

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
February 16, 2010**

1. CALL MEETING TO ORDER

A regular meeting of the City Council was called to order by President Mielke at 7:00 p.m. in the Council Chambers of the Municipal Building.

2. ROLL CALL

On call of the roll, members present were:

Loren Gray (via telephone)
Davin Lescohier
Dick Schultz
Mark Zastrow
John Mielke

Also present were the City Manager, Clerk/Treasurer, Attorney, Engineer Parks & Recreation Director, Water Supervisor and Fire Chief.

3. APPROVAL OF MINUTES OF FEBRUARY 2, 2010 REGULAR COUNCIL MEETING

The minutes of the February 2, 2010 regular Council meeting were approved by consent.

4. PUBLIC HEARINGS

- a. PUBLIC HEARING ON REQUEST TO REZONE PROPERTY ON JANESVILLE AVENUE (ACROSS FROM KLEMENT BUSINESS PARK) FROM C-3 (GENERAL COMMERCIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL).

Pres. Mielke opened the public hearing on the request to rezone property on Janesville Avenue (across from Klement Business Park) from C-3 (General Commercial) to R-3 (Multi-Family Residential), and stated if anyone wished to speak on this topic, he or she should come to the podium and state his or her name and address for the record.

After a second and third call, and hearing no comments, Pres. Mielke closed the public hearing.

b. PUBLIC HEARING ON STATE AND FEDERAL AID FOR IMPROVEMENTS AT MUNICIPAL AIRPORT.

Pres. Mielke opened the public hearing on State and Federal Aid for improvements at the Municipal Airport, and stated if anyone wished to speak on this topic, he or she should come to the podium and state his or her name and address for the record.

After a second and third call, and hearing no comments, Pres. Mielke closed the public hearing.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

a. PRESENTATION OF AWARDS FOR GREEN RECOGNITION PROGRAM.

Pres. Mielke explained the Green Recognition Program and the three categories included. The categories and recipients are as follows:

Local business	Fort HealthCare
Community organization	M.A.T.C. – Fort Atkinson
Resident/individual	John and Jenine Fixmer

The Council President then presented the awards to the recipients.

6. RESOLUTIONS AND ORDINANCES

None.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Lescohier, seconded by Cm. Schultz, moved to accept and file the minutes of the Traffic Review Committee meeting held January 29, 2010; the minutes of the Dwight Foster Public Library Board meeting held January 4, 2010; Electrical, Building and Plumbing Permit Reports for January, 2010; the minutes of the Historic Preservation Commission meeting held February 2, 2010; the minutes of the Planning Commission meeting held February 9, 2010; and the minutes of the Jefferson County Economic Development Consortium meeting held January 13, 2010. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

a. REVIEW OF OPTIONS AND SUMMARY OF 2010 LIBRARY LONG-TERM BONDING PLAN PRESENTED BY ROBERT W. BAIRD.

Steve Kornetzke, representing Robert W. Baird, addressed the Council at this time. Mr. Kornetzke stated the City is looking at financing the Library project

with \$2,565,000 in Build America Bonds to be amortized over a 20-year period. Principal payments would run from February 1, 2013 to February 1, 2030. The final Resolution to award the borrowing will be on the March 2, 2010 Council agenda. This type of bond will result in a lower interest cost compared to a traditional tax-exempt bond. The issuer (City) receives a Federal subsidy equal to 35% of the annual interest cost on these Bonds. The estimated interest rate for this borrowing is 3.95%. Mr. Kornetzke estimated the net savings between the traditional tax-exempt borrowing and the Build America Bonds to be approximately \$160,000. He said the Build America Bonds are only being offered until January 1, 2011.

The City Manager said that bids were opened for this project, and they were very favorable numbers. The approval and awarding of the bids will also be on the March 2, 2010 Council agenda.

Cm. Zastrow, seconded by Cm. Lescohier, moved to approve the issuance of Taxable Build America Bonds for the Library renovation project through Robert W. Baird. On call of the roll, the motion carried unanimously.

- b. RECOMMENDATION FROM PLANNING COMMISSION TO APPROVE REQUEST TO REZONE PROPERTY ON JANESVILLE AVENUE (ACROSS FROM KLEMENT BUSINESS PARK) FROM C-3 (GENERAL COMMERCIAL) TO R-3 (MULTI-FAMILY RESIDENTIAL), AND ORDINANCE.

The following Ordinance was displayed on the overhead projector at this time:

ORDINANCE NO. 694

The City Council of the City of Fort Atkinson does hereby ordain as follows:

That Chapter 15, ZONING ORDINANCE, Section 15.6.5, ZONING MAP, be amended so as to change the zoning of the following described property from C-3 (General Business) to R-3 (Multi-Family Residential):

The north $\frac{3}{4}$ of the west $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 17, T5N, R14E, lying northwesterly of the highway in the City of Fort Atkinson, Jefferson County, Wisconsin, to-wit:

Lying southeasterly of the lands deeded to the Chicago & Northwestern Railway Company by Warranty Deed dated July 19, 1859 in Volume 32 of the deeds on Page 173. Further excepting therefrom a parcel of land conveyed to the State of Wisconsin, Department of Transportation for highway purposes as Warranty Deed recorded November 7, 1988 in Volume 726 of the Records on Page 218 as Document Number 846060. Further excepting therefrom a parcel of land conveyed to the

State of Wisconsin, Department of Transportation for highway purposes by Warranty Deed recorded February 10, 1993 in Volume 830 of the Records on Page 100 as Document Number 900416, and as corrected in Warranty Deed recorded in Volume 886 on Page 461 as Document Number 925493.

Said parcel is located on the west side of Business 26 (Janesville Avenue), across from the entrance to the Klement Business Park.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect and be in force from and after the date of its passage and publication.

The City Manager stated this request was recommended for approval by the Planning Commission.

Rob Williams, of TDI & Assoc., who is the architect for the developer on this project, addressed the Council. They are proposing to develop five 24-unit apartment buildings, starting with just one or two buildings and when those are occupied, continue on with the project.

Cm. Gray, seconded by Cm. Zastrow, moved to suspend the rules and send the Ordinance through its second and third readings. On call of the roll, the motion carried unanimously.

Cm. Zastrow, seconded by Cm. Schultz, moved to approve the recommendation from the Planning Commission to rezone property on Janesville Avenue (across from Klement Business Park) from C-3 (General Commercial) to R-3 (Multi-Family Residential) and adopt the Ordinance. On call of the roll, the motion carried unanimously.

c. **RECOMMENDATION FROM TRAFFIC REVIEW COMMITTEE TO DESIGNATE ONE PARKING STALL LOCATED SOUTH OF THE DRIVE OPENING AT 407 ARMENIA STREET FOR HANDICAPPED PARKING.**

Jeff Woods said the requestor originally thought the no parking would be the best alternative for the situation. However, after the requestor further discussed the matter with her husband, they decided they would prefer the handicapped designation rather than the no parking. They indicated the bus that picks up and drops off their child has a hard time maneuvering if there is a car parked in front of their home.

The Council indicated it would prefer the area be designated as a no parking area to assist the bus with pick-up and drop-off. If it were designated as handicapped, someone could park there that has a handicapped tag and still cause problems for

the bus. Jeff Woods stated it was the Traffic Review Committee's first recommendation to make it a no parking area, however after the requestors changed their minds, they granted their request.

Cm. Gray, seconded by Cm. Schultz, moved to deny the recommendation from the Traffic Review Committee to designate one parking stall located south of the drive opening at 407 Armenia Street for handicapped parking. The motion carried on a voice vote.

Cm. Schultz, seconded by Cm. Zastrow, moved to designate a no parking area within seven feet north and seven feet south of the drive opening at 407 Armenia Street. The motion carried on a voice vote.

9. NEW BUSINESS

- a. REQUEST BY CHAMBER OF COMMERCE TO HOLD A HALF MARATHON ON JUNE 19, 2010, AND FOR VARIOUS NO PARKING AREAS AND STREET CLOSURES.

Todd Tesch addressed the Council and indicated this event will begin and end near Luther School. The event is scheduled to last three and one-half hours. They are anticipating between 250 and 300 participants. Mr. Tesch said they have routed the marathon to get people to see things the City has to offer.

Cm. Schultz asked Mr. Tesch who would be posting the no parking areas and he said their group would be doing that. It was also stated that two additional police officers will be on duty for the event, and the Chamber will be paying for their time. There will also be a safety vehicle following the participants. A first aid station will also be available and staffed by medical personnel from Fort HealthCare along the route.

The City Manager said this is the same weekend as Baseball Fest at Jones Park and there was a concern with the number of people in the area due to the festival and the craft fair. Mr. Tesch said he was informed that the craft fair is being held in the southwest corner of the Park (near Nasco), so that would not be a conflict.

Cm. Schultz, seconded by Cm. Lescohier, moved to approve the request from Chamber of Commerce to hold a Half Marathon on June 19, 2010 and for various no parking areas and street closures as outlined in the request letter. The motion carried on a voice vote.

- b. REVIEW AND APPROVE RESOLUTION PETITIONING THE SECRETARY OF TRANSPORTATION FOR AIRPORT IMPROVEMENT AID AND AGENCY AGREEMENT AND FEDERAL BLOCK GRANT OWNER ASSURANCE FOR AIRPORT PROJECT.

The following Resolution was displayed on the overhead projector at this time:

RESOLUTION NO. 1169

RESOLUTION PETITIONING
THE SECRETARY OF TRANSPORTATION
FOR AIRPORT IMPROVEMENT AID
BY

Common Council of the City of Fort Atkinson
Jefferson County, Wisconsin

WHEREAS, the City of Fort Atkinson, Jefferson County, Wisconsin hereinafter referred to as the Sponsor, being a municipal Body Corporate of the State of Wisconsin, is authorized by law (sec. 114.11, Wis. Stats.) to acquire, establish, construct, own, control, lease, equip, improve, maintain, and operate an airport, and

WHEREAS, the Sponsor desires to develop or improve the Fort Atkinson Municipal Airport, Jefferson County, Wisconsin,

"PETITION FOR AIRPORT PROJECT"

WHEREAS, the foregoing proposal for airport improvements has been referred to the City Plan Commission for its consideration and report prior to council action as required by Wisconsin Statutes Chapter 62.23(5), and

WHEREAS, airport users have been consulted in formulation of the improvements included in this Resolution, and

WHEREAS, a public hearing was held prior to the adoption of this petition in accordance with Chapter 114.33(2) as amended, and a transcript of the hearing is transmitted with this petition, and

THEREFORE, BE IT RESOLVED, By the Sponsor that a petition for Federal and (or) State Aid in the following form is hereby approved:

The petitioner, desiring to sponsor an airport development project with Federal and State Aid or State Aid only, in accordance with the applicable State and Federal laws, respectfully represents and states:

1. That the airport, which it is desired to develop, should generally conform to the requirements for a General Aviation type airport as defined by the Federal Aviation Administration.
2. The character, extent, and kind of improvements desired under the project

are as follows: replace rotating beacon; pave hangar taxiways; replace/upgrade fuel system; and any necessary related work.

3. That the airport project, which your petitioner desires to sponsor, is necessary for the following reasons: to meet the existing and future needs of the airport.

WHEREAS, it is recognized that the improvements petitioned for as listed will be funded individually or collectively as funds are available, with specific project costs to be approved as work is authorized, the proportionate cost of the airport development projects described above which are to be paid by the Sponsor to the Secretary of the Wisconsin Department of Transportation (hereinafter referred to as the Secretary) to be held in trust for the purposes of the project; any unneeded and unspent balance after the project is completed is to be returned to the Sponsor by the Secretary; the Sponsor will make available any additional monies that may be found necessary, upon request of the Secretary, to complete the project as described above; the Secretary shall have the right to suspend or discontinue the project at any time additional monies are found to be necessary by the Secretary, and the Sponsor does not provide the same; and

WHEREAS, the Sponsor is required by law (sec. 114.32(5), Wis. Stats.) to designate the Secretary as its agent to accept, receive, receipt for and disburse any funds granted by the United States under the federal Airport and Airway Improvement Act, and is authorized by law to designate the Secretary as its agent for other purposes.

**"DESIGNATION OF SECRETARY OF TRANSPORTATION AS
SPONSOR'S AGENT"**

THEREFORE, BE IT RESOLVED, by the Sponsor that the Secretary is hereby designated as its agent and is requested to agree to act as such in matters relating to the airport development project described above, and is hereby authorized as its agent to make all arrangements for the development and final acceptance of the completed project whether by contract, agreement, force account or otherwise; and particularly, to accept, receive, receipt for and disburse federal monies or other monies, either public or private, for the acquisition, construction, improvement, maintenance and operation of the airport; and, to acquire property or interests in property by purchase, gift, lease, or eminent domain under chapter 32 of the Wisconsin Statutes; and, to supervise the work of any engineer, appraiser, negotiator, contractor or other person employed by the Secretary; and, to execute any assurances or other documents required or requested by any agency of the federal government and to comply with all federal and state laws, rules, and regulations relating to airport development projects.

FURTHER, the Sponsor requests that the Secretary provide, per Section 114.33(8)(a) of the Wis. Stats., that the Sponsor may acquire certain parts of the

required land or interests in land that the Secretary shall find necessary to complete the aforesaid project.

"AIRPORT OWNER ASSURANCES"

AND BE IT FURTHER RESOLVED that the Sponsor agrees to maintain and operate the airport in accordance with certain conditions established in Chapter Trans 55, Wisconsin Administrative Code, or in accordance with Sponsor assurances enumerated in a Federal Grant Agreement.

AND BE IT FURTHER RESOLVED THAT THE City Manager and City Clerk be authorized to sign and execute the Agency Agreement and Federal Block Grant Owner Assurances authorized by this Resolution.

The City Manager stated the projects being proposed are to replace the rotating beacon, pave the hangar taxiways, replace/upgrade the system and any necessary related work. The City Engineer said the main work being done with this project is the beacon replacement.

Cm. Lescohier, seconded by Cm. Zastrow, moved to approve the Resolution petitioning the Secretary of Transportation for Airport Improvement Aid and Agency Agreement and Federal Block Grant Owner Assurance for Airport Project. On call of the roll, the motion carried unanimously.

c. **UPDATE ON FINANCIAL STATUS OF HISTORICAL SOCIETY HOARD TRUST FUNDS.**

The City Manager informed the Council that since 1999, approvals have been given to allocate \$345,170 from the City-managed Mary Hoard Trust Fund. There are two separate funds; one is managed by the City and the other by the Historical Society. As of December 31, 2009, the City's Fund has a balance of \$671,867 and the Historical Society Fund has a balance of \$583,494.

Cm. Schultz, seconded by Cm. Zastrow, moved to accept and file the update on the financial status of the Historical Society Hoard Trust Funds. The motion carried on a voice vote.

d. **REQUEST FOR FLY-IN EVENT AT AIRPORT ON JUNE 18-19, 2010.**

The event is being requested by the Micro Light Flyer Club of Wisconsin. The event will mainly be held on June 19th, but there will be some members coming on June 18th and camping at the Airport. The Club carries insurance that will cover this event. The Club will also be providing portable restrooms.

Cm. Zastrow, seconded by Cm. Lescohier, moved to approve the request for the fly-in at the Airport on June 18-19, 2010, contingent on the Club meeting any required F.A.A. regulations and notification to other pilots at the Airport. The motion carried on a voice vote.

- e. REQUEST BY PARKS & RECREATION DIRECTOR TO REPLACE CAPITAL OUTLAY PURCHASE OF A 2010 FLAT BED TRUCK WITH A FOUR-WHEEL DRIVE SMALL TRACTOR WITH CAB AND ATTACHMENT, AND REVIEW AND APPROVE QUOTES FOR THE TRACTOR PURCHASE.

The Parks & Recreation Director said his staff feels a four-wheel drive small tractor would be a more feasible piece of equipment for their Department instead of the 2010 flat bed truck. They have spent over \$2,000 to repair the power brooms so far this year due to the number and size of snowfalls experienced. They also need a sander to keep the sidewalks clean that they are required to maintain throughout the City. They will be trading in a 1982 John Deere Tractor with loader and a 2005 Polaris ATP with a combined value of \$4,436.

Three quotes were received (prior to trade in) and are as follows:

Triebold – Kubota	\$31,936
Mid-State – John Deere	\$33,473
Proven Power – John Deere	\$33,061

Cm. Zastrow, seconded by Cm. Lescohier, moved to approve the request by the Parks & Recreation Director to replace a capital outlay purchase of a 2010 flat bed truck with a four-wheel drive small tractor with cab and attachments, and to award the quote to Triebold Outdoor Power of Whitewater at a final cost not to exceed \$27,500 after trade-ins. On call of the roll, the motion carried unanimously.

- f. REVIEW AND APPROVE QUOTES FOR THE PURCHASE OF SAND FILTERS FOR THE AQUATIC CENTER.

The Parks & Recreation Director indicated this is for the replacement of the sand filters at the Aquatic Center. The current equipment is 18 years old. The present 11 unit system will be replaced with two larger units and will be more efficient.

The following quotes were received for the filters:

Carrico Aquatic Resources	\$28,300
Badger Swim Pools	\$33,541
Neuman Pools, Inc.	\$28,604

The Parks & Recreation Director stated they presently use Carrico Aquatic Resources for their chemical supplies at the pool.

Cm. Lescohier, seconded by Cm. Schultz, moved to approve the purchase of sand filters for the Aquatic Center from Carrico Aquatic Resource in an amount not to exceed \$28,300. On call of the roll, the motion carried unanimously.

g. REVIEW AND APPROVE QUOTES FOR TRUCK PURCHASE FOR WATER UTILITY.

The Water Utility Supervisor indicated there is \$30,000 budgeted for this purchase, and it is for the replacement of their meter specialist vehicle, which is 13 years old and undersized.

The following quotations were received:

Ewald Automotive Group	\$30,224
Havill Spoerl	\$31,975
Capitol Ford	\$32,057

It was indicated the old truck will be auctioned off later in the year, and the funds received will be credited back toward this purchase.

Cm. Zastrow, seconded by Cm. Lescohier, moved to approve the purchase of a truck for the Water Utility from Ewald Automotive Group at a price not to exceed \$30,224. On call of the roll, the motion carried unanimously.

h. REVIEW AND APPROVE QUOTES FOR THE PURCHASE OF FIRE HYDRANTS FOR THE WATER UTILITY.

The Water Utility Supervisor indicated there is \$6,500 budgeted for the purchase of three fire hydrants. The hydrants will be used to replace unrepairable units in our system.

The following quotations were received for each hydrant:

First Supply	\$2,135
HD Waterworks	\$2,148
Davies Water	\$2,286

Cm. Schultz, seconded by Cm. Lescohier, moved to approve the purchase of three fire hydrants from First Supply at a total price not to exceed \$6,405. On call of the roll, the motion carried unanimously.

i. REVIEW AND APPROVE QUOTES FOR STUDY ON MANGANESE LEVELS IN WELL #5.

The budget includes \$15,000 to study and recommend cost effective solutions to the elevated levels of manganese in well #5 located in Jones Park.

The following quotes were received:

SEH	\$11,900
Strand Associates	\$12,000
Ruekert-Mielke	\$12,900
Baxter & Woodman	\$6,900 (Did not meet the conditions of the Request for Proposals)

Cm. Lescohier, seconded by Cm. Schultz, moved to approve the quote for study of manganese levels at Well #5 from SEH in an amount not to exceed \$11,900. On call of the roll, the motion carried unanimously.

j. REVIEW AND APPROVE QUOTES FOR REHABILITATION OF WELL #6.

The 2010 budget has \$75,000 for the rehabilitation of Well #6. With this rehabilitation, physical parts of the Well will also be replaced. The last rehabilitation was done on this Well in 1990. The Water Utility Supervisor stated the Well has had a 50% reduction in capacity since 1990.

The following quotes were received:

Water Well Solutions	\$71,500 to \$78,500
Layne-Northwest	\$73,100

The Water Utility Supervisor said the quote from Layne-Northwest included a lot of hourly pricing that needed to be estimated based on the Utility's previous experience with other well rehabilitations. Therefore, he is recommending that the Water Well Solutions quote be awarded for an amount not to exceed the budget.

Cm. Schultz, seconded by Cm. Zastrow, moved to approve the quote from Water Well Solutions for the rehabilitation of Well #6 at a cost not to exceed \$75,000. On call of the roll, the motion carried unanimously.

k. REQUEST BY FIRE CHIEF FOR AMENDMENT TO THE FIRE PREVENTION CODE REGARDING INSPECTION ENFORCEMENT AND ADOPTION OF BOND SCHEDULE.

The Fire Chief said there is a growing problem with violations that his Department has cited and have not been corrected, and without this structure, they have no ability to enforce a citation. The bond schedule was reviewed and approved by the

City Attorney as well as the Police Department. The Fire Chief said they also surveyed surrounding communities for comparisons of the bond schedule.

Cm. Lescohier asked the Fire Chief what the estimated amount of violations is that are not being corrected as ordered. The Fire Chief said it is about 47% for the last five years.

Cm. Lescohier, seconded by Cm. Schultz, moved to approve the request by the Fire Chief for an amendment to the Fire Prevention Code regarding inspection enforcement and adoption of the bond schedule. The motion carried on a voice vote.

10. MISCELLANEOUS

a. GRANTING OPERATOR LICENSES

Cm. Zastrow, seconded by Cm. Schultz, moved to approve the following list of applicants for operator licenses for the 2008-2010 license period:

Regular:

Tammy M. Buchli	Fat Boyz
Stephanie M. Sonsalla	Fat Boyz

The motion carried on a voice vote.

b. AGENT CHANGE FOR LIQUOR LICENSE FOR PICK-N-SAVE.

Pick-N-Save is requesting to change their agent on their liquor license to Pam Marks. The application has been reviewed and approved by the Police Chief.

Cm. Zastrow, seconded by Cm. Schultz, moved to approve the agent change for the liquor license at Pick-N-Save to Pam Marks. The motion carried on a voice vote.

c. REQUEST TO CHANGE APRIL 6, 2010 CITY COUNCIL MEETING TO THURSDAY, APRIL 8, 2010 DUE TO SPRING ELECTION.

Cm. Schultz, seconded by Cm. Lescohier, moved to change the April 6, 2010 City Council meeting to Thursday, April 8, 2010 due to the Spring Election. The motion carried on a voice vote.

- d. REQUEST TO SET CLOSED FINANCE COMMITTEE MEETING DATES AND TO APPOINT LEGAL COUNSEL REGARDING NEGOTIATIONS WITH POLICE UNION.

The City Manager stated the Finance Committee and Police Union have reached a stalemate in their negotiations for a successor contract and are going into mediation. The closed sessions being requested are for March 15, 2010 at 4:00 p.m. and March 19, 2010 at 9:30 a.m. to continue the negotiations. He also requested approval to hire a labor attorney to assist in the mediation process. Attorney James Korom has agreed to do these duties.

Cm. Zastrow, seconded by Cm. Gray, moved to set the closed Finance Committee meetings for March 15, 2010 at 4:00 p.m. and March 19, 2010 at 9:30 a.m., and to appoint legal counsel to assist in the negotiations with the Police Union. The motion carried on a voice vote.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

Cm. Zastrow, seconded by Cm. Schultz, moved the bills in the amounts of \$299,865.34 for the City (Fund 1); \$35,353.30 for the Sewer Utility (Fund 2); \$38,877.11 for the Water Utility (Fund 3); \$370,313.78 for Debt Service (Fund 4); \$2,473.47 for Stormwater Management (Fund 10); \$256,181.88 for the Klement Business Park (Fund 12); \$150,742.50 for Downtown Economic Development (Fund 13); \$1,900.00 for Northwest Corridor Development (Fund 14); \$133,166.76 for Payroll #3; \$159,489.00 for Sewer Utility Debt Service; and \$195,746.62 for Water Utility Debt Service as per Schedule O-13 on file in the office of the City Clerk/Treasurer and as audited and approved by the Finance Committee be allowed and orders be authorized drawn on the proper funds for their payment. On call of the roll, the motion carried unanimously.

12. ADJOURNMENT

Cm. Schultz, seconded by Cm. Zastrow, moved to adjourn the February 16, 2010 regular City of Fort Atkinson Council meeting at 8:40 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer