

**CITY COUNCIL MINUTES
FORT ATKINSON, WISCONSIN
June 2, 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:

Loren Gray
Davin Lescohier
Richard Schultz
Mark Zastrow
John Mielke

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

3. APPROVAL OF MINUTES OF MAY 19, 2009 REGULAR COUNCIL MEETING

The minutes of the May 19, 2009 regular Council meeting were approved by consent, with a correction requested by Cm. Schultz on the third page in the fifth paragraph. He requested the sentence: "Cm. Schultz said he would like to see the task force committee become permanent as there will be other issues in the future that will need to be addressed" be removed as this was not his intent of this task force committee.

4. PUBLIC HEARINGS

a. PUBLIC HEARING ON LIQUOR LICENSE APPLICATIONS FOR PERIOD FROM JULY 1, 2009 THROUGH JUNE 30, 2010.

Pres. Mielke opened the public hearing on the Combination "Class B" Retail Fermented Malt Beverage and Intoxicating Liquor Licenses, Class "B" Fermented Malt Beverage Licenses, "Class A" Intoxicating Liquor Licenses, Class "A" Fermented Malt Beverage Licenses and "Class C" Wine Licenses, 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.

5. PETITIONS, REQUESTS AND COMMUNICATIONS

a. PRESENTATION OF CERTIFICATES OF APPRECIATION.

Pres. Mielke said that on behalf of City staff, Council members and the community at large, we appreciate all the volunteer work put in by the people who serve on the various City committees. He presented the following Certificates:

<u>NAME</u>	<u>BOARD/COMMITTEE</u>	<u>YEARS SERVED</u>
Tim Kemmett	Airport Committee	2001-2009
Lance Shanahan	Cable Television Commission	1999-2009
Michael Clish	Historical Society Board	2003-2009
Betty Schubert	Historical Society Board	2003-2009
Thomas Fick	Parks & Recreation Advisory Board	2003-2009
Dean Brown	Planning Commission	2000-2009
Robert Vincent	Planning Commission	2000-2009
Charles Frandson	Police & Fire Commission	1998-2009
Richard Schultz	Police & Fire Commission	1998-2009
Jill Kessenich	Tourism Committee	2006-2009
Patricia Schwartz	Board of Zoning Appeals	2003-2009
LaVerne Behrens	City Council	2003-2009
James Simdon	City Council	2003-2009
Steve Tesmer	City Council	2005-2009

b. PETITION FOR DIRECT ANNEXION BY THE CITY OF FORT ATKINSON OF 0.300 ACRES AT THE INTERSECTION OF S.T.H. 106 AND NORTH FOURTH STREET FOR PUBLIC RIGHT-OF-WAY.

The City Manager said this parcel became right-of-way when this intersection was redesigned during the Sherman Avenue project. This would give the City jurisdiction at the intersection.

Cm. Gray, seconded by Cm. Zastrow, moved to accept the Petition for Direct Annexation and refer it to the Planning Commission. The motion carried on a voice vote.

c. PETITION FOR DIRECT ANNEXATION BY THE CITY OF FORT ATKINSON OF 2.530 ACRES AT THE INTERSECTION OF MADISON AVENUE AND BYPASS 26 FOR PUBLIC RIGHT-OF-WAY.

The City Manager said this annexation would square off the City's boundaries at the Bypass. If this property were not annexed, it could cause an issue if the City created a T.I.F. District in this area.

Cm. Zastrow, seconded by Cm. Lescohier, moved to accept the Petition for Direct annexation and refer it to the Planning Commission. The motion carried on a voice vote.

- d. PETITION FOR DIRECT ANNEXATION BY ABILITIES, INC., FOR THE PROPERTY AT THE SOUTHWEST CORNER OF NORTH MAIN STREET AND WEST BLACKHAWK DRIVE.

The City Manager said there is one building on this property and also includes the right-of-way of Blackhawk Drive. The property owner will have to pay five years of the Town of Koshkonong's portion of the real estate taxes for their loss of the property.

Cm. Gray, seconded by Cm. Zastrow, moved to accept the Petition for Annexation and refer it to the Planning Commission. The motion carried on a voice vote.

6. RESOLUTIONS AND ORDINANCES

None.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES

The City Manager indicated that Gerry Rybickie is no longer in the lodging industry and therefore relinquished her position on the Tourism Committee. The Chamber is recommending the appointment of Mary Jo Eggers of the Holiday Inn Express to fill the unexpired position.

Cm. Schultz, seconded by Cm. Zastrow, moved to appoint Mary Jo Eggers of the Holiday Inn Express to replace Gerry Rybickie on the Tourism Committee as the lodging industry representative. The motion carried on a voice vote.

Cm. Zastrow, seconded by Cm. Gray, moved to accept and file the minutes of the Public Library Foster Growth Capital Campaign Committee meeting held May 20, 2009; and the minutes of the Historical Society Board meeting held April 17, 2009. The motion carried on a voice vote.

8. UNFINISHED BUSINESS

- a. RECOMMENDATION FROM LICENSE COMMITTEE TO APPROVE LIQUOR LICENSE APPLICATIONS FOR PERIOD FROM JULY 1, 2009 THROUGH JUNE 30, 2010.

The City Clerk indicated the licenses were all recommended to be approved by the License Committee, with the contingencies that the Class "A" Fermented Malt Beverage License for Stop-N-Go Southside Shell be contingent on the seller of the property paying off his revolving loan and outstanding invoices to the City. It was also recommended that a letter be sent to Sal Mart 2 on Madison Avenue to notify them that there have been two violations reported within the last 12 months of sale of alcohol to minors by the same individual, and that a copy of State

Statute 125.12 regarding revocation of liquor licenses also be sent to the license holder.

Cm. Zastrow, seconded by Cm. Schultz, moved to accept the recommendation from the License Committee to approve the liquor license applications for the period from July 1, 2009 to June 30, 2010 with the contingencies that the license for Stop-N-Go Southside Shell license be subject to the payment in full of the seller's revolving loan with the City, as well as any outstanding invoices owed the City, and that Sal-Mart 2 be issued a notification of two violations for selling alcohol to minors. The motion carried on a voice vote.

- b. RECOMMENDATION FROM LICENSE COMMITTEE TO APPROVE ARCADE LICENSE APPLICATION FOR PERIOD FROM JULY 1, 2009 THROUGH JUNE 30, 2010.

The City Clerk indicated there was one application made for an arcade license and it is the same applicant as previous years, which is Rock River Lanes at 1010 Larsen Road. There have been no issues with the license.

This type of license only applies to establishments with ten or more amusement devices.

Cm. Schultz, seconded by Cm. Gray, moved to approve the Arcade License application for the period from July 1, 2009 through June 30, 2010. The motion carried on a voice vote.

- c. RECOMMENDATION FROM LICENSE COMMITTEE TO APPROVE TAVERN DANCE HALL LICENSE APPLICATIONS FOR PERIOD FROM JULY 1, 2009 THROUGH JUNE 30, 2010.

There are 11 applications, with one new application from last year which is the license for Los Portales. According to Code, the dance floor must be a minimum of 144-square feet and a minimum width of 10-feet with the purpose being to protect health and safety.

Cm. Zastrow, seconded by Cm. Gray, moved to approve the Tavern Dance Hall License applications for the period from July 1, 2009 through June 30, 2010. The motion carried on a voice vote.

- d. APPOINTMENT OF TASK FORCE COMMITTEE.

The City Manager said this Committee is being appointed at the direction of the City Council to address matters on the riverwalk. Cm. Schultz recommended appointing himself, Bill Camplin, Jim Furley and Carol Gruber; Cm. Zastrow recommended Mike Reynders; Sandy Mayer, Tisha Erdman and LaVerne Behrens all volunteered; and Pres. Mielke also requested to serve on the

Committee as well as acting as the Chairman of the Committee.

Pres. Mielke said that nine is the largest Committee the City has, but it is important to accommodate those who expressed interest.

Cm. Schultz said it is a workable number and there is a good balance, and he will defer to the Council President to chair the Committee.

Cm. Gray asked what the duration of this Committee may be. The Council President said that would be determined after the Committee meets and decides how many meetings they think it may take, but nothing definite at this point.

Cm. Schultz, seconded by Cm. Lescohier, moved to appoint the Committee as presented. The motion carried on a voice vote.

9. NEW BUSINESS

a. REVIEW AND AWARD BID FOR TALCOTT AVENUE/HALCYON PLACE WATERMAIN REPLACEMENT PROJECT.

The following bids were received for the project:

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Allen Howe & Son	\$ 41,721.50
Outside Plumbing, LLP	\$ 47,780.00
Odling Construction	\$ 53,218.00
Forest Landscaping	\$ 59,660.00
Smithback Excavating	\$ 60,016.00
Wanasek Corporation	\$ 61,089.00
Woleske Construction	\$ 61,600.00
G.M.S. Excavators	\$ 98,105.00
Globe Contractors	\$114,050.00

The materials for this project have been purchased by the City, and this Contract is for labor only. The low bidder, Allen Howe & Son, has done many projects in the past for the City, and we have been satisfied with the work.

Cm. Gray, seconded by Cm. Zastrow, moved to approve and award the bid for the Talcott Avenue/Halcyon Place watermain replacement project to Allen Howe & Son in the amount \$41,721.50. On call of the roll, the motion carried unanimously.

10. MISCELLANEOUS

a. GRANTING OPERATOR LICENSES.

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

Regular:

Karen J. Holmes	Stop-N-Go
Elizabeth M. Champion	Velvet Lips

The motion carried on a voice vote.

11. CLAIMS, APPROPRIATIONS AND CONTRACT PAYMENTS

a. VERIFIED CLAIMS.

Cm. Gray, seconded by Cm. Schultz, moved the bills in the amounts of \$164,774.41 for the City (Fund 1); \$39,317.24 for the Sewer Utility (Fund 2); \$17,068.32 for the Water Utility (Fund 3); \$4,900.00 for Downtown Economic Development (Fund 13); and \$139,955.80 for Payroll #10 and 10A as per Schedule N-95 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. Zastrow, seconded by Cm. Schultz, moved to adjourn the June 2, 2009 regular City of Fort Atkinson Council meeting at 7:32 p.m. The motion carried on a voice vote.

/s/ Matt Trebatoski
City Clerk/Treasurer