

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
March 20, 2007**

1. CALL MEETING TO ORDER

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

2. ROLL CALL

On call of the roll, members present were:

LaVerne Behrens
Jim Simdon
Mark Zastrow

Also present were the City Manager, City Engineer, City Attorney, City Clerk/Treasurer and City Assistant Engineer.

John Mielke and Steve Tesmer were excused.

3. APPROVAL OF MINUTES OF MARCH 6, 2007 REGULAR COUNCIL MEETING

Cm. Zastrow, seconded by Cwmn. Behrens, moved to approve the minutes of the March 6, 2007 regular Council meeting. The motion carried on a voice vote.

4. PUBLIC HEARINGS

a. PUBLIC HEARING ON ZONING FOR ANNEXATION OF 0.742 ACRES BY RICK AND PAULA SCHROEDER FOR PROPERTY ON U.S.H. 12.

President Simdon opened the public hearing on zoning for annexation of 0.742 acres by Rick and Paula Schroeder for property on U.S.H. 12 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 three calls and hearing no comments, President Simdon closed the public hearing on zoning for annexation of 0.742 acres by Rick and Paula Schroeder for property on U.S.H. 12.

b. PUBLIC HEARING ON ZONING FOR ANNEXATION OF 3.306 ACRES FOR JONES DAIRY FARM.

President Simdon opened the public hearing on zoning for annexation of 3.306 acres for Jones Dairy Farm 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 three calls and hearing no comments, President Simdon closed the public hearing on zoning for annexation of 3.306 acres for Jones Dairy Farm.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

- a. REQUEST BY CHAMBER OF COMMERCE TO USE CITY PARKING LOT ACROSS FROM POST OFFICE FOR WEEKLY FARMER'S MARKET.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to approve the request by the Chamber of Commerce to use the City parking lot across from the Post Office for weekly Farmer's Market. The motion carried on a voice vote.

6. RESOLUTIONS AND ORDINANCES

None.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Zastrow, seconded by Cwmn. Behrens, moved to accept and file the minutes of the Historical Society Board's annual meeting held February 19, 2007; the minutes of the Dwight Foster Public Library Board meeting held January 29, 2007; the minutes of the Dwight Foster Public Library Board special meeting held February 5, 2007; the minutes of the Historical Preservation Commission meeting held March 7, 2007; the Electrical, Building and Plumbing Permit reports for February, 2007; the minutes of the Climate Protection Ad Hoc Committee meeting held March 5, 2007; and the minutes of the Historical Society Board meeting held February 15, 2007. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

- a. RECOMMENDATION FROM PLANNING COMMISSION TO APPROVE ANNEXATION OF 0.742 ACRES BY RICK AND PAULA SCHROEDER ON U.S.H. 12, AND ORDINANCE.

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

ORDINANCE NO. 646

AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF FORT ATKINSON, WISCONSIN

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

Section 1. Territory Annexed. (Direct Annexation) In accordance with Section 66.0217 of the Wisconsin Statutes of 1965, and the petition for direct annexation filed with the City Clerk on January 30, 2007, SIGNED BY ALL OF THE OWNERS of all of the land in the area, in the territory, the following described territory in the Town of Koshkonong, Jefferson County, Wisconsin, is annexed to the City of Fort Atkinson, Wisconsin:

A part of the Southeast Quarter of the Northwest Quarter of Section 10, Township 5 North, Range 14 East, Town of Koshkonong, Jefferson County, Wisconsin, described as follows: Beginning on the North and South Quarter line and 2.85 chains (188.1') North from the Southeast corner of the Northwest Quarter of Section 10, Township 5 North, Range 14 East; thence continue running North on said Quarter line 2.65 chains (174.9'); thence West 14.57 chains (961.61') to the center of the road leading from Fort Atkinson to Whitewater; thence South 21 degrees East along the center of said Whitewater Road, 2.85 chains to the corner of lands heretofore deeded to Squire Hoyle; thence East along the line of said land heretofore deeded to said Squire Hoyle, 13.56 chains (896.28') to the place of beginning. Excepting therefrom, the East 700 feet and the West 33 feet, being the right-of-way for the above said roadway.

Section 2. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Fort Atkinson for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Fort Atkinson.

Section 3. Initial Zoning Classification. Upon recommendation of the Planning Commission, the territory annexed to the City of Fort Atkinson by this ordinance is initially designated to be of the C-3 (General Commercial) zoning of the City of Fort Atkinson for zoning purposes and subject to all provisions of Ordinance No. XV of the City of Fort Atkinson entitled "Zoning Ordinance" relating to such district classifications and to zoning in the City.

Section 4. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of the Seventh (7th) Ward of the City of Fort Atkinson, subject to the ordinances, rules and regulations of the City governing wards. There are two (2) electors within this territory.

Section 5. Severability. If any provisions of this ordinance are invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 6. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

The City Manager stated the initial zoning classification will be C3 - General Commercial and the ward designation is 7. A connection fee was levied for properties on Whitewater Avenue and upon annexation the Schroeder's will be paying a connection fee.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to suspend the rules and pass the ordinance approving the annexation of 0.742 acres by Rick and Paula Schroeder on U.S.H. 12 through its second and third readings. The motion carried on a voice vote.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to adopt the ordinance approving the annexation of 0.742 acres by Rick and Paula Schroeder on U.S.H. 12 contingent on the parcel owners paying sewer and water connection fees. On call of the roll, the motion carried unanimously.

- b. RECOMMENDATION FROM PLANNING COMMISSION TO APPROVE ANNEXATION OF 3.306 ACRES BY JONES DAIRY FARM, AND ORDINANCE.

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

ORDINANCE NO. 647

AN ORDINANCE ANNEXING TERRITORY TO THE
CITY OF FORT ATKINSON, WISCONSIN

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

Section 1. Territory Annexed. (Direct Annexation) In accordance with Section 66.0217 of the Wisconsin Statutes of 1965, and the petition for direct annexation filed with the City Clerk on February 1, 2007, **SIGNED BY ALL OF THE OWNERS** of all of the land in the area, in the territory, the following described territory in the Town of Koshkonong, Jefferson County, Wisconsin, is annexed to the City of Fort Atkinson, Wisconsin:

Part of the SE 1/4 of the SW 1/4 of Section 4, T5N, R14E, Town of Koshkonong, Jefferson County, Wisconsin, to-wit:

Commencing at the SW corner of said Section 4; thence N89-degrees 57'46"E, along the south line of said SW 1/4, 1587.24 feet; thence N2-degrees 30'00"E, 10.01 feet; thence N89-degrees 57'46"E, 78.70 feet; thence N28-degrees 11'51"E, 157.54 feet to a 3/4" iron rod at the point of beginning; thence continue N28-degrees 11'51"E, 15.00 feet to a 3/4" iron rod; thence N0-degrees 02'14"W,

454.16 feet to a 3/4" iron rod; thence N28-degrees 26'00"E, 556.19 feet to a 3/4" iron rod; thence S61-degrees 48'09"E, 597.57 feet to a 1-1/4" iron pipe on the westerly line of Jones Avenue; thence N27-degrees 38'27"E, along said westerly line 150.00 feet to a 3/4" iron rod; thence N61-degrees 48'09"W, 620.49 feet to a 3/4" iron rod; thence S28-degrees 26'00"W, 706.08 feet to a 3/4" iron rod; thence S15-degrees 19'46"W, 425.93 feet to a 3/4" iron rod; thence S61-degrees 48'09"E, 145.00 feet to the point of beginning, containing 3.306 acres.

Section 2. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Fort Atkinson for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Fort Atkinson.

Section 3. Initial Zoning Classification. Upon recommendation of the Planning Commission, the territory annexed to the City of Fort Atkinson by this ordinance is initially designated to be of the M-2 (Heavy Industrial/Industrial Park) zoning of the City of Fort Atkinson for zoning purposes and subject to all provisions of Ordinance No. XV of the City of Fort Atkinson entitled "Zoning Ordinance" relating to such district classifications and to zoning in the City.

Section 4. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of the Fifth (5th) Ward of the City of Fort Atkinson, subject to the ordinances, rules and regulations of the City governing wards. There are no electors within this territory.

Section 5. Severability. If any provisions of this ordinance are invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 6. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

The City Manager stated this is to bring in a parking lot that's going to be created for Jones Dairy Farm's plant addition. The initial zoning classification will be M2 – Heavy Industrial and the ward designation is 5.

Cwmn. Behrens, seconded by Cm. Zastrow, moved to suspend the rules and pass the ordinance approving the annexation of 3.306 acres by Jones Dairy Farm through its second and third readings. The motion carried on a voice vote.

Cwmn. Behrens, seconded by Cm. Zastrow, moved to adopt the ordinance approving the annexation of 3.306 acres by Jones Dairy Farm. On call of the roll, the motion carried unanimously.

c. RECOMMENDATION FROM CLIMATE PROTECTION AD HOC COMMITTEE TO ADOPT RESOLUTION OUTLINING ACTIONS TO REDUCE GLOBAL WARMING POLLUTION.

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

RESOLUTION NO. 1118

WHEREAS, the U.S. Conference of Mayor's has previously adopted a strong policy Resolution calling for cities, communities and the Federal government to take actions to reduce global warming pollution; and

WHEREAS, the Inter-Governmental Panel on Climate Change (IPCC), the international community's most respective assemblage of scientists, has found that the climate disruption is a reality and that human activities are largely responsible for increasing concentrations of global warming pollution; and

WHEREAS, on July 6, 2006, the Fort Atkinson City Council established an Ad Hoc Committee to address the "U.S. Mayors Climate Protection Agreement" as amended; and

WHEREAS, steps have been taken throughout the City addressing concerns pointed out in the Mayors' Climate Protection Agreement (a list is on file with the City Manager); and

WHEREAS, changes in city operations represent the area that the city has both the ability and authority to impact in a meaningful way; and

WHEREAS, many of these changes not only lessen harmful environmental impacts but also represent savings opportunities for taxpayers and ratepayers; and

WHEREAS, the City of Fort Atkinson desires to set a positive example relative to the problem of global climate change; and

WHEREAS, the City of Fort Atkinson wishes to educate and inspire citizens and area business to make changes that lessen the harmful environmental impacts of their lifestyle and operations;

NOW THEREFORE, be it resolved that the Ad Hoc Committee recommends to the City Council and support the following:

1. Work to improve the fuel efficiency of the city fleet and investigate the use of bio-diesel fuel for City vehicles in order to reduce emissions of greenhouse gases, minimize the expenditure of tax dollars on fuel, and maximize the life cycle of City vehicles.

2. Work to improve the energy efficiencies of the City's building stock in order to reduce the consumption of fossil fuels and reduce utility costs.
3. Reinforce land-use policies that encourage responsible development, preserve open space and create a compact, walkable community.
4. Promote transportation options such as walking, bicycling, and ride-sharing.
5. Educate citizens about how everyday actions can have a negative impact on City-provided services, resulting in the degradation of the environment, increased costs, and a reduction of the useful life of infrastructure.
6. Continue to promote recycling through education within the City.
7. Pursue the use of grants and other programs to provide financial assistance for these initiatives thereby reducing the cost to City taxpayers/ratepayers.
8. Recognize businesses, citizens, and City departments who are leaders in sustainable development and environmental consciousness in order to inspire others to act in a similar fashion.
9. For the remainder of its first year term, the Ad Hoc Climate Protection Committee shall:
 - a. Identify and collect means and methods available for local businesses and citizens to evaluate and reduce their negative environmental impact in our community and present these findings, including methods of distribution, to the City Council.
 - b. Identify and collect means and methods available for the City to reduce emissions of greenhouse gasses and present a list of recommendations for action to the City Council.

The City Manager stated this resolution was referred back to the Climate Protection Ad Hoc Committee and the Committee reworked paragraphs 3 and 9. The City Manager reviewed the changes made to paragraphs 3 and 9.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to adopt the resolution outlining actions to reduce global warming pollution. The motion carried on a voice vote.

9. NEW BUSINESS

None.

10. MISCELLANEOUS

- a. REQUEST TO SET MEETING DATE FOR PUBLIC WORKS COMMITTEE.

The Council set a Public Works Committee meeting for April 2, 2007 at 4:30 p.m.

- b. REQUEST TO SET MEETING DATE FOR BOARD OF CANVASS.

The Council set a Board of Canvass meeting for April 4, 2007 at 8:00 a.m.

- c. GRANTING OPERATOR LICENSES.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to approve the following list of applicants for operator licenses for the 2006-2008 license period:

PROVISIONAL:	Justin P. Roycraft	for use at	Lions Quick Mart
	Andrew S. Lange	“ “	Lions Quick Mart
REGULARS:	Matthew L. Michaud	“ “	Velvet Lips Lounge
	Patrick J. Brown	“ “	Kwik Trip
	Kim M. Schollmeyer	“ “	Pick’n Save
	Melissa S. Sweger	“ “	Pick’n Save
	Yvonne M. Maasz	“ “	Citgo on the Point
	Jayesh P. Sheth	“ “	Sal-Mart 2
	Mary Ann Conroy	“ “	“open”
	Kayla RL Tews	“ “	Blackhawk Tavern
	Richard L. Ascherman	“ “	Original Stockade

The motion carried on a voice vote.

- d. SET PUBLIC HEARING ON SIX-MONTH BEER LICENSE FOR LIONS CLUB TO USE AT RALPH PARK.

The Council set a public hearing for April 5, 2007 during the regular Council meeting.

- e. SET PUBLIC HEARING ON SIX-MONTH BEER LICENSE FOR FORT GENERALS TO USE AT JONES PARK.

The Council set a public hearing for April 5, 2007 during the regular Council meeting.

f. **CITY, SEWER AND WATER FINANCIAL STATEMENTS AS OF FEBRUARY 28, 2007.**

The City Manager stated everything in the City fund seems to be in line for this time of year. The snow and ice control salaries account has already spent \$37,000 and has approximately \$19,000 for the remainder of the year. The sand and salt account is over budget by about \$6,000, however the bins are now full and there should hopefully be enough for the rest of the year. Overall the City has spent around 15% of the budget and the average for this time is 17%.

The Sherman Avenue project starts on Monday for the Sewer and Water Utilities, so there should be more activity in these funds in the coming months. Sewer cash is starting to build back up and approximately 11% of the budget has been expended with the average for this time of year being 17%. Water cash in around \$27,000 and expenditures for the fund are at about 10%. Revenues for Water and Sewer seem to be right on budget.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to accept and file the City, Sewer and Water Financial Statements as of February 28, 2007. The motion carried on a voice vote.

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

a. **VERIFIED CLAIMS.**

Cm. Zastrow, seconded by Cwmn. Behrens, moved the bills in the amounts of \$287,053.01 for the City (Fund 1); \$10,961.55 for the Sewer Utility (Fund 2); \$34,381.46 for the Water Utility (Fund 3); and \$123,230.42 for Payroll #5 as per Schedule N-42 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 Cwmn. Behrens, moved to adjourn the March 20, 2007 regular City of Fort Atkinson Council meeting at 7:29 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer