

CITY OF DARLINGTON COUNCIL PROCEEDINGS
REGULAR SESSION
APRIL 21, 2009

The meeting was called to order by Mayor Dave Breunig at 7:00 PM. The Pledge of Allegiance was then recited. Present at roll call were: Don Osterday, Steve Pickett, Bev Anderson, Cindy Corley and Dave Gough. Excused absence: John Sonsalla. Also present were: Larry Burns, Bill McDaniel, Dan O'Brien, Dennis J. Murphy, Jason King, Steve Haverty, Steve Walker and Phil Risseuw.

Motion by Anderson second by Pickett that the meeting notice and agenda were properly posted. Motion carried. Motion by Pickett second by Corley to approve the minutes of the April 7, 2009 and April 13, 2009 Council meetings. Motion carried.

Under unfinished business, discussion was held concerning a refund request from Larry Burns regarding the reserve license fee he paid for his liquor license for the Corner Bar and Grill. Larry said according to his research, all other communities who charge the \$10,000 reserve license fee, give the money back later. Larry also explained he has made this request before, and as far as he knows, no action has been taken concerning his request. Mr. Burns also stated he felt the new hotel should also have had to pay the \$10,000 fee, and they didn't.

When this matter was previously considered, the matter was referred to Attorney McDaniel to research what other communities do. Attorney McDaniel found the City of Madison created an economic development grant program to return the money to the liquor license holder. It was also reported, the liquor license issued to the owners of the new hotel was issued under an allowable exception in the State of Wisconsin liquor license quota law. After discussion and consideration, motion by Pickett second by Anderson to have the City Clerk and City Attorney research this matter, contact other communities, and see how they handle this situation. By Voice Vote: Ayes: Pickett, Anderson and Gough. Nays: Osterday and Corley. Motion carried.

Under other unfinished business, Mayor Breunig reported the City of Darlington received an award from the Chamber/Main Street Program at their Annual Meeting. Mayor Breunig then reported he attended the BEST Conference; and at that conference Darlington Dairy Supply received an Agribusiness Innovation Award. He accepted the award on behalf of Darlington Dairy Supply, and presented the award to Dave Gough at this meeting to present to the owners of Darlington Dairy Supply. Alderperson Anderson then reported she talked with the organizers of Cinco de Mayo, and they won't be serving alcohol until noon or 1:00 PM on May 16th; not beginning at 8:00 AM like their picnic permit application stated.

Under new business, Dan O'Brien and Dennis J. Murphy attended the meeting to present information regarding the construction of a Veteran's Memorial within the City limits. Dan reported a group of interested people want to raise money to build a Veteran's Memorial; however they need a place to locate the memorial. Dan stated they want the memorial placed on the highway for high visibility; and they are requesting permission to place the memorial in Veterans Memorial Park.

One possible location is where the current Chamber information booth is located on the west side of Hwy. 23. However during this discussion, it was suggested a better location would be on the east side of Hwy. 23 in Veterans Memorial Park, as that land sits up higher than on the west side of Hwy. 23. After discussion and consideration, it was the consensus of those present to authorize Dan O'Brien and Dennis J. Murphy to continue with the planning process; with the understanding the City Council will allow the placement of the memorial somewhere in Veteran's Memorial Park, in the 500 block of Main Street. Dan O'Brien, Dennis J. Murphy and Larry Burns then left the meeting.

Discussion was then held concerning an original Class "B" Retailer's Combination alcohol beverage license application from Riverwood Restaurant, LLC, d/b/a Riverwood Restaurant, Johnny Shabani, Agent, 128 Main St., Darlington, WI 53530. This original alcohol beverage license application is for a reserve license from the City of Darlington. A copy of the license application and approval letter from Chief Jason King was included in the agenda packet. Mayor Breunig stated this reserve license requires the payment of the \$10,000 reserve license fee; which these applicants are willing to pay. After discussion and consideration, motion by Gough second by Pickett to approve the original Class "B" Retailer's Combination alcohol beverage license application from Riverwood Restaurant, LLC as presented, with an effective date of July 1, 2009. Motion carried.

Discussion was then held concerning the following recommendations from the Darlington Community Fire Commission. Copies of each document was included in the agenda packet.

- Approve a Darlington Community Fire Commission resolution establishing fees for services of the Darlington Fire Department. Mayor Breunig and Steve Pickett reported on the need for this resolution, and what it means. After discussion and consideration, motion by Pickett second by Corley to approve the Darlington Community Fire Commission resolution as presented. Motion carried.
- Approve Contract for Fire Protection Services. Mayor Breunig and Steve Pickett explained the need for approval of this contract. Attorney McDaniel reported this contract is the same document he prepared several years ago. This contract is a cooperative agreement with the City of Darlington and six Townships to provide fire protection services to a specific area. After discussion and consideration, motion by Pickett second by Anderson to approve the Contract for Fire Protection Services as presented. Motion carried.

Discussion was then held concerning proposed Resolution 2009-03, A Resolution Authorizing a Representative to File an Application for Financial Assistance from State of Wisconsin Clean Water Fund Program. A copy of the proposed resolution was included in the agenda packet. This resolution authorizes Mayor Breunig to submit an application to the State of Wisconsin for stimulus monies for the four water main replacement and installation projects previously approved by the City Council. After discussion and consideration, motion by Gough second by Osterday to approve Resolution 2009-03 as presented. Motion carried.

Discussion was then held concerning proposed Resolution 2009-04, A Resolution Regarding Reimbursement of Expenditures for Water Utility Construction Projects.

A copy of the proposed resolution was included in the agenda packet. This resolution is required by the application for Financial Assistance from the State of Wisconsin Clean Water Fund Program mentioned in the previous resolution. The resolution authorizes reimbursement of expenses paid by the Municipal Water Department for projects included in the application for Financial Assistance, prior to approval of the grant/loan by representatives of the Clean Water Fund Program. After discussion and consideration, motion by Anderson second by Pickett to approve Resolution 2009-04 as presented. Motion carried.

The March 31, 2009 financial statements for the City, Water Dept. and Sewer Dept. were then presented for review and approval. After review and consideration, motion by Osterday second by Anderson to approve the March 31, 2009 financial statements for the City, Water Dept. and Sewer Dept. as presented. Motion carried.

Under reports of committees, Mayor Breunig scheduled a meeting of the Finance and Personnel Committee for Monday, April 27, 2009 at 6:00 PM.

Motion by Gough second by Corley to go into *closed session* in accordance with Section 19.85 (1) (e) Wis. Stats., to consider changes in terms and conditions of the revolving loan fund loan with Steven E. Walker, d/b/a Towne Motel. Roll Call Vote: All Ayes. Motion carried.

Motion by Anderson second by Gough to reconvene to *regular session* in accordance with Section 19.85 (2) Wis. Stats., to take action if necessary concerning changes in terms and conditions of the revolving loan fund loan with Steven E. Walker, d/b/a Towne Motel and adjourn the meeting.

Motion by Gough second by Anderson to approve the forgiveness of the entire revolving fund loan with Steven E. Walker, d/b/a Towne Motel, contingent upon the scheduled sale of the Towne Motel property. By Voice Vote: All Ayes. Motion carried.

There being no further business for this meeting, motion by Corley second by Gough to adjourn the meeting at 8:10 PM. Motion carried.

CITY OF DARLINGTON

Philip A. Risseuw, Clerk-Treasurer