

CITY OF FORT ATKINSON
City Council Minutes – January 19, 2016

CALL MEETING TO ORDER.

Pres. Kotz called the regular meeting of the City Council to order at 7:00 pm on January 19, 2016.

ROLL CALL.

Present on call of the roll: Cm. Becker, Cm. Hartwick, Cwmn. LaMuro, Cm. Lescohier and Pres. Kotz. Also present: City Manager, City Attorney, City Engineer, Building Inspector and City Clerk/Treasurer.

APPROVAL OF MINUTES OF JANUARY 5, 2015 REGULAR COUNCIL MEETING.

Cwmn. LaMuro moved, seconded by Cm. Hartwick to approve the minutes of the January 5, 2016 regular council meeting. Motion carried.

PUBLIC HEARINGS

None.

PUBLIC COMMENT

None.

PETITIONS, REQUESTS AND COMMUNICATIONS

None.

RESOLUTIONS AND ORDINANCES

a. Ordinance restricting parking on east side of Robert Street from Madison Avenue to a point 175 feet north.

This is the second reading of the ordinance to restrict parking on Robert Street from Madison Avenue to a point 175 feet north. This was a recommendation from the Traffic Review Committee.

Cm. Hartwick moved to send the Ordinance to its third reading. Seconded by Cwmn. LaMuro and carried on a voice vote.

b. Ordinance removing truck route in the area of Lorman, Clarence and Hake Streets.

Manager Trebatoski reviewed the ordinance to remove the truck routes. This was a recommendation from the Traffic Review Committee.

Cm. Hartwick moved to send the Ordinance to its third reading Cm. Lescohier seconded the motion and carried on a voice vote.

c. Resolution combining Wards for February 16, 2016 Spring Primary Election.

Clerk Ebbert reviewed the request to combine wards for the February election which includes a primary for the Justice of the Supreme Court.

Cm. Lescohier moved to approve and adopt Resolution combining wards for February 16, 2016.
Cm. Becker seconded the motion and carried on a roll call vote.

REPORTS OF OFFICERS, BOARDS AND COMMITTEES

a. *Building, Plumbing and Electrical Permit Report for December, 2015.*

b. *Minutes of Planning Commission meeting held January 12, 2016.*

Cm Hartwick moved, seconded by Cwmn. LaMuro to accept and file the reports of officers, boards and committees. Motion carried on a voice vote.

UNFINISHED BUSINESS

a. *Recommendation from Planning Commission to submit recommendations from workgroup on Community Based Residential Facilities (CBRF) and Adult Family Homes to Council, and to review the moratorium at three months (beginning the three month period on Jan. 19, 2016), with consideration to extend or discontinue the moratorium after three months.*
Engineer Selle reviewed the powerpoint that reflected research conducted on CBRF and AFH. He also thanked those that committed time, resources and patience to attend the meetings and provide significant contribution.

Proposed recommendations of the Adult Care Facilities Workgroup

1. Establish a Fort Adult Care Professionals Consortium
2. Establish Emergency Services Forfeitures

It was additionally recommended by the workgroup to continue the temporary moratorium for one year. Planning Commission suggested a three month to the Council; quarterly updates from the workgroup would be provided to the Council.

Cwmn. LaMuro asked if all of the property owners were invited. Engineer Selle reviewed those that were invited, attended and contributed. She has concerns that the owners may not be aware of the call volume at their facilities and could receive forfeitures without knowledge of the new regulation.

Pres. Kotz asked how the group came up with the recommendation of a 5% reduction. Engineer Selle stated the group is basing it on a twelve month window to see an overall reduction on the preventable calls.

Pres. Kotz asked how they could measure the reduction in a three month window. Engineer Selle replied the memo provided asks for a three month progress report from the group. They did not discuss detail on call analyzation. The reduction may best be reviewed after twelve months. He feels 5% is an obtainable goal.

Cm. Hartwick stated he looks at 5% reduction as a five year goal. He thanked Engineer Selle for his great work in the progress of the workgroup. Hartwick reiterated the patients/residents are the main focus of the workgroup.

Cm. Lescohier thanked the members of the workgroup for success on a very aggressive timeline. He added this displays the impact on emergency services.

Engineer Selle stated the workgroup identified with being a leader on this issue. Other communities may feel this pressure but it is important for us to establish Fort Atkinson as a leader and to reach attainable goals.

Cm. Hartwick stated he had suggested the three month review recommendation from the Planning Commission because this is a business. He wants to see the least amount of time for the moratorium. He is not in favor of a twelve month extension if the workgroup does not need that much time. He would rather extend the moratorium after three months if necessary.

Cm. Becker agreed Fort Atkinson is the pioneer in the industry for reviewing this. From a business owner standpoint, he is not excited about extending the moratorium. He feels three months is a reasonable compromise versus one year. He complimented Engineer Selle and the workgroup for their time. He has concerns for the legality to require a business to join the consortium. He asked if this is duplicating the nuisance ordinance. He also asked if this can be viewed as discriminatory. It is the Council's responsibility to limit liability to the tax payers at large. He is hesitant with that part of the recommendation until research is confirmed.

Attorney Rogers stated no one is compelled to join unless they are coming in with a new request and asking the City to approve a conditional use permit and a waiver of the statutory density. It is a reasonable condition that can be added as a contingency for approval.

Engineer Selle added this is not an opportunity for a well-run organization to ignore this. Some businesses rely more on emergency services and will seek membership to continue to do business and do business well in Fort Atkinson.

Manager Trebatoski asked the Council to look at the alternative to not moving forward with progress from the workgroup. The City and the workgroup have done its due diligence. This is becoming a bit of a strain on emergency services. The other alternative is to not approve further conditional use permit applications. The City wants to work with the group, the industry, the providers and business but we need to find ways to continue to serve all residents and continue to grow the City.

Cm. Becker did talk to local residents and they were happy with the City placing a temporary moratorium. One segment of the business community was taking up more time of the emergency services than others. He added this is unfamiliar territory, especially without communication from the State.

Cm. Lescohier stated the number of calls is cause for concern. He feels the recommended forfeiture is just how serious the workgroup examined the issue. Engineer Selle stated the forfeiture amount had response from the workgroup without debate. Cwmn. LaMuro supported the \$1,000 forfeiture.

Inspector Juarez added that the compelling participation in the consortium was obvious. This is important to recognize that the industry wants to be good citizens. We are all in this together and if we do not provide adequate emergency services it will affect all residents. This needs to be reasonable and fair and not put any citizens in jeopardy.

Cwmn. LaMuro does not feel three months is long enough for a solid consensus. At any time the Council could reject a conditional use request regardless of a moratorium.

Matthew Bills resident and workgroup member, stated a lot of this goes back to data that the City collected. The information speaks for itself. Reasonable people can agree on nonmedical calls, the workgroup talked about these types of calls. They were given great examples of preventable calls. He does not believe the City would go after facilities after every call but he suggested the City could pursue those with the higher call volume. He added it is not in the City's interest to nickel and dime the businesses. The City, as an organization, has a fiduciary responsibility to the citizens and this is a good way of meeting it.

Pres. Kotz stated he would like to see statistics over a three month period. He added this could reveal a measure of success.

Engineer Selle replied that three months is asking a tremendous amount of responsibility for the consortium. He stated it could take a month before their first meeting, and then they need to ask someone to take charge of the organization. He wonders if they are asking a bit much from the group. He is not sure if the emergency services can provide the appropriate data in three months.

Marie Wiesmann Fort Health Care and workgroup member; stated she has managed these types of groups before and they need a year to get off the ground. This is a very diverse group and will need time. There is no way to do anything other than meet and give a progress report of 'it's going well'. They will not be able to provide data for six months. She feels they will find action through education, knowledge and ability to work together.

Beth Gehred thanked the Council for asking the right questions. She agrees with Matthew Bills that the patients/residents are the number one priority. We can't handle paying for services if this business grows exponentially. Another issue in caring for the budget is to provide enough for everyone. She is in favor of the moratorium but the group needs to get their feet under them. This industry needs to be revenue neutral. As it is, the industry is costing more for services than it is bringing in. This is not a logical position for the City. If the moratorium is distasteful, remember you can say no if the City cannot afford it. She appreciates the idea of the workgroup and we may see a residual drop off of calls just from this discussion and progress so far. She hopes we can count on the sense that we are all in it together. It is in the businesses best interest to make sure the City can provide services.

Chief Bump was on the workgroup and supports the one year moratorium. He supports quarterly updates. He added the Council can lift the moratorium at any time. The group needs a year for progress. Everything decided in the group was a group consensus. Nothing was focused on from one angle. The forfeiture amount came from group and it was agreed upon by all. This was not led from a City perspective. He would like it extended for more than three months and added it can be shortened at any time.

Cwmn. LaMuro added it is important to allow the group to move forward and work together, and to do this, they need time.

Cm. Hartwick questioned the federal housing law. Attorney Rogers stated the Federal Housing Act can trump the State Law unless it can be shown that the facilities are creating an unreasonable burden. Cwmn. LaMuro confirmed that we have reached an unreasonable burden. The moratorium is in place because we have reached a tipping point. The group is saying they need time, giving them a three month deadline is short-sided.

Cm. Lescohier stated the workgroup requested twelve months and the Planning Commission recommended three months. It is highly unlikely three or even six months can be beneficial with great progress. Lescohier supports twelve months and added they are off to a great start, but so much more needs to be done.

Cwmn. LaMuro added it is only fair to give the group enough time. She supports quarterly updates. Limiting to three months is unrealistic.

Cm. Hartwick stated the data has not been broken down to preventable or non-preventable calls. He added the tipping point can be many different things. He is in favor of allowing more time and changing things. In three months do we want it reported of another extensive?

Cm. Becker moved to approve the recommendation from the Planning Commission to submit recommendations from workgroup on CBRF and AFH and to review the moratorium at six months beginning January 19, 2016. Motion seconded by Cm. Hartwick. Discussion continued.

Cm. Lescohier asked if the group feels six months is appropriate. Engineer Selle feels they can experience an opportunity for success at six months. At three months, he is fairly certain they will not have enough information to make recommendations. In six months, they may be able to do tremendous things.

Cwmn. LaMuro hears that twelve months is better. They should give the group the time that is needed, that they are requesting. She would rather have it extended now and be able to withdraw at any time.

Cm. Becker has concern for a full year and the potential applicants waiting in the wings. He does not want to risk losing businesses. He feels the sense of urgency and recommends a reasonable compromise.

Clerk Ebbert stated she was present at all workgroup meetings and they were very productive. Those in the workgroup are in the industry, they are the businesses. They want to see the growth continue and the moratorium lifted however they requested the one year extension. They agreed they need time to be the leaders. They will be the ones to meet and make progress and this is their request.

Manager Trebatoski asked the Council to consider how long to extend the moratorium and what is expected; what outcome are they looking for. They have to ask what we can measure. Is the measure if the call volume comes down? Emergency services have to be able to adequately

provide services to those in the community. In six months, they may have the group in place. In six months we may have an ordinance established. We need to have effective results.

Engineer Selle stated if small business owners are concerned in this circumstance, they would be front and center at the consortium meeting asking to contribute and take a leadership role. Everyone is given this opportunity to participate.

Inspector Juarez asked Attorney Rogers if the Council can lift the moratorium at any time. Rogers confirmed yes. Rogers added that they will hear updates quarterly no matter the extension time, and the Council could decide at any time to lift the moratorium.

Cm. Becker agrees with the three month update and after listening to the expert comments and opinions, he thinks three months is an unrealistic expectation.

Clerk Ebbert took the roll call vote on the motion regarding a six month extension. Cm. Becker and Cm. Hartwick for, Cwmn. LaMuro, Cm. Lescohier and Pres. Kotz against. Motion fails.

Cwmn. LaMuro moved to approve the recommendation from the Planning Commission to submit recommendations from workgroup on CBRF and AFH and to review the moratorium at twelve months beginning January 19, 2016 with quarterly updates to the Council. Cm. Lescohier seconded.

Cm. Hartwick added the Planning Commission has legal concerns. Attorney Rogers replied if we do not show unreasonable burden, there always could be legal ramification. Those ramifications would exist whether a three month, six month or twelve month extension.

Cwmn. Lamuro wants responsible growth to not harm ourselves and the services the City provides.

Clerk Ebbert took the roll call vote on the motion regarding a twelve month extension. Cm. Becker, Cm. Hartwick and Pres Kotz against. Cwmn. LaMuro and Cm. Lescohier for. Motion fails.

Pres Kotz suggested the Council consider a motion to approve the recommendations as presented.

Cm. Hartwick moved to approve the recommendation from the Planning Commission to submit recommendations from workgroup on CBRF and AFH and to review the moratorium at three months beginning the three month period on January 19, 2016 with consideration to extend or discontinue the moratorium after three months. Cm. Becker seconded.

Clerk Ebbert took a roll call vote: Cm. Becker, Cm. Hartwick and Pres Kotz for. Cwmn. LaMuro and Cm. Lescohier against. Motion carried.

NEW BUSINESS

- a. Review and approve bid for purchase of truck for building department as budgeted.

Inspector Juarez presented his quote for the purchase of a new truck for the building department as budgeted. His truck will be cycled to the Parks and Recreation department. The received quotes were competitive and within budget.

Cm. Lescohier moved to approve and award the bid from Havill-Spoerl not to exceed \$24,994. Seconded by Cwmn. Lamuro and carried.

MISCELLANEOUS

a. Granting operator licenses.

Motion made by Cm. Becker, seconded by Cm. Hartwick to approve operator licenses as presented. Motion carried.

b. Request to set Ordinance Committee meeting date.

Meeting scheduled for Wednesday, February 3, 2016 at 4:00 p.m.

CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

a. Verified claims.

The following is a list of bills to be approved:

ACC PUBLISHING LLC	Special water bill envelopes	\$955.55
ABENDROTH WATER CONDITIONING	Rental; salt	283.36
ACE HARDWARE	Supplies	332.78
ADVANCED DISPOSAL SERVICES	Solid waste pickup/disposal	54738.17
AMAZON.COM	Hard drive; battery; folders	527.41
JEFF ARMSTRONG	Power cord	237.36
AUTUMN SUPPLY	Odor sponges	556.13
BJ ELECTRIC SUPPLY INC	Conduit; wire	191.52
BEN BOEVE	Prism scope with DRT	232.00
BROWN CAB SERVICE INC	Dec. subsidized taxi service	17298.22
CDW GOVERNMENT, INC.	Mouse	22.23
CHAMBER OF COMMERCE	Fourth quarter room tax	18577.85
CHARTER COMMUNICATIONS	Internet	254.54
CINTAS CORP	Services	1042.04
DAILY JEFFERSON COUNTY UNION	Dec. publications	686.70
DIGGERS HOTLINE INC	53 tickets	91.15
DODGE CONCRETE INC	Concrete	638.00
EVIDENT, INC	Brush; evidence tubes; swabs	495.63
FESTIVAL FOODS	Supplies; card; soda	412.39
FILTRATION CONCEPTS INC	Filters	110.16
FORT MEMORIAL HOSPITAL	Blood alcohol tests	170.22
INSIGHT FS	Diesel	5231.30
GENERAL COMMUNICATIONS INC.	Radio repair	2049.40
GOLD STAR WISCONSIN INC	Coffee	197.19

GRAYBAR ELECTRIC CO INC	Supplies; HID kit; wire	653.49
GREAT AMERICAN MEDIA	Well prepared basketball coach	39.99
HAUSZ BROS INC	Screened sand	1640.70
INTELLISYS INC.	Maintenance support	2000.00
JAECKEL BROS, INC.	Valve and water line repairs	10727.31
CITY OF JEFFERSON	1099s and W-2s and envelopes	278.69
JONAS OFFICE PRODUCTS LTD	Supplies	6844.47
JONES DAIRY FARM	Soils program	300.00
LAKESIDE INTERNATIONAL, LLC	Parts	416.54
LARK UNIFORM OUTFITTERS INC	Strandt - vest	870.00
SCOTT L LASTUSKY	Dance costumes	13318.25
LIFT TRUCK SPECIALISTS INC	Manhole lifter	1006.34
LOEDER OIL CO INC	Fuel cans	12.17
MENARDS - JOHNSON CREEK	Supplies	100.98
MINNESOTA LIFE INS COMPANY	Feb. life insurance premiums	979.60
NAPA OF JEFFERSON	Auto parts	1129.50
NORTHERN LAKE SERVICE INC	Mercury and sludge analysis	557.20
NORTHERN SEWER EQUIP CO INC	Shaft for jetter	397.90
OPPORTUNITIES INC	Station note pads	59.50
O'REILLY AUTO PARTS	Conduit; grease; tire repair	24.83
PARSON ENVIRONMENTAL	Manhole cover cushions	223.75
PAYNE AND DOLAN	Asphalt	2543.73
PETTY CASH	Postage	16.35
PHYSIO CONTROL	Life Pak Plus	4589.28
POMP'S TIRE SERVICE INC	Tires	861.60
PRECISION ALIGNMENT, LLC	Oil change; hub repair	340.00
PRO BUILD NORTH	Supplies	179.88
RENNERT'S FIRE EQUIPMENT	S-109 light tower repair	141.02
ROCK RIVER LABORATORY	Manure testing	96.00
ROCK ROAD COMPANIES INC	Asphalt	797.50
SHERRILL, INC	Scabbard; harness; pole; belt	892.30
SHERWIN-WILLIAMS CO.	Paint	56.11
STREICHERS	Ammo	145.75
TONY ROCKER ENTERPRISES	Elvis performance	250.00
TOTALFUNDS BY HASLER	Postage	2997.09
TRANSUNION RISK & ALTERNATIVE	Dec. 2015 people searches	0.75
USA BLUE BOOK	Hose; chemical; valve	1690.38
UNEMPLOYMENT INSURANCE	Dec. unemployment	105.39
WALMART COMMUNITY/RFCSELLC	Clorox wipes; light bulbs; security system	602.17
WAUSAU EQUIPMENT CO INC	Snow plow repair	788.84
WI DEPT. OF REVENUE	Dec. sales tax	372.15
WI DEPARTMENT OF REVENUE	State withholding tax	289.28
WI DEPT. OF TRANSPORTATION	Unpaid parking citations	110.00

WE ENERGIES	Electricity; natural gas	19760.03
WI STATE LAB OF HYGIENE	Fluoride test	25.00
XYLEM WATER	Submersible pump/control	<u>1948.00</u>
	TOTAL CITY FUNDS	\$158,215.80
	TOTAL SEWER FUNDS	\$19,417.62
	TOTAL WATER FUNDS	\$8,877.69
 <i><u>STORMWATER UTILITY (Fund 10)</u></i>		
FORT ATKINSON GLASS/MIRROR INC	Window repair	328.00
TOTALFUNDS BY HASLER	Postage	2.91
ZARNOTH BRUSH WORKS INC	Broom refill	<u>351.90</u>
	TOTAL FUND 10	\$682.81

Cwmn. LaMuro made a motion to approve list of verified claims presented by the Director of Finance and to authorize payment. Cm. Lescohier seconded and carried roll call vote.

ADJOURNMENT

Cm. Becker moved seconded by Cwmn. LaMuro to adjourn the January 19, 2016 City Council meeting at 8:40 pm. Motion carried.

Michelle Ebbert, City Clerk/Treasurer

APPROVED:

PRESIDENT OF THE COUNCIL