

PROCEEDINGS OF THE CITY COUNCIL  
CITY OF JANESVILLE, WISCONSIN

REGULAR MEETING  
8 August 1988

Vol. 39  
No. 9

Approved 8/22/88

Regular meeting of the City Council of the City of Janesville, held in the Municipal Building 8 August 1988 at 7:30 p.m.

Council President McLean called the meeting to order.

Present: Council President McLean, Councilmembers Pierson, Mittness, Stockwell, Stehura, Pulliam and Collins.

The minutes of the regular meeting of 25 July 1988 were presented. Councilmember Pulliam moved to amend the minutes by deleting under Licenses, first paragraph, the fourth line the words "and issued as presented." and approve the minutes as amended. Motion was seconded by Councilmember Stockwell and adopted by the following vote: Aye: Council President McLean, Councilmembers Pierson, Stockwell, Stehura, Pulliam and Collins. Pass: Councilmember Mittness.

LICENSES

Councilmember Pierson made a motion that the licenses, as listed on the license agenda and on file in the office of the City Clerk, be approved, except for the Operator (bartender) - original for Carmen Skillman which was not recommended by the Liquor License Advisory Committee. Motion seconded by Councilmember Collins and adopted unanimously.

(All applications of licenses are on file in the office of the City Clerk and are incorporated by reference herein and may be examined upon request at all reasonable times.)

OLD BUSINESS

1. Requests and comments from the public on matters which can be affected by Council action. No one appeared.
2. A proposed resolution vacating a portion of Ogden Street was reviewed by City Manager Sheiffer. No one appeared for the public hearing. Councilmember Pulliam moved to adopt Resolution 88-1090, seconded by Councilmember Collins and adopted unanimously. (File Resolution No. 88-1090)
3. A proposed ordinance, recommended for approval by the Plan Commission, rezoning property located in the 200 block of South Wright Road from R1 to M1, was given its second reading by title only and public hearing. Attorney Dennis L. Hansch, representing Science Related Materials, Inc., stated he was present to answer any questions. Councilmember Pierson moved to adopt said ordinance as presented. Seconded by Councilmember Pulliam and adopted by the following vote: Aye: Council President McLean, Councilmembers Pierson, Mittness, Stockwell and Pulliam. Pass: Councilmembers Stehura and Collins. (File Ordinance No. 88-586)
4. A proposed ordinance, recommended for approval by the Plan Commission, rezoning property located within the 1400 block of North Wright Road from R3 to B3 was given its second reading by title only and public hearing. The following persons appeared at the public hearing: Kurt Kirchenwitz - 1530 Meadowlark Dr., Beverly Levihn - 2011 Eastwood, Robert Buell, attorney for Janesville Commons, Russ Barrington - 1516 Meadowlark, Pat Kirchenwitz - 1530 Meadowlark were opposed. Jack Fagan of 836 North Marion

and Marv Roth of 1533 Tyler were in favor.

City Manager Sheiffer presented a general petition and a protest petition and stated that three-fourths majority vote would be required to pass. Councilmember Pierson moved to adopt said revised ordinance as presented, seconded by Councilmember Stehura and failed by the following vote: Aye: Council President McLean, Councilmembers Pierson, Stehura and Collins. Nay: Councilmembers Mittness, Stockwell and Pulliam. (File Ordinance No. 88-587)

5. A proposed resolution authorizing the City Manager to proceed with the sale and option of land in the Kennedy Road Industrial Park to the Topline Corporation, Inc. was presented by City Manager Scheiffer, who gave a brief review.

Councilmember Stockwell commended the City Manager "of going out and doing a nice sales job." Councilmember Stehura moved to adopt said resolution as presented. Seconded by Councilmember Stockwell and adopted unanimously. (File Resolution No. 88-1102)

#### NEW BUSINESS

1. Recommendations of the Plan Commission: A) Council President McLean presented the final Certified Survey Map 88030-C (B. Schneider) 1 Lot Survey located in the 200 block of South Wright Road. Councilmember Pulliam moved to approve Certified Survey Map 88030-C as presented. Seconded by Councilmember Stockwell and adopted by the following vote: Aye: Council President McLean, Councilmembers Pierson, Mittness, Stockwell and Pulliam. Pass: Councilmembers Stehura and Collins. (File CSM No. 88030-C)

B) City Manager Scheiffer presented the final Certified Survey Map 88023-C (Craig Jones) 1 Lot Survey located at the northeast corner of Nantucket Dr. and Bedford Dr., and stated that the motion should include the acceptance of \$107 for monies in-lieu-of parkland dedication. Councilmember Pulliam moved to approve Certified Survey Map 88023-C and to accept the \$107 for monies in-lieu-of parkland dedication. Seconded by Councilmember Stehura and adopted unanimously. (File cSM No. 88023-C)

C) City manager Sheiffer presented the final Certified Survey Map 88032-C (Walmart) 2 Lot Survey located at the southwest corner of USH 14 and Milton Av. in the City of Janesville. He also reviewed the five conditions for the Walmart development plan approved by the Plan Commission: 1 - Improvement of a protected left-hand turn lane on USH 14; 2- The extension of a protected left-hand turn lane on Milton Av.; 3 - Improvement of the access road adjoining the subject property; 4 - That the Engineering Dept. monitor traffic flow and intersection turning movement at the Milton Av./access road intersection and recommend to City Council additional levels of traffic improvements to the intersection if deemed necessary within a period of one year from store opening; and 5 - Recording of a certified survey map.

Councilmember Collins moved to approve CSM 88032-C as presented. Seconded by Councilmember Pierson.

Councilmember Stockwell moved to postpone action for two weeks so that the administration could negotiate with Walmart for a performance bond to be used to pay for traffic control. Seconded by Councilmember Mittness and failed by the following vote: Aye: Councilmembers Mittness and Stockwell. Nay: Council President McLean, Councilmembers Pierson, Stehura, Pulliam and Collins.

A vote was then taken on the original motion and was adopted unanimously. (File CSM 88032-C)

D) City Manager Sheiffer presented the final Certified Survey Map 88028 (Merdon Corp.) 3 lots located at the southeast corner of Kennedy Rd. and Refset Dr. in the City of Janesville. Councilmember Collins moved to approve CSM 88028-C as presented. Seconded by Councilmember McLean and adopted unanimously. (File CSM 88028-C)

2. A proposed Preliminary Resolution for Public Works Program #2-1988 and schedule public hearing of the Final Resolution was reviewed by City Manager Sheiffer. Councilmember Pulliam moved to adopt Resolution 88-1100, seconded by Councilmember Stockwell and adopted unanimously. Council President McLean set the public hearing for 6 September 1988. (File Resolution No. 88-1100)

3. Council President McLean presented the request to act on the acceptance of the 1987 Audit and Internal Control Reports. Councilmember Stehura moved to accept and place on file the 1987 Audit and Internal Control Reports, seconded by Councilmember Collins and adopted unanimously.

4. A proposed resolution authorizing the City Manager to enter into a new option to purchase 19.6 acres of land in TIF District No. V from Alan and Eva Hugunin, Trustees, was presented by Council President McLean. Councilmember Pulliam moved to adopt Resolution 88-1107, seconded by Council President McLean and adopted unanimously. (File Resolution No. 88-1107)

5. The financial statement for the month of June 1988 was presented. Councilmember Stockwell asked if the quarterly statement had been discontinued, and stated he found it to be very useful. Councilmember Pulliam moved that the financial statement be accepted and placed on file, seconded by Councilmember Collins and adopted unanimously.

6. A proposed resolution authorizing the acceptance of three acres of donated property fronting on the Rock River was introduced by Council President McLean and referred to the Plan Commission for a report and recommendation. A public hearing was set for 22 August 1988 at 7:30 p.m. (File Resolution No. 88-1105)

7. A proposed ordinance establishing the authority for all City departments to bill for the actual cost of abatement and containment of hazardous and toxic material spills was introduced by Council President McLean and given its first reading by title only. A public hearing was set for 22 August 1988 at 7:30 p.m. (File Ordinance No. 88-588)

8. A proposed ordinance increasing the current fee of \$850 per acre storm sewer assessment rate \$200 per acre annually effective 1 January, was introduced by Council President McLean and given its first reading by title only. A public hearing was set for 22 August 1988 at 7:30 p.m. (File Ordinance No. 88-591)

9. A proposed resolution authorizing the modification of the property leases with the Rock County Historical Society and Rajon Corp, regarding insurance coverage, was presented by City Manager Sheiffer. Councilmember Pulliam moved to adopt said resolution as presented, seconded by Councilmember Collins and adopted by the following vote: Aye: Council President McLean, Councilmembers Pierson, Mittness, Pulliam and Collins. Nay: Councilmembers Stockwell and Stehura. (File Resolution No. 88-1103)

10. Matters not on the Agenda. There were none.

11. Councilmember Pulliam moved to convene into closed session, pursuant to State Statute 19.85 (1)(g), for the purpose of conferring with legal counsel who is rendering legal advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved and to discuss and consider alternative strategies; and pursuant to State Statute 19.85 (1)(c) and/or (e) and/or (g) for the purpose of considering collective bargaining strategies and conferring with legal counsel who is rendering legal advice thereon, seconded by Council President McLean and adopted unanimously.

There being no further business, the meeting was adjourned at 10:30 p.m. to reconvene in closed session.

These minutes are not official until approved by the City Council.

Angelo Lamendola  
Deputy City Clerk