insurance agents, brokers, & service", 6512 "Nonresidential building operators", 6519 "Real property lessors, not elsewhere classified", 6531 "Real estate agents and managers" and 6552 "Subdividers and developers, not elsewhere classified" to allow for such uses as a Permitted Use in the M-1 Limited Industrial District; and Standard Industrial Classification Title Nos. 1711 "Plumbing, heating, air-conditioning", 1721 "Painting and paper hanging", 1731 "Electrical work", 1751 "Carpentry work", 1752 "Floor laying and floor work, not elsewhere classified", 1761 "Roofing, siding, and sheet metal work" and 782 "Lawn and garden services" to change such uses from a Special Use to a Permitted Use in the M-1 Limited Industrial District; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to allow for Standard Industrial Classification Title Nos. 4731 "Freight transportation

arrangement”, 8322 “Individual and family services”, 6411 “Insurance agents, brokers, & service”, 6512 “Nonresidential building operators”, 6519 “Real property lessors, not elsewhere classified”, 6531 “Real estate agents and managers” and 6552 “Subdividers and developers, not elsewhere classified” to allow for such uses as a Permitted Use in the M-1 Limited Industrial District; and Standard Industrial Classification Title Nos. 1711 “Plumbing, heating, air-conditioning”, 1721 “Painting and paper hanging”, 1731 “Electrical work”, 1751 “Carpentry work”, 1752 “Floor laying and floor work, not elsewhere classified”, 1761 “Roofing, siding, and sheet metal work” and 782 “Lawn and garden services” to change such uses from a Special Use to a Permitted Use in the M-1 Limited Industrial District, and having held a public hearing on the proposal on the 17th day of May, 2012 and thereafter having recommended approval of such amendment; and

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

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

SECTION 1: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains to: Standard Industrial Classification Title No. 4731 “Freight transportation arrangement”, is hereby amended as follows: insert “P” (Permitted Use) in the M-1 column; Standard Industrial Classification Title No. 8322 “Individual and family services”, is hereby amended as follows: insert “P” (Permitted Use) in the M-1 column; Standard Industrial Classification Title No. 6411 “Insurance agents, brokers, & service”, is hereby amended as follows: insert “P” (Permitted Use) in the M-1 column; Standard Industrial Classification Title No. 6512 “Nonresidential building operators”, is hereby amended as follows: insert “P” (Permitted Use) in the M-1 column; Standard Industrial Classification Title No. 6519 “Real property lessors, not elsewhere classified”, is hereby amended as follows: insert “P” (Permitted Use) in the M-1 column; Standard Industrial Classification Title No. 6531 “Real estate agents and managers”, is hereby amended as follows: insert “P” (Permitted Use) in the M-1 column and Standard Industrial Classification Title No. 6552 “Subdividers and developers, not elsewhere classified”, is hereby amended as follows: insert “P” (Permitted Use) in the M-1 column.

SECTION 2: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains to: Standard Industrial Classification Title No. 1711 "Plumbing, heating, air-conditioning", is hereby amended as follows: delete "S" and insert "P" (Permitted Use) in the M-1 column; Standard Industrial Classification Title No. 1721 "Painting and paper hanging", is hereby amended as follows: delete "S" and insert "P" (Permitted Use) in the M-1 column; Standard Industrial Classification Title No. 1731 "Electrical work", is hereby amended as follows: delete "S" and insert "P" (Permitted Use) in the M-1 column; Standard Industrial Classification Title No. 1751 "Carpentry work", is hereby amended as follows: delete "S" and insert "P" (Permitted Use) in the M-1 column; Standard Industrial Classification Title No. 1752 "Floor laying and floor work, not elsewhere classified", is hereby amended as follows: delete "S" and insert "P" (Permitted Use) in the M-1 column; Standard Industrial Classification Title No. 1761 "Roofing, siding, and sheet metal work", is hereby amended as follows: delete "S" and insert "P" (Permitted Use) in the M-1 column and Standard Industrial Classification Title No. 782 "Lawn and garden services", is hereby amended as follows: delete "S" and insert "P" (Permitted Use) in the M-1 column.

SECTION 3: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 4: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 5: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

ORDINANCE NO. 2012-____
Page 4

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NOS. 4731 FREIGHT TRANSPORTATION ARRANGEMENT, 8322 INDIVIDUAL AND FAMILY SERVICES, 6411 INSURANCE AGENTS, BROKERS, & SERVICE, 6512 NONRESIDENTIAL BUILDING OPERATORS, 6519 REAL PROPERTY LESSORS, NOT ELSEWHERE CLASSIFIED, 6531 REAL ESTATE AGENTS AND MANAGERS AND 6552 SUBDIVIDERS AND DEVELOPERS, NOT ELSEWHERE CLASSIFIED, TO ALLOW FOR SUCH USES AS A PERMITTED USE IN THE M-1 LIMITED INDUSTRIAL DISTRICT; AND STANDARD INDUSTRIAL CLASSIFICATION TITLE NOS. 1711 PLUMBING, HEATING, AIR-CONDITIONING, 1721 PAINTING AND PAPER HANGING, 1731 ELECTRICAL WORK, 1751 CARPENTRY WORK, 1752 FLOOR LAYING AND FLOOR WORK, NOT ELSEWHERE CLASSIFIED, 1761 ROOFING, SIDING, AND SHEET METAL WORK AND 782 LAWN AND GARDEN SERVICES, TO CHANGE IN PART SUCH USES FROM A SPECIAL USE TO A PERMITTED USE IN THE M-1 LIMITED INDUSTRIAL DISTRICT
(KENDALL G. BREUNIG, APPLICANT)

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

WHEREAS, Kendall G. Breunig having applied for a text amendment to Table 15-3.0603 so as to allow for Standard Industrial Classification Title Nos. 4731 "Freight transportation arrangement", 8322 "Individual and family services", 6411 "Insurance agents, brokers, & service", 6512 "Nonresidential building operators", 6519 "Real property lessors, not elsewhere classified", 6531 "Real estate agents and managers" and 6552 "Subdividers and developers, not elsewhere classified" to allow for such uses as a Permitted Use in the M-1 Limited Industrial District; and Standard Industrial Classification Title Nos. 1711 "Plumbing, heating, air-conditioning", 1721 "Painting and paper hanging", 1731 "Electrical work", 1751 "Carpentry work", 1752 "Floor laying and floor work, not elsewhere classified", 1761 "Roofing, siding, and sheet metal work" and 782 "Lawn and garden services" to change such uses from a Special Use to a Permitted Use in the M-1 Limited Industrial District; and

WHEREAS, the Plan Commission having reviewed the proposed amendment, and having held a public hearing on the proposal on the 17th day of May, 2012 and thereafter having recommended approval of such amendment, with certain specifications for outdoor storage for SIC Title Nos. 1761 "Roofing, siding, and sheet metal work" and 782 "Lawn and garden services"; and

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

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

SECTION 1: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains to the following stated Standard Industrial Classification Title Nos., is hereby amended as follows: insert "P" (Permitted Use) in the M-1 column: 4731 Freight transportation arrangement; 8322 Individual and family services; 6411 Insurance agents, brokers, & service; 6512 Nonresidential building operators; 6519 Real property lessors, not elsewhere classified; 6531 Real estate agents and managers; and 6552 Subdividers and developers, not elsewhere classified.

SECTION 2: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains to the following stated Standard Industrial Classification Title Nos., is hereby amended as follows: delete "S" and insert "P" (Permitted Use) in the M-1 column: 1711 Plumbing, heating, air-conditioning; 1721 Painting and paper hanging; 1731 Electrical work; 1751 Carpentry work; and 1752 Floor laying and floor work, not elsewhere classified.

SECTION 3: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains to the following stated Standard Industrial Classification Title Nos., is hereby amended as follows: add "(with outdoor storage)" to the use description: 1761 Roofing, siding, and sheet metal work and 782 Lawn and garden services.

SECTION 4: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, is hereby amended to add the following two uses: "1761 Roofing, siding, and sheet metal work (without outdoor storage)" and "782 Lawn and garden services (without outdoor storage)" and to insert "P" (Permitted Use) in the M-1 column for each such use, respectively.

SECTION 5: The terms and provisions of this ordinance are severable. Should any term or provision of this ordinance be found to be invalid by a court of competent jurisdiction, the remaining terms and provisions shall remain in full force and effect.

SECTION 6: All ordinances and parts of ordinances in contravention to this ordinance are hereby repealed.

SECTION 7: This ordinance shall take effect and be in force from and after its passage and publication.

Introduced at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

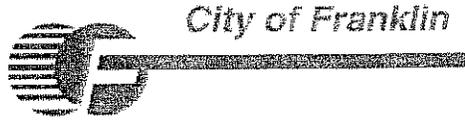
APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT APPLICATION

(Complete, accurate and specific information must be entered, including full legal names. Please Print.)

Date: 4/2/2012

Property Owner(s)/Legal Entity: KENDAL BREUNIG

Applicant* _____

Address: 10010 + 10700 W. VENTURE DRIVE

Address: _____

City: FRANKLIN State: WI Zip: 53132

City: _____ State: _____ Zip: _____

Phone: 414-529-8352 Fax: 414-529-7454

Phone: _____ Fax: _____

Email Address: ken@sunsetinvestors.com

Email Address: _____

* List legal business owner name, if applicable.

Project Description:

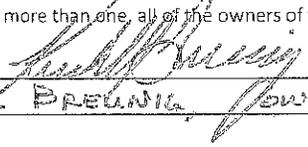
All UDO Text Amendment submittals must include and be accompanied by the following:

- This Completed Application accurately completed with original signatures (copies will not be accepted).
- Application Filing Fee: \$200, payable to the City of Franklin.
- Ten copies of a Project Narrative (i.e., a full description of the proposed text amendment. Include the proposal's intent, impacts, and consistency with the Comprehensive Master Plan).

- A meeting must be scheduled with the Planning Department prior to Application submittal.
- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- All UDO Text Amendment requests require Plan Commission review, a public hearing, and Common Council approval.
- The City's Unified Development Ordinance (UDO) is available at www.franklinwi.gov.

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

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

Signature of Property Owner: 

Signature of Applicant: _____

Name and Title: KENDAL BREUNIG, OWNER

Name and Title: _____

Date: 4/2/2012

Date: _____

Signature of Property Owner: _____

Name and Title: _____

Date: _____

APR 30 2012

CITY OF FRANKLIN

Unified Development Ordinance (UDO) Text Amendment Application

Project Description

Additional SIC Classifications as **Permitted** Uses in M-1 Zoning

4731 for Transportation Broker
6411 Insurance Agents, Brokers and Service
6512 Non Residential building operators
6519 Real Property operators not elsewhere classified
6531 Real estate agents and managers
6552 Sub dividers and developers not otherwise classified.
8322 for Individual and Family Social Services

Change these SIC Classifications from Special Use to **Permitted** Uses in M-1 Zoning

0782 Lawn and Garden Services
1711 Plumbing, Heating, Air Conditioning
1721 Painting and Paperhanging
1731 Electrical Work
1751 Carpentry Work
1752 Floor Laying and other Floor Work
1761 Roofing, Siding and Sheet Metal

Unified Development Ordinance (UDO) Text Amendment Application

Project Narrative:

Add SIC Classification 4731 for Transportation Broker as a Permitted Use in M-1 Zoning

I had a Transportation Broker 4 years ago who wanted to rent at 10700 W. Venture Drive that applied for a UDO Amendment as Permitted. The Common Council tabled the matter, and the tenant vacated rather than following through with the process. I have another tenant, New Ram Express, wishing to operate a Truck Brokering business from the same location.

