

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
May 6, 2008**

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, City Engineer, City Attorney, City Clerk/Treasurer and Parks & Recreation Director.

3. APPROVAL OF MINUTES OF APRIL 15, 2008 REGULAR COUNCIL MEETING

Cm. Simdon, seconded by Cm. Tesmer, moved to approve the minutes of the April 15, 2008 regular Council meeting. The motion carried on a voice vote.

4. PUBLIC HEARINGS

None.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

- a. PETITION FOR ANNEXATION FROM FORT HEALTH CARE FOR 7.276 ACRES ON MCMILLEN STREET.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to refer the petition for annexation from Fort Health Care for 7.276 acres on McMillen Street to the Planning Commission. The motion carried on a voice vote.

- b. REQUEST BY CHAMBER OF COMMERCE TO CHANGE OPENING DATE OF FARMER'S MARKET FROM MAY 31, 2008 TO MAY 17, 2008.

Cm. Tesmer, seconded by Cm. Simdon, moved to approve the request by the Chamber of Commerce to change the opening date of the Farmer's Market from May 31, 2008 to May 17, 2008. The motion carried on a voice vote.

6. RESOLUTIONS AND ORDINANCES

a. RESOLUTION REQUESTING UNION PACIFIC RAILROAD TO MAKE REPAIRS TO RAILROAD CROSSINGS.

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

**RESOLUTION NO. 1134
2008**

**CITY COUNCIL
CITY OF FORT ATKINSON**

**RESOLUTION REQUIRING THE REPAIR OF AN AT-GRADE
CROSSING**

WHEREAS, East Blackhawk Drive, East Cramer Street, and Harrison Street are streets in the City of Fort Atkinson that cross the tracks of the Union Pacific Railroad at-grade, and

WHEREAS, the crossings are not in good condition and the following repair work is required at each crossing:

East Blackhawk Drive – Crossing No. 199-828E: Remove and replace asphalt and timbers, reattach rails to improve rideability.

East Cramer Street – Crossing No. 177-844C: Remove and replace asphalt and timbers, reattach rails and flange rails to improve ride-ability.

Harrison Street – Crossing No. 178-214L: Remove and replace asphalt to improve ride-ability.

WHEREAS, the City of Fort Atkinson hereby requires that the Union Pacific Railroad pave, plank, repair, change or otherwise improve the crossing, as the needs require.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby directs the City of Fort Atkinson staff to serve a copy of this Resolution upon the Union Pacific Railroad requiring the Railroad to repair the rail-street crossings on East Blackhawk Drive, East Cramer Street, and Harrison Street, with the tracks of the Union Pacific Railroad in the City of Fort Atkinson, Jefferson County, Wisconsin.

NOW, THEREFORE, BE IT ALSO RESOLVED, that in the event that the Railroad fails to repair the rail-street crossing within thirty (30) days after service of the Resolution, the City Council hereby directs the City of Fort Atkinson staff to take all necessary steps to petition the Office of the Commissioner of Railroads for an investigation and Order for the repair of the rail-street crossing of East Blackhawk Drive, East Cramer Street, and Harrison Street with the tracks of the Union Pacific Railroad in the City of Fort Atkinson, Jefferson County, Wisconsin.

The City Manager stated the City has been attempting to get the Union Pacific Railroad to repair three active crossings on East Blackhawk Drive, East Cramer Street and Harrison Street without any success. After talking with the Commissioner of Railroads, he suggested the following process to get their attention. First, adopt a resolution on behalf of the City Council to recommend that these repairs be made, which sets the stage for the railroad to fix the crossings within 30 days. If not repaired within 30 days a complaint hearing is held and an order for repair is issued.

Cm. Simdon, seconded by Cm. Zastrow, moved to approve and adopt the resolution requesting the Union Pacific Railroad to make repairs to railroad crossings. On call of the roll, the motion carried unanimously.

b. **ORDINANCE AMENDING RENTAL ENERGY EFFICIENCY CODE.**

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

ORDINANCE NO. 664

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

That Chapter 18, BUILDING AND BUILDING REGULATIONS, Article VII, One-and Two-Family Dwellings, Division 2, Rental Energy Efficiency, Sec. 18-293, Stipulation and Waiver Issuance, and Sec. 18-294, Stipulation Enforcement, be amended as follows:

Sec. 18-293. Stipulation and Waiver Issuance.

The Building Inspector and Administrative Secretary are given authority to authorize properly completed stipulation and waiver forms presented by owners. Upon said completion, the City shall charge the owner a fee of \$20.00 per stipulation or waiver issued. There are no fees collected by the Department of Commerce in association with this document filing.

Sec. 18-294. Stipulation Enforcement.

The Department of Commerce is responsible for the enforcement of satisfaction of the Stipulation by the owner.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ordinance shall take effect and be in force from and after the date of its passage and publication.

The City Manager stated since 1985 the City has been acting as an authorized municipality under the State's Rental Unit Energy Efficiency Standards Code. What this means is that the City completes a Weatherization Stipulation or Waiver for rental properties that need to be brought into compliance with the State's Energy Efficiency Code.

The State is now getting out of the picture in the collection of the fees and is giving cities the opportunity to continue on and issue the weatherization stipulations. In the past the State collected the fees (\$50.00) and then sent the City \$5.00 back. If the City continues to do it, which is not a burden, the City needs authorization to collect the fee in lieu of the State collecting it. The Ordinance allows the City to continue on and sets a fee of \$20.00 per stipulation. In the past people requesting these would pay \$50.00 to the State.

Cm. Zastrow, seconded by Cm. Simdon, moved to suspend the rules and pass the ordinance amending the Rental Energy Efficiency Code through its second and third readings. On call of the roll, the motion carried unanimously.

Cm. Zastrow, seconded by Cwmn. Behrens, moved to adopt the ordinance amending the Rental Energy Efficiency Code. On call of the roll, the motion carried unanimously.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

- a. Appointment of Committee members by Council President.

Cwmn. Behrens, seconded by Cm. Simdon, moved to accept the appointments of the following Committee and Board members by the Council President. The motion carried on a voice vote.

2008/2009 COUNCIL APPOINTMENTS

COMMITTEE/BOARD

Airport Committee
Board of Electrical Examiners
Cable Television Committee
Dairy Shrine Committee
Finance Committee

Historical Society Board

MEMBERSHIP

Mark Zastrow
Steve Tesmer
Mark Zastrow
John Mielke
Jim Simdon
Mark Zastrow
Steve Tesmer

Jefferson Co. Economic Dev. Corp.	Mark Zastrow
Library Board	Steve Tesmer
License Committee	LaVerne Behrens
	Mark Zastrow
Ordinance Committee	LaVerne Behrens
	Jim Simdon
Park & Recreation Board	Jim Simdon
Planning Commission	LaVerne Behrens
Public Works Committee	Jim Simdon
	Steve Tesmer
Recycling Committee	LaVerne Behrens
School Board & City Council	Steve Tesmer
	Jim Simdon
Special Projects Committee	John Mielke
Tourism Committee	Jim Simdon
Transportation Adv. Committee	John Mielke
Walkway Development Committee	Steve Tesmer
Wastewater Advisory Committee	LaVerne Behrens

The City Manager reviewed the following Committee appointments and reappointments with the Council. Cm. Zastrow, seconded by Cwmn. Behrens, moved to accept the following Board and Committee appointments and reappointments. The motion carried on a voice vote.

- b. Reappointment of Chip Day and Bo Babovic to Airport Committee for four-year terms.
- c. Reappointment of Ken Pattow to Cable Television Committee for five-year term.
- d. Appointment of Thomas Carl and reappointment of Larry Whitmore, Jeff Armstrong and Robert Thomas to Board of Electrical Examiners for one-year terms.
- e. Reappointment of Tammy Doellstedt to Historic Preservation Commission for five-year term.
- f. Appointment of Kathy Kauffman and Elizabeth Stahl, and reappointment of Janet Negus to Dwight Foster Public Library Board for three-year terms.
- g. Appointment of Michelle Wales-Garant and reappointment of Kathy Topel and Kevin Flegner to Park & Recreation Advisory Board for three-year terms.
- h. Reappointment of Bill Camplin to Planning Commission for a three-year term.
- i. Reappointment of Mary Zentner to Police & Fire Commission for a five-year term.

j. Appointment of Angela Stafford and reappointment of Helmut Ajango and Jim Woodman to Board of Zoning Appeals for two-year terms.

k-q. Cm. Zastrow, seconded by Cm. Simdon, moved to accept and file the minutes of the Historic Preservation Commission meeting held April 1, 2008; the minutes of the Historic Preservation Commission meeting held March 4, 2008; the minutes of the Historical Society Board meeting held March 20, 2008; the minutes of the Water Tower Committee meeting held April 24, 2008; the minutes of the Dwight Foster Public Library Building Committee meeting held March 3, 2008; the minutes of the Dwight Foster Public Library Board meeting held March 3, 2008; and the Electrical, Building and Plumbing Permit reports for April, 2008. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

None.

9. NEW BUSINESS

a. REVIEW AND APPROVE BIDS FOR BLACKTOP WORK AT RALPH PARK (CONCESSION CONCOURSE AREA).

The City Manager stated the low bidder was Frank Brothers, Inc. of Janesville in the amount of \$21,668.00. The budget for this project is \$24,300.00. Staff is recommending the low bid.

Cm. Simdon stated he would like the work to stay local, but at the same time he does not want to set a precedent where the Council has to second guess every set of bids that come in. He asked the City Manager if this has been done in the past. The City Manager stated for construction it has not been done without a specific reason. The City has deviated a little bit in the past for buying equipment and things like that because it could get them serviced locally. Generally with construction, unless we have a problem with the contractor, the City will go with the low bidder.

President Mielke stated he also thinks it's nice to give it to the local contractor, but he thinks the City probably has a statutory obligation to award it to the lowest responsible bidder unless there's some reason that bidder is not qualified.

Cm. Zastrow, seconded by Cm. Tesmer, moved to approve the bid from Frank Brothers, Inc. of Janesville for blacktop work at the Ralph Park concession concourse area in an amount not to exceed \$21,668.00. On call of the roll, the motion carried unanimously.

10. MISCELLANEOUS

a. REQUEST TO SET LICENSE COMMITTEE MEETING DATE.

The Council set a License Committee meeting for Monday, May 12, 2008 at 4:00 p.m. in the Council Chambers of the Municipal Building.

b. GRANTING OPERATOR LICENSES.

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

PROVISIONAL:	Wade T. Hacht	for use at	Stop-N-Go
REGULARS:	Mary J. Beckard	for use at	Central Coast
	Jeanne S. Gavinski	“ “	Citgo on Point
	Andrew C. Hoffman	“ “	Lions Quick Mart
	Ronald R. Perks	“ “	Loeder BP-Fort

The motion carried on a voice vote.

c. AGENT CHANGE FOR LIQUOR LICENSE AT VELVET LIP'S LOUNGE BAR AND GRILL, LLC.

Cm. Simdon, seconded by Cm. Tesmer, moved to approve the agent change for the liquor license at Velvet Lip's Lounge Bar and Grill, LLC. The motion carried on a voice vote.

d. CITY, SEWER AND WATER FINANCIAL STATEMENTS AS OF MARCH 31, 2008.

The City Manager stated he and the Clerk/Treasurer have put together a four page highlight of the financial statements for the end of the first quarter. He doesn't anticipate going into any more detail than what some of the highlights are unless there are questions. For the most part all funds are in relatively good shape for the first quarter. Again the snow and ice control account is one that we'll need to deal with later on in the year. The City has been successful in obtaining approximately \$20,000 in FEMA money for the snowfall of February 5th and 6th, which will bring us back to about spending the whole budget already, so we'll have to deal with the snowfalls in November and December at the end of the year.

The City is facing the same problems as everyone else with high utility costs, but for the most part the City's utility accounts are holding their own. Gasoline seems to be driving us really hard right now too.

Cwmn. Behrens asks if the wastewater treatment plant is continuing to hold its own. The City Manager stated this summer we will need to find out where the inflow and infiltration is coming to the plant. It is somewhere along the riverbank and we're expecting there are some leaky manholes and thing like that. The plant actually got up to just over 6 million gallons a day and was averaging about 4.7

million. The plant is designed for 2.7 million, so the plant handled it and we had no reason to discharge untreated water to the river. Consequently our sludge load is higher than normal and we've used a contractor to help us haul. The wastewater treatment plant has also been receiving leachate from some area landfills, which has really kicked the Utility's revenue up. Now that the water is receding back to the river, we should see our plant flows drop down to the 2.2 – 2.5 range.

Cm. Simdon stated he appreciates the staff doing a synopsis of the quarterly reports since they are looking at them every day and for the Council to cipher through the reports and try to find things on their own is difficult. The City Manager stated we will continue to do them quarterly and for the in between month we'll just have a few comments on them.

Cm. Simdon, seconded by Cm. Tesmer, moved to accept and file the City, Sewer and Water Financial Statements as of March 31, 2008. The motion carried on a voice vote.

e. **REQUEST TO SET DATES FOR OPEN BOOK AND BOARD OF REVIEW.**

The Council set Open Book for Wednesday, June 11, 2008 from 10:00 a.m. to 12:00 p.m. in the Municipal Building and Board of Review meetings for Tuesday, June 3, 2008 at 6:45 p.m. in the Council Chambers of the Municipal Building to meet and adjourn and Thursday, June 26, 2008 from 10:00 a.m. to 12:00 p.m. in the Council Chambers of the Municipal Building to hear testimony.

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

Cm. Zastrow, seconded by Cm. Simdon, moved the bills in the amounts of \$259,382.37 for the City (Fund 1); \$67,492.24 for the Sewer Utility (Fund 2); \$113,907.55 for the Water Utility (Fund 3); \$8,719.39 for the Business Park (Fund 12); \$1,105.00 for Downtown Economic Development (Fund 13); and \$122,967.84 for Payrolls 8 and 8A as per Schedule N-69 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. Simdon, seconded by Cm. Tesmer, moved to adjourn the May 6, 2008 regular City of Fort Atkinson Council meeting at 7:23 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer