

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
April 28, 2009**

1. CALL MEETING TO ORDER

A special meeting of the City Council was called to order by President Mielke at 5:00 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
John Mielke
Dick Schultz
Mark Zastrow

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

3. ADJOURN TO CLOSED SESSION PURSUANT TO SECTION 19.85(1)(C), WISCONSIN STATUTES, TO REVIEW APPLICATIONS AND CONSIDER EMPLOYMENT APPOINTMENT TO MUNICIPAL JUDGE POSITION.

Cm. Zastrow, seconded by Cm. Lescohier, moved to adjourn into closed session pursuant to Section 19.85(1)(c), Wisconsin Statutes, to review applications and consider employment appointment to Municipal Judge position. On call of the roll, the motion carried unanimously.

See separate minutes of closed session.

4. RECONVENE INTO OPEN SESSION TO APPOINT NEW MUNICIPAL JUDGE TO COMPLETE UNEXPIRED TERM OF JUDGE WESTON UNTIL SPRING 2010 ELECTION. (NOTE: ANTICIPATE RECONVENING BACK INTO OPEN SESSION AT 5:30 P.M.).

The Council reconvened into open session at 5:26 p.m.

The Council was informal until 5:30 p.m. to be consistent with the anticipated time for reconvening on the agenda.

Cm. Zastrow, seconded by Cm. Gray, moved to appoint Charles Frandson to Municipal Judge to complete the unexpired term of Judge Weston until the Spring 2010 Election.

Pres. Mielke stated it's pleasing to see a number of well qualified applicants interested in filling the position. The bad news is it requires tough decisions be made.

Cm. Lescohier agreed that we were lucky to have a strong field of candidates to choose from. What tipped the balance in favor of Chuck Frandson for him was that he went through the rigors of the primary election and the general election within the past year. The response of the voters he had was pretty strong against a very highly qualified candidate. The more than 200 signatures he needed to collect for his nomination papers and the 569 votes he received in the general election last year is the best thing we have to the public's endorsement of a replacement for Judge Weston.

Julie Short stated that she is concerned that Mr. Frandson doesn't have a law degree.

Pres. Mielke stated the Council took that under consideration. He went on to say, theoretically if the position required a law degree, one would be required in statute and it is not. No doubt a law degree is one of the things a candidate would bring to filling the position; however there are other attributes to look to as well. It was not an easy decision.

Pres. Mielke echoed Cm. Lescohier's comments by stating it is an elected position and the fact that Mr. Frandson ran for that position and did well, and did better in the primary than some individuals who did have a law degree, makes it tough to discern that the public's will is that the person filling the Municipal Judge position has to have a law degree.

On call of the roll, the motion carried unanimously.

5. ADJOURNMENT

Cm. Zastrow, seconded by Cm. Schultz, moved to adjourn the April 28, 2009 special City of Fort Atkinson Council meeting at 5:35 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski,
City Clerk/Treasurer