

**CITY OF BEAVER DAM, WISCONSIN
COMMON COUNCIL MEETING AGENDA
MONDAY, JUNE 4, 2018
@ 8:00 P.M.**

- 1) **CALL TO ORDER – ROLL CALL**
- 2) **PLEDGE – SILENT DELIBERATION**
- 3) **INFORMAL PUBLIC HEARING**
- 4) **ANNOUNCEMENTS**
- 5) **DISPOSITION OF MINUTES OF THE COMMON COUNCIL MEETING OF MAY 21, 2018**
- 6) **COMMUNICATIONS**
- 7) **BILLS**
- 8) **PRESENTATION OF 2018 CAPITAL IMPROVEMENTS PROGRAM AND UTILITY FINANCING PLAN BY CAROL WIRTH OF WISCONSIN PUBLIC FINANCE PROFESSIONALS**
- 9) **ORDINANCES**

ORDINANCE NO. 10-2018

AN ORDINANCE REMOVING PARKING ALONG THE WESTERLY SIDE OF ROSENDALE STREET FROM A POINT 104 FEET SOUTHWESTERLY OF THE SOUTHERLY LINE OF PEARL STREET EXTENDED, TO A POINT 80 FEET SOUTHWESTERLY THEREOF

**THE COMMON COUNCIL OF THE CITY OF BEAVER DAM DO ORDAIN AS FOLLOWS:
Section 62-50(d), Parking prohibited, of the Municipal Code is amended by adding:**

SECTION I: 62-50(d).

The westerly side of Rosendale Street from a point 104 feet southwesterly of the southerly line of Pearl Street extended, to a point 80 feet southwesterly thereof.

SECTION II: Said ordinance shall be effective upon its passage and publication.

First Reading – June 4, 2018

ORDINANCE NO. 11-2018

AN ORDINANCE AMENDING SECTION 62-50(s), PARKING OF VEHICLES ON RESIDENTIAL-USE PROPERTIES, SUBECTIONS (2), DEFINITIONS, AND (3), PROHIBITIONS, IN THE BEAVER DAM MUNICIPAL CODE

THE COMMON COUNCIL OF THE CITY OF BEAVER DAM DO ORDAIN AS FOLLOWS:

SECTION I: Section 62-50(s), *Parking of vehicles on residential-use properties*, subsection (2), *Definitions*, is amended, in part, as follows:

Driveway means the area of a lot constructed, improved, maintained, or used for the primary purpose of vehicular access to residential-use properties from a public street to the front of the garage or house if no garage is present. All vehicles parking in the driveway shall park perpendicular to the front of the house unless circumstances prevent, in which case the Building Inspector may approve.

Improved Surface means any area that, for purposes of this subsection, is not part of a driveway but has been paved for parking or storage of vehicles or equipment owned or operated by the occupants of a residential-use property in accordance with this subsection. An improved area may only be located on the side yard or rear yard and be a minimum of three ft. off the property line and must be approved

by the City Building Inspection Department. An improved area may be paved with concrete, cement pavers, rick, asphalt, shale, gravel, crushed rock or other material installed and maintained per industry standards, to a minimum thickness of not less than four inches so as to lessen or prevent the seepage of any fuel, oil, or other chemical substance to the soil below the area. An Improved Surface that is only under the tires is not acceptable and will not be approved.

SECTION II: Section 62-50(s), Parking of vehicles on residential-use properties, subsection (3), *Prohibitions*, is amended in its entirety as follows:

This subsection prohibits the parking of vehicles or equipment in the front yard areas of residential-use properties except on approved driveways (Sec. 54-11). This is to preserve the property values and esthetics of neighborhoods, prevent damage to underground utility facilities, and to mitigate or lessen the environmental effects of contamination caused by the leakage of automobile or other fuels, petroleum products or other harmful chemicals from vehicles or equipment. All front yard Improved Surface areas that are not paved with concrete or asphalt shall retroactively not be permitted and revert back to green space unless approved by the Building Inspector.

SECTION III: Said ordinance shall be effective upon its passage and publication.

First Reading – June 4, 2018

ORDINANCE NO. 12-2018

AN ORDINANCE REPEALING AND RECREATING SEC. 14-192, VIOLATIONS, IN THE BEAVER DAM MUNICIPAL CODE

THE COMMON COUNCIL OF THE CITY OF BEAVER DAM DO ORDAIN AS FOLLOWS:

SECTION I: Section 14-192, Violations, in the Beaver Dam Municipal Code is repealed and recreated as follows:

Sec. 14-192. Inspection and Enforcement Procedures.

A. Zoning, Junk, Debris Complaints.

1. Inspection and Timeline for Compliance.

a. Violation is observed and existing violations are noted. A Notice of Noncompliance is generated and mailed to the owner of the property. The Notice of Noncompliance shall be in writing, include a description of the real estate sufficient for identification, specify the violation which exists and the remedial action required, and allow a compliance date of (7-14) days depending on the violation from the date of the posting is given.

2. Enforcement.

a. If the property remains in violation at the time of re-inspection a re-inspection fee is assessed and a notice of noncompliance (as described in section 1a above) is generated and mailed to the property owner.

(i). Re-inspections are conducted every 7-10 days depending on the violation and fees are assessed in the following:

The first re-inspection fee is \$100 then \$200, \$300 and all subsequent re-inspections are assessed a fee of \$400. The assessment of fees may continue indefinitely if the property remains noncompliant.

(ii). Re-inspections may also result in the issuance of a municipal citation. Any person who shall violate any provision of this Section shall be subject to a penalty as provided in Section 1-9 of this Code. Issuance of a citation does not affect or interrupt the issuance of re-inspection fees. Each day that a violation continues after due notice has been served in accordance with the terms and provisions of this Section shall be deemed a separate offense.

B. Property Maintenance Complaints.

1. Inspection and Timeline for Compliance.

a. Violation is observed, pictures are taken and existing violations are noted. A Notice of Noncompliance is generated and mailed to the owner of the property. The Notice of Noncompliance shall be in writing, include a description of the real estate sufficient for identification, specify the violation which exists and the remedial action required, and allow 30 calendar days for compliance.

b. Paint and masonry orders issued after October 15th are given compliance dates beginning May 15th of the following calendar year.

2. Enforcement.

a. If a property remains in violation at the time of re-inspection, pictures are taken and any remaining violations are noted.

(i). If most or all violations are corrected, or the property owner has made contact with the department and offered an acceptable schedule for compliance or a contract to have repairs completed, or provided sufficient evidence to convince the department that he or she intends to, and will comply with orders, the orders may be extended without fee or penalty.

(ii). If insignificant, or no progress has been made, or the property owner has failed to contact the department to advise of his or her intentions to make repairs, or to provide a reasonable schedule and request an extension, re-inspection fees are issued for noncompliance. The first re-inspection fee is \$100, then \$200, \$300, and all subsequent re-inspections are assessed a fee of \$400. Re-inspections are conducted and fees assessed on a monthly basis. The assessment of fees may continue indefinitely if the property remains noncompliant.

(iii). Re-inspections may also result in the issuance of a municipal citation. Any person who shall violate any provision of this Section shall be subject to a penalty as provided in Section 1-9 of this Code. Issuance of a citation does not affect or interrupt the issuance of re-inspection fees. Each day that a violation continues after due notice has been served in accordance with the terms and provisions of this Section shall be deemed a separate offense.

SECTION II. Said ordinance shall be effective upon its passage and publication.

First Reading – June 4, 2018

ORDINANCE NO. 13-2018

AN ORDINANCE AMENDING SECTION 14-196, PROPERTY MAINTENANCE, IN THE BEAVER DAM MUNICIPAL CODE

THE COMMON COUNCIL OF THE CITY OF BEAVER DAM DO ORDAIN AS FOLLOWS:

SECTION I: Section 14-196, Property maintenance, is amended, in part, as follows:

A. Paragraph (a), *General maintenance*, subparagraph (3), *Roofs*, is deleted in its entirety and the following is substituted therefore:

(3). *Roofs and drainage.* The roof and flashing shall be maintained structurally sound, tight, and not have defects that admit water. The roof coverage shall be in good repair, free from wear and tear, storm damage and missing components. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

B. Paragraph (a), *General maintenance*, subparagraph (4), *Stairs, porches and railings*, (including sub. a, Structural safety, and sub. b, Handrails) are deleted in its entirety and the following substituted therefore:

(4). *Stairways, decks, porches, ramps, and balconies.*

a. Every exterior stairway, deck, porch, ramp, and balcony, and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads. Any new or replacement stairways, decks, porches, ramps and balconies shall be installed in accordance with the requirements of Chapters SPS. 320-325 of the Wisconsin Administrative Code.

b. **Handrails/guardrails.**

1. **Requirements.** Every stairway, deck, porch, ramp, and balcony with more than three (3) risers or where more than twenty-four (24”) inches above grade, shall have handrails/guardrails installed which are in good repair. “Good repair” shall be defined as structurally sound, with proper anchorage and capable of supporting projected loads.

2. **Maintenance.** Every handrail/guardrail installed shall be maintained so as to be in Good Repair. Every handrail/guardrail installed shall be replaced if destroyed and repaired if not in Good Repair.

C. Paragraph (a), **General maintenance**, subparagraph (7), **Maintenance of exteriors**, is deleted in its entirety and the following substituted therefore:

(7). **Maintenance of exteriors.**

a. **Exterior walls, surfaces, and repairs.** All exterior walls and surfaces, including but not limited to, decorative features and overhang extensions, doors, door and window frames, cornices, porches and trim, shall be maintained in Good Repair. All exterior surfaces shall be free from decay, missing parts, serious cracking, irregularities, loose shingles, crumbling stone, stucco or brick and peeling, flaking and chipped paint, or any other such conditions reflective of deterioration or inadequate or deferred maintenance. Flaking and chipping paint, when removed, shall be collected and stored in containers and disposed of in accordance with Federal and State law. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and affected surfaces treated and repainted in a workmanlike manner. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and watertight.

b. **Decorative features.** All cornices, belt courses, corbels, terra cotta trim, wall facings and similar decorative features shall be maintained in Good Repair with proper anchorage and in a safe condition.

c. **Overhang extensions.** All canopies, marquees, signs, metal awnings, fire escapes, standpipes, exhaust ducts and similar overhang extensions shall be maintained structurally sound and in Good Repair with proper anchorage.

D. Paragraph (a), **General maintenance**, subparagraphs (16), **Firewood storage**, (17), **Fences**, (18), **Accessory buildings/structures**, and (19), **Garage doors**, are added as follows:

(16). **Firewood storage.** Firewood, for personal use only, may be kept on residentially zoned or used property. It shall be stored in straight, orderly piles which are raised a minimum of three (3”) inches off the ground, which are not more than six (6’) feet in height, which are not in the “front yard” as defined in the Zoning Ordinance, and which are no closer than four (4’) feet to a dwelling.

(17). **Fences.** All fences shall be maintained in Good Repair, be structurally sound and plumb. Fence surfaces shall be free of rust, corrosion, deterioration, decay, missing parts, and peeling, flaking and chipped paint. Wood surfaces other than decay-resistant wood must be protected from the elements.

(18). **Accessory buildings/structures.** All accessory buildings and structures, including windows and doors which are a part thereof, shall be maintained structurally sound, in Good Repair, reasonably weathertight, watertight, and rodent proof.

(19). **Garage doors.** All garages, where a garage door was intended or installed, must be provided with a functioning garage door. Garage doors shall be capable of being closed reasonably plumb, properly attached, and the exterior surface maintained and weatherproofed as required to prevent deterioration.

SECTION III: Said ordinance shall be effective upon its passage and publication.

First Reading – June 4, 2018

10) **RESOLUTIONS**

RESOLUTION NO. 61-2018

A RESOLUTION AUTHORIZING THE INDUSTRIAL DRIVE WATER TOWER EXTERIOR CLEANING AND PAINT TOUCH UP SERVICE AGREEMENT BETWEEN THE CITY OF BEAVER DAM AND NATIONAL WASH AUTHORITY, LLC.

WHEREAS, the City of Beaver Dam proposes to enter into the attached Industrial Drive Exterior Water Tower Cleaning and Paint Touch Up Service Agreement for labor, materials, and equipment necessary to perform the services as stated in the proposal, and;

WHEREAS, the cost of said services shall be pursuant to the attached Agreement.

NOW, THEREFORE, BE IT RESOLVED that the attached Agreement between the City of Beaver Dam and National Wash Authority, LLC is hereby approved and appropriate city officials are authorized to execute the same on behalf of the City of Beaver Dam.

(Subject To Committee Approval)

RESOLUTION NO. 62-2018

A RESOLUTION AWARDING THE CONTRACT FOR THE DOWNTOWN REJUVENATION PHASE I – LANDSCAPING PLAN (PEDESTRIAN WALKWAY AND FRONT STREET)

WHEREAS, the Operations Committee of the Common Council of the City of Beaver Dam, Wisconsin did advertise and receive sealed bids for the captioned contractual service; and

WHEREAS, three (3) bids were received and are on file in the City Engineering Department Office.

NOW, THEREFORE, BE IT RESOLVED that the contract for said Downtown Rejuvenation Phase I – Landscaping Plan (Pedestrian Walkway and Front Street) be and is hereby awarded to the low bidder, **FORWARD CONTRACTORS**, Grafton, Wisconsin, for the total bid not to exceed \$79,536.50. Funds are available in the Capital Improvements Program.

RESOLUTION NO. 63-2018

BE IT HEREBY RESOLVED, that the following organization be granted a Special Class "B" License for the sale of Fermented Malt Beverages for:

- No. 55 Beaver Dam Lake Days Steering Committee, Inc.
 Beaver Dam Lake Days
 Tahoe Park (Water Street & La Crosse Street)
 July 6 & 7, 2018

(Subject to Committee Approval)

RESOLUTION NO. 64-2018

BE IT HEREBY RESOLVED, that Erin E. Higgins, 122 S. Palmatory Street, Horicon, WI 53032 be approved as Agent for Applebee’s Neighborhood Grill & Bar, 115 Industrial Drive East, Beaver Dam, WI 53916, effective June 5, 2018.

(Subject to Committee Approval)

RESOLUTION NO. 65-2018

RESOLVED, by the Common Council of the City of Beaver Dam, Wisconsin, that the following applicants be granted a Class "B"/"Class B" License for the sale of Intoxicating Liquors and Fermented Malt Beverages for the year beginning July 1, 2018 and ending June 30, 2019:

No(s)

- | | |
|--|-------------------------|
| 1. Kwong Ming Lam | 150 Front Street |
| 2. Christos Stavropoulos | 223 Front Street |
| 3. Bryan Wheeler | 1305 N. Center Street |
| 4. 5050 Thirsty Beaver, LLP (Mark Christensen) Agent | 500 Madison Street |
| 5. Apple Hospitality Group, LLC (Joe McCune) Agent | 115 E. Industrial Drive |
| 6. BDMO, Inc. (Verne Shea) Agent | 325 Seippel Blvd. |
| 7. Beaver Dam Area Community Theatre (David Saniter) Agent | 219 N. Spring Street |
| 8. Beaver Dam Bowling Center, LLC (Robert Bloxham) Agent | 1660 N. Spring Street |
| 9. Benvenuto's, Inc. (Michelle Franke) Agent | 831 Park Avenue |
| 10. CAC Holdings, LLC (Rena Czoschke) Agent | 1019 N. Spring Street |
| 11. Chapel of the Archangels, LLC (Jimmie Walker) Agent | 839 Madison Street |
| 12. Char Haus Pub & Grill, Inc. (Debra Moore) Agent | 400 S. Center Street |
| 13. D & C DTI Real Estate, LLC (Dean Neumann) Agent | 404 S. Center Street |
| 14. Edith's Cake & Catering, Inc. (Marian Huettnner) Agent | 103 Front Street |
| 15. G and H of Beaver Dam, Inc. (Philip Gradel) Agent | 112 N. Spring Street |
| 16. John E. Miller #146 of the American Legion (Kathy O'Brion) Agent | 300 Beichl Avenue |
| 17. JP2, LLC (Amanda Hammen) Agent | 519 Madison Street |
| 18. K & L Storm, LLC (Lindsay Storm) Agent | 208 Front Street |
| 19. Milia GR, Corporation (Peter Katris) Agent | 1105 N. Spring Street |
| 20. Moonlight Bar & Grill, LLC (Dawn Woodworth) Agent | 436 Madison Street |
| 21. Morry's Bar, LLC (Carole Garczynski) Agent | 430 Madison Street |
| 22. Palanque, LLC (Salvador Castellano) Agent | 210 S. Spring Street |
| 23. PASC, LLC (Blerim Jonuzi) Agent | 709 Park Avenue |
| 24. Statz Fam, Inc. (John Statz) Agent | 825 Madison Street |
| 25. United Cooperative (David Cramer) Agent | 1520 N. Spring Street |
| 26. Voelker's Steak House LLC (Ruth Voelker) Agent | 415 E. South Street |

(Subject To Committee Approval)

RESOLUTION NO. 66-2018

RESOLVED, by the Common Council of the City of Beaver Dam, Wisconsin, that the following applicants be granted a Class "A" License for the sale of Fermented Malt Beverages for the year beginning July 1, 2018 and ending June 30, 2019:

No(s)

- | | |
|--|-----------------------|
| 1. Aldi Inc. (Kevin Sloan) Agent | 1733 N. Spring Street |
| 2. Beaver Dam BP, LLC (Gurinderdeep Dhillon) Agent | 201 S. Spring Street |
| 3. Beaver Dam Travel Mart, LLC (Gurinderdeep Dhillon) Agent | 821 Park Avenue |
| 4. Casey's Marketing Company (Emma Monheim) Agent | 906 N. University Ave |
| 5. Jerry's Marathon Automotive Center, Inc. (Stephen L. Ploch) Agent | 700 N. Spring Street |
| 6. Kwik Trip, Inc. (Philip Eller) Agent | 2006 N. Spring Street |
| 7. Kwik Trip, Inc. (Dena Greenfield) Agent | 1504 N. Center Street |
| 8. Lupitas Market, Inc. (Meinardo Enriquez) Agent | 1307 N. Center Street |
| 9. Malibu Tan & Spa, LLC (Diana Cristea-Rist) Agent | 709 N. Spring Street |
| 10. Reчек's Food Mart, Inc. (Brett Reчек) Agent | 609 N. Spring Street |
| 11. Reeya, Inc. (Ashokkumar Patel) Agent | 1516 N. Spring Street |
| 12. Schoenfeld's Foods of Beaver Dam, Inc. (Daryl Schoenfeld) Agent | 810 Park Avenue |
| 13. Shopko holding Company, LLC (Dennis Erickson) Agent | 822 Park Avenue |
| 14. Universal Petroleum, LLC (Gurinderdeep Dhillon) Agent | 817 Park Avenue |
| 15. Walgreen Co. (Chris Miller) Agent | 607 Park Avenue |
| 16. Wal-Mart Stores East, LP (Adam Zastrow) Agent | 120 Frances Lane |
| 17. Wildo Corporation (David Block) Agent | 1644 N. Spring Street |
| 18. Wonder Nails & Spa (Marvin T. Pham) Agent | 820 Park Avenue |

(Subject To Committee Approval)

RESOLUTION NO. 67-2018

RESOLVED, by the Common Council of the City of Beaver Dam, Wisconsin, that the following applicants be granted a Class "A"/"Class A" License for the sale of Intoxicating Liquors and Fermented Malt Beverages for the year beginning July 1, 2018 and ending June 30, 2019:

No(s)

- | | |
|--|-----------------------|
| 1. Aldi, Inc (Kevin Sloan) Agent | 1733 N. Spring Street |
| 2. Beaver Dam Stores, Inc (Jennifer Singsheim) Agent | 201 S. Spring Street |
| 3. Chill Zone, LLC (Roy R. Stibb) Agent | 801 Park Avenue |
| 4. Rechek’s Food Mart, Inc. (Brett Rechek) Agent | 609 N. Spring Street |
| 5. Schoenfeld’s Foods of Beaver Dam, Inc. (Daryl Schoenfeld) Agent | 810 Park Avenue |

(Subject To Committee Approval)

RESOLUTION NO. 68-2018

RESOLVED, by the Common Council of the City of Beaver Dam, Wisconsin, that the following applicants be granted a Class "B" License for the sale of Fermented Malt Beverages for the year beginning July 1, 2018 and ending June 30, 2019:

No(s)

- | | |
|---|------------------|
| 1. Qing C. Yang | 106 Frances Lane |
| 2. Beaver Dam Restaurant, Corp. (Burim Saliu) Agent | 827 Park Avenue |
| 3. Sake House Beaver Dam, LLC (Sammi Zheng) Agent | 822 Park Avenue |

(Subject To Committee Approval)

RESOLUTION NO. 69-2018

RESOLVED, by the Common Council of the City of Beaver Dam, Wisconsin, that the following applicants be granted a “Class C” License for the sale of Intoxicating Liquors (Wine) for the year beginning July 1, 2018 and ending June 30, 2019:

No(s)

- | | |
|---|-----------------|
| 1. Beaver Dam Restaurant, Corp. (Burim Saliu) Agent | 827 Park Avenue |
| 2. Sake House Beaver Dam, LLC (Sammi Zheng) Agent | 822 Park Avenue |

(Subject To Committee Approval)

RESOLUTION NO. 70-2018

BE IT HEREBY RESOLVED that the following applicant be granted a Tavern Dance License under the provisions of Section 6.2 of the Municipal Code for the year beginning July 1, 2018 and ending June 30, 2019:

No(s)

- | | |
|-----------------------------|-----------------------|
| 1. Chapel of the Archangels | 839 Madison Street |
| 2. Char Haus Pub & Grill | 400 S. Center Street |
| 3. Charlie Brown’s | 1019 N. Spring Street |
| 4. Cocktails Bar & Grill | 1305 N. Center Street |
| 5. Dino’s Bar & Grill | 404 S. Center Street |
| 6. Johnny’s Lounge | 519 Madison Street |
| 7. Moonlight Bar & Grill | 436 Madison Street |
| 8. Morry’s Bar | 430 Madison Street |
| 9. Statz Ale Haus & Grille | 825 Madison Street |
| 10. Stooze’s Sports Bar | 112 N. Spring Street |
| 11. Stormy’s | 208 Front Street |
| 12. Thirsty Beaver | 500 Madison Street |
| 13. Tower Lanes | 1660 N. Spring Street |
| 14. Veteran’s Center | 300 Beichl Avenue |

(Subject To Committee Approval)

RESOLUTION NO. 71-2018

A RESOLUTION GRANTING BEVERAGE OPERATOR LICENSE(S)

BE IT HEREBY RESOLVED that the following applicant(s) be granted a Beverage Operator’s License:

For one (1) year ending June 30, 2019:

No(s): 1 - 19

BE IT FURTHER RESOLVED that the following applicant(s) be granted a Beverage Operator's License:

For two (2) years ending June 30, 2020:

No(s): 20 - 48

(Subject To Committee Approval)

RESOLUTION NO. 72-2018

A RESOLUTION APPROVING A PROFESSIONAL SERVICES AGREEMENT TO ASSIST WITH THE CREATION PROCESS FOR TAX INCREMENTAL FINANCING DISTRICT #8 (TIF #8)

WHEREAS, the Community Development Committee has recommended the creation of TIF District #8.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council of the City of Beaver Dam does hereby approve the attached Professional Services Agreement with MSA Professional Services to assist the City with the creation of TIF District #8; and.

BE IT FURTHER RESOLVED, that the appropriate City officials are authorized to execute said agreement on behalf of the City.

11) ADJOURNMENT

"Requests from persons with disabilities who need assistance to participate in this meeting or hearing should be made to the City Clerk's office at 887-4600, Ext. 338, with as much advance notice as possible."