

**CITY COUNCIL MINUTES  
FORT ATKINSON, WISCONSIN  
March 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  
Davin Lescohier  
Dick Schultz  
Mark Zastrow  
John Mielke

Also present were the City Manager, Clerk/Treasurer, City Attorney, Engineer, Library Director and Public Works Superintendent.

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

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

4. PUBLIC HEARINGS

a. PUBLIC HEARING ON ANNUAL REPORT ON STORMWATER PERMIT.

Pres. Mielke opened the public hearing on the annual report for the stormwater permit 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 SIX-MONTH BEER LICENSE FOR FORT ATKINSON GENERALS TO USE AT JONES PARK.

Pres. Mielke opened the public hearing on the six-month beer license for the Fort Atkinson Generals to use at Jones Park 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.

Cm. Zastrow questioned the premise description on the license as it indicates it includes the “area around the diamond.” Cm. Lescohier said that when there is a larger crowd on hand, the Generals will put beer into coolers around the outside of the concession stand for faster service.

Pres. Mielke said he was contacted by a City resident who would like to see more recycling done in the area. Cm. Lescohier said he would mention that to the Generals.

Cm. Schultz, seconded by Cm. Lescohier, moved to approve the six-month beer license for the Fort Atkinson Generals to use at Jones Park. The motion carried on a voice vote.

c. PUBLIC HEARING ON SIX-MONTH BEER LICENSE FOR FORT ATKINSON LIONS CLUB TO USE AT RALPH PARK.

Pres. Mielke opened the public hearing on the six-month beer license for the Fort Atkinson Lions Club to use at Ralph Park 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.

Cm. Schultz, seconded by Cm. Gray, moved to approve the six-month beer license for the Fort Atkinson Lions Club to use at Ralph Park. The motion carried on a voice vote.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

None.

6. RESOLUTIONS AND ORDINANCES

None.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Zastrow, seconded by Cm. Gray, moved to accept and file the minutes of the Public Library Board meeting held February 1, 2010; the minutes of the Library Building Committee meeting held February 22, 2010; the Building, Plumbing and Electrical Permit Reports for February, 2010; the minutes of the Historic Preservation Commission meeting held March 3, 2010; the minutes of the Public Works Committee meeting held

March 10, 2010; the minutes of the Jefferson County Economic Development Consortium meeting held February 10, 2010; and the minutes of the Parks & Recreation Advisory Board meeting held January 11, 2010. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

a. RECOMMENDATION FROM PUBLIC WORKS COMMITTEE TO APPROVE 2010 STREET PROGRAM.

The City Manager stated a map was included with the agenda packet showing the areas to be milled and relayed as well as the sealcoat areas.

Cm. Zastrow, seconded by Cm. Gray, moved to approve the 2010 Street Program and authorize that the project be let out for bid. On call of the roll, the motion carried unanimously.

b. RECOMMENDATION FROM PUBLIC WORKS COMMITTEE TO APPROVE 2010 SIDEWALK PROGRAM, AND PRELIMINARY RESOLUTION.

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

RESOLUTION NO. 1172  
PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE  
SPECIAL ASSESSMENT POWERS UNDER SECTION 66.0703,  
WISCONSIN STATUTES 2005-2006

RESOLVED, by the City Council of the City of Fort Atkinson:

1). The City Council hereby declares its intention to exercise its police power pursuant to Sec. 66.0703(4), Wisconsin Statutes to levy special assessments upon property fronting upon the following streets and alleys as stated, namely:

A. Sidewalk construction for the following sections:

Monroe Street:

East side from Frederick Avenue to Hillcrest Drive.

Hickory Street:

North side from a point 48.2 feet east of Monroe Street to Robert Street.

South side from Robert Street to Short Street.

Taft Street:

South side from Monroe Street to Robert Street.

Garfield Street:

South side from Monroe Street to Robert Street.

Caswell Street:

North and South sides from Jackson Street to Monroe Street.

West Rockwell Avenue:

North side from Erick Street to the west side of Parcel No. 226-0514-0443-002 (320 West Rockwell Avenue).

Proposed assessment for sidewalk construction shall be \$14.45 per parcel sidewalk frontage foot.

- 2). The City Engineer is directed to prepare a report consisting of the following:
  - a. Plans and specifications.
  - b. Cost of entire project.
  - c. For each parcel of property, assessment of benefits.

A copy of said report is to be filed with the City Clerk for public inspection.

- 3). Upon receiving the report, the Clerk is directed to have notice of public hearing on such report as specified in Sec. 66.0703(7)(a), Wisconsin Statutes.

Said hearing is to be held in the Council Chambers at a time set by the Clerk in accordance with Section 66.0703(7)(a), Wisconsin Statutes.

The City Manager said a map showing the areas proposed to be included in the 2010 Sidewalk Program was included with the agenda packet. The sidewalk policy adopted by the City Council requires that 50% of the sidewalk assessment be paid by the property owner. Notices of this proposed special assessment will be sent to the property owners and a public hearing will be scheduled.

Cm. Zastrow said he had been contacted by the property owners at the corner of Robert and Taft Streets who are concerned with the proximity of the proposed sidewalk to their home. Cm. Zastrow suggested removing that section of sidewalk from the program after talking with the property owner and physically viewing the area of in-fill sidewalk. He said the sidewalk will bisect the existing driveway and if they wish to park in their driveway, they will be parking over the sidewalk, which is a violation of City ordinance.

Cm. Zastrow, seconded by Cm. Schultz, moved to amend the sidewalk program to remove the Taft Street location.

City Engineer Woods said this sidewalk will be approximately 10-15 feet from the side of the home. He knows there are others in the City similar to this. The sidewalk will bisect where they will be parking their cars, which is a ticket-able offense. The Police Department indicated these matters are usually only acted upon after a complaint is received.

Cm. Gray said in looking at the entire proposed sidewalk program, it seems that the same potential problem could exist for other people in the program. Cm. Gray said he felt it would be more appropriate to amend the program after the public hearing, in case there are others who object to the program. The other Councilmembers agreed.

Cm. Zastrow, withdrew his motion and Cm. Schultz withdrew his second.

Cm. Gray, seconded by Cm. Schultz, moved to adopt the Preliminary Resolution for the 2010 Sidewalk Program, and to schedule a public hearing on the matter for April 20, 2010. On call of the roll, the motion carried unanimously.

c. **RECOMMENDATION FROM PUBLIC WORKS COMMITTEE TO REJECT ALL BIDS FOR THE S.T.H. 26 UTILITY EXTENSION PROJECT.**

There were four bids received for this project, which were as follows:

Globe Contractors, Inc.	\$239,977
Mann Bros., Inc.	\$285,746
Super Excavators, Inc.	\$312,765
H & H Utility Excavating	\$342,813

The original estimate for this project was \$175,000. After review by the staff, it was recommended to the Public Works Committee that all bids be rejected and the project be put on hold at this time. The City Manager indicated there is no pressing need for these utilities for development.

Cm. Schultz, seconded by Cm. Gray, moved to reject all bids for the S.T.H. 26 utility extension project. The motion carried on a voice vote.

9. **NEW BUSINESS**

a. **REVIEW AND APPROVE ANNUAL REPORT ON STORMWATER PERMIT AND AUTHORIZE SIGNATURE BY PROPER OFFICIALS.**

The City Manager said the City is required to file a report annually with the Department of Natural Resources indicating what has been accomplished over the past year, the budget for the stormwater account and various other information.

The City has teamed up with other area communities on education and outreach for this program.

Cm. Zastrow, seconded by Cm. Lescohier, moved to approve the Annual Report on the Stormwater Permit and to authorize signature by the proper City officials. The motion carried on a voice vote.

b. **REQUEST FOR CITY TO BE A REGISTERED ELECTRONIC WASTE COLLECTOR.**

The City Manager said there has been an effort throughout the County to have designated locations for disposal of electronic waste. This would include televisions, computer monitors, desktop and laptop computers, printers/printer combos, computer peripherals (keyboards, mouse, speakers and cameras), DVD players, digital video records, VCRs, fax machines and cell phones.

Yerges has donated a semi-trailer, which will be located at the City's compost site for this disposal. When the trailer is nearly full, we will contact URT Processing, LLC to come and remove the items at no charge to the City. It was indicated the compost site attendant will be on site to monitor what is disposed of in the trailer. Cm. Gray asked if items would be allowed to be removed from the trailer, and the Public Works Superintendent said that that would not be allowed.

Cm. Schultz, seconded by Cm. Zastrow, moved that the City be designated as a registered electronic waste collector. The motion carried on a voice vote.

c. **REQUEST FOR STREET CLOSURE DURING LIBRARY CONSTRUCTION PROJECT.**

This request is being made to accommodate anticipated space needs during the Library construction project. The Post Office truck access will remain on Merchants Avenue. The closure will allow the contractor to place construction trailers, materials and equipment in close proximity to the project.

Cm. Gray, seconded by Cm. Lescohier, moved to authorize the closure of Merchants Avenue from East Milwaukee Avenue to South Third Street during the duration of the Library remodeling project, which is estimated to be from April 1, 2010 to January 1, 2011, with an access drive with no parking from East Milwaukee Avenue to the parking lot for Post Office Access. The motion carried on a voice vote.

d. **REVIEW AND APPROVE BIDS FOR TERRA COTTA RELOCATION IN CONJUNCTION WITH LIBRARY PROJECT.**

This item was pulled out of the main project bid. It is from the front entryway and is going to be disassembled and reassembled on the new front entrance into the Library. Because this item was pulled from the main bid for the project, the Architect did pre-qualify the bidders for this project.

The following bids were received:

Masonry Restoration, Inc.	\$44,250
Spray-O-Bond	\$46,660
Holton Brothers	\$60,000

The Architect indicated he has worked with Spray-O-Bond in the past and would recommend them for the project. After discussions with the City Manager, Council President and City Attorney, and recognizing that all of the bidders were pre-qualified, it was recommended that the City award the bid to the low bidder. The Architect did agree with the recommendation. The City Manager said the estimate for this project was \$50,000.

Cm. Zastrow, seconded by Cm. Gray, moved to approve the bid from Masonry Restoration, Inc. in an amount not to exceed \$44,250 for the terra cotta relocation project in conjunction with the Library project. On call of the roll, the motion carried unanimously.

10. MISCELLANEOUS

- a. SPECIAL BEER LICENSE FOR LIONS CLUB ANNUAL SMELT FRY ON MARCH 26, 2010.

Cm. Schultz, seconded by Cm. Lescohier, moved to approve the Special Beer License for the Lions Club Annual Smelt Fry on March 26, 2010. The motion carried on a voice vote.

- b. AGENT CHANGE FOR LIQUOR LICENSE FOR THE FIRESIDE.

The City Clerk said this application would change the agent for The Fireside to Ryan Kloplic.

Cm. Gray, seconded by Cm. Zastrow, moved to approve the agent change for The Fireside liquor license. The motion carried on a voice vote.

- c. GRANTING OPERATOR LICENSES

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

Regular:

Allan W. Siekert	The Fireside
Luke J. Steffen	Stop-N-Go
David J. Wiesmann	Fort Lions Club

The motion carried on a voice vote.

d. **REQUEST TO SET DATE FOR BOARD OF REVIEW.**

The date requested for the Board of Review is Tuesday, May 25, 2010, tentatively from 10:00 a.m. to 12:00 p.m.

Cm. Lescohier, seconded by Cm. Zastrow, moved to set the Board of Review for Tuesday, May 25, 2010 from 10:00 a.m. to 12:00 p.m. The motion carried on a voice vote.

e. **CITY, SEWER, WATER AND STORMWATER FINANCIAL STATEMENTS AS OF FEBRUARY 28, 2010.**

Cm. Gray, seconded by Cm. Schultz, moved to accept and file the City, Sewer, Water and Stormwater Financial Statements as of February 28, 2010. The motion carried on a voice vote.

11. **CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS**

Cm. Gray, seconded by Cm. Zastrow, moved the bills in the amounts of \$284,145.18 for the City (Fund 1); \$35,631.43 for the Sewer Utility (Fund 2); \$48,555.11 for the Water Utility (Fund 3); \$247.50 for Downtown Economic Development (Fund 13); \$134,055.10 for Payroll #5; and \$1,962.09 for Fund 6 Grant Reimbursement for Revolving Loan as per Schedule O-15 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. Zastrow, seconded by Cm. Schultz, moved to adjourn the March 16, 2010 regular City of Fort Atkinson Council meeting at 7:41 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski  
City Clerk/Treasurer