

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
April 5, 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
John Mielke
Jim Simdon
Steve Tesmer
Mark Zastrow

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

3. APPROVAL OF MINUTES OF MARCH 20, 2007 REGULAR COUNCIL MEETING

Cm. Zastrow, seconded by Cm. Mielke, moved to approve the minutes of the March 20, 2007 regular Council meeting. The motion carried on a voice vote.

4. PUBLIC HEARINGS

a. PUBLIC HEARING ON 2007 SIDEWALK AND STREET PROGRAM.

President Simdon opened the public hearing on the 2007 Sidewalk and Street Program 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.

Jack Garrett – 809 Van Buren St.

- Considers the alley a driveway, not a thorough-fair.

Teri Wendorf – 910 Dempster St.

- Does not have access to the alley due to a four-foot wall.
- Alley is only used by a few people.

Maggie Foster – 1410 Endl Blvd.

- Has a steep driveway the City is proposing to put a sidewalk across.

Del Hedding – 642 Short St.

- Alley is used only by very few residents.
- Why was there work already being done in various alleys before the public hearing (bushes being trimmed)? Why weren't the property owners responsible for removing the bushes?

Gary Pasoodin – 643 Adams St.

- Doesn't know why the City wants to redo the alley, there's not a single hole and it's in good condition.
- Only a few have access, no service vehicles use it.
- Recommends Adams St. be repaired instead.
- His property drops below the alley, impossible to use.

Gerry Gasper – 908 Riverside Dr.

- Doesn't know why alley needs work.
- No access.

Charles Gierzak – 1305 Endl Blvd.

- Why have sidewalk on one side and then jump to the other side for one block?
- How can the assessments be paid (lump sum, payments)?

Gary Grandt – 515 Roosevelt St.

- Only a couple cars use the alley, it's basically a driveway.
- Why blacktop alleys when other streets need improvement?
- No access.

Brian Zanin – 330 Monroe St.

- Alley is in great need of repair, but the concern is that it is used as a throughway to cut off the light at Madison and Robert Streets.
- Want to slow people down with a speed bump and signage.

Marie Mueller – 914 Dempster St.

- Only two houses use the alley.

John Martin – 94 Shirley St.

- Does not use the alley, the gravel is in good condition.

James Wollangk – 404 S. Main St.

- In 2002 he called Public Works and asked if there was any intent to do alley work in the near future and the answer was no. He asked if he could take care of it himself and the person asked how much he wanted from the City. He said he just wanted to do it and get it corrected.

- Asking that his property be excluded from assessments, he paid a lot more money than the City is willing to charge him. He paid over \$1,600 to have it done.

James Miller – 329 Robert St.

- Businesses also use the alley and he is concerned about trucks coming through. Senior Citizens Center also uses the alley.
- Alley is used to avoid the traffic lights.
- Garbage trucks and sometimes 18-wheelers also use the alley.
- The alley is in really bad need of repair.
- Asks the City consider lowering the price for homeowners, due to the considerable use by others.

Collin Kuecker – 505 Grant St.

- The alley is frequently used by only one household and partially by another.

Jeff Shoemaker – 9 S. Fourth St. W.

- Cannot take another financial hit.

Rick Gerke – 1265 Janette St. (Building at 904 Madison Ave.)

- Property taxes have gone up.
- Not every alley should be considered for blacktopping. Gravel is fine for this alley, it isn't used that much.

Robert Bell – S. Main St. (owns properties that abut the alleys between Robert St. and Sherman Ave., Cloute St. and between Barrie St. and Madison Ave.)

- No potholes, only used by the people that live there.
- Hasn't got any requests from his tenants that the alleys be improved.
- Streets in these areas are badly in need of work due to potholes.

Sam Fettig – 508 Sherman Ave.

- Asphalt is not needed, it will only increase speed.

After three calls and hearing no further comments, President Simdon closed the public hearing on the 2007 Sidewalk and Street Program.

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

President Simdon opened the public hearing on a Six-Month Beer License for the Lion's 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 three calls and hearing no comments, President Simdon closed the public hearing on a Six-Month Beer License for the Lion's Club to use at Ralph Park.

Cm. Tesmer, seconded by Cwmn. Behrens, moved to approve the Six-Month Beer License for the Lion's Club to use at Ralph Park. The motion carried on a voice vote.

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

President Simdon opened the public hearing on a Six-Month Beer License for the Fort 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 three calls and hearing no comments, President Simdon closed the public hearing on a Six-Month Beer License for the Fort Generals to use at Jones Park.

Cm. Zastrow, seconded by Cm. Tesmer, moved to approve the Six-Month Beer License for the Fort Generals to use at Jones Park. The motion carried on a voice vote.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

None.

6. RESOLUTIONS AND ORDINANCES

a. RESOLUTION AUTHORIZING THE SALE OF \$3,255,000 GENERAL OBLIGATION CORPORATE PURPOSE BONDS.

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

RESOLUTION NO. 1119

RESOLUTION AUTHORIZING THE SALE OF \$3,255,000
GENERAL OBLIGATION CORPORATE PURPOSE BONDS

WHEREAS the City of Fort Atkinson, Jefferson County, Wisconsin (the "City") has duly received bids for its proposed issue of \$3,255,000 General Obligation Corporate Purpose Bonds (the "Bonds") as described on the bid tabulation attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS it has been determined that the best bid received was that submitted by the bidder (the "Purchaser") whose bid is attached hereto as Exhibit B and incorporated herein by this reference (the "Proposal");

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. Award. The bid of the Purchaser for the purchase price set forth in the Proposal be and it hereby is accepted and the City Manager and City Clerk are authorized and directed to execute an acceptance of the offer of said successful bidder on behalf of the City. The good faith deposit of the Purchaser shall be retained by the City Treasurer until the closing of the bond issue, and any good faith deposits submitted by unsuccessful bidders shall be promptly returned.

Section 2. The Bonds. The City Manager and City Clerk shall make, execute and deliver the Bonds to the Purchaser, for and on behalf of the City. The Bonds shall be negotiable, general obligation bonds of the City in the aggregate principal amount of \$3,255,000, registered as to both principal and interest, in the denomination of Five Thousand Dollars (\$5,000) each or whole multiples thereof, numbered from R-1 upward and dated April 23, 2007. The Bonds shall bear interest at the rates per annum set forth in the Proposal and shall mature on February 1 of each year, in the years and principal amounts set forth in the debt service schedule attached hereto as Exhibit B and incorporated herein by this reference (the "Schedule").

Interest on the Bonds shall be payable on February 1 and August 1 of each year, commencing February 1, 2008.

At the option of the City, the Bonds maturing on February 1, 2018 and thereafter shall be subject to redemption prior to maturity on February 1, 2017 or on any date thereafter. Said Bonds shall be redeemable as a whole or in part, and if in part, from maturities selected by the City and within each maturity by lot, at the principal amount thereof, plus accrued interest to the date of redemption.

Section 3. Form of Bonds. The Bonds shall be in substantially the form attached hereto as Exhibit C and incorporated herein by this reference.

Section 4. Tax Provisions.

(A) Direct Annual Irrepealable Tax. For the purpose of paying the principal of and interest on the Bonds as the same become due, the full faith, credit and resources of the City are hereby irrevocably pledged and there be and there hereby is levied on all the taxable property in the City a direct, annual, irrepealable tax in the years 2007 through 2026 for payment of principal of and interest on the Bonds in the years 2008 through 2027 in the amounts set forth in the Schedule.

(B) Tax Collection. The City shall be and continue without power to repeal such levy or obstruct the collection of said tax until all such payments have been made or provided for. After the issuance of the Bonds, said tax shall be, from year to year, carried into the tax rolls of the City and collected as other taxes are collected, provided that the amount of tax carried into said tax rolls may be reduced in any year by the amount of any surplus money in the Debt Service Account created in Section 5(A) hereof.

(C) Additional Funds. If in any year there shall be insufficient funds from the tax levy to pay the principal of or interest on the Bonds when due, the said principal or interest shall be paid from other funds of the City on hand, said amounts to be returned when said taxes have been collected.

Section 5. Debt Service Fund and Account.

(A) Creation and Deposits. There be and there hereby is established in the treasury of the City, if one has not already been created, a debt service fund separate and distinct from every other fund, which shall be maintained in accordance with generally accepted accounting principles. Sinking funds established for obligations previously issued by the City may be considered as separate and distinct accounts within the debt service fund.

Within the debt service fund, there be and there hereby is established a separate and distinct account designated as the "Debt Service Account for \$3,255,000 'General Obligation Corporate Purpose Bonds,' dated April 23, 2007" (the "Debt Service Account") and said Account shall be maintained until the indebtedness evidenced by the Bonds is fully paid or otherwise extinguished. The City Treasurer shall deposit in such Debt Service Account (i) all accrued interest received by the City at the time of delivery of and payment for the Bonds; (ii) the taxes herein levied for the specific purpose of meeting principal of and interest on the Bonds when due; (iii) such other sums as may be necessary at any time to pay principal of and interest on the Bonds when due; (iv) any premium which may be received by the City over and above the par value of the Bonds and accrued interest thereon; (v) surplus monies in the Borrowed Money Fund as specified in Section 6 hereof; and (vi) such further deposits as may be required by Sec. 67.11, Wis. Stats.

(B) Use and Investment. No money shall be withdrawn from the Debt Service Account and appropriated for any purpose other than the payment of principal of and interest on the Bonds until all such principal and interest has been paid in full and canceled; provided (i) the funds to provide for each payment of principal of and interest on the Bonds prior to the scheduled receipt of taxes from the next succeeding tax collection may be invested in direct obligations of the United States of America maturing in time to make such payments when they are due or in other investments permitted by law; and (ii) any funds over and above the amount of such principal and interest payments on the Bonds may be used to

reduce the next succeeding tax levy, or may, at the option of the City, be invested by purchasing the Bonds as permitted by and subject to Section 67.11(2)(a), Wis. Stats., in interest-bearing obligations of the United States of America, in other obligations of the City or in other investments permitted by law, which investments shall continue to be a part of the Debt Service Account.

(C) Remaining Monies. When all of the Bonds have been paid in full and canceled, and all permitted investments disposed of, any money remaining in the Debt Service Account shall be deposited in the general fund of the City, unless the City Council directs otherwise.

Section 6. Borrowed Money Fund. All monies received by the City upon the delivery of the Bonds to the Purchaser thereof except for accrued interest and premium, if any, shall be deposited by the City Treasurer into a Borrowed Money Fund and such fund shall be maintained separate and distinct from all other funds of the City and shall be used for no purpose other than the purposes for which the Bonds are issued. Monies in the Borrowed Money Fund may be temporarily invested as provided in Section 66.0603(1m), Wis. Stats. Any monies, including any income from permitted investments, remaining in the Borrowed Money Fund after the purposes for which the Bonds have been issued have been accomplished, and, at any time, any monies as are not needed and which obviously thereafter cannot be needed for such purposes shall be deposited in the Debt Service Account.

Section 7. No Arbitrage. All investments permitted by this resolution shall be legal investments, but no such investment shall be made in such a manner as would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code") or the Regulations of the Commissioner of Internal Revenue thereunder (the "Regulations"); and an officer of the City, charged with the responsibility for issuing the Bonds, shall certify as to facts, estimates, circumstances and reasonable expectations in existence on the date of closing which will permit the conclusion that the Bonds are not "arbitrage bonds," within the meaning of said Code or Regulations.

