

**CITY OF FORT ATKINSON**  
**City Council Minutes ~ November 1, 2016**

CALL MEETING TO ORDER.

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

ROLL CALL.

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

APPROVAL OF MINUTES OF OCTOBER 18, 2016 REGULAR COUNCIL MEETING AND OF OCTOBER 25 AND 26, 2016 BUDGET WORKSHOPS.

Cm. Hartwick moved, Cm. Becker seconded the motion to approve the minutes of October 18, 2016 regular council meeting and of October 25 and 26, 2016 budget workshops. Motion carried.

PUBLIC HEARINGS

None.

PUBLIC COMMENT

Lucy Walter 1110 Van Buren Street – spoke on the agenda items referencing the Economic Development Commission Ordinance. She supports the ordinance as it is key for building long term employment, however she is not in favor of waiving any readings to adopt the ordinance right away. She feels it would be a fault of the Council to waive readings and disallow the citizens to comment on the ordinance.

Lori Compass, 326 Garfield Street – spoke on the agenda items referencing the Economic Development Commission Ordinance. She would like the ordinance to follow through with all of the readings and not waive them. She added she has not had time to review the ordinance.

Leslie LaMuro, 316 Craig Street – spoke on the agenda items referencing the Economic Development Commission Ordinance. She feels the adopted changes by the Council were deleted at the Ordinance Committee meeting. She would like the word diversity included in the composition of the commission.

Ann Grover, 105 Rockwell – spoke on the agenda items referencing the Economic Development Commission Ordinance. She supports the addition of the word ‘diverse’ in the composition of the ordinance. She wants a diverse commission with differing goals of the members.

Frankie Fuller, 3036 Buena Vista Drive – spoke on the agenda items referencing the Economic Development Commission Ordinance. She feels there are instances when government entities race through things and people feel excluded regardless of the message. She would like the Council to go through the ordinance readings and allow people to look at the ordinance.

PETITIONS, REQUESTS AND COMMUNICATIONS

None.

RESOLUTIONS AND ORDINANCES

None.

## REPORTS OF OFFICERS, BOARDS AND COMMITTEES

- a. *Minutes of Historical Society Board meeting held September 15, 2016.*
- b. *Minutes of Planning Commission meeting held October 25, 2016.*
- c. *Minutes of Ordinance Committee meeting held October 27, 2016.*
- d. *Minutes of Dwight Foster Public Library Board meetings held June 13, 2016 and August 15, 2016.*
- e. *Minutes of License Committee meeting held October 26, 2016.*

Cm. Lescohier moved to accept and file the reports of officers, boards and committees. Cm. Becker seconded the motion and carried.

## UNFINISHED BUSINESS

- a. *Recommendation from License Committee to approve "Class B" intoxicating liquor and Class "B" Fermented Malt Beverage License for Cindy Weber, d/b/a C&J Pub and Diner at 130 North Main Street.*

Clerk Ebbert discussed the license that is available for the application to be submitted by Cindy Weber. Ms. Weber meets all requirements to hold such license and was recommended for approval by the License Committee. She was the only applicant for this license.

Cm. Becker moved to approve the application from Cindy Weber dba C&J Pub and Diner, 130 N. Main Street for a "Class B" Intoxicating Liquor and Class "B" Fermented Malt Beverage license. Motion seconded by Cwmn. Gehred and carried.

- b. *Recommendation from Ordinance Committee to approve City Economic Development Commission Ordinance.*

Pres. Kotz addressed the Council and those in attendance providing the history of the economic development ordinance. The ordinance was originally reviewed by the Ordinance Committee on September 8<sup>th</sup>; three readings were conducted at the September 20<sup>th</sup>, October 4<sup>th</sup> and October 18<sup>th</sup> Council meetings, and at that point were recommended back to the Ordinance Committee for review which was held on October 27<sup>th</sup>. This reading is technically the fourth reading.

Manager Trebatoski confirmed this is the fourth time this ordinance has appeared on an agenda for Council review and approval. The first reading was approved at the September 20<sup>th</sup> meeting without amendments.

Trebatoski confirmed the second reading was approved at the October 4<sup>th</sup> meeting with the amendment of Sec. 2-343 to read "*Six diverse citizen members shall be appointed by the City Manager with approval of the City Council. Citizen members shall have sufficient ability in economic development and related areas*" and a second amendment of Sec. 2-343 to read "*Upon creation of the commission, initial terms of office shall commence January 1, 2017. All terms of office thereafter shall commence on May 1 in the year of appointment. Citizen members shall be appointed to three-year staggered terms*".

Trebatoski added the third reading was presented on October 18<sup>th</sup> with no motions to make amendments and was recommended to send back to the Ordinance Committee for review and possible revision. The ordinance presented tonight has the following revisions from the Ordinance Committee that met on October 27<sup>th</sup>:

- *Sec. 2-343. Composition: Six citizen members appointed by the City Manager with approval of the City Council. Citizen members shall be persons of recognized experience and qualifications. (this echoes the composition of the Planning Commission ordinance)*
- *Sec. 2-343. Upon creation of the commission, initial terms of office shall commence January 1, 2017. All terms of office thereafter shall commence on May 1<sup>st</sup> in the year of appointment. Citizen members shall be appointed to three-year staggered terms. (This section was not altered by the Ordinance Committee on October 27<sup>th</sup> but reconfirmed the approved wording from the October 4<sup>th</sup> Council meeting.)*
- *Sec. 2-345. Meetings. Meetings will be held on a quarterly basis or at the call of the chairperson or City Manager, and all meetings shall be noticed and open to the public, except as provided in 19.85 Wis. Stats.*
- *Sec. 2-346. Powers and Duties. (b) Business recruitment and retention.*

Cm. Hartwick commented that he appreciates having three readings of ordinances and it is the Council's duty to do so. He is proud of the citizens that spoke during public comment. He stated a few changes were made at the Ordinance Committee meeting in regard to the composition. He liked the use of the word 'broad based' rather than the word 'diverse' as it could lead the Council into trouble and broad based covers a wider area. He added it is typical to look at composition of each committee and seek diversity or broad based when appointing members. He referenced additions suggested by Cwmn. Gehred versus the recommendation from the Ordinance Committee. He appreciates Cwmn. Gehred bringing forward comments. One of the suggestions was 'infill' and feels it is a broad based term of economics. He personally finds the ordinance to be well written and suggestions adding the minutes with recorded notes and the philosophical wording reflected.

Cwm. Gehred stated those are not philosophical statements of her own but taken from comprehensive plan which she thinks is a document that ought to be referenced in the ordinance. She added that her core is an environmentalist and a fair person that cares about natural systems that support our life on earth, she cares about the lands and waters that are not only the resources that we as humans depend upon for life but also all creatures on earth. She added she also cares about a modern economy that is built to last and promotes a well-educated work force that does not use funds to favor big business over small business. When she hears that there will be a creation of an economic development commission, she will admit to going on high alert. Economic development is something she thinks a lot about and is often carried out in ways that disregards the disaster that is climate change, deforestation, habitat loss and water, soil and air pollution. Her fears are not ungrounded or overstated. Near every single major eco system on the planet is in fear of decline due to encroachment from humans and extraction. Scientists say that if animals can no longer survive on our planet we humans will not be able to either. We are losing species of amphibians at a rate 1,000 times that shown in the fossil records and we are projected for future extinction rate of all species that is 10 times higher than our current rate. When she hears a market gap analysis is done that shows that Fort Atkinson is underserved with car dealerships, she wonders who has done a recent gap analysis for woodpeckers, foxes and wild rice and how underserved we are with pollutions on these prolific species. Further, there has been a recent shift in Wisconsin policy at the state level towards suppression of wages, taxes and environmental protections in order to not alienate the corporate interest. She believes the future of the community lies in capturing the passion, intelligence, imagination and resources of our people. As a mother, a non-profit coordinator for a sustainable economic development association and as a rationale person who does not want to live in a constant state of dread, she does not want to live her last 30 years seeking ways to reconcile humans needs for

clean foods, decent jobs with access to health care with shelter and entertainment with all other creatures that fight to exist. When she reads the comprehensive plan of Fort Atkinson, she is relieved to see that these values are shared widely and stated empathetically throughout. The reason she is not satisfied with the ordinance as written is because it does not seek to answer that question. In fact, it offers no word at all on its purpose. Other ordinances do. Ours simply reads there is created and established economic development commission. Better would be ‘there is created and established, an economic development commission that seeks to promote and enhance the City of Fort Atkinson including its natural and human resources and to promote the City in various manners as an excellent place to live and do business.’ I move that we add this purpose statement to our ordinance. It is based on the city of Franklin’s ordinance as it is being held up as a good model. She added she appreciates that the ordinance was sent back to committee. She would like to point out she was there and it has the same makeup as the people who created and voted on it twice with no additional people on it. The additional people were allowed a two minute comment but the bulk of the work was done by the ordinance committee. She did not feel invited to offer comments. She did not feel it was effective by the Committee.

Cm. Hartwick stated that the Committee went through each section, statement by statement and reviewed the original draft and reviewed the submissions by Cwmn. Gehred. He added a recently adopted ordinance does not include a philosophical piece.

Pres. Kotz confirmed there is a lot of discussion on this topic. He added this is the fourth reading and that all members will have different opinions. The Council will not always completely agree.

Cwmn. Gehred moved to add the following statement of purpose to Sec. 2-342. Created “there is created and established, an economic development commission that seeks to promote and enhance the City of Fort Atkinson including its natural and human resources and to promote the city in various manners as an excellent place to live and do business.” Cm. Hartwick seconded the motion for further discussion.

Cm. Hartwick stated he finds value in the discussion and asked if it could be included in the footnotes of the ordinance. Gehred does not feel a purpose statement belongs in footnote but rather it belongs in ordinance.

Cm. Becker reiterated that this is the fourth reading of the ordinance in front of the Council. This has been reviewed by the Ordinance Committee twice, worked on by Staff and affiliated economic development partners in the County. He does not feel a mission statement is appropriate in an ordinance. This ordinance needs to focus on the nuts and bolts. He does not feel it should dictate how people serve. He is comfortable with multiple readings and is pleased with how the ordinance has been written and presented.

Cm. Lescohier stated he shares so much in common with the intention and outcome of the commission. He added he wants to do what is the right thing and is confident the Commission will act in the best interest of the City and will not favor big or small businesses over another. He is confident they will make decisions of sound judgement and have various viewpoints. He knows the commission members will serve appropriately.

Cwmn. Gehred asked why they are creating an ordinance without a purpose. She re-stated her suggestion and added she does not understand the lack of willingness to put such a basic purpose in the ordinance.

Clerk Ebbert took a roll call vote. Motion failed 1-4. Cwmn Gehred for, Cm. Becker, Cm. Hartwick, Cm. Lescohier and Pres. Kotz opposed.

Cm. Hartwick moved to send the Ordinance to its second reading. Motion seconded by Cm. Becker and carried on a voice vote 4-1, Gehred opposed.

Cm. Lescohier noted that the Council is not racing through any readings of the Ordinance as it has been reviewed several times by the Council and the Ordinance Committee. He added the ordinance will be considered at as many meetings as necessary.

Cwmn. Gehred added that it takes time to get people engaged and the ordinance seems to be building engagement. It has been many decades without an economic development commission, why does it have to be decided now.

#### New Business

*a. Review and approve Developer's Agreement for Theron Subdivision.*

Engineer Selle discussed the process of Planning Commission review for the development on Endl Blvd. across from St. Joseph's Catholic Church. The agreement was reviewed by the City Manager, City Attorney and the developer. There is one correction to note on page 6 where it discusses the planting of trees, the date should read June 2017.

Cm. Hartwick moved to approve the Developer's Agreement for Theron Subdivision. Seconded by Cm. Lescohier and carried unanimous roll call vote.

Cwmn. Gehred asked if internet connections are considered as part of the utilities. Selle commented that at this point they are not included or discussed. The electric and gas require installation prior to the final street construction. Hartwick added that this has been a part of discussion to install the pipelines for future consideration. Selle replied that Staff would need time to analyze the benefits.

Cwmn. Gehred asked the reason for the name of the subdivision. Mike Foerster replied that it was requested by the property seller.

Cwmn. Gehred inquired on the landscaping and parkland/dedication fees. Selle addressed her questions and explained the purpose of the parkland fee.

*b. Review and approve Agreement for State-Let Highway Project with the Department of Transportation for Whitewater Avenue project.*

Engineer Selle reviewed the agreement for State-Let Highway Project with the DOT for Whitewater Avenue. This agreement is necessary to proceed with project discussions and specifications for Whitewater Avenue. The DOT cannot investigate specific concerns presented by the City without an agreement.

Cm. Hartwick moved to approve the agreement for State-Let Highway Project with the Department of Transportation, seconded by Cm. Lescohier. Motion carried on a unanimous roll call vote.

Cm. Hartwick inquired on the weight of trucks on the roadway. Selle confirmed it can be discussed. Trebatoski confirmed this is a state highway and would be constructed to accommodate such traffic.

Miscellaneous

a. *Temporary Class “B” Retailer’s License for event at Hoard Museum on November 11, 2016.*  
Clerk Ebbert reviewed the application that met all requirements set forth by State Statute.

Cm. Becker moved to approve Temporary Class “B” Retailer’s License for the Historical Society for an event at the Hoard Museum on November 11, 2016. Motion seconded by Cm. Hartwick and carried.

b. *Temporary Class “B” Retailer’s License for Jefferson County Literacy Council to use for event at Dwight Foster Public Library on February 25, 2017.*  
Clerk Ebbert reviewed the application that met all requirements set forth by State Statute.

Cm. Lescohier moved, seconded by Cm. Becker to approve the Temporary Class “B” Retailer’s License for Jefferson County Literacy Council for use at an event at the Dwight Foster Public Library on February 25, 2017. Motion carried.

c. *City, Sewer, Water and Stormwater Utility Financial Statements as of September 30, 2016.*  
Manager Trebatoski discussed the stableness of the City accounts after three quarters.

Cm. Hartwick moved to accept and file the City, Sewer, Water and Stormwater Utility Financial Statements as of September 30, 2016. Seconded by Cm. Becker and carried.

Claims, Appropriations and Contract Payments

a. *Verified claims.*

The following is the list of bills to be approved:

CITY, SEWER AND WATER

AT & T	Telephone service; Diggers Hotline	575.08
AT&T ADVERTISING & PUBLISHING	Advertising	52.00
ADVANCED DISPOSAL SERVICES	Solid waste pickup; recycling	55,611.80
LW ALLEN LLC	Processor failed - insurance claim	7,133.93
AMAZON.COM	Handset; pens; cartridge; printer	636.01
AMERICAN AWARDS & PROMOTIONS	Softball trophy	48.90
ASSOCIATED APPRAISAL	Oct. services; Revaluation program	18,993.07
REVERE ELECTRIC SUPPLY	Bulbs; PVC; cord replacement	223.57
BATTERY PRODUCTS INC	Batteries	2,511.74
JOSH BENNETT	Boots	84.39
BENZ OIL INC	Oil	2,403.20
KURT BIRKETT	WVOA conference expense	443.16
BENJAMIN BOEVE	Oct. 2016 stipend pay	150.00

CDW GOVERNMENT, INC.	Two logi WRLS	59.04
PAUL CAMACHO	Interpreter	70.00
CHARTER COMMUNICATIONS	Internet and TV service	212.10
PAUL CHRISTENSEN	WVOA conference expense	456.15
PAUL CONWAY SHIELDS	Armor AP coat; pants	1,819.40
CUTTING EDGE SIGNS & GRAPHICS	Cut print and install graphics	650.66
DELUXE DISTRIBUTORS	Ferric	6,560.80
DEMCO INC	Name plate - Scherer	13.74
DIVERSIFIED BENEFIT SERVICES I	Oct. adm. Fee - flex spending	158.40
DONOHUE & ASSOCIATES INC	Dewatering centrifuge	6,662.19
DRUG TASK FORCE	Sept. drug assessments	80.00
KEIONNA DULLAVEN	Subpoena	5.00
E-CONOLIGHT	Light pole and anchor bolts	806.80
ELECTION SOURCE	"I voted" stickers	14.97
ELITE K-9, INC	Water bowl and leash	44.43
FJA Christiansen Roofing Co	Roof repair	1,143.00
FIRST SUPPLY LLC	Hymax coupling	490.55
FORT ATKINSON GLASS/MIRROR INC	Installed glass - second floor	490.00
GENERAL COMMUNICATIONS INC.	Whelen headlight/grill	194.00
GORDON FLESCH CO INC	Copies	20.22
GRAINGER	Fuses; pressure washer hose; insect killer	311.82
GRAYBAR ELECTRIC CO INC	Light ballast; bulbs	103.26
GREAT WEST	WI Deferred comp	4,610.00
HACHTEL PLUMBING, INC.	Repipe new meters	1,247.58
HAUSZ BROS INC	Road rock	131.87
HAVILL-SPOERL FORD MERCURY INC	Indicator; transmission repair; oil change	255.81
SHARON HOLZ	Refund water overpayment	157.95
JACKSON LEWIS P.C.	Fire fighter representation	120.00
JEFFERSON CO TREASURER	Jail assessments; dog licenses fees	811.25
K & W GREENERY	Gingko chi chi tree	130.00
KEEPRS, INC.	Glock pistol	383.99
BRETT KETTERMAN	Oct. vehicle allowance	70.00
CHAD LANGE	Athletic shoe; pants; training	124.05
LISA LANGER	Shoes	41.38
JEFFREY LANGHOLFF	Refund muni. Veh. reg. fee	39.73
LARK UNIFORM OUTFITTERS INC	Gonzalez vest	895.00
SCOTT L LASTUSKY	Conference; volleyballs; car allowance	912.38
LIBERTY FLAG & SPECIALTY CO	Anti-furl rotating pole	37.60
VERNON MAGSAMEN	Pool maintenance	408.00
MARTELLE	Sodium chloride	621.40
MENARDS - JANESVILLE	Fixture whip	30.75
MENARDS - JOHNSON CREEK	Supplies	1,481.57
MID-STATE EQUIPMENT	Lift rental	450.00
NFPA	Annual subscription	1,345.50

NATIONAL CONSTRUCTION	Rental 6' temp panels	378.00
PAYNE AND DOLAN	Asphalt	154.27
PHONES PLUS OF JANESVILLE INC	Swapped stations/lines	165.00
POMP'S TIRE SERVICE INC	Tires	604.10
POSTMASTER	Postage for "B" zone bills	408.58
PRECISION ALIGNMENT, LLC	Oil change and tire rotation	146.50
PREMIER BANK	Fed w/holding; Soc. Sec.; Medicare	42,185.15
QUILL CORPORATION	Office supplies	115.35
RM SMALL ENGINE REPAIR, LLC	Propane	45.84
CLAIRE RACANELLI	Strong Woman classes	350.00
DARYL RAUSCH	Moving expense	1,700.00
RAY O'HERRON	Bigeasy glo q/easy wedge	219.60
RENNERT'S FIRE EQUIPMENT	Control harness	249.95
RHYME BUSINESS PRODUCTS	Copier lease	94.90
ROCK ROAD COMPANIES INC	Hot mix asphalt	228.80
911 RYAN BROS - FORT ATKINSON	Oct. ambulance contract	7,861.21
SHERWIN INDUSTRIES INC	Cutter w/hub; v-shaped squeegee	667.12
ST. OF WI: CONTROLLER'S OFFICE	Penalty assessments	3,066.77
ROBERT STRANDT	Athletic shoes	47.46
ERIN SWEENEY	WVOA conference expense	450.76
SYMBIONT ENGINEERS	GIS services "Geo Data"	2,528.76
MATT TREBATOSKI	Oct. vehicle allowance; batteries	206.37
TRIEBOLD IMPLEMENT	Oil and seal	148.93
TRUGREEN	Lawn service	661.00
US CELLULAR	Cell phones; tablet	518.24
ULINE	Wypall dispenser	144.53
UNITED SEPTIC & DRAIN	Pumped catch basin	325.00
UNIVERSAL RECYCLING	TV recycling	300.24
UTILITY SERVICE CO., INC.	Maintenance	800.97
WALMART COMMUNITY/RFCSLLC	Ipad; Xbox game; screen protector	511.72
WATER DEPARTMENT	Water bills	3,881.79
WATERTWON POLICE DEPARTMENT	Bond	124.00
WI DEPARTMENT OF REVENUE	State w/holding tax	7,856.61
WI DEPT. OF TRANSPORTATION	Davis & Miller TRACS user conference	70.00
WI DEPT. OF TRANSPORTATION	Unpaid parking citations	220.00
WE ENERGIES	Electricity	53,910.83
WISCONSIN RETIREMENT SYSTEM	Oct. retirement remittance	48,725.05
WI STATE LAB OF HYGIENE	Fluoride test	25.00
WOODSTOCK HARD WOOD FLOORING	Flooring	5,272.05
<u>LIBRARY</u>		
ABENDROTH WATER COND. INC	Maint/repair	15.78
AMAZON.COM	AV/books/supplies	2,884.62
BANK OF AMERICA	AV/books/supplies	1,521.79
BRODART CO	AV/books/supplies	3,491.05

BUTTERS-FETTING, CO , INC	Maint/repair	968.02
CAPITAL LAWN SPRINKLER, INC	Maint/repair	105.00
CENTER POINT LARGE PRINT	Books	74.01
CHARTER BUSINESS	Info sources	214.75
DEMCO, INC.	Supplies	671.85
DWIGHT FOSTER PUBLIC LIBRARY	Postage/supplies/CE	63.80
FESTIVAL FOODS	Supplies	41.73
GFC LEASING	Copier	665.93
GALE/CENGAGE LEARNING	Books	401.46
GOOD HOUSEKEEPING	Periodicals	13.97
GORDON FLESCH CO INC	Supplies	132.94
GROUND AFFECTS LANSCAPING INC.	Maint/repair	360.00
JOURNAL SENTINEL, INC.	Periodicals	153.40
ORGANIC LIFE	Periodicals	15.00
PACKERLAND RENT-A-MAT, INC	Supplies	129.10
PENWORTHY COMPANY	Books	107.92
KELLI ROWLEY	CE	43.20
SHOWCASES	Supplies	59.90
SMITHSONIAN	Periodicals	8.00
STARTECH COMPUTING	Info sources	360.00
TASTE OF HOME	Books	32.98
KELLY TERKEURST	CE	37.26
WEST BEND MUTUAL INSURANCE CO	Insurance	1,997.00
WISCONSIN HISTORICAL FOUNDAT'N	Periodicals	65.00
	TOTAL CITY ACCOUNTS	\$255,370.48
	TOTAL SEWER ACCOUNTS	\$50,559.47
	TOTAL WATER ACCOUNTS	\$17,615.15
 <i><u>STORMWATER UTILITY (Fund 10)</u></i>		
MENARDS	Supplies	\$204.38
SYMBIONT ENGINEERS	GIS Service "Geo Data"	<u>\$1,264.38</u>
	TOTAL FUND 10	\$1,468.76
 <i><u>NORTHWEST CORRIDOR (Fund 14)</u></i>		
VANDEWALLE & ASSOC., INC.		\$217.45

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

Adjournment

Cwmn. Gehred moved to adjourn the meeting at 7:55 pm. Motion seconded by Cm. Hartwick and meeting adjourned.

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Michelle Ebbert, City Clerk/Treasurer

APPROVED:

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PRESIDENT OF THE COUNCIL