

August 12, 2008

Mayor Thomas Taylor
City of Franklin
9229 W. Loomis Road
Franklin, WI 53132

Mayor Taylor:

On February 27, May 13, June 3 and June 9, 2008, Planning Manager Joel Dietl issued letters to Mr. and Mrs. Leonard Fox concerning zoning violations at 5510 West Rawson Avenue.

On July 7, 2008 a Notice of Circumstances and Notice of Claim was filed with the Clerk's Office by the Fountains of Franklin, LLC requesting timely enforcement of the zoning violations and claiming damages of \$4 million.

On July 12, 2008 Greg Kowalski posted an Internet blog article alleging that Franklin was not acting in a timely manner in enforcing said zoning violations. As a result, I've received numerous calls and e-mails from constituents concerned about the apparent lack of due process.

An Affidavit of Service was served to Leonard Fox on 7/29/2008, 153 days after the first letter from Mr. Dietl dated February 27, 2008.

An Open Records request on July 22 to the City Clerk and the City Attorney for a copy of the original complaint has gone unanswered. No response has been received to date to a July 29 call for a copy of the Summons and Complaint.

At my request, a copy of the original complaint was provided by the complainant – dated June 7, 2007. According to the clerk's office, no such complaint was officially recorded, nor was the complaint distributed as is common practice.

The Policy of the City of Franklin is to enforce Ordinance violations upon complaint. Further, under Franklin Code of Ordinances, § 55-2 City administrative organization:

A. Mayor. Pursuant to § 62.09(8)(a), Wis. Stats., the Mayor shall be the chief executive officer of the City, shall take care that City ordinances and state laws are observed and enforced and that all City officers and employees discharge their duties.

The responsibility for timely enforcement of a complaint lies squarely on the shoulders of the Mayor and departments who are under his direct control. It seems clear from the

available documentation and from reports from the parties involved that the Complaint was suppressed by your hand or at your direction.

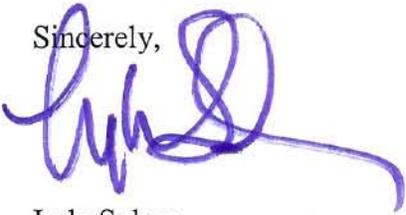
You have the following responsibilities to the Common Council and the residents of the City of Franklin:

1. An immediate written report to the Common Council substantiating your handling of the Complaint in question.
2. Prompt action to amend the Summons and Complaint to address all of the issues raised by the complainant, to be re-served on the property owner.

To the extent the City of Franklin is at risk relative to the Notice of Circumstances and Notice of Claim filed on July 7, 2008, the responsibility is entirely yours.

Prompt action with respect to this matter is required - time is of the essence.

Sincerely,



Lyle Sohns
5th District Alderman

Cc: Alderman
City Clerk
City Attorney