Section 8. Persons Treated as Owners; Transfer of Bonds. The City Clerk shall keep books for the registration and for the transfer of the Bonds. The person in whose name any Bond shall be registered shall be deemed and regarded as the absolute owner thereof for all purposes and payment of either principal or interest on any Bond shall be made only to the registered owner thereof. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Any Bond may be transferred by the registered owner thereof by surrender of the Bond at the office of the City Clerk, duly endorsed for the transfer or accompanied by an assignment duly executed by the registered owner or his

attorney duly authorized in writing. Upon such transfer, the City Manager and City Clerk shall execute and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, series and maturity, and the City Clerk shall record the name of each transferee in the registration book. No registration shall be made to bearer. The City Clerk shall cancel any Bond surrendered for transfer.

The City shall cooperate in any such transfer, and the City Manager and City Clerk are authorized to execute any new Bond or Bonds necessary to effect any such transfer.

The fifteenth day of each calendar month next preceding each interest payment date shall be the record dates for the Bonds. Payment of interest on the Bonds on any interest payment date shall be made to the registered owners of the Bonds as they appear on the registration book of the City at the close of business on the corresponding record date.

Section 9. Compliance with Federal Tax Laws. (a) The City represents and covenants that the projects financed by the Bonds and the Refunded Obligation defined in Section 12 and their ownership, management and use will not cause the Bonds or the Refunded Obligation to be "private activity bonds" within the meaning of Section 141 of the Code. The City further covenants that it shall comply with the provisions of the Code to the extent necessary to maintain the tax-exempt status of the interest on the Bonds including, if applicable, the rebate requirements of Section 148(f) of the Code. The City further covenants that it will not take any action, omit to take any action or permit the taking or omission of any action within its control (including, without limitation, making or permitting any use of the proceeds of the Bonds) if taking, permitting or omitting to take such action would cause any of the Bonds to be an arbitrage bond or a private activity bond within the meaning of the Code or would otherwise cause interest on the Bonds to be included in the gross income of the recipients thereof for federal income tax purposes. The City Clerk or other officer of the City charged with the responsibility of issuing the Bonds shall provide an appropriate certificate of the City certifying that the City can and covenanting that it will comply with the provisions of the Code and Regulations.

(b) The City also covenants to use its best efforts to meet the requirements and restrictions of any different or additional federal legislation which may be made applicable to the Bonds provided that in meeting such requirements the City will do so only to the extent consistent with the proceedings authorizing the Bonds and the laws of Wisconsin, and to the extent that there is a reasonable period of time in which to comply.

Section 10. Designation as Qualified Tax-Exempt Obligations. The Bonds are hereby designated as "qualified tax-exempt obligations" for purposes of Section 265 of the Code relating to the ability of financial institutions to deduct from

income for federal income tax purposes, interest expense that is allocable to carrying and acquiring tax-exempt obligations.

Section 11. Utilization of The Depository Trust Company Book-Entry-Only System. In order to make the Bonds eligible for the services provided by The Depository Trust Company, New York, New York, the City agrees to the applicable provisions set forth in the Blanket Issuer Letter of Representations previously executed on behalf of the City and on file in the City Clerk's office.

Section 12. Redemption of Refunded Obligations. The City has outstanding its Promissory Note, dated August 1, 2006 (the "Refunded Obligation"). The Refunded Obligation shall be prepaid on April 23, 2007 or as soon as practicable after the closing of the Bond issue, at the price of par plus accrued interest to the prepayment date.

The appropriate officers of the City are hereby directed to take all actions necessary for the prepayment of the Refunded Obligation. All actions heretofore taken by the officers and agents of the City in furtherance of the prepayment of the Refunded Obligation are approved.

Section 13. Undertaking to Provide Continuing Disclosure. The City covenants and agrees, for the benefit of the holders of the Bonds, to enter into a written undertaking (the "Undertaking") required by SEC Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be enforceable by the holders of the Bonds or by the original purchaser(s) of the Bonds on behalf of such holders (provided that the rights of the holders and the purchaser(s) to enforce the Undertaking shall be limited to a right to obtain specific performance of the obligations thereunder and any failure by the City to comply with the provisions of the Undertaking shall not be an event of default with respect to the Bonds).

The City Clerk, or other officer of the City charged with the responsibility for issuing the Bonds, shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the details and terms of the City's Undertaking.

Section 14. Records. The City Clerk shall provide and keep a separate record book and shall record a full and correct statement of every step or proceeding had or taken in the course of authorizing and issuing these Bonds.

Section 15. Bond Insurance. If the Purchaser of the Bonds determines to obtain municipal bond insurance with respect to the Bonds, the officers of the City are authorized to take all actions necessary to obtain such municipal bond insurance.

The City Manager and City Clerk are authorized to agree to such additional provisions as the bond insurer may reasonably request and which are acceptable to the City Manager and City Clerk including provisions regarding restrictions on investment of Bond proceeds, the payment procedure under the municipal bond insurance policy, the rights of the bond insurer in the event of default and payment of the Bonds by the bond insurer and notices to be given to the bond insurer. In addition, appropriate reference to the municipal bond insurance policy shall be made in the form of Bond provided herein.

Section 16. Closing. The City Manager and City Clerk are hereby authorized and directed to execute and deliver the Bonds to the Purchaser thereof upon receipt of the purchase price; provided that the award of the Bonds is made subject to expiration of the petition period provided for under Section 67.05, Wis. Stats., without the filing of a sufficient petition for a referendum with respect to the Bonds, and the Bonds shall not be delivered until that condition is satisfied. The City Manager and City Clerk may execute the Bonds by manual or facsimile signature, but at least one of said officers shall sign the Bonds manually.

The officers of the City hereby are directed and authorized to take all necessary steps to close the bond issue as soon as practicable hereafter, in accordance with the terms of sale thereof, and said officers are hereby authorized and directed to execute and deliver such documents, certificates and acknowledgments as may be necessary or convenient in accordance therewith.

Claire Peterchak, Robert W. Baird & Co. stated the bid opening was at 10:00 a.m. this morning with Stifel, Nicolaus & Company, Inc. being the winner at 4.12% and Robert W. Baird & Co. as the cover.

Ms. Peterchak stated the expected rate was 4.29%, so the lower rate will actually save the City approximately \$56,000. She then summarized the payment schedule and reviewed the Moody's high investment grade rating of "A2." The borrowing will be funded through Water, Sewer and TIF revenues and will not affect the general tax levy.

Cm. Zastrow, seconded by Cm. Mielke, moved to approve and adopt the Resolution authorizing the sale of \$3,255,000 General Obligation Corporate Purpose Bonds. On call of the roll, the motion carried with Cwmn. Behrens abstaining.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Mielke, seconded by Cm. Tesmer, moved to accept and file the minutes of the Planning Commission meeting held March 27, 2007 and the minutes of the Dwight Foster Public Library Board meeting held March 5, 2007. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

a. RECOMMENDATION FROM PUBLIC WORKS COMMITTEE TO APPROVE 2007 SIDEWALK AND STREET PROGRAMS, AND FINAL RESOLUTION.

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

RESOLUTION NO. 1120

FINAL RESOLUTION AUTHORIZING STREET IMPROVEMENTS AND LEVYING SPECIAL ASSESSMENTS AGAINST BENEFITED PROPERTY

WHEREAS, the City Council of the City of Fort Atkinson, Wisconsin has held a public hearing in the Council Chambers of the Municipal Building at 7:00 p.m. on April 5, 2007, for the purpose of hearing all interested persons concerning the Preliminary Resolution and Report of the City Engineer on the proposed improvements for the following street:

A. Level 1 Street Maintenance (sealcoat) for the following named streets:

Apache Court	from	Sioux Trail to termini (west end)
Aztec Court	from	Cherokee Lane to termini (north end)
Blackhawk Drive	from	North Main Street to Monroe Street
Cherokee Lane	from	Blackhawk Drive to termini (west end)
Cheyenne Court	from	Blackhawk Drive to termini (north end)
Comanche Court	from	Cherokee Lane to termini (north end)
Hillcrest Drive	from	Zaffke Street to Blackhawk Drive
Iroquois Court	from	Cherokee Lane to termini (north end)
Menomonee Court	from	Sioux Trail to termini (east end)
Mohawk Court	from	Sioux Trail to termini (west end)
Monroe Street	from	Blackhawk Drive to termini (north end)
Navaho Court	from	Seminole Drive to termini (north end)
Pawnee Court	from	Sioux Trail to termini (west end)
Seminole Drive	from	Sioux Trail to Monroe Street
Shawnee Street	from	Cherokee Lane to termini (north end)
Sioux Trail	from	Blackhawk Drive to termini (north end)
Zaffke Street	from	Hillcrest Drive to Messmer Street

Proposed assessments for Level 1 Street Maintenance shall be \$0.22 per parcel street frontage foot.

B. Alley Reconstruction for the following named alleys:

Alley from 600 block of Roosevelt St.	to	600 block of Cloute Street
Alley from 500 block of Roosevelt St.	to	500 block of Cloute Street
Alley from 800 block of Charles St.	to	800 block of Harriette St.
Alley from 800 block of W. Sherman Ave.	to	800 block of Van Buren St.
Alley from 900 block of Van Buren St.	to	0 block of Shirley Street
Alley from 0 block of Rankin Street	to	termini (west end)
Alley from 0 block of Rankin Street	to	0 block of Shirley Street
Alley from 500 block of Taft Street	to	500 block of Garfield St.

Alley from 500 block of Madison Ave.	to	500 block of Barrie Street
Alley from 500 block of Barrie St.	to	500 block of W. Sherman Ave.
Alley from 400 block of Madison Ave.	to	400 block of Barrie Street
Alley from 300 block of Hickory St.	to	300 block of Linden Street
Alley from 0 block of S. Fourth St.	to	0 block of S. Fifth Street
Alley from 0 block of S. Fifth St.	to	0 block of S. Sixth Street
Alley from 600 block of S. Main St.	to	600 block of Whitewater Ave.
Alley from 1100 block of Whitewater Ave.	to	1100 block of East Street

Proposed assessment for alley reconstruction shall be \$7.95 per parcel alley frontage foot.

C. Sidewalk construction for the following sections of Endl Boulevard:

West side from South property line of Parcel 226-0514-0914-101 to Highland Avenue
 West side from South property line of Parcel 226-0514-0913-055 to Erick Street
 East side from Erick Street to Adrian Boulevard

Proposed assessment for sidewalk construction shall be \$13.53 per parcel sidewalk frontage foot.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Fort Atkinson as follows:

- 1). That the Report of the City Engineer pertaining to the construction of the above-described public improvements, including plans and specifications therefore, is hereby adopted and approved.
- 2). That the City Manager is directed to carry out the work of such improvements in accordance with the Report of the City Engineer.
- 3). That payment for said improvements be made by assessing the cost of the property benefited as indicated in said report.
- 4). That benefits and damages shown on the Report, as modified, are true and correct and hereby confirmed.
- 5). That the assessments for all projects included in said Report are hereby combined as a single assessment, but any interested property owner shall be entitled to object to each assessment separately both assessments jointly for any purpose or purposes.
- 6). The City Council declares its intent to exercise its police powers pursuant to Section 66.0703(4), Wisconsin Statutes of 2005-2006 to levy special assessment.

The City Manager stated the Engineering staff did re-look at a couple properties after the notices went out and did make a few changes. At 910 and 914 Dempster St. where a retaining wall separates direct use to the alley, it was recommended to delete these two properties from the assessment process. The alley assessment costs were also adjusted down by about 30% after receiving some additional estimates and notices were resent to property owners indicating the new values.

The City Council and staff reviewed and addressed comments made at the public hearing and discussed potential options.

Cwmn. Behrens asked if the alleys are in good shape as many residents have stated, then why is the City doing them?

The City Engineer stated the reason the decision was made to improve alleys this year was that due to the Sherman Avenue project taking place, the City did not wish to further disrupt the flow of traffic with any additional street construction. Additionally, not much alley work has taken place in the last 16 years, so the determination was made that this would be a good year to do them since the City may not have another opportunity for a long time.

It was stated that currently some of the alleys are paved and others are not. President Simdon questioned whether it was necessary to pave all of the alleys.

Cwmn. Behrens stated there was a pretty good representation of people at the public hearing who did not wish to have their alleys improved. She suggested the money could be used instead to get more sidewalks.

Cm. Mielke stated historically the policy of the City has been if people have access to any alley, not necessarily use of, they should be assessed for the cost of repair. Even if it is not currently being used, it could be used in the future.

Cm. Mielke stated he did think it's worth looking at what should and shouldn't be blacktopped and what level of service an alley should see. He also noted he did not feel comfortable voting on the alley portion of the Resolution tonight, due to some unanswered questions that deserve attention.

Cm Tesmer voiced his concern for safety if the City was to pave certain alleys and they were used as shortcuts to avoid traffic lights. He suggested speed bumps could be a possible solution.

Cm. Zastrow stated the alleys have been in existence for decades and were heavily used at one point and over time various owners have chosen not to use them for whatever reason, however the homes will be sold over and over again and future owners may want to use the alleys. He went on to state he would like to see a long-term solution and that if alleys are no longer used then the City may need to consider if alleys should be abandoned altogether.

The City Manager stated there are about 16 alleys, however most of the comments were made on only one or two of them, maybe City staff should go back to the tape and give the City Council a summary of the comments and point out which alleys the comments were made on.

Cm. Zastrow asked what the difference in price would be to go with gravel as opposed to asphalt. The City Engineer stated he believed gravel would be approximately a third of the cost of asphalt.

Cm. Mielke, seconded by Cm. Zastrow, moved to approve and adopt the final Resolution authorizing street improvements and levying special assessments against benefited property, excluding and tabling the alley reconstruction portion. On call of the roll, the motion carried unanimously.

b. REVIEW AND APPROVE COMPREHENSIVE PLANNING SERVICES AGREEMENT FOR MASTER PLAN UPDATE.

The City Manager summarized the contracted planning services with Vandewalle and Associates and stated most of the cost will be paid through a grant.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to approve the Comprehensive Planning Services Agreement for the Master Plan update. On call of the roll, the motion carried unanimously.

c. APPOINTMENT OF CITY COUNCIL REPRESENTATIVE AND SIX MEMBERS TO MASTER PLAN STEERING COMMITTEE.

The City Manager stated he and the Council President are recommending the following individuals to serve on the Master Plan Steering Committee:

City Manager	-	John Wilmet
City Engineer	-	Jeff Woods
School District Rep.	-	Jim Fitzpatrick
Ind. Dev. Corp.	-	Sheldon Mielke
Chamber of Commerce	-	Sandy Mayer
Citizen-at-Large	-	Jill Kessenich

The Council President proposed to appoint Cm. Zastrow as the City Council representative to serve on the Master Plan Steering Committee.

Cm. Mielke, seconded by Cwmn. Behrens, moved to approve the appointment of Mark Zastrow as the City Council representative to serve on the Master Plan Steering Committee. The motion carried on a voice vote, with Cm. Zastrow abstaining.

Cm. Mielke, seconded by Cwmn. Behrens, moved to approve the appointments of City Manager John Wilmet, City Engineer Jeff Woods, School District Representative Jim Fitzpatrick and Chamber of Commerce member Sandy Mayer to serve on the Master Plan Steering Committee. The motion carried on a voice vote.

Cwmn. Behrens, seconded by Cm. Zastrow moved to approve the appointment of Industrial Development Corporation member Sheldon Mielke to serve on the Master Plan Steering Committee. The motion carried on a voice vote, with Cm. Mielke abstaining.

Cwmn. Behrens, seconded by Cm. Zastrow, moved to approve the appointment of Citizen-at-Large Jill Kessenich to serve on the Master Plan Steering Committee. The motion carried on a voice vote, with Cm. Tesmer abstaining.

- d. REVIEW AND APPROVE CONTRACT FOR CONSULTANT SERVICES FOR STORMWATER MANAGEMENT PLAN, CONTINGENT ON DNR APPROVAL.

The City Manager stated three proposals were received and the City Engineer is recommending Earth Tech be chosen based on their familiarity with the City, the number of similar projects they have completed (17 Stormwater Management Plans), and the fact they are involved in the Rock River TMDL 66.03 Group.

Cm. Zastrow, seconded by Cm. Mielke, moved to approve the contract with Earth Tech for consultant services for the stormwater management plan, contingent on DNR approval in an amount not to exceed \$99,500. On call of the roll, the motion carried unanimously.

- e. RECOMMENDATION FROM PLANNING COMMISSION TO APPROVE PRELIMINARY CERTIFIED SURVEY MAP CREATING TWO LOTS ON HIGHLAND AVENUE AT ENDL BOULEVARD.

Cm. Tesmer, seconded by Cm. Zastrow, moved to approve the Preliminary Certified Survey Map creating two lots on Highland Avenue at Endl Boulevard. The motion carried on a voice vote.

- f. RECOMMENDATION FROM PLANNING COMMISSION TO APPROVE PRELIMINARY SUBDIVISION PLAT OF LANGE MEADOWS CREATING TWELVE LOTS ON ENDL BOULEVARD AND RADLOFF STREET.

The City Manager stated this was not a unanimous recommendation from the Planning Commission; it was a 4-2 vote.

The City Engineer explained the history of the project per the Council's request.

Cwmn. Behrens stated as a Planning Commission member she really objects to the flag lots and that this is a poor plan.

The Council discussed potential alternatives to the proposed plan.

Cm. Zastrow, seconded by Cm. Tesmer, moved to reject the Preliminary Subdivision Plat of Lange Meadows creating twelve lots on Endl Boulevard and Radloff Street. The motion carried on a voice vote.

9. NEW BUSINESS

- a. REVIEW AND APPROVE BIDS FOR ROOF REPAIRS ON BUILDING #10 AT WASTEWATER UTILITY.

The City Manager stated the Wastewater Utility had \$25,000 budgeted for some roof repair and are recommending the low bid of Langer Roofing and Sheet Metal, Inc. at \$24,500.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to approve the bid from Langer Roofing and Sheet Metal, Inc. for roof repairs on Building #10 at the Wastewater Utility in an amount not to exceed \$24,500. On call of the roll, the motion carried unanimously.

10. MISCELLANEOUS

- a. SET MEETING DATE FOR MASTER PLAN STEERING COMMITTEE.

The Council set a Master Plan Steering Committee meeting for April 30, 2007 at 6:30 p.m.

- b. NOTICE OF CLAIM FOR DEPRIVATIONS SUBMITTED BY RYAN MEAD.

The City Clerk/Treasurer stated a claim came to the City regarding an alleged illegal blood draw and that after review of the claim, the City's Insurance Carrier's Attorney and the City Attorney recommend denying the claim and referring it to the City's Insurance Carrier.

Cwmn. Behrens, seconded by Cm. Mielke, moved to deny the claim for deprivations submitted by Ryan Mead and to refer it to the City's Insurance Carrier. On call of the roll, the motion carried unanimously.

- c. GRANTING OPERATOR LICENSES.

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

REGULARS:	Anneliese M. Pickering	for use at	Velvet Lips Lounge
	Mary E. Fleming	“ “	Kwik Trip
	Johnny A. Lechner	“ “	Velvet Lips Lounge

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 \$195,137.93 for the City (Fund 1); \$42,931.47 for the Sewer Utility (Fund 2); \$13,276.13 for the Water Utility (Fund 3); \$115,089.86 for the Klement Business Park (Fund 12); and \$125,431.37 for Payroll #6 & 6A as per Schedule N-43 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. Mielke, seconded by Cwmn. Behrens, moved to adjourn the April 5, 2007 regular City of Fort Atkinson Council meeting at 8:35 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer