

CITY OF FRANKLIN
COMMON COUNCIL MEETING
FRANKLIN CITY HALL COUNCIL CHAMBERS
9229 W. LOOMIS ROAD, FRANKLIN, WISCONSIN
AGENDA*
WEDNESDAY, FEBRUARY 22, 2012, 6:30 P.M.

- A. Call to Order and Roll Call

- B.
 - 1. Citizen Comment Period
 - 2. Announcements from Mayor Taylor of upcoming community events & news items:
 - a. Resolution authorizing and directing the Manager of the Milwaukee County Election Commission to work with Office of the Sheriff as well as the election officials of the Cities of Milwaukee and Franklin to facilitate absentee voting by inmates at Milwaukee County's correctional facilities for primary and general elections in 2012 and further directing the Manager of the Milwaukee County Election Commission to aggregate and report voting irregularities experienced by the electorate as reported by municipal election officials during said elections.

- C. Approval of Minutes
 - 1. Approval of regular meeting of February 7, 2012.

- D. Hearings

- E. Organizational Business

- F. Letters and Petitions

- G. Reports and Recommendations
 - 1. Resolution for acceptance of easement for Boucher Holdings, LLC storm sewer drainage & subsurface storm water drainage at approximately S. 6420 S. 108th Street.
 - 2. Ordinance to amend Section 15-3.0415 of the Unified Development Ordinance Planned Development District No. 10 (Riverwood Village-Paul Bouraxis Development) to authorize an increase in signage area for the Gordon Food Service Marketplace Store and future retail building development (6919 S. 27th Street) (GFS Marketplace Realty Five LLC, applicant).
 - 3. Proposal to retain Planner position in a half-time status.
 - 4. Milwaukee County Association of Fire Chiefs Resolution for proposed billing rates for fire based paramedic services in Milwaukee County.
 - 5. Milwaukee Gateway Aerotropolis Corporation Board of Directors' request for the addition of an Aerotropolis website link to be added to the City of Franklin website, together with the addition of factual information of the City of Franklin demographic, economic and other value-added information, as to the participation of the City in the Aerotropolis mission to plan and provide for urban development and the interaction of airport-centered commerce, real-estate development and multi-modal transportation, shaped by contemporary financial, marketing and strategic management processes.

6. Claim of Diana Widmer for alleged excessive police force. The Council may enter closed session pursuant to Wis. Stat. §19.85(1)(e) and (g), Stats., to consider a claim of Diana Widmer for alleged excessive police force on November 18, 2009 and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

H. Licenses and Permits

1. Miscellaneous Licenses.

I. Bills

1. Vouchers and Payroll approval.

J. Adjournment

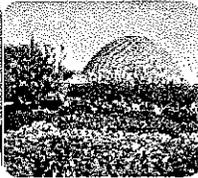
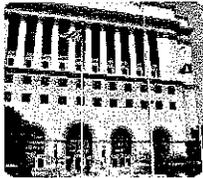
*Supporting documentation and details of these agenda items are available at City hall during normal business hours.

[Note: Upon reasonable notice, efforts will be made to accommodate the needs of disabled individuals through appropriate aids and services. For additional information, contact the City Clerk's office at (414) 425-7500.]

REMINDERS:

March 5	Committee of the Whole	6:30 p.m.
March 6	Common Council	6:30 p.m.

B.2.a.



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Details Reports

File #: 12-81 Version:1 Name: Inmate voting and voting irregularities
 Type: Resolution Status: Adopted
 File created: 1/6/2012 In control: Judiciary, Safety and General Services Committee
 On agenda: Final action:

Title: A resolution authorizing and directing the Manager of the Milwaukee County Election Commission to work with Office of the Sheriff as well as the election officials of the Cities of Milwaukee and Franklin to facilitate absentee voting by inmates at Milwaukee County's correctional facilities for primary and general elections in 2012 and further directing the Manager of the Milwaukee County Election Commission to aggregate and report voting irregularities experienced by the electorate as reported by municipal election officials during said elections.

Sponsors: Nikiya Harris

Attachments: RESOLUTION, FISCAL NOTE, CB Resolution, Audio J 01/19/12

History (3) Text

3 records Group Export

Date	Ver.	Action By	Action	Result	Action Details	Meeting Details	Video
2/2/2012	1	<u>Milwaukee County Board of Supervisors</u>			Not available	<u>Meeting details</u>	Not available
1/19/2012	1	<u>Judiciary, Safety and General Services Committee</u>	APPROVE AS AMENDED	Pass	<u>Action details</u>	<u>Meeting details</u>	Not available
1/10/2012	1	<u>Board Chairman</u>	ASSIGNED		<u>Action details</u>	Meeting details	Not available

1 Supervisor Willie Johnson Jr., Chairperson
2 From the Committee on Judiciary, Safety and General Services, reporting on:

3
4 File No. 12-81

5 (ITEM) A resolution authorizing and directing the Manager of the Milwaukee County
6 Election Commission to work with Office of the Sheriff as well as the election officials of the
7 Cities of Milwaukee and Franklin to facilitate absentee voting by inmates at Milwaukee
8 County's correctional facilities for primary and general elections in 2012 and further
9 directing the Manager of the Milwaukee County Election Commission to aggregate and
10 report voting irregularities experienced by the electorate as reported by municipal election
11 officials during said elections, by recommending adoption of the following:

12
13 **AN AMENDED RESOLUTION**

14 WHEREAS, elections in Wisconsin are governed by Wisconsin statutes chapters 5
15 through 12, which provide in part for the assignment of certain election duties to the
16 executive director of a County Election Commission to administer the duties prescribed
17 therein; and

18 WHEREAS, generally, the Milwaukee County Election Commission
19 ("Commission"), as the functionary assigned the duties under Chapter 7, Wis. Stats,
20 works with municipalities to provide ballots and supplies, serves as the post-election
21 repository for completed ballots, and verifies and certifies federal, state, and county office
22 election results from all of the municipalities; and

23 WHEREAS, municipal election officials, also working within statutory parameters,
24 have "charge and supervision of elections and registration in the municipality" (Wis. Stats.
25 7.15(1)) and are principally responsible for the conduct of elections has provided by law;
26 and

27 WHEREAS, Milwaukee County houses pre- and post-conviction inmates at the
28 Community Correctional Facility South (CCFS) in Franklin and the Community
29 Correctional Facility Central (CCFC) in Milwaukee and despite their incarceration, many
30 inmates are not legally disqualified as electors and have the right to cast absentee ballots
31 in elections; and

32 WHEREAS, the Milwaukee County Sheriff's Office posts voting information for
33 inmates and works to accommodate ballot requests and in the past has worked with the
34 City of Franklin and the City of Milwaukee to facilitate inmate voting; and

35 WHEREAS, the Milwaukee County Board of Supervisors believes that every
36 qualified elector should be afforded information on and access to election opportunities;
37 and

39 WHEREAS, Wisconsin Act 23, passed in 2011, placed stringent new polling place
40 requirements on the general population, including a photo ID requirement and required
41 signature on the polling list, that may preclude qualified electors from receiving an
42 election ballot; and

43 WHEREAS, the State Government Accountability Board, as required by law,
44 requires municipal election clerks to complete a variety of forms related to the conduct of
45 elections at each polling place, including forms GAB-104 and GAB-104C that document
46 "incidents" related to rejected, defective and challenged ballots; and

47 WHEREAS, the Milwaukee County Board of Supervisors believes it is in the best
48 interest of Milwaukee County residents that the experiences at local polling places be
49 documented and shared publicly in an open forum; and

50 WHEREAS, the Manager of the Election Commission will have access to the
51 information on the forms required by the Government Accountability Board and has the
52 ability to aggregate that information into a summary informational report that shall be
53 presented to the Committee on Judiciary, Safety and General Services at each
54 Committee meeting immediately following any primary or general election; now therefore,

55 BE IT RESOLVED, that the Milwaukee County Board of Supervisors hereby affirms
56 that each and every qualified elector in Milwaukee County should have full access to voting
57 opportunities as authorized by law; and

58 BE IT FURTHER RESOLVED, that the Manager of the Milwaukee County Election
59 Commission is authorized and directed to work with the Milwaukee County Sheriff's Office
60 and appropriate municipal election officials to aid and facilitate inmates housed at CCFS
61 and CCFC who are qualified electors in casting ballots for each primary and general
62 election in 2012; and

63 BE IT FURTHER RESOLVED, that the Manager of the Milwaukee County Election
64 Commission is further directed to collect polling place incident reports as reported by
65 municipal election officials, including if possible the number of denied or rejected ballots,
66 including absentee ballots, and the reason for the denial or rejection, and to provide a
67 summary report of such incidents at the meeting of the Committee on Judiciary, Safety and
68 General Services following primary and general elections in 2012.



Nikiya Q. Harris

Milwaukee County

2nd District Supervisor

February 17, 2012

Dear Milwaukee County Municipal Clerks,

It has come to my attention there is some concern that the language of photo identification is not in the County Board Resolution File No. 12-81. However, the legislation is based on the premise of the new Voter ID Law that was enacted on January 1, 2012, and therefore, needs no further explanation, as it is implied that an individual entering a polling location to vote must have photo identification.

Please be advised that this is not a difficult matter, rather a pertinent concern that qualified electors may lose their right to cast a ballot on Election Day due to the new Voter ID Law.

As directed by County Board Resolution File No. 12-81 each municipality is responsible for collecting the name, address and reason an individual is unable to cast their ballot on Tuesday, February 21, 2012 (Primary) and Tuesday, April 3, 2012 (General).

Now without any further hesitation, this letter is to direct each municipality in Milwaukee County to perform the duty of tracking individuals that would be turned away from the voting poll based on their inability to produce photo identification.

Sincerely,

Nikiya Q. Harris
Milwaukee County Supervisor, 2nd District

APPROVAL <i>Slw</i>	REQUEST FOR COUNCIL ACTION	MTG. DATE 2/22/12
Reports & Recommendations	SUBJECT: Resolution for acceptance of easement for Boucher Holdings, LLC storm sewer drainage & subsurface storm water drainage at approximately S. 6420 S. 108 th Street	ITEM NO. <i>G. I.</i>

Pursuant to the development of Boucher Volkswagen parking lot expansion, please be advised that it is necessary to accept an easement for storm sewer drainage & subsurface storm water drainage.

RECOMMENDATION

Motion to adopt Resolution 2012-_____, a resolution for acceptance of easement for Boucher Holdings, LLC storm sewer drainage & subsurface storm water drainage at approximately S. 6420 S. 108th Street.

ML

STATE OF WISCONSIN: CITY OF FRANKLIN : MILWAUKEE COUNTY

RESOLUTION NO. 2012- _____

RESOLUTION FOR ACCEPTANCE OF EASEMENT FOR BOUCHER HOLDINGS,
LLC STORM SEWER DRAINAGE & SUBSURFACE STORM WATER DRAINAGE
AT APPROXIMATELY S. 6420 S. 108TH STREET

WHEREAS, an easement is required to install, maintain and operate storm sewer drainage & subsurface storm water drainage,

WHEREAS, Boucher Holdings, LLC will execute easement to the City of Franklin for the installation and maintenance of storm sewer drainage & subsurface storm water drainage,

WHEREAS, it would be in the best interests of the City to accept such easement, in the NW ¼ of Section 5, the Boucher Holdings, LLC in the City of Franklin, Milwaukee County, Wisconsin.

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Franklin that it would be in the best interest of the City to accept such easements and therefore the Mayor and City Clerk are hereby authorized and directed to execute easements accepting them on behalf of the City.

INTRODUCED at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012, by Alderman _____.

PASSED AND ADOPTED by the Common Council of the City of Franklin on the _____ day of _____, 2012.

APPROVED:

Thomas M. Taylor, Mayor

ATTEST:

Sandra L. Wesolowski, City Clerk

AYES _____
NOES _____
ABSENT _____

STORM WATER DRAINAGE EASEMENTS

Boucher Volkswagen

THIS EASEMENT is made by and between the CITY OF FRANKLIN, a municipal corporation of the State of Wisconsin, hereinafter referred to as "City," hereinafter called "Grantees," and BOUCHER HOLDINGS, LLC, a Wisconsin limited liability company, as owner (including successors and assigns of the City as may become applicable including the heirs, executors, administrators, successors and assigns of above owner(s) as may be or may become applicable), hereinafter called "Grantor," (if more than one grantor is listed above, said language herein referring thereto shall be interpreted in the plural and refer jointly and severally to such grantors).

WITNESSETH

WHEREAS, Grantor is the owner and holder of record Title to certain real property described on Exhibit "A" which is attached hereto and incorporated herein (the Property); and

WHEREAS, the City desires to acquire a non-exclusive easement with the right of entry in and across a portion of the property as the same is more particularly hereinafter described, with the right to build and construct and/or operate, maintain, repair, enlarge, reconstruct, relocate and inspect as may be or may become applicable the following facilities and appurtenances thereto, hereinafter collectively called the "Facilities," in, upon and across said portion of the Property: a storm water management basin as shown on the plan attached hereto as Exhibit "B."; and

NOW, THEREFORE, in consideration of the grant of the easement hereinafter described, the initial installation and maintenance of the Facilities by the Grantor, and the Grantees, and the payment of One Dollar (\$1.00) and other valuable considerations to the Grantor, the receipt whereof is hereby acknowledged, said Grantor, being the owner and person interested in the land hereinafter described, does hereby grant unto the City a perpetual, non-exclusive easement on that part of the Northwest ¼ of the Northwest 1/4 of Section Five (5), Town Five (5) North, Range Twenty-one (21) East, in the City of Franklin, Milwaukee County, Wisconsin, more particularly described on Exhibit C attached hereto (the "Easement Area").

1. That said Facilities shall be maintained and kept in good order and condition by the Association, at the sole cost and expense of the Association. The City, at its sole discretion, may assume the rights of the Association to maintain the Facilities.
2. That in and during whatever construction, reconstruction, enlargement or repair work is or becomes necessary in constructing and/or maintaining of said Facilities, so much of the surface or subsurface of the Easement Area on the Property as may be disturbed will, at the expense of the Association, be replaced in substantially the same condition as it was prior to such disturbance. The City, at its sole discretion, may assume the rights of the Association to construct, reconstruct, enlarge, repair, or do whatever is necessary in constructing and/or maintaining such Facilities. However, the Grantees shall indemnify and save harmless the Grantor from and against any loss, damage, claim, cost, injury or liability resulting from negligence or willful acts or omissions on the part of the Grantees, its agents or employees in connection with said work involved in constructing and/or maintaining of said Facilities; provided that if the above loss, claim, cost, damage, injury or liability results from the joint negligence of parties hereto, then the liability therefore shall be borne by them in proportion to their respective degree of negligence; provided further, however, that these provisions are subject to the legal defenses available under law which the Grantees or Grantor are entitled to raise, excepting the defense of so-called "sovereign immunity."
3. That no structure may be placed within the limits of the Easement Area by the Grantor, except that improvement such as walks, pavements for driveways, parking lot surfacing and landscape planting may be constructed or placed within the Easement Area.
4. In connection with the construction by the Grantor of any structure or building abutting said Easement Area, the Grantor will assume all liability for any damage to the Facilities in the above described Easement Area. The Grantor will also save and keep the Grantees clear and harmless from any claims for personal injuries or property damage caused by any negligence or willful acts or omissions of the Grantor or persons acting on behalf of the Grantor, arising out of the construction by the Grantor of any structure or building abutting the said Easement Area, and shall reimburse the Grantees for the full amount of such loss or damage.
5. The Grantor shall be responsible for the routine maintenance of land on which the easement is located.
6. The Facilities shall be accessible for maintenance by the Association at all times. The owner shall submit plans for approval to the City Engineer for any underground installation within the Easement Area, which approval shall not be unreasonably withheld, conditioned or delayed.
7. That the Grantor shall submit plans for all surface alterations of plus or minus 1 foot or greater within the limits of said Easement Area. Said alterations shall be made only with the approval of the City Engineer of the City of Franklin, which approval shall not be unreasonably withheld, conditioned or delayed.
8. The Grantees and Grantor shall each use, and take reasonable measures to cause their employees, officers, customers, agents, contractors and assigns to use, the Easement Area in a reasonable manner and so as not to obstruct or otherwise use the Easement Area in a manner that would unreasonably interfere with the use thereof by the other party hereto or its employees, officers, customers, agents, contractors and assigns.

9. The Grantees and Grantor each hereby waives all rights of subrogation that either has or may hereafter have against the other for any damage to the Easement Area or any other real or personal property or to persons covered by such party's insurance, but only to the extent of the waiving party's insurance coverage; provided, however, that the foregoing waivers shall not invalidate any policy of insurance now or hereafter issued, it being hereby agreed that such a waiver shall not apply in any case which would result in the invalidation of any such policy of insurance and that each party shall notify the other if such party's insurance would be so invalidated.
10. Either party hereto may enforce this easement by appropriate action, and should it prevail in such litigation, that party shall be entitled to recover, as part of its costs, reasonable attorneys' fees.
11. This easement may not be modified or amended, except by a writing executed and delivered by the Grantees and Grantor or their respective successors and assigns.
12. No waiver of, acquiescence in, or consent to any breach of any term, covenant, or condition hereof shall be construed as, or constitute, a waiver of, acquiescence in, or consent to any other, further, or succeeding breach of the same or any other term, covenant, or condition.
13. If any term or provision of this easement shall, to any extent, be invalid or unenforceable under applicable law, then the remaining terms and provisions of this easement shall not be affected thereby, and each such remaining term and provision shall be valid and enforceable to the fullest extent permitted by applicable law.
14. This easement shall be construed and enforced in accordance with the internal laws of the State of Wisconsin.
15. Upon completion of use of the Easement Area for the specific use as a storm water management access by the City, the easement shall be terminated by recording a release in recordable form with directions for delivery of same to Grantor at his last address given pursuant hereto, whereupon all rights, duties and liabilities created shall terminate.

IN WITNESS WHEREOF, the Grantor has hereunto set its hand and seals this

ON THIS DATE OF: February 16, 2012

Boucher Holdings, LLC

By: Anthony M. Karabon
Anthony M. Karabon, General Counsel

CITY OF FRANKLIN

By: _____
Thomas M Taylor, Mayor

By: _____
Sandra L. Wesolowski, City Clerk

STATE OF WISCONSIN)

ss

COUNTY OF MILWAUKEE)

Before me personally appeared on the 16th day of February, A.D. 2012.

President or Name printed

Anthony M. Karabon
Secretary or Name printed

to me known to be the person(s) who executed the foregoing EASEMENT and acknowledged the same as the voluntary act and deed of said corporation.

Anita N. Marcelli
NOTARY PUBLIC
My commission expires 7-19-2015
STATE OF WISCONSIN

STATE OF WISCONSIN)

ss

COUNTY OF MILWAUKEE)

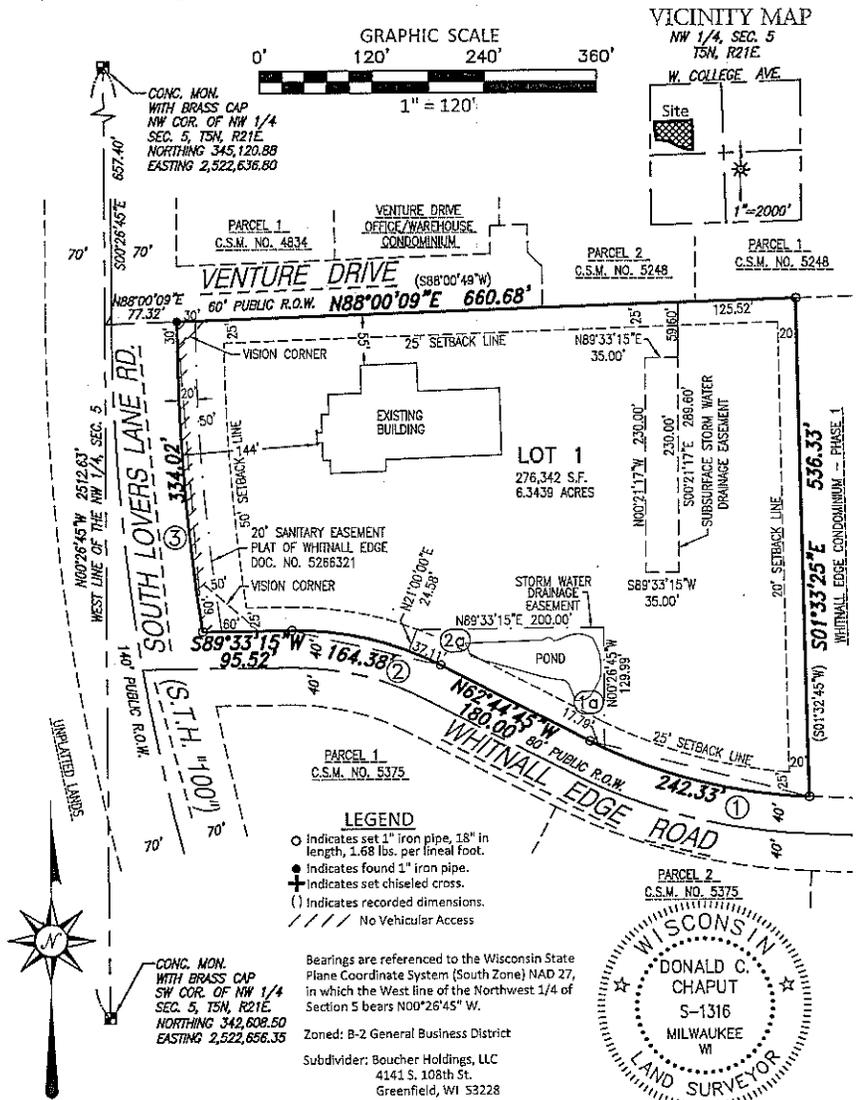
On this _____ day of _____ A.D. 201__ before me personally appeared Thomas M. Taylor and Sandra L. Wesolowski who being by me duly sworn, did say that they are respectively the Mayor and City Clerk of the City of Franklin, and that the seal affixed to said instrument is the corporate seal of said municipal corporation, and acknowledged that they executed the foregoing assignment as such officers as the deed of said municipal corporation by its authority, and pursuant to resolution file No. _____ adopted by its Common Council on _____, 201__.

Notary Public, Milwaukee County, Wisconsin
Print Name _____
My commission expires _____

EXHIBIT "A" AND "B"

CERTIFIED SURVEY MAP NO. _____

A redivision of Lots 1, 2 and 3 Whitnall Edge Subdivision in the Northwest 1/4 of the Northwest 1/4 of Section 5, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin.

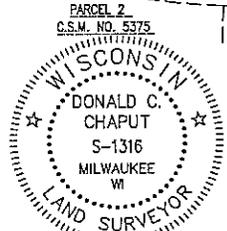


- LEGEND**
- Indicates set 1" iron pipe, 1.8" in length, 1.68 lbs. per lineal foot.
 - Indicates found 1" iron pipe.
 - ⊕ Indicates set chiseled cross.
 - () Indicates recorded dimensions.
 - /// No Vehicular Access

Bearings are referenced to the Wisconsin State Plane Coordinate System (South Zone) NAD 27, in which the West line of the Northwest 1/4 of Section 5 bears N00°26'45" W.

Zoned: B-2 General Business District

Subdivider: Boucher Holdings, LLC
4141 S. 108th St.
Greenfield, WI 53228



November 28, 2011
Revised: February 8, 2012

CURVE TABLE

CURVE	ARC	RADIUS	CHORD BEARING	CHORD	DELTA
1	242.33'	555.00'	N75°15'15"W	240.41'	25°01'01"
1a	17.79'	555.00'	N63°39'50"W	17.76'	1°50'10"
2	164.38'	340.00'	N76°35'45"W	162.78'	27°42'01"
2a	37.11'	340.00'	N65°52'22"W	37.10'	6°15'15"
3	334.02'	2221.63'	N04°53'43"W	333.71'	8°36'49"

CHAPUT LAND SURVEYS LLC
234 W. FLORIDA STREET
MILWAUKEE, WI 53204
414-224-8068
www.chaputlandsurveys.com
Drawing No. 1203-grb Sheet 1 of 4 Sheets

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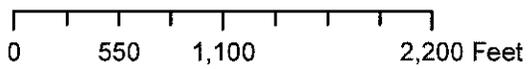
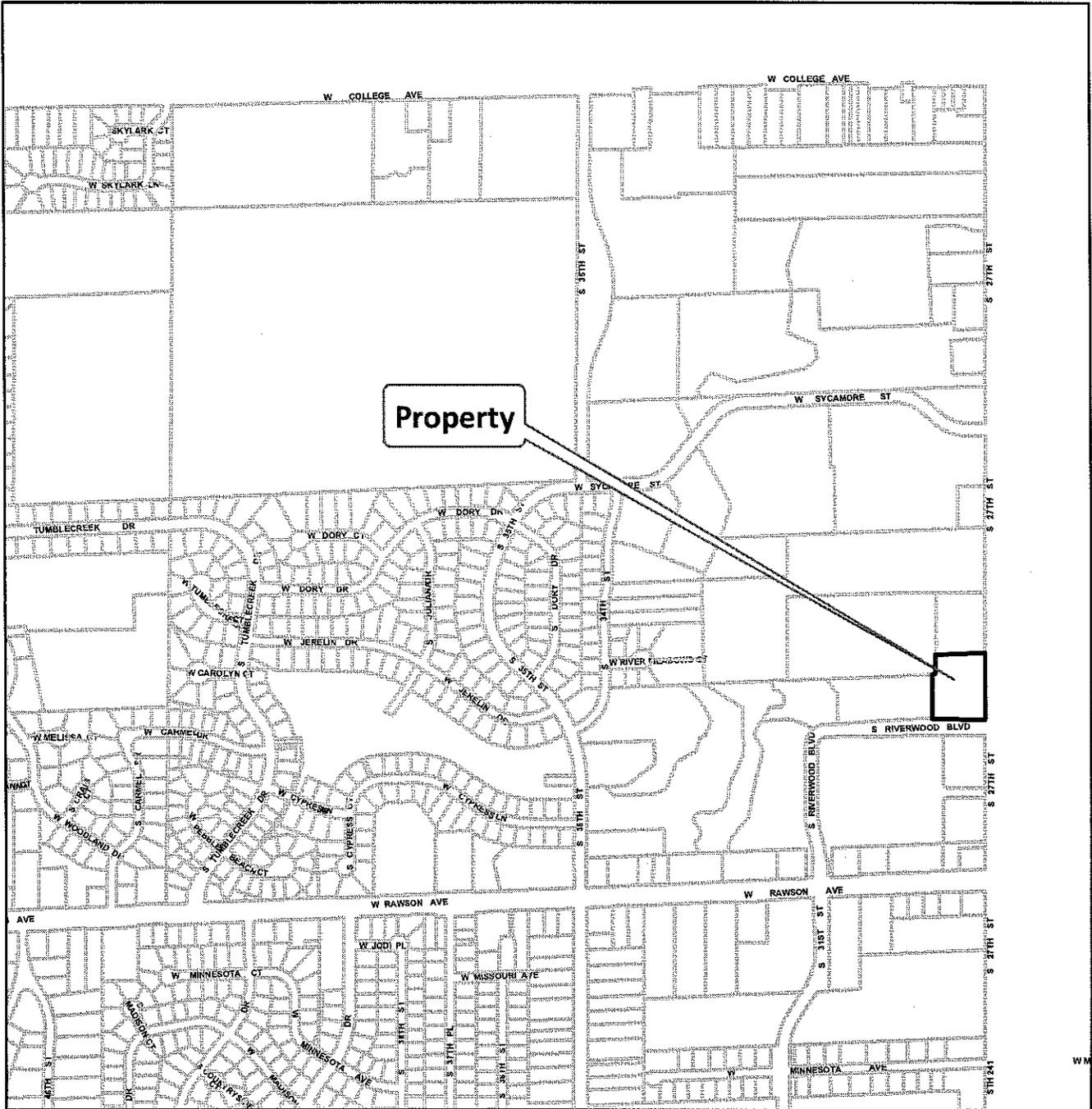
<p style="text-align: center;">APPROVAL</p> <p style="text-align: center;"><i>Slw</i></p>	<p style="text-align: center;">REQUEST FOR COUNCIL ACTION</p>	<p style="text-align: center;">MEETING DATE</p> <p style="text-align: center;">2/22/12</p>
<p style="text-align: center;">REPORTS & RECOMMENDATIONS</p>	<p style="text-align: center;">ORDINANCE TO AMEND SECTION 15-3.0415 OF THE UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT DISTRICT NO. 10 (RIVERWOOD VILLAGE-PAUL BOURAXIS DEVELOPMENT) TO AUTHORIZE AN INCREASE IN SIGNAGE AREA FOR THE GORDON FOOD SERVICE MARKETPLACE STORE AND FUTURE RETAIL BUILDING DEVELOPMENT (6919 SOUTH 27TH STREET) (GFS MARKETPLACE REALTY FIVE LLC, APPLICANT)</p>	<p style="text-align: center;">ITEM NUMBER</p> <p style="text-align: center;"><i>G. 2.</i></p>

At its February 9, 2012, meeting the Plan Commission recommended approval of an Ordinance to amend Section 15-3.0415 of the Unified Development Ordinance Planned Development District No. 10 (Riverwood Village-Paul Bouraxis Development) to authorize an increase in signage area for the Gordon Food Service Marketplace store and future retail building development (6919 South 27th Street) (GFS Marketplace Realty Five LLC, Applicant).

COUNCIL ACTION REQUESTED

A motion to adopt Ordinance No. 2012-_____, an Ordinance to amend Section 15-3.0415 of the Unified Development Ordinance Planned Development District No. 10 (Riverwood Village-Paul Bouraxis Development) to authorize an increase in signage area for the Gordon Food Service Marketplace store and future retail building development (6919 South 27th Street) (GFS Marketplace Realty Five LLC, Applicant).

6919 South 27th Street Riverwood Village PDD 10



City Development 2011
(2010 Aerial Layer)



STATE OF WISCONSIN

CITY OF FRANKLIN

MILWAUKEE COUNTY

ORDINANCE NO. 2012-_____

AN ORDINANCE TO AMEND SECTION 15-3.0415 OF THE
UNIFIED DEVELOPMENT ORDINANCE PLANNED DEVELOPMENT
DISTRICT NO. 10 (RIVERWOOD VILLAGE-PAUL BOURAXIS DEVELOPMENT)
TO AUTHORIZE AN INCREASE IN SIGNAGE AREA FOR THE
GORDON FOOD SERVICE MARKETPLACE STORE AND FUTURE
RETAIL BUILDING DEVELOPMENT
(6919 SOUTH 27TH STREET)
(GFS MARKETPLACE REALTY FIVE LLC, APPLICANT)

WHEREAS, §15-3.0415 of the Unified Development Ordinance provides for and regulates Planned Development District No. 10 (Riverwood Village-Paul Bouraxis Development), same having been created by Ordinance No. 95-1337 and later amended by Ordinance Nos. 97-1447, 98-1492, 99-1546, 00-1594, 00-1597, 01-1678, 02-1721, 03-1754, 04-1789, 04-1799, 05-1857, 08-1955 and 12-2067, with such District being located at 6919 South 27th Street; and

WHEREAS, Planned Development District No. 10 (Riverwood Village-Paul Bouraxis Development) includes those lands legally described as follows:

All part of Parcel 1 of Certified Survey Map No. 6810, being a part of the Southeast 1/4 of Section 1, Town 5 North, Range 21 East, in the City of Franklin, Milwaukee County, Wisconsin, Recorded May 9, 2000 in Document No. 7907705. Tax Key No. 738-9978-005; and

WHEREAS, GFS Marketplace Realty Five LLC having petitioned for an amendment to Planned Development District No. 10 (Riverwood Village-Paul Bouraxis Development), to increase the signage area for the Gordon Food Service Marketplace Store and potential future retail building development; and

WHEREAS, the City of Franklin Plan Commission determined that the amendment to Planned Development District No. 10 (Riverwood Village-Paul Bouraxis Development) was not a substantial change to the Plan, thus not requiring a public hearing upon the aforesaid petition, and the Plan Commission thereafter having determined that the proposed amendment would promote the health, safety and welfare of the City and having recommended approval thereof to the Common Council; and

WHEREAS, the Common Council having considered the petition and having concurred with the recommendation of the Plan Commission and having determined that the proposed amendment would 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: §15-3.0415 Planned Development District No. 10 (Riverwood Village-Paul Bouraxis Development), of the Unified Development Ordinance of the City of Franklin, Wisconsin, as previously amended, as it pertains to signage, is hereby amended to authorize an increase in signage area to a total of 415 square feet, up to 234 square feet of wall signage and an approximately 52 square foot monument sign tenant panel for the approximately 16,000 square foot Gordon Food Service Marketplace Store and up to 103 square feet of wall signage and an approximately 26 square foot monument sign tenant panel for the potential future retail building, pursuant to those plans City file-stamped January 30, 2012.

SECTION 2: §15-3.0415 Planned Development District No. 10 (Riverwood Village-Paul Bouraxis Development), of the Unified Development Ordinance of the City of Franklin, Wisconsin, is hereby amended to add the following specific conditions for the approval of the Gordon Food Service Marketplace Store and potential future retail building development:

- A. All signage shall be subject to review and approval by the Architectural Review Board and issuance of a Sign Permit from the Inspection Department.
- B. GFS Marketplace Realty Five LLC, successors and assigns and any developer of the Gordon Food Service Marketplace Store development and potential future retail building shall pay to the City of Franklin all development compliance, inspection and review fees incurred by the City of Franklin, including fees of consults to the City of Franklin, for the Gordon Food Service Marketplace Store development and potential future retail building. Any violation of this provision shall be a violation of the Unified Development Ordinance, and subject to §15-9.0502 thereof and §1-19. of the Municipal Code, the general penalties and remedies provisions.
- C. The approval granted hereunder is conditional upon GFS Marketplace Realty Five LLC and the Gordon Food Service Marketplace Store project and potential future retail building for the property located at 6919 South 27th Street: (i) being in compliance with all applicable governmental laws, statutes, rules, codes, orders and ordinances; and (ii) obtaining all other governmental approvals,

permits, licenses and the like, required for and applicable to the project to be developed and as presented for this approval.

SECTION 3: The proposed Gordon Food Service Marketplace Store and potential future retail building development shall have obtained a building permit for the principal use within one year from the date of adoption of this Ordinance, or this Ordinance and all rights and approvals resulting therefrom shall be null and void without any further action by the City of Franklin.

SECTION 4: All other applicable terms and provisions of §15-3.0415 shall apply to the Gordon Food Service Marketplace Store and potential future retail building development lot area of Planned Development District No. 10 (Riverwood Village-Paul Bouraxis Development), and all terms and provisions of §15-3.0415 as existing immediately prior to the adoption of this Ordinance shall remain in full force and effect.

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 _____, 2012, by Alderman _____.

Passed and adopted at a regular meeting of the Common Council of the City of Franklin this _____ day of _____, 2012.

APPROVED:

ATTEST:

Thomas M. Taylor, Mayor

ORDINANCE NO. 2012-_____

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Sandra L. Wesolowski, City Clerk

AYES _____ NOES _____ ABSENT _____



CITY OF FRANKLIN
REPORT TO THE PLAN COMMISSION

Meeting of February 9, 2012

Planned Development District Amendment

RECOMMENDATION: City Development Staff recommends approval of the Planned Development District Amendment to PDD No. 10 for the proposed GFS Marketplace signage, subject to the conditions set forth in the draft ordinance.

Project Name:	GFS Marketplace
Project Address:	6919 South 27 th Street
Applicant:	Bill Casey, GFS Marketplace Realty Five, LLC
Property Owner:	Bouraxis Andreas Irrevocable Trust
Current Zoning:	Planned Development District No. 10
2025 Comprehensive Plan	Commercial
Use of Surrounding Properties:	Dental Associates to the north; 27th Street / City of Oak Creek to the east; Multiple Retail uses to the south; Gander Mountain to the west)
Applicant Action Requested:	Approval of the proposed Planned Development District Amendment and approval of the requested waivers from the South 27 th Street Design Overlay District standards

Introduction

Please note:

- Staff recommendations are *underlined, in italics* and are included in the draft ordinance.
- Staff suggestions are only underlined and are not included in the draft ordinance.

On January 20, 2012, the applicant submitted a Planned Development District (PDD) Amendment Application for the GFS Marketplace development proposed signage. The applicant received approval to locate a GFS Marketplace store at 6919 South 27th Street at the December 22, 2011 Plan Commission meeting and the January 10, 2012 Common Council meeting.

Staff is recommending, with agreement from the applicant, that the Plan Commission and Common Council classify the proposed amendment as a Minor PDD Amendment. To expedite the process, the applicant has paid the Minor PDD Amendment Application fee of \$500. (Major PDD Amendments require a public hearing and a \$3,500 fee as opposed to a \$500 fee). Major PDD Amendments are typically reserved for changes to the exterior boundaries of a PDD, changes to uses and changes to street layouts.

Project Description/Analysis

The applicant is proposing four wall signs and one monument sign for the GFS Marketplace development. A wall sign is proposed above the corner entrance of the building, two wall signs are located on the east elevation and one wall sign is proposed on the south elevation. The applicant is also proposing a monument sign adjacent to South 27th Street. Staff suggests only one sign on the east side, that the “Quality Foodservice” and “Party Supplies” sign be removed, and that a temporary sign or banner be allowed instead.

The City of Franklin Sign Code allows a total of 340 square feet of sign area for the GFS Marketplace store and the future Phase II addition. GFS Marketplace is proposing 312 square feet of signage; however, that would result in only 31.4 square feet of sign area that would be available for Phase II, which is anticipated as an 8,000 square foot multi-tenant retail building. The sign proposal as submitted to the Plan Commission was reviewed at the January 12, 2012 Architectural Review Board meeting. The Architectural Review Board tabled the sign request due to the sign area issues for Phase II.

With this PDD Amendment, the applicant is requesting approval to have 415 square feet of sign area for the subject development (312 for GFS Marketplace and 103 square feet for Phase II). Staff recommends that all signage shall be subject to review and approval by the Architectural Review Board with issuance of a Sign Permit from the Inspection Department. With this recommendation, GFS Marketplace must return to the Architectural Review Board with a sign proposal that does not exceed 312 square feet. Upon development of Phase II, the property owner/applicant may apply for up to 103 square feet of signage through the Inspection Department and Architectural Board. If the applicant determines that more than the allowable 103 square feet of signage is needed, a Planned Development District Amendment application will be required for review and approval by the Plan Commission and Common Council.

PDD No. 10 contains the following applicable sign requirements per Ordinance Nos. 1999-1546, 2000-1597. Staff has commented on the applicability of each requirement for this request below (in bold).

- Ordinance No. 1999-1546: Prior to the installation of any sign on the property, either freestanding or a wall sign, developer shall obtain a Sign Permit after approval of the Architectural Board. Signs shall comply with the City Sign Regulations, along with the following additional requirements:
 1. Ordinance No. 2000-1597: All freestanding signs on the property shall be constructed with the base material and color consistent with primary materials used for the main anchor and tenant commercial building. All freestanding signs advertising any Outlot businesses shall be consistent with the material and color of Andy’s Charhouse Restaurant Building. **The GFS Marketplace monument sign materials will match that of the proposed building.**
 2. Ordinance No. 1999-1546: All freestanding signs shall have a minimum yard setback from any adjacent right-of-way of 25 feet, unless a greater sign setback is required by the Sign Regulations or the Architectural Board. **The monument sign is set back 25 feet from the property line; however, it is anticipated that the**

Wisconsin Department of Transportation will acquire right-of-way at this location as part of the South 27th Street reconstruction project. The loss of property will result in the monument sign being set back approximately 12 feet from the future property line.

3. Ordinance No. 1999-1546: All freestanding signs shall be located a minimum of 10 feet from the back-of-curb of any entrance drive, and shall maintain a 30 foot clear vision triangle, measured from the intersection of the entrance drive, curb and public right-of-way. **This requirement has been met.**
4. Ordinance No. 2000-1597: All freestanding signs advertising businesses on any Outlot shall be monument-type signs with a height of not more than 11 feet above adjacent grade (measured from the maximum height of any berm), and not any longer than eight (8) feet in length. All other freestanding signs shall not exceed 15 feet in vertical height (above adjacent grade), and 13 feet in length. **The proposed monument sign is approximately 9.66-feet in height (above grade), which includes a 1.5-foot high brick base and two sign panels totaling approximately 7.80-feet in height. The sign has a width of 11 feet. The actual tenant panels are 9.25-feet in width. Therefore, the sign exceeds this standard; however, staff does not have a concern with the monument sign size as proposed.**
5. Ordinance No. 1999-1546: All wall signs shall be constructed of individual, channelized letters. **This requirement is met.**
6. Ordinance No. 2000-1597: Wall signs shall be prohibited on the south side of any building, except for Gander Mountain and Andy's Charhouse. Exceptions shall meet Plan Commission Sign Review and City Sign Ordinance approval. **The Plan Commission and Common Council approved a wall sign on the south elevation specifically for GFS Marketplace in its approval of the store via Ordinance No. 2012-2067.**
7. Ordinance No. 1999-1546: Any external temporary devices or signs, such as a reader board, balloons, hot air balloons, pennants, streamers, flags, banners, paper signs, etc., shall be prohibited anywhere on the site; except for: **The applicant is not proposing any such signage.**
 - Initial grand openings of businesses on the site, with proper permits.
 - Uniform banners, not any larger than 30 square feet in size, securely affixed to all light poles, indicating a special event or time of year. Said banners shall not become torn or tattered.
 - On any Outlot, recognizable flags of a government or business, not larger than 20 square feet in size, when affixed to permanent flag poles with a maximum height of 20 feet, with a maximum of three (3) poles per Outlot.

8. Ordinance No. 1999-1546: Permanent and temporary interior window signs shall be limited to 20% of the total window area of each business. **The applicant is not proposing any window signs.**

Ordinance No. 2012-2067 contains two conditions relating to signage. These conditions will remain in effect and are not proposed to be changed.

1. All signage shall be subject to review and approval by the Architectural Review Board and issuance of a Sign Permit from the Inspection Department.
2. A wall sign shall be permitted on the south elevation of the GFS Marketplace store, subject to review and approval by the Architectural Review Board.

Staff Recommendation

City Development Staff recommends approval of the Planned Development District Amendment to PDD No. 10 for the proposed GFS Marketplace signage, subject to the conditions set forth in the draft ordinance.

Signage Narrative

The allowable signage, per City of Franklin ordinance, allows maximum sign area to be calculated based on either building frontage or property frontage. However, the code does not allow additional sign area for corner lots. In addition, even though the project is set up to have two (2) separate users for Phase I and Phase II, these users will be leasing the property (ground lease) rather than splitting the lot into 2 separate parcels. This does not allow the project to take advantage of both Riverwood and South 27th Street frontages, due to only being one parcel.

- South 27th Street Frontage: 425 feet
 - Factor = 0.80 → allowable sign area = 340 square feet
 - GFS (60%) = 204 s.f.
 - Phase II tenant (40%) = 136 s.f.
- Riverwood Frontage: 337.27 feet
 - Factor = 0.80 → 270 square feet
 - ** The GFS building would qualify for additional signage bonus of 168 square feet due to building setback over 150' from right-of-way, except that the entry portion of the GFS building projects into this setback 8'
 - This sign area would apply for the entire project (Phase I & Phase II)

The enclosed PDD plans, dated 12-13-11 (same as most recently submitted and approved plans), show the following signs:

- GFS logo (south building wall) = 72.8 s.f.
- GFS logo (wall over entry) = 30.7 s.f.
- GFS logo (east building wall) = 72.8 s.f.
- Quality Foodservice/Party supplies (east building wall) = 54 s.f.
- Monument Sign = 78.3 s.f. (incl. both GFS + future panel)
- TOTAL SIGNAGE = 308.6 s.f.

These signs have been reviewed by the Architectural Review Board (ARB), but could not be acted on as the signage exceeds the maximum allowed by the City sign ordinance. The general consensus of this meeting was, however, that these signs were visually appealing and that the size and quantity of signage seemed appropriate.

We are requesting the following sign waivers for this PDD:

- ***To exceed maximum allowable sign area of 340 square feet in order to allow proposed GFS signage (as shown on plans dated 12-13-11 and itemized above) plus 100 square feet for Phase II tenant (410 s.f. total for both phases)***
- ***To allow "Quality Foodservice/Party Supplies" sign on east GFS building elevation as shown (not individual letters)***

