

<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MTG. DATE</b> 10/18/16
Reports & Recommendations	<b>A FINAL RESOLUTION DIRECTING PAYMENT  AND LEVY OF SPECIAL ASSESSMENT FOR THE  COST OF NON-DECORATIVE STREET LIGHTS ON  S. 27<sup>TH</sup> STREET FROM W. RAWSON AVENUE TO W  VILLA DRIVE</b>	<b>ITEM NO.</b> <i>G. 3.</i>

**BACKGROUND**

A public hearing was held on 10/18/2016 regarding the proposed special assessment for non-decorative street lighting on S. 27<sup>TH</sup> Street from W. Rawson Avenue to W Villa Drive.

**ANALYSIS**

The assessments are included in the Engineering Report dated September 27, 2016 and total \$113,515.09 for seventeen properties.

A copy of the presentation given at the public hearing is enclosed.

**OPTIONS**

Adopt Resolution; or

Table -

**FISCAL NOTE**

**RECOMMENDATION**

Motion to adopt Resolution No. 2016-\_\_\_\_\_, a final resolution directing payment and levy of special assessment for installation of non-decorative street lights on S. 27th Street from W. Rawson Avenue to W Villa Drive

CITY OF FRANKLIN  
OFFICIAL NOTICE

NOTICE OF PUBLIC HEARING ON SPECIAL ASSESSMENT FOR  
THE COST OF NON-DECORATIVE  
STREET LIGHTING ON S. 27TH STREET (USH 241) FROM  
W. RAWSON AVENUE TO W. VILLA DRIVE

NOTICE IS HEREBY GIVEN that the Common Council of the City of Franklin has declared its intention to exercise its police powers under Section 66.0701, Wisconsin Statutes, and Section 207-15, Franklin Municipal Code, to levy special assessments for the cost of non-decorative street lighting, in the following location:

"S. 27th Street (USH 241) from W. Rawson Avenue (CTH BB) to W. Villa Drive"

A report showing proposed plans and proposed assessments and other data is on file in the Clerk's Office at Franklin City Hall, 9229 West Loomis Road, Franklin, Wisconsin, 53132.

NOTICE IS HEREBY GIVEN that such report is open for review and inspection from Monday through Friday, between the hours of 9:00 a.m. and 12 noon and 1:00 p.m. and 4:30 p.m. and will be so continued for the period of ten (10) days after the date of publication of this notice.

NOTICE IS ALSO HEREBY FURTHER GIVEN that on **TUESDAY, OCTOBER 18, 2016 at 6:30 p.m.** the Common Council will be in session in their chambers at Franklin City Hall, 9229 W. Loomis Rd., Franklin, WI, 53132 to hear all persons interested, their agents or attorneys, concerning the matter contained in the preliminary resolution and report, including proposed assessments.

If you have any questions contact City Engineer Glen Morrow at 425-7510.

By order of the Common Council of the City of Franklin, Wisconsin, the 22nd day of September, 2016.

Sandra L. Wesolowski  
City Clerk

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2016-7226

A PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE  
SPECIAL ASSESSMENT POWERS GRANTED BY SECTION 207-15 OF THE  
MUNICIPAL CODE, AND SECTION 66.0701 OF THE STATE STATUTES AND  
ESTABLISH A PUBLIC HEARING DATE FOR THE COST OF NON-DECORATIVE  
STREET LIGHTING ON S. 27TH STREET (USH 241) FROM  
W. RAWSON AVENUE TO W. VILLA DRIVE

---

WHEREAS, the Common Council has determined that it is expedient and necessary for the best interests of the City, its people and the property affected thereby that the following permanent improvements be made as described in this preliminary resolution.

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

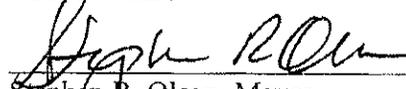
1. The Common Council declares its intent to exercise police powers granted to it by law and a judge that it is necessary for the health, safety and welfare of the public and affected property owners that a public work of improvement be made for the cost of non-decorative street lighting on S. 27th Street (USH 241) from W. Rawson Avenue to W. Villa Drive.
2. The assessment to be for non-decorative, although decorative will be installed, the difference in cost to be borne by the City.
3. The Common Council in this process exercises its power to levy special assessments under its police power as authorized in Section 207-15 of the Municipal Code and Section 66.0701 of the Wisconsin Statutes.
4. The Common Council further declares that a public hearing be held on October 18, 2016 to consider this project and it's funding.
5. The Common Council further declares that the amount assessed against any property for this improvement shall be upon a reasonable basis as determined by the Common Council.
6. That the City Engineer and/or his authorized representative is directed to prepare the report as described in Section 207-15.E. of the Municipal Code for the installation of street lighting on S. 27th Street (USH 241) from W. Rawson Avenue to W. Villa Drive.

7. Upon completion of such report the City Engineer and/or his authorized representative is directed to file a copy thereof in the Office of the City Clerk for public inspection.
8. That the City Clerk is directed to schedule and give notice of a Public Hearing to be conducted by the Mayor and Common Council in accordance with the provisions of Section 207-15.I. of the Municipal Code.

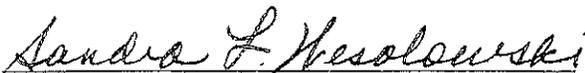
INTRODUCED at a regular meeting of the Common Council of the City of Franklin this 20th day of September, 2016, by Alderman Taylor.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the 20th day of September, 2016.

APPROVED:

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

ATTEST:

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

AYES 5      NOES 0      ABSENT 1 (Ald. Wilhelm)

**REPORT ON SPECIAL ASSESSMENTS**  
**S. 27TH STREET**  
**FROM W. VILLA DRIVE TO W. RAWSON AVENUE**  
**STREET LIGHTS**  
**September 27, 2016**

The Common Council of the City of Franklin directed Engineering staff to prepare the Report on Special Assessments for the cost of non-decorative street lights in S. 27th Street (USH 241) from W. Villa Drive to W. Rawson Avenue in the City of Franklin, as included in Resolution No. 2016-7226, adopted on September 20, 2016, which resolution describes the improvements that are installed.

Herewith is the report, consisting of Schedules A through D, attached.

**FRANKLIN ENGINEERING DEPARTMENT**

Glen E. Morrow  
City Engineer

**SCHEDULE A – CONSTRUCTION PLANS AND SPECIFICATIONS**  
(Prepared for Wisconsin Department of Transportation.)

**SCHEDULE B – TOTAL PROJECT COSTS**

Construction Cost of Standard (Non-Decorative) Lighting	\$192,968.70
Project Factors (Technical Services, Inspection, Legal & Fiscal Administration & Contingency)	<u>\$ 34,061.40</u>

TOTAL PROJECT COST \$227,030.18

City of Franklin Portion (50% of Total) \$113,515.09

**SCHEDULE C – ASSESSMENT AND MUNICIPAL PAYMENT**

The listing in Schedule D includes the following:

Total Street Light Assessable Frontage	6,162.60 LF
Street Light Assessment Rate	\$ 18.42/LF
Assessment Return	\$ 113,515.09

**STATEMENT OF BENEFIT**

The properties which are subject to the assessment are benefited by street lights in the following ways: commercial development in the area has created a tremendous increase in traffic and subsequent turning movements as users drive to and from commercial centers; pedestrian safety will be increased by improved lighting as people cross access roads and walks along S. 27th Street. This street lighting provides a uniform lighting which is consistent and maintained.

**SCHEDULE D**

The properties, against which the assessments are proposed, are benefited. The schedule of special assessments lists property descriptions, ownership of record frontage, assessable frontage, assessment rate and assessment.

SPECIAL ASSESSMENT REPORT

S. 27TH STREET - STREET LIGHTING

W. VILLA DRIVE TO W. RAWSON AVENUE

TAX KEY NO.	PROPERTY ADDRESS	NAME OF OWNER/LEGAL DESCRIPTION	PROPERTY FRONTAGE (FOOT)	ZONING	ASSESSABLE FRONTAGE (FOOT)	RATE PER FOOT	TOTAL ASSESSMENT
761-9950-001	7103 S. 27th Street	State of Wisconsin D.O.T. 141 NW Barstow Avenue Waukesha, WI 53188-3789	154.94	B-4	154.94	18.42	\$ 2,853.99
761-9954-001	7131 S. 27th Street	John & Evelyn Kafura 5275 Chesapeake Ct. Oshkosh, WI 54901	220.00	B-4	220.00	18.42	\$ 4,052.40
761-9955-005	7171/7219 S. 27th Street	St. James Congregation 7219 S. 27th Street Franklin, WI 53132	554.19	I-1	554.19	18.42	\$ 10,208.18
761-9956-001	7251 S. 27th Street	Velma Kubica c/o John Kubica 65834 Pearce Road Ashland, WI 54806	135.00	B-4	135.00	18.42	\$ 2,486.70
761-9990-002	7273 S. 27th Street	Trule LLC (Park Motel) 7273 S. 27th Street Franklin, WI 53132	267.10	B-4	267.10	18.42	\$ 4,919.98
761-9992-004	7333 S. 27th Street	Metro Milwaukee YMCA Bank Creditor 330 E. Kilbourn Avenue, Suite 1085 Milwaukee, WI 53202	531.38	B-4	531.38	18.42	\$ 9,788.02
761-9994-006	7407 S. 27th Street	Platt Construction 7407 S. 27th Street Franklin, WI 53132	332.06	B-4	332.06	18.42	\$ 6,116.55
761-9996-002	7441 S. 27th Street	RRA, LLC (Adair) W351 N5442 Lake Drive Oconomowoc, WI 53066	166.00	B-4	166.00	18.42	\$ 3,057.72
786-9980-003	1 & 2 Northwestern Mutual Way	NW Mutual Life Insurance Co. 720 E. Wisconsin Avenue Milwaukee, WI 53202	2642.34	BP	2642.34	18.42	\$ 48,671.90

SPECIAL ASSESSMENT REPORT

S. 27TH STREET - STREET LIGHTING

W. VILLA DRIVE TO W. RAWSON AVENUE

809-9938-003	7905 S. 27th Street	Hwy 31/60 Real Estate LLC 1509 N. Prospect Avenue Milwaukee, WI 53202	139.63	B-4	139.63	18.42	\$	2,571.98
809-9940-000	7925 S. 27th Street	Kevin McNeven W5335 County Road SS, Random Lake, WI 53075-1265	114.67	B-4	114.67	18.42	\$	2,112.22
809-9941-002	7933 S. 27th Street	WRS Herzebrock IV Ltd. Ptnrshp c/o D & D Prop. Mgmt 17310 W. Cleveland Avenue New Berlin, WI 53146	305.33	B-4	305.33	18.42	\$	5,624.18
809-9944-014	8001/8009 S. 27th Street	Rudolph Stummvoll 3040 S. 130th Street New Berlin, WI 53151	139.96	B-4	139.96	18.42	\$	2,578.06
809-9944-015	No Address	Rudolph Stummvoll 3040 S. 130th Street New Berlin, WI 53151	110.00	B-4	110.00	18.42	\$	2,026.20
809-9945-001	8033 S. 27th Street	WRS Herzebrock III Ltd. Ptnrshp c/o D & D Property 17310 W. Cleveland Avenue New Berlin, WI 53146	110.00	B-4	110.00	18.42	\$	2,026.20
809-9944-016	8043 S. 27th Street	WRS Herzebrock III Ltd. Ptnrshp c/o D & D Property 17310 W. Cleveland Avenue New Berlin, WI 53146	115.00	B-4	115.00	18.42	\$	2,118.30
809-0049-000	8095 S. 27th Street	WRS Herzebrock III Ltd. Ptnrshp c/o D & D Property 17310 W. Cleveland Avenue New Berlin, WI 53146	125.00	B-4	125.00	18.42	\$	2,302.50
<b>TOTALS:</b>					<b>6,162.60</b>	<b>18.42</b>	<b>\$</b>	<b>113,515.09</b>



**S. 27<sup>th</sup> Street (US 241) Lighting  
(W. Villa Dr to W. Rawson Ave)**

**Special Assessment Report**

**Public Hearing** October 18, 2016

**Resolution No 2016-7226**

- Common Council Passed September 20, 2016
- Directed Staff to Prepare Assessment Report for Non-decorative Lighting For S. 27 Street
- W. Rawson Avenue to W. Villa Drive (Only)



City of Franklin S. 27<sup>th</sup> Street Lighting Assessment 10/18/2016

**FYI... Rawson to College**

- Previously Assessed for Non-Decorative Street Lights
- WisDOT Project Replacing with Decorative System



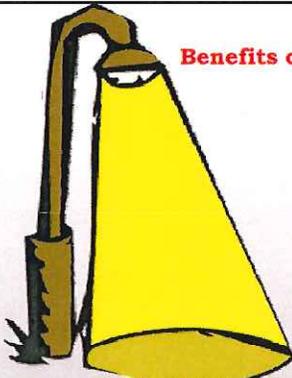
City of Franklin S. 27<sup>th</sup> Street Lighting Assessment 10/18/2016

**Lighting Cost Estimate**

- Wisconsin DOT is the Lead Agency on Reconstruction of US 241 (S. 27<sup>th</sup> Street)
- \$192,968.70 Construction Cost** of Non-Decorative Lighting Calculated by WisDOT for Franklin Side (pre-bid)
- \$34,061.40 Project Factors** of Technical Services, Inspection, Legal/ Fiscal Administration, and Contingency
- \$227,030.10 Total**
- \$113,515.09 City of Franklin Portion** (50% of Total)
- \$358,230 Cost of Decorative Lighting** Calculated per WisDOT Bid Unit Prices
- City Of Franklin/ WisDOT Paying Difference.



City of Franklin S. 27<sup>th</sup> Street Lighting Assessment 10/18/2016



**Benefits of Street Lighting**

- Commercial Development = Increase in Traffic
- Turning Movements to and from Commercial
- Pedestrian Safety will be Increased
- People Use Sidewalk for Longer Hours Along S. 27<sup>th</sup> Street
- Lighting which is Consistent and Maintained
- Safer Access for Emergency Services

City of Franklin S. 27<sup>th</sup> Street Lighting Assessment 10/18/2016

**Franklin Municipal Code**

- 207-15 B Levy of Assessments.** The cost of installing or constructing **any public work or improvement** by the City may be charged under this section in whole or in part to the property benefited by such work or improvement, and the City Council may make an assessment against such **benefited property** in the manner provided herein...
- 207-15 K(2)(d) A deferment...** installation of streetlights... **zoned** single-family or two family residential...



City of Franklin S. 27<sup>th</sup> Street Lighting Assessment 10/18/2016

### Assessment Costs



**\$113,515.09** Cost of Lighting  
**6,162.60** Linear Foot of Assessable Frontage  
**= \$18.42 / LF** Street Light Assessment Rate

City of Franklin S. 27<sup>th</sup> Street Lighting Assessment 10/18/2016

### Payment Plan Options

- ▶ 100% Upon Completion

Or...

- ▶ Billed Over Time
  - ▶ Annual Tax Bill
  - ▶ 12 Years
  - ▶ 6% APR Interest



City of Franklin S. 27<sup>th</sup> Street Lighting Assessment 10/18/2016

### Questions?



City of Franklin S. 27<sup>th</sup> Street Lighting Assessment 10/18/2016

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2016- \_\_\_\_\_

A FINAL RESOLUTION DIRECTING PAYMENT AND LEVY OF SPECIAL ASSESSMENT  
FOR INSTALLATION OF NON-DECORATIVE STREET LIGHTS ON S. 27TH STREET  
FROM W. RAWSON AVENUE TO W VILLA DRIVE

---

WHEREAS, the installation of public improvements in the location stated below is in the interest of the public and in improving the lighting of the S. 27<sup>th</sup> Street corridor and will benefit the abutting property owners; and

WHEREAS, the Franklin Common Council declares its intent to exercise its police powers granted to it by law and adjudge that it is necessary for the health, safety and welfare of the public and affected property owners that a public work of improvement be made for the installation of street lighting on S. 27<sup>th</sup> Street from W. Rawson Avenue to W. Villa Drive; and

WHEREAS, the Office of the City Engineer caused a report to be made consisting of plans and specifications, an estimate of the cost of the project and assessment to each affected parcel of property and filed its report in the Office of the City Clerk for public inspection; and

WHEREAS, the Office of the City Clerk gave notice to affected persons by mail on September 27, 2016, and to all persons by publication in the official newspaper on September 29, 2016; and

WHEREAS, the Franklin Common Council held a public hearing on October 18, 2016 on said improvements at which time the Council heard all persons who wished to speak; and

WHEREAS, the estimated cost from the Wisconsin Department of Transportation for non-decorative lights was included as part of the Engineer's Assessment Report. Decorative lighting is being installed and billed to the City at no additional cost to the property owners.

NOW, THEREFORE BE IT RESOLVED by the Common Council of the City of Franklin that the work and improvements for installing street lighting are directed to be carried out.

BE IT RESOLVED that payment for the non-decorative lighting be made by assessing the cost to the abutting property as indicated in the Report of the City Engineer; that assessments may be paid in full in one (1) payment or in twelve (12) annual installments together with interest at the rate of 6% per annum to the City Treasurer.

BE IT FURTHER RESOLVED that the City Engineer's Report on this matter, including plans and specifications is approved and the work and improvements be carried out in accordance with the Report.

BE IT FURTHER RESOLVED that the City Clerk is directed to publish this resolution as a Class I notice under Chapter 985 of the Wisconsin Statutes and to mail a copy of this resolution to every property owner whose name appears on the assessment roll and whose post office address is known or can be ascertained with reasonable diligence.

BE IT FURTHER RESOLVED that any person who has an interest in property affected by this action who feels aggrieved thereby may, within 40 days after the date of adoption of this resolution, appeal to the Circuit Court for Milwaukee County as set forth in Section 66.0701 Wisconsin Statutes and 207-15 of the Municipal Code.

INTRODUCED at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_, 2016, by Alderman \_\_\_\_\_.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

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

ATTEST:

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

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

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p>10/18/16</p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>STANDARDS, FINDINGS AND DECISION OF THE CITY OF FRANKLIN COMMON COUNCIL UPON THE APPLICATION OF TOM AND CAROLE DONOVAN, FOR A SPECIAL EXCEPTION TO CERTAIN NATURAL RESOURCE PROVISIONS OF THE CITY OF FRANKLIN UNIFIED DEVELOPMENT ORDINANCE</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.4.</i></p>

At their meeting on September 28, 2016, the Environmental Commission recommended approval of a Special Exception to certain natural resource provisions of the Unified Development Ordinance. The Environmental Commission's Special Exception Application Review and Recommendation form, dated October 12, 2016, is attached.

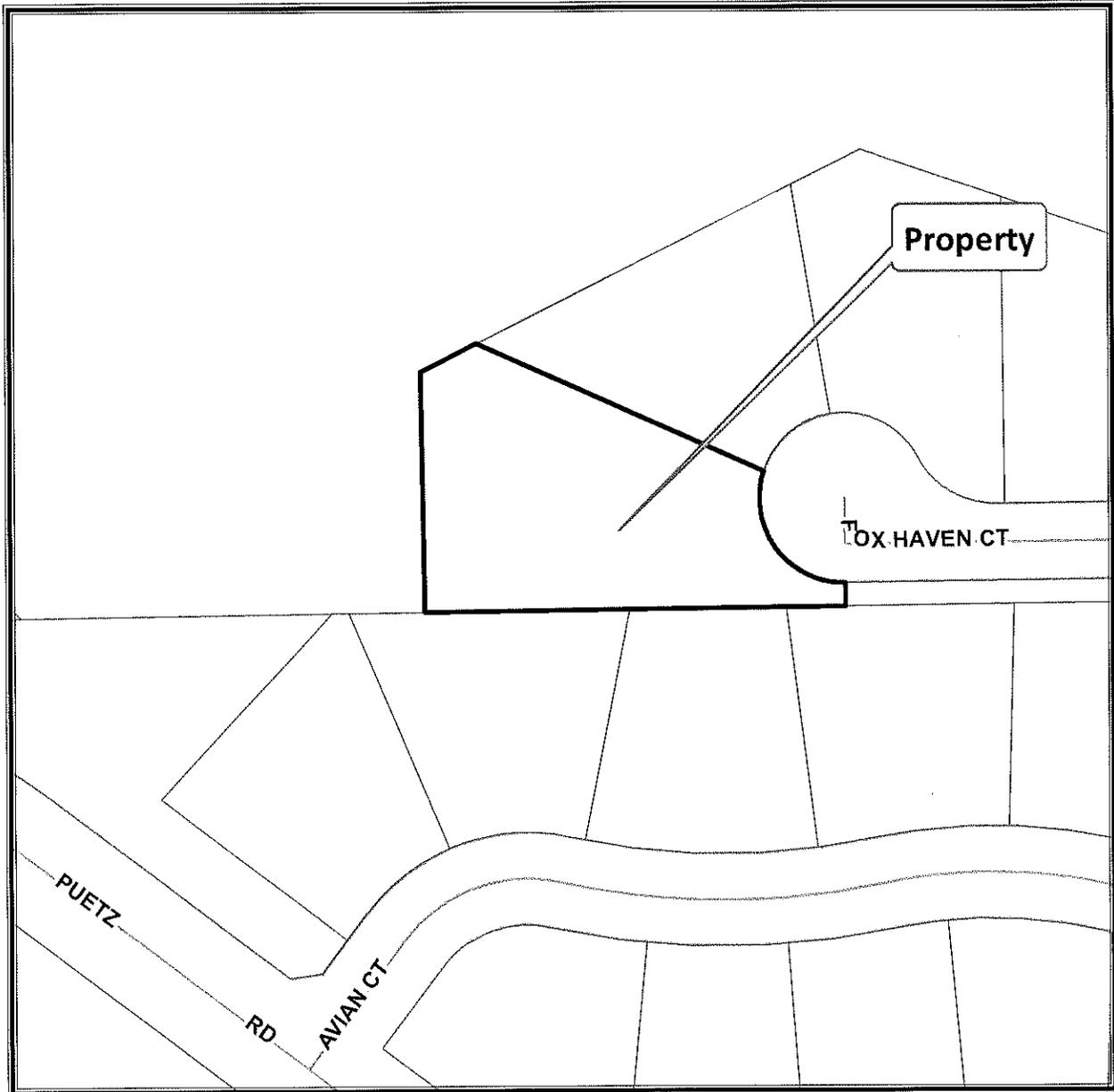
At the regular meeting of the Plan Commission on October 6, 2016, following a properly noticed public hearing, the following action was approved: move to recommend to the Common Council approval of the Tom and Carole Donovan Natural Resource Features Special Exception pursuant to the Standards, Findings and Decision recommended by the Plan Commission and Common Council consideration of the Environmental Commission recommendations.

**COUNCIL ACTION REQUESTED**

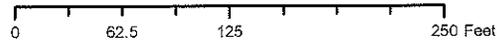
Adopt the standards, findings and decision of the City of Franklin Common Council upon the application of Tom and Carole Donovan, for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance, to approve the application.



7280 W. Fox Haven Court  
TKN: 837 0129 000



Planning Department  
(414) 425-4024



2016 Aerial Photo

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

Standards, Findings and Decision  
of the City of Franklin Common Council upon the Application of Gregory David  
Marso, Marso Companies, LLC d/b/a Carstensen Homes and Tom Donovan and  
Carole Donovan (property owners) for a Special Exception to Certain Natural  
Resource Provisions of the City of Franklin Unified Development Ordinance

Whereas, Gregory David Marso, Marso Companies, LLC d/b/a Carstensen Homes and Tom Donovan and Carole Donovan (property owners) having filed an application dated September 8, 2016, for a Special Exception pursuant to Section 15-9.0110 of the City of Franklin Unified Development Ordinance pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature; a copy of said application being annexed hereto and incorporated herein as Exhibit A; and

Whereas, the application having been reviewed by the City of Franklin Environmental Commission and the Commission having made its recommendation upon the application, a copy of said recommendation dated October 12, 2016 being annexed hereto and incorporated herein as Exhibit B; and

Whereas, following a public hearing before the City of Franklin Plan Commission, the Plan Commission having reviewed the application and having made its recommendation thereon as set forth upon the report of the City of Franklin Planning Department, a copy of said report dated October 6, 2016 being annexed hereto and incorporated herein as Exhibit C; and

Whereas, the property which is the subject of the application for a Special Exception is located at approximately 7280 West Fox Haven Court, zoned R-3 Suburban/Estate Single-Family Residence District, and such property is more particularly described upon Exhibit D annexed hereto and incorporated herein; and

Whereas, Section 15-10.0208B. of the City of Franklin Unified Development Ordinance, as amended by Ordinance No. 2003-1747, pertaining to the granting of Special Exceptions to Stream, Shore Buffer, Navigable Water-related, Wetland, Wetland Buffer and Wetland Setback Provisions, and Improvements or Enhancements to a Natural Resource Feature, provides in part: "The decision of the Common Council upon any decision under this Section shall be in writing, state the grounds of such determination, be filed in the office of the City Planning Manager and be mailed to the applicant."

Now, Therefore, the Common Council makes the following findings pursuant to Section 15-10.0208B.2.a., b. and c. of the Unified Development Ordinance upon the application for a Special Exception dated September 8, 2016, by Gregory David Marso, Marso Companies, LLC d/b/a Carstensen Homes and Tom Donovan and

Carole Donovan (property owners), pursuant to the City of Franklin Unified Development Ordinance, the proceedings heretofore had and the recitals and matters incorporated as set forth above, recognizing the applicant as having the burden of proof to present evidence sufficient to support the following findings and that such findings be made by not less than four members of the Common Council in order to grant such Special Exception.

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *This is an application to improve/enhance a natural resource feature.*

2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:

a. be unreasonably burdensome to the applicant and that there are no reasonable practicable alternatives; *or*

b. unreasonably and negatively impact upon the applicant's use of the property and that there are no reasonable practicable alternatives: *If the applicant is unable to improve the young woodland as requested, then the invasive species infesting the existing woodland will have a negative impact on the applicant's use of the property by continuing to degrade the quality and aesthetics of the existing woodland.*

3. The Special Exception, including any conditions imposed under this Section will:

a. be consistent with the existing character of the neighborhood: *the proposed development with the grant of a Special Exception as requested will be consistent with the existing character of the neighborhood; and*

b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *The proposed enhancements to the young woodland will not adversely impact the character of the neighborhood. Furthermore, the proposed single-family residence will be consistent with the existing character of the neighborhood; and*

c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *The proposed project is in harmony with the general purpose and intent of the provisions of this Ordinance; and*

d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development: (this finding only applying to an application to improve or enhance a natural resource feature). *The property does not contain any stream, shore buffer,*

wetland, wetland buffer or wetland setback. However, the functional value of the young woodland will be enhanced.

The Common Council considered the following factors in making its determinations pursuant to Section 15-10.0208B.2.d. of the Unified Development Ordinance.

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: *The proposed single-family residence will meet all zoning requirements.*

2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: *Not every lot in the Whispering Woods Subdivision has a conservation easement on it.*

3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The existing use is residential and the future use will remain residential.*

4. Aesthetics: *The proposed special exception will improve the aesthetics of the Donovan's property and the surrounding area.*

5. Degree of noncompliance with the requirement allowed by the Special Exception: *The Special Exception requested is to enhance approximately 0.2 acres (8,793 square feet) of young woodland located on the west side of their property. Specifically, the applicants are proposing to remove existing vegetation and install native enhancement plantings to create a healthier and more diverse woodland.*

6. Proximity to and character of surrounding property: *The Donovan's property is bordered by single-family residences to the north, east and south and the Tuckaway Country Club's golf course to the west. The subject young woodland is located on the west side of the property.*

7. Zoning of the area in which property is located and neighboring area: *The Donovan's property and the properties to the north, east and south are zoned R-3 Suburban/Estate Single-Family Residence District. Tuckaway Country Club's property to the west is zoned P-1 Park District.*

8. Any negative effect upon adjoining property: *No negative effect upon adjoining property is perceived.*

9. Natural features of the property: *Young woodland.*

10. Environmental impacts: *The Special Exception requested is to enhance approximately 0.2 acres (8,793 square feet) of young woodland located on the west side of their property. Specifically, the applicants are proposing to remove existing vegetation and install native enhancement plantings to create a healthier and more diverse woodland.*

11. A recommendation from the Environmental Commission as well as a review and recommendation prepared by an Environmental Commission-selected person knowledgeable in natural systems: *The Environmental Commission recommendation and its reference to the report of October 12<sup>th</sup> are incorporated herein.*

12. The practicable alternatives analysis required by Section 15-9.0110C.4. of the Unified Development Ordinance and the overall impact of the entire proposed use or structure, performance standards and analysis with regard to the impacts of the proposal, proposed design solutions for any concerns under the Ordinance, executory actions which would maintain the general intent of the Ordinance in question, and other factors relating to the purpose and intent of the Ordinance section imposing the requirement: *The Plan Commission recommendation and the Environmental Commission recommendation address these factors and are incorporated herein.*

#### Decision

*Upon the above findings and all of the files and proceedings heretofore had upon the subject application, the Common Council hereby grants a Special Exception for such relief as is described within Exhibit C, upon the conditions: 1) that the natural resource features upon the property to be developed be protected by a perpetual conservation easement to be approved by the Common Council prior to any development within the areas for which the Special Exception is granted; 2) that the applicant obtain all other necessary approval(s) from all other applicable governmental agencies prior to any development within the areas for which the Special Exception is granted; 3) that all development within the areas for which the Special Exception is granted shall proceed pursuant to and be governed by the approved Natural Resource Protection Plan and all other applicable plans for Gregory David Marso, Marso Companies, LLC d/b/a Carstensen Homes and Tom Donovan and Carole Donovan (property owners) and all other applicable provisions of the Unified Development Ordinance; 4) The property owner shall implement a multi-year management plan to include treatment of buckthorn and honeysuckle with manual removal and herbicide stump treatments every October through the year 2020; 5) Any plant materials included in the Restoration Plan that do not survive a plant establishment period of two (2) years after installation shall be replaced by the property owner with plant material(s) of the same or like species of equal size within the next planting season, but in any event, within six (6) months of the plant's demise. The duration of this grant of Special Exception is permanent.*

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

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

ATTEST:

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

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

# Exhibit A

**Planning Department**  
 9229 West Loomis Road  
 Franklin, Wisconsin 53132  
 Email: [generalplanning@franklinwi.gov](mailto:generalplanning@franklinwi.gov)



**City of Franklin**

Phone: (414) 425-4024  
 Fax: (414) 427-7691  
 Web Site: [www.franklinwi.gov](http://www.franklinwi.gov)

Date of Application: \_\_\_\_\_

## NATURAL RESOURCE SPECIAL EXCEPTION APPLICATION

*Complete, accurate and specific information must be entered. Please Print.*

**Applicant (Full Legal Name[s]):**

Name: Gregory David Marso  
 Company: Marso Companies dba Carstensen Homes  
 Mailing Address: 9120 West Loomis Road, #400  
 City / State: Franklin, WI Zip: 53132  
 Phone: 414-529-4588  
 Email Address: gregm@marsoco.com

**Applicant is Represented by (contact person) (Full Legal Name[s]):**

Name: Same as applicant  
 Company: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 City / State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Email Address: \_\_\_\_\_

**Project Property Information:**

Property Address: 7280 West Fox Haven Court  
 Property Owner(s): Tom & Carole Donovan  
 Mailing Address: 8555 South River Terrace  
 City / State: Franklin WI Zip: 53132  
 Email Address: tom.donovan@chrobinson.com & cdonovan@wi.rr.com

Tax Key Nos: 837 0219 000  
 Existing Zoning: R-3  
 Existing Use: vacant lot, but single family residential  
 Proposed Use: single family residential  
 Future Land Use Identification: residential

\*The 2025 Comprehensive Master Plan Future Land Use Map is available at: <http://www.franklinwi.gov/Home/ResourcesDocuments/Maps.htm>

**Natural Resource Special Exception Application submittals for review must include and be accompanied by the following:**

(See Section 15-10.0208 of the Unified Development Ordinance for review and approval procedures.)

<http://www.franklinwi.gov/Home/Planning/UnifiedDevelopmentOrdinanceUDO.htm>

- This Application form accurately completed with original signature(s). Facsimiles and copies will not be accepted.
- Application Filing Fee, payable to City of Franklin:  \$500
- Legal Description for the subject property (WORD.doc or compatible format).
- Seven (7) complete **collated** sets of Application materials to include:
  - One (1) original and six (6) copies of a written Project Narrative.
  - Three (3) **folded** full size, drawn to scale copies (at least 24" x 36") of the Plat of Survey (as required by Section 15-9.0110(B) of the Unified Development Ordinance).
  - Three (3) **folded** full size, drawn to scale copies (at least 24" x 36") of the Natural Resource Protection Plan (See Sections 15-4.0102 and 15-7.0201 for information that must be denoted on or included with the NRPP).
  - Four (4) **folded** reduced size (11"x17") copies of the Plat of Survey and Natural Resource Protection Plan.
- Three copies of the Natural Resource Protection report, if applicable. (see Section 15-7.0103Q of the UDO).
- One copy of all necessary governmental agency permits for the project or a written statement as to the status of any application for each such permit.
- Email (or CD ROM) with all plans/submittal materials. *Plans must be submitted in both Adobe PDF and AutoCAD compatible format (where applicable).*

- Upon receipt of a complete submittal, staff review will be conducted within ten business days.
- Natural Resource Special Exception requests require review by the Environmental Commission, public hearing at and review by the Plan Commission, and Common Council approval prior to recording with Milwaukee County Register of Deeds.

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 - Property Owner  
Thomas Donovan, property owner  
 Name & Title (PRINT)  
 Date: 8-8-16

Signature - Property Owner  
Carole Donovan, property owner  
 Name & Title (PRINT)  
 Date: 8-8-16

Signature - Applicant  
Gregory David Marso, PRES & CEO  
 Name & Title (PRINT)  
 Date: 9/08/16

N/A  
 Signature - Applicant's Representative  
 Name & Title (PRINT)  
 Date: \_\_\_\_\_

**Natural Resource Special Exception Question and Answer Form.**

**Questions to be answered by the Applicant**

Items on this application to be provided in writing by the Applicant shall include the following, as set forth by Section 15-9.0110C. of the UDO:

A. Indication of the section(s) of the UDO for which a Special Exception is requested. \_\_\_\_\_  
15-10.0208 special exceptions to stream, shore buffer, navigable water-related, wetland, wetland buffer and wetland setback provisions, and improvements or enhancements to a natural resource feature. In this case we are looking to allow enhancements to a nature resource feature (conservation easement)

B. Statement regarding the Special Exception requested, giving distances and dimensions where appropriate.  
western end of lot #8 in the whispering woods subdivision, approximately 8,793SF of the total lot area of 31,504SF  
see survey for clarification

C. Statement of the reason(s) for the request.  
property is proposed for a single family residence, owner desires to enhance and improve the quality of the existing natural resource (woodland in conservation easement)

D. Statement of the reasons why the particular request is an appropriate case for a Special Exception, together with any proposed conditions or safeguards, and the reasons why the proposed Special Exception is in harmony with the general purpose and intent of the Ordinance. In addition, the statement shall address any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district, including a practicable alternative analysis as follows:

**1) Background and Purpose of the Project.**

(a) Describe the project and its purpose in detail. Include any pertinent construction plans.  
new single family residence is being designed and will be proposed to start in late 2016. see project narrative for detail on conservation easement maintenance/enhancements being proposed

(b) State whether the project is an expansion of an existing work or new construction.  
this is a new single family home project on an existing subdivided property, whispering woods subdivision

- (c) State why the project must be located in or adjacent to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback to achieve its purpose.

project does not impact any of the above

---

---

---

---

**2) Possible Alternatives.**

- (a) State all of the possible ways the project may proceed without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback as proposed.

N/A

---

---

---

---

- (b) State how the project may be redesigned for the site without affecting the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

N/A

---

---

---

---

- (c) State how the project may be made smaller while still meeting the project's needs.

N/A

---

---

---

---

- (d) State what geographic areas were searched for alternative sites.

N/A

---

---

---

---

- (e) State whether there are other, non-stream, or other non-navigable water, non-shore buffer, non-wetland, non-wetland buffer, and/or non-wetland setback sites available for development in the area.

N/A

---

---

---

---

(f) State what will occur if the project does not proceed.

N/A

---

---

---

---

**3) Comparison of Alternatives.**

(a) State the specific costs of each of the possible alternatives set forth under sub.2., above as compared to the original proposal and consider and document the cost of the resource loss to the community.

N/A

---

---

---

---

(b) State any logistical reasons limiting any of the possible alternatives set forth under sub. 2., above.

N/A

---

---

---

---

(c) State any technological reasons limiting any of the possible alternatives set forth under sub. 2., above.

N/A

---

---

---

---

(d) State any other reasons limiting any of the possible alternatives set forth under sub. 2., above.

N/A

---

---

---

---

**4) Choice of Project Plan.**

State why the project should proceed instead of any of the possible alternatives listed under sub.2., above, which would avoid stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback impacts.

N/A

---

---

---

---

5) **Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Description.**

Describe in detail the stream or other navigable water shore buffer, wetland, wetland buffer, and/or wetland setback at the site which will be affected, including the topography, plants, wildlife, hydrology, soils and any other salient information pertaining to the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback.

N/A

---

---

---

6) **Stream or Other Navigable Water, Shore Buffer, Wetland, Wetland Buffer, and Wetland Setback Impacts.**

- a) Diversity of flora including State and/or Federal designated threatened and/or endangered species.  Not Applicable  Applicable
- b) Storm and flood water storage.  Not Applicable  Applicable
- c) Hydrologic functions.  Not Applicable  Applicable
- d) Water quality protection including filtration and storage of sediments, nutrients or toxic substances.  Not Applicable  Applicable
- e) Shoreline protection against erosion.  Not Applicable  Applicable
- f) Habitat for aquatic organisms.  Not Applicable  Applicable
- g) Habitat for wildlife.  Not Applicable  Applicable
- h) Human use functional value.  Not Applicable  Applicable
- i) Groundwater recharge/discharge protection.  Not Applicable  Applicable
- j) Aesthetic appeal, recreation, education, and science value.  Not Applicable  Applicable
- k) Specify any State or Federal designated threatened or endangered species or species of special concern.  Not Applicable  Applicable
- l) Existence within a Shoreland.  Not Applicable  Applicable
- m) Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time.  Not Applicable  Applicable

Describe in detail any impacts to the above functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback:

N/A

---

---

---

7) **Water Quality Protection.**

Describe how the project protects the public interest in the waters of the State of Wisconsin.

N/A

---

---

---

---

---

## Natural Resource Protection Plan: Revised 9-27-16

Donovan Residence 7280 Foxhaven Court Franklin, Wisconsin

The wooded western portion of the Donovan lot falls within an 8,793 sf Conservation easement.

The woodland currently consists of a crowded mix of mature and young hardwoods, many in mild to extreme stages of decline due to the overgrown nature of the woodland, disease, and grapevine infestation. Within the easement the primary tree species include at least four 12-24" dbh Box Elder (*Acer negundo*), numerous seedling Green Ash (*Fraxinus pennsylvanica*), one 8" dbh Hawthorn (*Crataegus* spp) (*Note on previous narrative it was mistakenly said that there were 2 hawthorns in the easement. There is only one in the easement-the others being in the area outside the easement.*), and three 10-12" dbh Austrian Pine (*Pinus Nigra*), with the understory dominated by mature and seedling Buckthorn (*Rhamnus cathartica*) and Honeysuckle (*Lonicera* spp), both included on the Wisconsin DNR Invasive Species list, and mature Gray Dogwood (*Cornus Racemosa*) shrubs.

Additionally, non-restricted invasive species both within the conservation easement include clusters of mature and seedling European Cranberrybush *Viburnum* (*Viburnum opulus*), Queen Anne's Lace (*Daucus carota*), Burdock (*Arctium minus*), Canada Thistle (*Cirsium arvense*) and Quackgrass (*Elymus repens*). Seedling and young Cherry (*Prunus* spp) and at least two mature Slippery Elm (*Ulmus rubra*) can be found along the woodland edges. Young ground layer seedlings of Tilia (American Basswood) can be found in small clusters.

All mature Hawthorns are infected with rust and show decline because of shade conditions.

Given the status of Ash and its diminished long-term viability, it is proposed that they and all Box Elder are replaced with Sugar Maple (*Acer saccharum*),

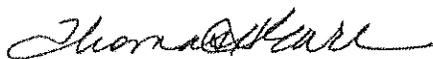
Basswood (*Tilia americana*), American Hornbeam (*Carpinus caroliniana*) and Northern Red Oak (*Quercus rubra*).

In the interest of creating a healthier and more diverse woodland, the property owner proposes to maintain those trees that are healthy – two Slippery Elm, one Hawthorn (Note: Hawthorn has cedar apple rust. We plan to keep it in the easement with the intent that with the clearing of other undesirable species that there will be more air circulation. We hope that this may help the health of the tree.), and the Gray Dogwood shrub clusters in the southwest portion of the easement - while removing and treating the stumps of all Buckthorn, Honeysuckle, and all Box Elder as well as the non-woody invasive species mentioned in the previous paragraph. Existing Austrian Pine that appear to have lost 2/3 needle cover are recommended for removal as they are in diminished condition. One smaller caliper Austrian Pine shall remain.

Management will include a multi-year treatment for buckthorn and honeysuckle, with annual eradication efforts to take place every October through 2020. Garlon 4 shall be applied at removal by licensed applicators to the at-grade cut stumps. All young seedlings of both species will be pulled annually, and their sprouting or spreading will be managed in the long term with pulling and/or herbicide stump treatments.

In the first season after removal and treatment, replacement trees as seen on the plan and in the chart below will be installed, followed by understory planting of a combination mixed sun/shade-loving indigenous short prairie mix. It is expected that woodland shade conditions will not be established within the next ten years.

Thomas H. Earl, RLA



Durham Hill





**PLAT OF SURVEY**

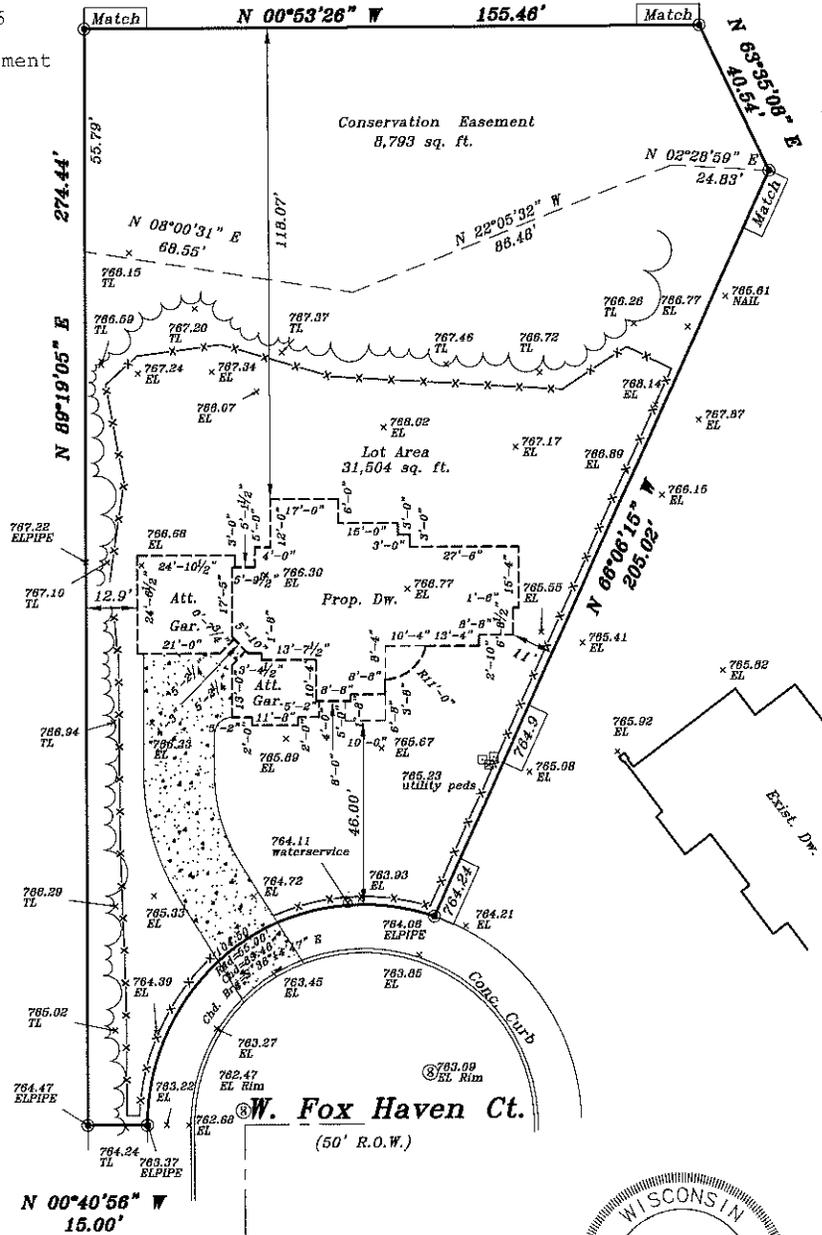
**LOCATION:** 7280 West Fox Haven Court, Franklin, Wisconsin

**LEGAL DESCRIPTION:** Lot 8 in WHISPERING WOODS, being a Re-division of Lot 2 of Certified Survey Map No. 7961, being a part of the Southeast 1/4 of the Northwest 1/4 and part of the Northeast 1/4, Southeast 1/4 and Southwest 1/4 of the Southwest 1/4 of Section 15, Township 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

August 31, 2016

Survey No. 107125

September 12, 2016  
Revised Drawing  
(conservation Easement  
Area Added)



Prop. Fin. Yd. Gr.	Prop. T.O.W.
767.33'	768.0'

Proposed finished yard, 1st floor or top of foundation grade shown on this drawing is a suggested grade and should be verified by the owner and/or the builder.

Scale: 1"=30'



**METROPOLITAN SURVEY SERVICE, INC.**

PROFESSIONAL LAND SURVEYORS AND CIVIL ENGINEERS  
9415 West Forest Home Avenue, Suite 202  
Hales Corners, Wisconsin 53130  
PH. (414) 529-5380 FAX (414) 529-9787  
email address: survey@metropolitansurvey.com

⊙ — Denotes Iron Pipe Found  
○ — Denotes Iron Pipe Set

000.0 — Denotes Proposed Grade

—x—x—x— Denotes Proposed Silt Screen

I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY, ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES, APPARENT EASEMENTS AND ROADWAYS AND VISIBLE ENCROACHMENT, IF ANY.

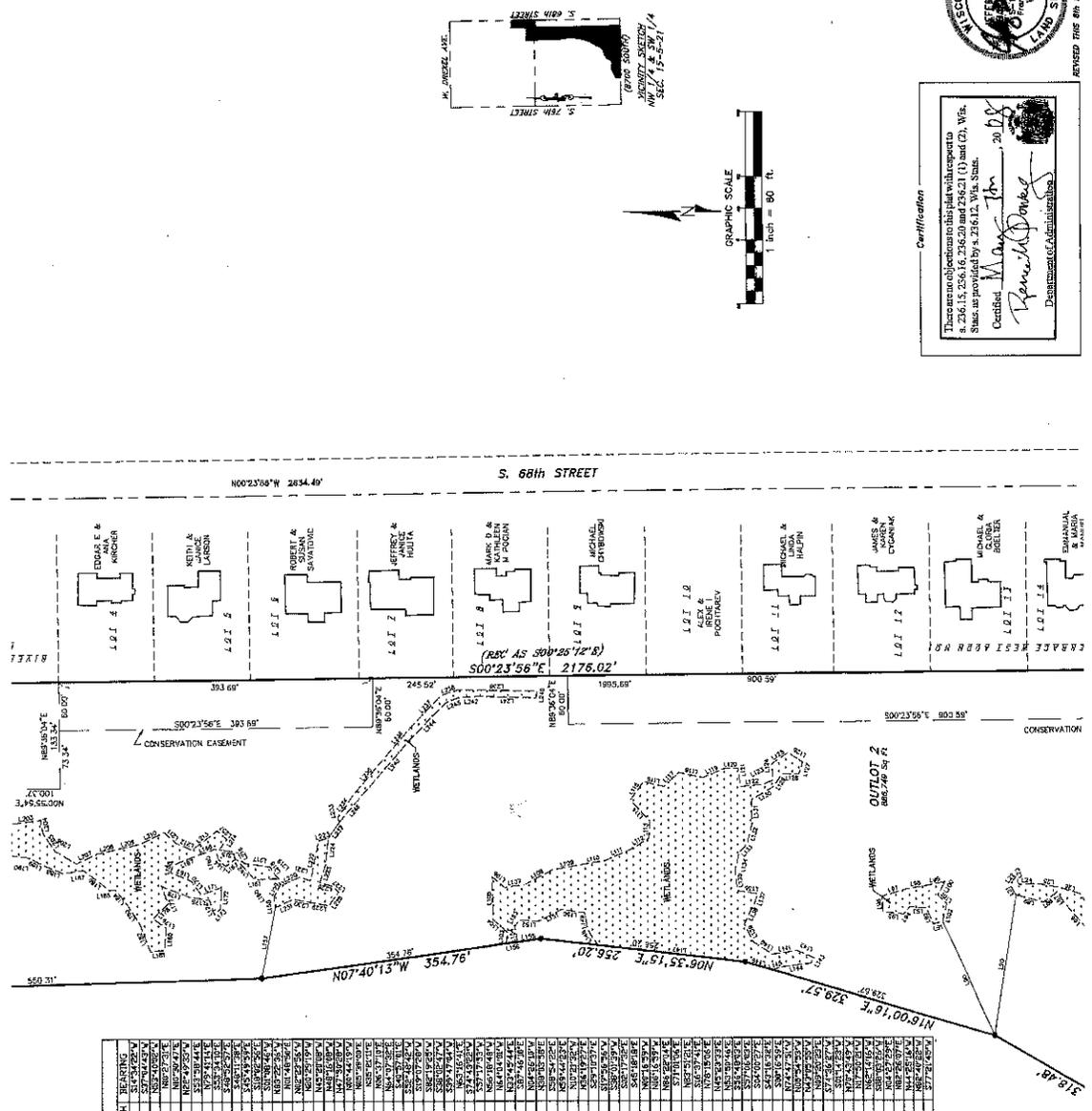
THIS SURVEY IS MADE FOR THE EXCLUSIVE USE OF THE PRESENT OWNERS OF THE PROPERTY, AND ALSO THOSE WHO PURCHASE, MORTGAGE, OR GUARANTEE THE TITLE THERETO WITHIN ONE (1) YEAR FROM THE DATE HEREOF.

SIGNED \_\_\_\_\_  
*Dennis C. Sauer*  
**Dennis C. Sauer**  
Professional Land Surveyor S-2421



WHISPERING WOODS

BEING A RE-DIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 7961 BEING A PART OF THE SE 1/4 OF THE NW 1/4 AND PART OF THE NE 1/4, SE 1/4, AND SW 1/4 OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



WETLAND LINE TABLE

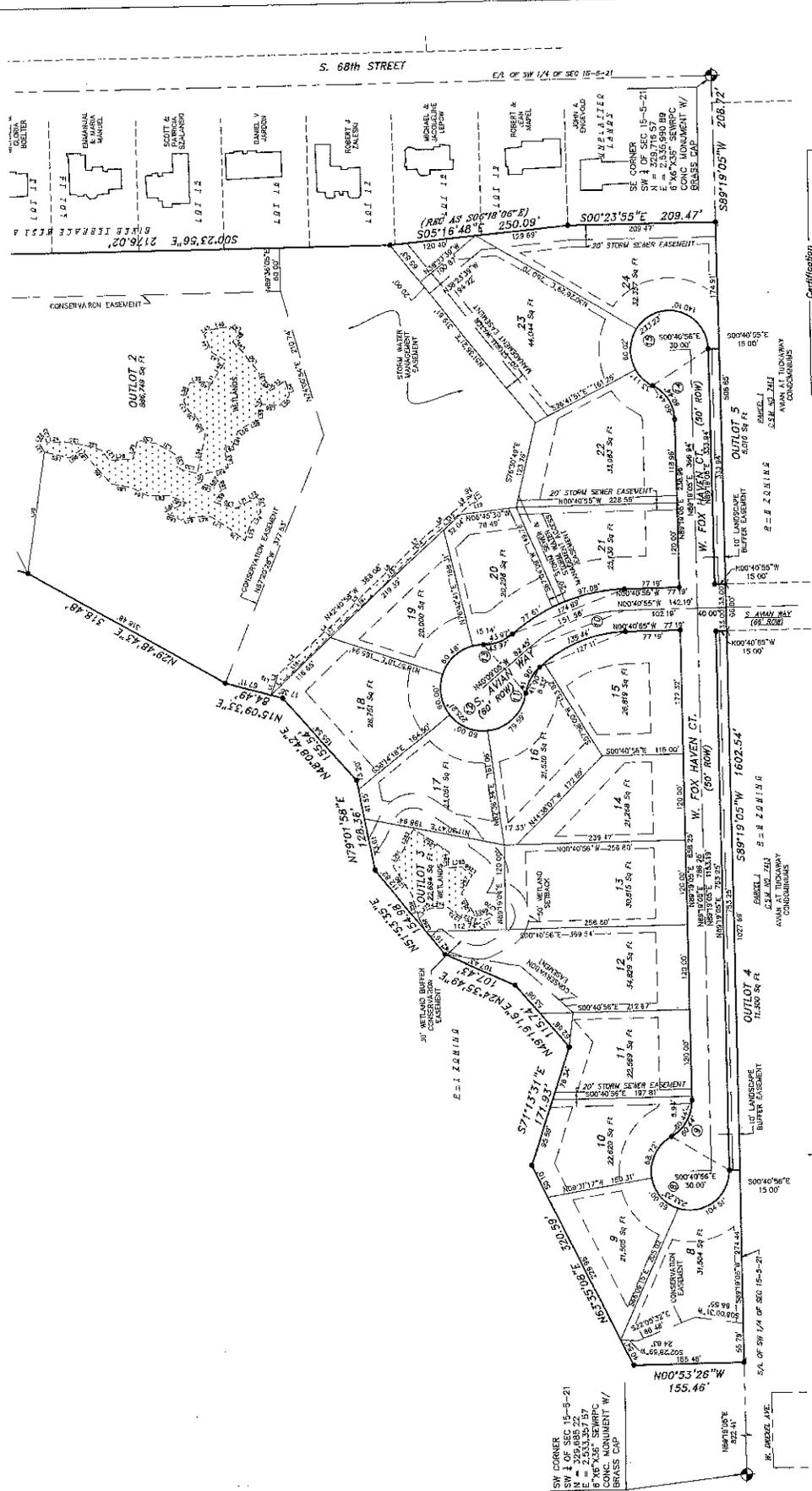
LINE	LENGTH	BEARING	LINE	LENGTH	BEARING
L1	10.00	N89°55'42"E	L101	1.00	N89°55'42"E
L2	10.00	S89°55'42"W	L102	1.00	S89°55'42"W
L3	10.00	N89°55'42"E	L103	1.00	N89°55'42"E
L4	10.00	S89°55'42"W	L104	1.00	S89°55'42"W
L5	10.00	N89°55'42"E	L105	1.00	N89°55'42"E
L6	10.00	S89°55'42"W	L106	1.00	S89°55'42"W
L7	10.00	N89°55'42"E	L107	1.00	N89°55'42"E
L8	10.00	S89°55'42"W	L108	1.00	S89°55'42"W
L9	10.00	N89°55'42"E	L109	1.00	N89°55'42"E
L10	10.00	S89°55'42"W	L110	1.00	S89°55'42"W
L11	10.00	N89°55'42"E	L111	1.00	N89°55'42"E
L12	10.00	S89°55'42"W	L112	1.00	S89°55'42"W
L13	10.00	N89°55'42"E	L113	1.00	N89°55'42"E
L14	10.00	S89°55'42"W	L114	1.00	S89°55'42"W
L15	10.00	N89°55'42"E	L115	1.00	N89°55'42"E
L16	10.00	S89°55'42"W	L116	1.00	S89°55'42"W
L17	10.00	N89°55'42"E	L117	1.00	N89°55'42"E
L18	10.00	S89°55'42"W	L118	1.00	S89°55'42"W
L19	10.00	N89°55'42"E	L119	1.00	N89°55'42"E
L20	10.00	S89°55'42"W	L120	1.00	S89°55'42"W
L21	10.00	N89°55'42"E	L121	1.00	N89°55'42"E
L22	10.00	S89°55'42"W	L122	1.00	S89°55'42"W
L23	10.00	N89°55'42"E	L123	1.00	N89°55'42"E
L24	10.00	S89°55'42"W	L124	1.00	S89°55'42"W
L25	10.00	N89°55'42"E	L125	1.00	N89°55'42"E
L26	10.00	S89°55'42"W	L126	1.00	S89°55'42"W
L27	10.00	N89°55'42"E	L127	1.00	N89°55'42"E
L28	10.00	S89°55'42"W	L128	1.00	S89°55'42"W
L29	10.00	N89°55'42"E	L129	1.00	N89°55'42"E
L30	10.00	S89°55'42"W	L130	1.00	S89°55'42"W
L31	10.00	N89°55'42"E	L131	1.00	N89°55'42"E
L32	10.00	S89°55'42"W	L132	1.00	S89°55'42"W
L33	10.00	N89°55'42"E	L133	1.00	N89°55'42"E
L34	10.00	S89°55'42"W	L134	1.00	S89°55'42"W
L35	10.00	N89°55'42"E	L135	1.00	N89°55'42"E
L36	10.00	S89°55'42"W	L136	1.00	S89°55'42"W
L37	10.00	N89°55'42"E	L137	1.00	N89°55'42"E
L38	10.00	S89°55'42"W	L138	1.00	S89°55'42"W
L39	10.00	N89°55'42"E	L139	1.00	N89°55'42"E
L40	10.00	S89°55'42"W	L140	1.00	S89°55'42"W
L41	10.00	N89°55'42"E	L141	1.00	N89°55'42"E
L42	10.00	S89°55'42"W	L142	1.00	S89°55'42"W
L43	10.00	N89°55'42"E	L143	1.00	N89°55'42"E
L44	10.00	S89°55'42"W	L144	1.00	S89°55'42"W
L45	10.00	N89°55'42"E	L145	1.00	N89°55'42"E
L46	10.00	S89°55'42"W	L146	1.00	S89°55'42"W
L47	10.00	N89°55'42"E	L147	1.00	N89°55'42"E
L48	10.00	S89°55'42"W	L148	1.00	S89°55'42"W
L49	10.00	N89°55'42"E	L149	1.00	N89°55'42"E
L50	10.00	S89°55'42"W	L150	1.00	S89°55'42"W
L51	10.00	N89°55'42"E	L151	1.00	N89°55'42"E
L52	10.00	S89°55'42"W	L152	1.00	S89°55'42"W
L53	10.00	N89°55'42"E	L153	1.00	N89°55'42"E
L54	10.00	S89°55'42"W	L154	1.00	S89°55'42"W
L55	10.00	N89°55'42"E	L155	1.00	N89°55'42"E
L56	10.00	S89°55'42"W	L156	1.00	S89°55'42"W
L57	10.00	N89°55'42"E	L157	1.00	N89°55'42"E
L58	10.00	S89°55'42"W	L158	1.00	S89°55'42"W
L59	10.00	N89°55'42"E	L159	1.00	N89°55'42"E
L60	10.00	S89°55'42"W	L160	1.00	S89°55'42"W
L61	10.00	N89°55'42"E	L161	1.00	N89°55'42"E
L62	10.00	S89°55'42"W	L162	1.00	S89°55'42"W
L63	10.00	N89°55'42"E	L163	1.00	N89°55'42"E
L64	10.00	S89°55'42"W	L164	1.00	S89°55'42"W
L65	10.00	N89°55'42"E	L165	1.00	N89°55'42"E
L66	10.00	S89°55'42"W	L166	1.00	S89°55'42"W
L67	10.00	N89°55'42"E	L167	1.00	N89°55'42"E
L68	10.00	S89°55'42"W	L168	1.00	S89°55'42"W
L69	10.00	N89°55'42"E	L169	1.00	N89°55'42"E
L70	10.00	S89°55'42"W	L170	1.00	S89°55'42"W
L71	10.00	N89°55'42"E	L171	1.00	N89°55'42"E
L72	10.00	S89°55'42"W	L172	1.00	S89°55'42"W
L73	10.00	N89°55'42"E	L173	1.00	N89°55'42"E
L74	10.00	S89°55'42"W	L174	1.00	S89°55'42"W
L75	10.00	N89°55'42"E	L175	1.00	N89°55'42"E
L76	10.00	S89°55'42"W	L176	1.00	S89°55'42"W
L77	10.00	N89°55'42"E	L177	1.00	N89°55'42"E
L78	10.00	S89°55'42"W	L178	1.00	S89°55'42"W
L79	10.00	N89°55'42"E	L179	1.00	N89°55'42"E
L80	10.00	S89°55'42"W	L180	1.00	S89°55'42"W
L81	10.00	N89°55'42"E	L181	1.00	N89°55'42"E
L82	10.00	S89°55'42"W	L182	1.00	S89°55'42"W
L83	10.00	N89°55'42"E	L183	1.00	N89°55'42"E
L84	10.00	S89°55'42"W	L184	1.00	S89°55'42"W
L85	10.00	N89°55'42"E	L185	1.00	N89°55'42"E
L86	10.00	S89°55'42"W	L186	1.00	S89°55'42"W
L87	10.00	N89°55'42"E	L187	1.00	N89°55'42"E
L88	10.00	S89°55'42"W	L188	1.00	S89°55'42"W
L89	10.00	N89°55'42"E	L189	1.00	N89°55'42"E
L90	10.00	S89°55'42"W	L190	1.00	S89°55'42"W
L91	10.00	N89°55'42"E	L191	1.00	N89°55'42"E
L92	10.00	S89°55'42"W	L192	1.00	S89°55'42"W
L93	10.00	N89°55'42"E	L193	1.00	N89°55'42"E
L94	10.00	S89°55'42"W	L194	1.00	S89°55'42"W
L95	10.00	N89°55'42"E	L195	1.00	N89°55'42"E
L96	10.00	S89°55'42"W	L196	1.00	S89°55'42"W
L97	10.00	N89°55'42"E	L197	1.00	N89°55'42"E
L98	10.00	S89°55'42"W	L198	1.00	S89°55'42"W
L99	10.00	N89°55'42"E	L199	1.00	N89°55'42"E
L100	10.00	S89°55'42"W	L200	1.00	S89°55'42"W

Certification  
 There are no objections to this plat with respect to  
 s. 236.15, 236.16, 236.20 and 236.21 (1) and (2), Wis.  
 Stats. as provided by s. 236.12, Wis. Stats.  
 Certified: *Mark J. Pagan* 30.08  
 Department of Administration



# WHISPERING WOODS

BEING A RE-DIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 7961 BEING A PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 21 EAST, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.

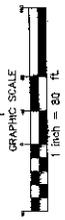


There are no objections to this plat with respect to:  
 s. 236.15, 236.16, 236.20 and 236.21 (1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.  
 Certified: *James J. Poley*  
 Department of Administration



Certification

RECEIVED THIS 10th DAY OF JANUARY, 2008  
 RECORDED THIS 20th DAY OF APRIL, 2008  
 REVISION THIS 20th DAY OF APRIL, 2008  
 SHEET 3 OF 4



THIS INSTRUMENT WAS DRAFTED BY JEFFREY D. BARCZAK RLS 1999

SW CORNER  
 SEC 15-5-21  
 SW 1/4 OF SEC 15-5-21  
 E = 2,333.33 FT  
 6" X 6" X 25' SEWRPC  
 CONC. MONUMENT W/  
 BRASS CAP

MARKER  
 22" H.  
 155.48'

N. 68th Street  
 10' 710' Street

W. Fox Haven Way  
 10' 710' Street

W. Fox Haven Ct.  
 10' 710' Street





## Exhibit B

### City of Franklin Environmental Commission

TO: Common Council  
DATE: October 12, 2016  
RE: Special Exception application review and recommendation  
APPLICATION: Gregory David Marso, Marso Companies, LLC d/b/a Carstensen Homes and Tom Donovan and Carole Donovan (property owners), Applicants, dated: September 8, 2016  
(7280 West Fox Haven Court)

#### I. §15-9.0110 of the Unified Development Ordinance Special Exception to Natural Resource Feature Provisions Application information:

1. Unified Development Ordinance Section(s) from which Special Exception is requested: *Section 15-10.0208 of the Unified Development Ordinance.*
2. Nature of the Special Exception requested (description of resources, encroachment, distances and dimensions):
3. Applicant's reason for request: *The Special Exception requested is to enhance approximately 0.2 acres (8,793 square feet) of young woodland located on the west side of their property. Specifically, the applicants are proposing to remove existing vegetation and install native enhancement plantings to create a healthier and more diverse woodland.*
4. Applicant's reason why request appropriate for Special Exception: *The applicants are proposing to build a new single-family residence on this vacant property and desire to enhance and improve the quality of the existing young woodland in the conservation easement.*

#### II. Environmental Commission review of the §15-9.0110C.4.f. Natural Resource Feature impacts to functional values:

1. Diversity of flora including State and/or Federal designated threatened and/or endangered species: *No impact to State and/or Federal designated threatened and/or endangered species are anticipated.*

2. Storm and flood water storage: *No significant impact is anticipated.*
3. Hydrologic functions: *No significant impact is anticipated.*
4. Water quality protection including filtration and storage of sediments, nutrients or toxic substances: *No significant impact is anticipated. As the enhancement plantings mature, they will encourage soil stabilization.*
5. Shoreline protection against erosion: *No impact is anticipated. Proper erosion control measures will be employed during the construction of the new single-family residence.*
6. Habitat for aquatic organisms: *No impact is anticipated.*
7. Habitat for wildlife: *The proposed enhancement plantings will enhance wildlife habitat.*
8. Human use functional value: *No impact is anticipated.*
9. Groundwater recharge/discharge protection: *No significant impact is anticipated. As the enhancement plantings mature, they will improve rainwater infiltration on site.*
10. Aesthetic appeal, recreation, education, and science value: *The aesthetic appeal of the woodland will improve as invasive understory species currently choking out the woodland are removed and more desirable native enhancement plantings are installed.*
11. State or Federal designated threatened or endangered species or species of special concern: *Not applicable – The proposed improvements will not impact any State or Federal designated threatened or endangered species or species of special concern.*
12. Existence within a Shoreland: *Not applicable – The area is not located within a shoreland.*
13. Existence within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area, as those areas are defined and currently mapped by the Southeastern Wisconsin Regional Planning Commission from time to time: *Not applicable – The area is not located within a Primary or Secondary Environmental Corridor or within an Isolated Natural Area as mapped by the Southeastern Wisconsin Regional Planning Commission.*

**III. Environmental Commission review of the §15-10.0208B.2.d. factors and recommendations as to findings thereon:**

1. That the condition(s) giving rise to the request for a Special Exception were not self-imposed by the applicant (this subsection a. does not apply to an application to improve or enhance a natural resource feature): *This is an application to improve/enhance a natural resource feature.*
2. That compliance with the stream, shore buffer, navigable water-related, wetland, wetland buffer, and wetland setback requirement will:
  - a. be unreasonably burdensome to the applicants and that there are no reasonable practicable alternatives: \_\_\_\_\_ ; or
  - b. unreasonably and negatively impact upon the applicants' use of the property and that there are no reasonable practicable alternatives: *If the applicant is unable to improve the young woodland as requested, then the invasive species infesting the existing woodland will have a negative impact on the applicant's use of the property by continuing to degrade the quality and aesthetics of the existing woodland.*
3. The Special Exception, including any conditions imposed under this Section will:
  - a. be consistent with the existing character of the neighborhood: *The proposed enhancements to the young woodland will not adversely impact the character of the neighborhood. Furthermore, the proposed single-family residence will be consistent with the existing character of the neighborhood; and*
  - b. not effectively undermine the ability to apply or enforce the requirement with respect to other properties: *The Donovan's invasive species management plan and woodland restoration plan could serve as a model for other property owners looking to improve woodlands in the City ; and*
  - c. be in harmony with the general purpose and intent of the provisions of this Ordinance proscribing the requirement: *The proposed project is in harmony with the general purpose and intent of the provisions of this Ordinance; and*
  - d. preserve or enhance the functional values of the stream or other navigable water, shore buffer, wetland, wetland buffer, and/or wetland setback in co-existence with the development (*this finding only applying to an application to improve or enhance a natural resource feature*): *The property does not contain any stream, shore buffer, wetland, wetland*

*buffer or wetland setback. However, the functional value of the young woodland will be enhanced.*

**IV. Environmental Commission review of the §15-10.0208B.2.a., b. and c. factors and recommendations as to findings thereon:**

1. Characteristics of the real property, including, but not limited to, relative placement of improvements thereon with respect to property boundaries or otherwise applicable setbacks: *The proposed single-family residence will meet all other zoning requirements.*
2. Any exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other properties or uses in the same district: *Not every lot in the Whispering Woods Subdivision has a conservation easement on it.*
3. Existing and future uses of property; useful life of improvements at issue; disability of an occupant: *The existing use is residential and the future use will remain residential.*
4. Aesthetics: *The proposed special exception will improve the aesthetics of the Donovan's property and the surrounding area.*
5. Degree of noncompliance with the requirement allowed by the Special Exception: *The Special Exception requested is to enhance approximately 0.2 acres (8,793 square feet) of young woodland located on the west side of their property. Specifically, the applicants are proposing to remove existing vegetation and install native enhancement plantings to create a healthier and more diverse woodland.*
6. Proximity to and character of surrounding property: *The Donovan's property is bordered by single-family residences to the north, east and south and the Tuckaway Country Club's golf course to the west.*
7. Zoning of the area in which property is located and neighboring area: *The Donovan's property and the properties to the north, east and south are zoned R-3 Suburban/Estate Single-Family Residence District. Tuckaway Country Club's property to the west is zoned P-1 Park District.*
8. Any negative affect upon adjoining property: *No negative effect on adjoining property is perceived.*
9. Natural features of the property: *Young woodland.*

10. Environmental impacts: *The Special Exception requested is to enhance approximately 0.2 acres (8,793 square feet) of young woodland located on the west side of their property. Specifically, the applicants are proposing to remove existing vegetation and install native enhancement plantings to create a healthier and more diverse woodland.*

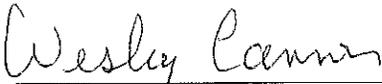
#### **V. Environmental Commission Recommendation:**

The Environmental Commission has reviewed the subject Application pursuant to §15-10.0208B. of the Unified Development Ordinance and makes the following recommendation:

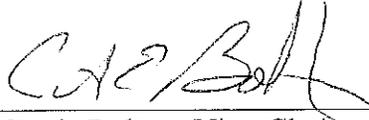
1. The recommendations set forth in Sections III. and IV. Above are incorporated herein.
2. The Environmental Commission recommends [approval] of the Application upon the aforesaid recommendations for the reasons set forth therein.
3. The Environmental Commissions recommends that should the Common Council approve the Application, that such approval be subject to the following conditions:
  - a. Comments from Planning Staff shall be addressed.

The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 28<sup>th</sup> day of September, 2016.

Dated this 12<sup>th</sup> day of October, 2016.

  
\_\_\_\_\_  
Wesley Cannon, Chairman

Attest:

  
\_\_\_\_\_  
Curtis Bolton, Vice-Chairman

## Exhibit C

Item C. 2.



# CITY OF FRANKLIN



## REPORT TO THE PLAN COMMISSION

Meeting of October 6, 2016

### Natural Resource Special Exception

---

<b>Project Name:</b>	Donovan Natural Resources Special Exception (NRSE)
<b>Project Address:</b>	7280 West Fox Haven Court
<b>Applicant:</b>	Thomas & Carole Donovan
<b>Property Owner:</b>	Thomas & Carole Donovan
<b>Current Zoning:</b>	R-3 Suburban/Estate Single-Family Residence District
<b>2025 Comprehensive Plan:</b>	Residential
<b>Use of Surrounding Properties:</b>	Single-family residential to the north, east and south and recreational and areas of natural resources to the west.
<b>Applicant's Action Requested:</b>	Recommendation to the Common Council for approval of the requested Natural Resource Special Exception (NRSE)

---

Please note:

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

### INTRODUCTION:

The Donovan's are proposing to build a new single-family home on a vacant property located at 7280 West Fox Haven Court, which is Lot 8 in the Whispering Woods Subdivision. The proposed new single-family residence does not affect any natural resources on the property. However, the applicants are requesting approval to enhance approximately 0.2 acres (8,793 square feet) of young woodland located on the west side of their property. Specifically, the Donovan's are requesting to remove vegetation and install native enhancement plantings within an approximately 8,793 square foot conservation easement to create a healthier and more diverse woodland.

At their September 28, 2016 meeting, the Environmental Commission recommended approval of a Special Exception to Natural Resource Features for Thomas and Carole Donovan for property located at 7280 West Fox Haven Court, subject to comments from Planning Staff being met.

### PROJECT DESCRIPTION:

On September 8, 2016, the applicant submitted an application for a Special Exception to Natural Resource Feature Provisions to the Department of City Development. The applicant is requesting approval of a Special Exception to enhance approximately 0.2 acres (8,793 square feet) of young woodland, by removing vegetation and installing native enhancement plantings to create a healthier and more diverse woodland on their single-family residential property located at 7280 West Fox Haven Court. According to Section 15-9.0110 of the City of Franklin Unified

Development Ordinance, improvements and enhancements to a natural resource feature are subject to submittal of a Natural Resource Special Exception Application.

Durham Hill Landscaping inventoried the young woodland within the conservation easement and determined it includes box elder (*Acer negundo*); green ash (*Fraxinus pennsylvanica*); Austrian pine (*Pinus nigra*); slippery elm (*Ulmus rubra*); and understory species such as: hawthorn (*Crataegus crus-galli*); gray dogwood (*Cornus racemosa*), common buckthorn (*Rhamnus cathartica*); Honeysuckle (*Lonicera* spp) and European cranberrybush (*Viburnum opulus*). The specific trees/shrubs to be removed include six 8.0-24.0" diameter at breast height (DBH) box elder, four 7.0-12.0" DBH green ash, three 12.0" DBH Austrian pine, one 12" hawthorn, eight European cranberry bush and numerous honeysuckle and common buckthorn. The applicants are proposing a 4-year management plan to include herbicide stump treatments and manual removal of invasive understory species annually in October. Staff recommends a multi-year management plan to include treatment of buckthorn and honeysuckle with manual removal and herbicide stump treatments every October through the year 2020.

The applicant is proposing to enhance the young woodland by installing 7 canopy trees, 10 understory trees, 9 shrubs and 144 perennials in the conservation easement area. A planting list for the native enhancement plantings may be found on the Conservation Easement Restoration Plan. Staff recommends any plant materials included in the Restoration Plan that do not survive a plan establishment period of two (2) years after installation shall be replaced by the property owner with plant material(s) of the same or like species of equal size within the next planting season, but in any event, within six (6) months of the plant's demise.

In summary, the applicant's are requesting a special exception to remove existing vegetation and install native enhancement plantings within the following natural resource feature:

- Approximately 0.2 acres (8,793 square feet) of young woodland;

#### **CONCLUSION:**

Pursuant to Section 15-10.0208 of the Unified Development Ordinance (UDO), the applicant shall have the burden of proof to present evidence sufficient to support a Natural Resource Special Exception (NRSE) request. The applicant has presented evidence for the request by answering the questions and addressing the statements that are part of the Natural Resource Special Exception (NRSE) application. The applicant's responses to the application's questions and statements are attached for your review. Also attached is a document titled, "*City of Franklin Environmental Commission*" that the Environmental Commission must complete and forward to the Common Council. The questions and statements on this document correspond with the Natural Resource Special Exception (NRSE) application questions and statements that the applicant has answered and addressed.

Staff recommends approval of the subject Natural Resource Special Exception subject to the conditions noted in this staff report, which conditions will also be included within the associated Standards, Findings and Decision document.

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p>10/18/16</p>
<p><b>REPORTS &amp; RECOMMENDATIONS</b></p>	<p><b>RESOLUTION TO RELEASE THE 60-FOOT SIDE YARD SETBACK RESTRICTION SET FORTH ON CERTIFIED SURVEY MAP NO. 5763, PREVIOUSLY APPROVED BY RESOLUTION NO. 92-3875 (8685 WEST PUETZ ROAD) (RAFAL CHMURA, APPLICANT; BEATA CHMURA, OWNER)</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.5.</i></p>

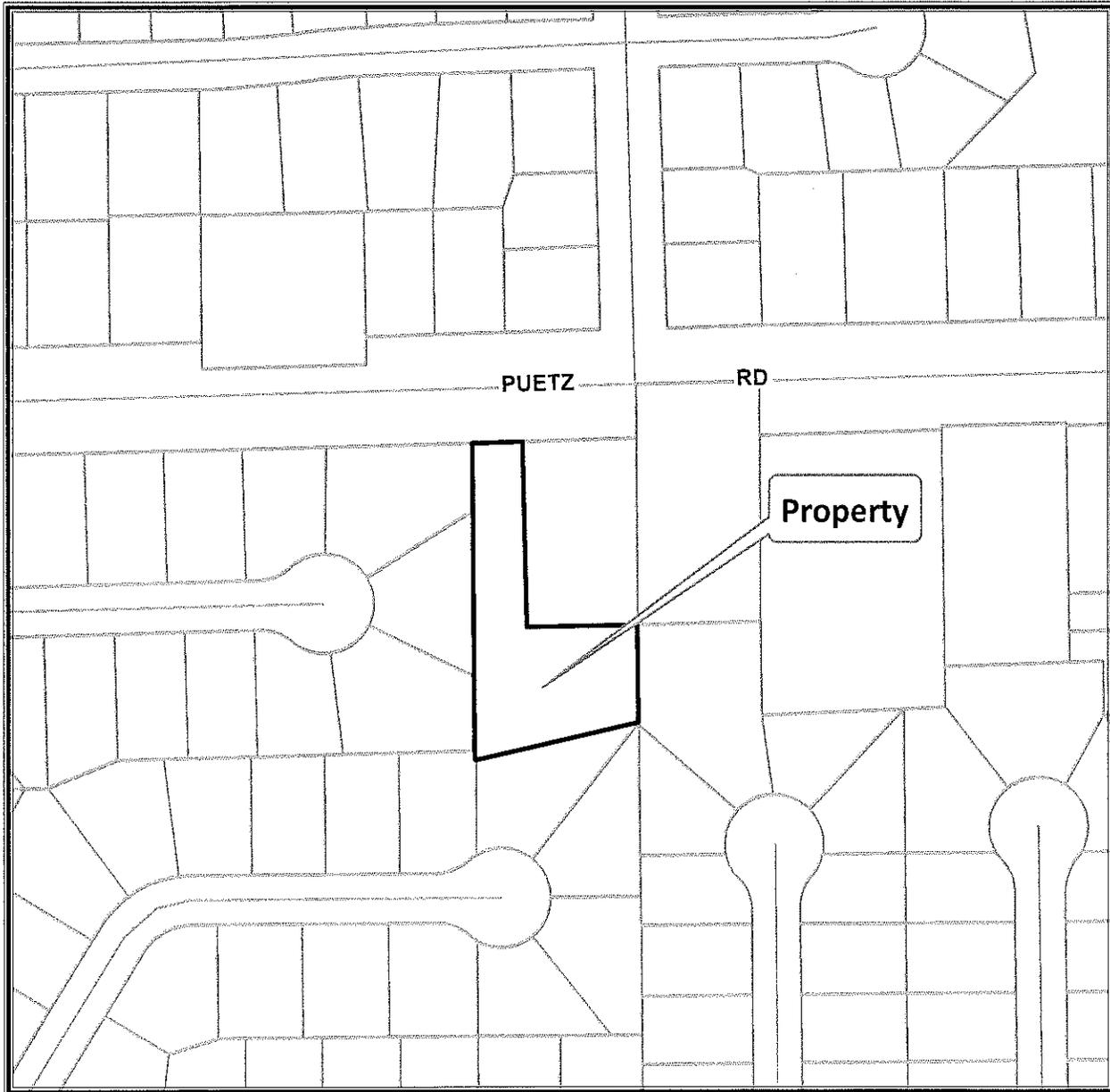
At its October 6, 2016 meeting, the Plan Commission recommended approval of a resolution to release the 60-foot side yard setback restriction set forth on Certified Survey Map No. 5763, previously approved by Resolution No. 92-3875 (8685 West Puetz Road) (Rafal Chmura, Applicant; Beata Chmura, Owner).

**COUNCIL ACTION REQUESTED**

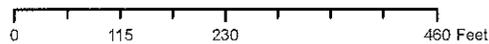
A motion to adopt Resolution No. 2016-\_\_\_\_\_, a resolution to release the 60-foot side yard setback restriction set forth on Certified Survey Map No. 5763, previously approved by Resolution No. 92-3875 (8685 West Puetz Road) (Rafal Chmura, Applicant; Beata Chmura, Owner).



8685 W. Puetz Rd.  
TKN: 848 9992 003



Planning Department  
(414) 425-4024

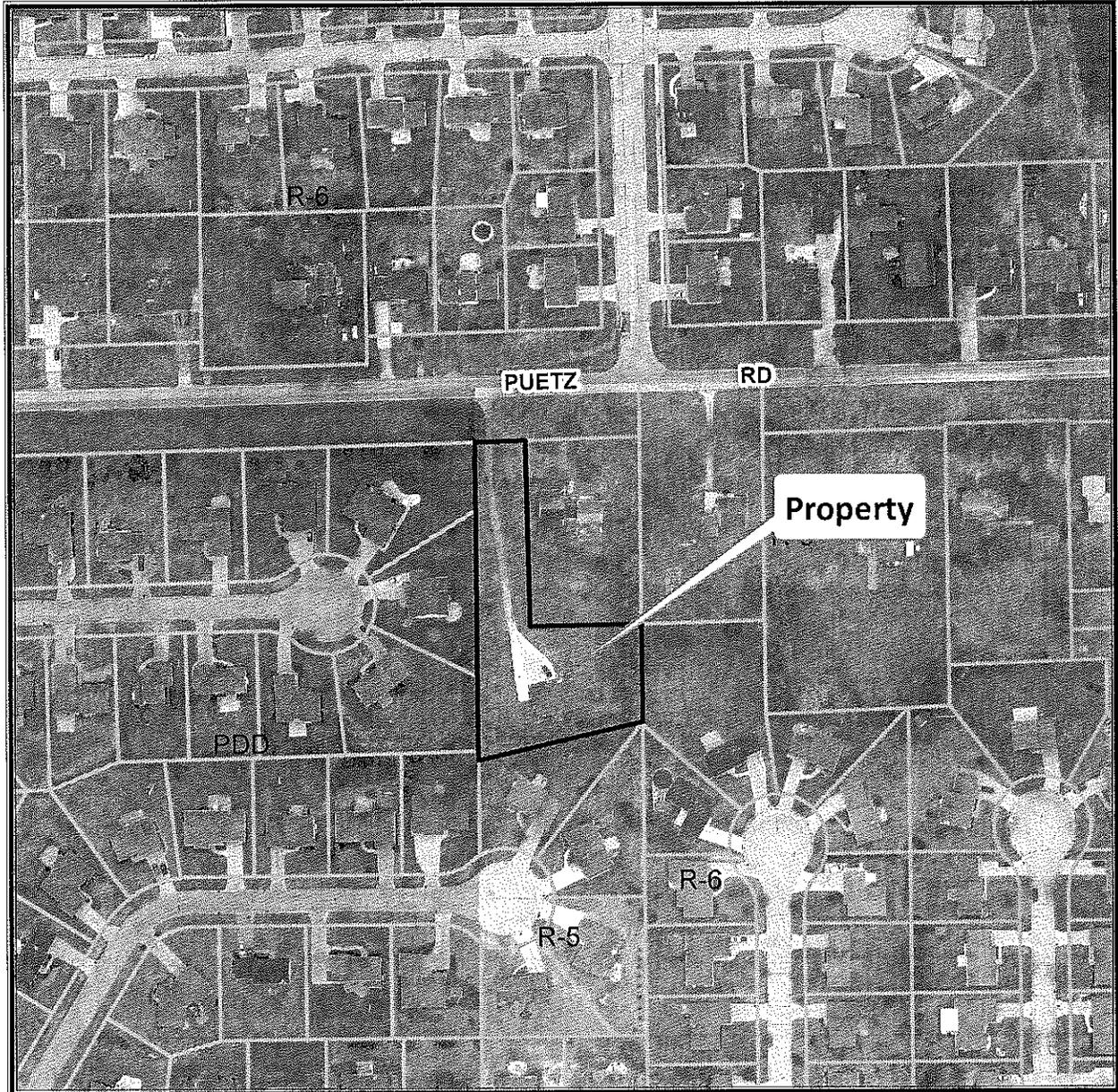


2016 Aerial Photo

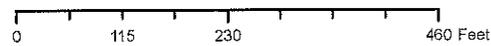
*This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.*



8685 W. Puetz Rd.  
TKN: 848 9992 003



Planning Department  
(414) 425-4024



2016 Aerial Photo

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

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

Meeting of October 6, 2016

**Release of 60-foot side yard setback**


---

**RECOMMENDATION:** City Development Staff recommends approval of the release of the 60-foot side yard building setback for the property located at 8685 West Puetz Road, subject to compliance with all R-3 Suburban/Estate Single-Family Residence District Development Standards as well as maintaining a 50-foot building setback from the east property line for drainage purposes.

---

<b>Project Name:</b>	Chmura Miscellaneous Application
<b>Project Address:</b>	8685 West Puetz Road
<b>Applicants:</b>	Piotr MocarSKI, Perfect Home Remodeling & Rafal Chmura
<b>Owners (property):</b>	Chmura, Beata
<b>Current Zoning:</b>	R-3 Suburban/Estate Single-Family Residence District
<b>Use of Surrounding Properties:</b>	Single-family residential to the north, south, east and west
<b>Applicant Action Requested:</b>	Recommendation of approval to release the 60-foot side yard building setback

---

**Introduction/Project Description:**

On September 8, 2016, the applicant submitted a Miscellaneous Application requesting release of a 60-foot side yard setback to construct an accessory building meeting the typical R-3 Residence District side yard setback of 10-feet for property located at 8685 W. Puetz Road.

The applicant is proposing to construct a 24-foot by 34-foot detached accessory building to the west of the home in the side yard. Certified Survey Map No. 5763 (attached), recorded November 9, 1992, illustrates a minimum building setback line of 60-feet from the west or side property line.

In review of the property file, staff was not able to find any documentation indicating the reason for the additional setback requirement on CSM No. 5763. At the time of that land division, it was unknown how Outlot 1, now Jordan Meadows Subdivision, would develop and be accessed; therefore, in staff's opinion, the additional setback requirement was likely required because future access to Outlot 1 was unknown and may have been needed through the subject property.

In 1998, with the development of the Jordan Meadows Subdivision, access to Outlot 1 was provided via Elm Court and Mallard Court. As such, the 60-foot setback is no longer needed for access purposes.

**Staff Recommendation:**

City Development Staff recommends approval of the release of the 60-foot side yard building setback for the property located at 8685 West Puetz Road, subject to compliance with all R-3 Suburban/Estate Single-Family Residence District Development Standards as well as maintaining a 50-foot building setback from the east property line for drainage purposes.

Note that the Plat of Survey incorrectly shows the building setback lines extending into the 50-foot drainage easement on the east side of the property. Structures are not allowed within drainage easements and that restriction will remain with the approval of the draft resolution.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2016-\_\_\_\_\_

A RESOLUTION TO RELEASE THE 60-FOOT SIDE YARD SETBACK RESTRICTION  
SET FORTH ON CERTIFIED SURVEY MAP NO. 5763, PREVIOUSLY  
APPROVED BY RESOLUTION NO. 92-3875  
(8685 WEST PUETZ ROAD)  
(RAFAL CHMURA, APPLICANT; BEATA CHMURA, OWNER)

---

WHEREAS, Certified Survey Map No. 5763, previously approved by Common Council Resolution No. 92-3875, specifies greater setback restrictions than otherwise required by the R-3 Suburban/Estate Single-Family Residence District Development Standards, particularly a minimum 60 foot side yard setback from the west property line, and the property is also subject to 50 foot drainage easement on the east side of the property, the property being located at 8685 West Puetz Road and zoned R-3 Suburban/Estate Single-Family Residence District, which requires a minimum side yard setback of 10 feet, and said property is subject to all R-3 Suburban/Estate Single-Family Residence District Development Standards; and

WHEREAS, the property subject to the aforesaid restriction is more particularly described as follows:

Parcel 2 of Certified Survey Map No. 5763, Recorded on November 9, 1992, Reel 2903, Image 1158-1160, being a part of the Northeast 1/4 of the Northwest 1/4 of Section 21, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin; and

WHEREAS, the 60 foot side yard setback from the west property line restriction was imposed by the Franklin Common Council; and

WHEREAS, Wis. Stats. § 236.293 provides in part that any restriction placed on platted land by covenant, grant of easement or in any other manner, which was required by a public body vests in the public body the right to enforce the restriction at law or in equity and that the restriction may be released or waived in writing by the public body having the right of enforcement; and

WHEREAS, the Common Council having received an application request on behalf of the owner of the property subject to the restriction, Beata Chmura, for the release of the 60 foot side yard setback restriction aforesaid to allow for construction of a detached accessory building with an 11 foot side yard setback, the R-3 Suburban/Estate Single-Family Residence District minimum side yard setback of 10 feet being maintained.

RESOLUTION NO. 2016-\_\_\_\_\_

Page 2

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the "60 foot minimum side yard setback restriction" set forth on Certified Survey Map No. 5763, be and the same is hereby waived and released.

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

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

ATTEST:

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

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

8685 W Puetz Rd Franklin WI 53132.

Requesting release of the 60 foot minimum

side yard building setback on CSM No. 5763

In order to construct a garage with the minimum  
10 foot side yard setback of the R-3 District.

Franklin

SEP 07 2016

City Development

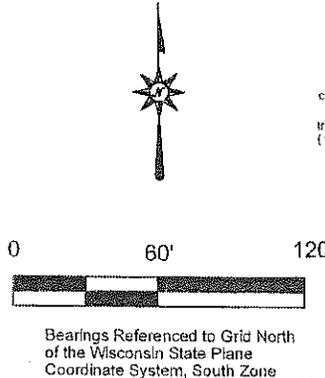
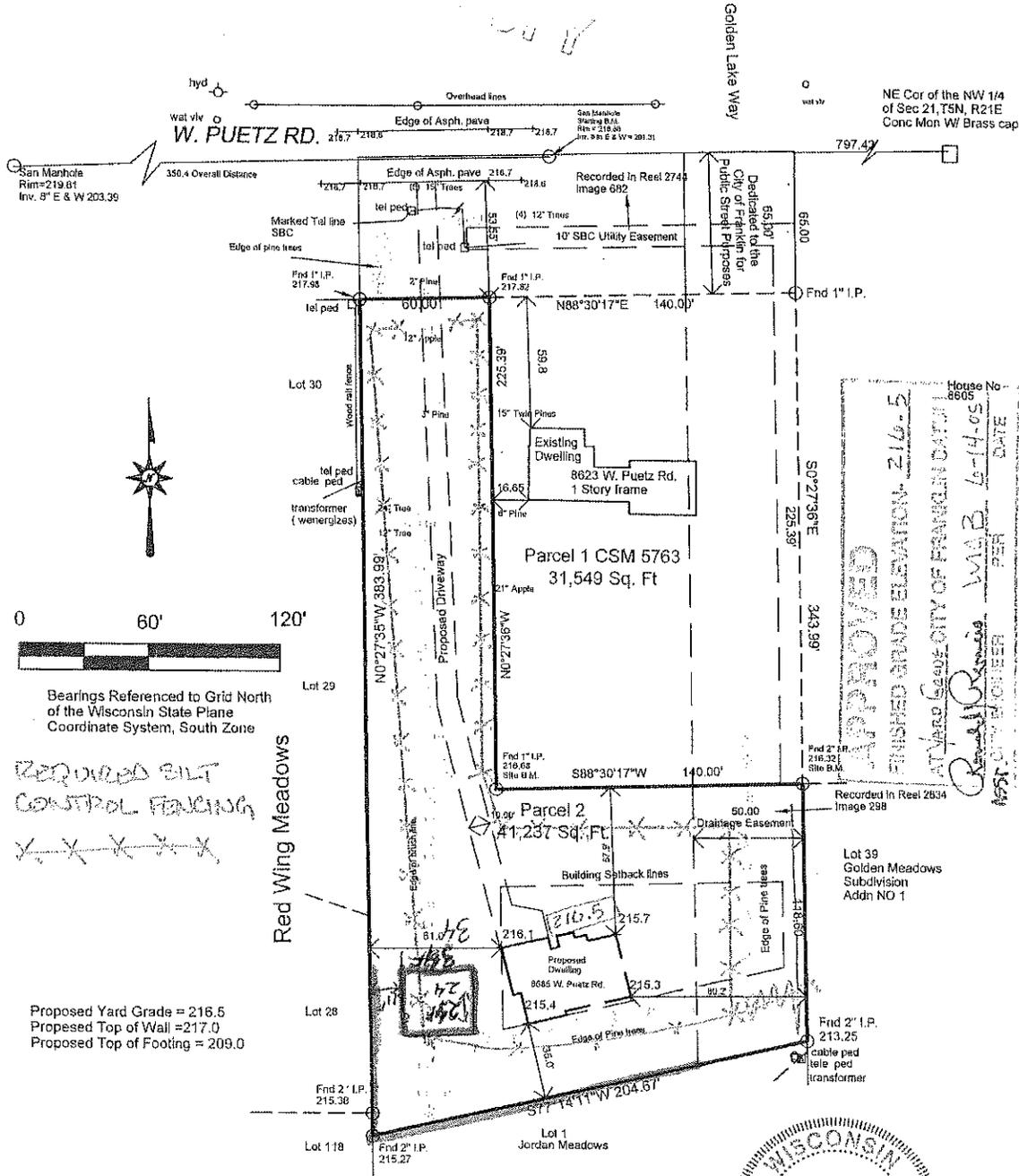
# PLAT OF SURVEY

## LEGAL DESCRIPTION

For: Rafal Chumro  
 Location: 8685 W. Puetz Rd. Franklin Wis  
 Prepared By: LandMark Surveying, LLC

3021 Minot Lane, Suite 100  
 Waukesha, WI 53188-4453  
 (414)-719-2769

Parcel 2 of CSM 5763, Recorded 11-9-92 Reel 2903  
 Image 1158-1160, Being Part of the Northeast 1/4  
 of the Northwest 1/4 of Section 21, Town 5 North,  
 Range 21 East, in the City Franklin,  
 Milwaukee County Wisconsin



REQUIRED BILT  
 CONTROL FENCING  
*X X X X X*

Proposed Yard Grade = 216.5  
 Proposed Top of Wall = 217.0  
 Proposed Top of Footing = 209.0

### SURVEY CERTIFICATE

I certify that I have surveyed the above described property and that to the best of my knowledge and belief, the above plat is an accurate survey and a true representation thereof and correctly shows the exterior boundary lines and locations of buildings and other improvements on said property and the correct measurements thereof.

This survey is made for the exclusive use of the present owners of the property, and is warranted to those who purchase, mortgage, or guarantee the title thereto from the Date of Issuance of this survey or the date of last revision.

This survey is copyrighted and reproduction without the written permission of the land surveyor is prohibited.

Dated this 1st day of May, 2005

Signed: *Robert C. Beilfuss*

Robert C. Beilfuss, R.L.S.  
 Wisconsin Registered Land Surveyor S-2072

Professional seal for Robert C. Beilfuss, Wisconsin Land Surveyor S-2072, Menomonee Falls, Wis. The seal is circular with the text 'WISCONSIN LAND SURVEYOR' around the perimeter. A handwritten signature 'Robert C. Beilfuss' and the date '5/1/05' are written over the seal.

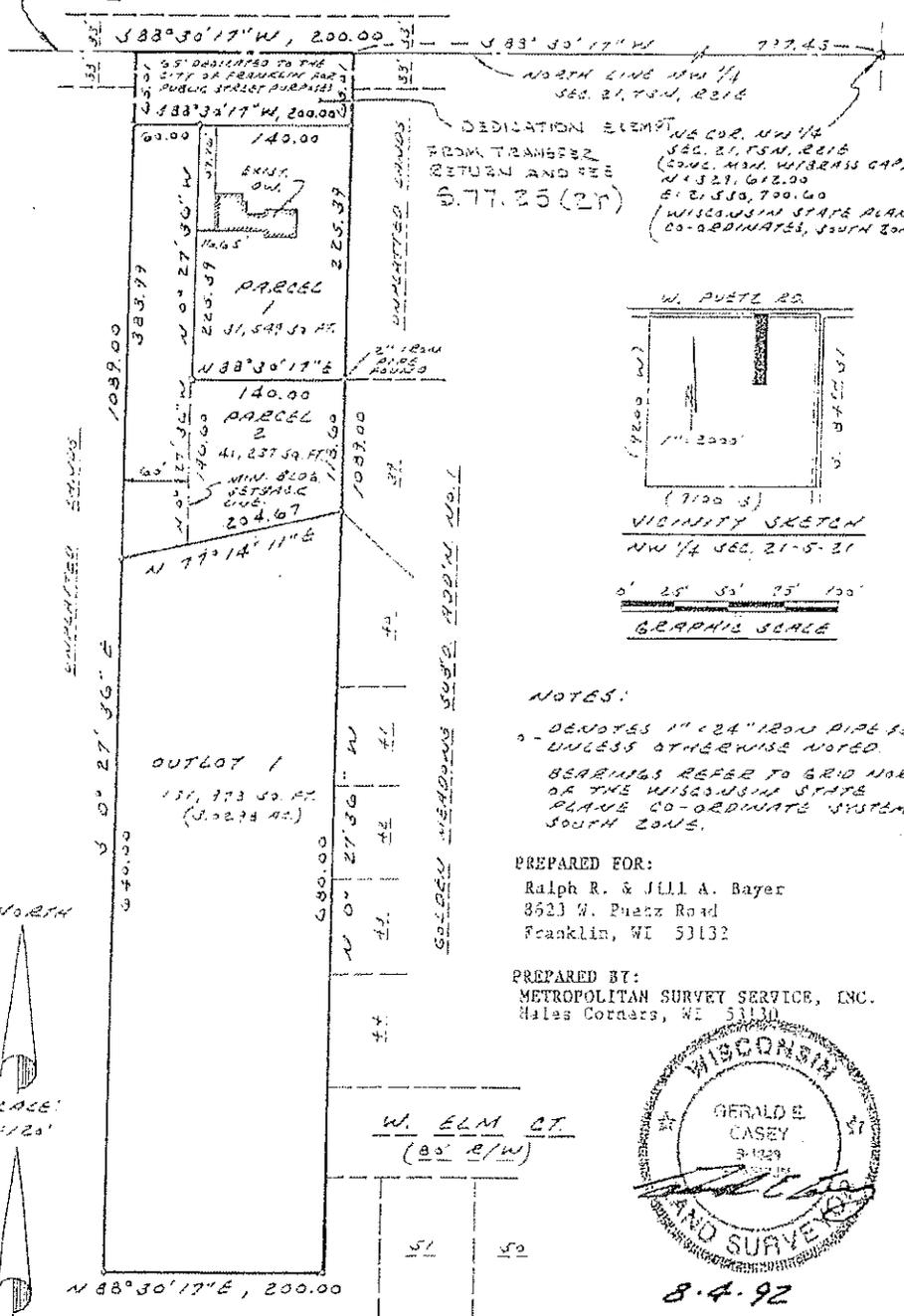
This is an original copy only if the Surveyor's Seal is in Red. Copies other than the originals may contain unauthorized revisions or alterations for which the surveyor accepts no responsibility.

CERTIFIED SURVEY MAP NO. 5763

Being a part of the Northeast 1/4 of the Northwest 1/4 of Section 21, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

UNPLATTED LANDS

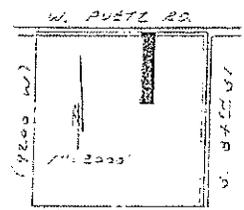
W. PUETZ RD.



DEDICATION ELEMENT  
 FROM TRANSFER  
 RETURN AND FEE  
 \$ 77.25 (21)

UNPLATTED LANDS

WISCONSIN STATE PLANE  
 CO-ORDINATES, SOUTH ZONE



NOTES:  
 - DENOTES 1" = 24" IRON PIPE SET,  
 UNLESS OTHERWISE NOTED.  
 BEARINGS REFER TO GRID NORTH  
 OF THE WISCONSIN STATE  
 PLANE CO-ORDINATE SYSTEM,  
 SOUTH ZONE.

PREPARED FOR:  
 Ralph R. & Jill A. Bayer  
 3523 W. Puetz Road  
 Franklin, WI 53132

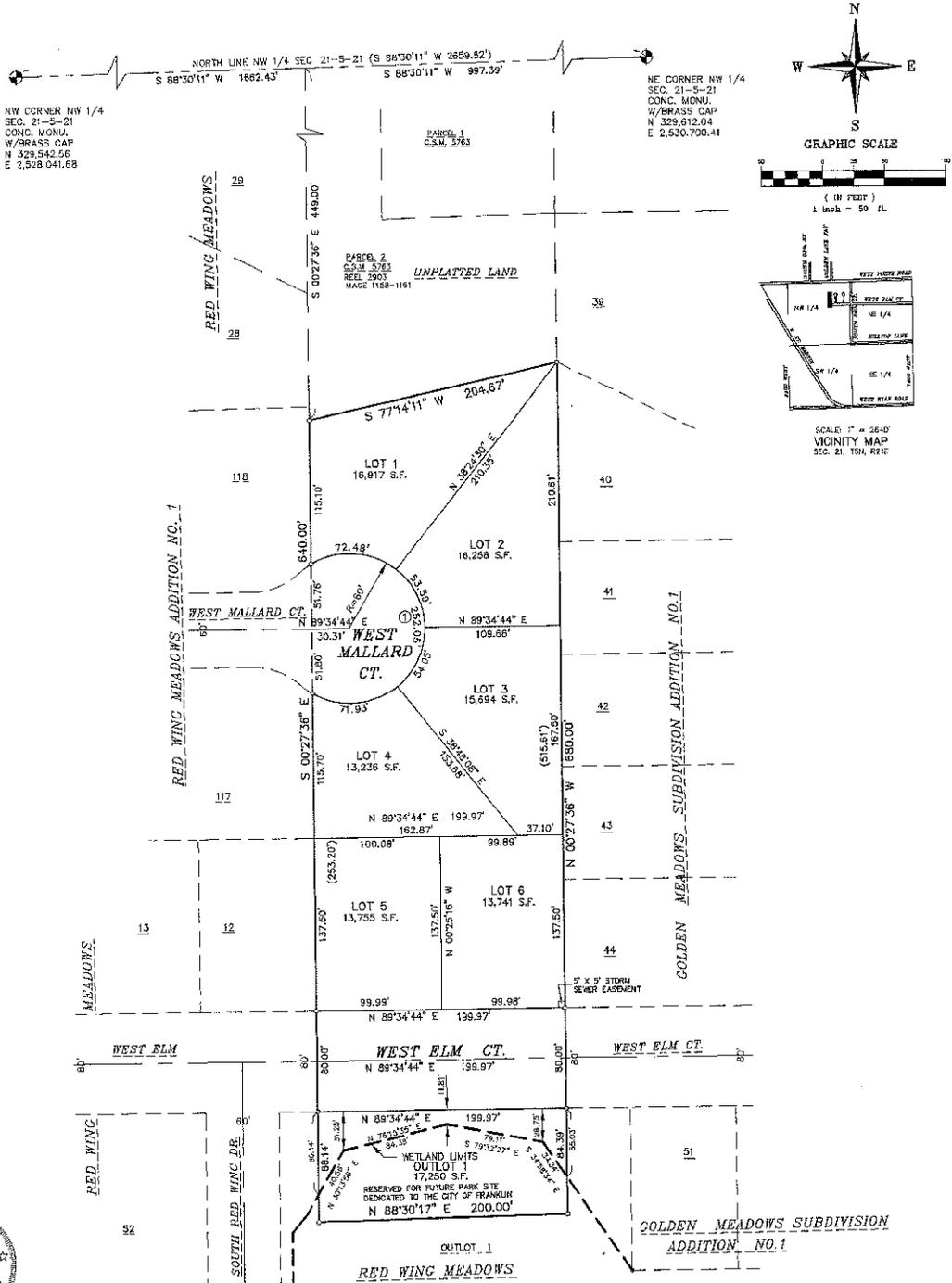
PREPARED BY:  
 METROPOLITAN SURVEY SERVICE, INC.  
 Males Corners, WI 53130



Franklin  
 SEP 8 2 1991  
 City Development

# JORDAN MEADOWS

BEING A SUBDIVISION OF PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 21 EAST CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN



*Jerome G. Wegner*  
 JEROME G. WEGNER - Wis. Reg. No. S - 1122  
 DATED THIS 20th DAY OF August, 1998  
 REVISED THIS 6th DAY OF October, 1998

**REFERENCE BEARINGS:**  
 THE NORTH LINE OF THE NW 1/4 OF SECTION 21, T5N, R21E WAS USED AS THE REFERENCE BEARING AND HAS A BEARING OF S 88°30'11" W BASED ON THE WISCONSIN STATE PLANE COORDINATE SYSTEM (SOUTH ZONE) NAD 1927.

**LEGEND:**  
 ○ - INDICATES IRON PIPE 30" LONG BY 2" DIA.-3.65 LBS. PER LINEAL FOOT. ALL OTHER LOT CORNERS MARKED BY IRON PIPE 24" LONG BY 1" DIA.-1.13 LBS. PER LINEAL FOOT.

**NOTES:**  
 ALL DISTANCES HAVE BEEN MEASURED TO THE NEAREST HUNDRETH OF A FOOT AND COMPUTED TO HUNDRETHS OF A FOOT. ANGLES HAVE BEEN MEASURED TO THE NEAREST 3 SECONDS AND COMPUTED TO THE NEAREST HALF-SECOND.

**CURVE TABLE**

LOT	MAIN CURVE NO.	RADIUS	LENGTH	CHORD	BEARING	CENTRAL ANGLE (D)	1/2	TANGENT BEARINGS
	1	60.00'	257.05'	103.56'	S 00°27'36" E	240°41'48"	120°20'36"	N 58°11'48" E N 80°08'58" W
1		60.00'	72.48'	88.15'	S 86°11'53" E	69°12'42"	34°36'21"	
2		60.00'	53.59'	51.82'	S 25°00'23" E	51°10'18"	25°35'09"	
3		60.00'	94.05'	52.24'	S 85°32'18" W	81°37'04"	28°48'32"	
4		60.00'	71.93'	87.70'	S 85°32'26" W	68°41'12"	34°20'36"	

# JORDAN MEADOWS

BEING A SUBDIVISION OF PART OF THE NE 1/4 OF THE NW 1/4 OF SECTION 21, TOWNSHIP 5 NORTH, RANGE 21 EAST CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN

### SURVEYOR'S CERTIFICATE

I, Jerome C. Wegner, registered land surveyor, being first duly sworn on oath, hereby depose and say that I have surveyed, divided and mapped Jordan Meadows, being a subdivision of part of the Northwest Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of Section 21, Town 5 North, Range 21 East, City of Franklin, Milwaukee County, Wisconsin, bounded and described as follows:

Commencing at the northeast corner of the Northwest Quarter (NW 1/4) of said Section 21, being marked by a concrete monument with a brass cap; thence South 88°30'17" West along the north line of said Northwest Quarter (NW 1/4) 397.39 feet to the northeast corner of said Jordan Meadows, a 100'x200' East along the east line of said Jordan Meadows and the east line of said Red Wing Meadows Addition No. 1, a recorded subdivision, being recorded on August 12, 1988, on Document No. 7581453, Milwaukee County, Wisconsin, 448.00 feet to the southwest corner of Parcel 2, Certified Survey Map No. 5783, being recorded on November 9, 1992, in Red 2503, Images 1158-1161 of Document No. 6888027, Milwaukee County, Wisconsin and the place of beginning of the town line of said Jordan Meadows, containing 200.00 feet to a point on the west line of said Jordan Meadows, being marked by a concrete monument with a brass cap; thence South 88°30'17" East along said town line of said Jordan Meadows 200.00 feet to a point on the west line of said Red Wing Meadows, being marked by a concrete monument with a brass cap; thence South 88°30'17" East along the west line of said Red Wing Meadows 200.00 feet to the southwest corner of Parcel 2, Certified Survey Map No. 5783, being recorded on November 9, 1992, in Red 2503, Images 1158-1161 of Document No. 6888027, Milwaukee County, Wisconsin 880.00 feet to the southwest corner of Parcel 2, Certified Survey Map No. 5783, thence South 88°30'17" West along the south line of said Parcel 2 264.67 feet to the southwest corner of said Parcel 2 and the place of beginning. Containing an area of 151,876 square feet (3.529 acres) of land.

I hereby certify that I have made said survey, land division and plot by the direction of the owner of said land, that such plot is a correct representation of the exterior boundaries of the land surveyed and subdivided thereon, and that I have fully complied with the provisions of Chapter 236 of the Wisconsin State Statutes and the subdivision regulations of the City of Franklin in surveying, dividing and mapping the same.

Dated this 27th day of August, 1998.  
REVISED THIS 27th DAY OF August, 1998.

STATE OF WISCONSIN  
COUNTY OF WAUKESHA

The above certificate subscribed and sworn to me this 28th day of August, 1998.  
My commission expires August 26, 2001.

*Jerome C. Wegner*  
JEROME C. WEGNER - Lic. Reg. No. 53122  
MAYOR OF COONEY - NOTARY PUBLIC



### CITY OF FRANKLIN CERTIFICATE

"Resolved that a plot, known as JORDAN MEADOWS, a subdivision in the City of Franklin, which has been filed for approval, be and hereby is approved as required by Chapter 236 of the Wisconsin State Statutes."

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Common Council of the City of Franklin on this 28th day of August, 1998, and that the same was duly approved for approval of all other necessary appendices and all conditions of the City of Franklin's approval were satisfied as of this 28th day of August, 1998.

Patrick F. Murray - Mayor  
James C. Payne - City Clerk

### CITY OF FRANKLIN TREASURER'S CERTIFICATE

STATE OF WISCONSIN  
COUNTY OF MILWAUKEE

I, Vernon L. Los, being duly appointed, qualified and acting City of Franklin Treasurer, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or special assessments on or of this 28th day of August, 1998, on any of the land included in the plot of JORDAN MEADOWS.

Dated 28th day of August, 1998.

Vernon L. Los - City Treasurer

### COUNTY TREASURER'S CERTIFICATE

STATE OF WISCONSIN  
COUNTY OF MILWAUKEE

I, Thomas W. Meaux, being the duly elected Treasurer of the County of Milwaukee, do hereby certify that the records in my office show no unpaid taxes and no unpaid taxes or special assessments on or of this 28th day of August, 1998, on any of the land included in the plot of JORDAN MEADOWS.

Thomas W. Meaux - County Treasurer

### CORPORATE OWNER'S CERTIFICATE

KABREK BUILDERS INC., a Wisconsin Corporation, duly organized and existing under and by virtue of the laws of the State of Wisconsin, as owner, hereby certifies that said corporation caused the land described on this plot to be surveyed, divided, mapped and dedicated as represented on this plot.

KABREK BUILDERS INC. further certifies that this plot is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection: Department of Administration, the City of Franklin and Milwaukee County Department of Public Works.

In witness whereof, KABREK BUILDERS INC. has caused these presents to be signed by MICHAEL J. KABREK, President, and its Corporate Seal to be hereunto affixed, this 28th day of August, 1998.

KABREK BUILDERS INC.  
MICHAEL J. KABREK - PRESIDENT

STATE OF WISCONSIN  
COUNTY OF WAUKESHA

I, Michael J. Kabrek, before me this 28th day of August, 1998, MICHAEL J. KABREK, President, to me known to be the person who executed the foregoing instrument and acknowledged the same.

My commission expires 28th day of August, 1998.

NOTARY PUBLIC

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p>October 18, 2016</p>
<p><b>REPORTS AND RECOMMENDATIONS</b></p>	<p><b>ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 TO DELETE STANDARD INDUSTRIAL CLASSIFICATION MAJOR GROUP NO. 86 MEMBERSHIP ORGANIZATIONS FROM CERTAIN ZONING DISTRICTS, DELETE THE PLANNED DEVELOPMENT DISTRICT COLUMN AND TO INCLUDE ALL MEMBERSHIP ORGANIZATIONS AND RELIGIOUS ORGANIZATIONS AS PERMITTED USES IN THE I-1 INSTITUTIONAL DISTRICT (CITY OF FRANKLIN, APPLICANT)</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.6.</i></p>

At their meeting on September 22, 2016, the Plan Commission recommended approval of an Ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 to delete Standard Industrial Classification Major Group No. 86 Membership Organizations from certain zoning districts, delete the Planned Development District column and to include all Membership Organizations and Religious Organizations as Permitted Uses in the I-1 Institutional District (City of Franklin, Applicant).

This matter was also before the Common Council at its August 16, 2016 meeting. At that meeting, the Common Council granted permission for staff to move forward with the subject application. The item was brought back to the October 4<sup>th</sup> Common Council meeting; however, staff incorrectly recommended a motion requesting permission to pursue the UDO Text Amendment rather than a motion to approve. The Council Action Requested has been revised accordingly, requesting a motion to approve the subject UDO Text Amendment Application.

**COUNCIL ACTION REQUESTED**

A motion to approve Ordinance No. 2016-\_\_\_\_\_ to amend the Unified Development Ordinance text at Table 15-3.0603 to delete Standard Industrial Classification Major Group No. 86 Membership Organizations from certain zoning districts, delete the Planned Development District column and to include all Membership Organizations and Religious Organizations as Permitted Uses in the I-1 Institutional District (City of Franklin, Applicant).

ORDINANCE NO. 2016-\_\_\_\_\_

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 TO DELETE STANDARD INDUSTRIAL CLASSIFICATION MAJOR GROUP NO. 86 MEMBERSHIP ORGANIZATIONS FROM CERTAIN ZONING DISTRICTS, DELETE THE PLANNED DEVELOPMENT DISTRICT COLUMN AND TO INCLUDE ALL MEMBERSHIP ORGANIZATIONS AND RELIGIOUS ORGANIZATIONS AS PERMITTED USES IN THE I-1 INSTITUTIONAL DISTRICT (CITY OF FRANKLIN, 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, the City of Franklin having applied for text amendments to Table 15-3.0603, to delete Standard Industrial Classification Major Group No. 86 Membership Organizations from certain zoning districts, to delete the Planned Development District column and to include all Membership Organizations and Religious Organizations as Permitted Uses in the I-1 Institutional District; the specific zoning districts from which Membership Organizations, Standard Industrial Classification Major Group No. 86 are to be deleted are as follows: B-2 General Business District, B-3 Community Business District, B-6 Professional Office District, B-7 South 27th Street Mixed-Use Office District, CC City Civic Center District, BP Business Park District, OL-1 Office Overlay District and OL-2 General Business Overlay District; and

WHEREAS, the Plan Commission having reviewed the proposed amendments to delete Standard Industrial Classification Major Group No. 86 Membership Organizations from certain zoning districts, to delete the Planned Development District column and to include all Membership Organizations and Religious Organizations as Permitted Uses in the I-1 Institutional District, and having held a public hearing on the proposal on the 22nd day of September, 2016 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 amendments are 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 PERMITTED AND SPECIAL USES IN THE NONRESIDENTIAL ZONING DISTRICTS of the Unified

Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin is hereby amended to delete Standard Industrial Classification Major Group No. 86 Membership Organizations from the following zoning districts: B-2 General Business District, B-3 Community Business District, B-6 Professional Office District, B-7 South 27th Street Mixed-Use Office District, CC City Civic Center District, BP Business Park District, OL-1 Office Overlay District and OL-2 General Business Overlay District.

SECTION 2: TABLE 15-3.0603 PERMITTED AND SPECIAL USES IN THE NONRESIDENTIAL ZONING DISTRICTS of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin is hereby amended to delete the Planned Development District column.

SECTION 3: TABLE 15-3.0603 PERMITTED AND SPECIAL USES IN THE NONRESIDENTIAL ZONING DISTRICTS of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin is hereby amended to include all Membership Organizations and Religious Organizations as Permitted Uses in the I-1 Institutional District.

SECTION 4: The portion of TABLE 15-3.0603 PERMITTED AND SPECIAL USES IN THE NONRESIDENTIAL ZONING DISTRICTS of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, as amended hereunder, is as follows:

Table 15-3.0603 (continued)

SIC	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1
800	Hospitals																				
8062	General medical & surgical hospitals							S			P				P	S					
8063	Psychiatric hospitals							P			P				P	S					
8069	Specialty hospitals except psychiatric							P			P				P	S					
807	Medical and Dental Laboratories																				
8071	Medical laboratories		P	P				P	S				P	P	P	P	S				
8072	Dental laboratories		P					P		S				P	P	P	S				
808	Home Health Care Services																				
8082	Home health care services		P	P	P	P		P	S								P	S			
809	Health and Allied Services, not elsewhere classified																				
8092	Kidney dialysis centers		S				P	P	S		P				P	P	S				
8093	Specialty outpatient clinics, not elsewhere classified		S				P	P	S		P				P	P	S				
8099	Health and allied services, not elsewhere classified		S		S		P	P	S		P				P	P	S				
81	LEGAL SERVICES																				
811	Legal Services																				
8111	Legal Services		P	P	P	P		P	P	P					P	P	P				
82	EDUCATIONAL SERVICES																				
821	Elementary and Secondary Schools																				
8211	Elementary and secondary schools										P										
822	Colleges and Universities																				
8221	Colleges and universities										P										
8222	Junior colleges										P										
823	Libraries																				
8231	Libraries										P										
824	Vocational Schools										P										
8243	Data processing schools		P		P			S/A							P	A	P				
8244	Business and secretarial schools		P		P			S/A			P		S		S	A	P				
8249	Vocational schools, not elsewhere classified		P		P			S/A			P		S	S		A	P				
829	Schools & Educational Services, not elsewhere classified																				

8299	Schools & educational services, not elsewhere classified			P		S			S		S	S							
83	<b>SOCIAL SERVICES</b>																		
832	Individual and Family Services																		
8322	Individual and family services	P	P			S	P				P		S					P	
833	Job Training and Related Services																		
8331	Job training and related services	P		P		P	S/A	P			P	P						A	P
835	Child Day Care Services																		
8351	Child day care services	S	S	P		S	S/A	S			S		S					A	S
836	Residential Care																		
8361	Residential care																		
839	Social Services, not elsewhere classified																		
8399	Social services, not elsewhere classified	P	P					P											S
84	<b>MUSEUMS, BOTANICAL, ZOOLOGICAL GARDENS</b>																		
841	Museums and Art Galleries																		
8412	Museums and art galleries	P	P					P	S	P									P
842	Botanical and Zoological Gardens																		
8422	Botanical and zoological gardens										P								
86	<b>MEMBERSHIP ORGANIZATIONS</b>																		
861	Business Associations																		
8611	Business associations									P									
862	Professional Organizations																		
8621	Professional organizations									P									
863	Labor Organizations																		
8631	Labor organizations										P								
864	Civic and Social Associations																		
8641	Civic and social associations				P					P									
865	Political Organizations																		
8651	Political organizations										P								
866	Religious Organizations																		
8661	Religious organizations										P								
869	Membership Organizations, not elsewhere classified																		
8699	Membership organizations, not elsewhere classified										P								
87	<b>ENGINEERING &amp; MANAGEMENT SERVICES</b>																		
871	Engineering & Architectural Services																		
8711	Engineering services	P		P		P	P	S	P					P	P	S			
8712	Architectural services	P		P		P	P	P	P					P	P	P			
8713	Surveying services	P		P		P	P	S	P					P	P	S			
872	Accounting, Auditing, & Bookkeeping																		
8721	Accounting, auditing, & bookkeeping	P		P		P	P	P	P					P	P	P			
873	Research and Testing Services																		
8731	Commercial physical research			S		S	S	S						S	S	S			
8732	Commercial nonphysical research			S		S	S	S						S	S	S			
8733	Noncommercial research organizations			S		S	S	S						S	S	S			
8734	Testing laboratories													P	P				
874	Management and Public Relations																		
8741	Management services	P		P		P	P	P	S					P	P	P			
8742	Management consulting services	P		P		P	P	P						P	P	P			

(Permitted Use = P, Special Use = S, Not Permitted = Blank)

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 \_\_\_\_\_, 2016, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

---

Stephen R. Olson, Mayor

ATTEST:

---

Sandra L. Wesolowski, City Clerk

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



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

Meeting of September 22, 2016

**Unified Development Ordinance Text Amendment**

**RECOMMENDATION:** City Development Staff recommends approval of the proposed Unified Development Ordinance Text Amendment to amend the allowance for Membership Organizations and removal of the Planned Development District column within Table 15-3.0603 of the UDO.

<b>Project Name:</b>	Membership Organizations
<b>Project Address:</b>	N/A
<b>Applicant:</b>	City of Franklin
<b>Owners (property):</b>	N/A
<b>Current Zoning:</b>	N/A
<b>2025 Comprehensive Master Plan:</b>	N/A
<b>Use of Surrounding Properties:</b>	N/A
<b>Applicant Action Requested:</b>	Recommendation of approval for the proposed Unified Development Ordinance Text Amendment to Table 15-3.0603

**Introduction**

At the August 2, 2016 Common Council meeting, as part of the motion related to the Root River Church Unified Development Ordinance Text Amendment Application, Department of City Development staff was directed to file a Unified Development Ordinance Text Amendment Application to remove all Membership Organizations, Standard Industrial Classification Major Group No. 86, from the B-3 Community Business District.

At the August 16, 2016 Common Council meeting, staff presented the information below, under the Project Description and Analysis section of this report, and the Common Council further directed staff "to prepare an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 Major Group No. 86 for all zoning districts as recommended by the Department of City Development."

As such, staff prepared the necessary documentation and a Class 2 public hearing noticed was published in the newspaper as required by the UDO.

**Project Description and Analysis**

Table 15-3.0603 of the Unified Development Ordinance 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 (SIC) Manual (1987, or latest edition) published by the Executive Office of the President, Office of Management and Budget.

In review of Table 15-3.0603 and Major Group No. 86, staff found that in addition to the B-3 District, the B-2 General Business District, BP Business Park District and OL-2 General Business Overlay District also allow all Membership Organizations, except for SIC Code No. 8661 Religious Organizations, similar to the B-3 District. Therefore, staff is recommending and requesting permission to also remove all Membership Organizations from the B-2, BP and OL-2 Districts as well as the B-3 District.

Furthermore, staff found that all Membership Organizations, including Religious Organizations are allowed in the B-6 Professional Office District, B-7 South 27<sup>th</sup> Street Mixed Use Office District, CC City Civic Center District and OL-1 Office Overlay District. As these districts are generally intended for retail and office type uses, and for similar reasons stated by staff regarding the B-3 District, staff recommends removing all Membership Organizations from these zoning districts as well.

Additionally, Table 15-3.0603 allows SIC Code No. 8611 Business Associations, 8621 Professional Organizations and 8699 Membership organizations, not elsewhere classified in PDD zoning. Staff recommends removing these as well and notes that individual uses may be addressed within specific planned developments. As such, staff also recommends that the entire PDD column within Table 15-3.0603 be eliminated.

Lastly, staff recommends adding all Membership Organizations as permitted uses in the I-1 Institutional District, along with Religious Organizations, which are already permitted in the I-1 District.

As a result, the amended table would allow SIC Code No. 8641 Civic and social associations as a permitted use in the B-4 District (per Ordinance No. 2012-2099) and SIC Code No. 8661 Religious Organizations and all other Membership Organizations as permitted uses in the I-1 Institutional District. The resulting proposed table is attached for your review.

Staff would further note that it is likely that many, although not all, Membership Organizations such as political organizations, civic and social organizations and professional organizations would fall under the General Office category and would be allowed in all zoning districts as a permitted use, except the M-2, A-1, A-2, M-3 and L-1 zoning districts. The General Office definition is below.

Office, General. Any business use conducting clerical and/or professional service activities within a room or group of rooms and generally furnished with desks, tables, file cabinets, computers, phones, communication equipment and/or the like. General office uses may include, but are not limited to: computer work; research; photocopying; filing; over the phone sales; and answering phones or otherwise responding to communications. A minimum of 75% of floor area shall be designated as office space to constitute a general office use. Other uses may include ancillary storage, kitchens; break rooms and other office support spaces. Retail, warehousing and outdoor storage shall be prohibited with a general office use. A general office use includes the addition or relocation on the property of office use, on a legal nonconforming use property, after September 10, 2015, when such office use addition or relocation occupies or shall occupy existing (as of

September 10, 2015) building space on the property, which addition or relocation shall not constitute the expansion or enlargement of a legal nonconforming use under Division 15-3.100 of the Unified Development Ordinance, and which addition or relocation shall be a permitted use. In the event of an aforesaid relocation of office use upon a legal nonconforming use property, the space vacated by such office use within an existing (as of September 10, 2015) building may be otherwise occupied by the legal nonconforming use (if such space is less than 1,000 square feet in area), which occupation of such area shall not constitute the expansion or enlargement of a legal nonconforming use under Division 15-3.100 of the Unified Development Ordinance.

As discussed at the August 2, 2016 Common Council meeting, the Religious Land Use and Institutionalized Persons Act (RLUIPA) require that religious assemblies and institutions be treated on equal terms than non-religious assemblies and institutions. Staff finds that the proposed changes comply with RLUIPA.

**Staff Recommendation**

City Development Staff recommends approval of the proposed Unified Development Ordinance Text Amendment to amend the allowance for Membership Organizations and removal of the Planned Development District column within Table 15-3.0603 of the UDO.

Existing

Table 15-3.0603 (continued)

SIC NO	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
806	Hospitals																					
8062	General medical & surgical hospitals							S			P				P	S						
8063	Psychiatric hospitals							P			P				P	S						
8069	Specialty hospitals except psychiatric							P			P				P	S						
807	Medical and Dental Laboratories																					
8071	Medical laboratories		P	P				P	S				P	P	P	P	S					
8072	Dental laboratories		P					P		S			P	P	P	P	S					
808	Home Health Care Services																					
8082	Home health care services		P	P	P	P		P	S							P	S					P
809	Health and Allied Services, not elsewhere classified																					
8092	Kidney dialysis centers		S					P	P	S	P				P	P	S					P
8093	Specialty outpatient clinics, not elsewhere classified		S					P	P	S	P				P	P	S					P
8099	Health and allied services, not elsewhere classified		S		S			P	P	S	P				P	P	S					P
81	LEGAL SERVICES																					
811	Legal Services																					
8111	Legal Services	P	P	P	P		P	P	P	P					P	P	P					P
82	EDUCATIONAL SERVICES																					
821	Elementary and Secondary Schools																					
8211	Elementary and secondary schools										P											
822	Colleges and Universities																					
8221	Colleges and universities										P											
8222	Junior colleges										P											
823	Libraries																					
8231	Libraries										P											
824	Vocational Schools																					
8243	Data processing schools		P		P			S/A							P	A	P					
8244	Business and secretarial schools		P		P			S/A			P		S		S	A	P					
8249	Vocational schools, not elsewhere classified		P		P			S/A			P		S	S		A	P					
829	Schools & Educational Services, not elsewhere classified																					
8299	Schools & educational services, not elsewhere classified				P			S			S		S	S								
83	SOCIAL SERVICES																					
832	Individual and Family Services																					
8322	Individual and family services		P	P			S		P				P		S		P					S
833	Job Training and Related Services																					
8331	Job training and related services		P		P			P	S/A	P			P	P		A	P					P
836	Child Day Care Services																					
8351	Child day care services		S	S	P			S	S/A	S			S		S	A	S					S
836	Residential Care																					
8361	Residential care																					
839	Social Services, not elsewhere classified																					
8399	Social services, not elsewhere classified		P	P					P								S					S
84	MUSEUMS, BOTANICAL, ZOOLOGICAL GARDENS																					
841	Museums and Art Galleries																					
8412	Museums and art galleries		P	P					P	S	P				P		P					
842	Botanical and Zoological Gardens																					
8422	Botanical and zoological gardens										P											
86	MEMBERSHIP ORGANIZATIONS																					
861	Business Associations																					
8611	Business associations		P	P			P	P	P						P	P	P					P
862	Professional Organizations																					
8621	Professional organizations		P	P			P	P	P						P	P	P					P
863	Labor Organizations																					
8631	Labor organizations		P	P			P	P	P						P	P	P					
864	Civic and Social Associations																					
8641	Civic and social associations		P	P	P		P	P	P						P	P	P					
865	Political Organizations																					
8651	Political organizations		P	P			P	P	P						P	P	P					
866	Religious Organizations																					
8661	Religious organizations						P	P	P		P					P						
869	Membership Organizations, not elsewhere classified																					
8699	Membership organizations, not elsewhere classified		P	P			S	S	P						S	S	P					P
87	ENGINEERING & MANAGEMENT SERVICES																					
871	Engineering & Architectural Services																					
8711	Engineering services		P		P			P	P	S	P				P	P	S					
8712	Architectural services		P		P			P	P	P	P				P	P	P					
8713	Surveying services		P		P			P	P	S	P				P	P	S					
872	Accounting, Auditing, & Bookkeeping																					
8721	Accounting, auditing, & bookkeeping		P		P			P	P	P	P				P	P	P					
873	Research and Testing Services																					
8731	Commercial physical research				S			S	S	S					S	S	S					
8732	Commercial nonphysical research				S			S	S	S					S	S	S					
8733	Noncommercial research organizations				S			S	S	S					S	S	S					
8734	Testing laboratories												P	P								
874	Management and Public Relations																					
8741	Management services		P		P			P	P	P	S				P	P	P					
8742	Management consulting services		P		P			P	P	P					P	P	P					

(Permitted Use = P, Special Use = S, Not Permitted = Blank)

Proposed

Table 15-3.0603 (continued)

SIC		B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD	
806	Hospitals																						
8062	General medical & surgical hospitals							S			P				P	S							
8063	Psychiatric hospitals							P			P				P	S							
8069	Specialty hospitals except psychiatric							P			P				P	S							
807	Medical and Dental Laboratories																						
8071	Medical laboratories		P	P				P	S				P	P	P	P	S						
8072	Dental laboratories		P					P		S			P	P	P	P	S						
808	Home Health Care Services																						
8082	Home health care services		P	P	P	P		P	S							P	S					P	
809	Health and Allied Services, not elsewhere classified																						
8092	Kidney dialysis centers		S				P	P	S		P				P	P	S					P	
8093	Specialty outpatient clinics, not elsewhere classified		S				P	P	S		P				P	P	S					P	
8099	Health and allied services, not elsewhere classified		S		S		P	P	S		P				P	P	S					P	
81	<b>LEGAL SERVICES</b>																						
811	Legal Services																						
8111	Legal Services		P	P	P	P		P	P	P					P	P	P					P	
82	<b>EDUCATIONAL SERVICES</b>																						
821	Elementary and Secondary Schools																						
8211	Elementary and secondary schools										P												
822	Colleges and Universities																						
8221	Colleges and universities										P												
8222	Junior colleges										P												
823	Libraries																						
8231	Libraries										P												
824	Vocational Schools										P												
8243	Data processing schools		P		P			S/A							P	A	P						
8244	Business and secretarial schools		P		P			S/A			P		S		S	A	P						
8249	Vocational schools, not elsewhere classified		P		P			S/A			P		S	S		A	P						
829	Schools & Educational Services, not elsewhere classified																						
8296	Schools & educational services, not elsewhere classified				P			S			S		S	S									
83	<b>SOCIAL SERVICES</b>																						
832	Individual and Family Services																						
8322	Individual and family services		P	P			S		P				P		S		P					S	
833	Job Training and Related Services																						
8331	Job training and related services		P		P		P	S/A	P				P	P		A	P					P	
835	Child Day Care Services																						
8351	Child day care services		S	S	P		S	S/A	S				S		S	A	S					S	
836	Residential Care																						
8361	Residential care																						S
839	Social Services, not elsewhere classified																						
8399	Social services, not elsewhere classified		P	P					P								S						S
84	<b>MUSEUMS, BOTANICAL, ZOOLOGICAL GARDENS</b>																						
841	Museums and Art Galleries																						
8412	Museums and art galleries		P	P					P	S	P				P		P						
842	Botanical and Zoological Gardens																						
8422	Botanical and zoological gardens										P												
86	<b>MEMBERSHIP ORGANIZATIONS</b>																						
861	Business Associations																						
8611	Business associations										P												
862	Professional Organizations																						
8621	Professional organizations										P												
863	Labor Organizations																						
8631	Labor organizations										P												
864	Civic and Social Associations																						
8641	Civic and social associations				P						P												
865	Political Organizations																						
8651	Political organizations										P												
866	Religious Organizations																						
8661	Religious organizations										P												
869	Membership Organizations, not elsewhere classified																						
8699	Membership organizations, not elsewhere classified										P												
87	<b>ENGINEERING &amp; MANAGEMENT SERVICES</b>																						
871	Engineering & Architectural Services																						
8711	Engineering services		P		P		P	P	S	P					P	P	S						
8712	Architectural services		P		P		P	P	P	P					P	P	P						
8713	Surveying services		P		P		P	P	S	P					P	P	S						
872	Accounting, Auditing, & Bookkeeping																						
8721	Accounting, auditing, & bookkeeping		P		P		P	P	P	P					P	P	P						
873	Research and Testing Services																						
8731	Commercial physical research				S		S	S	S						S	S	S						
8732	Commercial nonphysical research				S		S	S	S						S	S	S						
8733	Noncommercial research organizations				S		S	S	S						S	S	S						
8734	Testing laboratories												P	P									
874	Management and Public Relations																						
8741	Management services		P		P		P	P	P	S					P	P	P						
8742	Management consulting services		P		P		P	P	P						P	P	P						

(Permitted Use = P, Special Use = S, Not Permitted = Blank)

<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>October 18, 2016</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>An Ordinance to Amend Ordinance 2015-2198 adopting the 2016 Annual Budgets for the General Fund and Debt Service Fund for the City of Franklin for fiscal year 2016, to provide personnel appropriations for personnel costs related to the fall 2016 General Elections and the Debt Refunding</b>	<b>ITEM NUMBER</b> <i>G.7.</i>

**Background**

The 2016 Budget includes appropriations for Election services consisting of two primaries and two General Elections, one set in the spring and one set in the fall. The 2016 Mayor's Recommended budget included six districts, with four elections and nine poll workers, each with 15 hours of labor.

City growth over 35,000 population has placed increased requirements upon the City in reporting election results which requires additional labor at the polls. In addition, changing state election regulations had placed additional demands upon the elections staff further driving labor needs to fulfill those requirements.

These increased demands upon the City for elections reporting were underestimated when the 2016 budget was developed. 2016 appropriations were exhausted upon completion of the August 2016 primary election. The fall 2016 General election scheduled for Tuesday November 8, 2016 has no appropriation available to support the services provided for the election.

Earlier this year, the State converted to a new statewide voter registration system which no longer allows municipalities over 35,000 to combine wards into one poll list, thereby requiring the number of poll books to increase from 6 to 25 and the number of poll workers on the poll books to quadruple. In addition, a referendum will be held at the November 8, 2016 General Election only for those voters in the Franklin School District. That will require additional poll workers and different ballots for voters in the Franklin School District, Oak Creek-Franklin School District and Whitnall School District. At this election, there will be a total of 32 different ballots—depending upon the ward number, school district, State Assembly District, and State Senate District.

The Common Council has authorized the refunding of the 2007 General Obligation Bonds with the 2016 Refunding Bonds. To properly classify these appropriations/expenditures a budget amendment is recommended for these items.

**Recommendation**

The City Clerk's office recommends additional appropriations be made available to provide election services to Franklin residents for the November 8, 2016 General election.

Increase Elections Personnel Costs   \$30,000  
Decrease Unrestricted Contingency   \$30,000

The following budget changes are recommended for the Debt Service Fund:

Increase Refunding Debt Proceeds -	\$5,770,000
Increase Premium on Refunding Debt -	154,202
Total Resources	\$5,924,202

Increase Principal Payments on 2007 GO Refunding Bonds -	\$5,895,000
Increase issuance costs	\$53,789
Reduce Interest Expense on 2007 GO Bonds	\$24,587
Total Expenditures -	\$5,924,202

The Finance Committee reviewed the Debt Service Amendment at the Sept 27, 2016 meeting and recommends its adoption.

**Fiscal Impact**

Unused contingency appropriations as of August 31, 2016 total \$126,700, providing sufficient appropriations for the Fall General Elections.

The Debt Service budget change is neutral on resources and expenditures.

**COUNCIL ACTION REQUESTED**

Motion adopting An Ordinance to Amend Ordinance 2015-2198 adopting the 2016 Annual Budgets for the General Fund and Debt Service Fund for the City of Franklin for fiscal year 2016, to provide personnel appropriations for personnel costs related to the fall 2016 General Elections and the Debt Refunding

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

ORDINANCE NO. 2016\_\_\_\_\_

AN ORDINANCE TO AMEND ORDINANCE 2015-2198, AN ORDINANCE ADOPTING THE 2016 ANNUAL BUDGETS FOR THE GENERAL FUND AND DEBT SERVICE FUND FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2016, TO PROVIDE PERSONNEL APPROPRIATIONS FOR PERSONNEL COSTS RELATED TO THE FALL 2016 GENERAL ELECTIONS AND THE DEBT REFUNDING

---

WHEREAS, the Common Council adopted the 2016 Budget for the City of Franklin providing resources and appropriations for 2016 and

WHEREAS, Elections personnel appropriations were provided for two primaries and two general elections, and

WHEREAS, population growth has required the City to report elections at the ward level for the first time which demands additional personnel at the polls, and

WHEREAS, earlier elections has used the entire elections personnel appropriations for 2016, and

WHEREAS, the City desires to provide voting services to residents for the fall General statewide and national elections, and

WHEREAS, the Common Council of the City of Franklin adopted Resolution 2016-7176 authorizing the issuance of General Obligation refunding bonds, Series 2016 in the approximate amount of \$5,935,000 for the purpose of refunding the Series 2007 General Obligation Refunding Bonds dated January 3, 2007, and

WHEREAS, the Series 2016 Refunding Bonds were sold April 20, 2016 and

WHEREAS, the 2016 Debt Service Fund had no appropriation for the refunding transaction, and

WHEREAS, the refunding of the Series 2007 General Obligation Refunding Bonds in the best interest of the City of Franklin.

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

Section 1 That the 2016 Budget be adjusted as follows:

General Fund			
Elections	Personnel Costs	Increase	\$30,000
Contingency	Restricted	Decrease	30,000

Debt Service Fund		
Refunding Debt Proceeds	Increase	\$5,770,000
Premium on Refunding Debt	Increase	154,202
Principal Payments on the 2007 Bonds	Increase	5,895,000
Issuance Costs	Increase	53,789
Interest Expense on 2007 Bonds	Decrease	24,587

Section 2 Pursuant to §65.90(5)(a), Wis. Stats., the City Clerk is directed to publish a Class 1 notice of this budget amendment within ten days of adoption of this ordinance.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

ATTEST:

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

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

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

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 10/18/16
Reports & Recommendations	<b>ORDINANCE TO CREATE §133-6L (7) OF THE MUNICIPAL CODE FOR REPORTING WATER USED IN TESTING OF EQUIPMENT IN ACCORDANCE WITH WIS. STAT. § 62.11(5)</b>	ITEM NO. <i>G.8.</i>

**BACKGROUND**

The Water Utility has been aggressively looking for ways to reduce water loss. These efforts involved conducting a self audit per American Water Works Association (AWWA) M36 Water Audits and Loss Control Program. The product of these efforts is a water balance spreadsheet that identifies types of water, such as Billed Authorized Consumption, Unbilled Authorized Consumption, apparent Losses, and Real Losses. A copy of the 2015 audit prior to 2016 efforts are enclosed for reference. The Wisconsin Public Service Commission is anticipating that they will soon join other states in requiring this method from public water utilities.

Given Franklin’s high cost of water from Oak Creek, it is vital to the Utility’s financial being to understand and manage water. According to the 2015 audit, there was an estimated value of \$478,030 of lost water. Efforts to manage water are being reported at the monthly Board of Water Commission meetings. These efforts include hiring a consultant to perform a full system water leak detection survey and asking the Fire Department to make small changes in the reporting and estimating of water use fighting fires and training operations. In addition, the Utility is reevaluating many current operation methods.

**ANALYSIS**

One issue identified in the water audit efforts is water that is used during testing by private companies of fire suppression systems on private property. The utility knows of 485 companies that have their fire suppression systems annually tested. Although the Fire Department annually inspects these systems, this water is unmetered and unreported. Water used in this purpose should be considered “unbilled-unmetered” consumption (ie allowed uses) but in the 2015 audit, this volume was accounted for in the “water loss” categories (ie not-allowed uses). Although it may seem trivial, documenting use is imperative to in the evaluation of the utility infrastructure and management.

The Board of Water Commissioners has approved a new program that requires volumes of testing water to be reported. Plastic tags have been printed and are ready to be mailed to customers so that they may be attached to valves and appurtenances reminding the inspector that the water must be reported. Forms have been developed for the reporting of the water (see attached). Ultimately the water customer is responsible for the reporting of the water.

Staff did consider adding the cost of the water used in testing to the customer’s quarterly water bill. However, upon review of the fire protection charge, it is believed that that water used in this manner is allowable for use by the customer.

*Public fire protection service includes the use of hydrants for fire protection service only and such quantities of water as may be demanded for the purpose of extinguishing fires within the service area. This service shall also include water used for testing equipment and training personnel. For all other purposes, the metered or other rates set forth, or as may be filed with the public service Commission, shall apply. [emphasis added]*

Chapter 133 is the Fire Prevention, Protection, and Control Code. §133-6 is the section for Automatic fire sprinkler fire control and/or suppression system protection. Subsection L is the Maintenance of Equipment. There are six items and item (7) is new text discussing how the testing is to be reported.

The enclosed ordinance has been reviewed and approved by the Board of Water Commissioners and recommended to the Common Council for approval.

**OPTIONS**

Adopt Ordinance to create §133-6L (7) of the Municipal Code for reporting water used in testing of equipment; or

Table

**FISCAL NOTE**

The water utility will spend approximately \$1,000 on the printing of plastic tags. Postage, envelopes, etc to mail the notice to affected companies will be approximately \$300. All of these expenses will be borne by the Water Utility operating expenses.

**RECOMMENDATION**

Motion to adopt Ordinance No. 2016 - \_\_\_\_\_ an ordinance to create §133-6L (7) of the Municipal Code, "Reporting Water Used In Testing Of Equipment" in accordance with Wis. Stat. § 62.11(5)

Water Audit Report for: Franklin Water Utility (24105631)		12/2014 - 12/2015	
Reporting Year: 2015			
Data Validity Score: 87			
Water Exported	0.000	Billed Water Exported	
Own Sources (Adjusted for known errors)	0.000	Billed Authorized Consumption	Billed Metered Consumption (water exported is removed)
		848.289	848.211
Water Supplied	1,001.680	Unbilled Authorized Consumption	Billed Unmetered Consumption
		1.369	0.077
Water Imported	1,001.680	Water Losses	Non-Revenue Water (NRW)
		152.022	153.391
		Apparent Losses	
		9.722	
		Real Losses	
		142.300	
		Unauthorized Consumption	
		2.504	
		Customer Metering Inaccuracies	
		5.098	
		Systematic Data Handling Errors	
		2.121	
		Leakage on Transmission and/or Distribution Mains	
		Not broken down	
		Leakage and Overflows at Utility's Storage Tanks	
		Not broken down	
		Leakage on Service Connections	
		Not broken down	



Water Audit Report for: Franklin Water Utility (24105631)  
Reporting Year: 2015 12/2014 - 12/2015

\*\*\* YOUR WATER AUDIT DATA VALIDITY SCORE IS: 87 out of 100 \*\*\*

System Attributes:

Apparent Losses:	9.722	MG/Yr
+	142.300	MG/Yr
=	152.022	MG/Yr
Unavoidable Annual Real Losses (UARL): 58.74 MG/Yr		
Annual cost of Apparent Losses: \$46,862		
Annual cost of Real Losses: \$431,168		

Valued at Variable Production Cost

Return to Reporting Worksheet to change this assumption

Performance Indicators:

Financial:	Non-revenue water as percent by volume of Water Supplied:	15.3%
	Non-revenue water as percent by cost of operating system:	7.5%
Operational Efficiency:	Apparent Losses per service connection per day:	3.24 gallons/connection/day
	Real Losses per service connection per day:	47.45 gallons/connection/day
	Real Losses per length of main per day*:	N/A
	Real Losses per service connection per day per psi pressure:	0.77 gallons/connection/day/psi
From Above, Real Losses = Current Annual Real Losses (CARL):		142.30 million gallons/year
Infrastructure Leakage Index (ILI) [CARL/UARL]:		2.42

\* This performance indicator applies for systems with a low service connection density of less than 32 service connections/mile of pipeline

**DRAFT FORM ON CITY LETTERHEAD TO BE SENT TO APPROXIMATELY 485 COMPANIES THAT HAVE THEIR FIRE SUPPRESSION SYSTEMS ANNUALLY TESTED. FORM WOULD ALSO BE DOWNLOADABLE FROM CITY WEBSITE**

Dear Property Owner,

As an owner of an automatic fire sprinkler fire control and/or fire suppression system, City Ordinance §133-6L (7) requires you to report an estimate of un-metered water used to test your system.

The City will provide tags that may be installed on valves to advise your testing company of the requirement. Keep in mind that you, the Owner, are liable for any fines with failure to comply with the ordinance.

Please call the City Utility Department at (414) 421-2613 or (414) 421-2581 to answer any questions you may have.

*This form may be reproduced as needed or additional forms may be obtained by contacting the City. You may also download the form at: [www.franklinwi.gov](http://www.franklinwi.gov)*

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

Owner's Business/Property Name: \_\_\_\_\_

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

Name of Person/Company performing test: \_\_\_\_\_

Contact Information of Person performing test: \_\_\_\_\_

**Estimation of Water Used:**

Duration of Test: \_\_\_\_\_

Flow (GPM): \_\_\_\_\_

Total used during test: \_\_\_\_\_

Fire Pumps (circle one) YES NO

Estimate of other water used not metered (please explain): \_\_\_\_\_

Total estimate of water used to test fire suppression system: \_\_\_\_ Gallons

**This form must be submitted to the City within one week of the testing date.** You may fax the form to (414) 425-3106 or deliver to the Engineering Department located in the lower level of City Hall 9229 W. Loomis Road, Franklin, WI 53132.

DRAFT ORDINANCE NO. 2016-\_\_\_\_

AN ORDINANCE TO CREATE §133-6L (7) OF THE MUNICIPAL CODE,  
“REPORTING WATER USED IN TESTING OF EQUIPMENT” IN ACCORDANCE  
WITH WIS. STAT. § 62.11(5)

---

WHEREAS, Wis. Stat. § 62.11(5) authorizes the Common Council to act for the government and good order of the City for the health, safety and welfare of the public; and

WHEREAS, §133-6 of the Municipal Code of the City of Franklin, Wisconsin governs the requirements for automatic fire sprinkler fire control and/or fire suppression system protection; and

WHEREAS, the Water Utility has a need to track water consumption and water losses within the potable water distribution system; and

WHEREAS, unmetered water is used for the annual testing of automatic fire sprinkler fire control and/or fire suppression systems under §133-6L- Maintenance of Equipment; and

WHEREAS, the Water Utility will provide, education, forms and other assistance for Owners of automatic fire sprinkler fire control and/or fire suppression systems to report estimates of water usage used in testing; and

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

SECTION 1: §133-6L(7) of the Municipal Code of the City of Franklin, Wisconsin, is hereby created to read as follows:

“(7) Owner is responsible for reporting date and quantity of water used during any tests of systems to Water Utility on forms provided by Utility within one week of test.

(a) Any person who violates this provision shall be subject to a penalty as provided in § 133.22 of this chapter.

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

ORDINANCE NO. 2016-\_\_\_\_

Page 2

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

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

Introduced at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016, by Alderman \_\_\_\_\_.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

APPROVED:

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

ATTEST:

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

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

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>10/18/2016</b></p>
<p><b>ORGANIZATIONAL BUSINESS</b></p>	<p><b>Status of Appeal of Noxious Weed Determination (Max Fonsing) for Property Located at 7730 W. Terrace Drive (Alderman D. Mayer)</b></p>	<p><b>ITEM NUMBER</b></p> <p><i>G.9.</i></p>

At the September 20, 2016 Common Council meeting, Alderman D. Mayer moved to table to the October 4, 2016 Common Council meeting, the appeal from Max Fonsing for the noxious weed determination at 7730 West Terrace Drive. At the meeting on October 4, 2016, this item was tabled to the October 18, 2016 Common Council meeting. Attached to this Request for Council Action is the correspondence provided by Alderman D. Mayer requesting to close this matter as it has been satisfactorily resolved by all parties.

**COUNCIL ACTION REQEUSTED**

No action necessary.

## Sandi Wesolowski

---

**From:** Daniel Mayer  
**Sent:** Wednesday, October 12, 2016 11:03 AM  
**To:** Todd Sarauer; Sandi Wesolowski  
**Cc:** mfonsing@yahoo.com  
**Subject:** RE: Whitnal Park Terrace- complaint regarding 7730 Terrace Dr.  
**Attachments:** image001.png

Thank you Mr. Sarauer.

Clerk Wesolowski, Could you please Close this complaint or send this to the CC for appropriate acknowledgement?

Thanks Everyone.  
Have a great day.  
Dan

---

**From:** Todd Sarauer [todd@huntmanagement.com]  
**Sent:** Tuesday, October 11, 2016 4:35 PM  
**To:** Daniel Mayer  
**Cc:** Todd Sarauer  
**Subject:** Whitnal Park Terrace- complaint regarding 7730 Terrace Dr.

Dan,

The Board of Directors has asked that I forward the following.

The Board president worked with Mr. Fonsing and the unit owner's to come up with a resolution and understanding. We believe all parties are satisfied at this time and you may close the complaint.

Thank you for your assistance,

Sincerely,

Todd Sarauer, CMCA, AMS, PCAM  
Property Manager  
[cid:image003.png@01CE103F.1D2B8AE0]  
Hunt Management Incorporated  
ph. 262-238-1480  
fx. 262-238-1485  
huntmanagement.com

<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b>  <b>10/18/2016</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Health and Dental Plan and Claim Administration Services, Stop-loss Coverage, and Broker Services for 2017</b>	<b>ITEM NUMBER</b>  <i>6.10.</i>

The City of Franklin has a self-insured medical, prescription, and dental insurance plan. Claims are processed by a Third Party Administrator (TPA) and a pharmacy benefit management coordinator. To guarantee against catastrophic losses the City carries a stop loss policy for claims for individuals and, for the last three years, for a guaranteed maximum amount of claims. Diversified serves as our consultant/broker for negotiating these agreements as part of the stop-loss renewal process. The administrators receive administrative and service fees through the policies, which fees represent part of the total cost of claims, except for Diversified whose service is no longer based on claims volume.

In 2013, all of the health services were bid out and Humana became the network provider, stop loss insurance provider, TPA, and pharmacy provider. The City signed on with Humana for 2014 with the expectation of a 3-year minimum term. Nonetheless, expected and maximum claims and stop loss rates were subject to renewal negotiations, and the City could discontinue the services and switch providers if the City determined it was in its best interest. At the same time, moving to Humana required becoming a member of the Business Health Care Group (BHCG). BHCG is a coalition of businesses generally headquartered in southeast Wisconsin that initially joined forces in 2003 with the mission to cooperatively drive "meaningful change to improve the value of health care for both quality and cost within our market." In addition to the City of Franklin, current members include, in partial listing, Acuity, American Roller, AO Smith, Badger Meter, BMO Financial Group, Gannet Co. (Journal Media Group), Kohls, Manpower, MillerCoors, Northwestern Mutual, Robert W. Baird & Company, Rockwell International, and the City of Kenosha; all told covering nearly 50,000 lives.

As previously reported, the BHCG and many of its members moved from Humana to United Health Care (UHC) for 2016 as the beginning of an effort to reshape the market place focusing on quality-driven and consumer-driven health care. Although the network itself remains broad, information available to participants helps to identify the doctors with a "Premium Designation," those providing the highest quality of care and the best value, with quality and value taking into consideration the full continuum of services associated with a health condition or event, such as the need for return visits or treatment. It is a very forward-thinking structure that the BHCG and its members developed over an extended period, bid out, and then negotiated with UHC. Nonetheless, due to continued favorable pricing with our prior three-year plan, Franklin stayed with Humana for 2016.

As reported at the Common Council meeting of 3/15/16, the strategy for 2017 was to stick with Humana unless early proposals or guarantees for 2017 were determined by the Director of Administration to be unsatisfactory. Humana proposals, even after some negotiations remained at around a 9% increase for stop loss coverage, with over an 11% increase in the total estimated maximum cost. The increase was not acceptable; therefore, pricing with UHC through the BHCG, including alternate stop loss carriers, was pursued.

Staff anticipates making a recommendation to the Personnel Committee that the City move to UHC through the BHCG, but while retaining a substantially similar plan design to the City's current plan design. Sun Life, a preferred provider for UHC and for our broker, Diversified, would provide the stop loss and claims maximum coverage. Most of the preliminary work has been completed, and that review will be considered by the Personnel Committee at their meeting of October 17, 2016, and distributed at the Common Council meeting. Their recommendation will be reported to the Aldermen at the Common Council meeting on October 18th.

It is anticipated that the final costing will enable premium rates to remain fixed for 2017, continuing a trend of premiums remaining fixed or falling every year since 2012. The City's recent history of increasing employee contribution rates would continue with employees and spouses participating in the health risk assessment (HRA) contributing 14% of the premium cost and with employees not participating contributing 18%; each up one-half percent from the current rates. Humana's broad medical network would be used as would their dental network, pharmacy services, and TPA processing services. Cost to the City should decrease by slightly over \$100,000 compared to the proposed 2017 budget estimates.

The broad network should cause very limited disruption in provider selections for our covered members. There may be slightly more disruption on the pharmacy side as each pharmacy plan establishes the "tiers" of medication independently (meaning a current pharmacy \$10 co-pay under Humana could become a tier 2 drug with a \$25 co-pay in the new pharmacy plan or vice versa). As noted above, the plan design would remain substantially similar to the current plan design, except, for example, where UHC's system cannot track the coverage to the same level of detail required by our current plan coverage. Maintaining the same plan will be helpful to employees who now need to go through the process of moving to the new carrier. As such, for 2017, there would not be a requirement or incentive incorporated to drive selection of the Premium Designation doctors. It is anticipated that such an incentive could be incorporated in 2018 as we continue to ensure the City remains under the Cadillac Plan tax limits. This also will enable providers, such as Ascension (Columbia St. Mary's, Wheaton Franciscan Healthcare, Affinity Health System, and Ministry Health Care), to complete its physician services evaluation which should bolster the number of doctors qualifying as Premium Designation doctors.

Consistent with the information and recommendation presented earlier this year, use of Diversified as the City's broker would continue on a month-to-month basis at the same rate that has been in place for multiple years. Tom Jocz with Diversified Insurance Services will be in attendance at the Personnel Committee meeting to present the recommended proposed rates and answer any questions.

### **COUNCIL ACTION REQUESTED**

Motion to authorize the Director of Administration to execute Health and Dental Plan and Claim Administration Services documents with United Health Care, and specific and aggregate stop loss coverage with Sun Life, and broker services with Diversified for fees and premiums not to exceed those rates as provided in the "Summary of Partially Self-Funded Premiums for City of Franklin" with the bottom line "Total Estimated Maximum Cost" of \$\_\_\_\_\_ (Final number based upon the document to be presented to the Personnel Committee and distributed at the Common Council meeting).

<b>APPROVAL</b> <i>Slw</i> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>10/18/2016</b>
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Employee Share of Monthly Health Insurance Premium for 2017</b>	<b>ITEM NUMBER</b> <i>G.11.</i>

Effective 1/1/16, participating employees pay 17.5% of the applicable monthly health insurance premium as determined by the Director of Finance and Treasurer, except if the employee (and the spouse, where applicable) participates in the Health Risk Assessment, as established by the City, the employee shall pay 13.5% of the monthly health insurance premium. (Note: The Plan Administrator may waive the participation requirement in whole or in part if, in his sole opinion, there is a significant, substantiated, and valid reason(s) for waiving the HRA participation requirement.)

The setting of the applicable rates generally occurs after adoption of the budget. This year, however, given the potential or anticipated change in health insurance networks, it is beneficial, from an employee perspective, that the City establishes the employee share of monthly health insurance premium for 2017 as soon as possible. This will enable employees to take this information into consideration as they enter the open enrollment period for our plan or for another plan to which they may have access, such as that of a spouse.

The recommended rates continue to climb one-half percent per year as part of the City's longer-term strategy to ensure the City achieves a health insurance benefit that is not subject to the "Cadillac Tax" in 2020, as currently provided for by law. As such, employee health insurance contribution rates would change from 13.5% to 14.0% for those individuals participating in the Health Risk Assessment (HRA) and from 17.5% to 18.0% for those individuals not participating in the HRA. Participation includes one's spouse. Represented employees address this issue within their labor agreement, but each of the agreements currently provide that they will follow the action set by the Common Council for all other employees.

The Director of Administration recommends approval.

### COUNCIL ACTION REQUESTED

Motion to amend and adopt the employee share of monthly health insurance premiums, effective 1/1/17, at 14% with participation in the Health Risk Assessment (HRA) and at 18% absent participation in the HRA and authorize the Director of Administration to incorporate the amendment into the Employee Handbook and Civil Service Manual in a manner he shall determine is appropriate.

<p><b>APPROVAL</b></p> <p><i>Slw</i></p>	<p><b>REQUEST FOR COMMON COUNCIL ACTION</b></p>	<p><b>MEETING DATE</b></p> <p><b>10/18/2016</b></p>
<p><b>ORGANIZATIONAL BUSINESS</b></p>	<p>Committee of the Whole Recommendation: Review of Mayor's Recommended 2017 Budget (Including all Funds, Departments, Revenues, Expenditures and Activities)</p>	<p><b>ITEM NUMBER</b></p> <p><i>6, 12.</i></p>

Review of Mayor's Recommended 2017 Budget (Including all Funds, Departments, Revenues, Expenditures and Activities).

**COUNCIL ACTION**

As directed

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 10/18/16
REPORTS & RECOMMENDATIONS	CITY PURCHASE OF PROPERTY FOR SALE (TAX KEY NOS. 886-9985-000, 15.1 ACRES AND 885-9997-000, 10.09 ACRES) IN THE WOODVIEW NEIGHBORHOOD, IN THE VICINITY OF PLANNED PUBLIC PARK SITE PN3 IN THE COMPREHENSIVE OUTDOOR RECREATION PLAN, FOR PUBLIC PARK PURPOSES.	<i>G.13.</i>

At the October 4, 2016 meeting of the Common Council, this item was referred back to Staff. City Assessor, Mark Link has provided further information for the Common Council to consider.

At the September 20, 2016 meeting of the Common Council, this item was tabled to the October 3, 2016 Committee of the Whole meeting.

At the September 6, 2016 meeting of the Common Council, this item was tabled.

At the August 8, 2016, meeting of the Park Commission, the following action was approved: move to recommend to the Common Council to purchase two (2) parcels located at Tax Key Nos.: 886-9985-000 and 885-9997-000 in the vicinity of Woodview Neighborhood Park as identified in the Comprehensive Outdoor Recreation Plan and Comprehensive Master Plan.

The Common Council may enter closed session pursuant to Wis. Stat. § 19.85(1)(e), to consider the potential acquisition of property for public park purposes in the general southwest area of the City and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

**COUNCIL ACTION REQUESTED**

A motion to enter closed session pursuant to Wis. Stat. § 19.85(1)(e), to consider the potential acquisition of property for public park purposes in the general southwest area of the City and to reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

Or,

Action on the above item as the Common Council deems appropriate

<b>APPROVAL</b> <i>slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> October 18, 2016
<b>REPORTS &amp; RECOMMENDATIONS</b>	<b>Automatic Renewal of Dissemination Agent Agreement for Issuer Continuing Disclosure Required Under Securities and Exchange Commission Rule 15c2-12</b>	<b>ITEM NUMBER</b> <i>G.14.</i>

**Background**

In January 2015, the Common Council authorized the engagement of Ehlers & Associates as Dissemination Agent for Issuer Continuing Disclosure Required under Securities and Exchange Commission rule 15c2-12.

When the City issues debt that is sold in the market place, the debt sale includes a Continuing Disclosure Agreement. That Agreement obligates the City to make certain financial disclosures within certain time frames to the market place.

**Analysis**

The Agreement has automatic annual renewal terms effective January 1 each year, unless 60 day notice is provided by either party. The 2017 renewal option window is upon us.

In exchange for early adoption of the Agent Agreement, Ehlers provide the City of Franklin very attractive pricing related to this work. Effectively, the cost of these services would double if the agreement were terminated.

**Options**

Take no action which causes the agreement to renew for another year.

OR

Direct staff to send timely termination notice to Ehlers.

OR

Take such other action as the Council deems appropriate.

**Recommendation**

Staff recommends permitting the Agreement to renew.

**Fiscal Impact**

The \$1,400 cost of the Service Agreement is included in the 2017 budget request.

**COUNCIL ACTION REQUESTED**

Such action as the Common Council deems appropriate.



January 5, 2015

Paul Rotzenberg  
Finance Director/Treasurer  
City of Franklin  
9229 West Loomis Road  
Franklin, Wisconsin 53132

Re: Letter of Engagement to Retain Ehlers as Dissemination Agent for Issuer Continuing Disclosure Required Under Securities and Exchange Commission (SEC) Rule 15c2-12 (the "Rule")

As an issuer of municipal securities, the City ("Issuer") is required to comply with all continuing disclosure obligations enumerated in the Continuing Disclosure Agreement/Certificate/Undertaking (CDU) associated with each issue of securities subject to the Rule. Many Issuers have CDU's that vary significantly from one CDU to another. Ehlers & Associates, Inc. ("Ehlers") has been helping you comply with all CDU obligations as Issuer's Dissemination Agent. Fulfilling this obligation requires research, preparation and filing of disclosure reports within specific time frames.

This Letter of Engagement ("Letter") is being presented to memorialize and clarify the terms of the Issuer's engagement of Ehlers as the Issuer's Dissemination Agent. In this regard, Ehlers agrees to provide Issuer with those services described in Appendix A ("Services"). Ehlers shall be entitled to compensation by the Issuer also as described in Appendix A.

This Letter shall be effective as of the date of its execution by the Issuer and shall remain in effect for a period of one (1) year (the "Initial Term"). This Letter shall renew automatically on each anniversary of the effective date of this Letter (each an "Additional Term"). Notwithstanding the foregoing, this Letter may be terminated by either party upon sixty (60) days prior written notice. The Initial Term and each Additional Term shall collectively be referred to herein as the "Term".

In order to perform the engagement, Issuer agrees to provide Ehlers all documents and information as are deemed necessary to fulfill the Issuer's reporting requirements under each respective CDU, and within the applicable timeframe(s) ("Disclosure Information"). With respect to Issuer's obligation to report the occurrence of any event for which a material event notice ("Event Notice") is to be filed, Issuer shall provide Disclosure Information related to the event to Ehlers within five (5) days of its occurrence. All other Disclosure Information must be provided to Ehlers within fourteen (14) days of Issuer's receipt of any such request from Ehlers. If Issuer fails to provide any Disclosure Information to Ehlers in accordance with the foregoing, Ehlers shall not be held liable for any reason in the event that any necessary disclosure filing is



not disseminated to the appropriate party within the applicable timeframe(s). Further, if for any reason Issuer fails to provide required Disclosure Information to Ehlers in accordance with the foregoing and Issuer's delay results in any disclosure filing being after a stated deadline, Ehlers shall, without further direction or instruction from Issuer, file a notice(s) with the applicable recipient submitting information provided by Issuer, if any, and/or describing the failure and providing any other information as Ehlers deems appropriate.

Ehlers shall deem all Disclosure Information provided to it by the Issuer to be accurate and free of defect, as well as not containing any material misstatements, falsehoods, or omissions of fact. Issuer acknowledges that Ehlers shall be entitled to rely on all Disclosure Information provided by the Issuer without further investigation as to its completeness or accuracy.

Ehlers shall maintain professional liability insurance at a minimum coverage level of \$2,000,000 per claim, and \$2,000,000 annual aggregate. Upon request of the Client, Ehlers shall provide a certificate of insurance to the Client. To the fullest extent permitted by applicable law, the total aggregate liability of Ehlers under this Agreement for any actions or omissions taken by Ehlers in the performance of this Agreement shall not exceed \$2,000,000 per claim, and \$2,000,000 annual aggregate during the Term then in effect notwithstanding anything contained herein. In addition, Issuer acknowledges that Ehlers shall not be responsible and/or liable for any errors, misstatements or omissions associated with any continuing disclosure report or filing, or for the correction thereof, that was prepared or disseminated by anyone other than Ehlers.

This Letter constitutes the entire agreement between the parties and is intended to supersede any and all agreements, whether oral or written, between the parties that were entered into relative to the subject matter hereof prior to the effective date of this Letter. No amendment or modification of this Letter shall be deemed valid unless made in writing and signed by both parties.

Our records show that Issuer is subject to Full CDU's. Ehlers will continue to act as Issuer's Dissemination Agent for the CDU's we have been handling.

This Letter covers these securities and any subsequent securities for which Ehlers has acted as the Municipal Advisor. The Issuer may request in writing that Ehlers act as the Dissemination Agent on any future securities subject to the Rule not involving Ehlers.

If our engagement under the terms of this Letter is acceptable, please sign this Letter in the appropriate signature block below and return a signed copy to us for our records. If, however, you do not wish to engage our services, please note that election and return a copy of this Letter to us.

Please contact me if you have any questions or would like to discuss our engagement further.

Sincerely,

Ehlers

Dawn Gunderson, CIPFA  
Senior Financial Advisor

**SO ACCEPTED BY ISSUER**

Issuer hereby accepts this Letter and engages Ehlers to provide the services noted herein and executes this Letter as of the date noted below:

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

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

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

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

**SO DECLINED BY ISSUER**

Issuer hereby acknowledges that it will be responsible for updating and submitting all necessary continuing disclosure reports and filings as may be required of Issuer without the assistance of Ehlers. Issuer further acknowledges and agrees that Ehlers assumes no responsibility for the compilation and/or submission of any such continuing disclosure reports or filings.

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

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

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

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

## APPENDIX A

### **EHLERS DISSEMINATION AGENT SERVICES AND FEES**

Ehlers' continuing disclosure services are designed to assist the Issuer in meeting its continuing disclosure obligations. Depending on the size of a transaction and the total amount of debt outstanding at the time of issuance, different debt issues may be subject to different reporting requirements. Ehlers will provide the services identified below, which are reflective of the Issuer's requirements under its respective Continuing Disclosure Undertaking (CDU). In no event will Ehlers assist Issuer with assessing whether information provided or omitted as part of an annual filing is "material" or whether an event is "material" under the federal securities laws requiring the filing of an event notice pursuant to a CDU. If the Issuer accepts this letter and engages Ehlers as the Dissemination Agent, Ehlers shall provide the following services and charge the following fees:

#### **Full Disclosure Services.**

##### **Background**

Since 1995, Securities and Exchange Commission (SEC) rule 15c2-12 (the "Rule") has required underwriters of municipal securities to ensure that issuers are obligated to provide periodic reporting of specific information with respect to certain issues of municipal securities. An issuer is classified as a "full disclosure" reporting entity when it issues securities subject to the Rule in an amount of \$1 million or more, and further provided that total securities subject to the Rule and currently outstanding exceed \$10 million. Full disclosure reporting entities must:

- File reports consisting of specific information at least annually with the Municipal Securities Rulemaking Board's (MSRB) Electronic Municipal Market Access (EMMA) system (<http://emma.msrb.org>).
- File "Event Notices" regarding enumerated events specified in SEC rules and CDUs within 10 business days of occurrence. Event Notices are filed through the same EMMA system.

##### **Description of Services**

Issuer engages Ehlers to provide the following services in connection with the preparation and dissemination of Issuer's continuing disclosure reports and Event Notice filings in connection with all outstanding debt issues of Issuer subject to the Rule and for which continuing disclosure reports or filings are required. During the Term of the engagement, Ehlers shall provide the services hereinafter described with respect to all existing and future securities of the Issuer subject to the Rule and having continuing disclosure requirements. Ehlers shall provide these services for any other securities of the Issuer when requested in writing by the Issuer.

##### **Annual Filings, or More Frequently, if Required**

- a. Review and catalog of all Continuing Disclosure Agreement/Certificate/Undertaking (CDU)'s of Issuer relative to current and future issues of securities subject to the Rule.
- b. Creation of a timetable for the anticipated schedule of events relating to the preparation of Issuer's annual (or more frequently, if required) continuing disclosure report.
- c. Collection of information from third parties and Issuer, as applicable, to the extent necessary to prepare the annual (or more frequently, if required) continuing disclosure report.
- d. Preparing the annual (or more frequently, if required) continuing disclosure report in a standardized format acceptable for submission to the EMMA system, or any future industry standard.
- e. Submission of the annual (or more frequently, if required) continuing disclosure report and any Event Notices to the designated recipient based on the applicable CDU's of Issuer and all laws, rules and regulations relative thereto.

- f. Delivering a copy of any report or notice submitted in accordance with (e. above) to Issuer for its records, as well as confirmations of receipt of filing(s).
- g. Respond to Underwriter/Investor inquiries and requests.
- h. Providing recommendations to Issuer relating to future continuing disclosure related matters.

**Event Notices**

- a. Informing Issuer of the types of events that may require the filing of an "Event Notice" and the required reporting period for such notices.
- b. Notifying Issuer of any information Ehlers discovers that may require the filing of an Event Notice, and preparation and filing of the required Event Notice.
- c. Upon notification by Issuer of any circumstances that may require the filing of an Event Notice, preparing, filing, and providing confirmation of filing the required Event Notice.

**Description of Fees**

Full Disclosure Services fees shall be assessed as follows:

Number of Issuer Continuing Disclosure Undertakings	Annual Fee
One (1) to three (3) CDU's	\$2,800
Four (4) to six (6) CDU's	\$3,300
Seven (7) or more CDU's	\$3,800

Plus any out of pocket expenses.

Special Circumstances

If an Issuer's CDU requires periodic filings (quarterly or semiannually) in addition to the annual filings, a fee of \$500 per required CDU filing shall be assessed.

Limited Disclosure Services.

**Background**

In 2009, the Securities and Exchange Commission put into place revised rules regarding a limited scope of continuing disclosure requirements for certain municipal securities issuers. These rules apply to any securities issued on or after July 1, 2009 in amounts of \$1 million or more and where the Issuer's total amount of principal outstanding and subject to the Rule is less than \$10 million upon issuance. Any issuer meeting the aforementioned parameters must comply with a limited disclosure undertaking and file annual reports. Issuers subject to limited disclosure requirements must file audited financial statements (or unaudited financial statements if allowed under a CDU) on an annual basis, rather than both financial statements and operating and statistical data.

**Description of Services**

Ehlers shall provide the following services in connection with the preparation and dissemination of Issuer's continuing disclosure reports and Event Notice filings for all current and future outstanding securities of Issuer subject to the Rule and for which continuing disclosure reports or filings are required. During the Term of the engagement, Ehlers shall provide the services hereinafter described with respect to all future issuances for which Ehlers provides municipal advisory services and that have continuing disclosure requirements. Ehlers will also provide these services for any other issues when requested in writing by the Issuer.

Services to be provided are as follows:

**Annual Filings**

- a. Review of all Continuing Disclosure Agreement/Certificate/Undertaking (CDU)'s of Issuer relative to currently outstanding issuances.
- b. Creation of a timetable for the anticipated schedule of events relating to the dissemination of Issuer's annual updated financial information and operating data.
- c. Submitting the Issuer's annual financial statements to the designated recipient thereof based on the applicable CDU's of Issuer and all laws, rules and regulations relative thereto.
- d. Delivering a copy of any report or notice submitted in accordance with (c above) to Issuer for its records.
- e. Respond to Underwriter/Investor inquires and requests.
- f. Providing recommendations to Issuer relating to future continuing disclosure related matters.

**Event Notices**

- a. Informing Issuer of the types of events that may require the filing of an "Event Notice".
- b. Notifying Issuer of any information Ehlers discovers that may require the filing of an Event Notice, and preparation and filing of the required Event Notice.
- c. Upon notification by Issuer of any circumstances that may require the filing of an Event Notice, prepare and file the required Event Notice.

**Description of Fees**

Limited Disclosure Services shall be provided annually for a fee of \$750.

**Future Fee Changes**

Ehlers reserves the right to adjust fees during the Term of the engagement without prior consent of the Issuer, but not more than annually. Prior to any fee adjustments, the Issuer will be notified in writing of the revised fees and their effective date.

## APPENDIX A AMENDMENT

The City of Franklin has contracted with Ehlers to be the dissemination agent for disclosure filings through December 31, 2019. The base annual fee will be \$1400 plus a miscellaneous office expense for the first revenue source. If Ehlers prepares an Official Statement on behalf of the City in the same revenue year, there will be no charge for disclosure filings. As dissemination agent, Ehlers will provide dissemination services as described in this agreement. Any other dissemination agreement executed between both parties is replaced by this agreement.

At the end of the term of the aforementioned agreement and for any dissemination services provided January 1, 2020 and thereafter, the fees for this service will be those charged by Ehlers for services provided as outlined in Appendix A.

## **APPENDIX B**

### **EVENT NOTICES**

If any one of the listed events occurs in relation to the Issuer and/or any of the Issuer's securities subject to this agreement, you must notify Ehlers at the earliest possible time to discuss the applicability and the need for any filing of an Event Notice. The Issuer may also wish to discuss the matter with its legal counsel to gauge materiality of any occurrence.

#### **Mandatory Event Notices**

- Principal and interest payment delinquencies
- Non-payment related defaults, if material
- Unscheduled draws on debt service reserves reflecting financial difficulties
- Unscheduled draws on credit enhancements reflecting financial difficulties
- Substitution of credit or liquidity providers or their failure to perform
- Adverse tax opinions, IRS notices or material events affecting the tax status of the security
- Modifications to rights of security holders, if material
- Bond calls, if material
- Defeasances
- Release, substitution or sale of property securing repayment of the securities, if material
- Rating changes
- Tender offers
- Bankruptcy, insolvency, receivership or similar event of the obligated person
- Merger, consolidation, or acquisition of the obligated person, if material
- Appointment of a successor or additional trustee, or the change of name of a trustee, if material

#### **Additional / Voluntary Event-Based Disclosures**

- Amendment to continuing disclosure undertaking
- Change in obligated person
- Notice to investors pursuant to bond documents
- Certain communications from the Internal Revenue Service
- Secondary market purchases
- Bid for auction rate or other securities
- Capital or other financing plan
- Litigation / enforcement action
- Change of tender agent, remarketing agent, or other on-going party
- Derivative or other similar transaction
- Other event-based disclosures

<b>APPROVAL</b> <i>Slw</i>	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>10/18/16</b>
<b>LICENSES AND PERMITS</b>	<b>MISCELLANEOUS LICENSES</b>	<b>ITEM NUMBER</b> <b>H.1.</b>

See attached list from meeting of October 18, 2016.

**COUNCIL ACTION REQUESTED**



# City of Franklin

9229 W. Loomis Road  
Franklin, WI 53132-9728

414-425-7500

## License Committee

### Agenda\*

#### Aldermen's Room

October 18, 2016 – 5:40 pm

<b>1.</b>	<b>Call to Order &amp; Roll Call</b>	<b>Time:</b>		
<b>2.</b>	<b>Applicant Interviews &amp; Decisions</b>			
<b>License Applications Reviewed</b>		<b>Recommendations</b>		
<b>Type/ Time</b>	<b>Applicant Information</b>	<b>Approve</b>	<b>Hold</b>	<b>Deny</b>
<b>Extraordinary Entertainment &amp; Amusement 5:45 p.m.</b>	<b>The Rock Sports Complex</b> Person in Charge: Chris Ponteri Event: Mustache Dache 5k Run/Walk Dates of Event: 11/12/16, 7am – 11am			
<b>Class B Combination 2016-17 5:55 p.m.</b>	<b>Enthusiast Approved LLC</b> Db a Mimosa 9405 S 27 St Apostolos Evreniadis, Agent			
<b>Class B Beer &amp; Class C Wine 2016-17 6:00 p.m.</b>	<b>Pandori LLC</b> Db a India Palace 7107 S 76 <sup>th</sup> St Harjinder Singh Braich, Agent			
<b>Operator 2016-17</b>	<b>Danielle K Conrad</b> W127S6807 Jaeger Place Muskego, WI 53150 Sendik's Food Market			
<b>Operator 2016-17</b>	<b>Elizabeth D Granley</b> 3870 S. 54 <sup>th</sup> St Milwaukee, WI 53220 Three Cellars			
<b>Operator 2016-17</b>	<b>John B Lehman</b> 1301 S. 76 <sup>th</sup> St West Allis, WI 53214 Polish Center of Wisconsin			
<b>3.</b>	<b>Adjournment</b>			
		<b>Time</b>		

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

<b>APPROVAL</b> 	<b>REQUEST FOR COUNCIL ACTION</b>	<b>MEETING DATE</b> <b>10/18/16</b>
<b>Bills</b>	<b>Vouchers and Payroll Approval</b>	<b>ITEM NUMBER</b> <b>I. 1</b>

Attached are vouchers dated October 4, 2016 through October 13, 2016 Nos. 162416 through Nos. 162569 the amount of \$ 778,912.15. Included in this listing are EFT's Nos. 3278 through Nos. 3285 and Library vouchers totaling \$ 12,328.47.

Early release disbursements dated October 4, 2016 through October 12, 2016 under Resolution 2013-6920 in the amount of \$ 360,279.79 are provided on a separate listing and are also included in the complete disbursement listing.

The net payroll dated October 14, 2016 is \$ 361,989.75, previously estimated at \$ 376,000.00. Payroll deductions for October 14, 2016 are \$ 204,433.83, previously estimated at \$ 212,000.00.

The estimated payroll for October 28, 2016 is \$ 388,000.00 with estimated deductions and matching payments of \$ 426,000.00.

There were no property tax refunds or settlements.

***COUNCIL ACTION REQUESTED***

Motion approving the following:

- City vouchers with an ending date of October 13, 2016 in the amount of \$ 778,912.15 and
- Payroll dated October 14, 2016 in the amount of \$ 361,989.75 and payments of the various payroll deductions in the amount of \$ 204,433.83, plus City matching payments and
- Estimated payroll dated October 28, 2016 in the amount of \$ 388,000.00 and payments of the various payroll deductions in the amount of \$ 426,000.00, plus City matching payments.