Trucking and Warehousing are Special and Permitted Uses in M-1. They are more intense uses than Trucking Brokers. 4731 Transportation Broker currently is not approved anywhere in Franklin. Locating them in a B zoning district would not be a good fit if the trucking or warehousing component were ever added to their business in the future. So the best locations would be M-1 or BP Zoning.

The Impact in M-1 Zoning for 4731 Transportation Brokerage would be negligible, unless they had trucks. Some of the other descriptions of SIC4731 might include trucks, like freight forwarding. The UDO ordinance 15-5.0202G already limits truck parking to 8,000 GVW, and overnight parking requires Special Use approval. Outside storage is prohibited too. So allowing any of the SIC4731 uses should be fine, and if they need to park trucks, they still need a Special Use Approval. A Transportation Broker is an office function without trucks. It is less impact on a neighbor than the general approved uses for M-1 of Manufacturing, Industrial, Warehousing and Wholesaling.

Add SIC Classification 6411 Insurance Agents, Brokers and Service as Permitted in M-1 Zoning

I currently have an Insurance Agent who would like to rent office space at 10700 W. Venture Drive. Suburban Insurance was a tenant in the building for about 7 years starting when it was built in 1988. There was also an accountant, KS Seliga, with office in the building for 12 years, and a mortgage broker, Whitestone Mortgage in the building for 8 years. So historically, professional offices were allowed in the M-1 zoning.

The Impact on the M-1 Zoning would be negligible. Many of the buildings in M-1 zoning are a combination of offices with warehousing and manufacturing. Usually directly connected though. If there is any negative impact, it would be on the Insurance Broker. There are other insurance brokers currently and historically in industrial zoning in Franklin.

Add Real Estate Operators and Lessors, as Permitted in M-1 Zoning in particular:

6512 Non Residential building Operators

6519 Real Property Operators not otherwise classified

6531 Real Estate Agents and Managers

6552 Subdividers and Developers not otherwise classified

Operators and Lessors of Commercial and Industrial Real Estate, and well as Brokers of Commercial and Industrial Real Estate, should be able to operate out of Commercial and Industrial real estate without having to go through Special Use approvals. I am in need of expanding my office space located in the M-1 Zoning. I fit most of these above categories once I split my Commercial Real Estate management and development away from the Self Storage operations. Classifying this as Special Use would be difficult on a manager of their own property, as they would tend to relocate as needed to fit in additional tenants.

The Impact on the M-1 Zoning would minimal, even if they are a tenant in a building rather than the owner of the building. These uses are primarily an office type operation, but is often

integral to the M-1 use and may often include the property maintenance functions with them. Parking of heavy vehicles and outdoor storage are already regulated by the UDO.

Add SIC Classification 8322 for Individual and Family Social Services as Permitted in M-1.

I have a tenant that would like to rent office space at 10700 W. Venture Drive for their office operations for a non profit agency that provides meals for the elderly. They are currently in St. Francis. This would be their general office, wholesale purchasing and fundraising operations space. This would not be a food service use. Historically, there have always been a lot of office uses with the 10700 W. Venture Drive building.

The Impact on M-1 Zoning would be negligible. This is an inside operation. The wholesale part of the business fits the zoning, but is less than half of the intended operation on this site.

Change SIC Classification 0782 Lawn and Garden Services to a Permitted Use instead of a Special Use in M-1 Zoning

I currently have one Lawn and Garden Service tenant with a Special Use Permit, and I have one more that would like to move in. I actually have several others that are tenants in the adjacent Self Storage units for their equipment only. But as they grow and need office space to go with it, it works well to just move up. Both the existing and new tenant rent 2-3 outdoor parking spaces for trailers in the Self Storage lot.

The Impact on the M-1 Zoning would be negligible. The concern would be with outside storage of equipment and trucks, but that is already regulated by other sections of the UDO. Lawn and Garden Services should be an Approved Use, and if they require outdoor parking or storage it still requires a Special Use Approval under the UDO.

Change Six Section 17 Special Trade Contractors from Special Use to Permitted in M-1

Specialty Contractors are the most common tenant in the M-1 Zoning. They fit better in M-1 than in the B zonings because they often require some warehousing or shop space, and often light business trucks. There is not a single location a Specialty Contractor can locate in Franklin without going through a Special Use Approval. Outdoor Storage and heavy truck parking is already regulated in the UDO. A lot of Specialty contractors are small start up operations that outgrow operating from their home. Most of the warehousing in M-1 zoning is smaller buildings than the Business Parks. Economics drive a lot of Specialty Contractors to M-1 rather than B-P.

The Impact on the M-1 Zoning is negligible as long as outdoor storage and truck parking are already regulated by the UDO. Therefore it should be an Approved use instead of a Special Use. If you want to grow businesses, you have to allow them to grow from small. Small businesses renting 500 to 2,000 square feet of space often will not spend the cost of Special Use Approval cost in Franklin because it can easily be the equivalent of 3-4 months rent for them. They will instead locate in another city.

Special Use Approvals in General:

Often in commercial leasing, expansion and relocation options are written into leases. If a business wants to rent space or expand, a landlord may need to relocate tenants to free up available space in a property. The Special Use Approvals that Franklin drafts are so specific that do not allow this, even though the UDO states a Special Use Approval runs with the land per 15-3.0701 G.3. and per 15-3.0701 G.4, could be drafted to allow for additions and enlargements. Requiring a Special Use approval every time a business needs to resize is a hindrance to a business. Special Use Approvals should be drafter less restrictive. That would be a positive method of growing businesses. Special Use Approvals should be drafted to allow administrative approval of minor changes as currently allowed in the UDO.



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Major Group 47: [Transportation Services](#)

Industry Group 473: Arrangement Of Transportation Of Freight And Cargo

4731 Arrangement of Transportation of Freight and Cargo

Establishments primarily engaged in furnishing shipping information and acting as agents in arranging transportation for freight and cargo. Also included in this industry are freight forwarders which undertake the transportation of goods from the shippers to receivers for a charge covering the entire transportation, and, in turn, make use of the services of other transportation establishments as instrumentalities in effecting delivery.

- Agents, shipping
- Auditors, freight rate
- Brokers, shipping
- Brokers, transportation
- Consultants, tariff
- Customhouse brokers
- Customs clearance of freight
- Domestic forwarding
- Foreign forwarding
- Freight agencies, railroad: not operated by railroad companies
- Freight consolidation
- Freight forwarding
- Freight rate auditors
- Freight rate information service
- Shipping documents preparation
- Tariff consultant
- Tariff rate information service
- Transport clearinghouse
- Transportation rate services

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[Division H: Finance, Insurance, And Real Estate](#)

[Major Group 64: Insurance Agents, Brokers, And Service](#)

[Industry Group 641: Insurance Agents, Brokers, And Service](#)

6411 Insurance Agents, Brokers, and Service

Agents primarily representing one or more insurance carriers, or brokers not representing any particular carriers primarily engaged as independent contractors in the sale or placement of insurance contracts with carriers, but not employees of the insurance carriers they represent. This industry also includes independent organizations concerned with insurance services. Establishments engaged in searching real estate titles are classified in Industry 6541.

- Fire Insurance Underwriters Laboratories
- Fire loss appraisal
- Insurance adjusters
- Insurance advisory services
- Insurance agents
- Insurance brokers
- Insurance claim adjusters, not employed by insurance companies
- Insurance educational services
- Insurance information bureaus
- Insurance inspection and investigation services
- Insurance loss prevention services
- Insurance patrol services
- Insurance professional standards services
- Insurance reporting services
- Insurance research services
- Insurance services
- Life insurance agents
- Medical insurance claims, processing of: contract or fee basis
- Pension and retirement plan consultants
- Policy holders' consulting service
- Rate making organizations, insurance

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This major group includes real estate operators, and owners and lessors of real property, as well as buyers, sellers, developers, agents, and brokers. Establishments primarily engaged in the construction of buildings for sale (operative builders) are classified in Industry 1531.

Industry Group 651: Real Estate Operators (except Developers) And Lessors

- [6512 Operators of Nonresidential Buildings](#)
- [6513 Operators of Apartment Buildings](#)
- [6514 Operators of Dwellings Other Than Apartment Buildings](#)
- [6515 Operators of Residential Mobile Home Sites](#)
- [6517 Lessors of Railroad Property](#)
- [6519 Lessors of Real Property, Not Elsewhere Classified](#)

Industry Group 653: Real Estate Agents And Managers

- [6531 Real Estate Agents and Managers](#)

Industry Group 654: Title Abstract Offices

- [6541 Title Abstract Offices](#)

Industry Group 655: Land Subdividers And Developers

- [6552 Land Subdividers and Developers, Except Cemeteries](#)
- [6553 Cemetery Subdividers and Developers](#)

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[Major Group 65: Real Estate](#)

[Industry Group 651: Real Estate Operators \(except Developers\) And Lessors](#)

6512 Operators of Nonresidential Buildings

Establishments primarily engaged in the operation of nonresidential buildings.

- Bank buildings, operation of
- Insurance buildings, operation of
- Lessors of piers, docks, and associated buildings and facilities
- Operators of commercial and industrial buildings
- Operators of nonresidential buildings
- Retail establishments, property operation only
- Shopping centers, property operation only
- Theater buildings (ownership and operation)

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Division H: Finance, Insurance, And Real Estate		
Major Group 65: Real Estate		
Industry Group 651: Real Estate Operators (except Developers) And Lessors		
6519 Lessors of Real Property, Not Elsewhere Classified		
Establishments primarily engaged in leasing real property, not elsewhere classified.		
<ul style="list-style-type: none">■ Airport leasing, if not operating airport■ Landholding offices■ Lessors of property, except railroad, buildings, or mobile home sites		
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[Major Group 65: Real Estate](#)

[Industry Group 653: Real Estate Agents And Managers](#)

6531 Real Estate Agents and Managers

Establishments primarily engaged in renting, buying, selling, managing, and appraising real estate for others.

- Agents, real estate
- Appraisers, real estate
- Brokers of manufactured homes, on site
- Brokers, real estate
- Buying agents, real estate
- Cemetery management service
- Condominium managers
- Cooperative apartment manager
- Escrow agents, real estate
- Fiduciaries, real estate
- Housing authorities, operating
- Listing service, real estate
- Managers, real estate
- Multiple listing services, real estate
- Real estate auctions
- Rental agents for real estate
- Selling agents for real estate
- Time-sharing real estate: sales, leasing, and rentals

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Major Group 65: Real Estate		
Industry Group 655: Land Subdividers And Developers		
6552 Land Subdividers and Developers, Except Cemeteries		
Establishments primarily engaged in subdividing real property into lots, except cemetery lots, and in developing it for resale on their own account. Establishments primarily engaged in developing lots for others are classified in Industry 1794.		
<ul style="list-style-type: none"> Real property subdividers and developers, except of cemetery lots 		
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Business](#)[Division I: Services](#)[Major Group 83: Social Services](#)[Industry Group 832: Individual And Family Social Services](#)[8322 Individual and Family Social Services](#)

Establishments primarily engaged in providing one or more of a wide variety of individual and family social, counseling, welfare, or referral services, including refugee, disaster, and temporary relief services. This industry includes offices of specialists providing counseling, referral, and other social services. Government offices directly concerned with the delivery of social services to individuals and families, such as issuing of welfare aid, rent supplements, food stamps, and eligibility casework, are included here, but central office administration of these programs is classified in Public Administration, Industry 9441. Social Security offices are also classified in Public Administration, Industry 9441. Establishments primarily engaged in providing vocational rehabilitation or counseling are classified in Industry 8331; and fraternal, civic, and social associations are classified in Industry 8641.

- Activity centers, elderly or handicapped
- Adoption services
- Adult day care centers
- Aid to families with dependent children(AFDC)
- Alcoholism counseling, nonresidential:except medical treatment
- Centers for senior citizens
- Child guidance agencies
- Community centers
- Counseling centers
- Crisis centers
- Crisis intervention centers
- Day care centers, adult and handicapped
- Disaster services
- Emergency shelters
- Family counseling services
- Family location services
- Family service agencies
- Helping hand services
- Homemaker's service, primarily nonmedical
- Hotlines
- Marriage counseling services
- Meal delivery programs
- Multiservice centers, neighborhood
- Neighborhood centers
- Offender rehabilitation agencies
- Offender self-help agencies
- Old age assistance
- Outreach programs
- Parole offices
- Probation offices
- Public welfare centers, offices of
- Referral services for personal and social problems
- Refugee services
- Relief services, temporary
- Self-help organizations for alcoholics and gamblers
- Senior citizens associations
- Service leagues
- Settlement houses
- Social service centers
- Telephone counseling service
- Traveler's aid centers
- Youth centers
- Youth self-help organizations

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[Industry Group 078: Landscape And Horticultural Services](#)

0782 Lawn and Garden Services

Establishments primarily engaged in performing a variety of lawn and garden services. Establishments primarily engaged in the installation of artificial turf are classified in Construction, Industry 1799.

- Bermuda sprigging services
- Cemetery upkeep, independent
- Garden maintenance
- Garden planting
- Lawn care
- Lawn fertilizing services
- Lawn mowing services
- Lawn mulching services
- Lawn seeding services
- Lawn spraying services
- Lawn sprigging services
- Mowing highway center strips and edges
- Seeding highway strips
- Sod laying
- Turf installation, except artificial

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This major group includes special trade contractors who undertake activities of a type that are specialized either to building construction, including work on mobile homes, or to both building and nonbuilding projects. These activities include painting (including bridge painting and traffic lane painting), electrical work (including work on bridges, power lines, and power plants), carpentry work, plumbing, heating, air-conditioning, roofing, and sheet metal work. Special trade contractors primarily engaged in activities that are clearly of a type specialized to heavy construction, such as grading for highways and airport runways; guardrail construction; installation of highway signs; underwater rock removal; and asphalt and concrete construction of roads, highways, streets, and public sidewalks are classified in Major Group 16.

Special trade contractors may work on subcontract from the general contractor, performing only part of the work covered by the general contract, or they may work directly for the owner. Special trade contractors for the most part perform their work at the site of construction, although they also may have shops where they perform work incidental to the job site.

Industry Group 171: Plumbing, Heating And Air-conditioning

- [1711 Plumbing, Heating and Air-Conditioning](#)

Industry Group 172: Painting And Paper Hanging

- [1721 Painting and Paper Hanging](#)

Industry Group 173: Electrical Work

- [1731 Electrical Work](#)

Industry Group 174: Masonry, Stonework, Tile Setting, And Plastering

- [1741 Masonry, Stone Setting, and Other Stone Work](#)
- [1742 Plastering, Drywall, Acoustical, and Insulation Work](#)
- [1743 Terrazzo, Tile, Marble, and Mosaic Work](#)

Industry Group 175: Carpentry And Floor Work

- [1751 Carpentry Work](#)
- [1752 Floor Laying and Other Floor Work, Not Elsewhere Classified](#)

Industry Group 176: Roofing, Siding, And Sheet Metal Work

- [1761 Roofing, Siding, and Sheet Metal Work](#)

Industry Group 177: Concrete Work

- [1771 Concrete Work](#)

Industry Group 178: Water Well Drilling

- [1781 Water Well Drilling](#)

Industry Group 179: Miscellaneous Special Trade Contractors

- [1791 Structural Steel Erection](#)
- [1793 Glass and Glazing Work](#)
- [1794 Excavation Work](#)
- [1795 Wrecking and Demolition Work](#)
- [1796 Installation or Erection of Building Equipment, Not Elsewhere](#)
- [1799 Special Trade Contractors, Not Elsewhere Classified](#)

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[Industry Group 171: Plumbing, Heating And Air-conditioning](#)

1711 Plumbing, Heating and Air-Conditioning

Special trade contractors primarily engaged in plumbing, heating, air-conditioning, and similar work. Sheet metal work performed by plumbing, heating, and air-conditioning contractors in conjunction with the installation of plumbing, heating, and air-conditioning equipment is included here, but roofing and sheet metal work contractors are classified in Industry 1761. Special trade contractors primarily engaged in electrical work are classified in Industry 1731.

- Air system balancing and testing-contractors
- Air-conditioning, with or without sheet metal work-contractors
- Boiler erection and installation-contractors
- Drainage system installation, cesspool and septic tank-contractors
- Dry well construction, cesspool-contractors
- Fuel oil burner installation and servicing-contractors
- Furnace repair-contractors
- Gas line hookup-contractors
- Heating equipment installation-contractors
- Heating, with or without sheet metal work-contractors
- Lawn sprinkler system installation-contractors
- Mechanical contractors
- Piping, plumbing-contractors
- Plumbing and heating-contractors
- Plumbing repair-contractors
- Plumbing, with or without sheet metal work-contractors
- Refrigeration and freezer work-contractors
- Sewer hookups and connections for buildings-contractors
- Sheet metal work combined with heating or
- Solar heating apparatus-contractors
- Sprinkler system installation-contractors
- Steam fitting-contractors
- Sump pump installation and servicing-contractors
- Ventilating work, with or without sheet metal work-contractors
- Water pump installation and servicing-contractors
- Water system balancing and testing-contractors

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[Industry Group 172: Painting And Paper Hanging](#)

1721 Painting and Paper Hanging

Special trade contractors primarily engaged in painting and paper hanging. Special trade contractors primarily engaged in roof painting are classified in Industry 1761.

- Bridge painting-contractors
- Electrostatic painting on site (including of lockers and fixtures)-
- House painting-contractors
- Painting of buildings and other structures, except roofs-contractors
- Paper hanging-contractors
- Ship painting-contractors
- Traffic lane painting-contractors
- Whitewashing-contractors

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1731 Electrical Work

Special trade contractors primarily engaged in electrical work at the site. The construction of transmission lines is classified in Industry 1623, and electrical work carried on in repair shops is classified in Services, Industry Group 762. Establishments primarily engaged in monitoring of burglar and fire alarms with incidental installation are classified in Services, Industry 7382.

- Burglar alarm installation-contractors
- Cable splicing, electrical-contractors
- Cable television hookup-contractors
- Communications equipment installation-contractors
- Electrical repair at site of construction-contractors
- Electrical work-contractors
- Electronic control system installation-contractors
- Fire alarm installation-contractors
- Highway lighting and electrical signal construction-contractors
- Intercommunications equipment installation-contractors
- Sound equipment installation-contractors
- Telecommunications equipment installation-contractors
- Telephone and telephone equipment installation-contractors

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Special trade contractors primarily engaged in carpentry work. Establishments primarily engaged in building and installing cabinets at the job site are classified in this industry. Establishments primarily engaged in building custom cabinets for individuals in a shop are classified in Retail Trade, Industry 5712. Carpentry work performed by general contractors engaged in building construction is classified in Major Group 15.

- Cabinet work performed at the construction site
- Carpentry work-contractors
- Folding door installation-contractors
- Framing-contractors
- Garage door installation-contractors
- Joinery, ship-contractors
- Ship joinery-contractors
- Store fixture installation-contractors
- Trim and finish-contractors
- Window and door (prefabricated) installation-contractors

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Special trade contractors primarily engaged in the installation of asphalt tile, carpeting, linoleum, and resilient flooring. This industry also includes special trade contractors engaged in laying, scraping, and finishing parquet and other hardwood flooring. Establishments primarily engaged in installing stone and ceramic floor tile are classified in Industry Group 174; those installing or finishing concrete floors are classified in Industry 1771; and those installing artificial turf are classified in Industry 1799.

- Asphalt tile installation-contractors
- Carpet laying or removal service-contractors
- Fireproof flooring construction-contractors
- Floor laying, scraping, finishing, and refinishing-contractors
- Flooring, wood-contractors
- Hardwood flooring-contractors
- Linoleum installation-contractors
- Parquet flooring-contractors
- Resilient floor laying-contractors
- Vinyl floor tile and sheet installation-contractors

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1761 Roofing, Siding, and Sheet Metal Work

Special trade contractors primarily engaged in the installation of roofing, siding, and sheet metal work. Sheet metal work performed by plumbing, heating, and air-conditioning contractors in conjunction with the installation of plumbing, heating, and air-conditioning equipment are classified in Industry 1711.

- Architectural sheet metal work-contractors
- Ceilings, metal: erection and repair-contractors
- Coppersmithing, in connection with construction work-contractors
- Downspout installation, metal-contractors
- Duct work, sheet metal-contractors
- Gutter installation, metal-contractors
- Roof spraying, painting, or coating-contractors
- Roofing work, including repairing-contractors
- Sheet metal work: except plumbing, heating, or
- Siding-contractors
- Skylight installation-contractors
- Tinsmithing, in connection with construction work-contractors

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<p>APPROVAL</p> <p><i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>June 4, 2012</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE A REPLACEMENT HOLDING TANK AGREEMENT WITH CONWAY TRANSPORTATION SERVICES, INC. 10601 S. 27 STREET TAX KEY NO. 951-9996-008</p>	<p>ITEM NUMBER</p> <p><i>6.9.</i></p>

Attached is a resolution authorizing execution of an agreement for a Replacement Holding Tank with Conway Transportation Services, Inc., 10601 S. 27 Street, (Tax Key No. 951-9996-008).

COUNCIL ACTION REQUESTED

Motion adopting Resolution No. 2012-_____ authorizing execution of an agreement for a Replacement Holding Tank with Conway Transportation Services, Inc. 10601 S. 27 Street, (Tax Key No. 951-9996-008).

RESOLUTION NO. 2012-_____

RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE
A REPLACEMENT HOLDING TANK AGREEMENT WITH
CONWAY TRANSPORTATION SERVICES, INC.
10601 S. 27 STREET
TAX KEY NO. 951-9996-008

WHEREAS, the State of Wisconsin required Conway Transportation Services, Inc. 10601 S. 27 Street (Tax Key No. 951-9996-008) to install a holding tank for sewage purposes on said property located in the City of Franklin, and

WHEREAS, it is in the best interests of the City of Franklin and the State of Wisconsin to guarantee that said holding tank be properly operated for the protection of the health and welfare of the citizens of the City of Franklin, and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that a replacement holding tank agreement be executed by the Mayor and City Clerk with Conway Transportation Services, Inc. (Tax Key No. 951-9996-008) and that said agreement be kept on file.

BE IT FURTHER RESOLVED that the City Clerk is instructed to record said holding tank agreement with the Register of Deeds for Milwaukee County.

Introduced at a regular meeting of the Common Council of the City of Franklin this 4th day of June, 2012 by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this 4th day of June, 2012.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

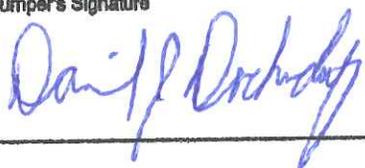
City of Franklin Holding Tank Servicing Contract

Contract Date 4/20/2012		This contract is made between the	
Holding Tank Owner(s) Name(s) Con Way Freight		and	Pumper's Name Doc's Sewer & Water Co.

We acknowledge the installation of a holding tank(s) on the following property: (Provide legal descriptions):

10601 S. 27th St. City of Franklin, Milwaukee County WI.
(see attached legal description)

- The owner agrees to file a copy of this contract with the local governmental unit hereinafter called the "City", which has signed the pumping agreement required in Ch. ILHR 83.18(4)(b), Wis. Adm. Code and with the City of Franklin.
- The owner agrees to have the holding tank(s) serviced by the pumper and guarantees to permit the pumper to have access and to enter upon the property for the purpose of servicing the holding tank(s). The owner agrees to maintain the all-weather access road or drive so that the pumper can service the holding tank(s) with the pumping equipment. The owner further agrees to pay the pumper for all charges incurred in servicing the holding tank(s) as mutually agreed upon by the owner and pumper.
- The pumper agrees to submit to the City which has signed the holding tank agreement required by S. ILHR 83.18(4)(b), Wis. Adm. Code, a report for the servicing of the holding tank(s) on a semiannual basis. The pumper further agrees to submit a report which shall include:
 - The name and address of the person responsible for servicing the holding tank.
 - The name of the owner of the holding tank.
 - The location of the property on which the holding tank is installed.
 - The sanitary permit number issued for the holding tank.
 - The dates on which the holding tank was serviced.
 - The volumes in gallons of the contents pumped from the holding tank for each servicing.
 - The disposal sites to which the contents from the holding were delivered.
- This agreement will remain in effect until the owner or pumper terminates this contract. In the event of a change in this contract, the owner agrees to file a copy of any changes to this service contract or a copy of a new service contract with the City of Franklin within ten (10) business days from the date of change to this service contract.

Owner(s) Name(s) (Print) Con-way Freight Jeff Sexton	Owner's Signature(s) 
Pumper's Name (Print) Doc's Sewer & Water Daniel Dockendorf	Pumper's Signature 
Pumper's Registration Number 1557	

Subscribed and sworn to me on this date:
4/24/12
Today's Date


Notary Public Signature

01/07/2017
Commission Expiration

BERNICE WHITEHEAD
NOTARY PUBLIC - STATE OF MICHIGAN
COUNTY OF WAYNE
My Commission expires January 7, 2017
Acting in the County of Washington

EXHIBIT "A"
TO
DEVELOPMENT AGREEMENT
FOR
CON-WAY FREIGHT

LEGAL DESCRIPTION OF DEVELOPMENT

All that part of the North East ¼ of Section 36, in Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee and State of Wisconsin, bounded and described as follows: Commencing at the South East corner of the North East ¼ of Section 36, thence 00E11'45" West along the East line of said North East ¼, 420 feet to a point, thence South 88E41'08" West 80 015 feet to the place of beginning of the lands herein to be described, thence North 0E11'45" West 239 92 feet, thence South 88E37'52" West 192 234 feet, thence North 0E11'45" West 669 24 feet, thence South 88E37'52" West 1358 35 feet, thence South 0E21'20" East 342 62 feet, thence South 88E41'08" West 605 00 feet, thence 0E21'20" East 325 00 feet, thence North 88E41'08" East 1507 71 feet, thence South 0E11'45" East 240 03 feet, thence North 88E41'08" East 645 985 feet to the place of beginning. Containing a net area of 28 89249 acres of land,

Tax Key Number 951-9996-008

Document No. / Plan Identification No.

Agreement Date
4/20/12

This agreement is made between the governmental unit and holding tank owner(s)

This space reserved for recording data

County or Local Governmental Unit
City of Franklin
(called Municipality below)

Holding Tank Owner(s)
Con-way Freight

We acknowledge that application is being made for the installation of (a) holding tank(s) on the following property: (Provide legal land description)
10601 52nd St. City of Franklin, Milwaukee Cty, WI
(see attached legal description)

Return To

or that continued use of the existing premises requires that a holding tank be installed on the property for the purpose of proper containment of sewage. Also, the property cannot now be served by a municipal sewer, or any other type of private sewage system as permitted under Ch. ILHR 83, Wis. Adm. Code, or Ch. 145, Stats.

As an inducement to the ~~XXXXXX~~ City of Franklin to issue a sanitary permit for the above described property, we agree to do the following:

- Owner agrees to conform to all applicable requirements of Ch. ILHR 83, Wis. Adm. Code relating to holding tanks. If the owner fails to have the holding tank properly serviced in response to orders issued by the municipality to prevent or abate a human health hazard as described in s. 254.59, Stats., the municipality may enter upon the property and service the tank or cause to have the tank to be serviced and charge the owner by placing the charges on the tax bill as a special assessment for current services rendered. The charges will be assessed as prescribed by s. 66.60, Stats.
- The owner agrees, pursuant to s. ILHR 83.18 (10), Wis. Adm. Code, to have installed in a new building or new structure a water meter approved by the County and State. The water meter shall be installed by a plumber authorized by the State to conduct such installations, with said installation complying with State regulations and manufacturers specifications. The owner agrees to be financially responsible for the purchase, installation, maintenance, and repair of the water meter, and agrees to allow the municipality to enter the above described property on a regular basis to read and/or inspect the water meter.
- Owner agrees to pay all charges and cost incurred by the municipality for inspection, pumping, hauling, or otherwise servicing and maintaining the holding tank in such a manner as to prevent or abate any human health hazard caused by the holding tank. The municipality shall notify the owner of any costs which shall be paid by the owner within thirty (30) days from the date of notice. In the event the owner does not pay the costs within thirty (30) days, the owner specifically agrees that all the costs and charges may be placed on the tax roll as a special assessment for the abatement of a human health hazard, and the tax shall be collected as provided by law.
- The owner, except as provided by s. 146.20 (3) (d), Stats., agrees to contract with a person who is licensed under Ch. NR 113, Wis. Adm. Code, to have the holding tank serviced and to file a copy of the contract or the owner's registration with the municipality. The owner further agrees to file a copy of any changes to the service contract, or a copy of a new service contract, with the municipality within ten (10) business days from the date of change to the service contract.
- The owner agrees to contract with a person licensed under Ch. NR 113, Wis. Adm. Code, who shall submit to the municipality on a semiannual basis a report in accordance with s. ILHR 83.18 (4) (a) 2., Wis. Adm. Code, for the servicing of the holding tank. In the case of registration under s. 146.20 (3) (d), Stats., the owner shall submit the report to the municipality. The municipality may enter upon the property to investigate the condition of the holding tank when pumping reports and meter readings may indicate that the holding tank is not being properly maintained.
- This agreement will remain in effect only until the local governmental unit responsible for the regulation of private sewage systems certifies that the property is served by either a municipal sewer or a soil absorption system that complies with Ch. ILHR 83, Wis. Adm. Code. In addition, this agreement may be cancelled by executing and recording said certification with reference to this agreement in such manner which will permit the existence of the certification to be determined by reference to the property.
- This agreement shall be binding upon the owner, the heirs of the owner, and assignees of the owner. The owner shall submit the agreement to the register of deeds, and the agreement shall be recorded by the register of deeds in a manner which will permit the existence of the agreement to be determined by reference to the property where the holding tank is installed.

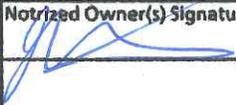
Owner(s) Name(s) - Print <u>Jeff Sexton - Con-way Freight</u>	Notarized Owner(s) Signature(s) 	Subscribed and sworn to before me on this date: <u>4/24/12</u> <u>Bernice Whitehead</u> Notary Public
Municipal Official Name - Print <u>BERNICE WHITEHEAD</u>	Municipal Official Signature	
Municipal Official Title - Print		My commission expires: <u>01/07/2017</u> <u>BERNICE WHITEHEAD</u>

EXHIBIT "A"
TO
DEVELOPMENT AGREEMENT
FOR
CON-WAY FREIGHT

LEGAL DESCRIPTION OF DEVELOPMENT

All that part of the North East ¼ of Section 36, in Township 5 North, Range 21 East, in the City of Franklin, County of Milwaukee and State of Wisconsin, bounded and described as follows: Commencing at the South East corner of the North East ¼ of Section 36, thence 00E11'45" West along the East line of said North East ¼, 420 feet to a point, thence South 88E41'08" West 80 015 feet to the place of beginning of the lands herein to be described, thence North 0E11'45" West 239 92 feet, thence South 88E37'52" West 192 234 feet, thence North 0E11'45" West 669 24 feet, thence South 88E37'52" West 1358 35 feet, thence South 0E21'20" East 342 62 feet, thence South 88E41'08" West 605 00 feet, thence 0E21'20" East 325 00 feet, thence North 88E41'08" East 1507 71 feet, thence South 0E11'45" East 240 03 feet, thence North 88E41'08" East 645 985 feet to the place of beginning. Containing a net area of 28 89249 acres of land,

Tax Key Number 951-9996-008

		Safety and Buildings Division 201 W. Washington Ave., P.O. Box 7162 Madison, WI 53707-7162		County <u>Milwaukee</u> Sanitary Permit Number (to be filled in by Co.) <u>484223</u>	
Sanitary Permit Application In accordance with s. Comm. 83.21(2), Wis. Adm. Code, submission of this form to the appropriate governmental unit is required prior to obtaining a sanitary permit. Note: Application forms for state-owned POWTS are submitted to the Department of Commerce. Personal information you provide may be used for secondary purposes in accordance with the Privacy Law, s. 15.04(1)(m), Stats.				State Transaction Number <u>2080267</u> Project Address (if different than mailing address) <u>10601-527th St.</u>	
I. Application Information - Please Print All Information					
Property Owner's Name <u>Con-Way Freight</u>				Parcel #	
Property Owner's Mailing Address <u>10601 S 27th St.</u>				Property Location:	
City, State <u>Franklin WI</u>		Zip Code <u>53132</u>	Phone Number <u>(414) 761-3757</u>		
II. Type of Building (check all that apply) <input type="checkbox"/> 1 or 2 Family Dwelling - Number of Bedrooms _____ <input checked="" type="checkbox"/> Public/Commercial - Describe Use <u>trucking company</u> <input type="checkbox"/> State Owned - Describe Use _____				Govt. Lot _____ _____ 1/4, _____ 1/4, Section _____ (circle one) T _____ N; R _____ E or W Subdivision Name _____ <input checked="" type="checkbox"/> City of <u>Franklin</u> <input type="checkbox"/> Village of _____ <input type="checkbox"/> Town of _____	
III. Type of Permit: (Check only one box on line A. Complete line B if applicable)					
<input type="checkbox"/> New System		<input checked="" type="checkbox"/> Replacement System		<input type="checkbox"/> Treatment/Holding Tank Replacement Only	
<input type="checkbox"/> Permit Renewal Before Expiration		<input type="checkbox"/> Permit Revision		<input type="checkbox"/> Change of Plumber	
				<input type="checkbox"/> Permit Transfer to New Owner	
List Previous Permit Number and Date Issued _____					
IV. Type of POWTS System/Component/Device: (Check all that apply) <input type="checkbox"/> Non-Pressurized In-Ground <input type="checkbox"/> Pressurized In-Ground <input type="checkbox"/> At-Grade <input type="checkbox"/> Mound ≥ 24 in. of suitable soil <input type="checkbox"/> Mound < 24 in. of suitable soil <input checked="" type="checkbox"/> Holding Tank <input type="checkbox"/> Other Dispersal Component (explain) _____ <input type="checkbox"/> Pretreatment Device (explain) _____					
V. Dispersal/Treatment Area Information:					
Design Flow (gpd) <u>1920</u>	Design Soil Application Rate(gpd/ft) —	Dispersal Area Required (sf) —	Dispersal Area Proposed (sf) —	System Elevation —	
VI. Tank Info		Capacity in Gallons	Total Gallons	# of Units	Manufacturer
	New Tanks	Existing Tanks			
Septic or Holding Tank	<u>6000</u>		<u>12000</u>	<u>2</u>	<u>Lake shore</u>
Dosing Chamber					
VII. Responsibility Statement- I, the undersigned, assume responsibility for installation of the POWTS shown on the attached plans.					
Plumber's Name (Print) <u>Daniel Dordorot</u>		Plumber's Signature <u>Daniel Dordorot</u>		MP/MPRS Number <u>231468</u>	Business Phone Number <u>262-662-9720</u>
Plumber's Address (Street, City, State, Zip Code) <u>P.O. Box 100 Big Bend WI 53103</u>					
VIII. County/Department Use Only					
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved <input type="checkbox"/> Owner Given Reason for Denial		Permit Fee \$ <u>300.00</u>	Date Issued <u>5/24/12</u>	Issuing Agent Signature <u>Bob Maacke JR</u>	
IX. Conditions of Approval/Reasons for Disapproval					

Attach to complete plans for the system and submit to the County only on paper not less than 8 1/2 x 11 inches in size



Safety and Buildings
141 NW BARSTOW ST FL 4TH
WAUKESHA WI 53188-3789
Contact Through Relay
www.dsp.s.wi.gov/sb/
www.wisconsin.gov

Scott Walker, Governor
Dave Ross, Secretary

May 08, 2012

CUST ID No. 231468

ATTN: POWTS Inspector

DANIEL J DOCKENDORF
DOCS SEWER & WATER CO INC
PO BOX 100
BIG BEND WI 53103

CITY OF FRANKLIN SPIA
9229 W LOOMIS RD
FRANKLIN WI 53132

CONDITIONAL APPROVAL
PLAN APPROVAL EXPIRES: 05/08/2014

Identification Numbers
Transaction ID No. 2080267
Site ID No. 116266
Please refer to both identification numbers, above, in all correspondence with the agency.

SITE:

Conway Transportation Services Inc
10601 S 27TH St
City of Franklin, 53132
Milwaukee County, Fire Dept ID: 4001

FOR:

Description: Holding Tank for
Object Type: POWTS Component Manual Regulated Object ID No.: 1369305
Maintenance required; Replacement system; 1,920 GPD Flow rate; System(s): Holding Tank Component Manual, Version 2.0, SBD-10855 (N.03/07); Commercial System, Effluent Filter

The submittal described above has been reviewed for conformance with applicable Wisconsin Administrative Codes and Wisconsin Statutes. The submittal has been **CONDITIONALLY APPROVED**. This system is to be constructed and located in accordance with the enclosed approved plans and with any component manual(s) referenced above. The owner, as defined in chapter 101.01(10), Wisconsin Statutes, is responsible for compliance with all code requirements.

No person may engage in or work at plumbing in the state unless licensed to do so by the Department per s.145.06, stats.

The following conditions shall be met during construction or installation and prior to occupancy or use:

This system shall be installed in accordance with the approved plans and the publication entitled "Holding Tank Component Manual for Private Onsite Wastewater Treatment Systems Version 2.0 SBD-10855-P (N. 03/07).

In the event this holding tank system or any of its component parts malfunctions so as to create a health hazard, the property owner must follow the contingency plan as described in the approved plans. In addition, the owner must insure that the operation, maintenance and monitoring duties as described in section VI of the holding tank component manual are complied with. A copy of this information must be given to the owner upon completion of the project.

The proposed tank may be located in an area subjected to saturated conditions. If it is determined to be subject to saturated soils at time of installation it must be anchored per **SPS 383.43(8)(g), Wis. Adm. Code** to prevent floatation of the tank. Documentation of the method of anchoring and calculations to prevent floatation are to be attached to the plan prior to issuing of the sanitary permit.

All holding treatment tanks are to comply with SPS. 384.25(7)(a).

~~SEE COF~~
DIVISION OF S
APP1
Cond

A Sanitary Permit must be obtained from the county where this project is located in accordance with the requirements of Sec. 145.135 and 145.19, Wis. Stats.

Inspection of the private sewage system installation is required. Arrangements for inspection shall be made with the designated county official in accordance with the provisions of Sec. 145.20(2)(d), Wis. Stats.

Owner Responsibilities:

- **SPS 383.52 Responsibilities.** The owner of a POWTS shall be responsible for ensuring that the operation and maintenance of the POWTS occurs in accordance with this chapter and the approved management plan under s. SPS 383.54(1).
- **SPS 383.52(2)** A POWTS that is not maintained in accordance with the approved management plan or as required under s. SPS 383.54(4) shall be considered a human health hazard.
- **SPS 383.55** The owner is responsible for submitting a maintenance verification report acceptable to the county for maintenance tracking purposes. Reports shall be submitted at intervals appropriate for the component(s) utilized in the POWTS.

A copy of the approved plans, specifications and this letter shall be on-site during construction and open to inspection by authorized representatives of the Department, which may include local inspectors. All permits required by the state or the local municipality shall be obtained prior to commencement of construction/installation/operation.

In granting this approval the Division of Safety & Buildings reserves the right to require changes or additions should conditions arise making them necessary for code compliance. As per state stats 101.12(2), nothing in this review shall relieve the designer of the responsibility for designing a safe building, structure, or component.

Inquiries concerning this correspondence may be made to me at the telephone number listed below, or at the address on this letterhead.

The above left addressee shall provide a copy of this letter and the POWTS management plan to the owner and any others who are responsible for the installation, operation or maintenance of the POWTS.

Sincerely,



Julia Lewis-Osborne
POWTS Reviewer 2 , Integrated Services
(262) 397-6005, Fax: (608) 283-7481
julia.lewis@wisconsin.gov

Fee Required \$	90.00
Fee Received \$	90.00
Balance Due \$	0.00

WIS MART code 7633

Note: Effective January 1, 2012, all codes under the jurisdiction of the Division of Safety & Buildings will be modified. Code references with prefixes starting with "Comm" will be replaced with "SPS" to recognize the relocation of the Division of Safety & Buildings from the former Dept. of Commerce to the Dept. of Safety & Professional Services. Additionally, all S&B codes will be renumbered and addressed in a "300" series. For future reference, the Wisconsin Commercial Building Code will be addressed by SPS Chapters 360-366.

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 6/5/12
Reports & Recommendations	SUBJECT: A resolution authorizing officials to execute an Engineering Services Agreement with Ruckert/Mielke for the design and programming of a water and sanitary sewer Supervisory Control and Data Acquisition (SCADA) System	ITEM NO. <i>G.10.</i>

BACKGROUND

Pursuant to the Common Council's action at the regular meeting of February 7, 2012, staff has advertise for interest and qualifications for engineering services for a water and sanitary sewer Supervisory Control and Data Acquisition (SCADA) System in the Milwaukee Journal/Sentinel and Daily Reporter. A total of six (6) firms submitted interest and qualifications. The selection committee selected by the Mayor consisted of five (5) persons - City Engineer, John Bennett, Assistant City Engineer, Ron Romeis, Sewer and Water Superintendent, Roy Kainz, Sewer and Water Operator II, Dennis Cindric, and Oak Creek Sewer and Water Engineer Mike Sullivan

ANALYSIS

The selection committee interviewed the six (6) firms with the members of the selection committee rating each firm from one to six with one being their first choice. The firm, Ruckert/Mielke, received four number one ratings and one number two rating and was by far the leading firm.

Ruckert/Mielke has designed a number of SCADA Systems for communities in Southeastern Wisconsin. The City's present SCADA System was designed and programmed by Ruckert/Mielke approximately 20 years ago. Staff has been very pleased with this system over the last 20 years.

OPTIONS

Approve
or
Table

FISCAL NOTE

The cost of the SCADA System has been estimated at \$190,000. The engineering design and programming by Ruckert/Mielke is a lump sum cost at \$70,500, with the remaining equipment competitively bid. The cost allocation is estimated to be 60 percent water fund and 40 percent sanitary sewer fund.

RECOMMENDATION

Motion to adopt Resolution No. 2012 - _____ a resolution authorizing officials to execute an Engineering Services Agreement with Ruckert/Mielke for the design and programming of a water and sanitary sewer Supervisory Control and Data Acquisition (SCADA) System.

JMB/db

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2012 - _____

A RESOLUTION AUTHORIZING OFFICIALS TO EXECUTE AN
ENGINEERING SERVICES AGREEMENT
WITH RUEKERT/MIELKE
FOR THE DESIGN AND PROGRAMMING OF A WATER AND SANITARY SEWER
SUPERVISORY CONTROL AND DATA ACQUISITION (SCADA) SYSTEM

WHEREAS, the Common Council at their regular meeting of February 7, 2012 directed staff to advertize for engineering services for the development of a water and sanitary sewer Supervisory Control and Data Acquisition (SCADA) System; and

WHEREAS, Staff advertized in the Milwaukee Journal/Sentinel and the Daily Reporter and six (6) engineering firms responded to the advertisement; and

WHEREAS, the selection committee selected by the Mayor consisted of City Engineer, John Bennett, Assistant City Engineer, Ron Romeis, Sewer and Water Superintendent, Roy Kainz, Sewer and Water Operator II, Dennis Cindric, and Oak Creek Sewer and Water engineer Mike Sullivan interviewed the six (6) engineering firms that responded to the advertisement; and

WHEREAS, the selection committee rated each firm from one to six with one being the highest and Ruekert/Mielke, Inc. received four number one ratings and one number two rating and was by far the leading firm; and

WHEREAS, Ruekert/Mielke Inc. has designed numerous SCADA Systems in the general Southeastern Wisconsin area and had designed and programmed the City's existing SCADA 20 years ago; and

WHEREAS, the funding for the SCADA System will be shared by the Water Utility at 60 percent and the sanitary sewer fund at 40 percent with funding in the 2012 budget; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the City of Franklin, that the Mayor and City Clerk are authorized to execute an agreement whereby Ruekert/Mielke, Inc., shall provide engineering services for the design and programming of a water and sanitary sewer Supervisory Control and Data Acquisition (SCADA) System for a fee as established in the agreement. This agreement being subject to review and approval of City Attorney.

INTRODUCED at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012 by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

JMB/db

A G R E E M E N T

This AGREEMENT, made and entered into this _____ day of _____, 2012, between the City of Franklin, 9229 West Loomis Road, Franklin, Wisconsin 53132 (hereinafter "CLIENT") and Ruckert & Mielke, Inc. (hereinafter "ENGINEER"), whose principal place of business is W233 N2080 Ridgeview Parkway, Waukesha, Wisconsin.

W I T N E S S E T H

WHEREAS, the ENGINEER is duly qualified and experienced as a municipal services ENGINEER and has offered services for the purposes specified in this AGREEMENT; and

WHEREAS, in the judgment of CLIENT, it is necessary and advisable to obtain the services of the ENGINEER in connection with providing Engineering Services for the SCADA System Upgrade as described in Attachment A, for the City of Franklin.

NOW, THEREFORE, in consideration of these premises and the following mutual covenants, terms, and conditions, CLIENT and ENGINEER agree as follows:

- A. This AGREEMENT may only be amended by written instrument signed by both CLIENT and ENGINEER.

I. BASIC SERVICES AND AGREEMENT ADMINISTRATION

- A. ENGINEER shall provide services to CLIENT for the activities described in the scope of services incorporated herein as Attachment A.
- B. ENGINEER shall serve as CLIENT's professional representative in matters to which this AGREEMENT applies. ENGINEER may employ the services of outside consultants when deemed necessary by ENGINEER to complete work under this AGREEMENT following approval by the City.
- C. ENGINEER is an independent ENGINEER and all persons furnishing services hereunder are employees of, or independent subcontractors to, ENGINEER and not of CLIENT. All obligations under the Federal Insurance Contribution Act (FICA), the Federal Unemployment Tax Act (FUTA), and income tax withholding are the responsibility of ENGINEER as employer. CLIENT understands that express AGREEMENTS may exist between ENGINEER and its employees regarding extra work, competition, and nondisclosure.
- D. During the term of this AGREEMENT and throughout the period of performance of any resultant AGREEMENT, including extensions, modifications, or additions thereto, and for a period of one (1) year from the conclusion of such activity, the parties hereto agree that neither shall solicit for employment any technical or professional employees of the other without the prior written approval of the other party.

II. FEES AND PAYMENTS

CLIENT agrees to pay ENGINEER, for and in consideration of the performance of Basic Services further described in ENGINEER's Proposal, and as specified in Attachment A, for the Engineering Services, subject to the terms detailed below:

- A. ENGINEER may bill CLIENT on an hourly rated basis and be paid for all work satisfactorily completed hereunder on a monthly basis. CLIENT agrees to pay ENGINEER's invoice within 30 days of invoice date for all approved work.
- B. Total price of ENGINEER's work will not exceed the costs shown in Attachment A, plus reimbursable expenses. For services rendered, monthly invoices will include a report that clearly states the work completed and the fee earned during the month being invoiced.
- C. In consideration of the faithful performance of this AGREEMENT, the ENGINEER will not exceed the fee for Basic Services and expenses without written authorization from CLIENT to perform work over and above that described in the original AGREEMENT.
- D. Should CLIENT find deficiencies in work performed or reported, it will notify ENGINEER in writing within thirty (30) days of receipt of invoice and related report and the ENGINEER will remedy the deficiencies within thirty (30) days of receiving CLIENT's review. This subsection shall not be construed to be a limitation of any rights or remedies otherwise available to CLIENT.

III. MODIFICATION AND ADDITIONAL SERVICES

- A. CLIENT may, in writing, request changes in the Basic Services required to be performed by ENGINEER and require a specification of incremental or decremental costs prior to change order agreement under this AGREEMENT. Upon acceptance of the request of such changes, ENGINEER shall submit a "Change Order Request" to CLIENT for authorization and notice to proceed signature and return to ENGINEER. Should any such actual changes be made, an equitable adjustment will be made to compensate ENGINEER or reduce the fixed price, for any incremental or decremental labor or direct costs, respectively. Any claim by ENGINEER for adjustments hereunder must be made to CLIENT in writing no later than forty-five (45) days after receipt by ENGINEER of notice of such changes from CLIENT.

IV. ASSISTANCE AND CONTROL

- A. Patrick T. Wohlers, P.E., will coordinate the work of the ENGINEER, and be solely responsible for communication within the CLIENT's organization as related to all issues originating under this AGREEMENT.

- B. CLIENT will timely provide ENGINEER with all available information concerning PROJECT as deemed necessary by ENGINEER.
- C. ENGINEER will appoint, subject to the approval of CLIENT, Patrick T. Wohlers, P.E., ENGINEER's Project Manager and other key providers of the Basic Services. Substitution of other staff may occur only with the consent of CLIENT.

V. TERMINATION

- A. This AGREEMENT may be terminated by CLIENT, for its convenience, for any or no reason, upon written notice to CONTRACTOR. This AGREEMENT may be terminated by CONTRACTOR upon thirty (30) days written notice. Upon such termination by CLIENT, ENGINEER shall be entitled to payment of such amount as shall fairly compensate ENGINEER for all work approved up to the date of termination, except that no amount shall be payable for any losses of revenue or profit from any source outside the scope of this AGREEMENT, including but not limited to, other actual or potential AGREEMENTS for services with other parties.
- B. In the event that this AGREEMENT is terminated for any reason, ENGINEER shall deliver to CLIENT all data, reports, summaries, correspondence, and other written, printed, or tabulated material pertaining in any way to Basic Services that ENGINEER may have accumulated. Such material is to be delivered to CLIENT whether in completed form or in process. CLIENT shall hold ENGINEER harmless for any work that is incomplete due to early termination.
- C. The rights and remedies of CLIENT and ENGINEER under this section are not exclusive and are in addition to any other rights and remedies provided by law or appearing in any other article of this AGREEMENT.

VI. INSURANCE

The ENGINEER shall, during the life of the AGREEMENT, maintain insurance coverage with an authorized insurance carrier at least equal to the minimum limits set forth below:

A. Limit of General/Commercial Liability	\$2,000,000
B. Automobile Liability: Bodily Injury/Property Damage	\$1,000,000
C. Excess Liability for General Commercial or Automobile Liability	\$3,000,000
D. Worker's Compensation and Employers' Liability	\$500,000
E. Professional Liability	\$1,000,000

Upon the execution of this AGREEMENT, ENGINEER shall supply CLIENT with a suitable statement certifying said protection and defining the terms of the policy issued, which shall specify that such protection shall not be cancelled without thirty (30) calendar days prior notice to CLIENT, and naming Client as an additional insured for General Liability.

VII. INDEMNIFICATION AND ALLOCATION OF RISK

- A. To the fullest extent permitted by law, ENGINEER shall indemnify and hold harmless CLIENT, CLIENT'S officers, directors, partners, and employees from and against costs, losses, and damages (including but not limited to reasonable fees and charges of engineers, architects, attorneys, and other professionals, and reasonable court or arbitration or other dispute resolution costs) caused solely by the negligent acts or omissions of ENGINEER or ENGINEER'S officers, directors, partners, employees, and consultants in the performance of ENGINEER'S services under this AGREEMENT.
- B. To the fullest extent permitted by law, CLIENT shall indemnify and hold harmless ENGINEER, ENGINEER'S officers, directors, partners, employees, and consultants from and against costs, losses, and damages (including but not limited to reasonable fees and charges of engineers, architects, attorneys, and other professionals, and reasonable court or arbitration or other dispute resolution costs) caused solely by the negligent acts or omissions of CLIENT or CLIENT'S officers, directors, partners, employees, and consultants with respect to this AGREEMENT.
- C. To the fullest extent permitted by law, ENGINEER'S total liability to CLIENT and anyone claiming by, through, or under CLIENT for any injuries, losses, damages and expenses caused in part by the negligence of ENGINEER and in part by the negligence of CLIENT or any other negligent entity or individual, shall not exceed the percentage share that ENGINEER'S negligence bears to the total negligence of CLIENT, ENGINEER, and all other negligent entities and individuals.

VIII. TIME FOR COMPLETION

ENGINEER shall commence immediately upon receipt of a Notice to Proceed and shall complete all work required as soon as practicable based upon receipt of necessary information from CLIENT.

IX. DISPUTES

This AGREEMENT shall be construed under and governed by the laws of the State of Wisconsin. The venue for any actions arising under this AGREEMENT shall be the Circuit Court for Milwaukee County. The prevailing party shall be awarded its actual costs of any such litigation, including reasonable attorney fees.

X. RECORDS RETENTION

ENGINEER shall maintain all records pertaining to this AGREEMENT during the term of this AGREEMENT and for a period of 3 years following its completion. Such records shall be made available by the ENGINEER to CLIENT for inspection and copying upon request.

IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed on the day and year first above written.

CITY OF FRANKLIN, WISCONSIN

RUEKERT & MIELKE, INC.

BY: _____

BY: William J. Mielke

PRINT NAME: _____

PRINT NAME: William J. Mielke, P.E., R.L.S.

TITLE: _____

TITLE: President/CEO

DATE: _____

DATE: May 10, 2012

BY: _____

PRINT NAME: _____

TITLE: _____

DATE: _____

BY: _____

PRINT NAME: _____

TITLE: _____

DATE: _____

APPROVED AS TO FORM:

BY: _____

PRINT NAME: _____

TITLE: _____

DATE: _____

ATTACHMENT: ATTACHMENT "A", City of Franklin SCADA System Upgrade Scope of Engineering Services, dated May 10, 2012.



City of Franklin
SCADA System Upgrade
Scope of Engineering Services
May 10, 2012

I. PROJECT ENGINEERING & ADMINISTRATION

ENGINEER shall provide the following services to CLIENT for execution of a SCADA System Upgrade project covering 15 water and wastewater facilities.

Design Phase - Engineering Fee: \$22,500

1. Project administration
2. Kick off meeting
3. Facility site visits
4. Radio study administration
 - a. Radio study subcontract (reimbursable expense)
5. Prepare preliminary design
6. Preliminary design review meeting with City
7. Incorporate City feedback
8. Finalize plans and specifications
9. Plan/spec submittals to DNR & PSC
10. Prepare bidding documents

Bidding Phase Services - Engineering Fee: \$3,000

1. Administer public bidding process
2. Bid reviews and recommendation
3. Administer award of contract



Construction Phase Services - Engineering Fee: \$45,500

1. Construction phase administration
2. Conduct preconstruction meeting, issue minutes
3. Shop drawing reviews
4. Software procurement administration
5. MMI software configuration
6. PLC programming
7. IT network interface administration
8. Alarm handling configuration
9. Reports configuration
10. Contractor installation reviews/punch listing
11. Start-up and testing
12. Operator training
13. Project closeout administration

APPROVAL <i>slw</i> <i>CAP</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 6/4/12
REPORTS & RECOMMENDATIONS	Final Designation of the City of Franklin portion of TIF District #2 tax increment proceeds	ITEM NUMBER <i>G.11.</i>

All work on completing the reporting on TIF District #2 was completed and the distribution of the unused portion of the final year's tax increment was made to the respective taxing jurisdictions. A copy of that distribution calculation is attached.

To make the funds usable a tentative designation of the City of Franklin portion was made to the City's General Fund pending a review by the Common Council. The \$268,182.44 received can be confirmed to the General Fund or designated to another Fund at this time or it could be confirmed to the General Fund and amounts transferred to other funds at later times when needs arise.

The designation possibilities included:

- The General Fund
- The Capital Improvement Fund
- The Equipment Revolving Fund
- The Street Improvement Fund

Options

- Ratify the action of designating the TIF District #2 tax increment proceeds to the General Fund
- Designate the TIF District #2 tax increment proceeds to another fund

COUNCIL ACTION REQUESTED

Motion to ratify the action of designating the \$268,182.44 in TIF District #2 tax increment proceeds to the General Fund.



DEPARTMENT OF TRANSPORTATION
Milwaukee County

G.12.
RECEIVED

MAY 07 2012

City of Franklin
Engineering Department

FRANK BUSALACCHI • Director
• Highway Commissioner

Fay Roberts
Assistant Director of
Transportation

Brian Dranzik
Director of Administration

C. Barry Bateman
Director of General Mitchell
International Airport

Daniel Goeden
Director of Fleet
Management

Debbie Bachun
Director of Finance

Andrea Weddle-Henning
Resident Contract Manager
Transportation Services

Lloyd Grant
Managing Director
Milwaukee County
Transit System

May 2, 2012

Subject: UPDATED PROJECT SCHEDULE
WISDOT I.D. 2160-10-00/20/70
S. 76th St. (CTH U)
W. Puetz Rd. to W. Imperial Dr.
Milwaukee County

Milwaukee County Department of Transportation (MCDOT) would like to update you on the project schedule for the S. 76th St. (CTH U) reconstruction project from W. Puetz Rd. to W. Imperial Dr. in the City of Franklin, Milwaukee County. The construction schedule of the 2-mile project has moved from 2013 to 2014.

The revised and remaining schedule of the subject project is anticipated as follows:

Refer to table on page 2.

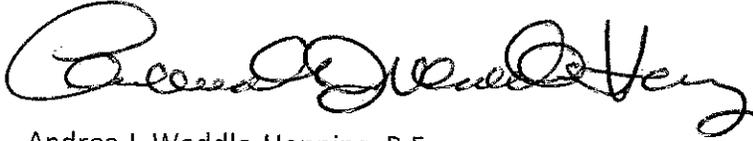
Project Task	Anticipated Task Schedule
60% Preliminary Plan Meeting Held	August 24, 2011
Final Storm Sewer Plan (for utility coordination purposes)	October 2011
Utility Coordination Meeting #1	December 1, 2012
Design Study Report (DSR) Approval	April 2012
Final R/W Plat Completed	April 2012
R/W Acquisition Started	May 2012
Utility Coordination Meeting #2	May 2012
Public Information Meeting (PIM) #2	July 2012
Utility Relocations Started	September 2012
Final Roadway Plans Completed	April 2013
Utility Coordination Meeting #3	March 2013
90% Plans Completed/Draft PS & E Meeting Held	June 2013
R/W Acquisition Completed	June 2013
Utility Coordination Meeting #4	July 2013
Final PS & E Submittal	August 1, 2013
Utility Coordination/Relocations Completed	September 2013
Project Letting	December 11, 2013
Construction Start	February 2014
Construction End	November 2014

It is important to notify me as soon as possible if there are any conflicts with horizontal or vertical location of the proposed storm sewer so that we can consider modifications to our design prior to finalizing. In addition, notify me of any work that would be in conflict with our revised schedule so that we can begin to discuss and prepare work plans. If you would like to arrange a meeting to discuss details and possibilities, we would be glad to do so.

If there are any questions or comments regarding the project, please contact me or Joe Wiczorek (414-278-4893; joe.wiczorek@milwcnty.com).

Thanks for your cooperation.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrea J. Weddle-Henning". The signature is fluid and cursive, with the first name "Andrea" being the most prominent.

Andrea J. Weddle-Henning, P.E.
Resident Contract Manager
DOT-Transportation Services

c: J. Wiczorek- DOT-Transportation Services
C. Smeltzer- DOT-Highway Maintenance
S. Jackson- DOT-Highway Maintenance

Jack Bennett

From: Shaffer, Vida - DOT [Vida.Shaffer@dot.wi.gov]
Sent: Thursday, May 17, 2012 4:11 PM
To: 'Ashley Booth'; 'Mark Kaminski'; Jack Bennett; 'Mike Simmons'; 'Doug Seymour (dseymour@oakcreekwi.org)'; Brian Sajdak
Cc: Lazcano, Tom - DOT; Elkin, Robert - DOT; Schmit, Sheri - DOT; Forseth, James - DOT
Subject: RE: S. 27th Street - CSS Elements & RW / Project Manager Change
Attachments: 27th St RW for CSS 5-17-12.pdf; 2010-0702 Images for WisDOT Newsletter.pdf

TO ALL,

Sorry for the delay in reviewing the Dec 2011 draft version of HNTB's 27th St. Streetscape Concepts Plan.

There are problem areas where there is not enough right of way to fit what they are proposing. I'm suggesting this issue be brought up at your next meeting to see if the cities can obtain the right of way somehow, or if the element can be modified to fit or if the element can be removed from that location altogether.

Areas of Concern (see attached):

- Drexel:** SW, NW & NE corners have enough room for what is proposed.
 SE corner – not enough room for Gateway (Non-Elec) due to building in the way. My suggestion is to wait to install sign until parcel redevelops??
- NML Way:** There is no extra right of way on the west side of the road for the Signal Cabinet screen or Gateway (non-elec) that is called for in your plan. DOT plans to fit our signal cabinets on the SW corner. You originally call for a Gateway green screen in that corner, we're suggesting a cabinet green screen instead. Since there is no east leg to the intersection, my suggestion for the cities is to wait until that side develops and consider getting a land dedication to fit the sign in the SE corner?
- Rawson:** NW, SW, SE corners have enough room for what you are proposing.
 There is no room in the NE cor for signal cabinets. DOT plans to fit our signal cabinets on the SW corner. You originally call for a Gateway green screen in that corner, we're suggesting a cabinet green screen instead.
 *Note: DOT plans to purchase the access to the NE parcel thereby land locking it. When a land lock occurs, DOT is required to submit an alternate offer for the remainder and provide relocation assistance if needed. However, the property owner does not have to sell their remainder to DOT, therefore it should not be assumed that DOT would own the whole parcel. If the owner accepts our offer for the remainder than we can move the signal cabinets to that corner.
- Riverwood:** No decorative elements were called for at this intersection. However, since it is a signalized intersection, we plan to put our cabinets in the SW corner and I'm assuming you'd want the shorter green screen at that location. Please clarify either way.
- Sycamore:** No decorative elements were called for at this intersection. However, since it is a signalized intersection, we plan to put our cabinets in the SW corner and I'm assuming you'd want the shorter green screen at that location. Please clarify either way.
 *Note: DOT plans to purchase the access to the NE parcel. Same scenario as Rawson NE corner. If owner sells the remainder to us, then the signals could be moved there or another element considered.

College: SW & SE corners have very little room and we doubt the elements you have selected will fit unless they are modified. DOT plans to relocate the bank on the NW cor and plans to put our signal cabinets at that location.

*Note: DOT is considering purchasing the access rights on the parcel on the SW corner (Kentucky Fried Chicken). However, it is unlikely they would sell us the remainder because they can obtain access from their neighbor. There is a cross access easement in place between the two.

Lastly, NO non-breakaway elements will be allowed within the clear zone of the highway south of Minnesota Ave to Drexel. This would include the entire median width and terrace area. Therefore, the Wayfinding signage, Gateway Median Monuments and Advance Notice signs (all with the stone monolithic bases) shown either in the median or terrace are **unacceptable to our central office and FHWA**. In review of the environmental assessment, FHWA has already expressed that they do not like the trees located on the backside of multiuse path south of Minnesota even though they are outside the clear zone. They dropped the issue only because STH 241 is not on the National Highway System. I was told that "Errant vehicles still hit trees that are just outside the clear zone". (See attached Elements)

I highly suggest the committee consider other designs (that are break away) for these elements if you want conformity with the segment north of Minnesota.

Schedule UPDATE

Environmental Assessment has been approved by FHWA. As you may be aware, the notice of availability of the EA and notice to request a public hearing has been published and the comment period will end June 8th.

Following that, we plan to submit the Finding of No Significant Impact (FONSI) for final FHWA project approval.

60% plan is complete, Design Study Report and Traffic Mitigation Plan approved, and right of way plats submitted for relocation orders. DOT is in the process of hiring appraisers. We plan to survey the new right of way needed and appraisers will start contacting the property owners. These activities normally generate calls from property owners. If the cities should receive any, please forward them to Tom Lazcano at 262-574-5437 or by email at tom.lazcano@dot.wi.gov.

Please note: Due to budget rebalancing and more time needed for real estate acquisition , this project has been moved to **2017 construction**.

Project Manager Transition

DOT has transitioned this project to Tom Lazcano for the final design portion. Tom will be scheduling all future coordination meetings and public meetings.

Just wanted to say that I enjoyed working on this project and with all of you. The plan that was developed was definitely a coordinated effort. I can't wait till its built, because it is going to look really nice.

I look forward to working with all of you in the future.

Feel free to contact me if I can be of any assistance.

Thank you,
Vida

<p>APPROVAL <i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE 6/04/12</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Committee of the Whole Recommendations</p>	<p>ITEM NUMBER <i>G.14.</i></p>

The Council may act on recommendations from the Committee of the Whole meeting on June 4, 2012.

- A. Concept review for Scrub Plus Wash and Lube (7700 W. Rawson Avenue) (Scrub Plus RA, LLC, applicant).

<p>APPROVAL</p> <p><i>slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>6/4/2012</p>
<p>Licenses and Permits</p>	<p>Miscellaneous Permits</p>	<p>ITEM NUMBER</p> <p><i>4.1.</i></p>

See attached list from meeting of May 31, 2012

COUNCIL ACTION REQUESTED



City of Franklin

9229 W. Loomis Road
Franklin, WI 53132-9728

414-425-7500

License Committee Agenda* Alderman's Room May 31, 2012 – 4:30 pm

1.	Call to Order & Roll Call	Time		
2.	Applicant Interviews & Decisions			
License Applications Reviewed		Recommendations		
Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 2011-12 4:35 p.m.	Clausing-Tolar, Kelly Ann 5937 W Beacon Hill Dr Franklin, WI 53132 Open Pantry			
Operator 2011-12 4:40 p.m.	Markowski, Erik A 3906 W Oklahoma Ave Milwaukee, WI 53215 Rawson Pub			
Operator 2011-12 4:45 p.m.	Mast, Amy L 8349 S Newbury Dr #1708 Oak Creek, WI 53154 Irish Cottage			
Class B Combination Premise Change 2011-12	Crystal Ridge, Inc 7900 W Crystal Ridge Dr John Kaishian, Agent			
People United for the Betterment of Life and Investment in the Community (PUBLIC) Grant	Franklin Police Dept – National Night Out Kick Off Person in Charge: Officer Shawn Harrison Fees Waived: Temp Entertainment & Amusement & Soda License			
Temporary Entertainment & Amusement License	Franklin Police Dept – National Night Out Kick Off Person in Charge: Officer Shawn Harrison Location: 9455 W Loomis Rd – Franklin Public Library Date of Event: Monday, August 6, 2012			
Operator - Renewal 2011-12	Young, Roger A 3411 S Chicago Ave #7 South Milwaukee, WI 53172 Xaverian Missionaries Festival			
Operator - Renewal 2012-13	Andrelczyk, Iwona 5045 W College Ave #7 Greendale, WI 53129 Andy's on Rawson			
Operator - Renewal 2012-13	Arbogash, Adam O 1351 N 70 th St Wauwatosa, WI 53213 Walgreens – 76 th St			
Operator - Renewal 2012-13	Balcerzak, Amy B 2605 E Emily Ave Oak Creek, WI 53154 Walgreens – 76 th St			
Operator - Renewal 2012-13	Barth, Jill M 4651 W Sharon Ln Franklin, WI 53132 Walgreens – 76 th St			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator - Renewal 2012-13	Bartolone, Michael J 8041 W Tripoli Ave Milwaukee, WI 53220 On the Border			
Operator - Renewal 2012-13	Behrendt, Larry E 6631 S 51 st St Franklin, WI 53132 Walgreens – 76 th St			
Operator - Renewal 2012-13	Beierle, Wendy J 9221 S 96 th St Franklin, WI 53132 Hodach Citgo			
Operator - Renewal 2012-13	Chezem, Lorrie M 8014 S Wildwood Dr #201 Oak Creek, WI 53154 Wal-Mart Store			
Operator - Renewal 2012-13	Coley, Denise A 7345 S Delaine Dr Oak Creek, WI 53154 Wal-Mart Store			
Operator - Renewal 2012-13	Dach, Michael D 109 N Third St Upper Waterford, WI 53185 Andy's on Ryan			
Operator - New 2012-13	Danforth, Cheryl E 3657 W College Ave Milwaukee, WI 53221 Wal-Mart Store			
Operator - New 2012-13	Deford, Kristen M 7161 S 38 th St Franklin, WI 53132 Walgreens – 76 th St			
Operator - Renewal 2012-13	Falk, Diane M 4505 S 124 th St New Berlin, WI 53131 Cross Roads Pizza & Subs			
Operator - Renewal 2012-13	Falk, Michael D 10440 W Scharles Ave Hales Corners, WI 53130 Cross Roads Pizza & Subs			
Operator - Renewal 2012-13	Feest, Stephanie M 565 W Riverwood Dr #102 Oak Creek, WI 53154 Mulligan's Irish Pub & Grille			
Operator - Renewal 2012-13	Fletcher, Heather E 3966 S 92 nd St Greenfield, WI 53228 Walgreens – Loomis Rd			
Operator - Renewal 2012-13	Gidlund, Tanya J 5001 S 40 th St Greenfield, WI 53221 Walgreens – Loomis Rd			
Operator - Renewal 2012-13	Godec, Maxine J 5160 S Oakridge Dr New Berlin, WI 53146 Cross Roads Pizza & Subs			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator - Renewal 2012-13	Gorlewski, Melissa D 7562 S 73 rd St Franklin, WI 53132 Walgreens – 76 th St			
Operator - New 2012-13	Griebel, Garin L 1737 12 th Ave Grafton, WI 53024 Wal-Mart Store			
Operator - Renewal 2012-13	Hart, Desirea D 7739 S Scepter Dr Franklin, WI 53132 Hodach Citgo			
Operator - Renewal 2012-13	Hodach, Daniel P 4520 Empire Ln Waterford, WI 53185 Hodach Citgo			
Operator - Renewal 2012-13	Jacques, Amy M 28706 Beach Dr Waterford, WI 53185 Irish Cottage			
Operator - Renewal 2012-13	Klein, Sarah Beth 368 Indian Bend Rd Burlington, WI 53105 Chili's Grill & Bar			
Operator - Renewal 2012-13	Koefler, Jacob A 11507 W Church St Franklin, WI 53132 Cross Roads Pizza & Subs			
Operator - Renewal 2012-13	Lang, Antoinette M 8423 S 100 th St Franklin, WI 53132 Walgreens - Loomis Rd			
Operator - New 2012-13	Laster, Jamie L 3227 N Achilles St Milwaukee, WI 53212 Sam's Club			
Operator - Renewal 2012-13	Levenhagen, Brittney S S82 W17532 W Clearbrook Rd Muskego, WI 53150 Rawson Pub			
Operator - Renewal 2012-13	Lindner, Kimberly A 10548 W Cortez Cir #9 Franklin, WI 53132 Walgreens – 76 th St			
Operator - Renewal 2012-13	Luce, Dawn R 2956 Chickory Rd Racine, WI 53403 Wal-Mart Store			
Operator - Renewal 2012-13	Marquardt, Shelly L 2733 N Maple Rd Burlington, WI 53105 Hodach Citgo			
Operator - Renewal 2012-13	Martens Parthun, Deborah A 5373 S Merrill Ave Cudahy, WI 53110 Wal-Mart Store			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator - Renewal 2012-13	Nessmann, Carolyn M 8503 W Puetz Rd Franklin, WI 53132 Country Lanes			
Operator - New 2012-13	Orban, Kory R W3765 S4872 E Pretty Lake Rd Dousman, WI 53118 Wal-Mart Store			
Operator - Renewal 2012-13	Ottesen, Niles A S70 W20150 Adrian Dr Muskego, WI 53150 Crystal Ridge Ski Area			
Operator - Renewal 2012-13	Owen, Terry A W150 S7655 Dorothy Dr Muskego, WI 53150 Crystal Ridge Ski Area			
Operator - Renewal 2012-13	Perkins, Samantha L 3735 S Rivershire Dr #5 Greenfield, WI 53228 The Bowery Bar & Grill			
Operator - Renewal 2012-13	Peters, Ryan J 7206 W Plainfield Ave Greenfield, WI 53220 Walgreens – Loomis Rd			
Operator - Renewal 2012-13	Pilipovic, Vedrana 5045 W College Ave #7 Greendale, WI 53129 Andy's on Rawson			
Operator - Renewal 2012-13	Rainwater, Jeanne A 2604 W LeRoy Ave 14 Milwaukee, WI 53221 Staybridge Suites			
Operator - Renewal 2012-13	Reikowski, Mark A W125 S8317 North Cape Rd Muskego, WI 53150 Walgreens – 76 th St			
Operator - Renewal 2012-13	Reynolds, Sue E 5443 Mulberry Dr Greendale, WI 53129 Sam's Club			
Operator - Renewal 2012-13	Rozek, Jenna K 6433 W Powell Pl Wauwatosa, WI 53213 Cross Roads Pizza & Subs			
Operator - Renewal 2012-13	Rozek, Jessica L 6433 Powell Pl Wauwatosa, WI 53213 Cross Roads Pizza & Subs			
Operator - Renewal 2012-13	Schnell, Jason C 1612 59 th St Kenosha, WI 53140 On the Border			
Operator - Renewal 2012-13	Schuetz, Gail S 8750 S 99 th St Franklin, WI 53132 Walgreens – Loomis Rd			

Type/ Time	Applicant Information	Approve	Hold	Deny
Operator - Renewal 2012-13	Sharifian, Nicole J 3812 S 77 th St Milwaukee, WI 53220 Sam's Club			
Operator - Renewal 2012-13	Shutta, Julie A 3215 Blakewood Ave South Milwaukee, WI 53172 Sam's Club			
Operator - New 2012-13	Stankowski, Nicole L 3166 W Thorncrest Dr Franklin, WI 53132 The Bowery Bar & Grill			
Operator - Renewal 2012-13	Stark, Carey L 9830 W Plainfield Ave Greenfield, WI 53228 Wal-Mart Store			
Operator - Renewal 2012-13	Swaney, Matthew B 8129 W Ohio Ave Milwaukee, WI 53219 Walgreens – Loomis Rd			
Operator - Renewal 2012-13	Tyson, Lynda J 6813 Crocus Ct #2 Greendale, WI 53129 Hodach Citgo			
Operator - Renewal 2012-13	Varga, Kathleen A 2605 Rebecca Dr Racine, WI 53402 Walgreens – 76 th St			
Operator - New 2011-12 2012-13	Welch, Alisha R 1555 S 56 th St West Allis, WI 53214 Walgreens – Loomis Rd			
Operator - Renewal 2012-13	Wisniewski, Nicole C 9478 S 94 th St Franklin, WI 53132 Walgreens – Loomis Rd			
Operator - New 2012-13	Woychik, Teresa A 9656 S Jasper St Oak Creek, WI 53154 Irish Cottage			
Operator - Renewal 2012-13	Zacher, Alyssa G 8871 S Oak Park Dr Oak Creek, WI 53154 The Bowery Bar & Grill			
Operator - Renewal 2012-13	Zeka, Kristin M 6885 S Timber Ridge Ln #7206 Oak Creek, WI 53154 Walgreens – 76 th St			
3.	Adjournment	Time		

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

APPROVAL <i>slw</i> <i>OAP</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 6/4/12
Bills	Vouchers and Payroll Approval	ITEM NUMBER <i>I.1.</i>

Provided separately for Council approval is a list of vouchers Nos. 142905 through 143146 in the amount of \$ 1,644,314.14. Included in this listing is \$53,823.05 in Library vouchers and \$ 823,317.71 in Fund 45 vouchers.

The net City vouchers are \$767,173.38.

Approval is requested for the net payroll dated May 18, 2012 in the amount of \$341,100.15 and from the net payroll dated June 1, 2012 in the amount of \$359,234.97.

COUNCIL ACTION REQUESTED

Motion approving net City vouchers in the range of Nos.142905 through 143146 in the amount of \$767,173,38.

Approval is requested for the net payroll dated May 18, 2012 in the amount of \$341,100.15 and from the net payroll dated June 1, 2012 in the amount of \$359,234.97.