paradigm design

800 S MILE AVE.
SUITE 8
GRAND RAPIDS, MI 49504

(616) 795-8488
FRAN@PARADIGMDESIGN.COM
FRAN@PARADIGMDESIGN.COM

PROJECT

GFS MARKETPLACE STORE

875 SOUTH 47TH STREET
FRANCOIA, MI

BUILDING OWNER

GFS MARKETPLACE REALTY FIVE, LLC

423 SOUTH STREET BY
GRAND RAPIDS, MICHIGAN

RELEASE DATE

10/1/11
10/1/11
10/1/11
10/1/11

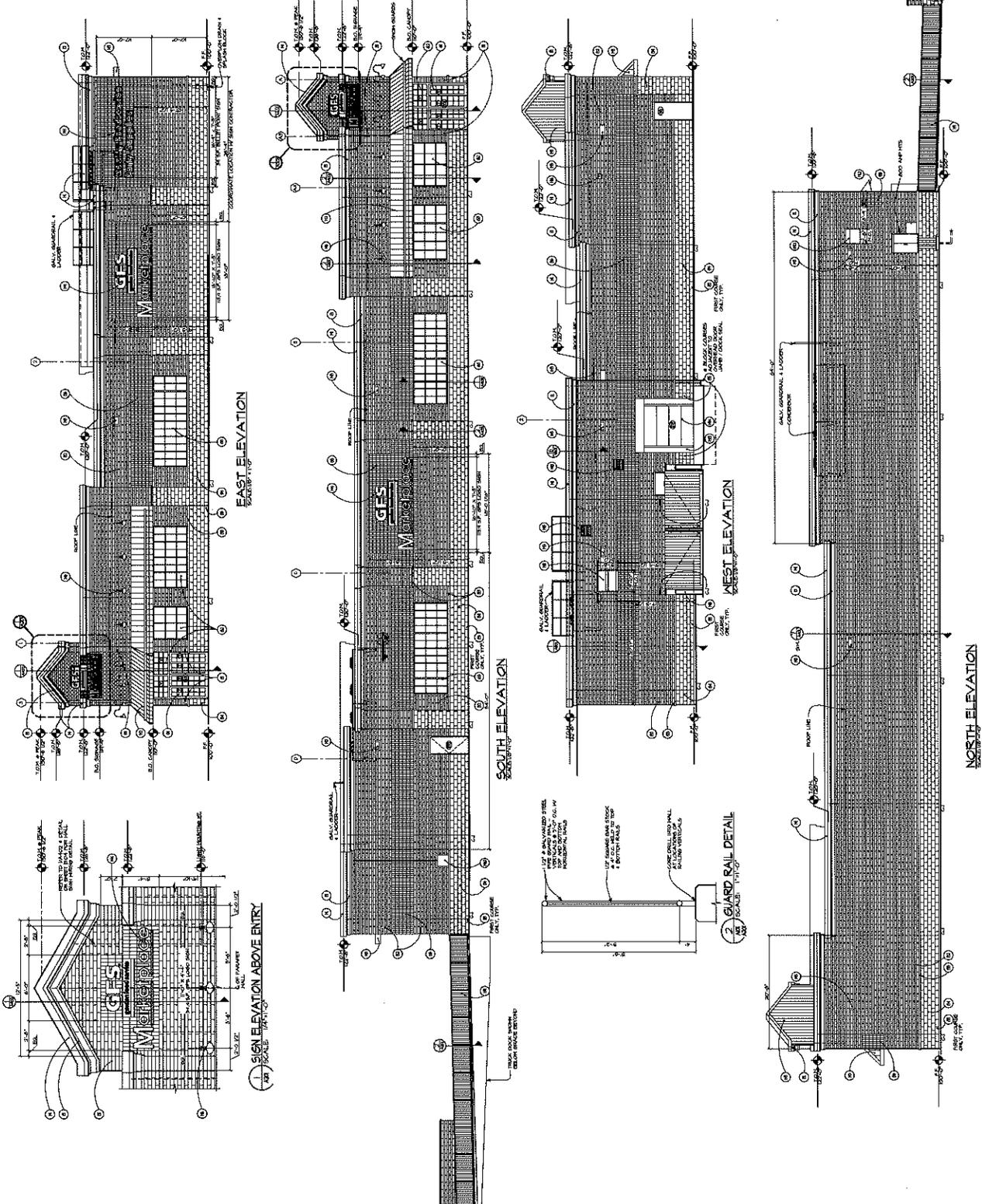
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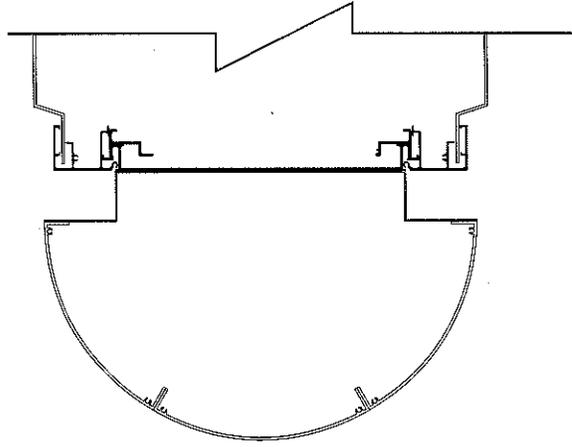
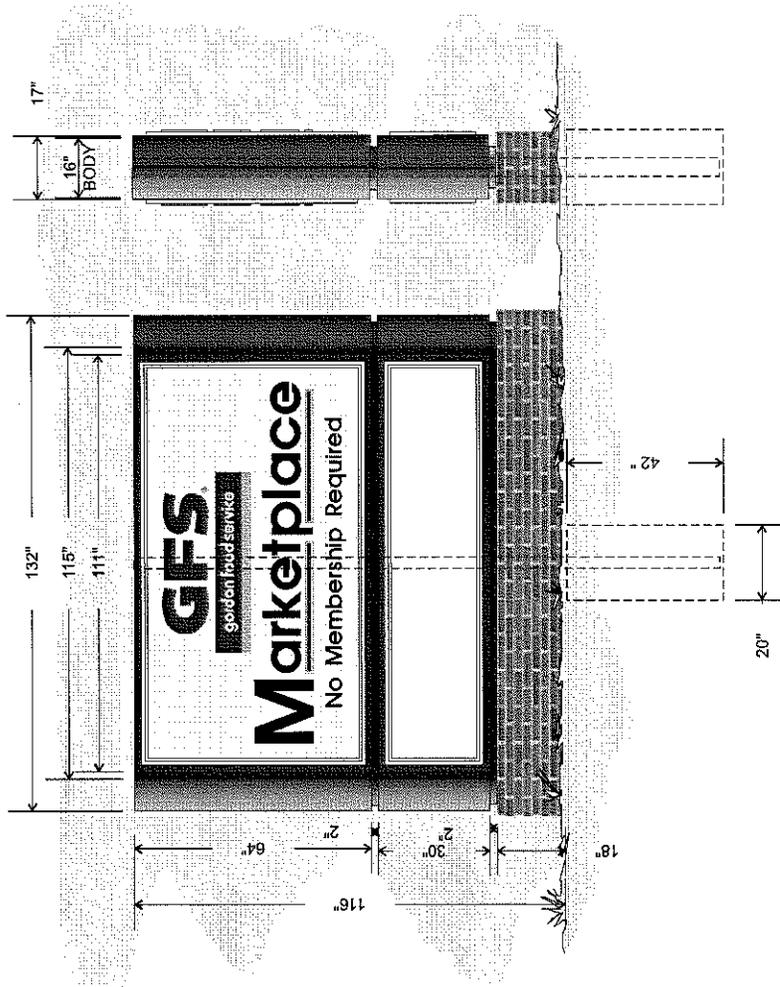
SHEET

A201

- MATERIAL LEGEND**
1. PAINT BELIEVED TO BE ORIGINAL INTERIOR PAINT. TO BE REPAINTED TO MATCH EXISTING. COLOR TO BE DETERMINED BY VISUAL INSPECTION.
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Z:\JOBS\GORDON FOODS\FRANKLIN\LOW PROFILE W-TENANT 80SQFT



EXTRUSION DETAIL

SPECIFICATIONS:
 ALL WELD W/ 1/8" BODY EXTRUSION W/ 3/4" RETAINERS. CABINET TO HAVE 8, 1/2" RADIUS ENDS.
 CABINETS TO MATCH 3630-73 DARK RED.
 GFS FACES TO BE EMBOSSED, LEXAN FACE
 BACKGROUN TO BE WHITE W/3630-73 DARK RED, 3630-25 SUNFLOWER YELLOW & BLACK.
 INTERNAL ILLUMINATION BY HO LAMPS @ 10' O.C.
 3'X5' INTERNAL POLE SUPPORT REQUIRED TO BE DIRECT BURIED 42" DEEP IN CONCRETE.
 2" HIGH REVEALS TO HAVE RADIUS ENDS TO BE PAINTED TO MATCH 3630-73 DARK RED.
 1-20AMP 120 VOLT SERVICE REQUIRED W/DISCONNECT.

Project: **GFS**
 GORDON FOODS SERVICE
 MADISON

Date: 12.20.11

Approval: _____
 Name: _____
 Date: _____

Notes: _____

UNIVERSAL
 SIGN SYSTEMS
 4001 Edison View Dr., Grand Rapids, MI 49513
 PH: 616.554.9999 FAX: 616.554.9922

Sign #1 - Monument Sign

Z:\JOBS\GORDON FOODS\FRANKLIN\LOW PROFILE W-TENANT 68 SQFT B

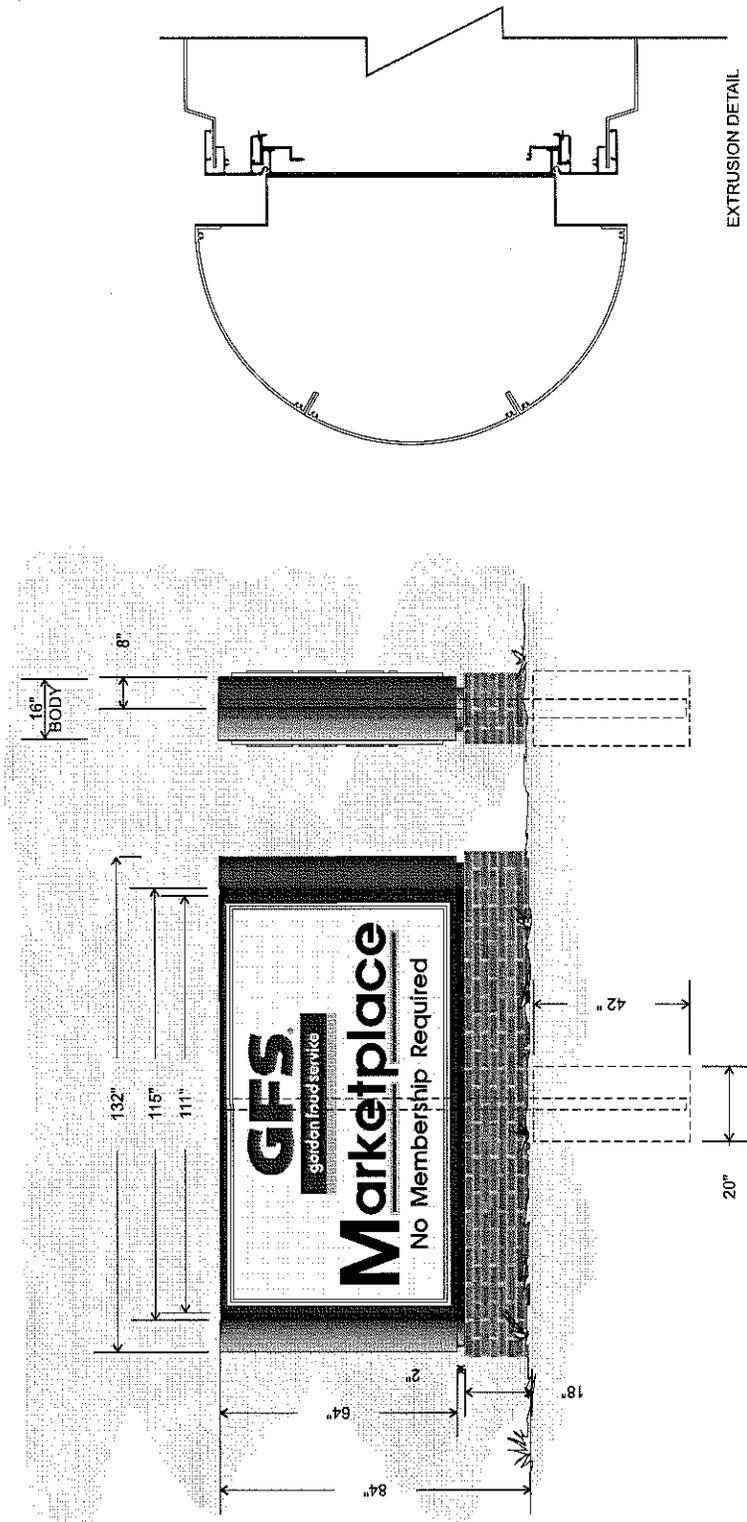
Project: **GFS**
Gordon Food Service
 MADISON

Date: **1.17.12**

Approval: _____
 Name: _____
 Desc: _____

Notes: _____

UNIVERSAL
 SIGN SYSTEMS
 5001 Edison View Dr, Grand Rapids MI 49512
 Ph: 616.594.9999 Fax: 616.594.9922



SPECIFICATIONS:
 0.125" WIDE BODY EXTRUSION W/ 1/32" RETAINERS. CABINET TO HAVE 0.12" RADIUS ENDS.
 ALL SURFACES TO BE FINISHED TO MATCH 3630-73 DARK RED.
 GFS LOGO TO BE FINISHED TO MATCH 3630-73 DARK RED.
 GFS LOGO TO BE FINISHED TO MATCH 3630-73 DARK RED.
 BACKGROUND TO BE WHITE W/3630-73 DARK RED. 3630-25 SUNFLOWER YELLOW & BLACK.
 INTERNAL ILLUMINATION BY HO LAMPS @ 10' O.C.
 3"X5' INTERNAL POLE SUPPORT REQUIRED TO BE DIRECT BURIED 42" DEEP IN CONCRETE.
 2" HIGH REVEALS TO HAVE RADIUS ENDS TO BE PAINTED TO MATCH 3630-73 DARK RED.
 1-20AMP 120 VOLT SERVICE REQUIRED W/DISCONNECT.

Sign #1 - Monument Sign
(Phase I Only)

Z\JOBS\GORDON FOOD\FRANKLIN\WALL MOUNT 202



Specifications:

"Marketplace" letters to be 4" deep fabricated aluminum. Sidewalls to be .063 with .100 backs. Exterior of letter painted Black. Internally painted White. Faces to be 3/16" white acrylic with first surface applied Black 3M Dual Color film, with Black jewellite trim secured using stainless steel screws. Accent bars to have first surface applied 3630-73 Dark red and 3630-25 Sunflower film. Exterior painted to match 3630-73 Dark Red. Internal illumination by White LED's. power supply located behind wall. U.L. Approval required.

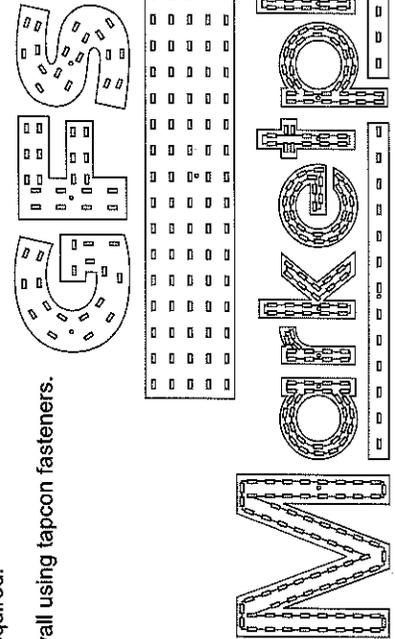
"GFS" letters to be 4" deep fabricated aluminum. Sidewalls to be .063 with .100 backs. Exterior of letter painted to match 3630-73 Dark Red. Internally painted White. Faces to be 3/16" clear acrylic with first surface applied 3630 Dark Red film, red jewellite trim secured using stainless steel screws. Internal illumination by White LED's. power supply located behind wall. U.L. Approval required.

"GFS Logo Bar" is fabricated to be 4" deep MCD Single faced body w/aluminum back. Retainer to be 3/4" x 7/8" angle. Exterior to be painted to match 3630-73 Dark Red. Face to be 1/8" clear acrylic w/surface applied 3630-73 and 3630-25 Sunflower vinyl film. Internal illumination by White LED's. U.L. Approval required.

1-20 amp 120 volt circuit required.

All structures mounted to wall using tapcon fasteners.

U.L. Numbers
1 Set 847656
764780-764795



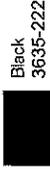
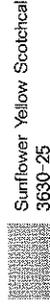
FACE LAYOUT
SF 202L
QTY. 2
LOCATED ON EAST WALL & SOUTH WALL

72.8

115.9 SQ. FT.

478 led's required

Color Specifications:



Project:



FRANKLIN, WI

Date:

12.20.11

Approval:

Name:

Date:

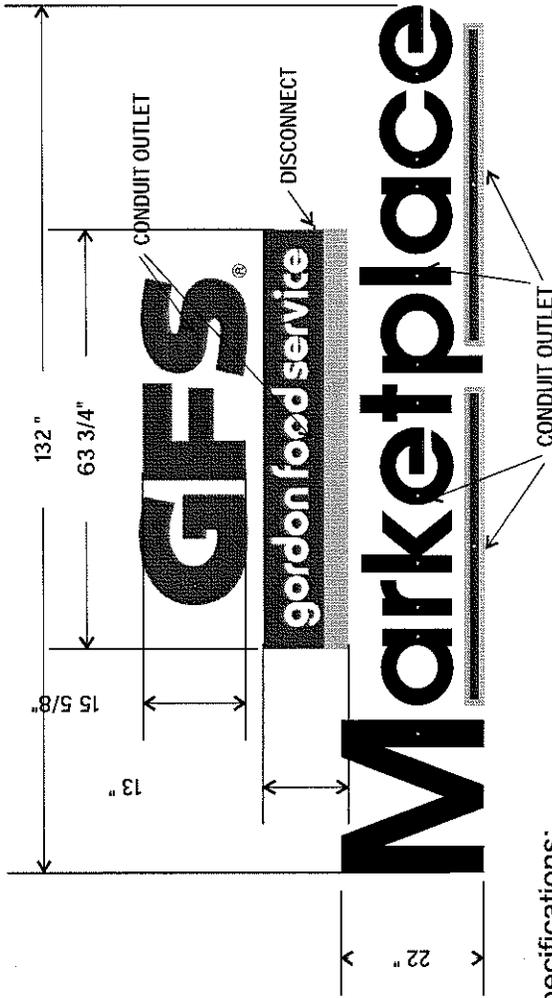
Notes:

Sign #2 - Wall Sign



UNIVERSAL SIGN SYSTEMS
5001 Falcon View SE Grand Rapids MI 49512
www.universalsignsystems.com
Ph 616.554.9999 Fx 616.554.9922

Z:\JOBS\GORDON FOOD\Madison\WALL MOUNT 140 per jack



Specifications:

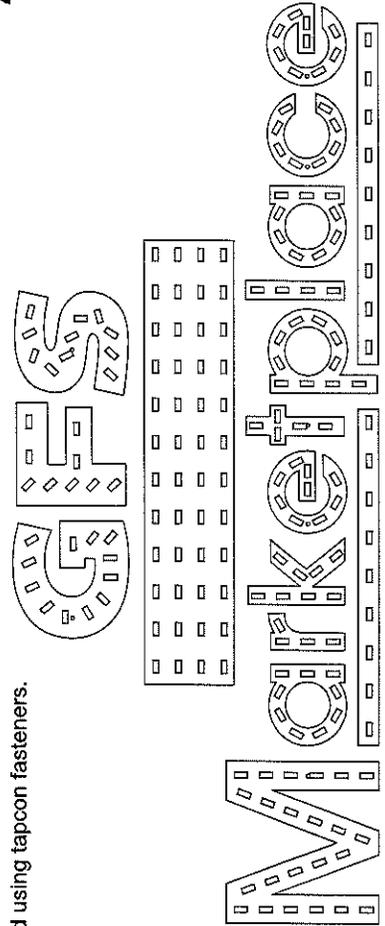
"Marketplace" letters to be 4" deep fabricated aluminum. Sidewalls to be .063 with .100 backs. Exterior of letter painted Black. Internally painted White. Faces to be 3/16" white acrylic with first surface applied Black 3M Dual Color film, with Black jewelite trim secured using stainless steel screws. Accent bars to have first surface applied 3630-73 Dark red and 3630-25 Sunflower film. Exterior painted to match 3630-73 Dark Red. Internal illumination by White LED's, power supply located behind wall. U.L. Approval required.

"GFS" letters to be 4" deep fabricated aluminum. Sidewalls to be .063 with .100 backs. Exterior of letter painted to match 3630-73 Dark Red. Internally painted White. Faces to be 3/16" clear acrylic with first surface applied 3630 Dark Red film, red jewelite trim secured using stainless steel screws. Internal illumination by White LED's, power supply located behind wall. U.L. Approval required.

"GFS Logo Bar" is fabricated to be 4" deep MCD Single faced body w/aluminum back. Retainer to be 3/4" x 7/8" angle. Exterior to be painted to match 3630-73 Dark Red. Face to be 1/8" clear acrylic w/surface applied 3630-73 and 3630-25 Sunflower vinyl film. Internal illumination by White LED's. U.L. Approval required.

1-20 amp 120 volt circuit required.

All structures to be mounted using tapcon fasteners.



FACE LAYOUT

SF 140L

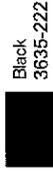
30.7 54.4 SQ. FT.

QTY. 1

**LOCATED ON
SOUTHEAST
ABOVE DOOR**

210 led's required

Color Specifications:



Project:



Date:

12.20.11

Approval:

Name:

Date:

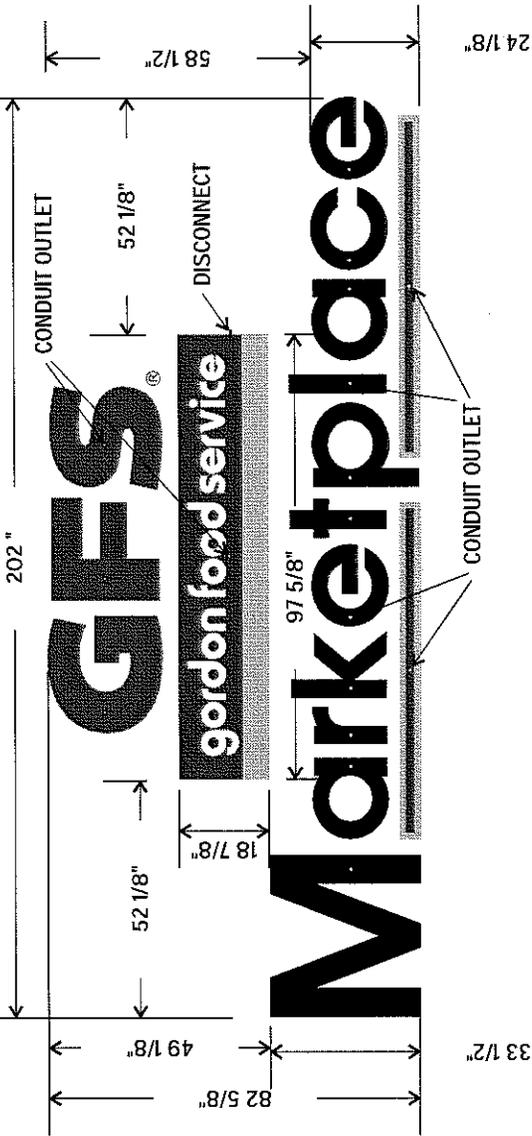
Notes:

**Sign #3 -
Wall Sign**



**UNIVERSAL
SIGN SYSTEMS**
5001 Falcon View SE, Grand Rapids, MI 49512
www.universalsignsystems.com
Ph 616.554.9999 Fx 616.554.9922

ZJOBS\G\GORDON FOOD\FRANKLIN WALL MOUNT 202



Specifications:

"Marketplace" letters to be 4" deep fabricated aluminum. Sidewalls to be .063 with .100 backs. Exterior of letter painted Black. Internally painted White. Faces to be 3/16" white acrylic with first surface applied Black 3M Dual Color film, with Black jewelite trim secured using stainless steel screws. Accent bars to have first surface applied 3630-73 Dark red and 3630-25 Sunflower film. Exterior painted to match 3630-73 Dark Red. Internal illumination by White LED's, power supply located behind wall. U.L. Approval required.

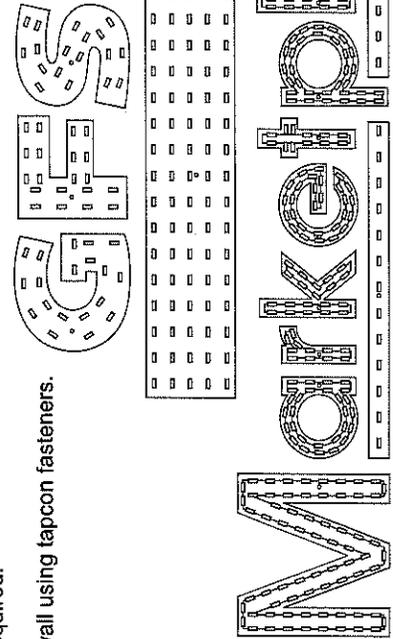
"GFS" letters to be 4" deep fabricated aluminum. Sidewalls to be .063 with .100 backs. Exterior of letter painted to match 3630-73 Dark Red. Internally painted White. Faces to be 3/16" clear acrylic with first surface applied 3630 Dark Red film, red jewelite trim secured using stainless steel screws. Internal illumination by White LED's, power supply located behind wall. U.L. Approval required.

"GFS Logo Bar" is fabricated to be 4" deep MCD Single faced body w/aluminum back. Retainer to be 3/4" x 7/8" angle. Exterior to be painted to match 3630-73 Dark Red. Face to be 1/8" clear acrylic w/surface applied 3630-73 and 3630-25 Sunflower vinyl film. Internal illumination by White LED's. U.L. Approval required.

1-20 amp 120 volt circuit required.

All structures mounted to wall using tapcon fasteners.

U.L. Numbers
 1 Set 847656
 764780-764795

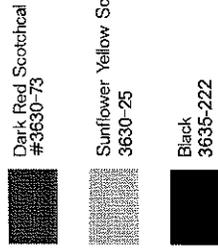


FACE LAYOUT
SF 202L
QTY. 2
LOCATED ON EAST WALL & SOUTH WALL

72.8 115.9 SQ. FT.

478 led's required

Color Specifications:



Project:



Date:

12.20.11

Approval:

Name:

Date:

Notes:

Sign #4 -
Wall Sign



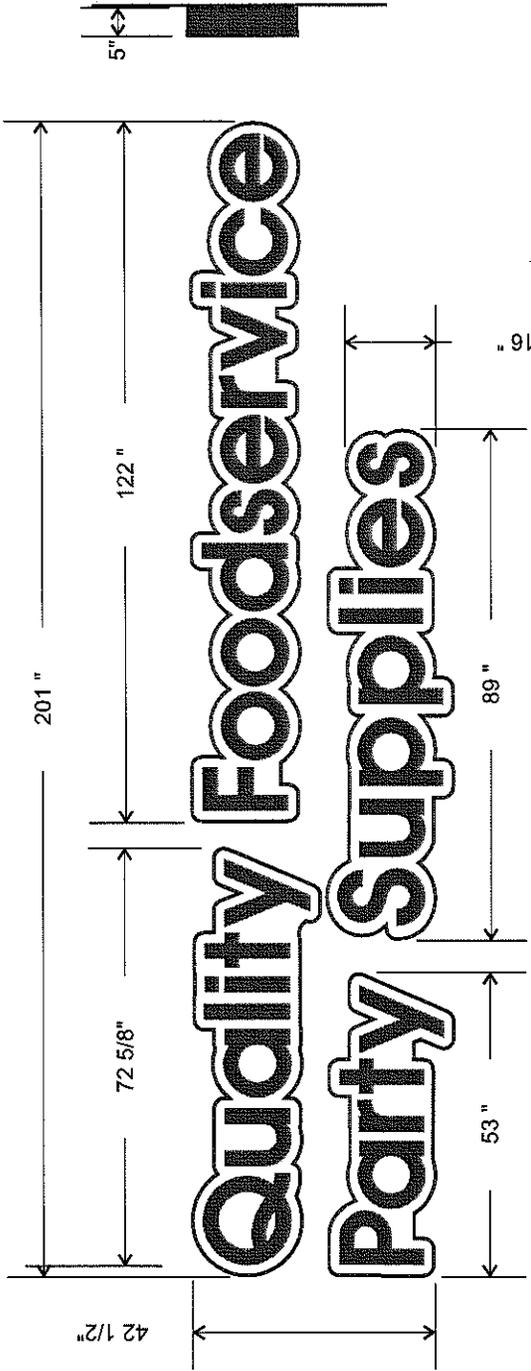
UNIVERSAL
 SIGN SYSTEMS
 5001 Falcon View SE, Grand Rapids, MI 49512
 www.universalsignsystems.com
 Ph 616.554.9999 Fax 616.554.9922

Z:JOBS/G/GORDON FOODS/FRANKLIN WI/SF 201

Project:



42 1/2"



SPECIFICATIONS:

Custom shaped S/F cabinet to be 5" deep w/1/2" retainers
 Paint exterior of cabinet to match 3630-73 Dark Red and interior of cabinet Zap White
 Lamp using approx. 325 white US LED's
 Faces to be clear acrylic w/second surface 3630-73 Red & 3630-20 White.

FACE LAYOUT

SF 202

54 59-SQ. FT.
1 REQUIRED
 EAST ELEVATION

MANUFACTURE PER SIZES ON DRAWING
-CHECK FILE FOR CORRECT SIZE

Color Specifications:



Date:

12.19.11

Approval:

Name:

Date:

Notes:

**Sign #5 -
 Wall Sign**



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 SIGN SYSTEMS
 5001 Falcon View SE, Grand Rapids, MI 49512
 www.universalsignsystems.com
 Ph 616.554.9999 Fx 616.554.9922

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<p>APPROVAL</p> 	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>2/22/12</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Proposal to Retain Planner Position in a Half-Time Status</p>	<p>ITEM NUMBER</p> <p><i>G.3.</i></p>

The 2012 budget called for the layoff of an Assistant Building Inspector and a Planner, while placing \$17,000 in Contingency and \$47,000 in the Planning budget pending its possible use in the restructuring of the organization. The two layoff notices have been distributed with a February 29th effective date, consistent with the adopted budget appropriation. Additionally, at the last meeting the Common Council resolved the organizational issues relative to the Finance Department staffing and the Planning Department. The final action did not require use of either the \$17,000 or \$47,000 appropriation as potentially anticipated.

During the budget process there was significant discussion at both the Finance Committee and Common Council relative to retaining the Planner position. Although it was ultimately not incorporated into the budget, the contingency funding set aside is now available for other actions should the Common Council so determine it is in the best interest of the City. For that purpose, I propose using \$15,000 of the Contingency funding and some funding set aside for unemployment costs related to the layoff to retain the Planner position in a half-time status, with benefits prorated and provided in accordance with the Employee Handbook. (Approximately \$10,000 that is appropriated and would otherwise be spent on unemployment costs and would yield no productivity would also be used.)

Although the Department has made tremendous progress, I believe that there is still a lot of work to be accomplished in the Planning Department. Although I have heard comments that the down turn in the economy means that the Planning Department isn't busy, that simply isn't the case. The economic downturn has impacted applications, but that is only part of what the Planning Department does. Obviously the Comprehensive Master Plan calls for a significant amount of work in actual planning for the future of the City. Adopting the Comprehensive Master Plan and the Comprehensive Outdoor Recreation Plan, which we have succeeded in completing during the last couple of years, was only the beginning of the planning effort identified. For example, there is also a significant amount of work to consider relative to the Unified Development Ordinance and the NRPP. Most importantly, the City has recently restructured its economic development effort and established Forward Franklin. Staff has put forth significant effort toward economic development related issues in recent months. If the City is to continue to make any push into economic development, I believe Forward Franklin will need some help and support, and I believe staff will need to continue to put effort toward improving the development process. These kinds of efforts require staff support and resources, so completely eliminating a Planner at this juncture might be premature and handicap recent and anticipated economic development efforts. To that end, I believe the Common Council should support retaining the Planner in a half-time position while we continue to see how the economy and our economic development strategy develop over the coming year. Please note that significantly more information can be provided on the potential uses for and benefits of retaining the Planner if needed.

The suggestion/option to retain the Planner half-time is available to us because the specific individual involved, David Kanning, happens to be working toward a Masters degree in transportation engineering. He would be able to accommodate a half-time schedule while accelerating his academic program. The ability to retain a fully-trained, half-time professional staff member, particularly one with a skill set that fits well with other staff members, is not typically an option available to a municipality.

Approval would authorize use of contingency funding, as identified above, until such time that funds are moved to personnel line items through the periodic budget modifications as prepared by the Finance Director and Treasurer. Approval as recommended would fund the position on a half-time basis through the end of November with its continuance thereafter being based upon determinations as incorporated into the 2013 budget. This would enable the City to evaluate the change in the economy, potential staff supporting roles to Forward Franklin, and our overall progress on economic develop issues.

COUNCIL ACTION REQUESTED

Motion to authorize use of contingency funding to extend a Planner position half-time through the end of November and direct the Director of Finance and Treasurer to provide for the appropriate accounting of such action in a future budget modification in a manner as indicated above.

<p>APPROVAL</p> <p><i>MWJ</i> <i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>02/22/12</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Milwaukee County Association of Fire Chiefs Resolution for Proposed Billing Rates for Fire Based Paramedic Service in Milwaukee County</p>	<p>ITEM NUMBER</p> <p><i>G.4.</i></p>

Attached for informational purposes only is a Resolution of the Milwaukee County Association of Fire Chiefs that outlines the proposed billing rates for fire based paramedic service in Milwaukee County to be effective March 1, 2012. This resolution was adopted by the Milwaukee County Association of Fire Chiefs on February 10, 2012.

This resolution was brought before the Intergovernmental Cooperation Council at their meeting of February 13, 2012. There the ICC made a motion that the rates be adopted as presented except for the first line item be changed to \$125 and the second line item be changed to \$170 (as shown on the second page of the attached resolution).

For uniformity, ALS rates are adopted on a County-wide basis and Common Council action is not required. This item is for informational purposes only.

COUNCIL ACTION REQUESTED

Informational item only.



Milwaukee County Association of Fire Chiefs



Resolution

Proposed billing rates for fire based paramedic service in Milwaukee County

Whereas: Since January 1, 2007 Milwaukee County has not billed patients for paramedic services provided by fire departments operating under the contract for paramedic service within Milwaukee County, and

Whereas: Since January 1, 2007 each municipality or fire department that provides paramedic service in Milwaukee County has been responsible for billing for services rendered, and

Whereas: Provision of paramedic service within Milwaukee County is coordinated by Milwaukee County and is intended to be uniform throughout all areas of the County and for all persons requiring service, and

Whereas: The Milwaukee County Association of Fire Chiefs has studied the billing rates used by Milwaukee County and comparable rates charged by other providers in Wisconsin and finds that adjustments to the current rates charged by Milwaukee are supported as reasonable and customary, and

Whereas: Residents within Milwaukee County provide financial support for a uniform high-quality paramedic service through County and local property taxes and non-residents do not directly provide similar financial support, and

Whereas: Costs are incurred by providers for paramedic assessment and/or treatment of patients who are not subsequently transported.

Therefore, let it be resolved by the Milwaukee County Association of Fire Chiefs that

- Each municipality or fire department providing paramedic services in Milwaukee County adopt uniform billing rates for paramedic service, and
- That the billing rates include a higher rate for services to persons who are not residents of Milwaukee County, and
- That a charge be assessed for patients who receive a paramedic assessment and/or treatment but who are subsequently not transported, and
- That billing rates be reviewed each year for appropriate adjustments to remain consistent with reasonable and customary charges for service, and

Representing Fire Chiefs from:

Cudahy, Hales Corners, Franklin, Greendale, Greenfield, Milwaukee, Milwaukee County Airport, North Shore, Oak Creek, South Milwaukee, St. Francis, Wauwatosa, West Allis, Wisconsin Air National Guard

- That the recommended rates to be adopted effective March 1, 2012 are listed in the following table:

Item	Current Rates (Since January 1, 2011)	MCAFC Suggested Rates (Beginning March 1, 2012)
Paramedic service and/or treatment without transport (Resident)	\$120.00	\$440.00 125.00
Paramedic service and/or treatment without transport (Non-resident)	\$165.00	\$560.00 170.00
Paramedic service with transport Level -ALS-1 (Resident)	\$660.00	\$660.00
Paramedic service with transport Level -ALS-2 (Resident)	\$750.00	\$760.00
Paramedic service with transport Level -ALS-1 (Non-resident)	\$780.00	\$780.00
Paramedic service with transport Level -ALS-2 (Non-resident)	\$870.00	\$900.00
Paramedic service and invasive treatment without transport (Resident)		
Paramedic service and invasive treatment without transport (Non-resident)		
Defibrillation	\$100.00	\$100.00
IV and supplies	\$60.00	\$60.00
Intubation	\$75.00	\$75.00
ALS supplies	\$80.00	\$80.00
Oxygen and supplies	\$75.00	\$75.00
Mileage (rate per loaded mile)	\$14.50	\$14.50
EKG	\$100.00	\$100.00
Drugs, Group-1 (Albuterol, Amioderone (30 Mg), Atropine, Benadryl, Heparin Sodium by IV, Lasix, Lidocaine, Ativan, Versed, Sodium Normal Saline, Solumedrol (up to 40 MG), Terbutaline, Diazepam, Dextrose 50%, Nitro Spray SL, Normal Saline (capped), D50, D5W, Aspirin)	\$32.00	\$32.00
Drugs, Group-2 (Calcium Chloride, Epinephrine (IM or IV, not by Epi-pen), Dopamine, Lidocaine, Sodium Bicarbonate)	\$37.00	\$37.00
Drugs, Group-3 (Morphine, Narcan, Normal Saline, Fentanyl)	\$48.00	\$48.00
Epinephrine by Epi-pen	\$95.00	\$95.00
Adenosine	\$90.00	\$90.00
Glucagon, up to 1 Mg	\$90.00	\$90.00
Solmedrol, 41-125 Mg	\$58.00	\$58.00
E-Z IO	\$120.00	\$120.00
Spinal Immobilization	\$125.00	\$125.00
Triage barcode wristbands		\$3.00
Cyano-kits		\$900.00
CPAP Mask		\$45.00

Adopted by the Milwaukee County Association of Fire Chiefs on February 10, 2012:

Frank Lockwood, President

Dan Mayer, Vice President

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<p>APPROVAL</p> <p><i>Slw</i> </p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>02/22/12</p>
<p>REPORTS & RECOMMENDATIONS</p>	<p>Claim of Diana Widmer for Alleged Excessive Police Force</p>	<p>ITEM NUMBER</p> <p><i>G. 6.</i></p>

Claim of Diana Widmer for alleged excessive police force on November 18, 2009. The Common Council may enter closed session pursuant to §19.85(1)(e) and (g), Stats., to consider a claim of Diana Widmer for alleged excessive police force on November 18, 2009 and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

Staff recommends denial of the claim pursuant to the Wisconsin Statute 893.80(1g) for disallowance of the claim, based upon and in concurrence with the insurance adjuster that there is no negligence on behalf of the City of Franklin. The investigation found that the officer acted appropriately to Ms. Widmer's perceived aggressive action. The officer retained Ms. Widmer, but did not use excessive force.

COUNCIL ACTION REQUESTED

The Common Council may enter closed session pursuant to §19.85(1)(e) and (g), Stats., to consider a claim of Diana Widmer for alleged excessive police force on November 18, 2009 and may reenter open session at the same place thereafter to act on such matters discussed therein as it deems appropriate.

Motion to deny the claim of Diana Widmer pursuant to Wisconsin Statute 893.80(1g), based upon and in concurrence with the insurance adjuster that there is no negligence on behalf of the City of Franklin. The investigation found that the officer acted appropriately to Ms. Widmer's perceived aggressive action. The officer retained Ms. Widmer, but did not use excessive force.

Statewide Services, Inc.

Claim Division

1241 John Q. Hammons Dr.
P.O. Box 5555
Madison, WI 53705-0555
877-204-9712

February 9, 2012

CITY OF FRANKLIN
ATTN: LISA HUENING
9229 W LOOMIS ROAD
FRANKLIN, WI 53132

RE: Our Claim #: WM000402260003
Date of Loss: 11/18/2009
Claimant: Diana Widmer
Claimant Attorney: Sperling Law Office Attn: Michael Sperling
100 E Wisconsin Avenue, Milwaukee WI 53202

Dear Ms. Huening:

Statewide Services, Inc. administers the claims for the League of Wisconsin Municipalities Mutual Insurance, which provides the insurance coverage for the City of Franklin. Please be advised that the above-referenced file has been transferred to me from Midwest Claim Services Inc in which Ms. Widmer is alleging excessive police force.

Our investigation has determined that Officer Mazza acted appropriately to Ms. Midmer's perceived aggressive action. Officer Mazza retained Ms. Midmer's but did not use excessive force. There is no witness testimony to Ms. Midmer's allegations. The investigation has found that the Officer acted appropriately. As such, we can not see how negligence could be construed for the actions of Officer Mazza.

Therefore, we recommend that the City of Franklin disallow this claim pursuant to the Wisconsin Statute for disallowance of claim 893.80(1g). The disallowance of the claim in this manner will allow us to shorten the statute of limitations period to six months.

Please send your disallowance, on your letterhead, directly to the claimant at the above listed address. This should be sent certified or registered (restricted) mail and must be received by the claimant within 120 days after you received the claim. Please send me a copy of the letter for our file. I am enclosing a sample Notice of Disallowance for your use or reference.

Sincerely,

Ginger Kimpton
Casualty Claims Adjuster
PO Box 256
Mount Horeb, WI 53572
855-828-5515 / 866-828-6613 fax
gkimpton@statewidesvcs.com

CC: Scott Huibregtse, Agent

Enclosure

NOTICE OF CIRCUMSTANCES GIVING RISE TO CLAIM
PURSUANT TO WIS. STAT. §893.80

To: City of Franklin
Attn: City Clerk
9455 W. Loomis Road
Franklin, WI 53132

Claimant: Diana Widmer
6610 S. 35th Street #207
Franklin, WI 53132

Officer Ted Mazza and
Franklin Police Department
9229 W. Loomis Road
Franklin, WI 53132

PLEASE TAKE NOTICE that Diana Widmer, by her attorneys Sperling Law Offices, LLC, states that the following circumstances gave rise to her injuries:

1. That on or about November 18, 2009 Ms. Widmer was in a Franklin Municipal Court in the City of Franklin, County of Milwaukee, State of Wisconsin to request an extension of time to pay a ticket.
2. That on that date Officer Ted Mazza grabbed Ms. Widmer by her arm and her neck on two occasions in a harsh and excessive manner.
3. That as a result of Officer Mazza's actions Ms. Widmer sustained significant injuries to her neck, along with other injuries, has incurred medical costs and other damages.

Dated this 9th day of March, 2010


Sperling Law Offices, LLC
Attorneys for Diana Widmer
By Michael S. Sperling
State Bar No. 1005133

100 E. Wisconsin Ave. #1020
Milwaukee, WI 53202
(414)273-7100



City of Franklin Police Department

Chief of Police Richard P. Oliva

February 23, 2010

Diana M. Widmer
6610 S. 35th Street #207
Franklin, WI 53132

RE: *Complaint against officer*

Dear Ms. Widmer:

I've reviewed the complaint you filed on December 14, 2009 regarding the actions of Officer Ted Mazza. In your complaint and subsequent interview you alleged Officer Mazza, while in the Franklin Municipal Court room, grabbed you by the neck causing you pain and injury.

A thorough investigation into your allegation was conducted and it was determined that your complaint is unfounded. Several witnesses in the courtroom, including the judge, reported that at no time did they see Officer Mazza grab you by the neck. Investigation revealed that due to your perceived aggressive actions, the officer appropriately escorted you to the back of the courtroom by placing his hand on your arm and shoulder.

The investigation also revealed that on November 20, 2009 you reported to your doctor that the officer pulled your head back by the hair. This inconsistency in your allegations along with the witnesses' statements leads me to conclude you have not been truthful in your reporting of Officer Mazza's actions.

Consequently, I am placing your complaint on file with no further action.

Sincerely,

A handwritten signature in black ink, appearing to read "R. P. Oliva".

Richard P. Oliva
Chief of Police

February 15, 2012

Via Certified and Restricted Delivery

Attorney Michael Sperling
Sperling Law Offices, LLC
100 E. Wisconsin Avenue, Suite 1020
Milwaukee, WI 53202

Re: Wisconsin Statute 893.80(1g) Notice of Claim of Diana Widmer Against the City of Franklin, Date of Loss: November 18, 2009

Dear Mr. Sperling:

Please take notice that on February 22, 2012, the Common Council of the City of Franklin, Wisconsin, denied the claims of your client, Diana Widmer, against the City of Franklin for alleged excessive police force, dated November 18, 2009, and subsequent demand letter submitted November 11, 2011.

You are notified pursuant to Wisconsin Statute 893.80(1g) that no action on the above claims may be brought after six (6) months from the date of service of this Notice of Disallowance upon your client.

If you have any further questions on this claim, please contact me at 414-858-1100.

Sincerely,

Mark W. Luberda
Director of Administration

/lh

cc: Diana Widmer, 6610 S. 35th Street, #207, Franklin, WI 53132
City Attorney
Ginger Kimpton, Statewide Services, Inc. (Claim No. WM000402260003)
City of Franklin Department of Administration
R&R Insurance

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<p>APPROVAL</p> <p><i>Slw</i></p>	<p>REQUEST FOR COUNCIL ACTION</p>	<p>MEETING DATE</p> <p>2/22/2012</p>
<p>Licenses and Permits</p>	<p>Miscellaneous Permits</p>	<p>ITEM NUMBER</p> <p><i>H. 1.</i></p>

See attached list from meeting of February 22, 2012

COUNCIL ACTION REQUESTED



City of Franklin

9229 W. Loomis Road
Franklin, WI 53132-9728

414-425-7500

License Committee

Agenda*

Alderman's Room

February 22, 2012 – 5:45 p.m.

1.	Call to Order & Roll Call	Time		
2.	Applicant Interviews & Decisions			
	License Applications Reviewed	Recommendations		
Type/ Time	Applicant Information	Approve	Hold	Deny
Operator 5:50 p.m.	Van Patten, Kristen L 300 W Uncas Ave Milwaukee, WI 53207 The Hideaway & Hanley's			
Class A Combination 5:55 p.m.	27 Street Mobil, LLC Agent: Davinder S Toor Location: 6611 S 27 th St			
Class B Beer	AL Food Serving, LLC d/b/a Moondance Coffee Agent: Mirel Ismolli 7001 S 27 th St			
Operator	Fischbach, David J 12139 W Waterford Ave Greenfield, WI 53228 The Landmark			
People Uniting for the Betterment of Life and Investment in the Community (PUBLIC) Grant	Forest Park Middle School – American Cancer Society Event Person in Charge: Ken Huber Fees Waived: Park Permits Date of Event: 5/25/2012			
Extra Ordinary Entertainment & Special Event	Ragnar Events – Relay Race Person in Charge: Andria Huskinson, Race Director Date of Event: June 8-9, 2012 Location: Franklin Streets			
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 <i>Steve AP</i>	REQUEST FOR COUNCIL ACTION	MEETING DATE 2/21/2012
Bills	Vouchers and Payroll Approval	ITEM NUMBER <i>I.1.</i>

Provided separately for Council approval is a list of vouchers Nos. 141734 through 141914 in the amount of \$ 1,983,923.30. Included in this listing is \$ 8,878.24 in Library vouchers. The net City vouchers are \$ 1,975,045.06.

Approval is requested for the net payroll of February 10, 2012 in the amount of \$ 338,733.56.

COUNCIL ACTION REQUESTED

Motion approving net City vouchers in the range of Nos.141734 through 141914 in the amount of \$1,975,045.06.

Approval is requested for the net payroll of February 10, 2012 in the amount of \$ 338,733.56.