

CITY OF FORT ATKINSON
City Council Minutes ~ February 16, 2016

CALL MEETING TO ORDER.

Pres. Kotz called the meeting to order at 7:00 pm.

ROLL CALL.

Present: Cm. Becker, Cm. Hartwick, Cwmn. LaMuro, Cm. Lescohier, Pres. Kotz. Also present: City Manager, City Attorney, City Engineer and City Clerk/Treasurer.

APPROVAL OF MINUTES OF FEBRUARY 2, 2016 REGULAR COUNCIL MEETING.

Motion by Cwmn. LaMuro and seconded by Cm. Becker to approve the minutes of the February 2, 2016 City Council meeting. Motion carried.

PUBLIC HEARINGS

None.

PUBLIC COMMENT

Andrew Logan, 1 Milwaukee Avenue West requested future presence on a Council agenda to address his site plan that was reviewed by Planning Commission on February 9th. He referenced the Center of Land Use Handbook and recommended the Planning Commission utilize this document. He stated he does not want to waste valuable resources on a lawsuit. His concern references the construction of four additional residential units. He questions legitimacy and legality of the decision made by the Planning Commission. He stated the final approval allows regular windows and first floor residential living. He feels the Commission used biased and personal opinion in making their decision. He feels the Commission tried to enforce their will.

PETITIONS, REQUESTS AND COMMUNICATIONS

a. Request to waive 2,500 foot and 1% of population requirements for Community Based Residential Facility to be located in the first floor of the Blackhawk Senior Residence at 1 West Milwaukee Avenue and the first and second floor of 214 South Main Street.

Engineer Selle reviewed the request that required the waiving of laws to match federal laws. Attorney Rogers added that this item was pre-moratorium.

Cm. Lescohier asked for clarification on the first floor residential. It was confirmed the units are the ones that face the back and side portion of the property. Selle confirmed the addresses and locations of the units in question. The four rooms facing South Main Street were specifically removed as a condition of the approval from Planning Commission.

Cm. Lescohier questioned if the requestor would have liked no compromise.

Cm. Hartwick stated the project at this location has been ongoing. He suggested the requestor would probably not have wanted a compromise. Part of the job of the Planning Commission is to look for the best interests of the City and Commission.

Cm. Hartwick moved to approve contingent on State licensure and waive the 2,500 foot and 1% of population requirements for CBRF to be located on the first floor of the Blackhawk Senior Residence at 1 West Milwaukee Avenue and the first and second floor of 214 S. Main Street. Cm. Lescohier seconded and carried.

RESOLUTIONS AND ORDINANCES

None.

REPORTS OF OFFICERS, BOARDS AND COMMITTEES

- a. *Minutes of Ordinance Committee meeting held February 3, 2016.*
- b. *Minutes of Planning Commission meeting held February 9, 2016.*
- c. *Building, Plumbing and Electrical Permit Reports for January, 2016.*
- d. *Minutes of Historic Preservation Commission meeting held January 18, 2016.*
- e. *Minutes of Historic Preservation Commission meeting held February 8, 2016.*
- f. *Minutes of Dwight Foster Public Library Board meeting held January 11, 2016.*

Motion by Cm. Lescohier to accept and file, second by Cm. Hartwick and carried.

UNFINISHED BUSINESS

- a. *Recommendation from Ordinance Committee to adopt amended Municipal Court ordinance giving Judge the power to add jail expense to sentence.*

Manager Trebatoski reviewed the information that adopts the State Statute. This would allow the City to recover associated fees for Officers taking OWI arrests into custody that are convicted.

Motion made by Cm. Hartwick to accept and send the Ordinance to adopt amended Municipal Court ordinance giving the Judge the power to add jail expense to sentence to its second reading. Seconded by Cm. Lescohier and carried.

- b. *Recommendation from Ordinance Committee to adopt ordinance amending location for semi-trailer parking.*

Manager Trebatoski reviewed the clean-up of the ordinance to reflect current practice. Parking is not allowed on Butler Drive, but is allowed on Mielke Drive. Butler Drive is near OSI/Redi-Serve. The ordinance can be revisited shall a business open on Mielke Drive.

