

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
April 9, 2009**

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:

LaVerne Behrens
John Mielke
Jim Simdon
Steve Tesmer
Mark Zastrow

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

3. APPROVAL OF MINUTES OF MARCH 17, 2009 REGULAR COUNCIL MEETING

The minutes of the March 17, 2009 regular Council meeting were approved by consent.

4. PUBLIC HEARINGS

a. 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 three calls and hearing no comments, Pres. Mielke closed the public hearing.

Cm. Zastrow, seconded by Cwmn. Behrens, 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.

b. 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 three calls and hearing no comments, Pres. Mielke closed the public hearing.

Cm. Simdon, seconded by Cm. Tesmer, 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

a. REQUEST BY FORT KOSHKONONG RENDEZVOUS COMMITTEE TO HOLD ANNUAL EVENT AT ROCK RIVER PARK FROM MAY 22-24, 2009, AND FOR WAIVER OF GUN DISCHARGE ORDINANCE.

The City Manager said this is an annual request, which has taken place for the past ten years. A memo was presented from the Police Chief indicating there have not been any issues in the past with this event and recommended the request for waiver be approved.

Cm. Tesmer, seconded by Cm. Simdon, moved to approve the request from the Fort Koshkonong Rendezvous Committee to hold their annual event at Rock River Park from May 22-24, 2009 and for a waiver to the gun discharge ordinance. The motion carried on a voice vote.

b. REQUEST BY UNITED WAY TO CREATE A COMMUNITY GARDEN ON LAND ADJACENT TO THEIR BUILDING.

An informational packet was presented by the United Way including a proposed plot layout. It was indicated that the City Manager and Parks & Recreation Director have both reviewed the request and have no objections, but did have a couple of issues they wanted to make the United Way aware of. It was suggested that the following stipulations be placed on the approval of this item:

1. The oversight is done by the United Way.
2. The approval be for only the current year in the event we need the property next year.
3. Any fencing or staking done on the property for the lots allow for City crews to mow the property without undue labor costs.

4. The obligation of the Parks & Recreation Department will be to mow the park. Any maintenance, preparatory work, i.e. killing grass, tilling, will be the users' responsibility.
5. The property be cleaned up and debris removed after the growing season.
6. The City be held harmless if any injuries occur to the individuals maintaining the plots.

Dan McCrea and Jill Kessenich, representing the United Way, addressed the Council at this time. This property was deeded to the City from the School District in 1961, with the stipulation that it be used for public purposes. Mr. McCrea indicated letters have been sent to all the surrounding property owners. They did receive two responses from this correspondence, which were both positive. A public meeting for the neighborhood was also held, with three representatives present, and no negative responses to the proposal received. This will not be a fundraiser for the United Way; any fees received from the garden will be used for the garden itself. They would also like to set aside plots specifically for the Food Pantry.

City Attorney Rogers asked if the people using the plots will be signing any hold harmless agreements. Dan McCrea said they would be required to sign a document prior to being approved for a plot. He also said there will not be any pesticides, insecticides, etc. allowed in the garden area; it will be an organic garden. The City Attorney said that in discussions between himself and the City Manager, it has been determined this requested use would fall within the parameters of the public use restriction on the deed the City received when the property was acquired from the School District.

Pres. Mielke questioned one item in the brochure provided by the United Way. It was stated that the City will furnish the water supply and the tilling of the plots. Dan McCrea said that was included in the draft form and that request would probably be removed.

Cm. Zastrow, seconded by Cm. Simdon, moved to approve the request by the United Way to create a community garden on the land adjacent to their building on Grove Street. The motion carried on a voice vote.

6. RESOLUTIONS AND ORDINANCES

- a. RESOLUTION PROCLAIMING SUPPORT AND PARTICIPATION IN CENSUS 2010.

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

RESOLUTION NO. 1149

WHEREAS, the next Decennial Census will be taken in the year 2010, and political representation to the United States House of Representatives, State Legislatures and local governments is determined by the Decennial Census, and the City of Fort Atkinson recognizes the equal importance of each resident in the 2010 Census count; and,

WHEREAS, the City of Fort Atkinson has agreed to be one of the 6,425 government entities in partnership with the U.S. Bureau of the Census; and,

WHEREAS, the City of Fort Atkinson understands that it's primary role in this partnership is to encourage the maximum number of Initial 2010 Census Returns by coordinating with local leaders, such as the Chamber of Commerce and School District in the dissemination of promotional items, such as pamphlets, posters, flyers and other materials related to the 2010 Census, and by such other methods as it may deem appropriate.

NOW, THEREFORE, BE IT RESOLVED, the City of Fort Atkinson hereby proclaims support and participation in the overwhelming success of Census 2010.

The City Clerk said he and the City Manager met with a representative from the U.S. Census Bureau regarding the partnership with them to help out with the distribution of informational materials and promotional items, with the primary goal being to minimize the rate of non-returns of the mailed out surveys. The benefit most important to the City is the population numbers, which are used in figuring State and Federal programs as well as shared revenue. The City will be putting Census information in the "Fort Reports" which appears in the local paper, and possibly with tax bills and water bills, as well as on the City's website.

Cm. Tesmer, seconded by Cm. Simdon, moved to approve the Resolution proclaiming support and participation in Census 2010. On call of the roll, the motion carried unanimously.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cwmn. Behrens, seconded by Cm. Zastrow, moved to accept and file the minutes of the Historical Preservation Commission meeting held March 3, 2009; the minutes of the Finance Committee meeting held March 16, 2009; and the Electrical, Building and Plumbing Permit Reports for March, 2009. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

- a. RECOMMENDATION FROM FINANCE COMMITTEE TO DENY TOWN OF KOSHKONONG'S REQUEST FOR AN ADDENDUM TO THE RURAL FIRE CONTRACT, AND AUTHORIZE CITY MANAGER TO RESPOND TO THE

TOWN OF KOSHKONONG IN WRITING ON THE HISTORY OF THE CONTRACT NEGOTIATIONS.

The City Manager said the Finance Committee met with the Town of Koshkonong to discuss some areas of the Rural Fire Contract they wanted clarification on. They had questions on the calculation of the number of calls, how we came up with the payment they would be responsible for on the aerial ladder truck, whether the City would be interested in sharing in the cost of Town trucks and some issues pertaining to rescue calls as related to the Highway 26 Bypass and the future Highway 12 Bypass. The meeting that was held with the Town was cordial and the answers given to them for their issues were satisfactory to them. It was agreed that once this matter was approved by the Council, the City Manager would get a written response back to them for future reference.

Cwmn. Behrens asked if it was typical for a Township to request an amendment without consulting the other Townships involved with the Contract. The City Manager said it was not.

Cwmn. Behrens, seconded by Cm. Simdon, moved to approve the recommendation from the Finance Committee to deny the Town of Koshkonong’s request for an Addendum to the Rural Fire Contract and to authorize the City Manager to respond to the Town of Koshkonong in writing on the history of the Contract negotiations. The motion carried on a voice vote.

b. REVIEW AND APPROVE GRANT APPLICATION FOR CONSTRUCTION OF DETENTION POND FOR STORMWATER MANAGEMENT PERMIT, AND RESOLUTION.

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

RESOLUTION NO. 1150

WHEREAS, the City of Fort Atkinson hereby requests financial assistance under s. 281.65 or 281.66, Wis. Stats., and chs. NR 151, 153 and 155, Wis. Adm. Code, for the purpose of implementing measures to meet nonpoint source water pollution abatement needs in area-wide water quality management plans or with one or more components specified in s. 281.65 or 281.66 Wis. Stats.,

NOW, THEREFORE, BE IT RESOLVED, that the City of Fort Atkinson HEREBY AUTHORIZES the following officials or employees of the governmental unit, to act on its behalf to:

ACTIVITY:

**POSITION OR TITLE
OF OFFICIAL/EMPLOYEE:**

- 1. Sign and submit a grant application
- 2. Sign a grant agreement between the

John Wilmet, City Manager
John Wilmet, City Manager

- local government and the DNR
3. Submit quarterly and final reports
 4. Request grant reimbursement
 5. Sign and submit an *Environmental Hazard Assessment* form

Jeff Woods, City Engineer
Jeff Woods, City Engineer
John Wilmet, City Manager

The City Manager said this would be the same source of money as the Grant to do the Stormwater Management Plan. The estimated project cost for this is \$120,000, which with grant approval would be a 55/45 split, with the City's share being 55%, or about \$65,000. We do not have the land currently, or have an agreement with the Larsen Co. The City is attempting to contact the people responsible for the land and the clean-up of the lagoons and to work out an arrangement with them to have the City use those lagoons. The Larsen Co. did previously offer this property to the City at no cost, which the City did accept subject to them having DNR clearance on the contents of the lagoons. The City is attempting to get information from the DNR on the status of the clearance. The City does have two years to execute the Grant Agreement and to get the work done, which should be sufficient time.

Cm. Tesmer asked if both ponds would be used. The City Manager indicated the City would be looking at obtaining both ponds. The City Manager said there would need to be some dredging done on the ponds, as well as piping for the stormwater to and from the ponds.

Cm. Zastrow, seconded by Cm. Tesmer, moved to approve the Resolution and Grant Application for construction of detention pond for Stormwater Management Permit. On call of the roll, the motion carried unanimously.

9. NEW BUSINESS

- a. SET PUBLIC HEARING ON REVISED FLOODPLAIN ORDINANCE AND MAPS.

The City Manager said that after last year's flooding, the City was asked by many residents if the City is eligible and a participant in the National Flood Insurance Program. The City has been eligible for some time, and in order to continue to be eligible for that program, the City needs to continue to upgrade and keep the Floodplain Ordinance up to date as well as the mapping. Numerous members of City staff have reviewed the amended Ordinance and maps, as well as the DNR. There are a couple of areas changed that were not picked up during mapping, one area being in the Klement Business Park and the other in the Fifth Addition to Koshkonong Estates. FEMA and the DNR prefer we make any changes after the documents have been adopted, and they will send us a revision letter for those two areas.

Cm. Simdon asked if the property owners affected by these changes have been notified. The City Engineer said he believed that they have not been as of yet, but the City will be contacting them.

Cm. Simdon, seconded by Cm. Tesmer, moved to set the public hearing on the revised Floodplain Ordinance and maps for May 5, 2009 at 7:00 p.m. The motion carried on a voice vote.

10. MISCELLANEOUS

a. GRANTING OPERATOR LICENSES.

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

Regular:

Lynne M. Blank	Soup's On
Joseph A. Cogdell	Stop-N-Go
Jennifer A. Kracht	Stop-N-Go
Ronald E. Korte	Loeder bP
Jon E. Miller	Loeder bP
Jonathan R. Mirenda	Stop-N-Go
Christopher J. Ward	Yummies Thai & Chinese

The motion carried on a voice vote.

b. NOTIFICATION FROM ARBOR DAY FOUNDATION OF TREE CITY USA AND GROWTH AWARD RECOGNITIONS FOR 2008.

The City Manager said the City has again met the requirements of being awarded the Tree City and Growth Awards.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to accept and file the notification from the Arbor Day Foundation. The motion carried on a voice vote.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

Cm. Simdon, seconded by Cm. Zastrow, moved the bills in the amounts of \$228,603.63 for the City (Fund 1); \$47,330.86 for the Sewer Utility (Fund 2); \$40,712.81 for the Water Utility (Fund 3); \$138.44 for Stormwater Management (Fund 10); \$110,602.19 for Klement Business Park (Fund 12) and \$132,496.18 for Payrolls 6 and 6A as per Schedule N-91 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

Cwmn. Behrens, seconded by Cm. Simdon, moved to adjourn the April 9, 2009 regular City of Fort Atkinson Council meeting at 7:38 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer