

CITY OF FORT ATKINSON
City Council Minutes ~ August 15, 2017

CALL MEETING TO ORDER.

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

ROLL CALL.

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

APPROVAL OF MINUTES OF AUGUST 1, 2017 REGULAR COUNCIL MEETING.

Cm. Kotz moved to approve the minutes of the August 1, 2017 regular Council meeting. Motion seconded by Cm. Hartwick and carried.

PUBLIC HEARINGS

None.

PUBLIC COMMENT

Michael Zor, 1121 S. Main Street. He commented on the ordinance for crimes against public peace. He indicated overall support for the ordinance from the adult family care consortium.

PETITIONS, REQUESTS AND COMMUNICATIONS

None.

RESOLUTIONS AND ORDINANCES

None.

REPORTS OF OFFICERS, BOARDS AND COMMITTEES

- a. *Building, Plumbing and Electrical Permit Report for July, 2017.*
- b. *Minutes of Ordinance Committee meeting held August 7, 2017.*
- c. *Minutes of Finance Committee meeting held August 8, 2017.*
- d. *Minutes of Historic Preservation Commission meeting held July 10, 2017.*
- e. *Minutes of Tourism Commission meeting held May 18, 2017.*

Cm. Lescohier moved to accept and file the reports of officers, boards and committees. Motion seconded by Cm. Kotz and carried.

UNFINISHED BUSINESS

- a. *Review and approve amendment to Listing Contract for Klement Business Park.*
Manager Trebatoski reviewed the contract with CBRE, Inc. This is for a one year extension. The broker's commission will remain unchanged from the original contract. They would only be compensated upon sale of properties in the business park. Christian Chambers reviewed seven interested parties of the business park.

Cm. Lescohier asked Mr. Chambers to define a 'warm' lead. He replied with a party that is interested in land to build and is actively looking for land. A cold lead means there is no further contact or interest.

Cm. Hartwick asked about inquires on existing commercial buildings. Chambers replied that he gives the specs of vacant buildings, including the Kmart building.

Cm. Hartwick moved to approve the amendment of a one-year extension to the listing contract for Klement Business Park with CBRE, Inc. Seconded by Cm. Lescohier and carried on a roll call.

b. Request by Brock's Riverwalk Tavern & Grill to use public space on South Water Street, East on September 30, 2017 for event and for change to alcohol license premise description.
Jake Brock was present and addressed the Council. He understands that are some noise concerns that were voiced. He added they cleaned up properly and ended the concert at 10:00 pm as appropriate. They were rained out on two of the three scheduled events.

Pres. Becker provided clarification, they were approved for three outdoor concerts and only one was held outdoors due to weather. He added that positive and negative feedback was heard.

Manager Trebatoski stated he had two residents that were displeased and expressed concerns, and others were neutral but pleased the event ended at 10:00 pm.

Cm. Lescohier stated that past practice, the Council allowed three outdoor events. However, Brock's only being able to hold one of the three, he was comfortable allowing the September event outdoors.

Cwmn. Gehred encouraged the decibel level be monitored for customers and neighboring businesses and residents to enjoy the evening.

Motion by Cm. Hartwick to approve the request by Brock's Riverwalk Tavern & Grill to use public space on South Water Street East on September 30, 2017 for an event and for change to alcohol license premise description. Motion seconded by Cwmn. Gehred and carried.

c. Recommendation from Ordinance Committee to approve revisions to Chronic Nuisance Properties Ordinance.

Manager Trebatoski reviewed the recommendation by the Committee to approve the revisions.

Cm. Hartwick moved to send the ordinance to its second reading. Cm. Kotz seconded the motion and carried.

d. Recommendation from Ordinance Committee to approve revisions to Abuse of 911 System Ordinance.

Manager Trebatoski stated this ordinance was recommended for approval from the Ordinance Committee.

Cwmn. Gehred stated this ordinance is more comprehensive. Cm. Kotz asked Chief Bump on the abuse of the 911 system. Bump replied that there are a number of calls daily because of cell phones.

Cm. Kotz moved to send the ordinance to its second reading. Cm. Lescohier seconded the motion and carried.

e. Recommendation from Ordinance Committee to approve revisions to Sex Offender Registry Restrictions – Loitering Ordinance.

Manager Trebatoski reviewed the information provided from Attorney Westrick. There was recent case law that caused Westrick to recommend a revision to the ordinance. The ordinance also adds an option to appeal.

Cm. Lescohier moved to suspend the rules and approve the ordinance revising the sex offender registry restrictions-loitering ordinance. Cm Hartwick seconded the motion and carried on a roll call vote. Cwmn. Gehred inquired on the membership of the board and discussion followed.

Cwmn. Gehred moved to replace one citizen member with a City Council member and reinstate the City Manager as having a vote on the appeals board. Cm. Kotz seconded the motion. Discussion.

Cm. Kotz asked about the Ordinance Committee's discussion on having a Council member on the board. Cm. Hartwick commented that he suggested having a Council member on the board as the boards are usually made up of at least one Council member. The City Manager would be present at the meeting, but would not vote in this situation/how the ordinance was presented.

Attorney Westrick stated the ordinance was modeled after the City of Jefferson. Chief Bump stated this would be a final decision of the board and having the Manager be a part of the board would benefit the Board and their decision.

Clerk Ebbert took a roll call vote and motion carried unanimously to replace one citizen member with a City Council member and reinstate the City Manager as having a vote on the appeals board.

Cm. Lescohier moved to adopt the amended ordinance reinstating the City Manager to the board, and to approve revisions to sex offender registry restrictions-loitering ordinance. Seconded by Cm. Kotz and carried on a roll call vote.

f. Recommendation from Finance Committee to approve Revolving Loan Funds for Fort Investments, LLC,

Manager Trebatoski reviewed the recommendation for the revolving loan funds. They will create a minimum of eight full time equivalent positions.

Cm. Kotz moved to approve the recommendation from the Finance Committee to authorize a Revolving Loan in the amount of \$150,000 for Fort Investments, LLC at a 2% fixed interest rate for a term of five years with a 15 year amortization schedule and to take a subordinate lien mortgage position on the property second only to Badger Bank for their loan, and to require unlimited personal guarantees from each of the owners. Motion seconded by Cwmn. Gehred and carried on a roll call vote.

NEW BUSINESS

a. Review and approve bid for Reena Avenue/Doris Drive public improvements.

Engineer Selle reviewed the bids received for the public improvements. Capital Underground was the low bidder of the two bids received. Work will begin immediately and be completed in early November. The first lift of asphalt is to be in place by October 15th.

Cm. Lescohier moved to approve the bid for Reena Avenue/Doris Drive public improvements from Capital Underground not to exceed \$927,360.86. Cm. Hartwick seconded the motion and carried on a roll call vote.

b. Review and approve contract for consultant services for Stormwater Management Plan.

Engineer Selle reviewed the permitted MS4 (Municipal Separate Storm Sewer System) entity and our requirement to meet state-wide reductions for the Total Suspended Solids (sediment) and Total Phosphorous that is sent into the Rock River as pollutants. To meet our MS4 requirements a 2009 planning study identified the Larsen Lagoon project to help meet those pollutant reductions. Even in 2009, municipalities in the Rock River Basin knew that a new approach to pollution management was being developed specific to the Rock River known as the Total Maximum Daily Load (TMDL). This approach would look at how much pollution the river could handle yet remain healthy, then spread that capped amount among the municipalities and private landowners in the watershed. In this way it would be more strategic rather than the one size fits all approach used elsewhere. The update to the 2009 plan will identify the means for Fort Atkinson to meet or fall below their allotted pollution levels of sediment and phosphorous. The project will be funded through a WDNR matching grant up to \$81,660 – meaning the City will be responsible for \$40,830 and the WDNR will match that. Any funds in excess of \$81,660 will be borne by the City. All City supplied funding will come through the Stormwater Utility, \$50,000 was budgeted for this effort in 2016 CIP and remains available.

Selle stated, four firms submitted a bid. All were excellent proposals with assessments attached. Selle is recommending MSA Professional Services based on the amount of background information they supplied in studying our current situation and the scope that included a more comprehensive value for the money. Their fee is \$78,513.

Engineer Selle reviewed the breakdown in costs. He requested a plan to be submitted with the bid. The base fee varied amongst the submitted bids. After reviewing the scope, they were analyzed for what was and what was not included. The hourly rate was similar but the tasks in the scope were evaluated heavily for recommendation.

Cm. Kotz moved to approve the contract for consultant services with MSA Professional Services in an amount not to exceed the grant value of \$78,513. Seconded by Cm. Hartwick and carried on a roll call vote.

MISCELLANEOUS

a. Request to designate time for observance of Trick or Treat.

Chief Bump presented his recommendations for trick or treat hours. He offered two options for the Council to consider, Sunday October 29th 1:00 pm – 4:00 pm or Tuesday, October 31st 4:00 pm – 6:30 pm.

Cwmn. Gehred conducted a quick survey and received approximately 50 responses. She had a majority of responses requesting Sunday, and specifically Sunday evening.

Cwmn. Gehred moved to designate the time for observance of Trick or Treat for Sunday, October 29th 4:00 pm – 7:00 pm. Cm. Hartwick seconded. Motion failed 2-3. (Gehred and Hartwick for; Kotz, Lescohier and Becker against).

Cm. Lescohier recommended the Council consider one of the times provided by Chief Bump. Discussion continued.

Cm. Lescohier moved to designate the time for observance of Trick or Treat for Sunday, October 29th from 1:00 pm to 4:00 pm. Cm. Kotz seconded. Motion carried 4-1, Cm. Hartwick opposed.

b. Granting operator licenses.

Cm. Kotz moved to approve the granting of operator licenses presented. Seconded by Cm. Hartwick and motion carried.

CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

a. Verified claims.

Cm. Lescohier moved, seconded by Cm. Hartwick to approve the claims, appropriations and contract payments submitted by the Finance Director and authorize payment. Carried on a roll call vote.

ADJOURNMENT

Cm. Kotz moved, seconded by Cm. Hartwick to adjourn the meeting. Meeting adjourned at 8:18 pm.

Michelle Ebbert, City Clerk/Treasurer

APPROVED:

PRESIDENT OF THE COUNCIL