Cwmn. LaMuro asked if the trailers being parked here are causing damage on the street.

Engineer Selle stated this varies depending on if they are loaded or empty.

Chief Bump confirmed they are residents that live in the community and need a place to park the trailer.

Cwmn. LaMuro suggested a fee be considered for trailer parking.

Motion made by Cm. Lescohier to accept and send the Ordinance amending location for semi-trailer parking to its second reading. Seconded by Cm. Becker and carried.

- c. *Recommendation from Ordinance Committee to adopt amended skateboard, in-line skates and play vehicles ordinance.*

Manager Trebatoski discussed the concern for in-line skates and play vehicles on the bike path. Currently a citation could be issued for anyone on the path with in-line skates or play vehicles. It is recommended to allow skateboarding on the sidewalks in the downtown area and on the bike path. Motor vehicles are restricted from the bike path.

Cm. Hartwick moved to accept and send the Ordinance amending skateboard, in-line skates and play vehicles to its second reading. Seconded by Cwmn. LaMuro and carried.

Matthew Bills, 303 Wilcox Street asked the definition of ‘play vehicles’. Manager Trebatoski stated it is defined by the State Statute and will clarify what ‘play vehicles’ are referenced.

d. Recommendation from Ordinance Committee to adopt new ordinance for bow hunting restrictions.

Manager Trebatoski discussed the previous concerns for bow hunting in City limits. This cannot be fully restricted, however the City can disallow bow hunting 100 yards from a residential property, house or living dwelling, on City owned property, parks and recreational trails. Target or archery practice is allowed and will not be restricted.

Cm. Hartwick moved to accept and send the Ordinance for bow hunting restrictions to its second reading. Cm. Becker seconded the motion and carried.

e. Recommendation from Ordinance Committee to adopt new ordinance for sex offender restrictions.

Chief Bump was present to review the recommendation. He added there were two separate occasions in 2015 where notifications were received with very short notice of a sex offender moving into the City in not ideal areas. The City currently has recourse to prevent where a sex offender could reside. Fort Atkinson was selected, as the other locations the offenders could be placed had an ordinance restricting the potential residential homes. Chief wants a safe community but to also place the offender in a home where they can be successful and not be put in an unsafe situation or setting.

Manager Trebatoski added that ideally the state would restrict residential locations for offenders, however it is left up to each municipality. Our City is becoming easy placement, as we do not have an ordinance restricting where offenders can live. We are seeking an ordinance for proper placement.

Cm. Hartwick moved to suspend the rules, send the ordinance through its second and third reading and adopt the Ordinance for sex offender restrictions. Seconded by Cm. Lescohier and carried on roll call vote.

Cm. Hartwick moved to adopt the Ordinance for sex offender restrictions. Cwmn. LaMuro seconded the motion and carried on a unanimous roll call vote.

f. Recommendation from Ordinance Committee to delete ordinance pertaining to tavern dance halls.

Clerk Ebbert discussed the tavern dance halls and dances and dance halls ordinance. The ordinance requires businesses to have 144 square feet of continuous floor space for dancing, however no inspections are done by Staff. To enforce this ordinance, Staff would have to ensure the dancing is taking place in the approved floor space. Fire codes exist referring to capacity that would ensure safety of the customers regardless of dancing floor space. The financial impact is a loss of revenue of \$750.00. Staff does not feel comfortable charging a license fee with no services provided.

Cm. Becker moved to accept and send to its second reading the Ordinance deleting tavern dance halls. Seconded by Cwmn. LaMuro and carried.

g. Recommendation from Ordinance Committee to delete ordinance pertaining to dances and dance halls.

Clerk Ebbert added that youth centers and churches are exempt from any dance hall ordinance. Again, this ordinance does not bring any inspection or enforcement.

Motion made by Cwmn. LaMuro, seconded by Cm. Lescohier to accept and send the Ordinance deleting dances and dance halls to its second reading. Motion carried.

h. Recommendation from Ordinance Committee to delete ordinance pertaining to amusement arcades.

Clerk Ebbert reviewed the existing amusement arcade ordinance. To date, one business applies for this license annually. Staff feels this ordinance was created to monitor groups of youth in public gaming areas. The financial impact is a loss of revenue of \$100.00.

Motion made by Cm. Hartwick and seconded by Cwmn. Lamuro to accept and send the Ordinance deleting amusement arcades to its second reading. Motion carried.

NEW BUSINESS

a. Review annual reports for City Departments for 2015.

Cm. Becker moved to accept and file the annual report for City Departments for 2015. Seconded by Cwmn. LaMuro and carried.

b. Update on financial status of Historical Society Hoard Trust Funds.

Manager Trebatoski provided the annual update on the Historical Society Hoard Trust Funds. Cm. Lescohier moved, seconded by Cwmn. LaMuro to accept and file. Motion carried.

c. Presentation of awards for Green Recognition Program.

Pres. Kotz presented the Green Recognition Awards to W&A Distribution and The Fireside.

MISCELLANEOUS

a. City, Sewer, Water, Stormwater Utility and Funds 4, 6, 12, 13 and 14 Year-End Financial Statements as of December 31, 2015 and approve non-lapsing accounts and year-end appropriations.

Manager Trebatoski discussed the financial statements for 2015. He reviewed various items from each fund noting high and low points.

Cm. Becker moved to accept and file year-end financial statements for all funds. Seconded by Cwmn. LaMuro and carried.

Cm. Lescohier moved to appropriate \$92,128.89 from the General Fund for overdrawn accounts and approve reallocation of unspent salaries from the Parks Department, Museum and Engineering to the Retirees Health Insurance account totaling \$27,500. Seconded by Cm. Becker and carried on unanimous roll call vote.

Cm. Lescohier moved to approve the non-lapsing accounts of \$306,935.02 from 2015 to 2016. Seconded by Cm. Becker and carried on unanimous roll call vote.

b. Report on tax collection and delinquent personal property taxes.

Clerk Ebbert updated the Council on the collections of 2015 taxes. We collected 71% as of February 5th. There is approximately \$40,000 of delinquent personal property taxes. A second statement was mailed to those delinquent accounts. Staff requests further action by Attorney Rogers on delinquent personal property accounts after March 15th.

Cwmn. LaMuro made a motion, seconded by Cm. Hartwick to accept and file and approve Attorney Rogers to further collect delinquent accounts after March 15th. Motion carried.

c. Set Public Works Committee meeting date.

The meeting is set for Thursday February 25th 4:00 pm.

CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

a. Verified claims.

The following is a list of bills to be approved:

CITY, SEWER, WATER

AWWA - ILLINOIS SECTION	Siglinsky - AWWA Conf.	250.00
ABENDROTH WATER CONDITIONING	Rental/water	60.00
ACE HARDWARE	Supplies	587.76
ADVANCE AUTO PARTS	Car Wash	9.98
ADVANCED DISPOSAL SERVICES	Solid waste pick-up/recycling	53,456.20
AIRGAS NORTH CENTRAL	Services; supplies	552.53
LW ALLEN LLC	Sleeves/seal	2,906.57
AMERICAN LEAK DETECTION	Municipal leak survey	744.00
AQUAFIX INC.	Aqua bac XT	681.86
JEFF ARMSTRONG	Light bulbs; heater generator	401.05
AUTOMATION DIRECT	PLC relays	104.25
BERGNER, JIM A.	Expo expense	35.00
BROWN CAB SERVICE INC	Jan. 2016 subsidized taxi services	18,764.30
BRUCE MUNICIPAL EQUIPMENT INC	Digging pipe assembly	181.05
SEAN BRUSEGAR	Officiated 12 adult basketball games	282.00

ADRIAN BUMP	Tissue/soap/wipes/febreeze	44.96
BUMPER TO BUMPER	Auto parts	430.33
BUTLER POLICE DEPT	K9 squad insert/equipment	800.00
CENTURYLINK	State program/long distance	68.70
CHARTER COMMUNICATIONS	TV and internet service	411.18
CINTAS CORP	Services	826.08
COUNTRY PLUMBER INC	Portable restroom	385.00
DAILY JEFFERSON COUNTY UNION	Publications	1,148.55
DARKHORSE	Squad graphics	900.00
JEFFREY S DAVIS	Mileage; equipment	68.58
DIGGERS HOTLINE INC	Tickets	1,646.50
DRUG TASK FORCE	Jan. 2016 drug assessments	84.00
ELECTION SYSTEMS/SOFTWARE, INC	ID required suction cup sign	18.46
FASTENAL COMPANY	Parts/plugs/jobber and PH pan	264.02
FESTIVAL FOODS	Supplies	129.26
THE FIRESIDE INC	Peter Pan show	1,209.05
5-ALARM FIRE & SAFETY EQP,INC	Maintenance; testing equipment	2,811.78
FRAVESSI / PAPER STREET	Coloring art planner	90.02
INSIGHT FS	Diesel; unleaded gas	14,861.84
G.F.C. LEASING	Copier lease	949.89
GALLS, an Aramark Co.	Flashlights	404.97
OSCAR ESQUIVEL GARCIA	Refund - trip payment	158.04
GENERAL COMMUNICATIONS INC.	New radios	1,942.60
GRAINGER	Hand soap	34.90
GRAYBAR ELECTRIC CO INC	Bulbs	52.45
GREAT WEST	WI Deferred compensation	8,895.00
H & H FIRE PROTECTION,LLC	Ibuprofen; aspirin; antacids	17.20
HAUSZ BROS INC	Screened sand	990.00
JEFF C HOTTMAN	Athletic shoes	68.56
ICMA	Membership dues	758.18
J3 EVENTS INC.	Fort Youth Triathlon timing	100.00
JAECKEL BROS, INC.	Main breaks	3,140.66
JEFFERSON CO COUNTY CLERK	Automark software	715.50
JEFF. CO. LAND INFO. OFFICE	Updated maps for City	32.50
JEFFERSON CO TREASURER	Tax settlement; jail assessments	1,371,146.16
JONAS OFFICE PRODUCTS LTD	Supplies	2,672.55
KEARNS MOTOR CAR	K-9 squad car	2,000.00
BRIAN KIELMAN	Midwest WW expo	35.00
LAKESIDE INTERNATIONAL, LLC	Parts; repairs	1,314.31
LAMB'S FURNITURE	Two bucket sear repair/fabric	300.00
LARK UNIFORM OUTFITTERS INC	Miller - new vest	990.00
LAWSON PRODUCTS INC	Space saver rack	319.15
LIBERTY FLAG & SPECIALTY CO	Transparent bulbs	219.95

MADISON AREA TECHNICAL COLLEGE	Emotional survivor training; tax sttlmt	272,826.85
MADISON TRUCK EQUIP INC	Cylinder	476.55
MARCY & THE HIGHLIGHTS	February 12 performance	300.00
MARTELLE	Chemicals	716.16
BRAD McGOWAN	Expo expense	35.00
McMASTER-CARR SUPPLY CO	Taper; antiseize; washers	80.41
MENARDS - JANESVILLE	Rustic solid	39.80
MENARDS - JOHNSON CREEK	Ladder; blade; drywall anchor	224.61
KEVIN A. MILLER	Holster	104.97
GROUP TICKET SALES OFFICE	40 tickets for May 19 game	1,125.00
MINNESOTA LIFE INS COMPANY	March 2016 life ins. premiums	979.60
O'REILLY AUTO PARTS	Auto parts	331.13
PAL STEEL	Wooden beams and parts	445.00
PREMIER BANK	Federal withholding	40,499.56
PRO BUILD NORTH	Concrete mix; plywood	178.52
PUBLIC SERVICE COMMISS OF WISC	Adv. Assessment	1,996.54
R & B SALES INC.	Siren controls	668.00
RM SMALL ENGINE REPAIR, LLC	Carburetor repair kit	10.10
RADISSON-PAPER VALLEY HOTEL	Walters - WI Traffic Safety	246.00
RIGID HITCH INC	Convert-a-ball; coupler mount	172.94
SK WINDOWS & DOORS LLC	Torsion springs/labor	489.00
SCHAEFFER MFG CO	Diesel fuel treatment	315.40
SCHOOL DISTRICT OF FT ATKINSON	Feb. tax settlement	3,231,687.34
SCHUMACHER ELEVATOR INC	Inspection after flood repair	165.00
ANDREW SELLE	Tripod/measure mark	269.98
SEWER UTILITY	2015 fuel tax refund	403.25
SHERRILL, INC	Red pulley block	198.95
SHERWIN-WILLIAMS CO.	Paint	359.32
SHOPKO STORE OPERATING CO.,LLC	Batteries	47.96
SNAP ON TOOLS CORP	BRMOLK	287.90
ST. OF WI: CONTROLLER'S OFFICE	Jan. penalty assessments	4,673.04
ROBERT STRANDT	Athletic shoes	52.74
STREICHERS	Protac holder; cuff; mag holder	110.97
TnT CLEANING	Jan. janitorial services	216.00
WILLIAM L. FLOOD	Relocate radar antenna	64.95
TOTALFUNDS BY HASLER	Postage	999.03
TRAFFIC & PARKING CONTL.CO,INC	Sign post; flexisign; flags	2,032.56
TRANSUNION RISK & ALTERNATIVE	Jan. 2016 people search	25.00
TRI Air Testing, Inc.	Air sampling	164.00
TRIEBOLD OUTDOOR POWER LLC	Blade; rubber; chain saw parts	260.05
USA BLUE BOOK	Stenner lead tube; pump tube; case	436.22
UW GREEN BAY	Bell Municipal Treas. Institute	469.00
UNEMPLOYMENT INSURANCE	Unemployment Insurance	85.49

UNITED SEPTIC & DRAIN	Pumped catch basin	325.00
UTILITY SALES & SERVICE, INC	Decal insulated section	40.93
WMCA	Ebbert & Voelker District Meeting	70.00
W.W.O.A.	Wagner - spring biosolids symposium	75.00
WIEDENBECK INC	Steel tube	69.28
WI DEPT.OF EMPLOYEE TRUST FUND	March health ins. premiums	119,722.00
WI DEPT. OF JUSTICE/CRIME	Two record checks	14.00
WI DEPT. OF REVENUE	Jan. sales tax	269.75
WI DEPARTMENT OF REVENUE	State withholding tax	7,589.01
WE ENERGIES	Electricity; natural gas	31,146.16
WISCONSIN RETIREMENT SYSTEM	Jan. retirement remittance	45,632.83
WI RURAL WATER ASSOC	System membership renewal	725.00
WI STATE LAB OF HYGIENE	Fluoride test	25.00
	TOTAL CITY FUNDS	\$5,227,992.06
	TOTAL SEWER FUNDS	\$22,864.45
	TOTAL WATER FUNDS	\$22,598.77
 <u>REVOVLING LOAN (Fund 6)</u>		
Rogers & Westrick	Filing fee - FASP, LLC loan	\$40.00
 <u>STORMWATER UTILITY (Fund 10)</u>		
Ace Hardware	Supplies	5.10
League of WI Municipalities	2016 Membership dues	400.00
Totalfunds by Hasler	Postage	0.97
	TOTAL FUND 10	\$406.07
 <u>DOWNTOWN ECO DEVELOP (Fund 13)</u>		
BADGER47 LLC	Development assistance	\$80,000.00

Cm. Becker moved to approve the list of verified claims presented by the Director of Finance and to authorize payments. Seconded by Cwmn. Lamuro and carried on a unanimous roll call vote.

Adjournment

Motion by Cwmn. LaMuro, second by Cm. Becker to adjourn the City Council meeting at 8:00 pm. Motion carried and adjourned.

Michelle Ebbert, City Clerk/Treasurer

APPROVED:

PRESIDENT OF THE COUNCIL