

Maria Hougan

From: Rodney J. Scheel
Sent: Tuesday, January 18, 2011 1:05 PM
To: Donna Olson
Cc: Maria Hougan; 'Matthew Dregne'; Mike Stacey; Greg Leck
Subject: RE: Questions regarding the VFW request for smoking shed
Attachments: VFW - outdoor Consumption and Annexaton background.pdf

Mayor,

Yes, the requirements of the smoking ban regulates that an area used for smoking cannot have more than 2 "substantial" walls. The VFW application indicates "The smoking building is of wood frame construction with windows as per State laws." Their building is proposed to be 10 feet by 10 feet.

I have worked to uncover annexation information and associated Alcohol Licensing for the VFW using Laserfiche and found the following:

1. The VFW Property was annexed by ordinance 23-86 in August, 1986. The Council minutes do not contain any discussion about liquor licenses or the picnic area. (I did not have access to packet material, but the Clerk's office may have it available to see if the packet contained any additional background information.)
2. The VFW Property was rezoned by ordinance 25-86 in September, 1986. The Council minutes do not contain any discussion about liquor licenses or the picnic area. (I did not have access to packet material, but the Clerk's office may have it available to see if the packet contained any additional background information.)
3. May 24, 1989 – The Common Council renewed a liquor license for the VFW "restricting the serving of alcohol to inside the building" on a unanimous vote.
4. June 13, 1989 – The Business Affairs Committee requested the City Clerk "amend the ordinances to allow the VFW the right for patrons to consume alcohol in their picnic area, similar to Viking Lanes."
5. July 11, 1989 – The Business Affairs Committee recommended "approval of an ordinance to grant an exception to the VFW so the picnic area may be used for the serving of alcohol beverages."
6. August 8, 1989 – The Common Council approved an ordinance change under the section for "Licenses Required for Outdoor Consumption at Class B Premises" with the following language: "The VFW shall be allowed to permit the consumption of alcoholic beverages outside their building in the picnic area, as an exception to the requirements of this ordinance." This language still remains in the current ordinance.

Rodney Scheel
 City of Stoughton
 Director of Planning & Development

608.873.6619 p
 608.873.5519 f

From: Donna Olson
Sent: Friday, January 14, 2011 2:45 PM
To: 'Matthew Dregne'; Rodney J. Scheel
Cc: Maria Hougan
Subject: Questions regarding the VFW request for smoking shed

Good Afternoon Matt and Rodney,

Alder Ross Scovotti stopped by with several questions regarding the VFW request for a outside smoking (I cannot remember what they are called) smoking area. Planning Commission approved the "building". The item now goes to Public Safety to approve the extension of the alcohol license. Ross has questions:

1. MATT -- Does a building or shed that is not attached to the VFW building fall under the extension of the VFW alcohol license? Because it is not attached to the building is it still part of the premises?
2. RODNEY -- Does it matter, under the smoking ban what the building is built of – if it has walls ? (I'm sure Planning Commission looked at that – did they not?

Ross has other questions regarding the ability of the VFW to consume alcohol under their picnic pavilion, etc. He stated something about this approval as a part of their annexation agreement. Do you know anything about that Rodney?

Public Safety is Wednesday, Jan 19. We should have some of these answers before then.

Matt -- Feel free to call Ross if you would like – 873-6268

Thanks
donna

Serving Together, We Make a Difference

Donna L Olson, Mayor
City of Stoughton
381 E Main Street
Stoughton WI 53589
Office 608 873-6459
dolson@ci.stoughton.wi.us

Current Outdoor Consumption Ordinance

14.40 (k)(6)

Permits for outdoor consumption at Class B premises.

a.

Required for outdoor consumption. No licensee shall permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under permit granted by the city council. Such permits are issued by the council as provided in this article after review by the licensing committee. The permits are a privilege in which no rights vest and, therefore, may be revoked by the council at its pleasure at any time or shall otherwise expire on June 30 of each year. No person shall consume or have in his possession alcohol beverages on any unenclosed part of a licensed premises which is not described in a valid permit. The VFW shall be allowed to permit the consumption of alcohol beverages outside their building in the picnic area as an exception to the requirements of this section.

b.

Limitations on issuance of outdoor permits. No permit shall be issued for an outdoor area if the area is greater than 50 percent of the gross floor area of the adjoining licensed premises. Each application for an outdoor permit shall accurately describe the area intended for use and shall indicate the nature of fencing or other measures intended to provide control over the operation. Amplified sound or music shall not be permitted within the outdoor area of the licensed premises. Outdoor areas permitted pursuant to this section shall be not be open later than 11:00 p.m. on Fridays and Saturdays, and later than 10:00 p.m. on all other nights. The council may impose additional restrictions on a case-by-case basis which shall be incorporated into any outdoor consumption permit including, but not limited to, conditions relating to fencing, screening and noise abatement.

Wisconsin Department of Justice Advisory Memorandum on 2009 Act 12 - (July 10, 2010)

Excerpt From

Q2: Does a wall with a window or door that makes up more than 25% of the surface area of the wall constitute a "substantial wall" if the window or door is closed?

A: Yes. Act 12 defines "substantial wall" as "[1] a wall with no opening or [2] with an opening that either does not allow air in from outside or is less than 25 percent of the wall's surface area." Thus, the opening must be larger than 25% of the wall's surface area and allow in air from the outside if the wall is not to be considered a substantial wall. Closing all openings or partially closing some or all openings, such that less than 25% of a wall's surface area is allowing in air from the outside, makes the wall a "substantial wall" for purposes of the Act.

August 12, 1986 (Continued)

The following Ordinance was presented by Alderman Reas:

ORDINANCE 23-86
ANNEXATION ORDINANCE

Annexation -
VFW Property

Section 1: The following described tracts of land situated in the Town of Dunkirk, and owned by Badger Post #328 Veterans of Foreign Wars, and lying adjacent to the City of Stoughton is hereby annexed to the City of Stoughton, and is hereby made and constituted a part of the _____ Aldermanic District of said City, viz:

A part of the Northeast 1/4 of the Northwest 1/4 in Section 9, Township 5 North-Range 11 East, Town of Dunkirk, Dane County, Wisconsin more fully described as follows: Commencing at the North 1/4 corner of said Section 9: thence S 89° 33' W 33.00 feet; Thence S 00° 02' W 327.55 feet; Thence S 89° 56' W 33.00 feet to the point of beginning of this description: Thence S 00° 02' W 285.00 feet; Thence S 89° 56' W 305.43 feet; Thence N 00° 05' W 285.00 feet; Thence N 89° 56' E 306.01 feet to the point of this description. This parcel comprises 2.000 acres:

formerly described as:

Part of the North East 1/4 of the North West 1/4 of Section 9, Township 5 North, Range 11 East, in the Town of Dunkirk, Dane County, Wisconsin, more particularly described as follows: Commencing at the North East corner of said North West 1/4; thence South 89° 33' West along the North line of said section, 33.0 feet to the centerline of a proposed road; thence South 0° 02' West along said centerline 327.55 feet to the point of beginning of this description; thence continuing South 0° 02' West along said centerline, 315.0 feet to the intersection with the North line of a proposed street; thence South 89° 56' West along the North line of said proposed street 388.43 feet; thence North 0° 05' West, 315.0 feet; thence North 89° 56' East, 339.14 feet to the point of beginning. Except the North 30 feet thereof.

Section 2: This ordinance shall take effect upon its passage and publication.

Moved by Reas, seconded by Rushlow, to suspend the rules, waive the second reading and adopt the foregoing Ordinance as presented. Carried unanimously on roll call.

Moved by Reas, seconded by Friedman, to set a Public Hearing to consider the rezoning of the VFW property from R-1 to B-2, on September 10, 1986. Carried unanimously by acclamation.

City Clerk stated that State Statutes allow our liquor license quota to be increased to allow the VFW Liquor License to be brought in with the property.

Mayor Pfundheller referred to the Ordinance Committee a request to amend the Ordinance that requires two readings of Resolutions.

The following Resolution was presented by Alderman Silbaugh:

Set
Public
Hearing

VFW
Liquor
License

Amend -
two readings
of
Resolutions

September 10, 1986 (continued)

Alderman Schlough stated that Johnson Street extended, that will not be completed by Sveum & Associates, Greig Addition to Norse View Heights, has water problems that are a hazard to children. He stated that the earth berm the Council required has not been installed. He requests that despite the costs involved, that the Council request Sveum & Associates to grade and seed the area. Mayor Pfundheller directed the Clerk to correspond with the owners of the property, transmitting the Council's request.

Water Problems - Johnson St. extended

Alderman Donnelly thanked the Street Department for prompt painting of obscene language on the viaduct on Dunkirk Avenue.

Street Dept. painting

Mayor Pfundheller closed the regular meeting and opened a Public Hearing to consider the rezoning of VFW property from R-1 to B-2.

VFW Rezoning

Appearing to answer questions, representing the VFW, was Attorney Barbara Speight. There being no one appearing against the rezoning, Mayor Pfundheller closed the Public Hearing and reopened the meeting for the regular course of business.

"

The following ordinance was presented by Alderman Fortney:

REZONING ORDINANCE 0-25-86

The Common Council of the City of Stoughton, Dane County, Wisconsin, do ordain as follows:

VFW Rezoning

Section 1: Subsection ____ of Section 17.46(1) is hereby created to read as follows: The following described land in the City of Stoughton be rezoned from an R-1 to B-2 Business District:

Parcel 1:

Commencing at the Northeast corner of said NW 1/4;
Thence S89° 33' W along the North line of said Section 66.00 feet to the point of beginning; Thence S0° 02' W along the west line of Veterans Road 327.55 feet;
Thence S89° 56' W 207.4 feet;
Thence N0° 05' W 327.55 feet;
Thence N89° 33' E along North line of said section to the point of beginning;

Parcel 2:

The North thirty (30) feet of the following described property;
Commencing at the Northeast corner of said NW 1/4;
Thence S89° 33' W along the North line of said Section 33.0 feet to the centerline of a propose road;
Thence S0° 02' W along said centerline 327.55 feet to the point of beginning of this description;
Thence continuing S0° 02' W along saidcenterline 315.0 feet to the intersection with the North line of a proposed street;
Thence S89° 56' W along the North line of said proposed street 207.4 feet;
Thence N0° 05' W 315.0 feet;
Thence N89° 56' E 207.4 feet to the point of beginning.

Section 2. This ordinance shall take effect upon its passage and publication.

September 10, 1986 (continued)

Moved by Fortney, seconded by Schlough, to suspend the rules, waive the second reading, and adopt the foregoing Ordinance as presented. Carried unanimously on roll call.

Dale Speck Property Rezoning
Mayor Pfundheller closed the regular meeting and opened a Public Hearing to consider the rezoning of the Dale Sperle property from R-1 to B-2. There being no one appearing for or against the rezoning, Mayor Pfundheller closed the Public Hearing and reopened the meeting for the regular course of business.

The following Ordinance was presented by Alderman Donnelly:

REZONING ORDINANCE 0-26-86

The Common Council of the City of Stoughton, Dane County, Wisconsin, do ordain as follows:

Section 1: Subsection ____ of Section 17.46(1) is hereby created to read as follows: The following described land in the City of Stoughton be rezoned from an R-1 to B-2 Business District:

A part of the Northeast 1/4 of the Northwest 1/4 in Section 9, Township 5 North-Range 11 East, Town of Dunkirk, Dane County, Wisconsin more fully described as follows: Commencing at the North 1/4 corner of said Section 9: thence S 89° 33' W 33.00 feet; Thence S 00° 02' 327.55 feet; Thence S 89° 56' W 33.00 feet to the point of beginning of this description: Thence S 00° 02' W 285.00 feet; Thence S 89° 56' W 305.43 feet; Thence N 00° 05' W 285.00 feet; Thence N 89° 56' E 306.01 feet to the point of this description. This parcel comprises 2.000 acres:

formerly described as:

Part of the North East 1/4 of the North West 1/4 of Section 9, Township 5 North, Range 11 East, in the Town of Dunkirk, Dane County, Wisconsin, more particularly described as follows: Commencing at the North East corner of said North West 1/4; thence South 89° 33' West along the North line of said section, 33.0 feet to the centerline of a proposed road; thence South 0° 02' West along said centerline 327.55 feet to the point of beginning of this description; thence continuing South 0° 02' West along said centerline, 315.0 feet to the intersection with the North line of a proposed street; thence South 89° 56' West along the North line of said proposed street, 338.43 feet; thence North 0° 05' West, 315.0 feet; thence North 89° 56' East, 339.14 feet to the point of beginning. Except the North 30 feet thereof.

Section 2. This ordinance shall take effect upon its passage and publication.

Moved by Donnelly, seconded by Hanson, to suspend the rules, waive the second reading, and adopt the foregoing Ordinance as presented. Carried unanimously on roll call.

CDBG Loan Payment
Moved by Fortney, seconded by Silbaugh, to reaffirm the decision of the Finance Committee to take no action on a request for a refund of a CDBG loan payment.

Substitute motion by Donnelly, seconded by Schlough, to grant the request for a refund of the CDBG loan payment in the prorated amount of \$458.00. Substitute motion failed by majority, voice vote.

MAY 24, 1989 (CONTINUED)

Moved by Rushlow, seconded by Ward Hanson, to grant a Class "B" Alcohol License renewal to VFW Badger Post #328, restricting the serving of alcohol to inside the building. Carried unanimously by acclamation.

Moved by Fortney, seconded by Donnelly, to approve the Mayor's appointment of Odvar Haug to the Hall of Fame Committee. Carried unanimously by acclamation.

Moved by Rushlow, seconded by Holm, to approve the purchase of a City sign that highlights the City Hall Clock Tower, for placement on the west edge of Stoughton, on Nelson Industries' property, at a cost of \$2,600.00 to be spent from the City building account. Carried unanimously by acclamation. Addendum: A slightly smaller "City of Stoughton" sign will be placed on the east end of town, to be paid for by the Chamber of Commerce.

Moved by Rushlow, seconded by Fortney, to sell three lots to Stoughton Trailers for \$10,000.00 an acre, a total of \$19,800.00; and that they will be required to provide for storm water easements. Lots six, seven and twenty-four. Carried unanimously by acclamation.

Moved by Rushlow, seconded by Friedman, to counteroffer for the sale of a lot in Industrial Park South to Myron Simpson at \$8,000.00.

Moved by Rushlow, seconded by Friedman, to amend the motion to accept the new offer of \$8,000.00 for the sale of Lot #1 in Industrial Park South to Myron Simpson. Carried unanimously by acclamation.

Moved by McGeever, seconded by Donnelly, to approve an agreement for payment in lieu of taxes (P.I.L.O.T.) by the Stoughton Housing Authority for Greenspire III, Building II, for \$180.00 per unit starting in 1990, \$0 for 1989, to be renegotiated after appraisal. Carried unanimously by acclamation.

Alderman Holm presented a complaint regarding North Academy Street being closed and construction of the church not started. Mayor Pfundheller reported that he has been advised construction will commence soon.

Moved by Fortney, seconded by Ore, to adjourn at 9:00 p.m. Carried unanimously by acclamation.

VFW -
grant
Class "B"
Alcohol
License

appoint -
Hall of
Fame Committee

City sign -
purchase of

Sale of
lots to
Stoughton
Trailers

Ind. Park -
Sale of
lot to
Myron
Simpson

Approve
P.I.L.O.T. -
Sto. Housing
Authority

N. Academy
St. - Church
Construction

BUSINESS AFFAIRS COMMITTEE
TUESDAY, JUNE 13, 1989

Present: Friedman, Rushlow, Donnelly, Johnson, Neal.

Moved by Donnelly, seconded by Friedman, to close the meeting per State Statute 19.85(1)(c). Carried unanimously.

Moved by Friedman, seconded by Donnelly, to grant an Operator's License to Brian K. Barnes. Carried unanimously.

Moved by Friedman, seconded by Donnelly, to grant an Operator's License to Scott E. Havice. Carried unanimously.

Moved by Friedman, seconded by Donnelly, to grant an Operator's License to Martha Paton. Carried unanimously.

Moved by Friedman, seconded by Donnelly, to grant an Operator's License to Deborah L. Brown. Carried unanimously.

Moved by Rushlow, seconded by Donnelly, to grant an Operator's License to Jackie K. Thompson. Carried unanimously.

Moved by Donnelly, seconded by Friedman, to grant an Operator's License to Debra L. Hanson. Carried unanimously.

Moved by Friedman, seconded by Rushlow, to grant an Operator's License to Jerry D. Monson. Carried two to one, with Donnelly voting no.

Moved by Friedman, seconded by Donnelly, to grant an Operator's License to Mark C. Kolloway. Carried unanimously.

Moved by Friedman, seconded by Donnelly, to grant an Electrical Contractor's License to Arrow Electric. Carried unanimously.

Moved by Donnelly, seconded by Friedman, to reopen the meeting for the regular course of business. Carried unanimously.

Moved by Donnelly, seconded by Friedman, to grant renewal Operator's Licenses to the following: Steve M. Fuller, Joyce E. Alme, Nancy T. Arneson, Kevin R. Hoffman, Charmaine E. Howell, Lynn M. Maerz, Judy I. Casey, Laura L. Dalton, Elaine A. Decker, Peggy M. Donaldson, Mary J. Doyle, Sandra L. Stal, Beverly J. Gibson, Gene C. Gryttenholm, Bonnie M. Olson, Michael A. Ossmann, Rosemary A. Herrington, Nancy A. Julseth, Lois A. Kuhn, Roger A. Halverson, Vicky L. Olson, Jeffrey S. Prein, Norbert J. Prein, Melinda L. Schenck, David R. Natter, Jeffrey H. Baylor, Jeannette A. Smithback, Melvin T. Strommen, Laura L. Thompson, Mark A. Vetter, William E. Waddell, Lyle R. Wilson, Brian L. Kvalheim, Lynn P. Rittenhouse, Joan M. Swenson, Daniel P. Wiese, Timothy B. Swadley, David G. Uebelacker, Paulette J. Greenslet, Mark R. Sankbeil, Pamela J. Westby, Melanie R. Seffens, Barbara J. Lueder, Michael A. Maerz, Jim A. Ehle, Ron M. Lecy, Wanda M. Lloyd, Tammy J. Morgan, Patricia A. Hoff. Carried unanimously.

Business Affairs

June 13, 1989

page 2

Moved by Donnelly, seconded by Friedman, to grant renewal Electrical Contractor's Licenses to the following, subject to compliance with State Statutes and local ordinances: ABle Electric, Academy Electric, A to Z Electric, Bower & Bower Electric Inc., Butch's Electric, "DOC" Electric, Electric Construction, E & S Electric Inc., Fahey Sales & Service, Greg's Electric, Norsk Electric, Hooper Construction Corp., Johnson Controls Inc., Kadlec Electric, King Electric Heating & A/C Inc., Redstone Electric, Lock Electric Co., Peach Inc., Prairie Electric Inc., Quam's Electric & Marine, W & S Electric Inc., A & O Stockstad, Wells Electric Service Inc., Schultz Electric Inc., Dunkirk Electric. Carried unanimously.

Moved by Friedman, seconded by Donnelly, to grant Cabaret Licenses to the following, subject to compliance with State Statutes and local ordinances: Ace's Wild, Norse Chalet, Shillelagh, Sportsman's Hideaway, VFW, Viking Lanes. Carried unanimously.

Moved by Donnelly, seconded by Friedman, to grant Nursing Home Licenses to the following: Skaalen Home, McCarthy's, Morningside, Nygaard Manor, Nazareth House. Carried unanimously.

Moved by Friedman, seconded by Donnelly, to grant a Taxi License to Hanson Cab Service. Carried unanimously.

Moved by Donnelly, seconded by Friedman, to request that the Clerk amend ordinances to allow the VFW the right for patrons to consume alcohol in their picnic area, similar to Viking Lanes. Carried unanimously.

Moved by Donnelly, seconded by Friedman, to deny a claim by Kent Schroeder against the City, as recommended by our insurance claims administrators. Carried unanimously.

Moved by Friedman, seconded by Rushlow, to deny a claim against the City by Gregory Skaar, as recommended by our insurance claims administrators. Carried, with Donnelly abstaining.

Moved by Friedman, seconded by Donnelly, to adjourn. Carried unanimously.

Helen J. Johnson
Clerk

HJJ/ljb

BUSINESS AFFAIRS COMMITTEE
TUESDAY, JULY 11, 1989

Present: Rushlow, Friedman, Ward Hanson, Donnelly, Johnson.

Guest: Kent Schroeder

Moved by Donnelly, seconded by Hanson, to authorize the payment of a claim presented to the City for damage to vehicle by a fire truck by Kent Schroeder, in the amount of \$281.45. Carried three to one, with Friedman voting noe.

Moved by Donnelly, seconded by Hanson, to declare a lot next to Zalk Josephs in Industrial Park North as surplus. Carried unanimously.

Moved by Donnelly, seconded by Hanson, to not approve recommendation of a ordinance exempting VFW from requirements to serve liquor only inside the licensed establishment. Motion and second withdrawn by Donnelly and Hanson.

Moved by Donnelly, seconded by Hanson, to recommend approval of an ordinance to grant an exception to the VFW so the picnic area may be used for the serving of alcohol beverages. Carried unanimously.

Moved by Friedman, seconded by Hanson, to declare Lots 1, 6, 7 and 24 in Industrial Park South as surplus. Carried unanimously.

Moved by Friedman, seconded by Hanson, to close the meeting per State Statutes 19.85(1)(c) to discuss licensing. Carried unanimously.

Moved by Friedman, seconded by Hanson, to grant an Operator's License to Sherri J. Lanham. Carried unanimously.

Moved by Donnelly, to deny an Operator's License to Howard J. Grefsheim. Motion died for lack of second.

Moved by Hanson, seconded by Friedman, to grant an Operator's License to Howard J. Grefsheim. Carried three to one with Donnelly voting noe.

Moved by Hanson, seconded by Friedman, to reopen the meeting for the regular course of business. Carried unanimously.

Moved by Friedman, seconded by Donnelly, to grant Electrical Contractor's Licenses to the following: Conklin Electric, Amp Electric and Ed Arnold's Refrigeration and Air Conditioning. Carried unanimously.

Moved by Friedman, seconded by Hanson, to adjourn. Carried unanimously.

Helen J. Johnson
Clerk

HJJ/ljb

AUGUST 8, 1989 (CONTINUED)

Alderman Silbaugh presented correspondence from Bob Germann, who requested an area for a soccer field. Alderman Friedman reported that he had received the same correspondence, had referred the matter to Recreation Director Mattke and the matter has already been attended to.

*Request
for
soccer
field*

Alderman Ward Hanson reported that Ward-Brodt Music Company has given the City Band \$2,252.00 worth of music.

*music-
City Band*

Alderman Ore introduced Dawn Farris, the new Cable Coordinator. Ms. Farris explained the new cameras and stated that she has received some nice comments on the televising of the school board last week.

*New
cable
Coordinator***COMPLAINTS:**

Alderman Ore: Reported that a resident is confused about the fence ordinance, but that the Ordinance Committee had met prior to the council meeting tonight and that the issue seems to be resolved.

*fence
ordinance*

Alderman Rushlow: Reported a complaint from a member of the fire department regarding the accident and subsequent insurance claim on Church Street. Alderman Rushlow reported there was no criticism of the drivers, it was just a judgement call and the claim was paid.

*Ins. claim-
complaint,
fire dept.*

Alderman Fortney: Presented a petition against the issuance of a Class "B" Liquor License to Lewis A. Olson, and that it will be discussed later in the agenda.

*Petition-
against
Class "B"
Liquor
License*

The following ordinance was presented by Alderman Fortney:

ORDINANCE 22 -89**AN ORDINANCE TO AMEND SECTION 12.01(1)(j)(1) OF THE
STOUGHTON MUNICIPAL CODE**

The Common Council of the City of Stoughton do ordain as follows:

Section 12.01(1)(j)(1) of the Stoughton Municipal Code is hereby amended to read as follows:

*Ordinance-
alcohol
beverage
consumption
outdoors,
to include
VFW
picnic
area.*

12.01(1)(j)(1) LICENSES REQUIRED FOR OUTDOOR CONSUMPTION AT CLASS "B" PREMISES. (1) REQUIRED FOR OUTDOOR CONSUMPTION. No licensee shall permit the consumption of alcohol beverages on any part of the licensed premises not enclosed within the building, except under permit granted by the City Council. Such permits are issued by the Council as provided herein after review by the Licensing Committee. The permits are a privilege in which no rights vest and therefore may be revoked by the Council at its pleasure at any time, or shall otherwise expire on June 30 of each year. No person shall consume or have in his or her possession alcohol beverages on any unenclosed part of a licensed premise which is not described in a valid permit. The VFW shall be allowed to permit the consumption of alcoholic beverages outside their building in the picnic area, as an exception to the requirements of this ordinance.

(2) LIMITATIONS ON ISSUANCE OF OUTDOOR PERMITS. No permit shall be issued if any part of the outdoor area is within 100' of a structure used for residential purposes, except residential uses located in the same structure as the licensed premises. No permit shall be issued for an outdoor area if the

AUGUST 8, 1989 (CONTINUED)

area is greater than 50% of the gross floor area of the adjoining licensed premises. Each applicant for an outdoor permit shall accurately describe the area intended for use and shall indicate the nature of fencing or other measures intended to provide control over the operation. Every area shall be completely enclosed with a wooden acoustic fence or wall no less than 8' in height. No amplified sound or music is permitted outside the enclosed (building) premises. Amplified sound or music is not permitted.

~~SECTION 12.0A(1)(b) (1) and (2) shall be automatically repealed by the Board of Directors of the City of Stoughton on or before the date of the next regular meeting of the Board of Directors. The repeal shall not affect any civil or criminal liability nor any action, tort, or other penalty, nor any protection, whether begun before or after the date of repeal, involving offenses under said section occurring before the repeal date, and any such actions, rights, duties, liabilities or penalties shall be preserved despite the repeal.~~

This ordinance shall take effect upon its passage and publication.

Moved by Fortney, seconded by Rushlow, to adopt the foregoing ordinance as presented. Carried nine to one on roll call, with Silbaugh voting no.

VFW
Picnic Area-
liquor
license

The VFW annexed three years ago, bringing their license with them. The license at that time included the serving of liquor in the picnic area outside their building. Since the City could not change the license but accept the license as it was annexed; and in two subsequent years the Council had inadvertently granted the license to include the picnic area, that it be proper to make an exception and grant the license to include the area at this time.

The following ordinance was presented by Alderman Fortney:

ORDINANCE 23 -89

AN ORDINANCE TO AMEND THE OFFICIAL ORDINANCES OF THE CITY OF STOUGHTON

Ordinance-
Amusement
Devices

The Common Council of the City of Stoughton do ordain as follows:

1. Section 12.07 of the Stoughton Municipal Code is hereby amended as follows:

12.07 **AMUSEMENT DEVICE.** A machine which upon the insertion of a coin or slug operates as a game, contest or amusement. It does not include coin operated musical instruments, vending machines, or coin telephones, or kiddie rides.

This ordinance shall take effect upon its passage and publication.

Moved by Fortney, seconded by Ore, to adopt the foregoing ordinance as presented. Carried unanimously on roll call.

Moved by Fortney, seconded by Offerdahl, to table action on establishing a Senior Center Sinking Fund. Carried unanimously by acclamation.

Senior
Center
Sinking
Fund
tabled

Moved by Rushlow, seconded by Friedman, to grant Operator's Licenses to the following: Deanna L. Engelberger, Harriet M. Otteson, Robert V. Hansen, Mark R. Seamonson and Cheryl L. Engelberger. Carried unanimously by acclamation.

Operator's
Licenses