

conducted extensive investigation of the facts regarding the proposed development of a new cattle slaughterhouse and meat packing facility that is the subject of this lawsuit. That investigation has included review of on-line postings of statements by the Mayor and others in favor and opposed to the development. I also attended the public meetings and hearings held on the proposed slaughterhouse and in particular the special use permit that the applicant Strauss Brands applied for and approval of which is required to allow for the development of their 152,000 SF slaughterhouse facility.

4. I also have assisted FCA and its legal counsel in preparing and submitting requests to the City under the open records law. We waited for almost half a year to receive documents responding to these requests. We finally began to receive information beginning on May 7th, 2021. The requests were regarding the Strauss Slaughterhouse project and any records related directly to the City's actions to review and initially deny the SUP and then grant it on reconsideration.

5. I have also been made aware by FCA's counsel, that the City supplied what it claimed to be the record of this matter. As part of assisting in this case, I have very closely reviewed the information/documents provided by the City to the Court as the ostensible record of the proceedings below. I am directly aware of almost all public actions that occurred at the relevant meetings. I have also reviewed materials from the meetings in the fall of 2020, as well as the documents provided by the City in response to our open records requests. As noted above, some of those requests have yet to be fulfilled. However, in comparing the documents provided by the City as the record to what actually took place at the public meetings and hearing, as well as the documentary records from open records and other sources, it is clear that the City has failed to provide the Court with the complete record in the case.

6. The following are descriptions of the information that is absent from the record based on my current review:

a. FCA's open records requests from December 2020 are still not complete. The records we requested are about the Strauss project and so should have already been included in the court record. It is troubling to me that the City would limit the information it decides to include in the record, when doing so gives it an advantage in the court case against itself. In speaking with the City Clerk, Sandy Wesolowski, she indicated she would make the final documents available to me by Friday, July 9th. This initially was set to be accomplished by May 31st. Therefore our work effort has been impacted by this 5 ½ week delay.

b. Based on my review of the open records that we *have been* provided, and information FCA has attained from both current and former Franklin government employees, as well as the MMSD and DNR, significant numbers of documents must be added to the record. Those include specifically, but are not limited to, the following:

- documentation regarding how the initial mixed use commercial development, morphed from the graphic the city has provided in its record, which was presented to local homeowners as the original development plan, to a large industrial development, with:
 1. no apartments (180 initially planned)
 2. no office space (31,900 sq ft planned)
 3. no retail component (24,300 sq ft initially planned)
 4. and no convenience store or gas station
- an updated plat, showing the current parcel size and recent multiple re-zoning of properties within the Loomis "Business Park"
- a copy of Franklin's special use standards and regulations in force at the time of this approval, which the Strauss development does not meet

- numerous emails, statements, and transcripts, in which it is abundantly clear that there is not a specific agreed upon definition as to what will actually occur at the Strauss facility and how many and which type of animal will be slaughtered there daily, since the record makes no reference to calves or lambs (which they are currently slaughtering), but does in various meetings and presentations refer to 250 or 500 or 720 head of cattle to be slaughtered daily at the new facility
- emails from the Franklin Fire Chief expressing concerns that response times to this new facility would not be adequate, and registering concerns about the large amount of highly flammable ammonia on site, with limited egress for workers, and a large residential development adjacent
- documentation covering known:
 1. Strauss violations of Franklin building codes
 2. Strauss OSHA violations and settlements
 3. Strauss MMSD violations
 4. Strauss DNR violations
 5. Strauss USDA violations and suspension
 6. More than a hundred Franklin Police and Fire Dept response calls to Strauss
- documentation by the MMSD and DNR around what type of permits this new development would require, a known letter from the MMSD reaching out offering help as applications have not been applied for, as well as commentary from the DNR at the close of 2020, that they were not aware of any new proposed Strauss development
- documents detailing that large cattle trucks will be arriving between the hours of Midnight and 6:00am, to disgorge cattle to be slaughtered, in one of the quietest parts of town
- maps showing the wetlands which have already been filled in on this overall development, in direct violation of the original plan

- emails around the need for a compaction test/study for the overall Loomis “Business Park,” needed due to the 10 ft of fill introduced to parts of the site, and acknowledgment that no such test has been done
 - documents detailing the 8 known violations committed by Bear in developing the land for this industrial park
 - documents where the City Engineer makes no attempt to allay citizen concerns over the Strauss development, or address any real questions or concerns, but instead chooses to categorizes protesters as “angry vegans,” “misinformed residents,” and “citizens against everything”
 - documentation that characterizes which citizens and which segments of the Franklin constituency that the Mayor and City Engineer will actually react and respond to
 - documentation that makes very clear there is a concerted effort by the Mayor and numerous city employees to conflate or confuse terminology which is problematic for this development:
 1. referring to “commercial/industrial” zoning, when these are two different/specific categories
 2. conflating the terms “calves” and “cows”, when these are 2 very distinct types of animal with regard to meat “harvesting”, and the amount of waste and pollution
 3. labeling this area as a “business park”, when it is clearly an industrial development (which one of the developers has now finally begun referring to as such in public documents)
 4. insisting on correcting and/or changing the word “slaughterhouse” to “meat processing,” even though a facility that introduces 500 live head of cattle per day, and slaughters them on site on a “harvesting floor,” is by definition a “slaughterhouse”
- c. In addition, there are numerous emails that I know exist that we have not been

provided yet from the City and further are not included in the record. These emails and

documents must be part of the court record and include correspondence between the City Engineer, Glen Morrow, and the former City Asst. Engineer, Sara Herr. Much of the correspondence highlights the deficiencies at the current Strauss facility in Franklin, as well as issues with site selection, permitting, and violations at the new Loomis Business Park location. There is also no information about the fact that Mrs. Herr was fired by the city of Franklin, seemingly at the behest of the overall project developer, S.R. Mills.

d. There are numerous emails, and other written correspondence that I know exist between Alderman Hanneman and the Mayor, and Alderman Hanneman and her constituents, regarding her flip-flopping on the vote to approve the special use permit for Strauss, and her thinking and motivation to do so.

e. There are numerous missing emails, and other correspondence, between Alderman Mike Barber and his constituents, around the approval of the Strauss special use permit, and his rationale for supporting it.

f. Particularly glaring omissions, include the lack of information supplied regarding Mayor Olson's numerous postings on public message boards, promoting Strauss and vilifying those who did not. Within this large volume of missing posts, are the Mayor's continually stated, unsupported assumptions and claims, as well as defamatory language toward specific constituents. These postings are central to our due process claim in this matter.

g. There is no documentation to the fact that the most important meetings approving this development, were held during the height of the Covid19 pandemic, and anyone who wished to speak out regarding this development, was required to attend these meetings in person. This was in direct violation of Milwaukee County's safer at home order, when current technology already employed by the city of Franklin, would have allowed for remote participation. There

were multiple emails requesting this technology be utilized, or that the meetings be postponed, that have not been included. Documentation from Franklin's Health and Human Services Officer, Courtney Day, in which concerns are expressed regarding such large gatherings, and commentary from Fire Chief Adam Remington concurring on the benefit to postponement are also not included.

h. There is virtually no correspondence provided between Alderman Dandrea and the Mayor, Alderman Dandrea and Strauss, as well as Alderman Dandrea and his constituents and other public officials. At public hearings Alderman Dandrea absurdly compared Strauss' giant slaughterhouse to the equivalent of what occurs at the butcher counter in a Sendik's store. We believe additional erroneous statements were also communicated to constituents.

i. The final engineering report by Brown and Caldwell has not been provided, although earlier drafts provided in open records requests note significant deficiencies at the Loomis Business Park site.

j. Although much effort has been devoted to stating the incremental tax benefit to the city of Franklin, there is no specific acknowledgment that the value of the Strauss development is only required contractually to meet a maximum of \$20M in value, while there are multiple Franklin officials referring to ever growing numbers which are now quoted at \$70M+ in value. There is no comparison made between the tax assessed value of the Strauss development, compared to the same value that parcel of land would have if developed into residential single family homes.

k. There is inadequate information showing the growth in the amount of the TIF for the creation of the "business park" where the Strauss development would be located, and what the increasing dollar amount is specifically required for. There is no explanation as to why the

TIF for this development also includes the city paying for roads/gutters/sewer for the adjacent residential development, when this residential infrastructure expense is virtually always paid for by the developer.

1. The City refers to having this development hook up to city sewer (the Ryan intercept), yet fails to document the issues with this sewer line working correctly and the problems that have plagued properties hooked to this sewer line for more than a decade.

7. This information should be in the record and shows and supports FCA's claims in the case, and FCA will be disadvantage if it is not included. Again, it is surprising to me as a citizen and lay person that the City who is being challenged legally is allowed to control the facts that are used in the case against it. This seems so obviously wrong and contrary to any type of fair process. These facts are presented in support of Plaintiffs' motion to supplement the record in this matter and for an extended briefing schedule to allow the record to be completed.

David Sorensen

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Subscribed and Sworn to before me
This 2nd day of July, 2021

Notary Public, State of Wisconsin

My Commission expires '15 PERMANENT