

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

BACKGROUND

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

ANALYSIS

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

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

OPTIONS

Adopt Resolution; or

Table

FISCAL NOTE

RECOMMENDATION

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

CITY OF FRANKLIN
OFFICIAL NOTICE

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

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

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

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

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

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

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

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

Sandra L. Wesolowski
City Clerk

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2016-7226

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

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

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

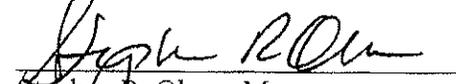
1. The Common Council declares its intent to exercise police powers granted to it by law and a judge that it is necessary for the health, safety and welfare of the public and affected property owners that a public work of improvement be made for the cost of non-decorative street lighting on S. 27th Street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

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

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

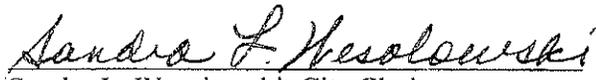
PASSED AND ADOPTED by the Common Council of the City of Franklin on the 20th day of September, 2016.

APPROVED:



Stephen R. Olson, Mayor

ATTEST:



Sandra L. Wesolowski, City Clerk

AYES 5 NOES 0 ABSENT 1 (Ald. Wilhelm)

REPORT ON SPECIAL ASSESSMENTS

**S. 27TH STREET
FROM W. VILLA DRIVE TO W. RAWSON AVENUE**

STREET LIGHTS

September 27, 2016

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

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

FRANKLIN ENGINEERING DEPARTMENT

Glen E. Morrow
City Engineer

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

SCHEDULE B – TOTAL PROJECT COSTS

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

TOTAL PROJECT COST \$227,030.18

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

SCHEDULE C – ASSESSMENT AND MUNICIPAL PAYMENT

The listing in Schedule D includes the following:

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

STATEMENT OF BENEFIT

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

SCHEDULE D

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

SPECIAL ASSESSMENT REPORT

S. 27TH STREET - STREET LIGHTING

W. VILLA DRIVE TO W. RAWSON AVENUE

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

SPECIAL ASSESSMENT REPORT

S. 27TH STREET - STREET LIGHTING

W. VILLA DRIVE TO W. RAWSON AVENUE

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



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

Special Assessment Report

Public Hearing October 18, 2016

Resolution No 2016-7226

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



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

FYI... Rawson to College

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



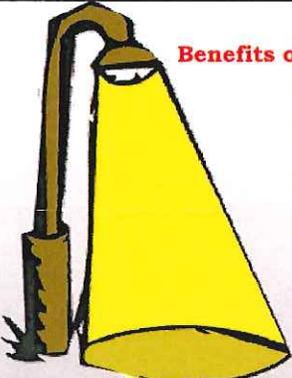
City of Franklin S. 27th Street Lighting Assessment 10/18/2016

Lighting Cost Estimate

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



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



Benefits of Street Lighting

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

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

Franklin Municipal Code

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



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

Assessment Costs



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

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

Payment Plan Options

- › 100% Upon Completion

Or...

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



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

Questions?



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

STATE OF WISCONSIN : CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2016- _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

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

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

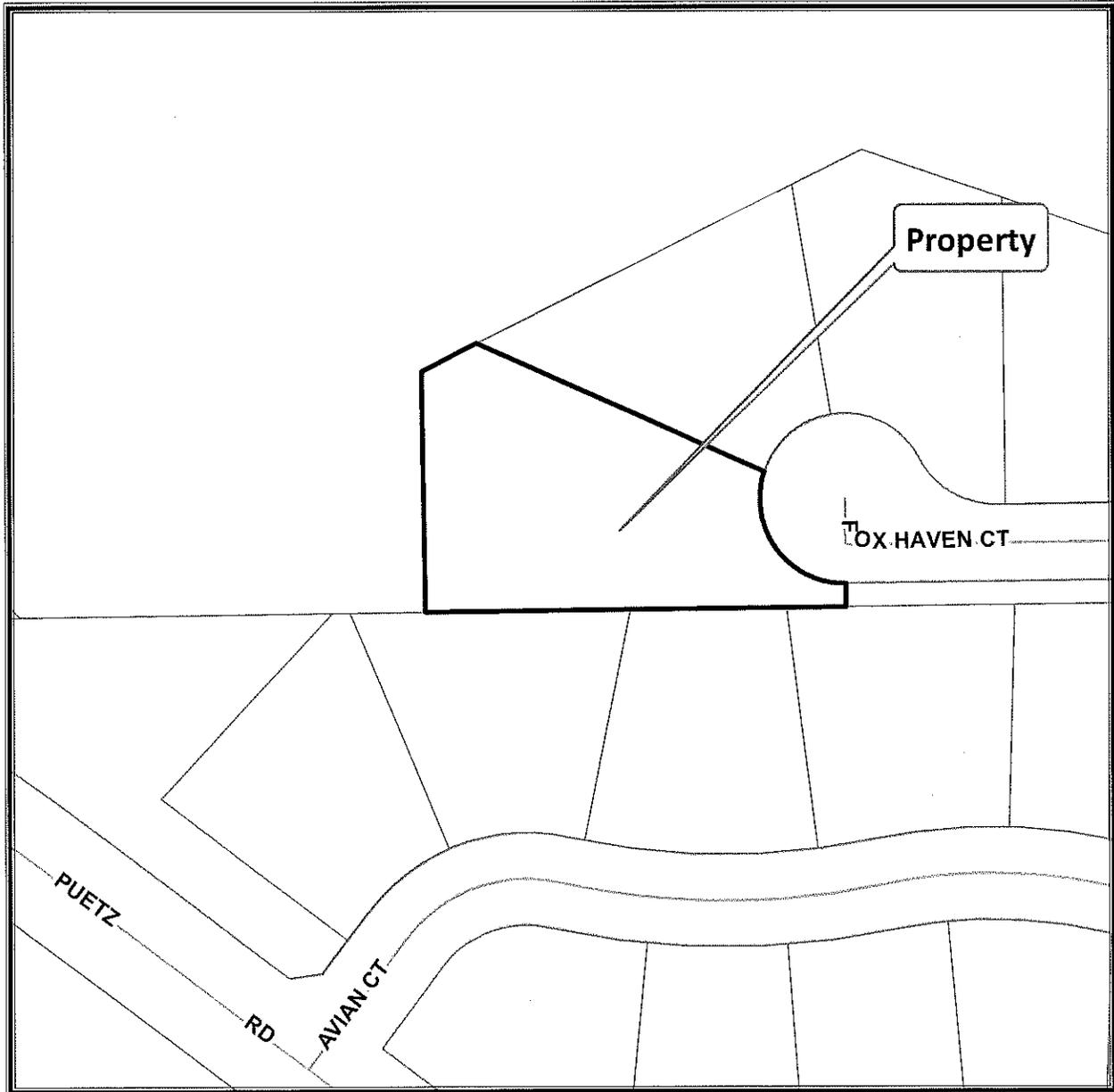
At the regular meeting of the Plan Commission on October 6, 2016, following a properly noticed public hearing, the following action was approved: move to recommend to the Common Council approval of the Tom and Carole Donovan Natural Resource Features Special Exception pursuant to the Standards, Findings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

COUNCIL ACTION REQUESTED

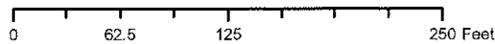
Adopt the standards, findings and decision of the City of Franklin Common Council upon the application of Tom and Carole Donovan, for a special exception to certain natural resource provisions of the City of Franklin Unified Development Ordinance, to approve the application.



7280 W. Fox Haven Court
TKN: 837 0129 000



Planning Department
(414) 425-4024



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Decision

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

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

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

APPROVED:

Stephen R. Olson, Mayor

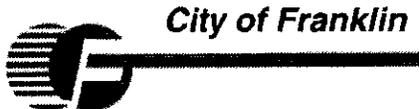
ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

Exhibit A

Planning Department
9229 West Loomis Road
Franklin, Wisconsin 53132
Email: generalplanning@franklinwi.gov



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

Date of Application: _____

NATURAL RESOURCE SPECIAL EXCEPTION APPLICATION

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

Applicant (Full Legal Name[s]):

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

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

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

Project Property Information:

Property Address: 7280 West Fox Haven Court
Property Owner(s): Tom & Carole Donovan

Mailing Address: 8555 South River Terrace
City / State: Franklin WI Zip: 53132
Email Address: tom.donovan@chrobinson.com & cdonovan@wi.rr.com

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

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

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

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

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

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

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

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

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

Signature - Property Owner
Thomas Donovan, property owner
Name & Title (PRINT)

Date: 8-8-16

Signature - Property Owner
Carole Donovan, property owner
Name & Title (PRINT)

Date: 8-8-16

Signature - Applicant
Gregory Marso, PRES & CEO
Name & Title (PRINT)

Date: 9/08/16

Signature - Applicant's Representative
N/A
Name & Title (PRINT)

Date: _____

Natural Resource Special Exception Question and Answer Form.

Questions to be answered by the Applicant

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

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

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

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

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

1) Background and Purpose of the Project.

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

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

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

project does not impact any of the above

2) Possible Alternatives.

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

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

N/A

3) Comparison of Alternatives.

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

N/A

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

N/A

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

N/A

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

N/A

4) Choice of Project Plan.

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

N/A

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

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

N/A

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

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

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

N/A

7) **Water Quality Protection.**

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

N/A

Natural Resource Protection Plan: Revised 9-27-16

Donovan Residence 7280 Foxhaven Court Franklin, Wisconsin

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

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

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

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

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

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

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

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

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

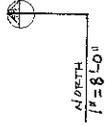
Thomas H. Earl, RLA



Durham Hill

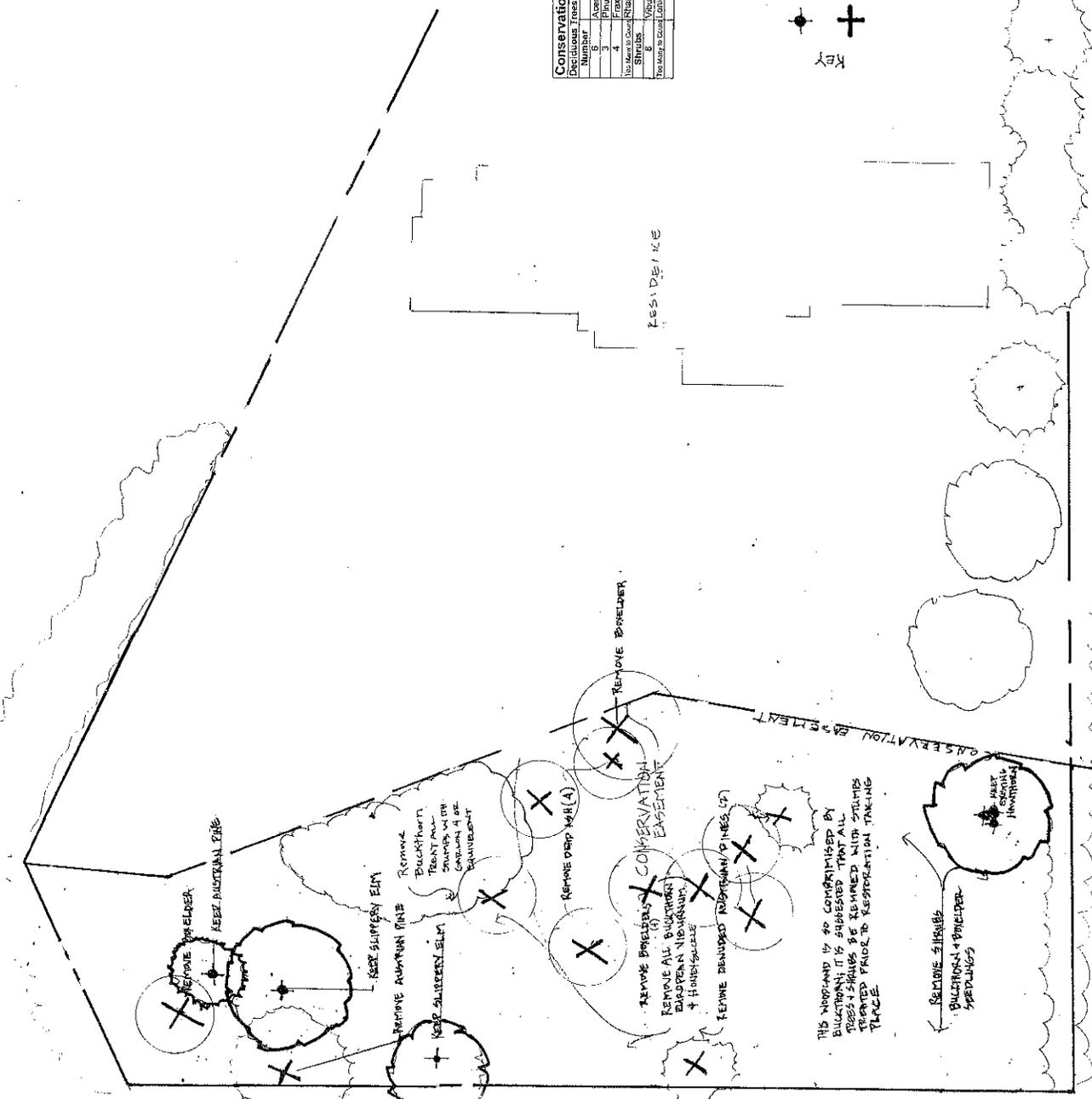
Demolition Plan for the
 Donovan Residence
 7280 Foxhaven Court
 Franklin, Wisconsin

Durham Hill Land LLC, Babcock, WI
 444.535.5282 8/20/16 8/21/16 9/2/16



Conservation Easement Tree and Shrub Removals

Number	Botanical Name	Common Name	Start Date	Notes
1	Acer negundo	Box Elder	8-24" dbh	In Decline, No Bark
2	Pinus strobus	Austrian Pine	10-12" dbh	Dissected and Destroyed
3	Fraxinus pennsylvanica	Green Ash	7-12"	Dead or Dying
4	Quercus coccinea	Scarlet Oak	1-12" High	Healthy
5	Viburnum opulus	European Viburnum	1-8" High	Non Native, Invasive
6	Lonicera maackii	Maackia	1-8" High	Non Native, Invasive



+ TREES TO REMAIN
 X TREES TO REMOVE

THIS WOODLAND IS TO BE COMPLETED BY BULKHEAD. IT IS SUGGESTED THAT ALL TREES + SHRUBS BE REMOVED WITH STUMPS REPAIRED PRIOR TO RESTORATION TAKING PLACE.

REMOVE SHRUBS
 BUCKTHORN + BIRCHES -
 SPREADINGS

REMOVE ALL BUCKTHORN
 EUROPEAN VIBURNUM
 + HONEYSUCKLE
 REMOVE REMOVED BUCKTHORN/PINES (P)

REMOVE ALL BUCKTHORN
 EUROPEAN VIBURNUM
 + HONEYSUCKLE
 REMOVE REMOVED BUCKTHORN/PINES (P)

REMOVE ALL BUCKTHORN
 EUROPEAN VIBURNUM
 + HONEYSUCKLE
 REMOVE REMOVED BUCKTHORN/PINES (P)

REMOVE ALL BUCKTHORN
 EUROPEAN VIBURNUM
 + HONEYSUCKLE
 REMOVE REMOVED BUCKTHORN/PINES (P)



539 WATSON ST., SUITE 100
 MILWAUKEE, WI 53212
 414.535.5282 Fax: (414) 452-3175

PLAT OF SURVEY

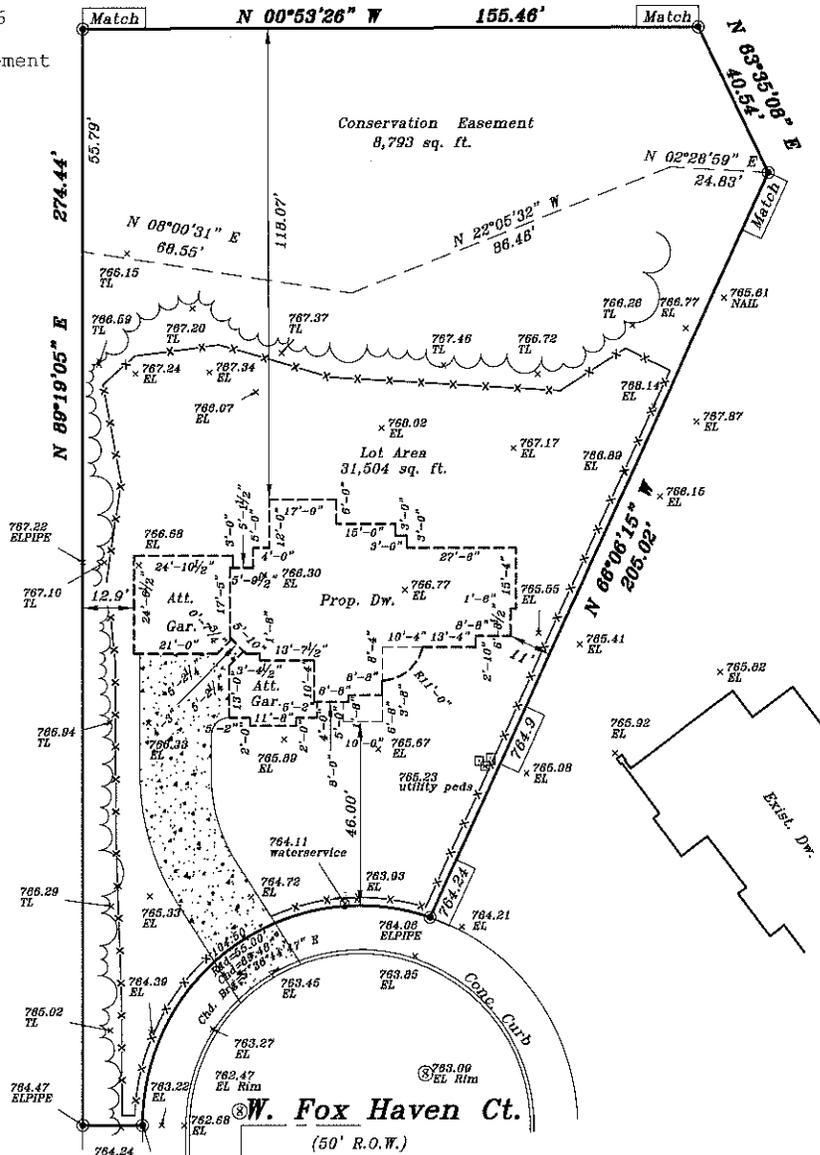
LOCATION: 7280 West Fox Haven Court, Franklin, Wisconsin

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

August 31, 2016

Survey No. 107125

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



Prop. Fin. Yd. Gr. 767.33'
Prop. T.O.W. 768.0'
N 00°40'56\" W 15.00'

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

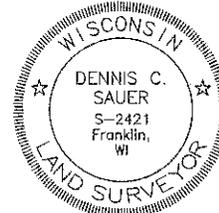
METROPOLITAN SURVEY SERVICE, INC.
PROFESSIONAL LAND SURVEYORS AND CIVIL ENGINEERS
9415 West Forest Home Avenue, Suite 202
Hales Corners, Wisconsin 53130
PH. (414) 529-5380 FAX (414) 529-9787
email address: survey@metropolitansurvey.com

- ⊙ — Denotes Iron Pipe Found
- — Denotes Iron Pipe Set

000.0 — Denotes Proposed Grade

— x — x — x — Denotes Proposed Silt Screen

Scale: 1"=30'



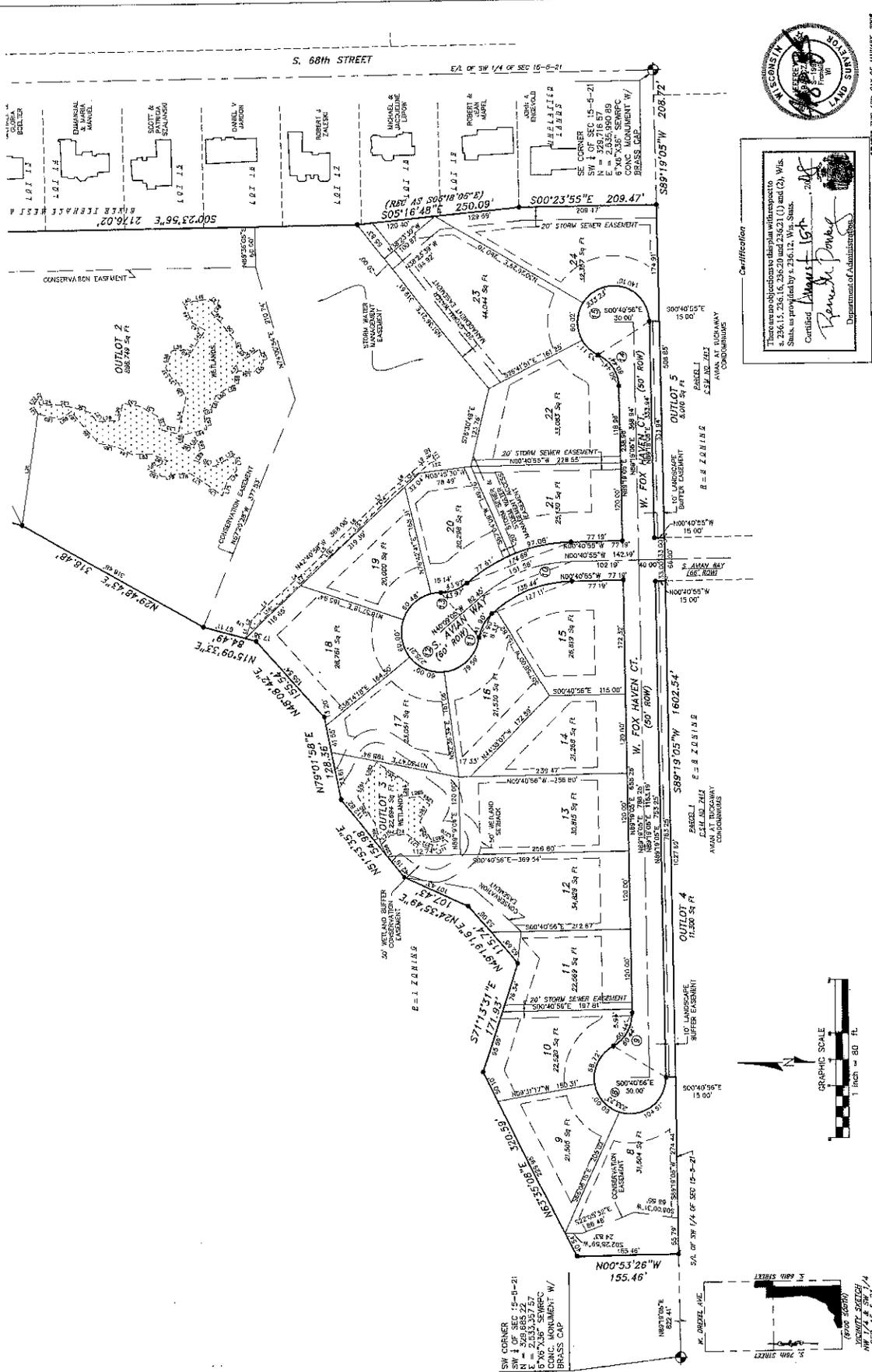
I HEREBY CERTIFY THAT I HAVE SURVEYED THE ABOVE DESCRIBED PROPERTY AND THAT THE ABOVE MAP IS A TRUE REPRESENTATION THEREOF AND SHOWS THE SIZE AND LOCATION OF THE PROPERTY. ITS EXTERIOR BOUNDARIES, THE LOCATION OF ALL VISIBLE STRUCTURES AND DIMENSIONS OF ALL PRINCIPAL BUILDINGS THEREON, BOUNDARY FENCES,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

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

SIGNED 
Dennis C. Sauer
Professional Land Surveyor S-2421

WHISPERING WOODS

BEING A RE-DIVISION OF LOT 2 OF CERTIFIED SURVEY MAP NO. 7981 BEING A PART OF THE SE 1/4 OF THE NW 1/4 OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 21 1/2 AND PART OF THE NE 1/4 AND SW 1/4 OF SECTION 15, TOWNSHIP 5 NORTH, RANGE 21 1/2, IN THE CITY OF FRANKLIN, MILWAUKEE COUNTY, WISCONSIN.



There are no objections to this plat with respect to s. 236.15, 236.16, 236.20 and 236.21 (1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified
Barbara J. Doney
 Department of Administration



RECEIVED THIS 15th DAY OF JANUARY, 2009
 REVISION RECEIVED THIS 20th DAY OF APRIL, 2009
 REVISION RECEIVED THIS 28th DAY OF APRIL, 2009
 SHEET 3 OF 4

THIS INSTRUMENT WAS DRAFTED BY JEFFREY D. BARCZAK RLS 1999

Exhibit B

City of Franklin Environmental Commission

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

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

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

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

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

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

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

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

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

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

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

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

V. Environmental Commission Recommendation:

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

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

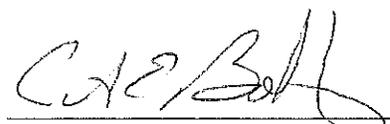
The above review and recommendation was passed and adopted at a regular meeting of the Environmental Commission of the City of Franklin on the 28th day of September, 2016.

Dated this 12th day of October, 2016.



Wesley Cannon, Chairman

Attest:



Curtis Bolton, Vice-Chairman

Exhibit C

Item C. 2.



CITY OF FRANKLIN

REPORT TO THE PLAN COMMISSION

Meeting of October 6, 2016

Natural Resource Special Exception

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

Please note:

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

INTRODUCTION:

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

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

PROJECT DESCRIPTION:

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

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

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

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

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

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

CONCLUSION:

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

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

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

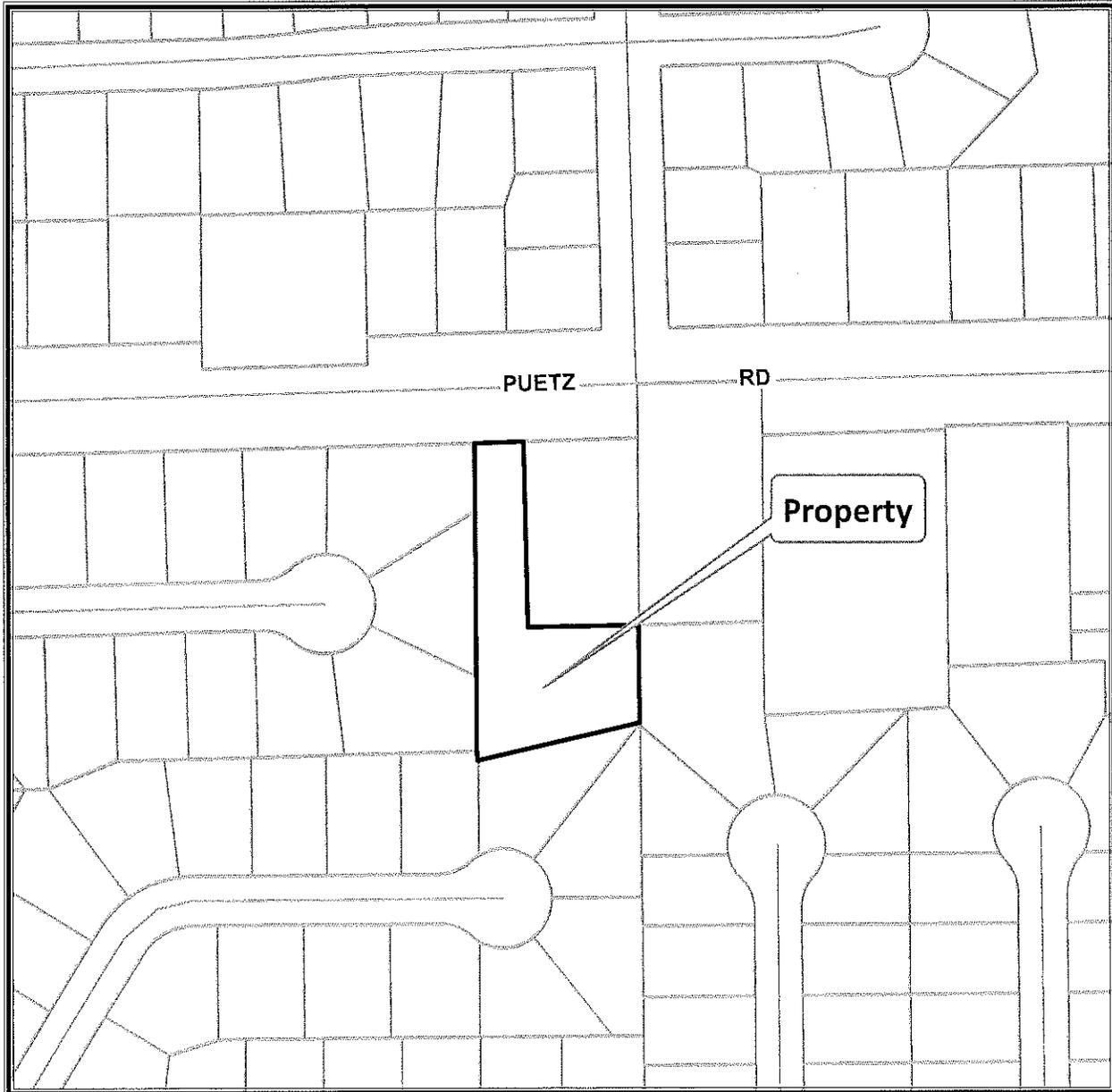
At its October 6, 2016 meeting, the Plan Commission recommended approval of a resolution to release the 60-foot side yard setback restriction set forth on Certified Survey Map No. 5763, previously approved by Resolution No. 92-3875 (8685 West Puetz Road) (Rafal Chmura, Applicant; Beata Chmura, Owner).

COUNCIL ACTION REQUESTED

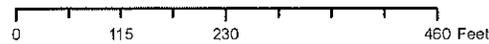
A motion to adopt Resolution No. 2016-_____, a resolution to release the 60-foot side yard setback restriction set forth on Certified Survey Map No. 5763, previously approved by Resolution No. 92-3875 (8685 West Puetz Road) (Rafal Chmura, Applicant; Beata Chmura, Owner).



8685 W. Puetz Rd.
TKN: 848 9992 003



Planning Department
(414) 425-4024

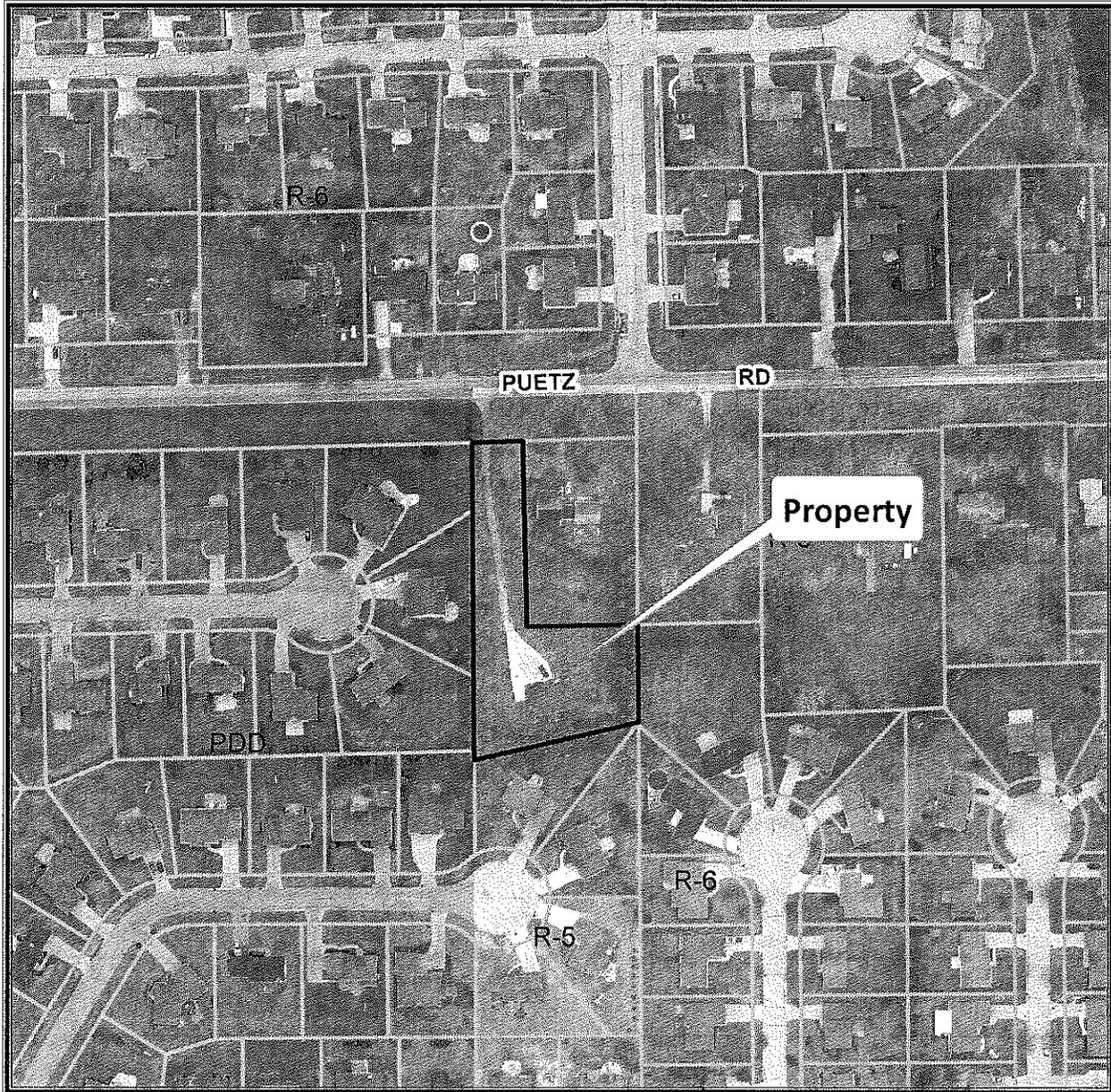


This map shows the approximate relative location of property boundaries but was not prepared by a professional land surveyor. This map is provided for informational purposes only and may not be sufficient or appropriate for legal, engineering, or surveying purposes.

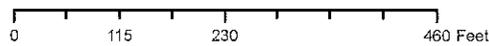




8685 W. Puetz Rd.
TKN: 848 9992 003



Planning Department
(414) 425-4024



2016 Aerial Photo

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

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

Meeting of October 6, 2016

Release of 60-foot side yard setback

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

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

Introduction/Project Description:

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

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

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

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

Staff Recommendation:

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

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

STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

RESOLUTION NO. 2016-_____

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

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

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

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

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

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

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

RESOLUTION NO. 2016-_____

Page 2

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

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

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

8685 W Puetz Rd Franklin WI 53132.

Requesting release of the 60 foot minimum

side yard building setback on CSM No. 5763

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

Franklin

SEP 07 2016

City Development

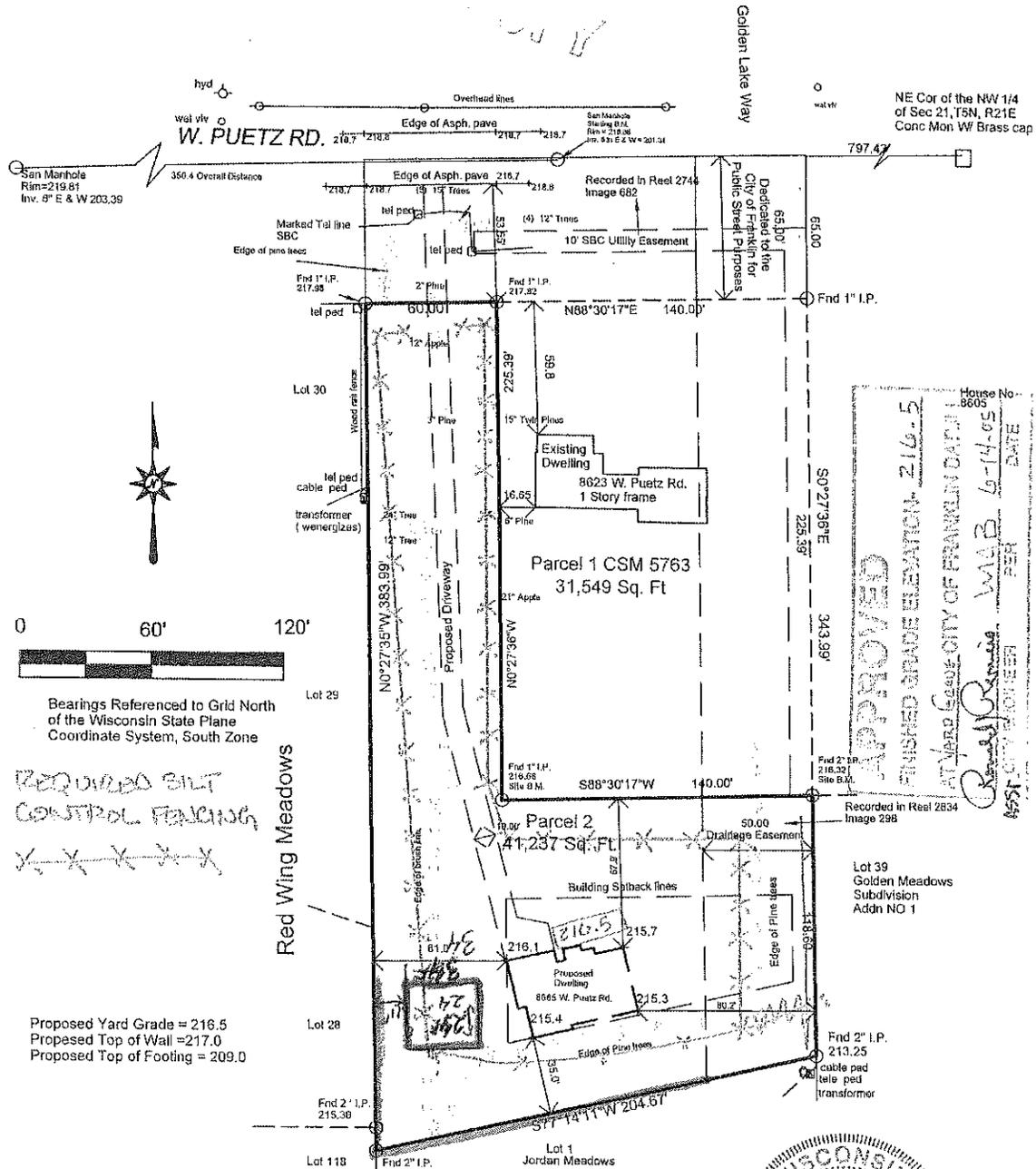
PLAT OF SURVEY

LEGAL DESCRIPTION

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

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

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



Bearings Referenced to Grid North of the Wisconsin State Plane Coordinate System, South Zone

REQUIRED SILT CONTROL FENCING

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

SURVEY CERTIFICATE

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

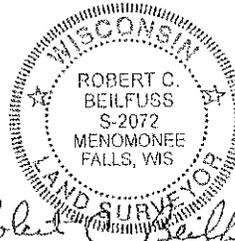
This survey is made for the exclusive use of the present owners of the property, and is warranted to those who purchase, mortgage, or guarantee the title thereto from the Date of issuance of this survey or the date of last revision.

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

Dated this 1st day of May, 2005.

Signed: *Robert C. Beilfuss*

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



Robert C. Beilfuss
 5/1/05

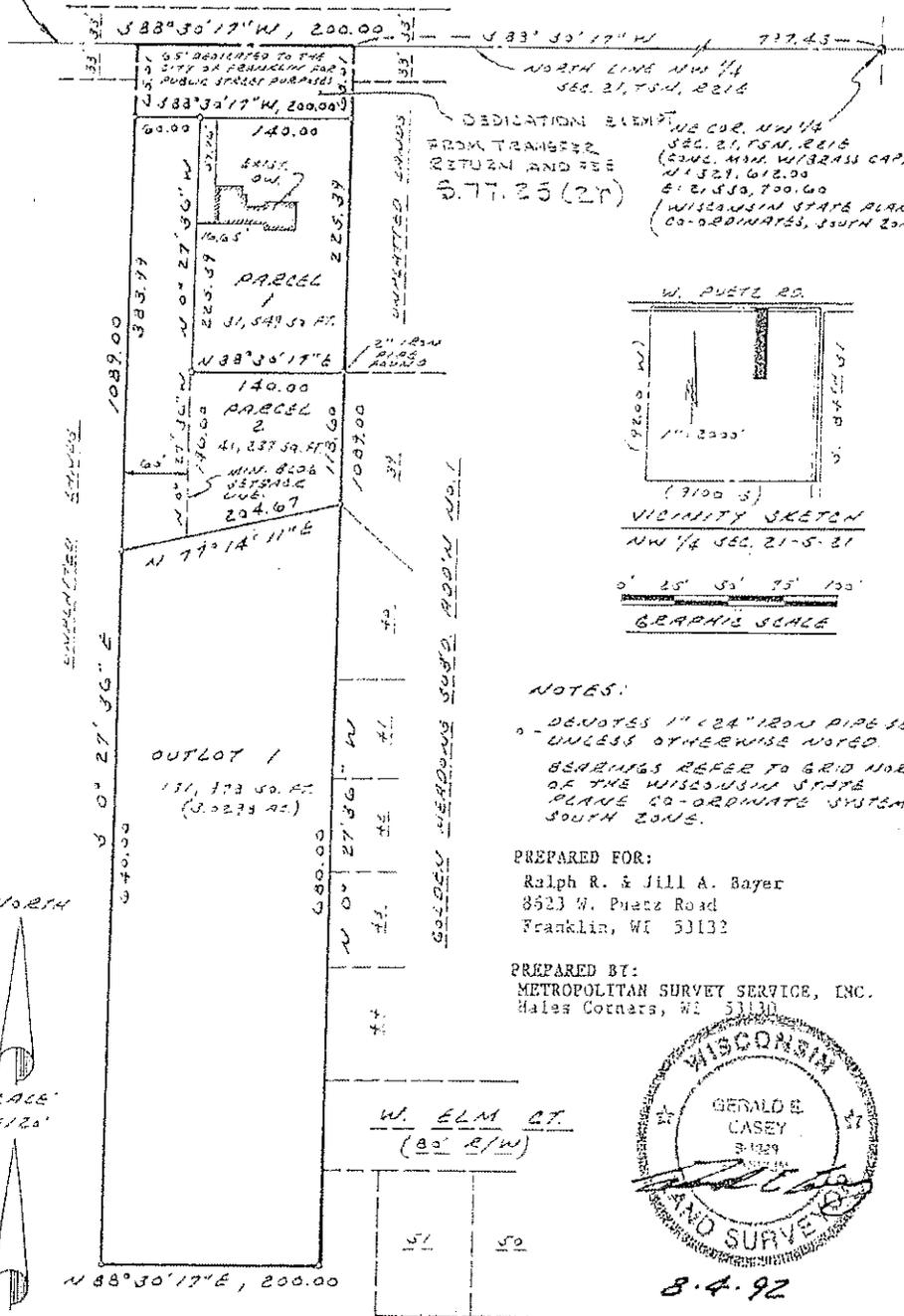
This is original copy only if the Surveyor's Seal is in Red. Copies other than the originals may contain unauthorized revisions or alterations for which the surveyor accepts no responsibility.

CERTIFIED SURVEY MAP NO. 5763

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

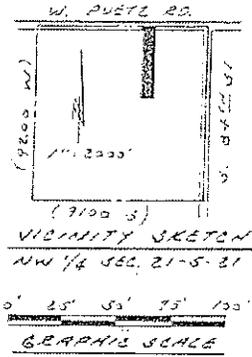
UNPLATTED LANDS

W. PUETZ RD.



DEDICATION ELEMENT
 FROM TRANSFER
 RETURN AND FEE
 \$77.25 (2x)

WISCONSIN STATE PLANE
 CO-ORDINATES, SOUTH ZONE



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

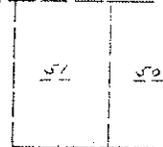
PREPARED FOR:
 Ralph R. & Jill A. Bayer
 8523 W. Puetz Road
 Franklin, WI 53132

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



8.4.92

W. ELM CT.
(85' R/W)



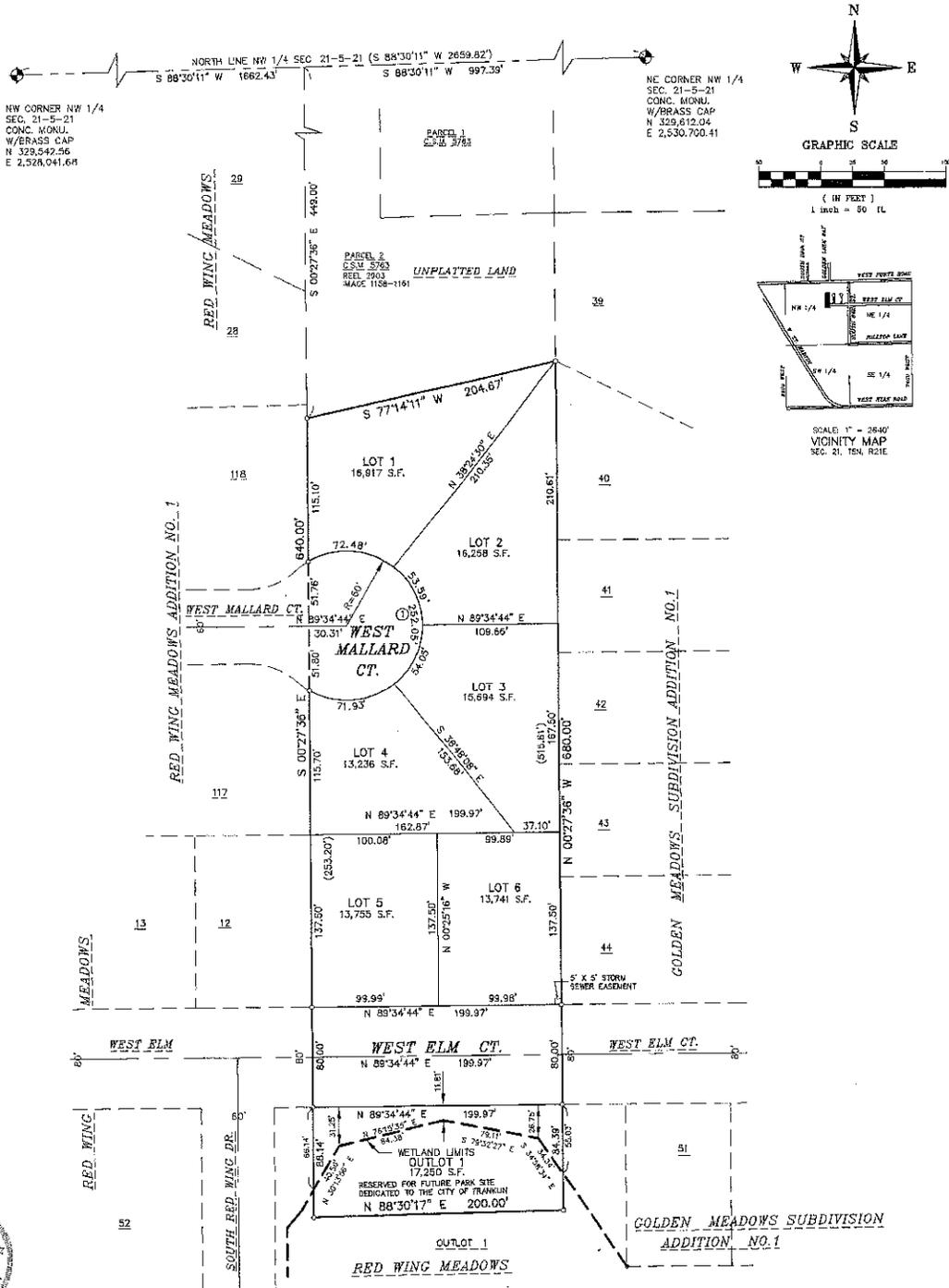
UNPLATTED LANDS

FRANKLIN
 SEP 07 2008
 City Development



JORDAN MEADOWS

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



JEROME G. WEGNER - Wis. Reg. No. S - 1122
 DATED THIS 20th DAY OF August, 1998
 REVISED THIS 27th DAY OF October, 1998

CURVE TABLE

LOT	MAIN CURVE NO.	RADIUS	LENGTH	CHORD	BEARING	CENTRAL ANGLE (D)	1/2	TANGENT BEARINGS
1	1	60.00'	252.05'	103.56'	S 00°27'36" E	248°41'18"	120°00'30"	N 58°11'48" E N 80°08'58" W
2		60.00'	72.48'	68.15'	S 86°11'53" E	89°12'42"	44.36'	
3		60.00'	54.05'	51.82'	S 28°00'23" E	51°10'18"	25.35'08"	
4		60.00'	54.05'	52.24'	S 25°23'18" W	51°37'04"	25.48'32"	
5		60.00'	71.93'	67.70'	S 85°32'28" W	68°41'12"	34.20'38"	

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

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

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

THIS INSTRUMENT DRAFTED BY: R. J. BORKOWSKI
 PLOT DATE: OCTOBER 6, 1998
 SHEET NO. 1 OF 2 SHEETS

JORDAN MEADOWS

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

SURVEYOR'S CERTIFICATE

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

Commencing at the northeast corner of the Northwest Quarter (NW 1/4) of said Section 21, being marked by a concrete monument with a brass cap; thence South 88°30'17" West along the north line of said Northwest Quarter (NW 1/4) 897.39 feet to the northeast corner of Red Wing Meadows, a recorded subdivision, being recorded on December 6, 1996, in Real 2542, Inmap 1140-1142 on Document No. 4289921, Milwaukee County, Wisconsin; thence South 0°27'26" East along the easterly line of said Red Wing Meadows and the easterly line of Red Wing Meadows Addition No. 1, a recorded subdivision, being recorded on August 12, 1998, in Real 2063, Inmap 1182-1181 on Document No. 4588327, Milwaukee County, Wisconsin and the place of beginning of the lands hereinafter described; thence North 9°27'35" East along said easterly line 840.00 feet to a point on the northerly line of Red Wing Meadows; thence North 88°30'17" East along said northerly line 200.00 feet to a point on the westerly line of said Red Wing Meadows; thence North 0°27'35" West along the westerly line of said Red Wing Meadows 200.00 feet to a point on the westerly line of said Red Wing Meadows; thence North 88°30'17" East along said westerly line 200.00 feet to the southwest corner of Parcel 2, Certified Survey Map No. 8752, thence South 77°43'17" West along the south line of said Parcel 2, 204.67 feet to the southwest corner of said Parcel 2 and the place of beginning. Containing an area of 131,878 square feet (3.030 acres) of land.

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

Dated this 20th day of August, 1998.
REVISED THIS 21st DAY OF October, 1998

James O. Wegner
JAMES O. WEGNER - SURVEYOR, No. 5-1122



STATE OF WISCONSIN)
COUNTY OF MILWAUKEE)

The above certificate subscribed and sworn to me this 20th day of August, 1998.
My commission expires August 26, 2001.

Patrick F. Murray
PATRICK F. MURRAY - MAYOR
JAMES C. FAYNE - CITY CLERK

CITY OF FRANKLIN CERTIFICATE

"Received that a plat know as JORDAN MEADOWS, a subdivision in the City of Franklin, which has been filed for approval, be and hereby is approved as required by Chapter 236 of the Wisconsin State Statutes.
I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Common Council of the City of Franklin on the 20th day of August, 1998 which action becomes effective upon receipt of approval of all other relevant agencies and all conditions of the City of Franklin's approval were satisfied as of the 20th day of August, 1998.

Dated: _____, 1998.

PATRICK F. MURRAY - MAYOR
JAMES C. FAYNE - CITY CLERK

CITY OF FRANKLIN TREASURER'S CERTIFICATE

I, VERNON L. LOS, being the duly appointed, qualified and acting City of Franklin, Treasurer, do hereby certify that in accordance with the records in my office, there are no unpaid taxes or special assessments as of this 20th day of August, 1998, on any of the land included in the plat of JORDAN MEADOWS.

Dated: _____, 1998.

VERNON L. LOS - CITY TREASURER

COUNTY TREASURER'S CERTIFICATE

STATE OF WISCONSIN)
COUNTY OF MILWAUKEE)
I, THOMAS W. MEAUX, being the duly elected Treasurer of the County of Milwaukee, do hereby certify that the records in my office show no taxes and no special taxes or special assessments as of this 20th day of August, 1998, affecting the lands included in the plat of JORDAN MEADOWS.

Dated: _____, 1998.
THOMAS W. MEAUX - COUNTY TREASURER

CORPORATE OWNER'S CERTIFICATE

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

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

In witness whereof, KABREK BUILDERS INC. has caused these presents to be signed by MICHAEL J. KAERK, President, and its Corporate Sec'y to be hereto affix this 20th day of August, 1998.

KABREK BUILDERS INC.
MICHAEL J. KAERK - PRESIDENT

STATE OF WISCONSIN)
COUNTY OF MILWAUKEE)

Personally come before me this 20th day of August, 1998, MICHAEL J. KAERK, President, to me known to be the person who executed the foregoing instrument and acknowledged the same.
My commission expires _____.

NOTARY PUBLIC

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

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

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

COUNCIL ACTION REQUESTED

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

ORDINANCE NO. 2016-_____

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TEXT AT TABLE 15-3.0603 TO DELETE STANDARD INDUSTRIAL CLASSIFICATION MAJOR GROUP NO. 86 MEMBERSHIP ORGANIZATIONS FROM CERTAIN ZONING DISTRICTS, DELETE THE PLANNED DEVELOPMENT DISTRICT COLUMN AND TO INCLUDE ALL MEMBERSHIP ORGANIZATIONS AND RELIGIOUS ORGANIZATIONS AS PERMITTED USES IN THE I-1 INSTITUTIONAL DISTRICT (CITY OF FRANKLIN, APPLICANT)

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

WHEREAS, the City of Franklin having applied for text amendments to Table 15-3.0603, to delete Standard Industrial Classification Major Group No. 86 Membership Organizations from certain zoning districts, to delete the Planned Development District column and to include all Membership Organizations and Religious Organizations as Permitted Uses in the I-1 Institutional District; the specific zoning districts from which Membership Organizations, Standard Industrial Classification Major Group No. 86 are to be deleted are as follows: B-2 General Business District, B-3 Community Business District, B-6 Professional Office District, B-7 South 27th Street Mixed-Use Office District, CC City Civic Center District, BP Business Park District, OL-1 Office Overlay District and OL-2 General Business Overlay District; and

WHEREAS, the Plan Commission having reviewed the proposed amendments to delete Standard Industrial Classification Major Group No. 86 Membership Organizations from certain zoning districts, to delete the Planned Development District column and to include all Membership Organizations and Religious Organizations as Permitted Uses in the I-1 Institutional District, and having held a public hearing on the proposal on the 22nd day of September, 2016 and thereafter having recommended approval of such amendment; and

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

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

SECTION 1: TABLE 15-3.0603 PERMITTED AND SPECIAL USES IN THE NONRESIDENTIAL ZONING DISTRICTS of the Unified

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

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

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

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

Table 15-3.0603 (continued)

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

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

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

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

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

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

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Meeting of September 22, 2016

Unified Development Ordinance Text Amendment

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

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

Introduction

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

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

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

Project Description and Analysis

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

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

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

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

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

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

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

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

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

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

Staff Recommendation

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

Existing

Table 15-3.0603 (continued)

SIC	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
806	Hospitals							S			P				P	S						
8062	General medical & surgical hospitals							S			P				P	S						
8063	Psychiatric hospitals							P			P				P	S						
8069	Specialty hospitals except psychiatric							P			P				P	S						
807	Medical and Dental Laboratories																					
8071	Medical laboratories		P	P				P	S					P	P	P	P	S				
8072	Dental laboratories		P					P		S				P	P	P	P	S				
808	Home Health Care Services																					
8082	Home health care services		P	P	P	P		P	S								P	S				P
809	Health and Allied Services, not elsewhere classified																					
8092	Kidney dialysis centers		S					P	P	S		P				P	P	S				P
8093	Specialty outpatient clinics, not elsewhere classified		S					P	P	S		P				P	P	S				P
8096	Health and allied services, not elsewhere classified		S		S			P	P	S		P				P	P	S				P
81	LEGAL SERVICES																					
811	Legal Services																					
8111	Legal Services		P	P	P	P		P	P	P	P					P	P	P				P
82	EDUCATIONAL SERVICES																					
821	Elementary and Secondary Schools																					
8211	Elementary and secondary schools										P											
822	Colleges and Universities																					
8221	Colleges and universities										P											
8222	Junior colleges										P											
823	Libraries																					
8231	Libraries										P											
824	Vocational Schools										P											
8243	Data processing schools		P		P			S/A								P	A	P				
8244	Business and secretarial schools		P		P			S/A			P		S		S	A	P					
8249	Vocational schools, not elsewhere classified		P		P			S/A			P		S	S		A	P					
829	Schools & Educational Services, not elsewhere classified																					
8299	Schools & educational services, not elsewhere classified				P			S			S		S	S								
83	SOCIAL SERVICES																					
832	Individual and Family Services																					
8322	Individual and family services		P	P			S		P				P		S		P					S
833	Job Training and Related Services																					
8331	Job training and related services		P		P			P	S/A	P			P	P		A	P					P
835	Child Day Care Services																					
8351	Child day care services		S	S	P		S	S/A	S				S		S	A	S					S
836	Residential Care																					
8361	Residential care																					S
839	Social Services, not elsewhere classified																					
8399	Social services, not elsewhere classified		P	P					P								S					S
84	MUSEUMS, BOTANICAL, ZOOLOGICAL GARDENS																					
841	Museums and Art Galleries																					
8412	Museums and art galleries		P	P					P	S	P					P		P				
842	Botanical and Zoological Gardens																					
8422	Botanical and zoological gardens										P											
86	MEMBERSHIP ORGANIZATIONS																					
861	Business Associations																					
8611	Business associations		P	P			P	P	P							P	P	P				P
862	Professional Organizations																					
8621	Professional organizations		P	P			P	P	P							P	P	P				P
863	Labor Organizations																					
8631	Labor organizations		P	P			P	P	P							P	P	P				
864	Civic and Social Associations																					
8641	Civic and social associations		P	P	P		P	P	P							P	P	P				
865	Political Organizations																					
8651	Political organizations		P	P			P	P	P							P	P	P				
866	Religious Organizations																					
8661	Religious organizations						P	P	P		P					P						
869	Membership Organizations, not elsewhere classified																					
8699	Membership organizations, not elsewhere classified		P	P			S	S	P							S	S	P				P
87	ENGINEERING & MANAGEMENT SERVICES																					
871	Engineering & Architectural Services																					
8711	Engineering services		P		P		P	P	S	P						P	P	S				
8712	Architectural services		P		P		P	P	P	P						P	P	P				
8713	Surveying services		P		P		P	P	S	P						P	P	S				
872	Accounting, Auditing, & Bookkeeping																					
8721	Accounting, auditing, & bookkeeping		P		P		P	P	P	P						P	P	P				
873	Research and Testing Services																					
8731	Commercial physical research				S		S	S	S							S	S	S				
8732	Commercial nonphysical research				S		S	S	S							S	S	S				
8733	Noncommercial research organizations				S		S	S	S							S	S	S				
8734	Testing laboratories												P	P								
874	Management and Public Relations																					
8741	Management services		P		P		P	P	P	S						P	P	P				
8742	Management consulting services		P		P		P	P	P							P	P	P				

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

Proposed

Table 15-3.0603 (continued)

SIC	STANDARD INDUSTRIAL CLASSIFICATION TITLE	B-1	B-2	B-3	B-4	B-5	B-6	B-7	CC	VB	I-1	P-1	M-1	M-2	BP	OL-1	OL-2	A-1	A-2	M-3	L-1	PDD
806	Hospitals																					
8082	General medical & surgical hospitals							S			P				P	S						
8063	Psychiatric hospitals							P			P				P	S						
8069	Specialty hospitals except psychiatric							P			P				P	S						
807	Medical and Dental Laboratories																					
8071	Medical laboratories		F	P				P	S				P	P	P	P	S					
8072	Dental laboratories		P					P		S			P	P	P	P	S					
808	Home Health Care Services																					
8082	Home health care services		P	P	P	P		P	S							P	S					P
809	Health and Allied Services, not elsewhere classified																					
8092	Kidney dialysis centers		S				P	P	S		P				P	P	S					P
8093	Specialty outpatient clinics, not elsewhere classified		S				P	P	S		P				P	P	S					P
8099	Health and allied services, not elsewhere classified		S		S		P	P	S		P				P	P	S					P
81	LEGAL SERVICES																					
811	Legal Services																					
8111	Legal Services	P	F	P	P		P	P	P	P					P	P	P					P
82	EDUCATIONAL SERVICES																					
821	Elementary and Secondary Schools																					
8211	Elementary and secondary schools										P											
822	Colleges and Universities																					
8221	Colleges and universities										P											
8222	Junior colleges										P											
823	Libraries																					
8231	Libraries										P											
824	Vocational Schools										P											
8243	Data processing schools				P			S/A							P	A	P					
8244	Business and secretarial schools				P			S/A			P		S		S	A	P					
8249	Vocational schools, not elsewhere classified				P			S/A			P		S	S		A	P					
829	Schools & Educational Services, not elsewhere classified																					
8299	Schools & educational services, not elsewhere classified				P			S			S		S	S								
83	SOCIAL SERVICES																					
832	Individual and Family Services																					
8322	Individual and family services		P	P			S		P				P		S		P					S
833	Job Training and Related Services																					
8331	Job training and related services		P		P		P	S/A	P				P	P		A	P					P
835	Child Day Care Services																					
8351	Child day care services		S	S	P		S	S/A	S			S		S	A	S						S
836	Residential Care																					
8361	Residential care																					
839	Social Services, not elsewhere classified																					
8399	Social services, not elsewhere classified		P	P					P								S					
84	MUSEUMS, BOTANICAL, ZOOLOGICAL GARDENS																					
841	Museums and Art Galleries																					
8412	Museums and art galleries			P	P				P	S	P				P		P					
842	Botanical and Zoological Gardens																					
8422	Botanical and zoological gardens										P											
86	MEMBERSHIP ORGANIZATIONS																					
861	Business Associations																					
8611	Business associations										P											
862	Professional Organizations																					
8621	Professional organizations										P											
863	Labor Organizations																					
8631	Labor organizations										P											
864	Civic and Social Associations																					
8641	Civic and social associations					P					P											
865	Political Organizations																					
8651	Political organizations										P											
866	Religious Organizations																					
8661	Religious organizations										P											
869	Membership Organizations, not elsewhere classified																					
8699	Membership organizations, not elsewhere classified										P											
87	ENGINEERING & MANAGEMENT SERVICES																					
871	Engineering & Architectural Services																					
8711	Engineering services		P		P		P	P	S	P					P	P	S					
8712	Architectural services		P		P		P	P	P	P					P	P	P					
8713	Surveying services		P		P		P	P	S	P					P	P	S					
872	Accounting, Auditing, & Bookkeeping																					
8721	Accounting, auditing, & bookkeeping		P		P		P	P	P	P					P	P	P					
873	Research and Testing Services																					
8731	Commercial physical research				S		S	S	S						S	S	S					
8732	Commercial nonphysical research				S		S	S	S						S	S	S					
8733	Noncommercial research organizations				S		S	S	S						S	S	S					
8734	Testing laboratories												P	P								
874	Management and Public Relations																					
8741	Management services		P		P		P	P	P	S					P	P	P					
8742	Management consulting services		P		P		P	P	P						P	P	P					

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

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

Background

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

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

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

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

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

Recommendation

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

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

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

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

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

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

Fiscal Impact

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

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

COUNCIL ACTION REQUESTED

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

STATE OF WISCONSIN: CITY OF FRANKLIN: MILWAUKEE COUNTY

ORDINANCE NO. 2016 _____

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

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

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

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

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

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

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

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

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

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

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

Section 1 That the 2016 Budget be adjusted as follows:
General Fund

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

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

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

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

APPROVED:

ATTEST:

Stephen R Olson, Mayor

Sandra L. Wesolowski, City Clerk

AYES ____ NOES ____ ABSENT ____

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

BACKGROUND

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

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

ANALYSIS

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

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

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

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

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

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

OPTIONS

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

Table

FISCAL NOTE

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

RECOMMENDATION

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

Water Audit Report for: Franklin Water Utility (24105631)
 Reporting Year: 2015
 Data Validity Score: 87
 12/2014 - 12/2015

Water Exported		Billed Water Exported		Revenue Water
Water Exported	Water Supplied	Billed Authorized Consumption	Billed Metered Consumption (water exported is removed)	Revenue Water
0.000	1,001.680	848.289	848.211	848.289
Own Sources (Adjusted for known errors) 0.000	Water Supplied 1,001.680	Authorized Consumption 849.658	Billed Unmetered Consumption 0.077	Non-Revenue Water (NRW) 153.391
		Unbilled Authorized Consumption 1.369	Unbilled Metered Consumption 1.368	
Water Imported 1,001.680		Water Losses 152.022	Unauthorized Consumption 2.504	
		Real Losses 142.300	Customer Metering Inaccuracies 5.098	
			Systematic Data Handling Errors 2.121	
		Leakage on Transmission and/or Distribution Mains Not broken down	Leakage and Overflows at Utility's Storage Tanks Not broken down	
			Leakage on Service Connections Not broken down	

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

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

System Attributes:

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

Valued at **Variable Production Cost**
 Return to Reporting Worksheet to change this assumption

Performance Indicators:

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

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

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

Dear Property Owner,

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

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

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

This form may be reproduced as needed or additional forms may be obtained by contacting the City. You may also download the form at: www.franklinwi.gov

Date: _____

Owner's Business/Property Name: _____

Address: _____

Name of Person/Company performing test: _____

Contact Information of Person performing test: _____

Estimation of Water Used:

Duration of Test: _____

Flow (GPM): _____

Total used during test: _____

Fire Pumps (circle one) YES NO

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

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

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

DRAFT ORDINANCE NO. 2016-_____

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

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

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

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

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

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

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

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

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

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

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

ORDINANCE NO. 2016-_____

Page 2

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

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

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

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

APPROVED:

Stephen R. Olson, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____

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

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

COUNCIL ACTION REQEUSTED

No action necessary.

Sandi Wesolowski

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

Thank you Mr. Sarauer.

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

Thanks Everyone.
Have a great day.
Dan

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

Dan,

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

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

Thank you for your assistance,

Sincerely,

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

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

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

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

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

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

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

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

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

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

COUNCIL ACTION REQUESTED

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

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

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

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

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

The Director of Administration recommends approval.

COUNCIL ACTION REQUESTED

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

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

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

COUNCIL ACTION

As directed

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

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

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

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

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

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

COUNCIL ACTION REQUESTED

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

Or,

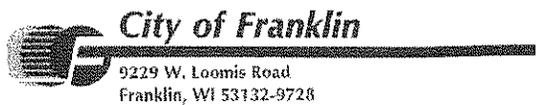
Action on the above item as the Common Council deems appropriate

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

See attached list from meeting of October 18, 2016.

COUNCIL ACTION REQUESTED



City of Franklin

9229 W. Loomis Road
Franklin, WI 53132-9728

414-425-7500

License Committee

Agenda*

Aldermen's Room

October 18, 2016 – 5:40 pm

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

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

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

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

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

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

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

There were no property tax refunds or settlements.

COUNCIL ACTION REQUESTED

Motion approving the following:

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