

**CITY OF FRANKLIN
COMMON COUNCIL MEETING
FRANKLIN CITY HALL COMMON COUNCIL CHAMBERS
9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
TUESDAY, JANUARY 5, 2016 AT 6:30 P.M.**

- A. Call to Order and Roll Call.
- B. Mayoral Announcements:
 - 1. Citizen Comment Period.
 - 2. Fire Department Exemplary Service in 2015:
 - a) Letters of Recognition to Fire Lieutenant Anthony Psichulis and Firefighter/Paramedic Jeremy Tietyen.
 - b) Letters of Appreciation to Battalion Fire Chief Patrick Hays, Fire Lieutenant John Young, and Firefighter/Paramedic Sean Behrens; Fire Lieutenants Kevin Cech and John Young; Fire Lieutenant Lance Braun; and Firefighter/Paramedic Dustin Lofy.
- C. Approval of Minutes:
 - 1. December 15, 2015 Regular Common Council Meeting.
 - 2. December 23, 2015 Special Common Council Meeting.
- D. Public Hearings.
- E. Organizational Business.
Boards and Commission Appointments:
- F. Letters and Petitions.
- G. Reports and Recommendations:
 - 1. A Resolution authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Site Plan and Natural Resource Protection Plan for a 5 to 8 bedroom State Licensed Community Based Residential Facility development located at 9132 South 92nd Street (Matt Talbot Recovery Services, Inc., Applicant).
 - 2. An Ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 4213 "Trucking, Except Local" to allow for such use as a Special Use in the M-1 Limited Industrial District (Elvin J. Spellman, Managing Member of T & E, LLC, Applicant).
 - 3. Status update from the Quarry Monitoring Committee pertaining to quarry monitoring and of the implementation of various quarry related recommendations.
 - 4. Pleasant View Park playground equipment purchase authorization.
 - 5. West College Avenue path (South 27th Street to South 35th Street).
 - 6. JSD Professional Services, Inc. contract for design services for a trail and bridge crossing the East Branch of the Root River (River Park Trail Design).
 - 7. Status of potential projects (Aldermanic District 2):
 - a) Benches near the flagpole along West St. Martins Road between West Church Street and West Swiss Street.

- b) Sidewalk on West Church Street to connect West St. Martins Road to South Mission Hills Drive.
 - c) Bridge bordering Lake Ernie.
 - 8. Lease of color copy machine for the Engineering Department.
 - 9. November 2015 Monthly Financial Report.
 - 10. Other Post Employment Benefits (OPEB) Trust Investment Management.
 - 11. An Ordinance to amend Chapter 30 of the Municipal Code to create a Board of Absentee Ballot Canvassers and to provide for the Board to canvass absentee ballots on Election Day.
- H. Licenses and Permits.
Miscellaneous Licenses.
- I. Bills.
Vouchers and Payroll approval.
- J. Adjournment.

*Supporting documentation and details of these agenda items are available at City Hall during normal business hours.
[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

REMINDERS:

January 7	Plan Commission	7:00 p.m.
January 11	Special Common Council Meeting	6:30 p.m.
January 19	Common Council Meeting	6:30 p.m.
January 21	Plan Commission	7:00 p.m.

B.2.

Shirley Roberts

From: Adam Remington
Sent: Tuesday, December 22, 2015 1:10 PM
To: Steve Olson
Cc: Sandi Wesolowski; Shirley Roberts; Ron Mayer; Robert Manke
Subject: Possible January 5th 2016 CC Meeting Agenda Item

Mayor Olson,

The Franklin Fire Department would like to make you and members of the Common Council aware of the following Letters of Recognition and Appreciation for exemplary service in 2015:

Letters of Recognition:

- **Lieutenant Anthony Psichulis and Firefighter/Paramedic Jeremy Tietzen** for their service locating and recovering the body of a drowning victim in Wind Lake.

Letters of Appreciation:

- **Battalion Chief Patrick Hays, Lieutenant John Young, and Firefighter/Paramedic Sean Behrens** for assisting in the Wind Lake recovery effort.
- **Lieutenants Kevin Cech and John Young** for organizing, coordinating, and administering CPR instruction in local schools.
- **Lieutenant Lance Braun** for his leadership and professionalism while acting as Battalion Chief during the extended medical leave of a Command Staff member.
- **Firefighter/Paramedic Dustin Lofy** for his dedication and initiative in researching, preparing, and administering extrication training for school bus accidents.

These awards will be presented to the recipients during the Fire Department/Local 2760 Awards Dinner in early 2016 (date yet to be determined).

I believe that Franklin is truly a safer and stronger community because of the efforts of these brave and dedicated employees.

Respectfully,

Adam.

Adam J. Remington
Fire Chief
Franklin Fire Department
(414) 425-1420
aremington@franklinwi.gov

This message is intended for the sole use of the individual and entity to which it is addressed, and may contain information that is privileged, confidential and exempt from disclosure under applicable law. If you are not the intended addressee, nor authorized to receive for the intended addressee, you are hereby notified that you may not use, copy, disclose or distribute to anyone the message or any information contained in the message. If you have received this message in error, please immediately advise the sender by reply email and delete the message.

E.2. Alderwoman Wilhelm moved to confirm Mayoral appointments of Inspectors of Election and alternates for 2016-2018 as listed on the action request form dated 12/15/2015. Seconded by Alderman D. Mayer. On roll call, all voted Aye; motion carried.

CONSENT AGENDA

G.1. Alderwoman S. Mayer moved to remove Items G.1.a. and G.1.b. from the consent agenda and to approve Items G.1.c., G.1.d. and G.1.e.

G.1.c. Authorize the Department of Public Works to sell a surplus vehicle and equipment; and

G.1.d. Accept donation from Franklin Lions Club Foundation in the amount of \$250 to St. Martins Fair; and

G.1.e. Accept donation from Franklin Lions Club Foundation in the amount of \$400 to the Fire Department. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

G.1.a. Alderman Schmidt then moved to approve execution of a contract with Geographic Marketing Advantage, LLC for Geographic Information System Support and Database Maintenance Services in a form substantially equivalent to the 2015 contract but incorporating a 2.75% rate increase effective January 1, 2016; and

G.1.b. Award the towing contract extension to N&S Towing, Inc. for the period March 1, 2016 through February 28, 2017. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

ORD. 2015-2201
CHANGE 2025 FUTURE
LAND USE MAP AT 7700
W. FAITH DR. (RICK J.
PRZYBYLA, PRESIDENT
OF CREATIVE HOMES,
INC., APPLICANT)

G.2. Alderman D. Mayer moved to adopt Ordinance No. 2015-2201, AN ORDINANCE TO AMEND THE CITY OF FRANKLIN 2025 COMPREHENSIVE MASTER PLAN TO CHANGE THE CITY OF FRANKLIN 2025 FUTURE LAND USE MAP FOR PROPERTY LOCATED AT APPROXIMATELY 7700 WEST FAITH DRIVE FROM INSTITUTIONAL USE TO RESIDENTIAL USE (APPROXIMATELY 0.3875 ACRES)(RICK J. PRZYBYLA, PRESIDENT OF CREATIVE HOMES, INC., APPLICANT). Seconded by Alderman Dandrea. All voted Aye; motion carried.

ORD. 2015-2202
AMEND UDO TO
REZONE LAND AT 7700
W. FAITH DR. (CREATIVE
HOMES, INC.,
APPLICANT)

G.3. Alderman D. Mayer moved to adopt Ordinance No. 2015-2202, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE (ZONING MAP) TO REZONE A CERTAIN PARCEL OF LAND FROM I-1 INSTITUTIONAL DISTRICT TO R-6 SUBURBAN SINGLE-FAMILY RESIDENCE DISTRICT (7700 WEST FAITH

DRIVE)(APPROXIMATELY 0.3875 ACRES)(CREATIVE HOMES, INC., APPLICANT). Seconded by Alderman Schmidt. All voted Aye; motion carried.

RES. 2015-7160
AMEND RES. 477
APPROVAL OF SPECIAL
USE AT 9775 S. 60TH ST.
(STRAUSS BRANDS, INC.)

G.4. Alderwoman Wilhelm moved to adopt Resolution No. 2015-7160, A RESOLUTION TO AMEND RESOLUTION NO. 477 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF A SPECIAL USE AND SITE PLAN AMENDMENT RESOLUTION NOS. 2000-10, 2003-001, 2004-001 AND 2014-008, AND ANY OTHER AMENDMENTS TO DATE, FOR PROPERTY LOCATED AT 9775 SOUTH 60TH STREET, TO ALLOW FOR THE CONSTRUCTION OF A METAL BUILDING ADDITION, RAIL BUILDING ADDITION AND PUMP ROOM ADDITION TO THE EXISTING STRAUSS BRANDS INCORPORATED BUILDING RANDALL STRAUSS, PRESIDENT, STRAUSS BRANDS INCORPORATED, APPLICANT). Seconded by Alderman D. Mayer. All voted Aye; motion carried.

APPROVAL OF SPECIAL
USE AT 7140 S. 76TH ST.
(GREENLIN BOARDING
& GROOMING, INC.
MONICA POLCHERT,
COO, APPLICANT)

G.5. Alderman Schmidt moved to adopt a resolution imposing conditions and restrictions for the approval of a special use for a Dogs and Other Pet Animals Day Care Services business use upon property located at 7140 South 76th Street (Greenlin Boarding & Grooming, Inc., Monica Polchert, COO, Applicant), with the conditions as included by the Planning Department. Seconded by Alderwoman Wilhelm. Alderwoman Wilhelm withdrew her second. Motion died due to lack of a second.

Alderman Dandrea moved to deny the special use application for those reasons set forth on the record by City staff and as expressed by Common Council members and generally with regard to the Common Council's consideration of whether and to what extent the proposed use and development at the particular location requested is necessary or desirable to provide a service or facility that is in the interest of the public convenience or that will contribute to the general welfare of the neighborhood or community, and, whether and to what extent such public goals can be met by the location of the proposed use and development at some other site or in some other area that may be more appropriate than the proposed site. Seconded by Alderman D. Mayer. On roll call Alderman Dandrea, Alderman D. Mayer, Alderwoman Wilhelm and Alderwoman S. Mayer voted Aye; Alderman Schmidt Abstained. Motion carried.

BALLISTIC PROTECTIVE
EQUIPMENT FOR THE

G.6. Alderman D. Mayer moved to authorize the use of \$4,750 in unrestricted contingency for the purpose of the Fire Department

FIRE DEPT.

acquiring six sets of ballistic protective equipment in order to improve safety for department personnel and the general public. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

RES. 2015-7161
AGREEMENT WITH JSA
CIVIL ENVIRONMENTAL
ENGINEERS, INC.

G.7. Alderwoman S. Mayer moved to adopt Resolution No. 2015-7161, A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO EXECUTE AN AGREEMENT TO CONTINUE PROFESSIONAL ENVIRONMENTAL ENGINEERING SERVICES TO MONITOR COMPLIANCE AT THE METRO RECYCLING & DISPOSAL FACILITY TO DECEMBER 31, 2016, WITH JSA CIVIL ENVIRONMENTAL ENGINEERS, INC. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

STATUS OF IMPACT FEE
FUNDS

G.9. Alderwoman Wilhelm moved to place on file a status report of the Impact Fee funds and related capital expenditures for parks, playgrounds and land for athletic fields that was provided by the Director of Administration. Seconded by Alderman Schmidt. All voted Aye; motion carried.

RES 2015-7162
CONVEYANCES OF
LANDS OWNED BY
MMSD

G.10. Alderman Dandrea moved to adopt Resolution No. 2015-7162, A Resolution Accepting and Recognizing the Conveyances to the City of Franklin ("City") and the Milwaukee Area Land Conservancy ("MALC") by the Milwaukee Metropolitan Sewerage District ("MMSD") with Participation by the Wisconsin Department of Natural Resources ("WIDNR") of Parcels of Land Acquired Pursuant to the MMSD and The Conservation Fund Greenseams® Program Participation and Potential Conveyance to the WIDNR by the MMSD of Certain of the Program Parcels; and Authorizing Leasehold Interests Agreements by the City for the Properties to be Conveyed to MALC, and Authorizing Certain Officials to Execute All Documents Necessary to Complete Such Conveyance and Leasehold Interests Transactions and to Enter Into and Deliver Conservation Easements to Further Protect and Promote the Conservation of Such Valuable Natural Resources for the Betterment of the Environment and Humanity by Way of Declarations Therein that Such Properties Shall be Maintained and Protected for Nature Conservation and Public Park Purposes in Perpetuity (MMSD provided prior private property owner names and approximate acreage and City Assessor file record documents and GIS information tax key nos.: to WIDNR: Dumke/Olsen 33.24 acres 844 9997 000; Katzman 11.14 acres 844 9996 000; Franklin DC 10.05 acres 844 9998 000; to MALC: Hack 49.89 acres 889 9990 000; Franklin DC 44.33 acres

890 9990 000; St. Sava 23.55 acres 890 9999 000; Radicevich 15.68 acres 886-9998-000; to Franklin: St. Nikola 17.33 acres 787 9992 000). Authorize the City Attorney to negotiate to complete transactions of the parcels discussed and authorize for future expenditures up to \$25,000 for maintenance and insurance, with funds to be transferred from the Contingency Fund, and further to authorize release of funds. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

W. COLLEGE AVE. PATH STATUS (S. 27TH TO S. 35TH STS.) G.8.

Alderwoman Wilhelm moved to direct staff, including legal counsel, in full communication with the District Alderperson, to continue developing the walkway along College Avenue between S. 35th Street and S. 27th Street as previously directed by the Council on November 17, 2015 and to work with Milwaukee County and Wisconsin Department of Transportation to include the walkway within the existing right-of-way as part of the State's 27th Street Corridor project through the project influence on College Avenue roughly the point at which the road widens from one to two lanes, and to seek bids for the construction of the continuation of the walkway west as may be necessary, and further that staff is additionally directed to apply existing Community Development Block Grant, Tax Increment District, and Impact fees to the greatest extent possible to complete the project, and update the Council on an as-needed basis. Seconded by Alderwoman S. Mayer.

Alderwoman Wilhelm moved to call the question. Seconded by Alderwoman S. Mayer. All voted Aye; motion carried.

On the main motion, Alderwoman S. Mayer, Alderman Schmidt, Alderwoman Wilhelm and Alderman Dandrea voted Aye; Alderman D. Mayer Abstained. Motion carried.

COUNCIL CHAMBERS VIDEOCONFERENCING G.11.

Alderman Schmidt moved to direct staff to proceed to obtain proposals for a replacement Common Council Chambers for a video conferencing capability for an amount not to exceed \$50,000 and to direct the Finance Director to bring forth a budget modification in 2016 that carries forward and re-appropriates said funding into the unrestricted Contingency appropriation. Seconded by Alderman D. Mayer. All voted Aye; motion carried.

CARRYOVER OF 2015 ITEMS TO THE 2016 BUDGET G.12.

Alderwoman Wilhelm moved to approve the plan and indicate the intent to carry over the 2015 Information Services Capital Outlay items to 2016, in an amount not to exceed \$126,139, and the two Capital Improvement Fund Security Closet projects for \$12,500

each, and to direct the Finance Director to bring forth a budget modification in 2016 that carries forward and re-appropriates said funding for the purchase and implementation of these Capital Outlay items. Seconded by Alderman Schmidt. All voted Aye; motion carried.

AUTHORIZATION TO
RETAIN A PART-TIME
BLDG. INSP.

- G.13. Alderwoman Wilhelm moved to authorize Building Inspection to retain the additional part-time building inspector during 2016 subject to no need for use of additional fund balance as per the recommendation and subject to the Director of Administration providing a report and update at the April 19, 2016 Council meeting. Seconded by Alderman Dandrea. All voted Aye; motion carried.

CLOSED SESSION-
NEGOTIATIONS WITH
POLICE OFFICERS
ASSOC. AND
PROFESSIONAL
FIREFIGHTERS ASSOC.

- G.14. Alderwoman Wilhelm moved to enter closed session at 9:15 p.m. pursuant to §19.85 (1)(c) and (e), Wis. Stats., to consider negotiation and collective bargaining strategies and guidelines for agreements between the City of Franklin and the Franklin Police Officers Association and the Franklin Professional Firefighters Association Local 2760 I.A.F.F. for competitive and bargaining reasons and to reenter open session at the same place thereafter to act on such matters discussed therein as the Common Council deems appropriate. Seconded by Alderman D. Mayer. On roll call, all voted Aye; motion carried.

Alderman D. Mayer left the meeting at 9:50 p.m.

The Common Council re-entered open session at 9:58 p.m.

LICENSES AND PERMITS H.1.

Alderman Dandrea moved to approve the following:
Grant Operator's license to Holly Smith, 6410 W. Burdick Ave., Milwaukee, with a warning letter from the City Clerk; and

Hold Operator's license application of Joshua Harju, 5401 S. Tuckaway Cir., Greenfield, and refer to the City Attorney for review and opinion; and

Grant Operators' licenses to Christopher Dickerson, 1007 N. 124th St., Elm Grove; Theresa Przybylski, 1334 Mackinac Ave., South Milwaukee; Jeffrey Raymond, 3600 S. 94th St., Milwaukee; and

Hold Amusement Device Operator license application of Stryker Rich Amusements, Don Aric Patenaude, Owner, 5333 Hainers Way, Oconto, and refer to the City Attorney for review and opinion; and

Grant Temporary Class B Beer and Wine license and Temporary Entertainment and Amusement license to St. Paul Lutheran Church, Gala and Live Auction, Jaime Petricek, 6881 S. 51st St., February 20, 2016; and

Issue People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant to Franklin Lioness Club, St. Martins Fair; and

No action was needed on a Temporary Class B Beer and Wine application from St. Martin of Tours Parish School Spaghetti Dinner, 7933 S. 116th St., as the event for December 19, 2015; was cancelled.

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

VOUCHERS AND
PAYROLL

I.1. Alderman Schmidt moved to approve net general checking account City vouchers in the range of Nos. 158878 through 159017 in the amount of \$962,107.89 dated December 2, 2015 through December 10, 2015. Seconded by Alderman Dandrea. On roll call, all voted Aye. Motion carried.

Alderwoman S. Mayer moved to approve net payroll dated December 11, 2015 in the amount of \$458,998.53 and payments of the various payroll deductions in the amount of \$270,760.77 plus any City matching payments where required. Seconded by Alderman Schmidt. On roll call, all voted Aye; motion carried.

Alderman Dandrea moved to approve net payroll dated December 24, 2015 estimated at \$375,000.00 and payments of the various payroll deductions estimated at \$400,000.00 plus any City matching payments where required. Seconded by Alderwoman S. Mayer. On roll call, all voted Aye. Motion carried.

ADJOURNMENT

J. Alderman Schmidt moved to adjourn the meeting at 10:05 p.m. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

CITY OF FRANKLIN
SPECIAL COMMON COUNCIL MEETING
DECEMBER 23, 2015
MINUTES

ROLL CALL

A. The special meeting of the Common Council was held on December 23, 2015 and called to order at 6:30 p.m. by Mayor Steve Olson in the Franklin City Hall Council Chambers, 9229 W. Loomis Road, Franklin, Wisconsin. On roll call, the following were in attendance: Alderman Mark Dandrea, Alderman Dan Mayer, Alderwoman Kristen Wilhelm, and Alderman Doug Schmidt. Excused were Alderman Steve Taylor and Alderwoman Susanne Mayer. Also present were City Engineer Glen Morrow, City Attorney Jesse A. Wesolowski and Deputy City Clerk Shirley Roberts.

CITIZEN COMMENT

B. Citizen comment period was opened at 6:31 p.m. and closed at 6:32 p.m.

NATURE
CONSERVATION &
PUBLIC PARK PURPOSES
LEASE AGREEMENT

C.1. No action was taken at this time on a Resolution authorizing certain officials to execute a Nature Conservation and Public Park Purposes Lease Agreement between the Milwaukee Area Land Conservancy, Inc. and the City of Franklin, Wisconsin (MMSD provided prior private property owner names and approximate acreage and City Assessor file record documents and GIS information tax key nos.: Hack 49.89 acres 889 9990 000; Franklin DC 44.33 acres 890 9990 000; St. Sava 23.55 acres 890 9999 000; Radicevich 15.68 acres 886-9998-000; to Franklin: St. Nikola 17.33 acres 787 9992 000).

WEST COLLEGE
AVENUE PATH (S. 27TH
ST. TO S. 35TH ST.)

C.2. No action was taken at this time relating to an agreement with Milwaukee County to pay for the costs of a change order with the Wisconsin Department of Transportation to complete the portions of the College Avenue pathway and an agreement or receive delivery of an easement from Milwaukee County for such improvement.

CONTRACT FOR RIVER
PARK TRAIL DESIGN

C.3. No action was taken at this time relating to an amendment to the bridge and trail design contract with JSD Professional Services, Inc.

PLEASANT VIEW PARK
PLAYGROUND
EQUIPMENT PURCHASE

C.4. No action was taken at this time to purchase playground equipment pursuant to the Parks Commission guidelines for the Pleasant View Park playground.

ADJOURNMENT

D. Alderman D. Mayer moved to adjourn the meeting at 6:43 p.m. Seconded by Alderman Dandrea. Alderman D. Mayer and Alderman Dandrea voted Aye; Alderwoman Wilhelm and Alderman Schmidt voted No. Mayor Olson broke the tie by voting in the affirmative. Motion carried.

<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">01/05/16</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO ACCEPT A CONSERVATION EASEMENT FOR AND AS PART OF THE REVIEW AND APPROVAL OF A SITE PLAN AND NATURAL RESOURCE PROTECTION PLAN FOR A 5 TO 8 BEDROOM STATE LICENSED COMMUNITY BASED RESIDENTIAL FACILITY DEVELOPMENT LOCATED AT 9132 SOUTH 92ND STREET (MATT TALBOT RECOVERY SERVICES, INC., APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.I.</i></p>

City Development staff recommends approval of a resolution authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Site Plan and Natural Resource Protection Plan for a 5 to 8 bedroom State licensed Community Based Residential Facility development located at 9132 South 92nd Street (Matt Talbot Recovery Services, Inc., Applicant), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.

COUNCIL ACTION REQUESTED

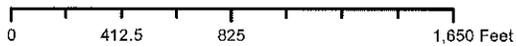
A motion to adopt Resolution No. 2016-_____, authorizing certain officials to accept a Conservation Easement for and as part of the review and approval of a Site Plan and Natural Resource Protection Plan for a 5 to 8 bedroom State licensed Community Based Residential Facility development located at 9132 South 92nd Street (Matt Talbot Recovery Services, Inc., Applicant), subject to review and approval by the Department of City Development and technical corrections by the City Attorney.



9132 South 92nd Street



Planning Department
(414) 425-4024



2013 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.

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2016-_____

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS TO
ACCEPT A CONSERVATION EASEMENT FOR AND AS PART
OF THE REVIEW AND APPROVAL OF A SITE PLAN AND NATURAL RESOURCE
PROTECTION PLAN FOR A 5 TO 8 BEDROOM STATE LICENSED COMMUNITY
BASED RESIDENTIAL FACILITY DEVELOPMENT LOCATED AT 9132 SOUTH
92ND STREET (MATT TALBOT RECOVERY SERVICES, INC., APPLICANT)

WHEREAS, the Plan Commission having approved a Site Plan and Natural Resource Protection Plan upon the application of Matt Talbot Recovery Services, Inc. on May 14, 2015, and the Plan Commission having conditioned approval thereof in part upon Common Council approval of a Conservation Easement to protect the woodlands, wetland buffers and wetlands on the site; and

WHEREAS, §15-7.0102G, §15-7.0103Q and §15-7.0201 of the Unified Development Ordinance requires the submission of a Natural Resource Protection Plan in the Site Plan review process and the Unified Development Ordinance requires conservation easements to be imposed for natural resource features identified within such Plan to protect such features, all as part of the approval process for a Site Plan; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the Conservation Easement submitted by Matt Talbot Recovery Services, Inc., in the form and content as annexed hereto, be and the same is hereby approved; and the Mayor and City Clerk are hereby authorized to execute such Easement as evidence of the consent to and acceptance of such easement by the City of Franklin.

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

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

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

A RESOLUTION AUTHORIZING CERTAIN OFFICIALS
TO ACCEPT A CONSERVATION EASEMENT
MATT TALBOT RECOVERY SERVICES, INC.
RESOLUTION NO. 2016-_____

Page 2

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Franklin
COPY
DEC 21 2015

CONSERVATION EASEMENT

City Development

This Conservation easement is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "Grantee," and Matt Talbot Recovery Services, Inc., a Wisconsin corporation, hereinafter referred to as "Grantor," and shall become effective upon the recording of this Grant of Conservation Easement, together with the Acceptance following, with the Office of the Register of Deeds for Milwaukee County, pursuant to §700.40(2)(b) of the Wisconsin Statutes.

WITNESSETH

WHEREAS, Grantor is the owner in fee simple of certain real property, located in that part of the North One-half (1/2) of the Southwest One-quarter (1/4) of Section Twenty-one (21) in Township Five (5) North, Range Twenty-one (21) East, lying West of Highway 100 in the City of Franklin, County of Milwaukee, State of Wisconsin as more fully set forth in Exhibit A attached hereto and hereby made a part hereof (protected property); and

WHEREAS, the Grantor desires and intends that the natural elements and the ecological and aesthetic values of the protected property, which area is set forth on the attached Exhibit B, including, without limitation, steep slopes, mature woodlands, young woodlands, lakes, ponds, streams, floodplains, floodways, floodlands, shore buffers, wetland buffers, wetlands and shoreland wetlands, as set forth in Excel Engineering, Inc.'s Natural Resource Investigation, dated February 5, 2015, as revised March 6, 2015, which is located in the office of the Department of City Development, be preserved and maintained by the continuation of land use that will not interfere with or substantially disrupt the natural elements or the workings of natural systems; and

WHEREAS, Grantee is a "holder", as contemplated by §700.41(1)(b)1. of the Wisconsin Statutes, whose purposes include, while exercising regulatory authority granted to it, *inter alia*, under §62.23 and §236.45 of the Wisconsin Statutes, the conservation of land, natural areas, open space, and water areas and

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

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

WHEREAS, Pyramid Bank, mortgagee of the Protected Property ("Mortgagee"), consents to the grant of this Easement by Grantor to Grantee and Mortgagee's consent is attached hereto and identified as "Mortgage Holder Consent".

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

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

1. To view the protected property in its natural, scenic, and open condition;
2. To enforce by proceeding at law or in equity the covenants subsequently set forth, including, and in addition to all other enforcement proceedings, proceedings to obtain all penalties and remedies set forth under Division 15-9.0500 of the Unified Development Ordinance of the City of Franklin, as amended from time to time, any violation of the covenants subsequently set forth being and constituting a violation of such Unified Development Ordinance, as amended from time to time, or such local applicable ordinance as may be later adopted or in effect to enforce such covenants or the purposes for which they are made, it being agreed that there shall be no waiver or forfeiture of the Grantee's right to insure compliance with the covenants and conditions of this grant by reason of any prior failure to act; and
3. To enter the protected property at all reasonable times for the purpose of inspecting the protected property to determine if the Grantor is complying with the covenants and conditions of this grant.

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

1. Construct or place buildings or any structure;
2. Construct or make any improvements, unless, notwithstanding Covenant 1 above, the improvement is specifically and previously approved by the Common Council of the City of Franklin, upon the advice of such other persons, entities, and agencies as it may elect; such improvements as may be so approved being intended to enhance the resource value of the protected property to the environment or the public and including, but not limited to animal and bird feeding stations, park benches, the removal of animal blockage of natural drainage or other occurring blockage of natural drainage, and the like;
3. Excavate, dredge, grade, mine, drill, or change the topography of the land or its natural condition in any manner, including any cutting or removal of vegetation, except for the removal of dead or diseased trees;
4. Conduct any filling, dumping, or depositing of any material whatsoever, including, but not limited to soil, yard waste, or other landscape materials, ashes, garbage, or debris;
5. Plant any vegetation not native to the protected property or not typical wetland vegetation;
6. Operate snowmobiles, dune buggies, motorcycles, allterrain vehicles or any other types of motorized vehicles.

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

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

To Grantor:
Matt Talbot Recovery Services, Inc.
Attn: Karl Rajani
4650 S. Howell Avenue
Milwaukee, Wisconsin 53207

To Grantee:
City of Franklin
Office of the City Clerk
9229 W. Loomis Road
Franklin, Wisconsin 53132

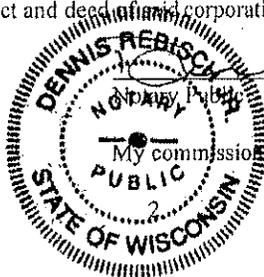
In witness whereof, the grantor has set its hand and seals this on this date of November, 2015.

Matt Talbot Recovery Services, Inc.

By: [Signature]
Karl Rajani, President

STATE OF WISCONSIN)
) ss
COUNTY OF MILWAUKEE)

This instrument was acknowledged before me on the 18th day of December, 2015 Karl Rajani, President of Matt Talbot Recovery Services, Inc. To me known to be the person(s) who executed the foregoing Easement and acknowledged the same as the voluntary act and deed of said corporation.

[Signature]
My commission expires 11/3/2018


MORTGAGE HOLDER CONSENT

The undersigned, Pyramax Bank, FSB, a Wisconsin banking corporation ("Mortgagee"), as Mortgagee under that certain Mortgage encumbering encumbering the Property and recorded in the Office of the Register of Deeds for Milwaukee County, Wisconsin, on July 7, 2015, as Document No. 10476948, hereby consents to the execution of the foregoing easement and its addition as an encumbrance title to the Property.

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

Pyramax Bank, FSB
a Wisconsin Banking Corporation

By: [Signature]

Name: Douglas Menne

Title: SVP Commercial Lending Manager

STATE OF WISCONSIN)
)ss
COUNTY OF MILWAUKEE)

On this, the 18th day of December, 2015, before me, the undersigned, personally appeared Douglas Menne, the Sr. VP of Pyramax Bank, FSB, a Wisconsin banking corporation, and acknowledged that (s)he executed the foregoing instrument on behalf of said corporation, by its authority and for the purposes therein contained.

Name: [Signature]
Shelley M. Heslak

Notary Public, State of Wisconsin

My commission expires 08/23/19

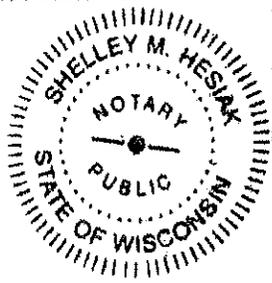


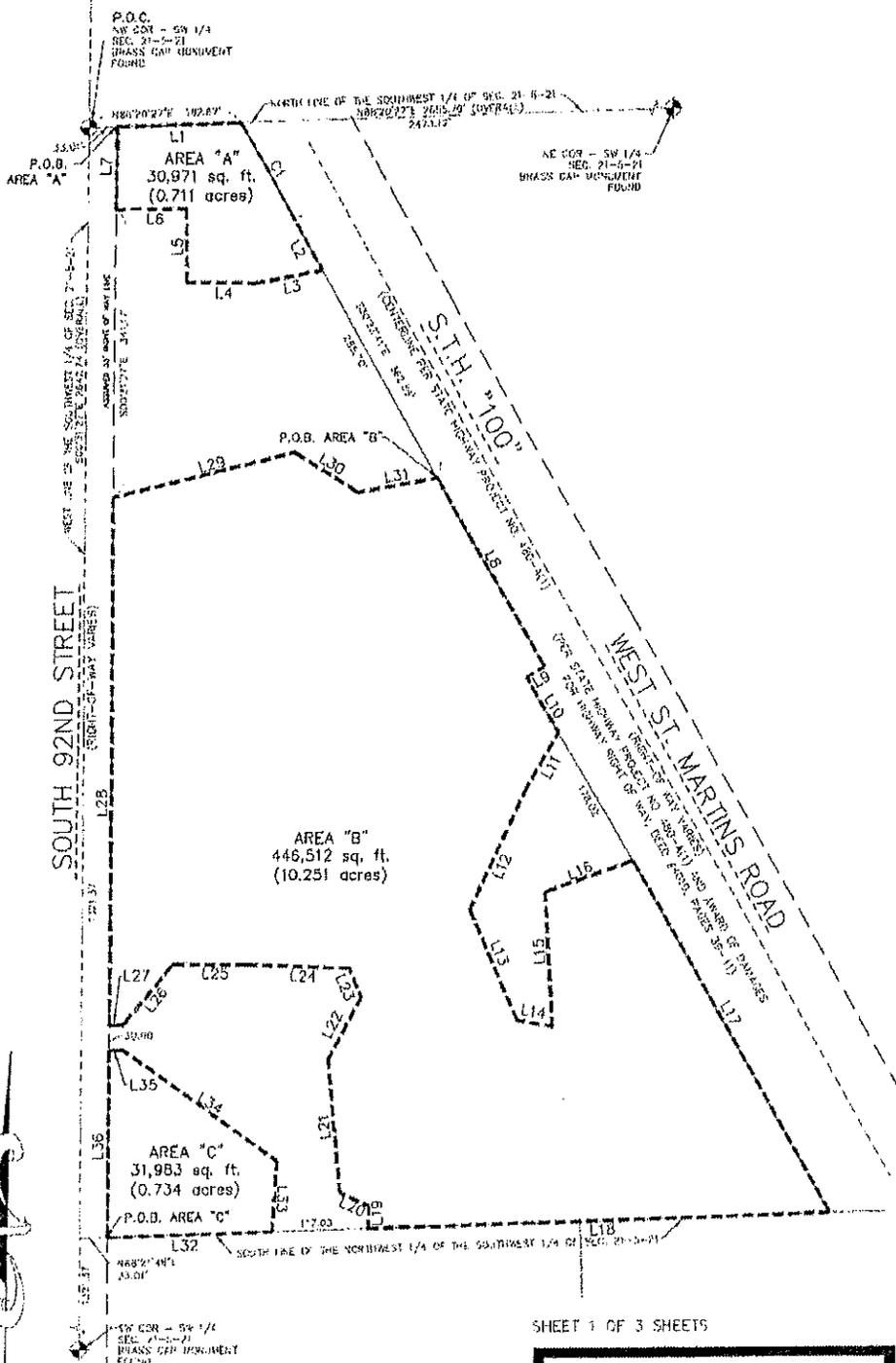
Exhibit A

That part of the North One-half (1/2) of the Southwest One-quarter (1/4) of Section Twenty-one (21) in Township Five (5) North, Range Twenty-one (21) East, lying West of Highway 100 in the City of Franklin, County of Milwaukee, State of Wisconsin, which is bounded and described as follows, to wit:

Beginning at the Northwest corner of the Southwest One-quarter (1/4), Section 21, Township 5 North of Range 21 East; thence North $89^{\circ} 50'$ East along the North line of said 1/4 Section 2157.84 feet to a point which is 497.96 feet West of the Northeast corner of said 1/4 Section; thence South $0^{\circ} 58' 32''$ West on a line 1322.38 feet to the South line of the North 1/2 of said 1/4 Section which point is 497.87 feet West of the East line of said 1/4 Section; thence South $89^{\circ} 51' 32''$ West along the South line of the North 1/2 of said 1/4 Section 2157.43 feet to a point in the West line of said 1/4 Section; thence North $0^{\circ} 57' 30''$ East along the West line of said 1/4 Section 1321.40 feet to the point of beginning, Excepting that portion thereof conveyed by Warranty Deed recorded on June 6, 1960, in Volume 4041, on page 137, as Document Number 3812478, and further excepting that portion thereof that has been conveyed for highway purposes.

EXHIBIT B
CONSERVATION EASEMENT AREA

See Attached



SHEET 1 OF 3 SHEETS



EXCEL
ENGINEERING_{INC.}
SURVEYING GROUP

Always a Better Plan
100 CAMELOT DRIVE
TONDULAC, WI 54985
PHONE: (920) 926-9800
FAX: (920) 926-9801

AREA "A"

LINE	BEARING	LENGTH	CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
L1	N88°20'27"E	149.66'	C1	128.39'	8534.42'	S30°48'32"E	128.39'
L2	S30°22'41"E	76.85'					
L3	S79°28'13"W	83.53'					
L4	N88°59'39"W	84.15'					
L5	N01°42'51"W	87.87'					
L6	S89°28'33"W	84.43'					
L7	N00°31'27"W	88.97'					

AREA "B"

LINE	BEARING	LENGTH	LINE	BEARING	LENGTH
L8	S30°22'41"E	262.10'	L20	N65°26'16"W	38.71'
L9	S59°37'19"W	25.00'	L21	N06°09'31"W	158.01'
L10	S30°22'41"E	76.75'	L22	N27°42'42"E	83.49'
L11	S29°27'09"W	76.15'	L23	N23°30'47"W	37.57'
L12	S24°18'05"W	159.81'	L24	N87°52'26"W	125.23'
L13	S23°55'01"E	143.59'	L25	N89°32'17"W	89.98'
L14	S79°51'36"E	43.31'	L26	S39°12'53"W	91.98'
L15	N04°03'18"W	159.83'	L27	S89°28'33"W	16.43'
L16	N70°16'24"E	110.24'	L28	N00°31'27"W	829.77'
L17	S30°22'41"E	485.45'	L29	N76°30'14"E	225.84'
L18	S88°21'48"W	556.56'	L30	S58°27'08"E	91.82'
L19	N00°07'19"W	26.93'	L31	N80°11'30"E	88.28'

AREA "C"

LINE	BEARING	LENGTH
L32	N86°21'48"E	198.89'
L33	N02°51'01"E	83.88'
L34	N54°58'31"W	230.27'
L35	S89°28'33"W	16.43'
L36	S00°31'27"E	221.48'

SHEET 2 OF 3 SHEETS

AREA "A" LEGAL DESCRIPTION

That part of the Northwest One-quarter (1/4) of the Southwest One-quarter (1/4), of Section Twenty-one (21) in Township Five (5) North, Range Twenty-one (21) East, City of Franklin, County of Milwaukee, State of Wisconsin, being more particularly described as follows:

Commencing at the Northwest corner of the Southwest One-quarter (1/4), said Section 21; thence North 88° 20' 27" East along the North line of said Southwest One-quarter (1/4), a distance of 33.01 feet to the point of beginning; thence continuing North 88° 20' 27" East along said North line, a distance of 149.66 feet to the Westerly right-of-way line of West St. Martins Road per State Highway Project No. 480-A(1) Right of Way Plans; thence Southeasterly a distance of 128.39 feet along said right-of-way line on a curve to the right having a radius of 8534.42 feet, the chord of said curve bears South 30° 48' 32" East, a chord distance of 128.39 feet; thence South 30° 22' 41" East along said right-of-way line, a distance of 76.85 feet; thence South 79° 28' 13" West, a distance of 83.53 feet; thence North 88° 59' 39" West, a distance of 84.15 feet; thence North 01° 42' 51" West, a distance of 87.87 feet; thence South 89° 28' 33" West, a distance of 84.43 feet to the Easterly right-of-way line of South 92nd Street; thence North 00° 31' 27" West along said right-of-way line, a distance of 98.97 feet to the point of beginning.

AREA "B" LEGAL DESCRIPTION

That part of the Northwest One-quarter (1/4) of the Southwest One-quarter (1/4), of Section Twenty-one (21) in Township Five (5) North, Range Twenty-one (21) East, City of Franklin, County of Milwaukee, State of Wisconsin, being more particularly described as follows:

Commencing at the Northwest corner of the Southwest One-quarter (1/4), said Section 21; thence North 88° 20' 27" East along the North line of said Southwest One-quarter (1/4), a distance of 182.67 feet to the Westerly right-of-way line of West St. Martins Road per State Highway Project No. 480-A(1) Right of Way Plans; thence Southeasterly a distance of 128.39 feet along said right-of-way line on a curve to the right having a radius of 8534.42 feet, the chord of said curve bears South 30° 48' 32" East, a chord distance of 128.39 feet; thence South 30° 22' 41" East along said right-of-way line, a distance of 362.55 feet to the point of beginning; thence continuing South 30° 22' 41" East along said right-of-way line, a distance of 262.10 feet; thence South 59° 37' 19" West along said right-of-way line, a distance of 25.00 feet; thence South 30° 22' 41" East along said right-of-way line, a distance of 76.75 feet; thence South 29° 27' 09" West, a distance of 76.15 feet; thence South 24° 18' 05" West, a distance of 159.51 feet; thence South 23° 55' 01" East, a distance of 143.59 feet; thence South 79° 51' 36" East, a distance of 43.31 feet; thence North 04° 03' 18" West, a distance of 159.83 feet; thence North 70° 16' 24" East, a distance of 110.24 feet to said Westerly right-of-way line; thence South 30° 22' 41" East along said right-of-way line, a distance of 485.45 feet to the South line of the Northwest One-quarter (1/4) of said Southwest One-quarter (1/4); thence South 88° 21' 48" West along said South line, a distance of 556.56 feet; thence North 00° 07' 19" West, a distance of 26.93 feet; thence North 65° 26' 16" West, a distance of 38.71 feet; thence North 06° 09' 31" West, a distance of 158.01 feet; thence North 27° 42' 42" East, a distance of 83.49 feet; thence North 23° 30' 47" West, a distance of 37.57 feet; thence North 87° 52' 26" West, a distance of 125.23 feet; thence North 89° 32' 17" West, a distance of 89.98 feet; thence South 39° 12' 53" West, a distance of 91.98 feet; thence South 89° 28' 33" West, a distance of 16.43 feet to the Easterly right-of-way line of South 92nd Street; thence North 00° 31' 27" West along said right-of-way line, a distance of 629.77 feet; thence North 76° 30' 14" East, a distance of 225.84 feet; thence South 58° 27' 08" East, a distance of 91.82 feet; thence North 80° 11' 30" East, a distance of 98.26 feet to the point of beginning.

AREA "C" LEGAL DESCRIPTION

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EXHIBIT A

CONSERVATION EASEMENT

AREA "A"

LINE	BEARING	LENGTH	CURVE	ARC LENGTH	RADIUS	CHORD BEARING	CHORD LENGTH
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SHEET 2 OF 3 SHEETS



Excel
ENGINEERING
SURVEYING GROUP

Always a Better Plan
 100 CAMELOT DRIVE
 FOND DU LAC, WI 54935
 PHONE: (920) 926-9800
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EXHIBIT A

CONSERVATION EASEMENT

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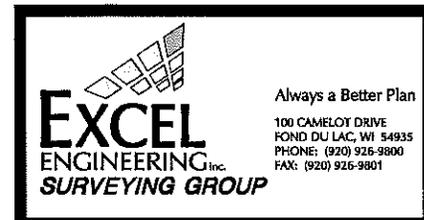
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SHEET 3 OF 3 SHEETS



<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">1/5/16</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 4213 "TRUCKING, EXCEPT LOCAL" TO ALLOW FOR SUCH USE AS A SPECIAL USE IN THE M-1 LIMITED INDUSTRIAL DISTRICT (ELVIN J. SPELLMAN, MANAGING MEMBER OF T & E, LLC, APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G.2.</i></p>

At their meeting on December 17, 2015, the Plan Commission recommended approval of an ordinance to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 4213 "Trucking, Except Local" to allow for such use as a special use in the M-1 Limited Industrial District (Elvin J. Spellman, Managing Member of T & E, LLC, Applicant).

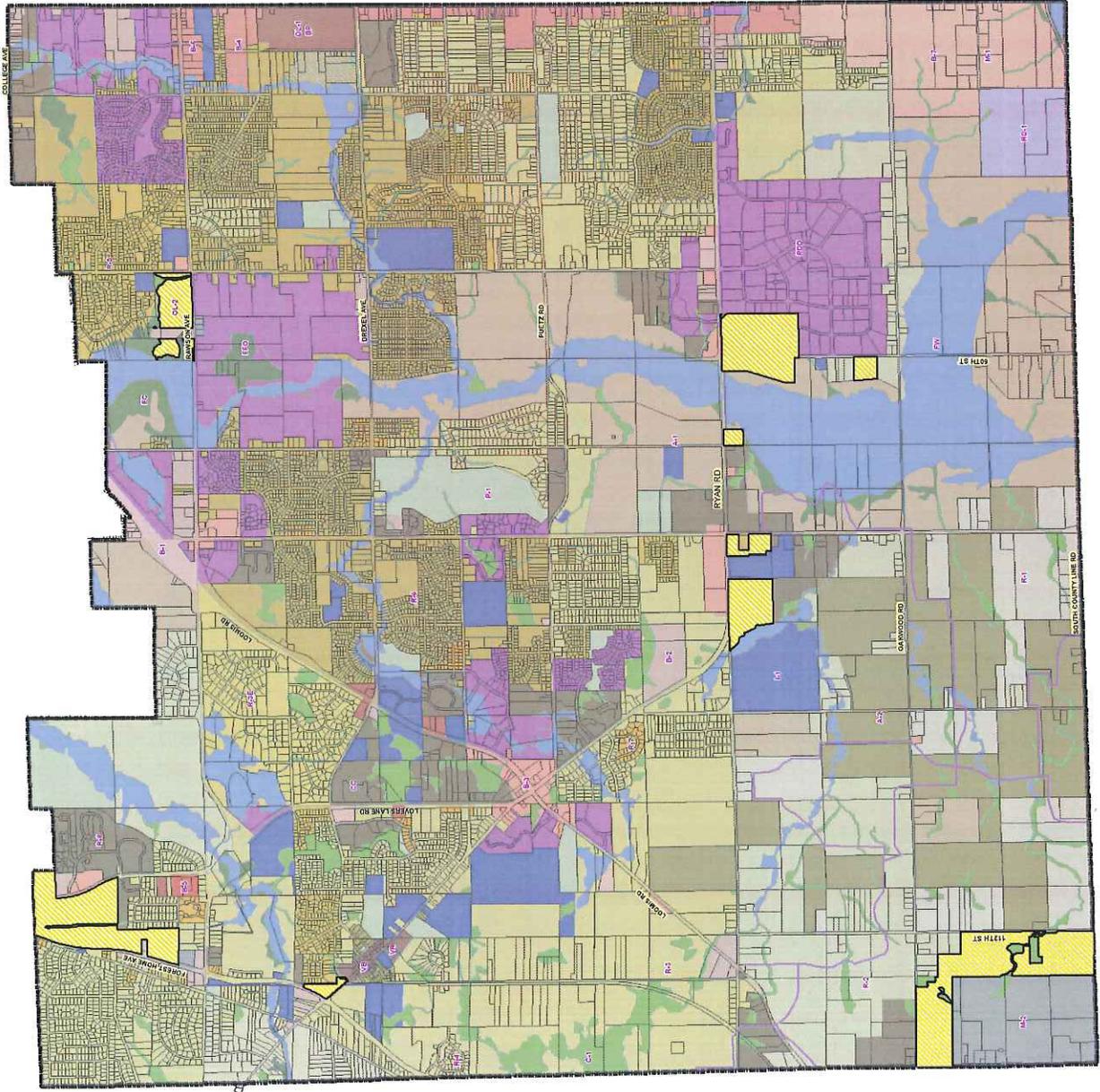
COUNCIL ACTION

A motion to adopt Ordinance No. 2016-_____ to amend the Unified Development Ordinance text at Table 15-3.0603 Standard Industrial Classification Title No. 4213 "Trucking, Except Local" to allow for such use as a special use in the M-1 Limited Industrial District (Elvin J. Spellman, Managing Member of T & E, LLC, Applicant).

City of Franklin M-1 Limited Industrial Districts

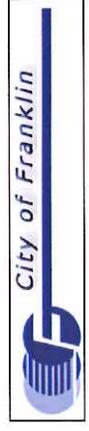
LEGEND

	M-1 Limited Industrial District		R-2
	Other Zoning Districts		R-3
			R-3E
			R-4
			R-5
			R-6
			R-7
			R-8
	OL-1		FW
	H		M-2
	A-1		P-1
	A-2		PDD
	B-1		FC
	B-2		
	B-3		
	B-4		
	B-5		
	B-6		
	B-7		
	BP		
	C-1		
	RC-1		
	VB		
	VR		



City of Franklin
Planning Department
5000 Lower Lane
Franklin, WI 53120
www.ci.franklin.wi.us

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

ORDINANCE NO. 2015-_____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 STANDARD INDUSTRIAL CLASSIFICATION TITLE NO. 4213 "TRUCKING, EXCEPT LOCAL" TO ALLOW FOR SUCH USE AS A SPECIAL USE IN THE M-1 LIMITED INDUSTRIAL DISTRICT (ELVIN J. SPELLMAN, MANAGING MEMBER OF T & E, LLC, 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, Elvin J. Spellman, Managing Member of T & E, LLC having applied for a text amendment to Table 15-3.0603, Standard Industrial Classification Title No. 4213 "Trucking, except local", to allow for such use as a Special Use in the M-1 Limited Industrial District; and

WHEREAS, the Plan Commission having reviewed the proposed amendment to allow for Standard Industrial Classification Title No. 4213 "Trucking, except local" as a Special Use in the M-1 Limited Industrial District, and having held a public hearing on the proposal on the 17th day of December, 2015 and thereafter having recommended approval of such amendment; and

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

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

SECTION 1: Table 15-3.0603 of the Unified Development Ordinance of the Municipal Code of the City of Franklin, Wisconsin, only as it pertains to: Standard Industrial Classification Title No. 4213 "Trucking, except local", is hereby amended as follows: insert "S" (Special Use) in the M-1 column.

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

ORDINANCE NO. 2015- _____

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 _____, 2015, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2015.

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



REPORT TO THE PLAN COMMISSION

Meeting of December 17, 2015

Unified Development Ordinance Text Amendment

RECOMMENDATION: Department of City Development staff recommends approval of the Unified Development Ordinance Text Amendment to allow Standard Industrial Classification Title No. 4213 "Trucking, Except Local" as a Special Use in the M-1 Limited Industrial District.

Table with 2 columns: Field Name and Value. Fields include Project Name, Project Location, Property Owner, Applicant, Current Zoning, 2025 Comprehensive Plan, Use of Surrounding Properties, and Applicant's Action Requested.

PROJECT DESCRIPTION/ANALYSIS:

On November 10, 2015, the applicant filed a Unified Development Ordinance Text Amendment Application to amend Table 15-3.0603 to allow Standard Industrial Classification Title No. 4213 "Trucking, Except Local" as a Special Use in the M-1 Limited Industrial District.

Table 15-3.0603 of the UDO sets forth those uses which are permitted and special uses in all nonresidential zoning districts in the City of Franklin. Use designations are based on the Standard Industrial Classification Manual (1987, or latest edition) published by the Executive Office of the President, Office of Management and Budget.

The SIC manual describes SIC Title No. 4213 Trucking, Except Local as:

"Establishments primarily engaged in furnishing "over-the-road" trucking services or trucking services and storage services, including household goods either as common carriers or under special or individual contracts or agreements, for freight generally weighing more than 100 pounds. Such operations are principally outside a single municipality, outside one group of contiguous municipalities, or outside a single municipality and its suburban areas. Establishments primarily engaged in furnishing air courier services for individually addressed letters, parcels, and packages generally weighing less than 100 pounds are classified in Industry 4513 and other courier services for individually addressed letters, parcels, and packages generally weighing less than 100 pounds are classified in Industry 4215."

The following specific uses are associated with SIC Title No. 4213 and included in the description:

- Long-distance trucking
- Over-the-road trucking
- Trucking rental with drivers, except for local use
- Trucking, except local

As shown in the attached excerpt from Table 15-3.0603 of the UDO, this use is currently not allowed in any of the non-residential zoning districts.

In the letter of intent (attached) the applicant points out that businesses renting space in his building at 5825 West Ryan Road over the past 30 years have been trucking companies, except local. It can be noted that approval of this UDO Text Amendment would address an existing zoning violation at 5825 West Ryan Road and at another nearby property. In both instances, the zoning violations involve over-the-road trucking companies operating without permits or approvals from the City.

Ordinance No. 221 – February 6, 1968 (As amended through August 13, 1987), which was the predecessor to the Unified Development Ordinance, allowed for Motor Freight Terminals as a Special Use in the M-1 Limited Industrial District. This previous code did not differentiate between local or non-local trucking companies. It also didn't differentiate between trucking and the operation of a truck terminal, which the Standard Industrial Classification System and subsequently the UDO does. As a result, there are existing trucking companies in the City of Franklin (including other nearby properties in Phase 1 of the Franklin Industrial Park) operating on M-1 properties.

Staff believes the potential for truck traffic warrants the thorough review of the Special Use process to ensure the proposed use will not cause undue adverse impact or undue traffic congestion. The Special Use application process would help ensure each proposal is reviewed by the Plan Commission and Common Council to address all Special Use criteria and standards. In determining whether the applicant's evidence establishes that the special use standards have been met, the Plan Commission and Common Council may make considerations including; the public benefit of the use, alternative locations, mitigation of adverse impacts, and whether the use will establish a precedent of incompatible uses in the surrounding area.

It can also be noted that SIC Title No. 4231, "Trucking Terminal Facilities" and SIC Title No. 4214, "Local Trucking with Storage", are both allowed as a Special Use in the M-1 Limited Industrial District. Therefore, Staff recommends that SIC Title No. 4213 be allowed in the M-1 Limited Industrial District as a Special Use.

This text amendment, if granted, will apply to all properties City-wide in the M-1 Limited Industrial District. Please see the map in your packets of areas in the City of Franklin Zoned M-1 Limited Industrial District.

STAFF RECOMMENDATION:

Department of City Development staff recommends approval of the Unified Development Ordinance Text Amendment to allow Standard Industrial Classification Title No. 4213 "Trucking, Except Local" as a Special Use in the M-1 Limited Industrial District.

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	PDD
387	Watches, Clocks, Watchcases & Parts		P	P									P	P			P					P
3873	Watches, clocks, watchcases & parts		P	P									P	P			P					P
39	MISCELLANEOUS MANUFACTURING INDUSTRIES																					
391	Jewelry, Silverware, and Plated Ware												P	P			P					P
3911	Jewelry, precious metal		P	P									P	P			P					P
3914	Silverware and plated ware												P	P								P
3915	Jewelers' materials & lapidary work												P	P								P
393	Musical Instruments												P	P								P
3931	Musical instruments												P	P								P
394	Toys and Sporting Goods												P	P								P
3942	Dolls and stuffed toys												P	P								P
3944	Games, toys, and children's vehicles												P	P								P
3949	Sporting and athletic goods, not elsewhere classified												P	P								P
395	Pens, Pencils, Office, & Art Supplies												P	P								P
3951	Pens and mechanical pencils												P	P								P
3952	Lead pencils and art goods												P	P								P
3953	Marking devices																					
3955	Carbon paper and inked ribbons																					
396	Costume Jewelry and Notions												P	P								P
3961	Costume jewelry												P	P								P
3965	Fasteners, buttons, needles, & pins												P									P
399	Miscellaneous Manufactures												P	P								P
3991	Brooms and brushes												P	P								P
3993	Signs and advertising specialties												S	P								S
3995	Burial caskets																					
3996	Hard surface floor coverings, not elsewhere classified												S	P								S
3999	Manufacturing industries, not elsewhere classified												S	P								S
	E. TRANSPORTATION AND PUBLIC UTILITIES																					
40	RAILROAD TRANSPORTATION																					
401	Railroads																					
4011	Railroads, line-haul operating																					
4013	Switching and terminal services																					
41	LOCAL AND INTERURBAN PASSENGER TRANSIT																					
411	Local and Suburban Transportation																					
4111	Local and suburban transit					S																
4119	Local passenger transportation, not elsewhere classified												S	S								
412	Taxicabs																					
4121	Taxicabs					S							S	S								
413	Intercity and Rural Bus Transportation																					
4131	Intercity & rural bus transportation												S	S								
414	Bus Charter Service																					
4141	Local bus charter service												S	S								
4142	Bus charter service, except local												S	S								
415	School Buses																					
4151	School buses												S	S								
417	Bus Terminal and Service Facilities																					
4173	Bus terminal and service facilities					S				S			S	S								
42	TRUCKING AND WAREHOUSING																					
421	Trucking & Courier Services, Except Air																					
4212	Local trucking, without storage																					
4213	Trucking, except local												S	S								
4214	Local trucking with storage												S	S								
4215	Courier services, except by air																					
422	Public Warehousing and Storage																					
4221	Farm product warehousing and storage												P						S			P
4222	Refrigerated warehousing and storage												P						S			P
4225	General warehousing and storage *Retail self storage primarily climate controlled (with related accessory ambient temperature structural units)						S						P						S			P
4226	Special warehousing and storage, not elsewhere classified												S	P								S
423	Trucking Terminal Facilities																					
4231	Trucking terminal facilities												S	S								
43	U.S. POSTAL SERVICE																					
431	U.S. Postal Service																					
4311	U.S. Postal Service		S	S	S		S		S				S			S	S					S
44	WATER TRANSPORTATION																					
441	Deep Sea Foreign Transportation of Freight																					
4412	Deep sea foreign transportation of freight																					
442	Deep Sea Domestic Transportation of Freight																					
4424	Deep sea domestic transportation of freight																					
443	Freight Transportation on the Great Lakes																					
4432	Freight transportation on the Great Lakes																					
444	Water Transportation of Freight, not elsewhere classified																					
4449	Water transportation of freight, not elsewhere classified																					
448	Water Transportation of Passengers																					

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

SPELLMAN TRAILERS
INC.



SALES • PARTS • SERVICE

5921 W. Ryan Road • Franklin, WI 53132
Phone (414) 421-3200 • Fax (414) 421-1231
Toll Free 1-800-592-0955
www.spellmantrailers.com

City of Franklin

Re: 5825 West Ryan Rd.

10-29-15

We are requesting to amend the Unified Development Ordinance at Table 15-3.0602 Standard Industrial Classification Title No. 4213 "Trucking, except local", to allow for a special use in the M-1 Limited Industrial District.

We have owned the building since 1985. Our renters for the past 30 years have been trucking companies, except local. Since 2008, when the economic recession started, the building has been empty.

Our current tenant is a long distance trucking company and would be classified under SIC title No 4213. This would be the same type of company that we've rented to since 1985.

Sincerely,

Elvin Spellman

Franklin

DEC 3 2015

City Development

APPROVAL <i>slw</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 01/05/16
REPORTS & RECOMMENDATIONS	STATUS UPDATE FROM THE QUARRY MONITORING COMMITTEE PERTAINING TO QUARRY MONITORING AND OF THE IMPLEMENTATION OF VARIOUS QUARRY RELATED RECOMMENDATIONS	ITEM NUMBER <i>6.3.</i>

INTRODUCTION

The Common Council, at its meeting of April 7, 2015, moved to “direct applicable departments to continue to work on previously Council-approved recommendations from the Quarry Monitoring Committee and report back in three months with a status update, pertaining to items detailed in the Council packet for this meeting.”

STATUS UPDATE

Since the April 7th Common Council meeting, the following efforts have been undertaken by the Quarry Monitoring Committee (QMC).

- Quarry Monitoring Contract, status underway.
 - The QMC, with assistance from Planning Department staff and the consulting firm of Stantec Consulting Services Inc., have recently begun work on a proposed quarry monitoring contract for 2016. This will include a proposal to survey the PDD boundaries as requested by the Council at its November 18, 2014 meeting. It is anticipated that a proposed contract will be provided to the Common Council in January or February for its consideration and action.
- Quarry Reclamation Plan, status underway.
 - Payne & Dolan provided a draft of an updated Plan for QMC review in May. The QMC, with assistance from Planning Department staff, has been reviewing the updated Plan with Payne & Dolan. It is anticipated that this plan, with comments and recommendations from the QMC, will be provided to the Common Council in January or February for its consideration and action.
- Other Recommendations by the QMC, status awaiting review by the Planning Department.
 - Review of the zoning code and of all required permits, as such pertain to the quarry, has not yet been initiated by the Planning Department.
- Non-Metallic Mining Reclamation Ordinance, status completed.
 - Final technical corrections requested by the Wisconsin Department of Natural Resources were completed by the City Attorney in April, and the Ordinance was adopted by the Common Council at its May 19, 2015 meeting.
- Noise Regulations Review, status completed.
 - At the June 2, 2015 Common Council meeting, the City Attorney provided information to the Council pertaining to possible revisions to the City’s noise regulations in general, and how they may pertain to the quarry in particular. Based upon that information, the Council determined that no action was required.
- Truck Tarps Review, status completed.
 - At the June 2, 2015 Common Council meeting, the City Attorney provided information to the Council pertaining to the potential requirement for the use of tarps on trucks for quarry related purposes. Based upon that information, the Council determined that no action was required.

COUNCIL ACTION REQUESTED

No action required.

-OR-

As the Council deems appropriate.

<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>January 5, 2016</p>
<p>REPORTS AND RECOMMENDATIONS</p>	<p>Pleasant View Park Playground Equipment Purchase Authorization</p>	<p>ITEM NUMBER</p> <p><i>G.4.</i></p>

The above subject matter is presented to the Common Council with regard to the potential immediate furthering of the project with regard to the matching obligations expenditures of impact fees as they pertain to parks otherwise being considered by the City. The Parks Commission has provided guidelines for the appropriate types of playground equipment to be acquired for City parks. The Director of Public Works is prepared to purchase such equipment for the Pleasant View Park playground.

COUNCIL ACTION REQUESTED

A motion to authorize the Director of Public Works to purchase playground equipment pursuant to the Parks Commission guidelines for the Pleasant View Park playground and to do so if payment shall be made prior to January 31, 2016 and in an amount not to exceed \$52,000.00, with the funding therefore to be provided by the Capital Improvement Fund General Park Appropriations or the Capital Outlay Fund Contingency Appropriations.