

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
April 20, 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, Assistant Engineer and Public Works Superintendent.

3. APPROVAL OF MINUTES OF APRIL 8, 2010 REGULAR COUNCIL MEETING

The minutes of the April 8, 2010 regular Council meeting were approved by consent.

4. PUBLIC HEARINGS

a. PUBLIC HEARING ON 2010 SIDEWALK PROGRAM.

Pres. Mielke opened the public hearing on the 2010 Sidewalk 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.

Michelle Whisner, 535 Robert Street – She and her husband are opposed to the sidewalk project as it would render their driveway useless. She stated the City should concentrate on repairing existing sidewalks instead of infilling sidewalks.

Walter Baughman, 601 Monroe Street – Stated the Caswell Street portion of the program is not an infill project. He said there are no kids going back and forth to school at this point, so it is not a safety problem. It will be a nuisance for the property owners because they will have to shovel snow in the winter.

Alan Danielson, 508 Hickory Street – Stated they are the only property fronting on this block. He said there are no children that walk past here. They would lose all of their big trees and other shrubbery. There is sidewalk across the street.

Laurette Greenhalgh, 424 South High Street – She spoke in favor of the sidewalk infill. She Commended past Councils for making a commitment on the infill program. She also has a concern for those citizens in wheelchairs and scooters on how they get around the City safely where there are no sidewalks. Ms. Greenhalgh indicated her husband wanted her to pass along the comment that he would like to be advised if sidewalks are made optional.

Leslie Hoffman, 703 Robert Street – They will lose two large mature trees, which will take away shade and natural cooling, thereby increasing energy costs. There is a sidewalk on one side of this street already and kids tend to walk down the middle of the street.

Kerry Kendrick – Said she does not live in the area being addressed, but figures it will not be long before her block would be done. She and her neighbors don't want sidewalks. She said it is also an extra insurance liability to the property owners.

John McIntyre, 540 Jackson Street – His concern is with the matures trees and shrubs that will be lost. He said that Rockwell School has been there for 50 years and there hasn't been any issues prior to this. They can avoid his block and go a different direction without adding any distance to get to their destination. He is not questioning the program, he is questioning the priorities.

Doug Zernicke, 506 Hillcrest Drive – Said he was speaking on behalf of his mother-in-law who resides at 515 Hillcrest Drive. The properties on both sides of her property do not have sidewalks (Monroe Street). They will both lose approximately five trees plus all of the shrubbery, which acts as privacy on that side of her property.

Cm. Schultz, seconded by Cm. Gray, moved to accept and file a petition with addendum from residents opposing the sidewalk program. The motion carried on a voice vote.

Correspondence was also received from John and Lisa Butler, 647 Short Street; David Russell, 622 Robert Street; Margaret Otis of 515 Hillcrest Drive, Douglas and Linda Zernicke of 506 Hillcrest Drive; and Jim and Betty Ament, 512 Frederick Avenue.

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

5. PETITIONS, REQUESTS AND COMMUNICATIONS

- a. REQUEST BY MEMORIAL DAY COMMITTEE TO HOLD ANNUAL PARADE ON MONDAY, MAY 31, 2010 FROM LEGION DUGOUT TO EVERGREEN CEMETERY.

The City Manager said this is the regular route used each year. The Police Department will be working with them on this event.

Cm. Gray, seconded by Cm. Zastrow, moved to approve the request by the Memorial Day Committee to hold their annual parade on Monday, May 31, 2010 from the Legion Dugout to the Evergreen Cemetery. The motion carried on a voice vote.

- b. REQUEST TO BLOCK ADRIAN BOULEVARD FROM GAIL PLACE TO GROVE STREET FOR AUCTION ON JUNE 25-26, 2010.

The City Manager said the requestor has contacted the neighbor affected by this closure and they have no opposition to the request. The Police Department approved the request as well. The closure will begin at 5:00 a.m. on June 25, 2010. Cm. Gray asked if the City has granted such closures before for a private sale. The City Manager said not specific to an auction, but the City has allowed street closures for block parties.

Cm. Lescohier, seconded by Cm. Zastrow, moved to approve the request to block Adrian Boulevard from Gail Place to Grove Street for an auction beginning at 5:00 a.m. on June 25, 2010 and running until 5:00 p.m. on June 26, 2010. The motion carried on a voice vote.

6. RESOLUTIONS AND ORDINANCES

None.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

Cm. Zastrow, seconded by Cm. Lescohier, moved to accept and file the minutes of the Closed Finance Committee meeting held March 15, 2010; the minutes of the Closed Finance Committee meeting held March 19, 2010; the Electrical, Building and Plumbing Permit Reports for March, 2010; the minutes of the Dwight Foster Public Library Board meeting held March 1, 2010; and the minutes of the Planning Commission meeting held April 13, 2010. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

- a. RECOMMENDATION FROM PUBLIC WORKS COMMITTEE TO APPROVE 2010 SIDEWALK PROGRAM AND FINAL RESOLUTION.

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

RESOLUTION NO. _____
FINAL RESOLUTION AUTHORIZING 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 20, 2010, 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. 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.

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 informed the Council that the sidewalk proposed to be installed along West Rockwell Avenue, will be installed and completed by the owner (Nasco) through a private contractor. Cm. Schultz said he was at this site, and the sidewalk construction in this location is well under way.

Cm. Schultz said he heard some criticism of the Engineering Department while he was out visiting the proposed sidewalk sites. He stated that the Engineering Department recommended this program exactly according to the City's sidewalk policy. They followed the letter of the law. He stated the sidewalk on Rockwell Avenue was a great concern because of all the schoolchildren walking in the street from Purdy and Luther Schools. He talked to employees at Rockwell School to see if they have noticed a problem with safety of students with no sidewalks being at the suggested locations, and the comments he heard were that the children tend to stay on the sidewalks that are in place already.

Cm. Gray said there is a policy on prioritizing the placement of sidewalks in effect. Pres. Mielke said he was in agreement that the first six items on the priority list for sidewalks should be addressed before the City does any infilling. There were problems with this project as there would be bisecting of driveways as well as the loss of mature trees.

Cm. Lescohier feels bad that these property owners are being asked to fill in the "missing links" in the existing sidewalk system. These sidewalks should have been installed years ago. He also said we may not be able to right the wrongs of past development.

Cm. Schultz, seconded by Cm. Zastrow, moved to reject the recommendation to adopt the Resolution and the 2010 Sidewalk Program. On call of the roll, the motion carried unanimously.

b. **RECOMMENDATION FROM FINANCE COMMITTEE TO APPROVE SUCCESSOR CONTRACT WITH WISCONSIN PROFESSIONAL POLICE ASSOCIATION.**

The City Manager said the agreement between the City and the Wisconsin Professional Police Association was a result of a mediation session and a couple of bargaining sessions. The Police Union has ratified the agreement. A summary of the changes was presented to the Council. Point numbers 1, 2, 4, 6 and 7 were requests from the City to the Association. Points 3 and 5 were Union proposals that were approved. Points 8, 9 and 10 were approved with the assistance of the Mediator, which include the duration of the agreement, wage increases of 2% effective for 2010; 2% effective 1/1/11; 1% effective 7/1/11; 2% effective 1/1/12; and 1% effective 7/1/12. For health insurance in 2010, the employer shall pay 105% of the lowest cost plan; for 2011 – 97.5% of the lowest cost plan; and for 2012 – 95% of the lowest cost plan. The City will also be establishing a 125 Plan.

Cm. Gray said he felt the negotiated contract benefited both the Union as well as the City. He was pleased the agreement included health insurance participation by the employees.

Cm. Gray, seconded by Cm. Schultz, moved to approve the recommendation from the Finance Committee for a successor Contract with Wisconsin Professional Police Association. On call of the roll, the motion carried unanimously.

c. **REVIEW AND APPROVE ARRA CAPITAL ASSISTANCE CONTRACT FOR THE PURCHASE OF VEHICLES FOR SHARED RIDE TAXI PROGRAM.**

The City Manager said this Contract lists how the City will be reimbursed for the vehicle purchases and what the City's responsibilities are for following the rules for the funding. The City will have to up-front the costs of the vehicles and then request reimbursement from the State. The vehicles will be leased to Brown Cab Service, with the City retaining ownership. Brown Cab Service will be responsible for insuring the vehicles.

Cm. Zastrow, seconded by Cm. Lescohier, moved to approve the ARRA Capital Assistance Contract for the purchase of vehicles for the Shared Ride Taxi Program. On call of the roll, the motion carried unanimously.

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

Cm. Zastrow, seconded by Cm. Gray, moved the bills in the amounts of \$208,000.67 for the City (Fund 1); \$20,482.96 for the Sewer Utility (Fund 2); \$90,986.05 for the Water Utility (Fund 3); \$1,172.16 for Stormwater Management (Fund 10); and \$135,282.34 for Payroll #7; as per Schedule O-17 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.

MOTION TO ADJOURN SINE DIE

Cm. Lescohier, seconded by Cm. Gray, moved to adjourn Sine Die, the April 20, 2010 meeting, the final regular 2009-2010 City of Fort Atkinson Council meeting, at 7:56 p.m. The motion carried on a voice vote.

At this time, Cm. Zastrow presented a plaque to Pres. Mielke for his years of dedicated service as Council President. Cm. Zastrow stated that Pres. Mielke's preparedness as President and a Councilman and his knowledge of legislative and administrative procedure has served the City well. His leadership has been exemplary as Council President and it has been a pleasure to serve under his Presidency on the City Council.

Pres. Mielke then stated that he had served under Mark Zastrow as President as well, and had a very similar experience. He said that he too has enjoyed the past eight of the ten years served by Mark Zastrow. He has done a good service to the community and dedicated much time and effort, and the community is grateful for that. He too, has learned much from Mr. Zastrow.

Mark Zastrow then stated the last ten years were incredibly enjoyable to serve the community as Councilman, as well as Council President and on the various Committees that he served on. As was stated numerous times at this meeting throughout the public hearing, we have a wonderful community in which to live. Arguably, one could say that over the past decade, as much has been accomplished here in Fort Atkinson as maybe any other decade in recent history, or possible entire history. He has been very proud to be able to have had a hand in that. The list of accomplishments is too lengthy to mention at this time, but we have accomplished a lot in the last ten years, and much of it is due to the dedicated men and women who have served on the Council along with him, and certainly a great debt of gratitude needs to be heaped upon the City Manager, City Department Heads and staff for the very professional and wonderful job that they do in running the City.

It makes the Councilmember's jobs much easier knowing that they don't have to micromanage the affairs of the City, and to their credit, they have not done that very often. Again, it is due to the diligence, the homework, and the preparedness of the City staff and management that allows the Council to accomplish the work they do in the time that they do. He thanked the voters and the citizens of Fort Atkinson who saw fit to elect him numerous times. He is very proud of the work that has been done and that he has done on behalf of the City. He is going to miss being involved in this, and will certainly keep track of what happens within the City for many years to come. He thanked everyone very much for the opportunity to have served the community.

OATHS OF OFFICE

The City Clerk/Treasurer administered the oaths of office to the newly elected Council members – Bill Camplin and John Mielke.

The City Clerk called to order the first meeting of the 2010-2011 City Council.

Council members in attendance for the first meeting of the 2010-2011 City of Fort Atkinson Common Council:

Bill Camplin
Loren Gray
Davin Lescohier
John Mielke
Richard Schultz

The City Clerk/Treasurer distributed ballots to the Council members to vote for President of the City Council and after counting the votes, Loren Gray was elected President.

President Gray stated the next order of business is the ballot for President Pro-Tem. Upon counting the votes, Richard Schultz was elected President Pro-Tem.

SELECTION OF COUNCIL MEMBER ON PLANNING COMMISSION.

Cm. Schultz, seconded by Cm. Mielke, moved to cast a unanimous ballot for Cm. Camplin as the Council representative on the Planning Commission. The motion carried on a voice vote.

DESIGNATION OF OFFICIAL NEWSPAPER.

Cm. Lescohier, seconded by Cm. Camplin, moved to designate the Daily Jefferson County Union as the Official City Newspaper. The motion carried on a voice vote.

9. NEW BUSINESS

- a. AUTHORIZE REFUND OF CITY'S SHARE OF SPACESAVER'S PROPERTY TAX PLUS INTEREST, CHARGE BACK OTHER TAXING JURISDICTIONS, AND APPROPRIATE \$3,800 FROM GENERAL FUND TO COVER CITY'S SHARE.

The City Clerk stated the City received notice from the State Board of Assessors that Spacesaver Corp's assessed value was reduced by \$673,900 resulting in a net tax loss to all the taxing jurisdictions of approximately \$14,000. Similar to a claim last year from Spacesaver, we would be looking to submit a notice to the Department of Revenue requesting reimbursement by the other taxing jurisdictions. The City would reimburse Spacesaver the full amount and then

request that the other taxing jurisdictions pay their shares back to the City. The City's share would be 34% of the taxes, or approximately \$4,750, plus about \$60 in interest.

Cm. Mielke, seconded by Cm. Schultz, moved to approve the refund of the City's share of Spacesaver's property tax plus interest, and to appropriate \$3,800 from the General Fund to cover the reimbursement. On call of the roll, the motion carried unanimously.

b. **REQUEST BY CM. SCHULTZ FOR A COMPREHENSIVE REVIEW OF COMMITTEES AND COMMITTEE STRUCTURE.**

The City Manager said it is time to get rid of some of the committees that don't meet. The City Manager suggested that anyone interested in reviewing the committee makeup and use could meet with him on Tuesday, April 27, 2010 at 5:00 p.m.

Cm. Lescohier indicated he feels the Parks & Recreation Advisory Board is well suited to handle riverwalk and riverbank issues, and would not require another committee for these matters.

Cm. Mielke said he would favor fewer committees rather than more. The City Manager said that when a matter comes up that needs additional attention, it has been past practice to create an ad hoc committee for that issue.

10. MISCELLANEOUS

None.

12. ADJOURNMENT

Cm. Lescohier, seconded by Cm. Camplin, moved to adjourn the April 20, 2010 regular City of Fort Atkinson Council meeting at 8:14 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer