

CITY OF SHULLSBURG
COMMON COUNCIL MINUTES
JUNE 18, 2008
6:30 P.M.

A regular meeting of the Common Council of the City of Shullsburg was held at 6:30 p.m. June 18, 2008 in the Community Room of the Shullsburg Community Townsend Center, 190 N. Judgement Street, Shullsburg, Wisconsin. Mayor Tom Curran called the meeting to order at 6:30 p.m. Notice of the meeting was properly posted and given to the official newspaper. Roll Call- Josh Jerry, Darrell Morrissey, Carol Korn, Cheryl Fink.-All present. Others present: Gary Weiskircher, Andrew Richards, Dan Morrissey, Dennis Tonak, Joe Byrne, Dave Lawrence, Richard Morgan, Odella Woodworth, Dick Roddick, Pam Paquette, John Weiskircher, Joann Weiskircher, Bob Curran, Sonya Walton, Wayne Gehrt, Brad Mootz and Lavonne Berge.

Motion by Korn second by Fink to approve the minutes of the June 4, 2008 meeting as amended. All aye, motion carried.

Committee Reports:

Ald Korn reported that a Utility Committee meeting had been held. Korn also reported a leave request for Verne Jackson.

Ald Fink reported leave requests for Sergeant Rick Moyer and Chief John Strause. Fink also reported that the following items were addressed at a police committee meeting: 1. Public Nuisances 2. Use of Golf on streets. 3. Personnel Manual.

Ald Morrissey reported that repairs to the Veterans Memorial will be done before the 4th of July. Morrissey also reported that the fire district is looking into purchasing a used fire truck for \$160,000.

Motion by Fink second by Jerry to accept the committee reports. All aye, motion carried.

After a brief discussion, a motion was made by Fink second by Jerry to approve the bills. All aye, motion carried.

Motion by Jerry second by Korn to move to number seven on the agenda. All aye, motion carried.

Tom Lethlean arrived.

Members of the Redevelopment Authority were present for a discussion regarding pending activity of the authority. Ald Morrissey stated that he had asked the RDA to come to this meeting so information could be shared. The Redevelopment Authority (RDA) has made an offer to purchase the Richards property located on 278 W Estey Street. The offer to purchase is \$175,000 which includes a house and several acres of land. Ald Korn inquired about sink holes in the property. Brad Mootz, RDA member, is checking into costs from a company to investigate the mine shafts. The option to purchase is contingent on the outcome of the investigation. Jeff Russell feels that is not the correct procedure and inquired as to whether or not there was a written plan for the project. Joe Byrne stated that there is not. Russell stated there needs to be a written plan with costs for the installation of a street, utilities and an estimated

cost per lot. Mootz stated that they have preliminary costs, but no formal plan and that if it turns out that the lots are too expensive then the RDA can back out of the agreement. Byrne inquired as to where the RDA would get the funds to pay for a written plan. Dan Morrissey was present and voiced his concerns regarding why the banks haven't stepped up to back the cost of this project so the city doesn't have to. Dan Morrissey also stated that the Utility is separate from the city and should be investing in the city.

Ald Jerry is supportive of the idea of development, but needs to see a plan with numbers. Ald Jerry also inquired about the finances of the RDA. Byrne responded with the RDA does not have the any funds. Ald Fink stated that she agrees that the city needs development. Mayor Curran stated that if this was a good thing, why hasn't a developer purchased the property and doesn't think the city should be involved.

A discussion was held regarding a request from John and Joann Weiskircher for a private septic on the property located at 650 W. Water Street. Weiskirchers are contemplating building a house on their property. The current house that is on this property has a private septic and is hooked to the city's water system. The construction of a new home would be in addition to the current house. Weiskirchers' intend to build only one home. Weiskircher referred to the previous development discussion. Stating that a house could be built this year and taxes collected next year. Weiskircher is inquiring as to why the council will not allow a private septic. Ald Fink stated that the current ordinance states that customers have to hook up to the city's sewer system and that the city has not allowed others to do this. Weiskircher inquired about amending the ordinance for properties with extraordinary circumstances, such as, cases that would require a lift station or boring under a creek in order to provide water and sewer utilities to that particular area. Mayor Curran stated that the ordinance does not state that you cannot hook up to the city utilities, but it does say that the customer is responsible for the costs of the installation. Wayne Gehrt stated that there is a lot of land in the city limits that is limited by hills or creeks and stated that the council should consider amending the ordinance to allow for those circumstances. Dan Morrissey stated things are different now and it is worth the time to hold a public hearing and consider changing the current ordinance. Dan Morrissey also stated that the situation with Steve Curran's property should be an eye opener.

Motion by Jerry second by Fink to deny the request for a private septic because the current ordinance does not allow for a private septic. Weiskircher asked for a roll call vote. Roll Call- Fink, Korn, Jerry, Morrissey. All aye, motion carried.

The City received a notice from the DOT regarding an inspection of the salt storage facility. The city was found in non compliance with the Wisconsin Administrative Code. The purpose of this code is to prevent contamination of the surface and ground waters. The DOT found that the asphalt loading pad is moderately alligator cracked and recommends that the pavement be overlaid or reconstructed. Iverson Construction has

submitted a bid to bituminous pave the area for \$3,147. Motion by Jerry second by Morrissey to approve the contract with Iverson Construction for \$3,147. All aye, motion carried.

A discussion was held regarding purchasing mulch for the Community Building and Miner Park. The clerk has gotten the following quotes for 20 cubic yards of mulch: 1. Bill Miller Logging- \$15/cubic yard- Total Cost- \$300 plus delivery charge of \$100. 2. Tony's Landscaping- \$30/cubic yard- Total Cost- \$600 - No delivery charge. 3. Nature's Greenhouse- \$25/cubic yard- Total Cost- \$500 plus \$10 per trip- Can only deliver 3-4 cubic yards in one trip. Motion by Fink second by Korn to approve the purchase of mulch from Bill Miller Logging not to exceed \$400. Roll Call- Jerry, Morrissey, Fink, Korn - All aye, motion carried.

A discussion was held regarding a Class B Combination License. Due to the quota of Class B license, there is only one license that will be available for the license period beginning July 1, 2008 and ending June 30, 2009. This is the license that is currently held by Michael W are. Ware is no longer operating the Brewster Cafe and has not applied for the license. Therefore the license is available to be issued to one of two the applicants, Shullsburg Creamery II or HR 202 Pub, LLC, that have applied for the license. The clerk explained that she had contacted Roger Johnson, Department of Revenue, and there are no statues or guidelines when considering who should get the license. The clerk was informed that the council should be fair and base their decision on what is best for the community. Gary Weiskircher, Water Street Pub manager, was present and stated his reasons why he felt the Pub should be issued the license. Dennis Tonak, Shullsburg Creamery, was also present and stated his views on why the Shullsburg Creamery II should be issued the license. After consideration a motion was made by Morrissey second by Jerry to issue the available Class "B" License to the Shullsburg Creamery II, DBA- Brewster Cafe' & Cheese Store, Donna Schoenfeld-Agent. All aye, motion carried.

Motion by Jerry second by Morrissey to approve the follow renewal license and agents for the period beginning July 1, 2008 and ending June 30, 2009: Class A- Beer Only- Leahy's Market, LLC- Dave Popp, Agent; C & D Properties, LLC- DBA-Miner Town Mart- Kathryn Hasburgh, Agent; Class A Combination- Dougherty Depots, LLC- DBA-Miner Depot- Tony Dougherty, Agent; Class B Combination- HNL, LLC- DBA Wheel In; William Nethery- DBA Night Owl Saloon; David Walton- DBA Neighbors Bar & Grill arid Water Street Saloon, LLC- DBA Geeves Tap; Class B Combination Reserve- Grindstone, LLC- DBA Hanler's Unique Shops on Water Street & Franks Place, Nadine Millin- Agent; Class B Beer Only & Class C Wine- HR 202 Pub, LLC- DBA Water Street Place- Gary Weiskircher, Agent. Motion by Jerry second by Morrissey to approve the renewal of the alcohol license as listed. All aye, motion carried.

Motion by Morrissey second by Fink to approve operator licenses for the period beginning July 1, 2008 and ending June 30, 2009 as listed by the clerk contingent upon a successful

background check. AU aye, motion carried.

Motion by Jerry second by Morrissey to approve cigarette license for the period beginning July 1, 2008 and ending June 30, 2009 for the following applicants: Leahy's Market, Inc; C & D Properties, LLC- DBA Miner Towne Mart; Dougherty Depots, LLC- DBA Miner Depot; William Nethery- DBA Night Owl Saloon; David Walton- DBA Neighbors Bar & Grill and Water Street Saloon, LLC- DBA Geeves Tap. An aye, motion carried.

Motion by Fink second by Korn to approve coin machine permits to the following applicants: HNL, LLC- DBA Wheel In (2); William Nethery- DBA Night Owl Saloon (5); David Walton- DBA Neighbors Bar & Grill (12) and Water Street Saloon, LLC- DBA Geeves Tap (5). All aye, motion carried.

Motion by Jerry second by Morrissey to approve a temporary beer permit to the McCann Richards Post 105 for the period beginning July 1 and ending July 6, 2008. All aye, motion carried.

Motion by Jerry second by Fink to approve temporary operator license to following applicants for the period beginning July 1, 2008 and ending July 6, 2008 contingent upon successful background checks. All aye, motion carried.

A brief discussion was held regarding repair or replacement of the vacuum cleaner at the Community Center. The clerk stated that the repair would cost \$244 and a replacement would cost \$635. The vacuum cleaner was purchased in October of 2003. Motion by Jerry second by Fink to approve the repair of the vacuum cleaner. Roll Call-Morrissey, Korn, Jerry, Fink. AU aye, motion carried.

Regarding the possible amendments to the City of Shullsburg/Shullsburg Utility Personnel Manual the matter was referred back to the committees.

During the public comment session of the meeting, several people were present to voice their concerns regarding the discussion that was held at the June 17, 2008 Police Committee Meeting regarding the operation of golf carts on public streets. Sonya Walton inquired as to whether or not the committees make decisions. Ald Fink stated that committee meetings are held the third Tuesday of each month. Items are discussed at the committee level but are approved by the council. Fink further explained that the operation of golf carts on public streets is already prohibited by state statute. Bob Curran stated that it has been common practice of the police officers to look the other way and inquired why they are now enforcing the law. Ald Fink stated that it is a liability issue. Odella Woodworth voiced her concerns regarding Todd Ubersox, stating that it (riding lawn mower) is his only means of transportation and feels that the council should look at the issues. Lavonne Berge inquired about a loop hole for handicapped individuals. Ald Korn understands and is opposed to enforcing the current law. Ald Jerry stated that unauthorized vehicles are not legal to drive on city streets. Bob Curran stated that they are licensed to operate on the trail. Ald Jerry stated that people can get permits to operate golf carts on the Cheese Country Trail, but those permits are not valid to operate golf carts on the ATV Route. Ald Morrissey stated that not allowing the golf carts on public streets affects his mother, but the

city can't be responsible for allowing them to operate on public streets, Dan Morrissey stated that possibly the city could allow the use of golf carts on city streets with certain criteria or guidelines. Ald Jerry is open for discussion provided the individuals that are operating the golf carts have a valid drivers license. Ald Fink stated that the council has to look at the law that is current at the particular time, but also stated that it is not a dead issue.

Clerk report: The clerk reported that she will be on vacation and will not be available for the next council meeting that is scheduled for July 2, 2008.

At 8:08 p.m. a motion was made by Jerry second by Fink to adjourn. All aye, motion carried.

Marsha Einsweiler
City Clerk/Treasurer