

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
April 8, 2010**

1. CALL MEETING TO ORDER

A regular meeting of the City Council was called to order by President Mielke at 7:00 p.m. in the Council Chambers of the Municipal Building.

2. ROLL CALL

On call of the roll, members present were:

Davin Lescohier
Dick Schultz
Mark Zastrow
John Mielke

Cm. Gray was excused.

Also present were the Clerk/Treasurer, City Attorney, Engineer and Public Works Superintendent.

3. APPROVAL OF MINUTES OF MARCH 16, 2010 REGULAR COUNCIL MEETING

The minutes of the March 16, 2010 regular Council meeting were approved by consent.

4. PUBLIC HEARINGS

- a. PUBLIC HEARING ON CLASS "A" BEER LICENSE FOR WALGREEN'S CO., AT 300 NORTH MAIN STREET.

Pres. Mielke opened the public hearing on the application for a Class "A" Beer License for Walgreen's Co., at 300 North Main Street and stated if anyone wished to speak on this topic, he or she should come to the podium and state his or her name and address for the record.

After a second and third call, and hearing no comments, Pres. Mielke closed the public hearing.

- b. PUBLIC HEARING ON "CLASS B" COMBINATION LIQUOR AND FERMENTED MALT BEVERAGE LICENSE FOR BAGERDONI, INC. AT 1501 JANESVILLE AVENUE, d/b/a LENNIGANS.

Pres. Mielke opened the public hearing on the application for a "Class B" Combination Liquor and Fermented Malt Beverage License for Bagerdoni, Inc., 1501 Janesville Avenue, d/b/a Lennigans and stated if anyone wished to speak on this topic, he or she should come to the podium and state his or her name and address for the record.

After a second and third call, and hearing no comments, Pres. Mielke closed the public hearing.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

- a. REQUEST BY FORT KOSHKONONG RENDEZVOUS COMMITTEE TO HOLD ANNUAL EVENT ON MAY 28-30, 2010 AT ROCK RIVER PARK, AND FOR WAIVER TO GUN DISCHARGE ORDINANCE.

It was indicated the blackpower demonstration has been conducted for eleven years and there have been no problems with the event. The Police Chief recommended approval of the wavier to the gun discharge ordinance.

Cm. Zastrow, seconded by Cm. Schultz, moved to approve the request by the Fort Koshkonong Rendezvous Committee to hold their annual event on May 28-30, 2010 at Rock River Park, and to waive the gun discharge ordinance. The motion carried on a voice vote.

- b. REQUEST BY FAT BOYZ, 219 SOUTH MAIN STREET, TO HOLD AN EVENT IN THE PARKING LOT AND ALLEY IN BACK OF THEIR BUILDING ON SATURDAY, JUNE 26, 2010.

The City Clerk indicated a letter was received from Fat Boyz requesting this event as well as a map showing the requested closure area. The estimated time for the event will be from 4:00 p.m. to 9:00 p.m. The Police Chief has reviewed the request and recommends approval. A temporary premise description change for their liquor license also will be needed for the event.

Cm. Lescohier, seconded by Cm. Zastrow, moved to approve the request by Fat Boyz, 219 South Main Street, to hold an event in the parking lot and alley behind their building on Saturday, June 26, 2010 from 4:00 p.m. to 9:00 p.m. The motion carried on a voice vote.

6. RESOLUTIONS AND ORDINANCES

- a. REVIEW AND APPROVE LIQUOR LICENSE FEE SCHEDULE ORDINANCE.

The following Ordinance was displayed on the overhead projector at this time:

ORDINANCE NO. 695

The City Council of the City of Fort Atkinson does hereby ordain as follows:

That Chapter 110, FEE SCHEDULE, Sec. 110-2, Alcohol beverages, paragraphs (3), (4), (5), (6) and (12) be amended as follows:

Sec. 110-2. Alcohol beverages.

- (3) "Class A" intoxicating liquor, per year \$500.00
- (4) "Class B" intoxicating liquor, per year \$500.00
- (5) Temporary Class "B" fermented malt beverage, clubs, societies, churches, per event ... \$10.00
- (6) Temporary "Class B" Wine, clubs, societies, churches ... \$10.00
- (12) "Class C" wine, per year ... \$100.00

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect and be in force from and after the date of its passage and publication.

The City Clerk indicated that in October of 2009, an Ordinance was adopted and listed the "Class B", intoxicating liquor license fee at \$600.00; it should have been \$500.00.

There were also some amendments made to the definitions to be consistent with Wisconsin State Statutes wording.

Cm. Schultz, seconded by Cm. Zastrow, moved to suspend the rules and move the above ordinance through its second and third readings. On call of the roll, the motion carried unanimously.

Cm. Schultz, seconded by Cm. Zastrow, moved to adopt the liquor license fee schedule ordinance. On call of the roll, the motion carried unanimously.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Zastrow, seconded by Cm. Lescohier, moved to accept and file the minutes of the License Committee meeting held March 22, 2010; the minutes of the Planning Commission meeting held March 23, 2010; and the minutes of the Historical Society Board meeting held February 18, 2010. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

- a. RECOMMENDATION FROM LICENSE COMMITTEE TO APPROVE CLASS “A” BEER LICENSE FOR WALGREEN’S CO., 300 NORTH MAIN STREET.

The City Clerk said the License Committee unanimously recommended approval of the license.

Cm. Zastrow, seconded by Cm. Schultz, moved to approve the Class “A” Beer License for Walgreen’s Co., 300 North Main Street. The motion carried on a voice vote.

- b. RECOMMENDATION FROM LICENSE COMMITTEE TO APPROVE “CLASS B” COMBINATION LIQUOR AND FERMENTED MALT BEVERAGE LICENSE FOR BAGERDONI, INC. AT 1501 JANESVILLE AVENUE, d/b/a LENNIGANS, WITH CONTINGENCIES.

The City Clerk said the License Committee unanimously recommended approval of the license contingent on the payment of any outstanding water and sewer bills. The City Clerk stated all outstanding bills were paid prior to the Council meeting.

Cm. Schultz, seconded by Cm. Zastrow, moved to approve the “Class B” Combination Liquor and Fermented Malt Beverage License for Bagerdoni, Inc. at 1501 Janesville Avenue, d/b/a Lennigans. The motion carried on a voice vote.

- c. RECOMMENDATION FROM LICENSE COMMITTEE TO APPROVE TAVERN DANCE LICENSE FOR BAGERDONI, INC. AT 1501 JANESVILLE AVENUE, d/b/a LENNIGANS.

Cm. Lescohier, seconded by Cm. Schultz, moved to approve the tavern dance license for Bagerdoni, Inc., at 1501 Janesville Avenue, d/b/a Lennigans. The motion carried on a voice vote.

- d. RECOMMENDATION FROM LICENSE COMMITTEE TO CHANGE PREMISE DESCRIPTION TO INCLUDE OUTDOOR DECK AT EL PATRON, 100 MADISON AVENUE, WITH CONTINGENCIES.

The City Clerk said the deck will be along the front of their building (Madison Avenue side) and be approximately 900 square feet in size. It is their intent to serve beer and wine out on the deck. There was a contingency placed on the approval by the License Committee that they meet all Code requirements with the deck construction.

Cm. Zastrow, seconded by Cm. Schultz, moved to approve the premise description change to include an outdoor deck for El Patron, 100 Madison Avenue, contingent on meeting all codes. The motion carried on a voice vote.

- e. RECOMMENDATION FROM PLANNING COMMISSION TO APPROVE PRELIMINARY CERTIFIED SURVEY MAP CREATING ONE NEW PARCEL SOUTH OF N3297 S.T.H. 89 (EXTRA-TERRITORIAL).

The City Clerk stated the Survey was approved unanimously by the Planning Commission.

Cm. Zastrow, seconded by Cm. Lescohier, moved to approve the Preliminary Certified Survey Map creating one new parcel south of N3297 S.T.H. 89 (extra-territorial). The motion carried on a voice vote.

- f. NOTIFICATION OF APPROVAL OF ARRA GRANT FOR THE PURCHASE OF FIVE CARS AND ONE HANDICAPPED ACCESSIBLE MINI-BUS FOR SHARED RIDE TAXI PROGRAM.

The City was notified that the Grant application has been approved. The next step will be to approve a contract to be presented at a future meeting, and then purchase the vehicles and seek reimbursement from the State. The vehicles will then be leased to Brown Cab for \$1.00/vehicle/year. Brown's will be responsible for maintaining the vehicles.

City Attorney Rogers asked who will be paying the liability insurance on the vehicles, and it was indicated that Brown's Cab will be paying it.

Cm. Schultz, seconded by Cm. Lescohier, moved to accept and file the notification of the ARRA Grant for the purchase of five cars and one handicapped accessible mini-bus for the shared-ride taxi program. The motion carried on a voice vote.

9. NEW BUSINESS

- a. REVIEW AND APPROVE BIDS FOR A BRAKE LATHE FOR THE DEPARTMENT OF PUBLIC WORKS AS BUDGETED.

The following bids were received for this item:

Bumper to Bumper	\$6,402.48
NAPA	\$6,898.88
Snap-On Tools	\$9,181.19

Pres. Mielke asked if all three bids were for the same specifications, as there is quite a difference in the bid amount. The Public Works Superintendent indicated all bids were for the same specified equipment.

Cm. Lescohier, seconded by Cm. Zastrow, moved to approve the purchase of a brake lathe for the Department of Public Works in an amount not to exceed

\$6,402.48 from Bumper to Bumper. On call of the roll, the motion carried unanimously.

10. MISCELLANEOUS

a. GRANTING OPERATOR LICENSES

Cm. Zastrow, seconded by Cm. Schultz, moved to approve the following list of applicants for operator licenses for the 2008-2010 license period:

Regular:

Cameron S. Bates	Stop n Go
Bailey E. Fisher	The Blackhawk
Jennifer L. Huggins	Paddy Coughlin's
Rosemare J. Goldsmith	Union Jacks
Adam J. Schaller	Union Jacks

The motion carried on a voice vote.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

Cm. Zastrow, seconded by Cm. Lescohier, moved the bills in the amounts of \$375,966.49 for the City (Fund 1); \$90,688.39 for the Sewer Utility (Fund 2); \$94,146.09 for the Water Utility (Fund 3); \$280.85 for Stormwater Management (Fund 10); \$108,358.35 for the Klement Business Park (Fund 12); \$43,144.22 for Downtown Economic Development (Fund 13); and \$137,358.16 for Payroll #6 and 6A; as per Schedule O-16 on file in the office of the City Clerk/Treasurer and as audited and approved by the Finance Committee be allowed and orders be authorized drawn on the proper funds for their payment. On call of the roll, the motion carried unanimously.

12. ADJOURNMENT

Cm. Zastrow, seconded by Cm. Schultz, moved to adjourn the April 8, 2010 regular City of Fort Atkinson Council meeting at 7:18 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer