# CITY OF FRANKLIN COMMON COUNCIL MEETING FRANKLIN CITY HALL – COMMON COUNCIL CHAMBERS

#### 9229 WEST LOOMIS ROAD, FRANKLIN, WISCONSIN AGENDA\*

TUESDAY, JULY 18, 2017 AT 6:30 P.M.

- A. Call to Order and Roll Call.
- B. Citizen Comment Period.
- C. Approval of Minutes: Regular Common Council Meeting of June 20, 2017.
- D. Hearings.
- E. Organizational Business.

  Mayoral Appointment of Kathleen Schnagl, 3821 West Glenwood Drive (Ald. Dist. 4), to Fill the Unexpired 5-year Term to the Police and Fire Commission, expiring 4/30/2018.
- F. Letters and Petitions.

  Franklin Fire Department Letter of Recognition for Firefighter/Paramedic Justin Pallen.
- G. Reports and Recommendations:
  - 1. Donations:
    - (a) 2017 National Night Out Donations: Bank Mutual \$100; Children's Hospital of Wisconsin \$100; Chiropractic Care Center \$100; Crossroads Pizza & Subs \$100; Faith Presbyterian Church, Inc. \$100; Franklin Area Parents Students United (FAPSU) \$100; Franklin Noon Lions \$100; McAvoy Chiropractic, LLC \$100; Northwestern Mutual \$2,000; Pensec Inc. (McDonald's) \$500; Pyramax Bank \$500; St. James Catholic Church \$500; Waukesha County Community Foundation, Inc./WaterStone Bank \$2,000; and WE Energies \$500.
    - (b) A Wheelchair Donation to the Franklin Public Library by Janice Luckey and the Franklin Noon Lions Club.
  - 2. Franklin Senior Citizens, Inc. Semi-Annual update for 2017.
  - 3. Franklin Senior Citizens Travel Program Semi-Annual Update for 2017.
  - 4. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use to Allow for the Installation of a 120 Foot Telecommunications Tower Monopole at Faith Presbyterian Church Property Located at 3800-3830 West Rawson Avenue, Bearing Tax Key No. 739-9997-001 (United States Cellular Operating Company LLC, Applicant).
  - 5. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Private Park Use Upon the Franklin Lions Club Property Located at 10961 West St. Martins Road (Franklin Lions Foundation, Inc., Applicant).

- 6. An Ordinance to Amend §15-3.0439 of the Unified Development Ordinance Planned Development District No. 34 (Hampton Inn and Suites Plus Mixed Use Commercial) to Allow for the Installation of Automated Payment Kiosks, Signage and Queuing Lane Striping, Removal of Two Vacuum Stations and a Landscape Island and Addition of Concrete Curbs to Direct Traffic at Mister Car Wash #488 498 (7700 West Rawson Avenue) (David Hail, Vice President of Research & Development at Mister Car Wash, Applicant).
- 7. Standards, Findings and Decision of the City of Franklin Common Council Upon the Application of the Franklin Public Schools for a Special Exception to Certain Natural Resource Provisions of the City of Franklin Unified Development Ordinance.
- 8. An Ordinance to Amend §15-3.0431 of the Unified Development Ordinance Planned Development District No. 26 (Woodlake Condominiums and Deerwood Estates Jeffrey Klement) to Allow for Construction of a Redesigned Building No. 3 and Building No. 10 Within the Deerwood Estates Condominium Development (Franklin Estates LLC, Applicant (SGB & Associates #4, LLC, Property Owner)) (Building No. 3: 8501 South Deerwood Lane and 8503 South Deerwood Lane and Building No. 10: 8457 South Deerwood Lane and 8459 South Deerwood Lane).
- 9. A Resolution Conditionally Approving a Condominium Plat for the Second Addendum to the Deerwood Estates Condominium Development at 8501 and 8503 South Deerwood Lane (Building 3) and 8457 and 8459 South Deerwood Lane (Building 10) (Franklin Estates LLC, Applicant (SGB & Associates #4, LLC, Property Owner)).
- 10. A Resolution Imposing Conditions and Restrictions for the Approval of a Special Use for a Single-Family Residential Development Use Upon Property Located at 11906-11908 West Loomis Road (Mills Hotel Wyoming, LLC, Applicant).
- 11. An Ordinance to Create §19-10, "City Participation in Public Construction Projects," Adopting the Statutory Allowance that the City May Directly Participate in Public Construction Projects Without Submitting the Same for Bid, and Amending §19-9, "Procedures for Commencing Projects," to Clarify and Provide for Greater Flexibility in Capital Project Initiation.
- 12. An Ordinance to Amend Ordinance 2016-2240, an Ordinance Adopting the 2017 Annual Budgets for Capital Improvement Fund for the City of Franklin for Fiscal Year 2017 to Provide Additional Appropriations for Historical Barn Installation in Lion's Legend Park.
- 13. A Resolution Awarding a Contract to C.G. Schmidt, Inc. in the Amount of \$29,684 for the Construction of the Footings and Foundation for the Historical Barn Reconstruction in Lions Legend Park and Rejecting the Bid for Construction for the Building.
- 14. A Resolution Awarding Contract to Dome Corporation of North America in the Amount of \$271,160 for the Department of Public Works Salt Storage Facility.
- 15. A Request from the Parks Commission for the Common Council to Pursue Further Development of Pleasant View Neighborhood Park Including a Pavilion, Volleyball Court, Basketball Court and Installation of Playground Equipment Previously Purchased by the City (4620 West Evergreen Street).
- 16. Request from Fire Department for Common Council Endorsement of the Dive Squad.

- 17. Request Common Council Approval to Allow the Fire Department to Dispose of Various Pieces of Decommissioned Firefighting Equipment by Selling them at Auction.
- 18. Authorization for the Department of Public Works to Sell Surplus Equipment.
- 19. Recommendation from the Board of Public Works to Authorize Purchase of a Single Axel Dump Truck Chassis from Lakeside International Trucks of Milwaukee for \$86,475.
- 20. Recommendation from the Board of Public Works to Authorize Purchase of a Snow Plow and Patrol Wing and Installation from Wausau Equipment for \$24,942.
- 21. Recommendation from the Board of Public Works to Authorize Purchase of a Self Propelled Paver from JFTCO Inc./DBA: Fabick for \$94,700.
- 22. Recommendation from the Board of Public Works to Authorize Purchase of a Snow Blower Attachment from Wausau Equipment for \$110,179.
- 23. Recommendation from the Board of Public Works to Authorize Purchase of a Dump Body and Hydraulics and Installation from Best Truck Repair for \$46,984.
- 24. Recommendation from the Board of Public Works to Authorize Purchase of a Stainless Steel V Box Salt Spreader Best Truck Repair for \$16,718.
- 25. Recommendation from the Board of Public Works to Authorize the Purchase of a Single Axel Hi-Cube Ford Truck and Pipeline Inspection System for \$238,986.
- 26. A Resolution Authorizing Approval of the Revisions to the City of Franklin Design Standards and Construction Specifications, July 2017.
- 27. City of Franklin's Community Development Block Grant Program Projects for 2018.
- 28. Authorization for the Purchase of Two Tape Libraries and Tapes for Data Archiving at City Hall and the Police Department per the Approved 2017 Information Services (IS) Capital Outlay Budget.
- 29. Property Tax Collection Process: Review and Update.
- 30. May 2017 Monthly Financial Report.
- 31. Presentation and Discussion on 2018 Budget Development Issues and the Preliminary 2018 Budget Forecast.
- 32. Interstate Partners LLC Commercial, Light Industrial and Distribution Development on the Southwest Corner of South 27th Street and West Oakwood Road; Tax Incremental District No. 4 Development Agreement Between the City of Franklin and Jams IP LLC. The Common Council May Enter Closed Session Pursuant to Wis. Stat. § 19.85(1)(e), to Consider the Terms and Negotiation of a Development Agreement With Jams IP LLC for the Interstate Partners LLC Commercial, Light Industrial and Distribution Development on the Southwest Corner of South 27th Street and West Oakwood Road, for Competitive and Bargaining Reasons, and to Reenter Open Session at the Same Place Thereafter to Act on Such Matters Discussed Therein as it Deems Appropriate.
- 33. An Ordinance to Amend Ordinance 2016-2240, an Ordinance Adopting the 2017 Annual Budgets for TID 4 for the City of Franklin for Fiscal Year 2017 to Provide Appropriations for a Developers Agreement.

#### H. Licenses and Permits.

1. Miscellaneous Licenses from License Committee Meeting of July 18, 2017.

2. In the Matter of the Complaint Against: Vito M. Siciliano, Holder of an Operator's Alcohol Beverage License as a Bartender for On The Border Premises at 10741 South 27<sup>th</sup> Street, Franklin, Wisconsin; License Committee Recommendation Upon Hearing Pursuant to Wis. Stat. §125.12(2) and §158-1 of the Franklin Municipal Code of the City of Franklin, Wisconsin. The Common Council May Enter Closed Session Pursuant to §19.85(1)(a), Wis. Stats., to Consider and Deliberate Upon the July 14, 2017 License Committee Recommendation, to Discuss the Common Council's Determination Thereon, and to Reenter Open Session at the Same Place Thereafter to Act on Such Matters as Discussed Therein as it Deems Appropriate.

#### I. Bills.

Request for Approval of Vouchers and Payroll.

#### J. Adjournment.

[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:

July 22 Plan Commission Meeting 7:00 p.m.	
July 31 National Night Out 6:00 p.m	9:00 p.m.
August 1 Common Council Meeting 6:30 p.m.	
August 3 Plan Commission Meeting 7:00 p.m.	
August 15 Common Council Meeting 6:30 p.m.	

<sup>\*</sup>Supporting documentation and details of these agenda items are available at City Hall during normal business hours.

#### CITY OF FRANKLIN COMMON COUNCIL MEETING JUNE 20, 2017 MINUTES

ROLL CALL	A.1.	The regular meeting of the Common Council was held on June 20, 2017 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, Alderman Steve F. Taylor (arrived at 6:35 p.m.), and Alderman John R. Nelson. Excused was Alderman Mike Barber. Also present were City Engineer Glen Morrow, Dir. of Administration Mark Luberda, City Attorney Jesse A. Wesolowski and Deputy City Clerk Shirley Roberts.
CITIZEN COMMENT	B.1.	Citizen comment period was opened at 6:31 p.m. and closed at 6:36 p.m.
APPROVAL OF MINUTES	C.1.	Alderman Dandrea moved to approve the minutes of the regular Common Council Meeting of June 6, 2017 as presented at this meeting. Seconded by Alderman Taylor. All voted Aye; motion carried.
	C.2.	Alderwoman Wilhelm moved to approve the minutes of the Special Common Council Meeting of June 12, 2017 as presented at this meeting. Seconded by Alderman Mayer. All voted Aye; motion carried.
CONTRACT WITH EHLERS, INC. TIF DISTRICT IN AREA G	G.1.	Alderman Nelson moved to contract Ehlers, Inc. for financial services related to the potential creation of Tax Incremental Finance District in Area G, approximately between S. 112th Street and the City's western boundary and between W. Ryan Road and W. Oakwood Road. Seconded by Alderman Taylor. All voted Aye; motion carried.
ORD. 2017-2277	G.2.	Alderwoman Wilhelm moved to adopt Ordinance No.

ORD. 2017-2277 AMEND UDO TEXT ALLOWING SINGLE-FAMILY RESIDENCE STRUCTURE (CITY OF FRANKLIN, APPLICANT) Alderwoman Wilhelm moved to adopt Ordinance No. 2017-2277, AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT TO AMEND SECTION 15-2.0206 TO ALLOW A SINGLE-FAMILY RESIDENCE STRUCTURE TO TEMPORARILY REMAIN UPON A LOT DURING THE CONSTRUCTION OF A REPLACEMENT SINGLE-FAMILY RESIDENTIAL STRUCTURE (CITY OF FRANKLIN, APPLICANT). Seconded by Alderman Taylor. All voted Aye; motion carried.

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ORD. 2017-2278
AMEND UDO PLANNED
DISTRICT NO. 37 TO ALLOW
FOR PLACEMENT OF A
SPRECHER BEER CAFÉ
(MICHAEL ZIMMERMAN, THE
ROCK SPORTS COMPLEX, LLC,
APPLICANT)

G.3.

G.4.

G.5.

G.6.

Alderman Mayer moved to adopt Ordinance No. 2017-2278, AN ORDINANCE TO AMEND SECTION 15-3.0442 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 37 (THE ROCK SPORTS COMPLEX/BALLPARK COMMONS) TO ALLOW FOR PLACEMENT OF A SPRECHER BEER CAFÉ AT THE ROCK SPORTS COMPLEX (7900 WEST CRYSTAL RIDGE DRIVE) (MICHAEL E. ZIMMERMAN, OWNER, THE ROCK SPORTS COMPLEX, LLC, APPLICANT), with technical corrections by City Attorney. Seconded by Alderman Taylor. All voted Aye; motion carried.

RES. 2017-7280 AMEND RES NOS. 79-1562, 83-2091, 85-2581, 2009-6579, 2012-6812 AND 2014-7007 FOR APPROVAL OF SPECIAL USE AT 6300-6346 S. 35TH ST (GPARK LLC, APPLICANT)

Alderman Wilhelm moved to adopt Resolution No. 2017-7280, A RESOLUTION TO AMEND RESOLUTION NOS. 79-1562, 83-2091, 85-2581, 2009-6579, 2012-6812 AND 2014-7007 IMPOSING CONDITIONS AND RESTRICTIONS FOR THE APPROVAL OF SPECIAL USE FOR THE **GAZEBO PARK** APARTMENT COMPLEX PROPERTY LOCATED AT APPROXIMATELY 6300-6346 SOUTH 35TH STREET TO ALLOW FOR THE CONSTRUCTION OF AN ACCESSORY BUILDING (GPARK LLC. APPLICANT). Seconded by Alderman Taylor. All voted Aye; motion carried.

ORD. 2017-7279
AMEND CHAPTER 210: SIGNS &
BILLBOARDS TO CLARIFY
ALLOWANCES FOR MONUMENT
SIGNS, EXPAND EXCEPTION TO
SIGNS FOR LEASE, SALE, NEW
OR PENDING BUSINESS

Alderman Taylor moved to adopt Ordinance No. 2017-7279, AN ORDINANCE TO AMEND CHAPTER 210: SIGNS AND BILLBOARDS TO PROVIDE FOR A ONE-YEAR SUSPENSION OF A REQUIREMENT FOR **MASTER SIGN** PROGRAMS, TO **CLARIFY** ALLOWANCES FOR MONUMENT SIGNS, AND TO EXPAND THE EXCEPTION APPERTAINING TO SIGNS FOR THE LEASE, SALE, OR NEW OR PENDING **BUSINESS** OR COMMERCIAL OCCUPANCY OF ANY BUILDING OR LAND. Seconded by Alderman Dandrea. All voted Aye; motion carried.

RES. 2017-7281 APPROVING NR-208 COMPLIANCE MAINTENANCE REPORT FOR 2016

Alderman Dandrea moved to adopt Resolution No. 2017-7281, A RESOLUTION APPROVING THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES NR-208 COMPLIANCE MAINTENANCE REPORT FOR 2016. Seconded by Alderman Mayer. All voted Aye; motion carried.

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AMEND ORD. 2016-2240 TO G.7.
PROVIDE APPROPRIATIONS FOR
RECONSTRUCTION OF W.
OAKWOOD RD AND TO CARRY
FORWARD 2016
APPROPRIATIONS

ORD 2017-7280 APPROVAL-RECONSTRUCTION OF WEST OAKWOOD ROAD

ORD 2017-7281 APPROPRIATIONS-SENIOR TRAVEL PROGRAM, FRANKLIN SENIORS AND ST. MARTINS FAIR-SUMMER MONDAYS

ORD 2017-7282 APPROPRIATIONS FOR CARPETING AND PROVIDE EMERGENCY REPLACEMENT OF LIGHTS-SOUTH 76TH STREET

APPROVAL FOR NEWLY
CREATED FIRE DEPARTMENT
JOB DESCRIPTION
"COMMUNITY FIRE
PREVENTION SPECIALIST"

G.8.

G.9.

AMEND & ADJUST
AUTHORIZED POSITIONS FOR
THE FIRE DEPARTMENT

ORDINANCES TO AMEND ORDINANCE 2016-2240, AN ORDINANCE ADOPTING THE 2017 ANNUAL BUDGET FOR THE GENERAL FUND, ST. MARTINS FAIR, CAPITAL OUTLAY, CAPITAL IMPROVEMENT AND GRANT FUNDS FOR THE CITY OF FRANKLIN FOR FISCAL YEAR 2017:

Alderman Taylor moved to adopt Ordinance 2017-7280, TO PROVIDE APPROPRIATIONS FOR PRELIMINARY ENGINEERING OF THE RECONSTRUCTION OF WEST OAKWOOD ROAD. Seconded by Alderman Dandrea. On Roll Call, all voted Aye; motion carried.

Alderman Taylor moved to adopt Ordinance 2017-7281, CARRY FORWARD 2016 APPROPRIATIONS FOR THE SENIOR TRAVEL PROGRAM AND FRANKLIN SENIORS TO 2017 ST. MARTINS FAIR SUMMER MONDAYS PROMOTION. Seconded by Alderman Mayer. On roll call, all voted Aye, motion carried.

Alderwoman Wilhelm moved to adopt Ordinance 2017-7282, CARRY FORWARD 2016 APPROPRIATIONS FOR CARPETING, TO PROVIDE APPROPRIATIONS FOR EMERGENCY REPLACEMENT OF POLICE HVAC EQUIPMENT AND THE PURCHASE OF FINANCIAL SOFTWARE AND STREET LIGHTS ON SOUTH 76TH STREET. Seconded by Alderman Mayer. On roll call, all voted Aye; motion carried.

Alderman Taylor moved to approve the job description for Community Fire Prevention Specialist. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

At 7:15 p.m. Mayor Olson passed the gavel to Alderman Dandrea, who then chaired the meeting. At 7:16 p.m. the gavel was returned to Mayor Olson, who then chaired the meeting.

Alderman Taylor moved to amend the Authorized Positions in order to add one Full Time Equivalent (FTE) for the Community Fire Prevention Specialist, and to reduce the authorized Paramedic/Firefighter FTEs by one in order to maintain overall Department staffing at the approved 46 FTEs. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

PRESENTATION AND DISCUSSION ON 2018 BUDGET DEVELOPMENT ISSUES	G.10.	Alderwoman Wilhelm moved to receive and file the presentation on 2018 budget development issues. Seconded by Alderman Dandrea. All voted Aye; motion carried.
		Alderman Mayer vacated his seat at 7:40 p.m. and returned at 7:43 p.m.
C.O.P.S. GRANT APPLICATION REQUEST FOR ADDITIONAL POLICE OFFICERS	G.11.	Alderman Taylor moved to approve the C.O.P.S. (Community Oriented Police Services) grant funding of 3 police officer positions. Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.
CONSIDERATION FOR AWARD OF BID FOR HISTORICAL BARN RECONSTRUCTION IN LIONS LEGEND PARK	G.12.	Alderman Taylor moved to direct staff to prepare the necessary budget modification and ordinance on City participation in public construction projects with the intent that the Common Council will award the bid for Contract Package #2 (footings and foundation) at the next Common Council meeting. Seconded by Alderman Mayer. All voted Aye; motion carried.
AGREEMENT WITH MILWAUKEE COUNTY FOR 2018 THROUGH 2020 COMMUNITY DEVELOPMENT BLOCK GRANT AND HUD HOME PROGRAMS	G.13.	Alderman Taylor moved to authorize the Mayor and City Clerk to execute a Cooperation Agreement with Milwaukee County for a additional 3-year participation, program years 2018 through 2020, in the Community Development Block Grant and HUD HOME Funds, subject to approval as to form by the City Attorney, which changes from the attached document may include technical corrections, clarification, or other such changes that do not entail a substantial substantive difference. Seconded by Alderman Dandrea. All voted Aye; motion carried.
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM PROJECTS FOR 2018	G.14.	Alderman Mayer moved to table the Community Development Block Grant Program projects for 2018 until the meeting of July 18, 2017 in order to allow individuals the opportunity to propose projects. Seconded by Alderman Taylor. All voted Aye; motion carried.
UPDATE ON CITY HALL REMODELING PROJECT	G.15.	Alderwoman Wilhelm moved to receive and file the update on the City Hall remodeling project. Seconded by Alderman Mayer. All voted Aye; motion carried.
SPECIAL ASSESSMENT SOFTWARE PURCHASE	G.16.	Alderman Taylor moved to authorize the Director of Finance to purchase special assessment software from

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BS&A subject to approval of a budget modification establishing necessary appropriations. Seconded by Alderman Mayer. All voted Aye; motion carried.

PURCHASE ENTERPRISE LICENSE SUBSCRIPTION FOR THE BUSINESS JOURNAL (ALD. WILHELM)

G.18.

G.19.

G.17. Alderwoman Wilhelm moved to direct staff to establish a line of communication relating to access to the online version of The Business Journal. Seconded by Alderman Mayer. All voted Aye; motion carried.

ANNUAL MARKET ADJUSTMENT & MARKET ADJUSTMENT TO WAGE & SALARY RATES FOR NON-REPRESENTED EMPLOYEES Alderman Dandrea moved to approve 1) an Annual Market Adjustment to the Pay Ranges of the Compensation Plan and a Market Adjustment to Wage and Salary Rates for non-represented employees of 1.5% effective with the start of the pay period with a pay date of June 9, 2017, except for Police and Fire Command staff which shall receive a net 2% adjustment at that time, with the differential .5% wage adjustment being incorporated as a Market Rate Special Circumstance, 2) implementation of Progress-to-Market Adjustments the Rate noncompounding effective with the start of the pay period with a pay date of July 21, 2017, and 3) directing the Director of Administration to update the Market Rate Special Circumstances policy language in a form as he shall determine is appropriate and consistent with this Seconded by Alderman Mayer. On roll call, Alderman Dandrea, Alderman Mayer and Alderwoman Wilhelm voted Aye; Alderman Taylor and Alderman Nelson voted No. Motion carried.

MOWING OF CEMETERY AND GROUND OF PAINESVILLE MEETING HALL (2740 W. RYAN RD.) Alderman Taylor moved to direct staff to negotiate an agreement with the Painesville Memorial Association for the Department of Public Works to mow and maintain the grounds surrounding the Painesville Meeting Hall. This agreement would return to Common Council for authorization. Seconded by Alderman Nelson. All voted Aye; motion carried.

LICENSES AND PERMITS

H.1. Alderman Taylor moved to approve the following:
Grant 2016-17 and 2017-18 Class B Combination licenses, subject to satisfactory inspections, to Kriton & Ermira LLC, Agent Ermira Lazaj, 8405 S. 27th St.;
Grant 2017-18 Class B Combination, and Entertainment & Amusement licenses to The Landmark of Franklin LLC, Agent Lorie Beth Knaack-Helm, 11401 W. Swiss St., on condition they fixed their flooring per requirement by the Health Department;

Grant 2017-18 Class B Combination, and Entertainment and Amusement licenses, to Rawson Pub, Inc., Agent Steven Schweitzer, 5621 W. Rawson Ave., with a warning letter; Alley Katz Pub & Grill LLC, Agent John Trudeau, 11430 W. Swiss St.;

Grant Reserve Class B Combination license to Hudson Burger LLC, Agent Nicholas Dillon, 6421 S. 27th St.;

Grant 2017-18 Operator licenses, with warning letter to Darrell Bostwick, 7308 Lakeshore Dr., Racine; John Ebert 1137 27th St., Caledonia;

Grant 2017-18 Operator licenses to Tricia Bernhardt, 1338 Timmie Dr., Racine; Carolyn Christensen, 3800 Spruce St., Racine; Jerime Hetzel, 24214 Burmeister Rd., Union Grove; Megan Rongolt, 3344 Marina Rd., #220 South Milwaukee;

Hold 2017-18 Operator license applications for appearance from Haley Dixon, 4175 S. 58th St., Milwaukee; Jody Isaacson, 7815 S. Scepter Dr., #25, Franklin; Amanda Julian, 2811 W. Acre Ave., Franklin; Maxwell Van Egeren, 2752 N. Bartlett Ave., #4, Milwaukee; Kimberly Leannais, 6317 Riverside Rd., Waterford;

Refer the 2017-18 Operator license application of Vito Siciliano, 26500 104th St., Trevor, to staff for action; Grant 2016-17 and 2017-18 Change of Agent to Walgreen

Co. (Jason Marinello), 9527 S. 27th St.;

Grant 2017-18 Entertainment & Amusement license, subject to satisfactory inspection, to Marcus Cinemas of Wisconsin LLC, Agent Mark Gramz, 8910 S. 102nd St.; Grant 2016-17 Operator licenses to Ermira Lazaj, 8405 S. 27th St., Franklin; Robert Martinez II, 7633 S. Drake Ln., Franklin;

Grant 2016-17 and 2017-18 Operator licenses to Susan M DeGeorge, 2456 S. 88th St., West Allis; Nicole Dudek, 4551 S. 113th St., Greenfield;

Grant 2017-18 Operator licenses to Matthew Albrecht, S103 W20703 Heather Ln., Muskego; Jared Anderson, 2123 W. Hope Ln., Oak Creek; Virginia Bennett, W140 S9287 Boxhorn Dr., Muskego; Tanya Bielinski, 10568 W. Cortez Cir., Franklin; Alyssa Blackburn, 10586 W. Cortez Cir., #10, Franklin; Roger Burczyk Jr., 9529 Caddy Ln., Caledonia; Peggy Counter, S99 W13259 Loomis Dr., Muskego; Tina Crowley, 423 Southtowne Dr., #108, South Milwaukee; Ashley Davis, 1310 W. Ring St., Milwaukee; Anthony Galewski, 1410 W. Lois Ln., Oak Creek; Andrew Hushek, 5315 W. Arizona St., Milwaukee;

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Ivan Jakircevic, 3766 N. 77th St., Milwaukee; Stephanie Jenson, 6450 W. English Meadows Dr., H206, Greenfield; Tammy Maas, 6160 Churchwood Circle, Greendale; Billie Russ, S65 W13964 Janesville Rd., Muskego; Poonam Singh, 16225 Cumberland Trail, Brookfield; Terry Tornow, 713 13th Ave., Union Grove; Vanessa Wozney, 1204 E. Connie Ln., Oak Creek; Sally Zubarik, S88 W22560 Willow Ct., Big Bend;

Grant Temporary Class B Beer license to H.C. Franklin VFW Post #10394 for the Every Summer Monday market Fair on June 26, July 3, 10, 17, 24 & 31, 2017.

Seconded by Alderwoman Wilhelm. All voted Aye; motion carried.

#### VOUCHERS AND PAYROLL

I.1. Alderman Dandrea moved to approve the following:

City vouchers with an ending date of June 15, 2017 in the amount of \$1,298,274.97; Payroll dated June 9, 2017 in the amount of \$363,799.50 and payments of the various payroll deductions in the amount of \$209,228.24, plus City matching payments; and Estimated payroll dated June 23, 2017 in the amount of \$377,000.00 and payments of the various payroll deductions in the amount of \$394,000.00, plus City matching payments; and Estimated payroll dated July 7, 2017 in the amount of \$365,000.00 and payment of the various payroll deductions in the amount of \$212,000.00, plus City matching payments; and Estimated payroll dated July 21, 2017 in the amount of \$391,000.00 and payments of the various payroll deductions in the amount of \$400,000.00, plus City matching payments and Property tax investments and refunds with an ending date of June 15, 2017 in the amount of \$4,319,300,09 and the release of payment to Wesolowski, Reindenbach and Sajdak not to exceed \$38,000.00 and the release of Library vouchers upon approval by the Library Board. Seconded by Alderman Mayer. On roll call, all voted Ave. Motion carried.

ADJOURNMENT

J. Alderman Taylor moved to adjourn the meeting at 8:47 p.m. Seconded by Alderman Mayer. All voted Aye; motion carried.

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# APPROVAL REQUEST FOR COMMON COUNCIL ACTION ORGANIZATIONAL BUSINESS Board and Commission Appointment E.1.

The following Mayoral appointment has been submitted for Council confirmation:

Kathleen Schnagl, 3821 West Glenwood Drive (Ald. Dist. 4), to fill the unexpired 5-year term to the Police and Fire Commission, expiring 4/30/2018.

#### COUNCIL ACTION REQUESTED

Motion to confirm the Mayoral appointment of Kathleen Schnagl, 3821 West Glenwood Drive, to the Police and Fire Commission for a 5-year term expiring 4/30/2018.

#### **Shirley Roberts**

From:

volunteerfactsheet@franklinwi.gov

Sent:

Tuesday, May 02, 2017 1:00 AM

To:

Lisa Huening; Shirley Roberts; Sandi Wesolowski

Volunteer Fact Sheet Subject:

Name:

Kathleen Schnagl

PhoneNumber:

414-704-9378

EmailAddress:

kschnagl@msn.com

YearsasResident:

25

Alderman:

Steve Taylor

ArchitecturalBoard:

0

CivicCelebrations:

0

CommunityDevelopmentAuthority:

0

**EconomicDevelopmentCommission: EnvironmentalCommission:** 

0

FinanceCommittee:

0 0

FairCommission:

0

BoardofHealth:

FirePoliceCommission:

0 1

ParksCommission:

0

LibraryBoard:

0

PlanCommission:

0

PersonnelCommittee:

0

BoardofReview: BoardofPublicWorks: 0 0

QuarryMonitoringCommittee:

0

**TechnologyCommission:** 

0

**TourismCommission:** 

0

BoardofZoning:

0

WasteFacilitiesMonitoringCommittee: 0 BoardWaterCommissioners:

Prescott Miller Jewelers

CompanyNameJob1: TelephoneJob1:

414-704-9378

StartDateandPositionJob1:

EndDateandPositionJob1:

6/20/06 / Owner 12/31/16 / Owner

CompanyNameJob2:

Milwaukee County Sheriff's Office

TelephoneJob2:

414-278-4700

StartDateandPositionJob2:

2/2/78 Deputy Sheriff

EndDateandPositionJob2:

7/21/04 Deputy Sheriff Captain

CompanyNameJob3:

TelephoneJob3:

StartDateandPositionJob3:

EndDateandPositionJob3:

Signature:

Kathleen Schnagl

Date:

May 1, 2017

Signature2:

Kathleen Schnagl

Date2:

May 1, 2017

Address:

3821 W Glenwood Drive Franklin, WI 53132

PriorityListing:

WhyInterested:

My 26 year career in Law Enforcement has equipped me with a range

of skills to serve as an asset on the Franklin Fire and Police

Commission. I take seriously this service and view it as an

opportunity to work toward the betterment of my community. Thank

you.

CompanyAddressJob1:

5633 Broad Street Greendale, WI 53129

All duties of owning and operating a retail jewelry store to include biring, firing and supervising of personnel, budgets, marketing and

customer service.

AddressJob2:

821 W State Street Milwaukee, WI 53203

All Law Enforcement duties related to department assignments.

Supervision of sworn and civilian personnel, handling union related issues, budgets, policy development and hiring/firing of sworn and

civilian personnel.

AddressJob3:

Description of Duties Job 3:

**DescriptionofDutiesJob2:** 

AdditionalExperience:

MCSO Polygraph Examiner

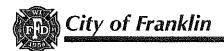
**ClientIP:** 98.144.168.126

SessionID:

v0i13r55hvsq4cef3px2oo45

See Current Results

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#### Franklin Fire Department Letter of Recognition

#### Firefighter/Paramedic Justin Pallen

July 18, 2017

This letter of recognition is presented to <u>Firefighter/Paramedic Justin Pallen</u> on this date for his heroic actions on May 28<sup>th</sup>, 2017.

On that date, the Franklin Fire Department was dispatched to assist the Franklin Police Department in a possible water rescue. A fleeing suspect had entered a water retention pond in the 9900 block of S. 31<sup>st</sup> Street in an attempt to elude the officers. While a police officer entered the water to attempt to place the subject in custody, Firefighter Pallen donned a survival suit and stationed nearby on-shore in the event that either the subject or the police officer needed assistance. Firefighter Pallen was instructed not to engage the potentially combative subject unless it became a matter of life-safety.

As the officer approached, the suspect attempted to swim away into deeper water. He quickly became exhausted and distressed, and struggled to keep his head above water. At that time, Firefighter Pallen immediately entered the water and quickly gained control of the victim. Personnel on shore were then able to pull both victim and rescuer to safety by his tag line.

Firefighter Pallen's decisive and timely actions ensured that the incident did not escalate, and possibly saved the victim's life. Justin's preparedness and willingness to act reflect credit on himself and on the Department; and his actions truly display and promote the Department's Mission and Values.

This Franklin Fire Department is proud to recognize Firefighter Justin Pallen's meritorious service on May 28, 2017.

Adam Remington, Fire Chief

Patrick Hays, Assistant Fire Chief

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APPROVAL Sho	REQUEST FOR COUNCIL ACTION	MEETING DATE 7/18/2017
REPORTS &	2017 NATIONAL NIGHT OUT DONATIONS	ITEM NUMBER
RECOMMENDATIONS		(S.1.(a)

The City of Franklin Police Department has received donations from the following businesses to be put toward the purchase of materials for the annual National Night Out Event.

Bank Mutual	\$	100.00
Children's Hospital of Wisconsin	\$	100.00
Chiropractic Care Center	\$	100.00
Crossroads Pizza & Subs	\$	100.00
Faith Presbyterian Church, Inc.	\$	100.00
Franklin Area Parents Students United (FAPSU)	\$	100.00
Franklin Noon Lions	\$	100.00
McAvoy Chiropractic, LLC	\$	100.00
Northwestern Mutual	\$	2000.00
Pensec Inc. (McDonald's)	\$	500.00
Pyramax Bank	\$	500.00
St. James Catholic Church	\$	500.00
Waukesha County Community Foundation, Inc. / WaterStone Bank	\$	2000.00
WE Energies	\$_	500.00

#### COUNCIL ACTION REQUESTED

Motion to approve acceptance of these donations for deposit into the Crime Prevention Donation account.

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#### APPROVAL



#### REQUEST FOR COUNCIL ACTION

MEETING DATE

7/18/2017

REPORTS &

RECOMMENDATIONS

Wheelchair Donation to the Franklin Public Library by Janice Luckey & the Franklin Noon Lions Club ITEM NUMBER

G.1.(b)

Please see the attached letters from Library Director Rachel Muchin Young to Ms. Janice Luckey and the Franklin Noon Lions Club for their generous donation of a wheelchair to the Franklin Public Library. Receiving a newer wheelchair a few years ago, Ms. Janice Luckey generously donated her former high-end wheelchair to the Franklin Public Library for patrons to use within the 40,000 square foot facility. As the chair was in need of some repairs, the Franklin Noon Lions Club generously paid for the professional repairs to refurbish the wheelchair before being donated to the Library.

The result is that patrons of the Library in need of a wheelchair can have access to a quality wheelchair with an estimated value of \$1,500 or more.

#### COUNCIL ACTION REQUESTED

Motion to accept the donation of a wheelchair to the Franklin Public Library and to further extend an appreciative "thank you" to Ms. Janice Luckey and the Franklin Noon Lions Club for this generous donation.



9151 West Loomis Road Franklin, Wisconsin 53132 414.425.8214 FAX: 414.425.9498 www.FranklinPublicLibrary.org

June 8, 2016

Ms. Janice Luckey c/o Mr. James Luckey 4925 West Rawson Avenue Franklin, WI 53132

Dear Ms. Luckey:

We cannot thank you enough for your generosity in donating your wheelchair to Franklin Public Library. We have received such positive comments from patrons who find our 40,000 sq. ft. facility more than a little daunting. We are happy to say that we are able to offer this due to the generosity of our community members.

Please know that your contribution to Franklin Public Library is making a difference in our community.

Sincerely, FRANKLIN PUBLIC LIBRARY

Rachel Muchin Young Library Director

Rochel



9151 West Loomis Road Franklin, Wisconsin 53132 414.425.8214 FAX: 414.425.9498 www.FranklinPublicLibrary.org

June 8, 2016

Franklin Noon Lions Club c/o Mr. James Luckey 4925 West Rawson Avenue Franklin, WI 53132

Dear Jim:

Many thanks to you, to Janice, and to the Franklin Noon Lions Club for the wheelchair you refurbished and donated to Franklin Public Library. We have received such positive comments from patrons who find our 40,000 sq. ft. facility more than a little daunting. We are happy to say that we are able to offer this due to the generosity of our community members.

Please know that your contribution to Franklin Public Library is making a difference in our community.

Sincerely, FRANKLIN PUBLIC LIBRARY

Rachel Muchin Young Library Director

Rachel

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APPROVAL	REQUEST FOR COUNCIL ACTION	MEETING DATE 7/18/2017
REPORTS & RECOMMENDATIONS	Franklin Senior Citizens, Inc. Semi-Annual Update for 2017	ITEM NUMBER

At their February 17, 2015 meeting, the Common Council directed that Fred Knueppel, President of the Franklin Senior Citizens, Inc. organization, attend and give a status update on the organization semi-annually (January and July). Attached is a spreadsheet showing the January thru June 2017 expenditures of the Franklin Senior Citizens, Inc. organization.

The Franklin Senior Citizens, Inc. activities are funded strictly through the City's general "Recreation" operating fund. For 2017, the total budget amount is \$11,121 (\$10,000 as adopted for supporting the Franklin Senior Citizens, Inc. activities and then per the Council's motion of February 21, 2017 directing staff to effectuate the carryover of unspent 2016 Senior Travel Program funds to the 2017 Senior Travel Program budget by bringing forth a budget modification to a future Council meeting, they did the same for the Franklin Senior Citizens, Inc. organization where \$1,121 of unused 2016 appropriations were carried over to the 2017 budget for a total of \$11,121.). The Franklin Senior Citizens, Inc. budget funds a portion of the cost of their monthly business meeting luncheons held at Root River Lanes in Franklin, a monthly social luncheon at Brenwood Park Senior Apartments (minus the Seniors co-pay of \$2 each), and miscellaneous operating supply costs and IT tech room support services.

As of June 30, 2017, \$4,063.02 has been expended from the \$11,121 City budget for Senior Citizen Activities (see attached spreadsheet). A general breakout is as follows: Monthly Business Luncheon, \$2,997; Monthly Social Luncheon, \$462.03; Miscellaneous Operating Supply Costs and IT Tech Room Support Services, \$603.99. The current total membership of the Franklin Senior Citizens, Inc. is 145 members.

Mr. Fred Knueppel will be in attendance at the July 18, 2017 Common Council meeting.

#### COUNCIL ACTION REQUESTED

This item is being provided at the direction of the Common Council for its information. No action is being requested.

2017 Franklin Senior Citizens, Inc. Activities

Breakdown of Reported Expenditures and Reimbursement by City

		Franklin S	Franklin Seniors Social				Busine	Business Luncheon				
Month	Combined Program Cost	Participant Co-Pay (\$2 Each)	Program Cost Reimbursement	Seniors Attendance	Combined Program Cost	Participant Cost (Approx. \$5 Each)	Extra Costs paid by Fr. Senior Inc for special venues	Program Cost Reimbursement (\$4.50 Each)	Misc. Costs/ Entertainment Reimbursement	Seniors Attendance	Office, Misc., and Computer Center Costs	Total Program Cost Reimbursement (01.0521.5723)
	146.69	(46.00)	`	23	1,025.89	(539.89)		486.00	I	108	111.78	698.47
	122.36	(42.00)		21	1,051.39	(551.89)		499.50	,	111	86.14	00.999
	139.51	(50.00)	89.51	25	_	(554.89)		499.50	•	111	98.44	687.45
	135.76	(52.00)		26	1,059.35	(559.85)		499.50	,	111	98.44	681.70
	•		t	0	1,044.89	(549.89)		495.00	1	110	98.44	593.44
	151.71	(44.00)	107.71	22	1,092.39	(574.89)		517.50	1	115	110.75	735.96
	\$696.03	-\$234.00	\$462.03	117	\$6,328.30	6,328.30 -\$3,331.30	\$0.00	\$2,997.00	\$0.00	999	\$603.99	\$4,063.02
Avg / Event	\$58.00	-\$19.50	\$38.50	8.6	\$527.36	-\$277.61		\$249.75	\$0.00	55.5		
				•					ır	emaining Ba	Remaining Balance for 2017	\$7,057.98

\$11,121

Annual Appropriation

#### APPROVAL

slu MIH

#### REQUEST FOR COUNCIL ACTION

MEETING DATE

7/18/2017

REPORTS &

RECOMMENDATIONS

Franklin Senior Citizens Travel Program Semi-Annual Update for 2017 ITEM NUMBER

G.3.

To fulfill the June 19, 2007 directive of the Common Council requesting that an update of the Franklin Seniors Travel Program be prepared semi-annual, reporting in January and July of each year, attached is correspondence from Mr. Basil Ryan on 2017 trip statistics and activities.

The Franklin Senior Travel Program is now funded strictly through the City's general "Recreation" operating fund, which for 2017 has a total budget amount of \$12,565. The basis of this budget amount is as follows: The 2017 adopted budget included the \$10,000 support plus an additional \$1,400 of anticipated carryover of 2016 unused appropriations. Then on February 21, 2017, the Common Council approved a motion "to accept and file the Senior Travel Program 2016 year-end report and to further direct staff to effectuate the carryover of unspent 2016 Senior Travel Program funds in the amount of \$2,565 to the 2017 Senior Travel Program budget by bringing forth a budget modification to a future Council meeting."

For the period January 1, 2017 through June 30, 2017, four (4) trips have been taken thus far expending \$6,910 of the \$12,565 Senior Travel Program Budget for 2017 (remaining balance for July thru December is \$5,655).

Mr. Basil Ryan will be in attendance at the July 18, 2017 Common Council Meeting.

#### COUNCIL ACTION REQUESTED

This item is being provided at the direction of the Common Council for its information. No action is being requested.

July 12, 2017

Mayor and Common Council Members Franklin City Hall 9229 West Loomis Road Franklin, WI 53132

Ladies and Gentlemen:

The Franklin Senior Travelers submit the following report for January to June 2017 activity. Franklin Senior Travelers were active in January, March, May and June with 312 participants.

January – Mama Mia, Fireside Theater, Fort Atkinson, WI – (two buses)

March – Beauty and the Beast, Fireside Theater, Fort Atkinson, WI – (two buses)

May – South Pacific, Fireside Theater, Fort Atkinson, WI – (two buses)

June – Back to the 50's, Fireside Theater, Fort Atkinson, WI – (three buses)

We have seen a steady increase in participation this year, surpassing our great participation in 2016. Each trip this year required two buses, except for the June trip which required three buses. At our June trip we had 121 participants. We are experiencing tremendous success with many new **Franklin seniors** participating on trips for the first time. We have eliminated advertising or encouraging non-Franklin residents from participating because of our continuous growth with **Franklin seniors**. As a result of our success, we may have to cut or eliminate some planned trips. We have not scheduled trips for February, April, July, September and November because of budget constraints.

Our 2017 budget is \$12,565 which includes our 2016 carryover balance of \$565 plus an additional \$2,000 from City of Franklin. This is allowing us to absorb the increase in Franklin senior participation this year. If it was not for that carryover and additional money from the city, our balance would be \$3,090, which would allow us only one more trip, not the three trips we have planned. We show no trips for July, September and November hoping that we can honor commitments for trips in August, October and December. If we have large participation, we will have to eliminate a planned trip or two.

The City of Franklin should be proud of the partnership's success.

Plans for the remainder of 2017 include:
August – Chicago architecture tour by boat and bus, lunch at Harry Caray's
October – Elvis Lives at Fireside Theater
December – Christmas at the Palace, Wisconsin Dells

Sincerely,

Basil Ryan Franklin Senior Travelers

Attachment

	IKLIN SENIOR TRAVELERS BU			
Date	Trip Description	Bus Cost	Paid By	Budget
				12,565
1/11/2017	Mama Mia, Fireside	1,440	City of Franklin	11,125
3/22/2017	Beauty & the Beast, Fireside	1,440	City of Franklin	9,685
5/31/2017	South Pacific, Fireside	1,440	City of Franklin	8,245
6/29/2017	Back to the 50's, Fireside	2,590	City of Franklin	5,655
	Balance of \$565 for remainder of 201	.6 to be applie	ed to 2017 budget.	
	Franklin gave additional \$2,000 in 2016 I	ranklin senior	transportation fund.	
	Our budget for 2017 is \$12,565.			

# 2017 Senior Bus Travel Trips - City of Franklin's Tally

\$12,565 = 11,400 in adopted budget (\$10,000 + 1,400 anticipated remaining funds) - then CC on 2/21/2017 approved carryover of all unexpended funds from 2016 (\$2,565 total)

12,565 \$10,000 + \$2,565 total unexpended funds carryover from 2016 (CC action of 2/21/2017) Budget 21.5721					
\$ 12,565 CITY Budget 01.0521.5721	\$ 1,440.00	1,440.00	1,440.00	2,590.00	TOTAL \$ 6,910.00
Venue	1/11/2017 Mama Mial-Fireside Dinner Theater - 2 Buses	Beauty & The Beast - Fireside Dinner Theater - 2 Buses	South Pacific - Fireside Dinner Theater - 2 Buses	Back to the 50's - Fireside Dinner Theater - 3 Buses	A CANADA
Trip Date	1/11/2017	3/22/2017	5/31/2017	6/29/2017	
	_	7	က	4	

FUNDS REMAINING \$ 5,655.00

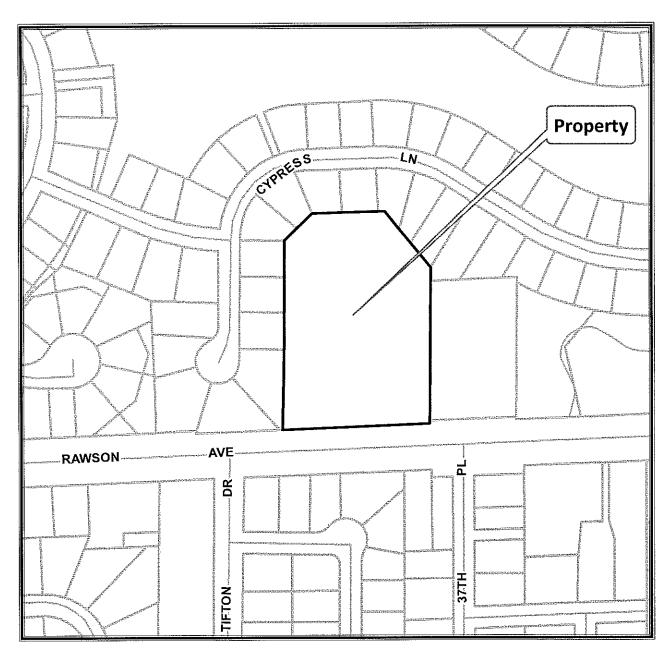
APPROVAL	REQUEST FOR	MEETING DATE
<i>f</i> .	COUNCIL ACTION	DATE
Slit		07/18/17
REPORTS &	RESOLUTION IMPOSING CONDITIONS	ITEM NUMBER
	AND RESTRICTIONS FOR THE APPROVAL	
RECOMMENDATIONS	OF A SPECIAL USE TO ALLOW FOR THE	
	INSTALLATION OF A 120 FOOT	
	TELECOMMUNICATIONS TOWER	-
ľ	MONOPOLE AT FAITH PRESBYTERIAN	
	CHURCH PROPERTY LOCATED AT 3800-	
	3830 WEST RAWSON AVENUE, BEARING	
	TAX KEY NO. 739-9997-001 (UNITED	
	STATES CELLULAR OPERATING	
	COMPANY LLC, APPLICANT)	

At its June 22, 2017 meeting the Plan Commission recommended approval of a resolution imposing conditions and restrictions for the approval of a special use to allow for the installation of a 120 foot telecommunications tower monopole at Faith Presbyterian Church property located at 3800-3830 West Rawson Avenue, bearing Tax Key No. 739-9997-001 (United States Cellular Operating Company LLC, Applicant).

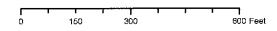
#### COUNCIL ACTION REQUESTED

A motion to adopt Resolution No. 2017-\_\_\_\_\_\_, a resolution imposing conditions and restrictions for the approval of a special use to allow for the installation of a 120 foot telecommunications tower monopole at Faith Presbyterian Church property located at 3800-3830 West Rawson Avenue, bearing Tax Key No. 739-9997-001 (United States Cellular Operating Company LLC, Applicant).

3800-3830 W. Rawson Ave. TKN: 739 9997 001



Planning Department (414) 425-4024



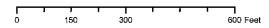
NORTH 2017 Aerial Photo

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.

3800-3830 W. Rawson Ave. TKN: 739 9997 001



Planning Department (414) 425-4024



NORTH 2017 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.



#### REPORT TO THE PLAN COMMISSION

Meeting of June 22, 2017

#### **Special Use**

**RECOMMENDATION:** City Development Staff recommends approval of the proposed Special Use Application, subject to the conditions in the draft resolution.

**Project Name:** 

United States Cellular Operating Co., LLC

**Project Address:** 

3800-3830 W. Rawson Avenue

Applicant:

Randy Mattson, United States Cellular Operating Co., LLC

**Owners** (property):

Faith Presbyterian Church

**Current Zoning:** 

I-1 Institutional District

**Use of Surrounding Properties:** 

Single-family residential to the north, south, east and west

**Applicant Action Requested:** 

Recommendation of approval of the Special Use

Application

#### **Introduction:**

Please note:

- Staff recommendations are <u>underlined</u>, in <u>italics</u> and are included in the draft resolution.
- Staff suggestions are underlined and are not included in the draft resolution.

On April 26, 2017, the applicant filed a Special Use Application requesting to install a new monopole tower at the Faith Presbyterian Church property located at 3800-3830 W. Rawson Avenue.

Attached to this report is a Wisconsin Legislative Council Information Memorandum regarding State law related to cell phone transmission towers. This memo outlines the process and submittal requirements for new towers and substantial changes (class 1) and minor changes (class 2) for cell phone transmission towers. The memo also provides a list of items in which the City may not do in consideration of new towers or class 1 or class 2 collocations.

As required by State law, a sworn statement from Andre Termanowski, a US Cellular radio frequency engineer, was provided indicating the need for additional network capacity near the intersection of S. 37<sup>th</sup> Street and W. Rawson Avenue. Furthermore, Mr. Termanowski indicated that there are no existing structures in the area that could be utilized for collocation or that could provide the necessary coverage.

Staff would just note that the nearest towers are located at 5510 W. Rawson Avenue, owned by Leonard and Vernam Fox, and 5700 W. Rawson Avenue, owned by Suburbanaire Inc., which are roughly 5,400 feet and 6,300 feet to the west of the proposed US Cellular site, respectively.

#### **Project Description/Analysis:**

US Cellular is proposing to locate a 120-foot monopole cell phone transmission tower at Faith Presbyterian Church, 3800-3830 West Rawson Avenue. The lease area for US Cellular is 50' x 50' (2,500 square feet) and will consist of a gravel surface. The lease area includes a vinyl coated chain-link fence, the tower, and ground equipment. According to the applicant, the ground equipment will not exceed the height of the fence. A gravel turnaround area is also proposed adjacent to the lease area.

In addition, the applicant has stated that backup power will be provided at this site and is standard equipment of US Cellular. Collocation will be feasible and allowed to any licensed carrier per their master lease agreements. The tower will accommodate two additional carriers.

If approved, staff recommends the following conditions:

- 1. An engineering certification shall be provided to the Department of City Development for review and approval that evaluates the fall zone of the tower related to buildings and parking areas onsite and adjacent buildings and properties, prior to issuance of a Building Permit.
- 2. A structural analysis of the tower, stamped by a Structural Engineer, shall be submitted for Department of City Development review and approval that demonstrates the strength of the pole to support the current equipment proposed as well as demonstrate the feasibility of the planned future collocation as indicated by the applicant, prior to issuance of a Building Permit.
- 3. No fencing onsite shall contain barb wire.
- 4. <u>A Landscape Plan</u>, in conformance with Division 15-7.0300 of the Unified Development Ordinance, shall be submitted to the Department of City Development for review and approval, that includes plantings around the proposed compound or lease area prior to the issuance of a Building Permit.
- 5. <u>A gravel surface shall be allowed within the fenced-in area only; any improved areas outside of the fenced-in area shall be paved.</u>
- 6. <u>A Building Permit shall be issued prior to the commencement of any work. All applicable City and State building and electrical codes shall be met.</u>
- 7. Upon the event of the monopole no longer serving the special use as described herein, the applicant shall remove the pole within 90 days.
- 8. <u>Details related to ice shedding and ice throw risk as well as mitigation measures shall be submitted for Department of City Development staff review and approval, prior to the issuance of a Building Permit.</u>
- 9. <u>An erosion control plan shall be submitted for Engineering Department review and approval prior to the issuance of a Building Permit.</u>
- 10. If the monopole collapses for any reason, the applicant shall remove the pole from the site within 12 hours. In cases of emergency where the City must move or relocate a fallen pole, the applicant is responsible for all related costs.
- 11. The applicant shall install, keep and maintain all parts of the system in good and proper operating condition.
- 12. The applicant shall maintain and operate the system in full compliance with the laws, statutes, orders, rules and regulations of the Federal Communication Commission, the United States Congress or the State of Wisconsin. [Amended 12-15-1998 by Ord. No. 98-1526].

#### Staff further suggests that:

- 1. the monopole be located further east towards the middle of the site (to be approximately equal distance from the adjacent residential properties on either side).
- 2. a wood site-proof fence be utilized, opposed to the vinyl coated chain-link fence.

#### **Staff Recommendation:**

City Development Staff recommends approval of the proposed Special Use Application, subject to the conditions in the draft resolution.



### WISCONSIN LEGISLATIVE COUNCIL INFORMATION MEMORANDUM

#### New Law Relating to Local Regulation of Cell Phone Transmission Towers

The 2013 Biennial Budget Act modified the regulatory powers of local governments in regard to cell phone towers. The new law specifies the manner in which a political subdivision can use zoning to regulate cell phone towers and lists specific regulations that a political subdivision may not apply.

#### **OVERVIEW**

The primary tool used by political subdivisions of the state to regulate the siting and construction of cell phone transmission towers, and other land uses, is zoning. Zoning serves to separate incompatible land uses by segregating them in zones, such as residential, commercial, and industrial zones. A typical zoning ordinance identifies land uses that are prohibited in a particular zone, those that are permitted, and those that are permitted subject to a conditional use permit. For example, cell phone towers are a land use that, under prior law, might have been prohibited in a residential zone but allowed, subject to a conditional use permit, in other zones. Note that not all political subdivisions have zoning ordinances, and those with zoning ordinances vary considerably in how they regulate various land uses.

Two other tools available to political subdivisions to regulate cell phone towers are building codes and other, non-zoning police-power regulations, such as license requirements. Again, not all political subdivisions require building permits; it is not known how many have enacted other police-power regulations, but it is presumed to be very few.

The new law created in 2013 Act 20 states specifically that a political subdivision may regulate cell phone towers under a zoning ordinance, but places strict limits on how it may do so. It specifies the procedures and standards a political subdivision must use in reviewing applications for permits to construct or modify towers. It also lists specific limitations or regulations that a political subdivision may not impose on the construction or modification of a tower. Significant among these, it specifies that a political subdivision may not prohibit the placement of cell phone towers in particular locations within the political subdivision, meaning essentially that it may not designate cell phone towers as a prohibited use in any zone.

The new law does not disturb existing building code requirements, but it expressly prohibits any regulation of cell phone towers except by zoning ordinances, as specified in the law, and building codes.

#### <u>APPLICABILITY</u>

The new law applies to local regulation of three types of projects, all for the installation of various types of cell phone transmission facilities:

- Projects requiring construction of a new tower.
- Projects requiring substantial modification of an existing tower and facilities, but not construction of a new tower. Projects of this type are referred to as "class 1 collocations."
- Projects requiring neither construction of a new tower nor substantial modification of an existing tower and facilities. Projects of this type are referred to as "class 2 collocations."

The new law defines "substantial modification" as a project that does any of the following:

- For structures with an overall height of 200 feet or less, increases the overall height of the structure by more than 20 feet.
- For structures with an overall height of more than 200 feet, increases the overall height of the structure by 10% or more.
- Measured at the level of the appurtenance added to the structure as a result of the modification, increases the width of the support structure by 20 feet or more, unless a larger area is necessary for collocation.
- Increases the square footage of an existing equipment compound to a total area of more than 2,500 square feet.

The law defines "permit" as "a permit, other than a building permit, or other approval required by a political subdivision" for one of these types of projects. It defines "political subdivision" as a city, village, town, or county.

The new law specifies that a county ordinance to regulate the construction of a new tower or a class 1 collocation applies only in the unincorporated areas of the county, but not in any town that has such an ordinance in effect. It does not include a parallel provision regarding the applicability of county ordinances regulating class 2 collocations.

#### PERMITTED REGULATIONS AND REQUIRED PROCESSES

The new law specifies the regulations a political subdivision may impose on cell phone transmission towers and facilities, and the process a political subdivision must follow in reviewing an application for a permit.

#### PROJECTS REQUIRING NEW CONSTRUCTION OR SUBSTANTIAL MODIFICATIONS

The new law treats a project requiring substantial modification of an existing tower and facilities the same as a project requiring construction of a new tower.

#### **Permitted Regulations**

The new law specifies that a political subdivision may enact a zoning ordinance to regulate any of the following:

The construction of cell phone towers.

• The substantial modification of existing towers and facilities (class 1 collocations).

However, it specifies that a political subdivision may only regulate these activities as provided in the law, and that any ordinance in effect on the effective date of the law that is inconsistent with the law does not apply to the activities and may not be enforced against them.<sup>1</sup>

#### Required Processes

The new law requires that an ordinance prescribe the application process for obtaining a permit or approval. The ordinance must require that an application include all of the following:

- The name and business address of, and the contact individual for, the applicant.
- The location of the proposed or affected tower.
- The location of the proposed facilities.
- A construction plan that describes the proposed new tower and facilities or the proposed modifications to the existing tower and facilities.
- If an application is to construct a new tower, an explanation as to why the applicant chose the proposed location and why the applicant did not choose collocation, including a sworn statement attesting to one of the following regarding collocation within the area in which the applicant needs to site the new facilities (termed the applicant's "search ring"):
  - Collocation would not result in the same mobile service functionality, coverage, and capacity.
  - Collocation is technically infeasible.
  - o Collocation is economically burdensome to the mobile service provider.

The new law specifies that an application is complete if it contains all the information described above; by implication, a political subdivision may not require any additional information from an applicant. If a political subdivision does not believe that an application is complete, it must notify the applicant of this in writing, within 10 days of receiving the application. The notice must specify in detail the information that was lacking from the application. The applicant may refile the application as many times as is needed to complete it.

Within 90 days of receiving a complete application, a political subdivision must do all of the following:

- Review the application to determine whether it complies with all applicable aspects
  of the political subdivision's building code and, subject to the limitations in the new
  law, zoning ordinances.
- Make a final decision whether to approve or disapprove the application.

<sup>&</sup>lt;sup>1</sup> The law appears to contemplate that a political subdivision will require a person engaging in one of these activities to obtain a conditional use permit, since the language does not allow treating them as prohibited uses. However, a political subdivision could elect to treat them as permitted uses.

- Notify the applicant, in writing, of its final decision.
- If the decision is to disapprove the application, include with the written notification substantial evidence that supports the decision.

If the political subdivision fails to comply with these requirements by the 90-day deadline, the application is considered approved, except that the political subdivision and the applicant may agree to extend the deadline.

A political subdivision may disapprove an application if the applicant refuses to evaluate the feasibility of collocation within its "search ring" and to provide the sworn statement required in the application.

A party that is aggrieved by the political subdivision's final decision may appeal the decision to the circuit court for the county in which the project was proposed. This appears to allow the aggrieved party to appeal to circuit court without first exhausting administrative reviews at the level of the political subdivision.

#### Limitations

The new law specifies that a zoning ordinance does not apply to a particular structure if the applicant provides the political subdivision with an engineering certification showing that the structure is designed to collapse in a smaller area than the setback or fall zone area required in the ordinance. However, the political subdivision may apply the ordinance to the structure if it provides the applicant with substantial evidence that the engineering certification is flawed.

#### PROJECTS REQUIRING NEITHER NEW CONSTRUCTION NOR SUBSTANTIAL MODIFICATIONS

As noted earlier, the new law refers to projects that involve neither new construction nor substantial modifications of towers as "class 2 collocations."

#### **Permitted Regulations**

The new law specifies that a class 2 collocation is a permitted use under a zoning ordinance. It also provides that class 2 collocations are subject to the same building permit requirements as other commercial development or land use development. Again, the law specifies that a political subdivision may only regulate class 2 collocations as provided in the law, and that any ordinance in effect on the effective date of the law that is inconsistent with the law does not apply to class 2 collocations and may not be enforced against them.

#### **Required Processes**

The new law specifies a process for the review of "an application for a permit to engage in a class 2 collocation." The process is a simplified version of the process for other projects, described above. It differs from that process in the following ways:

<sup>&</sup>lt;sup>2</sup> The provisions of the new law relating to construction of a new tower or a class 1 collocation do not include a similar statement, but the review process does require the political subdivision to determine whether the proposed project complies with its building code.

<sup>&</sup>lt;sup>3</sup> As noted above, a class 2 collocation is a permitted use under a zoning ordinance, so there can be no conditional use permit to apply for. Further, building permits are excluded from the definition of "permit," so the procedures described here do not apply to a building permit application. Consequently, it appears that the new law contemplates that a political subdivision may require a person engaging in a class 2 collocation to apply for a

- Only the first three items of information (identifying the business and the location of the project) are required for an application.
- The political subdivision must inform the applicant of deficiencies in the application within five days of receiving the application, rather than 10 days.
- The political subdivision must complete its actions within 45 days of receiving a complete application as opposed to 90 days, and the list of actions it must complete is slightly different:
  - o Make a final decision whether to approve or disapprove the application.
  - Notify the applicant, in writing, of its final decision.
  - o If the decision is to approve the application, issue the applicant the relevant permit.
  - o If the decision is to disapprove the application, include with the written notification substantial evidence which supports the decision.
- The application is not considered automatically approved if the political subdivision does not take final action within the specified time frame.

#### LIMITATIONS ON POLITICAL SUBDIVISIONS' ACTIONS

Under the new law, a political subdivision may not do any of the following with regard to the construction of a new cell phone tower or a class 1 or class 2 collocation:

- Impose environmental testing, sampling, or monitoring requirements, or other compliance measures for radio frequency emissions, on mobile service facilities or mobile radio service providers.
- Enact an ordinance imposing a moratorium on the permitting, construction, or approval of any such activities.
- Enact an ordinance prohibiting the placement of a cell phone tower in particular locations within the political subdivision.
- Charge a cell phone service provider a fee in excess of one of the following amounts:
  - o For a permit for a class 2 collocation, the lesser of \$500 or the amount charged by the political subdivision for a building permit for any other type of commercial development or land use development.
  - For a permit for construction of a new tower or a class 1 collocation, \$3,000.
- Charge a cell phone service provider any recurring fee for a project covered by the law.
- Permit third-party consultants to charge the applicant for any travel expenses incurred in the consultant's review of cell phone service permits or applications.

determination that the activity is, in fact, a class 2 collocation; that is to say, a determination that the political subdivision will not require a conditional use permit for the activity. This Information Memorandum assumes that it is an application for this type of approval to which the process described here applies.

- Disapprove an application based solely on aesthetic concerns.
- Enact or enforce an ordinance related to radio frequency signal strength or the adequacy of mobile service quality.
- Impose a surety requirement, unless the requirement is competitively neutral, nondiscriminatory, and commensurate with the historical record for surety requirements for other facilities and structures in the political subdivision which fall into disuse. The law is a rebuttable presumption that a surety requirement of \$20,000 or less complies with this limitation.
- Prohibit the placement of emergency power systems.
- Require that a cell phone tower be placed on property owned by the political subdivision.
- Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting.
- Condition approval of such activities on the agreement of the owner of the facilities to provide space on or near the structure for the use of or by the political subdivision at less than the market rate, or to provide the political subdivision other services via the structure or facilities at less than the market rate.
- Limit the duration of any permit that is granted.
- Require an applicant to construct a distributed antenna system instead of either constructing a new tower or using collocation.
- Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity.
- Require that a mobile cell phone tower or facilities have or be connected to backup battery power.
- Impose a setback or fall zone requirement for a cell phone tower that is different from a requirement that is imposed on other types of commercial structures.
- Consider a project to be a substantial modification if the project adds more than 20 feet to the height of a tower that is not more than 200 feet tall but the greater height is necessary to avoid interference with an existing antenna.
- Consider a project to be a substantial modification if the project adds 20 feet or more to the diameter of the tower but the greater diameter is necessary to shelter the antenna from inclement weather or to connect the antenna to the existing structure by cable.
- Limit the height of a cell phone tower to under 200 feet.
- Condition the approval of an application on, or otherwise require, the applicant's agreement to indemnify or insure the political subdivision in connection with the political subdivision's exercise of its authority to approve the application.
- Condition the approval of an application on, or otherwise require, the applicant's agreement to permit the political subdivision to place at or collocate with the

applicant's support structure any mobile service facilities provided or operated by, whether in whole or in part, a political subdivision or an entity in which a political subdivision has a governance, competitive, economic, financial or other interest.

This memorandum is not a policy statement of the Joint Legislative Council or its staff.

This memorandum was prepared by David L. Lovell, Principal Analyst, on December 9, 2013.

#### RESOLUTION NO. 2017-

A RESOLUTION IMPOSING CONDITIONS AND RESTRICTIONS
FOR THE APPROVAL OF A SPECIAL USE TO ALLOW FOR THE INSTALLATION
OF A 120 FOOT TELECOMMUNICATIONS TOWER MONOPOLE AT FAITH
PRESBYTERIAN CHURCH PROPERTY LOCATED AT 3800-3830 WEST
RAWSON AVENUE, BEARING TAX KEY NO. 739-9997-001
(UNITED STATES CELLULAR OPERATING COMPANY LLC, APPLICANT)

WHEREAS, United States Cellular Operating Company LLC having petitioned the City of Franklin for the approval of a Special Use under in part, §15-3.0805 WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS, subs. G. Special Uses, and §15-3.0701 GENERAL STANDARDS FOR SPECIAL USES, of the City of Franklin Unified Development Ordinance, to allow for the installation of a 120 foot telecommunications tower monopole and ground equipment in a 50 foot by 50 foot (2,500 square feet) leased area consisting of a gravel surface, surrounded by a chain link fence, with a gravel turnaround area adjacent to the lease area, at Faith Presbyterian Church located at 3800-3830 West Rawson Avenue, property zoned I-1 Institutional District, more particularly described as follows:

#### UNITED STATES CELLULAR OPERATING COMPANY LLC LEASE PARCEL

A part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section One (1) Township Five (5) North, Range Twenty-One (21) East, City of Franklin, Milwaukee County, Wisconsin containing 2,500 square feet (0.057 acres) of land and being described by:

Commencing at the Southwest Corner of said Section 1; thence N87°-41′-00″E 1407.69 feet along the South line of the SW1/4 of said Section 1; thence N02°-19′-00″W 382.50 feet to the point of beginning, thence S87°-41′-02″ 50.00 feet; thence N02°-18′-58″W 50.00 feet; thence N87°-41′-02″E 50.00 feet; thence S02°-18′-58″E 50.00 feet to the point of beginning, being subject to any and all easements and restrictions of record.

#### 30' WIDE UTILITY AND INGRESS/EGRESS EASEMENT

A part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section One (1) Township Five (5) North, Range Twenty-One (21) East, City of Franklin, Milwaukee County, Wisconsin containing 15,389 square feet (0.353 acres) of land and being Fifteen (15) feet each side of and parallel to the following described line:

Commencing at the Southwest Corner of said Section 1; thence N87°-41′-00″E 1407.69 feet along the South line of the SW1/4 of said Section 1; thence N02°-19′-00″W 382.50 feet; thence S87°-41′-02″W 50.00 feet; thence N02°-18′-58″W 50.00 feet; thence N87°-41′-02″E 50.00 feet; thence N72°-45′-09″E 15.52 feet to

the point of beginning; thence S02°-18′-58″E 73.41 feet; thence N87°-41′-02″E 143.74 feet; thence S02°-18′-58″E 295.83 feet to a point on the North line of W. Rawson Avenue and the point of termination. The side lot lines of said easement shall be shortened or lengthened to terminate on the North line of W. Rawson Avenue.

#### 10' WIDE UTILITY EASEMENT

A part of the Southeast Quarter (SE1/4) of the Southwest Quarter (SW1/4) of Section One (1) Township Five (5) North, Range Twenty-One (21) East, City of Franklin, Milwaukee County, Wisconsin containing 3,171 square feet (0.073 acres) of land and being Five (5) feet each side of and parallel to the following described line:

Commencing at the Southwest Corner of said Section 1; thence N87°-41′-00″E 1407.69 feet along the South line of the SW1/4 of said Section 1; thence N02°-19′-00″W 382.50 feet; thence S87°-41′-02″W 48.29 feet to the point of beginning; thence S00°-28′-28″W 170.13 feet; thence S21°-19′-37″E 26.93 feet; thence S00°-28′-28″W 120.00 feet to a point on the North line of W. Rawson Avenue and the point of termination. The side lot lines of said easement shall be shortened or lengthened to terminate on the North line of W. Rawson Avenue and on the South line of the afore described Lease Parcel.

#### FAITH PRESBYTERIAN CHURCH PROPERTY

Tax Key No. 739-9997-001

All that part of the Southeast 1/4 of the Southwest 1/4 of Section 1, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, which is bounded and described as follows: Commencing at the southeast corner of said 1/4 Section; thence South 87°41'00" West along the south line of said 1/4 Section 930.87 feet to a point; thence North 00°28'28" East 67.34 feet to the point of beginning of the lands to be described, said point also being in the north line of West Rawson Avenue; thence South 87°41'00" West along the said north line 399.99 feet to a point; said point also being in the east line of Lot No. 172 of Hidden Lakes Addition No. 3 a subdivision of record; thence North 00°28′28″ East continuing along said subdivision line 514.64 feet to the southeast corner of Lot No. 176 of said subdivision; thence North 45°24'26" East continuing along the said subdivision line 106.06 feet to the southwest comer of Lot No. 178 of said subdivision; thence North 87°41′00" East continuing along said subdivision line 200.00 feet to a point in the south line of Lot No. 180 of said subdivision; thence South 38°30'54" East continuing along said subdivision line 198.43 feet to the southeast corner of Lot No. 182 of said subdivision; thence South 00°28'28" West continuing along said subdivision line and its southerly extension 425.75 feet to the point of beginning of this description. Said lands contain 5.0841 acres of land; and

WHEREAS, such petition having been duly referred to the Plan Commission of the City of Franklin for a public hearing, pursuant to the requirements of §15-3.0805 and §15-9.0103D. of the Unified Development Ordinance, and a public hearing having been held before the Plan Commission on the 22nd day of June, 2017, and the Plan Commission thereafter having determined to recommend that the proposed Special Use be approved, subject to certain conditions, and the Plan Commission further finding that the proposed Special Use upon such conditions, pursuant to §15-3.0701 of the Unified Development Ordinance, will be in harmony with the purposes of the Unified Development Ordinance and the Comprehensive Master Plan; that it will not have an undue adverse impact upon adjoining property; that it will not interfere with the development of neighboring property; that it will be served adequately by essential public facilities and services; that it will not cause undue traffic congestion; and that it will not result in damage to property of significant importance to nature, history or the like; and

WHEREAS, the Common Council having received such Plan Commission recommendation and also having found that the proposed Special Use, subject to conditions, meets the standards set forth under §15-3.0805 and §15-3.0701 of the Unified Development Ordinance; recognizing, that in part, §15-3.0805 WIRELESS TELECOMMUNICATIONS TOWERS AND ANTENNAS, and §15-3.0701 GENERAL STANDARDS FOR SPECIAL USES, of the City of Franklin Unified Development Ordinance, include terms and provisions thereof which have been preempted by Wis. Stat. § 66.0404 Mobile tower siting regulations, as they pertain to the subject application. Wis. Stat. § 66.0404(4) Limitations, provides in part: "[w]ith regard to an activity described... [mobile tower installation], a political subdivision *may not* do any of the following: \*\*\*

- (c) Enact an ordinance prohibiting the placement of a mobile service support structure in particular locations within the political subdivision. \*\*\*
- (g) Disapprove an application to conduct an activity described... [mobile tower installation] based solely on aesthetic concerns. \*\*\*
- (L) Disapprove an application based solely on the height of the mobile service support structure or on whether the structure requires lighting. \*\*\*
- (p) Disapprove an application based on an assessment by the political subdivision of the suitability of other locations for conducting the activity. \*\*\*
- (r) Impose a setback or fall zone requirement for a mobile service support structure that is different from a requirement that is imposed on other types of commercial structures. \*\*\*
- (u) Limit the height of a mobile service support structure to under 200 feet. \*\*\*\*"; and that such terms and provisions which have been preempted have not been applied to the subject application review and approval.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Common Council of the City of Franklin, Wisconsin, that the petition of United States Cellular Operating Company LLC, for the approval of a Special Use for the property particularly described in

the preamble to this Resolution, be and the same is hereby approved, subject to the following conditions and restrictions:

- 1. That this Special Use is approved only for the use of the subject property by United States Cellular Operating Company LLC (d/b/a US Cellular), successors and assigns, for the telecommunications tower monopole installation use, which shall be developed in substantial compliance with, and operated and maintained by United States Cellular Operating Company LLC (d/b/a US Cellular), pursuant to those plans City file-stamped June 12, 2017 and annexed hereto and incorporated herein as Exhibit A.
- 2. United States Cellular Operating Company LLC (d/b/a US Cellular), successors and assigns, shall pay to the City of Franklin the amount of all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the United States Cellular Operating Company LLC (d/b/a US Cellular) telecommunications tower monopole installation use, within 30 days of invoice for same. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions, as amended from time to time.
- 3. The approval granted hereunder is conditional upon the United States Cellular Operating Company LLC (d/b/a US Cellular) telecommunications tower monopole installation use, for the property located as set forth above: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals, permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.
- 4. An engineering certification shall be provided to the Department of City Development for review and approval that evaluates the fall zone of the tower related to buildings and parking areas onsite and adjacent buildings and properties, prior to issuance of a Building Permit.
- 5. A structural analysis of the tower, stamped by a Structural Engineer, shall be submitted for Department of City Development review and approval that demonstrates the strength of the pole to support the current equipment proposed as well as demonstrate the feasibility of the planned future collocation as indicated by the applicant, prior to issuance of a Building Permit.
- 6. No fencing onsite shall contain barb wire.

- 7. A Landscape Plan, in conformance with Division 15-7.0300 of the Unified Development Ordinance, shall be submitted to the Department of City Development for review and approval, that includes plantings around the proposed compound or lease area prior to the issuance of a Building Permit.
- 8. A gravel surface shall be allowed within the fenced-in area only; any improved areas outside of the fenced-in area shall be paved.
- 9. A Building Permit shall be issued prior to the commencement of any work. All applicable City and State building and electrical codes shall be met.
- 10. Upon the event of the monopole no longer serving the special use as described herein, the applicant shall remove the pole within 90 days.
- 11. Details related to ice shedding and ice throw risk as well as mitigation measures shall be submitted for Department of City Development staff review and approval, prior to the issuance of a Building Permit.
- 12. An erosion control plan shall be submitted for Engineering Department review and approval prior to the issuance of a Building Permit.
- 13. If the monopole collapses for any reason, the applicant shall remove the pole from the site within 12 hours. In cases of emergency where the City must move or relocate a fallen pole, the applicant is responsible for all related costs.
- 14. The applicant shall install, keep and maintain all parts of the system in good and proper operating condition.
- 15. The applicant shall maintain and operate the system in full compliance with the laws, statutes, orders, rules and regulations of the Federal Communication Commission, the United States Congress or the State of Wisconsin. [Amended 12-15-1998 by Ord. No. 98-1526]

BE IT FURTHER RESOLVED, that in the event United States Cellular Operating Company LLC, successors or assigns, or any owner of the subject property, does not comply with one or any of the conditions and restrictions of this Special Use Resolution, following a ten (10) day notice to cure, and failure to comply within such time period, the Common Council, upon notice and hearing, may revoke the Special Use permission granted under this Resolution.

BE IT FURTHER RESOLVED, that any violation of any term, condition or restriction of this Resolution is hereby deemed to be, and therefore shall be, a violation of the Unified Development Ordinance, and pursuant to §15-9.0502 thereof and §1-19. of the Municipal Code, the penalty for such violation shall be a forfeiture of no more than

UNITED STATES CELLULAR OPERATING COMPANY LLC – SPECIAL USE RESOLUTION NO. 2017 Page 6
\$2,500.00, or such other maximum amount and together with such other costs and terms as may be specified therein from time to time. Each day that such violation continues shall be a separate violation. Failure of the City to enforce any such violation shall not be a waiver of that or any other violation.
BE IT FURTHER RESOLVED, that this Resolution shall be construed to be such Special Use Permit as is contemplated by §15-9.0103 of the Unified Development Ordinance.
BE IT FURTHER RESOLVED, pursuant to §15-9.0103G. of the Unified Development Ordinance, that the Special Use permission granted under this Resolution shall be null and void upon the expiration of one year from the date of adoption of this Resolution, unless the Special Use has been established by way of the issuance of an occupancy permit for such use.
BE IT FINALLY RESOLVED, that the City Clerk be and is hereby directed to obtain the recording of a certified copy of this Resolution in the Office of the Register of Deeds for Milwaukee County, Wisconsin.
Introduced at a regular meeting of the Common Council of the City of Franklin this day of, 2017.
Passed and adopted at a regular meeting of the Common Council of the City of Franklin this day of, 2017.
APPROVED:
Stephen R. Olson, Mayor
ATTEST:
Sandra L. Wesolowski, City Clerk

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

From:

Bill Wucherer

To:

Nick Fuchs

Subject:

Tuesday, March 14, 2017 3:54:20 PM

Date: Attachments:

Cellphone Cancer Epidemiology - None found - Australia 29 year study.pdf

RE: US Cellular proposed monopole, 3800-3830 W. Rawson Avenue

Nick, I have spoken with Charles Adams from the State of Wisconsin Radiation Protection Section about health risks associated with cell towers.

Mr. Adams was quick to reference the Telecommunication Act of 1996 Section 704 that states: "No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission's regulations concerning such emissions."

[Sources: <a href="http://wireless.fcc.gov/siting/FCC\_LSGAC\_RF\_Guide.pdf">http://wireless.fcc.gov/siting/FCC\_LSGAC\_RF\_Guide.pdf</a> (A Local Government Official's Guide to Transmitting Antenna RF Emission Safety) and <a href="https://www.fcc.gov/engineering-technology/electromagnetic-compatibility-division/radio-frequency-safety/faq/rf-safety">https://www.fcc.gov/engineering-technology/electromagnetic-compatibility-division/radio-frequency-safety/faq/rf-safety</a> (FCC FAQ on this subject.)

He also provided me with a few studies from Sweden, World Health Organization, and Australia (attachment):

http://www.stralsakerhetsmyndigheten.se/In-English/About-the-Swedish-Radiation-Safety-Authority1/Magnetic-fields-and-wireless-technology/Wireless-technology/ (Swedish Government site with good data on reference values for wireless devices); http://www.who.int/peh-emf/publications/facts/fs296/en/ and

http://www.who.int/mediacentre/factsheets/fs193/en/ are a pair of WHO factsheets that cover general EMF and cell phones respectively.

While there are conflicting studies and controversy about the health effects, if any, associated with cell tower and use of handheld cell phones, the scientific evidence does not support a human health hazard concern at this time. I have included Mr. Adams contact information in the event additional information is requested. Please keep me posted on additional questions related to the "health risks of cell towers."

### Charles W. Adams III Radiological Emergency Preparedness Specialist

State of Wisconsin
Department of Health Services
Radiation Protection Section
1 West Wilson Street
Room B157
P.O. Box 2659
Madison, Wisconsin 53701-2659

(608) 267-4794 (Office) (608) 572-0916 (Work Cell) (608) 267-3695 Fax

William M. Wucherer RN/Health Officer Director of Health & Social Services bwucherer@franklinwi.gov

From: Nick Fuchs

Sent: Thursday, March 02, 2017 1:23 PM

To: Bill Wucherer

Cc: Angela Beyer; Joel Dietl

Subject: FW: US Cellular proposed monopole, 3800-3830 W. Rawson Avenue

Bill,

Attached is a letter regarding a proposed cell tower at 3800-3830 W. Rawson Avenue. They have not submitted to the City yet, but I spoke with Alderwoman Wilhelm and she mentioned wanting a recommendation from the Health Department regarding health risks of cell towers. The issue recently came up in <u>Greendale</u>. Also <u>Mequon</u>. I'm not sure how this project will proceed at this point, but just wanted to give you a heads up that the Alderperson may be looking for an opinion from you. Give me a call if you want to discuss. Thanks.

Nick Fuchs
Principal Planner
Department of City Development
9229 W. Loomis Road, Franklin, WI 53132

Phone: (414) 425-4024 Fax: (414) 427-7691

From: Nick Fuchs

Sent: Wednesday, March 01, 2017 10:48 AM

To: Kristen Wilhelm

Cc: Kristen Wilhelm (External)

Subject: US Cellular proposed monopole, 3800-3830 W. Rawson Avenue

Ald. Wilhelm,

Planning staff received the attached letter regarding a proposal to install a new 120' monopole at 3800-3830 W. Rawson Avenue, Faith Presbyterian Church. Feel free to give me a call if you would like to discuss. Thanks.

Nick Fuchs Principal Planner Department of City Development 9229 W. Loomis Road, Franklin, WI 53132

Phone: (414) 425-4024 Fax: (414) 427-7691 FI CEVIER

Contents lists available at ScienceDirect

#### Cancer Epidemiology

The International Journal of Cancer Epidemiology, Detection, and Prevention

journal homepage: www.cancerepidemiology.net



### Has the incidence of brain cancer risen in Australia since the introduction of mobile phones 29 years ago?<sup>™</sup>



Simon Chapman<sup>a,\*</sup>, Lamiae Azizi<sup>a</sup>, Qingwei Luo<sup>a,b</sup>, Freddy Sitas<sup>a,c</sup>

- <sup>a</sup> School of Public Health, University of Sydney, Australia
- <sup>b</sup> Cancer Council NSW, Sydney, Australia
- <sup>c</sup> School of Public Health and Community Medicine, University of New South Wales, Australia

#### ARTICLE INFO

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Mobile phone
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Radiofrequency radiation
Brain cancer
Trends
Incidence

#### ABSTRACT

*Background:* Mobile phone use in Australia has increased rapidly since its introduction in 1987 with whole population usage being 94% by 2014. We explored the popularly hypothesised association between brain cancer incidence and mobile phone use.

Study methods: Using national cancer registration data, we examined age and gender specific incidence rates of 19,858 male and 14,222 females diagnosed with brain cancer in Australia between 1982 and 2012, and mobile phone usage data from 1987 to 2012. We modelled expected age specific rates (20–39, 40–59, 60–69, 70–84 years), based on published reports of relative risks (RR) of 1.5 in ever-users of mobile phones, and RR of 2.5 in a proportion of 'heavy users' (19% of all users), assuming a 10-year lag period between use and incidence.

Summary answers: Age adjusted brain cancer incidence rates (20–84 years, per 100,000) have risen slightly in males (p < 0.05) but were stable over 30 years in females (p > 0.05) and are higher in males 8.7 (CI = 8.1–9.3) than in females, 5.8 (CI = 5.3–6.3). Assuming a causal RR of 1.5 and 10-year lag period, the expected incidence rate in males in 2012 would be 11.7 (11–12.4) and in females 7.7 (CI = 7.2–8.3), both p < 0.01; 1434 cases observed in 2012, vs. 1867 expected. Significant increases in brain cancer incidence were observed (in keeping with modelled rates) only in those aged  $\geq$ 70 years (both sexes), but the increase in incidence in this age group began from 1982, before the introduction of mobile phones. Modelled expected incidence rates were higher in all age groups in comparison to what was observed. Assuming a causal RR of 2.5 among 'heavy users' gave 2038 expected cases in all age groups.

Limitations: This is an ecological trends analysis, with no data on individual mobile phone use and outcome.

What this study adds: The observed stability of brain cancer incidence in Australia between 1982 and 2012 in all age groups except in those over 70 years compared to increasing modelled expected estimates, suggests that the observed increases in brain cancer incidence in the older age group are unlikely to be related to mobile phone use. Rather, we hypothesize that the observed increases in brain cancer incidence in Australia are related to the advent of improved diagnostic procedures when computed tomography and related imaging technologies were introduced in the early 1980s.

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#### 1. Introduction

The first call made on a mobile phone in Australia occurred on February 23, 1987. In the 29 years since, usage has grown rapidly, with over 90% of all Australians using the devices today. In 2011 the

E-mail address: simon.chapman@sydney.edu.au (S. Chapman).

International Agency for Research on Cancer Working Group classified radiofrequency (RF) electromagnetic waves as 'possibly carcinogenic to humans'. Radiofrequency waves are emitted by electronic devices including radar, TV, radio, WiFi, Bluetooth, microwave and cordless devices and mobile phones. IARC issued a classification score of 2B for radio frequency electromagnetic radiation, which is defined as "A positive association has been observed between exposure to the agent and cancer for which a causal interpretation is considered by the Working Group to be credible, but chance, bias or confounding could not be ruled out with reasonable confidence". The Working Group identified several methodological issues regarding measurement of RF from mobile phones and

<sup>☆</sup> Dr. Freddy Sitas, a co-author of this paper, is an Associate Editor of Cancer Epidemiology. The Editor-in-Chief of Cancer Epidemiology managed the editorial process for this manuscript independently from Dr. Sitas and the manuscript was subject to the Journal's usual peer-review process.

Corresponding author.

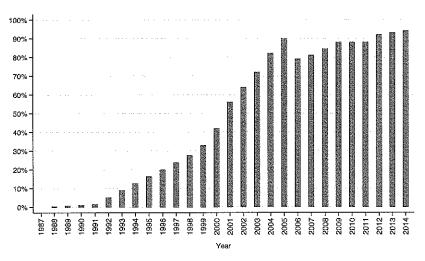


Fig. 1. Percentage of Australians with mobile phone accounts.

noted the inconsistency and poor replicability of most laboratory studies [1].

This view was strengthened by several independent national environmental health agencies. For example, a 2012 UK report of the Independent Advisory group on non-ionising radiation [2] and a 2015 review by the European Union's Scientific Committee on Emerging and Newly Identified Health Risks (SCENIHR) [3] both found no evidence of health effects of mobile phones to humans at current EMF dosage levels. In addition, a number of groups in several countries have documented a stable or declining incidence of brain cancers [4-8]. In the USA [8] and the Nordic countries [7] several risk and latency scenarios about mobile phone use and brain cancers were investigated with the findings being consistent with a null effect or longer latency periods. However, Morgan et al. [9] recently argued that risks of mobile phone use are higher than previously thought, with relative risks in relation to a 'decade long mobile phone use' said to be between 1.8 and 7.8 (Ref. [9], Table 1). By contrast cohort studies in Denmark and the UK published after the IARC report [10,11] found a null effect.

Given these uncertainties, and continuing prominent media coverage of predictions of an eventual increasing incidence of mobile phone caused brain cancers, we investigated the association between mobile use coverage and brain cancer incidence in Australia using an ecological study design.

#### 2. Methods

We obtained data on the percentage of all Australians with mobile phone accounts<sup>1</sup> from the Australian Mobile Telephone Association (AMTA) and the Australian Communications and Media Authority (ACMA) annual reports (see Fig. 1). Data on account holders for 1987–1990 and 1992–1997 were missing and were estimated by linear interpolation. Data by age and gender were unavailable.

These data refer to "accounts", not individuals. In 2014 there were 31.01 mobile phone million accounts in a population of some 23.86 million [12]. In 2009 (latest available data) nearly one in three children aged 5–14 and 76% of 12–14 years old had their own mobile phone [13]. The exact number of individuals using mobile

phones in Australia is unknown but estimated to be approximately 90% of all people.

Reporting of incident invasive cancer is mandatory in all Australian states and territories, which send data to the Australian Institute of Health and Welfare (AIHW) for national reporting. We used AIHW national tabulated incidence data from 1982 to 2012 (the latest data available) for brain cancer [14] (80% of which are gliomas) to calculate (3-year smoothed) age-adjusted incidence rates (per 100,000) overall and for four age groups (20–39, 40–59, 60–69, 70–84 years). Data become unreliable after 84 years because they are combined into one category of 85 years and over.

To illustrate the purported effect of mobile phones on brain cancer incidence, we assumed a 10-year lag period between exposure to mobile phones, and estimated expected rates per age group over 20 years (RE) assuming prevalence/use to be spread evenly across all age groups (due to lack of age specific usage data) (P mob), by multiplying the pre-mobile phone baseline rate in 1982-1987 ( $R_{1982-1987}$ ) by a (conservative) relative risk ( $RR_{mob}$ ) of 1.5, the RR found for 'ever-users' of mobile phones, estimated by Hardell et al. [15], used by Little et al. [8] using the formula for each age group:  $R_E = (R_{1982-1987} \times P_{mob} \times RR_{mob}) + (R_{1982-1987} \times (1 - P_{mob}))$ , and then obtaining the all-age rate by summation of the age specific groups. Using a recent paper [9] we also modelled brain cancer incidence using a RR of 2.5, among heavy users (>896 h cumulative use), and assumed that 19% of the Australian population falls in this top category, based on data from the INTERPHONE study [16], an international pooled analysis of studies on the association between mobile phone use and brain cancer (which defines heavy users slightly differently, as being those with >735 h cumulative use). Confidence intervals and statistical significance of observed and expected incidence rates were calculated using formulas in Jensen et al. [17].

#### 3. Results

Fig. 1 shows mobile phone use in Australia from 1987 to 2014 increasing from 0% in 1987 to 94% in 2014.

A total of 19,858 males and 14,222 females aged 20–84 were diagnosed with brain cancer between 1982 and 2012. Brain cancer ranks as the 12th most common cancer in Australia, representing 1.4% of all newly diagnosed cancers [14].

Fig. 2 and Supplementary Tables S1 and S2 show the (3-year smoothed) observed and modelled expected rates per 100,000 population for brain cancer incidence for this period.

Mobile phone plans are only available in Australia for people aged 18 or older, but many children have them supplied by parents.

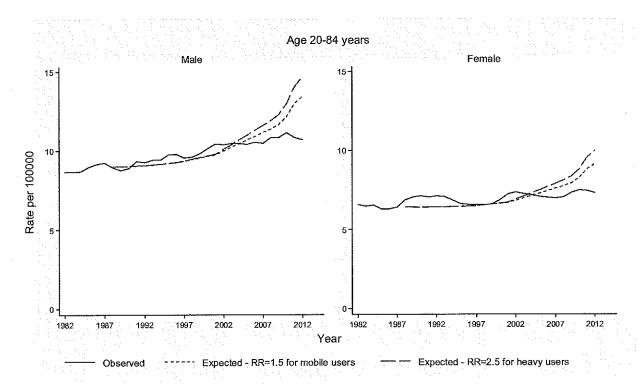


Fig. 2. Observed and expected brain cancer incidence rate in Australia (age standardised, World) assuming a RR of 1.5 for mobile users and RR of 2.5 for heavy users compared to non-users with a 10-year lag time.

Age adjusted brain cancer incidence rates rose slightly over time in males (p < 0.05) but not in females (p > 0.05). In 2012, rates were about 50% higher in males (8.7 per 100,000, 95%CI = 8.1–9.3) than in females (5.8 per 100,000, 95%CI = 5.3–6.3), p < 0.001 (Table S2). Using modelled assumptions of a 'causal' RR of 1.5 and a lag period of 10 years, expected incidences would have been significantly greater in both males and females (11.7; CI = 11.0–12.4, and 7.7; CI = 7.2–8.3, respectively), p < 0.01. Using our modelled assumptions, in 2012, 1867 cases (M&F combined) of brain cancer were expected vs. 1434 observed. Assuming a causal RR of 2.5 in 'heavy users' the expected incidences are increased further, to 2038.

Fig. 3 shows the observed and modelled expected age specific incidences of brain cancer across four age groupings, separately for males and females. In the oldest age group, 70–84 years, we observed an increase in brain cancer incidence in keeping with modelled expected incidence rates, however, this increase began from 1982 before the introduction of mobile phones. In all the remaining age groups, modelled expected incidence rates are significantly higher in comparison to what was observed.

#### 4. Discussion

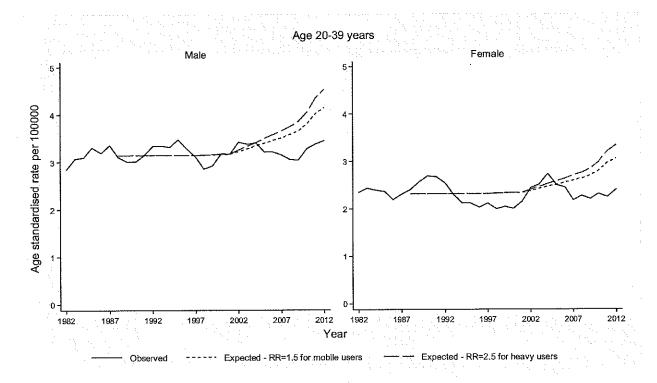
We used all the national incident brain cancer registrations available through Australia's high quality state and territory population-based cancer registration system. Registration is mandatory and histological verification rates exceed 85%. All registries conform to the International Agency for Research on Cancer's criteria for population based cancer registration, are "A" rated and have their data published in the "Cancer Incidence in Five Continents" series [18].

Publicly available Australian individual mobile phone usage data are unavailable in Australia, so of necessity, our analysis is an ecological trends analysis. Notwithstanding limitations of using subscription data to derive individual use patterns, we assumed

phone use to be equal across all ages and between males and females. In Denmark in 1982-1995, for example when the prevalence of self reported use was just 19%, the predictive value of subscription data in ascertaining regular use was 56% [19]. Early mobile phones and accounts were very expensive by today's standards. Early subscribers were dominated by middle-aged working men on company mobile phone subscriptions, in Denmark and also in Australia. As costs fell dramatically, subscriptions rapidly extended throughout the population. This means that the per capita subscription rate we used would overestimate prevalence of use in males and underestimate it in females. While this may have pertained to the early years of mobile phone use in Australia, the picture changed quickly to almost full coverage of mobile phone use (Fig. 1). We had no data on the proportion of heavy users in Australia, and so assumed 19% of heavy mobile phone usage in Australia based on the INTERPHONE data [16].

Large proportions of Australians have been exposed to mobile phone and other EMR since the early 1990s and in 2012 (the latest available year for cancer incidence data), approximate adult per capita cell phone use was over 90% (Fig. 1). In the 25 years since the rapid and widespread adoption of mobile phones in Australia, the incidence of brain cancer has not risen in any age group other than those aged 70–84 years of age. However, in this age group, the increase in the incidence of brain cancer started before 1987, the advent of mobile telephony in Australia. While we have no Australian data on this, we suspect the population aged >70 would be those with the lowest prevalence of mobile phone use. Such an increase in cancer restricted to one age group is more consistent with improvements in access to diagnostic methods in older age groups over time.

The same observation was noted in other similar studies of brain tumours and cancers from New Zealand [4], Australia [5], England [6] and the Nordic countries [7]. In Australia, Dobes et al.



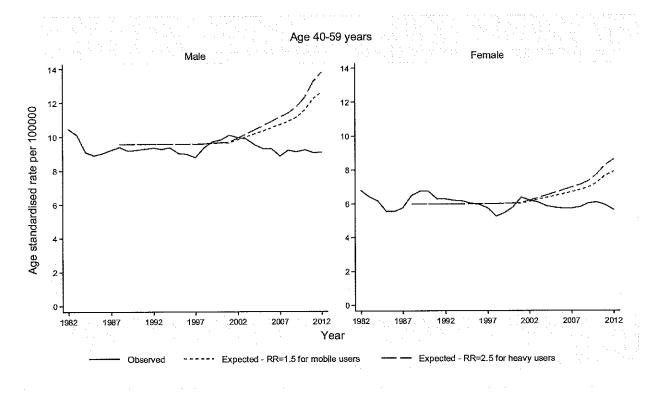
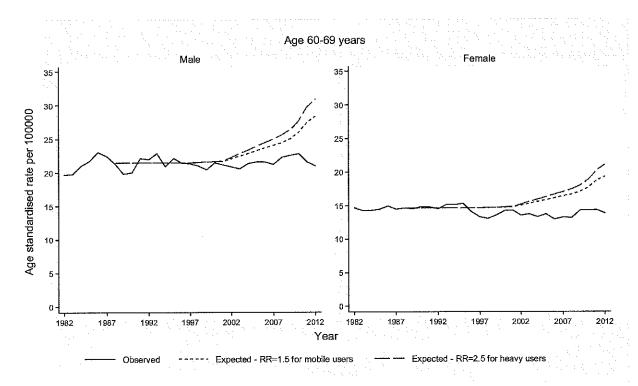


Fig. 3. Observed and modelled expected estimates of brain cancer incidence in Australia, in four age groups, assuming a RR = 1.5 for mobile users and RR = 2.5 for heavy users compared to non-users with a 10-year lag time.

[5] analysed 7251 histologically confirmed cases of brain cancer from all pathology and neurosurgical centres and major teaching hospitals in NSW and ACT between 2000 and 2008 and, in keeping with our data, found an increase in incidence in those aged 65 and

over and a decline in Schwannomas (acoustic neuromas, not malignant and not reported by cancer registries).

In the USA, mobile phones have been available for the longest period of time (33 years, since 1983). In the 29 years of mobile



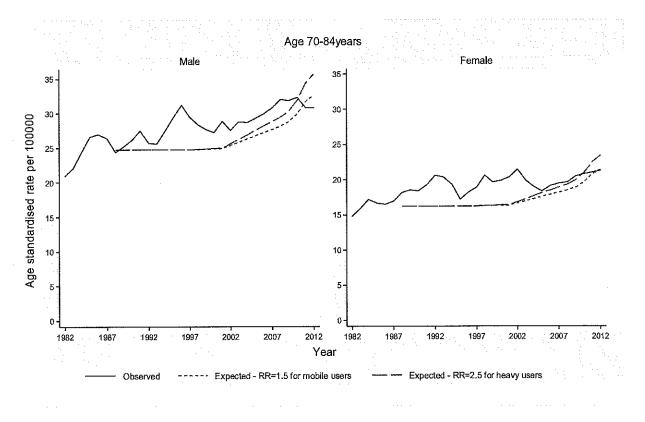


Fig. 3. (Continued)

telephony in Australia, assuming a purported RR of 1.5 and a latency of 10 years we predicted a 30% increase in brain cancer incidence. Likewise, a similar modelling study of USA brain cancer incidence which assumed brain cancer risks of those who had ever

used a mobile phone would be 1.5 fold higher than those who never used them [8], predicted a 40% increase in brain cancer incidence based on a 10-year latency period, but no such increase has yet been observed in either country. We chose conservative

estimates of RR 1.5 and 2.5 to model our assumptions. Higher RRs would have yielded even higher expected numbers.

The incidence of brain cancer in Australia from 1982 to 2012 in females has been consistently some 50% lower than that in males. Data on mobile phone use by gender are sparse in Australia, but in New South Wales, the most populous state (7.6 m people out of 23.5 m) 20.9% of adult males and 19.5% females are exclusive mobile users and 71% reported dual mobile and landline use [20]. If one assumes those with dual use are also approximately evenly distributed between the sexes and these results generalizable across the rest of Australia, it is difficult to reconcile this prevalence of exposure with the observed sex differences in brain cancer patterns in Australia. These have been roughly constant (in mortality) since 1969 (the earliest records available) with females having 57% lower mortality compared to males [14]. We know of no data that show that women speak for about half as long on mobile phones as men. This is a further counterfactual to the hypothesis that mobile phone EMR causes brain cancer.

As concluded by post-IARC [1] international reviews [2,3], other similar descriptive studies [4–8], and cohort studies [10,11] we hypothesize that the observed increase in brain cancer in Australia in older age groups is due to improved diagnostic acuity. Computed tomography, magnetic resonance imaging and related techniques, introduced in Australia in the late 1970s, are able to discern brain tumours which could have otherwise remained undiagnosed [21]. It has long been recognised that brain tumours mimic several seemingly unrelated symptoms in the elderly including stroke and dementia (e.g. [22]), and so we postulate that their diagnosis had been previously overlooked.

The causes of brain cancer are unknown but given current evidence it is unlikely that the modest increases in brain cancer observed in the older age groups can be attributed to the widespread use of mobile phones. Large cohort studies are underway [23], and they may shed further light on the health effects of mobile phones. Ionising radiation causes DNA damage in brain cells and it is thought that the latency between exposure and cancer is about 5 or more years [8,24]. EMF radiation is nonionising, unlikely to be causing DNA damage directly and more likely to affect cells at a later stage of carcinogenesis. For these reasons, Little et al. argue that exposure to EMF radiation is more likely to have a shorter latency [8,24], in which case the putative effects on brain cancer incidence would have happened sooner (and the number of expected cases would have been greater). Until better laboratory information is available regarding the type of damage EMF radiation actually causes in human brain cells, assumptions around latency between EMF exposure and increased risk of brain cancer remain speculative.

Morgan et al. [9] claim that "the latency reported between known causes of brain cancer and development of the disease appears to range from 10 to 50 years". However they report results of increased risks between 1 and 10 years post-use, which if true, would imply latencies between mobile phone use and brain cancer of below 10 years. Claims that insufficient years of exposure to mobile phone radiation have yet occurred for the hypothesised increases in cancer incidence to become manifest fail to account for why there has been no observed rise in brain cancer in any age group in Australia (this study and Ref. [5], nor in England [6], New Zealand [4], and the Nordic countries [7]) across 25 years other than in the most aged group, which we have discussed. Such a hypothesis would require an induction time incidence profile where there was no rise for 30 or more years, followed by a sudden rise after that time. There are no precedents in cancer epidemiology for such a profile. Induction times always will have a distribution, and a risk would be expected to increase from the minimum (earliest) induction time.

#### 5. Conclusion

After nearly 30 years of mobile phone use in Australia among millions of people, there is no evidence of any rise in any age group that could be plausibly attributed to mobile phones.

#### Conflict of interest

We have no conflicts of interest to declare and confirm that we did not receive any funding for the study reported in this paper.

#### Authors' contribution

SC conceived the study, FS devised the study design, QL and LA performed the analyses. All the authors contributed to the manuscript and approved the final copy.

#### Appendix A. Supplementary data

Supplementary data associated with this article can be found, in the online version, at http://dx.doi.org/10.1016/j.canep.2016.04.010.

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#### Federal Communications Commission Washington, DC 20554

#### **Informational Notice of Section 106 Filings**

Date: 05/17/2017 Reference Number: 951518

Attn: Zoning/Plannin Director City of Franklin Planning Dept. 9229 W. Loomis Road Franklin, WI 53132

The following new Section 106 filing has been submitted:

FILE NUMBER: 0007772471 TCNS Number: 147996

Purpose: New Tower Submission Packet Notification Date: 7AM EST 05/12/2017 Applicant: United States Cellular Corporation Consultant: Edge Consulting Engineers, Inc.

Positive Train Control Filing Subject to Expedited Treatment Under Program Comment: No

Site Name: 37th & Rawson (784726)

Site Address: 3800 W. RAWSON AVENUE (15359)

Detailed Description of Project: Construction of 120' (130' max) monopole tower in a grassed area on the property. Equipment to be installed within fenced compound near tower base. Access provided by proposed & existing drives leading to W. Rawson Ave to

south. (15359)

Site Coordinates: 42-55-02.3 N, 087-57-52.7 W

City: FRANKLIN
County: MILWAUKEE

State: WI

Lead SHPO/THPO: Wisconsin Historical Society

Consultant Contact Information:

Name: Jake Rieb

Title: Archaeologist/Compliance Specialist

PO Box:

Address: 624 Water Street City: Prairie du Sac

State: WI Zip: 53578

Phone: (608) 644-1449 Fax: (608) 644-1549

Email: irieb@edgeconsult.com

Franklin

MAY 22 2017

City Development

#### NOTICE OF FRAUDULENT USE OF SYSTEM, ABUSE OF PASSWORD AND RELATED MISUSE

Use of the Section 106 system is intended to facilitate consultation under Section 106 of the National Historic Preservation Act and may contain information that is confidential, privileged or otherwise protected from disclosure under applicable laws. Any person having access to Section 106 information shall use it only for its intended purpose. Appropriate action will be taken with respect to any misuse of the system.



624 Water Street Prairie du Sac, WI 53578

608.644.1449 phone 608.644.1549 fax

February 22, 2017

City of Franklin Planning Dept. Attn: Zoning/Planning Director 9229 W. Loomis Road Franklin, WI 53132

Phone: 414.425.4024

Franklin

FEB 28 2017

City Development

SUBJECT:

**PUBLIC NOTICE** 

POTENTIAL EFFECTS ON HISTORIC PROPERTIES

U.S. CELLULAR / 37TH & RAWSON (784726)

To Whom It May Concern:

U.S. Cellular is proposing to construct a 120-foot (126 feet with appurtenances) monopole telecommunications tower located at 3800 W. Rawson Avenue in the City of Franklin, Milwaukee County, Wisconsin (approx. 42 - 55 – 02.39N, 87 - 57 – 52.70W). Maps and photos of the proposed location are attached for your reference. This notification is being completed in accordance with FCC04-222 public participation requirements, and is not associated with the local zoning and/or permitting process.

The paper of record has been identified as the Milwaukee Journal Sentinel and the FranklinNOW. Public notice shall be posted in this paper in the February 23, 2017 and March 2, 2017 editions, respectively. If additional avenues are required to satisfy the public notification provisions of the local zoning please contact our office so we can make the appropriate arrangements.

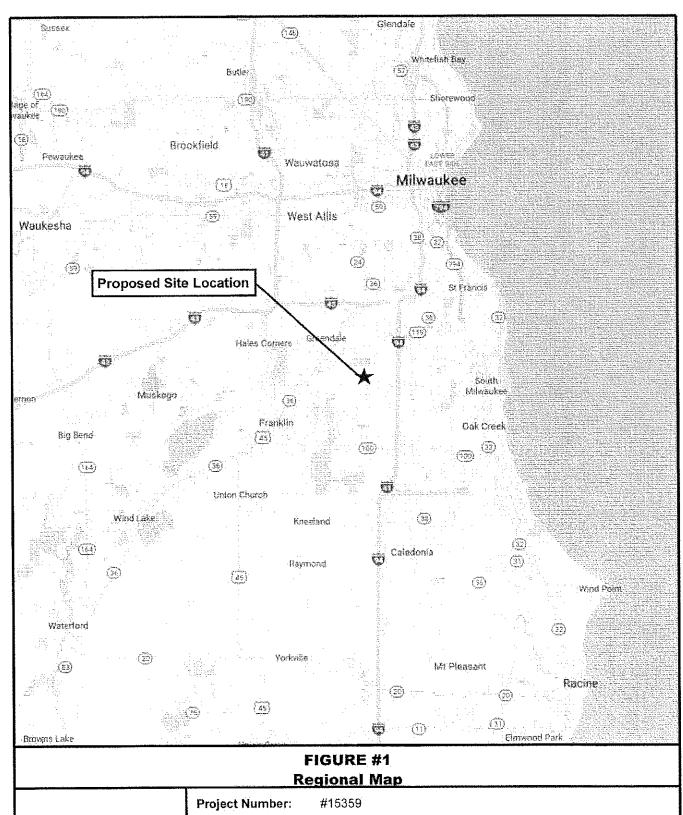
This notice is to serve as an opportunity for members of the public to comment on the proposed telecommunications project with regards to potential effects on historic properties that may be located within one-half of a mile of the proposed site. Comments regarding historic properties may be submitted to the following contact as follows: Jake Rieb, Edge Consulting Engineers, Inc., 624 Water Street, Prairie du Sac, WI 53578, Phone: 608-644-1449, Email: <a href="mailto:irieb@edgeconsult.com">irieb@edgeconsult.com</a>. This notice is provided in accordance with the regulations of the Federal Communications Commission, 47 C.F.R. Part 1, Appendices B and C.

Sincerely,

Edge Consulting Engineers, Inc.

Jake Rieb

Archaeologist & Compliance Specialist



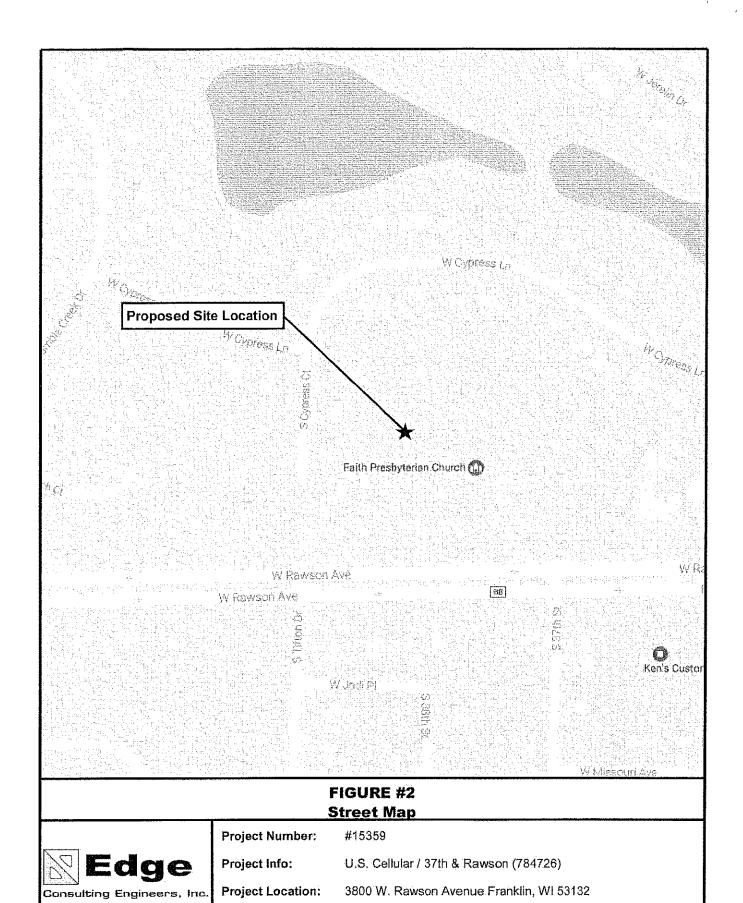


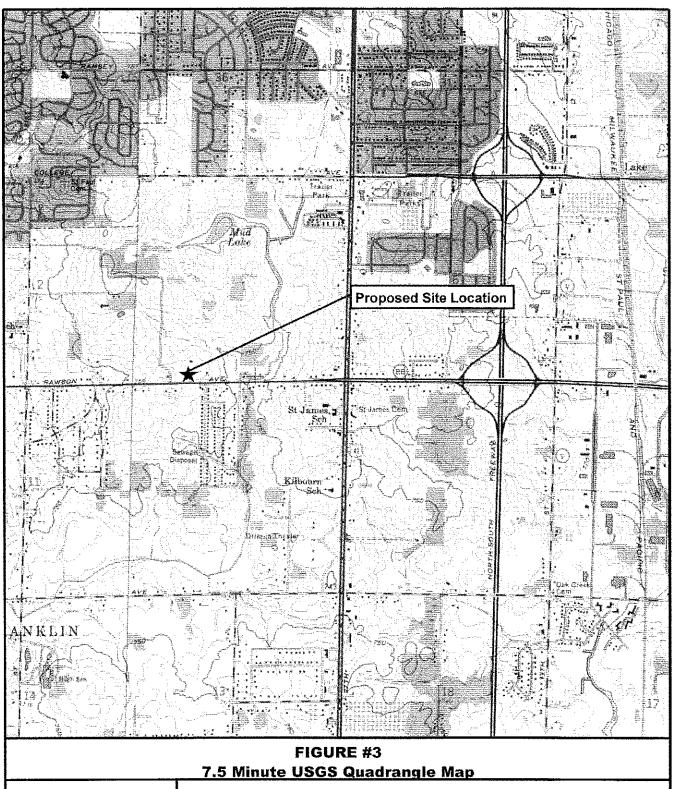
Project Info:

U.S. Cellular / 37th & Rawson (784726)

Project Location:

3800 W. Rawson Avenue Franklin, WI 53132





Edge
Consulting Engineers, Inc.

Project Number:

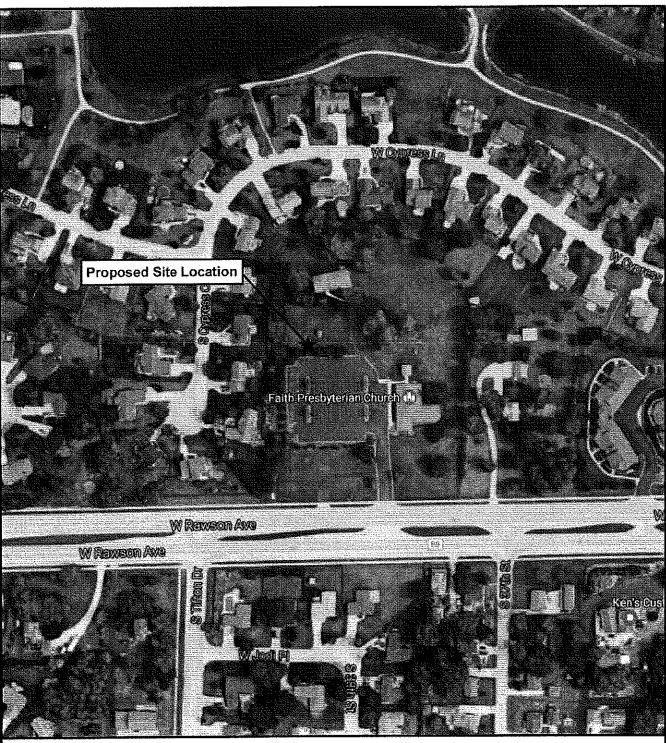
#15359

Project Info:

U.S. Cellular / 37th & Rawson (784726)

**Project Location:** 

3800 W. Rawson Avenue Franklin, WI 53132



#### FIGURE #4 **Aerial Site Plan**



Consulting Engineers, Inc.

Project Number:

#15359

Project Info:

U.S. Cellular / 37th & Rawson (784726)

**Project Location:** 

3800 W. Rawson Avenue Franklin, WI 53132

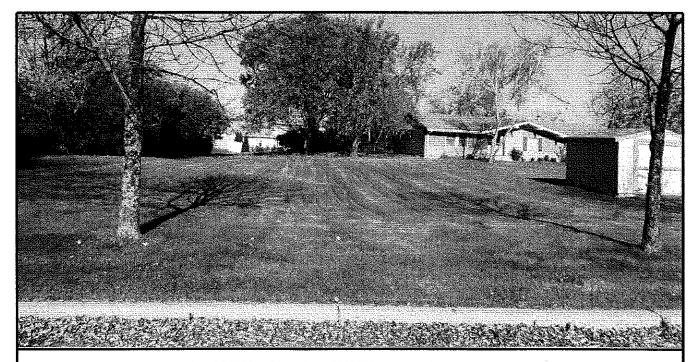


Photo 1 - VIEW NORTH TOWARD PROPOSED LEASE SITE

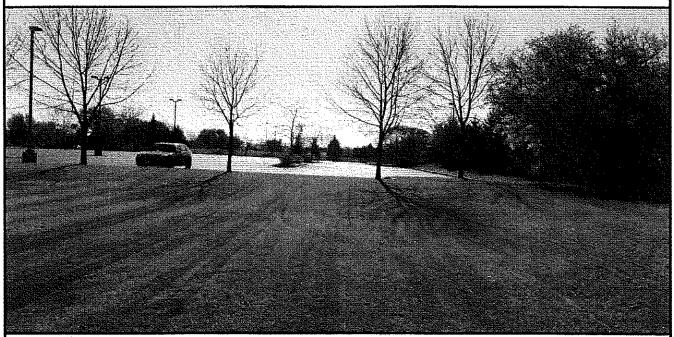


Photo 2 - VIEW SOUTH FROM PROPOSED LEASE SITE

### FIGURE #5 Site Photographs



Project Number: #15359

Project Info: U.S. Cellular / 37th & Rawson (784726)

Project Location: 3800 W. Rawson Avenue Franklin, WI 53132

Photograph Date: November 7th, 2016

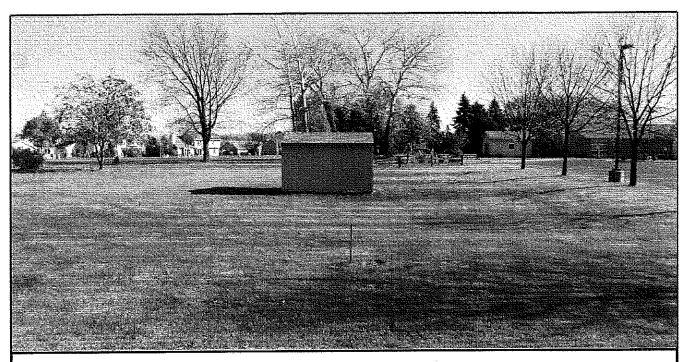


Photo 3 - VIEW EAST FROM PROPOSED LEASE SITE

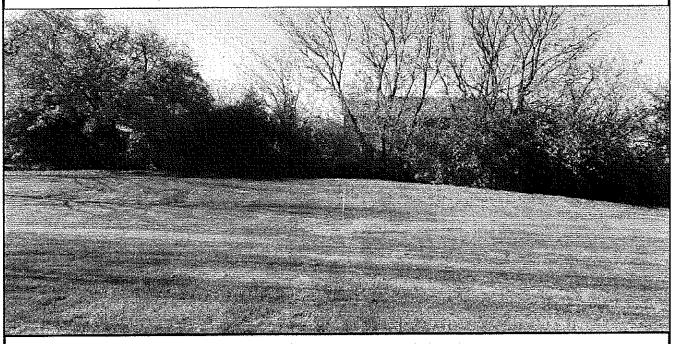


Photo 4 - VIEW WEST FROM PROPOSED LEASE SITE

### FIGURE #5 Site Photographs



Consulting Engineers, Inc.

Project Number:

#15359

Project Info:

U.S. Cellular / 37th & Rawson (784726)

Project Location:

3800 W. Rawson Avenue Franklin, WI 53132

Photograph Date:

November 7th, 2016

To: Nick Fuchs, Department of City Development Staff, City of Franklin, in response to staff comments dated May 10<sup>th</sup>, 2017

#### **Response to Staff Comments:**

- 1. This site was chosen due to lack of capacity in surrounding sites and lack of colocation opportunities in the area due to high demand of 4-5G-data traffic. From 2013 to 2015, the increase in data has risen from 3.3T gb. To 9.4T gb. It is anticipated that this growth will continue. RF engineering statement enclosed.
- 2. RF Engineering statement enclosed.
- 3. US Cellular does not order new towers from the manufacturer until zoning for the site is approved, thus to answer #3,and #6, we would like to provide these requests prior to the issue of a building permit. As stated, as soon as zoning is approved, USCC orders the tower from Sabre Tower Mfg., who provides all structural, foundation, etc. specifications that is required by City Engineering.
- 4. Battery back-up power is standard equipment.
- 5. USCC will provide collocation to any licensed carrier as per their master lease agreements. This tower will be ordered to accommodate two additional carriers.
- 6. Structural analysis will be furnished by the tower manufacturer prior to applying for the final building permit.
- 7. The Church property owners, desired the site to be on the west side of area due to the natural tree barrier so that the site would not be as noticeable as it would be in the center of the lot. Also, the adjacent neighbors to the west are church members, and they were not opposed to the location. If the City insists, we will relocate the tower
- 8. Barbed wire fencing will be removed.
- 9. USCC will provide vinyl coated chain link fence with vinyl slats. (color to be determined by Staff)
- 10. Other than what is shown in the plans, there is no additional landscaping of the site at this time. Typically, we will surround the area with 6'-8' arbor vida, or similar greenery.
- 11. USCC will pave any access road if required.
- 12. Ground equipment does not exceed the height of the fence.
- 13. AS noted above, USCC will provide all the required structural information when the tower is ordered. As in the past, we will comply with the City of Franklin ordinance's.
- 14. This will be supplied by the tower manufacturer prior to obtaining the building permit.
- 15. Our engineering staff will work with the City Engineering dept. to obtain and provide required erosion control plan.

Franklin

JUN 1 2 2017

#### **EXHIBIT A**

#### SWORN STATEMENT OF ANDRE TERMANOWSKI IN SUPPORT OF NEW TOWER CONSTRUCTION PURSUANT TO WIS. STAT §66,0404

- 1. My name is Andre Termanowski.
- 2. I am a radio frequency engineer employed by United States Cellular Operating Company LLC.
- 3. My job duties include responsibility over the placement of the mobile service support structure being proposed at: 3800 West Rawson Ave, Franklin, Wisconsin.
- 4. This sworn statement is made pursuant to Wis. Stat. §66.0404(2)(b)6.
- 5. US Cellular needs additional network capacity near the intersection of 37th Street and Rawson Avenue in order to prevent customer affecting issues caused by lack of network capacity. The other US Cellular antenna sites surrounding this area are at, or nearing, their system capacity limits and an additional antenna site is required to offload capacity from those sites to keep the US Cellular network operating at acceptable efficiencies and within customer expectations. There are no existing structures in the area that could be utilized for co-location or could provide the

necessary coverage.

Andre Termanoski, US Cellular RF Engineer

Witness: Imran Malik

Signed:

Date: 6/12/2017

Franklin

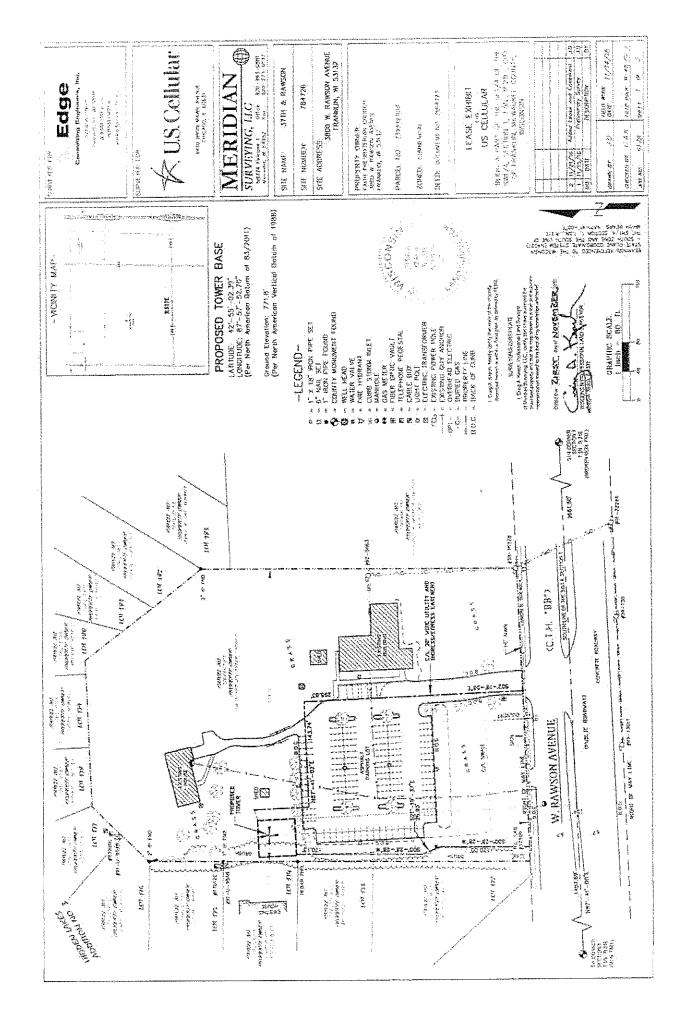
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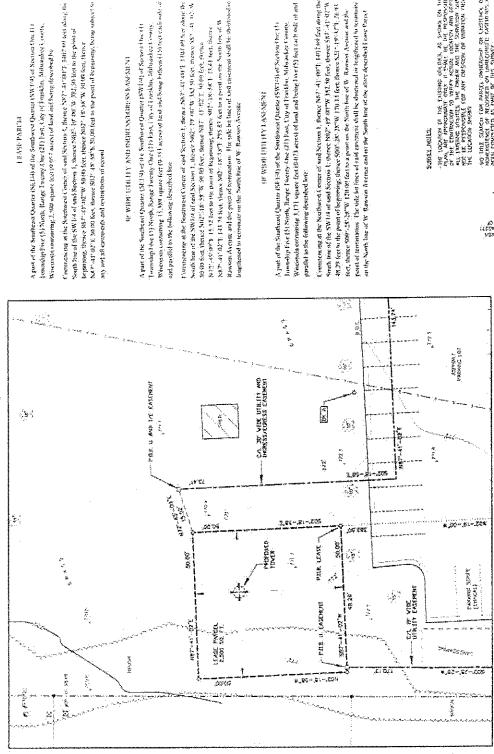
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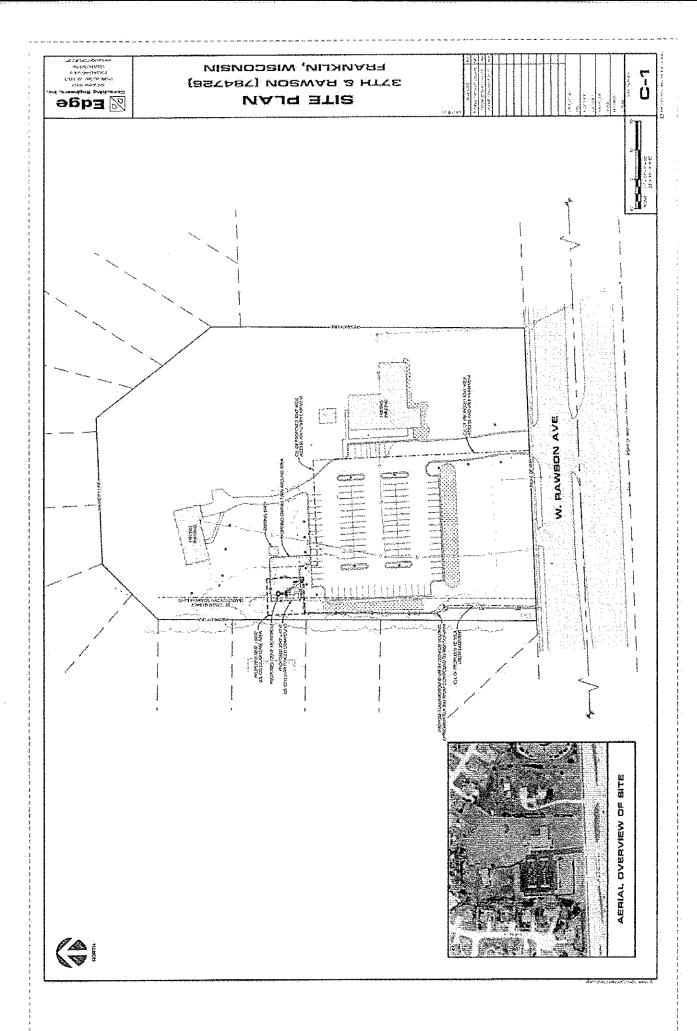
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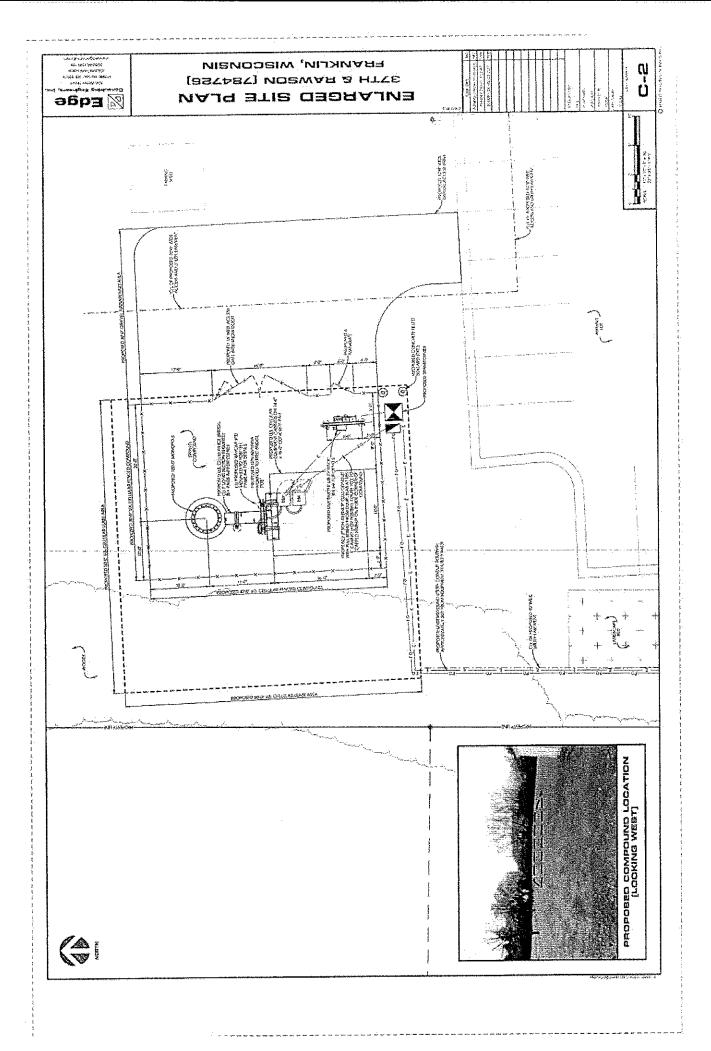
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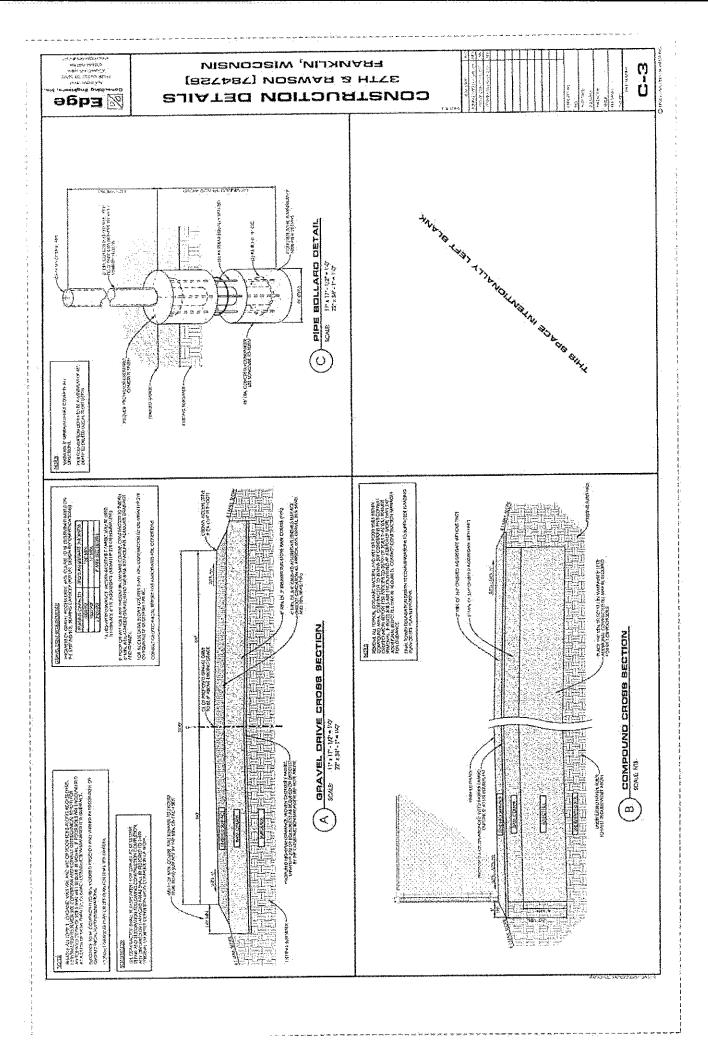
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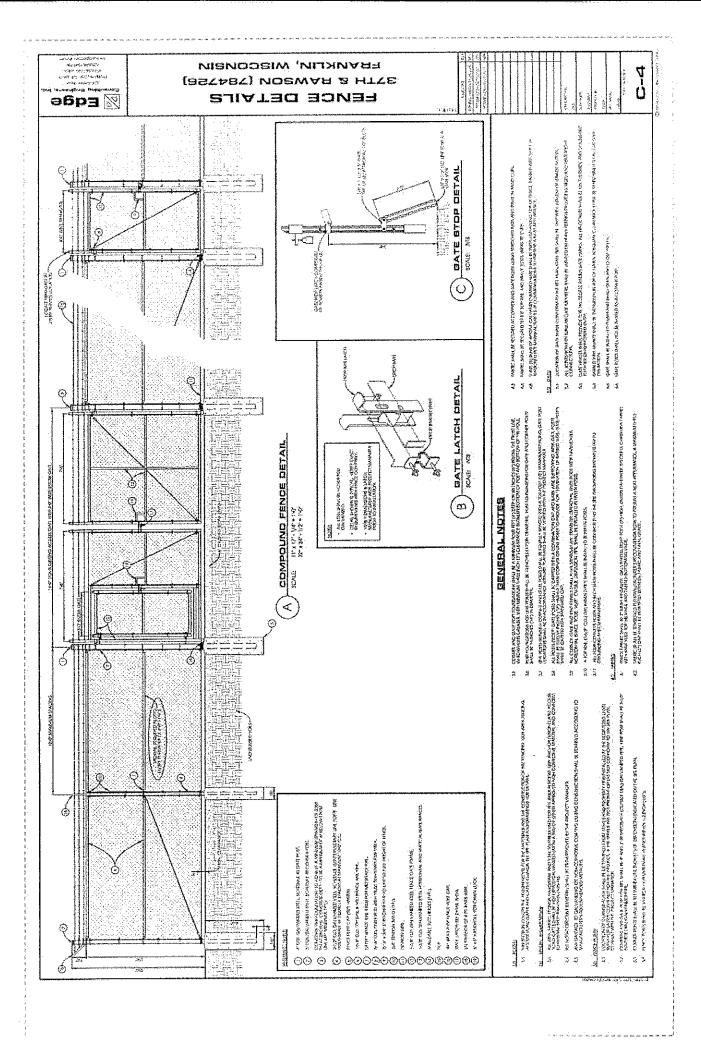
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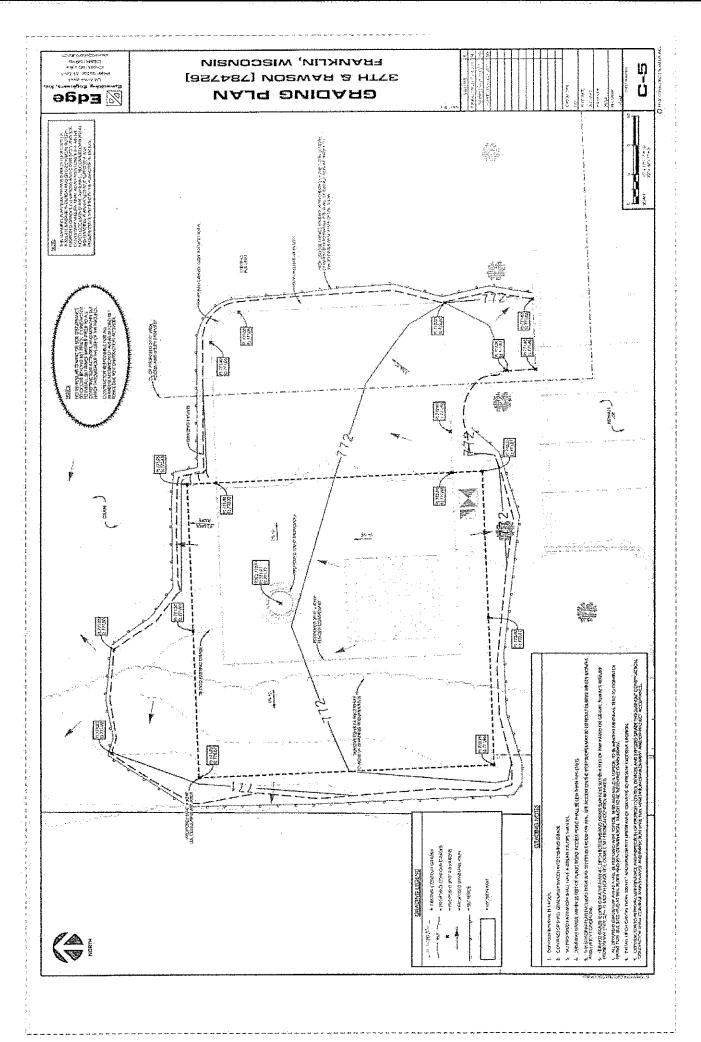
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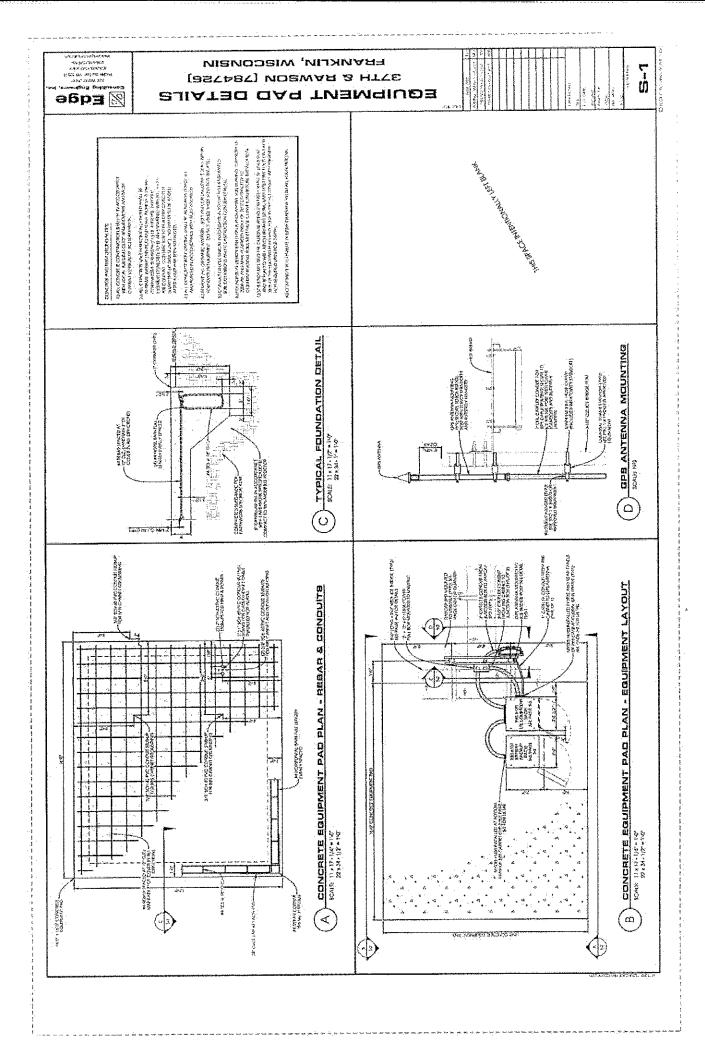


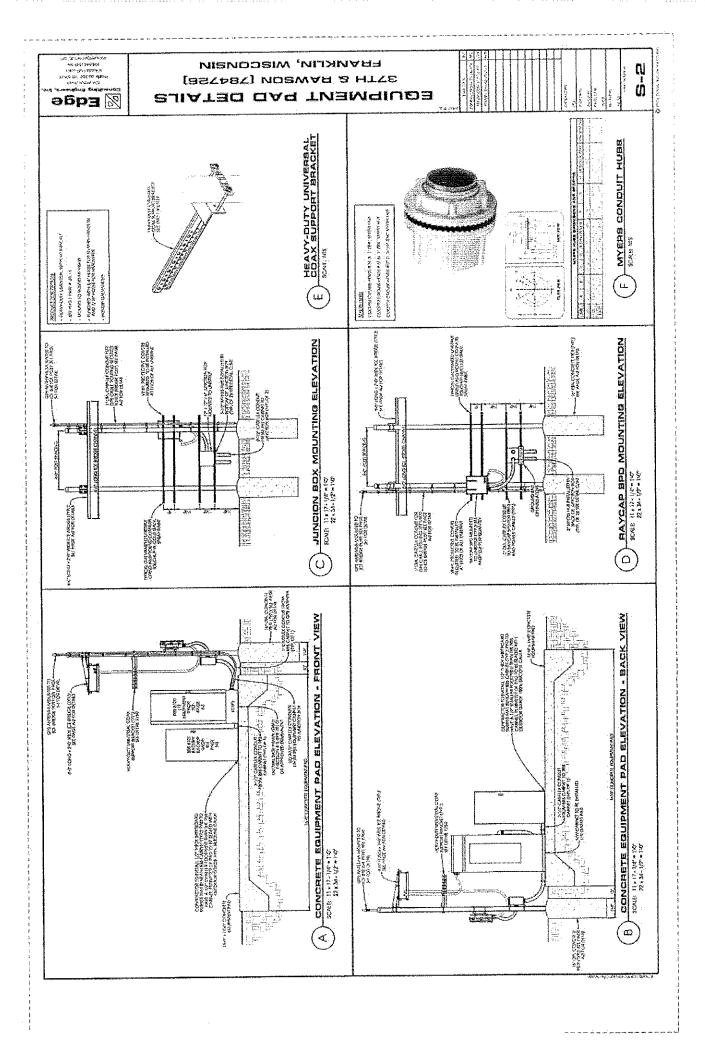


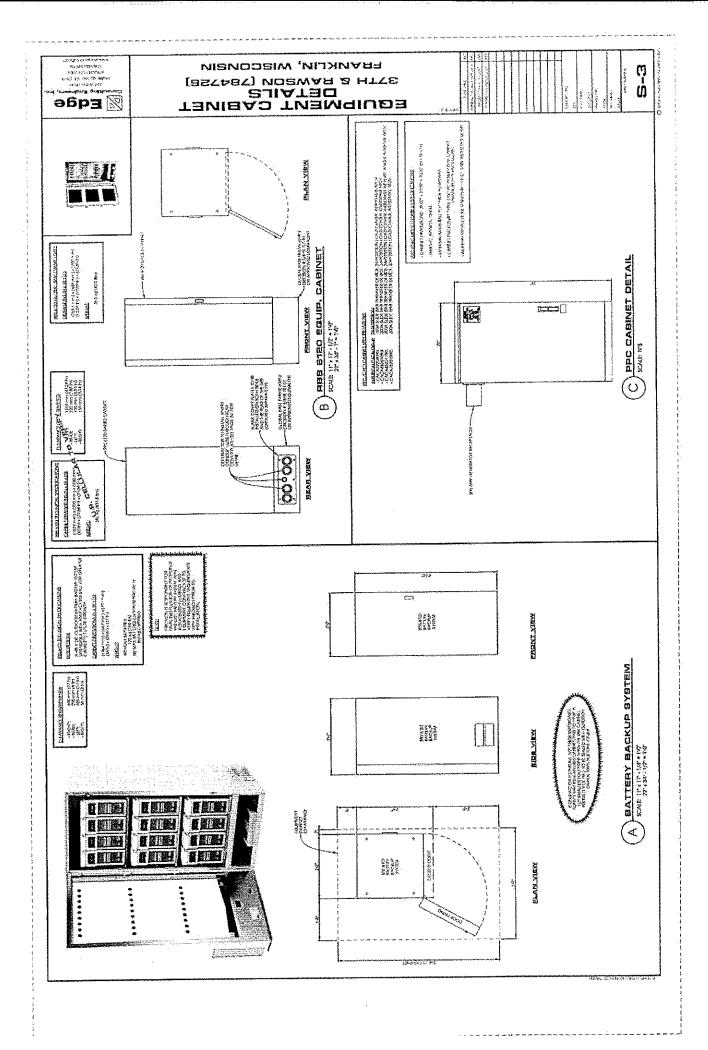


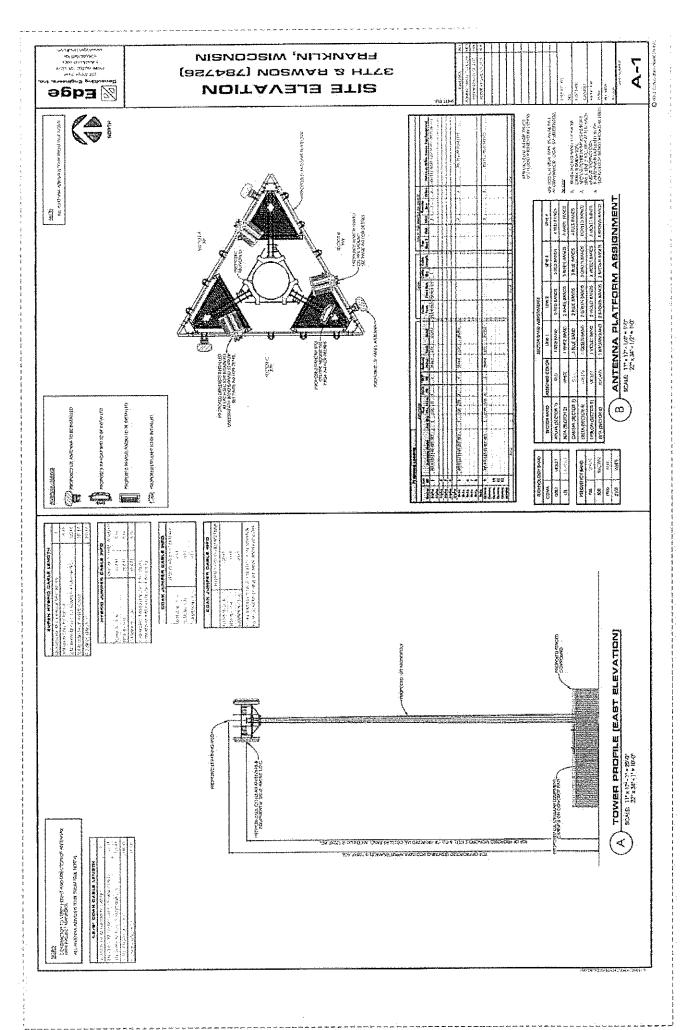


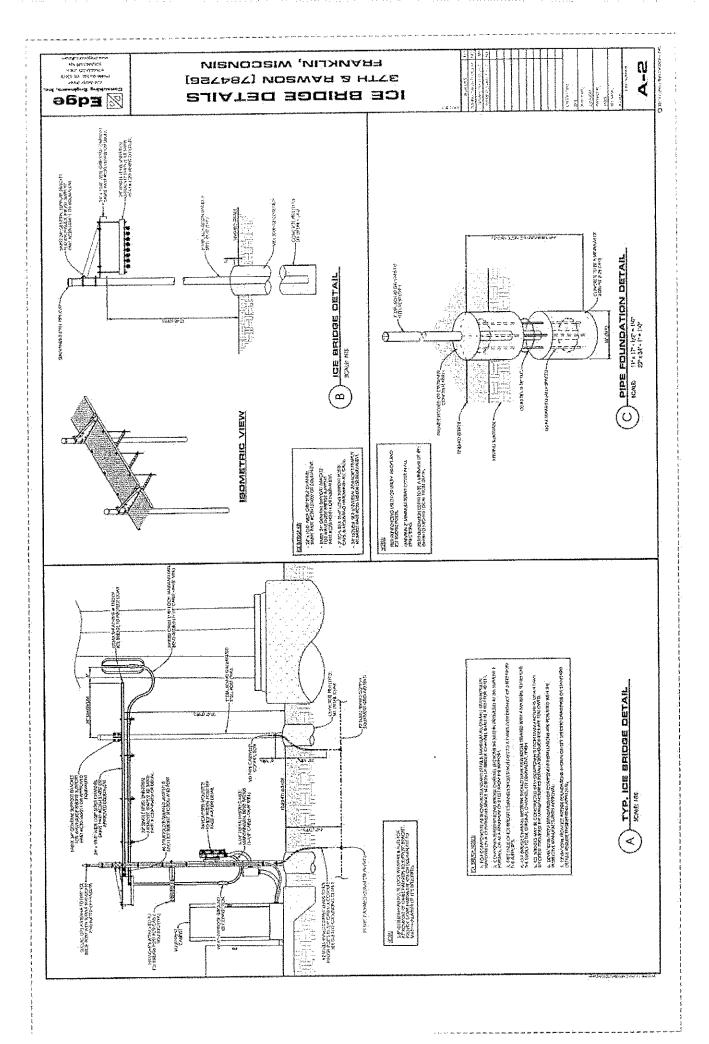
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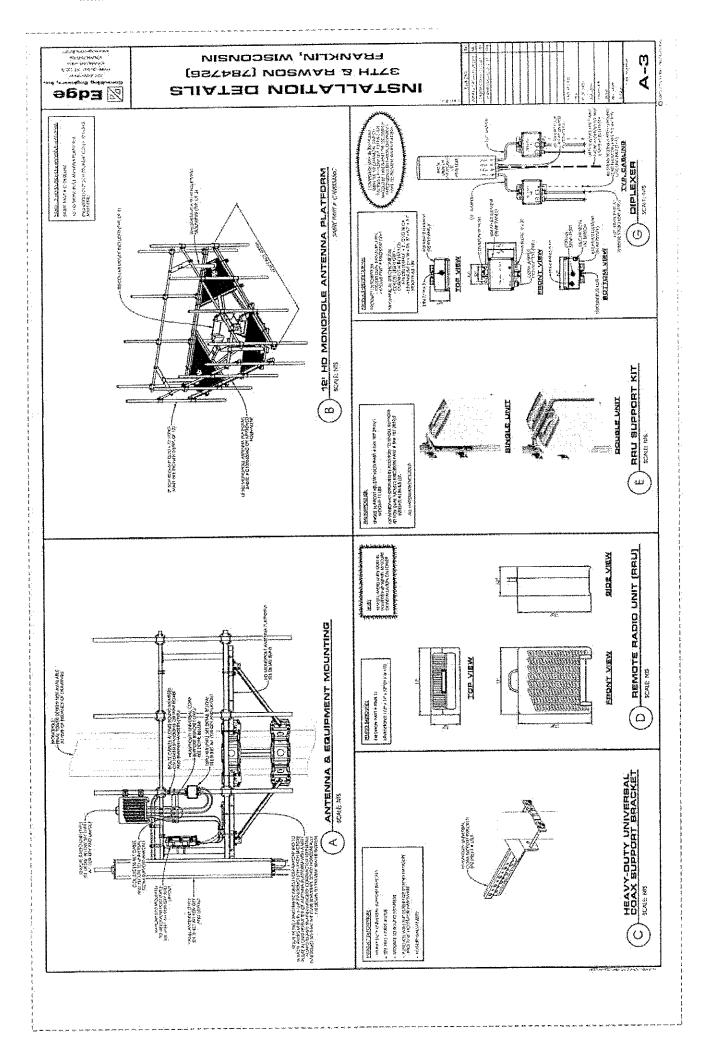


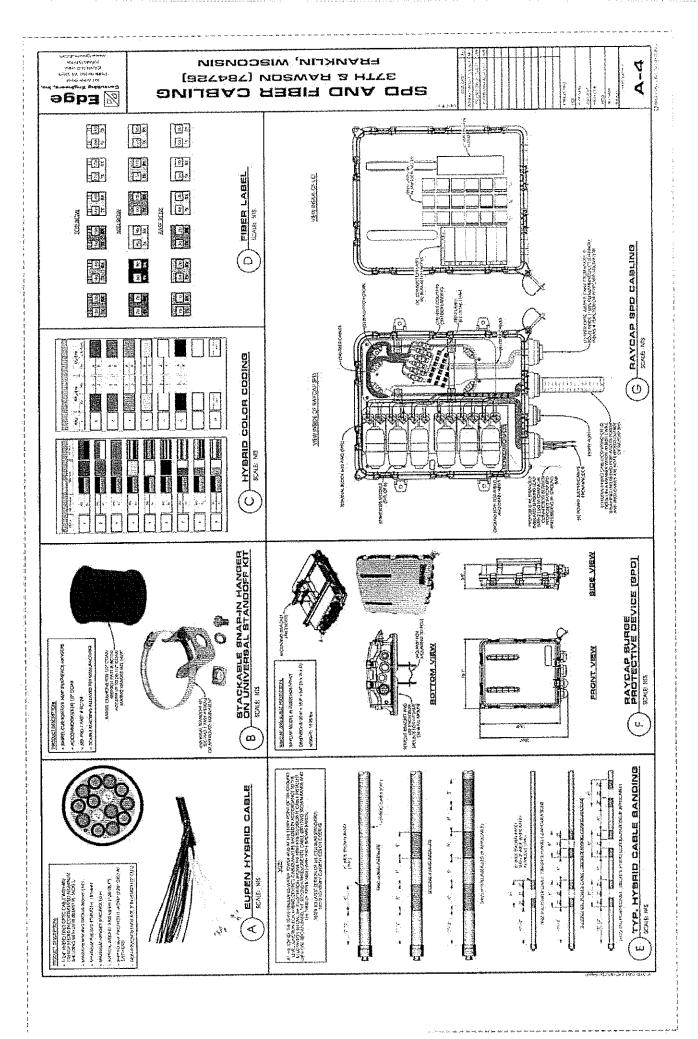


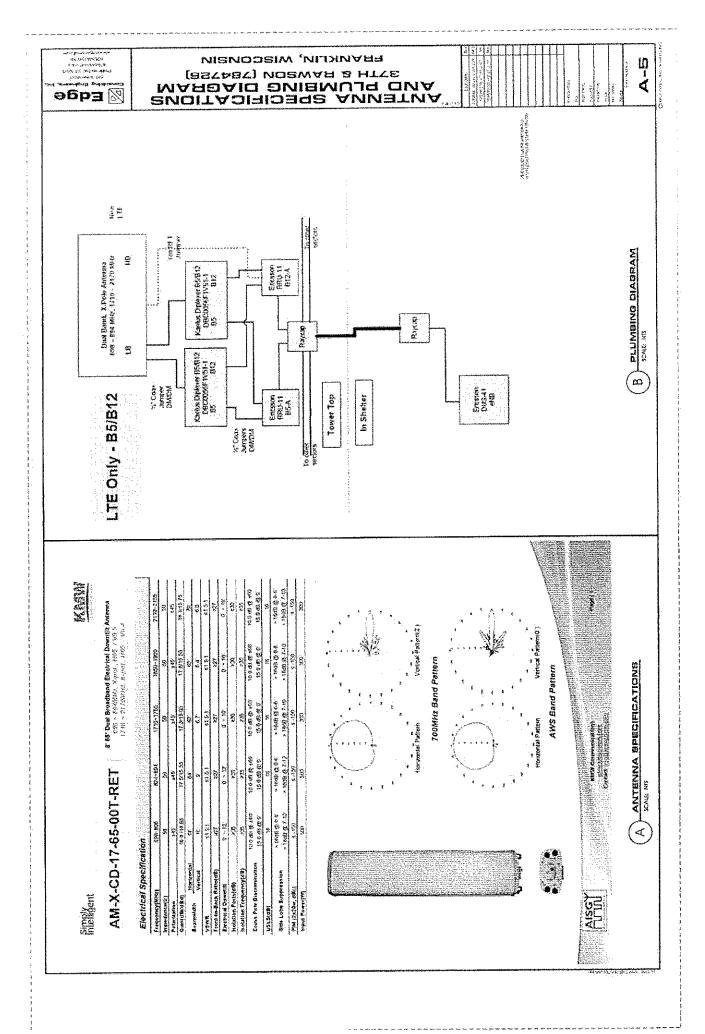


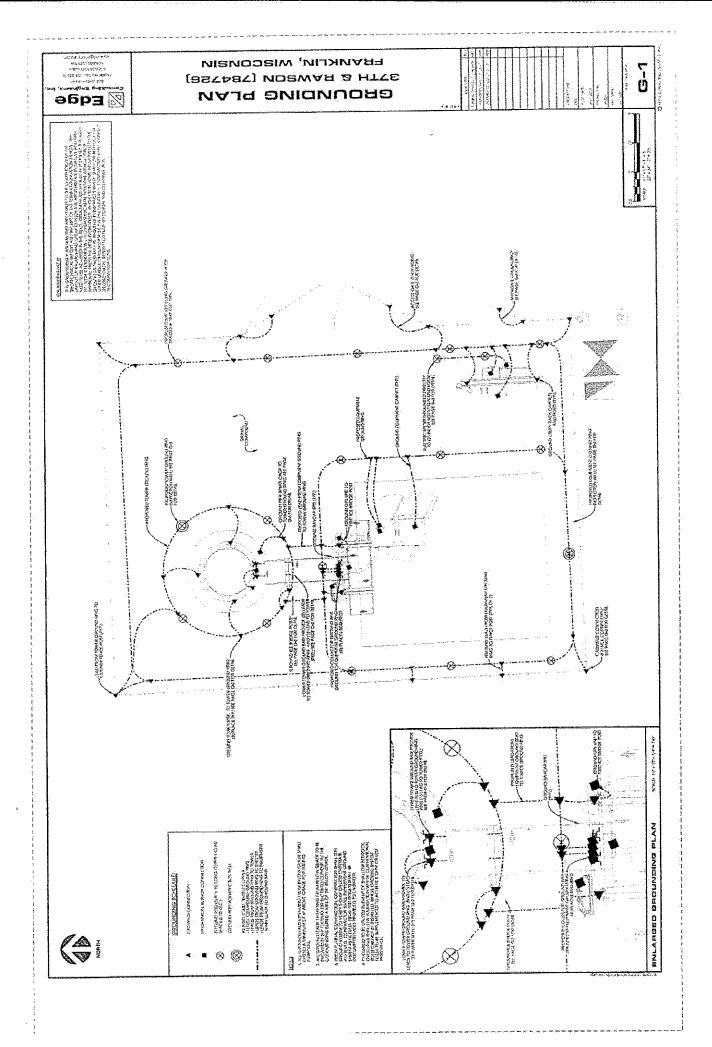


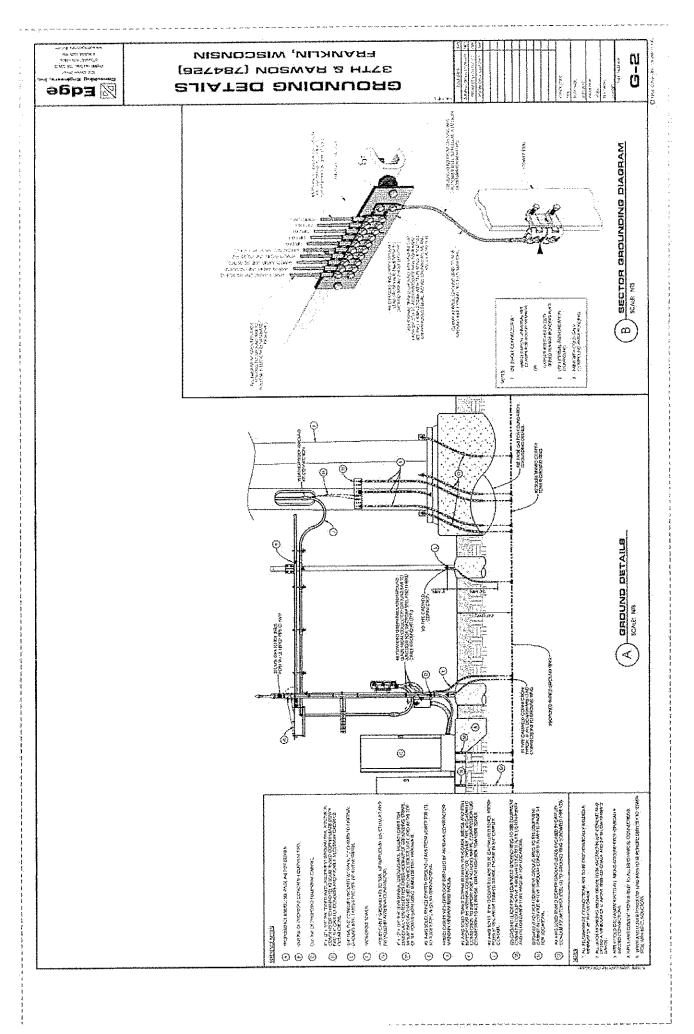


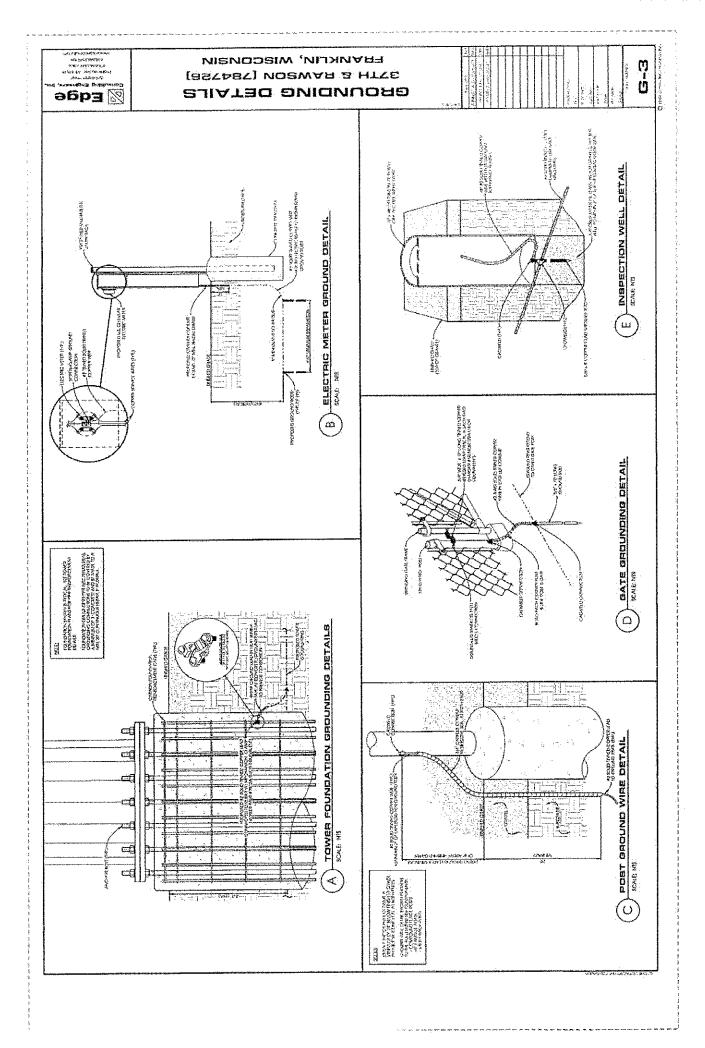












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